

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF FORFEITURE OF WATER)
RIGHTS UNDER PERMIT 21055, CERTIFICATE)
7718, AND PERMIT 24503, CERTIFICATE 7804,))
OF THE WATERS OF AN UNDERGROUND)
SOURCE IN PAHRUMP VALLEY, NYE)
COUNTY, NEVADA.)

RULING

FINDINGS OF FACT

I.

Application 21055 was filed by Veta K. White on February 14, 1963, to appropriate underground water for irrigation and domestic purposes. The proposed place of use was the E1/2, Section 11, T.21S., R.53E., M.D.B.&M. A permit was issued under Application 21055 on April 28, 1964, for 5.4 c.f.s. of water for irrigation and domestic purposes.¹ Certificate 7718 was issued under said permit on February 10, 1972, for 1.36 c.f.s. and 622.75 acre-feet per year for the irrigation of 124.55 acres.²

II.

Application 24503 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, Section 11, T.21S., R.53E., M.D.B.&M. A permit was issued under Application 24503 on January 20, 1969, for 5.4 c.f.s. of water for irrigation and domestic purposes.³ Certificate 7804 was issued under said permit on March 22, 1972, for 1.78 c.f.s. and 622.75 acre-feet per year for the irrigation of 124.55 acres.⁴

¹ State Exhibit No. 14-B: 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
December 9, 1987
December 10, 1987

Pahrump, Nevada
Pahrump, Nevada
Pahrump, Nevada

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

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

³ State Exhibit 14-C, December 9, 1987, Transcript.

⁴ State Exhibit 16-C, December 9, 1987, Transcript.

III.

The owner of record in the office of the State Engineer under Permit 21055, Certificate 7718, and Permit 24503, Certificate 7804, is Hollis L. Harris.⁵

IV.

A number of relinquishments of portions of the subject rights were made to the State of Nevada by the owners of record in favor of subdivision approvals for individual domestic wells in Pahrump Valley. A total of 597.90 acre-feet of groundwater was relinquished to the source through this process under Permit 21055, Certificate 7718, and Permit 24503, Certificate 7804.⁶

V.

No application for extension of time to work a forfeiture was filed with the State Engineer's office under Permit 21055, Certificate 7718, or Permit 24503, Certificate 7804.⁵

VI.

Testimony and evidence 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.⁷

⁵ See public record in the office of the State Engineer under Permits 21055 and 24503.

⁶ See public record in the office of the State Engineer.

⁷ See Transcript of December 8, 1987, Page 189.

VII.

Testimony and evidence establish that the remaining lands described under the place of use of Permit 21055, Certificate 7718, and Permit 24503, Certificate 7804, were not cultivated and irrigated during the period from January 1, 1982 through December 31, 1986.⁸

CONCLUSIONS

I.

The State Engineer has jurisdiction in this subject matter.⁹

II.

The water rights under Permit 21055, Certificate 7718, and Permit 24503, Certificate 7804, are "permitted rights" and "determined rights" as described in NRS 534.090 and are 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.¹⁰

IV.

The record provides substantial evidence that, during the period January 1, 1982, and December 31, 1986, (five (5) successive years) a portion of the water from the underground source described was not beneficially used for the purpose which the rights were acquired under Permit 21055, Certificate 7718, and Permit 24503, Certificate 7804.

⁸ The lands remaining under the subject rights after relinquishments were reduced to 4.97 acres in the E1/2 NE1/4 NE1/4 NE1/4 Section 11, T.21S., R.53E., M.D.B.&M. Testimony of Hollis Harris' Transcript of December 8, 1987, pp. 242 - 244. State of Nevada Exhibit No. 5.

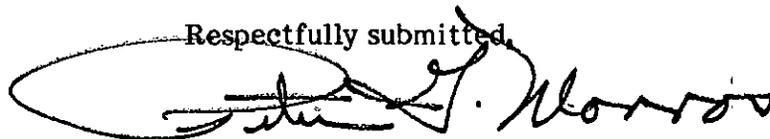
⁹ NRS 534.090.

¹⁰ NRS 534.090(4) and NRS 533.450.

RULING

The right to appropriate and beneficially use the water which is appurtenant to 4.97 acres in the E1/2 NE1/4 NE1/4 NE1/4 Section 11, T.21S., R53.E., M.D.B.&M. under Permit 21055, Certificate 7718, and Permit 24503, Certificate 7804, 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,

A handwritten signature in black ink, appearing to read "Peter G. Morros", is written over a large, hand-drawn oval. The signature is fluid and cursive.

Peter G. Morros
State Engineer

PGM/HR/bk

Dated this 19th day of

April, 1988.