

Radionuclide contamination in Nye County is not limited to only the NNSS. In the 1980's tritium contamination was detected in the unsaturated zone underlying portions of the U.S. Ecology radioactive and hazardous waste site near Beatty. The release was related to the disposal of wastes with a total activity of about 715,000 curies were emplace at the site (in the 1960's and 1970's). Elevated activities of gross alpha, gross beta, and tritium were detected in groundwater sampled from on-site monitoring wells since about 1973, but significantly decreased from the maximum levels detected in the early 1980s. Wells along the site boundary continue to monitor groundwater beneath both the active and closed disposal sites.

In October 2015, an industrial fire occurred at the closed State-controlled low-level radioactive waste site area adjacent to US Ecology's active Hazardous Waste Disposal Site. Metallic sodium disposed in trenches in the 1970's, encountered water from a heavy precipitation event, and the heat generated by the sodium water reaction ignited the combustible metal, resulting in a fire. The fire burned until the next day when the source of fuel was exhausted. No releases of radioactivity were detected (State Fire Marshal, 2015).

In response to this incident, the Nevada Division of Public and Behavioral Health's Radiation Control Program is working with a Technical Advisory Group to develop a scope of work for a contract for remedial work at the closed low-level waste site. The scope of work will likely include a review of historical records and documents, and additional field investigations to fill any data gaps.

The work will likely address the potential for possible contaminant releases to the general environment: in groundwater and surface water, as well as in air, soil, plants, and animals. Information regarding the ongoing and planned activities including the Division of Public and Behavioral Health and NDEP Action Plan (2016), can be found on the DPBH website on the Radiation Control Program tab at http://dpbh.nv.gov/Reg/RPM/Beatty_LLW/.



Photo 6. View overlooking Beatty Low-Level Radioactive Waste Site Photo credit: Nevada Division of Public and Behavioral Health

3.6. SUMMARY

Based on information presented in this Chapter, the key issues related to the groundwater resources of Nye County can be summarized as follows:

- **The presence of areas of concentrated pumpage that are contributing to areas of localized water level declines in Pahrump and Amargosa, and related subsidence impacts in Pahrump;**
- **Over-allocation of Pahrump Basin, the Amargosa Desert Basin, and the potential future shortfall of groundwater supplies;**
- **Over-allocation and potential over-allocation of groundwater rights in several Nye County basins and potential impacts;**
- **Proposed water exportation from Nye County basins by the Southern Nevada Water Authority from Railroad Valley;**
- **Naturally occurring arsenic, fluoride, and radionuclides in the groundwater in several Nye County communities;**
- **Management of areas with elevated levels of residual nitrates from naturally-occurring sources, historic land uses, and measures to protect basin water supplies in areas with risk for elevated nitrates;**
- **Impairment of quality of groundwater resources on the Nevada National Security Site and the Central Nevada Test Area, and potential off-site migration of radionuclide contamination;**
- **Land use restrictions posed by the presence of threatened, endangered and special status species; and**
- **Emerging federal policies to further restrict water use for projects on public lands, and development on private lands.**

In addition to these key issues, there are concerns regarding the poor understanding of the physical and legal water availability in terms of perennial yield, effects of groundwater withdrawals, and the interactions between the surface water and groundwater regimes. Other emerging issues include growth and water availability in over committed basins, need for conservation planning, drought protection, wastewater reuse, and aquifer management.

Chapter 4 – WATER DEMAND TRENDS AND FORECASTS

This chapter presents information on water in Nye County, and on the trends that create the demand. First, the historic water use is summarized from several sources. Next, the baseline domestic demand for 2015 is estimated, and current and future trends are considered. Finally, the time-phased demand for water based on activity in various sectors of the County's economy are estimated and discussed, based on currently available data from several sources.

4.1. HISTORIC USE AND TRENDS

Although water rights data have become readily available, data on actual water use in Nye County and Nevada as a whole are lacking. Estimates of past water use in Table 4-1 from the State Water Plan, the 2004 WRP, the 2013 DWR Nevada Statewide Assessment of Groundwater Pumpage, and other sources demonstrate the disparity in water use estimates for Nye County.

Table 4-1. Nye County Historical Water Use

| Category | 1985 ¹ | 1990 ¹ | 1995 ¹ | 2004 ² | 2010 ³ | 2013 ⁴ | % of 2013 Total |
|-------------------------|-------------------|-------------------|-------------------|---------------------|---------------------|-------------------|-----------------|
| Domestic | 2,756 | 2,767 | 5,130 | 3,150 | 5,784 | 6,123 | 5.83% |
| Commercial | 358 | 1,904 | 784 | 800 | NR | 1,911 | 1.82% |
| Industrial | 370 | 22 | 0 | NR | 673 | 176 | 0.17% |
| Mining and Milling | 4,940 | 7,505 | 7,057 | 8,000 | 35,476 | 21,415 | 20.40% |
| Livestock | 538 | 739 | 739 | 800 | 493 | 1,851 | 1.76% |
| Irrigation | 79,598 | 49,511 | 60,233 | 60,000 ⁵ | 23,460 | 62,648 | 59.67% |
| Wildlife and Recreation | NR | NR | NR | 2,289 | NR | 2,284 | 2.18% |
| Public Use and Losses | 148 | 426 | 1,378 | NR | NR | NR | - |
| Municipal | NR | NR | NR | 10,500 | NR | 5,963 | 5.68% |
| Quasi-Municipal | NR | NR | NR | NR | 3,363 | 2,560 | 2.44% |
| Power | 0 | 0 | 0 | 0 | NR | 0 | 0.00% |
| Other | NR | NR | NR | 48 | NR | 55 | 0.05% |
| Total | 88,708 | 62,874 | 75,321 | 85,587 | 70,750 ⁵ | 104,986 | 100% |

All numbers in acre-feet per year. NR = Not Reported

¹ From Nevada State Water Plan (1999). Domestic includes public water supply systems. Totals included surface water use.

² From 2004 Nye County Water Resources Plan. 60,000 is total of estimated 12,000 AFY from surface water, and 48,000 AFY from groundwater.

³ From USGS Circular 1405 (Maupin et al., 2014). Reported values include groundwater sources only. Quasi-municipal reported as public-supplied domestic.

⁴ Totals from Nevada DWR Assessment of Groundwater Pumpage for 2013; irrigation not adjusted for supplemental use.

⁵ Total value listed is from USGS Circular 1405 (Maupin et al., 2014); total of all reported categories sums to slightly less.

The historic data compiled in Table 4-1 illustrate the uncertainty in water use figures and point to the need for more robust measuring and reporting if accurate assessments of basin health are to be made. Although there is a great variation in the values between the sources, a few trends can be observed. Since at least 1985, agriculture has consistently accounted for nearly 60 percent of Nye County's water use, and mining and milling for about 20 percent. The total of domestic, quasi-municipal, and municipal uses account for only about 15 percent of the County's water use. Values reported were compiled primarily from federal sources and are significantly different across all

categories from the state-reported values. The 2013 groundwater pumpage estimates from the Nevada State Engineer are believed to be the most robust.

4.2. CURRENT WATER USE

Water use figures for Nye County are not known precisely and can only be estimated on the basis of the available information. The majority of current water use falls into five broad categories: public water supply systems, domestic wells, mining, agriculture (farming, livestock, and dairies), and commercial/industrial use. Together, agriculture and mining account for 80 percent of all groundwater use in Nye County (King, 2014). Recent developments in renewable energy have increased industrial water use. The estimates of current water use were derived by updating water use figures to current populations and conditions using information from the Nevada Division of Water Resources and the Governor's Office for Economic Development. The values given are estimates based upon the best information available and are suitable for planning purposes.

Public Water Supply Systems

According to the records of the Nevada Division of Environmental Protection, Drinking Water Branch *Nevada Drinking Water Information System*, there are 90 active water supply systems, and one pending water supply system in Nye County, as of October 1, 2015. These systems account for about 8 percent of Nye County's groundwater pumpage. NDEP permits three types of water systems in Nye County. Community water systems are those that serve at least 15 service connections used by year-round residents, or regularly serve 25 year-round residents. Currently in Nye County, there are 25 active Community water systems. Transient Non-Community water systems regularly serve at least 25 non-residential individuals during 60 or more days a year. In 2015, there were 43 active and 1 pending Non-Community water systems in Nye County. Non-Transient, Non-Community water systems serve at least the same 25 non-residential individuals during 6 months of the year; there are 21 active Non-Transient, Non-Community water systems in Nye County. Tables 4-2a, b, and c identify the active and pending community, transient non-community, and non-transient non-community Public Water Supply Systems (PWSs) in Nye County.

Table 4-2a. Active Community Public Water Supply Systems in Nye County

| Number | Name | Number | Name |
|-----------|--------------------------------------|-----------|----------------------------------|
| NV0002558 | AMARGOSA WATER COMPANY | NV0000063 | GABBS WATER SYSTEM |
| NV0005033 | ANCHOR INN MHP | NV0000165 | MANHATTAN TOWN WATER |
| NV0000009 | BEATTY WATER AND SANITATION DISTRICT | NV0000920 | MOUNTAIN FALLS WATER SYSTEM UICN |
| NV0000362 | BIG FIVE PARK | NV0005067 | MOUNTAIN VIEW MHP UICN |
| NV0000369 | BIG VALLEY MHP | NV0000926 | PAHRUMP UTILITY COMPANY INC |
| NV0002538 | C VALLEY MHP | NV0000402 | PLEASANT VALLEY |
| NV0000408 | CALVADA MEADOWS UICN | NV0002571 | RANCHO VISTA 4 |
| NV0000218 | CARVERS SMOKEY VALLEY RV AND MHP | NV0004074 | ROUND MOUNTAIN PUC |
| NV0002554 | CHIPMUNK RETREAT | NV0005028 | SHOSHONE ESTATES WATER CO INC |
| NV0005032 | COUNTRY VIEW ESTATES UICN | NV0005066 | SUNSET MHP |
| NV0000831 | DESERT MIRAGE HOMEOWNERS ASSOCIATION | NV0000237 | TONOPAH PUBLIC UTILITIES |
| NV0000300 | DESERT UTILITIES | NV0000270 | UTILITIES INC OF CENTRAL NEVADA |
| NV0002552 | ESCAPEE CO OP OF NEVADA | | |

Table 4-2b. Active Transient Non-Community Public Water Supply Systems in Nye County

| Number | Name | Number | Name |
|-----------|---------------------------------------|-----------|--|
| NV0000828 | AMARGOSA PARK | NV0002147 | NDOT BIG SMOKEY ROADSIDE PARK RP807NY |
| NV0000811 | AMARGOSA VALLEY VFW POST 6826 | NV0002146 | NDOT LATHROP WELLS ROADSIDE PARK RP801NY |
| NV0002141 | AREA 51 DEATH VALLEY TRAVEL CENTER | NV0000943 | NDOT SUNNYSIDE ROADSIDE PARK RP810NY |
| NV0003010 | BAILEYS HOT SPRINGS | NV0004099 | NEVADA TEST SITE AREA 12 |
| NV0005038 | BEATTY RV PARK | NV0004098 | NEVADA TEST SITE AREA 25 |
| NV0002151 | BERLIN ICHTHYOSAUR STATE PARK | NV0001105 | ORCHARD VALLEY MARKET |
| NV0000405 | CARBERRY SQUARE | NV0004018 | PAHRUMP FIRE STATION BLM |
| NV0002140 | CARVERS CAFE | NV0005034 | PAHRUMP RV PARK |
| NV0002555 | CHAMPIONS | NV0001094 | PATCH OF HEAVEN |
| NV0003060 | CHERRY PATCH LOVE RANCH | NV0001096 | SANDERS WINERY |
| NV0004085 | CHICKEN RANCH | NV0000820 | SHADY LADY RANCH |
| NV0000385 | COYOTE CORNER III | NV0003074 | SHORT BRANCH |
| NV0002565 | COYOTE CORNER MARKET | NV0002598 | STAGESTOP RESTAURANT |
| NV0002196 | DESERT CENTER PLAZA | NV0000829 | SULLIVANS PUB |
| NV0000923 | ELKS LODGE PAHRUMP | NV0003035 | THE HUBB |
| NV0000155 | FORT AMARGOSA RV PARK | NV0000340 | THE MAVERICK |
| NV0000918 | HORIZON MARKET III | NV0000386 | TOWER PIZZA |
| NV0002143 | IONE WATER SYSTEM | NV0000827 | TUMBLEWEED TAVERN |
| NV0000833 | LJ S MARKET | NV0002575 | VALLEY BAR |
| NV0000917 | LOW LOW LIQUOR CIGARETTES AND GOODIES | NV0002556 | VFW PAHRUMP POST 10054 |
| NV0005019 | MABELS BAR | NV0000946 | WHOS DUNES |
| NV0002142 | MOOSE LODGE 808 | NV0000846 | ALIANA (Pending) |

Table 4-2c. Active Non-Transient, Non-Community Public Water Supply Systems in Nye County

| Number | Name | Number | Name |
|-----------|-----------------------------|-----------|---|
| NV0002190 | AMARGOSA ELEMENTARY SCHOOL | NV0001122 | ROUND MOUNTAIN GOLD HILL WATER SYSTEM |
| NV0003061 | AMARGOSA SENIOR CENTER | NV0002535 | ROUND MOUNTAIN SMOKY VALLEY MINE |
| NV0005037 | AMARGOSA TOWN COMPLEX | NV0005036 | SHERI'S RANCH |
| NV0001095 | CEDAR PASS WATER SYSTEM | NV0001093 | SPRING MOUNTAIN MOTOR SPORTS RANCH |
| NV0000834 | LAKESIDE CASINO AND RV PARK | NV0000804 | TOLICHA PEAK ELECTRONIC COMBAT RANGE |
| NV0005068 | LDS CHURCH PAHRUMP WARD | NV0000823 | TONOPAH CONSERVATION CAMP NDOC |
| NV0000871 | LONGSTREET INN AND CASINO | NV0005002 | TONOPAH ELECTRONIC COMBAT RANGE O AND M |
| NV0000360 | NEVADA TEST SITE A23 AND 6 | NV0005001 | TONOPAH TEST RANGE AREA 10 INDUSTRIAL |
| NV0004067 | NORTHWEST ACADEMY | NV0004068 | TONOPAH TEST RANGE MANCAMP |
| NV0002152 | NYE COUNTY COMPLEX | NV0003014 | TONOPAH TEST RANGE SITE 6 |
| NV0003036 | PAHRUMP SENIOR CENTER INC | | |

Very few of the public water supply systems in Nye County are publicly owned; nearly all are privately owned and operated. In Pahrump, for example, there are more than 20 public water supply systems, none of which are publicly owned.

The State Water Plan totaled the quantity of water supplied by public water supply systems and estimated the percentage of the population served as 68 percent of the total. In the 2004 WRP the water demand calculations, the percentage served was assumed to remain constant for the 50-year planning period. Review of post-1999 data found that the percentage of Nye County's population served through public water supply systems is much lower than 68 percent, but is increasing with time, and as population increases. To test this assumption, data from the NDEP Drinking Water Branch website was used to determine the population served by public water supply systems in 2010 and 2015, which were 19,160 and 20,707, respectively. Comparing the population served by PWSs to the total County population for those years (46,202 and 47,319) yields values of 41.47 percent and 43.75 percent served by PWSs in 2010 and 2015, respectively. Two conclusions can be drawn from this short period of record: the population served by PWSs (1) is probably not constant through time; and (2) has increased at a cumulative rate of 2.3 percent over five years.

Domestic Water Wells

As of October 2015, the total number of domestic water wells in Nye County was 12,022. Water use from domestic wells accounts for about 6 percent of Nye County's groundwater use. Pahrump accounts for nearly 11,135 of the domestic wells drilled in Nye County. By 2004, between 600 and 700 new wells were being drilled in Pahrump each year. That number began dropping in 2004, and by 2012, more wells were plugged (40) than drilled (12). Through 2014, new wells were being drilled at rates of 2 to 15 wells per year. There are about 500 domestic wells in Amargosa Desert in the communities of Amargosa Valley and Crystal; the approximately 400 remaining domestic wells are scattered throughout Nye County's other basins.

The Nevada State Engineer estimates self-supplied domestic water use at 0.5 acre-feet per year in his annual pumpage inventory for Pahrump and Amargosa basins, and 1.0 acre-foot per year for others in Nye County. Assuming this rate and a total of 12,000 domestic wells at the beginning of 2015, the corresponding water use is estimated to be approximately 6,000 acre-feet per year. However, if the rate of 2 acre-feet per year per domestic well (as allowed by the Nevada Water Law) is used, then total domestic water use is 24,000 acre-feet per year. In most areas of the County, the difference between the two rates is of little consequence as the total use from domestic wells in most basins is less than 500 acre-feet per year. The potential demand associated with the increasing number of domestic wells has become significant in Pahrump Valley, however, and will become increasingly problematic if not aggressively addressed. It is estimated that there could be as many as 8,500 additional domestic water wells drilled in Pahrump Valley if full build-out occurs and no basin-wide solution is developed. With the existing domestic wells and the projected new wells, the total demand for domestic self served water could range from a low of 9,750 to a high-of 39,000 acre-feet per year depending upon the pumpage rate assumed.

Mining

Mining accounts for 20 percent of Nye County's groundwater use. The primary mining companies in Nye County are located in Big Smoky Valley, Gabbs Valley, Amargosa Desert, and Crater Flat. The largest mining operation is Round Mountain Gold in Big Smoky Valley. This mine produced 314,886

ounces of gold and 636,564 ounces of silver production in 2013. The second largest operation is the Premier Services's magnesite/brucite mine at Gabbs which produces magnesium oxide; production figures are confidential, but the plant is rated for 150,000 tons per year. The Sterling Mine located in Crater Flat produced 7,500 ounces of gold in 2013. Lhoist North America (formerly IMV) produces specialty clays and calcium borate from their operations in Amargosa Desert and produced 20,000 tons of sepiolite, saponite, and bentonite clays in 2013. Production at the Manhattan Gulch Mine, which produces gold and silver was not reported. Other metal, clay and commodity mines/mills which operate sporadically, were not reported (NBMG, 2014).

Water use by the mining industry has increased over the last 15 years. The 1999 State Water Plan listed water withdrawals for mining in Nye County at 4,940 acre-feet in 1985 and 7,695 acre-feet in 1995. From 1995 to 2004, combined surface and groundwater water use for mining and milling increased to nearly 38,000 acre-feet per year. In 2013, mining and milling operations used about 21,000 acre-feet of groundwater. At large open pit mines, much of the groundwater pumped is associated with pit dewatering and returned to the basin via rapid infiltration basins (Dixon, 2015) and thus is not a consumptive use.

Although minerals exploration activity continues in Nye County, new mining operations and their locations cannot be predicted with certainty. Currently, activity in the vicinity of Tonopah, Manhattan, and Round Mountain is particularly encouraging. Appendix A includes map data developed by the Nevada Bureau of Mines and Geology that shows the locations of mineral exploration and mining activity in Nye County. For planning, it is assumed that two new mining operations will start over the next 50 years but these new ventures will probably be offset by two mine closures elsewhere in the County. Thus, groundwater use by the mining industry is expected to increase only slightly over the planning period to a total annual rate of about 25,000 acre-feet. Because mining operations are typically located in remote areas, are of temporary duration, and the water use is recognized as a preferred use, it can be assumed that the water demand for any new operations will be met on a case-by-case basis. It is also assumed that adequate water supplies will be available to support temporary development for mining.

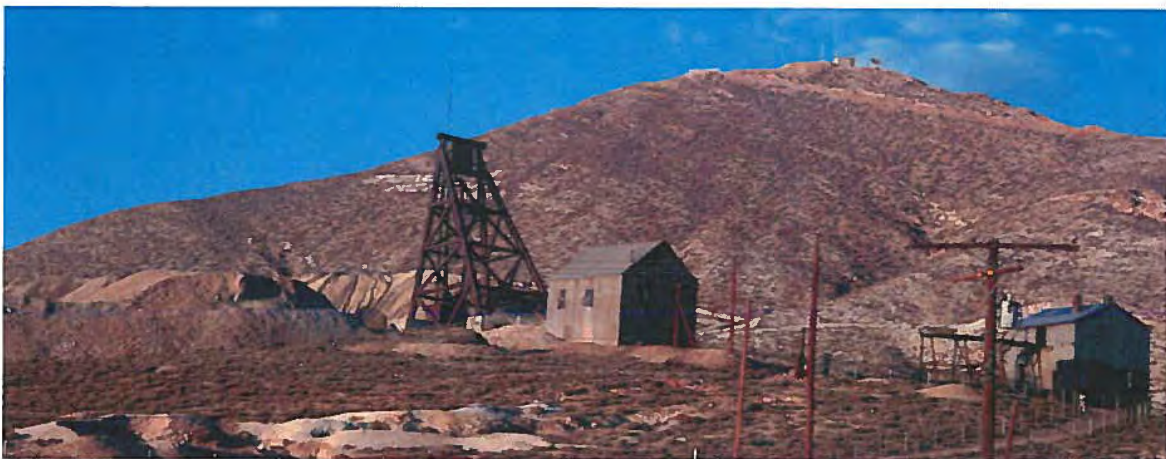


Photo 7. Tonopah Mining Park Museum. Photo Credit: Thomas Buqo, 2009



Photo 8. Amargosa Valley alfalfa field. Photo credit: TerraSpectra Geomatics.

Agriculture, Livestock, and Dairies

Agriculture is a significant part of Nye County's economy and the largest water user in Nye County accounting for over 60 percent of groundwater use. The contribution of the agricultural sector of the economy continued to increase during the last decade even though the land in agriculture, the number of farms and average farm size, and the total irrigated acreage have declined. In 2012, Nye County had 198 farms; more than 60 percent of these farms were small – between one and 49 acres. Nye County's total market sector output for agricultural products, including employment was just over \$52 million. Farming of other crops, livestock production, and dairy cattle and milk production account for 95 percent of total agricultural sales. Nye County's largest food manufacturing industries are fluid milk and butter, and coffee and tea. Appendix A includes map data that show the areas of agriculture production in Nye County as of 2013 (Nevada Department of Agriculture, 2014).

Both surface water and groundwater are used for irrigation and livestock although actual surface water is not tracked by DWR. The total acreage of irrigated farm and pasture land has declined, several factors suggest slight increases in irrigation water use are likely over the planning period. In 2004, of the 60,000 acre-feet of total agricultural water withdrawals, 48,000 acre-feet were groundwater and 12,000 acre-feet were surface water. Total agricultural water use for 2013, including both irrigation and stock watering was reported by King (2014) to be 65,000 acre-feet per year from groundwater only. Should drought conditions in northern Nye persist, groundwater pumpage will increase to make up for shortfalls in surface water supplies, in a quantity that cannot be predicted.

Although agricultural use of groundwater increased dramatically since 2004, by an estimated 12,000 acre-feet per year, it is expected to increase only slightly in northern Nye County over the coming decades. In northern Nye County, an estimated 20 new pivots are expected to come into

operation by 2060. In Pahrump Valley, agricultural lands continue to give way to urbanization but may continue to irrigate small tracts. In the late 1990s, large tracts of farmland in Pahrump Valley were subdivided and developed for residential and commercial uses. By 2013, less than 3,500 acre-feet of groundwater was pumped in Pahrump Valley to cultivate about 800 acres of land. In Amargosa Valley, approximately 2,700 acres were irrigated in 2013 with 15,000 acre-feet of water. Irrigated land in Railroad Valley totals about 7,000 acres but only about 5,000 acres are under cultivation in any given year and most of the irrigation source water is surface water rather than groundwater.

Thus, agricultural production in Nye County will likely remain level for the short term, but is expected to increase in the future, even as new federal land management policies and DWR curtailment conservation measures are implemented in several Nye County basins. This trend is projected to cause the demand for groundwater to remain increase slightly in northern valleys as the cost of agricultural business in neighboring states increases.

There is uncertainty in the quantity of water used each year for agricultural and livestock production in Nye County. The actual acreage under irrigation in any given year is not reported or tracked in many basins. The Nevada Division of Water Resources conducts crop inventories in two basins, Upper Reese Valley, and Big Smokey Valley Northern Part. Pumpage inventories are conducted in four basins, Pahrump Valley, Amargosa Valley, Penoyer Valley, and Indian Springs Valley. Agricultural production can vary depending upon the individual farmer's crop plan and market conditions. The consumptive use rates for the crops grown in the County also varies. The irrigation efficiency can also be quite variable reflecting the soil characteristics, seasonal rainfall, the type of crop, the manner of irrigation, the preparation of the cropland, and the cost of the water in terms of electricity and waterworks.

According to the 2013 Nevada Agriculture Analysis and Opportunities (Nevada Department of Agriculture, 2014), the County's livestock industry had approximately 30,500 head of cattle and sheep in 2007, or about 9,000 fewer animals than in 1987. This trend suggests that livestock production in Nye County, which has remained stable for more than a decade, may be declining. Nonetheless, water withdrawals for livestock purposes are assumed to remain constant at a rate of 1,800 acre-feet per year into the foreseeable future. The bulk of this demand will be met from surface water and springs, and the remainder from supplemental groundwater pumping.

The dairy industry continues to be a key economic sector in southern Nye County, and leads Nevada in milk production. Three dairies owned by Rockview Farms - Ponderosa Dairies 1, 2, and 3 in Amargosa Valley - house nearly 12,000 cows and 5,200 calves. Several thousand cows at the Pahrump Dairy located in Pahrump Valley were moved to Amargosa Valley in 2010. According to *An Economic Analysis of the Food and Agriculture Sector 2015: Nevada's Counties*, Nye County's dairy industry had a total output in 2015 of almost \$9.3 million (Minnesota IMPLAN Group, Inc., 2014).

Nye County's dairies do not produce enough feed to meet their demands, and have had a beneficial impact on the agricultural production of the region. For every dollar spent on labor, the dairies spend seven dollars on supplies and services, with much of these spent on feed grown within the region. The Ponderosa Dairy has increased their feed production, as have several farmers in

Amargosa Valley. Much of the water use by the dairy industry is included within the estimates for commercial water use.

Federal Water Use

Federal agencies acquire and use water in manners that are different from other Nye County water users. For example, land management agencies, such as the BLM, USFS, and USFWS manage vast tracts of land in Nye County that are held in public trust by the United States and managed by these federal agencies for their natural resource values and opportunities. The agencies, taken together, typically hold tens of thousands of acre-feet of water rights to maintain water for wildlife, critical habitat for special status species, and for the maintenance of instream flows. For example, the USFWS holds nearly 20,000 acre-feet of water rights in the Amargosa Desert Basin, with a perennial yield of 24,000 acre-feet, this appropriation represents nearly 75 percent of the available water resources of the basin.

Other agencies, such as the DOD and DOE, are mission oriented and require extensive land withdrawals from the public domain to accommodate the high-hazard operations that are conducted there. These military and other defense-related operations are not generally water intensive and require relatively minor quantities of water to support personnel (quasi-municipal) and mission-related (industrial) purposes. The extensive land withdrawals necessary for their activities, however, prevent access to precious groundwater resources. In Nye County, DOD has historically acquired water rights for the NTTR through the State's administrative process. Thus, DOD demand can be quantified like any other sector by totaling permits, certificates, vested rights, applications, etc. The DOE, now the NNSA, asserts federal reserved water rights in support of the mission-related activities on the NNSS (formerly the Nevada Test Site); NNSA's water use is discussed in greater detail, below.

The primary federal water use in Nye County is at the NNSS (DOE), the Tonopah Test Range (DOD), NTTR, and in Amargosa Valley and Railroad Valley for wildlife conservation (USFWS). Historically, actual water use by the DOI's USFS and BLM has been small by comparison. While the quantity used is minor, recent land use plans issued by these agencies include extensive federal management actions intended to reduce, restrict, or eliminate authorized land uses that require water use. The U.S. Park Service does not use water in Nye County but has become a significant factor in water resource planning as a result of the mitigative measures required to be implemented for the protection of Devils Hole and Death Valley National Park. These federal policies and actions impose severe constraints on types and locations of potential development on federally managed lands. Appendix A includes map data that show federal land use constraints affecting Nye County.

National Nuclear Security Administration - The NNSA operates three water supply systems at the NNSS. Six permitted water supply wells are pumped into a system of storage tanks, sumps, and distribution systems over portions of the 1,375 mi² facility. The groundwater is withdrawn from six hydrographic basins (Mercury Valley, Yucca Flat, Frenchman Flat, Buckboard Mesa, Jackass Flats and Gold Flat). In its 2013 NNSS EIS, the NNSA continued to assert sovereign immunity from State Water Law for water needed to support the purpose of the land withdrawal (i.e., the site mission). The agency semi-quantified this implied water right in its 1996 Nevada Test Site EIS and 1998 Nevada Test Site RMP by establishing "annual duties" based on historic pumping rates. Water is

used for quasi-municipal and industrial purposes, and current use is less than 365 acre-feet, well below historic demand. Table 4-3 summarizes NNSS water withdrawals in 2014 by basin. Table 4-4 summarizes the maximum annual pumpage on the NNSS by basin.

Table. 4-3. 2014 Groundwater Withdrawals from active wells

| Well | Basin | Gallons | Acre-feet |
|----------------------|-------|--------------------|----------------|
| UE-16d | 159 | 21,070,137 | 64.66 |
| WW-4 | 160 | 7,188,943 | 22.06 |
| WW-4A | 160 | 38,594,572 | 118.44 |
| WW-5B | 160 | 40,741,794 | 125.03 |
| WW-5C | 160 | 13,100 | 0.04 |
| Army 1 WW | 225 | 4,475 | 0.014 |
| J-12 WW | 227A | 1,657,500 | 5.09 |
| J-14 WW | 227A | 1,178,085 | 3.62 |
| WW-8 (30-2031 ft) | 227B | 7,732,299 | 23.73 |
| Totals: | | 118,180,905 | 362.684 |

Active Well WW-C1, Basin 159 - last pumpage reported in 2012 at 9,118,313 gallons, or 27.98 acre-feet.

Table. 4-4. Maximum Historical Pumpage

| Basins | Use AFY |
|----------------|--------------|
| Mercury Valley | 428 |
| Yucca Flat | 912 |
| Frenchman Flat | 1,664 |
| Buckboard Mesa | 524 |
| Jackass Flats | 277 |
| Gold Flat | 426 |
| Kawich Valley | 425 |
| Total | 4,656 |

Metered data from NSTec water-production report, available from USGS/DOE Cooperative Studies in Nevada.

U.S. Department of Defense - The U. S. Air Force operates water supply systems on the NTTR and the Tonopah Test Range. The Air Force has 32 water rights in Nye County for springs and surface water sources totaling 368.55 acre-feet and has 15 groundwater appropriations in Nye County totaling 1,488.93 acre-feet, slightly less than reported in 2004. Although the U.S. Air Force water right holdings in Nye County are appreciable, the actual quantity of water is small. From 2000 through 2004, metered water use at seven water supply wells in Nye County ranged from 121.5 to 179.9 acre-feet per year. Water use at the NTTR and Tonopah Test Range have been relatively flat since 1995 at an average rate of 155 acre-feet per year.

National Park Service - The National Park Service (NPS) has no water rights in Nye County but asserts a federally reserved right to all unappropriated water from any water source identified within the boundaries of Death Valley National Park. This assertion of federal right includes the portion of Death Valley National Park, including Devils Hole, that is within Nye County (about 107,000 acres). Although the NPS has not developed any water supplies in Nye County, the impacts of the NPS and other DOI agencies' policies and administrative actions continue to have a significant impact on water resource availability in the County. These impacts are discussed in detail in Chapter 5.

Bureau of Land Management - The public lands in Nye County, comprising nearly 11,380,000 acres, are administered by four different BLM Districts. Although water use on BLM land was considered in the 2004 WRP, actual water use by the BLM was not evaluated. The agency holds a total of 2,407 acre-feet of surface and groundwater rights in the County in widely spread locations, primarily for wildlife, stock watering, quasi-municipal, and other purposes. Existing and proposed management direction mandates that BLM not only determine water demands for meeting management objectives and filing for appropriative water rights in accordance with the Nevada Water Law, but

also that BLM assert federally reserved rights in various circumstances, “as applicable”. BLM currently asserts federally reserved rights to 2,135 acre-feet of surface water in Nye County. Newly proposed management directions focus on preserving mesquite and acacia woodlands, riparian areas, and all other areas containing any wildlife, wilderness, scenic, historic, or cultural values and disallowing projects that BLM perceives might adversely impact the water table that supports these areas. Thus, while the actual use of water resources is small, the effects of land use policies are making access to state-controlled water on federally-controlled public lands increasingly difficult.

U.S. Fish and Wildlife Service - The USFWS holds extensive surface water rights in Amargosa Valley for the conservation of numerous endemic species at Ash Meadows. The USFWS currently holds 62 permitted and certificated water rights totaling about 19,389 acre-feet, making it the largest single water right holder in the Amargosa Desert basin, and in Nye County. The USFWS does not plan to file for new water rights but will likely continue to purchase rights to spring discharge at Ash Meadows as willing sellers come forward.

U.S. Forest Service - Historic water use by the USFS was not evaluated in the 2004 WRP. The agency holds 6,760 acre-feet of permitted and vested surface water rights in the County in widely spread locations for wildlife, fire control, recreation, and other purposes. No new water demands have been identified for the 1.9 million acres of USFS lands in Nye County.

4.3. FORECASTED FUTURE DEMAND 2010 THROUGH 2060

In this section, the forecasted water demand in Nye County through the year 2060 is presented and discussed. Given the forecast for significant population growth in the western region of the United States, and related potential for economic opportunities, it is assumed that population growth in Nye County will continue to increase gradually but steadily if economic factors remain favorable. Pahrump’s proximity to the Las Vegas Metropolitan area is assumed to continue to influence growth in southern Nye County, and the majority of Nye County’s population will continue to reside in the Pahrump Valley. Population growth in other Nye County communities is expected to be relatively stable, and largely urban/suburban in nature.

The process that was used in developing this forecast mirrors the method outlined in the Nevada State Water Plan for linking water forecasts with the socioeconomic forecasts, and used in the 2004 WRP. This process involved the following steps:

1. The population was projected using the 1999 State Water Plan projections, which extend to 2020, and applied a constant 1.5 percent annual growth rate through 2060. The selection of the 1.5 percent annual growth rate was based on census trends and projections, economic forecasts, and assumptions for each sector of the economy, as discussed in Chapter 2.
2. The population forecasts were multiplied by the per capita water use rates for public water supply systems and self-supplied domestic wells. Per capita water use rates for Nye County were taken from studies by the USGS, the Nye County Water District, the GWMP, and the Pahrump Master Plan Update and are consistent with those developed by Kuver (2016a). The results are presented in Table 4-5 and serve as the baseline domestic water demand forecast for Nye through the year 2060.

3. The water demand to serve future development and related development-induced population growth were estimated for the various modes of development discussed in Chapter 2. Direct and indirect employment values for each mode of development were taken from state reports, industry publications, federal environmental impact reports, and other published sources. The induced population for each development mode was calculated to determine the total development-related population over the baseline population projected in step 1.

4. The total population above baseline was multiplied by the per capita rates for commercial and industrial employment (from the 1999 State Water Plan) to project the total employment-induced water demand. The operational water demands were estimated from publicly available documents including reports by various State of Nevada and federal agencies (e.g., Nevada Bureau of Mines and Geology, Office of Economic Development, BLM, Bureau of Reclamation, U.S. Geological Survey). The results are presented in Tables 4-6a and b.

5. The water demands associated with the various modes of development were time-phased, that is, the various developments are assumed to occur over the course of the 50-year planning period, rather than simultaneously. Some modes of development are projected to occur more than once during the planning period (i.e. five renewable energy facilities, four new oil wells, etc.). The projected timing of each mode of development is based on judgement and is meant to be used only for planning purposes. The results are presented in Table 4-7.

6. The baseline demand was added to the time-phased demand for various modes of development to forecast the water demand in Nye County through the year 2060. The results are also presented in Table 4-7 and shown in the adjacent graph.

The forecast projects that by the year 2020, the total demand for water in Nye County will be at 112,000 acre-feet, or about 10 percent higher than the State Water Plan estimate of 102,000 acre-feet. In contrast, the 2004 WRP projected a total 2020 water demand of 166,000 acre-feet, nearly 62 percent higher than the State Water Plan projection. Differences in the forecasts result from using different assumptions about the economic future of Nye County, including different annual growth rates for population projections, and the expected modes and extent of development during the planning period. A comparison of the 2015 projection of 108,000 acre-feet to the State Engineer's 2013 reported groundwater pumpage of 105,000 acre-feet suggests that the results are reasonable. The basis for the assumptions that lead to the revised 2016 forecasts is discussed below for each sector of the economy.

Total Municipal and Industrial Water Use

In the absence of water use data, the State Water Plan (1999) projected that 13,000 acre-feet would be needed by 2020 to supply water for domestic, commercial, industrial, and thermoelectric uses while the 2004 WRP projected an estimated 33,000 acre-feet per year. By comparison, this 2016 update projects 16,500 acre-feet for those same uses. The differences result from (1) the variation in population projections used, and (2) the per capita rates for domestic self- and publicly-supplied categories, which have been revised downward based on data available since the 1999 Water Plan and 2004 WRP were issued.

Table 4-5. Projected Future Domestic Baseline Water Demand

| NDWP-Modified Population Forecasts Projected at 1.5% Growth Rate | | | | | | | All Other Uses Held Constant | | | Domestic Per Capita Rates (PCR) gallons per day (GPD) | Public Water Supply Systems ¹ 268.0 Domestic Well Self Supplied ² 184.0 |
|---|------------|--------------------------------|------------|-------------------------|------------|--------|---------------------------------|--------------|---------------------------|--|--|
| Domestic Use | | | | | | | Other | | Total | | |
| Population Projection | | | | Domestic Water Demand | | | All Other Uses (constant) | | Baseline Demand AFY | | |
| Year | Population | Population served by PCR | PCR GPD | Demand by PCR GPD | Total | | PU, C&I AFY | Other AFY | | | |
| | | | | | GPD | AFY | | | | | |
| 2010 | 41,185 | 17,079 | 268.0 | 4,577,172 | 9,012,676 | 10,095 | 4,400 | 88,800 | 103,295 | | |
| | | 24,106 | 184.0 | 4,435,504 | | | | | | | |
| 2015 | 45,471 | 19,898 | 268.0 | 5,332,664 | 10,038,096 | 11,244 | 4,400 | 88,800 | 104,444 | | |
| | | 25,573 | 184.0 | 4,705,432 | | | | | | | |
| 2020 | 48,684 | 22,443 | 268.0 | 6,014,724 | 10,843,068 | 12,146 | 4,400 | 88,800 | 105,346 | | |
| | | 26,241 | 184.0 | 4,828,344 | | | | | | | |
| 2025 | 52,446 | 25,384 | 268.0 | 6,802,912 | 11,782,320 | 13,198 | 4,400 | 88,800 | 106,398 | | |
| | | 27,062 | 184.0 | 4,979,408 | | | | | | | |
| 2030 | 56,500 | 28,646 | 268.0 | 7,677,128 | 12,802,448 | 14,341 | 4,400 | 88,800 | 107,541 | | |
| | | 27,855 | 184.0 | 5,125,320 | | | | | | | |
| 2035 | 60,866 | 32,259 | 268.0 | 8,645,412 | 13,909,100 | 15,580 | 4,400 | 88,800 | 108,780 | | |
| | | 28,607 | 184.0 | 5,263,688 | | | | | | | |
| 2040 | 65,570 | 36,260 | 268.0 | 9,717,680 | 15,110,720 | 16,926 | 4,400 | 88,800 | 110,126 | | |
| | | 29,310 | 184.0 | 5,393,040 | | | | | | | |
| 2045 | 70,638 | 40,687 | 268.0 | 10,904,116 | 16,415,100 | 18,387 | 4,400 | 88,800 | 111,587 | | |
| | | 29,951 | 184.0 | 5,510,984 | | | | | | | |
| 2050 | 76,097 | 45,582 | 268.0 | 12,215,976 | 17,830,736 | 19,973 | 4,400 | 88,800 | 113,173 | | |
| | | 30,515 | 184.0 | 5,614,760 | | | | | | | |
| 2055 | 81,978 | 50,990 | 268.0 | 13,665,320 | 19,367,112 | 21,694 | 4,400 | 88,800 | 114,894 | | |
| | | 30,988 | 184.0 | 5,701,792 | | | | | | | |
| 2060 | 88,314 | 56,963 | 268.0 | 15,266,084 | 21,034,668 | 23,562 | 4,400 | 88,800 | 116,762 | | |
| | | 31,351 | 184.0 | 5,768,584 | | | | | | | |
| Total Use | | | | | | | | | | 105,000 | |

¹ From the WSAI Report (GGI, 2013). Includes commercial and industrial services.

² Based on DWR's value of 0.5 afy per domestic well, and U.S. Census Bureau's value of 2.42 persons per household.

Assumptions:

A. Percentage of domestic use from public water supply systems was calculated to be 41.47% for 2010, and 43.76% for 2015 using NDEP Drinking Water Branch data (2010 and 2015). This 2.3% rate of increase observed between 2010 and 2015 is applied to each 5-year interval average pumpage beginning with 46.1% in 2020.

B. Commercial and Industrial uses are combined with Public Use for a total baseline value of 4,400 afy.

C. Other groundwater use is baselined at 88,800 afy: 21,000 afy for mining; 65,000 afy for agriculture; and 2,800 afy for federal uses at the NNSS, Ash Meadows, and NTTR.

Table 4-6a. Population Impacts of Various Modes of Development

| Mode of Development | Minimum Direct Employees | Maximum Direct Employees | Minimum Indirect Employees | Maximum Indirect Employees | Minimum Population Over Baseline | Maximum Population Over Baseline |
|--|--------------------------|--------------------------|----------------------------|----------------------------|----------------------------------|----------------------------------|
| Golf Resort | 50 | 75 | 37 | 55.5 | 224 | 337 |
| Federal Facilities and Lands | 40 | 600 | 30 | 444 | 181 | 2,694 |
| Agricultural expansion (2,600 acres) | 0.6 | 1 | 0.5 | 0.74 | 2.8 | 4.5 |
| Non-farming agribusiness | 50 | 75 | 37 | 55.5 | 224 | 337 |
| Renewable Energy Facilities (110 MW) (5) | 175 | 225 | 129.5 | 166.5 | 786 | 1,010 |
| Tourism growth (5% per year) | 500 | 750 | 370 | 555 | 2,245 | 3,367 |
| Stateline/I-11 related expansion | 250 | 300 | 185 | 222 | 1,122 | 1,347 |
| Oil wells (4) | 80 | 120 | 59.2 | 88.8 | 359 | 539 |
| New mine operation/expansion (2) | 1,000 | 1,500 | 740 | 1,110 | 4,489 | 6,734 |
| Marijuana Cultivation Facilities (20) | 1,000 | 1,500 | 740 | 1,110 | 4,489 | 6,734 |
| Four-year college (1) | 100 | 150 | 74 | 111 | 449 | 673 |
| Airport development | 15 | 20 | 11.1 | 14.8 | 67 | 90 |
| Other industrial development | 300 | 500 | 222 | 370 | 1,347 | 2,245 |

Per Capita Rates (gallons per day)
Commercial 82.4
Industrial 82.4

Population Over Baseline =
Direct + Indirect + Induced Population

Induced Population =
(Direct + Indirect) x 2.58

Table 4-6b. Projected Future Water Demand for Various Modes of Development

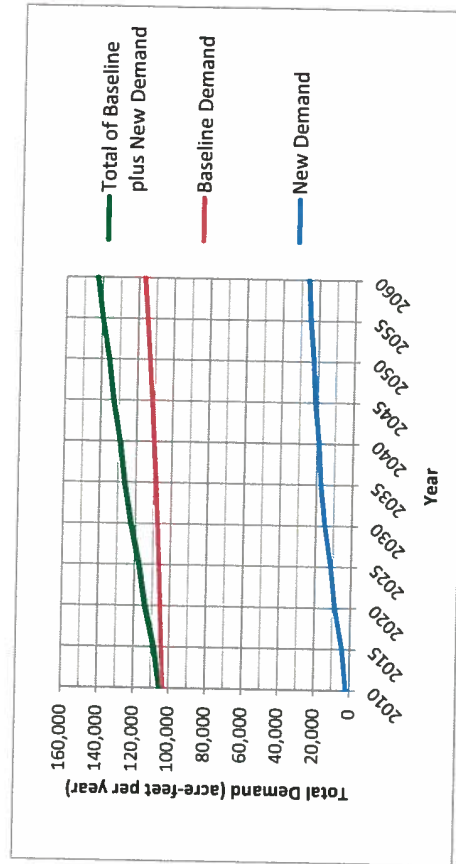
| Mode of Development | Employment Minimum | | Employment Maximum | | Non-Employment Water Use | | Total Minimum Water Demand Over Baseline | | Total Maximum Water Demand Over Baseline | |
|--|--------------------|-----|--------------------|-----|--------------------------|--------|--|--------|--|--------|
| | mgd | afy | mgd | afy | mgd | afy | mgd | afy | mgd | afy |
| Golf Resort | 0.02 | 21 | 0.02 | 31 | 1.07 | 1,200 | 1.09 | 1,221 | 1.09 | 1,231 |
| Federal Facilities and Lands | 0.01 | 17 | 0.22 | 249 | 0.31 | 350 | 0.32 | 367 | 0.53 | 599 |
| Agricultural expansion | 0.001 | 1 | 0.001 | 1.6 | 8.92 | 10,000 | 8.92 | 10,000 | 8.92 | 10,000 |
| Non-farming agribusiness | 0.02 | 21 | 0.03 | 31 | 4.02 | 4,500 | 0.02 | 21 | 0.03 | 31 |
| Renewable Energy Facilities (110 MW) (5) | 0.06 | 73 | 0.08 | 93 | 1.07 | 1,200 | 4.08 | 4,573 | 4.10 | 4,593 |
| Tourism growth (5% per year) | 0.18 | 207 | 0.28 | 311 | 1.07 | 1,200 | 0.18 | 207 | 0.28 | 311 |
| Stateline/I-11 related expansion | 0.09 | 104 | 0.11 | 124 | 1.07 | 1,200 | 1.16 | 1,304 | 1.18 | 1,324 |
| Oil wells (4) | 0.03 | 33 | 0.04 | 50 | 0.01 | 16 | 0.04 | 49 | 0.05 | 66 |
| New mine operation/expansion (2) | 0.37 | 414 | 0.55 | 622 | 2.68 | 3,000 | 3.05 | 3,414 | 3.23 | 3,622 |
| Marijuana Cultivation Facilities (20) | 0.37 | 414 | 0.55 | 622 | 0.36 | 400 | 0.73 | 814 | 0.91 | 1,022 |
| Four-year college (1) | 0.04 | 41 | 0.06 | 62 | 0.33 | 1,250 | 0.37 | 1,291 | 0.39 | 1,312 |
| Airport development | 0.01 | 6 | 0.01 | 8 | 0.89 | 1,000 | 0.90 | 1,006 | 0.90 | 1,008 |
| Other industrial development | 0.11 | 124 | 0.18 | 207 | 0.45 | 500 | 0.56 | 624 | 0.63 | 707 |

mgd = million gallons per day; afy = acre feet per year; MW = megawatt; Non-farming agribusiness = Agricultural related businesses e.g. equipment sales and service, fertilizer suppliers, etc.
Assumptions:

1. Golf course use assumes a rate of 4 acre-feet/acre from Lyman, 2012, plus 1 acre-foot/acre of effluent re-use for a total application rate of 5 acre-feet/acre used in the GWMP (2015).
2. Stateline area expansion assumes small casino and RV park similar to Longstreet Inn and similar Interstate Corridor Commercial development.
3. Water use at campus assumes 5 acre-feet/acre times 250 acres.
4. Projections assume agriculture will increase by 20 pivots, or about 10,000 acre-feet through 2060. Associated Employment Demand is lost in rounding error. Non-farming agribusiness is assumed to increase with development of marijuana cultivation and remain constant thereafter.
5. Induced population rate from Buquo and Baughman, 1999.
6. Deep oil well horizontal and directional hydrofracturing rate 2.5 to 3.5 AFY/well from DOI-BLM-NV-8000-2015-0001-EA.
7. Airport assumes commercial and industrial development at the Tonopah, Beatty, and Gabbs Airports. Of the forecasted total use of 1,008 AFY over the planning period, 672 AFY is allocated at Tonopah Airport, and 168 AFY each for Beatty and Gabbs Airports.

Table 4-7. Projected Maximum Future Water Demands - Baseline Plus New Development

| Year | Golf Resort afy | Federal Facilities afy | Ag afy | Ag-Bus afy | Renewable Energy afy | Tourism afy | Stateline and I-11 afy | Oil wells afy | Mining afy | Marijuana Cultivation afy | College afy | Airport afy | Other afy |
|------|--------------------|---------------------------|-----------|---------------|-------------------------|----------------|---------------------------|------------------|---------------|------------------------------|----------------|----------------|--------------|
| 2010 | | | | | | 157 | | | 1,811 | | | | |
| 2015 | | | 1,008 | 11 | 918 | 172 | | | 1,811 | 51 | | | |
| 2020 | 1,231 | 199 | 2,016 | 21 | 918 | 187 | 147 | 16.5 | 1,811 | 255 | 1,312 | 168 | 382 |
| 2025 | 1,231 | 299 | 3,024 | 25 | 1,836 | 202 | 294 | 16.5 | 1,811 | 510 | 1,312 | 336 | 382 |
| 2030 | 1,231 | 399 | 4,032 | 31 | 1,836 | 219 | 441 | 33 | 3,622 | 766 | 1,312 | 504 | 534 |
| 2035 | 1,231 | 499 | 5,040 | 31 | 2,754 | 233 | 588 | 33 | 3,622 | 1,022 | 1,312 | 672 | 534 |
| 2040 | 1,231 | 599 | 6,048 | 31 | 2,754 | 249 | 736 | 49.5 | 3,622 | 1,022 | 1,312 | 840 | 534 |
| 2045 | 1,231 | 599 | 7,056 | 31 | 3,672 | 264 | 883 | 49.5 | 3,622 | 1,022 | 1,312 | 1,008 | 707 |
| 2050 | 1,231 | 599 | 8,064 | 31 | 3,672 | 280 | 1,029 | 66 | 3,622 | 1,022 | 1,312 | 1,008 | 707 |
| 2055 | 1,231 | 599 | 9,072 | 31 | 4,593 | 295 | 1,177 | 66 | 3,622 | 1,022 | 1,312 | 1,008 | 707 |
| 2060 | 1,231 | 599 | 10,080 | 31 | 4,593 | 311 | 1,324 | 66 | 3,622 | 1,022 | 1,312 | 1,008 | 707 |



| Year | Baseline Demand afy | New Demand afy | Total Demand afy |
|------|------------------------|-------------------|---------------------|
| 2010 | 103,295 | 1,968 | 105,263 |
| 2015 | 104,444 | 4,353 | 108,797 |
| 2020 | 105,346 | 8,664 | 114,010 |
| 2025 | 106,398 | 11,279 | 117,677 |
| 2030 | 107,541 | 14,960 | 122,501 |
| 2035 | 108,780 | 17,571 | 126,351 |
| 2040 | 110,126 | 19,028 | 129,154 |
| 2045 | 111,587 | 21,457 | 133,044 |
| 2050 | 113,173 | 22,643 | 135,816 |
| 2055 | 114,894 | 24,735 | 139,629 |
| 2060 | 116,762 | 25,906 | 142,668 |

afy = acre-feet per year

Mining

Both the State Water Plan (1999) and the 2004 WRP projected mining water use to remain flat at 8,000 acre-feet per year through 2020. Review of historical records indicate that mining related water demand increased to 21,000 acre-feet per year by 2015, an increase of slightly more than 1,000 acre-feet per year. Mining has been, and continues to be, a volatile sector of the County's economy. Fluctuations in gold, silver, and other mineral prices create wide swings in employment and population. Nye County has considerable proven mineral reserves and resources for several metals and non-metal resources. Further exploration could identify new deposits not yet identified, and exploration is active. For the purposes of calculating water demand, this plan assumes that three new mining projects will occur over the foreseeable future. This includes the expansion of Round Mountain Gold that occurred in 2010. One of these projects will be offset by closure of one existing mining operation. The additional demand for water associated with the new mine is estimated at 1,811 acre-feet per year beginning in 2030. Because of the many unpredictable factors in forecasting the mineral industry, the use could be appreciably higher. However, as mining and milling use is typically temporary (five to 40 years), occurs in isolated locations, and is a preferred use under Nevada Water Law, it is assumed that water will be available to support the mining industry.

Oil and Gas

In 2015, the BLM offered over 250,000 acres of oil and gas leases in Nye County, the majority of which are located in the BLM's Battle Mountain District. The future water demand forecast assumes at least four new deep oil wells will be drilled and developed during the 50-year planning period. The water demand calculation assumes that directional and/or horizontal hydro-fracture stimulation will be necessary during well development.

Agriculture

While not as dramatic an increase as reported by the State Water Plan and the 2004 WRP, the 2016 projections suggest that growth in the agriculture sector will remain relatively flat in the near term, but will increase slightly over the 50-year planning period. Thus even if agricultural water use increases only slightly as use in other economic sectors increases, at the currently projected annual growth rate of 1.5 percent per year, agriculture will continue to account for at least 50 percent of all water use in Nye County through the year 2040.

Renewable Energy

Appendix A includes map data compiled by the Nevada Bureau of Mines and Geology that show geothermal resource potential in Nye County. Although BLM recently offered over 250,000 acres of geothermal lease parcels in Nye County in 2015, the DWR shows no pending applications for geothermal resource development. Thus, a future related water demand is not specifically considered, however, future water demand for other uses could accommodate future geothermal development, should it occur.

Appendix A includes map data compiled by the Nevada Bureau of Mines and Geology that show the areas of solar and wind energy potential in Nye County. The development and advancement of renewable energy technology was not foreseen in the State Water Plan or the 2004 WRP. Since 2007, several technological advances, and new federal mandates and policies, have given rise to the potential for large scale development of renewable energy power generation facilities. Several

technologies have been proposed, each facing different challenges. The solar tower boiler technology with molten salt storage has been successfully sited, constructed, and is now operating at the 110 MW Crescent Dunes facility north of Tonopah.

Water-cooled solar trough technology has had limited success in southern Nevada due to the high temperatures that must be overcome, and the scarcity of water supplies. Although hybrid cooling technologies could reduce water demand, no solar trough facilities have been successfully sited in Nye County. Water use is not a consideration in the implementation of photovoltaic technology due to its low water demand; one 15 MW photovoltaic Community Solar Project operated by the Valley Electric Association was completed in Pahrump in 2016. There are several potentially viable applications proposing various technologies pending on federal lands, and limited sites available for development on private land within the County. Based on these and the current planning horizon, the future water demand calculation assumes one additional 110 MW facility will be constructed every ten years over the period of the plan (i.e., a total of five facilities including Crescent Dunes).

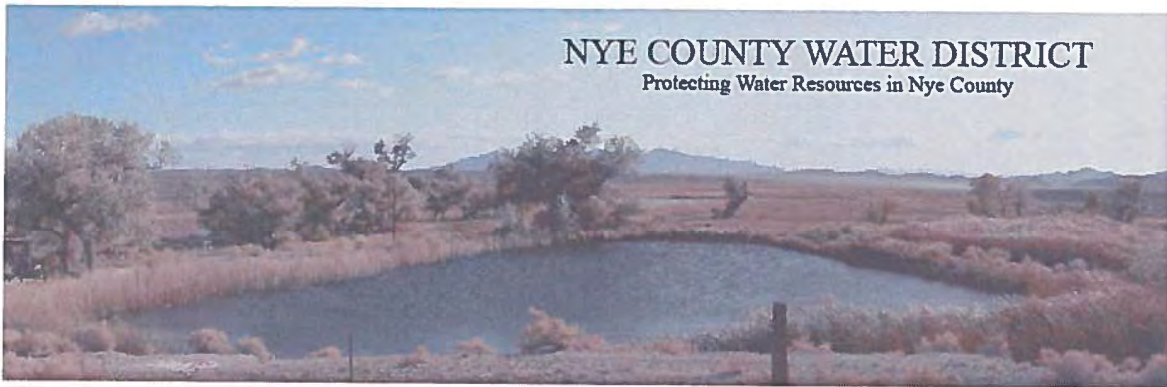
Federal Water Users

The State Water Plan did not distinguish federal water use from other sectors as is done in this plan. The 2004 WRP assumed that federal water use would remain constant at 17,000 acre-feet per year including the 12,600 acre-feet of spring discharge appropriated by the U.S. Fish and Wildlife Service to sustain the wildlife habitat at Ash Meadows, and about 3,400 acre-feet per year of water use at the NTTR and NNSS. In contrast, based on existing and expanding mission requirements and emerging federal land management policies, this plan assumes that water use by federal agencies will increase slightly during the 50-year planning period.

4.4. SUMMARY

Using the population projections developed in Chapter 2, and updated values for per capita water use, the baseline future water demand was calculated from 2010 through the year 2060. Historic economic trends, and current information on the status of land, land use applications, and actions pending in the Nye County Planning Department were used to estimate new future water demand by various modes of development during the 50-year planning period. The projected development was time phased, and added to the baseline use to project the total future water demand. As a result of the different economic conditions, and availability of additional data over a longer period of record, the total future demand projections in this plan are significantly lower than those projected by the 2004 WRP.

The projections of future water demand developed and presented in this chapter compare favorably with the most recent reported pumpage by the State Engineer (King, 2014). There is considerable uncertainty in the estimates presented in this plan. Water use estimates and future demand calculations must be reviewed and updated periodically to consider and address the unforeseen changes in economic conditions.



Nye County Water District

Chapter 5 – WATER MANAGEMENT AND PLANNING ISSUES

The potential for growth and development in Nye County over the next 50 years must take into account future changes that are beyond prediction. The economic collapse of 2008 demonstrates how unpredictable the future can be. All sectors of the Nye County economy are subject to changes in market conditions, policies, and technology that are decided and controlled on regional, national, and global levels. These factors could change the economic outlook, population, employment patterns, and water use forecasted in the County by the year 2060. Thus, there are numerous factors associated with planning, development, and management of the water resources that exist that are beyond Nye County's control.

The NCWD was created by Nevada Legislature in 2007 pursuant to Chapter 542 of the Nevada Revised Statutes under Selected Special and Local Acts. The Nye County Water District Act grants the District broad authorities with respect to all aspects of water management. The powers extend to the acquisition, storage, sale and distribution of water and water rights. The Water District maintains this authority through a wide range of powers, including the ability to sell, lease, purchase, construct, and operate lands, property, and water rights for any water related benefit. In order to carry out these powers, the District has the authority to hire employees, enter contracts, assume costs and expenses, levy taxes, and to sue and be sued.

In addition to administrative authorities, the District may enter upon any land for reasons pertaining to necessary improvements, surveys, maintenance, construction, supplementation, and delivery or storage of water. In cooperation with the State of Nevada, the federal government, and its agents, affiliates, and applicable laws, the Act ensures the district's power to conserve and reclaim water, appropriate or transfer water and water rights, import water, and restrict water usage in cases of emergency. The District may be funded or granted financial assistance to perform these functions.

Certain Water District actions require approval from a majority of the BoCC through conditions of the Act. Under these terms, the BoCC-appointed governing Board of the Water District is permitted to adopt ordinances, rules, regulations, and bylaws deemed fit for the management and operations of water for the District. With BoCC approval, the District may also exercise the power of eminent

domain, in or outside of the service area, to acquire property or water rights necessary to fulfill the powers of the District and its ability to provide adequate water service.

In summary, the Nye County Water District Act empowered the Water District to engage in the actions necessary to conduct the business of the Water District in serving the community of Nye County, and resolve the myriad of water resource issues facing Nye County. This chapter provides an overview of the laws and regulations that govern water development, use and protection, and the water supply and environmental issues that must be considered in developing a long-term resource management strategy for the County.

5.1. REGULATORY FRAMEWORK

While the water resources of Nye County occur within the boundaries of the County, the County itself has limited authority over the use of those resources. In this section the major state and federal laws that must be taken into consideration are briefly identified and discussed.

Nevada Water Law

Nevada Water Law governs the administration of the waters of the State of Nevada. The Nevada Department of Conservation and Natural Resources is the branch of State government responsible for management of water resources and the Division of Water Resources, directed by the Nevada State Engineer, is responsible for the allocation of the public waters of the State, administering the law. The State Engineer's actions and decisions are bound by the water law and the implementing regulations in the Nevada Administrative Code (Table 5-1).

Table 5-1 Nevada Water Law and implementing Regulations

| Nevada Revised Statutes Title 48—WATER | |
|--|---|
| Chapter 532 | State Engineer |
| Chapter 533 | Adjudication of Vested Water Rights; Appropriation of Public Waters |
| Chapter 534 | Underground Water and Wells |
| Chapter 534A | Geothermal Resources |
| Chapter 535 | Dams and Other Obstructions |
| Chapter 536 | Ditches, Canals, Flumes and Other Conduits |
| Chapter 537 | Navigable Waters |
| Chapter 538 | Interstate Waters, Compacts and Commissions |
| Chapter 539 | Irrigation Districts |
| Chapter 540 | Planning and Development of Water Resources |
| Chapter 540A | Regional Planning and Management |
| Chapter 541 | Water Conservancy Districts |
| Chapter 543 | Control of Floods |
| Chapter 544 | Modification of Weather |
| Nevada Administrative Code | |
| Chapter 532 | State Engineer |
| Chapter 533 | Adjudication of Vested Water Rights; Appropriation of Public Waters |
| Chapter 534 | Underground Water and Wells |
| Chapter 534A | Geothermal Resources |
| Chapter 535 | Dams and Other Obstructions |
| Chapter 538 | Colorado River Commission of Nevada |
| Chapter 548 | Conservation |

The support of the DWR staff and the Nevada State Engineer were instrumental in the update of the WRP. The DWR timely provided a great deal of the data and information presented in this plan. Informational briefings, presented and discussed with the State Engineer and his staff contributed to the update of the WRP.

The Division of Water Planning created by legislation in 1977, was incorporated into the Division of Water Resources in 2000 shortly after completion of the State Water Plan in 1999. The DWR remains responsible for water management and planning, conservation plans, planning assistance to local governments, and development of the State Water Plan.

It is the policy of Nye County to comply fully with Nevada Water Law and its implementing regulations, to encourage business and industry to comply fully with applicable regulations, and to foster a spirit of cooperation between the regulatory agencies and all of the stakeholders in Nye County. Nye County believes that sound long-term planning and management of the development and use of County's water resources is in the best interest of both the County and the State.

Federally Mandated Programs

The State Environmental Commission (SEC) an 11-member board acts as a quasi-judicial and quasi-legislative board for adoption and approval of federally mandated environmental programs and regulations. The SEC is responsible for developing water quality standards for specific water bodies within the State. The SEC also approves new or revised regulations related to Nevada's Water Pollution Control laws and regulations at NRS Chapter 445A and NAC 445A by acting on petitions proposed by the NDEP. Rulemakings may address new or revised environmental standards, adopt certain federal regulations, approve new permitting fees, incorporate federally required plans, and other functions necessary for the proper adoption, execution and implementation of federal and state laws and regulations.

Federal laws, regulations, and policies establish standards for clean water, controlling growth in flood plains, and protecting the environment. While each of these goals is beneficial and consistent with the long-term goals and values held by Nye County and its citizens, the immediate impact of the mandates is often limiting. Some of the provisions of these many levels of regulation impose requirements that are costly for the County or the towns within the County to implement, often at the cost of reducing or eliminating discretionary programs that benefit the citizens of the area.

Clean Water Act

The Clean Water Act is a federal law enacted to prevent pollution of surface waters. The Act was established to "restore the chemical, physical, and biological integrity of the nation's waters." It requires that states establish standards for surface water quality, provides federal funding for sewage treatment plants, and sets goals of zero toxic discharges to, and realization of "fishable" and "swimmable" surface waters. The Clean Water Act also mandates a regulatory system for reporting of hazardous spills to surface waters, as well as a wetlands preservation program.

The NDEP has been delegated limited authority to implement programs of the Clean Water Act. The enforceable provisions of the Clean Water Act, including permit programs for the National Pollution Discharge Elimination System and technology-based effluent standards for point sources of pollution, are retained and implemented by Environmental Protection Agency (EPA) Region IX.

NDEP enforces surface water quality standards, and also implements and enforces federally mandated programs for the management of non-point sources of pollution, ensures the use of best management practices, and offers construction grants through a program to build or upgrade sewage systems.

Additionally, the State of Nevada has adopted regulations for State programs to implement the provisions of the Clean Water Act and Nevada Water Pollution Control laws. Nevada's Water Pollution Control laws, contained in Chapter 445A of the Nevada Revised Statutes, establish several non-federal water pollution control programs. These programs, implemented by the NDEP, include programs for issuing Water Pollution Control Permits with zero-discharge performance standards, and State Ground Water Permits for infiltration basins, land application of treated effluents, large septic systems, and industrial facilities.

It is Nye County's policy to cooperate and comply fully with state and federal regulatory programs of the Clean Water Act and the Nevada Water Pollution Control Laws, to encourage business and industry to comply fully with applicable regulations, and to ensure that the County's surface water resources are clean and free from pollution. Additionally, the County supports the use of the State Environmental Commission's Handbook of Best Management Practices for all activities that have the potential to degrade surface waters.

Safe Drinking Water Act

The Safe Drinking Water Act is the primary federal law enacted to protect underground sources of drinking water from pollution, and to ensure the quality of drinking water delivered at the tap. The Act established a program for setting primary and secondary standards for drinking water, a permit program for waste and hydrocarbon injection wells, and mandated a program of wellhead protection practices. The Nevada Water Pollution Control Act authorizes the State Board of Health to promulgate standards for tap and bottled drinking water.

Authority to implement the various programs of the Safe Drinking Water Act has been granted by the EPA to the NDEP Safe Drinking Water Branch. The State Board of Health has promulgated standards for over 100 contaminants in drinking water, consistent with federal standards. NDEP implements permitting programs for public suppliers of tap and bottled water, which include routine sampling and monitoring of public water supplies to demonstrate compliance with drinking water standards. This includes implementation of EPA's more stringent standard for arsenic levels, which has caused compliance challenges for some of Nye County's small public water supply systems. NDEP also implements a permit program for domestic septic systems to ensure underground water supplies are adequately protected. Industrial wastewater treatment systems, and waste and enhanced mineral and hydrocarbon recovery injection wells, are permitted through the NDEP.

The Safe Drinking Water Act's wellhead protection program is implemented by NDEP, in cooperation with the partners of the Nye County Community Source Water Protection Team. Members include Nye County departments, the Water District, State agencies, Towns, utilities, and local water supply systems. In May 2012, Nye County Source Water Protection Team completed the Community Source Water Protection Plan for Public Water Supply Systems in Nye County, Nevada with funding and technical assistance from NDEP. Elements of the wellhead protection

program include delineating the wellhead protection area, identifying potential pollution sources within the wellhead protection area, defining constraints on siting of new wells, contingency planning and emergency response, and defining roles of state and local governments and water purveyors. The 2012 Plan combined and incorporated the numerous community wellhead protections plans developed and implemented between 2004 and 2009. Local governments support and participate in wellhead protection programs.

It is the policy of Nye County to cooperate and comply fully with state and federal regulatory programs of the Safe Drinking Water Act as implemented through the Nevada Water Pollution Control Laws. Nye County encourages business and industry to comply fully with applicable regulations, to ensure that the County's public drinking water supplies are clean and free from contamination.

Endangered Species Act

The purpose of the Endangered Species Act (ESA) is to ensure that any action, administrative or real, does not unduly jeopardize the continued existence of an endangered or threatened species, or cause the destruction or adverse modification of a critical habitat. With respect to the water resources of Nye County, the ESA provides protection not only to threatened or endangered species, but also to the water resources that support the habitat for these, and other sensitive species. There are a number of threatened and endangered bird species, and a fish species that has been relocated to protect it from extinction, as well as sensitive species and species of concern.

The ESA is administered by the USFWS. In Nye County, the USFWS administers permits on private land, and BLM requires implementation of USFWS mandated mitigation measures on public lands through terms and conditions imposed in land use authorizations. In addition to protections afforded by the ESA, the State of Nevada has a number of statutes administered by the Division of Wildlife that govern the protection of imperiled species. The State has a listing of sensitive plant and wildlife species that have been designated as State-protected species.

It is the policy of Nye County to work cooperatively with federal agencies to comply with the ESA, and all State laws and regulations governing wildlife. Nye County encourages all of its citizens, visitors, and businesses to comply fully with these laws and regulations.

5.2. WATER RESOURCE AND SUPPLY ISSUES

In Chapter 3, a number of key water supply issues were identified. These issues can be grouped as:

Issues related to growth:

- Managing areas of concentrated pumpage that are contributing to areas of localized water level declines in Pahrump and Amargosa, and related subsidence impacts in Pahrump;
- Over-allocation of Pahrump Basin and other basins, and the potential for a future shortfall of groundwater supplies;
- Over-allocation and potential over-allocation of groundwater rights in several Nye County basins and potential impacts;
- Potential for water exportation from Railroad Valley by the Southern Nevada Water Authority; and

- **Development of existing parcels in the Pahrump Basin would allow growth, requiring up to three to four times more water than the current perennial yield.**

Issues related to Water Quality:

- **Management of naturally occurring arsenic and fluoride in drinking water supplies in several Nye County communities;**
- **Management of areas with elevated levels of residual nitrates from naturally-occurring sources and historic land uses, and development of measures to protect basin water supplies in areas at risk for elevated nitrates; and**
- **Impairment of quality of groundwater resources on the Nevada National Security Site and the Central Nevada Test Area, and potential for off-site migration of radionuclides, primarily tritium.**

Land Use issues related to Federal Planning Initiatives:

- **Land use restrictions posed by the presence of threatened, endangered and special status species; and**
- **Emerging federal policies to further restrict water use for projects on public lands, and development on private lands.**

Effects of Drought and Climate on Water Supply Issues

Many of the water supply issues identified above are exacerbated by drought and climate-change related phenomena. Drought related impacts are expected to be felt more severely in the northern areas of the County where surface water resources are present. The agricultural operations that rely on surface water appropriations for irrigation will continue to require supplemental supplies from groundwater, resulting in an increased, but unpredictable demand on groundwater resources.

The impacts of drought and climate-related factors, although beyond human control, can be lessened through adoption of various measures and practices. Conservation measures have been adopted by utilities, public water systems, and other entities as required by the NRS, and various measures are in process County-wide as discussed at the end of this Chapter.

5.2.1 Growth-related Water Supply Issues

Pahrump Valley

The Pahrump Artesian Basin, home to Nye County's largest town, faces several water resources challenges now and in the near future. All of the challenges and the adverse effects of leaving them unaddressed, can be summarized as (1) areas of concentrated pumpage of the shallow aquifer as a result of the high density of domestic wells; (2) the over-allocation of water rights in the basin; and (3) approved future development in excess of the perennial yield. These issues are being addressed on several fronts by the Nye County BoCC, the NCWD, and the State Engineer who are all actively involved in addressing the elements of the problem for which they have authority. In this section, the water resource issues facing Pahrump are presented in light of projected growth and water demands developed in Chapter 4 for Nye County.

Most of the growth projected for Nye County over the next half-century is expected to occur in Pahrump Valley. Of the 88,000 County residents projected by the year 2060, about 73,000 are projected to reside in Pahrump. For the purposes of planning, it is assumed that agriculture and

parks will decline to a low of 2,000 acre-feet per year (GWMP, 2015). Using the per capita water demands calculated in Chapter 4, the total water demand in Pahrump by the year 2060 will probably be about 19,500 acre-feet per year for domestic/residential purposes. Assuming development of one new golf course, five hundred acres of public parks, a four-year college facility, continued expansion of the hospitality industry, growth in medical marijuana cultivation, and a new general aviation airport and related commercial development, total water use is projected to be about 22,750 acre-feet per year by the year 2060. While the projected use (Chapter 4) is around 30 percent greater than the reported 2014 usage of 15,550 acre-feet per year, it is only a few thousand acre-feet over the perennial yield. Based upon these estimates, the shortfall projected by the year 2060 may not be as great as previous estimates suggested in WSAI Report and the 2004 WRP.

The effects of groundwater overdraft in Pahrump Valley have already been well documented and include the lowering of static and pumping water levels, reductions or elimination of spring discharges, and subsidence. Between the mid 1940s and late 1960s, groundwater withdrawals from deeper gravel/aquifers in the basin increased from 10,000 acre-feet per year to a peak of 47,100 acre-feet in 1968. During this period, the static groundwater level declined as much as 100 feet in some portions of the basin and the flow of Manse Spring dropped from three cubic feet per second to less than one cubic foot per second. By the mid-1970s, discharge at Manse Springs was seasonal. In 1986, the U.S. Geological Survey published the first study of groundwater depletion in Pahrump Valley and developed a numerical model of the basin (Harrill, 1986). The results of this model indicated that continued pumping of the valley-fill aquifer at a rate of about 42,000 acre-feet per year for 65 years would result in additional water level declines of as much as 30 feet in the central portions of the basin to more than 50 feet along the base of the Pahrump and Manse alluvial fans, the alluvial fans along the western slopes of the Spring Mountains.



Photo 9. Typical domestic wellhead Photo credit: Tom Buqo, 2006

The Pahrump Master Plan Update approved in 2014 reduced the projected maximum population for the Pahrump Valley from over 500,000 people to around 330,000 people, assuming a 100 percent build-out of the approved land parcels and subdivision development agreements, and current zoning. This is between three and four times the population that can be supported by the basin's perennial yield. Thus, the a slow growth rate alone will not resolve a future water supply shortfall that will occur with a 100 percent build-out, unless growth control coupled with water conservation standards are adopted and implemented.

Since 2004, a number of scientific studies have contributed to better understanding of the water resources of the Pahrump basin:

- Development of a Groundwater Flow Model of Pahrump Basin, Nye County, Nevada and Inyo County, Nevada, by Lise Comartin, 2009 The Desert Research Institute;
- Administrative Groundwater Model for Pahrump Basin by Glorieta Geosciences, Inc., 2013;
- Nye County Water District Water Supply Appraisal Investigation Report by Glorieta Geosciences, 2013;
- Assessment of Selected Springs and Wells in the Pahrump Valley and Western Spring Mountains, Nye County, Nevada by Glorieta Geosciences, 2013;
- Hydrologic, Hydrostratigraphic, and Climate Assessment of the Pahrump Basin by J. F. Leising, 2015;
- Modeling Assessment of Pahrump Valley, Nevada by Rybarski, S., S. Rajagopal, G. Pohl, and K. Pohlmann, Desert Research Institute, 2016; and
- Estimated Effects of Water Level Declines in the Pahrump Valley on Water Well Longevity by John Klenke, 2017.

As a result of historic water withdrawals, groundwater levels have declined over a large portion of the valley. The hydrographs in Figure 5-1 show the history of water level declines and rises in Pahrump Valley for the period 1940 through 2015. This figure shows the long-term water level measurements taken by the U.S. Geological Survey at nine wells and supplemental water level data from the Division of Water Resources.

As can be seen from Figure 5-1, there are two basic trends in water levels in the basin, 1) on the fan, declining water levels until about 1980 followed by a rise in water levels over the last two decades, and 2) a general decline in water levels over much of the valley floor during the entire period of development. A reduction in pumping rates since peak withdrawals in 1969 and a number of wet years in the 1980s and 1990s have generally reversed the water level declines along the toe of the alluvial fan in the eastern part of the valley floor. In this area, the groundwater levels have risen by as much as 45 feet from their historic lows in the late 1970s and early 1980s.

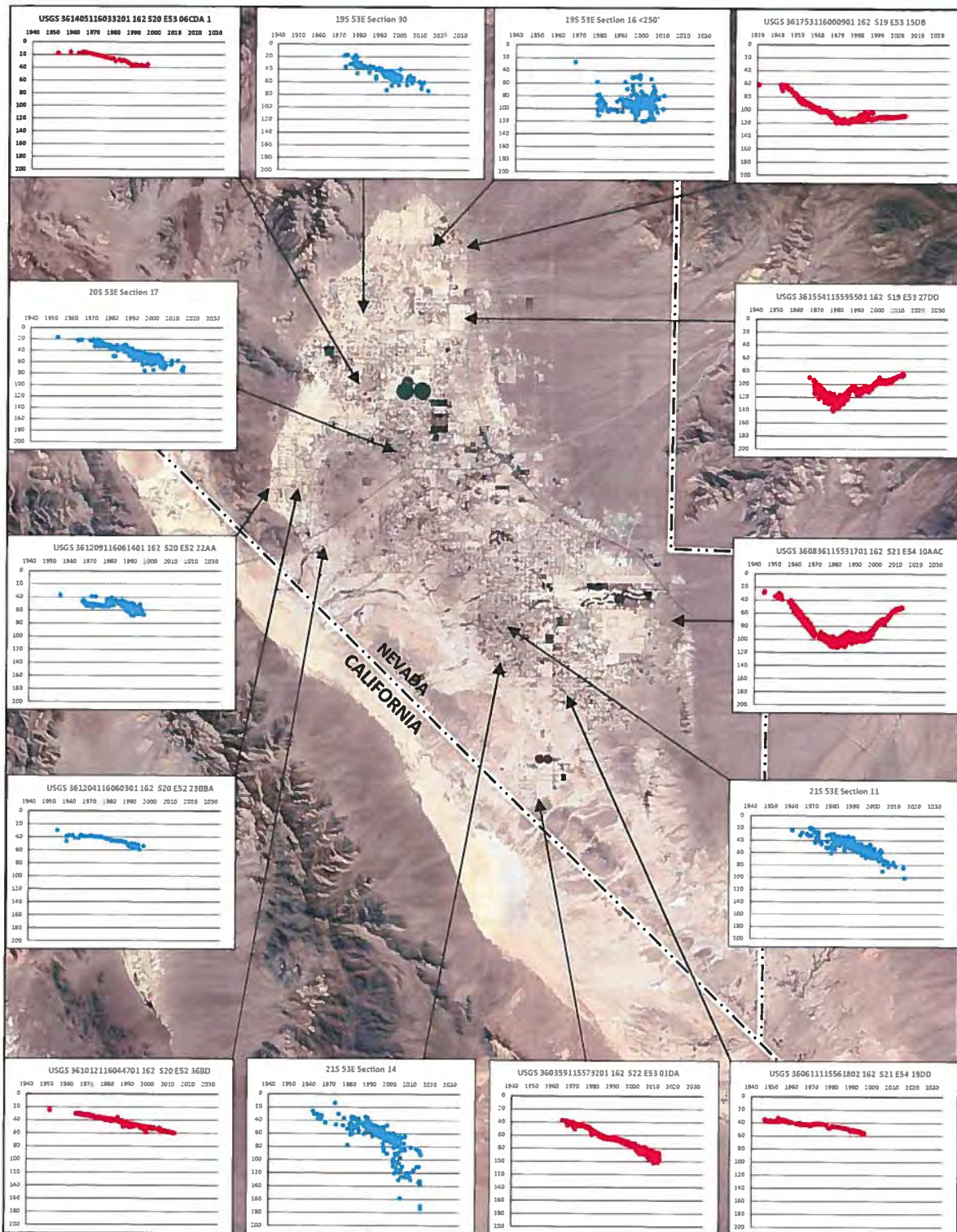


Figure 5-1. Long-term Water Level Trends in Pahrump Valley.

Notes: Charts shown for specific locations for USGS long-term water level monitoring wells (red).
 Charts shown for specific sections with high densities of water wells (blue).
 Depth to water in feet shown on Y axis on all graphs.
 X axis varies depending on period of record.
 Y axis varies depending on water level variation.
 Data from U.S. Geological Survey and Nevada Division of Water Resources.

Water levels have continued to decline, however, over the central, southern, and western lowland portions of the basin. The proliferation of domestic wells in some sections of the valley has resulted in faster water level declines in the shallow aquifer. Figure 5-2 shows the long-term water level trends in a six square mile area in the southern part of Pahrump where more than 900 wells have been drilled, along with projected water level trends through the year 2030. The majority of withdrawals occurred in the north-central and southern portions of the community. In general, the water levels in this area declined between 40 and 50 feet between 1960 and 2015. These data suggest that future wells will have to be drilled deeper, and thousands of primarily domestic wells will have to be deepened or replaced in some sections of southern Pahrump. Monitoring of water levels in high well density areas of Pahrump should continue to better define the rates of decline.

The Water Level Measurement Program (WLMP), originally established in 1999 to monitor water levels in basins in the vicinity of Yucca Mountain has been overseen by the NCWD since 2014. The WLMP collects water levels across the Pahrump Valley on a regular basis and maintains 17 years of measurements in a water level database. The WLMP program has been reporting water levels, and trends in the water table wells in Pahrump Valley for many years. The areas of water level decline in the Pahrump Valley have been defined using the WLMP water level data (Klenke, 2017).

Klenke (2017) used data and maps from the WLMP to examine the longevity of existing shallow wells, primarily domestic wells, in areas of measured and sustained water table declines. Water level data were used to create maps of the potentiometric surface and the rates of water level change (decline and rise). A total of 116 control points comprising 83 monitored wells and 33 springs were gridded to develop the current potentiometric map, or starting point, which corresponds to water levels normalized to July 7-15-2015 (Figure 5-3), and a map showing the distribution of rate of water level changes, including both declines and rises (Figure 5-4). The study considered the current rates of withdrawal and decline, and did not take into account anticipated increases in future demand. Using an assumption of linear rates of decline, Klenke constructed maps to depict the predicted potentiometric surfaces at 20 years (7-15-2035) and 50 years (7-15-2065) into the future.

Klenke's method produced four types of results 1); a cumulative frequency plot of "failing" wells versus time, 2); predicted potentiometric surfaces, 3); maps showing predicted well "failures" by section at 20 and 50 years in the future, and 4) maps showing predicted depths-to-water.

Four sets of predictions were developed by varying the height above bottom-of-screen, or *well submergence*, which is the distance above the bottom of the well screen where the declining water table elevation would cause the well to fail pumping. The 10-, 20-, 30- and 40- foot distances above the bottom-of-well screen elevation were used to simulate the range of likely well submergences that would exist at well failure. The cumulative frequency plot predicts the number of wells that will "fail" through time based on the distance of the water table above the screens or submergence. Klenke's plot shows predictions as a percentage of the total of 9774 wells used in this analysis (Figure 5-5). The range of submergences used in the 2017 analysis was 10-, 20-, 30-, and 40- feet, with standardized time frames of 20 years (in 2035) and 50 years (in 2065).

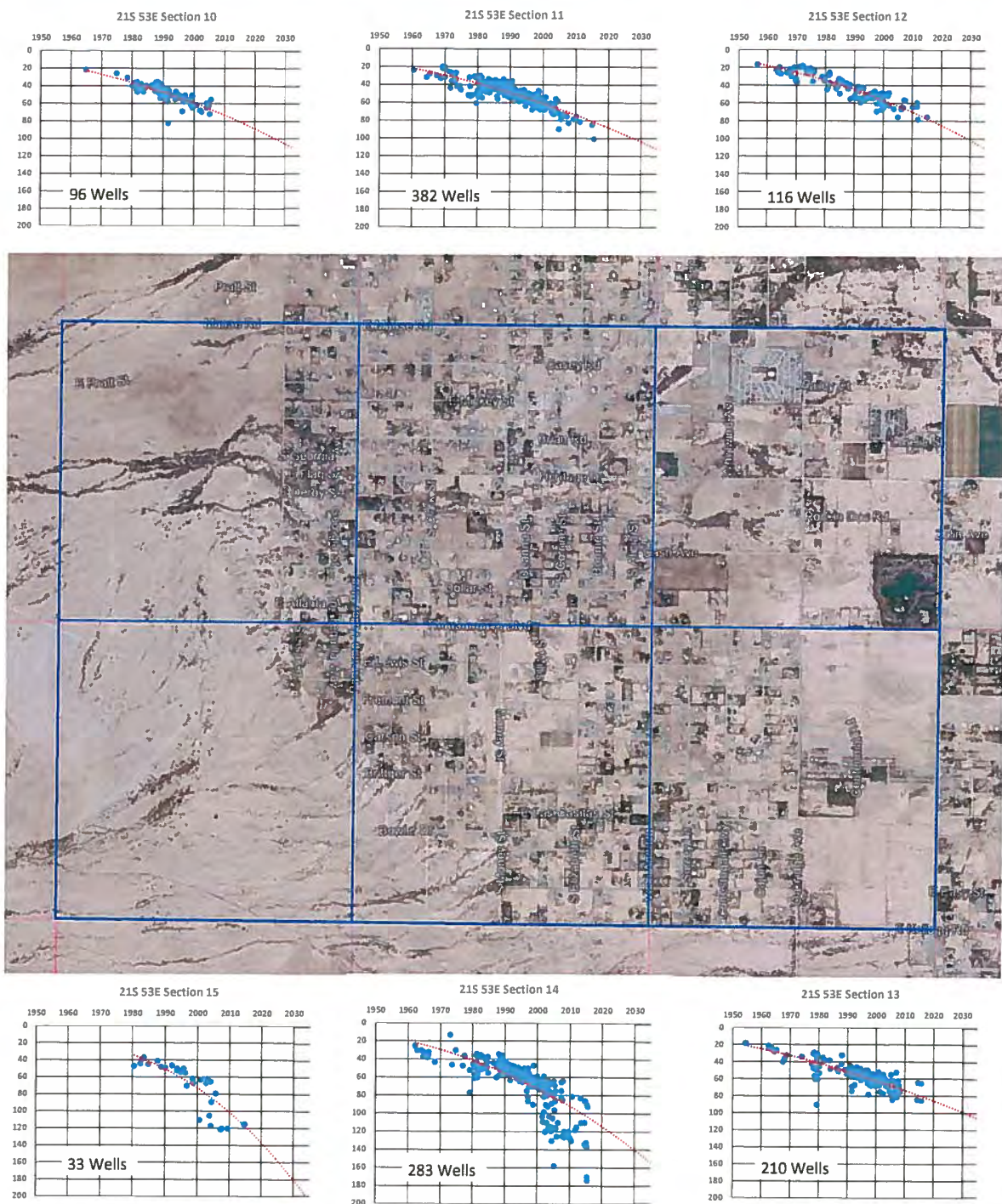


Figure 5-2. Long-term Water Levels for 1,120 Water Wells in six sections in Southern Pahrump.

Notes: Water level data is from the Nevada Division of Water Resources Well Log data base.
Water levels are those reported by the well driller at the time the well was completed.
Neither the Division of Water Resources nor Nye County attest to the validity of the data presented on these charts.
Dashed red lines are power function trendline projections of water level trends.

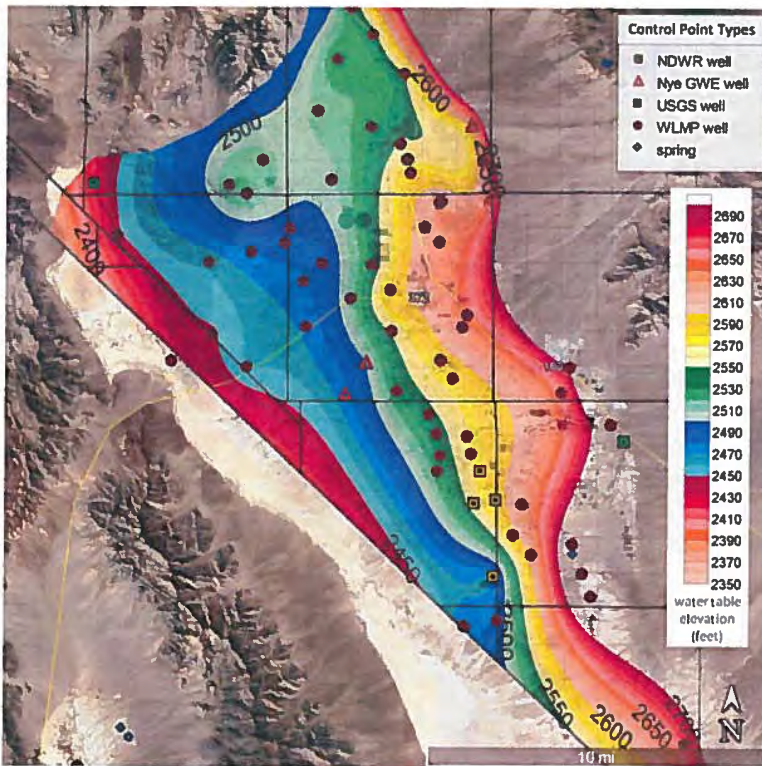


Figure 5-3. Potentiometric map showing water table elevations across the Pahrump Valley for the starting "current" potentiometric surface map (7-15-2015). Control point wells and springs used to create the potentiometric surface are shown. From Klenke 2017.

