

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

IN THE MATTER OF APPLICATION 55238)
FILED TO APPROPRIATE THE PUBLIC)
WATERS OF AN UNDERGROUND SOURCE IN)
THE OREANA SUBAREA OF THE LOVELOCK)
VALLEY GROUNDWATER BASIN, PERSHING)
COUNTY, NEVADA.)

RULING

#3856

FINDINGS OF FACT

I.

Application 55238 was filed August 31, 1990, by R. Michael Watts and Linda D. Watts to appropriate 1.0 cubic feet per second (cfs) from an underground source for quasi-municipal purposes within the NE1/4 SW1/4 and SE1/4 SW1/4 Section 16, T.30N., R.33E., M.D.B.&M. The place of use is also described as Lot 19, Block B of Rye Patch Ranch Estates - Phase A, Pershing County, Nevada. The point of diversion is described as being within the NE1/4 SW1/4 Section 16, and the proposed use is for four mobile homes, single family dwellings. Application 55238 became ready for action February 2, 1991.¹

II.

The State Engineer finds that Rye Patch Ranch Estates was proposed as a recreational subdivision which "to a great degree, will consist of three or four month per year users. Very few, if any purchasers of this type unit ever establish a permanent residence on the parcels, but rather have a 'second home' or occupy the lot with mobile homes." The State Engineer finds there is nothing in the subdivision proposal for Phase A that requests or makes allowances for water quantity for multiple-residential units or commercial activities on lots in Phase A.²

1 Public record of the State Engineer, filed under Application 55238.

2 Public record of the State Engineer. Subdivision Review No. 2826 F-A including letter dated July 23, 1983 from Summit Engineering Corporation.

III.

The State Engineer finds that 290.70 acre-feet (94.72 million gallons) of water rights under Permit 19668, Certificate 6945 were relinquished for approval of the Phase A final map.^{2, 3} This quantity of water is sufficient to provide 511 lots with 500 gallons per day for each lot.

The State Engineer's Office approved the final map for the Rye Patch Ranch Estates - Phase A Subdivision as to water quantity on November 6, 1985, for 0.56 acre-feet per year per lot for 511 lots described as being within portions of Sections 9, 15, 16, 21 and 22, T.30N., R.33E., M.D.B.&M.² The duty can also be described as 500 gallons per day per lot.

IV.

The State Engineer finds that Application 55238 was filed for four mobile homes at 300 gallons per day per unit,⁴ or 1200 gallon per day (0.438 million gallons per year). This is almost 2 1/2 times the amount of water that was approved for each lot of Phase A.

V.

The State Engineer finds that quasi-municipal or commercial use in Rye Patch Ranch Estates - Phase A cannot be permitted in accordance with NRS 533.030 and NRS 534.050 if the duty exceeds the 500 gallons per day per lot (0.1825 million gallons or 0.56 acre-foot per year) approved by Subdivision Review No. 2826 F-A.

³ Public record of the State Engineer, filed under Permit 19668, Certificate 6945.

⁴ The State Engineer has many years of metered records for similar applications and can use a per-fixture basis for estimating water use.

CONCLUSIONS

I.

The State Engineer has jurisdiction of the parties and the subject matter of this action.⁵

II.

The State Engineer is prohibited by law from granting a permit under an application to appropriate the public waters where:

- A. There is no unappropriated water at the proposed source, or
- B. The proposed use conflicts with existing rights, or
- C. The proposed use threatens to prove detrimental to the public interest.⁶

III.

The State Engineer concludes that 290.70 acre-feet of water rights were relinquished to provide water for Rye Patch Ranch Estates - Phase A Subdivision, which was approved as to water quantity from individual wells on 511 lots with a daily draught of 500 gallons per day for each lot.

IV.

The State Engineer concludes that Rye Patch Ranch Estates - Phase A Subdivision was intended to be a recreational subdivision and was not intended to include multiple-residential lots because the amount of water relinquished by the developer for Phase A, at 500 gallons per day per lot, will not provide the requirements for most multiple-residential uses.

⁵ NRS Chapter 533.025 and NRS 533.030, subsection 1.

⁶ NRS Chapter 533.370 subsection 3.

V.

The State Engineer concludes that the duty for multiple-residential units on individual lots will, in most cases, exceed the 500 gallon per day per lot duty approved by Subdivision Review No. 2826 F-A.

VI.

The State Engineer concludes that to approve permits in Rye Patch Ranch Estates - Phase A Subdivision for more than 500 gallons per day, per lot would conflict with existing rights, and threaten to prove detrimental to the public interest and welfare.

RULING

Application 55238 is denied on the grounds that the appropriation of additional ground water from the area described in the application would impair the value of existing rights and be otherwise detrimental to the public interest and welfare.

Respectfully submitted,


R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/CB/pm

Dated this 20th day of
December, 1991.