

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

IN THE MATTER OF APPLICATIONS)
47262, 47263, 47399 & 47400 FILED)
TO APPROPRIATE THE PUBLIC WATERS OF)
AN UNDERGROUND SOURCE WITHIN THE)
DIXIE VALLEY HYDROGRAPHIC BASIN)
(128), CHURCHILL COUNTY, NEVADA.)

RULING

5127

GENERAL

I.

Application 47262 was filed on September 21, 1983, by GRI Exploration Corporation to appropriate 1.0 cubic foot per second (cfs) of water from an underground source for domestic consumptive use, local commercial facilities, and non-agricultural use within Sections 4, 9, and the W½ of Section 10, T.24N. R.37E., M.D.B.&M. The proposed point of diversion is described as being located within the NE¼ SW¼ of Section 4, T.24N., R.37E., M.D.B.&M.¹

Application 47263 was filed on September 21, 1983, by GRI Exploration Corporation to appropriate 3.0 cfs of water from an underground source for commercial production of electricity within Sections 4, 9, and the W½ of Section 10, T.24N. R.37E., M.D.B.&M. The proposed point of diversion is described as being located within the SW¼ NE¼ of Section 4, T.23N., R.37E., M.D.B.&M.²

Application 47399 was filed on November 7, 1983, by GRI Exploration Corporation to appropriate 3.0 cfs of water from an underground source for commercial production of electricity within Sections 4, 9, and the W½ of Section 10, T.24N. R.37E., M.D.B.&M. The proposed point of diversion is described as being located in the SE¼ NW¼ of Section 9, T.24N., R.37E., M.D.B.&M.³

¹ File No. 47262, official records in the Office of the State Engineer.

² File No. 47263, official records in the Office of the State Engineer.

³ File No. 47399, official records in the Office of the State Engineer.

Application 47400 was filed on November 7, 1983, by GRI Exploration Corporation to appropriate 3.0 cfs of water from an underground source for commercial production of electricity within Sections 4, 9, and the W $\frac{1}{2}$ of Section 10, T.24N. R.37E., M.D.B.&M. The proposed point of diversion is described as being located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 10, T.24N., R.37E., M.D.B.&M.⁴

FINDINGS OF FACT

I.

On September 15, 1986, the State Engineer was notified of a change of address of the applicant by telephone conversation.⁵

On October 22, 1986, a letter was sent by certified mail to the address of the applicant as established by the telephone conversation on September 15, 1986, and a properly endorsed receipt for the certified mailing to the applicant was timely received in the Office of the State Engineer.

Said letter requested that additional information be provided to the Office of the State Engineer in order to take action on Applications 47262, 47263, 47399, and 47400. The applicant was allowed thirty days from the date of the letter to submit the requested information with the caution that their failure to do so would result in the denial of said Applications. The State Engineer finds that no response was received to this request.

II.

On December 21, 1995, a letter was sent by certified mail to the address of the applicant as established by the telephone conversation on September 15, 1986, again requesting that additional information be provided to the Office of the State Engineer in order to take action on Applications 47262, 47263, 47399, and 47400. The applicant was allowed thirty days from the date of the letter to submit the requested information with the

⁴ File No. 47400, official records in the Office of the State Engineer.

⁵ File No. 47262, official records in the Office of the State Engineer.

caution that their failure to do so would result in the denial of said Applications.

The certified mailing to the applicant was returned as unclaimed by the U.S. Postal Service to the Office of the State Engineer. A copy of the letter was sent by regular mail to the address of the applicant as indicated on the receipt for the filing of Application 47262.⁶

To this date, no response to the State Engineer's request for information has been received. The State Engineer finds that the failure of the applicant to maintain a current mailing address on file in the State Engineer's office and the failure to provide the additional information as requested allows Applications 47262, 47263, 47399, and 47400 to be considered for denial.

CONCLUSIONS

I.

The State Engineer has jurisdiction over the parties and the subject matter of this action and determination.⁷

II.

The State Engineer is prohibited by law from granting an application to appropriate the public waters where:⁸

- A. there is no unappropriated water at the proposed source;
- B. the proposed use or change conflicts with existing rights;
- C. the proposed use or change conflicts with protectible interests in existing domestic wells as set forth in NRS § 533.024; or
- D. the proposed use or change threatens to prove detrimental to the public interest.

⁶ Receipt No.158877 in File No. 47262.

⁷ NRS § 533 & 534.

⁸ NRS § 533.370(3).

III.

The State Engineer concludes that the applicant has failed to provide the additional information as requested; therefore, Applications 47262, 47263, 47399, and 47400 must be considered for denial.

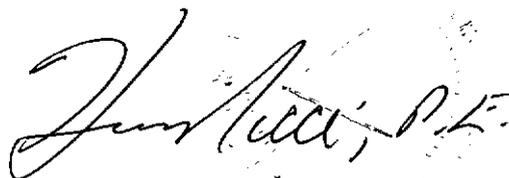
IV.

The State Engineer concludes that the approval of an application in which the applicant has no intention of pursuing would threaten to prove detrimental to the public interest.

RULING

Applications 47262, 47263, 47399, and 47400 are hereby denied on the grounds that the applicant has failed to provide evidence of a continued interest in pursuing said applications, and without this information granting the applications would threaten to prove detrimental to the public interest.

Respectfully submitted,



HUGH RICCI, P.E.
State Engineer

HR/BM/jm

Dated this 6th day of
June, 2002.