NO. 67289
~~NO. 66932~~

Case No. 08-CV-0363

Department No. I

RECEIVED
NOV 14 2014
DOUGLAS COUNTY
DISTRICT COURT CLERK

2014 NOV 14 AM 11:18
D... R. WILLIAMS
CLERK
BY _____ DEPUTY

IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF DOUGLAS

FILED
DEC 12 2014
TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY _____
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.

FILED
JAN 26 2015
TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY _____
DEPUTY CLERK

NOTICE OF APPEAL

Notice is hereby given that Jerald R. Jackson, Trustee of the Jerald R. Jackson 1975 Trust, as amended, and Irene M. Windholz, Trustee of the Irene M. Windholz Trust dated August 11, 1992, hereby appeal to the Supreme Court of the State of Nevada from the Findings of Fact, Conclusions of Law, Judgment and Decree filed in this matter on September 29, 2014, and from any preliminary, interim or interlocutory orders entered in Case No. 08-CV-0363, Subpart E, including, but not limited to, the Order filed with respect to Subpart E of this action on December 26, 2013.

Dated this 14th day of November, 2014.

WOODBURN AND WEDGE
6100 Neil Road, Suite 500
Reno, Nevada 89511

By: _____
Gordon H. DePaoli, Nevada Bar No. 195

RECEIVED
DEC 10 2014
TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
DEPUTY CLERK

15-02741

AFFIRMATION PURSUANT TO N.R.S. 239B.030

The undersigned affirms that the document now being presented to the Court in the above entitled action does not contain any Personal Information, and that an Affirmation will be provided in this matter only if the document contains Personal Information as defined by N.R.S. 239B.030.

Gordon H. DePaoli

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the law firm of Woodburn and Wedge, and that on November 14, 2014, I caused to be served by U.S. mail a true and correct copy of the foregoing Notice of Appeal in sealed envelopes, addressed to the following:

Ron Alling
Alling & Jillson, Ltd.
P.O. Box 3390
Stateline, Nevada 89449

Brent T. Kolvet
Thorndahl, Armstrong, Delk, Balkenbush & Eisinger
6950 S. McCarran Boulevard, Suite B
Reno, Nevada 89509

Scott Brooke
Brooke Shaw Zumpft
P.O. Box 2860
Minden, Nevada 89423

Catherine Cortez Masto, Attorney General
Bryan Stockton, Sr. Deputy Attorney General
Nevada Office of the Attorney General
100 N. Carson Street
Carson City, Nevada 89701-4717

Kelly R. Chase
P.O. Box 2800
Minden, Nevada 89423

Michael Matuska
Matuska Law Office
937 Mica Drive, Suite 16A
Carson City, Nevada 89705

David and Sharon Davis
P.O. Box 1360
Gardnerville, Nevada 89460

Gerald R. Novotny, Sr.
P.O. Box 471
Genoa, Nevada 89411

Ross E. de Lipkau
Parsons Behle & Latimer
333 Holcomb Avenue, Suite 300
Reno, Nevada 89502

Eric and Elizabeth Park
290 Allerman Lane
Gardnerville, Nevada 89460

Thomas J. Hall
P.O. Box 3948
Reno, Nevada 89505

Paul G. Taggart
Taggart & Taggart, Ltd.
108 Minnesota Street
Carson City , Nevada 89701

George M. Keele
1692 County Road, Suite A
Minden, Nevada 89423

Jennifer A. Yturbide
Rowe, Hales & Yturbide
P.O. Box 2080
Minden, Nevada 89423

Holly Dewar

Holly Dewar

RECEIVED
NOV 14 2014
DOUGLAS COUNTY
DISTRICT COURT CLERK
2014 NOV 14 AM 11: 18
JULIE R. WILLIAMS
CLERK
BY _____ DEPUTY

Case No. 08-CV-0363

Department No. I

IN THE NINTH JUDICIAL DISTRICT COURT OF 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**

1. The names of the appellants filing this Case Appeal Statement are Jerald R. Jackson, Trustee of the Jerald R. Jackson 1975 Trust, as amended, and Irene M. Windholz, Trustee of the Irene M. Windholz Trust dated August 11, 1992.

2. The Judge issuing the Findings of Fact, Conclusions of Law, Decree and Judgment and orders appealed from is the Honorable David Gamble, Ninth Judicial District Court, Douglas County, Nevada.

3. The parties to the proceedings in the District Court include:

a. Initiating Party - State of Nevada, ex. rel. Office of the Nevada State Engineer;

b. Party Filing Exceptions - Jerald R. Jackson, Trustee of the Jerald R. Jackson 1975 Trust, as amended, and Irene M. Windholz, Trustee of the Irene M. Windholz Trust dated August 11, 1992;

c. Party Filing Exceptions - Edward H. Groenendyke, Trustee of the Groenendyke Family Trust;

d. Other parties or counsel who appeared in different subparts (*see* paragraph 11 below) in the District Court: Paul G. Taggart, Esq., Brent T. Kolvet, Esq., Eric and Elizabeth Park, Michael L. Matuska, Esq., Ron Alling, Esq., Ross E. de Lipkau, Esq., Kelly R. Chase, Esq., T. Scott Brooke, Esq., George M. Keele, Esq., Jennifer A. Yturbide, Esq., David and Sharon Davis, and Gerald R. Novotny, Sr.

e. Other persons identified in the Final Order of Determination of the Nevada State Engineer and in the Findings of Fact, Conclusions of Law, Judgment and Decree are identified in Exhibit A attached hereto.

4. The appellants are Jerald R. Jackson, Trustee of the Jerald R. Jackson 1975 Trust, as amended, and Irene M. Windholz, Trustee of the Irene M. Windholz Trust dated August 11, 1992, and the name address of counsel for those appellants is Gordon H. DePaoli, Woodburn and Wedge, 6100 Neil Road, Suite 500, Reno, Nevada 89511.

5. This appeal involves only the parties to Subpart E (see paragraph 11 below) of this matter, i.e., claimants to "Springs Arising on the West Side of Foothill Road on the Heritage Ranch." The name and address of counsel for respondent Nevada State Engineer is:

Catherine Cortez Masto, Attorney General
Bryan Stockton, Deputy Attorney General
100 N. Carson Street
Carson City, Nevada 89701

The name of each respondent who filed exceptions or objections to the Final Order of Determination of the Nevada State Engineer as provided in N.R.S. 533.170 with respect to the waters involved in Subpart E (*see* paragraph 11 below), and the name and address of their counsel are as follows:

Edward H. Groenendyke, Trustee of the Groenendyke Family Trust
Represented by Scott Brooke, Brooke, Shaw Zumpft

P.O. Box 2860
Minden, Nevada 89423

No other persons with claims to the waters involved in Subpart E (*see* paragraph 11 below) filed exceptions to the Final Order of Determination of the Nevada State Engineer, or appeared before the District Court by an attorney.

6. All attorneys identified in paragraphs 4 and 5 above are licensed to practice law in Nevada.

7. Appellants were represented by retained counsel in the District Court.

8. Appellants are represented by retained counsel on appeal.

9. Appellants did not seek and were not granted leave to proceed *in forma pauperis*.

10. Pursuant to the provisions of N.R.S. § 533.165, this proceeding was commenced when the Nevada State Engineer's Final Order of Determination was filed with the Douglas County Clerk, as ex officio Clerk of the District Court, on August 14, 2008.

11. The Findings of Fact, Conclusions of Law, Decree and Judgment in this matter involve an adjudication, pursuant to the provisions of N.R.S. § 533.090 through N.R.S. § 533.185, of the relative rights of claimants to waters that drain into the Carson Valley in Douglas County, Nevada from the Eastern Slope of the Carson Range. The Nevada State Engineer's Final Order of Determination was made on August 14, 2008, and was filed with the Clerk of the Court pursuant to N.R.S. § 533.165 on August 14, 2008. At an April 1, 2009 hearing, the Court divided the exceptions and objections to the State Engineer's Final Order of Determination into six subparts or subproceedings, Subparts A through F, so that exceptions related to a common water source would be heard together, and separate from exceptions related to other water sources. This appeal involves only Subpart E, the "Springs Arising on

the West Side of Foothill Road on the Heritage Ranch," and claimants to that water source filing exceptions.

The Judgment and Decree determines the relative rights of claimants to those sources of water. At issue in this appeal is the propriety of the Court's determination as to which parties hold water rights to a spring referred to as "Unnamed Spring A" and of the Court's direction that the "Jackson Trustees are to allow the Groenendyke Trustees reasonable access to water facilities affecting the Groenendyke property but located on the Jackson property."

12. The decisions of the District Court with respect to Subpart E of this matter have not previously been the subject of an appeal to, or original writ proceeding in, the Nevada Supreme Court.

13. This appeal does not involve child custody or visitation.

14. It may be possible to resolve the issue of access to water facilities. It is not likely that the issue of who properly holds water rights to Unnamed Spring A can be resolved by settlement.

Dated this 14th day of November, 2014.

WOODBURN AND WEDGE
6100 Neil Road, Suite 500
Reno, Nevada 89511

By: Gordon H. DePaoli

Gordon H. DePaoli, Nevada Bar No. 195
Attorneys for Jerald R. Jackson, Trustee of the Jerald R. Jackson 1975 Trust, as Amended, and Irene M. Windholz, Trustee of the Irene M. Windholz Trust dated August 11, 1992

AFFIRMATION PURSUANT TO N.R.S. 239B.030

The undersigned affirms that the document now being presented to the Court in the above entitled action does not contain any Personal Information, and that an Affirmation will be provided in this matter only if the document contains Personal Information as defined by N.R.S. 239B.030.

Gordon H. DePaoli

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the law firm of Woodburn and Wedge, and that on November 14, 2014, I caused to be served by U.S. mail a true and correct copy of the foregoing Case Appeal Statement in sealed envelopes, addressed to the following:

Ron Alling
Alling & Jillson, Ltd.
P.O. Box 3390
Stateline, Nevada 89449

Brent T. Kolvet
Thorndahl, Armstrong, Delk, Balkenbush & Eisinger
6950 S. McCarran Boulevard, Suite B
Reno, Nevada 89509

Scott Brooke
Brooke Shaw Zumpft
P.O. Box 2860
Minden, Nevada 89423

Catherine Cortez Masto, Attorney General
Bryan Stockton, Sr. Deputy Atty. General
Nevada Office of the Attorney General
100 N. Carson Street
Carson City, Nevada 89701-4717

Kelly R. Chase
P.O. Box 2800
Minden, Nevada 89423

Michael Matuska
Matuska Law Office
937 Mica Drive, Suite 16A
Carson City, Nevada 89705

David and Sharon Davis
P.O. Box 1360
Gardnerville, Nevada 89460

Gerald R. Novotny, Sr.
P.O. Box 471
Genoa, Nevada 89411

Ross E. de Lipkau
Parsons Behle & Latimer
333 Holcomb Avenue, Suite 300
Reno, Nevada 89502

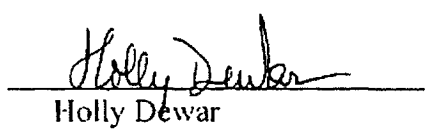
Eric and Elizabeth Park
290 Allerman Lane
Gardnerville, Nevada 89460

Thomas J. Hall
P.O. Box 3948
Reno, Nevada 89505

Paul G. Taggart
Taggart & Taggart, Ltd.
108 Minnesota Street
Carson City , Nevada 89701

George M. Keele
1692 County Road, Suite A
Minden, Nevada 89423

Jennifer A. Yturbide
Rowe, Hales & Yturbide
P.O. Box 2080
Minden, Nevada 89423



Holly Dewar

EXHIBIT A

EXHIBIT A

3. OWNER OF RECORD INDEX

OWNER OF RECORD	PROOF/PERMIT NO.	SOURCE	PAGE NOS.
ABBOTT FAMILY TRUST	V-06323	UNNAMED SPRING (A), UNNAMED SPRING (D) & LUTHER CREEK -	60, 120
BARTHOLOMEW FAMILY TRUST	V-06331	UNNAMED SPRING (A), UNNAMED SPRING (D) & MILLER CREEK	65, 128
BARTHOLOMEW FAMILY TRUST	V-06335	MILLER CREEK	68, 132
BARTHOLOMEW FAMILY TRUST	PER. 24525 CERT.8136	MILLER CREEK	90
BARTHOLOMEW FAMILY TRUST	PER. 24526 CERT. 8137	UNNAMED CREEK	90
BELLIK, MICHAEL STEVEN	V-06369	MOTT CREEK	79, 158
BELLIK, MICHAEL STEVEN	V-06370	MOTT CREEK	80, 160
BENTLY FAMILY LIMITED PARTNERSHIP	PER. 18720, CERT. 5961	UNNAMED SPRING	90, 178
BENTLY FAMILY LIMITED PARTNERSHIP	PER. 21569, CERT. 6910	BENTLY SPRINGS	90, 178
BENTLY FAMILY LIMITED PARTNERSHIP	PER. 24566, CERT. 8740	AUTUMN HILLS SPRING	90, 179
BENZ FAMILY TRUST	V-05049	MOTT CREEK & UNNAMED STREAM	51, 101
BROOKS FAMILY TRUST AGREEMENT	V-06365	LUTHER CREEK	78, 156
BROOKS FAMILY TRUST AGREEMENT	V-06366	LUTHER CREEK	79, 157
BROWN E. RICHARD AND BURNS, E. SHARON	V-06325	UNNAMED SPRING (A), UNNAMED SPRING (D) & MILLER CREEK	61, 122
BROWN, RICHARD E. AND BURNS, SHARON A.	PER. 24525 CERT.8136	MILLER CREEK	90
BROWN, RICHARD E. AND BURNS, SHARON A.	PER. 24526 CERT. 8137	UNNAMED SPRING	90
BROWN, ROBERT H. AND ARLENE M. BROWN FAMILY TRUST	V-02858	LUTHER CREEK	50, 99
BUCKLEY, DENNIS R. AND THERESE S.	V-06359	SHERIDAN CREEK	77, 152
BUCKLEY, DENNIS R. AND THERESE S.	V-06360	SHERIDAN CREEK	77, 152
BUDDINGTON, DONNA	V-06319	MOTT CREEK	57, 116
CARRIG, BLAISE AND LESLIE	V-06327	UNNAMED SPRING (A), UNNAMED SPRING (D) & MILLER CREEK	62, 124
CASTEEL CORPORATION	PER. 24525 CERT.8136	MILLER CREEK	90
CASTEEL CORPORATION	PER. 24526 CERT. 8137	UNNAMED CREEK	90
CASTEEL, GARY B. AND CLAUDIA A.	V-06330	UNNAMED SPRING (A), UNNAMED SPRING (D) & MILLER CREEK	65, 127
CATHERWOOD, MICHAEL AND ROBIN L.	V-07486	UNNAMED SPRING (A), UNNAMED SPRING (D) & MILLER CREEK	81, 164
CATHERWOOD, MICHAEL AND ROBIN L.	PER. 24525 CERT.8136	MILLER CREEK	90
CATHERWOOD, MICHAEL AND ROBIN L.	PER. 24526 CERT. 8137	UNNAMED CREEK	90
CHITWOOD, LORILYN V. AND RANDALL R.	V-05070	MOTT CREEK	51, 102
CHRISTIAN, STEPHEN H. & PATRICIA	V-09265	UNNAMED SPRING (A), UNNAMED SPRING (D) & MILLER CREEK	85, 170
CHRISTIAN, STEPHEN H. & PATRICIA	V-09270	UNNAMED SPRING (A), UNNAMED SPRING (D) & MILLER CREEK	88, 175
CHUDNOW, ROBERT & LINDA SAWYER-CHUDNOW	V-09263	MOTT CREEK	84, 168
CURRIE, WAYNE A. AND SHARON W.	PER. 24525 CERT.8136	MILLER CREEK	90
CURRIE, WAYNE A. AND SHARON W.	PER. 24526 CERT. 8137	UNNAMED CREEK	90
DAVIS, DAVID B. AND SHARON L.	V-05314	MOTT CREEK	52, 103

EXHIBIT A

3. OWNER OF RECORD INDEX

OWNER OF RECORD	PROOF/PERMIT NO.	SOURCE	PAGE NOS.
DEETER, JILL S.	V-02856	UNNAMED SPRINGS	92
DELLA ROSA, DAVID J. AND ANNE	V-06329	UNNAMED SPRING (A), UNNAMED SPRING (D) & MILLER CREEK	64, 126
DELLA ROSA, DAVID J. AND ANNE	PER. 24525 CERT.8136	MILLER CREEK	90
DELLA ROSA, DAVID J. AND ANNE	PER. 24526 CERT. 8137	UNNAMED CREEK	90
DINEL, JOHN AND HELEN	PER. 24525 CERT.8136	MILLER CREEK	90
DOORNINK, JAMES D. & EDNA	PER. 7595, CERT. 1760	GANSBERG SPRING	89, 176
DOUGLAS, MYLES S. AND AMY B.	V-06321	UNNAMED SPRING (A), UNNAMED SPRING (D) & LUTHER CREEK -	58, 118
DOUGLAS, MYLES S. AND AMY B.	V-06322	UNNAMED SPRING (A), UNNAMED SPRING (D) & MILLER CREEK	59, 119
DREYER, ROLAND AND JOAN P.	V-06355	CARY CREEK	76, 149
DUBIN INVESTMENT GROUP, LLC	V-06313	MOTT CREEK	55, 113
DUNN, ROBERT D. & EVELYN W.	PER. 7595, CERT. 1760	GANSBERG SPRING	89, 176
ELLIS, DARWIN K. AND ELIZABETH D.	PER. 18720, CERT. 5961	UNNAMED SPRING	90, 178
ELLIS, DARWIN V. AND LINDA T.	PER. 18720, CERT. 5961	UNNAMED SPRING	90, 178
FERGUSON, RICHARD C. AND SANDRA J.	V-06333	UNNAMED SPRING (A), UNNAMED SPRING (D) & MILLER CREEK	67, 130
FORRESTER, DONALD S. AND KRISTINA M., HUSBAND AND WIFE AS JOINT TENANTS.	V-06309	SHERIDAN CREEK	54, 109
FORRESTER, DONALD S. AND KRISTINA M., HUSBAND AND WIFE AS JOINT TENANTS.	V-06310	STUTLER CREEK	55, 110
GAINES, JUDY	V-06332	MILLER CREEK	66, 129
GAINES, JUDY	PER. 24525 CERT.8136	MILLER CREEK	90
GAINES, TED AND JUDY	V-02857	UNNAMED SPRING	49, 98
GAINES, TED AND JUDY	V-02858	LUTHER CREEK	50, 99
GALLAGHER, TERRY A.	V-06369	MOTT CREEK	79, 158
GALLAGHER, TERRY A.	V-06370	MOTT CREEK	80, 160
GARDNER, GERALDINE REVOCABLE TRUST	V-06321	UNNAMED SPRING (A), UNNAMED SPRING (D) & LUTHER CREEK -	58, 117
GEANNE C. NELSON REVOCABLE TRUST	V-06326	UNNAMED SPRING (A), UNNAMED SPRING (D) & MILLER CREEK	61, 123
GRANAT REVOCABLE TRUST OF 10/18/85	V-06322	UNNAMED SPRING (A), UNNAMED SPRING (D) & MILLER CREEK	59, 119
GRAY, WILLIAM H. AND LOIS CATHERINE	V-06317	MOTT CREEK	57, 115
GROENENDYKE FAMILY TRUST	V-02856	UNNAMED SPRINGS	92
GROENENDYKE FAMILY TRUST	V-08850	UNNAMED SPRING (A), UNNAMED SPRING (D) AND LUTHER CREEK	81, 165
GROENENDYKE, EDWARD	V-06324	MILLER CREEK	60, 121
GROENENDYKE, EDWARD	PER. 24525 CERT.8136	MILLER CREEK	90
HACKLER, ANDREW & LINDA	V-09267	MILLER CREEK	86, 172
HALL, DONALD T. AND PEGGY, HUSBAND AND WIFE	V-06340	SHERIDAN CREEK	69, 136
HALL, DONALD T. AND PEGGY, HUSBAND AND WIFE	V-06341	STUTLER CREEK	69, 137

3. OWNER OF RECORD INDEX

OWNER OF RECORD	PROOF/PERMIT NO.	SOURCE	PAGE NOS.
HANAVAN, L. J.	PER. 7595, CERT. 1760	GANSBERG SPRING	89, 176
HANSEN, JANICE G.	V-06369	MOTT CREEK	79, 158
HANSEN, JANICE G.	V-06370	MOTT CREEK	80, 160
HANSON TRUST	V-02858	LUTHER CREEK	50, 99
HANSON TRUST	V-02857	UNNAMED SPRING	49, 98
HARRIS, ALAN K. & PATRICIA M.	PER. 28884, CERT. 9281	UNNAMED SPRING	91, 183
HARVEY, DAVID AND EVELYNE	PER. 10033, CERT. 3417	SHARPE SPRING	89, 177
HASTERT, EMILE P.	PER. 7595, CERT. 1760	GANSBERG SPRING	89, 176
HAYES, EDWARD J. AND CONSTANCE G.	V-06226	MOTT CREEK	53, 104
HELLMAN, DOUGLAS AND AMELIA	V-06316	MOTT CREEK	56, 114
HICKEY, DANIEL R. AND LAUREL C.	V-06348	UNNAMED SPRING	72, 143
HONKANEN, TYNE	V-09264	UNNAMED SPRING (A), UNNAMED SPRING (D) & MILLER CREEK	84, 169
HONKANEN, TYNE AND ERIC G.	PER. 24525 CERT.8136	MILLER CREEK	90
HYLANDER, WALDEMAR B. AND MARIBETH D.	PER. 24525 CERT.8136	MILLER CREEK	90
JACKSON, JERALD R., 1975 TRUST	V-06342	UNNAMED SPRING (A)	70, 138
JACKSON, JERALD R., 1975 TRUST	V-06343	UNNAMED SPRING (B)	70, 139
JACKSON, JERALD R., 1975 TRUST	V-06344	UNNAMED SPRING (C)	71, 140
JACKSON, JERALD R., 1975 TRUST	V-06345	UNNAMED SPRING (D)	71, 141
JACKSON, JERALD R., 1975 TRUST	PER. 24918 CERT. 7843	UNNAMED SPRING	91
JACKSON, JERALD R., 1975 TRUST	PER. 24919 CERT. 7842	UNNAMED SPRING	91
JONES, LOIS S.	PER. 7595, CERT. 1760	GANSBERG SPRING	89, 176
JONES, RODNEY	V-09253	CASTLE SPRING	92
JSD TRUST	V-02856	UNNAMED SPRINGS	92
JUDD, FRANK J.	V-02430	PALMER SWAMP	49, 98
KANELOS, BETTIE KENNARD, TRUST	V-06369	MOTT CREEK	79, 159
KANELOS, BETTIE KENNARD, TRUST	V-06370	MOTT CREEK	80, 160
KELLY, THOMAS S.	PER. 24525 CERT.8136	MILLER CREEK	90
KELLY, THOMAS S.	PER. 24526 CERT. 8137	UNNAMED CREEK	90
KIMBALL, BRENT A. & KAREN A.	V-09263	MOTT CREEK	84, 168
KYLE, MARSHALL	V-09264	MILLER CREEK	84, 169
LACKEY, LARRY AND JOYCE H.	V-06831	MOTT CREEK	80, 163
LIBBON, TERRY & CINDY	V-09268	MILLER CREEK	87, 173
LODATO, JOSEPH S.	V-04594	SHERIDAN CREEK	50, 100

3. OWNER OF RECORD INDEX

OWNER OF RECORD	PROOF/PERMIT NO.	SOURCE	PAGE NOS.
MADDI'S RANCH LLC	V-06349	MOTT CREEK	72, 144
MARIENTHAL, PAUL D. AND ELLEN	V-06328	UNNAMED SPRING (A), UNNAMED SPRING (D) & MILLER CREEK	63, 125
MARIENTHAL, PAUL D. AND ELLEN	PER. 24525 CERT.8136	MILLER CREEK	90
MARIENTHAL, PAUL D. AND ELLEN	PER. 24526 CERT. 8137	UNNAMED CREEK	90
MARTIN, LUTHER J. AND HUGH L.	PER. 24525 CERT.8136	MILLER CREEK	90
MARTIN, LUTHER J. AND HUGH L.	PER. 24526 CERT. 8137	UNNAMED CREEK	90
MASON, TOM E. AND SHARON J.	V-09039	MOTT CREEK	83, 167
MELNIKOFF, NORMAN AND SHIRLEY, HUSBAND AND WIFE AS JOINT TENANTS	V-06318	MOTT CREEK	57, 115
MINASIAN, JOHN	V-09266	UNNAMED SPRING (A), UNNAMED SPRING (D) & MILLER CREEK	86, 171
MINASIAN, JOHN	PER. 24525 CERT.8136	MILLER CREEK	90
MINASIAN, JOHN	PER. 24526 CERT. 8137	UNNAMED CREEK	90
MITCHELL, RON AND GINGER, HUSBAND AND WIFE	V-06336	SHERIDAN CREEK	68, 131
MITCHELL, RON AND GINGER, HUSBAND AND WIFE	V-06337	STUTLER CREEK	69, 133
MOTTSVILLE CEMETERY ASSOCIATION	V-05819	MOTT CREEK	52, 104
MOTTSVILLE LIMITED PARTNERSHIP II	V-06315	MOTT CREEK	56, 114
MURISET, RICHARD E. & DOROTHY J.	V-09269	MILLER CREEK	87, 174
NELSON, JEANNE C.	PER. 24525 CERT.8136	MILLER CREEK	90
NEVADA MOUNTIAN VIEW LLC	V-02856	UNNAMED SPRINGS	92
NIMIS, FREDERIC J. AND CONCHA P.	PER. 35626, CERT. 9549	CASTLE GARDEN SPRING	92, 183
NIMIS, FREDERIC J. AND CONCHA P.	PER. 36087, CERT. 9885	ELLIS SPRING	92, 184
O'CONNELL, KEVIN J. AND LINDA M.	PER. 24525 CERT.8136	MILLER CREEK	90
O'CONNELL, KEVIN J. AND LINDA M.	PER. 24526 CERT. 8137	UNNAMED CREEK	90
OWEN, VIRGINIA	PER. 24525 CERT.8136	MILLER CREEK	90
OWEN, VIRGINIA	PER. 24526 CERT. 8137	UNNAMED CREEK	90
PARK, ERIC SONG J. AND ELIZABETH	V-06351	MOTT CREEK	74, 145
PESTANA, ERNEST E., TRUSTEE OF THE PESTANA 1986 FAMILY TRUST	V-06338	STUTLER CREEK	69, 134
PESTANA, ERNEST E., TRUSTEE OF THE PESTANA 1986 FAMILY TRUST	V-06339	SHERIDAN CREEK	69, 135
PRATHER FAMILY TRUST	V-02856	UNNAMED SPRINGS	92
RODGERS FAMILY TRUST	V-06264	SHERIDAN CREEK	53, 105
RODGERS FAMILY TRUST	V-06265	SHERIDAN CREEK	53, 106
ROLPH, JAMES III & JUNE IRENE	PER. 7595, CERT. 1760	GANSBERG SPRING	89, 176
ROOKER, DONALD L. AND TONI M.	V-06357	SHERIDAN CREEK	76, 150
ROOKER, DONALD L. AND TONI M.	V-06358	SHERIDAN CREEK	77, 151

3. OWNER OF RECORD INDEX

OWNER OF RECORD	PROOF/PERMIT NO.	SOURCE	PAGE NOS.
SAPP 1993 TRUST, ALAN D. SAPP, TRUSTEE	V-04594	SHERIDAN CREEK	50, 100
SAPP, ALLAN D. AND PATRICIA J.	V-06356	SHERIDAN CREEK AND TRIBUTARIES	76, 150
SCHWAKE FAMILY TRUST	V-06354	CARY CREEK	75, 148
SCHWAKE, MELVIN	PER. 10983, CERT. 2937	CAREY CREEK	89, 177
SCOSSA BROTHERS	V-06367	MILLER CREEK, BEERS SPRING AND OTHER UNNAMED SPRINGS	78, 157
SCOSSA BROTHERS	V-06368	MILLER CREEK, BEERS SPRING AND OTHER UNNAMED SPRINGS	79, 158
SCOSSA BROTHERS	V-06371	LUTHER CREEK, MILLER CREEK, FREDERICKSBURG DITCH WASTE	80, 161
SCOSSA BROTHERS	V-06372	LUTHER CREEK, MILLER CREEK, FREDERICKSBURG DITCH WASTE	80, 162
SCOSSA, EUGENE AND ALEX	PER. 24557 CER. 8079	MILLER CREEK	90
SEVERSON, ROBERT S. AND JUNE E., HUSBAND AND WIFE AS JOINT TENANTS	V-06311	STUTLER CREEK	55, 111
SEVERSON, ROBERT S. AND JUNE E., HUSBAND AND WIFE AS JOINT TENANTS	V-06312	SHERIDAN CREEK	55, 112
SHOCKEY, ROBERT D. AND WANDA D.	V-02857	UNNAMED SPRING	49, 98
SHOCKEY, ROBERT D. AND WANDA D.	V-02858	LUTHER CREEK	50, 99
SHOCKEY, ROBERT D. AND WANDA D.	V-06363	LUTHER CREEK	78, 154
SHOCKEY, ROBERT D. AND WANDA D.	V-06364	LUTHER CREEK	78, 155
SIMON, STEPHEN RAY AND LUCETTE; SIMON, PAUL P. AND MORENE L.	V-06361	SHERIDAN CREEK	77, 153
SIMON, STEPHEN RAY AND LUCETTE; SIMON, PAUL P. AND MORENE L.	V-06362	SHERIDAN CREEK	77, 154
SMITH, RODERICK J. & PATRICIA L.	PER. 7595, CERT. 1760	GANSBERG SPRING	89, 176
THOMAS M. AND PAULA J. YTURBIDE, TRUSTEES OF THE YTURBIDE 1991 FAMILY TRUST	V-06350	MOTT CREEK	73, 144
TOMERLIN, JAMES O. & WILLIAM R.	PER. 7595, CERT. 1760	GANSBERG SPRING	89, 176
TOMERLIN, WILLIAM R., TRUST	PER. 24806, CERT. 7584	WHEELER CREEK NO. 1	90, 180
TOMERLIN, WILLIAM R., TRUST	PER. 24807, CERT. 7583	WHEELER CREEK NO. 2	90, 180
TOMERLIN, WILLIAM R., TRUST	PER. 25409, CERT. 7585	UNDERGROUND	91, 181
TOMERLIN, WILLIAM R., TRUST	PER. 25601, CERT. 7586	WHEELER CREEK NO. 1	91, 182
TOMERLIN, WILLIAM R.TRUST	V-06320	WHEELER CREEK NO. 1 AND WHEELER CREEK NO. 2	57, 117
TOUSSAU, DONALD A.	V-06352	TAYLOR CREEK	75, 146
TOUSSAU, DONALD A.	V-06353	UNNAMED SPRINGS	75, 147
VILLALOBOS, PEDRO AND MARGARET	V-06334	MILLER CREEK & UNNAMED SPRING (A)	67, 131
VILLALOBOS, PEDRO AND MARGARET	PER. 24525 CERT.8136	MILLER CREEK	90
VINDUM, ERIK AND MYRNA J.	V-06369	MOTT CREEK	79, 159
VINDUM, ERIK AND MYRNA J.	V-06370	MOTT CREEK	80, 160
WARG, HENRY EDWARD	V-06321	UNNAMED SPRING (A), UNNAMED SPRING (D) & LUTHER CREEK -	58, 117
WEBER, THEADORE AND KATHERINE A., HUSBAND AND WIFE	V-06305	STUTLER CREEK	53, 106

3. OWNER OF RECORD INDEX

OWNER OF RECORD	PROOF/PERMIT NO.	SOURCE	PAGE NOS.
WEBER, THEADORE AND KATHERINE A., HUSBAND AND WIFE	V-06306	SHERIDAN CREEK	54, 107
WEBER, THEADORE AND KATHERINE A., HUSBAND AND WIFE	V-06308	STUTLER CREEK	54, 109
WEBER, THEADORE AND KATHERINE A., HUSBAND AND WIFE AS JOINT TENANTS	V-06307	SHERIDAN CREEK	54, 108
WHIPPLE, JOY (AKA JOY S. SMITH)	V-06346	STUTLER CREEK	72, 142
WHIPPLE, JOY (AKA JOY S. SMITH)	V-06347	SHERIDAN CREEK	72, 142
WILD GOOSE LIMITED PARTNERSHIP	V-02857	UNNAMED SPRING	49, 98
WILD GOOSE LIMITED PARTNERSHIP	V-02858	LUTHER CREEK	50, 99
WINDHOLZ, IRENE M., TRUST	V-02856	UNNAMED SPRINGS	92
WINDHOLZ, IRENE M., TRUST	V-06342	UNNAMED SPRING (A)	70, 138
WINDHOLZ, IRENE M., TRUST	V-06343	UNNAMED SPRING (B)	70, 139
WINDHOLZ, IRENE M., TRUST	V-06344	UNNAMED SPRING (C)	71, 141
WINDHOLZ, IRENE M., TRUST	V-06345	UNNAMED SPRING (D)	71, 141

Case No. 08-CV-0363

Department No. I

RECEIVED
NOV 24 2014
DOUGLAS COUNTY
DISTRICT COURT CLERK

FILED
2014 NOV 24 PM 3:00
BOBBIE R. WILLIAMS
CLERK
BY [signature] DEPUTY

IN THE NINTH JUDICIAL DISTRICT COURT OF 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.	**AMENDED CASE APPEAL STATEMENT**

1. The names of the appellants filing this Case Appeal Statement are Jerald R. Jackson, Trustee of the Jerald R. Jackson 1975 Trust, as amended, and Irene M. Windholz, Trustee of the Irene M. Windholz Trust dated August 11, 1992.

2. The Judge issuing the Findings of Fact, Conclusions of Law, Decree and Judgment and orders appealed from is the Honorable David Gamble, Ninth Judicial District Court, Douglas County, Nevada.

3. The parties to the proceedings in the District Court include:

a. Initiating Party - State of Nevada, ex. rel. Office of the Nevada State Engineer;

b. Party Filing Exceptions - Jerald R. Jackson, Trustee of the Jerald R. Jackson 1975 Trust, as amended, and Irene M. Windholz, Trustee of the Irene M. Windholz Trust dated August 11, 1992;

c. Party Filing Exceptions - Edward H. Groenendyke, Trustee of the Groenendyke Family Trust;

d. Other parties or counsel who appeared in different subparts (*see* paragraph 11 below) in the District Court: Thomas J. Hall, Esq., Paul G. Taggart, Esq., Brent T. Kolvet, Esq., Eric and Elizabeth Park, Michael L. Matuska, Esq., Ron Alling, Esq., Ross E. de Lipkau, Esq., Kelly R. Chase, Esq., T. Scott Brooke, Esq., George M. Keele, Esq., Jennifer A. Yturbide, Esq., David and Sharon Davis, and Gerald R. Novotny, Sr.

e. Other persons identified in the Final Order of Determination of the Nevada State Engineer and in the Findings of Fact, Conclusions of Law, Judgment and Decree are identified in Exhibit A attached hereto.

4. The appellants are Jerald R. Jackson, Trustee of the Jerald R. Jackson 1975 Trust, as amended, and Irene M. Windholz, Trustee of the Irene M. Windholz Trust dated August 11, 1992, and the name address of counsel for those appellants is Gordon H. DePaoli, Woodburn and Wedge, 6100 Neil Road, Suite 500, Reno, Nevada 89511.

5. This appeal involves only the parties to Subpart E (see paragraph 11 below) of this matter, i.e., claimants to "Springs Arising on the West Side of Foothill Road on the Heritage Ranch." The name and address of counsel for respondent Nevada State Engineer is:

Catherine Cortez Masto, Attorney General
Bryan Stockton, Deputy Attorney General
100 N. Carson Street
Carson City, Nevada 89701

The name of each respondent who filed exceptions or objections to the Final Order of Determination of the Nevada State Engineer as provided in N.R.S. 533.170 with respect to the waters involved in Subpart E (*see* paragraph 11 below), and the name and address of their counsel are as follows:

Edward H. Groenendyke, Trustee of the Groenendyke Family Trust
Represented by Scott Brooke, Brooke, Shaw Zumpft

P.O. Box 2860
Minden, Nevada 89423

No other persons with claims to the waters involved in Subpart E (*see* paragraph 11 below) filed exceptions to the Final Order of Determination of the Nevada State Engineer, or appeared before the District Court by an attorney.

6. All attorneys identified in paragraphs 4 and 5 above are licensed to practice law in Nevada.

7. Appellants were represented by retained counsel in the District Court.

8. Appellants are represented by retained counsel on appeal.

9. Appellants did not seek and were not granted leave to proceed *in forma pauperis*.

10. Pursuant to the provisions of N.R.S. § 533.165, this proceeding was commenced when the Nevada State Engineer's Final Order of Determination was filed with the Douglas County Clerk, as ex officio Clerk of the District Court, on August 14, 2008.

11. The Findings of Fact, Conclusions of Law, Decree and Judgment in this matter involve an adjudication, pursuant to the provisions of N.R.S. § 533.090 through N.R.S. § 533.185, of the relative rights of claimants to waters that drain into the Carson Valley in Douglas County, Nevada from the Eastern Slope of the Carson Range. The Nevada State Engineer's Final Order of Determination was made on August 14, 2008, and was filed with the Clerk of the Court pursuant to N.R.S. § 533.165 on August 14, 2008. At an April 1, 2009 hearing, the Court divided the exceptions and objections to the State Engineer's Final Order of Determination into six subparts or subproceedings, Subparts A through F, so that exceptions related to a common water source would be heard together, and separate from exceptions related to other water sources. This appeal involves only Subpart E, the "Springs Arising on

the West Side of Foothill Road on the Heritage Ranch," and claimants to that water source filing exceptions.

The Judgment and Decree determines the relative rights of claimants to those sources of water. At issue in this appeal is the propriety of the Court's determination, in its order of December 26, 2013, filed with respect to Subpart E of this action, as to which parties hold water rights to a spring referred to as "Unnamed Spring A" and of the Court's direction that the "Jackson Trustees are to allow the Groenendyke Trustees reasonable access to water facilities affecting the Groenendyke property but located on the Jackson property."

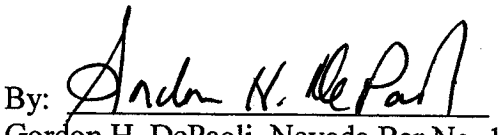
12. The decisions of the District Court with respect to Subpart E of this matter have not previously been the subject of an appeal to, or original writ proceeding in, the Nevada Supreme Court.

13. This appeal does not involve child custody or visitation.

14. It may be possible to resolve the issue of access to water facilities. It is not likely that the issue of who properly holds water rights to Unnamed Spring A can be resolved by settlement.

Dated this 24th day of November, 2014.

WOODBURN AND WEDGE
6100 Neil Road, Suite 500
Reno, Nevada 89511

By: 
Gordon H. DePaoli, Nevada Bar No. 195
Attorneys for Jerald R. Jackson, Trustee of the Jerald R. Jackson 1975 Trust, as Amended, and Irene M. Windholz, Trustee of the Irene M. Windholz Trust dated August 11, 1992

AFFIRMATION PURSUANT TO N.R.S. 239B.030

The undersigned affirms that the document now being presented to the Court in the above entitled action does not contain any Personal Information, and that an Affirmation will be provided in this matter only if the document contains Personal Information as defined by N.R.S. 239B.030.

Gordon H. DePaoli

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the law firm of Woodburn and Wedge, and that on November 24, 2014, I caused to be served by U.S. mail a true and correct copy of the foregoing Amended Case Appeal Statement in sealed envelopes, addressed to the following:

Ron Alling
Alling & Jillson, Ltd.
P.O. Box 3390
Stateline, Nevada 89449

Brent T. Kolvet
Thorndahl, Armstrong, Delk, Balkenbush & Eisinger
6950 S. McCarran Boulevard, Suite B
Reno, Nevada 89509

Scott Brooke
Brooke Shaw Zumpft
P.O. Box 2860
Minden, Nevada 89423

Catherine Cortez Masto, Attorney General
Bryan Stockton, Sr. Deputy Atty. General
Nevada Office of the Attorney General
100 N. Carson Street
Carson City, Nevada 89701-4717

Kelly R. Chase
P.O. Box 2800
Minden, Nevada 89423

Michael Matuska
Matuska Law Office
937 Mica Drive, Suite 16A
Carson City, Nevada 89705

David and Sharon Davis
P.O. Box 1360
Gardnerville, Nevada 89460

Gerald R. Novotny, Sr.
P.O. Box 471
Genoa, Nevada 89411

Ross E. de Lipkau
Parsons Behle & Latimer
333 Holcomb Avenue, Suite 300
Reno, Nevada 89502

Eric and Elizabeth Park
290 Allerman Lane
Gardnerville, Nevada 89460

Thomas J. Hall
P.O. Box 3948
Reno, Nevada 89505

Paul G. Taggart
Taggart & Taggart, Ltd.
108 Minnesota Street
Carson City , Nevada 89701

George M. Keele
1692 County Road, Suite A
Minden, Nevada 89423

Jennifer A. Yturbide
Rowe, Hales & Yturbide
P.O. Box 2080
Minden, Nevada 89423

Holly Dewar

Holly Dewar

9TH JUDICIAL DISTRICT COURT
Bobbie R. Williams
Clerk of the Court
Ph 782-9820 Fax 782-9954
1038 Buckeye Rd.
P.O. Box 218
Minden, NV 89423-0000
(775)-782-9820, TTY for Deaf: (775)-782-9964
(775) 782-9820

12/10/14

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

J.W And Maryann Bentley V State Of Nevada, Office Of The State Engine

C A S E H I S T O R Y

CONSOLIDATED/RELATED CASES

Lead CaseID: 08-CV-00363-DC

SubCaseID	Type	Start	End
13-CV-00121-DC	C	10/17/13	

INVOLVED PARTIES

Type	Num	Name(Last,First,Mid,Title)	Dispo	Entered
SPT	001	Taylor Creek	BH JSUM 09/29/	04/25/13
SPT	002	Cary Creek AKA Carey, Creek	BH JSUM 09/29/	04/25/13
SPT	003	Monument Creek	BH JSUM 09/29/	04/25/13
SPT	004	Bulls Canyon	BH JSUM 09/29/	04/25/13
SPT	005	Stutler Creek AKA Stattler, Creek	BH JSUM 09/29/	04/25/13
SPT	006	Sheridan Creek	BH JSUM 09/29/	04/25/13
SPT	007	Gansberg Spring	BH JSUM 09/29/	04/25/13
SPT	008	Sharpe Spring	BH JSUM 09/29/	04/25/13
SPT	009	Wheeler Creek No. 1	BH JSUM 09/29/	04/25/13
SPT	010	Wheeler Creek No. 2	BH JSUM 09/29/	04/25/13
SPT	011	Miller Creek	BH JSUM 09/29/	04/25/13
SPT	012	Miller Creek	BH JSUM 09/29/	04/25/13
SPT	013	Beers Spring	BH JSUM 09/29/	04/25/13
SPT	014	Luther Creek	BH JSUM 09/29/	04/25/13
RPI	001	Mott Creek	BH JSUM 09/29/	10/28/08
RPI	002	Taylor Creek	BH JSUM 09/29/	10/28/08
RPI	003	Cary Creek	BH JSUM 09/29/	10/28/08

Type	Num	Name(Last,First,Mid,Title)	Dispo	Entered
RPI	004	Monument Creek	BH JSUM 09/29/	10/28/08
RPI	005	Bulls Canyon	BH JSUM 09/29/	10/28/08
RPI	006	Stutler Creek	BH JSUM 09/29/	10/28/08
RPI	007	Stattler Creek	BH JSUM 09/29/	10/28/08
RPI	008	Sheridan Creek	BH JSUM 09/29/	10/28/08
RPI	009	Gansberg Spring	BH JSUM 09/29/	10/28/08
RPI	010	Sharpe Spring	BH JSUM 09/29/	10/28/08
RPI	011	Wheeler Creek No. 1	BH JSUM 09/29/	10/28/08
RPI	012	Wheeler Creek No. 2	BH JSUM 09/29/	10/28/08
RPI	013	Miller Creek	BH JSUM 09/29/	10/28/08
RPI	014	Beers Spring	BH JSUM 09/29/	10/28/08
RPI	015	Luther Creek	BH JSUM 09/29/	10/28/08
RPI	016	Bentley, J.W.	BH JSUM 09/29/	12/10/08
		Attorney: 5711 Matuska, Michael L Brooke & Shaw P. O. Box 2860 Minden, NV 89423 (702)782-7171		
RPI	017	Bentley, Maryann	BH JSUM 09/29/	12/10/08
RPI	018	Kimmerling Trust	BH JSUM 09/29/	02/11/09
		Attorney: 1628 Lipkau, Ross E Marshall, Hill, Cassas & De Lipkau P.O. Box 2790 Reno, NV 89505-2790 (775)323-1601		
RES	001	State Of Nevada	BH JSUM 09/29/	08/05/09
		Attorney: 004764 Stockton, Bryan 515 E. Musser St. Carson City, NV 89714		
RES	002	Taylor, Tracy	BH JSUM 09/29/	08/05/09
		Attorney: 004764 Stockton, Bryan 515 E. Musser St. Carson City, NV 89714		
RES	003	Christian, Stephen H	BH JSUM 09/29/	10/25/12
RES	004	State Of Nevada, Office Of The State Engineer	BH JSUM 09/29/	06/11/14
PLT	001	Mott Creek Water Rights	BH JSUM 09/29/	04/25/13
		Attorney: 5711 Matuska, Michael L Brooke & Shaw P. O. Box 2860 Minden, NV 89423 (702)782-7171		
PLT	002	Bentley, J. W.	BH JSUM 09/29/	04/25/13
PLT	003	Bentley, Maryann	BH JSUM 09/29/	04/25/13
PET	001	Smith, Joy	BH JSUM 09/29/	01/18/13
PET	002	Barden, Daniel	BH JSUM 09/29/	01/18/13
PET	003	Barden, Elaine	BH JSUM 09/29/	01/18/13

Type	Num	Name(Last,First,Mid,Title)	Dispo	Entered
PET	004	Smith, Joy	BH JSUM 09/29/	06/28/13
		Attorney: 6926 Prunty, Jessica C Dyer, Lawrence, Penrose, Flaherty & Donaldson 2805 N. Mountain Street Carson City, NV 89703 (775)885-1896		
PET	005	Barden, Daniel	BH JSUM 09/29/	06/28/13
PET	006	Barden, Elaine	BH JSUM 09/29/	06/28/13
PET	007	Bentley, J. W.	BH JSUM 09/29/	06/11/14
PET	008	Bentley, Maryann	BH JSUM 09/29/	06/11/14
OTH	001	Stockton, Bryan	BH JSUM 09/29/	10/28/08
OTH	002	Maddi's Friesian Ranch, LLC.	BH JSUM 09/29/	03/27/09
		Attorney: 4580 Taggart, Paul G 108 N. Minnesota Street Carson City, NV 89703 (775)882-9900		
OTH	003	Davis, David B.	BH JSUM 09/29/	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	BH JSUM 09/29/	03/26/09
		Attorney: 1111 Person, Proper P. O. Box 218 Minden, NV 89423		
OTH	005	Jackson, Jerald R.	BH JSUM 09/29/	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.	BH JSUM 09/29/	03/26/09
OTH	007	Forrester, Donald S.	BH JSUM 09/29/	03/27/09
		Attorney: 6333 Hall, David R P O Box 218 Minden, NV 89423 (775)782-9803		
OTH	008	Forrester, Kristina M.	BH JSUM 09/29/	03/27/09
OTH	009	Bentley, J.W.	BH JSUM 09/29/	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	BH JSUM 09/29/	03/25/09
OTH	011	Gronendyke, Edward H.	BH JSUM 09/29/	03/25/09
		Attorney: 000159 Brooke, T. Scott 990 Ironwood Drive, Suite 300 Minden, NV 89423		
OTH	012	Brooks Family Trust	BH JSUM 09/29/	03/23/09
		Attorney: 000159 Brooke, T. Scott 990 Ironwood Drive, Suite 300 Minden, NV 89423		
OTH	013	Yturbide, Thomas M	BH JSUM 09/29/	04/09/09
		Attorney: 6540 Yturbide, Jennifer A Rowe & Hales 1638 Esmeralda Avenue P.O. Box 2080 Minden, NV 89423 (775)782-8141		
OTH	014	Yturbide, Paula J	BH JSUM 09/29/	04/09/09
		Attorney: 6540 Yturbide, Jennifer A	Removed: 07/01/14	
OTH	015	Park, Eric	BH JSUM 09/29/	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	BH JSUM 09/29/	04/09/09
		Attorney: 000937 Chase, Kelly P.O. Box 2800 1674 Highway 395, Suite 205 Minden, NV 89423		
OTH	017	Bentley Family Trust 1995 Trust	BH JSUM 09/29/	04/20/09
OTH	018	Douglas, Myles S	BH JSUM 09/29/	11/06/12
OTH	019	Douglas, Amy B	BH JSUM 09/29/	11/06/12
ITV	001	Hall Ranches, LLC.	BH JSUM 09/29/	04/10/09
ITV	002	Sheridan Creek Equestrian Center, LLC.	BH JSUM 09/29/	04/10/09
ITV	003	Scharo, Frank	BH JSUM 09/29/	04/10/09
ITV	004	Mitchell, Ronald R.	BH JSUM 09/29/	04/10/09
ITV	005	Mitchell, Ginger G.	BH JSUM 09/29/	04/10/09
ITV	006	Scyphers, Thomas J.	BH JSUM 09/29/	12/13/10
		Attorney: 000675 Hall, Thomas PO Box 3948 Reno, NV 89505		

Type	Num	Name(Last,First,Mid,Title)	Dispo	Entered
ITV	007	Scyphers, Kathleen M.	BH JSUM 09/29/	12/13/10
ITV	008	Scyphers, Thomas J.	BH JSUM 09/29/	05/31/13
INT	001	Scyphers, Kathleen M.	BH JSUM 09/29/	05/31/13
INT	002	Scharo, Frank	BH JSUM 09/29/	05/31/13
INT	003	Sheridan Creek Equestrian Center, LLC	BH JSUM 09/29/	05/31/13
INT	004	Forrester, Donald S.	BH JSUM 09/29/	05/31/13
INT	005	Forrester, Kristina M.	BH JSUM 09/29/	05/31/13
INT	006	Mitchell, Ronald R.	BH JSUM 09/29/	05/31/13
INT	007	Mitchell, Ginger G.	BH JSUM 09/29/	05/31/13
INT	008	Hall Ranches, LLC	BH JSUM 09/29/	05/31/13
DEF	001	State Of Nevada	BH JSUM 09/29/	04/25/13
DEF	002	Office Of The State Engineer	BH JSUM 09/29/	04/25/13

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	VAC	C	11/23/10	DRG			
01/29/10	01:00P	001	yes	CITR	DRG		01	/01	CON	C	01/13/12	DRG			N
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
08/01/11	01:30P	001	yes	CALL	DRG		01	/01	CON	C	08/01/11	DRG	P		N
01/09/12	09:00A	007	yes	CITR	DRG		01	/01	CON	C	01/13/12	DRG			N
01/11/12	09:00A	007	yes	CITR	DRG		01	/03	CON	C	01/13/12	DRG			N
01/12/12	09:00A	007	yes	CITR	DRG		02	/03	VAC	C	01/13/12				N
01/13/12	09:00A	007	yes	CITR	DRG		03	/03	VAC	C	01/13/12				N
01/19/12	09:00A	007	yes	CITR	DRG		01	/02	CON	C	01/13/12	DRG			N
01/20/12	09:00A	007	yes	CITR	DRG		02	/02	CON	C	01/13/12	DRG			N

Date	Time	Dur	Cer	Evnt	Jdg	L	Day	Of	Rslt	By	ResultDt	Jdg	T	Notice	Rec
10/10/12	01:30P	001	yes	PTC	DRG		01	/01	CON	C	10/10/12	DRG			N
11/07/12	09:00A	001	yes	CALL	DRG		01	/01	CON	C	11/07/12	DRG	P		N
11/09/12	09:00A	001	yes	CALL	DRG		01	/01	CON	C	11/07/12	DRG	P		N
11/30/12	09:00A	001	yes	CALL	DRG		01	/01	CON	C	11/30/12	DRG	P		N
10/17/13	09:00A	007	yes	CALL	NTY		01	/01					P		

JUDGE HISTORY

JUDGE ASSIGNED	Type	Assign Date	Removal RSN
DRG Gamble, David	J	10/28/08	
DRG Gamble, David	T	09/11/13	

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 Final Order of Determination (RE: Proofs V-06365, V-06366)	03/23/09		DRG 000				MB MB
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	03/26/09		DRG 000				MB MB

Determination

Num/Seq	Description	Filed	Received		Party	Routed	Ruling	Closed	User ID
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				N/A PG
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
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

Num/Seq	Description	Filed	Received	Party	Routed	Ruling	Closed	User ID
047000	(E) Qualified Objection to Exceptions to 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.	04/13/09		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
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
033000	(F) Order Granting Motion to Intervene (Maddi's Friesian Ranch)	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
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	05/13/09		DRG OTH002				MB MB

The Order of Determination

Num/Seq	Description	Filed	Received		Party	Routed	Ruling	Closed	User ID
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
043000	(F) Order Setting Pre-Trial Conference	06/05/09		DRG	000				KW KW
044000	(D) Request for Submission	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
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

Num/Seq	Description	Filed	Received		Party	Routed	Ruling	Closed	User ID
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 Filed by OTH007-Forrester, Donald S., OTH008-Forrester, Kristina M.	12/18/09		DRG	OTH007				MB MB
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

Num/Seq	Description	Filed	Received	Party	Routed	Ruling	Closed	User ID
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
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

Num/Seq	Description	Filed	Received	Party	Routed	Ruling	Closed	User ID
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 Referenece 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 and Exceptions	06/02/10		DRG	000			KW KW
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

Num/Seq	Description	Filed	Received	Party	Routed	Ruling	Closed	User ID
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 Intervenors' Opening Brief Filed by ITV001-Hall Ranches, LLC., , OTH009-Bentley, J.W., OTH010-Bentley, Maryann	06/24/10		DRG ITV001				KW KW
117000	(D) Intervenors' 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 Intervenors' 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., ITV003-Scharo, Frank, ITV002-Sheridan Creek Equestrian Center, LLC., , ITV001-Hall Ranches, LLC.,	07/02/10		DRG ITV005		Moot	03/18/11	KW JT
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

Num/Seq	Description	Filed	Received	Party	Routed	Ruling	Closed	User ID
124000	(F) Order Setting Hearing	07/08/10		DRG	000			KW JT
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	Moot	03/08/11	KW JT
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
135000	Receipt for Documents (Supreme Court)	08/10/10		DRG	000			KW KW
136000	(D) Order	08/16/10		DRG	000			KW KW
137000	(F) Order	08/30/10		DRG	000			PG PG
138000	(F) Notice of Entry of Order	09/02/10		TBA	RES001			PG PG
139000	(D) Motion for Summary Judgment	09/27/10		DRG	OTH007	Ruled	08/01/11	PG JT
140000	(D) Opposition to Motion for Summary Judgment and Cross-Motion for Summary Adjudication	10/07/10		DRG	OTH009	Ruled	08/01/11	PG JT
141000	(D) Motion for Protective Order	10/15/10		DRG	OTH007	Moot	03/08/11	PG JT

Num/Seq	Description	Filed	Received		Party	Routed	Ruling	Closed	User ID
142000	(D) Request for Hearing	10/15/10		DRG	OTH007				PG PG
143000	(D) Request for Submission	10/15/10		DRG	ITV001				PG PG
144000	(D) Reply in Support of Motion for Summary Judgment	10/15/10		DRG	OTH007				PG PG
145000	(D) Opposition to Motion for Protective Order	10/28/10		DRG	OTH009				PG PG
146000	(D) Affidavit of Michael T. Matuska in Support of Opposition to Motion for Protective Order	10/28/10		DRG	000				PG PG
147000	Request for Submission	11/03/10		DRG	ITV001				PG PG
148000	Reply in Support of Motion for Protective Order	11/03/10		DRG	OTH007				PG PG
149000	(D) Order	11/19/10		DRG	000				PG PG
150000	(D)Motion to Withdraw as Attorney	12/14/10		TBA	ITV006		Moot	12/30/10	PG JT
151000	(D) Opposition to Motion to Withdraw	12/16/10		DRG	OTH009				PG PG
152000	(D) Withdrawal of Motion to Withdraw as Attorney Filed by ITV007-Scyphers, Kathleen M., ITV006-Scyphers, Thomas J.	12/30/10		DRG	ITV007				KW KW
153000	(D) Withdrawal of Motion to Withdraw as Attorney	01/03/11		DRG	ITV006				HC HC
154000	Remittitur (Supreme Court)	02/16/11		DRG	000				PG PG
155000	Clerk's Certificate (Supreme Court)	02/16/11		DRG	000				PG PG
156000	Order Dismissing Appeal (Supreme Court)	02/16/11		DRG	000				PG PG
157000	Supreme Court Order Denying Petition for Writ of Prohibition or Mandamus	03/22/11		DRG	000				HC HC
158000	(D) Request for Submission	03/22/11		DRG	000				HC HC
159000	(D) Second Motion for Division of Water	03/29/11		DRG	OTH007		Ruled	07/26/11	PG JT
160000	(D) Partial Opposition to Second Motion for Division of Water	04/06/11		DRG	RES001				PG PG
162000	(D) Motion for Extension of Time	04/06/11		DRG	OTH009		Ruled	04/15/11	PG JT
161000	(D) Ex Parte Motion to Shorten Time	04/07/11		DRG	OTH009		Ruled	04/15/11	PG JT

Num/Seq	Description	Filed	Received		Party	Routed	Ruling	Closed	User ID
163000	(D) Notice of Filing of Seepage Test Reports	04/08/11		DRG	OTH007				PG PG
164000	(D) Opposition to Motion for Extension of Time	04/11/11		DRG	OTH007				PG PG
165000	Order Directing Supplemental Briefing	04/13/11		DRG	000				PG PG
166000	(D) Order	04/15/11		DRG	000				PG PG
167000	Notice in Lieu of Remittitur	04/18/11		DRG	000				PG PG
168000	(D) Opposition to Second Motion for Division of Water	04/29/11		DRG	OTH009				PG PG
169000	Reply in Support of Second Motion for Division of Water	05/06/11		DRG	OTH007				PG PG
170000	(D) Application for Release of Bond	05/16/11		DRG	OTH009		Ruled	06/07/11	PG JT
171000	(D) Request to Set Trial	05/26/11		DRG	OTH007				PG PG
172000	Order (Calendar Call)	06/01/11		DRG	000				KW KW
173000	(D) Order Setting Hearing	06/01/11		DRG	000				PG PG
174000	(D) Opposition to Request to Set Trial	06/03/11		DRG	OTH009				HC HC
175000	(D) Order Directing Release of Bond	06/07/11		DRG	000				PG PG
176000	(D) Information Questionnaire	06/08/11		DRG	000				HC HC
177000	(D) Motion to Amend Division of Water	06/10/11		DRG	RES001		Ruled	07/26/11	PG JT
178000	(D) Information Questionnaire	06/17/11		DRG	OTH009				PG PG
179000	(D) Ex parte Motion to Shorten Time	06/17/11		DRG	OTH009				PG PG
180000	(D) Notice of Entry of Order	06/20/11		DRG	OTH009				PG PG
181000	(D) Order	06/20/11		DRG	000				PG PG
182000	(D) Order Setting Trial	06/23/11		DRG	000				PG PG
184000	(D) Scheduling Order	06/23/11		DRG	000				PG PG
185000	(D) Opposition to Motion to Amend Division of Water	06/24/11		DRG	OTH007				PG PG
186000	(D) Motion for Court Order Requiring	06/24/11		DRG	OTH007		Moot	08/01/11	PG JT

Installation of Water Flow Division Device

Num/Seq	Description	Filed	Received	Party	Routed	Ruling	Closed	User ID
187000	(D) Joinder to Motion to Amend Division of Water and Reply to Opposition to Motion to Amend Division of Water	06/27/11	DRG	OTH009				PG PG
188000	(D) Request for Submission of Motion to Amend Division of Water	06/27/11	DRG	RES001				PG PG
189000	(D) Request for Submission	06/27/11	DRG	OTH009				PG PG
190000	(D) Opposition to Motion for Court Order Requiring Installation of Water Flow Device	06/29/11	DRG	RES001				PG PG
191000	(D) Joinder to Motion for Court Order Requiring Installation of Water Flow Division Device and Notice of Non-Opposition	07/01/11	DRG	OTH009				PG PG
192000	(D) Reply to Opposition to Motion for Court Order Requiring Installation of Water Flow Device	07/06/11	DRG	OTH009				BW BW
193000	(D) Reply in Support of Motion for Court Order Requiring Installation of Water Flow Division Device Filed by OTH007-Forrester, Donald S., OTH006-Windholz, Irene M., OTH005-Jackson, Jerald R., OTH004-Davis, Sharon Lynn, OTH003-Davis, David B., OTH002-Maddi's Friesian Ranch, LLC., , OTH001-Stockton, Bryan, ITV007-Scyphers, Kathleen M.	07/08/11	DRG	OTH007				MB MB
194000	(D) Order	07/13/11	DRG	000				MB MB
195000	(D) Motion to Compel Discovery Responses Filed by OTH009-Bentley, J.W., OTH010-Bentley, Maryann	07/15/11	08/01/11 DRG	OTH009		Moot	08/19/11	MB JT
196000	(D) Affidavit of Michael L. Matuska in Support of Motion to Compel Filed by OTH009-Bentley, J.W., OTH010-Bentley, Maryann	07/15/11	DRG	OTH009				MB MB
197000	(D) Amendment to Motion to Compel Discovery Responses Filed by OTH009-Bentley, J.W., OTH010-Bentley, Maryann	07/19/11	DRG	OTH009				MB MB
198000	(D) Notice of Appeal Filed by OTH009-Bentley, J.W., OTH010-Bentley, Maryann	07/21/11	DRG	OTH009				MB MB
199000	(D) Opposition to Motion to Compel Discovery Responses Filed by OTH007-Forrester, Donald S., OTH006-Windholz, Irene M., OTH005-Jackson, Jerald R., OTH004-Davis, Sharon Lynn, OTH003-Davis, David B., OTH002-Maddi's Friesian Ranch, LLC., , OTH001-Stockton, Bryan, ITV007-Scyphers, Kathleen M., ITV006-Scyphers, Thomas J., ITV005-Mitchell, Ginger G.,	07/26/11	DRG	OTH007				MB MB

ITV004-Mitchell, Ronald R., ITV003-Scharo, Frank

Num/Seq	Description	Filed	Received	Party	Routed	Ruling	Closed	User ID
200000	(D) Order	07/26/11	DRG	000				MB MB
201000	(D) Reply to Opposition to Motion to Compel Discovery Responses Filed by OTH009-Bentley, J.W., OTH010-Bentley, Maryann	07/27/11	DRG	OTH009				MB MB
202000	(D) Affidavit of Michael L. Matuska in Support of Reply to Opposition to Motion to Compel Filed by OTH010-Bentley, Maryann, OTH009-Bentley, J.W.	07/27/11	DRG	OTH010				MB MB
203000	(D) Order re: Costs (Supreme Court)	07/28/11	DRG	000				MB MB
204000	Transcript of Proceedings 8/1/11	08/05/11	DRG	000				MB MB
205000	(D) Response to Objections to Proposed Order Filed by OTH009-Bentley, J.W., OTH010-Bentley, Maryann	08/08/11	DRG	OTH009				MB MB
206000	(D) Reply in Support of Objections to Proposed Order Denying Motions for Summary Judgment Filed by ITV006-Scyphers, Thomas J., ITV007-Scyphers, Kathleen M., OTH007-Forrester, Donald S., OTH008-Forrester, Kristina M.	08/10/11	DRG	ITV006				MB MB
207000	(D) Motion to Strike Filed by ITV006-Scyphers, Thomas J., ITV007-Scyphers, Kathleen M., OTH001-Stockton, Bryan, OTH002-Maddi's Friesian Ranch, LLC., , OTH003-Davis, David B., OTH004-Davis, Sharon Lynn, OTH005-Jackson, Jerald R., OTH006-Windholz, Irene M., OTH007-Forrester, Donald S., OTH008-Forrester, Kristina M., OTH009-Bentley, J.W., OTH010-Bentley, Maryann	08/11/11	DRG	ITV006				MB MB
208000	(D) Notice of Withdrawal of Motion to Compel Discovery Responses (Without Prejudice)	08/16/11	DRG	OTH009				HC HC
209000	(D) Opposition to Motion to Strike Filed by OTH007-Forrester, Donald S., OTH008-Forrester, Kristina M.	08/19/11	DRG	OTH007				MB MB
210000	(D) Order	08/24/11	DRG	000				MB MB
211000	(D) Order	08/24/11	DRG	000				MB MB
212000	(D) Reply to Opposition to Motion to Strike Filed by OTH009-Bentley, J.W., OTH010-Bentley, Maryann	08/26/11	DRG	OTH009				MB MB
213000	(D) Notice of Entry of Order	08/30/11	DRG	OTH017				MB MB
214000	(D) Stipulation to Extend Expert	08/30/11	DRG	OTH009				MB MB

Witness Disclosure
Filed by OTH009-Bentley, J.W., OTH010-Bentley, Maryann,
ITV001-Hall Ranches, LLC., , ITV006-Scyphers, Thomas J.,
ITV007-Scyphers, Kathleen M., ITV003-Scharo, Frank,
ITV002-Sheridan Creek Equestrian Center, LLC., ,
OTH007-Forrester, Donald S., OTH008-Forrester, Kristina M.,
ITV004-Mitchell, Ronald R., ITV005-Mitchell, Ginger G.

Num/Seq	Description	Filed	Received		Party	Routed	Ruling	Closed	User ID
215000	(D) Order Granting Extension of Expert Witness Disclosure	08/31/11		DRG	000				MB MB
216000	(D) Notice of Entry of Order	09/01/11		DRG	000				MB MB
217000	(D) Case Appeal Statement Filed by OTH010-Bentley, Maryann, OTH009-Bentley, J.W.	09/13/11		DRG	OTH010				MB MB
218000	Receipt for Documents (Supreme Court)	09/16/11		DRG	000				HC HC
219000	(D) Bentley's Expert Witness Disclosure Filed by OTH009-Bentley, J.W., OTH010-Bentley, Maryann	10/17/11		DRG	OTH009				MB MB
220000	(D) Notice of Change of Law Firm Filed by OTH009-Bentley, J.W., OTH010-Bentley, Maryann	10/31/11		DRG	OTH009				MB MB
221000	(D) Bentley's Objections to Invervenors' Trial Exhibits Filed by OTH009-Bentley, J.W., OTH010-Bentley, Maryann	12/22/11		DRG	OTH009				MB MB
222000	(D) Objection to Bentleys' Proposed Trial Exhibits and Documents Filed by ITV006-Scyphers, Thomas J., ITV007-Scyphers, Kathleen M., OTH007-Forrester, Donald S., OTH008-Forrester, Kristina M., ITV002-Sheridan Creek Equestrian Center, LLC., , ITV004-Mitchell, Ronald R., ITV005-Mitchell, Ginger G.	12/29/11		DRG	ITV006				MB MB
223000	(D) Motion for Judicial View of the Premises Filed by ITV001-Hall Ranches, LLC., , ITV006-Scyphers, Thomas J., ITV007-Scyphers, Kathleen M., OTH007-Forrester, Donald S., OTH008-Forrester, Kristina M.	12/30/11		DRG	ITV001		Ruled	01/09/12	MB JT
224000	(D) Intervenors' Trial Statement Filed by ITV001-Hall Ranches, LLC., , ITV002-Sheridan Creek Equestrian Center, LLC., , ITV004-Mitchell, Ronald R., ITV005-Mitchell, Ginger G., ITV006-Scyphers, Thomas J., ITV007-Scyphers, Kathleen M.	12/30/11		DRG	ITV001				MB MB
225000	(D) Bentley's Pretrial Statement Filed by RPI017-Bentley, Maryann, RPI016-Bentley, J.W.	12/30/11		DRG	RPI017				MB MB
226000	(D) Motion in Limine No. 1	12/30/11		DRG	RPI016		Ruled	01/09/12	MB JT

Filed by RPI016-Bentley, J.W., RPI017-Bentley, Maryann

Num/Seq	Description	Filed	Received		Party	Routed	Ruling	Closed	User ID
227000	(D) Partial Opposition to Motion for Judicial View of the Premises Filed by RPI016-Bentley, J.W., RPI017-Bentley, Maryann	01/04/12		DRG	RPI016				MB MB
228000	(D)Opposition to Motion in Limine or in the Alernative Motion for Continuance and Order Requiring Independent Studies of Groundwater Loss	01/06/12		DRG	RES001				PG PG
229000	(D) Stipulation (Regarding Mitchell Transcript)	01/06/12		DRG	000				PG PG
230000	(D) Response to Opposition to Motion in Limine No. 1 and Motion to Continue Trial	01/06/12		DRG	OTH009				PG PG
231000	(D) Errata to Intervenors' Trial Statement Filed by ITV001-Hall Ranches, LLC., , ITV002-Sheridan Creek Equestrian Center, LLC., , ITV003-Scharo, Frank, ITV004-Mitchell, Ronald R., ITV005-Mitchell, Ginger G., ITV006-Scyphers, Thomas J., ITV007-Scyphers, Kathleen M.	01/06/12		DRG	ITV001				MB MB
232000	(D) Opposition to Motion in Limine No. 1 Filed by ITV001-Hall Ranches, LLC., , ITV002-Sheridan Creek Equestrian Center, LLC., , ITV003-Scharo, Frank, ITV004-Mitchell, Ronald R., ITV005-Mitchell, Ginger G., ITV006-Scyphers, Thomas J., ITV007-Scyphers, Kathleen M.	01/06/12		DRG	ITV001				MB MB
233000	(D) Transcript of Proceedings 1/13/12	01/17/12		DRG	000				MB MB
234000	(D) Transcript of Proceedings 1/13/12	01/24/12		DRG	000				MB MB
235000	(D) Order Dismissing Appeal (Supreme Court)	01/25/12		DRG	000				MB MB
236000	(D) Objection to Proposed Order Filed by OTH010-Bentley, Maryann, OTH009-Bentley, J.W.	01/27/12		DRG	OTH010				MB MB
237000	(D) Objection to Proposed Order and Motion to Make Additional Findings of Fact, Conclusions of Law, Order and Judgment Filed by OTH007-Forrester, Donald S., OTH008-Forrester, Kristina M., ITV007-Scyphers, Kathleen M., ITV006-Scyphers, Thomas J., ITV003-Scharo, Frank, ITV004-Mitchell, Ronald R., ITV005-Mitchell, Ginger G., ITV002-Sheridan Creek Equestrian Center, LLC.,	02/01/12		DRG	OTH007		Ruled	04/05/12	MB JT
238000	(D) Transcript of Proceedings (Bench Trial) Volume 1 - 1/9/12	02/03/12		DRG	000				MB MB
239000	(D) Transcript of Proceedings (Bench	02/03/12		DRG	000				MB MB

Num/Seq	Description	Filed	Received		Party	Routed	Ruling	Closed	User ID
	Trial) Volume 2 - 1/11/12								
240000	(D) Transcript of Proceedings (Bench Trial) Volume 3 - 1/12/12	02/03/12		DRG	000				MB MB
241000	(D) Transcript of Proceedings (Bench Trial) Volume 4 - 1/13/12	02/03/12		DRG	000				MB MB
242000	(D) Objection to Intervenors' Proposed Order Filed by OTH009-Bentley, J.W., OTH010-Bentley, Maryann	02/07/12		DRG	OTH009				MB MB
243000	(D) Reply in Support of Objections And Motion Filed by OTH007-Forrester, Donald S., OTH008-Forrester, Kristina M.	02/15/12		DRG	OTH007				BW BW
244000	Request for Submission	02/15/12		DRG	000				BW BW
245000	(D) Remittitur (Supreme Court)	02/22/12		DRG	000				MB MB
246000	(D) Clerk's Certificate - Supreme Court	02/22/12		DRG	000				MB MB
247000	(D) Order Dismissing Appeal	02/22/12		DRG	000				MB MB
248000	(D) Affidavit of Thomas J. Scyphers in Support of Third Motion for Division of Water and for Clarification of Prior Order	03/23/12		DRG	ITV006				MB MB
249000	(D) - Third Motion For Division of Water And For Clarification of Prior Order	03/23/12	04/16/12	DRG	OTH007		Moot	01/04/13	MB JT
250000	(D) Opposition to Third Motion for Division of Water and for Clarification of Prior Order	03/30/12		DRG	RES001				MB MB
251000	(D) Opposition to Third Motion for Division of Water and for Clarification of Prior Order Filed by OTH009-Bentley, J.W., OTH010-Bentley, Maryann	04/03/12		DRG	OTH009				MB MB
252000	(D) Findings of Fact, Conclusions of Law, Order and Judgment	04/05/12		DRG	000				MB MB
253000	(D) Notice of Entry of Judgment	04/10/12		DRG	000				MB MB
254000	(D) Reply in Support of Third Motion for Division of Water and for Clarification of Prior Order Filed by OTH007-Forrester, Donald S., OTH008-Forrester, Kristina M., ITV007-Scyphers, Kathleen M., ITV006-Scyphers, Thomas J., ITV002-Sheridan Creek Equestrian Center, LLC., , ITV003-Scharo, Frank	04/13/12		DRG	OTH007				MB MB

Num/Seq	Description	Filed	Received	Party	Routed	Ruling	Closed	User ID
255000	(D) Memorandum of Costs Filed by ITV002-Sheridan Creek Equestrian Center, LLC., , ITV003-Scharo, Frank, ITV006-Scyphers, Thomas J., ITV007-Scyphers, Kathleen M., OTH007-Forrester, Donald S., OTH008-Forrester, Kristina M.	04/13/12	DRG	ITV002				MB MB
256000	(D) Order	04/25/12	DRG	000				MB MB
257000	(D) Motion for Attorney's Fees Filed by OTH007-Forrester, Donald S., OTH008-Forrester, Kristina M., ITV001-Hall Ranches, LLC., , ITV003-Scharo, Frank, ITV006-Scyphers, Thomas J., ITV007-Scyphers, Kathleen M., ITV004-Mitchell, Ronald R., ITV005-Mitchell, Ginger G.	04/25/12	DRG	OTH007		Ruled	01/04/13	MB JT
258000	(D) Association of Attorneys Filed by OTH009-Bentley, J.W., OTH010-Bentley, Maryann	04/27/12	DRG	OTH009				MB MB
259000	(D) Stipulation Filed by ITV006-Scyphers, Thomas J., RPI016-Bentley, J.W., RPI017-Bentley, Maryann, ITV007-Scyphers, Kathleen M., ITV003-Scharo, Frank, ITV002-Sheridan Creek Equestrian Center, LLC., , ITV001-Hall Ranches, LLC., , OTH007-Forrester, Donald S., OTH008-Forrester, Kristina M., ITV004-Mitchell, Ronald R., ITV005-Mitchell, Ginger G.	05/02/12	DRG	ITV006				KW KW
260000	Notice of Appeal (D) Filed by RPI018-Kimmerling Trust, , RPI017-Bentley, Maryann, RPI016-Bentley, J.W., RPI015-Luther Creek, , RPI014-Beers Spring, , RPI013-Miller Creek, , RPI012-Wheeler Creek No. 2, , RPI011-Wheeler Creek No. 1, , RPI010-Sharpe Spring, , RPI009-Gansberg Spring, , RPI008-Sheridan Creek, , RPI007-Stattler Creek, , RPI006-Stutler Creek, , RPI005-Bulls Canyon, , RPI004-Monument Creek, , RPI003-Cary Creek, , RPI002-Taylor Creek, , RPI001-Mott Creek, , RES002-Taylor, Tracy, RES001-State Of Nevada,	05/03/12	DRG	RPI018				KW KW
261000	Case Appeal Statement (D) Filed by RPI018-Kimmerling Trust, , RPI017-Bentley, Maryann, RPI016-Bentley, J.W., RPI015-Luther Creek, , RPI014-Beers Spring, , RPI013-Miller Creek, , RPI012-Wheeler Creek No. 2, , RPI011-Wheeler Creek No. 1, , RPI010-Sharpe Spring, , RPI009-Gansberg Spring, , RPI008-Sheridan Creek, , RPI007-Stattler Creek, , RPI006-Stutler Creek, , RPI005-Bulls Canyon, , RPI004-Monument Creek, , RPI003-Cary Creek, , RPI002-Taylor Creek, , RPI001-Mott Creek, , RES002-Taylor, Tracy, RES001-State Of Nevada,	05/03/12	DRG	RPI018				KW KW
262000	Certificate of Deposit (D) Filed by RPI018-Kimmerling Trust, , RPI017-Bentley, Maryann, RPI016-Bentley, J.W., RPI015-Luther Creek, , RPI014-Beers Spring, , RPI013-Miller Creek, , RPI012-Wheeler Creek No. 2, ,	05/03/12	DRG	RPI018				KW KW

RPI011-Wheeler Creek No. 1, , RPI010-Sharpe Spring, ,
RPI009-Gansberg Spring, , RPI008-Sheridan Creek, ,
RPI007-Stattler Creek, , RPI006-Stutler Creek, , RPI005-Bulls
Canyon, , RPI004-Monument Creek, , RPI003-Cary Creek, ,
RPI002-Taylor Creek, , RPI001-Mott Creek, , RES002-Taylor, Tracy,
RES001-State Of Nevada,

Num/Seq	Description	Filed	Received	Party	Routed	Ruling	Closed	User ID
263000	(D) Order	05/10/12	DRG	000				MB MB
264000	(D) Receipt for Documents (Supreme Court	05/21/12	DRG	000				MB MB
265000	(D) Corrected Receipt for Documents Supreme Court	05/21/12	DRG	000				MB MB
266000	(D) Motion to retax Costs and Opposition to Memorandum of Costs Filed by OTH009-Bentley, J.W., OTH010-Bentley, Maryann	05/22/12	DRG	OTH009		Ruled	01/04/13	MB JT
267000	(D) Opposition to Motion for Attorney's Fees Filed by OTH009-Bentley, J.W., OTH010-Bentley, Maryann	05/22/12	DRG	OTH009				MB MB
268000	(D) Reply in Support of Motion for Attorney's Fees Filed by ITV006-Scyphers, Thomas J., ITV007-Scyphers, Kathleen M., OTH007-Forrester, Donald S., OTH008-Forrester, Kristina M., ITV002-Sheridan Creek Equestrian Center, LLC., , ITV004-Mitchell, Ronald R., ITV005-Mitchell, Ginger G.	05/25/12	DRG	ITV006				MB MB
269000	(D) Opposition to Motion to Retax Costs Filed by ITV002-Sheridan Creek Equestrian Center, LLC., , ITV004-Mitchell, Ronald R., ITV005-Mitchell, Ginger G., ITV006-Scyphers, Thomas J., ITV007-Scyphers, Kathleen M., OTH007-Forrester, Donald S., OTH008-Forrester, Kristina M.	05/25/12	DRG	ITV002				MB MB
270000	Request for Submission Filed by ITV002-Sheridan Creek Equestrian Center, LLC., , ITV004-Mitchell, Ronald R., ITV005-Mitchell, Ginger G., ITV006-Scyphers, Thomas J., ITV007-Scyphers, Kathleen M., OTH007-Forrester, Donald S., OTH008-Forrester, Kristina M.	05/25/12	DRG	ITV002				MB MB
271000	(D) Motion for Leave to File Sur-Reply Filed by OTH009-Bentley, J.W., OTH010-Bentley, Maryann	05/31/12	DRG	OTH009		Ruled	01/04/13	MB JT
272000	(D) Sur-Reply Filed by OTH009-Bentley, J.W., OTH010-Bentley, Maryann	05/31/12	DRG	OTH009				MB MB
273000	(D) Opposition to Motion For Leave to File Sur-Reply Filed by ITV007-Scyphers, Kathleen M., ITV006-Scyphers, Thomas J., ITV005-Mitchell, Ginger G., ITV004-Mitchell, Ronald R.,	06/06/12	DRG	ITV007				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
274000	(E) Order Setting Pre-Trial Conference	09/13/12		DRG 000				KW KW
275000	(E) Claimant's Supplement to Notice of Exceptions to the Final Order of Determination Regarding Proof of Appropriation No. V-08850; and Motions 1.) Motion to Allow Repair of Facilities and Allocation of Costs; 2.) Motion to Recognize Stockwater Rights 3.) Motion to Correct State Engineer's Errors in Acreage 4.) Motion to Condition Water Rights and Affidavit of Edward H. Groenendyke in Support	09/21/12		DRG 000				KW KW
276000	(D) Request for Transcript of Proceeding	09/24/12		DRG 000				KW KW
277000	(D) Certification of Compliance Re: Request for Transcript	09/24/12		DRG 000				KW KW
278000	(D) Request for Filing of Transcript of Proceedings	09/24/12		DRG 000				KW KW
279000	(E) Points and Authorities of Jerald R. Jackson, Trustee of the Jerald R. Jackson 1975 Trust, as Amended, and Irene M. Windholz Trustee of the Iren M. Windholz Trust Dated August 11, 2992, in Opposition to Motions of Edward H. Groenendyke Family Trust	10/09/12		DRG 000				MB MB
280000	Declaration of Jerald R. Jackson	10/09/12		DRG 000				MB MB
281000	(D-1) Order	10/11/12		DRG 000				KW KW
282000	(E) Errata to Exhibit 3 to the Affidavit of Edward H. Groenendyke in Support of teh Claimant's Supplement to Notice of Exceptions to the Final Order of Determination Regarding Proof of Appropriation No. V-08850 and Motions 1) Motion to Allow Repair of Facilities and Allocation of Costs; 2) Motion to Recognize Stockwater Rights 3) Motion to Correct State Engineer's Error's in Acreage 4) Motion to Condition Water Rights and Affidavit of Edward H. Groenendyke in Support	10/12/12		DRG OTH011				KW KW
283000	(E) Response to Groenendyke's Supplement to Notice of Exceptions to the Final Order of Determination	10/12/12		DRG RES001				KW KW
284000	(D-1) Notice of Intent to Defend Filed by ITV007-Scyphers, Kathleen M., ITV006-Scyphers, Thomas J., ITV005-Mitchell, Ginger G., ITV004-Mitchell, Ronald R., ITV003-Scharo, Frank, ITV002-Sheridan Creek Equestrian Center,	10/17/12		DRG ITV007				KW KW

LLC., , ITV001-Hall Ranches, LLC.,

Num/Seq	Description	Filed	Received	Party	Routed	Ruling	Closed	User ID
285000	(E) Reply by Claimant Groenendyke Family Trusts in Support of Supplement and Motions	10/22/12		DRG OTH011				KW KW
286000	(E) Opposition to Claimaint's Supplement Notice of Exceptions to the Final Order of Determination Regarding Proof of Appropriation No. V-08850; And Motion 1) Motion to Allow Repair of Facilities and Allocation of Costs; 2) Motion to Recognize Stockwater Rights; 3) Motion to Correct State Engineer's Errors in Acreage; 4) Motion to Condition Water Rights; and Affidavit of Edward H. Groenendyke in Support	10/25/12		DRG RPI017				KW KW
287000	(D1) Opening Brief of J.W. Bentley and Maryann Bentley	11/05/12		DRG 000				HC HC
288000	(D1) Request for Judicial Notice	11/05/12		DRG 000				HC HC
289000	Initial Appearance Fee Disclosure Filed by OTH018-Douglas, Myles S, OTH019-Douglas, Amy B	11/06/12		DRG OTH018				KW KW
290000	(E) Opposition to Claimant's Supplement to Notice of Exceptions to the Final ROder of Determination Regarding Proof of Appropriation No. V-08850; and Motions 1) Motion to Allow Repairs of Facilities and Allocation of Costs; 2) Motion to Recognize Stockwater Rights 3) Motion to Correct State Engineer's Errors in Acreage; 4) Motion to Condition Water Rights and Affidavit of Edward H. Groenendyke in Support Filed by OTH018-Douglas, Myles S, OTH019-Douglas, Amy B	11/06/12		DRG OTH018				KW JT
291000	(E) Hearing Statement of Jerald R. Jackson, Trustee of the Jerald R. Jackson 1975 Trust, as Amended, and Irene M. Windholz, Trustee of the Irene M. Windholz Trust Dated August 11, 1992	11/08/12		DRG 000				KW MB
292000	(D1) Second Request for Judicial Notice Filed by OTH010-Bentley, Maryann, OTH009-Bentley, J.W.	11/13/12		DRG OTH010				KW KW
293000	(E) List of Exhibits and Witnesses	11/29/12		DRG RES001				BW BW
294000	Order	01/04/13		DRG 000				PG PG
295000	Judgment Entered Judgment	01/07/13	01/07/13	DRG 000	01/07/13	Moot	01/07/13	PG PG
296000	Notice of Recorded Judgment Judgment	01/07/13	01/07/13	DRG 000	01/07/13	Moot	01/07/13	PG PG

Num/Seq	Description	Filed	Received	Party	Routed	Ruling	Closed	User ID
297000	(D) Notice of Entry of Order Filed by ITV007-Scyphers, Kathleen M., ITV006-Scyphers, Thomas J., ITV005-Mitchell, Ginger G., ITV004-Mitchell, Ronald R., ITV003-Scharo, Frank, ITV002-Sheridan Creek Equestrian Center, LLC., , ITV001-Hall Ranches, LLC.,	01/09/13	DRG	ITV007				KW KW
298000	Transcript of Proceedings(E)-11/30/12	01/18/13	DRG	000				PG PG
299000	(D-1) Motion to Accept Filing of Opening Brief as Timely	01/18/13	DRG	PET001		Ruled	02/14/13	PG BH
300000	(D-1) Opening Brief of Petitioners Joy Smith, Daniel Barden and Elaine Barden	01/22/13	DRG	PET001				PG PG
301000	(D) Notice of Appeal	02/04/13	NTY	OTH009				HC HC
302000	(D) Case Appeal Statement	02/04/13	NTY	OTH009				HC HC
303000	Notice of Release	02/04/13	NTY	ITV001				HC HC
304000	(D1) Request for Submission	02/05/13	NTY	OTH009				PG PG
305000	(D1) Request for Submission	02/05/13	NTY	RPI016				PG PG
306000	(D1) Motion for Extension of Time to File a Response	02/07/13	NTY	RES001		Ruled	02/14/13	PG BH
307000	(D) Motion for Extension of Time to File Responses	02/12/13	NTY	ITV006		Ruled	02/14/13	PG BH
308000	(D1) Order	02/13/13	NTY	000				PG PG
309000	(D)Receipt for Documents (Supreme Court)	02/15/13	NTY	000				PG PG
310000	(D) Order Dismissing Appeal	02/19/13	NTY	000				PG PG
311000	(D1) Answering Brief to Petitioner's Opening Brief	03/13/13	NTY	RES001				PG PG
312000	(D1) Intervenor's Request for Judicial Notice Filed by ITV001-Hall Ranches, LLC., , ITV002-Sheridan Creek Equestrian Center, LLC., , ITV003-Scharo, Frank, ITV004-Mitchell, Ronald R., ITV005-Mitchell, Ginger G., ITV006-Scyphers, Thomas J., ITV007-Scyphers, Kathleen M.	03/15/13	NTY	ITV001				MB MB
313000	(D1) Intervenor's Request for Oral Argument Filed by ITV001-Hall Ranches, LLC., , ITV002-Sheridan Creek Equestrian Center, LLC., , ITV003-Scharo, Frank, ITV004-Mitchell, Ronald R., ITV005-Mitchell, Ginger G., ITV006-Scyphers, Thomas	03/15/13	NTY	ITV001				MB MB

J., ITV007-Scyphers, Kathleen M.

Num/Seq	Description	Filed	Received	Party	Routed	Ruling	Closed	User ID
314000	(D1) Intervenor's Answering Brief to Petitioners' Opening Brief Filed by ITV001-Hall Ranches, LLC., , ITV002-Sheridan Creek Equestrian Center, LLC., , ITV003-Scharo, Frank, ITV004-Mitchell, Ronald R., ITV006-Scyphers, Thomas J., ITV005-Mitchell, Ginger G., ITV007-Scyphers, Kathleen M.	03/15/13	NTY	ITV001				MB MB
315000	(D) Order Dismissing Appeal	03/15/13	NTY	000				MB MB
316000	(D) Remittitur	03/18/13	NTY	000				HC HC
317000	(D) Clerk's Certificate	03/18/13	NTY	000				HC HC
318000	(D) Order Dismissing Appeal (Supreme Ct.	03/18/13	NTY	000				HC HC
319000	(D-1) Stipulation and Order for Extension of Time to File Replies to Answering Briefs Filed by PET001-Smith, Joy, PET002-Barden, Daniel, PET003-Barden, Elaine	03/28/13	NTY	PET001				MB MB
320000	Request to Submit Filed by PET001-Smith, Joy, PET002-Barden, Daniel, PET003-Barden, Elaine	03/28/13	NTY	PET001				MB MB
321000	(D-1) Order	04/02/13	NTY	000				PG PG
322000	(D-1) Notice of Entry of Order	04/04/13	MPG	PET001				PG PG
323000	Clerk's Certificate (Supreme Court)	04/15/13	NTY	000				PG PG
324000	Remittitur (Supreme Court)	04/15/13	NTY	000				PG PG
325000	Order Dismissing Appeal	04/15/13	NTY	000				PG PG
326000	(D1) Reply to J.W. Bentley and MaryAnn Bentley to Intervenors' Answering Brief	04/15/13	NTY	OTH009				PG PG
327000	(D1) Reply of J. W. Bentley and MaryAnn Bentley to Answering Brief of Jason King, P.E., Nevada State Engineer	04/15/13	NTY	OTH009				PG PG
328000	(D1)Motion to Strike State Engineer's Exhibits	04/15/13	NTY	OTH009				PG PG
329000	(D1) Second Notice of Intent to Defend	04/29/13	NTY	ITV006				PG PG
330000	Order Releasing Bonds	05/06/13	NTY	000				PG PG
331000	(D) Notice of Entry of Order	05/10/13	NTY	OTH009				HC HC

Num/Seq	Description	Filed	Received		Party	Routed	Ruling	Closed	User ID
332000	(E) Notice of Change of Address	05/16/13		NTY	000				HC HC
333000	(D-1) Joinder in Intervenors' Request for Oral Argument	06/07/13		NTY	PET001				PG KW
334000	(D-1) Reply Brief of Petitioners Joy Smith, Daniel Barden and Elaine Barden	06/07/13		NTY	PET001				PG PG
335000	Order Setting Hearing	08/08/13		NTY	000				PG DG
336000	Request for Assignment of Judge	08/29/13		NTY	000				PG PG
337000	Memorandum of Temporary Assignment	09/11/13		DRG	000				HC HC
338000	(E) Transcript of Proceedings	09/16/13		DRG	000				HC HC
339000	(DI) Transcript of Proceedings	09/16/13		DRG	000				HC HC
340000	Transcript of Proceedings-Oral Arguments on Petition for Judicial Review	11/19/13 10/17/13		NTY	000				PG PG
341000	(D1) Order	11/27/13		NTY	000				PG PG
342000	(D1) Memorandum of Costs	12/04/13		NTY	ITV006				PG PG
343000	(D1) Notice of Entry of Order	12/04/13		NTY	ITV006				PG PG
344000	(D1) Opposition to Memorandum of Costs and Motion to Retax and Settle Costs	12/09/13		NTY	OTH009				PG PG
345000	(D1) Joinder in Opposition to Memorandum of Costs and Motion to Retax and Settle Costs	12/10/13		NTY	PET001				PG PG
346000	Certificate of Service Filed by PET003-Barden, Elaine, PET002-Barden, Daniel, PET001-Smith, Joy	12/11/13		NTY	PET003				DG DG
349000	Affidavit of Service	12/12/13		NTY	000				MB MB
347000	Withdrawal of Memorandum of Costs Without Prejudice	12/18/13		NTY	ITV006				PG PG
348000	Motion to Amend Order to Include an Award of Costs	12/18/13		NTY	ITV006				PG PG
350000	D1 - Notice of Appeal	12/23/13		NTY	000				BW BW
351000	D1 - Case Appeal Statement	12/23/13		NTY	000				BW BW
352000	(E)Order	12/26/13		DRG	000				PG PG

Num/Seq	Description	Filed	Received	Party	Routed	Ruling	Closed	User ID
353000	(D1) Opposition to Motion to Amend Order to Include an Award of Costs	12/27/13		NTY OTH009				PG PG
354000	(D1) Reply in Support of Motion to Amend Order to Include an Award of Costs	01/06/14		NTY ITV006				PG PG
355000	(D1)Joinder in Opposition to Memorandum of Costs and Motion to Amend Order to Include an Award of Costs	01/07/14		NTY PET001				PG PG
356000	(E) Notice of Entry of Order	01/09/14		NTY DEF001				PG PG
357000	(D-1)Receipt for Documents (Supreme Court)	01/14/14		DRG 000				PG PG
358000	(D-1)Request for Filing of Transcript of Proceedings	01/21/14		NTY PLT002				PG PG
359000	(D-1) Order	04/10/14		NTY 000				PG PG
360000	Reply to Opposition to Memorandum of Costs and Opposition to Motion to Retax and Settle Costs	04/18/14		NTY ITV006				PG PG
361000	(F) Application for Withdrawal of Attorney	06/30/14		NTY OTH014				PG PG
362000	(F) Order Granting Application for Withdrawal of Attorney	07/01/14		NTY 000				PG PG
363000	(F) Notice of Entry of Order	07/08/14		NTY OTH014				PG PG
364000	Order	07/14/14		NTY 000				DH DH
365000	(D) Notice of Entry of Order	07/17/14		NTY 000				PG PG
366000	(E) Comments of Jerald R. Jackson, Trustee of the Jerald R. Jackson 1975 Trust, as Amended, and Irene M. Windholz, Trustee of the Irene M. Windholz Trust Dated August 11, 1992 on Proposed Findings of Fact, Conclusions of Law, Judgment and Decree	07/23/14		NTY OTH005				PG PG
367000	Memorandum of Costs After Judgments	07/29/14		NTY INT001				PG PG
368000	(F) Request to Modify Proposed Order	07/29/14		NTY OTH002				PG MB
369000	(D-1) Case Appeal Statement Filed by PET008-Bentley, Maryann, PET007-Bentley, J. W., PET006-Barden, Elaine, PET005-Barden, Daniel	08/12/14		NTY PET008				MB MB
370000	(D-1) Joint Notice of Appeal Filed by PET008-Bentley, Maryann, PET007-Bentley, J. W.,	08/12/14		NTY PET008				MB MB

PET006-Barden, Elaine, PET005-Barden, Daniel

Num/Seq	Description	Filed	Received	Party	Routed	Ruling	Closed	User ID
371000	(D-1)Joint Motion to Expunge Judgment Lien	08/15/14	NTY	OTH009				DH MB
372000	(D-1) Joint Motion for Stay	08/15/14	NTY	RPI016				DH MB
373000	(D-1) Receipt for Documents (Supreme Cou	08/19/14	NTY	000				MB MB
374000	(D-1) Response to Joint Motion for Stay Filed by INT001-Scyphers, Kathleen M., INT002-Scharo, Frank, INT003-Sheridan Creek Equestrian Center, LLC, , INT004-Forrester, Donald S., INT005-Forrester, Kristina M., INT006-Mitchell, Ronald R., INT007-Mitchell, Ginger G.	08/22/14	NTY	INT001				MB MB
375000	Response To Motion to Expunge Judgment Lien Filed by INT001-Scyphers, Kathleen M., INT002-Scharo, Frank, INT003-Sheridan Creek Equestrian Center, LLC, , INT004-Forrester, Donald S., INT005-Forrester, Kristina M., INT006-Mitchell, Ronald R., INT007-Mitchell, Ginger G.	08/22/14	NTY	INT001				MB MB
376000	(D-1) Reply to Response to Joint Motion for Stay and to Expunge Judgment Lien Filed by INT001-Scyphers, Kathleen M., INT002-Scharo, Frank, INT003-Sheridan Creek Equestrian Center, LLC, , INT004-Forrester, Donald S., INT005-Forrester, Kristina M., INT006-Mitchell, Ronald R., INT007-Mitchell, Ginger G., INT008-Hall Ranches, LLC, , ITV001-Hall Ranches, LLC.,	08/26/14	NTY	INT001				MB MB
377000	Findings of Fact, Conclusions of Law, Judgment and Decree	09/29/14	NTY	000				DH DH
378000	Order Granting Joint Motion for Stay	10/09/14	NTY	PET008				DH DH
379000	Order Granting Joint Motion to Expunge Judgment Lien	10/10/14	NTY	000				DH DH
380000	Notice of Entry of Order	10/14/14	NTY	OTH010				DH DH
381000	Notice of Entry of Order	10/16/14	NTY	OTH010				DH DH
382000	Notice of Entry of Order Filed by DEF001-State Of Nevada, , DEF002-Office Of The State Engineer,	10/16/14	NTY	DEF001				MB MB
383000	Notice of Filing of Withdrawal of Recorded Order and Lien	10/22/14	NTY	PLT003				DG DG
384000	Notice of Appeal	11/10/14	NTY	000				DH DH

Num/Seq	Description	Filed	Received	Party	Routed	Ruling	Closed	User ID
385000	Case Appeal Statement Filed by OTH009-Bentley, J.W., OTH010-Bentley, Maryann	11/10/14	NTY	OTH009				DH DH
386000	Notice of Appeal Filed by OTH006-Windholz, Irene M., OTH005-Jackson, Jerald R.	11/14/14	NTY	OTH006				MB MB
387000	Case Appeal Statement Filed by OTH005-Jackson, Jerald R., OTH006-Windholz, Irene M.	11/14/14	NTY	OTH005				MB MB
388000	Notice of Deposit of Cash in Lieu of Bond for Costs on Appeal Filed by OTH005-Jackson, Jerald R., OTH006-Windholz, Irene M.	11/14/14	NTY	OTH005				MB MB
389000	Amended Notice of Appeal Filed by OTH009-Bentley, J.W., OTH010-Bentley, Maryann	11/21/14	MPG	OTH009				DG DG
391000	Amended Notice of Appeal	11/24/14	NTY	000				KW KW
392000	Amended Case Appeal Statement	11/24/14	NTY	000				KW KW
390000	(D) Receipt for Documents (Supreme Court	11/25/14	NTY	000				MB MB

BEGIN JUDGMENT(S) - CASE HISTORY

001 MONEY JUDGMENT

ORIGINAL JUDGMENT

Judgment Against: Bentley Family Trust 1995 Trust
Bentley, J.W.
Bentley, Maryann
Mott Creek
Judgment in Favor of: Hall Ranches, LLC., et al
Judgment Entry Date: 01/07/13
Amount of Judgment: $7,127.05
Interest Amount: $.00
Court Costs: $.00
Attorney Fee: $.00

END JUDGMENT(S) - CASE HISTORY

RECEIVED

SEP 26 2014

DOUGLAS COUNTY
DISTRICT COURT CLERK

IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF DOUGLAS

2014 SEP 29 PM 3:48

BOBBIE R. WILLIAMS
CLERK

BY _____ DEPUTY

08-CV-0363

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, 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 COUNTY, NEVADA.

FINDINGS OF FACTS, CONCLUSIONS OF LAW, JUDGMENT AND DECREE

I. GENERAL

On June 5, 1987, a petition was filed in the Office of the State Engineer requesting a determination of the relative rights of the claimants to the waters of Sheridan Creek, Douglas County, Nevada. This request was followed by an Order dated June 17, 1987, from the Ninth Judicial District Court in and for Douglas County, State of Nevada, ordering the State Engineer to proceed with the same.

The State Engineer considered the scope of other surface waters in Carson Valley and after close study of the evidence and locality, determined the facts and conditions warranted the initiation of proceedings for determination of the relative rights of the claimants to the waters that drain into the Carson Valley from the Eastern slope of the Carson Range.

On October 22, 1990, the State Engineer entered Order No. 1031 initiating the proceedings to determine the relative rights of claimants of vested rights to waters located in T.12N., R.19E., M.D.B.&M. In accordance with NRS § 533.095, a copy of the Order was served by certified mail to persons identified as owning land within the subject area that could be potential claimants. A notice describing the initiation of the adjudication proceedings was published on November 1, 8, 15, 22, and 29, 1990, in the

Record-Courier located in Gardnerville, Nevada, a newspaper of general circulation within the boundaries of the subject adjudication area.

State Engineer's Order No. 1034 established January 11, 1991, as the date the State Engineer would commence taking proof of claims of the rights and established March 18, 1993, as the final date for filing said proofs pursuant to NRS § 533.110. A copy of the Order was served by certified mail to persons identified as owning land within the subject area that could be potential claimants. A notice describing the commencement of taking proofs was published on January 17, 24, 31 and February 7 and 14, 1991, in the Record-Courier located in Gardnerville, Nevada, a newspaper of general circulation within the boundaries of the subject adjudication area.

On March 10, 1993, the State Engineer served by certified mail to each potential claimant that could be reasonably ascertained, a notice extending the final date for filing said proofs in the Office of the State Engineer to March 18, 1994. Surveys and corresponding maps were executed and submitted by the claimants to the Office of the State Engineer pursuant to NRS § 533.100.

On May 22, 2006, the State Engineer issued an Abstract of Claims and the Preliminary Order of Determination and on June 12, 2006, issued the Notice of Order Fixing and Setting Time and Place of Inspection in the Matter of the subject adjudication pursuant to NRS § 533.140. A copy of the aforementioned documents was served on all claimants. The time for inspection was held during regular business hours at the Office of the State Engineer from August 15, 2006, to September 15, 2006.

In accordance with NRS § 533.145, objections to the Preliminary Order of Determination were required to be filed in the Office of the State Engineer on or before September 15, 2006. The claimants were advised that if no objections were received on or before September 15, 2006, the Order of Determination would be prepared and filed in accordance with the provisions of the NRS § § 533.160 and 533.165.

On September 20, 2006, an extension of time for the filing of objections to "the close of business on October 6, 2006" was granted.

After all parties of interest were properly noticed, a public administrative hearing on the objections to the Preliminary Order of Determination was held before the State Engineer on March 5 and March 7, 2007. After review and consideration of evidence and

testimony presented at the hearing, the State Engineer issued his Order of Determination on August 14, 2008. As provided for in NRS § 533.160, a copy of the aforementioned document was delivered in person or served by certified mail to all claimants.

On October 30, 2008, the Ninth Judicial District Court issued an Order setting the time and date for hearing exceptions to the Final Order of Determination. After all parties of interest were properly noticed, a hearing on the exceptions to the Final Order of Determination was held before the District Court on April 1, 2009 (Case No. 08-CV-0363 Sub E Dept. I).

The April 1, 2009 hearing resulted in the exceptions being divided into six subparts, including:

Subpart A

The Kimmerling exception, that concerns having Kimmerling Family Trust, dated June 12, 1990, listed as an owner of Proof V-06320 in the final Decree. Title was brought forward in the Office of the State Engineer to reflect this. Therefore, this issue was resolved prior to the hearing.

Subpart B

The Douglas exception, concerns typographical errors in the Table of Relative Rights to Appropriators in the Final Order of Determination pertaining to Proof V-06321. The typographical errors concerning diversion rate, duty and acreage have been corrected. Therefore, this issue was resolved prior to the hearing.

Subpart C

The Brooks exception, concerns a discrepancy in acreage in the Table of Relative Rights of Appropriators in the Final Order of Determination. This discrepancy can only be resolved with the submission of an amended map supporting Proof V-06365 produced by a licensed Nevada State Water Rights Surveyor.

Subpart D

The Bentley exception, concerns typographical errors, irrigated acreage, a "diversion agreement" and the inclusion of a rotation schedule. Replies to the Bentley exception were filed by Forrester, Hall Ranches, LLC, Scyphers, Scharro, Sheridan Creek Equestrian Center, LLC and Mitchell.

Subpart E

The Groenendyke and Jackson exceptions, concern the distribution of water from unnamed springs 'A', 'B', 'C' and 'D', the places of use of such water and their associated duties and rotation schedules.

Subpart F

The Davis exception, concerns a reduction in irrigated acreage in the Final Order of Determination from the amount stated in the Preliminary Order of Determination and the implementation of a rotation schedule.

On May 21, 2010, the District Court issued an Order, which was the decision of record concerning acreage under Subpart F. The amount of acreage determined for Davis was set at 21 acres.

On August 30, 2010, the District Court issued an Order, which was the decision of record concerning rotation under Subpart F. The issue of the rotation schedule was determined to be the "Rounded off Rotation Schedule," which was put into effect for the remainder of the 2010 irrigation season and was to stay in effect until further order of the District Court.

On April 5, 2012, the District Court issued a Findings of Fact, Conclusions of Law and Order and Judgment, which was the decision of record concerning Subpart D. The typographical error and acreage change was accepted, the Final Order of Determination as it pertains to Subpart D is affirmed, the use of a rotation schedule is ordered when Sheridan Creek flows fall below 2.0 cubic feet per second (cfs) and the "diversion agreement" was determined to be invalid.

On December 24, 2013, the District Court issued an Order, which was the decision of record that included the Findings of Fact, Conclusions of Law and Order and Judgment concerning Subpart E. The Final Order of Determination as it pertains to Subpart E is affirmed.

II. FINDINGS OF FACT

After review and consideration of evidence and testimony at the hearings held by the Ninth Judicial District Court on the objections to the Final Order of Determination (Case No. 08-CV-0363 Dept I), the following was determined:

Subpart A: Exception regarding Proof V-06320 by Kimmerling 1990 Trust dated June 12, 1990.

An exception to the Final Order of Determination was filed by Robert A. Kimmerling and Margery A. Kimmerling, as co-Trustees of the Kimmerling 1990 Trust dated June 12, 1990 (the "Kimmerling Trust"), concerning Proof V-06320. The exception concerned the identification of the Kimmerling Trust as Owner of Record of a portion of Proof V-06320 in the final Decree. The Kimmerling Trust was not listed as Owner of Record of a portion of Proof V-06320 in the Final Order of Determination. The Kimmerling Trust owns real property within the place of use of Proof V-06320 as described in the Final Order of Determination. The Kimmerling Trust received title to the real property on April 18, 1995, from the William R. Tomerlin Trust dated August 11, 1976 (the "Tomerlin Trust"), as conveyed by an Individual Grant Deed from the Tomerlin Trust to the Kimmerling Trust. The Individual Grant Deed expressly included all appurtenances.

The Kimmerling Trust filed a Report of Conveyance with the Office of State Engineer as required by NRS § 533.384 to complete the chain of title to its portion of Proof V-06320, being 2.12 acres within the 49.1 acres described in the Final Order of Determination.

Title has been brought forward in the Office of the State Engineer showing that the Kimmerling Trust is the Owner of Record for 2.12 acres within the 49.1 acres described in the Final Order of Determination. This will be reflected in the Table of Decreed Rights of Appropriation (Appendix A). This exception is considered resolved.

Subpart B: Exception regarding Proof V-06321 by the Bartholomew Family Trust and the Henry Edward Warg and Geraldine Gardner Revocable Trust.

An exception to the Final Order of Determination was filed by Myles Douglas, M.D. for the Bartholomew Family Trust and the Henry Edward Warg and Geraldine Gardner Revocable Trust concerning Proof V-06321. The exception concerned a possible typographical error relating to "Duty Total Acre-Feet" in the Table of Relative Rights to Appropriators in the Final Order of Determination, which stated 96.24 acre-feet rather than 161.44 acre-feet.

The discrepancy in acre-feet was determined to be a typographical error and will be corrected to 161.44 acre-feet in the Table of Decreed Rights of Appropriation (Appendix A). This exception is considered resolved.

Subpart C: Exception regarding Proofs V-06365 and V-06366 by the Brooks Family Trust.

An exception to the Final Order of Determination was filed by Lynette L. Brooks, trustee for the Brooks Family Trust concerning Proofs V-06365 and V-06366. The exception concerned the amount of irrigated acreage described in the Table of Relative Rights to Appropriations in the Final Order of Determination, which stated 59.2 acres of irrigated land. Further information was provided stating that an additional 4.63 acres should be added to the 59.2 acres.

The Court affirmed the State Engineer's findings that the additional 4.63 acres was valid and would be added to Proof V-06365 for a total of 63.83 acres in the Table of Decreed Rights of Appropriation (Appendix A), provided that the Brooks Family Trust submit a map drawn to acceptable standards by a licensed Nevada State Water Right Surveyor to the Office of the State Engineer.

To date, the Brooks Family Trust has failed to submit the required map. Therefore, the Brooks Family Trust is not in compliance with the Court's order and the acreage described in the Table of Relative Rights to Appropriators in the Final Order of Determination stands, and the additional 4.63 acres is rejected.

Subpart D: Exception regarding Proofs V-06305, V-06306, V-06307 and V-06308 by the Bentley Family 1995 Trust.

An exception to the Final Order of Determination was filed by J.W. Bentley and Maryann Bentley, Trustees of the Bentley Family 1995 Trust concerning Proofs V-06305, V-06306, V-06307 and V-06308. The exception, composed of five separate points, includes:

1.) **Diversion/Rotation Schedule**: The first asserts that the diversions under Proofs V-06307 and V-06308 are for stock water and wildlife and should not be subject to a rotation schedule. Bentley asserts the Office of the State Engineer does not have the authority to impose a diversion/rotation schedule. The Bentley Family 1995 Trust's diversion rights on Sheridan Creek are set forth in

a series of "diversion agreements" between predecessors, which state that the ponds and streams on the property will have continuous non-consumptive use to maintain water levels in the ponds and streams and to supply a water source for stock and wildlife. These agreements also include the waters from Stutler Creek and Gansberg Spring.

2.) **Add all Proofs to the Adjudication Map**: The second asserts that the Adjudication Map to the Final Order of Determination only identifies Proofs V-06305 and V-06306 appurtenant to the Bentley parcel. The map should further identify Proofs V-06307 and V-06308. Those Proofs provide rights to a continuous flow for Bentley's stock/wildlife ponds under the "diversion agreements" that they believe are exempt from the diversion/rotation schedule.

3.) **Correct Typographical Error**: The next pertaining to Proof V-04594 (which has been superseded in part by Proofs V-06305, V-06306, V-06307 and V-06308) contains a reference to Proof V-06505. The correct reference should presumably be V-06305 (Stutler Creek).

4.) **Correct Acreage:** This exception pertains to Proof V-06305 (Stutler Creek), which was submitted for 10.36 acres of land, but approved for only 9.61 acres. This amount is also reflected in the Table of Relative Rights to Appropriators in the Final Order of Determination, but conflicts with Part XX, Table 5 (Stutler Creek-Commingled with the North Diversion of Sheridan Creek) of the Final Order of Determination, which shows 10.36 approved acres. The waters of Stutler Creek are diverted through the North Branch of Sheridan Creek and since there is no way to distinguish between the two, the acreage approved under Proof V-06305 should be the same as the acreage approved under Proof V-06306 (Sheridan Creek), which is 12.93 acres.

5.) **Install Diversion Device**: The final exception asserts that the waters of Stutler Creek and Gansberg Spring are channeled into Sheridan Creek, which in turn splits into two branches. Bentley Family 1995 Trust's diversion rights are obtained from the North Branch of Sheridan Creek, which also delivers the commingled waters of Stutler Creek and Gansberg Spring. At this time, only crude, natural devices (i.e., rocks) are employed to direct the waters to the

North and South Branches of Sheridan Creek. Bentley requests that the Office of the State Engineer commission the installation of a diversion structure/device sufficient to measure and deliver accurate diversions between the North and South Branches of Sheridan Creek, and to ensure that the waters of Gansberg Spring and Stutler Creek are not diverted down the South Branch of Sheridan Creek.

Subpart D: Reply to Exceptions by Bentley Family 1995 Trust to Final Order of Determination regarding Proofs V-06305, V-06306, V-06307 and V-06308 by Donald S. and Kristina M. Forrester, Thomas J. and Kathleen M. Scyphers, Frank Scharo, Ronald R. and Ginger G. Mitchell, Sheridan Creek Equestrian Center LLC and Hall Ranches, LLC. (Forrester et al.)

A Reply to Exceptions by Bentley Family 1995 Trust to Final Order of Determination was filed by Forrester et al. The portion of the Bentley Exception replied to by the Forrester et al. is the Diversion/Rotation Schedule and associated "diversion agreement."

Forrester et al. utilizes water from Sheridan Creek and Stutler Creek with partially supplemental water from Gansberg Spring. These waters are diverted to the Forrester et al. properties from the North Branch of Sheridan Creek. They contend that a diversion/rotation schedule is necessary to maintain hydraulic head in the ditches to effectively irrigate their lands and that the "diversion agreement" is invalid as it was not signed by all the involved parties at the time namely June Irene Bartlett (a.k.a. June Irene Rolph) or Nancy Rolph Welch who were owners of the right at the time of the agreement. If the "diversion agreement" is found to be valid, its use to fill and maintain the ponds is not a non-consumptive use and the pond constructed in 2008 after Bentley took possession of the property should not be included as it does not have a water right.

Subpart D: Order and Judgment

The District Court issued an Order dated April 5, 2012 (Appendix C), and determined that the Final Order of Determination issued by the State Engineer on August 14, 2008, as it pertains to the Ninth Judicial District Court (subpart D), is affirmed, confirmed and approved in all aspects except as specifically provided herein:

1.) **Diversion/Rotation Schedule:** It was stipulated at the beginning of the trial that the decree would not include a rotation schedule. However, under the provisions of NRS § 533.075 and the orders of this Court, when the combined flow of Sheridan Creek falls below 2.0 cubic feet per second (cfs), the State Engineer shall impose a rotation schedule and the rotation schedule shall be in effect from the time the North Diversion of Sheridan Creek drops below 2.0 cfs until the flow rises above 2.0 cfs or until the schedule is modified by the Court. The rotation schedule shall be prepared at the beginning of the irrigation season to allow review by this Court, under NRS § 533.450, if any party challenges the schedule. The State Engineer has full authority to implement a rotation schedule, if appropriate. The rotation schedule shall reflect any agreements between the parties. The State Engineer shall monitor the system and make changes as required by law or by request of the parties, which changes are subject to review by the Court. The "diversion agreements" are unenforceable, invalid and ineffective.

2.) **Add all Proofs to the Adjudication Map:** The parties agreed that the Map does not depict any stock-water rights, that the Decree controls the water rights and the map is for convenience only, and that the stock-water rights need not and will not be shown on the Map.

3.) **Correct Typographical Error:** The typographical error will be corrected to reflect the proper number, which is Proof V-06305, in the Decree.

4.) **Correct Acreage:** The acreage listed under Proof V-06305 will be listed as 12.93 acres in the Decree.

5.) **Install Diversion Device:** The current diversion structure and method is inadequate, which involves the placement of rocks in the stream channel that split the flow into two diversions. The parties and State Engineer agree that a structure should be installed, but that in order to assess the cost to all users of both branches, the installation will be deferred until after the Decree is final.

Subpart E: Claimant's Notice of Exceptions to the Final Order of Determination regarding Proof V-08850 by the Groenendyke Family Trust.

A Claimant's Notice of Exceptions to the Final Order of Determination was filed by Edward H Groenendyke, Trustee of the Groenendyke Family Trust concerning Proof V-08850. The exception, composed of nine separate points, includes:

1.) The Final Order of Determination determined water rights to Unnamed Spring A in favor of parties where no claim of right was presented, and did not provide any substantial or reliable evidence of historical use necessary to support a claim of a water right in Unnamed Spring A.

2.) The Final Order of Determination regarding Unnamed Spring A disrupts a long-established and working rotation schedule among the owners of claimed water rights in Unnamed Spring A. The Final Order of Determination contains a proposed rotation schedule for Unnamed Spring A, which contains errors, in that not all hours within the proposed period are assigned.

3.) The Final Order of Determination restricts the use of waters from Unnamed Spring A by Claimant on lands other than the specified 12.43 acres, despite evidence of historical use and long-standing practice without any factual justification.

4.) The Final Order of Determination reduces the recognized duty of water for Claimant's 12.43 acres from 4 acre-feet/acre to 2.43 acre-feet/acre without any factual basis for such reduction.

5.) The Final Order of Determination determines water rights in Unnamed Spring D in favor of parties where no claim of right was presented, and did not provide any substantial or reliable evidence of historical use necessary to support a claim of a water right in Unnamed Spring D.

6.) The Final Order of Determination assumes ditch rights regarding Unnamed Spring D water in favor of parties who have no historical rights, or who have abandoned and/or waived such rights as may have existed, which would constitute a taking of Claimant's property rights.

7.) The Final Order of Determination directs "...reconstruction of the head gate and distribution system" regarding Unnamed Spring D water, to remedy a preclusion

created by construction of a pond, but fails to require the landowner who built the pond, or the water-right users to be benefitted by the structure, to pay for such structure.

8.) The Final Order of Determination disrupts the rotation schedule previously agreed upon by water-right owners and users of Unnamed Spring A and Unnamed Spring D, who have used waters from such sources in a combined or mutually supportive manner, according to long-standing rotation schedules.

9.) The Final Order of Determination commingles the waters of Unnamed Spring A and Unnamed Creek, which are in truth and fact separate water sources and have been certificated and used as separate sources, and disregards prior historical recognition of such distinct water sources; and purports to redirect the use of such waters as vested rights, to the prejudice of Claimant.

Subpart E: Notice of Exceptions to the Final Order of Determination by the Jerald R. Jackson 1995 Trust and the Irene Windholz Trust dated August 11, 1992.

A Notice of Exceptions to the Final Order of Determination was filed by Jerald R. Jackson, Trustee of the Jerald R. Jackson 1975 Trust, as amended, and Irene M. Windholz, Trustee of the Irene M. Windholz Trust dated August 11, 1992, concerning Proofs V-06342, V06343 and a portion of V-02856. The exception, composed of three separate points, includes:

1.) **Inadvertent Mistake in Assigning Water Duty:** In the Table of Relative Rights to Appropriators, Proof V-06342 assigns an incorrect duty of 2.43 acre-feet/acre, whereas the remarks section under the same Proof, states, "The total combined duty of water under this proof and proofs V-06343 and V-02856 shall not exceed a duty of 4.00 acre-feet/acre."

2.) **Apparent Mistake in Assigning Flow, After it was Measured in Cubic Feet Per Second:** There is a strong indication that the correct flow on the same Table is actually 0.50 cfs, rather than 0.053 cfs, which preliminarily suggests an inadvertent error of a magnitude that reflects almost ten times less than the correct flow. Fortunately, the historic flow measurements extant in the Office of the State Engineer should substantiate the correct flow figures.

3.) **Flow in Unnamed Spring A:** Historical flow measurements suggest an average flow of 0.50 cfs from Unnamed Spring A. Another spring source near Unnamed Spring A arises and merges with the flow from Unnamed Spring A. The average of this spring's flow is 0.10 cfs. The Jackson and Windholz Trusts want to be granted a vested right in this 0.10 cfs flow from this smaller spring.

Subpart E: (Qualified) Objection to the Exceptions to the Final Order of Determination Regarding Proof of Appropriation V-08850 as it affects Proof Numbers V-06342, V-06343 and a Portion of V-02856 by the Jerald R. Jackson 1995 Trust and the Irene Windholz Trust dated August 11, 1992.

A (Qualified) Objection to the Exceptions to the Final Order of Determination Regarding Proof of Appropriation V-08850 as it affects Proof Numbers V-06342, V-06343 and a Portion of V-02856 was filed by Jerald R. Jackson, Trustee of the Jerald R. Jackson 1975 Trust, as amended, and Irene M. Windholz, Trustee of the Irene M. Windholz Trust dated August 11, 1992, concerning Proofs V-06342, V-06343 and a portion of V-02856. The objection reiterates the prior three Jackson/Windholz exceptions but also puts forth some proposals for remedy as they pertain to Jackson/Windholz concerns.

Subpart E: Order and Judgment

The District Court issued an Order dated December 24, 2013 (Appendix D), and determined that the Final Order of Determination issued by the State Engineer on August 14, 2008, as it pertains to the Ninth Judicial District Court (subpart E), is affirmed, confirmed and approved in all aspects except as specifically provided herein:

1.) **Water Duty:** The parties stipulated that the normal duty of water for the acreage of real property from Unnamed Spring A will be changed from 2.43 acre-feet/acre to 4.0 acre-feet/acre (*see* Table 8, Appendix B).

2.) **Rotation Schedule:** A rotation schedule will not be included within the final decree. Instead, a provision will be included within the decree for the implementation by the State Engineer, as the Court's water commissioner, of a rotation schedule affecting the specific waters at issue in the event the affected claimants cannot reach agreement regarding an acceptable rotation of water flow promoting beneficial use. Claimants may lodge an objection before the

court regarding details of a rotation schedule implemented by the State Engineer in any given year. As water flows decrease during the irrigation season, claimants are to share in the reduced flow proportional to their interest.

3.) **Miscellaneous**: The court orders that the Jackson trustees are to allow the Groenendyke trustees reasonable access to water facilities affecting the Groenendyke property, but located on the Jackson property.

Subpart F: Claimant's Notice of Exceptions to the Final Order of Determination regarding Proofs V-05314, V-06313, V-06349, V-06350 and V06351 by David B. and Sharon Lynn Davis.

A Claimant's Notice of Exceptions to the Final Order of Determination was filed by David B. Davis and Sharon Lynn Davis concerning Proofs V-05314, V-06313, V-06349, V-06350 and V-06351. The exception is composed of two main points:

1.) The Preliminary Order of Determination stated that the Davis parcel had 56.39 acres of land under irrigation. The Final Order of Determination reduced that acreage amount to 7.61 acres with no clear explanation as to why their property was impacted and not adjoining parcels according to the claimant.

2.) Because of the reduction in acreage, the rotation schedule is impacted with respect to the Davis parcel in that it only receives the proportional time associated with the 7.61 acres versus 56.39 acres.

Subpart F: Opposition to Exceptions by David B. and Sharon Lynn Davis to the Final Order of Determination by Maddi's Friesian Ranch, LLC., Eric and Elizabeth Park, Canyon Creek Equestrian Center, LLC and Yturbide 1991 Family Trust.

The Opposition to the Exceptions in reference to the Davis Exceptions were filed by Maddi's Friesian Ranch, LLC, Eric and Elizabeth Park, Canyon Creek Equestrian Center, LLC, and Yturbide Family Trust. These entities stated in their Oppositions that they were in support of the State Engineer's Final Order of Determination and that it should be affirmed.

Subpart F: Stipulation Regarding Ownership of Proof V-06313 by Canyon Creek Equestrian Center, LLC.

A Claimant's Stipulation to the Final Order of Determination was filed by Canyon Creek Equestrian Center, LLC concerning Proof V-06313. The Stipulation concerns owner of record with respect to the final decree.

Title has been brought forward to show that Canyon Creek Equestrian Center, LLC is the owner of record for Proof V-06313 and will be reflected as such in the Table of Decreed Rights of Appropriation.

Subpart F: Order and Judgment

The District Court issued an Order dated May 21, 2010 (Appendix E), and determined that the amount of irrigated acreage for the Davis Proof (V-05314) be set at 21 acres, Canyon Creek Equestrian Center LLC (Proof V-06313) at 40 acres, Maddi's Friesian Ranch (Proof V-06349) at 33.46 acres, Yturbide (Proof V-06350) at 12.96 acres and Park (Proof V-06351) at 10 acres. The District Court issued an Order dated August 30, 2010 (Appendix E), for the State Engineer to implement the Rounded off Rotation Schedule, which was to be put into effect for the remainder of the 2010 irrigation season and was to stay in effect until further order of the District Court.

Miscellaneous

There are three existing civil decrees relative to the waters of this adjudication. Portions of the waters of Mott Creek were decreed on June 3, 1871. The successors in interest to these two decrees on Mott Creek are the claimants receiving water from the southernmost diversion of the four-way split. The waters of Luther Creek were decreed on May 27, 1874. The successors in interest to these decreed waters of Luther Creek are the claimants receiving water from the two-way split. Barber Creek (a.k.a. Jobs Canyon Creek) was decreed May 27, 1921. This decree is located within the described area of this adjudication; however, this stream system is not part of this proceeding, since it was previously adjudicated. The decreed waters of Barber Creek are intertwined and commingled with other sources of water in this adjudication and are described for continuity of the area being adjudicated. The State Engineer properly recognized that these existing civil decrees are controlling and any determination made herein was intended to be consistent with those civil decrees.

In all other respects, the Court hereby affirms each and every finding of fact by the State Engineer in the Final Order of Determination in the Matter of the Determination of the Relative Rights in and to the Waters of Mott Creek, Taylor Creek, Cary Creek (a.k.a. Carey Creek), Monument Creek, and Bulls Canyon, Stutler Creek (a.k.a. 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 County, Nevada.

III. CONCLUSIONS OF LAW

From the records on file in this proceeding, from the arguments heard by the Court and from the foregoing Findings of Fact, the Court makes the following Conclusions of Law.

A.) The State Engineer had the right, authority, and jurisdiction under Chapter 533 of the Nevada Revised Statutes to make the investigations made by him, receive the proofs and maps, enter and file in his office the Order of Determination, file a certified copy of the Order of Determination in this Court, determine the relative rights of the claimants in and to the waters of Mott Creek, Taylor Creek, Cary Creek (a.k.a. Carey Creek), Monument Creek, and Bulls Canyon, Stutler Creek (a.k.a. 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 County, Nevada, and that the State Engineer duly made all orders necessary and proper in connection therewith and entered the same in his office as required by Chapter 533 of the Nevada Revised Statutes.

B.) Each and every notice required by law to be given herein to the claimants and appropriators was duly served by the State Engineer in the manner and within the time required by law and that the notices contained all the information required by law and that the claimants and appropriators of the waters of Mott Creek, Taylor Creek, Cary Creek (a.k.a. Carey Creek), Monument Creek, and Bulls Canyon, Stutler Creek (a.k.a. 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 County, Nevada, duly received the information and notices as required by law.

C.) The Ninth Judicial District Court of the State of Nevada in and for the County of Douglas has jurisdiction to hear this matter and has the jurisdiction to make and enter the foregoing Findings of Fact and these Conclusions of Law and further enters its Decree as set forth herein. The Ninth Judicial District Court of the State of Nevada in and for the County of Douglas also retains exclusive jurisdiction over the enforcement of this Decree and all matters that arise under this adjudication.

D.) The priorities for the proofs in this proceeding are fixed by the years and where the years are the same, the priorities are equal.

E.) All waters allotted under this decree shall be appurtenant to the place of use designated herein. Any water user desiring to change the point of diversion, place of use or manner of use of the waters herein must make application to the State Engineer for permission to make the change pursuant to Nevada water law.

F.) The period of use for all irrigation water rights awarded under this proceeding is as noted in the Final Order of Determination.

G.) The State Engineer retains the right to require the installation of measuring devices. If required, the measurements of diverted water are to be made at a location approved by the State Engineer and the parties will be required to install and maintain, at their own expense, substantial and easily operated regulating diversion structures and measuring devices.

H.) This Decree does not extend to any claimant, or their successors in interest, the right of ingress or egress on public, private or corporate lands except those outlined in the District Court Order dated December 24, 2013 (Appendix D).

I.) Pursuant to NRS § 533.270, the State Engineer shall appoint a Water Commissioner, if necessary, subject to the confirmation of the Court, to carry out and enforce the provisions of this Decree and the instructions and orders of the

Court. If any proper order, rules or direction of such Water Commissioner, made in accordance with and for the enforcement of this Decree, are disobeyed or disregarded, the State Engineer is hereby empowered and authorized to suspend the delivery of water to users for disobeying or disregarding such proper orders, rules or direction. The Water Commissioner shall promptly report to the Court of said action in such case and the circumstances connected therewith and leading thereto. A water distribution account will be established by the State Engineer to pay the expenses and salary of the Water Commissioner, if one is determined to be necessary.

J.) The State Engineer or a duly appointed Water Commissioner has the right to enter any premise where a water source adjudicated by this Decree is located, or where water awarded by this Decree is used, at any reasonable hour of the day for the purpose of investigating and carrying out the duties required for the administration of this Decree as per NRS § 533.0247.

K.) Because livestock are opportunistic and will consume water at various sources and in varying quantities depending on available feed and season of use, the number of animals specifies the limit and extent of the rights claimed for watering of livestock and not the quantity of water. Therefore, claims for livestock watering are determined for priority date, maximum number of animals, location and ownership. The duty of water for livestock shall not constitute any additional duty of water or diversion rate for any irrigation claims that also include stock watering or for any stand alone claims that are within the confines of any property that receives water from the same source for irrigation purposes.

L.) Any conveyance of title of a water right must be filed with the State Engineer in accordance with NRS § § 533.382 - 386. Successors in interest to any of the water rights awarded under this proceeding are subject to the terms and conditions of this Decree.

M.) The duty of water is as specified in the attached Table of Decreed Rights of Appropriation involved in this proceeding. To the extent water rights that were awarded through Nevada's statutory permit system are listed in that tabulation, they are not decreed water rights. They are included for informational

purposes and to reflect their relationship to the water rights determined as a result of this proceeding.

N.) In all other respects, and subject to this Court's Orders that are attached hereto, the Court hereby affirms each and every conclusion of law made by the State Engineer in his Final Order of Determination in the Matter of the Determination of the Relative Rights in and to the Waters of Mott Creek, Taylor Creek, Cary Creek (a.k.a. Carey Creek), Monument Creek, and Bulls Canyon, Stutler Creek (a.k.a. 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 County, Nevada, except as noted previously herein.

O.) Table of Decreed Rights of Appropriation. The attached tabulation lists the final determination of the relative rights of the claimants in and to the waters of Mott Creek, Taylor Creek, Cary Creek (a.k.a. Carey Creek), Monument Creek, and Bulls Canyon, Stutler Creek (a.k.a. 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 County, Nevada.

IV. DECREE

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the relative rights of the users in and to the waters of Mott Creek, Taylor Creek, Cary Creek (a.k.a. Carey Creek), Monument Creek, and Bulls Canyon, Stutler Creek (a.k.a. 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 County, Nevada, are determined as stated above.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED, that each and every water user and claimant to the waters of Mott Creek, Taylor Creek, Cary Creek (a.k.a. Carey Creek), Monument Creek, and Bulls Canyon, Stutler Creek (a.k.a. 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 County, Nevada, and each of their agents, attorneys, employees and their successors in interest and every person or persons acting in aid or assistance of the said parties and each of them is hereby perpetually enjoined and restrained as follows:

A.) From at any time diverting or using any water of Mott Creek, Taylor Creek, Cary Creek (a.k.a. Carey Creek), Monument Creek, and Bulls Canyon, Stutler Creek (a.k.a. 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 County, Nevada, herein above-mentioned except to the extent and amount and in the manner and at the time or times set by this decree for each claim or that which is allowed by permits, which have been or may hereafter be granted by the State Engineer of Nevada.

B.) From diverting in excess of the amounts as specified and provided in this Decree or allowed by permits, which have been or may hereafter be granted by the State Engineer of Nevada.

C.) From diverting from the natural channel and from using any of the said water in any other manner or for any other purpose or purposes or upon any other land or lands than as provided and prescribed by the terms of this Decree or by a permit granted or that may hereafter be granted by the State Engineer of Nevada.

D.) From diverting from the natural channel and from using any of the said water at any other time or times than as specified and provided by the terms of this Decree or by permits that may hereafter be granted by the State Engineer of Nevada.

E.) From, in any manner, meddling with, opening, closing, changing, injuring, or otherwise interfering with any head gates, weirs, water boxes, flumes or other measuring devices placed, installed or established by the State Engineer or under his authority or direction, unless such act be done by the permission or authority of the Water Commissioner or the State Engineer, and during the period of regulation or control of said water by the State Engineer, or if not done during

such period, then by virtue of the allowances, authority, terms and provisions of this Decree or by a permit granted or that may hereafter be granted by the State Engineer of Nevada.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED, that all enforcement rights set forth in this Court's Decree affirming the Final Order of Determination by the State Engineer dated August 14, 2008, are fully incorporated herein and this Court expressly reserves sole and continuing jurisdiction over any disputes arising under this Decree and over the continuing administration of this Decree.

The waters of all water sources that are subject to this adjudication proceeding shall be declared fully appropriated with no water available for additional appropriation.

Dated this 29 day of September, 2014.

District Judge

APPENDIX A

Table of Decreed Rights of Appropriation

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC-FT / ACRE	TOTAL AC-FT
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE						
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
[illegible]	[illegible]	[illegible]														[illegible]	[illegible]		[illegible]		
															[illegible]						

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC-FT / ACRE	TOTAL AC-FT
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE						
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
[illegible]	[illegible]	[illegible]		[illegible]	[illegible]		[illegible]	[illegible]	[illegible]	[illegible]									[illegible]		
[illegible]	[illegible]	[illegible]	[illegible]		[illegible]	[illegible]													[illegible]		
															[illegible]						

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC FT / ACRE	TOTAL AC-FT
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION	REMARKS
SECTION	TOWN SHIP	RANGE	NE				NW				SW				SE						
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		[illegible]	
															[illegible]					[illegible]	

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC FT / ACRE	TOTAL AC FT
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	14.00 13.49	[illegible]

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE						
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
[illegible]	[illegible]	[illegible]							[illegible]	[illegible]	[illegible]	[illegible]							10.00		[illegible]
															[illegible]				10.00		

* 0.013 C.F.S. IRRIGATES 0.25 ACRES IN THE SW¼NW¼ AND 0.88 ACRES IN THE SE¼NW¼ FROM THE NORTH SPLIT OF SHERIDAN CREEK.
** 0.007 C.F.S. IRRIGATES 3.12 ACRES IN THE NE¼SW¼ AND 5.75 ACRES IN THE NW¼SW¼ FROM THE SOUTH SPLIT OF SHERIDAN CREEK.
*** 0.010 C.F.S. IRRIGATES 0.25 ACRES IN THE SW¼NW¼ AND 0.88 ACRES IN THE SE¼NW¼ FROM STUTLER CREEK AND IS APPURTENANT TO THE ACREAGE DESCRIBED UNDER "REMARKS"

DUTY OF WATER FROM SHERIDAN CREEK
DUTY OF WATER FROM STUTLER CREEK.

THE STATE ENGINEER SHALL IMPOSE A ROTATION SCHEDULE WHEN THE COMBINED FLOW OF THE NORTH DIVERSION OF SHERIDAN CREEK AND TRIBUTARIES DROPS BELOW 2.0 CFS AS PER COURT ORDER DATED APRIL 5, 2012 (CASE NO. 06-CV0353-D)

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC-FT/ ACRE	TOTAL AC FT
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

PLACE OF USE 40 ACRE DESCRIPTIONS																			ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE					
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
[illegible]	[illegible]	[illegible]									[illegible]					[illegible]			[illegible]	[illegible]
															[illegible]				[illegible]	

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC-FT/ ACRE	TOTAL AC FT
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

PLACE OF USE 40 ACRE DESCRIPTIONS																			ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE					
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
[illegible]	[illegible]	[illegible]															[illegible]		[illegible]	[illegible]
															[illegible]				[illegible]	

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC FT / ACRE	TOTAL AC FT
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

PLACE OF USE 40 ACRE DESCRIPTIONS																			ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]													[illegible]	[illegible]
															TOTAL ACRES ALLOCATED				[illegible]	

THE STATE ENGINEER SHALL IMPOSE A ROTATION SCHEDULE THAT ALLOWS THE PARTIES TO RECEIVE THEIR PROPORTIONATE SHARE OF THE FULL USE OF THE SECOND DIVERSION OF UOTT CREEK IN A WAY THAT PROMOTES BENEFICIAL USE OF THE WATER AS PER COURT ORDER DATED MAY 21 2010 (CASE NO - 08 CV0363-F)

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC-FT/ ACRE	TOTAL AC-FT
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

PLACE OF USE 40 ACRE DESCRIPTIONS																		ACRES PER SECTION	REMARKS
SECTION	TOWN SHIP	RANGE	NE				NW				SW				SE					
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
[illegible]																			[illegible]	[illegible]
															[illegible]				[illegible]	

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC-FT/ ACRE	TOTAL AC-FT
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

PLACE OF USE 40 ACRE DESCRIPTIONS																		ACRES PER SECTION	REMARKS
SECTION	TOWN SHIP	RANGE	NE				NW				SW				SE					
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
[illegible]																			[illegible]	[illegible]
															[illegible]				[illegible]	

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC FT / ACRE	TOTAL AC FT
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE						
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
[illegible]	[illegible]	[illegible]															[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
															TOTAL AREA [illegible]					[illegible]	

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC-FT / ACRE	TOTAL AC FT
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]			

PLACE OF USE 40 ACRE DESCRIPTIONS																			ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE					
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
[illegible]																				[illegible]

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC FT/ ACRE	TOTAL AC FT
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

PLACE OF USE #0 ACRE DESCRIPTIONS																				ACRES PER SECTION	REMARKS
SECTION	TOWN SHIP	RANGE	NE				NW				SW				SE						
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
[illegible]	[illegible]	[illegible]							[illegible]	[illegible]		[illegible]								[illegible]	[illegible]
															[illegible]					[illegible]	

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC FT / ACRE	TOTAL AC FT
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	1.400	[illegible]

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE						
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
[illegible]	[illegible]	[illegible]							[illegible]	[illegible]		[illegible]								[illegible]	[illegible]
															[illegible]					[illegible]	

[illegible]

THE STATE ENGINEER SHALL IMPOSE A ROTATION SCHEDULE WHEN THE COMBINED FLOW OF THE NORTH DIVERSION OF SHERIDAN CREEK AND TRIBUTARIES DROPS BELOW 2.0 CFS AS PER COURT ORDER DATED APRIL 5, 2012 (CASE NO. 08-CV0363-D)

[illegible]

I THE TOTAL COMBINED DUTY UNDER THIS PROOF [illegible]

[illegible]

[illegible]

[illegible]

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC FT / ACRE	TOTAL AC FT
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]			

PLACE OF USE 40 ACRE DESCRIPTIONS																		ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE					
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
[illegible]	[illegible]	[illegible]																		[illegible]
[illegible]	[illegible]	[illegible]																		[illegible]

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC FT / ACRE	TOTAL AC FT
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]			

PLACE OF USE 40 ACRE DESCRIPTIONS																		ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE					
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
[illegible]	[illegible]	[illegible]																		[illegible]
[illegible]	[illegible]	[illegible]																		[illegible]

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC-FT/ ACRE	TOTAL AC-FT
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
				[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
				[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
					[illegible]			

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION	REMARKS
SECTION	TOWN SHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
ACREAGE IRRIGATED FROM THE NORTH DIVERSION																					
[illegible]	[illegible]	[illegible]		[illegible]	[illegible]		[illegible]		[illegible]	[illegible]										[illegible]	[illegible]
ACREAGE IRRIGATED FROM THE SOUTH DIVERSION																					
[illegible]	[illegible]	[illegible]									[illegible]					[illegible]				[illegible]	[illegible]
															[illegible]					[illegible]	

THE STATE ENGINEER SHALL IMPOSE A ROTATION SCHEDULE WHEN THE COMBINED FLOW OF THE NORTH DIVERSION OF SHERIDAN CREEK AND TRIBUTARIES DROPS BELOW 2.0 CFS AS PER COURT ORDER DATED APRIL 5, 2012 (CASE NO.:08-CV0363-D)

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC FT/ ACRE	TOTAL AC FT
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION	REMARKS
SECTION	TOWN SHIP	RANGE	NE				NW				SW				SE						
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
[illegible]	[illegible]	[illegible]		[illegible]	[illegible]		[illegible]		[illegible]	[illegible]									[illegible]		[illegible]
															[illegible]				[illegible]		

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC FT / ACRE	TOTAL AC FT
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE						
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
[illegible]	[illegible]	[illegible]		[illegible]	[illegible]		[illegible]			[illegible]									[illegible]		[illegible]
															[illegible]				[illegible]		[illegible]

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC FT / ACRE	TOTAL AC FT
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE						
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
[illegible]	[illegible]	[illegible]		[illegible]	[illegible]		[illegible]			[illegible]									[illegible]		
															[illegible]				[illegible]		

THE STATE ENGINEER SHALL IMPOSE A ROTATION SCHEDULE WHEN THE COMBINED FLOW OF THE NORTH DIVERSION OF SHERIDAN CREEK AND TRIBUTARIES DROPS BELOW 2.0 CFS AS PER COURT ORDER DATED APRIL 5, 2012 (CASE NO. 08-CV0363-D)

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC-FT / ACRE	TOTAL AC-FT
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE						
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
[illegible]	[illegible]	[illegible]		[illegible]	[illegible]														[illegible]		
															TOTAL ACRES ALL PLACES OF USE				[illegible]		[illegible]

THE STATE ENGINEER SHALL IMPOSE A ROTATION SCHEDULE THAT ALLOWS THE PARTIES TO RECEIVE THEIR PROPORTIONATE SHARE OF THE FULL USE OF THE SECOND DIVERSION OF MOTT CREEK IN A WAY THAT PROMOTES BENEFICIAL USE OF THE WATER AS PER COURT ORDER DATED MAY 21 2010 (CASE NO. 03-CV0363-F)

[illegible]

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC FT / ACRE	TOTAL AC FT
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE						
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
[illegible]	[illegible]	[illegible]	[illegible]		[illegible]	[illegible]				[illegible]	[illegible]				[illegible]	[illegible]			[illegible]	[illegible]	[illegible]
															TOTAL ACRE ALLOTTED				[illegible]		

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC FT / ACRE	TOTAL AC FT
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE						
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
[illegible]	[illegible]	[illegible]							[illegible]			[illegible]							[illegible]		
[illegible]	[illegible]	[illegible]				[illegible]									[illegible]	[illegible]			[illegible]		
															TOTAL ACRE ALLOTTED				[illegible]		

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC FT/ ACRE	TOTAL AC FT
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE						
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
[illegible]															[illegible]				[illegible]		
															TOTAL ACRE ALL SITE				[illegible]		

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC FT/ ACRE	TOTAL AC FT
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE						
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
[illegible]															[illegible]				[illegible]		
															TOTAL ACRE ALL SITE				[illegible]		

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC FT / ACRE	TOTAL AC FT
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE						
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
[illegible]	[illegible]	[illegible]																	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]																	[illegible]	[illegible]	[illegible]
															TOTAL ACREAGE				[illegible]		[illegible]

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC-FT / ACRE	TOTAL AC-FT
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

PLACE OF USE 40 ACRE DESCRIPTIONS																			ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
[illegible]	[illegible]	[illegible]													[illegible]				[illegible]	[illegible]
[illegible]	[illegible]	[illegible]									[illegible]	[illegible]	[illegible]	[illegible]					[illegible]	
															[illegible]				[illegible]	

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC FT/ ACRE	TOTAL AC FT
[illegible]	[illegible]	[illegible]	*UNNAMED SPRING (D) [illegible] [illegible] SECTION 3,300 FT [illegible]	[illegible] [illegible]	[illegible] [illegible] HS	[illegible]	[illegible]	[illegible]
			LUTHER CREEK - RETURN FLOW [illegible]	The State Engineer determines that no valid permit exists for Luther Creek for "diversions and uses" purposes. No determination has ever been made regarding [illegible]				

PLACE OF USE 40 ACRE DESCRIPTIONS																			ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	[illegible]				[illegible]				[illegible]				[illegible]					
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
[illegible]	[illegible]	[illegible]											[illegible]	[illegible]					[illegible]	[illegible]
[illegible]	[illegible]	[illegible]					[illegible]	[illegible]											[illegible]	[illegible]
															TOTAL ACRES ALL SECTIONS				[illegible]	

[illegible]

[illegible]

[illegible]

[illegible]

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC FT / ACRE	TOTAL AC FT
[illegible]	[illegible]	[illegible]	* MILLER CREEK [illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
				[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
					[illegible]	[illegible]	[illegible]	[illegible]
				The State Engineer determines that Miller Creek is capable of 4 day recession for Grand Acres water users and a 10 day recession for the Sunset Ranch users 14 days.				
			** UNNAMED SPRING (A) [illegible]	Unnamed Creek is the same water source as Jackson Spring "A" under Proof V06342.				
			***UNNAMED SPRING (D) [illegible]	The State Engineer determines that a water right established from Unnamed Spring (D) for 40% of the natural flow amounts from 1.5 cfs is subordinate to Claims V-06321, V-06323 and V-08850				

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NW				NE				SW				SE						
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
[illegible]	[illegible]	[illegible]																		[illegible]	[illegible]
																			TOTAL ACRES [illegible]	[illegible]	

WATER FROM UNNAMED SPRING(A) IS SUBJECT TO A ROTATION SCHEDULE IMPOSED BY THE STATE ENGINEER # INVOLVED PARTIES CANNOT REACH AN AGREEMENT ON A SCHEDULE INTERNALLY AS PER COURT ORDER DATED DECEMBER 24 2013 (CASE NO 08-CV0363-E)

[illegible]

[illegible]

[illegible]

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC FT / ACRE	TOTAL AC FT
[illegible]	[illegible]	[illegible]	**UNNAMED SPRING (D)** [illegible] [illegible] 1ST, 3,300 FT [illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
			LUTHER CREEK - RETURN FLOW [illegible] [illegible] [illegible]	The State Engineer determines that a vested right is appurtenant from Luther Creek for "drain and waste" water only. No diversion rate or duty is allowed under this proof.				

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE						
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
[illegible]	[illegible]	[illegible]						[illegible]											[illegible]	[illegible]	
[illegible]	[illegible]	[illegible]	[illegible]			[illegible]													[illegible]	[illegible]	
															TOTAL AC FT ALL TRIS				[illegible]		

[illegible]

[illegible]

[illegible]

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC FT/ ACRE	TOTAL AC FT
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
				[illegible]	[illegible]			
				[illegible]	[illegible]			
					[illegible]			
				The State Engineer determines that Minor Crops is subject to a 4 day revision for Green Area water needs and a 10 day revision for a Source Report of 14 days				

PLACE OF USE 40 ACRE DESCRIPTIONS																			ACRES PER SECTION	REMARKS
SECTION	TOWN-SHIP	RANGE	NW				NE				SW				SE					
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
[illegible]																			[illegible]	[illegible]
															TOTAL ACRES				[illegible]	

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC FT / ACRE	TOTAL AC FT
[illegible]	[illegible]	[illegible]	*MILLER CREEK [illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
				[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
					[illegible]	[illegible]	[illegible]	[illegible]
				The State Engineer determines that Miller Creek is subject to a 4 day rotation for Grass Acres [illegible] and a 10 day rotation for the Sonora Ranch [illegible] 14 days.				
			** UNNAMED SPRING (A) [illegible]	Unnamed Spring (A) is the same water source as Jackson Spring "A" under Proof V06342.				
			***UNNAMED SPRING (D) [illegible]	The State Engineer determines that a vested right is [illegible] from Unnamed Spring (D) for 40% of the [illegible] 1.5 cfs is [illegible] Claims V-06321, V-06323 and V-08850.				

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	N				W				S				E						
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]															.54	[illegible]
															TOTAL [illegible]				.54		

WATER FROM UNNAMED SPRING(A) IS SUBJECT TO A ROTATION SCHEDULE IMPOSED BY THE STATE ENGINEER IF INVOLVED PARTIES CANNOT REACH AN AGREEMENT ON A SCHEDULE INTERNALLY AS PER COURT ORDER DATED DECEMBER 24 2013 (CASE NO 08-CV0363-E)

[illegible]

[illegible]

[illegible]

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC FT / ACRE	TOTAL AC FT
[illegible]	[illegible]	[illegible]	* MILLER CREEK [illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
				[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
					[illegible]	[illegible]	[illegible]	[illegible]
				The State Engineer determines that Miller Creek is entitled to 4 cfs reservoir for Green Acres water users and a 10 cfs reservoir for the Stages Ranch, priority 14 [illegible]				
			** UNNAMED SPRING (A) [illegible]	Unnamed Spring (A) is the same water source as Jackson Spring "A" under Proof V06342.				
			***UNNAMED SPRING (D) [illegible]	The State Engineer determines that a vested right is established from Unnamed Spring (D) for 40% of the natural stream flow, which is [illegible] to Claims V-06321, V-06323 and V-08850.				

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
[illegible]	[illegible]	[illegible]	-	-																[illegible]	[illegible]
															TOTAL ACRES ALLOTTED					[illegible]	

WATER FROM UNNAMED SPRING(A) IS SUBJECT TO A ROTATION SCHEDULE IMPOSED BY THE STATE ENGINEER IF INVOLVED PARTIES CANNOT REACH AN AGREEMENT ON A SCHEDULE INTERNALLY AS PER COURT ORDER DATED DECEMBER 24 2013 (CASE NO 08 CV0363 E)

[illegible]

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC FT / ACRE	TOTAL AC FT
[illegible]	[illegible]	[illegible]	* MILLER CREEK [illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
				[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
					[illegible]	***	***	***
				The State Engineer determines that Miller Creek is subject to a 4 day rotation for Green Acres water users and a 10 day rotation for the Sunset Ranch as are 14 days				
			** UNNAMED SPRING (A) [illegible]	Unnamed Spring (A) is the same water source as Jackson Spring 'A' under Proof V06342				
			***UNNAMED SPRING (D) [illegible]	The State Engineer determines that a rotation schedule should be established from Unnamed Spring (D) for 40% of the water supply from that source for 1 5 days as described in Claims V-06321, V-06323 and V-08850 See Section V				

PLACE OF USE 40 ACRE DESCRIPTIONS																			ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
[illegible]	[illegible]	[illegible]																		[illegible]
[illegible]	[illegible]	[illegible]																		[illegible]
															[illegible]				4%	

WATER FROM UNNAMED SPRING(A) IS SUBJECT TO A ROTATION SCHEDULE IMPOSED BY THE STATE ENGINEER IF INVOLVED PARTIES CANNOT REACH AN AGREEMENT ON A SCHEDULE INTERNALLY AS PER COURT ORDER DATED DECEMBER 24 2013 (CASE NO 08 CV0363 E)

[illegible]

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC FT / ACRE	TOTAL AC FT
[illegible]	[illegible]	[illegible]	* MILLER CREEK [illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
				[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
				[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
				The State Engineer determines that Major Grant is entitled to a 4 day rotation for Grant Acres and a 10 day rotation for the Sagers Ranch acres 14 days.				
			** UNNAMED SPRING (A) [illegible]	Unnamed Spring (A) is the same water source as Jackson Spring "A" under Proof V06342				
			***UNNAMED SPRING (D) [illegible]	The State Engineer determines that a rotation right is established from Unnamed Spring (D) for 40% of the natural flow, starting first 1.5 cfs is reserved to Claims V-06321, V-06323 and V-08850 See Section V				

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
[illegible]	[illegible]	[illegible]																		[illegible]	[illegible]
																			[illegible]	[illegible]	[illegible]

WATER FROM UNNAMED SPRING(A) IS SUBJECT TO A ROTATION SCHEDULE IMPOSED BY THE STATE ENGINEER IF INVOLVED PARTIES CANNOT REACH AN AGREEMENT ON A SCHEDULE INTERNALLY AS PER COURT ORDER DATED DECEMBER 24 2013 (CASE NO 08-CV0163-E)

[illegible]

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC FT/ ACRE	TOTAL AC FT
[illegible]	[illegible]	[illegible]	* MILLER CREEK [illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
				[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
					[illegible]	[illegible]	[illegible]	[illegible]
				The State Engineer determines that Miller Creek is subject to a 4 day rotation for Group A and water rights and 10 day rotation for the Subject Range water 14 days				
			** UNNAMED SPRING (A) [illegible]	Unnamed Spring (A) is the same water source as Jackson Spring "A" under Proof V06342				
			*** UNNAMED SPRING (D) [illegible]	The State Engineer determines that a second right is established from Unnamed Spring (D) for 40% of the natural flow, otherwise from 1 5 cfs is subject to Claims V-06321, V-06323 and V-08850 See Section V				

PLACE OF USE 40 ACRE DESCRIPTIONS																			ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE					
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
[illegible]	[illegible]	[illegible]																	[illegible]	[illegible]
															TOTAL ACRES ALL SECTIONS				[illegible]	

Tax § 22 [illegible] (60) [illegible] Douglas County APN 19-290-15.

WATER FROM UNNAMED SPRING(A) IS SUBJECT TO A ROTATION SCHEDULE IMPOSED BY THE STATE ENGINEER IF INVOLVED PARTIES CANNOT REACH AN AGREEMENT ON A SCHEDULE INTERNALLY AS PER COURT ORDER DATED DECEMBER 24 2013 (CASE NO 08 CV0363 E)

[illegible]

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC FT/ ACRE	TOTAL AC FT
[illegible]	[illegible]	[illegible]	*MILLER CREEK [illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
				[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
				[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
					[illegible]	[illegible]	[illegible]	[illegible]
				The State Engineer determines that Miller Creek is subject to a 4 day rotation for Green Acres [illegible] and a 10 day rotation for the Sunset Ranch [illegible] 14 days.				
			**UNNAMED SPRING (A) [illegible]	Unnamed Spring (A) is the same water source as Jackson Spring "A" under Proof V06142				
			***UNNAMED SPRING (D) [illegible]	The State Engineer determines that a water right is established from Unnamed Spring (D) for 40% of the [illegible] of the flow, amounting to 1.5 cfs, to be shared as Claims V-06321, V-06323 and V-08850 See Section V				

PLACE OF USE 40 ACRE DESCRIPTIONS																			ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE					[illegible]
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
[illegible]	[illegible]	[illegible]																		[illegible]
[illegible]	[illegible]	[illegible]																		[illegible]
[illegible]	[illegible]	[illegible]																		[illegible]
[illegible]	[illegible]	[illegible]																		[illegible]
																			[illegible]	

WATER FROM UNNAMED SPRING(A) IS SUBJECT TO A ROTATION SCHEDULE IMPOSED BY THE STATE ENGINEER IF INVOLVED PARTIES CANNOT REACH AN AGREEMENT ON A SCHEDULE INTERJALLY AS PER COURT ORDER DATED DECEMBER 24 2011 (CASE NO 08-CV0163-E)

[illegible]

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC FT / ACRE	TOTAL AC FT
[illegible]	[illegible]	[illegible]	* MILLER CREEK [illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
				[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
					[illegible]	[illegible]	[illegible]	[illegible]
				The State Engineer determined that Miller Creek is subject to a 4 day rotation for Grazing Acres [illegible] and a 10 day rotation for the Sources Ranch [illegible] 14 days				
			** UNNAMED SPRING (A) [illegible]	Unnamed Spring (A) is the same water source as Jackson Spring "A" under Proof V06342,				
			*** UNNAMED SPRING (D) [illegible]	The State Engineer determined that a [illegible] rights [illegible] from Unnamed Spring (D) for 40% of the volume [illegible] 1 5 [illegible] determined in Claims V-06321, V-06323 and V-08850 See Section V				

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE						
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
[illegible]	[illegible]	[illegible]																			[illegible]
[illegible]	[illegible]	[illegible]																			[illegible]
																			[illegible]		[illegible]

WATER FROM UNNAMED SPRING(A) IS SUBJECT TO A ROTATION SCHEDULE IMPOSED BY THE STATE ENGINEER IF INVOLVED PARTIES CANNOT REACH AN AGREEMENT ON A SCHEDULE INTERNALLY AS PER COURT ORDER DATED DECEMBER 24 2013 (CASE NO 08-CV0363-E)

[illegible]

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC FT/ ACRE	TOTAL AC FT
[illegible]	[illegible]	[illegible]	MILLER CREEK [illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
				[illegible]	[illegible]			
					[illegible]			
				The State Engineer determines that Miller Creek is capable of a 4 day retention for Grass Acres [illegible] and 10 day retention for [illegible] Reservoir [illegible] 14 days				

PLACE OF USE 40 ACRE DESCRIPTIONS																			ACRES PER SECTION	REMARKS
SECTION	TOWN SHIP	RANGE	NE				NW				SW				SE					
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
[illegible]	[illegible]	[illegible]		[illegible]			[illegible]												[illegible]	[illegible]
															[illegible]				[illegible]	

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC FT / ACRE	TOTAL AC FT
[illegible]	[illegible]	[illegible]	* MILLER CREEK [illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
				[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
					[illegible]	[illegible]	[illegible]	[illegible]
				The State Engineer determines that Miller Creek is subject to a 4 day rotation for Green Acres water users and a 10 day rotation for the Sunset Ranch every 14 days.				
			** UNNAMED SPRING (A) [illegible]	Unnamed Spring (A) is the same water source as Jackson Spring "A" under Proof V06342				
			***UNNAMED SPRING (D) [illegible]	The State Engineer determines that a rotation right is established from Unnamed Spring (D) for 40% of the volume of the flow after the first 1.5 cfs is delivered to Claims V-06321, V-06323 and V-06850, Sun Spring V.				

PLACE OF USE 40 ACRE DESCRIPTIONS																			ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE					[illegible]
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
[illegible]	[illegible]	[illegible]	[illegible]															[illegible]		[illegible]
[illegible]	[illegible]	[illegible]	[illegible]																	[illegible]
															[illegible]				[illegible]	[illegible]

WATER FROM UNNAMED SPRING(A) IS SUBJECT TO A ROTATION SCHEDULE IMPOSED BY THE STATE ENGINEER IF INVOLVED PARTIES CANNOT REACH AN AGREEMENT ON A SCHEDULE INTERIALLY AS PER COURT ORDER DATED DECEMBER 24, 2013 (CASE NO. 08-CV0363-E)

[illegible]

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC-FT/ ACRE	TOTAL AC-FT
[illegible]	[illegible]	[illegible]	* MILLER CREEK [illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
				[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
					[illegible]			
				The State Engineer's [illegible] on Miller Creek to [illegible] a 4 day [illegible] for Green Apple [illegible] and a 10 day [illegible] for the Spring Ranch [illegible] 14 [illegible]				
			** UNNAMED SPRING (A) [illegible]	Unnamed Spring (A) [illegible] Jackson Spring "A" under Proof V06342				

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE						
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
[illegible]				[illegible]															[illegible]		[illegible]
															[illegible]				[illegible]		[illegible]
																					[illegible]

WATER FROM UNNAMED SPRING(A) IS SUBJECT TO A ROTATION SCHEDULE IMPOSED BY THE STATE ENGINEER IF INVOLVED PARTIES CANNOT REACH AN AGREEMENT ON A SCHEDULE INTERNALLY AS PER COURT ORDER DATED DECEMBER 24 2013 (CASE NO 08 CV0363-E)

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC FT / ACRE	TOTAL AC FT
[illegible]	[illegible]	[illegible]	MILLER CREEK [illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
				[illegible]	[illegible]			
					[illegible]			
				The State Engineer determines that Miller Creek is capable of 4 acre feet per year for Green Acres water users and 10 acre feet per year for the Sussex Ranch water 14 acre.				

PLACE OF USE 40 ACRE DESCRIPTIONS																			ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE					
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
[illegible]	[illegible]	[illegible]																		[illegible]
[illegible]	[illegible]	[illegible]																		[illegible]
															[illegible]					[illegible]
																				[illegible]

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC FT/ ACRE	TOTAL AC FT
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION	REMARKS
SECTION	TOWN-SHIP	RANGE	NE				NW				SW				SE						
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
[illegible]	[illegible]	[illegible]			[illegible]										[illegible]				[illegible]		[illegible]
															[illegible]						

THE STATE ENGINEER SHALL IMPOSE A ROTATION SCHEDULE WHEN THE COMBINED FLOW OF THE NORTH DIVERSION OF SHERIDAN CREEK AND TRIBUTARIES DROPS BELOW 2.0 CFS AS PER COURT ORDER DATED APRIL 5, 2012 (CASE NO.:08-CV0363-0)

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	EARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC-FT/ ACRE	TOTAL AC-FT
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION	REMARKS
SECTION	TOWN SHIP	RANGE	NE				NW				SW				SE						
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
[illegible]	[illegible]	[illegible]			[illegible]											[illegible]			[illegible]		[illegible]
															[illegible]						

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC FT / ACRE	TOTAL AC FT
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

PLACE OF USE 40 ACRE DESCRIPTIONS																			ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE					[illegible]
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
[illegible]	[illegible]	[illegible]						[illegible]	[illegible]										[illegible]	[illegible]
[illegible]	[illegible]	[illegible]				[illegible]													[illegible]	
															[illegible]				[illegible]	

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC-FT/ ACRE	TOTAL AC-FT
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

PLACE OF USE 40 ACRE DESCRIPTIONS																			ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE					
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
[illegible]	[illegible]	[illegible]						[illegible]	[illegible]										[illegible]	[illegible]
[illegible]	[illegible]	[illegible]				[illegible]													[illegible]	[illegible]
															[illegible]				[illegible]	[illegible]

THE STATE ENGINEER SHALL IMPOSE A ROTATION SCHEDULE WHEN THE COMBINED FLOW OF THE NORTH DIVERSION OF SHERIDAN CREEK AND TRIBUTARIES DROPS BELOW 2.0 CFS AS PER COURT ORDER DATED APRIL 5, 2012 (CASE NO .08-CV0363-D)

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC-FT/ ACRE	TOTAL AC-FT
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

PLACE OF USE 40 ACRE DESCRIPTIONS																			ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE					
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
[illegible]	[illegible]	[illegible]					[illegible]	[illegible]	[illegible]	[illegible]									[illegible]	[illegible]
															[illegible]				[illegible]	[illegible]

THE STATE ENGINEER SHALL IMPOSE A ROTATION SCHEDULE WHEN THE COMBINED FLOW OF THE NORTH DIVERSION OF SHERIDAN CREEK AND TRIBUTARIES DROPS BELOW 2.0 CFS AS PER COURT ORDER DATED APRIL 5, 2012 (CASE NO .08-CV0363-D)

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC FT/ ACRE	TOTAL AC FT
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

PLACE OF USE 40 ACRE DESCRIPTIONS																			ACRES PER SECTION	REMARKS
SECTION	TOWN SHIP	RANGE	NE				NW				SW				SE					
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
[illegible]	[illegible]	[illegible]					[illegible]	[illegible]	[illegible]	[illegible]									[illegible]	[illegible]
															[illegible]				[illegible]	[illegible]

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC FT / ACRE	TOTAL AC FT
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

PLACE OF USE 40 ACRE DESCRIPTIONS																			ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE					
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
[illegible]	[illegible]	[illegible]					[illegible]			[illegible]									[illegible]	[illegible]
															TAX ACRE ALLOTTED				[illegible]	

Most recent investigation of the unnamed spring, it was determined that only 7.20 acres can be irrigated by Unnamed Spring (A). This is number described as 7.20 acres west of Footout Rose spring because this field lies in a roughly rectangular shaped to the western extreme of the spring consumptive in 1992. This land underlies in front of the pond was contemplated in exchange under in the construction of this pond. Therefore, the most source that effect consumptive loss from the pond is made up from the spring area that was abandoned during construction. This area corresponds with the acreage claimed under Proof of Appropriation V-02856, dated on April 23, 1975.

WATER FROM UNNAMED SPRING(A) IS SUBJECT TO A ROTATION SCHEDULE IMPOSED BY THE STATE ENGINEER IF INVOLVED PARTIES CANNOT REACH AN AGREEMENT ON A SCHEDULE INTERNALLY AS PER COURT ORDER DATED DECEMBER 24 2013 (CASE NO 08 CV0363 E)

[illegible]

[illegible]

[illegible]

[illegible]

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEAR, PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC FT/ ACRE	TOTAL AC FT
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

PLACE OF USE
40 ACRE DESCRIPTIONS

SECTION	TOWNSHIP	RANGE	NE: NE	NE: NW	NE: SW	NE: SE	NW: NE	NW: NW	NW: SW	NW: SE	SW: NE	SW: NW	SW: SW	SW: SE	SE: NE	SE: NW	SE: SW	SE: SE	ACRES PER SECTION
[illegible]	[illegible]	[illegible]					[illegible]			[illegible]									[illegible]

TOTAL ACRES [illegible] [illegible]

[illegible]

REMARKS

[illegible]

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC FT / ACRE	TOTAL AC FT
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

PLACE OF USE 40 ACRE DESCRIPTIONS																			ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE					[illegible]
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
[illegible]	[illegible]	[illegible]								[illegible]									[illegible]	[illegible]
															[illegible]				[illegible]	

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC-FT / ACRE	TOTAL AC-FT
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION	REMARKS
SECTION	TOWN-SHIP	RANGE	[illegible]				[illegible]				[illegible]				[illegible]						
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
[illegible]	[illegible]	[illegible]			[illegible]					[illegible]									[illegible]		[illegible]
															[illegible]				[illegible]		

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC FT / ACRE	TOTAL AC FT
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

PLACE OF USE 40 ACRE DESCRIPTIONS																			ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE					
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
[illegible]	[illegible]	[illegible]																	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]																[illegible]	[illegible]
															[illegible]				[illegible]	[illegible]

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC FT/ ACRE	TOTAL AC FT
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

PLACE OF USE 40 ACRE DESCRIPTIONS																			ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE					
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
[illegible]	[illegible]	[illegible]						[illegible]											[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]																[illegible]	[illegible]
															TOTAL ACRES ALLOTTED				[illegible]	[illegible]

THE STATE ENGINEER SHALL IMPOSE A ROTATION SCHEDULE WHEN THE COMBINED FLOW OF THE NORTH DIVERSION OF SHERIDAN CREEK AND TRIBUTARIES DROPS BELOW 2.0 CFS AS PER COURT ORDER DATED APRIL 6, 2012 (CASE NO .08-CV0363-D)

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC FT/ ACRE	TOTAL AC FT
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

PLACE OF USE 40 ACRE DESCRIPTIONS																			ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE					
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
[illegible]	[illegible]	[illegible]													[illegible]				[illegible]	[illegible]
[illegible]	[illegible]	[illegible]										[illegible]							[illegible]	[illegible]
															TOTAL ACRES ALLOTTED				[illegible]	

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC FT/ ACRE	TOTAL AC FT
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

PLACE OF USE 40 ACRE DESCRIPTIONS																			ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE					
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
[illegible]	[illegible]	[illegible]		[illegible]															[illegible]	[illegible]
															TOTAL ACRES ALLOTTED				[illegible]	

THE STATE ENGINEER SHALL IMPOSE A ROTATION SCHEDULE THAT ALLOWS THE PARTIES TO RECEIVE THEIR PROPORTIONATE SHARE OF THE FULL USE OF THE SECOND DIVERSION OF VOTT CREEK IN A WAY THAT PROMOTES BENEFICIAL USE OF THE WATER AS PER COURT ORDER DATED MAY 21 2010 (CASE NO 08-CV0363-F)

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC FT / ACRE	TOTAL AC FT
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION	REMARKS
SECTION	TOWN SHIP	RANGE	NE				NW				SW				SE						
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
[illegible]	[illegible]	[illegible]								[illegible]									[illegible]	[illegible]	[illegible]
															[illegible]				[illegible]		

THE STATE ENGINEER SHALL IMPOSE A ROTATION SCHEDULE THAT ALLOWS THE PARTIES TO RECEIVE THEIR PROPORTIONATE SHARE OF THE FULL USE OF THE SECOND DIVERSION OF UOTT CREEK IN A WAY THAT PROMOTES BENEFICIAL USE OF THE WATER AS PER COURT ORDER DATED MAY 21 2010 (CASE NO 08-CV0363-F)

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC FT / ACRE	TOTAL AC FT
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

PLACE OF USE 40 ACRE DESCRIPTIONS																			ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE					
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
[illegible]	[illegible]	[illegible]								[illegible]									[illegible]	[illegible]
																			[illegible]	

THE STATE ENGINEER SHALL IMPOSE A ROTATION SCHEDULE THAT ALLOWS THE PARTIES TO RECEIVE THEIR PROPORTIONATE SHARE OF THE FULL USE OF THE SECOND DIVERSION OF MOTT CREEK IN A WAY THAT PROMOTES BENEFICIAL USE OF THE WATER AS PER COURT ORDER DATED MAY 21 2010 (CASE NO : 08-CV0363-F)

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC FT/ ACRE	TOTAL AC FT
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

PLACE OF USE 40 ACRE DESCRIPTIONS																			ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	[illegible]				[illegible]				[illegible]				[illegible]					[illegible]
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
[illegible]	[illegible]	[illegible]	[illegible]			[illegible]													[illegible]	[illegible]
															[illegible]				[illegible]	

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC FT/ ACRE	TOTAL AC FT
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION	REMARKS
SECTION	TOWN SHIP	RANGE	NE				NW				SW				SE						
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
[illegible]	[illegible]	[illegible]	[illegible]			[illegible]													[illegible]	[illegible]	[illegible]

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC FT / ACRE	TOTAL AC FT
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE						
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
[illegible]	[illegible]	[illegible]										[illegible]	[illegible]						[illegible]		[illegible]
[illegible]	[illegible]	[illegible]															[illegible]	[illegible]	[illegible]		[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]														100.44	[illegible]
[illegible]	[illegible]	[illegible]					[illegible]	[illegible]	[illegible]											[illegible]	[illegible]
															TOTAL ACRES ASSESSED					[illegible]	

[illegible] State Engineer determines that the storage claimed on properties shown in this proof is from storage constructed under Permit J-50, APPLICATION FOR APPROVAL OF THE PLANS AND SPECIFICATIONS FOR THE CONSTRUCTION, RECONSTRUCTION OR ALTERATION OF A DAM, dated October 22, 1959. The dam and its diversions or pumping facilities may be indicative of other uses for water. Storage is indicated, therefore, no vested right is recognized for storage.

[illegible]

[illegible]

[illegible]

[illegible]

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC FT/ ACRE	TOTAL AC FT
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
[illegible]	[illegible]	[illegible]			[illegible]	[illegible]									[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]					[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]						[illegible]
															TOTAL ACRES THIS PAGE				[illegible]

REMARKS

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

The State Engineer estimates that the pumping rate or amount of water needed for irrigation has been exceeded, therefore the excess right is recognized for storage.

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC FT/ ACRE	TOTAL AC FT
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION	REMARKS
SECTION	TOWN SHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
[illegible]	[illegible]	[illegible]																		[illegible]	[illegible]
															[illegible]					[illegible]	[illegible]

THE STATE ENGINEER SHALL IMPOSE A ROTATION SCHEDULE WHEN THE COMBINED FLOW OF THE NORTH DIVERSION OF SHERIDAN CREEK AND TRIBUTARIES DROPS BELOW 2.0 CFS AS PER COURT ORDER DATED APRIL 5 2012 (CASE NO. 08-CV0363-D)

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC FT/ ACRE	TOTAL AC FT
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

PLACE OF USE 40 ACRE DESCRIPTIONS																			ACRES PER SECTION	REMARKS
SECTION	TOWN-SHIP	RANGE	NE				NW				SW				SE					[illegible]
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		[illegible]
[illegible]	[illegible]	[illegible]									[illegible]	[illegible]	[illegible]	[illegible]		[illegible]	[illegible]		[illegible]	[illegible]
															[illegible]				[illegible]	[illegible]

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC-FT/ ACRE	TOTAL AC FT
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]			

PLACE OF USE 40 ACRE DESCRIPTIONS																		ACRES PER SECTION	REMARKS
SECTION	TOWN-SHIP	RANGE	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
[illegible]																			[illegible]

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC FT / ACRE	TOTAL AC FT
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]			

PLACE OF USE 40 ACRE DESCRIPTIONS																			ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE					
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
[illegible]																				[illegible]

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	(EARLY) PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC FT/ ACRE	TOTAL AC-FT
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

PLACE OF USE 40 ACRE DESCRIPTIONS																			ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE					
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
[illegible]	[illegible]	[illegible]									[illegible]			[illegible]		[illegible]	[illegible]		[illegible]	[illegible]
															TOTAL ACRES ALL TRACTS				[illegible]	[illegible]

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	EARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC-FT / ACRE	TOTAL AC FT
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]			

PLACE OF USE 40 ACRE DESCRIPTIONS																			ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE					
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
[illegible]																				[illegible]

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC FT/ ACRE	TOTAL AC FT
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

PLACE OF USE 40 ACRE DESCRIPTIONS																			ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE					[illegible]
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		[illegible]
[illegible]	[illegible]	[illegible]									[illegible]	[illegible]				[illegible]	[illegible]		[illegible]	[illegible]
															[illegible]				[illegible]	[illegible]

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC-FT/ ACRE	TOTAL AC-FT
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE						
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
[illegible]	[illegible]	[illegible]			[illegible]				[illegible]	[illegible]	[illegible]	[illegible]				[illegible]			[illegible]		[illegible]
															TOTAL ACRES				[illegible]		

Acreage is measured on the Douglas County Assessor's Parcel map as 40.00 acres for parcel # 1219-25-002-001 and 40.00 acres for parcel # 1219-25-001-008. The sum of acreage for this area indicated above is 87.5 acres. The 87.5 acres represents the 80.00 acres under APN's # 1219-25-002-001 and # 1219-25-001-008. Therefore, acreage was recalculated by the State Engineer's office as indicated under "PLACE OF USE - 40 ACRE DESCRIPTIONS".

* Note: Douglas County APN 19-300-19 and the westerly (40) acres of APN 19-300-37 were been redesignated into two (2) ranch (40) acre parcels numbered 1219-25-002-001 and 1219-25-001-008.

[illegible]

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC-FT/ ACRE	TOTAL AC FT
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]			

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION	REMARKS
SECTION	TOWN SHIP	RANGE	NE				NW				SW				SE						
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
[illegible]																					[illegible]

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC FT / ACRE	TOTAL AC FT
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

PLACE OF USE 40 ACRE DESCRIPTIONS																			ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE					
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
[illegible]	[illegible]	[illegible]							[illegible]			[illegible]	[illegible]						[illegible]	[illegible]
[illegible]	[illegible]	[illegible]													[illegible]				[illegible]	[illegible]
															[illegible]				[illegible]	

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC FT / ACRE	TOTAL AC FT
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]			

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE						
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
[illegible]	[illegible]	[illegible]																			[illegible]
[illegible]	[illegible]	[illegible]																			[illegible]

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC FT/ ACRE	TOTAL AC-FT
[illegible]	[illegible]	[illegible]	MILLER CREEK [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]	[illegible] [illegible]	[illegible] [illegible] [illegible]	[illegible] [illegible]	[illegible] [illegible]	[illegible] [illegible]
				The State Engineer [illegible] Miller Creek [illegible] 4 day rotation for Green Acres [illegible] and 10 day rotation for the Sunset Ranch [illegible] 14 days				

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE						
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
[illegible]	[illegible]	[illegible]			[illegible]	[illegible]					[illegible]			[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible]	[illegible]	[illegible]										[illegible]	[illegible]						[illegible]	[illegible]	
[illegible]	[illegible]	[illegible]		[illegible]			[illegible]												[illegible]	[illegible]	
															TOTAL ACRES					[illegible]	

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	EARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC-FT/ ACRE	TOTAL AC-FT
[illegible]	[illegible]	[illegible]	* MILLER CREEK [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]	[illegible]	[illegible] [illegible]			

The State Engineer determines that Miller Creek is required to 4 day rotation for Green Acres [illegible] and 10 day rotation for a Spring Ranch [illegible] 14 days

PLACE OF USE 40 ACRE DESCRIPTIONS																		ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NW				NE				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
[illegible]	[illegible]	[illegible]	[illegible]																[illegible]
[illegible]	[illegible]	[illegible]			*	*					*			*	*	*	*	*	[illegible]
[illegible]	[illegible]	[illegible]										*	*						[illegible]
[illegible]	[illegible]	[illegible]		*			*												[illegible]

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC FT / ACRE	TOTAL AC FT
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]			

PLACE OF USE 40 ACRE DESCRIPTIONS																			ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
[illegible]	[illegible]	[illegible]																		[illegible]

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC-FT/ ACRE	TOTAL AC-FT
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE						
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
[illegible]	[illegible]	[illegible]															[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
															TOTAL ACRES					[illegible]	

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC FT/ ACRE	TOTAL AC-FT
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]			
				The State Engineer determines that a vested right is established from these sources for "irrigation and mining" water only. No diversion rate or duty is shown. See Section V.				

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
[illegible]	[illegible]	[illegible]			[illegible]	[illegible]									[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]			[illegible]	[illegible]			[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]					[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]		[illegible]															[illegible]	[illegible]	[illegible]
															[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC FT/ ACRE	TOTAL AC FT
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]			
				The State Engineer determines that a vested right is established from these sources for "drain and waste" water only. No [illegible] See Section V				

PLACE OF USE 40 ACRE DESCRIPTION																			ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE					
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
[illegible]	[illegible]	[illegible]			[illegible]	[illegible]									[illegible]	[illegible]	[illegible]	[illegible]		[illegible]
[illegible]	[illegible]	[illegible]			[illegible]	[illegible]			[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]						[illegible]
[illegible]	[illegible]	[illegible]		[illegible]																[illegible]

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC-FT / ACRE	TOTAL AC-FT
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

PLACE OF USE 40 ACRE DESCRIPTIONS																			ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
[illegible]																			[illegible]	[illegible]
															TOTAL ACRES				[illegible]	

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC FT/ ACRE	TOTAL AC FT
[illegible]	[illegible]	[illegible]	*MILLER CREEK [illegible] [illegible] [illegible] ** UNNAMED SPRING (A) [illegible] [illegible] [illegible] ***UNNAMED SPRING (D) [illegible] [illegible] [illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
				[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
					[illegible]	[illegible]	[illegible]	[illegible]
				The State Engineer [illegible] that Miller Creek is [illegible] a 4 day [illegible] for Grace Ames water [illegible] and a 10 day [illegible] for the Source Ranch [illegible] 14 days.				
				Unnamed Spring (A) [illegible] Jackson Spring "A" [illegible] Proof V06342				
				The State Engineer [illegible] that a [illegible] right is [illegible] from Unnamed Spring (D) [illegible] [illegible] right subject to the priority [illegible] in the Final Order of Determination				

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION	REMARKS
SECTION	TOWN SHIP	RANGE	NE				NW				SW				SE						
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
[illegible]	[illegible]	[illegible]																			[illegible]
[illegible]	[illegible]	[illegible]																			[illegible]
																			TOTAL ACRES ALLOCATED	4.00	[illegible]

WATER FROM UNNAMED SPRING(A) IS SUBJECT TO A ROTATION SCHEDULE IMPOSED BY THE STATE ENGINEER IF INVOLVED PARTIES CANNOT REACH AN AGREEMENT ON A SCHEDULE INTERNALLY AS PER COURT ORDER DATED DECEMBER 24 2013 (CASE NO 08 CV0261-E)

[illegible]

[illegible]

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC-FT / ACRE	TOTAL AC-FT
[illegible]	[illegible]	[illegible]	"UNNAMED SPRING (A) [illegible] "UNNAMED SPRING (D) [illegible] LUTHER CREEK RETURN FLOW [illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
				[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
				[illegible]	[illegible]		[illegible]	[illegible]
					1951			

Unnamed Spring (A) is the same water source as Jackson Spring "A" under Proof V06342. This combined [illegible]

The State Engineer determines there is no [illegible] from Unnamed Spring (D) [illegible]

The State Engineer determines there is no [illegible] from Luther Creek for [illegible] water only. No diversion rate or amount is shown. See Section V

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE						
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
[illegible]																					[illegible]
[illegible]																					[illegible]
[illegible]																					[illegible]
[illegible]																					[illegible]

WATER FROM UNNAMED SPRING (A) IS SUBJECT TO A ROTATION SCHEDULE IMPOSED BY THE STATE ENGINEER IF INVOLVED PARTIES CANNOT REACH AN AGREEMENT ON A SCHEDULE INTERNALLY AS PER COURT ORDER DATED DECEMBER 24 2013 (CASE NO 03-CV0163-F)

UNNAMED SPRING (A), (D) AND LUTHER CREEK RETURN FLOWS

UNNAMED SPRING (A) [illegible] 6.39 [illegible] NW¼NE¼, 4.89 [illegible] SW¼NE¼ and 1.15 [illegible]

NE¼NW¼ Sec. 26, T.12N., R.18E., M.D.B.&M. [illegible]

"UNNAMED SPRING "D" is [illegible] 6.77 [illegible] NE¼NE¼, 7.02 [illegible] NW¼NE¼, 9.11 [illegible] SW¼NE¼ and 2.64 [illegible] SE¼NE¼ Sec. 26, T.12N., R.19E., M.D.B.&M. [illegible]

LUTHER CREEK RETURN FLOW is listed as being approximately 6.77 [illegible] NE¼NE¼ and 2.64 [illegible] SE¼NE¼ Sec. 26, T.12N., R.19E., M.D.B.&M. [illegible]

[illegible]

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC-FT / ACRE	TOTAL AC-FT
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible] APPROPRIATE LAND [illegible]	[illegible]	[illegible]	[illegible]

PLACE OF USE 40 ACRE DESCRIPTIONS																		ACRES PER SECTION	REMARKS
SECTION	TOWN SHIP	RANGE	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
[illegible]														[illegible]					[illegible]
															[illegible]				

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC-FT / ACRE	TOTAL AC FT
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

PLACE OF USE 40 ACRE DESCRIPTIONS																			ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE					
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
[illegible]	[illegible]	[illegible]									[illegible]					[illegible]	[illegible]		[illegible]	[illegible]
															TOTAL ACRES ACCRETION				[illegible]	

This water is appurtenant to Douglas County Assessor's Parcels 1219-03-002-002, 004, some 8.728 acres located within portions of the NE¼SW¼, SE¼SW¼, NW¼SE¼ and SW¼SE¼, Section 3, T.12N., R.19E., M.D.B.&M. The State Engineer concludes that water has been diverted from Main Creek and stored to beneficial use on this acreage based on Map No. 4891, U.S. Geological Survey, Hydrographic Branch, Reclamation Service, series Truckee-Carson Project, No. 7, Dated July 27, 1904 and 1938 Aerial photos of Carson Valley, Bureau Land Mgmt. Dec. 20, 1938. The proof has been prepared in NRS § 533.125.

Actual water base rate (.40) cfs cannot be calculated with an acceptable margin of error to within 0.072 acres. The acreage has been proportionally reduced water base rate (.40) cfs to conform to about 8.728 acres.

[illegible]

[illegible]

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC FT / ACRE	TOTAL AC.-FT
[illegible]	[illegible]	[illegible]	*MILLER CREEK [illegible] [illegible] [illegible] ** UNNAMED SPRING (A) [illegible] [illegible] [illegible] **UNNAMED SPRING (D) [illegible] [illegible] [illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
				[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
						[illegible]	[illegible]	[illegible]
				The State Engineer determines that Miller Creek is subjected to 4 day rotation for Green Acres water users and 10 day rotation for the Source Ranch every 14 days				
				Unnamed Spring (A) is the same water source as Jackson Spring "A" under Proof V06342				
				The State Engineer determines that a rotation right is appurtenance from Unnamed Spring (D) for a [illegible] [illegible], subject to the duty [illegible] assigned in the Final Order of Determination				

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE						
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
[illegible]	[illegible]	[illegible]		[illegible]															[illegible]		[illegible]
															[illegible]				[illegible]		[illegible]

WATER FROM UNNAMED SPRING(A) IS SUBJECT TO A ROTATION SCHEDULE IMPOSED BY THE STATE ENGINEER IF INVOLVED PARTIES CANNOT REACH AN AGREEMENT ON A SCHEDULE INTERNALLY AS PER COURT ORDER DATED DECEMBER 24, 2013 (CASE NO. 08-CV0363-E)

This [illegible] is recorded on Douglas County Assessor's Parcel 1219-26-001-031, being 2.53 acres located within a portion of the NW¼NE¼ Section 26, T 12N, R 19E, M.D.B.&M. The State Engineer determines that water has been diverted from Miller Creek and Unnamed Spring (A) and applied to beneficial use on the parcel shown on Map No. 4691, "U.S. Geological Survey, Hydrographic Branch, Reconnaissance Sketch to the Truckee-Carson Project, Nev.", Dated July 27, 1904 and 1938 Aerial photo of Genoa Valley, Bureau Land, dated Dec. 20, 1938 and the radius of the average to the Green Acres subdivision was formally the same stream. This point is used pursuant to IRS § 533.125

[illegible]

REMARKS

[illegible]

[illegible]

[illegible]

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC FT/ACRE	TOTAL AC FT
[illegible]	[illegible]	[illegible]	*MILLER CREEK [illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
			**UNNAMED SPRING (A) [illegible]					
			***UNNAMED SPRING (D) [illegible]					

The State Engineer determines that Miller Creek is subject to a 4 day rotation for Green Acres water users and a 10 day rotation for the Sheep Ranch every 14 days.

Unnamed Spring (A) is the same water source as Jackson Spring 'A' under Proof V06342.

The State Engineer determines that a vested right ... [illegible] from Unnamed Spring (D) ... [illegible] ... subject to the [illegible] rules described in the Final Order of Determination.

PLACE OF USE
40 ACRE DESCRIPTIONS

SECTION	TOWNSHIP	RANGE	NE NE	NE NW	NE SW	NE SE	NW NE	NW NW	NW SW	NW SE	SW NE	SW NW	SW SW	SW SE	SE NE	SE NW	SE SW	SE SE	ACRES PER SECTION
[illegible]	[illegible]	[illegible]											[illegible]	[illegible]					

TOTAL ACRES ... [illegible]

REMARKS

[illegible]

WATER FROM UNNAMED SPRING(A) IS SUBJECT TO A ROTATION SCHEDULE IMPOSED BY THE STATE ENGINEER IF INVOLVED PARTIES CANNOT REACH AN AGREEMENT ON A SCHEDULE INTERNALLY AS PER COURT ORDER DATED DECEMBER 24, 2013 (CASE NO. 08-CV0363-E)

[illegible] Douglas County Assessor's Parcel 1219-24-002-009 (PORTION) ... 2.55 acres ... SE¼SW¼ Section 24, T.12N., R.19E., M.D.B.&M. The State Engineer determines that ... Miller Creek and Unnamed Creek ... Map No. 4891 "U.S. Geological Survey Hydrographic Branch, Reclamation Service ... Truckee-Carson Project, Nev." Dated Jan. 27, 1904 and 1938 Aerial photos of Carson Valley ... Oct. 20, 1938 and ... Green Acres ... NRS § 533.125.

[illegible]

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC-FT/ ACRE	TOTAL AC-FT
[illegible]	[illegible]	[illegible]	*MILLER CREEK [illegible] [illegible] [illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
			**UNNAMED SPRING (A) [illegible] [illegible] [illegible]		[illegible]	[illegible]	[illegible]	[illegible]
			***UNNAMED SPRING (D) [illegible] [illegible] [illegible]			[illegible]	[illegible]	[illegible]

T[illegible] S[illegible] E[illegible] [illegible] M[illegible] C[illegible] [illegible] 4 [illegible] G[illegible] A[illegible] [illegible] 10 [illegible] S[illegible] R[illegible] [illegible] 14 [illegible]

U[illegible] S[illegible] (A) [illegible] J[illegible] S[illegible] "A" [illegible] P[illegible] V06342.

T[illegible] S[illegible] E[illegible] [illegible] U[illegible] S[illegible] (D) [illegible] F[illegible] O[illegible] [illegible] D[illegible]

PLACE OF USE 40 ACRE DESCRIPTIONS	ACRES PER SECTION	REMARKS

SECTION	TOWNSHIP	RANGE	NE: NE	NE: NW	NE: SW	NE: SE	NW: NE	NW: NW	NW: SW	NW: SE	SW: NE	SW: NW	SW: SW	SW: SE	SE: NE	SE: NW	SE: SW	SE: SE	ACRES PER SECTION
[illegible]	[illegible]	[illegible]												[illegible]					[illegible]

TOTAL [illegible] [illegible]

REMARKS: [illegible]

WATER FROM UNNAMED SPRING(A) IS SUBJECT TO A ROTATION SCHEDULE IMPOSED BY THE STATE ENGINEER IF INVOLVED PARTIES CANNOT REACH AN AGREEMENT ON A SCHEDULE INTERNALLY AS PER COURT ORDER DATED DECEMBER 24 2013 (CASE NO. 08-CV0363-L)

T[illegible] D[illegible] C[illegible] A[illegible] P[illegible] 1219-24-002-007, [illegible] 5.18 [illegible] SE¼SW¼ S[illegible] 24, T 12N., R 19E., M.D.B.&M. T[illegible] S[illegible] E[illegible] [illegible] M[illegible] C[illegible] U[illegible] C[illegible] [illegible] M[illegible] N[illegible] 4891, "U.S. G[illegible] S[illegible] H[illegible] B[illegible], R[illegible] S[illegible], T[illegible]-C[illegible] P[illegible], N[illegible]", D[illegible] J[illegible] 27, 1904 [illegible] 1938 A[illegible] C[illegible] V[illegible] B[illegible] L[illegible] O[illegible] 20, 1938 [illegible] G[illegible] A[illegible] [illegible] T[illegible] NRS § 533.125

[illegible]

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC FT/ ACRE	TOTAL AC FT
[illegible]	[illegible]	[illegible]	*MILLER CREEK [illegible]	[illegible]	IRRIGATION [illegible]	[illegible]	[illegible]	[illegible]
				The State Engineer determines that Miller Creek is responsible a 4 day revision for Green Acres water needs and a 10 day revision for the Sunset Range using 14 days.				

PLACE OF USE 40 ACRE DESCRIPTIONS																			ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE					
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
[illegible]	[illegible]	[illegible]																		[illegible]
[illegible]	[illegible]	[illegible]																		[illegible]
															TOTAL ACRES ALLOTTED				[illegible]	[illegible]

This [illegible] to Douglas County Assessor's Parcel 1219-26-001-026, [illegible] 2.78 [illegible] SW¼SE¼ Section 24, and NW¼NE¼ Section 26, T 12N., R 19E., M.D.B.&M. The State Engineer determines that water has been diverted from Miller Creek and placed to beneficial use on the acreage described on Map No. 4891, U.S. Geological Survey, Hydrographic Branch, Reclamation Service, for the Truckee-Carson Project, Nev., Dated July 27, 1904 and 1938 Amendments of Carson Valley Basin Land, dated Oct. 20, 1938 and the portion of the acreage in the Green Acres subdivision was formerly the same place. This proof is now pursuant to NRS § 533.125

[illegible]

[illegible]

[illegible]

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC FT/ ACRE	TOTAL AC FT
[illegible]	[illegible]	[illegible]	*MILLER CREEK [illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
				The State Engineer determines that Miller Creek is conjunctive a 4 acre diversion for Grace Acres water users and a 10 acre diversion for a Service Ranch county 14 acre				

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE						
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
[illegible]	[illegible]	[illegible]		[illegible]															[illegible]		[illegible]
															TOTAL ACRES ALLOTTED				[illegible]		[illegible]

This land is described as Douglas County Assessor's Parcel 1219-26-001-025, being 2.00 acres located within a portion of the NW¼NE¼ Section 26, T 12N., R 19E., M.D.B.&M. The State Engineer determines that water has been diverted from Miller Creek and placed to beneficial use on the parcel based on Map No. 4891, U.S. Geological Survey, Hydrographic Branch, Reconnaissance Section, for the Truckee-Carson Project, No. 1, Dated July 27, 1904 and 1938 Aerial photo of Carson Valley, Bottom Land, dated Oct. 20, 1938 and no fractions of acre acreage in the Grace Acres subdivision was rounded up and combined. This proof is filed pursuant to NRS § 533.125

[illegible]

[illegible]

[illegible]

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC FT / ACRE	TOTAL AC FT
[illegible]	[illegible]	[illegible]	MILLER CREEK [illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
				The State Engineer [illegible] Miller Creek [illegible] 4 cfs [illegible] for Green Acres [illegible] and 10 cfs [illegible] Sunset Ranch [illegible] 14 cfs.				

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE						
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
[illegible]	[illegible]	[illegible]		[illegible]															[illegible]		[illegible]
															TOTAL ACRE-FEET				[illegible]		[illegible]

This land is described as Douglas County Assessor's Parcel 1219-26-001-024, being 2.51 [illegible] within a portion of the NW¼NE¼ Section 26, T 12N, R 19E, M.D.B.&M. The State Engineer determines that water has been diverted from Unnamed Creek and placed to beneficial use on this acreage based on Map No. 4891, U.S. Geological Survey, Topographic Branch, Reclamation Service, [illegible] Truckee Canal Project, No. 1, Dated June 27, 1904 and 1938 Aerial photo of Carson Valley Bureau Land, dated Oct. 20, 1938 and the [illegible] of this acreage in the Green Acres [illegible] was formerly [illegible] same [illegible]. This [illegible] is [illegible] pursuant to NRS § 533.125.

[illegible]

[illegible]

[illegible]

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC FT / ACRE	TOTAL AC FT
[illegible]	[illegible]	[illegible]	* MILLER CREEK [illegible] ** UNNAMED SPRING (A) [illegible] ***UNNAMED SPRING (D) [illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
					"IR"	[illegible]	[illegible]	[illegible]
						[illegible]	[illegible]	[illegible]
				The State Engineer determines that Miller Creek is subject to a 4 day rotation for Green Acres water users and a 10 day rotation for the Spring Ranch using 14 days.				
				Unnamed Spring (A) is the same water source as Johnson Spring "A" under Proof V06342.				
				The State Engineer determines that a second point of diversion from Unnamed Spring (D) has a valid diversion point, subject to the priority rates described in the Final Order of Determination.				

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
[illegible]	[illegible]	[illegible]												[illegible]						[illegible]	[illegible]
															TOTAL					[illegible]	

WATER FROM UNNAMED SPRING(A) IS SUBJECT TO A ROTATION SCHEDULE IMPOSED BY THE STATE ENGINEER IF INVOLVED PARTIES CANNOT REACH AN AGREEMENT ON A SCHEDULE INTERNALLY AS PER COURT ORDER DATED DECEMBER 24, 2013 (CASE NO. 08-CV0363-E)

This [illegible] as Douglas County Assessor's Parcel 1219-24-002-008, 009 (PORTIONS) [illegible] 5.18 [illegible] SE¼SW¼ Section 24, T.12N., R.19E., M.D.B.&M. The State Engineer determines that water has been diverted from Miller Creek and Unnamed Creek and placed to beneficial use on the acreage based on Map No. 4891, U.S. Geological Survey, Topographic Branch, Reconnaissance Series, for the Truckee-Carson Project, Nev.", Dated July 27, 1904 and 1938 Aerial photos of Carson Valley, Bureau Land, dated Dec. 20, 1938 and [illegible] the acreage under Green Acres conditions are [illegible] NRS § 533.125

[illegible]

[illegible]

[illegible]

PERMIT NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC FT / ACRE	TOTAL AC FT
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		[illegible]

7595 CONT	PLACE OF USE 40 ACRE DESCRIPTIONS																	ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
[illegible]	[illegible]	[illegible]					[illegible]	[illegible]	[illegible]	[illegible]									[illegible]
															[illegible]				[illegible]

PERMIT NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC-FT/ ACRE	TOTAL AC FT
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		

PLACE OF USE 40 ACRE DESCRIPTIONS																		ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
[illegible]	[illegible]	[illegible]																	[illegible]

PERMIT NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC FT/ ACRE	TOTAL AC FT
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE						
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
[illegible]	[illegible]	[illegible]															[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]													[illegible]	[illegible]	[illegible]
															[illegible]					[illegible]	

PERMIT NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC FT/ ACRE	TOTAL AC FT
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE						
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
[illegible]	[illegible]	[illegible]	[illegible]			[illegible]													[illegible]		
															[illegible]					[illegible]	

PERMIT NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC FT / ACRE	TOTAL AC FT
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

PLACE OF USE 40 ACRE DESCRIPTIONS																			ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE					
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
[illegible]						[illegible]													[illegible]	
															[illegible]				[illegible]	

PERMIT NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC FT / ACRE	TOTAL AC FT
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		[illegible]

PLACE OF USE 40 ACRE DESCRIPTIONS																			ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE					
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
[illegible]																				[illegible]

PERMIT NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC FT / ACRE	TOTAL AC FT
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	[illegible]				[illegible]				[illegible]				[illegible]						
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
[illegible]	[illegible]	[illegible]									[illegible]	[illegible]	[illegible]	[illegible]						[illegible]	[illegible]
															[illegible]					[illegible]	

PERMIT NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC FT/ ACRE	TOTAL AC FT
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE						
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
[illegible]	[illegible]	[illegible]									[illegible]	[illegible]	[illegible]	[illegible]					[illegible]		
															TOTAL ACRES				[illegible]		

PERMIT NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC-FT/ ACRE	TOTAL AC-FT
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE						
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
[illegible]	[illegible]	[illegible]									[illegible]	[illegible]	[illegible]	[illegible]					[illegible]		[illegible]
															TOTAL ACRES				[illegible]		

PERMIT NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC FT / ACRE	TOTAL AC FT
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

PLACE OF USE 40 ACRE DESCRIPTIONS																			ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				SW				SW				SE					
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
[illegible]	[illegible]	[illegible]									[illegible]	[illegible]	[illegible]	[illegible]					[illegible]	[illegible]
															[illegible]				[illegible]	

PERMIT NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC FT/ ACRE	TOTAL AC FT
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

PLACE OF USE 40 ACRE DESCRIPTIONS																			ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE					
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
[illegible]	[illegible]	[illegible]		[illegible]			[illegible]												[illegible]	
															TOTAL ACRES ATTRIB				[illegible]	

PERMIT NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC FT/ ACRE	TOTAL AC FT
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

PLACE OF USE 40 ACRE DESCRIPTIONS																			ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE					
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
[illegible]	[illegible]	[illegible]				[illegible]													[illegible]	
															TOTAL ACRES ATTRIB				[illegible]	

PERMIT NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC FT / ACRE	TOTAL AC FT
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE						
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
[illegible]	[illegible]	[illegible]				[illegible]													0.4%		
															TOTAL ACRES ALLOTTED				0.4%		

PERMIT NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC FT / ACRE	TOTAL AC FT
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		[illegible]

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE						[illegible]
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
[illegible]	[illegible]	[illegible]																	[illegible]		
															TOTAL ACRES ALLOTTED				[illegible]		

PERMIT NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC FT / ACRE	TOTAL AC FT
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		[illegible]

PLACE OF USE 40 ACRE DESCRIPTIONS																			ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE					
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
[illegible]	[illegible]	[illegible]							[illegible]			[illegible]							[illegible]	[illegible]
															TOTAL ACRE ALLOTTED				[illegible]	

PERMIT NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC FT / ACRE	TOTAL AC FT
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		[illegible]

PLACE OF USE 40 ACRE DESCRIPTIONS																			ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE					
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
[illegible]	[illegible]	[illegible]							[illegible]			[illegible]							[illegible]	[illegible]
															TOTAL ACRE ALLOTTED				[illegible]	

APPENDIX B

Stream and Spring System Tables

TABLE 1. TAYLOR CREEK AND UNNAMED SPRING DIVERSIONS.

PROOF NUMBER	ACREAGE ACCEPTED	DECREED DIVERSION RATE* IN C.F.S.	DUTY*: ACRE-FEET PER ACRE	DUTY: TOTAL ACRE-FEET
V-06352 - TAYLOR CR.	5.79	0.100	4.00	23.16
V-06353 - UNNAMED SP.	7.32	0.060	3.22	23.57
TOTALS:	**7.32**			**23.57**

Total acreage irrigated under Proofs V-06532 and V-06533 is 7.32 acres. Taylor Creek (V-06352) totally supplements the Unnamed Springs (V-06353) on 5.79 acres out of 7.32 acres. No distinct division of the supplemental versus the non-supplemental land is illustrated on the supporting map.

*Note: These diversion rates and duties are based on a 198 day irrigation season beginning April 1 and ending October 15 of each year. Duties are also based on what was claimed and on crop water requirements for alfalfa, pasture grass and spring grain.

TABLE 2. MOTT CREEK DIVERSIONS FOR INDIVIDUAL CLAIMANTS AND EACH 25% HISTORICAL FLOW SPLIT.

PROOF AND PERMIT NUMBERS	ACREAGE ACCEPTED	DECREED DIVERSION RATE* IN C.F.S.	DUTY*: ACRE-FEET PER ACRE	DUTY: TOTAL ACRE-FEET
1. NORTHERN DIVERSION				
V-06369	N/A	N/A	N/A	N/A
V-06370	126.900	1.100	3.4*	431.46
TOTALS:	**126.900**	**1.100**		**431.46**
2. SECOND DIVERSION FROM NORTH TO SOUTH.				
V-05314	21.000	0.224	4.00	84.00
V-06313	40.000	0.426	4.00	160.00
V-06349	33.460	0.356	4.00	133.84
V-06350	**12.96	**0.184	4.00	51.84
V-06351	**10.00	**0.092	4.00	40.00
TOTALS:	**117.420**	**1.250**		**469.68**
3. THIRD DIVERSION FROM NORTH TO SOUTH.				
V-05049	15.800	0.171	4.00	63.20
V-06315	60.000	0.648	4.00	240.00
V-06316	40.000	0.432	4.00	160.00
TOTALS:	**115.800**	**1.250**		**463.20**

TABLE 2. cont. MOTT CREEK DIVERSIONS FOR INDIVIDUAL CLAIMANTS AND EACH 25% HISTORICAL FLOW SPLIT.

PROOF AND PERMIT NUMBERS	ACREAGE ACCEPTED	DECREED DIVERSION RATE* IN C.F.S.	DUTY*: ACRE-FEET PER ACRE	DUTY: TOTAL ACRE-FEET
4. SOUTHERN DIVERSION.				
V-05070	7.071	0.105	4.00	28.28
V-05819	3.160	0.047	4.00	12.64
V-06226	8.290	0.123	4.00	33.16
V-06317	20.000	0.296	4.00	80.00
V-06318	20.000	0.296	4.00	80.00
V-06319	10.000	0.148	4.00	40.00
V-06831	6.920	0.102	4.00	27.68
V-09039	0.220	0.003	4.00	0.88
V-09263	8.730	0.129	4.00	34.92
TOTALS:	**84.391**	**1.250**		**337.56**
GRAND TOTALS:	**444.511**	**4.850**	**Variable***	**1701.90**

1. The diversion rates for each ¼ split of Mott Canyon Creek are based on a spring and early summer average stream flow of 5.000 c.f.s. and not acreage within the ¼ split. Flow and diversion rates during periods of drought and middle to late irrigation season will generally be less than the rates determined in the Final Order of Determination. Therefore; all parties will have to share the water shortage during periods of low flow. The total combined diversion for any of the four splits can be used in its entirety in a rotation system of irrigation. These diversion rates do not exempt any of the parties from the 1952 agreement that specifies ¼ of the flow of Mott Canyon Creek be diverted to each of the four ranches that are subject to said agreement.

2. Second Diversion from North to South: In order to insure an equitable division of water under Proofs V-05314, V-06313 V-06349, V-06350 and V-06351 said proofs will be subject to the rotation schedule described in Exhibit 2 of the Court Order dated August 30, 2010 and contained in Appendix E of this decree.

*Note: These diversion rates and duties are based on a 198 day irrigation season beginning April 1 and ending October 15 of each year. Duties are also based on what was claimed and on crop water requirements for alfalfa, pasture grass and spring grain.

**Note: Proofs of Appropriation V-06350 and V-06351 subject to Ninth Judicial District Court of Nevada, Case No. 25256, Ladell Philips, Plaintiff, v. Michael Philips, Partitioning Real Property.

TABLE 3. CARY (AKA CAREY, MONUMENT OR BULL) CREEK DIVERSIONS.

PROOF AND PERMIT NUMBERS	ACREAGE ACCEPTED	DECREED DIVERSION RATE* IN C.F.S.	DUTY*: ACRE-FEET PER ACRE	DUTY: TOTAL ACRE-FEET
V-06354	226.08	2.00	3.47	784.50
V-06355	266.24	3.63	4.00	1064.96
PERMIT 10983	**161.6	0.37	0.90	145.44
TOTALS:	**492.32**	**6.00**		**1969.28**

**Total acreage irrigated under Proofs V-06354, V-06355 and Permit 10983, Certificate 2937 is 492.32 acres. Permit 10983 Certificate 2937 is totally supplemental to Proof V-06354. Therefore, the duty of water shall not exceed 4.0 acre-feet per acre per season or 904.32 acre-feet per season from any and/or all sources. These proofs are subject to the July 1, 1918 agreement between B.L. Park, Wm. Glover, Agnes Glover and John Christiansen, in Book E., Page 337 Agr., Douglas County Recorders Office. Based on the agreement and Proofs V-06354 and V-06355, Schwake will receive 0.37 c.f.s. plus 1/3 of the remaining flow and Dreyer will receive 2/3 of the flow less than the 0.37 c.f.s.

*Note: These diversion rates and duties are based on a 198 day irrigation season beginning April 1 and ending October 15 of each year. Duties are also based on high flow measurements during the early part of the irrigation season of slightly greater than 6.0 c.f.s. Actual flow rates will diminish throughout the irrigation season to a fraction of this rate.

TABLE 4. WHEELER CREEK NO. 1 & 2 DIVERSIONS.

PROOF NUMBER	ACREAGE ACCEPTED	DECREED DIVERSION RATE* IN C.F.S.	DUTY*: ACRE-FEET PER ACRE	DUTY: TOTAL ACRE-FEET
V-06320 - DIV #1	49.10	0.652	4.00	196.40
V-06320 - DIV #2	-	1.174	4.00	
TOTALS:	**0.00**			**196.40**
PER. 24806, CER. 7584	-	1.25	4.00	376.44
PER. 24807, CER. 7583	-	2.25	4.00	376.44
PER. 25601, CER. 7586	-	1.25	4.00	376.44

In order to be consistent with existing Permits 24806, 24807 and 25601 Proof of Appropriation V-06320 is issued with the diversion rates proportional to the certificated permits. There is only one claimant for all of the water from Wheeler Creek #1 and #2 Diversions.

*Note: These diversion rates and duties are based on a 198 day irrigation season beginning April 1 and ending October 15 of each year. Duties are also based on what was claimed and on crop water requirements for alfalfa, pasture grass and spring grain.

TABLE 5. STUTLER CREEK - COMMINGLED WITH THE NORTH DIVERSION OF SHERIDAN CREEK.

PROOF NUMBER	ACREAGE ACCEPTED	DECREED DIVERSION RATE* IN C.F.S.	DUTY*: ACRE-FEET PER ACRE	DUTY: TOTAL ACRE-FEET
V-04594	1.13	0.010	1.49	1.68
V-06305	12.93	0.040	1.49	19.27
V-06308	NA	NA	NA	NA
V-06310	60.87	0.250	1.49	90.70
V-06311	16.61	0.070	1.49	24.75
V-06337	10.37	0.043	1.49	15.45
V-06338	23.76	0.100	1.49	35.40
V-06341	22.03	0.090	1.49	32.82
V-06346	24.94	0.100	1.49	37.16
TOTALS:	**172.64**	**0.703**		**257.23**

None of the flow measurements conducted on Stutler Creek supported the rates estimated by the Milton Sharp P.E. Report of March, 1993. The channel configuration does not show any evidence of sustained flows in excess of those measured in 1997 and 1998 by staff of the Office of the State Engineer. Also, the four(4) inch diameter pipeline is not capable of carrying the proposed diversion plus the diversion from Gansberg Spring. Therefore, the diversion rate is reduced to the maximum flow measurement conducted on October 3, 1997.

*Note: These diversion rates and duties are based on a 198 day irrigation season beginning April 1 and ending October 15 of each year. Duties are also based on what was claimed and on crop water requirements for alfalfa, pasture grass and spring grain.

TABLE 6. SHERIDAN CREEK - NORTH AND SOUTH DIVERSIONS.

PROOF NUMBER	ACREAGE ACCEPTED	DECREED DIVERSION RATE* IN C.F.S.	DUTY*: ACRE-FEET PER ACRE	DUTY: TOTAL ACRE-FEET
1. NORTH DIVERSION.				
V-04594	1.13	0.013	4.00	4.52
V-06306	12.93	0.153	4.00	51.72
V-06307	NA	NA	NA	NA
V-06309	60.87	0.719	4.00	243.48
V-06312	16.61	0.196	4.00	66.44
V-06336	10.37	0.123	4.00	41.48
V-06339	23.76	0.281	4.00	95.04
V-06340	22.03	0.260	4.00	88.12
V-06347	24.94	0.295	4.00	99.76
V-06356	5.10	0.060	4.00	20.40
TOTALS:	**177.74**	**2.100**		**710.96**
2. SOUTH DIVERSION.				
V-04594	8.87	0.086	4.00	35.48
V-06264	40.20	0.390	4.00	160.80
V-06265	NA	NA	NA	NA
V-06307	NA	NA	NA	NA
V-06309	9.90	0.096	4.00	39.60
V-06357	34.70	0.337	4.00	138.80
V-06358	NA	NA	NA	NA
V-06359	NA	NA	NA	NA
V-06360	18.00	0.175	4.00	72.00
V-06361	NA	NA	NA	NA
V-06362	32.60	0.316	4.00	130.40
TOTALS:	**144.270**	**1.400**		**577.08**
GRAND TOTALS:	**322.01**			**1288.040**

TABLE 6. cont. SHERIDAN CREEK - NORTH AND SOUTH DIVERSIONS.				
PROOF NUMBER	ACREAGE ACCEPTED	DECREED DIVERSION RATE* IN C.F.S.	DUTY*: ACRE-FEET PER ACRE	DUTY: TOTAL ACRE-FEET
The diversion rates for the north and south split of Sheridan Creek are based on a spring and early summer average stream flow of 3.5 c.f.s. Flow and diversion rates during periods of drought and middle to late irrigation season will generally be less than the rates determined in the Preliminary Order of Determination. Therefore, all parties will have a 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.				
A deed described as Book Q, Page 44, of the records of the Douglas County Recorder's Office states that ½ interest in in Sheridan Creek was deeded with the land described as being the S½ Section 14, T.12N., R.19E., M.D.B.&M. located west of the Park and Bull Ditch. This deed is applied to the proofs filed for water form the south split of Sheridan Creek. The State Engineer determines that further documentation in the form of an agreement or court decree will be necessary to justify an an equal split of Sheridan Creek.				
*Note: These diversion rates and duties are based on a 198 day irrigation season beginning April 1 and ending October 15 of each year. Duties are also based on what was claimed and on crop water requirements for alfalfa, pasture grass and spring grain.				

REEK CLAIMS FOR THE SCOSSA RANCH
N ACRES SUBDIVISION.

PROOF AND PERMIT NO.'S	ACREAGE ACCEPTED	DECREED DIVERSION RATE IN C.F.S.	DUTY: ACRE-FEET PER ACRE	DUTY: TOTAL ACRE-FEET	BIWEEKLY SCHEDULE
V-06322	2.47	0.065	2.71	6.69	**4 DAYS
V-06324	2.53	0.066	2.71	6.86	**4 DAYS
V-06325	2.54	0.066	2.71	6.89	**4 DAYS
V-06326	2.50	0.065	2.71	6.78	**4 DAYS
V-06327	4.90	0.128	2.71	13.28	**4 DAYS
V-06328	5.55	0.145	2.71	15.04	**4 DAYS
V-06329	5.22	0.136	2.71	14.15	**4 DAYS
V-06330	5.08	0.133	2.71	13.77	**4 DAYS
V-06331	4.88	0.128	2.71	13.22	**4 DAYS
V-06332	2.54	0.066	2.71	6.88	**4 DAYS
V-06333	4.98	0.130	2.71	13.50	**4 DAYS
V-06334	2.55	0.067	2.71	6.91	**4 DAYS
V-06335	2.53	0.066	2.71	6.86	**4 DAYS
V-06367*	213.30	2.000	2.71	578.04	10 DAYS
V-06368*	N/A	N/A	N/A	N/A	STOCK
V-06371*	292.10	N/A	N/A	N/A	N/A
V-06372*	N/A	N/A	N/A	N/A	STOCK
V-07486	4.86	0.127	2.71	5.10	**4 DAYS
V-09264	2.53	0.066	2.71	6.86	**4 DAYS
V-09265	2.55	0.067	2.71	6.91	**4 DAYS
V-09266	5.18	0.135	2.71	14.04	**4 DAYS
V-09267	2.78	0.073	2.71	7.53	**4 DAYS
V-09268	2.66	0.070	2.71	7.21	**4 DAYS
V-09269	2.51	0.066	2.71	6.80	**4 DAYS
V-09270	5.18	0.135	2.71	14.04	**4 DAYS
TOTALS:	**581.92**	**2.000**		**777.36**	**14 DAYS**
SUB-TOTAL OF GREEN ACRES CLAIMS:	**76.52**	**2.000**		**199.32**	****4 DAYS**

CREEK CLAIMS FOR THE SCOSSA RANCH
N ACRES SUBDIVISION.

PROOF AND PERMIT NO.'S	ACREAGE ACCEPTED	DECREED DIVERSION RATE IN C.F.S.	DUTY: ACRE-FEET PER ACRE	DUTY: TOTAL ACRE-FEET	BIWEEKLY SCHEDULE

* Scossa Ranch claims.

**4 consecutive days of diversion from Miller Spring are to be shared amongst all owners listed under "Biweekly schedule.

The diversion rate for Miller Spring is based on U.S.G.S. gaging station records from 1989 through 1997. Average flow for the period of record is 0.87 c.f.s. During non-drought flows in excess of 2.0 c.f.s. occurred 10% or less of the water year. Flows ranged from 0.24 c.f.s. on September 16, 1991, to a high of 3.3 c.f.s. on September 26, 1995. The period of record is heavily influenced by more drought years than wet years. Therefore; in order to allow full use of a highly variable water source the State Engineer determines that the total diversion be limited to 2.0 c.f.s. Flow rates during periods of drought and middle to late irrigation season will be generally less than the rates determined in the Final Order of Determination. Therefore; all parties will have to share the water shortage during periods of low flow.

76.52 acres of irrigation are claimed under Proofs V-06322, V-06324, V-06325, V-06326, V-06327, V-06328, V-06329, V-06330, V-06331, V-06332, V-06333, V-06334, V-06335 and V-07486 and Douglas County APN's 1219-26-001-031; 1219-26-002-009 (PORTION); 1219-26-002-008 (PORTION), 009 (ALL); 1219-24-002-007, 1219-26-001-026, 1219-26-001-025 and 1219-26-001-024 if all land owners within Green Acres filed Proofs of Appropriation . Several owners within the Green Acres Subdivision failed to file a Proof of Appropriation. Per NRS § 533.125 (2) the State Engineer filed Proofs of Appropriation as follows: APN 1219-26-001-031, V-09264; APN 1219-24-002-009 (portion), V-09265; 1219-24-002-008, 009 (portions), V-09270; APN 1219-24-002-007, V-09266; APN 1219-26-001-025 (portion), V-09267; 1219-26-001-025, V-09268; and 1219-26-001-024, V-09269.

In conclusion the State Engineer determines that Proof V-06367 shall be allotted the entire flow of Miller Creek for 10 days out of each bi-weekly (14 day) rotation schedule. The State Engineer determines that Proofs V-06322, V-06324, V-06325, V-06326, V-06327, V-06328,V-06329, V-06330, V-06331, V-06332, V-06333, V-06334, V-06335, V-07486, V-09264, V-09265, V-09266, V-09267, V-09268, V-09269 and V-09270 shall be allotted the entire flow of Miller Creek for 4 days out of each bi-weekly (14 day) rotation schedule. Rights under Permit 24525, Certificate 8136, for the waters of Miller Creek will subject to the same rotation schedule as the proofs.

Note: These diversion rates and duties are based on a 198 day irrigation season beginning April 1 and ending October 15 of each year. Duties are also based on crop water requirements for alfalfa, pasture grass and spring grain.

** Deed recorded June 1, 1916 in Book P of Deeds page 260 in the Douglas County Recorder's Office.

TABLE 8. SPRINGS ARISING ON THE WEST SIDE OF FOOTHILL ROAD ON THE HERITAGE RANCH WITHIN SECTION 26, T.12N., R.19E., M.D.B.&M.

PROOF AND PERMIT NUMBERS	ACREAGE ACCEPTED	DECREED DIVERSION RATE IN C.F.S.	DUTY**: ACRE-FEET PER ACRE	DUTY: TOTAL ACRE-FEET
1. UNNAMED SPRING "A" (aka "UNNAMED STREAM") -SW¼ NW¼ SEC. 26, T.12N., R.19E., M.D.B.&M				
V-06322	2.47	0.015	4.00	9.88
V-06325	2.54	0.016	4.00	10.16
V-06326	2.50	0.016	4.00	10.00
V-06327	4.90	0.030	4.00	19.60
V-06328	5.55	0.034	4.00	22.20
V-06329	5.22	0.032	4.00	20.88
V-06330	5.08	0.032	4.00	20.32
V-06331	4.88	0.030	4.00	19.52
V-06333	4.98	0.031	4.00	19.92
V-06334	2.55	0.016	4.00	10.20
V-06342	7.20	0.045	4.00	28.80
V-07486	4.86	0.030	4.00	19.44
V-08850	12.43	0.077	4.00	49.72
V-09264	2.53	0.016	4.00	10.12
V-09265	2.55	0.016	4.00	10.20
V-09266	5.18	0.032	4.00	20.72
V-09270	5.18	0.032	4.00	20.72
TOTALS:	80.60	0.500		322.40

TABLE 8 cont. SPRINGS ARISING ON THE WEST SIDE OF FOOTHILL ROAD ON THE HERITAGE RANCH WITHIN SECTION 26, T.12N., R.19E., M.D.B.&M.

PROOF AND PERMIT NUMBERS	ACREAGE ALLOTTED	DECREED DIVERSION RATE IN C.F.S.	DUTY**: ACRE-FEET PER ACRE	DUTY: TOTAL ACRE-FEET
2. UNNAMED SPRING "B" - SE¼NW¼ SEC. 26, T.12N., R.19E., M.D.B.&M.				
V-06343	2.53	SUB-IRRIGATED	NO DUTY	NONE
V-06343‡	7.20	SUPPLEMENTAL	NO DUTY	NONE
V-08850	{25.54}	DRAIN & WASTE	NO DUTY	NONE
TOTALS:	**9.73**		**NO DUTY**	
‡ Water from Unnamed Spring "B" may be utilized to supplement the flow rate from Unnamed Spring "A" when irrigating the 7.20 acres described under Proof V-06342 due to the fact that they commingle in the same collection box. The waters of Unnamed Spring "B" shall be allowed to flow to the south and commingle with the waters of Unnamed Spring "D" when Proof V-06342 is not in rotation priority.				
{} Acreage that does not have a direct diversion right and is subject to "drain and waste" water use from this source.				
3. UNNAMED SPRING "C" - SE¼NW¼ SEC. 26, T.12N., R.19E., M.D.B.&M.				
V-02857	163.00	3.000	4.00	652.00
This portion of the spring complex is diverted into a southeasterly flowing ditch where it becomes supplemental to a portion of Proof V-02858.				
V-06321	{40.36}	DRAIN & WASTE	NO DUTY	NONE
V-06323	{40.35}	DRAIN & WASTE	NO DUTY	NONE
V-06344	2.98	SUB-IRRIGATED	NO DUTY	NONE
V-08850	{9.41}	DRAIN & WASTE	NO DUTY	NONE
TOTALS:	**165.98**	**3.000**	**4.00**	**652.00**
Acreage denoted within brackets "{}" is not considered as part of the acreage irrigated by direct diversion from the listed source, therefore, no duty or diversion rate is associated with these claims.				

TABLE 8 cont. SPRINGS ARISING ON THE WEST SIDE OF FOOTHILL ROAD ON THE HERITAGE RANCH WITHIN SECTION 26, T.12N., R.19E., M.D.B.&M.

PROOF AND PERMIT NUMBERS	ACREAGE ALLOTTED	DECREED DIVERSION RATE IN C.F.S.	DUTY**: ACRE-FEET PER ACRE	DUTY: TOTAL ACRE-FEET
4. UNNAMED SPRING "D" - SE¼NW¼ SEC. 26, T.12N., R.19E., M.D.B.&M.				
V-06321	40.36		4.00	161.44
V-06323	40.35		4.00	161.40
V-08850	25.54		4.00	102.16
V-06322		*VARIABLE	SEE #4	*VARIABLE
V-06325		*VARIABLE	SEE #4	*VARIABLE
V-06327		*VARIABLE	SEE #4	*VARIABLE
V-06328		*VARIABLE	SEE #4	*VARIABLE
V-06329		*VARIABLE	SEE #4	*VARIABLE
V-06330		*VARIABLE	SEE #4	*VARIABLE
V-06331		*VARIABLE	SEE #4	*VARIABLE
V-06333		*VARIABLE	SEE #4	*VARIABLE
V-06335		*VARIABLE	SEE #4	*VARIABLE
V-06345	13.35	SUB-IRRIGATED	NO DUTY	NONE
TOTALS:	**119.60**			**425.00**

The diversion rate for each spring is based on flow measurements conducted by personnel of the Office of the State Engineer. Flow and diversion rates during periods of drought and middle to late irrigation season will generally be less than the rates determined in the Final Order of Determination. Therefore, all parties will have to share the water shortage during periods of low flow.

*Note: These diversion rates and duties are based on a 198 day irrigation season beginning April 1 and ending October 15 of each year. Duties are also based on crop water requirements for alfalfa, pasture grass and spring grain.

TABLE 8 cont. SPRINGS ARISING ON THE WEST SIDE OF FOOTHILL ROAD ON THE HERITAGE RANCH WITHIN SECTION 26, T.12N., R.19E., M.D.B.&M.

** The maximum duty of water is 4.00 acre-feet per acre from any and/or all sources. The duty from Unnamed Spring "A" for the total irrigated acreage is 4.00 acre-feet per acre on land that is not irrigated by Unnamed Spring (D) during the 198 day irrigation season.

1. The total practicable discharge from Unnamed Spring "A" under the listed proofs is 0.50 c.f.s.

Review of a 1938 aerial photographs indicates that the acreage claimed and supported by the map filed under Permit 24918 is the correct representation of the irrigated acreage with the exception of acreage adjustments under Proofs V06342, V-06343, V-06344 and V-06345. This also complies with Map No. 4891 drawn by the "U.S. Geological Survey, Hydrographic Branch Reclamation Service, for the Truckee-Carson Project Nev.", dated July 27, 1904.

2. Spring Area "B" is collected in a ditch at the base of the spring area and flows to the north to the structure designated as "CONTROL BOX AND VALVE" located on the south line of the NE¼NW¼ Section 26, T.12N., R.19E., M.D.B.&M. Water from this ditch can be diverted directly from the collection ditch or placed into the ditch that runs from the valve box in a south/southeasterly direction toward the channel running from 'Unnamed Spring Area "D" to the pond. The supporting map for Proof V-06343 shows water flowing in a southerly direction adjacent to the east side of Unnamed Spring Area (B). The correct direction of flow is to the north. Proof V-06343 claims water from the portion of the spring source located within the SE¼ NW¼, Sec.26 T.12N., R.19E., M.D.B.&M. that flows in a northerly direction to the "CONTROL VALVE AND BOX" as depicted on said supporting map. Water from this source then flows in a south/southeasterly direction where it commingles with water from' Unnamed Spring Area (D). Unnamed Spring (B) may be used to supplement the flow rate for land irrigated under Proof V-06342during the prescribed rotation schedule.

3. Spring Area "C" is a sub-irrigated meadow overlying a spring source. This water right shall be limited to 2.98 acres within the SE¼NW¼ Section 26, T.12N., R.19E., M.D.B.&M. Water from this source flows southeast to east into the Heidtman Ditch and is claimed under Proof V-02857 for irrigation of 163.00 acres located within the W½NE¼ and NW¼ Section 25; and NE¼NE¼ and S½NE¼ Section 26, T.12N., R.19E., M.D.B.&M. This source is diverted via the Heidtman Ditch and is not a direct diversion source for Proof V-06321, Proof V-06323 and Proof V-08850. Any water from this source is considered as "drain and waste" water under the preceding proofs and does not receive a diversion rate or duty. The spring as claimed under Proof V-06344 sub irrigates 2.53 acres of pasture. The acreage can be used to graze livestock or be harvested. No physical diversion of water is necessary to irrigate this acreage. Therefore, no diversion rate or duty shall be assigned to Proof V-06344 even though this land retains the right to be sub irrigated.

TABLE 8 cont. SPRINGS ARISING ON THE WEST SIDE OF FOOTHILL ROAD ON THE HERITAGE RANCH WITHIN SECTION 26, T.12N., R.19E., M.D.B.&M.
4. Spring Area "D" discharges through multiple channels and eventually into a collection ditch that provides irrigation water for Proofs V-06321, V-06323 and V-08850. A portion of this water is routed through the pond located on APN's 1219-26-001-18 and 1219-26-001-19. Pond overflow is returned to the collection ditch just to the west of Foothill Road and upstream of a wooden headgate that was used to back water through a second headgate and into a culvert that directs water to the north and beneath Foothill Road through a large culvert located to the east of the east end of the aforementioned pond. The water flows through ditch that bisects Proof V-08850 and into the irrigation ditch that flows along the south boundary of the Green Acres Subdivision at a point near the center of the south property boundary of APN 1219-26-001-031. A measuring device shall be installed downstream of the lower headgate in the main channel of the collection ditch. The headgate shall be regulated to allow a minimum flow of 1.5 c.f.s. into the southerly irrigation ditch that provides water for Proofs V-06321, V-06323 and V-08850. Any flow above this rate shall be diverted through the headgate that controls the lateral ditch (culvert) to the north. This water shall be available as "excess flow" fir irrigation under Proofs V-06322, V-06325, V-06326, V-06327, V-06328, V-06329, V-06330, V-06331, V-06333, V-06334,V-07486, V-09264, V-09265, V-09270. No separate rotation schedule shall be applied to the water from Unnamed Spring (D) classified as "excess flow". This water shall be utilized as set forth in the rotation schedule for Unnamed Spring (A) as it applies to the aforementioned proofs. Any water not utilized for irrigation shall continue to the next water user to make up water for their direct diversion claims.

TABLE 9. LUTHER CREEK CLAIMS.

PROOF AND PERMIT NUMBERS	ACREAGE ACCEPTED	FINAL ORDER DIVERSION RATE IN C.F.S.	DUTY: ACRE-FEET PER ACRE	DUTY: TOTAL ACRE-FEET
V-02858-west	149.40	5.00	4.00	597.60
V-02858-east	129.00	1.67	4.00	516.00
V-06363	79.97	2.16	4.00	319.88
V-06364 (SHOCKEY)	NA	NA	NA	NA
V-06365	59.20	1.18	4.00	263.80
V-06365 (BROOKS)	NA	NA	NA	NA
V-06371	NA	DRAIN & WASTE	NA	NA
V-06372 (SCOSSA)	NA	DRAIN & WASTE	NA	NA
V-06321	NA	DRAIN & WASTE	NA	NA
V-06323	NA	DRAIN & WASTE	NA	NA
V-08850	NA	DRAIN & WASTE	NA	NA
TOTALS:	**417.57**	**10.007**	**4.00**	**1697.28**

Miscellaneous flow measurements by U.S. Geological Survey and the Office of the State Engineer beginning on September 27,1976 and ending on June 16, 1998, ranged from a low of 0.77 c.f.s. on July 6, 1992, to a high of 13.7 c.f.s. on July 12, 1983. Therefore, total available flow in Luther Creek is based on a high flow of 10.0 c.f.s. Available flow in average runoff years and from middle to late in the irrigation season will be substantially less than the amount issued in the Final Order of Determination. Water distribution will continue to be controlled by the LUTHER CREEK DECREE, 2nd Judicial District, State of Nevada, Douglas County:Hannum v. Cary-May 27th, 1874.

Claim V-02858: 1/2 of the flow of Luther Creek is appurtenant to 129.0 acres located within the NE¼SE¼, NW¼SE¼, NE¼SW¼, SE¼SW¼, SW¼SE¼ and SE¼SE¼, Section 25, T.12N., R.19E., M.D.B.&M. 1/6 of the flow of Luther Creek is appurtenant to 149.4 acres located within the NE¼NE¼, SE¼NE¼ and NE¼SE¼, Section 25; NW¼NE¼, SW¼NE¼, NE¼NW¼, NW¼NW¼, SW¼NW¼ and SE¼NW¼, Section 26, T.12N., R.19E., M.D.B.&M.

Claims V-06363 and V-06365: 1/3 of the flow of Luther Creek is appurtenant to 139.17 acres located within the SW¼NE¼, SW¼NW¼ and SE¼NW¼, NE¼SW¼, NW¼SW¼, SW¼SW¼ and NW¼SE¼ Section 25; SE¼NW¼ and NE¼SE¼ Section 26, T.12N., R.19E., M.D.B.&M. Acreage is reduced for these claims due to discrepancies on the supporting map found when compared to Douglas County Assessor's parcel maps and redrafting in the State Engineer's Office.

Note: These diversion rates and duties are based on a 198 day irrigation season beginning April 1 and ending October 15 of each year. Duties are also based on crop water requirements for alfalfa, pasture grass and spring grain.

APPENDIX C

Subpart D: Order and Judgment

Order dated April 5, 2012

RECEIVED
APR - 5 2012
DOUGLAS COUNTY
DISTRICT COURT CLERK

FILED
2012 APR -5 PM 1:46
TED THRAN
CLERK
M. BIAGGIN
DEPUTY

Case No.: 08-CV-0363-D

Dept. No.: I

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 County, Nevada.

_____/

FINDINGS OF FACT, CONCLUSIONS OF LAW, ORDER AND JUDGMENT

This action came on for trial before the Court, the Honorable David R. Gamble, District Judge, presiding, and the issues having been duly tried, and on January 12, 2012, the Court, in the presence of the parties and their respective counsel, viewed Sheridan Creek, the ponds referenced herein and the water distribution system, and an oral decision having been duly rendered by the Court on January 13, 2012, the Court now makes the following Findings of Fact, Conclusions of Law, Order and Judgment:

\\\\

FINDINGS OF FACT

A. THE PARTIES:

1. Exceptors J.W. Bentley and Maryann Bentley, Trustees of the Bentley Family 1995 Trust, own property commonly known as 853 Sheridan Lane, Douglas County APN 1219-14-001-013 (the "Bentleys").

2. Intervenors Donald S. Forrester and Kristina M. Forrester own property commonly known as 913 Sheridan Lane, Douglas County APN 1219-14-001-012.

3. Intervenor Hall Ranches, LLC, a Nevada limited liability company, owns property commonly known as 463 Centerville Lane, Douglas County APN 1219-14-001-003.

4. Intervenors Thomas J. Scyphers and Kathleen M. Scyphers own property commonly known as 481 Centerville Lane, Douglas County APN 1219-14-001-004.

5. Intervenors Frank Scharo, Trustee of the FNS Revocable Trust Agreement dated May 20, 2008, as to an undivided 90% interest, and Camille Gardner Scharo, Trustee of the CGS Revocable Trust Agreement dated May 20, 2008, as to an undivided 10% interest, own property commonly known as 495 Centerville Lane, Douglas County APN 1219-14-001-005.

6. Intervenor Sheridan Creek Equestrian Center, LLC, a Nevada limited liability company, owns property commonly known as 551 Centerville Lane, Douglas County APN 1219-14-001-008.

7. Ronald R. Mitchell and Ginger G. Mitchell own property commonly known as vacant land on Centerville Lane, Douglas County APN 1219-14-001-011.

B. **THE WATERS OF SHERIDAN CREEK AND TRIBUTARIES:**

8. The waters of Sheridan Creek were first put to beneficial use in 1852 and all dates of priority for the rights therein stem therefrom as the water has been put to beneficial use continuously to the present day. The water from Sheridan Creek is divided into North Diversion and the South Diversion. Sixty percent (60%) of the flow is to the North Diversion and forty percent (40%) flows to the South Diversion. The matters at issue herein concern only the North Diversion.

9. The waters of Stutler Creek were put to beneficial use in 1905 and are diverted by a pipeline and co-mingled with the waters of the North Diversion and are administered therewith.

10. The waters of Gansberg Spring are the subject of State Engineer's Permit 07595, Certificate 1760. The waters of Gansberg Spring are diverted by a pipeline and co-mingled with the waters of the North Diversion and are administered therewith.

11. Collectively, these waters are known simply as the North Diversion of Sheridan Creek.

12. Evidence was produced that the place of use for Permit 07595, Certificate 1760, does not match exactly with the place

of use for the waters of Sheridan Creek and Stutler Creek. However, as these waters are co-mingled with the waters of Sheridan Creek and it would be difficult to administer separately, they will be administered in accordance with the Findings and Decree herein.

C. **THE FINAL ORDER OF DETERMINATION AND THE EXCEPTIONS:**

13. The Final Order of Determination by the State Engineer was filed herein on November 8, 2008.

14. The Bentleys, as "Exceptors", filed their Notice of Exceptions and Exceptions to Final Order of Determination herein on December 10, 2008, and Amended Exceptions on March 25, 2009.

15. The parties made the following stipulations in relation to these Exceptions at the beginning of the trial, which were adopted by the Court:

a. Exception 1, in part, was that the State Engineer would not attempt to include a rotation schedule in the Decree itself, but that the provisions of NRS 533.075 and the orders of this Court would be used to determine when and if a rotation schedule is needed to efficiently use the waters of the State of Nevada. However, Bentley reserves all objections to the imposition of a rotation schedule, including objection about the statutory authority to do so.

b. Exception 2 requested that the State Engineer add the proof number for Proofs V-06307 and V-06308 to the Map included in the Final Order of Determination. The parties agreed that the Map does not depict any stockwater rights, that the Decree controls water rights and the Map is for convenience only, and that the proofs need not and will not be shown on the Map.

c. Exception 3 was to correct a typographical error in the Final Order of Determination at page 51, where Proof V-06505 will be changed to reflect the proper number, which is Proof V-06305, in the Decree.

d. Exception 4 requires the State Engineer to change the acreage listed under Proof V-06305 to reflect the current property lines and that the acreage be listed as 12.93 acres for Proof V-06305 in the Decree.

e. Exception 5 requested that a diversion structure be installed in Sheridan Creek that would more accurately divide the North and South Diversions. The current method is inadequate, which involves the placement of rocks in the stream channel that spilt the flow into the two diversions. The parties and the State Engineer agree that a structure should be installed, but that in order to assess the cost to all users of both branches, the

installation will be deferred until after the Decree becomes final.

16. In all other respects, the Final Order of Determination is proper and may be included in the Decree.

17. The remaining issues raised by Exception 1 and reflected in the Intervenors' claims and defenses concerned the validity, breach and violation of the Water Use and Diversion Agreement, discussed below.

D. WATER RIGHTS OWNED BY BENTLEYS AND INTERVENORS:

18. The Bentleys are successor landowners and water right holders as set forth in the Final Order of Determination, to wit (pages 106-109):

Exceptors	APN	Acreage	Proofs
J.W. Bentley Maryann Bentley, Trustees	1219-14-001-013	12.93	V-06305 V-06306 V-06307 V-06308

19. The Intervenors own ranch land located downstream from the Bentleys' Property.

20. The Intervenors also hold water rights in Sheridan Creek, historically used to irrigate their ranch lands.

21. The Intervenors are necessarily interested in the water diversions made upstream by the Bentleys in violation of custom, practice and agreements.

22. A tabulation of Intervenors' land holdings and water rights as set forth in the Final Order of Determination, to wit (from pages 109-112, 132-133 and 136-137):

Intervenors	APN	Acreage	Proofs
Donald S. and Kristina Forrester	1219-14-001-012	59.620	V-06309 V-06310
Hall Ranches, LLC	1219-14-001-003	23.800	V-06340 V-06341
Thomas J. Scyphers and Kathleen M. Scyphers	1219-14-001-004	13.010	V-06311 V-06312
Frank Scharo and Camille Scharo	1219-14-001-005	12.990	V-06311 V-06312
Sheridan Creek Equestrian Center, LLC	1219-14-001-008	35.960	V-06310
Ronald R. and Ginger G. Mitchell	1219-14-001-011	10.370	V-06336 V-06337
Total Acreage of Intervenors		155.930	

E. THE WATER USE AND DIVERSION AGREEMENT:

23. The remaining issues raised by Exception 1 and reflected in the Intervenors' claims and defenses concerned the validity, breach and violation of the Water Use and Diversion Agreement dated June 9, 1986, and recorded on March 27, 1987, as Document 152147, Douglas County Records ("Diversion Agreement"). (Exhibit 10.)

a. The Bentleys argued that the Diversion Agreement allowed them to divert a constant flow of water into the ponds on their Property.

b. The Bentleys also argued that they should not be subject to any Rotation Schedule because of the Diversion Agreement.

c. The Intervenors argued that the ponds consumed excessive amounts of water and that the Diversion Agreement is invalid, all as set forth in the Response and Objections to Notice of Exceptions and Exceptions to Final Order of Determination filed herein on November 19, 2009. (Exhibit 80.)

24. The State Engineer took no position on the Diversion Agreement because it involves contested issues of title.

25. The Diversion Agreement was not signed by Intervenors Ronald R. Mitchell and Ginger G. Mitchell, who had previously acquired one parcel of land prior to recording of the Diversion Agreement and therefore they are not affected or bound by it, even if valid.

26. The Mitchells are entitled to their share and portion of Sheridan Creek water without diminution by passing the water through any pond or ponds on the Bentleys' Property.

27. The Diversion Agreement was neither executed by June Irene Bartlett, who took title as June Irene Rolph nor by Nancy Rolph Welch (collectively the "Rolphs").

28. At the time the Diversion Agreement was executed by others, the Rolphs held title to the water rights. (Exhibits 4, 5 and 10.)

29. The Rolphs were anticipated and intended to be parties to the Diversion Agreement but did not sign it.

30. Gerald Whitmire and Pamela Whitmire were in the process of developing their property and held title to the land, but all the appurtenant water rights were reserved to the Rolphs.

31. A pond, known as the lower pond, has existed on the Bentleys' Property from some time prior to the initiation of this adjudication.

32. The Bentleys built a second and larger pond, known as the upper pond, on their Property in or about 2008.

33. The Bentleys' use of water to fill and maintain the water level in their two ponds is a consumptive use.

34. The two ponds existing on the Bentleys' Property use water from Sheridan Creek in a consumptive manner.

35. The Bentleys have diverted water into their ponds and the water is not thereafter entirely diverted back to the

irrigation ditches for the irrigation of the Intervenors' Properties.

36. The water that seeps into the ground as a result of flowing into the Bentleys' ponds is not re-diverted to the irrigation ditches of the Intervenors.

37. Once the water from the Bentleys' ponds flows into the common aquifer it is lost to the irrigation system used by the Intervenors.

38. The parties' total water irrigation system is diminished by the water losses from the Bentleys' ponds.

39. The Intervenors objected that the Bentleys consumed water in violation of the Diversion Agreement and that they were not able to get their full and complete allocated portion of water.

40. Under Order of this Court, the State Engineer conducted two seepage tests in May and August 2010. The seepage tests revealed that the ponds did consume water through seepage, evaporation and transpiration. (Exhibits 33 and 35.)

41. The two ponds on the Bentleys' Property consumed water in excess of 30.0 acre-feet during the 2010 irrigation season, which the Court determines to be a consumptive use of water in violation of the Diversion Agreement, even if valid.

42. Whenever the flow of water in the North Diversion is at or above 2.0 cubic feet per second (cfs) constant flow to

the Bentleys' ponds would not injure any other water users, as long as the overflow is re-diverted to the irrigation system.

43. Whenever the flow in the North Diversion is below 2.0 cubic feet per second (cfs) a rotation schedule would be needed to avoid injury to the water users.

F. ATTORNEY FEES:

44. Mr. Bentley, through intimidation and threat, attempted to bully the Intervenors, acting in a manner to harass and financially exhaust the Intervenors.

45. Bentleys brought and maintained their Exception No. 1 relating to the Diversion Agreement without reasonable grounds.

46. The Diversion Agreement contains a clause that allows attorney fees to the prevailing party in the event a lawsuit is brought to enforce or interpret the Agreement.

47. Bentleys asserted that the Agreement dated August 5, 1986, and the letter recorded August 6, 1986, granted an additional right to divert the flow of Sheridan Creek through the ponds. (Exhibit 7.) However, those documents did not grant any additional rights and are invalid.

48. The Bentleys proceeded in this matter under an erroneous theory and under an erroneous thought process, and therefore, their action was maintained by them without reasonable grounds.

CONCLUSIONS OF LAW

1. If any of the above Findings of Fact is truly a Conclusion of Law, it will be treated as such.

2. The stipulations and agreements of the parties listed in paragraph 15 above are adopted by the Court.

3. The Intervenors and the Bentleys share the same priority date for all water rights from Sheridan Creek and tributaries.

4. The Diversion Agreement was neither executed by June Irene Bartlett, who took title as June Irene Rolph, nor by Nancy Rolph Welch. Therefore, the Diversion Agreement fails.

5. The Rolphs were necessary and indispensable parties to the Diversion Agreement.

6. The Diversion Agreement was ineffective and invalid because it did not have the necessary and contemplated signatures of all parties.

7. A contract purporting to be made between several parties, containing mutual covenants, of which those of one party are the consideration of the others, must be executed by all to be valid.

8. The Diversion Agreement is ineffective, invalid and unenforceable.

9. The Diversion Agreement is unenforceable under the Nevada Statute of Frauds.

10. The two recorded letter agreements (Exhibit 7) are ineffective, invalid, do not bind successors and neither burden the Intervenors' Properties nor benefit the Bentleys' Property.

11. The lands of Intervenors lie downstream from the lands of the Bentleys and the uses and proposed uses by the Bentleys to fill ponds on their Property conflict with the rights of the Intervenors.

12. The Bentleys' use to fill a new pond on their Property violates the Diversion Agreement, even if valid.

13. The After-Acquired Title Doctrine does not cure the defects in the Diversion Agreement.

14. The Bentleys withdrew their assertion of the After-Acquired Title Doctrine at the commencement of trial.

15. Only one pond existed at the time the Diversion Agreement was prepared, and the rights under such an agreement may not be amplified by the future extension of any rights under that Agreement to include the second or upper pond.

16. The rights, if any, under the Diversion Agreement cannot be amplified or increased unilaterally without the consent of downstream water users, here the Intervenors.

17. The Diversion Agreement, even if valid, limited the scope and burden to the pond existing at the time of the execution of the Agreement and did not provide for additional

ponds thereby increasing the burden on downstream water users, here the Intervenors.

18. The Bentleys have violated the Diversion Agreement, even if valid, by creating a pond that is not water tight, has excess seepage and consumes and wastes water.

19. The Intervenors are the prevailing parties and are entitled to their costs and a reasonable attorney fees.

20. The Intervenors are adjudged to be the prevailing parties for purposes of an award of attorney fees to be supported by a separate motion or memorandum for the same pursuant to NRCP 54(d) and NRS 18.010.

21. The Intervenors shall prepare and file a Memorandum of Fees and Costs, to include evidence sufficient for the Bentleys to examine the Memorandum for content without invading the attorney/client privilege. The Court will make a separate determination on the amount of costs and attorney fees after the Bentleys have had an opportunity to respond to the Memorandum.

ORDER AND JUDGMENT

It is hereby ordered the final decree in this matter shall include the following:

1. The typographical error in the Final Order of Determination at page 51, where the Proof number appears as

Proof V-06505, will be changed to reflect the proper proof number Proof V-06305 in the Decree.

2. The State Engineer shall change the acreage listed under Proof V-06305 to reflect the current property lines and that the acreage will be listed as 12.93 acres for proof V-06305 in the Decree.

3. The Final Order of Determination issued by the State Engineer on August 14, 2008, as it pertains to Ninth Judicial District Court case no. 08-CV-0363 subpart D, is affirmed, confirmed and approved in all respects except as specifically amended herein.

4. The remainder of the Final Order of Determination, as it pertains to Ninth Judicial District Court case no. 08-CV-0363 subpart D, is affirmed and shall become the Final Decree.

5. When the combined flow from the North Diversion of Sheridan Creek and tributaries drops below 2.0 cfs, the State Engineer shall impose a rotation schedule.

6. The rotation schedule shall be in effect from the time the North Diversion of Sheridan Creek drops below 2.0 cfs until superseded, until the flow rises to above 2.0 cfs or until the schedule is stayed or modified by this Court.

7. The rotation schedule shall be prepared at the beginning of the irrigation season to allow review by this Court, under NRS 533.450, if any party challenges the schedule.

8. The State Engineer has full authority to implement a rotation schedule if appropriate.

9. The rotation schedule shall reflect any agreements between the parties.

10. The State Engineer shall monitor the system and make changes as required by law or by request of the parties, which changes are subject to review in this Court.

11. The Intervenors are awarded their costs and a reasonable attorney fee.

12. The Diversion Agreement is unenforceable, invalid and ineffective.

13. The Bentleys' arguments of laches, estoppel and limitation of action are overruled as not supported by an extraordinary measure of evidence.

14. The Court expressly determines under NRCP 54(b), that there is no just reason for delay in entering final judgment upon Exception No. 1, and hereby expressly directs that final judgment be entered and the same hereby is entered.

DATED this 5 day of April, 2012.

DISTRICT JUDGE

Copies served by mail this 5th day of April 2012 to:

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

Michael L. Matuska, Esq.
937 Mica Drive, Suite 16A
Carson City, NV 89705

Thomas J. Hall, Esq.
P. O. Box 3948
Reno, NV 89505

Judicial Assistant

APPENDIX D

Subpart E: Order and Judgment

Order dated December 24, 2013

Case No. 08-CV-0363-E

Dept. No. I

RECEIVED
DEC 2 6 2013
DOUGLAS COUNTY
DISTRICT COURT CLERK
FILED
2013 DEC 26 AM 9:03
TIM HERMAN
CLERK
D. GOELZ
BY ..... DEPUTY

IN THE NINTH JUDICIAL DISTRICT COURT OF 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 County, Nevada.

_____/

ORDER

THIS MATTER came before the court on October 10, 2012, for a pretrial conference and on November 7, 2102, and November 30, 2012, to hear and resolve specific exceptions to the State Engineer's Final Order of Determination regarding water sources identified within the above caption. Specifically, the exceptions at issue in this submatter were filed by Jerald R. Jackson, Trustee of the Jerald R. Jackson 1975 Trust, as amended, and Irene W. Windholz, Trustee of the Irene M. Windholz Trust dated August 11, 1992, in one instance, and Edward H. Groenendyke, as Trustee of the Groenendyke Family Trust, in the second instance.

Appearing before the court on all three dates were the State of Nevada, and Tracy Taylor, P.E., in his capacity as State Engineer of Nevada, by and through their counsel, Attorney General Catherine Cortez Masto and Senior Deputy Attorney General Bryan

/ / /

/ / /

Stockton.[1] Also appearing before the court on those dates were T. Scott Brooke, Esq. and the law firm of Brooke Shaw Zumpft, representing claimant Edward H. Groenendyke, as Trustee of the Groenendyke Family Trust. Also appearing before the court on those dates were Gordon H. DePaoli, Esq. and the law firm of Woodburn and Wedge, representing Jerald R. Jackson, Trustee of the Jerald R. Jackson 1975 Trust, as amended, and Irene W. Windholz, Trustee of the Irene M. Windholz Trust dated August 11, 1992.[2]

The subject matter of this subproceeding is the complex of springs known as Unnamed Springs A-D. *See* Final Order of Determination, page 16-17. During the October 10th pretrial conference, the parties present stipulated that the normal duty of water for the acreage of real property served by Unnamed Spring (A) is 4.0 acre-feet per acre annually, with the understanding that because the relevant water sources do not produce sufficient water to meet the duty, no claimant will actually receive the full duty of water each year. Transcript of Proceedings, Pretrial Conference of October 10, 2012, page 8, line 2 - page 10, line 13; Transcript of Proceedings of November 7, 2012, page 16, lines 18 - 23. The court hereby adopts the provisions of that stipulation. Thus, references within the State Engineer's Final Order of Determination, including but not limited to page 20 and any corresponding tables and proof summaries arising therefrom such as Table 8 at page 200, to a duty of 2.43 acre-feet per acre shall be substituted with 4.0 acre-feet per acre.

During the proceedings commenced on November 7, 2012, the parties present stipulated that a specific rotation schedule pertinent to the proofs at issue, *see* Table 8 of the

---

[1] Senior Deputy Attorney General Nhu Q. Nguyen, Esq. also appeared on behalf of the State Engineer on October 10th and November 7th.

[2] Dale Ferguson, Esq. also appeared on behalf of the Jackson and Windholz trustees on November 7th and November 30th.

Final Order of Determination, is not to be included within the final decree, but instead a provision will be included within the decree for the implementation by the State Engineer, as the court's water commissioner, of a rotation schedule affecting the specific waters at issue in the event the affected claimants cannot reach agreement regarding an acceptable rotation of water flow promoting a beneficial use. If deemed necessary, a claimant may then lodge an objection before the court regarding the details of a rotation schedule implemented by the State Engineer in any given year. Transcript of Proceedings of November 7, 2012, page 10, line 19 - page 13, line 6. The court hereby adopts the provisions of that stipulation. As water flows decrease over the course of an irrigation season, claimants are to share in the reduced flow proportional to their interest.

With those stipulations in place, on November 30, 2012, the parties sought a ruling from the court to resolve a remaining issue: exceptions raised by the Groenendyke, Jackson and Windholz trustees regarding the State Engineer's commingling of water originating from Unnamed Spring (A) into Unnamed Creek, thereby allegedly redirecting the use of Unnamed Spring (A) from its historical beneficial use and, as a result and in effect, awarding vested water rights to certain downstream claimants. Given this narrowed controversy, the exception to the State Engineer's Final Order of Determination raised by the Jackson and Windholz trustees pertains now only to Proof of Appropriation No. V-06342 as further addressed within this order; the exception raised by the Groenendyke trustee pertains to Proof of Appropriation No. 08850. In effect, however, these narrowed exceptions to now be resolved by the court contest the sharing of water originating from Unnamed Spring (A) with other proofs constituting certain downstream property owners labeled as the Green Acres subdivision.

Specifically, the State Engineer's Final Order of Determination states in relevant part:

/ / /

FINDINGS OF FACT AND CONCLUSIONS

After review and consideration of evidence, testimony at the public administrative hearing held by staff of the State Engineer's Office on March 5 & 7, 2007, to the objections to the Preliminary Order of Determination, and all relevant files in the State Engineer's office, the following is determined:

Objections regarding Unnamed Springs (A), (B), (C) and (D) located within the old Heritage Ranch and the Green Acres Subdivision:

. . .

A. Edward Groenendyke objection to the Preliminary Order of Determination:

An objection to the Preliminary Order of Determination regarding Proof V-08850 as filed by B.J. Vasey, P.E., PLS on behalf of Edward Groenendyke. The basis of the objection is acreage that can be irrigated from Unnamed Spring (A), the duty of water and irrigated acreage.

Mr. Vasey testified that the entire 37.97 acres claimed under Proof of Appropriation No. V-08850 is able to be irrigated from "Unnamed Spring (A)". Cross-examination by Paul Taggart, Esq., did not produce any evidence to refute the 37.97 acres ability to be irrigated from Unnamed Spring (A). A formal field investigation of the water sources and irrigated acreage was conducted on July 26, 2007, as an extension of the March 5, 2007, hearing. The field investigation revealed that 12.43 acres of land lying to the north of the northeast trending drain ditch that bisects the Groenendyke under this claim is irrigated exclusively from "Unnamed Spring (A)". The remaining acreage located to the south and east of the described drain ditch consists of 25.54 acres irrigated by "Unnamed Spring (B)".

Unnamed Spring (B), hereafter referred to as "Unnamed Spring (D)" . . . is the water source for Proof V-06321, 40.36 acres; Proof V-06323, 40.35 acres; and Proof V-08850, 25.54 acres; for a total of 106.25 acres. Proof of Appropriation V-02856 claims a diversion rate of 3.5 cfs for the irrigation of 117.6 acres. Monthly flow measurements were conducted during the 1997 and 1998 irrigation seasons by staff of the Division of Water Resources. The measurements from this spring source ranged from a low of 1.45 cfs in July of 1998 to a high of 4.17 cfs in June of 1997. A flow rate from Unnamed Spring (D) of 1.20 cfs during the 198-day growing season will provide a duty of 4.0 acre-feet per acre on the original 117.6 acres. A flow rate of 1.45 cfs will provide 4.83 acre-feet per acre, 3.50 cfs will provide a duty of 11.67 acre-feet per acre and 4.17 cfs will provide a duty of 13.90 acre-feet per acre. The standard consumptive use figure for irrigated crops in northern Nevada is 4.0 acre-feet per acre. Pasture grass, native hay, and various grain types require substantially less water than alfalfa. The dominant crop type within the area of these water claims is pasture grass. . . . Actual consumptive use is considered to be somewhere between [2.23 acre-feet per acre and 3.32 acre-feet per acre].

Aerial photography from 1938, 1939-1940, and 1954 illustrate equivalent vegetative and irrigation patterns within the confines of all irrigated acreage within the Heritage Ranch and Green Acres subdivision areas.

The State Engineer determines that it would not be suitable irrigation practice to apply more water than is necessary to irrigate pasture/harvest lands as listed under Proof V-06321, Proof V-06323, and Proof V-08850. The NEVADA LAW OF WATER RIGHTS authored by Wells A. Hutchins states:

> *Needs of appropriator.* - The appropriate right is restricted to the quantity of water actually needed for irrigation, watering of stock, domestic use, or other beneficial purpose for which the appropriation is made. . . . It is recognized that the quantity of water varies with the seasons, and that a decree that authorizes the diversion of specific quantity at all time regardless of

necessity is erroneous. . . . The appropriator is entitled to enough water for his reasonable needs; . . . but any quantity of water diverted in excess of existing needs is not taken in exercise of a right, but is part of the water to which junior appropriators are entitled. . . .

The State Engineer further finds that the 3.5 cfs from Unnamed Spring (D) used for the irrigation of the above listed acreage yields 3 times the volume of water necessary for the irrigation of the existing and historic crops on this acreage.

The State Engineer determines that Unnamed Spring (A) is the primary source of water for the following claims: Proof V-06342, 7.20 acres; Proof V-08850, 12.43 acres, Proof V-06322, 2.47 acres; Proof V-06325, 2.54 acres; Proof V-06326, 2.50 acres; Proof V-06327, 4.90 acres; Proof V-06328, 5.55 acres; Proof V-06329, 5.22 acres; Proof V-06330, 5.08 acres; Proof V-06331, 4.88 acres; Proof V-06333, 4.98 acres; Proof V-06334, 2.55 acres; Proof V-07486, 4.86 acres; Proof V-09264, 2.53 acres; Proof V-09265, 2.55 acres; Proof V-09266, 5.18 acres; Proof V-09270, 5.18 acres; for a total of 80.60 acres. . . .

. . . Proof of Appropriation V-08850 claims a vested water right from both Unnamed Spring (A) and Unnamed Spring (D). Permit 24919, Certificate 7842, is certificated for the waters of Unnamed Spring (A) for irrigation purposes within the same place of use as claimed under proof V-08850. Both water sources, Unnamed Spring (A) and Unnamed Spring (D), are claimed by Proof of Appropriation Nos. V-06321, V-06323,V-06342, V-06345 (claimed as 'UNNAMED SPRING, DESIGNATED JACKSON SPRING "D" '), and V-08850. Permit 24918, Certificate 7843, and Proof of Appropriation No. V-02856 claim water from an Unnamed Spring, also known as "Unnamed Spring "B" or Jackson Spring "D", for irrigation purposes within the same or portions of the place of use as the aforementioned proofs in the preceding sentence.

The information contained in Permits 24918 and 24919 and Proof of Appropriation V-02856 was reviewed and considered in determining the final disposition of Proof Nos. V-06321, V-06323, V-06342, V-06345 and V-08850. The State Engineer determines that it would not be prudent to attempt to administer the waters of the two spring sources under a minimum of three layers of permits and claims of vested rights. Therefore, the State Engineer determines that Permit 24918, Certificate 7843; Permit 24919, Certificate 7842, and Proof of Appropriation V-02856 are superseded by Proof of Appropriation Nos. V-06321, V-06323, V-06342, V-06345 and V-08850.

. . .

Finally, the State Engineer determines that Unnamed Spring (A) is physically capable of being diverted to any area within the 37.97 acres claimed under Proof V-08850. The State Engineer determines that water from Unnamed Spring (A) is not necessary for the irrigation of the 25.54 acres lying south of the diagonal ditch under this claim and Proofs V-06321 and V-06323 based on prior findings within the scope of this [Groenendyke] objection to the Preliminary Order of Determination. The State Engineer further determines that the commingling of Unnamed Spring (A) with Unnamed Spring (D) directs excessive water onto lands irrigated by the claims referred to in this paragraph. These waters then become drain and waste that may or may not be able to be effectively utilized by claimants within the Green Acres Subdivision.

Mr. Brant Honkanen testified that the reason that his grandfather purchased Lot 4 within the Green Acre Subdivision "was because it had the best water rights." Mr. Honkanen stated that the water from the "spring" {referring to Unnamed Spring (D)} flowed on a continuous basis over the "last 40 years" through the Groenendyke property to the point where it intersected the south ditch that supplies water from Unnamed Spring (A) and Miller Creek near the center of the south line of the Honkanen property (APN 1219-26-001-031). Mr. Honkanen said that the stream of water from Unnamed Spring (D) created "a natural pond at the confluence

of the south Green Acres ditch and the diagonal ditch that flows through the Groenendyke property (APN 1219-26-001-035). Mr. Honkanen's description of the confluence of the Unnamed Spring (D) and the South Green Acres Ditch was confirmed during the July 26, 2007, field investigation.

A field investigation of the irrigation system conducted on August 6, 1992, revealed that the spring source, "Unnamed Spring D", aka Jackson Spring "D", claimed under Proofs V-02856, V-08850, V-06321 and V-06323 was capable of being diverted approximately 150 feet north from the claimed point of diversion. The water was transmitted to the east through a culvert beneath Foothill Road and into the "bisecting ditch" that separates the north and south portions of Proof V-08850. Water was also transmitted through the Foothill Road culvert from a spring and swamp area that now comprises the "Jackson Pond" that was the primary issue of the aforementioned field investigation. The existence and location of this diversion and associated culvert/headgate substantiates the Honkanen testimony referred to in the preceding paragraph.

Staff of the State Engineer's Office has observed that the construction of the pond near the southeast corner of the Jackson property precludes the ability to divert water through the "bisecting ditch" through the Groenendyke property. The preceding findings are resolved [by] the subsequent State Engineer's Order [requiring reconstruction of the headgates and distribution system].

. . .

The State Engineer finds that the subdivision of the land that once comprised the two separate ranches that are the subject of this objection precludes the ability to irrigate the acreage in the manner that is completely consistent with the historic practices that were in effect prior to the 1960's.

Based on the preceding findings, the State Engineer finds that any flow from Unnamed Spring (D) in excess of 1.5 cfs shall be divided in a 60%/40% split with 40% of the water above 1.5 cfs diverted to the north through the diversion and culvert in the aforementioned paragraph, thence, flow to the east beneath Foothill Road and through the ditch that bisects the acreage listed under Proof V-08850. This water will intersect the ditch that flows from west to east along the south boundary of the Green Acres subdivision at a point near the middle of the south boundary of the irrigated acreage under Proof V-09264. The water from Unnamed Spring (D) shall have a direct diversion right, and will be available for use during the rotation schedule as set forth for Unnamed Spring (A) with the exception of Claims V-06321, V-06323, V-06334, V-06342, V-06345, and V-08850 that cannot physically receive water from this diversion. The remaining 60% of the flow in excess of 1.5 cfs will remain in the ditch that provides water to Heritage Ranch water users under Claims V-06321, V-06323 and V-08850.

The State Engineer determines that Hutchins definition of the "Needs of appropriator" as discussed on page 19 of this Final Order precludes the use of water from Unnamed Spring (A) to supplement flows from Unnamed Spring (D) that are in excess of what is considered a reasonable duty of water to accomplish the needs of the irrigators under Claims V-06321, V-06323 and V-08850. Therefore, the State Engineer finds that Unnamed Spring (A) shall henceforth be appurtenant to lands described under Proof V-06342, 7.20 acres; Proof V-08850, 12.43 acres, Proof V-06322, 2.47 acres; Proof V-06325, 2.54 acres; Proof V-06326, 2.50 acres; Proof V-06327, 4.90 acres; Proof V-06328, 5.55 acres; Proof V-06329, 5.22 acres; Proof V-06330, 5.08 acres; Proof V-06331, 4.88 acres; Proof V-06333, 4.98 acres; Proof V-06334, 2.55 acres; Proof V-07486, 4.86 acres; Proof V-09264, 2.53 acres; Proof V-09265, 2.55 acres; Proof V-09266, 5.18 acres; Proof V-09270, 5.18 acres; for a total of 80.60 acres.

The State Engineer determines that water from Unnamed Spring (A) can be distributed over the entire 37.97 acres claimed under Proof V-08850. The State Engineer finds that the 12.43 acres lying north of the bisecting ditch receive water as a direct diversion from Unnamed Spring (A). The State Engineer determines that the primary source of water for the 25.54 acres

lying south of said ditch is Unnamed Spring (D). The State Engineer finds that commingling the waters of Unnamed Spring (A) with the waters of Unnamed Spring (D) is not necessary for the irrigation of lands that are exclusively irrigated by said Spring (D). Further, the State Engineer determines that the commingling of Unnamed Spring (A) water with the waters of Unnamed Spring (D) allows the application of more water than is necessary to adequately irrigate land covered by said Unnamed Spring (D), therefore, the State Engineer concludes that the continued use of Unnamed Spring (A) water to supplement Unnamed Spring (D) constitutes a waste of water that is not allowed under Chapter 533 of the Nevada Water Law [specifically citing NRS 533.070 among others].

. . .

B. Jerald R. Jackson objection to the Preliminary Order of Determination:

An objection to the Preliminary Order of Determination regarding Proofs of Appropriation V-09264, V-09265, V-09266, V-09267, V-09268, V-09269, V-09270, V-02856, V-06342, V-06343, V-06344, V-06345 and Permits Nos. 24918, C-7843, and 24919, C-7842, was filed by Paul G. Taggart, Esq. on behalf of Jerald R. Jackson, et al. The basis of the objection is clarification of "drain and waste rights, priority date, exclusion of stock watering rights and the inclusion of the claimant's proofs in the rotation schedule.

In response to objection section I. <u>Drain and Waste Rights to Unnamed Jackson Spring "A" and Any Unnamed Creek that Issues Therefrom.</u>

A hearing of objections to the Preliminary Order of Determination was held by the staff of the State Engineer's Office on March 5, 2007. A formal field investigation of the water sources and irrigated acreage was held on July 26, 2007, as an extension of the March 5, 2007, hearing. The field investigation revealed that Proofs of Appropriation V-09267, V-09268, and V-09269 do not receive water from Unnamed Spring (A); therefore the State Engineer determines that Unnamed Spring (A) is not a valid source of water for said Proofs of Appropriation. However, the State Engineer has determined that Proofs of Appropriation V-09265, V-09266 and V-09270 can receive water from Unnamed Spring (A) as a direct diversion. It was the intent of the Preliminary Order of Determination to describe Unnamed Spring (A) as a primary source of water to V-09265, V-09266 and V-09270, and remains the intent of this Final Order of Determination to describe the same. Culture maps from the U.S. Geologic Survey show homogenous vegetation on the parcels of land that make up the aerial photography from 1938, 1939-1940, and 1954 illustrate equivalent vegetative and irrigation patterns within the confines of all irrigated acreage within the Heritage Ranch and Green Acres subdivision areas.

State Engineer's Final Order of Determination, page 16 - 25 (footnotes and citations omitted).

Preceding the hearing of November 30, 2012, the court had conducted a site visit in the presence of the parties and counsel on November 7, 2012, observing the relevant unnamed sources of water pertinent to the exceptions at issue. During the hearing of November 30, 2012, the court received the testimony of witnesses and documentation offered into evidence, including copies of maps and photographs containing information dating back to the year 1904, as well as copies of patents and deeds dating back to the year 1864 among other things.

At the conclusion of the hearing, the court provided the parties with a post-hearing

period of time to file any written objections they had regarding the proffered documentary evidence. No written objections have been received. Therefore, hearing exhibits 1 through 6 as marked and offered by the State Engineer are hereby admitted; hearing exhibits A through M as marked and offered by the Jackson and Windholz trustees are also admitted.[3]

Having examined all relevant pleadings and papers on file herein, and having considered the evidence and testimony presented during the hearing of November 30, 2012, and taking into account the court's observations during the site visit of November 7, 2012, the court now enters the following order, good cause appearing:

THAT the portion of the State Engineer's Final Order of Determination recounted above regarding Unnamed Spring (A) is affirmed; the parties' exceptions entered pertaining to Unnamed Spring (A) are denied.

Findings of Fact

The court adopts the relevant findings of fact contained within the State Engineer's Final Order of Determination as it pertains to the specific determination regarding Unnamed Spring (A). Those findings are substantiated by the record reflected within the exhibits referenced as footnotes within the Final Order of Determination and by the evidence adduced during the November 30th hearing, as well as the information obtained by the court during the site visit of November 7th. The findings include:

1. "Unnamed Spring (B), hereafter referred to as "Unnamed Spring (D)" . . . is the water source for Proof V-06321, 40.36 acres; Proof V-06323, 40.35 acres; and Proof V-08850, 25.54 acres; for a total of 106.25 acres."

2. "A flow rate from Unnamed Spring (D) of 1.20 cfs during the 198-day growing

---

[3] Any oral objections, if any, stated during the November 30th hearing are summarily denied, having received no further briefing from the parties.

season will provide a duty of 4.0 acre-feet per acre on the original 117.6 acres. A flow rate of 1.45 cfs will provide 4.83 acre-feet per acre, 3.50 cfs will provide a duty of 11.67 acre-feet per acre and 4.17 cfs will provide a duty of 13.90 acre-feet per acre."

3. "The standard consumptive use figure for irrigated crops in northern Nevada is 4.0 acre-feet per acre. Pasture grass, native hay, and various grain types require substantially less water than alfalfa. The dominant crop type within the area of these water claims is pasture grass. . . . Actual consumptive use is considered to be somewhere between [2.23 acre-feet per acre and 3.32 acre-feet per acre]."

4. "Aerial photography from 1938, 1939-1940, and 1954 illustrate equivalent vegetative and irrigation patterns within the confines of all irrigated acreage within the Heritage Ranch and Green Acres subdivision areas."

5. "[T]he 3.5 cfs from Unnamed Spring (D) used for the irrigation of the above listed acreage yields 3 times the volume of water necessary for the irrigation of the existing and historic crops on this acreage."

6. "Unnamed Spring (A) is physically capable of being diverted to any area within the 37.97 acres claimed under Proof V-08850."

7. "[W]ater from Unnamed Spring (A) is not necessary for the irrigation of the 25.54 acres lying south of the diagonal ditch under this claim [Proof V-08850] and Proofs V-06321 and V-06323."

8. "[T]he commingling of Unnamed Spring (A) with Unnamed Spring (D) directs excessive water onto lands irrigated by the claims referred to [directly above]. These waters then become drain and waste," precluding assured effective utilization by downstream claimants.

9. Mr. Brant Honkanen testified [during a prior adminstrative hearing] that the reason that his

grandfather purchased Lot 4 within the Green Acre Subdivision "was because it had the best water rights." Mr. Honkanen stated that the water from the "spring" (referring to Unnamed Spring (D)) flowed on a continuous basis over the "last 40 years" through the Groenendyke property to the point where it intersected the south ditch that supplies water from Unnamed Spring (A) and Miller Creek near the center of the south line of the Honkanen property (APN 1219-26-001-031). Mr. Honkanen said that the stream of water from Unnamed Spring (D) created "a natural pond at the confluence of the south Green Acres ditch and the diagonal ditch that flows through the Groenendyke property (APN 1219-26-001-035). Mr. Honkanen's description of the confluence of the Unnamed Spring (D) and the South Green Acres Ditch was confirmed during the July 26, 2007, field investigation.

10. A field investigation of the irrigation system conducted on August 6, 1992, revealed that the spring source, "Unnamed Spring D", aka Jackson Spring "D", claimed under Proofs V-02856, V-08850, V-06321 and V-06323 was capable of being diverted approximately 150 feet north from the claimed point of diversion. The water was transmitted to the east through a culvert beneath Foothill Road and into the "bisecting ditch" that separates the north and south portions of Proof V-08850. Water was also transmitted through the Foothill Road culvert from a spring and swamp area that now comprises the "Jackson Pond" that was the primary issue of the aforementioned field investigation. The existence and location of this diversion and associated culvert/headgate substantiates the Honkanen testimony referred to in the preceding paragraph.

11. "[T]he subdivision of the land that once comprised the two separate ranches that are the subject of this objection precludes the ability to irrigate the acreage in the manner that is completely consistent with the historic practices that were in effect prior to the 1960's."

12. "Proofs of Appropriation V-09267, V-09268, and V-09269 do not receive water from Unnamed Spring (A)."

13. "Proofs of Appropriation V-09265, V-09266 and V-09270 can receive water from Unnamed Spring (A) as a direct diversion."

14. Similar to Finding No. 4, "[c]ulture maps from the U.S. Geologic Survey show homogenous vegetation on the parcels of land that make up the aerial photography from 1938, 1939-1940, and 1954 illustrate equivalent vegetative and irrigation patterns within the confines of all irrigated acreage within the Heritage Ranch and Green Acres subdivision areas."

15. Interviews of various individuals asserting the possession of knowledge regarding the subject matter at issue, as transcribed, marked and admitted into evidence as Defendant's Exhibit H, represent that no water from Unnamed Spring (A) was historically allowed to flow downstream to irrigate the Green Acre parcels other than perhaps as drainage or via tailwater

use.

16. Although no water from Unnamed Spring (A) is asserted to have been historically diverted to reach the Green Acre parcels directly, the capability to do so exists today as observed during the site visit and is known to have existed historically based upon the early construction of a wooden pipeline allowing the diversion of water from Unnamed Spring (A) toward the east of Foothill Road, thereby allowing the source water to reach the Green Acre parcels if desired. Alternatively, the water could be diverted south before reaching Foothill Road. *See*, inter alia, Plaintiff's Exhibit 2.

Conclusions of Law

The court adopts the relevant conclusions contained within the State Engineer's Final Order of Determination as it pertains to the specific determination regarding Unnamed Spring (A). Those conclusions include:

1. "[I]t would not be suitable irrigation practice to apply more water than is necessary to irrigate pasture/harvest lands as listed under Proof V-06321, Proof V-06323, and Proof V-08850."

2. "[C]ommingling the waters of Unnamed Spring (A) with the waters of Unnamed Spring (D) is not necessary for the irrigation of lands that are exclusively irrigated by said Spring (D)."

3. "[T]he commingling of Unnamed Spring (A) water with the waters of Unnamed Spring (D) allows the application of more water than is necessary to adequately irrigate land covered by said Unnamed Spring (D)."

4. "[T]he continued use of Unnamed Spring (A) water to supplement Unnamed Spring (D) constitutes a waste of water that is not allowed under Chapter 533 of the Nevada Water Law", specifically NRS 533.070 among others.

5. To the extent the objections to the State Engineer's conclusions regarding the vested rights in Unnamed Spring (A) held by the owners of the Green Acre parcels are based on circumstantial evidence, and weighing the documentation said to focus upon the historical use and appropriation of water from Unnamed Spring (A) against the historical existence of such diversion capability, the court concludes that the existence of such diversion capability prevails as the more reasonable and reliable interpretation of the facts that such diversion did occur despite the circumstantial denials presented to the contrary.

Combining the conclusion immediately above with the State Engineer's conclusions contained within the Final Order of Determination causes the entry of the court's judgment:

Judgment

That substantial evidence to support the State Engineer's Final Order of Determination is present; the exceptions narrowed to the subject matter of the November 30, 2012, hearing are denied.

Therefore, the State Engineer's determination that Unnamed Spring (A) is the primary source of water for the following claims is affirmed:

> Proof V-06342, 7.20 acres; Proof V-08850, 12.43 acres, Proof V-06322, 2.47 acres; Proof V-06325, 2.54 acres; Proof V-06326, 2.50 acres; Proof V-06327, 4.90 acres; Proof V-06328, 5.55 acres; Proof V-06329, 5.22 acres; Proof V-06330, 5.08 acres; Proof V-06331, 4.88 acres; Proof V-06333, 4.98 acres; Proof V-06334, 2.55 acres; Proof V-07486, 4.86 acres; Proof V-09264, 2.53 acres; Proof V-09265, 2.55 acres; Proof V-09266, 5.18 acres; Proof V-09270, 5.18 acres; for a total of 80.60 acres. . . .

Likewise, the State Engineer's finding that Unnamed Spring (A) shall henceforth be appurtenant to lands described under the following proofs is affirmed:

> Proof V-06342, 7.20 acres; Proof V-08850, 12.43 acres, Proof V-06322, 2.47 acres; Proof V-06325, 2.54 acres; Proof V-06326, 2.50 acres; Proof V-06327, 4.90 acres; Proof V-06328, 5.55 acres; Proof V-06329, 5.22 acres; Proof V-06330, 5.08 acres; Proof V-06331, 4.88 acres; Proof V-06333, 4.98 acres; Proof V-06334, 2.55 acres; Proof V-07486, 4.86 acres; Proof V-09264, 2.53 acres; Proof V-09265, 2.55 acres; Proof V-09266, 5.18 acres; Proof V-09270, 5.18 acres; for a total of 80.60 acres.

As such, those proofs are determined to possess adjudicated vested rights to the water

originating from Unnamed Spring (A).

Miscellaneous

It was previously agreed by the parties participating in the hearing, and therefore is hereby ordered, that any other stipulations reached between those parties pertaining to the issues raised within their exceptions are to be included within the final decree.

It was also ordered during the hearing that the Jackson trustees are to allow the Groenendyke trustees reasonable access to water facilities affecting the Groenendyke property but located on the Jackson property.

The court ordered that any acknowledged acreage errors contained within the Final Order of Determination with regard to this submatter E are to be corrected. The court also hereby orders that all incidental corrections arising since the Final Order of Determination was issued, as discovered by the State Engineer since that date, are also to be corrected within the final decree.

The court concludes that all other issues raised as motions within the Groenendyke trustee's supplemental exception are not within the parameters of this judicial process and therefore are not addressed herein.

Having now entered rulings on all contested exceptions filed within Ninth Judicial District Court case no. 08-CV-0363, the State Engineer is directed to commence the statutory process for entry of a final decree.

IT IS SO ORDERED.

Dated this 24 day of December, 2013.

DAVID R. GAMBLE
Senior District Judge

Copies served by mail this 26 day of December, 2013, to:

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

T. Scott Brooke, Esq.
Brooke Shaw Zumpft
P.O. Box 2860
Minden, NV 89423

Gordon H. DePaoli, Esq.
Woodburn and Wedge
6100 Neil Road, Ste. 500
Reno, NV 89511

Brenda Holzer

DEC 23 2010
OFFICE OF THE ATTORNEY GENERAL
STATE OF ISRAEL

APPENDIX E

Subpart F: Order and Judgment

Orders dated May 21, 2010 and August 30, 2010

COPY
RECEIVED
MAY 20 2010
DOUGLAS COUNTY
DISTRICT COURT CLERK

FILED
2010 MAY 21 PM 1:55
TED THRAN
CLERK
K. WILFERT DEPUTY

CATHERINE CORTEZ MASTO
Attorney General
BRYAN L. STOCKTON
Senior Deputy Attorney General
Nevada State Bar No. 4764
100 N. Carson Street
Carson City, Nevada 89701
Telephone: 775-684-1228
Facsimile: 775-684-1103

IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR 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 County, Nevada.	Case No.: **08-CV0363-F** Department No.: 1 **ORDER**

The State of Nevada, and Tracy Taylor, P.E., in his capacity as State Engineer of Nevada, by and through their counsel, Attorney General Catherine Cortez Masto and Senior Deputy Attorney General Bryan Stockton, submit their Order.

A hearing was held on December 16-17, 2009 and on January 14-15, 2010. Testimony was heard and evidence admitted. References herein are to the exhibit numbers assigned during the trial. The court makes the following findings of fact and conclusions of law.

FINDINGS OF FACT

1. The waters of Mott Creek were first put to beneficial use in 1852 by the Mott family and all dates of priority for the rights herein stem therefrom as the water appears to have been put to beneficial use continuously to the present day.
2. The water rights at issue herein were first quantified in 1889 in the water right claim made by Cerrissa Fettic wherein she claimed a one-quarter share of the flow of Mott Creek to irrigate "about 100 acres." Exhibit 4. The court herein finds that 117.42

Nevada Office of the Attorney General
100 North Carson Street
Carson City, NV 89701-4717

acres had water that was put to beneficial use by irrigation and had appurtenant water, 117.42 acres is reasonable in light of the claim for "about 100 acres."

3. Testimony of Thomas Wheeler in the case of *Taylor v. Jones*, June 1, 1871 was admitted. Exhibit 22. Wheeler testified that there were "60 acres of [irrigated] grain, besides the hay lands." *Id.* The court finds that the owners at the time would have irrigated as much additional acreage as they could and that the 117.42 acres found to have appurtenant water is the most reasonable interpretation of the Wheeler testimony.
4. The 1904 Plane Table Survey conducted by L. H. Taylor provides substantial evidence to support the findings of the State Engineer in the Final Order of Determination. The court finds that there appear lines on the Survey that indicate that the limit of irrigation line may not be as precise as was found by the State Engineer. The area that is clearly marked as irrigated on the Survey was plotted by the State Engineer and totaled 104.03 acres. However, the court finds that there are other indefinite markings on the map that cause the court to find that an additional 13.39 acres were irrigated as well.
5. The 1938 aerial photograph shows substantial flood damage to the subject property, but it also shows substantial evidence of irrigation practices that coincide with the 117.42 acres herein found to have appurtenant water rights from Mott Creek. Exhibit 15.
6. The property at issue herein was last in unified ownership in the name of The Estate of Duane Myron Allerman, and was subdivided in 1985 and the 10 acre parcel in the name of Eric Song J. and Elizabeth Park was subdivided later. The lots were transferred with appurtenant water rights, however no determination has been heretofore made concerning the portion of the property to which the water from Mott Creek was placed to beneficial use and thereby made appurtenant thereto.
7. Common agricultural practice for lands under common ownership in the Carson Valley is to beneficially use all water available to irrigate as much land as possible. The slope of the land is one of the most important factors in irrigation practice. The one-foot contour interval map prepared by Resource Concepts, Inc., dated May 24, 1994; shows

Nevada Office of the Attorney General
100 North Carson Street
Carson City, NV 89701-4717

that the slope of the property being fairly uniform until the break in slope which occurs generally at the 4,897 foot elevation contour interval. Exhibits 17 and 40. Soil type also remains consistent from the westerly end of the irrigated acreage through the slope change at the 4,897 foot contour.

8. Location the line of beneficial use at this point is also consistent with testimony and evidence that the hummocky area below the break at evaluation 4897 receives water though sub-irrigation from a high water table, and waste and drain water from an adjacent property.

CONCLUSIONS OF LAW

Beneficial use of water is the most important aspect of Nevada's Water Law. NRS 533.035; See also, *Desert Irrigation, Ltd. v. Nevada*, 113 Nev. 1049, 1059, 944 P.2d 835, 842 (1997). "[W]ater used in this State for beneficial purposes shall be deemed to remain appurtenant to the place of use." NRS 533.040 (1). When property is under unified ownership no attempt is made to inform the State Engineer of exactly where on the property water is put to beneficial use. When property becomes subdivided, water may be severed from its original place of beneficial use and transferred to a new beneficial use. *Margrave v. Dermody Properties*, 110 Nev. 824, 878 P.2d 291 (1995). However the deed must be specific in where the water is transferred from and to. *Id.* If the deed is silent, and merely transfers property with appurtenant water rights, the court must look to historical practices to determine where on the property the water was put to beneficial use. *Zolezzi v. Jackson*, 72 Nev. 150, 297 P.2d 1081 (1956).

The property at issue appears to have been entitled to a one-quarter share of Mott Creek since at least the Cerrisa Fettic claim of 1889. The court finds that the water shall be apportioned as detailed below.

///

///

///

///

Nevada Office of the Attorney General
100 North Carson Street
Carson City, NV 89701-4717

Nevada Office of the Attorney General
100 North Carson Street
Carson City, NV 89701-4717

ORDER

It is hereby ordered the final decree in this matter shall include the following:

Claim V-05314 shall be entitled to irrigate 21 acres from the second diversion of Mott Creek in the name of David B. Davis and Sharon L. Davis.

Claim V-06313 shall be entitled to irrigate 40 acres from the second diversion of Mott Creek in the name of Canyon Creek Equestrian Center, LLC.

Claim V-06349 shall be entitled to irrigate 33.46 acres from the second diversion of Mott Creek in the name of Maddi's Friesian Ranch.

Claim V-06350 shall be entitled to irrigate 12.96 acres from the second diversion of Mott Creek in the name of Thomas M. and Paula J. Yturbide, Trustees of the Yturbide 1991 Family Trust.

Claim V-06351 shall be entitled to irrigate 10 acres from the second diversion of Mott Creek in the name of Eric Song J. and Elizabeth Park.

The State Engineer shall create a rotation schedule that allows the parties to receive their proportionate share of the full use of the second division of Mott Creek in a way that promotes beneficial use of the water. The State Engineer shall meet with the parties and confer to work out a schedule that is acceptable to all the parties.

Although sufficient data does not exist at this time to accurately determine the increase or decrease in the proportional share of time based on ditch loss, infiltration rate and depth to the water table within the parcels of land affected by this decision, the rotation schedule shall include that data which does exist, including more permeable soils to the west and some benefit to the Davis parcel from sub irrigation and less soil permeability. This may impact the rotation schedule necessary to fairly apportion available water.

After one irrigation year on the State Engineer's rotation schedule, any party may petition the Court for necessary changes which become apparent.

///

///

///

The amount of water herein awarded is based on high flows that generally occur in the spring of the year. As water flows decrease over the course of the summer and early fall, the parties will share the reduced flows proportionally.

DATED this 21 day of May, 2010.

DISTRICT JUDGE

Submitted by:

CATHERINE CORTEZ MASTO
Attorney General

By: _____
BRYAN L. STOCKTON
Nevada State Bar #4764
Senior Deputy Attorney General
100 North Carson Street
Carson City, Nevada 89701-4717
(775) 684-1228

Nevada Office of the Attorney General
100 North Carson Street
Carson City, NV 89701-4717

CERTIFICATE OF MAILING

I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that on this 20th day of May 2010, I deposited for mailing at Carson City, Nevada, postage prepaid, a true and correct copy of the foregoing **ORDER**, addressed to the following:

Paul Taggart, Esq.
Tyler Elanco, Esq.
108 North Minnesota Street
Carson City, Nevada 89703
Attorneys for Maddi's Friesian Ranch

Jennifer Ytrubide, Esq.
Brooke, Shaw & Zumpft
1590 Fourth Street
P.O. Box 2860
Minden, Nevada 89423
Attorneys for Ytrubide Family Trust

Eric and Elizabeth Park
290 Allerman Lane
Gardnerville, Nevada 89460
Pro Per

David and Sharon Davis
P.O. Box 1360
Gardnerville, Nevada 89460
Pro Per 782-5543

Ross E. de Lipkau, Esq.
Parsons, Behle & Latimer
50 W. Liberty Street, #750
Reno, Nevada 89501

Gerald R. Novotny, Sr.
P.O. Box 415
Glenbrook, Nevada 89413
Canyon Creek Equestrian Center

Sandie Geyer, LSII
Office of the Attorney General

Nevada Office of the Attorney General
100 North Carson Street
Carson City, NV 89701-4717

THIS PAGE INTENTIONALLY BLANK

Case No.: 08-CV0363-F

Department No.: 1

RECEIVED
AUG - 9 2010
DOUGLAS COUNTY
DISTRICT COURT CLERK

FILED
2010 AUG 30 PM 2:40
TED THRAN
CLERK
BY: DEPUTY

IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR 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 County, Nevada.

ORDER

Nevada Office of the Attorney General
100 North Carson Street
Carson City, NV 89701-4717

A hearing was held on July 16, 2010 on a MOTION FOR PRELIMINARY INJUNCTION filed by Maddi's Friesian Ranch (MFR) on July 6, 2010. MFR was represented by their attorney, Paul Taggart, Esq. Yturbide's were represented by their attorney Jennifer Yturbide, Esq. Elizabeth Parks was present on her own behalf. David Davis was present on his own behalf. Steve Hattaway was present on behalf of Gerald Novatny. Jason King, P.E., in his capacity as State Engineer of Nevada, was represented by and through his counsel, Attorney General Catherine Cortez Masto and Senior Deputy Attorney General Bryan Stockton.

The State Engineer drafted a proportional rotation schedule (PRS) that divided flow of the water the second division of Mott Creek based on the acreage to be irrigated to each of the parties. Exhibit 1. The parties attempted to negotiate among themselves, and a meeting was held June 17, 2010 at the office of the Attorney General. Mr. Stockton informed the parties that if they could not agree to a rotation schedule, the State Engineer intended to implement the PRS with Yturbide first for the remainder of the 2011 irrigation season only.

MFR questioned whether the implementation of the PRS was in accordance with the Order of this Court that consideration be given to the western parcels to receive extra water

based on poor soil conditions. The reason given by the State Engineer for implementing PRS was that Davis up to that point in the irrigation season was getting water under the Final Order of Determination. Although Davis was entitled to irrigate 21 acres, they had been receiving water based on the seven acres found in the Final Order of Determination.

The State Engineer also proposed what is being called the "rounded off rotation schedule" (RRS) for the 2011 irrigation season. Exhibit 2. This schedule allows the parties to change water at 8:00 AM or 8:00 PM and cuts water flows into 12-hour increments. Yturbide receives extra time in rotation than they have under PRS and MFR received the same time for their 33.46 acres as Novotny does for his 40 acres.

Finally, MFR argues that it should get more water because its use is better than the other parties. The United States Supreme Court has said that "[t]o have a property interest in a benefit, a person clearly must have more than an abstract need or desire for it. He must have more than a unilateral expectation of it. He must, instead, have a legitimate claim of entitlement to it." *Board of Regents of State Colleges v. Roth*, 408 U.S. 564, 577 (1972). In Nevada, relative values of use are not valid criteria to award water to users who feel they can make a better use of the water. Therefore, no additional water may be allowed to MFR based solely on perceived relative values of beneficial use.

The PRS will be in effect until the end of the 2010 irrigation season. Exhibit 1. The RRS will be in effect beginning with the 2011 irrigation season and until further order of this Court. Exhibit 2.

IT IS SO ORDERED.

DATED this 20 day of August, 2010.

District Court Judge

Submitted By:

BRYAN L. STOCKTON
Senior Deputy Attorney General
Nevada State Bar #4764
100 North Carson Street
Carson City, Nevada 89701
(775) 684 -1228

Nevada Office of the Attorney General
100 North Carson Street
Carson City, NV 89701-4717

CERTIFICATE OF MAILING

I certify that I Sandie Geyer, an employee of the Office of the Attorney General, State of Nevada, and that on this 9th day of August 2010, I deposited for mailing at Carson City, Nevada, postage prepaid, a true and correct copy of the foregoing **ORDER** addressed to the following:

Paul Taggart, Esq.
Tyler Elanco, Esq.
108 North Minnesota Street
Carson City, Nevada 89703
Attorneys for Maddi's Friesian Ranch

Jennifer Ytrubide, Esq.
Brooke, Shaw & Zumpft
1590 Fourth Street
P.O. Box 2860
Minden, Nevada 89423
Attorneys for Ytrubide Family Trust

Eric and Elizabeth Park
290 Allerman Lane
Gardnerville, Nevada 89460
Pro Per

David and Sharon Davis
P.O. Box 1360
Gardnerville, Nevada 89460
Pro Per 782-5543

Gerald R. Novotny, Sr.
P.O. Box 415
Glenbrook, Nevada 89413
Canyon Creek Equestrian Center

Sandie Geyer, LSII
Office of the Attorney General

Nevada Office of the Attorney General
100 North Carson Street
Carson City, NV 89701-4717

EXHIBIT 1

EXHIBIT 1

2010 IRRIGATION SEASON - 21 DAY ROTATION SCHEDULE FOR SECOND MOST NORTHERLY MOTT CREEK DIVERSION

DAY 1 / DAY 22	DAY 2	DAY 3	DAY 4	DAY 5	DAY 6	DAY 7
V-05314 ENDS 6:00AM (DAY 1 BEGINS) V-06350 STARTS 6:00AM		V-06350 ENDS 11:30PM V-06351 STARTS 11:30PM		V-06351 ENDS 8:15AM V-06349 STARTS 8:15AM		
DAY 8	DAY 9	DAY 10	DAY 11	DAY 12	DAY 13	DAY 14
			V-06349 ENDS 8:00AM V-06313 STARTS 8:00AM			
DAY 15	DAY 16	DAY 17	DAY 18	DAY 19	DAY 20	DAY 21
			V-06313 ENDS 12:00PM V-05314 STARTS 12:00PM			

CLAIM NO.	PRO RATA HOURS	ACTUAL HOURS	ACTUAL TIME	% OF ACREAGE	ACTUAL ACREAGE
V-06350*	65.52	65.5	2 DAYS-17 HOURS-30 MINUTES	13	12.96
V-06351*	32.76	32.75	1 DAY-8 HOURS-45 MINUTES	6.5	10
V-06349	143.64	143.75	5 DAYS-23 HOURS-45 MINUTES	28.5	33.46
V-06313	171.864	172	7 DAYS- 4 HOURS	34.1	40
V-05314	90.216	90	3 DAYS-18 HOURS	17.9	21
TOTALS	504	504	3 WEEKS	100	117.42

*V-06350 AND V-06351 SUBJECT TO 2/3, 1/3 AGREEMENT

EXHIBIT 2

EXHIBIT 2

2011 IRRIGATION SEASON- 21 DAY ROTATION SCHEDULE WITH 08:00 AM START TIME

V-06350 STARTS ON DAY ONE

DAY 1	DAY 2	DAY 3	DAY 4	DAY 5	DAY 6	DAY 7
V-06350 STARTS 08:00 AM			V-06350 ENDS 08:00 AM V-06351 STARTS 08:00 AM	V-06351 ENDS 8:00 PM V-06349 STARTS 8:00 PM		
DAY 8	**DAY 9**	**DAY 10**	**DAY 11**	**DAY 12**	**DAY 13**	**DAY 14**
				V-06349 ENDS 8:00 AM V-06313 STARTS 08:00 AM		
DAY 15	**DAY 16**	**DAY 17**	**DAY 18**	**DAY 19**	**DAY 20**	**DAY 21**
			V-06313 ENDS 08:00 PM V-05314 STARTS 8:00 PM			V-05314 ENDS 08:00 AM

CLAIM NO.	PRO RATA HOURS	% OF ACREAGE	PROPOSED ACTUAL TIME	ACTUAL HOURS	ACTUAL ACREAGE
V-06350*	0	13	3 DAYS	72	12.96
V-06351*	0	6.5	1 DAY-12 HOURS	36	10
V-06349	0	28.5	6 DAYS-12 HOURS	156	33.46
V-06313	0	34.1	6 DAYS- 12 HOURS	156	40
V-05314	0	17.9	3 DAYS-12 HOURS	84	21
TOTALS	504	100	3 WEEKS	504	117.42

*V-06350 AND V-06351 SUBJECT TO 2/3, 1/3 AGREEMENT

Carson Valley-Mott Creek, Et Al. Adjudication
Douglas County, Nevada

Legend

Case No. 08-CV-0363-E

Dept. No. I

RECEIVED
DEC 26 2013
DOUGLAS COUNTY
DISTRICT COURT CLERK

FILED
2013 DEC 26 AM 9:03
TED THRAN
CLERK
BY DEPUTY

IN THE NINTH JUDICIAL DISTRICT COURT OF 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 County, Nevada.

_____/

ORDER

THIS MATTER came before the court on October 10, 2012, for a pretrial conference and on November 7, 2102, and November 30, 2012, to hear and resolve specific exceptions to the State Engineer's Final Order of Determination regarding water sources identified within the above caption. Specifically, the exceptions at issue in this submatter were filed by Jerald R. Jackson, Trustee of the Jerald R. Jackson 1975 Trust, as amended, and Irene W. Windholz, Trustee of the Irene M. Windholz Trust dated August 11, 1992, in one instance, and Edward H. Groenendyke, as Trustee of the Groenendyke Family Trust, in the second instance.

Appearing before the court on all three dates were the State of Nevada, and Tracy Taylor, P.E., in his capacity as State Engineer of Nevada, by and through their counsel, Attorney General Catherine Cortez Masto and Senior Deputy Attorney General Bryan

/ / /

/ / /

Stockton.[1] Also appearing before the court on those dates were T. Scott Brooke, Esq. and the law firm of Brooke Shaw Zumpft, representing claimant Edward H. Groenendyke, as Trustee of the Groenendyke Family Trust. Also appearing before the court on those dates were Gordon H. DePaoli, Esq. and the law firm of Woodburn and Wedge, representing Jerald R. Jackson, Trustee of the Jerald R. Jackson 1975 Trust, as amended, and Irene W. Windholz, Trustee of the Irene M. Windholz Trust dated August 11, 1992.[2]

The subject matter of this subproceeding is the complex of springs known as Unnamed Springs A-D. *See* Final Order of Determination, page 16-17. During the October 10th pretrial conference, the parties present stipulated that the normal duty of water for the acreage of real property served by Unnamed Spring (A) is 4.0 acre-feet per acre annually, with the understanding that because the relevant water sources do not produce sufficient water to meet the duty, no claimant will actually receive the full duty of water each year. Transcript of Proceedings, Pretrial Conference of October 10, 2012, page 8, line 2 - page 10, line 13; Transcript of Proceedings of November 7, 2012, page 16, lines 18 - 23. The court hereby adopts the provisions of that stipulation. Thus, references within the State Engineer's Final Order of Determination, including but not limited to page 20 and any corresponding tables and proof summaries arising therefrom such as Table 8 at page 200, to a duty of 2.43 acre-feet per acre shall be substituted with 4.0 acre-feet per acre.

During the proceedings commenced on November 7, 2012, the parties present stipulated that a specific rotation schedule pertinent to the proofs at issue, *see* Table 8 of the

---

[1] Senior Deputy Attorney General Nhu Q. Nguyen, Esq. also appeared on behalf of the State Engineer on October 10th and November 7th.

[2] Dale Ferguson, Esq. also appeared on behalf of the Jackson and Windholz trustees on November 7th and November 30th.

Final Order of Determination, is not to be included within the final decree, but instead a provision will be included within the decree for the implementation by the State Engineer, as the court's water commissioner, of a rotation schedule affecting the specific waters at issue in the event the affected claimants cannot reach agreement regarding an acceptable rotation of water flow promoting a beneficial use. If deemed necessary, a claimant may then lodge an objection before the court regarding the details of a rotation schedule implemented by the State Engineer in any given year. Transcript of Proceedings of November 7, 2012, page 10, line 19 - page 13, line 6. The court hereby adopts the provisions of that stipulation. As water flows decrease over the course of an irrigation season, claimants are to share in the reduced flow proportional to their interest.

With those stipulations in place, on November 30, 2012, the parties sought a ruling from the court to resolve a remaining issue: exceptions raised by the Groenendyke, Jackson and Windholz trustees regarding the State Engineer's commingling of water originating from Unnamed Spring (A) into Unnamed Creek, thereby allegedly redirecting the use of Unnamed Spring (A) from its historical beneficial use and, as a result and in effect, awarding vested water rights to certain downstream claimants. Given this narrowed controversy, the exception to the State Engineer's Final Order of Determination raised by the Jackson and Windholz trustees pertains now only to Proof of Appropriation No. V-06342 as further addressed within this order; the exception raised by the Groenendyke trustee pertains to Proof of Appropriation No. 08850. In effect, however, these narrowed exceptions to now be resolved by the court contest the sharing of water originating from Unnamed Spring (A) with other proofs constituting certain downstream property owners labeled as the Green Acres subdivision.

Specifically, the State Engineer's Final Order of Determination states in relevant part:

/ / /

FINDINGS OF FACT AND CONCLUSIONS

After review and consideration of evidence, testimony at the public administrative hearing held by staff of the State Engineer's Office on March 5 & 7, 2007, to the objections to the Preliminary Order of Determination, and all relevant files in the State Engineer's office, the following is determined:

Objections regarding Unnamed Springs (A), (B), (C) and (D) located within the old Heritage Ranch and the Green Acres Subdivision:

. . .

A. Edward Groenendyke objection to the Preliminary Order of Determination:

An objection to the Preliminary Order of Determination regarding Proof V-08850 as filed by B.J. Vasey, P.E., PLS on behalf of Edward Groenendyke. The basis of the objection is acreage that can be irrigated from Unnamed Spring (A), the duty of water and irrigated acreage.

Mr. Vasey testified that the entire 37.97 acres claimed under Proof of Appropriation No. V-08850 is able to be irrigated from "Unnamed Spring (A)". Cross-examination by Paul Taggart, Esq., did not produce any evidence to refute the 37.97 acres ability to be irrigated from Unnamed Spring (A). A formal field investigation of the water sources and irrigated acreage was conducted on July 26, 2007, as an extension of the March 5, 2007, hearing. The field investigation revealed that 12.43 acres of land lying to the north of the northeast trending drain ditch that bisects the Groenendyke under this claim is irrigated exclusively from "Unnamed Spring (A)". The remaining acreage located to the south and east of the described drain ditch consists of 25.54 acres irrigated by "Unnamed Spring (B)".

Unnamed Spring (B), hereafter referred to as "Unnamed Spring (D)" . . . is the water source for Proof V-06321, 40.36 acres; Proof V-06323, 40.35 acres; and Proof V-08850, 25.54 acres; for a total of 106.25 acres. Proof of Appropriation V-02856 claims a diversion rate of 3.5 cfs for the irrigation of 117.6 acres. Monthly flow measurements were conducted during the 1997 and 1998 irrigation seasons by staff of the Division of Water Resources. The measurements from this spring source ranged from a low of 1.45 cfs in July Of 1998 to a high of 4.17 cfs in June of 1997. A flow rate from Unnamed Spring (D) of 1.20 cfs during the 198-day growing season will provide a duty of 4.0 acre-feet per acre on the original 117.6 acres. A flow rate of 1.45 cfs will provide 4.83 acre-feet per acre, 3.50 cfs will provide a duty of 11.67 acre-feet per acre and 4.17 cfs will provide a duty of 13.90 acre-feet per acre. The standard consumptive use figure for irrigated crops in northern Nevada is 4.0 acre-feet per acre. Pasture grass, native hay, and various grain types require substantially less water than alfalfa. The dominant crop type within the area of these water claims is pasture grass. . . . Actual consumptive use is considered to be somewhere between [2.23 acre-feet per acre and 3.32 acre-feet per acre].

Aerial photography from 1938, 1939-1940, and 1954 illustrate equivalent vegetative and irrigation patterns within the confines of all irrigated acreage within the Heritage Ranch and Green Acres subdivision areas.

The State Engineer determines that it would not be suitable irrigation practice to apply more water than is necessary to irrigate pasture/harvest lands as listed under Proof V-06321, Proof V-06323, and Proof V-08850. The NEVADA LAW OF WATER RIGHTS authored by Wells A. Hutchins states:

> *Needs of appropriator.* - The appropriate right is restricted to the quantity of water actually needed for irrigation, watering of stock, domestic use, or other beneficial purpose for which the appropriation is made. . . . It is recognized that the quantity of water varies with the seasons, and that a decree that authorizes the diversion of specific quantity at all time regardless of

necessity is erroneous. . . . The appropriator is entitled to enough water for his reasonable needs; . . . but any quantity of water diverted in excess of existing needs is not taken in exercise of a right, but is part of the water to which junior appropriators are entitled. . . .

The State Engineer further finds that the 3.5 cfs from Unnamed Spring (D) used for the irrigation of the above listed acreage yields 3 times the volume of water necessary for the irrigation of the existing and historic crops on this acreage.

The State Engineer determines that Unnamed Spring (A) is the primary source of water for the following claims: Proof V-06342, 7.20 acres; Proof V-08850, 12.43 acres, Proof V-06322, 2.47 acres; Proof V-06325, 2.54 acres; Proof V-06326, 2.50 acres; Proof V-06327, 4.90 acres; Proof V-06328, 5.55 acres; Proof V-06329, 5.22 acres; Proof V-06330, 5.08 acres; Proof V-06331, 4.88 acres; Proof V-06333, 4.98 acres; Proof V-06334, 2.55 acres; Proof V-07486, 4.86 acres; Proof V-09264, 2.53 acres; Proof V-09265, 2.55 acres; Proof V-09266, 5.18 acres; Proof V-09270, 5.18 acres; for a total of 80.60 acres. . . .

. . . Proof of Appropriation V-08850 claims a vested water right from both Unnamed Spring (A) and Unnamed Spring (D). Permit 24919, Certificate 7842, is certificated for the waters of Unnamed Spring (A) for irrigation purposes within the same place of use as claimed under proof V-08850. Both water sources, Unnamed Spring (A) and Unnamed Spring (D), are claimed by Proof of Appropriation Nos. V-06321, V-06323,V-06342, V-06345 (claimed as 'UNNAMED SPRING, DESIGNATED JACKSON SPRING "D" '), and V-08850. Permit 24918, Certificate 7843, and Proof of Appropriation No. V-02856 claim water from an Unnamed Spring, also known as "Unnamed Spring "B" or Jackson Spring "D", for irrigation purposes within the same or portions of the place of use as the aforementioned proofs in the preceding sentence.

The information contained in Permits 24918 and 24919 and Proof of Appropriation V-02856 was reviewed and considered in determining the final disposition of Proof Nos. V-06321, V-06323, V-06342, V-06345 and V-08850. The State Engineer determines that it would not be prudent to attempt to administer the waters of the two spring sources under a minimum of three layers of permits and claims of vested rights. Therefore, the State Engineer determines that Permit 24918, Certificate 7843; Permit 24919, Certificate 7842, and Proof of Appropriation V-02856 are superseded by Proof of Appropriation Nos. V-06321, V-06323, V-06342, V-06345 and V-08850.

. . .

Finally, the State Engineer determines that Unnamed Spring (A) is physically capable of being diverted to any area within the 37.97 acres claimed under Proof V-08850. The State Engineer determines that water from Unnamed Spring (A) is not necessary for the irrigation of the 25.54 acres lying south of the diagonal ditch under this claim and Proofs V-06321 and V-06323 based on prior findings within the scope of this [Groenendyke] objection to the Preliminary Order of Determination. The State Engineer further determines that the commingling of Unnamed Spring (A) with Unnamed Spring (D) directs excessive water onto lands irrigated by the claims referred to in this paragraph. These waters then become drain and waste that may or may not be able to be effectively utilized by claimants within the Green Acres Subdivision.

Mr. Brant Honkanen testified that the reason that his grandfather purchased Lot 4 within the Green Acre Subdivision "was because it had the best water rights." Mr. Honkanen stated that the water from the "spring" {referring to Unnamed Spring (D)} flowed on a continuous basis over the "last 40 years" through the Groenendyke property to the point where it intersected the south ditch that supplies water from Unnamed Spring (A) and Miller Creek near the center of the south line of the Honkanen property (APN 1219-26-001-031). Mr. Honkanen said that the stream of water from Unnamed Spring (D) created "a natural pond at the confluence

of the south Green Acres ditch and the diagonal ditch that flows through the Groenendyke property (APN 1219-26-001-035). Mr. Honkanen's description of the confluence of the Unnamed Spring (D) and the South Green Acres Ditch was confirmed during the July 26, 2007, field investigation.

A field investigation of the irrigation system conducted on August 6, 1992, revealed that the spring source, "Unnamed Spring D", aka Jackson Spring "D", claimed under Proofs V-02856, V-08850, V-06321 and V-06323 was capable of being diverted approximately 150 feet north from the claimed point of diversion. The water was transmitted to the east through a culvert beneath Foothill Road and into the "bisecting ditch" that separates the north and south portions of Proof V-08850. Water was also transmitted through the Foothill Road culvert from a spring and swamp area that now comprises the "Jackson Pond" that was the primary issue of the aforementioned field investigation. The existence and location of this diversion and associated culvert/headgate substantiates the Honkanen testimony referred to in the preceding paragraph.

Staff of the State Engineer's Office has observed that the construction of the pond near the southeast corner of the Jackson property precludes the ability to divert water through the "bisecting ditch" through the Groenendyke property. The preceding findings are resolved [by] the subsequent State Engineer's Order [requiring reconstruction of the headgates and distribution system].

. . .

The State Engineer finds that the subdivision of the land that once comprised the two separate ranches that are the subject of this objection precludes the ability to irrigate the acreage in the manner that is completely consistent with the historic practices that were in effect prior to the 1960's.

Based on the preceding findings, the State Engineer finds that any flow from Unnamed Spring (D) in excess of 1.5 cfs shall be divided in a 60%/40% split with 40% of the water above 1.5 cfs diverted to the north through the diversion and culvert in the aforementioned paragraph, thence, flow to the east beneath Foothill Road and through the ditch that bisects the acreage listed under Proof V-08850. This water will intersect the ditch that flows from west to east along the south boundary of the Green Acres subdivision at a point near the middle of the south boundary of the irrigated acreage under Proof V-09264. The water from Unnamed Spring (D) shall have a direct diversion right, and will be available for use during the rotation schedule as set forth for Unnamed Spring (A) with the exception of Claims V-06321, V-06323, V-06334, V-06342, V-06345, and V-08850 that cannot physically receive water from this diversion. The remaining 60% of the flow in excess of 1.5 cfs will remain in the ditch that provides water to Heritage Ranch water users under Claims V-06321, V-06323 and V-08850.

The State Engineer determines that Hutchins definition of the "Needs of appropriator" as discussed on page 19 of this Final Order precludes the use of water from Unnamed Spring (A) to supplement flows from Unnamed Spring (D) that are in excess of what is considered a reasonable duty of water to accomplish the needs of the irrigators under Claims V-06321, V-06323 and V-08850. Therefore, the State Engineer finds that Unnamed Spring (A) shall henceforth be appurtenant to lands described under Proof V-06342, 7.20 acres; Proof V-08850, 12.43 acres, Proof V-06322, 2.47 acres; Proof V-06325, 2.54 acres; Proof V-06326, 2.50 acres; Proof V-06327, 4.90 acres; Proof V-06328, 5.55 acres; Proof V-06329, 5.22 acres; Proof V-06330, 5.08 acres; Proof V-06331, 4.88 acres; Proof V-06333, 4.98 acres; Proof V-06334, 2.55 acres; Proof V-07486, 4.86 acres; Proof V-09264, 2.53 acres; Proof V-09265, 2.55 acres; Proof V-09266, 5.18 acres; Proof V-09270, 5.18 acres; for a total of 80.60 acres.

The State Engineer determines that water from Unnamed Spring (A) can be distributed over the entire 37.97 acres claimed under Proof V-08850. The State Engineer finds that the 12.43 acres lying north of the bisecting ditch receive water as a direct diversion from Unnamed Spring (A). The State Engineer determines that the primary source of water for the 25.54 acres

lying south of said ditch is Unnamed Spring (D). The State Engineer finds that commingling the waters of Unnamed Spring (A) with the waters of Unnamed Spring (D) is not necessary for the irrigation of lands that are exclusively irrigated by said Spring (D). Further, the State Engineer determines that the commingling of Unnamed Spring (A) water with the waters of Unnamed Spring (D) allows the application of more water than is necessary to adequately irrigate land covered by said Unnamed Spring (D), therefore, the State Engineer concludes that the continued use of Unnamed Spring (A) water to supplement Unnamed Spring (D) constitutes a waste of water that is not allowed under Chapter 533 of the Nevada Water Law [specifically citing NRS 533.070 among others].

. . .

B. Jerald R. Jackson objection to the Preliminary Order of Determination:

An objection to the Preliminary Order of Determination regarding Proofs of Appropriation V-09264, V-09265, V-09266, V-09267, V-09268, V-09269, V-09270, V-02856, V-06342, V-06343, V-06344, V-06345 and Permits Nos. 24918, C-7843, and 24919, C-7842, was filed by Paul G. Taggart, Esq. on behalf of Jerald R. Jackson, et al. The basis of the objection is clarification of "drain and waste rights, priority date, exclusion of stock watering rights and the inclusion of the claimant's proofs in the rotation schedule.

In response to objection section I. **Drain and Waste Rights to Unnamed Jackson Spring "A" and Any Unnamed Creek that Issues Therefrom.**

A hearing of objections to the Preliminary Order of Determination was held by the staff of the State Engineer's Office on March 5, 2007. A formal field investigation of the water sources and irrigated acreage was held on July 26, 2007, as an extension of the March 5, 2007, hearing. The field investigation revealed that Proofs of Appropriation V-09267, V-09268, and V-09269 do not receive water from Unnamed Spring (A); therefore the State Engineer determines that Unnamed Spring (A) is not a valid source of water for said Proofs of Appropriation. However, the State Engineer has determined that Proofs of Appropriation V-09265, V-09266 and V-09270 can receive water from Unnamed Spring (A) as a direct diversion. It was the intent of the Preliminary Order of Determination to describe Unnamed Spring (A) as a primary source of water to V-09265, V-09266 and V-09270, and remains the intent of this Final Order of Determination to describe the same. Culture maps from the U.S. Geologic Survey show homogenous vegetation on the parcels of land that make up the aerial photography from 1938, 1939-1940, and 1954 illustrate equivalent vegetative and irrigation patterns within the confines of all irrigated acreage within the Heritage Ranch and Green Acres subdivision areas.

State Engineer's Final Order of Determination, page 16 - 25 (footnotes and citations omitted).

Preceding the hearing of November 30, 2012, the court had conducted a site visit in the presence of the parties and counsel on November 7, 2012, observing the relevant unnamed sources of water pertinent to the exceptions at issue. During the hearing of November 30, 2012, the court received the testimony of witnesses and documentation offered into evidence, including copies of maps and photographs containing information dating back to the year 1904, as well as copies of patents and deeds dating back to the year 1864 among other things.

At the conclusion of the hearing, the court provided the parties with a post-hearing

period of time to file any written objections they had regarding the proffered documentary evidence. No written objections have been received. Therefore, hearing exhibits 1 through 6 as marked and offered by the State Engineer are hereby admitted; hearing exhibits A through M as marked and offered by the Jackson and Windholz trustees are also admitted.[3]

Having examined all relevant pleadings and papers on file herein, and having considered the evidence and testimony presented during the hearing of November 30, 2012, and taking into account the court's observations during the site visit of November 7, 2012, the court now enters the following order, good cause appearing:

THAT the portion of the State Engineer's Final Order of Determination recounted above regarding Unnamed Spring (A) is affirmed; the parties' exceptions entered pertaining to Unnamed Spring (A) are denied.

Findings of Fact

The court adopts the relevant findings of fact contained within the State Engineer's Final Order of Determination as it pertains to the specific determination regarding Unnamed Spring (A). Those findings are substantiated by the record reflected within the exhibits referenced as footnotes within the Final Order of Determination and by the evidence adduced during the November 30th hearing, as well as the information obtained by the court during the site visit of November 7th. The findings include:

1. "Unnamed Spring (B), hereafter referred to as "Unnamed Spring (D)" . . . is the water source for Proof V-06321, 40.36 acres; Proof V-06323, 40.35 acres; and Proof V-08850, 25.54 acres; for a total of 106.25 acres."

2. "A flow rate from Unnamed Spring (D) of 1.20 cfs during the 198-day growing

---

[3] Any oral objections, if any, stated during the November 30th hearing are summarily denied, having received no further briefing from the parties.

season will provide a duty of 4.0 acre-feet per acre on the original 117.6 acres. A flow rate of 1.45 cfs will provide 4.83 acre-feet per acre, 3.50 cfs will provide a duty of 11.67 acre-feet per acre and 4.17 cfs will provide a duty of 13.90 acre-feet per acre."

3. "The standard consumptive use figure for irrigated crops in northern Nevada is 4.0 acre-feet per acre. Pasture grass, native hay, and various grain types require substantially less water than alfalfa. The dominant crop type within the area of these water claims is pasture grass. . . . Actual consumptive use is considered to be somewhere between [2.23 acre-feet per acre and 3.32 acre-feet per acre]."

4. "Aerial photography from 1938, 1939-1940, and 1954 illustrate equivalent vegetative and irrigation patterns within the confines of all irrigated acreage within the Heritage Ranch and Green Acres subdivision areas."

5. "[T]he 3.5 cfs from Unnamed Spring (D) used for the irrigation of the above listed acreage yields 3 times the volume of water necessary for the irrigation of the existing and historic crops on this acreage."

6. "Unnamed Spring (A) is physically capable of being diverted to any area within the 37.97 acres claimed under Proof V-08850."

7. "[W]ater from Unnamed Spring (A) is not necessary for the irrigation of the 25.54 acres lying south of the diagonal ditch under this claim [Proof V-08850] and Proofs V-06321 and V-06323."

8. "[T]he commingling of Unnamed Spring (A) with Unnamed Spring (D) directs excessive water onto lands irrigated by the claims referred to [directly above]. These waters then become drain and waste," precluding assured effective utilization by downstream claimants.

9. Mr. Brant Honkanen testified [during a prior adminstrative hearing] that the reason that his

grandfather purchased Lot 4 within the Green Acre Subdivision "was because it had the best water rights." Mr. Honkanen stated that the water from the "spring" {referring to Unnamed Spring (D)} flowed on a continuous basis over the "last 40 years" through the Groenendyke property to the point where it intersected the south ditch that supplies water from Unnamed Spring (A) and Miller Creek near the center of the south line of the Honkanen property (APN 1219-26-001-031). Mr. Honkanen said that the stream of water from Unnamed Spring (D) created "a natural pond at the confluence of the south Green Acres ditch and the diagonal ditch that flows through the Groenendyke property (APN 1219-26-001-035). Mr. Honkanen's description of the confluence of the Unnamed Spring (D) and the South Green Acres Ditch was confirmed during the July 26, 2007, field investigation.

10. A field investigation of the irrigation system conducted on August 6, 1992, revealed that the spring source, "Unnamed Spring D", aka Jackson Spring "D", claimed under Proofs V-02856, V-08850, V-06321 and V-06323 was capable of being diverted approximately 150 feet north from the claimed point of diversion. The water was transmitted to the east through a culvert beneath Foothill Road and into the "bisecting ditch" that separates the north and south portions of Proof V-08850. Water was also transmitted through the Foothill Road culvert from a spring and swamp area that now comprises the "Jackson Pond" that was the primary issue of the aforementioned field investigation. The existence and location of this diversion and associated culvert/headgate substantiates the Honkanen testimony referred to in the preceding paragraph.

11. "[T]he subdivision of the land that once comprised the two separate ranches that are the subject of this objection precludes the ability to irrigate the acreage in the manner that is completely consistent with the historic practices that were in effect prior to the 1960's."

12. "Proofs of Appropriation V-09267, V-09268, and V-09269 do not receive water from Unnamed Spring (A)."

13. "Proofs of Appropriation V-09265, V-09266 and V-09270 can receive water from Unnamed Spring (A) as a direct diversion."

14. Similar to Finding No. 4, "[c]ulture maps from the U.S. Geologic Survey show homogenous vegetation on the parcels of land that make up the aerial photography from 1938, 1939-1940, and 1954 illustrate equivalent vegetative and irrigation patterns within the confines of all irrigated acreage within the Heritage Ranch and Green Acres subdivision areas."

15. Interviews of various individuals asserting the possession of knowledge regarding the subject matter at issue, as transcribed, marked and admitted into evidence as Defendant's Exhibit H, represent that no water from Unnamed Spring (A) was historically allowed to flow downstream to irrigate the Green Acre parcels other than perhaps as drainage or via tailwater

use.

16. Although no water from Unnamed Spring (A) is asserted to have been historically diverted to reach the Green Acre parcels directly, the capability to do so exists today as observed during the site visit and is known to have existed historically based upon the early construction of a wooden pipeline allowing the diversion of water from Unnamed Spring (A) toward the east of Foothill Road, thereby allowing the source water to reach the Green Acre parcels if desired. Alternatively, the water could be diverted south before reaching Foothill Road. *See*, inter alia, Plaintiff's Exhibit 2.

Conclusions of Law

The court adopts the relevant conclusions contained within the State Engineer's Final Order of Determination as it pertains to the specific determination regarding Unnamed Spring (A). Those conclusions include:

1. "[I]t would not be suitable irrigation practice to apply more water than is necessary to irrigate pasture/harvest lands as listed under Proof V-06321, Proof V-06323, and Proof V-08850."

2. "[C]ommingling the waters of Unnamed Spring (A) with the waters of Unnamed Spring (D) is not necessary for the irrigation of lands that are exclusively irrigated by said Spring (D)."

3. "[T]he commingling of Unnamed Spring (A) water with the waters of Unnamed Spring (D) allows the application of more water than is necessary to adequately irrigate land covered by said Unnamed Spring (D)."

4. "[T]he continued use of Unnamed Spring (A) water to supplement Unnamed Spring (D) constitutes a waste of water that is not allowed under Chapter 533 of the Nevada Water Law", specifically NRS 533.070 among others.

5. To the extent the objections to the State Engineer's conclusions regarding the vested rights in Unnamed Spring (A) held by the owners of the Green Acre parcels are based on circumstantial evidence, and weighing the documentation said to focus upon the historical use and appropriation of water from Unnamed Spring (A) against the historical existence of such diversion capability, the court concludes that the existence of such diversion capability prevails as the more reasonable and reliable interpretation of the facts that such diversion did occur despite the circumstantial denials presented to the contrary.

Combining the conclusion immediately above with the State Engineer's conclusions contained within the Final Order of Determination causes the entry of the court's judgment:

Judgment

That substantial evidence to support the State Engineer's Final Order of Determination is present; the exceptions narrowed to the subject matter of the November 30, 2012, hearing are denied.

Therefore, the State Engineer's determination that Unnamed Spring (A) is the primary source of water for the following claims is affirmed:

> Proof V-06342, 7.20 acres; Proof V-08850, 12.43 acres, Proof V-06322, 2.47 acres; Proof V-06325, 2.54 acres; Proof V-06326, 2.50 acres; Proof V-06327, 4.90 acres; Proof V-06328, 5.55 acres; Proof V-06329, 5.22 acres; Proof V-06330, 5.08 acres; Proof V-06331, 4.88 acres; Proof V-06333, 4.98 acres; Proof V-06334, 2.55 acres; Proof V-07486, 4.86 acres; Proof V-09264, 2.53 acres; Proof V-09265, 2.55 acres; Proof V-09266, 5.18 acres; Proof V-09270, 5.18 acres; for a total of 80.60 acres. . . .

Likewise, the State Engineer's finding that Unnamed Spring (A) shall henceforth be appurtenant to lands described under the following proofs is affirmed:

> Proof V-06342, 7.20 acres; Proof V-08850, 12.43 acres, Proof V-06322, 2.47 acres; Proof V-06325, 2.54 acres; Proof V-06326, 2.50 acres; Proof V-06327, 4.90 acres; Proof V-06328, 5.55 acres; Proof V-06329, 5.22 acres; Proof V-06330, 5.08 acres; Proof V-06331, 4.88 acres; Proof V-06333, 4.98 acres; Proof V-06334, 2.55 acres; Proof V-07486, 4.86 acres; Proof V-09264, 2.53 acres; Proof V-09265, 2.55 acres; Proof V-09266, 5.18 acres; Proof V-09270, 5.18 acres; for a total of 80.60 acres.

As such, those proofs are determined to possess adjudicated vested rights to the water

originating from Unnamed Spring (A).

Miscellaneous

It was previously agreed by the parties participating in the hearing, and therefore is hereby ordered, that any other stipulations reached between those parties pertaining to the issues raised within their exceptions are to be included within the final decree.

It was also ordered during the hearing that the Jackson trustees are to allow the Groenendyke trustees reasonable access to water facilities affecting the Groenendyke property but located on the Jackson property.

The court ordered that any acknowledged acreage errors contained within the Final Order of Determination with regard to this submatter E are to be corrected. The court also hereby orders that all incidental corrections arising since the Final Order of Determination was issued, as discovered by the State Engineer since that date, are also to be corrected within the final decree.

The court concludes that all other issues raised as motions within the Groenendyke trustee's supplemental exception are not within the parameters of this judicial process and therefore are not addressed herein.

Having now entered rulings on all contested exceptions filed within Ninth Judicial District Court case no. 08-CV-0363, the State Engineer is directed to commence the statutory process for entry of a final decree.

IT IS SO ORDERED.

Dated this 24 day of December, 2013.

DAVID R. GAMBLE
Senior District Judge

Copies served by mail this 26 day of December, 2013, to:

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

T. Scott Brooke, Esq.
Brooke Shaw Zumpft
P.O. Box 2860
Minden, NV 89423

Gordon H. DePaoli, Esq.
Woodburn and Wedge
6100 Neil Road, Ste. 500
Reno, NV 89511

Brenda Holzer

CATHERINE CORTEZ MASTO
Attorney General
BRYAN L. STOCKTON
Senior Deputy Attorney General
Nevada State Bar No. 4764
100 N. Carson Street
Carson City, Nevada 89701
Telephone: 775-684-1228
Facsimile: 775-684-1108
bstockton@ag.nv.gov

ORIGINAL

RECEIVED
OCT 16 2014
DOUGLAS COUNTY
DISTRICT COURT CLERK

2014 OCT 16 PM 4:49
BOBBI R. WILLIAMS
CLERK
BY _____ DEPUTY

IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR 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 County, Nevada.	Case No.: **08-CV0363** Department No.: 1 **NOTICE OF ENTRY OF ORDER**

TO: ALL INTERESTED PARTIES

PLEASE TAKE NOTICE OF ENTRY of the FINDINGS OF FACT, CONCLUSIONS OF LAW, JUDGMENT AND DECREE pursuant to NRCP Rule 58(e). A copy of said Decree is attached hereto. Appeals must be filed within 30 days of this notice under NRS 533.200 and NRAP Rule 4(a)(1).

DATED this 16th day of October, 2014.

CATHERINE CORTEZ MASTO
Attorney General

By: _____
BRYAN L. STOCKTON
Nevada State Bar #4764
Senior Deputy Attorney General
100 North Carson Street
Carson City, Nevada 89701–4717
(775) 684-1228
Attorneys for State Engineer

Nevada Office of the Attorney General
100 North Carson Street
Carson City, NV 89701-4717

CERTIFICATE OF MAILING

I certify that I Sandie Geyer, an employee of the Office of the Attorney General, State of Nevada, and that on this 16th day of October 2014, I deposited for mailing at Carson City, Nevada, postage prepaid, a true and correct copy of the foregoing **NOTICE OF ENTRY OF ORDER and DECREE**, addressed to the following:

Taggart & Taggart, Ltd.
Paul G. Taggart, Esq.
108 Minnesota Street
Carson City, Nevada 89701

Ross E. de Lipkau, Esq.
Parsons Behle & Latimer
333 Holcomb Avenue, Suite 300
Reno, Nevada 89502

Brent T. Kolvet, Esq.
Thorndahl, Armstrong, Delk,
Balkenbush, Eisinger
6590 South McCarren Blvd., Suite B
Reno, Nevada 89509

Kelly R. Chase, Esq.
P.O. Box 2800
Minden, Nevada 89423

Eric and Elizabeth Park
290 Allerman Lane
Gardnerville, Nevada 89460

Thomas J. Hall
305 S Arlington Ave.
P.O. Box 3948
Reno, Nevada 89505

Matuska Law Office
Michael Matuska, Esq.
937 Mica Drive., Suite 16A
Carson City, Nevada 89705

Brooke, Shaw Zumpft
Scott Brooke, Esq.
P.O. Box 2860
Minden, Nevada 89423

Gordon DePaoli
Woodburn and Wedge
6100 Neil Road, Ste. 500
Reno, Nevada 89505

George M. Keele, Esq.
1692 County Road, Suite A
Minden, Nevada 89423

Ron Alling, Esq.
Alling & Jillson Ltd.
276 Kingsbury Grade, Ste 2000
P.O. Box 3390
Stateline, Nevada 89449

Sandie Geyer, LSII

Nevada Office of the Attorney General
100 North Carson Street
Carson City, NV 89701-4717

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

FINDINGS OF FACT, CONCLUSIONS OF LAW, JUDGEMENT
AND

DECREE

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, 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 COUNTY, NEVADA.

DAVID GAMBLE
DISTRICT JUDGE

SEPTEMBER 29, 2014

RECEIVED

SEP 2 6 2014

DOUGLAS COUNTY
DISTRICT COURT CLERK

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

C 8-CV-0863

2014 SEP 29 PM 3:48

BOBBIE R. WILLIAMS
CLERK

BY M. BIAGGINI
DEPUTY

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, 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 COUNTY, NEVADA.

DOUGLAS COUNTY, NV
This is a no fee document
NO FEE
NEVADA/ATTORNEY GENERAL

2014-850085
09/30/2014 09:46 AM
Pgs= 184

0000027920140850085184 1843

KAREN ELLISON, RECORDER

FINDINGS OF FACTS, CONCLUSIONS OF LAW, JUDGMENT AND DECREE

I. GENERAL

On June 5, 1987, a petition was filed in the Office of the State Engineer requesting a determination of the relative rights of the claimants to the waters of Sheridan Creek, Douglas County, Nevada. This request was followed by an Order dated June 17, 1987, from the Ninth Judicial District Court in and for Douglas County, State of Nevada, ordering the State Engineer to proceed with the same.

The State Engineer considered the scope of other surface waters in Carson Valley and after close study of the evidence and locality, determined the facts and conditions warranted the initiation of proceedings for determination of the relative rights of the claimants to the waters that drain into the Carson Valley from the Eastern slope of the Carson Range.

On October 22, 1990, the State Engineer entered Order No. 1031 initiating the proceedings to determine the relative rights of claimants of vested rights to waters located in T.12N., R.19E., M.D.B.&M. In accordance with NRS § 533.095, a copy of the Order was served by certified mail to persons identified as owning land within the subject area that could be potential claimants. A notice describing the initiation of the adjudication proceedings was published on November 1, 8, 15, 22, and 29, 1990, in the

Record-Courier located in Gardnerville, Nevada, a newspaper of general circulation within the boundaries of the subject adjudication area.

State Engineer's Order No. 1034 established January 11, 1991, as the date the State Engineer would commence taking proof of claims of the rights and established March 18, 1993, as the final date for filing said proofs pursuant to NRS § 533.110. A copy of the Order was served by certified mail to persons identified as owning land within the subject area that could be potential claimants. A notice describing the commencement of taking proofs was published on January 17, 24, 31 and February 7 and 14, 1991, in the Record-Courier located in Gardnerville, Nevada, a newspaper of general circulation within the boundaries of the subject adjudication area.

On March 10, 1993, the State Engineer served by certified mail to each potential claimant that could be reasonably ascertained, a notice extending the final date for filing said proofs in the Office of the State Engineer to March 18, 1994. Surveys and corresponding maps were executed and submitted by the claimants to the Office of the State Engineer pursuant to NRS § 533.100.

On May 22, 2006, the State Engineer issued an Abstract of Claims and the Preliminary Order of Determination and on June 12, 2006, issued the Notice of Order Fixing and Setting Time and Place of Inspection in the Matter of the subject adjudication pursuant to NRS § 533.140. A copy of the aforementioned documents was served on all claimants. The time for inspection was held during regular business hours at the Office of the State Engineer from August 15, 2006, to September 15, 2006.

In accordance with NRS § 533.145, objections to the Preliminary Order of Determination were required to be filed in the Office of the State Engineer on or before September 15, 2006. The claimants were advised that if no objections were received on or before September 15, 2006, the Order of Determination would be prepared and filed in accordance with the provisions of the NRS § § 533.160 and 533.165.

On September 20, 2006, an extension of time for the filing of objections to "the close of business on October 6, 2006" was granted.

After all parties of interest were properly noticed, a public administrative hearing on the objections to the Preliminary Order of Determination was held before the State Engineer on March 5 and March 7, 2007. After review and consideration of evidence and

testimony presented at the hearing, the State Engineer issued his Order of Determination on August 14, 2008. As provided for in NRS § 533.160, a copy of the aforementioned document was delivered in person or served by certified mail to all claimants.

On October 30, 2008, the Ninth Judicial District Court issued an Order setting the time and date for hearing exceptions to the Final Order of Determination. After all parties of interest were properly noticed, a hearing on the exceptions to the Final Order of Determination was held before the District Court on April 1, 2009 (Case No. 08-CV-0363 Sub E Dept. I).

The April 1, 2009 hearing resulted in the exceptions being divided into six subparts, including:

Subpart A

The Kimmerling exception, that concerns having Kimmerling Family Trust, dated June 12, 1990, listed as an owner of Proof V-06320 in the final Decree. Title was brought forward in the Office of the State Engineer to reflect this. Therefore, this issue was resolved prior to the hearing.

Subpart B

The Douglas exception, concerns typographical errors in the Table of Relative Rights to Appropriators in the Final Order of Determination pertaining to Proof V-06321. The typographical errors concerning diversion rate, duty and acreage have been corrected. Therefore, this issue was resolved prior to the hearing.

Subpart C

The Brooks exception, concerns a discrepancy in acreage in the Table of Relative Rights of Appropriators in the Final Order of Determination. This discrepancy can only be resolved with the submission of an amended map supporting Proof V-06365 produced by a licensed Nevada State Water Rights Surveyor.

Subpart D

The Bentley exception, concerns typographical errors, irrigated acreage, a "diversion agreement" and the inclusion of a rotation schedule. Replies to the Bentley exception were filed by Forrester, Hall Ranches, LLC, Scyphers, Scharro, Sheridan Creek Equestrian Center, LLC and Mitchell.

Subpart E

The Groenendyke and Jackson exceptions, concern the distribution of water from unnamed springs 'A', 'B', 'C' and 'D', the places of use of such water and their associated duties and rotation schedules.

Subpart F

The Davis exception, concerns a reduction in irrigated acreage in the Final Order of Determination from the amount stated in the Preliminary Order of Determination and the implementation of a rotation schedule.

On May 21, 2010, the District Court issued an Order, which was the decision of record concerning acreage under Subpart F. The amount of acreage determined for Davis was set at 21 acres.

On August 30, 2010, the District Court issued an Order, which was the decision of record concerning rotation under Subpart F. The issue of the rotation schedule was determined to be the "Rounded off Rotation Schedule," which was put into effect for the remainder of the 2010 irrigation season and was to stay in effect until further order of the District Court.

On April 5, 2012, the District Court issued a Findings of Fact, Conclusions of Law and Order and Judgment, which was the decision of record concerning Subpart D. The typographical error and acreage change was accepted, the Final Order of Determination as it pertains to Subpart D is affirmed, the use of a rotation schedule is ordered when Sheridan Creek flows fall below 2.0 cubic feet per second (cfs) and the "diversion agreement" was determined to be invalid.

On December 24, 2013, the District Court issued an Order, which was the decision of record that included the Findings of Fact, Conclusions of Law and Order and Judgment concerning Subpart E. The Final Order of Determination as it pertains to Subpart E is affirmed.

II. FINDINGS OF FACT

After review and consideration of evidence and testimony at the hearings held by the Ninth Judicial District Court on the objections to the Final Order of Determination (Case No. 08-CV-0363 Dept I), the following was determined:

Subpart A: Exception regarding Proof V-06320 by Kimmerling 1990 Trust dated June 12, 1990.

An exception to the Final Order of Determination was filed by Robert A. Kimmerling and Margery A. Kimmerling, as co-Trustees of the Kimmerling 1990 Trust dated June 12, 1990 (the "Kimmerling Trust"), concerning Proof V-06320. The exception concerned the identification of the Kimmerling Trust as Owner of Record of a portion of Proof V-06320 in the final Decree. The Kimmerling Trust was not listed as Owner of Record of a portion of Proof V-06320 in the Final Order of Determination. The Kimmerling Trust owns real property within the place of use of Proof V-06320 as described in the Final Order of Determination. The Kimmerling Trust received title to the real property on April 18, 1995, from the William R. Tomerlin Trust dated August 11, 1976 (the "Tomerlin Trust"), as conveyed by an Individual Grant Deed from the Tomerlin Trust to the Kimmerling Trust. The Individual Grant Deed expressly included all appurtenances.

The Kimmerling Trust filed a Report of Conveyance with the Office of State Engineer as required by NRS § 533.384 to complete the chain of title to its portion of Proof V-06320, being 2.12 acres within the 49.1 acres described in the Final Order of Determination.

Title has been brought forward in the Office of the State Engineer showing that the Kimmerling Trust is the Owner of Record for 2.12 acres within the 49.1 acres described in the Final Order of Determination. This will be reflected in the Table of Decreed Rights of Appropriation (Appendix A). This exception is considered resolved.

Subpart B: Exception regarding Proof V-06321 by the Bartholomew Family Trust and the Henry Edward Warg and Geraldine Gardner Revocable Trust.

An exception to the Final Order of Determination was filed by Myles Douglas, M.D. for the Bartholomew Family Trust and the Henry Edward Warg and Geraldine Gardner Revocable Trust concerning Proof V-06321. The exception concerned a possible typographical error relating to "Duty Total Acre-Feet" in the Table of Relative Rights to Appropriators in the Final Order of Determination, which stated 96.24 acre-feet rather than 161.44 acre-feet.

The discrepancy in acre-feet was determined to be a typographical error and will be corrected to 161.44 acre-feet in the Table of Decreed Rights of Appropriation (Appendix A). This exception is considered resolved.

Subpart C: Exception regarding Proofs V-06365 and V-06366 by the Brooks Family Trust.

An exception to the Final Order of Determination was filed by Lynette L. Brooks, trustee for the Brooks Family Trust concerning Proofs V-06365 and V-06366. The exception concerned the amount of irrigated acreage described in the Table of Relative Rights to Appropriations in the Final Order of Determination, which stated 59.2 acres of irrigated land. Further information was provided stating that an additional 4.63 acres should be added to the 59.2 acres.

The Court affirmed the State Engineer's findings that the additional 4.63 acres was valid and would be added to Proof V-06365 for a total of 63.83 acres in the Table of Decreed Rights of Appropriation (Appendix A), provided that the Brooks Family Trust submit a map drawn to acceptable standards by a licensed Nevada State Water Right Surveyor to the Office of the State Engineer.

To date, the Brooks Family Trust has failed to submit the required map. Therefore, the Brooks Family Trust is not in compliance with the Court's order and the acreage described in the Table of Relative Rights to Appropriators in the Final Order of Determination stands, and the additional 4.63 acres is rejected.

Subpart D: Exception regarding Proofs V-06305, V-06306, V-06307 and V-06308 by the Bentley Family 1995 Trust.

An exception to the Final Order of Determination was filed by J.W. Bentley and Maryann Bentley, Trustees of the Bentley Family 1995 Trust concerning Proofs V-06305, V-06306, V-06307 and V-06308. The exception, composed of five separate points, includes:

1.) **Diversion/Rotation Schedule:** The first asserts that the diversions under Proofs V-06307 and V-06308 are for stock water and wildlife and should not be subject to a rotation schedule. Bentley asserts the Office of the State Engineer does not have the authority to impose a diversion/rotation schedule. The Bentley Family 1995 Trust's diversion rights on Sheridan Creek are set forth in

a series of "diversion agreements" between predecessors, which state that the ponds and streams on the property will have continuous non-consumptive use to maintain water levels in the ponds and streams and to supply a water source for stock and wildlife. These agreements also include the waters from Stutler Creek and Gansberg Spring.

2.) **Add all Proofs to the Adjudication Map:** The second asserts that the Adjudication Map to the Final Order of Determination only identifies Proofs V-06305 and V-06306 appurtenant to the Bentley parcel. The map should further identify Proofs V-06307 and V-06308. Those Proofs provide rights to a continuous flow for Bentley's stock/wildlife ponds under the "diversion agreements" that they believe are exempt from the diversion/rotation schedule.

3.) **Correct Typographical Error:** The next pertaining to Proof V-04594 (which has been superseded in part by Proofs V-06305, V-06306, V-06307 and V-06308) contains a reference to Proof V-06505. The correct reference should presumably be V-06305 (Stutler Creek).

4.) **Correct Acreage:** This exception pertains to Proof V-06305 (Stutler Creek), which was submitted for 10.36 acres of land, but approved for only 9.61 acres. This amount is also reflected in the Table of Relative Rights to Appropriators in the Final Order of Determination, but conflicts with Part XX, Table 5 (Stutler Creek-Commingled with the North Diversion of Sheridan Creek) of the Final Order of Determination, which shows 10.36 approved acres. The waters of Stutler Creek are diverted through the North Branch of Sheridan Creek and since there is no way to distinguish between the two, the acreage approved under Proof V-06305 should be the same as the acreage approved under Proof V-06306 (Sheridan Creek), which is 12.93 acres.

5.) **Install Diversion Device:** The final exception asserts that the waters of Stutler Creek and Gansberg Spring are channeled into Sheridan Creek, which in turn splits into two branches. Bentley Family 1995 Trust's diversion rights are obtained from the North Branch of Sheridan Creek, which also delivers the commingled waters of Stutler Creek and Gansberg Spring. At this time, only crude, natural devices (i.e., rocks) are employed to direct the waters to the

North and South Branches of Sheridan Creek. Bentley requests that the Office of the State Engineer commission the installation of a diversion structure/device sufficient to measure and deliver accurate diversions between the North and South Branches of Sheridan Creek, and to ensure that the waters of Gansberg Spring and Stutler Creek are not diverted down the South Branch of Sheridan Creek.

Subpart D: Reply to Exceptions by Bentley Family 1995 Trust to Final Order of Determination regarding Proofs V-06305, V-06306, V-06307 and V-06308 by Donald S. and Kristina M. Forrester, Thomas J. and Kathleen M. Scyphers, Frank Scharo, Ronald R. and Ginger G. Mitchell, Sheridan Creek Equestrian Center LLC and Hall Ranches, LLC. (Forrester et al.)

A Reply to Exceptions by Bentley Family 1995 Trust to Final Order of Determination was filed by Forrester et al. The portion of the Bentley Exception replied to by the Forrester et al. is the Diversion/Rotation Schedule and associated "diversion agreement."

Forrester et al. utilizes water from Sheridan Creek and Stutler Creek with partially supplemental water from Gansberg Spring. These waters are diverted to the Forrester et al. properties from the North Branch of Sheridan Creek. They contend that a diversion/rotation schedule is necessary to maintain hydraulic head in the ditches to effectively irrigate their lands and that the "diversion agreement" is invalid as it was not signed by all the involved parties at the time namely June Irene Bartlett (a.k.a. June Irene Rolph) or Nancy Rolph Welch who were owners of the right at the time of the agreement. If the "diversion agreement" is found to be valid, its use to fill and maintain the ponds is not a non-consumptive use and the pond constructed in 2008 after Bentley took possession of the property should not be included as it does not have a water right.

Subpart D: Order and Judgment

The District Court issued an Order dated April 5, 2012 (Appendix C), and determined that the Final Order of Determination issued by the State Engineer on August 14, 2008, as it pertains to the Ninth Judicial District Court (subpart D), is affirmed, confirmed and approved in all aspects except as specifically provided herein:

1.) **Diversion/Rotation Schedule:** It was stipulated at the beginning of the trial that the decree would not include a rotation schedule. However, under the provisions of NRS § 533.075 and the orders of this Court, when the combined flow of Sheridan Creek falls below 2.0 cubic feet per second (cfs), the State Engineer shall impose a rotation schedule and the rotation schedule shall be in effect from the time the North Diversion of Sheridan Creek drops below 2.0 cfs until the flow rises above 2.0 cfs or until the schedule is modified by the Court. The rotation schedule shall be prepared at the beginning of the irrigation season to allow review by this Court, under NRS § 533.450, if any party challenges the schedule. The State Engineer has full authority to implement a rotation schedule, if appropriate. The rotation schedule shall reflect any agreements between the parties. The State Engineer shall monitor the system and make changes as required by law or by request of the parties, which changes are subject to review by the Court. The "diversion agreements" are unenforceable, invalid and ineffective.

2.) **Add all Proofs to the Adjudication Map:** The parties agreed that the Map does not depict any stock-water rights, that the Decree controls the water rights and the map is for convenience only, and that the stock-water rights need not and will not be shown on the Map.

3.) **Correct Typographical Error:** The typographical error will be corrected to reflect the proper number, which is Proof V-06305, in the Decree.

4.) **Correct Acreage:** The acreage listed under Proof V-06305 will be listed as 12.93 acres in the Decree.

5.) **Install Diversion Device:** The current diversion structure and method is inadequate, which involves the placement of rocks in the stream channel that split the flow into two diversions. The parties and State Engineer agree that a structure should be installed, but that in order to assess the cost to all users of both branches, the installation will be deferred until after the Decree is final.

Subpart E: Claimant's Notice of Exceptions to the Final Order of Determination regarding Proof V-08850 by the Groenendyke Family Trust.

A Claimant's Notice of Exceptions to the Final Order of Determination was filed by Edward H Groenendyke, Trustee of the Groenendyke Family Trust concerning Proof V-08850. The exception, composed of nine separate points, includes:

1.) The Final Order of Determination determined water rights to Unnamed Spring A in favor of parties where no claim of right was presented, and did not provide any substantial or reliable evidence of historical use necessary to support a claim of a water right in Unnamed Spring A.

2.) The Final Order of Determination regarding Unnamed Spring A disrupts a long-established and working rotation schedule among the owners of claimed water rights in Unnamed Spring A. The Final Order of Determination contains a proposed rotation schedule for Unnamed Spring A, which contains errors, in that not all hours within the proposed period are assigned.

3.) The Final Order of Determination restricts the use of waters from Unnamed Spring A by Claimant on lands other than the specified 12.43 acres, despite evidence of historical use and long-standing practice without any factual justification.

4.) The Final Order of Determination reduces the recognized duty of water for Claimant's 12.43 acres from 4 acre-feet/acre to 2.43 acre-feet/acre without any factual basis for such reduction.

5.) The Final Order of Determination determines water rights in Unnamed Spring D in favor of parties where no claim of right was presented, and did not provide any substantial or reliable evidence of historical use necessary to support a claim of a water right in Unnamed Spring D.

6.) The Final Order of Determination assumes ditch rights regarding Unnamed Spring D water in favor of parties who have no historical rights, or who have abandoned and/or waived such rights as may have existed, which would constitute a taking of Claimant's property rights.

7.) The Final Order of Determination directs "...reconstruction of the head gate and distribution system" regarding Unnamed Spring D water, to remedy a preclusion

created by construction of a pond, but fails to require the landowner who built the pond, or the water-right users to be benefitted by the structure, to pay for such structure.

8.) The Final Order of Determination disrupts the rotation schedule previously agreed upon by water-right owners and users of Unnamed Spring A and Unnamed Spring D, who have used waters from such sources in a combined or mutually supportive manner, according to long-standing rotation schedules.

9.) The Final Order of Determination commingles the waters of Unnamed Spring A and Unnamed Creek, which are in truth and fact separate water sources and have been certificated and used as separate sources, and disregards prior historical recognition of such distinct water sources; and purports to redirect the use of such waters as vested rights, to the prejudice of Claimant.

Subpart E: Notice of Exceptions to the Final Order of Determination by the Jerald R. Jackson 1995 Trust and the Irene Windholz Trust dated August 11, 1992.

A Notice of Exceptions to the Final Order of Determination was filed by Jerald R. Jackson, Trustee of the Jerald R. Jackson 1975 Trust, as amended, and Irene M. Windholz, Trustee of the Irene M. Windholz Trust dated August 11, 1992, concerning Proofs V-06342, V06343 and a portion of V-02856. The exception, composed of three separate points, includes:

1.) **Inadvertent Mistake in Assigning Water Duty:** In the Table of Relative Rights to Appropriators, Proof V-06342 assigns an incorrect duty of 2.43 acre-feet/acre, whereas the remarks section under the same Proof, states, "The total combined duty of water under this proof and proofs V-06343 and V-02856 shall not exceed a duty of 4.00 acre-feet/acre."

2.) **Apparent Mistake in Assigning Flow, After it was Measured in Cubic Feet Per Second:** There is a strong indication that the correct flow on the same Table is actually 0.50 cfs, rather than 0.053 cfs, which preliminarily suggests an inadvertent error of a magnitude that reflects almost ten times less than the correct flow. Fortunately, the historic flow measurements extant in the Office of the State Engineer should substantiate the correct flow figures.

3.) **Flow in Unnamed Spring A:** Historical flow measurements suggest an average flow of 0.50 cfs from Unnamed Spring A. Another spring source near Unnamed Spring A arises and merges with the flow from Unnamed Spring A. The average of this spring's flow is 0.10 cfs. The Jackson and Windholz Trusts want to be granted a vested right in this 0.10 cfs flow from this smaller spring.

Subpart E: (Qualified) Objection to the Exceptions to the Final Order of Determination Regarding Proof of Appropriation V-08850 as it affects Proof Numbers V-06342, V-06343 and a Portion of V-02856 by the Jerald R. Jackson 1995 Trust and the Irene Windholz Trust dated August 11, 1992.

A (Qualified) Objection to the Exceptions to the Final Order of Determination Regarding Proof of Appropriation V-08850 as it affects Proof Numbers V-06342, V-06343 and a Portion of V-02856 was filed by Jerald R. Jackson, Trustee of the Jerald R. Jackson 1975 Trust, as amended, and Irene M. Windholz, Trustee of the Irene M. Windholz Trust dated August 11, 1992, concerning Proofs V-06342, V-06343 and a portion of V-02856. The objection reiterates the prior three Jackson/Windholz exceptions but also puts forth some proposals for remedy as they pertain to Jackson/Windholz concerns.

Subpart E: Order and Judgment

The District Court issued an Order dated December 24, 2013 (Appendix D), and determined that the Final Order of Determination issued by the State Engineer on August 14, 2008, as it pertains to the Ninth Judicial District Court (subpart E), is affirmed, confirmed and approved in all aspects except as specifically provided herein:

1.) **Water Duty:** The parties stipulated that the normal duty of water for the acreage of real property from Unnamed Spring A will be changed from 2.43 acre-feet/acre to 4.0 acre-feet/acre (*see* Table 8, Appendix B).

2.) **Rotation Schedule:** A rotation schedule will not be included within the final decree. Instead, a provision will be included within the decree for the implementation by the State Engineer, as the Court's water commissioner, of a rotation schedule affecting the specific waters at issue in the event the affected claimants cannot reach agreement regarding an acceptable rotation of water flow promoting beneficial use. Claimants may lodge an objection before the

court regarding details of a rotation schedule implemented by the State Engineer in any given year. As water flows decrease during the irrigation season, claimants are to share in the reduced flow proportional to their interest.

3.) **Miscellaneous:** The court orders that the Jackson trustees are to allow the Groenendyke trustees reasonable access to water facilities affecting the Groenendyke property, but located on the Jackson property.

Subpart F: Claimant's Notice of Exceptions to the Final Order of Determination regarding Proofs V-05314, V-06313, V-06349, V-06350 and V06351 by David B. and Sharon Lynn Davis.

A Claimant's Notice of Exceptions to the Final Order of Determination was filed by David B. Davis and Sharon Lynn Davis concerning Proofs V-05314, V-06313, V-06349, V-06350 and V-06351. The exception is composed of two main points:

1.) The Preliminary Order of Determination stated that the Davis parcel had 56.39 acres of land under irrigation. The Final Order of Determination reduced that acreage amount to 7.61 acres with no clear explanation as to why their property was impacted and not adjoining parcels according to the claimant.

2.) Because of the reduction in acreage, the rotation schedule is impacted with respect to the Davis parcel in that it only receives the proportional time associated with the 7.61 acres versus 56.39 acres.

Subpart F: Opposition to Exceptions by David B. and Sharon Lynn Davis to the Final Order of Determination by Maddi's Friesian Ranch, LLC., Eric and Elizabeth Park, Canyon Creek Equestrian Center, LLC and Yturbide 1991 Family Trust.

The Opposition to the Exceptions in reference to the Davis Exceptions were filed by Maddi's Friesian Ranch, LLC, Eric and Elizabeth Park, Canyon Creek Equestrian Center, LLC, and Yturbide Family Trust. These entities stated in their Oppositions that they were in support of the State Engineer's Final Order of Determination and that it should be affirmed.

Subpart F: Stipulation Regarding Ownership of Proof V-06313 by Canyon Creek Equestrian Center, LLC.

A Claimant's Stipulation to the Final Order of Determination was filed by Canyon Creek Equestrian Center, LLC concerning Proof V-06313. The Stipulation concerns owner of record with respect to the final decree.

Title has been brought forward to show that Canyon Creek Equestrian Center, LLC is the owner of record for Proof V-06313 and will be reflected as such in the Table of Decreed Rights of Appropriation.

Subpart F: Order and Judgment

The District Court issued an Order dated May 21, 2010 (Appendix E), and determined that the amount of irrigated acreage for the Davis Proof (V-05314) be set at 21 acres, Canyon Creek Equestrian Center LLC (Proof V-06313) at 40 acres, Maddi's Friesian Ranch (Proof V-06349) at 33.46 acres, Yturbide (Proof V-06350) at 12.96 acres and Park (Proof V-06351) at 10 acres. The District Court issued an Order dated August 30, 2010 (Appendix E), for the State Engineer to implement the Rounded off Rotation Schedule, which was to be put into effect for the remainder of the 2010 irrigation season and was to stay in effect until further order of the District Court.

Miscellaneous

There are three existing civil decrees relative to the waters of this adjudication. Portions of the waters of Mott Creek were decreed on June 3, 1871. The successors in interest to these two decrees on Mott Creek are the claimants receiving water from the southernmost diversion of the four-way split. The waters of Luther Creek were decreed on May 27, 1874. The successors in interest to these decreed waters of Luther Creek are the claimants receiving water from the two-way split. Barber Creek (a.k.a. Jobs Canyon Creek) was decreed May 27, 1921. This decree is located within the described area of this adjudication; however, this stream system is not part of this proceeding, since it was previously adjudicated. The decreed waters of Barber Creek are intertwined and commingled with other sources of water in this adjudication and are described for continuity of the area being adjudicated. The State Engineer properly recognized that these existing civil decrees are controlling and any determination made herein was intended to be consistent with those civil decrees.

In all other respects, the Court hereby affirms each and every finding of fact by the State Engineer in the Final Order of Determination in the Matter of the Determination of the Relative Rights in and to the Waters of Mott Creek, Taylor Creek, Cary Creek (a.k.a. Carey Creek), Monument Creek, and Bulls Canyon, Stutler Creek (a.k.a. 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 County, Nevada.

III. CONCLUSIONS OF LAW

From the records on file in this proceeding, from the arguments heard by the Court and from the foregoing Findings of Fact, the Court makes the following Conclusions of Law.

A.) The State Engineer had the right, authority, and jurisdiction under Chapter 533 of the Nevada Revised Statutes to make the investigations made by him, receive the proofs and maps, enter and file in his office the Order of Determination, file a certified copy of the Order of Determination in this Court, determine the relative rights of the claimants in and to the waters of Mott Creek, Taylor Creek, Cary Creek (a.k.a. Carey Creek), Monument Creek, and Bulls Canyon, Stutler Creek (a.k.a. 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 County, Nevada, and that the State Engineer duly made all orders necessary and proper in connection therewith and entered the same in his office as required by Chapter 533 of the Nevada Revised Statutes.

B.) Each and every notice required by law to be given herein to the claimants and appropriators was duly served by the State Engineer in the manner and within the time required by law and that the notices contained all the information required by law and that the claimants and appropriators of the waters of Mott Creek, Taylor Creek, Cary Creek (a.k.a. Carey Creek), Monument Creek, and Bulls Canyon, Stutler Creek (a.k.a. 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 County, Nevada, duly received the information and notices as required by law.

C.) The Ninth Judicial District Court of the State of Nevada in and for the County of Douglas has jurisdiction to hear this matter and has the jurisdiction to make and enter the foregoing Findings of Fact and these Conclusions of Law and further enters its Decree as set forth herein. The Ninth Judicial District Court of the State of Nevada in and for the County of Douglas also retains exclusive jurisdiction over the enforcement of this Decree and all matters that arise under this adjudication.

D.) The priorities for the proofs in this proceeding are fixed by the years and where the years are the same, the priorities are equal.

E.) All waters allotted under this decree shall be appurtenant to the place of use designated herein. Any water user desiring to change the point of diversion, place of use or manner of use of the waters herein must make application to the State Engineer for permission to make the change pursuant to Nevada water law.

F.) The period of use for all irrigation water rights awarded under this proceeding is as noted in the Final Order of Determination.

G.) The State Engineer retains the right to require the installation of measuring devices. If required, the measurements of diverted water are to be made at a location approved by the State Engineer and the parties will be required to install and maintain, at their own expense, substantial and easily operated regulating diversion structures and measuring devices.

H.) This Decree does not extend to any claimant, or their successors in interest, the right of ingress or egress on public, private or corporate lands except those outlined in the District Court Order dated December 24, 2013 (Appendix D).

I.) Pursuant to NRS § 533.270, the State Engineer shall appoint a Water Commissioner, if necessary, subject to the confirmation of the Court, to carry out and enforce the provisions of this Decree and the instructions and orders of the

Court. If any proper order, rules or direction of such Water Commissioner, made in accordance with and for the enforcement of this Decree, are disobeyed or disregarded, the State Engineer is hereby empowered and authorized to suspend the delivery of water to users for disobeying or disregarding such proper orders, rules or direction. The Water Commissioner shall promptly report to the Court of said action in such case and the circumstances connected therewith and leading thereto. A water distribution account will be established by the State Engineer to pay the expenses and salary of the Water Commissioner, if one is determined to be necessary.

J.) The State Engineer or a duly appointed Water Commissioner has the right to enter any premise where a water source adjudicated by this Decree is located, or where water awarded by this Decree is used, at any reasonable hour of the day for the purpose of investigating and carrying out the duties required for the administration of this Decree as per NRS § 533.0247.

K.) Because livestock are opportunistic and will consume water at various sources and in varying quantities depending on available feed and season of use, the number of animals specifies the limit and extent of the rights claimed for watering of livestock and not the quantity of water. Therefore, claims for livestock watering are determined for priority date, maximum number of animals, location and ownership. The duty of water for livestock shall not constitute any additional duty of water or diversion rate for any irrigation claims that also include stock watering or for any stand alone claims that are within the confines of any property that receives water from the same source for irrigation purposes.

L.) Any conveyance of title of a water right must be filed with the State Engineer in accordance with NRS § § 533.382 - 386. Successors in interest to any of the water rights awarded under this proceeding are subject to the terms and conditions of this Decree.

M.) The duty of water is as specified in the attached Table of Decreed Rights of Appropriation involved in this proceeding. To the extent water rights that were awarded through Nevada's statutory permit system are listed in that tabulation, they are not decreed water rights. They are included for informational

purposes and to reflect their relationship to the water rights determined as a result of this proceeding.

N.) In all other respects, and subject to this Court's Orders that are attached hereto, the Court hereby affirms each and every conclusion of law made by the State Engineer in his Final Order of Determination in the Matter of the Determination of the Relative Rights in and to the Waters of Mott Creek, Taylor Creek, Cary Creek (a.k.a. Carey Creek), Monument Creek, and Bulls Canyon, Stutler Creek (a.k.a. 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 County, Nevada, except as noted previously herein.

O.) Table of Decreed Rights of Appropriation. The attached tabulation lists the final determination of the relative rights of the claimants in and to the waters of Mott Creek, Taylor Creek, Cary Creek (a.k.a. Carey Creek), Monument Creek, and Bulls Canyon, Stutler Creek (a.k.a. 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 County, Nevada.

IV. DECREE

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the relative rights of the users in and to the waters of Mott Creek, Taylor Creek, Cary Creek (a.k.a. Carey Creek), Monument Creek, and Bulls Canyon, Stutler Creek (a.k.a. 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 County, Nevada, are determined as stated above.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED, that each and every water user and claimant to the waters of Mott Creek, Taylor Creek, Cary Creek (a.k.a. Carey Creek), Monument Creek, and Bulls Canyon, Stutler Creek (a.k.a. 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 County, Nevada, and each of their agents, attorneys, employees and their successors in interest and every person or persons acting in aid or assistance of the said parties and each of them is hereby perpetually enjoined and restrained as follows:

A.) From at any time diverting or using any water of Mott Creek, Taylor Creek, Cary Creek (a.k.a. Carey Creek), Monument Creek, and Bulls Canyon, Stutler Creek (a.k.a. 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 County, Nevada, herein above-mentioned except to the extent and amount and in the manner and at the time or times set by this decree for each claim or that which is allowed by permits, which have been or may hereafter be granted by the State Engineer of Nevada.

B.) From diverting in excess of the amounts as specified and provided in this Decree or allowed by permits, which have been or may hereafter be granted by the State Engineer of Nevada.

C.) From diverting from the natural channel and from using any of the said water in any other manner or for any other purpose or purposes or upon any other land or lands than as provided and prescribed by the terms of this Decree or by a permit granted or that may hereafter be granted by the State Engineer of Nevada.

D.) From diverting from the natural channel and from using any of the said water at any other time or times than as specified and provided by the terms of this Decree or by permits that may hereafter be granted by the State Engineer of Nevada.

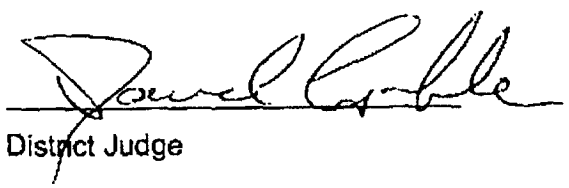
E.) From, in any manner, meddling with, opening, closing, changing, injuring, or otherwise interfering with any head gates, weirs, water boxes, flumes or other measuring devices placed, installed or established by the State Engineer or under his authority or direction, unless such act be done by the permission or authority of the Water Commissioner or the State Engineer, and during the period of regulation or control of said water by the State Engineer, or if not done during

such period, then by virtue of the allowances, authority, terms and provisions of this Decree or by a permit granted or that may hereafter be granted by the State Engineer of Nevada.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED, that all enforcement rights set forth in this Court's Decree affirming the Final Order of Determination by the State Engineer dated August 14, 2008, are fully incorporated herein and this Court expressly reserves sole and continuing jurisdiction over any disputes arising under this Decree and over the continuing administration of this Decree.

The waters of all water sources that are subject to this adjudication proceeding shall be declared fully appropriated with no water available for additional appropriation.

Dated this 29 day of September, 2014.



District Judge

CERTIFIED COPY
The document to which this certificate is attached is a full, true and correct copy of the original in file and of record in my office.

DATE September 29, 2014
BOBBIE R. WILLIAMS Clerk of Court
of the State of Nevada, in and for the County of Douglas,
By _____ Deputy

APPENDIX A

Table of Decreed Rights of Appropriation

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY ACRE-FT/ACRE	TOTAL ACRE-FT
V0780	FRANK FOOD	BEAVER SWAMP	SANSER SEC 14 T 12N R 19E M D B & M	APR 1 TO OCT 15	IRRIGATION 1897	0.210	4.00	53.8

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE						STOCKWATER IS ALSO RECOGNIZED SEE SEC 1810 FINAL ORDER OF DETERMINATION
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
14	T 12 N	R 19 E														15.30	5.40			20.70	
															TOTAL ACRES ALLOTTED					20.70	

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY ACRE-FT/ACRE	TOTAL ACRE-FT
V0783	THE HOLDEN LIVING TRUST DATED AUGUST 24 1992 HANSON TRUST DATED APRIL 7 1983 ROBERT D & WANDA D SHECKLEY	UNNAMED SPRING "C"	SE NW SEC 26 T 12N R 19E M D B & M S 47°57'34"E 1508.0 FT FROM NW COR OF SAID SECTION 26	APR 1 TO OCT 15	IRRIGATION 1853	3.000	4.00	652.00

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE						STOCKWATER IS ALSO RECOGNIZED SEE SEC 1810 FINAL ORDER OF DETERMINATION
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
25	T 12 N	R 19 E		25.00	1.50		26.40	11.60	10.50	16.50										112.60	PROOF V0780 SUPPLEMENTS THIS PROOF IN THE EXCEPTION OF 1.40 ACRES IN THE SE NE AND 15.10 ACRES IN THE SW NE IN SECTION 26 T 12N R 19E M D B & M
26	T 12 N	R 19 E	0.70		15.40	29.00														45.10	
															TOTAL ACRES ALLOTTED					163.00	DOUGLAS C WHITE APNS 1219 25 001 006 007 AND 1219 26 001 037 018 (PORTIONS)

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC-FT / ACRE	TOTAL AC-FT
V 8958	THE HUBER LIVING TRUST DATED [illegible] 1993 HANSEN TRUST DATED APRIL 2, 1980 HUBERT D. SWANSON SOCIETY ANDREW [illegible] TRUST 1986 MADELOSE LIMITED PARTNERSHIP HUBERT H. HANSEN JR. FAMILY TRUST	[illegible]	PRIMARY EAST DIVERSION NE SE SEC [illegible] T 12 N R 14 E W.B.&M. [illegible] [illegible] ALPINE COUNTY, CALIFORNIA SECONDARY EAST DIVERSION SW SW SEC [illegible] T 12 N R 14 E W.B.&M. [illegible] [illegible] ALPINE COUNTY, CALIFORNIA	APR 1 TO OCT 31 JAN 1 TO DEC 31	IRRIGATION DOMESTIC 1851	[illegible] [illegible]	4.00 4.00	197.60 [illegible]

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			SEE WATER RIGHTS ALREADY RECOGNIZED IN PRIOR ORDERS IN LITIGATION. SEE SECTION 10 OF THE FINAL ORDER FOR DETERMINATIONS.
25	T 12 N	R 19 E		24.00	1.50		20.40	11.50	10.50	10.40	20.40			19.40	1.60	11.40	19.40	18.60	246.50		
26	T 12 N	R 19 E	0.40			19.40									0.40				41.50		
																			287.90		

SOURCE DIVERSION
[illegible] APPURTENANT TO 40 ACRES LOCATED WITHIN THE SW SW AND SE SW SECTION 25 AND NE NE AND NE SE SECTION 26 T 12 N R 19 E W.B.&M.
[illegible] ELEMENTS THIS PORTION OF THIS PRIOR [illegible] THE EXCEPT [illegible] 40 ACRES IN THE NE NE AND DATA [illegible] IN SECTION SECTION 26 T 12 N R 19 E W.B.&M.

SOURCE DIVERSION
[illegible] APPURTENANT TO 40 ACRES LOCATED WITHIN THE NW SW AND SE SW SECTION 25 T 12 N R 19 E W.B.&M.

NORTH DIVERSION DOUGLAS COUNTY APN
121-26-002-001 AND 121-26-001-[illegible]

SOUTH DIVERSION DOUGLAS COUNTY APN
121-26-002-002 [illegible]
121-26-002-[illegible] AND 121-26-001-[illegible]

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY ACRE FT / ACRE	TOTAL ACRE FT
V 04594	ALLAN AND P J SAPP FAMILY TRUST AGREEMENT SAPP 1991 TRUST ALAN D SAPP TRUSTEE THEODORE AND KATHERINE WEBER	SHERIDAN CREEK (NORTH AND SOUTH DIVERSIONS) AND STUTLER CREEK	SHERIDAN CREEK SE¼SE¼ SEC 15 T 12N R 19E M D B & M N 1320.31 FT S 412.41 FT FROM SW COR OF SAID SECTION 15 STUTLER CREEK SE¼SE¼ SEC 15 T 12N R 19E M D B & M N 1258.27 FT S 1511.56 FT FROM SE COR OF SAID SECTION 15	APR 1 THRU OCT 15	IRRIGATION 1852 FOR SHERIDAN CR 1905 FOR STUTLER CR	* 0.013 ** 0.086 *** 0.010	1.4 00< (1.49	4.00 1.08

PLACE OF USE 40 ACRE DESCRIPTIONS																			ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE					
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
15	T 12 N	R 19 E							0.25	0.88	3.12	5.75							10.00	TOC WATER IS ALSO RECOGNIZED SEE SEC [illegible] OF THE ORDER OF DETERMINATION
															TOTAL ACRES ALLOTTED				10.00	ACREAGE IS DETERMINED BY THE STATE ENGINEER'S OFFICE FROM THE BOUNDARY LINE ADJUSTMENT MAP FOR DOUGLAS COUNTY ASSESSOR'S PARCELS 1219 14 001 003 AND 1219 14 002 005 006 THE MAP WAS FILED ON JAN 4 1996 IN THE COUNTY RECORDER'S OFFICE IN BOOK 196 PAGE 787 DOCUMENT NO 318278

* 0.013 C F S IRRIGATES 0.25 ACRES IN THE SW¼NW¼ AND 0.88 ACRES IN THE SE¼NW¼ FROM THE NORTH SPLIT OF SHERIDAN CREEK

** 0.097 C F S IRRIGATES 3.12 ACRES IN THE NE¼SW¼ AND 5.75 ACRES IN THE NW¼SW¼ FROM THE SOUTH SPLIT OF SHERIDAN CREEK

*** 0.010 C F S IRRIGATES 0.25 ACRES IN THE SW¼NW¼ AND 0.88 ACRES IN THE SE¼NW¼ FROM STUTLER CREEK AND IS APPURTENANT TO THE ACREAGE DESCRIBED UNDER "REMARKS"

[illegible] DUTY OF WATER FROM SHERIDAN CREEK.

[illegible] DUTY OF WATER FROM STUTLER CREEK.

THE STATE ENGINEER SHALL IMPOSE A ROTATION SCHEDULE WHEN THE COMBINED FLOW OF THE NORTH DIVERSION OF SHERIDAN CREEK AND TRIBUTARIES DROPS BELOW 2.0 CFS AS PER COURT ORDER DATED APRIL 5, 2012 (CASE NO .08-CV0383-D)

REMARKS
PROOFS V06305 AND V06306 WERE FILED BY THEODORE AND KATHERINE A WEBER FOR THE WATERS OF STUTLER AND SHERIDAN CREEKS RESPECTIVELY THEREFORE PROOFS V06305 & SUPERCEDE PROOF V04594 ON ACREAGE OWNED BY THE WEBERS
0.25 ACRES IN THE SW¼NW¼ AND 0.88 ACRES IN THE SE¼NW¼ SECTION 14 T 12N R 19E M D B & M ARE IRRIGATED WITH COMMINGLED WATER FROM STUTLER CREEK UNDER THIS PROOF AND HANSBERG SPRING UNDER REV 7595 CERTIFICATE 1206
THE TOTAL COMBINED DUTY OF WATER SHALL NOT EXCEED 4.00 ACRE FEET PER ACRE IN WATER FROM ALL WATER SOURCES
DOUGLAS COUNTY APN S 1219 14 002 005 006

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC FT / ACRE	TOTAL AC FT
V 0[illegible]049	[illegible] FAMILY TRUST	[illegible] UNNAMED STREAM	[illegible] SEC 04 [illegible] R 19E [illegible] BASE & MERIDIAN [illegible] 1400 [illegible] FROM [illegible] OF SAID SEC [illegible] 04 NW/4 SW/4 SEC [illegible] R 19E [illegible] BASE & MERIDIAN [illegible] 3450 [illegible] FROM [illegible] OF SAID SEC [illegible]	APR 1 TO OCT 15 JAN 1 TO DEC 31	IRRIGATION DOMESTIC 1857	[illegible]	[illegible]	[illegible]

PLACE OF USE 40 ACRE DESCRIPTIONS																			ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE					[illegible] ORDER OF DETERMINATION
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
3	T 12 N	R 19 E									10.56					5.24			15.80	DOUGLAS COUNTY APL [illegible]
															TOTAL ACRES ALLOTTED				15.80	

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC FT / ACRE	TOTAL AC FT
[illegible]	[illegible] AND RANDALL R [illegible]	[illegible]	[illegible] SEC 04 [illegible] R 19E [illegible] BASE & MERIDIAN [illegible] FROM [illegible] OF SAID SEC [illegible] 04	APR 1 TO OCT 15 JAN 1 TO DEC 31 JAN 1 TO DEC 31	IRRIGATION DOMESTIC STOCK WATER 1851	0.105	[illegible]	28.26

PLACE OF USE 40 ACRE DESCRIPTIONS																			ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE					DOMESTIC AND STOCK WATER SUFFICIENT TO WATER 12 HEAD OF LIVESTOCK IS INCLUDED
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
1	T 12 N	R 19 E												20.[illegible]			5.00		20.[illegible]	THIS PROOF IS PARTIALLY SUPPLIED BY
															TOTAL ACRES ALLOTTED				20.[illegible]	PERMIT [illegible] UNDERGROUND WATER
																				DOUGLAS [illegible] APL [illegible]

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC-FT ACRE	TOTAL AC-FT
V 05314	DAVID B DAVIS AND SHARON L DAVIS MADDIS FRESIAN RANCH LLC	VOTT CREEK	FIRST WAY SPLIT OF STREAM NE NW SE SEC 04 T 12N R 19E N D B M S 53°30'20"W 3 389 85 FT FROM NE COR OF SAID SECTION 04 SECOND WAY SPLIT OF PRECEEDING SPLIT NW NW NW SEC 03 T 12N R 19E N D B M S 10°52'41"E 3 426 70 FT FROM NW COR OF SAID SECTION 03 SPLIT AT FIRST WAY SUCCESSORS SE NW NW SEC 03 T 12N R 19E N D B M S 55°58'55"E 2 901 46 FT FROM NW COR OF SAID SECTION 03	APR 1 TO OCT 15 JAN 1 TO DEC 31	IRRIGATION DOMESTIC 1862	0 224	4 00	84 00

PLACE OF USE 40 ACRE DESCRIPTIONS																			ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE					
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
3	1 12 N	R 19 E	1 86	9 45	4 07	3 62													21 00	STOCKWATER IS ALSO RECOGNIZED SEE SEC 4101 FINAL ORDER OF DETERMINATION
																			21 00	THIS PROOF IS SUPPLEMENTED BY PERMIT 50290
															TOTAL ACRES ALLOTTED					CERTIFICATE 14860 UNDERGROUND WATER
																				DOUGLAS COUNTY APN 1210-01-001-062

THE STATE ENGINEER SHALL IMPOSE A ROTATION SCHEDULE THAT ALLOWS THE PARTIES TO RECEIVE THEIR PROPORTIONATE SHARE OF THE FULL USE OF THE SECOND DIVERSION OF VOTT CREEK IN A WAY THAT PROMOTES BENEFICIAL USE OF THE WATER AS PER COURT ORDER DATED MAY 21, 2010 (CASE NO 08-CV0363 F)

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC-FT/ACRE	TOTAL AC-FT
[illegible]	[illegible] ASSOCIATION	[illegible]	[illegible]	APR 1 TO OCT 15 JAN 1 TO DEC 31	IRRIGATION DOMESTIC [illegible]	0.044	4.00	12.54

PLACE OF USE 40 ACRE DESCRIPTIONS																			ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		STOCKWATERS ALSO AUTHORIZED SEE SECTION [illegible] OF FINAL ORDER OF DETERMINATION
[illegible]	T 12 N	R 19 E								[illegible]	[illegible]	[illegible]							[illegible]	DOMESTIC USE FOR [illegible] STOCKWATER OR 5 HORSES TO THE EXTENT
															TOTAL ACRES ALLOTTED				[illegible]	

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC-FT/ACRE	TOTAL AC-FT
[illegible]	EDWARD [illegible] HAYES AND [illegible] HAYES	[illegible]	PRIMARY DIVERSION [illegible] SECONDARY DIVERSION [illegible]	APR 1 TO OCT 15 JAN 1 TO DEC 31	IRRIGATION DOMESTIC [illegible]	[illegible]	[illegible]	[illegible]

PLACE OF USE 40 ACRE DESCRIPTIONS																			ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		STOCKWATERS ALSO AUTHORIZED SEE SECTION [illegible] OF FINAL ORDER OF DETERMINATION
[illegible]	T 12 N	R 19 E												[illegible]			[illegible]		[illegible]	THIS PROOF IS SUPPLEMENTAL TO PERMIT [illegible] CERTIFICATE [illegible]
															TOTAL ACRES ALLOTTED				[illegible]	[illegible]

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC FT / ACRE	TOTAL AC-FT
V 6[illegible]	THE RODGERS FAMILY TRUST	SHERIDAN CREEK SPRING DIVERSION	PRIMARY DIVERSION NE¼NE¼ SEC 15 T 12N R 19E M D B & M 600' FSL 1400' FEL FROM SE COR OF SAID SECTION 15 SECONDARY DIVERSION NW¼SW¼ SEC 14 T 12N R 19E M D B & M [illegible] FROM SW COR OF SAID SECTION 14	APR 1 TO OCT 15	IRRIGATION 1871	0.300	4.00	160.40

PLACE OF USE 40 ACRE DESCRIPTIONS																			ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	N½				S½				S½				S½					STOCK WATER IS ALSO RECOGNIZED SEE SEC 4 OF FINAL ORDER OF DETERMINATION
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
14	12 N	19 E												8.50			19.10	2.30	40.20	A PORTION OF THIS PROOF IS SUPPLEMENTAL TO BARBER CREEK DECREED RIGHTS
															TOTAL ACRES ALLOTTED				40.20	
																				DOUGLAS COUNTY APN 1219 14 002 021

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC FT / ACRE	TOTAL AC FT
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]			

PLACE OF USE 40 ACRE DESCRIPTIONS																		ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	[illegible]				[illegible]				[illegible]				[illegible]				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
[illegible]	[illegible]	[illegible]																	

[illegible]

[illegible]

[illegible]

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC-FT ACRE	TOTAL AC-FT
V 06306	BENTLEY FAMILY TRUST 100% TRUST	STUTLER CREEK	SE¼NE¼ SEC 14 T 32N R 19E W.M. BY GPS 47°[illegible]'24"N 2892[illegible] FROM SE CORNER SAID SECTION 14	APR 1 TO OCT 15 JAN 1 TO DEC 31	IRRIGATION DOMESTIC 1905	0.040	*1.49	**1.923

PLACE OF USE 40 ACRE DESCRIPTIONS																			ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE					
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
14	32 N	19 E							7.67	1.94		3.32							12.93	* THE TOTAL COMBINED DUTY UNDER THIS PROOF PROOF V06306 AND PERMIT 7595 CERTIFICATE 1760 SHALL NOT EXCEED 4.0 ACRE FEET PER ACRE FROM ANY AND/OR ALL SOURCES
															TOTAL ACRES ALLOTTED				12.93	

**DUTY OF WATER IS BASED ON THE DIVERSION RATE EXPANDED OVER A 198 DAY GROWING SEASON

LAND WITHIN THE 10% SECTION 14 IS SUPPLEMENTAL TO PROOF V06306 AND SUPPLEMENTED BY PERMIT 7595 CERTIFICATE 1760

A BOUNDARY LINE ADJUSTMENT MAP FOR DOUGLAS COUNTY ASSESSOR'S PARCELS 19-200-09 10 AND 11 WAS FILED ON JAN. 4, 1996 IN THE COUNTY RECORDER'S OFFICE IN BOOK 196 PAGE 287 DOCUMENT NO. 378228
ACREAGE PRIOR TO THE LOT BOUNDARY LINE ADJUSTMENT WAS AS FOLLOWS
1.60 ACRES IN THE SW¼SW¼ SEC. 14
2.76 ACRES IN THE SE¼SW¼ SEC. 14
2.57 ACRES IN THE NW¼SW¼ SEC. 14

DOUGLAS COUNTY APN 1/19 14 001 013

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC-FT/ ACRE	TOTAL AC-FT
[illegible]	[illegible]	SHERIDAN CREEK NORTH DIVERSION	[illegible]	APR 1 TO OCT 1 JAN 1 TO DEC 31	IRRIGATION DOMESTIC 1857	[illegible]	1.400	[illegible]

PLACE OF USE 40 ACRE DESCRIPTIONS																			ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE					
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
14	T 12 N	R 19 E							1.67	1.44		1.32							12.93	
															TOTAL ACRES ALLOTTED				12.93	

STOCKWATER IS ALSO RECOGNIZED SEE SECTION OF FINAL ORDER OF DETERMINATION

THE TOTAL COMBINED DUTY UNDER THIS PROOF, PROOF [illegible] AND PERMIT 7595 CERTIFICATE 1160 SHALL NOT EXCEED 4.0 ACRE FEET PER ACRE

LANDOWNER THE NW SECTION 14 IS SUPPLEMENTAL TO PROOF [illegible] AND IS SUPPLEMENTED BY PERMIT 7595 CERTIFICATE 1160

ACREAGE IS DETERMINED BY THE STATE ENGINEER'S OFFICE FROM THE BOUNDARY LINE ADJUSTMENT MAP FOR [illegible] ASSESSOR'S PARCELS [illegible] AND [illegible] THE MAP WAS FILED ON [illegible] IN THE [illegible] RECORDER'S OFFICE AS [illegible] PAGE [illegible] ON [illegible]

ACREAGE PER THE BOUNDARY LINE ADJUSTMENT WAS AS FOLLOWS
[illegible] ACRES IN THE SW/SW SEC 14
[illegible] ACRES IN THE SE/SW SEC 14
[illegible] ACRES IN THE NW/SW SEC 14

DOUGLAS COUNTY APN [illegible] 14 001 011

* CURRENT IRRIGATION PRACTICES INDICATE THAT ALL OF THE WATER UTILIZED UNDER THIS CERTIFICATE IS SHERIDAN CREEK IRRIGATION FROM THE NORTH DIVERSION AND STEAM THEREFORE ALL WATER DELIVERY TO THIS PARCEL SHALL BE DERIVED FROM THE NORTH DIVERSION OF SHERIDAN CREEK.

THE STATE ENGINEER SHALL IMPOSE A ROTATION SCHEDULE WHEN THE COMBINED FLOW OF THE NORTH DIVERSION OF SHERIDAN CREEK AND TRIBUTARIES DROPS BELOW 2.0 CFS AS PER COURT ORDER DATED APRIL 5, 2012 (CASE NO. 08-CV0363-D)

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC-FT / ACRE	TOTAL AC-FT
V-06307	BENTLEY FAMILY TRUST 1995 TRUST	SHERIDAN CREEK [illegible] DIVERSION AND [illegible]	NE¼SE¼ SEC 15 T 12N R 19E W.D.B.&M.	JAN 1 TO DEC 31	STOCK WATER 1905			

PLACE OF USE 40 ACRE DESCRIPTIONS																			ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NW				NE				SW				SE					
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
14	T 12 N	R 19 E							•											STOCKWATER IS RECOGNIZED FOR 22 HEAD OF LIVESTOCK SEE SEC [illegible] OF THE FINAL ORDER OF DETERMINATION
15	T 12 N	R 19 E													•					SUPPLEMENTAL TO PROOF V06108 DOUGLAS COUNTY APN 1219-14-001-013

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC-FT / ACRE	TOTAL AC-FT
V-06108	BENTLEY FAMILY TRUST 1995 TRUST	STUTLER CREEK	NE¼NE¼ SEC 16 T 12N R 19E M.D.B.&M.	JAN 1 TO DEC 31	STOCK WATER 1905			

PLACE OF USE 40 ACRE DESCRIPTIONS																			ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NW				NE				SW				SE					
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
14	T 12 N	R 19 E							•											STOCKWATER IS RECOGNIZED FOR 22 HEAD OF LIVESTOCK SEE SEC [illegible] OF THE FINAL ORDER OF DETERMINATION
15	T 12 N	R 19 E													•					SUPPLEMENTAL TO PROOF V06307 DOUGLAS COUNTY APN 1219-14-001-013

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC-FT/ ACRE	TOTAL AC-FT
[illegible]	[illegible]	[illegible]	[illegible]	APR 1 TO OCT 15	IRRIGATION	[illegible]	[illegible]	[illegible]
				JAN 1 TO DEC 31	DOMESTIC	[illegible]	[illegible]	[illegible]
					[illegible]			

PLACE OF USE 40 ACRE DESCRIPTIONS																			ACRES PER SECTION	REMARKS
SECTION	TOWN-SHIP	RANGE	[illegible]				[illegible]				[illegible]				[illegible]					[illegible]
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
ACREAGE IRRIGATED FROM THE NORTH DIVERSION																				
14	[illegible]	[illegible]		2.42	[illegible]		[illegible]		[illegible]	[illegible]									[illegible]	THE TOTAL COMBINED DUTY UNDER THIS PROOF [illegible]
ACREAGE IRRIGATED FROM THE SOUTH DIVERSION																				
14	[illegible]	[illegible]									[illegible]					[illegible]			[illegible]	THIS RIGHT IS PARTIALLY SUPPLEMENTAL [illegible]
															TOTAL ACRES ALLOTTED				[illegible]	

THE STATE ENGINEER SHALL IMPOSE A ROTATION SCHEDULE WHEN THE COMBINED FLOW OF THE NORTH DIVERSION OF SHERIDAN CREEK AND TRIBUTARIES DROPS BELOW 2.0 CFS AS PER COURT ORDER DATED APRIL 5, 2012 (CASE NO .08-CV0363-D)

SURFACE WATER IS ALSO RECOGNIZED [illegible] FINAL ORDER [illegible] IRRIGATION

[illegible]

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC-FT / ACRE	TOTAL AC-FT
V06110	DOUGLAS C. FORRESTER AND CHRISTINA V. FORRESTER HUSBAND AND WIFE AS JOINT TENANTS	STUTLER CREEK	SE¼ NE¼ SEC 35 T12N R19E WMBM 2,000 FT FROM THE E¼ COR OF SAID SECTION 35 THE WATERS OF STUTLER CREEK ARE THEN DIVERTED THROUGH A PIPELINE TO A POINT IN THE SE¼ SE¼ SEC 15 T12N R19E WMBM WHERE THE WATERS OF STUTLER CREEK ARE COMMINGLED WITH THE WATERS OF SHERIDAN CREEK IN THE BED OF SHERIDAN CREEK THENCE THE COMMINGLED WATERS ARE DIVERTED FROM THE SHERIDAN CREEK CHANNEL AT A POINT IN THE NE¼ SE¼ SEC 15 T12N R19E WMBM 1,322.8 FT FROM THE S¼ COR OF SAID SECTION 15	APR 1 TO OCT 15 JAN 1 TO DEC 31	IRRIGATION DOMESTIC 1905	3.750	1.49	60.81

PLACE OF USE 40 ACRE DESCRIPTIONS																			ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE					STOCKWATER IS ALSO RECOGNIZED SEE SECTION OF FINAL ORDER OF DETERMINATION
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
14	T 12 N	R 19 E		2.42	8.89		[illegible]		10.58	35.25									56.87	* THE TOTAL COMBINED DUTY UNDER THIS PROOF PROOF V06309 AND PERMIT 2595 CERTIFICATE 3760 SHALL NOT EXCEED 4.0 ACRE FEET PER ACRE
															TOTAL ACRES ALLOTTED				56.87	THIS PROOF IS SUPPLEMENTAL TO PROOF V06309 AND IS SUPPLEMENTED BY PERMIT 2595 CERTIFICATE 3760
																				DOUGLAS COUNTY APN 1219 14 001 012 AND A PORTION OF 1219 14 001 008

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC FT / ACRE	TOTAL AC FT
[illegible]	[illegible] REVOCABLE TRUST [illegible] REVOCABLE TRUST THOMAS [illegible] SCHNEIDER AND CATHLEEN M. SCHNEIDER	STONEY CREEK	[illegible] SEC. 16 T 12 N R 1 E W.M. BOISE N 1 320 FT. [illegible] FROM THE SECTOR OF SAID SECTION TO THE WATERS OF STONEY CREEK ARE THEN CONVEYED THROUGH A PIPELINE TO A POINT IN THE SENW SE SECTION 16 T 12 N R 1 E W.M. BOISE WHERE THE WATERS OF STONEY CREEK ARE COMMINGLED WITH THE WATERS OF SHERIDAN CREEK IN THE NORTH SHERIDAN CREEK CHANNEL. THE COMMINGLED WATERS ARE DIVERTED FROM THE SHERIDAN CREEK CHANNEL AT A POINT IN THE NENW SE SECTION 16 T 12 N R 1 E W.M. BOISE N 1 320 FT. [illegible] FROM THE SW CORNER OF SAID SECTION 16	APR 1 TO OCT 31 JAN 1 TO DEC 31	IRRIGATION DOMESTIC 1909	0.270	[illegible]	24.75

PLACE OF USE 40 ACRE DESCRIPTIONS																			ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE					
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
16	12 N	1 E		0.03	0.03		1.49			0.83									3.38	
															TOTAL ACRES ALLOTTED				3.38	

SURFACE WATER PLACE OF USE RECORDED, SEE SECTION 4 FINAL ORDER OF DETERMINATION

*THE TOTAL [illegible] UNDER THIS FORM [illegible] ACRE FEET PER ACRE

*TOTAL SHALL NOT EXCEED 0.0 ACRE FEET PER ACRE

THIS FORM IS A SUPPLEMENTAL TO PROOF [illegible] ADDRESSED [illegible] DATED [illegible] CERTIFICATE [illegible]

DOUGLAS COUNTY APPS 52314 OF 004 SCHNEIDER 52314 OF [illegible] SCHNEIDER

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC-FT/ACRE	TOTAL AC-FT
V06311	THE EGS REVOCABLE TRUST THE EGS REVOCABLE TRUST THOMAS J SCHNEERS AND KATHLEEN M SCHNEERS	SHERIDAN CREEK (NORTH DIVERSION)	NE/SE/4 SEC 15 T12N R19E MEBS W 1,[illegible] FEET FROM THE SW COR OF SAID SECTION 15	APR 1 TO OCT 15 JAN 1 TO DEC 31	IRRIGATION DOMESTIC 1852	0.156	[illegible]	66.44

PLACE OF USE 40 ACRE DESCRIPTIONS																			ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE					
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
14	12 N	19 E		0.03	0.03		15.64			0.87									16.61	STOCKWATER IS ALSO RECOGNIZED SEE SECTION OF FINAL ORDER OF DETERMINATION
															TOTAL ACRES ALLOTTED				16.61	THE TOTAL COMBINED DUTY UNDER THIS PROOF PROOF V06311 AND PERMIT 1595 CERTIFICATE 1760 SHALL NOT EXCEED 4.0 ACRE FEET PER ACRE
																				THIS PROOF IS SUPPLEMENTAL TO PROOF V06311 AND IS SUPPLEMENTED BY PERMIT 1595 CERTIFICATE 1760
																				DOUGLAS COUNTY APNS 1219-14-001-004 SCHNEERS 1219-14-003-008 SCHERSON

THE STATE ENGINEER SHALL IMPOSE A ROTATION SCHEDULE WHEN THE COMBINED FLOW OF THE NORTH DIVERSION OF SHERIDAN CREEK AND TRIBUTARIES DROPS BELOW 2.0 CFS AS PER COURT ORDER DATED APRIL 5, 2012 (CASE NO. 08-CV0363-D)

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC-FT ACRE	TOTAL AC-FT
[illegible]	[illegible]	MOTT CREEK	[illegible]	APR 1 TO OCT 15	IRRIGATION	0.[illegible]	1.00	160.00
				JAN 1 TO DEC 31	DOMESTIC			
				JAN 1 TO DEC 31	STOCK WATER			
					18[illegible]			

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NW				NE				SW				SE						STOCKWATER IS ALSO REQUIRED. SEE SEC [illegible] FINAL ORDER DETERMINATION
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
[illegible]	[illegible]	[illegible]		27.00	[illegible]															40.00	
															TOTAL ACRES ALLOTTED					40.00	DUE TO A SECOND APPROPRIATION [illegible]

THE STATE ENGINEER SHALL IMPOSE A ROTATION SCHEDULE THAT ALLOWS THE PARTIES TO RECEIVE THEIR PROPORTIONATE SHARE OF THE FULL USE OF THE SECOND DIVERSION OF MOTT CREEK IN A WAY THAT PROMOTES BENEFICIAL USE OF THE WATER AS PER COURT ORDER DATED MAY 21, 2010 (CASE NO 03-CV0363-F)

THIS PROOF IS PERMITTED BY PERMISSION UNDER THE STATE WATER ENGINEER AND IS ONLY SUPPLEMENTARY TO THE UNDERGROUND IRRIGATION [illegible] ACRES

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC-FT/ACRE	TOTAL AC-FT
V 6035	MOTTSVILLE LIMITED PARTNERSHIP II	VOIT CREEK	NE¼ SE¼ SEC 04 T 12N R 19E M D B & M S 58°14'04"W 6420.37 FT FROM SE COR OF SECTION 03 T 12N R 19E M D B & M	APR 1 TO OCT 15 JAN 1 TO DEC 31	IRRIGATION DOMESTIC 1852	0.648	4.00	240.00

PLACE OF USE 40 ACRE DESCRIPTIONS																			ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE					STOCKWATER IS ALSO RECOGNIZED SEE SEC [illegible] OF FINAL ORDER OF DETERMINATION
			NE	NW	SW	SE	NE	NW	SW	SL	NE	NW	SW	SL	NE	NW	SW	SL		
3	T 12 N	R 19 E	0.30		21.60	16.30				2.90	3.40				0.30	17.00			60.00	DOUGLAS COUNTY APNS 1219 03 001 063 064 1219 03 002 085
															TOTAL ACRES ALLOTTED				60.00	

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC-FT/ACRE	TOTAL AC-FT
V 6036	DOUGLAS AND AMELIA [illegible] DANIEL R & ALLA R MILLS RAYMOND R PETERS & NANCY M PETERS REVOCABLE TRUST DATED 11/20/1990	MOTT CREEK	NE¼ SE¼ SEC 04 T 12N R 19E M D B & M S 58°14'04"W 6420.37 FT FROM SE COR OF SECTION 03 T 12N R 19E M D B & M	APR 1 TO OCT 15 JAN 1 TO DEC 31	IRRIGATION DOMESTIC 1852	0.43	4.00	160.00

PLACE OF USE 40 ACRE DESCRIPTIONS																			ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE					STOCKWATER IS ALSO RECOGNIZED FOR 60 HEAD OF LIVESTOCK SEE SEC [illegible] OF THE FINAL ORDER OF DETERMINATION
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
2	T 12 N	R 19 E							8.10			0.40							8.50	
3	T 12 N	R 19 E				19.20									10.30	2.00			31.50	
															TOTAL ACRES ALLOTTED				40.00	DOUGLAS COUNTY APN 1219 03 001 065

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC-FT / ACRE	TOTAL AC-FT
[illegible]	[illegible]	[illegible]	NE¼SE¼ SEC. [illegible] T12N R19E [illegible] [illegible] OF SAID SECTION 04	APR 1 TO OCT 15 JAN 1 TO DEC 31	IRRIGATION DOMESTIC 1852	[illegible]	4.00	80.00

PLACE OF USE 40 ACRE DESCRIPTIONS																			ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE					
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
[illegible]	12 N	R 19 E													12.30			7.70	20.00	[illegible]
															TOTAL ACRES ALLOTTED				20.00	

[illegible] WATER RIGHTS RECOGNIZED SEE [illegible] FINAL REPORT & DETERMINATION

THIS FLOW IS SUPPLEMENTED BY PERMIT [illegible] CERTIFICATE [illegible] UNDERGROUND

THE CLAIMANT IS NOT THE OWNER OF RECORD OF SAID CERTIFICATE

DOUGLAS COUNTY APN [illegible]

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC-FT / ACRE	TOTAL AC-FT
[illegible]	NORMAN AND SHIRLEY [illegible] HUSBAND AND WIFE AS [illegible] TENANTS	[illegible]	NE¼SE¼ SEC. [illegible] T12N R19E [illegible] [illegible] OF SAID SECTION 14	APR 1 TO OCT 15 JAN 1 TO DEC 31 JAN 1 TO DEC 31	IRRIGATION DOMESTIC STOCK WATER 1852	[illegible]	[illegible]	[illegible]

PLACE OF USE 40 ACRE DESCRIPTIONS																			ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE					
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
[illegible]	12 N	R 19 E													4.20	1.90	1.40	1.50	20.00	[illegible]
															TOTAL ACRES ALLOTTED				20.00	

DOMESTIC AND STOCK WATER FOR UP TO [illegible] OF LIVESTOCK

THIS FLOW IS SUPPLEMENTED BY PERMIT [illegible] UNDERGROUND

DOUGLAS COUNTY APN [illegible]

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC-FT/ ACRE	TOTAL AC-FT
V 06219	[illegible]	[illegible] CREEK	[illegible] SEC 04 T 12N R 1 E MEASURE S 14°15'45"W [illegible] FROM E COR OF SAID SECTION 04	APR 1 TO OCT 15 JAN 1 TO DEC 31	IRRIGATION DOMESTIC 1852	0.146	4.00	10.00

PLACE OF USE 40 ACRE DESCRIPTIONS																		ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
2	T 12 N	R 15 E										1.90							1.90
1	T 12 N	R 15 E													8.10				8.10
TOTAL ACRES ALLOTTED																			10.00

STOCKWATER IS ALSO RECOGNIZED FOR 10 HEAD OF LIVESTOCK. SEE SEC. [illegible] OF THE FINAL ORDER OF DETERMINATION.

THIS PROOF IS SUPPLEMENTED BY PERMIT 27131
CERTIFICATE 9534 UNDERGROUND

DOUGLAS COUNTY - APN 1219 03 002 006

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY ACRE FT ACRE	TOTAL ACRE FT
V 06170	[illegible] DATE [illegible] [illegible] DATED [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]	WHEELER [illegible] WHEELER [illegible]	WHEELER [illegible] SW SW SW SEC [illegible] [illegible] [illegible] [illegible] [illegible] WHEELER [illegible] SW SW SEC [illegible] [illegible] [illegible] [illegible]	APR [illegible] JAN [illegible] DEC [illegible] JAN [illegible] DEC [illegible]	IRRIGATION DOMESTIC STOCK WATER [illegible]	[illegible] [illegible]	[illegible]	[illegible] AC

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE						
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
9	T 12 N	R 19 E													0.53					0.53	DOMESTIC AND STOCK WATER [illegible] HEAD OF CATTLE [illegible] ACRES AND THREE BULL
10	T 12 N	R 19 E									[illegible]	29.50	[illegible]	9.60						48.00	THE STATE ENGINEER DETERMINES THAT ALL REAL ACRES NOT BE RECEIVED ACRE FEET [illegible] THE PLACE OF USE [illegible] IS BASED ON [illegible] AND [illegible] [illegible] RECLAMATION SERVICE [illegible] THE TRIBE [illegible] ARMON [illegible] DATED [illegible] AND [illegible] [illegible] PARSONS [illegible] DATED [illegible]
															TOTAL ACRES ALLOTTED					49.13	THIS PROOF IS SUPERSEDED BY PERMIT 24[illegible] [illegible] CERTIFICATE [illegible] AND ALL UNDERGROUND USE IS UNDER PERMIT [illegible] CERTIFICATE [illegible] THE STATE ENGINEER DETERMINES THAT NO ADDITIONAL DUTY OF SYSTEM WATER ARE ALLOWED ON LANDS IRRIGATED FROM THE SAME WATER SOURCE UNDER A PRIOR OR APPROPRIATION AND PERMITTED BY [illegible] THEREFORE THE TOTAL DUTY OF WATER SHALL NOT EXCEED 4.00 ACRE FEET PER ACRE PER YEAR FOR ALL SOURCES
																					[illegible] CONTAINS [illegible] AND THE EAST PART OF PARCEL [illegible] 002 004

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC-FT / ACRE	TOTAL AC-FT
V 06321	THE BARTHOLOMEW FAMILY TRUST DATED NOVEMBER 21, 2001 THE BURNIMICHAEL WATERWYS REVOCABLE TRUST DATED JULY 24, 2002	UNNAMED SPRING (D) & REAL DIVERSION LUTHER CREEK - RETURN FLOW	"UNNAMED SPRING (D) SE¼NW¼ SEC 26 T 12N R 19E M D B & M S 52°15'E 3,300 FT FROM W¼ COR OF SAID SECTION 26	APR 1 TO OCT 15 JAN 1 TO DEC 31	IRRIGATION DOMESTIC 1853	1.50	4.00	16.44
			LUTHER CREEK - RETURN FLOW NE¼SE¼ SEC 35 T 12N R 19E M D B & M S 1°21'16"W 3,072 FT FROM NE COR OF SAID SECTION 35	The State Engineer determines that no water rights accrue from Luther Creek for "drain and waste" water rights. No diversions can be made to unused water this proof.				

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	N½				S½				N½				S½						
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
24	T 12 N	R 19 E											4.00	12.30					16.30		DOMESTIC AND STOCK WATERING FOR 132 HEAD OF LIVESTOCK
25	T 12 N	R 19 E					13.60	10.46											24.06		THE TOTAL COMBINED DUTY OF WATER SHALL NOT EXCEED 4.0 ACRE FEET PER ACRE FROM ANY AND ALL SOURCES
															TOTAL ACRES ALLOTTED				40.36		

1.50 CFS IS THE MAXIMUM FLOW RATE FROM UNNAMED SPRING (D) AND IS TO BE USED IN A ROTATION SCHEME OF IRRIGATING LAND UNDER PROOFS V 06321, V 06317 AND V 08850. FLOW IN EXCESS OF 1.5 CFS SHALL BE DIVIDED IN A 60%/40% SPLIT WITH 40% OF THE WATER ABOVE 1.5 CFS DIVERTED THROUGH THE DIVERSION TO THE NORTH THAT FLOWS BENEATH FOOTHILL ROAD TO THE EAST AND DIRECTS WATER THROUGH THE "BISECTING DITCH" UNDER CLAIM NO V 06850. 60% OF THE FLOW IN EXCESS OF 1.5 CFS WILL REMAIN IN THE DITCH THAT PROVIDES WATER TO HERITAGE RANCH WATER USERS UNDER CLAIMS V 06321, V 06317 AND V 08850. REFER TO TABLE B FOR THE DISTRIBUTION TABLE AS IT PERTAINS TO THE 60%/40% DIVISION OF THE IRRIGATION WATER FROM UNNAMED SPRING (D)

THE STATE ENGINEER DETERMINES THAT THIS PROOF SUPERCEDES PERMIT 24918 (CERTIFICATE 7841 "UNNAMED SPRING") AND PERMIT 24919 (CERTIFICATE 7842 "UNNAMED SPRING") AND PROOF V06856 OF THE CLAIMED 40.36 ACRES

DOUGLAS COUNTY APNS 1219-25-001-001, 002

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC FT ACRE	TOTAL AC FT
V-06322	THE PARTRIDGE FAMILY TRUST DATED NOVEMBER [illegible] 2001 [illegible] GERALDINE PARTRIDGE [illegible] TRUST DATED OCTOBER [illegible] 2001	MILLER CREEK UNNAMED SPRING (A) UNNAMED SPRING (D)	* MILLER CREEK SE NW NW SEC 26 T 12 S R 19E W D B & M S 87°27'14" E 1682.63 FT FROM NW COR OF SAID SEC 26	APR 1 TO OCT 15	IRRIGATION	0.065	2.71	6.09
				JAN 1 TO DEC 31	DOMESTIC	0.015	0.60	3.88
					TOTAL			
				The State Engineer determines that Miller Creek is subject to a 4 day rotation for Green Acres water users and a 10 day rotation for the Sequoia Ranch during 14 days				
			** UNNAMED SPRING (A) SE NW NW SEC 26 T 12 S R 19E W D B & M S 85°20'26" E 2640 FT FROM NW COR OF SAID SEC 26	Unnamed Creek is the same water source as Jackson Spring "A" under Proof V06342				
			***UNNAMED SPRING (D) SE NW NW SEC 26 T 12 S R 19E W D B & M S 43°52'14" E 1108 FT FROM NW COR OF SAID SEC 26	The State Engineer determines that a rotation schedule should be adopted from Unnamed Spring (D) for 40% of the balance of the flow after the first 1.5 gpm is protected to Claims V-06321, V-06323 and V-08850				

PLACE OF USE 40 ACRE DESCRIPTIONS																			ACRES PER SECTION	REMARKS
SECTION	TOWN SHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
26	12 S	19 E											2.41						2.41	
															TOTAL ACRES ALLOTTED				2.41	

WATER FROM UNNAMED SPRING(A) IS SUBJECT TO A ROTATION SCHEDULE IMPOSED BY THE STATE ENGINEER IF INVOLVED PARTIES CANNOT REACH AN AGREEMENT ON A SCHEDULE INTERNALLY AS PER COURT ORDER DATED DECEMBER 24 2013 (CASE NO 08 CV0363 E)

***[illegible] Unnamed Spring (D) [illegible] V-06321 [illegible] V-06323 [illegible] V-08850 [illegible] 50 [illegible] 60%/40% [illegible] 40% [illegible] Unnamed Spring (D) [illegible] 60%/40% [illegible] Unnamed Spring (D)

SEE WATER RIGHTS ACS [illegible] SEE SEC [illegible] FINAL ORDER OF DETERMINATION

THE TOTAL CONSUMPTIVE USE OF WATER SHALL BE LIMITED TO 4.0 ACRE FEET PER ACRE FROM ANY AND ALL SOURCES

THE STATE ENGINEER DETERMINES THAT THIS [illegible] MILLER CREEK [illegible] UNNAMED CREEK [illegible] CLAIMED [illegible] ACRES

THE WEST PORTION OF LOT 10 OF THE S. PROPERTY, WAS [illegible] APN 1219-25-001-001 LOCATED WITHIN THE GREEN ACRES SUBDIVISION LOCATED WITHIN THE GREEN ACRES SUBDIVISION

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC-FT/ ACRE	TOTAL AC-FT
V 06323	THE [illegible] ENTERPRISES TRUST DATED AUGUST [illegible] 1996	UNNAMED SPRING (D) DIRECT DIVERSION LUTHER CREEK - RETURN FLOW	**UNNAMED SPRING (D) SE NW SW SEC 26 T 12N R 19E MDB&M S 51°15'E, 3,300 FT FROM NW COR OF SAID SECTION 26	APR 1 TO OCT 15	IRRIGATION	*	*	*
				JAN 1 TO DEC 31	DOMESTIC 1852	**1.50	4.00	161.40
			*LUTHER CREEK - RETURN FLOW SE NE SEC 35 T 12N R 19E MDB&M S 51°21'16"W 1,012 FT FROM NE COR OF SAID SECTION 35	The State Engineer determines that a vested right is abandoned from Luther Creek for "drain and waste" water only. No diversion rate or duty is allowed under this proof.				

PLACE OF USE 40 ACRE DESCRIPTIONS																			ACRES PER SECTION
SECTION	TOWNSHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
25	T 12 N	R 19 E						17.44											17.44
26	T 12 N	R 19 E	22.61			0.30													22.91
															TOTAL ACRES ALLOTTED				40.35

REMARKS

STOCKWATER IS ALSO RECOGNIZED SEE SECTION [illegible] OF FINAL ORDER OF DETERMINATION.

THE TOTAL COMBINED DUTY OF WATER SHALL NOT EXCEED 4.0 ACRE FEET PER ACRE FROM ANY AND/OR ALL SOURCES

THE STATE ENGINEER DETERMINES THAT THIS PROOF SUPERCEDES THAT PORTION OF PERMIT 24918 CERTIFICATE 7841 "UNNAMED SPRING" AND PERMIT 24919 CERTIFICATE 7842 "UNNAMED SPRING" AND PROOF V07856 ON THE CLAIMED 40.35 ACRES

DOUGLAS COUNTY APN 1219-26-001-036

**1.50 CFS IS THE IS THE MINIMUM FLOW RATE FROM UNNAMED SPRING (D) AND IS TO BE USED IN A ROTATION SCHEME OF IRRIGATING LAND UNDER PROOFS V 06321, V 06323 AND V 08850. FLOW IN EXCESS OF 1.5 CFS SHALL BE DIVIDED IN A 60%/40% SPLIT WITH 40% OF THE WATER ABOVE 1.5 CFS DIVERTED THROUGH THE DIVERSION TO THE NORTH THAT FLOWS BENEATH FOOTHILL ROAD TO THE EAST AND DIRECTS WATER THROUGH THE "BISECTING DITCH" UNDER CLAIMED V 08850. 60% OF THE FLOW IN EXCESS OF 1.5 CFS WILL REMAIN IN THE DITCH THAT PROVIDES WATER TO HERITAGE RANCH WATER USERS UNDER CLAIMS V 06321, V 06323 AND V 08850. REFER TO TABLE 6 FOR THE DISTRIBUTION TABLE AS IT PERTAINS TO THE 60%/40% DIVISION OF THE IRRIGATION WATER FROM UNNAMED SPRING (D)

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC FT/ACRE	TOTAL AC FT
[illegible]	[illegible]	[illegible]	[illegible]	APR 1 TO [illegible]	IRRIGATION	0.06	[illegible]	[illegible]
				JAN 1 TO DEC 31	DOMESTIC			
					1869			
				The State Engineer determines that Mud Creek is supplied by a 4 day reservoir for Green Acres [illegible] and a 30 day reservoir for the Source Ranch every 14 days				

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE						
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
[illegible]	[illegible]	[illegible]					[illegible]													[illegible]	
															TOTAL ACRES ALLOTTED					[illegible]	

SURFACE WATER IS ALSO RECOGNIZED SEE SECTION [illegible] OF THE ORDER OF DETERMINATION

THE TOTAL UNBROKEN FLOW OF WATER SHALL NOT EXCEED [illegible] ACRE FEET PER ACRE FROM ANY AND ALL SOURCES

THE STATE ENGINEER DETERMINES THAT THIS RIGHT SUPERCEDES PERMIT [illegible] CERTIFICATE [illegible] WATER CREEK IN THE CLAWSON [illegible] ACRES

[illegible] THE SUPERCEDED RIGHT THROUGH [illegible]

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC-FT ACRE	TOTAL AC-FT
V-06326	RICHARD E. BARNES SHARON E. BURNS	MILLER CREEK UNNAMED SPRING (A) AND UNNAMED SPRING (D)	**MILLER CREEK SE NW NW SEC 26 T 12N R 19E W.D.B.&M. S 82°21'34" E 1,[illegible] FT FROM NW COR. OF SAID SECTION 26	APR 1 TO OCT 15	IRRIGATION	[illegible]	[illegible]	[illegible]
				JAN 1 TO DEC 31	DOMESTIC	[illegible]	[illegible]	10.16
					1853	---	---	---
				The State Engineer determines that Miller Creek is subject to a 4 day rotation for Green Acres water users and a 10 day rotation for the Sierra Ranch users 14 days.				
			** UNNAMED SPRING (A) SE NW NW SEC 26 T 12N R 19E M.D.B.&M. S 65°20'25" E 2,014.06 FT FROM NW COR. OF SAID SECTION 26	Upper Spring (A) is the same water source as Jackson Spring "A" under Proof V06342				
			**UNNAMED SPRING (D) SE NW NW SEC 26 T 12N R 19E M.D.B.&M. S 47°17'14" E 1,506 FT FROM NW COR. OF SAID SECTION 26	The State Engineer determines that a water right is appurtenant from Unnamed Spring (D) for 40% of the water drawn from springs for 1.5 years appurtenant to Claims V-06321, V-06323 and V-08850				

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE						
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
26	12 N	19 E	X	X															2.54		STOCKWATER IS ALSO RECOGNIZED SEE SEC [illegible] OF FINAL ORDER OF DETERMINATION
															TOTAL ACRES ALLOTTED				2.54		THE TOTAL COMBINED DUTY OF WATER SHALL NOT EXCEED 4.0 ACRE FEET PER ACRE FROM ANY AND/OR ALL SOURCES

WATER FROM UNNAMED SPRING(A) IS SUBJECT TO A ROTATION SCHEDULE IMPOSED BY THE STATE ENGINEER IF INVOLVED PARTIES CANNOT REACH AN AGREEMENT ON A SCHEDULE INTERNALLY AS PER COURT ORDER DATED DECEMBER 24, 2013 (CASE NO. 08-CV0363-E)

THE STATE ENGINEER DETERMINES THAT THIS PROOF SUPERCEDES PERMIT 24525 CERTIFICATE 8136 "MILLER CREEK" AND PERMIT 24526 CERTIFICATE 8137 "UNNAMED CREEK" ON THE CLAIMED 2.54 ACRES

[illegible] FOR THE SUPPORTING MAP DOUGLAS COUNTY APN [illegible]

***[illegible] 50 [illegible] Unnamed Spring (D) [illegible] Claims V-06321, V-06323 and V-08850 [illegible] 50 [illegible] 60%/40% [illegible] 40% [illegible] the [illegible] Unnamed Spring (D) [illegible] V-08850 [illegible] 40% [illegible] Unnamed Spring (A) [illegible] Unnamed Spring (A) [illegible] Claims V-06322, V-06325, V-06326, V-06327, V-06328, V-06329, V-06330, V-06331, V-06332, V-06333, V-06334, V-06335, V-06336, V-06337, V-06338, V-06339, V-06340, V-06341, V-06342, V-06343, V-06344, V-06345, V-06346, V-06347, V-06348, V-06349, V-06350, V-06351, V-06352, V-06353, V-06354, V-06355, V-06356, V-06357, V-06358, V-06359, V-06360, V-06361, V-06362, V-06363, V-06364, V-06365, V-06366, V-06367, V-06368, V-06369, V-06370, V-06371, V-06372, V-06373, V-06374, V-06375, V-06376 Reserve Lake Basin [illegible] 60%/40% [illegible] Unnamed Spring (D)

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC-FT / ACRE	TOTAL AC-FT
V-06326	[illegible] REVOCABLE TRUST	[illegible] UNNAMED SPRING (A) & UNNAMED SPRING (D)	*MILLER CREEK SE¼SW¼ SEC 26 T12N R19E [illegible] FROM WEST CORNER OF SAID SECTION 26	APR 1 TO OCT 15	IRRIGATION	0.005	[illegible]	[illegible]
				JAN 1 TO DEC 31	DOMESTIC	0.016	[illegible]	[illegible]
					1853	---	---	---
				The State Engineer determines that Miller Creek is supplied by 4 springs [illegible] for Green Acres water users and 10 springs [illegible] for the Sunset Ranch [illegible] 14 [illegible]				
			** UNNAMED SPRING (A) SE¼SW¼ SEC 26 T12N R19E [illegible] FROM WEST CORNER OF SAID SECTION 26	Unnamed Spring (A) is the same water source as Unnamed Spring "A" under Proof V06342				
			***UNNAMED SPRING (D) SE¼SW¼ SEC 26 T12N R19E [illegible] FROM WEST CORNER OF SAID SECTION 26	The State Engineer determines that a certain portion of water [illegible] from Unnamed Spring (D) for 40% of the [illegible] of the [illegible] 15 [illegible] Claims V-06321, V-06323 and V-08850				

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			STOCK WATER IS ALSO RECOGNIZED SEE SECTION [illegible] OF FINAL ORDER OF DETERMINATION
26	T12N	R19E	*	*																2.50	THE TOTAL ANNUAL DUTY OF WATER SHALL NOT EXCEED 4.0 ACRE FEET PER ACRE FOR ANY AND/OR ALL SOURCES
															*TOTAL ACRES ALLOTTED					2.50	

WATER FROM UNNAMED SPRING(A) IS SUBJECT TO A ROTATION SCHEDULE IMPOSED BY THE STATE ENGINEER IF INVOLVED PARTIES CANNOT REACH AN AGREEMENT ON A SCHEDULE INTERNALLY AS PER COURT ORDER DATED DECEMBER 24, 2013 (CASE NO. 08-CV0363 E)

*[illegible] 150 [illegible] Unnamed Spring (D) [illegible] Claims V-06321, V-06323 and V-08850 [illegible] 10 [illegible] 60%/40% [illegible] 40% [illegible] Unnamed Spring (A) [illegible] Claims V-06321, V-06323, V-06326, V-06327, V-06328, V-06329, V-06330, V-06331, V-06333, V-06334, V-07460, V-08264, V-08265, V-08266 and V-08267 [illegible] 60%/40% [illegible] Unnamed Spring (D)

THE STATE ENGINEER DETERMINES THAT THIS FINAL SUPERSEDES PRIOR [illegible] MILLER CREEK ARE PROOF 26526 [illegible] POLAND CREEK [illegible] CLAIMED 2.54 ACRES

[illegible] THE SUPPLEMENTAL MAP [illegible] APR 12 [illegible]

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC-FT / ACRE	TOTAL AC-FT
V 06321	[illegible] TRUST DATED MAY 30 [illegible]	MILLER CREEK UNNAMED SPRING (A) UNNAMED SPRING (D)	* MILLER CREEK BEGINNING SEC 26 T 12N R 19E W.D.B.&M. S 85°27'34" E 1992.[illegible] FROM NW COR. OF SAID SECTION 26	APR 1 TO OCT 15	IRRIGATION	* 0.[illegible]/46	[illegible]	[illegible]
				JAN 1 TO DEC 31	DOMESTIC	** 0.010	** 1.00	10.00
					[illegible]	***	***	***
				The State Engineer determines that Miller Creek is subjected to 4 day rotation for Green Acres water users and a 10 day rotation for the Sunset Ranch users 14 days.				
			** UNNAMED SPRING (A) BEGINNING SEC 26 T 12N R 19E W.D.B.&M. S 65°20'28" E 2634.06 FT FROM NW COR. OF SAID SECTION 26	Unnamed Spring (A) is the same water source as Jackson Springs "A" under Proof V06342				
			***UNNAMED SPRING (D) BEGINNING SEC 26 T 12N R 19E W.D.B.&M. S 47°33'14" E 3[illegible] FROM NW COR. OF SAID SECTION 26	The State Engineer determines that water rights acquired from Unnamed Spring (D) for 40% of the natural flow shall be reduced to Claims V-06321, V-06323 and V-08850. See Section V				

PLACE OF USE 40 ACRE DESCRIPTIONS																			ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE					
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
25	T 12 N	R 19 E																		STOCKWATER IS ALSO RECOGNIZED SEE SEC [illegible] OF FINAL ORDER OF DETERMINATION
26	T 12 N	R 19 E	*																	THE TOTAL COMBINED DUTY OF WATER SHALL NOT EXCEED 4.0 ACRE FEET PER ACRE FROM ANY AND/OR ALL SOURCES
															TOTAL ACRES ALLOTTED				4.50	

WATER FROM UNNAMED SPRING(A) IS SUBJECT TO A ROTATION SCHEDULE IMPOSED BY THE STATE ENGINEER IF INVOLVED PARTIES CANNOT REACH AN AGREEMENT ON A SCHEDULE INTERNALLY AS PER COURT ORDER DATED DECEMBER 24 2013 (CASE NO 08-CV0363-E)

*** [illegible] 50 [illegible] Unnamed Spring (D) [illegible] Proofs V 06321 V 06323 and V 08850 [illegible] 50 [illegible] 60%/40% [illegible] 40% [illegible]
[illegible] Proofs [illegible] Springs (A) [illegible] V 08850 [illegible] 40% [illegible] Springs (A) [illegible]
[illegible] (A) [illegible] Proofs V 06322 V 06325 V 06326 V 06327 V 06328 V 06329 V 06330 V 06331 V 06332 V 06333 V 06334 V 01486 V 06264 V 06265 V 06266 [illegible]
V 06270 [illegible] 60%/40% [illegible] Unnamed Spring (D)

THE STATE ENGINEER DETERMINES THAT THIS PROOF SUPERCEDES PERMIT 24525, CERTIFICATE 8130 "MILLER CREEK" AND PERMIT 24526 CERTIFICATE 8132 "UNNAMED CREEK" ON THE CLAIMED 4.50 ACRES

* LOT 10 OF THE SUPPORTING MAP DOUGLAS COUNTY APN 1219 21 00[illegible] 012

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC-FT / ACRE	TOTAL AC-FT
V-06329	[illegible] & SHANNON W. CURRIE [illegible] & ELIZABETH [illegible]	MILLER CREEK UNNAMED SPRING (A) & UNNAMED SPRING (D)	* MILLER CREEK NE¼NW¼ SEC. 26 T 12N R 19E W.B.&M. S 87°23'14" E 1,952.47 FT FROM NW COR. OF SAID SECTION 26	APR 1 TO OCT 15	IRRIGATION	[illegible]	[illegible]	15.04
				JAN 1 TO DEC 31	DOMESTIC	[illegible]	[illegible]	22.70
					1893	---	---	---
				The State Engineer determined that Miller Creek is subject to a 4 day rotation for Green Acres water users and a 10 day rotation for the Sunset Ranch every 14 days.				
			** UNNAMED SPRING (A) NE¼NW¼ SEC. 26 T 12N R 19E W.B.&M. S 87°26'29" E 2,514.66 FT FROM NW COR. OF SAID SECTION 26	Unnamed Spring (A) is the same water source as Jackson Spring "A" under Proof V-06342				
			***UNNAMED SPRING (D) SE¼NW¼ SEC. 26 T 12N R 19E W.B.&M. S 87°23'14" E 1,508 FT FROM NW COR. OF SAID SECTION 26	The State Engineer determined that a water right to extinguishment from Unnamed Spring (D) for 40% of the water [illegible] 1.5 cfs is subject to Claims V-06321, V-06323 and V-08850 See Section V				

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	N				W				S				E						STORAGE WATER IS ALSO RECORDED SEE [illegible] FINAL ORDER DETERMINATION
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
24	[illegible]	[illegible]																		5.55	THE TOTAL [illegible] DUTY OF WATER SHALL NOT EXCEED 4.0 ACRE FEET PER ACRE FOR IRRIGATION AND/OR ALL SOURCES
															TOTAL ACRES ALLOTTED					5.55	

WATER FROM UNNAMED SPRING(A) IS SUBJECT TO A ROTATION SCHEDULE IMPOSED BY THE STATE ENGINEER IF INVOLVED PARTIES CANNOT REACH AN AGREEMENT ON A SCHEDULE INTERNALLY AS PER COURT ORDER DATED DECEMBER 24, 2013 (CASE NO. 08 CV0363 E)

THE STATE ENGINEER DETERMINED THAT THE [illegible] OF SUNSET RANCH ESTATES [illegible] CERTIFICATE [illegible] AND PERMIT [illegible] CERTIFICATE [illegible] UNNAMED CREEK ON THE CLAIMED 5.55 ACRES

[illegible] ON THE SUBJECT PROPERTY [illegible]

***[illegible] Unnamed Spring (D) [illegible] Proof V-06321 [illegible] V-06325 [illegible] V-06326 [illegible] V-06327 [illegible] V-06328 [illegible] V-06329 [illegible] V-06330 [illegible] V-06331 [illegible] V-06332 [illegible] V-06334 [illegible] V-06486 [illegible] V-06504 [illegible] V-06505 [illegible] V-06509 and V-06510 [illegible] 40% [illegible] Unnamed Spring (D)

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC-FT/ACRE	TOTAL AC-FT
V 06376	DAVID J. & ANNE DECKER ROSA	MILLER CREEK UNNAMED SPRING (A) UNNAMED SPRING (D)	*MILLER CREEK SE¼NW¼ SEC. 26 T 12N R 19E M.D.B.&M. S 87°27'34"E 1987.03 FT FROM NW COR. OF SAID SECTION 26	APR 1 TO OCT 15	IRRIGATION	*0.136	*2.71	14.75
				JAN 1 TO DEC 31	DOMESTIC	**0.032	**4.00	20.88
					1853	***	***	***
				The State Engineer determines that Miller Creek is subject to a 4 day rotation for Green Acres water users and a 10 day rotation for the Sierra Ranch every 14 days.				
			** UNNAMED SPRING (A) SE¼NW¼ SEC. 26 T 12N R 19E M.D.B.&M. S 65°20'28"E 2614.06 FT FROM NW COR. OF SAID SECTION 26	Unnamed Spring (A) is the same water source as Juniper Spring "A" under Proof V06342				
			***UNNAMED SPRING (D) SE¼NW¼ SEC. 26 T 12N R 19E M.D.B.&M. S 41°37'14"E 3508 FT FROM NW COR. OF SAID SECTION 26	The State Engineer determines that a portion of water rights is exchanged from Unnamed Spring (D) for 40% of the water [illegible] V-06321, V-06323 and V-08850. See Section V				

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			STOCKWATER IS ALSO RECOGNIZED. SEE SECTION V OF FINAL ORDER OF DETERMINATION
24	12 N	19 E																		5.22	THE TOTAL COMBINED DUTY OF WATER SHALL NOT EXCEED 4.0 ACRE FEET PER ACRE FROM ANY AND/OR ALL SOURCES
															TOTAL ACRES ALLOTTED					5.22	

The 5.22 [illegible] (60) [illegible] on the most recent [illegible] Douglas County APN 19-290-15

WATER FROM UNNAMED SPRING(A) IS SUBJECT TO A ROTATION SCHEDULE IMPOSED BY THE STATE ENGINEER IF INVOLVED PARTIES CANNOT REACH AN AGREEMENT ON A SCHEDULE INTERNALLY AS PER COURT ORDER DATED DECEMBER 24, 2013 (CASE NO. 08-CV0363-E)

THE STATE ENGINEER DETERMINES THAT THIS PROOF SUPERCEDES PERMIT 24525, CERTIFICATE 8135 "MILLER CREEK" AND PERMIT 24526, CERTIFICATE 8137 "UNNAMED CREEK" ON THE CLAIMED 5.22 ACRES

[illegible] OF THE SUPPORTING MAP DOUGLAS COUNTY APN 1219-24-002-005

***[illegible] 150 [illegible] Unnamed Spring (D) [illegible] Proofs V 06321, V 06323 and V 08850 [illegible] 150 [illegible] 60%/40% [illegible] 40% [illegible] Forest Road [illegible] V 08850. The 40% [illegible] Spring (A) [illegible] V 06372, V 06375, V 06376, V 06377, V 06378, V 06379, V 06380, V 06381, V 06383, V 06384, V 07480, V 09264, V 09265, V 09266 and V 09270. Rule of Thumb [illegible] 60%/40% [illegible] Spring (D)

PROJ NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY ACRE FT ACRE	TOTAL ACRE FT
06550	[illegible]	MILLER CREEK UNNAMED SPRING (A) UNNAMED SPRING (D)	* MILLER CREEK SE/4 NW/4 SEC 26 T 12N R 19E MDB&M S 82°27'34"E 1480.5 FT FROM W COR OF SAID SECTION 26	APR 1 TO OCT 15	IRRIGATION	[illegible]	[illegible]	[illegible]
				JAN 1 TO DEC 31	DOMESTIC	[illegible]	[illegible]	[illegible]
					1853	---	---	---
				The State Engineer determines that Miller Creek is supplied by 4 gpm reservoir for Green Acres water users and by 10 gpm reservoir for the Sonora Resort using 14 gpm.				
			** UNNAMED SPRING (A) SE/4 NW/4 SEC 26 T 12N R 19E MDB&M S 67°32'28"E 2016.0 FT FROM W COR OF SAID SECTION 26	Unnamed Spring (A) is the same water source as Jackson Spring "A" under Proof V06342				
			***UNNAMED SPRING (D) SE/4 NW/4 SEC 26 T 12N R 19E MDB&M S 67°32'34"E 1508.1 FT FROM W COR OF SAID SECTION 26	The State Engineer determines that a water right is appurtenant from Unnamed Spring (D) for 40% of the natural flow after the first 1.5 gpm is delivered to Claims V-06321, V-06323 and V-08850 Sky Systems V				

PLACE OF USE 40 ACRE DESCRIPTIONS																			ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		STORAGE IS ALSO RECOMMENDED SEE SECTION 8 OF FINAL ORDER OF DETERMINATION
24	T 12 N	R 19 E																		THE TOTAL COMBINED DUTY OF WATER
24	T 12 N	R 19 E																		SHALL NOT EXCEED 3.0 ACRE FEET PER
24	T 12 N	R 19 E																		ACRE FOR IRRIGATION AND 1.0 ACRE FOOT
26	T 12 N	R 19 E																		THE STATE ENGINEER DETERMINES THAT THIS
																				FROM SUPERSEDES [illegible]
																				MILLER CREEK AND UNNAMED SPRING
																				CLAIMED 5.08 ACRES
															TOTAL ACRES ALLOTTED				5.08	

WATER FROM UNNAMED SPRING(A) IS SUBJECT TO A ROTATION SCHEDULE IMPOSED BY THE STATE ENGINEER IF INVOLVED PARTIES CANNOT REACH AN AGREEMENT ON A SCHEDULE INTERNALLY AS PER COURT ORDER DATED DECEMBER 24, 2013 (CASE NO. 08-CV0363-E)

***[illegible] Spring (D) [illegible] Proofs V 06321 & 06323 [illegible] 08850 [illegible] State Engineer [illegible] 60%/40% [illegible] 40% [illegible] Spring (A) [illegible] 40% [illegible] Spring (A) [illegible] V 06312 & 06328 V 06324 & 06330 [illegible] V 11486 & 09204 & 09205 & 09206 [illegible] V 09210 [illegible] 60%/40% [illegible] Spring (D).

[illegible] THE SUPPORT [illegible] MAT [illegible] APR 1219 2:00 PM

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC-FT / ACRE	TOTAL AC-FT
V 06331	BARTHOLOMEW FAMILY TRUST	MILLER CREEK UNNAMED SPRING (A) & UNNAMED SPRING (D)	* MILLER CREEK SE NW NW SEC 26 T 12N R 19E M D B & M S 82°27'34" E 1082.65 FT FROM NW COR OF SAID SECTION 26	APR 1 TO OCT 15	IRRIGATION	* 0.128	* 2.21	13.27
				JAN 1 TO DEC 31	DOMESTIC	** 0.030	** 4.00	19.52
					1853	***	***	***
				The State Engineer determines that Miller Creek is subject to a 4 acre reduction for Green Acres water users and a 10 acre reduction for the Sierra Ranch users 14 acres				
			** UNNAMED SPRING (A) SE NW NW SEC 26 T 12N R 19E M D B & M S 65°20'28" E 2414.06 FT FROM NW COR OF SAID SECTION 26	Unnamed Spring (A) is the same water source as Johnson Spring "A" under Proof V06342				
			***UNNAMED SPRING (D) SE NW NW SEC 26 T 12N R 19E M D B & M S 47°23'34" E 1308 FT FROM NW COR OF SAID SECTION 26	The State Engineer determines that a vested right is recognized from Unnamed Spring (D) for 40% of the natural flow rate that the first 1.5 cfs is delivered to Claims V-06321, V-06323 and V-08850 See Section V				

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE						STOCKWATER IS ALSO RECOGNIZED FOR 6 HEAD OF LIVESTOCK SEE SECTION V OF THE FINAL ORDER OF DETERMINATION
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
26	T 12 N	R 19 E																			THE TOTAL COMBINED DUTY OF WATER SHALL NOT EXCEED 4.0 ACRE FEET PER ACRE FROM ANY AND/OR ALL SOURCES
25	T 12 N	R 19 E																			
															TOTAL ACRES ALLOTTED				4.88		

WATER FROM UNNAMED SPRING(A) IS SUBJECT TO A ROTATION SCHEDULE IMPOSED BY THE STATE ENGINEER IF INVOLVED PARTIES CANNOT REACH AN AGREEMENT ON A SCHEDULE INTERNALLY AS PER COURT ORDER DATED DECEMBER 24 2013 (CASE NO 08 CV0353-E)

***The first 1.50 cfs from Unnamed Spring (D) is subject to Proofs V 06321 V 06323 and V 08850 Then a Decree of 1.50 cfs shall be allocated at a rate of 60%/40% [illegible] 40% [illegible] the remaining [illegible] a [illegible] Rotation [illegible] 8 [illegible] D [illegible] V 08850 The 40% [illegible] Spring (A) [illegible] the remaining [illegible] (A) [illegible] Proofs V 06322 V 06327 V 06329 V 06327 V 06328 V 06329 V 06330 V 06331 V 06333 V 06334 V 07480 V 09261 V 09265 V 09266 [illegible] V 09270 Rotation [illegible] 8 [illegible] 60%/40% [illegible] Unnamed Spring (D)

THE STATE ENGINEER DETERMINES THAT THIS PROOF SUPERCEDES PERMIT 24525 CERTIFICATE 8135 MILLER CREEK AND PERMIT 24526 CERTIFICATE 8137 UNNAMED CREEK ON THE CLAIMED 4.88 ACRES

* LOCATION ON THE SUPPORTING MAP

DOUGLAS COUNTY APPLICATION 24 [illegible]

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY ACRE FT / ACRE	TOTAL ACRE FT
[illegible]	[illegible]	[illegible]	* MILLER CREEK [illegible]	[illegible]	IRRIGATION	[illegible]	[illegible]	[illegible]
				[illegible]	DOMESTIC			
					1851			
				The State Engineer determines that Miller Creek is subject to a 4 day rotation for Grass Acres water users and a 10 day rotation for the Spring Range users, 14 days.				

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	[illegible]				[illegible]				[illegible]				[illegible]						[illegible]
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
26	[illegible] N	[illegible] E		[illegible]			[illegible]												7.54		THE TOTAL AMOUNT OF WATER SHALL NOT EXCEED [illegible] ACRE FEET PER ACRE FROM ANY AND/OR ALL SOURCES
															TOTAL ACRES ALLOTTED				[illegible]		

[illegible] WATERS ARE RECORDED SEE SECTION [illegible] FOR ADDITIONAL DETERMINATION

THE STATE ENGINEER DETERMINES THAT THE PRE-[illegible] RECORDED SERVICE [illegible] ENTITLES [illegible] MILLER CREEK [illegible] CLAIMED [illegible] ACRES

[illegible] IN THE SUPPORTING MAP

[illegible]

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC-FT / ACRE	TOTAL AC-FT
V 06322	KEVIN J & LINDA M O'CONNELL	MILLER CREEK UNNAMED SPRING (A) UNNAMED SPRING (D)	* MILLER CREEK SE/4 NW/4 SEC 26 T 12N R 19E M D B & M S 62°21'14" E 1982.63 FT FROM NW COR OF SAID SECTION 26	APR 1 TO OCT 15	IRRIGATION	* 0.100	* 2.71	13.50
				JAN 1 TO DEC 31	DOMESTIC	** 0.021	** 4.00	19.92
					1853	***	***	***
				The State Engineer determines that Miller Creek is subject to a 4 day rotation for Green Acres water users and a 10 day rotation for the Sagers Ranch water, 14 days.				
			** UNNAMED SPRING (A) NE/4 NW/4 SEC 26 T 12N R 19E M D B & M S 65°20'28" E 2655.06 FT FROM NW COR OF SAID SECTION 26	Unnamed Spring (A) is the same water source as Unnamed Spring "A" under Proof V06342				
			*** UNNAMED SPRING (D) SE/4 NW/4 SEC 26 T 12N R 19E M D B & M S 43°51'14" E 1508.11 FT FROM NW COR OF SAID SECTION 26	The State Engineer determines that a certain right to withdraw from Unnamed Spring (D) for 40% of the natural or the flow rate that is [illegible] to Claims V-06321, V-06323 and V-08850 See Section V.				

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			STOCKWATER IS ALSO RECOGNIZED SEE SECTION FINAL ORDER OF DETERMINATION
23	T 12 N	R 19 E																			THE TOTAL COMBINED DUTY OF WATER SHALL NOT EXCEED 4.0 ACRE FEET PER ACRE FROM ANY AND/OR ALL SOURCES
26	T 12 N	R 19 E	*																		
																			TOTAL ACRES ALLOTTED	4.98	

WATER FROM UNNAMED SPRING(A) IS SUBJECT TO A ROTATION SCHEDULE IMPOSED BY THE STATE ENGINEER IF INVOLVED PARTIES CANNOT REACH AN AGREEMENT ON A SCHEDULE INTERNALLY AS PER COURT ORDER DATED DECEMBER 24 2013 (CASE NO 08-CV0363-E)

*** [illegible] 1.50 [illegible] Unnamed Spring (D) [illegible] Claims V 06321 V 06323 [illegible] V 08850 [illegible] 1.50 [illegible] 60%/40% [illegible] 40% [illegible] V 08650 [illegible] 40% [illegible] Unnamed Spring (A) [illegible] Claims V 06322 V 06325 V 06326 V 06327 V 06328 V 06329 V 06330 V 06331 V 06333 V 06334 V 03186 V 09264 V 09265 V 09266 [illegible] V 09270 [illegible] 60%/40% [illegible] Unnamed Spring (D)

THE STATE ENGINEER DETERMINES THAT THIS PROOF SUPERCEDES PERMIT 24526 CERTIFICATE 8136 "MILLER CREEK" AND PERMIT 24526 CERTIFICATE 8137 "UNNAMED CREEK" FOR THE CLAIMED 4.98 ACRES

* LOT 7 ON THE SUPPORTING MAP DOUGLAS COUNTY APN 1219 20 001 078

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC-FT ACRE	TOTAL AC-FT
V06344	PEDRO AND MARGARET VIGIL ET AL	MILLER CREEK UNNAMED SPRING (A)	*MILLER CREEK NE NW Sec 26 T 12N R 19E Meas S 82°21'19" W 982.05 FT FROM NW Cor of Said Section 26	APR 1 TO OCT 31	IRRIGATION	*0.067	*2.21	6.91
				JAN 1 TO DEC 31	DOMESTIC	**0.015	**4.00	1.20
					1863			
			The State Engineer determines that Miller Creek is subject to a 4 day rotation for Green Acres water users and a 10 day rotation for the Spring Ranch users 14 days					
			** UNNAMED SPRING (A) NE NW Sec 26 T 12N R 19E Meas S 50°26'28" E 2,614.06 FT FROM NW Cor of Said Section 26	Unnamed Spring (A) is the same water source as Jackson Spring "A" under Proof V06342				

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			STORAGE WATER IS ALSO RECOGNIZED FOR REHEARING IN THIS STORE SEE SEC 1 OF THE FINAL ORDER FOR DETERMINATION
26	T 12 N	R 19 E		2.55																2.55	
															TOTAL ACRES ALLOTTED					2.55	THE TOTAL COMBINED DUTY OF WATER SHALL NOT EXCEED 4.0 ACRE FEET PER ACRE FROM ALL SOURCES

WATER FROM UNNAMED SPRING(A) IS SUBJECT TO A ROTATION SCHEDULE IMPOSED BY THE STATE ENGINEER IF INVOLVED PARTIES CANNOT REACH AN AGREEMENT ON A SCHEDULE INTERNALLY AS PER COURT ORDER DATED DECEMBER 24 2013 (CASE NO 08 CV0363 E)

THE STATE ENGINEER DETERMINES THAT THIS PROOF SUPERSEDES [illegible] CLAIMED 4.98 ACRES

[illegible] THE SUPPLEMENTAL MAP DRAINAGE [illegible]

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC-FT / ACRE	TOTAL AC-FT
[illegible]	BARTHOLOMEW FAMILY TRUST	MILLER CREEK	MILLER CREEK [illegible] SEC 26 [illegible] R 20E [illegible] SW [illegible] FROM THE END OF SAID SECTION 26	APR 1 TO OCT 15	IRRIGATION	[illegible]	[illegible]	[illegible]
				JAN 1 TO DEC 31	DOMESTIC			
					1853			
			The State Engineer determines that Miller Creek is supplied by 4 day rotation for Green Acres water users and 10 day rotation for the Sagers Ranch every 14 days.					

PLACE OF USE 40 ACRE DESCRIPTIONS																			ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE					
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
26	T 12 N	R 19 E															*	*		STOCKWATER IS ALSO RECOGNIZED FOR 6 HEAD OF LIVESTOCK SEE SECTION [illegible] OF THE FINAL ORDER OF DETERMINATION.
26	T 12 N	R 19 E	*	*																THE TOTAL COMBINED DUTY OF WATER SHALL NOT EXCEED 4.0 ACRE FEET PER ACRE FROM ANY AND/OR ALL SOURCES
															TOTAL ACRES ALLOTTED				7.53	
																				THE STATE ENGINEER DETERMINES THAT THIS PROOF SUPERCEDES PERMIT 24526 CERTIFICATE 8136 MILLER CREEK ON THE CLAIMED 7.53 ACRES
																				* LOT 12 ON THE SUPPORTING MAP DOUGLAS COUNTY APN 1219 26 001 021

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC-FT / ACRE	TOTAL AC-FT
[illegible]	[illegible]	SHERIDAN CREEK [illegible]	[illegible]	APR 1 TO OCT 31	IRRIGATION	[illegible]	[illegible]	[illegible]
				JAN 1 TO DEC 31	DOMESTIC			
					1862			

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE						
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
14	[illegible]	[illegible]			0.26											0.71				0.97	THE TOTAL PURPOSE DUTY OF WATER SHALL NOT EXCEED 4.1 ACRE FEET PER ACRE IN ANY ASSIGNED SOURCES
															TOTAL ACRES ALLOTTED					0.97	

THE STATE ENGINEER SHALL IMPOSE A ROTATION SCHEDULE WHEN THE COMBINED FLOW OF THE NORTH DIVERSION OF SHERIDAN CREEK AND TRIBUTARIES DROPS BELOW 2.0 CFS AS PER COURT ORDER DATED APRIL 5, 2012 (CASE NO.:08-CV0363-D)

STORMWATER SALVAGE OWNERS: SEE SECTION [illegible] FOR ACREAGE DETERMINATION

THIS PROOF IS SUPPLEMENTAL TO DECREE [illegible]

DECREE [illegible]

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC FT / ACRE	TOTAL AC FT
[illegible]	ROBERT [illegible] AND [illegible] NOTTRELL HUSBAND AND WIFE AS JOINT TENANTS	SETTLER CREEK	[illegible] SEC [illegible] T [illegible] N R 19E M D B & M A POINT IN THE SE¼SE¼ SEC [illegible] T [illegible] N R 19E M D B & M WHERE THE WATERS OF SETTLER CREEK ARE COMMINGLED WITH THE WATERS OF SHERIDAN CREEK IN THE SHERIDAN CREEK CHANNEL THE COMMINGLED WATERS ARE DIVERTED FROM THE SHERIDAN CREEK CHANNEL AT A POINT IN THE [illegible] SEC [illegible] T [illegible] N R 19E M D B & M [illegible] FEET [illegible] FROM SW COR OF SAID SEC [illegible]	APR 1 TO OCT 15 JAN 1 TO DEC 31	IRRIGATION DOMESTIC [illegible]	[illegible]	[illegible]	[illegible]

PLACE OF USE 40 ACRE DESCRIPTIONS																			ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE					STOCKWATER IS ALSO RECOGNIZED SEE SEC [illegible] OF FINAL ORDER OF DETERMINATION
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
14	T 12 N	R 19 E			10.26											0.11			10.37	THE TOTAL COMBINED DUTY OF WATER SHALL NOT EXCEED 4.0 ACRE FEET PER ACRE FROM ALL AND/OR ALL SOURCES
															TOTAL ACRES ALLOTTED				10.37	

THIS PROOF IS SUPPLEMENTAL TO PROOF [illegible] SURGEAS COUNTY APR 1, 19[illegible] 00' [illegible]

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC FT / ACRE	TOTAL AC FT
V 6070	[illegible]	STULER CREEK	[illegible]	[illegible]	IRRIGATION	[illegible]	[illegible]	15.40
				JAN 1 TO DEC 31	DOMESTIC			

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
34	[illegible]	[illegible]						7.42	15.60											23.04	[illegible]
[illegible]	[illegible]	[illegible]				0.72														0.72	SHALL BE LIMITED TO ACRE FEET PER
															TOTAL ACRES ALLOTTED					23.76	ACRE FROM ANY AND ALL SOURCES

THIS PROOF IS SUPPLEMENTAL TO PROOF V6070 AND IS SUBMITTED IN PERSUANCE TO CERTIFICATE 706

[illegible]

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC-FT/ ACRE	TOTAL AC-FT
V-06339	ERNEST PESTANA TRUSTEE OF THE PESTANA 1986 FAMILY TRUST	SHERIDAN CREEK NORTH DIVERSION	NE¼SE¼ SEC 15 T12N R19E M.D.B.&M. N 22°20'31" E 5,112.42 FT FROM SW COR. OF SAID SECTION 15	APR 1 TO OCT 31 JAN 1 TO DEC 31	IRRIGATION DOMESTIC 1857	0.280	2.00	88.12

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE						
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
14	T 12 N	R 19 E						7.42	15.62										23.04		STOCKWATER IS ALSO RECOGNIZED SEE SEC 4 OF FINAL ORDER OF DETERMINATION
15	T 12 N	R 19 E				0.72													0.72		THE TOTAL COMBINED DUTY OF WATER SHALL NOT EXCEED 4.0 ACRE FEET PER ACRE FROM ANY AND/OR ALL SOURCES
																		TOTAL ACRES ALLOTTED	24.76		THIS PROOF IS SUPPLEMENTAL TO PROOF V06338 AND IS SUPPLEMENTED BY PERMIT 1866 CERTIFICATE 1760
THE STATE ENGINEER SHALL IMPOSE A ROTATION SCHEDULE WHEN THE COMBINED FLOW OF THE NORTH DIVERSION OF SHERIDAN CREEK AND TRIBUTARIES DROPS BELOW 2.0 CFS AS PER COURT ORDER DATED APRIL 5, 2012 (CASE NO .08-CV0363-D)																					DOUGLAS COUNTY APN 1219-14-001-014

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC-FT/ ACRE	TOTAL AC-FT
V-06340	HALL RANCHES LLC	SHERIDAN CREEK NORTH DIVERSION	NE¼SE¼ SEC 15 T12N R19E M.D.B.&M. N 22°20'31" E 5,112.42 FT FROM SW COR. OF SAID SECTION 15	APR 1 TO OCT 31 JAN 1 TO DEC 31	IRRIGATION DOMESTIC 1857	0.280	2.00	88.12

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE						
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
14	T 12 N	R 19 E					3.66	11.86	1.17	0.10									22.03		STOCKWATER IS ALSO RECOGNIZED SEE SEC 4 OF FINAL ORDER OF DETERMINATION
																		TOTAL ACRES ALLOTTED	22.03		THE TOTAL COMBINED DUTY OF WATER SHALL NOT EXCEED 4.0 ACRE FEET PER ACRE FROM ANY AND/OR ALL SOURCES
THE STATE ENGINEER SHALL IMPOSE A ROTATION SCHEDULE WHEN THE COMBINED FLOW OF THE NORTH DIVERSION OF SHERIDAN CREEK AND TRIBUTARIES DROPS BELOW 2.0 CFS AS PER COURT ORDER DATED APRIL 5, 2012 (CASE NO .08-CV0363-D)																					THIS PROOF IS SUPPLEMENTAL TO PROOF V06340 AND IS SUPPLEMENTED BY PERMIT 1866 CERTIFICATE 1760
																					DOUGLAS COUNTY APN 1219-14-001-005

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC FT / ACRE	TOTAL AC FT
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	IRRIGATION [illegible]	[illegible]	[illegible]	[illegible]

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			[illegible]
[illegible]	[illegible]	[illegible]					[illegible]	[illegible]	[illegible]	[illegible]										[illegible]	[illegible]
															TOTAL ACRES ALLOTTED					[illegible]	

THE TOTAL OVERSEE DUTY OF WATER SHALL NOT EXCEED [illegible] ACRE FEET PER ACRE FROM ANY AND ALL SOURCES

THIS PROOF IS SUPPLEMENTAL TO PROOF [illegible] AND IS SUBSTITUTED BY PERMIT [illegible] CERTIFICATE [illegible]

[illegible]

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC-FT/ACRE	TOTAL AC-FT
V 06347	JERALD R JACKSON 1975 TRUST AS AMENDED AUGUST 11 1992 AND IRENE M WINDHOLZ TRUST DATED AUGUST 11 1992	UNNAMED SPRING (A) DESIGNATED JACKSON SPRING (A)	SW/4 NW/4 SEC 26 T 12N R 19E M D B & M S 25°24'43" E 1548 4' FROM NW CORNER OF SAID SECTION 26	APR 1 TO OCT 15	IRRIGATION	0.045	4.00	28.80
				JAN 1 TO DEC 31	STOCK WATER			
				JAN 1 TO DEC 31	DOMESTIC			
					1853			

PLACE OF USE 40 ACRE DESCRIPTIONS																			ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE					
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
26	T 12 N	R 19 E					1.25			5.95									7.20	
															TOTAL ACRES ALLOTTED				7.20	

After further investigation of the irrigation system it was determined that only 7.20 acres can be irrigated by Unnamed Spring (A). This is further evidenced as 7.20 acres made of Fordham Road some [illegible] 1992. The road under the footprint of the pond was constructed and maintained prior to the construction of said pond. Therefore, the water source that offsets evaporative loss from the pond is made up from the spring area that was existed during construction. This area corresponds with the acreage stated under Proof of Appropriation V-02856 issued on April 23, 1975.

WATER FROM UNNAMED SPRING(A) IS SUBJECT TO A ROTATION SCHEDULE IMPOSED BY THE STATE ENGINEER IF INVOLVED PARTIES CANNOT REACH AN AGREEMENT ON A SCHEDULE INTERNALLY AS PER COURT ORDER DATED DECEMBER 24, 2013 (CASE NO. 08-CV0163 E)

STOCK WATER IS ALSO RECOGNIZED SEE SECTION 28 OF FINAL ORDER OF DETERMINATION

* THE TOTAL COMBINED DUTY OF WATER UNDER THIS PROOF AND PROOFS V06344 AND A PORTION OF V02856 SHALL NOT EXCEED A DUTY OF 4.00 ACRE FEET PER ACRE

THIS PROOF WILL SUPERCEDE A PORTION OF V02556 ON 6.40 ACRES LOCATED WITHIN THE NE/4 NW/4 SECTION 26 T 12N R 19E M D B & M AND 5.50 ACRES LOCATED WITHIN THE SE/4 NW/4 SECTION 26 T 12N R 19E M D B & M

THIS PROOF SUPERCEDES PERMIT 24918 CERTIFICATE 7843 AND PERMIT 24919 CERTIFICATE 7842 & PROOF V 02856

DOUGLAS COUNTY APNS 1219 26 001 010 014 016 019 022 039 040

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC FT / ACRE	TOTAL AC FT
06341	[illegible] TRUST AS AMENDED AUGUST [illegible] AND IRENE M. WINDHOLZ TRUST DATED AUGUST [illegible]	UNNAMED SPRING (B) DESIGNATED [illegible] SPRING 9	[illegible] SEC. 26, T. 12 S., R. 19 E. M.D.B.&M. [illegible]	APR [illegible] OCT [illegible] JAN 1 TO DEC 31 JAN 1 TO DEC 31	IRRIGATION STOCK WATER DOMESTIC 18[illegible]	[illegible] " 	[illegible] " 	[illegible]80 "

PLACE OF USE
40 ACRE DESCRIPTIONS

SECTION	TOWNSHIP	RANGE	NE¼ NE	NE¼ NW	NE¼ SW	NE¼ SE	NW¼ NE	NW¼ NW	NW¼ SW	NW¼ SE	SW¼ NE	SW¼ NW	SW¼ SW	SW¼ SE	SE¼ NE	SE¼ NW	SE¼ SW	SE¼ SE	ACRES PER SECTION	REMARKS
26	T. 12 S.	R. 19 E.					[illegible]25			8.48									9.[illegible]	STOCK WATER IS ALSO RECOGNIZED FOR [illegible] OF LIVESTOCK. SEE [illegible] THE FINAL ORDER OF DETERMINATION.
															TOTAL ACRES ALLOTTED				9.[illegible]	[illegible] THE STATE ENGINEER DETERMINED THAT THE ACREAGE UNDER THIS CLAIM IS SUBIRRIGATED. NO WATER IS DIVERTED FROM THE SOURCE TO IRRIGATE THIS ACREAGE. THEREFORE THIS LAND IS GRANTED A [illegible] RIGHT FOR 2.53 ACRES OF SUBIRRIGATED [illegible] DIVERSION [illegible] IS ESTABLISHED UNDER THIS CLAIM.
																				THIS PROOF SUPERSEDES A PORTION OF [illegible] 40 ACRES LOCATED WITHIN THE [illegible] SEC. [illegible] T. 12 S. R. 19 E. M.D.B.&M. AND [illegible]50 ACRES LOCATED WITHIN THE [illegible] SEC. [illegible] 26, T. 12 S., R. 19 E. M.D.B.&M.
																				THIS PROOF SUPERSEDES PERMIT 24[illegible] CERTIFICATE 7841 AND PERMIT [illegible] CERTIFICATE 7842
																				DOUGLAS COUNTY APNS [illegible] 013 014 019 017 022 [illegible] 043

[illegible] THIS PROOF PROVIDES SUPPLEMENTAL WATER TO THE [illegible]20 ACRES IRRIGATED [illegible] PROOF [illegible] WITH THE UNDERSTANDING THAT THE TOTAL COMBINED DUTY OF WATER [illegible] SAID [illegible] ACRES SHALL NOT EXCEED [illegible] ACRE FEET FROM ALL SOURCES.

[illegible]

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC-FT/ ACRE	TOTAL AC-FT
V 6144	JERALD R JACKSON 1975 TRUST AS AMENDED AUGUST 11 1992 AND IRENE M WINDHOLZ TRUST DATED AUGUST 11 1992	UNNAMED SPRING (C) DESIGNATED JACKSON SPRING C	SE/4 NW/4 SW/4 SECTION 26 T12N R19E 1097 65 FT FROM THE CORNER OF SAID SECTION 26	APR 1 THROUGH 15	IRRIGATION STOCK WATER 1851	.	.	.

PLACE OF USE 40 ACRE DESCRIPTIONS																			ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE					
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
26	T 12 N	R 19 E								2 98									2 98	STOCKWATER IS ALSO RECOGNIZED SEE SEC 10 OF FINAL ORDER OF DETERMINATION THE STATE ENGINEER DETERMINES THAT THE ACREAGE UNDER THIS CLAIM IS SUBIRRIGATED NO WATER IS DIVERTED FROM THE SOURCE TO IRRIGATE THIS ACREAGE THEREFORE THIS LAND IS GRANTED A VESTED RIGHT FOR 2 98 ACRES OF SUBIRRIGATION AND NO DIVERSION RATE OR DUTY OF WATER IS ESTABLISHED UNDER THIS CLAIM
																			TOTAL ACRES ALLOTTED	2 98
																				THIS PROOF SUPERCEDES A PORTION OF PERMIT 24618 CERTIFICATE 7841 AND A PORTION OF PERMIT 24616 CERTIFICATE 7842
																				DOUGLAS COUNTY APNS 1219 26 001 010 001 012 011 014(PART)

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	CLEARY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC-FT/ ACRE	TOTAL AC-FT
[illegible]	[illegible] AS AMENDED AUGUST 11 [illegible] ARE [illegible] WINDHELZ TRUST DATED [illegible]	UNNAMED SPRING [illegible] [illegible] SOURCE [illegible]	[illegible] SEC 26 [illegible] [illegible] [illegible] [illegible]	APR 1 TO OCT 15	IRRIGATION	-	-	-
				JAN 1 TO DEC 31	STOCK WATER			
					18.1			

PLACE OF USE 40 ACRE DESCRIPTIONS																			ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	[illegible]				[illegible]				[illegible]				[illegible]					STOCKWATER IS ALSO AUTHORIZED SEE SEC [illegible] FINAL ORDER IN [illegible]
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
26	T [illegible] R [illegible] E				[illegible]					[illegible]									[illegible]	THE STATE ENGINEER DETERMINES THAT THE ACREAGE IN ORDER THIS TRACTS IS IRRIGATED. NO WATER IS DIVERTED FROM THIS SOURCE [illegible] IRRIGATE THIS AREA. [illegible]
															TOTAL ACRES ALLOTTED				[illegible]	

[illegible]

[illegible]

[illegible]

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC-FT ACRE	TOTAL AC-FT
V 06340	JEF WHIPPLE (AKA JOHN S SMITH) DANIEL PATRICK & ELAINE VANASSE BARDEN	STATEWIDE	NE NW SEC 36 T 32N R 19E MDB&M S 0°16'24" E 2652.59 FT FROM SE COR OF SAID SECTION 36	APR 1 TO OCT 15 JAN 1 TO DEC 31	IRRIGATION DOMESTIC 1905	0.100	1.49	32.16

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NW				SW				SW				SE						STOCKWATER IS ALSO RECOGNIZED SEE SEC 18 OF FINAL ORDER OF DETERMINATION
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
14	T 32 N	R 19 E						18.73												18.73	* THE TOTAL COMBINED DUTY OF WATER SHALL NOT EXCEED 4.0 ACRE FEET PER ACRE FROM ALL AND/OR ALL SOURCES
15	T 32 N	R 19 E	6.21																	6.21	
															TOTAL ACRES ALLOTTED					24.94	

THIS PROOF IS SUPPLEMENTAL TO PROOF V 06343 AND IS SUPPLEMENTED BY PERM T 1905 CERTIFICATE 1360

DOUGLAS COUNTY APNS 1219 14 001 005 002
1219 15 001 022

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC FT / ACRE	TOTAL AC FT
V 96147	JOY WHIPPLE JAMES [illegible] SMITH DANIEL PAYNE & ELAINE LAFASSE BARGER	SHERIDAN CREEK NORTH DIVERSION	[illegible]	APR 1 TO OCT 15 JAN 1 TO DEC 31	IRRIGATION DOMESTIC 1852	0.200	4.00	[illegible]

PLACE OF USE 40 ACRE DESCRIPTIONS																			ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		STOCKWATER IS ALSO RECOGNIZED SEE SEC [illegible] FINAL ORDER OF DETERMINATION
14	[illegible]	[illegible]						18.71											18.71	THE TOTAL COMBINED DUTY OF WATER SHALL NOT EXCEED 4.0 ACRE FEET PER ACRE FROM ANY AND/OR ALL SOURCES
15	[illegible]	[illegible]	6.23																6.23	
															TOTAL ACRES ALLOTTED				24.94	

THE STATE ENGINEER SHALL IMPOSE A ROTATION SCHEDULE WHEN THE COMBINED FLOW OF THE NORTH DIVERSION OF SHERIDAN CREEK AND TRIBUTARIES DROPS BELOW 2.0 CFS AS PER COURT ORDER DATED APRIL 5, 2012 (CASE NO .08-CV0383-D)

THIS PROOF IS SUPPLEMENTAL TO PROOF [illegible] AND IS SUPPLEMENTED BY PROOF [illegible] CERTIFICATE [illegible]

DOUGLAS COUNTY APN 1213-14-000-001-001 [illegible]

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC FT / ACRE	TOTAL AC FT
[illegible]	DANIEL [illegible]	[illegible]	[illegible]	APR 1 TO OCT 15 JAN 1 TO DEC 31	IRRIGATION DOMESTIC 1852	0.200	4.00	[illegible]

PLACE OF USE 40 ACRE DESCRIPTIONS																			ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		STOCKWATER IS ALSO RECOGNIZED SEE SEC [illegible] FINAL ORDER OF DETERMINATION
11	[illegible]	[illegible]													4.42				4.42	DOUGLAS COUNTY APN 1213-13-002-020 [illegible]
14	[illegible]	[illegible]										[illegible]							[illegible]	
															TOTAL ACRES ALLOTTED				5.81	

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC-FT / ACRE	TOTAL AC-FT
[illegible]	MADDIS FRESIAN RANCH LLC	MOTT CREEK	NE¼SE¼ SEC 04 T 12N R 19E [illegible] FROM E¼ COR OF SAID SECTION 04 NW¼SW¼ SEC 03 T 12N R 19E [illegible] FROM W¼ COR OF SAID SECTION 03	APR 1 TO OCT 15 JAN 1 TO DEC 31	IRRIGATION DOMESTIC 1852	0.356	4.00	133.84

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE						STOCKWATER IS ALSO RECOGNIZED SEE SEC 40 OF FINAL ORDER OF DETERMINATION
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
3	T 12 N	R 19 E		33.46																33.46	DOUGLAS COUNTY APN 1219 03 001 058 059
															TOTAL ACRES ALLOTTED					33.46	

THE STATE ENGINEER SHALL IMPOSE A ROTATION SCHEDULE THAT ALLOWS THE PARTIES TO RECEIVE THEIR PROPORTIONATE SHARE OF THE FULL USE OF THE SECOND DIVERSION OF MOTT CREEK IN A WAY THAT PROMOTES BENEFICIAL USE OF THE WATER AS PER COURT ORDER DATED MAY 21, 2010 (CASE NO 08-CV0363-F)

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC FT / ACRE	TOTAL AC FT
[illegible]	THOMAS M AND [illegible] TRUSTEES OF THE [illegible] FAMILY TRUST DATE [illegible]	MOTT CREEK	PRIMARY DIVERSION [illegible] SECONDARY DIVERSION [illegible]	APR 1 TO OCT 15 JAN 1 TO DEC 31	IRRIGATION DOMESTIC 1ST	0.194	4.00	[illegible]

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	[illegible]				[illegible]				[illegible]				[illegible]						SEE WATER RIGHTS RECORDS, SEE [illegible] FINAL ORDER OF TERMINATION
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
3	[illegible]	R 19 E								[illegible]										12.96	DENIED [illegible] APR [illegible]
															TOTAL ACRES ALLOTTED					12.96	

THE STATE ENGINEER SHALL IMPOSE A ROTATION SCHEDULE THAT ALLOWS THE PARTIES TO RECEIVE THEIR PROPORTIONATE SHARE OF THE FULL USE OF THE SECOND DIVERSION OF MOTT CREEK IN A WAY THAT PROMOTES BENEFICIAL USE OF THE WATER AS PER COURT ORDER DATED MAY 21, 2010 (CASE NO 08-CV0363 F)

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC-FT / ACRE	TOTAL AC-FT
V 06[illegible]	[illegible] ET AL	MOTT CREEK	PRIMARY DIVERSION [illegible] SEC [illegible] T 12N R 19E [illegible] 30'W 7[illegible] FT FROM E/4 COR OF SAID SEC [illegible] SECONDARY DIVERSION NW/SW/4 SEC [illegible] T 12N R 19E [illegible] 50'15"E 6[illegible] FT FROM W/4 COR OF SAID SECTION 03	APR 1 TO OCT 15 JAN 1 TO DEC 31	IRRIGATION DOMESTIC 1852	0.042	4.00	10.00

PLACE OF USE 40 ACRE DESCRIPTIONS																		ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	N				W				S				E				STOCKWATER IS ALSO RECOGNIZED SEE SEC [illegible] OF FINAL ORDER OF DETERMINATION
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
3	12 N	19 E								10.00									10.00
															TOTAL ACRES ALLOTTED				10.00

DOUGLAS COUNTY APN 1239-03-001-060

THE STATE ENGINEER SHALL IMPOSE A ROTATION SCHEDULE THAT ALLOWS THE PARTIES TO RECEIVE THEIR PROPORTIONATE SHARE OF THE FULL USE OF THE SECOND DIVERSION OF MOTT CREEK IN A WAY THAT PROMOTES BENEFICIAL USE OF THE WATER AS PER COURT ORDER DATED MAY 21, 2010 (CASE NO. 08-CV0363 F)

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY ACRE-FT / ACRE	TOTAL ACRE-FT
[illegible]	[illegible]	[illegible]	[illegible]	APR [illegible]	IRRIGATION	[illegible]	[illegible]	[illegible]
				JAN [illegible]	[illegible]			
					[illegible]			

PLACE OF USE 40 ACRE DESCRIPTIONS																			ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	[illegible]				[illegible]				[illegible]				[illegible]					STOCKWATER SALES RECORDED SEC [illegible]
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
[illegible]	[illegible]	[illegible]	[illegible]			[illegible]													[illegible]	THE TOTAL [illegible]
															TOTAL ACRES ALLOTTED				[illegible]	

THIS PROOF [illegible]

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC FT / ACRE	TOTAL AC-FT
[illegible]	[illegible]	[illegible]	[illegible]	APR 1 TO OCT 31	IRRIGATION	0.060	[illegible]	[illegible]
				JAN 1 TO DEC 31	DOMESTIC			
					PRIOR TO 1905			

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	[illegible]				[illegible]				[illegible]				[illegible]						STOCKWATER IS ALSO RECOGNIZED SEE SEC [illegible] OF FINAL ORDER OF DETERMINATION
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
4	1 [illegible] N	R [illegible] E	5.47			1.85														7.32	* THE TOTAL COMBINED DUTY UNDER THIS PROOF AND PROOF [illegible] SHALL NOT EXCEED 4.0 ACRE FEET PER ACRE FROM ANY AND/OR ALL SOURCES ON THE 5.26 ACRE PORTION UNDER PROOF [illegible]
															TOTAL ACRES ALLOTTED					7.32	

THIS PROOF INCLUDES PORTIONS OF DOUGLAS COUNTY APNS [illegible] 021 022 [illegible] AND A PORTION OF THE TAYLOR CREEK ROAD RIGHT OF WAY

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC-FT/ ACRE	TOTAL AC-FT
[illegible]	[illegible]	[illegible]	[illegible]	APR 1 TO DEC 31	IRRIGATION	[illegible]	[illegible]	[illegible]
				JAN 1 TO DEC 31	DOMESTIC			
				JAN 1 TO DEC 31	STOCK WATER			
					1957			
				JAN 1 TO DEC 31	PRIMER PRODUCTION			
					PRIOR TO 1930			

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE						
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			SUFFICIENT WATER FOR 140 HEAD OF LIVESTOCK
[illegible]	[illegible]	[illegible]										[illegible]	[illegible]							[illegible]	THIS PRIORITY IS SUBJECT TO THE JULY 1969 AGREEMENT [illegible]
[illegible]	[illegible]	[illegible]															[illegible]	[illegible]		[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	40.90	[illegible]	[illegible]	[illegible]														[illegible]	[illegible]
[illegible]	[illegible]	[illegible]					[illegible]	[illegible]	[illegible]											[illegible]	[illegible]
															TOTAL ACRES ALLOTTED					[illegible]	

The State Engineer determined that the storage stemmed under this application from a reservoir constructed under Permit 3-50, APPLICATION FOR APPROVAL OF THE PLANS AND SPECIFICATIONS FOR THE CONSTRUCTION, RECONSTRUCTION OR ALTERATION OF A DAM, [illegible] October 22, 1959. [illegible]

THIS PRIORITY IS SUPPLEMENTAL TO [illegible]

THE [illegible] COMBINED DUTY FOR WATER SHALL BE LIMITED TO [illegible] ACRE FEET PER [illegible] SUPPLY ARE FROM ALL SOURCES

[illegible]

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC-FT/ACRE	TOTAL AC-FT
V 06354	ROLAND AND JOANNE DREYER	CARY CREEK	DIVIDE BOX NE/4 NE/4 SEC 09 T 12N R 19E N/C B 1/4 N 90°57' 39" W 565 FT FROM E COR OF SAID SECTION 09	APR 1 TO OCT 15 JAN 1 TO DEC 31 JAN 1 TO DEC 31	IRRIGATION DOMESTIC STOCKWATER 1852	1.930	1.00	1064.00

PLACE OF USE 40 ACRE DESCRIPTIONS																			ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	N				W				S				E					
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
10	T 12 N	R 19 E			9.10	29.24									40.00	9.53	11.33	32.10	131.30	
11	T 12 N	R 19 E					33.31	4.26	40.00	34.46	0.70	32.71	5.50						134.94	
															TOTAL ACRES ALLOTTED				266.24	

SUFFICIENT WATER FOR 300 HEAD OF LIVESTOCK

A PORTION OF THIS CLAIM HAS BEEN ABRROGATED BY PERMIT 10983 CERTIFICATE 6937

THIS PROOF IS SUBJECT TO THE JULY 1 1918 AGREEMENT "GLOVER AGREEMENT" IN BOOK E PAGE 337 AGR DOUGLAS COUNTY RECORDER'S OFFICE AND LANGUAGE IN THIS PROOF AND PROOF V06354 STIPULATES THAT SCHWABE WILL RECEIVE 0.32 CFS PLUS 1/3 OF THE REMAINING FLOW UNDER PROOF V06354 AND DREYER WILL RECEIVE 2/3 OF THE FLOW OF CARY CREEK LESS 0.32 CFS UNDER THIS PROOF

THIS PERMIT IS SUPPLEMENTAL TO PORTIONS OF ALPINE DECREE CLAIM NO'S 675 AND 925 AND IS SUPPLEMENTED BY PERMIT 19039 CERTIFICATE 5982 PERMIT 14110 CERTIFICATE 5981 PERMIT 20305 CERTIFICATE 6532

THE TOTAL COMBINED DUTY OF WATER SHALL NOT EXCEED 4.0 ACRE FEET PER ACRE FROM ALL AND/OR ALL SOURCES

DOUGLAS COUNTY APN'S 1219 10 002 050 1219 10 001 040 1219 11 001 005 1219 10 002 058 1219 09 002 005

The State Engineer assumes no liability as to the date or amount of water rights the irrigation has been adjudicated, abandoned, or lost by failure to beneficially use the water.

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC-FT / ACRE	TOTAL AC-FT
[illegible]	[illegible]	SHERIDAN [illegible] DIVERSION [illegible] TRIBUTARIES	[illegible]	APR 1 TO OCT 15	IRRIGATION	0.000	4.10	20.49
				JAN 1 TO DEC 31	DOMESTIC			
					1800			

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE						[illegible]
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
14	1 12 N	R 19 E										5.10								5.10	[illegible]
															TOTAL ACRES ALLOTTED					5.10	[illegible]

THE STATE ENGINEER SHALL IMPOSE A ROTATION SCHEDULE WHEN THE COMBINED FLOW OF THE NORTH DIVERSION OF SHERIDAN CREEK AND TRIBUTARIES DROPS BELOW 2.0 CFS AS PER COURT ORDER DATED APRIL 5, 2012 (CASE NO .08-CV0363-D)

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC-FT / ACRE	TOTAL AC-FT
V 06157	DONALD L. AND TONI W. ROOFER	SHERIDAN CREEK (SOUTH DIVERSION)	PRIMARY DIVERSION NE¼SE¼ SEC. 15 T.12N. R.19E. W.D.B.&M. N 03°08'W 1,041 FT. FROM SE COR. OF SAID SECTION 15 SECONDARY DIVERSION NW¼SW¼ SEC. 14 T.12N. R.19E. W.D.B.&M. N 13°31'E 1,716 FT. FROM SW COR. OF SAID SECTION 14	APR 1 TO OCT 15 JAN 1 TO DEC 31	IRRIGATION DOMESTIC 1871	0.137	4.00	138.80

PLACE OF USE 40 ACRE DESCRIPTIONS																			ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE					SEE PROOF V06358 FOR STOCK WATER
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		SUPPLEMENTAL TO WATER RIGHTS UNDER
14	T. 12 N.	R. 19 E.									15.80	2.60	0.50	0.70		14.50	0.50		34.70	THE BARBER CREEK DECREE
															TOTAL ACRES ALLOTTED				34.70	DOUGLAS COUNTY APNS 1219-14-002-061, 016

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC FT / ACRE	TOTAL AC FT
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]			

PLACE OF USE 40 ACRE DESCRIPTIONS																			ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE					
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
14	[illegible]	[illegible]									•	•	•	•		•	•			

[illegible]

[illegible]

[illegible]

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC-FT/ACRE	TOTAL AC-FT
V 06359	DENNIS R AND THERESE S BUCKLEY	SHERMAN CREEK (STATUTORY DIVERSION)	PRIMARY DIVERSION: NE NW SEC 15 T12N R19E V 0 6 [illegible] N 0 [illegible] 1 0 4 7 7 7 FROM SE CORR OF SAID SECTION 15 SECONDARY DIVERSION NW SW SEC 14 T12N R19E M D B & M [illegible] FROM SW COR OF SAID SECTION 14	JAN 1 TO DEC 31	STOCKWATER 1871			

PLACE OF USE 40 ACRE DESCRIPTIONS																		ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14	T 12 N	R 19 E									•			•		•	•		STOCKWATER IS RECOGNIZED FOR 40 HEAD OF LIVESTOCK SEE SEC [illegible] OF THE FINAL ORDER OF DETERMINATION SUPPLEMENTAL TO WATER RIGHTS UNDER THE BARBER CREEK DECREE DOUGLAS COUNTY APN 1319-14-002-020

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY ACRE FEET ACRE	TOTAL ACRE FEET
[illegible]	[illegible]	[illegible]	PRIMARY DIVERSION [illegible] [illegible] [illegible] SECONDARY DIVERSION [illegible] [illegible] [illegible]	APR 1 TO OCT 1[illegible]	IRRIGATION 1871	[illegible]	4.30	72.00

PLACE OF USE 40 ACRE DESCRIPTIONS																			ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	[illegible]				[illegible]				[illegible]				[illegible]					SEE PRE-[illegible] FOR STOCK WATER
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		SUPPLEMENTAL TO WATER RIGHTS UNDER
14	[illegible]	R 19 E									1.60			1.90		2.10	4.20		15.00	THE MARBLE CREEK DECREE
															TOTAL ACRES ALLOTTED				15.00	[illegible]

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY ACRE FT / ACRE	TOTAL ACRE FT
V 06561	STEPHEN RAY AND LORETTA SIMON PAUL P. AND MORENE L. SIMON	SHERIDAN CREEK (SOUTH DIVERSION)	PRIMARY DIVERSION NE¼SE¼ SEC. 15 T 12N R 19E [illegible] FROM SE COR. OF SAID SECTION 15 SECONDARY DIVERSION NW¼SW¼ SEC. 14 T 12N R 19E [illegible] FROM SW COR. OF SAID SECTION 14	JAN 1 TO DEC 31	STOCK WATER 1871			

PLACE OF USE 40 ACRE DESCRIPTIONS																	ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
14	T 12 N	R 19 E										x		x		x	x			STOCK WATER IS RECOGNIZED FOR 40 HEAD OF LIVESTOCK. SEE SEC. [illegible] OF THE FINAL ORDER OF DETERMINATION. SUPPLEMENTAL TO WATER RIGHTS UNDER THE BARBER CREEK DECREE DOUGLAS COUNTY APN 1219-14-002-007

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC FT/ACRE	TOTAL AC FT
[illegible]	STEPHEN KAY ANZ [illegible]	SHERIDAN [illegible] SOUTH [illegible]	PRIMARY DIVERSION [illegible] SECONDARY DIVERSION [illegible]	APR 1 TO OCT 31	IRRIGATION [illegible]	[illegible]	4.00	[illegible]

PLACE OF USE 40 ACRE DESCRIPTIONS																			ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE					SEE PROOF [illegible] FOR STOCK WATER
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		SUPPLEMENTAL TO WATER RIGHTS UNDER
14	T 12 N	R 59 E									14.40	5.00				3.20	0.20		32.60	THE BARRIER RESERVOIR DITCH
															TOTAL ACRES ALLOTTED				32.60	[illegible]

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC-FT/ACRE	TOTAL AC-FT
V 06363	ROBERT D. AND WANDA L. SHOCKEY	[illegible]	PRIMARY DIVERSION [illegible] SEC. 26 T.12N. R.19E. W.D.B.&M. [illegible] W. 2012.[illegible] DISTANCE FOR OF SAID SECTION IS IN ALPINE COUNTY, CALIFORNIA SECONDARY DIVERSION [illegible] SEC. 26 T.12N. R.19E. W.D.B.&M. N.01°07'W. 1,427.[illegible] FROM SE COR. OF SAID SECTION 26	APR 1 TO OCT 15 JAN 1 TO DEC 31	IRRIGATION DOMESTIC 1865	1.2 [illegible]	4.30	319.88

PLACE OF USE 40 ACRE DESCRIPTIONS																			ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		SEE PROOF V 06364 FOR STOCK WATER
26	12 N	19 E			23.00				4.86	23.36	18.82	5.08				4.83			79.97	[illegible] OF 40 C.F.S. APPURTENANT TO 79.97 OF
															TOTAL ACRES ALLOTTED				79.97	123.58 ACRES LOCATED WITHIN THE SW¼NE¼ SW¼NW¼ SW¼SE¼ AND W½SW¼ SECTION 25 SE¼NW¼ AND NE¼SE¼ SECTION 26 T.12N. R.19E. M.D.B.&M.

Acreage is registered on the Douglas County Assessor's Parcel Map as 40.00 acres for parcel # 1219-25-002-001 and 40.00 acres for parcel # 1219-25-001-008. The sum of acreage for this area and of this claim is 87.5 acres. The 87.5 acres previously 80.00 acres within APN's # 1219-25-002-001 and # 1219-25-001-008. Therefore, acreage was registered on the State Engineer's office as indicated in the "PLACE OF USE - 40 ACRE DESCRIPTIONS".

* Note: Douglas County APN 19-300-19 and the [illegible] (40) acres of APN 19-300-37 have been registered into the (2) [illegible] (40) acre parcels numbered 1219-25-002-001 and 1219-25-001-008.

DOUGLAS COUNTY APN'S 1219-25-002-001 AND 1219-25-001-008

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY ACRE FT ACRE	TOTAL ACRE FT
[illegible]	[illegible]	[illegible]	PRIMARY DIVERSION [illegible] [illegible] [illegible] [illegible] CALIFORNIA SECONDARY DIVERSION [illegible] [illegible] [illegible]	[illegible]	STOCK WATER 1864			

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	[illegible]				[illegible]				[illegible]				[illegible]						
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
25	[illegible]	[illegible]			•				•	•	•	•				•					[illegible] DETERMINATION [illegible]

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC-FT/ ACRE	TOTAL AC-FT
V 3565	BROWN FAMILY TRUST AGREEMENT DATED FEBRUARY 16 1990	LOFTON CREEK	PRIMARY DIVERSION NE/4 SEC 35 T 12 N R 19E MDB&M [illegible] FROM SE COR OF SAID SECTION 35 IN APPLE COUNTY CALIFORNIA SECONDARY DIVERSION NE/4 SEC 26 T 12 N R 19E MDB&M [illegible] FROM SE COR SAID SECT 35 26	APR 1 TO OCT 15 JAN 1 TO DEC 31	IRRIGATION DOMESTIC 1865	[illegible]	4.00	239.80

PLACE OF USE 40 ACRE DESCRIPTIONS																			ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		SEE PROOF V 8565 FOR STOCK WATER
26	T 12 N	R 19 E							4.60			35.50	1.90						44.00	[illegible] OF 10 C F S APPURTENANT TO 43.95 OF
26	T 12 N	R 19 E													15.20				15.20	123.58 ACRES LOCATED WITHIN THE SW/4 NE/4
															TOTAL ACRES ALLOTTED				59.20	SW/4 NW/4 NE/4 AND W/4 SW/4 SECTION 25 SE/4 NW/4
																				AND NE/4 SE/4 SECTION 26 T 12 N R 19E MDB&M
																				PORTION OF DOUGLAS COUNTY APN 1219 26 002 013

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC-FT/ ACRE	TOTAL AC-FT
[illegible]	[illegible]	[illegible]	PRIMARY DIVERSION [illegible] [illegible] [illegible] ALPINE COUNTY CALIFORNIA SECONDARY DIVERSION [illegible] [illegible] [illegible]	[illegible]	[illegible]			

PLACE OF USE 40 ACRE DESCRIPTIONS																		ACRES PER SECTION	REMARKS
SECTION	TOWN SHIP	RANGE	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
[illegible]	[illegible]	[illegible]							•			•	•						STOCKWATER SRECOGNIZED FOR [illegible] [illegible] SEC SEC [illegible] THE [illegible] ORDER [illegible] DETERMINATION
[illegible]	[illegible]	[illegible]													•				[illegible]

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC-FT ACRE	TOTAL AC-FT
V-06367	SCOSSA BROTHERS	MILLER CREEK BEERS SPRING AND OTHER UNNAMED SPRINGS	* MILLER CREEK NW¼NW¼ SEC 26 T 12N R 19E V D 6 SW S 69°10E 1 064 01 FT FROM W COR OF SAID SEC TRDL 26 ** BEERS SPRING NW¼SE¼ SEC 22 T 12N R 19E M D 9 SM S 84°02'E 2 184 0 FT FROM THE E¼ COR OF SAID SEC 22	APR 1 TO DEC 31 JAN 1 TO DEC 31	IRRIGATION DOMESTIC 1852	* 2 006 ** 0 150	* 7 71 ** 0 27	579 04 [illegible]

The State Engineer determines that Miller Creek is supplied at a 4 day rotation for Green Acres water users and a 10 day rotation for the Stoney Range users. 14 days

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			SEE PROOF V 06368 FOR STOCK WATER
23	T 12 N	R 19 E			1 00	10 20					14 20			20 80	40 00	35 00	37 00	26 40	184 60		THE TOTAL COMBINED DUTY OF WATER
24	T 12 N	R 19 E										5 00	9 20						14 20		SHALL NOT EXCEED 4 0 ACRE FEET PER
26	T 12 N	R 19 E		2 50			12 00												14 50		ACRE FROM ANY AND/OR ALL SOURCES
															TOTAL ACRES ATTRIBUTED				213 30		THIS PROOF SUPERCEDES PERMIT 24557
																					CERTIFICATE 8019 MILLER CREEK
																					AND IS SUPPLEMENTAL TO PROOF V06367
																					SUPPLEMENTS WATER UNDER THE BARBER
																					CREEK DECREE SUPPLEMENTED BY PERMIT
																					24557 CERT 6815 AND PERMIT 24201 CERT 6811
																					DOUGLAS COUNTY APN 1210 23 007 010 011

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC FT / ACRE	TOTAL AC FT
[illegible]	[illegible]	[illegible] Creek BEERS SPRING [illegible] [illegible] SPRINGS	MILLER CREEK [illegible] [illegible] [illegible] BEERS SPRING [illegible] [illegible] [illegible]	[illegible]	STOCK-WATER 1917			

The State Engineer determines that Miller Creek is entitled to 4 day rotation for Green Acres water users and 10 day rotation for the Spring Ranch water 14 days

PLACE OF USE 40 ACRE DESCRIPTIONS																			ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	[illegible]				[illegible]				[illegible]				[illegible]					
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
22	T 32 N	R 19 E	PORTIONS OF THIS SECTION																	
23	T 32 N	R 19 E			•	•					•			•	•	•	•	•		
24	T 32 N	R 19 E										•	•							
26	T 32 N	R 19 E		•			•													

[illegible] WATER SHED [illegible] OF [illegible] OF BEERS SPRING

[illegible] SUPERSEDES [illegible]

[illegible] CERTIFICATE [illegible] MILLER CREEK

THIS PROOF SUPPLEMENTAL TO PROOF [illegible]

[illegible]

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC-FT / ACRE	TOTAL AC-FT
Y-00369	[illegible] LEE BETTIE [illegible] TRUST MICHAEL STEVEN BEEBE [illegible] BARBARA JANE HUGHES THE BENSON FAMILY 2008 TRUST DATED OCTOBER 14, 2008 CHAMPION NEVADA TRUST	WHITE RIVER	PRIMARY DIVERSION [illegible] SEC 04 [illegible] RANGE MT B&M [illegible] FEET FROM [illegible] OF SAID SECTION 04 SECONDARY DIVERSION SW/4SW/4 SEC 34 T 13N R 19E MT B&M N 89°50'E 279 FT FROM SW COR OF SAID SECTION 34	JAN 1 TO DEC 1	STOCKWATER 1851			

PLACE OF USE 40 ACRE DESCRIPTIONS																		ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	[illegible]				[illegible]				[illegible]				[illegible]				STOCKWATER IS RECOGNIZED FOR 320 HEAD OF LIVESTOCK. SEE SEC [illegible] THE FINAL ORDER OF DETERMINATION
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
34	13 N	19 E									•	•	•	•	•	•	•	•	DOUGLAS COUNTY APNS 1319-34-002-071 THROUGH 078

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC-FT / ACRE	TOTAL AC-FT
[illegible]	[illegible] [illegible] TRUST [illegible] [illegible] BARBARA JANE HUGHES THE BENSON FAMILY 2008 TRUST DATED OCTOBER 14, 2008 CHAMPION LAND TRUST	VOTT [illegible]	[illegible] [illegible] [illegible] [illegible] SECONDARY DIVERS [illegible] [illegible] FROM [illegible] OF SAID SECTION 14	APR [illegible] TO OCT [illegible] JAN [illegible] DEC [illegible]	IRRIGATION DOMESTIC 1851	[illegible]	[illegible]	[illegible]

PLACE OF USE 40 ACRE DESCRIPTIONS																			ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE					
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
[illegible]	[illegible]	[illegible]											25.00	40.70			40.00	21.70	126.40	[illegible]
															TOTAL ACRES ALLOTTED				126.40	

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC-FT ACRE	TOTAL AC-FT
V 06377	SCOSSA BROTHERS	[illegible] CREEK MILLER CREEK [illegible] CREEK AND [illegible] UNNAMED SPRINGS WASTE AND DRAIN WATER FROM THESE SOURCES	DIVERSION NO 1 NW¼SE¼ SEC 23 T 12N R 19E W.D.B.&M. [illegible] FT FROM SW COR OF SAID SECTION 23 DIVERSION NO 2 SW¼SE¼ SEC 23 T 12N R 19E W.D.B.&M. [illegible] FT FROM SW COR OF SAID SECTION 23 DIVERSION NO 3 NE¼SW¼ SEC 26 T 12N R 19E W.D.B.&M. [illegible] FT FROM SW COR OF SAID SECTION 23 DIVERSION NO 4 SE¼SE¼ SEC 26 T 12N R 19E W.D.B.&M. [illegible] FT FROM SW COR OF SAID SECTION 23 DIVERSION NO 5 NW¼NE¼ SEC 26 T 12N R 19E W.D.B.&M. [illegible] FT FROM SW COR OF SAID SECTION 23	APR 1 TO OCT 15	IRRIGATION 1852			
			The State Engineer [illegible] water rights [illegible] from these sources for "drain and waste" water only.					
			No diversion rate or duty is [illegible] See Section V					

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE						SEE PROOF V 06377 FOR STOCK WATERING
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			THIS PROOF SUPERSEDES PERMIT 24557
23	T 12 N	R 19 E			1.00	18.20									40.00	21.80	24.40	27.60	125.00		CERTIFICATE 8079 MILLER CREEK
24	T 12 N	R 19 E			24.30	2.70			27.30	6.90	20.00	40.20	13.90	1.80					166.10		THIS PROOF IS SUPPLEMENTAL TO PROOF V06377
26	T 12 N	R 19 E		0.40															0.40		DOUGLAS COUNTY APNS 1319-23-002-010-013
															TOTAL ACRES ALLOTTED				292.10		SUPPLEMENTS WATER UNDER THE BARBER CREEK DECREE SUPPLEMENTED BY PERMIT 24557 CERT 6015 AND PERMIT 24201 CERT 6813

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC-FT/ ACRE	TOTAL AC-FT
V 00372	[illegible]	[illegible] WATER FREE WATER FREE FREE [illegible] SPRING AND VARIOUS UNNAMED SPRINGS WASTE AND DRAIN WATER FROM THE SI SOURCES	DIVERSION NO. 1 SW/SE/4 SEC. 21 T 12N R 19E M.D.B.&M. [illegible] FEET FROM SW CORN. OF SAID SECTION 21 DIVERSION NO. 2 SW/SE/4 SEC. 21 T 12N R 19E M.D.B.&M. [illegible] FEET FROM SW CORN. OF SAID SECTION 21 DIVERSION NO. 3 NE/SW/4 SEC. 21 T 12N R 19E M.D.B.&M. [illegible] FEET FROM SW CORN. OF SAID SECTION 21 DIVERSION NO. 4 SE/SW/4 SEC. 21 T 12N R 19E M.D.B.&M. [illegible] FEET FROM SW CORN. OF SAID SECTION 21 DIVERSION NO. 5 NW/SW/4 SEC. 21 T 12N R 19E M.D.B.&M. [illegible] FEET FROM SW CORN. OF SAID SECTION 21	[illegible]	STOCK WATER [illegible]			

The State Engineer determines that a water right exists for more than these quantities from these sources for "stock and wildlife" water only.

No diversion rate or duty is allowed. See Section V

PLACE OF USE 40 ACRE DESCRIPTION																				ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE						
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
21	T 12 N	R 19 E			*	*									*	*	*	*			
24	T 12 N	R 19 E			*	*			*	*	*	*	*	*							
26	T 12 N	R 19 E		*																	

SURFACE WATER IS RECOGNIZED FROM HEADGATE IN SW/SE SEC. 21 IN THE FINAL ORDER OF DETERMINATION

THIS PROOF SUPERSEDES PERMIT 24551 CERTIFICATE 8079 WILLOW CREEK

DOUGLAS COUNTY APN'S 1219-21-002-010 011 1-19-22-002-001

SUPPLEMENTAL WATER UNDER THE BARBER FREEP IN PER SUPPLEMENTED PERMIT 24551 CERT. 0811 AND PERMIT 24201 CERT. 0811

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC FT / ACRE	TOTAL AC FT
V 06831	LARRY LEE & DIXIE H LACKEY TURID K & JACQUELYN M WERNER	MILL CREEK	NE¼SE¼ SEC 04 T 32N R 19E W D B & M S 14°19'43" W 767.47 FT FROM E¼ COR OF SAID SECTION 04	APR 1 TO OCT 15 JAN 1 TO DEC 31	IRRIGATION DOMESTIC 1852	0.102	4.00	27.68

PLACE OF USE 40 ACRE DESCRIPTIONS																			ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		STOCK WATER IS ALSO RECOGNIZED SEE SEC [illegible] OF FINAL ORDER OF DETERMINATION
3	T 32 N	R 19 E												2.26		1.33	3.21		6.92	DOUGLAS COUNTY APN [illegible] 01 007 069
															TOTAL ACRES ALLOTTED				6.92	

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC FT / ACRE	TOTAL AC FT
[illegible]	[illegible]	[illegible]	* MILLER CREEK SE/4NW/4 SEC 26 T 12S R 19E MDB&M S 42°32'54" E 1,982.6 FT FROM NW CORN OF SAID SECTION 26 ** UNNAMED SPRING (A) SE/4NW/4 SEC 26 T 12S R 19E MDB&M S 42°32'54" E 1,914.6 FT FROM NW CORN OF SAID SECTION 26 ***UNNAMED SPRING (D) SE/4NW/4 SEC 26 T 12S R 19E MDB&M S 42°32'54" E 508 FT FROM NW CORN OF SAID SECTION 26	APR 1 TO OCT 15	IRRIGATION	0.122	[illegible]	5.70
				JAN 1 TO DEC 31	DOMESTIC	0.008	[illegible]	19.44
					1863	---	---	---
			The State Engineer determined that Miller Creek is entitled to a 4 day rotation for Green Acres water users and a 10 day rotation for the Sawyer Ranch using 14 days					
			Unnamed Spring (A) is the same water source as Jackson Spring "A" under Proof V06342					
			The State Engineer determined that a rotation right is appurtenant to Unnamed Spring (D) for a water allocation right subject to the priority date established in the Final Order of Determination					

PLACE OF USE 40 ACRE DESCRIPTIONS																		ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
[illegible]	T 12 S	R 19 E																X	
24	T 12 S	R 19 E												X					
															TOTAL ACRES ALLOTTED			166	

WATER FROM UNNAMED SPRING(A) IS SUBJECT TO A ROTATION SCHEDULE IMPOSED BY THE STATE ENGINEER IF INVOLVED PARTIES CANNOT REACH AN AGREEMENT ON A SCHEDULE INTERNALLY AS PER COURT ORDER DATED DECEMBER 24, 2013 (CASE NO 08 CV0363-E)

[illegible]

SEE WATER RIGHT SUMMARIZED SITE SHEET [illegible] FINAL ORDER OF DETERMINATION

THE TOTAL CHARGED DUTY OF WATER [illegible] ACRE FEET PER ACRE FROM ANY AND/OR ALL SOURCES

THE STATE ENGINEER DETERMINES THAT THIS PROOF SUPERSEDES FSWUF 24525 CERTIFICATE [illegible] TOLERANCE AND FSWUF 24526 CERTIFICATE [illegible] UNNAMED CREEK

[illegible] THE SUPPORTING MAP DOUGLAS [illegible] APRIL [illegible]

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC-FT ACRE	TOTAL AC-FT
V 06850	GROENEWOLD FAMILY TRUST DATED MARCH 7, 1978	UNNAMED SPRING (A) DIRECT DIVERSION UNNAMED SPRING (D) & LUTHER CREEK RETURN FLOW	*UNNAMED SPRING (A) SW¼NW¼ SEC. 26, T. 12N., R. 19E. M.D.B.&M. S 24°E, 1,550 FT. FROM NW COR. OF SAID SECTION 26 **UNNAMED SPRING (D) SE¼NW¼ SEC. 26, T. 12N., R. 19E. M.D.B.&M. S 41°33'34"E, 1,108 FT. FROM NW COR. OF SAID SECTION 26 LUTHER CREEK RETURN FLOW NE¼SE¼ SEC. 26, T. 12N., R. 19E. M.D.B.&M. S 11°25'16"W, 1,072 FT. FROM NE COR. OF SAID SECTION 26	APR 1 TO OCT 15	IRRIGATION	*0.677	*4.00	49.77
				JAN 1 TO DEC 31	DOMESTIC	**1.50	4.00	102.16
				JAN 1 TO DEC 31	STOCKWATER	STOCKWATER IS ALSO RECONVEYED		
					1852			
				Unnamed Spring (A) is the same water source as Johnson Spring "A" under Proof V06342. This spring is the total source of water for the living quarters of the main residence, including drain to an existing pond, and the The State Engineer determines that a vested right is established from Unnamed Spring (D) for a direct diversion right from the water from said spring and for use only on lands located on the south side of the [illegible] Unnamed Spring "A" water cannot be used on the south side [illegible]				
				The State Engineer determines that a vested right is established from Luther Creek for "[illegible]" water right. No diversion rate or duty is assigned. See Section V				

PLACE OF USE 40 ACRE DESCRIPTIONS																			ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		STOCKWATER IS RECONVEYED FOR 30 HEAD OF LIVESTOCK. SEE SECTION III OF THE FINAL ORDER OF [illegible]
			LAND IRRIGATED FROM UNNAMED SPRING (A)																	
26	T. 12 N.	R. 19 E.		6.39	4.89		1.15												12.43	THE TOTAL COMBINED DUTY OF WATER SHALL NOT EXCEED 4.0 ACRE FEET PER ACRE FROM ANY AND/OR ALL SOURCES
			LAND IRRIGATED FROM UNNAMED SPRING (D)																	
26	T. 12 N.	R. 19 E.	6.77	7.02	9.11	2.64													25.54	THE STATE ENGINEER DETERMINES THAT THIS PROOF SUPERCEDES PERMIT 24918 CERTIFICATE 1841 "UNNAMED SPRING" AND PERMIT 24919 CERTIFICATE 1842 "UNNAMED SPRING" AND PROOF V 02850
			LUTHER CREEK RETURN FLOW																	
26	T. 12 N.	R. 19 E.	6.77			2.64													9.41	
															TOTAL ACRES ALLOTTED				37.97	

WATER FROM UNNAMED SPRING(A) IS SUBJECT TO A ROTATION SCHEDULE IMPOSED BY THE STATE ENGINEER IF INVOLVED PARTIES CANNOT REACH AN AGREEMENT ON A SCHEDULE INTERNALLY AS PER COURT ORDER DATED DECEMBER 24, 2013 (CASE NO. 08-CV0363 E)

DOUGLAS COUNTY APN 1319-26-001-035

UNNAMED SPRING (A), (D) AND LUTHER CREEK RETURN FLOWS

UNNAMED SPRING (A) is the [illegible] source of water for 6.39 acres located within the NW¼NE¼, 4.89 acres within the SW¼NE¼ and 1.15 acres within the NE¼NW¼ Sec. 26, T. 12N., R. 19E., M.D.B.&M. [illegible] drainage which crosses [illegible] a [illegible] through the acreage listed in this claim.

*UNNAMED SPRING "D" is [illegible] 6.77 acres located within the NE¼NE¼, 7.02 acres within the NW¼NE¼, 9.11 acres within the SW¼NE¼ and 2.64 acres within the SE¼NE¼ Sec. 26, T. 12N., R. 19E., M.D.B.&M. [illegible] drainage which crosses [illegible] a [illegible] through the acreage listed in this claim.

LUTHER CREEK RETURN FLOW is water [illegible] 6.77 acres located within the NE¼NE¼ and 2.64 acres within the SE¼NE¼ Sec. 26, T. 12N., R. 19E., M.D.B.&M. [illegible] [illegible] Consequently [illegible] [illegible] of [illegible] use of this water.

**1.50 [illegible] from Unnamed Spring (D) [illegible] Proofs V 06321, V 06321 and V 08850. [illegible] 60%/40% [illegible] 40% [illegible] Proof V 08850 60% [illegible] 60%/40% [illegible] Proofs V 06321, V 06321 and V 08850. [illegible] 60%/40% [illegible] water from Unnamed Spring (D).

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC-FT / ACRE	TOTAL AC-FT
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	DOMESTIC GARDEN AND LAWN 1852	[illegible]	[illegible]	[illegible]

PLACE OF USE 40 ACRE DESCRIPTIONS																			ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE					
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
[illegible]	[illegible]	[illegible]												[illegible]					[illegible]	[illegible]
															TOTAL ACRES ALLOTTED				[illegible]	

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC-FT ACRE	TOTAL AC-FT
V 06265	BRETT A. & KAREN A. HUMBALL ROBERT S. HUDNALL STEVEN & SYLVIA RE	MOTT CREEK	SW SW SEC. 03 T 12N R 19E V D & M S 1415.41 A 761 4113 FROM E.C.R. OF SAID SEC. 3	APR 1 TO OCT 15	IRRIGATION 1912	0.125	4.00	34.92

PLACE OF USE 40 ACRE DESCRIPTIONS																			ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		SUR WATER IS ASSOCIATED SEE SEC. 3 OF FINAL ORDER OF DETERMINATION
3	T 12 N	R 19 E									1.80			5.72		5.01	0.20		8.73	NO PROOF OF APPROPRIATION IS FILED ON THIS ACREAGE LOCATED AS DESCRIBED IN THE SHADED INSERT AND IN THE PLACE OF USE DESCRIPTION. THEREFORE THE STATE ENGINEER DETERMINES THAT IN ORDER TO ISSUE A COMPLETE AND ACCURATE SUMMARY OF THE HISTORIC USE OF THE WATERS OF MOTT CREEK A CLAIM IS SUBMITTED ON BEHALF OF THE CURRENT OWNER(S) OF RECORD BY THE OFFICE OF THE STATE ENGINEER
															TOTAL ACRES ALLOTTED				*8.73	

This land is described as Douglas County Assessor's Parcel 1219 03-002-082 084, being 8.728 acres lying within portions of the NE¼SW¼, SE¼SW¼, NW¼SE¼ and SW¼SE¼, Section 3, T 12N., R.19E., M.D.B.&M. The State Engineer determines that water has been diverted from Mott Creek and applied to beneficial use on this acreage based on Map No. 4891, U.S. Geological Survey, Hydrographic Branch, Reclamation Service, for the Truckee-Carson Project, Nev., Dated July 27, 1904 and 1938 Aerial photo of Carson Valley, Bureau Land, dated Oct. 20, 1938. This property is held pursuant to NRS § 533.125.

Acreage within each forty (40) acre parcel was calculated using an electronic planimeter to within 0.072 acres. The acreage was then proportionately reduced within each forty (40) acre subdivision to equal 8.728 acres.

*THE SUM OF THE IRRIGATED ACREAGE CANNOT EXCEED THE 8.728 ACRES AS DESCRIBED BY THE DOUGLAS COUNTY ASSESSOR'S OFFICE UNDER DOUGLAS COUNTY APN'S 1219-03-002-082 084

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC FT/ ACRE	TOTAL AC FT
V 08264	[illegible] MARSHALL [illegible]	MILLER CREEK UNNAMED SPRING (A) UNNAMED SPRING (D)	* MILLER CREEK SE[illegible] SEC 26 T 12N R 19E M D B &M [illegible] FROM SW [illegible] OF SAID SECTION 26 ** UNNAMED SPRING (A) [illegible] SEC 26 T 12N R 19E [illegible] S 65°20'38" E [illegible] FROM SW [illegible] OF SAID SECTION 26 ***UNNAMED SPRING (D) [illegible] SEC 26 T 12N R 19E [illegible] 1,508 FT FROM [illegible] OF SAID SECTION 26	APR 1 TO OCT 15	IRRIGATION *1853	*0.006 **0.016 ***	*2.71 **4.00 ***	6.86 10.12 ***

The State Engineer determines that Miller Creek is subject to a 4 day rotation for Green Acres water users and a 10 day rotation for the Sonora Ranch every 14 days.

Unnamed Spring (A) is the same water source as Jackson Spring "A" under Proof V06342.

The State Engineer determines that a vested right is established from Unnamed Spring (D) for a [illegible] [illegible] subject to the [illegible] defined in the Final Order of Determination.

PLACE OF USE 40 ACRE DESCRIPTIONS																			ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE NE	NE NW	NE SW	NE SE	NW NE	NW NW	NW SW	NW SE	SW NE	SW NW	SW SW	SW SE	SE NE	SE NW	SE SW	SE SE		STOCKWATER IS ALSO RECOGNIZED, SEE SEC [illegible] FINAL ORDER OF DETERMINATION
26	T 12 N	R 19 E		2.53															2.53	THE TOTAL COMBINED DUTY OF WATER SHALL NOT EXCEED 4.00 ACRE FEET PER ACRE [illegible] ALL SOURCES
													TOTAL ACRES ALLOTTED						2.53	

WATER FROM UNNAMED SPRING(A) IS SUBJECT TO A ROTATION SCHEDULE IMPOSED BY THE STATE ENGINEER IF INVOLVED PARTIES CANNOT REACH AN AGREEMENT ON A SCHEDULE INTERNALLY AS PER COURT ORDER DATED DECEMBER 24 2013 (CASE NO 08 CV0363-E)

This land is [illegible] Douglas County Assessor's Parcel 1219-26-001-031, being 2.53 acres [illegible] NWNE[illegible] Section 26, T 12N R 19E, M D B &M. The State Engineer determines that water was [illegible] from Miller Creek and Unnamed Spring (A) and [illegible] on this acreage [illegible] Map No. 4891, "U.S. Geological Survey, Hydrographic Branch, Reclamation Service, for the Truckee-Carson Project, Nev.", Dated July 27, 1904 and 1938 Aerial photos of Carson Valley, [illegible], dated Oct 20, 1938 [illegible] Green Acres [illegible]. This proof is [illegible] NRS § 533.125

[illegible] V 06321 V 06322 [illegible] 40%/40% [illegible] 40% [illegible] C8850 [illegible] 40% [illegible] V 06322 V 06325 V 06326 V 06327 V 06328 V 06329 V 06330 [illegible] V 06333 [illegible] 40%/40% [illegible] Unnamed Spring (D)

THE STATE ENGINEER DETERMINES THAT THIS [illegible] SUPERSEDES PERMIT 24525 CERTIFICATE [illegible] MILLER CREEK AND PERMIT 24526 [illegible] UNNAMED [illegible] ON THE [illegible] ACRES [illegible] SUPPORTING MAP

[illegible] APN 1219-26-001-031

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC-FT/ACRE	TOTAL AC-FT
V 05265	STEPHEN H. S PATRICIA CHRISTIAN	MILLER CREEK UNNAMED SPRING (A) UNNAMED SPRING (D)	* MILLER CREEK NE¼NW¼ SEC. 26, T 12N, R 19E M.D.B.&M. S 82°27'14" E 1982.03 FT FROM W¼ COR. OF SAID SECTION 26 ** UNNAMED SPRING (A) SE¼NW¼ SEC. 26, T 12N, R 19E M.D.B.&M. S 65°20'28" E 2514.06 FT FROM W¼ COR. OF SAID SECTION 26 ***UNNAMED SPRING (D) SE¼NW¼ SEC. 26, T 12N, R 19E M.D.B.&M. S 43°31'14" E 3508 FT FROM W¼ COR. OF SAID SECTION 26	APR 1 TO OCT 15	IRRIGATION 1853	* 0.067 ** 0.010 ***	* 2.21 ** 4.00 ***	6.91 10.20 ***

The State Engineer determined that Miller Creek is tributary to a 4 acre section for Green Acres water supply and a 10 acre tributary for the Spring Range range 14 acre.

Unnamed Spring (A) is the same water source as Unnamed Spring "A" under Proof V06342.

The State Engineer determined that a vested right to tributaries from Unnamed Spring (D) for a water [illegible] the Fines Creek or Diversion.

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE						STOCKWATER IS ALSO RECOGNIZED. SEE SEC. 10 OF FINAL ORDER OF DETERMINATION.
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
24	T 12 N	R 19 E																			THE TOTAL COMBINED DUTY OF WATER SHALL NOT EXCEED 4.0 ACRE FEET PER ACRE FROM ANY AND/OR ALL SOURCES
																			TOTAL ACRES ALLOTTED	2.55	

WATER FROM UNNAMED SPRING(A) IS SUBJECT TO A ROTATION SCHEDULE IMPOSED BY THE STATE ENGINEER IF INVOLVED PARTIES CANNOT REACH AN AGREEMENT ON A SCHEDULE INTERNALLY AS PER COURT ORDER DATED DECEMBER 24, 2013 (CASE NO. 08-CV0363-E)

This [illegible] Douglas County Assessor's Parcel 1219-24-002-009 (PORTION), using 2.55 [illegible] SE¼SW¼ Section 24, T 12N, R 19E, M.D.B.&M. The State Engineer determined that water has been diverted from Miller Creek and Unnamed Creek and placed to beneficial use on the [illegible] as Map No. 4891, "U.S. Geological Survey, Topographic Branch, Reclamation Service, [illegible] Truckee-Carson Project, No. 1, Dated July 27, 1904 and 1938 Aerial Photo of Carson Valley, Bureau Land [illegible] Oct. 20, 1938 and [illegible] Green Acres [illegible] NRS § 533.125.

***[illegible] 1.50 [illegible] Unnamed Spring (D) [illegible] to Proofs V 06321, V 06323 [illegible] V 06850 [illegible] 60%/40% [illegible] 40% [illegible] Spring (A) [illegible] V 06850. The 40% [illegible] Spring (A) [illegible] Proofs V 06322, V 06325, V 06326, V 06327, V 06328, V 06329, V 06330, V 06331, V 06333, V 06334, V 07480, V 09294, V 09295, V 09296 and V 09270. [illegible] 60%/40% [illegible] Unnamed Spring (D).

THE STATE ENGINEER DETERMINES THAT THIS PROOF SUPERCEDES PERM 12525 CERTIFICATE 8136 "MILLER CREEK" AND PERMIT 24526 CERTIFICATE 8137 "UNNAMED CREEK"

TOT 10 ON THE SUPPORTING MAP DOUGLAS COUNTY APN 1219-24-002-009 (PORTION) LOTS HAVE BEEN RECONSOLIDATED TO SHOW THAT EXHIBIT ALSO HAS 2.55 ACRES UNDER PROOF V 09210.

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC-FT / ACRE	TOTAL AC-FT
V 06266	[illegible]	MILLER CREEK UNNAMED SPRING (A) UNNAMED SPRING (D)	* MILLER CREEK SE¼NW¼ SEC 26 T 12N R 19E M D B & M [illegible] FEET FROM W CORNER OF SAID SECTION 26 ** UNNAMED SPRING (A) SE¼NW¼ SEC 26 T 12N R 19E M D B & M [illegible] FEET FROM W CORNER OF SAID SEC. SECTION 26 ***UNNAMED SPRING (D) SE¼NW¼ SEC 26 T 12N R 19E M D B & M [illegible] FEET FROM NW CORNER OF SAID SEC. SECTION 26	APR 1 TO OCT 15	IRRIGATION	[illegible]	[illegible]	14.04
					1865	[illegible]	[illegible]	26.16
						[illegible]	[illegible]	[illegible]

The State Engineer determines that Miller Creek is subjected to 4 day rotation for Green Acres water users and 10 day rotation for the Sierra Range every 14 days.

Unnamed Spring (A) is the same water source as Jackson Spring "A" under Proof V06342.

The State Engineer determines that a water rights extension from Unnamed Spring (D) for a fence [illegible] subject to the priority date determined by the Final Order of Determination.

PLACE OF USE 40 ACRE DESCRIPTIONS																			ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	[illegible]				[illegible]				[illegible]				[illegible]					
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
26	T 12 N	R 19 E												5.18					5.18	
															TOTAL ACRES ALLOTTED				5.18	

WATER FROM UNNAMED SPRING(A) IS SUBJECT TO A ROTATION SCHEDULE IMPOSED BY THE STATE ENGINEER IF INVOLVED PARTIES CANNOT REACH AN AGREEMENT ON A SCHEDULE INTERNALLY AS PER COURT ORDER DATED DECEMBER 24 2013 (CASE NO 08 CV0363 E)

This [illegible] as Douglas County Assessor's Parcel 1219-24-002-007, [illegible] 5.18 [illegible] of the SE¼SW¼ Section 24, T 12N R 19E M D B & M. The State Engineer determines that water was [illegible] from Miller Creek and Unnamed Creek and placed to beneficial use on the acreage [illegible] on Map No. 4891, "U.S. Geological Survey, Hydrographic Branch, Reclamation Service, for the Truckee-Carson Project, Nev.", Dated July 27, 1904 and 1938 Aerial photos of Carson Valley Beaver Lake, dated Oct. 20, 1938 and the [illegible] of the acreage in the Green Acres subdivision [illegible] NRS § 533.125.

[illegible]

STOCKWATER IS ALSO REC[illegible] SEE SECTION [illegible] FINAL ORDER OF DETERMINATION

THE TOTAL [illegible] DUTY OF WATER SHALL NOT EXCEED 4.0 AC-FT PER ACRE FROM ALL ALLOWED USES.

THE STATE ENGINEER DETERMINES THAT THE [illegible] PERMITS 24373 CERTIFICATE [illegible] MILLER CREEK AND PERMIT [illegible] CERTIFICATE [illegible] UNNAMED RIVER

[illegible] THE SOUTHWESTERN MAP [illegible] APR 1 TO OCT 15 [illegible]

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY ACRE FEET ACRE	TOTAL ACRE FEET
V 09261	ANDREW & LINDA HACKLER	MILLER CREEK	*MILLER CREEK NE/4NW/4 SEC 26 T 12N R 19E M D B & M N 82°27'34" E 1982 61 FT FROM NW COR OF SAID SECTION 26	APR 1 TO OCT 15	IRRIGATION 1865	*0.075	*2.2*	2.53
				The State Engineer determines that Miller Creek is supported in a 4 day rotation for Green Acres water users and a 10 day rotation across Section Range every 14 days.				

PLACE OF USE 40 ACRE DESCRIPTIONS																			ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE					
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
23	T 12 N	R 19 E																		SIDE WATER IS ALSO RECOGNIZED SEE SEC 10 OF FINAL ORDER OF DETERMINATION
26	T 12 N	R 19 E		*													*			THE TOTAL COMBINED DUTY OF WATER SHALL NOT EXCEED 4.0 ACRE FEET PER ACRE FROM ANY AND/OR ALL SOURCES
																			TOTAL ACRES ALLOTTED 2.78	

This land is described as Douglas County Assessor's Parcel 1219-26-001-026 acres 2.78 [illegible] SW/4SE/4 Section 24, and NW/4NE/4 Section 26, T 12N, R 19E, M D B & M. The State Engineer determines that water has been diverted from Miller Creek and placed to beneficial use on this acreage based on Map No. 4891.

U S Government Survey, Hydrographic Branch, Reclamation Service, Carson Truckee-Carson Project, Nev., Dated July 27, 1904 and 1938 Aerial photos of Carson Valley, Bottom Lands, dated Dec 20 1938 and the [illegible] of the acreage in the Green Acres subdivision was formerly the same [illegible]. This [illegible] NRS § 533.125

THE STATE ENGINEER DETERMINES THAT THIS PROOF SUPERSEDES PERMIT 24525 CERTIFICATE 8136 "MILLER CREEK"

* LOCATION ON THE SUPPORTING MAP DOUGLAS COUNTY APN 1219-26-001-026

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY ACRE FT ACRE	TOTAL ACRE FT
[illegible]	[illegible]	MILLER CREEK	MILLER CREEK NE¼NW¼ SEC 26 T 12N R 19E MDB&M [illegible] [illegible]	APR 1 TO OCT [illegible]	IRRIGATION 1883	[illegible]	[illegible]	[illegible]
				The State Engineer determines that Miller Creek is subject to a 4 day recession for Grass Aprils water rights and a 10 day recession for the Spring Range of only 14 days				

PLACE OF USE 40 ACRE DESCRIPTIONS																		ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
26	T 12 N	R 19 E		2.66															2.66
																		TOTAL ACRES ALLOTTED	2.66

This [illegible] description of Douglas County Assessor's Parcel 1219-26-001-025, [illegible] 2.66 [illegible] portion of the NW¼NE¼ Section 26, T 12N, R 19E MDB&M. The State Engineer determines that water has been diverted from Miller Creek [illegible] on this acreage based on Map No. 4891, "U.S. Geological Survey, Topographic Branch, Reconnaissance Service, for the Tahoe-Carson Project, No. 1", Dated July 27, 1904 and 1938 Aerial photos of Carson Valley, Bureau Land [illegible] Dec. 20, 1938 and the fact that [illegible] of the acreage in the Grass Aprils subdivision was removing the same [illegible]. This [illegible] is based on NRS § 533.125

STOCKWATERS ALSO RECOGNIZED SEE SEC [illegible] FINAL ORDER DETERMINATION

THE TOTAL COMBINED DUTY OF WATER SHALL NOT EXCEED [illegible] ACRE FEET PER ACRE FOR MANDRUN AND STOCKWATERS

THE STATE ENGINEER DETERMINES THAT THE FLOW OF SUPPLIES PERMIT 24525 [illegible] ATE [illegible] MILLER CREEK

DUE TO THE SUPPLEMENTAL [illegible] DIVERSIONS PRIORITY APN [illegible] 025

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC-FT / ACRE	TOTAL AC-FT
V 09269	RICHARD E. & DOROTHY I. MORISET	MILLER CREEK	* MILLER CREEK NE¼NW¼ SEC. 26, T. 12N., R. 19E. M.D.B.&M. S 82°27'34"E 1,982.63 FT. FROM NW COR. OF SAID SECTION 26	APR 1 TO OCT 15	IRRIGATION 1853	*0.006	*2.51	6.80
				The State Engineer determines that Miller Creek is tributary to a 4 day relation for Green Acres water users and a 10 day relation for Steven Ranch water 14 days.				

PLACE OF USE 40 ACRE DESCRIPTIONS																			ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE					
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
26	T. 12 N.	R. 19 E.		2.51															2.51	STOCKWATER IS ALSO RECOGNIZED SEE SEC. VI OF FINAL ORDER OF DETERMINATION
																		TOTAL ACRES ALLOTTED	2.51	THE TOTAL COMBINED DUTY OF WATER SHALL NOT EXCEED 4.0 ACRE FEET PER ACRE FROM ANY AND/OR ALL SOURCES

This land is described as Douglas County Assessor's Parcel 1219-26-001-024, being 2.51 acres located within a portion of the NW¼NE¼ Section 26, T. 12N., R. 19E., M.D.B.&M. The State Engineer determines that water has been diverted from Unnamed Creek and placed to beneficial use on this acreage based on Map No. 4891, U.S. Geological Survey, Hydrographic Branch, Reconnaissance Survey for the Truckee-Carson Project, No. * Dated Jan. 27, 1904 and 1938 Aerial photos of Carson Valley, Bureau Land Mgmt. Dec. 20, 1938 and the existence of the acreage in the Green Acres subdivision was removed on same range. This ditch is now abandoned. NRS § 533.125

THE STATE ENGINEER DETERMINES THAT THIS PROOF SUPERCEDES PERMIT 24525, CERTIFICATE 8136, MILLER CREEK.

LOT 20 ON THE SUPPORTING MAP DOUGLAS COUNTY APN 1219-26-001-024

PROOF NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC-FT ACRE	TOTAL AC-FT
V 09270	STEPHEN H. S PATRICIA M. STAN JAMES H. S. IVAN HOLLAWAY S ELLEN PATRICIA M. LAZAY	MILLER CREEK AND UNNAMED SPRING (A) UNNAMED SPRING (D)	* MILLER CREEK SE SW NW SEC. 26, T 12N, R 19E M.D.B.&M. S 87°27'34" E 2 826 FT FROM W COR. OF SAID SECTION 26 ** UNNAMED SPRING (A) NE SW NW SEC. 26, T 12N, R 19E M.D.B.&M. S 44°20'28" E 2 [illegible] FROM W COR. OF SAID SECTION 26 *** UNNAMED SPRING (D) SE SW NW SEC. 26, T 12N, R 19E M.D.B.&M. S 47°37'47" E 3508 FT FROM W COR. OF SAID SECTION 26	APR 1 - NOV 1 15	IRRIGATION	0.155	[illegible]	14.01
					1911	0.032	4.00	20.7
						---	---	---
				The State Engineer determines that Miller Creek is connected to a 4 day rotation for Green Acres water users and a 10 day rotation for the Sagers Ranch using 14 days.				
				Unnamed Spring (A) is the same water source as Jackson Spring "A" under Proof V06342.				
				The State Engineer determines that a water right is attributable from Unnamed Spring (D) for a small percentage more consistent with actually water developed in the Final Order of Determination.				

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			STATE WATER IS ALSO RECOGNIZED SEE SECTION [illegible] FINAL ORDER OF DETERMINATION
24	12 N	19 E												5.18						5.18	THE TOTAL CLAIMED RIGHTS OF WATER SHALL NOT EXCEED ACRE FEET PER ACRE FROM ANY AND ALL SOURCES
															TOTAL ACRES ALLOTTED					5.18	

WATER FROM UNNAMED SPRING(A) IS SUBJECT TO A ROTATION SCHEDULE IMPOSED BY THE STATE ENGINEER IF INVOLVED PARTIES CANNOT REACH AN AGREEMENT ON A SCHEDULE INTERNALLY AS PER COURT ORDER DATED DECEMBER 24, 2013 (CASE NO. 08 CV0363 E)

THE STATE ENGINEER DETERMINES THAT THIS PROOF SUPPLIES PERMIT 24525 (CERTIFICATE 8146, MILLER CREEK AND PERMIT 45[illegible] CERTIFICATE 8147 UNNAMED CREEK)

[illegible] ON THE SUPPORTING MAP DOUGLAS COUNTY APN 1219-24-002-008 009 PORTIONS

This land is described as Douglas County Assessor's Parcels 1219-24-002-008, 009 (PORTIONS), being 5.18 acres located within a portion of the SE SW NW Section 24, T 12N, R 19E, M.D.B.&M. The State Engineer determines that water has been diverted from Miller Creek and Unnamed Creek and stored in sometimes and [illegible] based on Map No. 4801, "U.S. Government Survey, Hydrographic Branch, Reconnaissance Survey for the Truckee-Carson Project, No. 1, Dated June 27, 1904 and 1938 Aerial photo of Carson Valley Bowman Lake, dated Oct. 20, 1938 and the records on file adjacent to the Green Acres subdivision map [illegible] the same canal. This project is now subject to NRS § 533.125.

[illegible] 50 [illegible] Unnamed Spring (D) [illegible] Proofs V 06321, V 06323 and V 08850. [illegible] 50 [illegible] 60%/40% [illegible] 40% [illegible] Unnamed Spring (A) [illegible] V 08850. The 40% [illegible] Unnamed Spring (A) [illegible] (A) [illegible] V 06322, V 06325, V 06326, V 06327, V 06328, V 06329, V 06330, V 06331, V 06332, V 06333, V 06334, V 07486, V 09264, V 09265, V 09266, V 09267, V 09268, V 09269, V 09270, V 09271, V 09272, V 09273, V 09274, V 09275, V 09276, V 09277, V 09278, V 09279, V 09280, V 09281, V 09282, V 09283, V 09284, V 09285, V 09286, V 09287, V 09288, V 09289, V 09290, V 09291, V 09292, V 09293, V 09294, V 09295, V 09296, V 09297, V 09298, V 09299, V 09300, V 09301, V 09302, V 09303, V 09304, V 09305, V 09306, V 09307, V 09308, V 09309, V 09310. [illegible] 60%/40% [illegible] Unnamed Spring (D).

PERMIT NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC-FT/ ACRE	TOTAL AC-FT
1595 FERT 1260	GERALD L & PAMELA J WHITURE DANIEL PATRICK & ELAINE VANASSE BARDEN JAMES D AND LORIA DOORNINK HALL RANCHES INC EMILY P HASTERT PESTANA 1986 FAMILY TRUST THOMAS J & KATHLEEN M SCHNIERS L J HANAGAN RODERICK J & PATRICIA SMITH ESTES ENVIRONMENTAL CORP JAMES O TOMERLIN & WILLIAM R TOMERLIN THE FNS REVOCABLE TRUST & THE EGS REVOCABLE TRUST	GANSBERG SPRING	SE/SE/4 SEC 16 T 12N R 19E W D B & M	APR 15 TO OCT 15	IRRIGATION & DOMESTIC DEC 7 1925	1.5/0		421.98

7595 CONT	PLACE OF USE 40 ACRE DESCRIPTIONS																	ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14	[illegible]	[illegible]					[illegible]	[illegible]	[illegible]	[illegible]								[illegible]	[illegible]
															TOTAL ACRES ALLOTTED			[illegible]	

PERMIT NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC-FT/ ACRE	TOTAL AC-FT
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		

PLACE OF USE 40 ACRE DESCRIPTIONS																		ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16	[illegible]	[illegible]																	[illegible]

PERMIT NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC-FT/ ACRE	TOTAL AC-FT
10981 CERT 2917	SCHWABE FAMILY TRUST REDD TRUST [illegible]	[illegible]	[illegible]	JAN 1 TO DEC 31	IRRIGATION STOCK WATERING & DOMESTIC 1872	[illegible]	[illegible]	[illegible]

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE						
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
1	T 12 N	R 19 E															19.6	13.6		33.20	THIS APPLICATION WAS MADE TO CHANGE THE POINT OF DIVERSION AND PLACE OF USE OF THE WATERS OF CARY CREEK CLAIMED UNDER PROOF OF APPROPRIATION [illegible] PRIOR TO THE TRANSFER OF SAID RIGHT
10	T 12 N	R 19 E	40.00	39.60	16.80	10.00														106.40	
																			TOTAL ACRES ALLOTTED	139.60	

CARY CREEK IRRIGATION WATERS STORED IN A RESERVOIR UNDER DAM PERMIT 50

THIS PERMIT IS SUPPLEMENTAL TO PROOF [illegible] AND IS SUPPLEMENTED BY PERMIT [illegible] CERTIFICATE [illegible] PORTION USED

PERMIT NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC-FT/ ACRE	TOTAL AC-FT
18120 PERM 5691	BENTLY FAMILY LIMITED PARTNERSHIP DARWIN E. ELLIS & ELIZABETH ELLIS DARWIN E. ELLIS AND LINDA T. ELLIS	UNNAMED SPRING	NE NE SEC 06 T 12N R 19E W.M. BEARING S 37°40'28"W 1,544.45 FT FROM NE COR OF SAID SECTION 06	JAN 1 TO DEC 31	IRRIGATION & DOMESTIC APR 13 1900	0.056	4.00	22.44

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE						
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
6	T 12 N	R 19 E	4.00			1.71														5.71	
																			TOTAL ACRES ALLOTTED	5.71	

PERMIT NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC FT / ACRE	TOTAL AC FT
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

PLACE OF USE 40 ACRE DESCRIPTIONS																		ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
[illegible]	[illegible]	[illegible]				[illegible]													[illegible]
															TOTAL ACRES ALLOTTED				[illegible]

PERMIT NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC FT / ACRE	TOTAL AC FT
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		[illegible]

PLACE OF USE 40 ACRE DESCRIPTIONS																		ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
[illegible]	[illegible]	[illegible]			[illegible]														[illegible]

PERMIT NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC FT/ ACRE	TOTAL AC FT
24600 CERT 1584	WILLIAM R. TUMLERIN TRUST DATED AUG 11 1986 [illegible] DATED [illegible] 1990	[illegible]	NW/4 NW/4 SEC 10 T 12 N R 16 E M.D.B.&M. [illegible] FROM [illegible]	[illegible]	IRRIGATION [illegible] 1968	[illegible]	[illegible]	[illegible]

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			A PORTION WAS ABROGATED BY PERMIT [illegible]
10	[illegible]	[illegible]									38.11	[illegible]	14.60	9.10						94.11	THIS PERMIT IS SUPPLEMENTAL TO PORTIONS OF OF THE LAND IRRIGATED BY WHEELER CREEK RIGHTS [illegible] FILED UNDER PERMIT 24607 CERTIFICATE 1587 PERMIT 24601 CERTIFICATE 1586 PERMIT 24609 CERTIFICATE 1589 UNDERGROUND APPROPRIATION NO [illegible]
																			TOTAL ACRES ALLOTTED	94.11	

PERMIT NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC-FT/ ACRE	TOTAL AC-FT
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

PLACE OF USE 40 ACRE DESCRIPTIONS																			ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE					
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
10	[illegible]	[illegible]									[illegible]	[illegible]	[illegible]	[illegible]					[illegible]	[illegible]
															TOTAL ACRES ALLOTTED				[illegible]	

[illegible]

PERMIT NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC FT / ACRE	TOTAL AC FT
25409 CERT 1586	WILLIAM R. DIMERIN TRUST DATED AUG 11 1976 JEFF & JODIE WASSTADDLE TRUST MICHAEL MCALISTER 2000 TRUST AGREEMENT	UNDERGROUND	SW/4 SE/4 SEC 10 T 12 N R 19 E MDB&M 5 00°15'49" E 1751.4 FT FROM SECCOR OF SAID SEC TOWN 10	JAN 1 TO DEC 31	IRRIGATION DEC 10 1968	1.670	4.0	211.16

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NW				NE				SW				SE						
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
10	T 12 N	R 19 E									18.31	4.08	1.65	4.70					54.14		THIS PERMIT IS SUPPLEMENTAL TO PORTIONS OF THE LAND IRRIGATED BY WHEELER CREEK DITCH AS FIRED UNDER PERMIT 24806 CERTIFICATE 1584 PERMIT 24807 CERTIFICATE 1583 PERMIT 25001 CERTIFICATE 1586 AND PERMIT 56120
																			TOTAL ACRES ALLOTTED	54.14	

PERMIT NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC FT / ACRE	TOTAL AC FT
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE																		
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
[illegible]	[illegible]	[illegible]									[illegible]	[illegible]	[illegible]	[illegible]					[illegible]		
															TOTAL ACRES ALLOTTED				[illegible]		

THIS FORM IS SUPPLEMENTAL TO PART [illegible] FILED UNDER CERT 24806 [illegible] CERT 24807 [illegible] CERTIFICATE [illegible] UNDER [illegible] PROJECT [illegible]

PERMIT NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC-FT/ ACRE	TOTAL AC-FT
2444 T R1 9281	[illegible] FARM TRUST ROSALD MAZUR AND MARGARET HOLLY ZIEGLER	[illegible] SPRING	SE/4 NW/4 SEC 26 T 12N R 19E MDB&M 5 [illegible] 2 [illegible] FT FROM THE COR OF SAID SEC 26	JAN 1 TO DEC 31	IRRIGATION NOV 5 1974	0.090	4.00	[illegible]

PLACE OF USE 40 ACRE DESCRIPTIONS																			ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE					
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
26	T 12 N	R 19 E		1.48			3.88												5.46	
															TOTAL ACRES ALLOTTED				5.46	

3520 T R1 9549	FREDERICK [illegible] AND CARL [illegible]	CASTLE GARDEN SPRING	SE/4 NE/4 SEC 09 T 12N R 19E MDB&M 5 [illegible] 2 [illegible] FT FROM THE COR OF SAID SECTION 09	JAN 1 TO DEC 31	IRRIGATION DOMESTIC FIRE PROTECTION JUL 14 1978	0.060	4.00	[illegible]

PLACE OF USE 40 ACRE DESCRIPTIONS																			ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE					
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
9	T 12 N	R 19 E				8.20													8.20	
															TOTAL ACRES ALLOTTED				8.20	

2011 IRRIGATION SEASON- 21 DAY ROTATION SCHEDULE WITH 08:00 AM START TIME

V-06350 STARTS ON DAY ONE

DAY 1	DAY 2	DAY 3	DAY 4	DAY 5	DAY 6	DAY 7
V-06350 STARTS 08:00 AM			V-06350 ENDS 08:00 AM V-06351 STARTS 08:00 AM	V-06351 ENDS 8:00 PM V-06349 STARTS 8:00 PM		
DAY 8	**DAY 9**	**DAY 10**	**DAY 11**	**DAY 12**	**DAY 13**	**DAY 14**
				V-06349 ENDS 8:00 AM V-06313 STARTS 08:00 AM		
DAY 15	**DAY 16**	**DAY 17**	**DAY 18**	**DAY 19**	**DAY 20**	**DAY 21**
			V-06313 ENDS 08:00 PM V-05314 STARTS 8:00 PM			V-05314 ENDS 08:00 AM

CLAIM NO.	PRO RATA HOURS	% OF ACREAGE	PROPOSED ACTUAL TIME	ACTUAL HOURS	ACTUAL ACREAGE
V-06350*	0	13	3 DAYS	72	12.96
V-06351*	0	6.5	1 DAY-12 HOURS	36	10
V-06349	0	28.5	6 DAYS-12 HOURS	156	33.46
V-06313	0	34.1	6 DAYS- 12 HOURS	156	40
V-05314	0	17.9	3 DAYS-12 HOURS	84	21
TOTALS	504	100	3 WEEKS	504	117.42

*V-06350 AND V-06351 SUBJECT TO 2/3, 1/3 AGREEMENT

EXHIBIT 2

EXHIBIT 2

2010 IRRIGATION SEASON - 21 DAY ROTATION SCHEDULE FOR SECOND MOST NORTHERLY MOTT CREEK DIVERSION

DAY 1 / DAY 22	DAY 2	DAY 3	DAY 4	DAY 5	DAY 6	DAY 7
V-05314 ENDS 6:00AM (DAY 1 BEGINS) V-06350 STARTS 6:00AM		V-06350 ENDS 11:30PM V-06351 STARTS 11:30PM		V-06351 ENDS 8:15AM V-06349 STARTS 8:15AM		
DAY 8	DAY 9	DAY 10	DAY 11	DAY 12	DAY 13	DAY 14
			V-06349 ENDS 8:00AM V-06313 STARTS 8:00AM			
DAY 15	DAY 16	DAY 17	DAY 18	DAY 19	DAY 20	DAY 21
			V-06313 ENDS 12:00PM V-05314 STARTS 12:00PM			

CLAIM NO.	PRO RATA HOURS	ACTUAL HOURS	ACTUAL TIME	% OF ACREAGE	ACTUAL ACREAGE
V-06350*	65.52	65.5	2 DAYS-17 HOURS-30 MINUTES	13	12.96
V-06351*	32.76	32.75	1 DAY-8 HOURS-45 MINUTES	6.5	10
V-06349	143.64	143.75	5 DAYS-23 HOURS-45 MINUTES	28.5	33.46
V-06313	171.864	172	7 DAYS- 4 HOURS	34.1	40
V-05314	90.216	90	3 DAYS-18 HOURS	17.9	21
TOTALS	504	504	3 WEEKS	100	117.42

*V-06350 AND V-06351 SUBJECT TO 2/3, 1/3 AGREEMENT

EXHIBIT 1

EXHIBIT 1

CERTIFICATE OF MAILING

I certify that I Sandie Geyer, an employee of the Office of the Attorney General, State of Nevada, and that on this 9th day of August 2010, I deposited for mailing at Carson City, Nevada, postage prepaid, a true and correct copy of the foregoing **ORDER** addressed to the following:

Paul Taggart, Esq.
Tyler Elanco, Esq.
108 North Minnesota Street
Carson City, Nevada 89703
Attorneys for Maddi's Friesian Ranch

Jennifer Ytrubide, Esq.
Brooke, Shaw & Zumpft
1590 Fourth Street
P.O. Box 2860
Minden, Nevada 89423
Attorneys for Ytrubide Family Trust

Eric and Elizabeth Park
290 Allerman Lane
Gardnerville, Nevada 89460
Pro Per

David and Sharon Davis
P.O. Box 1360
Gardnerville, Nevada 89460
Pro Per 782-5543

Gerald R. Novotny, Sr.
P.O. Box 415
Glenbrook, Nevada 89413
Canyon Creek Equestrian Center

Sandie Geyer, LSII
Office of the Attorney General

Nevada Office of the Attorney General
100 North Carson Street
Carson City, NV 89701-4717

based on poor soil conditions. The reason given by the State Engineer for implementing PRS was that Davis up to that point in the irrigation season was getting water under the Final Order of Determination. Although Davis was entitled to irrigate 21 acres, they had been receiving water based on the seven acres found in the Final Order of Determination.

The State Engineer also proposed what is being called the "rounded off rotation schedule" (RRS) for the 2011 irrigation season. Exhibit 2. This schedule allows the parties to change water at 8:00 AM or 8:00 PM and cuts water flows into 12-hour increments. Yturbide receives extra time in rotation than they have under PRS and MFR received the same time for their 33.46 acres as Novotny does for his 40 acres.

Finally, MFR argues that it should get more water because its use is better than the other parties. The United States Supreme Court has said that "[t]o have a property interest in a benefit, a person clearly must have more than an abstract need or desire for it. He must have more than a unilateral expectation of it. He must, instead, have a legitimate claim of entitlement to it." *Board of Regents of State Colleges v. Roth*, 408 U.S. 564, 577 (1972). In Nevada, relative values of use are not valid criteria to award water to users who feel they can make a better use of the water. Therefore, no additional water may be allowed to MFR based solely on perceived relative values of beneficial use.

The PRS will be in effect until the end of the 2010 irrigation season. Exhibit 1. The RRS will be in effect beginning with the 2011 irrigation season and until further order of this Court. Exhibit 2.

IT IS SO ORDERED.

DATED this 20 day of August, 2010.

District Court Judge

Submitted By:

BRYAN L. STOCKTON
Senior Deputy Attorney General
Nevada State Bar #4764
100 North Carson Street
Carson City, Nevada 89701
(775) 684 -1228

Nevada Office of the Attorney General
100 North Carson Street
Carson City, NV 89701-4717

Case No.: 08-CV0363-F

Department No.: 1

RECEIVED
AUG - 9 2010
DOUGLAS COUNTY
DISTRICT COURT CLERK

FILED
2010 AUG 30 PM 2:40
TED THRAN
CLERK
BY _____ DEPUTY

IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR 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 County, Nevada.

ORDER

A hearing was held on July 16, 2010 on a MOTION FOR PRELIMINARY INJUNCTION filed by Maddi's Friesian Ranch (MFR) on July 6, 2010. MFR was represented by their attorney, Paul Taggart, Esq. Yturbide's were represented by their attorney Jennifer Yturbide, Esq. Elizabeth Parks was present on her own behalf. David Davis was present on his own behalf. Steve Hattaway was present on behalf of Gerald Novatny. Jason King, P.E., in his capacity as State Engineer of Nevada, was represented by and through his counsel, Attorney General Catherine Cortez Masto and Senior Deputy Attorney General Bryan Stockton.

The State Engineer drafted a proportional rotation schedule (PRS) that divided flow of the water the second division of Mott Creek based on the acreage to be irrigated to each of the parties. Exhibit 1. The parties attempted to negotiate among themselves, and a meeting was held June 17, 2010 at the office of the Attorney General. Mr. Stockton informed the parties that if they could not agree to a rotation schedule, the State Engineer intended to implement the PRS with Yturbide first for the remainder of the 2011 irrigation season only.

MFR questioned whether the implementation of the PRS was in accordance with the Order of this Court that consideration be given to the western parcels to receive extra water

Nevada Office of the Attorney General
100 North Carson Street
Carson City, NV 89701-4717

THIS PAGE INTENTIONALLY BLANK

CERTIFICATE OF MAILING

I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that on this 20th day of May 2010, I deposited for mailing at Carson City, Nevada, postage prepaid, a true and correct copy of the foregoing **ORDER**, addressed to the following:

Paul Taggart, Esq.
Tyler Elanco, Esq.
108 North Minnesota Street
Carson City, Nevada 89703
Attorneys for Maddi's Friesian Ranch

Jennifer Ytrubide, Esq.
Brooke, Shaw & Zumpft
1590 Fourth Street
P.O. Box 2860
Minden, Nevada 89423
Attorneys for Ytrubide Family Trust

Eric and Elizabeth Park
290 Allerman Lane
Gardnerville, Nevada 89460
Pro Per

David and Sharon Davis
P.O. Box 1360
Gardnerville, Nevada 89460
Pro Per 782-5543

Ross E. de Lipkau, Esq.
Parsons, Behle & Latimer
50 W. Liberty Street, #750
Reno, Nevada 89501

Gerald R. Novotny, Sr.
P.O. Box 415
Glenbrook, Nevada 89413
Canyon Creek Equestrian Center

Sandie Geyer, LSII
Office of the Attorney General

Nevada Office of the Attorney General
100 North Carson Street
Carson City, NV 89701-4717

The amount of water herein awarded is based on high flows that generally occur in the spring of the year. As water flows decrease over the course of the summer and early fall, the parties will share the reduced flows proportionally.

DATED this 21 day of May, 2010.

DISTRICT JUDGE

Submitted by:

CATHERINE CORTEZ MASTO
Attorney General

By: BRYAN L. STOCKTON
Nevada State Bar #4764
Senior Deputy Attorney General
100 North Carson Street
Carson City, Nevada 89701-4717
(775) 684-1226

Nevada Office of the Attorney General
100 North Carson Street
Carson City, NV 89701-4717

Nevada Office of the Attorney General
100 North Carson Street
Carson City, NV 89701-4717

ORDER

It is hereby ordered the final decree in this matter shall include the following:

Claim V-05314 shall be entitled to irrigate 21 acres from the second diversion of Mott Creek in the name of David B. Davis and Sharon L. Davis.

Claim V-06313 shall be entitled to irrigate 40 acres from the second diversion of Mott Creek in the name of Canyon Creek Equestrian Center, LLC.

Claim V-06349 shall be entitled to irrigate 33.46 acres from the second diversion of Mott Creek in the name of Maddi's Friesian Ranch.

Claim V-06350 shall be entitled to irrigate 12.96 acres from the second diversion of Mott Creek in the name of Thomas M. and Paula J. Yturbide, Trustees of the Yturbide 1991 Family Trust.

Claim V-06351 shall be entitled to irrigate 10 acres from the second diversion of Mott Creek in the name of Eric Song J. and Elizabeth Park.

The State Engineer shall create a rotation schedule that allows the parties to receive their proportionate share of the full use of the second division of Mott Creek in a way that promotes beneficial use of the water. The State Engineer shall meet with the parties and confer to work out a schedule that is acceptable to all the parties.

Although sufficient data does not exist at this time to accurately determine the increase or decrease in the proportional share of time based on ditch loss, infiltration rate and depth to the water table within the parcels of land affected by this decision, the rotation schedule shall include that data which does exist, including more permeable soils to the west and some benefit to the Davis parcel from sub irrigation and less soil permeability. This may impact the rotation schedule necessary to fairly apportion available water.

After one irrigation year on the State Engineer's rotation schedule, any party may petition the Court for necessary changes which become apparent.

///

///

///

that the slope of the property being fairly uniform until the break in slope which occurs generally at the 4,897 foot elevation contour interval. Exhibits 17 and 40. Soil type also remains consistent from the westerly end of the irrigated acreage through the slope change at the 4,897 foot contour.

8. Location the line of beneficial use at this point is also consistent with testimony and evidence that the hummocky area below the break at evaluation 4897 receives water though sub-irrigation from a high water table, and waste and drain water from an adjacent property.

CONCLUSIONS OF LAW

Beneficial use of water is the most important aspect of Nevada's Water Law. NRS 533.035; See also, *Desert Irrigation, Ltd. v. Nevada*, 113 Nev. 1049, 1059, 944 P.2d 835, 842 (1997). "[W]ater used in this State for beneficial purposes shall be deemed to remain appurtenant to the place of use." NRS 533.040 (1). When property is under unified ownership no attempt is made to inform the State Engineer of exactly where on the property water is put to beneficial use. When property becomes subdivided, water may be severed from its original place of beneficial use and transferred to a new beneficial use. *Margrave v. Dermody Properties*, 110 Nev. 824, 878 P.2d 291 (1995). However the deed must be specific in where the water is transferred from and to. *Id.* If the deed is silent, and merely transfers property with appurtenant water rights, the court must look to historical practices to determine where on the property the water was put to beneficial use. *Zolezzi v. Jackson*, 72 Nev. 150, 297 P.2d 1081 (1956).

The property at issue appears to have been entitled to a one-quarter share of Mott Creek since at least the Cerrisa Fettic claim of 1889. The court finds that the water shall be apportioned as detailed below.

///

///

///

///

Nevada Office of the Attorney General
100 North Carson Street
Carson City, NV 89701-4717

acres had water that was put to beneficial use by irrigation and had appurtenant water, 117.42 acres is reasonable in light of the claim for "about 100 acres."

3. Testimony of Thomas Wheeler in the case of *Taylor v. Jones*, June 1, 1871 was admitted. Exhibit 22. Wheeler testified that there were "60 acres of [irrigated] grain, besides the hay lands." *Id.* The court finds that the owners at the time would have irrigated as much additional acreage as they could and that the 117.42 acres found to have appurtenant water is the most reasonable interpretation of the Wheeler testimony.
4. The 1904 Plane Table Survey conducted by L. H. Taylor provides substantial evidence to support the findings of the State Engineer in the Final Order of Determination. The court finds that there appear lines on the Survey that indicate that the limit of irrigation line may not be as precise as was found by the State Engineer. The area that is clearly marked as irrigated on the Survey was plotted by the State Engineer and totaled 104.03 acres. However, the court finds that there are other indefinite markings on the map that cause the court to find that an additional 13.39 acres were irrigated as well.
5. The 1938 aerial photograph shows substantial flood damage to the subject property, but it also shows substantial evidence of irrigation practices that coincide with the 117.42 acres herein found to have appurtenant water rights from Mott Creek. Exhibit 15.
6. The property at issue herein was last in unified ownership in the name of The Estate of Duane Myron Allerman, and was subdivided in 1985 and the 10 acre parcel in the name of Eric Song J. and Elizabeth Park was subdivided later. The lots were transferred with appurtenant water rights, however no determination has been heretofore made concerning the portion of the property to which the water from Mott Creek was placed to beneficial use and thereby made appurtenant thereto.
7. Common agricultural practice for lands under common ownership in the Carson Valley is to beneficially use all water available to irrigate as much land as possible. The slope of the land is one of the most important factors in irrigation practice. The one-foot contour interval map prepared by Resource Concepts, Inc., dated May 24, 1994; shows

Nevada Office of the Attorney General
100 North Carson Street
Carson City, NV 89701-4717

COPY

RECEIVED
MAY 20 2010
DOUGLAS COUNTY
DISTRICT COURT CLERK

FILED
2010 MAY 21 PM 1:55
TED THRAN
CLERK
K. WILFERT DEPUTY

CATHERINE CORTEZ MASTO
Attorney General
BRYAN L. STOCKTON
Senior Deputy Attorney General
Nevada State Bar No. 4764
100 N. Carson Street
Carson City, Nevada 89701
Telephone: 775-684-1228
Facsimile: 775-684-1103

Nevada Office of the Attorney General
100 North Carson Street
Carson City, NV 89701-4717

IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR 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 County, Nevada.	Case No.: **08-CV0363-F** Department No.: 1 **ORDER**

The State of Nevada, and Tracy Taylor, P.E., in his capacity as State Engineer of Nevada, by and through their counsel, Attorney General Catherine Cortez Masto and Senior Deputy Attorney General Bryan Stockton, submit their Order.

A hearing was held on December 16-17, 2009 and on January 14-15, 2010. Testimony was heard and evidence admitted. References herein are to the exhibit numbers assigned during the trial. The court makes the following findings of fact and conclusions of law.

FINDINGS OF FACT

1. The waters of Mott Creek were first put to beneficial use in 1852 by the Mott family and all dates of priority for the rights herein stem therefrom as the water appears to have been put to beneficial use continuously to the present day.
2. The water rights at issue herein were first quantified in 1889 in the water right claim made by Cerrissa Fettic wherein she claimed a one-quarter share of the flow of Mott Creek to irrigate "about 100 acres." Exhibit 4. The court herein finds that 117.42

APPENDIX E

Subpart F: Order and Judgment

Orders dated May 21, 2010 and August 30, 2010

Copies served by mail this 26 day of December, 2013, to:

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

T. Scott Brooke, Esq.
Brooke Shaw Zumpft
P.O. Box 2860
Minden, NV 89423

Gordon H. DePaoli, Esq.
Woodburn and Wedge
6100 Neil Road, Ste. 500
Reno, NV 89511

Brenda Holzer

originating from Unnamed Spring (A).

Miscellaneous

It was previously agreed by the parties participating in the hearing, and therefore is hereby ordered, that any other stipulations reached between those parties pertaining to the issues raised within their exceptions are to be included within the final decree.

It was also ordered during the hearing that the Jackson trustees are to allow the Groenendyke trustees reasonable access to water facilities affecting the Groenendyke property but located on the Jackson property.

The court ordered that any acknowledged acreage errors contained within the Final Order of Determination with regard to this submatter E are to be corrected. The court also hereby orders that all incidental corrections arising since the Final Order of Determination was issued, as discovered by the State Engineer since that date, are also to be corrected within the final decree.

The court concludes that all other issues raised as motions within the Groenendyke trustee's supplemental exception are not within the parameters of this judicial process and therefore are not addressed herein.

Having now entered rulings on all contested exceptions filed within Ninth Judicial District Court case no. 08-CV-0363, the State Engineer is directed to commence the statutory process for entry of a final decree.

IT IS SO ORDERED.

Dated this 24 day of December, 2013

DAVID R. GAMBLE
Senior District Judge

5. To the extent the objections to the State Engineer's conclusions regarding the vested rights in Unnamed Spring (A) held by the owners of the Green Acre parcels are based on circumstantial evidence, and weighing the documentation said to focus upon the historical use and appropriation of water from Unnamed Spring (A) against the historical existence of such diversion capability, the court concludes that the existence of such diversion capability prevails as the more reasonable and reliable interpretation of the facts that such diversion did occur despite the circumstantial denials presented to the contrary.

Combining the conclusion immediately above with the State Engineer's conclusions contained within the Final Order of Determination causes the entry of the court's judgment:

Judgment

That substantial evidence to support the State Engineer's Final Order of Determination is present; the exceptions narrowed to the subject matter of the November 30, 2012, hearing are denied.

Therefore, the State Engineer's determination that Unnamed Spring (A) is the primary source of water for the following claims is affirmed:

> Proof V-06342, 7.20 acres; Proof V-08850, 12.43 acres, Proof V-06322, 2.47 acres; Proof V-06325, 2.54 acres; Proof V-06326, 2.50 acres; Proof V-06327, 4.90 acres; Proof V-06328, 5.55 acres; Proof V-06329, 5.22 acres; Proof V-06330, 5.08 acres; Proof V-06331, 4.88 acres; Proof V-06333, 4.98 acres; Proof V-06334, 2.55 acres; Proof V-07486, 4.86 acres; Proof V-09264, 2.53 acres; Proof V-09265, 2.55 acres; Proof V-09266, 5.18 acres; Proof V-09270, 5.18 acres; for a total of 80.60 acres. . . .

Likewise, the State Engineer's finding that Unnamed Spring (A) shall henceforth be appurtenant to lands described under the following proofs is affirmed:

> Proof V-06342, 7.20 acres; Proof V-08850, 12.43 acres, Proof V-06322, 2.47 acres; Proof V-06325, 2.54 acres; Proof V-06326, 2.50 acres; Proof V-06327, 4.90 acres; Proof V-06328, 5.55 acres; Proof V-06329, 5.22 acres; Proof V-06330, 5.08 acres; Proof V-06331, 4.88 acres; Proof V-06333, 4.98 acres; Proof V-06334, 2.55 acres; Proof V-07486, 4.86 acres; Proof V-09264, 2.53 acres; Proof V-09265, 2.55 acres; Proof V-09266, 5.18 acres; Proof V-09270, 5.18 acres; for a total of 80.60 acres.

As such, those proofs are determined to possess adjudicated vested rights to the water

use.

16. Although no water from Unnamed Spring (A) is asserted to have been historically diverted to reach the Green Acre parcels directly, the capability to do so exists today as observed during the site visit and is known to have existed historically based upon the early construction of a wooden pipeline allowing the diversion of water from Unnamed Spring (A) toward the east of Foothill Road, thereby allowing the source water to reach the Green Acre parcels if desired. Alternatively, the water could be diverted south before reaching Foothill Road. *See*, inter alia, Plaintiff's Exhibit 2.

Conclusions of Law

The court adopts the relevant conclusions contained within the State Engineer's Final Order of Determination as it pertains to the specific determination regarding Unnamed Spring (A). Those conclusions include:

1. "[I]t would not be suitable irrigation practice to apply more water than is necessary to irrigate pasture/harvest lands as listed under Proof V-06321, Proof V-06323, and Proof V-08850."

2. "[C]ommingling the waters of Unnamed Spring (A) with the waters of Unnamed Spring (D) is not necessary for the irrigation of lands that are exclusively irrigated by said Spring (D)."

3. "[T]he commingling of Unnamed Spring (A) water with the waters of Unnamed Spring (D) allows the application of more water than is necessary to adequately irrigate land covered by said Unnamed Spring (D)."

4. "[T]he continued use of Unnamed Spring (A) water to supplement Unnamed Spring (D) constitutes a waste of water that is not allowed under Chapter 533 of the Nevada Water Law", specifically NRS 533.070 among others.

grandfather purchased Lot 4 within the Green Acre Subdivision "was because it had the best water rights." Mr. Honkanen stated that the water from the "spring" {referring to Unnamed Spring (D)} flowed on a continuous basis over the "last 40 years" through the Groenendyke property to the point where it intersected the south ditch that supplies water from Unnamed Spring (A) and Miller Creek near the center of the south line of the Honkanen property (APN 1219-26-001-031). Mr. Honkanen said that the stream of water from Unnamed Spring (D) created "a natural pond at the confluence of the south Green Acres ditch and the diagonal ditch that flows through the Groenendyke property (APN 1219-26-001-035). Mr. Honkanen's description of the confluence of the Unnamed Spring (D) and the South Green Acres Ditch was confirmed during the July 26, 2007, field investigation.

10. A field investigation of the irrigation system conducted on August 6, 1992, revealed that the spring source, "Unnamed Spring D", aka Jackson Spring "D", claimed under Proofs V-02856, V-08850, V-06321 and V-06323 was capable of being diverted approximately 150 feet north from the claimed point of diversion. The water was transmitted to the east through a culvert beneath Foothill Road and into the "bisecting ditch" that separates the north and south portions of Proof V-08850. Water was also transmitted through the Foothill Road culvert from a spring and swamp area that now comprises the "Jackson Pond" that was the primary issue of the aforementioned field investigation. The existence and location of this diversion and associated culvert/headgate substantiates the Honkanen testimony referred to in the preceding paragraph.

11. "[T]he subdivision of the land that once comprised the two separate ranches that are the subject of this objection precludes the ability to irrigate the acreage in the manner that is completely consistent with the historic practices that were in effect prior to the 1960's."

12. "Proofs of Appropriation V-09267, V-09268, and V-09269 do not receive water from Unnamed Spring (A)."

13. "Proofs of Appropriation V-09265, V-09266 and V-09270 can receive water from Unnamed Spring (A) as a direct diversion."

14. Similar to Finding No. 4, "[c]ulture maps from the U.S. Geologic Survey show homogenous vegetation on the parcels of land that make up the aerial photography from 1938, 1939-1940, and 1954 illustrate equivalent vegetative and irrigation patterns within the confines of all irrigated acreage within the Heritage Ranch and Green Acres subdivision areas."

15. Interviews of various individuals asserting the possession of knowledge regarding the subject matter at issue, as transcribed, marked and admitted into evidence as Defendant's Exhibit H, represent that no water from Unnamed Spring (A) was historically allowed to flow downstream to irrigate the Green Acre parcels other than perhaps as drainage or via tailwater

season will provide a duty of 4.0 acre-feet per acre on the original 117.6 acres. A flow rate of 1.45 cfs will provide 4.83 acre-feet per acre, 3.50 cfs will provide a duty of 11.67 acre-feet per acre and 4.17 cfs will provide a duty of 13.90 acre-feet per acre."

3. "The standard consumptive use figure for irrigated crops in northern Nevada is 4.0 acre-feet per acre. Pasture grass, native hay, and various grain types require substantially less water than alfalfa. The dominant crop type within the area of these water claims is pasture grass. . . . Actual consumptive use is considered to be somewhere between [2.23 acre-feet per acre and 3.32 acre-feet per acre]."

4. "Aerial photography from 1938, 1939-1940, and 1954 illustrate equivalent vegetative and irrigation patterns within the confines of all irrigated acreage within the Heritage Ranch and Green Acres subdivision areas."

5. "[T]he 3.5 cfs from Unnamed Spring (D) used for the irrigation of the above listed acreage yields 3 times the volume of water necessary for the irrigation of the existing and historic crops on this acreage."

6. "Unnamed Spring (A) is physically capable of being diverted to any area within the 37.97 acres claimed under Proof V-08850."

7. "[W]ater from Unnamed Spring (A) is not necessary for the irrigation of the 25.54 acres lying south of the diagonal ditch under this claim [Proof V-08850] and Proofs V-06321 and V-06323."

8. "[T]he commingling of Unnamed Spring (A) with Unnamed Spring (D) directs excessive water onto lands irrigated by the claims referred to [directly above]. These waters then become drain and waste," precluding assured effective utilization by downstream claimants.

9. Mr. Brant Honkanen testified [during a prior adminstrative hearing] that the reason that his

period of time to file any written objections they had regarding the proffered documentary evidence. No written objections have been received. Therefore, hearing exhibits 1 through 6 as marked and offered by the State Engineer are hereby admitted; hearing exhibits A through M as marked and offered by the Jackson and Windholz trustees are also admitted.[3]

Having examined all relevant pleadings and papers on file herein, and having considered the evidence and testimony presented during the hearing of November 30, 2012, and taking into account the court's observations during the site visit of November 7, 2012, the court now enters the following order, good cause appearing:

THAT the portion of the State Engineer's Final Order of Determination recounted above regarding Unnamed Spring (A) is affirmed; the parties' exceptions entered pertaining to Unnamed Spring (A) are denied.

Findings of Fact

The court adopts the relevant findings of fact contained within the State Engineer's Final Order of Determination as it pertains to the specific determination regarding Unnamed Spring (A). Those findings are substantiated by the record reflected within the exhibits referenced as footnotes within the Final Order of Determination and by the evidence adduced during the November 30th hearing, as well as the information obtained by the court during the site visit of November 7th. The findings include:

1. "Unnamed Spring (B), hereafter referred to as "Unnamed Spring (D)" . . . is the water source for Proof V-06321, 40.36 acres; Proof V-06323, 40.35 acres; and Proof V-08850, 25.54 acres; for a total of 106.25 acres."

2. "A flow rate from Unnamed Spring (D) of 1.20 cfs during the 198-day growing

---

[3] Any oral objections, if any, stated during the November 30th hearing are summarily denied, having received no further briefing from the parties.

lying south of said ditch is Unnamed Spring (D). The State Engineer finds that commingling the waters of Unnamed Spring (A) with the waters of Unnamed Spring (D) is not necessary for the irrigation of lands that are exclusively irrigated by said Spring (D). Further, the State Engineer determines that the commingling of Unnamed Spring (A) water with the waters of Unnamed Spring (D) allows the application of more water than is necessary to adequately irrigate land covered by said Unnamed Spring (D), therefore, the State Engineer concludes that the continued use of Unnamed Spring (A) water to supplement Unnamed Spring (D) constitutes a waste of water that is not allowed under Chapter 533 of the Nevada Water Law [specifically citing NRS 533.070 among others].

. . .

B. Jerald R. Jackson objection to the Preliminary Order of Determination:

An objection to the Preliminary Order of Determination regarding Proofs of Appropriation V-09264, V-09265, V-09266, V-09267, V-09268, V-09269, V-09270, V-02856, V-06342, V-06343, V-06344, V-06345 and Permits Nos. 24918, C-7843, and 24919, C-7842, was filed by Paul G. Taggart, Esq. on behalf of Jerald R. Jackson, et al. The basis of the objection is clarification of "drain and waste rights, priority date, exclusion of stock watering rights and the inclusion of the claimant's proofs in the rotation schedule.

In response to objection section I. <u>Drain and Waste Rights to Unnamed Jackson Spring "A" and Any Unnamed Creek that Issues Therefrom.</u>

A hearing of objections to the Preliminary Order of Determination was held by the staff of the State Engineer's Office on March 5, 2007. A formal field investigation of the water sources and irrigated acreage was held on July 26, 2007, as an extension of the March 5, 2007, hearing. The field investigation revealed that Proofs of Appropriation V-09267, V-09268, and V-09269 do not receive water from Unnamed Spring (A); therefore the State Engineer determines that Unnamed Spring (A) is not a valid source of water for said Proofs of Appropriation. However, the State Engineer has determined that Proofs of Appropriation V-09265, V-09266 and V-09270 can receive water from Unnamed Spring (A) as a direct diversion. It was the intent of the Preliminary Order of Determination to describe Unnamed Spring (A) as a primary source of water to V-09265, V-09266 and V-09270, and remains the intent of this Final Order of Determination to describe the same. Culture maps from the U.S. Geologic Survey show homogenous vegetation on the parcels of land that make up the aerial photography from 1938, 1939-1940, and 1954 illustrate equivalent vegetative and irrigation patterns within the confines of all irrigated acreage within the Heritage Ranch and Green Acres subdivision areas.

State Engineer's Final Order of Determination, page 16 - 25 (footnotes and citations omitted).

Preceding the hearing of November 30, 2012, the court had conducted a site visit in the presence of the parties and counsel on November 7, 2012, observing the relevant unnamed sources of water pertinent to the exceptions at issue. During the hearing of November 30, 2012, the court received the testimony of witnesses and documentation offered into evidence, including copies of maps and photographs containing information dating back to the year 1904, as well as copies of patents and deeds dating back to the year 1864 among other things.

At the conclusion of the hearing, the court provided the parties with a post-hearing

of the south Green Acres ditch and the diagonal ditch that flows through the Groenendyke property (APN 1219-26-001-035). Mr. Honkanen's description of the confluence of the Unnamed Spring (D) and the South Green Acres Ditch was confirmed during the July 26, 2007, field investigation.

A field investigation of the irrigation system conducted on August 6, 1992, revealed that the spring source, "Unnamed Spring D", aka Jackson Spring "D", claimed under Proofs V-02856, V-08850, V-06321 and V-06323 was capable of being diverted approximately 150 feet north from the claimed point of diversion. The water was transmitted to the east through a culvert beneath Foothill Road and into the "bisecting ditch" that separates the north and south portions of Proof V-08850. Water was also transmitted through the Foothill Road culvert from a spring and swamp area that now comprises the "Jackson Pond" that was the primary issue of the aforementioned field investigation. The existence and location of this diversion and associated culvert/headgate substantiates the Honkanen testimony referred to in the preceding paragraph.

Staff of the State Engineer's Office has observed that the construction of the pond near the southeast corner of the Jackson property precludes the ability to divert water through the "bisecting ditch" through the Groenendyke property. The preceding findings are resolved [by] the subsequent State Engineer's Order [requiring reconstruction of the headgates and distribution system].

. . .

The State Engineer finds that the subdivision of the land that once comprised the two separate ranches that are the subject of this objection precludes the ability to irrigate the acreage in the manner that is completely consistent with the historic practices that were in effect prior to the 1960's.

Based on the preceding findings, the State Engineer finds that any flow from Unnamed Spring (D) in excess of 1.5 cfs shall be divided in a 60%/40% split with 40% of the water above 1.5 cfs diverted to the north through the diversion and culvert in the aforementioned paragraph, thence, flow to the east beneath Foothill Road and through the ditch that bisects the acreage listed under Proof V-08850. This water will intersect the ditch that flows from west to east along the south boundary of the Green Acres subdivision at a point near the middle of the south boundary of the irrigated acreage under Proof V-09264. The water from Unnamed Spring (D) shall have a direct diversion right, and will be available for use during the rotation schedule as set forth for Unnamed Spring (A) with the exception of Claims V-06321, V-06323, V-06334, V-06342, V-06345, and V-08850 that cannot physically receive water from this diversion. The remaining 60% of the flow in excess of 1.5 cfs will remain in the ditch that provides water to Heritage Ranch water users under Claims V-06321, V-06323 and V-08850.

The State Engineer determines that Hutchins definition of the "Needs of appropriator" as discussed on page 19 of this Final Order precludes the use of water from Unnamed Spring (A) to supplement flows from Unnamed Spring (D) that are in excess of what is considered a reasonable duty of water to accomplish the needs of the irrigators under Claims V-06321, V-06323 and V-08850. Therefore, the State Engineer finds that Unnamed Spring (A) shall henceforth be appurtenant to lands described under Proof V-06342, 7.20 acres; Proof V-08850, 12.43 acres, Proof V-06322, 2.47 acres; Proof V-06325, 2.54 acres; Proof V-06326, 2.50 acres; Proof V-06327, 4.90 acres; Proof V-06328, 5.55 acres; Proof V-06329, 5.22 acres; Proof V-06330, 5.08 acres; Proof V-06331, 4.88 acres; Proof V-06333, 4.98 acres; Proof V-06334, 2.55 acres; Proof V-07486, 4.86 acres; Proof V-09264, 2.53 acres; Proof V-09265, 2.55 acres; Proof V-09266, 5.18 acres; Proof V-09270, 5.18 acres; for a total of 80.60 acres.

The State Engineer determines that water from Unnamed Spring (A) can be distributed over the entire 37.97 acres claimed under Proof V-08850. The State Engineer finds that the 12.43 acres lying north of the bisecting ditch receive water as a direct diversion from Unnamed Spring (A). The State Engineer determines that the primary source of water for the 25.54 acres

necessity is erroneous. . . . The appropriator is entitled to enough water for his reasonable needs; . . . but any quantity of water diverted in excess of existing needs is not taken in exercise of a right, but is part of the water to which junior appropriators are entitled. . . .

The State Engineer further finds that the 3.5 cfs from Unnamed Spring (D) used for the irrigation of the above listed acreage yields 3 times the volume of water necessary for the irrigation of the existing and historic crops on this acreage.

The State Engineer determines that Unnamed Spring (A) is the primary source of water for the following claims: Proof V-06342, 7.20 acres; Proof V-08850, 12.43 acres, Proof V-06322, 2.47 acres; Proof V-06325, 2.54 acres; Proof V-06326, 2.50 acres; Proof V-06327, 4.90 acres; Proof V-06328, 5.55 acres; Proof V-06329, 5.22 acres; Proof V-06330, 5.08 acres; Proof V-06331, 4.88 acres; Proof V-06333, 4.98 acres; Proof V-06334, 2.55 acres; Proof V-07486, 4.86 acres; Proof V-09264, 2.53 acres; Proof V-09265, 2.55 acres; Proof V-09266, 5.18 acres; Proof V-09270, 5.18 acres; for a total of 80.60 acres. . . .

. . . Proof of Appropriation V-08850 claims a vested water right from both Unnamed Spring (A) and Unnamed Spring (D). Permit 24919, Certificate 7842, is certificated for the waters of Unnamed Spring (A) for irrigation purposes within the same place of use as claimed under proof V-08850. Both water sources, Unnamed Spring (A) and Unnamed Spring (D), are claimed by Proof of Appropriation Nos. V-06321, V-06323,V-06342, V-06345 (claimed as 'UNNAMED SPRING, DESIGNATED JACKSON SPRING "D" '), and V-08850. Permit 24918, Certificate 7843, and Proof of Appropriation No. V-02856 claim water from an Unnamed Spring, also known as "Unnamed Spring "B" or Jackson Spring "D", for irrigation purposes within the same or portions of the place of use as the aforementioned proofs in the preceding sentence.

The information contained in Permits 24918 and 24919 and Proof of Appropriation V-02856 was reviewed and considered in determining the final disposition of Proof Nos. V-06321, V-06323, V-06342, V-06345 and V-08850. The State Engineer determines that it would not be prudent to attempt to administer the waters of the two spring sources under a minimum of three layers of permits and claims of vested rights. Therefore, the State Engineer determines that Permit 24918, Certificate 7843; Permit 24919, Certificate 7842, and Proof of Appropriation V-02856 are superseded by Proof of Appropriation Nos. V-06321, V-06323, V-06342, V-06345 and V-08850.

. . .

Finally, the State Engineer determines that Unnamed Spring (A) is physically capable of being diverted to any area within the 37.97 acres claimed under Proof V-08850. The State Engineer determines that water from Unnamed Spring (A) is not necessary for the irrigation of the 25.54 acres lying south of the diagonal ditch under this claim and Proofs V-06321 and V-06323 based on prior findings within the scope of this [Groenendyke] objection to the Preliminary Order of Determination. The State Engineer further determines that the commingling of Unnamed Spring (A) with Unnamed Spring (D) directs excessive water onto lands irrigated by the claims referred to in this paragraph. These waters then become drain and waste that may or may not be able to be effectively utilized by claimants within the Green Acres Subdivision.

Mr. Brant Honkanen testified that the reason that his grandfather purchased Lot 4 within the Green Acre Subdivision "was because it had the best water rights." Mr. Honkanen stated that the water from the "spring" {referring to Unnamed Spring (D)} flowed on a continuous basis over the "last 40 years" through the Groenendyke property to the point where it intersected the south ditch that supplies water from Unnamed Spring (A) and Miller Creek near the center of the south line of the Honkanen property (APN 1219-26-001-031). Mr. Honkanen said that the stream of water from Unnamed Spring (D) created "a natural pond at the confluence

FINDINGS OF FACT AND CONCLUSIONS

After review and consideration of evidence, testimony at the public administrative hearing held by staff of the State Engineer's Office on March 5 & 7, 2007, to the objections to the Preliminary Order of Determination, and all relevant files in the State Engineer's office, the following is determined:

Objections regarding Unnamed Springs (A), (B), (C) and (D) located within the old Heritage Ranch and the Green Acres Subdivision:

. . .

A. Edward Groenendyke objection to the Preliminary Order of Determination:

An objection to the Preliminary Order of Determination regarding Proof V-08850 as filed by B.J. Vasey, P.E., PLS on behalf of Edward Groenendyke. The basis of the objection is acreage that can be irrigated from Unnamed Spring (A), the duty of water and irrigated acreage.

Mr. Vasey testified that the entire 37.97 acres claimed under Proof of Appropriation No. V-08850 is able to be irrigated from "Unnamed Spring (A)". Cross-examination by Paul Taggart, Esq., did not produce any evidence to refute the 37.97 acres ability to be irrigated from Unnamed Spring (A). A formal field investigation of the water sources and irrigated acreage was conducted on July 26, 2007, as an extension of the March 5, 2007, hearing. The field investigation revealed that 12.43 acres of land lying to the north of the northeast trending drain ditch that bisects the Groenendyke under this claim is irrigated exclusively from "Unnamed Spring (A)". The remaining acreage located to the south and east of the described drain ditch consists of 25.54 acres irrigated by "Unnamed Spring (B)".

Unnamed Spring (B), hereafter referred to as "Unnamed Spring (D)" . . . is the water source for Proof V-06321, 40.36 acres; Proof V-06323, 40.35 acres; and Proof V-08850, 25.54 acres; for a total of 106.25 acres. Proof of Appropriation V-02856 claims a diversion rate of 3.5 cfs for the irrigation of 117.6 acres. Monthly flow measurements were conducted during the 1997 and 1998 irrigation seasons by staff of the Division of Water Resources. The measurements from this spring source ranged from a low of 1.45 cfs in July of 1998 to a high of 4.17 cfs in June of 1997. A flow rate from Unnamed Spring (D) of 1.20 cfs during the 198-day growing season will provide a duty of 4.0 acre-feet per acre on the original 117.6 acres. A flow rate of 1.45 cfs will provide 4.83 acre-feet per acre, 3.50 cfs will provide a duty of 11.67 acre-feet per acre and 4.17 cfs will provide a duty of 13.90 acre-feet per acre. The standard consumptive use figure for irrigated crops in northern Nevada is 4.0 acre-feet per acre. Pasture grass, native hay, and various grain types require substantially less water than alfalfa. The dominant crop type within the area of these water claims is pasture grass. . . . Actual consumptive use is considered to be somewhere between [2.23 acre-feet per acre and 3.32 acre-feet per acre].

Aerial photography from 1938, 1939-1940, and 1954 illustrate equivalent vegetative and irrigation patterns within the confines of all irrigated acreage within the Heritage Ranch and Green Acres subdivision areas.

The State Engineer determines that it would not be suitable irrigation practice to apply more water than is necessary to irrigate pasture/harvest lands as listed under Proof V-06321, Proof V-06323, and Proof V-08850. The NEVADA LAW OF WATER RIGHTS authored by Wells A. Hutchins states:

> *Needs of appropriator.* - The appropriate right is restricted to the quantity of water actually needed for irrigation, watering of stock, domestic use, or other beneficial purpose for which the appropriation is made. . . . It is recognized that the quantity of water varies with the seasons, and that a decree that authorizes the diversion of specific quantity at all time regardless of

Final Order of Determination, is not to be included within the final decree, but instead a provision will be included within the decree for the implementation by the State Engineer, as the court's water commissioner, of a rotation schedule affecting the specific waters at issue in the event the affected claimants cannot reach agreement regarding an acceptable rotation of water flow promoting a beneficial use. If deemed necessary, a claimant may then lodge an objection before the court regarding the details of a rotation schedule implemented by the State Engineer in any given year. Transcript of Proceedings of November 7, 2012, page 10, line 19 - page 13, line 6. The court hereby adopts the provisions of that stipulation. As water flows decrease over the course of an irrigation season, claimants are to share in the reduced flow proportional to their interest.

With those stipulations in place, on November 30, 2012, the parties sought a ruling from the court to resolve a remaining issue: exceptions raised by the Groenendyke, Jackson and Windholz trustees regarding the State Engineer's commingling of water originating from Unnamed Spring (A) into Unnamed Creek, thereby allegedly redirecting the use of Unnamed Spring (A) from its historical beneficial use and, as a result and in effect, awarding vested water rights to certain downstream claimants. Given this narrowed controversy, the exception to the State Engineer's Final Order of Determination raised by the Jackson and Windholz trustees pertains now only to Proof of Appropriation No. V-06342 as further addressed within this order; the exception raised by the Groenendyke trustee pertains to Proof of Appropriation No. 08850. In effect, however, these narrowed exceptions to now be resolved by the court contest the sharing of water originating from Unnamed Spring (A) with other proofs constituting certain downstream property owners labeled as the Green Acres subdivision.

Specifically, the State Engineer's Final Order of Determination states in relevant part:

/ / /

Stockton.[1] Also appearing before the court on those dates were T. Scott Brooke, Esq. and the law firm of Brooke Shaw Zumpft, representing claimant Edward H. Groenendyke, as Trustee of the Groenendyke Family Trust. Also appearing before the court on those dates were Gordon H. DePaoli, Esq. and the law firm of Woodburn and Wedge, representing Jerald R. Jackson, Trustee of the Jerald R. Jackson 1975 Trust, as amended, and Irene W. Windholz, Trustee of the Irene M. Windholz Trust dated August 11, 1992.[2]

The subject matter of this subproceeding is the complex of springs known as Unnamed Springs A-D. *See* Final Order of Determination, page 16-17. During the October 10th pretrial conference, the parties present stipulated that the normal duty of water for the acreage of real property served by Unnamed Spring (A) is 4.0 acre-feet per acre annually, with the understanding that because the relevant water sources do not produce sufficient water to meet the duty, no claimant will actually receive the full duty of water each year. Transcript of Proceedings, Pretrial Conference of October 10, 2012, page 8, line 2 - page 10, line 13; Transcript of Proceedings of November 7, 2012, page 16, lines 18 - 23. The court hereby adopts the provisions of that stipulation. Thus, references within the State Engineer's Final Order of Determination, including but not limited to page 20 and any corresponding tables and proof summaries arising therefrom such as Table 8 at page 200, to a duty of 2.43 acre-feet per acre shall be substituted with 4.0 acre-feet per acre.

During the proceedings commenced on November 7, 2012, the parties present stipulated that a specific rotation schedule pertinent to the proofs at issue, *see* Table 8 of the

---

[1] Senior Deputy Attorney General Nhu Q. Nguyen, Esq. also appeared on behalf of the State Engineer on October 10th and November 7th.

[2] Dale Ferguson, Esq. also appeared on behalf of the Jackson and Windholz trustees on November 7th and November 30th.

Case No. 08-CV-0363-E

Dept. No. I

RECEIVED
DEC
2013 DEC 26 AM 9:03
DOUGLAS COUNTY
DISTRICT COURT CLERK
D. GOELZ
BY ..... DEPUTY

IN THE NINTH JUDICIAL DISTRICT COURT OF 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 County, Nevada.

/

ORDER

THIS MATTER came before the court on October 10, 2012, for a pretrial conference and on November 7, 2102, and November 30, 2012, to hear and resolve specific exceptions to the State Engineer's Final Order of Determination regarding water sources identified within the above caption. Specifically, the exceptions at issue in this submatter were filed by Jerald R. Jackson, Trustee of the Jerald R. Jackson 1975 Trust, as amended, and Irene W. Windholz, Trustee of the Irene M. Windholz Trust dated August 11, 1992, in one instance, and Edward H. Groenendyke, as Trustee of the Groenendyke Family Trust, in the second instance.

Appearing before the court on all three dates were the State of Nevada, and Tracy Taylor, P.E., in his capacity as State Engineer of Nevada, by and through their counsel, Attorney General Catherine Cortez Masto and Senior Deputy Attorney General Bryan

/ / /

/ / /

Copies served by mail this 5th day of April 2012 to:

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

Michael L. Matuska, Esq.
937 Mica Drive, Suite 16A
Carson City, NV 89705

Thomas J. Hall, Esq.
P. O. Box 3948
Reno, NV 89505

JoAnn Thaler
Judicial Assistant

8. The State Engineer has full authority to implement a rotation schedule if appropriate.

9. The rotation schedule shall reflect any agreements between the parties.

10. The State Engineer shall monitor the system and make changes as required by law or by request of the parties, which changes are subject to review in this Court.

11. The Intervenors are awarded their costs and a reasonable attorney fee.

12. The Diversion Agreement is unenforceable, invalid and ineffective.

13. The Bentleys' arguments of laches, estoppel and limitation of action are overruled as not supported by an extraordinary measure of evidence.

14. The Court expressly determines under NRCP 54(b), that there is no just reason for delay in entering final judgment upon Exception No. 1, and hereby expressly directs that final judgment be entered and the same hereby is entered.

DATED this 5 day of April, 2012.

DISTRICT JUDGE

Proof V-06505, will be changed to reflect the proper proof number Proof V-06305 in the Decree.

2. The State Engineer shall change the acreage listed under Proof V-06305 to reflect the current property lines and that the acreage will be listed as 12.93 acres for proof V-06305 in the Decree.

3. The Final Order of Determination issued by the State Engineer on August 14, 2008, as it pertains to Ninth Judicial District Court case no. 08-CV-0363 subpart D, is affirmed, confirmed and approved in all respects except as specifically amended herein.

4. The remainder of the Final Order of Determination, as it pertains to Ninth Judicial District Court case no. 08-CV-0363 subpart D, is affirmed and shall become the Final Decree.

5. When the combined flow from the North Diversion of Sheridan Creek and tributaries drops below 2.0 cfs, the State Engineer shall impose a rotation schedule.

6. The rotation schedule shall be in effect from the time the North Diversion of Sheridan Creek drops below 2.0 cfs until superseded, until the flow rises to above 2.0 cfs or until the schedule is stayed or modified by this Court.

7. The rotation schedule shall be prepared at the beginning of the irrigation season to allow review by this Court, under NRS 533.450, if any party challenges the schedule.

ponds thereby increasing the burden on downstream water users, here the Intervenors.

18. The Bentleys have violated the Diversion Agreement, even if valid, by creating a pond that is not water tight, has excess seepage and consumes and wastes water.

19. The Intervenors are the prevailing parties and are entitled to their costs and a reasonable attorney fees.

20. The Intervenors are adjudged to be the prevailing parties for purposes of an award of attorney fees to be supported by a separate motion or memorandum for the same pursuant to NRCP 54(d) and NRS 18.010.

21. The Intervenors shall prepare and file a Memorandum of Fees and Costs, to include evidence sufficient for the Bentleys to examine the Memorandum for content without invading the attorney/client privilege. The Court will make a separate determination on the amount of costs and attorney fees after the Bentleys have had an opportunity to respond to the Memorandum.

ORDER AND JUDGMENT

It is hereby ordered the final decree in this matter shall include the following:

1. The typographical error in the Final Order of Determination at page 51, where the Proof number appears as

10. The two recorded letter agreements (Exhibit 7) are ineffective, invalid, do not bind successors and neither burden the Intervenors' Properties nor benefit the Bentleys' Property.

11. The lands of Intervenors lie downstream from the lands of the Bentleys and the uses and proposed uses by the Bentleys to fill ponds on their Property conflict with the rights of the Intervenors.

12. The Bentleys' use to fill a new pond on their Property violates the Diversion Agreement, even if valid.

13. The After-Acquired Title Doctrine does not cure the defects in the Diversion Agreement.

14. The Bentleys withdrew their assertion of the After-Acquired Title Doctrine at the commencement of trial.

15. Only one pond existed at the time the Diversion Agreement was prepared, and the rights under such an agreement may not be amplified by the future extension of any rights under that Agreement to include the second or upper pond.

16. The rights, if any, under the Diversion Agreement cannot be amplified or increased unilaterally without the consent of downstream water users, here the Intervenors.

17. The Diversion Agreement, even if valid, limited the scope and burden to the pond existing at the time of the execution of the Agreement and did not provide for additional

CONCLUSIONS OF LAW

1. If any of the above Findings of Fact is truly a Conclusion of Law, it will be treated as such.

2. The stipulations and agreements of the parties listed in paragraph 15 above are adopted by the Court.

3. The Intervenors and the Bentleys share the same priority date for all water rights from Sheridan Creek and tributaries.

4. The Diversion Agreement was neither executed by June Irene Bartlett, who took title as June Irene Rolph, nor by Nancy Rolph Welch. Therefore, the Diversion Agreement fails.

5. The Rolphs were necessary and indispensable parties to the Diversion Agreement.

6. The Diversion Agreement was ineffective and invalid because it did not have the necessary and contemplated signatures of all parties.

7. A contract purporting to be made between several parties, containing mutual covenants, of which those of one party are the consideration of the others, must be executed by all to be valid.

8. The Diversion Agreement is ineffective, invalid and unenforceable.

9. The Diversion Agreement is unenforceable under the Nevada Statute of Frauds.

the Bentleys' ponds would not injure any other water users, as long as the overflow is re-diverted to the irrigation system.

43. Whenever the flow in the North Diversion is below 2.0 cubic feet per second (cfs) a rotation schedule would be needed to avoid injury to the water users.

F. ATTORNEY FEES:

44. Mr. Bentley, through intimidation and threat, attempted to bully the Intervenors, acting in a manner to harass and financially exhaust the Intervenors.

45. Bentleys brought and maintained their Exception No. 1 relating to the Diversion Agreement without reasonable grounds.

46. The Diversion Agreement contains a clause that allows attorney fees to the prevailing party in the event a lawsuit is brought to enforce or interpret the Agreement.

47. Bentleys asserted that the Agreement dated August 5, 1986, and the letter recorded August 6, 1986, granted an additional right to divert the flow of Sheridan Creek through the ponds. (Exhibit 7.) However, those documents did not grant any additional rights and are invalid.

48. The Bentleys proceeded in this matter under an erroneous theory and under an erroneous thought process, and therefore, their action was maintained by them without reasonable grounds.

irrigation ditches for the irrigation of the Intervenors' Properties.

36. The water that seeps into the ground as a result of flowing into the Bentleys' ponds is not re-diverted to the irrigation ditches of the Intervenors.

37. Once the water from the Bentleys' ponds flows into the common aquifer it is lost to the irrigation system used by the Intervenors.

38. The parties' total water irrigation system is diminished by the water losses from the Bentleys' ponds.

39. The Intervenors objected that the Bentleys consumed water in violation of the Diversion Agreement and that they were not able to get their full and complete allocated portion of water.

40. Under Order of this Court, the State Engineer conducted two seepage tests in May and August 2010. The seepage tests revealed that the ponds did consume water through seepage, evaporation and transpiration. (Exhibits 33 and 35.)

41. The two ponds on the Bentleys' Property consumed water in excess of 30.0 acre-feet during the 2010 irrigation season, which the Court determines to be a consumptive use of water in violation of the Diversion Agreement, even if valid.

42. Whenever the flow of water in the North Diversion is at or above 2.0 cubic feet per second (cfs) constant flow to

27. The Diversion Agreement was neither executed by June Irene Bartlett, who took title as June Irene Rolph nor by Nancy Rolph Welch (collectively the "Rolphs").

28. At the time the Diversion Agreement was executed by others, the Rolphs held title to the water rights. (Exhibits 4, 5 and 10.)

29. The Rolphs were anticipated and intended to be parties to the Diversion Agreement but did not sign it.

30. Gerald Whitmire and Pamela Whitmire were in the process of developing their property and held title to the land, but all the appurtenant water rights were reserved to the Rolphs.

31. A pond, known as the lower pond, has existed on the Bentleys' Property from some time prior to the initiation of this adjudication.

32. The Bentleys built a second and larger pond, known as the upper pond, on their Property in or about 2008.

33. The Bentleys' use of water to fill and maintain the water level in their two ponds is a consumptive use.

34. The two ponds existing on the Bentleys' Property use water from Sheridan Creek in a consumptive manner.

35. The Bentleys have diverted water into their ponds and the water is not thereafter entirely diverted back to the

a. The Bentleys argued that the Diversion Agreement allowed them to divert a constant flow of water into the ponds on their Property.

b. The Bentleys also argued that they should not be subject to any Rotation Schedule because of the Diversion Agreement.

c. The Intervenors argued that the ponds consumed excessive amounts of water and that the Diversion Agreement is invalid, all as set forth in the Response and Objections to Notice of Exceptions and Exceptions to Final Order of Determination filed herein on November 19, 2009. (Exhibit 80.)

24. The State Engineer took no position on the Diversion Agreement because it involves contested issues of title.

25. The Diversion Agreement was not signed by Intervenors Ronald R. Mitchell and Ginger G. Mitchell, who had previously acquired one parcel of land prior to recording of the Diversion Agreement and therefore they are not affected or bound by it, even if valid.

26. The Mitchells are entitled to their share and portion of Sheridan Creek water without diminution by passing the water through any pond or ponds on the Bentleys' Property.

22. A tabulation of Intervenors' land holdings and water rights as set forth in the Final Order of Determination, to wit (from pages 109-112, 132-133 and 136-137):

Intervenors	APN	Acreage	Proofs
Donald S. and Kristina Forrester	1219-14-001-012	59.620	V-06309 V-06310
Hall Ranches, LLC	1219-14-001-003	23.800	V-06340 V-06341
Thomas J. Scyphers and Kathleen M. Scyphers	1219-14-001-004	13.010	V-06311 V-06312
Frank Scharo and Camille Scharo	1219-14-001-005	12.990	V-06311 V-06312
Sheridan Creek Equestrian Center, LLC	1219-14-001-008	35.960	V-06310
Ronald R. and Ginger G. Mitchell	1219-14-001-011	10.370	V-06336 V-06337
Total Acreage of Intervenors		155.930	

E. **THE WATER USE AND DIVERSION AGREEMENT:**

23. The remaining issues raised by Exception 1 and reflected in the Intervenors' claims and defenses concerned the validity, breach and violation of the Water Use and Diversion Agreement dated June 9, 1986, and recorded on March 27, 1987, as Document 152147, Douglas County Records ("Diversion Agreement"). (Exhibit 10.)

installation will be deferred until after the Decree becomes final.

16. In all other respects, the Final Order of Determination is proper and may be included in the Decree.

17. The remaining issues raised by Exception 1 and reflected in the Intervenors' claims and defenses concerned the validity, breach and violation of the Water Use and Diversion Agreement, discussed below.

D. **WATER RIGHTS OWNED BY BENTLEYS AND INTERVENORS:**

18. The Bentleys are successor landowners and water right holders as set forth in the Final Order of Determination, to wit (pages 106-109):

Exceptors	APN	Acreage	Proofs
J.W. Bentley Maryann Bentley, Trustees	1219-14-001-013	12.93	V-06305 V-06306 V-06307 V-06308

19. The Intervenors own ranch land located downstream from the Bentleys' Property.

20. The Intervenors also hold water rights in Sheridan Creek, historically used to irrigate their ranch lands.

21. The Intervenors are necessarily interested in the water diversions made upstream by the Bentleys in violation of custom, practice and agreements.

b. Exception 2 requested that the State Engineer add the proof number for Proofs V-06307 and V-06308 to the Map included in the Final Order of Determination. The parties agreed that the Map does not depict any stockwater rights, that the Decree controls water rights and the Map is for convenience only, and that the proofs need not and will not be shown on the Map.

c. Exception 3 was to correct a typographical error in the Final Order of Determination at page 51, where Proof V-06505 will be changed to reflect the proper number, which is Proof V-06305, in the Decree.

d. Exception 4 requires the State Engineer to change the acreage listed under Proof V-06305 to reflect the current property lines and that the acreage be listed as 12.93 acres for Proof V-06305 in the Decree.

e. Exception 5 requested that a diversion structure be installed in Sheridan Creek that would more accurately divide the North and South Diversions. The current method is inadequate, which involves the placement of rocks in the stream channel that spilt the flow into the two diversions. The parties and the State Engineer agree that a structure should be installed, but that in order to assess the cost to all users of both branches, the

of use for the waters of Sheridan Creek and Stutler Creek. However, as these waters are co-mingled with the waters of Sheridan Creek and it would be difficult to administer separately, they will be administered in accordance with the Findings and Decree herein.

C. **THE FINAL ORDER OF DETERMINATION AND THE EXCEPTIONS:**

13. The Final Order of Determination by the State Engineer was filed herein on November 8, 2008.

14. The Bentleys, as "Exceptors", filed their Notice of Exceptions and Exceptions to Final Order of Determination herein on December 10, 2008, and Amended Exceptions on March 25, 2009.

15. The parties made the following stipulations in relation to these Exceptions at the beginning of the trial, which were adopted by the Court:

a. Exception 1, in part, was that the State Engineer would not attempt to include a rotation schedule in the Decree itself, but that the provisions of NRS 533.075 and the orders of this Court would be used to determine when and if a rotation schedule is needed to efficiently use the waters of the State of Nevada. However, Bentley reserves all objections to the imposition of a rotation schedule, including objection about the statutory authority to do so.

7. Ronald R. Mitchell and Ginger G. Mitchell own property commonly known as vacant land on Centerville Lane, Douglas County APN 1219-14-001-011.

B. THE WATERS OF SHERIDAN CREEK AND TRIBUTARIES:

8. The waters of Sheridan Creek were first put to beneficial use in 1852 and all dates of priority for the rights therein stem therefrom as the water has been put to beneficial use continuously to the present day. The water from Sheridan Creek is divided into North Diversion and the South Diversion. Sixty percent (60%) of the flow is to the North Diversion and forty percent (40%) flows to the South Diversion. The matters at issue herein concern only the North Diversion.

9. The waters of Stutler Creek were put to beneficial use in 1905 and are diverted by a pipeline and co-mingled with the waters of the North Diversion and are administered therewith.

10. The waters of Gansberg Spring are the subject of State Engineer's Permit 07595, Certificate 1760. The waters of Gansberg Spring are diverted by a pipeline and co-mingled with the waters of the North Diversion and are administered therewith.

11. Collectively, these waters are known simply as the North Diversion of Sheridan Creek.

12. Evidence was produced that the place of use for Permit 07595, Certificate 1760, does not match exactly with the place

FINDINGS OF FACT

A. THE PARTIES:

1. Exceptors J.W. Bentley and Maryann Bentley, Trustees of the Bentley Family 1995 Trust, own property commonly known as 853 Sheridan Lane, Douglas County APN 1219-14-001-013 (the "Bentleys").

2. Intervenors Donald S. Forrester and Kristina M. Forrester own property commonly known as 913 Sheridan Lane, Douglas County APN 1219-14-001-012.

3. Intervenor Hall Ranches, LLC, a Nevada limited liability company, owns property commonly known as 463 Centerville Lane, Douglas County APN 1219-14-001-003.

4. Intervenors Thomas J. Scyphers and Kathleen M. Scyphers own property commonly known as 481 Centerville Lane, Douglas County APN 1219-14-001-004.

5. Intervenors Frank Scharo, Trustee of the FNS Revocable Trust Agreement dated May 20, 2008, as to an undivided 90% interest, and Camille Gardner Scharo, Trustee of the CGS Revocable Trust Agreement dated May 20, 2008, as to an undivided 10% interest, own property commonly known as 495 Centerville Lane, Douglas County APN 1219-14-001-005.

6. Intervenor Sheridan Creek Equestrian Center, LLC, a Nevada limited liability company, owns property commonly known as 551 Centerville Lane, Douglas County APN 1219-14-001-008.

RECEIVED
APR - 5 2012
DOUGLAS COUNTY
DISTRICT COURT CLERK

FILED
2012 APR -5 PM 1:46
TED THRAN
CLERK
M. BIAGGIN
DEPUTY

Case No.: 08-CV-0363-D

Dept. No.: I

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 County, Nevada.

_____/

FINDINGS OF FACT, CONCLUSIONS OF LAW, ORDER AND JUDGMENT

This action came on for trial before the Court, the Honorable David R. Gamble, District Judge, presiding, and the issues having been duly tried, and on January 12, 2012, the Court, in the presence of the parties and their respective counsel, viewed Sheridan Creek, the ponds referenced herein and the water distribution system, and an oral decision having been duly rendered by the Court on January 13, 2012, the Court now makes the following Findings of Fact, Conclusions of Law, Order and Judgment:

\\\\

APPENDIX C

Subpart D: Order and Judgment

Order dated April 5, 2012

TABLE 9. LUTHER CREEK CLAIMS.

PROOF AND PERMIT NUMBERS	ACREAGE ACCEPTED	FINAL ORDER DIVERSION RATE IN C.F.S.	DUTY: ACRE-FEET PER ACRE	DUTY: TOTAL ACRE-FEET
V-02858-west	149.40	5.00	4.00	597.60
V-02858-east	129.00	1.67	4.00	516.00
V-06363	79.97	2.16	4.00	319.88
V-06364 (SHOCKEY)	NA	NA	NA	NA
V-06365	59.20	1.18	4.00	263.80
V-06365 (BROOKS)	NA	NA	NA	NA
V-06371	NA	DRAIN & WASTE	NA	NA
V-06372 (SCOSSA)	NA	DRAIN & WASTE	NA	NA
V-06321	NA	DRAIN & WASTE	NA	NA
V-06323	NA	DRAIN & WASTE	NA	NA
V-08850	NA	DRAIN & WASTE	NA	NA
TOTALS:	**417.57**	**10.007**	**4.00**	**1697.28**

Miscellaneous flow measurements by U.S. Geological Survey and the Office of the State Engineer beginning on September 27,1976 and ending on June 16, 1998, ranged from a low of 0.77 c.f.s. on July 6, 1992, to a high of 13.7 c.f.s. on July 12, 1983. Therefore, total available flow in Luther Creek is based on a high flow of 10.0 c.f.s. Available flow in average runoff years and from middle to late in the irrigation season will be substantially less than the amount issued in the Final Order of Determination. Water distribution will continue to be controlled by the LUTHER CREEK DECREE, 2nd Judicial District, State of Nevada, Douglas County:Hannum v. Cary-May 27th, 1874.

Claim V-02858: 1/2 of the flow of Luther Creek is appurtenant to 129.0 acres located within the NE¼SE¼, NW¼SE¼, NE¼SW¼, SE¼SW¼, SW¼SE¼ and SE¼SE¼, Section 25, T.12N., R.19E., M.D.B.&M. 1/6 of the flow of Luther Creek is appurtenant to 149.4 acres located within the NE¼NE¼, SE¼NE¼ and NE¼SE¼, Section 25; NW¼NE¼, SW¼NE¼, NE¼NW¼, NW¼NW¼, SW¼NW¼ and SE¼NW¼, Section 26, T.12N., R.19E., M.D.B.&M.

Claims V-06363 and V-06365: 1/3 of the flow of Luther Creek is appurtenant to 139.17 acres located within the SW¼NE¼, SW¼NW¼ and SE¼NW¼, NE¼SW¼, NW¼SW¼, SW¼SW¼ and NW¼SE¼ Section 25; SE¼NW¼ and NE¼SE¼ Section 26, T.12N., R.19E., M.D.B.&M. Acreage is reduced for these claims due to discrepancies on the supporting map found when compared to Douglas County Assessor's parcel maps and redrafting in the State Engineer's Office.

Note: These diversion rates and duties are based on a 198 day irrigation season beginning April 1 and ending October 15 of each year. Duties are also based on crop water requirements for alfalfa, pasture grass and spring grain.

TABLE 8 cont. SPRINGS ARISING ON THE WEST SIDE OF FOOTHILL ROAD ON THE HERITAGE RANCH WITHIN SECTION 26, T.12N., R.19E., M.D.B.&M.

4. Spring Area "D" discharges through multiple channels and eventually into a collection ditch that provides irrigation water for Proofs V-06321, V-06323 and V-08850. A portion of this water is routed through the pond located on APN's 1219-26-001-18 and 1219-26-001-19. Pond overflow is returned to the collection ditch just to the west of Foothill Road and upstream of a wooden headgate that was used to back water through a second headgate and into a culvert that directs water to the north and beneath Foothill Road through a large culvert located to the east of the east end of the aforementioned pond. The water flows through ditch that bisects Proof V-08850 and into the irrigation ditch that flows along the south boundary of the Green Acres Subdivision at a point near the center of the south property boundary of APN 1219-26-001-031. A measuring device shall be installed downstream of the lower headgate in the main channel of the collection ditch. The headgate shall be regulated to allow a minimum flow of 1.5 c.f.s. into the southerly irrigation ditch that provides water for Proofs V-06321, V-06323 and V-08850. Any flow above this rate shall be diverted through the headgate that controls the lateral ditch (culvert) to the north. This water shall be available as "excess flow" fir irrigation under Proofs V-06322, V-06325, V-06326, V-06327, V-06328, V-06329, V-06330, V-06331, V-06333, V-06334,V-07486, V-09264, V-09265, V-09270. No separate rotation schedule shall be applied to the water from Unnamed Spring (D) classified as "excess flow". This water shall be utilized as set forth in the rotation schedule for Unnamed Spring (A) as it applies to the aforementioned proofs. Any water not utilized for irrigation shall continue to the next water user to make up water for their direct diversion claims.

TABLE 8 cont. SPRINGS ARISING ON THE WEST SIDE OF FOOTHILL ROAD ON THE HERITAGE RANCH WITHIN SECTION 26, T.12N., R.19E., M.D.B.&M.

** The maximum duty of water is 4.00 acre-feet per acre from any and/or all sources. The duty from Unnamed Spring "A" for the total irrigated acreage is 4.00 acre-feet per acre on land that is not irrigated by Unnamed Spring (D) during the 198 day irrigation season.

1. The total practicable discharge from Unnamed Spring "A" under the listed proofs is 0.50 c.f.s.

Review of a 1938 aerial photographs indicates that the acreage claimed and supported by the map filed under Permit 24918 is the correct representation of the irrigated acreage with the exception of acreage adjustments under Proofs V06342, V-06343, V-06344 and V-06345. This also complies with Map No. 4891 drawn by the "U.S. Geological Survey, Hydrographic Branch Reclamation Service, for the Truckee-Carson Project Nev.", dated July 27, 1904.

2. Spring Area "B" is collected in a ditch at the base of the spring area and flows to the north to the structure designated as "CONTROL BOX AND VALVE" located on the south line of the NE¼NW¼ Section 26, T.12N., R.19E., M.D.B.&M. Water from this ditch can be diverted directly from the collection ditch or placed into the ditch that runs from the valve box in a south/southeasterly direction toward the channel running from 'Unnamed Spring Area "D" to the pond. The supporting map for Proof V-06343 shows water flowing in a southerly direction adjacent to the east side of Unnamed Spring Area (B). The correct direction of flow is to the north. Proof V-06343 claims water from the portion of the spring source located within the SE¼ NW¼, Sec.26 T.12N., R.19E., M.D.B.&M. that flows in a northerly direction to the "CONTROL VALVE AND BOX" as depicted on said supporting map. Water from this source then flows in a south/southeasterly direction where it commingles with water from' Unnamed Spring Area (D). Unnamed Spring (B) may be used to supplement the flow rate for land irrigated under Proof V-06342during the prescribed rotation schedule.

3. Spring Area "C" is a sub-irrigated meadow overlying a spring source. This water right shall be limited to 2.98 acres within the SE¼NW¼ Section 26, T.12N., R.19E., M.D.B.&M. Water from this source flows southeast to east into the Heidtman Ditch and is claimed under Proof V-02857 for irrigation of 163.00 acres located within the W½NE¼ and NW¼ Section 25; and NE¼NE¼ and S½NE¼ Section 26, T.12N., R.19E., M.D.B.&M. This source is diverted via the Heidtman Ditch and is not a direct diversion source for Proof V-06321, Proof V-06323 and Proof V-08850. Any water from this source is considered as "drain and waste" water under the preceding proofs and does not receive a diversion rate or duty. The spring as claimed under Proof V-06344 sub irrigates 2.53 acres of pasture. The acreage can be used to graze livestock or be harvested. No physical diversion of water is necessary to irrigate this acreage. Therefore, no diversion rate or duty shall be assigned to Proof V-06344 even though this land retains the right to be sub irrigated.

TABLE 8 cont. SPRINGS ARISING ON THE WEST SIDE OF FOOTHILL ROAD ON THE HERITAGE RANCH WITHIN SECTION 26, T.12N., R.19E., M.D.B.&M.

PROOF AND PERMIT NUMBERS	ACREAGE ALLOTTED	DECREED DIVERSION RATE IN C.F.S.	DUTY**: ACRE-FEET PER ACRE	DUTY: TOTAL ACRE-FEET
4. UNNAMED SPRING "D" - SE¼NW¼ SEC. 26, T.12N., R.19E., M.D.B.&M.				
V-06321	40.36		4.00	161.44
V-06323	40.35		4.00	161.40
V-08850	25.54		4.00	102.16
V-06322		*VARIABLE	SEE #4	*VARIABLE
V-06325		*VARIABLE	SEE #4	*VARIABLE
V-06327		*VARIABLE	SEE #4	*VARIABLE
V-06328		*VARIABLE	SEE #4	*VARIABLE
V-06329		*VARIABLE	SEE #4	*VARIABLE
V-06330		*VARIABLE	SEE #4	*VARIABLE
V-06331		*VARIABLE	SEE #4	*VARIABLE
V-06333		*VARIABLE	SEE #4	*VARIABLE
V-06335		*VARIABLE	SEE #4	*VARIABLE
V-06345	13.35	SUB-IRRIGATED	NO DUTY	NONE
TOTALS:	**119.60**			**425.00**

The diversion rate for each spring is based on flow measurements conducted by personnel of the Office of the State Engineer. Flow and diversion rates during periods of drought and middle to late irrigation season will generally be less than the rates determined in the Final Order of Determination. Therefore, all parties will have to share the water shortage during periods of low flow.

*Note: These diversion rates and duties are based on a 198 day irrigation season beginning April 1 and ending October 15 of each year. Duties are also based on crop water requirements for alfalfa, pasture grass and spring grain.

TABLE 8 cont. SPRINGS ARISING ON THE WEST SIDE OF FOOTHILL ROAD ON THE HERITAGE RANCH WITHIN SECTION 26, T.12N., R.19E., M.D.B.&M.

PROOF AND PERMIT NUMBERS	ACREAGE ALLOTTED	DECREED DIVERSION RATE IN C.F.S.	DUTY**: ACRE-FEET PER ACRE	DUTY: TOTAL ACRE-FEET
2. UNNAMED SPRING "B" - SE¼NW¼ SEC. 26, T.12N., R.19E., M.D.B.&M.				
V-06343	2.53	SUB-IRRIGATED	NO DUTY	NONE
V-06343‡	7.20	SUPPLEMENTAL	NO DUTY	NONE
V-08850	{25.54}	DRAIN & WASTE	NO DUTY	NONE
TOTALS:	**9.73**		**NO DUTY**	
‡ Water from Unnamed Spring "B" may be utilized to supplement the flow rate from Unnamed Spring "A" when irrigating the 7.20 acres described under Proof V-06342 due to the fact that they commingle in the same collection box. The waters of Unnamed Spring "B" shall be allowed to flow to the south and commingle with the waters of Unnamed Spring "D" when Proof V-06342 is not in rotation priority.				
{} Acreage that does not have a direct diversion right and is subject to "drain and waste" water use from this source.				
3. UNNAMED SPRING "C" - SE¼NW¼ SEC. 26, T.12N., R.19E., M.D.B.&M.				
V-02857	163.00	3.000	4.00	652.00
This portion of the spring complex is diverted into a southeasterly flowing ditch where it becomes supplemental to a portion of Proof V-02858.				
V-06321	{40.36}	DRAIN & WASTE	NO DUTY	NONE
V-06323	{40.35}	DRAIN & WASTE	NO DUTY	NONE
V-06344	2.98	SUB-IRRIGATED	NO DUTY	NONE
V-08850	{9.41}	DRAIN & WASTE	NO DUTY	NONE
TOTALS:	**165.98**	**3.000**	**4.00**	**652.00**
Acreage denoted within brackets "{}" is not considered as part of the acreage irrigated by direct diversion from the listed source, therefore, no duty or diversion rate is associated with these claims.				

TABLE 8. SPRINGS ARISING ON THE WEST SIDE OF FOOTHILL ROAD ON THE HERITAGE RANCH WITHIN SECTION 26, T.12N., R.19E., M.D.B.&M.

PROOF AND PERMIT NUMBERS	ACREAGE ACCEPTED	DECREED DIVERSION RATE IN C.F.S.	DUTY**: ACRE-FEET PER ACRE	DUTY: TOTAL ACRE-FEET
1. UNNAMED SPRING "A" (aka "UNNAMED STREAM") -SW¼ NW¼ SEC. 26, T.12N., R.19E., M.D.B.&M				
V-06322	2.47	0.015	4.00	9.88
V-06325	2.54	0.016	4.00	10.16
V-06326	2.50	0.016	4.00	10.00
V-06327	4.90	0.030	4.00	19.60
V-06328	5.55	0.034	4.00	22.20
V-06329	5.22	0.032	4.00	20.88
V-06330	5.08	0.032	4.00	20.32
V-06331	4.88	0.030	4.00	19.52
V-06333	4.98	0.031	4.00	19.92
V-06334	2.55	0.016	4.00	10.20
V-06342	7.20	0.045	4.00	28.80
V-07486	4.86	0.030	4.00	19.44
V-08850	12.43	0.077	4.00	49.72
V-09264	2.53	0.016	4.00	10.12
V-09265	2.55	0.016	4.00	10.20
V-09266	5.18	0.032	4.00	20.72
V-09270	5.18	0.032	4.00	20.72
TOTALS:	80.60	0.500		322.40

CREEK CLAIMS FOR THE SCOSSA RANCH
N ACRES SUBDIVISION.

PROOF AND PERMIT NO.'S	ACREAGE ACCEPTED	DECREED DIVERSION RATE IN C.F.S.	DUTY: ACRE-FEET PER ACRE	DUTY: TOTAL ACRE-FEET	BIWEEKLY SCHEDULE

* Scossa Ranch claims.

**4 consecutive days of diversion from Miller Spring are to be shared amongst all owners listed under "Biweekly schedule.

The diversion rate for Miller Spring is based on U.S.G.S. gaging station records from 1989 through 1997. Average flow for the period of record is 0.87 c.f.s. During non-drought flows in excess of 2.0 c.f.s. occurred 10% or less of the water year. Flows ranged from 0.24 c.f.s. on September 16, 1991, to a high of 3.3 c.f.s. on September 26, 1995. The period of record is heavily influenced by more drought years than wet years. Therefore; in order to allow full use of a highly variable water source the State Engineer determines that the total diversion be limited to 2.0 c.f.s. Flow rates during periods of drought and middle to late irrigation season will be generally less than the rates determined in the Final Order of Determination. Therefore; all parties will have to share the water shortage during periods of low flow.

76.52 acres of irrigation are claimed under Proofs V-06322, V-06324, V-06325, V-06326, V-06327, V-06328, V-06329, V-06330, V-06331, V-06332, V-06333, V-06334, V-06335 and V-07486 and Douglas County APN's 1219-26-001-031; 1219-26-002-009 (PORTION); 1219-26-002-008 (PORTION), 009 (ALL); 1219-24-002-007, 1219-26-001-026, 1219-26-001-025 and 1219-26-001-024 if all land owners within Green Acres filed Proofs of Appropriation . Several owners within the Green Acres Subdivision failed to file a Proof of Appropriation. Per NRS § 533.125 (2) the State Engineer filed Proofs of Appropriation as follows: APN 1219-26-001-031, V-09264; APN 1219-24-002-009 (portion), V-09265; 1219-24-002-008, 009 (portions), V-09270; APN 1219-24-002-007, V-09266; APN 1219-26-001-025 (portion), V-09267; 1219-26-001-025, V-09268; and 1219-26-001-024, V-09269.

In conclusion the State Engineer determines that Proof V-06367 shall be allotted the entire flow of Miller Creek for 10 days out of each bi-weekly (14 day) rotation schedule. The State Engineer determines that Proofs V-06322, V-06324, V-06325, V-06326, V-06327, V-06328,V-06329, V-06330, V-06331, V-06332, V-06333, V-06334, V-06335, V-07486, V-09264, V-09265, V-09266, V-09267, V-09268, V-09269 and V-09270 shall be allotted the entire flow of Miller Creek for 4 days out of each bi-weekly (14 day) rotation schedule. Rights under Permit 24525, Certificate 8136, for the waters of Miller Creek will subject to the same rotation schedule as the proofs.

Note: These diversion rates and duties are based on a 198 day irrigation season beginning April 1 and ending October 15 of each year. Duties are also based on crop water requirements for alfalfa, pasture grass and spring grain.

** Deed recorded June 1, 1916 in Book P of Deeds page 260 in the Douglas County Recorder's Office.

REEK CLAIMS FOR THE SCOSSA RANCH
N ACRES SUBDIVISION.

PROOF AND PERMIT NO.'S	ACREAGE ACCEPTED	DECREED DIVERSION RATE IN C.F.S.	DUTY: ACRE-FEET PER ACRE	DUTY: TOTAL ACRE-FEET	BIWEEKLY SCHEDULE
V-06322	2.47	0.065	2.71	6.69	**4 DAYS
V-06324	2.53	0.066	2.71	6.86	**4 DAYS
V-06325	2.54	0.066	2.71	6.89	**4 DAYS
V-06326	2.50	0.065	2.71	6.78	**4 DAYS
V-06327	4.90	0.128	2.71	13.28	**4 DAYS
V-06328	5.55	0.145	2.71	15.04	**4 DAYS
V-06329	5.22	0.136	2.71	14.15	**4 DAYS
V-06330	5.08	0.133	2.71	13.77	**4 DAYS
V-06331	4.88	0.128	2.71	13.22	**4 DAYS
V-06332	2.54	0.066	2.71	6.88	**4 DAYS
V-06333	4.98	0.130	2.71	13.50	**4 DAYS
V-06334	2.55	0.067	2.71	6.91	**4 DAYS
V-06335	2.53	0.066	2.71	6.86	**4 DAYS
V-06367*	213.30	2.000	2.71	578.04	10 DAYS
V-06368*	N/A	N/A	N/A	N/A	STOCK
V-06371*	292.10	N/A	N/A	N/A	N/A
V-06372*	N/A	N/A	N/A	N/A	STOCK
V-07486	4.86	0.127	2.71	5.10	**4 DAYS
V-09264	2.53	0.066	2.71	6.86	**4 DAYS
V-09265	2.55	0.067	2.71	6.91	**4 DAYS
V-09266	5.18	0.135	2.71	14.04	**4 DAYS
V-09267	2.78	0.073	2.71	7.53	**4 DAYS
V-09268	2.66	0.070	2.71	7.21	**4 DAYS
V-09269	2.51	0.066	2.71	6.80	**4 DAYS
V-09270	5.18	0.135	2.71	14.04	**4 DAYS
TOTALS:	**581.92**	**2.000**		**777.36**	**14 DAYS**
SUB-TOTAL OF GREEN ACRES CLAIMS:	**76.52**	**2.000**		**199.32**	****4 DAYS**

TABLE 6. cont. SHERIDAN CREEK - NORTH AND SOUTH DIVERSIONS.				
PROOF NUMBER	ACREAGE ACCEPTED	DECREED DIVERSION RATE* IN C.F.S.	DUTY*: ACRE-FEET PER ACRE	DUTY: TOTAL ACRE-FEET
The diversion rates for the north and south split of Sheridan Creek are based on a spring and early summer average stream flow of 3.5 c.f.s. Flow and diversion rates during periods of drought and middle to late irrigation season will generally be less than the rates determined in the Preliminary Order of Determination. Therefore, all parties will have a 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.				
A deed described as Book Q, Page 44, of the records of the Douglas County Recorder's Office states that ½ interest in in Sheridan Creek was deeded with the land described as being the S½ Section 14, T.12N., R.19E., M.D.B.&M. located west of the Park and Bull Ditch. This deed is applied to the proofs filed for water form the south split of Sheridan Creek. The State Engineer determines that further documentation in the form of an agreement or court decree will be necessary to justify an an equal split of Sheridan Creek.				
*Note: These diversion rates and duties are based on a 198 day irrigation season beginning April 1 and ending October 15 of each year. Duties are also based on what was claimed and on crop water requirements for alfalfa, pasture grass and spring grain.				

TABLE 6. SHERIDAN CREEK - NORTH AND SOUTH DIVERSIONS.

PROOF NUMBER	ACREAGE ACCEPTED	DECREED DIVERSION RATE* IN C.F.S.	DUTY*: ACRE-FEET PER ACRE	DUTY: TOTAL ACRE-FEET
1. NORTH DIVERSION.				
V-04594	1.13	0.013	4.00	4.52
V-06306	12.93	0.153	4.00	51.72
V-06307	NA	NA	NA	NA
V-06309	60.87	0.719	4.00	243.48
V-06312	16.61	0.196	4.00	66.44
V-06336	10.37	0.123	4.00	41.48
V-06339	23.76	0.281	4.00	95.04
V-06340	22.03	0.260	4.00	88.12
V-06347	24.94	0.295	4.00	99.76
V-06356	5.10	0.060	4.00	20.40
TOTALS:	**177.74**	**2.100**		**710.96**
2. SOUTH DIVERSION.				
V-04594	8.87	0.086	4.00	35.48
V-06264	40.20	0.390	4.00	160.80
V-06265	NA	NA	NA	NA
V-06307	NA	NA	NA	NA
V-06309	9.90	0.096	4.00	39.60
V-06357	34.70	0.337	4.00	138.80
V-06358	NA	NA	NA	NA
V-06359	NA	NA	NA	NA
V-06360	18.00	0.175	4.00	72.00
V-06361	NA	NA	NA	NA
V-06362	32.60	0.316	4.00	130.40
TOTALS:	**144.270**	**1.400**		**577.08**
GRAND TOTALS:	**322.01**			**1288.040**

TABLE 5. STUTLER CREEK - COMMINGLED WITH THE NORTH DIVERSION OF SHERIDAN CREEK.

PROOF NUMBER	ACREAGE ACCEPTED	DECREED DIVERSION RATE* IN C.F.S.	DUTY*: ACRE-FEET PER ACRE	DUTY: TOTAL ACRE-FEET
V-04594	1.13	0.010	1.49	1.68
V-06305	12.93	0.040	1.49	19.27
V-06308	NA	NA	NA	NA
V-06310	60.87	0.250	1.49	90.70
V-06311	16.61	0.070	1.49	24.75
V-06337	10.37	0.043	1.49	15.45
V-06338	23.76	0.100	1.49	35.40
V-06341	22.03	0.090	1.49	32.82
V-06346	24.94	0.100	1.49	37.16
TOTALS:	**172.64**	**0.703**		**257.23**

None of the flow measurements conducted on Stutler Creek supported the rates estimated by the Milton Sharp P.E. Report of March, 1993. The channel configuration does not show any evidence of sustained flows in excess of those measured in 1997 and 1998 by staff of the Office of the State Engineer. Also, the four(4) inch diameter pipeline is not capable of carrying the proposed diversion plus the diversion from Gansberg Spring. Therefore, the diversion rate is reduced to the maximum flow measurement conducted on October 3, 1997.

*Note: These diversion rates and duties are based on a 198 day irrigation season beginning April 1 and ending October 15 of each year. Duties are also based on what was claimed and on crop water requirements for alfalfa, pasture grass and spring grain.

TABLE 4. WHEELER CREEK NO. 1 & 2 DIVERSIONS.

PROOF NUMBER	ACREAGE ACCEPTED	DECREED DIVERSION RATE* IN C.F.S.	DUTY*: ACRE-FEET PER ACRE	DUTY: TOTAL ACRE-FEET
V-06320 - DIV #1	49.10	0.652	4.00	196.40
V-06320 - DIV #2	-	1.174	4.00	
TOTALS:	**0.00**			**196.40**
PER. 24806, CER. 7584	-	1.25	4.00	376.44
PER. 24807, CER. 7583	-	2.25	4.00	376.44
PER. 25601, CER. 7586	-	1.25	4.00	376.44

In order to be consistent with existing Permits 24806, 24807 and 25601 Proof of Appropriation V-06320 is issued with the diversion rates proportional to the certificated permits. There is only one claimant for all of the water from Wheeler Creek #1 and #2 Diversions.

*Note: These diversion rates and duties are based on a 198 day irrigation season beginning April 1 and ending October 15 of each year. Duties are also based on what was claimed and on crop water requirements for alfalfa, pasture grass and spring grain.

TABLE 3. CARY (AKA CAREY, MONUMENT OR BULL) CREEK DIVERSIONS.

PROOF AND PERMIT NUMBERS	ACREAGE ACCEPTED	DECREED DIVERSION RATE* IN C.F.S.	DUTY*: ACRE-FEET PER ACRE	DUTY: TOTAL ACRE-FEET
V-06354	226.08	2.00	3.47	784.50
V-06355	266.24	3.63	4.00	1064.96
PERMIT 10983	**161.6	0.37	0.90	145.44
TOTALS:	**492.32**	**6.00**		**1969.28**

**Total acreage irrigated under Proofs V-06354, V-06355 and Permit 10983, Certificate 2937 is 492.32 acres. Permit 10983 Certificate 2937 is totally supplemental to Proof V-06354. Therefore, the duty of water shall not exceed 4.0 acre-feet per acre per season or 904.32 acre-feet per season from any and/or all sources. These proofs are subject to the July 1, 1918 agreement between B.L. Park, Wm. Glover, Agnes Glover and John Christiansen, in Book E., Page 337 Agr., Douglas County Recorders Office. Based on the agreement and Proofs V-06354 and V-06355, Schwake will receive 0.37 c.f.s. plus 1/3 of the remaining flow and Dreyer will receive 2/3 of the flow less than the 0.37 c.f.s.

*Note: These diversion rates and duties are based on a 198 day irrigation season beginning April 1 and ending October 15 of each year. Duties are also based on high flow measurements during the early part of the irrigation season of slightly greater than 6.0 c.f.s. Actual flow rates will diminish throughout the irrigation season to a fraction of this rate.

TABLE 2. cont. MOTT CREEK DIVERSIONS FOR INDIVIDUAL CLAIMANTS AND EACH 25% HISTORICAL FLOW SPLIT.

PROOF AND PERMIT NUMBERS	ACREAGE ACCEPTED	DECREED DIVERSION RATE* IN C.F.S.	DUTY*: ACRE-FEET PER ACRE	DUTY: TOTAL ACRE-FEET
4. SOUTHERN DIVERSION.				
V-05070	7.071	0.105	4.00	28.28
V-05819	3.160	0.047	4.00	12.64
V-06226	8.290	0.123	4.00	33.16
V-06317	20.000	0.296	4.00	80.00
V-06318	20.000	0.296	4.00	80.00
V-06319	10.000	0.148	4.00	40.00
V-06831	6.920	0.102	4.00	27.68
V-09039	0.220	0.003	4.00	0.88
V-09263	8.730	0.129	4.00	34.92
TOTALS:	**84.391**	**1.250**		**337.56**
GRAND TOTALS:	**444.511**	**4.850**	**Variable***	**1701.90**

1. The diversion rates for each ¼ split of Mott Canyon Creek are based on a spring and early summer average stream flow of 5.000 c.f.s. and not acreage within the ¼ split. Flow and diversion rates during periods of drought and middle to late irrigation season will generally be less than the rates determined in the Final Order of Determination. Therefore; all parties will have to share the water shortage during periods of low flow. The total combined diversion for any of the four splits can be used in its entirety in a rotation system of irrigation. These diversion rates do not exempt any of the parties from the 1952 agreement that specifies ¼ of the flow of Mott Canyon Creek be diverted to each of the four ranches that are subject to said agreement.

2. Second Diversion from North to South: In order to insure an equitable division of water under Proofs V-05314, V-06313 V-06349, V-06350 and V-06351 said proofs will be subject to the rotation schedule described in Exhibit 2 of the Court Order dated August 30, 2010 and contained in Appendix E of this decree.

*Note: These diversion rates and duties are based on a 198 day irrigation season beginning April 1 and ending October 15 of each year. Duties are also based on what was claimed and on crop water requirements for alfalfa, pasture grass and spring grain.

**Note: Proofs of Appropriation V-06350 and V-06351 subject to Ninth Judicial District Court of Nevada, Case No. 25256, Ladell Philips, Plaintiff, v. Michael Philips, Partitioning Real Property.

TABLE 2. MOTT CREEK DIVERSIONS FOR INDIVIDUAL CLAIMANTS AND EACH 25% HISTORICAL FLOW SPLIT.

PROOF AND PERMIT NUMBERS	ACREAGE ACCEPTED	DECREED DIVERSION RATE* IN C.F.S.	DUTY*: ACRE-FEET PER ACRE	DUTY: TOTAL ACRE-FEET
1. NORTHERN DIVERSION				
V-06369	N/A	N/A	N/A	N/A
V-06370	126.900	1.100	3.4*	431.46
TOTALS:	**126.900**	**1.100**		**431.46**
2. SECOND DIVERSION FROM NORTH TO SOUTH.				
V-05314	21.000	0.224	4.00	84.00
V-06313	40.000	0.426	4.00	160.00
V-06349	33.460	0.356	4.00	133.84
V-06350	**12.96	**0.184	4.00	51.84
V-06351	**10.00	**0.092	4.00	40.00
TOTALS:	**117.420**	**1.250**		**469.68**
3. THIRD DIVERSION FROM NORTH TO SOUTH.				
V-05049	15.800	0.171	4.00	63.20
V-06315	60.000	0.648	4.00	240.00
V-06316	40.000	0.432	4.00	160.00
TOTALS:	**115.800**	**1.250**		**463.20**

TABLE 1. TAYLOR CREEK AND UNNAMED SPRING DIVERSIONS.

PROOF NUMBER	ACREAGE ACCEPTED	DECREED DIVERSION RATE* IN C.F.S.	DUTY*: ACRE-FEET PER ACRE	DUTY: TOTAL ACRE-FEET
V-06352 - TAYLOR CR.	5.79	0.100	4.00	23.16
V-06353 - UNNAMED SP.	7.32	0.060	3.22	23.57
TOTALS:	**7.32**			**23.57**

Total acreage irrigated under Proofs V-06532 and V-06533 is 7.32 acres. Taylor Creek (V-06352) totally supplements the Unnamed Springs (V-06353) on 5.79 acres out of 7.32 acres. No distinct division of the supplemental versus the non-supplemental land is illustrated on the supporting map.

*Note: These diversion rates and duties are based on a 198 day irrigation season beginning April 1 and ending October 15 of each year. Duties are also based on what was claimed and on crop water requirements for alfalfa, pasture grass and spring grain.

APPENDIX B

Stream and Spring System Tables

PERMIT NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC FT/ ACRE	TOTAL AC FT
81988	BENTLEY FAMILY TRUST JAMES W BENTLEY TRUSTEE	STUBLE CREEK	SE/NE/NE SEC 16 T 32N R 19E MD B&M N 2710224 A 2802 FT FROM SE COR OF SAID SECTION 16	OCT 16 TO MAR 31	RECREATION JUNE 28 2012	0.400		1.50

PLACE OF USE 40 ACRE DESCRIPTIONS																		ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE				WATER TO BE DIVERTED DURING THE NON-IRRIGATION SEASON FOR FISH HABITAT/PROPAGATION
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14	T 32 N	R 19 E							*			*							0.00
															TOTAL ACRES ALLOTTED				0.00

PERMIT NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC FT/ ACRE	TOTAL AC FT
81987	BENTLEY FAMILY TRUST JAMES W BENTLEY TRUSTEE	[illegible]	SE/NE/NE SEC 16 T 32N R 19E MD B&M N 2756227 W 1521 [illegible] FT FROM SE COR OF SAID SECTION 16	OCT 16 TO MAR 31	RECREATION JUNE 28 2012	0.250		0.750

PLACE OF USE 40 ACRE DESCRIPTIONS																		ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE				WATER TO BE DIVERTED DURING THE NON-IRRIGATION SEASON FOR FISH HABITAT/PROPAGATION
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14	T 32 N	R 19 E							*			*							0.00
															TOTAL ACRES ALLOTTED				0.00

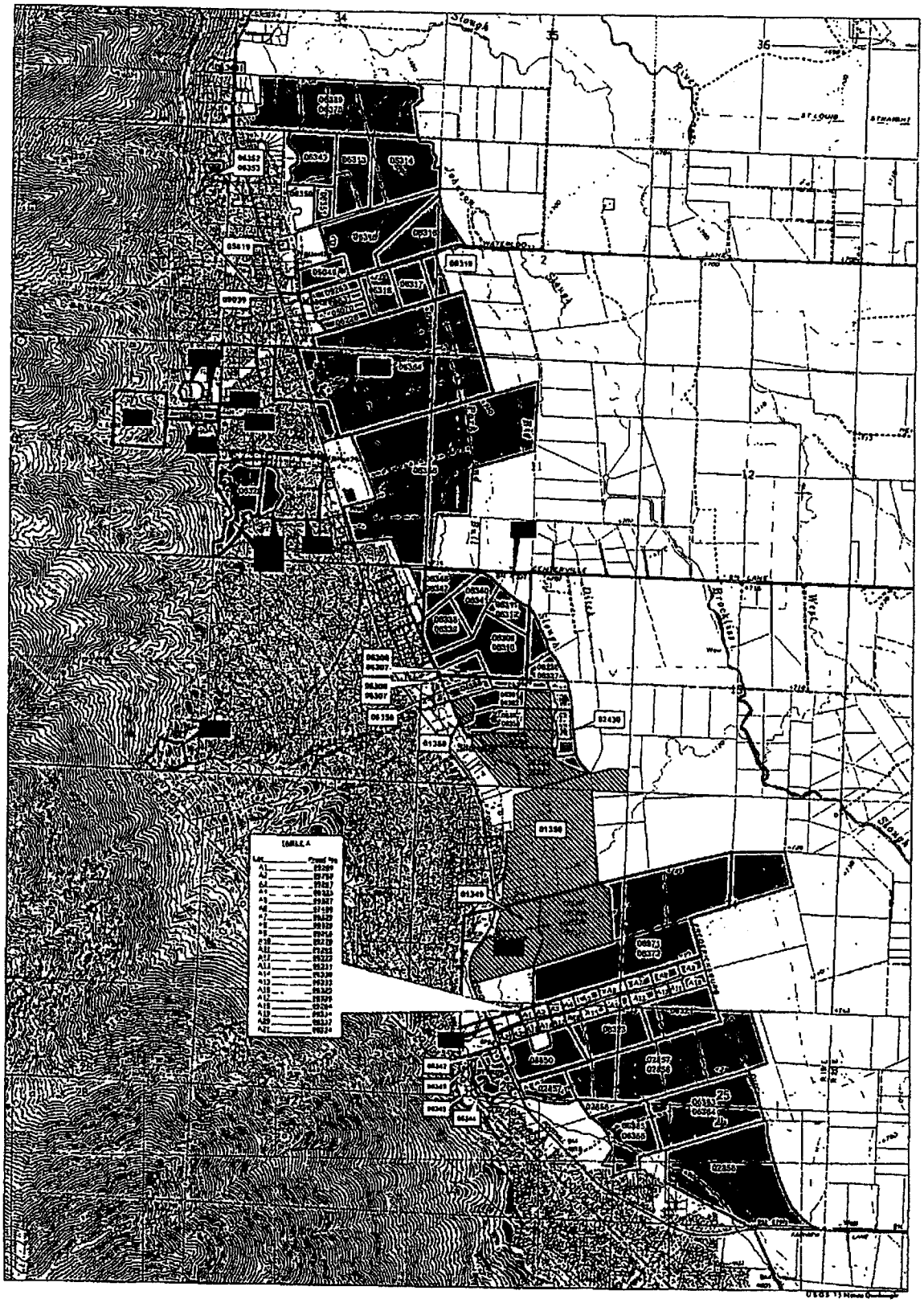
PERMIT NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC-FT / ACRE	TOTAL AC-FT
J6087 CERT 1885	DARWIN + ELLIS ELIZABETH O ELLIS DARWIN + ELLIS AND LINDA T ELLIS	ELLIS SPRING	SE¼NE¼ SEC 09 T 12N R 19E M D B & M N 46°45'W 1 58 FT FROM E¼ COR OF SAID SECTION 09	JAN 1 TO DEC 31	IRRIGATION & DOMESTIC OCT 23 1978	0.011	4.00	1.96

PLACE OF USE 40 ACRE DESCRIPTIONS																		ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
9	T 12 N	R 19 E				0.49													0.49
															TOTAL ACRES ALLOTTED				0.49

PERMIT NO	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC-FT / ACRE	TOTAL AC-FT
81585	BENTLEY FAMILY TRUST AUDESA BENTLEY TRUSTEE	SHEEP DAM CREEK	SE¼NW¼ SEC 15 T 12N R 19E M D B & M N 32°00'W 1 41 4777 FROM SW COR OF SAID SECTION 15	JAN 16 TO MARCH 31	RECREATION JUNE 26 2012	1.200		49.50

PLACE OF USE 40 ACRE DESCRIPTIONS																		ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE				WATER NOT DIVERTED DURING THE NON-IRRIGATION SEASON FOR FISH HABITAT PROPAGATION
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14	T 12 N	R 19 E																	0.00
															TOTAL ACRES ALLOTTED				0.00

Carson Valley-Mott Creek, Et Al. Adjudication
Douglas County, Nevada



State of Nevada
Division of Water Resources
901 S. Stewart St.
Carson City, Nevada 89701

Map Compiled by: R.A. Cagnes 4/3/2001

Legend

N
W E
S

0 0.25 0.5 1

ORIGINAL

CATHERINE CORTEZ MASTO
Attorney General
BRYAN L. STOCKTON
Nevada State Bar # 4764
Senior Deputy Attorney General
100 North Carson Street
Carson City, Nevada 89701
Tele: (775) 684-1228
FAX: (775) 684-1108
Email: bstockton@ag.nv.gov
Attorneys for Respondent,
Nevada State Engineer

2014 JAN -9 PM 3:27

TED THRAN
CLERK
BY _____ DEPUTY

RECEIVED
JAN 0 9 2014
DOUGLAS COUNTY
DISTRICT COURT CLERK

Nevada Office of the Attorney General
100 North Carson Street
Carson City, NV 89701-4717

IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR 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 County, Nevada.	Case No.: 08-CV-0363-E Department No.: I Affirmation pursuant to NRS 239B.039 The undersigned does hereby affirm that the following document does not contain the social security number of any person.

TO: ALL INTERESTED PARTIES

PLEASE TAKE NOTICE that an Order was entered by the Court on December 26, 2013. A copy of said Order is attached hereto as Exhibit A.

DATED this 9th day of January, 2014.

CATHERINE CORTEZ MASTO
Attorney General

By: Bryan L. Stockton
BRYAN L. STOCKTON
Senior Deputy Attorney General
Nevada State Bar #4764
100 North Carson Street
Carson City, Nevada 89701
Tele: (775) 684 -1228
Attorneys for the State Engineer

CERTIFICATE OF MAILING

I, Sandra L. Geyer, certify that I am an employee of the Office of the Attorney General, State of Nevada, and that on this 9th day of January, 2014, I deposited a true and correct copy of the foregoing **NOTICE OF ENTRY OF ORDER**, via the United States Postal Service, Carson City, Nevada, in a postage-prepaid envelop, to the following:

Myles & Amy B. Douglas, Trustees
605 Skyhawk Ranch Road
Gardnerville, Nevada 89460

J Enterprises Trust
HRCI Box 107
Kernville, California 93238

Richard Brown
Sharon Burns
543 Green Acres Drive
Gardnerville, Nevada 89460

Robert O. Anderson
P.O. Box 2229
Minden, Nevada 89423

Blaise & Leslie Carrig
558 Green Acres Drive
Gardnerville, Nevada 89460

Paul & Ellen Marienthal
3636 Boyer Circle
Lafayette, California 94549

Gary & Claudia Casteel, Trustees
581 Green Acres Drive
Gardnerville, Nevada 89460

Kevin J & Linda M. O'Connell
567 Green Acres Drive
Gardnerville, Nevada 89460

Jerald R. Jackson, et al., Trustee
542 Jackson Ranch Road
Gardnerville, Nevada 89460

Henry Edward Warg & Geraldine Gardner
2693 Ford Road
Cheyenne, Wyoming 82009

Jeanne C Nelson, Trustee
P.O. Box 783
Mt. View, California 84042

Jeanne C Nelson, Trustee
2459 San Carlos Avenue
San Carlos, California 94070

Wayne A & Sharon W Currie, Trustees
636 Green Acres Drive
Gardnerville, Nevada 89460

David J. & Anne Dellarosa
612 Green Acres Drive
Gardnerville, Nevada 89460

Richard C. & Sandra J. Ferguson
P. O. Box 1542
Gardnerville, Nevada 89410

Pedro & Margaret M. Villalobos
507 Green Acres Drive
Gardnerville, Nevada 89460

Mark T. & Krista Wyman
P. O. Box 130
Glenbrook, Nevada 89413

Tim Glenner & Laurie Lile
P. O. Box 2966
Wrightwood, California 92397

Nevada Office of the Attorney General
100 North Carson Street
Carson City, NV 89701-4717

Martin B. & Rebecca W. Jackson
575 Jackson Ranch Road
Gardnerville, Nevada 89460

Fiene Revocable Living Trust
542 Foothill Road
Gardnerville, Nevada 89460

Eric & Theresa Allmeroth
546 Jackson Ranch Road
Gardnerville, Nevada 89460

Henry Jr. & Mary Ann perez
546 Jackson Ranch Road
Gardnerville, Nevada 89460

Marie Micheo Abbott, Trustee
520 Foothill Road
Gardnerville, Nevada 89460

Edward H III & Sara H. Groenendyke
P.O. Box 2428
Minden, Nevada 89423

Marshall Kyle
Tyne Honkanen
519 Green Acres Drive
Gardnerville, Nevada 89460

Stephen H. & Patricia Christian
643 Green Acres Drive
Gardnerville, Nevada 89460

John Michael Matthews, Trustee
4948 St. Andrews Drive
Stockton, California 95219

Dwight T. Dumpert
C. Caughlin
2725 Northeast 23rd Avenue
Portland, Oregon 97212

Robert J. Coffman Jr.
500 West Santa Maria, Suite #70
Santa Paula, California 93060

Michael & Yolanda O. Nussdorfer
5350 East McDondald Drive
Paradise Valley, Arizona 85253

Michael W. & Robin I. Catherwood
582 Green Acres Drive
Gardnerville, Nevada 89460

Edward H III & Sara H. Groenendyke
551 Foothill Road
Gardnerville, Nevada 89460

James Donovan Hollaway, et al.
659 Green Acres Drive
Gardnerville, Nevada 89460

John Minasian
4029 Goodland Avenue
Studio City, California 91604

Scossa Ranch LLC.
676 Foothill Road
Gardnerville, Nevada 89460

Sandra L. Geyer, Legal Secretary II
Office of the Attorney General

Nevada Office of the Attorney General
100 North Carson Street
Carson City, NV 89701-4717

Nevada Office of the Attorney General
100 North Carson Street
Carson City, NV 89701-4717

EXHIBIT A

EXHIBIT A

Case No. 08-CV-0363-E

Dept. No. I

REC
DE
2013 DEC 26 AM 9:03
DOUGLAS CO
DISTRICT COURT CL
D. GOELZ
BY DEPUTY

IN THE NINTH JUDICIAL DISTRICT COURT OF 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 County, Nevada.

/

ORDER

THIS MATTER came before the court on October 10, 2012, for a pretrial conference and on November 7, 2102, and November 30, 2012, to hear and resolve specific exceptions to the State Engineer's Final Order of Determination regarding water sources identified within the above caption. Specifically, the exceptions at issue in this submatter were filed by Jerald R. Jackson, Trustee of the Jerald R. Jackson 1975 Trust, as amended, and Irene W. Windholz, Trustee of the Irene M. Windholz Trust dated August 11, 1992, in one instance, and Edward H. Groenendyke, as Trustee of the Groenendyke Family Trust, in the second instance.

Appearing before the court on all three dates were the State of Nevada, and Tracy Taylor, P.E., in his capacity as State Engineer of Nevada, by and through their counsel, Attorney General Catherine Cortez Masto and Senior Deputy Attorney General Bryan

/ / /

/ / /

Stockton.[1] Also appearing before the court on those dates were T. Scott Brooke, Esq. and the law firm of Brooke Shaw Zumpft, representing claimant Edward H. Groenendyke, as Trustee of the Groenendyke Family Trust. Also appearing before the court on those dates were Gordon H. DePaoli, Esq. and the law firm of Woodburn and Wedge, representing Jerald R. Jackson, Trustee of the Jerald R. Jackson 1975 Trust, as amended, and Irene W. Windholz, Trustee of the Irene M. Windholz Trust dated August 11, 1992.[2]

The subject matter of this subproceeding is the complex of springs known as Unnamed Springs A-D. *See* Final Order of Determination, page 16-17. During the October 10th pretrial conference, the parties present stipulated that the normal duty of water for the acreage of real property served by Unnamed Spring (A) is 4.0 acre-feet per acre annually, with the understanding that because the relevant water sources do not produce sufficient water to meet the duty, no claimant will actually receive the full duty of water each year. Transcript of Proceedings, Pretrial Conference of October 10, 2012, page 8, line 2 - page 10, line 13; Transcript of Proceedings of November 7, 2012, page 16, lines 18 - 23. The court hereby adopts the provisions of that stipulation. Thus, references within the State Engineer's Final Order of Determination, including but not limited to page 20 and any corresponding tables and proof summaries arising therefrom such as Table 8 at page 200, to a duty of 2.43 acre-feet per acre shall be substituted with 4.0 acre-feet per acre.

During the proceedings commenced on November 7, 2012, the parties present stipulated that a specific rotation schedule pertinent to the proofs at issue, *see* Table 8 of the

---

[1] Senior Deputy Attorney General Nhu Q. Nguyen, Esq. also appeared on behalf of the State Engineer on October 10th and November 7th.

[2] Dale Ferguson, Esq. also appeared on behalf of the Jackson and Windholz trustees on November 7th and November 30th.

Final Order of Determination, is not to be included within the final decree, but instead a provision will be included within the decree for the implementation by the State Engineer, as the court's water commissioner, of a rotation schedule affecting the specific waters at issue in the event the affected claimants cannot reach agreement regarding an acceptable rotation of water flow promoting a beneficial use. If deemed necessary, a claimant may then lodge an objection before the court regarding the details of a rotation schedule implemented by the State Engineer in any given year. Transcript of Proceedings of November 7, 2012, page 10, line 19 - page 13, line 6. The court hereby adopts the provisions of that stipulation. As water flows decrease over the course of an irrigation season, claimants are to share in the reduced flow proportional to their interest.

With those stipulations in place, on November 30, 2012, the parties sought a ruling from the court to resolve a remaining issue: exceptions raised by the Groenendyke, Jackson and Windholz trustees regarding the State Engineer's commingling of water originating from Unnamed Spring (A) into Unnamed Creek, thereby allegedly redirecting the use of Unnamed Spring (A) from its historical beneficial use and, as a result and in effect, awarding vested water rights to certain downstream claimants. Given this narrowed controversy, the exception to the State Engineer's Final Order of Determination raised by the Jackson and Windholz trustees pertains now only to Proof of Appropriation No. V-06342 as further addressed within this order; the exception raised by the Groenendyke trustee pertains to Proof of Appropriation No. 08850. In effect, however, these narrowed exceptions to now be resolved by the court contest the sharing of water originating from Unnamed Spring (A) with other proofs constituting certain downstream property owners labeled as the Green Acres subdivision.

Specifically, the State Engineer's Final Order of Determination states in relevant part:

/ / /

FINDINGS OF FACT AND CONCLUSIONS

After review and consideration of evidence, testimony at the public administrative hearing held by staff of the State Engineer's Office on March 5 & 7, 2007, to the objections to the Preliminary Order of Determination, and all relevant files in the State Engineer's office, the following is determined:

Objections regarding Unnamed Springs (A), (B), (C) and (D) located within the old Heritage Ranch and the Green Acres Subdivision:

. . .

A. Edward Groenendyke objection to the Preliminary Order of Determination:

An objection to the Preliminary Order of Determination regarding Proof V-08850 as filed by B.J. Vasey, P.E., PLS on behalf of Edward Groenendyke. The basis of the objection is acreage that can be irrigated from Unnamed Spring (A), the duty of water and irrigated acreage.

Mr. Vasey testified that the entire 37.97 acres claimed under Proof of Appropriation No. V-08850 is able to be irrigated from "Unnamed Spring (A)". Cross-examination by Paul Taggart, Esq., did not produce any evidence to refute the 37.97 acres ability to be irrigated from Unnamed Spring (A). A formal field investigation of the water sources and irrigated acreage was conducted on July 26, 2007, as an extension of the March 5, 2007, hearing. The field investigation revealed that 12.43 acres of land lying to the north of the northeast trending drain ditch that bisects the Groenendyke under this claim is irrigated exclusively from "Unnamed Spring (A)". The remaining acreage located to the south and east of the described drain ditch consists of 25.54 acres irrigated by "Unnamed Spring (B)".

Unnamed Spring (B), hereafter referred to as "Unnamed Spring (D)" . . . is the water source for Proof V-06321, 40.36 acres; Proof V-06323, 40.35 acres; and Proof V-08850, 25.54 acres; for a total of 106.25 acres. Proof of Appropriation V-02856 claims a diversion rate of 3.5 cfs for the irrigation of 117.6 acres. Monthly flow measurements were conducted during the 1997 and 1998 irrigation seasons by staff of the Division of Water Resources. The measurements from this spring source ranged from a low of 1.45 cfs in July 0f 1998 to a high of 4.17 cfs in June of 1997. A flow rate from Unnamed Spring (D) of 1.20 cfs during the 198-day growing season will provide a duty of 4.0 acre-feet per acre on the original 117.6 acres. A flow rate of 1.45 cfs will provide 4.83 acre-feet per acre, 3.50 cfs will provide a duty of 11.67 acre-feet per acre and 4.17 cfs will provide a duty of 13.90 acre-feet per acre. The standard consumptive use figure for irrigated crops in northern Nevada is 4.0 acre-feet per acre. Pasture grass, native hay, and various grain types require substantially less water than alfalfa. The dominant crop type within the area of these water claims is pasture grass. . . . Actual consumptive use is considered to be somewhere between [2.23 acre-feet per acre and 3.32 acre-feet per acre].

Aerial photography from 1938, 1939-1940, and 1954 illustrate equivalent vegetative and irrigation patterns within the confines of all irrigated acreage within the Heritage Ranch and Green Acres subdivision areas.

The State Engineer determines that it would not be suitable irrigation practice to apply more water than is necessary to irrigate pasture/harvest lands as listed under Proof V-06321, Proof V-06323, and Proof V-08850. The NEVADA LAW OF WATER RIGHTS authored by Wells A. Hutchins states:

> *Needs of appropriator.* - The appropriate right is restricted to the quantity of water actually needed for irrigation, watering of stock, domestic use, or other beneficial purpose for which the appropriation is made. . . . It is recognized that the quantity of water varies with the seasons, and that a decree that authorizes the diversion of specific quantity at all time regardless of

necessity is erroneous. . . . The appropriator is entitled to enough water for his reasonable needs; . . . but any quantity of water diverted in excess of existing needs is not taken in exercise of a right, but is part of the water to which junior appropriators are entitled. . . .

The State Engineer further finds that the 3.5 cfs from Unnamed Spring (D) used for the irrigation of the above listed acreage yields 3 times the volume of water necessary for the irrigation of the existing and historic crops on this acreage.

The State Engineer determines that Unnamed Spring (A) is the primary source of water for the following claims: Proof V-06342, 7.20 acres; Proof V-08850, 12.43 acres, Proof V-06322, 2.47 acres; Proof V-06325, 2.54 acres; Proof V-06326, 2.50 acres; Proof V-06327, 4.90 acres; Proof V-06328, 5.55 acres; Proof V-06329, 5.22 acres; Proof V-06330, 5.08 acres; Proof V-06331, 4.88 acres; Proof V-06333, 4.98 acres; Proof V-06334, 2.55 acres; Proof V-07486, 4.86 acres; Proof V-09264, 2.53 acres; Proof V-09265, 2.55 acres; Proof V-09266, 5.18 acres; Proof V-09270, 5.18 acres; for a total of 80.60 acres. . . .

. . . Proof of Appropriation V-08850 claims a vested water right from both Unnamed Spring (A) and Unnamed Spring (D). Permit 24919, Certificate 7842, is certificated for the waters of Unnamed Spring (A) for irrigation purposes within the same place of use as claimed under proof V-08850. Both water sources, Unnamed Spring (A) and Unnamed Spring (D), are claimed by Proof of Appropriation Nos. V-06321, V-06323,V-06342, V-06345 (claimed as 'UNNAMED SPRING, DESIGNATED JACKSON SPRING "D" '), and V-08850. Permit 24918, Certificate 7843, and Proof of Appropriation No. V-02856 claim water from an Unnamed Spring, also known as "Unnamed Spring "B" or Jackson Spring "D", for irrigation purposes within the same or portions of the place of use as the aforementioned proofs in the preceding sentence.

The information contained in Permits 24918 and 24919 and Proof of Appropriation V-02856 was reviewed and considered in determining the final disposition of Proof Nos. V-06321, V-06323, V-06342, V-06345 and V-08850. The State Engineer determines that it would not be prudent to attempt to administer the waters of the two spring sources under a minimum of three layers of permits and claims of vested rights. Therefore, the State Engineer determines that Permit 24918, Certificate 7843; Permit 24919, Certificate 7842, and Proof of Appropriation V-02856 are superseded by Proof of Appropriation Nos. V-06321, V-06323, V-06342, V-06345 and V-08850.

. . .

Finally, the State Engineer determines that Unnamed Spring (A) is physically capable of being diverted to any area within the 37.97 acres claimed under Proof V-08850. The State Engineer determines that water from Unnamed Spring (A) is not necessary for the irrigation of the 25.54 acres lying south of the diagonal ditch under this claim and Proofs V-06321 and V-06323 based on prior findings within the scope of this [Groenendyke] objection to the Preliminary Order of Determination. The State Engineer further determines that the commingling of Unnamed Spring (A) with Unnamed Spring (D) directs excessive water onto lands irrigated by the claims referred to in this paragraph. These waters then become drain and waste that may or may not be able to be effectively utilized by claimants within the Green Acres Subdivision.

Mr. Brant Honkanen testified that the reason that his grandfather purchased Lot 4 within the Green Acre Subdivision "was because it had the best water rights." Mr. Honkanen stated that the water from the "spring" (referring to Unnamed Spring (D)) flowed on a continuous basis over the "last 40 years" through the Groenendyke property to the point where it intersected the south ditch that supplies water from Unnamed Spring (A) and Miller Creek near the center of the south line of the Honkanen property (APN 1219-26-001-031). Mr. Honkanen said that the stream of water from Unnamed Spring (D) created "a natural pond at the confluence

of the south Green Acres ditch and the diagonal ditch that flows through the Groenendyke property (APN 1219-26-001-035). Mr. Honkanen's description of the confluence of the Unnamed Spring (D) and the South Green Acres Ditch was confirmed during the July 26, 2007, field investigation.

A field investigation of the irrigation system conducted on August 6, 1992, revealed that the spring source, "Unnamed Spring D", aka Jackson Spring "D", claimed under Proofs V-02856, V-08850, V-06321 and V-06323 was capable of being diverted approximately 150 feet north from the claimed point of diversion. The water was transmitted to the east through a culvert beneath Foothill Road and into the "bisecting ditch" that separates the north and south portions of Proof V-08850. Water was also transmitted through the Foothill Road culvert from a spring and swamp area that now comprises the "Jackson Pond" that was the primary issue of the aforementioned field investigation. The existence and location of this diversion and associated culvert/headgate substantiates the Honkanen testimony referred to in the preceding paragraph.

Staff of the State Engineer's Office has observed that the construction of the pond near the southeast corner of the Jackson property precludes the ability to divert water through the "bisecting ditch" through the Groenendyke property. The preceding findings are resolved [by] the subsequent State Engineer's Order [requiring reconstruction of the headgates and distribution system].

. . .

The State Engineer finds that the subdivision of the land that once comprised the two separate ranches that are the subject of this objection precludes the ability to irrigate the acreage in the manner that is completely consistent with the historic practices that were in effect prior to the 1960's.

Based on the preceding findings, the State Engineer finds that any flow from Unnamed Spring (D) in excess of 1.5 cfs shall be divided in a 60%/40% split with 40% of the water above 1.5 cfs diverted to the north through the diversion and culvert in the aforementioned paragraph, thence, flow to the east beneath Foothill Road and through the ditch that bisects the acreage listed under Proof V-08850. This water will intersect the ditch that flows from west to east along the south boundary of the Green Acres subdivision at a point near the middle of the south boundary of the irrigated acreage under Proof V-09264. The water from Unnamed Spring (D) shall have a direct diversion right, and will be available for use during the rotation schedule as set forth for Unnamed Spring (A) with the exception of Claims V-06321, V-06323, V-06334, V-06342, V-06345, and V-08850 that cannot physically receive water from this diversion. The remaining 60% of the flow in excess of 1.5 cfs will remain in the ditch that provides water to Heritage Ranch water users under Claims V-06321, V-06323 and V-08850.

The State Engineer determines that Hutchins definition of the "Needs of appropriator" as discussed on page 19 of this Final Order precludes the use of water from Unnamed Spring (A) to supplement flows from Unnamed Spring (D) that are in excess of what is considered a reasonable duty of water to accomplish the needs of the irrigators under Claims V-06321, V-06323 and V-08850. Therefore, the State Engineer finds that Unnamed Spring (A) shall henceforth be appurtenant to lands described under Proof V-06342, 7.20 acres; Proof V-08850, 12.43 acres, Proof V-06322, 2.47 acres; Proof V-06325, 2.54 acres; Proof V-06326, 2.50 acres; Proof V-06327, 4.90 acres; Proof V-06328, 5.55 acres; Proof V-06329, 5.22 acres; Proof V-06330, 5.08 acres; Proof V-06331, 4.88 acres; Proof V-06333, 4.98 acres; Proof V-06334, 2.55 acres; Proof V-07486, 4.86 acres; Proof V-09264, 2.53 acres; Proof V-09265, 2.55 acres; Proof V-09266, 5.18 acres; Proof V-09270, 5.18 acres; for a total of 80.60 acres.

The State Engineer determines that water from Unnamed Spring (A) can be distributed over the entire 37.97 acres claimed under Proof V-08850. The State Engineer finds that the 12.43 acres lying north of the bisecting ditch receive water as a direct diversion from Unnamed Spring (A). The State Engineer determines that the primary source of water for the 25.54 acres

lying south of said ditch is Unnamed Spring (D). The State Engineer finds that commingling the waters of Unnamed Spring (A) with the waters of Unnamed Spring (D) is not necessary for the irrigation of lands that are exclusively irrigated by said Spring (D). Further, the State Engineer determines that the commingling of Unnamed Spring (A) water with the waters of Unnamed Spring (D) allows the application of more water than is necessary to adequately irrigate land covered by said Unnamed Spring (D), therefore, the State Engineer concludes that the continued use of Unnamed Spring (A) water to supplement Unnamed Spring (D) constitutes a waste of water that is not allowed under Chapter 533 of the Nevada Water Law [specifically citing NRS 533.070 among others].

. . .

B. Jerald R. Jackson objection to the Preliminary Order of Determination:

An objection to the Preliminary Order of Determination regarding Proofs of Appropriation V-09264, V-09265, V-09266, V-09267, V-09268, V-09269, V-09270, V-02856, V-06342, V-06343, V-06344, V-06345 and Permits Nos. 24918, C-7843, and 24919, C-7842, was filed by Paul G. Taggart, Esq. on behalf of Jerald R. Jackson, et al. The basis of the objection is clarification of "drain and waste rights, priority date, exclusion of stock watering rights and the inclusion of the claimant's proofs in the rotation schedule.

In response to objection section 1. <u>Drain and Waste Rights to Unnamed Jackson Spring "A" and Any Unnamed Creek that Issues Therefrom.</u>

A hearing of objections to the Preliminary Order of Determination was held by the staff of the State Engineer's Office on March 5, 2007. A formal field investigation of the water sources and irrigated acreage was held on July 26, 2007, as an extension of the March 5, 2007, hearing. The field investigation revealed that Proofs of Appropriation V-09267, V-09268, and V-09269 do not receive water from Unnamed Spring (A); therefore the State Engineer determines that Unnamed Spring (A) is not a valid source of water for said Proofs of Appropriation. However, the State Engineer has determined that Proofs of Appropriation V-09265, V-09266 and V-09270 can receive water from Unnamed Spring (A) as a direct diversion. It was the intent of the Preliminary Order of Determination to describe Unnamed Spring (A) as a primary source of water to V-09265, V-09266 and V-09270, and remains the intent of this Final Order of Determination to describe the same. Culture maps from the U.S. Geologic Survey show homogenous vegetation on the parcels of land that make up the aerial photography from 1938, 1939-1940, and 1954 illustrate equivalent vegetative and irrigation patterns within the confines of all irrigated acreage within the Heritage Ranch and Green Acres subdivision areas.

State Engineer's Final Order of Determination, page 16 - 25 (footnotes and citations omitted).

Preceding the hearing of November 30, 2012, the court had conducted a site visit in the presence of the parties and counsel on November 7, 2012, observing the relevant unnamed sources of water pertinent to the exceptions at issue. During the hearing of November 30, 2012, the court received the testimony of witnesses and documentation offered into evidence, including copies of maps and photographs containing information dating back to the year 1904, as well as copies of patents and deeds dating back to the year 1864 among other things.

At the conclusion of the hearing, the court provided the parties with a post-hearing

period of time to file any written objections they had regarding the proffered documentary evidence. No written objections have been received. Therefore, hearing exhibits 1 through 6 as marked and offered by the State Engineer are hereby admitted; hearing exhibits A through M as marked and offered by the Jackson and Windholz trustees are also admitted.[3]

Having examined all relevant pleadings and papers on file herein, and having considered the evidence and testimony presented during the hearing of November 30, 2012, and taking into account the court's observations during the site visit of November 7, 2012, the court now enters the following order, good cause appearing:

THAT the portion of the State Engineer's Final Order of Determination recounted above regarding Unnamed Spring (A) is affirmed; the parties' exceptions entered pertaining to Unnamed Spring (A) are denied.

Findings of Fact

The court adopts the relevant findings of fact contained within the State Engineer's Final Order of Determination as it pertains to the specific determination regarding Unnamed Spring (A). Those findings are substantiated by the record reflected within the exhibits referenced as footnotes within the Final Order of Determination and by the evidence adduced during the November 30th hearing, as well as the information obtained by the court during the site visit of November 7th. The findings include:

1. "Unnamed Spring (B), hereafter referred to as "Unnamed Spring (D)" . . . is the water source for Proof V-06321, 40.36 acres; Proof V-06323, 40.35 acres; and Proof V-08850, 25.54 acres; for a total of 106.25 acres."

2. "A flow rate from Unnamed Spring (D) of 1.20 cfs during the 198-day growing

---

[3] Any oral objections, if any, stated during the November 30th hearing are summarily denied, having received no further briefing from the parties.

season will provide a duty of 4.0 acre-feet per acre on the original 117.6 acres. A flow rate of 1.45 cfs will provide 4.83 acre-feet per acre, 3.50 cfs will provide a duty of 11.67 acre-feet per acre and 4.17 cfs will provide a duty of 13.90 acre-feet per acre."

3. "The standard consumptive use figure for irrigated crops in northern Nevada is 4.0 acre-feet per acre. Pasture grass, native hay, and various grain types require substantially less water than alfalfa. The dominant crop type within the area of these water claims is pasture grass. . . . Actual consumptive use is considered to be somewhere between [2.23 acre-feet per acre and 3.32 acre-feet per acre]."

4. "Aerial photography from 1938, 1939-1940, and 1954 illustrate equivalent vegetative and irrigation patterns within the confines of all irrigated acreage within the Heritage Ranch and Green Acres subdivision areas."

5. "[T]he 3.5 cfs from Unnamed Spring (D) used for the irrigation of the above listed acreage yields 3 times the volume of water necessary for the irrigation of the existing and historic crops on this acreage."

6. "Unnamed Spring (A) is physically capable of being diverted to any area within the 37.97 acres claimed under Proof V-08850."

7. "[W]ater from Unnamed Spring (A) is not necessary for the irrigation of the 25.54 acres lying south of the diagonal ditch under this claim [Proof V-08850] and Proofs V-06321 and V-06323."

8. "[T]he commingling of Unnamed Spring (A) with Unnamed Spring (D) directs excessive water onto lands irrigated by the claims referred to [directly above]. These waters then become drain and waste," precluding assured effective utilization by downstream claimants.

9. Mr. Brant Honkanen testified [during a prior adminstrative hearing] that the reason that his

grandfather purchased Lot 4 within the Green Acre Subdivision "was because it had the best water rights." Mr. Honkanen stated that the water from the "spring" (referring to Unnamed Spring (D)) flowed on a continuous basis over the "last 40 years" through the Groenendyke property to the point where it intersected the south ditch that supplies water from Unnamed Spring (A) and Miller Creek near the center of the south line of the Honkanen property (APN 1219-26-001-031). Mr. Honkanen said that the stream of water from Unnamed Spring (D) created "a natural pond at the confluence of the south Green Acres ditch and the diagonal ditch that flows through the Groenendyke property (APN 1219-26-001-035). Mr. Honkanen's description of the confluence of the Unnamed Spring (D) and the South Green Acres Ditch was confirmed during the July 26, 2007, field investigation.

10. A field investigation of the irrigation system conducted on August 6, 1992, revealed that the spring source, "Unnamed Spring D", aka Jackson Spring "D", claimed under Proofs V-02856, V-08850, V-06321 and V-06323 was capable of being diverted approximately 150 feet north from the claimed point of diversion. The water was transmitted to the east through a culvert beneath Foothill Road and into the "bisecting ditch" that separates the north and south portions of Proof V-08850. Water was also transmitted through the Foothill Road culvert from a spring and swamp area that now comprises the "Jackson Pond" that was the primary issue of the aforementioned field investigation. The existence and location of this diversion and associated culvert/headgate substantiates the Honkanen testimony referred to in the preceding paragraph.

11. "[T]he subdivision of the land that once comprised the two separate ranches that are the subject of this objection precludes the ability to irrigate the acreage in the manner that is completely consistent with the historic practices that were in effect prior to the 1960's."

12. "Proofs of Appropriation V-09267, V-09268, and V-09269 do not receive water from Unnamed Spring (A)."

13. "Proofs of Appropriation V-09265, V-09266 and V-09270 can receive water from Unnamed Spring (A) as a direct diversion."

14. Similar to Finding No. 4, "[c]ulture maps from the U.S. Geologic Survey show homogenous vegetation on the parcels of land that make up the aerial photography from 1938, 1939-1940, and 1954 illustrate equivalent vegetative and irrigation patterns within the confines of all irrigated acreage within the Heritage Ranch and Green Acres subdivision areas."

15. Interviews of various individuals asserting the possession of knowledge regarding the subject matter at issue, as transcribed, marked and admitted into evidence as Defendant's Exhibit H, represent that no water from Unnamed Spring (A) was historically allowed to flow downstream to irrigate the Green Acre parcels other than perhaps as drainage or via tailwater

use.

16. Although no water from Unnamed Spring (A) is asserted to have been historically diverted to reach the Green Acre parcels directly, the capability to do so exists today as observed during the site visit and is known to have existed historically based upon the early construction of a wooden pipeline allowing the diversion of water from Unnamed Spring (A) toward the east of Foothill Road, thereby allowing the source water to reach the Green Acre parcels if desired. Alternatively, the water could be diverted south before reaching Foothill Road. *See*, inter alia, Plaintiff's Exhibit 2.

Conclusions of Law

The court adopts the relevant conclusions contained within the State Engineer's Final Order of Determination as it pertains to the specific determination regarding Unnamed Spring (A). Those conclusions include:

1. "[I]t would not be suitable irrigation practice to apply more water than is necessary to irrigate pasture/harvest lands as listed under Proof V-06321, Proof V-06323, and Proof V-08850."

2. "[C]ommingling the waters of Unnamed Spring (A) with the waters of Unnamed Spring (D) is not necessary for the irrigation of lands that are exclusively irrigated by said Spring (D)."

3. "[T]he commingling of Unnamed Spring (A) water with the waters of Unnamed Spring (D) allows the application of more water than is necessary to adequately irrigate land covered by said Unnamed Spring (D)."

4. "[T]he continued use of Unnamed Spring (A) water to supplement Unnamed Spring (D) constitutes a waste of water that is not allowed under Chapter 533 of the Nevada Water Law", specifically NRS 533.070 among others.

5. To the extent the objections to the State Engineer's conclusions regarding the vested rights in Unnamed Spring (A) held by the owners of the Green Acre parcels are based on circumstantial evidence, and weighing the documentation said to focus upon the historical use and appropriation of water from Unnamed Spring (A) against the historical existence of such diversion capability, the court concludes that the existence of such diversion capability prevails as the more reasonable and reliable interpretation of the facts that such diversion did occur despite the circumstantial denials presented to the contrary.

Combining the conclusion immediately above with the State Engineer's conclusions contained within the Final Order of Determination causes the entry of the court's judgment:

Judgment

That substantial evidence to support the State Engineer's Final Order of Determination is present; the exceptions narrowed to the subject matter of the November 30, 2012, hearing are denied.

Therefore, the State Engineer's determination that Unnamed Spring (A) is the primary source of water for the following claims is affirmed:

> Proof V-06342, 7.20 acres; Proof V-08850, 12.43 acres, Proof V-06322, 2.47 acres; Proof V-06325, 2.54 acres; Proof V-06326, 2.50 acres; Proof V-06327, 4.90 acres; Proof V-06328, 5.55 acres; Proof V-06329, 5.22 acres; Proof V-06330, 5.08 acres; Proof V-06331, 4.88 acres; Proof V-06333, 4.98 acres; Proof V-06334, 2.55 acres; Proof V-07486, 4.86 acres; Proof V-09264, 2.53 acres; Proof V-09265, 2.55 acres; Proof V-09266, 5.18 acres; Proof V-09270, 5.18 acres; for a total of 80.60 acres. . . .

Likewise, the State Engineer's finding that Unnamed Spring (A) shall henceforth be appurtenant to lands described under the following proofs is affirmed:

> Proof V-06342, 7.20 acres; Proof V-08850, 12.43 acres, Proof V-06322, 2.47 acres; Proof V-06325, 2.54 acres; Proof V-06326, 2.50 acres; Proof V-06327, 4.90 acres; Proof V-06328, 5.55 acres; Proof V-06329, 5.22 acres; Proof V-06330, 5.08 acres; Proof V-06331, 4.88 acres; Proof V-06333, 4.98 acres; Proof V-06334, 2.55 acres; Proof V-07486, 4.86 acres; Proof V-09264, 2.53 acres; Proof V-09265, 2.55 acres; Proof V-09266, 5.18 acres; Proof V-09270, 5.18 acres; for a total of 80.60 acres.

As such, those proofs are determined to possess adjudicated vested rights to the water

originating from Unnamed Spring (A).

Miscellaneous

It was previously agreed by the parties participating in the hearing, and therefore is hereby ordered, that any other stipulations reached between those parties pertaining to the issues raised within their exceptions are to be included within the final decree.

It was also ordered during the hearing that the Jackson trustees are to allow the Groenendyke trustees reasonable access to water facilities affecting the Groenendyke property but located on the Jackson property.

The court ordered that any acknowledged acreage errors contained within the Final Order of Determination with regard to this submatter E are to be corrected. The court also hereby orders that all incidental corrections arising since the Final Order of Determination was issued, as discovered by the State Engineer since that date, are also to be corrected within the final decree.

The court concludes that all other issues raised as motions within the Groenendyke trustee's supplemental exception are not within the parameters of this judicial process and therefore are not addressed herein.

Having now entered rulings on all contested exceptions filed within Ninth Judicial District Court case no. 08-CV-0363, the State Engineer is directed to commence the statutory process for entry of a final decree.

IT IS SO ORDERED.

Dated this 24 day of December, 2013.

DAVID R. GAMBLE
Senior District Judge

Copies served by mail this 26 day of December, 2013, to:

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

T. Scott Brooke, Esq.
Brooke Shaw Zumpft
P.O. Box 2860
Minden, NV 89423

Gordon H. DePaoli, Esq.
Woodburn and Wedge
6100 Neil Road, Ste. 500
Reno, NV 89511

Brenda Holzer

DEC 13 2011
OFFICE OF THE SECRETARY OF STATE
TRACY TRIMBLY SILAS SOMMO

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 (filed Notice of Request and Notice Regarding Partial Ownership of Claim 06320 on 2/11/09, by Ross E. De Lipkau and John Zimmerman;

B-Douglas (nothing was filed but the Exception was requested orally by Mr. De Lipkau in open Court)

C-Brooks (filed Notice of Exceptions and Exceptions to Final Order of Determination on 3/23/09, by Michael Matuska);

D-Bentley/Forester (filed Reply to Exceptions by Bentley to Final Order of Determination on 3/27/09, by Thomas Hall;

E-Gronendyke/Jackson- (Gronendyke filed Claimant's Notice of Exceptions to the Final Order of Determination Regarding proof of Appropriation No. V-08850 on 3/25/09, by T. Scott Brooke and Jackson filed Notice of Exceptions to the Final Order of Determination on 3/26/09, by George Keele;

F-Davis-(filed Notice of Exception to the Order of Determination on 3/26/09, in proper person.

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 and they are to file that document 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.

The State Engineer stated that A, B and C will be resolved per stipulation

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

CASE NO. 08-CV-0363E

DEPT NO. I

ITMO MOTT CREEK WATER,

ATTORNEY GENERAL COUNSEL:
Nhu Nguyen
Bryan Stockton

DEFENDANT'S COUNSEL:
T. Scott Brooke
Gordon DePaoli

DATE: 10/10/12

JUDGE: DAVID R. GAMBLE

CLERK: Mary Biaggini

COURT REPORTER: Kathy Jackson

LAW CLERK: John Seddon

BAILIFFS: Rick Sousa

The above-entitled matter was before the Court this being the time set for a PRE-TRIAL CONFERENCE. The plaintiff was represented by counsel. The defendant was represented by counsel.

The Court advised the parties that an Evidentiary Hearing shall be scheduled.

Mr. Brooke described his planned presentation of evidence for the Evidentiary Hearing/Rotation Schedule.

Mr. DePaoli also commented regarding the Evidentiary Hearing.

Ms. Nguyen commented regarding the Evidentiary Hearing.

The Court set this matter for an Evidentiary Hearing to beginning on Wednesday, November 7, 2012 at 9:00 a.m., including the presentation of opening statements and walk-through.

The hearing will resume on Friday, November 9, 2012, at 9:00 a.m., for the presentation of evidence.

CASE NO. 08-CV-0363(E)

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: 11/7/12

JUDGE: DAVID R. GAMBLE

COUNSEL:
Brian Stockton-Deputy Attorney General rep. State Engineer

T. Scott Brooke-rep. Groenendyke

Gordon DePaoli
Dale Ferguson

CLERK: Pamela Gregory

COURT REPORTER: Christy Joyce

LAW CLERK: John Seddon

BAILIFFS: Rick Sousa

OTHERS PRESENT: Nhu Nguyen-Attorney General's Office

The above-entitled matter was before the Court this being the time set for OPENING STATEMENTS.

After considering the comments of counsel, the Court recessed to conduct a site inspection.

The Court did not reconvene and the matter was continued.

CASE NO. 08-CV-0363E

DEPT NO. I

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

ATTORNEY GENERAL COUNSEL:
Bryan Stockton, Esq.
Steve Walmsley

DEFENDANT'S COUNSEL:
T. Scott Brooke, Esq.
Gordon DePaoli, Esq.

DATE: 11/30/12

JUDGE: DAVID R. GAMBLE

CLERK: Mary Biaggini

COURT REPORTER: Shelly Loomis

LAW CLERK: John Seddon

BAILIFFS: Bill Addington

The above-entitled matter was before the Court this being the time set for an EVIDENTIARY HEARING. The plaintiff's was represented by counsel. The defendant's were present in Court and represented by counsel.

STATE'S EXHIBIT'S MARKED:
State's Exhibit 1 - Report of Field Investigation prepared by the State Engineer's Office
2,3,4,5,6 - State Engineer's Maps

STATE'S EXHIBIT'S ADMITTED:
1 through 6 (per Court Order - Admitted Post Hearing)

DEFENDANT'S EXHIBIT'S MARKED:
A through M

DEFENDANT'S EXHIBIT'S ADMITTED:
A through M (per Court Order - Admitted Post Hearing

WITNESSES SWORN AND PROVIDED TESTIMONY:
Steve Walmsley
Robert Anderson

The Court spoke with the parties regarding a potential updated agreement between the parties.

Mr. Stockton presented opening statements and advised the Court that some negotiations have occurred between the parties. Mr. Stockton further stated that several of the parties have reached agreement except Mr. Jackson.

Mr. DePaoli addressing the Court on behalf of Mr. Jackson advised the Court that no agreement has been reached by his client.

The Court addressed Mr. Stockton, acknowledging that he shall be presenting evidence to the Court for further ruling.

The Court recessed at 9:20 a.m. The Court reconvened at 9:23 a.m.

Mr. DePaoli advised the Court that Mr. Jackson would not attempt to sell or transfer the water rights from the property. Mr. DePaoli further stated that he would be prepared to present evidence in today's hearing.

The Court advised the parties upon examination of the plain table map regarding the Court's observation/diversion and the conveyance of the map.

The Court stated to the parties that it would offer to take evidence today since no global agreement had been reached.

Mr. Stockton advised the Court that the State Engineer was prepared to present evidence and proceed forward.

Mr. Brooke stated that he had no additional evidence to present and would rely upon the submittal's to the Court and Mr. DePaoli's summary.

Mr. DePaoli advised the Court that he was ready to proceed.

The Court offered into evidence if stipulated by the parties the maps and the plain table maps.

Mr. Walmsley was previously sworn and provided testimony.

The Court ordered that the exhibit's presented today shall be admitted by stipulation without objection.

The Court recessed at 11:20 a.m. The Court reconvened at 11:26 a.m.

Mr. Walmsley resumed testimony.

The Court recessed at 12:00 p.m., and will resume at 1:30 p.m.

The Court acknowledged the Respondents's Exhibit's as marked and foundation has been made.

Mr. Anderson was sworn and provided testimony.

The Court inquired with the parties regarding the controversy the parties would like the Court to decide and how it should be decided.

The Court further stated to the parties that as far as the clients being represented by Mr. Clouser, the Court has received only an opposition for a motion and has not received any motions to intervene to confirm his clients intentions.

The Court advised the parties that the Court's order will contain findings, conclusions and instructions.

Mr. Stockton presented closing statements.

Mr. Depaoli presented closing statements.

Mr. Brooke presented closing statements.

Upon hearing the information provided by the parties and review of the documents provided, the Court shall take this matter under submission. The Court instructed the parties they shall have until Wednesday, December 5, 2012 to file any objections.

Exhibits

Title: **SHERIDAN CREEK ADJUDICATION**

PLTF: **BENTLEYS** PATY: **MICHAEL MATUSKA, ESQ**
INT: **INTERVENORS** INT: **THOMAS J. HALL, ESQ**
Case No: **08-CV-0363** Dept. No: **I** Date: **01/09/12**

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

Print Date: 1/7/2012

Exhibits

Title: **SHERIDAN CREEK ADJUDICATION**

PLTF: **BENTLEYS** PATY: **MICHAEL MATUSKA, ESQ**
INT: **INTERVENORS** INT: **THOMAS J. HALL, ESQ**
Case No: **08-CV-0363** Dept. No: **I** Date: **01/09/12**

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

Exhibits

Title: **SHERIDAN CREEK ADJUDICATION**

PLTF: **BENTLEYS** PATY: **MICHAEL MATUSKA, ESQ**
INT: **INTERVENORS** INT: **THOMAS J. HALL, ESQ**
Case No: **08-CV-0363** Dept. No: **I** Date: **01/09/12**

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

Exhibits

Title: **SHERIDAN CREEK ADJUDICATION**

PLTF: **BENTLEYS** PATY: **MICHAEL MATUSKA, ESQ**
INT: **INTERVENORS** INT: **THOMAS J. HALL, ESQ**
Case No: **08-CV-0363** Dept. No: **I** Date: **01/09/12**

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

Exhibits

Title: **SHERIDAN CREEK ADJUDICATION**

PLTF: **BENTLEYS** PATY: **MICHAEL MATUSKA, ESQ**
INT: **INTERVENORS** INT: **THOMAS J. HALL, ESQ**
Case No: **08-CV-0363** Dept. No: **I** Date: **01/09/12**

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

Print Date: 1/7/2012

PLAINTIFFS EXHIBIT LIS

CASE NAME: ITMO THE DETERMINATION OF THE RELATIVE RIGHTS IN AND TO THE WATERS OF MOTT CREEEK

CASE NUMBER: 08-CV-0363E

DATE OF HEARING: NOVEMBER 30, 2013

JUDGE: DAVID R. GAMBLE

DEPT NO: I

ATTORNEY: BRYAN STOCKTON

PURPOSE OF HEARING: EVIDENTIARY HEARING

Exhibit #	Description	Marked for ID	Admitted
1	Report of Field Investigation	x	x
2	Plane Table Map - Truckee Carson Project Nevada Map 4891	x	x
3	Aerial Photograph-Physical Surveys 1939-1940 BPB Line 13-Photo 92 10/20/1939	x	x
4	Aerial Photograph - Index GS-VEV Line 3-Photo 16 9/5/54	x	x
5	Aerial Photograph - 7/7/1977	x	x
6	Aerial Photograph-Farm Service Agency June-Sept, 2010	x	x

DEFENDANT'S EXHIBIT LI

CASE NAME: ITMO THE DETERMINATION OF THE RELATIVE RIGHTS IN AND TO THE WATERS OF MOTT CREEEK

CASE NUMBER: 08-CV-0363E

DATE OF HEARING: NOVEMBER 30, 2013

JUDGE: DAVID R. GAMBLE

DEPT NO: I

ATTORNEY: T. SCOTT BROOKE AND GORDON DEPAOLI

PURPOSE OF HEARING: EVIDENTIARY HEARING

Exhibit #	Description	Marked for ID	Admitted
A	Relevant Patents	x	x
B	Edwin Cary (Berrum) Chain Abstract of Title	x	x
C	WM. N.H. (Green Acres) Chain Abstract of Title	x	x
D	Application for Permit to Appropriate the Public Waters of the St. Of NV No. 24525	x	x
E	Application for Permit to Appropriate the Public Waters of the St. Of NV No. 24526	x	x
F	Application for Permit to Appropriate the Public Waters of the St. Of NV No. 24919	x	x

G	State of Nevada Proof of Appropriation of Water for Irrigation (Green Acres Proofs)	x	x
H	Interviews	x	x
I	Robert O. Anderson Biographical Data Form (Curriculum Vitae)	x	x
J	Deeds	x	x
K	Patents-Kirk, Cary, Cary & Wyatt 12/10/1864	x	x
L	Property Transfers 12/10/1864	x	x
M	Property Boundaries as of 12/11/1864	x	x

STATE OF NEVADA)
) ss
COUNTY OF DOUGLAS)

I, BOBBIE WILLIAMS, Clerk of the Court, State of Nevada, and ex-officio Clerk of the District Court, Ninth Judicial District of the State of Nevada, in and for the said County of Douglas; said Court being a Court of Record, having common law jurisdiction, and a Clerk and a Seal, do hereby certify that the foregoing are the full, true copies of the following original pleadings filed in Case No. 08-CV-0363 and 08-CV-0363(E) IN THE MATTER OF THE DETERMINATION OF THE RELATIVE RIGHTS IN AND TO THE WATERS OF MOTT CREEK; Notice of Appeal; Amended Notice of Appeal; Case Appeal Statement; Amended Case Appeal Statement; District Court Docket entries; Judgment, Order, Notice of Entry of Order filed October 16, 2014; Notice of Entry filed January 09, 2014; District Court Minutes and Exhibit Lists.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal at Minden, in said County and State this 10th day of December, A.D., 2014.

County Clerk

Deputy Clerk

Douglas County

BOBBIE R. WILLIAMS
CLERK OF COURT
COURT ADMINISTRATOR
JURY COMMISSIONER

District Court Clerk's Office
(775) 782-9820
Tahoe Justice Court
(775) 586-7200
East Fork Justice Court
(775) 782-9955

Transmittal to the Supreme Court

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

Date: December 10, 2014

Re: District Court Case #: 08-CV-0363 & 08-CV-0363 (E)

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. Checked items are **NOT** included in this appeal:

** Notice of Appeal

** Amended Notice of Appeal

** Case Appeal Statement

** Amended Appeal Statement

** District Court Docket entries

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

XXX Order (NRAP FORM 4)

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

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

** District Court Minutes

** Exhibit List

** Supreme Court filing fee ($250.00), if applicable

RECEIVED
DEC 10 2014
TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
DEPUTY CLERK

Respectfully,

BOBBIE WILLIAMS
CLERK OF THE COURT

By: _____
Deputy Court Clerk

Items checked are not applicable or not available.

P.O. Box 218 • Minden, Nevada 89423