

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

1147

O R D E R

Kathy Steele
800 North U.S. 395
Carson City, Nevada 89704
Certified Mail No. Z 559 485 942

WHEREAS, water rights under Proof No. V-02757 were decreed "IN THE MATTER OF THE DETERMINATION OF THE RELATIVE RIGHTS IN AND TO THE WATERS OF BROWNS CREEK AND ITS TRIBUTARIES IN WASHOE COUNTY STATE OF NEVADA."

WHEREAS, water rights for lands located within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 23, T.17N., R.19E., M.D.B.&M., Washoe County Assessor's Parcel No. 50-5231-04, were not recognized in the Browns Creek Decree.

WHEREAS, Albert W. "Bill" Dyer submitted a written complaint to the office of the State Engineer on October 15, 1998. Mr. Dyer is an owner of a portion of the land to which Browns Creek decreed water rights are appurtenant. Mr. Dyer's land is located within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 26, T.17N., R.19E., M.D.B.&M., and is further described as Washoe County Assessor's Parcel No. 50-210-44.

WHEREAS, a field investigation conducted on October 19, 1998, by staff of the State Engineer's office determined that an illegal diversion of water from Browns Creek Ditch is occurring and continues to persist. Water is being diverted to lands located within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 23, T.17N., R.19E., M.D.B.&M., thereby interfering with the prior rights of other claimants under said Decree.

WHEREAS, the hereinabove described activity is in direct violation of the heretofore referenced Browns Creek Decree.

WHEREAS, no permit has been issued under Application 64025 as set forth in Nevada Revised Statutes 533.370 to 533.375. Therefore, no right currently exists to divert and beneficially use water on land owned by Kathy Steele located within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 23, T.17N., R.19E., M.D.B.&M., Washoe County Assessor's Parcel No. 50-231-04.

NOW THEREFORE, YOU ARE HEREBY ORDERED to Cease and Desist all diversion of water of any sort and return all water to the ditch.

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 failure to return said water to the ditch will result in judicial action before the court maintaining jurisdiction over said decree.


R. Michael Turnpseed, P.E.
State Engineer

Dated at Carson City, Nevada this
17th Day of November, 1998.