

IN THE MATTER OF APPLICATION 20692 )  
 FILED SEPTEMBER 5, 1962, BY GERALD )  
 N. LEAVITT TO APPROPRIATE THE WATERS ) R U L I N G  
 OF LAS VEGAS VALLEY WASH AND TRIB- )  
 UTARIES INCLUDING SEWAGE EFFLUENT )  
 WATERS FOR IRRIGATION AND DOMESTIC )  
 PURPOSES IN CLARK COUNTY, NEVADA )

Description of Application:

212 Application 20692 was filed by Gerald N. Leavitt to appropriate 15.0 c.f.s. of the waters from Las Vegas Valley Wash and Tributaries including sewage effluent waters from the Clark County Sanitation Disposal Plant and the City of Las Vegas Sewage Plant. The proposed point of diversion of water is described as being within the SE $\frac{1}{4}$  SW $\frac{1}{4}$  Sec. 30, T. 21 S., R. 61 E., M.D.B.&M. and at a point from which the S $\frac{1}{4}$  corner of said Sec. 30, bears S. 14° 42' 00" E., 987.24 feet. 480 acres of land is proposed to be irrigated within the S $\frac{1}{2}$  NE $\frac{1}{4}$ , SE $\frac{1}{4}$  NW $\frac{1}{4}$ , S $\frac{1}{2}$  SE $\frac{1}{4}$  and the SE $\frac{1}{4}$  SW $\frac{1}{4}$  Sec. 30, S $\frac{1}{2}$  NW $\frac{1}{4}$ , S $\frac{1}{2}$  SW $\frac{1}{4}$  and S $\frac{1}{2}$  SE $\frac{1}{4}$  Sec. 29, T. 21 S., R. 63 E., M.D.B.&M. The period of use is the year round. This application was filed in connection with U.S. Desert Land Entry Application Nevada-058728.

Protests:

Protest by City of Las Vegas, Nevada, a municipal corporation, including operation of public sewer system, was filed February 8, 1963, on the following reasons and on the following grounds: That all available supply from protestants plant has been committed under contracts to various persons, corporations, etc. and that there is a demand for all the effluent water available through said plant for public as well as private purposes, and further that no effluent waters will be released beyond that diverted for the above purposes.

Protest by Basic Management, Inc., et al, viz; Basic Management, Inc.; American Potash & Chemical Corporation; Stauffer Chemical Company; The Flintkote Company; and Titanium Metals Corporation of America, was filed March 8, 1963. Reasons and grounds for the protest are briefly as follows:

That the drainage water sought to be appropriated is neither substantial enough nor reliable enough to justify issuance of the requested permit.

That the drainage flows now available at the proposed point of diversion are not adequate to supply the seasonal uses of applicant.

That the flows are not adequate to meet the cultivation requirements of the U.S. Bureau of Land Management under the Desert Land Entry.

That it is not to the public interest to issue a permit which could lead to wasteful expenditures of substantial sums in a frustrated effort to put water to use in a manner proposed by applicant.

General:

The proposed point of diversion described in Application 20692 is some eleven miles southeasterly from Las Vegas, Nevada, and about six miles northwesterly from its entrance to Lake Mead on the Colorado River.

Waters in Las Vegas Wash are made up of seasonal heavy rains, melting snows, cloud bursts and seepage in its water shed. The flow in this wash is augmented by sewage water. This water is not reliable; it is controlled at the pleasure of the disposal plants which are not obliged to continue its disposal of water in any particular place or channel.

The U.S. Bureau of Land Management, by its letter of October 11, 1963, informed the State Engineer that Desert Land Entry Nev-058728 of Gerald N. Leavitt has been canceled and closed on October 9, 1963.

Opinion:

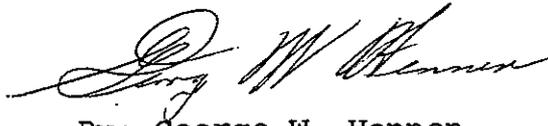
The sources of water to be appropriated is from Las Vegas Wash which includes effluent water from the Clark County Sanitation Disposal Plant and the City of Las Vegas Sewage Plant. It is the opinion of this office that the owners or operators of the sewage plants are not required to continue or maintain conditions so as to release the sewage water at any time or in any quantity or into any place or channel. In other words, the owners of the sewage plants are in no way obligated to continue the disposition of sewage water as it now exists. It is further the opinion of this office that the granting of Application 20692 for the irrigation of land that is not owned or controlled by the applicant would not be to the public interest to grant the application.

RULING

The granting of Application 20692 is herewith denied on the grounds that applicant does not have control of the land on which he plans to place the water to beneficial use and that its granting would be detrimental to the public welfare.

Respectfully submitted,

ELMO J. DeRICCO  
State Engineer



By: George W. Hennen  
Assistant State Engineer

Dated this 16th day of  
March, 1964