

IN THE OFFICE OF THE STATE ENGINEER

1200

OF THE STATE OF NEVADA

ORDER

Dayton Valley Turf  
290 Kietzke Lane  
Reno, NV 89502  
Certified Mail:  
71067808063000393515

Century Oak Land Co.  
1487 Mary Jo Drive  
Gardnerville, NV 89460  
Certified Mail:  
71067808063000393522

Jack Rupert  
P.O. Box 662  
Dayton, NV 89402  
Certified Mail:  
71067808063000393539

Stagecoach Land and  
Livestock, LLC  
P.O. Box 22419  
Carson City, NV 89721  
Certified Mail:  
71067808063000393546

Hugh B. Thorson  
4463 N. Shadow Hills Blvd  
Santa Barbara, CA 93105  
Certified Mail:  
71067808063000393553

Thomas H. Eitel  
2704 Lafayette Street  
Soquel, CA 95073  
Certified Mail:  
71067808063000393560

**WHEREAS**, the records of the Office of the State Engineer identify Permit 27817, Certificate 9178; Permit 31041, Certificate 9550; and Permit 31042, Certificate 9185 as perfected irrigation water rights from an underground source, in good standing, and are each appurtenant to the same 15 acres located within a portion of the SE 1/4 SW 1/4 of Section 17, T.17N., R.23E., M.D.B.&M., and Permit 61572 as an irrigation water right from an underground source, in good standing, appurtenant to 7.16 acres located within a portion of the SE 1/4 SE 1/4 of Section 18, T.17N., R.23E., M.D.B.&M.

**WHEREAS**, the records of the Office of the State Engineer identify Hugh B. Thorson as the owner of a portion of Permit 27817, Certificate 9178, being 14 acres located within a portion of the SE1/4 SW 1/4 of Section 17, T. 17N., R.23E., M.D.B.&M., and Thomas H. Eitel as the owner of a portion of Permit 27817, Certificate 9178, being one acre located within a portion of the SE 1/4 SW 1/4 of Section 17, T.17N., R.23E., M.D.B.&M.;

and Hugh B. Thorson as the owner of a portion of Permit 31041, Certificate 9550, being 14 acres located within a portion of the SE 1/4 SW 1/4 of Section 17, T. 17N., R.23E., M.D.B.&M., and Thomas H. Eitel as the owner of a portion of Permit 31041, Certificate 9550, being one acre located within a portion of the SE 1/4 SW 1/4 of Section 17, T. 17N., R.23E., M.D.B.&M.;

and Hugh B. Thorson as owner of a portion of Permit 31042, Certificate 9185, being 14 acres located within a portion of the SE1/4 SW 1/4 of Section 17, T. 17N., R.23E., M.D.B.&M., and Thomas H. Eitel as the owner of a portion of Permit 31042, Certificate 9185, being one acre located within a portion of the SE1/4 SW 1/4 of Section 17, T. 17N., R.23E. M.D.B.&M. and

Century Oak Land Company, a Nevada corporation, as owner of Permit 61572, being 7.16 acres located within a portion of the SE 1/4 SE 1/4 of Section 18, T.17N., R.23E., M.D.B.&M.

**WHEREAS**, the points of diversion under Permits 27817, Certificate 9178; 31041, Certificate 9550; 31042, Certificate 9185; and 61572 are located as follows by section subdivision and Lyon County Assessor's parcel number (APN):

Permit 27817, Certificate 9178

NW1/4 SW1/4 of Section 17, T.17N., R.23E. APN 015-371-05

Permit 31041, Certificate 9550

NW1/4 SW1/4 of Section 17, T.17N., R.23E. APN 015-371-05

Permit 31042, Certificate 9185

NE1/4 SW1/4 of Section 17, T.17N., R.23E. APN 015-371-07

Permit 61572,

SE1/4 SE1/4 of Section 18, T.17N., R.23E. APN 015-365-03

The underground water used from the points of diversion under Permit 27817, Certificate 9178 and Permit 61572 is used for irrigation of sod grass by a commercial enterprise known as Dayton Valley Turf.

