

IN THE OFFICE OF THE STATE ENGINEER

OF THE STATE OF NEVADA

1227-1

ORDER

WHEREAS, the State Engineer has made a determination in the matter of Finding of Alleged Violation and Violation Order 1227 as follows:

GENERAL

I.

Winnemucca Farms, Inc. is a farming operation currently engaged in operations in Quinn River Valley (Orovada Subarea Basin 33A) and Paradise Valley (Basin 69). On May 16, 2013, staff with the Nevada Division of Water Resources (Division or State Engineer) conducted a field investigation of Respondent's farming operation in the Orovada Subarea Basin in response to telephonic complaints concerning the amount of acreage being irrigated by Respondent, possibly in excess of its permitted water rights.^{1,2} The findings and conclusions of the Division's field investigation were reported in Field Investigation No. 1180.³ As part of the investigation, Division staff examined the current water rights held in the areas in question and compared the current water rights to the amount of acreage being irrigated. The investigation revealed that in Section 20 of T.44N., R.37E., M.D.B.&M., Respondent held two certificated water rights which allowed for the irrigation of 78.01 acres and a duty of 312.04 acre-feet annually (afa).⁴ The investigation confirmed that irrigation was occurring in the 78.01 permitted acres in Section 20, in addition to approximately 120 acres in Section 17, T.44N., R.37E., M.D.B.&M., outside the permitted place of use.⁵

As well, in Section 4 of T.43N., R.37E., M.D.B.&M., there were two permitted water rights which allowed for the irrigation of 44.64 acres and a duty of 178.56 afa. The investigation confirmed that the place of use of 44.64 acres was being irrigated, in addition to the irrigation of approximately 195 acres outside the permitted place of use in Section 4.⁶

¹ State Engineer (SE) Exhibit 8, p. 1, Public Administrative Hearing held August 9, 2013.

² Subsequent to the telephonic complaint, two written requests to investigate were also received from other area residents. See SE Exhibits 10 and 11.

³ SE Exhibit 8.

⁴ SE Exhibit 8, p.1; and see File Nos. 17939 and 21351, official records of the Office of the State Engineer.

⁵ SE Exhibit 8, p. 1.

⁶ SE Exhibit 8, p. 2; and see File Nos. 80182 and 80183, official records of the Office of the State Engineer.

Field Investigation No. 1180 concluded that the current water rights in Sections 4 and 20 were insufficient to support the amount of irrigation taking place.⁷ As a result, the Division issued a letter to Respondent on May 30, 2013, which informed Respondent of its illegal irrigation outside the permitted places of use and directed Respondent to cease and desist diversions of water to any place not authorized under permits 17939 (Certificate 5482), 21351 (Certificate 6654), 80182 and 80183 (“First Cease and Desist Letter”).⁸ The First Cease and Desist Letter was received by Respondent the next day on May 31, 2013.⁹

II.

In response to the First Cease and Desist Letter, Respondent filed seven temporary change applications on June 6, 2013, with the Division to temporarily change the place of use of a number of its other existing rights located in Sections 8 and 20 of T.43N., R.37E., to cover the unpermitted areas of irrigation described above.¹⁰ The temporary change applications were approved on June 21, 2013.¹¹

III.

On June 26, 2013, Division staff conducted a follow-up field investigation, the findings of which were reported in Field Investigation No. 1181A.¹² The purpose of the field investigation was to determine the amount of acreage being irrigated in Sections 4 and 17, and to confirm that acreage in Sections 7 and 8 of T.43N., R.37E., M.D.B.&M., was no longer being irrigated by the stripping of those water rights in favor of the approved temporary change applications.¹³ The second field investigation found that 220 acres of grain were under irrigation in Section 4,¹⁴ and that in Section 17 there were approximately 119.1 acres of grain under irrigation.^{15,16} In Section 7, irrigation had been ceased to strip the acreage in favor of the

⁷ SE Exhibit 8, p. 2.

⁸ SE Exhibit 12.

⁹ SE Exhibit 13.

¹⁰ SE Exhibits 1-7.

¹¹ File Nos. 82872T, 82874T, 82876T, 82878T, 82883T, 82885T and 82887T, official records of the Office of the State Engineer.

¹² SE Exhibit 9.

¹³ *Id.* p. 1.

