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DOUGLAS COUNTY
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TED THРАН
CLERK

BY [Signature] DEPUTY

This document does not contain personal information of any person.

IN THE NINTH JUDICIAL DISTRICT COURT FOR THE STATE OF NEVADA

IN AND FOR THE COUNTY OF DOUGLAS

FILED

AUG 09 2010

No. 56551

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY A. Ingerson
DEPUTY CLERK

In the Matter of the Determination of the
Relative Rights in and to the Waters of Mott
Creek, Taylor Creek, Cary Creek (aka Carey
Creek), Monument Creek, and Bulls Canyon,
Stutler Creek (aka Stattler Creek), Sheridan
Creek, Gansberg Spring, Sharpe Spring,
Wheeler Creek No. 1, Wheeler Creek No. 2,
Miller Creek, Beers Spring, Luther Creek and
Various Unnamed Sources in Carson Valley,
Douglas Valley, Nevada.

NOTICE OF APPEAL

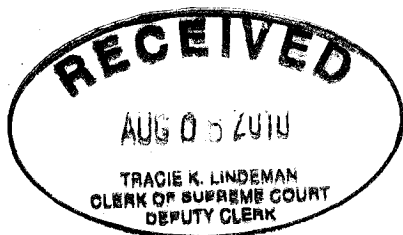
COME NOW J.W. BENTLEY and MARYANN BENTLEY, Trustees of the Bentley
Family 1995 Trust ("Bentley"), by and through their counsel of record, Michael L. Matuska,
Brooke · Shaw · Zumpf, and hereby appeal to the Supreme Court of Nevada from the *Order for
Division of Water* (effectively, a temporary restraining order) that was entered on 18 June 2010.

DATED this 12th day of July 2010.

BROOKE · SHAW · ZUMPF

By:

[Signature]
Michael L. Matuska
State Bar No. 5711
1590 4th Street/P.O. Box 2860
Minden NV 89423
(775) 782-7171
(775) 782-3081 (Fax)



BROOKE · SHAW · ZUMPF
POST OFFICE BOX 2860
MINDEN, NEVADA 89423
(775) 782-7171

CERTIFICATE OF SERVICE


Pursuant to NRCP 5(b), I certify that I am an employee of BROOKE · SHAW · ZUMPF
and that on the 13th day of July 2010, I served a true and correct copy of the preceding
document entitled **NOTICE OF APPEAL** addressed to:

Bryan L. Stockton
Deputy Attorney General
100 North Carson Street
Carson City, NV 89701

Thomas J. Hall, Esq.
305 South Arlington Avenue
P.O. Box 3948
Reno NV 89505-3948

☒ **BY U.S. MAIL:** I deposited for mailing in the United States mail, with
postage fully prepaid, an envelope containing the above-identified document at Minden, Nevada,
in the ordinary course of business.

☐ **BY FACSIMILE:** I transmitted via facsimile from the offices of Brooke · Shaw
· Zumpft the above-identified document in the ordinary course of business to the individual and
facsimile numbers indicated.


LIZ STERN, ALS

Case No.: 08-CV-0363-D

Dept. No.: I

RECEIVED

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DOUGLAS COUNTY
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TED THIRAN
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IN THE NINTH JUDICIAL DISTRICT COURT FOR THE STATE OF NEVADA

IN AND FOR THE COUNTY OF DOUGLAS

In the Matter of the Determination of the)
Relative Rights in and to the Waters of Mott)
Creek, Taylor Creek, Cary Creek (aka Carey)
Creek), Monument Creek, and Bulls Canyon,)
Stutler Creek (aka Stattler Creek), Sheridan)
Creek, Gansberg Spring, Sharpe Spring,)
Wheeler Creek No. 1, Wheeler Creek No. 2,)
Miller Creek, Beers Spring, Luther Creek and)
Various Unnamed Sources in Carson Valley,)
Douglas Valley, Nevada.)

CASE APPEAL STATEMENT

COME NOW J.W. BENTLEY and MARYANN BENTLEY, Trustees of the Bentley Family 1995 Trust ("Bentley"), by and through their counsel of record, Michael L. Matuska, Brooke · Shaw · Zumpft, and hereby appeal to the Supreme Court of Nevada from the *Order for Division of Water* (effectively, a temporary restraining order) that was entered on 18 June 2010.

1. Name of Appellant filing this Case Appeal Statement:

J.W. BENTLEY and MARYANN BENTLEY, Trustees of the Bentley Family 1995 Trust ("Bentley").

2. Name of the judge issuing the decision, judgment, or order appealed from:

Honorable David R. Gamble.

3. Parties to the proceedings in the district court:

i. Initiating Party/Plaintiff – State of Nevada, ex. rel. Office of the State Engineer;

ii. Excepting Party/Defendant (to this sub-proceeding only) – J.W. BENTLEY and MARYANN BENTLEY, Trustees of the Bentley Family 1995 Trust ("Bentley");

1 iii. Intervenors: HALL RANCHES, LLC ("Hall"), THOMAS J. SCYPHERS
2 and KATHLEEN M. SCYPHERS, FRANK SCHARO, SHERIDAN CREEK EQUESTRIAN
3 CENTER, LLC, a Nevada Limited Liability Company, and DONALD S. FORRESTER and
4 KRISTINA M. FORRESTER ("Forrester"); RONALD R. MITCHELL and
5 GINGER G. MITCHELL (collectively, "Intervenors").

6 4. Parties involved in this appeal:

7 i. Appellant – J.W. BENTLEY and MARYANN BENTLEY, Trustees of the
8 Bentley Family 1995 Trust ("Bentley");

9 ii. Respondents – State of Nevada, ex. rel. Office of the State Engineer; HALL
10 RANCHES, LLC ("Hall"), THOMAS J. SCYPHERS and KATHLEEN M. SCYPHERS,
11 FRANK SCHARO, SHERIDAN CREEK EQUESTRIAN CENTER, LLC, a Nevada Limited
12 Liability Company, and DONALD S. FORRESTER and KRISTINA M. FORRESTER
13 ("Forrester"); RONALD R. MITCHELL and GINGER G. MITCHELL (collectively,
14 "Intervenors").

15 5. Name of counsel involved in this appeal:

16 i. Michael L. Matuska, Brooke · Shaw · Zumpft, 1590 Fourth Street,
17 Suite 100, Minden, Nevada 89423, (775) 782-7171, for Appellant, J.W. BENTLEY and
18 MARYANN BENTLEY, Trustees of the Bentley Family 1995 Trust ("Bentley");

19 ii. Deputy Attorney General Bryan Stockton, 100 N. Carson Street, Carson
20 City, Nevada, 89701, for Respondent State of Nevada ex. rel. Office of the State Engineer;

21 iii. Thomas J. Hall, 305 South Arlington Avenue, P.O. Box 3948, Reno NV
22 89505-3948, for Respondents – HALL RANCHES, LLC ("Hall"), THOMAS J. SCYPHERS and
23 KATHLEEN M. SCYPHERS, FRANK SCHARO, SHERIDAN CREEK EQUESTRIAN
24 CENTER, LLC, a Nevada Limited Liability Company, and DONALD S. FORRESTER and
25 KRISTINA M. FORRESTER ("Forrester"); RONALD R. MITCHELL and
26 GINGER G. MITCHELL (collectively, "Intervenors").

27 6. Name of counsel involved in the district court proceedings:

28 i. Michael L. Matuska, Brooke · Shaw · Zumpft, 1590 Fourth Street,

1 Suite 100, Minden, Nevada 89423, (775) 782-7171, for Appellant, J.W. BENTLEY and
2 MARYANN BENTLEY, Trustees of the Bentley Family 1995 Trust ("Bentley");

3 ii. Deputy Attorney General Bryan Stockton, 100 N. Carson Street, Carson
4 City, Nevada, 89701, for Respondent State of Nevada ex. rel. Office of the State Engineer;

5 iii. Thomas J. Hall, 305 South Arlington Avenue, P.O. Box 3948, Reno NV
6 89505-3948, for Respondents – HALL RANCHES, LLC ("Hall"), THOMAS J. SCYPHERS and
7 KATHLEEN M. SCYPHERS, FRANK SCHARO, SHERIDAN CREEK EQUESTRIAN
8 CENTER, LLC, a Nevada Limited Liability Company, and DONALD S. FORRESTER and
9 KRISTINA M. FORRESTER ("Forrester"); RONALD R. MITCHELL and
10 GINGER G. MITCHELL (collectively, "Intervenors").

11 7. Representation of Appellant: J.W. BENTLEY and MARYANN BENTLEY,
12 Trustees of the Bentley Family 1995 Trust ("Bentley"), was represented in the lower court and on
13 this appeal by retained counsel, Michael L. Matuska, Brooke · Shaw · Zumpft, 1590 Fourth Street,
14 Suite 100, Minden, Nevada 89423, (775) 782-7171.

15 8. In Foruma Pauperis: None of the parties requested or were granted leave to
16 proceed *in forma pauperis*;

17 9. Commencement of proceedings: The different stages to the proceedings in the
18 district court were commenced as follows:

19 6/5/1987 – Petition filed in the Office of the State Engineer requesting
20 determination for the relative rights of the claimants to the water of Sheridan Creek, Douglas
21 County, Nevada;

22 6/17/87 – Order from Ninth Judicial District Court for order requiring the State
23 Engineer to proceed with the same;

24 6/22/90 – State Engineer entered Order No. 1031 initiating the adjudication
25 proceedings to determine the relative rights of claimants of vested rights to Sheridan Creek and
26 other watercourses that drain into the Carson Valley from the Eastern slope of the Carson Range
27 of mountains;

28 6/12/06 – State Engineer entered Preliminary Order of Determination;

1 8/14/08 – State Engineer entered Final Order of Determination;

2 12/10/08 – Bentley commences these sub-proceeding by filing Notice of
3 Exceptions and Exceptions to Final Order of Determination;

4 3/25/09 - Bentley filed Amended Notice of Exceptions and Exceptions to Final
5 Order of Determination;

6 4/1/09 - Hon. David R. Gamble designates these proceedings on Bentley's
7 exceptions regarding Sheridan Creek as a separate sub-proceeding – D.

8 10. Nature of Action. This is a water rights adjudication proceeding. Bentley is in a
9 unique position in that it enjoys the right to divert (but not consume) water from Sheridan Creek
10 above its allocated amount pursuant to a Water Diversion and Use Agreement that was recorded in
11 the Official Records of Douglas County, Nevada, on 27 March 1987. The water is to be diverted
12 through Bentley's ponds and then returned to the creek and ditch system for use by other
13 claimants. Intervenor filed multiple motions to have the lower court override that Diversion
14 Agreement and instead impose a rotation schedule. On 18 June 2010, the lower court granted
15 Intervenor's motion(s) and entered an Order which effectively restrained Bentley's diversion of
16 the amount already adjudicated in its favor in the Final Order of Determination and any diversions
17 under the recorded Diversion Agreement; instead, the lower court entered a temporary order for
18 the Office of the State Engineer to implement a twenty-one (21) day rotation schedule on a
19 temporary basis. As a result, Bentley gets the full flow of water from the North Branch of
20 Sheridan Creek 1.6 days out of the twenty-one (21) day rotation cycle. There is no statutory basis
21 or need for this Order, and it was entered without an evidentiary hearing or a requirement for
22 Intervenor to post a bond. Bentley appeals from this Order as if it were a temporary restraining
23 order.

24 11. Other proceedings. Other portions of these proceedings are the subject of an
25 original writ proceeding commenced in the Nevada Supreme Court on 6 July 2010, No. 56351.
26 That writ challenges, *inter alia*, Intervenor's intervention and standing to request any relief. If that
27 ///

28 ///

1 writ is granted, then the intervention will have been improper and any order entered in favor of the
2 Intervenor, including the 18 June 2010 Order that is the subject of this appeal, should be declared
3 void.