**WHEREAS**, the commercial business operated by Dayton Valley Turf extends over the following APN's and the owner(s) are as identified by the Lyon County Assessor's office:

APN 015-371-05	Stagecoach Land and Livestock LLC
APN 015-371-06	Stagecoach Land and Livestock LLC
APN 015-371-07	Stagecoach Land and Livestock LLC
APN 015-371-08	Stagecoach Land and Livestock LLC
APN 015-371-15	Jack Rupert
APN 015-365-03	Stagecoach Land and Livestock LLC
APN 015-365-04	Stagecoach Land and Livestock LLC

These APN's are assigned to acreage that occupies all of the SW1/4 and portions of the W 1/2 of the SE 1/4 of Section 17, and portions of the E 1/2 of the SE 1/4 of Section 18, T.17N., R.23E., M.D.B.&M.

**WHEREAS**, an informal field investigation was conducted on April 13, 2009, by staff of the Office of the State Engineer, during this informal field investigation, the extent of acreage under cultivation on APN's 015-365-04, 015-365-03, 015-371-06, and 015-371-15 was documented using Global Positioning Systems (GPS) coordinates. The coordinates were used to calculate the number of acres in production. The following describes that acreage by section subdivision and APN:

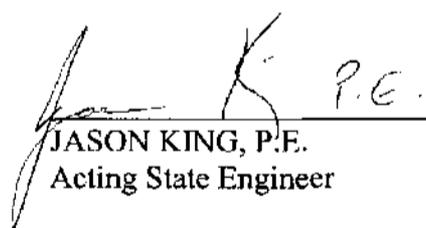
SE 1/4 SW 1/4 Section 17, T. 17N., R.23E.	APN 015-371-15	1.8 acres
SW 1/4 SW 1/4 Section 17, T. 17N., R.23E.	APN 015-371-06	9.9 acres
SE 1/4 SE 1/4 Section 18, T. 17N., R.23E.	APN 015-365-03	26.3 acres
NE 1/4 SE 1/4 Section 18, T. 17N., R.23E.	APN 015-365-04	13.3 acres
	Total	51.3 acres

**WHEREAS**, under Permit 27817, Certificate 9178; Permit 31041, Certificate 9550; Permit 31042, Certificate 9185; and Permit 61572, rights exist to irrigate a maximum of 22.16 acres.

**WHEREAS**, investigation by representatives of the Office of the State Engineer found evidence of irrigation in excess of 51 acres; and in excess of 42 of those acres had been irrigated outside of the permitted place of use under Permit 27817, Certificate 9178; Permit 31041, Certificate 9550; Permit 31042, Certificate 9185; and Permit 61572, on acreage for which no active irrigation water right from an underground source exists.

**WHEREAS**, Nevada Revised Statutes (NRS) 534.080(1) states "A legal right to appropriate underground water for beneficial use...can only be acquired by complying with the provisions of chapter 533 of NRS pertaining to the appropriation of water." Further, NRS 534.080(2) states, "The State Engineer may, upon written notice sent by registered or certified mail, return receipt requested, advise the owner of a well who is using water therefrom without a permit to appropriate such water to cease using such water until he has complied with the laws pertaining to the appropriation of water. If the owner fails to initiate proceedings to secure such permit within 30 days from the date of such notice he shall be guilty of a misdemeanor."

**NOW THEREFORE, EACH AND EVERYONE OF YOU ARE HEREBY ORDERED** to cease and desist immediately the use of underground water obtained from any or all of the points of diversion of Permit 27817, Certificate 9178; Permit 31041, Certificate 9550; Permit 31042, Certificate 9185; and Permit 61572 for irrigation of acreage outside of the permitted and defined place of use under said permits and certificates.

  
JASON KING, P.E.  
Acting State Engineer

Dated at Carson City, Nevada this

20<sup>th</sup> day of April, 2009