

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

1223

ORDER

James R. Boyce Revocable Living Trust
PO Box 280
Dyer, NV 89010
Certified Mail: 71067808063000513272

WHEREAS, Permits 10578, Certificate 2862; 11219, Certificate 2922; 11220, Certificate 2923; 11221, Certificate 2924; 11222, Certificate 2925; 11223, Certificate 2926; 12599, Certificate 3392; 12600, Certificate 3393; 12601, Certificate 3394; 12640, Certificate 3395; 13296, Certificate 5285; 13973, Certificate 5068; 19337, Certificate 6822; 19338, Certificate 6823; 25313, Certificate 8170; 25316, Certificate 8173; and 54330 were abrogated on January 12, 2006, by the issuance of Permits 70444, 70445, 70446, 70447, 70448, 70449, 70451, 70452, 70453, 70454, 70455, 70836, 70456, 70457, 70837, 70840 and 70469, respectively; and,

Permits 10575, Certificate 2859; 10576, Certificate 2860; and 10577, Certificate 2861 were abrogated on January 26, 2006, by the issuance of Permits 70479, 70480, and 70481, respectively.

WHEREAS, Nevada Administrative Code (NAC) § 534.427(1) provides that if any type of permit, waiver, or application to appropriate water from a water well is cancelled, abrogated, forfeited, withdrawn or denied, then the well must be plugged in the manner prescribed in NAC § 534.420, and NAC § 534.427(3) provides that a well must also be plugged in the manner prescribed in NAC § 534.420 if either the State Engineer has determined that the well is in any manner defective or the Division of Water Resources makes a finding that the well tends to impair the safety and welfare of the state, the mechanical integrity of the construction of the well has failed or is unknown, the well tends to cause contamination of the groundwater aquifer, or that there is no evidence of impending use of the well for any legal purpose or no legal use of the well is allowed.

WHEREAS, Nevada Administrative Code § 534.424 provides that if a well is located on private land, the owner of the land at the time the well is plugged is responsible for the cost of plugging the well.

WHEREAS, in the fee letter sent by certified mail on October 25, 2004, for the above referenced change applications, the Owner of Record, James R. Boyce, was noticed that within 60 days of the issuance of the subject permits, a schedule for the plugging of the base water right wells within about six months was to be received in the Office of the State Engineer.

WHEREAS, an informal field investigation was conducted by staff of the Division of Water Resources on March 7 and 8, 2012, in which it was found that these wells were not plugged and sealed per NAC § 534.420, many were in disrepair, many were missing and possibly destroyed, and several presented an immediate concern for possible groundwater contamination.

WHEREAS, in a letter sent by certified mail on May 25, 2012, from the Southern Nevada Branch Office of the Division of Water Resources to the James R. Boyce Revocable Living Trust, the Trust was noticed that the above referenced wells must be plugged and provided a time frame in which an approvable plan and schedule to complete the required plugging be submitted.

WHEREAS, in a letter dated July 9, 2012, from the agent for James R. Boyce Revocable Living Trust to the Southern Nevada Branch Office of the Division of Water Resources, a 60 day extension was requested for the submittal of a plan.

WHEREAS, in a letter received August 2, 2012, in the Office of the State Engineer from the agent for James R. Boyce Revocable Living Trust, the priorities for well plugging was acknowledged and the three highest priority wells would be the initial focus.

WHEREAS, in a letter sent by certified mail dated August 9, 2012, from the Southern Nevada Branch Office of the Division of Water Resources, the James R. Boyce Revocable Living Trust was advised that the request by the Trust's agent for a 60 day extension to submit a complete plugging and abandonment plan and schedule was approved, and the letter reemphasized the requirement that the three high-priority wells be plugged in the current calendar year.

WHEREAS, in a letter received October 9, 2012, in the Office of the State Engineer from the agent for the James R. Boyce Revocable Living Trust, a vague outline was presented for when action would be taken to plug and seal some of the wells as required in the letter dated

May 25, 2012. This letter stated that only two of the three high priority wells would be plugged by the end of the calendar year, the presented plan did not specify which wells would be plugged by specific dates or in what specific order, and the letter did not address any of the wells that were not found during the March 7 and 8, 2012 field investigation and are suspected of being buried or otherwise destroyed.

WHEREAS, the State Engineer finds that the letter of October 9, 2012, proposes a plan and schedule for dealing with these wells that is vague and incomplete; therefore, the plan and schedule cannot be approved. The State Engineer finds that James R. Boyce Revocable Living Trust has been given an inordinate amount of time from the first notice of required plugging of October 25, 2004, and to date there has been no significant progress; therefore, a plan and schedule for plugging will be mandated by this Order.

