

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATIONS 38241,)
38242, 38243 AND 38244 FILED TO)
APPROPRIATE THE PUBLIC WATERS OF AN)
UNDERGROUND SOURCE IN CRESCENT)
VALLEY, EUREKA AND LANDER COUNTIES)
NEVADA.)

RULING

GENERAL

Application 38241 was filed on May 25, 1979, by Kent M. Whitney to appropriate 3.0 c.f.s. of water from an underground source for geothermal purposes within the NE1/4 NE1/4 Section 21, T.29N., R.49E., M.D.B.&M. The point of diversion is described as being within the NE1/4 NE1/4 Section 21, T.29N., R.49E., M.D.B.&M.¹

Application 38242 was filed on May 25, 1979, by Kent M. Whitney to appropriate 3.0 c.f.s. of water from an underground source for geothermal purposes within the NW1/4 NW1/4 Section 15, T.29N., R.49E., M.D.B.&M. The point of diversion is described as being within the NW1/4 NW1/4 Section 15, T.29N., R.49E., M.D.B.&M.¹

Application 38243 was filed on May 25, 1979, by Kent M. Whitney to appropriate 3.0 c.f.s. of water from an underground source for geothermal purposes within the SW1/4 SW1/4 Section 11, T.29N., R.49E., M.D.B.&M. The point of diversion is described as being within the SW1/4 SW1/4 Section 11, T.29N., R.49E., M.D.B.&M.¹

Application 38244 was filed on May 25, 1979, by Kent M. Whitney to appropriate 3.0 c.f.s. of water from an underground source for geothermal purposes within the SE1/4 SE1/4 Section 9, T.29N., R.49E., M.D.B.&M. The point of diversion is described as being within the SE1/4 SE1/4 Section 9, T.29N., R.49E., M.D.B.&M.¹

Water Resources Bulletin No. 15 titled "Ground Water Potentialities in the Crescent Valley, Eureka and Lander Counties, Nevada", 1961, by C. P. Zones, was prepared cooperatively by the Department of Conservation and Natural Resources, Division of Water Resources, and U.S. Department of Interior, Geological Survey. This report may be viewed at the office of the State Engineer.

FINDINGS OF FACT

I.

On April 29, 1983, a letter was written to the applicant requesting the consumptive use under Applications 38241, 38242, 38243 and 38244.¹

¹ Public record in the office of the State Engineer.

II.

Since there was no response to the April 29, 1983, letter, another letter dated June 20, 1983, was sent to the applicant by certified mail requesting the consumptive use under Applications 38241, 38242, 38243 and 38244. This letter requested a response regarding the applicant's interest in pursuing these applications and gave the applicant a period of thirty (30) days in which to respond.¹

III.

The return receipt was signed by Adrienne Whitney and received in the State Engineer's office on June 29, 1983.¹

IV.

As of November 6, 1984, no response has been received from the applicant regarding the consumptive use under Applications 38241, 38242, 38243 and 38244.¹

CONCLUSIONS

I.

The State Engineer has jurisdiction over this matter under the provisions of NRS 533.025, NRS 533.030 and NRS 533.370.

II.

The applicant has been properly notified of the requirements for additional information and has failed to comply with the said requirements.

III.

The State Engineer may require additional information before approval or rejection of an application.²

RULING

Applications 38241, 38242, 38243 and 38244 are hereby denied on the grounds that additional information requested from the applicant was not received by the State Engineer and to consider favorable action on the applications without the additional information requested would not be in the public interest.

Respectfully submitted



Peter G. Morros
State Engineer

PGM/KN/bl

Dated this 15th day of

November, 1984.

² NRS 533.375.