

IN THE OFFICE OF THE STATE ENGINEER

OF THE STATE OF NEVADA

1215

ORDER

James and Michele Hagan
1080 Paddock Lane
Reno, NV 89521
Certified Mail No.: 7106 7808 0630 0048 1601

WHEREAS, a *Request to Investigate an Alleged Violation* was received October 13, 2010, and follow-up information was provided by the complainant on May 17, 2011, alleging use of water in excess of the 2 acre-foot (AF) domestic use allowance provided in Nevada Revised Statute (NRS) §§ 534.013 and 534.180 on the property identified as Washoe County Assessor's Parcel Number (APN) 050-520-69 by the owners, James and Michele Hagan (Respondent).

WHEREAS, the records of the Washoe County Assessor state that the Hagan Family Trust, James C. & Michele A. Hagan, Trustees, are the owner of APN 050-520-69.

WHEREAS, an informal field investigation was conducted by staff of the Division of Water Resources on July 14, 2011, in which it was determined that three pasture fields, approximately 2.75 acres (ac) in total size, were under irrigation.

WHEREAS, low managed pasture grass has an estimated net irrigation water requirement of 2.7 AF/ac; therefore, the irrigated fields alone would consume approximately 7.4 AF per year.

WHEREAS, a warning letter from the Division of Water Resources was sent to the Respondent on August 19, 2011, by certified mail. This letter was returned unclaimed but was resent by regular mail.

WHEREAS, on September 26, 2011, the Respondent met with staff of the Division of Water Resources to discuss the warning letter of August 19, 2011. At this meeting the Respondent refuted the allegation that the water use exceeded the domestic well allowance and contended that the use was less than 2 AF based on operation time and flow rates of the sprinkler system and on the size of the pump used for the domestic well.

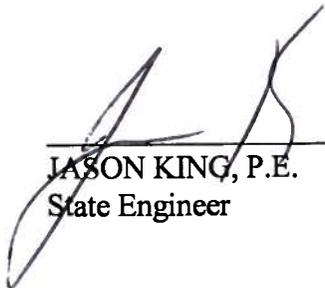
WHEREAS, the most effective means of determining the amount of water diverted in fact is by the installation of a totalizing meter at the discharge pipeline from the domestic well.

NOW, THEREFORE, IT IS HEREBY ORDERED that the Respondent install and maintain a totalizing meter at the discharge pipeline of the domestic well located in the SW¼ SW¼ Section 3, T.17N., R.20E., M.D.B.&M., being further described as Washoe County APN 050-520-69, and that the Respondent keep monthly meter readings so as to establish the actual use of water from said domestic well.

The installation of the totalizing meter should be completed by January 2, 2012.

Failure to comply with this order may result in enforcement actions available to the State Engineer under NRS § 534.193, which provides that in addition to any other penalty provided by law, the State Engineer may, after notice and opportunity for a hearing, require a person who violates any provision of this chapter or any permit, order or decision issued or regulation adopted by the State Engineer pursuant to this chapter or NRS § 532.120 to:

- (a) Pay an administrative fine not to exceed \$10,000 per day for each violation as determined by the State Engineer.
- (b) In the case of unlawful use, waste or diversion of water, replace not more than 200 percent of the water used, wasted or diverted.
- (c) Pay the costs of the proceeding, including investigative costs and attorney's fees.



JASON KING, P.E.
State Engineer

Dated this 08th day of
November, 2011.