

IN THE MATTER OF APPLICATION NO. 16970,  
FILED BY FRED M. FULSTONE, JR., TO  
APPROPRIATE FLOOD AND SURPLUS WATERS  
OF DESERT CREEK, IN LYON COUNTY, NEVADA. }

RULING

Application No. 16970 was filed on June 21, 1956, to appropriate 15.0 c.f.s. for irrigation purposes, from January 1st to December 31st, of each year.

Protests to the granting of this application were filed as follows:

- On December 29, 1956 by F. W. Simpson, Jr.
- On December 29, 1956 by Ambro Rosaschi, Jr., Administrator of the Estate of Ambro Rosaschi
- On January 16, 1957 by Norman D. Brown, Inc.
- On January 24, 1957 by Walker River Irrigation District
- On January 25, 1957 by Norman A. Wolfson
- On February 8, 1957 by Gertrude M. Hickey. Protest received too late for filing.

General:

The waters of Desert Creek are tributary to the Walker River and have been decreed under the Walker River Decree, No. C-125, U. S. District Court, for the District of Nevada. The flood and surplus waters of the stream system occur for short periods of time and are used to satisfy decreed rights on the Walker River Stream System.

RULING

The protests to the granting of Application No. 16970 are sustained and the application is denied on grounds that its granting would impair the value of existing rights and would be detrimental to the public welfare.

Respectfully submitted,

*Edmund A. Muth*  
EDMUND A. MUTH  
State Engineer.

Dated this 25th day  
of May, 1959.