

Amendment No. 3

To The

Cooperative Agreement
Between
United States Department of the Interior
Bureau of Land Management

and

State of Nevada
Department of Conservation and Natural Resources
Division of State Parks

EXHIBIT 1
FOR:
☐ STATE OF NEVADA
☐ PROTESTANT
☐ APPLICANT
☒ BLM OTHER
DATE Apr 8, 1997

I. Purpose

To enhance the management and protection of visitors and resources within the area known as the Red Rock Canyon National Conservation Area (RRCNCA), formerly the Red Rock Canyon Recreation Lands, the Bureau of Land Management (Bureau) and the Division of State Parks (Division) entered into a 25 year Cooperative Agreement on January 12, 1981. Since the last Amendment to the Agreement, signed on February 9, 1994, the State Engineer of Nevada has conducted a water right adjudication of the Las Vegas Artesian Basin within which the RRCNCA is located. The Preliminary Order of Determination in this matter, recognizes the Division as owner of certain water rights located on the public lands of the United States (see attached listing). The Bureau, subsequently, formally objected to the Preliminary Order of Determination.

The Bureau and the Division are entering into this Amendment as a means to address the parties different positions concerning the water rights now held by the Division which are located on public land. These water rights are in the name of the Division, the Division having purchased these rights from the prior private owner who grazed livestock on the public land under permit/lease from the Bureau. The Bureau administers the public lands of the United States upon which the subject water rights are located. The Bureau objected to the Division continuing to hold water rights on public lands administered by the Bureau pursuant to FLPMA and other federal laws.

II. Authority

The authority to enter into this Amendment is as specified in the Agreement.

III. Definitions

- L. Preliminary Order of Determination: Preliminary Order of Determination in the matter of the determination of the relative rights in and to the waters of the

EXHIBIT 2

Las Vegas Artesian Basin, Clark County, Nevada issued on September 30, 1996 by R. Michael Turnipseed, P.E., State Engineer.

To further the interests of each party and to resolve the Bureau's objection now before the Nevada State Engineer, the parties agree as follows:

IV. Provisions

8. Management of water sources with water rights held by the Division (new section)

The Division and the Bureau mutually agree that water sources, occurring on the public lands of the United States, will be managed in accordance with the Bureau's responsibilities in the management of resources on those lands, as identified in Section IV, B.1. and B.3. of the Master Cooperative Agreement and Amendment No. 2.

a. The Bureau agrees to:

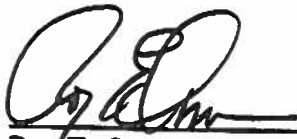
- 1. Ensure that actions taken to meet the Bureau's responsibilities in the management of resources on the public lands does not adversely impact the beneficial uses (recreation and wildlife), quality or quantity of the Division's existing water rights. Actions include but are not limited to those taken to maintain or improve the habitat for Threatened and Endangered (T&E) species, enhance/restore riparian areas, and provide for the needs of wildlife and wild horses and burros.**
- 2. Before making improvements to the subject springs, to work cooperatively with the Division to ensure that both parties interests, expressed in this Amendment, are addressed.**

The Division agrees to:

Recognize the Bureau's responsibilities in the management of the resources on the public lands; and ensures that actions taken by the Division will not, in any way, diminish the Bureau's ability to carry out its responsibilities.

- b. This Amendment shall be filed with the Nevada State Engineer and the parties shall request the State Engineer to include this Amendment in his Final Order of Determination in the Las Vegas Artesian Basin Adjudication to evidence resolution of the Bureau's objection and to condition the Division's water rights as set forth herein.**

- c. The provisions of this Amendment are binding on the successors and assigns of the parties.



Roy E. Orr
District Manager
Nevada Division of
State Parks

4/4/97
Date



Michael F. Dwyer
District Manager
Las Vegas Field Office
Bureau of Land Management

4/4/97
Date