

# **Water Rights Ownership in Nevada**

**Certified Residential Specialists (CRS)**

**Hugh Ricci, P.E. & Tracy Taylor, P.E.**

**State Engineer's Office**

**April 13, 2006**

# Water Resources & State Engineer's Office are Interchangeable





# HISTORICAL DATES

1903

- State Engineer's office created
- Method to account for existing surface water use and its priority.

1905

- Method for appropriating surface water.

1913

Act setting forth comprehensive procedures on:

- Appropriation including artesian aquifers

1939

Ground water law – NRS chapter 534



# Water Law in Nevada

---

## Prior Appropriation Doctrine

- ✓ First in time, first in right,
- ✓ Beneficial use is the limit of the water right,
- ✓ Use it or lose it



# 1 Acre-Foot of Water

---

- 325,851 gallons; or
- An acre of ground (~one football field) covered with 1' of water; or
- Enough water to supply two families of 4 (depending on outside irrigation) for one year.



# DUTIES OF THE STATE ENGINEER

- Appropriation
- **Water Right Ownership**
- Distribution & Regulation
- Well Drilling Regulations
- Subdivision Review
- Adjudication
- Water Planning
- Flood Plain Management
- Dam Safety
- Artificial Recharge
- Primary and Secondary Applications



# APPROPRIATIONS

- All water within the boundaries of the state belong to the public
- All Use of Non-Decreed Water Requires a Permit from the S.E. (except domestic wells)
  - New Appropriations
  - Changes of Existing or Decreed Rights



# DOMESTIC WATER WELLS

- A water right application and permit are **not** required in order to drill a domestic well
  - Domestic purposes as defined under NRS 534.013 extends to culinary and household purposes, in a single family dwelling, the watering of a family garden, lawn and the watering of domestic animals
- The maximum daily draught is limited to 1,800 gallons (2.02 acre-feet per year)



# Other Important Concepts

- **Supplemental Rights** – two or more rights used together for an intended use.
- **Comingled Rights** – where more than one source, e.g. s.w. and g.w. or g.w. and effluent, are used together simultaneously for an intended use



# Subdivisions

- A subdivision is defined as having more than four (4) lots
- S.E. has signatory authority on all subdivisions within the state, including subdivisions served by domestic wells (since 1973)
  - The S.E. acts in an advisory capacity on parcel maps.
- The S.E.'s signature states that water is available from the source



# Parceling and Subdivisions

- Subdivisions approved by State Engineer
  - More than 4 parcels
  - Approve water availability
  - Must have water right
- Parcel maps are **not** approved by the SE
  - Four or less new parcels
  - SE may ask county to require dedication of water rights on approval

# Page 2 of Seller's Real Property Disclosure Form 547

**Property conditions, improvements and additional information:**

YES NO N/A

Are you aware of any of the following:

1. **Structure:**
  - (a) Previous or current moisture conditions and/or water damage?  YES  NO
  - (b) Any structural defect?  YES  NO
  - (c) Any construction, modification, alterations, or repairs made without required state, city or county building permits?  YES  NO
  - (d) Whether the property is or has been the subject of a claim governed by NRS 40.600 to 40.695 (construction defect claims)?  YES  NO  
(If seller answers yes, FURTHER DISCLOSURE IS REQUIRED)
2. **Land / Foundation:**
  - (a) Any of the improvements being located on unstable or expansive soil?  YES  NO
  - (b) Any foundation sliding, settling, movement, upheaval, or earth stability problems that have occurred on the property?  YES  NO
  - (c) Any drainage, flooding, water seepage, or high water table?  YES  NO
  - (d) The property being located in a designated flood plain?  YES  NO
  - (e) Whether the property is located next to or near any known future development?  YES  NO
  - (f) Any encroachments, easements, zoning violations or nonconforming uses?  YES  NO
  - (g) Is the property adjacent to "open range" land?  YES  NO  
(If seller answers yes, FURTHER DISCLOSURE IS REQUIRED under NRS 113.065)
3. **Roof:** Any problems with the roof?  YES  NO
4. **Pool/spa:** Any problems with structure, wall, liner, or equipment?  YES  NO  N/A
5. **Infestation:** Any history of infestation (termites, carpenter ants, etc.)?  YES  NO
6. **Environmental:** Any substances, materials, or products which may be an environmental hazard such as, but not limited to, asbestos, radon gas, urea formaldehyde, fuel or chemical storage tanks, contaminated water or soil on the property?  YES  NO
7. **Fungi / Mold:** Any previous or current fungus or mold?  YES  NO
8. Any features of the property shared in common with adjoining landowners such as walls, fences, road, driveways or other features whose use or responsibility for maintenance may have an effect on the property?  YES  NO
9. **Common Interest Communities:** Any "common areas" (facilities like pools, tennis courts, walkways or other areas co-owned with others) or a homeowner association which has any authority over the property?  YES  NO
  - (a) Common Interest Community Declaration and Bylaws available?  YES  NO
  - (b) Any periodic or recurring association fees?  YES  NO
  - (c) Any unpaid assessments, fines or liens, and any warnings or notices that may give rise to an assessment, fine or lien?  YES  NO
  - (d) Any litigation, arbitration, or mediation related to property or common area?  YES  NO
  - (e) Any assessments associated with the property (excluding property taxes)?  YES  NO
  - (f) Any construction, modification, alterations, or repairs made without required approval from the appropriate Common Interest Community board or committee?  YES  NO
10. Any problems with water quality or water supply?  YES  NO
11. **Any other conditions or aspects of the property which materially affect its value or use in an adverse manner?**  YES  NO
12. **Lead-Based Paint:** Was the property constructed on or before 12/31/77?  YES  NO  
(If yes, additional Federal EPA notification and disclosure documents are required)
13. **Water source:** Municipal  Community Well  Domestic Well  Other   
If Community Well: State Engineer Well Permit # \_\_\_\_\_ Revocable  Permanent  Cancelled   
**Use of community and domestic wells may be subject to change. Contact the Nevada Division of Water Resources for more information regarding the future use of this well.**
14. **Wastewater disposal:** Municipal Sewer  Septic System  Other