NOW, THEREFORE, IT IS HEREBY ORDERED that the James R. Boyce Revocable Living Trust carry out the following actions by the due dates provided:

Abrogated Permit	Location (NAD83)		Area Location and Description	Action Required	Due Date
	LAT	LONG			
10577	37.73000	-118.08958	north, along edge of ditch	Plug as prescribed in NAC § 534.420.	1/31/2013
10578	37.72651	-118.08990	north, NW in fallow field	Plug as prescribed in NAC § 534.420	1/31/2013
13296	37.70950	-118.08514	middle, near Dyer school	Secure with a cap or plate and install an access port as prescribed in NAC § 534.430.	1/31/2013
25313	37.67551	-118.08405	south, by E. Collins house & creek	Plug as prescribed in NAC § 534.420.	1/31/2013
25316	37.67568	-118.07195	south, SE fields	Secure with a cap or plate and install an access port as prescribed in NAC § 534.430.	1/31/2013
11221	37.72266	-118.07981	north, farm buildings west of runway	Locate and determine status if plugged provide a well driller's report; if destroyed plug as prescribed in NAC § 534.420	Report 6/30/2013 Plugging 12/31/2013
11222	37.72481	-118.07118	north, pivot south of runway intersect	Locate and determine status; if plugged, provide a well driller's report; if destroyed, plug as prescribed in NAC § 534.420.	Report 6/30/2013 Plugging 12/31/2013
11223	37.72180	-118.07101	north, pivot south of runway intersect	Locate and determine status if plugged provide a well driller's report; if destroyed, plug as prescribed in NAC § 534.420	Report 6/30/2013 Plugging 12/31/2013

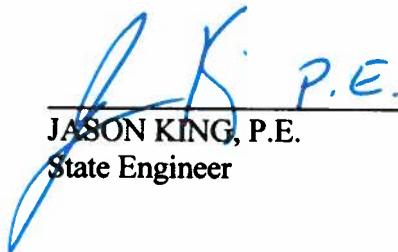
Abrogated Permit	Location (NAD83) LAT LONG		Area Location and Description	Action Required	Due Date
12601	37.72423	-118.09315	north, SW in fallow field by highway	Locate and determine status; if plugged, provide a well driller's report; if destroyed, plug as prescribed in NAC § 534.420.	Report 6/30/2013 Plugging 12/31/2013
13973	37.67549	-118.07289	south SE field	Locate and determine status; if plugged provide a well driller's report; if destroyed plug as prescribed in NAC § 534.420.	Report 6/30/2013 Plugging 12/31/2013
19337	37.73037	-118.08844	north, northern pivots	Locate and determine status; if plugged, provide a well driller's report; if destroyed, plug as prescribed in NAC § 534.420.	Report 6/30/2013 Plugging 12/31/2013
19338	37.73040	-118.08081	north northern pivots	Locate and determine status, if plugged, provide a well driller's report; if destroyed, plug as prescribed in NAC § 534.420	Report 6/30/2013 Plugging 12/31/2013
54330	37.70486	-118.09052	middle, near Dyer school	Determine status of well; if never drilled, provide a statement of that fact; if drilled but then plugged, provide well driller reports.	6/30/2013
12599	37.72639	-118.09039	north NW in fallow field	Plug as prescribed in NAC § 534.420	12/31/2013
12640	37.72497	-118.09184	north, center of fallow field	Plug as prescribed in NAC § 534.420.	12/31/2013
10575	37.72787	-118.09420	north by highway & Leidy Creek	Plug as prescribed in NAC § 534.420	12/31/2014
10576	37.72299	-118.08439	north, Cord Ranch house	Plug as prescribed in NAC § 534.420.	12/31/2014
11219	37.72283	-118.08331	north, NE of ranch house	Plug as prescribed in NAC § 534.420	12/31/2014
11220	37.72210	-118.08505	north, SW of ranch house	Plug as prescribed in NAC § 534.420.	12/31/2014
12600	37.72732	-118.09228	north, NW in fallow field	Plug as prescribed in NAC § 534.420	12/31/2014

All actions taken on the wells must be done in accordance with NAC Chapter 534. A status report must be filed in the Office of the State Engineer no later than 15 days after each due date passes informing the State Engineer of the corrective actions that have been taken. In the case of the potentially lost or destroyed wells, an approvable field report describing the efforts taken to locate and determine the status of the wells is required by the report due date, unless they are located and plugged as prescribed by NAC § 534.420 by the plugging due date.

A copy of this order must be provided to any potential buyers of the land upon which the wells are located, and it should be understood that this order remains in effect even if the owner of the land upon which the wells are located changes (NAC § 534.424).

Failure to comply with this order may result in enforcement actions available to the State Engineer under Nevada Revised Statutes (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 NRS Chapter 534 or any permit, order or decision issued or regulation adopted by the State Engineer pursuant to NRS Chapter 534 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 11th day of
December, 2012.