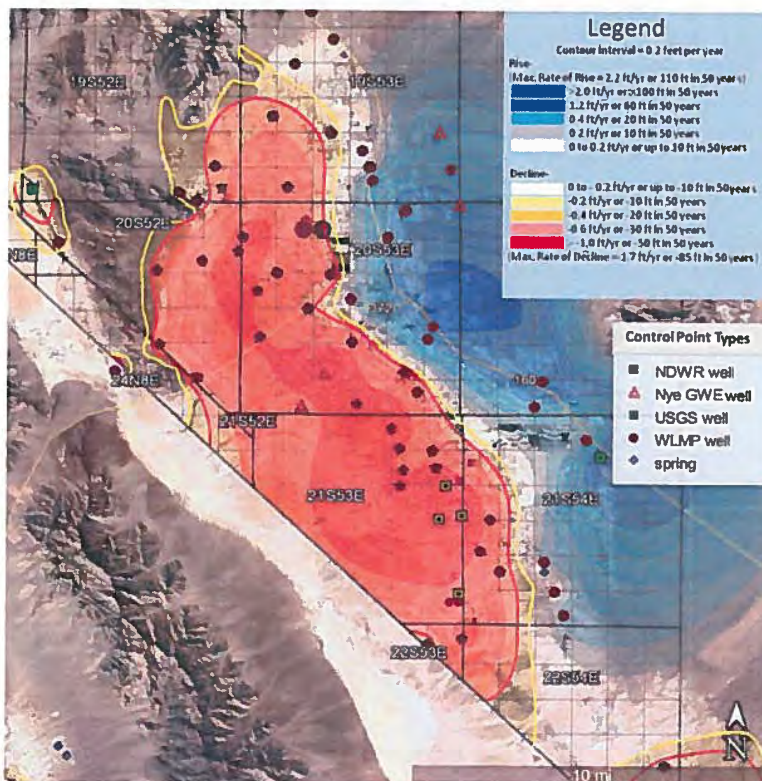


Figure 5-4. Contour map showing the areal distribution of predicted rates of water table elevation change. The area enclosed by the yellow polygon with an average rate of decline of ≥ 0.2 ft/yr is the Area of Appreciable Decline, and bounds the aerial extent analysis. The area enclosed by red polygon with a greater average rate of decline of ≥ 0.5 ft/yr is the Area of Rapid Decline. From Klenke, 2017.

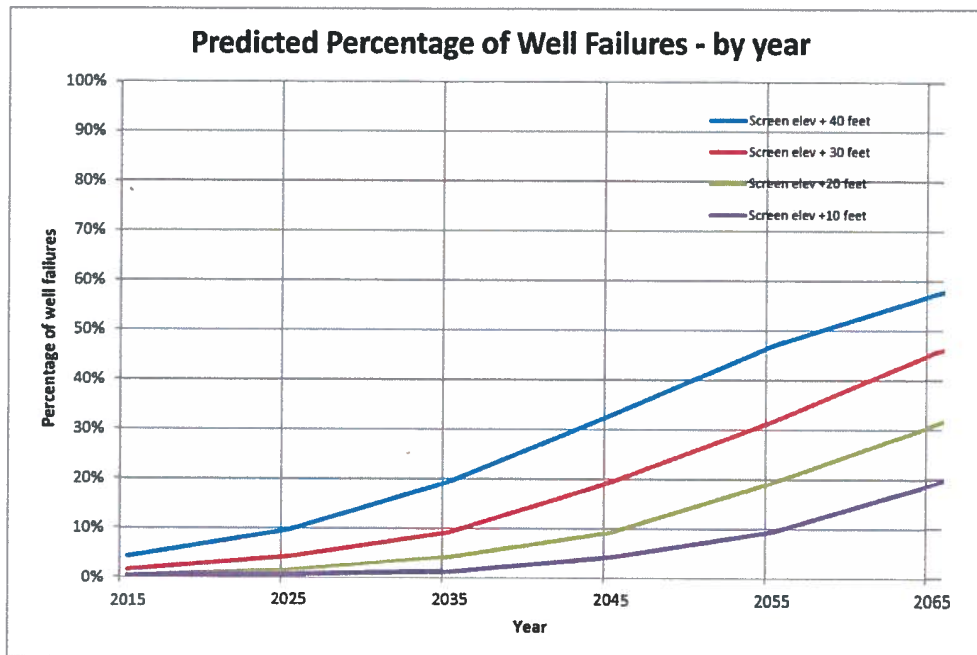


Figure 5-5. Cumulative frequency plot showing difference in percentage of predicted well failures of the 9,774 wells within the Area of Appreciable Decline over the next 50 years based on well submergence. The colored lines represent the four submergences of 10-, 20-, 30- and 40-feet above the bottom of well screen elevation considered.

The data and simulations were used to create maps showing the number of wells predicted to “fail” in each section at the 20-year and 50-year time projection. Figures 5-6 and 5-7 are Klenke’s (2017) maps of number of “failed” wells by section. The study predicted that 438 wells will “fail” by 2035, with the number of failed wells estimated to reach 3,085 by 2065.

The future consequences of continued localized over-pumpage of the shallow valley-fill aquifer will probably include increased pumping and well drilling costs as water levels in wells decline, and water quality degradation as minerals are concentrated. Perhaps, most importantly, subsidence of the land surface through the compaction of dewatered sediments will continue to occur. Harrill (1986) estimated that more than two feet of subsidence occurred between 1962 and 1975 over an area of about eight square miles, and more than one foot of subsidence had occurred over an area of more than 40 square miles. Continued pumping of the shallow aquifer by domestic wells continues to cause subsidence over areas of the valley. Problems associated with similar subsidence in the Las Vegas Valley and elsewhere have included damage to building foundations and slabs, fissuring, shearing of well casings, and extensive damage to roadbeds, and are discussed in the following section.

Population forecasts for Pahrump based on the 2014 Master Plan suggest that the demand for water will increase as the buildout of up to 8,500 parcels and over 19,000 approved subdivision lots occurs. If left unchecked, the currently observed rates of annual water level decline over a broad area of the basin, with time and increased pumping can be expected to accelerate. The Basin 162 Groundwater Management Plan details the issues and outlines a range of possible actions that could be taken to address over-allocation and help to bring the basin back into balance.

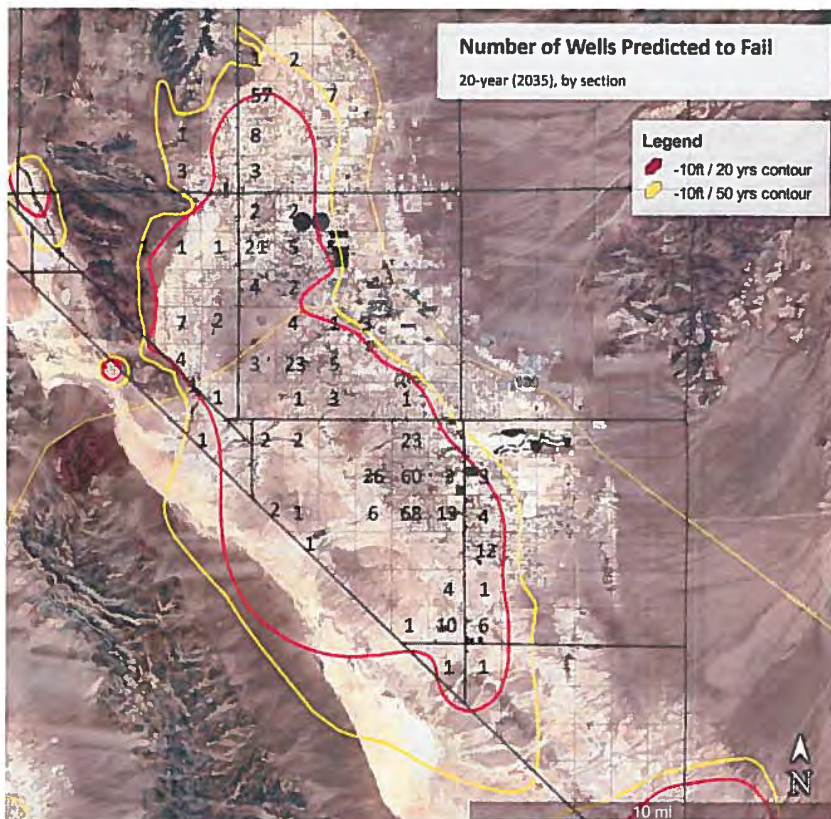


Figure 5-6. Locations of the 438 wells predicted to “fail” by 2035 using the 20 foot submergence alternative. The 10-foot decline contour for 20 years is shown in red, and for 50 years in yellow.

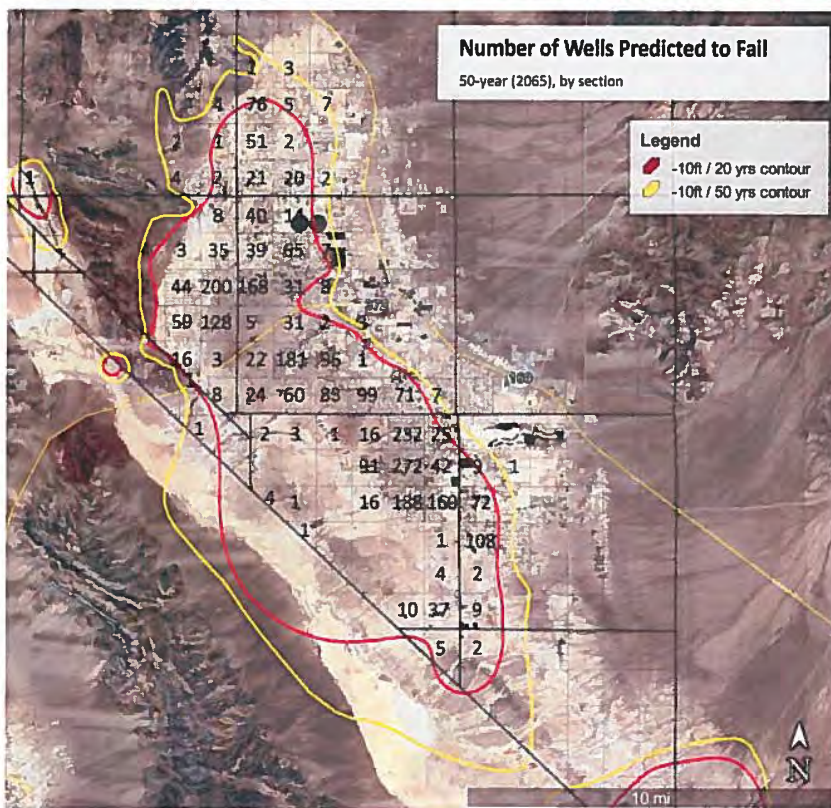


Figure 5-7. Locations of the 3,085 wells predicted to “fail” by 2065 using the 20 foot submergence alternative. The 10-foot decline contour for 20 years is shown in red, and for 50 years in yellow.

Subsidence

Land subsidence, fissuring and sink holes have been documented in the Pahrump Valley. The USGS found that aquifer-system compaction, hydro-compaction, and natural compaction are among the principal causes of subsidence (<http://water.usgs.gov/ogw/pubs/fs00165/>). Several studies have been undertaken by Nye County and others to investigate the cause or causes of subsidence in the valley, and to establish measures to mitigate the associated hazards. These measures include enacting codes to require adequate geotechnical characterization to ensure that construction in susceptible areas addresses and mitigates any geotechnical hazards.

Utley (2004) used satellite based radar imagery to evaluate subsidence in Pahrump Valley. By comparing radar images taken months or years apart, it is possible to identify areas where subsidence or uplift is active. Subsidence fringes were identified around a “bowl” in southern Pahrump. Subsidence features occur on the fringes of the bowl.

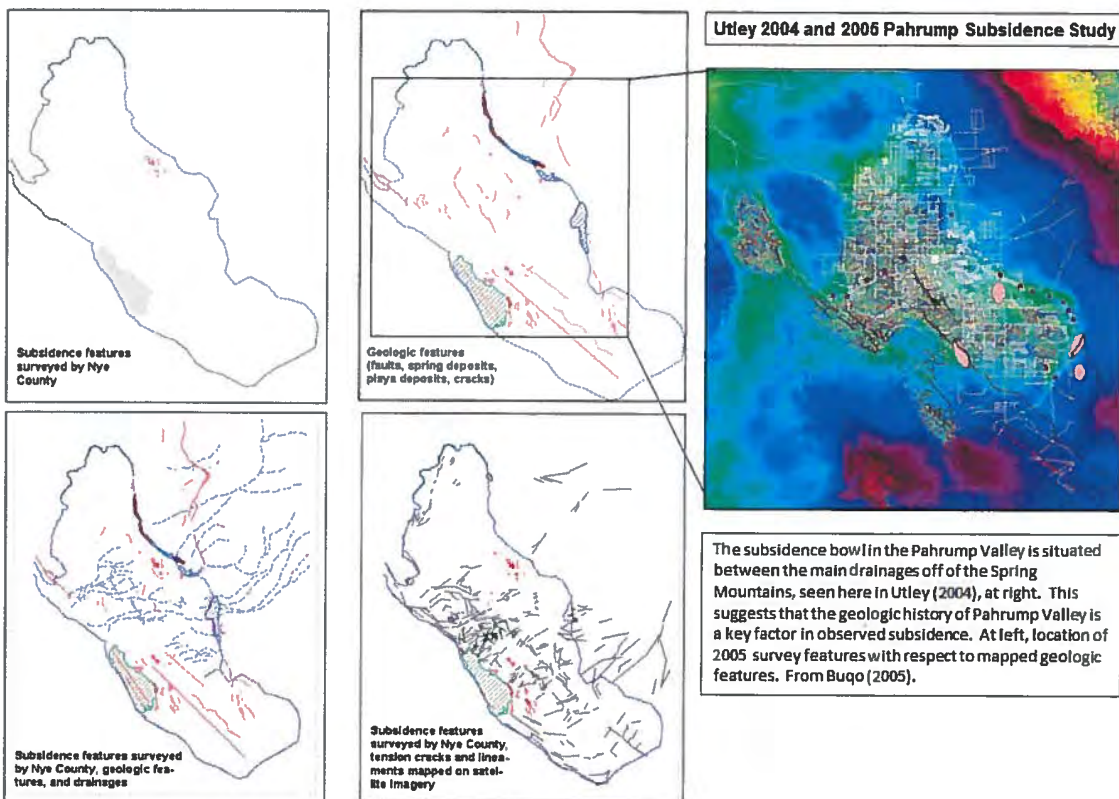


Figure 5-8 Overview of findings from Utley's 2004 and Buqo's 2005 Pahrump Subsidence Studies.

Nye County has conducted two subsidence studies. The first study conducted in 2005 by Buqo, County staff, and contractors (Buqo, 2005a) sought to better define the extent and nature of subsidence in Pahrump. The second study, done by Klenke and Howard (2013), expanded the areas of known subsidence in the Pahrump Valley through field reconnaissance. The study team surveyed the locations of subsidence features; evaluated available geologic information; evaluated water level information and water level declines; and considered possible causes of and factors

contributing to subsidence. Possible contributing factors considered included: Water table decline, hydro-collapsible soils, drainage, poor compaction, tectonic and geologic setting.

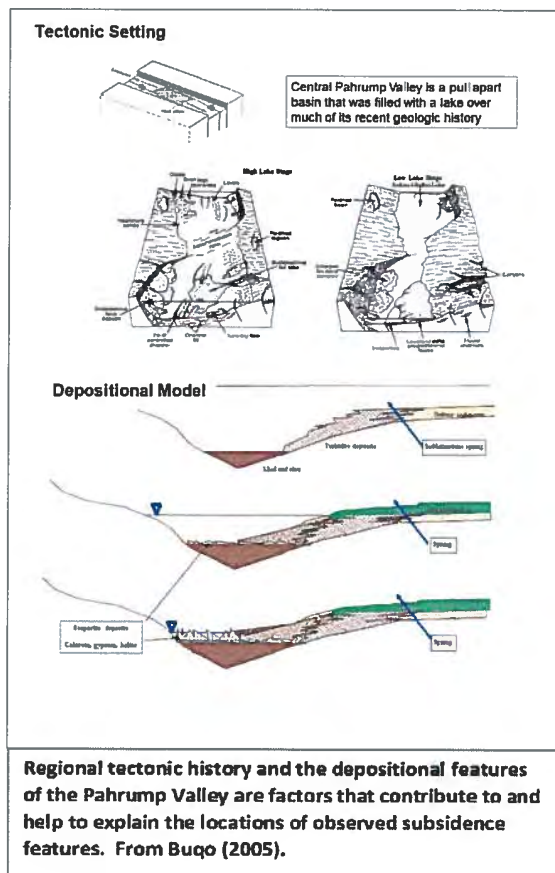


Figure 5-9: Tectonic and depositional influences on observed subsidence areas.

types (Nopah Loam, Haymont very fine sandy loam, Besherm clay loam); these soils comprise most of the soil types that occur in the Pahrump Valley, and some of the features identified as sinkholes and fissures, may in fact reflect localized soil properties (e.g., hydro-collapsible) rather than subsidence.

Field surveying with a research grade GPS was conducted in April and May 2005 in areas with known damage. Soil types were verified and features were photographed and classified. More than 200 features were mapped, including sinkholes up to 35 ft diameter. The study reviewed published geologic and soils maps, and literature on subsidence, collapsible soils, and the geology of Pahrump.

In evaluating the data, the authors classified geologic units, considered areas of water level decline, and other factors that could contribute to observed subsidence. Based on these assessments, they evaluated models for subsidence and delineated subsidence zones. They found that while subsidence occurs in areas underlain by one of three water-sensitive geologic units, the geologic

Both tectonic setting and geologic history of the Pahrump Valley are likely contributing factors to locations of subsidence. Located in a pull-apart basin, the valley was filled with a lake during much of its recent geologic history. These resulting lacustrine deposits included clays, muds, and evaporite deposits. The USGS has found in aquifer systems that include semi-consolidated silt and clay layers (aquitards) of sufficient aggregate thickness, long-term ground-water-level declines can result in a vast one-time release of “water of compaction” from compacting aquitards, which manifests itself as land subsidence. Groundwater declines can trigger other mechanisms that also contribute to subsidence including dissolution of certain lacustrine deposits, e.g., evaporites, which can result in dissolution, vertical fracture and increased surface water infiltration. These mechanisms can lead to piping, potholes, sinkholes, and other observed subsidence features.

Buqo (2005a) noted that soil types should be a significant contributing factor in the occurrence of subsidence. The 2013 study found evidence of subsidence in several soil

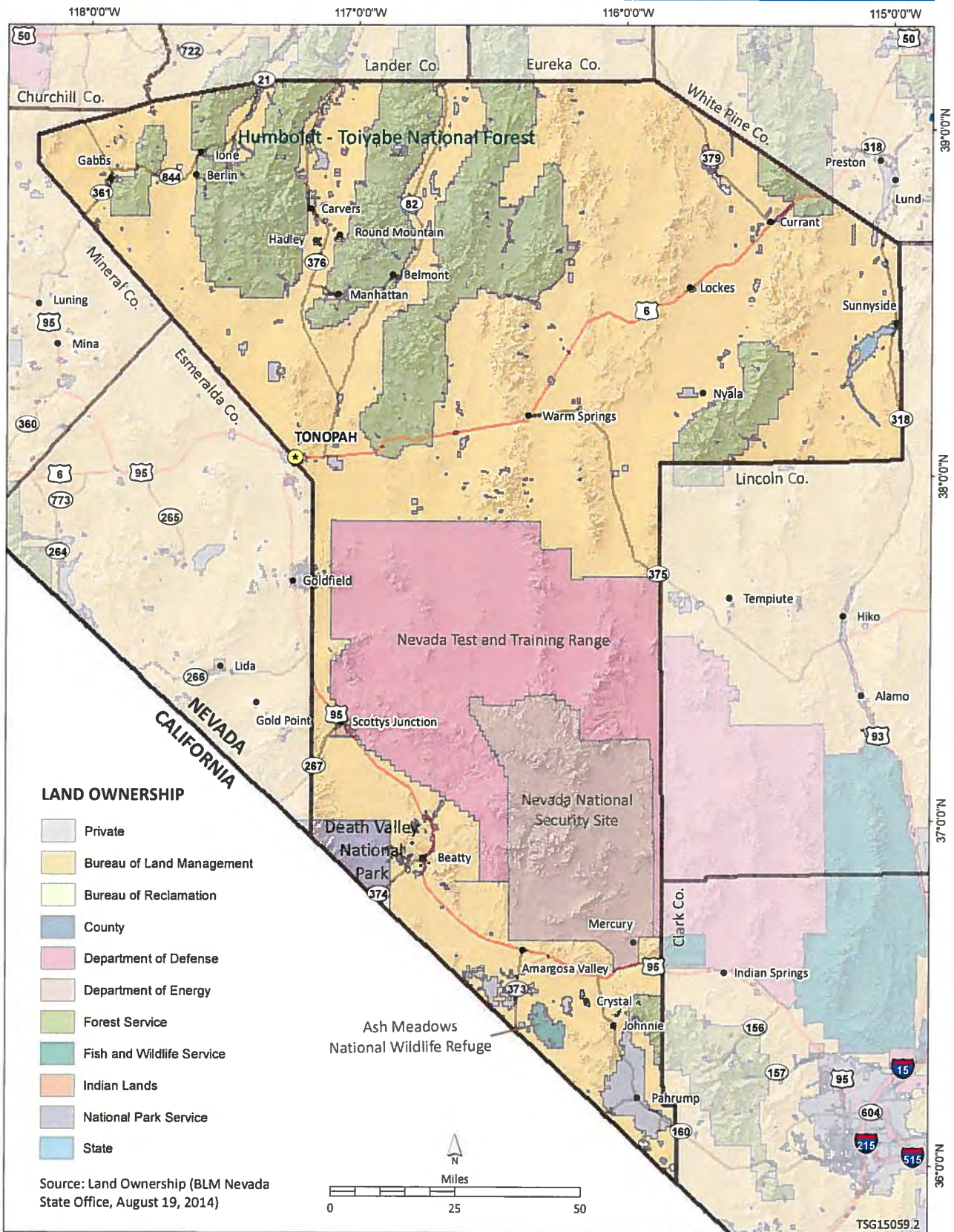


Figure 1-2. Nye County Land Status.

town, and local community water system operators continue to work with Nevada Division of Environmental Protection (NDEP) staff to address quality and treatment issues related to fluoride, nitrates, arsenic, and other naturally-occurring contaminants in many communities throughout Nye County.

Public Participation

As with the 2004 Nye County WRP, the preparation of the updated WRP included public review and input from throughout Nye County. Scoping included public review and discussion of the WRP underlying philosophy, goals and objectives by the Nye County BoCC to consider whether to re-affirm or revise those statements presented in the 2004 Nye County WRP. In April 2015, the BoCC re-affirmed these statements with minor changes. One-on-one consultation with members of the NCWD Governing Board members and staff provided information on water resources and related issues facing the County's towns, communities, General Improvement Districts, businesses, and local utilities. This input was used to develop this draft WRP, which was presented in public meetings in Amargosa Valley (April 13), Beatty (April 10), Gabbs (April 12), Pahrump (March 27), Tonopah (April 12), Railroad Valley-Currant (April 18), and Round Mountain-Hadley Subdivision (March 28). Comments received from the public are summarized in Appendix B.

1.5. RELATIONSHIP TO OTHER PLANS

The goals, objectives, conclusions, and recommendations of this updated WRP are consistent with those established in existing County plans and implemented through various ordinances and codes. The various County and community plans address different aspects of resource protection, land use and development, and are summarized in the following section. Each of these County plans has been considered and the pertinent portions included in this updated WRP, through direct incorporation or by reference.

County and Community Plans

The Community Source Water Protection (CSWP) Plan for Public Water Supply System (PWS) in Nye County, Nevada was prepared November 2012 by the Nye County CSWP Team and endorsed by the NDEP Bureau of Water Pollution Control (BWPC). The purpose of the Plan is to establish the framework for protecting community drinking water sources following the EPA's Integrated Source Water Protection Program, which promotes encouraging the support of local government and stakeholders. The CSWP Plan developed a congruence approach of culture, structure, people, work for developing strategies to prevent water supply contamination of 80 Public Water Supply systems in Nye County. The CSWP Plan also encourages public education for source water protection, and consolidates information presented in the County's six Wellhead Protection Plans (WHPP) for Nye County's communities.

Since establishing its county-wide Comprehensive Plan in 1994, Nye County has continued to advance its planning efforts. In response to federal planning efforts, Nye County updated its Comprehensive Plan in 2011 to strengthen and memorialize County policies regarding the increasing federal overreach of emerging policies and plans. The 2011 Nye County Comprehensive/Master Plan serves as Nye County's long-range plan relating to public lands and how best to work collaboratively with the federal and state land management agencies. This plan is intended to provide effective planning, communication, and coordination between Nye County and these agencies, taking advantage of the "consistency" language in Section 202(c)(9) of FLPMA.

Nye County updated its Comprehensive Economic Development Strategy (CEDS) in June 2012. The updated CEDS identified strengths, weaknesses, opportunities and threats to economic development in each Nye County community. Basin overdraft and other water resource and supply issues are considered in the community-by-community analysis. The CEDS update included meetings with varied interests from throughout Nye County, and with each of its six communities. The CEDS update process identified an extensive list of high-priority regional projects, programs, and activities and an implementation strategy to diversify each of the local community economies.

Nye County's communities have advanced their planning efforts significantly since 2004. In 1999, the Town of Pahrump's population exceeded 30,000. As required by NRS 278.220, the Pahrump Regional Planning Commission (PRPC) was established and promptly issued the first Pahrump Master Plan in 1999. In November 2003, in response to the rapid growth that was occurring in the Pahrump Valley, the PRPC issued a Master Plan update, which was adopted in 2004. The Pahrump Master Plan was again updated in May 2014 and reflected the conditions of relative stability, as well as slowed growth and development, following the economic downturn that began in 2008.

The Towns of Amargosa Valley and Beatty have also approved and implemented Area Plans. The BoCC, in concert with the Town of Amargosa Valley and lead by the Amargosa Valley Area Plan Committee, completed and adopted an Area Plan in November 2009. Similarly, the BoCC and the Town of Beatty working through its Beatty Area Plan Steering Committee completed and adopted the Town of Beatty Area Plan on May 12, 2014.

The Congressionally-mandated Geologic Repository for Spent Nuclear Fuel and High Level Radioactive Waste at Yucca Mountain spurred the planning effort for the Yucca Mountain Project Gateway Area Concept Plan. The Concept Plan was completed and accepted in 2007 by the Nye County BoCC to assist federal repository planners in developing safe site access, an industrial and business support hub to enhance operations, and a modern residential community to attract repository workers to Nye County. The Concept Plan was incorporated by reference into the Amargosa Valley Area Plan, which includes the Yucca Mountain Project Gateway Area. The Yucca Mountain Project was delayed by executive mandate in 2008 which eliminated federal funding. Congress is currently considering various paths forward, including restarting the Project's licensing process by the Nuclear Regulatory Commission.

State Water Plan

In 1999, the Nevada Division of Water Planning (NDWP) issued the Nevada State Water Plan (NDWP, 1999). The State Water Plan provided information on the water resources and their use in Nye County at the county-wide level but has not been updated since its release. Update of the State Water Plan to reflect the current issues would help local governments and communities to better address water supply related challenges. Nonetheless, it serves as a useful framework for much of the detailed information presented in this plan. The State Water Plan made a number of recommendations concerning water resource issues. Many of these issues remain relevant and are considered in the appropriate sections of this updated WRP. These State Water Plan recommendations are shown in Table 1-2.

Table 1-2. Nevada State Water Plan – Issues and Recommendations, 1999

| Category | Issues | Recommendations |
|--|--|---|
| Water Supply and Allocation | Water Conservation | Establish state Office of Conservation; revise plan requirements; formalize credits for conservation; technical assistance to farmers; fund demonstration projects; meter public supplies; increase reuse of water; start water measurement pilot program |
| | Integrated Water Management | Refine perennial yield estimates; increase recharge/recovery projects; increase multiple source use |
| | Interbasin and Intercounty Transfers | Recognize net value of transfers; ensure transfers are justified, environmentally sound, consistent with regional plans, and do not unduly limit growth; encourage mitigation plans; provide assistance to local government; additional research on water banking and water marketing |
| | Water Use Measurement & Estimation | Develop and fund a comprehensive water use measurement and estimation program |
| | Domestic Wells | Notify counties of impacts of parceling; inventory domestic wells; educate well owners; fund regional water supply and/or wastewater treatment where water quality is impaired |
| Water Quality | Non-point Source Pollution | Continue non-point source program |
| | Comprehensive Ground Water Protection and Management | Support state groundwater protection program; develop monitoring network; support evaluation of gasoline additives; expand regional water supplies where septic tank pollution is an issue |
| Resource Conservation and Recreational Uses | Maintenance of Recreational Values | Continued resource evaluation and planning; continue acquisition of water rights for recreational purposes; increase watershed and water recreation research and management |
| | Water for Wildlife and Environmental Purposes | Develop integrated plan for management; adopt policy encouraging acquisition of water rights for wildlife; establish incentive based restoration programs; establish working group of experts to study alternative water supplies for wildlife |
| Flood Management | Flood Management in Nevada | Develop modeling capability; develop plan to update flood maps; basin planning; review watershed management plans |
| Water Planning and Management | Watershed Planning and Management | Develop planning strategy; support local planning; continue basin plans; fund planning |
| | Water Resources Data Management | Develop GIS; establish water use, water level, and water quality monitoring networks; support research projects to update perennial yield estimates |
| | Water Planning Assistance to Local Governments | Enhance assistance to local governments; improve water use measurements and estimates; improve data management and sharing; enhance management and planning |
| | Water Education | Expand water education funding and staffing; increase program evaluation and coordination with water education activities |

Federal Resource Management Plans and Planning Documents

The federal agencies that have stewardship over the public lands in Nye County, prepare and implement a number of plans that must be considered in any water resources planning activities. As nearly 98 percent of Nye County's land base is under the stewardship of various federal agencies, the policies presented in these documents drive many of the issues, and are important in formulating the management recommendations and practices described later in this plan.

The National Environmental Policy Act (NEPA) encourages local government participation in the federal planning process. Nye County actively participates and coordinates with the federal agencies as a Cooperating Agency, whenever possible, in the preparation of federal plans including RMPs, LUPs and Environmental Impact Statements (EIS). While such efforts provide an excellent opportunity for coordination and a forum for discussing local perspectives and priorities, the input received from local government during the NEPA process rarely influences the agency's final decision.

In recent years, Federal land use policies have become more restrictive, moving away from the multiple use mandate of FLPMA to a preservation stance. This is evidenced by the number of new Wilderness Areas, Areas of Critical Environmental Concern, as well as the decline in non-federal land use authorizations to local governments and private interests. The policies and mandates contained in these documents that relate to and affect Nye County water resources are considered in this Nye County WRP update and are discussed in Chapters 5 and 6.

Several Federal planning efforts are in progress at the time of writing (2015-2017); however, until the plans are finalized and Decision Records are signed, the current approved plans remain in effect. Table 1-3 identifies federal planning initiatives that are in progress, and Table 1-4 summarizes the currently-approved federal plans that forms the basis for federal land use and management decisions.

Table 1-3. Federal Land Use Plans currently in progress

| Agency | Document Title | Date Initiated |
|--------|--|----------------|
| BLM | Battle Mountain District Notice of Intent (NOI) to prepare a RMP and associated EIS (suspended since 2014) | 2010 |
| BLM | Las Vegas and Pahrump Field Offices NOI, and Draft RMP and EIS | 2010 2014 |
| BLM | Carson City District NOI, and Draft RMP and EIS | 2012 2014 |
| USAF | Fallon Range Training Complex Requirements at Naval Air Station Fallon, Nevada NOI | 2016 |
| USFS | Humboldt National Forest Land and RMP Revision, suspended since May 2009 | 2009 |
| USFS | Toiyabe National Forest Land and RMP Revision, suspended since May 2009 | 2009 |

Table 1-4. Approved Federal Plans, Strategies, and Records of Decision

| Agency | Document Title | Approval Date |
|---------------------------------------|---|---------------|
| BLM and USFS | Nevada and Northeastern California Greater Sage-Grouse Approved LUP Amendment, Final EIS, and Record of Decision (ROD) | 2015 |
| USAF | Final EIS for Military Readiness Activities at Fallon Range Training Complex | 2015 |
| DOE/NNSA | Final Site-Wide EIS for the Continued Operation of the DOE/NNSA NNSS and Off-Site Locations in the State of Nevada, and ROD | 2013 2014 |
| USFWS | Near-Term Greater Sage-Grouse Conservation Action Plan | 2012 |
| USFWS | Revised Recovery Plan for the Mojave Population of the Desert Tortoise | 2011 |
| USAF | Final Integrated Natural RMP, Nellis Air Force Base/Creech Air Force Base/Nevada Test and Training Range | 2010 |
| USFWS | Desert National Wildlife Refuge Complex Final Comprehensive Conservation Plan and EIS | 2009 |
| BLM | Ely District Approved RMP and ROD | 2008 |
| DOE/NNSA | Final Supplemental EIS for a Geologic Repository for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain, Nye County, Nevada | 2008 |
| DOE/NNSA | Final Supplemental EIS for a Geologic Repository for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain, Nye County, Nevada – Nevada Rail Transportation Corridor and Final EIS for a Rail Alignment for the Construction and Operation of a Railroad in Nevada to a Geologic Repository at Yucca Mountain, Nye County, Nevada | 2008 |
| Western Association of USFWS Agencies | Greater Sage-Grouse Comprehensive Conservation Strategy | 2006 |
| BLM | National Sage-Grouse Habitat Conservation Strategy | 2004 |
| BLM | Nevada Test and Training Range Approved RMP and Final EIS and ROD | 2004 |
| BLM | Carson City Field Office Consolidated RMP | 2001 |
| NPS | Death Valley National Park Final EIS and ROD and General Management Plan | 2001 2002 |
| USAF | Final EIS for the Proposed Fallon Range Training Complex Requirements at Naval Air Station Fallon, Nevada and ROD | 2000 |
| BLM | Approved Las Vegas RMP and Final EIS and ROD | 1998 |
| USAF | Water Requirement Study of the Nellis Air Force Range | 1998 |
| DOE/NNSA | Nevada Test Site Resource Management Plan | 1998 |
| BLM | Tonopah Resource Management Plan and Record of Decision | 1997 |
| BLM | Shoshone-Eureka Approved RMP Amendment Final EIS and ROD | 1987 |
| USFS | Humboldt National Forest Land and RMP, and Amendments 1-10 | 1986 |
| USFS | Toiyabe National Forest Land and RMP, and Amendments 1-8 | 1986 |

1.6. CONCLUSIONS

Nye County has made great progress in addressing water supply issues since the 2004 Water Resources Plan was adopted. Many of the Plan's recommendations have been implemented, including creation of the NCWD by the Nevada Legislature in 2007. The NCWD, in concert with the BoCC, has undertaken review and action on a number of pressing items including the legal over-allocation of water rights and localized over-pumpage in certain basins. Public lands in Nye County, the move towards more restrictive Federal agency policies and land use plans continues to impact and influence the local and regional water resources and supply landscape. Nye County continues to be proactive in developing, and implementing water resources and goals and objectives into its County Plans, Ordinances, and Resolutions.



Photo 1. 1907 Montgomery-Shoshone Mill. Photo credit: Library of Congress Prints and Photographs Division (ID: pan.6a13899r)

CHAPTER 2 – SOCIOECONOMIC AND DEMOGRAPHIC ASSESSMENT

This chapter presents information on the historic, present, and projected future economy of Nye County, along with information on the population, growth trends, and demographics. As the future population of the County will determine the future demand for water, an understanding of past trends, current water use, and expected future conditions are important considerations in water resources planning.

2.1. SOCIOECONOMIC BACKGROUND

This section summarizes the social and economic factors that shaped Nye County, and provides an overview of the current socioeconomic conditions.

Nye County's Economic History

Nye County's economic prosperity has historically been tied to the fortunes of the mining industry, ranching and farming, and the government sector (most notably the U.S. Air Force (USAF) and the DOE). In its early history, the County's settlements were gold and silver boom towns such as Tonopah, Belmont, Manhattan, Beatty, Rhyolite, and other numerous mining camps. While some ore bodies have been mined out, exploration and new discoveries have ensured that mineral extraction remains an important sector of the Nye County economy with significant production of gold, silver, and magnesite, along with industrial minerals including clays, zeolites, cinders, and dimension stone. Nye County remains a leading gold producer in Nevada, behind Eureka and Elko counties. Tax revenue from production at Round Mountain Gold provides significant general fund revenue to Nye County. The Sierra Magnesite Mine in Gabbs is the only domestic source of magnesite ore. The mine has operated for more than 50 years, and operations are projected to continue well into the 50 year planning period. There were 195 mining-related operations in Nye County in 2014 (NBMG, 2015). Nye County continues to rank first in oil production in Nevada, accounting for approximately 87 percent of Nevada's total 2014 production of slightly more than 316,000 barrels (NBMG, 2015).

Ranching and farming have been important sectors of Nye County's economy since the Homestead Act of 1862 opened up western lands for development. By 1964, Nye County had about 46,000 acres of farmland, and by 1965 irrigated pasture and harvested cropland peaked at 47,270 acres. Since that time, irrigated agriculture has ranged between 24,000 and 34,000 acres in the County. In 2015, agriculture remained the single largest user of water in Nye County with 60 percent of the total water used in the County going towards irrigation. The Division of Water Resources data show that irrigation continues to be the largest user of water in Nye County, except in the Pahrump Valley

where municipal/quasi-municipal and domestic are the largest users. Figure 2-1 shows existing land uses that reflect Nye County's socioeconomic history.

Since the 1940s, Nye County has been the host to a number of important federal facilities including the Nevada National Security Site (NNSS) (previously known as the Nevada Test Site), the Tonopah Test Range, and portions of the Nevada Test and Training Range (NTTR). In addition to the Department of Defense (DOD)/DOE, Nye County also hosts several Department of Interior (DOI) lands including portions of Death Valley National Park, Ash Meadows National Wildlife Refuge, Railroad Valley Wildlife Management Area, and portions of the U.S. Department of Agriculture (USDA) Humboldt-Toiyabe National Forest. Three recognized Native American Tribes, the Yomba, Duckwater, and Timbisha, have reservation lands in Nye County.

Several new wilderness areas, and other protected land tracts have been designated by various laws enacted by the U.S. Congress and by the President. The Basin and Range National Monument was established in 2015 by Presidential Proclamation in portions of Nye and Lincoln Counties. Additional areas have been proposed for protection or special status through agency administrative actions (e.g., BLM areas of critical environmental concern, and USFS natural areas). Some of the recent laws expanded existing areas, such as the Ash Meadows National Wildlife Refuge; and others converted portions of previously established Wilderness Study Areas to Wilderness Areas. Figure 2-2 shows the federal facilities and special status lands in Nye County.

Private, state, and county-owned lands account for less than two percent of Nye County's total land area. The vast majority (approximately 98 percent) of Nye County lands are administered by various agencies of the federal government. There is limited economic benefit to Nye County associated with these federally managed lands.

Present Economic Conditions

Employment in Nye County has historically been driven by natural resources (e.g., mining and agriculture), leisure and hospitality, government employment, and professional and business services. Mining employed 2,052 persons in 2015 while agriculture employed 444 persons. Utilities, which includes contractor employment at federal facilities, has become an important sector in Nye County, rising from 632 to 1,600 employees. The Nye County 2012 CEDS (Table 4, page 21) provides a complete breakout of Nye County employment by sector. By community, Amargosa Valley's top employer is agriculture. Gabbs and Round Mountain's top employers are mining companies. Closure of some mines have shifted Beatty's top employer to the Leisure and Hospitality industry. The majority of Pahrump's top employers are Leisure, Hospitality and Trade related. Local government and education services make up Tonopah's top employers.

Nye County has aggressive programs to expand and diversify local economies. These programs are based on expectations of continued growth in the western region of the United States. Forecasts of the future population for western states prepared by the Census Bureau predict that the populations of Nevada and five bordering states will increase by almost 16 million people by 2025. While California will attract most of this growth (9 million), rapid growth is also projected for Nevada, with an increase of 1 million people.

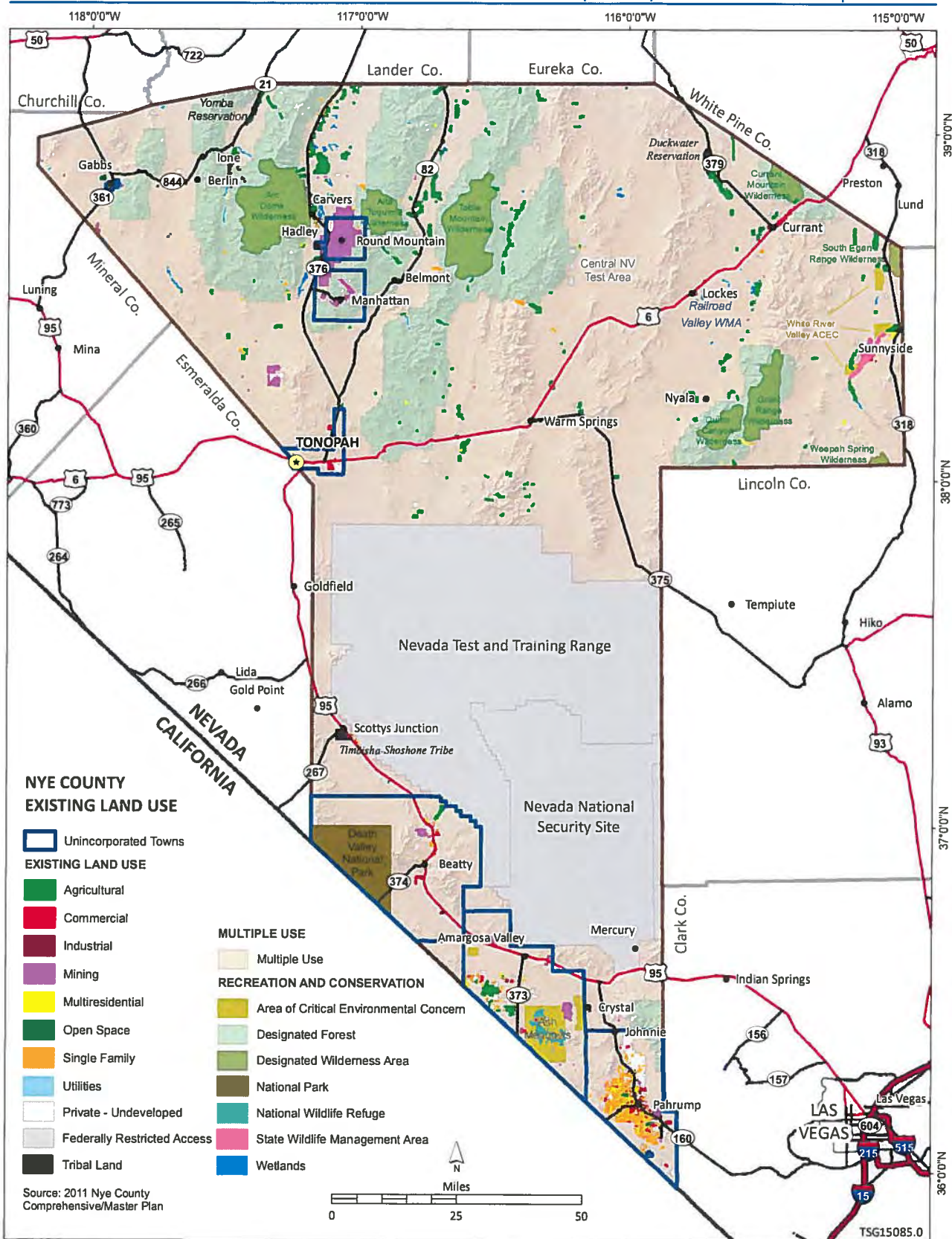
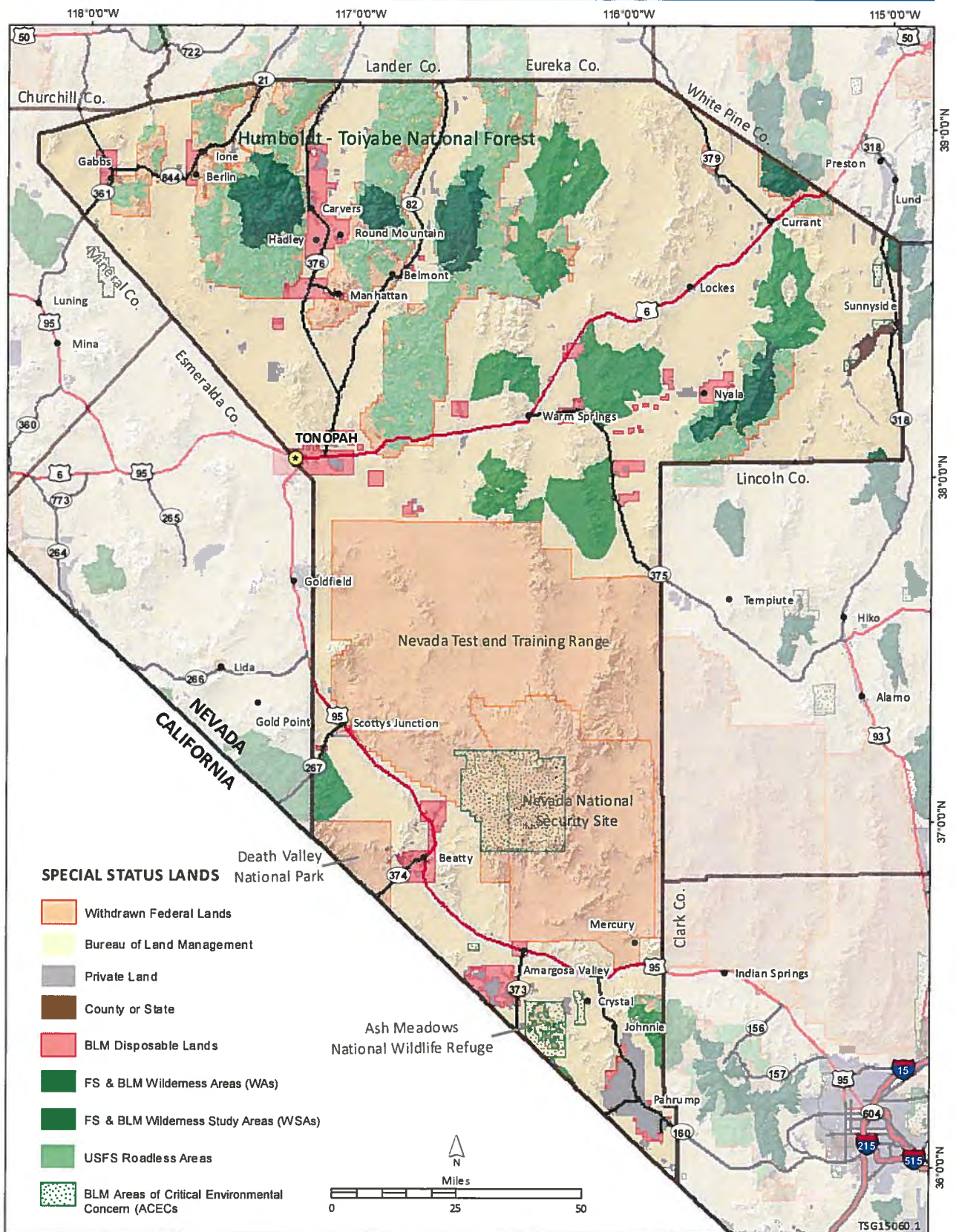


Figure 2-1. Existing Nye County Land Uses.



Beginning in 2009, interest in renewable energy development in many parts of Nevada increased dramatically. BLM received over 100 applications for renewable energy facilities on public lands in Nye County. The first wave of applications included facilities aimed at exploiting solar power using trough technology and wet cooling systems. Federal agency concerns about the water-intensive technology and proposed mitigation measures caused most applicants to opt out. Nye County also established leases for renewable energy developments at the Tonopah Airport. As with the majority of applications on public land, these projects have not materialized. Although there has been much interest and discussion of renewable energy development, after 10 years, only one facility has been constructed in Nye County.

The continued diversification of the County's economy, along with growth in existing sectors, will contribute to future water demand. Pending ready for action (RFAs) and/or ready for protest (RFPs) applications, as of August 2015 for groundwater, and April 2015 for surface water, totaled about 106,955 acre-feet per year (AFY) of mostly groundwater. These numbers suggest the following near-term trends.

Demand in the industrial sector is expected to rise gradually as new renewable energy power plants are approved, constructed and brought online. Although water demand for renewable energy facilities is highly variable depending upon the selected technology, new projects are not expected to have a large impact on groundwater resources. The Crescent Dunes facility, a 110 megawatt solar tower with molten salt storage located outside of Tonopah is completed and in the testing phase, and allocated approximately 900 acre-feet per year. Water demand for power generation (i.e., hydro-electric) is expected to remain at about 6,700 acre-feet per year since no additional surface water for power is available.

Agricultural water needs are not expected to change significantly in the future. Pending applications for irrigation totaled less than 10,000 acre-feet per year in April 2015. Agricultural water use is expected to remain near current levels in the short term, but will likely increase slightly as operations move from areas with a higher cost of doing business. Because federal land use policies are becoming more restrictive, agricultural growth will be limited to "wetter" northern basins. The Desert Land Entry applications, if perfected at the historic rate of about three percent, will add slightly to future water demand.

Commercial water demand is expected to rise slightly in the southern part of the County based on business licensing trends. Water demand to meet mining and milling needs is expected to remain at the current levels. Future water demand for quasi-municipal purposes is expected to increase as a result of pending applications by the Southern Nevada Water Authority. Federal water demand for wildlife, firefighting, and recreation are expected to increase in response to changes in federal resource management policy and continued drought conditions.

Nye County is projecting additional renewable energy industry projects, including solar energy, in Amargosa, Beatty, Pahrump, Round Mountain, and Tonopah. Expansion of the petroleum industry through additional oil and gas leases from the BLM in Railroad Valley are indicative of increase traditional energy supply production. New mining interests, continued operation, and expansion of established mines in the Round Mountain, Gabbs, Tonopah, Beatty, and Amargosa areas have supported direct and indirect development in those towns.

2.2. DEMOGRAPHICS

Nevada was the fastest growing state in the U.S. from 2000 to 2010. It is the only state that has maintained a growth rate of 25 percent or greater for the last three decades, and has been the fastest-growing state for five straight decades (Dept. of Census, 2011). Growth was explosive in southern Nye County until 2008, with most of the new residents settling in the community of Pahrump. The phenomenal growth of Pahrump established Nye County as one of the fastest growing counties in Nevada on a percentage basis. Nye County's northern and rural communities experienced relatively stable population numbers during this same period.

Population

In the late 2000s, both national and state population growth slowed as a result of the economic collapse and recession. By 2013, annual population growth rates were at their lowest nationally since the 1930s, at 0.072 percent. Nevada's population growth rate over the period of 2003 to 2008 held one of the highest rates in the country, reaching 3.0 percent annually. However, from 2008 to 2013, Nevada's annual population growth rate dropped to 1.0 percent. Domestic in-migration to Nevada also decreased significantly during this period. From 2003 to 2008, Nevada's domestic in-migration was recorded at 222,978 persons. The period from 2008 to 2013 was a stark contrast, at 3,257 persons migrating into the state. These numbers are once again rising; however, the return to the prior economic and demographic conditions is occurring more slowly than anticipated (Frey, 2014).

Table 2-1 presents the historical Nye County population figures and 2015 baseline values compiled from a number of sources, including the US Census Bureau, the Nevada State Demographer, the NDWP 1999 State Water Plan, and Nye County population counts. As can be seen from historic data (1900 to 2015), the County population has fluctuated greatly in response to economic conditions. Early demographics were affected by boom-bust mining cycles and later by federal defense and energy related projects and activities related to nuclear testing development of the stealth fighter, and the Yucca Mountain Repository Project. Recent growth from westward migrations caused a slow but steady increase through the 1990s that spiked with the national economic boom of the early 2000s.

Preliminary 2016 population projections by the Nevada State Demographer show Nevada and Nye County's population declining through 2020 and remaining flat until 2022 when it begins to increase slightly. These state projections are calculated with and without the effects of approved major projects (e.g., Tesla, Switch, and Faraday Future), none of which are located in Nye County. Nye County Planning Department population data, which are based on utility hook-ups and other local indicators, show a slow, steady increase in population, which is consistent with other recent demographic studies, but does not agree with the preliminary 2016 State Demographer projections, which are not presented.

The result of an increasing population in Nevada is an expected increase in the future water demand, and additional competition for water resources. This increased demand is not only expected to affect counties where the populations are increasing, but to affect all areas where water resources are presently or potentially available. Much like the 1980's when growth in southern Nevada prompted Las Vegas to seek water resources from distant basins in rural areas,

water-poor areas will continue to look to the wetter parts of Nevada to help to meet increasing demand.

Table 2-1. Historical Nye County Population Baseline as reported by various agencies.

| YEAR | US Census Data | State Demographer | NDWP 1998 | Nye County Planning |
|------|----------------|-------------------|-----------|---------------------|
| 1900 | 1,140 | | | |
| 1910 | 7,513 | | | |
| 1920 | 6,504 | | | |
| 1930 | 3,989 | | | |
| 1940 | 3,606 | | | |
| 1950 | 3,101 | | 3,101 | |
| 1955 | | 2,600 | 2,600 | |
| 1960 | 4,624 | 4,642 | 4,624 | |
| 1965 | | 5,453 | 5,453 | |
| 1970 | 5,599 | 5,459 | 5,459 | |
| 1975 | | 5,500 | 5,500 | |
| 1980 | 9,048 | 9,048 | 9,048 | |
| 1985 | | 14,570 | 14,570 | |
| 1990 | 17,781 | 18,190 | 18,190 | 18,190 |
| 1995 | | 23,050 | 23,050 | |
| 2000 | 32,485 | 32,978 | 30,417 | 39,495 |
| 2005 | | 37,289 | 34,988 | 46,800 |
| 2010 | 43,946 | 43,936 | 39,182 | 46,202 |
| 2015 | | 45,619 | 45,471 | 47,319 |

U.S. Census Data 1900 – 1990, Forstall, Washington, DC

Nevada State Demographer 2000 – 2015 ASRHO 2000-2033 projected

Table 2-2 shows population forecasts from 2010 through the year 2060 from modified projections from the NDWP 1999 State Water Plan, and Nye County Planning Department population estimates. State Water Plan Forecasts were modified by projecting growth rates forward in time from 2020 to 2060. Nye County population projections were calculated based on County population counts, which yield an average annual growth rate of 0.48 percent for the last five-year period. This growth rate results in substantially lower projections than earlier state forecasts, but they are likely to be exceeded as the economy improves.

Figure 2-3, modified from the 2013 Nye County Water Supply Appraisal Investigation (WSAI) Report, illustrates historical population trends through 2010, and forecasts population at the 1.5 percent growth rate. Although, the 2004 Nye County WRP applied a 3 percent annual growth rate that was not sustained during the economic downturn of 2008, the Census Bureau, continues to forecast regional growth rates in the Mountain states (including Nevada) at 3.7 percent, and nearly 3 percent for the Pacific states (including neighboring California). Of the various population projections, the NDWP Modified Forecasts with a 1.5 percent annual growth consistently tracks more closely to the observed population than those of other sources. Population projections for the water demands developed later in Chapter 4 use the NDWP-Modified Forecast at 1.5 percent annual growth.

Table 2-2. Population Forecasts for Nye County as published by various agencies.

| Year | NDWP-Modified Forecasts | | | Nye County Population/ Forecasts |
|------|--|--------------------|------------------|---|
| | 1% Annual Growth | 1.5% Annual Growth | 2% Annual Growth | 1.5% Annual Growth |
| 2010 | 41,185 | 41,185 | 41,185 | 46,202 |
| 2015 | 45,471 | 45,471 | 45,471 | 47,319 |
| 2020 | 48,684 | 48,684 | 48,684 | 50,976 |
| 2025 | 51,167 | 52,446 | 53,751 | 54,916 |
| 2030 | 53,777 | 56,500 | 59,346 | 59,160 |
| 2035 | 56,521 | 60,866 | 65,522 | 63,732 |
| 2040 | 59,404 | 65,570 | 72,342 | 68,657 |
| 2045 | 62,434 | 70,638 | 79,871 | 73,963 |
| 2050 | 65,619 | 76,097 | 88,184 | 79,680 |
| 2055 | 68,966 | 81,978 | 97,363 | 85,838 |
| 2060 | 72,484 | 88,314 | 107,496 | 92,471 |
| | 2010 to 2020 from NDWP (1999); 2025 to 2060 from WSAI Modified Forecasts (GGI, 2013) | | | 2020 and beyond based on constant 1.5% growth rate. |

Forecasting future growth and population in a rapidly changing region such as Southern Nevada is difficult and inexact. Any of a number of factors can have a significant effect on Nye County's population. Because water planning is based upon the best available estimates of future demographics and the magnitude and distribution of water demands, the projections and forecasts presented in this updated WRP should be periodically reviewed and modified to reflect evolving information and developments.

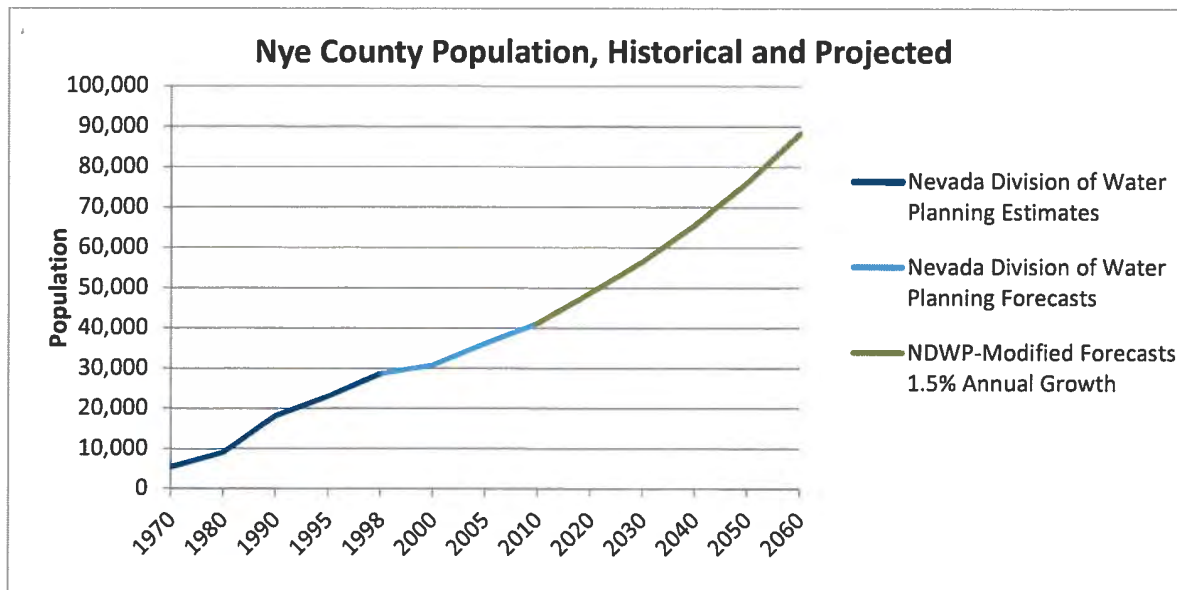


Figure 2-3. Graph showing Historical and Projected Population for Nye County.

Land Use

A “land-based” approach or build-out analysis for Pahrump and Amargosa Valley was presented in the 2004 Nye County WRP, and in the Pahrump Master Plan update to establish bounds on future water demand. Federal agencies, such as BLM, have also used it as a basis to evaluate future land disposal. The build-out approach to forecasting water demand identifies the maximum possible build-out of the existing and projected private land base and resultant water demand necessary to achieve and sustain it. It does not consider the time frame required to achieve full build-out, but does address whether full build can be achieved, when considering other constraints, including the availability of water resources. The purpose of a build-out analysis is to allow the community to test existing land use plans, zoning, and subdivision ordinances to estimate sustainable population once all developable land has been converted to the uses permitted under the approved regulatory framework.

The build-out analyses in Pahrump and Amargosa Valley were useful in establishing the maximum demands associated with the undeveloped residential land parcels, and commercial and industrial development. Results of these analyses spurred the adoption of planning ordinances that remove and mitigate the incidental creation of domestic well entitlements. Similar growth potential exists in the Town of Manhattan due to the large number of patented mining claims. Table 2-3 shows the inventory of vacant private parcels that could potentially be developed. Parcels greater than one acre are assumed to allow for a domestic well in the build-out analysis. This would represent the potential upper bound on domestic wells for the current number of parcels.

Table 2-3. Developable Parcels in Nye County.

| Private Land Uses in Nye County | | |
|---|------------------|---------------------|
| Community | Vacant Parcels | |
| | Less than 1 acre | Greater than 1 acre |
| Amargosa Valley/Crystal | 224 | 1,211 |
| Beatty/Beatty Water and Sanitation District | 122 | 145 |
| Gabbs | 29 | 16 |
| Pahrump | 21,955 | 8,508 |
| Manhattan | 82 | 0 |
| Round Mountain | 152 | 2 |
| Tonopah includes Tonopah Library District | 468 | 183 |
| Smoky Valley (Includes Belmont) | 78 | 204 |
| Other Rural | 2 | 152 |

Excludes patented mining claims. Data from Nye County Assessor's Office (August 2015)

As briefly discussed in Chapter 1, in order to better manage development related to the population growth in southern Nye County, the towns of Pahrump, Amargosa Valley, and Beatty prepared, approved, and implemented Master and Area Plans that establish the allowable land uses. Table 2-4 shows the approved land uses and their associated acreages as presented in these plans. Planning data collected since the 1990's show that the population of northern Nye County has remained relatively stable. As a result, these areas and communities have retained open land use and zoning.

Table 2-4. Designated Land Uses and associated acreage in approved County plans.

| Designated Land Use (Acres) | Community | | |
|--------------------------------|-----------------|--------|---------|
| | Amargosa Valley | Beatty | Pahrump |
| Agriculture | 6,587 | 1,220 | * |
| Commercial | 1,623 | 1,463 | 5,087 |
| Industrial | 5,167 | 3,821 | 2,269 |
| Municipal | 47 | 621 | 6,873** |
| Recreation | 40 | 820 | 534 |
| Residential Domestic | 11,675 | 1,641 | 79,451 |
| Residential Quasi-Municipal | 354 | 329 | |
| Total | 25,493 | 9,915 | 94,214 |

* Not designated

** Special Point of Diversion assumed to use Municipal Supply

From 2014 Pahrump Valley Master Plan, Amargosa Valley Area Plan, and Beatty Area Plan



Photo 2. Looking southwest across the Pahrump Valley, 2003. Photo credit: TerraSpectra Geomatics, 2003.

Development

Since the issuance of the 2004 WRP, Nye County has seen a variety of new development projects. Several of the projects identified in the 2004 plan were not completed due to the economic downturn that began shortly thereafter. Table 2-5 summarizes the projects by status: 1) previously identified in the 2004 WRP; 2) completed; 3) currently approved and/or under construction; and, 4) potential projects currently under discussion, but not yet in the formal planning process.

Table 2-5. 2004 WRP Development Project Summary by Status.

2004 WRP Development Summary

| | Type | Location | Basin | Description/No. of units | Status |
|---|----------------------------|---------------------------------------|-------------------------------------|--|---|
| Mountain Falls | residential/ commercial | South Pahrump | Pahrump Valley | 3,200 residential lots, golf course, and mixed commercial including gaming | Golf course completed. 1,276 lots sold to developers. 670 homes completed. 1,924 lots available. |
| Mayfield Ranch Estates | residential | North Pahrump | Pahrump Valley | 181 lots for manufactured homes | sporadic activity |
| Artesia at Hafen Ranch | residential | South Pahrump | Pahrump Valley | 898 lots | sporadic activity |
| Front Sight | commercial | Clark/Nye County line | Pahrump/ Sandy Valleys | shooting range | completed |
| Amargosa Valley Science and Technology Park | commercial, industrial | Amargosa Valley | Amargosa Desert | acres, individual | Awaiting BLM ROWs since 2009. No action. |
| Wal-Mart | commercial | North Pahrump | Pahrump Valley | 15 acres | cancelled |
| Torino Ranch | recreational | Lovell Canyon (Clark County) | Pahrump Valley | 30 cabins | completed |
| Desert Rock Sky Park | industrial | Nevada Test Site | Mercury Valley | 512 acres | stalled |
| Gate 510 Business Park | industrial | north of Lathrop | Jackass Flats | 6 mi ² | stalled |
| Smotrich Development | residential | Amargosa Valley | Amargosa Desert | 64 lots | approved/no activity |
| Desert Trails | residential | North Pahrump | Pahrump Valley | 1,246 lots | Intermittent activity, some land returned to agriculture |
| Timbisha Tribal Lands | residential/ commercial | Scotty's Junction | Sarcobatus Flat | 2,800 acres, 1 commercial/ residential, 375 AFY reserved authorized rights | started, 1 structure completed |
| Yucca Mountain Repository | industrial | north of Amargosa Valley | Jackass Flats and Crater Flat | waste disposal and support facilities | stalled |

Table 2-5 (continued) - Completed Projects

| | Type | Location | Basin | Description/No. of units | Status |
|---|-------------------------|------------------|--------------------------------|---|---|
| Snowden Commercial Bldg (Phase I) | commercial | Pahrump | Pahrump Valley | 10,000 sf on 1.3 acres (Utilities Inc of Central Nevada (UICN) water, onsite septic) | completed |
| Holiday Inn Express | commercial | Pahrump | Pahrump Valley | 103 room hotel on 1.6 acres (UICN) | completed |
| China Wok Buffet & Grill | commercial | Pahrump | Pahrump Valley | restaurant | completed |
| Tire Works Total Car Care | commercial | Pahrump | Pahrump Valley | retail | completed |
| O'Reilly Auto Parts | commercial | Pahrump | Pahrump Valley | retail | completed |
| Carl's Jr Restaurant | commercial | Pahrump | Pahrump Valley | restaurant | completed |
| Java Junkies | commercial | Pahrump | Pahrump Valley | coffee shop | completed |
| U.S. ICE Detention Facility | industrial, commercial | North Pahrump | Pahrump Valley | detention facility | completed |
| Dollar General | commercial | North Pahrump | Pahrump Valley | retail | completed |
| Home Depot | commercial | Pahrump | Pahrump Valley | retail | completed |
| Walmart (May 2003) | commercial | Pahrump | Pahrump Valley | retail shopping center | completed |
| Maverik Gas Station | commercial | South Pahrump | Pahrump Valley | gas station | completed |
| Saitta's Tomasino Restaurant | commercial | Pahrump | Pahrump Valley | restaurant [closed] | completed |
| Desert View Regional Hospital | commercial | Pahrump | Pahrump Valley | hospital/medical facilities | completed |
| Crescent Dunes Solar Facility | industrial | North of Tonopah | Big Smoky Valley Northern Part | renewable energy power generation | completed/testing/operational |
| Spring Mountain Motor Resort & Country Club | commercial, residential | Pahrump | Pahrump Valley | Use - over 40,000 sq ft of facilities including clubhouse, welcome center, classroom, training, and car facilities, engine shops, fitness facility, trackside garages and condos, freshwater lake, racquetball court, shooting range, up to 50 RV hookups, up to 100 residential lots, and over 6 miles of track. | completed, expansion areas under construction |

Table 2-5 (continued) - Approved/Under Construction Projects

| | Type | Location | Basin | Description/No. of units | Status |
|--------------------------------------|------------------------|-----------------|-----------------|---|---------|
| Nye County Fairgrounds | recreation | Pahrump | Pahrump Valley | 427 acres/ball fields | started |
| Wine Ridge Casitas | commercial | Pahrump | Pahrump Valley | transient lodging on a portion on 15.76 acres (UICN) | started |
| Snowden Commercial Bldg (Phase II) | commercial | Pahrump | Pahrump Valley | 10,000 sf building | started |
| Armstrong Phase II | commercial | Pahrump | Pahrump Valley | Two 4,900 sf buildings | started |
| Armstrong Phase III | commercial | Pahrump | Pahrump Valley | Two 4,900 sf buildings, commercial well, septic | started |
| Spring Mountain Aquatic Center | commercial | Pahrump | Pahrump Valley | 1,100 sf support building on a portion of 310 acres | started |
| VEA Expansion | commercial, industrial | Pahrump | Pahrump Valley | 33,374 sf building on a portion of 11.6 acres (UICN) | started |
| Morales Office Expansion | commercial | Pahrump | Pahrump Valley | 1,103 sf office addition on a portion of 1.25 acres (well/septic) | started |
| Bell Vista RV Park | recreation | Pahrump | Pahrump Valley | 52 space RV park (well/septic) | started |
| U.S. Ecology Expansion | industrial | Amargosa Valley | Amargosa Desert | 400 acre administrative facilities, waste disposal | started |
| VEA Solar | industrial | Pahrump | Pahrump Valley | solar photovoltaic on 80 acres no water usage | started |
| Advanced Rail Energy Storage Project | industrial | Pahrump | Pahrump Valley | Peak power generation/Storage | started |

Potential Projects

| | Type | Location | Basin | Description/No. of units | Status |
|-------------------------------------|--------------------|----------|----------------|--|----------|
| VA Clinic | medical clinic | Pahrump | Pahrump Valley | 14,650 sf on 2 acres (UICN) | proposed |
| Great Basin College | commercial | Pahrump | Pahrump Valley | Pahrump Valley Center campus on 285 acres | proposed |
| Jewish Temple | community | Pahrump | Pahrump Valley | use existing bldg on 0.5 acres (UICN) | proposed |
| Animal Shelter (2) | community | Pahrump | Pahrump Valley | 2 discrete projects | proposed |
| Creekside RV Park | recreation | Pahrump | Pahrump Valley | 61 space RV park on 4.26 acres | proposed |
| Kellogg Park | recreation | Pahrump | Pahrump Valley | development of a park | proposed |
| Belarus Solar Projects | industrial | Pahrump | Pahrump Valley | power generation, 3 units | proposed |
| Desert View Regional Medical Center | commercial | Pahrump | Pahrump Valley | expansion of existing medical center | proposed |
| Grandpa's BBQ | commercial | Pahrump | Pahrump Valley | restaurant | proposed |
| Memory Care Facility | residential | Pahrump | Pahrump Valley | assisted living facility | proposed |
| Manhattan Project | commercial | Pahrump | Pahrump Valley | 52,835 sf medical clinic/offices on 6.8 acres (UICN) | proposed |
| Tractor Supply Company | commercial, retail | Pahrump | Pahrump Valley | 20,000 sf retail on 4 acres (UICN) | proposed |
| Jack in the Box Restaurant | commercial | Pahrump | Pahrump Valley | restaurant, 2,862 sf on 1.08 acres (UICN) | proposed |

As of November 2015

Finally, there are a number of other unforeseen developments that may be expected to result from the continued expansion and diversification of the Nye County economy over the next 50 years. While not proposed or planned at this time, such developments could result in increases above the baseline population forecasts. The following reasonably foreseeable expected future development activities have been identified that may result in additional growth beyond that currently included in the County baseline population forecast:

- Development of a four-year educational institution in Nye County
- Development or expansion of one or more large mining projects
- Increased air service and industrial/commercial development of Tonopah, Beatty and Gabbs airports
- Additional renewable energy facilities
- Expansion of hotel-casino operations at the Nevada/California border and commercial development along future I-11 corridor
- Increased tourist visitation to Nye County
- Increased NNSA activities at the Nevada National Security Site
- Increased U.S. Air Force activities at the Nevada Test and Training Range Tonopah Test Range
- Development of up to 20 Marijuana Cultivation Facilities
- Development of one or more additional oil fields
- Increased semi-retired and retired persons locating in Nye County
- Expanded air service at Tonopah, Beatty, Gabbs
- UAV testing
- I-11 Construction
- Other industrial development

2.3. SUMMARY

The socioeconomic background presented in Chapter 2 provided an overview of Nye County's economic history and present economic conditions. This socioeconomic information, along with the demographic data including: (1) population baselines, forecasts, and trends; (2) master and area plan's designated land uses; and (3) an overview of historic, completed, in-process, proposed, and expected future development, form the basis for current and future water demands developed later in Chapter 4.



Photo 3. Longstreet Spring cabin. Photo credit: US Fish and Wildlife Service, 2008.

Chapter 3 – WATER RESOURCE ASSESSMENTS AND ISSUES

This chapter contains a summary of the surface water and groundwater resources of Nye County and projected water demands and trends. The summary provides information on the sources, quantity, and quality of those resources, the committed and pending water rights and the sociopolitical and geographic issues, and constraints associated with the management and use of the water resources of the County.

3.1. TOPOGRAPHY

The general topographic expression of Nye County is shown in Figure 3-1. The topography is typical of the Great Basin physiographic province and is characterized by a number of generally north-south trending mountain ranges separated by broad valleys. Total relief in the basin is more than 9,000 feet, ranging from 11,949 feet above mean sea level at Mt. Jefferson in the Toquima Range to less than 2,300 feet in the lowland portions of Amargosa Valley.

3.2. LAND STATUS

Nye County's land mass comprises nearly 98 percent federal land, and is approximately two percent private land. Thus, land status is a very important consideration when assessing the availability of water resources, and the potential issues associated with acquiring water rights, and accessing, developing, and delivering those water resources to Nye County's populations.

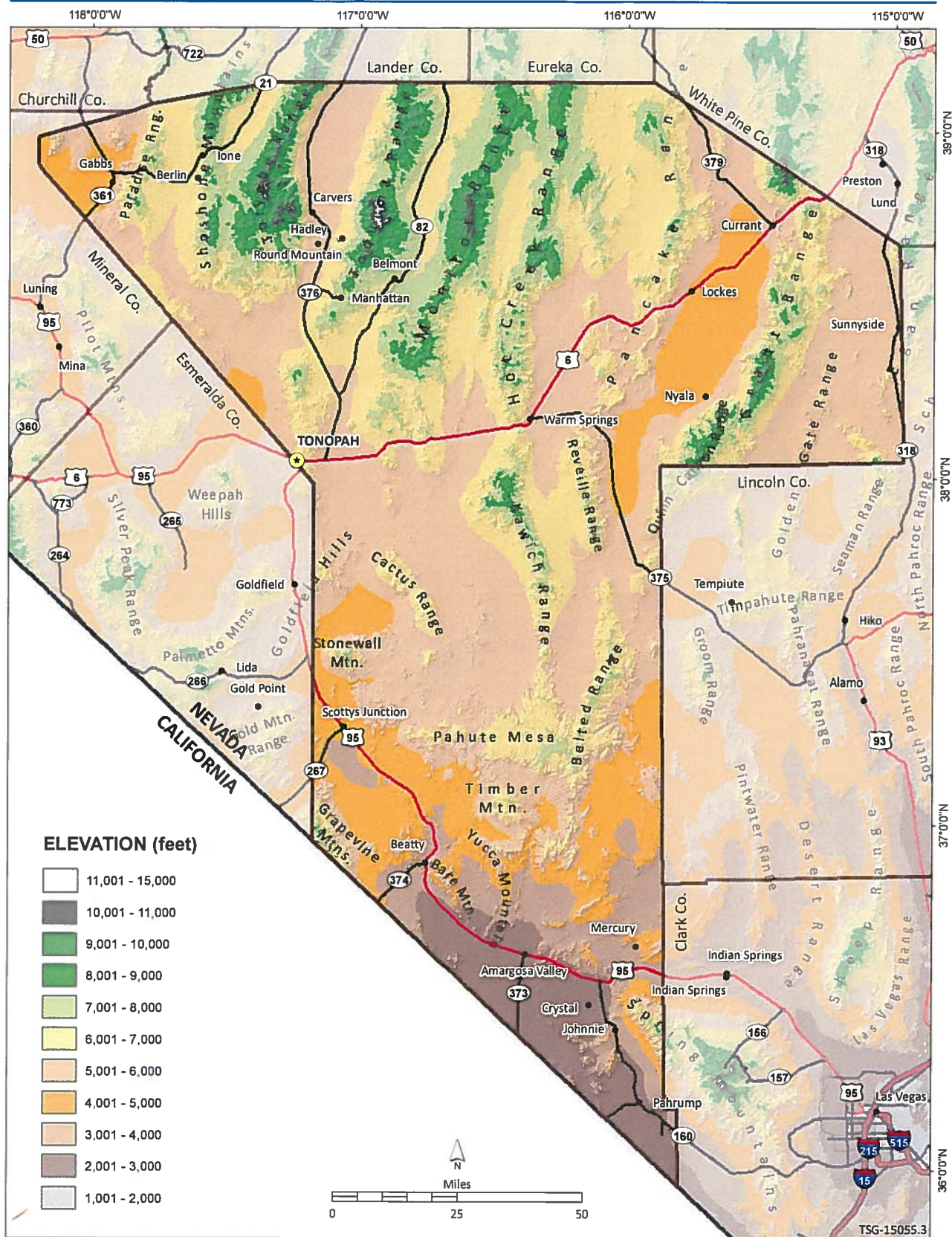


Figure 3-1. Topography (Jarvis and Others, 2008) and named physiographic features of Nye County.

3.3. CLIMATE

The general climate of Nye County depends upon the location. In the northern mountain ranges, sub-humid continental conditions occur, characterized by cold winters and moderate precipitation. The intervening valleys and the region as far south as about Highway 95 exhibit mid-latitude steppe and mid-latitude desert conditions characterized by cold winters, hot summers, and semi-arid to arid conditions. To the south, Pahrump Valley and most of Amargosa Desert have a typical low-latitude desert climate with very hot summers and arid conditions. Up-to-date climate data for each weather station located in Nye County can be accessed on Desert Research Institute website at: <http://www.wrcc.dri.edu/summary/climsmnv.html>.

Figure 3-2 shows the distribution of precipitation over Nye County. Most of the County is situated in the South Central climatological division with an average annual precipitation rate of only about 6.25 inches. The southernmost part of the County is in the Extreme Southern climatological division with an average annual precipitation rate of only about 4.5 inches. At higher elevations, precipitation is much greater and snow accumulates to considerable depths, with more than 80 inches per year of snowfall at the higher elevations of the Toiyabe, Toquima, and Monitor ranges.

Precipitation during the course of a year typically has a bi-modal distribution with most precipitation occurring during either a winter rainy season or during the late summer months. During the winter months, high pressure conditions predominate resulting in west-to-east trending winds and precipitation patterns. During the summer months, low pressure conditions predominate, resulting in southwest-to-northeast trending precipitation patterns. Winter storm events tend to last longer and produce more precipitation than the summer events which tend to produce widely scattered showers of short duration.

Drought is common and expected, especially in the southern part of the County where droughts of more than 100 days frequently occur. Beginning in February 2015, the USDA designated Nye County along with 11 other Nevada counties as a Primary Natural Disaster Area due to continued drought conditions that continue to affect much of the western United States. In 2016, 54 percent of Nye County was rated drought intensity D-0 – Abnormally Dry, 35 percent was rated D-1 Moderate-Drought, and nearly 6 percent was rated D-2 Severe Drought. In May 2015, all of Nevada's 17 counties had been designated by the USDA, but by 2016 only nine counties remained in the D-4 condition. The University of Nevada Cooperative Extension maintains a website that identifies drought resources currently available through state and federal agencies. As a result of recent weather in 2017, this designation is expected to be lifted soon.

In 2012, the State Climate Office in conjunction with the Division of Water Resources, Division of Emergency Management prepared the State of Nevada Drought Response Plan. The plan establishes administrative procedures to collect drought-related data, monitor conditions on a county basis, and provides a framework of actions for response to drought based on three states: Drought Watch, Drought Alert, and Drought Emergency. The Plan established a Drought Response Committee (DWR and Department of Emergency Management), which is responsible for monitoring drought conditions, collecting data, overseeing intergovernmental coordination, disseminating information, reporting to the Governor about drought conditions, and working with the State

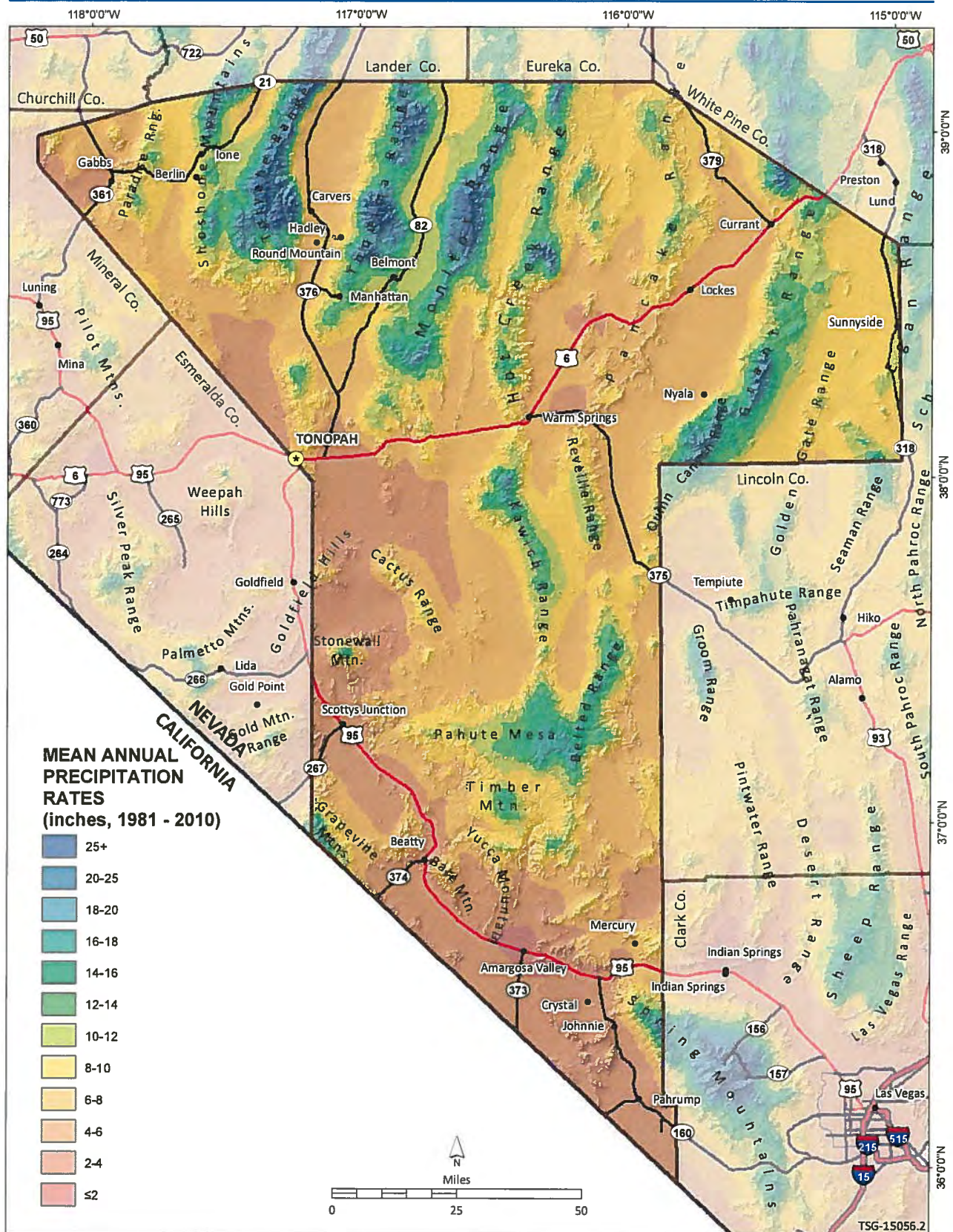


Figure 3-2. Nye County mean annual precipitation rates in inches for the period 1981-2010 (NRCS PRISM).

Emergency Operation Center, which may be activated should drought reach Stage 3, Drought Emergency.

In a mid-latitude, dry climate like Nye County's, the average potential evaporation rate exceeds the average annual precipitation, with actual average evaporation ranging from 51 to 72 inches. Figure 3-3 shows the average calculated evaporation throughout Nevada. On an annual basis, as much as 90 to 95 percent of the total annual precipitation is lost through evaporation and transpiration; only an estimated 5 to 10 percent recharges the groundwater regime. Most recharge occurs in the northern part of the County where precipitation rates are higher and evaporation rates are lower.

Climate Change

On April 10, 2007, Governor Jim Gibbons signed an executive order that created the Nevada Climate Change Advisory Committee (Committee). The executive order directed the Committee to propose recommendations by which Greenhouse Gas (GHG) emissions can be further reduced in Nevada. Climate change refers to any significant change in measures of climate, such as temperature, precipitation or wind, lasting for decades or longer. The term is also widely used to describe the impact on the environment from the emissions of GHGs (carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride) and is often used interchangeably with the term "global warming."

The Governor assembled the Committee from public agency personnel, private industry representatives, interest groups, and the public at large. The Committee reviewed policies and impacts related to climate change in Nevada, and consulted experts from the fields of energy transmission, wind energy, water resource issues, and geologic carbon sequestration. The Governor's Nevada Climate Change Advisory Committee Final Report (2008) delineates the potential impacts and offered recommendations to address climate change in Nevada. Scientists agreed that impacts will become more widespread throughout the west as a result of climate change. The report summarizes impacts of climate change on public health, water, wildfire, agriculture, and air quality.

The Governor's report concluded that climate change will significantly impact water resources in Nevada by increasing drought conditions in the southern part of the state. The report also predicted that Colorado River basin will see less precipitation overall in the future, and a greater percentage will be as rain rather than snow. Metropolitan Las Vegas obtains over 90 percent of its drinking water from the Colorado River; a decline in the river will present challenges to maintaining municipal water supply and could again put pressure on Southern Nevada Water Authority (SNWA) and other metropolitan water districts to tap the water resources in Nye and Nevada's other rural counties.

