



DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES

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November 12, 1999

Devil's Gate General Improvement District
P.O. Box 257
Eureka, Nevada 89316

RE: Permit 49924, Corrected Certificate 14647

Ladies and Gentlemen:

Enclosed is Corrected Certificate Number 14647, issued under the provisions of NRS 533.425. Please be advised that failure for five successive years to use beneficially all or any part of the underground water for the purpose permitted, causes that portion to be subject to forfeiture under Nevada Revised Statute 534.090.

534.090 1. Except as otherwise provided in this section, failure for 5 successive years after April 15, 1967, on the part of the holder of any right, whether it is an adjudicated right, an unadjudicated right, or a permitted right, and further whether the right is initiated after or before March 25, 1939, to use beneficially all or any part of the underground water for the purpose for which the right is acquired or claimed, works a forfeiture of both undetermined rights and determined rights to the use of that water to the extent of the nonuse. For water rights in basins for which the state engineer keeps pumping records, if the records of the state engineer indicate at least 4 consecutive years, but less than 5 consecutive years, of nonuse of all or any part of such a water right which is governed by this chapter, the state engineer shall notify the owner of the water right, as determined in the records of the office of the state engineer, by registered or certified mail that he has 1 year after the date of the notice in which to use the water right beneficially and to provide proof of such use to the state engineer or apply for relief pursuant to subsection 2 to avoid forfeiting the water right. If, after 1 year after the date of the notice, proof of beneficial use is not sent to the state engineer, the state engineer shall, unless he has granted a request to extend the time necessary to work a forfeiture of the water right, declare the right forfeited within 30 days.

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1. Upon the forfeiture of a right to the use of ground water, the water reverts to the public and is available for further appropriation, subject to existing rights. If, upon notice by registered or certified mail to the owner of record whose right has been declared forfeited, the owner of record fails to appeal the ruling in the manner provided for in NRS 533.450, and within the time provided for therein, the forfeiture becomes final. The failure to receive a notice pursuant to this subsection does not nullify the forfeiture or extend the time necessary to work the forfeiture of a water right.

2. The state engineer may, upon the request of the holder of any right described in subsection 1, extend the time necessary to work a forfeiture under that subsection if the request is made before the expiration of the time necessary to work a forfeiture. The state engineer may grant, upon request and for good cause shown, any number of extensions, but a single extension must not exceed 1 year. In determining whether to grant or deny a request, the state engineer shall, among other reasons, consider:

(a) Whether the holder has shown good cause for his failure to use all or any part of the water beneficially for the purpose for which his right is acquired or claimed;

(b) The unavailability of water to put to a beneficial use which is beyond the control of the holder;

(c) Any economic conditions or natural disasters which made the holder unable to put the water to that use; and

(d) Whether the holder has demonstrated efficient ways of using the water for agricultural purposes, such as center-pivot irrigation..

The state engineer shall notify, by registered or certified mail, the owner of the water right, as determined in the records of the office of the state engineer, of whether he has granted or denied the holder's request for an extension pursuant to this subsection.

3. If the failure to use the water pursuant to subsection 1 is because of the use of center-pivot irrigation before July 1, 1983, and such use could result in a forfeiture of a portion of a right, the state engineer shall, by registered or certified mail, send to the owner of record a notice of intent to declare a forfeiture. The notice must provide that the owner has at least 1 year from the date of the notice to use the water beneficially or apply for additional relief pursuant to subsection 2 before forfeiture of his right is declared by the state engineer.

4. A right to use underground water whether is it vested or otherwise may be lost by abandonment. If the state engineer, in investigating a ground water source, upon which there has been a prior right, for the purpose of acting upon an application to appropriate water from the same source, is of the belief from his examination that an abandonment has taken place, he shall so state in his ruling approving the application.

If, upon notice by registered or certified mail to the owner of record who had the prior right, the owner of record of the prior right fails to appeal the ruling in the manner provided for in NRS 533.450, and within the time provided for therein, the alleged abandonment declaration as set forth by the state engineer becomes final.

Sincerely,



R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/cms

cc: Ernest E. Muller, Sr.

