

IN THE MATTER OF APPLICATION NO. 17508,
FILED BY GAILIN, JOHNNY, DELLIE & JOHN
MANZONIE, TO APPROPRIATE THE WATER OF
DUCKWATER CHANNEL FOR IRRIGATION AND
DOMESTIC PURPOSES IN NYE COUNTY, NEVADA

RULING

General:

173 Application No. 17508 was filed on March 12, 1958 to appropriate 10.0 c.f.s. of the surplus flow in Duckwater Channel, for irrigation and domestic purposes. The point of diversion is described as being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 30, T. 10 N., R. 57 E., M.B.D.&M. The place of use is 720 acres of land within portions of Section 31, T. 10 N., R. 57 E. and Section 6, T. 9 N., R. 57 E., M.D.B.&M. The period of use is from January 1st to December 31st of each year.

Protests to the granting of this application were filed as follows: On April 17, 1958 by Karl Bradshaw, on grounds that it would interfere with existing water rights on the source. On May 26, 1958 by Wm. A. Bartholomae on grounds that it would interfere with presently decreed rights on the Duckwater Stream System.

Application No. 17508 has been filed to replace Application No. 13829, which was cancelled on September 24, 1956, because of the failure of the applicant to comply with the provisions of the permit. In a ruling issued by this office on December 30, 1953, Application No. 13829 was granted subject to the following provisions: "This appropriation is predicated on the presence of available water at the point of diversion and will not obligate the decreed water users of Duckwater Creek in any way as to the continuance of such flow of water".

RULING

The protests to the granting of Application No. 17058 are herewith overruled on grounds that the granting of said application will not impair the value of existing rights or be otherwise detrimental to the public welfare.

On receipt of the statutory permit fee a permit will be issued under said application, subject to the provision set forth under Application No. 13829, as quoted above.

Respectfully submitted,

Edmund A. Muth
EDMUND A. MUTH
State Engineer.

Dated July 9, 1958