

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

IN THE MATTER OF APPLICATIONS 54475,)
54476, 54477, 54478, 54479 AND 54480)
FILED TO APPROPRIATE THE PUBLIC WATERS) RULING
FROM AN UNDERGROUND SOURCE WITHIN THE) #3835
BLACK MOUNTAINS AREA GROUND WATER BASIN)
IN CLARK COUNTY, NEVADA.)

GENERAL

I.

Applications 54475, 54476, 54477, 54478, 54479 and 54480 were filed on February 26, 1990, by Charles Heisen to appropriate 3 c.f.s. each of water from an underground source for quasi-municipal purposes within Sections 22, 27, 34 and 35, T.21S., R.63E., M.D.B.&M. The point of diversion is described as being within the SE1/4 NE1/4 Section 28, T.21S., R.63E., M.D.B.&M.¹

FINDINGS OF FACT

I.

Applications 54475 through 54480, inclusive, were protested by Steve Ainsworth, Chief Project Engineer of the Lake of Las Vegas Joint Venture, on August 23, 1990, on the following grounds:

Granting of the applicant's water right is expected to unreasonably lower the pumping level, or water table at the protestant's point of diversion granted under Permit #52738. Granting of the applicant's water right could also unreasonably lower the pumping level at other points of diversion which are pending approval of the State Engineer (46029, 46030, 53829, 53830, 53831).¹

II.

In letters dated September 5, 1990, the United States Department of the Interior, Bureau of Reclamation, objected to the

¹Public record in the office of the State Engineer filed under Application 54475 through 54480.

granting of Applications 54475 through 54480, inclusive, on the grounds that the proposed land requested "is Federal land withdrawn from the public domain for Reclamation by Public Land Order 3512 of December 7, 1964. By Federal Register notice published November 10, 1986, the land was proposed for continuation of the withdrawal for an additional 20 years."¹

III.

In a letter dated September 20, 1991, the United States Department of the Interior, Bureau of Reclamation reiterated their objection and confirmed that the applicant has no right of entry onto the land specified as the location of the points of diversion under Applications 54475 through 54480, inclusive.¹

CONCLUSIONS

I.

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

II.

The State Engineer is prohibited by law from granting a permit where³:

- A. There is not unappropriated water at the proposed source,
- B. The proposed use conflicts with existing rights,
- C. The proposed use threatens to prove detrimental to the public welfare.

²NRS Chapters 533 and 534.

³NRS 533.370.

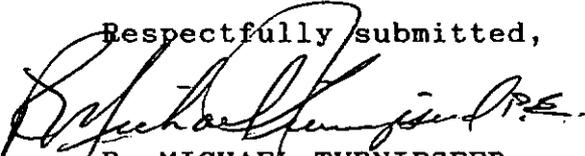
III.

The lands described as the points of diversion under Applications 54475 through 54480 is Federal land withdrawn from the public domain and the applicant does not have right of entry onto the land in question.

RULING

Applications 54475, 54476, 54477, 54478, 54479 and 54480 are herewith denied on the grounds that to grant the applications for points of diversion on land that the applicant has no right of entry and cannot demonstrate the ability to place the water to beneficial use would not be in the public interest and welfare. No ruling is made as to the validity of the protest.

Respectfully submitted,



R. MICHAEL TURNIPSEED
State Engineer

RMT/CT/bk

Dated this 30th day of
September, 1991.