

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

IN THE MATTER OF APPLICATION 73174)
FILED TO CHANGE THE POINT OF)
DIVERSION OF THE PUBLIC WATERS OF)
AN UNDERGROUND SOURCE PREVIOUSLY)
APPROPRIATED UNDER PERMIT 13691,)
CERTIFICATE 5131 WITHIN THE PAHRUMP)
VALLEY HYDROGRAPHIC BASIN (162),)
NYE COUNTY, NEVADA.)

RULING
5813

GENERAL

I.

Application 73174 was filed on August 23, 2005, by Joyce O. Lizar, to change the point of diversion of 0.04 cubic feet per second (cfs) of underground water, a portion of water previously appropriated under Permit 13691, Certificate 5131, in the Pahrump Valley Hydrographic Basin for irrigation and domestic use on 5.0 acres of land that is described as being located within portions of the NW¼ NE¼ of Section 1, T.21S., R.53E., M.D.B.&M. The proposed point of diversion is described as being located within Government Lot #2 (NW¼) of the NE¼ of Section 1, T.21S., R.53E., M.D.B.&M.¹

FINDINGS OF FACT

I.

An examination of records in the Office of the State Engineer revealed that the Report of Conveyance submitted by Joyce O. Lizar for a portion of Permit 13691, Certificate 5131 was rejected by letter dated December 8, 2005. This letter stated that there was no water available under the Robuck portion of the submitted deed, and that the Robucks had previously changed their portion of Permit 13691, Certificate 5131 to Permit 27305 in 1973. Subsequently, in May of 1975, Permit 27305 was cancelled for failure to comply with permit terms.² The State Engineer finds that there are no permitted active water rights under Permit 13691, Certificate 5131 to be changed by Application 73174.

¹ File No. 73174, official records in the Office of the State Engineer.

² File No. 13691, 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.³

II.

The State Engineer is prohibited by law from granting a permit under a change application that requests to appropriate the public waters where:⁴

- 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.

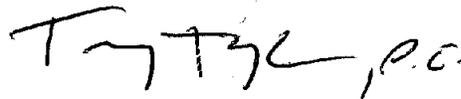
III.

The Report of Conveyance submitted by Joyce O. Lizar for a portion of Permit 13691, Certificate 5131 was rejected because the applicable permit portion had been fully abrogated by Permit 27305, which was later cancelled. The State Engineer concludes that to approve a change application for a permitted water right that has been abrogated or cancelled will conflict with existing rights and threaten to prove detrimental to the public interest.

RULING

Application 73174 is hereby denied on the grounds that its approval would conflict with existing water rights and threaten to prove detrimental to the public interest.

Respectfully submitted,



TRACY TAYLOR, P.E.
State Engineer

HR/WHR/jm

Dated this 10th day of
January, 2008

³ NRS chapters 533 and 534.
⁴ NRS § 533.370(5).