

IN THE MATTER OF APPLICATIONS )  
28120 THROUGH 28130 FILED BY )  
MONARCH ROYALTY INC. FOR )  
PERMISSION TO APPROPRIATE )  
WATER FROM SURFACE SOURCES AND )  
UNDERGROUND SOURCES IN PERSHING )  
COUNTY, NEVADA )

R U L I N G

GENERAL:

Application 28120 was filed by Monarch Royalty Inc. on February 20, 1974 for permission to appropriate 0.1 c.f.s. of water from an Unnamed Spring within the SW $\frac{1}{4}$  SW $\frac{1}{4}$  Section 36, T.29N., R.34E., M.D.B.&M. The place of use is Lots 7, 8, 11 and 12 Section 1, T.28N., R.34E., M.D.B.&M. The proposed use is mining, milling and domestic.

Application 28121 was filed by Monarch Royalty Inc. on February 20, 1974 to appropriate 0.5 c.f.s. of water from Spring Valley Creek for mining, milling and domestic purposes. The point of diversion is within the SW $\frac{1}{4}$  SE $\frac{1}{4}$  Section 36, T.29N., R.34E., M.D.B.&M. The proposed place of use is the same as Application 28120.

Application 28122 was filed by Monarch Royalty Inc. on February 20, 1974 to appropriate 0.1 c.f.s. of water from an Unnamed Spring within the SW $\frac{1}{4}$  SE $\frac{1}{4}$  Section 35, T.29N., R.34E. for mining, milling and domestic purposes. The proposed place of use is the same as under Application 28120.

Application 28123 was filed by Monarch Royalty Inc. on February 20, 1974 to appropriate 0.1 c.f.s. of water from an Unnamed Spring within the SW $\frac{1}{4}$  SW $\frac{1}{4}$  Section 35, T.29N., R.34E. for mining, milling and domestic purposes. The proposed place of use is the same as under Application 28120.

Application 28124 was filed by Monarch Royalty Inc. on February 20, 1974 to appropriate 1.0 c.f.s. of water from an underground source for mining, milling and domestic purposes. The point of diversion is within the NE $\frac{1}{4}$  SE $\frac{1}{4}$  Section 36, T.29N., R.34E. The proposed place of use is the same as under Application 28120.

Application 28125 was filed by Monarch Royalty Inc. on February 20, 1974 to appropriate 1.0 c.f.s. of water

from an underground source for mining, milling and domestic purposes. The point of diversion is within the SW $\frac{1}{4}$  SW $\frac{1}{4}$  Section 35, T.29N., R.34E. The proposed place of use is the same as under Application 28120.

Application 28126 was filed by Monarch Royalty Inc. on February 20, 1974 to appropriate 1.0 c.f.s. of water from an underground source for mining, milling and domestic purposes. The point of diversion is within the NW $\frac{1}{4}$  SW $\frac{1}{4}$  Section 35, T.29N., R.34E. The place of use is the same as under Application 28120.

Application 28127 was filed by Monarch Royalty Inc. on February 20, 1974 to appropriate 1.0 c.f.s. of water from an underground source for mining, milling and domestic purposes. The point of diversion is within the SE $\frac{1}{4}$  SE $\frac{1}{4}$  Section 34, T.29N., R.34E. The proposed place of use is the same as under Application 28120.

Application 28128 was filed by Monarch Royalty Inc. on February 20, 1974 to appropriate 1.0 c.f.s. of water from an underground source for mining, milling and domestic purposes. The point of diversion is within the SE $\frac{1}{4}$  SE $\frac{1}{4}$  Section 34, T.29N., R.34E. The proposed place of use is the same as under Application 28120.

Application 28129 was filed by Monarch Royalty Inc. on February 20, 1974 to appropriate 1.0 c.f.s. of water from an underground source for mining, milling and domestic purposes. The point of diversion is within the SE $\frac{1}{4}$  SE $\frac{1}{4}$  Section 34, T.29N., R.34E. The place of use is the same as under Application 28120.

Application 28130 was filed by Monarch Royalty Inc. on February 20, 1974 to appropriate 1.0 c.f.s. of water from an underground source for mining, milling and domestic purposes. The point of diversion is within the NE $\frac{1}{4}$  NE $\frac{1}{4}$  Section 3, T.28N., R.34E. The place of use is the same as under Application 28120.

Applications 28120 and 28121 were protested by Star Sheep Company, Inc. on July 23, 1974 on the grounds that "the protestant and its predecessors in interest have fully

used all of the waters of the spring --- that this use by protestant for livestock watering has been made for many years. Protestant claims a vested right in and to all of the waters of the spring for that purpose, since such use began prior to 1905".

Applications 28120 through 28130 were protested by Theodore H. Berry on August 5, 1974 on the grounds that said applications are "adverse to the rights granted and approved by the State Engineer under Application No. 10545".

A field investigation was held under these protests on May 21, 1975.

Certificate 3327, subject of Permit 10545 was issued December 14, 1949 for 0.118 c.f.s. of water from an underground source for mining and milling purposes. The point of diversion is within the SE $\frac{1}{4}$  SE $\frac{1}{4}$  Section 34, T.29N., R.34E., M.D.B.&M. The place of use is within Section 36, T.29N., R.34E. The owner of record of this certificate is Theodore H. Berry. No works of diversion or use of this water was observed during the field investigation.

Certificate 3423, subject to Permit 10564 of record in the name of Green L. and Lucy Storms was issued March 3, 1950 for 1.0 c.f.s. of water from Spring Valley Creek for mining and milling purposes. The point of diversion is within the SW $\frac{1}{4}$  SE $\frac{1}{4}$  Section 35, T.29N., R.34E., M.D.B.&M. The place of use is within the SE $\frac{1}{4}$  SE $\frac{1}{4}$  of said Section 35. No works of diversion or use of this water was observed during the field investigation.

**RULING:**

The protest filed by Star Sheep Corp. under Application 28120 is herewith upheld and Application 28120 is denied on the grounds of interference with existing water rights.

The protest filed by Star Sheep Co., Inc. under Application 28121 is herewith upheld and Application 28121 is denied on the grounds of interference with existing water rights.

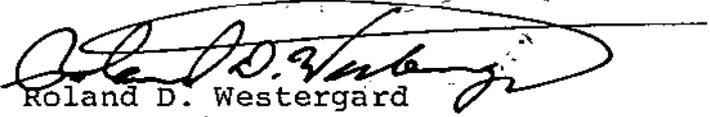
Ruling  
Applications 28120 through 28130  
Page 4

The protests filed under Applications 28122 through 28126 are herewith overruled on the grounds that unappropriated water is available from the sources under these applications and permits will be issued upon receipt of the statutory permit fees.

The protest filed under Application 28127 is herewith overruled and a permit will be issued subject to Certificate 3327, subject of Permit 10545 being an existing right for 0.118 c.f.s. of water for mining and milling purposes. A permit will be issued upon receipt of statutory permit fees.

The protests filed under Applications 28128, 28129 and 28130 are herewith overruled on the grounds that there is unappropriated water from the sources under these applications and the granting of permits will not interfere with existing rights. Permits will be issued upon receipt of statutory permit fees.

Respectfully submitted.



Roland D. Westergard  
State Engineer

RDW/RRD/lk

Dated this 17th day  
of July, 1975.