



United States Department of the Interior

FISH AND WILDLIFE SERVICE Desert National Wildlife Refuge Complex

4701 North Torrey Pines Drive

Las Vegas, Nevada 89130

Phone: (702) 515-5450 ~ Fax: (702) 515-5460



July 28, 2022

BY ELECTRONIC MAIL

Victor & Annette Fuentes
P.O. Box 2085
Pahrump, NV 89041
annettefuentes4@gmail.com

Dear Mr. and Mrs. Fuentes:

I am writing in regard to the statements Mr. Fuentes made during an interview for the Pahrump Valley Times on July 26, 2022, “Six years, waiting for them. So I’m not waiting anymore, I’m going to put my water back.” “I already let the state engineer know I am going to put my water back, I let Fish and Wildlife know, now I am letting you know. I’m going to put my water back and there is not anybody who is going to stop me.”

The issue of what rights you may have in the waters of the Carson Slough is and has been contested. As presented to the Nevada State Engineer in its protests and through previous litigation, FWS believes that it holds the rights to all of the surface water from spring flow on the Ash Meadows National Wildlife Refuge (“Refuge”). To date, the Nevada State Engineer has ruled (#6348, June 14, 2016) that you have a plausible claim to 1.39 gallons per minute (“gpm”) of surface water, which has been supplied to you since 2017 through a pipe at the location you requested. We have made every effort to ensure the delivery of 1.39 gpm of surface water to your requested point of delivery, including the installed passive, or gravity flow system, which was completed on December 4, 2018, and through regular maintenance of the system to ensure continued delivery. The Nevada State Engineer has not made any other rulings or issued any permits to you for surface water, and the issue of water rights in this basin has not been adjudicated.

Even if you had a vested right to all water flowing in the Carson Slough, it would be illegal for you to go onto the Refuge and “immediately claim that which is [yours].” Such action would presumably involve the use of heavy equipment on the Refuge. There is the potential for violations of the National Wildlife Refuge System Administration Act, 16 U.S.C. §§ 668dd-668ee, 460K-460K4; Endangered Species Act, 16 U.S.C. §§ 1531-1544; criminal trespass; and/or destruction of government property. These laws have both criminal and civil penalties that can include prison and monetary fines. If you take the illegal action described in your statements, the United States will pursue all available penalties.

Sincerely,

Kevin DesRoberts
Project Leader, Desert NWRC

cc via Email:

Polly Wheeler, Assistant Regional Director, Refuges
Pacific Southwest Region
U.S. Fish and Wildlife Service

Blaine Welsh, Civil Chief
U.S. Department of Justice

Anthony Merrill, Chief of Law Enforcement
Pacific Southwest Region
U.S. Fish and Wildlife Service

Michael Bower, Refuge Manager
Ash Meadows NWR, USFWS

Rachel Esralew, Supervisory Hydrologist
U.S. Fish and Wildlife Service

Adam Sullivan, P.E., State Engineer
Nevada Division of Water Resources

Thomas Pyeatte, Professional Engineer
Nevada Division of Water Resources

Mark Beutner, Water Resource Specialist 2
Nevada Division of Water Resources

Debra Strickland, County Commissioner, District 5
Nye County Board of Commissioners

Michael Eisenloffel, Undersheriff
Nye County Sheriff's Office

cc via FedEx:

Sheriff Sharon Wehrly
Nye County Sheriff
1520 E. Basin Road
Pahrump, NV 89060