Less snowfall and more precipitation as rain in the Sierra Nevada will increase the likelihood of area flooding, and lessen summertime reserves. Decreased water reserves could lead to forest and wildland fires with the potential for greater intensity and devastating consequences. The report also notes that these changed conditions may lead to the disappearance of some native species of fauna and increased invasive weed species. The agriculture sector and recreation opportunities in Nevada could also be negatively impacted with less water available for irrigation and diminishing instream flows and reservoir levels. Such climate change-related impacts can be expected to affect

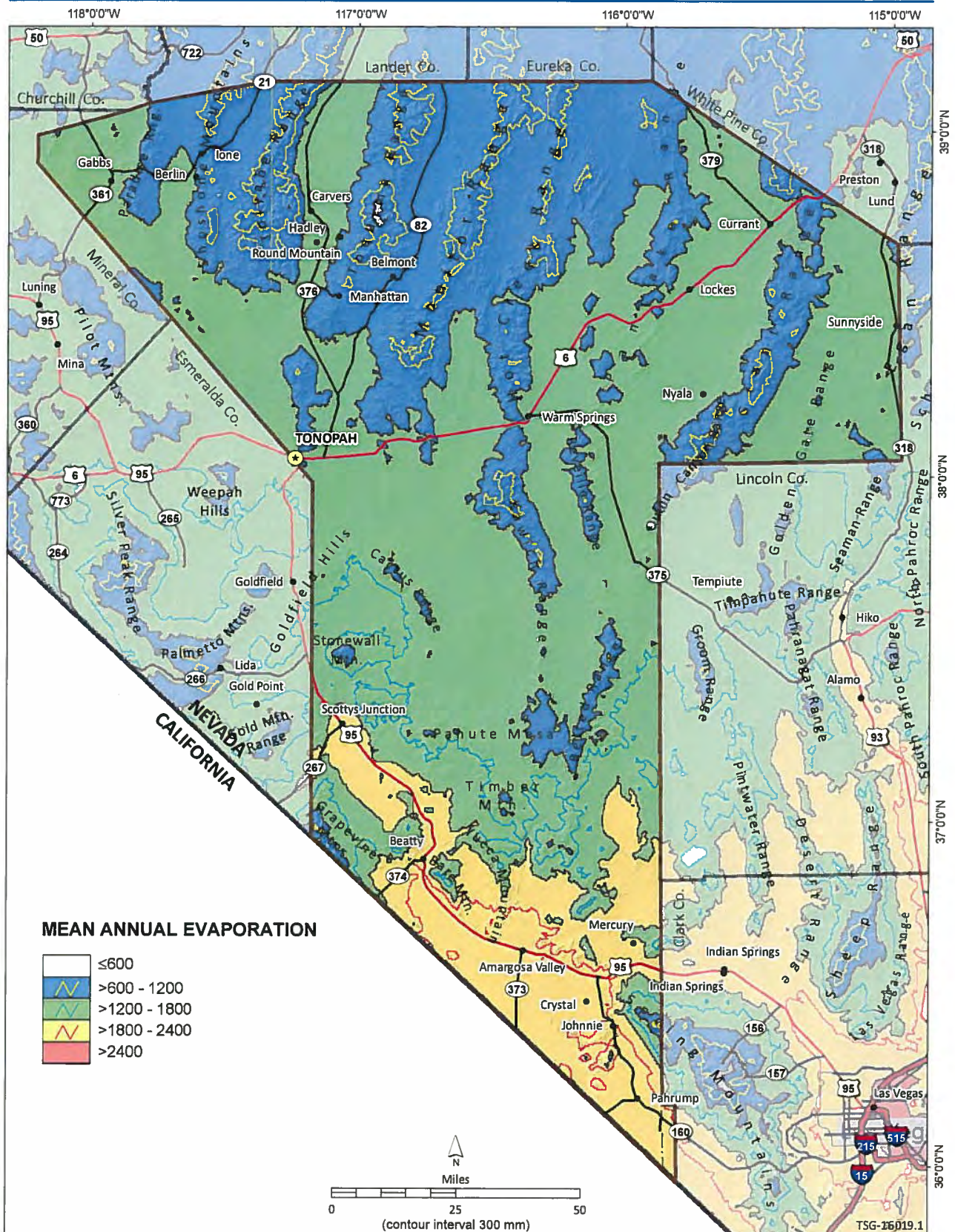


Figure 3-3. Potential evaporation rates in Nye County (From Shevenell, 1999).

Nye County as the environments ability to capture and store precipitation is reduced. While these impacts are expected, and changes in climate parameters can be measured, the longer term effects on water resources are not easily separated from similar impacts resulting from other causes.

3.4. SURFACE WATER RESOURCES

Although Nye County has no major lakes, reservoirs, or rivers, there are important surface water resources in many locations. Surface water flows are important sources of irrigation water in the agricultural areas such as White River Valley. Groundwater that discharges at the surface as springs is also an important source of surface water resources. Many springs in Nye County have been developed for irrigation, livestock watering, municipal and domestic water supplies, and the mining industry. Surface water resources of Nye County are also used for recreational purposes including fishing, hunting, boating, swimming, camping, picnicking, and relaxation. Finally, wildlife cannot thrive without a dependable source of water, and the springs, streams, and lakes in Nye County support the habitat for many desirable species.

The federal government owns or asserts reservation of a number of spring and surface water rights in many Nye County basins. In some basins, like the Amargosa Desert, Supreme Court or other judicial decisions have continued and quasi-quantified these federally-reserved water rights. These are in addition to the appropriated vested rights acquired through purchase or the administrative process. While the federal agencies have protested and appealed the State Engineer, the decisions of the State Engineer remains the authority in state water rights matters.

All of the surface water resources (and groundwater resources, as well) are derived from the precipitation that falls over the County or adjacent recharge areas. Figure 3-4 is a conceptual representation of the interrelationships between the precipitation that falls over the mountainous areas and the surface and groundwater regimes. In this section, information is presented on the surface water resources of Nye County and the issues associated with their protection and use.



Photo 4. Snow on the Toiyabe Range. Photo Credit: Tom Buqo, 2006

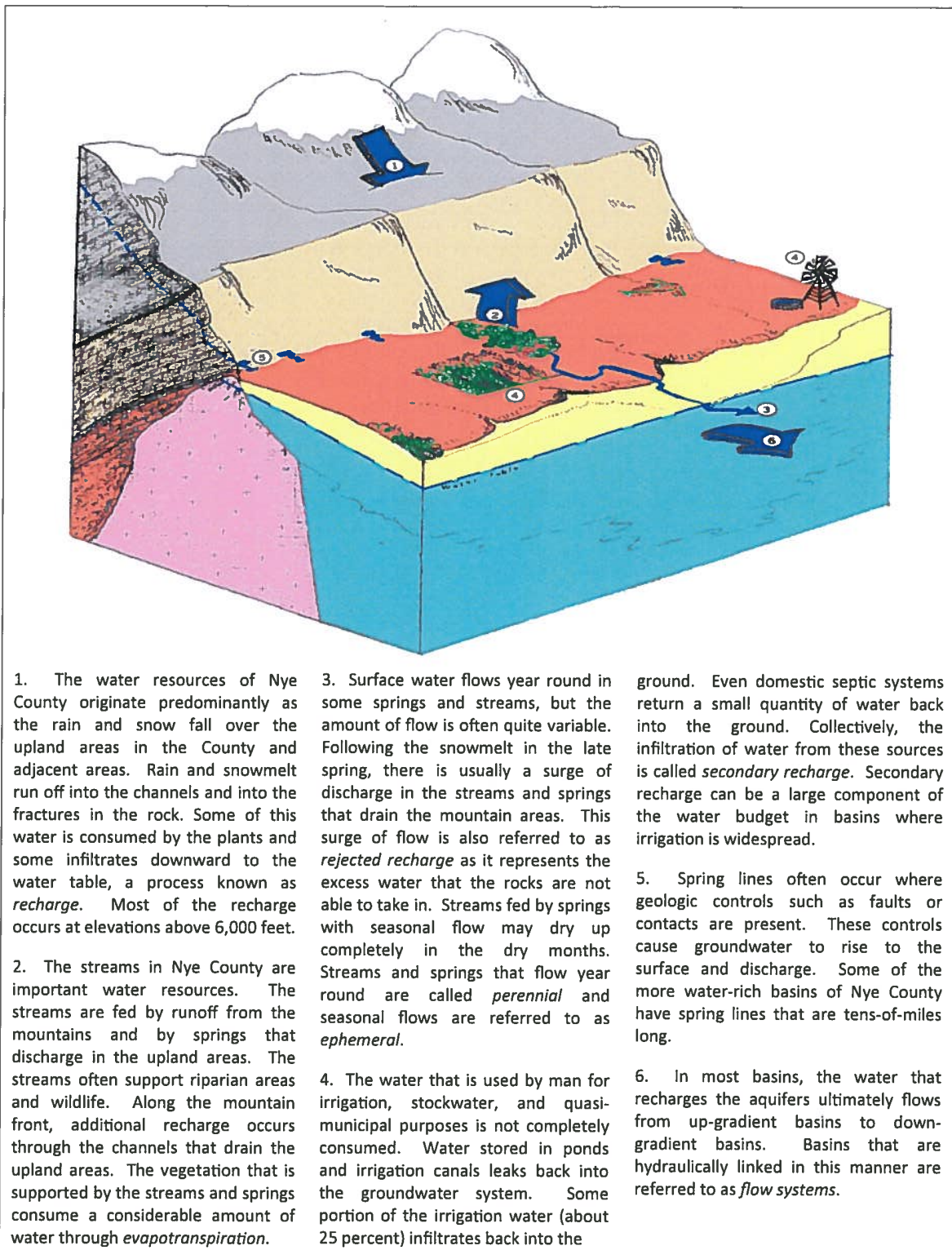


Figure 3-4. Conceptual hydrogeologic model for Nye County.

Lakes

The number and locations of Nye County's lakes and reservoirs have changed slightly since 2004. Table 3-1a lists the 19 lakes and reservoirs which are currently listed in the Nevada DWR database, and Table 3-1b lists reservoirs associated with mining activities. The largest reservoirs in Nye County are located in White River Valley at the Wayne Kirch Wildlife Management Area (Adams-McGill Reservoir, Hay Meadows Reservoir, and Tule Field Reservoir). This wildlife management area remains popular and is widely fished for rainbow trout, black bass, and other game fish. In addition to their importance for fish, these reservoirs also provide habitat for a number of bird species, including Western Snowy Plover, Long-billed Curlew, and White-faced Ibis. Temporary reservoirs and ponds are used in mining for storage of process water and mineral de-watering operations. Figure 3-5 shows the lakes and reservoirs in Nye County, including temporary reservoirs associated with mining operations. Sites shown are current as of April 2015.

Table 3-1a. Lakes and Reservoirs of Nye County. (From the Nevada DWR Dam Records, April 2015)

| Lake or Reservoir | Hydrographic Basin | Basin | Surface Area (acres) | Maximum Storage Capacity (acre-feet) |
|-------------------------|--------------------------|-------|----------------------|--------------------------------------|
| Adams-McGill Reservoir | White River Valley | 207 | >791 | 4,040.0 |
| Angleworm Ranch | Railroad Valley/Northern | 173B | 2.0 | 8.0 |
| Angleworm West Dam | Railroad Valley/Northern | 173B | 4.0 | 20.0 |
| Cold Springs | White River Valley | 207 | 305.0 | 1,210.0 |
| Crystal Marsh Lower Dam | Amargosa Desert | 230 | 130.0 | 400.0 |
| Crystal Marsh Upper Dam | Amargosa Desert | 230 | 20.0 | 50.0 |
| Crystal Springs Dam | Amargosa Desert | 230 | 157.0 | 2,300.0 |
| Dacey Dam | White River Valley | 207 | 214.9 | 783.7 |
| Dam C | Amargosa Desert | 230 | 69.5 | 618.0 |
| Echo Canyon Dam Nye | Railroad Valley/Northern | 173B | 80.0 | 300.0 |
| Hay Meadow Dam | White River Valley | 207 | 203.0 | 1,120.0 |
| Lake No 2 | Amargosa Desert | 230 | - | 10.0 |
| Lake No 3 | Amargosa Desert | 230 | - | 1,200.0 |
| Lake No 4 | Amargosa Desert | 230 | 79.1 | 650.0 |
| Lake No 5 | Amargosa Desert | 230 | - | 3,000.0 |
| Lake No 6 | Amargosa Desert | 230 | 27.5 | 300.0 |
| Lake No 7 | Amargosa Desert | 230 | - | 300.0 |
| Lake No 8 | Amargosa Desert | 230 | - | 450.0 |
| Manzonie Dam | Railroad Valley/Northern | 173B | 23.0 | 240.0 |
| Old Place Dike #3 | White River Valley | 207 | 43.0 | 57.0 |
| Segura Dam | Antelope Valley | 151 | 5.0 | 24.0 |
| Seyler Reservoir | Big Smoky Valley/Tonopah | 137B | 30.0 | 350.0 |
| Spring Meadows Lake #1 | Amargosa Desert | 230 | - | 300.0 |
| Sunnyside Dam | White River Valley | 207 | 882.1 | 4,040.0 |
| Tule Field Dam | White River Valley | 207 | 80.0 | 507.0 |
| Whipple Reservoir | White River Valley | 207 | 30.0 | 60.0 |

Table 3-1b. Mining Related Reservoirs in Nye County. (From the Nevada DWR Dam Records, April 2015)

| Mining Related Pond/Reservoir | Hydrographic Basin | Basin | Surface Area (acres) | Maximum Storage Capacity (acre-feet) |
|--|-------------------------------|--------------|-----------------------------|---|
| Bullfrog Evaporation Pond | Amargosa Desert | 230 | 14.8 | 80.9 |
| Equatorial Tonopah Phase I Leach Event Pond | Big Smoky Valley/Tonopah Flat | 137B | 4.8 | 65.0 |
| Invite Reservoir | Amargosa Desert | 230 | 1.0 | 10.0 |
| Paradise Peak Tails | Gabbs Valley | 122 | 230.0 | 8,300.0 |
| Reward Event Pond | Amargosa Desert | 230 | 3.0 | 32.0 |
| RMG Cell B TSF | Big Smoky Valley/Northern | 137B | 353.0 | 28,450.0 |
| RMG Goldhill Event Pond | Big Smoky Valley/Northern | 137B | 3.0 | 32.6 |
| RMG Goldhill Process Pond | Big Smoky Valley/Northern | 137B | 2.0 | 19.7 |
| RMG Gravity Plant Sediment Decant Pond | Big Smoky Valley/Northern | 137B | 2.0 | 45.1 |
| RMG Lower Storage Pond | Big Smoky Valley/Northern | 137B | 1.4 | 19.0 |
| RMG South 48 Hour Event Pond | Big Smoky Valley/Northern | 137B | 1.5 | 17.3 |
| RMG South Dedicated Event Pond 5 | Big Smoky Valley/Northern | 137B | 2.6 | 39.0 |
| RMG South Leach Pad Event Pond 4 | Big Smoky Valley/Northern | 137B | 2.0 | 38.0 |
| RMG South Process Pond | Big Smoky Valley/Northern | 137B | 1.5 | 17.2 |
| RMG South Process Pond #2 | Big Smoky Valley/Northern | 137B | 2.3 | 30.1 |
| RMG South Storm Event Pond #1 | Big Smoky Valley/Northern | 137B | 1.8 | 24.8 |
| RMG South Storm Event Pond #2 | Big Smoky Valley/Northern | 137B | 2.3 | 35.5 |
| RMG South Storm Event Pond #3 | Big Smoky Valley/Northern | 137B | 2.5 | 40.0 |
| RMG Upper Fire Pond | Big Smoky Valley/Northern | 137B | 2.3 | 31.0 |
| RMG Upper Storage Pond | Big Smoky Valley/Northern | 137B | 1.8 | 19.0 |
| RMG West Ded Event Pond | Big Smoky Valley/Northern | 137B | 0.0 | 45.0 |
| RMG West Dedicated Leach Event Pond | Big Smoky Valley/Northern | 137B | 4.4 | 65.8 |
| RMG West Dedicated Pad Phase II Process Pond | Big Smoky Valley/Northern | 137B | 3.1 | 47.0 |
| RMG West Dedicated Pad Phase II Storm Pond | Big Smoky Valley/Northern | 137B | 3.1 | 47.0 |
| RMG West Dedicated Pad Process Pond | Big Smoky Valley/Northern | 137B | 2.9 | 41.9 |
| RMG West Dedicated Pad Storm Pond | Big Smoky Valley/Northern | 137B | 2.3 | 32.0 |
| RMG West Storm Pond #3 | Big Smoky Valley/Northern | 137B | 5.0 | 61.0 |
| RMG West Tailings Dam | Big Smoky Valley/Northern | 137B | 226.0 | 28,816.0 |
| RMG West Tails Storm Pond | Big Smoky Valley/Northern | 137B | 4.1 | 49.8 |
| RMGC North Rib | Big Smoky Valley/Northern | 137B | 20.0 | 60.0 |
| RMGC South Rib | Big Smoky Valley/Northern | 137B | 37.0 | 143.6 |
| Sierra Tails | Gabbs Valley | 122 | 14.1 | 70.0 |
| Tenneco Mill Pond | Amargosa Desert | 230 | 5.0 | 72.0 |

RMG = Round Mountain Gold

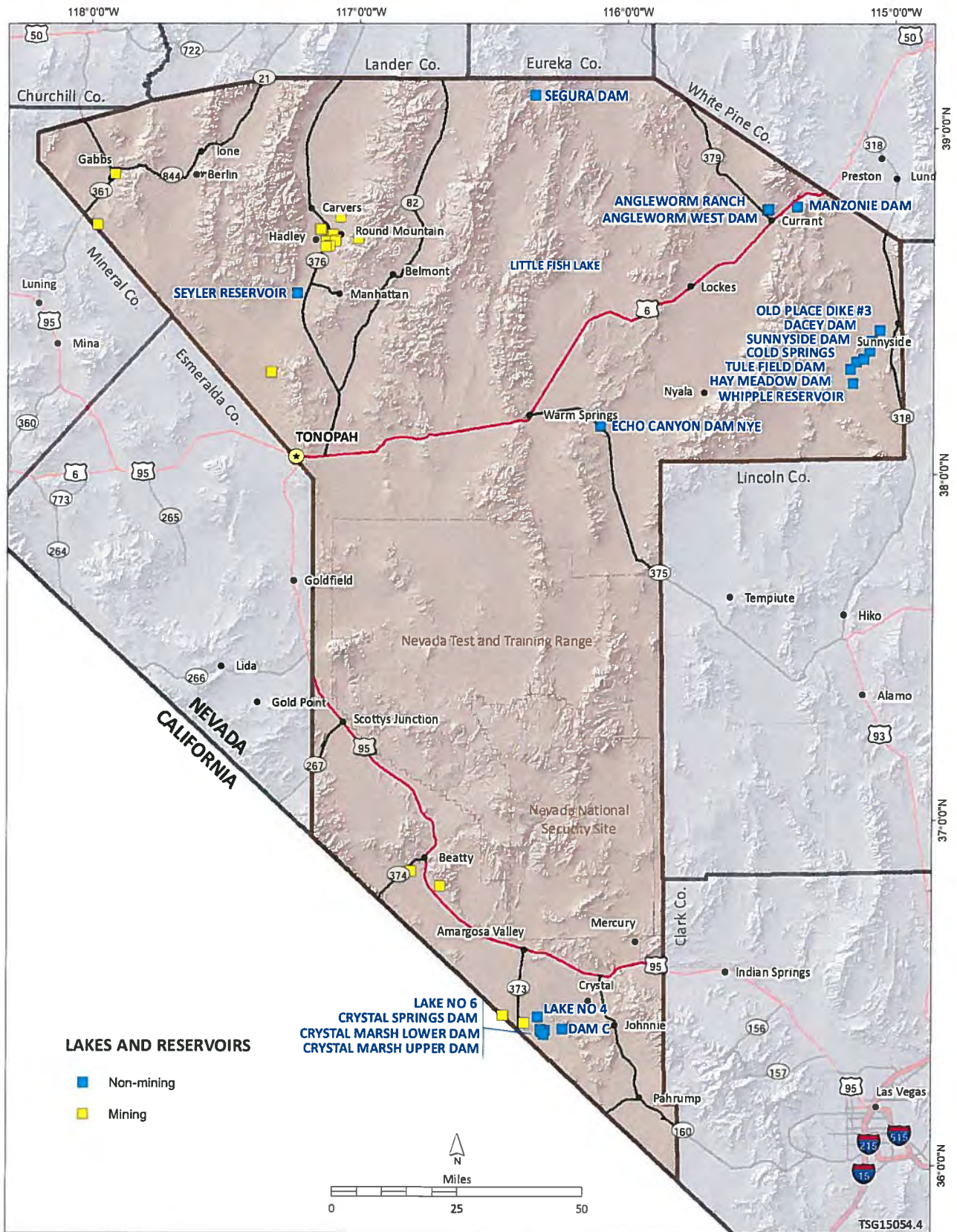


Figure 3-5. Nye County lakes and reservoirs from Nevada Division of Water Resources (2015) dam database.

Streams

Although there are no major rivers in Nye County, there are many streams that drain the upland areas. These streams derive their flow from three main sources: spring discharges, groundwater discharge along the stream channels, and snow melt.

The streams of Nye County provide the aquatic habitat for many types of fishes, including two types of trout (rainbow and brook), native species such as the Railroad Valley Springfish and Railroad Valley Tui Chub, and many other types of fishes. The primary streams that contain game fish populations are Cherry Creek, Cottonwood Creek, Deep Creek, Hooper Canyon Creek, Pine Creek, and Troy Canyon Creek.

The streams also support extensive riparian and wetland areas. According to BLM documents, there are at least 20 streams in Nye County that support more than 25 miles of riparian habitat. The riparian areas of Nye County provide not only habitat for the fishes listed above and other aquatic species, they provide nesting for a number of bird species including the White-faced Ibis and a number of important raptors including the Bald Eagle, Ferruginous Hawk, and several species of owls.

Figure 3-6 shows the location of stream discharge measurement sites for the U.S. Geological Survey (USGS) National Water Information System. The USGS publishes historic discharge records for the 17 gaging stations listed in Table 3-2. The discharge rates for most of these streams are seasonal with peak flows following the spring snow melt in the upland areas. USGS spring monitoring in Nye County decreased dramatically in the late 2000s when the DOE's Yucca Mountain Project was defunded. Currently, only five surface water sites in Nye County (including Grapevine Spring) are monitored by the USGS.

From 2012 to 2013, the Nye County Nuclear Waste Repository Project Office (NWRPO) and Glorieta Geoscience, Inc. (GGI) completed a preliminary sampling of selected springs and nearby wells in the Pahrump Valley. The purpose of the study was to provide baseline geologic, geomorphic, geochemical, and hydrologic data for the springs, and to evaluate the recharge and flow characteristics using general and isotope geochemistry (Drakos and Hodgins, 2013).



Photo 5. View overlooking Peterson Reservoir. Photo Credit: Tom Buquo, 2006

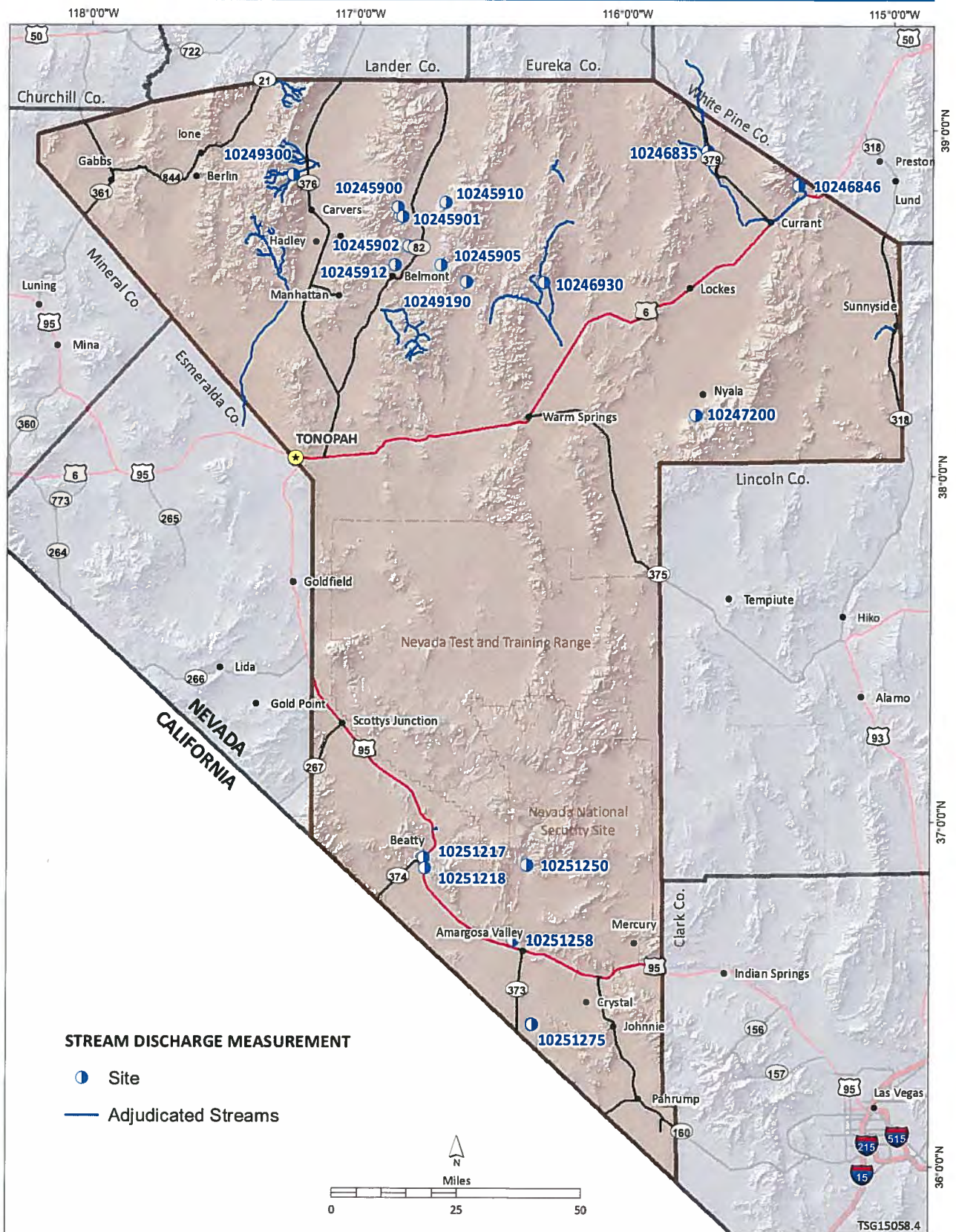


Figure 3-6. Nye County stream discharge measurement sites from USGS National Water Information System (2015).

Table 3-2. Selected Stream Discharge Measurements in Nye County (Source: U.S. Geological Survey)

| Station Name | USGS ID # | Basin | Period of Record | Range in Mean Annual Discharge (cfs) | Maximum Discharge (cfs) | Minimum Discharge (cfs) |
|---------------------------------------|-----------|-------|---------------------------------|--------------------------------------|-------------------------|-------------------------|
| Pine Creek Near Belmont | 10245900 | 140B | 1977-present | 5.77 to 13.8 | 340 | 0.24 |
| Mosquito Creek Near Belmont | 10245910 | 140B | 1977-1982, 1983-present | 2.41 to 7.87 | 119 | 0.04 |
| South Twin River Near Round Mountain | 10249300 | 137B | 1965 - present | 2.40 to 20.1 | 510 | 0.35 |
| Andrews Creek Near Belmont | 10245901 | 140B | 1998 | not available | 10 | 0.18 |
| Corcaran Creek Near Belmont | 10245902 | 140B | 1998 | not available | 1.2 | 0.6 |
| Barley Creek Near Belmont | 10245905 | 140B | 1998 | not available | 89 | 2.6 |
| Morgan Creek Near Belmont | 10245912 | 140B | 1998 | not available | 3.1 | 0.61 |
| Big Creek Near Warm Springs | 10247200 | 173B | 1991-1994 | 1.70 to 2.19 | 22 | 0.05 |
| Amargosa River at Beatty | 10251217 | 228 | 1993-1996 | 0.63 | 1000 | 0.12 |
| Amargosa River at Highway 95 | 10251218 | 230 | 1963-1968, 1991-1995 | 0.46 to 1.72 | 16000 | 0 |
| Fortymile Wash at Narrows, NTS (NNSS) | 10251250 | 227A | 1983-1996 | 0.00 to 0.69 | 3000 | 0 |
| Fortymile Wash Near Amargosa Valley | 10251258 | 230 | 1983-1996 | 0.00 to 0.49 | 1430 | 0 |
| Carson Slough at Ash Meadows | 10251275 | 230 | 1983-1996 | 0.59 to 1.59 | 689 | 0 |
| Big Warm Springs Near Duckwater | 10246835 | 173B | 2007-present | not available | 27 | 12 |
| Little Currant Creek Near Currant | 10246846 | 173B | 1964-1981, 1983-1986, 1990-1994 | 3.32 to 9.65 | 366 | 0 |
| Willow Creek Near Warm Springs | 10249190 | 149 | 1977-1992 | 1.16 to 5.91 | 92 | 0 |
| Sixmile Creek Near Warm Springs | 10246930 | 156 | 1967-1968, 1984-1991 | 0.67 (1985-1991) | 104 | 0 |

cfs = cubic feet per second

Springs

Nye County is fortunate to have hundreds of springs that support a number of uses including ranching, mining, and wildlife management. Springs occur wherever groundwater intercepts the land surface and discharges water to the surface water regime. Figure 3-7 is a conceptual illustration depicting the different types of springs in Nye County. Table 3-3 summarizes available data on the larger springs (discharge 450 gallons per minute or greater) including their elevations, maximum and minimum discharge rates, and most recent measurement date. Figure 3-8 shows the locations of Nye County's large springs. There also are numerous springs located on the access-restricted NTTR and NNSS that are not shown on Figure 3-8. Information on these springs can be found in the Final Integrated Natural RMP for Nellis Air Force Base / Creech Air Force Base / Nevada Test and Training Range (2010), and the NNSA Final SWEIS for the NNSS (2013).

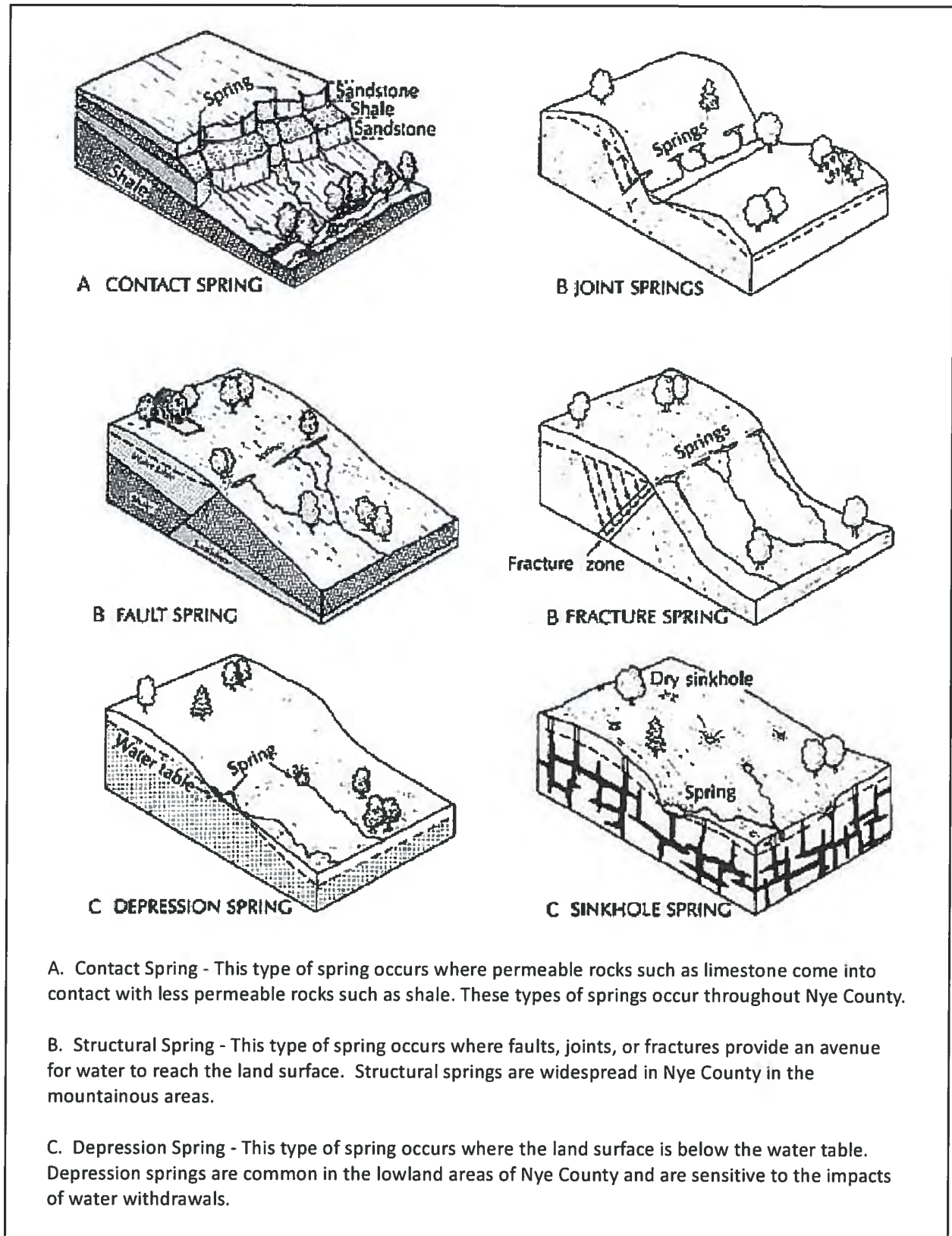


Figure 3-7. Types of springs in Nye County. After Fetter, 1988.

Table 3-3. Major Springs in Nye County (greater than 450 gpm Discharge)

| Basin | Spring Name | Elevation (ft) | Maximum Discharge (gpm) | Minimum Discharge (gpm) | Latest Discharge Measurement (gpm) |
|-------|-------------------------------|----------------|-------------------------|-------------------------|------------------------------------|
| 137B | Darroughs (?) Hot Spring | 5,600 | 1,001 | | 1968 ¹ |
| 140A | Diana's Punch Bowl | 6,715 | 467 | | 1964 ¹ |
| 140A | Potts Ranch Spring | 6,615 | 467 | | 1964 ¹ |
| 156 | Hot Creek Spring | 5,540 | 759 | 220 | 1969 |
| 162 | Bennetts Springs ² | 2,680 | 3,350 | 0 | 1963 |
| 162 | Manse Springs ³ | 2,776 | 2,700 | 0 | 2011 |
| 173B | Big Spring | 4,820 | 741 | 130 | 1998 |
| 173B | Blue Eagle Springs | 4,765 | 2,653 | 1,490 | 2000 |
| 173B | Little Warm Spring | 5,590 | 1,611 | 202 | 1994 |
| 173B | Big Warm Spring | 5,605 | 10,323 | 2,024 | 2007 |
| 173B | Hay Corral Spring | 4,770 | 601 | 157 | 1994 |
| 173B | Reynolds (?) Spring | 4,770 | 588 | 215 | 1994 |
| 207 | Hot Creek Spring | 5,225 | 9,829 | 494 | 2006 |
| 207 | Butterfield Spring | 5,320 | 1,872 | 844 | 2015 |
| 207 | Flag Spring #1 | 5,290 | 1,566 | 691 | 2015 |
| 207 | Flag Spring #2 | 5,280 | 1,633 | 224 | 2015 |
| 207 | Flag Spring #3 | 5,290 | 1,643 | 548 | 2015 |
| 207 | Moon River Springs | 5,220 | 2,320 | 1,643 | 1990 |
| 207 | Emigrant Springs | 5,480 | 1,396 | 337 | 1994 |
| 230 | Fairbanks | 2,250 | 2,401 | 1,095 | 2011 |
| 230 | Crystal Pool | 2,195 | 3,824 | 2,168 | 2014 |
| 230 | Big Spring | 2,240 | 1,418 | 512 | 2015 |
| 230 | Roger's Spring | 2,275 | 956 | 135 | 1997 |
| 230 | Jack Rabbit Spring | 2,300 | 799 | 498 | 1998 |
| 230 | Longstreet Spring | 2,310 | 1,041 | 352 | 1997 |
| 230 | Point Of Rocks (Kings Spring) | 2,350 | 2,132 | 687 | 1998 |

gpm = gallons per minute

¹ Only one measurement was taken at this location.

² Discharge at Bennetts Spring was estimated at 3,350 gallons per minute in 1875. In 1940 the discharge was measured at 2,540. By 1956, the discharge had dropped to 1,238 gallons per minute and by 1959, the spring was dry.

³ Manse Spring was estimated 2,700 gallons per minute in 1875, 1100 gallons per minute in 1958-1960 and has been dry during the summer months since 1975 with seasonal discharge occurring through at least 1976. Monitoring resumed in 2011 after Manse Spring began flowing around 2004. Current flows are estimated at 1,000 to 1,200 gpm (Drakos and Hodgins, 2013).

The most significant springs in Nye County are located at Ash Meadows National Wildlife Refuge, located east of the Town of Amargosa Valley. More than 30 springs and seeps discharge to the land surface at the refuge including Fairbanks Springs, Rogers Springs, School Spring, Point of Rocks Springs, Jackrabbit Springs, Big Spring, Bole Springs, and Grapevine Spring. The refuge was established in 1984 to protect the spring-fed wetlands that support more than 25 plant and animal

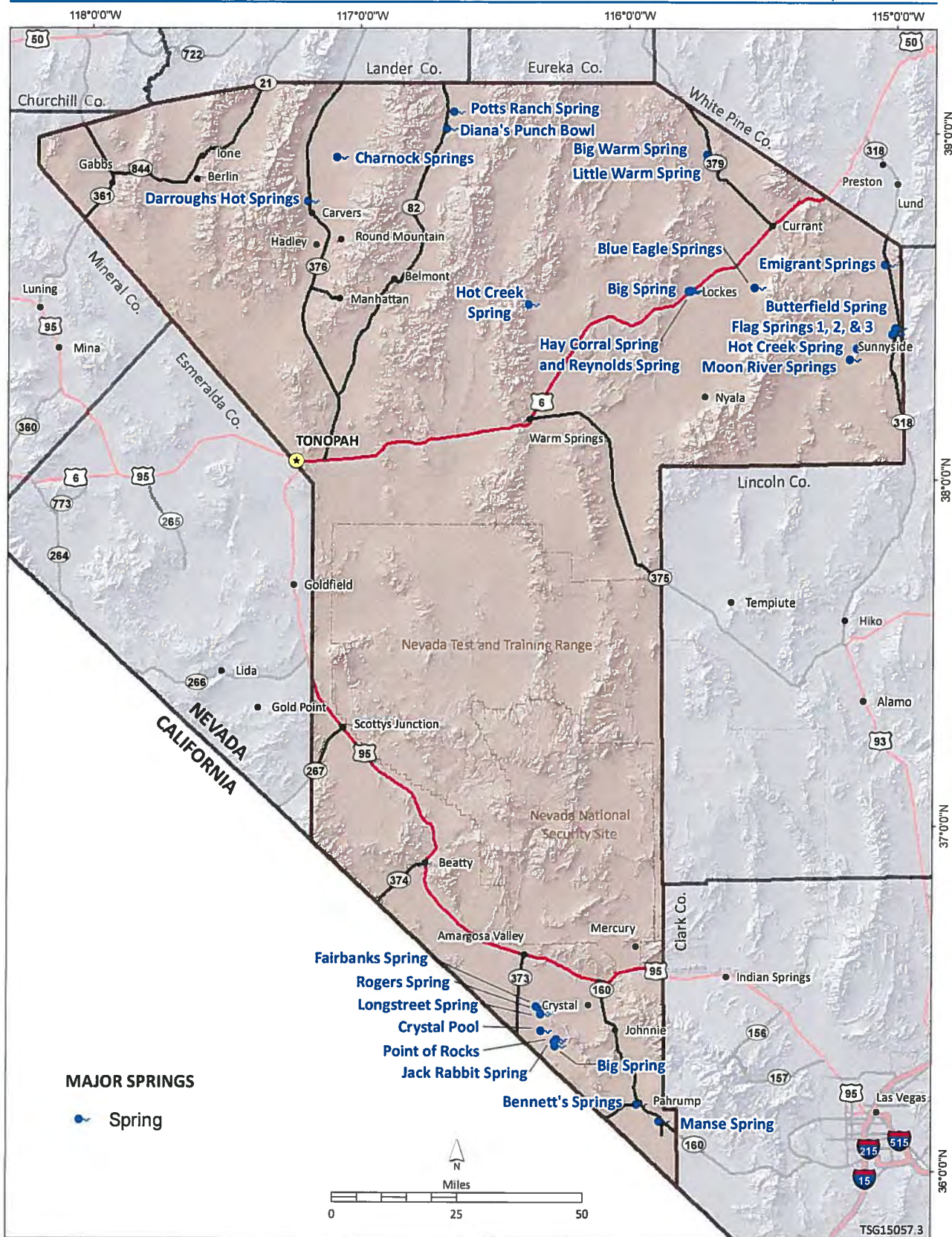


Figure 3-8. Major springs (greater than 450 gpm discharge) in Nye County from USGS National Water Information System (2015).

species found nowhere else in the world. Ash Meadows is touted by the U.S. Fish and Wildlife Service as having the highest concentration of endemic species in North America.

Water Quality

The quality of Nye County's surface water is in compliance with the Clean Water Act of 1972. Surface water quality is subject to impacts from human activities and natural causes. The vulnerability assessments conducted for public water supply systems did not identify any contamination of surface water drinking sources in the County.

Committed Resources

The total quantity of surface water resources in Nye County is difficult to quantify and the quantity of committed resources is not known with precision. Table 3-4 shows the status of surface water rights for Nye County basins obtained from the Nevada Division of Water Resources. In some cases, these data have not been supplementally adjusted, and may include supplemental water rights that are used with groundwater rights or with multiple points of diversion. There have been no calls for the filing of proof of vested rights in most basins in Nye County with the exception of Reese River Monitor Valley. The notes on Table 3-4 provide additional caveats regarding the accuracy of the estimates.

In total, approximately 209,000 acre-feet per year of surface water rights are allocated in the basins that are wholly or in part located in Nye County. An additional 1,100 acre-feet of applications are currently ready for action. Of the nearly 208,000 acre-feet of surface water rights allocated, almost 80 percent are in only eight basins: about 29,000 acre-feet in Big Smoky Valley Northern Part; almost 11,000 in Big Smoky Valley Tonopah Flat; about 25,000 acre-feet in Amargosa Valley; about 29,000 acre-feet in Monitor Valley Southern Part; about 9,300 acre-feet in Pahrump Valley; over 35,000 acre-feet in Railroad Valley Northern Part; almost 19,000 acre-feet in Upper Reese River Valley; and about 34,000 acre-feet in White River Valley. The bulk of the applications and applications that are ready for protest or action are also limited to a few basins - Big Smoky Valley, Alkali Spring Valley, and Hot Creek Valley.

Actual vested surface water rights and their use is not measured or reported. A vested water right cannot be lost to non-use, although in limited circumstances could be lost to abandonment. In general, it is assumed that all appropriated surface water will be placed in beneficial use. Shortfalls in surface water supplies that occur because of low flow are supplemented by groundwater pumpage, as specified by permit. Thus, actual surface water is used to the extent it is available to meet the allocation. Basins with available data in the period 2004 to 2015 show surface water appropriations declines in many of the Nye County's shared basins. The largest declines occurred in the Amargosa Desert, Pahrump Artesian Basin, and Indian Springs Valley (Basins 230, 162, and 161, respectively). Increases in surface water appropriations were greatest in the northern County, with the largest increase (nearly 16,000 acre-feet per year) occurring in portions of Reese River Valley that are located outside of Nye County. Because surface water allocation data was incomplete when the 2004 Water Resources Plan was prepared, several of the basins are labeled "no data" because no comparison is possible.

Table 3-4. Status of Surface Water Rights in acre-feet in Nye County Basins Through April 2015

| Basin Name | Basin No. | Vested | Certified | Permitted | Applied For | Ready for Action/Protest | Reserved | Total Allocated ¹ | Total Demand ² |
|--------------------------------------|-----------|-----------|-----------|-----------|-------------|--------------------------|----------|------------------------------|---------------------------|
| Alkali Spring Valley* | 142 | | 21.73 | | | | | 21.73 | 21.73 |
| Amargosa Desert | 230 | 2.24 | 21,374.84 | 3,631.30 | | | | 25,008.38 | 25,008.38 |
| Antelope Valley (Eureka & Nye)* | 151 | 10.83 | 344.15 | | | | 180.82 | 535.80 | 535.80 |
| Big Smoky Valley - Northern Part* | 137B | 4,390.89 | 23,982.06 | 537.00 | | | 201.63 | 29,111.58 | 29,111.58 |
| Big Smoky Valley - Tonopah Flat* | 137A | 1,204.74 | 8,379.01 | 1,020.00 | | | 147.86 | 10,751.61 | 10,751.61 |
| Cactus Flat | 148 | | 208.03 | | | | | 208.03 | 208.03 |
| Coal Valley* | 171 | 22.40 | | | | | | 22.40 | 22.40 |
| Crater Flat | 229 | | 8.70 | | | | 2.24 | 10.94 | 10.94 |
| Emigrant Valley/Groom Lake Valley* | 158A | | 28.38 | | | | | 28.38 | 28.38 |
| Emigrant Valley/Papoose Lake Valley* | 158B | | | | | | | | |
| Fortymile Canyon/Buckboard Mesa | 227B | | | | | | | | |
| Fortymile Canyon/Jackass Flats | 227A | | 4.36 | | | | | 4.36 | 4.36 |
| Frenchman Flat* | 160 | | 4.36 | | | | | 4.36 | 4.36 |
| Gabbs Valley* | 122 | 217.30 | 204.62 | | | | 6.72 | 428.64 | 428.64 |
| Garden Valley* | 172 | 554.80 | 727.29 | 6.72 | | | | 1,288.82 | 1,288.82 |
| Gold Flat | 147 | | 32.35 | | | | | 32.35 | 32.35 |
| Grapevine Canyon* | 231 | | | | | | | | |
| Hot Creek Valley | 156 | 373.24 | 2,117.53 | 53.25 | | | 431.79 | 2,975.80 | 2,975.80 |
| Indian Springs Valley* | 161 | | 2.21 | | | | | 2.21 | 2.21 |
| Ione Valley* | 135 | 329.66 | 194.41 | | | | 53.77 | 577.83 | 577.83 |
| Kawich Valley | 157 | | 90.44 | | | | | 90.44 | 90.44 |
| Lida Valley* | 144 | | 2.18 | | | | | 2.18 | 2.18 |
| Little Fish Lake Valley | 150 | 40.02 | 279.44 | | | | 138.84 | 458.30 | 458.30 |
| Little Smoky Valley Central Part | 155B | | 30.44 | | | | | 30.44 | 30.44 |
| Little Smoky Valley Northern Part* | 155A | | 378.07 | | | | 453.95 | 832.02 | 832.02 |
| Little Smoky Valley Southern Part | 155C | | 71.40 | 79.57 | | | | 150.97 | 150.97 |
| Mercury Valley | 225 | | | | | | | | |
| Monitor Valley Northern Part* | 140A | 878.61 | 71.39 | | | | 13.44 | 963.44 | 963.44 |
| Monitor Valley Southern Part | 140B | 23,207.43 | 5,674.65 | | | | 40.33 | 28,922.40 | 28,922.40 |
| Oasis Valley | 228 | 1,558.12 | 1,908.37 | 2,129.50 | | | 28.36 | 5,624.35 | 5,624.35 |
| Pahroc Valley* | 208 | | | | | | | | |
| Pahrump Valley* | 162 | 2,085.00 | 3,061.40 | 4,240.29 | | | | 9,386.69 | 9,386.69 |
| Penoyer Valley (Sand Spring Valley)* | 170 | | 11.99 | 9.05 | | | 2.19 | 23.23 | 23.23 |
| Railroad Valley Northern Part* | 173B | 11,701.38 | 10,107.36 | 13,684.24 | | | 69.52 | 35,562.51 | 35,562.51 |
| Railroad Valley Southern Part* | 173A | | 211.81 | | | | 86.62 | 298.43 | 298.43 |
| Ralston Valley* | 141 | 11.56 | 216.32 | | | | 110.94 | 338.82 | 338.82 |
| Rock Valley | 226 | | | | | | | | |
| Sarcobatus Flat* | 146 | | 73.59 | | | | | 73.59 | 73.59 |
| Smith Creek* | 134 | | 218.00 | | | | | 218.00 | 218.00 |
| Stone Cabin Valley | 149 | 797.88 | 835.11 | 6.72 | | | 49.42 | 1,689.13 | 1,689.13 |
| Stonewall Flat* | 145 | | 57.36 | | | | 2.24 | 59.60 | 59.60 |
| Upper Reese River Valley* | 56 | 17,477.20 | 1,311.92 | | | | | 18,789.12 | 18,789.12 |
| White River Valley* | 207 | 13,917.77 | 20,122.78 | 130.26 | | | | 34,170.81 | 34,170.81 |
| Yucca Flat | 159 | | 52.47 | | | | | 52.47 | 52.47 |
| County Totals | | | | | | | | 208,750.15 | 208,750.15 |

* Shared Basins

¹ Total Allocated = Vested + Certified + Permitted + Reserved² Total Demand = Vested + Certified + Permitted + Applied For + Ready for Action/Protest + Reserved

Source: Division of Water Resources Files database April 2015. The values are preliminary and intended to be used for planning purposes only.

Table 3-5 summarizes the surfaces water appropriation by type of use. Agriculture (irrigation and stock water) is the largest user of surface water in Nye County accounting for a combined total nearly 153,000 acre-feet per year. Wildlife accounts for nearly 25,000 acre-feet with the majority of the rights held by the US Fish and Wildlife Service at the Ash Meadows Refuge in the Amargosa Desert. Mining, considered a temporary use, used about 16,000 acre-feet in 2015.

In 1985, surface water accounted for 47 percent of total water use in the County, reflecting their ease of access and application to beneficial use. By 1990, surface water use had dropped to 13 percent of the total water use in Nye County as groundwater development and pumpage increased. Presently surface water, which accounts for almost 37 percent of the committed water resources in Nye County, is used primarily for agriculture and wildlife.

Surface Water Issues

Drought is the foremost factor affecting surface water resources. Extended drought reduces precipitation, resulting in a reduction and sometimes complete loss of streamflow as baseflows decline. Drought will continue to reduce the availability of surface water supplies to support agricultural and ranching sectors. In addition to the negative economic impacts, drought will complicate the protection of spring and stream discharge rates, the management and use of riparian areas, and the maintenance of surface water quality.

In addition to the effects of drought, spring and stream discharges in Nye County may be reduced by diversions for beneficial use (a permitted activity), drought (a natural condition), or the effects of groundwater pumping that is located too near to surface water bodies. Figure 3-9 shows how springs may be affected by groundwater pumping. The potential for impacts on springs depends upon the proximity of the pumping, the hydraulic characteristics of the aquifer, and the magnitude and duration of pumping.

Beneficial use of surface water has been hampered by federal land use policies and decisions. Federal land management agencies such as BLM and USFS have adopted policies and decisions aimed at constraining, or in some cases, eliminating water use associated with federally authorized land use and disposals. Historic impacts on springs in Pahrump Valley are well documented. Discharge at Bennett Spring was measured at 3,350 gallons per minute (7.5 cfs) in 1875, and more than 2,500 gallons per minute (5.6 cfs) in 1940, but was dry by the end of 1959. At Manse Spring discharge dropped from a historic high of 2,700 gallons per minute (6.09 cfs) in 1885 to 1,400 gallons per minute in 1940, and was dry during the summer months by 1975. In 2004, Manse Spring began to flow again, reflecting wetter than normal climatic conditions and a decrease in agricultural water withdrawals in the vicinity of the spring. Most recent discharge measurements from Manse Spring were conducted by Nye County in May and October, 2011; measured discharges were approximately 900 gpm (2.0 cfs) (USGS NWIS, 2016). The prior reduction of spring discharges in Pahrump Valley resulted in the loss of the endemic Pahrump Killifish, as well as other fish species that depended on the spring pools for habitat.

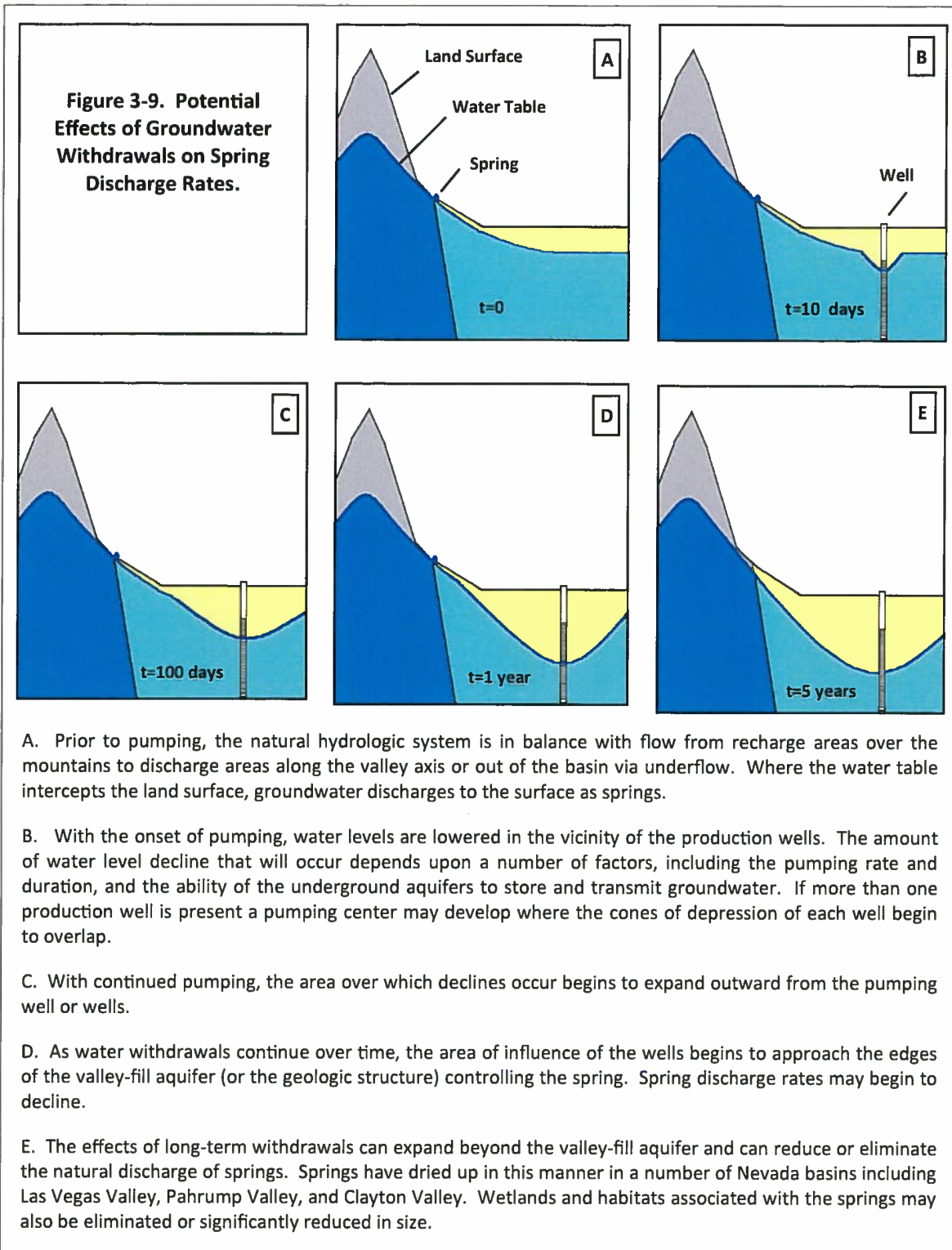
A significant issue affecting northern Nye County is the use and management of riparian areas. Figure 3-10 shows conceptualized model of the ecologic processes at work in a healthy riparian area. The use and management of riparian areas on public lands continues to be a source of increased awareness and conflict. Livestock and wildlife, including wild horses and burros, can

Table 3-5. Summary of Committed Surface Water Rights in acre-feet by Manner of Use for Nye County Basins as of April 2015

| Basin Name | Basin No. | Domestic | Com- mercial | Mining & Milling | Mining & Milling & Dewatering | Stock | Irrigation | Irrigation DLE | Wildlife | Recrea- tion | Municipal | Quasi- Municipal | Power | Storage | Other | Total |
|--------------------------------------|-----------|----------|-----------------|---------------------|-------------------------------------|--------|------------|-------------------|----------|-----------------|-----------|---------------------|-------|---------|-------|---------|
| Alkali Spring Valley* | 142 | | | 18 | | 4 | | 27 | 19,293 | 207 | | 2 | | | 145 | 22 |
| Anargosa Desert | 230 | | | 258 | | 22 | 5,055 | | | | | | | | 145 | 25,008 |
| Antelope Valley (Eureka & Nye)* | 151 | | | | | 95 | 260 | | | | | | | | 181 | 536 |
| Big Smoky Valley - Northern Part* | 137B | | | 8,185 | | 760 | 12,268 | | | | | | 6,697 | 1,000 | 202 | 29,112 |
| Big Smoky Valley - Tonopah Flat* | 137A | | 8 | 6,425 | 1,020 | 926 | 2,278 | | | 1 | | | | | 94 | 10,752 |
| Cactus Flat | 148 | | | | | 12 | 196 | | | | | | | | | 208 |
| Coal Valley* | 171 | | | | | 22 | | | | | | | | | | 22 |
| Crater Flat | 229 | | | | | 9 | | | | | | | | | 2 | 11 |
| Emigrant Valley/Groom Lake Valley* | 158A | | | | | 28 | | | | | | | | | | 28 |
| Emigrant Valley/Papoose Lake Valley* | 158B | | | | | | | | | | | | | | | 0 |
| Fortymile Canyon/Buckboard Mesa | 227B | | | | | | | | | | | | | | | 0 |
| Fortymile Canyon/Jackass Flats | 227A | | | | | 4 | | | | | | | | | | 4 |
| Frenchman Flat* | 160 | | | | | 4 | | | | | | | | | | 4 |
| Gabbs Valley* | 122 | 18 | | 58 | | 150 | 196 | | | | | | | | 7 | 411 |
| Garden Valley* | 172 | 18 | | | | 73 | 1,197 | | | | | | | | | 1,271 |
| Gold Flat | 147 | | | | | 32 | | | | | | | | | | 32 |
| Grapevine Canyon* | 231 | | | | | | | | | | | | | | | 0 |
| Hot Creek Valley | 156 | | | 41 | | 1,983 | 893 | 40 | | | | | | | 19 | 2,976 |
| Indian Springs Valley* | 161 | | | | | 2 | | | | | | | | | | 2 |
| Ione Valley* | 135 | | | 127 | | 355 | | | | 15 | | | | | 80 | 578 |
| Kawich Valley | 157 | | | | | 77 | | | 13 | | | | | | | 90 |
| Lida Valley* | 144 | | | | | 2 | | | | | | | | | | 2 |
| Little Fish Lake Valley | 150 | | | | | 165 | 154 | | | | | | | | 139 | 458 |
| Little Smoky Valley Central Part | 155B | | | | | 30 | | | | | | | | | 30 | 30 |
| Little Smoky Valley Northern Part* | 155A | | | | | 139 | 239 | | | | | | | | 454 | 832 |
| Little Smoky Valley Southern Part | 155C | | | | | 120 | | | 31 | | | | | | 151 | 151 |
| Mercury Valley | 225 | | | | | | | | | | | | | | | 0 |
| Monitor Valley Northern Part* | 140A | | | | | 653 | 297 | | | | | | | | 13 | 963 |
| Monitor Valley Southern Part | 140B | 2 | | 24 | | 1,073 | 26,509 | 1,274 | | 1 | | | | | 40 | 28,921 |
| Oasis Valley | 228 | 53 | | 12 | | 18 | 4,280 | | | 50 | | 83 | | | 28 | 4,471 |
| Pahrump Valley* | 208 | | | | | | | | | | | | | | | 0 |
| Pahrump Valley* | 162 | | | 90 | | 21 | 5,595 | | | 1,425 | 1,680 | | | 575 | | 9,387 |
| Penoyer Valley (Sand Spring Valley)* | 170 | | | | | 23 | | | | | | | | | | 23 |
| Railroad Valley Northern Part* | 173B | | | 442 | | 500 | 31,948 | 2,611 | | | | | | | 61 | 35,563 |
| Railroad Valley Southern Part* | 173A | | | | | 298 | | | | | | | | | 111 | 298 |
| Ralston Valley* | 141 | | | 9 | | 171 | 48 | | | | | | | | | 0 |
| Rock Valley | 226 | | | | | | | | | | | | | | | 74 |
| Sarcobatus Flat* | 146 | | | | | 64 | 10 | | | | | | | | | 218 |
| Smith Creek* | 134 | | | | | 218 | | | | | | | | | | 1,689 |
| Stone Cabin Valley | 149 | | | 16 | | 791 | 882 | | | | | | | | 2 | 60 |
| Stonewall Flat* | 145 | | | | | 57 | | | | | | | | | | 18,789 |
| Upper Reese River Valley* | 56 | | | | | 1,176 | 16,642 | 971 | | | | | | | | 34,171 |
| White River Valley* | 207 | | | | | 258 | 28,520 | | 5,392 | | | 2 | | | | 52 |
| Yucca Flat | 159 | | | | | 52 | | | | | | | | | | |
| Totals | | 91 | 8 | 15,707 | 1,020 | 10,173 | 137,684 | 4,922 | 24,729 | 1,698 | 1,680 | 87 | 6,697 | 1,575 | 1,578 | 207,559 |

* Shared Basins

Source: Division of Water Resources Files database April 2015. These values are preliminary and intended to be used for planning purposes only.



trample vegetation and overgraze forage in riparian areas. Livestock and wildlife may impact water quality in riparian areas by disturbing the soils and increasing erosion. Wildlife may be trapped and drowned in troughs and spring developments. Water diversions for irrigation may impact instream flows.

Livestock production is an important economic sector in northern Nye County. The ranching industry, in accordance with Nevada Water Law, has the right to divert water from streams and springs and to withdraw groundwater for irrigation. The potential effects of cattle on riparian areas cannot be entirely discounted, and, if not properly managed, livestock grazing can adversely impact the sporting and tourism industries that also provide important sources of revenue to the County. Impacts from grazing have been greatly reduced as grazing allotments are being restricted and closed. Further by requiring appropriate management practices, the effects of livestock grazing on riparian areas have been minimized.

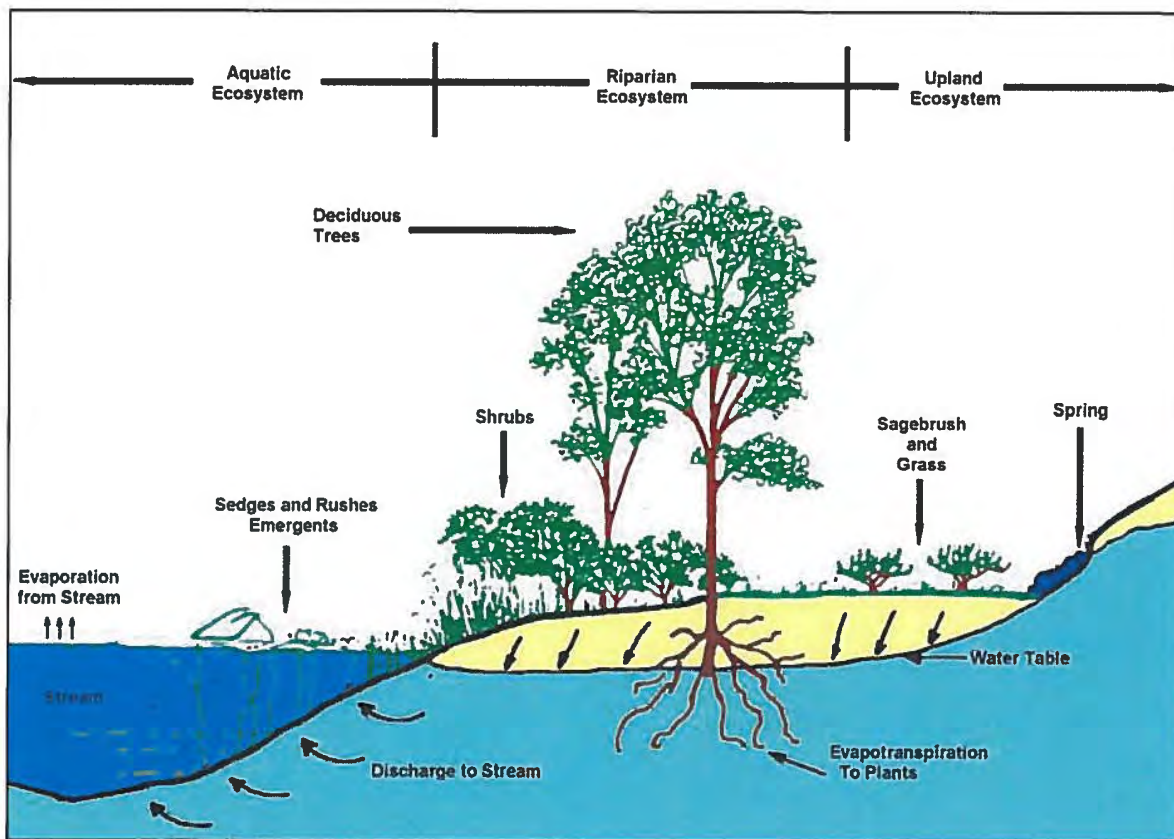


Figure 3-10. Conceptual model of ecological processes in a riparian area. From Buqo (2004).

In a related issue, thousands of "wild" horses and burros roam Nye County's public lands and sometimes the private lands, as well (www.blm.gov, accessed 2016; Wild Horse and Burro Facts). These large animals, originally introduced by the European settlers and later the gold miners, were afforded Congressional protection in 1971 by the Wild Free-Roaming Horses and Burros Act, which requires BLM to actively manage the herds at appropriate levels. Another federal law, FLPMA, requires BLM to manage public lands under the principles of "multiple use and sustained yield,"

thus livestock grazing and wildlife habitat are managed along with free-roaming horses and burros. When BLM develops land use plans, FLPMA requires that wild horses and burros be considered for their *resource value* on par with cultural, historic, wildlife, and scenic resources as opposed to authorized land uses, such as livestock grazing. As a result, many of the restrictions and requirements placed on ranching are not equally applied to wild horse and burro herds, even though the environmental impacts are essentially the same.

Wild horses and burros have virtually no natural predators and their herd sizes can double about every four years. In 1978, the Wild Free-Roaming Horses and Burros Act was amended requiring BLM to set Appropriate Management Levels (AML) and remove excess wild horses. As a result, the BLM removes thousands of animals from the range each year as part of its efforts to control herd sizes. AMLs for each Herd Management Area are established through FLPMA's land use planning process; i.e. RMPs. As of 2015, the currently established total maximum AML for both horses and burros on public lands in the western United States is 26,715, as shown in Table 3-6. Advocates for protection of free-ranging horses have argued that the AML was too low compared when compared to the forage allocated for cattle. Congress has not suggested that AML be raised but instead has directed the BLM to look into more effective forms of population control.

Table 3-6. 2015 BLM counts/estimates of wild horses and burros by state, and established AML.

| State | Horses | Burros | Total | Max. AML |
|------------|--------|--------|--------|----------|
| Arizona | 303 | 4,860 | 5,163 | 1,676 |
| California | 4,395 | 2,946 | 7,341 | 2,200 |
| Colorado | 1,415 | 0 | 1,415 | 812 |
| Idaho | 633 | 0 | 633 | 617 |
| Montana | 172 | 0 | 172 | 120 |
| Nevada | 27,599 | 2,611 | 30,210 | 12,811 |
| New Mexico | 175 | 0 | 175 | 83 |
| Oregon | 4,327 | 49 | 4,376 | 2,715 |
| Utah | 4,550 | 355 | 4,905 | 1,956 |
| Wyoming | 3,760 | 0 | 3,760 | 3,725 |
| Total | 47,329 | 10,821 | 58,150 | 26,715 |

Source: BLM Horse and Burro Quick Facts website, accessed 12-9-2015

http://www.blm.gov/wo/st/en/prog/whbprogram/history_and_facts/quick_facts.html

Between 1971 and 2001, BLM removed 193,000 horses and burros from federal rangelands, but was unable to maintain the populations at AML. Adoptions did not keep pace with removals, and in numerous instances, excess healthy animals were destroyed. In response to public outcry, Congress passed several measures to prevent BLM from destroying healthy animals. As a result of this direction, BLM now has a program to provide sanctuary to the excess animals. Unfortunately, the removal, adoption, and sanctuary programs have been unsuccessful in effectively reducing the number of animals on public lands. Today, over 58,000 animals remain on public lands, more than 31,000 animals over the established AML of 26,715. By BLM's count, nearly 30,210 animals of this western state total - 27,599 horses and 2,611 burros – are located in Nevada, many of them in Nye County. The stability of land, natural resources, and local Nye County economy depend on keeping herds at a minimum.

Effective Management Practices include:

- Conveying water from streams to watering sites away from riparian areas;
- Moving salt blocks away from riparian areas;
- Fencing selected riparian areas in National Forests;
- Monitoring impacts of grazing on riparian areas;
- Installing walkways to prevent trapping and drowning;
- Promoting cooperation between the ranching industry and federal land management agencies for the long-term management of range lands; and
- Encouraging BLM to manage wild horse and burro numbers.

The goal of many environmental groups and coalitions to remove cattle from all riparian areas in the western states remains a threat to the livestock industry of Nye County. In response to these concerns, many recent federal plans have severely restricted and even removed grazing from public lands. BLM's 2014 Draft RMPs/EISs for the Las Vegas and Pahrump Field Offices and Carson City Field Office propose extensive management agency (BLM) goals and objectives reiterate the management practices noted above, and also make several additional recommendations including:

- Permanent closure of previously restricted grazing allotments;
- Making existing allotments unavailable in the future; and
- Closing all allotments.

Nye County continues to promote cooperation between the diverse groups interested in the riparian areas within the County by coordinating resource management efforts with federal and state agencies to ensure that important Nye County economic sections that are reliant on access to public can be sustained.

Key surface water management issues in Nye County include:

- **Promoting riparian area management and protection;**
- **Implementing conservation measures in areas, where appropriate;**
- **Improving understanding of the relationships between surface and ground water uses;**
- **Maintaining instream flows for recreation, wildlife, and agricultural uses; and**
- **Reducing flood hazards and nonpoint source pollution.**

These issues are addressed in later Chapters of this plan.

3.5. GROUNDWATER RESOURCES

In addition to its surface water resources, Nye County has considerable groundwater resources. Groundwater occurs at various depths under the entire county and has been developed for municipal, agricultural, and mining supplies as well as for other purposes. In recent decades, the demand on the groundwater resources has grown significantly, in part reflecting the growth of the various economic sectors of the County, and in part reflecting the interest in exporting water from Nye County through large-scale interbasin transfers of water. Because most of the surface water resources of Nye County are already appropriated, the groundwater resources represent the only

remaining source of water available to support Nye County's future well-being through economic diversification and expansion.

In this section, an overview of the groundwater resources of Nye County is presented. This overview includes a description of the hydrologic conditions and sources of water, the quantity of water that is present, the quality of that water, the committed groundwater resources, and the issues associated with their development and use.

General Geologic Conditions

The geologic units of Nye County may be grouped into seven categories based on their significance to groundwater: 1) valley-fill deposits, comprising mixtures of gravel, sand, silt and clay that include the alluvial and playa deposits; 2) younger volcanic rocks, comprising ash-flow tuff and basalt; 3) older volcanic rocks, comprising dacite, latite, andesite, and tuffs; 4) Triassic sediments, comprising freshwater limestone, conglomerate, sandstone, siltstone, and tuff; 5) intrusive rocks, comprising granitic plutons; 6) upper Paleozoic carbonate rocks, comprising predominantly limestone and dolomite, but with inter-bedded shale and siltstone aquitards; and 7) lower Paleozoic and older rocks, comprising predominantly clastic rocks including shale and quartzite, but with some inter-bedded carbonate units. For more detailed descriptions of the geologic units present, the reader is referred to Nevada Bureau of Mines and Geology Bulletin 77, Geology and Mineral Deposits of Southern Nye County, Nevada, 1972, by Henry R. Cornwall, and Bulletin 99A, Geology of Northern Nye County, Nevada, 1985, by Frank J. Kleinhampl and Joseph I. Ziony.

In general, the geologic units of Nye County can be divided into three major aquifer systems, the valley-fill aquifers, the volcanic aquifers, and the regional carbonate aquifer. The regional carbonate aquifer is divided into six systems: an upper carbonate system, an upper clastic aquitard, a lower carbonate system, a Cambrian aquitard, a middle Cambrian carbonate aquifer, and a lower clastic aquitard.

The ability of the aquifer systems of Nye County to store and transmit groundwater, and to yield water to wells, depends upon the type of aquifer and its characteristics. Typically, the alluvial deposits are more productive where they comprise coarse-grained gravels and sand deposits, but exhibit low well yields in the playa areas where clay predominates. The production from the consolidated volcanic and carbonate aquifers depends largely on the degree of faulting and fracturing. The fractured limestone and dolomite units are quite productive aquifers, with yields as high as 3,000 gallons per minute reported for some wells drilled into similar units in Clark County. Some geologic units have little or no productivity because of their fine-grained nature. These units include shale, quartzite, and granite. When fractured, these units may be capable of producing low to moderate well yields (a few tens of gallons per minute), but generally act as aquitards (units that tend to retard the movement of water horizontally and vertically between aquifers).

The distribution of geologic units and the relationships between aquifers and aquitards is variable because of the past geologic history of Nye County. The carbonate and other sedimentary rock units that were originally deposited as flat lying sediments on the ocean floor have since been faulted, folded, fractured, and in some instances, intruded by granitic rocks. Low-angle faults have resulted in older rocks being thrust over younger rocks while high-angle basin and range faults have resulted in significant offsets in geologic units. The intrusion of plutons, dikes, sills, and volcanic

conduits has further disturbed the rocks and aquifers. The net result of this deformation is that the aquifers in Nye County are not continuous. Rather, they are broken into discrete compartments that are usually bounded either by fault zones or contacts between rocks with contrasting hydraulic properties. This compartmentalization is an important, but poorly understood, aspect of the regional hydrologic conditions. The regional carbonate aquifer, for example, is commonly perceived as a continuous aquifer while in reality, it has been broken up both horizontally and vertically into dozens, and perhaps hundreds, of individual compartments. A better understanding of how these compartments interact can only be achieved through further testing and study.

Groundwater Occurrence and Flow

Figure 3-11 shows the conceptual hydrogeologic conditions in Nye County. Recharge derived from precipitation over the upland areas replenishes the groundwater reservoir each year. Groundwater flows from the upland areas toward the valley floors. In undrained basins, all of the groundwater stays within the basin where the recharge fell and is discharged to the surface or consumed by plants (a process referred to as evapotranspiration).

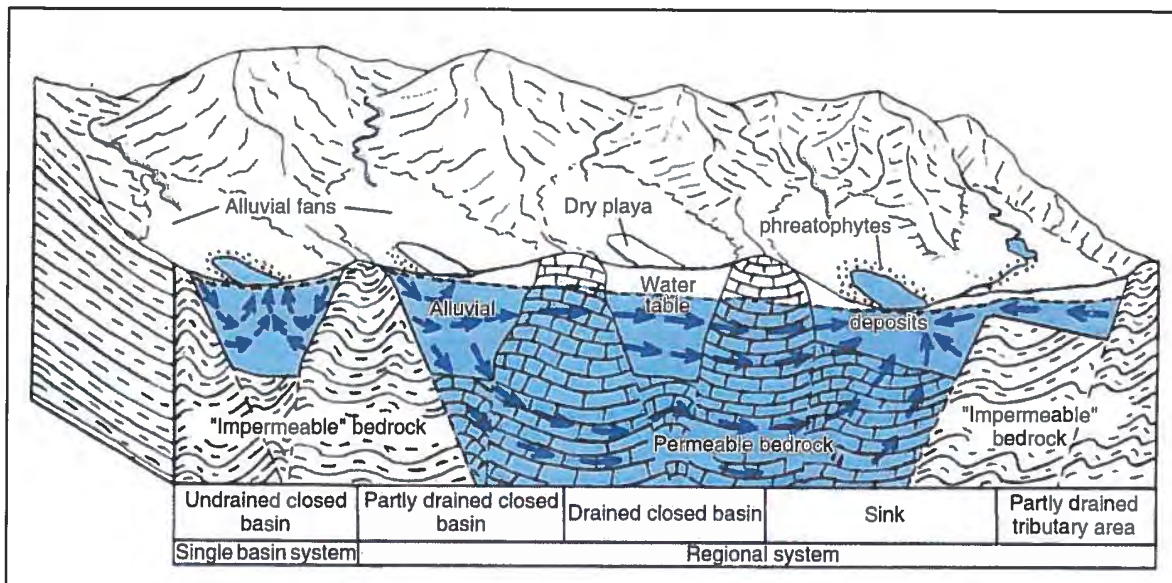


Figure 3-11. Conceptual hydrogeology of the basins in Nye County. Modified from U.S. Geological Survey Professional Paper 813-G.

Nye County is located within the Great Basin, a 200,000 square mile area that drains internally. All precipitation in the region evaporates, sinks underground or flows into lakes (mostly saline). Creeks, streams, or rivers find no outlet to either the Gulf of Mexico or the Pacific Ocean. The region is bounded by the Wasatch Mountains to the east, the Sierra Nevada to the west, and the Snake River Plain to the north. The south rim is less distinct. The Great Basin includes most of Nevada, half of Utah, and sections of Idaho, Wyoming, Oregon, and California. Located in the Basin and Range sub-region the area is characterized by many north-south trending mountain ranges. These mountain ranges are separated by flat valleys or basins (Hunt, 1974).

Hydrologically, the Great Basin is separated into eastern and western areas on the basis of the occurrence of depositional facies of continental-shelf and continental-slope and -rise deposits. The western area includes the approximate western one-third of the Great Basin and is characterized by marine sedimentary rocks (chert, shale, siltstone, sandstone, and limestone) and marine volcanic rocks of Paleozoic and early Mesozoic age. The eastern two-thirds of the Great Basin is characterized by alternating sedimentary sequences that are dominated either by clastic rocks (mostly sandstone, shale, and conglomerate) with minor amounts of carbonate rocks (limestone or dolomite) or by carbonate rocks (limestone and dolomite) with minor amounts of clastic rocks (Harrill and Prudic, 1998). Nye County includes areas characterized by each of these two distinct facies.

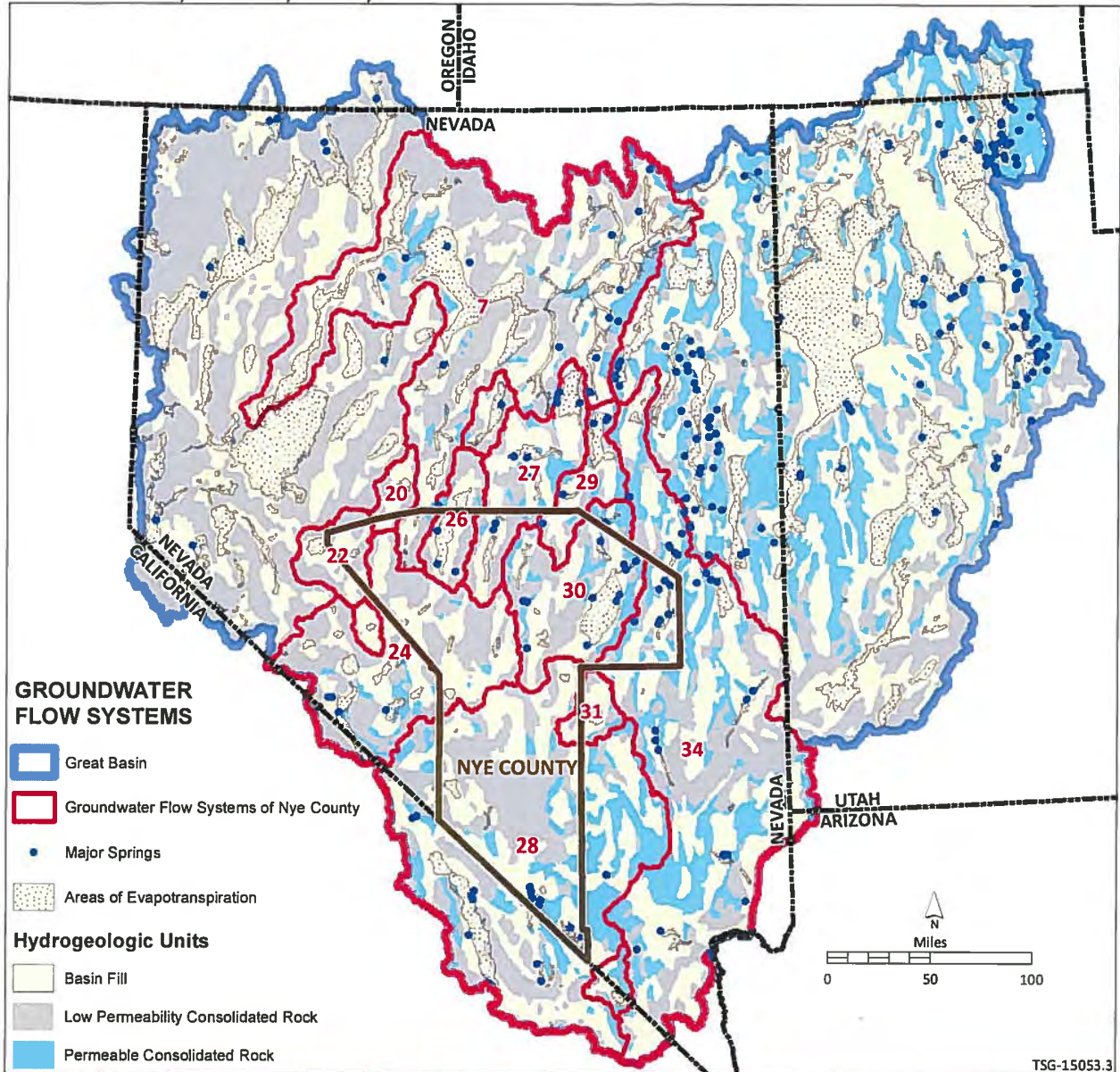
In general in the eastern Great Basin, the overall thickness of carbonate rocks exceeds that of clastic rocks, especially in the Middle Cambrian to Lower Triassic parts of the stratigraphic section. Combined thickness of carbonate and clastic rocks ranges from about 5,000 ft to nearly 30,000 ft. The area of eastern and transitional depositional facies correspond to the general area of the carbonate rock province as used by Harrill and Prudic (1998).

The Great Basin regional aquifer system includes most of Nevada and parts of Utah, California, Oregon, Idaho, and Arizona that contain numerous basins that collectively constitute a significant regional ground-water resource. Most of the basins share common geologic and hydrologic characteristics. In addition to basins that function as independent hydrologic systems, this group includes contiguous basins that have varying degrees of hydraulic continuity through permeable consolidated rocks, or that are linked by river systems (Harrill and Prudic, 1998).

In parts of western Utah and eastern Nevada, structural basins are underlain and bounded by thick sequences of permeable carbonate rocks; this creates complex flow systems that contain both basin-fill and carbonate-rock aquifers. Most of the basins throughout the area contain basin-fill aquifers, which are physically separated by intervening mountain ranges composed of consolidated rock and have varying degrees of hydraulic connectivity. The carbonate-rock aquifers are within the carbonate-rock province, a 100,000-mi² area that is mostly in eastern Nevada and western Utah. This area is characterized by some degree of hydraulic continuity between basins through the carbonate-rock aquifers. Several large multi-basin ground-water flow systems have been identified in the carbonate-rock province (Harrill and Prudic, 1998).

As previously noted, where two or more basins are hydraulically connected, they form a flow system. Figure 3-12 shows the groundwater flow systems that underlie Nye County. The Railroad Valley system and the Death Valley system are the two major flow systems in the County, but recharge over Nye County provides appreciable water to the Northern Big Smoky Valley system, the Diamond Valley system, the White River system, and the South Central Marshes system. The hydraulic connection between individual basins in each of these systems is usually the carbonate rocks that underlie the valley-fill deposits and crop out in the mountains. These rocks are commonly referred to as the regional carbonate aquifer.

Great Basin Flow Systems of Nye County



| Flow System No. | Flow System | No. Basins | Area (sq mi) | Nye County Portion |
|-----------------|---------------------------|------------|--------------|--|
| 34 | Colorado | 34 | 16,300 | Coal Valley, Garden Valley, White River Valley |
| 28 | Death Valley | 30 | 15,800 | Amargosa Desert, Buckboard Mesa, Cactus Flat, Crater Flat, Death Valley, Groom Lake Valley, Pappoose Valley, Frenchman Flat, Gold Flat, Indian Springs Valley, Jackass Flats, Kawich Valley, Lida Valley, Mercury Valley, Oasis Valley, Pahrump Valley, Rock Valley, Sarcobatus Flat, Stonewall Flat, Yucca Flat |
| 27 | Diamond Valley | 6 | 3,120 | Antelope Valley, Monitor Valley North & South |
| 22 | Gabbs Valley | 1 | 1,280 | Gabbs Valley |
| 7 | Humboldt | 34 | 16,800 | Upper Reese Valley |
| 29 | Newark Valley | 3 | 1,450 | Little Smoky Valley North & Central |
| 26 | Northern Big Smoky Valley | 1 | 1,320 | Big Smoky Valley North |
| 31 | Penoyer Valley | 1 | 700 | Penoyer Valley |
| 30 | Railroad Valley | 4 | 4,130 | Hot Creek Valley, Little Fish Lake Valley, Little Smoky Valley South, Railroad Valley North |
| 20 | Smith Creek Valley | 1 | 582 | Smith Creek Valley |
| 24 | South Central Marshes | 12 | 6,790 | Alkali Spring Flat, Big Smoky Valley, Lone Valley, Ralston Valley, Stone Cabin Valley |

Figure 3-12. Groundwater flow systems, hydrogeologic units, and areas of evapotranspiration of the Great Basin.

After Harrill et al (1988) and Schruben et al (1994).

The sources of groundwater in these flow systems include recharge from precipitation, mountain runoff, and regional inflow from carbonate rock aquifers. The regional carbonate aquifer stores hundreds of millions of acre-feet of water. However, the U.S. Geological Survey has estimated that if the water stored in the upper 100 feet were extracted, the central carbonate aquifer could yield about six million acre-feet of stored water. It is important to note, however, that the extraction of such huge volumes of water, and the subsequent lowering of water levels, could have significant adverse impacts on the groundwater regime of the basins where extraction occurs. The issues associated with this type of groundwater development are discussed in a later chapter.

Nye County includes portions of eleven groundwater flow systems but does not have any single flow system entirely within its boundaries. Collectively, these flow systems total more than 68,000 square miles. The most important flow systems in Nye County are the Death Valley system, the South Central Marshes systems, the Railroad Valley system, and the Colorado system because recharge over the mountainous areas of these regions sustain much of the flow through the Death Valley and Railroad Valley systems with much smaller contributions to the other flow systems. The groundwater in these systems ultimately discharges to regional sinks including the saltpan at Death Valley in Inyo County, the Muddy Springs area in Clark County, discharge areas in Esmeralda County, and the extensive springs and evapotranspiration areas in central Railroad Valley, Big Smoky Valley, and Little Fish Lake Valley.

From a water planning perspective, the recognition of flow system sources and discharge areas is important. For example, the Death Valley flow system includes 20 hydrographic basins that are located wholly, or partially, in Nye County. Within this flow system, recharge derived from areas in Clark County and northern Nye County provide the source of most of the groundwater in southern Nye County. The groundwater in Pahrump Valley and eastern Amargosa Desert is derived primarily from precipitation that falls over the Spring Mountains. The groundwater in central Amargosa Desert is derived primarily from recharge from the Sheep Range, in north-central Clark County (Buqo, 2004).

Much of the groundwater in the eastern and central Death Valley system discharges at the springs and evapotranspiration areas in the Nevada portions of Amargosa Desert and Pahrump Valley. Some discharges in California at the springs at Tecopa and the playa area south of Death Valley Junction. Some portion of the groundwater discharge at the springs and saltpan at Death Valley may also be derived from the underflow of groundwater from Nye County that originated as recharge over Clark County or even portions of Lincoln County. Thus, much of southern Nye County's groundwater resources originates from recharge in Clark County and some areas in California rely upon the portion of recharge that crosses the state line from Nye County into Inyo County. These hydrologic conditions indicate the need for cooperative water planning across county and state lines to ensure that developments in one part of a flow system do not result in unacceptable impacts in other parts of the flow system.

