

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

1050

ORDER

Thomas and Ruth Bobrick  
Rt 1, Box 16A  
Yerington, Nevada 89447  
Certified Mail No. P 668 480 796

Desert Pearl Farms  
430 Highway 339  
Yerington, Nevada 89447  
Certified Mail No. 668 480 797

Records in the office of the State Engineer and the Lyon County Assessor's Office show that Thomas and Ruth Bobrick are owners of 156 acres of land in the SW $\frac{1}{4}$  NW $\frac{1}{4}$  and NW $\frac{1}{4}$  SW $\frac{1}{4}$  Section 26, and SE $\frac{1}{4}$  NE $\frac{1}{4}$  and NE $\frac{1}{4}$  SE $\frac{1}{4}$  Section 27, T.13N., R.25E., M.D.B.&M. These lands had been under water rights Permit 18631, Certificate 5845, issued by the State Engineer's Office.

On May 22, 1990, Application 54860 was filed by Desert Pearl Farms to change the point of diversion and place of use of Permit 18631, Certificate 5845. Permit 54860 was issued July 19, 1991, and abrogated Permit 18631, Certificate 5845.

On May 9, 1991 Application 56282T was filed by Desert Pearl Farms to change the point of diversion and place of use of a portion of Permit 18986, Certificate 5277 to 125 acres within the place of use of Permit 18631. The proposed point of diversion of Application 56282T would be in the SE $\frac{1}{4}$  NE $\frac{1}{4}$  Section 26, the same point of diversion as Permit 54860. A permit has not been issued for Application 56282T.

Field inspections made by the State Engineer's Office July 19 and July 22, 1991 found that irrigation had been conducted on approximately 156 acres of alfalfa in the place of use of Permit 18631. The well under Permit 18631 was not able to pump water to these lands because it was disconnected from electric power service. The source of water to the lands under Permit 18631 was found to be a pipeline from the well in the SE $\frac{1}{4}$  NE $\frac{1}{4}$  Section 26.

Records in the State Engineer's Office show that the only source of underground water on lands in the place of use of Permit 18631 is the well under the permit. This well is disconnected from electric power service. The 156 acres of alfalfa has been illegally irrigated by water diverted from a well not permitted for the lands being irrigated.

NRS 534.020 provides that:

"All underground waters within the boundaries of the State belong to the public, and are subject to appropriation for beneficial use only under the laws of this state relating to the appropriation and use and not otherwise."

NRS 534.190 states:

"Any person violating any of the provisions of NRS 534.010 to 534.180, inclusive, shall be guilty of a misdemeanor."

NRS 534.460 states:

"The unauthorized use of water to which another person is entitled, or the willful waste of water to the detriment of another, shall be a misdemeanor, and the possession or use of such water without legal right shall be prima facie evidence of the guilt of the person using or diverting it."

You are clearly exceeding the extent of the right under Permit 54860 and are hereby ordered to cease and desist irrigation of lands in the NW $\frac{1}{4}$  SW $\frac{1}{4}$  and SW $\frac{1}{4}$  NW $\frac{1}{4}$  Section 26 and SE $\frac{1}{4}$  NE $\frac{1}{4}$  and NE $\frac{1}{4}$  SE $\frac{1}{4}$  Section 27, T.15N., R.25E., M.D.B.&M., from any underground source. You are ordered to submit copies of electric power bills and pump service bills from 1985 through 1990 for the well under Permit 18631, and you are ordered to plug this well pursuant to Nevada Administrative Code (NAC) 534.420 as required by terms of Permit 54860. Plugging is required to be completed on September 30, 1991.

  
R. MICHAEL TURNIPSEED, P.E.  
State Engineer

Dated at Carson City, Nevada, this

21st, day of August, 1991