

IN THE MATTER OF APPLICATION NO. 11553)
FILED APRIL 25, 1946 BY PETAN COMPANY)
TO APPROPRIATE WATER OF CIRCLE CREEK : RULING
(AND/OR DUCK CREEK) IN ELKO COUNTY,)
NEVAD, FOR STOCKWATERING PURPOSES.)

Application 11553 was filed by Petan Company on April 25, 1946 to appropriate water of Circle Creek, and/or Duck Creek, for stockwatering purposes. The proposed point of diversion is located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 11, T. 46 N., R. 49 E. Said application was protested January 20, 1947 by Raymond S. Parus on the grounds that the granting of said application would seriously interfere with the existing range rights of said protestant.

On July 14, 1948 an informal hearing was held by Hugh A. Shamberger, Assistant State Engineer, on this application in Elko, Nevada, in the office of Bureau of Land Management. Present were Raymond S. Parus, protestant; Mr. Jackson of the Petan Company, applicant; Orville Wilson, Attorney representing Petan Company; Wm. Settelmeyer, engineer for Petan Company, and Boyd Hammond, District Grazier.

From the information submitted by Mr. Boyd Hammond, District Grazier, it appears that protestant Parus has a permit to range 126 head of stock during certain parts of the year in common with applicant Petan Company on the Y.P. Unit. Further, that from an official Order of the Bureau of Land Management, Mr. Parus is restricted from ranging any sheep on the Y.P. Grazing Unit and that the applicant, Petan Company, has a permit to range 2500 head of cattle or 16,356 animal unit month on the Y. P. Unit. The Petan Company stated that they do not recognize any vested water rights by protestant Parus in the vicinity of the point of diversion under Application 11553.

The records of the State Engineer's office shows that on January 13, 1947 Petan Company filed application No. 11751 to appropriate 1500 acre feet of the waters of Circle, and/or Duck Creek, for irrigation purposes. The point of diversion under this application is the same point of diversion as given under application 11553. On August 14, 1947 a permit was issued to the Petan Company under said application 11751 in the amount of 1500 acre feet for irrigation purposes. It is the intention of the applicant to utilize the storage water for stockwatering purposes. The State Engineer finds no justification in not granting this permit, and it is therefore ordered that the protest of Raymond S. Parus against the granting of a permit under application 11553 be overruled and that a permit will be issued to the Petan Company in the amount of 0.15 c.f.s. of water for the watering of 5,000 head of cattle, but in no event is the number of cattle watered to exceed the number of cattle allowed to range in the area by the Bureau of Land Management. It is further understood that the granting of this permit is not to interfere with the watering of stock owned by Mr. Parus and which run in common to the extent of the license issued by the Bureau of Land Management to Mr. Parus.

Respectfully submitted,

(Signed) Alfred Merritt Smith
ALFRED MERRITT SMITH
State Engineer

August 20, 1948
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