Enclosure

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THE STATE OF NEVADA

CERTIFICATE OF APPROPRIATION OF WATER

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WHEREAS, Ernest E. Muller Sr., Agent has presented to the State Engineer of the State of Nevada Proof of Application of Water to Beneficial Use, from an underground well (First ST Dist. #1) through a drilled well, pump, and distribution system for quasi-municipal and domestic purposes. The point of diversion of water from the source is as follows:

SE¼ SE¼ Section 29, T.20N., R.53E., M.D.B.&M.,
or at a point from which the SE corner of said
Section 29 bears S. 84°27'14" E., a distance
of 484.70 feet situated in Eureka County,
State of Nevada.

NOW KNOW YE, That the State Engineer, under the provisions of NRS 533.425, has determined the date, source, purpose, amount of appropriation, and the place where such water is appurtenant, as follows:

Name of appropriator: Devil's Gate Water Users Coop., Inc.

Source: Underground (First ST Dist. #1)

Manner of Use: Quasi-Municipal and Domestic

Amount of appropriation: 0.059 c.f.s., but not to exceed
3.587 million gallons annually

Period of use: January 1st to December 31st
of each year

Date of priority of
appropriation: *June 5, 1967

Description of the works of diversion, manner and place of use:

Water is developed by means of a drilled well, 400 feet deep, 8 inch diameter casing, via a 1½ H.P. submersible pump, thence through a distribution system for connections to 16 single family dwellings for quasi-municipal and domestic use located within the following:

PARCEL NO.	LOT DESCRIPTION	LEGAL DESCRIPTION	HOOKUPS
07-380-11		S¼ of SE¼ Section 20, T.20N., R.53E., M.D.B.&M.	1
07-380-13		S¼ of SE¼ Section 20, T.20N., R.53E., M.D.B.&M.	1
07-380-28		S¼ of SE¼ Section 20, T.20N., R.53E., M.D.B.&M.	1
07-380-29		S¼ of SE¼ Section 20, T.20N., R.53E., M.D.B.&M.	1
07-380-30		S¼ of SE¼ Section 20, T.20N., R.53E., M.D.B.&M.	1
07-380-31		S¼ of SE¼ Section 20, T.20N., R.53E., M.D.B.&M.	1
07-380-32		S¼ of SE¼ Section 20, T.20N., R.53E., M.D.B.&M.	1
07-380-38		S¼ of SE¼ Section 20, T.20N., R.53E., M.D.B.&M.	1
07-380-39		S¼ of SE¼ Section 20, T.20N., R.53E., M.D.B.&M.	1
07-380-56	Lot 1, Parcel 2	S¼ of SE¼ Section 20, T.20N., R.53E., M.D.B.&M.	1
07-380-57	Lot 2, Parcel 2	S¼ of SE¼ Section 20, T.20N., R.53E., M.D.B.&M.	1
07-380-58	Lot 3, Parcel 2	S¼ of SE¼ Section 20, T.20N., R.53E., M.D.B.&M.	1
07-380-59	Lot 1 of Lot 4, Parcel 2	S¼ of SE¼ Section 20, T.20N., R.53E., M.D.B.&M.	1
07-380-60	Lot 2 of Lot 4, Parcel 2	S¼ of SE¼ Section 20, T.20N., R.53E., M.D.B.&M.	1
07-380-61	Portion of Lots 3 and 4, Parcel 2	S¼ of SE¼ Section 20, T.20N., R.53E., M.D.B.&M.	2
TOTAL HOOKUPS			16

ALCOVE


continued.....

*This certificate changes the point of diversion, place of use and manner of use manner of use of a portion of Permit 46677, which changed the point of diversion of Permit 23918, Certificate 8648, therefore, the date of priority remains the same as Permit 23918, Certificate 8648.

This certificate is issued subject to the terms of the permit.

The right to water hereby determined is limited to the amount which can be beneficially used, not to exceed the amount above specified, and the use is restricted to the place and for the purpose as set forth herein.

IN TESTIMONY WHEREOF, I, R. MICHAEL TURNIPSEED, State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 12th day of November, A.D. 1999.


State Engineer

cms/sb

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OFFICIAL RECORDS
RECORDED AT THE REQUEST OF
Eureka County, Nevada
99 NOV 15 PM 2:09

EUREKA COUNTY NEVADA
M.N. REBALEATI, RECORDER
FILE NO.

FEES

no fee

173248