¹⁴ *Id.*

¹⁵ *Id.* p. 2

¹⁶ Although the second field investigation did not directly conclude Sections 4 and 17 were permitted at the time of that investigation, the State Engineer notes that the temporary change applications were filed for coverage in Sections 4 and 17.

approved temporary change applications.¹⁷ In Section 8, irrigation of 120.62 acres of alfalfa continued, despite the fact that it was to have been stripped in favor of the temporary change applications.¹⁸

IV.

As a result of the June 26, 2013, field investigation, a second cease and desist letter (“Second Cease and Desist Letter”) was sent to Respondent on July 1, 2013.¹⁹ The Second Cease and Desist Letter directed Respondent to cease irrigation in Section 8 – the acreage which was required to have been stripped in favor of moving temporary water rights to the original unpermitted areas of irrigation (*i.e.*, the unpermitted acreage identified in the First Cease and Desist Letter).²⁰ The Second Cease and Desist Letter was acknowledged as received by Respondent, but was not dated.²¹

V.

On July 3, 2013, the State Engineer served Respondent with a Finding of Alleged Violation and Violation Order 1227 (collectively “Violation Order” or “Order”) pursuant to NRS §§ 533.325, 533.460 and 534.080.²² The Violation Order set forth the factual background and violations discussed above and required that: (1) Respondent inform the Division of its intent to comply with the requirements of the Finding of Alleged Violation by July 12, 2013; (2) to attend a meeting on July 17, 2013, to discuss with the Division a mitigation plan to address the requirements of the Finding of Alleged Violation; and, (3) to actually comply with the requirements of the Finding of Alleged Violation by August 2, 2013.²³ The Violation Order was received by Respondent on July 8, 2013.²⁴

VI.

On July 9, 2013, Temporary Application 82878T was withdrawn by Respondent.²⁵ On July 10, 2013, Temporary Applications 82883T, 82885T and 82887T were withdrawn by

¹⁷ SE Exhibit 9, p.1.

¹⁸ *Id.*, p. 2.

¹⁹ SE Exhibit 14.

²⁰ *Id.*

²¹ SE Exhibit 15.

²² SE Exhibit 16.

²³ *Id.* at p. 1.

²⁴ SE Exhibit 17.

²⁵ File No. 82878T, official records of the Office of the State Engineer.

Respondent.²⁶ The withdrawal of these temporary applications had the effect of moving the temporary water rights from Section 4 (*i.e.*, the subject of the First Cease and Desist Letter), back to the stripped portions of Section 8 to address the violation in the Second Cease and Desist Letter.

VII.

A third field investigation was conducted by Division staff on August 7, 2013. The findings and conclusions in the third field investigation were reported in Field Investigation No. 1186. Field Investigation No. 1186 concluded that Respondent achieved compliance with the terms of the Violation Order, to mean Respondent had ceased irrigating Section 4 due to reverting the temporary water rights back to Section 8.²⁷

FINDINGS OF FACT

I.

A hearing to show cause was held on August 9, 2013. Representing Winnemucca Farms (“Respondent”) at the hearing were John Milton, agent for the Respondent, and Thomas Heyn, Farm Manager, Winnemucca Farms. Respondent provided testimony from Mr. Heyn, Farm Manager, and Mr. Milton, agent for Respondent and Sam Routson, representative of Winnemucca Farms. Respondent introduced no exhibits and relied upon the exhibits admitted by the Division. Based upon the evidence, testimony and arguments of the parties, the State Engineer finds sufficient evidence was presented at the show cause hearing to make the following findings of fact, conclusions of law and order concerning Violation Order 1227.

II.

Notice Issues

Respondent conceded during the hearing that it failed to timely comply with two of the requirements in the Violation Order, but contends it was without notice when the certified letter served on Respondent at its business address was not internally routed correctly to Mr. Heyn.²⁸ As set forth above, the record reveals that certified letters were mailed and signed for by Respondent at its business address throughout this enforcement action as follows:

1. First Cease and Desist letter dated May 30, 2013 was signed for on May 31, 2013;

²⁶ File Nos. 82883T, 82885T and 82887T, official records of the Office of the State Engineer.

²⁷ SE Exhibit 21.

²⁸ Transcript of Public Administrative Hearing at 44:16-18 (August 9, 2013) (cited hereinafter as “Transcript”).

2. Second cease and desist letter dated July 1, 2013, signed for but not dated;
3. Violation Order dated July 3, 2013, signed for on July 8, 2013;
4. Notice of Hearing dated July 19, 2013, signed for on July 22, 2013.

