

IN THE OFFICE OF THE STATE ENGINEER
OF THE STATE OF NEVADA

IN THE MATTER OF THE POSSIBLE FORFEITURE OF)
WATER RIGHTS UNDER PERMIT 18772, CERTIFICATE)
6117, FROM AN UNDERGROUND SOURCE, AMARGOSA)
DESERT GROUNDWATER BASIN (230), NYE COUNTY,)
NEVADA.)

RULING

4190

GENERAL

I.

Application 18772 was filed by Sarah Downey on April 29, 1960, to appropriate the underground waters of the Amargosa Desert Groundwater Basin, Nye County, Nevada. Permit 18772 was approved on December 23, 1960, for 3.5 cubic feet per second (cfs) for irrigation and domestic use. Certificate 6117 under Permit 18772 was issued on January 4, 1967, for 3.01 cfs of water and not to exceed 995 acre feet annually (AFA) for the irrigation of 199 acres of land, located within portions of the NE $\frac{1}{4}$, and Lot 4 of Section 19, and E $\frac{1}{2}$ NW $\frac{1}{4}$, and NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 20, T.16S., R.48E., M.D.B.&M. The point of diversion is located within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 20.¹

II.

On March 17, 1993, Amargosa Resources, Incorporated (petitioner) petitioned the State Engineer to declare certain water rights forfeited.² Permit 18772, Certificate 6117 is included in the petition. The petitioner submitted records going back to 1985 to show the non-use of water. The alleged period of non-use, for the purpose of this forfeiture proceeding, is 1985 through 1992.

III.

On May 16, 17, and 18, 1994, the State Engineer conducted a hearing to allow the petitioner the opportunity to provide the foundation for the evidence filed in support of the petition.³

¹ File No. 18772, official records in the office of the State Engineer.

² Exhibit No's. 1 and 2, Public Administrative Hearing before the State Engineer May 16-18, 1994.

³ Exhibit No. 7, Public Administrative Hearing before the State Engineer May 16-18, 1994.

On February 28, and March 1, 1995, a hearing was held to consider the possible forfeiture of Permit 18772, Certificate 6117.⁴

IV.

At the hearing to consider Permit 18772, Certificate 6117, administrative notice was taken of Exhibits 1-28 from the May, 1994, hearing.⁵ Administrative notice of the transcript from that hearing was also taken.⁶ In addition, administrative notice of the records in the office of the State Engineer was taken.⁷

V.

The place of use of Certificate 6117 has been divided into several different parcels and sold to several different owners. Testimony and evidence were taken regarding each separate parcel of land.

FINDINGS OF FACT

I.

At the hearing, one of the water right holders, Mr. Johnson, moved to strike all testimony of Petitioner's witness, Robert Bement, related to Exhibit No. 18.⁸ Due to limitations placed on Exhibit No. 18 by the State Engineer,⁹ Mr. Johnson felt that Exhibit No. 18 was not to be used at this hearing.⁸ Counsel for the petitioner recognized the limitation placed on Exhibit No. 18 and stated that Exhibit No. 18 could be used to support evidence

⁴ Exhibit No. 29, Public Administrative Hearing before the State Engineer February 28, 1995, and March 1, 1995.

⁵ Transcript p. 12, Public Administrative Hearing before the State Engineer February 28, 1995, and March 1, 1995.

⁶ Transcript p. 15, Public Administrative Hearing before the State Engineer February 28, 1995, and March 1, 1995.

⁷ Transcript p. 12, Public Administrative Hearing before the State Engineer February 28, 1995, and March 1, 1995.

⁸ Transcript p. 178, Public Administrative Hearing before the State Engineer February 28, 1995, and March 1, 1995.

⁹ Transcript pp. 244-245, Public Administrative Hearing before the State Engineer May 16-18, 1994.

and testimony of Mr. Bement.¹⁰ The State Engineer finds that Exhibit No. 18 was admitted into the record for the purpose of showing that Mr. Bement used it to "ground truth" and further interpret the large aerial photos, Exhibit No's. 19-22. The State Engineer further finds that the use of Exhibit No. 18 during the testimony of Mr. Bement was in accordance with the limitations placed on Exhibit No. 18. Therefore, the motion to strike is hereby denied.

II.

