

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

1188

ORDER

Wykoff Newberg Corporation
P. O. Box 62467
Boulder City, Nevada 89006-2467
APN 125-17-802-001
Certified Mail No. 7106 7808 0630 0034 1844

WHEREAS, the records of the Clark County Assessor's Office show that Wykoff Newberg Corporation is the current owner of a parcel of land described by the Clark County Assessor as Parcel Number 125-17-802-001, located within Section 17, T.19S., R.60E., M.D.B.&M., of the Las Vegas Ground Water Basin;

WHEREAS, Parcel Numbers 125-17-802-001, 125-17-802-005, 125-17-802-009, and 125-17-802-011 all have a Las Vegas Valley Water District connection;

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, Nevada Revised Statutes 534.080(1) states: "A legal right to appropriate underground water for beneficial use from an artesian or definable aquifer subsequent to March 22, 1913, or from percolating water, the course and boundaries of which are incapable of determination, subsequent to March 25, 1939, can only be acquired by complying with the provisions of chapter 533 of NRS pertaining to the appropriation of water."

WHEREAS, the records of the Nevada Division of Water Resources show no permit for a groundwater right, appropriated under Nevada Revised Statutes Chapters 533 and 534, has been issued on said parcel(s) for any purpose;

WHEREAS, Nevada Revised Statutes 534.080(2) states: "The state engineer may, upon written notice sent by registered or certified mail, return receipt requested, advise the owner of a well who is using water therefrom without a permit to appropriate such water to cease using such water until he has complied with the laws pertaining to the appropriation of water. If the owner fails to initiate proceedings to secure such permit within 30 days from the date of such notice he shall be guilty of a misdemeanor."

WHEREAS, a site inspection of Parcel Number 125-17-802-001 conducted on December 9, 2005, by staff of the Nevada Division of Water Resources found a well supplying water to said parcel in addition to supplying water to three (3) adjacent parcels, for commercial purposes being 125-17-802-005, 125-17-802-009, and 125-17-802-011.

WHEREAS, the Nevada Division of Water Resources sent a letter dated December 20, 2005, to the owner of the property detailing the available options to follow in order to comply with the Nevada Revised Statutes;

WHEREAS, follow up site inspections were conducted on March 23, 2006, June 22, 2006, and December 11, 2007, and the records of the Nevada Division of Water Resources indicate that no effort has been made to comply with the provisions of the Nevada Revised Statutes;

NOW, THEREFORE, YOU ARE HEREBY ORDERED to immediately cease and desist any and all diversion of water from said well and plug and abandon said well in accordance with "Regulations for Water Well and Related Drilling" NAC 534.420.


TRACY TAYLOR, P.E. |
State Engineer

Dated at Carson City, Nevada this

4th day of FEB, 2008.

cc: Moon Valley Nursery, Cert. Mail No. 7106 7808 0630 0034 1882