General Basin Hydrology

Nye County's eleven flow systems include all or portions of 43 individual hydrographic basins. Figure 3-13 shows the locations of these basins, and Table 3-7 provides summary information on the water budget parameters for each of these basins. The water budget in its simplest form is an accounting of the flows to and flows from a basin and is assumed to be balanced under natural or

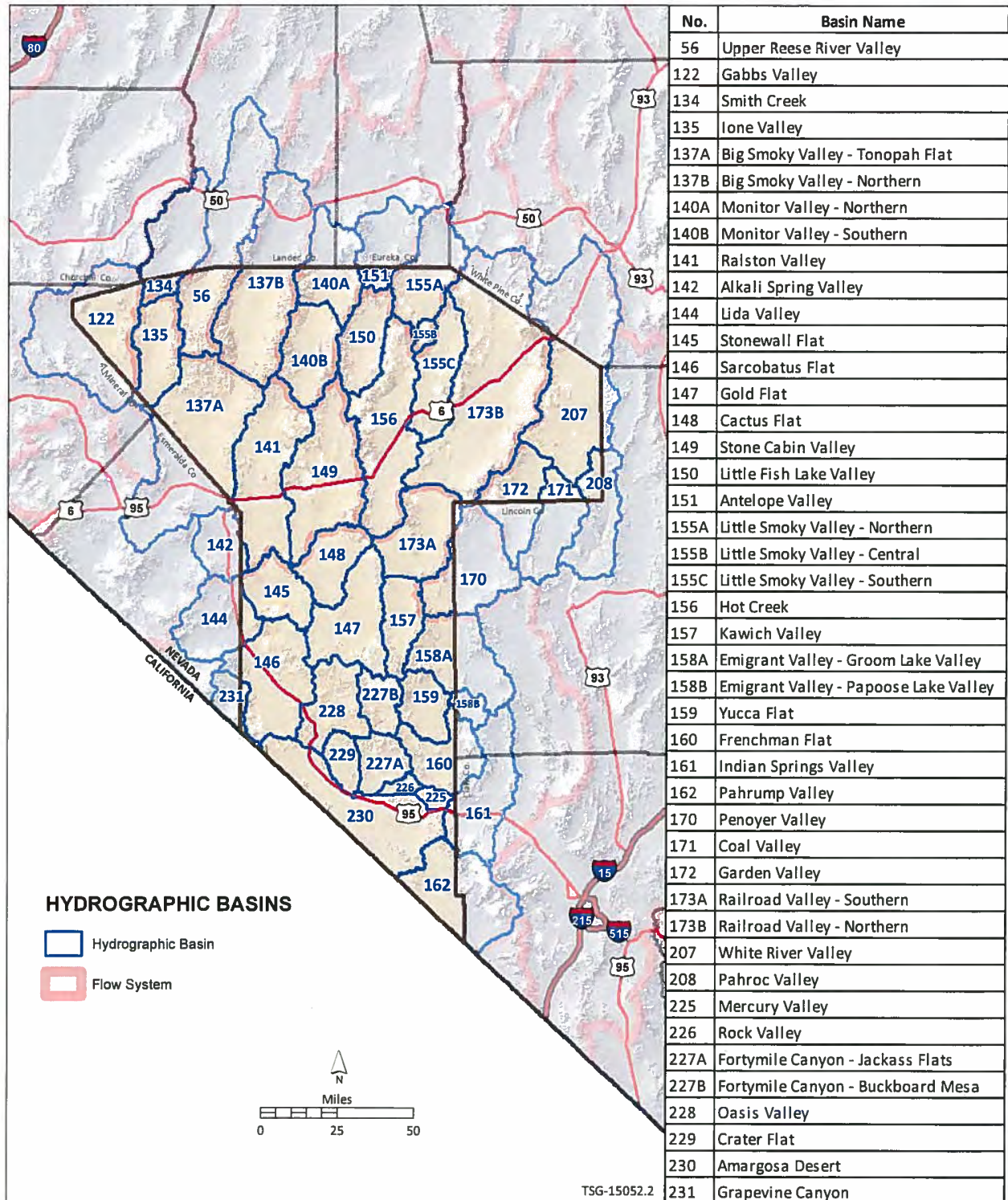


Figure 3-13. Hydrographic Basins of Nye County. There are 44 hydrographic basins wholly or partially located within Nye County's boundary. Only about 20 of the basins are wholly within the County boundaries, and of these, eight are located entirely on federal lands withdrawn from all forms of public entry. The remaining 23 basins are shared with eight other Nevada counties and two counties in California. Political subdivision of hydrographic basins and federal agency land access rules can hamper water planning efforts.

Table 3-7. Water Budget Parameters in acre-feet per year for the Basins in Nye County

| Basin Name | Basin No. | Recharge | Inflow | Evapotranspiration | Outflow | Perennial Yield Current | Perennial Yield Prior |
|--------------------------------------|-----------|---------------|---------------|--------------------|---------------|-------------------------|-----------------------|
| Alkali Spring Valley* | 142 | 100 | 5,500 | 400 | 5,000 | 3,000 | |
| Amargosa Desert | 230 | 600 | 44,000 | 24,000 | 19,000 | 24,000 ¹ | 24,000 ² |
| Antelope Valley (Eureka & Nye)* | 151 | 17,000 | 500 | 4,000 | 13,500 | 4,000 | |
| Big Smoky Valley - Northern Part* | 137B | 65,000 | 0 | 64,000 | 0 | 65,000 | |
| Big Smoky Valley - Tonopah Flat* | 137A | 12,000 | 2,000 | 6,000 | 8,000 | 6,000 | |
| Cactus Flat | 148 | 600 | 0 | 0 | 300 | 300 | |
| Coal Valley* | 171 | 2,000 | 8,000 | Minor | 10,000 | 6,000 | |
| Crater Flat | 229 | 220 | 1,500 | 0 | 1,700 | 24,000 ¹ | 1,000 |
| Emigrant Valley/Groom Lake Valley* | 158A | 3,200 | 0 | 0 | 3,200 | 2,800 | |
| Emigrant Valley/Papoose Lake Valley* | 158B | <10 | 0 | 0 | <10 | <10 | |
| Fortymile Canyon/Buckboard Mesa | 227B | 1,400 | 5,800 | 0 | 7,200 | 24,000 ¹ | 4,000 |
| Fortymile Canyon/Jackass Flats | 227A | 900 | 7,200 | 0 | 8,100 | 24,000 ¹ | 4,000 |
| Frenchman Flat* | 160 | 100 | 33,000 | 0 | 33,000 | 100 | |
| Gabbs Valley* | 122 | 5,000 | 0 | >3,700 | 0 | 5,000 | |
| Garden Valley* | 172 | 10,000 | 0 | 2,000 | 8,000 | 6,000 | |
| Gold Flat | 147 | 3,800 | 0 | 0 | 3,800 | 1,900 | |
| Grapevine Canyon* | 231 | 50 | 500? | Minor | 400 | 1,000 | 400 |
| Hot Creek Valley | 156 | 5,800 | 0 | 5,000 | 800 | 5,500 | |
| Indian Springs Valley* | 161 | 10,000 | 22,000 | Minor | 32,000 | 500 | |
| Ione Valley* | 135 | 8,000 | 0 | 1,300 | 2,000 | 2,500 | |
| Kawich Valley | 157 | 3,500 | 1,000 | 0 | 4,500 | 2,200 | |
| Lida Valley* | 144 | 500 | 200 | 0 | 700 | 350 | |
| Little Fish Lake Valley | 150 | 9,700 | 0 | 9,700 | 0 | 10,000 | |
| Little Smoky Valley Central Part | 155B | 200 | 0 | 0 | 200 | 100 | |
| Little Smoky Valley Northern Part* | 155A | 4,000 | Some | 1,900 | 1,000 | 5,000 | |
| Little Smoky Valley Southern Part | 155C | 1,400 | Some | 0 | Some | 1,000 | |
| Mercury Valley | 225 | 250 | 16,000 | 0 | 17,000 | 24,000 ¹ | 8,000 |
| Monitor Valley Northern Part* | 140A | 6,300 | 2,000 | 2,000 | 6,000 | 8,000 | |
| Monitor Valley Southern Part | 140B | 15,000 | 0 | 9,200 | 2,000 | 10,000 | |
| Oasis Valley | 228 | 1,000 | 2,500 | 2,000 | 1,500 | 24,000 ¹ | |
| Pahroc Valley* | 208 | 2,200 | 40,000 | 0 | 42,000 | 21,000 | |
| Pahrump Valley* | 162 | 22,000 | 0 | 10,000 | 13,000 | 20,000 | 12,000 ³ |
| Penoyer Valley (Sand Spring Valley)* | 170 | 4,300 | 0 | 6,400 | 0 | 4,000 | 5,000 |
| Railroad Valley Northern Part* | 173B | 61,000 | 24,000 | 85,000 | 0 | 75,000 | 50,000 ⁴ |
| Railroad Valley Southern Part* | 173A | 6,000 | | | 1,000 | 2,800 | |
| Ralston Valley* | 141 | 5,000 | 3,000 | 2,500 | 5,500 | 6,000 | |
| Rock Valley | 226 | 30 | 17,000 | 0 | 17,000 | 24,000 ¹ | 8,000 |
| Sarcobatus Flat* | 146 | 1,200 | 1,300 | 3,000 | 500 | 3,000 | |
| Smith Creek* | 134 | 12,000 | 0 | 6,600 | 0 | 10,000 | |
| Stone Cabin Valley | 149 | 5,000 | 0 | 2,000 | 3,000 | 2,000 | |
| Stonewall Flat* | 145 | 100 | Some | 0 | 200 | 100 | |
| Upper Reese River Valley* | 56 | 37,000 | 0 | 37,000 | 500 | 37,000 | |
| White River Valley* | 207 | 38,000 | 39,000 | 37,000 | 40,000 | 37,000 | |
| Yucca Flat | 159 | 700 | 0 | 0 | 700 | 350 | |
| County Total | | | | | | 364,500 | |

* Shared Basins

¹ Combined total for Basins 225 through 230 (DWR website Basin Summary August 26, 2015).

² Scott et al (1971) reported a value of 34,000 acre-feet.

³ The State Engineer's 1987 curtailment order (955) notes that the USGS estimates Pahrump's perennial yield to be 19,000 acre-feet, while the NSE estimates it to be lower on the order of 12,000 afa.

⁴ 50,000 combined total of 173A and 173B.

Source: Scott et al 1971; Nichols 2000 (in bold); DWR website Basin Summaries August 2015.

“pre-development” conditions. A basin’s water budget is in balance if the groundwater recharge from all sources equals the total discharge. Recharge to the groundwater system in each basin is derived primarily from the precipitation that falls above an elevation of about 6,000 feet above mean sea level. In the northern part of the County, the bulk of the recharge over the County occurs over the Toiyabe Range, Toquima Range, Hot Creek Range, and Grant Range. Lesser recharge in the north is distributed over the White Pine Range and Shoshone Mountains (Figure 3-2).

In the southern part of the County, little recharge is derived from precipitation that falls over the County. Rather, as noted previously, the aquifers in Pahrump Valley and Amargosa Valley are recharged primarily by precipitation over the Spring Mountains and Sheep Range in Clark County. The quantity of recharge that is contributed each year is not known. Reconnaissance level estimates of recharge have been developed based on estimates of discharge, climate data, and the topography of the landscape. In addition to this natural recharge, activities by man can result in additional recharge to the groundwater reservoir, a process referred to as secondary recharge. Secondary recharge occurs where water infiltrates to the water table from irrigated cropland or pastures; leakage from canals, ditches, and natural stream channels; and even from septic systems. Secondary recharge can total several thousand acre-feet per year in some basins. A study sponsored by the NCWD is currently underway to quantify the secondary recharge in the Pahrump basin.

Groundwater flows from the upland recharge areas to discharge areas at springs and areas where shallow groundwater is discharged to evapotranspiration. The largest areas of evapotranspiration in Nye County are in Railroad Valley and Big Smoky Valley. Lesser but still significant evapotranspiration occurs in Amargosa Desert and Little Fish Lake Valley. Significant natural discharge from springs once occurred in Pahrump Valley but has been diminished over the last five decades by groundwater development from wells. There is still considerable uncertainty, however, in these water budgets, and a greater understanding of both recharge and discharge is needed to help guide water resources evaluations and planning in the region.

Groundwater Quantity and Availability

Nye County has significant groundwater resources but they are not well defined. The perennial yields listed in Table 3-7 offer a first order approximation of how much water can actually be drawn on an annual basis. As water development occurs and changes in water levels are observed, the State Engineer may revise perennial yield estimates as additional data provide better understanding of the basin budget and dynamics. Until more complete information on basin groundwater budgets are available, the existing perennial yield values of the State Engineer continue to serve as the basis for planning.

In 2015, the State Engineer adjusted the perennial yield of the Pahrump Artesian basin upward from 12,000 acre-feet to 20,000 acre-feet in Order 1252, based on the results of numerous hydrologic studies. Although the change suggests that current pumpage is below perennial yield, the State Engineer considers Pahrump Artesian Basin to be in need of special management, based on the current level of allocation and historic pumpage. The recently approved GWMP, discussed in Chapter 5, identifies numerous measures that are being implemented to better define the basin budget, address the over-allocation, and establish a range of viable alternatives to mitigate areas of over-pumpage.

The perennial yield of the Amargosa Desert includes the yields of its tributary basins, most of which are located on the NNSS. The basins include Mercury Valley, Rock Valley, Jackass Flats, Crater Flat, Buckboard Mesa, Oasis Valley and Amargosa Desert Basins. The total perennial yield assigned by DWR is 24,000 acre-feet. This value is significantly lower than the estimate of 40,000 acre-feet suggested by Buqo in the 2004 WRP. Buqo's 2004 estimate was based on assigning non-zero evapotranspiration values to areas of bare soil with shallow groundwater in the Amargosa Desert that were previously considered to be zero. Applying a non-zero evapotranspiration value produces 16,000 acre-feet of evapotranspiration in the Amargosa Desert Basin budget. Further study is needed to determine whether or not evapotranspiration occurs on bare soils in Amargosa Desert and if so, the magnitude of its contribution to the basin budget and perennial yield.

Determining the quantity of water available within Nye County is further complicated by the fact that only 16 of the 43 hydrographic basins are wholly situated within the County. In the north, Nye County shares two hydrographic basins with Churchill County, three basins with Lander County, three basins with Eureka County, and three basins with White Pine County. On the east, seven basins are shared with Lincoln County and three basins are shared with Clark County. On the west, two basins are shared with Mineral County and six basins are shared with Esmeralda County. To the south, in California, Nye County shares three basins with Inyo County.

Because the development in the rural counties of Nevada and California that share hydrographic basins has been minor, there has not been conflicts in the past over groundwater commitments and use. This situation may change, however, as growth is expected to occur across the entire region, and a number of entities are looking at the water resources of the shared basins as sources of water for exportation to urban areas. As in the past, water development in Clark County could result in direct competition with Nye County, and development in Nye County may result in direct competition with Inyo County interests for the shared but limited groundwater resources.

In recent years, the federal demand for water resources to support its various missions has increased competition for Nye County's water resources. Several Interior Department agencies, including the BLM, National Park Services, Fish and Wildlife Service, and the USDA's Forest Service continue to propose numerous measures that will substantially restrict the future development and use of groundwater on public lands for federally-authorized uses (i.e. grazing, commercial power production, etc.). At the same time, Federal agencies continue to acquire state-issued rights to support wildlife habitat and riparian areas. Federally held surface water rights in Nye County account for nearly 29,000 acre-feet per year of certifications, permitted, decreed, and vested rights. Federal Interior and Agriculture agencies also assert additional unadjudicated claims of 7,000 acre-feet of reserved surface water rights, and an unquantified annual duty with a combined seasonal diversion rate of nearly 25 cfs from these sources.

It is expected that most of these federal claims of reserved rights would not meet the standards of adjudication were the administrative process to occur. The Nevada State Engineer has countered attempts by federal agencies to hold the water rights required to support the federal land uses they permit, and has held that the permittee is in fact the appropriate owner of the water rights. Nye County will continue to resist federal efforts to overstep State Water Law, and the limited authorities granted to the County.

Data on Departments of Defense and Energy water use is readily available. Air Force water use at the NTTR complies with Nevada water law, and is reported on DWRs website. Annual NTTR pumpage from wells located in Nye County averaged 155 acre-feet during the period from 2000 to 2014. The DOE/NNSA asserts federally reserved water rights at the NNSS up to the historical maximum use (4,175 AFY) and does not comply with Nevada Water Law except as a matter of comity. Although, water use on the NNSS is not reported to DWR, the USGS/DOE Cooperative Studies in Nevada website lists monthly current and historical pumpage data by well for all wells on the NNSS at https://nevada.usgs.gov/doe_nv/.

The estimated committed groundwater resources in Nye County are large. Table 3-8 identifies water rights by status in each basin and Table 3-9 lists the committed water rights by type of use. The values shown are estimates based on DWR data. As of August 2015, nearly 360,000 acre-feet of groundwater have been committed in the basins that are located wholly or partially in Nye County. The valleys with the largest committed groundwater resources are Pahrump Valley with over 60,000 acre-feet committed, Big Smoky Valley - Northern Part with about 57,000 acre-feet committed, Upper Reese Valley with about 37,000 acre-feet committed, White River Valley with over 35,000 acre-feet committed, Railroad Valley Northern Part with over 31,000 acre-feet committed, Amargosa Desert with almost 28,000 acre-feet committed, Big Smoky Valley - Tonopah Flat with almost 24,000 acre-feet committed, Gabbs Valley with over 19,000 acre-feet committed, Penoyer Valley with about 15,000 acre-feet committed, and Stone Cabin Valley with about 11,000 acre-feet committed. As expected from Table 3-8, most basins in Nye County saw an increase in groundwater allocation since 2004. In this same period, the Pahrump Artesian Basin (162) and Alkali Spring Valley (142) saw substantial decreases in groundwater allocations, each in excess of 11,600 acre-feet per year.

In addition to the water resource commitments shown in Table 3-8, there are large water right filings in some basins that are ready for action by the Nevada State Engineer. In all, applications are outstanding for slightly more than 200,000 acre-feet in the basins that are located wholly or partially in Nye County (as of August 2015). Most of these pending applications are from the Southern Nevada Water Authority and originated with the Las Vegas Valley Water District's 1998 plans to export water from Nye County and other rural Nevada counties to metropolitan Las Vegas. The Las Vegas Valley Water District originally filed 32 groundwater applications with points of diversion in Nye County. Some of these applications have been withdrawn but the remaining applications, totaling more than 172,000 acre-feet in Railroad Valley (North), Garden Valley, Coal Valley, and Indian Springs Valley, with the status of "ready for protest".

Since publication of the 2004 WRP, which presented 1999 data, many of the longstanding applications for large allocations of water rights have been processed by the State Engineer. Numerous applications associated with Carey Act and Desert Land Entries have been denied in many Nye County basins. Permits were denied on more than 95,000 acre-feet of applications pending in Railroad Valleys North and South, 14,000 acre-feet in Big Smoky Valley North, 13,760 acre-feet in Hot Creek Valley, 7,680 acre-feet in Monitor Valley South, 2,560 acre-feet in Smith Creek Valley, and 640 acre-feet in Lone Valley. Prior filings by the Nye County Board of County Commissioners from February 2000 totaling over 33,000 acre-feet per year in the basins of the

Table 3-8. Status of Underground Water Rights in acre-feet in Nye County Basins Through August 2015

| Basin Name | Basin No. | Vested | Applied For | Ready for Action ¹ | Permitted | Relinquished | Certificated | Total Allocated ² | Total Demand ³ |
|--------------------------------------|-----------|--------|-------------|-------------------------------|-----------|--------------|--------------|------------------------------|---------------------------|
| Alkali Spring Valley* | 142 | | | †1,448.00 | 1,329.32 | | 578.10 | 1,907.42 | 3,355.42 |
| Amargosa Desert | 230 | | 1,300.00 | †2.0 | 6,378.67 | 2.02 | 20,939.78 | 27,320.47 | 28,622.47 |
| Antelope Valley (Eureka & Nye)* | 151 | | | | 1,300.00 | | 1,763.00 | 3,063.00 | 3,063.00 |
| Big Smoky Valley - Northern Part* | 137B | 127.35 | | †342.00 | 15,088.38 | | 42,442.01 | 57,657.74 | 57,999.74 |
| Big Smoky Valley - Tonopah Flat* | 137A | | 20.88 | †322.00 | 6,950.65 | | 17,106.34 | 24,056.99 | 24,399.87 |
| Cactus Flat | 148 | | | | 178.77 | | 69.41 | 248.18 | 248.18 |
| Coal Valley* | 171 | | | †33,071.16 | | | 63.80 | 63.80 | 33,134.96 |
| Crater Flat | 229 | | | | 491.03 | | 190.33 | 681.36 | 681.36 |
| Emigrant Valley/Groom Lake Valley* | 158A | | | | | | 12.32 | 12.32 | 12.32 |
| Emigrant Valley/Papoose Lake Valley* | 158B | | | | | | 11.78 | 11.78 | 11.78 |
| Fortymile Canyon/Buckboard Mesa | 227B | | | | | | | | |
| Fortymile Canyon/Jackass Flats | 227A | | 4.60 | | | | 17.22 | 17.22 | 21.82 |
| Frenchman Flat* | 160 | | | | | | | | |
| Gabbs Valley* | 122 | 107.88 | | †500.00 | 7,262.78 | | 11,914.21 | 19,284.87 | 19,784.87 |
| Garden Valley* | 172 | | | †11,583.75 | 489.85 | | 553.60 | 1,043.45 | 12,627.20 |
| Gold Flat | 147 | | | | 361.98 | | 29.34 | 391.32 | 391.32 |
| Grapevine Canyon* | 231 | | | | | | 12.43 | 12.43 | 12.43 |
| Hot Creek Valley | 156 | 23.17 | | | 613.90 | | 2,553.47 | 3,190.54 | 3,190.54 |
| Indian Springs Valley* | 161 | | | †32,000.00 | 68.92 | | 1,322.03 | 1,390.95 | 33,390.95 |
| Ione Valley* | 135 | | | | 50.00 | | 136.20 | 186.20 | 186.20 |
| Kawich Valley | 157 | | | | | | 22.74 | 22.74 | 22.74 |
| Lida Valley* | 144 | | | | 197.66 | | 61.25 | 258.91 | 258.91 |
| Little Fish Lake Valley | 150 | | | | 7,870.44 | | 24.86 | 7,895.30 | 7,895.30 |
| Little Smoky Valley Central Part | 155B | | | | 17.92 | | 2.23 | 20.15 | 20.15 |
| Little Smoky Valley Northern Part* | 155A | 2.00 | | 1,280.00 | 17.92 | | 5,053.65 | 5,073.57 | 6,353.57 |
| Little Smoky Valley Southern Part | 155C | | | | 34.72 | | 17.00 | 51.72 | 51.72 |
| Mercury Valley | 225 | | | | | | | | |
| Monitor Valley Northern Part* | 140A | | | | | | 280.78 | 280.78 | 280.78 |
| Monitor Valley Southern Part | 140B | 101.03 | | | 4.00 | | 454.55 | 559.58 | 559.58 |
| Oasis Valley | 228 | | | | 50.00 | | 1,245.98 | 1,295.98 | 1,295.98 |
| Pahroc Valley* | 208 | | | | 8.96 | | 29.98 | 38.94 | 38.94 |
| Pahrump Valley* | 162 | | 252.17 | 2.00 | 36,533.15 | 7,289.85 | 16,366.52 | 60,189.52 | 60,443.69 |
| Penoyer Valley (Sand Spring Valley)* | 170 | | | †8,687.64 | 2,604.21 | | 12,478.44 | 15,082.65 | 23,770.29 |
| Railroad Valley Northern Part* | 173B | 10.71 | | 95,568.00 | 9,289.61 | | 21,830.31 | 31,130.63 | 126,698.63 |
| Railroad Valley Southern Part* | 173A | | | | 22.40 | | 3,908.62 | 3,931.02 | 3,931.02 |
| Ralston Valley* | 141 | | | 1,518.00 | | | 4,307.33 | 4,307.33 | 5,825.33 |
| Rock Valley | 226 | | | | | | | | |
| Sarcobatus Flat* | 146 | | | | 2,288.28 | | 1,107.14 | 3,395.42 | 3,395.42 |
| Smith Creek* | 134 | | | †3,840.00 | | | 1,915.57 | 1,915.57 | 5,755.57 |
| Stone Cabin Valley | 149 | 73.93 | | | 6,401.07 | | 4,504.18 | 10,979.18 | 10,979.18 |
| Stonewall Flat* | 145 | | | | | | 11.78 | 11.78 | 11.78 |
| Upper Reese River Valley* | 56 | | | 3,311.39 | 16,048.15 | | 20,944.07 | 36,992.22 | 40,303.61 |
| White River Valley* | 207 | | | 3,282.47 | 13,577.04 | | 21,988.10 | 35,565.14 | 38,847.61 |
| Yucca Flat | 159 | | | | | | | | |
| County Totals | | | | | | | | 359,538.17 | 557,874.23 |

† Points of diversion and place of use for these pending allocations are not in Nye County portion of the basin.

* Shared Basins

¹ Includes only new appropriations. Updated March 22, 2016.

² Total Allocated = Vested + Permitted + Certificated + Relinquished

³ Total Demand = Vested + Applied For + Ready for Action (new appropriations) + Permitted + Relinquished + Certificated

Source: Division of Water Resources Files database August 2015. The values are preliminary and intended to be used for planning purposes only.

Table 3-9. Summary of Committed Underground Water Rights in acre-feet by Manner of Use for Nye County Basins as of August 2015

| Basin Name | Basin No. | Domestic | Commercial | Industrial | Mining & Milling | Stock | Irrigation | Wildlife | Recreation | Municipal | Quasi-Municipal | Power | Environmental | Construction | Other | Total |
|--------------------------------------|-----------|----------|------------|------------|------------------|----------|------------|----------|------------|-----------|-----------------|-------|---------------|--------------|-------|------------|
| Alkali Spring Valley* | 142 | | | | 1,486.23 | 29.43 | 16.29 | | | 328.00 | | | | | | 1,859.95 |
| Amargosa Desert | 230 | 21.38 | 2,212.65 | 400.00 | 1,911.49 | | 21,580.94 | 9.42 | | 431.79 | 752.78 | | | | | 27,299.07 |
| Antelope Valley (Eureka & Nye)* | 151 | | | | | 157.54 | 2,905.64 | | | | | | | | | 3,063.18 |
| Big Smoky Valley - Northern Part* | 137B | 21.38 | 50.38 | | 15,469.94 | 149.40 | 38,957.83 | | 0.27 | | 2,602.83 | | | | 46.46 | 57,277.11 |
| Big Smoky Valley - Tonopah Flat* | 137A | 23.63 | | 607.88 | 14,611.26 | 918.48 | 7,795.94 | | | 58.95 | 20.84 | | | 20.00 | | 24,033.35 |
| Cactus Flat | 148 | | | | | 5.06 | | | | | 243.12 | | | | | 248.18 |
| Coal Valley* | 171 | | | | | 63.80 | | | | | | | | | | 63.80 |
| Crater Flat | 229 | | | 61.38 | 619.98 | | | | | | | | | | | 681.36 |
| Emigrant Valley/Groom Lake Valley* | 158A | | | | | 12.32 | | | | | | | | | | 12.32 |
| Emigrant Valley/Papoose Lake Valley* | 158B | | | | | | | | | | | | | | | 0.00 |
| Fortymile Canyon/Buckboard Mesa | 227B | | | | | | | | | | | | | | | 0.00 |
| Fortymile Canyon/Jackass Flats | 227A | | | | | 17.22 | | | | | | | | | | 0.00 |
| Frenchman Flat* | 160 | | | | | | | | | | | | | | | 0.00 |
| Gabbs Valley* | 122 | | 996.00 | | 9,038.60 | 276.76 | 8,670.80 | | | 234.34 | 61.38 | | | 7.00 | | 19,284.88 |
| Garden Valley* | 172 | | | 4.76 | | 52.28 | 986.41 | | | | | | | | | 1,043.45 |
| Gold Flat | 147 | | | | | 11.26 | | | | | 380.06 | | | | | 391.32 |
| Grapevine Canyon* | 231 | | | | | 12.43 | | | | | | | | | | 12.43 |
| Hot Creek Valley | 156 | 1.99 | | 21.70 | 605.79 | 153.41 | 2,401.20 | | | | 6.44 | | | | | 3,188.54 |
| Indian Springs Valley* | 161 | 1.38 | 7.64 | | | 124.10 | | | | 798.00 | 459.82 | | | | | 1,389.56 |
| Ione Valley* | 135 | | | | 15.09 | 56.80 | 61.47 | | 2.84 | | 50.00 | | | | | 186.20 |
| Kawich Valley | 157 | | | | | 22.74 | | | | | | | | | | 22.74 |
| Lida Valley* | 144 | 3.62 | 167.96 | | 29.96 | 27.68 | | | | | 29.70 | | | | | 255.30 |
| Little Fish Lake Valley | 150 | | | | | 24.86 | 7,870.44 | | | | | | | | | 7,895.30 |
| Little Smoky Valley Central Part | 155B | | | | | 20.15 | | | | | | | | | | 20.15 |
| Little Smoky Valley Northern Part* | 155A | | | | | 135.89 | 4,937.68 | | | | | | | | | 5,073.57 |
| Little Smoky Valley Southern Part | 155C | | | | | 51.72 | | | | | | | | | | 51.72 |
| Mercury Valley | 225 | | | | | | | | | | | | | | | 0.00 |
| Monitor Valley Northern Part* | 140A | | | | | 105.66 | 175.12 | | | | | | | | | 280.78 |
| Monitor Valley Southern Part | 140B | | | | 442.22 | 111.80 | | | | | 5.55 | | | | | 559.57 |
| Oasis Valley | 228 | | 5.52 | | 0.87 | 2.21 | 74.60 | | 50.00 | 1,162.78 | | | | | | 1,295.98 |
| Pahruc Valley* | 208 | | | | | 38.94 | | | | | | | | | | 38.94 |
| Pahrump Valley* | 162 | 7,291.45 | 1,198.14 | 161.64 | 10.00 | 4.70 | 12,439.97 | | 490.53 | 30,671.13 | 7,854.97 | | | 67.00 | | 52,898.08 |
| Penoyer Valley (Sand Spring Valley)* | 170 | | 64.20 | | | 87.71 | 12,390.73 | | | | 2,540.01 | | | | | 15,082.65 |
| Railroad Valley Northern Part* | 173B | | 2.00 | 71.90 | 805.37 | 171.98 | 28,085.18 | | 1,993.97 | | 0.24 | | | | | 31,130.64 |
| Railroad Valley Southern Part* | 173A | | | | | 245.54 | 3,676.51 | | | | | | | | 8.96 | 3,931.01 |
| Railston Valley* | 141 | | | 7.86 | | 134.19 | 7.16 | | | 4,121.93 | 36.19 | | | | | 4,307.33 |
| Rock Valley | 226 | | | | | | | | | | | | | | | 0.00 |
| Sarcobatus Flat* | 146 | | | | 162.34 | 76.02 | 2,631.80 | | | 500.00 | 25.26 | | | | | 3,395.42 |
| Smith Creek* | 134 | | | | 42.53 | 44.71 | 1,828.33 | | | | | | | | | 1,915.57 |
| Stone Cabin Valley | 149 | 2.42 | | | | 277.30 | 9,516.87 | | | | 1,182.58 | | | | | 10,976.75 |
| Stonewall Flat* | 145 | | | | | 11.78 | | | | | | | | | | 11.78 |
| Upper Reese River Valley* | 56 | | | | 608.21 | 142.55 | 35,698.68 | | | 43.98 | 498.79 | | | | | 36,992.21 |
| White River Valley* | 207 | | 4.64 | | | 478.39 | 34,972.24 | | 16.07 | | 73.80 | | | 20.00 | | 35,565.14 |
| Yucca Flat | 159 | | | | | | | | | | | | | | | 0.00 |
| Totals | | 7,367.25 | 4,709.13 | 1,337.12 | 45,859.88 | 4,132.71 | 237,805.93 | 9.42 | 2,553.68 | 38,350.90 | 16,824.36 | 0.00 | 0.00 | 114.00 | 55.42 | 351,752.55 |

* Shared Basins

Source: Division of Water Resources Files database August 2015. These values are preliminary and intended to be used for planning purposes

NTTR and NNSS were denied because of land access restrictions; appeals are pending on two applications as of January 2016.

The Nye County Water Resources and Summaries Reports (Wichman, 2014, 2016) describe the health of each basin in Nye County based on available water resources, Orders and Rulings of the State Engineer, the published perennial yield, total existing appropriations, and total pending applications as of 2013. Based on information in the Water Resources and Summaries Report, as updated with data from DWR (March 2016), groundwater allocations (total vested rights, permits, certificates, and relinquished rights) exceed the perennial yield in twelve (12) basins: Amargosa Desert, Big Smoky Valley – Tonopah Flat, Emigrant Valley/Papoose Lake Valley, Gabbs Valley, Indian Springs Valley, Little Smoky Valley Northern Part, Pahrump Valley, Penoyer Valley, Railroad Valley Northern Part, Railroad Valley Southern Part, Sarcobatus Flat, and Stone Cabin Valley. The demand for water, defined as the sum of existing rights and applications that are ready for action exceeds, the perennial yield in four additional basins: Coal Valley, Garden Valley, Upper Reese River Valley, and White River Valley. In each of these basins, the quantity of water already allocated has the potential to result in groundwater withdrawals that exceed the perennial yield, leading to critical management area designation by the State Engineer. While highly unlikely in most areas of Nye County, areas such as Pahrump, and Amargosa Valley, and Diamond Valley in neighboring Eureka County, demonstrate how local conditions can change unexpectedly and abruptly to radically alter historic settlement and development trends.

Groundwater Quality

With the exception of the areas used for underground nuclear testing on the NNSS, the general quality of the groundwater in Nye County is suitable to marginally suitable with limited exceptions based on specific location and proposed beneficial uses. Naturally occurring fluoride and uranium concentrations in areas of Oasis Valley, Gabbs Valley, and Crater Flat exceed drinking water standards. The total dissolved solids concentration of groundwater in very limited portions of Alkali Spring Valley, Big Smoky Valley, Gold Flat, Monitor Valley, Railroad Valley (North and South), Sarcobatus Flat, and Stone Cabin Valley that are located beneath or near playas (dry lake beds) exceed state or federal drinking water standards. In these basins, the total dissolved solids are elevated because of the natural process of salt buildup by evaporation in areas of shallow groundwater discharge. Passage of a more stringent Federal Primary Drinking Water Standard for arsenic in 2002, lowering it from 50 to 10 parts per billion, required community water systems in Beatty, Tonopah, Hadley, and Manhattan to treat existing sources, or to locate and develop new compliant ground water sources. Community systems such as Shoshone Estates in Round Mountain continue to work toward achieving compliance. These issues are discussed further in Chapters 5 and 6.

The potential for groundwater nitrate contamination from septic systems, agriculture, and natural sources continues to be a concern in the Pahrump Valley. Elevated nitrate concentrations have been reported, and are likely attributable to several sources. Studies by Rosse (1975), Buquo (2005c), USGS (2012), and others have identified elevated nitrate levels in certain areas of the valley. Additional studies to further define the areas of concerns as well as the potential sources are needed (i.e., natural, agricultural, septic systems), and are discussed in Chapter 5.

In addition to naturally occurring contaminants, the activities of man have resulted in the contamination of significant volumes of groundwater in Nye County. First and foremost, is the remaining radioactivity on the NNSS. About 250 square miles at this facility are contaminated with radioactivity as a result of historic underground nuclear weapons testing. Testing was conducted in six hydrographic basins (Yucca Flat, Frenchman Flat, Gold Flat, Kawich Valley, Oasis Valley, and Buckboard Mesa); Figure 3-14 shows the locations of the underground nuclear testing areas and the possible paths that this contamination might take. Flow paths are based upon a regional numerical model prepared by the U.S. Department of Energy/National Nuclear Security Administration as part of its ongoing investigations of the underground testing areas. According to NNSA's accepted model, radionuclide contamination in the groundwater underlying the NNSS may migrate off of the facility toward the communities of Beatty and Amargosa Valley, and ultimately to the regional discharge areas in California in Death Valley and southernmost Amargosa Desert. The NNSA's Underground Test Area program continues to characterize and monitor the movement along these pathways. In 2008, tritium was detected in groundwater samples collected in Oasis Valley Basin just outside of the NNSS boundary. The NNSA has stepped up characterization in this area to better understand this groundwater pathway. Figure 3-15 shows measured tritium concentrations on and down gradient of the NNSS.

In 1996, DOE/NNSA estimated that more than 295 million curies of radioactivity remained in the deep subsurface at the NNSS, of which an estimated 112 million curies are under or within 100 meters (328 feet) of the water table. In 2001, scientists at Los Alamos and Lawrence Livermore National Laboratories estimated the underground source term beneath the NNSS, decay-corrected to September 23, 1992, to be about 132 million curies (Bowen et al. 2001). Of the 132 million curies, approximately 95 percent (125 million curies) was estimated to be tritium, which has a half-life of about 12.3 years. As of September 2012, radioactive decay has reduced the tritium component of the underground source term to about 23 million curies (DOE/NNSA, 2013).

While the majority of the radiologic contamination is tritium, a number of longer-lived radionuclides of concern are also present in appreciable quantities. Specific radionuclides of concern in the current residual inventory include isotopes of americium (11,500 curies), plutonium (37,000 curies), strontium (1,497,450 curies), and uranium (1,200 curies). These radionuclides exhibit half-lives ranging from 28.8 years for strontium to 4.4 billion years for some uranium isotopes. The daughter isotopes that result from the decay of these radionuclides, especially neptunium and technetium, are also a concern. A consequence of the nation's nuclear weapons testing program has been the contamination of an estimated five million acre-feet or more of groundwater in Nye County. For all practical purposes, the water resources under the testing areas have been impacted as a result of nuclear testing and are lost to the County in perpetuity.

An additional area of potential radionuclide contamination from nuclear testing occurs outside the boundaries of the NNSS at the Central Nevada Test Area in northern Nye County. This area was the site of a deep underground one megaton nuclear test conducted in 1968. Initially, based on hydrologic conditions, radionuclide transport was not expected to occur until the pre-test water level recovered. Results from post-shot drilling identified outflows, which suggested that transport is occurring. Long-term monitoring of wells in the area by the NNSA's Environmental Restoration Program has not detected contamination related to nuclear testing. Information can be found on the NDEP website at <https://ndep.nv.gov/cnta/LTHMP.html>.

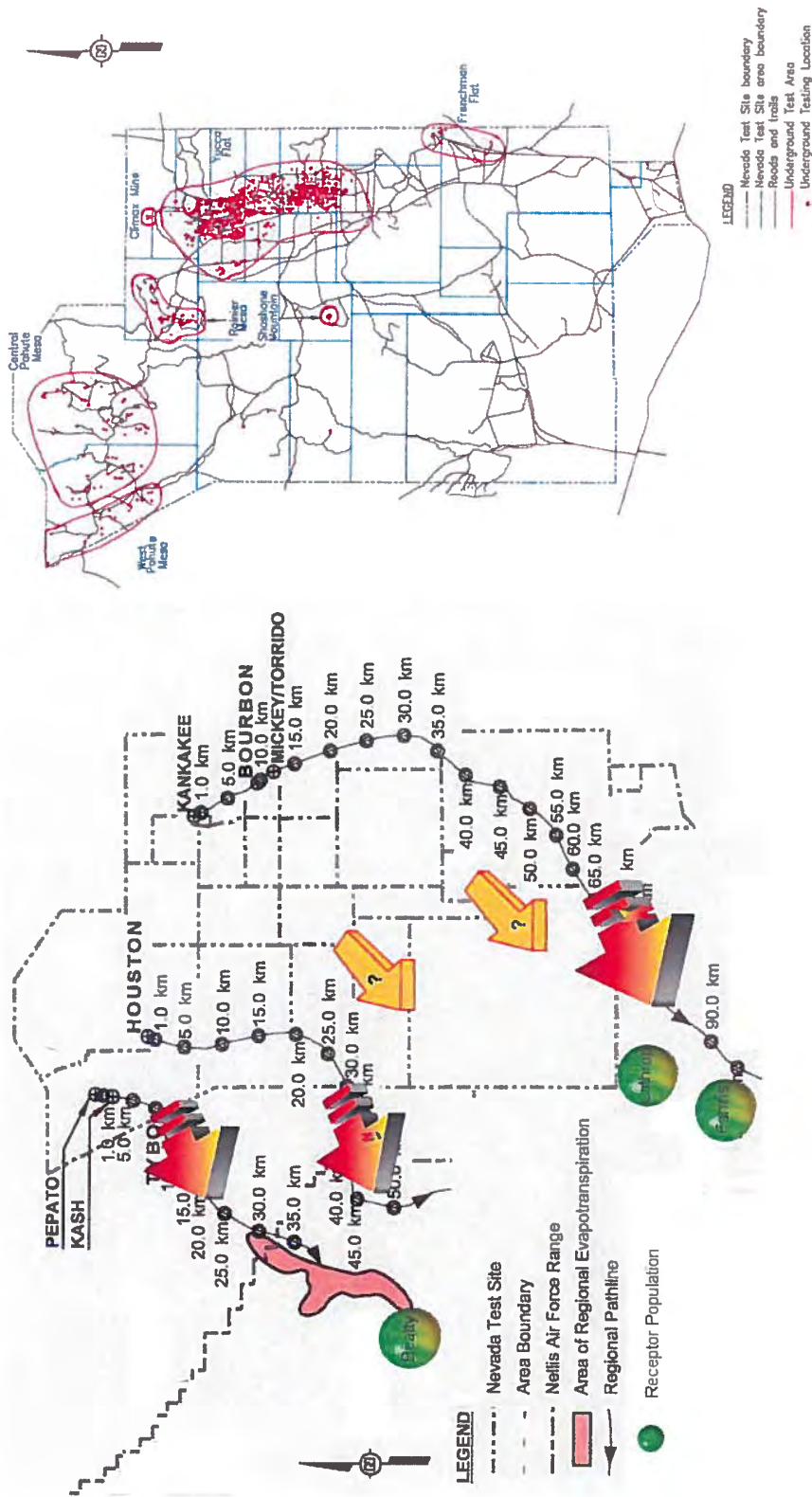


Figure 3-14. Location of underground nuclear tests at the Nevada National Security Site (Nevada Test Site), and regional paths for contaminant transport.

Nye County Water Resources Plan Update - 2017



Page | 3-41

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BRIAN SANDOVAL
Governor

BRADLEY CROWELL
Director

STATE OF NEVADA



JASON KING, P.E.
State Engineer

JOHN GUILLORY, P.E.
Supervising Engineer

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES
SOUTHERN NEVADA BRANCH OFFICE

400 Shadow Lane, Suite 201
Las Vegas, Nevada 89106
(702) 486-2770 • Fax (702) 486-2781
<http://water.nv.gov>

December 29th, 2017

Billy B Moody Jr.
3350 W. Prospector Lane
Pahrump, NV 89048

RE: NOI Excess Remit

Dear Billy B Moody Jr.,

The Division of Water Resources Southern Nevada Branch Office has received your Notice of Intent to drill a domestic well in Nye County. Due to Order 1293, your NOI card has been denied.

The \$25.00 filing fee received under receipt No. 36126 will be excess remitted Billy B. Moody Jr. under a separate cover, at a later date.

Sincerely,

A handwritten signature in blue ink that reads "Christi Cooper".

Christi Cooper
Well Supervisor



**Division of Water Resources
Receipt for Payment**



Billy B Moody Jr
3350 W. Prospector Lane
Pahrump NV 89048

Check #: 2756
Check Date: 12/18/2017
Date Received: 12/19/2017
Receipt #: 36126

| FY | Amount | Permit # | Invoice # | Fee Type/Fee desc |
|---------|---------|-------------|-----------|-------------------|
| | \$25.00 | NOI - 40199 | | |
| Total : | \$25.00 | | Notes | |

Payment for NOI 40199

Excess Remit 12/27/17 C. Cooper

12/19/2017

1

JT APP 3621

SE ROA 3574

AUG 31 2018

NYE COUNTY DEPUTY CLERK
DEPUTY

Marianne Yoffee

IN THE FIFTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF NYE

-000-

PAHRUMP FAIR WATER, LLC, a Nevada
limited-liability company; STEVEN
PETERSON, an individual; MICHAEL LACH,
an individual; PAUL PECK, an individual;
BRUCE JABOUR, an individual; and
GERALD SCHULTE, an
individual,,

Plaintiff,

vs.

JASON KING, P.E., Nevada State
Engineer, DIVISION OF WATER
RESOURCES, DEPARTMENT OF
CONSERVATION AND NATURAL
RESOURCES,

Defendant.

Case No. 39524

Dept. No. 2

ORDER GRANTING STIPULATION AND ORDER
REGARDING BRIEFING SCHEDULE

GOOD CAUSE APPEARING, this Court hereby GRANTS the Stipulation and Order
Regarding Briefing Schedule.

1. The State Engineer shall file his Record on Appeal within two weeks of his
receipt of the Notice of Appeal and Petition for Judicial Review;
2. PFW shall file its Opening Brief within 30 days of the State Engineer's filing and
service of his Record on Appeal;
3. The State Engineer shall file his Answering Brief within 30 days of PFW's filing

JT APP 3622


1 and service of its Opening Brief; and

2 4. PFW shall file its Reply Brief within 20 days of the State Engineer's filing and
3 service of his Answering Brief.

4 5. Once briefing has been completed in this matter, the parties will submit the matter
5 and schedule a hearing.

6 IT IS SO ORDERED.

7 Dated this 27th day of August, 2018.

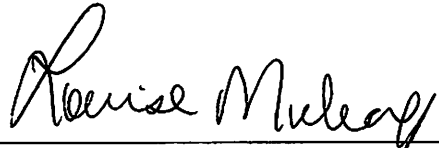
8 
9 William A. Maddox
Senior District Court Judge

CERTIFICATION OF SERVICE

The undersigned hereby certifies that on the 31st day of August 2018, she mailed (or hand delivered) copies of the foregoing to the following:

Paul Taggart, Esq.
Taggart & Taggart, Ltd.
108 North Minnesota St.
Carson City, NV 89703

James N. Bolotin, Esq.
Nevada Attorney General's Office
100 N. Carson St.
Carson City, NV 89701



Louise Mulvey, Secretary to
DISTRICT JUDGE



SEP 04 2018

NYE COUNTY DEPUTY CLERK
DEPUTY

Marianne Yoffee

1 PAUL G. TAGGART, ESQ.
Nevada State Bar No. 6136
2 DAVID H. RIGDON, ESQ.
Nevada State Bar No. 13567
3 TAGGART & TAGGART, LTD.
108 North Minnesota Street
4 Carson City, Nevada 89703
5 (775) 882-9900 – Telephone
(775) 883-9900 – Facsimile
6 Attorneys for Petitioners

7
8 IN THE FIFTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
9 IN AND FOR THE COUNTY OF NYE

* * *

10 PAHRUMP FAIR WATER, LLC, a Nevada
11 limited-liability company; STEVEN PETERSON,
an individual; MICHAEL LACH, an individual;
12 PAUL PECK, an individual; BRUCE JABOUR,
an individual; and GERALD SCHULTE, an
13 individual,

Case No. 39524

Dept. No. 2P

14 Petitioners,

15 vs.

16 JASON KING, P.E., Nevada State
Engineer, DIVISION OF WATER RESOURCES,
17 DEPARTMENT OF CONSERVATION AND
NATURAL RESOURCES,
18

19 Respondent.

20 **PEREMPTORY CHALLENGE OF JUDGE**

21 COME NOW, Petitioners, PAHRUMP FAIR WATER, LLC, a Nevada limited-liability
22 company (hereinafter "PFW"), STEVEN PETERSON, an individual, MICHAEL LACH, an individual,
23 PAUL PECK, an individual, BRUCE JABOUR, an individual, and GERALD SCHULTE, an
24 individual (collectively "Petitioners"), by and through their counsel, PAUL G. TAGGART, ESQ. and
25 DAVID H. RIGDON, ESQ., of the law firm of TAGGART & TAGGART, LTD., and hereby file for a
26 change of Senior Judge, William A. Maddox, by Peremptory Challenge, pursuant to S.C.R. 48.1.
27
28

Taggart & Taggart, Ltd.
108 North Minnesota Street
Carson City, Nevada 89703
(775) 882-9900 – Telephone
(775) 883-9900 – Facsimile

AFFIRMATION
Pursuant to NRS 239B.030(4)

The undersigned does hereby affirm that the preceding document does not contain the social security number of any persons.

DATED this 30th day of August, 2018.

TAGGART & TAGGART, LTD.
108 North Minnesota Street
Carson City, Nevada 89703
(775) 882-9900 - Telephone
(775) 883-9900 - Facsimile

By: 

PAUL G. TAGGART, ESQ.
Nevada State Bar No. 6136
DAVID H. RIGDON, ESQ.
Nevada State Bar No. 13567
Attorneys for Petitioners

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b) and NRS 533.450, I hereby certify that I am an employee of TAGGART & TAGGART, LTD., and that on this date I served, or caused to be served, a true and correct copy of the foregoing, as follows:

[X] BY U.S. POSTAL SERVICE, by depositing for mailing in the United States Mail, with postage prepaid, an envelope containing the foregoing document, at Carson City, Nevada, in the ordinary course of business, addressed as follows:

James N. Bolotin, Esq.
Deputy Attorney General
Nevada Attorney General's Office
100 N. Carson St.
Carson City, NV 89701

DATED this 30th day of August, 2018.



Employee of TAGGART & TAGGART, LTD.



FIFTH JUDICIAL DISTRICT COURT
ESMERALDA AND NYE COUNTIES

DISTRICT JUDGE
ROBERT LANE

PLEASE RESPOND TO:
—PAHRUMP—OFFICE

September 5, 2018

Paul G. Taggart, Esq.
James N. Bolotin, Esq.

Re: Case No.: CV-39524 Pahrump Fair Water, LLC, a Nevada limited-liability company; Steven Peterson, an individual; Michael Lach, an individual; Paul Peck, an individual; Bruce Jabeour, an individual; and Gerald Schulte, an individual, V. Jason King, P.E., Nevada State Engineer, Division of Water Resources, Department of Conservation and Natural Resources

Enclosed please find memorandum of temporary assignment of Senior Judge Steven Kosach. I am sending him copies of everything filed to this point and will continue to do so as you file. Please feel free to contact me if you need anything else. My phone number is 775-751-4213 or email lmulvey@co.nye.nv.us

Sincerely.

A handwritten signature in blue ink that reads "Louise Mulvey".

Louise Mulvey, Secretary to
Judge Robert W. Lane

--FILED--
Administrative Office of the Courts
Date: 09/05/18

By: Deborah Crews

**SUPREME COURT OF THE STATE OF NEVADA
ADMINISTRATIVE OFFICE OF THE COURTS**

IN THE MATTER OF THE ASSIGNMENT OF
A SENIOR JUDGE

Order No. 19-00214

MEMORANDUM OF TEMPORARY ASSIGNMENT

WHEREAS all district judges in the Fifth Judicial District have recused themselves from hearing any and all matters in *Pahrump Fair Water v. Jason King*, Case Number CV 39524, now therefore,

IT IS HEREBY ORDERED that the Honorable Steven Kosach, Senior Judge, is assigned to hear any and all matters in *Pahrump Fair Water v. Jason King*, Case Number CV 39524, and he shall have authority to sign any orders arising out of this assignment. The Court shall notify the parties of the assignment and provide Steven Kosach, Senior Judge with any assistance as requested.

Entered this 5 day of September 2018.

NEVADA SUPREME COURT

By: Cheryl, Justice

Copy: The Honorable Steven Kosach, Senior Judge
The Honorable Robert W. Lane, District Judge, Fifth Judicial District Court
The Honorable Kimberly A. Wanker, District Judge, Fifth Judicial District Court



COPY

FILED

FIFTH JUDICIAL DISTRICT

OFFICE OF THE ATTORNEY GENERAL
CARSON CITY, NEVADA

SEP 11 2018

Case No. CV 39524

Dept. No. 2

SEP 17 2018

Nye County Clerk
AMY DOWERS Deputy

BUREAU OF GOVERNMENT AFFAIRS
GNR/BL/APPELLATE

IN THE FIFTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF NYE

PAHRUMP FAIR WATER, LLC.,
a Nevada limited-liability company;
STEVEN PETERSON, an individual;
MICHAEL LACH, an individual;
PAUL PECK, an individual;
BRUCE JABEOUR, an individual; and
GERALD SCHULTE, an individual,

Petitioners,

vs.

JASON KING, P.E., Nevada State
Engineer, DIVISION OF WATER
RESOURCES, DEPARTMENT OF
CONSERVATION AND NATURAL
RESOURCES,

Respondent.

NOTICE OF TRANSMITTAL
OF RECORD ON APPEAL

Jason King, P.E., the State Engineer, in his capacity as the Nevada State Engineer, Department of Conservation and Natural Resources, Division of Water Resources (hereafter "State Engineer"), by and through counsel, Nevada Attorney General Adam Paul Laxalt and Deputy Attorney General James N. Bolotin, hereby gives notice that the Record on Appeal was filed with this Court on August 30, 2018, pursuant to NRS 233B.133(1).

///

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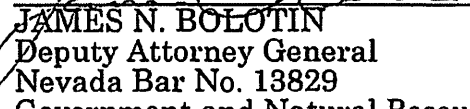
AFFIRMATION

The undersigned does hereby affirm that the preceding Notice of Transmittal of Record on Appeal does not contain the social security number of any person.

DATED this 6th day of September, 2018.

ADAM PAUL LAXALT
Attorney General

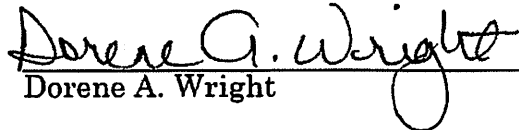
By:


JAMES N. BOLOTIN
Deputy Attorney General
Nevada Bar No. 13829
Government and Natural Resources
100 North Carson Street
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CERTIFICATE OF SERVICE

I certify that I am an employee of the State of Nevada, Office of the Attorney General, and that on this 6th day of September, 2018, I served a true and correct copy of the foregoing NOTICE OF TRANSMITTAL OF RECORD ON APPEAL, by placing said document in the U.S. Mail, postage prepaid, addressed to:

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Dorene A. Wright



ORIGINAL

FILED
FIFTH JUDICIAL DISTRICT

SEP 11 2018

Nye County Clerk

Amo Deputy

1 Case No. CV 39524

2 Dept. No. 2

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6 IN THE FIFTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR THE COUNTY OF NYE
8

9 PAHRUMP FAIR WATER, LLC.,
10 a Nevada limited-liability company;
11 STEVEN PETERSON, an individual;
12 MICHAEL LACH, an individual;
13 PAUL PECK, an individual;
14 BRUCE JABOUR, an individual; and
15 GERALD SCHULTE, an individual,

16
17 Petitioners,

18 vs.

19 JASON KING, P.E., Nevada State
20 Engineer, DIVISION OF WATER
21 RESOURCES, DEPARTMENT OF
22 CONSERVATION AND NATURAL
23 RESOURCES,

24 Respondent.

25
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28
STATE ENGINEER'S
PEREMPTORY CHALLENGE
OF JUDGE

29 Jason King, P.E., the State Engineer, in his capacity as the Nevada State Engineer,
30 Department of Conservation and Natural Resources, Division of Water Resources
31 (hereafter "State Engineer"), by and through counsel, Nevada Attorney General Adam
32 Paul Laxalt and Deputy Attorney General James N. Bolotin, hereby files and provides
33 notice of his peremptory challenge of the Honorable Steven R. Kosach, Senior Judge,
34 pursuant to Rule 48.1 of the Nevada Supreme Court Rules. The State Engineer
35 respectfully requests that this matter be assigned to another judge.

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Office of the Attorney General
100 North Carson Street
Carson City, Nevada 89701-4717


AFFIRMATION

The undersigned does hereby affirm that the preceding State Engineer's Peremptory Challenge of Judge does not contain the social security number of any person.

DATED this 7th day of September, 2018.

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By:


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CERTIFICATE OF SERVICE

I certify that I am an employee of the State of Nevada, Office of the Attorney General, and that on this 7th day of September, 2018, I served a true and correct copy of the foregoing STATE ENGINEER'S PEREMPTORY CHALLENGE OF JUDGE, by placing said document in the U.S. Mail, postage prepaid, addressed to:

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FIFTH JUDICIAL DISTRICT

SEP 11 2018

Nye County Clerk
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7
8 IN THE FIFTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
9 IN AND FOR THE COUNTY OF NYE

* * *

10 PAHRUMP FAIR WATER, LLC, a Nevada
11 limited-liability company; STEVEN PETERSON,
an individual; MICHAEL LACH, an individual;
12 PAUL PECK, an individual; BRUCE JABEOUR,
an individual; and GERALD SCHULTE, an
13 individual,

Case No. 39524

Dept. No. 2

14 Petitioners,

15 vs.

16 JASON KING, P.E., Nevada State
Engineer, DIVISION OF WATER RESOURCES,
17 DEPARTMENT OF CONSERVATION AND
NATURAL RESOURCES,
18

19 Respondent.

20 **PETITIONER'S OPENING BRIEF**

21 COME NOW, Petitioners, PAHRUMP FAIR WATER, LLC, a Nevada limited-liability
22 company (hereinafter "PFW"); STEVEN PETERSON, an individual; MICHAEL LACH, an individual;
23 PAUL PECK, an individual; BRUCE JABEOUR, an individual; and GERALD SCHULTE, an
24 individual, by and through their counsel, PAUL G. TAGGART, ESQ. and DAVID H. RIGDON, ESQ.,
25 of the law firm of TAGGART & TAGGART, LTD., to hereby file their opening brief. This opening
26 brief is based on the attached memorandum of points and authorities, all pleadings and papers on file
27 herein, and any argument the Court may allow.

28 ///

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MEMORANDUM OF POINTS AND AUTHORITIES

INTRODUCTION

The right to drill a domestic well is an important property right in Nevada. Not only are these wells the most practical and efficient source of water available to rural residents throughout the state, in most cases they are the only option a property owner has for obtaining potable water for the development of a household on their property. Accordingly, domestic wells are critical for economic development in rural communities like Pahrump. Where water from a public utility is not available or feasible, domestic wells are the only option for the development of individual residential lots.

The State Engineer significantly impairs this valuable property right in Order 1293A. From the beginning, Orders 1293 and 1293A were ill-conceived, improperly executed, and violated basic constitutional principles of due process. First, the Orders were issued without providing notice to affected property owners or an opportunity for them to be heard. Second, the State Engineer does not have statutory authority to ban the drilling of new domestic wells and violated basic principles of Nevada's water law when he did so. Third, the State Engineer acted arbitrarily, capriciously, and abused his discretion when he issued the Orders without substantial evidence to support them. Finally, Order 1293A constitutes an impermissible taking of private property for public use without providing just compensation.

FACTUAL BACKGROUND

On December 19, 2017, the State Engineer issued Order 1293 (the "Order") wherein he restricted the drilling of new domestic wells on *existing* parcels of land within the Pahrump basin. Despite the fact that the average domestic well in Pahrump uses only ½ acre-feet of water per year, a property owner could only obtain an exemption from this prohibition by first obtaining two acre-feet of existing water rights and *relinquishing* those rights to the State Engineer.¹ Prior to issuing Order 1293, the State Engineer did not provide any notice to affected property owners nor did he provide any opportunity for those property owners to provide comments or submit evidence in opposition to the Order.² While it is

¹ SE ROA 8.

² SROA 864:1-12; SROA 873:19-874:3; SROA 901:6-12; SROA 923:9-12; SROA 929:2-13; SROA 933:13-19.

1 still unclear exactly how many parcels are directly affected by the Order, it could affect as many as 8,000
2 existing residential lots within the basin that are currently unbuilt.³

3 Petitioner, PFW timely filed a Petition for Judicial Review of Order 1293.⁴ PFW filed its
4 Opening Brief in that appeal on July 6, 2018.⁵

5 On July 12, 2018, without providing any notice to the Court or opposing counsel, the State
6 Engineer issued Order 1293A (the “Amended Order”) in direct violation of the Court’s exclusive
7 jurisdiction.⁶ On July 18, 2018, the State Engineer filed a motion to dismiss PFW’s appeal of Order
8 1293 claiming that the issuance of Order 1293A rendered the appeal moot.⁷ The State Engineer stated
9 in the motion to dismiss that “Order 1293A supersedes any legal force and effect of Order 1293” and
10 therefore “Order 1293 is no longer legally valid or enforceable.”⁸

11 Like Order 1293, Order 1293A was issued without providing any notice to affected property
12 owners and without providing an opportunity for affected persons to provide comments or challenge the
13 evidence the State Engineer relied upon. In substance and effect, Order 1293A is nearly identical to
14 Order 1293. The only difference is that Order 1293A provides two additional exemptions to the drilling
15 ban. Of these exemptions, one allows individuals who filed a notice of intent to drill a domestic well
16 before the issuance of Order 1293, and who had those notices subsequently rejected by the State
17 Engineer, to refile the notices and drill their wells.⁹

18 The State Engineer’s improper issuance of Order 1293A presented a quandary for the Court and
19 for PFW. While the Order violated the Court’s exclusive jurisdiction, and therefore should have been
20 deemed null and void,¹⁰ neither the Court nor PFW desired to harm the individuals who received the
21 new exemption under Order 1293A.

22 Accordingly, on August 8, 2018, the parties entered into a settlement agreement whereby PFW
23 agreed to voluntarily dismiss the appeal of Order 1293 and file a new petition for judicial review of

24 ³ SE ROA 7.

25 ⁴ SROA 23-35.

26 ⁵ SROA 1069-1186.

27 ⁶ See *Westside Charter Serv., Inc. v. Gray Line Tours of S. Nev.*, 99 Nev. 456, 459, 664 P.2d 351, 353 (1983) (“where an
28 order of an administrative agency is appealed to a court, that agency may not act further on that matter until all questions
raised by the appeal are finally resolved.”).

⁷ SROA 1201-1213.

⁸ SROA 1208:4-6.

⁹ SE ROA 9.

¹⁰ See SROA 1224:1-SROA 1225:17.

1 Order 1293A. In exchange, the State Engineer agreed to an expedited briefing schedule and to expedite
2 the scheduling of a hearing on the new appeal. On August 10, 2018, the parties filed a stipulation
3 requesting dismissal of the previous appeal. On that same day, PFW submitted a new petition for judicial
4 review of Order 1293A to the Court and served the same on the State Engineer.

5 Because the State Engineer failed to provide any due process to affected property owners prior
6 to issuing either of the Orders, there is effectively no record from any proceeding below for this Court
7 to review. Instead, the State Engineer’s “Record on Appeal” is merely a stack of self-selected documents
8 that he claims he relied upon in formulating the Amended Order. None of this “evidence” has been
9 properly verified in any formal evidentiary proceeding nor has any party been afforded an opportunity
10 to challenge it or present conflicting evidence.

11 There are, however, certain facts that no party to this proceeding disputes. Among these are 1)
12 that the Pahrump basin is not currently being over-pumped, 2) groundwater pumping in Pahrump has
13 steadily declined since 1969, 3) as a result of this reduction in pumping, water levels in some portions
14 of the basin have leveled off or significantly rebounded (in some cases by as much as 45 feet), and 4)
15 the Amended Order contains no scientific analysis of whether the drilling of additional domestic wells
16 will impact existing wells in the basin.

17 STANDARD OF REVIEW

18 I. Standard of Review for Petitions for Judicial Review of State Engineer Orders

19 “Any person feeling aggrieved by an order or decision of the State Engineer . . . affecting the
20 person’s interests” may seek judicial review of that order or decision.¹¹ Judicial review is “in the nature
21 of an appeal.”¹² The role of the reviewing court is to determine if the State Engineer’s decision was
22 arbitrary, capricious, or an abuse of discretion, or if it was otherwise affected by prejudicial legal error.¹³
23 A decision is arbitrary if it was made “without consideration of or regard for facts, circumstances, fixed
24 rules, or procedures.”¹⁴ A decision is capricious if it is “contrary to the evidence or established rules on
25 law.”¹⁵

26 ¹¹ NRS 533.450(1).

27 ¹² NRS 533.450(1); *Revert v. Ray*, 95 Nev. 782, 786, 603 P.2d 262, 264 (1979).

28 ¹³ *Pyramid Lake Paiute Tribe of Indians v. Washoe Cty.*, 112 Nev. 743, 751, 918 P.2d 697, 702 (1996), citing *Shetakis Dist. v. State, Dep’t of Taxation*, 108 Nev. 901, 903, 839 P.2d 1315, 1317 (1992).

¹⁴ BLACK’S LAW DICTIONARY 125 (10th ed. 2014) (definition of “arbitrary”).

¹⁵ BLACK’S LAW DICTIONARY 254 (10th ed. 2014) (definition of “capricious”).

1 In *Revert v. Ray*, the Nevada Supreme Court articulated the procedural safeguards the State
2 Engineer must employ prior to issuing an order or decision.¹⁶ First, the State Engineer must provide
3 affected parties with a “full opportunity to be heard” and “must clearly resolve all the crucial issues
4 presented.”¹⁷ Next, the State Engineer’s order or decision must include “findings in sufficient detail to
5 permit judicial review.”¹⁸ Finally, if such procedures are not followed and “the resulting administrative
6 decision is arbitrary, oppressive, or accompanied by a manifest abuse of discretion,” a court should not
7 hesitate to intervene and block the enforcement of the order or decision.¹⁹

8 **II. The Court Must Conduct a De Novo Review of the State Engineer’s Interpretations of**
9 **Nevada’s Water Laws.**

10 During the prior proceedings, the State Engineer argued that the Court is required to give
11 “deference” to his interpretations of Nevada’s water laws.²⁰ The State Engineer is wrong. The Nevada
12 Supreme Court has clearly and unambiguously held that “[w]hile the State Engineer’s interpretation of
13 a statute is persuasive, it is not controlling.”²¹ Accordingly, a reviewing court is required to “decide
14 pure legal questions *without deference* to an agency determination.”²²

15 In fact, as recently as March of this year, the Nevada Supreme Court reviewed a district court
16 decision where the district court refused to defer to the State Engineer’s interpretation of law.²³ The
17 Supreme Court found that the district court acted properly, stating that:

18 [T]he State Engineer misapplied Nevada law by presuming abandonment
19 based on nonuse evidence alone. In so doing, the State Engineer acted
20 arbitrarily and capriciously. Therefore, *the district court correctly*
*overruled the State Engineer’s ruling with regard to abandonment.*²⁴

21 Thus, the Nevada Supreme Court has clearly and unambiguously ruled that a court must not blindly
22 defer to the State Engineer’s legal determinations. Instead, the Court is required to conduct an

23
24 ¹⁶ *Revert*, 95 Nev. 782, 603 P.2d 262.

¹⁷ *Revert*, 95 Nev. at 787, 603 P.2d at 264-65.

¹⁸ *Revert*, 95 Nev. at 787, 603 P.2d at 265.

¹⁹ *Revert*, 95 Nev. at 787, 603 P.2d at 265.

²⁰ SROA 829:11-12 (“I defer to the administrator in his interpretation of the law.”); SROA 829:15-16 (“I defer to his interpretation of what the law says.”); SROA 829:20-23 (“So, when you argue that he doesn’t have the authority to do this, he’s determined that he does. And I have to defer to his interpretation of the law.”).

²¹ *Town of Eureka v. Office of State Eng’r, State of Nev., Div. of Water Res.*, 108 Nev. 163, 165-66, 826 P.2d 948, 950 (1992).

²² *Felton v. Douglas Cty.*, 134 Nev. Adv. Op. 6 at 3, 410 P.3d 991, 994 (2018) (emphasis added).

²³ *King v. St. Clair*, 134 Nev. Adv. Op. 18, 414 P.3d 314 (2018).

²⁴ *Id.* (emphasis added).

1 independent review of the constitutional provisions, statutes, and caselaw at issue and, with the aid of
2 the canons of statutory interpretation, determine for itself what the law says. As was stated more than
3 200 years ago – “It is emphatically the province and duty of the judicial department to say what the law
4 is.”²⁵

5 ARGUMENT

6 I. The State Engineer Violated Constitutional Due Process Protections When Issuing Order 7 1293A.

8 A. The right to drill a domestic well is a significant property right.

9 In Order 1293A, the State Engineer restricts the drilling of domestic wells on *existing* parcels
10 whose owners would otherwise have the right to drill such a well in connection with the development
11 of a single-family home. Testimony presented at the previous hearing on PFW’s motion for stay of
12 Order 1293 clearly demonstrates that PFW’s members performed their due diligence prior to purchasing
13 their properties and, based on this, had a reasonable investment-backed expectation that they would be
14 allowed to drill a domestic well in conjunction with the development of a single-family home.²⁶

15 From the outset of statehood, Nevada property owners had the right to construct diversion dams
16 and wells to divert surface and groundwater and place such water to beneficial use on their properties.
17 This naturally included the diversion of water to establish a household (domestic use). No permit or
18 other administrative approval was required to divert the water and place it to use. Rather, the right to
19 drill a well to divert groundwater was integrated within the bundle of sticks that constituted real property
20 rights in Nevada and was governed by the common law doctrine of prior appropriations.

21 This changed in 1939, when the Legislature passed Nevada’s first groundwater law. This law
22 applied to groundwater the same permit system that had previously been set up for surface water. After
23 1939, a property owner would be required to obtain permission from the State Engineer before drilling
24 a well and placing water to beneficial use. However, recognizing the importance of domestic wells to
25 the development of rural households, the Legislature specifically exempted domestic wells from the new
26

27 ²⁵ *Marbury v. Madison*, 5 U.S. 137, 177 (1803).

28 ²⁶ See e.g., SROA 932:11-17 (testimony of Mr. Peterson) (“And it also at that time [during the due diligence period prior to
purchasing the lot] we checked to see if there was any issues about drilling the well with the department of water resources.
Q. Okay. And what were you told by the department of water resources? A. We were okay. Everything was fine.”).

1 law and thereby placed them outside the regulatory power of the State Engineer. Specifically, the
2 Legislature established that:

3 This act [the groundwater law] *shall not apply* to the developing and use
4 of underground water for domestic purposes where the draught does not
5 exceed two gallons per minute and where the water developed is not from
6 an artesian well.²⁷

6 This provision has been amended from time to time and is currently codified as NRS 534.180(1).

7 Since 1939, several municipal water utilities have been created to supply water to residential
8 properties. Recognizing this, the domestic well exception has been amended to apply only to those
9 properties that do not have reasonable access to another source of water.²⁸ However, the basic policy
10 that each residential property should have access to enough water to supply the domestic needs of a
11 single-family home has remained unchanged.

12 Real property rights in Nevada include “all rights inherent in ownership, including the
13 inalienable right to possess, use, and enjoy the property.”²⁹ In Nevada’s arid climate, the right to use
14 one’s property to establish a homestead necessarily includes the right to drill a domestic well if no other
15 water source is readily available. Accordingly, any impairment of the right to drill a domestic well is
16 an impairment of a fundamental property right.

17 The Legislature has expressly recognized the importance of the right to drill a domestic well.
18 Pursuant to NRS 533.024(2), Nevada’s policy is “to recognize the importance of domestic wells *as*
19 *appurtenances* to private homes.”³⁰ Other legislatures throughout the western United States have also
20 placed a high importance on the right to drill domestic wells. One scholar who surveyed the water laws
21 of all 19 western states noted that, “in all declarations in which a specific order of preference [of
22 beneficial use] is stated, domestic use has first place” and that “in rural areas, domestic use is most
23 highly favored.”³¹

26 ²⁷ 1939 STATUTES OF NEVADA 274-75 (emphasis added).

27 ²⁸ See e.g., NRS 534.120(3); NRS 534.120(4); NRS 534.120(5); NRS 534.180(3).

28 ²⁹ *ASAP Storage, Inc. v. City of Sparks*, 123 Nev. 639, 647, 173 P.3d 734, 740 (2007).

29 ³⁰ Emphasis added.

30 ³¹ WELLS A. HUTCHINS, WATER RIGHTS LAWS IN THE NINETEEN WESTERN STATES: VOL. 1 534 (Natural Resource Division
of the Economic Research Service of the United States Department of Agriculture, Publication No. 1206-1971)

1 **B. The State Engineer’s failure to provide individuals notice and an opportunity to be**
2 **heard before impairing a significant property right violates the Nevada and Federal**
3 **Constitutions.**

4 The State Engineer has argued that he is not *statutorily* required to provide notice and a hearing
5 before issuing an order. However, he is *constitutionally* required to do so when the order impairs a
6 property interest. The Nevada Constitution expressly protects against the deprivation of property
7 without due process of law.³² In *Eureka Cty. v. Seventh Jud. Dist. Ct. ex rel. Cty. of Eureka*, the Nevada
8 Supreme Court confirmed that “[p]rocedural due process [under the Nevada Constitution] requires that
9 parties receive notice and an opportunity to be heard.”³³ As shown above, the right to drill a domestic
10 well on an existing parcel is a significant property interest that has existed in Nevada since statehood.
11 Any impairment of that right requires “personal notice and a hearing to all parties who will be directly
12 affected.”³⁴ Such notice must include the content of any proposed regulation so that affected property
13 owners can effectively prepare to oppose it.³⁵

14 In a brief filed at the Nevada Supreme Court in the *Eureka County* case, the State Engineer,
15 himself, recognized the importance of providing adequate notice before issuing an order that
16 significantly impairs a property right:

17 In order to ensure that due process has been afforded to all interested and
18 impacted parties, when curtailment is at issue, notice and the opportunity
19 to be heard must be afforded to all appropriators of the relevant water
20 source in a basin.³⁶

21 The State Engineer advocated this position even though no specific statute required notice to be
22 provided.

23 In fact, the State Engineer’s administrative repeal of the right to drill a domestic well in this case
24 impairs property rights even more significantly than would an order requiring the curtailment of
25 pumping in a basin. This is because the latter is required to be based on strict priority of right and does
26 not forfeit or otherwise permanently cancel the water right being curtailed. Instead, a curtailment order

27 ³² NEV. CONST. art. 1, § 8 (5).

28 ³³ *Eureka Cty. v. Seventh Jud. Dist. Ct. ex rel. Cty. of Eureka*, 134 Nev. Adv. Op. 37 at 8, 417 P.3d 1121, 1124 (2018)
(internal quotations omitted).

³⁴ *Bing Constr. Co. of Nev. v. Cty. of Douglas*, 107 Nev. 262, 266, 810 P.2d 768, 770 (1991).

³⁵ *Bing Constr. Co. of Nev.*, 107 Nev. at 266, 810 P.2d at 771.

³⁶ SROA 373 (This brief was filed on May 17, 2017, just seven months before the State Engineer issued Order 1293).

1 only temporarily restricts the use of a water right while there is a shortage in the source. By contrast,
2 the State Engineer's order banning new domestic wells on existing residential parcels is a permanent
3 impairment of a pre-existing property right.

4 Under Article 1, Section 8 of the Nevada Constitution "[n]o person shall be deprived of life,
5 liberty, or property, without due process of law." The Nevada Supreme Court has interpreted this
6 provision as requiring, at a minimum, that affected parties "receive notice and an opportunity to be
7 heard."³⁷ "Due process concerns require that a property owner must be notified when its rights are
8 *changed*, even if those rights are not vested."³⁸ That notice must include a full draft of the proposed
9 order so that affected property owners can prepare to oppose it.³⁹

10 In *Revert v. Ray*,⁴⁰ the Nevada Supreme Court noted the importance of having the State Engineer
11 properly notice and hold administrative hearings prior to issuing orders that may affect property owners'
12 right to use water. The Court stated that the administrative review process the Legislature established
13 in NRS 533.450:

14 [P]resupposes the fullness and fairness of the administrative proceedings:
15 all interested parties must have had a full opportunity to be heard, the State
16 Engineer must clearly resolve all the crucial issues presented, [and] the
17 decisionmaker must prepare findings in sufficient detail to permit judicial
18 review. When these procedures, *grounded in basic notions of fairness and*
due process, are not followed, and the resulting administrative decision is
arbitrary, oppressive, or accompanied by a manifest abuse of discretion,
this court will not hesitate to intervene.⁴¹

19 The State Engineer's proceedings in this case were non-existent. No notice was provided to
20 affected property owners. No draft order was circulated to provide property owners with an opportunity
21 to adequately oppose it. No hearing or other public meeting was held to gather evidence from affected
22 parties or allow them to challenge the evidence the State Engineer relied on. Instead, the State Engineer
23 unilaterally determined what course of action he wanted to take, issued Orders 1293 and 1293A by
24 administrative fiat, and then ruthlessly enforced them without regard to the impact they would have on
25 individual property owners. This imperial style of governance flies in the face of more than 800 years
26

27 ³⁷ *Eureka Cty.*, 134 Nev. Adv. Op. 37, 417 P.3d 1121 (internal quotations omitted).

³⁸ *Bing Constr. Co. of Nev.*, 107 Nev. at 266, 810 P.2d at 770 (emphasis added).

³⁹ *Bing Constr. Co. of Nev.*, 107 Nev. at 266, 810 P.2d at 771.

⁴⁰ *Revert*, 95 Nev. 782, 603 P.2d 262.

⁴¹ *Revert*, 95 Nev. at 787, 603 P.2d at 264-65 (internal quotations and citations omitted) (emphasis added).

1 of settled Anglo-American legal tradition. Accordingly, the State Engineer's blatant disregard of
2 fundamental due process rights renders Order 1293A invalid.

3 **II. The State Engineer Does Not Have Legislative Authority To Restrict Drilling Of Domestic**
4 **Wells.**

5 The State Engineer is a creature of statute. Water law is "special in character" and its provisions
6 "not only lay down the method of procedure but strictly limit the method to that provided."⁴²
7 Accordingly, the State Engineer has only those powers the Legislature expressly granted him and no
8 more. He has no inherent equitable powers to implement what he considers to be "fair" solutions and
9 cannot operate contrary to express statutory limitations.

10 As provided in NRS 534.030(4), in a basin designated for administrative management by the
11 State Engineer (like the Pahrump basin), "[t]he State Engineer shall supervise all wells . . . *except those*
12 *wells for domestic purposes for which a permit is not required.*"⁴³ Because domestic wells are exempted
13 from permitting under NRS 534.180(1), the plain language of NRS 534.030(4) precludes the State
14 Engineer from regulating them. This general restriction on the State Engineer's authority can only be
15 overcome if a particular statute includes express language indicating a contrary intent.⁴⁴

16 There have been certain limited cases where the Legislature has seen fit to override the general
17 exemption for domestic wells.⁴⁵ However, these specific exceptions highlight, rather than contradict,
18 the general rule that the State Engineer has no broad-based jurisdiction over domestic wells. After all,
19 if the State Engineer had full authority to regulate domestic wells on the same basis as other wells, the
20 specific exceptions would not be necessary. The fact that the exceptions exist proves that the Legislature
21 intended to strictly limit the State Engineer's authority with respect to domestic wells.

22 This principle can be seen when one compares the statutory language of NRS 534.110(6) (the
23 curtailment statute) with NRS 534.110(8) (the statute the State Engineer relied on in this case). The
24 curtailment statute expressly states that its provisions are applicable to domestic wells – "the State

25 ⁴² *Preferred Equities Corp. v. State Eng'r*, 119 Nev. 384, 388, 75 P.3d 380, 383 (2003).

26 ⁴³ Emphasis added.

27 ⁴⁴ See ANTONIN SCALIA & BRYAN A. GARNER, *READING LAW: THE INTERPRETATION OF LEGAL TEXTS*
28 183 (2014) ("If there is a conflict between a general provision and a specific provision, the specific provision prevails . . . The most common example of irreconcilable conflict – and the easiest to deal with – involves . . . a general permission that is contradicted by a specific prohibition."). Here, the conflict is between a general exemption and certain limited exceptions to that exemption.

⁴⁵ See e.g., NRS 534.180(2); NRS 534.180(3); NRS 534.110(6); NRS 534.120(3); NRS 534.120(4); NRS 534.120(5).

1 Engineer may order that withdrawals, *including, without limitation, withdrawals from domestic wells* be
2 restricted.”⁴⁶ By contrast, NRS 534.110(8) contains no such express language. Because the Legislature
3 did not expressly state that NRS 534.110(8) applies to domestic wells, the general exemption of NRS
4 534.030(4) controls and the State Engineer is without authority to restrict the drilling of domestic wells.

5 Accordingly, the State Engineer does not have legislative authority to restrict the drilling of new
6 domestic wells on existing residential parcels and, thus, Order 1293A is invalid.

7 **III. Order 1293A Is Arbitrary, Capricious, And An Abuse Of The State Engineer’s Discretion**
8 **Because It Is Not Supported By Substantial Evidence.**

9 **A. Order 1293A does not cite to substantial evidence that new domestic wells will**
10 **interfere with existing wells.**

11 Even if NRS 534.110(8) did apply to domestic wells, which it does not, Order 1293A is not
12 supported by substantial evidence. Under NRS 534.110(8) the State Engineer is allowed to restrict the
13 drilling of new wells *only if* there is substantial evidence showing that “additional wells would cause an
14 undue interference with existing wells.”⁴⁷ Substantial evidence is evidence “which a ‘reasonable mind
15 might accept as adequate to support a conclusion.’”⁴⁸ Here, there is no substantial evidence indicating
16 that the drilling of any additional domestic wells will cause an undue interference with existing wells in
17 the basin.

18 The primary evidence the State Engineer relied on in Order 1293A is a Water Resources Plan
19 prepared for the Nye County Water District in April 2017.⁴⁹ In the plan, the Water District indicates
20 that a groundwater model shows that under *existing* pumping conditions, water level declines could
21 result in as many as 438 wells needing to be re-drilled or deepened by 2035. However, in Order 1293A,
22 the State Engineer expressly acknowledges that this model projection did not calculate the effect *new*
23 wells may have on this projected outcome.⁵⁰ Accordingly, there is no evidence in the record that
24 quantitatively establishes whether additional domestic wells would have any impact on groundwater levels
25 in the basin. Without such a quantitative analysis it is simply impossible to determine whether new
26 domestic wells would cause “*undue* interference with existing wells.”⁵¹ Put another way, if an existing

27 ⁴⁶ NRS 534.110(6) (emphasis added).

28 ⁴⁷ NRS 534.110(8).

⁴⁸ *Bacher v. State Eng’r*, 122 Nev. 1110, 1121, 146 P.3d 793, 800 (2006).

⁴⁹ SROA 76.

⁵⁰ *Id.*

⁵¹ NRS 534.110(8) (emphasis added).

1 well would fail regardless of whether a new domestic well is drilled, then the new well has not caused
2 any undue interference with the existing well and, thus, there is no evidentiary basis to prohibit it.

3 **B. The State Engineer relied on a groundwater study that was not intended to be used**
4 **for this purpose.**

5 The groundwater study the State Engineer relied on was not developed to study the effects of
6 new domestic wells on existing wells in the Pahrump basin and is inadequate for that purpose. Rather,
7 the study was developed at the request of the Nye County Water District as part of its Water Level
8 Measurement Program. The study's purpose was to "examine the longevity of existing shallow wells
9 (mostly domestic wells) in areas of measured and sustained water table declines."⁵² Nowhere does the
10 author of the study discuss the effects that new domestic wells (or any other withdrawals in the basin)
11 may have on water level declines, much less whether those effects will cause undue interference with
12 existing wells.

13 The author of the groundwater study also uses a simplistic analysis to arrive at his determination
14 that a certain number of existing wells will fail based on current water table declines. For example, the
15 model simulation creates its slope of water level declines from water level data gathered over a 17-year
16 period. This period includes years when actual pumping exceeded the basin's perennial yield. However,
17 it is uncontested that during the most recent five-year period, pumping has been reduced below the
18 perennial yield. As a result of this decline in pumping, the slope line used in the study overestimates
19 future water level declines. Despite this, the author of the study provides no error percentage for his
20 predictions. The failure to provide such error percentage means that there is no way to determine the
21 accuracy of the study's predictions.

22 In addition, the author of the study uses a static set of assumptions that does not reflect dynamic
23 changes in groundwater conditions. For example, the author predicts that a certain number of wells will
24 fail by 2035. However, even though he predicts that these wells will no longer be operating, he did not
25 remove the water pumped from these wells in later years. This means that the author of the study is
26 predicting that these "failed" wells will continue to pump water after they fail.

27
28

⁵² SROA 190.

1 Because the groundwater study 1) was never intended to be used for the purpose of determining
2 how new domestic wells might affect existing wells, and 2) is based on a simplistic analysis that fails to
3 account for dynamic changes within the basin, it does not provide the substantial evidence needed to
4 support the State Engineer's issuance of Order 1293A. Without substantial evidence to support it, Order
5 1293A is invalid.

6 **C. The Pahrump Basin is not being over-pumped.**

7 Undisputed by the State Engineer is the fact that the Pahrump basin is not currently being over-
8 pumped. The Pahrump basin's perennial yield is estimated at 20,000 acre-feet annually. According to
9 the State Engineer's own records, current pumping is less than 16,000 acre-feet annually.

10 Instead, the State Engineer argues that Order 1293A is justified because the basin is over-
11 appropriated. PFW does not dispute that the State Engineer has issued water rights in an amount three-
12 times greater than the basin's perennial yield. However, this does not reflect the amount of water that
13 is actually being pumped or whether such pumping interferes with existing wells in the basin. In
14 addition, the State Engineer simply cannot justify impairing existing private property rights to correct a
15 problem that he, himself, created and that he can correct by other means.⁵³

16 Also undisputed is the fact that not only has pumping been reduced below the perennial yield,
17 but water levels in some portions of the basin are actually leveling off or increasing in response to the
18 reduction in pumping. This means that existing efforts to manage water usage in the basin are working
19 and, therefore, there is no need for the State Engineer to enact new, draconian regulations that impair
20 fundamental property rights.

21 **D. Order 1293A is both overbroad and being applied too narrowly.**

22 The State Engineer is applying Order 1293A both overbroadly and too narrowly. The Amended
23 Order is overbroad because it bans the drilling of new domestic wells in the entire basin, even in areas
24 where the evidence indicates that water levels are stable or, in some cases, rising.⁵⁴ The updated Water
25 Resource Plan shows that the well failures projected by the computer model are concentrated in specific
26

27 ⁵³ The low level of actual pumping in relation to the quantity of approved appropriations in the Pahrump Basin indicates that
28 there is a substantial level of non-use of existing permits. Pursuant to NRS 534.090(1), after five years of non-use, the State
Engineer may declare a groundwater permit forfeit. Instead attempting to arrogate to himself a power that the Legislature
has not given him, the State Engineer should instead be using the tools that the Legislature has provided.

⁵⁴ SROA 80-296.

1 areas of the Pahrump basin.⁵⁵ Given this, the plan cannot be used as substantial evidence to support a
2 blanket basin-wide ban on the drilling of new domestic wells.

3 Order 1293A is also being applied too narrowly because it restricts the drilling of only one type
4 of well (domestic) while still allowing other wells (e.g., agricultural or municipal) to be drilled that, due
5 to their high pumping volumes, could have a far greater impact on existing wells. The State Engineer
6 failed to conduct a specific conflicts analysis with respect to domestic wells before issuing Order 1293A.
7 Accordingly, the State Engineer has acted in a discriminatory manner without adequate justification.
8 He has restricted the drilling of new domestic wells without first conducting a thorough analysis
9 regarding whether such wells will unduly interfere with existing wells while, at the same time, still
10 allowing other water users to apply to drill new wells.

11 To the extent it is applicable, under the plain language of NRS 534.110(8), the State Engineer is
12 not authorized to discriminate between water users in this fashion. Rather, under NRS 534.110(8), if
13 the State Engineer finds that the drilling of new wells will cause undue interference with existing wells,
14 he is authorized to issue a blanket restriction on the drilling of all new wells – not just one class of wells.
15 Because the State Engineer impermissibly restricts only the drilling of new domestic wells, he has
16 violated the plain language of NRS 534.110(8) and Order 1293A should be reversed.

