

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

ORDER

J. C. and E. A. McLennan  
3283 Old Highway 395, North  
Carson City, Nevada 89701

During the irrigation season in 1986, complaints were received from the foreman of the Winters Ranch owned by John Casey concerning an alleged illegal diversion of waters from the Dall Ditch, a diversionary channel from Ophir Creek which is a decreed stream system.

Field investigations confirmed that water was being diverted to a pond located within the SE1/4 Section 34, T.17N., R.19E., M.D.B.&M., or more specifically, Assessors Parcel No. 031-09, owned by you. A check of our records indicated that there are no water rights from Ophir Creek for the referenced parcel of land.

The illegal diversion was blocked off and posted by staff members of this office during May and June 1986. Since that time, the diversion has been reestablished and the posted signs removed. Water was again observed flowing into the pond on June 24, 1987, and July 10, 1987.

You are hereby informed that under Nevada Revised Statutes 533.460 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.

The referenced illegal diversion of water is interfering with and adversely affecting existing water rights on Ophir Creek and its tributaries. Therefore, you are hereby ordered to immediately cease and desist use of all diversions of Ophir Creek and its diversion system.

  
Peter G. Morros  
State Engineer

Dated at Carson City, Nevada, this  
23rd day of July, 1987.

Certified Mail No. P491 781 038