IN THE SUPREME COURT OF THE STATE OF NEVADA

OFFICE OF THE CLERK

No. 67289

Electronically Filed
Dec 23 2014 04:02 p.m.
Tracie K. Lindeman
Clerk of Supreme Court

J.W. BENTLEY, MARYANN BENTLEY, TRUSTEES OF THE BENTLEY FAMILY 1995 TRUST; JERALD R. JACKSON, TRUSTEE OF THE JERALD R. JACKSON 1975 TRUST, AS AMENDED; AND IRENE M. WINDHOLZ, TRUSTEE OF THE WINDHOLZ TRUST DATED AUGUST 11, 1992, Appellants, vs. THE STATE OF NEVADA STATE ENGINEER; HALL RANCHES, LLC; THOMAS J. SCYPHERS; KATHLEEN M. SCYPHERS; FRANK SCHARO; SHERIDAN CREEK EQUESTRIAN CENTER, LLC; DONALD S. FORRESTER; KRISTINA M. FORRESTER; RONALD R. MITCHELL; AND GINGER G. MITCHELL, Respondents.	**Supreme Court No. 66932** District Court Case No. 08-CV-0363 **DOCKETING STATEMENT** **CIVIL APPEALS**

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

Docket 66932 Document 2014-42015

15-02743

GENERAL INFORMATION

All appellants not in proper person must complete this docketing statement. NRAP 14(a). The purpose of the docketing statement is to assist the Supreme Court in screening jurisdiction, classifying cases for en banc, panel, or expedited treatment, compiling statistical information and identifying parties and their counsel.

WARNING

This statement must be completed fully, accurately and on time. NRAP 14(c). The Supreme Court may impose sanctions on counsel or appellant if it appears that the information provided is incomplete or inaccurate. *Id.* Failure to fill out the statement completely or to file it in a timely manner constitutes grounds for the imposition of sanctions, including a fine and/or dismissal of the appeal.

A complete list of the documents that must be attached appears as Question 26 on this docketing statement. Failure to attach all required documents will result in the delay of your appeal and may result in the imposition of sanctions.

This court has noted that when attorneys do not take seriously their obligations under NRAP 14 to complete the docketing statement properly and conscientiously, they waste the valuable judicial resources of this court, making the imposition of sanctions appropriate. *See* KDI Sylvan Pools v. Workman, 107 Nev. 340, 344, 810 P.2d 1217, 1220 (1991). Please use tab dividers to separate any attached documents.

1. **Judicial District:** Ninth **Department:** I

County: Douglas **Judge:** David Gamble

District Court Case No.: 08-CV-0363

2. **Attorney filing this docketing statement:**

Attorney: Gordon H. DePaoli Telephone 775-688-3010

Firm: Woodburn and Wedge

Address: 6100 Neil Road, Suite 500, Reno, Nevada 89511

Client(s): 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 (the "Jackson Appellants").

If this is a joint statement by multiple appellants, add the names and addresses of other counsel and the names of their clients on an additional sheet accompanied by a certification that they concur in the filing of this statement.

3. **Attorney(s) representing respondents(s):**

Attorney: Bryan L. Stockton Telephone: 775-684-1228

Firm: Nevada Attorney General's Office

Address: 100 N. Carson Street, Carson City, Nevada 89701

Client(s): Nevada State Engineer

Attorney: T. Scott Brooke Telephone 775-782-7171

Firm: Brooke Shaw Zumpft

Address: P.O. Box 2860, Minden, Nevada 89423

Client(s): Edward H. Groenendyke, Trustee of the Groenendyke Family Trust

4. **Nature of disposition below (check all that apply):**

[ ] Judgment after bench trial

[ ] Judgment after jury verdict

[ ] Summary judgment

[ ] Default judgment

[ ] Grant/Denial of NRCP 60(b) relief

[ ] Grant/Denial of injunction

[ ]Grant/Denial of declaratory relief

[ ] Review of agency determination

[ ] Dismissal:

[ ] Lack of jurisdiction

[ ] Failure to state a claim

[ ] Failure to prosecute

[ ] Other (specify: _____

[ ] Divorce Decree:

[ ] Original [ ] Modification

[X] Other disposition (specify):

Disposition pursuant to N.R.S. 533.170 and N.R.S. 533.185

5. **Does this appeal raise issues concerning any of the following:** No

[ ] Child Custody

[ ] Venue

[ ] Termination of parental rights

6. **Pending and prior proceedings in this court.** List the case name and docket number of all appeals or original proceedings presently or previously pending before this court which are related to this appeal:

Appellants J.W. Bentley and Maryann Bentley, Trustees of the Bentley Family 1995 Trust (the "Bentley Appellants") have listed the following as related to this appeal:

