

ORDER

Walter and Shari Tibbals
32 E. Purcel Lane
Yerington, Nevada 89447
Certified Mail No. P 668 480 801

Desert Pearl Farms
430 Highway 339
Yerington, Nevada 89447
Certified Mail No. 668 480 802

Records in the office of the State Engineer Office show that Walter and Shari Tibbals are owners of the 58 acres of water rights remaining under Permit 19114, Certificate 5882. Permit 55871T is a change of point of diversion and place of use of Permit 19114 to 58 acres of land described as being the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 31 (40 acres) and NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 31 (18 acres), all in T.13N., R.26E., M.D.B.&M. The point of diversion is a well located within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 31 that records show belongs to Desert Pearl Farms.

Field inspections made by the State Engineer's Office July 19 and July 22, 1991 found that irrigation had been conducted on the following land:

Section 31, T.13N., R.26E., M.D.B.&M.

S $\frac{1}{2}$	NE $\frac{1}{4}$	SW $\frac{1}{4}$	approx	18 acres	Alfalfa
	NW $\frac{1}{4}$	SE $\frac{1}{4}$	approx	38 acres	Alfalfa
	SW $\frac{1}{4}$	SE $\frac{1}{4}$	approx	40 acres	Alfalfa

Records in the State Engineer's Office do not show a permit for irrigation of approximately 18 acres in the S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ and approximately 20 acres in the N $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ in Section 31.

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."

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."

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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 remaining under Permit 19114, Certificate 5882, and as issued under Permit 55871T. You are hereby ordered to cease and desist any pumpage of water that exceed the diversion rate and annual duty as set forth under Permit 55871T, or use water to irrigate lands not specified as the 58 acres in the place of use of Permit 55871T.

Permit 55871T will expire by its terms April 7, 1992. The State Engineer finds no other water rights in the well located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 31, T.13N., R.26E., M.D.B.&M., and orders the well to be plugged pursuant to the Nevada Administrative Code (NAC) 534.420 before May 7, 1992.


R. MICHAEL TURNIPSEED, P.E.
State Engineer

Dated at Carson City, Nevada, this

21st, day of August, 1991