

IN THE MATTER OF APPLICATION)
26176 FOR THE WATERS OF WATER)
CANYON AND APPLICATION 26177)
FOR THE WATERS OF MONROE CANYON .IN)
EUREKA COUNTY, NEVADA.)

R U L I N G

GENERAL: 153

Application 26176 was filed on June 24, 1971, by the LaBarry and LaBarry Company for permission to appropriate 5.4 c.f.s. of the waters of Monroe Canyon, to be diverted within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 22, T.22N., R.54E., M.D.B.&M., for the irrigation of 320 acres within the W $\frac{1}{2}$ E $\frac{1}{2}$ and E $\frac{1}{2}$ W $\frac{1}{2}$ of said Sec. 22 and for domestic use.

Application 26177 was filed on June 24, 1971, by the LaBarry and LaBarry Company for permission to appropriate 5.4 c.f.s. of the waters of Water Canyon, to be diverted within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 27, T.22N., R.54E., M.D.B.&M., for the irrigation of 320 acres within the W $\frac{1}{2}$ E $\frac{1}{2}$ and E $\frac{1}{2}$ W $\frac{1}{2}$ of said Sec. 27 and for domestic use.

Protests to the granting of Applications 26176 and 26177 were filed on Sept. 10, 1971, by Jeanne Pierresteguy on the grounds that: "The said application will interfere with and diminish protestants vested or certificated waters in the area." The protestant therefore prays that both applications be denied.

An investigation into the matter of Applications 26176 and 26177 was conducted on August 9, 1973.

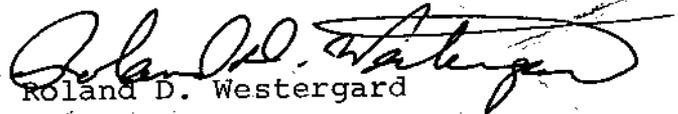
OPINION:

It is our opinion that there is unappropriated water in Water Canyon and Monroe Canyon that the granting of these applications will not tend to impair the value of existing rights or be otherwise detrimental to the public welfare.

RULING:

The protests to the granting of Applications 26176 and 26177 are hereby overruled, and a permit under each application will be granted subject to existing rights upon receipt of the statutory permit fees.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW:BAR:jw

Dated this 6th day of
September, 1973.