

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

IN THE MATTER OF APPLICATION 62392 FILED)
TO CHANGE THE POINT OF DIVERSION AND THE)
PLACE OF USE OF WATER PREVIOUSLY)
APPROPRIATED FROM THE UNDERGROUND WATERS)
OF THE LAS VEGAS ARTESIAN GROUNDWATER)
BASIN (212), CLARK COUNTY, NEVADA.)

RULING

4554

GENERAL

I.

Application 62392 was filed by Sherie Del Fante on August 19, 1996, to change the point of diversion and the place of use of 3.0 acre-feet annually (afa), a portion of the underground waters previously appropriated under Permit 10409, Certificate 2779, for irrigation and domestic purposes within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 14, T.19S., R.60E., M.D.B.&M. The proposed point of diversion is described as being located within SW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 14.¹

FINDINGS OF FACT

I.

The State Engineer finds that by State Engineer's Ruling No. 4529, the remaining portion of Permit 10409, Certificate 2779, was declared forfeited and no appeal was timely filed from that decision.² Therefore, the forfeiture of that portion of Permit 10409, Certificate 2779, is final. The State Engineer finds that the forfeiture of the remaining portion of Permit 10409, Certificate 2779, left no active water right which could support the change requested under Application 62392.

II.

An examination of the records of the office of the State Engineer indicates that the applicant did not file a Report of Conveyance and the supporting transfer documents necessary to obtain title to that portion of Permit 10409, Certificate 2779, which the subject application seeks to change. The State Engineer

¹ File No. 62392, official records in the office of the State Engineer.

² State Engineer's Ruling No. 4529, dated June 3, 1997, official records in the office of the State Engineer.

finds that the applicant does not hold title to any portion of Permit 10409, Certificate 2779.

CONCLUSIONS

I.

The State Engineer has jurisdiction over the parties and of the subject matter of this action and determination.³

II.

Nevada Revised Statute § 533.345(1) provides that an application can be filed to change the point of diversion, manner or place of use of water already appropriated. Water already appropriated refers to water represented by a water right permit or certificate in good standing.⁴ Where a water right certificate has been forfeited the water right is no longer valid; thus, it is not in good standing and cannot be used to support a change application.

The State Engineer concludes that change Application 62392 cannot be granted as the underlying Permit 10409, Certificate 2779 which supported the change application has been forfeited; therefore, no water right exists which can be used to support the change application.

RULING

Application 62392 is hereby denied on the grounds that the base permit supporting the change application is forfeited; thus, no water right exists that can be changed by Application 62392.

Respectfully submitted,


R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/MDB/ab

Dated this 15th day of
August, 1997.

³ NRS Chapters 533 and 534.

⁴ NRS § 533.324.