

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

IN THE MATTER OF APPLICATION 70704)
FILED TO CHANGE THE POINT OF)
DIVERSION, MANNER OF USE AND PLACE OF)
USE OF A PORTION OF THE PUBLIC WATERS)
OF AN UNDERGROUND SOURCE WITHIN THE)
PAHRUMP VALLEY HYDROGRAPHIC BASIN)
(162), NYE COUNTY, NEVADA.)

RULING
#5804

GENERAL

I.

Application 70704 was filed on December 24, 2003, by Nye County to change the point of diversion, manner of use and place of use of 0.0101 cubic feet per second, not to exceed 3.36 acre-feet annually, a portion of the underground water previously appropriated under Permit 17289, Certificate 5690, in the Pahrump Valley Hydrographic Basin for municipal use within the Pahrump Regional Planning District. The proposed point of diversion is described as being located within NE¼ NW¼ of Section 15, T.20S., R.53E., M.D.B.&M.¹

FINDINGS OF FACT

I.

An examination of records in the Office of the State Engineer revealed that Permit 17289, Certificate 5690 was subject to forfeiture. By letter, dated March 24, 2004, Nye County was sent notice that it had 30 days to file Proof of Resumption of Water to Beneficial Use or the water right would be forfeited. No response was received by April 24, 2004. Through the course of Return for Correction and the publication/protest period, Application 70704 did not become Ready for Action until April 30, 2004, six days after the Proof of Resumption of Water to Beneficial Use was due. By letter to Nye County, dated July 15, 2005, the State Engineer forfeited the 3.36 acre-foot portion, of Permit 17289, Certificate 5690. The State Engineer finds that the water right under Permit 17289, Certificate 5690 sought to be changed by Application 70704 has been forfeited; therefore the water right no longer exists and Application 70704 is subject to denial.

¹ File No. 70704, official records in the Office of the State Engineer.

CONCLUSIONS

I.

The State Engineer has jurisdiction over the parties and subject matter of this action and determination.²

II.

The State Engineer is prohibited by law from granting an application to appropriate the public waters where:³

- A. there is no unappropriated water at the proposed source;
- B. the proposed use or change conflicts with existing rights;
- C. the proposed use or change conflicts with protectible interests in existing domestic wells as set forth in NRS § 533.024; or
- D. the proposed use or change threatens to prove detrimental to the public interest.

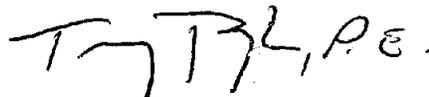
III.

The State Engineer concludes the water right sought for change no longer exists; therefore, to grant Application 70704 would threaten to prove detrimental to the public interest.

RULING

Application 70704 is hereby denied on the grounds that the approval would threaten to prove detrimental to the public interest.

Respectfully submitted,



TRACY TAYLOR, P.E.
State Engineer

TT/WHR/jm

Dated this 4th day of
January, 2008.

² NRS chapters 533 and 534.

³ NRS § 533.370(5).