**EXPLANATIONS: Any "Yes" must be fully explained. Attach explanations to form.**

\_\_\_\_\_  
Seller(s) Initials

\_\_\_\_\_  
Buyer(s) Initials

## Page 2 of Seller's Real Property Disclosure Form

13. **Water source:** Municipal  Community Well  Domestic Well  Other   
If Community Well: State Engineer Well Permit # \_\_\_\_\_ Revocable  Permanent  Cancelled   
**Use of community and domestic wells may be subject to change. Contact the Nevada Division of Water Resources for more information regarding the future use of this well.**



---

**Questions?**



# Water Right Ownership

---



# Water Right Ownership

- A water right is considered real property and can be owned separate from the property
- Water rights are an appurtenance to the property and are passed from seller to buyer unless the rights are specifically excluded or reserved on the deed
- Should a specific amount of water be designated in the deed and the remainder is not reserved, the entire amount remaining is included as an appurtenance
- Specification of rate of flow does not transfer a particular volume of water (use acre-feet)



# Water Right Ownership

- The owner of record noted at the State Engineer's office is the result of filing copies of deeds and a report of conveyance from the permittee to the current owner
  - The confirmation of ownership does not occur automatically when a deed is recorded in the county
  - Title companies do not research water right title and they will not issue title insurance on water right ownership.
- The ownership of stock or shares in a ditch company does not constitute ownership of a water right
- Report of Conveyance required upon transfer
  - **Copies of recorded deeds and the ROC must be filed with the State Engineer to update ownership.**



# Water Right Ownership

**NRS 533.382 through 533.387** guides the State Engineer in dealing with water right title issues

The State Engineer doesn't assign title, he only confirms the Report of Conveyance (ROC).

The State Engineer, in all notifications, is required to notify the owner of record in the State Engineer's office **only**. If ROC's are not filed with the office, we have no way of knowing if there has been a change in ownership.



# Water Right Ownership

- Major amendments to statutes in process for changing ownership in 1995 per 1994 interim study.
  - Increased responsibility of private sector



# Water Right Ownership

## Staff Workload

- Approximately 25% of the Carson City office's staff is devoted to title transfer.
- Approximately 21,000 deeds which represent approximately 6,000 reports of conveyance, remain to be processed.
- Approximately 9,000 deeds and 1,650 reports of conveyances were processed in 2005.
- Receive ~2000 ROC's per year comprising ~10,000 deeds



