

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

IN THE MATTER OF APPLICATION 71372 FILED TO )  
CHANGE THE POINT OF DIVERSION AND PLACE )  
OF USE OF A PORTION OF THE UNDERGROUND )  
WATER PREVIOUSLY APPROPRIATED UNDER )  
PERMIT 15032, CERTIFICATE 8712 WITHIN THE )  
LAS VEGAS VALLEY HYDROGRAPHIC BASIN )  
(212), CLARK COUNTY, NEVADA. )

**RULING**

**# 5809**

**GENERAL**

**I.**

Application 71372 was filed on June 28, 2004, by David or Debbie Byrne, to change the point of diversion and the place of use 1.0 acre-foot annually, this being a portion of the water previously appropriated under Permit 15032, Certificate 8712. The proposed manner of use is for quasi-municipal use within portions of the N½ NE¼ SE¼ NE¼ SW¼ of Section 29, T.19S., R.60E., M.D.B.&M. The proposed point of diversion is described as being located in the NE¼ SW¼ of Section 29, T.19S., R.60E., M.D.B.&M. <sup>1</sup>

**FINDINGS OF FACT**

**I.**

A review of records in the Office of the State Engineer reveals that a 9.15 acre-foot portion of Permit 15032, Certificate 8712 was the subject of a forfeiture determination having had five consecutive years of non-use occur. The State Engineer finds the portion of water under Permit 15032, Certificate 8712 that forms the basis for change Application 71372 has been forfeited and therefore, the change application cannot be granted.<sup>2</sup>

**CONCLUSIONS**

**I.**

The State Engineer has jurisdiction over the parties and the subject matter of this determination.<sup>3</sup>

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<sup>1</sup> File No. 71372, official records in the Office of the State Engineer.

<sup>2</sup> File No. 15032, Certificate 8712, official records in the Office of the State Engineer.

<sup>3</sup> NRS chapters 533 and 534.

**II.**

The State Engineer is prohibited by law from granting a permit under a change application that requests to appropriate the public waters where:<sup>4</sup>

- A. there is no unappropriated water at the proposed source;
- B. the proposed use or change conflicts with existing rights;
- C. the proposed use or change conflicts with protectible interests in existing domestic wells as set forth in NRS § 533.024; or
- D. the proposed use or change threatens to prove detrimental to the public interest.

**III.**

An application may be filed to change the point of diversion, place or manner of use of water already appropriated.<sup>5</sup> Water already appropriated, in reference to a change application, refers to water represented by a water right permit or certificate in good standing.<sup>6</sup> When the subject portion of Permit 15032, Certificate 8712 was forfeited, there was no longer an active water right to be changed by Application 71372. The State Engineer concludes it would threaten to prove detrimental to the public interest to grant a change application when the permit that supported the change has been forfeited.

**RULING**

Application 71372 is hereby denied on the grounds that the water right that formed the basis for the change application has been forfeited and cannot be used to support the change application.

Respectfully Submitted,



TRACY TAYLOR, P.E.  
State Engineer

TT/WHR/jm

Dated this 4th day of

January, 2008.

<sup>4</sup> NRS § 533.370(5).

<sup>5</sup> NRS § 533.325.

<sup>6</sup> NRS § 533.324.