At the hearing, the Petitioner presented evidence and testimony supporting his case in favor of the forfeiture of Permit 18772, Certificate 6117. The State Engineer has taken annual pumpage inventories in the Amargosa Desert Groundwater Basin since 1983 for the purpose of overall basin management. The annual groundwater pumpage inventory for the Amargosa Desert Groundwater Basin, for the years 1985 through 1990, shows that no water was used for irrigation on any of the 199 acres of land allowed under Permit 18772, Certificate 6117. The inventories for 1991 and 1992 show that 20 acres of land were irrigated. In 1993, the inventory shows that 10 acres were irrigated.¹¹ These differences on the inventories are caused by differences in philosophy among those individuals performing the inventory and not any difference in irrigation practice over the years.

Mr. Coache, an employee of the Division of Water Resources, performed the annual water use inventories for the Amargosa Desert Groundwater Basin for the years 1985 through 1989. Mr. Coache testified that he did not observe any large scale irrigation of a crop under Permit 18772, Certificate 6117, during any of those years.¹² Mr. Coache also testified that he observed some water use around several homes located within the place of use of Permit

¹⁰ Transcript, pp. 178-179, Public Administrative Hearing before the State Engineer February 28, 1995, and March 1, 1995.

¹¹ Exhibit No. 10, Public Administrative Hearing before the State Engineer May 16-18, 1994.

¹² Transcript pp. 18-33, Public Administrative Hearing before the State Engineer February 28, 1995, and March 1, 1995.

18772, Certificate 6117. This use consisted of water service to the homes, watering an orchard, gardens, lawns, and windbreak trees. Mr. Coache did not attempt to quantify this water use, but classified all of it as domestic use.¹³

Mr. Jason King, of the Division of Water Resources, who did the groundwater pumpage inventory in 1991 through 1993 confirmed Mr. Coache's testimony and attempted to be more specific regarding the heretofore classified domestic use.¹⁴ In the 1991 inventory, Mr. King noted that approximately 20 acres of land, located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 20, T.16S., R.48E., M.D.B.&M., was watered at a rate of about one acre foot per acre. The water was used for fruit trees, lawn and domestic.¹⁵ In the 1992 inventory, the same 20 acres are shown to be in a different 40 acre subdivision of land, namely, the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 19, T.16S., R.48E., M.D.B.&M.¹⁶ In the 1993 inventory, Mr. King refined his estimate down to 10 acres of fruit trees, lawn and multiple domestic use located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 19.¹⁷ Mr. Coache felt that the water use could be classified as domestic use, while Mr. King attempted to quantify the water use as irrigation of 20 acres (and later 10 acres).

¹³ Transcript pp. 18-20, Public Administrative Hearing before the State Engineer February 28, 1995, and March 1, 1995.

¹⁴ Transcript pp. 61-70, Public Administrative Hearing before the State Engineer February 28, 1995, and March 1, 1995.

¹⁵ Exhibit No. 10-G, Public Administrative Hearing before the State Engineer May 16-18, 1994. The legal description of the location of the 20 acres of fruit trees, lawn, and domestic use is in error. This can be verified by examining the Assessor's Parcel Map (Exhibit No. 33). The lots on which several individuals live are located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 19, T.16S., R.48E., M.D.B.&M. There are not individual lots within the legal description shown in the 1991 inventory, and therefore, no "fruit trees, lawns and domestic" use could have occurred in this area. This problem was corrected on the 1992 and 1993 inventories.

¹⁶ Exhibit No. 10-H, Public Administrative Hearing before the State Engineer May 16-18, 1994.

¹⁷ Exhibit No. 10-I, Public Administrative Hearing before the State Engineer May 16-18, 1994.

For the purpose of quantifying water use within the Amargosa Desert Groundwater Basin and overall water resource management of the basin, the difference between the way Mr. Coache and Mr. King performed the inventory is not significant. However, when a possible forfeiture of a water right is being considered, then the method of classifying the water use becomes important. It is clear that some water was used within portions of the place of use of Permit 18772, Certificate 6117. In examining the evidence and testimony, to determine in which portions water was used, the State Engineer will interpret the word "irrigation" in such a manner that includes but is not limited to the watering of gardens, lawns, windbreak trees, nut trees, and fruit trees, whether grown for profit, or not. The State Engineer finds that irrigation of portions of the place of use of Permit 18772, Certificate 6117, occurred during the alleged period of non-use.

