

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

IN THE MATTER OF APPLICATION)
54060 FILED TO APPROPRIATE)
THE UNDERGROUND WATERS OF)
THE THREE LAKES VALLEY -)
NORTHERN PART HYDROGRAPHIC)
BASIN (168), CLARK COUNTY,)
NEVADA.)

RULING

5533

GENERAL

I.

Application 54060 was filed on October 17, 1989, by the Las Vegas Valley Water District to appropriate 6.0 cubic feet per second of the underground water of the Three Lakes Valley - Northern Part Hydrographic Basin for municipal and domestic purposes within Clark, Lincoln, Nye and White Pine Counties. The proposed point of diversion is described as being located in the SW¼ SW¼ of Section 13, T.13S., R.58E., M.D.B.&M.¹

II.

Application 54060 was timely protested by the following persons or entities:¹

County of Inyo, California
The City of Caliente
Toiyabe Chapter of the Sierra Club
Moapa Band of Paiute Indians
County of White Pine and the City of Ely
U.S. Fish & Wildlife Service
County of Nye
U.S. Dept. of Interior, National Park Service
The Unincorporated Town of Pahrump

III.

Application 54060 was protested on many grounds. On January 4, 2005, the State Engineer issued State Engineer's Ruling No. 5465, which addressed other applications filed in the Three Lakes Valley - Northern Part Hydrographic Basin. That ruling was issued after extensive hearings on the relevant applications and related protests. Application 54060 was protested on grounds identical to the protests addressed in State Engineer's Ruling No. 5465.

¹ File No. 54060, official records in the Office of the State Engineer.

FINDINGS OF FACT

I.

The State Engineer finds that since the grounds of the protests to Application 54060 are identical to those protests addressed in State Engineer's Ruling No. 5465, Ruling No. 5465 is incorporated into this ruling on Application 54060.

II.

In Ruling No. 5465, the State Engineer found that 3,700 acre-feet annually is available for appropriation from Three Lakes Valley - Northern Part; however, the Applicant had only requested the State Engineer issue the applications under consideration in that valley for a total combined duty of 2,000 acre-feet.² In Ruling No. 5465, it was found that there is no patented land within the valley, there are no parcels indicated as being available for development and there are no applications on file within this basin other than this application; therefore, there is no existing or future demand for water in the basin. The applications were granted for 2,000 acre-feet annually leaving 1,700 acre-feet annually available for appropriation in the basin.

CONCLUSIONS

I.

The State Engineer has jurisdiction over the parties and the subject matter of this action and determination.³

II.

The State Engineer is prohibited by law from granting a permit under a change application where:⁴

- A. there is no unappropriated water at the proposed source;
- B. the proposed use or change conflicts with existing rights;
- C. the proposed use or change conflicts with protectible interests in existing domestic wells as set forth in NRS § 533.024; or
- D. the proposed use or change threatens to prove detrimental to the public interest.

² State Engineer's Ruling No. 5465, pp. 6, 48 and 55.

³ NRS chapters 533 and 534.

⁴ NRS § 533.370(4).

III.

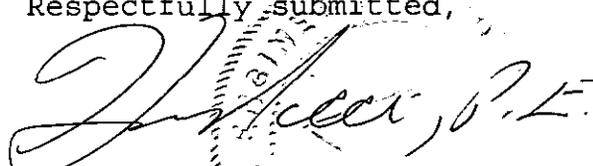
The State Engineer concludes, based on the findings and conclusions incorporated under State Engineer's Ruling No. 5465, there is unappropriated water available, the proposed use will not conflict with existing rights, the proposed use will not conflict with protectible interests in existing domestic wells or threaten to prove detrimental to the public interest.

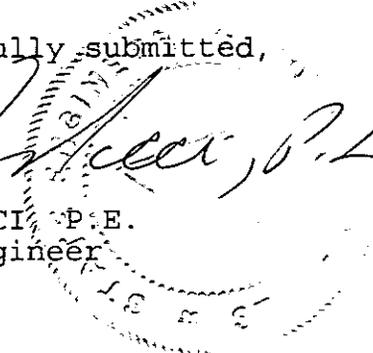
RULING

The protests to Application 54060 are hereby overruled and the application is granted in the amount of 1,700 acre-feet annually. The place of use under the permit is limited to Clark County. The permit is issued subject to:

1. Existing rights;
2. The payment of statutory permit fees;
3. The monitoring program required under State Engineer's Ruling No. 5465;
4. The requirement that if impacts to existing water rights are demonstrated, the Applicant or any assignee will be required to mitigate the same, including cessation of pumping;
5. The recognition that the permits issued do not waive the requirements of the Applicant to obtain other permits required by State, Federal or local agencies;
6. The recognition that the permits issued do not extend the right of ingress or egress to any public, private or corporate land.

Respectfully submitted,


HUGH RICCI, P.E.
State Engineer



HR/SJT/jm

Dated this 26th day of
September, 2005.