

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

O R D E R

Boyd Ranches
P. O. Box 16
Halleck, NV 89824
Certified Mail #P 680 337 648

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I.

Each of you is 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 are 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 (a copy of which is attached hereto and by this reference fully incorporated herein) 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 each of you as a water user of the Humboldt River System get your decreed water, IT IS HEREBY ORDERED THAT EACH OF YOU:

1. Install a substantial headgate as designated by the State Engineer at each and every lawful point of diversion. These headgates must be adequate to enable regulation of water to an open or closed position and must be able to be secured and locked.
2. Install a measuring device or weir as designated by the State Engineer at each and every lawful point of diversion. These measuring devices must be adequate to measure water easily in order to facilitate water distribution.
3. Have the above described headgates and weirs installed and in operable condition before the start of the irrigation season of 1991.

IT IS FURTHER ORDERED THAT, all diversion from points of diversion not set forth in said decree or State Engineer's Permit CEASE immediately.

II.

During a field investigation conducted by this office and the duly appointed and authorized Humboldt River Water Commissioners, it was determined that the waters of Lamoille Creek have been and continue to be used on lands without a legally established right from Lamoille Creek.

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 hereto and fully incorporated herein by reference).

IT IS FURTHER ORDERED, that irrigation of any and all lands not in compliance with and as provided in said decree or NRS 533.030, CEASE forthwith.

IT IS FURTHER ORDERED, that a suitable dividing device be installed in the Lamoille Creek Channel at a point approved by

the State Engineer and the Humboldt Water Commissioner in the
SE1/4 SW1/4 Section 10, T.35N., R.58E., M.D.B.&M.

IT IS SO ORDERED



R. MICHAEL TURNIPSEED, P.E.
State Engineer

Dated at Carson City, Nevada,

this 12th day of March, 1991.

cc: The Honorable Jerry V. Sullivan, District Judge, Sixth
Judicial District Court
Wayne Testolin

lower culture, the State Engineer or Water Commissioner shall allow the diversion of only so much water as is applicable to the then growing crop area.

All measurements of amounts diverted are to be made at the point where the main ditch enters or becomes adjacent to the land to be irrigated or as near thereto as practicable, the location if not selected by the State Engineer to be approved by him. Each water user shall install and maintain substantial head-gates and weirs in his ditch or ditches. Due allowance for losses in ditches will be made by the State Engineer in case it becomes necessary to divert additional water into said ditches.

Priorities are fixed by years and where the years are the same the priorities are equal unless otherwise specifically set forth.

In all cases where the acreages irrigated are bracketed with legal subdivisions, the water allotted is appurtenant to one or more legal subdivisions or parts of legal subdivisions within such bracket, but limited to the aggregate acreage and amount of water indicated for such bracket.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that all claimants herein for water for irrigation shall be entitled to use such water for stock and domestic purposes. That the right to the diversion and use of the water for stock and domestic purposes shall be continued by such claimants and such water users at any time during the year, and such diversion shall be according to the dates of priority of such claimants, and such use shall be limited to the quantity of water reasonably necessary for stock and domestic purposes; that during the irrigation season the amount of water diverted for irrigation purposes shall not be increased by any amount to be used for stock and domestic purposes, but the quantity allowed and diverted for irrigation during the irrigation season includes the water for stock and domestic purposes.

That the duty of water of the cultured area is as follows: Harvest Crop, 3 acre feet; Meadow Pasture, 1.5 acre feet; and Diversified Pasture, .75 of an acre foot.

Harvest crop acres Class A, include all lands devoted to cultivated crops, also all irrigated native or other grass lands which normally receive sufficient water to produce a crop which will justify cutting for hay, although it may sometimes be pastured and not cut.

Meadow pasture Class B, includes all grass lands free from brush which receive sufficient water to produce what may be classed as good pasture but not sufficient to warrant cutting for hay.

Diversified pasture Class C, includes all lands from which the brush has not been cleared but which are artificially irrigated to some extent for the production of grasses for pasturage. These lands shall be* watered only when the stream is in flood or when there is excess water above the needs of higher class culture. Also, this classification includes those areas in the irrigated fields which are grown up with willows, and the depression or other acres covered with tules and flags, if there is grass amongst them. While these latter areas generally receive as much or more water than is required for the higher class of culture, the excess water cannot be considered as being used beneficially, hence the right to divert it is not recognized.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that except as indicated in the Decree, all objections filed to the Final Order of Determination are hereby denied and overruled.

*The words "shall be" ordered stricken and the words "are usually" inserted in lieu thereof by Judge H. W. Edwards, see page 7, Sec. 2, Intervening Orders.

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.