Referring to Permit 17657, Certificate 6978, the place of use had been subdivided into individual lots. The buyers of the lots purchased that portion of Permit 17657, Certificate 6978, appurtenant to their lots. In many cases, the new owners used water from their domestic wells, and not from the certificated point of diversion. The quantity of the water used and the specific location and number of acres irrigated are unknown. The State Engineer ruled that there was not a forfeiture of water rights.¹⁸ In order to resolve this situation, the State Engineer ruled that the owners of the individual lots must file change applications and appropriate ownership documents, in order to correct the point of diversion to the individual domestic wells and to correct the place of use to the individual parcels. If the applications are approved, then the new owners will be required to file proof of beneficial use and show where the water is used and how much water is used on their individual lots. This process is useful where water righted land has been subdivided and water was used on the new lots but the specific location of that use and the quantity of water used are unknown.

¹⁸ State Engineer's Ruling No. 4114, May 18, 1994, official records in the office of the State Engineer.

In the following sections of this ruling, each lot within the place of use of Permit 18772, Certificate 6117 will be analyzed to determine if water was used on that lot and if the circumstances of State Engineer's Ruling No. 4114 apply.

III.

The individual lot identified by APN 19-071-07 is held in the names of Vernon L. and Thalia M. Mann.¹⁹ Approximately six acres of the ten acre lot is covered by 300 mature peach trees. In addition, there are windbreak trees and a lawn area that is used as a pasture.²⁰ The State Engineer finds that water was used for irrigation on the Mann property during the alleged period of non-use.

There appeared to be some confusion regarding the quantity of water owned by the Mann's.²¹ However, a complete chain of title has been submitted to the State Engineer, in which the Mann's demonstrate clear title to a portion of Permit 18772, Certificate 6117, in the amount of 50 acre feet of water, covering their ten acres.²² The assignment of ownership of 50 acre feet has been accomplished. The State Engineer finds that 50 acre feet of water right, a portion of Permit 18772, Certificate 6117, are held in the name of Mr. and Mrs. Mann.

Application 60150 has been filed by Mr. and Mrs. Mann to change the point of diversion of their portion (50 acre feet) of Permit 18772, Certificate 6117.²³ Application 60150 was protested by Amargosa Resources, Incorporated and became ready-for-action on

¹⁹ Exhibit No's. 33 and 38, Public Administrative Hearing before the State Engineer February 28, 1995, and March 1, 1995.

²⁰ Transcript pp. 226-227 and Exhibit No. 37, Public Administrative Hearing before the State Engineer February 28, 1995, and March 1, 1995.

²¹ Exhibit No. 39, Public Administrative Hearing before the State Engineer February 28, 1995, and March 1, 1995.

²² File No. 18772, official records in the office of the State Engineer.

²³ File No. 60150, official records in the office of the State Engineer.

December 18, 1994. The State Engineer finds that the conditions of Ruling No. 4114 apply to the Mann property (APN 19-071-07) and that the Manns have already complied with the requirements to file a change application and appropriate ownership documents.

IV.

The individual lot identified by APN 19-071-09 is held in the names of Sanford S. and Dorothea L. Cortner.²⁴ Forty to fifty pistachio trees existed on the eastern part of this five acre lot when the Cortners moved onto the property in 1992.²⁵ Prior to the planting of the pistachio trees around 1989 or 1990, the entire five acres was planted in alfalfa and irrigated by Mr. Holtz from the certificated well.²⁶ The area is clear of any sage brush or creosote bush.²⁷ The State Engineer finds that the Cortner property was irrigated during the alleged period of non-use.

The ownership of a portion of Permit 18772, Certificate 6117, in the amount of 25 acre feet has been assigned to Sanford S. and Dorothea L. Cortner.²² If the Cortners wish to use their well to irrigate their property, then the State Engineer finds that the conditions of Ruling No. 4114 apply to the Cortner property (APN 19-071-09) in that a change application must be filed to correct the point of diversion and place of use.

V.

Mrs. Jennifer Mc Allister purchased the 10 acre lot identified by APN 19-071-11 and a portion of Permit 18772, Certificate 6117, in 1991.²⁸ The Mc Allisters moved onto the property in 1994, which

²⁴ Exhibit No. 36, Public Administrative Hearing before the State Engineer February 28, 1995, and March 1, 1995.

²⁵ Transcript pp. 204-205 and Exhibit No. 35, Public Administrative Hearing before the State Engineer February 28, 1995, and March 1, 1995.

