

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

IN THE MATTER OF APPLICATION 61591)
FILED TO APPROPRIATE THE PUBLIC)
WATERS OF COTTONWOOD SPRING WITHIN)
THE LAS VEGAS VALLEY GROUNDWATER)
BASIN (212), CLARK COUNTY, NEVADA.)

RULING

4760

GENERAL

I.

Application 61591 was filed on October 6, 1995, by Blue Diamond Water Cooperative, Inc., to appropriate 0.60 cubic feet of water (cfs) from Cottonwood Spring for domestic and quasi-municipal purposes for approximately 60 homes within Sections 9, 13, 14, 15, 16, and 24, T.22S., R.59E.; and Sections 19, 20, 21, 22, 23, and 27, T.22S., R.60E., M.D.B. & M. The proposed point of diversion is described as being located within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 7, T.22S., R.59E., M.D.B. & M.¹

FINDINGS OF FACT

I.

The State Engineer finds that the source of Application 61591 is more specifically described as Lower Cottonwood Spring.^{1,2} Records show two other water right appropriations from Lower Cottonwood Spring, those being Permit 29625, Certificate 9755, for 0.32 cfs, 70.58 acre-feet annually with a priority date of September 2, 1975, now in the name of Blue Diamond Water Cooperative², and Permit 60401 for 2.0 cfs, expanded to 1447.94 acre-feet annually with a priority date of August 26, 1994, in the name of the Las Vegas Valley Water District.³

¹ File No. 61591, official records in the office of the State Engineer.

² File No. 29625, official records in the office of the State Engineer.

³ File No. 60401, official records in the office of the State Engineer.

The State Engineer finds that water right appropriations from Lower Cottonwood Spring total 2.32 cfs or 1,041 gallons per minute (gpm).

II.

Water flow rates from Lower Cottonwood Spring in 1979 were reported in File No. 29625 to be from 40 to 140 gpm depending on the time of year and the weather conditions. For August, 1979, the flow was 133 gpm, as reported on the Proof of Beneficial Use.²

On November 4, 1998, staff from the State Engineer's office conducted a field investigation for Application 61591 and found the spring flowing at 105 gpm.¹

The State Engineer finds that the flow from Lower Cottonwood Spring is less than that appropriated by water right permits issued on the spring source, and to issue additional permits for appropriations would conflict with existing rights and would threaten to prove detrimental to the public interest.

CONCLUSIONS

I.

The State Engineer has jurisdiction over the parties and the subject matter of this action and determination.⁴

II.

The State Engineer is prohibited by law from granting a permit under an application to appropriate the public waters where:⁵

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

III.

Water right permits issued for the waters of Lower Cottonwood spring total 2.32 cfs, or 1,041 gallons per minute. Records in the

⁴ NRS Chapter 533.

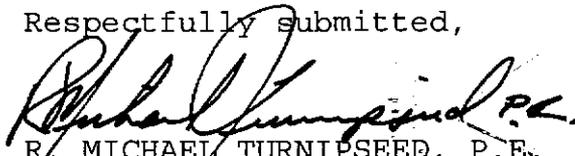
⁵ NRS § 533.370(3).

State Engineer's office indicate that Lower Cottonwood Spring may flow between 40 gpm and 140 gpm depending on the time of year and the weather conditions. The State Engineer concludes that to approve permits for additional appropriations from Lower Cottonwood Spring would conflict with existing rights and threaten to prove detrimental to the public interest.

RULING

Application 61591 is hereby denied on the grounds that to approve an application for quasi-municipal use on a source where appropriations under existing water right permits exceed the capacity of the source would conflict with existing rights and threaten to prove detrimental to the public interest.

Respectfully submitted,


R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/CAB/cl

Dated this 5th day of
August, 1999.