Writ proceeding (Case No. 56531 - dismissed)

Appeal (Case No. 56551 - dismissed)

Appeal (Case No. 59188 - dismissed)

Appeal (Case No. 60891 - dismissed)

Appeal (Case No. 64773 - pending)

Appeal (Case No. 66303 - pending)

Those matters may very well be related to the appeal brought by the Bentley Appellants. They are not related to the appeal brought by the Jackson Appellants. Moreover, other than the fact that the appeal brought by the Bentley Appellants and the Jackson Appellants involve the same water right decree, there is no relationship between the Bentley Appeal and the Jackson Appeal. The issues in each appeal do not involve common questions of law or fact. In addition, the appeals do not involve a common water source; the Bentley Appellants do not have access, any interest in or claim to, the water source of the Jackson Appellants, and vice-versa. For the convenience of the Court and the parties, the Bentley Appeal and the Jackson Appeal should be separated and processed as independent appeals.

7. **Pending and prior proceedings in other courts.** List the case name, number and court of all pending and prior proceedings in other courts which are related to this appeal (*e.g.*, bankruptcy, consolidated or bifurcated proceedings) and their dates of disposition:

Ninth Judicial District Court Case No. 08-CV-0363-E
In the Matter of the Determination of the Relative Rights in and to the Waters of Mott Creek, et al. - Disposition by Findings of Fact, Conclusions of Law, Judgment and Decree - September 29, 2014

The Bentley Appellants have listed the following:

Ninth Judicial District Court Case No. 08-CV-0363-D
In the Matter of the Determination of the Relative Rights in and to the Waters of Mott Creek, et al.

Ninth Judicial District Court Case No. 12-CV-0141
Joy Smith, et al. v. State Engineer

Ninth Judicial District Court Case No. 12-CV-0145
Bentley v. State Engineer

Ninth Judicial District Court Case No. 13-CV-0121
Bentley v. State Engineer

Consolidated with:

Ninth Judicial District Court Case No. 08-CV-0363-D-1
Bentley, et al. v. State Engineer. Petition for Judicial Review dismissed on November 27, 2014. Award of Costs entered on July 14, 2014.

For the reasons expressed in response to 6 above, those matters, including 08-CV-0363-D, are not related to the Jackson Appeal.

8. Nature of the action. Briefly describe the nature of the action and the result below:

The Findings of Fact, Conclusions of Law, Judgment and Decree (the "Judgment and Decree") in this action are the result of 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 adjudication process initially took place before the State Engineer as provided in N.R.S. 533.090 - 533.160. The 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. Exceptions to the Final Order of Determination were filed, and 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 determination made as to which parties hold water rights established under the common law to a spring referred to as "Unnamed Spring A." Unnamed Spring A is located in California, and is diverted at its source in California by a spring box and pipeline to portions of the former Heritage Ranch in Nevada. The State Engineer determined, and after receiving testimony and documentary evidence, the Court affirmed his determination, that certain parties whose lands were never part of the former Heritage Ranch also

held water rights established under the common law to Unnamed Spring A. The Court also ordered 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."

9. **Issues on appeal.** State specifically all issues in this appeal (attach separate sheets as necessary):

(a) Whether a party can acquire a right to water under the common law of California or Nevada absent evidence that the water was diverted and placed to beneficial use by the party's predecessor-in-interest prior to 1914 under California law and prior to 1905 under Nevada law.

(b) Whether there is substantial evidence in the record before the State Engineer or the Court to support a finding that lands which were never a part of the Heritage Ranch hold a water right under the common law of California or Nevada to divert water directly from Unnamed Spring A.

(c) Whether, in a proceeding initiated under the provisions of N.R.S. 533.090, et seq., to determine rights to water, a court may also grant the holder of a water right access to the lands of another party without receiving any evidence to establish an express or prescriptive easement.

10. **Pending proceedings in this court raising the same or similar issues.** If you are aware of any proceedings presently pending before this court which raises the same or similar issues raised in this appeal, list the case name and docket numbers and identify the same or similar issue raised:

The Bentley Appellants stated that "Docket Nos. 64773 and 66303 name the same issues concerning the rotation schedule." For the reasons stated in response to No. 6 above, those issues are not involved in the Jackson Appeal. We are not aware of any proceedings pending before this Court which raise the same or similar issues to the Jackson Appeal.

11. **Constitutional issues.** If this appeal challenges the constitutionality of a statute, and the state, any state agency, or any officer or employee thereof is not a party to this appeal, have you notified the clerk of this court and the attorney general in accordance with NRAP 44 and NRS 30.130?

