

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

1074

O R D E R

Bar Bell Farms, Inc.
P.O. Box 1618
Fallon, Nevada 89406
Certified Mail No. P 680 490 668

WHEREAS, Bar Bell Farms, Inc. holds title to Permits 48954, 50659, 54689 and 54690.

WHEREAS, the total combined duty of Permits 48954, 50659, 54689 and 54690 shall not exceed 21.9 million gallons annually.

WHEREAS, the Proofs of Beneficial Use were submitted to the State Engineer's office for Permits 48954 and 50659 on April 15, 1988.

WHEREAS, the amended Proofs of Beneficial Use with attached meter readings were submitted to the State Engineer's office on March 5, 1991.

WHEREAS, the amount of water put to beneficial use as stated on the Proofs of Beneficial Use exceeds 21.9 million gallons annually.

WHEREAS, overpumpage has occurred for each of the three years, 1986, 1987, 1988 for which meter readings were submitted.

WHEREAS, NRS 534.020(1) provides that: "All underground waters within the boundaries of the state belong to the public, and subject to all existing rights on 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."

WHEREAS, 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."

WHEREAS, NRS 533.460 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 of use of such water without legal right shall be prima facie evidence of the guilt of the person using or diverting it."

WHEREAS, you are clearly exceeding the extent of the rights under Permits 48954, 50659, 54689 and 54690.

NOW THEREFORE, you are hereby ordered to cease and desist any pumpage of water that exceeds the diversion rate and total combined annual duty of 21.9 million gallons.


R. MICHAEL TURNIPSEED, P.E.
State Engineer

Dated at Carson City, Nevada, this
16th day of March, 1993.