# Report of Conveyance (Green Form)

I T E M		State of Nevada <b>REPORT OF CONVEYANCE</b>		Oct-08
		Department of Conservation and Natural Resources, Division of Water Resources, Office of the State Engineer		
1	APPL., PERMIT, PROOF, or CLAIM No:	174.5/206/259	STATUS:	Decreed USE: As decreed
2	CURRENT HOLDER(S) SHOWN BY THE STATE ENGINEER: <u>NORTH VALLEY HOLDINGS LLC</u>			
If any item requires additional space, please attach additional 8 1/2" X 11" sheets referencing appropriate item number.				
3	NEW HOLDER(S):	Washoe County		
	ADDRESS:	P.O. Box 11130		
	CITY:	Reno	STATE:	NV ZIP CODE: 89520-0027 PHONE: (775) 954-4600
4	INVENTORY DOCUMENTS BY CATEGORY AND NUMBER OF EACH IN CHAIN OF TITLE.			
	DEED(S).....	<input type="checkbox"/>	CORRECTION DEED(S).....	<input type="checkbox"/>
	DEED(S) OF TRUST.....	<input type="checkbox"/>	RECONVEYANCE...at no charge	<input type="checkbox"/>
	NOTICE(S) OF PLEDGE.....	<input type="checkbox"/>	MAP(S) at no charge.....	<input type="checkbox"/>
	DEATH CERTIFICATES.....	<input type="checkbox"/>	AFF OF ID at no charge.....	<input type="checkbox"/>
	DECREE(S) OF DISTR.....	<input type="checkbox"/>	OTHER:	<input type="checkbox"/>
			OTHER:	<input type="checkbox"/>
			TOTAL NUM. OF \$\$ DOCUMENTS =>	<input type="checkbox"/>
			TOTAL # X \$10 each =	\$ 10 .00
			Report filing fee = \$25.00	\$ 25 .00
			FEES SUBMITTED	\$ 35 .00
5	ONE \$25 FILING FEE MUST ACCOMPANY THIS REPORT + \$10 PER CONVEYANCE DOCUMENT LISTED ABOVE.			
6	This REPORT requires an ABSTRACT OF TITLE listing the above documents in chronological order, from the current holder(s) of record (ITEM 2) with the Division of Water Resources, Office of the State Engineer, to the proposed, new holder(s) of record (ITEM 3). Document(s) must be recorded in the Office(s) of the respective County Recorder(s). If the legal description on any deed(s) refer(s) to a subdivision lot or parcel or assessor's parcel number, or lists any deviation(s) different than the place of use in a Quarter/Quarter/Section/Township/Range format, a copy of the map referred to in said deed(s) is required. Copies of maps should be 8 1/2" x 11" or 11" x 17". Please refer to instruction sheet for details.			
7	LIST SUPPLEMENTAL RIGHTS _____			
8	COUNTY:	POINT OF DIVERSION	Washoe	COUNTY: PLACE(S) OF USE
9	PLACE(S) OF USE:	QTR	QTR	SEC
		TWN	RNG	APN 024-043-07
10	AMOUNT (DUTIES) TO BE ASSIGNED:	CFS	1.44	Acres Feet or MG Acres or Units
11	DOES THE CURRENT HOLDER INTEND TO RETAIN ANY PORTION OF THE WATER RIGHT? YES _____ NO _____			
12	List any other water rights relating to this Report of Conveyance that has been filed using this same abstract and chain of title.			
13	Remarks: <u>Refer to change application 14565</u>			
14	"I swear, under penalty of perjury, that this represents a complete and thorough search of the records of the county recorder of each county in which the water is placed to beneficial use or diverted from its natural source and the records on file in the office of the state engineer."			
	SUBSCRIBED AND SWORN TO	SIGNATURE:	<u>Nancy Boardman</u>	
	BEFORE ME THIS <u>3<sup>rd</sup></u> DAY	PRINT NAME:	Nancy Boardman	
	Mo. <u>March</u> Yr. <u>2003</u>	MAILING ADDRESS:	P.O. Box 11130	
	(ss) <u>Suzanne T. Walsh</u>	FIRM NAME:	Washoe County Dept. of Water Resources	
	Notary Signature	CITY:	Reno	STATE: NV ZIP CODE: 89520-0027
	NOTARY PUBLIC IN AND FOR THE	PHONE:	(775) 954-4600	
	COUNTY OF <u>Washoe</u>	OWNER?:	_____	
	STATE OF <u>Nevada</u>	AGENT?:	yes	
	MY COMMISSION EXPIRES <u>1-23-06</u>			
		NOTARY STAMP		

**ABSTRACT OF TITLE  
TRUCKEE RIVER DECREE**

This column  
for office  
use only

Claim #179 1/2 /206 /259 (portion)