It appears to the State Engineer that all four certified letters mailed to Respondent as the owner of record were signed for by the same individual. Three certified letters were routed internally to Mr. Heyn correctly, and the only letter purportedly not routed internally to him imposed deadlines and compliance requirements. The State Engineer finds Respondent's assertion regarding its internal mail routing problem dubious in light of three of the four certified letters being internally routed correctly to Mr. Heyn when all four letters were received at Respondent's business address. Respondent's internal mail problems aside, Respondent cannot overcome the fact that it had actual notice of the Violation Order as evidenced by the signed certified mail receipt on July 8, 2013. The State Engineer finds that Respondent had notice of the Violation Order and is therefore not excused from compliance with the requirements and deadlines in the Order.

III.

Mr. Milton testified he was not served with the Violation Order and he did not have notice of the Violation Order, either.²⁹ The record reveals that Mr. Milton was, and/or was not served with the following correspondence:

1. First Cease and Desist Letter dated May 30, 2013 – Milton served with a courtesy copy by regular mail;³⁰
2. Second Cease and Desist Letter dated July 1, 2013– Milton served with a courtesy copy by regular mail;³¹
3. Violation Order dated July 3, 2013– Milton omitted from courtesy copy list;³²
4. Notice of Hearing dated July 19, 2013– Milton served with a courtesy copy by regular mail.³³

Mr. Milton claimed that he received correspondence concerning the enforcement action three different ways: by fax, e-mail, and regular mail.³⁴ The State Engineer finds this statement

²⁹ Transcript 18:7-12.

³⁰ SE Exhibit 12, p. 2.

³¹ SE Exhibit 14, p. 2.

³² SE Exhibit 16, p. 9.

³³ SE Exhibit 19 p. 2.

³⁴ Transcript 15:25 to 16:3.

unpersuasive where Respondent introduced no exhibits at the hearing which demonstrated that communications served upon Mr. Milton regarding the enforcement action were made by any means other than copy by regular mail.

Nevada Administrative Code Chapter 532 concerning enforcement actions does not compel service of correspondence by any particular method to any person, and there are many examples in Nevada's Water Code which require service on the owner of record by certified mail.³⁵ In this enforcement action, the State Engineer finds that the Division acted consistently with notice requirements found elsewhere in the Nevada's Water Code and gave notice by certified mail to the Respondent as the owner of record, with courtesy copy by regular mail to its agent. That there was an oversight by the Division by the omission of Mr. Milton's receiving a courtesy copy of the Violation Order by regular mail but this does not excuse Respondent's failure to act in light of Respondent's having received actual notice of the Violation Order, *supra*. Accordingly, the State Engineer finds that there was no requirement to serve Respondent's agent by certified mail in addition to Respondent; or, as a substitute for Respondent. The State Engineer finds that the inadvertent failure to copy Respondent's agent with the Violation Order by regular mail is not fatal to proceeding against Respondent in this enforcement action.

Mr. Routson testified late in the hearing that Respondent would have timely complied had the Violation Order been correctly routed internally to Mr. Heyn; or, if Mr. Milton had notice of the Violation Order.³⁶ The State Engineer finds evidence to the contrary in the record which compels him to conclude otherwise. For example, even up to the date of the hearing on August 9, 2013, Mr. Milton testified he had still not seen the Violation Order even though he was plainly aware of it and could have requested a copy from Mr. Heyn or from the Division at the time he became aware of it.³⁷

Mr. Heyn testified he became aware of the Violation Order approximately one-week prior to the hearing, yet neither he, nor anyone else from Winnemucca Farms contacted the Division to offer to comply with the requirements at that time; or, to attempt to obtain extensions of any deadlines in the Order which had passed.³⁸ Instead, Respondent conceded its intention

³⁵ See, e.g., NRS §§ 533.110; 533.140; 533.150; 533.160; 533.165; 533.265; 533.365; 533.380; 533.390; 533.410; 534.060; 534.080; 534.090; 534.160; 534.270; and 534.320.

³⁶ See generally, Transcript 44:6-22.

³⁷ Transcript 18:13-16.

³⁸ See generally, e.g., NAC § 532.180(2).

was to just appear at the show cause hearing and make its case at that time.³⁹ The State Engineer finds that Respondent's failure to act even when it became aware of the Violation Order prior to the hearing causes the State Engineer to reject Mr. Routson's testimony on this point.

