

IN THE OFFICE OF THE STATE ENGINEER

OF THE STATE OF NEVADA

ORDER
#1258

ORDER

**DESIGNATING AND DESCRIBING THE HARDCRABBLE
AREA HYDROGRAPHIC BASIN (4-68) IN HUMBOLDT COUNTY,
NEVADA AND ORDERING THE INSTALLATION OF
TOTALIZING METERS**

WHEREAS, the State Engineer finds that conditions warrant the designation of the Hardscrabble Area Hydrographic Basin, located within a portion of Humboldt County, Nevada, and by this Order, pursuant to Nevada Revised Statutes (NRS) § 534.030, designates the following described areas of land in need of additional administration.

T.42N., R.41E., Mount Diablo Base & Meridian (M.D.B.&M.)

All of Sections 1, 2, 3, 4, 9, 10, 11, 12 and 15 and those portions of Sections 5, 6, 8, 13, 14, 16, 17, 18, 21, 22 and 23 lying within the natural drainage basin of Hardscrabble Area.

T.42N., R.42E., M.D.B.&M.

Those portions of Sections 6, 7 and 18 lying within the natural drainage basin of Hardscrabble Area.

T.43N., R.40E., M.D.B.&M.

All of Sections 1, 2, 3, 4, 5, 10, 11, 12, 13 and 24 and those portions of Sections 6, 7, 8, 9, 14, 15, 16, 17, 23, 25, 26 and 36 lying within the natural drainage basin of Hardscrabble Area.

T.43N., R.41E., M.D.B.&M.

All of Sections 1 thru 30 and 32 thru 36 and that portion of Section 31 lying within the natural drainage basin of Hardscrabble Area.

T.43N., R.42E., M.D.B.&M.

All of Sections 6, 7, 18, 19 and 30 and those portions of Sections 5, 8, 9, 17, 20, 29, 31 and 32 lying within the natural drainage basin of Hardscrabble Area.

T.44N., R.39E., M.D.B.&M.

All of Sections 1, 2, 11, 12, 13, 14, 15 and 24 and those portions of Sections 3, 9, 10, 16, 21, 22, 23, 25, 26, 27 and 28 lying within the natural drainage basin of Hardscrabble Area.

T.44N., R.40E., M.D.B.&M.

All of Sections 3 thru 30 and 32 thru 36 and those portions of Sections 1, 2 and 31 lying within the natural drainage basin of Hardscrabble Area.

T.44N., R.41E., M.D.B.&M.

All of Sections 17, 19 thru 22 and 26 thru 36 and those portions of Sections 6 thru 9, 14, 15, 16, 18, 23, 24 and 25 lying within the natural drainage basin of Hardscrabble Area.

T.44N., R.42E., M.D.B.&M.

All of Section 31 and those portions of Sections 19, 29, 30 and 32 lying within the natural drainage basin of Hardscrabble Area.

T.45N., R.39E., M.D.B.&M.

All of Sections 24, 25 and 36 and those portions of Sections 11, 12, 13, 14, 23, 26 and 35 lying within the natural drainage basin of Hardscrabble Area.

T.45N., R.40E., M.D.B.&M.

All of Sections 19 and 29 thru 34 and those portions of Sections 16, 17, 18, 20, 21, 22, 26, 27, 28 and 35 lying within the natural drainage basin of Hardscrabble Area.

The designated Hardscrabble Area Hydrographic Basin is depicted and defined on Nevada Division of Water Resources, State Engineer's office maps.

WHEREAS, the State Engineer finds that a public hearing as required under NRS § 534.030, in the matter of the designation of Hardscrabble Area Hydrographic Basin was held in Winnemucca, Nevada, on March 11, 2015. Based on information received at the hearing and other data and information available to the State Engineer, it is determined that this groundwater basin is in need of additional administration under the provisions of NRS Chapter 534.

WHEREAS, NRS § 534.120 provides that within an area that has been designated by the State Engineer where, in his judgment, the groundwater basin is being depleted, the State Engineer in his administrative capacity is empowered to make such rules, regulations and orders as are deemed essential for the welfare of the area involved.

NOW THEREFORE, IT IS HEREBY ORDERED that all owners of underground water rights in the Hardscrabble Area Hydrographic Basin, with the following exceptions, shall install and maintain, in accordance with manufacturer's

specifications, a totalizing meter in the discharge pipeline near the point of diversion by **February 1, 2016**. Additionally, all wells drilled after **February 1, 2016**, shall be subject to this requirement.