APN: 024-093-07 DE GUZMAN

Deed No	GRANTOR	GRANTEE	Legal description with water right acreage						Filed under Date	Doc. No. Date	Document Description and REMARKS
			1/4	1/4	Sec.	T	R	Wtr/Ac.			
All previous documents on file with the State Engineer's Office under Change App. # 63311 dated 8/8/97 and #66215 dated 3/28/00.											
1	Jack W. Allison	David J. Allison	SE	NW	25	19N	19E		102	243270	Grant, Bargain & Sale Deed w/ appurtenances m/b of APN: 024-093-07 (port. of Lot 1 Block D) Belvedere Subdivision
									11/14/03	05/05/72	
2	David J. Allison Carole L. Allison	Keith L. Lee Camille Lee	SE	NW	25	19N	19E	0.34	30	253887	Grant, Bargain & Sale Deed w/ appurtenances m/b of APN: 024-093-07 (port. of Lot 1 Block D) Belvedere Subdivision
									2/6/03	08/07/72	
3	Keith L. Lee	Camille Lee	SE	NW	25	19N	19E	0.34	42	464041	Quitclaim Deed w/ appurtenances
									2/6/03	05/10/77	
4	Camille Lee aka Camille Sakelaris Angelo Sakelaris	Udomde Chotikasilpa Uraiwan Chotikasilpa Viboonsak Chotickasilpa Penny Chotickasilpa	SE	NW	25	19N	19E	0.34	44	481529	Grant, Bargain and Sale Deed w/ appurtenances
									"	08/15/77	
5	Viboonsak Chotickasilpa Penny Chotickasilpa	Udomde Chotikasilpa Uraiwan Chotikasilpa	SE	NW	25	19N	19E	0.34	45	496878	Quitclaim Deed w/ appurtenances
									"	11/08/77	
6	Udomde Chotikasilpa Uraiwan Chotikasilpa	Stephen D. Hill Marlene E. Hill	SE	NW	25	19N	19E	0.34	48	568171	Grant, Bargain and Sale Deed w/ appurtenances
									"	11/03/78	
7	Stephen D. Hill Marlene E. Hill	John H. Lawton Diane L. Lawton	SE	NW	25	19N	19E	0.34	50	687159	Grant Deed
									"	08/08/80	
8	Diane L. Lawton	John H. Lawton	SE	NW	25	19N	19E	0.34	69	2073482	Affidavit Death of Joint Tenant w/ Death Certificate
									"	02/19/97	
9	John Lawton	John Lawton Linda Lawton	SE	NW	25	19N	19E	0.34	74	2363350	Grant, Bargain and Sale Deed w/ appurtenances
									"	07/21/99	

# Abstract of Title

Nevada Division of Water Resources Home Page - Microsoft Internet Explorer

File Edit View Favorites Tools Help

Back Forward Stop Refresh Home Search Favorites Print Mail Stop

Address <http://water.nv.gov/> Go Links

Google Search PageRank 1981 blocked Check AutoLink AutoFill Options

State Home Pages About Us Contact Us Publications

**Search NDWR Website**  
 go

Water Law Overview  
Frequently Asked Questions  
Monthly Report  
Basin Boundary Map

Water Rights  
Engineering  
Information Services  
Mapping  
Surface Water  
Forms Room  
Hearings  
Orders & Rulings  
Basin Use Inventories  
Domestic Well Credits  
Job Openings  
Recent Presentations  
Floodplain Info  
Water Planning  
Water Words Dictionary  
Water Rights Database  
Links

 State of Nevada  
Dept. of Conservation & Natural Resources  
**Division of Water Resources**  
Hugh Ricci, P.E. State Engineer



**Quick Links:**

- **NEW: INTERMEDIATE ORDER AND HEARING NOTICE ON LAS VEGAS VALLEY WATER DISTRICT'S APPLICATIONS IN SPRING VALLEY**
- [Legislative Council Bureau Draft of Proposed Additions To Well Drilling Regulations](#)
- [Proposed Orders for Dayton Valley and Stagecoach Sub-Area](#)
- **WATER RIGHTS DATABASE NOW ONLINE!!!**

*Please Note: This page uses Java. Please Click [Here](#) to automatically download Java for MS Internet Explorer if you can't see the menus on the top and left*

[Questions? Comments? Requests? Email The Webmaster](#)

Internet

**Find forms on our website**

Water Right Surveyor Application Retrieve Form

**WORD 6.0 OR EXCEL DOCUMENTS**

**Water Right Related Forms**

Water Right Application - New Retrieve Form

**Deed Related Forms**

Report of Conveyance Retrieve Form

**Press this button**

**Dam Safety Related Forms**

Dam Application Retrieve Form

**Waiver Related Forms**

Monitor Well (MO) Waiver Retrieve Form

**Well Driller Related Forms**

Well Driller's License Application Retrieve Form

**Miscellaneous Forms**

Monthly Pumpage Report Form Retrieve Form

[NDWR Home Page](#) | [Site Index](#)  
[Strategic Plan](#) | [Statutes & Regulations](#) | [Phone & Email](#)