4 12. Child Custody and Visitation. This case does not involve child custody and
5 visitation.

6 13. Possibility of a Settlement. This case involves the possibility of a settlement.

7 DATED this 17th day of July 2010.

8 BROOKE · SHAW · ZUMPFT

9 By: 

10 Michael L. Matuska
11 State Bar No. 5711
12 1590 4th Street/P.O. Box 2860
13 Minden NV 89423
14 (775) 782-7171
15 (775) 782-3081 (Fax)

BROOKE · SHAW · ZUMPFT
POST OFFICE BOX 2860
MINDEN, NEVADA 89423
(775) 782-7171

CERTIFICATE OF SERVICE


Pursuant to NRCP 5(b), I certify that I am an employee of BROOKE · SHAW · ZUMPFT and that on the 13th day of July 2010, I served a true and correct copy of the preceding document entitled **CASE APPEAL STATEMENT** addressed to:

Bryan L. Stockton
Deputy Attorney General
100 North Carson Street
Carson City, NV 89701

Thomas J. Hall, Esq.
305 South Arlington Avenue
P.O. Box 3948
Reno NV 89505-3948

☒ **BY U.S. MAIL:** I deposited for mailing in the United States mail, with postage fully prepaid, an envelope containing the above-identified document at Minden, Nevada, in the ordinary course of business.

☐ **BY FACSIMILE:** I transmitted via facsimile from the offices of Brooke · Shaw · Zumpft the above-identified document in the ordinary course of business to the individual and facsimile numbers indicated.


LIZ STERN, ALS

9TH JUDICIAL DISTRICT COURT
Ted Thran
Clerk of the Court
Ph 782-9820 Fax 782-9954
1625 8th Street
P.O. Box 218
Minden, NV 89423-0000
(775)-782-9820, TTY for Deaf: (775)-782-9964
(775) 782-9820

08/04/10

Case Number: 08-CV-00363-DC CV-OTH
Date Filed: 10/28/08
Status: Open/Active
Judge Assigned: Gamble, David

Mott Creek Water: ITMO Water Rights

C A S E H I S T O R Y

INVOLVED PARTIES

Type	Num	Name (Last, First, Mid, Title)	Dispo	Entered
RPI	001	Mott Creek		10/28/08
RPI	002	Taylor Creek		10/28/08
RPI	003	Cary Creek		10/28/08
RPI	004	Monument Creek		10/28/08
RPI	005	Bulls Canyon		10/28/08
RPI	006	Stutler Creek		10/28/08
RPI	007	Stattler Creek		10/28/08
RPI	008	Sheridan Creek		10/28/08
RPI	009	Gansberg Spring		10/28/08
RPI	010	Sharpe Spring		10/28/08
RPI	011	Wheeler Creek No. 1		10/28/08
RPI	012	Wheeler Creek No. 2		10/28/08
RPI	013	Miller Creek		10/28/08
RPI	014	Beers Spring		10/28/08
RPI	015	Luther Creek		10/28/08
RPI	016	Bentley, J.W.		12/10/08
Attorney: 5711 Matuska, Michael L Brooke & Shaw P. O. Box 2860 Minden, NV 89423 (702) 782-7171				
RPI	017	Bentley, Maryann		12/10/08
RPI	018	Kimmerling Trust		02/11/09
Attorney: 1628 Lipkau, Ross E Marshall, Hill, Cassas & De Lipkau P.O. Box 2790 Reno, NV 89505-2790				

(775)323-1601

Type	Num	Name (Last, First, Mid, Title)	Dispo	Entered
RES	001	State Of Nevada		08/05/09
		Attorney: 004764 Stockton, Bryan		
		515 E. Musser St.		
		Carson City, NV 89714		
RES	002	Taylor, Tracy		08/05/09
		Attorney: 004764 Stockton, Bryan		
		515 E. Musser St.		
		Carson City, NV 89714		
OTH	001	Stockton, Bryan		10/28/08
OTH	002	Maddi's Friesian Ranch, LLC.		03/27/09
		Attorney: 4580 Taggart, Paul G		
		108 N. Minnesota Street		
		Carson City, NV 89703		
		(775)882-9900		
OTH	003	Davis, David B.		03/26/09
		Attorney: 1234 Person, Proper	Removed: 04/21/09	
		001597 Kolvet, Brent	Removed: 01/27/10	
		1111 Person, Proper		
		P. O. Box 218		
		Minden, NV 89423		
OTH	004	Davis, Sharon Lynn		03/26/09
		Attorney: 1111 Person, Proper		
		P. O. Box 218		
		Minden, NV 89423		
OTH	005	Jackson, Jerald R.		03/26/09
		Attorney: 001701 Keele, George	Removed: 04/29/10	
		000195 DePaoli, Gordon		
		P.O. Box 2311		
		Reno, NV 89505		
OTH	006	Windholz, Irene M.		03/26/09
OTH	007	Forrester, Donald S.		03/27/09
		Attorney: 6333 Hall, David R		
		P O Box 218		
		Minden, NV 89423		
		(775)782-9803		
OTH	008	Forrester, Kristina M.		03/27/09
OTH	009	Bentley, J.W.		03/25/09
		Attorney: 5711 Matuska, Michael L		
		Brooke & Shaw		

P. O. Box 2860
Minden, NV 89423
(702)782-7171

Type	Num	Name (Last, First, Mid, Title)	Dispo	Entered
OTH	010	Bentley, Maryann		03/25/09
OTH	011	Gronendyke, Edward H. Attorney: 000159 Brooke, T. Scott P.O. Box 2860 Minden, NV 89423		03/25/09
OTH	012	Brooks Family Trust Attorney: 000159 Brooke, T. Scott P.O. Box 2860 Minden, NV 89423		03/23/09
OTH	013	Yturbide, Thomas M Attorney: 6540 Yturbide, Jennifer A District Attorney P.O. Box 218 Minden, NV 89423 (775)782-9881		04/09/09
OTH	014	Yturbide, Paula J Attorney: 6540 Yturbide, Jennifer A District Attorney P.O. Box 218 Minden, NV 89423 (775)782-9881		04/09/09
OTH	015	Park, Eric Attorney: 000937 Chase, Kelly Removed: 07/31/09 1234 Person, Proper P. O. Box 218 Minden, NV 89423		04/09/09
OTH	016	Park, Elizabeth Attorney: 000937 Chase, Kelly P.O. Box 2800 1700 County Road, Suite A Minden, NV 89423		04/09/09
OTH	017	Bentley Family Trust 1995 Trust		04/20/09
ITV	001	Hall Ranches, LLC.		04/10/09
ITV	002	Sheridan Creek Equestrian Center, LLC.		04/10/09
ITV	003	Scharo, Frank		04/10/09
ITV	004	Mitchell, Ronald R.		04/10/09
ITV	005	Mitchell, Ginger G.		04/10/09

CALENDAR EVENTS

Date	Time	Dur	Cer	Evnt	Jdg	L	Day	Of	Rslt	By	ResultDt	Jdg	T	Notice	Rec
04/01/09	09:00A	001	yes	CALL	DRG		01	/01	CON	C	07/23/09	DRG			N
07/06/09	01:30P	001	yes	PTC	DRG		01	/01	CON	C	07/23/09	DRG			N
08/27/09	09:00A	001	yes	CALL	DRG		01	/01	VAC	C	08/19/09	DRG	P		
12/16/09	09:00A	007	yes	CITR	DRG		01	/02	CON	C	12/16/09	DRG			N
12/17/09	09:00A	007	yes	CITR	DRG		02	/02	VAC	C	12/16/09				N
01/14/10	01:00P	001	yes	CITR	DRG		01	/01							
01/29/10	01:00P	001	yes	CITR	DRG		01	/01							
05/17/10	09:00A	004	yes	CALL	DRG		01	/01	CON	C	05/17/10	DRG	P		N
07/16/10	09:00A	001	yes	CALL	DRG		01	/01	CON	C	07/16/10	DRG	P		N

JUDGE HISTORY

JUDGE ASSIGNED	Type	Assign	Date	Removal	RSN
DRG Gamble, David	J		10/28/08		

DOCUMENT TRACKING

Num/Seq	Description	Filed	Received	Party	Routed	Ruling	Closed	User ID
001000	Notice of filing of the State Engineer's Order of Determination	10/28/08		DRG	OTH001			N/A
002000	Order Setting Hearing of Exceptions	10/30/08		DRG	000			PG PG
003000	Affidavit of Service	11/10/08		DRG	000			BW BW
004000	Notice of Exceptions And Exceptions To Final Order Of Determination Filed by RPI016-Bentley, J.W., RPI017-Bentley, Maryann	12/10/08		DRG	RPI016			BW BW
005000	Notice of Request and Notice Regarding Partial Ownership of Claim 06320	02/11/09		DRG	RPI018			KW KW
006000	Notice of Exceptions and Exceptions to	03/23/09		DRG	000			MB MB

Final Order of Determination (RE: Proofs V-06365, V-06366)

Num/Seq	Description	Filed	Received	Party	Routed	Ruling	Closed	User ID
007000	Claimant's Notice of Exceptions to the Final Order of Determination Regarding Proof of Appropriation No. V-08850	03/25/09		DRG	000			MB MB
010000	(STRICKEN) Amended Notice of Exceptions and Exceptions to Final Order of Determination	03/25/09		DRG	RPI016			HC PG
008000	Notice of Exception to the Order of Determination	03/26/09		DRG	000			MB MB
009000	Notice of Exceptions to the Final Order of Determination	03/26/09		DRG	000			MB MB
011000	(STRICKEN) Notice of Appearance and Intent to Participate	03/27/09		DRG	000			MB PG
012000	(STRICKEN) Reply to Exceptions by Bentley to Final Order of Determination	03/27/09		DRG	000			MB PG
013000	(STRICKEN) Response to Reply to Ex by Bentley to Final Order of Determination Filed by RPI017-Bentley, Maryann, RPI016-Bentley, J.W.	03/31/09		DRG	RPI017			MB PG
014000	Certificate of Service	03/31/09		DRG	RPI001			BD BD
015000	Reporter's Transcript of Proceedings Determination of Water Rights Hearing 4/1/09 (Subpart A)	04/03/09		DRG	000			MB MB
016000	Reporter's Transcript of Proceedings Determination of Water Rights Hearing 4/1/09 (Subpart B)	04/03/09		DRG	000			MB MB
017000	Reporter's Transcript of Proceedings Determination of Water Rights Hearing 4/1/09 (Subpart C)	04/03/09		DRG	000			MB MB
018000	Reporter's Transcript of Proceedings Determination of Water Rights Hearing 4/1/09 (Subpart D)	04/03/09		DRG	000			MB MB
019000	Reporter's Transcript of Proceedings Determination of Water Rights Hearing 4/1/09 (Subpart E)	04/03/09		DRG	000			MB MB
020000	Reporter's Transcript of Proceedings Determination of Water Rights Hearing 4/1/09 (Subpart F)	04/03/09		DRG	000			MB MB
021000	Reporter's Transcript of Proceedings Determination of Water Rights Hearing 4/1/09	04/03/09		DRG	000			MB MB
022000	(F) Motion to Intervene	04/09/09		DRG	OTH013	Ruled	04/29/09	HC JT
023000	(F) Notice of and Motion to Intervene	04/09/09		DRG	OTH015	Ruled	04/29/09	HC JT

