



## THE STATE OF NEVADA

### PERMIT TO CHANGE THE PUBLIC WATERS OF THE STATE OF NEVADA HERETOFORE APPROPRIATED

**Name of Permittee:** H. BRUCE COX AND SUE ANN COX  
**Source:** UNDERGROUND  
**Basin:** LAS VEGAS VALLEY  
**Manner of Use:** QUASI-MUNICIPAL  
**Period of Use:** JANUARY 1ST THROUGH DECEMBER 31ST  
**Priority Date:** 11/18/1986

\*\*\*\*\*

#### APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This revocable permit, to change the place of use of a portion of the waters of an underground source as heretofore granted under Permit 50369, is issued subject to the terms and conditions imposed in said Permit 50369 and with the understanding that no other rights on the source will be affected by the change proposed herein. This revocable permit is issued subject to existing rights and is further subject to revocation if and when water can be furnished by an entity such as a water district or a municipality engaged in furnishing water. This well shall be equipped with a two (2) inch opening for measuring depth to water. A totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of the water begins or before the proof of completion of work is filed. If the well is flowing, a valve must be installed and maintained to prevent waste. This source is located within an area designated by the State Engineer pursuant to NRS 534.030. The State retains the right to regulate the use of the water herein granted at any and all times.

If any water under this permit is cancelled or any water is not put to beneficial use, it will revert to the groundwater source and not back to the base water right.

This permit is issued for quasi-municipal purposes within the described place of use, further identified as Clark County Assessor's Parcel Number 125-23-302-002.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

The point of diversion and place of use are as described on the submitted application to support this permit.

(Continued on Page 2)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, **and not to exceed 0.005 cubic feet per second or 1.12 acre-feet annually.**

Work must be prosecuted with reasonable diligence and proof of completion of work shall be filed on or before:

March 23 2017

Water must be placed to beneficial use and proof of the application of water to beneficial use shall be filed on or before:

March 23 2019

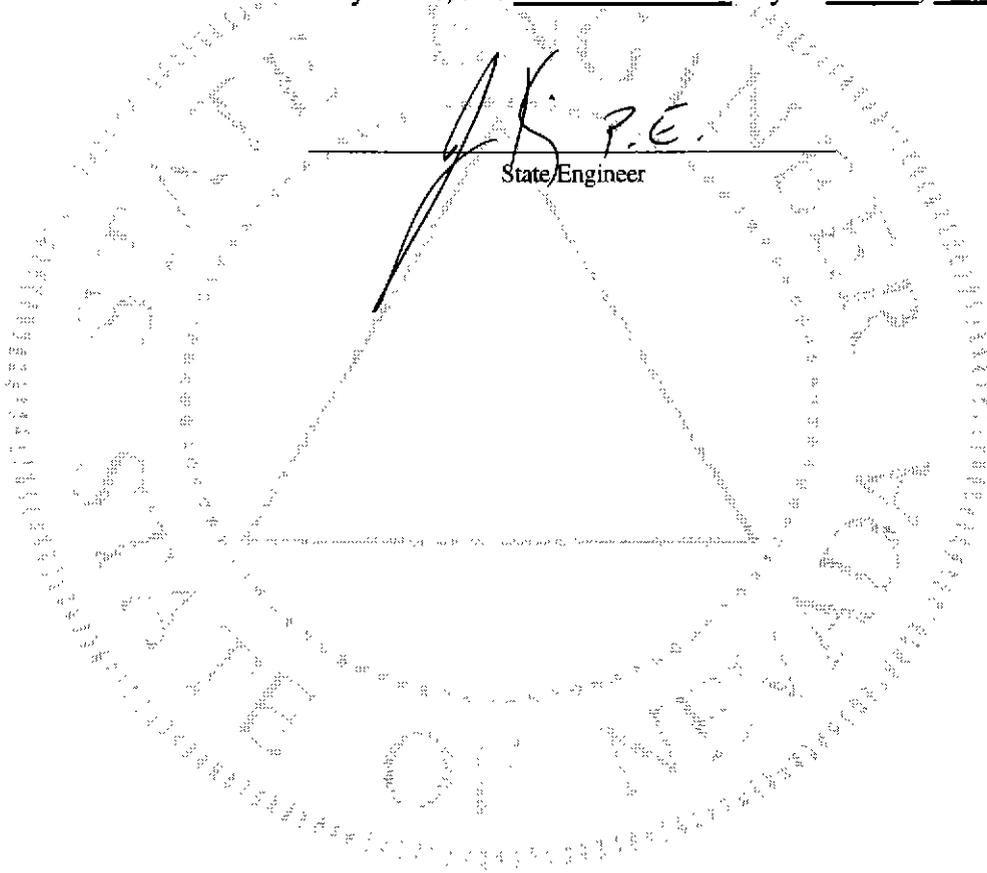
Map in support of proof of beneficial use shall be filed on or before:

N/A

IN TESTIMONY WHEREOF, I, JASON KING, P.E.,

State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 23<sup>rd</sup> day of **March, 2016**

  
\_\_\_\_\_  
State Engineer



**APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF NEVADA HERETOFORE APPROPRIATED**

THIS SPACE FOR OFFICE USE ONLY

Date of filing in State Engineer's Office SEP 04 2015

Returned to applicant for correction \_\_\_\_\_ Jan 9 1987 Under 50364

Corrected application filed \_\_\_\_\_ Map filed \_\_\_\_\_

The applicant H. BRUCE COX and SUE ANN COX, husband and wife as  
Community Property with rights of survivorship.

6511 Deer Springs Way of Las Vegas  
Street Address or PO Box City or Town

Nevada, 89131 hereby make(s) application for permission to change the  
State and ZIP Code

- Point of diversion       Place of use       Manner of use       of a portion

of water heretofore appropriated under (Identify existing rights by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and identify right in Decree.)

(REVOCABLE) permit 50369  
 WELL DRILLED in 1977 (Log No. 59954)  
 (See ATTACHMENT)

- The source of water is from an underground source in the LV artesian basin  
Name of stream, lake, underground, spring or other sources.
- The amount of water to be changed 1.12 acre feet  
Second feet, acre-feet. One second foot equals 448.83 gallons per minute.  
Quasi-municipal for 4,000 sq. ft. single
- The water to be used for family home on 1.1 acre.  
Irrigation, power, mining, commercial, etc. If for stock, state number and kind of animals. Must limit to one major use
- The water heretofore used for (see No. 4 of ATTACHMENT)  
If for stock, state number and kind of animals.
- The water is to be diverted at the following point (Describe as being within a 40-acre subdivision of public survey and by course and distance to a found section corner. If on unsurveyed land, it should be stated.)  
(see No. 5 of Attachment)

6. The existing point of diversion is located within (If point of diversion is not changed, do not answer.)

13-212  
 C1

7. Proposed place of use (Describe by legal subdivisions. If for irrigation, state number of acres to be irrigated.)

(see No. 7 of ATTACHMENT)

75273

8. Existing place of use (Describe by legal subdivisions. If changing place of use and/or manner of use of irrigation permit, describe acreage to be removed from irrigation.)

(see No. 8 of ATTACHMENT)

9. Proposed use will be from January 1 to December 31 of each year.  
Month and Day Month and Day

10. Existing use permitted from January 1 to December 31 of each year.  
Month and Day Month and Day

11. Description of proposed works. (Under the provision of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.) (State manner in which water is to be diverted, i.e., diversion structure, ditches, pipes and flumes or drilled well, pump and motor, etc.)

WELL DRILLED IN 1977

12. Estimated cost of works Application/Permit 50369 estimated cost - \$12,000

13. Estimated time required to construct works (see No. 13 ATTACHMENT)  
If well completed, describe well.

14. Estimated time required to complete the application of water to beneficial use already being  
beneficially used

15. Provide a detailed description of the proposed project and its water usage (use attachments if necessary): (Failure to provide a detailed description may cause a delay in processing.)

(see No. 15 of ATTACHMENT)

16. Miscellaneous remarks:

(see No. 16 of ATTACHMENT)

RECEIVED  
2015 SEP -4 PM 12:08  
STATE ENGINEERS OFFICE

H. BRUCE COX

Type or print name clearly

*H. Bruce Cox*

Signature, applicant or agent

E-mail Address  
(702) 656-0172  
Phone No. Ext.

Company Name  
6511 Deer Springs Way

Street Address or PO Box  
Las Vegas, NV 89131

City, State, ZIP Code

APPLICATION MUST BE SIGNED  
BY THE APPLICANT OR AGENT

ATTACHMENT  
TO  
APPLICATION FOR PERMISSION TO CHANGE  
POINT OF DIVERSION, MANNER OF USE AND PLACE OF USE OF THE  
PUBLIC WATERS OF THE STATE OF NEVADA HERETOFORE APPROPRIATED

I.  
INTRODUCTORY STATEMENT

This Application, (and the 2015 Quitclaim deed from the Chesnoff Family Trust), corrects the problem that resulted when the Surveyor who filed Application 50369 did the following:

1. Filed such Application as if a new well was to thereafter be drilled, rather than filing an Application to change the manner of use of water from a 1977 well from "domestic" to "quasi-municipal" (for two single family dwellings).