NDWR Sections  
[Water Rights](#) | [Engineering](#)  
[Hearings](#) | [Information Services](#)  
[Mapping](#) | [Adjudications](#) | [Deeds Section](#)  
[Las Vegas Office](#) | [Elko Office](#)

Water Right Surveyor Application Retrieve Form

WORD 6.0 OR EXCEL DOCUMENTS

**Water Right Related Forms**

Water Right Application - New Retrieve Form

**Deed Related Forms**

Report of Conveyance Retrieve Form

Da

- Report of Conveyance
- Water Right Abstract
- Truckee River Abstract
- Sample Abstract Forms
- Notice of Pledge
- Affidavit of Identity-Individual
- Affidavit of Identity-Representative

Retrieve Form

**Retrieve the form that is needed**

**Waiver Related Forms**

Monitor Well (MO) Waiver Retrieve Form

**Well Driller Related Forms**

Well Driller's License Application Retrieve Form

**Miscellaneous Forms**

Monthly Pumpage Report Form Retrieve Form

[NDWR Home Page](#) | [Site Index](#)  
[Strategic Plan](#) | [Statutes & Regulations](#) | [Phone & Email](#)

NDWR Sections  
[Water Rights](#) | [Engineering](#)  
[Hearings](#) | [Information Services](#)  
[Mapping](#) | [Adjudications](#) | [Deeds Section](#)  
[Las Vegas Office](#) | [Elko Office](#)

Nevada Division of Water Resources Home Page - Microsoft Internet Explorer

File Edit View Favorites Tools Help

Back Forward Stop Refresh Home Search Favorites Recycle Bin Mail Print Taskbar Start Search AutoLink AutoFill Options

Address http://water.nv.gov/ Go Links

Google Search PageRank 1981 blocked Check AutoLink AutoFill Options

State Home Pages About Us Contact Us Publications

Search NDWR Website  go

Water Law Overview  
Frequently Asked Questions  
Monthly Report  
Basin Boundary Map

Water Rights  
Engineering  
Information Services  
Mapping  
Surface Water  
Forms Room  
Hearings  
Orders & Rulings  
Basin Use Inventories  
Domestic Well Credits  
Job Openings  
Recent Presentations  
Floodplain Info  
Water Planning  
Water Words Dictionary  
Water Rights Database  
Links



State of Nevada  
Dept. of Conservation & Natural Resources  
**Division of Water Resources**  
Hugh Ricci, P.E. State Engineer



**Quick Links:**

- [NEW: INTERMEDIATE ORDER AND HEARING NOTICE ON LAS VEGAS VALLEY WATER DISTRICT'S APPLICATIONS IN SPRING VALLEY](#)
- [Legislative Council Bureau Draft of Proposed Additions To Well Drilling Regulations](#)
- [Proposed Orders for Dayton Valley and Stagecoach Sub-Area](#)
- [WATER RIGHTS DATABASE NOW ONLINE!!!](#)

*Please Note: This page uses Java. Please Click [Here](#) to automatically download Java for MS Internet Explorer if you can't see the menus on the top and left*

[Questions? Comments? Requests? Email The Webmaster](#)

Internet

**Title Can be Checked on our Website**



# Is There a Water Right on the Parcel?

- Present owner has information
- Check <http://water.nv.gov>
- Call the Division of Water Resources





