

IN THE MATTER OF APPLICATION 8164)
FILED BY JAMES DOUTRE TO)
APPROPRIATE WATER FROM BARREL)
SPRING IN STEPTOE VALLEY, WHITE)
PINE COUNTY, NEVADA.)

RULING

GENERAL

Application 8164¹ was filed on June 11, 1927, by James Doutre to appropriate 0.025 c.f.s. of water from Barrel Spring for stockwatering purposes. The point of diversion is described as being within the NE1/4 NW1/4 Sec. 31, T.25N., R.66E., M.D.B.&M., and the place of use is within the NW1/4 NE1/4 Sec. 31, T.25N., R.66E., M.D.B.&M.

Application 8164 was timely protested² on September 24, 1927, by James Duval on the grounds that "the land upon which this water is situated was filed upon under the stock grazing homestead laws by James Duval on July 26, 1927". Mr. Duval further stated that he had used the waters of the above mentioned spring for seven years previous to his filing for stockwatering purposes.

Mr. Duval requested that Application 8164 be denied.

On March 15, 1984, a certified letter³ was sent to James Doutre, McGill, Nevada, 89318, requesting additional information concerning Application 8164. The certified letter and Certified Mail Receipt No. P 369 827 152 was returned to this office stamped "addressee unknown" and "insufficient address".

On March 19, 1984, a certified letter⁴ was sent to James Duval, Currie, Nevada, c/o U.S. Post Office, Ely, Nevada, 89301, requesting additional information concerning Application 8164. The Certified Mail Receipt No. 809 799 was signed by Laura Duval and was returned to this office.

¹ Application 8164 is a public record on file in the office of the State Engineer.

² A copy of the protest signed by James Duval is a public record filed with Application 8164 in the office of the State Engineer.

³ A certified letter to James Doutre dated March 15, 1984, and Certified Mail Receipt No. P 369 827 152 are public records filed with Application 8164 in the office of the State Engineer.

⁴ A copy of a certified letter to James Duval dated March 19, 1984, and Certified Mail Receipt No. 809 799 is a public record filed with Application 8164 in the office of the State Engineer.

A review of the record under Application 8164 reveals there has been no response to either described letters 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.⁵

II.

The State Engineer may require additional information before approval or rejection of an application.⁶

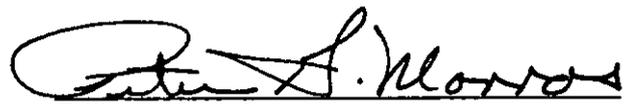
III.

There has been no response to requests for additional information from the applicant and protestant of Application 8164.

RULING

Application 8164 is hereby denied on the grounds that additional information requested from the applicant was not received by the State Engineer and to approve the application without the additional information requested would not be in the public interest.

Respectfully submitted


Peter G. Morros
State Engineer

PGM/GC/bl

Dated this 16th day of
JULY, 1984.

⁵ NRS 533.325.

⁶ NRS 533.375.