

IN THE MATTER OF APPLICATION 44196 )  
FILED BY PETRO-CHEM, INC., TO )  
APPROPRIATE WATER FROM AN )  
UNDERGROUND SOURCE IN INDEPENDENCE )  
VALLEY, ELKO COUNTY, NEVADA. )

RULING

GENERAL

Application 44196 was filed on July 27, 1981, by Petro-Chem, inc., to appropriate 2.0 c.f.s. of water from an underground source for mining and milling purposes.<sup>1</sup> The point of diversion is described as being within the SE1/4 NW1/4, Section 23, T.39N., R.52E., M.D.B.&M., and the place of use is within the NW1/4 Section 23, T.39N., R.52E., M.D.B.&M.

On July 16, 1984, a certified letter was sent to Petro-Chem, Inc., P.O. Box 2542, Billings, Montana, 59103,, requesting additional information concerning Application 44196.<sup>2</sup> The certified letter and Certified Mail Receipt No. P718 196 520 were returned to this office stamped "return to sender", "undeliverable as addressed", "unable to forward".

A review of the record under Application 44196 revealed there has been no response to the described letter of inquiry within the time limit specified therein.

CONCLUSIONS

I.

The State Engineer has jurisdiction of the parties and the subject matter of this action.<sup>3</sup>

II.

The State Engineer may require additional information before approval or rejection of an application.<sup>4</sup>

-----  
<sup>1</sup> Application 44196 is a public record on file in the office of the State Engineer.

<sup>2</sup> The certified letter to Petro-Chem, Inc., and Certified Mail Receipt No. P718 196 520 are public records filed with Application 44196 in the office of the State Engineer.

<sup>3</sup> NRS 535.325.

<sup>4</sup> NRS 533.375.

III.

There has been no response to the request for additional information from the applicant under Application 44196.

RULING

Application 44196 is hereby denied on the grounds that additional information requested from the applicant was not received by the State Engineer and to approve said application without the additional information requested would not be in the public interest.

Respectfully submitted



Peter G. Morros  
State Engineer

PGM/GC/b1

Dated this 13th day of  
AUGUST, 1984.