

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

IN THE MATTER OF APPLICATION 62616 )  
FILED TO CHANGE THE POINT OF )  
DIVERSION, MANNER OF USE AND PLACE )  
OF USE OF THE UNDERGROUND WATERS OF THE )  
CARSON VALLEY GROUNDWATER BASIN (105), )  
DOUGLAS COUNTY, NEVADA. )

RULING

# 4523

GENERAL

I.

Application 62616 was filed on November 22, 1996, by Richard Seaman to change the point of diversion, manner and place of use of 0.0125 cubic feet per second (cfs), not to exceed 1.96 million gallons annually (mga) or six (6) acre-feet annually, a portion of the underground waters previously appropriated under Permit 45376, within the Carson Valley Groundwater Basin, Douglas County, Nevada. The proposed use is for quasi-municipal and domestic purposes within the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 34, T.14N., R.20E., M.D.B.&M. The point of diversion is described as being located within the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of said Section 34.<sup>1</sup>

FINDINGS OF FACT

I.

On July 3, 1996, the State Engineer cancelled Permit 45376, the base right supporting the change application.<sup>2</sup> On October 23, 1996, an administrative hearing was held on a petition for review of the cancellation of Permit 45376. After consideration of the evidence, the State Engineer affirmed the cancellation of that portion of Permit 45376 which is the subject transfer application.

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<sup>1</sup>File No. 62616, official records in the office of the State Engineer.

<sup>2</sup>File No. 45376, official records in the office of the State Engineer.

CONCLUSIONS

I.

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

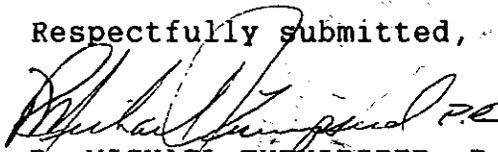
II.

NRS 533.345(1) provides that an application can be filed to change the place 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.<sup>4</sup> Where a permit has been cancelled, the water right is no longer valid; thus, it is not in good standing and cannot be used to support a change application.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 62616 cannot be granted as the underlying Permit 45376 which supported the change application has been cancelled; therefore, no water right exists that can be used to support the change application.

RULING

Application 62616 is hereby denied on the grounds that the water right that forms the basis for the change application is cancelled; thus, no water right exists that can be changed by Application 62616.

Respectfully submitted,

  
R. MICHAEL TURNIPSEED, P.E.  
State Engineer

RMT/RKM/ab

Dated this 6th day of  
May, 1997.

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

<sup>4</sup>NRS 533.324.