

IN THE MATTER OF APPLICATION)
21328 FILED BY JOSEPH MILTON)
BRADY, KING'S RIVER VALLEY,) R U L I N G
HUMBOLDT COUNTY, NEVADA)

General:

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On June 7, 1963, Joseph Milton Brady filed Application 21328 for Permission to Change the Point of Diversion and Manner of Use of Water heretofore appropriated under Application 16408. This Application proposes to change 2.5 c.f.s., but not to exceed 640 acre-feet per season, from an underground source, at a new point located within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 31, T. 45 N., R. 34 E., M.D.B. & M. Water will be conveyed to the SE $\frac{1}{4}$ Sec. 31, T. 45 N., R. 34 E.

The existing point of diversion under Permit 16408 is from an underground source located within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 31, T. 45 N., R. 34 E. The place of use is within the SE $\frac{1}{4}$ Sec. 31, T. 45 N., R. 34 E. This application proposes to change the manner of use from irrigation purposes to irrigation and domestic purposes.

By deed dated June 29, 1962, Joseph M. Brady transferred Permit 16408 to Francis A. Versaw. By deed dated February 14, 1964, Francis A. Versaw transferred Permit 16408 to Rio King Land and Investment Company. Both of the above deeds were filed in the office on June 22, 1964. At the time of filing the Application to Change 21328, Joseph M. Brady was no longer the owner of Permit 16408.

Opinion:

It is our opinion, from the deeds submitted for filing in this office, that at the time of filing Application 21328, Joseph M. Brady was no longer the owner of Permit 16408.

Ruling:

Application 21328 is herewith denied on the grounds that the applicant is not the owner of the water right desired to be changed.

Respectfully submitted,

Dated this 6th day of

May 1966


Roland D. Westergard
Assistant State Engineer

DDW:MIC:ld