²⁶ Transcript pp. 214-215, Public Administrative Hearing before the State Engineer February 28, 1995, and March 1, 1995.

²⁷ Exhibit No's. 18, 21 and 22, Public Administrative Hearing before the State Engineer May 16-18, 1994.

²⁸ Exhibit No. 34, Public Administrative Hearing before the State Engineer February 28, 1995, and March 1, 1995.

was after the forfeiture process began.²⁹ Evidence and testimony indicate that water was continuously used on this property, from the certificated well by Mr. Holtz, for the irrigation of the windbreak trees, planted around 1980.³⁰ The State Engineer finds that the irrigation of windbreak trees occurred on this property during the alleged period of non-use. Because the Mc Allisters presently occupy the property and use water from their domestic well, the State Engineer further finds that appropriate ownership documents and a change application should be filed.

VI.

The aerial photos of the ten acre lot identified by APN 19-071-10 shows a home and some windbreak trees on the lot.³¹ A portion of the lot appears to be cleared of sage brush and no creosote bush is growing on this cleared portion.³¹ The State Engineer finds that the petitioner failed to show by clear and convincing evidence that the statutory period of non-use occurred on APN 19-071-10.

The records in the Nye County Assessor's Office indicate that APN 19-071-10 is owned by Allen and Paula Goucher.³² The State Engineer finds that the owners of this property should file the chain of title from the current owner of record, Charles E. and Helen M. Holtz, and a change application to correct the point of diversion, if the source of the water use is not the certificated well.

VII.

Fred and Shauna Johnson testified that approximately 600 windbreak trees were irrigated on their property, identified by APN

²⁹ Transcript p. 192 and Exhibit No. 33, Public Administrative Hearing before the State Engineer February 28, 1995, and March 1, 1995.

³⁰ Transcript pp. 196, 342-343, Public Administrative Hearing before the State Engineer February 28, 1995, and March 1, 1995.

³¹ Exhibit No's. 18, 21, and 22, Public Administrative Hearing before the State Engineer May 16-18, 1994.

³² Communication with the Nye County Assessor's Office.

19-071-14.³³ The windbreaks are visible on the aerial photographs.³⁴ In addition, water was used in the commercial raising of their horses and for domestic use.³⁵ At times water is supplied by the certificated well to the windbreak trees, and another well drilled in 1990 on the Johnson property, presently supplies some of the water for the trees and all the water that is used for the horses and the domestic use.³⁶

The State Engineer finds that the conditions of State Engineer's Ruling No. 4114 apply to the Johnson property and that ownership documents and a change application should be filed to correct the point of diversion and place of use.

The maximum amount of water used on the Johnson property in any one year during the alleged period of forfeiture is 8.14 acre feet in 1990.³⁵ Portions of the Johnson property appear to have creosote bush and sagebrush,³⁷ but the extent of this acreage and its location within APN 19-071-14, were not documented on the record. The State Engineer finds that the petitioner failed to show by clear and convincing evidence that the statutory period of non-use occurred on APN 19-071-14.

³³ Transcript pp. 273, 283-284, Public Administrative Hearing before the State Engineer February 28, 1995, and March 1, 1995.

³⁴ Exhibit No's. 18 and 21, Public Administrative Hearing before the State Engineer February 28, 1995, and March 1, 1995.

³⁵ Transcript pp. 283-284 and Exhibit No. 43, Public Administrative Hearing before the State Engineer February 28, 1995, and March 1, 1995.

³⁶ Transcript pp. 273-274, Public Administrative Hearing before the State Engineer February 28, 1995, and March 1, 1995.

³⁷ Exhibit No's. 19-22, 44, Public Administrative Hearing before the State Engineer February 28, 1995, and March 1, 1995.

VIII.

The 40 acre parcel, identified as APN 19-071-13, is owned by Dennis Engh.³⁸ About one-half of this parcel appears to have been cleared in 1990³⁹ and 1993.⁴⁰ Photographs of this parcel submitted by the petitioner show a field, cleared of any sagebrush and creosote.⁴¹ A portion of this parcel appears to have a crop of hay growing in the Spring of 1993.⁴² The State Engineer finds that the petitioner has failed to show by clear and convincing evidence that the statutory period of non-use has occurred on APN 19-071-13.

IX.