# Maps on the Website

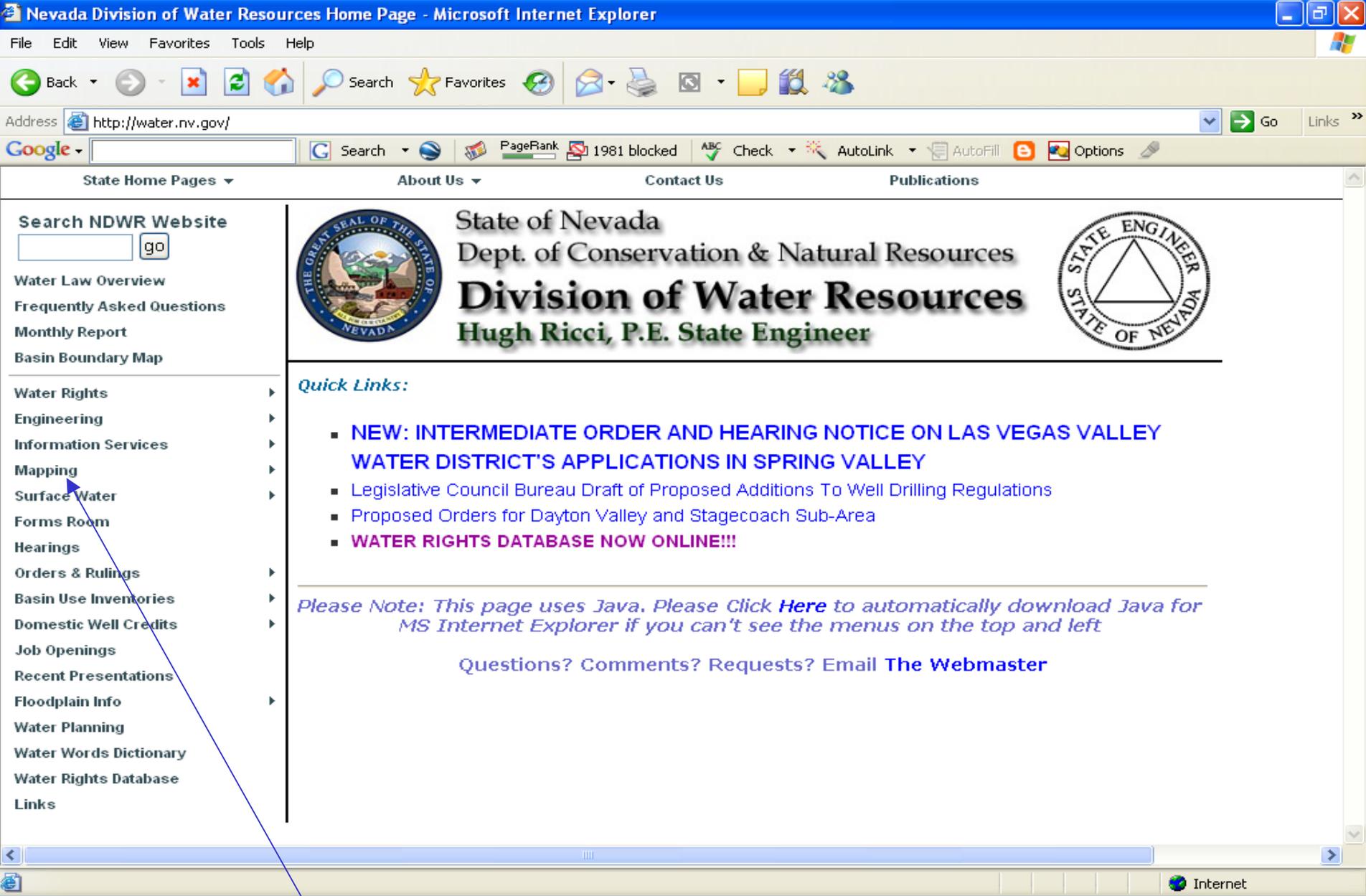
---

- Shows historically irrigated acreage
- Indicates which claim from the decree
- Use Assessor's parcel number



# WHY WERE THESE MAPS DONE?

- **More than 40,000 acres of water rights under the decree**
- **The Decree provided tabular data only; no detailed maps to support the tables**
- **Ownership left to interpretation**
- **Interpretation leads to arguments**
- **Water rights are valuable**