Num/Seq	Description	Filed	Received	Party	Routed	Ruling	Closed	User ID
024000	(F) Amended Certificate of Service Filed by OTH013-Yturbide, Thomas M, OTH014-Yturbide, Paula J	04/10/09		DRG	OTH013			MB MB
025000	(F) Motion to Intervene	04/10/09		DRG	OTH002	Ruled	04/29/09	MB JT
026000	(D) Motion to Intervene Filed by ITV001-Hall Ranches, LLC., , ITV005-Mitchell, Ginger G., ITV004-Mitchell, Ronald R., ITV003-Scharo, Frank, ITV002-Sheridan Creek Equestrian Center, LLC.,	04/10/09	04/28/09	DRG	ITV001	Ruled	06/12/09	MB JT
047000	(E) Qualified Objection to Exceptions to 04/13/09 The Final Order of Determination Regarding Proof of Appropriation V-08850 as it Affects Proofs Numbers V-06342, V-06343, and a Portion of V-02856 Filed by OTH005-Jackson, Jerald R., OTH006-Windholz, Irene M.			DRG	OTH005			MB MB
028000	(F) Amended Certificate of Service	04/16/09		DRG	000			MB MB
029000	(F) Affidavit of Service by Mail	04/17/09		DRG	000			MB MB
030000	(D) Opposition to Motion to Intervene (Bentley) Filed by OTH017-Bentley Family Trust 1995 Trust, , OTH010-Bentley, Maryann, OTH009-Bentley, J.W.	04/20/09		DRG	OTH017			MB MB
031000	(F) Notice of Appearance Filed by OTH003-Davis, David B., OTH004-Davis, Sharon Lynn	04/21/09		DRG	OTH003			MB MB
032000	(D) Reply in Support of Motion to Intervene (Forrester/Scyphers/Scharo/Sheridan Creek/Mitchell) Filed by ITV003-Scharo, Frank, ITV002-Sheridan Creek Equestrian Center, LLC., , ITV004-Mitchell, Ronald R., ITV005-Mitchell, Ginger G., OTH007-Forrester, Donald S., OTH008-Forrester, Kristina M.	04/24/09		DRG	ITV003			MB MB
033000	(F) Order Granting Motion to Intervene (Maddi's Friesian Ranch)	04/29/09		DRG	000			MB MB
034000	(F) Order Granting Motion to Intervene (Maddi's Friesian Ranch LLC)	04/29/09		DRG	000			MB MB
035000	(F) Order Granting Motion to Intervene (Thomas Yturbide & Paula Yturbide)	04/29/09		DRG	000			MB MB
036000	(F) Order RE: Granting Motion to Intervene of Eric and Elizabeth Park	04/29/09		DRG	000			MB MB
037000	(F) Notice of Entry of Order Filed by OTH013-Yturbide, Thomas M, OTH014-Yturbide, Paula J	04/30/09		DRG	OTH013			MB MB

Num/Seq	Description	Filed	Received	Party	Routed	Ruling	Closed	User	ID
038000	(F) Notice of Entry of Order Filed by OTH015-Park, Eric, OTH016-Park, Elizabeth	04/30/09		DRG	OTH015			MB	MB
039000	(F) Notice of Entry of Order	05/05/09		DRG	OTH002			MB	MB
040000	(F) Opposition To Notice of Exception to the Order of Determination and Joinder in Opposition to Notice of Exception of Maddi's Friesian Ranch, LLC. Filed by OTH015-Park, Eric, OTH016-Park, Elizabeth	05/12/09		DRG	OTH015			MB	MB
041000	(F) Opposition To Notice of Exception to The Order of Determination	05/13/09		DRG	OTH002			MB	MB
042000	(F) Joinder in Opposition to Notice of Exception to the Order of Determination and Opposition to Notice of Exception to Order of Determination Filed by OTH013-Yturbide, Thomas M, OTH014-Yturbide, Paula J	05/13/09		DRG	OTH013			MB	MB
044000	(D) Request for Submission	06/05/09		DRG	000			KW	KW
043000	(F) Order Setting Pre-Trial Conference	06/05/09		DRG	000			KW	KW
045000	(D) Order Allowing Intervention	06/12/09		DRG	000			KW	KW
046000	(D) Notice of Entry of Order Filed by ITV005-Mitchell, Ginger G., ITV004-Mitchell, Ronald R., ITV003-Scharo, Frank, ITV002-Sheridan Creek Equestrian Center, LLC., , ITV001-Hall Ranches, LLC.,	06/16/09		DRG	ITV005			KW	KW
048000	(D) Motion to Correct Order Allowing Intervention	07/08/09	07/29/09	DRG	OTH007	Ruled	11/13/09	PG	JT
049000	(D) Transcript of Proceedings - Pretrial Hearing	07/15/09		DRG	000			HC	HC
050000	(D) Opposition to Motion to Correct Order Filed by OTH009-Bentley, J.W., OTH010-Bentley, Maryann	07/16/09		DRG	OTH009			KW	KW
051000	Witness List	07/16/09		DRG	000			KW	KW
052000	List of Witnesses	07/17/09		DRG	OTH002			KW	KW
053000	Witness List (F)	07/17/09		DRG	000			KW	KW
054000	(F) Intervener Park's Identification of Witnesses to be Called at Trial Filed by OTH015-Park, Eric, OTH016-Park, Elizabeth	07/17/09		DRG	OTH015			KW	KW
055000	Petitioners David Davis' and Sharon Davis' Witness List Filed by OTH003-Davis, David B., OTH004-Davis, Sharon Lynn	07/17/09		DRG	OTH003			KW	KW

Num/Seq	Description	Filed	Received	Party	Routed	Ruling	Closed	User	ID
056000	(D) Reply in Support of Motion to Correct Order Allowing Intervention	07/22/09		DRG	ITV001			KW	KW
057000	(F) Order Setting Hearing	07/22/09		DRG	000			KW	KW
058000	(F) Notice of Entry of Order	07/28/09		DRG	OTH003			KW	KW
059000	(F) Substitution of Attorney Filed by OTH015-Park, Eric, OTH016-Park, Elizabeth	07/31/09		DRG	OTH015			MB	MB
061000	(F) Joinder in Motion in Limine, or Alternatively Motion to Compel Deposition Filed by OTH013-Yturbide, Thomas M, OTH014-Yturbide, Paula J	08/03/09		DRG	OTH013	Ruled	11/02/09	MB	JT
064000	(F) Notice of Opposition to Motion Filed by RES001-State Of Nevada, , RES002-Taylor, Tracy	08/05/09		DRG	RES001			MB	MB
062000	(F) Stipulation and Order to Continue Hearing	08/18/09		DRG	000			MB	MB
063000	(F) Notice of Entry of Order	08/25/09		DRG	000			MB	MB
065000	(F) Order Rescheduling Hearing	09/24/09		DRG	000			MB	MB
066000	(F) Notice of Entry of Order	09/28/09		DRG	OTH003			HC	HC
067000	(F) Order	11/04/09		DRG	000			MB	MB
068000	(D) Order	11/17/09		DRG	000			MB	MB
069000	(D) Response and Objection to Notice of Exceptions and Exceptions to Final Order of Determination Filed by ITV001-Hall Ranches, LLC., , ITV002-Sheridan Creek Equestrian Center, LLC., , ITV003-Scharo, Frank	11/19/09		DRG	ITV001			MB	MB
070000	Notice of Entry of Order Filed by ITV001-Hall Ranches, LLC., , ITV002-Sheridan Creek Equestrian Center, LLC., , ITV003-Scharo, Frank, ITV004-Mitchell, Ronald R., ITV005-Mitchell, Ginger G.	11/19/09		DRG	ITV001			MB	MB
071000	(F) Expert Witness List Filed by OTH013-Yturbide, Thomas M, OTH014-Yturbide, Paula J	11/20/09		DRG	OTH013			MB	MB
072000	(F) Expert Witness Disclosure	11/23/09		DRG	OTH002			MB	MB
073000	(D) Motion to Dismiss or, in the Alternative, to Redesignate Affirmative Defenses as Counterclaims	12/01/09	01/04/10	DRG	OTH009	Ruled	05/17/10	HC	JT
074000	(D) Opposition to Motion to Dismiss or, in the Alternative, to Redesignate Affirmative Defenses as Counterclaims	12/18/09		DRG	OTH007			MB	MB

Filed by OTH007-Forrester, Donald S., OTH008-Forrester, Kristina M.

Num/Seq	Description	Filed	Received	Party	Routed	Ruling	Closed	User ID
075000	(D) Partial Opposition to Motion to Dismiss Filed by RES001-State Of Nevada, , RES002-Taylor, Tracy	12/18/09	DRG	RES001				MB MB
076000	(F) Order Setting Time for Continuation of Trial	12/21/09	DRG	000				HC HC
077000	(D) Notice of Filing Original Affidavits Filed by OTH007-Forrester, Donald S., OTH008-Forrester, Kristina M., ITV001-Hall Ranches, LLC., , ITV003-Scharo, Frank, ITV002-Sheridan Creek Equestrian Center, LLC., , ITV004-Mitchell, Ronald R., ITV005-Mitchell, Ginger G.	12/28/09	DRG	OTH007				MB MB
078000	Amended Certificate Of Service	12/29/09	DRG	RES001				BW BW
079000	Response to To Partial Opposition To Motion To Dismiss	12/30/09	DRG	000				BW BW
080000	Errata And Supplement to Opposition To Motion To Dismiss Or, In The Alternative, To Redesignate Affirmative Defenses As Counterclaims	12/30/09	DRG	000				BW BW
081000	(D) Reply to Opposition to Motion to Dismiss or, in the Alternative, to Redesignate Affirmative Defenses as Counterclaims	12/31/09	DRG	OTH009				HC HC
082000	D - Motion For Division Of Water And For Remand And Reference To State Engineer For Further Evidence Filed by OTH007-Forrester, Donald S., OTH008-Forrester, Kristina M.	01/08/10	DRG	OTH007		Ruled	05/17/10	BW JT
083000	Request for Expedited Hearing (D)	01/11/10	DRG	OTH007				PG PG
084000	Motion to Strike (D)	01/11/10	DRG	OTH009		Ruled	05/17/10	PG JT
085000	D - Errata To Motion For Division Of Water And For Remand And Reference to State Engineer For Further Evidence	01/13/10	DRG	OTH007				BW BW
086000	(D) Opposition to Motion to Strike	01/20/10	DRG	OTH007				HC HC
087000	(D) Motion to Strike, or in the Alternative, Opposition and Partial Joinder to Motion for Division of Water and for Remand and Reference to State Engineer for Further Evidence	01/20/10	DRG	OTH009		Ruled	05/17/10	HC JT
088000	(D) Reply to Opposition to Motion to Strike	01/21/10	DRG	OTH009				HC HC