17 This overbroad and too narrow application of Order 1293A is the exact opposite of what NRS
18 534.110(8) allows. Under the statute's plain language, the State Engineer is expressly authorized to
19 limit an order restricting the drilling of new wells only to the geographic portion of a basin where a
20 particular problem exists.⁵⁶ Here, even though the evidence shows that water levels are recovering in
21 some portions of the basin, the State Engineer is applying the restriction basin-wide. As provided in
22 NRS 534.110(8), once the portion of the basin where drilling should be restricted has been identified,
23 the State Engineer is then required to ban the drilling of *all* wells, not just one type of well.⁵⁷ If the
24 Legislature had intended to give the State Engineer the power to discriminate between well types, it
25 would have included language to that effect in the statute.

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27
28 ⁵⁵ SROA 194.

⁵⁶ See NRS 534.110(8) (“In any basin or portion thereof in the State . . .”) (emphasis added).

⁵⁷ See NRS 534.110(8) (“. . . the State Engineer may restrict the drilling of wells in any portion thereof . . .”).

1 Because Order 1293A's basin-wide ban on the drilling of one specific type of well is not
2 supported by any evidence that shows the prohibition is required to prevent undue harm to existing
3 wells, Order 1293A should be overturned.

4 **IV. Order 1293A Is An Unconstitutional Taking Of Private Property Without Just**
5 **Compensation.**

6 **A. Order 1293A is a per se regulatory taking.**

7 Both the Nevada and Federal Constitutions protect private property owners from seizure by
8 government officials.⁵⁸ These constitutional protections reflect the long-standing Anglo-American legal
9 tradition of respect for private property. As Blackstone noted in 1765:

10 So great moreover is the regard of the law for private property, that it will
11 not authorize the least violation of it; no, not even for the general good of
the whole community.⁵⁹

12 The United States Supreme Court has recognized that constitutional protections against the
13 taking of private property extend beyond outright governmental seizures of individual parcels of land.
14 In *Pa. Coal Co. v. Mahon*, the Court held that "[t]he general rule is that while property may be regulated
15 to a certain extent, if regulation goes too far it will be recognized as a taking."⁶⁰ The Court further
16 cautioned that:

17 We are in danger of forgetting that a strong public desire to improve the
18 public condition is not enough to warrant achieving the desire by a shorter
cut than the constitutional way of paying for the change.⁶¹

19 Regulatory taking challenges are governed by the factors laid out in *Penn Central Transp. Co. v. City of*
20 *New York*.⁶² In determining whether a regulation constitutes a taking a court must consider 1) the
21 regulation's economic impact on the property owner, 2) whether the regulation interferes with
22 investment-backed expectations, and 3) the character of the government action.⁶³

23 Here there is no question that Order 1293A has had a significant economic impact on property
24 owners in the Pahrump basin. Testimony provided at the hearing on PFW's Motion for Stay in the
25

26 ⁵⁸ NEV. CONST. art. 1, § 8 (6) ("Private property shall not be taken for public use without just compensation having first been
made"); U.S. CONST. amend. V ("nor shall private property be taken for public use, without just compensation.").

27 ⁵⁹ 1 WILLIAM BLACKSTONE, COMMENTARIES *135.

28 ⁶⁰ *Pa. Coal Co. v. Mahon*, 260 U.S. 393, 415, 43 S. Ct. 158, 159 (1922).

⁶¹ *Id.*

⁶² *Penn Central Transp. Co. v. City of New York*, 438 U.S. 104, 98 S. Ct. 2646 (1978).

⁶³ *McCarran Int'l Airport v. Sisolak*, 122 Nev. 645, 663, 137 P.3d 1110, 1122 (2006).

1 previous case clearly demonstrates that property owners who had purchased property with the intent of
2 establishing a homestead have seen those dreams extinguished.⁶⁴ When purchasing their property, these
3 owners acted in good faith and relied on representations made to them by officials from both the County
4 and the State Engineer's office assuring them that they would be able to drill a domestic well.⁶⁵ They
5 therefore had a reasonable, investment-backed expectation that they would be able to build a home on
6 their lot and provide water to that home using a domestic well.

7 That Orders 1293 and 1293A directly interfere with these investment-backed expectations is
8 beyond dispute. Order 1293 was issued at approximately 3:30 p.m. on December 19, 2017. Prior to
9 that time, PFW's members had an absolute right to drill a domestic well on their property. After Order
10 1293 was issued, that right became conditional on their purchasing, and forfeiting to the government,
11 additional water rights. Order 1293A is simply a continuation of Order 1293 and does nothing to resolve
12 this issue.

13 The right to drill a domestic well is a well-established property right that has been in existence
14 since Nevada became a state. The Legislature recognized and protected this right when it adopted the
15 groundwater law in 1939.⁶⁶ Order 1293A fundamentally changes the nature of this right and, in so
16 doing, effects a taking of an important "stick in the bundle of property rights" that PFW's members
17 acquired when they purchased their properties.⁶⁷ Accordingly, Order 1293A is an unconstitutional
18 taking of public property without just compensation and should be overturned.

19 **B. The requirement to dedicate two acre-feet of water when the average domestic well**
20 **uses only ½ acre-feet of water is an unconstitutional exaction.**

21 The State Engineer's own pumping inventory shows that, on average, domestic wells in Pahrump
22 use only ½ acre-feet of water annually.⁶⁸ Despite this, under Order 1293A, a property owner is required
23 to purchase, and surrender to the State Engineer, not less than two acre-feet of existing permitted water
24 rights if they want to drill a new domestic well on their existing parcel.⁶⁹ From a water resources
25

26 ⁶⁴ SROA 936:16-SROA 937:20.

27 ⁶⁵ SROA 921:20-SROA 922:17.

28 ⁶⁶ 1939 STATUTES OF NEVADA 274-75.

⁶⁷ *McCarran Int'l Airport*, 122 Nev. at 658, 137 P.3d at 1119.

⁶⁸ SE ROA 3383-3448.

⁶⁹ SE ROA 3-10.

1 perspective, this provides the State Engineer a tool to solve the over-appropriation problem. If the
2 owners of the existing 8,000 parcels that do not currently have a drilled domestic well are required to
3 each purchase and surrender two acre-feet of existing water rights, 16,000 acre-feet of permitted water
4 rights will be removed from the basin. However, those 8,000 domestic wells will, on average, only use
5 4,000 acre-feet of water from the aquifer. This represents a net gain to the basin's water budget of
6 12,000 acre-feet of water, or more than 30% of the total over-appropriated permits the State Engineer
7 issued.

8 While this outcome may be good for the public as a whole, the Constitution prohibits requiring
9 individual private property owners to bear the cost and burden of solving public problems. As the United
10 States Supreme Court noted in *Dolan v. City of Tigard*, "[o]ne of the principle purposes of the Takings
11 Clause [of the United States Constitution] is to bar Government from forcing some people alone to bear
12 public burdens which, in all fairness, should be borne by the public as a whole."⁷⁰ Here, the State
13 Engineer is placing the burden of solving the over-appropriation problem (a government-created
14 problem) on individual private property owners.

15 In the updated Water Resource Plan, the Water District does not hide the fact that the acquisition
16 and relinquishment requirement is designed to force a property owner to acquire more water than
17 required to serve their average use. The Water District explicitly states that "[c]ounty ordinances
18 [governing the creation of new parcels] *require more water be dedicated for a parcel than is expected*
19 *to be used.*"⁷¹ The Water District goes on to state that "[t]he relinquished water rights that are in excess
20 of the actual usage will never be used beneficially and in fact return to the [public] basin."⁷² The Water
21 District even includes a proposed basin water budget spreadsheet that includes a row titled "OVER
22 DEDICATION POTENTIAL – DOMESTIC WELLS" where the excess water rights forcibly taken
23 from property owners who seek to drill a domestic well can be used to offset the quantity of water the
24 State Engineer has over-allocated.⁷³ The requirement that individual private property owners acquire
25 and relinquish to the public significantly more water than is required to serve their individual property
26

27 ⁷⁰ *Dolan v. City of Tigard*, 512 U.S. 374, 384, 114 S. Ct. 2309, 2316 (1994).

28 ⁷¹ SROA 202 (emphasis added).

⁷² SROA 202.

⁷³ SROA 203.

1 is exactly the type of unconstitutional exaction the U.S. Supreme Court prohibited *Dolan*. Accordingly,
2 Order 1293A should be overturned.

3 **CONCLUSION**

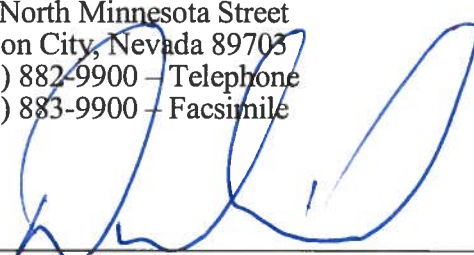
4 For the foregoing reasons, PFW respectfully requests that this Court overturn State Engineer
5 Order 1293A.

6 **AFFIRMATION**
7 **Pursuant to NRS 239B.030(4)**

8 The undersigned does hereby affirm that the preceding document does not contain the social
9 security number of any persons

10 DATED this 7th day of September, 2018.

11 TAGGART & TAGGART, LTD.
12 108 North Minnesota Street
13 Carson City, Nevada 89703
14 (775) 882-9900 - Telephone
15 (775) 883-9900 - Facsimile

16 By: 
17 PAUL G. TAGGART, ESQ.
18 Nevada State Bar No. 6136
19 DAVID H. RIGDON, ESQ.
20 Nevada State Bar No. 13567
21 Attorneys for Petitioners
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b) and NRS 533.450, I hereby certify that I am an employee of TAGGART & TAGGART, LTD., and that on this date I served, or caused to be served, a true and correct copy of the foregoing, as follows:

[X] **BY U.S. POSTAL SERVICE**, by depositing for mailing in the United States Mail, with postage prepaid, an envelope containing the foregoing document, at Carson City, Nevada, in the ordinary course of business, addressed as follows:

James N. Bolotin, Esq.
Deputy Attorney General
Nevada Attorney General's Office
100 N. Carson St.
Carson City, NV 89701

DATED this 7th day of September, 2018.



Employee of TAGGART & TAGGART, LTD.

FILED
FIFTH JUDICIAL DISTRICT

SEP 11 2010

Nye County Clerk
DEBRA BENNETT Deputy

1 PAUL G. TAGGART, ESQ.
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6 Attorneys for Petitioners

7
8 IN THE FIFTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
9 IN AND FOR THE COUNTY OF NYE

* * *

10 PAHRUMP FAIR WATER, LLC, a Nevada
11 limited-liability company; STEVEN PETERSON,
an individual; MICHAEL LACH, an individual;
12 PAUL PECK, an individual; BRUCE JABOUR,
an individual; and GERALD SCHULTE, an
13 individual,

Case No. 39524

Dept. No. 2P

14 Petitioners,

15 vs.

16 JASON KING, P.E., Nevada State
Engineer, DIVISION OF WATER RESOURCES,
17 DEPARTMENT OF CONSERVATION AND
NATURAL RESOURCES,
18

19 Respondent.

20 SUPPLEMENTAL RECORD ON APPEAL

PART 1 +
PART 2

21 COME NOW, Petitioners, PAHRUMP FAIR WATER, LLC, a Nevada limited-liability
22 company (hereinafter "PFW"), STEVEN PETERSON, an individual, MICHAEL LACH, an individual,
23 PAUL PECK, an individual, BRUCE JABOUR, an individual, and GERALD SCHULTE, an
24 individual (collectively "Petitioners"), by and through their counsel, PAUL G. TAGGART, ESQ. and
25 DAVID H. RIGDON, ESQ., of the law firm of TAGGART & TAGGART, LTD., and hereby
26 respectfully submit the attached documents representing supplemental records on appeal in this matter.
27 The Supplemental Record on Appeal documents are batestamped pages SROA 1 – 1245.
28

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| DATE | DOCUMENT | BATES RANGE SROA | |
|----------|---|---------------------|----------|
| 01/18/18 | Notice of Appeal of Nevada State Engineer's Order #1293, Case No. CV38972 (Filed with Court) | SROA 1 | SROA 11 |
| 01/18/18 | Notice of Appeal of Nevada State Engineer's Order #1293, Case No. CV38972 (Filed with State Engineer's Office) | SROA 12 | SROA 22 |
| 01/18/18 | Petition for Judicial Review, Case No. CV38972 (Filed with Court) | SROA 23 | SROA 35 |
| 01/18/18 | Petition for Judicial Review, Case No. CV38972 (Filed with State Engineer's Office) | SROA 36 | SROA 48 |
| 01/23/18 | Notice of Appearance for Respondent, CV38972 | SROA 49 | SROA 50 |
| 02/01/18 | Motion for Stay of Nevada State Engineer Order No. 1293, CV38972 | SROA 51 | SROA 390 |
| 02/15/18 | Stipulation to Extend Time to Oppose Motion for Stay, CV38972 | SROA 391 | SROA 392 |
| 02/15/18 | Proposed Order Granting Stipulation to Extend Time to Oppose Motion for Stay, CV38972 | SROA 393 | SROA 397 |
| 02/16/18 | Order of Recusal, CV38972 | SROA 398 | SROA 399 |
| 02/20/18 | Notice of Department Reassignment, CV38972 | SROA 400 | SROA 401 |
| 02/20/18 | Peremptory Challenge of Judge, CV38972 | SROA 402 | SROA 404 |
| 02/21/18 | Order of Recusal and Reassignment, CV38972 | SROA 405 | SROA 406 |
| 02/22/18 | Memorandum of Temporary Assignment, Order No. 18-00607 | SROA 407 | SROA 407 |
| 02/22/18 | Respondent's Ex Parte Motion for Enlargement of Time, CV38972 | SROA 408 | SROA 415 |
| 02/22/18 | Proposed Order Granting Respondent's Ex Parte Motion for Enlargement of Time, CV38972 | SROA 416 | SROA 420 |
| 02/22/18 | Request for Submission, CV38972 | SROA 421 | SROA 422 |
| 02/26/18 | Limited Opposition to Respondent's Ex Parte Motion for Enlargement of Time, CV38972 | SROA 423 | SROA 427 |
| 02/28/18 | Motion to Strike Petitioner's Exhibit 5 Attached to, and Any Reference of Such Within, Its Motion for Stay of Nevada State Engineer's Order No. 1293, CV38972 | SROA 428 | SROA 433 |
| 02/28/18 | Opposition to Petitioner's Motion for Stay of Nevada State Engineer's Order No. 1293, CV38972 | SROA 434 | SROA 687 |
| 03/06/18 | Reply to the State Engineer's Opposition to Pahrump Fair Water, LLC's Motion for Stay of Nevada State Engineer Order No. 1293, CV38972 | SROA 688 | SROA 728 |
| 03/06/18 | Request for Submission and Expedited Hearing, CV38972 | SROA 729 | SROA 731 |
| 03/07/18 | Peremptory Challenge of Judge, CV38972 | SROA 732 | SROA 737 |
| 03/15/18 | Memorandum of Temporary Assignment, Order No. 18-00668 | SROA 738 | SROA 739 |

| | | | |
|----------|---|-----------|-----------|
| 03/15/18 | Opposition to the State Engineer's Motion to Strike Petitioner's Exhibit 5, CV38972 | SROA 740 | SROA 747 |
| 03/19/18 | Reply to Opposition to Motion to Strike Petitioner's Exhibit 5 Attached to, and Any Reference of Such Within, Its Motion for Stay of Nevada State Engineer's Order No. 1293, CV38972 | SROA 748 | SROA 754 |
| 04/20/18 | Stipulation and Order Regarding Briefing Schedule, CV38972 | SROA 755 | SROA 757 |
| 04/20/18 | Order Setting Hearing, CV38972 | SROA 758 | SROA 759 |
| 04/26/18 | Notice of Substitution of Counsel, CV38972 | SROA 760 | SROA 762 |
| 05/04/18 | Supplemental Prehearing Brief, CV38972 | SROA 763 | SROA 770 |
| 05/04/18 | Notice of List of Potential Witnesses for May 10, 2018, Hearing, CV38972 | SROA 771 | SROA 774 |
| 05/04/18 | State Engineer's Supplemental Briefing on (1) Petitioner's Standing and (2) Petitioner's Request to Allow Witnesses at the May 10, 2018, Hearing in Support of the State Engineer's Opposition to Petitioner's Motion for Stay of Nevada State Engineer's Order No. 1293 and Motion to Strike Petitioner's Exhibit 5 Attached to, and Any Such Reference Within, Its Motion for Stay of Nevada State Engineer's Order No. 1293, CV38972 | SROA 775 | SROA 786 |
| 05/10/18 | Motion for Stay Hearing Transcript, CV38972 | SROA 787 | SROA 1058 |
| 05/24/18 | Notice of Change of Attorney for Respondent State Engineer, CV38972 | SROA 1059 | SROA 1060 |
| 06/25/18 | Stipulation and Order Extending Briefing Schedule, CV38972 | SROA 1061 | SROA 1066 |
| 06/26/18 | Notice of Transmittal of Record on Appeal, CV38972 | SROA 1067 | SROA 1068 |
| 07/06/18 | Petitioner's Opening Brief, CV38972 | SROA 1069 | SROA 1186 |
| 07/10/18 | Notice of Entry of Order Denying Petitioner's Motion to Stay State Engineer's Order 1293, CV38972 | SROA 1187 | SROA 1200 |
| 07/18/18 | Notice of Motion and Motion to Dismiss Petition for Judicial Review, CV38972 | SROA 1201 | SROA 1213 |
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| 08/29/18 | Notice of Entry of Order | SROA 1239 | SROA 1245 |

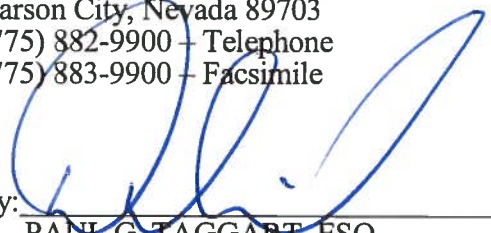
Taggart & Taggart, Ltd.
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Carson City, Nevada 89703
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AFFIRMATION
Pursuant to NRS 239B.030(4)

The undersigned does hereby affirm that the preceding document does not contain the social security number of any persons.

DATED this 7th day of September, 2018.

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By: _____
PAUL G. TAGGART, ESQ.
Nevada State Bar No. 6136
DAVID H. RIGDON, ESQ.
Nevada State Bar No. 13567
Attorneys for Petitioners

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b) and NRS 533.450, I hereby certify that I am an employee of TAGGART & TAGGART, LTD., and that on this date I served, or caused to be served, a true and correct copy of the foregoing, as follows:

[X] BY U.S. POSTAL SERVICE, by depositing for mailing in the United States Mail, with postage prepaid, an envelope containing the foregoing document, at Carson City, Nevada, in the ordinary course of business, addressed as follows:

James N. Bolotin, Esq.
Deputy Attorney General
Nevada Attorney General's Office
100 N. Carson St.
Carson City, NV 89701

DATED this 7th day of September, 2018.



Employee of TAGGART & TAGGART, LTD.

JAN 18 2018

Terri Pemberton
Nye County Clerk
Deputy

1 PAUL G. TAGGART, ESQ.
Nevada State Bar No. 6136
2 DAVID H. RIGDON, ESQ.
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6 Attorneys for Petitioner

7
8 IN THE FIFTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
9 IN AND FOR THE COUNTY OF NYE

* * *

10 PAHRUMP FAIR WATER, LLC, a Nevada
11 limited-liability company,

12 Petitioner,

13 vs.

14 JASON KING, P.E., Nevada State
Engineer, DIVISION OF WATER
15 RESOURCES, DEPARTMENT OF
CONSERVATION AND NATURAL
16 RESOURCES,

17 Respondent.

CASE NO.:

W38972

DEPT. NO.:

2

18 **NOTICE OF APPEAL OF NEVADA STATE ENGINEER'S ORDER #1293**

19 COMES NOW, Petitioner, PAHRUMP FAIR WATER, LLC, a Nevada limited-liability
20 company, (hereinafter "Petitioner" or "PFW"), by and through its attorneys of record, PAUL G.
21 TAGGART, ESQ. and DAVID H. RIGDON, ESQ., of the law firm of TAGGART & TAGGART, LTD.,
22 and hereby petitions the Court to reverse or remand Order 1293 issued by Respondent, JASON KING,
23 P.E., Nevada State Engineer, on December 19, 2017, and attached hereto as Exhibit 1. This Notice of
24 Appeal and the related Petition for Judicial Review are filed pursuant to NRS 533.450.

25 Order 1293 prohibits the drilling of any new domestic well within the Pahrump Artesian Basin
26 except where: (1) the person seeking to drill the domestic obtains and relinquishes to the State Engineer
27 not less than two acre-feet of existing water rights, (2) water rights of sufficient quantity were previously
28 relinquished to the State Engineer, (3) the drilling is associated with the rehabilitation of an existing

1 domestic well as defined in NAC 534.189, and (4) the drilling is associated with the reconditioning of
2 an existing domestic well as defined in NAC 534.188. Through this Notice of Appeal and the related
3 Petition for Judicial Review, Petitioner respectfully requests that this Court reverse or remand Order
4 1293 because Order 1293 contains significant factual and legal errors and represents an arbitrary and
5 capricious exercise of power by the State Engineer. Specifically, Order 1293 (1) was issued without
6 prior notice to those individuals who would be affected by the order and without providing such
7 individuals an opportunity to present evidence in opposition thereto; (2) was not supported by substantial
8 evidence; (3) violates the provisions of NRS 534.180(1); (4) requires a property owner to relinquish to
9 the State Engineer four times the quantity of water that is typically used by domestic wells in the
10 Pahrump Basin; and (5) was applied retroactively to individuals who had already filed a Notice of Intent
11 to Drill prior to the issuance of the order.

12 For these reasons, and others that may be discovered and raised during the pendency of this
13 appeal, Order 1293 should be reversed.

14 **AFFIRMATION**
15 **Pursuant to NRS 239B.030**

16 The Undersigned does hereby affirm that the preceding document does not contain the social
17 security number of any persons.

18 DATED this 18th day of January, 2018.

19 TAGGART & TAGGART, LTD.
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24 By: 

25 PAUL G. TAGGART, ESQ.
26 Nevada State Bar No. 6136
27 DAVID H. RIGDON, ESQ.
28 Nevada State Bar No. 13567
Attorneys for Petitioner

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b) and NRS 533.450, I hereby certify that I am an employee of TAGGART & TAGGART, LTD., and that on this date I served, or caused to be served, a true and correct copy of the foregoing, as follows:

[X] BY **HAND-DELIVERY**, by placing a true and correct copy of the above-identified document in an envelope, addressed as follows:

Jason King, P.E.
State Engineer
Nevada Division of Water Resources
901 South Stewart Street, Suite 2002
Carson City, NV 89701

Micheline N. Fairbank, Esq.
Senior Deputy Attorney General
Nevada Attorney General's Office
100 N. Carson St.
Carson City, NV 89701

DATED this 18th day of January, 2018.



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INDEX OF EXHIBITS

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| 1. | State Engineer Order #1293 | 6 |

EXHIBIT 1

EXHIBIT 1

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

ORDER

#1293

**PROHIBITING THE DRILLING OF NEW DOMESTIC WELLS
IN THE PAHRUMP ARTESIAN BASIN (10-162), NYE COUNTY, NEVADA.**

WHEREAS, the State Engineer has designated the Pahrump Artesian Basin as provided under NRS § 534.120 by the following orders:

1. Order No. 176 dated March 11, 1941, designating and describing the basin pursuant to NRS § 534.120 upon the petition of ten percent of the legal appropriators of underground water;
2. Order No. 193 dated January 15, 1948, extending the designated area;
3. Order No. 205 dated January 23, 1953, further extending the designated area.

WHEREAS, the State Engineer has issued the following orders concerning the regulation and management of groundwater in the basin:

1. Order No. 206 dated May 4, 1953, requiring the installation of measuring devices.
2. Order No. 381 dated June 1, 1970, declaring irrigation a non-preferred use, ordering that new applications for irrigation be denied.
3. Order No. 955 dated October 26, 1987, amending Order No. 381, denying applications on the Pahrump and Manse fans, restricting applications to small commercial uses and forfeiture re-filing provisions.
4. Order No. 1107 dated November 8, 1994, denying all new applications to appropriate except small commercial, small industrial and environmental uses.
5. Order No. 1183 dated April 19, 2007, establishing a program for domestic well credits in the basin.
6. Order No. 1252 dated April 29, 2015, further extending the designated area, lifting the prohibition of moving existing water rights to the Pahrump and Manse fans and curtailing all new appropriations except for very limited exceptions.

WHEREAS, the State Engineer makes the following additional findings and conclusions in support of this Order:

1. The State Engineer estimates that the perennial yield of the Pahrump Artesian Basin is 20,000 acre-feet annually.¹
2. The committed rights in the form of permits and certificates to the use of groundwater in the basin are approximately 59,175 acre-feet. This amount does not include the amount allowed to be withdrawn by existing domestic wells.²
3. A "domestic well" is a well used for culinary and household purposes directly related to a single-family dwelling, including without limitation, the watering of a family garden and lawn and the watering of livestock and any other domestic animals or household pets, if the amount of water drawn does not exceed 2 acre-feet per year, (NRS §§ 534.013 and 534.180).
4. There are approximately 11,280 existing domestic wells drilled in the Pahrump Artesian Basin. Pursuant to NRS § 534.180, domestic wells are exempt from the permitting requirements of NRS Chapters 533 and 534, having the legal right to withdraw up to 2 acre-feet annually. Thus, in the Pahrump Artesian Basin, the ability of existing domestic wells to withdraw up to 2 acre-feet annually exceeds the perennial yield by domestic wells alone.³
5. The existing domestic wells in the Pahrump Artesian Basin constitutes the greatest proliferation and density of domestic wells in the state. The density of existing domestic wells ranges from 1 up to 469 wells per square mile. The State Engineer has determined that pumping by domestic wells has the potential to be the largest use of groundwater in the basin.⁴
6. In addition to existing domestic wells, there is potential for up to 8,000 new domestic wells to be drilled on existing parcels for which no domestic well currently exists. Consequently, the drilling of up to 8,000 new domestic wells, represents the legal right to withdraw up to an additional 16,000 acre-feet of groundwater by those new domestic wells.⁵

¹ Nevada Division of Water Resources' Water Rights Database, Hydrographic Basin Summary, Pahrump Artesian Basin (162), accessed December 19, 2017, official records in the Office of the State Engineer, available at <http://water.nv.gov/undergroundactive.aspx>; State Engineer's Order 1252.

² *Id.*

³ Nevada Division of Water Resources' Well Log Database, December 19, 2017, official records in the Office of the State Engineer, available at <http://water.nv.gov/wellogquery.aspx>.

⁴ *Id.*; Nye County Water Resources Plan (2004) and Plan Update (2017); Division of Water Resources Groundwater Pumpage Inventories Pahrump Valley Hydrographic Basin 10-162.

⁵ *Id.*

7. In 1993, Senate Bill 19 was passed, which acknowledged a policy of recognizing existing domestic wells as appurtenances to private homes and created a protectable interest in the source of supply to the domestic well. As originally enacted, it applied to counties having a population less than 400,000.⁶ Senate Bill 19 was codified in NRS § 533.024(1)(b).
8. In 2001, the legislature passed Senate Bill 159, which removed the limitation in NRS § 533.024(1) to counties having a population less than 400,000, making that provision and related provisions applicable statewide.⁷
9. In testimony on Senate Bill 159, former State Engineer Michael Turnipseed agreed with Senator Maggie Carlton that a “protectable interest” only occurs after there has been an improvement on the property and a well has been drilled, and that citizens cannot claim a “protectable interest” without anything on the property.
10. During the 1999-2000 legislative interim, the Subcommittee to Study Domestic and Municipal Water Wells and its Technical Advisory Committee convened numerous meetings to study issues related to domestic and municipal wells.⁸
11. An issue identified by the Interim Subcommittee was that land division laws under NRS Chapter 278 were problematic because parcel maps and other types of land division do not require water rights to be attached to newly created parcels, unlike subdivision approvals. Testimony before the Subcommittee indicated that many counties enacted ordinances requiring water rights be attached to new parcel creations, but that existing parcels were exempt from that requirement.
12. In 1998, Nye County initiated a temporary moratorium on land parceling until the Pahrump Regional Planning Commission could develop an ordinance to be enacted by the County Board of Commissioners. The ordinance ultimately enacted by the Board of Commissioners requires that a person who parcels land in Pahrump Valley is required to deed water rights to the County for each additional lot that is created through parceling.⁹
13. The concern of the Interim Subcommittee regarding parceling land without requiring water rights is typified by the existing condition in the Pahrump Artesian Basin. Although the County Board of Commissioners enacted an ordinance requiring water rights for any new parcels created, the ordinance did not apply to parcels already in existence.

⁶ Senate Bill 19, Chapter 631, Statutes of Nevada 1993.

⁷ Senate Bill 159, Chapter 85, Statutes of Nevada 2001.

⁸ Legislative Counsel Bureau Bulletin No. 01-18, *Domestic and Municipal Water Wells* (November 2000).

⁹ Nye County Water Resources Plan (2004); and see current Nye County Code § 16.28.170 available at

http://sterlingcodifiers.com/codebook/index.php?book_id=648&chapter_id=71572#s705292.

14. Testimony related to Senate Bill 19 (1993), Senate Bill 159 (2001) and during the 1999-2000 Interim Subcommittee all confirm that inclusion of the "protectable interest" language in NRS Chapters 533 and 534 was not intended to limit the State Engineer's ability to regulate and manage the Nevada's water resources.¹⁰
15. NRS § 534.120 authorizes the State Engineer to make such rules, regulations and orders deemed essential for the welfare of the area involved in designated groundwater basins when the groundwater basin is being depleted in the judgment of the State Engineer.
16. NRS § 534.110(8) provides that in any basin or portion thereof in the state designated by the State Engineer, the State Engineer may restrict drilling of wells in any portion thereof if the State Engineer determines that additional wells would cause an undue interference with existing wells.
17. Historical water level data maintained by the State Engineer and other agencies demonstrate that water levels on the valley floor have steadily declined since the 1950s. Despite numerous orders by the State Engineer regulating groundwater in the basin, water levels on the valley floor have not stabilized. In addition to declining water levels, issues related to declining water levels in the basin are well-documented, including impacts to springs and land subsidence.¹¹
18. Overwhelmingly, existing domestic wells are located on the valley floor where water levels are declining. Similarly, any new domestic wells would largely be located on the valley floor.
19. In a 2017 update to the Nye County Water Resources Plan, data and maps from the Water Level Management Plan were used to examine the longevity of existing shallow wells, primarily domestic wells, in areas of measure and sustained water table declines. The data and simulations predicted that 438 wells would fail by 2035, and the number of failed wells would reach 3,085 by 2065. The study did not take into account anticipated increases in future demand; therefore, additional demand created by new domestic wells would be expected to accelerate water level declines and predicted well failures.¹²

¹⁰ See fn. 6, 7 and 8, and minutes of testimony related thereto.

¹¹ Nevada Division of Water Resources' Water Level Database, December 19, 2017, official records in the Office of the State Engineer, available on-line at <http://water.nv.gov/WaterLevelData.aspx>; water level records maintained by the United States Geological Survey; Harrill, J., *Ground-Water Storage Depletion in Pahrump Valley, Nevada-California 1962-75*, (Department of Conservation and Natural Resources and United States Geological Survey), 1986; and see also, fn. 4.

¹² Nye County Water Resources Plan Update (2017); Klenke, J., *Estimated Effects of Water Level Declines in the Pahrump Valley on Water Well Longevity* (January 2017).

20. The drilling of up to 8,000 new domestic wells endangers the continued supply of groundwater within the basin, including the supply to existing rights and existing domestic wells.
21. The State Engineer has determined from existing water level and other data that the groundwater basin is being depleted, and that this order is essential for the welfare of the area involved.
22. Requiring the acquisition and relinquishment of water rights to serve new domestic wells on existing parcels is consistent with Nye County Code § 16.28.170, which, since 1998, has required water rights for the approval of new parcel maps;
23. Similarly, requiring the acquisition of water rights to serve new domestic wells is consistent with the legislature's intent expressed in other areas of the law that there must be sufficient water available to grant new appropriative rights or to approve parcel and subdivision maps intended to be served by domestic wells. *See* NRS §§ 533.070; 534.120(e); 278.335 and 278.461.
24. Allowing the unrestrained drilling of additional domestic wells in a basin that is already more than two-times overappropriated is inconsistent with the State Engineer's prior orders regulating and restricting appropriative rights in an attempt to stabilize water levels in the basin.
25. The Nye County Water Resources Plan adopted in 2004 and the update to the Plan in 2017, describe the existing problems posed by the proliferation of domestic wells in Pahrump and the potential consequences of drilling up to 8,000 new domestic wells. In December 2017, the Board of the Nye County Water District voted to approve sending a letter to the State Engineer providing support for the State Engineer's issuance of an order requiring relinquishment or dedication of water rights for new domestic wells.¹³

NOW THEREFORE, it is hereby ordered that the drilling of any new domestic well within the Pahrump Artesian Basin is **prohibited**, except that:

1. Any person proposing to drill a new domestic well must obtain an existing water right in good standing, subject to review of the State Engineer, of not less than 2.0 acre-feet annually and relinquish the water right to serve the domestic well.
2. Any entity that has already relinquished sufficient water rights to serve a new domestic well is excepted from this order.
3. A domestic well requiring rehabilitation as defined by NAC § 534.189 is hereby excepted.

¹³ Correspondence from Oscar (Oz) Wichman on behalf of the Nye County Water District to Jason King, December 11, 2016 [sic].

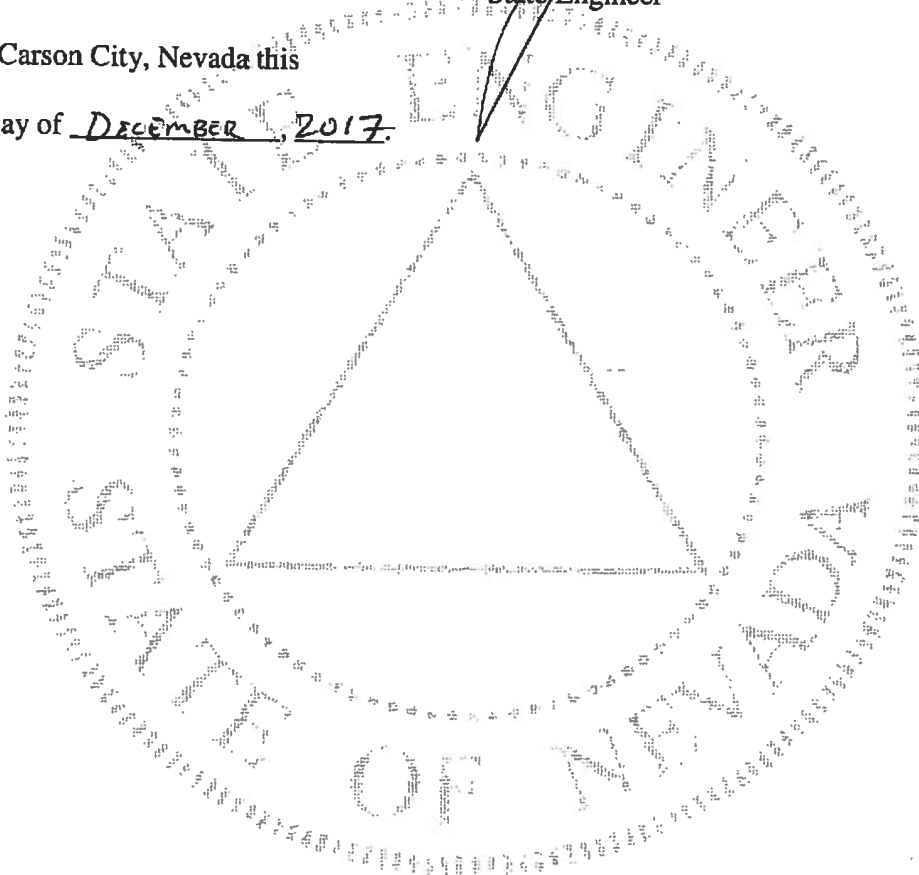
4. The reconditioning of a domestic well as defined by NAC § 534.188, or replacement of an existing domestic well is excepted from this Order, unless the well is located in an area where water can be furnished by an entity such as a water district or a municipality presently engaged in furnishing water to the inhabitants thereof.

 P.E.

JASON KING, P.E.
State Engineer

Dated at Carson City, Nevada this

19th day of DECEMBER, 2017.



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1 PAUL G. TAGGART, ESQ.
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6 Attorneys for Petitioner

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7 IN THE FIFTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
8
9 IN AND FOR THE COUNTY OF NYE

* * *

10 PAHRUMP FAIR WATER, LLC, a Nevada
11 limited-liability company,

12 Petitioner,

13 vs.

14 JASON KING, P.E., Nevada State
Engineer, DIVISION OF WATER
15 RESOURCES, DEPARTMENT OF
CONSERVATION AND NATURAL
16 RESOURCES,

17 Respondent.

CASE NO.: _____

DEPT. NO.: _____

18 **NOTICE OF APPEAL OF NEVADA STATE ENGINEER'S ORDER #1293**

19 COMES NOW, Petitioner, PAHRUMP FAIR WATER, LLC, a Nevada limited-liability
20 company, (hereinafter "Petitioner" or "PFW"), by and through its attorneys of record, PAUL G.
21 TAGGART, ESQ. and DAVID H. RIGDON, ESQ., of the law firm of TAGGART & TAGGART, LTD.,
22 and hereby petitions the Court to reverse or remand Order 1293 issued by Respondent, JASON KING,
23 P.E., Nevada State Engineer, on December 19, 2017, and attached hereto as Exhibit 1. This Notice of
24 Appeal and the related Petition for Judicial Review are filed pursuant to NRS 533.450.

25 Order 1293 prohibits the drilling of any new domestic well within the Pahrump Artesian Basin
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8 evidence; (3) violates the provisions of NRS 534.180(1); (4) requires a property owner to relinquish to
9 the State Engineer four times the quantity of water that is typically used by domestic wells in the
10 Pahrump Basin; and (5) was applied retroactively to individuals who had already filed a Notice of Intent
11 to Drill prior to the issuance of the order.

12 For these reasons, and others that may be discovered and raised during the pendency of this
13 appeal, Order 1293 should be reversed.

14 **AFFIRMATION**
15 **Pursuant to NRS 239B.030**

16 The Undersigned does hereby affirm that the preceding document does not contain the social
17 security number of any persons.

18 DATED this 18th day of January, 2018.

19 TAGGART & TAGGART, LTD.
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24 By: 

25 PAUL G. TAGGART, ESQ.
26 Nevada State Bar No. 6136
27 DAVID H. RIGDON, ESQ.
28 Nevada State Bar No. 13567
Attorneys for Petitioner

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b) and NRS 533.450, I hereby certify that I am an employee of TAGGART & TAGGART, LTD., and that on this date I served, or caused to be served, a true and correct copy of the foregoing, as follows:

☒ **BY HAND-DELIVERY**, by placing a true and correct copy of the above-identified document in an envelope, addressed as follows:

Jason King, P.E.
State Engineer
Nevada Division of Water Resources
901 South Stewart Street, Suite 2002
Carson City, NV 89701

Micheline N. Fairbank, Esq.
Senior Deputy Attorney General
Nevada Attorney General's Office
100 N. Carson St.
Carson City, NV 89701

DATED this 18th day of January, 2018.



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INDEX OF EXHIBITS

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EXHIBIT 1

EXHIBIT 1

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

ORDER

#1293

**PROHIBITING THE DRILLING OF NEW DOMESTIC WELLS
IN THE PAHRUMP ARTESIAN BASIN (10-162), NYE COUNTY, NEVADA.**

WHEREAS, the State Engineer has designated the Pahrump Artesian Basin as provided under NRS § 534.120 by the following orders:

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WHEREAS, the State Engineer makes the following additional findings and conclusions in support of this Order:

1. The State Engineer estimates that the perennial yield of the Pahrump Artesian Basin is 20,000 acre-feet annually.¹
2. The committed rights in the form of permits and certificates to the use of groundwater in the basin are approximately 59,175 acre-feet. This amount does not include the amount allowed to be withdrawn by existing domestic wells.²
3. A "domestic well" is a well used for culinary and household purposes directly related to a single-family dwelling, including without limitation, the watering of a family garden and lawn and the watering of livestock and any other domestic animals or household pets, if the amount of water drawn does not exceed 2 acre-feet per year, (NRS §§ 534.013 and 534.180).
4. There are approximately 11,280 existing domestic wells drilled in the Pahrump Artesian Basin. Pursuant to NRS § 534.180, domestic wells are exempt from the permitting requirements of NRS Chapters 533 and 534, having the legal right to withdraw up to 2 acre-feet annually. Thus, in the Pahrump Artesian Basin, the ability of existing domestic wells to withdraw up to 2 acre-feet annually exceeds the perennial yield by domestic wells alone.³
5. The existing domestic wells in the Pahrump Artesian Basin constitutes the greatest proliferation and density of domestic wells in the state. The density of existing domestic wells ranges from 1 up to 469 wells per square mile. The State Engineer has determined that pumping by domestic wells has the potential to be the largest use of groundwater in the basin.⁴
6. In addition to existing domestic wells, there is potential for up to 8,000 new domestic wells to be drilled on existing parcels for which no domestic well currently exists. Consequently, the drilling of up to 8,000 new domestic wells, represents the legal right to withdraw up to an additional 16,000 acre-feet of groundwater by those new domestic wells.⁵

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² *Id.*

³ Nevada Division of Water Resources' Well Log Database, December 19, 2017, official records in the Office of the State Engineer, available at <http://water.nv.gov/wellogquery.aspx>.

⁴ *Id.*; Nye County Water Resources Plan (2004) and Plan Update (2017); Division of Water Resources Groundwater Pumpage Inventories Pahrump Valley Hydrographic Basin 10-162.

⁵ *Id.*

7. In 1993, Senate Bill 19 was passed, which acknowledged a policy of recognizing existing domestic wells as appurtenances to private homes and created a protectable interest in the source of supply to the domestic well. As originally enacted, it applied to counties having a population less than 400,000.⁶ Senate Bill 19 was codified in NRS § 533.024(1)(b).
8. In 2001, the legislature passed Senate Bill 159, which removed the limitation in NRS § 533.024(1) to counties having a population less than 400,000, making that provision and related provisions applicable statewide.⁷
9. In testimony on Senate Bill 159, former State Engineer Michael Turnipseed agreed with Senator Maggie Carlton that a “protectable interest” only occurs after there has been an improvement on the property and a well has been drilled, and that citizens cannot claim a “protectable interest” without anything on the property.
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11. An issue identified by the Interim Subcommittee was that land division laws under NRS Chapter 278 were problematic because parcel maps and other types of land division do not require water rights to be attached to newly created parcels, unlike subdivision approvals. Testimony before the Subcommittee indicated that many counties enacted ordinances requiring water rights be attached to new parcel creations, but that existing parcels were exempt from that requirement.
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13. The concern of the Interim Subcommittee regarding parceling land without requiring water rights is typified by the existing condition in the Pahrump Artesian Basin. Although the County Board of Commissioners enacted an ordinance requiring water rights for any new parcels created, the ordinance did not apply to parcels already in existence.

⁶ Senate Bill 19, Chapter 631, Statutes of Nevada 1993.

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⁸ Legislative Counsel Bureau Bulletin No. 01-18, *Domestic and Municipal Water Wells* (November 2000).

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14. Testimony related to Senate Bill 19 (1993), Senate Bill 159 (2001) and during the 1999-2000 Interim Subcommittee all confirm that inclusion of the "protectable interest" language in NRS Chapters 533 and 534 was not intended to limit the State Engineer's ability to regulate and manage the Nevada's water resources.¹⁰
15. NRS § 534.120 authorizes the State Engineer to make such rules, regulations and orders deemed essential for the welfare of the area involved in designated groundwater basins when the groundwater basin is being depleted in the judgment of the State Engineer.
16. NRS § 534.110(8) provides that in any basin or portion thereof in the state designated by the State Engineer, the State Engineer may restrict drilling of wells in any portion thereof if the State Engineer determines that additional wells would cause an undue interference with existing wells.
17. Historical water level data maintained by the State Engineer and other agencies demonstrate that water levels on the valley floor have steadily declined since the 1950s. Despite numerous orders by the State Engineer regulating groundwater in the basin, water levels on the valley floor have not stabilized. In addition to declining water levels, issues related to declining water levels in the basin are well-documented, including impacts to springs and land subsidence.¹¹
18. Overwhelmingly, existing domestic wells are located on the valley floor where water levels are declining. Similarly, any new domestic wells would largely be located on the valley floor.
19. In a 2017 update to the Nye County Water Resources Plan, data and maps from the Water Level Management Plan were used to examine the longevity of existing shallow wells, primarily domestic wells, in areas of measure and sustained water table declines. The data and simulations predicted that 438 wells would fail by 2035, and the number of failed wells would reach 3,085 by 2065. The study did not take into account anticipated increases in future demand; therefore, additional demand created by new domestic wells would be expected to accelerate water level declines and predicted well failures.¹²

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20. The drilling of up to 8,000 new domestic wells endangers the continued supply of groundwater within the basin, including the supply to existing rights and existing domestic wells.
21. The State Engineer has determined from existing water level and other data that the groundwater basin is being depleted, and that this order is essential for the welfare of the area involved.
22. Requiring the acquisition and relinquishment of water rights to serve new domestic wells on existing parcels is consistent with Nye County Code § 16.28.170, which, since 1998, has required water rights for the approval of new parcel maps;
23. Similarly, requiring the acquisition of water rights to serve new domestic wells is consistent with the legislature's intent expressed in other areas of the law that there must be sufficient water available to grant new appropriative rights or to approve parcel and subdivision maps intended to be served by domestic wells. *See* NRS §§ 533.070; 534.120(e); 278.335 and 278.461.
24. Allowing the unrestrained drilling of additional domestic wells in a basin that is already more than two-times overappropriated is inconsistent with the State Engineer's prior orders regulating and restricting appropriative rights in an attempt to stabilize water levels in the basin.
25. The Nye County Water Resources Plan adopted in 2004 and the update to the Plan in 2017, describe the existing problems posed by the proliferation of domestic wells in Pahrump and the potential consequences of drilling up to 8,000 new domestic wells. In December 2017, the Board of the Nye County Water District voted to approve sending a letter to the State Engineer providing support for the State Engineer's issuance of an order requiring relinquishment or dedication of water rights for new domestic wells.¹³

NOW THEREFORE, it is hereby ordered that the drilling of any new domestic well within the Pahrump Artesian Basin is **prohibited**, except that:

1. Any person proposing to drill a new domestic well must obtain an existing water right in good standing, subject to review of the State Engineer, of not less than 2.0 acre-feet annually and relinquish the water right to serve the domestic well.
2. Any entity that has already relinquished sufficient water rights to serve a new domestic well is excepted from this order.
3. A domestic well requiring rehabilitation as defined by NAC § 534.189 is hereby excepted.

¹³ Correspondence from Oscar (Oz) Wichman on behalf of the Nye County Water District to Jason King, December 11, 2016 [sic].

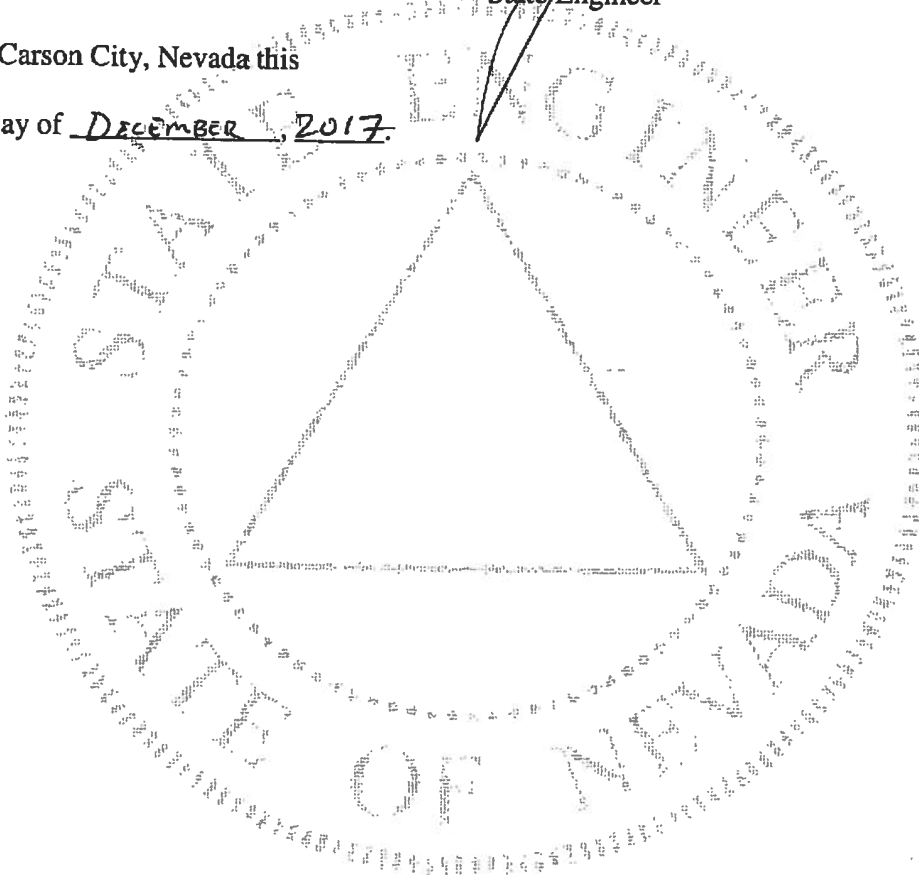
4. The reconditioning of a domestic well as defined by NAC § 534.188, or replacement of an existing domestic well is excepted from this Order, unless the well is located in an area where water can be furnished by an entity such as a water district or a municipality presently engaged in furnishing water to the inhabitants thereof.



JASON KING, P.E.
State Engineer

Dated at Carson City, Nevada this

19th day of DECEMBER, 2017.



JAN 18 2018

Nye County Clerk

~~Terri Pemberton~~ Deputy

1 PAUL G. TAGGART, ESQ.
Nevada State Bar No. 6136
2 DAVID H. RIGDON, ESQ.
Nevada State Bar No. 13567
3 TAGGART & TAGGART, LTD.
108 North Minnesota Street
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5 (775) 882-9900 – Telephone
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6 Attorneys for Petitioner

7
8 IN THE FIFTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
9 IN AND FOR THE COUNTY OF NYE

* * *

10 PAHRUMP FAIR WATER, LLC, a Nevada
11 limited-liability company,

12 Petitioner,

13 vs.

14 JASON KING, P.E., Nevada State
Engineer, DIVISION OF WATER
15 RESOURCES, DEPARTMENT OF
CONSERVATION AND NATURAL
16 RESOURCES,

17 Respondent.

CASE NO.:

CW38972

DEPT. NO.:

2

18 PETITION FOR JUDICIAL REVIEW

19 COMES NOW, Petitioner, PAHRUMP FAIR WATER, LLC, a Nevada limited liability
20 company, (hereinafter “Petitioner” or “PFW”), by and through its attorneys of record, PAUL G.
21 TAGGART, ESQ. and DAVID H. RIGDON, ESQ., of the law firm of TAGGART & TAGGART, LTD.,
22 and hereby petitions the Court to reverse or remand Order 1293 issued by Respondent, JASON KING,
23 P.E., Nevada State Engineer, on December 19, 2017, and attached hereto as Exhibit 1.

24 This Petition for Judicial Review, as well as Notice of Appeal, is filed pursuant to NRS 533.450.
25 PFW is a Nevada limited-liability company whose members include owners of parcels in the Pahrump
26 basin who are directly affected by Order 1293, real-estate brokers doing business in the Pahrump area,
27 and owners of well drilling companies. The members of PFW are, therefore, “person[s] feeling
28 aggrieved” by the State Engineer’s issuance of Order 1293 as defined in NRS 533.450.

JURISDICTIONAL STATEMENT

In issuing Order 1293, the State Engineer specifically relied upon the power granted to him in NRS 534.110(8).¹ NRS 534.110(8) authorizes judicial review of any order issued pursuant to that statute in accordance with the provisions of NRS 533.450. In turn, NRS 533.450(1) authorizes any person feeling aggrieved by any order or decision of the State Engineer, to file a Petition with the “proper court of the county in which the matters affected or a portion thereof are situated.” Because the real property that Order 1293 seeks to restrict the drilling of a domestic well upon is located in Nye County, the Fifth Judicial District Court of the State of Nevada is the proper venue for this proceeding.

STANDING

PFW has constitutional standing because it is an association that is formed to protect the interests of its members. Associations have standing based on the United States Constitution if the association has been injured or one or more of its members are injured.² “[W]hether an association has standing to invoke the court’s remedial powers on behalf of its members depends in substantial measure on the nature of the relief sought.”³ If the nature of the relief is injunctive (such as the stay and reversal of an administrative order), courts reasonably presume that the remedy, “if granted, will inure to the benefit of those members of the association actually injured.”⁴

Accordingly, an association has standing to bring suit on behalf of its members when: (1) its members would otherwise have standing to sue in their own right, (2) the interests it seeks to protect are germane to the organizations purpose, and (3) neither the claim asserted, nor the relief requested, requires the participation of individual members in the lawsuit.⁵ Here, PFW has members that would otherwise have standing to file this action in their own right and PFW was specifically formed by these members for the purpose of opposing Order 1293. In addition, it is not necessary for a determination of the issues raised in this Petition to have the individual members of PFW participate in this lawsuit. Accordingly, PFW has the requisite standing to file this action on behalf of its members.

¹ See Exhibit 1 at 4 (Conclusion of Law No. 16).

² *Warth v. Sedline*, 422 U.S. 490, 515 (1975).

³ *Id.*

⁴ *Id.*

⁵ *Hunt v. Washington State Apple Advertising Commission*, 432 U.S. 333, 343 (1977).

FACTUAL BACKGROUND

There is no question that the Pahrump groundwater basin is over-allocated. However, according to the records of the State Engineer, it is not a basin that is currently being over-pumped. The State Engineer has determined that the perennial yield (the amount of water that can be pumped without causing long-term damage to the aquifer) for the Pahrump basin is 20,000 acre-feet annually (“afa”).⁶ Despite this, the State Engineer has issued water rights permits and certificates in Pahrump totaling more than 59,000 afa.⁷ However, actual pumping in the basin is currently estimated by the State Engineer to be just 15,563 afa.⁸ In addition, the roughly 11,000 existing domestic wells in the basin are estimated to be responsible for just a third of the total groundwater being pumped (5,510 afa).⁹ This means that the average domestic well in Pahrump uses only about 0.5 acre-feet of water each year.

On December 19, 2017, the State Engineer issued Order 1293. Order 1293 prohibits the drilling of new domestic wells on property that would otherwise be eligible to have a domestic well pursuant to NRS 534.180. Order 1293 allows for an exception to the prohibition if the owner of the property first purchases *not less than* 2 afa of existing permitted water rights and then relinquishes those water rights to the State Engineer. Affected property owners were provided no advance notice of the issuance of Order 1293, nor was any specifically-noticed hearing or other public meeting held to give the affected property owners an opportunity to provide evidence and testimony in opposition. In a further affront to due process, property owners who had provided the State Engineer with a Notice of Intent to drill a domestic well, and who had placed deposits with well drillers, *prior* to the issuance of the order, were informed by the State Engineer that Order 1293 would be applied retroactively and thereby bar them from proceeding with the development of their property.

GROUND FOR PETITION

Order 1293 contains significant factual and legal errors and represents an arbitrary and capricious abuse of discretion by the State Engineer. Specifically, Order 1293 (1) was issued without prior notice

⁶ Nevada Division of Water Resources Hydrographic Area Summary for Pahrump Valley Basin (Basin No. 162), <http://www.water.nv.gov/UndergroundActive.aspx> (last downloaded on January 16, 2018).

⁷ *Id.*

⁸ Nevada Division of Water Resources Statewide Groundwater Pumpage Inventory: Calendar Year 2015 (November 1, 2017).

⁹ *Id.*

1 to those individuals who would be affected by the order and without providing such individuals an
2 opportunity to present evidence in opposition thereto; (2) was not supported by substantial evidence; (3)
3 violates the provisions of NRS 534.180(1); (4) requires a property owner to relinquish to the State
4 Engineer four times the quantity of water that is typically used by domestic wells in the Pahrump Basin;
5 and (5) was improperly applied retroactively to individuals who had already filed a Notice of Intent to
6 Drill prior to the issuance of the order.

7 **CONCLUSION**

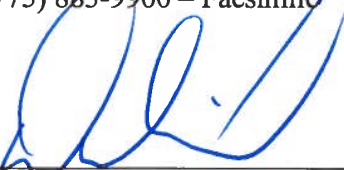
8 For the reasons explained above, and others that may be discovered and raised during the
9 pendency of this appeal, PFW respectfully requests that this Court reverse Order 1293 in its entirety. In
10 the alternative, Petitioner respectfully requests this Court issue a stay of Order 1293 and remand the case
11 to the State Engineer with direction to provide specific notice of and hold an evidentiary hearing where
12 Petitioners and other affected property owners will be provided an opportunity to present evidence and
13 testimony in opposition to the proposed action.

14 **AFFIRMATION**
Pursuant to NRS 239B.030

15 The Undersigned does hereby affirm that the preceding document does not contain the social
16 security number of any persons.

17 DATED this 18th day of January, 2018.

18 TAGGART & TAGGART, LTD.
19 108 North Minnesota Street
20 Carson City, Nevada 89703
21 (775) 882-9900 – Telephone
22 (775) 883-9900 – Facsimile

23 By: 
24 PAUL G. TAGGART, ESQ.
25 Nevada State Bar No. 6136
26 DAVID H. RIGDON, ESQ.
27 Nevada State Bar No. 13567
28 Attorneys for Petitioner

CERTIFICATE OF SERVICE

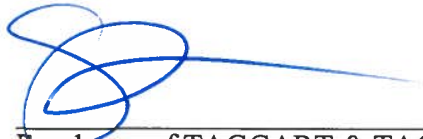
Pursuant to NRCP 5(b) and NRS 533.450, I hereby certify that I am an employee of TAGGART & TAGGART, LTD., and that on this date I served, or caused to be served, a true and correct copy of the foregoing, as follows:

[X] **BY HAND-DELIVERY**, by placing a true and correct copy of the above-identified document in an envelope, addressed as follows:

Jason King, P.E.
State Engineer
Nevada Division of Water Resources
901 South Stewart Street, Suite 2002
Carson City, NV 89701

Micheline N. Fairbank, Esq.
Senior Deputy Attorney General
Nevada Attorney General's Office
100 N. Carson St.
Carson City, NV 89701

DATED this 18th day of January, 2018.



Employee of TAGGART & TAGGART, LTD.

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INDEX OF EXHIBITS

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| <u>Exhibit Number</u> | <u>Description</u> | <u>Number of Pages</u> |
|-----------------------|----------------------------|------------------------|
| 1. | State Engineer Order #1293 | 6 |

EXHIBIT 1

EXHIBIT 1

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

ORDER

#1293

**PROHIBITING THE DRILLING OF NEW DOMESTIC WELLS
IN THE PAHRUMP ARTESIAN BASIN (10-162), NYE COUNTY, NEVADA.**

WHEREAS, the State Engineer has designated the Pahrump Artesian Basin as provided under NRS § 534.120 by the following orders:

1. Order No. 176 dated March 11, 1941, designating and describing the basin pursuant to NRS § 534.120 upon the petition of ten percent of the legal appropriators of underground water;
2. Order No. 193 dated January 15, 1948, extending the designated area;
3. Order No. 205 dated January 23, 1953, further extending the designated area.

WHEREAS, the State Engineer has issued the following orders concerning the regulation and management of groundwater in the basin:

1. Order No. 206 dated May 4, 1953, requiring the installation of measuring devices.
2. Order No. 381 dated June 1, 1970, declaring irrigation a non-preferred use, ordering that new applications for irrigation be denied.
3. Order No. 955 dated October 26, 1987, amending Order No. 381, denying applications on the Pahrump and Manse fans, restricting applications to small commercial uses and forfeiture re-filing provisions.
4. Order No. 1107 dated November 8, 1994, denying all new applications to appropriate except small commercial, small industrial and environmental uses.
5. Order No. 1183 dated April 19, 2007, establishing a program for domestic well credits in the basin.
6. Order No. 1252 dated April 29, 2015, further extending the designated area, lifting the prohibition of moving existing water rights to the Pahrump and Manse fans and curtailing all new appropriations except for very limited exceptions.

WHEREAS, the State Engineer makes the following additional findings and conclusions in support of this Order:

1. The State Engineer estimates that the perennial yield of the Pahrump Artesian Basin is 20,000 acre-feet annually.¹
2. The committed rights in the form of permits and certificates to the use of groundwater in the basin are approximately 59,175 acre-feet. This amount does not include the amount allowed to be withdrawn by existing domestic wells.²
3. A “domestic well” is a well used for culinary and household purposes directly related to a single-family dwelling, including without limitation, the watering of a family garden and lawn and the watering of livestock and any other domestic animals or household pets, if the amount of water drawn does not exceed 2 acre-feet per year, (NRS §§ 534.013 and 534.180).
4. There are approximately 11,280 existing domestic wells drilled in the Pahrump Artesian Basin. Pursuant to NRS § 534.180, domestic wells are exempt from the permitting requirements of NRS Chapters 533 and 534, having the legal right to withdraw up to 2 acre-feet annually. Thus, in the Pahrump Artesian Basin, the ability of existing domestic wells to withdraw up to 2 acre-feet annually exceeds the perennial yield by domestic wells alone.³
5. The existing domestic wells in the Pahrump Artesian Basin constitutes the greatest proliferation and density of domestic wells in the state. The density of existing domestic wells ranges from 1 up to 469 wells per square mile. The State Engineer has determined that pumping by domestic wells has the potential to be the largest use of groundwater in the basin.⁴
6. In addition to existing domestic wells, there is potential for up to 8,000 new domestic wells to be drilled on existing parcels for which no domestic well currently exists. Consequently, the drilling of up to 8,000 new domestic wells, represents the legal right to withdraw up to an additional 16,000 acre-feet of groundwater by those new domestic wells.⁵

¹ Nevada Division of Water Resources’ Water Rights Database, Hydrographic Basin Summary, Pahrump Artesian Basin (162), accessed December 19, 2017, official records in the Office of the State Engineer, available at <http://water.nv.gov/undergroundactive.aspx>; State Engineer’s Order 1252.

² *Id.*

³ Nevada Division of Water Resources’ Well Log Database, December 19, 2017, official records in the Office of the State Engineer, available at <http://water.nv.gov/wellogquery.aspx>.

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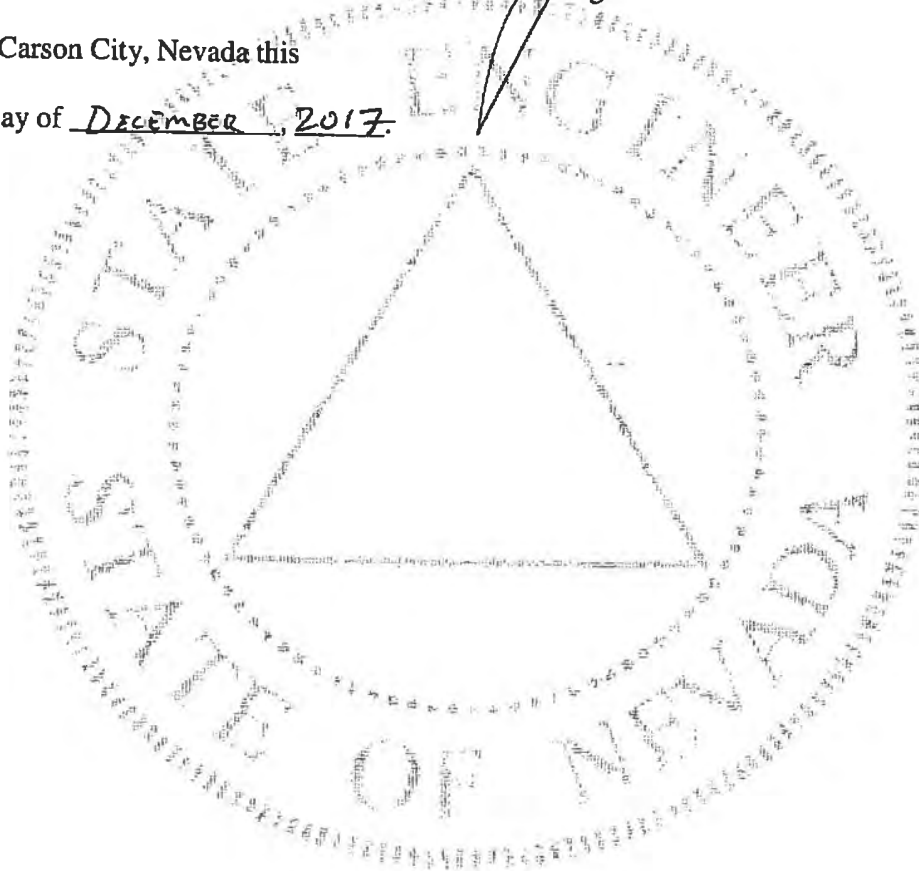
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 P.E.

JASON KING, P.E.
State Engineer

Dated at Carson City, Nevada this

19TH day of DECEMBER, 2017.



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21 TAGGART, ESQ. and DAVID H. RIGDON, ESQ., of the law firm of TAGGART & TAGGART, LTD.,
22 and hereby petitions the Court to reverse or remand Order 1293 issued by Respondent, JASON KING,
23 P.E., Nevada State Engineer, on December 19, 2017, and attached hereto as Exhibit 1.

24 This Petition for Judicial Review, as well as Notice of Appeal, is filed pursuant to NRS 533.450.
25 PFW is a Nevada limited-liability company whose members include owners of parcels in the Pahrump
26 basin who are directly affected by Order 1293, real-estate brokers doing business in the Pahrump area,
27 and owners of well drilling companies. The members of PFW are, therefore, "person[s] feeling
28 aggrieved" by the State Engineer's issuance of Order 1293 as defined in NRS 533.450.

JURISDICTIONAL STATEMENT

In issuing Order 1293, the State Engineer specifically relied upon the power granted to him in NRS 534.110(8).¹ NRS 534.110(8) authorizes judicial review of any order issued pursuant to that statute in accordance with the provisions of NRS 533.450. In turn, NRS 533.450(1) authorizes any person feeling aggrieved by any order or decision of the State Engineer, to file a Petition with the “proper court of the county in which the matters affected or a portion thereof are situated.” Because the real property that Order 1293 seeks to restrict the drilling of a domestic well upon is located in Nye County, the Fifth Judicial District Court of the State of Nevada is the proper venue for this proceeding.

STANDING

PFW has constitutional standing because it is an association that is formed to protect the interests of its members. Associations have standing based on the United States Constitution if the association has been injured or one or more of its members are injured.² “[W]hether an association has standing to invoke the court’s remedial powers on behalf of its members depends in substantial measure on the nature of the relief sought.”³ If the nature of the relief is injunctive (such as the stay and reversal of an administrative order), courts reasonably presume that the remedy, “if granted, will inure to the benefit of those members of the association actually injured.”⁴

Accordingly, an association has standing to bring suit on behalf of its members when: (1) its members would otherwise have standing to sue in their own right, (2) the interests it seeks to protect are germane to the organizations purpose, and (3) neither the claim asserted, nor the relief requested, requires the participation of individual members in the lawsuit.⁵ Here, PFW has members that would otherwise have standing to file this action in their own right and PFW was specifically formed by these members for the purpose of opposing Order 1293. In addition, it is not necessary for a determination of the issues raised in this Petition to have the individual members of PFW participate in this lawsuit. Accordingly, PFW has the requisite standing to file this action on behalf of its members.

¹ See Exhibit 1 at 4 (Conclusion of Law No. 16).

² *Warth v. Sedline*, 422 U.S. 490, 515 (1975).

³ *Id.*

⁴ *Id.*

⁵ *Hunt v. Washington State Apple Advertising Commission*, 432 U.S. 333, 343 (1977).

FACTUAL BACKGROUND

There is no question that the Pahrump groundwater basin is over-allocated. However, according to the records of the State Engineer, it is not a basin that is currently being over-pumped. The State Engineer has determined that the perennial yield (the amount of water that can be pumped without causing long-term damage to the aquifer) for the Pahrump basin is 20,000 acre-feet annually (“afa”).⁶ Despite this, the State Engineer has issued water rights permits and certificates in Pahrump totaling more than 59,000 afa.⁷ However, actual pumping in the basin is currently estimated by the State Engineer to be just 15,563 afa.⁸ In addition, the roughly 11,000 existing domestic wells in the basin are estimated to be responsible for just a third of the total groundwater being pumped (5,510 afa).⁹ This means that the average domestic well in Pahrump uses only about 0.5 acre-feet of water each year.

On December 19, 2017, the State Engineer issued Order 1293. Order 1293 prohibits the drilling of new domestic wells on property that would otherwise be eligible to have a domestic well pursuant to NRS 534.180. Order 1293 allows for an exception to the prohibition if the owner of the property first purchases *not less than* 2 afa of existing permitted water rights and then relinquishes those water rights to the State Engineer. Affected property owners were provided no advance notice of the issuance of Order 1293, nor was any specifically-noticed hearing or other public meeting held to give the affected property owners an opportunity to provide evidence and testimony in opposition. In a further affront to due process, property owners who had provided the State Engineer with a Notice of Intent to drill a domestic well, and who had placed deposits with well drillers, *prior* to the issuance of the order, were informed by the State Engineer that Order 1293 would be applied retroactively and thereby bar them from proceeding with the development of their property.

GROUNDNS FOR PETITION

Order 1293 contains significant factual and legal errors and represents an arbitrary and capricious abuse of discretion by the State Engineer. Specifically, Order 1293 (1) was issued without prior notice

⁶ Nevada Division of Water Resources Hydrographic Area Summary for Pahrump Valley Basin (Basin No. 162), <http://www.water.nv.gov/UndergroundActive.aspx> (last downloaded on January 16, 2018).

⁷ *Id.*

⁸ Nevada Division of Water Resources Statewide Groundwater Pumpage Inventory: Calendar Year 2015 (November 1, 2017).

⁹ *Id.*

1 to those individuals who would be affected by the order and without providing such individuals an
2 opportunity to present evidence in opposition thereto; (2) was not supported by substantial evidence; (3)
3 violates the provisions of NRS 534.180(1); (4) requires a property owner to relinquish to the State
4 Engineer four times the quantity of water that is typically used by domestic wells in the Pahrump Basin;
5 and (5) was improperly applied retroactively to individuals who had already filed a Notice of Intent to
6 Drill prior to the issuance of the order.

7 **CONCLUSION**

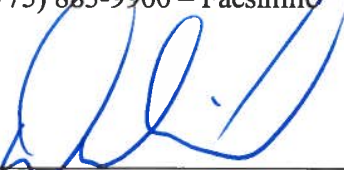
8 For the reasons explained above, and others that may be discovered and raised during the
9 pendency of this appeal, PFW respectfully requests that this Court reverse Order 1293 in its entirety. In
10 the alternative, Petitioner respectfully requests this Court issue a stay of Order 1293 and remand the case
11 to the State Engineer with direction to provide specific notice of and hold an evidentiary hearing where
12 Petitioners and other affected property owners will be provided an opportunity to present evidence and
13 testimony in opposition to the proposed action.

14 **AFFIRMATION**
Pursuant to NRS 239B.030

15 The Undersigned does hereby affirm that the preceding document does not contain the social
16 security number of any persons.

17 DATED this 18th day of January, 2018.

18 TAGGART & TAGGART, LTD.
19 108 North Minnesota Street
20 Carson City, Nevada 89703
21 (775) 882-9900 – Telephone
22 (775) 883-9900 – Facsimile

23 By: 
24 PAUL G. TAGGART, ESQ.
25 Nevada State Bar No. 6136
26 DAVID H. RIGDON, ESQ.
27 Nevada State Bar No. 13567
28 Attorneys for Petitioner

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b) and NRS 533.450, I hereby certify that I am an employee of TAGGART & TAGGART, LTD., and that on this date I served, or caused to be served, a true and correct copy of the foregoing, as follows:

[X] **BY HAND-DELIVERY**, by placing a true and correct copy of the above-identified document in an envelope, addressed as follows:

Jason King, P.E.
State Engineer
Nevada Division of Water Resources
901 South Stewart Street, Suite 2002
Carson City, NV 89701

Micheline N. Fairbank, Esq.
Senior Deputy Attorney General
Nevada Attorney General's Office
100 N. Carson St.
Carson City, NV 89701

DATED this 18th day of January, 2018.



Employee of TAGGART & TAGGART, LTD.

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| <u>Exhibit Number</u> | <u>Description</u> | <u>Number of Pages</u> |
|-----------------------|----------------------------|------------------------|
| 1. | State Engineer Order #1293 | 6 |

EXHIBIT 1

EXHIBIT 1

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

ORDER

#1293

**PROHIBITING THE DRILLING OF NEW DOMESTIC WELLS
IN THE PAHRUMP ARTESIAN BASIN (10-162), NYE COUNTY, NEVADA.**

WHEREAS, the State Engineer has designated the Pahrump Artesian Basin as provided under NRS § 534.120 by the following orders:

1. Order No. 176 dated March 11, 1941, designating and describing the basin pursuant to NRS § 534.120 upon the petition of ten percent of the legal appropriators of underground water;
2. Order No. 193 dated January 15, 1948, extending the designated area;
3. Order No. 205 dated January 23, 1953, further extending the designated area.

WHEREAS, the State Engineer has issued the following orders concerning the regulation and management of groundwater in the basin:

1. Order No. 206 dated May 4, 1953, requiring the installation of measuring devices.
2. Order No. 381 dated June 1, 1970, declaring irrigation a non-preferred use, ordering that new applications for irrigation be denied.
3. Order No. 955 dated October 26, 1987, amending Order No. 381, denying applications on the Pahrump and Manse fans, restricting applications to small commercial uses and forfeiture re-filing provisions.
4. Order No. 1107 dated November 8, 1994, denying all new applications to appropriate except small commercial, small industrial and environmental uses.
5. Order No. 1183 dated April 19, 2007, establishing a program for domestic well credits in the basin.
6. Order No. 1252 dated April 29, 2015, further extending the designated area, lifting the prohibition of moving existing water rights to the Pahrump and Manse fans and curtailing all new appropriations except for very limited exceptions.

WHEREAS, the State Engineer makes the following additional findings and conclusions in support of this Order:

1. The State Engineer estimates that the perennial yield of the Pahrump Artesian Basin is 20,000 acre-feet annually.¹
2. The committed rights in the form of permits and certificates to the use of groundwater in the basin are approximately 59,175 acre-feet. This amount does not include the amount allowed to be withdrawn by existing domestic wells.²
3. A “domestic well” is a well used for culinary and household purposes directly related to a single-family dwelling, including without limitation, the watering of a family garden and lawn and the watering of livestock and any other domestic animals or household pets, if the amount of water drawn does not exceed 2 acre-feet per year, (NRS §§ 534.013 and 534.180).
4. There are approximately 11,280 existing domestic wells drilled in the Pahrump Artesian Basin. Pursuant to NRS § 534.180, domestic wells are exempt from the permitting requirements of NRS Chapters 533 and 534, having the legal right to withdraw up to 2 acre-feet annually. Thus, in the Pahrump Artesian Basin, the ability of existing domestic wells to withdraw up to 2 acre-feet annually exceeds the perennial yield by domestic wells alone.³
5. The existing domestic wells in the Pahrump Artesian Basin constitutes the greatest proliferation and density of domestic wells in the state. The density of existing domestic wells ranges from 1 up to 469 wells per square mile. The State Engineer has determined that pumping by domestic wells has the potential to be the largest use of groundwater in the basin.⁴
6. In addition to existing domestic wells, there is potential for up to 8,000 new domestic wells to be drilled on existing parcels for which no domestic well currently exists. Consequently, the drilling of up to 8,000 new domestic wells, represents the legal right to withdraw up to an additional 16,000 acre-feet of groundwater by those new domestic wells.⁵

¹ Nevada Division of Water Resources’ Water Rights Database, Hydrographic Basin Summary, Pahrump Artesian Basin (162), accessed December 19, 2017, official records in the Office of the State Engineer, available at <http://water.nv.gov/undergroundactive.aspx>; State Engineer’s Order 1252.

² *Id.*

³ Nevada Division of Water Resources’ Well Log Database, December 19, 2017, official records in the Office of the State Engineer, available at <http://water.nv.gov/wellogquery.aspx>.

⁴ *Id.*; Nye County Water Resources Plan (2004) and Plan Update (2017); Division of Water Resources Groundwater Pumpage Inventories Pahrump Valley Hydrographic Basin 10-162.

⁵ *Id.*

7. In 1993, Senate Bill 19 was passed, which acknowledged a policy of recognizing existing domestic wells as appurtenances to private homes and created a protectable interest in the source of supply to the domestic well. As originally enacted, it applied to counties having a population less than 400,000.⁶ Senate Bill 19 was codified in NRS § 533.024(1)(b).
8. In 2001, the legislature passed Senate Bill 159, which removed the limitation in NRS § 533.024(1) to counties having a population less than 400,000, making that provision and related provisions applicable statewide.⁷
9. In testimony on Senate Bill 159, former State Engineer Michael Turnipseed agreed with Senator Maggie Carlton that a “protectable interest” only occurs after there has been an improvement on the property and a well has been drilled, and that citizens cannot claim a “protectable interest” without anything on the property.
10. During the 1999-2000 legislative interim, the Subcommittee to Study Domestic and Municipal Water Wells and its Technical Advisory Committee convened numerous meetings to study issues related to domestic and municipal wells.⁸
11. An issue identified by the Interim Subcommittee was that land division laws under NRS Chapter 278 were problematic because parcel maps and other types of land division do not require water rights to be attached to newly created parcels, unlike subdivision approvals. Testimony before the Subcommittee indicated that many counties enacted ordinances requiring water rights be attached to new parcel creations, but that existing parcels were exempt from that requirement.
12. In 1998, Nye County initiated a temporary moratorium on land parceling until the Pahrump Regional Planning Commission could develop an ordinance to be enacted by the County Board of Commissioners. The ordinance ultimately enacted by the Board of Commissioners requires that a person who parcels land in Pahrump Valley is required to deed water rights to the County for each additional lot that is created through parceling.⁹
13. The concern of the Interim Subcommittee regarding parceling land without requiring water rights is typified by the existing condition in the Pahrump Artesian Basin. Although the County Board of Commissioners enacted an ordinance requiring water rights for any new parcels created, the ordinance did not apply to parcels already in existence.

⁶ Senate Bill 19, Chapter 631, Statutes of Nevada 1993.

⁷ Senate Bill 159, Chapter 85, Statutes of Nevada 2001.

⁸ Legislative Counsel Bureau Bulletin No. 01-18, *Domestic and Municipal Water Wells* (November 2000).

⁹ Nye County Water Resources Plan (2004); and see current Nye County Code § 16.28.170 available at

http://sterlingcodifiers.com/codebook/index.php?book_id=648&chapter_id=71572#s705292.

14. Testimony related to Senate Bill 19 (1993), Senate Bill 159 (2001) and during the 1999-2000 Interim Subcommittee all confirm that inclusion of the “protectable interest” language in NRS Chapters 533 and 534 was not intended to limit the State Engineer’s ability to regulate and manage the Nevada’s water resources.¹⁰
15. NRS § 534.120 authorizes the State Engineer to make such rules, regulations and orders deemed essential for the welfare of the area involved in designated groundwater basins when the groundwater basin is being depleted in the judgment of the State Engineer.
16. NRS § 534.110(8) provides that in any basin or portion thereof in the state designated by the State Engineer, the State Engineer may restrict drilling of wells in any portion thereof if the State Engineer determines that additional wells would cause an undue interference with existing wells.
17. Historical water level data maintained by the State Engineer and other agencies demonstrate that water levels on the valley floor have steadily declined since the 1950s. Despite numerous orders by the State Engineer regulating groundwater in the basin, water levels on the valley floor have not stabilized. In addition to declining water levels, issues related to declining water levels in the basin are well-documented, including impacts to springs and land subsidence.¹¹
18. Overwhelmingly, existing domestic wells are located on the valley floor where water levels are declining. Similarly, any new domestic wells would largely be located on the valley floor.
19. In a 2017 update to the Nye County Water Resources Plan, data and maps from the Water Level Management Plan were used to examine the longevity of existing shallow wells, primarily domestic wells, in areas of measure and sustained water table declines. The data and simulations predicted that 438 wells would fail by 2035, and the number of failed wells would reach 3,085 by 2065. The study did not take into account anticipated increases in future demand; therefore, additional demand created by new domestic wells would be expected to accelerate water level declines and predicted well failures.¹²

¹⁰ See fn. 6, 7 and 8, and minutes of testimony related thereto.

¹¹ Nevada Division of Water Resources’ Water Level Database, December 19, 2017, official records in the Office of the State Engineer, available on-line at <http://water.nv.gov/WaterLevelData.aspx>; water level records maintained by the United States Geological Survey; Harrill, J., *Ground-Water Storage Depletion in Pahrump Valley, Nevada-California 1962-75*, (Department of Conservation and Natural Resources and United States Geological Survey), 1986; and see also, fn. 4.

¹² Nye County Water Resources Plan Update (2017); Klenke, J., *Estimated Effects of Water Level Declines in the Pahrump Valley on Water Well Longevity* (January 2017).

20. The drilling of up to 8,000 new domestic wells endangers the continued supply of groundwater within the basin, including the supply to existing rights and existing domestic wells.
21. The State Engineer has determined from existing water level and other data that the groundwater basin is being depleted, and that this order is essential for the welfare of the area involved.
22. Requiring the acquisition and relinquishment of water rights to serve new domestic wells on existing parcels is consistent with Nye County Code § 16.28.170, which, since 1998, has required water rights for the approval of new parcel maps;
23. Similarly, requiring the acquisition of water rights to serve new domestic wells is consistent with the legislature's intent expressed in other areas of the law that there must be sufficient water available to grant new appropriative rights or to approve parcel and subdivision maps intended to be served by domestic wells. *See* NRS §§ 533.070; 534.120(e); 278.335 and 278.461.
24. Allowing the unrestrained drilling of additional domestic wells in a basin that is already more than two-times overappropriated is inconsistent with the State Engineer's prior orders regulating and restricting appropriative rights in an attempt to stabilize water levels in the basin.
25. The Nye County Water Resources Plan adopted in 2004 and the update to the Plan in 2017, describe the existing problems posed by the proliferation of domestic wells in Pahrump and the potential consequences of drilling up to 8,000 new domestic wells. In December 2017, the Board of the Nye County Water District voted to approve sending a letter to the State Engineer providing support for the State Engineer's issuance of an order requiring relinquishment or dedication of water rights for new domestic wells.¹³

NOW THEREFORE, it is hereby ordered that the drilling of any new domestic well within the Pahrump Artesian Basin is **prohibited**, except that:

1. Any person proposing to drill a new domestic well must obtain an existing water right in good standing, subject to review of the State Engineer, of not less than 2.0 acre-feet annually and relinquish the water right to serve the domestic well.
2. Any entity that has already relinquished sufficient water rights to serve a new domestic well is excepted from this order.
3. A domestic well requiring rehabilitation as defined by NAC § 534.189 is hereby excepted.

¹³ Correspondence from Oscar (Oz) Wichman on behalf of the Nye County Water District to Jason King, December 11, 2016 [sic].

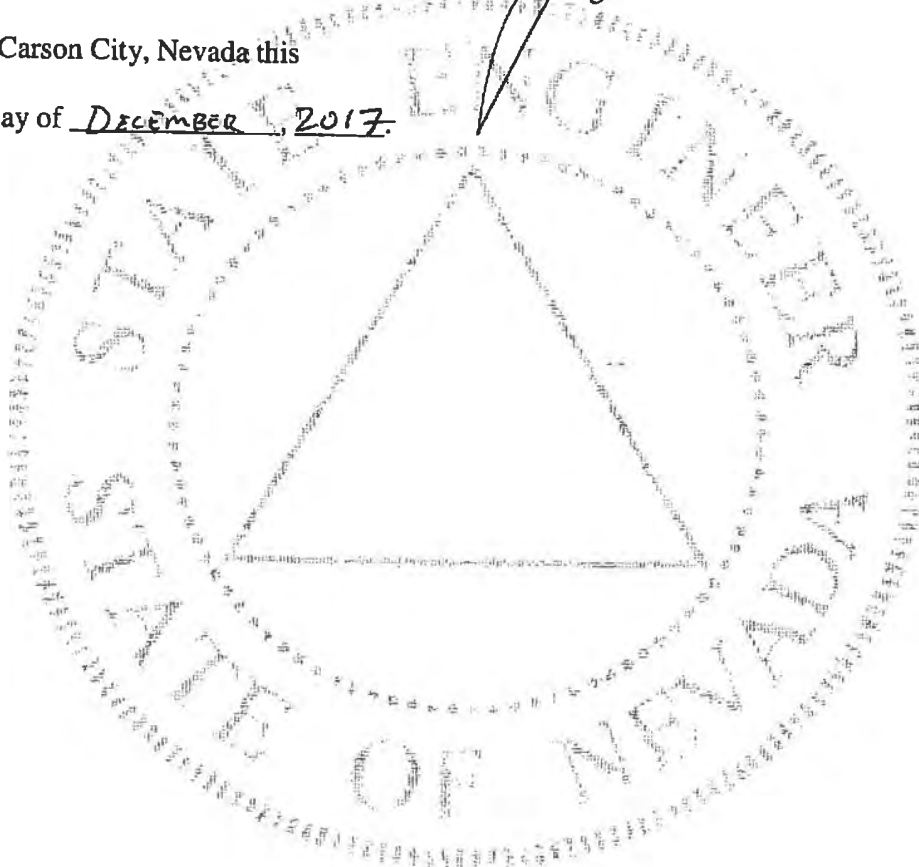
4. The reconditioning of a domestic well as defined by NAC § 534.188, or replacement of an existing domestic well is excepted from this Order, unless the well is located in an area where water can furnished by an entity such as a water district or a municipality presently engaged in furnishing water to the inhabitants thereof.

 P.E.

JASON KING, P.E.
State Engineer

Dated at Carson City, Nevada this

19th day of DECEMBER, 2017.



1 Case No. CV38972

2 Dept. No. 2

3

4

5

6

IN THE FIFTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

7

IN AND FOR THE COUNTY OF NYE

8

9

PAHRUMP FAIR WATER, LLC.,
a Nevada limited-liability company,

10

Petitioner,

11

vs.

12

JASON KING, P.E., Nevada State
Engineer, DIVISION OF WATER
RESOURCES, DEPARTMENT OF
CONSERVATION AND NATURAL
RESOURCES,

13

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16

Respondent.

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The State of Nevada, by and through counsel, ADAM PAUL LAXALT, Attorney General of the State of Nevada, hereby notifies the Court and respective parties to this action that Senior Deputy Attorney General MICHELINE N. FAIRBANK and Deputy Attorney General JUSTINA A. CAVIGLIA have, pursuant to NRS 533.450(11), assumed responsibility for representing the interests of Respondent, Jason King, P.E., the State Engineer, in his capacity as the Nevada State Engineer, Department of Conservation and Natural Resources, Division of Water Resources (hereafter "Nevada State Engineer").

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**NOTICE OF APPEARANCE
FOR RESPONDENT**

AFFIRMATION

The undersigned does hereby affirm that the preceding Notice of Appearance for Respondent does not contain the social security number of any person.

DATED this 23rd day of January, 2018.

