

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

ORDER

REQUIRING INSTALLATION OF HEADGATES,
MEASURING DEVICES, AND/OR RECORDING
DEVICES ON KINGSTON CREEK AND ITS
TRIBUTARIES IN LANDER COUNTY, NEVADA

Mr. Glenn Griffith, Director
Nevada Department of Wildlife
P.O. Box 10678
Reno, Nevada 89504

Regional Forester
U.S. Forest Service
324 25th Street
Ogden, Utah 84401

Mr. J. Chester Young
Route 2, Box 5
Austin, Nevada 89310

Mr. Myron E. Etienne
P.O. Box 849
Salinas, California 93902

Mr. Don Cirac, Chairman
Town Board, Town of Kingston
Kingston Village
Austin, Nevada 89310

Millett Ranch, Inc.
c/o Gordon Shelley
50 Washington Street
Reno, Nevada 89503

The Decree entered in Case No. 3073 provides: "That all water diverted from Kingston Creek (also known as Big Smoky Creek) and its tributaries for irrigation purposes shall be measured at a point where the water enters or becomes adjacent to the land to be irrigated or as near thereto as practicable.

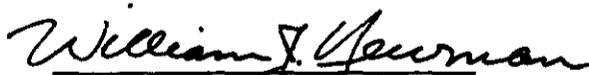
"Substantial headgates and weirs must be installed wherever necessary to insure and facilitate the proper measurement, control and distribution of water in accordance with the rights herein defined."

Nevada Revised Statutes 533.220 provides in part: "1. 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. Such 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 the decree of the court.

" 2. Upon the neglect or refusal of any claimant to the use of water as provided in this chapter out or abide by an order of 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 order and decision should not be complied with."

Pursuant to the provisions of the Decree of the Third Judicial District Court of the State of Nevada herein referred to, and in conformity with the Statutes of the State of Nevada referring to the distribution of water, you and each of you, are hereby ordered to install suitable headgates, measuring devices, and/or recording devices, as may be required or deemed to be necessary by the State Engineer, in your ditch, ditches or conduits which divert water from Kingston Creek (also known as Big Smoky Creek) and its tributaries; or in the case of the Nevada Department of Wildlife in the main channel of Kinston Creek. The installation of such headgates, measuring devices and/or recording devices must be completed by March 17, 1980. The location of such headgates, measuring devices and/or recording devices, if not selected by the state engineer, shall be approved by the state engineer. The location at which the headgates, measuring devices and/or recording devices are proposed to be installed must be submitted to the state engineer for his approval within thirty days of the date of this order. The type, design, construction and installation of such headgates, measuring devices, and/or recording devices must be approved by the state engineer.


William J. Newman
State Engineer

Dated this 6th day of Dec., 1979.