

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

O R D E R

Ron Gardner
Supervisory Natural
Resource Specialist
Mt. City Ranger District
Humboldt National Forest
Mountain City, NV 89831
Certified Mail # P 560 207 031

Mike Kine
K & H Drilling Co.
815 West Plymouth
Caldwell, ID 83605
Certified Mail #P 560 207 032

The State Engineer's office has determined through field investigation by members of its staff on May 25, 1990, that Mike Kine of K & H Drilling Co., Caldwell Idaho has began drilling a water well located within the SW1/4 SW1/4 of Section 18, T.45N., R.54E., M.D.B.&M. which land is apparently located within the Humboldt National Forest near Mountain City, Nevada.

Nevada law as set out in Nevada Revised Statutes "NRS" 534.140 requires that all persons before engaging in the physical drilling of a well in the State of Nevada must be licensed by the State Engineer. The records in this office show that Mike Kine does not have a license to drill water wells in the State of Nevada.

The records of the State Engineer's office disclose no appropriative right under the provisions of NRS Chapters 533 and 534 for the subject well. The records of the State Engineer do reflect a claim of reserved right, Serial No. R-04808, for use of underground water at this location. However, as stated by the Wyoming Supreme Court "the reserved water doctrine does not extend to groundwater." In re Rights to Use Water in Big Horn River, 753 P.2d 76, 100 (Wyo. 1988). The State Engineer having no reason to disagree with the Wyoming Court, finds such position to be the law in this state. Accordingly, there being no present lawful right for use of water from this well, any use of water

therefrom without the benefit of a recognized water right will be in violation of NRS 533.030, subsection 1; 533.325 and 534.020, subsection 1. Any diversion of water from this well without compliance with the relevant provisions of the Nevada Water Law contained in NRS Chapters 533 and 534 will constitute an illegal diversion and use of said water.

YOU ARE THEREFORE ORDERED to immediately cease and desist any and all further activity whatsoever relating to this well without benefit of a well driller properly licensed by the State Engineer of the State of Nevada for the drilling of said well. Additionally, compliance with the provisions of Nevada Revised Statutes cited hereinabove, is required before for the use of water from any lawfully drilled well.



R. MICHAEL TURNIPSEED, P.E.
State Engineer

Date at Carson City, Nevada,

this 1st day of

June, 1990

cc: Hon. Clayton K. Yeutter, Secretary of Agriculture
F. Dale Robertson, Chief U.S. Forest Service
J. S. Tixier, Regional Forester
John Inman, District Supervisor
Mont Lewis, District Ranger
Governor's Office
Attorney General