2. Filed such Application in the name of "Leon Noorda" alone, though Mr. Noorda was not then, nor ever, the owner of record of the lot containing either of the single family residences that the Application was to benefit. At the time Application 50369 was filed, the owners of record of Lot 1 was Mr. and Mrs. Myer, and the owner of Lot 2 was "Leon R. Noorda and Katherine R. Noorda, Trustees under Trust Agreement dated November 4, 1983" (hereinafter sometimes referred to as the "Noorda Trust").

3. Though correctly stating that the water to be used under Application 50369 was to benefit two single family dwellings, the map the Surveyor submitted in support of such Application only depicted Lot 2 for the place of use for Application 50369. (A representative of the State Engineers who investigated Application 50369, drew in a correction on a copy of that map, which correction showed Lot 1 as a additional place of use for Application 50369).

At a time (1991) when Mrs. Noorda (or her separate trust) was the owner of record of Lot 2, and Application/Permit was still in Mr. Noorda's name, Mr. and Mrs. Noorda entered into a Water Well Agreement with Mr. and Mrs. Estrella (the then owners of record of Lot 2) to clarify that the right to

use water from the 1977 well was appurtenant one-half to each of Lot 1 and Lot 2. That Agreement did not specifically mention Application/Permit 50369, so the Court ruled that it did not convey any of Permit 50369. The Nevada Supreme Court initially affirmed the District Court's ruling, then later granted Coxes' Motion For Rehearing. Before the Supreme Court again ruled on the matter, Coxes and Chesnoffs entered into a Settlement Agreement resulting in the Chesnoff Family Trust Quitclaiming 1.12 acre feet from Permit 50369 to Coxes.

Cox Applicants are the current owners of Lot 1 and the Chesnoff Family Trust is the current owner of Lot 2. The Quitclaim Deed from the Chesnoff Family Trust, recorded on August 25, 2015, is absolute and unequivocal in conveying 1.12 acre feet of water per year from Permit 50369 to Coxes.

Hence, finally the names of the owners of the rights to use water pursuant to Permit 50369 will completely agree with the names of the owners of record of Lot 1 and Lot 2!

## II.

### ANSWERS TO QUESTIONS NEEDING ATTACHMENTS

Page "1" of Application, under (unnumbered) request to identify water heretofore appropriated:

1.12 acre feet per year, being one-half of the water authorized under Permit 50369 of the right to use water from the 1977 well drilled by Norris Cox (Log No. 59954) on an approximate three acre parcel for Bruce Little. That parcel was purchased in undivided 50% interests in 1983, (one-half by the Trustees of the Noorda Trust and the other one-half by Mr. and Mrs. Myer). The three-acre parcel was subdivided into two lots in 1986, with the well and 50% of the water right being appurtenant to each lot. (The three-acre parcel was deliberately subdivided in such a manner so that the well was on Lot 2 and the pumphouse, power meter, etc. were on Lot 1.)

The lots were then cross-deeded between the two owners. A surveyor, in behalf of Leon Noorda (not personally the owner of Lot 2, but a Co-Trustee of the Noorda Trust) filed

Application 50369 for two single-family residences in Mr. Noorda's name only, and the surveyor only showed Lot 2 as place of use on map filed. A representative of NDWR in 1987 made sketches and notations on a copy of such map, shading in an additional place of use on the copy of the map in the approximate location of Lot 1. The ownership of Lot 1 passed to Mr. and Mrs. Estrella, and later (in 1993) to H. Bruce Cox and Sue Ann Cox.

Until 2005, the various owners of Lot 1 and Lot 2 treated 50% of the water right under Permit 50369, as being appurtenant to each of Lot 1 and Lot 2. After Mr. and Mrs. Chesnoff (or their Trust) purchased Lot 2, they filed for complete ownership of all water under Permit 50369. In part, because a (recorded) 1991 water agreement signed by Mr. and Mrs. Noorda and also by Mr. and Mrs. Estrella (who then owned Lot 1) did not specifically mention Application/Permit 50369, the District Court (in 2012) found that the water under permit 50369 was appurtenant only to Lot 2, and the Nevada Supreme Court initially affirmed the District Court's ruling. Mr. and Mrs. Cox filed a Petition for rehearing with the Nevada Supreme Court, which rehearing the Nevada Supreme Court granted. Before such rehearing took place, Mr. and Mrs. Cox entered into a Settlement Agreement with the Co-Trustees of the Chesnoff Family Trust, pursuant to which Chesnoffs quitclaimed to Coxes 1.12 acre feet of the water authorized by permit 50369.