ADAM PAUL LAXALT
Attorney General

By: Micheline N. Fairbank

MICHELINE N. FAIRBANK
Senior Deputy Attorney General
Nevada Bar No. 8062
JUSTINA A. CAVIGLIA
Deputy Attorney General
Nevada Bar No. 9999
100 North Carson Street
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Tel: (775) 684-1225
Fax: (775) 684-1108
Email: mfairbank@ag.nv.gov

*Attorneys for Respondent,
Nevada State Engineer*

CERTIFICATE OF SERVICE

I certify that I am an employee of the State of Nevada, Office of the Attorney General, and that on this 23rd day of January, 2018, I served a true and correct copy of the foregoing NOTICE OF APPEARANCE FOR RESPONDENT, by placing said document in the U.S. Mail, postage prepaid, addressed to:

Paul G. Taggart, Esq.
David H. Rigdon, Esq.
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Carson City, Nevada 89703

Dorene A. Wright
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6 Attorneys for Petitioner

FILED
FIFTH JUDICIAL DISTRICT

FEB 01 2018

Nye County Clerk
Juanita Torres Deputy

7 IN THE FIFTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
8
9 IN AND FOR THE COUNTY OF NYE

* * *

10 PAHRUMP FAIR WATER, LLC, a Nevada
11 limited-liability company,

12 Petitioner,

13 vs.

14 Jason King, P.E., Nevada State Engineer,
DIVISION OF WATER RESOURCES,
15 DEPARTMENT OF CONSERVATION AND
NATURAL RESOURCES,

16 Respondent.
17

CASE NO.: CV38972

DEPT. NO.: 2

18 **MOTION FOR STAY OF NEVADA STATE ENGINEER ORDER NO. 1293**

19 COMES NOW, PAHRUMP FAIR WATER, LLC (hereinafter "PFW"), by and through its
20 counsel of record, PAUL G. TAGGART, ESQ. and DAVID H. RIGDON, ESQ., of the law firm of
21 TAGGART & TAGGART, LTD., and hereby requests that the Court enter a stay of Nevada State
22 Engineer Order No. 1293 (hereinafter "Order 1293" or "Order") pursuant to NRS 533.450(5). This
23 motion is based on the attached Memorandum of Points and Authorities, the pleadings and papers
24 currently on file in this matter, and any oral argument or testimony allowed by the Court.

25 ///

26 ///

MEMORANDUM OF POINTS AND AUTHORITIES

BACKGROUND

I. The Scope and Nature of the Right to Drill a Domestic Well in Nevada.

Order 1293 seeks to restrict the drilling of domestic wells on *existing* parcels whose owners would otherwise have the right to drill such a well in connection with the development of a single-family home. To fully understand the legal implications of Order 1293, it is important to first understand the scope and nature of the right to drill and use a domestic well in Nevada.

Prior to the passage of Nevada's first groundwater law in 1939, groundwater was appropriated when a property owner drilled a well and placed the water to beneficial use. Any property owner who had completed this process before the 1939 law went into effect became the holder of a vested water right regardless of whether the water was used for domestic purposes, irrigation, or some other type of use.¹ While the 1939 legislation generally required a permit from the State Engineer for the use of groundwater,² the Legislature expressly granted a specific exception for domestic wells. The 1939 groundwater law expressly allowed property owners to drill a well, for domestic purposes only, without receiving any prior approval from the State Engineer.³ Specifically the Legislature provided that:

This act [the groundwater law] *shall not apply* to the developing and use of underground water for domestic purposes where the draught does not exceed two gallons per minute and where the water developed is not from an artesian well.⁴

This provision has been amended from time to time and is currently codified in NRS 534.180(1).

The Legislature's adoption of this exception to the groundwater law recognized that property owners have the right to build a home on their property, and that to do so in Nevada's arid climate, they must have access to a source of water. As municipal water utilities developed to fulfill this need, the domestic well exception has been amended to apply only to those properties that do not have reasonable access to another source of water.⁵ However, the basic principle that each property owner should have

¹ NRS 534.100; NRS 533.085.

² NRS 534.080.

³ 1939 STATUTES OF NEVADA 274-75.

⁴ 1939 STATUTES OF NEVADA 274-75 (emphasis added).

⁵ See e.g. NRS 534.120(3) – (5); NRS 534.180(3).

1 access to enough water to supply the basic domestic needs of a single-family home has remained
2 unchanged.

3 Unlike appropriated water rights, which can be bought and sold independently of the real
4 property to which they are appurtenant, the right to drill a domestic well is not generally considered a
5 “water right.” Instead, the domestic well right is viewed as one of the sticks in the bundle of property
6 rights that come with ownership of real property. These include “all rights inherent in ownership,
7 including the inalienable right to possess, use, and enjoy the property.”⁶ In Nevada’s arid climate, the
8 right to use one’s property to establish a homestead necessarily includes the right to access a relatively
9 small quantity of water to support that use. Accordingly, any impairment of the right to drill a domestic
10 well on property that is not served by a municipal utility is an impairment of a fundamental property
11 right.

12 The Legislature has expressly recognized the importance of this property right. NRS 533.024(2)
13 declares that it is the policy of the State of Nevada “to recognize the importance of domestic wells as
14 appurtenances to private homes.” Legislatures throughout the western United States also place high
15 importance on the right to domestic wells. One scholar who surveyed the water laws of all 19 western
16 states noted, “in all declarations in which a specific order of preference [of beneficial use] is stated,
17 domestic use has first place” and that “in rural areas, domestic use is most highly favored.”⁷

18 **II. Factual and Procedural Background**

19 On December 19, 2017, the State Engineer issued Order 1293. The Order restricts the drilling
20 of new domestic wells on *existing* parcels of land within the Pahrump Basin. The owner of such a parcel
21 can receive an exemption from the Order only if they first “obtain an existing water right in good
22 standing . . . of *not less than* 2.0 acre-feet annually and *relinquish* the water right” to the State Engineer.⁸
23 Because no new appropriative rights are being issued in the Pahrump Basin, this means that a property
24 owner must purchase two acre-feet of water from an existing water rights holder and then surrender
25

26 ⁶ *ASAP Storage, Inc. v. City of Sparks*, 123 Nev. 639, 647, 173 P.3d 734, 740 (2007).

27 ⁷ WELLS A. HUTCHINS, *WATER RIGHTS LAWS IN THE NINETEEN WESTERN STATES*: VOL. 1 534 (Natural Resource Division
of the Economic Research Service of the United States Department of Agriculture, Publication No. 1206, 1971)

28 ⁸ Exhibit No. 1 at 5 (emphasis added).

1 those water rights to the State Engineer. Since the water rights will be immediately surrendered, they
2 have no collateral value and, therefore, it is unlikely that an individual property owner will be able to
3 finance the purchase price of the water rights. This will effectively bar many small property owners
4 from being able to build a home on property that they acquired specifically for that purpose.

5 PFW is a Nevada limited-liability company that was formed for the express purpose of
6 challenging the Order. The members of PFW are individual property owners, real estate brokers, and
7 well drillers in the Pahrump Basin who have been negatively affected by the enforcement of the Order.
8 On January 18, 2018, PFW timely filed a Notice of Appeal and Petition for Judicial Review pursuant to
9 the provisions of NRS 534.110(8) and 533.450. The Petition requests the Court overturn the Order in
10 its entirety or, in the alternative, stay the Order and remand the case to the State Engineer with direction
11 to provide specific notice to each affected property owner and hold an evidentiary hearing where the
12 noticed property owners will have an opportunity to present evidence and testimony in opposition to the
13 proposed action.

14 STANDARD OF REVIEW

15 “Any person feeling aggrieved by an order or decision of the State Engineer . . . affecting the
16 person’s interests” may seek judicial review of that order or decision.⁹ Judicial review is “in the nature
17 of an appeal.”¹⁰ The role of the reviewing court is to determine if the State Engineer’s decision was
18 arbitrary, capricious, or an abuse of discretion, or if it was otherwise affected by prejudicial legal error.¹¹
19 A decision is arbitrary if it was made “without consideration of or regard for facts, circumstances, fixed
20 rules, or procedures.”¹² A decision is capricious if it is “contrary to the evidence or established rules on
21 law.”¹³

22
23
24
25 ⁹ NRS 533.450(1).

26 ¹⁰ NRS 533.450(1); *Revert v. Ray*, 95 Nev. 782, 786, 603 P.2d 262, 264 (1979).

27 ¹¹ *Pyramid Lake Paiute Tribe of Indians v. Washoe County*, 112 Nev. 743, 751, 918 P.2d 667, 702 (1996), citing *Shetakis*
28 *Dist. v. State, Dep’t Taxation*, 108 Nev. 901, 903, 839 P.2d 1315, 1317 (1992).

¹² BLACK’S LAW DICTIONARY 125 (10th ed. 2014) (definition of “arbitrary”).

¹³ BLACK’S LAW DICTIONARY 254 (10th ed. 2014) (definition of “capricious”).

1 A reviewing court can stay the enforcement of a State Engineer order while the court determines
2 the merits of a petition for judicial review.¹⁴ To determine whether an order should be stayed, a court
3 must consider:

4 (a) Whether any nonmoving party to the proceeding may incur any harm
5 or hardship if the stay is granted; (b) whether the petitioner may incur any
6 irreparable harm if the stay is denied; (c) the likelihood of success of the
7 petitioner on the merits; and (d) any potential harm to the members of the
8 public if the stay is granted.¹⁵

9 The purpose of the stay is to maintain the status quo that existed prior to the issuance of the offending
10 order and provide the petitioners with “full opportunity to be heard” before judgment is pronounced.¹⁶
11 A court’s decision to grant or deny a stay is appealable on an interlocutory basis¹⁷ and is reviewed under
12 an abuse of discretion standard.¹⁸

13 In *Revert v. Ray*, the Nevada Supreme Court articulated the procedural safeguards that the State
14 Engineer must employ prior to issuing an order or decision.¹⁹ First, the State Engineer must provide
15 interested parties with a “full opportunity to be heard” and “must clearly resolve all the crucial issues
16 presented.”²⁰ Next, the order or decision of the State Engineer must include “findings in sufficient detail
17 to permit judicial review.”²¹ Finally, if such procedures are not followed and “the resulting
18 administrative decision is arbitrary, oppressive, or accompanied by a manifest abuse of discretion,” a
19 court should not hesitate to intervene and block the enforcement of the order or decision.²²

20 Because the State Engineer failed to follow the procedural safeguards articulated by the Nevada
21 Supreme Court prior to issuing the Order, and because the Order is arbitrary, capricious, and represents
22

23 ¹⁴ NRS 533.450(5).

24 ¹⁵ NRS 533.450(5).

25 ¹⁶ NRS 533.450(2).

26 ¹⁷ NRAP 3A(b)(3).

27 ¹⁸ *S.O.C., Inc. v. Mirage Casino-Hotel*, 117 Nev. 403, 407-08, 23 P.3d 243 (2001); *Dixon v. Thatcher*, 103 Nev. 414, 415,
28 742 P.2d 1029 (1987).

¹⁹ *Revert v. Ray*, 95 Nev. 782, 603 P.2d 262 (1979).

²⁰ *Revert v. Ray*, 95 Nev. 782, 787, 603 P.2d 262, 264-65 (1979).

²¹ *Revert v. Ray*, 95 Nev. 782, 787, 603 P.2d 262, 265 (1979).

²² *Revert v. Ray*, 95 Nev. 782, 787, 603 P.2d 262, 265 (1979).

1 an abuse of the State Engineer's discretion, the Court has an affirmative obligation to intervene and issue
2 the requested stay.

3 ARGUMENT

4 PFW can meet all of the NRS 533.450(5) factors required to support the requested stay. First,
5 the State Engineer will not suffer irreparable harm if the stay is granted. Second, the members of PFW,
6 and other similarly situated parties, have already suffered irreparable harm as a result of the issuance of
7 the Order, and will continue to do so unless a stay is issued. Third, because Order 1293 violates basic
8 principles of due process and is arbitrary, capricious, and an abuse of the State Engineer's discretion,
9 PFW is likely to succeed on the merits of the case. Fourth, not only will individual members of the
10 public not be harmed by a stay, but many of them will actually benefit from a stay.

11 **I. The State Engineer Will Not Be Irreparably Harmed by The Issuance of The Requested** 12 **Stay.**

13 Because the State Engineer failed to properly notice affected property owners or hold any hearing
14 or other public meeting prior to the issuance of Order 1293, the record is devoid of evidence needed to
15 determine whether the State Engineer will be harmed by the issuance of a stay.

16 The only document that can be reviewed is the Order, and the limited findings contained therein.
17 Order 1293 merely indicates that the Pahrump basin is over-appropriated²³ and hints that "water levels
18 on the valley floor have steadily declined since the 1950s."²⁴ However, the Order fails to mention that,
19 according to the State Engineer's own records, (1) pumping rates in the basin have steadily declined
20 since 1969 when pumping significantly exceeded the perennial yield,²⁵ (2) the basin is not currently
21 being over-pumped,²⁶ and (3) water levels in some portions of the basin have leveled-off or significantly
22 rebounded in response to the reduction in pumping.²⁷

23 Exhibit No. 1 at 2.

24 Exhibit No. 1 at 4.

25 Exhibit No. 2 at 5-8.

26 Compare Exhibit No. 3 (Establishing a perennial yield of 20,000 acre-feet annually ("afa") for the Pahrump Basin) with
Exhibit No. 4 at 38 (estimating total pumping in the Pahrump Basin at 15,563 afa.); See also Exhibit No. 2 at 6-16.

27 Exhibit No. 2 at 5-8 ("In this area [the eastern part of the valley floor], the groundwater levels have risen by as much as 45
feet from their historic lows in the late 1970s and early 1980s.").

1 The only specific harm mentioned in Order 1293 is that a computer model simulation predicts
2 that, due to water level declines in certain portions of the basin, a relatively small number of domestic
3 wells may fail by 2035 – 17 years in the future.²⁸ The Order contains no evidence that this is a harm
4 that will be suffered by the State Engineer, nor does the Order identify any particular well owner that
5 may suffer such harm. In addition, in Order 1293, the State Engineer acknowledges that the alleged
6 impact is predicted to occur whether the Order takes effect or not.²⁹

7 The State Engineer's own records indicate that domestic wells in Pahrump, on average, use only
8 0.5 acre-feet of water annually.³⁰ Order 1293 provides no analysis of whether the drilling of additional
9 domestic wells, at historical average rates of growth, will increase the number of wells that may fail by
10 2035. In fact, the Nye County Water Resource Plan Update indicates that between 2009 and 2014, less
11 than 15 new domestic wells have been drilled annually.³¹ The plan also indicates that in some years the
12 number of new domestic wells drilled has been outpaced by the number of existing domestic wells that
13 were plugged, resulting in an overall net reduction in the total number of domestic wells.³² Based on
14 this, a stay of Order 1293 while these proceedings are pending is not likely to result in any significant
15 increase in the number of domestic wells in the Pahrump Basin.

16 In sum, what little evidence is included in Order 1293 demonstrates that the State Engineer will
17 not suffer any direct and irreparable harm if a stay of Order 1293 is issued.

18 **II. The Members of PFW Are Suffering Ongoing Harm From Order 1293 And Will Continue**
19 **to Suffer Such Harm Unless a Stay is Issued.**

20 Order 1293 has imposed significant harm on the members of PFW and other similarly situated
21 parties. The Order strips away a fundamental property right and interferes with the reasonable
22 investment-backed expectations of the owners of the affected parcels. Some of these owners have spent
23 their life savings purchasing a parcel of property in the hopes of someday building their dream home

24 _____
25 ²⁸ Exhibit No. 1 at 4.

26 ²⁹ Exhibit No. 1 at 4 (“The study did not take into account anticipated increases in future demand.”).

27 ³⁰ This figure is arrived at by dividing the estimated pumping from domestic wells (5,510 afa) by the total number of existing
28 domestic wells (11,280).

³¹ Exhibit No. 2 at 6-17.

³² Exhibit No. 2 at 6-17.

1 and retiring in the Pahrump area.³³ For others, given the relatively low cost of land in Pahrump when
2 compared with neighboring Las Vegas, the purchase of a parcel in Pahrump represents their only chance
3 at affordable home ownership.³⁴

4 Numerous individuals have expended significant time and resources acquiring and preparing
5 their property for the construction of a home.³⁵ These individuals purchased their property only after
6 performing their due diligence and confirming that the property was eligible for a domestic well.³⁶ Now,
7 without any prior notice or hearing, they are being told that they must spend tens of thousands of dollars
8 extra to acquire existing permitted water rights before they can move forward with their plans.³⁷ To add
9 insult to injury, these property owners are also being told that they cannot keep and use the acquired
10 water rights, but must surrender them to the State Engineer.

11 The Nevada Supreme Court has recognized that because of the unique nature of property rights,
12 a "loss of real property rights generally results in irreparable harm."³⁸ "Any act which destroys or results
13 in a substantial change in property, either physically or in the character in which it has been held or
14 enjoyed, does irreparable injury which justifies injunctive relief."³⁹ "To destroy one's property is
15 sometimes regarded as an irreparable injury and the particular value of a water supply in the desert is
16 not only unascertainable but its preservation is necessary to the general welfare."⁴⁰ Because the right to
17 drill a domestic well in conjunction with the construction of a single-family home is an important
18 property right, and because Order 1293 effectively destroys that right, the members of PFW will suffer
19 irreparable harm unless the requested stay is issued.

20 **III. Because Order 1293 is Arbitrary, Capricious, and an Abuse of the State Engineer's**
21 **Discretion, PFW Has a High Likelihood of Success on the Merits.**

22 Order 1293 has numerous procedural and legal defects. First and foremost, Order 1293
23 significantly impairs important property rights but was issued without prior notice to the affected

24 ³³ Exhibit No. 5 (Statements of Steven Peterson, Paul and Geneva Peck, Robert and Joyce Harris).

25 ³⁴ Exhibit No. 5 (Statements of Gerald Schulte and Wendy O'Neal).

26 ³⁵ See generally Exhibit No. 5.

27 ³⁶ See generally Exhibit No. 5.

28 ³⁷ See generally Exhibit No. 5.

³⁸ *Dixon v. Thatcher*, 103 Nev. 414, 416, 742 P.2d 1029, 1030 (1987).

³⁹ *Memory Gardens of Las Vegas, Inc. v. Pet Ponderosa Memorial Gardens, Inc.*, 88 Nev. 1, 4, 492 P.2d 123, 125 (1972).

⁴⁰ *Czipott v. Fleigh*, 87 Nev. 496, 499, 489 P.2d 681, 683 (1971) (internal citations omitted).

1 property owners and without providing them an opportunity to be heard and submit evidence in
2 opposition. Second, Order 1293 violates the express provisions of NRS 533.024 and 533.180(1). Third,
3 Order 1293 is not supported by substantial evidence. Fourth, Order 1293 is both overbroad and being
4 applied too narrowly. Fifth, Order 1293's mandate that a property owner dedicate more than four times
5 the quantity of water typically used by a domestic well in the Pahrump Basin is an improper taking of
6 private property to solve a public problem. Sixth, Order 1293 was improperly applied retroactively to
7 individuals who had submitted a Notice of Intent to Drill a domestic well prior to December 19, 2017,
8 the date of issuance of Order 1293.

9 **A. The issuance of Order 1293 violated basic principles of due process.**

10 The Nevada Constitution protects against the deprivation of property without due process of
11 law.⁴¹ In *Eureka County v. Dist. Ct.*, the Nevada Supreme Court recently reaffirmed that "[p]rocedural
12 due process requires that parties receive notice and an opportunity to be heard."⁴² The right to drill a
13 domestic well on an existing parcel is a property right. Any restriction of that right requires "personal
14 notice and a hearing to all parties who will be directly affected."⁴³ Such notice must include the content
15 of any proposed regulation so that affected property owners can effectively prepare to oppose it.⁴⁴

16 In a brief filed at the Nevada Supreme Court in *Eureka County v. Dist. Ct.*, the State Engineer
17 expressly recognized the importance of providing adequate due process before issuing an order that
18 significantly impairs property rights:

19 In order to ensure that due process has been afforded to all interested and
20 impacted parties, when curtailment is at issue, notice and the opportunity
21 to be heard must be afforded to all appropriators of the relevant water
22 source in a basin. That notice must be had when the decision of whether
23 curtailment is necessary is being made.⁴⁵

24
25 ⁴¹ NEV. CONST. art. 1, § 8(5).

26 ⁴² *Eureka Cnty. v. Dist. Ct.*, 133 Nev. Adv. Op. 111 at 8 (December 28, 2017) (internal quotations omitted).

27 ⁴³ *Bing Const. Co. of Nevada v. Cnty. of Douglas*, 107 Nev. 262, 266, 810 P.2d 768, 770 (1991).

28 ⁴⁴ *Bing Const. Co. of Nevada v. Cnty. of Douglas*, 107 Nev. 262, 266, 810 P.2d 768, 771 (1991).

⁴⁵ Exhibit No. 6 at 2 (This brief was filed on May 17, 2017, just seven months before the issuance of Order 1293).

1 Order 1293's administrative repeal of NRS 534.180(1)'s right to drill a domestic well impairs property
2 rights even more significantly than an order requiring the curtailment of pumping in a basin. In both
3 cases a decision of whether the regulation is necessary must be made prior to the issuance of the order.

4 The State Engineer's arguments in *Eureka County* are especially notable given the particular
5 facts of that case. No party in *Eureka County* was contesting whether notice and an opportunity to be
6 heard was required before a curtailment was ordered.⁴⁶ The only question was at what stage in the
7 proceedings the notice was required.⁴⁷ The District Court issued an order requiring the State Engineer
8 to show cause why he had not instituted curtailment proceedings in Diamond Valley and why the Court
9 should not order him to do so.⁴⁸ The State Engineer and Eureka County jointly argued that the petitioner
10 in the case should be required to notice every water user (including domestic well owners) in the valley
11 in advance of the show cause hearing.⁴⁹ The District Court disagreed on the basis that all that was being
12 decided at the show cause hearing was whether curtailment proceedings should begin; there was no
13 question that if such proceedings were ordered, notice and an opportunity to be heard would be provided
14 as part of those proceedings.⁵⁰ The Supreme Court overturned the District Court, reasoning that:

15 Because the upcoming show cause hearing may result in a court order to
16 begin curtailment proceedings, *resulting in possible deprivation of*
17 *property rights*, due process requires junior water rights holders in
Diamond Valley to be given notice and an opportunity to be heard before
the district court conducts the hearing.⁵¹

18 In contrast to the potential curtailment proceedings in *Eureka County* that only had the *possibility*
19 of depriving property owners of their rights at some future time, the issuance of Order 1293 has caused
20 an *actual* and immediate deprivation of property rights. By the State Engineer's own reasoning, this
21 outcome required that he first notice all potentially affected property owners in the Pahrump Basin and

22 ⁴⁶ *Eureka Cnty. v. Dist. Ct.*, 133 Nev. Adv. Op. 111 at 7 (December 28, 2017) ("The parties do not dispute the district court's
23 contention that at some point in the proceedings due process will attach.").

24 ⁴⁷ *Eureka Cnty. v. Dist. Ct.*, 133 Nev. Adv. Op. 111 at 7 (December 28, 2017).

25 ⁴⁸ *Eureka Cnty. v. Dist. Ct.*, 133 Nev. Adv. Op. 111 at 5 (December 28, 2017). The uncontroverted evidence in *Eureka*
County shows that Diamond Valley is being over-pumped, resulting in water level declines of up to 100 feet over a 40-year
period – more than twice the rate of water level decline reported in the Pahrump Basin. Despite this, and the fact that there
is uncontroverted evidence that the water level declines in Diamond Valley have resulted in actual harm to senior water right
holders (a situation that has not occurred in Pahrump), the State Engineer has refused to issue an order curtailing pumping.

26 ⁴⁹ *Eureka Cnty. v. Dist. Ct.*, 133 Nev. Adv. Op. 111 at 5 (December 28, 2017).

27 ⁵⁰ *Eureka Cnty. v. Dist. Ct.*, 133 Nev. Adv. Op. 111 at 5 (December 28, 2017).

28 ⁵¹ *Eureka Cnty. v. Dist. Ct.*, 133 Nev. Adv. Op. 111 at 12 (December 28, 2017).

1 provide them an opportunity to be heard and to present evidence in opposition to the Order. In addition,
2 as prescribed by the Nevada Supreme Court in *Bing Construction*, the required notice should have
3 included a full draft of the proposed Order so that affected property owners “could prepare to oppose
4 it.”⁵² Because none of these procedures were followed, Order 1293 violates basic principles of due
5 process and should be overturned.

6 **B. Order 1293 violates Nevada’s water law.**

7 The authority granted to the State Engineer by the Nevada Legislature is necessarily limited to
8 those powers expressly or implicitly authorized by statute.⁵³ Where a statute exempts certain activities
9 from the State Engineer’s regulatory purview, the State Engineer may not claim that his general authority
10 to regulate groundwater basins overrides that specific exemption.⁵⁴

11 While the Legislature has generally granted the State Engineer the general power to regulate
12 groundwater basins in Nevada, NRS 534.180(1) provides a specific limitation on that power. The
13 language of NRS 534.180(1) is unambiguous and exempts the development and use of a domestic well
14 from most of the provisions of the groundwater law.⁵⁵ The language of NRS 534.180(1) has been
15 interpreted as follows: “[w]ith certain exceptions, the groundwater statute does not apply in the matter
16 of obtaining permits for the development and use of underground water from a domestic well.”⁵⁶ The
17 exceptions to NRS 534.180(1)’s exemption of domestic wells from the provisions of the groundwater
18 law are specific and limited.⁵⁷

19 In addition, the statute that authorizes the State Engineer to designate certain basins for
20 administrative management specifically excludes domestic wells.⁵⁸ NRS 534.030 gives the State
21

22 ⁵² *Bing Const. Co. of Nevada v. Cnty. of Douglas*, 107 Nev. 262, 266, 810 P.2d 768, 771 (1991).

23 ⁵³ *Clark County v. State, Equal Rights Com’n*, 107 Nev. 489, 492, 813 P.2d 1006, 1007 (1991) (“Administrative agencies
24 have only those powers which the legislature expressly or implicitly delegates.”).

25 ⁵⁴ See ANTONIN SCALIA & BRYAN A. GARNER, *READING LAW: THE INTERPRETATION OF LEGAL TEXTS* 183 (2014) (“If there
26 is a conflict between a general provision and a specific provision, the specific provision prevails. . . . The most common
27 example of irreconcilable conflict – and the easiest to deal with – involves . . . a general permission that is contradicted by a
28 specific prohibition.”)

⁵⁵ NRS 534.180(1).

⁵⁶ ROSS E. DE LIPKAU & EARL M. HILL, *THE NEVADA LAW OF WATER RIGHTS* 6-16 (Rocky Mountain Mineral Law
Foundation, 2010).

⁵⁷ See e.g. NRS 534.180(2); NRS 534.180(3); NRS 534.110(6); NRS 534.120(3) – (5).

⁵⁸ NRS 534.030.

1 Engineer authority to supervise all groundwater wells in a designated basin *except* wells drilled prior to
2 the adoption of the groundwater law and “wells for domestic purposes for which a permit is not
3 required.”⁵⁹ Because NRS 534.180(1) specifically exempts domestic wells from the permitting
4 requirements of the groundwater law, the State Engineer has no authority to supervise or regulate such
5 wells under his general administrative powers.

6 In issuing Order 1293, the State Engineer relied on the authority granted to him in NRS
7 534.110(8) which reads as follows:

8 In any basin or portion thereof in the State designated by the State
9 Engineer, the State Engineer may restrict drilling of wells in any portion
10 thereof if the State Engineer determines that additional wells would cause
an undue interference with existing wells.

11 Importantly, the statute contains no language indicating that the State Engineer is authorized to apply it
12 to domestic wells. This omission is notable because the Legislature has included such language in other
13 provisions of the groundwater law when it intends those provisions to apply to domestic wells.⁶⁰
14 Accordingly, the absence of similar language in NRS 534.110(8) evidences a clear intent by the
15 Legislature to *not* have NRS 534.110(8) apply to domestic wells.

16 Because the plain language of NRS 534.030(4) and NRS 534.180(1) indicate that has no
17 authority to regulate a property owner’s right to develop a domestic well, and because NRS 534.110(8)
18 does not expressly indicate that domestic wells were intended to be covered by its provisions, the latter
19 statute cannot be used as legislative authorization for the issuance of Order 1293. Furthermore, when
20 NRS 534.110(8) is read together with NRS 534.030(4), which exempts domestic wells from the State
21 Engineer’s supervision, and NRS 534.120, which provides just two limited exceptions to the rule
22 articulated in NRS 534.030(4), it is clear that NRS 534.110(8) does not authorize the State Engineer to
23 restrict the drilling of domestic wells. Accordingly, the State Engineer exceeded his statutory authority
24 when he issued Order 1293 and the Order should be overturned.

25
26 ⁵⁹ NRS 534.030(4).

27 ⁶⁰ See e.g. NRS 534.110(6) (“the State Engineer may order that withdrawals, *including, without limitation, withdrawals from*
28 *domestic wells*, be restricted to conform to priority rights.”) (emphasis added).

1 **C. Order 1293 is not supported by substantial evidence.**

2 Even if NRS 534.110(8) could be applied to domestic wells, Order 1293 is not supported by
3 substantial evidence. NRS 534.110(8) allows the State Engineer to restrict the drilling of new wells if,
4 and only if, he first makes an evidentiary determination that “additional wells would cause an undue
5 interference with existing wells.”⁶¹ But determinations by the State Engineer must be supported by
6 substantial evidence in the record.⁶² Substantial evidence is evidence “which a ‘reasonable mind might
7 accept as adequate to support a conclusion.’”⁶³ Here there is no substantial evidence indicating that the
8 drilling of additional domestic wells will cause an undue interference with existing wells in the basin.

9 The primary evidence the State Engineer relied on in Order 1293 is an updated Water Resources
10 Plan prepared by the Nye County Water District.⁶⁴ This plan indicates that, under *existing* pumping
11 conditions, water level declines could result in as many as 438 wells needing to be re-drilled or deepened
12 by 2035. However, Order 1293 expressly acknowledges that the model projection did not calculate the
13 effect new wells may have on this projected outcome.⁶⁵ Accordingly, there is no evidence in the record
14 that quantifies what impact additional domestic wells would have on existing wells in the basin, or
15 whether any such impact would cause “*undue* interference with existing wells.”⁶⁶ Put another way, if
16 an existing well would fail regardless of whether new domestic wells are drilled, then the new wells
17 have not caused any undue interference with the existing well, and there is no evidentiary basis to
18 prohibit drilling new wells.

19 Furthermore, the updated Water Resource Plan indicates that the number of new domestic wells
20 being drilled in the basin has dramatically decreased to the point where they are being outpaced by the
21 number of domestic wells being plugged.⁶⁷ This has resulted in a decrease in the overall number of
22 domestic wells in the basin during the period between 2008 and 2014.⁶⁸ In fact, the plan indicates that

23
24 ⁶¹ NRS 534.110(8).

25 ⁶² *Revert v. Ray*, 95 Nev. 782, 786, 603 P.2d 262, 264 (1979).

26 ⁶³ *Bacher v. State Eng’r*, 122 Nev. 1110, 1121, 146 P.3d 793, 800 (2006).

27 ⁶⁴ Exhibit No. 1 at 4.

28 ⁶⁵ Exhibit No. 1 at 4.

⁶⁶ NRS 534.110(8) (emphasis added).

⁶⁷ Exhibit No. 2 at 6-17.

⁶⁸ Exhibit No. 2 at 6-17.

1 in 2013, the overall number of domestic wells decreased by 104 wells.⁶⁹ Given this, evidence is not
2 present in the record to substantially establish that drilling new wells will have an undue influence on
3 existing wells in the basin.

4 **D. Order 1293 is both overbroad and being applied too narrowly.**

5 Order 1293 is both overbroad and too narrow in its application. Order 1293 is overbroad because
6 it bans the drilling of new domestic wells throughout the basin, even in areas where the evidence
7 indicates that water levels are stable or, in some cases, rising.⁷⁰ The updated Water Resource Plan
8 clearly shows that the well failures projected by the computer model are concentrated in specific areas
9 of the Pahrump Basin.⁷¹ Given this, the plan cannot be used as substantial evidence to support a basin-
10 wide ban on the drilling of new domestic wells.

11 The Order is also being applied too narrowly because it restricts the drilling of only one type of
12 well (domestic wells) while still allowing other wells to be drilled (i.e. agricultural or municipal wells)
13 that, due to their high pumping volumes, could have a far greater impact on water levels in the basin.
14 There is no evidence in Order 1293 that justifies this discriminatory treatment of domestic wells. If
15 existing wells will be unduly impacted by the drilling of new wells in the same general vicinity, then
16 logic dictates that such impacts will occur regardless of the type of new well that will be drilled.

17 This overbroad and too narrow application of Order 1293 is precisely the opposite of what NRS
18 534.110(8) allows for. The plain language of the statute specifically authorizes the State Engineer to
19 limit an order restricting the drilling of new wells only to the geographic portion of a basin where a
20 particular problem exists.⁷² Here, the State Engineer is applying the restriction basin-wide. NRS
21 534.110(8) also provides that once the portion of the basin where drilling should be restricted has been
22 identified, the State Engineer is required to ban the drilling of *all* wells, not just one type of well.⁷³ If
23
24

25 ⁶⁹ Exhibit No. 2 at 5-8.

26 ⁷⁰ Exhibit No. 2 at 5-8.

27 ⁷¹ Exhibit No. 2 at 5-14.

28 ⁷² See NRS 534.110(8) (“In any basin or *portion thereof* in the State . . .”) (emphasis added).

⁷³ See NRS 534.110(8) (“ . . . the State Engineer may restrict the drilling of wells in any portion thereof . . .”).

1 the Legislature had intended to give the State Engineer the power to discriminate between well types it
2 would have included language to that effect in the ordinance.

3 Because Order 1293's basin-wide ban on the drilling of one specific type of well is not supported
4 by any evidence that shows that the prohibition is required to prevent undue harm to existing wells,
5 Order 1293 should be overturned.

6 E. **Order 1293 impermissibly places the burden to solve a public problem on the**
7 **shoulders of individual private property owners.**

8 The State Engineer's own pumping inventory shows that, on average, domestic wells in Pahrump
9 use only 0.5 acre-feet of water annually.⁷⁴ Despite this, Order 1293 requires a property owner to
10 purchase, and surrender to the State Engineer, not less than two acre-feet of existing permitted water
11 rights if they want to drill a new domestic well on their existing parcel.⁷⁵ From a water resources
12 perspective, this provides the State Engineer with a tool to solve the over-appropriation problem. If the
13 existing 8,000 parcels that do not currently have a drilled domestic well are required to each purchase
14 and surrender two acre-feet of existing water rights, 16,000 acre-feet of permitted water rights will be
15 removed from the basin. However, those 8,000 domestic wells will, on average, only be using 4,000
16 acre-feet of water from the aquifer. This represents a net gain to the water budget of 12,000 acre-feet of
17 water, or more than 30% of the total over-appropriated permits that the State Engineer issued.

18 While this outcome may be good for the public as a whole, the law prohibits requiring individual
19 private property owners to bear the burden of solving public problems. As the United States Supreme
20 Court noted in *Dolan v. City of Tigard*, "[o]ne of the principle purposes of the Takings Clause [of the
21 United States Constitution] is to bar Government from forcing some people alone to bear public burdens
22 which, in all fairness, should be borne by the public as a whole."⁷⁶ Here, the State Engineer is placing
23 the burden of solving the over-appropriation problem (a government created problem) on individual
24 private property owners.

25
26 ⁷⁴ Exhibit No. 4 at 38.

27 ⁷⁵ Exhibit No. 1 at 5.

28 ⁷⁶ *Dolan v. City of Tigard*, 512 U.S. 374, 384 (1994).

1 The updated Water Resource Plan does not hide the fact that the acquisition and relinquishment
2 requirement is designed to force a property owner to acquire more water than is required to serve their
3 average use. The plan explicitly states that “County ordinances [governing the creation of *new* parcels]
4 *require more water be dedicated for a parcel than is expected to be used.*”⁷⁷ The plan goes on to state
5 that “[t]he relinquished water rights that are in excess of the actual usage will never be used beneficially
6 and in fact return to the [public] basin.”⁷⁸ The Plan even includes a proposed basin water budget
7 spreadsheet that includes a row titled “OVER DEDICATION POTENTIAL – DOMESTIC WELLS”
8 where the excess water rights forcibly taken from property owners who seek to drill a domestic well can
9 be used to offset the quantity of water that has been over-allocated by the State Engineer.⁷⁹ The
10 requirement that individual private property owners must acquire and relinquish to the public
11 significantly more water than is required to serve their individual property is exactly the type of
12 unconstitutional exaction prohibited by the U.S. Supreme Court in *Dolan*. Accordingly, Order 1293
13 should be overturned.

14 **F. Order 1293 was retroactively applied.**

15 Pursuant to State Engineer regulations, prior to drilling a well, a well driller must submit a Notice
16 of Intent to Drill (“Notice”) with the State Engineer.⁸⁰ The purpose of the Notice in relation to domestic
17 wells is to give the State Engineer the opportunity to verify that the parcel on which the well will be
18 drilled is eligible to have such a well under the statute. Importantly, this is not a discretionary
19 determination.⁸¹ If a property is eligible, then the State Engineer must approve the Notice and allow the
20 well to be drilled.

21 Prior to issuing Order 1293, several Notices of Intent to Drill domestic wells had been submitted
22 to the State Engineer. On the date these Notices were submitted, the properties met the eligibility
23

24 ⁷⁷ Exhibit No. 2 at 5-22.

25 ⁷⁸ Exhibit No. 2 at 5-22.

26 ⁷⁹ Exhibit No. 2 at 5-23.

27 ⁸⁰ NAC 534.320.

28 ⁸¹ While the State Engineer has discretionary authority when issuing permits, because NRS 534.180(1) specifically exempts domestic wells from the permitting requirement, the approval of a Notice of Intent to Drill a domestic cannot, by definition, be a discretionary action.

1 requirements to have a domestic well. However, in a further affront to basic principles of due process
2 and fairness, the State Engineer did not act on these Notices until after he issued Order 1293, and then
3 denied them on the grounds that because of the issuance of Order 1293 the properties were no longer
4 eligible to have a domestic well.

5 A regulation is applied retroactively when “it takes away or impairs vested rights acquired under
6 existing laws, or creates a new obligation, imposes a new duty, or attaches a new disability.”⁸² “[E]ven
7 though a statute [or regulation] operates only from the time of its enactment, it is retroactive if it impairs
8 vested rights and past transactions.”⁸³ Here, there is no question that Order 1293 was applied
9 retroactively by the State Engineer in a manner that impaired vested rights. Prior to the enactment of
10 the Order, the property owners in question had an absolute statutory right to drill a domestic well on
11 their properties. They completed the administrative step of filing a Notice of Intent to Drill. All that
12 remained was for the State Engineer to approve the Notice, as he was statutorily required to do. Instead,
13 the State Engineer waited until he issued Order 1293 and summarily denied the Notices. Because the
14 retroactive application of Order 1293 impairs vested rights and violates the due process rights of
15 members of the public, Order 1293 should be overturned.

16 **IV. Members of the Public Will Benefit from A Stay of Order 1293.**

17 A wholesale restriction on drilling of new domestic wells in the Pahrump Basin could have
18 serious negative consequences for the Town of Pahrump’s economy and Nye County’s finances, both
19 of which rely heavily on property taxes as a source of financing. A vacant parcel of land generally
20 produces little to no property tax revenue. However, when you place a single-family home on that same
21 parcel, the taxable value of the parcel will increase significantly. Accordingly, to the extent that Order
22 1293 restricts the development of new single-family homes in Pahrump, it will have a negative impact
23 on future county finances. By contrast, a stay of Order 1293 will maintain the status quo and allow
24 development to proceed at its normal pace.

25 _____
26 ⁸² *Public Employees’ Benefits Program v. Las Vegas Metropolitan Police Dept.*, 124 Nev. 138, 155, 179 P.3d 542, 553-54
(2008).

27 ⁸³ *Public Employees’ Benefits Program v. Las Vegas Metropolitan Police Dept.*, 124 Nev. 138, 155, 179 P.3d 542, 554
(2008).

1 Order 1293 also fails to identify any specific member of the public who will be directly harmed
2 if owners of existing undeveloped parcels in the Pahump basin are allowed to drill a domestic well in
3 conjunction with the construction of a single-family home. Instead, Order 1293 merely speculates that
4 if the drilling of new domestic wells is not prohibited, an existing problem in the basin may get worse.⁸⁴
5 Without any objective scientific analysis or data indicating whether, and to what extent, new domestic
6 wells may increase the likelihood of the projected harm, such claims are baseless.

7 The fact is that members of the public will be benefitted by the issuance of a stay. Order 1293
8 has already had deleterious impacts on the economy and people of Pahump.⁸⁵ Real estate escrows that
9 were pending when Order 1293 was issued have been canceled⁸⁶ and individuals who had scrimped and
10 saved the money to drill a domestic well as a prelude to building a home on their property have had their
11 dreams dashed.⁸⁷ Order 1293 has also created an artificial bubble in the price of water rights in the basin
12 that has led to rampant speculation. A stay of the Order will maintain the previous status quo and allow
13 economic conditions to return to normal.

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25 ⁸⁴ Exhibit No. 1 at 4 (“additional demand created by new domestic wells *would be expected to accelerate* water level declines
26 and predicted well failures.”) (emphasis added).

27 ⁸⁵ See generally Exhibit No. 5.

28 ⁸⁶ See Exhibit No. 5 (Statements of Michael Lach and Lisa Bond)

⁸⁷ See generally Exhibit No. 5.

CONCLUSION

For the foregoing reasons, PFW respectfully requests that the Court issue an order staying the enforcement of Nevada State Engineer Order No. 1293 during the pendency of these proceedings.

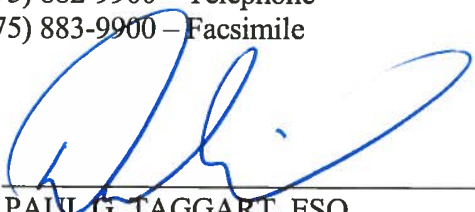
AFFIRMATION

Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding document does not contain the social security number of any persons.

DATED this 31st day of January, 2018.

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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b) and NRS 533.450, I hereby certify that I am an employee of TAGGART & TAGGART, LTD., and that on this date I served, or caused to be served, a true and correct copy of the foregoing, as follows:

[X] BY **HAND-DELIVERY**, by placing a true and correct copy of the above-identified document in an envelope, addressed as follows:

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State Engineer
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Carson City, NV 89701

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Carson City, NV 89701

DATED this 18th day of February, 2018.



Employee of TAGGART & TAGGART, LTD.

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EXHIBIT 1

EXHIBIT 1

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

ORDER

#1293

**PROHIBITING THE DRILLING OF NEW DOMESTIC WELLS
IN THE PAHRUMP ARTESIAN BASIN (10-162), NYE COUNTY, NEVADA.**

WHEREAS, the State Engineer has designated the Pahrump Artesian Basin as provided under NRS § 534.120 by the following orders:

1. Order No. 176 dated March 11, 1941, designating and describing the basin pursuant to NRS § 534.120 upon the petition of ten percent of the legal appropriators of underground water.
2. Order No. 193 dated January 15, 1948, extending the designated area.
3. Order No. 205 dated January 23, 1953, further extending the designated area.

WHEREAS, the State Engineer has issued the following orders concerning the regulation and management of groundwater in the basin:

1. Order No. 206 dated May 4, 1953, requiring the installation of measuring devices.
2. Order No. 381 dated June 1, 1970, declaring irrigation a non-preferred use, ordering that new applications for irrigation be denied.
3. Order No. 955 dated October 26, 1987, amending Order No. 381, denying applications on the Pahrump and Manse fans, restricting applications to small commercial uses and forfeiture re-filing provisions.
4. Order No. 1107 dated November 8, 1994, denying all new applications to appropriate except small commercial, small industrial and environmental uses.
5. Order No. 1183 dated April 19, 2007, establishing a program for domestic well credits in the basin.
6. Order No. 1252 dated April 29, 2015, further extending the designated area, lifting the prohibition of moving existing water rights to the Pahrump and Manse fans and curtailing all new appropriations except for very limited exceptions.

WHEREAS, the State Engineer makes the following additional findings and conclusions in support of this Order:

1. The State Engineer estimates that the perennial yield of the Pahrump Artesian Basin is 20,000 acre-feet annually.¹
2. The committed rights in the form of permits and certificates to the use of groundwater in the basin are approximately 59,175 acre-feet. This amount does not include the amount allowed to be withdrawn by existing domestic wells.²
3. A “domestic well” is a well used for culinary and household purposes directly related to a single-family dwelling, including without limitation, the watering of a family garden and lawn and the watering of livestock and any other domestic animals or household pets, if the amount of water drawn does not exceed 2 acre-feet per year. (NRS §§ 534.013 and 534.180).
4. There are approximately 11,280 existing domestic wells drilled in the Pahrump Artesian Basin. Pursuant to NRS § 534.180, domestic wells are exempt from the permitting requirements of NRS Chapters 533 and 534, having the legal right to withdraw up to 2 acre-feet annually. Thus, in the Pahrump Artesian Basin, the ability of existing domestic wells to withdraw up to 2 acre-feet annually exceeds the perennial yield by domestic wells alone.³
5. The existing domestic wells in the Pahrump Artesian Basin constitutes the greatest proliferation and density of domestic wells in the state. The density of existing domestic wells ranges from 1 up to 469 wells per square mile. The State Engineer has determined that pumping by domestic wells has the potential to be the largest use of groundwater in the basin.⁴
6. In addition to existing domestic wells, there is potential for up to 8,000 new domestic wells to be drilled on existing parcels for which no domestic well currently exists. Consequently, the drilling of up to 8,000 new domestic wells, represents the legal right to withdraw up to an additional 16,000 acre-feet of groundwater by those new domestic wells.⁵

¹ Nevada Division of Water Resources’ Water Rights Database, Hydrographic Basin Summary, Pahrump Artesian Basin (162), accessed December 19, 2017, official records in the Office of the State Engineer, available at <http://water.nv.gov/undergroundactive.aspx>; State Engineer’s Order 1252.

² *Id.*

³ Nevada Division of Water Resources’ Well Log Database, December 19, 2017, official records in the Office of the State Engineer, available at <http://water.nv.gov/welllogquery.aspx>.

⁴ *Id.*; Nye County Water Resources Plan (2004) and Plan Update (2017); Division of Water Resources Groundwater Pumpage Inventories Pahrump Valley Hydrographic Basin 10-162.

⁵ *Id.*

7. In 1993, Senate Bill 19 was passed, which acknowledged a policy of recognizing existing domestic wells as appurtenances to private homes and created a protectable interest in the source of supply to the domestic well. As originally enacted, it applied to counties having a population less than 400,000.⁶ Senate Bill 19 was codified in NRS § 533.024(1)(b).
8. In 2001, the legislature passed Senate Bill 159, which removed the limitation in NRS § 533.024(1) to counties having a population less than 400,000, making that provision and related provisions applicable statewide.⁷
9. In testimony on Senate Bill 159, former State Engineer Michael Turnipseed agreed with Senator Maggie Carlton that a “protectable interest” only occurs after there has been an improvement on the property and a well has been drilled, and that citizens cannot claim a “protectable interest” without anything on the property.
10. During the 1999-2000 legislative interim, the Subcommittee to Study Domestic and Municipal Water Wells and its Technical Advisory Committee convened numerous meetings to study issues related to domestic and municipal wells.⁸
11. An issue identified by the Interim Subcommittee was that land division laws under NRS Chapter 278 were problematic because parcel maps and other types of land division do not require water rights to be attached to newly created parcels, unlike subdivision approvals. Testimony before the Subcommittee indicated that many counties enacted ordinances requiring water rights be attached to new parcel creations, but that existing parcels were exempt from that requirement.
12. In 1998, Nye County initiated a temporary moratorium on land parceling until the Pahrump Regional Planning Commission could develop an ordinance to be enacted by the County Board of Commissioners. The ordinance ultimately enacted by the Board of Commissioners requires that a person who parcels land in Pahrump Valley is required to deed water rights to the County for each additional lot that is created through parceling.⁹
13. The concern of the Interim Subcommittee regarding parceling land without requiring water rights is typified by the existing condition in the Pahrump Artesian Basin. Although the County Board of Commissioners enacted an ordinance requiring water rights for any new parcels created, the ordinance did not apply to parcels already in existence.

⁶ Senate Bill 19, Chapter 631, Statutes of Nevada 1993.

⁷ Senate Bill 159, Chapter 85, Statutes of Nevada 2001.

⁸ Legislative Counsel Bureau Bulletin No. 01-18, *Domestic and Municipal Water Wells* (November 2000).

⁹ Nye County Water Resources Plan (2004); and see current Nye County Code § 16.28.170 available at

http://sterlingcodifiers.com/codebook/index.php?book_id=648&chapter_id=71572#s705292.

14. Testimony related to Senate Bill 19 (1993), Senate Bill 159 (2001) and during the 1999-2000 Interim Subcommittee all confirm that inclusion of the “protectable interest” language in NRS Chapters 533 and 534 was not intended to limit the State Engineer’s ability to regulate and manage the Nevada’s water resources.¹⁰
15. NRS § 534.120 authorizes the State Engineer to make such rules, regulations and orders deemed essential for the welfare of the area involved in designated groundwater basins when the groundwater basin is being depleted in the judgment of the State Engineer.
16. NRS § 534.110(8) provides that in any basin or portion thereof in the state designated by the State Engineer, the State Engineer may restrict drilling of wells in any portion thereof if the State Engineer determines that additional wells would cause an undue interference with existing wells.
17. Historical water level data maintained by the State Engineer and other agencies demonstrate that water levels on the valley floor have steadily declined since the 1950s. Despite numerous orders by the State Engineer regulating groundwater in the basin, water levels on the valley floor have not stabilized. In addition to declining water levels, issues related to declining water levels in the basin are well-documented, including impacts to springs and land subsidence.¹¹
18. Overwhelmingly, existing domestic wells are located on the valley floor where water levels are declining. Similarly, any new domestic wells would largely be located on the valley floor.
19. In a 2017 update to the Nye County Water Resources Plan, data and maps from the Water Level Management Plan were used to examine the longevity of existing shallow wells, primarily domestic wells, in areas of measure and sustained water table declines. The data and simulations predicted that 438 wells would fail by 2035, and the number of failed wells would reach 3,085 by 2065. The study did not take into account anticipated increases in future demand; therefore, additional demand created by new domestic wells would be expected to accelerate water level declines and predicted well failures.¹²

¹⁰ See fn. 6, 7 and 8, and minutes of testimony related thereto.

¹¹ Nevada Division of Water Resources’ Water Level Database, December 19, 2017, official records in the Office of the State Engineer, available on-line at <http://water.nv.gov/WaterLevelData.aspx>; water level records maintained by the United States Geological Survey; Harrill, J., *Ground-Water Storage Depletion in Pahrump Valley, Nevada-California 1962-75*, (Department of Conservation and Natural Resources and United States Geological Survey), 1986; and see also, fn. 4.

¹² Nye County Water Resources Plan Update (2017); Klenke, J., *Estimated Effects of Water Level Declines in the Pahrump Valley on Water Well Longevity* (January 2017).

20. The drilling of up to 8,000 new domestic wells endangers the continued supply of groundwater within the basin, including the supply to existing rights and existing domestic wells.
21. The State Engineer has determined from existing water level and other data that the groundwater basin is being depleted, and that this order is essential for the welfare of the area involved.
22. Requiring the acquisition and relinquishment of water rights to serve new domestic wells on existing parcels is consistent with Nye County Code § 16.28.170, which, since 1998, has required water rights for the approval of new parcel maps;
23. Similarly, requiring the acquisition of water rights to serve new domestic wells is consistent with the legislature's intent expressed in other areas of the law that there must be sufficient water available to grant new appropriative rights or to approve parcel and subdivision maps intended to be served by domestic wells. *See* NRS §§ 533.070; 534.120(e); 278.335 and 278.461.
24. Allowing the unrestrained drilling of additional domestic wells in a basin that is already more than two-times overappropriated is inconsistent with the State Engineer's prior orders regulating and restricting appropriative rights in an attempt to stabilize water levels in the basin.
25. The Nye County Water Resources Plan adopted in 2004 and the update to the Plan in 2017, describe the existing problems posed by the proliferation of domestic wells in Pahrump and the potential consequences of drilling up to 8,000 new domestic wells. In December 2017, the Board of the Nye County Water District voted to approve sending a letter to the State Engineer providing support for the State Engineer's issuance of an order requiring relinquishment or dedication of water rights for new domestic wells.¹³

NOW THEREFORE, it is hereby ordered that the drilling of any new domestic well within the Pahrump Artesian Basin is **prohibited**, except that:

1. Any person proposing to drill a new domestic well must obtain an existing water right in good standing, subject to review of the State Engineer, of not less than 2.0 acre-feet annually and relinquish the water right to serve the domestic well.
2. Any entity that has already relinquished sufficient water rights to serve a new domestic well is excepted from this order.
3. A domestic well requiring rehabilitation as defined by NAC § 534.189 is hereby excepted.

¹³ Correspondence from Oscar (Oz) Wichman on behalf of the Nye County Water District to Jason King, December 11, 2016 [sic].

4. The reconditioning of a domestic well as defined by NAC § 534.188, or replacement of an existing domestic well is excepted from this Order, unless the well is located in an area where water can furnished by an entity such as a water district or a municipality presently engaged in furnishing water to the inhabitants thereof.



JASON KING, P.E.
State Engineer

Dated at Carson City, Nevada this

19TH day of DECEMBER, 2017.

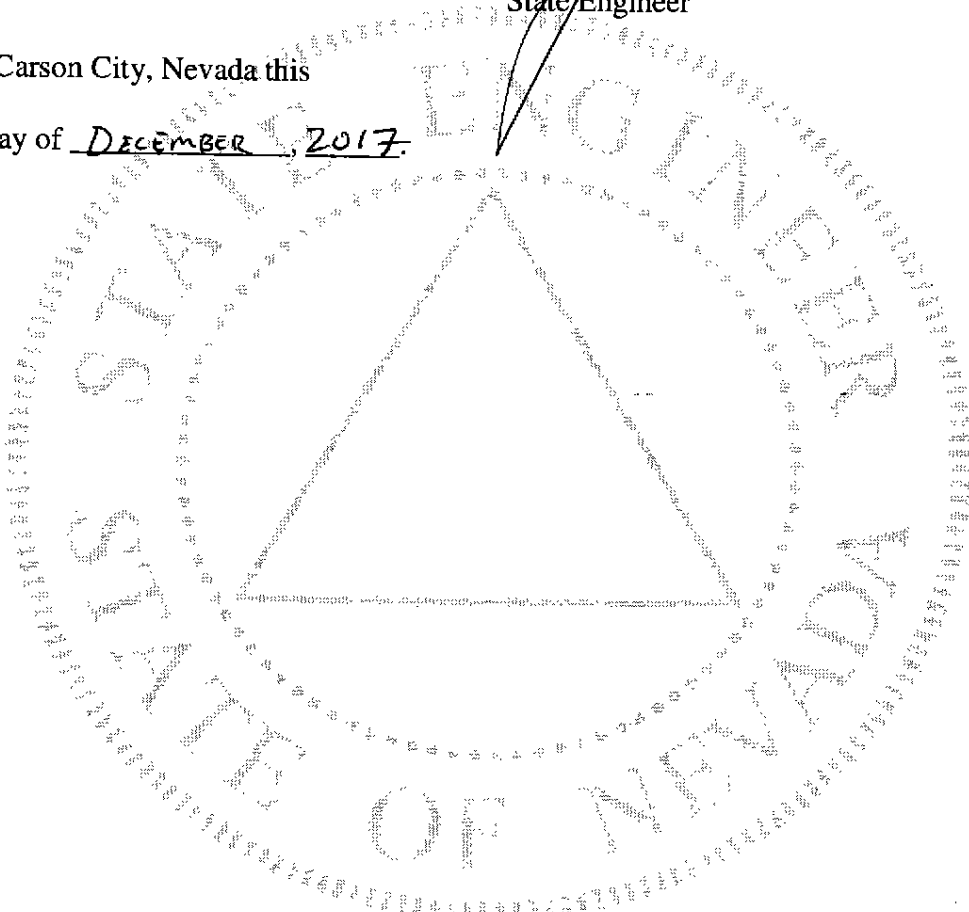


EXHIBIT 2

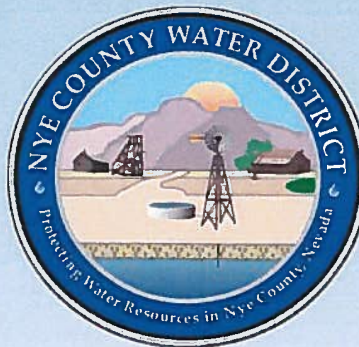
EXHIBIT 2

NYE COUNTY WATER DISTRICT WATER RESOURCES PLAN UPDATE



Prepared for:

The Nye County Water
District Governing Board



Prepared by:

MaryEllen C. Giampaoli,
Environmental Compliance
Specialist

TerraSpectra Geomatics

Jamieson Geological, Inc.

April 2017

JT APP 3740

NYE COUNTY WATER DISTRICT Water Resources Plan Update

Prepared for:

The Nye County Water District Governing Board

April 2017

Prepared by:

MaryEllen C. Giampaoli, Environmental Compliance Specialist

TerraSpectra Geomatics

Jamieson Geological, Inc.

Cover photo Bombo's Pond in Beatty, Nevada courtesy of TerraSpectra Geomatics

ACKNOWLEDGMENTS

I would like to thank the Nye County Water District Governing Board Members and Staff, both past and present, whose knowledgeable perspectives and insights helped to frame many of the discussions in this Water Resources Plan Update. I would especially like to thank Mr. Oscar Wichman whose boundless patience during the many hours-long talks helped me to focus on the issues, and to ground some of the more contentious discussions in basic numbers and facts.

I would like to extend a special thanks to “Sam” Merlino for her help in researching historic water-related matters before the Board of Commissioners. I would also like to thank the Nye County Assessor’s Office for providing private land and parcel maps for use in the water demand calculations. Many thanks to Nye County Planning and Public Works staff who provided background information and periodic updates on water-related planning initiatives and projects. Very special thanks to John Klenke for coordinating with me and my contract team in sharing his scientific work products; these provide the basis for several sections of the Water Resources Plan Update. I also would like to thank the Division of Water Resources for providing consolidated versions of online surface and ground water rights databases for our convenience of use.

I would also like to gratefully acknowledge the members of my Contract Team – Elaine Ezra and David Brickey of TerraSpectra Geomatics, Inc. and Jamie Walker of Jamieson Geological, Inc., - for their ongoing efforts in data compilation, analysis, and display, and the production of maps and figures. Many, many thanks to Aundrea Kojis and Megan Labadie of my staff for their talented and tireless support in document production. This Water Resources Plan Update would not have been possible without their help.

Finally, many thanks to my late husband, Tom Buqo, for his work in advancing and promoting a proactive water resources management approach in Nye County.

MaryEllen C. Giampaoli
Environmental Compliance Specialist

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ACRONYMS

| | |
|-------|---|
| ACEC | Areas of Critical Environmental Concern |
| AFY | Acre-Feet per Year |
| BLM | Bureau of Land Management |
| BoCC | Board of County Commissioners |
| BWPC | Bureau of Water Pollution Control |
| CEDS | Comprehensive Economic Development Strategy |
| CFS | Cubic Feet per Second |
| CMA | Critical Management Area |
| CNRWA | Central Nevada Regional Water Authority |
| CSWP | Community Source Water Protection |
| DLE | Desert Land Entry |
| DOD | Department of Defense |
| DOE | Department of Energy |
| DOI | Department of Interior |
| DWR | Division of Water Resources |
| EPA | Environmental Protection Agency |
| ESA | Endangered Species Act |
| FLPMA | Federal Land Policy Management Act |
| GGI | Glorieta Geosciences, Inc. |
| GID | General Improvement District |
| GPM | Gallons per Minute |
| GWMP | Groundwater Management Plan |
| LID | Local Improvement District |
| LUP | Land Use Plan |
| NAC | Nevada Administrative Code |
| NCWD | Nye County Water District |
| NDEP | Nevada Division of Environmental Protection |
| NDWP | Nevada Division of Water Planning |
| NEPA | National Environmental Policy Act |
| NNSA | National Nuclear Security Administration |
| NNSS | Nevada National Security Site |
| NOI | Notice of Intent |
| NPS | National Park Service |
| NRS | Nevada Revised Statutes |
| NTTR | Nevada Test and Training Range |
| NWRPO | Nuclear Waste Repository Project Office |
| PPB | Parts per Billion |
| PRPC | Pahrump Regional Planning Commission |
| PWS | Public Water Supply Systems |
| RIB | Rapid Infiltration Basins |
| RFA | Ready for Action |
| RFP | Ready for Protest |
| RMP | Resource Management Plan |
| ROD | Record of Decision |

| | |
|-------|--------------------------------------|
| SNWA | Southern Nevada Water Authority |
| UICN | Utilities Inc. of Central Nevada |
| USAF | U.S. Air Force |
| USDA | U.S. Department of Agriculture |
| USFS | U.S. Forest Service |
| USGS | U.S. Geological Survey |
| USFWS | U.S. Fish and Wildlife Service |
| WCD | Water Conservancy District |
| WHPP | Wellhead Protection Plan |
| WLMP | Water Level Measurement Program |
| WRP | Nye County Water Resources Plan |
| WSAI | Water Supply Appraisal Investigation |

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Disclaimer: Due diligence has been exercised to ensure the accuracy of the information shown in text documents, maps, charts and other materials (collectively, the "data") produced in this plan. However, the Nye County Water District makes no warranty or representation, express or implied, as to the use, accuracy, or interpretation of the data presented in this plan. The data is provided for informational purposes and is intended as a tool for planning only. Before relying on these data, the user should contact the Nye County Water District or other appropriate source to review the official records of the organizations and confirm that the data are current.

APPROPRIATE USE: The maps are for illustrative purposes only. For other uses, contact the appropriate data sources for guidance.

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CHAPTER 1 – OVERVIEW, GOALS, AND GUIDELINES

The Nye County Water Resources Plan (WRP) is a tool to help guide the development, management, and use of the County's water resources. The 2017 WRP Update reaffirms Nye County's goals and guidelines for planning, updates the water resources and issues related to those resources, and provides specific alternatives and recommendations for the long-term (50-year) management of those resources. The plan was prepared under the direction of the Nye County Water District, and in coordination with Nye County and Water District staff. This plan was developed to be consistent with the Nye County Comprehensive Master Plan, the Basin 162 Groundwater Management Plan, and other County planning documents.

1.1. INTRODUCTION

In 2004, Nye County took its first steps toward proactive water resources management with the issuance and adoption of the WRP. The 2004 WRP set forth the County's philosophy, goals and objectives, and made several bold, forward-looking recommendations for managing the County's water resources into the future. Since the issuance of the first WRP in 2004, Nye County has taken many steps to proactively manage its water resources by implementing several of its recommendations. Nye County's many initiatives and accomplishments in water resources management since 2004 include:

- Working with the Nevada Legislature to establish the Nye County Water District;
- Joining with neighboring Counties with which it shares basins and water resources to work cooperatively to manage those resources through the creation of the Central Nevada Regional Water Authority (CNRWA);
- Developing and implementing NDEP-approved County-wide source water protection plans;
- Incorporating extensive conservation measures and public education initiatives into Regional Master Plans and Area Plans;
- Adopting ordinances that require relinquishment of water rights and their over-dedication to new parcels created by land division in order to restore the water balance in over-allocated basins; which resulted in relinquishing nearly 8,000 acre-feet of water rights in the Pahrump Basin to offset over-allocation;
- Adopting Ordinances setting zoning standards for water conservation and landscaping;
- Adopting Comprehensive Master Plan Goals, Objectives, and Policies that support resource identification, protection, and management;
- Establishing and supporting the Basin 162 Groundwater Management Plan Committee, including members from the community, State Engineer and Division of Water Resources staff, County and Water District staff, and the public, to work cooperatively to resolve the water resources over-allocation problem in the Pahrump basin;
- Continuing to conduct water level monitoring in Pahrump and Amargosa valleys, and expanding data collection when opportunities arise;
- Sponsoring several water planning and appraisal reports, including a review of basin health based on available water resources for beneficial use;
- Sponsoring the exhaustive Nye County Water Supply Appraisal Investigation Report on water supplies throughout Nye County;
- Sponsoring various studies related to water supply in Pahrump, including examinations of nitrates, and cost and feasibility of water importation; and

- Adopting an ordinance to require Geotechnical Testing Analysis by a licensed Geotechnical Engineer to address geotechnical soil hazards associated with water sensitive clays (e.g. expansive and collapsible).

This 2017 update to the WRP presents the current water resources baseline and describes the current hydrologic conditions and issues that have evolved since 2004. It provides recommendations for the continued successful management of Nye County's water resources to the extent provided by the Nevada Revised Statutes (NRS).

In this chapter, the updated WRP goals and objectives are presented along with the principles that guided its revision. The legal and regulatory framework under which water resource development and use are governed, and the relationship between this plan and other planning documents are also summarized. Subsequent chapters detail the socioeconomics and demographic trends; water resources of Nye County and the issues associated with the development and use of those resources; and specific plans and management practices aimed at addressing those issues.

1.2. STATEMENT OF PURPOSE AND GOALS

On April 21, 2015, the Nye County Board of County Commissioners (BoCC) publicly discussed Underlying Philosophy, Goals and Objectives as presented in the 2004 Nye County WRP. Changes recommended by the Board Members have been incorporated into the sections that follow.

Underlying Philosophy

Nye County's water resources are its most precious natural resource and are basic to all efforts to preserve resident lifestyles, to meet the needs of area citizens by providing for their economic well-being and improving their quality of life, and to preserve the environment.

Goals and Objectives

The Nye County WRP update was prepared to ensure that adequate supplies of water remain available in Nye County to improve the quality of life for residents and visitors to the County; to expand and diversify the economy of the County; and to maintain and enhance the quality of the environment. The implementation of this plan is in the best interest of the County and the State of Nevada and provides the framework for cooperative management of those resources.

By meeting the following objectives, these goals will be achieved:

1. Define the existing surface and ground water resources of the County
2. Identify existing water uses in the County
3. Identify forecasted growth and future water demands for the period 2010 to 2060
4. Identify water supply issues and management practices
5. Establish short and long-term strategies for the use of water resources in the County to benefit its environment and its citizens

This update adhered to the original guiding principles of the 2004 WRP. The guiding principles are listed in Table 1-1.

Table 1-1. Principles Guiding the Update of the Nye County Water Resources Plan

| |
|--|
| 1. All of the water resources of Nye County, whether above or below ground, belong to the public. |
| 2. The water resources needs of future generations of Nye County residents must be protected with a balanced approach that provides for the County's economic goals without detriment to the social, aesthetic, cultural, and ecological values of the County. |
| 3. The appropriation and beneficial use of Nye County's water resources are administered by the Nevada State Engineer in accordance with the requirements of Nevada Water Law, and by state and federal court decrees and regulations. |
| 4. Public education and public input are vital aspects of water resources planning and all units of local government, water users, and interested parties should be allowed to participate in the planning process. |
| 5. The Nye County WRP update is aimed at accommodating planned, sustainable, growth within the various economic sectors of the County. |
| 6. Water rights in Nye County are private property that may be bought, sold, or traded under free market conditions, in compliance with applicable Nevada Revised Statutes (NRS) and Nevada Administrative Code (NAC). |
| 7. The Nye County WRP update considers water supply, water quality, water use, and environmental issues, and should be used to guide decisions that affect the water resources of the County. |
| 8. All water resources development and use in Nye County should be conducted in a manner that is technically and economically sound, environmentally sustainable, and in compliance with local, state, and federal laws. |
| 9. The Nye County WRP update is consistent with Nevada Water Law and was prepared in consultation with the Nye County Water District, the Nevada Division of Water Resources, and stakeholders in the County. |
| 10. Water conservation is an important component of the planning and management of Nye County's water resources. |
| 11. The Nye County WRP update must be based on sound science, water resources evaluation, and management principles. |
| 12. The 2004 Nye County WRP was adopted as an element of the Nye County Comprehensive Plan; the 2017 WRP should be considered for adoption, as well. |

1.3. INSTITUTIONAL FRAMEWORK

Water resources planning in Nye County must be consistent with County policies and plans, as well as with existing state and federal laws and regulations and court decrees. In general, the State of Nevada governs the allocation, planning, and management of the water resources. In this section, an overview of this institutional framework is provided. The federal government through various laws and regulations, implements land use and resource management plans that govern land use decisions and environmental issues that must be considered during water planning and development. These planning documents are described at the end of this Chapter.

Nye County has long recognized the need for water resource planning and management. Based on recommendations in the 2004 Nye County WRP, the Nye County BoCC undertook a legislative approach to establish the Nye County Water District (NCWD). The bill creating the NCWD Governing Board was enacted on June 18, 2007 by the Nevada Legislature pursuant to Nevada

Revised Statutes 2007, Chapter 542, under Selected Special and Local Acts. The bill, also known as the Nye County Water District Act, became effective July 1, 2007.

The NCWD was formed to develop sustainable sources of water vital to long-term economic development, protection of the environment, and the well-being of the residents of Nye County. In addition to other powers and duties of the Governing Board outlined within Chapter 542 of the Nevada Revised Statutes, the Board is authorized to levy and collect certain taxes; to incur indebtedness and issue bonds; to acquire land, water rights and property of every kind; and to construct any work for the development, importation, or distribution of the water of the District. The NCWD service area includes all real property within the boundaries of Nye County, Nevada.

The Water District consists of four Areas that are broken out along the hydrographic basin boundaries (Figure 1-1). The NCWD Governing Board comprises seven members, appointed by the Nye County BoCC, with one member representing each of the following Areas: Area 1 Carrant Creek/Smoky Valley; Area 2 Tonopah; and Area 3 Beatty/Amargosa Valley; Area 4 Pahrump has three members; the seventh member is an at-large Nye County resident not from Pahrump.

The NCWD adopted the mission statement; “Provide, protect, and preserve water resources in Nye County.” To this end, the NCWD is working to:

- Develop a long-term sustainability plan of development for Nye County water resources,
- Evaluate and mitigate the environmental impacts associated with resource use,
- Better define the groundwater and surface water resources conditions, and
- Define alternative approaches for the management of the water resources of the region.

The NCWD sponsors and oversees scientific, technical, and planning projects to address water resource and supply problems throughout Nye County. While the early projects of the NCWD have focused on water-related issues in Pahrump and Amargosa Valley, projects in the northern communities are also underway. Information regarding the NCWD can be found online at <http://www.nyecountywaterdistrict.net>.

The Central Nevada Regional Water Authority is an eight-county unit of local government in the State of Nevada that collaboratively and proactively addresses water resource issues common to the eight of the nine counties that share the water resources of Nevada’s Central Hydrographic Region. The CNRWA exists under Nevada’s Interlocal Cooperation Act and has delegated authority separate and apart from its member counties. The Authority has a 21-member board of directors appointed by the county commissions of the 8 counties. The CNRWA members are Churchill, Elko, Esmeralda, Eureka, Lander, Nye, Pershing and White Pine Counties. These counties cover approximately 65 percent of Nevada’s land area.

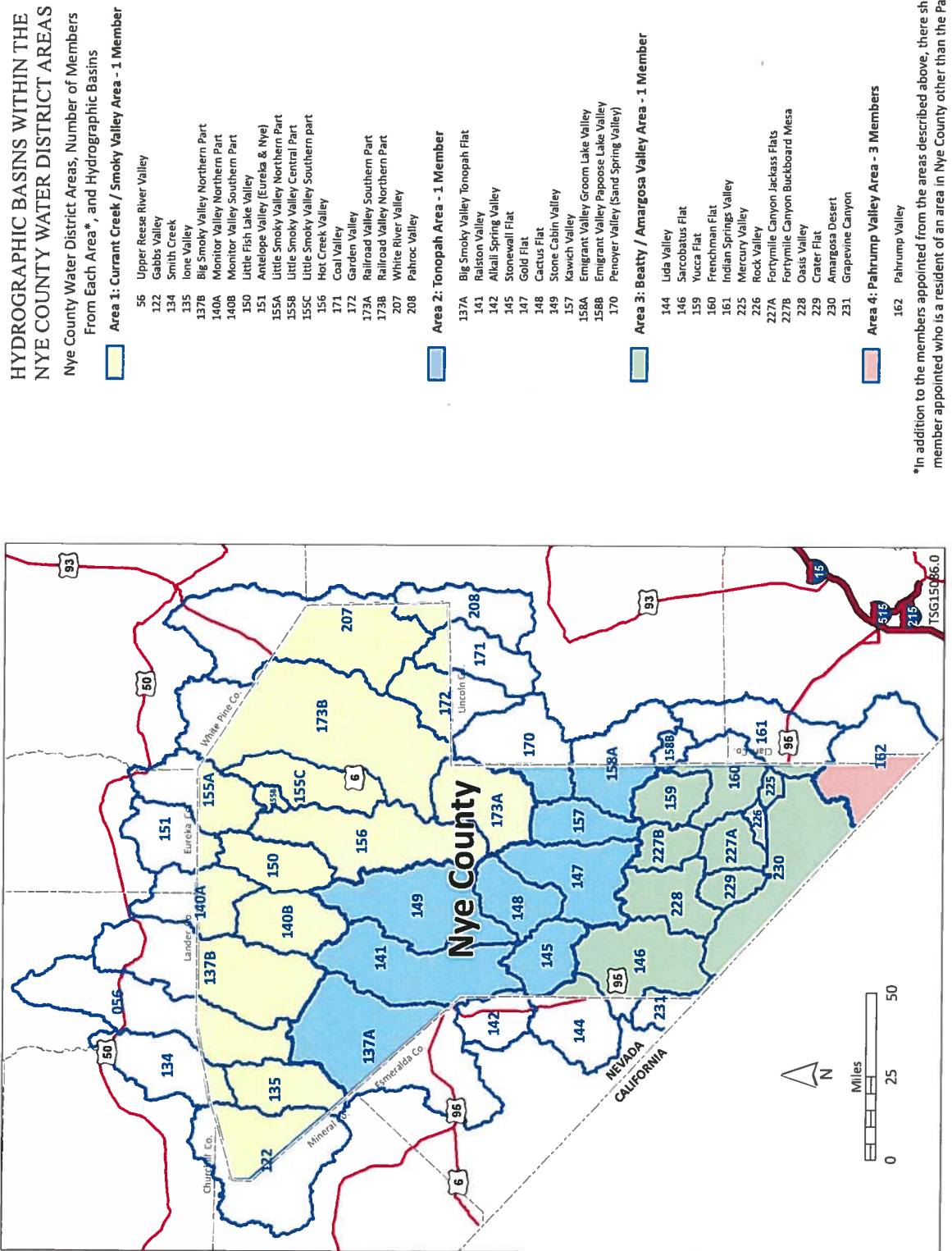


Figure 1-1. Hydrographic Basins within the Nye County Water District Areas.

The CNRWA's mission is to protect the water resources in member counties so these counties will not only have an economic future, but their valued quality of life and natural environment is maintained. The functions of the Authority are:

- To combine fiscal and staff resources to obtain technical support, legal counsel and policy advice necessary for sound water resource decisions by the member counties;
- To formulate and present a united position on water and water-related issues to the appropriate government entity (e.g., Nevada legislature, U.S. Congress, State of Nevada agencies, federal agencies and local government entities);
- To monitor, assess and respond to water projects that may adversely impact a member county;
- To develop and implement a groundwater monitoring program in areas of interest in the member counties;
- To host the annual Great Basin Water Forum established by counties in three states (California, Nevada and Utah) to address water and water-related issues in the Great Basin, and;
- To encourage citizen participation in water and water-related issues of importance to member counties.

Nye County's membership in the CNRWA consists of three representatives appointed by the NCWD Governing Board, and by charter, must include one County Commissioner. The CNRWA consults with water planners, scientists, and experts in water law and policy to assist with development of policies strategies and action plans to address the water related problems and concerns in Nevada's Central Hydrographic Region. Additional information regarding CNRWA meetings, news, and initiatives can be found on their website at <http://www.cnrwa.com>.

County Policy

The 2011 Nye County Comprehensive/Master Plan lists the County's goals, objectives, and specific policies regarding water resources. The goals, policies, and objectives described therein expand upon the goals and objectives originally set forth in the 2004 Nye County WRP. The Comprehensive Plan Water Goals are:

- To identify and maintain adequate water supplies for Nye County residents and businesses to meet current and future needs;
- To protect and develop the water resources that are essential to maintaining the County's economic and cultural viability;
- To implement an aggressive public education program to educate the public on how to reduce water use through conservation practices; and
- To implement controls and procedures that minimize water losses.

The objectives describe specific elements of water resources planning to be completed (i.e., participate with the State of Nevada Division of Water Resources (DWR) to develop accurate assessments of water supply and demand in each County basin; basis for developing water future demand, etc.). The Comprehensive/Master Plan also presents the County's policies that guide the day-to-day actions and decisions to ensure that the objectives and goals will be met. This update to the WRP considers and builds upon the Comprehensive/Master Plan Goals. The detailed

description and discussion can be found in the 2011 Nye County Comprehensive/Master Plan at nyecounty.net on the Planning Department tab.

Statutory Guidelines

All waters in Nye County belong to the public and are managed by the State of Nevada in accordance with the provisions of Nevada Water Law (NRS 533 and 534). The Nevada State Engineer determines the limit and extent of water rights including the quantity of appropriative right and any conditions that must be met for the water to be placed to a beneficial use. In ruling on a water right application, the State Engineer must consider four criteria:

1. Is there unappropriated water available for the proposed use?
2. Will the proposed use impair senior water rights?
3. Is the proposed water use in the public interest?
4. Is the proposed project feasible and not filed for speculative purposes?

Since the 2004 Nye County WRP, Nevada Water Law has undergone several changes, although, the basis for water appropriation that the State Engineer must consider remains unchanged. Many of the changes that have occurred are outside the scope of the Nye County WRP as they do not have an effect on County water planning. Only those changes that substantially affect Nye County water planning are discussed herein. A complete annotated compilation of the current Nevada Water Law can be found at www.leg.state.nv.us. The DWR website provides an excellent overview of Nevada Water Law and a link to the applicable sections of NRS at www.water.nv.gov/waterrights/waterlaw.

In 2011 the Nevada State Legislature passed into law Assembly Bill (AB) 419. The Bill established “critical management areas” (CMA) as any basin in which the “*withdrawals* [emphasis added] of groundwater consistently exceed the perennial yield of the basin.” Under existing water law, the State Engineer has various powers and duties with respect to regulating the groundwater. Section 3 of AB 419 allows the State Engineer to designate CMAs. The bill requires the State Engineer to designate the basin as a CMA upon the petition of a majority of the holders of certificates or permits to appropriate water in the basin that are on file in the Office of the State Engineer.

If a basin is designated as a CMA for at least 10 consecutive years, the bill requires the State Engineer to order that withdrawals of groundwater be restricted in the basin to conform to priority rights, including without limitation withdrawals from domestic wells, unless a Groundwater Management Plan (GWMP) has been approved for the basin. The bill also prescribes the process for the proposal, approval, and revision of such a plan. Section 2 of the bill addresses the significance of a locally developed basin GWMP as a consideration for the State Engineer in determining whether to grant a request for an extension of the time necessary to work a curtailment of water use in such a basin. If State Engineer is faced with regulating by priority then all water users would be affected by curtailment proceeding including those served by domestic wells. The potential applicability of the regulation to Nye County basins is discussed in the following Chapters.

Federal Issues and Considerations

Federal law and policy establish standards for clean water, controlling growth in flood plains, and protecting the environment. While each of these goals is beneficial and consistent with the long-

term goals and values held by Nye County and its citizens, the immediate impact of the legislation is often limiting. The Safe Drinking Water Act of 1984 and its amendments require certain protection for sources of drinking water; the increasingly stringent drinking water standards for arsenic in groundwater have posed technological and financial challenges to County and private water systems in many parts of Nye County. Water quality issues facing the County's communities are discussed in later Chapters. The Clean Water Act of 1972 establishes standards for surface water protection; this statute has limited effects in Nye County because of the scarcity of surface water.

Several federal laws address the way in which federal agencies manage public lands. Because federal lands comprise nearly 98 percent of Nye County, with only slightly more than 2 percent private lands (Figure 1-2), these statutes can have extensive and direct consequences on access to water resources beneath those federal lands. The Federal Land Policy Management Act (FLPMA) establishes the framework for how federal lands can be used. The Endangered Species Act protects certain species of plants, insects, fish, and birds that are native to Nye County. These federal acts mandate the development and implementation of Land Use Plans and Resource Management Plans (LUPs and RMPs, respectively) that impose terms, conditions, and restrictions on public land uses that are costly to implement. Similar provisions may hinder development by imposing costly controls on any industry proposing to use federal lands for energy development, mineral exploration, resource development, and other business or industrial uses.

Nye County maintains good working relationships through Memoranda of Understanding and other agreements with the local offices of the Department of Energy (DOE), National Nuclear Security Administration (NNSA), Bureau of Land Management (BLM), U.S. Forest Service (USFS), and U.S. Fish and Wildlife Service (USFWS) to minimize the potential for negative impacts stemming from federal land policies and management decisions. Several recent and pending federal plans and policies attempt to limit the State's water law and authority. Most of the policy outlined in the State Water Policy and state water law reflect the policy of Nye County and philosophy of most of its residents. Most believe that the state should have primacy in issuing water rights, and agree that there must be a balance in the appropriation of water resources to protect the interests of rural communities whose populations do not afford them political strength in the state legislature.

1.4. UPDATE PROCESS

The first (2004) Nye County WRP was mandated and adopted by the Nye County BoCC. The BoCC recognized the need for long-term resource and development planning and worked diligently to accomplish planning goals for several years. This 2017 Nye County WRP continues water resources planning initiatives by updating relevant statistics, data, issues, and studies to reflect the current and projected future conditions.

State Consultation

The 2004 Nye County WRP was developed in close coordination with the Nevada State Engineer to define a scope that would be responsive to both the needs of Nye County and the State of Nevada.

The scope of the WRP update remains unchanged. Nye County, working through its BoCC, NCWD, and staff, have continued communication and coordination with the DWR staff and State Engineer to address evolving issues and challenges, such as basin over-appropriation and overdraft. County,



Division of Water Resources
Receipt for Payment



Strickland Construction Co. Inc.
5801 South Homestead Road
Pahrump, NV 89048

Check #: 24531
Check Date: 12/15/2017
Date Received: 12/19/2017
Receipt #: 36136

| FY | Amount | Permit # | Invoice # | Fee Type/Fee desc |
|----|---------|-------------|-----------|-------------------|
| | \$25.00 | NOI - 40083 | | |
| | \$25.00 | NOI - 40084 | | |
| | \$25.00 | NOI - 40085 | | |
| | \$25.00 | NOI - 40082 | | |
| | \$25.00 | NOI - 40081 | | |
| | \$25.00 | NOI - 40080 | | |
| | \$25.00 | NOI - 40079 | | |
| | \$25.00 | NOI - 40078 | | |
| | \$25.00 | NOI - 40077 | | |

Total : \$225.00

Notes
Payment for NOIs 40077;
40078; 40079; 40080;
40081; 40082; 40083;
40084; 40084; 40085

Excess Remit 12/27/17 C Cooper

12/19/2017

1

ORIGINAL
FILE WITH DIVISION OF
WATER RESOURCES

NOTICE OF INTENT

No. 40078

Today's Date:

12-15-17

Intended Start Date:

01-09-18

Type of Work to be Done:

Drilling: ☒ Deepening: ☐

Reconditioning: ☐

Plugging: ☐

Well ID (if applicable)

Is this a replacement well? Yes ☐ No ☒

If there is an existing well, what is the well log number?

Proposed use of well:

Domestic

Diameter of well: 6 inches

Number of wells: 1

If this well is a domestic well, is it located within a water purveyor's service area? Yes ☒ No ☐

If yes, what is the DOM waiver

If this is a monitor well required by another government agency, what is the facility ID number?

Agency:

If this well is being completed under a waiver, please provide the corresponding waiver number:

If a water right is associated with this well, what is the permit number?

Location of the well by Public Land Survey:

S/E 1/4

N/E 1/4

Sec. 34

T 20

N 53

R E

Latitude:

36.16917

UTM E

☐ NAD 27

Longitude:

-115.99786

or

UTM N

☐ NAD 83/WGS 84

Address at well location:

871 E. Deerskin Street

Assessor Parcel Number:

40-672-07

County:

Nye

Subdivision Name:

Calvada Valley

Name of Client:

Daniel and Dawn Murphy

Address of Client:

3751 Percheron, Pahump, NV 89048

Contractor's License Number:

40277

On-Site Driller's License Number:

2086

Company Name and Address:

SCC, 5801 S. Homestead, Pahump, NV

Need Log Forms ☐

Need Intent Cards ☐

Driller's Signature

[Signature]

(Rev. 1-14)

DCNR/DWR/SNBO
RECEIVED

DEC 19 2017

JT APP 3572

SE ROA 3525



DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES

400 Shadow Lane, Suite 201
Las Vegas, Nevada 89106
(702) 486-2770 • Fax (702) 486-2781
<http://water.nv.gov>

Date: December 21, 2017

Larry Strickland
Strickland Construction
Driller's License Number: 2086

RE: Notice of Intent Card No. 40078

This is written notification to inform you that the notice of intent card listed above for the drilling of one (1) domestic well is **NOT ACCEPTED** due to the following:

- NOI payment (\$25 per card) is ☐ missing ☐ invalid
- Work performed is ☐ missing ☐ invalid
- Proposed use of well is ☐ missing ☐ invalid
- Client information is ☐ missing ☐ invalid
- Location of the well (legal description, GPS coordinates) is ☐ missing ☐ invalid
- Parcel number is ☐ missing ☐ invalid
- Address at well location is ☐ missing ☐ invalid
- Permit number is ☐ missing ☐ invalid
- Waiver number or NDEP Facility ID Number is ☐ missing ☐ invalid
- Driller's signature is required ☐

Other : Order 1293

Please be advised that **NO WORK SHALL BE PERFORMED.**

If you have any questions or comments, please contact Christi Cooper at (702) 486-2770.