The State Engineer finds that Respondent failed to comply with notifying the Division of its intent to come into compliance and that Respondent failed to meet with the Division to discuss a mitigation plan on July 17, 2013. The third field investigation conducted by Division staff confirmed that Respondent had achieved compliance of the violations immediately preceding the field investigation.⁴⁰ Therefore, the State Engineer finds that Respondent took action in response to the First and Second Cease and Desist letters, ultimately achieving compliance by the August 2, 2013, deadline set forth in the Violation Order.

IV.

Substantive Violations

Regarding the substance of the violations, the State Engineer finds that neither Respondent nor its agent offered any direct evidence to contest the validity of the violations. Instead, Mr. Heyn and Mr. Milton each asserted a variety of excuses as to why the violations occurred, including: that Mr. Heyn assumed proper permits were in place for unpermitted irrigation in Section 4;⁴¹ that Respondent's purchase of the Orovada operation was finalized in January 2012, and the water rights it acquired with the purchase were in disarray;⁴² that Mr. Heyn and Mr. Milton were not communicating adequately with each other;⁴³ that Mr. Milton assumed water rights were available to be stripped from Section 8 and that that Mr. Heyn instructed Mr. Milton to strip the water rights from Section 8;⁴⁴ and, that Mr. Milton was surprised to learn that changes in the fields were already made, when he believed that planning as to future action was ongoing, illustrating their continued communication issues.⁴⁵

The State Engineer finds that Respondent is a large-scale farming operation which has had operations in Nevada for over 50 years – most recently expanding operations into the

³⁹ Transcript 18:17 to 19:14.

⁴⁰ See SE Exhibit 21.

⁴¹ Transcript p. 38.

⁴² Transcript 23:15 to 24:2.

⁴³ Transcript 15:3-4, 15-16.

⁴⁴ Transcript 17:20 to 18:3.

⁴⁵ Transcript 22:16-23.

Orovada Subarea - Basin.⁴⁶ Inasmuch as it is reported that statewide, Respondent produces some 16,000 acres of potatoes (not Respondent's only crop) and had annual gross revenue of \$34 million dollars in 2013, the State Engineer is of the opinion that Respondent is very clearly a sophisticated farming operation which, for decades, has necessarily required various water rights through the State Engineer's Office.

In this case it appears to the State Engineer that Respondent gambled on commencing the 2013 irrigation season hoping to avoid detection of its illegal irrigation practices.⁴⁷ For example, Mr. Milton testified that that Respondent owned over 945 acres of underground water rights, which were not in the right places, the diversion were not correct and the places of use were not correct, but Respondent was in the process of changing it;⁴⁸ Mr. Milton confirmed that in addition to the change applications prompted by this enforcement action, another 9-12 change applications had to be filed where the points of diversion had changed and pipelines had been added by prior owners;⁴⁹ Mr. Milton affirmed that Respondent's process of continuing to file change applications was in the hope to correct all of the issues prior to the next irrigation season;⁵⁰ and finally, Mr. Milton agreed that Respondent was irrigating and putting water to places of use where wells were not correct according to the State Engineer's records.⁵¹

In only the second season since Respondent acquired the Orovada operation, Respondent's illegal irrigation practices were plainly evident, inasmuch as multiple requests to investigate were lodged by neighboring landowners with the Division. The State Engineer finds that what was obvious to neighboring landowners was, or should have been, obvious to Respondent, but went unaddressed until this enforcement action necessitated compliance on Respondent's part. In light of Respondent's sophistication as a large-scale, successful farming

⁴⁶ The 2013 Nevada Agriculture Analysis and Opportunities publication described Winnemucca Farms as: "[having] been part of the agriculture industry since the 1960's and today produces 16,000 acres of potatoes with a 20,000 square foot on-site processing plant. The company currently employs 140 people, with annual gross revenue of \$34 million. The plan for 2013 includes a company expansion, resulting in job generation. 96% of the product is sold nationally, 3% internationally, and 1% sold at the local level."

<http://agri.nv.gov/uploadedFiles/agrinvgov/Content/Home/Features/2013nvagreport.pdf> (accessed December 20, 2013).

⁴⁷ See e.g., NRS § 533.325 ("Any person who wishes to appropriate any of the public waters, or to change the place of diversion, manner of use or place of use of water already appropriated, shall, before performing any work in connection with such appropriation, change in place of diversion or change in manner or place of use, apply to the State Engineer for a permit to do so.")

