

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

1053

ORDER

Mason Water Company, Inc.
Don H. Tibbals, President
101 Mason Road
Yerington, NV 89447
Certified Mail No. P 668 480 902

Don H. and Joy M. Tibbals
2 Austin Drive
Yerington, NV 89447
Certified Mail No. P 668 480 903

The records in the office of the State Engineer show that Mason Water Company, Inc. is the holder of water rights under Permits 45393, 45394 and 47692 for quasi-municipal and municipal use to provide water to the town of Mason. The State Engineer's records show that these three permits are the only permits in effect for the town of Mason. The place of use of these permits is within Sections 21, 22, 23, 26, 27, 28, 33, 34 and 35 all in T.13N., R.25E., M.D.B.&M. and Section 4, T.12N., R.25E., M.D.B.&M.

The State Engineer has learned that Mason Water Company, Inc. is providing water to the Weed Heights townsite, which is located outside the place of use of the permits held by Mason Water Company, Inc. Field investigations were conducted September 5 and 19, 1991, and a Report of Field Investigation is dated October 28, 1991.

The wells under Permits 45393, 45394 and 47692 are being operated without totalizing meters which are required by the terms of approval for the permits.

Mason Water Company, Inc., and Don H. and Joy M. Tibbals as purveyors of water to Weed Heights, are clearly exceeding the extent of the water right permits held by Mason Water Company, Inc., in violation of NRS 534.020(1), which states that all underground water of the State "... 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."

ORDER

Mason Water Company, Inc., and Don H. and Joy M. Tibbals as purveyors of water to Weed Heights, are hereby ordered, pursuant to NRS 533 and 534, to take immediate action to correct this violation of the Nevada Law. If no corrective action is taken within Ninety (90) days of the date of this Order, the State Engineer, in accordance with the Nevada Water Law, may without further notice pursue appropriate action.

Further, Mason Water Company, Inc. is also HEREBY ORDERED to :

1. Within 30 days from receipt of this order, install a totalizing meter on each well as required by the terms of Permits 45393, 45394 and 47692. The readings of these totalizing meters are to be reported monthly to the State Engineer's office.

Enclosed is the standard notice granting an extension of time.

Also, within 30 days from receipt of this order, install a totalizing meter on the pipeline which provides water to the Weed Heights townsite. The reading of the meter is to be reported monthly to the State Engineer's office.

2. Within 15 days from receipt of this order report to the State Engineer's office the date of the connection to the Weed Heights pipeline and the amount of water by month delivered to Weed Heights.

Also, within 15 days from receipt of this order report to the State Engineer's office the amount of water pumped by month for each Permit, 45393, 45394 and 47692, and the amount of water delivered by month within the Mason Water Company, Inc.'s place of use, beginning with the year 1990.

The requirements of this order are separate from anyother order, and compliance with this order does not excuse your compliance with requirements and orders from other State, Federal, or local agencies.


R. MICHAEL TURNIPSEED, P.E.
State Engineer

Dated at Carson City, Nevada, this

8th, day of November, 1991

cc: Assemblyman Joe Dini
Public Service Commission