

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

IN THE MATTER OF APPLICATIONS 17494,)
17495 AND 17496 FILED TO APPROPRIATE)
THE PUBLIC WATERS OF A SURFACE SOURCE)
WITHIN THE COLORADO RIVER VALLEY,)
CLARK COUNTY, NEVADA.)

RULING

U 3853

GENERAL

I.

Application 17494 was filed by Stauffer Chemical Company on February 21, 1958, to appropriate 13.27 c.f.s. of the surface waters of the State of Nevada, more specifically known as the Colorado River (Lake Mead), for industrial purposes. The proposed place of use is within a portion of the S1/2 of Section 11, a portion of the SW1/4 of Section 12, a portion of the W1/2 of Section 13, a portion of the E1/2 of Section 14 and a portion of the NW1/4 of Section 14, all within T.22S., R.62E., M.D.B.&M.¹

II.

Application 17495 was filed by National Lead Company on February 21, 1958, to appropriate 65.76 c.f.s. of the surface waters of the State of Nevada, more specifically known as the Colorado River (Lake Mead), for industrial purposes. The proposed place of use was within a portion of Section 12 and a portion of the N1/2 of Section 13, both within T.22S., R.62E., M.D.B.&M.; a portion of the SW1/4 of Section 7 and a portion of the NW1/4 of Section 18 both within T.22S., R.63E., M.D.B.&M.¹

III.

Application 17496 was filed by American Potash & Chemical Corp. on February 21, 1958, to appropriate 13.464 c.f.s. of the surface waters of the State of Nevada, more specifically known as the Colorado River (Lake Mead), for industrial purposes. The proposed place of use was within a portion of Section 12 and a portion of the N1/2 of Section 13, all within T.22S., R.62E., M.D.B.&M.¹

¹ Public records of the State Engineer.

FINDINGS OF FACT

I.

The Boulder Canyon Project Act requires the Secretary of the Interior to contract for the use and storage of Colorado River water.²

II.

The Colorado River Commission "shall receive, protect, safeguard and hold in trust for the State of Nevada, all water and water rights, interests or benefits in and to the waters of the Colorado River..."³

III.

Applications to appropriate the waters of the Colorado River are subject to the Colorado River Commission's approval.³

IV.

Assembly Bill 173, Chapter 157 clarifies that the State Engineer has no authority as it pertains to the original appropriation of Colorado River waters. This Bill was enacted during the 1991 legislative session and became effective May 10, 1991.⁴

CONCLUSION

I.

The State Engineer has no jurisdiction in original diversions of Colorado River water appropriations.

² Boulder Canyon Project Act (45 Stat. 1057).

³ NRS 538.171.

⁴ NRS 533.372, 538.171.

RULING

Applications 17494, 17495 and 17496 are denied on the grounds that the State Engineer has no jurisdiction over these applications to appropriate the waters of the Colorado River.

Respectfully submitted,



R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/JK/pm

Dated this 10th day of
December, 1991.