

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

ORDER

Vernon F. Bryan, Inc.  
539 Lower Colony Road  
Wellington, NV 89444  
Certified Mail No. P 019 021 548

Records in the office of the State Engineer show Permits 55840 and 55841 were approved December 30, 1991, to change the point of diversion and place of use of Permit 49446 and 49448, Certificates 12095 and 12096, respectively. Approval of Permits 55840 and 55841 abrogated the water rights under Permits 49446 and 49447 from a well located on Upper Colony Road in the NW $\frac{1}{4}$  NE $\frac{1}{4}$  Section 3, T.11N., R.23E., M.D.B.&M. Records show that Permits 49446 and 49447 were appurtenant to lands within the N $\frac{1}{2}$  NE $\frac{1}{4}$  Section 3, which the Lyon County Assessors Office shows as Parcel 10-191-01 owned by Vernon F. Bryan, Inc. The State Engineer's Office has no other water right in that well nor appurtenant to the N $\frac{1}{2}$  NE $\frac{1}{4}$  Section 3, but on April 23, 1992, Vernon F. and Ruth A. Bryan filed Application 57495 to change the point of diversion and place of use of a portion of Permit 20491, Certificate 6464. The proposed point of diversion would be the well in the NW $\frac{1}{4}$  NE $\frac{1}{4}$  Section 3.

NRS 534.020, states:

"All underground waters within the boundaries of the state belong to the public, and subject to all existing rights to the use thereof, are subject to appropriation for beneficial use only under the laws of this state relating to the appropriation and use of water 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 533.460 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 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 in violation of NRS 533.460 and ARE HEREBY ORDERED to cease and desist any pumpage of water from the well in the NW $\frac{1}{4}$  NE $\frac{1}{4}$  Section 3 T.11N., R.23E., M.D.B.&M. The State Engineer will take final action on Application 57495 after the statutory time period for publication and protest has run.

  
R. MICHAEL TURNIPSEED, P.E.  
State Engineer

Dated at Carson City, Nevada, this

12th, day of May, 1992.