

OF THE STATE OF NEVADA

O R D E R

Alan Oppio, R. W. Capurro  
and Louis J. Capurro  
7800 Pyramid Highway  
Sparks, Nevada 89431  
Cert. Mail No. P 319 83 521

Michael Stewart  
Empire Farms  
P.O. Box 40  
Empire, Nevada 89405  
Cert. Mail No. P 319 853 522

**WHEREAS**, NRS 534.020(1) 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."

**WHEREAS**, NRS 533.030(1) states, "Subject to existing rights, and except as otherwise provided in this section, all water may be appropriated for beneficial use as provided in this chapter and not otherwise (emphasis added)."

**WHEREAS**, NRS 533.480 states, "Any person violating any of the provisions of NRS 533.010 to 533.475, inclusive, shall be guilty of a misdemeanor."

**WHEREAS**, NRS 534.110(4) states in part, "It is a condition of each appropriation of groundwater acquired under this chapter that the right of the appropriator relates to a specific quantity of water..."

**WHEREAS**, during a field investigation conducted on July 5, 1994, by this office it was determined that water was being diverted from a well in the NW¼ NW¼ Section 16, T.22N., R.21E., M.D.B. & M., otherwise known as "MCO Well #5" and "Nevada Potato Well" and was being used to irrigate garlic and onions on approximately 200 acres within the place of use described below.

**WHEREAS**, a search of the records of the State Engineer revealed that ten (10) applications had been filed and approved as of this date for the appropriation of water for use in a portion of the E½ of Section 8, SW¼ and W½ SE¼ Section 9, and a portion of the N½ NW¼ Section 16, all in T.22N., R.21E., M.D.B. & M. Said permits being numbered 55603 through 55607, inclusive, and 57444 through 57448, inclusive.

**WHEREAS**, The totalizing meter on the subject well was read and 789.90 acre-feet of water was determined to have been pumped.

WHEREAS, permits 55603 through 55607, inclusive, and 57444 through 57448, inclusive, allow a pumpage of 662.90 acre feet per annum for the irrigation of 165.725 acres within the described place of use.

NOW THEREFORE YOU ARE HEREBY ORDERED, to Cease and Desist all diversion of water from the subject well.

Failure to cease diversion of water and excessive irrigation will result in the appropriate judicial action.

  
R. Michael Turnipseed, P.E.  
State Engineer

Dated at Carson City, Nevada, this  
28th day of JULY, 1994.

cc: Robert Cantley  
George Lindesmith  
George Newell