

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

IN THE MATTER OF PERMIT 49286 FILED )  
TO CHANGE THE PLACE OF USE OF THE )  
WATERS OF THE TRUCKEE AND CARSON )  
RIVERS, CARSON DESERT HYDROGRAPHIC )  
BASIN (101), CHURCHILL COUNTY, )  
NEVADA. )

RULING

**#5774**

GENERAL

I.

Application 49286 has been part of what has commonly come to be known as the Truckee-Carson Irrigation District transfer cases. Originally filed in 1985 and permitted in 1987 the application has been the subject of multiple rulings and appeals to the Federal District Court for the District of Nevada and the Ninth Circuit Court of Appeals.

FINDINGS OF FACT

I.

The latest ruling issued referencing Permit 49286 noted that the State Engineer had been informed that the Permittees had chosen to participate in the Assembly Bill 380 (AB 380) program by obtaining matching water.<sup>1</sup> However, subsequent to that time the State Engineer has been informed that the Permittees' successors-in-interest have sold the water from the proposed place of use into the AB 380 program and the Carson Water Subconservancy District has irrevocably committed to retire the water rights. The Permittees' successors-in-interest have not filed to have Permit 49286 assigned into their name in the records of the Office of the State Engineer and the Permittees never requested the permit be withdrawn prior to the sale into the AB 380 program. In light of the fact that the water right has been irrevocably retired there is no water right to support Permit 49286 and the Permit needs to be removed as an active water right in the records of the Office of the State Engineer.

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<sup>1</sup> State Engineer's Ruling No. 5464, dated December 14, 2004, official records in the Office of the State Engineer.

CONCLUSIONS

I.

The State Engineer has jurisdiction over the parties and the subject matter of this action and determination.<sup>2</sup>

II.

Since there is no longer a water right in existence that supports Permit 49286, the State Engineer finds the mechanism to clarify the records of the Office of the State Engineer is to void the permit.

RULING

Permit 49286 is hereby voided on the grounds that the water right has been irrevocably retired in furtherance of the AB 380 program.

Respectfully submitted,

  
TRACY TAYLOR, P.E.  
for State Engineer

TT/SJT/jm

Dated this 5th day of  
September, 2007.

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<sup>2</sup> NRS chapter 533.