No. 4. The water heretofore used for:

Quasi-municipal for two houses (and lots), however map filed with Application 50369 (mistakenly) only showed Lot 2 as place of use, (a representative of the NDWR later shaded in a correction, adding Lot 1 on a copy of such map).

No. 5. The water is to be diverted at the following point:

Within the NE 1/4 SW 1/4 of Section 23, T. 19 S., R. 60 E., M.D.B.&M., Clark County, Nevada, at a point from which the C 1/4 corner of said Section 23 bears N. 78° 16' 17", a distance of 989.81 feet.

E

No. 7. Proposed place of use:

Lot 1 of that certain Amended Parcel Map in file 51, page 88, in the office of the County Recorder of Clark County, Nevada, and recorded February 13, 1987 in Book 870213 of Official Records as Document No. 00805 (being within the NE 1/4 of SW 1/4 of Section 23 T.19 S., R. 60 E., M.D.B.&M., and having been assigned Assessor's Parcel No. 125-23-302-002.

See map filed with Application 78373.

No. 8. Existing place of use:

NE 1/4 SW 1/4 SEC 23, T.19S, R.60E. MDB&M  
SEE MAP 50369

The same as No. 7.

SLS  
9-11-20

Applicants (and their predecessors in ownership of Lot 1) assumed that Application/Permit 50369 converted the entire right to use water from the 1977 well (Well Drillers Report 59954) to permit 50369, with 50% of the water to be used on Lot 1 and 50% of the water to be used on Lot 2.

The 2015 Quitclaim Deed to Coxes from the Chesnoff Family Trust corrects the authorized place of use of 1.12 feet per year to Lot 1, to agree with the historical place of use.

No. 13. Estimated time required to construct works:

Well drilled in 1977 to a depth of 410 feet. Water extracted through the use of a 7 1/2 H.P. electric pump.

No. 15. Provide a detailed description of the proposed project and its water usage:

(References to "previously-filed Abstract of Title" is a reference to Application 78373 by Coxes.)

A Domestic Well was drilled in 1977 for Bruce Little (see document No. 1 to previously-filed Abstract of Title) on an approximate three acre parcel which the two subsequent co-purchasers (see document No. 2 to previously filed Abstract of title) parcel-mapped into two lots (see document No. 5 to previously filed Abstract of Title). Then they cross-deeded the lots to each other (see document No. 4 to previously filed Abstract of Title for copy of deed for Lot 1). The owner of each lot constructed a house on their respective lots. The owners of Lot 1 constructed an approximate 4,000 square foot home on their lot 1 in 1987.

Cox Applicants are the third owners of Lot 1 which they purchased in 1993 (see document No. 9 to previously filed Abstract of Title for copy of deed to Coxes). Approximately one-half of the water from the subject well has been used on Lot 1 since at least approximately 1987.

The Noordas (the original owner of Lot 2 and still the owner of Lot 2 at the time a Water Well Agreement was signed) and the Estrellas, (the second owner of Lot 1 - see document No. 6 to previously filed Abstract of Title for deed from Mr. and Mrs. Myer - original owner of Lot 1 - to Mr. and Mrs. Estrella), signed and recorded a "Water Well Association Agreement" which specified (or reconfirmed) that the owners of each of Lot 1 and Lot 2 owned 50% of the water well and the rights to use the water therefrom, and that 50% of such water rights were appurtenant to each lot, and that such rights ran with the land (see document No. 8 to previously filed Abstract of Title), Application 50369 is not referred to in such Agreement.

No. 16. Remarks:

The surveyor who filed Application No. 50369 in Mr. Noorda's name filed on the wrong form!

The surveyor filed an "Application for Permit to appropriate the Public Waters of the State of Nevada" (as if a new well was to thereafter be drilled), he should have filed the NDWR form labeled "Application for Permission to Change Point of Diversion, Manner of Use and Place of Use of the Public Waters of the State of Nevada Heretofore Appropriated."

The Application filed for Mr. Noorda could not divest Mr. and Mrs. Myer (nor their Lot 1) of the undivided 50% interest they purchased in the well (and the right to use water therefrom) that was appurtenant to their undivided 50% interest in the approximate three acre parcel containing the existing well, which parcel was subdivided into Lots 1 and 2 before Application 50369 was filed.