

OF THE STATE OF NEVADA

O R D E R

Dave Wilson, President  
Integrated Foods  
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WHEREAS, NRS 534A.040 states in part, "Any consumptive use of water brought to the surface outside of a geothermal well is subject to the appropriation procedures of chapters 533 and 534 of NRS..."

WHEREAS, NRS 534.020(1) states, "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."

WHEREAS, NRS 533.030(1) states, "Subject to existing rights, and except as otherwise provided in this section, all water may be appropriated for beneficial use as provided in this chapter and not otherwise." (Emphasis added).

WHEREAS, NRS 533.480 states, "Any person violating any of the provisions of NRS 533.010 to 533.475, inclusive, shall be guilty of a misdemeanor."

WHEREAS, NRS 534.050(1) states, "Except as otherwise provided in subsection 2, every person desiring to sink or bore a well in any basin or portion therein in the state designated by the state engineer, as provided for in this chapter shall first make application to and obtain from the state engineer a permit to appropriate the water, in accordance with the provisions of chapter 533 of NRS relating to the appropriation of the public water, before performing any work in connection with the boring or sinking of the well." (Emphasis added).

WHEREAS, NRS 543.080(1) states in part, "A legal right to appropriate underground water... can only be acquired by complying with the provisions of chapter 533 of NRS pertaining to the appropriation of water." (Emphasis added).

WHEREAS, during the field investigation conducted on March 15, 1994, and again on March 17, 1994, by this office it was determined that Integrated Ingredients is illegally diverting water

(geothermal fluid) from a geothermal well and consumptively using water by discharge of spent geothermal fluids in the NE¼ of Section 16, T.29N., R.23E., M.D.B.&M.<sup>1</sup>

WHEREAS, the hereinabove described activity is in direct violation of the heretofore referenced NRS chapter 533, chapter 534 and chapter 534A.

WHEREAS, a search of the records of the State Engineer revealed that no applications had been filed as of this date for the appropriation of water for use in the NE¼ of Section 16, T.29N., R.23E., M.D.B.&M.

WHEREAS, Michael B. Stewart has made application to the State Engineer for permission to divert and beneficially use the public waters of the State of Nevada for power generation purposes under Applications 51969, 51970, 51881 and 51882 within the SW¼ SE¼ Section 16, T.29N., R.23E., M.D.B.&M. Said applications were timely protested and, during the course of a hearing conducted by the State Engineer, applicant Stewart did request that any action by the State Engineer on Applications 51881 and 51882 be withheld until further notice.<sup>2</sup> No hearing was requested in the matter of protested Applications 51969 and 51970.

NOW THEREFORE, YOU ARE HEREBY ORDERED, to cease and desist all diversion of water of any sort as hereinabove described and any discharge of said water.

Failure to cease diversion of water and discharge of said water will result in the appropriate judicial action.

  
R. MICHAEL TORNIPSEED, P.E.  
State Engineer

Dated at Carson City, Nevada, this  
31st day of     MARCH    , 1994.

cc: Joe Livak, N.D.E.P.  
Peggy Twedt, Deputy Attorney General  
Richard Witing, N.D.O.M.  
Washoe County Planning  
Files 51881, 51882, 51969 and 51970

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<sup>1</sup> Report of informal field investigation on file in the State Engineer's office.

<sup>2</sup> See Ruling dated November 28, 1988, in the records of the State Engineer.