

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

IN THE MATTER OF APPLICATION 61310 FILED)
TO CHANGE THE POINT OF DIVERSION, PLACE)
AND MANNER OF USE OF WATER PREVIOUSLY)
APPROPRIATED FROM THE UNDERGROUND WATERS)
OF THE LAS VEGAS ARTESIAN GROUNDWATER)
BASIN (212), CLARK COUNTY, NEVADA.)

RULING
#4544

GENERAL

I.

Application 61310 was filed by the County of Clark on June 13, 1995, to change the point of diversion, place and manner of use of 0.116 cubic foot per second (cfs), not to exceed 84 acre-feet annually (afa), of the underground waters previously appropriated under Permit 11943, Certificate 3776, for parks and recreation purposes within the W $\frac{1}{4}$ of Section 1, T.22S., R.61E., M.D.B.&M. The proposed point of diversion is described as being located within Government Lot 3 of said Section 1.¹

FINDINGS OF FACT

I.

The State Engineer finds that by State Engineer's Ruling No. 4524, Permit 11943, Certificate 3776, was declared forfeited and no appeal was timely filed from that decision.² Therefore, the forfeiture of Permit 11943, Certificate 3776, is final. The State Engineer finds that the forfeiture of Permit 11943, Certificate, 3776, left no active water right which could support the change requested under Application 61310.

CONCLUSIONS

I.

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

¹ File No. 61310, official records in the office of the State Engineer.

² State Engineer's Ruling No. 4524, dated May 8, 1997, official records in the office of the State Engineer.

³ NRS Chapters 533 and 534.

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right permit or certificate in good standing.⁴ Where a water right certificate has been forfeited the water right is no longer valid; thus, it is not in good standing and cannot be used to support a change application.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 61310 cannot be granted as the underlying Permit 11943, Certificate 3776, which supported the change application has been forfeited; therefore, no water right exists which can be used to support the change application.

RULING

Application 61310 is hereby denied on the basis that the base permit supporting the change application is forfeited; thus, no water right exists that can be changed by Application 61310.

Respectfully submitted,

R. Michael Turnipseed P.E.
R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/CAB/ab

Dated this 26th day of

June 1997

⁴ NRS § 533.324.