**Find Maps on our Website**



# Maps Need to Be Updated to Reflect New Appropriations

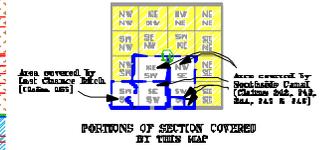
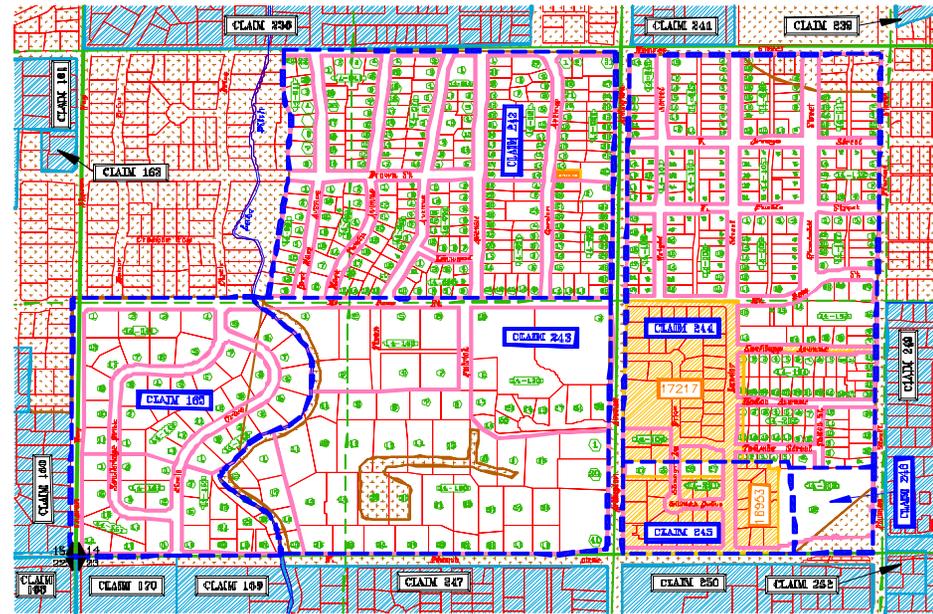
TRUCKEE RIVER CLAIMS 165, 242, 243, 244, 245 & 246  
 PORTIONS OF SECTION 14, T. 19 N., R. 19 E., M.D.B.&M.

This map is made for the purpose of showing the location of the Truckee River Claims in Section 14, T. 19 N., R. 19 E., M.D.B. & M. It is not intended to show the location of the Truckee River or the Truckee Canal. The Truckee River is shown in blue and the Truckee Canal is shown in red. The Truckee River is shown in blue and the Truckee Canal is shown in red. The Truckee River is shown in blue and the Truckee Canal is shown in red.

APPROVED BY THE STATE ENGINEER  
 State Engineer, N.V.  
 State Engineer, N.V.  
 State Engineer, N.V.

APPROVED BY THE STATE ENGINEER  
 State Engineer, N.V.  
 State Engineer, N.V.

CLAIM NO.	ACREAGE	DATE	OWNER
165	1.00	1862	John C. Hays
166	1.00	1862	John C. Hays
167	1.00	1862	John C. Hays
168	1.00	1862	John C. Hays
169	1.00	1862	John C. Hays
170	1.00	1862	John C. Hays
171	1.00	1862	John C. Hays
172	1.00	1862	John C. Hays
173	1.00	1862	John C. Hays
174	1.00	1862	John C. Hays
175	1.00	1862	John C. Hays
176	1.00	1862	John C. Hays
177	1.00	1862	John C. Hays
178	1.00	1862	John C. Hays
179	1.00	1862	John C. Hays
180	1.00	1862	John C. Hays
181	1.00	1862	John C. Hays
182	1.00	1862	John C. Hays
183	1.00	1862	John C. Hays
184	1.00	1862	John C. Hays
185	1.00	1862	John C. Hays
186	1.00	1862	John C. Hays
187	1.00	1862	John C. Hays
188	1.00	1862	John C. Hays
189	1.00	1862	John C. Hays
190	1.00	1862	John C. Hays
191	1.00	1862	John C. Hays
192	1.00	1862	John C. Hays
193	1.00	1862	John C. Hays
194	1.00	1862	John C. Hays
195	1.00	1862	John C. Hays
196	1.00	1862	John C. Hays
197	1.00	1862	John C. Hays
198	1.00	1862	John C. Hays
199	1.00	1862	John C. Hays
200	1.00	1862	John C. Hays
201	1.00	1862	John C. Hays
202	1.00	1862	John C. Hays
203	1.00	1862	John C. Hays
204	1.00	1862	John C. Hays
205	1.00	1862	John C. Hays
206	1.00	1862	John C. Hays
207	1.00	1862	John C. Hays
208	1.00	1862	John C. Hays
209	1.00	1862	John C. Hays
210	1.00	1862	John C. Hays
211	1.00	1862	John C. Hays
212	1.00	1862	John C. Hays
213	1.00	1862	John C. Hays
214	1.00	1862	John C. Hays
215	1.00	1862	John C. Hays
216	1.00	1862	John C. Hays
217	1.00	1862	John C. Hays
218	1.00	1862	John C. Hays
219	1.00	1862	John C. Hays
220	1.00	1862	John C. Hays
221	1.00	1862	John C. Hays
222	1.00	1862	John C. Hays
223	1.00	1862	John C. Hays
224	1.00	1862	John C. Hays
225	1.00	1862	John C. Hays
226	1.00	1862	John C. Hays
227	1.00	1862	John C. Hays
228	1.00	1862	John C. Hays
229	1.00	1862	John C. Hays
230	1.00	1862	John C. Hays
231	1.00	1862	John C. Hays
232	1.00	1862	John C. Hays
233	1.00	1862	John C. Hays
234	1.00	1862	John C. Hays
235	1.00	1862	John C. Hays
236	1.00	1862	John C. Hays
237	1.00	1862	John C. Hays
238	1.00	1862	John C. Hays
239	1.00	1862	John C. Hays
240	1.00	1862	John C. Hays
241	1.00	1862	John C. Hays
242	1.00	1862	John C. Hays
243	1.00	1862	John C. Hays
244	1.00	1862	John C. Hays
245	1.00	1862	John C. Hays
246	1.00	1862	John C. Hays



