

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

1073

ORDER

Joseph and Laurel Roderick
19-A East Purcel Lane
Yerington, NV 89447
Certified Mail No. P 019 021 662

Records in the Office of the State Engineer show that on April 23, 1992 you filed Applications 57498T and 57499T to change the place of use of Permit 18815, Certificate 5413 and Permit 18767, Certificate 5696, respectively. Temporary Permits 57498T and 57499T were approved by the State Engineer June 17, 1992 for a term of one year, subject to limitations and conditions contained in the permit. Two such conditions are: "The well shall be equipped with a 2-inch opening and a totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of the water begins or before the proof of completion of work is filed." And "Monthly records shall be kept of the amount of water pumped from this well and the records submitted to the State Engineer on a quarterly basis within 15 days after the end of each calendar quarter." (Emphasis added)

Field inspections September 24, 1992 and March 10, 1993 found that totalizing meters were not in place on either well. A follow-up inspection of records in the State Engineer's office found that no pumpage records have been submitted.

The State Engineer finds that you have failed to comply with the terms and conditions of Permits 57498T and 57499T.

Nevada Revised Statutes NRS 534.020(1) provides that:

All underground waters within the boundaries of the state belong to the public, and subject to all existing rights to the use thereof, are subject to appropriation for beneficial use only under the laws of this state relating to the appropriation and use of water and not otherwise.

NRS 533.460 states:

The unauthorized use of water to which another person is entitled, or the willful waste of water to the detriment of another, shall be a misdemeanor, and the possession or use of such water without legal right shall be prima facie evidence of the guilt of the person using or diverting it.

NRS 534.190 states:

Any person violating any of the provisions of NRS 534.010 to 534.180, inclusive, shall be guilty of a misdemeanor.

You are hereby ordered to cease and desist any pumpage of water under Permits 57498T and 57499T, or under Permit 18815, Certificate 5413 or Permit 18767, Certificate 5696 until totalizing meters are installed on the wells under these permits and under no circumstance shall any pumping occur after June 16, 1993 under Permits 57498T and 57499T.


R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/JJS

Dated at Carson City, Nevada, this

12th, day of March, 1993.