

IN THE MATTER OF APPLICATION NO. 25375 }  
FILED BY OVERTON WATER DISTRICT TO }  
APPROPRIATE 4.0 CFS OF WATER FROM WARM }  
SPRINGS FOR MUNICIPAL AND DOMESTIC }  
PURPOSES IN CLARK COUNTY, NEVADA. }

R U L I N G

GENERAL:

317 Application No. 25375 was filed on December 3, 1969 by the Moapa Valley Water Company and Overton Water District, to appropriate 4.0 cfs of water from Warm Springs for municipal and domestic purposes. The proposed point of diversion is located within the NW $\frac{1}{4}$  SE $\frac{1}{4}$  Section 16, T. 14 S., R. 65 E., M.D.B.&M. The proposed place of use is within various sections located in T. 14 S., R. 65 E., T. 14 S., R. 66 E., T. 15 S., R. 66 E., T. 15 S., R. 67 E., T. 16 S., R. 67 E., and T. 16 S. R. 68 E., M.D.B.&M.

Prior to publication of Application No. 25375, the Moapa Valley Water Company requested that its name be withdrawn on the application by letter dated December 15, 1969, which was signed by Grant Bowler, Chairman of the Moapa Valley Water Company. Therefore, the Overton Water District is the applicant under Application No. 25375.

Application No. 25375 was protested on February 12, 1970 by the Muddy Valley Irrigation Company. The grounds stated in the protest are as follows:

(1) There are no public waters available for appropriation at Warm Springs;

(2) That Warm Springs is the source of the waters in the Muddy River and that the total available flow of the Muddy River, its headwaters, tributaries, source of supply, were appropriated, allocated, and decreed by Court Decree dated March 12, 1920;

(3) The granting of the application will adversely affect prior right held by the Muddy Valley Irrigation Company; and

(4) That there is no practical possibility of putting the proposed water to beneficial use.

These springs are located within what is referred to as the Muddy River Springs area and are considered to be part of the Muddy River Springs, the source of the Muddy River. The Muddy River Springs are described in "Ground Water Resources Reconnaissance Report 25 Ground Water Appraisal of Coyote Spring and Kane Spring Valleys and Muddy River Springs area, Lincoln and Clark Counties, Nevada." This report was compiled by Thomas E. Eakin and published in February, 1964. Eakin states: "Muddy River Springs, though issuing from alluvial deposits, occur near surface exposures of carbonate rock and are considered to be supplied largely by ground water in carbonate rocks."

The waters of the sources sought to be appropriated are considered as supplying water to the Muddy River system and must be considered tributary.

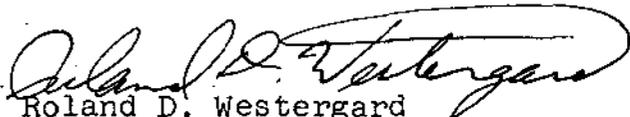
## OPINION:

It is our opinion that the water sought to be appropriated under Application No. 25375 is from sources that are tributary to the Muddy River System and that granting of these applications would tend to impair the existing rights and would be otherwise detrimental to the public welfare.

## RULING

Application No. 25375 is hereby denied on the grounds that their granting would tend to impair the existing rights and be otherwise detrimental to the public welfare.

Respectfully submitted,

  
Roland D. Westergard  
State Engineer

RDW:JCP:jb

Dated This 6th Day  
of May, 1970.