⁴⁸ Transcript 14:23 to 15:2.

⁴⁹ Transcript 20:19-21.

⁵⁰ Transcript 20:19-21:8.

⁵¹ Transcript 28:7-19.

operation and the fact that Respondent was represented by a licensed water surveyor at all relevant times, the State Engineer finds Respondent's litany of excuses for the violations unpersuasive to excuse the violations in this case.

IV.

With regard to the violation in Section 8, Respondent revealed that the continued irrigation of the stripped acreage in Section 8 was occurring by a lessee, ENL Custom Hay, Inc. (ENL). Respondent testified that it had purchased the Dexter Farm which included Section 8, and that the Dexter's had a lease agreement with ENL which allowed ENL to farm in Section 8.⁵² When questioned about notification to ENL of the stripping of the Section 8 rights, Respondent first asserted that it had notified ENL; then, admitted it had not notified ENL, who continued irrigating the stripped acreage.⁵³ Notwithstanding that the continued irrigation of stripped acreage was done by ENL, the State Engineer finds that ENL's continued irrigation in Section 8 was the direct result of Respondent's failure to give ENL appropriate notice that the water rights were stripped from Section 8. The State Engineer finds that Respondent was aware of the lease agreement with ENL, yet failed to notify ENL that the water rights were stripped from a section where ENL was irrigating.

V.

The State Engineer finds that testimony during the hearing confirmed that Respondent had knowledge that the water rights it acquired during its purchase of the Orovada operation were not in order at the time it commenced irrigating during the 2013 season. The State Engineer further finds that Respondent was aware of the lease agreement with ENL Custom Hay at the time Respondent stripped the water rights from Section 8 without notifying ENL, who continued irrigating in Section 8. After considering the testimony by Respondent at the show cause hearing, the State Engineer finds that Respondent failed to offer good and sufficient cause why administrative penalties should not be imposed for the violations substantiated in Violation Order 1227.

⁵² Transcript 17:4-7.

⁵³ Transcript 39:8 to 40:23

CONCLUSIONS OF LAW

I.

The State Engineer has jurisdiction over these matters pursuant to NAC Chapter 532 and NRS §§ 533.481, 534.193.

II.

From the evidence presented during the show cause hearing, the State Engineer concludes that the violations identified in the Violation Order are substantiated and that the imposition of administrative penalties is warranted for the violations committed by Respondent in Sections 4 and 8.

III.

The calculation of fines and penalties is contained in NAC 532.210, which states in relevant part:

NAC 532.210 Additional penalties: Administrative fines; enforcement costs and cost of compliance inspections; calculation. (NRS 532.120, 533.481, 534.193, 535.200, 536.200)

1. The State Engineer may assess a penalty not to exceed \$10,000 per day for each violation, not including any assessed enforcement costs or requirement to replace any water.

2. The period for which the State Engineer may impose an administrative fine pursuant to NRS 533.481, 534.193, 535.200 or 536.200 begins on the first day the violation occurs and continues to accrue until the day the respondent corrects the violation. In calculating a period of time pursuant to this subsection, the State Engineer will not include delays which are not caused by the respondent.

....

4. The amount of a penalty assessed pursuant to this section is based on:

(a) The gravity of the violation, including, without limitation, any economic injury or impact to other persons;

(b) Whether the respondent made significant progress toward correcting the violation and attempted to comply with any applicable orders of the State Engineer;

(c) Any prior violations committed by the respondent;

(d) The economic benefit, if any, derived by the respondent from the violation;

(e) In the case of unlawfully using, wasting or diverting water:

(1) The relative amount of water involved; and

(2) The method used to measure the water in question; and

(f) Any other relevant facts established at a hearing to show cause before the State Engineer.

IV.

Imposition of Administrative Penalties

In Section 4, the State Engineer's investigation confirmed illegal irrigation occurred for at least 16 days between May 16-31, 2013, without the necessary water rights.⁵⁴ Respondent testified that it was cultivating 238 acres of wheat in Section 4. Of the 238 acres, 44.64 acres of land were permitted, leaving 193.36 acres of irrigation unpermitted as being outside the permitted place of use. The State Engineer concludes that Respondent's poor business practices, including proceeding with knowledge that the water rights were not in order and poor communication, lead to the violations in Section 4.

