

IN THE OFFICE OF THE STATE ENGINEER

1106

OF THE STATE OF NEVADA

O R D E R

Gene Montelatici
Route 1, Box 31A
Yerington, NV 89447
Cert. Mail No. P 866 993 665

Hunewill Enterprises
111 Highway 208
Yerington, NV 89447
Cert. Mail No. P 866 993 666

Norman E. Montelatici
39 Fairway Drive
Yerington, NV 89447
Cert. Mail No. P 866 993 667

WHEREAS, the records of the Lyon County Assessor's Office state that Norman E. Montelatici is the owner of the parcel of land as described by Lyon County Assessor's Parcel No. 4-061-04, consisting of 10 acres of land within the N½ of the NE¼, Section 27, T.13N., R.25E., M.D.B.&M., of Mason Valley; and

WHEREAS, the records of the Lyon County Assessor's Office state that Hunewill Enterprises is the owner of the parcel of land as described by Lyon County Assessor's Parcel No. 4-061-15, consisting of 60 acres of land within the N½ of the NE¼, Section 27, T.13N., R.25E., M.D.B.&M., of Mason Valley; and

WHEREAS, the records of the Nevada Division of Water Resources show that Application No. 26099 was filed on April 30, 1971 by and for Gene Montelatici. Application No. 26099 was filed for recreational and domestic use, or more specifically, for the watering of a 70 acre golf course from an underground source; and

WHEREAS, Permit No. 26099 was issued by the State Engineer on November 11, 1971 for irrigation of the golf course and to furnish water for the club house; and

WHEREAS, Permit No. 26099 was canceled on July 18, 1975 for failure to comply with the terms of the permit, more specifically, for failing to file the Proof of Beneficial Use and map; and

WHEREAS, a field investigation was conducted on September 22, 1994, by staff of the Nevada Division of Water Resources indicating that water is being pumped and used at the Mason Valley Country Club Golf Course from the well drilled under Permit No. 26099. The field investigation also revealed that not only was the water being pumped on the day of the field investigation but it appears that over the last five years, an average of 107 acre-feet per year of water was pumped; and

WHEREAS, Nevada Revised Statutes 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 and not otherwise"; and

WHEREAS, the records of the Nevada Division of Water Resources do not reflect that a permit is on file to replace cancelled permit 26099; and

WHEREAS, the location of the well is within the jurisdiction of various orders issued by the State Engineer, including Order No. 627, dated January 20, 1977; and Order No. 691, dated September 7, 1977.

NOW THEREFORE, YOU ARE HEREBY ORDERED to cease and desist immediately the use of water from this well as described in cancelled Permit No. 26099.


R MICHAEL TURNIPSEED, P.E.
State Engineer

Dated at Carson City, Nevada, this
7th day of OCTOBER, 1994