

IN THE OFFICE OF THE STATE ENGINEER

OF THE STATE OF NEVADA

ORDER

1118

S. Morgan & Harriet Barber  
138 N. Highway 95A  
Yerington, NV 89447  
Certified Mail No. P 866 994 051

WHEREAS, the State Engineer on June 16, 1995 issued to you Permit 60704 to change the point of diversion of a portion of Permit 30169, Certificate 10420. A portion of the water right remains under Permit 30169, Certificate 10420.

WHEREAS, the well under Permit 60704 was drilled on or about June 22, 1994 under Permit 60013T which has similar limitations and conditions.

WHEREAS, Permit 60704 was issued subject to certain limitations and conditions which 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

The issuance of this permit requires that a totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion of the wells under Permit 30169, Certificate 10420, Permit 18925, Certificate 5978 and Permit 60704 and accurate measurements must be kept of the water placed to beneficial use. The totalizing meters must be installed prior to the time water is pumped from the well under this Permit 60704.

WHEREAS, a limitation and condition for granting Permit 60704 also required totalizing meters to be installed on the wells under Permits 18925 and 30169 and records kept of the amount of water pumped from these wells.

WHEREAS, a field inspection on September 6, 1995 found that totalizing meters were not in place on these wells.

WHEREAS, the State Engineer finds that you have failed to comply with the terms and conditions of Permits 60704.

WHEREAS, 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.

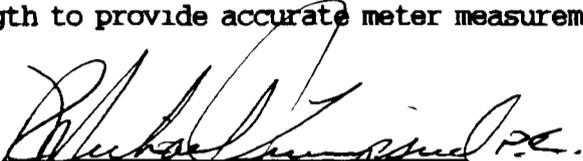
WHEREAS, NRS 533.460 states:

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.

WHEREAS, 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.

NOW, THEREFORE, YOU ARE HEREBY ORDERED to cease and desist any pumpage of water under Permit 60704; Permit 18925, Certificate 5978; and Permit 30169, Certificate 10420 until totalizing meters are installed on the wells under these permits. The totalizing meters must be properly installed in a straight nominal pipe of manufacturer recommended length to provide accurate meter measurements.

  
R. MICHAEL TURNIPSEED, P.E.  
State Engineer

Dated at Carson City, Nevada, this  
19th, day of September, 1995.