Num/Seq	Description	Filed	Received	Party	Routed	Ruling	Closed	User ID
089000	(D)Response To Motion for Division of Water and for Remand and Reference to State Engineer for Further Evidence, and Response to Request for Expedited Hearing	01/21/10	DRG	RES001			HC	HC
090000	(D) Reply in Support of Motion for Division of Water and for Remand and Reference to State Engineer for Further Evidence and Opposition to Motion to Strike	01/26/10	DRG	OTH007			HC	HC
091000	(D) Request for Submission	01/26/10	DRG	OTH007			HC	HC
092000	(F) Substitution of Counsel	01/27/10	DRG	OTH003			HC	HC
093000	(F) Affidavit of Mailing	01/29/10	DRG	000			HC	HC
094000	(F) Transcript of Proceedings (Judge's Order)	02/02/10	DRG	000			HC	KW
095000	(D) Request to Submit Motion to Strike, or in the Alternative, Opposition and Partial Joinder to Motion for Division of Water and for Remand and Reference to State Engineer for Further Evidence and Reply to Response to Motion for Division of Water and for Remand and Reference to State Engineer for Further Evidence, and Response to Request for Expedited Hearing	02/12/10	DRG	OTH009			HC	HC
096000	(D) Joint Case Conference Report	02/23/10	DRG	000			HC	HC
097000	(D)Correction to Opposition to Motion to Dismiss or, in the alternative, to redesignate affirmative defenses as counterclaims	02/25/10	DRG	OTH007			PG	PG
098000	(D) - Order (Calendar Call)	03/03/10	DRG	000			BW	BW
099000	(D) Information Questionnaire	03/08/10	DRG	RES001			BW	BW
100000	(D) Information Questionnaire	03/09/10	DRG	OTH009			HC	HC
101000	(D) Information Questionnaire	03/11/10	DRG	ITV001			HC	HC
102000	(D) Order Setting Hearing	03/29/10	DRG	000			HC	HC
103000	(E) Substitution of Attorneys	04/28/10	DRG	OTH005			KW	JT
104000	Order (F)	05/21/10	DRG	000			KW	JT
105000	(F) Notice of Entry of Order	05/25/10	DRG	000			KW	KW
106000	Transcript of Proceedings-Partial Transcript of Proceedings Case Conference/Status Conference	05/26/10	DRG	000			PG	PG
107000	Order Re: Amended Notice of Exceptions	06/02/10	DRG	000			KW	KW

and Exceptions

Num/Seq	Description	Filed	Received	Party	Routed	Ruling	Closed	User ID
108000	Notice of Entry of Order	06/04/10		DRG	000			KW KW
109000	(D) Opposition To Proposed Order for Divisions of Water	06/07/10		MPG	OTH009			PG PG
110000	Transcript of Proceedings-Case Conference/Status Conference Monday, May 17, 2010	06/07/10		DRG	000			PG PG
111000	(D) Intervenor's Opening Brief Regarding Diversion Agreement Filed by ITV005-Mitchell, Ginger G., ITV004-Mitchell, Ronald R., ITV003-Scharo, Frank, ITV002-Sheridan Creek Equestrian Center, LLC., , ITV001-Hall Ranches, LLC.,	06/16/10		DRG	ITV005			KW KW
112000	(F) Motion for Leave to Withdaraw as Counsel	06/16/10		DRG	000			KW KW
113000	(D) Bentley's Opening Brief	06/17/10		DRG	OTH009			PG PG
114000	(D) Order for Division of Water	06/18/10		DRG	000			KW KW
115000	(D) Notice of Entry of Order Filed by ITV005-Mitchell, Ginger G., ITV004-Mitchell, Ronald R., ITV003-Scharo, Frank, ITV002-Sheridan Creek Equestrian Center, LLC., , ITV001-Hall Ranches, LLC.,	06/24/10		DRG	ITV005			KW KW
116000	(D) Rebuttal to Intervenor's Opening Brief Filed by ITV001-Hall Ranches, LLC., , OTH009-Bentley, J.W., OTH010-Bentley, Maryann	06/24/10		DRG	ITV001			KW KW
117000	(D) Intervenor's Reply Regarding the Diversion Agreement Filed by ITV005-Mitchell, Ginger G., ITV004-Mitchell, Ronald R., ITV003-Scharo, Frank, ITV002-Sheridan Creek Equestrian Center, LLC., , ITV001-Hall Ranches, LLC.,	06/30/10		DRG	ITV005			KW KW
118000	(D) Supplement to Intervenor's Reply Regarding the Diversion Agreement Filed by OTH008-Forrester, Kristina M., OTH007-Forrester, Donald S.	07/01/10		DRG	OTH008			KW KW
119000	(D) Motion for Order Shortening Time to Oppose Motion to Amend Rotation Schedule Filed by ITV005-Mitchell, Ginger G., ITV004-Mitchell, Ronald R., ITV003-Scharo, Frank, ITV002-Sheridan Creek Equestrian Center, LLC., , ITV001-Hall Ranches, LLC.,	07/02/10		DRG	ITV005	Moot	07/07/10	KW JT
120000	(D) Motion to Amend Rotation Schedule Filed by ITV005-Mitchell, Ginger G., ITV004-Mitchell, Ronald R.,	07/02/10		DRG	ITV005			KW KW

ITV003-Scharo, Frank, ITV002-Sheridan Creek Equestrian Center,
 LLC., , ITV001-Hall Ranches, LLC.,

Num/Seq	Description	Filed	Received	Party	Routed	Ruling	Closed	User ID
121000	(F) ExParte Request for Temporary Restraining Order	07/06/10		DRG	OTH002			KW KW
122000	(F) Motion for Preliminary Injunction	07/06/10		DRG	OTH002			KW KW
123000	(F) Order Pursuant to Motion for Leave to Withdraw as Counsel	07/06/10		DRG	000			KW KW
124000	Order Setting Hearing	07/08/10		DRG	000			KW KW
125000	(F) Response To Motion for Preliminary Injunction	07/12/10		DRG	RES001			KW KW
126000	(D) Motion to Strike Filed by OTH010-Bentley, Maryann, OTH009-Bentley, J.W.	07/12/10		DRG	OTH010			KW KW
127000	(D) Notice of Appeal Filed by OTH009-Bentley, J.W., OTH010-Bentley, Maryann	07/13/10		DRG	OTH009			KW KW
128000	(D) Case Appeal Statement Filed by OTH009-Bentley, J.W., OTH010-Bentley, Maryann	07/13/10		DRG	OTH009			KW KW
129000	(F) Exhibits to Response to Motion for Preliminary Injunction	07/14/10		DRG	RES001			KW KW
130000	(D) Opposition to (Third) Motion to Strike; Filed by OTH007-Forrester, Donald S., OTH008-Forrester, Kristina M.	07/16/10		DRG	OTH007			KW KW
131000	(D) Opposition to Motion to Amend Rotation Schedule Filed by OTH009-Bentley, J.W., OTH010-Bentley, Maryann	07/19/10		DRG	OTH009			KW KW
132000	(F) Notice of Voluntary Withdrawal of Motion for Preliminary Injunction	07/22/10		DRG	OTH002	Moot	07/22/10 PG	JT
133000	(D) Reply in Support of Motion to Amend Rotation Schedule Filed by OTH007-Forrester, Donald S., OTH008-Forrester, Kristina M.	07/28/10		DRG	OTH007			KW KW
134000	(D) Request for Submission Filed by OTH007-Forrester, Donald S., OTH008-Forrester, Kristina M.	07/28/10		DRG	OTH007			KW KW

9TH JUDICIAL DISTRICT COURT
Ted Thran
Clerk of the Court
Ph 782-9820 Fax 782-9954
1625 8th Street
P.O. Box 218
Minden, NV 89423-0000
(775)-782-9820, TTY for Deaf: (775)-782-9964
(775) 782-9820

08/04/10

Case Number: 08-CV-00363-DC CV-OTH
Date Filed: 10/28/08
Status: Open/Active
Judge Assigned: Gamble, David

Mott Creek Water: ITMO Water Rights

C A S E H I S T O R Y

INVOLVED PARTIES

Type	Num	Name (Last, First, Mid, Title)	Dispo	Entered
RPI	001	Mott Creek		10/28/08
RPI	002	Taylor Creek		10/28/08
RPI	003	Cary Creek		10/28/08
RPI	004	Monument Creek		10/28/08
RPI	005	Bulls Canyon		10/28/08
RPI	006	Stutler Creek		10/28/08
RPI	007	Stattler Creek		10/28/08
RPI	008	Sheridan Creek		10/28/08
RPI	009	Gansberg Spring		10/28/08
RPI	010	Sharpe Spring		10/28/08
RPI	011	Wheeler Creek No. 1		10/28/08
RPI	012	Wheeler Creek No. 2		10/28/08
RPI	013	Miller Creek		10/28/08
RPI	014	Beers Spring		10/28/08
RPI	015	Luther Creek		10/28/08
RPI	016	Bentley, J.W.		12/10/08

Attorney: 5711 Matuska, Michael L
Brooke & Shaw
P. O. Box 2860
Minden, NV 89423
(702) 782-7171

RPI	017	Bentley, Maryann		12/10/08
RPI	018	Kimmerling Trust		02/11/09

Attorney: 1628 Lipkau, Ross E
Marshall, Hill, Cassas & De Lipkau
P.O. Box 2790
Reno, NV 89505-2790

(775)323-1601

Type	Num	Name (Last, First, Mid, Title)	Dispo	Entered
RES	001	State Of Nevada		08/05/09
		Attorney: 004764 Stockton, Bryan		
		515 E. Musser St.		
		Carson City, NV 89714		
RES	002	Taylor, Tracy		08/05/09
		Attorney: 004764 Stockton, Bryan		
		515 E. Musser St.		
		Carson City, NV 89714		
OTH	001	Stockton, Bryan		10/28/08
OTH	002	Maddi's Friesian Ranch, LLC.		03/27/09
		Attorney: 4580 Taggart, Paul G		
		108 N. Minnesota Street		
		Carson City, NV 89703		
		(775)882-9900		
OTH	003	Davis, David B.		03/26/09
		Attorney: 1234 Person, Proper	Removed: 04/21/09	
		001597 Kolvet, Brent	Removed: 01/27/10	
		1111 Person, Proper		
		P. O. Box 218		
		Minden, NV 89423		
OTH	004	Davis, Sharon Lynn		03/26/09
		Attorney: 1111 Person, Proper		
		P. O. Box 218		
		Minden, NV 89423		
OTH	005	Jackson, Jerald R.		03/26/09
		Attorney: 001701 Keele, George	Removed: 04/29/10	
		000195 DePaoli, Gordon		
		P.O. Box 2311		
		Reno, NV 89505		
OTH	006	Windholz, Irene M.		03/26/09
OTH	007	Forrester, Donald S.		03/27/09
		Attorney: 6333 Hall, David R		
		P O Box 218		
		Minden, NV 89423		
		(775)782-9803		
OTH	008	Forrester, Kristina M.		03/27/09
OTH	009	Bentley, J.W.		03/25/09
		Attorney: 5711 Matuska, Michael L		
		Brooke & Shaw		

P. O. Box 2860
Minden, NV 89423
(702) 782-7171

Type	Num	Name (Last, First, Mid, Title)	Dispo	Entered
OTH	010	Bentley, Maryann		03/25/09
OTH	011	Gronendyke, Edward H.		03/25/09
		Attorney: 000159 Brooke, T. Scott		
		P.O. Box 2860		
		Minden, NV 89423		
OTH	012	Brooks Family Trust		03/23/09
		Attorney: 000159 Brooke, T. Scott		
		P.O. Box 2860		
		Minden, NV 89423		
OTH	013	Yturbide, Thomas M		04/09/09
		Attorney: 6540 Yturbide, Jennifer A		
		District Attorney		
		P.O. Box 218		
		Minden, NV 89423		
		(775) 782-9881		
OTH	014	Yturbide, Paula J		04/09/09
		Attorney: 6540 Yturbide, Jennifer A		
		District Attorney		
		P.O. Box 218		
		Minden, NV 89423		
		(775) 782-9881		
OTH	015	Park, Eric		04/09/09
		Attorney: 000937 Chase, Kelly	Removed: 07/31/09	
		1234 Person, Proper		
		P. O. Box 218		
		Minden, NV 89423		
OTH	016	Park, Elizabeth		04/09/09
		Attorney: 000937 Chase, Kelly		
		P.O. Box 2800		
		1700 County Road, Suite A		
		Minden, NV 89423		
OTH	017	Bentley Family Trust 1995 Trust		04/20/09
ITV	001	Hall Ranches, LLC.		04/10/09
ITV	002	Sheridan Creek Equestrian Center, LLC.		04/10/09
ITV	003	Scharo, Frank		04/10/09
ITV	004	Mitchell, Ronald R.		04/10/09
ITV	005	Mitchell, Ginger G.		04/10/09

CALENDAR EVENTS

Date	Time	Dur	Cer	Evnt	Jdg	L	Day	Of	Rslt	By	ResultDt	Jdg	T	Notice	Rec
04/01/09	09:00A	001	yes	CALL	DRG		01	/01	CON	C	07/23/09	DRG			N
07/06/09	01:30P	001	yes	PTC	DRG		01	/01	CON	C	07/23/09	DRG			N
08/27/09	09:00A	001	yes	CALL	DRG		01	/01	VAC	C	08/19/09	DRG	P		
12/16/09	09:00A	007	yes	CITR	DRG		01	/02	CON	C	12/16/09	DRG			N
12/17/09	09:00A	007	yes	CITR	DRG		02	/02	VAC	C	12/16/09				N
01/14/10	01:00P	001	yes	CITR	DRG		01	/01							
01/29/10	01:00P	001	yes	CITR	DRG		01	/01							
05/17/10	09:00A	004	yes	CALL	DRG		01	/01	CON	C	05/17/10	DRG	P		N
07/16/10	09:00A	001	yes	CALL	DRG		01	/01	CON	C	07/16/10	DRG	P		N

