

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

IN THE MATTER OF APPLICATION 52338 TO)
APPROPRIATE THE PUBLIC WATERS OF AN)
UNDERGROUND SOURCE BY THE U.S.)
DEPARTMENT OF ENERGY IN NYE COUNTY,
NEVADA.)

ORDER GRANTING PETITION
FOR INTERVENTION

Brian McKay, Attorney General of Nevada, representing the State of Nevada and the Nevada Agency for Nuclear Projects/Nuclear Waste Project Office, petitioned the State Engineer for intervention in Application 52338. The United States Department of Energy filed Application 52338 on October 18, 1988, for water necessary to support the high-level nuclear waste site characterization program at Yucca Mountain, Nevada.

The State Engineer determines, pursuant to NRS 228.190(1)(a), that the Attorney General has express statutory authority to intervene in administrative proceedings concerning "public lands, and to the waters therein and thereunder, located in the State of Nevada." Accordingly, the State Engineer grants the Petition for Intervention and rules that the Attorney General has a legal right to intervene as a party in interest representing the State of Nevada and the Nevada Agency for Nuclear Projects/Nuclear Waste Project Office in all matters and proceedings before the State Engineer in the matter of the subject application to appropriate the public waters.


PETER G. MORROS
State Engineer

Dated at Carson City, Nevada
This 10th day of October, 1989.