

ORDER

Desert Pearl Farms  
430 Highway 339  
Yerington, Nevada 89447  
Certified Mail No. P 668 480 798

Thomas and Ruth Bobrick  
Rt 1, Box 16A  
Yerington, Nevada 89447  
Certified Mail No. P 669 480 799

Louise and Basil Quilici  
P.O. Box 142  
Yerington, NV 89447  
Certified Mail No. P 668 480 800

Records in the office of the State Engineer's Office show that the irrigation well located in the SE $\frac{1}{4}$  NE $\frac{1}{4}$  Section 26, T.13N., R.25E., M.D.B.&M. is owned by Desert Pearl Farms. Before July 19, 1991, records in the State Engineer's Office showed that the only approved permit for this well was Permit 55759T for 0.49 cfs, 140 acre-feet, for 35 acres of irrigation within the NE $\frac{1}{4}$  Section 26, and NW $\frac{1}{4}$  NW $\frac{1}{4}$  Section 25, T.13N., R.25E., M.D.B.&M. Permit 54860 to change 2.5 cfs, 624 acre-feet, to 156 acres of the above lands was issued July 19, 1991. Permit 55676, successor to Permit 55759T, was issued August 2, 1991, for the same diversion rate, duty, point of diversion and place of use as Permit 55759T. A Permit for Application 56282T to change water to lands that were appurtenant to Permit 18631 has not been issued.

Field inspections made by the State Engineer's Office July 19 and July 22, 1991 found that irrigation had been conducted on the approximately 200 acres in the NE $\frac{1}{4}$  Section 26, and NW $\frac{1}{4}$  NW $\frac{1}{4}$  Section 25, the Desert Pearl Farms land; approximately 160 acres of land that was appurtenant to Permit 18631, Certificate 5845, in the SW $\frac{1}{4}$  NW $\frac{1}{4}$  and NW $\frac{1}{4}$  SW $\frac{1}{4}$  Section 26, and the SE $\frac{1}{4}$  NE $\frac{1}{4}$  and NE $\frac{1}{4}$  SE $\frac{1}{4}$  Section 27, the Bobricks land; and approximately 30 acres appurtenant to Permit 30429, Certificate 9831, in the NE $\frac{1}{4}$  NW $\frac{1}{4}$  and SE $\frac{1}{4}$  NW $\frac{1}{4}$  Section 26, the Quilici's land; all lands in T.13N., R.25E., M.D.B.&M. The source of this water is the Desert Pearl Farms well in the SE $\frac{1}{4}$  NE $\frac{1}{4}$  Section 26.

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."

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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 rights under permits for the Desert Pearl Farms well and are hereby ordered to cease and desist any pumpage that exceeds the diversion rate and annual duty as set forth in Permits 54860 and 55676. You are further ordered to cease use of water from the well to irrigate those lands not specified as the place of use of Permits 54860 and 55676. Further, you are ordered to install a meter on the discharge of the Desert Pearl Farms well within 15 days from the date of this order and furnish meter readings to the State Engineer upon request.

  
R. MICHAEL TURNIPSEED, P.E.  
State Engineer

Dated at Carson City, Nevada, this  
21st, day of August, 1991