

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF FORFEITURE OF WATER)
RIGHTS UNDER PERMIT 23196, CERTIFICATE)
8041, OF THE WATER OF AN UNDERGROUND)
SOURCE IN PAHRUMP VALLEY, NYE)
COUNTY, NEVADA.)

RULING

FINDINGS OF FACT

I.

Application 23196 was filed by George Cranmer on June 22, 1966, to appropriate underground water for irrigation purposes. The proposed place of use was 80 acres in the E1/2 NE1/4, Section 14, T.21S., R.53E., M.D.B.&M. A permit was issued under Application 23196 on October 13, 1966, for 1.0 c.f.s. of water for irrigation purposes.¹ Certificate 8041 was issued under said permit on February 12, 1973, for 0.70 c.f.s. and a duty of 255.5 acre-feet per year for the irrigation of 51.1 acres.²

II.

Documents were submitted to the State Engineer's office on October 16, 1974, by Raymond J. and Irene Wulfenstein to transfer a portion of the ownership of Permit 23196, Certificate 8041, to Andrew J. Dickman, Jr. and Eunice L. Dickman, a 1/2 interest and Dillon Cross and Joan Cross, a 1/2 interest.³

¹ State Exhibit No. 14-E: Public administrative hearings were held before the State Engineer in the matter of the subject permit and others on and at the following dates and places:

December 8, 1987	Pahrump, Nevada
December 9, 1987	Pahrump, Nevada
December 10, 1987	Pahrump, Nevada

Transcripts are a matter of public record in the office of the State Engineer.

² State Exhibit No. 16-E, December 9, 1987, Transcript.

³ Public record in the office of the State Engineer. See file 23196.

III.

The portion of Permit 23196, Certificate 8041, not assigned to other ownership remained in the name of Andrew J. Dickman, Jr. and Eunice L. Dickman, and Dillon Cross and Joan Cross, that being 0.09 cubic feet per second (c.f.s.) and 100.5 acre-feet annually for irrigation of 20.1 acres of land.

IV.

The portion subject to the forfeiture determination under Permit 23196, Certificate 8041, is 21.5 acre-feet of water for the irrigation of 4.3 acres of land in the N1/2 SE1/4 NE1/4 and 79.0 acre-feet of water for the irrigation of 15.8 acres of land in the S1/2 NE1/4 NE1/4, all in Section 14, T.21S., R.53E., M.D.B.&M., a total of 20.1 acres as further described in Findings of Fact III.⁴

V.

Evidence and testimony were received into the record at public hearings before the State Engineer, (see footnote 1), and the State Engineer took administrative notice of various matters as more specifically set forth.⁵

VI.

Testimony and evidence establish that the lands described under Findings of Fact IV. (Permit 23196, Certificate 8041), were not cultivated and irrigated during the period of 1982 through 1986, inclusive and that no water was diverted from the source and placed to beneficial use under Permit 23196, Certificate 8041, during this time period.⁶

CONCLUSIONS

I.

The State Engineer has jurisdiction in the subject matter of this action.⁷

⁴ See State of Nevada Exhibit No. 15E, December 9, 1987, Transcript.

⁵ See Transcript of December 9, 1987, Page 189.

⁶ Testimony of Robert Coache, Hydraulic Engineer for the Division of Water Resources, Southern Nevada Branch Office, see Transcript, Pages 226, 277 and 278, and State of Nevada Exhibit 5, Volumes I, II and III.

⁷ NRS 534.090.

II.

The water right under Permit 23196, Certificate 8041, is a "permitted right" and a "determined right" as described in NRS 534.090 and one therefore subject to the provisions of that statute.

III.

Forfeiture of a water right does not become final until expiration of time of appeal of a ruling declaring such right forfeited.⁸

IV.

The record provides substantial evidence that, during the period between January 1, 1982, through December 31, 1986, (five (5) successive years) water from the underground source described was not beneficially used for the purpose for which the water right was acquired under Permit 23196, Certificate 8041 on the lands described under Findings of Fact IV.

RULING

The right to appropriate and beneficially use water on the lands described under that portion of the place of use described under Findings of Fact III. and IV. under Permit 23196, Certificate 8041, has been forfeited because of failure for five (5) successive years, on the part of the holder of the right, to beneficially use the underground water for the purposes for which the subject right was acquired.

Respectfully submitted,



Peter G. Morros
State Engineer

PGM/HR/bk

Dated this 19th day of

April, 1988.

⁸ NRS 534.090(4) and NRS 533.450.