

IN THE MATTER OF APPLICATION 43349)
TO APPROPRIATE UNDERGROUND WATER)
FROM FAIRVIEW VALLEY IN CHURCHILL)
COUNTY, NEVADA)

R U L I N G

INTRODUCTION

Application 43349 was filed on March 17, 1981 by Butte Minerals, Inc. to appropriate 15.0 c.f.s. of underground water within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 2, T.16N., R.33E., M.D.B.& M., to be used for mining and domestic purposes; within the E $\frac{1}{2}$ of Section 2, and all of Section 1 in T.16N., R.33E., all of Section 1, T.16N., R.33 $\frac{1}{2}$ E., and all of Sections 3, 4, 5, 6, 8, 9, 10, 16 and 17 in T.16N., R.34E., M.D.B.& M.

FINDINGS OF FACT

I

The subject application was processed, published and became ready for action on September 26, 1981. 1/

II

On October 14, 1981, a letter was written to the agent with a carbon copy to Butte Minerals requesting the annual consumptive use of water under Application 43349. No response to this letter was received.

III

On November 17, 1981, another letter was sent to the agent again requesting the annual consumptive use of water under Application 43349. This letter was sent by certified mail with a carbon copy to the applicant, and the letter allowed 30 days within which to respond. No response has been received from either the agent or applicant. 1/

IV

On December 28, 1981, another letter was sent to Butte Minerals again requesting the annual consumptive use of water under Application 43349. This letter was sent by certified mail to the applicant with a carbon copy to the agent. The certified letter was received by Ernest B. Coffman on December 30, 1981. This letter allowed a period of 30 days within which to respond. To this date, no response has been received. 1/

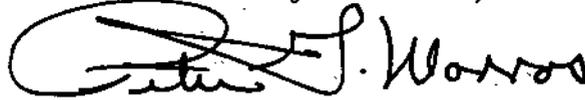
CONCLUSIONS

1. The State Engineer has jurisdiction in the subject matter of this action. 2/
2. The State Engineer may require additional information before approval or rejection of an application. 3/

RULING

Application 43349 is hereby denied on the grounds that additional information requested from the applicant was not received by the State Engineer.

Respectfully submitted,



Peter G. Morros
State Engineer

PGM/KN/dh

Dated this 2nd day

of February 1982.

FOOTNOTES

1. Public records in the office of the State Engineer.
2. NRS 533.025 and 533.030, subsection 1.
3. NRS 533.375.