



Nevada Division of
WATER RESOURCES

STATE OF NEVADA
Department of Conservation and Natural Resources
Steve Sisolak, *Governor*
Jim Lawrence, *Acting Director*
Adam Sullivan, P.E., *State Engineer*

July 28, 2022

VIA EMAIL (victor.fuentes777@gmail.com; Annettefuentes4@gmail.com)

Pastor Victor Fuentes and Annette Fuentes
P.O. Box 42507
Las Vegas, NV 89116

Re: Alleged Violation No. 320 Concerning Impairment to Permit 85417

Dear Pastor and Mrs. Fuentes:

The Nevada Division of Water Resources (NDWR) is aware of the July 26, 2022, Pahrump Valley Times news article regarding your concerns relating to the Carson Slough. As you are aware, based upon your communications with NDWR's Alleged Violation staff, NDWR is actively working to investigate the claim that you are not receiving your 2.24 acre-feet of water under Permit 85417. It is important to mention, however, that State Engineer Ruling 6494 denied your separate application (Application 88535) seeking to change Vested Claim V11308 for the entire flow of the Carson Slough. State Engineer Ruling 6494 determined the claim for the 6,479 acre-feet of water was not plausible and no water was available under the proof of vested claim to be changed. Consequently, the State Engineer has only found a plausible claim of vested right for the aforementioned 2.24 acre-feet, and not the entire flow of the Carson Slough.

The United States Fish and Wildlife Service (USFWS) has numerous surface water rights within the Amargosa Valley. Although alterations to these waterways are generally within the jurisdiction of the United States, NDWR's jurisdiction is invoked if any alteration of a waterway deprives another of their lawful water right within the authority of Nevada's water laws. This is the basis for which NDWR has been diligently investigating your claims that the USFWS is preventing you from being served the full 2.24 acre-feet authorized under Permit 85417. USFWS is expected to provide their response no later than the end of August 2022 and NDWR expects that its investigation will be complete no later than the end of September 2022. If NDWR finds USFWS is preventing you from receiving your full duty of water, NDWR will take appropriate action to assure USFWS complies with Nevada's laws. Please be advised, however, that the same legal requirements apply to all persons. If actions are undertaken that impair USFWS's, or any other water user's, water rights, NDWR will be required to investigate the activities and require action be taken to remedy impairment to those rights.

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NDWR understands you are concerned your water rights are being unlawfully impaired. Please be assured that NDWR is committed to conducting a full and complete investigation into the allegations. If, at the conclusion of the investigation, your concerns are validated, NDWR will take action to ensure USFWS does not prevent you from receiving the full 2.24 acre-feet of water you have been granted under Permit 85417.

Sincerely,



Micheline N. Fairbank, Esq.

Deputy Administrator

cc: Jim Lawrence, Acting Director, Nevada Department of Conservation and Natural Resources (E-mail)
Adam Sullivan, P.E., State Engineer (E-mail)
John Guillory, P.E., Deputy Administrator (E-mail)
Thomas Payette, P.E., Compliance and Enforcement (E-mail)
Michael Bower, Ash Meadows Facility Manager, United States Fish and Wildlife Service (E-mail)
Nye County Commission (E-mail)