

IN THE MATTER OF PERMIT 21358)
FILED BY W. B. HARMAN TO APPRO-)
PRIATE WATER FROM AN UNDERGROUND)
SOURCE IN HUMBOLDT COUNTY, NEVADA.)

R U L I N G

GENERAL

Application 21358 was filed on June 13, 1963, by W. B. Harman for permission to appropriate 2.7 c.f.s. of water from an underground source for irrigation and domestic purposes. Water is to be diverted from its source within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 8, T.42N., R.37E., M.D.B.&M. The place of use is described as 160 acres within the NE $\frac{1}{4}$ Section 8, T.42N., R.37E., M.D.B.&M. A permit was issued to Application 21358 on January 3, 1967, supplemental to Permit 22014 and limited to 4 acre-feet per acre of land irrigated from any and/or all sources.

Application 22014 was filed on May 21, 1964, by W. B. Harman for permission to change the place of use of a portion (2.0 c.f.s.) of water heretofore appropriated under Permit 17557, Certificate 4842. The existing place of use was described as within the S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 8 and the N $\frac{1}{2}$ NW $\frac{1}{4}$ Section 17, all in T.42N., R.37E., M.D.B.&M. The proposed place of use is described as within the NE $\frac{1}{4}$ Section 8, T.42N., R.37E., M.D.B.&M. No change was proposed in the point of diversion. A permit was granted to Application 22014 on February 3, 1965. Permit 22014 was cancelled on October 18, 1968, for failure to comply with the terms of the permit.

OPINION

It is the opinion of this office that supplemental Permit 21358 had no status as a valid water right after the date of cancellation of the prime or base water right under Permit 22014. On that date the base water right reverted back to the place of use originally described under the perfected water right of Permit 17557, Certificate 4842, which remains a valid water right appurtenant to 160 acres of land within the S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 8 and the N $\frac{1}{2}$ NW $\frac{1}{4}$ Section 17, all in T.42N., R.37E., M.D.B.&M.

RULING

Permit 21358 is herewith cancelled on the grounds that no water right exists for a supplemental permit upon cancellation of the base water right.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW:WJN:jw

Dated this 13th day of

February, 1970.