

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\\_LLRLW/](http://dpbh.nv.gov/Reg/RPM/Beatty_LLRLW/).



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 <sup>1</sup>	1990 <sup>1</sup>	1995 <sup>1</sup>	2004 <sup>2</sup>	2010 <sup>3</sup>	2013 <sup>4</sup>	% 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 <sup>5</sup>	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 <sup>5</sup>	104,986	100%

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

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

<sup>2</sup> 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.

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

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

<sup>5</sup> 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.

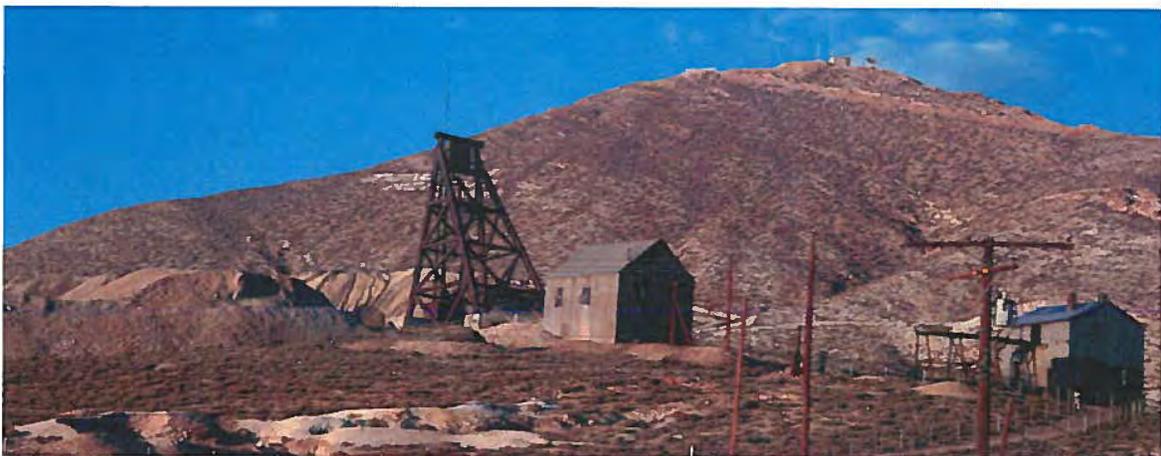


Photo 7. Tonopah Mining Park Museum. Photo Credit: Thomas Buqo, 2009



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 mi<sup>2</sup> 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
<b>Totals:</b>		<b>118,180,905</b>	<b>362.684</b>

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
<b>Total</b>	<b>4,656</b>

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 4-6a. 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	1500	740	1110	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

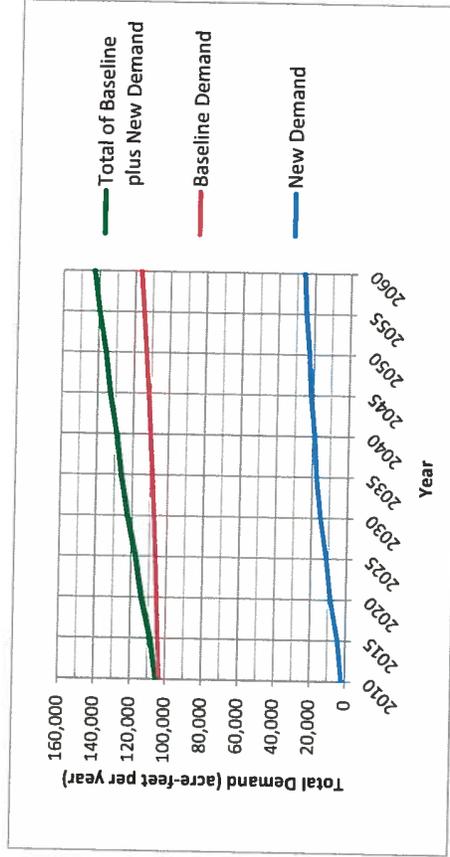
Mode of Development	Employment Minimum		Employment Maximum		Total Minimum Water Demand Over Baseline		Total Maximum Water Demand Over Baseline	
	mgd	afy	mgd	afy	mgd	afy	mgd	afy
Golf Resort	0.02	21	0.02	31	1.07	1,200	1.09	1,221
Federal Facilities and Lands	0.01	17	0.22	249	0.31	350	0.32	367
Agricultural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

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:

- 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).
- Stateline area expansion assumes small casino and RV park similar to Longstreet Inn and similar Interstate Corridor Commercial development.
- Water use at campus assumes 5 acre-feet/acre times 250 acres.
- 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.
- Induced population rate from Buquo and Baughman, 1999.
- Deep oil well horizontal and directional hydrofracturing rate 2.5 to 3.5 AFY/well from DOI-BLM-NV-8000-2015-0001-EA.
- 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							
2015			1,008	11	918	172			1,811	51			382
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	66	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	0	103,295
2015	104,444	1,968	106,412
2020	105,346	4,353	109,699
2025	106,398	8,664	115,062
2030	107,541	11,279	118,820
2035	108,780	14,960	123,740
2040	110,126	17,571	127,697
2045	111,587	19,028	130,615
2050	113,173	21,457	134,630
2055	114,894	22,643	137,537
2060	116,762	24,735	141,497

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).

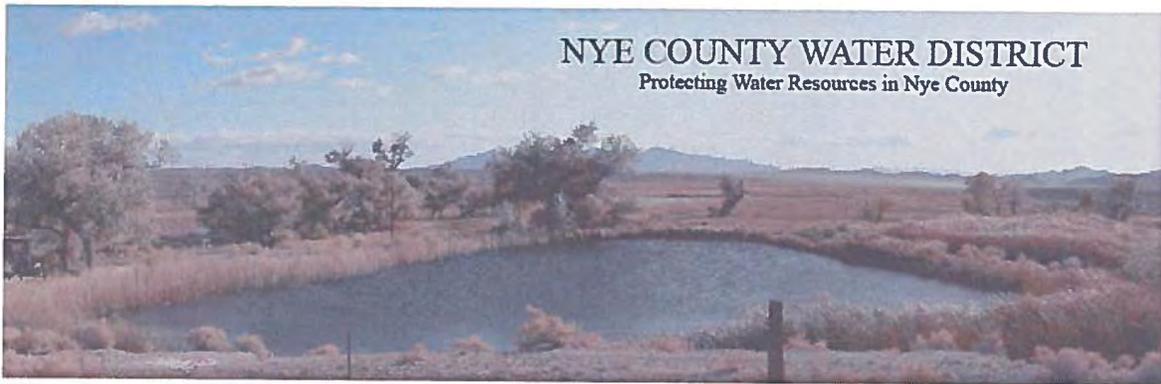
#### Federal Water Users

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

<b>Nevada Revised Statutes Title 48—WATER</b>	
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
<b>Nevada Administrative Code</b>	
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.

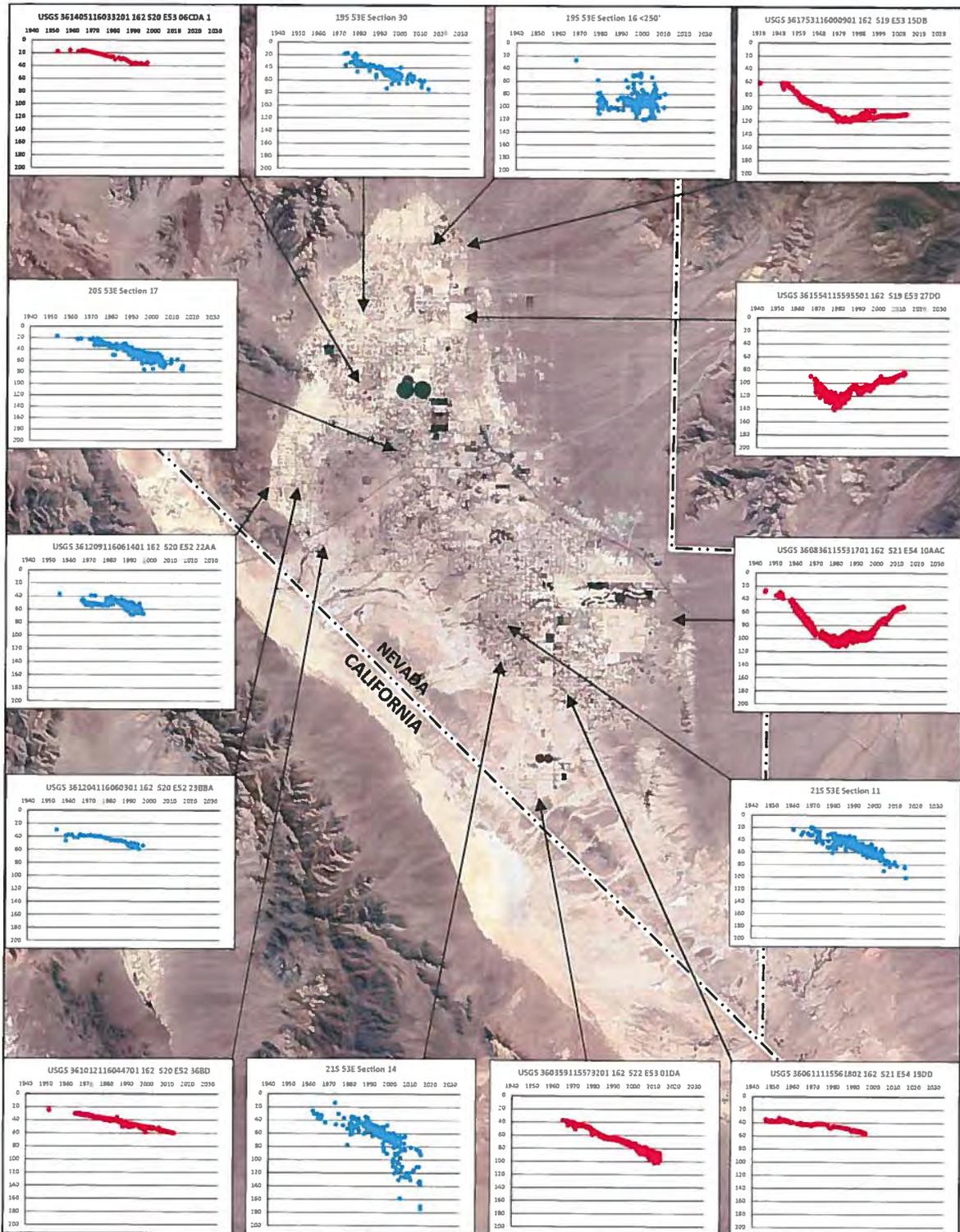


Figure 5-1. Long-term Water Level Trends in Pahrump Valley.

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).

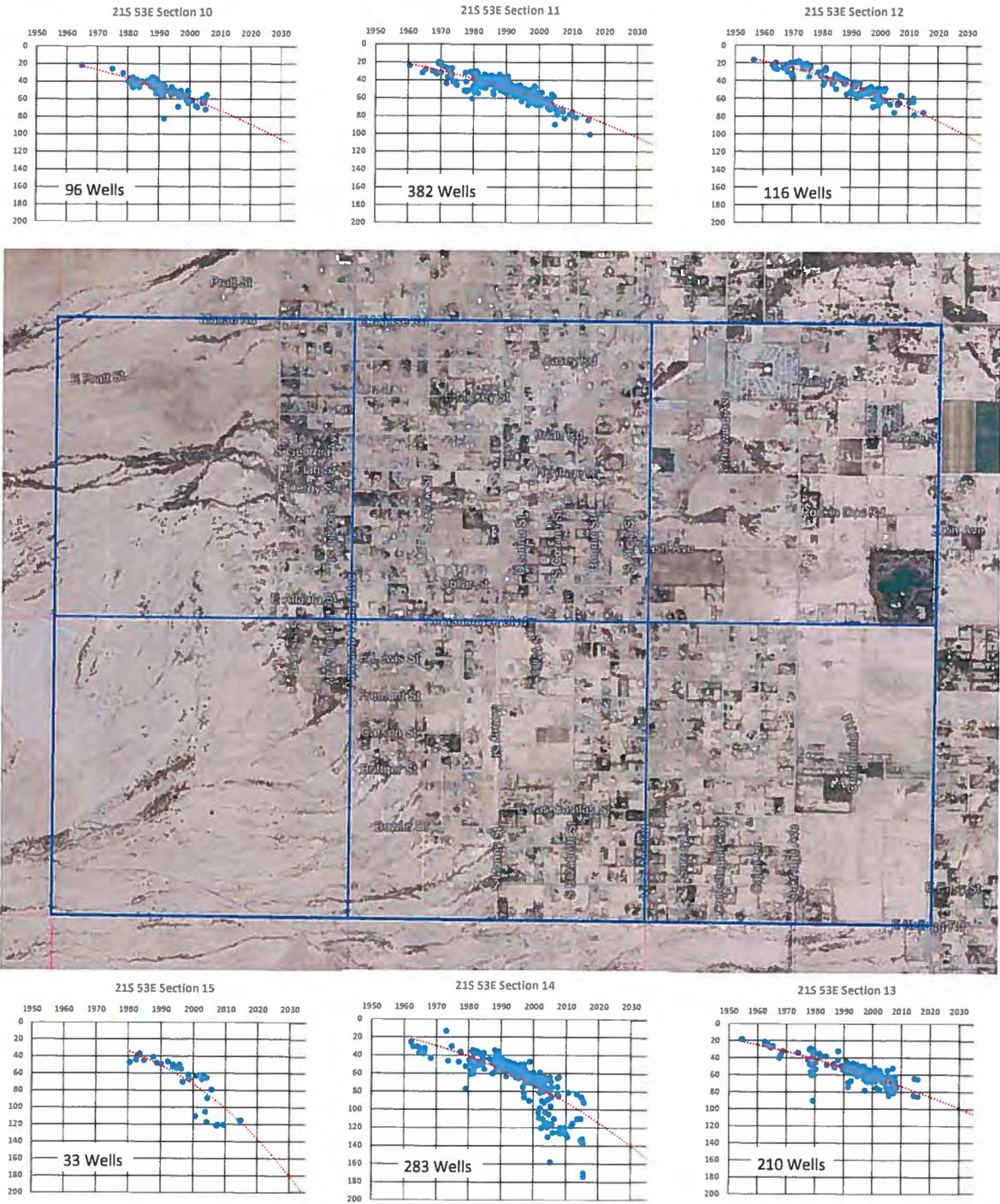


Figure 5-2. Long-term Water Levels for 1,120 Water Wells in six sections in Southern Pahrump.

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.

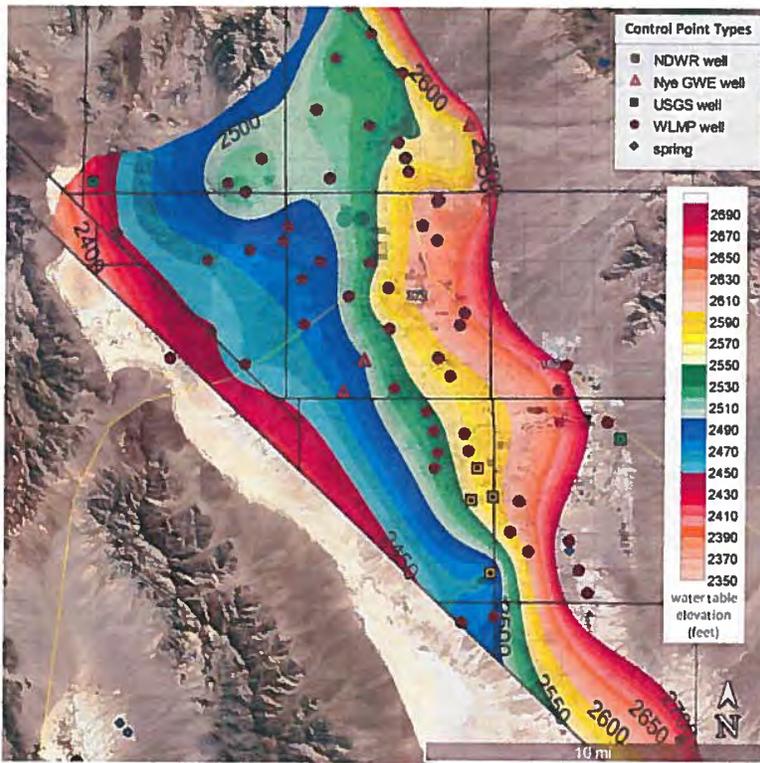


Figure 5-3. Potentiometric map showing water table elevations across the Pahrump Valley for the starting “current” potentiometric surface map (7-15-2015). Control point wells and springs used to create the potentiometric surface are shown. From Klenke 2017.

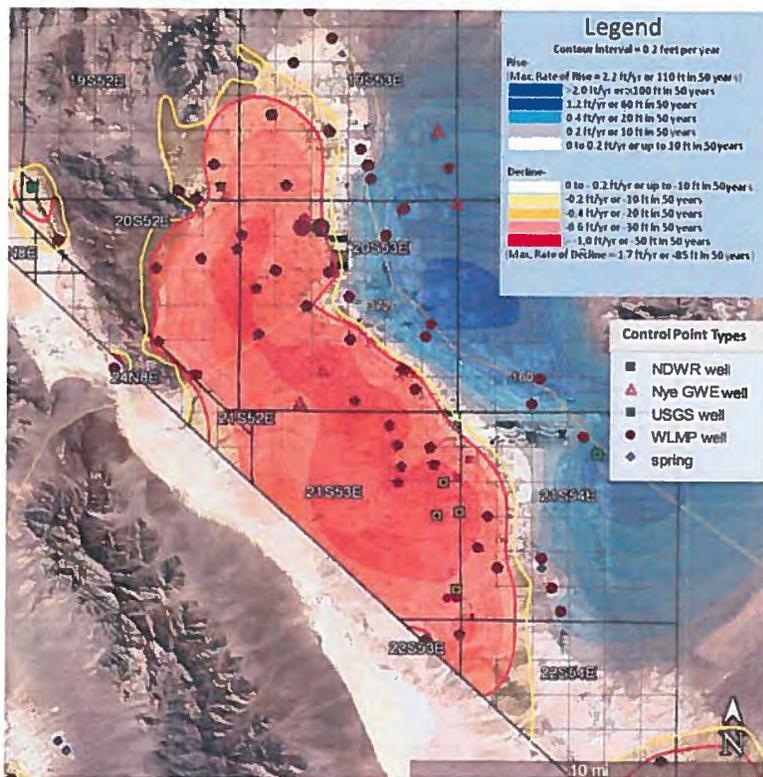


Figure 5-4. Contour map showing the areal distribution of predicted rates of water table elevation change. The area enclosed by the yellow polygon with an average rate of decline of  $\geq 0.2$  ft/yr is the Area of Appreciable Decline, and bounds the aerial extent of analysis. The area enclosed by red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

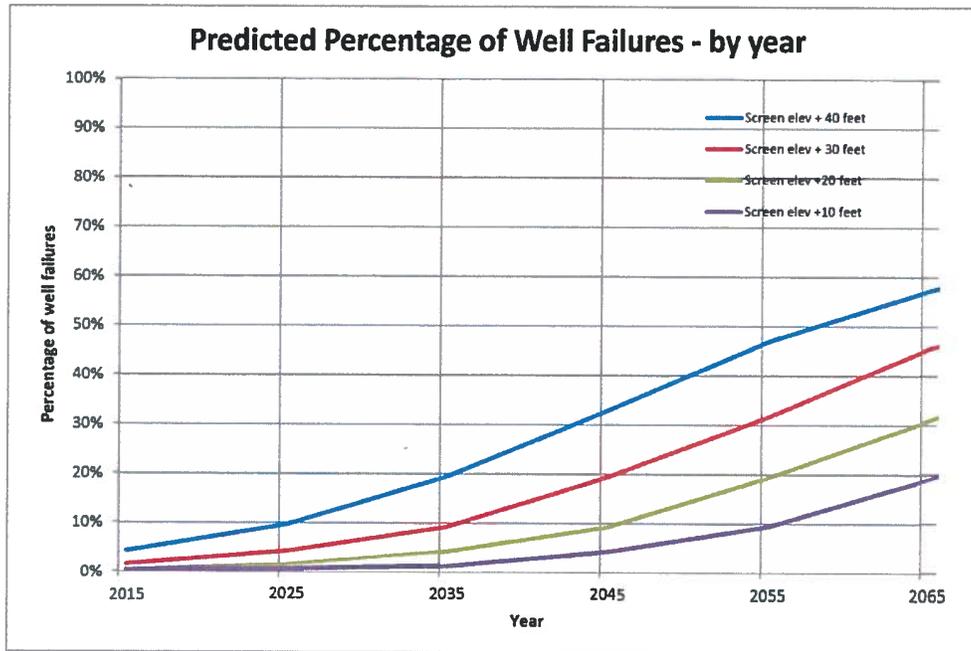


Figure 5-5. Cumulative frequency plot showing difference in percentage of predicted well failures of the 9,774 wells within the Area of Appreciable Decline over the next 50 years based on well submergence. The colored lines represent the four submergences of 10-, 20-, 30- and 40-feet above the bottom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

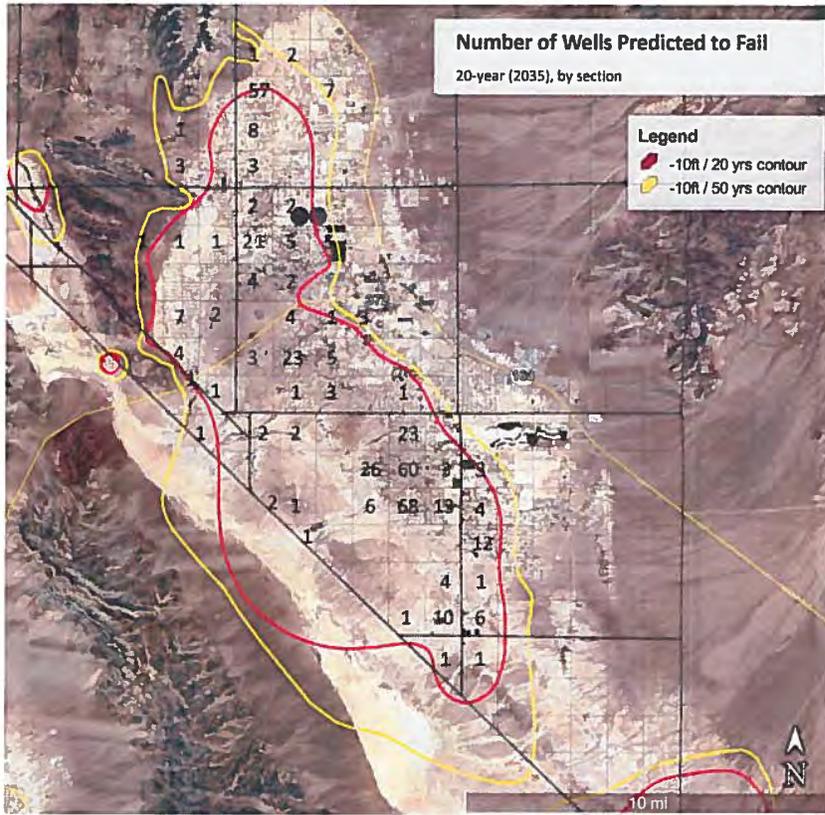


Figure 5-6. Locations of the 438 wells predicted to “fail” by 2035 using the 20 foot submergence alternative. The 10-foot decline contour for 20 years is shown in red, and for 50 years in yellow.

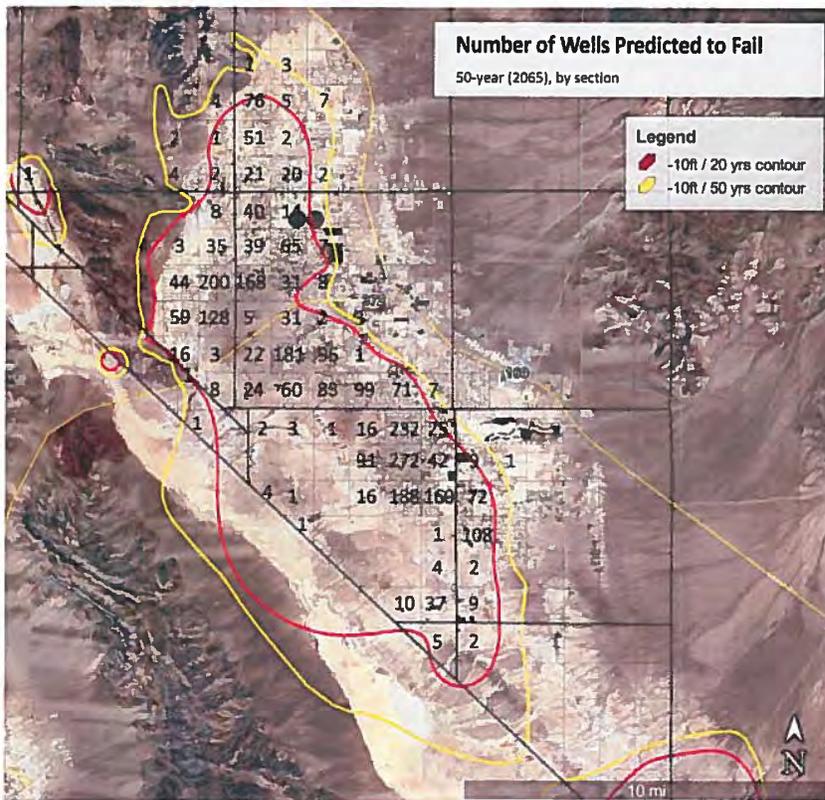


Figure 5-7. Locations of the 3,085 wells predicted to “fail” by 2065 using the 20 foot submergence alternative. The 10-foot decline contour for 20 years is shown in red, and for 50 years in yellow.

### 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.

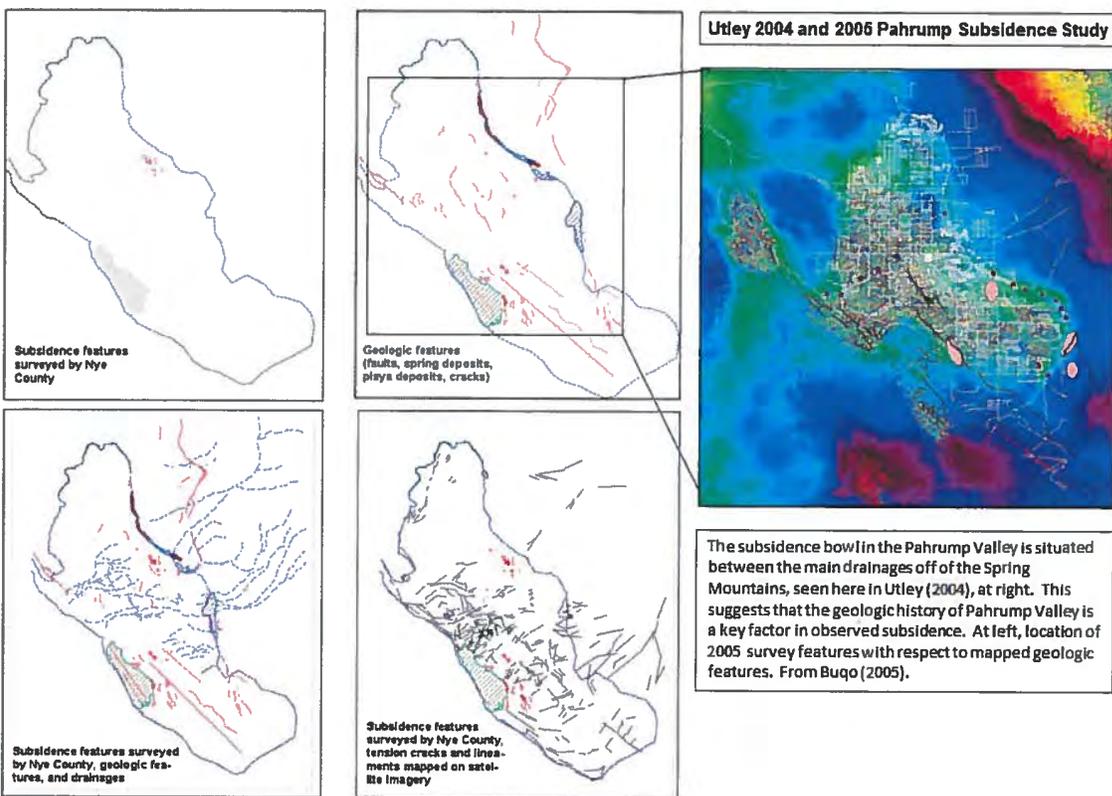


Figure 5-8 Overview of findings from Utley's 2004 and Buqo's 2005 Pahrump Subsidence Studies.

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.

