

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

IN THE MATTER OF APPLICATION 48564)
FILED TO APPROPRIATE THE PUBLIC)
WATERS OF AN UNDERGROUND SOURCE)
WITHIN THE BIG SMOKEY VALLEY)
NORTHERN PART HYDROGRAPHIC BASIN)
(137-B), NYE COUNTY, NEVADA.)

RULING

5133

GENERAL

I.

Application 48564 was filed on November 28, 1984, by Central Nevada Corporation to appropriate 2.4 cubic feet per second of water from an underground source. The proposed manner and place of use is for geothermal steam for power purposes within portions of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 17, T.11N., R.43E., M.D.B.&M. The proposed point of diversion is described as being located within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 17.¹

FINDINGS OF FACT

I.

The Office of the Nevada Secretary of State maintains a record of businesses that have filed for incorporation in the State of Nevada. Information provided by the applicant on the application form indicates that Central Nevada Corporation was incorporated on September 26, 1973. The State Engineer finds that at the time of the filing of Application 48564 Central Nevada Corporation existed as a Nevada corporation, and as such, was qualified to request an appropriation of water through the statutory permitting process.

¹ File Number 48564, official records in the Office of the State Engineer.

II.

The Office of the State Engineer obtained information from the Nevada Secretary of State's office regarding the corporate status of Central Nevada Corporation. This information indicated that Central Nevada Corporation was classified as a dissolved entity. The State Engineer finds that Central Nevada Corporation's dissolved status disqualifies it from obtaining a water right permit from the Office of the State Engineer.

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

- 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.

III.

Application 48564 was filed by a corporation that is currently classified as a dissolved entity by the Nevada Secretary of State's Office. The State Engineer concludes that the approval of a water right permit to a dissolved corporate entity would threaten to prove detrimental to the public interest.

² NRS chapters 533 and 534.

³ NRS § 533.370(3).

RULING

Application 48564 is hereby denied on the grounds that its approval would threaten to prove detrimental to the public interest.

Respectfully submitted,


Hugh Ricci, P.E.
State Engineer

HR/MDB/jm

Dated this 26th day of
June, 2002.