

IN THE MATTER OF APPLICATION 47043 )  
FILED BY ELKO COUNTY SCHOOL DISTRICT )  
TO APPROPRIATE WATER FROM AN UNDER- )  
GROUND SOURCE IN THE ELKO SEGMENT )  
GROUND WATER BASIN, ELKO COUNTY, )  
NEVADA )

R U L I N G

FINDINGS OF FACT

I

Application 47043 was filed by Elko County School District on June 30, 1983 to appropriate 1.0 c.f.s. of underground water for geothermal (heat extraction) purposes. The point of diversion is within the NE $\frac{1}{4}$  of Section 15, T.34N., R.55E., M.D.B.&M., and the place of use is portions of the S $\frac{1}{2}$  SE $\frac{1}{4}$  Section 10; N $\frac{1}{2}$  NE $\frac{1}{4}$  Section 15, all in T.34N., R.55E., M.D.B.&M.

II

A timely protest was filed by Elko Heat Company against the granting of the subject application on December 5, 1983. The protest requested the State Engineer deny Application 47043 for the reason that the proposed diversion may adversely effect existing water rights of Elko Heat Company<sup>1</sup>.

III

The State Engineer held a public hearing on January 24, 1984, to collect additional information and hear testimony from the applicant and the protestant regarding Application 47043. <sup>2</sup>

IV

The protestant presented testimony and evidence at the hearing regarding the existing geothermal water rights and geothermal resource in the vicinity of the City of Elko. The protestant's primary concern was the close proximity (approximately 600 feet) between the proposed point of diversion under Application 47043 and the point of diversion under existing Permit 39052. <sup>2</sup>

V

The applicant presented testimony regarding the potential effects of water useage under their proposed Application 47043 upon the well which would be drilled under Permit 39052. Various scenerios of aquifer characteristics were reviewed.

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<sup>1</sup> Public records in the office of the State Engineer.

<sup>2</sup> Transcript of public hearing before State Engineer on January 24, 1984.

VI

The protestant and applicant generally agreed that, if 1,000 feet was maintained between the point of diversion of Application 47043 and the point of diversion of Permit 39052 the potential interference between the two wells would be decreased.

CONCLUSIONS

Considering the evidence and testimony presented at the hearing, conducted by the State Engineer on January 24, 1984, it is concluded that the effect on existing water rights by appropriation under Application 47043 will be reasonable as per NRS 534.110 and the rights of holders of existing appropriations can be satisfied if the point of diversion under Application 47043 is placed a minimum distance of 1,000 feet from the point of diversion under Permit 39052 and if Application 47043 is issued subject to strict conditions.

RULING

The protest to the granting of Application 47043 is herewith overruled on the grounds that existing water rights can be reasonably satisfied per NRS 534.110.

A permit will be issued under 47043 upon receipt of permit fees required by statute.

Application 47043 will be approved with the following terms:

1. This permit is issued subject to existing rights.
2. The well under Application 47043 must be drilled a minimum distance of 1,000 feet from the point of diversion under Permit 39052.
3. Semi-annual pumpage reports must be submitted to the State Engineer on the amount of water diverted and placed to beneficial use.
4. This permit is restricted to a consumptive use of 268 acre-feet per year, 1/2 of the requested amount, until a record is available which shows no adverse effect on the protestant's existing rights.
5. If pumpage under this permit has any adverse effect on the protestant's water rights at any future date, then withdrawals may be limited or reinjection of the geothermal fluids may be required.

6. The production well under this permit shall be cemented from the producing levels to the surface to protect fresh water zones. The completion plans of the well must be reviewed and approved by the State Engineer.
7. This permit is issued subject to the condition that only geothermal fluids are to be diverted and used for heating purposes, and fresh, cold water aquifers are not to be diverted or interfered with.

Respectfully submitted,



Peter G. Morros  
State Engineer

PGM/GB/bc

Dated this 22nd day of  
FEBRUARY, 1984.