

IN THE MATTER OF PERMITS 29623,)
29624 AND 35405 IN DAYTON VALLEY,))
LYON COUNTY, NEVADA.)

R U L I N G

GENERAL

103

Permit 29623 was issued as a supplemental permit with Permit 29624 for quasi-municipal purposes to service approximately 400 single family dwelling units. Permit 29623 stood in the name of R. J. Lafond and was granted on November 24, 1975 for 0.75 c.f.s. Permit 29624 stands in the name of Dayton Valley Estates Water Company, Inc. and was issued on November 24, 1975 for 0.75 c.f.s. Title to Permit 29624 was transferred from the original owner, R. J. Lafond, to Concord Development Corporation to Dayton Valley Estates Water Company. The total combined duty of water under Permits 29623 and 29624 was for 146 million gallons annually.

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On December 19, 1978, Permit 35405 was issued to R. J. Lafond to change the point of diversion, place of use, and manner of use of Permit 29623. This permit was apparently intended to move a portion of the base right under Permits 29623 and 29624 for a new development adjacent to Highway 50. This permit was issued for the full 146 million gallons annually, without the total duty being tied to Permit 29624.

While reviewing Permit 35405 in January, 1981, our office noticed that it was in error in the fact that it was not limited in its annual duty. Therefore, a corrected permit was issued on January 28, 1981, whereby Permit 35405 was limited to 15 million gallons annually, and whereby Permit 29624 was reduced by that amount to 131 million gallons annually, thus giving the 146 million gallons which existed under the base rights. The 15 million gallon duty was based on Item 15 of the application for Permit 35405 which specifically stated that the estimated annual consumption would be that amount. This correction was necessary in that the permits were no longer comingled or under common ownership.

Approval of a 65 lot subdivision known as Territorial Estates was granted by the Division of Water Resources on June 30, 1980 on the basis of service under Permit 35405. At that time, which was prior to the corrected permit, a duty of 146 million gallons annually was allowed. The subdivision required 24 million gallons annually. We were notified by Mr. Leroy Winters, who is developing the Territorial Estates subdivision that the corrected 15 million gallons annual duty under Permit 35405 was not sufficient to serve his proposed subdivision.

In a meeting held between Mr. Winters and the State Engineer the position was taken that if documentation could be submitted to verify that in conveying Permit 29624 to Concord Development, an amount greater than 15 million gallons annually was to be retained by R. J. Lafond under Permit 29623, then a ruling could be considered to correct the permits. In no event however was the total of all permits to exceed 146 million gallons annually.

On August 3, 1981, a Quitclaim Deed was filed in the Office of the State Engineer by Leroy Winters. The deed quitclaims the right to 15 million gallons annually of water rights under Permits 29624 and 30107 from Dayton Valley Estates Water Company to Raymond J. Lafond and Margaret S. Lafond.

RULING

Permit 35405 is hereby changed to the following status: "The total annual duty shall be changed from 15 million gallons annually to 30 million gallons annually. With this change a reduction is made in the total annual duty allowed under Permit 29624 from 131 million gallons annually to 116 million gallons annually".

The total annual duty of both permits shall not exceed 146 million gallons annually.

Respectfully submitted,



Peter G. Morros
State Engineer

Dated this 4th day of
September, 1981.

PGM/bl