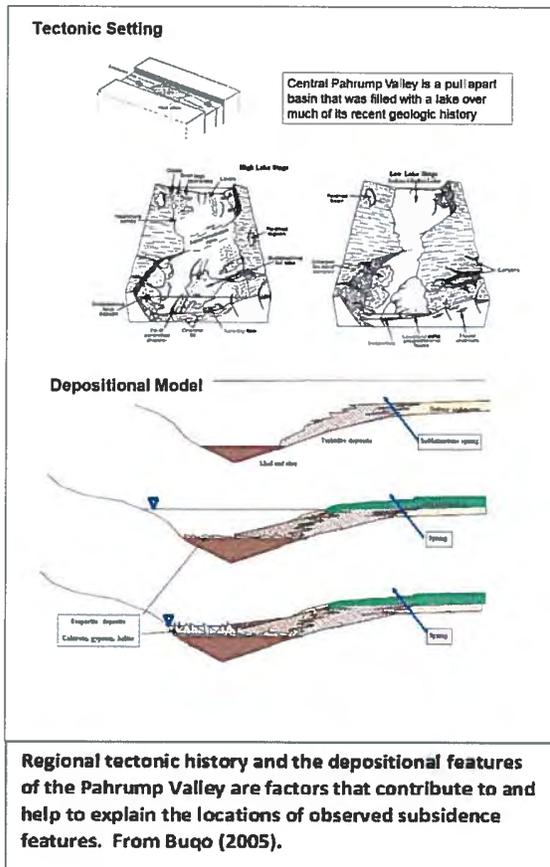


Figure 5-9: Tectonic and depositional influences on observed subsidence areas.

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

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

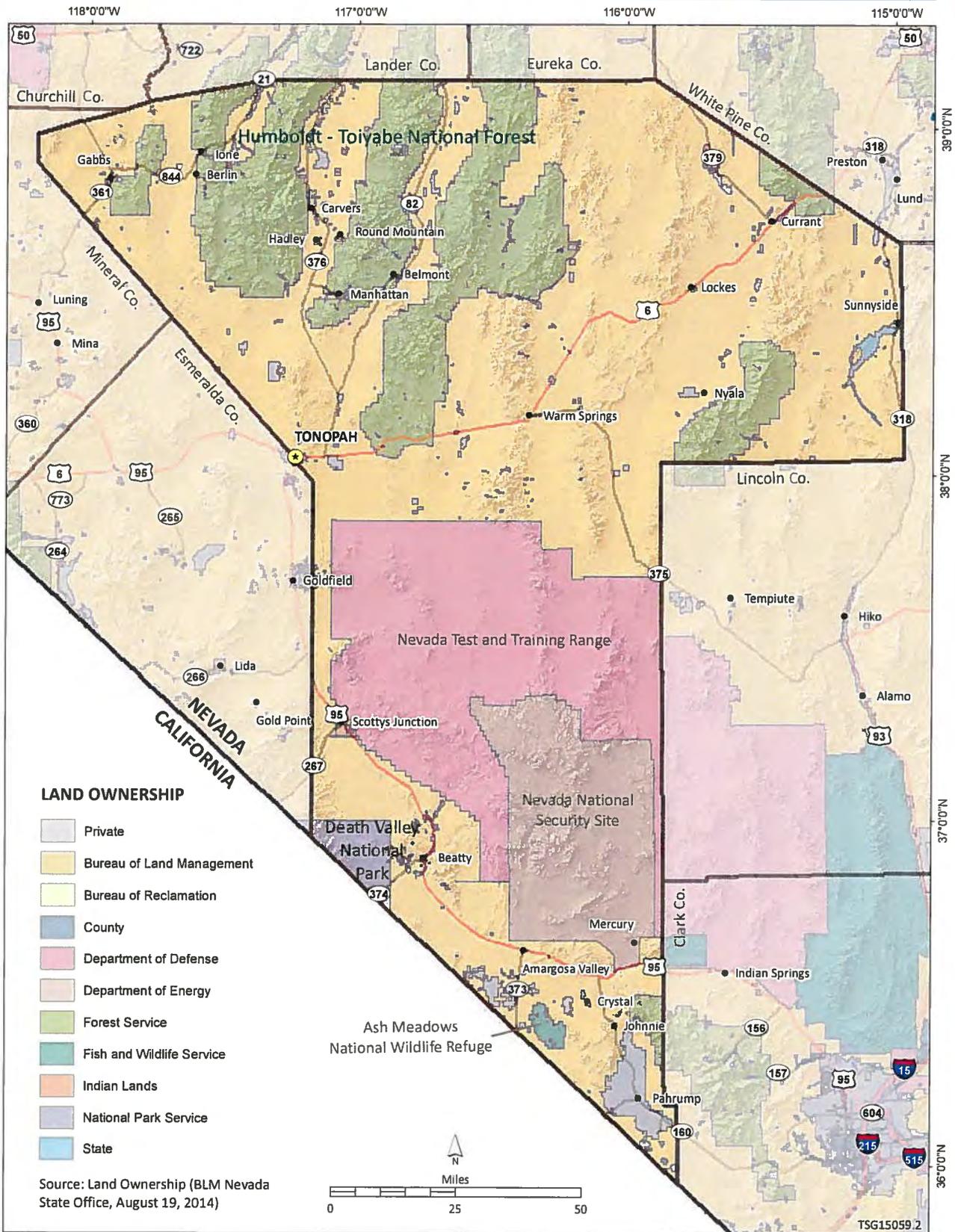


Figure 1-2. Nye County Land Status.

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
<b>Water Supply and Allocation</b>	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
<b>Water Quality</b>	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
<b>Resource Conservation and Recreational Uses</b>	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
<b>Flood Management</b>	Flood Management in Nevada	Develop modeling capability; develop plan to update flood maps; basin planning; review watershed management plans
<b>Water Planning and Management</b>	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

<b>Agency</b>	<b>Document Title</b>	<b>Date Initiated</b>
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 magnesia 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.

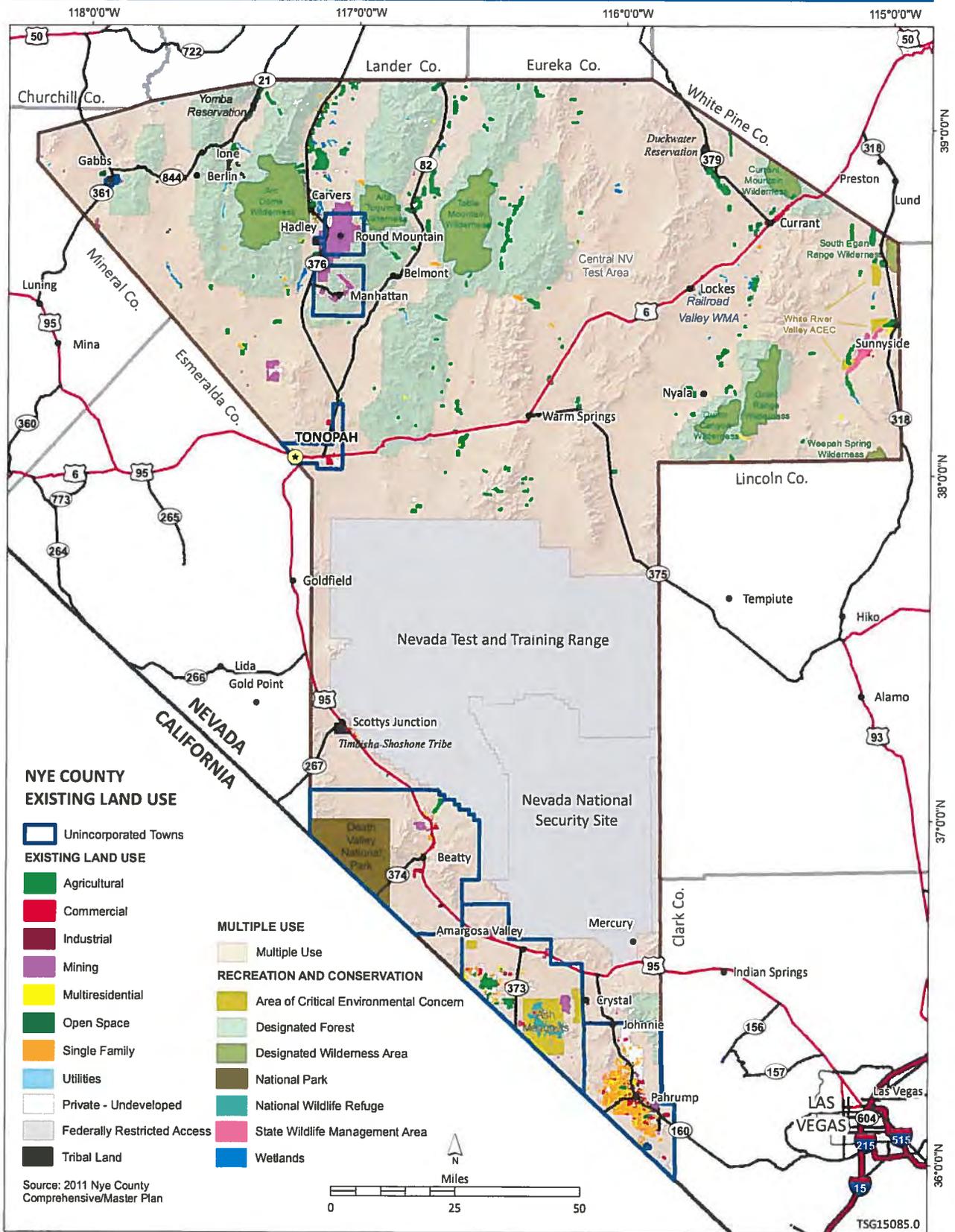


Figure 2-1. Existing Nye County Land Uses.



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.

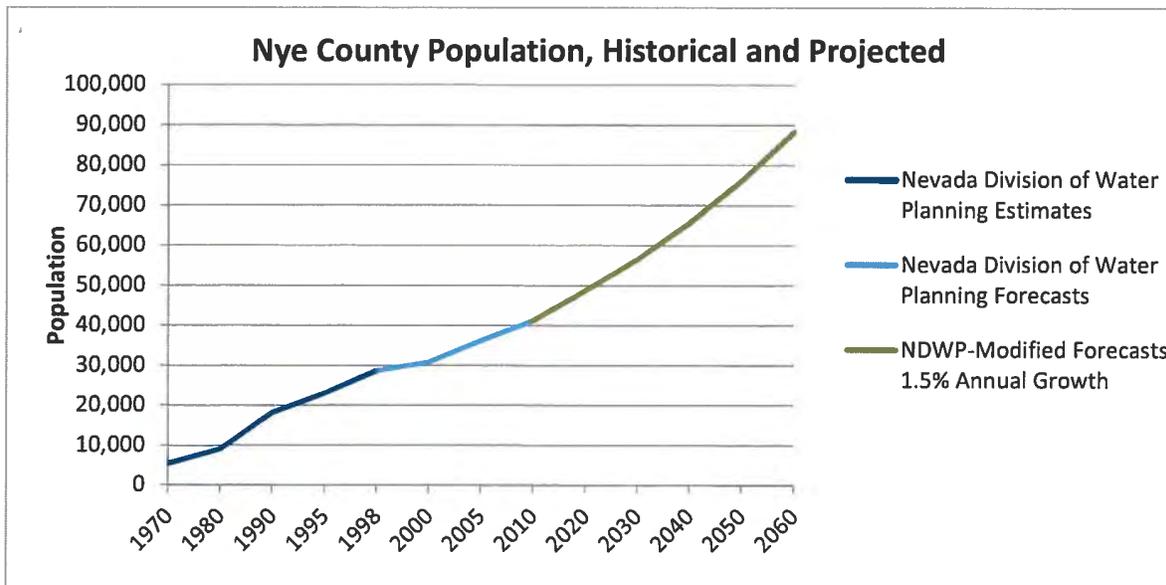


Figure 2-3. Graph showing Historical and Projected Population for Nye County.

**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	
<b>Total</b>	<b>25,493</b>	<b>9,915</b>	<b>94,214</b>

\* 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 <sup>2</sup>	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
Armscor Phase II	commercial	Pahrump	Pahrump Valley	Two 4,900 sf buildings	started
Armscor 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.

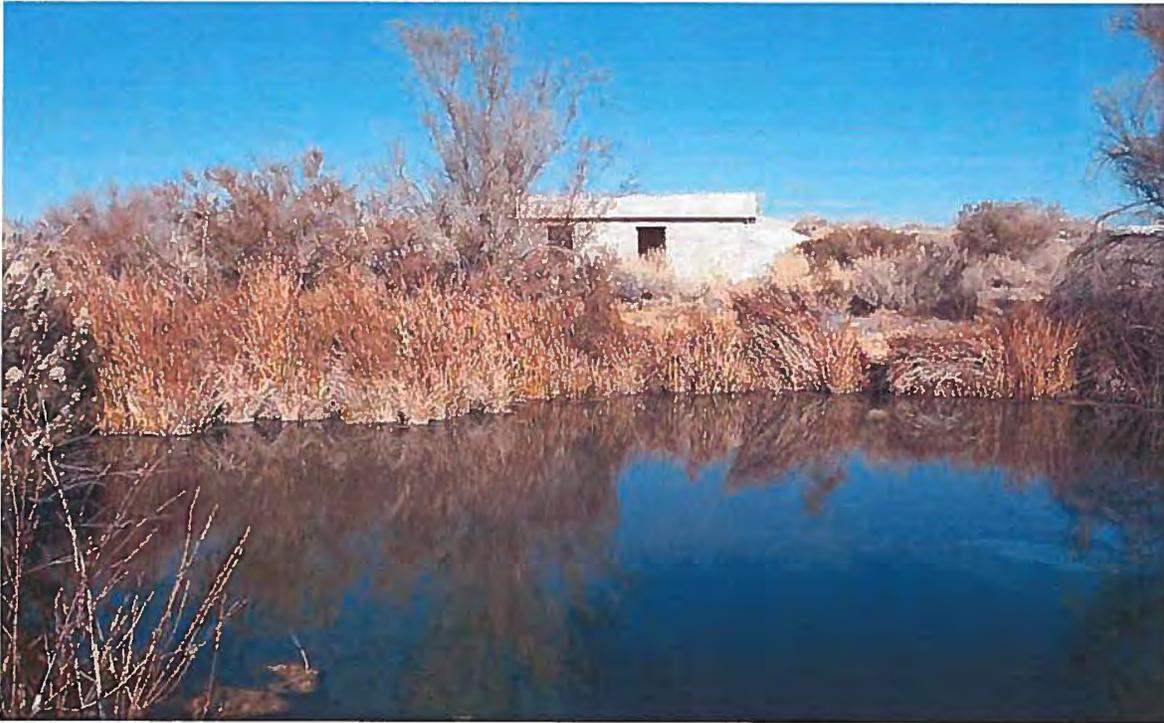


Photo 3. Longstreet Spring cabin. Photo credit: US Fish and Wildlife Service, 2008.

### 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.

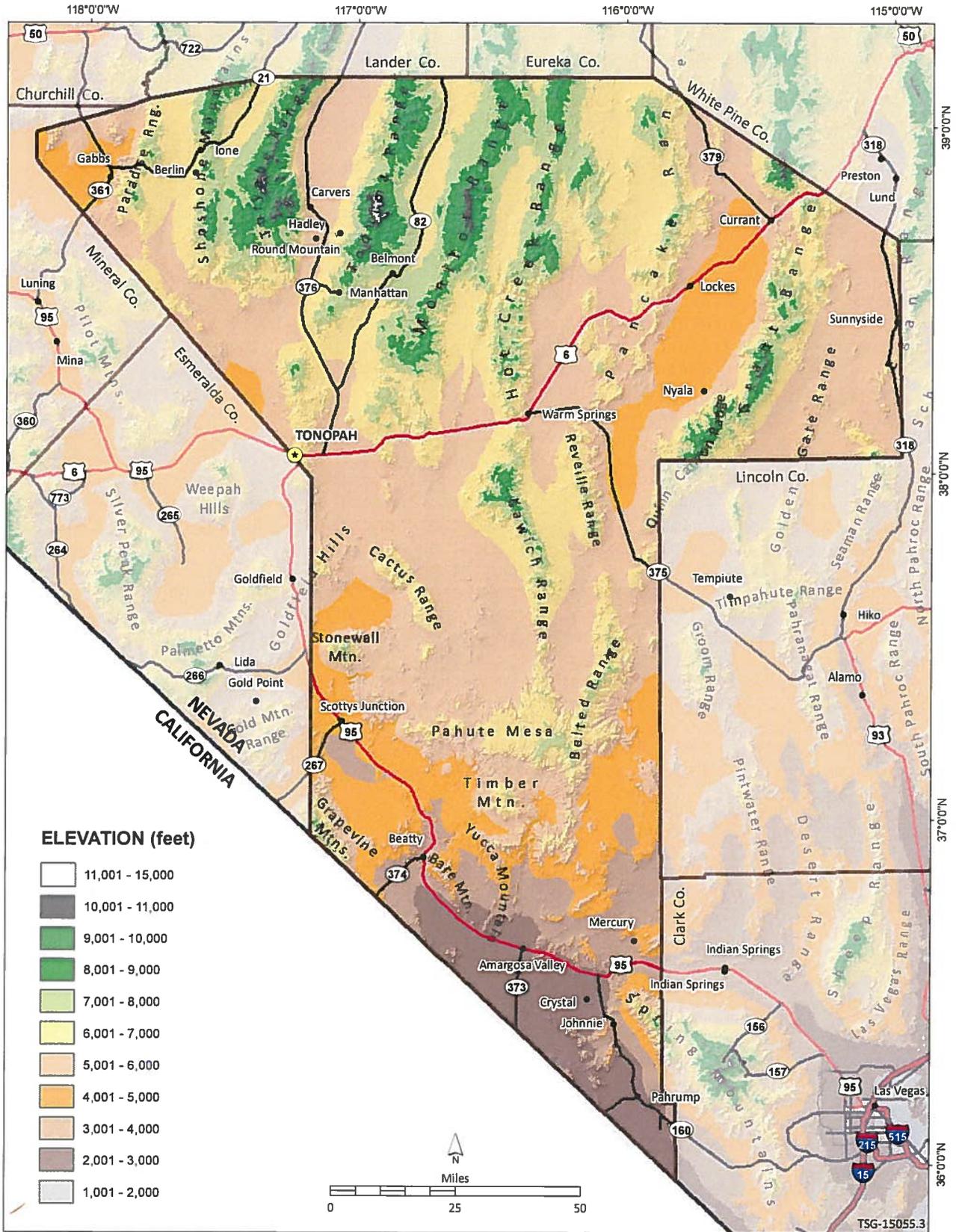


Figure 3-1. Topography (Jarvis and Others, 2008) and named physiographic features of Nye County.

### 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

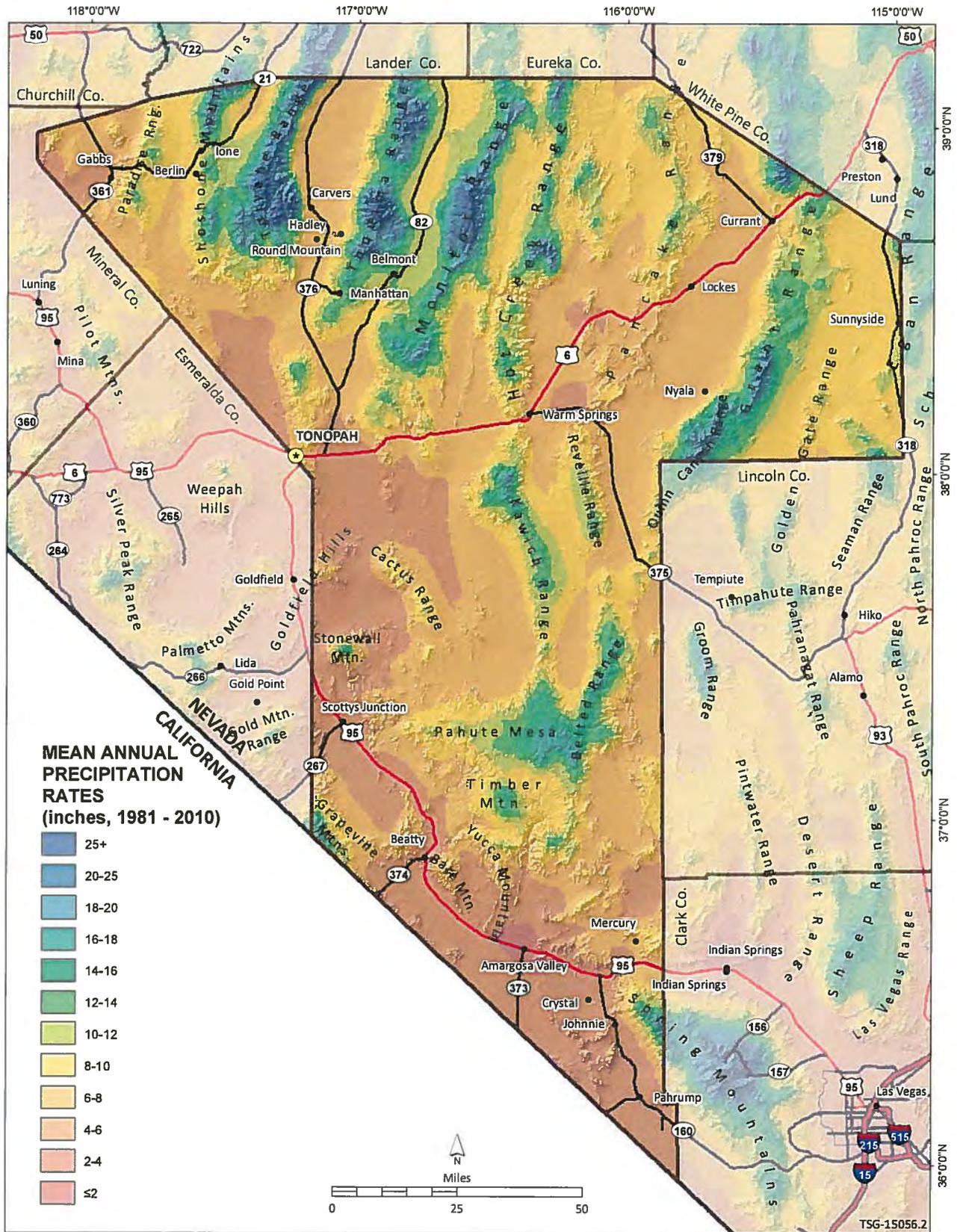


Figure 3-2. Nye County mean annual precipitation rates in inches for the period 1981-2010 (NRCS PRISM).

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

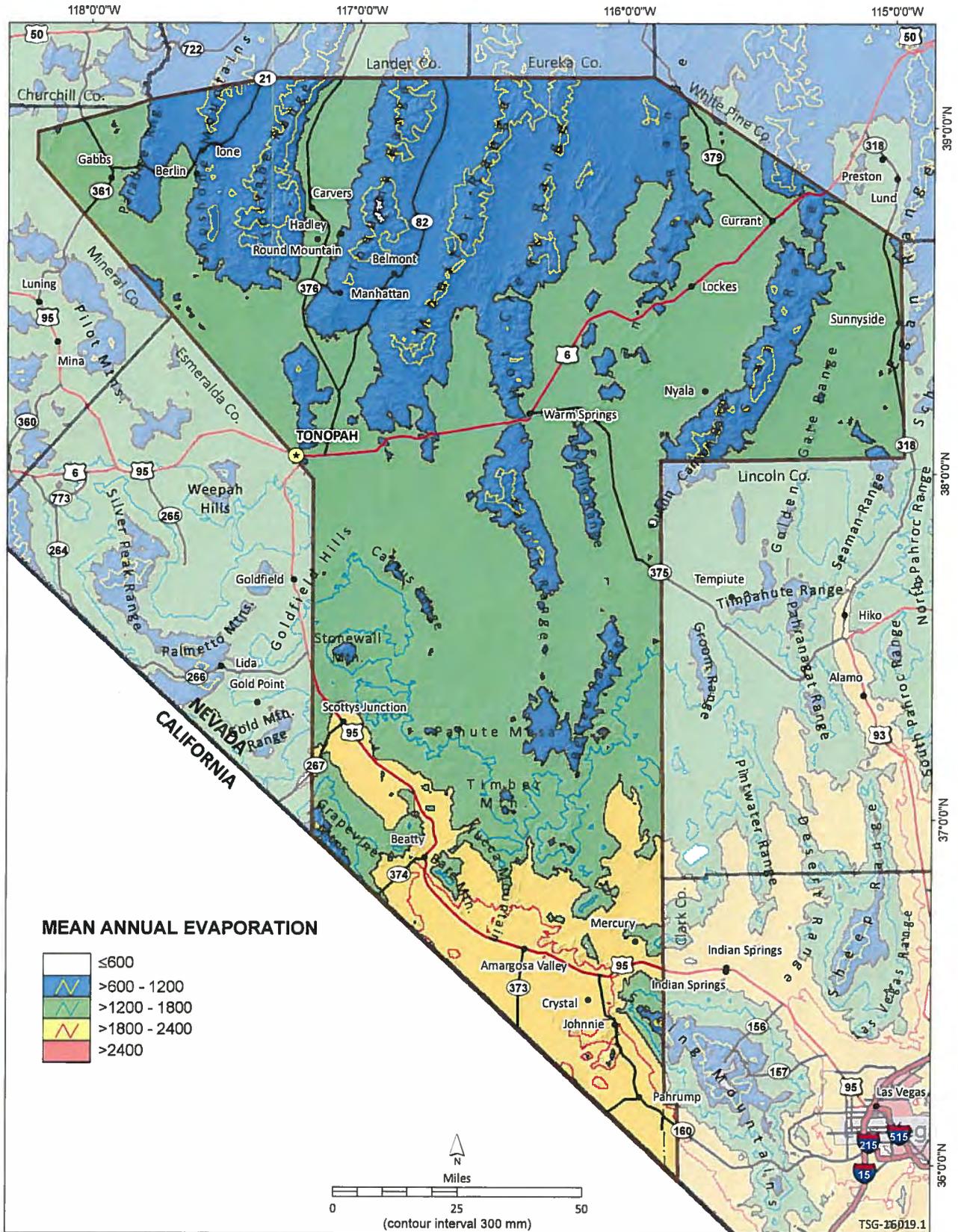


Figure 3-3. Potential evaporation rates in Nye County (From Shevenell, 1999).

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

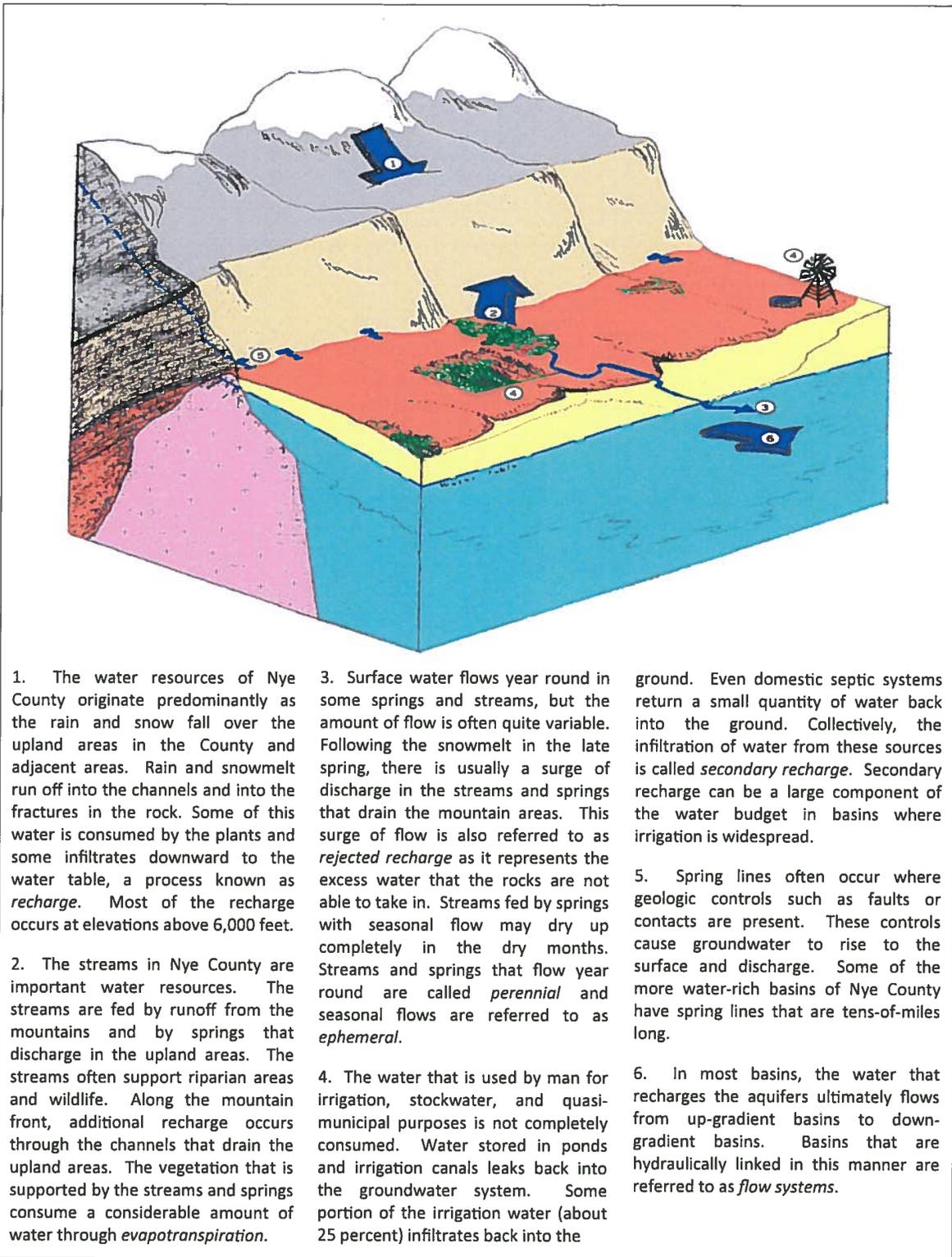


Figure 3-4. Conceptual hydrogeologic model for Nye County.

