

IN THE OFFICE OF THE STATE ENGINEER

OF THE STATE OF NEVADA

1208

ORDER

WHEREAS, the Decree Affirming Order of Determination In the Matter of the Determination of the Relative Rights in and to the Waters of Clear Creek in Pershing County, State of Nevada was adjudged by the Sixth Judicial District Court of the State of Nevada by the honorable James A. Callahan on November 25, 1919.

WHEREAS, State Engineer's Order 387 dated April 26, 1971, required the construction and maintenance of suitable headgates and measuring devices.

WHEREAS, personnel of the Office of the State Engineer conducted an informal field investigation in which four check dams were identified on the property of Robert Dennis Brown and Sharron A. Brown that interfere, retard and/or impede the flow of waters of Clear Creek along a channel that is the conduit by which a senior priority right receives its water.

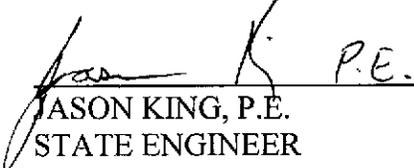
WHEREAS, said dams are not built at established points of diversion nor with structures that will allow for control of distribution by the water commissioner.

WHEREAS, the location of said dams are identified as follows (NAD 83):

1. 40.7421478 N., 117.7836453 W.
2. 40.7471122 N., 117.7851497 W.
3. 40.7486419 N., 117.7848445 W.
4. 40.7520772 N., 117.7850650 W.

WHEREAS, a new ditch has been constructed on the adjoining property to correct issues on said property, and that if a channel is cut from where the new ditch enters the Brown's property to where the old ditch entered the Brown's property, a fifth dam (the "East Dam") would be bypassed making its removal moot.

NOW THEREFORE, to ensure that the waters of the Clear Creek are delivered according to the Decree, the State Engineer hereby orders that the four dams located and described above be removed and that a channel be cut from where the new ditch enters the property to where the old ditch entered the property to bypass the fifth dam described above. The entire work must be completed within thirty (30) days from the date of service to the owner of record.



JASON KING, P.E.
STATE ENGINEER

Dated at Carson City, Nevada this

06th day of May, 2010.

Locations of Dams and Ditches Described in State Engineer's Order 1208, Dated May 06, 2010