Notes: Most claims on Sustainable Canal water were changed to Lower Class Water by Permit 14880. This affected the Point of Diversion only. Subsequent Permits have been issued for changes to lower-class claims.

**LEGEND**

- 1st/parcel line
- block boundary
- center 1/4 Section Land Survey
- 1/2 1/4 Section/Section boundary lines
- brook/ditch
- area covered by decreed water rights
- dry area not containing decreed water rights
- claim coverage as other maps
- Nevada County Assessor's parcel number (APN)
- corner monument
- town course
- water rights conveyed as riparian by permit/curtilage

0 100 200 300 400  
SCALE

DATE	BY	REVISIONS	HOWS	CHECKED BY	STATE OF NEVADA
					Division of Water Resources
					127 W. Ely St., Carson City, NV 89701
					DRAWING NO.: TR-102





# WHAT'S IN THE FUTURE?

- **GIS Coverages**
- **New Maps Use the Washoe County Parcel Base**
- **Integrate with Other NDWR Data**
  - **Permit Files**
  - **Application Maps**
  - **Well Log Data**
  - **Water Rights Locations**



---

**Questions?**



# Maintaining a Water Right

---



# Maintaining a Water Right

Once a permit has been issued, conditions are imposed in order for that water right to be perfected.

- Time frames for
  - proof of completion of diversion works
  - placing the water to beneficial use



# Maintaining a Water Right

## What if the permittee can't meet these deadlines?

- Extensions of time can be filed **(533.380)**
- The extension must be filed within thirty (30) days from the date of final notice for filing of the proof
- The extension, if accepted, is good for a maximum of 1 year
- Filing fee



# Maintaining a Water Right

## Certificate of Appropriation

Once the proofs have all been filed and the other terms of the permit complied with, the State Engineer prepares a Certificate of Appropriation describing the use to be made of the water as shown on the Proof of **Beneficial Use**. The State Engineer records the Certificate in his office, with a copy going to the permit holder. **(533.425)**

**Beneficial use** - shall be the basis, the measure and the limit of the right to the use of water. **(533.035)**



# Maintaining a Water Right

## Forfeiture and Abandonment

Two (2) ways to lose a certificated water right (**533.060** and **534.090**)

- forfeiture
- abandonment

Until 1999, a surface water right could be forfeited. An amendment to NRS 533.060 removed this provision, which removed any possible forfeiture of a surface water right.



# Maintaining a Water Right

## Abandonment (533.060)

A review of whether or not a surface water right has been abandoned is based on a review of a variety of records within a 10-year period immediately preceding any claim that the water right has been abandoned.

These records include:

- a. That there has been delivery of water;
- b. Payments for maintenance were incurred in the delivery of water;
- c. Payments for costs of capital improvements; or
- d. Maintenance was made as it is related to the delivery of water.



# Maintaining a Water Right

## Forfeiture (534.090)

- Forfeiture of a groundwater right occurs if there is a failure to use the water right for 5 consecutive years.
- Can file an extension of time to prevent forfeiture. Extension must be submitted prior to the 5 consecutive years of non-use.
- The State Engineer is required to give a notice to the owner of record in the State Engineers office after 4 years of nonuse in basins where inventories are conducted.
- The State Engineer may grant any number of extensions of time, but a single extension must not exceed one year.



# Maintaining a Water Right

All of the previously mentioned criteria requires a decision to be made by the State Engineer. The provisions of NRS **533.450** allows **“any person feeling himself aggrieved by any order or decision of the State Engineer...”** may file an appeal in the proper court of the county “...in which the matters affected or a portion thereof are situated.”

**This appeal to the court must also be served on the State Engineer within 30 days following the issuance of the decision.**

**Thank You,  
Questions?**

**<http://water.nv.gov>**