**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)

<b>Mining Related Pond/Reservoir</b>	<b>Hydrographic Basin</b>	<b>Basin</b>	<b>Surface Area (acres)</b>	<b>Maximum Storage Capacity (acre-feet)</b>
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

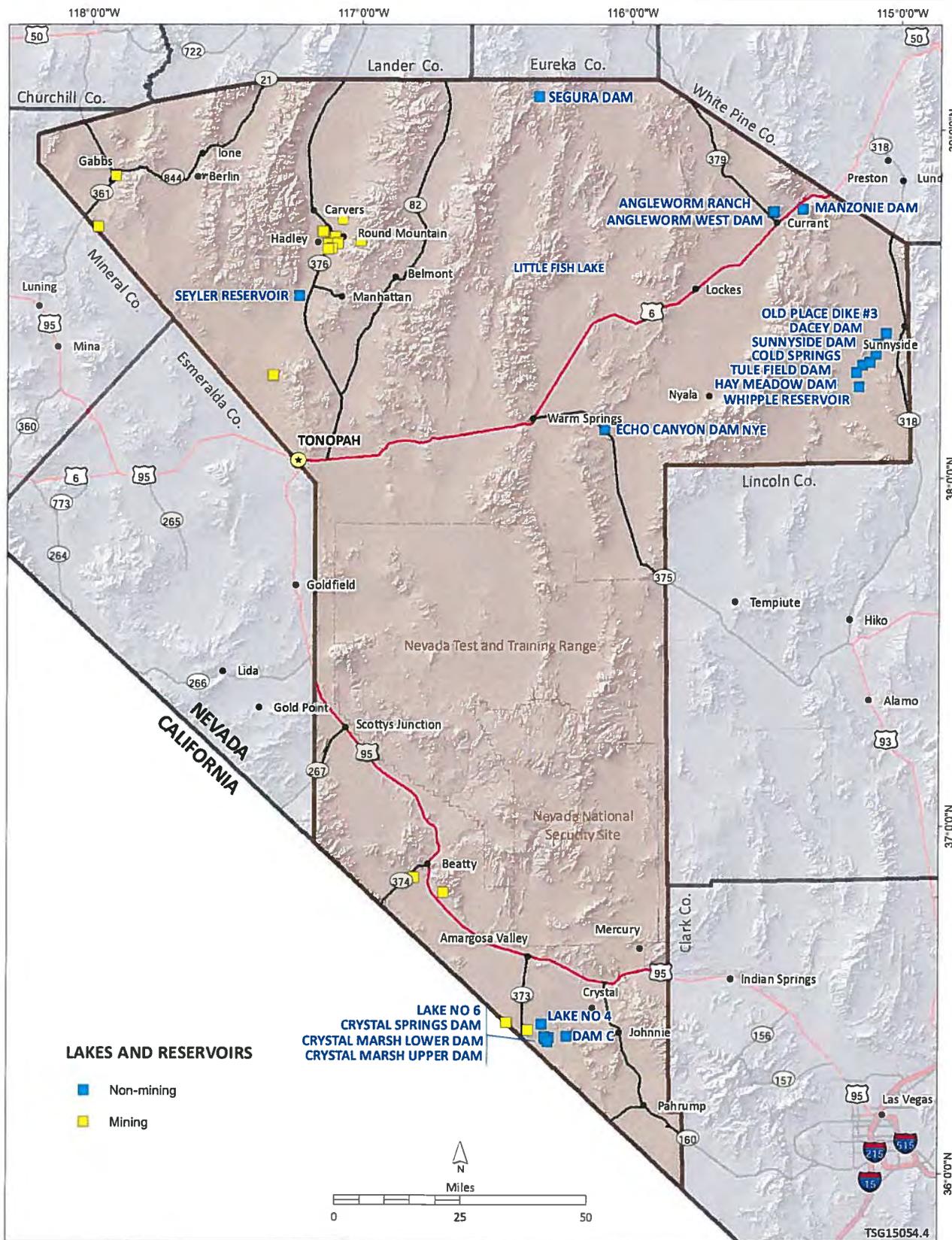


Figure 3-5. Nye County lakes and reservoirs from Nevada Division of Water Resources (2015) dam database.

### 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 Buqo, 2006

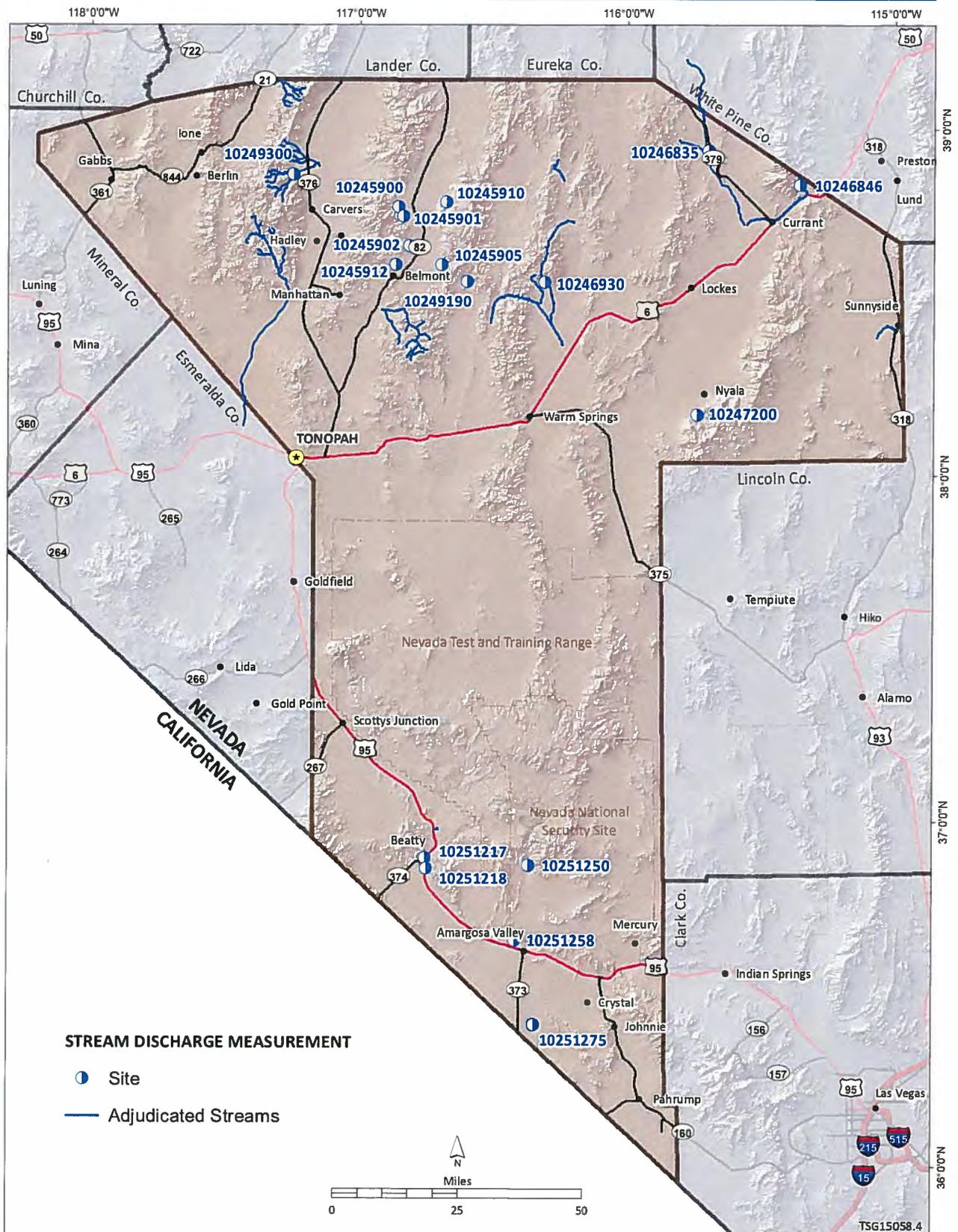


Figure 3-6. Nye County stream discharge measurement sites from USGS National Water Information System (2015).

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).

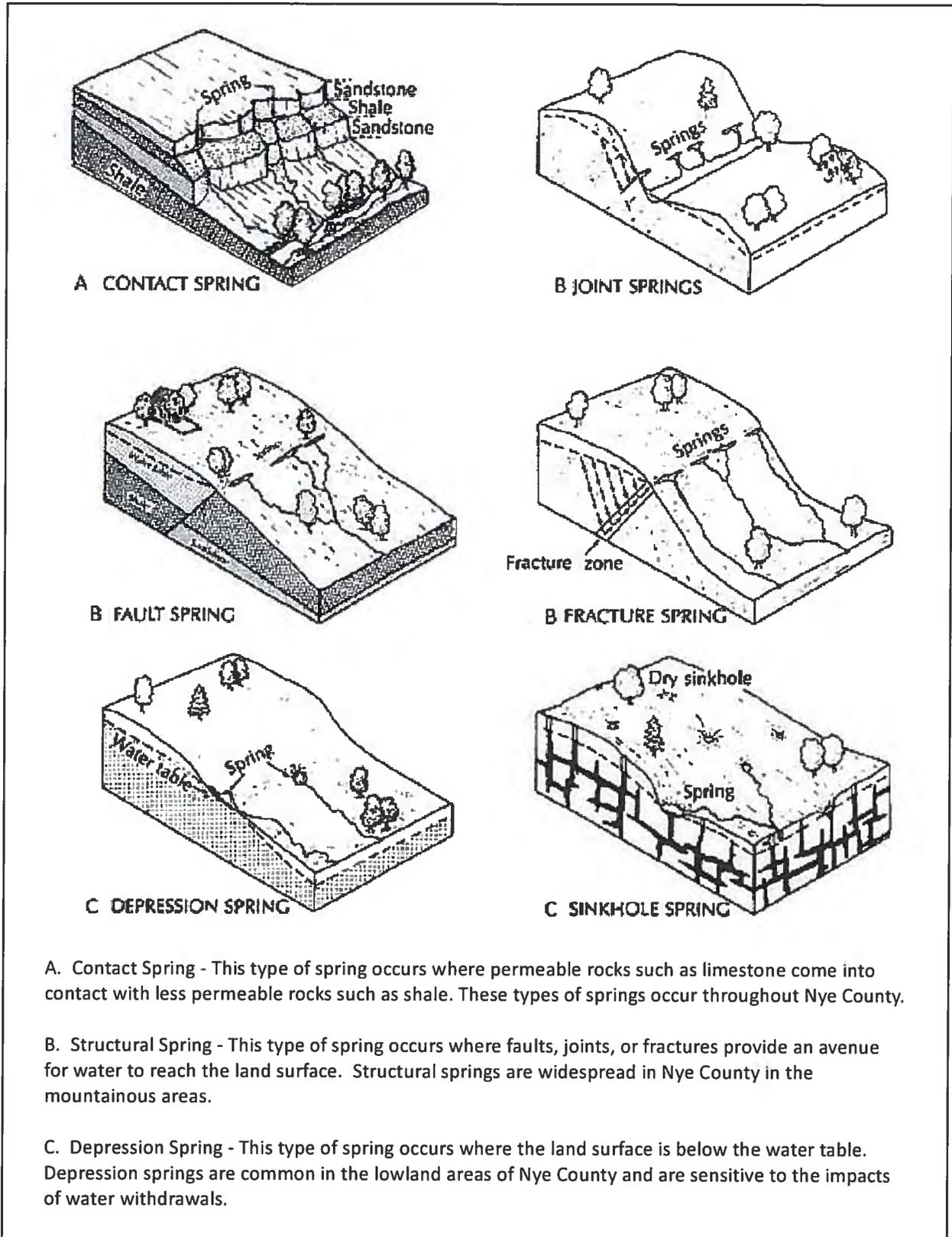


Figure 3-7. Types of springs in Nye County. After Fetter, 1988.

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 <sup>1</sup>
140A	Diana's Punch Bowl	6,715	467		1964 <sup>1</sup>
140A	Potts Ranch Spring	6,615	467		1964 <sup>1</sup>
156	Hot Creek Spring	5,540	759	220	1969
162	Bennetts Springs <sup>2</sup>	2,680	3,350	0	1963
162	Manse Springs <sup>3</sup>	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

<sup>1</sup> Only one measurement was taken at this location.

<sup>2</sup> 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.

<sup>3</sup> 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

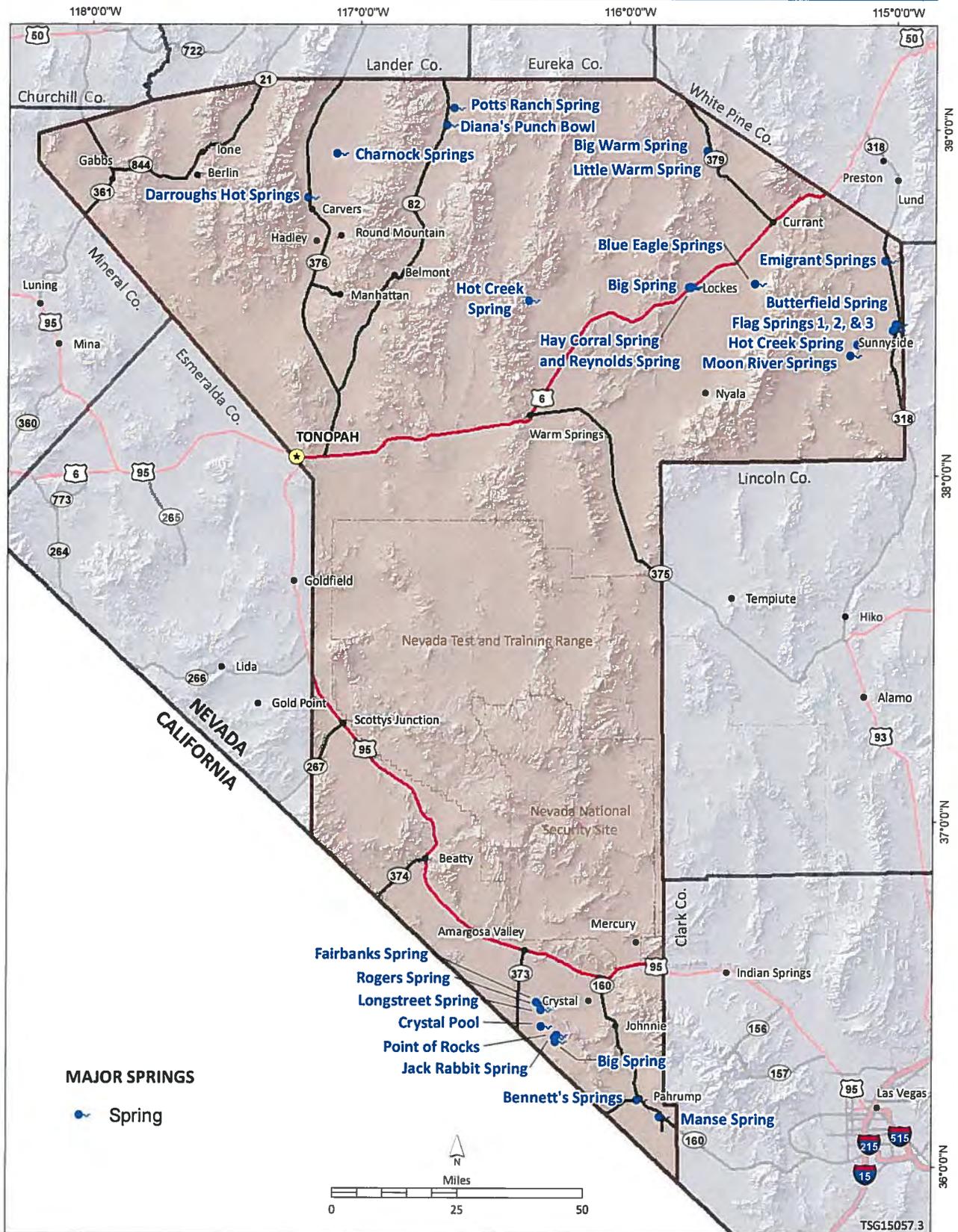


Figure 3-8. Major springs (greater than 450 gpm discharge) in Nye County from USGS National Water Information System (2015). Page | 3—17

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	Certificated	Permitted	Applied For	Ready for Action/Protest	Reserved	Total Allocated <sup>1</sup>	Total Demand <sup>2</sup>
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

<sup>1</sup> Total Allocated = Vested + Certificated + Permitted + Reserved

<sup>2</sup> Total Demand = Vested + Certificated + 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 surface 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.

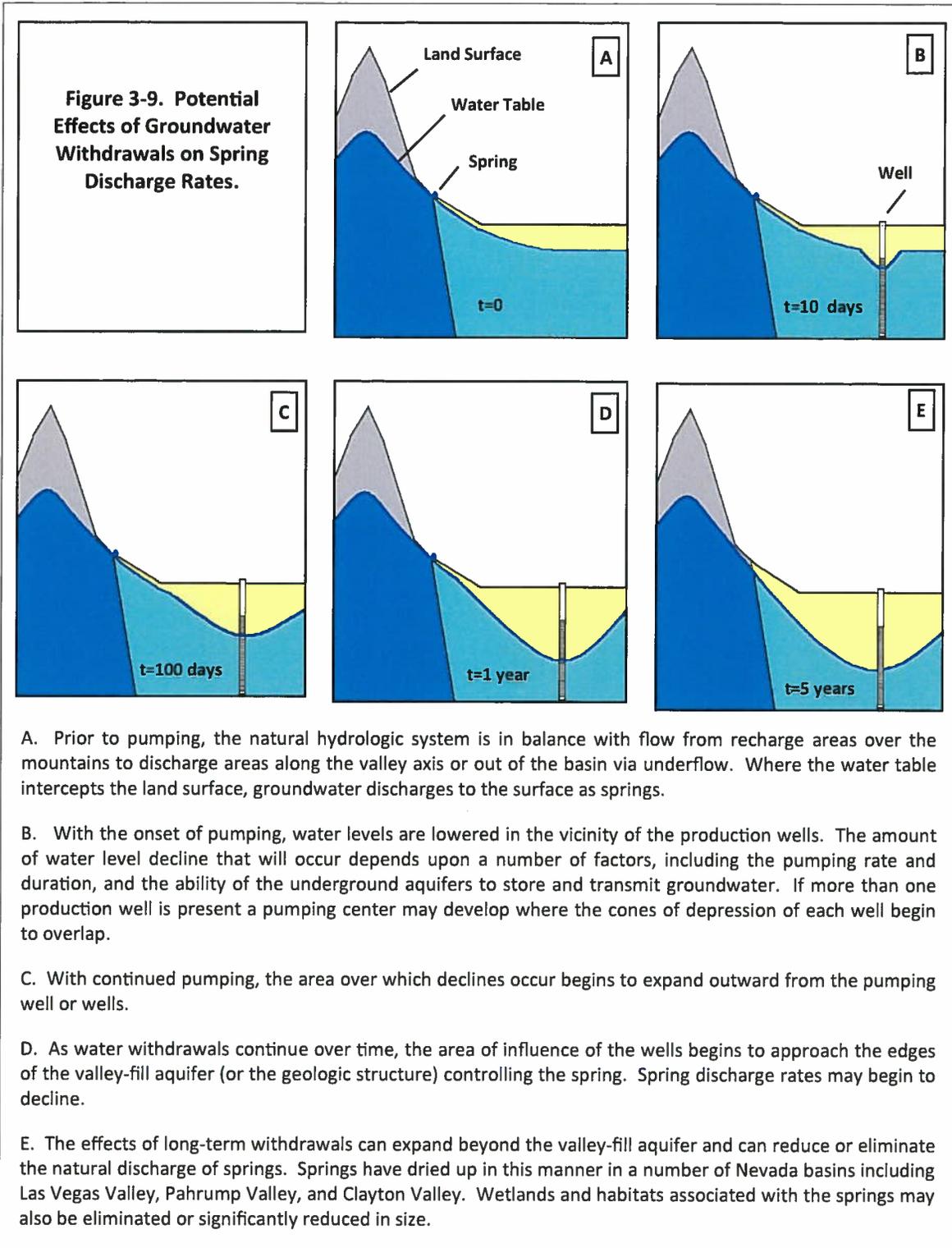
Beneficial use of surface water has been hampered by federal land use policies and decisions. Federal land management agencies such as BLM and USFS have adopted policies and decisions aimed at constraining, or in some cases, eliminating water use associated with federally authorized land use and disposals. 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	Commercial	Mining & Milling	Mining & Milling & Dewatering	Stock	Irrigation	Irrigation DLE	Wildlife	Recreation	Municipal	Quasi-Municipal	Power	Storage	Other	Total
Alkali Spring Valley*	142			18		4		27	19,293	207		2			145	22
Anargosa Desert	230			258			5,055									25,008
Antelope Valley (Eureka & Nye)*	151					95	260								181	556
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			13	15					80	578
Kawich Valley	157					77										90
Lida Valley*	144					2										2
Little Fish Lake Valley	150					165	154								139	458
Little Smoky Valley Central Part	155B					30										30
Little Smoky Valley Northern Part*	155A					139	239								454	832
Little Smoky Valley Southern Part	155C					120			31							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
Pahruc 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										298
Ralston Valley*	141			9		171	48								111	339
Rock Valley	226															0
Sarcobatus Flat*	146					64	10									74
Smith Creek*	134					218										218
Stone Cabin Valley	149			16		791	882									1,689
Stonewall Flat*	145					57									2	60
Upper Reese River Valley*	56					1,176	16,642	971								18,789
White River Valley*	207					258	28,520		5,392			2				34,171
Yucca Flat	159					52										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.

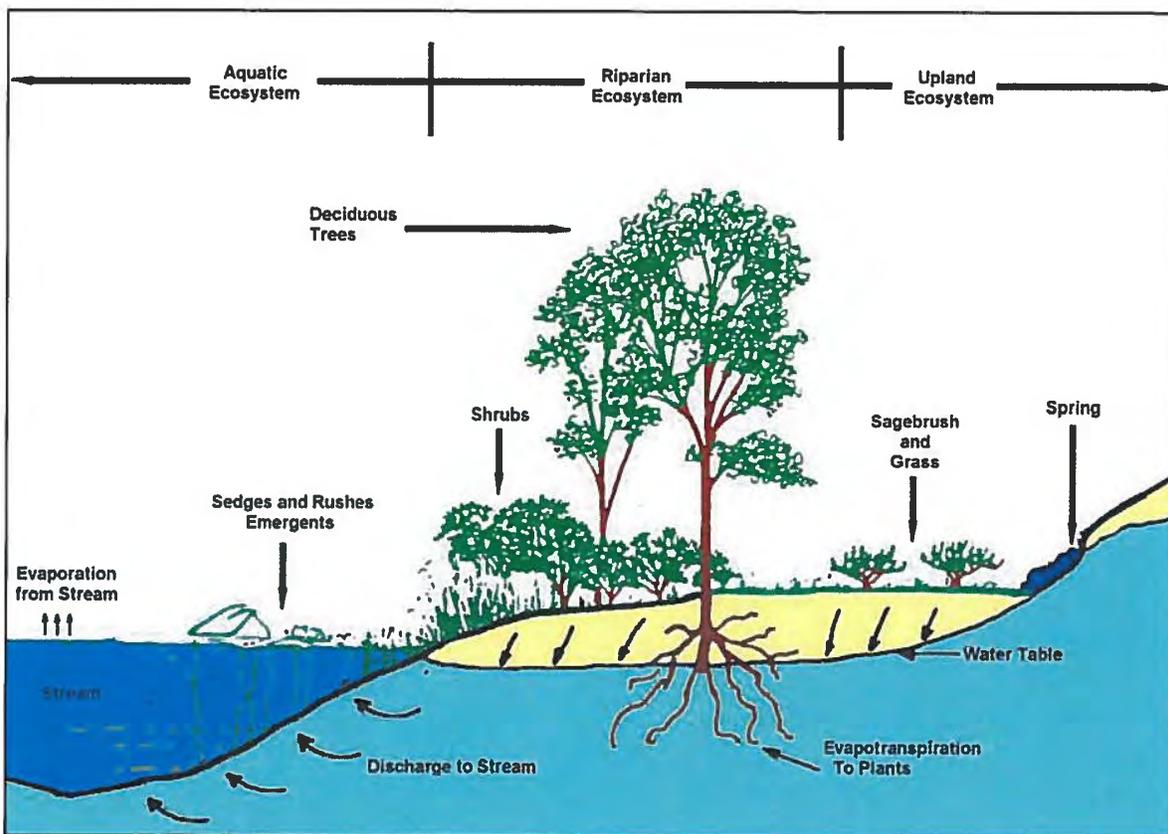


Figure 3-10. Conceptual model of ecological processes in a riparian area. From Buqo (2004).

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](http://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
<b>Total</b>	<b>47,329</b>	<b>10,821</b>	<b>58,150</b>	<b>26,715</b>

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](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).

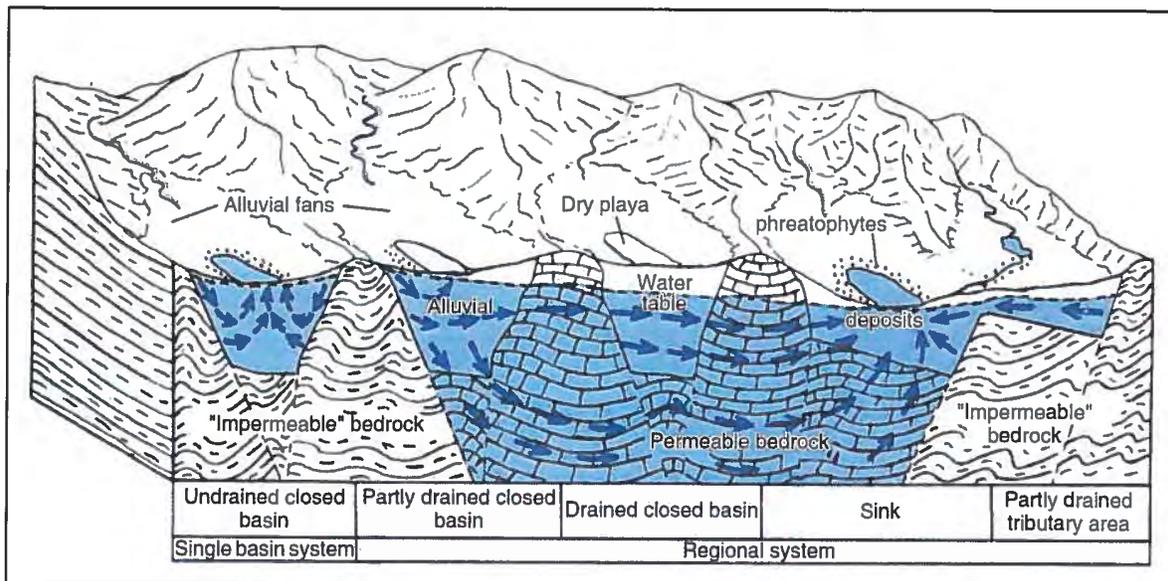


Figure 3-11. Conceptual hydrogeology of the basins in Nye County. Modified from U.S. Geological Survey Professional Paper 813-G.

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.

