

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

IN THE MATTER OF APPLICATION 71409)
FILED TO CHANGE THE POINT OF)
DIVERSION AND PLACE OF USE OF THE)
PUBLIC WATERS OF AN UNDERGROUND)
SOURCE PREVIOUSLY SOUGHT FOR)
APPROPRIATION UNDER APPLICATION)
64470, WITHIN THE JEAN LAKE VALLEY)
HYDROGRAPHIC BASIN (165), CLARK)
COUNTY, NEVADA.)

RULING
#5652

GENERAL

I.

Application 71409 was filed on July 6, 2004, by Southern Nevada Liteweights, Inc. to change the point of diversion and place of use of 0.2 cubic feet per second (cfs) previously sought for appropriation under Application 64470. The source of water is underground and the proposed manner of use is for milling purposes further described as a gravel plant operation. The proposed place of use is described as being located within the S½ NE¼ of Section 28, T.25S., R.60E., M.D.B.&M. The point of diversion is described as being located within the SW¼ NE¼ of said Section 28.¹

II.

Application 64470 was filed on September 22, 1998, to appropriate 0.2 cfs from an underground source for milling purposes further described as a gravel plant operation. The place of use is described as being located within a portion of the W½ SW¼ SW¼ of Section 15 and a portion of the NE¼ NW¼, NW¼ NW¼ of Section 22, T.24S., R.60E., M.D.B.&M. The point of diversion is described as being located within the SW¼ SW¼ of Section 15, T.24S., R.60E., M.D.B.&M.²

¹ File No. 71409, official records in the Office of the State Engineer.

² File No. 64470, official records in the Office of the State Engineer.

FINDINGS OF FACT

I.

Application 71409 seeks to change the point of diversion and place of use of Application 64470. A review of records in the Office of the State Engineer show that Application 64470 was denied on August 24, 2004.³

The State Engineer finds that the application, which forms the basis for change Application 71409, has been denied.

CONCLUSIONS

I.

The State Engineer has jurisdiction over the parties and the subject matter of this determination.⁴

II.

The State Engineer is prohibited by law from granting an application to appropriate the public waters where:⁵

- A. there is no unappropriated water at the proposed source;
- B. the proposed use or change conflicts with existing rights;
- C. the proposed use or change conflicts with protectible interests in existing domestic wells as set forth in NRS § 533.024; or
- D. the proposed use or change threatens to prove detrimental to the public interest.

III.

The State Engineer concludes that Application 64470 is denied and cannot be used as the basis for change Application 71409. The State Engineer further concludes that it is not in the public interest to approve a change application when the source of water no longer exists; therefore, Application 71409 is subject to denial.

³ State Engineer's Ruling No. 5413, official records in the Office of the State Engineer.

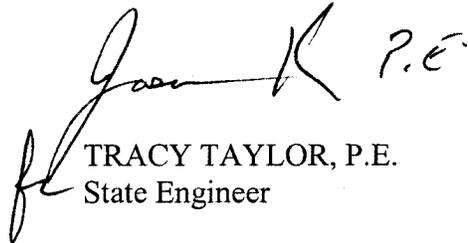
⁴ NRS chapters 533 and 534.

⁵ NRS § 533.370 (5).

RULING

Application 71409 is hereby denied on the grounds that its approval would threaten to prove detrimental to the public interest.

Respectfully submitted,


TRACY TAYLOR, P.E.
State Engineer

TT/TW/jm

Dated this 29th day of

August, 2006.