

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

984

O R D E R

Von L. Sorensen
591 - 13th Street
Elko, Nevada 89801
Certified Mail No. P765 719 840

I

You are a water user on the Humboldt River Stream System and its Tributaries.

This water system was adjudicated under Case #2804 in the Sixth Judicial District Court of the State of Nevada, in and for the County of Humboldt. The adjudication determined all the relative rights of all claimants and appropriators of the waters of the Humboldt River System.

The rights of all users were set out in the "Humboldt River Adjudication", sometimes referred to as the "Blue Book". The Blue Book includes:

The Bartlett Decree;

The Intervening Orders;

The Edwards Decree;

The Late Orders;

The Alternative Writ of Prohibition in Carpenter v. District Court;

and

Decision of the Supreme Court.

On page 243 of the Bartlett Decree in the 2nd paragraph, the Court ordered, adjudged and decreed; "Each water user shall install and maintain substantial headgates and weirs in his ditch or ditches."

To insure that you as a water user of the Humboldt River System get your decreed water, YOU ARE HEREBY ORDERED as follows:

1. To install a substantial headgate as designated by the State Engineer. This headgate must be adequate to enable regulation of water to an open or closed position and must be able to be secured and locked.
2. To install a measuring device or weir as designated by the State Engineer. This measuring device must be adequate to measure water easily in order to facilitate water distribution.
3. To have the above described headgate and weir installed and in operable condition before the start of the irrigation season of 1989.

II

During a field investigation conducted on September 7, 1988, by this office and the duly appointed and authorized Humboldt River Water Commissioners, it was determined that the waters of Secret Creek have been and continue to be obstructed by solid dams, without legally established right, within the NE $\frac{1}{4}$ of Section 8, and the NW $\frac{1}{4}$ and the SW $\frac{1}{4}$ of Section 11, all in T.34N., R.60E., M.D.B.&M., thereby causing such waters to flow out to and upon lands owned by you in the NW $\frac{1}{4}$ and SW $\frac{1}{4}$ of Section 11, T.34N., R.60E., M.D.B.&M. Said lands have no appurtenant water rights from Secret Creek and/or its tributaries.

The hereinabove described activity is in direct violation of the heretofore referenced Humboldt Decree (Bartlett Decree at p.244 2d Ordering Paragraph, a copy of page 244 is attached to and fully incorporated herein by reference).

YOU ARE HEREBY ORDERED, to remove said dams forthwith.

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.


Peter G. Morros
State Engineer

Dated at Carson City, Nevada,

this 21st day of SEPTEMBER, 1988.

cc: The Honorable Jerry V. Sullivan, District Judge, Sixth Judicial
District Court
Ralph Gamboa

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that no claimant or appropriator along the stream system or its tributaries has a prescriptive right to the use of waters of said stream system or its tributaries.

IT IS FURTHER ORDERED ADJUDGED AND DECREED that each and every water user and claimant to the Humboldt stream system and its tributaries and each of their agents, attorneys servants and employees, and their successors in interest and all and every person or persons acting in aid or assistance of the said parties or either of or any of them be, and that each of them is, hereby perpetually enjoined and restrained as follows, to wit:

(a) From at any time diverting or using any of the water of the Humboldt stream system and its tributaries hereinbefore mentioned, except to the extent and in the amount and in the manner and at the time or times set by this Decree to such respective party hereto allotted, allowed, prescribed and determined, or allowed by permits which have been or may hereafter be granted by the State Engineer of the State of Nevada.

(b) From diverting from the natural channel and from using any of the said water for irrigation or for any other purpose, in excess of the specific allotment herein set by this Decree, or in excess of the specific allotment under a permit granted or that may hereafter be granted by the State Engineer of the State of Nevada.

(c) From diverting from the natural channel and from using any of the said water in any other manner or for any other purpose or purposes or upon any other land or lands than as provided and prescribed by the terms of this Decree or by a permit granted or that may hereafter be granted by the State Engineer of the State of Nevada.

(d) From diverting from the natural channel and from using any of the said water at any other time or times than as specified and provided by the terms of this Decree or by a permit granted or that may hereafter be granted by the State Engineer of the State of Nevada.

(e) From in any manner meddling with, opening, closing, changing, injuring or interfering with any headgates, weirs, water box, flume or measuring device, placed, installed or established by the State Engineer or by his authority or direction, unless such act be done by the permission or authority of the Water Commissioner, if during the period of his regulation or control of said water, or if not done during such period, then by virtue of the allowances, authority, terms and provisions of this Decree or by a permit granted or that may hereafter be granted by the State Engineer of the State of Nevada.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the costs in this proceeding amounting to dollars is hereby assessed proportionately to claimants and appropriators of the Humboldt stream system and its tributaries based upon the amount of acreage set forth in this Decree to which water has been allotted.

Dated this 20th day of October, 1931.

GEO. A. BARTLETT,
Former District Judge Presiding at the Trial.