

IN THE MATTER OF THE DETERMINATION OF THE)
RELATIVE RIGHTS IN AND TO THE WATERS OF :
CURRANT CREEK AND ITS TRIBUTARIES IN NYE :
COUNTY, NEVADA.)

213

ORDER

Section 8 page 10 of the Currant Creek Decree provides the following provisions:

"Each water user shall install and maintain substantial headgates and wiers in his ditches which shall be approved by the State Engineer and shall be installed at such place or places as the State Engineer shall designate. Diversions are to be made at the point where the main channel enters or becomes adjacent to the land to be irrigated or as near thereto as practicable. The parties shall take and use the water allotted to them in continuous flow and not in rotation unless they shall otherwise all agree thereto in writing."

Section 36 $\frac{1}{2}$, Chapter 192, Statutes of 1927 as amended, Chapter 110, Statutes of 1951, provides in part as follows:

"From and after the filing of the order of determination in the district court the distribution of water by the state engineer or by any of his assistants or by the water commissioners or their assistants, shall at all times, be under the supervision and control of the district court, and said officers and each of them shall, at all times be deemed to be officers of the court in distributing water under and pursuant to the order of determination or under and pursuant to decree of the court. Upon the neglect or refusal of any claimant to the use of water as provided in this act to carry out or abide by an order or decision of the state engineer acting as an officer of the court, the state engineer may petition the district court having jurisdiction of the matter for a review of such order and cause to be issued thereon an order to show cause why the said order and/or decision should not be complied with."

Section 56, Chapter 140, Statutes of 1913 as amended, Chapter 159, Statutes of 1947, provides in part as follows:

"The owner or owners of any ditch or canal shall maintain to the satisfaction of the state engineer a substantial headgate at or near the point where the water is diverted, which shall be of such construction that it can be locked and kept closed by the water commissioner; and such owners shall construct and maintain, when required by the state engineer, suitable measuring devices at such points along such ditch as may be necessary for the purpose of assisting the water commissioner in determining the amount of water that is to be diverted into said ditch from the stream, or taken from it by the various users."

Pursuant to the provisions of the Decree of the Fifth Judicial District Court of the State of Nevada herein referred to and in conformity with the statutes of the State of Nevada relating to water matters, you are hereby ordered to install suitable headgates and measuring devices in all of your ditches which divert water from Currant Creek and its Tributaries as soon as practicable, but in no event not later than the beginning of the 1954 irrigation season which date is March 1, 1954.

Dated this 4th day of January, 1954.

HUGH A. SHAMBERGER
State Engineer

By Edmund D. Smith
Assistant State Engineer