JUDGE HISTORY

JUDGE ASSIGNED	Type	Assign	Date	Removal	RSN
DRG Gamble, David	J		10/28/08		

DOCUMENT TRACKING

Num/Seq	Description	Filed	Received	Party	Routed	Ruling	Closed	User ID
001000	Notice of filing of the State Engineer's Order of Determination	10/28/08		DRG	OTH001			N/A
002000	Order Setting Hearing of Exceptions	10/30/08		DRG	000			PG PG
003000	Affidavit of Service	11/10/08		DRG	000			BW BW
004000	Notice of Exceptions And Exceptions To Final Order Of Determination Filed by RPI016-Bentley, J.W., RPI017-Bentley, Maryann	12/10/08		DRG	RPI016			BW BW
005000	Notice of Request and Notice Regarding Partial Ownership of Claim 06320	02/11/09		DRG	RPI018			KW KW
006000	Notice of Exceptions and Exceptions to	03/23/09		DRG	000			MB MB

Final Order of Determination (RE: Proofs V-06365, V-06366)

Num/Seq	Description	Filed	Received	Party	Routed	Ruling	Closed	User ID
007000	Claimant's Notice of Exceptions to the Final Order of Determination Regarding Proof of Appropriation No. V-08850	03/25/09		DRG	000			MB MB
010000	(STRICKEN) Amended Notice of Exceptions and Exceptions to Final Order of Determination	03/25/09		DRG	RPI016			HC PG
008000	Notice of Exception to the Order of Determination	03/26/09		DRG	000			MB MB
009000	Notice of Exceptions to the Final Order of Determination	03/26/09		DRG	000			MB MB
011000	(STRICKEN) Notice of Appearance and Intent to Participate	03/27/09		DRG	000			MB PG
012000	(STRICKEN) Reply to Exceptions by Bentley to Final Order of Determination	03/27/09		DRG	000			MB PG
013000	(STRICKEN) Response to Reply to Ex by Bentley to Final Order of Determination Filed by RPI017-Bentley, Maryann, RPI016-Bentley, J.W.	03/31/09		DRG	RPI017			MB PG
014000	Certificate of Service	03/31/09		DRG	RPI001			BD BD
015000	Reporter's Transcript of Proceedings Determination of Water Rights Hearing 4/1/09 (Subpart A)	04/03/09		DRG	000			MB MB
016000	Reporter's Transcript of Proceedings Determination of Water Rights Hearing 4/1/09 (Subpart B)	04/03/09		DRG	000			MB MB
017000	Reporter's Transcript of Proceedings Determination of Water Rights Hearing 4/1/09 (Subpart C)	04/03/09		DRG	000			MB MB
018000	Reporter's Transcript of Proceedings Determination of Water Rights Hearing 4/1/09 (Subpart D)	04/03/09		DRG	000			MB MB
019000	Reporter's Transcript of Proceedings Determination of Water Rights Hearing 4/1/09 (Subpart E)	04/03/09		DRG	000			MB MB
020000	Reporter's Transcript of Proceedings Determination of Water Rights Hearing 4/1/09 (Subpart F)	04/03/09		DRG	000			MB MB
021000	Reporter's Transcript of Proceedings Determination of Water Rights Hearing 4/1/09	04/03/09		DRG	000			MB MB
022000	(F) Motion to Intervene	04/09/09		DRG	OTH013	Ruled	04/29/09	HC JT
023000	(F) Notice of and Motion to Intervene	04/09/09		DRG	OTH015	Ruled	04/29/09	HC JT

Num/Seq	Description	Filed	Received	Party	Routed	Ruling	Closed	User ID
024000	(F) Amended Certificate of Service Filed by OTH013-Yturbide, Thomas M, OTH014-Yturbide, Paula J	04/10/09	DRG	OTH013				MB MB
025000	(F) Motion to Intervene	04/10/09	DRG	OTH002		Ruled	04/29/09	MB JT
026000	(D) Motion to Intervene Filed by ITV001-Hall Ranches, LLC., , ITV005-Mitchell, Ginger G., ITV004-Mitchell, Ronald R., ITV003-Scharo, Frank, ITV002-Sheridan Creek Equestrian Center, LLC.,	04/10/09 04/28/09	DRG	ITV001		Ruled	06/12/09	MB JT
047000	(E) Qualified Objection to Exceptions to 04/13/09 The Final Order of Determination Regarding Proof of Appropriation V-08850 as it Affects Proofs Numbers V-06342, V-06343, and a Portion of V-02856 Filed by OTH005-Jackson, Jerald R., OTH006-Windholz, Irene M.		DRG	OTH005				MB MB
028000	(F) Amended Certificate of Service	04/16/09	DRG	000				MB MB
029000	(F) Affidavit of Service by Mail	04/17/09	DRG	000				MB MB
030000	(D) Opposition to Motion to Intervene (Bentley) Filed by OTH017-Bentley Family Trust 1995 Trust, , OTH010-Bentley, Maryann, OTH009-Bentley, J.W.	04/20/09	DRG	OTH017				MB MB
031000	(F) Notice of Appearance Filed by OTH003-Davis, David B., OTH004-Davis, Sharon Lynn	04/21/09	DRG	OTH003				MB MB
032000	(D) Reply in Support of Motion to Intervene (Forrester/Scyphers/Scharo/Sheridan Creek/Mitchell) Filed by ITV003-Scharo, Frank, ITV002-Sheridan Creek Equestrian Center, LLC., , ITV004-Mitchell, Ronald R., ITV005-Mitchell, Ginger G., OTH007-Forrester, Donald S., OTH008-Forrester, Kristina M.	04/24/09	DRG	ITV003				MB MB
033000	(F) Order Granting Motion to Intervene (Maddi's Friesian Ranch)	04/29/09	DRG	000				MB MB
034000	(F) Order Granting Motion to Intervene (Maddi's Friesian Ranch LLC)	04/29/09	DRG	000				MB MB
035000	(F) Order Granting Motion to Intervene (Thomas Yturbide & Paula Yturbide)	04/29/09	DRG	000				MB MB
036000	(F) Order RE: Granting Motion to Intervene of Eric and Elizabeth Park	04/29/09	DRG	000				MB MB
037000	(F) Notice of Entry of Order Filed by OTH013-Yturbide, Thomas M, OTH014-Yturbide, Paula J	04/30/09	DRG	OTH013				MB MB

Num/Seq	Description	Filed	Received	Party	Routed	Ruling	Closed	User ID
038000	(F) Notice of Entry of Order Filed by OTH015-Park, Eric, OTH016-Park, Elizabeth	04/30/09		DRG	OTH015			MB MB
039000	(F) Notice of Entry of Order	05/05/09		DRG	OTH002			MB MB
040000	(F) Opposition To Notice of Exception to the Order of Determination and Joinder in Opposition to Notice of Exception of Maddi's Friesian Ranch, LLC. Filed by OTH015-Park, Eric, OTH016-Park, Elizabeth	05/12/09		DRG	OTH015			MB MB
041000	(F) Opposition To Notice of Exception to The Order of Determination	05/13/09		DRG	OTH002			MB MB
042000	(F) Joinder in Opposition to Notice of Exception to the Order of Determination and Opposition to Notice of Exception to Order of Determination Filed by OTH013-Yturbide, Thomas M, OTH014-Yturbide, Paula J	05/13/09		DRG	OTH013			MB MB
044000	(D) Request for Submission	06/05/09		DRG	000			KW KW
043000	(F) Order Setting Pre-Trial Conference	06/05/09		DRG	000			KW KW
045000	(D) Order Allowing Intervention	06/12/09		DRG	000			KW KW
046000	(D) Notice of Entry of Order Filed by ITV005-Mitchell, Ginger G., ITV004-Mitchell, Ronald R., ITV003-Scharo, Frank, ITV002-Sheridan Creek Equestrian Center, LLC., , ITV001-Hall Ranches, LLC.,	06/16/09		DRG	ITV005			KW KW
048000	(D) Motion to Correct Order Allowing Intervention	07/08/09	07/29/09	DRG	OTH007	Ruled	11/13/09	PG JT
049000	(D) Transcript of Proceedings - Pretrial Hearing	07/15/09		DRG	000			HC HC
050000	(D) Opposition to Motion to Correct Order Filed by OTH009-Bentley, J.W., OTH010-Bentley, Maryann	07/16/09		DRG	OTH009			KW KW
051000	Witness List	07/16/09		DRG	000			KW KW
052000	List of Witnesses	07/17/09		DRG	OTH002			KW KW
053000	Witness List (F)	07/17/09		DRG	000			KW KW
054000	(F) Intervener Park's Identification of Witnesses to be Called at Trial Filed by OTH015-Park, Eric, OTH016-Park, Elizabeth	07/17/09		DRG	OTH015			KW KW
055000	Petitioners David Davis' and Sharon Davis' Witness List Filed by OTH003-Davis, David B., OTH004-Davis, Sharon Lynn	07/17/09		DRG	OTH003			KW KW

Num/Seq	Description	Filed	Received	Party	Routed	Ruling	Closed	User	ID
056000	(D) Reply in Support of Motion to Correct Order Allowing Intervention	07/22/09		DRG	ITV001			KW	KW
057000	(F) Order Setting Hearing	07/22/09		DRG	000			KW	KW
058000	(F) Notice of Entry of Order	07/28/09		DRG	OTH003			KW	KW
059000	(F) Substitution of Attorney Filed by OTH015-Park, Eric, OTH016-Park, Elizabeth	07/31/09		DRG	OTH015			MB	MB
061000	(F) Joinder in Motion in Limine, or Alternatively Motion to Compel Deposition Filed by OTH013-Yturbide, Thomas M, OTH014-Yturbide, Paula J	08/03/09		DRG	OTH013	Ruled	11/02/09	MB	JT
064000	(F) Notice of Opposition to Motion Filed by RES001-State Of Nevada, , RES002-Taylor, Tracy	08/05/09		DRG	RES001			MB	MB
062000	(F) Stipulation and Order to Continue Hearing	08/18/09		DRG	000			MB	MB
063000	(F) Notice of Entry of Order	08/25/09		DRG	000			MB	MB
065000	(F) Order Rescheduling Hearing	09/24/09		DRG	000			MB	MB
066000	(F) Notice of Entry of Order	09/28/09		DRG	OTH003			HC	HC
067000	(F) Order	11/04/09		DRG	000			MB	MB
068000	(D) Order	11/17/09		DRG	000			MB	MB
069000	(D) Response and Objection to Notice of Exceptions and Exceptions to Final Order of Determination Filed by ITV001-Hall Ranches, LLC., , ITV002-Sheridan Creek Equestrian Center, LLC., , ITV003-Scharo, Frank	11/19/09		DRG	ITV001			MB	MB
070000	Notice of Entry of Order Filed by ITV001-Hall Ranches, LLC., , ITV002-Sheridan Creek Equestrian Center, LLC., , ITV003-Scharo, Frank, ITV004-Mitchell, Ronald R., ITV005-Mitchell, Ginger G.	11/19/09		DRG	ITV001			MB	MB
071000	(F) Expert Witness List Filed by OTH013-Yturbide, Thomas M, OTH014-Yturbide, Paula J	11/20/09		DRG	OTH013			MB	MB
072000	(F) Expert Witness Disclosure	11/23/09		DRG	OTH002			MB	MB
073000	(D) Motion to Dismiss or, in the Alternative, to Redesignate Affirmative Defenses as Counterclaims	12/01/09	01/04/10	DRG	OTH009	Ruled	05/17/10	HC	JT
074000	(D) Opposition to Motion to Dismiss or, in the Alternative, to Redesignate Affirmative Defenses as Counterclaims	12/18/09		DRG	OTH007			MB	MB

Filed by OTH007-Forrester, Donald S., OTH008-Forrester, Kristina M.

