

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

IN THE MATTER OF APPLICATION 55166 FILED)
TO CHANGE THE POINT OF DIVERSION, THE)
PLACE OF USE AND THE MANNER OF USE OF)
THE WATERS OF AN UNDERGROUND SOURCE)
HERETOFORE APPROPRIATED UNDER PERMIT)
40872, WITHIN THE PANACA VALLEY)
GROUNDWATER BASIN, LINCOLN COUNTY,)
NEVADA.)

RULING
4012

GENERAL

I.

Application 55166 was filed on August 8, 1990 by Caliente Public Utilities to change the point of diversion, the manner and the place of use of the underground waters heretofore appropriated under Permit 40872. The proposed point of diversion is within an existing well owned by the applicant under Permit 46941, being located within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 5, T.4S., R.67E., M.D.B.&M. The proposed manner of use and place of use is for commercial and domestic use within the boundaries of the City of Caliente.

The existing manner and place of use under the base Permit 40872 was for industrial use for the construction of a community heating system in the Caliente area, more specifically, within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 5, T.4S., R.67E., M.D.B.&M.¹

II.

Application 55166 was timely protested on February 19, 1991 by the National Park Service in part for the potential increase in consumption of groundwater represented by the changes in the manner of use, the point of diversion and the place of use. The National Park Service's primary concern was that the change from industrial use to commercial and domestic use would have a negative impact upon the groundwaters which contribute to the inflow of the Lake Mead Recreation Area.¹

¹ Public records of the office of the State Engineer under Permit 55166.

FINDINGS OF FACT

I.

Application 55166 and Permit 40872 both proposed to utilize geothermal waters for a space heating system within the Caliente area.^{1,2}

II.

Permit 40872 was issued on September 10, 1991 under a set of conditions which included the provision that once the heat had been exchanged from the geothermal fluids, the spent fluid was to be reinjected back into the groundwater basin. A provision requiring the well to be sealed from cold water aquifers was also included within the permit terms under Permit 40872.²

III.

Application 55166 proposed to change the entire diversion rate of 6 c.f.s., not to exceed the annual duty of 447 million gallons granted under Permit 40872.¹

IV.

The proposed point of diversion under Application 55166 is the same as Permit 46941, which was permitted under a set of permit terms similar to those set forth under Permit 40872.^{2,3}

V.

The State Engineer may at his discretion act upon a protested application without holding an administrative hearing.

CONCLUSIONS

I.

The State Engineer has jurisdiction over the matter described herein.⁴

² Public records of the office of the State Engineer under Permit 40872.

³ Public records of the office of the State Engineer under Permit 46941.

⁴ NRS Chapters 533 and 534.

II.

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

- A. The proposed use conflicts with existing rights, or
- B. The proposed use threatens to prove detrimental to the public interest.⁵

III.

The State Engineer concludes that the manner of use proposed under Application 55166 will be primarily nonconsumptive in nature with reinjection of the cooled geothermal fluid into the groundwater basin.

IV.

The State Engineer concludes that the changes proposed by Application 55166 will be subject to those conditions issued under Permits 46941 and 40872.

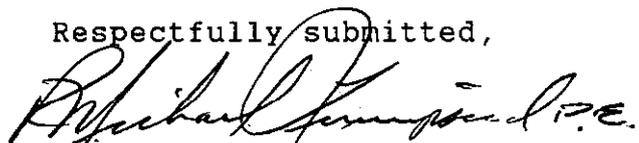
V.

The State Engineer concludes that the granting of Application 55166 will not conflict with existing rights or prove detrimental to the public interest.

RULING

The protest to the granting of Application 55166 is hereby overruled and Application 55166 is herewith approved upon payment of the statutory permit fee, subject to existing rights and those permit terms set forth under Permit 40872.

Respectfully submitted,


R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/MB/pm

Dated this 30th day of
June, 1993.

⁵ NRS Chapter 533.370.