Sincerely,

Christi Cooper

Christi Cooper
Well Supervisor

NYE COUNTY

[Assessor Home](#)
[Personal Property](#)
[Sales Data](#)
[Secured Tax Inquiry](#)
[Recorder Website](#)

Parcel Detail for Parcel # 040-672-07

Location

Property Location 871 E DEERSKIN ST
 Town PAHRUMP [Add'l Addresses](#)
 District 6.3 - PAHRUMP 3 [Assessor Maps](#)
 Subdivision CALVADA VALLEY U.4A Lot 11 Block 17 [Legal Description](#)
 Property Name U.4A B.17 L.11 1.49AC

Ownership

Assessed Owner Name MURPHY,DANIEL & DAWN
 Mailing Address 3751 PERCHERON AVE [Ownership History](#)
 Add'l Owners PAHRUMP, NV 89048-5945 [Document History](#)
 Legal Owner Name MURPHY,DANIEL & DAWN
 Vesting Doc #, Date 827304 02/17/15 Year / Book / Page
 Map Document #s

Description

Total Acres 1.490 Square Feet 64,933
 Ag Acres .000 W/R Acres .000

Improvements

| | | |
|--------------------------------------|------------------------|--------------------------|
| Single-family Detached 0 | Non-dwelling Units 0 | Bedrooms / Baths 0 / .00 |
| Single-family Attached 0 | Mobile Home Hookups 0 | Stories .0 |
| Multiple-family Units 0 | Wells 0 | Garage Square Ft... 0 |
| Mobile Homes 0 | Septic Tanks 0 | Attached / Detached |
| Total Dwelling Units 0 | Buildings Sq Ft 0 | |
| Improvement List | Residence Sq Ft 0 | |
| Improvement Sketches | Basement Sq Ft 0 | Basement |
| | Finished Basement SF 0 | Bedrooms / Baths 0 / .00 |

Appraisal Classifications

Current Land Use Code 280 [Code Table](#)

Zoning Code(s) RE-1 062007

Re-appraisal Group 5 Re-appraisal Year 2015
 Original Construction Year Weighted Year

Assessed Valuation

| Assessed Values | 2018-19 | 2017-18 | 2016-17 |
|---------------------------|--------------|--------------|--------------|
| Land | 2,911 | 2,911 | 2,911 |
| Improvements | 309 | 308 | 307 |
| Personal Property | 0 | 0 | 0 |
| Ag Land | 0 | 0 | 0 |
| Exemptions | 0 | 0 | 0 |
| Net Assessed Value | 3,220 | 3,219 | 3,218 |

Increased (New) Values

| | | | |
|-------------------|---|---|---|
| Land | 0 | 0 | 0 |
| Improvements | 0 | 0 | 0 |
| Personal Property | 0 | 0 | 0 |

Taxable Valuation

| Taxable Values | 2018-19 | 2017-18 | 2016-17 |
|--------------------------|--------------|--------------|--------------|
| Land | 8,317 | 8,317 | 8,317 |
| Improvements | 883 | 880 | 877 |
| Personal Property | 0 | 0 | 0 |
| Ag Land | 0 | 0 | 0 |
| Exemptions | 0 | 0 | 0 |
| Net Taxable Value | 9,200 | 9,197 | 9,194 |

Increased (New) Values

| | | | |
|-------------------|---|---|---|
| Land | 0 | 0 | 0 |
| Improvements | 0 | 0 | 0 |
| Personal Property | 0 | 0 | 0 |

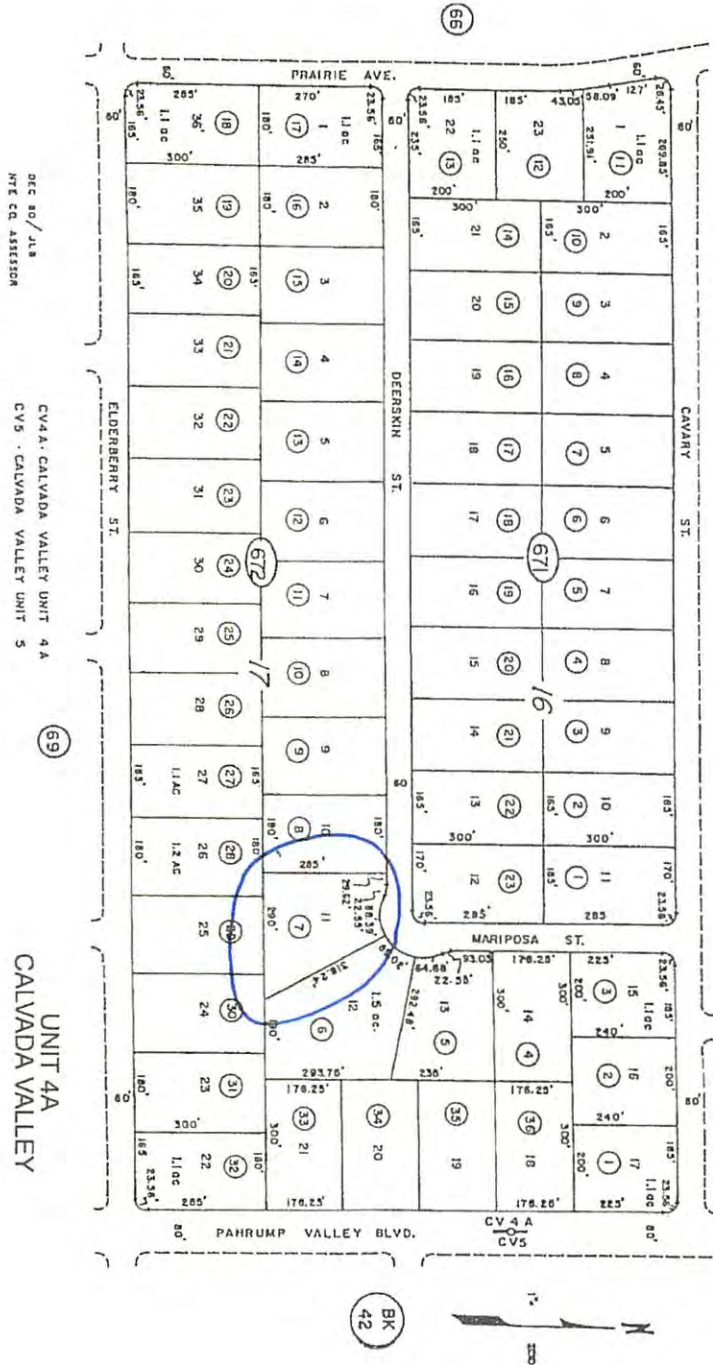
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 DEC 19 2017

JT APP 3574

SE ROA 3527

DCNR/DWR/SNBO
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T205, R 53E
POR. SEC. 34

55

40-67

JT APP 3575

SE ROA 3528

BRIAN SANDOVAL
Governor

BRADLEY CROWELL
Director

STATE OF NEVADA



JASON KING, P.E.
State Engineer

JOHN GUILLORY, P.E.
Supervising Engineer

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES
SOUTHERN NEVADA BRANCH OFFICE

400 Shadow Lane, Suite 201
Las Vegas, Nevada 89106
(702) 486-2770 • Fax (702) 486-2781
<http://water.nv.gov>

December 29th, 2017

Strickland Construction Co. Inc.
5801 South Homestead Road
Pahrump, NV 89048

RE: NOI Excess Remit

Dear Strickland Construction Co. Inc.,

The Division of Water Resources Southern Nevada Branch Office has received your Notice of Intents to drill domestic wells in Nye County. Due to Order 1293, your NOI cards have been denied.

The \$225.00 filing fee received under receipt No. 36136 will be excess remitted to Strickland Construction Co Inc. under a separate cover, at a later date.

Sincerely,

A handwritten signature in blue ink that reads "Christi Cooper".

Christi Cooper
Well Supervisor

JT APP 3576

SE ROA 3529



Division of Water Resources
Receipt for Payment



Strickland Construction Co. Inc.
5801 South Homestead Road
Pahrump, NV 89048

Check #: 24531
Check Date: 12/15/2017
Date Received: 12/19/2017
Receipt #: 36136

| FY | Amount | Permit # | Invoice # | Fee Type/Fee desc |
|----|---------|-------------|-----------|-------------------|
| | \$25.00 | NOI - 40083 | | |
| | \$25.00 | NOI - 40084 | | |
| | \$25.00 | NOI - 40085 | | |
| | \$25.00 | NOI - 40082 | | |
| | \$25.00 | NOI - 40081 | | |
| | \$25.00 | NOI - 40080 | | |
| | \$25.00 | NOI - 40079 | | |
| | \$25.00 | NOI - 40078 | | |
| | \$25.00 | NOI - 40077 | | |

Total : \$225.00

Notes
Payment for NOIs 40077;
40078; 40079; 40080;
40081; 40082; 40083;
40084; 40084; 40085

Excess Remit 12/27/17 C Cooper

12/19/2017

1

JT APP 3577

SE ROA 3530

ORIGINAL
FILE WITH DIVISION OF
WATER RESOURCES

NOTICE OF INTENT

No. 40079

Today's Date: 12-15-17

Intended Start Date: 01-09-18

Type of Work to be Done: Drilling ☒ Deepening ☐ Reconditioning: ☐ Plugging: ☐ Well ID (if applicable): _____

Is this a replacement well? Yes ☐ No ☒ If there is an existing well, what is the well log number? _____

Proposed use of well Domestic Diameter of well: 6 inches Number of wells: 1

If this well is a domestic well, is it located within a water purveyor's service area? Yes ☒ No ☐ If yes, what is the DOM waiver: _____

If this is a monitor well required by another government agency, what is the facility ID number? _____ Agency: _____

If this well is being completed under a waiver, please provide the corresponding waiver number: _____

If a water right is associated with this well, what is the permit number? _____

Location of the well by Public Land Survey: N/E 1/4 N/W 1/4 Sec 19 T 20 N 54 E

Latitude: 36-20257 UTM E _____ ☐ NAD 27

Longitude: -115.95392 or UTM N _____ ☐ NAD 83/WGS 84

Address at well location: 3320 E. Commerce

Assessor Parcel Number: 27-461-53

County Nye Subdivision Name _____

Name of Client: Daniel and Dawn Murphy

Address of Client: 3751 Percheron, Pahrap, WY 89048

Contractor's License Number: 40277 On-Site Driller's License Number 2086

Company Name and Address: SCC, 5801 S. Homestead, Pahrap, WY 89048

Need Log Forms ☐ Need Intent Cards ☐ Driller's Signature Larry Stuckard

(Rev 1-14)

DCNR/DWR/SNBO
RECEIVED
DEC 19 2017

JT APP 3578

SE ROA 3531



DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES

400 Shadow Lane, Suite 201
Las Vegas, Nevada 89106
(702) 486-2770 • Fax (702) 486-2781
<http://water.nv.gov>

Date: December 21, 2017

Larry Strickland
Strickland Construction
Driller's License Number: 2086

RE: Notice of Intent Card No. 40079

This is written notification to inform you that the notice of intent card listed above for the drilling of one (1) domestic well is **NOT ACCEPTED** due to the following:

- NOI payment (\$25 per card) is ☐ missing ☐ invalid
- Work performed is ☐ missing ☐ invalid
- Proposed use of well is ☐ missing ☐ invalid
- Client information is ☐ missing ☐ invalid
- Location of the well (legal description, GPS coordinates) is ☐ missing ☐ invalid
- Parcel number is ☐ missing ☐ invalid
- Address at well location is ☐ missing ☐ invalid
- Permit number is ☐ missing ☐ invalid
- Waiver number or NDEP Facility ID Number is ☐ missing ☐ invalid
- Driller's signature is required ☐

Other : Order 1293

Please be advised that **NO WORK SHALL BE PERFORMED.**

If you have any questions or comments, please contact Christi Cooper at (702) 486-2770.

Sincerely,

Christi Cooper

Christi Cooper
Well Supervisor

NYE COUNTY

[Assessor Home](#)
[Personal Property](#)
[Sales Data](#)
[Secured Tax Inquiry](#)
[Recorder Website](#)

Parcel Detail for Parcel # 027-461-53

Location

Property Location 3320 E COMMERCE ST
 Town PAHRUMP
 District 6.3 - PAHRUMP 3
 Subdivision Lot Block
 Property Name T20S R54E S19 SWNENW 10.40AC99

[Add'l Addresses](#)

[Assessor Maps](#)

[Legal Description](#)

Ownership

Assessed Owner Name MURPHY,DANIEL L & DAWN

Mailing Address 3751 PERCHERON AVE
 Add'l Owners PAHRUMP, NV 89048-5945

[Ownership History](#)

[Document History](#)

Legal Owner Name MURPHY,DANIEL L & DAWN

Vesting Doc #, Date 836611 09/21/15 Year / Book / Page 15 / 0 / 0
 Map Document #s

Description

Total Acres 10.400 Square Feet 0
 Ag Acres .000 W/R Acres .000

Improvements

| | | |
|--------------------------------------|------------------------|--------------------------|
| Single-family Detached 0 | Non-dwelling Units 0 | Bedrooms / Baths 0 / .00 |
| Single-family Attached 0 | Mobile Home Hookups 0 | Stories .0 |
| Multiple-family Units 0 | Wells 0 | Garage Square Ft... 0 |
| Mobile Homes 0 | Septic Tanks 0 | Attached / Detached |
| Total Dwelling Units 0 | Buildings Sq Ft 0 | |
| Improvement List | Residence Sq Ft 0 | |
| Improvement Sketches | Basement Sq Ft 0 | Basement |
| | Finished Basement SF 0 | Bedrooms / Baths 0 / .00 |

Appraisal Classifications

Current Land Use Code 100 [Code Table](#)

Zoning Code(s) LI 062007

Class 1.00

Re-appraisal Group 5

Re-appraisal Year 2015

Original Construction Year

Weighted Year

Assessed Valuation

| Assessed Values | 2018-19 | 2017-18 | 2016-17 |
|---------------------------|---------------|---------------|---------------|
| Land | 16,974 | 16,974 | 16,974 |
| Improvements | 0 | 0 | 0 |
| Personal Property | 0 | 0 | 0 |
| Ag Land | 0 | 0 | 0 |
| Exemptions | 0 | 0 | 0 |
| Net Assessed Value | 16,974 | 16,974 | 16,974 |

Increased (New) Values

| | | | |
|-------------------|---|---|---|
| Land | 0 | 0 | 0 |
| Improvements | 0 | 0 | 0 |
| Personal Property | 0 | 0 | 0 |

Taxable Valuation

| Taxable Values | 2018-19 | 2017-18 | 2016-17 |
|--------------------------|---------------|---------------|---------------|
| Land | 48,497 | 48,497 | 48,497 |
| Improvements | 0 | 0 | 0 |
| Personal Property | 0 | 0 | 0 |
| Ag Land | 0 | 0 | 0 |
| Exemptions | 0 | 0 | 0 |
| Net Taxable Value | 48,497 | 48,497 | 48,497 |

Increased (New) Values

| | | | |
|-------------------|---|---|---|
| Land | 0 | 0 | 0 |
| Improvements | 0 | 0 | 0 |
| Personal Property | 0 | 0 | 0 |

[Back to Search List](#)

DCNR/DWR/SNBO
 RECEIVED
 DEC 19 2017

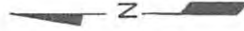
JT APP 3580

SE ROA 3533

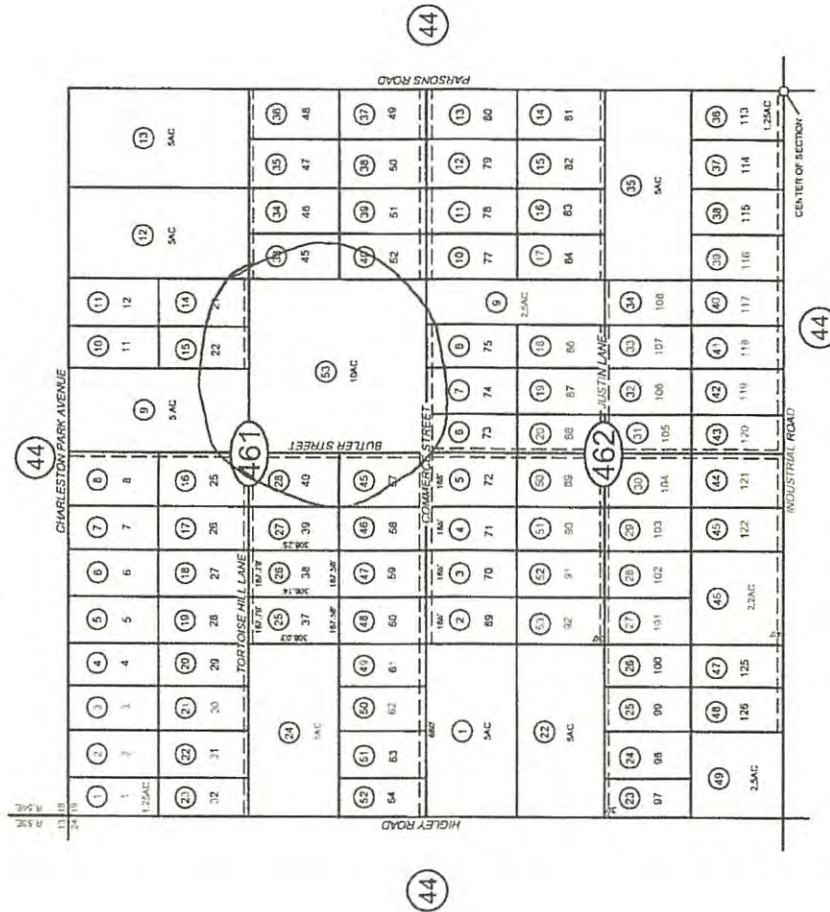
27-46



REV.11-01-84
10-03-85
04-19-94
11-24-03
12-16-03
02-25-04



T.20S., R.54E.
NW1/4 OF SECTION 19



NOTE: THIS PLAT IS FOR ASSESSMENT USE ONLY AND
DOES NOT REPRESENT A SURVEY. NO LIABILITY IS
ASSUMED AS TO THE ACCURACY OF THE DATA
DELINEATED HEREON.

JUL 82/RLW
CAD FILE 12-22-00/CM
NYE COUNTY ASSESSOR

C:\Users\Nellie\APN Books\Updates 11-13-03 to 27-46-04\0225-ng.dwg, 02/25/2004 02:52:38 PM

DCNFDWR/ENBO
RECEIVED
DEC 19 2017

BRIAN SANDOVAL
Governor

BRADLEY CROWELL
Director

STATE OF NEVADA



JASON KING, P.E.
State Engineer

JOHN GUILLORY, P.E.
Supervising Engineer

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES
SOUTHERN NEVADA BRANCH OFFICE

400 Shadow Lane, Suite 201
Las Vegas, Nevada 89106
(702) 486-2770 • Fax (702) 486-2781
<http://water.nv.gov>

December 29th, 2017

Strickland Construction Co. Inc.
5801 South Homestead Road
Pahrump, NV 89048

RE: NOI Excess Remit

Dear Strickland Construction Co. Inc.,

The Division of Water Resources Southern Nevada Branch Office has received your Notice of Intents to drill domestic wells in Nye County. Due to Order 1293, your NOI cards have been denied.

The \$225.00 filing fee received under receipt No. 36136 will be excess remitted to Strickland Construction Co Inc. under a separate cover, at a later date.

Sincerely,

A handwritten signature in blue ink that reads "Christi Cooper".

Christi Cooper
Well Supervisor

JT APP 3582

SE ROA 3535



Division of Water Resources
Receipt for Payment



Strickland Construction Co. Inc.
5801 South Homestead Road
Pahrump, NV 89048

Check #: 24531
Check Date: 12/15/2017
Date Received: 12/19/2017
Receipt #: 36136

| FY | Amount | Permit # | Invoice # | Fee Type/Fee desc |
|---------|----------|-------------|-----------|-------------------|
| | \$25.00 | NOI - 40083 | | |
| | \$25.00 | NOI - 40084 | | |
| | \$25.00 | NOI - 40085 | | |
| | \$25.00 | NOI - 40082 | | |
| | \$25.00 | NOI - 40081 | | |
| | \$25.00 | NOI - 40080 | | |
| | \$25.00 | NOI - 40079 | | |
| | \$25.00 | NOI - 40078 | | |
| | \$25.00 | NOI - 40077 | | |
| Total : | \$225.00 | | | |

Notes
Payment for NOIs 40077;
40078; 40079; 40080;
40081; 40082; 40083;
40084; 40084; 40085

Excess Remit 12/27/17 CC

12/19/2017

1

JT APP 3583

SE ROA 3536

ORIGINAL
FILE WITH DIVISION OF
WATER RESOURCES

NOTICE OF INTENT

No. 40080

Today's Date:

12-15-17

Intended Start Date:

01-30-18

Well ID (if applicable)

Type of Work to be Done:

Drilling: ☒

Deepening: ☐

Reconditioning: ☐

Plugging: ☐

Is this a replacement well?

Yes ☐

No ☒

If there is an existing well, what is the well log number?

Proposed use of well:

Domestic

Diameter of well:

6

inches

Number of wells

1

If this well is a domestic well, is it located within a water purveyor's service area?

Yes ☒

No ☐

If yes, what is the DOM waiver:

If this is a monitor well required by another government agency, what is the facility ID number?

Agency:

If this well is being completed under a waiver, please provide the corresponding waiver number:

If a water right is associated with this well, what is the permit number?

Location of the well by Public Land Survey:

9/4

1/4

N/4

1/4

Sec. 19

T 20

N/4

R 54

E

Latitude:

36.19922

UTM E

☐ NAD 27

Longitude:

-115.95736

or

UTM N

☐ NAD 83/WGS 84

Address at well location:

3111 E. Justin Lane

Assessor Parcel Number:

27-462-26

County:

Nye

Subdivision Name:

Name of Client:

Daniel and Dawn Murphy

Address of Client:

P.O. Box 2343, Pahump, NV 89041

Contractor's License Number:

40271

On-Site Driller's License Number:

2086

Company Name and Address:

SCC, 5801 S. Homestead, Pahump, NV 89048

Need Log Forms ☐

Need Intent Cards ☐

Driller's Signature:

Kenny Stutts

(Rev 1-14)

DCNR/DWR/SNBO
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DEC 19 2017

JT APP 3584

SE ROA 3537



DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES

400 Shadow Lane, Suite 201
Las Vegas, Nevada 89106
(702) 486-2770 • Fax (702) 486-2781
<http://water.nv.gov>

Date: December 21, 2017

Larry Strickland
Strickland Construction
Driller's License Number: 2086

RE: Notice of Intent Card No. 40080

This is written notification to inform you that the notice of intent card listed above for the drilling of one (1) domestic well is **NOT ACCEPTED** due to the following:

- NOI payment (\$25 per card) is ☐ missing ☐ invalid
- Work performed is ☐ missing ☐ invalid
- Proposed use of well is ☐ missing ☐ invalid
- Client information is ☐ missing ☐ invalid
- Location of the well (legal description, GPS coordinates) is ☐ missing ☐ invalid
- Parcel number is ☐ missing ☐ invalid
- Address at well location is ☐ missing ☐ invalid
- Permit number is ☐ missing ☐ invalid
- Waiver number or NDEP Facility ID Number is ☐ missing ☐ invalid
- Driller's signature is required ☐

Other : Order 1293

Please be advised that **NO WORK SHALL BE PERFORMED.**

If you have any questions or comments, please contact Christi Cooper at (702) 486-2770.

Sincerely,

Christi Cooper

Christi Cooper
Well Supervisor

NYE COUNTY

[Assessor Home](#)
[Personal Property](#)
[Sales Data](#)
[Secured Tax Inquiry](#)
[Recorder Website](#)

Parcel Detail for Parcel # 027-462-26

Location

Property Location 3111 E JUSTIN LN

Town PAHRUMP

District 6.3 - PAHRUMP 3

Subdivision SPRING MTN IND PK ROS Lot Block

Property Name F#90983 P.100 1.30AC

[Add'l Addresses](#)

[Assessor Maps](#)

[Legal Description](#)

Ownership

Assessed Owner Name MURPHY,DANIEL L & DAWN R

Mailing Address P O BOX 2343

Add'l Owners PAHRUMP, NV 89041-2343

[Ownership History](#)

[Document History](#)

Legal Owner Name MURPHY,DANIEL L & DAWN R

Vesting Doc #, Date 569442 08/25/03 Year / Book / Page

Map Document #s

Description

Total Acres 1.300

Square Feet 0

Ag Acres .000

W/R Acres .000

Improvements

Single-family Detached 0

Non-dwelling Units 0

Bedrooms / Baths 0 / .00

Single-family Attached 0

Mobile Home Hookups 4

Stories .0

Multiple-family Units 0

Wells 0

Garage Square Ft... 0

Mobile Homes 0

Septic Tanks 1

Attached / Detached

Total Dwelling Units 0

Buildings Sq Ft 0

Residence Sq Ft 0

[Improvement List](#)

[Improvement Sketches](#)

Basement Sq Ft 0

Basement

Finished Basement SF 0

Bedrooms / Baths 0 / .00

Appraisal Classifications

Current Land Use Code 320 [Code Table](#)

Zoning Code(s) HI 082008

Re-appraisal Group 5

Re-appraisal Year 2015

Original Construction Year

Weighted Year

Assessed Valuation

| Assessed Values | 2018-19 | 2017-18 | 2016-17 |
|---------------------------|--------------|--------------|--------------|
| Land | 2,911 | 2,911 | 2,911 |
| Improvements | 2,971 | 2,366 | 2,060 |
| Personal Property | 0 | 0 | 0 |
| Ag Land | 0 | 0 | 0 |
| Exemptions | 0 | 0 | 0 |
| Net Assessed Value | 5,882 | 5,277 | 4,971 |

Increased (New) Values

| | | | |
|-------------------|---|---|---|
| Land | 0 | 0 | 0 |
| Improvements | 0 | 0 | 0 |
| Personal Property | 0 | 0 | 0 |

Taxable Valuation

| Taxable Values | 2018-19 | 2017-18 | 2016-17 |
|--------------------------|---------------|---------------|---------------|
| Land | 8,317 | 8,317 | 8,317 |
| Improvements | 8,489 | 6,760 | 5,886 |
| Personal Property | 0 | 0 | 0 |
| Ag Land | 0 | 0 | 0 |
| Exemptions | 0 | 0 | 0 |
| Net Taxable Value | 16,806 | 15,077 | 14,203 |

Increased (New) Values

| | | | |
|-------------------|---|---|---|
| Land | 0 | 0 | 0 |
| Improvements | 0 | 0 | 0 |
| Personal Property | 0 | 0 | 0 |

[Back to Search List](#)

DCNR/DWR/SNBO
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 DEC 19 2017

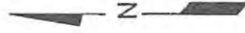
JT APP 3586

SE ROA 3539

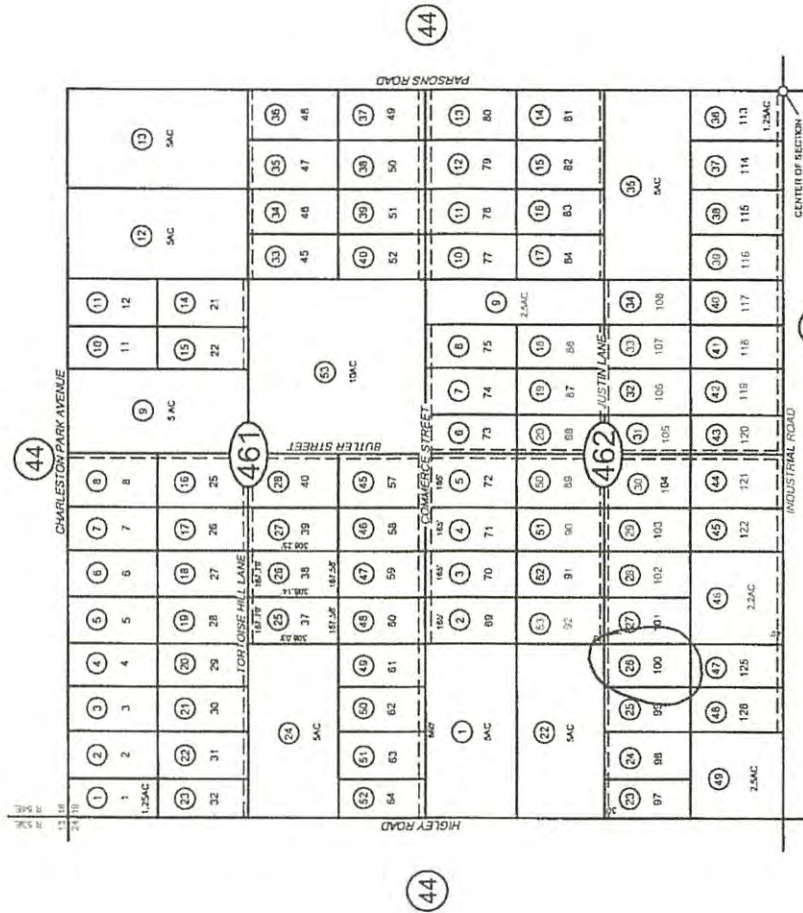
27-46



REV: 11-01-84
10-03-85
04-19-94
11-24-03
12-16-03
02-25-04



T.20S., R.54E.
NW1/4 OF SECTION 19



NOTE: THIS PLAT IS FOR ASSESSMENT USE ONLY AND
DOES NOT REPRESENT A SURVEY. NO LIABILITY IS
ASSUMED AS TO THE ACCURACY OF THE DATA
DELINEATED HEREON.

JUL 02/RLW
CAD FILE 12-22-00/CM
NYE COUNTY ASSESSOR

C:\Users\Nellie\APN Books\Updates 11-13-03 to 12-25-04\12-25-04.dwg, 02/25/2004 02:52:38 PM

DCNR/DWR/ENBO
RECEIVED
DEC 19 2017

BRIAN SANDOVAL
Governor

STATE OF NEVADA

BRADLEY CROWELL
Director



JASON KING, P.E.
State Engineer

JOHN GUILLORY, P.E.
Supervising Engineer

**DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES
SOUTHERN NEVADA BRANCH OFFICE**

400 Shadow Lane, Suite 201
Las Vegas, Nevada 89106
(702) 486-2770 • Fax (702) 486-2781
<http://water.nv.gov>

December 29th, 2017

Strickland Construction Co. Inc.
5801 South Homestead Road
Pahrump, NV 89048

RE: NOI Excess Remit

Dear Strickland Construction Co. Inc.,

The Division of Water Resources Southern Nevada Branch Office has received your Notice of Intents to drill domestic wells in Nye County. Due to Order 1293, your NOI cards have been denied.

The \$225.00 filing fee received under receipt No. 36136 will be excess remitted to Strickland Construction Co Inc. under a separate cover, at a later date.

Sincerely,

A handwritten signature in blue ink that reads "Christi Cooper".

Christi Cooper
Well Supervisor

JT APP 3588

SE ROA 3541



Division of Water Resources
Receipt for Payment



Strickland Construction Co. Inc.
5801 South Homestead Road
Pahrump, NV 89048

Check #: 24531
Check Date: 12/15/2017
Date Received: 12/19/2017
Receipt #: 36136

| FY | Amount | Permit # | Invoice # | Fee Type/Fee desc |
|---------|----------|-------------|-----------|-------------------|
| | \$25.00 | NOI - 40083 | | |
| | \$25.00 | NOI - 40084 | | |
| | \$25.00 | NOI - 40085 | | |
| | \$25.00 | NOI - 40082 | | |
| | \$25.00 | NOI - 40081 | | |
| | \$25.00 | NOI - 40080 | | |
| | \$25.00 | NOI - 40079 | | |
| | \$25.00 | NOI - 40078 | | |
| | \$25.00 | NOI - 40077 | | |
| Total : | \$225.00 | | | |

Notes
Payment for NOIs 40077;
40078; 40079; 40080;
40081; 40082; 40083;
40084; 40084; 40085

Excess Remit 12/27/17 C Cooper

12/19/2017

1

JT APP 3589

SE ROA 3542

ORIGINAL
FILE WITH DIVISION OF
WATER RESOURCES

NOTICE OF INTENT

No. 40081

Today's Date: 12-15-17

Intended Start Date: 01-09-18

Type of Work to be Done: Drilling ☒ Deepening ☐ Reconditioning: ☐ Plugging: ☐ Well ID (if applicable): _____

Is this a replacement well? Yes ☐ No ☒ If there is an existing well, what is the well log number? _____

Proposed use of well: Domestic Diameter of well: 6 inches Number of wells: 1

If this well is a domestic well, is it located within a water purveyor's service area? Yes ☐ No ☐ If yes, what is the DOM waiver: _____

If this is a monitor well required by another government agency, what is the facility ID number? _____ Agency: _____

If this well is being completed under a waiver, please provide the corresponding waiver number: _____

If a water right is associated with this well, what is the permit number? _____

Location of the well by Public Land Survey: N/E 1/4 S/E 1/4 Sec. 20 T 21 N 54 R 54 E

Latitude: 36.10859 UTM E _____ ☐ NAD 27

Longitude: -115.92517 or UTM N _____ ☐ NAD 83/WGS 84

Address at well location: 4830 E. Comanche Dr.

Assessor Parcel Number: 45-293-27

County: Nye Subdivision Name: Green Saddle Ranch

Name of Client: Jacobs Family LLC

Address of Client: 5119 Sunnie Dee Ct, Las Vegas, NV 89120

Contractor's License Number: 40217 On-Site Driller's License Number: 2086

Company Name and Address: SCC, 6801 S. Homestead, Pahrump, NV 89048

Need Log Forms ☐ Need Intent Cards ☐ Driller's Signature: Randy Stuchlik

(Rev 1-14)

DCNR/DWR/SNBO
RECEIVED

DEC 19 2017

JT APP 3590

SE ROA 3543



DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES

400 Shadow Lane, Suite 201
Las Vegas, Nevada 89106
(702) 486-2770 • Fax (702) 486-2781
<http://water.nv.gov>

Date: December 21, 2017

Larry Strickland
Strickland Construction
Driller's License Number: 2086

RE: Notice of Intent Card No. 40081

This is written notification to inform you that the notice of intent card listed above for the drilling of one (1) domestic well is **NOT ACCEPTED** due to the following:

- NOI payment (\$25 per card) is ☐ missing ☐ invalid
- Work performed is ☐ missing ☐ invalid
- Proposed use of well is ☐ missing ☐ invalid
- Client information is ☐ missing ☐ invalid
- Location of the well (legal description, GPS coordinates) is ☐ missing ☐ invalid
- Parcel number is ☐ missing ☐ invalid
- Address at well location is ☐ missing ☐ invalid
- Permit number is ☐ missing ☐ invalid
- Waiver number or NDEP Facility ID Number is ☐ missing ☐ invalid
- Driller's signature is required ☐

Other : Order 1293

Please be advised that **NO WORK SHALL BE PERFORMED.**
If you have any questions or comments, please contact Christi Cooper at (702) 486-2770.

Sincerely,

Christi Cooper

Christi Cooper
Well Supervisor

NYE COUNTY

[Assessor Home](#)
[Personal Property](#)
[Sales Data](#)
[Secured Tax Inquiry](#)
[Recorder Website](#)

Parcel Detail for Parcel # 045-293-27

Location

Property Location 4830 E COMANCHE DR

Town PAHRUMP

District 6.5 - PAHRUMP 5

Subdivision GREEN SADDLE RANCH Lot 414 Block

Property Name F#46886 L.414 1.1AC

[Add'l Addresses](#)

[Assessor Maps](#)

[Legal Description](#)

Ownership

Assessed Owner Name JACOBS FAMILY LLC

Mailing Address 5779 SUNNIE DEE CT

LAS VEGAS, NV 89120-2519

[Ownership History](#)

[Document History](#)

Legal Owner Name JACOBS FAMILY LLC

Vesting Doc #, Date 847562 01/07/16 Year / Book / Page

Map Document #s

Description

Total Acres 1.100

Square Feet 0

Ag Acres .000

W/R Acres .000

Improvements

Single-family Detached 0

Non-dwelling Units 0

Bedrooms / Baths 0 / .00

Single-family Attached 0

Mobile Home Hookups 0

Stories .0

Multiple-family Units 0

Wells 0

Garage Square Ft... 0

Mobile Homes 0

Septic Tanks 0

Attached / Detached

Total Dwelling Units 0

Buildings Sq Ft 0

Residence Sq Ft 0

[Improvement List](#)

Basement Sq Ft 0

Basement

[Improvement Sketches](#)

Finished Basement SF 0

Bedrooms / Baths 0 / .00

Appraisal Classifications

Current Land Use Code 100 [Code Table](#)

Zoning Code(s) RE-1 062007

Re-appraisal Group 2 Re-appraisal Year 2017
Original Construction Year Weighted Year

Assessed Valuation

| Assessed Values | 2018-19 | 2017-18 | 2016-17 |
|---------------------------|--------------|--------------|--------------|
| Land | 2,646 | 2,646 | 2,646 |
| Improvements | 0 | 0 | 0 |
| Personal Property | 0 | 0 | 0 |
| Ag Land | 0 | 0 | 0 |
| Exemptions | 0 | 0 | 0 |
| Net Assessed Value | 2,646 | 2,646 | 2,646 |

Increased (New) Values

| | | | |
|-------------------|---|---|---|
| Land | 0 | 0 | 0 |
| Improvements | 0 | 0 | 0 |
| Personal Property | 0 | 0 | 0 |

Taxable Valuation

| Taxable Values | 2018-19 | 2017-18 | 2016-17 |
|--------------------------|--------------|--------------|--------------|
| Land | 7,560 | 7,560 | 7,560 |
| Improvements | 0 | 0 | 0 |
| Personal Property | 0 | 0 | 0 |
| Ag Land | 0 | 0 | 0 |
| Exemptions | 0 | 0 | 0 |
| Net Taxable Value | 7,560 | 7,560 | 7,560 |

Increased (New) Values

| | | | |
|-------------------|---|---|---|
| Land | 0 | 0 | 0 |
| Improvements | 0 | 0 | 0 |
| Personal Property | 0 | 0 | 0 |

[Back to Search List](#)

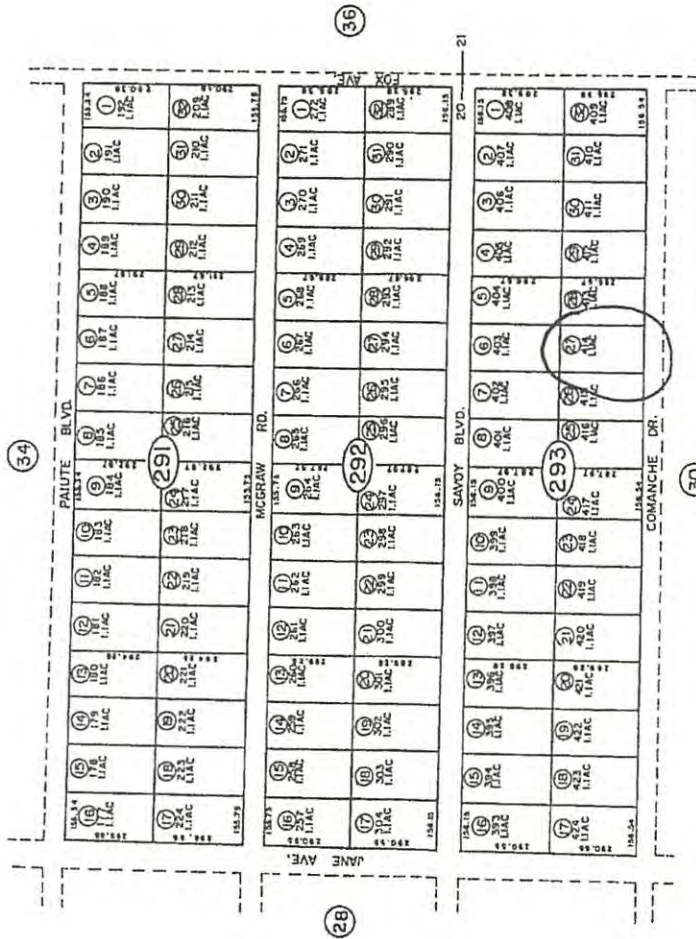
DCNR/DWR/SNBO
 RECEIVED
 DEC 19 2017

JT APP 3592

SE ROA 3545

45-29
Rev. 5-22-95

T21S, R54E
PORT. OF SEC. 20



Nye County
NOTE: This plat is for assessment use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

GREEN SADDLE RANCH

DCNR/DWR/ENSO
RECEIVED
DEC 19 2017

APPROVED BY NTE CO ASSESSOR

BRIAN SANDOVAL
Governor

BRADLEY CROWELL
Director

STATE OF NEVADA



JASON KING, P.E.
State Engineer

JOHN GUILLORY, P.E.
Supervising Engineer

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES
SOUTHERN NEVADA BRANCH OFFICE

400 Shadow Lane, Suite 201
Las Vegas, Nevada 89106
(702) 486-2770 • Fax (702) 486-2781
<http://water.nv.gov>

December 29th, 2017

Strickland Construction Co. Inc.
5801 South Homestead Road
Pahrump, NV 89048

RE: NOI Excess Remit

Dear Strickland Construction Co. Inc.,

The Division of Water Resources Southern Nevada Branch Office has received your Notice of Intent to drill domestic wells in Nye County. Due to Order 1293, your NOI cards have been denied.

The \$225.00 filing fee received under receipt No. 36136 will be excess remitted to Strickland Construction Co Inc. under a separate cover, at a later date.

Sincerely,

A handwritten signature in blue ink that reads "Christi Cooper".

Christi Cooper
Well Supervisor

JT APP 3594

SE ROA 3547



Division of Water Resources
Receipt for Payment



Strickland Construction Co. Inc.
5801 South Homestead Road
Pahrump, NV 89048

Check #: 24531
Check Date: 12/15/2017
Date Received: 12/19/2017
Receipt #: 36136

| FY | Amount | Permit # | Invoice # | Fee Type/Fee desc |
|---------|----------|-------------|-----------|-------------------|
| | \$25.00 | NOI - 40083 | | |
| | \$25.00 | NOI - 40084 | | |
| | \$25.00 | NOI - 40085 | | |
| | \$25.00 | NOI - 40082 | | |
| | \$25.00 | NOI - 40081 | | |
| | \$25.00 | NOI - 40080 | | |
| | \$25.00 | NOI - 40079 | | |
| | \$25.00 | NOI - 40078 | | |
| | \$25.00 | NOI - 40077 | | |
| Total : | \$225.00 | | | |

Notes
Payment for NOIs 40077;
40078; 40079; 40080;
40081; 40082; 40083;
40084; 40084; 40085

Excess Remit 12/27/17 C Cooper

12/19/2017

1

JT APP 3595

SE ROA 3548

ORIGINAL
FILE WITH DIVISION OF
WATER RESOURCES

NOTICE OF INTENT

No. 40082

Today's Date:

12-15-17

Intended Start Date

01-12-18

Well ID (if applicable)

Type of Work to be Done:

Drilling:

☒

Deepening:

☐

Reconditioning:

☐

Plugging:

☐

Is this a replacement well?

Yes ☐

No ☒

If there is an existing well, what is the well log number?

Proposed use of well:

Domestic

Diameter of well:

6

inches

Number of wells

1

If this well is a domestic well, is it located within a water purveyor's service area?

Yes ☐

No ☒

If yes, what is the DOM waiver

If this is a monitor well required by another government agency, what is the facility ID number?

Agency

If this well is being completed under a waiver, please provide the corresponding waiver number:

If a water right is associated with this well, what is the permit number?

Location of the well by Public Land Survey:

N/E

1/4

N/E

1/4

Sec.

34

T

19

N/S

R

53

E

Latitude:

36.26138

UTM E

☐ NAD 27

Longitude:

-115.99751

or

UTM N

☐ NAD 83/WGS 84

Address at well location:

2851 N. Natalia Ln.

Assessor Parcel Number:

29-624-03

County:

Nye

Subdivision Name:

Wm Moore Ras

Name of Client:

Dale Winterton

Address of Client:

P.O. Box 1123, Riverside, CA 92502

Contractor's License Number:

40277

On-Site Driller's License Number:

2086

Company Name and Address:

SCC, 5801 S. Homestead, Pahang, NV 89048

Need Log Forms ☐

Need Intent Cards ☐

Driller's Signature:

Rory [Signature]

(Rev 1-14)

DCNR/DWR/SNBO
RECEIVED

DEC 19 2017

JT APP 3596

SE ROA 3549



DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES

400 Shadow Lane, Suite 201
Las Vegas, Nevada 89106
(702) 486-2770 • Fax (702) 486-2781
<http://water.nv.gov>

Date: December 21, 2017

Larry Strickland
Strickland Construction
Driller's License Number: 2086

RE: Notice of Intent Card No. 40082

This is written notification to inform you that the notice of intent card listed above for the drilling of one (1) domestic well is **NOT ACCEPTED** due to the following:

- NOI payment (\$25 per card) is ☐ missing ☐ invalid
- Work performed is ☐ missing ☐ invalid
- Proposed use of well is ☐ missing ☐ invalid
- Client information is ☐ missing ☐ invalid
- Location of the well (legal description, GPS coordinates) is ☐ missing ☐ invalid
- Parcel number is ☐ missing ☐ invalid
- Address at well location is ☐ missing ☐ invalid
- Permit number is ☐ missing ☐ invalid
- Waiver number or NDEP Facility ID Number is ☐ missing ☐ invalid
- Driller's signature is required ☐

Other : Order 1293

Please be advised that **NO WORK SHALL BE PERFORMED.**

If you have any questions or comments, please contact Christi Cooper at (702) 486-2770.

Sincerely,

Christi Cooper

Christi Cooper
Well Supervisor

NYE COUNTY

[Assessor Home](#)
[Personal Property](#)
[Sales Data](#)
[Secured Tax Inquiry](#)
[Recorder Website](#)

Parcel Detail for Parcel # 029-624-03

Location

Property Location 2851 N NATALIA LN
 Town PAHRUMP
 District 6.1 - PAHRUMP 1
 Subdivision WM MOORE ROS Lot 11 Block A
 Property Name B.A L.11 3.92AC

[Add'l Addresses](#)
[Assessor Maps](#)
[Legal Description](#)

Ownership

Assessed Owner Name WINTERTON,DALE D & JOYCE E
 Mailing Address P O BOX 1123
 Add'l Owners RIVERSIDE, CA 92502-1123
 Legal Owner Name WINTERTON,DALE D & JOYCE E
 Vesting Doc #, Date 00/00/00 Year / Book / Page
 Map Document #s

[Ownership History](#)
[Document History](#)

Description

Total Acres 3.920 Square Feet 0
 Ag Acres .000 W/R Acres .000

Improvements

| | | |
|--------------------------------------|------------------------|--------------------------|
| Single-family Detached 0 | Non-dwelling Units 0 | Bedrooms / Baths 0 / .00 |
| Single-family Attached 0 | Mobile Home Hookups 3 | Stories .0 |
| Multiple-family Units 0 | Wells 1 | Garage Square Ft... 0 |
| Mobile Homes 0 | Septic Tanks 1 | Attached / Detached |
| Total Dwelling Units 0 | Buildings Sq Ft 0 | |
| | Residence Sq Ft 0 | |
| Improvement List | Basement Sq Ft 0 | Basement |
| Improvement Sketches | Finished Basement SF 0 | Bedrooms / Baths 0 / .00 |

Appraisal Classifications

Current Land Use Code 320 [Code Table](#)

Zoning Code(s) RH-4.5 062007

Re-appraisal Group 3 Re-appraisal Year 2013
 Original Construction Year Weighted Year

Assessed Valuation

| Assessed Values | 2018-19 | 2017-18 | 2016-17 |
|---------------------------|---------------|---------------|---------------|
| Land | 3,930 | 3,930 | 3,930 |
| Improvements | 21,109 | 16,808 | 14,638 |
| Personal Property | 0 | 0 | 0 |
| Ag Land | 0 | 0 | 0 |
| Exemptions | 0 | 0 | 0 |
| Net Assessed Value | 25,039 | 20,738 | 18,568 |

Increased (New) Values

| | | | |
|-------------------|---|---|---|
| Land | 0 | 0 | 0 |
| Improvements | 0 | 0 | 0 |
| Personal Property | 0 | 0 | 0 |

Taxable Valuation

| Taxable Values | 2018-19 | 2017-18 | 2016-17 |
|--------------------------|---------------|---------------|---------------|
| Land | 11,229 | 11,229 | 11,229 |
| Improvements | 60,311 | 48,023 | 41,823 |
| Personal Property | 0 | 0 | 0 |
| Ag Land | 0 | 0 | 0 |
| Exemptions | 0 | 0 | 0 |
| Net Taxable Value | 71,540 | 59,251 | 53,051 |

Increased (New) Values

| | | | |
|-------------------|---|---|---|
| Land | 0 | 0 | 0 |
| Improvements | 0 | 0 | 0 |
| Personal Property | 0 | 0 | 0 |

[Back to Search List](#)

DCNR/DWR/CNBO
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JT APP 3598

SE ROA 3551

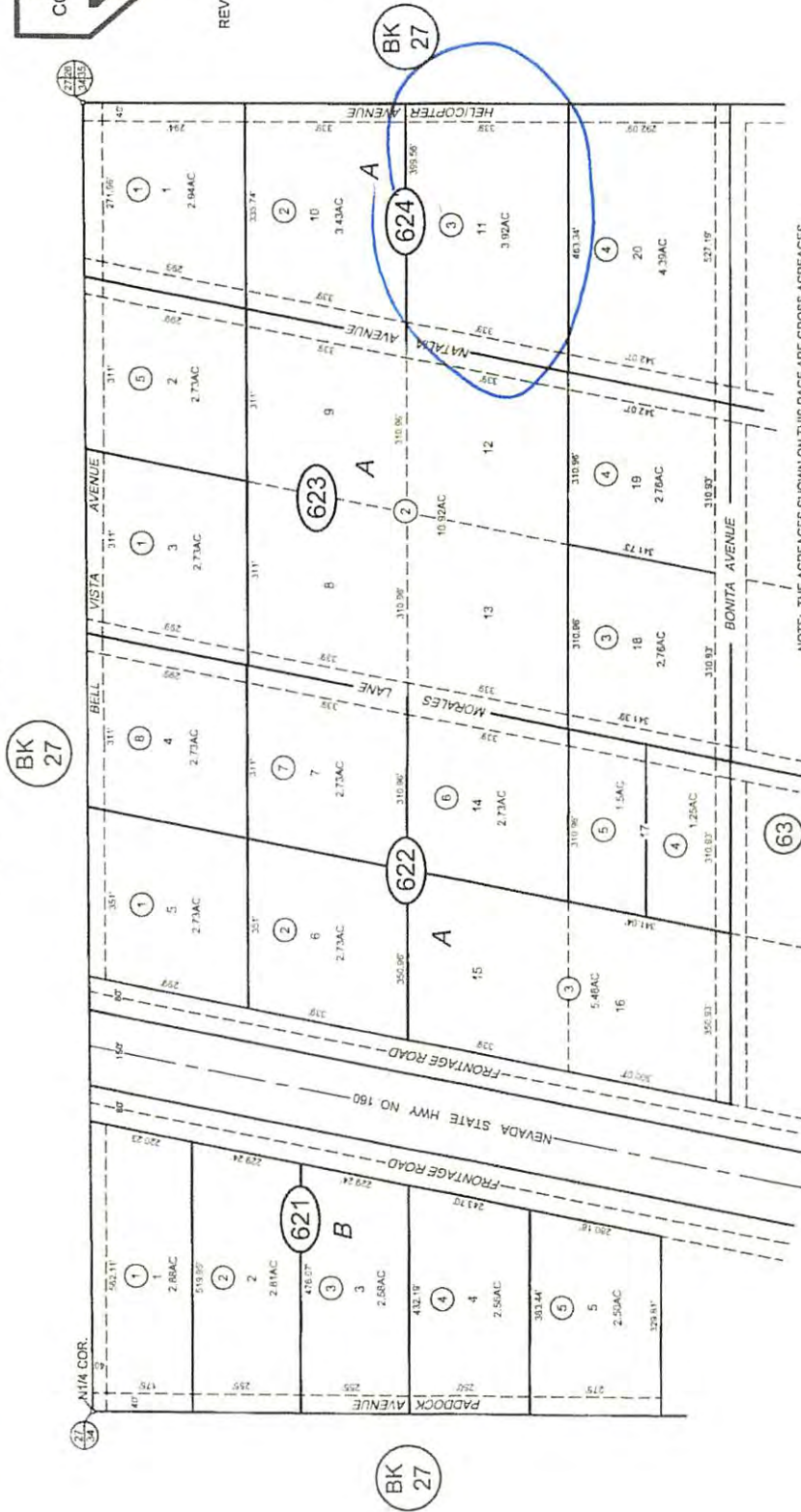
DCNR/DWR/CNSO
RECEIVED
DEC 19 2017

T.19S., R.53E.
POR. OF SECTION 34

29-62



REV. 09-24-04
11-22-05



NOTE: THE ACRES SHOWN ON THIS PAGE ARE GROSS ACRES

NOTE: THIS PLAT IS FOR ASSESSMENT USE ONLY AND
DOES NOT REPRESENT A SURVEY. NO LIABILITY IS
ASSUMED AS TO THE ACCURACY OF THE DATA
DELINEATED HEREON.

JUN81/WTB-jvh
CAD FILE 07-06-04/CM
NYE COUNTY ASSESSOR

E:\plant\tech\APN Books\Updates 7-15-05 to 29-62-05\1122-ng.dwg, 12/12/2005 1:42:53 PM

WM MOORE ROS

BRIAN SANDOVAL
Governor

BRADLEY CROWELL
Director

STATE OF NEVADA



JASON KING, P.E.
State Engineer

JOHN GUILLORY, P.E.
Supervising Engineer

**DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES
SOUTHERN NEVADA BRANCH OFFICE**

400 Shadow Lane, Suite 201
Las Vegas, Nevada 89106
(702) 486-2770 • Fax (702) 486-2781
<http://water.nv.gov>

December 29th, 2017

Strickland Construction Co. Inc.
5801 South Homestead Road
Pahrump, NV 89048

RE: NOI Excess Remit

Dear Strickland Construction Co. Inc.,

The Division of Water Resources Southern Nevada Branch Office has received your Notice of Intent to drill domestic wells in Nye County. Due to Order 1293, your NOI cards have been denied.

The \$225.00 filing fee received under receipt No. 36136 will be excess remitted to Strickland Construction Co Inc. under a separate cover, at a later date.

Sincerely,

A handwritten signature in blue ink that reads "Christi Cooper".

Christi Cooper
Well Supervisor

JT APP 3600

SE ROA 3553



Division of Water Resources
Receipt for Payment



Strickland Construction Co. Inc.
5801 South Homestead Road
Pahrump, NV 89048

Check #: 24531
Check Date: 12/15/2017
Date Received: 12/19/2017
Receipt #: 36136

| FY | Amount | Permit # | Invoice # | Fee Type/Fee desc |
|----|---------|-------------|-----------|-------------------|
| | \$25.00 | NOI - 40083 | | |
| | \$25.00 | NOI - 40084 | | |
| | \$25.00 | NOI - 40085 | | |
| | \$25.00 | NOI - 40082 | | |
| | \$25.00 | NOI - 40081 | | |
| | \$25.00 | NOI - 40080 | | |
| | \$25.00 | NOI - 40079 | | |
| | \$25.00 | NOI - 40078 | | |
| | \$25.00 | NOI - 40077 | | |

Total : \$225.00

Notes
Payment for NOIs 40077;
40078; 40079; 40080;
40081; 40082; 40083;
40084; 40084; 40085

Excess Remit 12/27/17 Cooper

12/19/2017

1

JT APP 3601

SE ROA 3554

ORIGINAL
FILE WITH DIVISION OF
WATER RESOURCES

NOTICE OF INTENT

No. 40083

Today's Date: 12-15-17

Intended Start Date: 01-30-18

Type of Work to be Done: Drilling ☒ Deepening: ☐ Reconditioning: ☐ Plugging ☐ Well ID (if applicable) _____

Is this a replacement well? Yes ☐ No ☒ If there is an existing well, what is the well log number? _____

Proposed use of well: Domestic Diameter of well: 6 inches Number of wells: 1

If this well is a domestic well, is it located within a water purveyor's service area? Yes ☐ No ☒ If yes, what is the DOM waiver: _____

If this is a monitor well required by another government agency, what is the facility ID number? _____ Agency: _____

If this well is being completed under a waiver, please provide the corresponding waiver number: _____

If a water right is associated with this well, what is the permit number? _____

Location of the well by Public Land Survey: N/W 1/4 S/W 1/4 Sec. 8 T. 21 N. R. 54 E

Latitude: 36.13593 UTM E _____ ☐ NAD 27

Longitude: -115.95521 UTM N _____ ☐ NAD 83/WGS 84

Address at well location: 3091 E. Zolli Ave

Assessor Parcel Number: 45-084-02

County: Nye Subdivision Name: _____

Name of Client: Larry and Debra Strickland

Address of Client: 5801 S. Homestead, Pahrump, NV 89048

Contractor's License Number: 40277 On-Site Driller's License Number: 2186

Company Name and Address: SCC, 5801 S. Homestead, Pahrump, NV 89048

Need Log Forms ☐ Need Intent Cards ☐

(Rev. 1-14) Driller's Signature: Larry Strickland

DCNR/DWR/SNBO
RECEIVED
DEC 19 2017

JT APP 3602

SE ROA 3555



DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES

400 Shadow Lane, Suite 201
Las Vegas, Nevada 89106
(702) 486-2770 • Fax (702) 486-2781
<http://water.nv.gov>

Date: December 21, 2017

Larry Strickland
Strickland Construction
Driller's License Number: 2086

RE: Notice of Intent Card No. 40083

This is written notification to inform you that the notice of intent card listed above for the drilling of one (1) domestic well is **NOT ACCEPTED** due to the following:

- NOI payment (\$25 per card) is ☐ missing ☐ invalid
- Work performed is ☐ missing ☐ invalid
- Proposed use of well is ☐ missing ☐ invalid
- Client information is ☐ missing ☐ invalid
- Location of the well (legal description, GPS coordinates) is ☐ missing ☐ invalid
- Parcel number is ☐ missing ☐ invalid
- Address at well location is ☐ missing ☐ invalid
- Permit number is ☐ missing ☐ invalid
- Waiver number or NDEP Facility ID Number is ☐ missing ☐ invalid
- Driller's signature is required ☐

Other : Order 1293

Please be advised that **NO WORK SHALL BE PERFORMED.**

If you have any questions or comments, please contact Christi Cooper at (702) 486-2770.

Sincerely,

A handwritten signature in blue ink that reads "Christi Cooper".

Christi Cooper
Well Supervisor

NYE COUNTY



[Assessor Home](#)
[Personal Property](#)
[Sales Data](#)
[Secured Tax Inquiry](#)
[Recorder Website](#)

Parcel Detail for Parcel # 045-084-02

Location

Property Location 3091 E ZOLIN AVE
 Town PAHRUMP
 District 6.5 - PAHRUMP 5
 Subdivision Lot Block
 Property Name F#440621 P.2 .91AC

[Add'l Addresses](#)

[Assessor Maps](#)

[Legal Description](#)

Ownership

Assessed Owner Name STRICKLAND, LARRY D & DEBRA L
 Mailing Address 5801 HOMESTEAD RD
 Add'l Owners PAHRUMP, NV 89048-7523

[Ownership History](#)

[Document History](#)

Legal Owner Name STRICKLAND, LARRY D & DEBRA L
 Vesting Doc #, Date 677431 01/23/07 Year / Book / Page
 Map Document #s

Description

Total Acres .910 Square Feet 0
 Ag Acres .000 W/R Acres .000

Improvements

| | | |
|--------------------------|------------------------|--------------------------|
| Single-family Detached 0 | Non-dwelling Units 0 | Bedrooms / Baths 0 / .00 |
| Single-family Attached 0 | Mobile Home Hookups 0 | Stories .0 |
| Multiple-family Units 0 | Wells 0 | Garage Square Ft... 0 |
| Mobile Homes 0 | Septic Tanks 0 | Attached / Detached |
| Total Dwelling Units 0 | Buildings Sq Ft 0 | |
| | Residence Sq Ft 0 | |
| | Basement Sq Ft 0 | Basement |
| | Finished Basement SF 0 | Bedrooms / Baths 0 / .00 |

[Improvement List](#)

[Improvement Sketches](#)

Appraisal Classifications

Current Land Use Code 280 [Code Table](#)

Zoning Code(s) VR-20 062007

Re-appraisal Group 2 Re-appraisal Year 2017
 Original Construction Year 2001 Weighted Year

Assessed Valuation

| Assessed Values | 2018-19 | 2017-18 | 2016-17 |
|---------------------------|--------------|--------------|--------------|
| Land | 2,646 | 2,646 | 2,646 |
| Improvements | 573 | 400 | 398 |
| Personal Property | 0 | 0 | 0 |
| Ag Land | 0 | 0 | 0 |
| Exemptions | 0 | 0 | 0 |
| Net Assessed Value | 3,219 | 3,046 | 3,044 |

Increased (New) Values

| | | | |
|-------------------|---|---|---|
| Land | 0 | 0 | 0 |
| Improvements | 0 | 0 | 0 |
| Personal Property | 0 | 0 | 0 |

Taxable Valuation

| Taxable Values | 2018-19 | 2017-18 | 2016-17 |
|--------------------------|--------------|--------------|--------------|
| Land | 7,560 | 7,560 | 7,560 |
| Improvements | 1,637 | 1,143 | 1,137 |
| Personal Property | 0 | 0 | 0 |
| Ag Land | 0 | 0 | 0 |
| Exemptions | 0 | 0 | 0 |
| Net Taxable Value | 9,197 | 8,703 | 8,697 |

Increased (New) Values

| | | | |
|-------------------|---|---|---|
| Land | 0 | 0 | 0 |
| Improvements | 0 | 0 | 0 |
| Personal Property | 0 | 0 | 0 |

[Back to Search List](#)

DCNR/DWR/SNBO
 RECEIVED
 DEC 19 2017

JT APP 3604

SE ROA 3557

BRIAN SANDOVAL
Governor

BRADLEY CROWELL
Director

STATE OF NEVADA



JASON KING, P.E.
State Engineer

JOHN GUILLORY, P.E.
Supervising Engineer

**DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES
SOUTHERN NEVADA BRANCH OFFICE**

400 Shadow Lane, Suite 201
Las Vegas, Nevada 89106
(702) 486-2770 • Fax (702) 486-2781
<http://water.nv.gov>

December 29th, 2017

Strickland Construction Co. Inc.
5801 South Homestead Road
Pahrump, NV 89048

RE: NOI Excess Remit

Dear Strickland Construction Co. Inc.,

The Division of Water Resources Southern Nevada Branch Office has received your Notice of Intents to drill domestic wells in Nye County. Due to Order 1293, your NOI cards have been denied.

The \$225.00 filing fee received under receipt No. 36136 will be excess remitted to Strickland Construction Co Inc. under a separate cover, at a later date.

Sincerely,

A handwritten signature in blue ink that reads "Christi Cooper".

Christi Cooper
Well Supervisor

JT APP 3605

SE ROA 3558



Division of Water Resources
Receipt for Payment



Strickland Construction Co. Inc.
5801 South Homestead Road
Pahrump, NV 89048

Check #: 24531
Check Date: 12/15/2017
Date Received: 12/19/2017
Receipt #: 36136

| FY | Amount | Permit # | Invoice # | Fee Type/Fee desc |
|----|---------|-------------|-----------|-------------------|
| | \$25.00 | NOI - 40083 | | |
| | \$25.00 | NOI - 40084 | | |
| | \$25.00 | NOI - 40085 | | |
| | \$25.00 | NOI - 40082 | | |
| | \$25.00 | NOI - 40081 | | |
| | \$25.00 | NOI - 40080 | | |
| | \$25.00 | NOI - 40079 | | |
| | \$25.00 | NOI - 40078 | | |
| | \$25.00 | NOI - 40077 | | |

Total : \$225.00

Notes
Payment for NOIs 40077;
40078; 40079; 40080;
40081; 40082; 40083;
40084; 40084; 40085

Excess Remit 12/27/17 C Cooper

12/19/2017

1

JT APP 3606

SE ROA 3559

CHECKLIST
FILE WITH DIVISION OF
WATER RESOURCES

NOTICE OF INTENT

No. 40084

Today's Date: 12-15-17

Intended Start Date: 01-30-18

Type of Work to be Done: Drilling ☒ Deepening ☐ Reconditioning ☐ Plugging ☐ Well ID (if applicable) ☐

Is this a replacement well? Yes ☐ No ☒ If there is an existing well, what is the well log number? _____

Proposed use of well: Domestic Diameter of well: 4 inches Number of wells: 1

If this well is a domestic well, is it located within a water purveyor's service area? Yes ☐ No ☒ If yes, what is the DOM waiver? _____

If this is a monitor well required by another government agency, what is the facility ID number? _____ Agency: _____

If this well is being completed under a waiver, please provide the corresponding waiver number: _____

If a water right is associated with this well, what is the permit number? _____

Location of the well by Public Land Survey: NW 1/4 S1W 1/4 Sec 8 T 21 N6 R 54 E

Latitude: 36.13593 UTM E _____ NAD 27 ☐ NAD 83WGS 84 ☐

Longitude: -115.95477 UTM N _____

Address at well location: 3121 E. Zola Ave. 45-084-03

Assessor Parcel Number: 45-084-03

County: Nye Subdivision Name: _____

Name of Client: Lavin and Debra Strickland

Address of Client: 5801 S. Homestead, Pahrump, NV 89048

Contractor's License Number: 40271 On-Site Driller's License Number: 2081

Company Name and Address: 5801 S. Homestead, Pahrump, NV 89048

Need Log Forms ☐ Need Intent Cards ☐ Driller's Signature: K. New Strickland

DCNR/DWR/SNBO
RECEIVED
DEC 19 2017



DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES

400 Shadow Lane, Suite 201
Las Vegas, Nevada 89106
(702) 486-2770 • Fax (702) 486-2781
<http://water.nv.gov>

Date: December 20, 2017

Larry Strickland
Strickland Construction
Driller's License Number: 2086

RE: Notice of Intent Card No. 40084

This is written notification to inform you that the notice of intent card listed above for the drilling of one (1) domestic well is **NOT ACCEPTED** due to the following:

- NOI payment (\$25 per card) is ☐ missing ☐ invalid
- Work performed is ☐ missing ☐ invalid
- Proposed use of well is ☐ missing ☐ invalid
- Client information is ☐ missing ☐ invalid
- Location of the well (legal description, GPS coordinates) is ☐ missing ☐ invalid
- Parcel number is ☐ missing ☐ invalid
- Address at well location is ☐ missing ☐ invalid
- Permit number is ☐ missing ☐ invalid
- Waiver number or NDEP Facility ID Number is ☐ missing ☐ invalid
- Driller's signature is required ☐

Other : Order 1293

Please be advised that **NO WORK SHALL BE PERFORMED.**
If you have any questions or comments, please contact Christi Cooper at (702) 486-2770.

Sincerely,

Christi Cooper

Christi Cooper
Well Supervisor

NYE COUNTY



[Assessor Home](#)
[Personal Property](#)
[Sales Data](#)
[Secured Tax Inquiry](#)
[Recorder Website](#)

Parcel Detail for Parcel # 045-084-03

Location

Property Location 3121 E ZOLIN AVE
 Town PAHRUMP
 District 6.5 - PAHRUMP 5
 Subdivision Lot Block
 Property Name F#440621 P.3 .91AC

[Add'l Addresses](#)

[Assessor Maps](#)

[Legal Description](#)

Ownership

Assessed Owner Name STRICKLAND,LARRY D & DEBRA L

Mailing Address 5801 HOMESTEAD RD

Add'l Owners PAHRUMP, NV 89048-7523

[Ownership History](#)

[Document History](#)

Legal Owner Name STRICKLAND,LARRY D & DEBRA L

Vesting Doc #, Date 677433 01/23/07 Year / Book / Page

Map Document #s

Description

Total Acres .910 Square Feet 0
 Ag Acres .000 W/R Acres .000

Improvements

| | | |
|--------------------------|------------------------|--------------------------|
| Single-family Detached 0 | Non-dwelling Units 0 | Bedrooms / Baths 0 / .00 |
| Single-family Attached 0 | Mobile Home Hookups 0 | Stories .0 |
| Multiple-family Units 0 | Wells 0 | Garage Square Ft... 0 |
| Mobile Homes 0 | Septic Tanks 0 | Attached / Detached |
| Total Dwelling Units 0 | Buildings Sq Ft 0 | |
| | Residence Sq Ft 0 | |
| | Basement Sq Ft 0 | Basement |
| | Finished Basement SF 0 | Bedrooms / Baths 0 / .00 |

[Improvement List](#)

[Improvement Sketches](#)

Appraisal Classifications

Current Land Use Code 100 [Code Table](#)

Zoning Code(s) VR-20 062007

Re-appraisal Group 2 Re-appraisal Year 2017
 Original Construction Year Weighted Year

Assessed Valuation

| Assessed Values | 2018-19 | 2017-18 | 2016-17 |
|---------------------------|--------------|--------------|--------------|
| Land | 2,646 | 2,646 | 2,646 |
| Improvements | 0 | 0 | 0 |
| Personal Property | 0 | 0 | 0 |
| Ag Land | 0 | 0 | 0 |
| Exemptions | 0 | 0 | 0 |
| Net Assessed Value | 2,646 | 2,646 | 2,646 |

Increased (New) Values

| | | | |
|-------------------|---|---|---|
| Land | 0 | 0 | 0 |
| Improvements | 0 | 0 | 0 |
| Personal Property | 0 | 0 | 0 |

Taxable Valuation

| Taxable Values | 2018-19 | 2017-18 | 2016-17 |
|--------------------------|--------------|--------------|--------------|
| Land | 7,560 | 7,560 | 7,560 |
| Improvements | 0 | 0 | 0 |
| Personal Property | 0 | 0 | 0 |
| Ag Land | 0 | 0 | 0 |
| Exemptions | 0 | 0 | 0 |
| Net Taxable Value | 7,560 | 7,560 | 7,560 |

Increased (New) Values

| | | | |
|-------------------|---|---|---|
| Land | 0 | 0 | 0 |
| Improvements | 0 | 0 | 0 |
| Personal Property | 0 | 0 | 0 |

[Back to Search List](#)

DCNR/DWR/SNBO
 RECEIVED
 DEC 19 2017

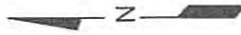
JT APP 3609

SE ROA 3562

45-08



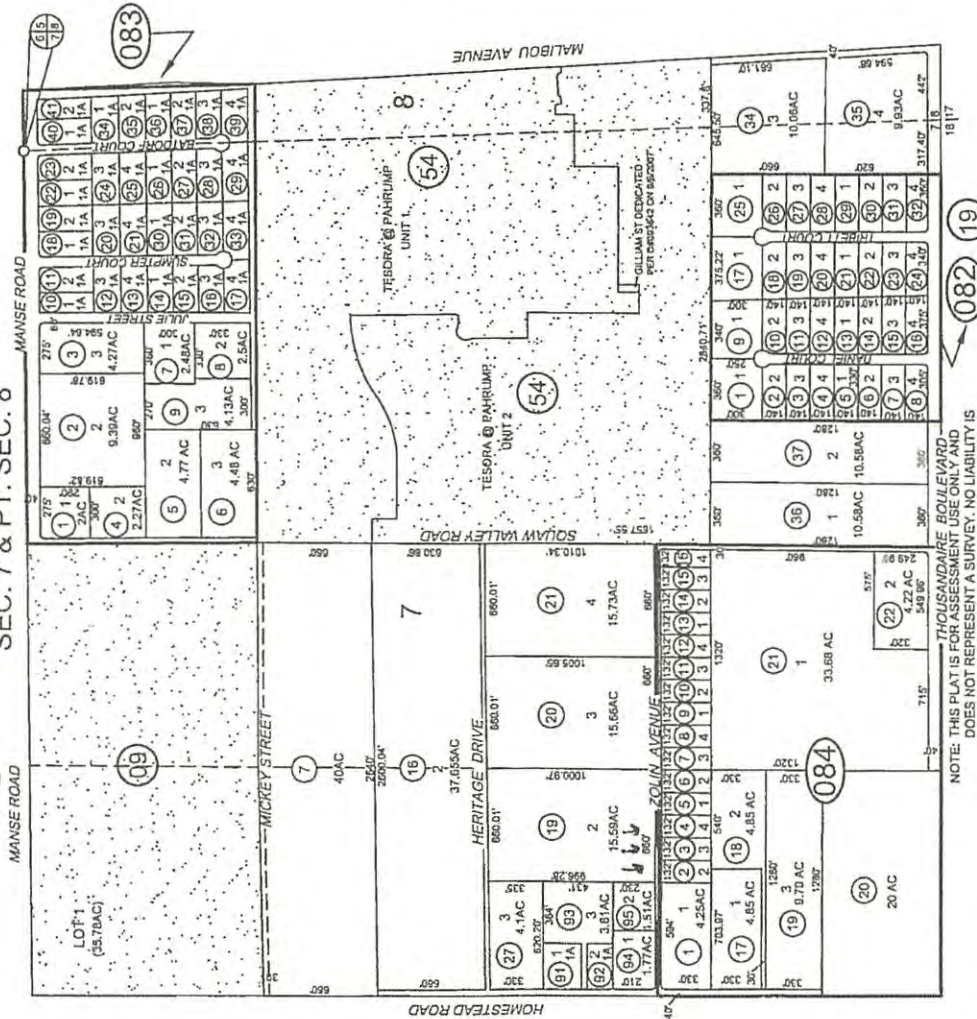
REV. 08-27-84
07-08-85
09-28-85
03-06-86
11-16-88
07-14-89
06-04-92
08-11-93
04-28-95
05-15-95
06-15-95
02-08-96
06-07-96
03-13-98
03-17-98
04-09-98
04-14-98
04-25-98
06-22-98
07-07-98
08-04-98
05-17-99
11-30-99
03-10-99
07-25-00
11-21-02
11-02-06
07-08-07
09-18-07
01-11-10
05-17-13



PLAN DOWNHONBO
RECEIVED
DEC 19 2017

T.21S., R.54E.
SEC. 7 & PT. SEC. 8

04



NOTE: THIS PLAT IS FOR ASSESSMENT USE ONLY AND DOES NOT REPRESENT A SURVEY. NO LIABILITY IS ASSUMED AS TO THE ACCURACY OF THE DATA DELINEATED HEREON.

JUNE 82MTB-jdh
CAD FILE 7-25-00DD
NYE COUNTY ASSESSOR
\\315-pah\users\ldorrick\APN Books\UPDATES 2012.07.01 T045-08-130516-dc.dwg, 5/20/2013 4:46:02 PM

JT APP 3610

SE ROA 3563

BRIAN SANDOVAL
Governor

BRADLEY CROWELL
Director

STATE OF NEVADA



JASON KING, P.E.
State Engineer

JOHN GUILLORY, P.E.
Supervising Engineer

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES
SOUTHERN NEVADA BRANCH OFFICE

400 Shadow Lane, Suite 201
Las Vegas, Nevada 89106
(702) 486-2770 • Fax (702) 486-2781
<http://water.nv.gov>

December 29th, 2017

Strickland Construction Co. Inc.
5801 South Homestead Road
Pahrump, NV 89048

RE: NOI Excess Remit

Dear Strickland Construction Co. Inc.,

The Division of Water Resources Southern Nevada Branch Office has received your Notice of Intent to drill domestic wells in Nye County. Due to Order 1293, your NOI cards have been denied.

The \$225.00 filing fee received under receipt No. 36136 will be excess remitted to Strickland Construction Co Inc. under a separate cover, at a later date.

Sincerely,

A handwritten signature in blue ink that reads "Christi Cooper".

Christi Cooper
Well Supervisor

JT APP 3611

SE ROA 3564



Division of Water Resources
Receipt for Payment



Strickland Construction Co. Inc.
5801 South Homestead Road
Pahrump, NV 89048

Check #: 24531
Check Date: 12/15/2017
Date Received: 12/19/2017
Receipt #: 36136

| FY | Amount | Permit # | Invoice # | Fee Type/Fee desc |
|----|---------|-------------|-----------|-------------------|
| | \$25.00 | NOI - 40083 | | |
| | \$25.00 | NOI - 40084 | | |
| | \$25.00 | NOI - 40085 | | |
| | \$25.00 | NOI - 40082 | | |
| | \$25.00 | NOI - 40081 | | |
| | \$25.00 | NOI - 40080 | | |
| | \$25.00 | NOI - 40079 | | |
| | \$25.00 | NOI - 40078 | | |
| | \$25.00 | NOI - 40077 | | |

Total : \$225.00

Notes
Payment for NOIs 40077;
40078; 40079; 40080;
40081; 40082; 40083;
40084; 40084; 40085

Excess Remit 12/27/17 CC

12/19/2017

1

JT APP 3612

SE ROA 3565

ORIGINAL
FILE WITH DIVISION OF
WATER RESOURCES

NOTICE OF INTENT

No. 40085

Today's Date: _____

Intended Start Date: _____

Type of Work to be Done: Drilling: ☐ Deepening ☐ Reconditioning: ☐ Plugging: ☐ Well ID (if applicable): _____

Is this a replacement well? Yes ☐ No ☐

If there is an existing well, what is the well log number? _____

Proposed use of well: _____

Diameter of well: _____ inches

Number of wells: _____

If this well is a domestic well, is it located within a water purveyor's service area? Yes ☐ No ☐ If yes, what is the DOM waiver: _____

If this is a monitor well required by another government agency, what is the facility ID number? _____ Agency: _____

If this well is being completed under a waiver, please provide the corresponding waiver number: _____

If a water right is associated with this well, what is the permit number? _____

Location of the well by Public Land Survey: NW 1/4 S 1/4 Sec. 8 T 21 N 54 E

Latitude: 36.13592

UTM E

☐ NAD 27

Longitude: -115.95433

or

UTM N

☐ NAD 83/WGS 84

Address at well location: 3151 E. Zolita Ave.

Assessor Parcel Number: 45-084-04

County: Nye

Subdivision Name: _____

Name of Client: Larry and Debra Strickland

Address of Client: 5801 S. Homestead, Pahump, NV 89048

Contractor's License Number: 40217

On-Site Driller's License Number: 2086

Company Name and Address: SCC, 5801 S. Homestead, Pahump, NV 89048

Need Log Forms ☐

Need Intent Cards ☐

(Rev 1-14)

Driller's Signature: Larry Strickland

DCNR/DWR/SNBO
RECEIVED

DEC 19 2017

JT APP 3613

SE ROA 3566

AN SANDOVAL
Governor

STATE OF NEVADA



BRADLEY CROWELL
Director

JASON KING, P.E.
State Engineer

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES

400 Shadow Lane, Suite 201
Las Vegas, Nevada 89106
(702) 486-2770 • Fax (702) 486-2781
<http://water.nv.gov>

Date: December 21, 2017

Larry Strickland
Strickland Construction
Driller's License Number: 2086

RE: Notice of Intent Card No. 40085

This is written notification to inform you that the notice of intent card listed above for the drilling of one (1) domestic well is **NOT ACCEPTED** due to the following:

- NOI payment (\$25 per card) is ☐ missing ☐ invalid
- Work performed is ☐ missing ☐ invalid
- Proposed use of well is ☐ missing ☐ invalid
- Client information is ☐ missing ☐ invalid
- Location of the well (legal description, GPS coordinates) is ☐ missing ☐ invalid
- Parcel number is ☐ missing ☐ invalid
- Address at well location is ☐ missing ☐ invalid
- Permit number is ☐ missing ☐ invalid
- Waiver number or NDEP Facility ID Number is ☐ missing ☐ invalid
- Driller's signature is required ☐

Other : Order 1293

Please be advised that **NO WORK SHALL BE PERFORMED.**
If you have any questions or comments, please contact Christi Cooper at (702) 486-2770.

Sincerely,

Christi Cooper

Christi Cooper
Well Supervisor

JT APP 3614

SE ROA 3567

NYE COUNTY



[Assessor Home](#)
[Personal Property](#)
[Sales Data](#)
[Secured Tax Inquiry](#)
[Recorder Website](#)

Parcel Detail for Parcel # 045-084-04

Location

Property Location 3151 E ZOLIN AVE
 Town PAHRUMP
 District 6.5 - PAHRUMP 5
 Subdivision Lot Block
 Property Name F#440621 P.4 .91AC

[Add'l Addresses](#)

[Assessor Maps](#)

[Legal Description](#)

Ownership

Assessed Owner Name STRICKLAND, LARRY D & DEBRA L

Mailing Address 5801 S HOMESTEAD RD
 Add'l Owners PAHRUMP, NV 89048-7523

[Ownership History](#)

[Document History](#)

Legal Owner Name STRICKLAND, LARRY D & DEBRA L

Vesting Doc #, Date 662290 07/07/06 Year / Book / Page

Map Document #s

Description

Total Acres .910 Square Feet 0
 Ag Acres .000 W/R Acres .000

Improvements

| | | |
|--------------------------|------------------------|--------------------------|
| Single-family Detached 0 | Non-dwelling Units 0 | Bedrooms / Baths 0 / .00 |
| Single-family Attached 0 | Mobile Home Hookups 1 | Stories .0 |
| Multiple-family Units 0 | Wells 1 | Garage Square Ft... 0 |
| Mobile Homes 0 | Septic Tanks 1 | Attached / Detached |
| Total Dwelling Units 0 | Buildings Sq Ft 0 | |
| | Residence Sq Ft 0 | |
| | Basement Sq Ft 0 | Basement |
| | Finished Basement SF 0 | Bedrooms / Baths 0 / .00 |

[Improvement List](#)

[Improvement Sketches](#)

Appraisal Classifications

Current Land Use Code 280 [Code Table](#)

Zoning Code(s) VR-20 062007

Re-appraisal Group 2 Re-appraisal Year 2017
 Original Construction Year Weighted Year

Assessed Valuation

| Assessed Values | 2018-19 | 2017-18 | 2016-17 |
|---------------------------|--------------|--------------|--------------|
| Land | 2,646 | 2,646 | 2,646 |
| Improvements | 3,987 | 3,872 | 3,854 |
| Personal Property | 0 | 0 | 0 |
| Ag Land | 0 | 0 | 0 |
| Exemptions | 0 | 0 | 0 |
| Net Assessed Value | 6,633 | 6,518 | 6,500 |

Increased (New) Values

| | | | |
|-------------------|---|---|---|
| Land | 0 | 0 | 0 |
| Improvements | 0 | 0 | 0 |
| Personal Property | 0 | 0 | 0 |

Taxable Valuation

| Taxable Values | 2018-19 | 2017-18 | 2016-17 |
|--------------------------|---------------|---------------|---------------|
| Land | 7,560 | 7,560 | 7,560 |
| Improvements | 11,391 | 11,063 | 11,011 |
| Personal Property | 0 | 0 | 0 |
| Ag Land | 0 | 0 | 0 |
| Exemptions | 0 | 0 | 0 |
| Net Taxable Value | 18,951 | 18,623 | 18,571 |

Increased (New) Values

| | | | |
|-------------------|---|---|---|
| Land | 0 | 0 | 0 |
| Improvements | 0 | 0 | 0 |
| Personal Property | 0 | 0 | 0 |

[Back to Search List](#)

DCNR/DWR/SNBO
 RECEIVED
 DEC 19 2017

JT APP 3615

SE ROA 3568

BRIAN SANDOVAL
Governor

BRADLEY CROWELL
Director

STATE OF NEVADA



JASON KING, P.E.
State Engineer

JOHN GUILLORY, P.E.
Supervising Engineer

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES
SOUTHERN NEVADA BRANCH OFFICE

400 Shadow Lane, Suite 201
Las Vegas, Nevada 89106
(702) 486-2770 • Fax (702) 486-2781
<http://water.nv.gov>

December 29th, 2017

Strickland Construction Co. Inc.
5801 South Homestead Road
Pahrump, NV 89048

RE: NOI Excess Remit

Dear Strickland Construction Co. Inc.,

The Division of Water Resources Southern Nevada Branch Office has received your Notice of Intents to drill domestic wells in Nye County. Due to Order 1293, your NOI cards have been denied.

The \$225.00 filing fee received under receipt No. 36136 will be excess remitted to Strickland Construction Co Inc. under a separate cover, at a later date.

Sincerely,

A handwritten signature in blue ink that reads "Christi Cooper".

Christi Cooper
Well Supervisor



**Division of Water Resources
Receipt for Payment**



Strickland Construction Co. Inc.
5801 South Homestead Road
Pahrump, NV 89048

Check #: 24531
Check Date: 12/15/2017
Date Received: 12/19/2017
Receipt #: 36136

| FY | Amount | Permit # | Invoice # | Fee Type/Fee desc |
|----|---------|-------------|-----------|-------------------|
| | \$25.00 | NOI - 40083 | | |
| | \$25.00 | NOI - 40084 | | |
| | \$25.00 | NOI - 40085 | | |
| | \$25.00 | NOI - 40082 | | |
| | \$25.00 | NOI - 40081 | | |
| | \$25.00 | NOI - 40080 | | |
| | \$25.00 | NOI - 40079 | | |
| | \$25.00 | NOI - 40078 | | |
| | \$25.00 | NOI - 40077 | | |

Total : \$225.00

Notes
Payment for NOIs 40077;
40078; 40079; 40080;
40081; 40082; 40083;
40084; 40084; 40085

Excess Remit 12/27/17 C Cooper

12/19/2017

1

JT APP 3617

SE ROA 3570

NOTICE OF INTENT

No. 40199

Today's Date:

Dec 18, 2017

Intended Start Date:

Type of Work to be Done: Drilling: ☒ Deepening: ☐ Reconditioning: ☐ Plugging: ☐ Well ID (if applicable): ☐

Is this a replacement well? Yes ☐ No ☒ If there is an existing well, what is the well log number? ☐

Proposed use of well: DOMESTIC Diameter of well: 10 inches Number of wells: 1

If this well is a domestic well, is it located within a water purveyor's service area? Yes ☐ No ☒ If yes, what is the DOM waiver: ☐

If this is a monitor well required by another government agency, what is the facility ID number? ☐ Agency: ☐

If this well is being completed under a waiver, please provide the corresponding waiver number: ☐

If a water right is associated with this well, what is the permit number? ☐

Location of the well by Public Land Survey: SE 1/4 NW 1/4 Sec. 13 T 20-S N/S R 52 E

Latitude: N 36° 12.502' UTM E 2537' ☐ NAD 27

Longitude: W 116° 04.455' or UTM N 14' ☒ NAD 83 (WGS 84)

Address at well location: 3390 W. PROSPECTOR LN.

Assessor Parcel Number: 028-663-02

County: Nye Subdivision Name: Charleston Park Ranches

Name of Client: LESLEE, D LANG Lt. 1 Parcel 184

Address of Client: 3350 PROSPECTOR LN.

Contractor's License Number: 017563A On-Site Driller's License Number: 1324

Company Name and Address: LILPIKE WEL DRILLING LLC PO Box 56 Pahrump, NV

Need Log Forms ☐ Need Intent Cards ☐ Driller's Signature: [Signature] 84041

(Rev. 1-14)

DCNR/DWR/ISNBO
RECEIVED
DEC 19 2017

JT APP 3618

SE ROA 3571



DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES

400 Shadow Lane, Suite 201
Las Vegas, Nevada 89106
(702) 486-2770 • Fax (702) 486-2781
<http://water.nv.gov>

Date: December 21, 2017

Jim Pike
Jim Pike Well Drilling
Driller's License Number: 1324

RE: Notice of Intent Card No. 40199

This is written notification to inform you that the notice of intent card listed above for the drilling of one (1) domestic well is **NOT ACCEPTED** due to the following:

- NOI payment (\$25 per card) is ☐ missing ☐ invalid
- Work performed is ☐ missing ☐ invalid
- Proposed use of well is ☐ missing ☐ invalid
- Client information is ☐ missing ☐ invalid
- Location of the well (legal description, GPS coordinates) is ☐ missing ☐ invalid
- Parcel number is ☐ missing ☐ invalid
- Address at well location is ☐ missing ☐ invalid
- Permit number is ☐ missing ☐ invalid
- Waiver number or NDEP Facility ID Number is ☐ missing ☐ invalid
- Driller's signature is required ☐

Other : Order 1293

Please be advised that **NO WORK SHALL BE PERFORMED.**

If you have any questions or comments, please contact Christi Cooper at (702) 486-2770.

Sincerely,

Christi Cooper

Christi Cooper
Well Supervisor

IN THE SUPREME COURT OF THE STATE OF NEVADA

TIM WILSON, P.E., Nevada State
Engineer, DIVISION OF WATER
RESOURCES, DEPARTMENT OF
CONSERVATION AND NATURAL
RESOURCES,

Appellant,

vs.

PAHRUMP FAIR WATER, LLC.,
a Nevada limited-liability company;
STEVEN PETERSON, an
individual; MICHAEL LACH,
an individual; PAUL PECK,
an individual; BRUCE JABEOUR,
an individual; and GERALD
SCHULTE, an individual,

Respondents.