Num/Seq	Description	Filed	Received	Party	Routed	Ruling	Closed	User ID
075000	(D) Partial Opposition to Motion to Dismiss Filed by RES001-State Of Nevada, , RES002-Taylor, Tracy	12/18/09		DRG	RES001			MB MB
076000	(F) Order Setting Time for Continuation of Trial	12/21/09		DRG	000			HC HC
077000	(D) Notice of Filing Original Affidavits Filed by OTH007-Forrester, Donald S., OTH008-Forrester, Kristina M., ITV001-Hall Ranches, LLC., , ITV003-Scharo, Frank, ITV002-Sheridan Creek Equestrian Center, LLC., , ITV004-Mitchell, Ronald R., ITV005-Mitchell, Ginger G.	12/28/09		DRG	OTH007			MB MB
078000	Amended Certificate Of Service	12/29/09		DRG	RES001			BW BW
079000	Response to To Partial Opposition To Motion To Dismiss	12/30/09		DRG	000			BW BW
080000	Errata And Supplement to Opposition To Motion To Dismiss Or, In The Alternative, To Redesignate Affirmative Defenses As Counterclaims	12/30/09		DRG	000			BW BW
081000	(D) Reply to Opposition to Motion to Dismiss or, in the Alternative, to Redesignate Affirmative Defenses as Counterclaims	12/31/09		DRG	OTH009			HC HC
082000	D - Motion For Division Of Water And For Remand And Reference To State Engineer For Further Evidence Filed by OTH007-Forrester, Donald S., OTH008-Forrester, Kristina M.	01/08/10		DRG	OTH007	Ruled	05/17/10	BW JT
083000	Request for Expedited Hearing (D)	01/11/10		DRG	OTH007			PG PG
084000	Motion to Strike (D)	01/11/10		DRG	OTH009	Ruled	05/17/10	PG JT
085000	D - Errata To Motion For Division Of Water And For Remand And Reference to State Engineer For Further Evidence	01/13/10		DRG	OTH007			BW BW
086000	(D) Opposition to Motion to Strike	01/20/10		DRG	OTH007			HC HC
087000	(D) Motion to Strike, or in the Alternative, Opposition and Partial Joinder to Motion for Division of Water and for Remand and Reference to State Engineer for Further Evidence	01/20/10		DRG	OTH009	Ruled	05/17/10	HC JT
088000	(D) Reply to Opposition to Motion to Strike	01/21/10		DRG	OTH009			HC HC

Num/Seq	Description	Filed	Received	Party	Routed	Ruling	Closed	User ID
089000	(D)Response To Motion for Division of Water and for Remand and Reference to State Engineer for Further Evidence, and Response to Request for Expedited Hearing	01/21/10		DRG	RES001		HC	HC
090000	(D) Reply in Support of Motion for Division of Water and for Remand and Reference to State Engineer for Further Evidence and Opposition to Motion to Strike	01/26/10		DRG	OTH007		HC	HC
091000	(D) Request for Submission	01/26/10		DRG	OTH007		HC	HC
092000	(F) Substitution of Counsel	01/27/10		DRG	OTH003		HC	HC
093000	(F) Affidavit of Mailing	01/29/10		DRG	000		HC	HC
094000	(F) Transcript of Proceedings (Judge's Order)	02/02/10		DRG	000		HC	KW
095000	(D) Request to Submit Motion to Strike, or in the Alternative, Opposition and Partial Joinder to Motion for Division of Water and for Remand and Reference to State Engineer for Further Evidence and Reply to Response to Motion for Division of Water and for Remand and Reference to State Engineer for Further Evidence, and Response to Request for Expedited Hearing	02/12/10		DRG	OTH009		HC	HC
096000	(D) Joint Case Conference Report	02/23/10		DRG	000		HC	HC
097000	(D)Correction to Opposition to Motion to Dismiss or, in the alternative, to redesignate affirmative defenses as counterclaims	02/25/10		DRG	OTH007		PG	PG
098000	(D) - Order (Calendar Call)	03/03/10		DRG	000		BW	BW
099000	(D) Information Questionnaire	03/08/10		DRG	RES001		BW	BW
100000	(D) Information Questionnaire	03/09/10		DRG	OTH009		HC	HC
101000	(D) Information Questionnaire	03/11/10		DRG	ITV001		HC	HC
102000	(D) Order Setting Hearing	03/29/10		DRG	000		HC	HC
103000	(E) Substitution of Attorneys	04/28/10		DRG	OTH005		KW	JT
104000	Order (F)	05/21/10		DRG	000		KW	JT
105000	(F) Notice of Entry of Order	05/25/10		DRG	000		KW	KW
106000	Transcript of Proceedings-Partial Transcript of Proceedings Case Conference/Status Conference	05/26/10		DRG	000		PG	PG
107000	Order Re: Amended Notice of Exceptions	06/02/10		DRG	000		KW	KW

and Exceptions

Num/Seq	Description	Filed	Received	Party	Routed	Ruling	Closed	User ID
108000	Notice of Entry of Order	06/04/10		DRG	000			KW KW
109000	(D) Opposition To Proposed Order for Divisions of Water	06/07/10		MPG	OTH009			PG PG
110000	Transcript of Proceedings-Case Conference/Status Conference Monday, May 17, 2010	06/07/10		DRG	000			PG PG
111000	(D) Intervenor's Opening Brief Regarding Diversion Agreement Filed by ITV005-Mitchell, Ginger G., ITV004-Mitchell, Ronald R., ITV003-Scharo, Frank, ITV002-Sheridan Creek Equestrian Center, LLC., , ITV001-Hall Ranches, LLC.,	06/16/10		DRG	ITV005			KW KW
112000	(F) Motion for Leave to Withdraw as Counsel	06/16/10		DRG	000			KW KW
113000	(D) Bentley's Opening Brief	06/17/10		DRG	OTH009			PG PG
114000	(D) Order for Division of Water	06/18/10		DRG	000			KW KW
115000	(D) Notice of Entry of Order Filed by ITV005-Mitchell, Ginger G., ITV004-Mitchell, Ronald R., ITV003-Scharo, Frank, ITV002-Sheridan Creek Equestrian Center, LLC., , ITV001-Hall Ranches, LLC.,	06/24/10		DRG	ITV005			KW KW
116000	(D) Rebuttal to Intervenor's Opening Brief Filed by ITV001-Hall Ranches, LLC., , OTH009-Bentley, J.W., OTH010-Bentley, Maryann	06/24/10		DRG	ITV001			KW KW
117000	(D) Intervenor's Reply Regarding the Diversion Agreement Filed by ITV005-Mitchell, Ginger G., ITV004-Mitchell, Ronald R., ITV003-Scharo, Frank, ITV002-Sheridan Creek Equestrian Center, LLC., , ITV001-Hall Ranches, LLC.,	06/30/10		DRG	ITV005			KW KW
118000	(D) Supplement to Intervenor's Reply Regarding the Diversion Agreement Filed by OTH008-Forrester, Kristina M., OTH007-Forrester, Donald S.	07/01/10		DRG	OTH008			KW KW
119000	(D) Motion for Order Shortening Time to Oppose Motion to Amend Rotation Schedule Filed by ITV005-Mitchell, Ginger G., ITV004-Mitchell, Ronald R., ITV003-Scharo, Frank, ITV002-Sheridan Creek Equestrian Center, LLC., , ITV001-Hall Ranches, LLC.,	07/02/10		DRG	ITV005	Moot	07/07/10	KW JT
120000	(D) Motion to Amend Rotation Schedule Filed by ITV005-Mitchell, Ginger G., ITV004-Mitchell, Ronald R.,	07/02/10		DRG	ITV005			KW KW

ITV003-Scharo, Frank, ITV002-Sheridan Creek Equestrian Center,
 LLC., , ITV001-Hall Ranches, LLC.,

Num/Seq	Description	Filed	Received	Party	Routed	Ruling	Closed	User ID
121000	(F) ExParte Request for Temporary Restraining Order	07/06/10		DRG	OTH002			KW KW
122000	(F) Motion for Preliminary Injunction	07/06/10		DRG	OTH002			KW KW
123000	(F) Order Pursuant to Motion for Leave to Withdraw as Counsel	07/06/10		DRG	000			KW KW
124000	Order Setting Hearing	07/08/10		DRG	000			KW KW
125000	(F) Response To Motion for Preliminary Injunction	07/12/10		DRG	RES001			KW KW
126000	(D) Motion to Strike Filed by OTH010-Bentley, Maryann, OTH009-Bentley, J.W.	07/12/10		DRG	OTH010			KW KW
127000	(D) Notice of Appeal Filed by OTH009-Bentley, J.W., OTH010-Bentley, Maryann	07/13/10		DRG	OTH009			KW KW
128000	(D) Case Appeal Statement Filed by OTH009-Bentley, J.W., OTH010-Bentley, Maryann	07/13/10		DRG	OTH009			KW KW
129000	(F) Exhibits to Response to Motion for Preliminary Injunction	07/14/10		DRG	RES001			KW KW
130000	(D) Opposition to (Third) Motion to Strike; Filed by OTH007-Forrester, Donald S., OTH008-Forrester, Kristina M.	07/16/10		DRG	OTH007			KW KW
131000	(D) Opposition to Motion to Amend Rotation Schedule Filed by OTH009-Bentley, J.W., OTH010-Bentley, Maryann	07/19/10		DRG	OTH009			KW KW
132000	(F) Notice of Voluntary Withdrawal of Motion for Preliminary Injunction	07/22/10		DRG	OTH002	Moot	07/22/10 PG	JT
133000	(D) Reply in Support of Motion to Amend Rotation Schedule Filed by OTH007-Forrester, Donald S., OTH008-Forrester, Kristina M.	07/28/10		DRG	OTH007			KW KW
134000	(D) Request for Submission Filed by OTH007-Forrester, Donald S., OTH008-Forrester, Kristina M.	07/28/10		DRG	OTH007			KW KW

Case No.: 08-CV-0363-D

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JUN 18 2010

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Dept. No.: I

DOUGLAS COUNTY
DISTRICT COURT CLERK

2010 JUN 18 AM 11:50

IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR DOUGLAS COUNTY

In the Matter of the Determination of
the Relative Rights in and to the
Waters of Mott Creek, Taylor Creek,
Cary Creek (aka Carey Creek), Monument
Creek, and Bulls Canyon, Stutler Creek
(aka Stattler Creek), Sheridan Creek,
Gansberg Spring, Sharpe Spring,
Wheeler Creek No., 1 Wheeler Creek
No. 2, Miller Creek, Beers Spring,
Luther Creek and Various Unnamed
Sources in Carson Valley, Douglas
Valley, Nevada.

ORDER FOR DIVISION OF WATER

Upon the Motion for Division of Water filed herein on
January 8, 2010, by DONALD S. FORRESTER and KRISTINA M.
FORRESTER, HALL RANCHES, LLC, a Nevada Limited Liability
Company, THOMAS J. SCYPHERS and KATHLEEN M. SCYPHERS, FRANK
SCHARO, SHERIDAN CREEK EQUESTRIAN CENTER, LLC, a Nevada Limited
Liability Company, and RONALD R. MITCHELL and GINGER G. MITCHELL
("Intervenors"), and upon a hearing having been held in this
matter on May 17, 2010, with all parties and their counsel
present and following the presentation of evidence and argument
by counsel, the Court entered its oral order for the Division of
Water and the implementation of a Rotation Schedule, and good
cause appearing,

1 NOW THEREFOR, the Court finds and concludes as follows:

2 1. NRS 533.230 provides as follows:

3 **533.230. Division of water by State Engineer during**
4 **time order of determination is pending in district**
5 **court.**

6 From and after the filing of the order of
7 determination, evidence and transcript with the county
8 clerk, and during the time the hearing of the order is
9 pending in the district court, the division of water
from the stream involved in such determination shall
be made by the State Engineer in accordance with the
order of determination.

