

IN THE MATTER OF APPLICATION 46166)
FILED TO CHANGE THE PLACE OF USE AND)
POINT OF DIVERSION OF WATER RIGHT)
APPLICATION 30725 IN LOWER MEADOW)
VALLEY WASH, CLARK COUNTY, NEVADA)

R U L I N G

FINDINGS OF FACT

I

Application 46166 was filed by Robert C. and Vivian Lewis on September 23, 1982, to change the point of diversion and place of use of Application 30725. 1/

II

Application 30725 was denied by the State Engineer's Ruling No. 2797 on November 29, 1982. 2/

III

Application 30725 was denied along with 89 other applications in the Lower Meadow Valley Wash to appropriate underground water for application on lands associated with the Carey Act or Desert Land Entry Act. This ruling by the State Engineer was made after the Lower Meadow Valley Wash was designated as a critical ground water basin under Order No. 803. The State Engineer held a public hearing on August 4, 1982, in which he received evidence which lead to this determination and decision. Irrigation in the Clark County portion of the Lower Meadow Valley Wash was declared a non-preferred use by Order No. 803. 3/

IV

The majority of the proposed place of use under Application 46166 is on public lands. 4/

CONCLUSIONS

I

The State Engineer has jurisdiction of the parties and the subject matter of this action. 5/

II

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

A. There is no unappropriated water at the proposed source, or

- B. The proposed use conflicts with existing rights, or
- C. The proposed use threatens to prove detrimental to the public welfare. 6/

III

Application 30725 has been denied; therefore, no right or priority exists which can be changed by Application 46166.

RULING

Application 46166 is denied on the grounds that no right exists under Application 30725 which can be abrogated. Also, this application for irrigation would tend to impair the value of existing rights and would be detrimental to the public interest and welfare within the Lower Meadow Valley Ground Water Basin.

Respectfully submitted,



Peter G. Morros
State Engineer

PGM/HR/ja

Dated this 2nd day

of JUNE, 1983.

FOOTNOTES

1. Public records in the office of the State Engineer.
2. Public records in the office of the State Engineer, Ruling No. 2792.
3. Public records in the office of the State Engineer, Order No. 803.
4. Bureau of Land Management maps.
5. NRS 533.025 and NRS 533.030, subsection 1.
6. NRS 533.370, subsection 3.