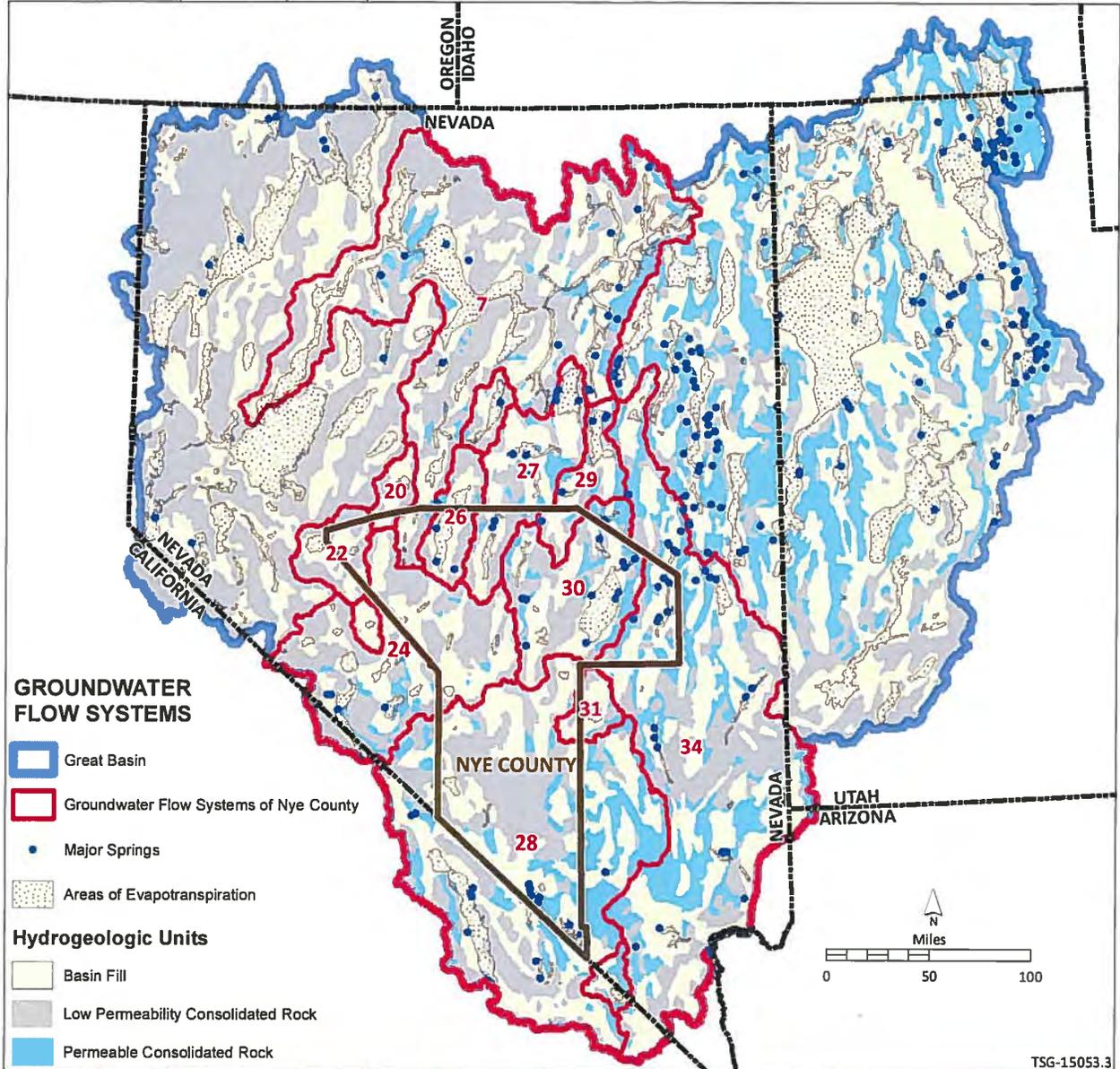
In general in the eastern Great Basin, the overall thickness of carbonate rocks exceeds that of clastic rocks, especially in the Middle Cambrian to Lower Triassic parts of the stratigraphic section. Combined thickness of carbonate and clastic rocks ranges from about 5,000 ft to nearly 30,000 ft. The 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-mi<sup>2</sup> 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



TSG-15053.3

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, Pahump 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

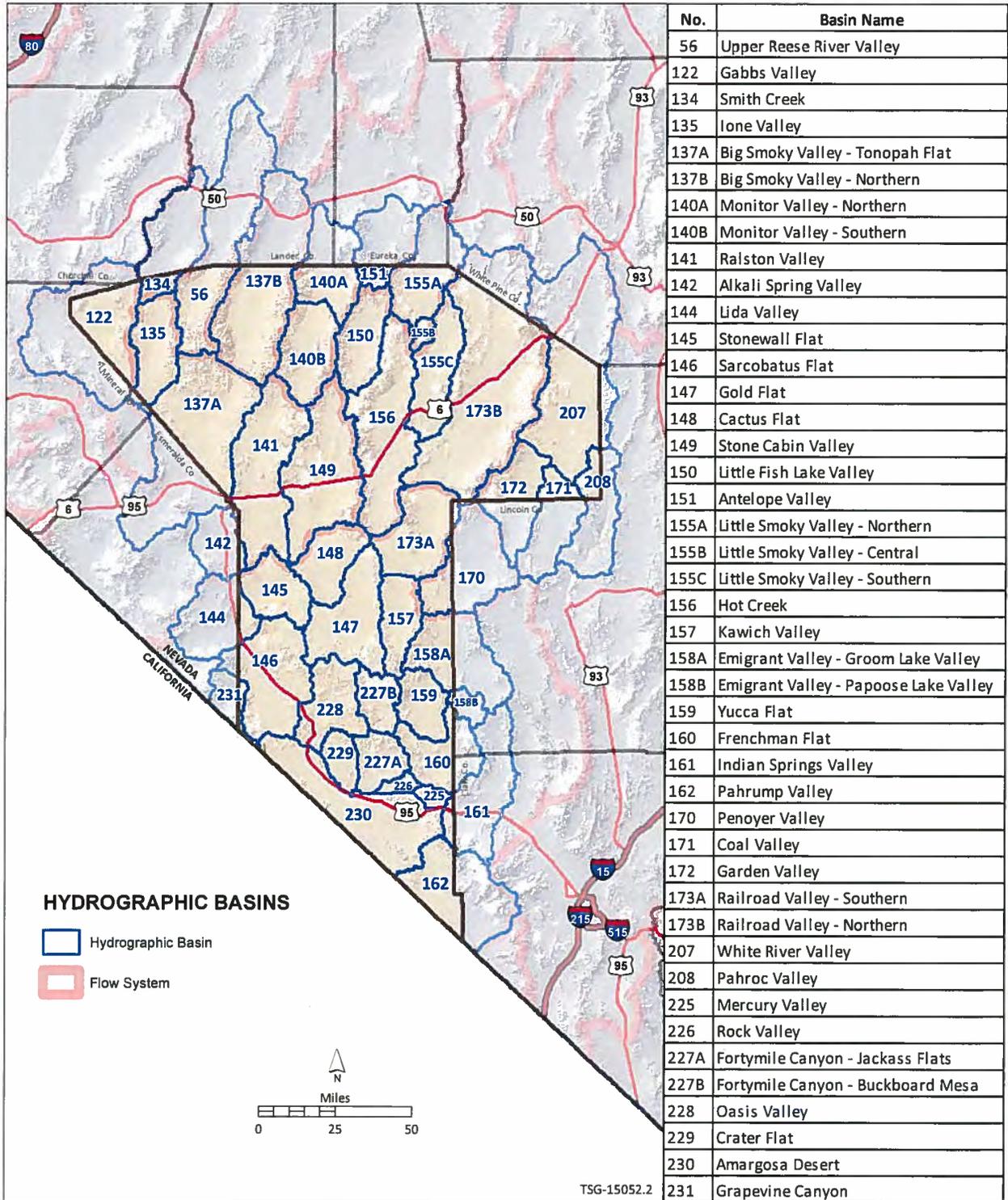


Figure 3-13. Hydrographic Basins of Nye County. There are 44 hydrographic basins wholly or partially located within Nye County's boundary. Only about 20 of the basins are wholly within the County boundaries, and of these, eight are located entirely on federal lands withdrawn from all forms of public 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	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 <sup>1</sup>	24,000 <sup>2</sup>
Antelope Valley (Eureka & Nye)*	151	<b>17,000</b>	<b>500</b>	<b>4,000</b>	<b>13,500</b>	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 <sup>1</sup>	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 <sup>1</sup>	4,000
Fortymile Canyon/Jackass Flats	227A	900	7,200	0	8,100	24,000 <sup>1</sup>	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	<b>5,800</b>	<b>0</b>	<b>5,000</b>	<b>800</b>	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	<b>9,700</b>	<b>0</b>	<b>9,700</b>	<b>0</b>	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 <sup>1</sup>	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 <sup>1</sup>	
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 <sup>3</sup>
Penoyer Valley (Sand Spring Valley)*	170	4,300	0	6,400	0	4,000	5,000
Railroad Valley Northern Part*	173B	<b>61,000</b>	<b>24,000</b>	<b>85,000</b>	<b>0</b>	75,000	50,000 <sup>4</sup>
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 <sup>1</sup>	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

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

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

<sup>3</sup> 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.

<sup>4</sup> 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/](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 <sup>1</sup>	Permitted	Relinquished	Certificated	Total Allocated <sup>2</sup>	Total Demand <sup>3</sup>
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

<sup>1</sup> Includes only new appropriations. Updated March 22, 2016.

<sup>2</sup> Total Allocated = Vested + Permitted + Certificated + Relinquished

<sup>3</sup> 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	36,957.83		0.27	58.95	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				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	7,870.44				29.70					255.30
Little Fish Lake Valley	150					24.86										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
Ralston 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				47.53	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), Buqo (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>.

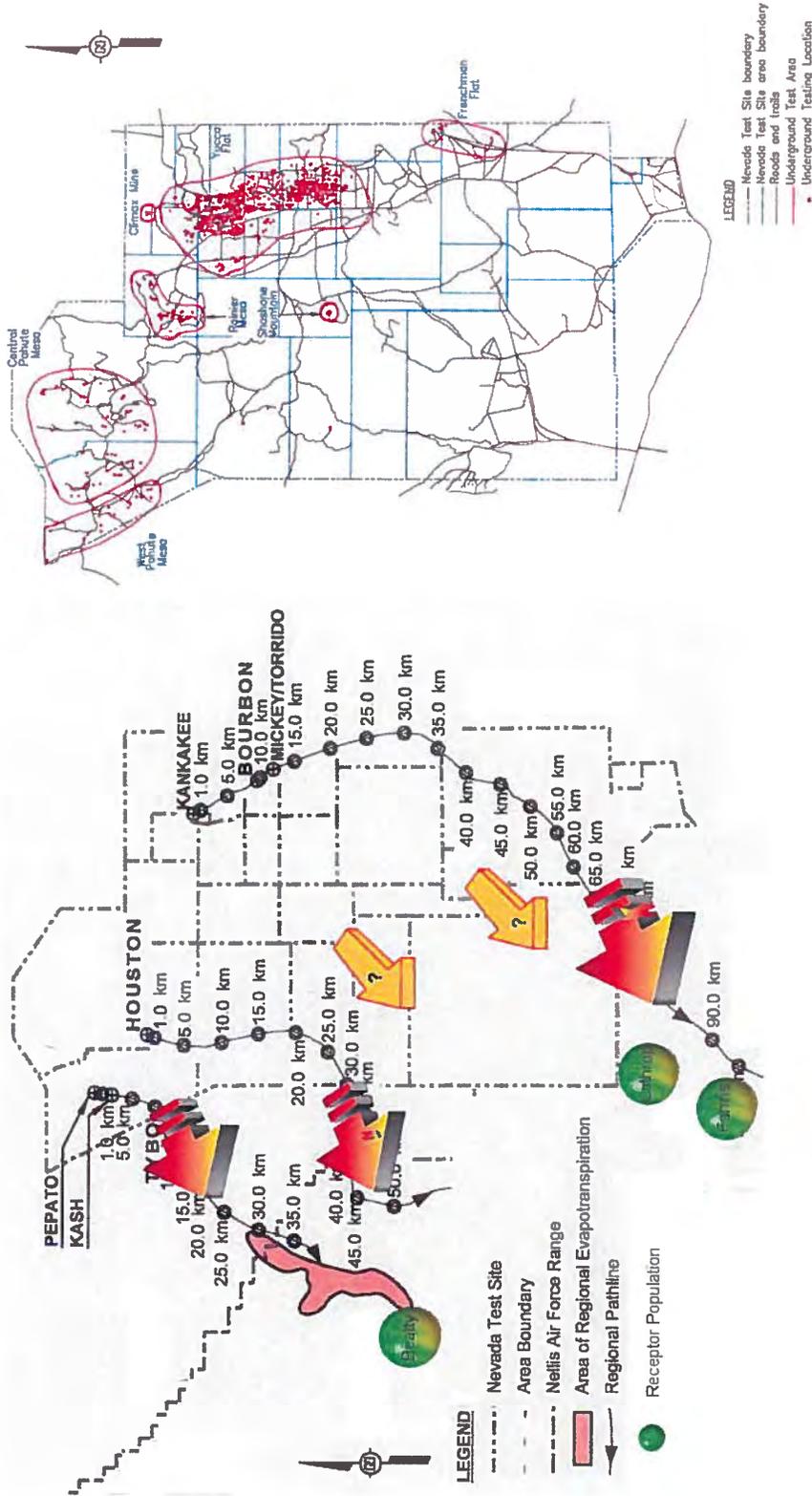


Figure 3-14. Location of underground nuclear tests at the Nevada National Security Site (Nevada Test Site), and regional paths for contaminant transport.

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Testi

# Tritium Values from Monitoring & Hydrogeologic Investigation Wells in the Vicinity of the Nevada National Security Site (NNSS)

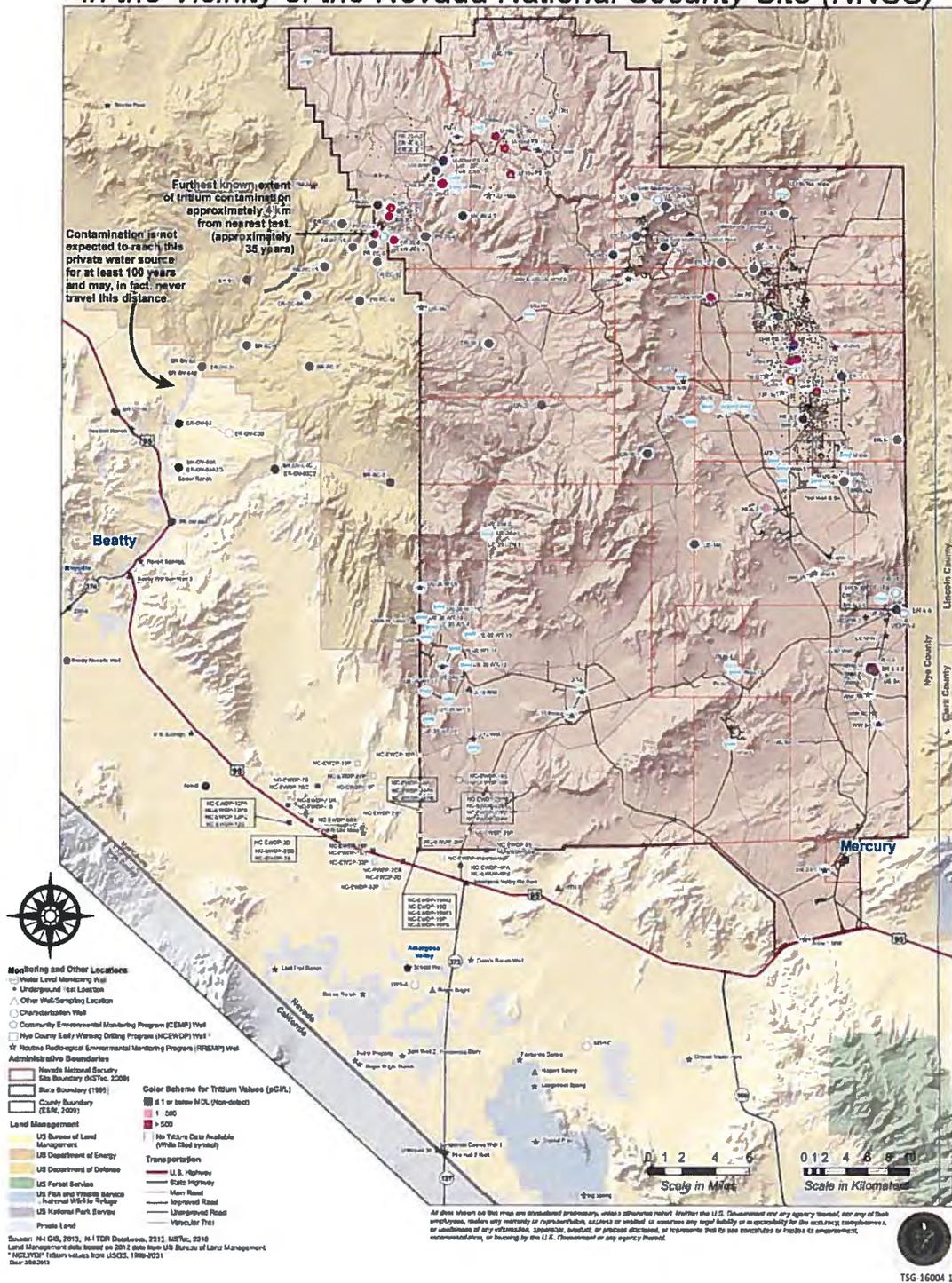


Figure 3-15. Tritium values in the vicinity of the Nevada National Security Site from a presentation by the Nevada Division of Environmental Protection (May 2013).

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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 29<sup>th</sup>, 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		
<b>Total :</b>	\$25.00			<b>Notes</b> Payment for NOI 40199

*Excess Remit 12/27/17 C. Cooper*

AUG 31 2018

NYE COUNTY DEPUTY CLERK  
DEPUTY **Marianne Yoffee**

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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 -000-

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

16 Plaintiff,

17 vs.

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

23 Defendant.

Case No. 39524

Dept. No. 2

24 **ORDER GRANTING STIPULATION AND ORDER**  
25 **REGARDING BRIEFING SCHEDULE**

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

- 28
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

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and service of its Opening Brief; and

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

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

IT IS SO ORDERED.

Dated this 27<sup>th</sup> day of August, 2018.

  
\_\_\_\_\_  
William A. Maddox  
Senior District Court Judge

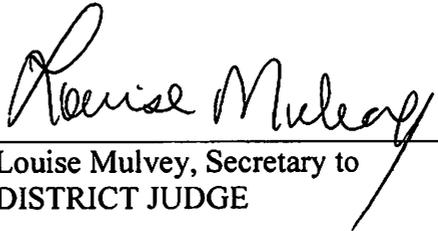
**CERTIFICATION OF SERVICE**

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The undersigned hereby certifies that on the 31<sup>st</sup> 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

FIFTH JUDICIAL DISTRICT COURT  
ESMERALDA AND NYE COUNTIES



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 JABEUR,  
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 JABEUR, 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



**CERTIFICATE OF SERVICE**

Pursuant to NRCF 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 30 day of August, 2018.

  
\_\_\_\_\_  
Employee of TAGGART & TAGGART, LTD.

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

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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](mailto:lmulvey@co.nye.nv.us)

Sincerely,

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

Louise Mulvey, Secretary to  
Judge Robert W. Lane

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--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: , 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

1 Case No. CV 39524

2 Dept. No. 2

SEP 17 2018

AMY DOWERS  
Nye County Clerk  
Deputy

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BUREAU OF GOVERNMENT AFFAIRS  
GNR/BL/APPELLATE

5

6

IN THE FIFTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

7

IN AND FOR THE COUNTY OF NYE

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9

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,

**NOTICE OF TRANSMITTAL  
OF RECORD ON APPEAL**

13

Petitioners,

14

vs.

15

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

18

Respondent.

19

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).

25

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26

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27

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///

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

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

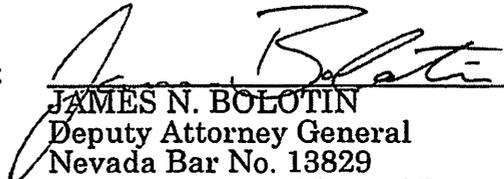
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**AFFIRMATION**

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.

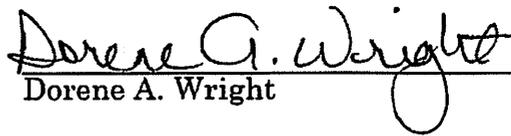
ADAM PAUL LAXALT  
Attorney General

By:   
JAMES N. BOLOTIN  
Deputy Attorney General  
Nevada Bar No. 13829  
Government and Natural Resources  
100 North Carson Street  
Carson City, Nevada 89701-4717  
Tel: (775) 684-1231  
Fax: (775) 684-1108  
Email: JBolotin@ag.nv.gov  
*Attorney for Respondent,  
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 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:

Paul G. Taggart, Esq.  
David H. Rigdon, Esq.  
TAGGART & TAGGART, LTD.  
108 North Minnesota Street  
Carson City, Nevada 89703

  
Dorene A. Wright

FILED  
FIFTH JUDICIAL DISTRICT

SEP 11 2018

Nye County Clerk

Amo Deputy

1 Case No. CV 39524

2 Dept. No. 2

6 IN THE FIFTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

7 IN AND FOR THE COUNTY OF NYE

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 JABEUR, an individual; and  
15 GERALD SCHULTE, an individual,

13 Petitioners,

14 vs.

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

18 Respondent.

**STATE ENGINEER'S  
PEREMPTORY CHALLENGE  
OF JUDGE**

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

26 ///

27 ///

28 ///

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

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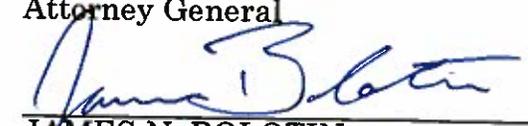
**AFFIRMATION**

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.

ADAM PAUL LAXALT  
Attorney General

By:



JAMES N. BOLOTIN  
Deputy Attorney General  
Nevada Bar No. 13829  
Government and Natural Resources  
100 North Carson Street  
Carson City, Nevada 89701-4717  
Tel: (775) 684-1231  
Fax: (775) 684-1108  
Email: JBolotin@ag.nv.gov  
*Attorney for Respondent,  
State Engineer*

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

**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:

Paul G. Taggart, Esq.  
David H. Rigdon, Esq.  
TAGGART & TAGGART, LTD.  
108 North Minnesota Street  
Carson City, Nevada 89703

  
Dorene A. Wright

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

**FILED**  
FIFTH JUDICIAL DISTRICT

SEP 11 2018

**Nye County Clerk**  
**DEBRA BENNETT** Deputy

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 ///

JT APP 3634

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**TABLE OF AUTHORITIES**

**Cases**

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1 MEMORANDUM OF POINTS AND AUTHORITIES

2 INTRODUCTION

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

9 The State Engineer significantly impairs this valuable property right in Order 1293A. From the  
10 beginning, Orders 1293 and 1293A were ill-conceived, improperly executed, and violated basic  
11 constitutional principles of due process. First, the Orders were issued without providing notice to  
12 affected property owners or an opportunity for them to be heard. Second, the State Engineer does not  
13 have statutory authority to ban the drilling of new domestic wells and violated basic principles of  
14 Nevada’s water law when he did so. Third, the State Engineer acted arbitrarily, capriciously, and abused  
15 his discretion when he issued the Orders without substantial evidence to support them. Finally, Order  
16 1293A constitutes an impermissible taking of private property for public use without providing just  
17 compensation.

18 FACTUAL BACKGROUND

19 On December 19, 2017, the State Engineer issued Order 1293 (the “Order”) wherein he restricted  
20 the drilling of new domestic wells on *existing* parcels of land within the Pahrump basin. Despite the  
21 fact that the average domestic well in Pahrump uses only ½ acre-feet of water per year, a property owner  
22 could only obtain an exemption from this prohibition by first obtaining two acre-feet of existing water  
23 rights and *relinquishing* those rights to the State Engineer.<sup>1</sup> Prior to issuing Order 1293, the State  
24 Engineer did not provide any notice to affected property owners nor did he provide any opportunity for  
25 those property owners to provide comments or submit evidence in opposition to the Order.<sup>2</sup> While it is  
26  
27

28 <sup>1</sup> SE ROA 8.

<sup>2</sup> 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.<sup>3</sup>

3 Petitioner, PFW timely filed a Petition for Judicial Review of Order 1293.<sup>4</sup> PFW filed its  
4 Opening Brief in that appeal on July 6, 2018.<sup>5</sup>

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.<sup>6</sup> 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.<sup>7</sup> 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.”<sup>8</sup>

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.<sup>9</sup>

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,<sup>10</sup> 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 <sup>3</sup> SE ROA 7.

25 <sup>4</sup> SROA 23-35.

26 <sup>5</sup> SROA 1069-1186.

27 <sup>6</sup> See *Westside Charter Serv., Inc. v. Gray Line Tours of S. Nev.*, 99 Nev. 456, 459, 664 P.2d 351, 353 (1983) (“where an  
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.”).

28 <sup>7</sup> SROA 1201-1213.

<sup>8</sup> SROA 1208:4-6.

<sup>9</sup> SE ROA 9.

<sup>10</sup> 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.<sup>11</sup> Judicial review is “in the nature  
21 of an appeal.”<sup>12</sup> 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.<sup>13</sup>  
23 A decision is arbitrary if it was made “without consideration of or regard for facts, circumstances, fixed  
24 rules, or procedures.”<sup>14</sup> A decision is capricious if it is “contrary to the evidence or established rules on  
25 law.”<sup>15</sup>

26 <sup>11</sup> NRS 533.450(1).

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

28 <sup>13</sup> *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).

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

<sup>15</sup> BLACK’S LAW DICTIONARY 254 (10<sup>th</sup> 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.<sup>16</sup> 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.”<sup>17</sup> Next, the State Engineer’s order or decision must include “findings in sufficient detail to  
5 permit judicial review.”<sup>18</sup> 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.<sup>19</sup>

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.<sup>20</sup> 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.”<sup>21</sup> Accordingly, a reviewing court is required to “decide  
14 pure legal questions *without deference* to an agency determination.”<sup>22</sup>

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.<sup>23</sup> 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.*<sup>24</sup>

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 <sup>16</sup> *Revert*, 95 Nev. 782, 603 P.2d 262.

25 <sup>17</sup> *Revert*, 95 Nev. at 787, 603 P.2d at 264-65.

26 <sup>18</sup> *Revert*, 95 Nev. at 787, 603 P.2d at 265.

27 <sup>19</sup> *Revert*, 95 Nev. at 787, 603 P.2d at 265.

28 <sup>20</sup> 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.”).

<sup>21</sup> *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).

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

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

<sup>24</sup> *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.”<sup>25</sup>

## 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.<sup>26</sup>

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 <sup>25</sup> *Marbury v. Madison*, 5 U.S. 137, 177 (1803).

28 <sup>26</sup> 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.<sup>27</sup>

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.<sup>28</sup> 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.”<sup>29</sup> 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.”<sup>30</sup> 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.”<sup>31</sup>

26 <sup>27</sup> 1939 STATUTES OF NEVADA 274-75 (emphasis added).

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

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

<sup>30</sup> Emphasis added.

<sup>31</sup> 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.<sup>32</sup> 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.”<sup>33</sup> 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.”<sup>34</sup> Such notice must include the content of any proposed regulation so that affected property  
13 owners can effectively prepare to oppose it.<sup>35</sup>

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.<sup>36</sup>

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 <sup>32</sup> NEV. CONST. art. 1, § 8 (5).

28 <sup>33</sup> *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).

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

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

<sup>36</sup> 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."<sup>37</sup> "Due process concerns require that a property owner must be notified when its rights are  
8 *changed, even if those rights are not vested.*"<sup>38</sup> That notice must include a full draft of the proposed  
9 order so that affected property owners can prepare to oppose it.<sup>39</sup>

10 In *Revert v. Ray*,<sup>40</sup> 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.<sup>41</sup>

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

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

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

<sup>40</sup> *Revert*, 95 Nev. 782, 603 P.2d 262.

<sup>41</sup> *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.”<sup>42</sup>  
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.*”<sup>43</sup> 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.<sup>44</sup>

16 There have been certain limited cases where the Legislature has seen fit to override the general  
17 exemption for domestic wells.<sup>45</sup> 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 <sup>42</sup> *Preferred Equities Corp. v. State Eng’r*, 119 Nev. 384, 388, 75 P.3d 380, 383 (2003).

26 <sup>43</sup> Emphasis added.

27 <sup>44</sup> 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.

<sup>45</sup> 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.”<sup>46</sup> 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.”<sup>47</sup> Substantial evidence is evidence “which a ‘reasonable mind  
15 might accept as adequate to support a conclusion.’”<sup>48</sup> 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.<sup>49</sup> 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.<sup>50</sup> 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.”<sup>51</sup> Put another way, if an existing

27 <sup>46</sup> NRS 534.110(6) (emphasis added).

