

IN THE OFFICE OF THE STATE ENGINEER
OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION 56904 FILED)
TO APPROPRIATE THE WATERS OF MUD SPRING)
NO. 1 IN LAS VEGAS ARTESIAN BASIN, CLARK)
COUNTY, NEVADA.)

RULING

#3912

GENERAL

I.

Application 56904 was filed November 5, 1991, by the U.S. Department of the Interior, Bureau of Land Management to appropriate 0.0016 c.f.s. (cubic feet per second) of water from Mud Springs No. 1 for wildlife purposes in the SE1/4 SW1/4 Section 14, T.22S., R.58E., M.D.B.&M. The point of diversion is described as being within the SE1/4 SW1/4 Section 14 T.22S., R.58E., M.D.B.&M. The water is to be used by 30 wild horses, 20 wild burros and other wildlife on an annual basis. The duty is estimated to be 0.365 million gallons annually.¹

II.

The State Engineer issued Permit 30546 on May 5, 1977, to the Nevada Department of Conservation and Natural Resources, Division of State Parks, to appropriate 0.0016 c.f.s. of water from Mud Springs No. 1 for recreational purposes in the NE1/4 SW1/4 Section 14, T.22S., R.58E., M.D.B.&M. The point of diversion is described as being within NE1/4 SW1/4 Section 14 T.22S., R.58E., M.D.B.&M.²

On June 25, 1982, the State Engineer issued Certificate 10052 for Permit 30546 for 0.0003 c.f.s., not to exceed 0.070772 million gallons annually for recreation (wildlife) purposes. The certificate states that drinking water is provided for a

¹ Public record in the office of the State Engineer, Application 56904.

² Public record in the office of the State Engineer, Permit 30546.

fluctuating number of game and non-game animals and for recreational purposes.³

FINDINGS OF FACT

I.

The State Engineer finds that the points of diversion of Application 56904 and Permit 30546 are approximately 250 feet apart, separated by the 1/16 section line, as shown on supporting maps.⁴

II.

A field investigation August 12, 1992, by the State Engineer's staff found, "an existing spring/seep and some old diversion structures. The spring is currently being used by wild horse and burros."¹

III.

A field investigation August 26, 1992, by the State Engineer's staff reported:

The spring area consist of mostly seeps and wet spots in the sand. There is an existing 30" collection sump installed which discharges to an existing 16' trough.

There was no way to measure the discharge rate at the collection facility, however the overflow from the trough was measured at a rate of 4.5 gallons per hour or a rate of .00017 cfs.

CONCLUSIONS

I.

The State Engineer has jurisdiction of the parties and the subject matter of this action.⁵

³ Public record in the office of the State Engineer, Certificate 10052.

⁴ Public record in the office of the State Engineer, Supporting Maps filed under 56904 and 9044.

⁵ NRS Chapter 533.025 and NRS 533.030 subsection 1.

II.

The State Engineer is prohibited by law from granting a permit where:

- 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.⁶

III.

The State Engineer concludes that the Mud Springs No. 1 described under Permit 30546 and under Application 56904, is the same spring.

IV.

The State Engineer concludes that the waters from Mud Springs No. 1 are fully appropriated by Permit 30546, Certificate 10052 and that there is no unappropriated water at Mud Springs No. 1.

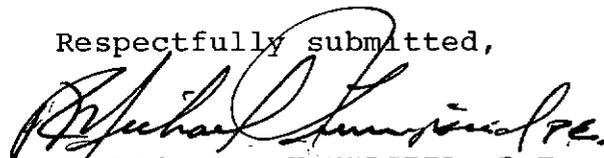
V.

The State Engineer concludes that to issue a permit for Application 56904 would conflict with existing rights.

RULING

Application 56904 is hereby denied on the grounds that there is no unappropriated water at Mud Springs No. 1 and that to issue a permit for the application would conflict with existing rights.

Respectfully submitted,


R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/CAB/pm

Dated this 3rd day of
December, 1992.

⁶ NRS Chapter 533.370 subsection 3.