

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

IN THE MATTER OF APPLICATIONS 50517 AND)
50518 FILED TO APPROPRIATE THE PUBLIC)
WATERS OF AN UNDERGROUND SOURCE WITHIN)
THE CARSON DESERT GROUNDWATER BASIN)
(101), CHURCHILL COUNTY, NEVADA.)

RULING

4546

GENERAL

I.

Application 50517 was filed on January 15, 1987, by Anadarko Petroleum Corporation to appropriate 4.01 cubic feet per second (cfs) of water from an underground source for geothermal/electrical power production purposes within Sections 1 through 3 and 10 through 12 in T.16N., R.30E.; Sections 11 through 14, 22 through 27 and 34 through 36 in T.17N., R.30E.; Sections 7, 17 through 21, 28 through 30, 32 and 33 in T.17N., R.31E., M.D.B.&M. The point of diversion is described as being located within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 25, T.17N., R.30E.¹

II.

Application 50518 was filed on January 15, 1987, by Anadarko Petroleum Corporation to appropriate 4.01 cfs of water from an underground source for geothermal/electrical power production purposes within Sections 1 through 3 and 10 through 12 in T.16N., R.30E.; Sections 11 through 14; 22 through 27 and 34 through 36 in T.17N., R.30E.; Sections 7, 17 through 21, 28 through 30, 32 and 33 in T.17N., R.31E., M.D.B.&M. The point of diversion is described as being located within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 26, T.17N., R.30E.²

FINDINGS OF FACT

I.

On March 12, 1991, the applicant was notified by letter to submit additional information to the State Engineer's office

¹ File No. 50517, official records in the office of the State Engineer.

² File No. 50518, official records in the office of the State Engineer.

concerning the annual consumptive use of water for the geothermal power production. The State Engineer finds that on April 11, 1991, the applicant responded by letter, but did not provide all of the information requested by the State Engineer's office.

II.

On May 29, 1997, the applicant was notified by certified mail to submit additional information to the State Engineer's office concerning the annual consumptive use of water for the geothermal power production. The letter assigned a 30-day time limit from May 29, 1997, to submit the requested information or the applications would be subject to denial. The letter requesting the additional information was returned by the United States Postal Service marked "Not deliverable as addressed, unable to forward". The State Engineer finds it is the responsibility of the applicant or its successor in interest to keep this office informed of its current mailing address.

III.

The State Engineer finds that no information was received in response to the request for information.^{1,2}

CONCLUSIONS

I.

The State Engineer has jurisdiction over the parties and of the subject matter of this action and determination.³

II.

Before either approving or rejecting an application the State Engineer may require such additional information from the current owner of record as will enable him to properly guard the public interest.⁴

³ NRS Chapters 533 and 534.

⁴ NRS § 533.375.

III.

The State Engineer is prohibited by law from granting a permit under an application to appropriate the public waters where:⁵

- 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.

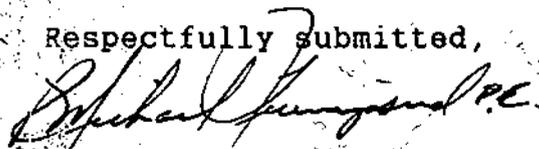
IV.

The applicant has failed to submit the information requested to the State Engineer's office. The State Engineer concludes that without the additional data sufficient information is not available to properly guard the public interest.

RULING

Applications 50517 and 50518 are hereby denied on the grounds that the applicant has not submitted the data and information requested by the State Engineer's office and that without this information granting of the application would be detrimental to the public interest.

Respectfully submitted,



R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/CN/ab

Dated this 7th day of
July, 1997.

⁵ NRS § 533.370(3).