

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

1052

ORDER

Tom Reviglio  
Circle Bar "N" Ranch  
P.O. Box 1576  
Sparks, NV 89431

The records in the office of the State Engineer show that Circle Bar "N" Ranch is the owner of underground water rights under Permit 24013, Certificate 8286, and Permit 30521, Certificate 10423. Irrigation wells under these permits are in the NW $\frac{1}{4}$  SE $\frac{1}{4}$  Section 5, and NE $\frac{1}{4}$  SW $\frac{1}{4}$  Section 4, T.13N., R.26E., M.D.B.&M. The lands under these water rights are supplemental and are:

<u>T13N - R26E</u>	<u>Cert. 8286</u>	<u>Cert. 10423</u>
SE $\frac{1}{4}$ Sec. 5	82 Ac	81.33 Ac.
NE $\frac{1}{4}$ Sec. 5	145	148.66
SW $\frac{1}{4}$ Sec. 4	61	77.98
SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 4	39	40.70
SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec.4	<u>83</u>	<u>37.26</u>
	365 Ac	385.93 Ac

The duty of water assigned to Certificate 8286 is 1460 acre-feet per year and the duty of water assigned to Certificate 10423 is 1543.72 acre-feet per year. The maximum amount that can be pumped from both wells in one year is 1543.72 acre-feet.

A field inspection by the State Engineer's office September 19, 1991 found that water from the well in the NE $\frac{1}{4}$  SW $\frac{1}{4}$  Section 4, (Permit 30521), was being used to irrigate land not under either water right certificate. Specifically, the land being irrigated was part of the NE $\frac{1}{4}$  NW $\frac{1}{4}$  Section 4, T.13N., R.26E., M.D.B.&M. Records in the State Engineer's office do not show a permit for the use of underground water for the irrigation of lands in the N $\frac{1}{2}$  NW $\frac{1}{4}$  Section 4, T.13N., R.26E., M.D.B.&M.

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 only under the laws of this state relating to the appropriation and use and not otherwise."

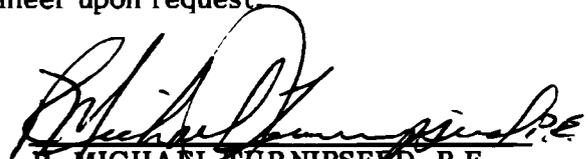
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NRS 534.460 states:

"The unauthorized use of water to which another person is entitled, or the willful waste of water to detriment of another, shall be a misdemeanor, and 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 water right under Permit 30521, Certificate 10423, and under Permit 24013, Certificate 8286. You are hereby ordered to:

1. Immediately cease and desist irrigation of lands not under Certificates 10423 and 8286.
2. Within 30 days from receipt of this Order provide a sketch diagram of the underground waterlines in the south part of the ranch, including those around the pond (Lake Thomas), both pumps, water lines between the pumps, and the 12 inch waterline crossing the drain ditch to the Karadanis property at the southeast corner of the NE $\frac{1}{4}$  SE $\frac{1}{4}$  Section 5.
6. Before the start of the 1992 irrigation season install a totalizing meter on the discharge of each irrigation well and furnish meter readings to the State Engineer upon request.

  
R. MICHAEL TURNIPSEED, P.E.  
State Engineer

Dated at Carson City, Nevada, this  
10th, day of October, 1991

Certified Mail NO. P 668 480 882

cc: Bruce Scott, RCI