28 <sup>47</sup> NRS 534.110(8).

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

<sup>49</sup> SROA 76.

<sup>50</sup> *Id.*

<sup>51</sup> 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."<sup>52</sup> 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.

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<sup>52</sup> 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.<sup>53</sup>

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.<sup>54</sup> The updated Water  
25 Resource Plan shows that the well failures projected by the computer model are concentrated in specific  
26 \_\_\_\_\_

27 <sup>53</sup> 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.

<sup>54</sup> SROA 80-296.

1 areas of the Pahrump basin.<sup>55</sup> 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.<sup>56</sup> 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.<sup>57</sup> 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.

26  
27  
28 <sup>55</sup> SROA 194.

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

<sup>57</sup> 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.<sup>58</sup> 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  
12 the whole community.<sup>59</sup>

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.”<sup>60</sup> 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  
19 cut than the constitutional way of paying for the change.<sup>61</sup>

19 Regulatory taking challenges are governed by the factors laid out in *Penn Central Transp. Co. v. City of*  
20 *New York*.<sup>62</sup> 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.<sup>63</sup>

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 <sup>58</sup> 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 <sup>59</sup> 1 WILLIAM BLACKSTONE, COMMENTARIES \*135.

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

<sup>61</sup> *Id.*

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

<sup>63</sup> *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.<sup>64</sup> 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.<sup>65</sup> 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.<sup>66</sup> 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.<sup>67</sup> 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.<sup>68</sup> 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.<sup>69</sup> From a water resources  
25

26 <sup>64</sup> SROA 936:16-SROA 937:20.

27 <sup>65</sup> SROA 921:20-SROA 922:17.

28 <sup>66</sup> 1939 STATUTES OF NEVADA 274-75.

<sup>67</sup> *McCarran Int’l Airport*, 122 Nev. at 658, 137 P.3d at 1119.

<sup>68</sup> SE ROA 3383-3448.

<sup>69</sup> 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.”<sup>70</sup> 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.”<sup>71</sup> 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.”<sup>72</sup> 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.<sup>73</sup> 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 <sup>70</sup> *Dolan v. City of Tigard*, 512 U.S. 374, 384, 114 S. Ct. 2309, 2316 (1994).

28 <sup>71</sup> SROA 202 (emphasis added).

<sup>72</sup> SROA 202.

<sup>73</sup> SROA 203.

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

3 **CONCLUSION**

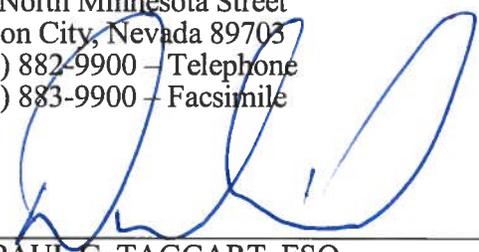
4 For the foregoing reasons, PFW respectfully requests that this Court overturn State Engineer  
5 Order 1293A.

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 7<sup>th</sup> day of September, 2018.

11 TAGGART & TAGGART, LTD.  
12 108 North Minnesota Street  
13 Carson City, Nevada 89703  
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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

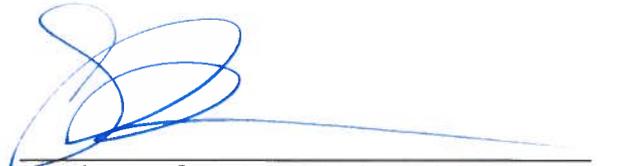
**CERTIFICATE OF SERVICE**

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 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.

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FILED  
FIFTH JUDICIAL DISTRICT

SEP 11 2010

DEBRA BENNETT  
Nye County Clerk  
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.  
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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 JABEOUR,  
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 JABEOUR, 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.

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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

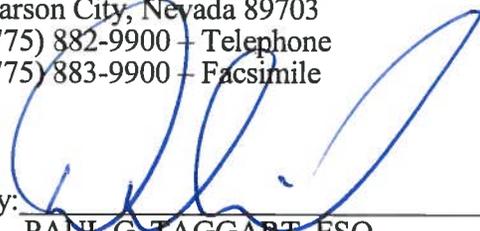
1	03/15/18	Opposition to the State Engineer's Motion to Strike Petitioner's Exhibit 5, CV38972	SROA 740	SROA 747
2	03/19/18	Reply to Opposition to Motion to Strike Petitioner's Exhibit 5 Attached to, and Any Reference of Such Within, Its Motion for Stay of Nevada State Engineer's Order No. 1293, CV38972	SROA 748	SROA 754
3				
4				
5	04/20/18	Stipulation and Order Regarding Briefing Schedule, CV38972	SROA 755	SROA 757
6	04/20/18	Order Setting Hearing, CV38972	SROA 758	SROA 759
7	04/26/18	Notice of Substitution of Counsel, CV38972	SROA 760	SROA 762
8	05/04/18	Supplemental Prehearing Brief, CV38972	SROA 763	SROA 770
9	05/04/18	Notice of List of Potential Witnesses for May 10, 2018, Hearing, CV38972	SROA 771	SROA 774
10	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
11				
12				
13				
14	05/10/18	Motion for Stay Hearing Transcript, CV38972	SROA 787	SROA 1058
15	05/24/18	Notice of Change of Attorney for Respondent State Engineer, CV38972	SROA 1059	SROA 1060
16	06/25/18	Stipulation and Order Extending Briefing Schedule, CV38972	SROA 1061	SROA 1066
17	06/26/18	Notice of Transmittal of Record on Appeal, CV38972	SROA 1067	SROA 1068
18	07/06/18	Petitioner's Opening Brief, CV38972	SROA 1069	SROA 1186
19	07/10/18	Notice of Entry of Order Denying Petitioner's Motion to Stay State Engineer's Order 1293, CV38972	SROA 1187	SROA 1200
20				
21	07/18/18	Notice of Motion and Motion to Dismiss Petition for Judicial Review, CV38972	SROA 1201	SROA 1213
22	07/18/18	Notice of Motion and Motion for Stay of Briefing Pending the Court's Decision on the State Engineer's Motion to Dismiss, CV38972	SROA 1214	SROA 1217
23				
24	08/06/18	Opposition to Respondent's Motion to Dismiss Petition for Judicial Review, CV38972	SROA 1218	SROA 1229
25	08/10/18	Stipulation and Order for Voluntary Dismissal Without Prejudice, CV38972	SROA 1230	SROA 1236
26	08/27/18	Order Granting Stipulation and Order for Dismissal Without Prejudice, CV38972	SROA 1237	SROA 1238
27	08/29/18	Notice of Entry of Order	SROA 1239	SROA 1245
28				

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

1  
2 The undersigned does hereby affirm that the preceding document does not contain the social  
3 security number of any persons.

4 DATED this 7<sup>th</sup> day of September, 2018.

5 TAGGART & TAGGART, LTD.  
6 108 North Minnesota Street  
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10 By:   
11 PAUL G. TAGGART, ESQ.  
12 Nevada State Bar No. 6136  
13 DAVID H. RIGDON, ESQ.  
14 Nevada State Bar No. 13567  
15 Attorneys for Petitioners

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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 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 7<sup>th</sup> day of September, 2018.

  
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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

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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.

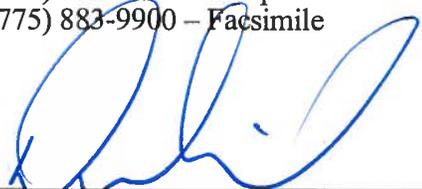
12 For these reasons, and others that may be discovered and raised during the pendency of this  
13 appeal, Order 1293 should be reversed.

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 18<sup>th</sup> day of January, 2018.

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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 18<sup>th</sup> day of January, 2018.

  
\_\_\_\_\_  
Employee of TAGGART & TAGGART, LTD.

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Exhibit Number  
1.

Description  
State Engineer Order #1293

Number of Pages  
6

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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.<sup>1</sup>
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.<sup>2</sup>
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.<sup>3</sup>
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.<sup>4</sup>
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.<sup>5</sup>

---

<sup>1</sup> 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.

<sup>2</sup> *Id.*

<sup>3</sup> 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>.

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

<sup>5</sup> *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.<sup>6</sup> 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.<sup>7</sup>
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.<sup>8</sup>
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.<sup>9</sup>
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.

---

<sup>6</sup> Senate Bill 19, Chapter 631, Statutes of Nevada 1993.

<sup>7</sup> Senate Bill 159, Chapter 85, Statutes of Nevada 2001.

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

<sup>9</sup> 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](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.<sup>10</sup>
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.<sup>11</sup>
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.<sup>12</sup>

---

<sup>10</sup> See fn. 6, 7 and 8, and minutes of testimony related thereto.

<sup>11</sup> 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.

<sup>12</sup> 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.<sup>13</sup>

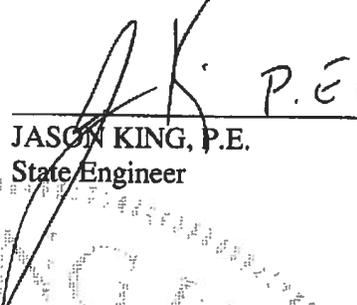
**NOW THEREFORE**, it is hereby ordered that the drilling of any new domestic well within the Pahrump Artesian Basin is **prohibited**, except that:

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.

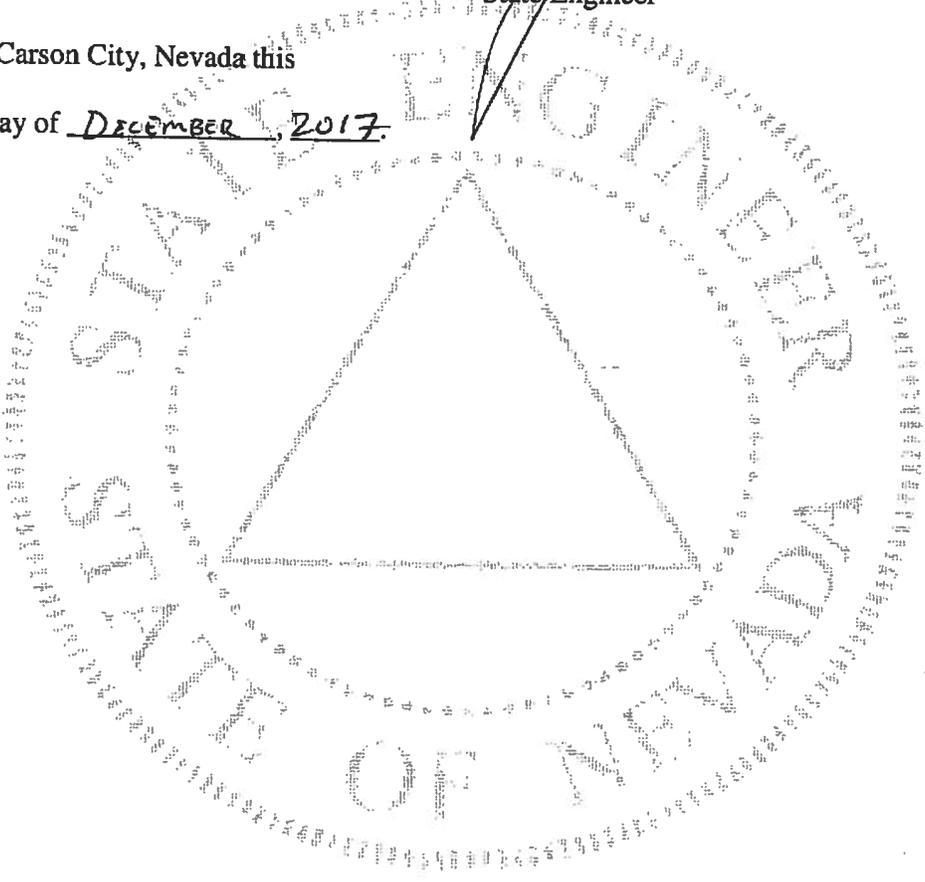
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<sup>13</sup> Correspondence from Oscar (Oz) Wichman on behalf of the Nye County Water District to Jason King, December 11, 2016 [sic].

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  
19<sup>th</sup> day of DECEMBER, 2017.



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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 IN AND FOR THE COUNTY OF NYE

9 \* \* \*

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limited-liability company, )  
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vs. )  
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RESOURCES, DEPARTMENT OF )  
15 CONSERVATION AND NATURAL )  
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Respondent. )

CASE NO.: \_\_\_\_\_  
DEPT. NO.: \_\_\_\_\_

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

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20 company, (hereinafter "Petitioner" or "PFW"), by and through its attorneys of record, PAUL G.  
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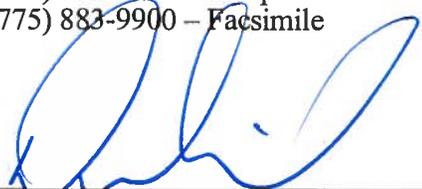
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14 **AFFIRMATION**  
15 **Pursuant to NRS 239B.030**

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27 DAVID H. RIGDON, ESQ.  
28 Nevada State Bar No. 13567  
Attorneys for Petitioner

**CERTIFICATE OF SERVICE**

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Nevada Division of Water Resources  
901 South Stewart Street, Suite 2002  
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Micheline N. Fairbank, Esq.  
Senior Deputy Attorney General  
Nevada Attorney General's Office  
100 N. Carson St.  
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DATED this 18<sup>th</sup> day of January, 2018.

  
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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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1. The State Engineer estimates that the perennial yield of the Pahrump Artesian Basin is 20,000 acre-feet annually.<sup>1</sup>
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.<sup>2</sup>
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.<sup>3</sup>
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.<sup>4</sup>
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.<sup>5</sup>

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<sup>1</sup> 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.

<sup>2</sup> *Id.*

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<sup>5</sup> *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.<sup>6</sup> 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.<sup>7</sup>
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.<sup>8</sup>
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.<sup>9</sup>
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.

---

<sup>6</sup> Senate Bill 19, Chapter 631, Statutes of Nevada 1993.

<sup>7</sup> Senate Bill 159, Chapter 85, Statutes of Nevada 2001.

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

<sup>9</sup> 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](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.<sup>10</sup>
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.<sup>11</sup>
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.<sup>12</sup>

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<sup>10</sup> See fn. 6, 7 and 8, and minutes of testimony related thereto.

<sup>11</sup> 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.

<sup>12</sup> 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.<sup>13</sup>

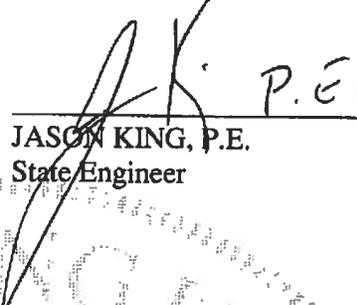
**NOW THEREFORE**, it is hereby ordered that the drilling of any new domestic well within the Pahrump Artesian Basin is **prohibited**, except that:

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.

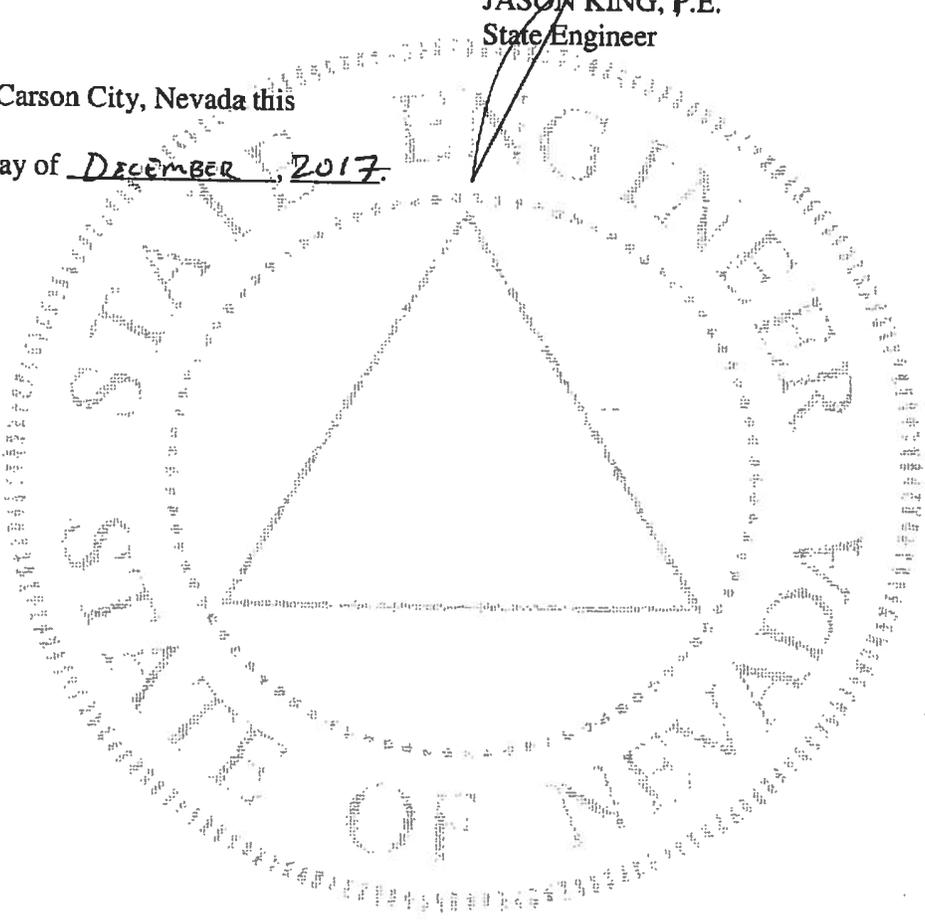
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<sup>13</sup> Correspondence from Oscar (Oz) Wichman on behalf of the Nye County Water District to Jason King, December 11, 2016 [sic].

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  
19<sup>th</sup> 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.  
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4 Carson City, Nevada 89703  
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.: CV38972  
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.

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**JURISDICTIONAL STATEMENT**

In issuing Order 1293, the State Engineer specifically relied upon the power granted to him in NRS 534.110(8).<sup>1</sup> 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.

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**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.<sup>2</sup> “[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.”<sup>3</sup> 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.”<sup>4</sup>

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.<sup>5</sup> 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.

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<sup>1</sup> See Exhibit 1 at 4 (Conclusion of Law No. 16).

<sup>2</sup> *Warth v. Sedline*, 422 U.S. 490, 515 (1975).

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

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

**FACTUAL BACKGROUND**

1  
2 There is no question that the Pahrump groundwater basin is over-allocated. However, according  
3 to the records of the State Engineer, it is not a basin that is currently being over-pumped. The State  
4 Engineer has determined that the perennial yield (the amount of water that can be pumped without  
5 causing long-term damage to the aquifer) for the Pahrump basin is 20,000 acre-feet annually (“afa”).<sup>6</sup>  
6 Despite this, the State Engineer has issued water rights permits and certificates in Pahrump totaling more  
7 than 59,000 afa.<sup>7</sup> However, actual pumping in the basin is currently estimated by the State Engineer to  
8 be just 15,563 afa.<sup>8</sup> In addition, the roughly 11,000 existing domestic wells in the basin are estimated  
9 to be responsible for just a third of the total groundwater being pumped (5,510 afa).<sup>9</sup> This means that  
10 the average domestic well in Pahrump uses only about 0.5 acre-feet of water each year.

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

**GROUNDS FOR PETITION**

22  
23 Order 1293 contains significant factual and legal errors and represents an arbitrary and capricious  
24 abuse of discretion by the State Engineer. Specifically, Order 1293 (1) was issued without prior notice  
25

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

28 <sup>7</sup> *Id.*

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

<sup>9</sup> *Id.*

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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**

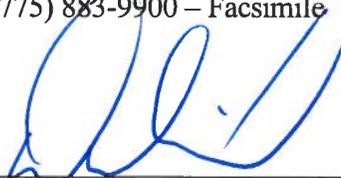
8 For the reasons explained above, and others that may be discovered and raised during the  
9 pendency of this appeal, PFW respectfully requests that this Court reverse Order 1293 in its entirety. In  
10 the alternative, Petitioner respectfully requests this Court issue a stay of Order 1293 and remand 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**  
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 18<sup>th</sup> day of January, 2018.

19 TAGGART & TAGGART, LTD.  
20 108 North Minnesota Street  
21 Carson City, Nevada 89703  
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23 (775) 883-9900 – Facsimile

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**

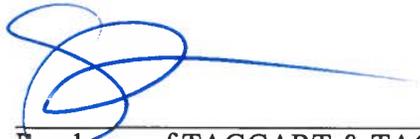
Pursuant to NRCP 5(b) and NRS 533.450, I hereby certify that I am an employee of TAGGART & TAGGART, LTD., and that on this date I served, or caused to be served, a true and correct copy of the foregoing, as follows:

**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 18<sup>th</sup> day of January, 2018.



Employee of TAGGART & TAGGART, LTD.

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Exhibit Number  
1.

Description  
State Engineer Order #1293

Number of Pages  
6

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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.<sup>1</sup>
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.<sup>2</sup>
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.<sup>3</sup>
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.<sup>4</sup>
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.<sup>5</sup>

<sup>1</sup> 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.

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<sup>3</sup> 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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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.<sup>6</sup> 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.<sup>7</sup>
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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.

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

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

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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.<sup>10</sup>
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.<sup>11</sup>
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.<sup>12</sup>

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<sup>10</sup> See fn. 6, 7 and 8, and minutes of testimony related thereto.

<sup>11</sup> 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.

<sup>12</sup> 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.<sup>13</sup>

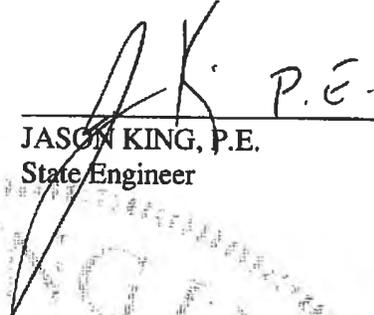
**NOW THEREFORE**, it is hereby ordered that the drilling of any new domestic well within the Pahrump Artesian Basin is **prohibited**, except that:

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.

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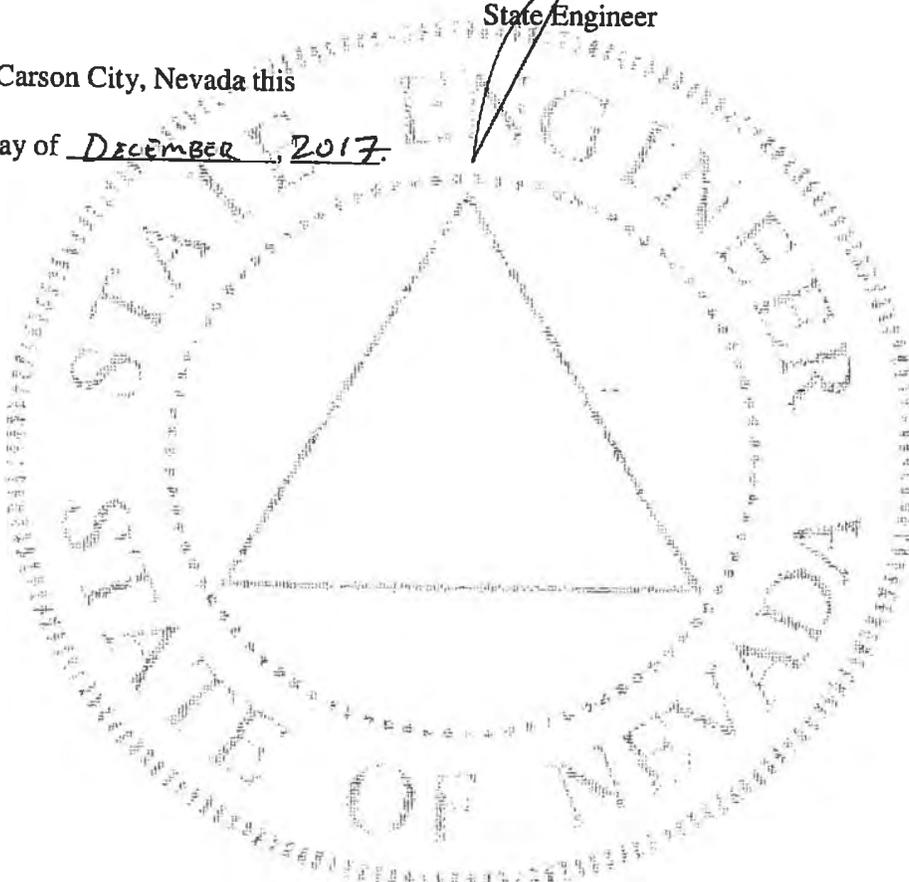
<sup>13</sup> Correspondence from Oscar (Oz) Wichman on behalf of the Nye County Water District to Jason King, December 11, 2016 [sic].

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

19<sup>th</sup> day of DECEMBER, 2017.



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6 Attorneys for Petitioner

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STATE ENGINEERS OFFICE

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 )  
limited-liability company, )  
11 )  
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 **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.

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**JURISDICTIONAL STATEMENT**

In issuing Order 1293, the State Engineer specifically relied upon the power granted to him in NRS 534.110(8).<sup>1</sup> 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.

27  
28

**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.<sup>2</sup> “[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.”<sup>3</sup> 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.”<sup>4</sup>

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.<sup>5</sup> 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.

<sup>1</sup> See Exhibit 1 at 4 (Conclusion of Law No. 16).

<sup>2</sup> *Warth v. Sedline*, 422 U.S. 490, 515 (1975).

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

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

## FACTUAL BACKGROUND

1  
2 There is no question that the Pahrump groundwater basin is over-allocated. However, according  
3 to the records of the State Engineer, it is not a basin that is currently being over-pumped. The State  
4 Engineer has determined that the perennial yield (the amount of water that can be pumped without  
5 causing long-term damage to the aquifer) for the Pahrump basin is 20,000 acre-feet annually (“afa”).<sup>6</sup>  
6 Despite this, the State Engineer has issued water rights permits and certificates in Pahrump totaling more  
7 than 59,000 afa.<sup>7</sup> However, actual pumping in the basin is currently estimated by the State Engineer to  
8 be just 15,563 afa.<sup>8</sup> In addition, the roughly 11,000 existing domestic wells in the basin are estimated  
9 to be responsible for just a third of the total groundwater being pumped (5,510 afa).<sup>9</sup> This means that  
10 the average domestic well in Pahrump uses only about 0.5 acre-feet of water each year.

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

## GROUNDS FOR PETITION

22  
23 Order 1293 contains significant factual and legal errors and represents an arbitrary and capricious  
24 abuse of discretion by the State Engineer. Specifically, Order 1293 (1) was issued without prior notice  
25

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

28 <sup>7</sup> *Id.*

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

<sup>9</sup> *Id.*

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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**

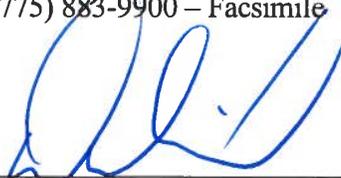
8 For the reasons explained above, and others that may be discovered and raised during the  
9 pendency of this appeal, PFW respectfully requests that this Court reverse Order 1293 in its entirety. In  
10 the alternative, Petitioner respectfully requests this Court issue a stay of Order 1293 and remand 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**  
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 18<sup>th</sup> day of January, 2018.

19 TAGGART & TAGGART, LTD.  
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21 Carson City, Nevada 89703  
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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**

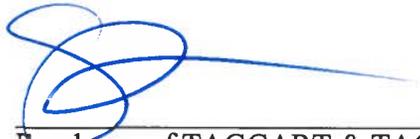
Pursuant to NRCP 5(b) and NRS 533.450, I hereby certify that I am an employee of TAGGART & TAGGART, LTD., and that on this date I served, or caused to be served, a true and correct copy of the foregoing, as follows:

**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 18<sup>th</sup> day of January, 2018.



Employee of TAGGART & TAGGART, LTD.

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INDEX OF EXHIBITS

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Exhibit Number  
1.

Description  
State Engineer Order #1293

Number of Pages  
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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.<sup>1</sup>
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.<sup>2</sup>
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.<sup>3</sup>
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.<sup>4</sup>
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.<sup>5</sup>

---

<sup>1</sup> 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.

<sup>2</sup> *Id.*

<sup>3</sup> 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>.

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

<sup>5</sup> *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.<sup>6</sup> 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.<sup>7</sup>
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.<sup>8</sup>
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.<sup>9</sup>
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.

<sup>6</sup> Senate Bill 19, Chapter 631, Statutes of Nevada 1993.

<sup>7</sup> Senate Bill 159, Chapter 85, Statutes of Nevada 2001.

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

<sup>9</sup> 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](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.<sup>10</sup>
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.<sup>11</sup>
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.<sup>12</sup>

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<sup>10</sup> See fn. 6, 7 and 8, and minutes of testimony related thereto.

