

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

IN THE MATTER OF APPLICATION 47421)
FILED TO APPROPRIATE THE PUBLIC)
WATERS OF AN UNDERGROUND SOURCE)
WITHIN THE MARYS RIVER AREA)
GROUNDWATER BASIN (042), ELKO)
COUNTY, NEVADA.)

RULING

4797

GENERAL

I.

Application 47421 was filed on November 15, 1983, by George and Marina Yan to appropriate 0.9 cubic feet per second of underground water for geothermal purposes within a portion of the SE¼ NW¼ of Section 9, T.37N., R.62E., M.D.B.&M. The proposed point of diversion is described as being within the SE¼ NW¼ of said Section 9. Information contained within the remarks section of the application indicates that the water will be used to heat a 52 unit motel, swimming pool, 8 lane bowling alley, restaurant, casino, and office building.¹

FINDINGS OF FACT

I.

By certified letters dated June 8 and July 28, 1999, the applicants and their agent were advised by the State Engineer that before further action could be taken on Application 47421, the following information would have to be timely submitted to the office of the State Engineer:

1. A thorough description of the project;
2. The current status of the project;
3. A detailed description of how the water is to be used;

¹ File No. 47421, official records in the office of the State Engineer.

4. A description of the process including the consumptive use and disposal of the water; and
5. Any other information relating to water usage and demand.

The State Engineer finds that the requested information is required to enable him to gain a full and complete understanding of the application before him and the applicants' ability to place the requested water to a beneficial use.

II.

The applicants and their agent were allowed 45 days from the initial June 8, 1999, notice and an additional 30 days from the July 28, 1999, notice to timely submit the requested information to the office of the State Engineer with the caution that a failure to timely do so would result in the denial of Application 47421. Properly endorsed receipts for the certified mailings were received by the office of the State Engineer from the applicants and their agent. To this date, no information on this matter has been submitted to the State Engineer's office. The State Engineer finds that the applicants and their agent have failed to respond to the State Engineer's request for additional information, therefore, Application 47421 can be considered for denial.

CONCLUSIONS

I.

The State Engineer has jurisdiction over the parties and the subject matter of this action and determination.²

II.

The State Engineer is prohibited by law from granting an application to appropriate the public waters where:³

² NRS Chapters 533 and 534.

³ NRS § 533.370(3).

- A. there is no unappropriated water at the proposed source;
- B. the proposed use conflicts with existing rights; or
- C. the proposed use threatens to prove detrimental to the public interest.

III.

Before either approving or rejecting an application, the State Engineer may require such additional information as will enable him to properly guard the public interest. The State Engineer concludes that the applicants have failed to provide sufficient information to adequately guard the public interest, therefore, Application 47421 must be denied.

RULING

Application 47421 is hereby denied on the grounds that its approval would threaten to prove detrimental to the public interest.

Respectfully submitted,



R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/MDB/cl

Dated this 21st day of
September, 1999.