

IN THE MATTER OF APPLICATION 25198 )  
FILED BY W. B. HARMAN TO CHANGE )  
THE POINT OF DIVERSION AND PLACE OF )  R U L I N G  
USE OF WATER UNDER PERMIT 21358, )  
FROM UNDERGROUND IN HUMBOLDT COUNTY, )  
NEVADA. )

GENERAL

380  
Application 25198 was filed on August 4, 1969, by W. B. Harman for permission to change the point of diversion and place of use of 2.7 c.f.s. of water heretofore granted under Permit 21358. The existing point of diversion is described as within the NE $\frac{1}{4}$ NE $\frac{1}{4}$  Section 8, and the proposed point of diversion is within the NE $\frac{1}{4}$ SW $\frac{1}{4}$  Section 17, all in T.42N., R.37E., M.D.B.&M. The existing place of use is described as 160 acres within the NE $\frac{1}{4}$  Section 8, and the proposed place of use is 160 acres within the SW $\frac{1}{4}$  Section 17, all in T.42N., R.37E., M.D.B.&M.

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 proposed 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 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.

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 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. Permit 21358 was issued 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.

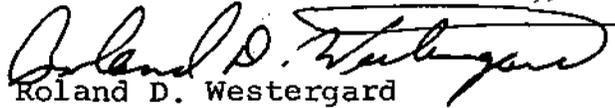
OPINION

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

Application 25198, to change the point of diversion and place of use of supplemental Permit 21358 is herewith denied on the grounds that no valid water right exists to be changed under Permit 21358.

Respectfully submitted,

  
Roland D. Westergard  
State Engineer

RDW:WJN:jw

Dated this 13th day of  
February, 1970.