

**IN THE OFFICE OF THE STATE ENGINEER**

IN THE MATTER OF FORFEITURE OF WATER)  
RIGHTS UNDER PERMIT 24504, CERTIFICATE)  
8332, OF THE WATERS OF AN)  
UNDERGROUND SOURCE IN PAHRUMP)  
VALLEY, NYE COUNTY, NEVADA. )

**RULING**

**FINDINGS OF FACT**

I.

Application 24504 was filed by Veta K. White on May 23, 1968, to appropriate underground water for irrigation and domestic purposes. The proposed place of use was the E1/2 of Section 11, T.21S., R.53E., M.D.B.&M. A permit was issued under Application 24504 on January 20, 1969, for 5.4 c.f.s. of water for irrigation and domestic purposes.<sup>1</sup> Certificate 8332 was issued under said permit on August 5, 1974, for 4.15 c.f.s. and 690.0 acre-feet per year for the irrigation of 138.0 acres.<sup>2</sup>

II.

Documents were submitted to the State Engineer's office on January 7, 1969, transferring 24504 in its entirety from Veta K. White to Hollis L. Harris.<sup>3</sup>

III.

Documents were submitted to the State Engineer's office on November 2, 1981, transferring 6.46 acres from Hollis L. Harris to Douglas M. and Ann L. Hafen.<sup>3</sup>

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<sup>1</sup> State Exhibit No. 14-F: 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.

<sup>2</sup> State Exhibit No. 16-F, December 9, 1987, Transcript.

<sup>3</sup> Public record in the office of the State Engineer. See File 24504.

IV.

Documents were submitted to the State Engineer's office on November 2, 1981, transferring 6.46 acres from Douglas M. and Ann L. Hafen to the State of Nevada to compensate for the drilling of individual domestic wells within the Vickie Ann Turner Subdivision.<sup>3</sup>

V.

An application for Extension of Time to work a forfeiture and abandonment under Permit 24504, Certificate 8332, was submitted to the State Engineer's Southern Nevada Branch Office on December 30, 1986, by Hollis L. Harris.<sup>3</sup>

VI.

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.<sup>4</sup>

VII.

Testimony and evidence establish that the land described under Permit 24504, Certificate 8332, was not cultivated or irrigated during the period 1982 through 1986, inclusive, and that no water was diverted from the source and placed to beneficial use under Permit 24504, Certificate 8332, during this time period.<sup>5</sup>

CONCLUSIONS

I.

The State Engineer has jurisdiction in the subject matter of this action.<sup>6</sup>

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<sup>4</sup> See Transcript of December 8, 1987, page 18.

<sup>5</sup> Testimony of Robert Coache, Hydraulic Engineer for the Division of Water Resources, Southern Nevada Branch Office, see Transcript, Pages 226 through 230, inclusive and Nevada Exhibit 5, Volumes I, II and III. Testimony of Hollis L. Harris, see Transcript pages 235 through 238, inclusive.

<sup>6</sup> NRS 534.090.

II.

The water right under Permit 24504, Certificate 8332, 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.

The record provides substantial evidence that, for the period between January 1, 1982, through December 31, 1986, (5 successive years), water from the underground source described has not been beneficially used for the purpose for which the water rights were acquired under Permit 24504, Certificate 8332.

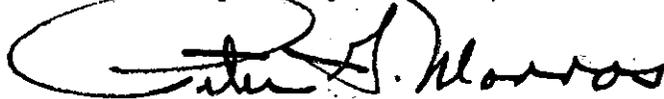
IV.

The application for Extension of Time to work a forfeiture submitted by Hollis L. Harris was timely filed before the 5 successive years of non-use.<sup>8</sup> The State Engineer may consider the application for Extension of Time.

**RULING**

The records of the State Engineer's office clearly establish that there has been five (5) successive years of non-use of water under Permit 24504, Certificate 8332. The record also establishes that the application for Extension of Time to work a forfeiture was timely filed in conformance with NRS .090(2). The application for Extension of Time is granted for a period of one (1) year. The owner of record under Permit 24504, Certificate 8332, will be granted thirty (30) days from the date of this ruling to file an additional application for Extension of Time to work a forfeiture.

Respectfully submitted,



Peter G. Morros  
State Engineer

PGM/HR/bk

Dated this 20th day of

April, 1988.

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<sup>8</sup> NRS 534.090(2).