

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

ORDER

Jan and Dianne E. Afflerbach
245 North 20th Street
Las Vegas, Nevada 89101
Certified Mail P 187 502 811

Henry and Janet Shaw
John Britz
2309 Perliter Avenue
North Las Vegas, Nevada 89030
Certified Mail P 187 502 812

WHEREAS, the records of the Clark County Assessor's Office indicate that Henry and Janet Shaw and John Britz are the owners of record of Assessor's Parcel Numbers 54-54-012, which is located within the NE 1/4 of the SE 1/4 of Section 36, T.17S., R.55E., M.D.B.&M;

WHEREAS, the records of the Clark County Assessor's Office indicate that Jan and Dianne E. Afflerbach are the owners of record of Assessor's Parcel Numbers 54-54-009 and 54-54-032, which are located within the NE 1/4 of the SE 1/4 of Section 36, T. 17 S., R. 55 E., M.D.B.&M;

WHEREAS, field investigations were conducted on June 2, 1994 and on February 23, 1995 by staff of the Southern Nevada Branch Office of the Nevada Division of Water Resources. Said investigations found that water was being diverted from Cold Creek by means of a hydraulic ram apparatus on parcel number 54-54-012 and being used for irrigation purposes on Parcel Numbers 54-54-009 and 032;

WHEREAS, the records of the Division of Water Resources indicate there is no permit of record for that portion of the NE¼ SE¼, Section 36, T.17S, R.55E., M.D.B.&M., that being Clark County Assessors Parcel Numbers 54-54-009 and 54-54-032;

WHEREAS, Nevada Revised Statutes 533.325 states, that "Any person who wishes to appropriate any of the public waters, or to change the place of diversion, manner of use or the place of use of water already appropriated, shall, before performing any work in connection with such appropriation, change in place of diversion or change in manner or place of use, apply to the state engineer for a permit to do so";

WHEREAS, no application to appropriate or to change water already appropriated from Cold Creek has been filed and no permit issued for use on Clark County Assessor's Parcel Numbers 54-54-009 and 54-54-032;

NOW THEREFORE, YOU AND ALL OF YOU ARE HEREBY ORDERED to cease and desist immediately the use of water from this diversion. It is further ordered that said hydraulic ram be removed from the waters of Cold Creek within 30 days of the date of this Order.


R. MICHAEL TURNPSEED, P.E.
State Engineer

Dated at Carson City, Nevada

this 27 day of March, 1995.