

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

1076

O R D E R

Gene Bingeman Family Trust
205 N. Bybee Lane
Yerington, NV 89447
Certified Mail No. P 019 021 772

WHEREAS, the State Engineer on June 17, 1992 issued to you Permits 56279 and 56280 to change the point of diversion and place of use of portions of Permit 17364, Certificate 6622 and Permit 56281 to change the point of diversion of a portion of Permit 17660, Certificate 6644. A portion of each of the water rights remains under Permit 17364, Certificate 6622, and Permit 17660, Certificate 6644.

WHEREAS, Permits 56279, 56280 and 56281 were 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

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 from this well.

WHEREAS, a limitation and condition for granting Permits 56279, 56280 and 56281 also required totalizing meters to be installed on the wells under Permits 17364 and 17660 and monthly records kept of the amount of water pumped from these wells and the records submitted to the State Engineer on a quarterly basis within 15 days after the end of each calendar quarter.

WHEREAS, a field inspection on March 9, 1993 found that totalizing meters were not in place on these wells. A follow-up inspection of records in the State Engineer's office found that no pumpage records have been submitted.

WHEREAS, the State Engineer finds that you have failed to comply with the terms and conditions of Permits 56279, 56280 and 56281.

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 Permits 56279, 56280, 56281, Permit 17364, Certificate 6622, and Permit 17660, Certificate 6644 until totalizing meters are installed on the wells under these permits.


R. MICHAEL TURNIPSEED, P.E.
State Engineer

Dated at Carson City, Nevada, this
30th, day of March, 1993.