

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

1157

A M E N D E D O R D E R

Dolores C Arroyo
Saratoga Springs Revocable Trust
P O Box 70458
Reno, Nevada 89570
Cert Mail No Z 559 205 581

DeCarlo Custom Homes
1341 S Santa Barbara Drive
Minden, Nevada 89423
Cert Mail No Z 559 205 582

Carl Rushmeyer
Douglas County Community Development
P O Box 218
Minden, Nevada 89423
Cert Mail No Z 559 205 583

A & A Construction, Inc
1170 Zerolene Place
Minden, Nevada 89423
Cert Mail No Z 385 864 001

WHEREAS, the State Engineer on August 25, 1998, issued to Douglas County Permit 63459 to change the point of diversion of a portion of Permit 56857. The portion removed totally abrogated Permit 56857, leaving no active water right on the well,

WHEREAS, the permit terms for Permit 63459 required that the well drilled under Permit 56857 be plugged within sixty days from the issuance of Permit 63459,

WHEREAS, the well drilled under Permit 56857 is located in the NW¼ SW¼ of Section 28, T.14N , R.20E , M D B &M , being on Douglas County Assessor's Parcel Number 21-29-07,

WHEREAS, the Douglas County Assessor's office shows the Dolores C Arroyo Saratoga Springs Revocable 1995 Trust as owner of Assessor's Parcel No. 21-29-07,

WHEREAS, a field investigation on October 11, 1999, found that the well was not plugged and was being pumped for dust control by A & K Earthmovers for DeCarlo Custom Homes,

WHEREAS, the State Engineer finds that you have failed to comply with the terms and conditions of Permit 63459,

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 , and

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 from the well drilled under Permit 56857 immediately and to plug said well within thirty (30) days from the date of this order


R. MICHAEL TURNIPSEED, P E
State Engineer

Dated at Carson City, Nevada this

10th day of December, 1999