

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

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IN THE MATTER OF THE DETERMINATION OF THE )  
RELATIVE RIGHTS OF CLAIMANTS AND APPROPRIATORS )  
OF THE WATER OF BROWNS CREEK AND ITS ) ORDER  
TRIBUTARIES, CASE NO. 310683 IN THE SECOND )  
JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, )  
IN AND FOR THE COUNTY OF WASHOE. )

The Decree entered in Case No. 310683 provides, among others, the following provisions:

"That all measurements of water diverted are to be made at a point where the main ditch enters or becomes adjacent to the land to be irrigated or as near thereto as is practicable; that the location, if not selected by the State Engineer, to be approved by him. That the water user shall install and maintain at his own expense substantial and easily operated regulating headgates and measuring devices in his ditch or ditches or channel. That due allowance for losses in ditches will be made by the State Engineer in the event it becomes necessary."

NRS 533.220 provides in part as follows:

"1. From and after the filing of the order of determination in the district court, the distribution of water by the State Engineer or by any of his assistants or by the water commissioners or their assistants shall, at all times, be under the supervision and control of the district court. Such officers and each of them shall, at all times, be deemed to be officers of the court in distributing water under and pursuant to the order of determination or under and pursuant to the decree of the court.

"2. Upon the neglect or refusal of any claimant to the use of water as provided in this chapter to carry out or abide by an order or decision of the State Engineer acting as an officer of the court, the State Engineer may petition the district court having jurisdiction of the matter for a review of such order and cause to be issued thereon an order to show cause why the order and decision should not be complied with."

Pursuant to the provisions of the Decree of the Second Judicial District Court of the State of Nevada herein referred to and in conformity with the Statutes of the State of Nevada relating to water matters, you are hereby ordered to install suitable headgates and measuring devices in your ditch which diverts water from Browns Creek as soon as practicable, but in any event not later than November 1, 1976. No diversion of the water of Browns Creek into the Joy Lake Ditch will be permitted after November 1st until a satisfactory head-gate and measuring device have been installed.

Dated this 5th day of October, 1976.

  
Roland D. Westergard,  
State Engineer