Electronically Filed
Feb 19 2019 01:31 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

Case No. 77722

**JOINT APPENDIX
Volume XI of XIV, pages 3518–3856**

AARON D. FORD
Attorney General
JAMES N. BOLOTIN
Deputy Attorney General
Nevada Bar No. 13829
Office of the Attorney General
100 North Carson Street
Carson City, Nevada 89701-4717
T: (775) 684-1231
E: jbolotin@ag.nv.gov
Attorney for Appellant

PAUL G. TAGGART, ESQ.
Nevada Bar No. 6136
DAVID H. RIGDON, ESQ.
Nevada Bar No. 13567
TAGGART & TAGGART, LTD.
108 North Minnesota Street
Carson City, Nevada 89703
T: (775) 882-9900
E: paul@legaltnt.com
tim@legaltnt.com
Attorneys for Respondents

| DATE | DOCUMENT DESCRIPTION | VOLUME | PAGE NOS. |
|-------------|---|---------------|------------------|
| 10/12/18 | Answering Brief filed by State Engineer | XIV | 4910–4945 |
| 12/10/18 | Ex Parte Motion for Order Shortening Time on Motion for Stay of Order Granting Petition for Judicial Review and Reversing State Engineer’s Amended Order No. 1293A Pending Appeal | XIV | 5474–5476 |
| 09/05/18 | Letter from Court & Memorandum of Temporary Assignment (Steven Kosach) | XI | 3628–3629 |
| 12/18/18 | Letter from Nye County Clerk to Nevada Supreme Court re: submittal of appeal packet | XIV | 5496–5497 |
| 09/18/18 | Memorandum of Temporary Assignment (Steven Elliott) | XIV | 4906 |
| 08/22/18 | Memorandum of Temporary Assignment (William Maddox) | I | 34–35 |
| 12/10/18 | Motion for Stay of Order Granting Petition for Judicial Review and Reversing State Engineer’s Amended Order No. 1293A Pending Appeal on Order Shortening Time | XIV | 5461–5473 |
| 12/10/18 | Notice of Appeal filed by State Engineer | XIV | 5442–5460 |
| 08/17/18 | Notice of Appeal of Nevada State Engineer Amended Order 1293A | I | 1–14 |
| 01/02/19 | Notice of Entry of Order (Denying Motion for Stay) | XIV | 5530–5539 |
| 12/07/18 | Notice of Entry of Order (Granting Petition for Judicial Review) | XIV | 5427–5441 |

| DATE | DOCUMENT DESCRIPTION | VOLUME | PAGE NOS. |
|----------|--|--------|-----------|
| 09/11/18 | Notice of Transmittal of Record on Appeal | XI | 3630–3631 |
| 09/11/18 | Opening Brief filed by Pahrump Fair Water, LLC, <i>et al.</i> (“PFW”) | XI | 3634–3655 |
| 12/18/18 | Opposition to Motion for Stay of Order Granting Petition for Judicial Review | XIV | 5498–5508 |
| 12/27/18 | Order Denying Motion for Stay | XIV | 5525–5529 |
| 12/06/18 | Order Granting Petition for Judicial Review | XIV | 5417–5426 |
| 08/31/18 | Order Granting Stipulation and Order Regarding Briefing Schedule | XI | 3622–3624 |
| 08/22/18 | Order of Recusal (Robert Lane) | I | 31–33 |
| 10/29/18 | Order Setting Hearing | XIV | 4946–4947 |
| 09/11/18 | Peremptory Challenge of Judge (Steven Kosach) filed by State Engineer | XI | 3632–3633 |
| 09/04/18 | Peremptory Challenge of Judge (William Maddox) filed by PWF | XI | 3625–3627 |
| 08/17/18 | Petition for Judicial Review | I | 15–30 |
| 11/08/18 | PowerPoint Presentation by PFW re: Petition for Judicial Review | XIV | 5137–5185 |
| 11/08/18 | PowerPoint Presentation by State Engineer re: Petition for Judicial Review | XIV | 4988–5136 |
| 12/27/18 | [Proposed] Order Denying Motion for Stay filed by PFW | XIV | 5515–5524 |

| DATE | DOCUMENT DESCRIPTION | VOLUME | PAGE NOS. |
|-------------|--|---------------|------------------|
| 12/10/18 | [Proposed] Order Granting Motion for Stay of Order Granting Petition for Judicial Review and Reversing State Engineer's Amended Order No. 1293A Pending Appeal filed by State Engineer | XIV | 5483–5493 |
| 11/26/18 | [Proposed] Order Granting Petition for Judicial Review filed by PFW | XIV | 5402–5416 |
| 11/26/18 | [Proposed] Order Granting Petition for Judicial Review filed by State Engineer | XIV | 5378–5401 |
| 12/10/18 | [Proposed] Order Shortening Time on Motion for Stay of Order Granting Petition for Judicial Review and Reversing State Engineer's Amended Order No. 1293A Pending Appeal filed by State Engineer | XIV | 5477–5482 |
| 11/01/18 | Reply Brief filed by PFW | XIV | 4955–4987 |
| 12/20/18 | Reply in Support of State Engineer's Motion for Stay of Order Granting Petition for Judicial Review and Reversing State Engineer's Amended Order No. 1293A Pending Appeal | XIV | 5509–5514 |
| 12/12/18 | Request for Submission of Ex Parte Motion for Order Shortening Time | XIV | 5494–5495 |
| 09/21/18 | Request to Set Hearing Date (re: Petition for Judicial Review) | XIV | 4907–4909 |
| 10/31/18 | Stipulation and Order for Extension of Time (re: Reply Brief) | XIV | 4948–4954 |

| DATE | DOCUMENT DESCRIPTION | VOLUME | PAGE NOS. |
|----------|--|--------|-----------|
| 08/30/18 | Summary of Record on Appeal and Bates-stamped pages SE ROA 1–3574 | I–XI | 36–3621 |
| 09/11/18 | Supplemental Record on Appeal and Bates-stamped pages SROA 1–1245 filed by PFW | XI–XIV | 3656–4905 |
| 11/08/18 | Transcript (re: Oral Arguments on Petition for Judicial Review) | XIV | 5186–5377 |

RESPECTFULLY SUBMITTED this 15th day of February, 2019.

AARON D. FORD
Attorney General

By: /s/ James N. Bolotin
JAMES N. BOLOTIN
Deputy Attorney General
Attorney for Appellant,
State Engineer

CERTIFICATE OF SERVICE

I certify that I am an employee of the Office of the Attorney General and that on this 15th day of February, 2019, I served a copy of the foregoing JOINT APPENDIX, by electronic service to:

Paul G. Taggart, Esq.
David H. Rigdon, Esq.
TAGGART & TAGGART, LTD.
108 North Minnesota Street
Carson City, Nevada 89703

/s/ Dorene A. Wright

BRIAN SANDOVAL
Governor

BRADLEY CROWELL
Director

STATE OF NEVADA



JASON KING, P.E.
State Engineer

JOHN GUILLORY, P.E.
Supervising Engineer

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES
SOUTHERN NEVADA BRANCH OFFICE

400 Shadow Lane, Suite 201
Las Vegas, Nevada 89106
(702) 486-2770 • Fax (702) 486-2781
<http://water.nv.gov>

December 29th, 2017

Jim Pike Well Drilling LLC
P.O. Box 56
Pahrump, NV 89041

RE: NOI Excess Remit

Dear Jim Pike Well Drilling LLC,

The Division of Water Resources Southern Nevada Branch Office has received your Notice of Intent to drill a domestic well in Nye County. Due to Order 1293, your NOI card has been denied.

The \$25.00 filing fee received under receipt No. 36077 will be excess remitted to Jim Pike Well Drilling LLC under a separate cover, at a later date.

Sincerely,

A handwritten signature in blue ink, appearing to read "Christi Cooper".

Christi Cooper
Well Supervisor



**Division of Water Resources
Receipt for Payment**



Jim Pike Well Drilling LLC
PO Box 56
Pahrump, NV 89041-0056

Check #: 3837
Check Date: 12/14/2017
Date Received: 12/15/2017
Receipt #: 36077

| FY | Amount | Permit # | Invoice # | Fee Type/Fee desc |
|---------|---------|-------------|-----------------------|-------------------|
| | \$25.00 | NOI - 39876 | | |
| Total : | \$25.00 | | Notes | |
| | | | Payment for NOI 39876 | |

Excess Remit 12/27/17 C. Cooper

12/15/2017

1

JT APP 3519

SE ROA 3472

ORIGINAL
FILE WITH DIVISION OF
WATER RESOURCES

NOTICE OF INTENT

No. 39877

Today's Date

Dec. 14, 2017

Intended Start Date:

Dec 22, 2017

Well ID (if applicable)

Type of Work to be Done

Drilling ☒ Deepening ☐

Reconditioning: ☐

Plugging: ☐

Is this a replacement well?

Yes ☐ No ☒

If there is an existing well, what is the well log number?

Proposed use of well

DOMESTIC

Diameter of well: 10 inches

Number of wells

1

If this well is a domestic well, is it located within a water purveyor's service area?

Yes ☐ No ☒

If yes, what is the DOM waiver

If this is a monitor well required by another government agency, what is the facility ID number?

Agency

If this well is being completed under a waiver, please provide the corresponding waiver number

If a water right is associated with this well, what is the permit number?

Location of the well by Public Land Survey

SW 1/4

SW 1/4

Sec 9

T20-S

R53 E

Latitude

N36°13'30.4"

UTM E

2569'

☐ NAD 27

Longitude

W116°01'90.9"

UTM N

141

☒ NAD 83 WGS 84

Address at well location

950 W. Alaska Way

Assessor Parcel Number

035-183-35

Subdivision Name

Cal Vegas Ranchos
Lot 15 Parcel 47

County

Nye

Name of Client

J. L. INVESTMENTS

Address of Client

1210 W. Ulrich Ct.

Contractor's License Number

017563A

On Site Driller's License Number

Company Name and Address

EMPIRE WELL DRILLING LLC PO Box 56 Pahrump NV

Need Log Forms ☐

Need Intent Cards ☐

Driller's Signature

[Signature]

(Rev 1-14)

DCNR/DWR/SNBO
RECEIVED
DEC 15 2017

JT APP 3520

SE ROA 3473



DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES

400 Shadow Lane, Suite 201
Las Vegas, Nevada 89106
(702) 486-2770 • Fax (702) 486-2781
<http://water.nv.gov>

Date: December 19, 2017

Jim Pike
Jim Pike Well Drilling
Driller's License Number: 1324

RE: Notice of Intent Card No. 39877

This is written notification to inform you that the notice of intent card listed above for the drilling of one (1) domestic well is **NOT ACCEPTED** due to the following:

- NOI payment (\$25 per card) is ☐ missing ☐ invalid
- Work performed is ☐ missing ☐ invalid
- Proposed use of well is ☐ missing ☐ invalid
- Client information is ☐ missing ☐ invalid
- Location of the well (legal description, GPS coordinates) is ☐ missing ☐ invalid
- Parcel number is ☐ missing ☐ invalid
- Address at well location is ☐ missing ☐ invalid
- Permit number is ☐ missing ☐ invalid
- Waiver number or NDEP Facility ID Number is ☐ missing ☐ invalid
- Driller's signature is required ☐

Other : Order 1293

Please be advised that **NO WORK SHALL BE PERFORMED.**

If you have any questions or comments, please contact Christi Cooper at (702) 486-2770.

Sincerely,

A handwritten signature in cursive script that reads "Christi Cooper".

Christi Cooper
Well Supervisor

BRIAN SANDOVAL
Governor

STATE OF NEVADA

JASON KING, P.E.
State Engineer

BRADLEY CROWELL
Director

JOHN GUILLORY, P.E.
Supervising Engineer



DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES
SOUTHERN NEVADA BRANCH OFFICE

400 Shadow Lane, Suite 201
Las Vegas, Nevada 89106
(702) 486-2770 • Fax (702) 486-2781
<http://water.nv.gov>

December 29th, 2017

Jim Pike Well Drilling LLC
P.O. Box 56
Pahrump, NV 89041

RE: NOI Excess Remit

Dear Jim Pike Well Drilling LLC,

The Division of Water Resources Southern Nevada Branch Office has received your Notice of Intent to drill a domestic well in Nye County. Due to Order 1293, your NOI card has been denied.

The \$25.00 filing fee received under receipt No. 36076 will be excess remitted to Jim Pike Well Drilling LLC under a separate cover, at a later date.

Sincerely,

A handwritten signature in blue ink that reads "Christi Cooper".

Christi Cooper
Well Supervisor



**Division of Water Resources
Receipt for Payment**



Jim Pike Well Drilling Llc
PO Box 56
Pahrump, NV 89041-0056

Check #: 3838
Check Date: 12/14/2017
Date Received: 12/15/2017
Receipt #: 36076

| FY | Amount | Permit # | Invoice # | Fee Type/Fee desc |
|---------|---------|-------------|-----------------------|-------------------|
| | \$25.00 | NOI - 39877 | | |
| Total : | \$25.00 | | Notes | |
| | | | Payment for NOI 39877 | |

12/15/2017

1

JT APP 3523

SE ROA 3476

ORIGINAL
FILE WITH DIVISION OF
WATER RESOURCES

NOTICE OF INTENT

No. 39878

Today's Date

Dec. 14, 2017

Intended Start Date:

Dec. 23, 2017

Well ID (if applicable)

Type of Work to be Done

Drilling ☒

Deepening ☐

Reconditioning: ☐

Plugging ☐

Is this a replacement well? Yes ☐ No ☒

If there is an existing well, what is the well log number?

Proposed use of well:

DOMESTIC

Diameter of well: 10 inches

Number of wells: 1

If this well is a domestic well, is it located within a water purveyor's service area? Yes ☐ No ☒

If yes, what is the DOM waiver:

If this is a monitor well required by another government agency, what is the facility ID number?

Agency:

If this well is being completed under a waiver, please provide the corresponding waiver number

If a water right is associated with this well, what is the permit number?

Location of the well by Public Land Survey

SW 1/4

SW 1/4

Sec 30

T 19-S N/S

R 53 E

Latitude:

N 36° 16.469'

UTM E

2563'

☐ NAD 27

Longitude:

W 116° 04.002'

UTM N

14'

☒ NAD 83 WGS 84

Address at well location

2886 W. Mc Murray Dr.

Assessor Parcel Number

029-481-20

County:

ME

Subdivision Name

Valley View Acres
LOT 13

Name of Client

THOMAS D. & Margreta F. James

Address of Client

2850 W. Mc Murray Dr.

Contractor's License Number

0175634

On-Site Driller's License Number

1324

Company Name and Address

SIMPIKE WELL Drilling LLC PO Box 56 Pahrump NV 89041

Need Log Forms ☐

Need Intent Cards ☐

Driller's Signature

Jim Rife

(Rev 1-14)

DCNR/DWR/SNBO
RECEIVED

DEC 15 2017

JT APP 3524

SE ROA 3477



DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES

400 Shadow Lane, Suite 201
Las Vegas, Nevada 89106
(702) 486-2770 • Fax (702) 486-2781
<http://water.nv.gov>

Date: December 19, 2017

Jim Pike
Jim Pike Well Drilling
Driller's License Number: 1324

RE: Notice of Intent Card No. 39878

This is written notification to inform you that the notice of intent card listed above for the drilling of one (1) domestic well is **NOT ACCEPTED** due to the following:

- NOI payment (\$25 per card) is ☐ missing ☐ invalid
- Work performed is ☐ missing ☐ invalid
- Proposed use of well is ☐ missing ☐ invalid
- Client information is ☐ missing ☐ invalid
- Location of the well (legal description, GPS coordinates) is ☐ missing ☐ invalid
- Parcel number is ☐ missing ☐ invalid
- Address at well location is ☐ missing ☐ invalid
- Permit number is ☐ missing ☐ invalid
- Waiver number or NDEP Facility ID Number is ☐ missing ☐ invalid
- Driller's signature is required ☐

Other : Order 1293

Please be advised that **NO WORK SHALL BE PERFORMED.**

If you have any questions or comments, please contact Christi Cooper at (702) 486-2770.

Sincerely,

A handwritten signature in cursive script that reads "Christi Cooper".

Christi Cooper
Well Supervisor

BRIAN SANDOVAL
Governor

BRADLEY CROWELL
Director

STATE OF NEVADA



JASON KING, P.E.
State Engineer

JOHN GUILLORY, P.E.
Supervising Engineer

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES
SOUTHERN NEVADA BRANCH OFFICE

400 Shadow Lane, Suite 201
Las Vegas, Nevada 89106
(702) 486-2770 • Fax (702) 486-2781
<http://water.nv.gov>

December 29th, 2017

Jim Pike Well Drilling LLC
P.O. Box 56
Pahrump, NV 89041

RE: NOI Excess Remit

Dear Jim Pike Well Drilling LLC,

The Division of Water Resources Southern Nevada Branch Office has received your Notice of Intent to drill a domestic well in Nye County. Due to Order 1293, your NOI card has been denied.

The \$25.00 filing fee received under receipt No. 36074 will be excess remitted to Jim Pike Well Drilling LLC under a separate cover, at a later date.

Sincerely,

A handwritten signature in blue ink that reads "Christi Cooper".

Christi Cooper
Well Supervisor



**Division of Water Resources
Receipt for Payment**



Jim Pike Well Drilling Llc
PO Box 56
Pahrump, NV 89041-0056

Check #: 3840
Check Date: 12/14/2017
Date Received: 12/15/2017
Receipt #: 36074

| FY | Amount | Permit # | Invoice # | Fee Type/Fee desc |
|---------|---------|-------------|-----------------------|-------------------|
| | \$25.00 | NOI - 39878 | | |
| Total : | \$25.00 | | Notes | |
| | | | Payment for NOI 39878 | |

12/15/2017

1

JT APP 3527

SE ROA 3480

ORIGINAL
FILE WITH DIVISION OF
WATER RESOURCES

NOTICE OF INTENT

No. 39879

Today's Date Dec 14, 2017

Intended Start Date Dec 26, 2017

Type of Work to be Done Drilling ☒ Deepening ☐ Reconditioning ☐ Plugging ☐ Well ID (if applicable) _____

Is this a replacement well? Yes ☐ No ☒ If there is an existing well, what is the well log number? _____

Proposed use of well DOMESTIC Diameter of well 10 inches Number of wells 1

If this well is a domestic well, is it located within a water purveyor's service area? Yes ☐ No ☒ If yes, what is the DOM waiver? _____

If this is a monitor well required by another government agency, what is the facility ID number? _____ Agency _____

If this well is being completed under a waiver, please provide the corresponding waiver number. _____

If a water right is associated with this well, what is the permit number? _____

Location of the well by Public Land Survey. SE 1/4 SW 1/4 Sec 33 T 20-S N/S R 53E

Latitude N 36° 09.714' UTM E 2557' ☐ NAD 27

Longitude W 116° 01.475' UTM N 14' ☒ NAD 83/WGS 84

Address at well location 586 W. Camelbird Rd.

Assessor Parcel Number 035-553-01

County NYE Subdivision Name Palo Verde Ranchos

Name of Client M. Martinez Family TRUST Lot: 17

Address of Client PO Box 3780 Pahrump, NV.

Contractor's License Number 017563A On-Site Driller's License Number 1324

Company Name and Address JIM PIKE WELL DRILLING LLC PO Box 56 Pahrump

Need Log Forms ☐ Need Intent Cards ☐ Driller's Signature Jim Pike

(Rev 1-14)

DCNR/DWR/SNBO
RECEIVED

DEC 15 2017

JT APP 3528

SE ROA 3481



DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES

400 Shadow Lane, Suite 201
Las Vegas, Nevada 89106
(702) 486-2770 • Fax (702) 486-2781
<http://water.nv.gov>

Date: December 19, 2017

Jim Pike
Jim Pike Well Drilling
Driller's License Number: 1324

RE: Notice of Intent Card No. 39879

This is written notification to inform you that the notice of intent card listed above for the drilling of one (1) domestic well is **NOT ACCEPTED** due to the following:

- NOI payment (\$25 per card) is ☐ missing ☐ invalid
Work performed is ☐ missing ☐ invalid
Proposed use of well is ☐ missing ☐ invalid
Client information is ☐ missing ☐ invalid
Location of the well (legal description, GPS coordinates) is ☐ missing ☐ invalid
Parcel number is ☐ missing ☐ invalid
Address at well location is ☐ missing ☐ invalid
Permit number is ☐ missing ☐ invalid
Waiver number or NDEP Facility ID Number is ☐ missing ☐ invalid
Driller's signature is required ☐
Other : Order 1293

Please be advised that **NO WORK SHALL BE PERFORMED.**

If you have any questions or comments, please contact Christi Cooper at (702) 486-2770.

Sincerely,

A handwritten signature in cursive script that reads "Christi Cooper".

Christi Cooper
Well Supervisor

BRIAN SANDOVAL
Governor

BRADLEY CROWELL
Director

STATE OF NEVADA



JASON KING, P.E.
State Engineer

JOHN GUILLORY, P.E.
Supervising Engineer

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES
SOUTHERN NEVADA BRANCH OFFICE

400 Shadow Lane, Suite 201
Las Vegas, Nevada 89106
(702) 486-2770 • Fax (702) 486-2781
<http://water.nv.gov>

December 29th, 2017

Marcelino Phyllis Martinez
P.O. Box 3780
Pahrump, NV 89041

RE: NOI Excess Remit

Dear Marcelino Phyllis Martinez,

The Division of Water Resources Southern Nevada Branch Office has received your Notice of Intent to drill a domestic well in Nye County. Due to Order 1293, your NOI card has been denied.

The \$25.00 filing fee received under receipt No. 36072 will be excess remitted Marcelino Phyllis Martinez under a separate cover, at a later date.

Sincerely,

A handwritten signature in blue ink that reads "Christi Cooper".

Christi Cooper
Well Supervisor



**Division of Water Resources
Receipt for Payment**



Marcelino Phyllis Martinez
PO Box 3780
Pahrump NV 89041

Check #: 5645
Check Date: 12/14/2017
Date Received: 12/15/2017
Receipt #: 36072

| FY | Amount | Permit # | Invoice # | Fee Type/Fee desc |
|---------|---------|-------------|-----------------------|-------------------|
| | \$25.00 | NOI - 39879 | | |
| Total : | \$25.00 | | Notes | |
| | | | Payment for NOI 39879 | |

Excess Remit 12/27/17 C. Cooper

12/15/2017

1

JT APP 3531

SE ROA 3484

ORIGINAL
FILE WITH DIVISION OF
WATER RESOURCES

NOTICE OF INTENT

No. 39880

Today's Date

Dec. 14, 2017

Intended Start Date:

Dec. 27, 2017

Type of Work to be Done: Drilling ☒ Deepening ☐ Reconditioning: ☐ Plugging: ☐ Well ID (if applicable) _____

Is this a replacement well? Yes ☐ No ☒ If there is an existing well, what is the well log number? _____

Proposed use of well: DOMESTIC Diameter of well: 10 inches Number of wells: 1

If this well is a domestic well, is it located within a water purveyor's service area? Yes ☐ No ☒ If yes, what is the DOM waiver: _____

If this is a monitor well required by another government agency, what is the facility ID number? _____ Agency: _____

If this well is being completed under a waiver, please provide the corresponding waiver number: _____

If a water right is associated with this well, what is the permit number? _____

Location of the well by Public Land Survey: SW 1/4 SE 1/4 Sec. 16 T 19-S N/S R 53 E

Latitude: N 36° 17.783' UTM E: 2683' ☐ NAD 27

Longitude: W 116° 01.221' or UTM N: 13' ☒ NAD 83 WGS 84

Address at well location: 5220 N. Michelle Ave.

Assessor Parcel Number: 029-283-01

County: NYE Subdivision Name: The Country Place II
UT: 3 BIK: 25 Lot: 1

Name of Client: DOUGLAS & JENNIFER STINE

Address of Client: 5220 N. Michelle Ave. Pahrump, NV. 89060

Contractor's License Number: 017563A On-Site Driller's License Number: 1324

Company Name and Address: JIMPIKEWELL DRILLING LLC PO Box 56 Pahrump,
NV 89060

Need Log Forms ☐ Need Intent Cards ☐

(Rev. 1-14) Driller's Signature: Jim Pike

DCNR/DWR/SNBO
RECEIVED
DEC 15 2017

JT APP 3532

SE ROA 3485



DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES

400 Shadow Lane, Suite 201
Las Vegas, Nevada 89106
(702) 486-2770 • Fax (702) 486-2781
<http://water.nv.gov>

Date: December 19, 2017

Jim Pike
Jim Pike Well Drilling
Driller's License Number: 1324

RE: Notice of Intent Card No. 39880

This is written notification to inform you that the notice of intent card listed above for the drilling of one (1) domestic well is **NOT ACCEPTED** due to the following:

- NOI payment (\$25 per card) is ☐ missing ☐ invalid
- Work performed is ☐ missing ☐ invalid
- Proposed use of well is ☐ missing ☐ invalid
- Client information is ☐ missing ☐ invalid
- Location of the well (legal description, GPS coordinates) is ☐ missing ☐ invalid
- Parcel number is ☐ missing ☐ invalid
- Address at well location is ☐ missing ☐ invalid
- Permit number is ☐ missing ☐ invalid
- Waiver number or NDEP Facility ID Number is ☐ missing ☐ invalid
- Driller's signature is required ☐

Other : Order 1293

Please be advised that **NO WORK SHALL BE PERFORMED.**

If you have any questions or comments, please contact Christi Cooper at (702) 486-2770.

Sincerely,

Christi Cooper

Christi Cooper
Well Supervisor

BRIAN SANDOVAL
Governor

BRADLEY CROWELL
Director

STATE OF NEVADA



JASON KING, P.E.
State Engineer

JOHN GUILLORY, P.E.
Supervising Engineer

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES
SOUTHERN NEVADA BRANCH OFFICE

400 Shadow Lane, Suite 201
Las Vegas, Nevada 89106
(702) 486-2770 • Fax (702) 486-2781
<http://water.nv.gov>

December 29th, 2017

Jim Pike Well Drilling LLC
P.O. Box 56
Pahrump, NV 89041

RE: NOI Excess Remit

Dear Jim Pike Well Drilling LLC,

The Division of Water Resources Southern Nevada Branch Office has received your Notice of Intent to drill a domestic well in Nye County. Due to Order 1293, your NOI card has been denied.

The \$25.00 filing fee received under receipt No. 36073 will be excess remitted to Jim Pike Well Drilling LLC under a separate cover, at a later date.

Sincerely,

A handwritten signature in blue ink that reads "Christi Cooper".

Christi Cooper
Well Supervisor

JT APP 3534

SE ROA 3487



**Division of Water Resources
Receipt for Payment**



Jim Pike Well Drilling Llc
PO Box 56
Pahrump, NV 89041-0056

Check #: 3839
Check Date: 12/14/2017
Date Received: 12/15/2017
Receipt #: 36073

| FY | Amount | Permit # | Invoice # | Fee Type/Fee desc |
|---------|---------|-------------|-----------------------|-------------------|
| | \$25.00 | NOI - 39880 | | |
| Total : | \$25.00 | | Notes | |
| | | | Payment for NOI 39880 | |

Excess Remit 12/27/17 C. Cooper

12/15/2017

1

JT APP 3535

SE ROA 3488

ORIGINAL
FILE WITH DIVISION OF
WATER RESOURCES

NOTICE OF INTENT

No. 39881

Today's Date

Dec. 16, 2017

Intended Start Date:

Dec. 29, 2017

Well ID (if applicable):

Type of Work to be Done

Drilling ☒ Deepening ☐

Reconditioning: ☐

Plugging: ☐

Is this a replacement well? Yes ☐ No ☒

If there is an existing well, what is the well log number?

Proposed use of well:

DOMESTIC

Diameter of well: 10 inches

Number of wells: 1

If this well is a domestic well, is it located within a water purveyor's service area? Yes ☐ No ☒

If yes, what is the DOM waiver:

If this is a monitor well required by another government agency, what is the facility ID number?

Agency:

If this well is being completed under a waiver, please provide the corresponding waiver number

If a water right is associated with this well, what is the permit number?

Location of the well by Public Land Survey:

SW 1/4

SE 1/4

Sec 29

T 20-S

N/S

R 53E

Latitude:

N 36° 10.645'

UTM E

2571'

☐ NAD 27

Longitude:

W 116° 02.032' or

UTM N

14'

☒ NAD 83 WGS 84

Address at well location:

1130 W. HURACAN ST.

Assessor Parcel Number:

040-391-14

County:

NYE

Subdivision Name

C.V. UT: 5 Bk: 26 Lot: 20

Name of Client:

Robert L. & Joyce L. Harris

Address of Client:

1361 JORNADA ST. PAHRUMP, NV 89048

Contractor's License Number:

017563A

On-Site Driller's License Number

1324

Company Name and Address:

JIMPIRELL Drilling LLC PO Box 56 Pahrump, NV 89041

Need Log Forms ☐

Need Intent Cards ☐

Driller's Signature:

[Signature]

(Rev 1-14)

DCNR/DWR/SNBO
RECEIVED
DEC 19 2017

JT APP 3536

SE ROA 3489



DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES

400 Shadow Lane, Suite 201
Las Vegas, Nevada 89106
(702) 486-2770 • Fax (702) 486-2781
<http://water.nv.gov>

Date: December 21, 2017

Jim Pike
Jim Pike Well Drilling
Driller's License Number: 1324

RE: Notice of Intent Card No. 39881

This is written notification to inform you that the notice of intent card listed above for the drilling of one (1) domestic well is **NOT ACCEPTED** due to the following:

- NOI payment (\$25 per card) is ☐ missing ☐ invalid
- Work performed is ☐ missing ☐ invalid
- Proposed use of well is ☐ missing ☐ invalid
- Client information is ☐ missing ☐ invalid
- Location of the well (legal description, GPS coordinates) is ☐ missing ☐ invalid
- Parcel number is ☐ missing ☐ invalid
- Address at well location is ☐ missing ☐ invalid
- Permit number is ☐ missing ☐ invalid
- Waiver number or NDEP Facility ID Number is ☐ missing ☐ invalid
- Driller's signature is required ☐
- Other : Order 1293

Please be advised that **NO WORK SHALL BE PERFORMED.**
If you have any questions or comments, please contact Christi Cooper at (702) 486-2770.

Sincerely,

Christi Cooper

Christi Cooper
Well Supervisor

DIVISION OF WATER RESOURCES
DOMESTIC WELL DRILLING INFORMATION REQUEST

TO: Drilling Contractor: JIM PIKE WELL DRILLING LLC

FROM: Division of Water Resources
400 Shadow Lane Ste 201
Las Vegas, NV 89106

DATE: MARCH 28, 2017 UNIT: 5

APN: 040-391-14 BLOCK: 26 LOT: 20

The owner of the referenced Assessor's Parcel Number has requested to drill a domestic well on their parcel.

Intent Card No: 39881

Owner Name: Robert L. & Joycel Harris

Address: 1130 W. Hurricane ST.

DCNR/DWR/SNBO
RECEIVED
DEC 19 2017

RESPONSE

UTILITY COMPANY: _____

Is the referenced parcel located within your service area? ☒ YES ☐ NO

Was the parcel created through the subdivision process under water rights to be served by your utility company? ☐ YES ☐ NO

Was the parcel created with the intent to be served by a domestic well? ☐ YES ☐ NO

Is the referenced parcel located within 180 feet of an existing water line which has service available? ☐ YES ☒ NO 6,707 feet

The undersigned acknowledges that the drilling of a domestic well on a parcel that exists in the above named utility company's designated service area and not on a parcel designated for a domestic well may result in a reduction to the above named utility company's water right permit allocation if said parcel was originally permitted to be served by said utility.

Signature: W. S. J.

Title: President
The foregoing answers are based on the April 24, 2006, Water Allocation Report prepared by Resource Concepts, Inc. and submitted to DWR. UICN understands that the accuracy of the answers will be determined by reference to that report.

COMMENTS: _____

* Based on determination of _____

NOTE: TO EXPEDITE PROCESSING, RETURN TO DRILLING CONTRACTOR.

Rev 8-1-06

JT APP 3538

SE ROA 3491

BRIAN SANDOVAL
Governor

STATE OF NEVADA

JASON KING, P.E.
State Engineer

BRADLEY CROWELL
Director

JOHN GUILLORY, P.E.
Supervising Engineer



DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES
SOUTHERN NEVADA BRANCH OFFICE

400 Shadow Lane, Suite 201
Las Vegas, Nevada 89106
(702) 486-2770 • Fax (702) 486-2781
<http://water.nv.gov>

December 29th, 2017

Robert L Harris
1361 Jornada Street
Pahrump, NV 89048

RE: NOI Excess Remit

Dear Robert L Harris,

The Division of Water Resources Southern Nevada Branch Office has received your Notice of Intent to drill a domestic well in Nye County. Due to Order 1293, your NOI card has been denied.

The \$25.00 filing fee received under receipt No. 36128 will be excess remitted Robert L Harris under a separate cover, at a later date.

Sincerely,

A handwritten signature in blue ink that reads "Christi Cooper".

Christi Cooper
Well Supervisor



**Division of Water Resources
Receipt for Payments**



Robert L Harris
1361 Jornada Street
Pahrump NV 89048

Check #: 1382
Check Date: 12/17/2017
Date Received: 12/19/2017
Receipt #: 36128

| FY | Amount | Permit # | Invoice # | Fee Type/Fee desc |
|---------|---------|-------------|-----------------------|-------------------|
| | \$25.00 | NOI - 39881 | | |
| Total : | \$25.00 | | Notes | |
| | | | Payment for NOI 39881 | |

Exless Remit 12/27/17 C Cooper

12/19/2017

1

JT APP 3540

SE ROA 3493

ORIGINAL
FILE WITH DIVISION OF
WATER RESOURCES

NOTICE OF INTENT

No. 39882

Today's Date:

Dec. 16, 2017

Intended Start Date:

Dec. 28, 2017

Type of Work to be Done

Drilling ☒

Deepening ☐

Reconditioning: ☐

Plugging: ☐

Well ID (if applicable) _____

Is this a replacement well? Yes ☐ No ☒

If there is an existing well, what is the well log number? _____

Proposed use of well:

DOMESTIC

Diameter of well: 10 inches

Number of wells: 1

If this well is a domestic well, is it located within a water purveyor's service area? Yes ☐ No ☒

If yes, what is the DOM waiver: _____

If this is a monitor well required by another government agency, what is the facility ID number? _____

Agency: _____

If this well is being completed under a waiver, please provide the corresponding waiver number: _____

If a water right is associated with this well, what is the permit number? _____

Location of the well by Public Land Survey:

NW 1/4

NW 1/4

Sec 24

T 20-S N/S

R 52-E

Latitude:

N 36° 12.087'

UTM E

2532'

☐ NAD 27

Longitude:

W 116° 04.991'

UTM N

16'

☒ NAD 83 WGS 84

Address at well location:

1221 S. Michael Dr.

Assessor Parcel Number:

028-496-11

County:

NYE

Subdivision Name

Wagon Wheel Lot: 14 Ranchos

Name of Client:

George T. Peterson

Address of Client:

4123 LINNICK ST. N. Las Vegas, NV 89032-2688

Contractor's License Number:

017563A

On-Site Driller's License Number:

1324

Company Name and Address:

SIMPIKEWELL Drilling LLC PO Box 56 Pahrump, NV 89044

Need Log Forms ☐

Need Intent Cards ☐

Driller's Signature

Jim Pike

(Rev 1-14)

DCNR/DWR/SNBO
RECEIVED

DEC 19 2017

JT APP 3541

SE ROA 3494



DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES

400 Shadow Lane, Suite 201
Las Vegas, Nevada 89106
(702) 486-2770 • Fax (702) 486-2781
<http://water.nv.gov>

Date: December 21, 2017

Jim Pike
Jim Pike Well Drilling
Driller's License Number: 1324

RE: Notice of Intent Card No. 39882

This is written notification to inform you that the notice of intent card listed above for the drilling of one (1) domestic well is **NOT ACCEPTED** due to the following:

- NOI payment (\$25 per card) is ☐ missing ☐ invalid
- Work performed is ☐ missing ☐ invalid
- Proposed use of well is ☐ missing ☐ invalid
- Client information is ☐ missing ☐ invalid
- Location of the well (legal description, GPS coordinates) is ☐ missing ☐ invalid
- Parcel number is ☐ missing ☐ invalid
- Address at well location is ☐ missing ☐ invalid
- Permit number is ☐ missing ☐ invalid
- Waiver number or NDEP Facility ID Number is ☐ missing ☐ invalid
- Driller's signature is required ☐

Other : Order 1293

Please be advised that **NO WORK SHALL BE PERFORMED.**

If you have any questions or comments, please contact Christi Cooper at (702) 486-2770.

Sincerely,

Christi Cooper

Christi Cooper
Well Supervisor

BRIAN SANDOVAL
Governor

STATE OF NEVADA

JASON KING, P.E.
State Engineer

BRADLEY CROWELL
Director

JOHN GUILLORY, P.E.
Supervising Engineer



DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES
SOUTHERN NEVADA BRANCH OFFICE

400 Shadow Lane, Suite 201
Las Vegas, Nevada 89106
(702) 486-2770 • Fax (702) 486-2781
<http://water.nv.gov>

December 29th, 2017

George T. Peterson
4123 Linniki St.
N. Las Vegas, NV 89032

RE: NOI Excess Remit

Dear George T. Peterson,

The Division of Water Resources Southern Nevada Branch Office has received your Notice of Intent to drill a domestic well in Nye County. Due to Order 1293, your NOI card has been denied.

The \$25.00 filing fee received under receipt No. 36125 will be excess remitted to George T. Peterson under a separate cover, at a later date.

Sincerely,

A handwritten signature in blue ink that reads "Christi Cooper".

Christi Cooper
Well Supervisor

JT APP 3543

SE ROA 3496



**Division of Water Resources
Receipt for Payments**



George T. Peterson
4123 Linniki St
N. Las Vegas NV 89032

Check #: 10789228553
Check Date: 12/15/2017
Date Received: 12/19/2017
Receipt #: 36125

| FY | Amount | Permit # | Invoice # | Fee Type/Fee desc |
|----|---------|-------------|-----------|-------------------|
| | \$25.00 | NOI - 39882 | | |

Total : \$25.00 Notes

Payment for NOI 39882

Excess Remit 12/27/17 C. Cooper

12/19/2017

1

JT APP 3544

SE ROA 3497

ORIGINAL
FILE WITH DIVISION OF
WATER RESOURCES

NOTICE OF INTENT

No. 39883

Today's Date: Dec. 16, 2017

Intended Start Date

Dec. 28, 2017

Type of Work to be Done: Drilling: ☒ Deepening: ☐ Reconditioning: ☐ Plugging: ☐ Well ID (if applicable): 1

Is this a replacement well? Yes ☐ No ☒ If there is an existing well, what is the well log number? 1

Proposed use of well: DOMESTIC Diameter of well: 10 inches Number of wells: 1

If this well is a domestic well, is it located within a water purveyor's service area? Yes ☐ No ☒ If yes, what is the DOM waiver?

If this is a monitor well required by another government agency, what is the facility ID number? 1 Agency: 1

If this well is being completed under a waiver, please provide the corresponding waiver number: 1

If a water right is associated with this well, what is the permit number? 1

Location of the well by Public Land Survey: NW 1/4 NW 1/4 Sec. 29 T. 19-S. R. 53-E

Latitude: N 36° 16.639' UTM E 2538' ☐ NAD 27 ☒ NAD 83 (NAD 84)

Longitude: W 116° 02.987' or UTM N 13' ☒ NAD 83 (NAD 84)

Address at well location: 1930 W. LEFFNER DR

Assessor Parcel Number: 029-401-08

County: NYE Subdivision Name: CRYSTAL LAIRE EST. LOT 52

Name of Client: FRANK E. & MARY SHERMAN

Address of Client: 1860 CHEREM HIGHWAY, MI 48357-3400

Contractor's License Number: P175634 On-Site Driller's License Number: 1324

Company Name and Address: JIM PIKE WELLD RILLING LLC 10 BOX 56 FAIRMONT, WY 83004

Need Log Forms ☐ Need Intent Cards ☐ Driller's Signature: Jim Pike

DCNR/DWR/SNBO
RECEIVED
DEC 19 2017



DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES

400 Shadow Lane, Suite 201
Las Vegas, Nevada 89106
(702) 486-2770 • Fax (702) 486-2781
<http://water.nv.gov>

Date: December 20, 2017

Jim Pike
Jim Pike Well Drilling
Driller's License Number: 1324

RE: Notice of Intent Card No. 39883

This is written notification to inform you that the notice of intent card listed above for the drilling of one (1) domestic well is **NOT ACCEPTED** due to the following:

- NOI payment (\$25 per card) is ☐ missing ☐ invalid
- Work performed is ☐ missing ☐ invalid
- Proposed use of well is ☐ missing ☐ invalid
- Client information is ☐ missing ☐ invalid
- Location of the well (legal description, GPS coordinates) is ☐ missing ☐ invalid
- Parcel number is ☐ missing ☐ invalid
- Address at well location is ☐ missing ☐ invalid
- Permit number is ☐ missing ☐ invalid
- Waiver number or NDEP Facility ID Number is ☐ missing ☐ invalid
- Driller's signature is required ☐
- Other : Order 1293

Please be advised that **NO WORK SHALL BE PERFORMED.**

If you have any questions or comments, please contact Christi Cooper at (702) 486-2770.

Sincerely,

Christi Cooper

Christi Cooper
Well Supervisor

BRIAN SANDOVAL
Governor

BRADLEY CROWELL
Director

STATE OF NEVADA



JASON KING, P.E.
State Engineer

JOHN GUILLORY, P.E.
Supervising Engineer

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES
SOUTHERN NEVADA BRANCH OFFICE

400 Shadow Lane, Suite 201
Las Vegas, Nevada 89106
(702) 486-2770 • Fax (702) 486-2781
<http://water.nv.gov>

December 29th, 2017

Jim Pike Well Drilling LLC
P.O. Box 56
Pahrump, NV 89041

RE: NOI Excess Remit

Dear Jim Pike Well Drilling LLC,

The Division of Water Resources Southern Nevada Branch Office has received your Notice of Intent to drill a domestic well in Nye County. Due to Order 1293, your NOI card has been denied.

The \$25.00 filing fee received under receipt No. 36124 will be excess remitted to Jim Pike Well Drilling LLC under a separate cover, at a later date.

Sincerely,

A handwritten signature in blue ink that reads "Christi Cooper".

Christi Cooper
Well Supervisor



**Division of Water Resources
Receipt for Payment**



Jim Pike Well Drilling LLC
PO Box 56
Pahrump, NV 89041-0056

Check #: 3845
Check Date: 12/18/2017
Date Received: 12/19/2017
Receipt #: 36124

| FY | Amount | Permit # | Invoice # | Fee Type/Fee desc |
|---------|---------|-------------|-----------------------|-------------------|
| | \$25.00 | NOI - 39883 | | |
| Total : | \$25.00 | | Notes | |
| | | | Payment for NOI 39883 | |

Excess Remit 12/27/17 C. Cooper

12/19/2017

1

JT APP 3548

SE ROA 3501

ORIGINAL
FILE WITH DIVISION OF
WATER RESOURCES

NOTICE OF INTENT

No. 39884

Today's Date

Dec 18, 2017

Intended Start Date: _____

Type of Work to be Done

Drilling ☒ Deepening ☐

Reconditioning: ☐

Plugging: ☐

Well ID (if applicable) _____

Is this a replacement well? Yes ☐ No ☒

If there is an existing well, what is the well log number? _____

Proposed use of well

DOMESTIC

Diameter of well: 10 inches

Number of wells: 1

If this well is a domestic well, is it located within a water purveyor's service area? Yes ☐ No ☒

If yes, what is the DOM waiver _____

If this is a monitor well required by another government agency, what is the facility ID number? _____

Agency _____

If this well is being completed under a waiver, please provide the corresponding waiver number: _____

If a water right is associated with this well, what is the permit number? _____

Location of the well by Public Land Survey:

SE 1/4

NW 1/4

Sec 13

T 20-S N/S

R 52 E

Latitude:

N 36° 12.502'

UTM E

2538'

☐ NAD 27

Longitude:

W 116° 04.409' or

UTM N

14'

☒ NAD 83 WGS 84

Address at well location:

3320 W. PROSPECTOR LN

Assessor Parcel Number:

028-673-06

County:

WYE

Subdivision Name

Charleston Park Ranches
Lot: 1 Parcel 186

Name of Client:

LESLIE D. LANG

Address of Client:

3350 W. PROSPECTOR LN. Pahrump, NV 89048

Contractor's License Number:

017563A

On-Site Driller's License Number

1324

Company Name and Address:

EMPIRE WELL DRILLING, PO Box 56 Pahrump NV 89048

Need Log Forms ☐

Need Intent Cards ☐

(Rev 1-14)

Driller's Signature

Jim Rie

DCNR/DWR/SNBO
RECEIVED

DEC 19 2017

JT APP 3549

SE ROA 3502



DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES

400 Shadow Lane, Suite 201
Las Vegas, Nevada 89106
(702) 486-2770 • Fax (702) 486-2781
<http://water.nv.gov>

Date: December 21, 2017

Jim Pike
Jim Pike Well Drilling
Driller's License Number: 1324

RE: Notice of Intent Card No. 39884

This is written notification to inform you that the notice of intent card listed above for the drilling of one (1) domestic well is **NOT ACCEPTED** due to the following:

- NOI payment (\$25 per card) is ☐ missing ☐ invalid
- Work performed is ☐ missing ☐ invalid
- Proposed use of well is ☐ missing ☐ invalid
- Client information is ☐ missing ☐ invalid
- Location of the well (legal description, GPS coordinates) is ☐ missing ☐ invalid
- Parcel number is ☐ missing ☐ invalid
- Address at well location is ☐ missing ☐ invalid
- Permit number is ☐ missing ☐ invalid
- Waiver number or NDEP Facility ID Number is ☐ missing ☐ invalid
- Driller's signature is required ☐

Other : Order 1293

Please be advised that **NO WORK SHALL BE PERFORMED.**

If you have any questions or comments, please contact Christi Cooper at (702) 486-2770.

Sincerely,

Christi Cooper

Christi Cooper
Well Supervisor

BRIAN SANDOVAL
Governor

STATE OF NEVADA

BRADLEY CROWELL
Director



JASON KING, P.E.
State Engineer

JOHN GUILLORY, P.E.
Supervising Engineer

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES
SOUTHERN NEVADA BRANCH OFFICE

400 Shadow Lane, Suite 201
Las Vegas, Nevada 89106
(702) 486-2770 • Fax (702) 486-2781
<http://water.nv.gov>

December 29th, 2017

Billy B Moody Jr.
3350 W. Prospector Lane
Pahrump, NV 89048

RE: NOI Excess Remit

Dear Billy B Moody Jr.,

The Division of Water Resources Southern Nevada Branch Office has received your Notice of Intent to drill a domestic well in Nye County. Due to Order 1293, your NOI card has been denied.

The \$25.00 filing fee received under receipt No. 36127 will be excess remitted Billy B. Moody Jr. under a separate cover, at a later date.

Sincerely,

A handwritten signature in blue ink that reads "Christi Cooper".

Christi Cooper
Well Supervisor



**Division of Water Resources
Receipt for Payments**



Billy Moody Jr
3350 W. Prospector Lane
Pahrump NV 89048

Check #: 2755
Check Date: 12/18/2017
Date Received: 12/19/2017
Receipt #: 36127

| FY | Amount | Permit # | Invoice # | Fee Type/Fee desc |
|---------|---------|-------------|-----------|-------------------|
| | \$25.00 | NOI - 39884 | | |
| Total : | \$25.00 | | Notes | |

Payment for NOI 39884

Excess Remit 12/27/17 C. Cooper

12/19/2017

1

JT APP 3552

SE ROA 3505

ORIGINAL
FILE WITH DIVISION OF
WATER RESOURCES

NOTICE OF INTENT

No. 40075

Today's Date:

12-14-17

Intended Start Date

01-06-18

Well ID (if applicable):

Type of Work to be Done:

Drilling ☒ Deepening ☐

Reconditioning ☐

Plugging: ☐

Is this a replacement well?

Yes ☐ No ☒

If there is an existing well, what is the well log number?

Proposed use of well

Domestic

Diameter of well 6 inches

Number of wells: 1

If this well is a domestic well, is it located within a water purveyor's service area?

Yes ☐ No ☒

If yes, what is the DOM waiver:

If this is a monitor well required by another government agency, what is the facility ID number?

Agency

If this well is being completed under a waiver, please provide the corresponding waiver number:

If a water right is associated with this well, what is the permit number?

Location of the well by Public Land Survey:

S/E 1/4

S/W 1/4

Sec. 31

T 20

N/S

R 53 E

Latitude:

36.162148

UTM E

☐ NAD 27

Longitude:

-116.059015

or

UTM N

☐ NAD 83/WGS 84

Address at well location:

3910 S. Woodchips

Assessor Parcel Number:

36-508-06

County:

Nye

Subdivision Name:

Pahrump Valley Estates

Name of Client:

Ann Wall Wegner

Address of Client:

P.O. Box 96, Death Valley, CA 92326

Contractor's License Number:

460271

On-Site Driller's License Number:

2086

Company Name and Address

SCC, 5801 S. Homestead, Pahrump, NV

Need Log Forms ☐

Need Intent Cards ☐

Driller's Signature

Karen Stuckey

(Rev 1-14)

DCNR/DWR/SNBO
RECEIVED
DEC 18 2017

JT APP 3553

SE ROA 3506



DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES

400 Shadow Lane, Suite 201
Las Vegas, Nevada 89106
(702) 486-2770 • Fax (702) 486-2781
<http://water.nv.gov>

Date: December 19, 2017

Larry Strickland
Strickland Construction
Driller's License Number: 2086

RE: Notice of Intent Card No. 40075

This is written notification to inform you that the notice of intent card listed above for the drilling of one (1) domestic well is **NOT ACCEPTED** due to the following:

- NOI payment (\$25 per card) is ☐ missing ☐ invalid
- Work performed is ☐ missing ☐ invalid
- Proposed use of well is ☐ missing ☐ invalid
- Client information is ☐ missing ☐ invalid
- Location of the well (legal description, GPS coordinates) is ☐ missing ☐ invalid
- Parcel number is ☐ missing ☐ invalid
- Address at well location is ☐ missing ☐ invalid
- Permit number is ☐ missing ☐ invalid
- Waiver number or NDEP Facility ID Number is ☐ missing ☐ invalid
- Driller's signature is required ☐

Other : Order 1293

Please be advised that **NO WORK SHALL BE PERFORMED.**

If you have any questions or comments, please contact Christi Cooper at (702) 486-2770.

Sincerely,

Christi Cooper

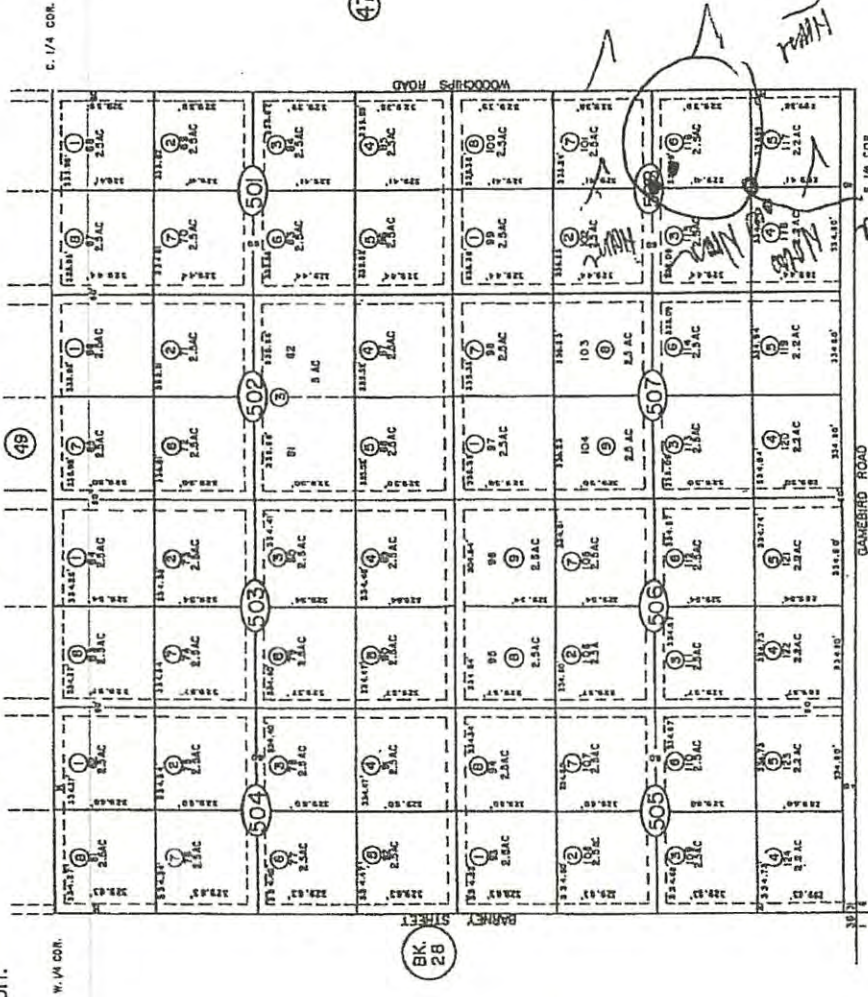
Christi Cooper
Well Supervisor

NOTE: This plat is for assessment use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

Nye County

T. 20S, R. 53E.
PORT. OF SEC. 31

36-50
Rev. 4-21-95
4-23-96
5-23-96



NYE COUNTY

[Assessor Home](#)
[Personal Property](#)
[Sales Data](#)
[Secured Tax Inquiry](#)
[Recorder Website](#)

Parcel Detail for Parcel # 036-508-06

Location

Property Location 3910 S WOODCHIPS RD
 Town PAHRUMP
 District 6.3 - PAHRUMP 3
 Subdivision PAHRUMP VALLEY ESTATES Lot 116 Block
 Property Name L.116 2.50AC

[Add'l Addresses](#)

[Assessor Maps](#)

[Legal Description](#)

Ownership

Assessed Owner Name WEGNER, ANN WALL
 Mailing Address P O BOX 96
 DEATH VALLEY, CA 92326-0096 [Ownership History](#)
[Document History](#)
 Legal Owner Name WEGNER, ANN WALL
 Vesting Doc #, Date 868207 03/20/17 Year / Book / Page 17 / 0 / 0
 Map Document #s

Description

Total Acres 2.500 Square Feet 0
 Ag Acres .000 W/R Acres .000

Improvements

Single-family Detached 0 Non-dwelling Units 0 Bedrooms / Baths 0 / .00
 Single-family Attached 0 Mobile Home Hookups 0 Stories .0
 Multiple-family Units 0 Wells 0 Garage Square Ft... 0
 Mobile Homes 0 Septic Tanks 0 Attached / Detached
 Total Dwelling Units 0 Buildings Sq Ft 0
 Improvement List Residence Sq Ft 0
 Improvement Sketches Basement Sq Ft 0 Basement
 Finished Basement SF 0 Bedrooms / Baths 0 / .00

Appraisal Classifications

Current Land Use Code 100 [Code Table](#)

Zoning Code(s) RE-2 062007

Re-appraisal Group 5 Re-appraisal Year 2015
 Original Construction Year Weighted Year

Assessed Valuation

| Assessed Values | 2018-19 | 2017-18 | 2016-17 |
|---------------------------|--------------|--------------|--------------|
| Land | 3,504 | 3,504 | 3,504 |
| Improvements | 0 | 0 | 0 |
| Personal Property | 0 | 0 | 0 |
| Ag Land | 0 | 0 | 0 |
| Exemptions | 0 | 0 | 0 |
| Net Assessed Value | 3,504 | 3,504 | 3,504 |

Increased (New) Values

| | | | |
|-------------------|---|---|---|
| Land | 0 | 0 | 0 |
| Improvements | 0 | 0 | 0 |
| Personal Property | 0 | 0 | 0 |

Taxable Valuation

| Taxable Values | 2018-19 | 2017-18 | 2016-17 |
|--------------------------|---------------|---------------|---------------|
| Land | 10,011 | 10,011 | 10,011 |
| Improvements | 0 | 0 | 0 |
| Personal Property | 0 | 0 | 0 |
| Ag Land | 0 | 0 | 0 |
| Exemptions | 0 | 0 | 0 |
| Net Taxable Value | 10,011 | 10,011 | 10,011 |

Increased (New) Values

| | | | |
|-------------------|---|---|---|
| Land | 0 | 0 | 0 |
| Improvements | 0 | 0 | 0 |
| Personal Property | 0 | 0 | 0 |

[Back to Search List](#)

DCM/RDM/RSNBO
 RECEIVED
 DEC 18 2017

JT APP 3556

SE ROA 3509

BRIAN SANDOVAL
Governor

BRADLEY CROWELL
Director

STATE OF NEVADA



JASON KING, P.E.
State Engineer

JOHN GUILLORY, P.E.
Supervising Engineer

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES
SOUTHERN NEVADA BRANCH OFFICE

400 Shadow Lane, Suite 201
Las Vegas, Nevada 89106
(702) 486-2770 • Fax (702) 486-2781
<http://water.nv.gov>

December 29th, 2017

Strickland Construction Co. Inc.
5801 South Homestead Road
Pahrump, NV 89048

RE: NOI Excess Remit

Dear Strickland Construction Co. Inc.,

The Division of Water Resources Southern Nevada Branch Office has received your Notice of Intent to drill a domestic well in Nye County. Due to Order 1293, your NOI card has been denied.

The \$25.00 filing fee received under receipt No. 36092 will be excess remitted to Strickland Construction Co Inc. under a separate cover, at a later date.

Sincerely,

A handwritten signature in blue ink that reads "Christi Cooper".

Christi Cooper
Well Supervisor

JT APP 3557

SE ROA 3510



**Division of Water Resources
Receipt for Payment**



Strickland Construction Co. Inc.
5801 South Homestead Road
Pahrump, NV 89048

Check #: 24527
Check Date: 12/14/2017
Date Received: 12/18/2017
Receipt #: 36092

| FY | Amount | Permit # | Invoice # | Fee Type/Fee desc |
|---------|---------|-------------|-----------------------|-------------------|
| | \$25.00 | NOI - 40075 | | |
| Total : | \$25.00 | | Notes | |
| | | | Payment for NOI 40075 | |

Excess Remit 12/27/17 C. Cooper

12/18/2017

1

JT APP 3558

SE ROA 3511

ORIGINAL
FILE WITH DIVISION OF
WATER RESOURCES

NOTICE OF INTENT

No. 40076

Today's Date: 12.15.17

Intended Start Date: 01.01.18

Type of Work to be Done: Drilling ☒ Deepening ☐ Reconditioning ☐ Plugging ☐ Well ID (if applicable):

Is this a replacement well? Yes ☐ No ☒

If there is an existing well, what is the well log number?

Proposed use of well: Domestic

Diameter of well: 6" inches

Number of wells: 1

If this well is a domestic well, is it located within a water purveyor's service area? Yes ☐ No ☐ If yes, what is the DOM waiver

If this is a monitor well required by another government agency, what is the facility ID number? Agency

If this well is being completed under a waiver, please provide the corresponding waiver number:

If a water right is associated with this well, what is the permit number?

Location of the well by Public Land Survey: N/W 1/4 S/E 1/4 Sec. 17 T 19 N 53 E

Latitude: 36.299941

UTM E

☐ NAD 27

Longitude: -116.041604

UTM N

☐ NAD 83/WGS 84

Address at well location: 5471 N. David

Assessor Parcel Number: 27-311-01

County: Nye

Subdivision Name:

Name of Client: Kathryn and Charles Lenhart

Address of Client: 551 E. Sloan, Pahrump, NV 89060

Contractor's License Number: 40277

On-Site Driller's License Number:

2086

Company Name and Address: SCC, 5801 S. Homestead, Pahrump, NV 89048

Need Log Forms ☐

Need Intent Cards ☐

Driller's Signature

Karen Stuckey

(Rev 1-14)

DCNR/DWR/SNBO
RECEIVED
DEC 18 2017

JT APP 3559

SE ROA 3512



**DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES**

400 Shadow Lane, Suite 201
Las Vegas, Nevada 89106
(702) 486-2770 • Fax (702) 486-2781
<http://water.nv.gov>

Date: December 19, 2017

Larry Strickland
Strickland Construction
Driller's License Number: 2086

RE: Notice of Intent Card No. 40076

This is written notification to inform you that the notice of intent card listed above for the drilling of one (1) domestic well is **NOT ACCEPTED** due to the following:

- NOI payment (\$25 per card) is ☐ missing ☐ invalid
- Work performed is ☐ missing ☐ invalid
- Proposed use of well is ☐ missing ☐ invalid
- Client information is ☐ missing ☐ invalid
- Location of the well (legal description, GPS coordinates) is ☐ missing ☐ invalid
- Parcel number is ☐ missing ☐ invalid
- Address at well location is ☐ missing ☐ invalid
- Permit number is ☐ missing ☐ invalid
- Waiver number or NDEP Facility ID Number is ☐ missing ☐ invalid
- Driller's signature is required ☐

Other : Order 1293

Please be advised that **NO WORK SHALL BE PERFORMED.**
If you have any questions or comments, please contact Christi Cooper at (702) 486-2770.

Sincerely,

A handwritten signature in cursive script that reads "Christi Cooper".

Christi Cooper
Well Supervisor

NYE COUNTY

[Assessor Home](#)
[Personal Property](#)
[Sales Data](#)
[Secured Tax Inquiry](#)
[Recorder Website](#)

Parcel Detail for Parcel # 027-311-01

Location

Property Location 5471 N DAVID ST
 Town PAHRUMP
 District 6.1 - PAHRUMP 1
 Subdivision Lot Block
 Property Name F#84224 P.1 SAC

[Add'l Addresses](#)

[Assessor Maps](#)

[Legal Description](#)

Ownership

Assessed Owner Name LENHART,CHARLES R & KATHRYN L

Mailing Address 551 E SLOAN ST

Add'l Owners PAHRUMP, NV 89060-1939

[Ownership History](#)

[Document History](#)

Legal Owner Name LENHART,CHARLES R & KATHRYN L

Vesting Doc #, Date 884555 11/29/17 Year / Book / Page 17 / 0 / 0

Map Document #s

Description

Total Acres 5.000

Square Feet 0

Ag Acres .000

W/R Acres .000

Improvements

| | | |
|--------------------------|------------------------|--------------------------|
| Single-family Detached 0 | Non-dwelling Units 0 | Bedrooms / Baths 0 / .00 |
| Single-family Attached 0 | Mobile Home Hookups 0 | Stories .0 |
| Multiple-family Units 0 | Wells 0 | Garage Square Ft... 0 |
| Mobile Homes 0 | Septic Tanks 0 | Attached / Detached |
| Total Dwelling Units 0 | Buildings Sq Ft 0 | |
| | Residence Sq Ft 0 | |
| | Basement Sq Ft 0 | Basement |
| | Finished Basement SF 0 | Bedrooms / Baths 0 / .00 |

[Improvement List](#)

[Improvement Sketches](#)

Appraisal Classifications

Current Land Use Code 120 [Code Table](#)

Zoning Code(s) RE-2 062007

Re-appraisal Group 3 Re-appraisal Year 2013
 Original Construction Year Weighted Year

Assessed Valuation

| Assessed Values | 2018-19 | 2017-18 | 2016-17 |
|---------------------------|--------------|--------------|--------------|
| Land | 4,366 | 4,366 | 4,366 |
| Improvements | 0 | 0 | 0 |
| Personal Property | 0 | 0 | 0 |
| Ag Land | 0 | 0 | 0 |
| Exemptions | 0 | 0 | 0 |
| Net Assessed Value | 4,366 | 4,366 | 4,366 |

Increased (New) Values

| | | | |
|-------------------|---|---|---|
| Land | 0 | 0 | 0 |
| Improvements | 0 | 0 | 0 |
| Personal Property | 0 | 0 | 0 |

Taxable Valuation

| Taxable Values | 2018-19 | 2017-18 | 2016-17 |
|--------------------------|---------------|---------------|---------------|
| Land | 12,474 | 12,474 | 12,474 |
| Improvements | 0 | 0 | 0 |
| Personal Property | 0 | 0 | 0 |
| Ag Land | 0 | 0 | 0 |
| Exemptions | 0 | 0 | 0 |
| Net Taxable Value | 12,474 | 12,474 | 12,474 |

Increased (New) Values

| | | | |
|-------------------|---|---|---|
| Land | 0 | 0 | 0 |
| Improvements | 0 | 0 | 0 |
| Personal Property | 0 | 0 | 0 |

[Back to Search List](#)

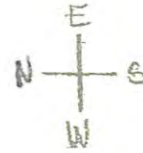
DCNR/DWR/SNBO
 RECEIVED
 DEC 18 2017

JT APP 3561

SE ROA 3514

Charles R & Kathryn Lennhart
5471 N David Street
APN 27-311-01
T195, R53E, Section 17

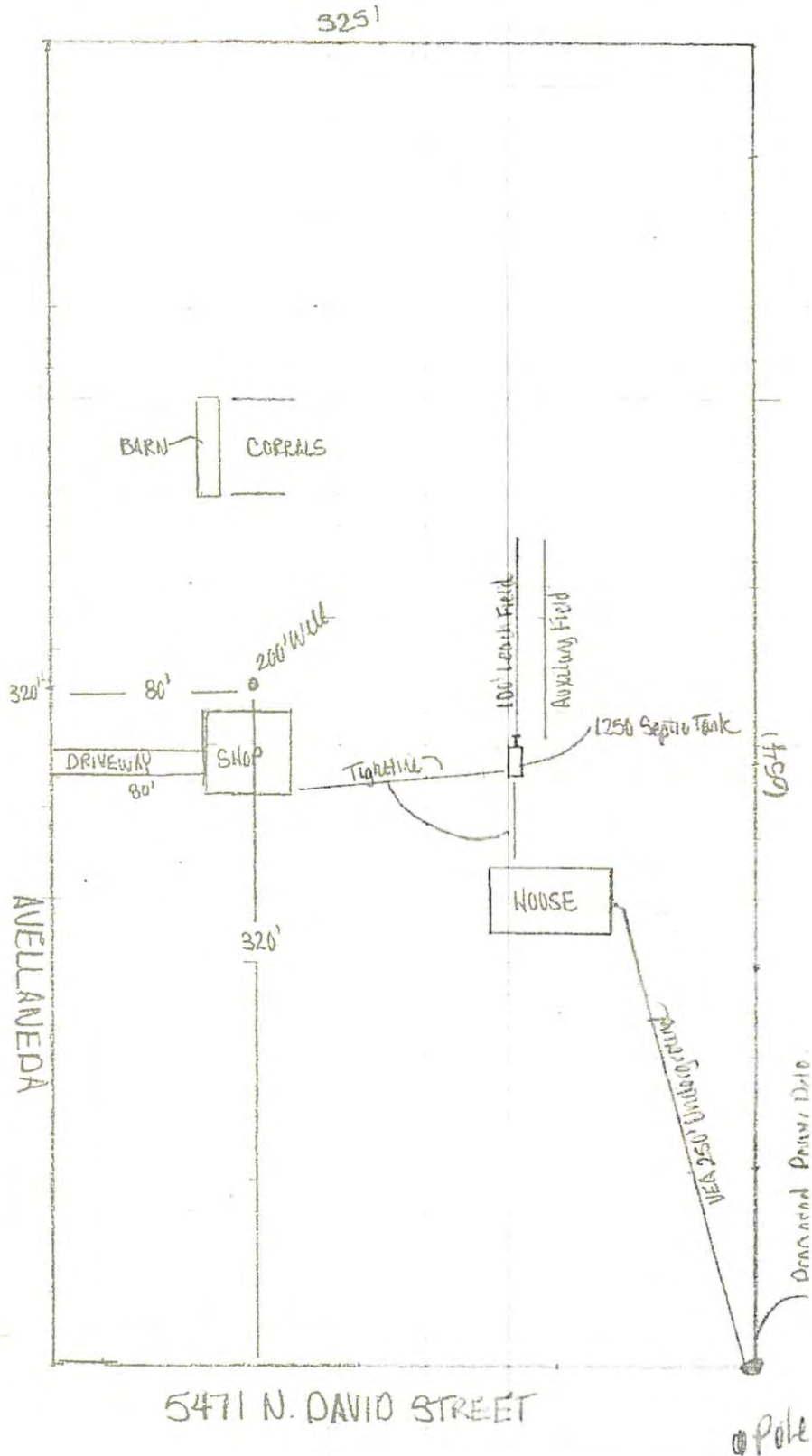
Stickland Construction Co., Inc.
5801 S Homestead
Pahrump, NV 89048
(775) 427-4600
1/4" = 20' Scale



X Charles Lennhart
Approved by:



200' PVC 6" Well



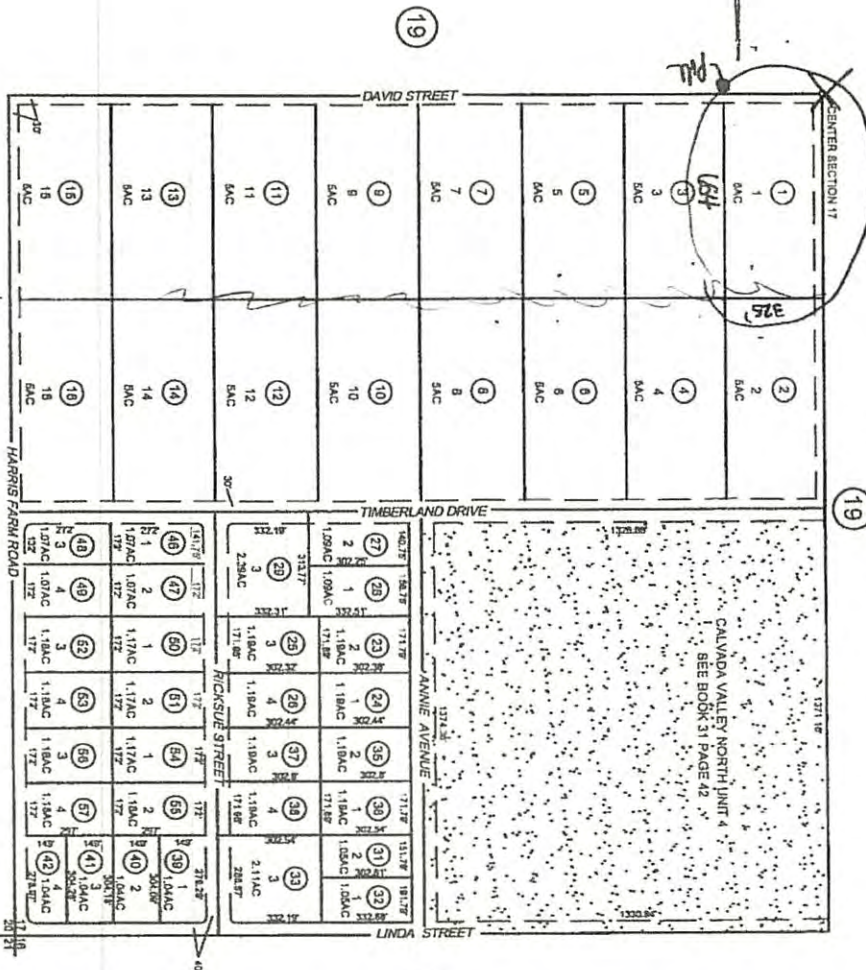
DCNR/DWR/SNBO
RECEIVED
DEC 18 2017

JT APP 3562

SE ROA 3515

NW, S/E

T.19S., R.53E.
S.E. 1/4 SEC. 17

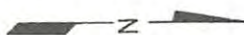


OCT. 23/2017
CAD FILE 12-14-09/CM
NVE COUNTY ASSESSOR

NOTE: THIS PLAT IS FOR ASSESSMENT USE ONLY AND
DOES NOT REPRESENT A SURVEY. NO LIABILITY IS
ASSUMED AS TO THE ACCURACY OF THE DATA
DELINEATED HEREON.

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DCNR/DWR/SNBO
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REV. 09-07-88
08-16-89
02-23-90
12-22-93
04-24-95
04-15-98
10-09-98
04-14-97
09-23-08



27-31

JT APP 3563

SE ROA 3516

BRIAN SANDOVAL
Governor

BRADLEY CROWELL
Director

STATE OF NEVADA



JASON KING, P.E.
State Engineer

JOHN GUILLORY, P.E.
Supervising Engineer

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES
SOUTHERN NEVADA BRANCH OFFICE

400 Shadow Lane, Suite 201
Las Vegas, Nevada 89106
(702) 486-2770 • Fax (702) 486-2781
<http://water.nv.gov>

December 29th, 2017

Strickland Construction Co. Inc.
5801 South Homestead Road
Pahrump, NV 89048

RE: NOI Excess Remit

Dear Strickland Construction Co. Inc.,

The Division of Water Resources Southern Nevada Branch Office has received your Notice of Intent to drill a domestic well in Nye County. Due to Order 1293, your NOI card has been denied.

The \$25.00 filing fee received under receipt No. 36093 will be excess remitted to Strickland Construction Co Inc. under a separate cover, at a later date.

Sincerely,

A handwritten signature in blue ink that reads "Christi Cooper".

Christi Cooper
Well Supervisor



**Division of Water Resources
Receipt for Payment**



Strickland Construction Co. Inc.
5801 South Homestead Road
Pahrump, NV 89048

Check #: 24528
Check Date: 12/14/2017
Date Received: 12/18/2017
Receipt #: 36093

| FY | Amount | Permit # | Invoice # | Fee Type/Fee desc |
|---------|---------|-------------|-----------------------|-------------------|
| | \$25.00 | NOI - 40076 | | |
| Total : | \$25.00 | | Notes | |
| | | | Payment for NOI 40076 | |

Excess Remit 12/27/17 C. Cooper

12/18/2017

1

JT APP 3565

SE ROA 3518

ORIGINAL
FILE WITH DIVISION OF
WATER RESOURCES

NOTICE OF INTENT

No. 40077

Today's Date:

12-15-17

Intended Start Date:

01-09-18

Type of Work to be Done:

Drilling ☒

Deepening ☐

Reconditioning: ☐

Plugging: ☐

Well ID (if applicable):

Is this a replacement well? Yes ☐ No ☒

If there is an existing well, what is the well log number?

Proposed use of well:

Domestic

Diameter of well: 6 inches

Number of wells: 1

If this well is a domestic well, is it located within a water purveyor's service area? Yes ☐ No ☒

If yes, what is the DOM waiver:

If this is a monitor well required by another government agency, what is the facility ID number?

Agency:

If this well is being completed under a waiver, please provide the corresponding waiver number:

If a water right is associated with this well, what is the permit number?

Location of the well by Public Land Survey:

N/E 1/4

N/E 1/4

Sec. 7

T. 21

N/E

R. 54 E

Latitude:

36.14586

UTM E

☐ NAD 27

Longitude:

-115.94272

or

UTM N

☐ NAD 83/WGS 84

Address at well location:

9841 E. Mance Rd.

Assessor Parcel Number:

45-083-18

County:

Nye

Subdivision Name:

Name of Client:

Washington, Kim Noelle Trust

Address of Client:

5061 Boddott Ct. Pahrump, NV 89061

Contractor's License Number:

40277

On-Site Driller's License Number:

2086

Company Name and Address:

SCC, 5801 S. Homestead, Pahrump, NV 89061

Need Log Forms ☐

Need Intent Cards ☐

Driller's Signature:

Randy Lusk

(Rev 1-14)

DNCR/DWR/SNBO
RECEIVED
DEC 19 2017

JT APP 3566

SE ROA 3519



DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES

400 Shadow Lane, Suite 201
Las Vegas, Nevada 89106
(702) 486-2770 • Fax (702) 486-2781
<http://water.nv.gov>

Date: December 21, 2017

Larry Strickland
Strickland Construction
Driller's License Number: 2086

RE: Notice of Intent Card No. 40077

This is written notification to inform you that the notice of intent card listed above for the drilling of one (1) domestic well is **NOT ACCEPTED** due to the following:

- NOI payment (\$25 per card) is ☐ missing ☐ invalid
- Work performed is ☐ missing ☐ invalid
- Proposed use of well is ☐ missing ☐ invalid
- Client information is ☐ missing ☐ invalid
- Location of the well (legal description, GPS coordinates) is ☐ missing ☐ invalid
- Parcel number is ☐ missing ☐ invalid
- Address at well location is ☐ missing ☐ invalid
- Permit number is ☐ missing ☐ invalid
- Waiver number or NDEP Facility ID Number is ☐ missing ☐ invalid
- Driller's signature is required ☐

Other : Order 1293

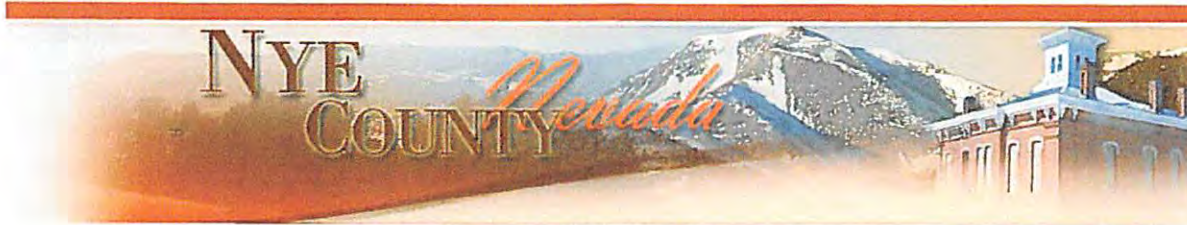
Please be advised that **NO WORK SHALL BE PERFORMED.**

If you have any questions or comments, please contact Christi Cooper at (702) 486-2770.

Sincerely,

Christi Cooper

Christi Cooper
Well Supervisor



[Assessor Home](#)
[Personal Property](#)
[Sales Data](#)
[Secured Tax Inquiry](#)
[Recorder Website](#)

Parcel Detail for Parcel # 045-083-18

| Location | | Ownership | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|--------------|--|--------------|---------|---------|------|-------|-------|-------|--------------|---|---|---|-------------------|---|---|---|---------|---|---|---|------------|---|---|---|---------------------------|--------------|--------------|--------------|--|---------|---------|---------|------|---|---|---|--------------|---|---|---|-------------------|---|---|---|--|--|----------------|---------|---------|---------|------|-------|-------|-------|--------------|---|---|---|-------------------|---|---|---|---------|---|---|---|------------|---|---|---|--------------------------|--------------|--------------|--------------|--|---------|---------|---------|------|---|---|---|--------------|---|---|---|-------------------|---|---|---|
| Property Location 3841 E MANSE RD Town PAHRUMP District 6.5 - PAHRUMP 5 Subdivision Lot Block Property Name F#448835 P.1 1.09AC | | Assessed Owner Name WASHINGTON, KIM NOELLE TRUST Mailing Address 5061 BATDORF CT PAHRUMP, NV 89061-7560 Legal Owner Name WASHINGTON, KIM NOELLE TRUST Vesting Doc #, Date 856190 06/29/16 Year / Book / Page Map Document #s | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Description Total Acres 1.090 Square Feet 0 Ag Acres .000 W/R Acres .000 Improvements Single-family Detached 0 Non-dwelling Units 0 Bedrooms / Baths 0 / .00 Single-family Attached 0 Mobile Home Hookups 0 Stories 0 Multiple-family Units 0 Wells 0 Garage Square Ft. 0 Mobile Homes 0 Septic Tanks 0 Attached / Detached Total Dwelling Units 0 Buildings Sq Ft 0 Residence Sq Ft 0 Improvement List Basement Sq Ft 0 Basement Improvement Sketches Finished Basement SF 0 Bedrooms / Baths 0 / .00 | | Appraisal Classifications Current Land Use Code 100 Code Table Zoning Code(s) RE-1 051809 Re-appraisal Group 2 Re-appraisal Year 2017 Original Construction Year Weighted Year | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Assessed Valuation <table border="1"> <thead> <tr> <th>Assessed Values</th> <th>2018-19</th> <th>2017-18</th> <th>2016-17</th> </tr> </thead> <tbody> <tr> <td>Land</td> <td>2,646</td> <td>2,646</td> <td>2,646</td> </tr> <tr> <td>Improvements</td> <td>0</td> <td>0</td> <td>0</td> </tr> <tr> <td>Personal Property</td> <td>0</td> <td>0</td> <td>0</td> </tr> <tr> <td>Ag Land</td> <td>0</td> <td>0</td> <td>0</td> </tr> <tr> <td>Exemptions</td> <td>0</td> <td>0</td> <td>0</td> </tr> <tr> <td>Net Assessed Value</td> <td>2,646</td> <td>2,646</td> <td>2,646</td> </tr> </tbody> </table> Increased (New) Values <table border="1"> <thead> <tr> <th></th> <th>2018-19</th> <th>2017-18</th> <th>2016-17</th> </tr> </thead> <tbody> <tr> <td>Land</td> <td>0</td> <td>0</td> <td>0</td> </tr> <tr> <td>Improvements</td> <td>0</td> <td>0</td> <td>0</td> </tr> <tr> <td>Personal Property</td> <td>0</td> <td>0</td> <td>0</td> </tr> </tbody> </table> | | Assessed Values | 2018-19 | 2017-18 | 2016-17 | Land | 2,646 | 2,646 | 2,646 | Improvements | 0 | 0 | 0 | Personal Property | 0 | 0 | 0 | Ag Land | 0 | 0 | 0 | Exemptions | 0 | 0 | 0 | Net Assessed Value | 2,646 | 2,646 | 2,646 | | 2018-19 | 2017-18 | 2016-17 | Land | 0 | 0 | 0 | Improvements | 0 | 0 | 0 | Personal Property | 0 | 0 | 0 | Taxable Valuation <table border="1"> <thead> <tr> <th>Taxable Values</th> <th>2018-19</th> <th>2017-18</th> <th>2016-17</th> </tr> </thead> <tbody> <tr> <td>Land</td> <td>7,560</td> <td>7,560</td> <td>7,560</td> </tr> <tr> <td>Improvements</td> <td>0</td> <td>0</td> <td>0</td> </tr> <tr> <td>Personal Property</td> <td>0</td> <td>0</td> <td>0</td> </tr> <tr> <td>Ag Land</td> <td>0</td> <td>0</td> <td>0</td> </tr> <tr> <td>Exemptions</td> <td>0</td> <td>0</td> <td>0</td> </tr> <tr> <td>Net Taxable Value</td> <td>7,560</td> <td>7,560</td> <td>7,560</td> </tr> </tbody> </table> Increased (New) Values <table border="1"> <thead> <tr> <th></th> <th>2018-19</th> <th>2017-18</th> <th>2016-17</th> </tr> </thead> <tbody> <tr> <td>Land</td> <td>0</td> <td>0</td> <td>0</td> </tr> <tr> <td>Improvements</td> <td>0</td> <td>0</td> <td>0</td> </tr> <tr> <td>Personal Property</td> <td>0</td> <td>0</td> <td>0</td> </tr> </tbody> </table> | | Taxable Values | 2018-19 | 2017-18 | 2016-17 | Land | 7,560 | 7,560 | 7,560 | Improvements | 0 | 0 | 0 | Personal Property | 0 | 0 | 0 | Ag Land | 0 | 0 | 0 | Exemptions | 0 | 0 | 0 | Net Taxable Value | 7,560 | 7,560 | 7,560 | | 2018-19 | 2017-18 | 2016-17 | Land | 0 | 0 | 0 | Improvements | 0 | 0 | 0 | Personal Property | 0 | 0 | 0 |
| Assessed Values | 2018-19 | 2017-18 | 2016-17 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Land | 2,646 | 2,646 | 2,646 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Improvements | 0 | 0 | 0 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Personal Property | 0 | 0 | 0 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Ag Land | 0 | 0 | 0 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Exemptions | 0 | 0 | 0 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Net Assessed Value | 2,646 | 2,646 | 2,646 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 2018-19 | 2017-18 | 2016-17 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Land | 0 | 0 | 0 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Improvements | 0 | 0 | 0 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Personal Property | 0 | 0 | 0 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Taxable Values | 2018-19 | 2017-18 | 2016-17 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Land | 7,560 | 7,560 | 7,560 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Improvements | 0 | 0 | 0 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Personal Property | 0 | 0 | 0 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Ag Land | 0 | 0 | 0 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Exemptions | 0 | 0 | 0 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Net Taxable Value | 7,560 | 7,560 | 7,560 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 2018-19 | 2017-18 | 2016-17 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Land | 0 | 0 | 0 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Improvements | 0 | 0 | 0 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Personal Property | 0 | 0 | 0 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

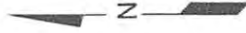
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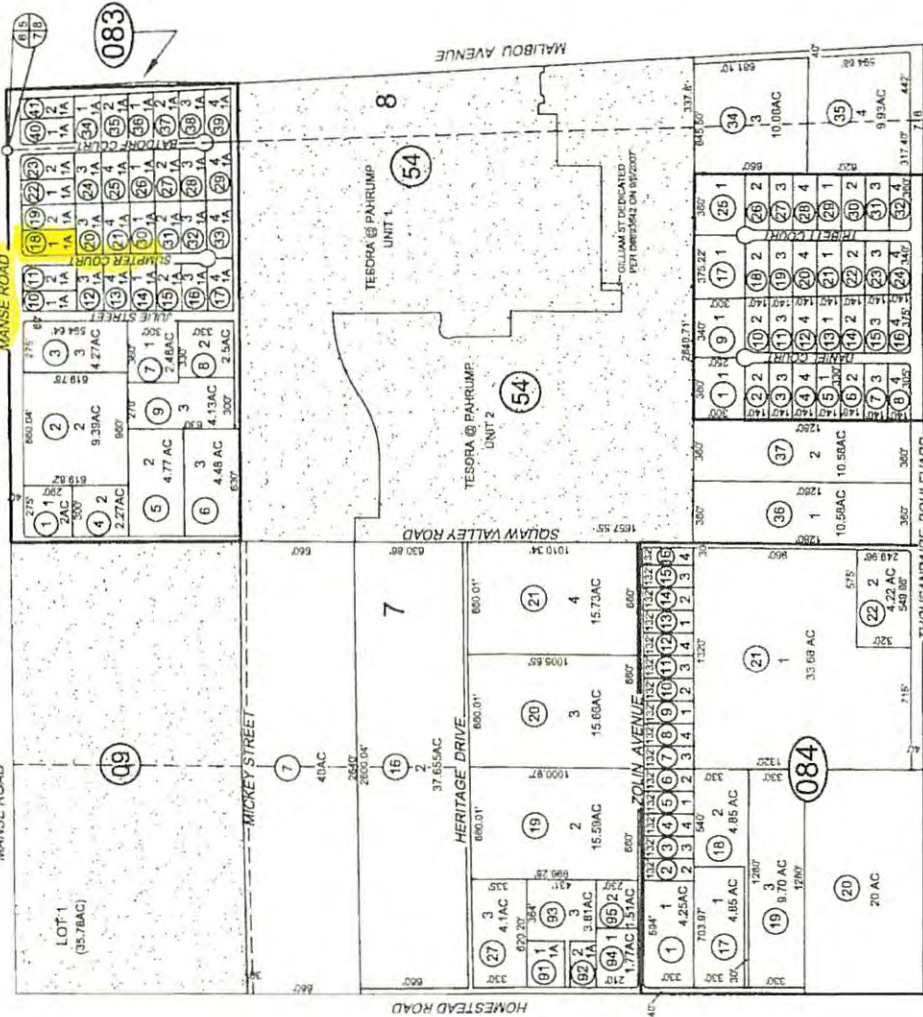


REV. 08-27-84
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09-26-85
03-06-86
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07-14-89
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04-28-95
05-15-95
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07-09-07
09-18-07
01-11-10
05-17-13



T.21S., R.54E.
SEC. 7 & PT. SEC. 8

MANSE ROAD



NOTE: THIS PLAT IS FOR ASSESSMENT USE ONLY AND DOES NOT REPRESENT A SURVEY. NO LIABILITY IS ASSUMED AS TO THE ACCURACY OF THE DATA DELINEATED HEREON.

JUNE 82/WTB-jcb
CAD FILE 7-25-00/DO
NYE COUNTY ASSESSOR

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DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
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December 29th, 2017

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5801 South Homestead Road
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RE: NOI Excess Remit

Dear Strickland Construction Co. Inc.,

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The \$225.00 filing fee received under receipt No. 36136 will be excess remitted to Strickland Construction Co Inc. under a separate cover, at a later date.

Sincerely,

A handwritten signature in blue ink that reads "Christi Cooper".

Christi Cooper
Well Supervisor

JT APP 3570

SE ROA 3523