

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

O R D E R

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The waters of the Little Humboldt River system were adjudicated under Case No. 3157 in the Sixth Judicial District Court of the State of Nevada in and for the County of Humboldt. The adjudication determined all the relative rights of all claimants and appropriators of the waters of the Little Humboldt River system. The rights of all users were set out in the "Little Humboldt River Adjudication", sometimes referred to as the "Carville Decree".

On page 75 of the Carville Decree in the first full paragraph, the Court ordered, adjudged and decreed that "...the State Engineer and his assistants shall be the administrators of the waters of the Little Humboldt River and its tributaries, and he shall make such rules and regulations as may be necessary for the proper distribution of said waters so long as said rules conform to the findings of this Court and this Decree."

Also, on page 75 of the Carville Decree in the second full paragraph, the Court ordered, adjudged and decreed that "...each of said parties is hereby enjoined and restrained from taking, diverting or interfering in any way with the waters of said Little Humboldt River Stream System so as to in anyway, shape or manner interfere with the diversion, enjoyment and use of the waters of any of the other parties to this action."

During a field investigation conducted on May 10, 1993, by this office and the duly appointed and authorized Little Humboldt River Water Commissioner(s), it was determined that an illegal diversion of water from Handy Creek, a tributary to Cottonwood Creek has occurred and continues to persist on lands located with the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 26, T.42N., R.39E., M.D.B.&M., thereby interfering with the prior rights of other claimants under the

heretofore referenced Carville Decree (p. 75 1-2d Ordering Paragraphs, a copy of page 75 is attached to and fully incorporated herein by reference).

YOU ARE HEREBY ORDERED, to cease and desist all diversion of water of any sort and return all water to the natural channel.

IT IS FURTHER ORDERED, that you cease and desist all irrigation of the above described lands having no water right as provided in said decree or NRS 533.030.

Failure to cease diversion of water and returning said water to the natural channel will result in the appropriate judicial action.


R. MICHAEL TURNIPSEED, P.E.
State Engineer

Dated at Carson City, Nevada this
13th day of May, 1993.

cc: Sixth Judicial District Court
Wayne Testolin
Steve DelSoldado

That the State Engineer and his assistants shall be the administrators of the waters of the Little Humboldt River and its tributaries, and he shall make such rules and regulations as may be necessary for the proper distribution of said waters so long as said rules conform to the findings of this Court and this Decree.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that each of the parties hereinbefore named is the owner of the flow and use of the several amounts of water appropriated to him and as set forth herein, and in said Order of Determination where no change has been made; that each and every party to this action, and their and each of their servants, agents and attorneys, and all persons claiming by, through or under them, and their successors and assigns, in and to the water rights and lands herein described be and each of them is forever enjoined and restrained from claiming any rights in or to the waters of the Little Humboldt River Stream System, except the rights set up and specified in this Decree, and each of said parties is hereby enjoined and restrained from taking, diverting or interfering in anyway with the waters of said Little Humboldt River Stream System so as to in anyway, shape or manner interfere with the diversion, enjoyment and use of the waters of any of the other parties to this action as set forth in this Decree, having due regard to the relative priorities therein contained, and each of said parties is enjoined and restrained from ever taking, diverting, carrying away, or otherwise using or claiming any of the waters so allotted to him in any manner or at any time so as to in anyway interfere with the prior rights of other parties to this action, as the same are herein determined, or until such parties having prior rights as herein specified have received upon their several lands all waters so adjudged to be due them.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that it was necessary for the Court to employ W. H. Settlemeyer of Elko, Nevada, a competent water-right engineer, as Technical Adviser to the Court in the trial of this case and to conduct physical examinations and investigations along said stream system, and that the sum of \$2,200 is a fair and reasonable charge for such service, and said amount is hereby assessed as cost herein together with all other legal cost herein, against the parties to this action in proportion to the amount of water right allotted to each of said parties.

AND IT IS ORDERED that the State Engineer certify all of said cost, and such other legal costs as may have been incurred in the sum of \$..... to the Board of County Commissioners of Humboldt County, Nevada, and that said board in turn, certify all of said costs, including also said sum of \$2,200, to the County Assessor of said County, who shall enter the amount thereof on his assessment roll to be collected in accordance with section 36 of the Water Code of Nevada.

Dated this.....day of....., 1935.

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Former District Judge Who Presided at Trial.