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<sup>12</sup> 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.<sup>13</sup>

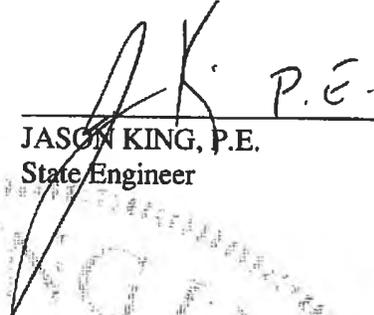
**NOW THEREFORE**, it is hereby ordered that the drilling of any new domestic well within the Pahrump Artesian Basin is **prohibited**, except that:

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.

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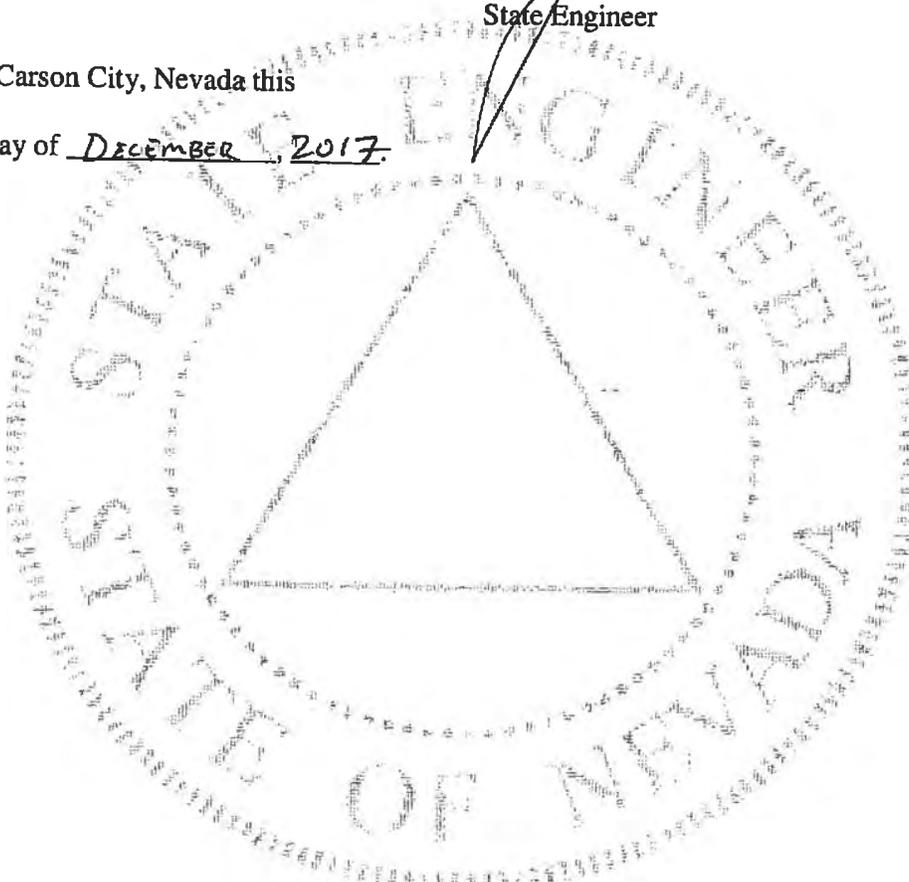
<sup>13</sup> Correspondence from Oscar (Oz) Wichman on behalf of the Nye County Water District to Jason King, December 11, 2016 [sic].

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

19<sup>th</sup> day of DECEMBER, 2017.



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

1 Case No. CV38972

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,

Petitioner,

11

vs.

12

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

Respondent.

**NOTICE OF APPEARANCE  
FOR RESPONDENT**

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

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

9 \* \* \*

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

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26 ///

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **BACKGROUND**

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

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

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

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

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

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

26 <sup>1</sup> NRS 534.100; NRS 533.085.

27 <sup>2</sup> NRS 534.080.

28 <sup>3</sup> 1939 STATUTES OF NEVADA 274-75.

<sup>4</sup> 1939 STATUTES OF NEVADA 274-75 (emphasis added).

<sup>5</sup> 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.”<sup>6</sup> 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.”<sup>7</sup>

## 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.<sup>8</sup>  
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 <sup>6</sup> *ASAP Storage, Inc. v. City of Sparks*, 123 Nev. 639, 647, 173 P.3d 734, 740 (2007).

27 <sup>7</sup> 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 <sup>8</sup> 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.<sup>9</sup> Judicial review is “in the nature  
17 of an appeal.”<sup>10</sup> 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.<sup>11</sup>  
19 A decision is arbitrary if it was made “without consideration of or regard for facts, circumstances, fixed  
20 rules, or procedures.”<sup>12</sup> A decision is capricious if it is “contrary to the evidence or established rules on  
21 law.”<sup>13</sup>

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25 <sup>9</sup> NRS 533.450(1).

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

27 <sup>11</sup> *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).

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

<sup>13</sup> BLACK’S LAW DICTIONARY 254 (10<sup>th</sup> 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.<sup>14</sup> 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.<sup>15</sup>

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.<sup>16</sup>

11 A court’s decision to grant or deny a stay is appealable on an interlocutory basis<sup>17</sup> and is reviewed under  
12 an abuse of discretion standard.<sup>18</sup>

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.<sup>19</sup> 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.”<sup>20</sup> Next, the order or decision of the State Engineer must include “findings in sufficient detail  
17 to permit judicial review.”<sup>21</sup> 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.<sup>22</sup>

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 <sup>14</sup> NRS 533.450(5).

24 <sup>15</sup> NRS 533.450(5).

25 <sup>16</sup> NRS 533.450(2).

26 <sup>17</sup> NRAP 3A(b)(3).

27 <sup>18</sup> *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).

<sup>19</sup> *Revert v. Ray*, 95 Nev. 782, 603 P.2d 262 (1979).

<sup>20</sup> *Revert v. Ray*, 95 Nev. 782, 787, 603 P.2d 262, 264-65 (1979).

<sup>21</sup> *Revert v. Ray*, 95 Nev. 782, 787, 603 P.2d 262, 265 (1979).

<sup>22</sup> *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-appropriated<sup>23</sup> and hints that “water levels  
18 on the valley floor have steadily declined since the 1950s.”<sup>24</sup> 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,<sup>25</sup> (2) the basin is not currently  
21 being over-pumped,<sup>26</sup> and (3) water levels in some portions of the basin have leveled-off or significantly  
22 rebounded in response to the reduction in pumping.<sup>27</sup>

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.<sup>28</sup> 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.<sup>29</sup>

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.<sup>30</sup> 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.<sup>31</sup> 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.<sup>32</sup> 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 <sup>28</sup> Exhibit No. 1 at 4.

26 <sup>29</sup> Exhibit No. 1 at 4 (“The study did not take into account anticipated increases in future demand.”).

27 <sup>30</sup> 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).

<sup>31</sup> Exhibit No. 2 at 6-17.

<sup>32</sup> Exhibit No. 2 at 6-17.

1 and retiring in the Pahrump area.<sup>33</sup> 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.<sup>34</sup>

4 Numerous individuals have expended significant time and resources acquiring and preparing  
5 their property for the construction of a home.<sup>35</sup> These individuals purchased their property only after  
6 performing their due diligence and confirming that the property was eligible for a domestic well.<sup>36</sup> 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.<sup>37</sup> 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.”<sup>38</sup> “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.”<sup>39</sup> “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.”<sup>40</sup> 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 <sup>33</sup> Exhibit No. 5 (Statements of Steven Peterson, Paul and Geneva Peck, Robert and Joyce Harris).

25 <sup>34</sup> Exhibit No. 5 (Statements of Gerald Schulte and Wendy O’Neal).

26 <sup>35</sup> See generally Exhibit No. 5.

27 <sup>36</sup> See generally Exhibit No. 5.

28 <sup>37</sup> See generally Exhibit No. 5.

<sup>38</sup> *Dixon v. Thatcher*, 103 Nev. 414, 416, 742 P.2d 1029, 1030 (1987).

<sup>39</sup> *Memory Gardens of Las Vegas, Inc. v. Pet Ponderosa Memorial Gardens, Inc.*, 88 Nev. 1, 4, 492 P.2d 123, 125 (1972).

<sup>40</sup> *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.<sup>41</sup> 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.”<sup>42</sup> 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.”<sup>43</sup> Such notice must include the content  
15 of any proposed regulation so that affected property owners can effectively prepare to oppose it.<sup>44</sup>

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.<sup>45</sup>

24  
25 <sup>41</sup> NEV. CONST. art. 1, § 8(5).

26 <sup>42</sup> *Eureka Cnty. v. Dist. Ct.*, 133 Nev. Adv. Op. 111 at 8 (December 28, 2017) (internal quotations omitted).

27 <sup>43</sup> *Bing Const. Co. of Nevada v. Cnty. of Douglas*, 107 Nev. 262, 266, 810 P.2d 768, 770 (1991).

28 <sup>44</sup> *Bing Const. Co. of Nevada v. Cnty. of Douglas*, 107 Nev. 262, 266, 810 P.2d 768, 771 (1991).

<sup>45</sup> 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.<sup>46</sup> The only question was at what stage in the  
7 proceedings the notice was required.<sup>47</sup> 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.<sup>48</sup> 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.<sup>49</sup> 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.<sup>50</sup> 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.<sup>51</sup>

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 \_\_\_\_\_  
23 <sup>46</sup> *Eureka Cnty. v. Dist. Ct.*, 133 Nev. Adv. Op. 111 at 7 (December 28, 2017) (“The parties do not dispute the district court’s  
contention that at some point in the proceedings due process will attach.”).

24 <sup>47</sup> *Eureka Cnty. v. Dist. Ct.*, 133 Nev. Adv. Op. 111 at 7 (December 28, 2017).

25 <sup>48</sup> *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  
26 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.

27 <sup>49</sup> *Eureka Cnty. v. Dist. Ct.*, 133 Nev. Adv. Op. 111 at 5 (December 28, 2017).

28 <sup>50</sup> *Eureka Cnty. v. Dist. Ct.*, 133 Nev. Adv. Op. 111 at 5 (December 28, 2017).

<sup>51</sup> *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.”<sup>52</sup> 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.<sup>53</sup> 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.<sup>54</sup>

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.<sup>55</sup> 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.”<sup>56</sup> 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.<sup>57</sup>

19 In addition, the statute that authorizes the State Engineer to designate certain basins for  
20 administrative management specifically excludes domestic wells.<sup>58</sup> NRS 534.030 gives the State  
21

22 <sup>52</sup> *Bing Const. Co. of Nevada v. Cnty. of Douglas*, 107 Nev. 262, 266, 810 P.2d 768, 771 (1991).

23 <sup>53</sup> *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 <sup>54</sup> 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.”)

<sup>55</sup> NRS 534.180(1).

<sup>56</sup> ROSS E. DE LIPKAU & EARL M. HILL, *THE NEVADA LAW OF WATER RIGHTS* 6-16 (Rocky Mountain Mineral Law  
Foundation, 2010).

<sup>57</sup> See e.g. NRS 534.180(2); NRS 534.180(3); NRS 534.110(6); NRS 534.120(3) – (5).

<sup>58</sup> 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.”<sup>59</sup> 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.<sup>60</sup>  
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 <sup>59</sup> NRS 534.030(4).

27 <sup>60</sup> 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.”<sup>61</sup> But determinations by the State Engineer must be supported by  
6 substantial evidence in the record.<sup>62</sup> Substantial evidence is evidence “which a ‘reasonable mind might  
7 accept as adequate to support a conclusion.’”<sup>63</sup> 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.<sup>64</sup> 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.<sup>65</sup> 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.”<sup>66</sup> 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.<sup>67</sup> This has resulted in a decrease in the overall number of  
22 domestic wells in the basin during the period between 2008 and 2014.<sup>68</sup> In fact, the plan indicates that  
23

24 <sup>61</sup> NRS 534.110(8).

25 <sup>62</sup> *Revert v. Ray*, 95 Nev. 782, 786, 603 P.2d 262, 264 (1979).

26 <sup>63</sup> *Bacher v. State Eng’r*, 122 Nev. 1110, 1121, 146 P.3d 793, 800 (2006).

27 <sup>64</sup> Exhibit No. 1 at 4.

28 <sup>65</sup> Exhibit No. 1 at 4.

<sup>66</sup> NRS 534.110(8) (emphasis added).

<sup>67</sup> Exhibit No. 2 at 6-17.

<sup>68</sup> Exhibit No. 2 at 6-17.

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1 in 2013, the overall number of domestic wells decreased by 104 wells.<sup>69</sup> 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.<sup>70</sup> 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.<sup>71</sup> 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.<sup>72</sup> 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.<sup>73</sup> If  
23  
24

25 <sup>69</sup> Exhibit No. 2 at 5-8.

26 <sup>70</sup> Exhibit No. 2 at 5-8.

27 <sup>71</sup> Exhibit No. 2 at 5-14.

28 <sup>72</sup> See NRS 534.110(8) (“In any basin or portion thereof in the State . . .”) (emphasis added).

<sup>73</sup> 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.<sup>74</sup> 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.<sup>75</sup> 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.”<sup>76</sup> 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 <sup>74</sup> Exhibit No. 4 at 38.

27 <sup>75</sup> Exhibit No. 1 at 5.

28 <sup>76</sup> *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.*”<sup>77</sup> 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.”<sup>78</sup> 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.<sup>79</sup> 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.<sup>80</sup> 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.<sup>81</sup> 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 <sup>77</sup> Exhibit No. 2 at 5-22.

25 <sup>78</sup> Exhibit No. 2 at 5-22.

26 <sup>79</sup> Exhibit No. 2 at 5-23.

27 <sup>80</sup> NAC 534.320.

28 <sup>81</sup> 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.”<sup>82</sup> “[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.”<sup>83</sup> 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 <sup>82</sup> *Public Employees’ Benefits Program v. Las Vegas Metropolitan Police Dept.*, 124 Nev. 138, 155, 179 P.3d 542, 553-54  
(2008).

27 <sup>83</sup> *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 Pahrump 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.<sup>84</sup>  
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 Pahrump.<sup>85</sup> Real estate escrows that  
9 were pending when Order 1293 was issued have been canceled<sup>86</sup> 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.<sup>87</sup> 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 <sup>84</sup> 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 <sup>85</sup> See generally Exhibit No. 5.  
28 <sup>86</sup> See Exhibit No. 5 (Statements of Michael Lach and Lisa Bond)  
<sup>87</sup> See generally Exhibit No. 5.

**CONCLUSION**

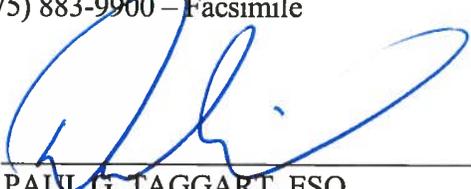
For the foregoing reasons, PFW respectfully requests that the Court issue an order staying the enforcement of Nevada State Engineer Order No. 1293 during the pendency of these proceedings.

**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 31<sup>st</sup> day of January, 2018.

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\_\_\_\_\_  
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**CERTIFICATE OF SERVICE**

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Pursuant to NRCF 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:

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State Engineer  
Nevada Division of Water Resources  
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DATED this 18<sup>th</sup> day of February, 2018.



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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.

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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.<sup>1</sup>
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.<sup>2</sup>
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.<sup>3</sup>
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.<sup>4</sup>
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.<sup>5</sup>

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<sup>1</sup> 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.

<sup>2</sup> *Id.*

<sup>3</sup> 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>.

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

<sup>5</sup> *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.<sup>6</sup> 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.<sup>7</sup>
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.<sup>8</sup>
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.<sup>9</sup>
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.

---

<sup>6</sup> Senate Bill 19, Chapter 631, Statutes of Nevada 1993.

<sup>7</sup> Senate Bill 159, Chapter 85, Statutes of Nevada 2001.

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

<sup>9</sup> 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](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.<sup>10</sup>
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.<sup>11</sup>
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.<sup>12</sup>

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<sup>10</sup> See fn. 6, 7 and 8, and minutes of testimony related thereto.

<sup>11</sup> 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.

<sup>12</sup> 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.<sup>13</sup>

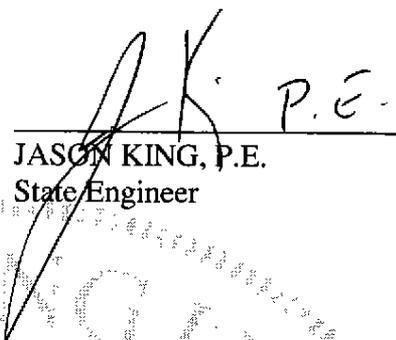
**NOW THEREFORE**, it is hereby ordered that the drilling of any new domestic well within the Pahrump Artesian Basin is **prohibited**, except that:

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.

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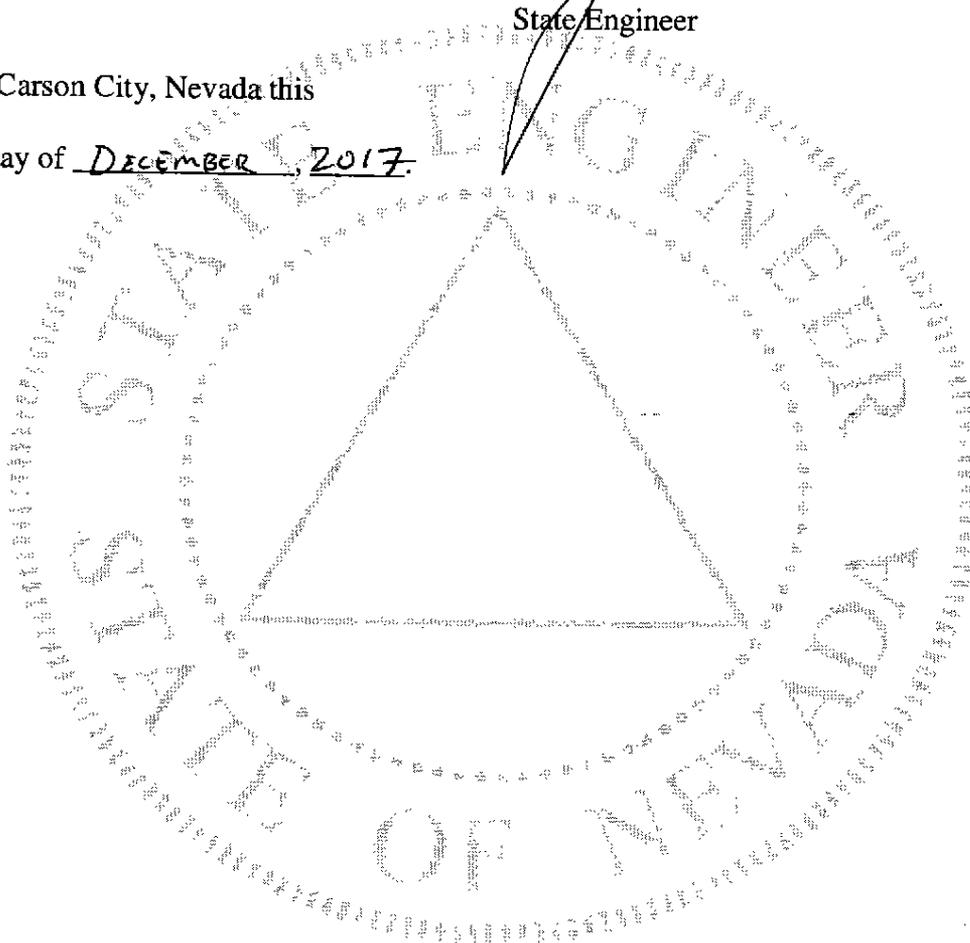
<sup>13</sup> Correspondence from Oscar (Oz) Wichman on behalf of the Nye County Water District to Jason King, December 11, 2016 [sic].

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

19<sup>TH</sup> day of DECEMBER, 2017.



# **EXHIBIT 2**

# **EXHIBIT 2**

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# NYE COUNTY WATER DISTRICT

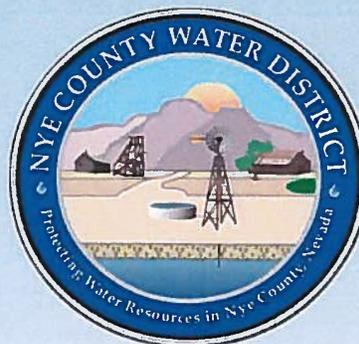
# WATER RESOURCES PLAN UPDATE

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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.

**HYDROGRAPHIC BASINS WITHIN THE NYE COUNTY WATER DISTRICT AREAS**

Nye County Water District Areas, Number of Members From Each Area\*, and Hydrographic Basins

Area	Number of Members	Hydrographic Basins
Area 1: Currant Creek / Smoky Valley Area	1 Member	56 Upper Reese River Valley, 122 Gabbs Valley, 134 Smith Creek, 135 Ionic Valley, 137B Big Smoky Valley Northern Part, 140B Monitor Valley Northern Part, 150 Little Fish Lake Valley, 151 Antelope Valley (Eureka & Nye), 155A Little Smoky Valley Northern Part, 155B Little Smoky Valley Central Part, 155C Little Smoky Valley Southern part, 156 Hot Creek Valley, 171 Coal Valley, 172 Garden Valley, 173A Railroad Valley Southern Part, 173B Railroad Valley Northern Part, 207 White River Valley, 208 Pahroc Valley
Area 2: Tonopah Area	1 Member	137A Big Smoky Valley Tonopah Flat, 141 Raisin Valley, 142 Alkali Spring Valley, 145 Stonewall Flat, 147 Gold Flat, 148 Cactus Flat, 149 Stone Cabin Valley, 157 Kawich Valley, 158A Emigrant Valley Groom Lake Valley, 158B Emigrant Valley Papoose Lake Valley, 170 Penoyer Valley (Sand Spring Valley)
Area 3: Beatty / Amargosa Valley Area	1 Member	144 Lida Valley, 146 Sarcobatus Flat, 159 Yuca Flat, 160 Frenchman Flat, 161 Indian Springs Valley, 225 Mercury Valley, 226 Rock Valley, 227A Fortymile Canyon Jackass Flats, 227B Fortymile Canyon Buckboard Mesa, 228 Oasis Valley, 229 Crater Flat, 230 Amargosa Desert, 231 Grapevine Canyon
Area 4: Pahrump Valley Area	3 Members	162 Pahrump Valley

\*In addition to the members appointed from the areas described above, there shall also be a member appointed who is a resident of an area in Nye County other than the Pahrump Valley.

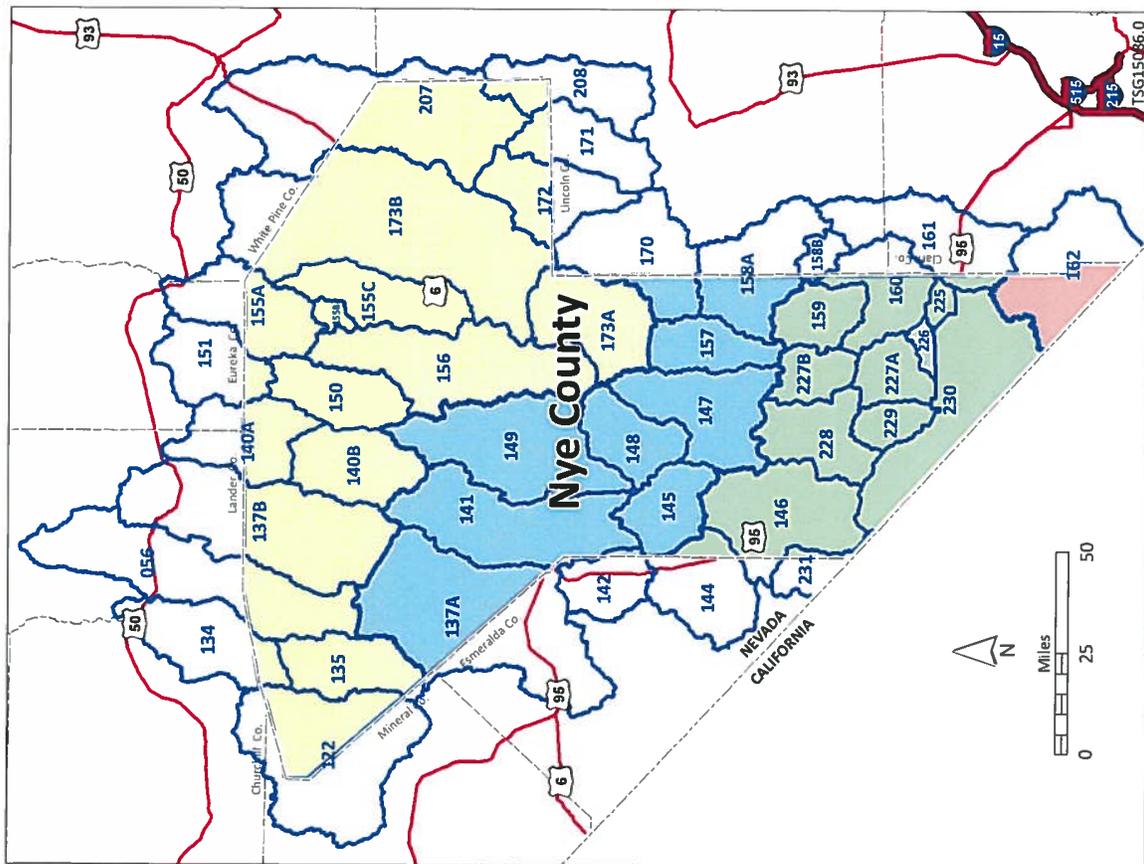


Figure 1-1. Hydrographic Basins within the Nye County Water District Areas.

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](http://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](http://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](http://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		
<b>Total :</b>	<b>\$225.00</b>			

Notes  
Payment for NOIs 40077;  
40078; 40079; 40080;  
40081; 40082; 40083;  
40084; 40084; 40085

*Excess Remit 12/27/17 C Cooper*

12/19/2017

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 53 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



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,

Handwritten signature of Christi Cooper in cursive.

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	
	Residence Sq Ft 0	
<a href="#">Improvement List</a>	Basement Sq Ft 0	Basement
<a href="#">Improvement Sketches</a>	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
<b>Net Assessed Value</b>	<b>3,220</b>	<b>3,219</b>	<b>3,218</b>

#### 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
<b>Net Taxable Value</b>	<b>9,200</b>	<b>9,197</b>	<b>9,194</b>

#### Increased (New) Values

Land	0	0	0
Improvements	0	0	0
Personal Property	0	0	0

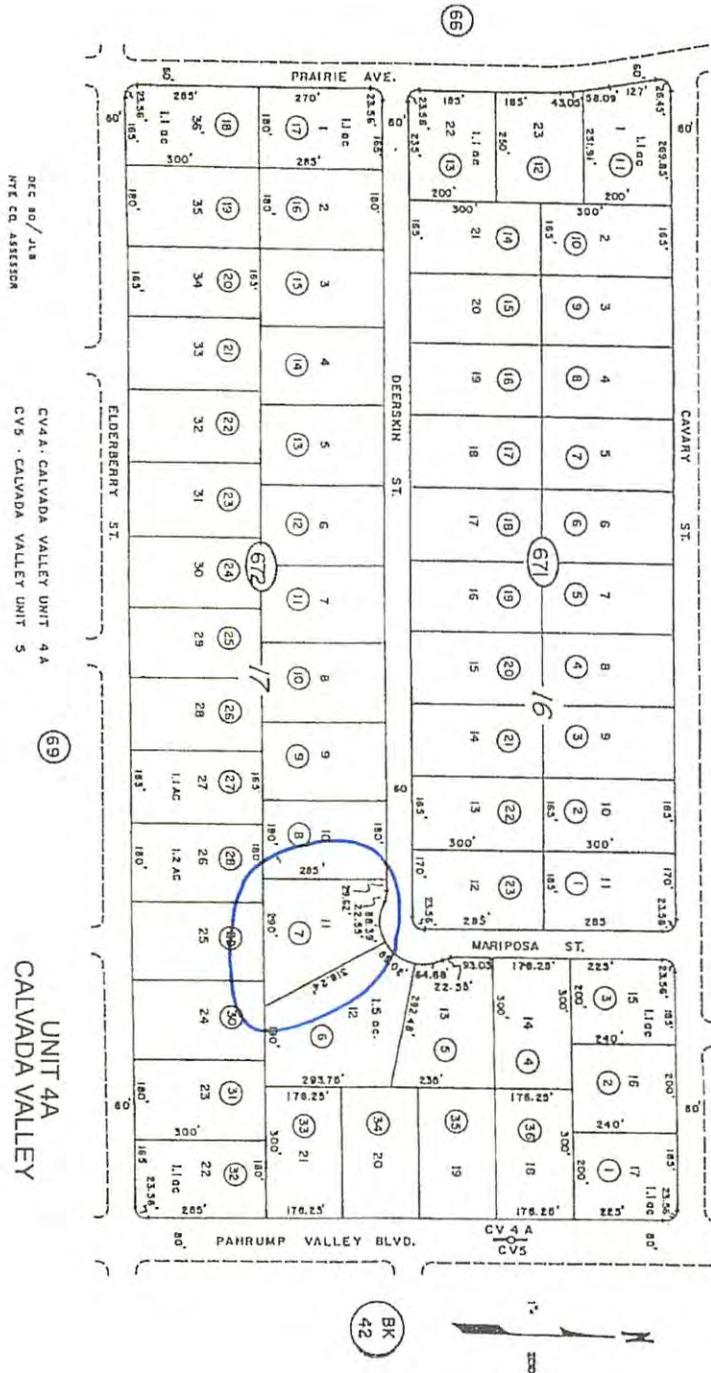
[Back to Search List](#)

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 DEC 19 2017

JT APP 3574

SE ROA 3527

DCNR/DWR/SNBO  
RECEIVED  
DEC 19 2017



T20S, R53E  
POR. SEC. 34

(65)

40-67

DEC 80 / JLB  
NTE CD. ASSISION

CV4A: CALVADA VALLEY UNIT 4A  
CV5: CALVADA VALLEY UNIT 5

UNIT 4A  
CALVADA VALLEY

(69)

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.

