

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATION 47245)
FILED TO CHANGE THE POINT OF)
DIVERSION AND MANNER OF USE OF A)
PORTION OF THE PUBLIC WATERS OF AN)
UNDERGROUND SOURCE IN THE ELKO)
SEGMENT GROUNDWATER BASIN, ELKO)
COUNTY, NEVADA, HERETOFORE)
APPROPRIATED UNDER PERMIT 39050.)

RULING

GENERAL

Application 47245 was filed on September 15, 1983, by Elko Heat Co. to change the point of diversion and manner of use of a portion of 3.0 c.f.s. of water from an underground source heretofore appropriated under Permit 39050. The proposed point of diversion was within the SW1/4 SW1/4 Section 15, T.34N., R.55E., M.D.B.&M. The existing point of diversion was within the NW1/4 SE1/4 Section 15, T.34N., R.55E. The proposed manner of use was commercial use (heat extraction - consumptive). The existing manner of use was commercial use (heat extraction - nonconsumptive). The place of use was to remain unchanged.¹

FINDINGS OF FACT

I.

Permit 39050 was cancelled on May 5, 1988, for failure to comply with the terms of the permit.¹

CONCLUSIONS

I.

The State Engineer has jurisdiction of the parties and the subject matter of this action.²

¹ Public record in the office of the State Engineer.

² NRS 533.025, NRS 533.030 and NRS 533.370.

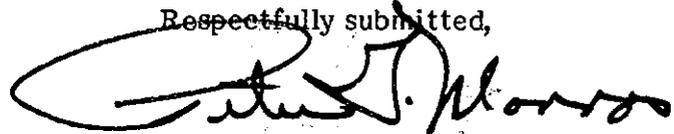
II.

As Permit 39050 was cancelled there remains no appropriated water under 39050 to be changed by Application 47245.

RULING

Application 47245 is herewith denied on the grounds that there is no appropriated water to be changed under 39050.

Respectfully submitted,



PETER G. MORROS
State Engineer

PGM/DL/bk

Dated this 10th day of
February, 1989.