

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATION 36162)
FILED TO APPROPRIATE THE PUBLIC)
WATERS OF UNNAMED HOT SPRINGS IN THE)
ELKO SEGMENT, ELKO COUNTY, NEVADA.)

RULING

GENERAL

Application 36162 was filed on November 13, 1978, by M. P. Armstrong to appropriate 0.133 c.f.s. of water from Unnamed Hot Springs for residential heating purposes within the SE1/4 NE1/4 Section 21, T.34N., R.55E., M.D.B.&M. The point of diversion is described as being within the SE1/4 NE1/4 Section 21, T.34N., R.55E., M.D.B.&M.¹

The application was processed, published and timely protested by Deed Scott on the grounds that he wanted to preserve the rights of Nevada Green, adjoining land owner.¹

FINDINGS OF FACT

I.

The protestant's rights are from underground sources as evidenced in Permits 34647, 35661, 41565, 41566 and 41567.¹

II.

The subject springs were observed during a flow/pump test of all geothermal sources in the area during the period August 1981 to August 1982 by the staff of the Nevada Division of Water Resources.²

CONCLUSIONS

I.

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

¹ Public record in the office of the State Engineer.

² Report of field investigation, attached to file 36162, is a public record in the office of the State Engineer.

³ NRS 533.025 and NRS 533.030(1).

II.

The State Engineer is prohibited by law from granting a permit where:

- A. there is no unappropriated water in the proposed source, or
- B. the proposed use conflicts with existing rights, or
- C. the proposed use threatens to prove detrimental to the public welfare.⁴

III.

Application 36162 is for the nonconsumptive use of heat extraction and the waters will be returned to the natural stream.

IV.

Protestant's wells were observed to partially diminish the flow of subject spring but the nonconsumptive use of the springs cannot possibly influence the production of the wells.

RULING

The protest to the granting of Application 36162 is hereby overruled and a permit will be issued under Application 36162 on receipt of the statutory permit fees and under the condition that the water be returned to the natural stream undiminished in quantity and quality.

Respectfully submitted



Peter G. Morros
State Engineer

PGM/MT/bl

Dated this 22nd day of

February, 1985.

⁴ NRS 533.370(3).