BK  
42

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 29<sup>th</sup>, 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 CC*

12/19/2017

ORIGINAL  
FILE WITH DIVISION OF  
WATER RESOURCES

### NOTICE OF INTENT

No. 40079

Today's Date: 12-15-17 Intended Start Date: 01-09-18 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: NE 1/4 NW 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

(Rev 1-14) Driller's Signature Larry Stuckard

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,

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 # 027-461-53

### 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	
	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) 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
<b>Net Assessed Value</b>	<b>16,974</b>	<b>16,974</b>	<b>16,974</b>

#### 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
<b>Net Taxable Value</b>	<b>48,497</b>	<b>48,497</b>	<b>48,497</b>

#### 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

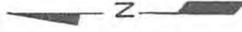
JT APP 3580

SE ROA 3533

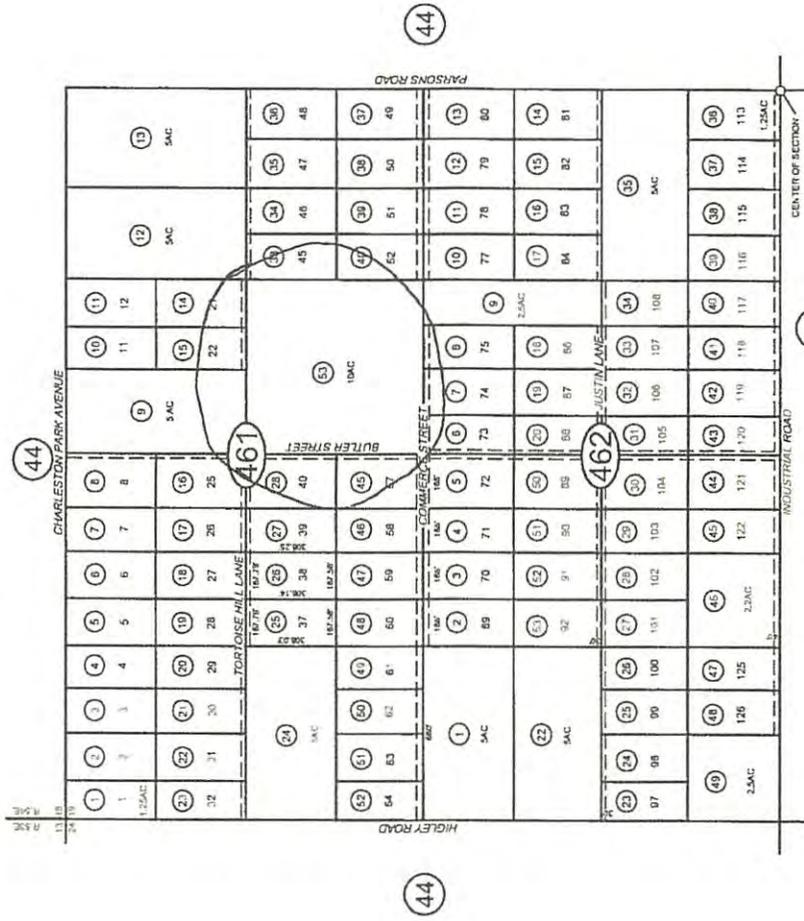
27-46



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\27-46-040225-ng.dwg, 02/25/2004 02:52:38 PM

DCNR/DWR/SNBO  
RECEIVED  
DEC 19 2017

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  
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December 29<sup>th</sup>, 2017

Strickland Construction Co. Inc.  
5801 South Homestead Road  
Pahrump, NV 89048

**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 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		
<b>Total :</b>	<b>\$225.00</b>			

Notes  
Payment for NOIs 40077;  
40078; 40079; 40080;  
40081; 40082; 40083;  
40084; 40084; 40085

*Excess Remit 12/27/17 Cooper*

12/19/2017

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/W 1/4 N/W 1/4 Sec. 19 T 20 N 5 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: Randy Stutem

(Rev 1-14)

DCNR/DWR/SNBO  
RECEIVED  
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  
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 [Add'l Addresses](#)  
 District 6.3 - PAHRUMP 3 [Assessor Maps](#)  
 Subdivision SPRING MTN IND PK ROS Lot Block [Legal Description](#)  
 Property Name F#90983 P.100 1.30AC

### Ownership

Assessed Owner Name MURPHY,DANIEL L & DAWN R  
 Mailing Address P O BOX 2343 [Ownership History](#)  
 Add'l Owners PAHRUMP, NV 89041-2343 [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  
[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 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
<b>Net Assessed Value</b>	<b>5,882</b>	<b>5,277</b>	<b>4,971</b>
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
<b>Net Taxable Value</b>	<b>16,806</b>	<b>15,077</b>	<b>14,203</b>
Increased (New) Values			
Land	0	0	0
Improvements	0	0	0
Personal Property	0	0	0

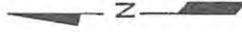
[Back to Search List](#)

DCNR/DWR/SNBO  
 RECEIVED  
 DEC 19 2017

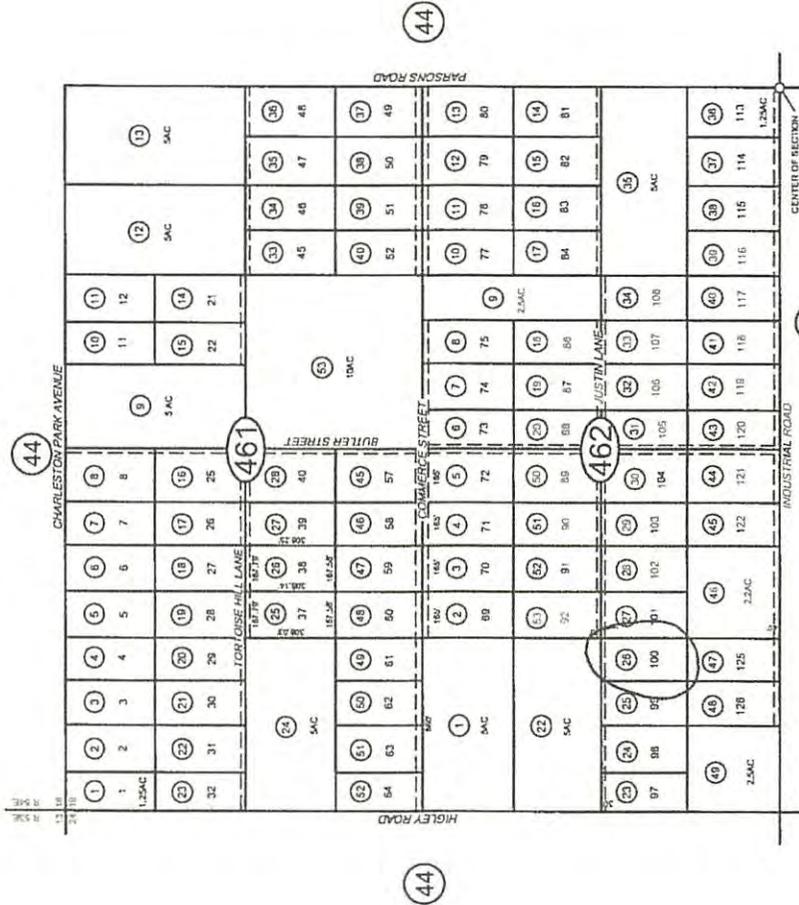
27-46



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 10\27-46-040225-ng.dwg, 02/25/2004 02:52:36 PM

DCNR/DWR/ENBO  
RECEIVED  
DEC 19 2017

BRIAN SANDOVAL  
Governor

STATE OF NEVADA

JASON KING, P.E.  
State Engineer

BRADLEY CROWELL  
Director



JOHN GULLORY, 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 29<sup>th</sup>, 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		
<b>Total :</b>	<b>\$225.00</b>			

Notes  
Payment for NOIs 40077;  
40078; 40079; 40080;  
40081; 40082; 40083;  
40084; 40084; 40085

*Excess Remit 12/27/17 CC*

12/19/2017

ORIGINAL  
FILE WITH DIVISION OF  
WATER RESOURCES

NOTICE OF INTENT

No. 40081

Today's Date: 12-15-17 Intended Start Date: 01-09-18 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 S/E 1/4 Sec. 20 T. 21 N(S) R 54 E

Latitude: 36.10859 UTM E \_\_\_\_\_  NAD 27

Longitude: -115.92577 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: 5719 Sunnie Dee Ct, Las Vegas, NV 89120

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: Randy Stuchling

(Rev 1-14)

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 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,

Handwritten signature of Christi Cooper in cursive script.

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 [Add'l Addresses](#)  
 District 6.5 - PAHRUMP 5 [Assessor Maps](#)  
 Subdivision GREEN SADDLE RANCH Lot 414 Block [Legal Description](#)  
 Property Name F#46886 L.414 1.1AC

### Ownership

Assessed Owner Name JACOBS FAMILY LLC  
 Mailing Address 5779 SUNNIE DEE CT [Ownership History](#)  
 LAS VEGAS, NV 89120-2519 [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	
	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) 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
<b>Net Assessed Value</b>	<b>2,646</b>	<b>2,646</b>	<b>2,646</b>

Increased (New) Values	2018-19	2017-18	2016-17
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
<b>Net Taxable Value</b>	<b>7,560</b>	<b>7,560</b>	<b>7,560</b>

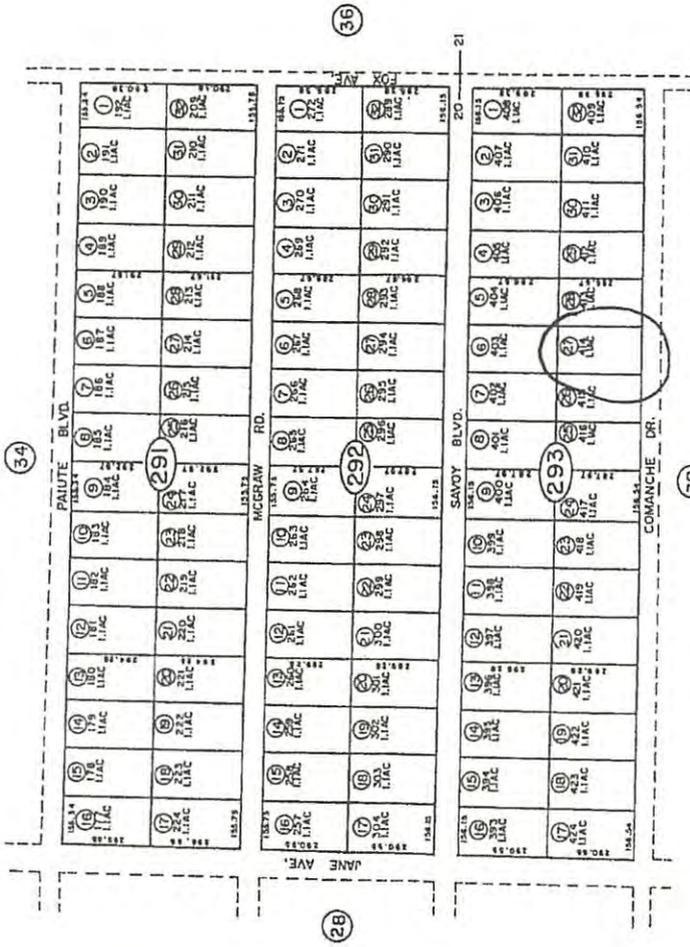
Increased (New) Values	2018-19	2017-18	2016-17
Land	0	0	0
Improvements	0	0	0
Personal Property	0	0	0

[Back to Search List](#)

DCNR/DWR/SNBO  
 RECEIVED  
 DEC 19 2017

45-29  
Rev. 5-22-95

T21S, R 54E  
PORT. OF SEC. 20



DCNR/DWR/ENSO  
RECEIVED  
DEC 19 2017

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.

APR 15/2018 4:53  
NYE CO ASSESSOR

GREEN SADDLE RANCH

JT APP 3593

SE ROA 3546

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 29<sup>th</sup>, 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 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		
<b>Total :</b>	<b>\$225.00</b>			

Notes  
Payment for NOIs 40077;  
40078; 40079; 40080;  
40081; 40082; 40083;  
40084; 40084; 40085

*Excess Remit 12/27/17 CC [Signature]*

12/19/2017

ORIGINAL  
FILE WITH DIVISION OF  
WATER RESOURCES

NOTICE OF INTENT

No. 40082

Today's Date: 12-15-17

Intended Start Date 01-12-18

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 NE 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 Rac

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, Pahomy, NV 89048

Need Log Forms  Need Intent Cards  Driller's Signature: Rory [Signature]

(Rev 1-14)

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 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,

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 # 029-624-03

### Location

Property Location 2851 N NATALIA LN  
 Town PAHRUMP [Add'l Addresses](#)  
 District 6.1 - PAHRUMP 1 [Assessor Maps](#)  
 Subdivision WM MOORE ROS Lot 11 Block A [Legal Description](#)  
 Property Name B.A L.11 3.92AC

### Ownership

Assessed Owner Name WINTERTON,DALE D & JOYCE E  
 Mailing Address P O BOX 1123 [Ownership History](#)  
 Add'l Owners RIVERSIDE, CA 92502-1123 [Document History](#)  
 Legal Owner Name WINTERTON,DALE D & JOYCE E  
 Vesting Doc #, Date 00/00/00 Year / Book / Page  
 Map Document #s

### 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  
 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 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
<b>Net Assessed Value</b>	<b>25,039</b>	<b>20,738</b>	<b>18,568</b>
<b>Increased (New) Values</b>			
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
<b>Net Taxable Value</b>	<b>71,540</b>	<b>59,251</b>	<b>53,051</b>
<b>Increased (New) Values</b>			
Land	0	0	0
Improvements	0	0	0
Personal Property	0	0	0

[Back to Search List](#)

DCNR/DWR/CNBO  
 RECEIVED  
 DEC 19 2017

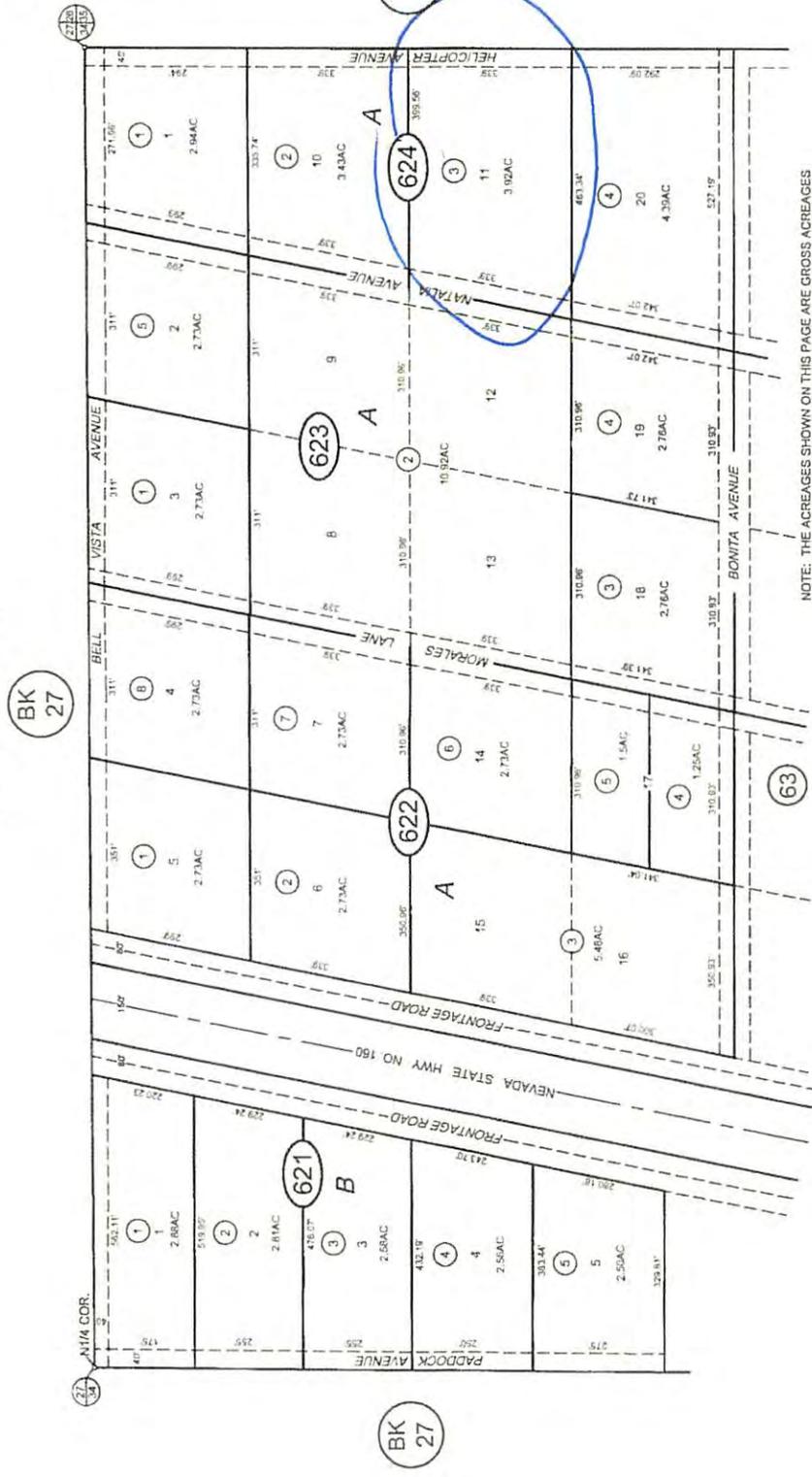
DCNR/DWR/CNSO  
RECEIVED  
DEC 19 2017

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

JUN81\W\TB\hvh  
CAD FILE 07-06-04\CM  
NYE 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.

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 GULLORY, 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 29<sup>th</sup>, 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 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		
<b>Total :</b>	<b>\$225.00</b>			

Notes  
Payment for NOIs 40077;  
40078; 40079; 40080;  
40081; 40082; 40083;  
40084; 40084; 40085

*Excess Remit 12/27/17 Cooper*

12/19/2017

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(S) R 54 E

Latitude: 36.13593 UTM E \_\_\_\_\_  NAD 27

Longitude: -115.95521 or UTM N \_\_\_\_\_  NAD 83/WGS 84

Address at well location: 3091 E. Zolita Ave

Assessor Parcel Number: 45-084-02

County: Nye Subdivision Name: \_\_\_\_\_

Name of Client: Larry and Debra Strickland

Address of Client: 5801 S. Homestead, Pahump, NV 89048

Contractor's License Number: 40277 On-Site Driller's License Number: 2186

Company Name and Address: SEC, 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



**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,

Handwritten signature of Christi Cooper in cursive script.

Christi Cooper  
Well Supervisor

# NYE COUNTY



[Assessor Home](#)
[Personal Property](#)
[Sales Data](#)
[Secured Tax Inquiry](#)
[Recorder Website](#)

## Parcel Detail for Parcel # 045-084-02

<div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;"> <p style="text-align: center;"><b>Location</b></p> <p>Property Location 3091 E ZOLIN AVE              Town PAHRUMP <a href="#">Add'l Addresses</a>              District 6.5 - PAHRUMP 5 <a href="#">Assessor Maps</a>              Subdivision Lot Block <a href="#">Legal Description</a>              Property Name F#440621 P.2 .91AC</p> </div>	<div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;"> <p style="text-align: center;"><b>Ownership</b></p> <p>Assessed Owner Name STRICKLAND,LARRY D &amp; DEBRA L              Mailing Address 5801 HOMESTEAD RD <a href="#">Ownership History</a>              Add'l Owners PAHRUMP, NV 89048-7523 <a href="#">Document History</a>              Legal Owner Name STRICKLAND,LARRY D &amp; DEBRA L              Vesting Doc #, Date 677431 01/23/07 Year / Book / Page              Map Document #s</p> </div>																																																																																
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[Back to Search List](#)

DCNR/DWR/SNBO  
 RECEIVED  
 DEC 19 2017

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 29<sup>th</sup>, 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  
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Notes  
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*Excess Remit 12/27/17 C Cooper*

12/19/2017

CHECKBOX  
FILE WITH DIVISION OF  
WATER RESOURCES

NOTICE OF INTENT

No. 40084

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

Proposed use of well

Domestic

Diameter of well 6 inches

Number of wells 1

If there is an existing well, what is the well log number?

If this well is a domestic well, is it located within a water purveyor's service area? Yes  No

If this is a monitor well required by another government agency, what is the facility ID number?

If yes, what is the DOI# waiver?

Agency

If this well is being completed under a waiver, please provide the corresponding waiver number.

If a weller right is associated with this well, what is the permit number?

Location of the well by Public Land Survey

Latitude: 36.13593

Longitude: -115.95477

Address at well location: 3121 E. Zola Ave.

Assessor Parcel Number: 45-084-03

County: Nye

Name of Client: Lynn and Debra Strickland

Address of Client: 5801 S. Howstead, Pahrump, NV 89019

Contractor's License Number: 40271

Company Name and Address: 5801 S. Howstead, Pahrump, NV 89019

Need Log Forms

Need Intent Cards

Need Log Cards

Drillers Signature: Karen 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
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- 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.

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A handwritten signature in cursive script that reads "Christi Cooper".

Christi Cooper  
Well Supervisor

# NYE COUNTY



[Assessor Home](#)
[Personal Property](#)
[Sales Data](#)
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## Parcel Detail for Parcel # 045-084-03

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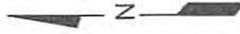
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DCNR/DWR/SNBO  
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 DEC 19 2017

45-08



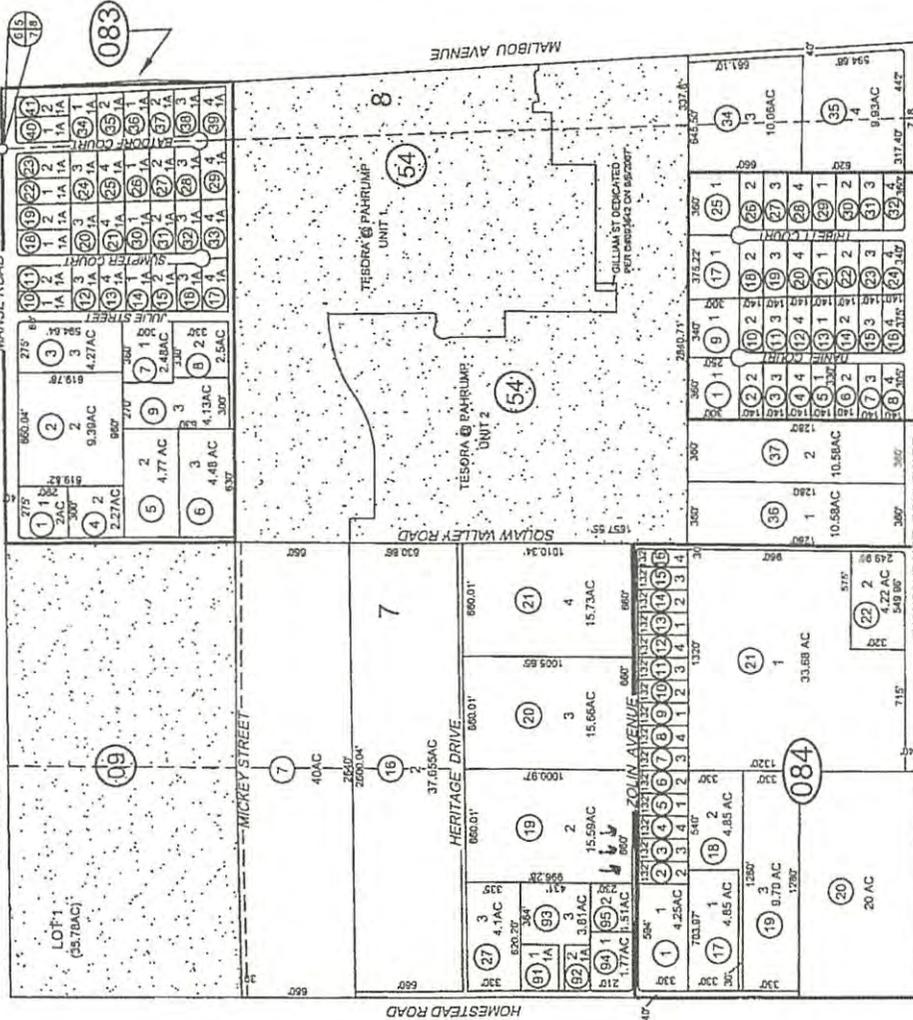
- REV. 08-27-84
- 07-08-85
- 09-26-85
- 03-06-86
- 11-16-88
- 07-14-89
- 06-04-92
- 08-11-93
- 04-28-95
- 05-15-95
- 06-15-95
- 02-06-96
- 06-07-96
- 03-13-98
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- 04-14-98
- 04-25-98
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- 08-04-98
- 05-17-99
- 11-30-99
- 03-10-99
- 07-25-00
- 11-21-02
- 11-02-06
- 07-09-07
- 09-18-07
- 01-11-10
- 05-17-13



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DEC 19 2017

T.21S., R.54E.  
SEC. 7 & PT. SEC. 8

N/W, S/W



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NYE COUNTY ASSESSOR  
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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 29<sup>th</sup>, 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 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 [signature]*

12/19/2017

### 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: N/W 1/4 S/W 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. Zolla 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

Driller's Signature: Larry Strickland

(Rev 1-14)

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 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,

Handwritten signature of Christi Cooper in cursive.

Christi Cooper  
Well Supervisor

# NYE COUNTY



[Assessor Home](#)
[Personal Property](#)
[Sales Data](#)
[Secured Tax Inquiry](#)
[Recorder Website](#)

## Parcel Detail for Parcel # 045-084-04

<p style="text-align: center;"><b>Location</b></p> <p>Property Location 3151 E ZOLIN AVE          Town PAHRUMP <a href="#">Add'l Addresses</a>          District 6.5 - PAHRUMP 5 <a href="#">Assessor Maps</a>          Subdivision Lot Block <a href="#">Legal Description</a>          Property Name F#440621 P.4 .91AC</p>	<p style="text-align: center;"><b>Ownership</b></p> <p>Assessed Owner Name STRICKLAND,LARRY D &amp; DEBRA L          Mailing Address 5801 S HOMESTEAD RD <a href="#">Ownership History</a>          Add'l Owners PAHRUMP, NV 89048-7523 <a href="#">Document History</a>          Legal Owner Name STRICKLAND,LARRY D &amp; DEBRA L          Vesting Doc #, Date 662290 07/07/06 Year / Book / Page          Map Document #s</p>
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<p style="text-align: center;"><b>Description</b></p> <p>Total Acres .910 Square Feet 0          Ag Acres .000 W/R Acres .000</p> <p style="text-align: center;"><b>Improvements</b></p> <table border="0"> <tr> <td>Single-family Detached 0</td> <td>Non-dwelling Units 0</td> <td>Bedrooms / Baths 0 / .00</td> </tr> <tr> <td>Single-family Attached 0</td> <td>Mobile Home Hookups 1</td> <td>Stories .0</td> </tr> <tr> <td>Multiple-family Units 0</td> <td>Wells 1</td> <td>Garage Square Ft... 0</td> </tr> <tr> <td>Mobile Homes 0</td> <td>Septic Tanks 1</td> <td>Attached / Detached</td> </tr> <tr> <td>Total Dwelling Units 0</td> <td>Buildings Sq Ft 0</td> <td></td> </tr> <tr> <td></td> <td>Residence Sq Ft 0</td> <td></td> </tr> <tr> <td><a href="#">Improvement List</a></td> <td>Basement Sq Ft 0</td> <td>Basement</td> </tr> <tr> <td><a href="#">Improvement Sketches</a></td> <td>Finished Basement SF 0</td> <td>Bedrooms / Baths 0 / .00</td> </tr> </table>	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		<a href="#">Improvement List</a>	Basement Sq Ft 0	Basement	<a href="#">Improvement Sketches</a>	Finished Basement SF 0	Bedrooms / Baths 0 / .00	<p style="text-align: center;"><b>Appraisal Classifications</b></p> <p>Current Land Use Code 280 <a href="#">Code Table</a></p> <p>Zoning Code(s) VR-20 062007</p> <p>Re-appraisal Group 2 Re-appraisal Year 2017          Original Construction Year Weighted Year</p>
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JASON KING, P.E.  
State Engineer

BRADLEY CROWELL  
Director



JOHN GUILLORY, P.E.  
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**DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES  
DIVISION OF WATER RESOURCES  
SOUTHERN NEVADA BRANCH OFFICE**

400 Shadow Lane, Suite 201  
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(702) 486-2770 • Fax (702) 486-2781  
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December 29<sup>th</sup>, 2017

Strickland Construction Co. Inc.  
5801 South Homestead Road  
Pahrump, NV 89048

**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 3616**

SE ROA 3569



**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		
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	\$25.00	NOI - 40079		
	\$25.00	NOI - 40078		
	\$25.00	NOI - 40077		
<b>Total :</b>	<b>\$225.00</b>			

Notes  
Payment for NOIs 40077;  
40078; 40079; 40080;  
40081; 40082; 40083;  
40084; 40084; 40085

*Excess Remit 12/27/17 CCoppe*

12/19/2017

### NOTICE OF INTENT

No. 40199

Today's Date: Dec 18, 2017

Intended Start Date: \_\_\_\_\_

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, 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: LESLIE D LANG Lot 1 Parcel 84

Address of Client: 3350 PROSPECTOR LN.

