

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

IN THE MATTER OF APPLICATION 45285)
FILED TO APPROPRIATE THE WATERS OF AN)
UNDERGROUND SOURCE WITHIN THE CARSON)
DESERT GROUNDWATER BASIN (101),)
CHURCHILL COUNTY NEVADA.)

RULING

4426

GENERAL

I.

Application 45285 was filed on February 5, 1982, by Russell Best to appropriate 2.0 cubic feet per second (cfs) of geothermal water from an underground source for industrial purposes within portions of the N $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ of Section 1, T.18N., R.29E., M.D.B.&M. The proposed point of diversion is described as being located within Lot 2 of Section 1, T.18N., R.29E., M.D.B.&M.¹

FINDINGS OF FACT

I.

The applicant was noticed by certified letters dated March 21, 1986, and July 15, 1986, that only applications for the nonconsumptive use of geothermal water would be considered for approval by the State Engineer's Office. The applicant was requested to provide information within 30 days regarding his continued interest in pursuing the application and was further advised that a failure to timely respond could result in the denial of the application. No response was received from the applicant regarding this matter. The applicant was again notified by certified mail on July 26, 1986, to submit the previously requested information within a 30-day time period.¹ The certified letter was returned by the United States Postal Service with a notation that the forwarding order had expired. The State Engineer finds it is the responsibility of the applicant to keep this office informed as

¹File No. 45285, official records in the Office of the State Engineer.

to a current mailing address. The State Engineer further finds that the applicant has failed to respond to the requests for additional information.

CONCLUSIONS

I.

The State Engineer has jurisdiction over 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 from the owner of record 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 where:⁴

- 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 information requested, sufficient information is not available for the State Engineer to properly guard the public interest.

²NRS Chapters 533 and 534.

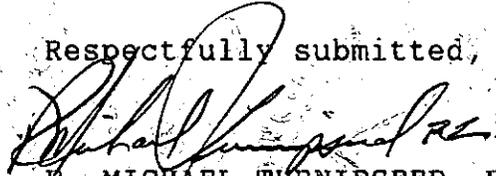
³NRS 533.375.

⁴NRS 533.370(3).

RULING

Application 45285 is hereby denied on the grounds that the applicant failed to submit 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/MDB/ab

Dated this 10th day of
September, 1996.