

IN THE MATTER OF APPLICATION 22347 )  
FILED DECEMBER 1, 1964 BY VERN V. CYR )  
TO APPROPRIATE WATERS OF A DEVELOPED ) R U L I N G  
SPRING FOR IRRIGATION PURPOSES IN NYE )  
COUNTY, NEVADA )

General:

Application 22437 was filed on December 1, 1964 by Vern V. Cyr to appropriate waters of a developed spring at a point within the SE $\frac{1}{4}$ SW $\frac{1}{4}$  Sec. 4, T. 10 N., R. 58 E., M.D.B.&M. The water is to be used for irrigation purposes on 640 acres of land.

A protest to the granting of this application was filed by Manzonie Brothers on March 26, 1965, with the request that the application be denied. The grounds for the protest were as follows:

"Spring development has been carried on prior to issuance of any permit by the State Engineer. Development of the spring source has been accomplished without our knowledge of adequate provision for protecting the ground water table of the Upper Ranches belonging to Manzonie Brothers.

"Springs in southeast corner of the Cyr patented land is part of the Decreed Right on Currant Creek; therefore all developed spring waters and particularly Application 22347 in the amount of 1 cfs should be part of the Decreed Right on Currant Creek."

The application under description of proposed works includes, "Trench in spring area and pipe line to reservoir."

A field investigation in the matter of the application and protest was held on June 15, 1965.

The investigation disclosed that a pit had been dug at the proposed point of diversion. There was water standing in the pit but there was no outflow from it. The applicant said that there had been no water in the pit until the adjacent

lands were irrigated. Water was being developed in a trench which extends in a southwesterly direction from the point of diversion. There was no evidence that there could be natural surface inflow to Currant Creek from the spring area.

Opinion:

Application 22347 was filed to appropriate water from a developed spring at a specific point described as the point of diversion. The trench is developing either drainage or underground water. The proposed appropriation under Application 22347 would be restricted to a developed spring in the immediate vicinity of the point of diversion described. The amount of water available as a result of the development of the spring would not be a natural surface tributary to Currant Creek. The amount developed as drainage from irrigation of adjacent lands should be considered recycling of water previously allotted to the appropriator.

RULING

The protest to Application 22347 is over-ruled on the grounds that water developed in the spring would not be a natural surface tributary to Currant Creek and, therefore, is not chargeable to Currant Creek decreed rights.

Upon receipt of the permit fee, Application 22347 will be granted subject to the conditions of the application. That is, the source is limited to a developed spring at the point of diversion described.

Respectfully submitted,

George W. Hennen  
State Engineer

BY   
Roland D. Westergard  
Assistant State Engineer

RDW:m

Dated this 6th day  
of July, 1965.