EXCEPTIONS:

1. Those wells drilled for domestic purposes as defined by NRS § 534.013.
2. Those wells drilled for stockwater purposes, unless otherwise required by the terms of the permit or certificate.
3. Those wells with a total authorized withdrawal that does not exceed five acre-feet annually, unless otherwise required by the terms of the permit or certificate.

IT IS FURTHER ORDERED that **within thirty days** of installation, each owner who installs a totalizing meter in accordance with this order shall file with the State Engineer a report of installation on the form provided by the Division of Water Resources.

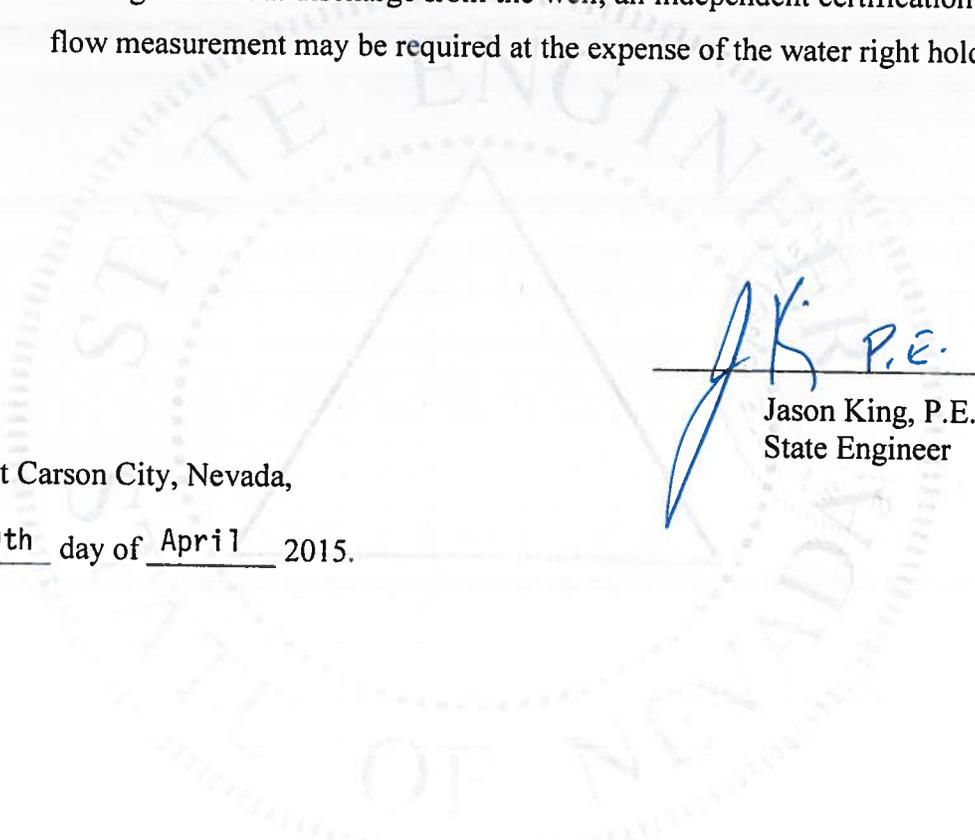
IT IS FURTHER ORDERED that once the totalizing meter is installed, monthly records shall be kept of the amount of water pumped from each well subject to this order, and the records shall be submitted to the State Engineer **within 15 days after the end of each calendar quarter**, or more frequently if required by the terms of the permit or certificate.

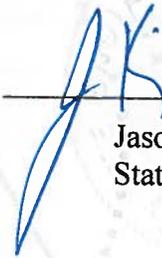
IT IS FURTHER ORDERED that:

1. Each water right owner shall expeditiously correct totalizing meter failure or deficiencies in metering equipment or installations that cause the meter to fail to meet the requirements of this order.
2. The State Engineer may authorize the temporary estimation of the amount of water pumped during the time period required to repair a non-functional totalizing meter. Estimation of the amount of water pumped must be based upon the number of hours the pump was operated, multiplied by the well discharge diversion rate. This estimation must be submitted to the State Engineer in the form of a sworn affidavit from the water right owner, but is in

no way a direct substitute for a totalizing meter installed in the discharge pipeline.

3. Each water right owner shall provide access to the totalizing meter by State Engineer staff without prior notice for reading and inspection.
4. Any tampering with any working totalizing meter, *e.g.*, reprogramming, such that the totalizing meter provides a false measurement is prohibited. If upon inspection, the State Engineer finds discrepancies between the totalizing meter reading and actual discharge from the well, an independent certification of the flow measurement may be required at the expense of the water right holder.



 P.E.

Jason King, P.E.
State Engineer

Dated at Carson City, Nevada,

this 29th day of April 2015.