10 2. The Final Order of Determination dated August 14,
11 2008, on page 193 and 194, under Table 6 for Sheridan Creek -
12 North and South Diversions, states as follows:

13 The diversion rates for the north and south split of
14 Sheridan Creek are based on a spring and early summer
15 average stream flow of 3.5 c.f.s. Flow and diversion
16 rates during periods of drought and middle to late
17 irrigations season will generally be less than the
18 rates determined in the Preliminary Order of
19 Determination. Therefore, all parties will have to
share the water shortage during periods of low flow.
The total diversion from either the north or south
split can be used in its entirety in a rotation system
of irrigation.

20 3. The Court finds the 21 Day Rotation Schedule attached
21 hereto as Exhibit 1 is a fair and equitable Rotation Schedule *for*
22 *the 2010 irrigation season.*

23 4. The Court finds the parties should be ordered to
24 adhere to the 21 Day Rotation Schedule until further order of
25 this Court.

26 IT IS HEREBY ORDERED, that the State Engineer make division
27 of the water of Sheridan Creek in accordance with the Final
28 Order of Determination dated August 14, 2008 and specifically in

1 accordance with the attached 21 Day Rotation Schedule commencing
2 immediately and continuing until further order of this Court.

3 DATED this 18 day of June, 2010.

4
5 
6 _____
7 District Judge
8
9
10
11
12
13

14 Submitted by:
15 Thomas J. Hall, Esq.
16 Nevada Bar Number 0675
17 Post Office Box 3948
18 Reno, Nevada 89505
19 Telephone: (775) 348-7011
20 Facsimile: (775) 348-7211

21 Attorney for Intervenors
22
23
24
25
26
27
28

EXHIBIT 1

EXHIBIT 1

SHERIDAN CREEK ADJUDICATION

21 DAY ROTATION SCHEDULE

The following property owners are entitled to receive water from Sheridan Creek in rotation. The list shows acreage to be supplied water from Sheridan Creek and may not include total acreage owned due to other rights from Park & Bull Ditch.

Group	Owner's Name	Acreage	Percentage of Total	21 Day Rotation	Group Combined
A	J.W. Bentley	12.93	7.67%	1.6	<u>1.6</u>
B	Hall Ranches, LLC	22.03	13.06%	2.7	
B	Thomas Scyphers	9.63	5.54%	1.2	
B	Frank Scharo	7.26	4.28%	0.9	<u>4.8</u>
C	Sheridan Equestrian, LLC	11.31	6.64%	1.4	
C	Ronald Mitchell	10.37	6.15%	1.3	<u>2.7</u>
D	Donald Forrester	49.56	29.40%	6.2	
D	Ernest Pestana	23.76	13.66%	2.9	
D	Allan D. Sapp (currently not in rotation)	5.10			
D	Daniel Barden (currently not in rotation)	7.23	4.29%	0.9	
D	Joy Smith a/k/a Joy Whipple (currently not in rotation)	<u>17.71</u>	<u>9.31%</u>	1.9	<u>11.9</u>
	Total acreage with water rights (not including Lodato)	176.61	100.00%	21.0	21.0

Case No.: 08-CV-0363-D

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Thomas J. Hall, Esq.

JUN 24 2010

Nevada State Bar No. 675

DOUGLAS COUNTY
DISTRICT COURT CLERK

305 South Arlington Avenue

Post Office Box 3948

Reno, Nevada 89505

Telephone: 775-348-7011

Facsimile: 775-348-7211

TED THUAN
CLERK

[Signature]
DEPUTY

IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR DOUGLAS COUNTY

In the Matter of the Determination of
the Relative Rights in and to the
Waters of Mott Creek, Taylor Creek,
Cary Creek (aka Carey Creek), Monument
Creek, and Bulls Canyon, Stutler Creek
(aka Stattler Creek), Sheridan Creek,
Gansberg Spring, Sharpe Spring,
Wheeler Creek No., 1 Wheeler Creek
No. 2, Miller Creek, Beers Spring,
Luther Creek and Various Unnamed
Sources in Carson Valley, Douglas
Valley, Nevada.

NOTICE OF ENTRY OF ORDER

PLEASE TAKE NOTICE that on the 18th day of June, 2010, this
Court entered an Order for Division of Water in the above
entitled matter. A copy of the Order for Division of Water is
attached hereto as Exhibit 1.

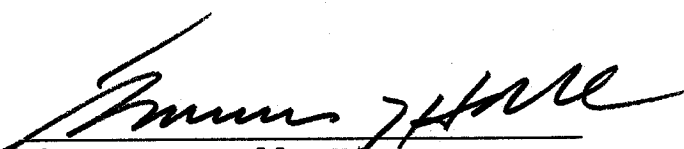
\\\\\\

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\\\\\\

1 DATED this 23rd day of June, 2010.

2 LAW OFFICES OF THOMAS J. HALL

3
4 
5 Thomas J. Hall, Esq.
6 Nevada State Bar No. 675
7 305 South Arlington Avenue
8 Post Office Box 3948
9 Reno, Nevada 89505
10 Telephone: 775-348-7011
11 Facsimile: 775-348-7211

12 **AFFIRMATION**

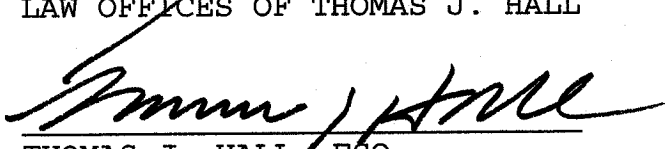
13 (Pursuant to NRS 239B.030)

14 Case No. 08-CV-0363-D

15 The undersigned does hereby affirm that the preceding
16 document, **Notice of Entry of Order**, does not contain the social
17 security number of any person.

18 DATED this 23rd day of June, 2010.

19 LAW OFFICES OF THOMAS J. HALL

20 
21 THOMAS J. HALL, ESQ.
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE BY MAIL

I certify that I am an employee of Thomas J. Hall, Esq.,
and that on this date, pursuant to NRCP 5(b), I placed in the
U.S. Mail, postage prepaid, a true and correct copy of the
Notice of Entry of Order, addressed to:

Michael L. Matuska, Esq.
Brooke, Shaw, Zumpft,
Attorneys at Law
Post Office Box 2860
Gardnerville, Nevada 89423

Thomas J. Scyphers
Kathleen M. Scyphers
1304 S. Aylesbury Court
Gardnerville, Nevada 89460

State of Nevada
Department of Conservation and
Natural Resources
Division of Water Resources
901 S. Stewart Street, Suite 2002
Carson City, Nevada 89701

Donald S. Forrester
Kristina M. Forrester
913 Sheridan Lane
Gardnerville, Nevada 89460

Bryan L. Stockton, Esq.
Deputy Attorney General
100 North Carson Street
Carson City, Nevada 89701

Frank Scharo
Post Office Box 1225
Minden, Nevada 89423

Hall Ranches, LLC
Post Office Box 3948
Reno, Nevada 89505

Ronald R. Mitchell
Ginger G. Mitchell
Post Office Box 5607
Stateline, Nevada 89449

Sheridan Equestrian Center, LLC
Glenn A. Roberson, Jr.
281 Tiger Wood Court
Gardnerville, Nevada 89460

DATED this 23rd day of June, 2010.

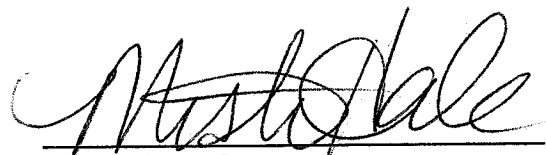

Misti Hale

EXHIBIT 1

EXHIBIT 1

Case No.: 08-CV-0363-D

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JUN 18 2010

DOUGLAS COUNTY
DISTRICT COURT CLERK

2010 JUN 18 AM 11:51

TED THUAN
CLERK

IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

~~KB WILFERT~~ DEPUTY

IN AND FOR DOUGLAS COUNTY

In the Matter of the Determination of
the Relative Rights in and to the
Waters of Mott Creek, Taylor Creek,
Cary Creek (aka Carey Creek), Monument
Creek, and Bulls Canyon, Stutler Creek
(aka Stattler Creek), Sheridan Creek,
Gansberg Spring, Sharpe Spring,
Wheeler Creek No., 1 Wheeler Creek
No. 2, Miller Creek, Beers Spring,
Luther Creek and Various Unnamed
Sources in Carson Valley, Douglas
Valley, Nevada.

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Company, THOMAS J. SCYPHERS and KATHLEEN M. SCYPHERS, FRANK
SCHARO, SHERIDAN CREEK EQUESTRIAN CENTER, LLC, a Nevada Limited
Liability Company, and RONALD R. MITCHELL and GINGER G. MITCHELL
("Intervenors"), and upon a hearing having been held in this
matter on May 17, 2010, with all parties and their counsel
present and following the presentation of evidence and argument
by counsel, the Court entered its oral order for the Division of
Water and the implementation of a Rotation Schedule, and good
cause appearing,

1 NOW THEREFOR, the Court finds and concludes as follows:

2 1. NRS 533.230 provides as follows:

3 533.230. Division of water by State Engineer during
4 time order of determination is pending in district
5 court.

6 From and after the filing of the order of
7 determination, evidence and transcript with the county
8 clerk, and during the time the hearing of the order is
9 pending in the district court, the division of water
from the stream involved in such determination shall
be made by the State Engineer in accordance with the
order of determination.

10 2. The Final Order of Determination dated August 14,
11 2008, on page 193 and 194, under Table 6 for Sheridan Creek -
12 North and South Diversions, states as follows:

13 The diversion rates for the north and south split of
14 Sheridan Creek are based on a spring and early summer
15 average stream flow of 3.5 c.f.s. Flow and diversion
16 rates during periods of drought and middle to late
17 irrigations season will generally be less than the
18 rates determined in the Preliminary Order of
19 Determination. Therefore, all parties will have to
share the water shortage during periods of low flow.
The total diversion from either the north or south
split can be used in its entirety in a rotation system
of irrigation.

20 3. The Court finds the 21 Day Rotation Schedule attached
21 hereto as Exhibit 1 is a fair and equitable Rotation Schedule *for*
22 *the 2010 irrigation season.*

23 4. The Court finds the parties should be ordered to
24 adhere to the 21 Day Rotation Schedule until further order of
25 this Court.

26 IT IS HEREBY ORDERED, that the State Engineer make division
27 of the water of Sheridan Creek in accordance with the Final
28 Order of Determination dated August 14, 2008 and specifically in

1 accordance with the attached 21 Day Rotation Schedule commencing
2 immediately and continuing until further order of this Court.

3 DATED this 18 day of June, 2010.

4
5 
6 _____
7 District Judge
8
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10
11
12

13 Submitted by:
14 Thomas J. Hall, Esq.
15 Nevada Bar Number 0675
16 Post Office Box 3948
17 Reno, Nevada 89505
18 Telephone: (775) 348-7011
19 Facsimile: (775) 348-7211

20 Attorney for Intervenors
21
22
23
24
25
26
27
28

EXHIBIT 1

EXHIBIT 1

SHERIDAN CREEK ADJUDICATION

21 DAY ROTATION SCHEDULE

The following property owners are entitled to receive water from Sheridan Creek in rotation. The list shows acreage to be supplied water from Sheridan Creek and may not include total acreage owned due to other rights from Park & Bull Ditch.

