

IN THE OFFICE OF THE STATE ENGINEER  
OF THE STATE OF NEVADA

1022

ORDER

Mr. Michael Dennis Sayan  
710 West Robinson Street  
Carson City, Nevada 89701  
Certified Mail No. P 117 624 960

Mr. Myron Gaylord Sayan  
1201 Highway 395 North  
Carson City, Nevada 89704  
Certified Mail No. P 117 624 961

Pursuant to complaints received by the Office of the State Engineer from representatives of John Jay Casey, a letter was sent to Mr. Michael D. Sayan on September 21, 1989, advising him of unauthorized diversions observed by staff on Winters Creek, a decreed natural stream located within portions of the NW $\frac{1}{4}$  Section 26, NE $\frac{1}{4}$  Section 27, T.17N., R.19E., M.D.B.&M.

Mr. Sayan was requested to correct any such diversions, ponds or other interruption of the flow of Winters Creek, the violation of which is subject to criminal or civil penalties.

Following another complaint, a field investigation was conducted by this office on March 30, 1990, to determine if Winters Creek was being obstructed illegally.

The investigation revealed the water was being detained and consumed through illegal ditches and ponds diverted from the natural channel within your respective properties. The obstructions are interfering with and adversely affecting existing water rights on Winters Creek.

You are hereby advised that NRS 535.050 prohibits the obstruction of any stream channel or water course in the State of Nevada when said obstruction has not been legally established and recognized through a valid claim of vested right, by court decree or by a permit issued by the State of Nevada.

Further NRS 535.050 provides for removal of any dam or obstruction not in compliance with said statute.

NRS 533.460 provides "the unauthorized use of water to which another person is entitled, or the willful waste of water to the detriment of another, shall be a misdemeanor, and the possession or use of such water without legal right shall be prima facie evidence of the guilt of the person using or diverting it".

You are hereby ORDERED to restore the entire flow of water of Winters Creek to the natural stream channel within the confines of your properties as depicted on the attached map. This includes removing all diversion ditches and ponds or dams related thereto and providing stream bank protection for those sections that have been altered. Failure to comply with this order within a period of 30 days of the date of this order will result in the State Engineer pursuing appropriate action in the appropriate district court.



R. MICHAEL TURNIPSEED  
State Engineer

Dated at Carson City, Nevada,  
this 16th day of April, 1990.

