

IN THE MATTER OF APPLICATIONS 21014-S-1)
AND 21728-S-2 FILED ON OCTOBER 27, 1970)
BY NEVADA POWER COMPANY TO APPROPRIATE)
EFFLUENT FROM THE CITY OF LAS VEGAS)
SEWAGE DISPOSAL PLANT AND THE CLARK)
COUNTY SANITATION DISTRICT NO. 1 SEWAGE)
DISPOSAL PLANTS IN CLARK COUNTY, NEVADA)

R U L I N G

GENERAL:

Secondary Application 21014-S-1 was filed on October 27, 1970 by Nevada Power Company to appropriate 44.560 c.f.s. of effluent from the City of Las Vegas Sewage Disposal Plant for industrial cooling purposes. The proposed point of diversion is in the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 10, T.21S., R.62E., M.D.B.&M. The proposed place of use is in Section 8, T.16S., R.63E., M.D.B.&M. where it will be used for cooling purposes at the Allen Project Power Plant.

Primary Permit 21014 was issued to the City of Las Vegas on September 5, 1963 for a total of 33,600 acre feet per year. No other secondary applications have been filed on Permit 21014.

Secondary Application 21728-S-2 was filed by Nevada Power Company on October 27, 1970 to appropriate 29.706 cubic feet per second of effluent from the Clark County Sanitation District No. 1 Sewage Disposal Plant. The proposed point of diversion is in the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 22, T.21S., R.62E., M.D.B.&M. The proposed place of use is in Section 8, T.16S., R.63E., M.D.B.&M. where it will be used for cooling purposes at the Allen Project Power Plant.

Primary Permit 21728 was issued to Clark County Sanitation District No. 1 on December 1, 1964 for a total of 12,000 acre feet per year.

Existing Secondary Application 21728-S-1, Certificate 6885, stands in the name of Nevada Power Company for a total of 6,117.515 acre feet per year. Existing Secondary Application 21728-S-4, Certificate 8282, stands in the name of the County of Clark for a total of 495.61 acre feet per year.

The Las Vegas Valley Water District filed protests to the granting of Applications 21014-S-1 and 21728-S-2 on January 26, 1971 and filed amended protests on March 2, 1971. The Colorado River Commission of Nevada filed protests to

the granting of the above numbered applications on March 22, 1971. The general grounds of the protests of the Colorado River Commission of Nevada are as follows:

1. The proposed place of use under the applications is outside of the Las Vegas Valley and the resulting interbasin transfer would substantially impede the operation and fulfillment of the Southern Nevada water project authorized by P.L. 89-292.
2. Granting of water under the secondary applications would interfere with the intent of NRS 533.370 (4). Domestic and municipal distributors or users in Southern Nevada are entitled to a preference to any and all return flows over any proposed interbasin appropriation that would be solely for industrial cooling use.
3. The State Engineer should establish a preference to return flows for the benefit of in basin Las Vegas Valley wholesalers, distributors or users as presently established.
4. The applications should be denied on the grounds that appropriate review has not been given to environmental considerations of the project.
5. The benefits that would be produced by the proposed use of the applicant will not accrue to the State of Nevada or to the public thereof but rather will accrue to out-of-state interests in contravention of the legislative policy of enhancing the economic welfare of the State of Nevada.
6. The applicant proposes an estimated time of 8 years to construct the physical works of diversion incident to the appropriation. This period of time exceeds the time allowed by NRS 533.380 (1) (b).
7. The application is defective in that the applicant has not submitted documentary evidence that an agreement has been entered

into with the owner of the reservoir
or with the holder of the primary permit
as required by NRS 533.440 (2).

The grounds of the protests of the Colorado River
Commission of Nevada are similar to those of the protests of
the Las Vegas Valley Water District.

A public hearing in the matter of Secondary Applications
21014-S-1 and 21728-S-2 was held in Las Vegas, Nevada on
April 2, 1975. During the course of the hearing the protests
of the Las Vegas Valley Water District were withdrawn by the
representatives of Clark County as the Water District is now
a part of the County.

On April 7, 1975 the Clark County District Attorney
filed a certified copy of a Reclaimed Waste Water Purchase
Agreement dated June 21, 1974 between the City of Las Vegas,
Clark County Sanitation District No. 1, County of Clark and
Nevada Power Company. The agreement provides for the use by
Nevada Power Company of water from the City of Las Vegas
Sewage Treatment Plant under Application 21014 and from the
Clark County Sanitation District No. 1 Sewage Plant under
Application 21728.

RULING:

The protests to the granting of Applications 21014-S-1
and 21728-S-2 are herewith overruled on the following grounds:

1. The rights to appropriate the water have
previously been granted under Primary
Permits 21014 and 21728. The secondary
applications seek only to identify the
beneficial use to which the water will
be put.
2. The granting of permits under Applications
21014-S-1 and 21728-S-2 will not adversely
affect prior existing rights.
3. The applicants have filed with the State
Engineer a certified copy of a Reclaimed
Waste Water Purchase Agreement between

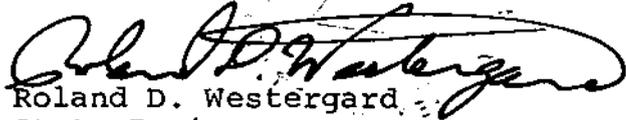
the applicant and the holders of the primary permits. The agreement sets forth the conditions under which the applicant may use the water requested for in the applications.

Permits will be issued under Applications 21014-S-1 and 21728-S-2 upon receipt of permit fees and subject to the following terms and conditions:

1. The total diversion of water under Application 21014-S-1 shall be limited to 44.56 c.f.s. but not to exceed 32,260 acre feet per annum.
2. The diversion under Permit 21728-S-2 shall not exceed 29.706 c.f.s. and the combined total annual diversion under Permits 21728-S-1 and 21728-S-2, both in the name of Nevada Power Company, shall not exceed 11,504.39 acre feet per annum.
3. Meters shall be installed and accurate records of water placed to beneficial use shall be kept. A true copy of said records shall be filed in the office of the State Engineer annually.
4. The permits shall be subject to the terms and conditions of the Reclaimed Waste Water Purchase Agreement dated June 21, 1974 between the City of Las Vegas, Clark County Sanitation District No. 1, County of Clark and Nevada Power Company.
5. These permits are expressly subject to the recapture, as the need arises within Nevada, of capacity and associated energy resulting from use of water under these permits.

6. The permits shall be subject to all existing rights on the sources.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW/BAR/lk

Dated this 4th day
of June 1975.