

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

**1163**

**ORDER**

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**WHEREAS**, the records of the Division of Water Resources indicate there is a Claim of Vested Right, Proof of Appropriation No. V-09124, for use of the waters of Granite Cove Creek to irrigate 17 45 acres located within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$  and SW $\frac{1}{4}$ SW $\frac{1}{4}$  Section 23, T 33N , R 23E., M D B &M.,

**WHEREAS**, the records of the Division of Water Resources indicate that Permit 2660, Certificate 362, for the waters of Granite Cove Creek is currently being used to irrigate a portion of the 120 acres located within the S $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$  and NE $\frac{1}{4}$ SW $\frac{1}{4}$  Section 26, T.33N., R.23E., M.D.B &M.,

**WHEREAS**, the records on file in the office of the State Engineer indicate that water has not been placed to beneficial use since sometime preceding the June 18, 1913, field investigation by Seymour Case, Assistant State Engineer in the State Engineer's office;

**WHEREAS**, a field investigation was conducted on May 23, 2000, by staff of the Nevada Division of Water Resources. Said investigation found no evidence on the ground supporting historical and continuous use of water as claimed under Proof of Appropriation V-09124;

**WHEREAS**, in the CONCLUSION section of the May 23, 2000, field investigation the investigator recommended "that no water use be allowed under Proof V-09124 until this dispute is either resolved between the two parties or a decision is made through an adjudication proceeding under NRS Chapter 533";

**WHEREAS**, the State Engineer determines in accordance with NRS § 533.060, Subsection 4, no evidence has been submitted by the claimant under Proof of Appropriation V-09124 for the waters of Granite Cove Creek to support a "presumption that the right to use the surface water has not been abandoned...within a ten year period immediately preceding any claim that the right to use the water has been abandoned";

**WHEREAS**, the State Engineer finds that the water rights claimed under Proof V-09124 conflict with existing permitted rights;

**WHEREAS**, the State Engineer finds a preponderance of evidence of continuous water use from Granite Cove Creek by the permitted user downstream of the claimant without objection from any upstream user;

**NOW THEREFORE, YOU ARE HEREBY ORDERED** to cease and desist immediately the diversion and use of the waters of Granite Cove Creek on the lands located within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$  and SW $\frac{1}{4}$ SW $\frac{1}{4}$  Section 23, T.33N., R.23E , M.D.B.&M., Black Rock Desert, Washoe County, Nevada, pending an adjudication of the waters of Granite Cove Creek pursuant to NRS Chapter 533.

  
R. MICHAEL TURNIPSEED, P.E.  
STATE ENGINEER

Dated at Carson City, Nevada

this 7th day of July, 2000.