

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

ORDER

Double JA Land and Livestock Co.
1100 Nugget Avenue
Sparks, NV 89431
Certified Mail No. P 019 021 626

Josephine Casebolt
Wellington, NV 89444
Certified Mail No. P 019 021 627

Records in the office of the State Engineer show that Josephine Casebolt is the owner of Permits 55840 and 55841 appurtenant to the E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 24, T.11N., R.23E., M.D.B.&M. The State Engineer's Office has deeds to assign these permits to Double JA Land and Livestock Company, but the assignment is pending.

A field inspection made by the State Engineer's staff July 4, 1992 found that water from the well under Permits 55840 and 55841 was pumped from the well without being measured through a totalizing meter. The conditions for approval of Permits 55840 and 55841 state:

"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."

The inspection also found that water pumped from the well was not being put to beneficial use on the intended place of use of the permits, rather it was flowing into a drain ditch and then north on the west side of Rivers Road, crossing Smith Gage Road leaving the place of use of the Permits.

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 534.190 states:

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

NRS 533.460 states:

"The unauthorized use of water to which another person is entitled, or the willful waste of water to 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."

You are clearly exceeding the extent of the rights under Permits 55840 and 55841 and ARE HEREBY ORDERED to cease and desist any pumpage of water that exceeds the diversion rate and annual duty, or use of water to irrigate lands not specified as the place of use of Permits 55840 and 55841. Furthermore, the well under the permits shall cease to be pumped and remain shut off until a totalizing meter is installed on the discharge pipeline from the well. Meter readings must be furnished to the State Engineer upon request.


R. MICHAEL TURNIPSEED, P.E.
State Engineer

Dated at Carson City, Nevada, this

8th, day of July, 1992.