Contractor's License Number: 017563A On-Site Driller's License Number: 1324

Company Name and Address: SIXPIKEWELL DRILLING LLC PO Box 56 Parkman, NV

Need Log Forms  Need Intent Cards

(Rev 1-14) Driller's Signature: [Signature] 84041

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 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,

A handwritten signature in cursive script that reads "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 JABOUR,  
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*

<b>DATE</b>	<b>DOCUMENT DESCRIPTION</b>	<b>VOLUME</b>	<b>PAGE NOS.</b>
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

<b>DATE</b>	<b>DOCUMENT DESCRIPTION</b>	<b>VOLUME</b>	<b>PAGE NOS.</b>
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 PFW	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

<b>DATE</b>	<b>DOCUMENT DESCRIPTION</b>	<b>VOLUME</b>	<b>PAGE NOS.</b>
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

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 29<sup>th</sup>, 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 that reads "Christi Cooper".

Christi Cooper  
Well Supervisor

**JT APP 3518**

SE ROA 3471



**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 T 20-S N/S R 53 E

Latitude N36°13.304' UTM E 2569'  NAD 27

Longitude W116°01.909' or 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

County KYE LOT: 15 PARCEL 47

Name of Client J. L. INVESTMENTS

Address of Client 1210 W. Ulrich Ct.

Contractor's License Number 017563A Site/Driller's License Number: \_\_\_\_\_

Company Name and Address EMPIRE WELL DRILLING LLC PO Box 56 Paloverde NV

Need Log Forms  Need Intent Cards  Driller's Signature [Signature]

(Rev 1-14)

DCNR/DWR/SNBO  
RECEIVED  
DEC 15 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 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 29<sup>th</sup>, 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

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 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

Name of Client: THOMAS D. & Margreta F. JAMES LOT: 3

Address of Client: 2850 W. Mc Murray DR.

Contractor's License Number: 017563A 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: [Signature]

(Rev 1-14)

DCNR/DWR/SNBO RECEIVED DEC 15 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 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

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 29<sup>th</sup>, 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

JT APP 3526

SE ROA 3479



**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' or UTM N 14'  NAD 83/WGS 84

Address at well location 580 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 Pahump, 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 Pahump NV

Need Log Forms  Need Intent Cards

(Rev 1-14) Driller's Signature Jim Pike

DCNR/DWR/SNBO  
RECEIVED  
DEC 15 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 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 29<sup>th</sup>, 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

**JT APP 3530**

SE ROA 3483



**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 Subdivision Name The Country Place II

County: NYE 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 89041

Need Log Forms  Need Intent Cards  Driller's Signature: Jim Lee

(Rev. 1-14)

DCNR/DWR/SNBO  
RECEIVED  
DEC 15 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 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,

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 29<sup>th</sup>, 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*

ORIGINAL  
FILE WITH DIVISION OF  
WATER RESOURCES

NOTICE OF INTENT

No. 39881

Today's Date Dec. 16, 2017

Intended Start Date: Dec. 29, 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 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 BIK: 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: JIMPIKELLED 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



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,

A handwritten signature in cursive script that reads "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: [Signature]  
Title: President

COMMENTS: 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.

\* Based on determination of \_\_\_\_\_  
NOTE: TO EXPEDITE PROCESSING, RETURN TO DRILLING CONTRACTOR.

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 29<sup>th</sup>, 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

**JT APP 3539**

SE ROA 3492



**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	

*Excess Remit 12/27/17 C Cooper*

12/19/2017

1

**JT APP 3540**

SE ROA 3493

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 T20-S N S R 52 E

Latitude: N 36° 12.087' UTM E 2532'  NAD 27

Longitude: W 116° 04.991' or 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

Name of Client: George T. Peterson Ranchos

Address of Client: 4123 LINNICKI ST. N. Las Vegas, NV 89032-2688

Contractor's License Number: 017563A On-Site Driller's License Number: 1324

Company Name and Address: JIMPIKEWELL 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



**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,

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 29<sup>th</sup>, 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

NOTICE OF INTENT

No. 39883

Today's Date: DEC. 16, 2017

Intended Start Date

Dec. 28, 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: NW 1/4 NW 1/4 Sec. 29 T. 19-S. N15 R. 53 E

Latitude: N 36° 16.639' UTM E 2538' NAD 27  NAD 83 (NGS 84)

Longitude: W 116° 02.987' UTM N 13' NAD 83 (NGS 84)

Address at well location: 1930 W. LEFFNER DR

Assessor Parcel Number: 029-401-08

County: NYE Subdivision Name: CRYSMAIRE EST. LOT: 52

Name of Client: FRANK E. & MARY SHERMAN

Address of Client: 1860 CHEREM HIGHLAND, MI 48357-3400

Contractor's License Number: P175634 On-Site Driller's License Number: 1324

Company Name and Address: JIM PIKEWELL DRILLING LLC PO BOX 56 FAIRMONT, NY 13054

Need Log Forms

Need Intent Cards

Driller's Signature

*Jim Pikewell*

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,

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 29<sup>th</sup>, 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

JT APP 3547

SE ROA 3500



**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		
<b>Total :</b>	\$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

Name of Client: LESLIE D. LANG Lot: 1 Parcel 186

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  Driller's Signature Jim [Signature]

(Rev 1-14)

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 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,

Handwritten signature of Christi Cooper in cursive.

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 29<sup>th</sup>, 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

JT APP 3551

SE ROA 3504



**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

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. 0 R. 53 E

Latitude: 36.162148 UTM E \_\_\_\_\_  NAD 27  
 Longitude: -116.059075 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: 46271 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: [Signature]  
 (Rev 1-14)

DCNR/DWR/SNBO  
RECEIVED  
DEC 18 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 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,

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 # 036-508-06

Location	Ownership
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	Assessed Owner Name WEGNER,ANN WALL Mailing Address P O BOX 96 DEATH VALLEY, CA 92326-0096 Legal Owner Name WEGNER,ANN WALL Vesting Doc #, Date 868207 03/20/17 Year / Book / Page 17 / 0 / 0 Map Document #s
<a href="#">Add'l Addresses</a> <a href="#">Assessor Maps</a> <a href="#">Legal Description</a>	<a href="#">Ownership History</a> <a href="#">Document History</a>

Description	Appraisal Classifications
Total Acres 2.500 Square Feet 0 Ag Acres .000 W/R Acres .000 <b>Improvements</b> 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	Current Land Use Code 100 <a href="#">Code Table</a> Zoning Code(s) RE-2 062007 Re-appraisal Group 5 Re-appraisal Year 2015 Original Construction Year Weighted Year
<a href="#">Improvement List</a> <a href="#">Improvement Sketches</a>	

Assessed Valuation				Taxable Valuation			
Assessed Values	2018-19	2017-18	2016-17	Taxable Values	2018-19	2017-18	2016-17
Land	3,504	3,504	3,504	Land	10,011	10,011	10,011
Improvements	0	0	0	Improvements	0	0	0
Personal Property	0	0	0	Personal Property	0	0	0
Ag Land	0	0	0	Ag Land	0	0	0
Exemptions	0	0	0	Exemptions	0	0	0
<b>Net Assessed Value</b>	<b>3,504</b>	<b>3,504</b>	<b>3,504</b>	<b>Net Taxable Value</b>	<b>10,011</b>	<b>10,011</b>	<b>10,011</b>
<b>Increased (New) Values</b>				<b>Increased (New) Values</b>			
Land	0	0	0	Land	0	0	0
Improvements	0	0	0	Improvements	0	0	0
Personal Property	0	0	0	Personal Property	0	0	0

[Back to Search List](#)

DCP/RD/M/R/S/N/BO  
 RECEIVED  
 DEC 18 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 29<sup>th</sup>, 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*

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 SE 1/4 Sec. 17 T 19 N/S R 53 E

Latitude: 36.299941 UTM E \_\_\_\_\_  NAD 27  
Longitude: -116.041684 or 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, Pahump, NV 89060

Contractor's License Number: 40277 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: Karen Stuchman

DCNR/DWR/SNBO  
RECEIVED  
DEC 18 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 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 [Add'l Addresses](#)  
 District 6.1 - PAHRUMP 1 [Assessor Maps](#)  
 Subdivision Lot Block [Legal Description](#)  
 Property Name F#84224 P.1 5AC

### Ownership

Assessed Owner Name LENHART,CHARLES R & KATHRYN L  
 Mailing Address 551 E SLOAN ST [Ownership History](#)  
 Add'l Owners PAHRUMP, NV 89060-1939 [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  
[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 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
<b>Net Assessed Value</b>	<b>4,366</b>	<b>4,366</b>	<b>4,366</b>
<b>Increased (New) Values</b>			
Land	0	0	0
Improvements	0	0	0
Personal Property	0	0	0

### Taxable Valuation

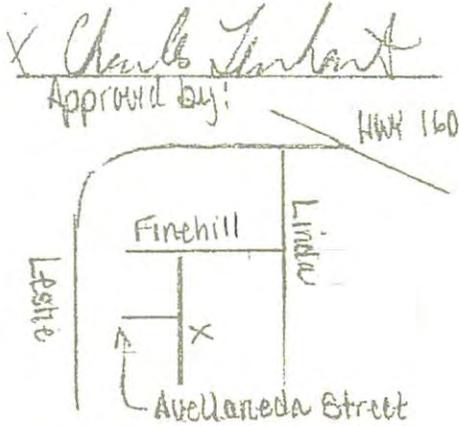
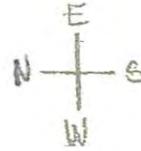
Taxable Values	2018-19	2017-18	2016-17
Land	12,474	12,474	12,474
Improvements	0	0	0
Personal Property	0	0	0
Ag Land	0	0	0
Exemptions	0	0	0
<b>Net Taxable Value</b>	<b>12,474</b>	<b>12,474</b>	<b>12,474</b>
<b>Increased (New) Values</b>			
Land	0	0	0
Improvements	0	0	0
Personal Property	0	0	0

[Back to Search List](#)

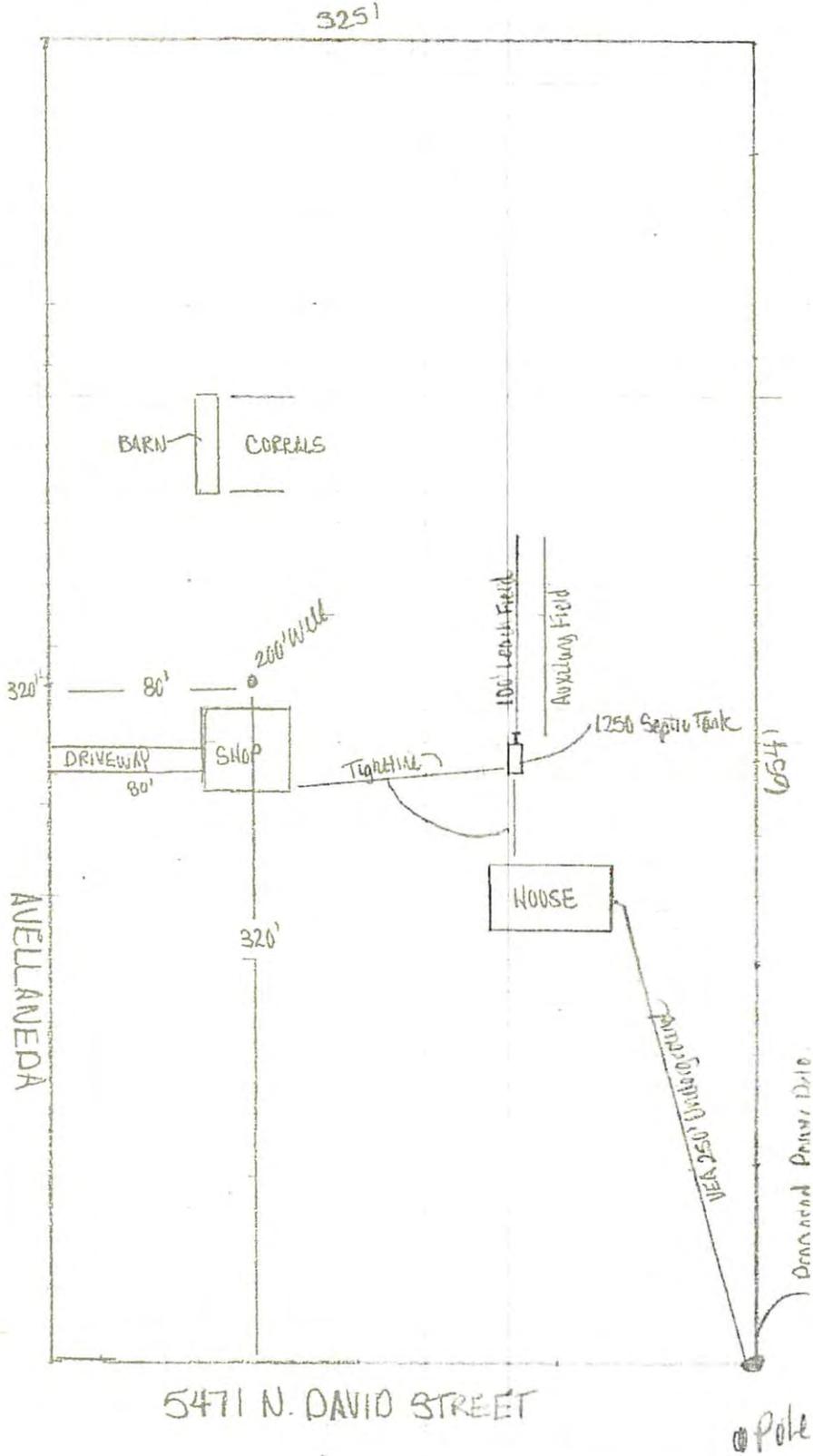
DCNR/DWR/SNBO  
 RECEIVED  
 DEC 18 2017

Charles R & Kathryn Lennart  
 5471 N David Street  
 APN 27-311-01  
 T195, R53E, Section 17

Stickland Construction Co., Inc.  
 5801 S Homestead  
 Panama, NY 14048  
 (715) 427 4600  
 1/4" = 20' Scale



200' PVC 6" Well



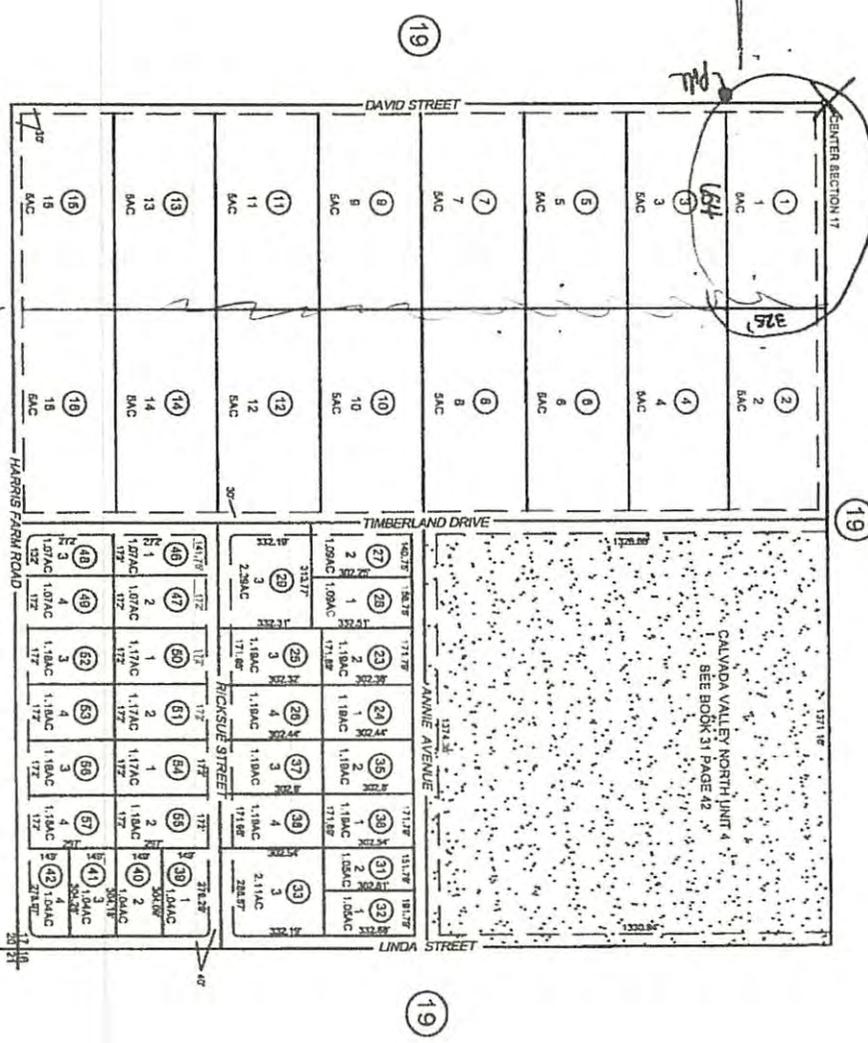
DCNR/DWR/SNBO  
 RECEIVED  
 DEC 18 2017

JT APP 3562

SE ROA 3515

N/E, S/E

T.19S., R.53E.  
S.E.1/4 SEC. 17

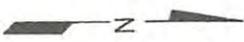


OCT.03/RLW  
CAD FILE 12-14-08/CM  
NYE COUNTY ASSESSOR

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  
DELIVERED HEREON.

C:\Documents and Settings\jngroves\My Documents\APP Books\Updates 2008.09.15 10:27-3-1-08\923-nj.dwg, 9/23/2008 9:01:11 AM

DCNR/DWR/SNBO  
RECEIVED  
DEC 18 2017



REV. 09-07-88  
08-16-89  
02-23-90  
12-22-93  
04-24-95  
04-15-98  
10-08-98  
04-14-97  
09-23-08



27-31

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 29<sup>th</sup>, 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

JT APP 3564

SE ROA 3517



**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

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 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 Boldt 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

(Rev 1-14) Driller's Signature: Racey [Signature]

JUNR/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 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:

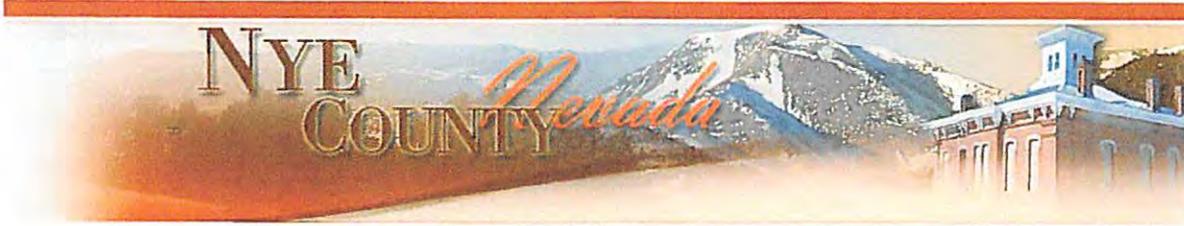
- NOI payment (\$25 per card) is  missing  invalid
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- Parcel number is  missing  invalid
- Address at well location is  missing  invalid
- Permit number is  missing  invalid
- Waiver number or NDEP Facility ID Number is  missing  invalid
- Driller's 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



[Assessor Home](#)
[Personal Property](#)
[Sales Data](#)
[Secured Tax Inquiry](#)
[Recorder Website](#)

**Parcel Detail for Parcel # 045-083-18**

<p><b>Location</b></p> <p>Property Location <b>3841 E MANSE RD</b>                  Town <b>PAHRUMP</b>                  District <b>6.5 - PAHRUMP 5</b>                  Subdivision Lot Block                  Property Name <b>F#448835 P.1 1.09AC</b></p> <p><a href="#">Add'l Addresses</a>  <a href="#">Assessor Maps</a>  <a href="#">Legal Description</a></p>	<p><b>Ownership</b></p> <p>Assessed Owner Name <b>WASHINGTON, KIM NOELLE TRUST</b>                  Mailing Address <b>5061 BATDORF CT PAHRUMP, NV 89061-7560</b></p> <p>Legal Owner Name <b>WASHINGTON, KIM NOELLE TRUST</b>                  Vesting Doc #, Date <b>856190 06/29/16</b> Year / Book / Page                  Map Document #s</p> <p><a href="#">Ownership History</a>  <a href="#">Document History</a></p>																																																																																								
<p><b>Description</b></p> <p>Total Acres <b>1.090</b> Square Feet <b>0</b>                  Ag Acres <b>.000</b> W/R Acres <b>.000</b></p> <p><b>Improvements</b></p> <p>Single-family Detached <b>0</b> Non-dwelling Units <b>0</b> Bedrooms / Baths <b>0 / .00</b>                  Single-family Attached <b>0</b> Mobile Home Hookups <b>0</b> Stories <b>0</b>                  Multiple-family Units <b>0</b> Wells <b>0</b> Garage Square Ft. <b>0</b>                  Mobile Homes <b>0</b> Septic Tanks <b>0</b> Attached / Detached                  Total Dwelling Units <b>0</b> Buildings Sq Ft <b>0</b>                  Residence Sq Ft <b>0</b>                  Improvement List Basement Sq Ft <b>0</b> Basement                  Improvement Sketches Finished Basement SF <b>0</b> Bedrooms / Baths <b>0 / .00</b></p>	<p><b>Appraisal Classifications</b></p> <p>Current Land Use Code <b>100</b> <a href="#">Code Table</a>                  Zoning Code(s) <b>RE-1 051809</b></p> <p>Re-appraisal Group <b>2</b> Re-appraisal Year <b>2017</b>                  Original Construction Year Weighted Year</p>																																																																																								
<p><b>Assessed Valuation</b></p> <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><b>Net Assessed Value</b></td> <td><b>2,646</b></td> <td><b>2,646</b></td> <td><b>2,646</b></td> </tr> </tbody> </table> <p>Increased (New) Values</p> <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	<b>Net Assessed Value</b>	<b>2,646</b>	<b>2,646</b>	<b>2,646</b>		2018-19	2017-18	2016-17	Land	0	0	0	Improvements	0	0	0	Personal Property	0	0	0	<p><b>Taxable Valuation</b></p> <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><b>Net Taxable Value</b></td> <td><b>7,560</b></td> <td><b>7,560</b></td> <td><b>7,560</b></td> </tr> </tbody> </table> <p>Increased (New) Values</p> <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	<b>Net Taxable Value</b>	<b>7,560</b>	<b>7,560</b>	<b>7,560</b>		2018-19	2017-18	2016-17	Land	0	0	0	Improvements	0	0	0	Personal Property	0	0	0
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[Back to Search List](#)

DCNR/DWR/SNBO  
 RECEIVED  
 DEC 19 2017

45-08

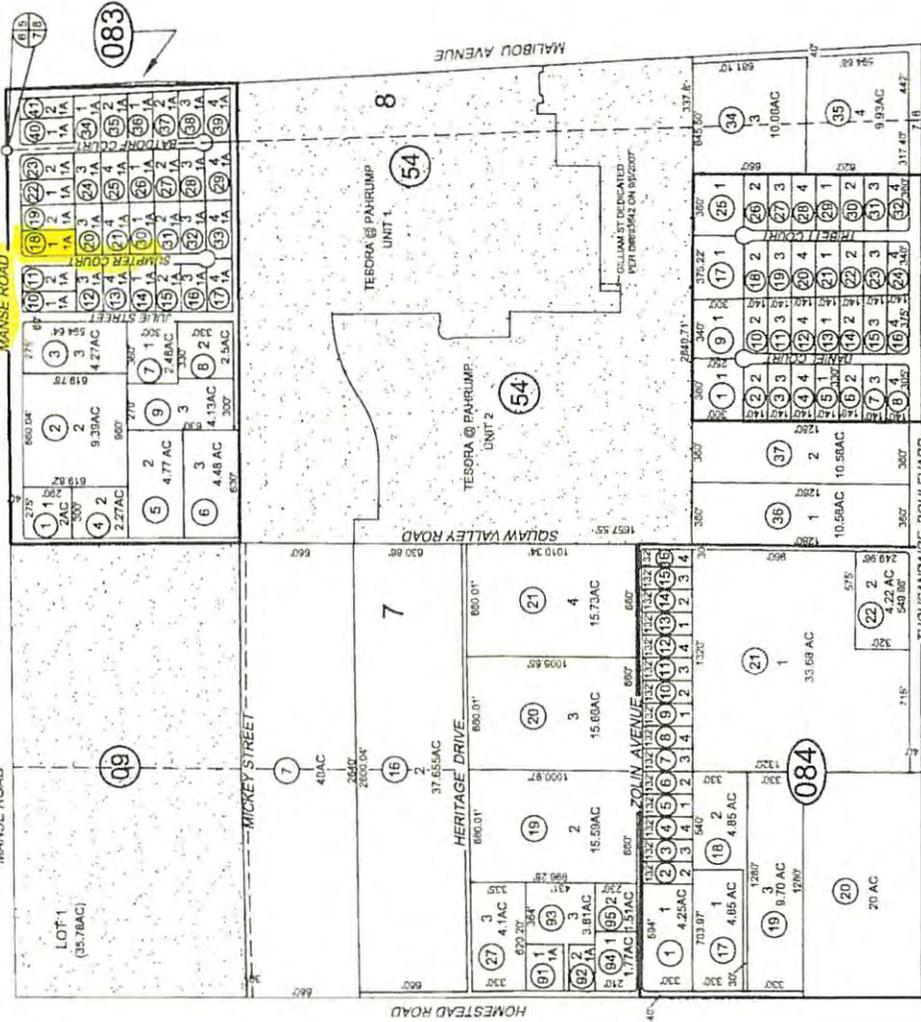


- REV. 08-27-84
- 07-08-85
- 09-26-85
- 03-06-86
- 11-16-88
- 07-14-89
- 06-04-92
- 08-11-93
- 04-28-95
- 05-15-95
- 06-15-95
- 02-06-96
- 06-07-96
- 03-13-98
- 03-17-98
- 04-06-98
- 04-14-98
- 04-29-98
- 06-22-98
- 07-07-98
- 08-04-98
- 05-17-98
- 11-30-99
- 03-10-99
- 07-25-00
- 11-21-02
- 11-02-06
- 07-09-07
- 09-18-07
- 01-11-10
- 05-17-13



10

T.21S., R.54E.  
SEC. 7 & PT. SEC. 8



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 8/2013-jcb  
CAD FILE 7-25-00DD  
NYE COUNTY ASSESSOR  
\\316-pahrump\Gorick\APN Books\UPDATES 2012.07.01 TO 45-08-130518-dc.dwg, 5/20/2013 4:46:02 PM

DCNR/DWR/SNBO  
RECEIVED  
DEC 19 2017

BRIAN SANDOVAL  
Governor

STATE OF NEVADA

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Director



JASON KING, P.E.  
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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 29<sup>th</sup>, 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 3570**

SE ROA 3523