

**FILED**

NO. 60932

NOV 26 2014

**Exhibits**

Title: **SHERIDAN CREEK ADJUDICATION**

PLTF: **BENTLEYS**

INT: **INTERVENORS**

Case No: **08-CV-0363**

Dept. No: **I**

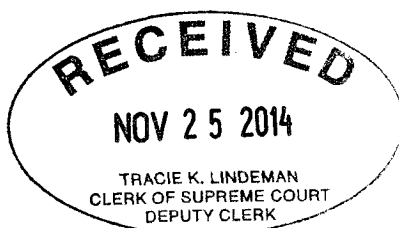
PATY: **MICHAEL MATUSKA, ESQ**

INT: **THOMAS J. HALL, ESQ**

Date: **01/09/12**

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY: *[Signature]*  
CHIEF DEPUTY CLERK

Exhibit No.	Party	Description	Marked	Offered	Admitted
1	JOINT	Grant, Bargain and Sale Deed (June Irene Rolph to Lodato), recorded 12/18/84, as Document 111381			X
2	JOINT	Grant Deed to Adjust Bounty Line (Lodato/Rolphs), recorded 12/84/84, as Document 111382			X
3	JOINT	Parcel Map (Lodato Parcels), recorded 06/26/87, as Document 157268			X
4	JOINT	Joint Tenancy Deed (Nancy Rolph Welch to Whitmires), recorded 01/06/86, as Document 129025			X
5	JOINT	Joint Tenancy Deed (June Irene Rolph to Whitmires), recorded on 01/06/86, as Document 129026			X
6	JOINT	Preliminary Report – Mitchell, dated 01/06/86 (INT0007-0011)			X
7	JOINT	Agreement to Divert (Whitmires to Lodato), recorded on 08/06/86, as Document 138680			X
8	JOINT	Map of Division into Large Parcels (Whitmires), recorded on 12/04/86, as Document 146147			X



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Exhibit No.	Party	Description	Marked	Offered	Admitted
9	JOINT	Grant, Bargain and Sale Deed (Whitmires to Mitchells), recorded on 03/17/87, as Document 151500			X
10	JOINT	Water Diversion and Use Agreement recorded on 03/27/87, as Document 152147			X
11	JOINT	Preliminary Title Report – Forrester, dated 07/20/87			X
12	JOINT	Grant, Bargain and Sale Deed (Lodato to Webers), recorded on 08/03/87, as Document 159532			X
13	INT	Water Rights Deed (Whitmires to Forresters), recorded on 09/30/87, as Document 163487			X
14	JOINT	Joint Tenancy Deed (Whitmires to Forresters), recorded on 09/30/87, as Document 163488			X
15	JOINT	Grant, Bargain, Sale Deed (Whitmires to Hettricks), recorded on 11/09/87, as Document 166043			X
16	JOINT	Grant, Bargain, Sale Deed (Rolphs to Whitmires), recorded on 11/09/87, as Document 166045			X

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Exhibit No.	Party	Description	Marked	Offered	Admitted
17	JOINT	Joint Tenancy Deed (Whitmires to Halls), recorded on 11/09/87, as Document 166046			X
18	JOINT	Preliminary Title Report – Forrester, dated 05/23/88			X
19	JOINT	Joint Tenancy Deed (Lodato to Webers), recorded on 08/26/92, as Document 286852			X
20	JOINT	Correction Joint Tenancy Deed (Lodato to Webers), recorded on 03/08/93, as Document 301401			X
21	JOINT	Map (Lodato/Webers BLA), recorded on 01/04/96, as Document 378278			X
22	INT	Preliminary Title Report – Hall, dated 10/29/97			
23	INT	Quitclaim Deed (Halls to Hall Ranches, LLC), recorded 07/09/99, as Document 472217			
24	JOINT	Grant, Bargain and Sale Deed (Severson to Scyphers), recorded on 12/15/99, as Document 482627			X
25	JOINT	Summary of Ownership and Abstract of Title (Scyphers), dated 01/14/03			X
26	JOINT	Policy of Title Insurance – Scharo, dated 04/22/05			X

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Exhibit No.	Party	Description	Marked	Offered	Admitted
27	JOINT	Policy of Title Insurance – Roberson, dated 10/18/05			X
28	JOINT	Grant, Bargain, Sale Deed (Forrester to Roberson), recorded on 10/18/05, as Document 0658087			X
29	JOINT	Grant, Bargain and Sale Deed (Webers to Bentleys), recorded on 05/08/06, as Document 674437			X
30	JOINT	Owner's Policy of Title Insurance – Sheridan Creek Equestrian Center, LLC, dated 03/11/08			X
31	JOINT	Grant Deed (Roberson to Sheridan Creek Equestrian Center, LLC), recorded on 03/11/08, as Document 0719365			X
32	JOINT	Final Order of Determination dated 08/14/08			X
33	INT	Report of Field Investigation No. 1130, dated 06/28/10			X
34	JOINT	Grant, Bargain and Sale Deed (Scharo), recorded 08/13/10, as Document 768706			X
35	INT	Report of Field Investigation No. 1130-A, dated 09/14/10			X

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Exhibit No.	Party	Description	Marked	Offered	Admitted
36	INT	2004 Aerial photographs from Douglas County GIS			X
37	INT	2008 Aerial photographs from Douglas County GIS			X
38		Copy of Order dtd. 6/17/1987 Case # 17379			X
39		Picture depicting old water box on Bentley property			X
40		Picture			X
41		Picture			X
42		Picture			X
43		Picture			X

# TRIAL BINDER INDEX

## *Bentley Water Rights Matter*

**Ninth Judicial District Court of the State of Nevada  
Douglas County  
Case No. 08-CV0363D**

*Admitted*

EXHIBIT NO.	DOCUMENT	PROPONENT	STIPULATION (Foundation Only)	STIPULATION (Admission)	NO STIPULATION	COURT USE
49	Map(s) to Accompany Proofs					X
50	Proof of Appropriation of Water for Irrigation (06305) (Webers) Dated: 3/16/94					X
51	Proof of Appropriation of Water for Irrigation (06306) (Webers) Dated: 3/16/94					X
52	Proof of Appropriation of Water for Stock Watering or Wildlife Purposes (06307) (Webers) Dated: 3/16/94					X
53	Proof of Appropriation of Water for Stock Watering or Wildlife Purposes (06308) (Webers) Dated: 3/16/94					X
54	Amended Proof of Appropriation of Water for Irrigation (06305) (Webers) Dated: 9/28/96					X

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## *Bentley Water Rights Matter*

**Ninth Judicial District Court of the State of Nevada**

**Douglas County**

**Case No. 08-CV0363D**

*Admitted*

EXHIBIT NO.	DOCUMENT	PROPONENT	STIPULATION (Foundation Only)	STIPULATION (Admission)	NO STIPULATION	COURT USE
55	Amended Proof of Appropriation of Water for Irrigation (06306) (Webers) Dated: 9/28/96					X
56	Letter to Bentley Trust from State of Nevada, Division of Water Resources re: Proofs V06305-V06308 Dated: 05/28/08					X
57	Grant of Water Pipeline Easement; Affirmation of Pre-Existing Water Pipeline Easment [sic]; Abandonment of Easements Recorded: 06/27/08 Doc. No. 725896					X
58	Proof of Appropriation of Water for Irrigation (06309) (Forresters) Dated: 3/16/94					X

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## *Bentley Water Rights Matter*

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Douglas County  
Case No. 08-CV0363D**

*Admitted*

EXHIBIT NO.	DOCUMENT	PROPONENT	STIPULATION (Foundation Only)	STIPULATION (Admission)	NO STIPULATION	COURT USE
59	Report of Conveyance (Severson to Scyphers) Dated: 02/20/01					X
60	Letter from NV Division of Water Resources to Scyphers Dated: 07/30/02					X
61	Letter from NV Division of Water Resources to Scyphers Dated: 07/30/03					X
62	Summary of Ownership (Permit 7595) Dated: 08/27/07					X
63	Summary of Ownership (Permit V06312) Dated: 08/18/10					X
64	Preliminary Title Report (Scharo) Dated: 04/01/05					X
65	Grant, Bargain and Sale Deed (Swanson to Scharo) Recorded: 04/22/05 Doc. No. 642436					X



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## *Bentley Water Rights Matter*

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Douglas County  
Case No. 08-CV0363D**

*admitted*

EXHIBIT NO.	DOCUMENT	PROPONENT	STIPULATION (Foundation Only)	STIPULATION (Admission)	NO STIPULATION	COURT USE
66	Grant, Bargain, and Sale Deed (Scharo to Scharo & Gardner) Recorded: 06/18/08 Doc. No. 725271					X
67	Report of Conveyance (Severson to Scharo) Dated: 12/08/08					X
68	Letter from NV Division of Water Resources to Scharo Dated: 07/22/10					X
69	Abstract of Title (Permit V06311) Dated: 08/18/10					X
70	Grant, Bargain and Sale Deed (Correction to Legal Description on Doc. No. 642436) (Swanson to Scharo) Recorded: 08/13/10 Doc. No. 768705					X
71	Letter from NV Division of Water Resources to Scharo Dated: 08/18/10					X

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## Bentley Water Rights Matter

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Case No. 08-CV0363D

*admitted*

EXHIBIT NO.	DOCUMENT	PROPONENT	STIPULATION (Foundation Only)	STIPULATION (Admission)	NO STIPULATION	COURT USE
72	Abstract Chain of Title (Hall Ranches) Dated: 10/01/04					
73	Letter from FATCO to Hall Dated: 11/25/97					
74	Deed of Trust (Forrester) Recorded: 10/18/05 Doc. No. 658088					X
75	Photo of Broken Pipes #1					X
76	Photo of Broken Pipes #2					X
77	Photo of Broken Pipes #3					X
78	Bentley's Notice of Exceptions and Exceptions to Final Order of Determination Dated: 12/10/08					X
79	Bentley's Amended Notice of Exceptions and Exceptions to Final order of Determination Dated: 03/25/09					X

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## *Bentley Water Rights Matter*

Ninth Judicial District Court of the State of Nevada

Douglas County

Case No. 08-CV0363D

*admitted*

EXHIBIT NO.	DOCUMENT	PROPONENT	STIPULATION (Foundation Only)	STIPULATION (Admission)	NO STIPULATION	COURT USE
80	Intervenors' Response and Objections to Notice of Exceptions and Exceptions to Final Order of Determination Dated: 11/19/09					X
81	Intervenors' Motion for Division of Water and for Remand and Reference to State Engineer for Further Evidence Dated: 01/08/10					X
82	Affidavit of Roberson in Support of Intervenors' Motion for Division of Water and for Remand and Reference to State Engineer for Further Evidence Dated: 01/08/10					X
83	Intervenors' Reply in Support of Motion to Amend Rotation Schedule Dated: 07/27/10					X
84	Order for Division of Water Dated: 06/18/10					X

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Case No. 08-CV0363D

*Admitted*

EXHIBIT NO.	DOCUMENT	PROPONENT	STIPULATION (Foundation Only)	STIPULATION (Admission)	NO STIPULATION	COURT USE
85	Intervenors' First Amended Responses to First Requests for Admission (No. 1) Dated: 10/18/10					X
86	Intervenors' Response to First Set of Interrogatories (No. 2) AND (No. 3) Dated: 10/18/10					X
87	Intervenors' Response to Second Set of Interrogatories (No. 5) Dated: 10/18/10					X
88	Verification (Frank Scharo) of Responses to First and Second Sets of Interrogatories Dated: 10/25/10					X
89	Deposition Exhibit Binder					X
90	NV State Engineer's Motion to Amend Water Dated 06/10/11 (Exhibits Follow)					X

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## *Bentley Water Rights Matter*

Ninth Judicial District Court of the State of Nevada

Douglas County

Case No. 08-CV0363D

*admitted*

EXHIBIT NO.	DOCUMENT	PROPONENT	STIPULATION (Foundation Only)	STIPULATION (Admission)	NO STIPULATION	COURT USE
91	<b><u>EXHIBIT 1</u></b> Temporary Application for Permission to Change Point of Diversion ... App. No. 80824 Dated: 05/04/11					X
92	<b><u>EXHIBIT 2</u></b> Bentley's Application for Permission to Change Point of Diversion, ... App. No. 80828 Dated: 05/06/11					X
93	<b><u>EXHIBIT 3</u></b> Bentley's Application for Permission to Change Point of Diversion ... App. No. 80829 Dated: 05/06/11					X
94	<b><u>EXHIBIT 4</u></b> NV State Engineer's Ruling 36123 Dated: 06/08/11					X
95	<b><u>EXHIBIT 5</u></b> NV State Engineer's First Amended Rotation Schedule for 2011 Dated: 05/04/11					X

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## Bentley Water Rights Matter

Ninth Judicial District Court of the State of Nevada

Douglas County

Case No. 08-CV0363D

*Admitted*

EXHIBIT NO.	DOCUMENT	PROPONENT	STIPULATION (Foundation Only)	STIPULATION (Admission)	NO STIPULATION	COURT USE
96	Stanka Consulting Report Dated: 10/14/11					X
97	Application for Permission to Change Point of Diversion					X
98	Ruling #6123					X
99	DATE & Time Grid					X
100	Analysis of Distribution System and 2011 Rotation Schedule					X