

IN THE MATTER OF APPLICATION NO. 13580)
FILED BY RAYMOND LABARRY TO APPROPRIATE :
UNDERGROUND WATER FOR STOCKWATERING : RULING
PURPOSES IN CLARK COUNTY, NEVADA.)
Eureka

Application No. 13580 was filed on December 26, 1950 by Raymond Labarry to appropriate 0.10 c.f.s. of water from an underground source to water 4500 sheep and 250 cattle. The point of diversion and the place of use are located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 34, T. 22 N., R. 54 E., M.D.B.&M.

Notice of said application was published in the Eureka Sentinel in Eureka County, Nevada for the statutory period, the last date of publication being on February 16, 1951.

On February 13, 1951 a protest to the granting of this application was filed by Bertrand Arambel and/or Pete Etcheverry on the following grounds:

That said application was filed for range control; that the area in the vicinity of the proposed application has been used for many years by the protestants for the winter grazing of sheep; that said area is the general grazing area of sheepmen from the northern part of the state and that the granting of this application would deprive said sheepmen of their grazing privileges; that in the event said area is incorporated under the Taylor Grazing Act, the applicant would claim grazing areas not owned exclusively by him; that livestock grazing in said area have been watered from snow or the runoff therefrom for many years, and that all of said area has been used and appropriated under the Grazing Act or Range Control Act of 1931, Nevada Statutes, Chapter 226."

On July 10, 1951 a field investigation in the matter of this application was made by E. J. DeRicco, Field Engineer.

In the report of the Field Engineer it was pointed out that the proposed point of diversion is located in Diamond Valley at a point about three miles southwest of Monroe Canyon. During the field investigation the following statements were made concerning grazing use in the area in question:

The applicant stated that the range in the vicinity of said proposed point of diversion has been used exclusively by him and his predecessors. He further stated that it was his understanding that Monroe Canyon is the dividing line between his range and that of Bertrand Arambel and Pete Etcheverry.

Orville Wilson, Attorney for the protestants, stated that it was his understanding that Marcos Legarra, predecessor to the protestants, lambed sheep south of Monroe Canyon in the neighborhood of a

rocky bluff at a point about 3/4 of a mile northeast of the proposed point of diversion. On September 17, 1951 an affidavit by Fernando Segura was submitted to this office substantiating the statements of Orville Wilson concerning the grazing use south of Monroe Canyon.

According to the records in this office, the following water filings have been made in Monroe Canyon:

Certificate No. 1471 issued under Permit No. 7548 was issued to Marcos Legarra for 0.025 c.f.s. of the waters of Monroe Spring No. 2, or sufficient water to water 4000 sheep. The point of diversion and the place of use are located within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 13, T. 22 N., R. 54 E., M.D.B.&M. and the priority of appropriation is October 19, 1925.

Proof of Appropriation No. 01327 was filed on August 14, 1914 by Isaac T. Handley, claiming a vested right to the use of the waters of Munroe Spring for stockwatering purposes. The priority of appropriation is prior to the year 1899. According to the proof, 2000 head of sheep were watered at the spring from 1909 to the date of filing of the proof. Prior to that time 100 head of horses and cattle were watered by the claimant's predecessors. The point of diversion and the place of use are described as being in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 13, T. 22 N., R. 54 E., M.D.B.&M.

Proof of Appropriation No. 01327 is the northern-most filing in Diamond Valley in the name of I. T. Handley and Certificate No. 1471 is the southern-most filing in Diamond Valley in the name of Marcos Legarra.

From records in this office, it appears that in accordance with water appropriation the dividing line between the grazing areas of Marcos Legarra, now owned by Bertrand Arambel and Pete Etcheverry, and Isaac T. Handley, now owned by Raymond Labarry, is at a point in Monroe Canyon and extending east and west therefrom.

OPINION

It is the opinion of this office that Application No. 13580 has been filed within an exclusive grazing area now owned by Raymond Labarry and that the granting of said application will not impair the value of existing rights or be detrimental to the public welfare.

RULING

The protest to the granting of Application No. 13580 is here-
with overruled and a permit will be granted thereunder on receipt of
the statutory permit fee.

Respectfully submitted,

HUGH A. SHAMBERGER
State Engineer

By

Edmund Muth

EDMUND MUTH
Assistant State Engineer

Dated this 28th
day of January, 1954.