

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATIONS 37022,  
37024 AND 37745 FILED TO APPROPRIATE  
THE PUBLIC WATERS OF CURRANT CREEK)  
DRAINAGE IN RAILROAD VALLEY, NYE)  
COUNTY, NEVADA. )

RULING

GENERAL

Application 37022 was filed on March 14, 1979, by Deil O. Gustafson to appropriate 4.0 c.f.s. of water from Currant Creek for irrigation and domestic purposes on 240 acres of land within the SW1/4, W1/2 SE1/4 Section 7, T.10N., R.58E., M.D.B.&M. The point of diversion is described as being within the SW1/4 NE1/4 Section 7, T.10N., R.58E., M.D.B.&M.<sup>1</sup>

Application 37024 was filed on September 10, 1979, by James Ferrozzo to appropriate 5.4 c.f.s. of water from Currant Creek for irrigation and domestic purposes on 320 acres of land within the NW1/4, N1/2 NE1/4, SW1/4 NE1/4 Section 7; NW1/4 NW1/4 Section 8, T.10N., R.58E., M.D.B.&M. The point of diversion is described as being within the SW1/4 NW1/4 Section 8, T.10N., R.58E., M.D.B.&M.<sup>1</sup>

Application 37745 was filed on April 6, 1979, by Sylvester P. and Patricia Gualco to appropriate 8.8 c.f.s. of water from Currant Creek for irrigation and domestic purposes on 520 acres of land within the NE1/4 NE1/4, S1/2 N1/2, S1/2 Section 11, T.10N., R.57E., M.D.B.&M. The point of diversion is described as being within the SW1/4 SW1/4 Section 1, T.10N., R.57E., M.D.B.&M.<sup>1</sup>

A timely protest was filed to the granting of Applications 37022, 37024 and 37745 by John Manzonie, Gailin Manzonie and John Dennis Manzonie. The grounds of the protest are as follows:<sup>1</sup>

"That all of the waters in the Currant Creek stream have been appropriated pursuant to the decree and court order on file in Nye County, Nevada. Therefore, there are no additional waters to be appropriated and said application should be deemed to be void."

FINDINGS OF FACT

I.

The Currant Creek Decree states that all of the waters of Currant Creek are fully appropriated.<sup>2</sup>

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<sup>1</sup> Public record in the office of the State Engineer.

<sup>2</sup> Decree, in the Matter of the Determination of the Relative Rights in and to the Waters of Currant Creek and Its Tributaries, Fifth Judicial District Court, Nye County, State of Nevada, dated April 23, 1921.

CONCLUSIONS

I.

The State Engineer has jurisdiction of the parties and the subject matter of this action.<sup>3</sup>

II.

The State Engineer is prohibited by law from granting a permit under an application to appropriate the public waters where:<sup>4</sup>

- A. There is no unappropriated water at the proposed source, or
- B. The proposed use conflicts with existing rights, or
- C. The proposed use threatens to prove detrimental to the public interest.

III.

In the Currant Creek Decree, the Court states under Item F "that there are no unappropriated or surplus or waste waters..." that are not appropriated.<sup>2</sup>

RULING

Applications 37022, 37024 and 37745 are hereby denied on the grounds that there is no unappropriated water in the source as set forth in the Currant Creek Decree and further that the granting of said applications would tend to impair the value of existing rights.

Respectfully submitted,



PETER G. MORROS  
State Engineer

PGM/SW/bl

Dated this 15th day of  
May, 1985.

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<sup>3</sup> NRS 533.325.

<sup>4</sup> NRS 533.370(3).