

**IN THE OFFICE OF THE STATE ENGINEER**

IN THE MATTER OF FORFEITURE OF WATER)  
RIGHTS UNDER PERMIT 24414, CERTIFICATE)  
9016, OF THE WATERS OF AN)  
UNDERGROUND SOURCE IN PAHRUMP)  
VALLEY, NYE COUNTY, NEVADA. )

**RULING**

**FINDINGS OF FACT**

I.

Application 24414 was filed by Earl Burson on March 20, 1968, to appropriate underground water for irrigation and domestic purposes. The proposed place of use was the NE1/4, NW1/4, NW1/4 NW1/4, SW1/4 NW1/4, SE1/4 NW1/4, NE1/4 SW1/4, NW1/4 SW1/4, SW1/4 SW1/4 and the SE1/4 SW1/4, all within Section 12, T.21S., R.53E., M.D.B.&M. A permit was issued under Application 24414 on September 9, 1968, for 2.7 c.f.s. of water for irrigation and domestic purposes.<sup>1</sup> Certificate 9016 was issued under said permit on April 29, 1977, for .12 c.f.s. and 62.3 acre-feet per year for the irrigation of 12.46 acres.<sup>2</sup>

II.

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>3</sup>

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<sup>1</sup> State Exhibit No. 18-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.

<sup>2</sup> State Exhibit No. 20-E, December 10, 1987, Transcript.

<sup>3</sup> See Transcript of December 10, 1987, page 293.

III.

The entire 62.3 acre-feet of water for the irrigation of the 12.46 acres under the place of use of Permit 24414, Certificate 9016, was subject to a forfeiture determination.<sup>4</sup>

IV.

Testimony and evidence establish that the lands described under Permit 24414, Certificate 9016, were 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 24414, Certificate 9016, during this time period.<sup>5</sup>

CONCLUSIONS

I.

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

II.

The water right under Permit 24414, Certificate 9016, 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 a time of appeal of a ruling declaring such right forfeited.<sup>7</sup>

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<sup>4</sup> State Exhibit No. 19.

<sup>5</sup> Testimony of Robert Coache, Hydraulic Engineer for the Division of Water Resources, Southern Nevada Branch Office, see Transcript, Pages 321 through 325, inclusive, State of Nevada Exhibit 5, Volumes I, II and III. No response was made by any other party. See Transcript page 351.

<sup>6</sup> NRS 534.090.

<sup>7</sup> NRS 534.090(4) and NRS 533.450.

IV.

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 24414, Certificate 9016.

RULING

The right to appropriate and beneficially use water to the lands described under the place of use under Permit 24414, Certificate 9016, has been forfeited because of failure for five 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 20th day of

April, 1988.