

IN THE MATTER OF APPLICATION NO. 13790, )  
FILED BY MONITOR LIVESTOCK CO. ON AUGUST )  
6, 1951 TO APPROPRIATE THE WATERS OF RYE )  
PATCH CHANNEL IN NYE COUNTY, NEVADA. )

R U L I N G

GENERAL:

Application No. 13790 was filed on August 6, 1951 by Monitor Livestock Company to appropriate 0.25 cfs of water from Rye Patch Channel for stockwatering purposes (5,000 head of sheep). The proposed point of diversion is in the NE $\frac{1}{4}$  SE $\frac{1}{4}$  Section 19, T. 4 N., R. 44 E., M.D.B.&M. The proposed place of use is the E $\frac{1}{2}$  SE $\frac{1}{4}$  Section 19, T. 4 N., R. 44 E., and E $\frac{1}{2}$  NE $\frac{1}{4}$  Section 19, T. 4 N., R. 44 E., M.D.B.&M.

Application No. 13790 was protested on September 21, 1951 by Frank K. Arcularius and Howard Arcularius; on September 21, 1951 by Howard H. Arcularius; and on September 28, 1951 by Jess Chance and Jess A. Chance, Jr. Though different in detail, the protests generally were made on the grounds that the granting of a permit under Application 13790 would impair the value of existing rights; be detrimental to the public welfare; conflict with existing rights; and that existing range rights and privileges would be damaged.

No action was taken on Application No. 13790 until, in response to an inquiry, this office was advised by the U.S. Bureau of Land Management that Monitor Livestock Co. had sold its holdings which control the grazing privileges within the service area of the Rye Patch Channel to Frank Arcularius and Sons. On May 14, 1959, a letter was written to Frank Arcularius advising him of the steps necessary to enable the Division of Water Resources to take action on the application. No response was received.

On May 24, 1962 a letter was written to Monitor Livestock Co. requesting an expression of interest in Application 13790. No response was made.

On June 25, 1968, this office initiated attempts to obtain an expression of interest from Monitor Livestock Co. or its successors. None of these attempts were successful.

The Bureau of Land Management has advised this office in a letter dated April 30, 1968 that the range users in the service area are Frank G. Arcularius and Albert Hooper.

13790

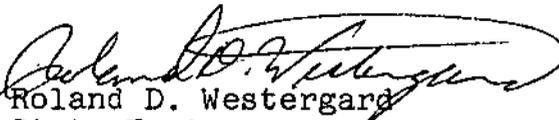
(2)

RULING

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Application 13790 is herewith denied on the grounds that granting of a permit, in instances where requested information is not supplied by the applicant or the successors in interest, and where the applicant can not beneficially use water, would be detrimental to the public welfare.

Respectfully Submitted,

  
Roland D. Westergard  
State Engineer

RDW:JCP:jb

Dated This 15th Day

of April, 1969.