

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

IN THE MATTER OF APPLICATION 54164 FILED )  
TO CHANGE THE POINT OF DIVERSION AND )  
PLACE OF USE OF A PORTION OF THE WATERS OF )  
AN UNDERGROUND SOURCE WITHIN WARM SPRINGS )  
VALLEY GROUNDWATER BASIN (84), WASHOE )  
COUNTY, NEVADA. )

RULING

# 4443

GENERAL

I.

Application 54164 was filed on November 14, 1989, by Bertha V. Williams to change the point of diversion and place of use of a 0.02206 cubic foot per second (cfs) portion of the water previously appropriated under Permit 30115 for irrigation and domestic purposes within the NE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 16, T.22N., R.21E., M.D.B.&M. The proposed point of diversion is described as being located within the NE $\frac{1}{4}$  SW $\frac{1}{4}$  of said Section 16.<sup>1</sup>

FINDINGS OF FACT

I.

The records of the Office of the State Engineer indicate that the applicant owned a 0.02206 cfs portion of Permit 30115; however, further documentation indicates that the applicant then conveyed the 0.02206 cfs portion of Permit 30115 to another person after the filing of Application 54164.<sup>2</sup> The State Engineer finds that since the applicant Bertha V. Williams does not own a portion of Permit 30115, the base right which supports change Application 54164. No permit can be granted under Application 54164 as no valid water right exists in the applicant's name to support the change application.

<sup>1</sup>File No. 54164, official records in the Office of the State Engineer.

<sup>2</sup>File No. 30115, official records in the Office of the State Engineer.

CONCLUSIONS

I.

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

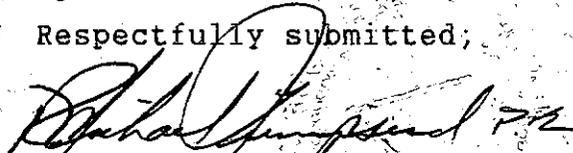
II.

NRS 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, in reference to a change application, refers to water represented by a water right permit or certificate in good standing. Bertha V. Williams holds no right, title or interest in Permit 30115. The State Engineer concludes that as the applicant has no ownership interest in Permit 30115 there is no water right in the applicant's name to support the change application.

RULING

Application 54164 is herewith denied on the grounds that the applicant has not established ownership of the base right that Application 54164 seeks to change.

Respectfully submitted;

  
R. MICHAEL TURNIPSEED, P.E.  
State Engineer

RMT/MJA/ab

Dated this 27th day of  
September, 1996.

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