In addition, the State Engineer takes notice that Orovada Subarea Basin was under a severe drought condition at the time of the violation and this is considered an aggravating factor under NAC § 532.210(4)(f).⁵⁵ Although some evidence was adduced at the hearing regarding the economic benefit Respondent gained by its illegal irrigation of the wheat crop in Section 4, the State Engineer concludes the evidence is insufficient in this case to estimate the economic benefit Respondent received during the aforementioned period of the violation; therefore, no dollar amount was calculated as an economic benefit in this case.

In Section 8, the State Engineer concludes that Respondent failed to notify ENL Custom Hay that Respondent was stripping the water rights from Section 8. Respondent's failure to notify ENL caused ENL to continue irrigating 120.62 acres without necessary water rights. Here, again, the State Engineer concludes that Respondent's poor business practices of failing to notify its lessee it stripped the water rights resulted in the violation in Section 8. As well, the severe drought condition in the basin at the time of the violation is considered an aggravating factor. With regard to both violations, the State Engineer considers Respondent's failure to

⁵⁴ Although Respondent admitted it actually commenced irrigation in Section 4 at the beginning of April, the exact date irrigation commenced was not ascertained which would have allowed for the imposition of a greater penalty for the approximate six additional weeks of illegal irrigation which took place prior to discovery by the State Engineer. Here, the dates of commencement and continuation are based upon the observations of Division Staff during the field investigations. See Transcript at 27:10-11.

⁵⁵ See <http://droughtmonitor.unl.edu>.

notify the Division of its intention to comply and its failure meet with the Division to discuss a mitigation plan as aggravating factors.

The final administrative penalty assessed below is arrived at by calculating the maximum potential penalty which considers the aggravating factors identified above, but also includes a reduction of the potential penalty for mitigating factors which, in this case, include: Respondent's lack of prior violations; significant progress made toward correcting the violations in response to the two Cease and Desist letters; Respondent's attendance at the show cause hearing; and, Respondent's ultimate compliance with the August 2, 2013, deadline in the Violation Order.

Considering the facts of this case and the factors enumerated in NAC § 532.210, the State Engineer concludes that an administrative penalty in the amount of **\$17,000.00** should be assessed.

VI.

Enforcement Costs

NAC 532.210(3) allows for the recovery of costs related to enforcement actions stating:

In addition to an administrative fine, the State Engineer may assess enforcement costs and the cost of compliance inspections as follows:

(a) For enforcement costs, time spent to enforce actions surrounding the violation by water enforcement staff, supervisors and the Office of the Attorney General, at the full cost of the hourly rate of each employee, including, without limitation, salary, benefits, overhead and other directly related costs.

(b) For compliance inspections, the amount due based on staff time at the full cost of the hourly rate of the employee, including, without limitation, salary, benefits, overhead and other directly related costs.

In this enforcement action, the Division conducted three compliance investigations, which includes staff salaries and travel costs to conduct investigations. In addition, Division staff incurred enforcement costs through additional staff time in the office and by holding a show cause hearing in this matter. The Division tracked enforcement and compliance costs throughout the duration of this action, and has calculated all recoverable costs pursuant to NAC 532.210(3). The State Engineer concludes that enforcement costs in the amount of **\$12,820.00** are hereby assessed against Respondent, which figure includes staff salaries, benefits and overhead; travel costs; and court reporter fee expenses for the show cause hearing.

ORDER

NOW, THEREFORE, based upon the foregoing findings of fact and conclusions of law, the State Engineer and hereby Orders, good cause appearing,

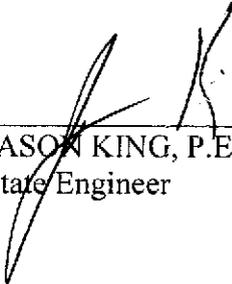
IT IS HEREBY ORDERED that an administrative penalty is assessed against Respondent in the amount of **\$17,000.00**;

IT IS FURTHER ORDERED that Respondent shall reimburse the Division for the costs of investigation, enforcement and hearing of this matter in the amount of **\$12,820.00**;

IT IS FURTHER ORDERED that remittance of the assessed administrative fine and reimbursement of costs be received in the Office of the State Engineer within 30 days of the date of this Order.

IT IS FURTHER ORDERED that the State Engineer shall retain jurisdiction over these proceedings, including, but not limited to the right to seek injunctive relief to enforce the terms of this Order.

IT IS SO ORDERED.

 P.E.

JASON KING, P.E.
State Engineer

Dated at Carson City, Nevada

this 17th day of January, 2014 .