Six individual parcels of land have been reviewed in this ruling. The remaining property within the place of use of Permit 18772, Certificate 6117, consists of approximately 110 acres, identified as APN 19-071-12, and is held by Mr. Holtz.⁴³ The parcel is located within portions of Sections 19 and 29, T.16S., R.48E., M.D.B.&M.⁴⁴

That portion of Mr. Holtz' property, lying north of the east-west centerline of said Sections 19 and 20, has two different areas of vegetation. The first area appears to be covered by green

³⁸ Transcript p. 292, Public Administrative Hearing before the State Engineer February 28, 1995, and March 1, 1995.

³⁹ Exhibit No. 21, Public Administrative Hearing before the State Engineer February 28, 1995, and March 1, 1995.

⁴⁰ Exhibit 22, Public Administrative Hearing before the State Engineer February 28, 1995, and March 1, 1995.

⁴¹ Exhibit No. 17, File No. 18772, Photograph No's. 2 and 3, Public Administrative Hearing before the State Engineer February 28, 1995, and March 1, 1995.

⁴² Exhibit No. 17, File No. 18772, Photograph No. 1, Public Administrative Hearing before the State Engineer February 28, 1995, and March 1, 1995.

⁴³ Mr. Holtz has entered into contracts of sale for three lots in the south end of the property. These lots are not recorded.

⁴⁴ Exhibit No. 33, Public Administrative Hearing before the State Engineer February 28, 1995, and March 1, 1995.

vegetation, consisting mainly of trees.⁴⁵ Based on the aerial photographs and testimony on the record, the State Engineer finds that this portion of the Holtz property situated north of the east-west centerline, was irrigated during the alleged period of non-use. The second area is covered by sage brush and is located south of the Johnson property. Because there is no evidence or testimony regarding the size of the area covered by the desert brush, the presence or absence of creosote, or the age of any creosote bush, the State Engineer finds that the petitioner has failed to show by clear and convincing evidence that the statutory period of non-use of water occurred on this area.

The remainder of the Holtz property lies south of the east-west centerline of said Sections 19 and 20.⁴⁴ The 40 acres lying in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 20, T.16S., R.48E., M.D.B.&M., consisted of bare land, cleared of the desert brush, in 1990, 1993, and 1994.⁴⁶ In 1994, after the petition for forfeiture was filed the land was irrigated.⁴⁷ There is no testimony or evidence on the record, related to the presence of the creosote bush and the age of the bush on this property. The State Engineer finds that the petitioner has failed to show by clear and convincing evidence that the statutory period of non-use of water occurred on this 40 acres.

The final portion of the Holtz property is a triangular-shaped piece, adjacent to the California State Line, identified as Lot 4, of Section 19, T.16S., R.48E., M.D.B.&M., on Certificate 6117.⁴⁸ Creosote bush, aged seven to twenty years old, is growing on this

⁴⁵ Exhibit No's. 18, 21, 47, Public Administrative Hearing before the State Engineer February 28, 1995, and March 1, 1995.

⁴⁶ Exhibit No's. 18, 21, 22, Public Administrative Hearing before the State Engineer February 28, 1995, and March 1, 1995.

⁴⁷ Transcript p. 304 and Exhibit No's. 44 and 46, Public Administrative Hearing before the State Engineer February 28, 1995, and March 1, 1995.

⁴⁸ Exhibit No. 30, Public Administrative Hearing before the State Engineer February 28, 1995, and March 1, 1995.

property.^{49,50} There is no evidence or testimony of any water use during the alleged period of forfeiture. The State Engineer finds by clear and convincing evidence that the 40 acres located in Lot 4 of said Section 19, have not been irrigated for a period of time, ranging from seven to twenty years, as observed in 1994.

CONCLUSIONS

I.

The State Engineer has jurisdiction in this matter.⁵¹

II.

Failure for a period of five consecutive years on the part of a water right holder, to use beneficially all or any part of the underground water for the purpose for which the right is acquired, works a forfeiture of the water right, to the extent of the non-use.⁵¹

III.

Because the law disfavors a forfeiture, there must be clear and convincing evidence of the statutory period of non-use, for the State Engineer to declare a forfeiture.⁵² The State Engineer concludes that in declaring a partial forfeiture of an irrigation water right, the acreage of land determined to have undergone the statutory period of non-use, the location of that land within the place of use, and the quantity of water forfeited must be specified.

IV.