[X] N/A

[ ] Yes

[ ] No

If not, explain:

12. Other issues. Does this appeal involve any of the following issues?

[X] Reversal of well-settled Nevada precedent (identify the case(s)) *(see below)*

[ ] An issue arising under the United States and/or Nevada Constitutions

[ ] A substantial issue of first impression

[ ] An issue of public policy

[ ] An issue where en banc consideration is necessary to maintain uniformity of this court's decisions

[ ] A ballot question

If so, explain:

Before Nevada and California established a statutory permitting process for appropriation of water in 1905 and 1914, respectively, water was appropriated in each state under the common law by diverting it and placing it to beneficial use. *Walsh v. Wallace*, 26 Nev. 299, 321 (1902); *Duckworth v. Watsonville Water & Light Co.*, 158 Cal. 206, 211, 110 P. 297 (1910). However, after 1905 in Nevada, and after 1914 in California, an appropriative water right may only be established by an application to and permit from the Nevada State Engineer or the California State Water Resources Board and its predecessor agency. *See*, N.R.S. 533.030(1); 533.325; Cal. Water Code 1225; *In Re Fillipini*, 66 Nev. 17, 202 P.2d 535 (1949); *Crane v. Stevinson*, 5 Cal.2d 387, 54 P.2d 1100, 1105-06 (1936).

There was no direct or circumstantial evidence before the State Engineer or the District Court to show that anyone, other than the predecessors-in-interest to Jackson and Groenendyke

had diverted and used water directly from Unnamed Spring A prior to 1905 or 1914. Absent such evidence and in order to affirm the decision here, this Court would need to overrule that well settled Nevada precedent, and to the extent that California law should be applied here, this Court would have to disregard that well settled California precedent.

13. Trial. If this action proceeded to trial, how many days did the trial last?

The site visit lasted one day, and the evidentiary hearing on the exceptions lasted 1 day.

Was it a bench or jury trial?

The evidence was presented to the District Court Judge pursuant to the provisions of N.R.S. 533.170.

14. Judicial Disqualification. Do you intend to file a motion to disqualify or have a justice recuse him/herself from participation in this appeal? If so, which Justice?

No.

TIMELINESS OF NOTICE OF APPEAL

15. Date of entry of written judgment or order appealed from September 29, 2014. If no written judgment or order was filed in the district court, explain the basis for seeking appellate review:

16. Date written notice of entry of judgment or order was served October 16, 2014. Was service by:

[ ] Delivery
[X] Mail/electronic/fax

17. If the time for filing the notice of appeal was tolled by a post-judgment motion (NRCP 50(b), 52(b), or 59)

(a) Specify the type of motion, the date and method of service of the motion, and the date of filing.

[ ] NRCP 50(b) Date of filing _____

[ ] NRCP 52(b) Date of filing _____

[ ] NRCP 59 Date of filing _____

NOTE: Motions made pursuant to NRCP 60 or motions for rehearing or reconsideration may toll the time for filing a notice of appeal. *See* AA Primo Builders v. Washington, 126 Nev. ____, 245 P.3d 1190 (2010).

(b) Date of entry of written order resolving tolling motion N/A

(c) Date written notice of entry of order resolving tolling motion was served

N/A

Was service by:

[ ] Delivery

[ ] Mail

18. Date notice of appeal filed November 14, 2014.
If more than one party has appealed from the judgment or order, list the date each notice of appeal was filed and identify by name the party filing the notice of appeal:

19. Specify statute or rule governing the time limit for filing the notice of appeal, *e.g.*, NRAP 4(a) or other N.R.A.P. 4(a); N.R.S. 533.200.

SUBSTANTIVE APPEALABILITY

20. Specify the statute or other authority granting this court jurisdiction to review the judgment or order appealed from:

(a)

[X]	NRAP 3A(b)(1)	[ ]	NRS 38.205
[ ]	NRAP 3A(b)(2)	[ ]	NRS 233B.150
[ ]	NRAP 3A(b)3	[ ]	NRS 703.376
[X]	Other (specify) N.R.S. 533.200		

(b) Explain how each authority provides a basis for appeal from the judgment or order.

21. List all parties involved in the action or consolidated actions in the district court:

(a) Parties:

All the persons whose rights to water were determined by the Judgment and Decree are identified in **Exhibit 1** attached hereto. However, not all of those persons appeared before the State Engineer. As a result, and pursuant to N.R.S. 533.125(2), the State Engineer filed proofs of claims for those persons.

Pursuant to N.R.S. 533.170, the only persons who were parties before the District Court as to Subpart E, were the State Engineer, and the Jackson Appellants and Edward H. Groenendyke, Trustee of the Groenendyke Family Trust by reason of their filing of exceptions to the State Engineer's Final Order of Determination.

