

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

IN THE MATTER OF APPLICATION 45104)
FILED TO APPROPRIATE THE PUBLIC)
WATERS OF AN UNDERGROUND SOURCE)
WITHIN RUBY VALLEY GROUNDWATER)
BASIN (176), ELKO COUNTY, NEVADA.)

RULING

4333

GENERAL

I.

Application 45104 was filed on December 4, 1981, by GRI Operator Corporation to appropriate water from an underground source for a geothermal test well within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 22, T.31N., R.59E., M.D.B.&M.¹ The point of diversion is described as being located within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 22, T.31N., R.59E., M.D.B.&M. Application 45104 became ready for the State Engineer's action on April 29, 1983.¹

FINDINGS OF FACT

I.

On May 16, 1985, the applicant was informed that a hearing had been scheduled to receive public comment concerning the consideration of Ruby Valley as a basin in need of additional administration under the provisions of Nevada Revised Statutes Chapter 534.¹ The State Engineer finds that on May 16, 1985, the applicant requested that action be withheld with regard to Application 45104 for a period of one year.¹

II.

By letter dated March 8, 1996, the applicant was informed that the State Engineer was purging the files of older applications and was asked to advise the State Engineer within 30 days if the applicant wished to pursue Application 45104.¹ The letter was returned on March 15, 1996, by the U.S. Postal Service marked "Return to Sender, no such company at this address".¹ The State Engineer finds that to date there has been no response to this

¹ File No. 45104, official records of the Office of the State Engineer.

notification from the applicant regarding Application 45104.¹

III.

The State Engineer finds that it is the responsibility of the applicant or the successor in interest to keep this office informed of a current mailing address.

IV.

The State Engineer finds that the applicant was properly notified of the request for additional information and failed to respond.¹

CONCLUSIONS

I.

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

II.

Before either approving or rejecting an application, the State Engineer may require such additional information as will enable him to properly guard the public interest.³

III.

The State Engineer is prohibited by law from granting a permit under an application to appropriate the public waters where⁴:

- 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.

IV.

The applicant was properly notified of the requirement for additional information concerning this application and has failed to submit the information to the State Engineer's Office. The

² NRS Chapters 533 and 534.

³ NRS 533.375.

⁴ NRS 533.370(3).

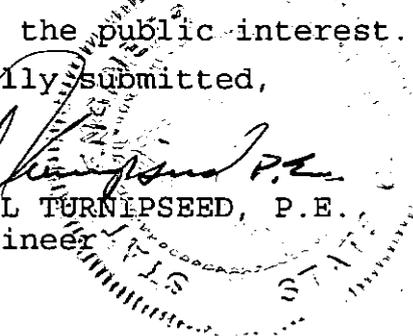
State Engineer concludes that without the information requested sufficient information is not available for the State Engineer to properly guard the public interest.

RULING

Application 45104 is hereby denied on the grounds that the applicant has not submitted the information requested by the State Engineer's Office and that without this information the granting of the application would be detrimental to the public interest.

Respectfully submitted,


R. MICHAEL TURNIPSEED, P.E.
State Engineer



RMT/RAD/ab

Dated this 30th day of
APRIL, 1996.