Water righted lands that are subdivided or parceled into domestic lots, present a unique situation. Often a new owner irrigates some part of his parcel from his domestic well, not from the certificated point of diversion. This is a violation of Nevada

⁴⁹ Transcript pp. 146-150, 167, Public Administrative Hearing before the State Engineer February 28, 1995, and March 1, 1995.

⁵⁰ Exhibit No's. 19, 21 22, Public Administrative Hearing before the State Engineer May 16-18, 1994.

⁵¹ NRS 533.090.

⁵² Town of Eureka v. Office of the State Eng'r of Nevada, 108 Nev, 826 P.2d 948 (1991).

Water Law. The remedy is to require the new owner to file an application to change the point of diversion of his portion of the original water right, as was required in State Engineer's Ruling No. 4114, dated May 18, 1994. A permit issued under such an application requires the permittee to prove beneficial use, in which the quantity of water used and the location of that use are specified. The State Engineer concludes that this procedure is appropriate to effectively manage the groundwater resource in areas where previously irrigated lands are subdivided or parceled into domestic lots.

V.

Within the place of use of Permit 18772, Certificate 6117, several individual lots were created and sold, with water rights, to other parties. These parties now reside on their lots and use water out of a well drilled on their respective lots. The lots are identified as APN 19-071-07 (Mann), 19-071-09 (Cortner), 19-071-10 (Goucher), 19-071-11 (Mc Allister) and 19-071-14 (Johnson). The State Engineer concludes that the water right appurtenant to these properties is not forfeited. The State Engineer further concludes that these parties, with the exception of Vernon and Thalia Mann, who have already complied, should file change applications and appropriate ownership documents to reflect the proper diversion points and places of use occurring on those lots.

VI.

The record does not contain clear and convincing evidence of the alleged non-use regarding the irrigation of the two, 40 acre parcels identified as APN 19-071-13 and the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 20, T.16S., R.48E., M.D.B.&M. Therefore, the State Engineer concludes that the water rights appurtenant to these lands cannot be declared forfeited.

VII.

The aerial photographs show that a portion of the Holtz property (APN 19-071-12) lying in the N $\frac{1}{2}$ Section 19 and the N $\frac{1}{2}$ Section 20, T.16S., R.48E., M.D.B.&M., is covered by mature trees. The State Engineer concludes that this area has been irrigated during the alleged period of non-use. Another area within this

portion of the Holtz property is covered by desert brush. However, there is no evidence or testimony on the record regarding the presence and age of the creosote bush or the extent of the desert brush area. Therefore, the State Engineer concludes that the water right appurtenant to this area cannot be declared forfeited.

VIII.

The triangular-shaped property located in the SE $\frac{1}{4}$ Section 19, T.16S., R.48E., M.D.B.&M., a portion of the Holtz property (APN 19-071-12), has not been irrigated for 7 to 20 years, as observed in 1994. Therefore, the State Engineer concludes that the 200 acre feet of water right to irrigate 40 acres of land within Lot 4 of said Section 19, should be declared forfeited.

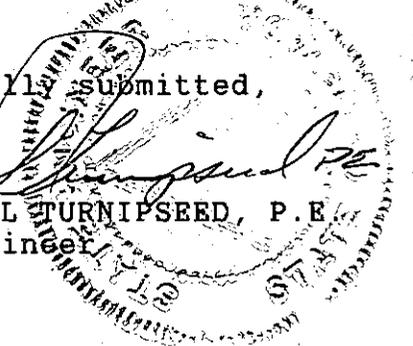
RULING

That portion of Permit 18772, Certificate 6117, amounting to 200 acre feet annually, which is appurtenant to 40 acres in Lot 4, Section 19, T.16S., R.48E., is hereby declared forfeited on the grounds that the land has not been irrigated for a continuous period of time exceeding five years. The remaining portion of Permit 18772, Certificate 6117, is not declared forfeited.

The owners of portions of Permit 18772, Certificate 6117, appurtenant to APN 19-071-09, 19-071-10, 19-071-11 and 19-071-14 must file appropriate ownership documents and applications to change their respective portions of Permit 18772, Certificate 6117, within 120 days of the date of this ruling. The owners of APN 19-071-07, Vernon and Thalia Mann, have already complied with this ruling.

Respectfully submitted,


R. MICHAEL TURNIPSEED, P.E.
State Engineer



RMT/JCP/pm

Dated this 22nd day of
May, 1995: