

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATION 46614)
FILED TO APPROPRIATE THE PUBLIC)
WATERS OF THE COLORADO RIVER IN THE)
COLORADO RIVER VALLEY BASIN, CLARK)
COUNTY, NEVADA.)

RULING

GENERAL

Application 46614 was filed on February 7, 1983, by Southern Nevada Water Corporation to appropriate 0.79 c.f.s. of water from the Colorado River for quasi-municipal purposes within Sections 28 and 33, T.32S., R.66E., M.D.B.&M. The point of diversion is described as being within Lot 2 Section 33, T.32S., R.66E., M.D.B.&M.¹

FINDINGS OF FACT

I.

On June 13, 1986, the Office of the State Engineer requested information from the Colorado River Commission regarding the status of any contracts or negotiations to execute a contract between said Commission and the applicant for the beneficial use of Colorado River water.¹

II.

On July 30, 1986, the State Engineer received a reply from the Colorado River Commission stating that "...the Southern Nevada Water Corporation does not have a contract with the Commission for the diversion of Colorado River water and there are not any negotiations ongoing for such a contract".¹

CONCLUSIONS

I.

The State Engineer has jurisdiction of the parties and the subject matter of this action and determination.²

¹ Public record in the office of the State Engineer.

² NRS Chapter 533.

II.

The State Engineer is prohibited by law from granting a permit under an application to appropriate the public waters where:³

- A. There is no unappropriated water at the proposed source, or
- B. The proposed use conflicts with existing rights, or
- C. The proposed use threatens to prove detrimental to the public interest.

III.

NRS 533.372 states that the State Engineer shall not approve any applications or issue any permit to appropriate the waters of the Colorado River held in trust by the Colorado River Commission except after approval of the application by the Commission.

IV.

The absence of a contract or ongoing negotiations to execute a contract with the Colorado River Commission is prima facie evidence of the lack of approval by said Commission for the appropriation and diversion of Colorado River water.

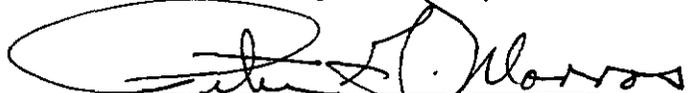
V.

The approval by the State Engineer of an application to appropriate and divert Colorado River water for which there is no contract approved by the Colorado River Commission would be contrary to NRS 533.372 and therefore detrimental to the public interest.

RULING

Application 46614 is hereby denied on the grounds that the granting of said application without the approval of the Colorado River Commission would be contrary to NRS 533.372 and therefore detrimental to the public interest.

Respectfully Submitted,



PETER G. MORROS
State Engineer

PGM/SHF/jjk

Dated this 25th day of
September, 1986.

³ NRS 533.370(3).