Group	Owner's Name	Acreage	Percentage of Total	21 Day Rotation	Group Combined
A	J.W. Bentley	12.93	7.67%	1.6	<u>1.6</u>
B	Hall Ranches, LLC	22.03	13.06%	2.7	
B	Thomas Scyphers	9.63	5.54%	1.2	
B	Frank Scharo	7.26	4.28%	0.9	<u>4.8</u>
C	Sheridan Equestrian, LLC	11.31	6.64%	1.4	
C	Ronald Mitchell	10.37	6.15%	1.3	<u>2.7</u>
D	Donald Forrester	49.56	29.40%	6.2	
D	Ernest Pestana	23.76	13.66%	2.9	
D	Allan D. Sapp (currently not in rotation)	5.10			
D	Daniel Barden (currently not in rotation)	7.23	4.29%	0.9	
D	Joy Smith a/k/a Joy Whipple (currently not in rotation)	<u>17.71</u>	<u>9.31%</u>	1.9	<u>11.9</u>
	Total acreage with water rights (not including Lodato)	176.61	100.00%	21.0	21.0

CASE NO. 08-CV-0363

DEPT NO. I

IN THE MATTER OF THE DETERMINATION OF THE
RELATIVE RIGHTS IN AND TO THE WATERS OF MOTT
CREEK, TAYLOR CREEK, CARY CREEK (ADA CAREY
CREEK), MONUMENT CREEK, AND BULLS CANYON,
STUTLER CREEK (AKA STATTLER CREEK:, SHERIDAN
CREEK, GANSBERG SPRING, SHARPE SPRING,
WHEELER CREEK NO. 1, WHEELER CREEK NO. 2,
MILLER CREEK, BEERS SPRING, LUTHER CREEK AND
VARIOUS UNNAMED SOURCES IN CARSON VALLEY,
DOUGLAS VALLEY, NEVADA,

DATE: 4/1/09

COUNSEL PRESENT:

Ross de Lipkau
John Zimmerman-rep.
the Kimmerling's
and the Equestrian Center

Brian Stockton-Deputy
Attorney General rep.
State Engineer's

Scott Brooke-rep.
Groenendyke

Kelly Chase- rep.
Eric/Elizabeth Parks

Tom Hall-rep.Forrester/Hall Ranches

George Keele-rep. Jackson/Windholz

Paul Taggert-rep.Maddi's Friesian Ranch

David Davis-in proper person

Jennifer Yturbide-rep.Yturbide Trust

Michael Matuska-rep.Brooks Family Trust

OTHERS PRESENT:

Steve Walmsley-Adjudication Engineer
Reed Cozens-with Mr. Walmsley
James Vasey-consultant
Russell Scossa-homeowner
Sharon Davis
Susan Joseph

JUDGE: DAVID R. GAMBLE

CLERK: Pamela Gregory

COURT REPORTER: Carrie Hewerdine

LAW CLERK: Michael Millward

BAILIFFS: Rick Sousa

The above-entitled matter was before the Court this being the time set for
HEARING OF EXCEPTIONS.

The Court made a proposal that this case be divided into sub-cases and each sub-case be assigned a letter as follows:

A-Kimmerling
B-Douglas
C-Brooks
D-Bentley/Forester
E-Gronendyke/Jackson
F-Davis

There was no opposition to the Court's proposal. All further pleadings will reflect each parties assigned letter.

The Court ordered the following pleadings stricken from the record:

- 1) Response to Reply to Exceptions by Bentley to Final Order of Determination (filed 3/31/09);
- 2) Reply to Exceptions by Bentley to Final Order of Determination (filed 3/27/09);
- 3) Notice of Appearance and Intent to Participate (filed 3/27/09);
- 4) Amended Notice of Exceptions and Exceptions to Final Order of Determination (filed 3/25/09).

The Court advised the parties that the next document they are to file will be their Request to Intervene, within ten (10) days from today's date.

Oppositions are to be filed within five (5) days from that date.

The Court will then make a ruling and once allowed, there will be ten (10) days to file oppositions to the exceptions and then the case will be completely at issue.

With regards to the Brooks property, the Court was advised that the State Engineers have conceded to the addition of 4.63 acres upon the filing of a 24" by 32" map prepared by a licensed water rights surveyor and that the matter will be resolved with regards to this adjudication.

The Court advised the parties it will be sending out a Setting Order for the Pre-Trial Conference and further advised that the clients, as well as the consultants, are invited to attend.

Mr. Stockton will prepare the Stipulation and proposed Findings of Fact as to Kimmerling and Douglas.

CASE NO. 08-CV-363 D

DEPT NO. I

IN THE MATTER OF THE DETERMINATION
OF THE RELATIVE RIGHTS IN AND TO THE
WATERS OF MOTT CREEK,

DATE: 07/16/10

JUDGE: DAVID R. GAMBLE

CLERK: Mary Biaggini

COURT REPORTER: Kathy Jackson

LAW CLERK: John Seddon

BAILIFFS: Stacey Chambers

OTHERS PRESENT: Jennifer Yturbide for The Yturbide Trust
Paul Taggart for Maddis Ranch
Elizabeth Park for Elizabeth and Eric Park
Brian Stockton for the State Engineer
Steve Walmsley witness for State Engineer
David Davis in Proper Person
Steve Hadaway for Gerald Novonty/Daily Creek Ranch
Ruth Page and Gregory Walsh for Maddis Ranch

The above-entitled matter was before the Court this being the time set for IRRIGATION ROTATION SCHEDULE. The following parties were present in Court:

The Court stated that the purpose of today's hearing was to review a rotation schedule for this irrigation season and further noted that Mr. Stockton filed a request for a Temporary Restraining Order.

Ms. Yturbide presented an opening statements.

No statement made by Ms. Park.

Mr. Taggart presented an opening statements.

Mr. Stockton made an opening statement and presented a PowerPoint illustration regarding a proportional 21-day rotation schedule.

Mr. Davis presented an opening statement.

Ms. Page addressed the Court with a proposed rotation and explained as requested by Court. Mr. Walsh provided a map of the area and explained the water hours to the Court.

The Court marked the map as exhibit 1 "2005/2006 aerial photo." The Court admitted exhibit 1 for purposes of irrigation.

The Court stated that the issues will be for implementation and a duty study.

The Court opens the floor if anyone wishes to be heard.

Mr. Davis presented closing arguments.

Mr. Taggart presented closing arguments and presented all parties with an irrigation illustration.

Ms. Yturbide presented closing arguments and requested that the Court impose the 2011 irrigation schedule.

The Court ordered the following:


- * Mr. Stockton's recommendation will be followed regarding the 21-day watering rotation schedule will be implemented for this season;
- * Each property has the right to use the supplemental underground water;
- * The Court will not order a study.


Mr. Stockton to prepare the Order and attach the rotation schedule.

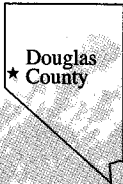
1 STATE OF NEVADA)
2) ss
3 COUNTY OF DOUGLAS)

4 I, TED THRAN, County Clerk of Douglas County,
5 State of Nevada, and ex-officio Clerk of the District Court, Ninth
6 Judicial District of the State of Nevada, in and for the said
7 County of Douglas; said Court being a Court of Record, having
8 common law jurisdiction, and a Clerk and a Seal, do hereby certify
9 that the foregoing are the full, true copies of the following
10 original pleadings filed in Case No. 08-CV-0363 IN THE MATTER OF THE
11 DETERMINATION OF THE RELATIVE RIGHTS IN AND TO THE WATERS OF MOTT
12 CREEK, et al; Notice of Appeal; Case Appeal Statement; District Court
13 Docket Entries; Order (filed July 13, 2010); Notice of Entry of Order
14 (filed July 2, 2010); District Court Minutes.

15
16 IN TESTIMONY WHEREOF, I have hereunto set my hand
17 and affixed my Official Seal at Minden, in said County and State
18 this 4th day of August, A.D., 2010.

19 
20 _____
21 County Clerk

22 
23 _____
24 Senior Deputy Clerk
25
26
27
28



TED THRAN
CLERK - TREASURER
<http://cltr.co.douglas.nv.us>

Civil Clerk's Office
(775) 782-9023

District Court Clerk's Office
(775) 782-9820

Tahoe General Services
(775) 586-7270

Treasurer's Office
(775) 782-9018

Transmittal to the Supreme Court

To: Nevada Supreme Court
210 South Carson Street
Carson City, Nevada 89710

Date: August 4, 2010

Re: District Court Case #: 08-CV-0363
District Court Case Name: IN THE MATTER OF THE DETERMINATION OF THE
RELATIVE RIGHTS IN AND TO THE WATERS OF MOTT
CREEK, et al

THREE CERTIFIED COPIES of the following documents are transmitted to the Supreme Court pursuant to the July 22, 1996 revisions to the Nevada Rules of Appellate Procedure:

XXXX Notice of Appeal

XXXX Case Appeal Statement

XXXX District Court Docket entries

XXXX Judgment(s) or order(s) appealed from

XXXX Notice of entry of the judgment(s) or order(s) appealed from

**** Certification order directing entry of judgment pursuant to NRCP 54(b)

XXXX District Court Minutes

**** Exhibit List

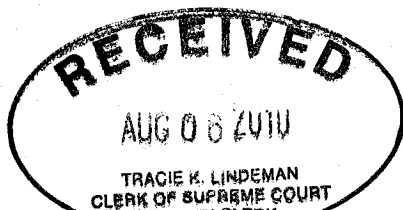
XXXX Supreme Court filing fee (\$250.00), if applicable

Respectfully,

TED THRAN
CLERK/TREASURER

By: 
Deputy Court Clerk

****indicates not applicable or not available



P.O. Box 218 • Minden, Nevada 89423

**SUPREME COURT OF THE STATE OF NEVADA
OFFICE OF THE CLERK**

Supreme Court No. 56551

District Court Case No. CV0363

IN THE MATTER OF THE DETERMINATION OF THE RELATIVE RIGHTS IN AND TO THE WATERS OF MOTT CREEK, TAYLOR CREEK, CARY CREEK (AKA CAREY CREEK), MONUMENT CREEK, AND BULLS CANYON, STUTLER CREEK (AKA STATTLER CREEK), SHERIDAN CREEK, GANSBERG SPRING, SHARPE SPRING, WHEELER CREEK NO. 1, WHEELER CREEK NO. 2, MILLER CREEK, BEERS SPRING, LUTHER CREEK AND VARIOUS UNNAMED SOURCES IN CARSON VALLEY, DOUGLAS VALLEY, NEVADA,

J.W. BENTLEY AND MARYANN BENTLEY, TRUSTEES OF THE BENTLEY FAMILY 1995 TRUST,

Appellants,

vs.

THE STATE OF NEVADA OFFICE OF THE STATE ENGINEER; HALL RANCHES, LLC; THOMAS J. SCYPHERS; KATHLEEN M. SCYPHERS; FRANK SCHARO; SHERIDAN CREEK EQUESTRIAN CENTER, LLC; DONALD S. FORRESTER; KRISTINA M. FORRESTER; RONALD R. MITCHELL; AND GINGER G. MITCHELL,
Respondents.

RECEIPT FOR DOCUMENTS

TO: Brooke Shaw Zumpft and Michael L. Matuska
Thomas J. Hall
Attorney General/Carson City and Bryan L. Stockton, Deputy Attorney General
Ted Thran , Douglas Co. Clerk

You are hereby notified that the Clerk of the Supreme Court has received and/or filed the following:

08/09/10	Received Filing Fee. \$250.00 from Brooke Shaw Zumpft check no. 033065.
08/09/10	Filed Certified Copy of Notice of Appeal. Notice Re Settlement Conference Program and Suspension of Rules mailed to all counsel. (The requesting of transcripts and briefing are stayed pursuant to NRAP 16(a)(1). Docketing Statement Form mailed to counsel for appellant(s).)

DATE: August 09, 2010

Tracie Lindeman, Clerk of Court