(b) If all parties in the district court are not parties to this appeal, explain in detail why those parties are not involved in this appeal, *e.g.*, formally dismissed, not served, or other:

The Jackson appeal involves only Subpart E. Persons whose water rights are involved in Subpart E, but who did not appear before the District Court, are not involved in the appeal and are served by service on the Attorney General. *See*, N.R.S. 533.200.

22. Give a brief description (3 to 5 words) of each party's separate claims, counterclaims, cross-claims, or third-party claims and the date of formal disposition of each claim.

The State Engineer filed his Final Order of Determination with the Clerk of the District Court pursuant to N.R.S. 533.165. The Final Order of Determination determined water rights to Unnamed Spring A in favor of parties where no claim of right was presented, and based upon no evidence that any of the predecessors-in-interest of those parties had diverted and used water directly from Unnamed Spring A prior to 1905 and 1914, in order to establish a water right under the common law of Nevada or California, respectively. Pursuant to N.R.S. 533.160, the Final Order of Determination "has the legal effect of a complaint in a civil action." Groenendyke filed an exception to that determination by the State Engineer, and the Jackson Appellants filed

exceptions and joined in the Groenendyke exceptions. Pursuant to N.R.S. 533.170(2), the exceptions are part of the pleadings in the case. The District Court disposed of the issues raised by those pleadings by order dated December 24, 2013, filed December 26, 2013. The order confirmed and approved the State Engineer's determination on those issues.

By motion filed September 21, 2012, Groenendyke moved the District Court for an order granting access to certain facilities. Although the District Court in its December 24, 2013 order determined that some of the issues raised were "not within the parameters of this judicial process, and therefore [were] not addressed," it also ordered 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."

23. Did the judgment or order appealed from adjudicate ALL the claims alleged below and the rights and liabilities of ALL the parties to the action or consolidated actions below?

[X] Yes

[ ] No

24. If you answered "No" to question 23, complete the following:

(a) Specify the claims remaining pending below:

(b) Specify the parties remaining below:

(c) Did the district court certify the judgment or order appealed from as a final judgment pursuant to NRCP 54(b)?

[ ] Yes

[ ] No

(d) Did the district court make an express determination, pursuant to NRCP 54(b), that there is no just reason for delay and an express direction for the entry of judgment?

[ ] Yes

[ ] No

25. If you answered "No" to any part of question 24, explain the basis for seeking appellate review (*e.g.*, order is independently appealable under NRAP 3A(b)):

26. Attach file-stamped copies of the following documents: *See* **Exhibit 2** attached hereto.

- The latest-filed complaint, counterclaims, cross-claims, and third-party claims
- Any tolling motion(s) and order(s) resolving tolling motion(s)
- Orders of NRCP 41(a) dismissals formally resolving each claim, counterclaims, cross-claims and/or third-Party claims asserted in the action or consolidated action below, even if not at issue on appeal
- Any other order challenged on appeal
- Notices of entry for each attached order

VERIFICATION

I declare under penalty of perjury that I have read this docketing statement, that the information provided in this docketing statement is true and complete to the best of my knowledge, information and belief, and that I have attached all required documents to this docketing statement.

Jerald R. Jackson, Trustee of the Jerald R. Jackson 1975 Trust, as amended; and Irene M. Windholz, Trustee of the Windholz Trust dated August 11, 1992
Name of appellant

Gordon H. DePaoli
Name of counsel of record

December 23, 2014
Date

Signature of counsel of record

Washoe County, Nevada
State and county where signed

CERTIFICATE OF SERVICE

I certify that on December 23, 2014, I served a copy of this completed docketing statement upon all counsel of record:

[ ] By personally serving it upon him/her; or
[X] By mailing it by first class mail with sufficient postage prepaid to the following address(es):

Scott Brooke
Brooke Shaw Zumpft
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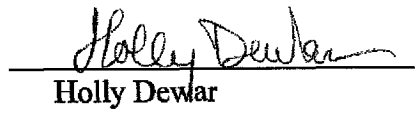

Holly Dewar

EXHIBIT 1

in response to Docketing Statement question 21(a)

3. OWNER OF RECORD INDEX

OWNER OF RECORD	PROOF/PERMIT NO.	SOURCE	PAGE NOS.
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EXHIBIT 1

3. OWNER OF RECORD INDEX

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3. OWNER OF RECORD INDEX

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EXHIBIT 2

Part 1 of 3

in response to Docketing Statement question 26

Case No. 08-CV-0363-E

Dept. 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 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

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/ / /

EXHIBIT 2

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

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[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

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[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:

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Brenda Holzer

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

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DISTRICT COURT CLERK

FILED

08-CV-0863

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 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.

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KAREN ELLISON, RECORDER

C

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.

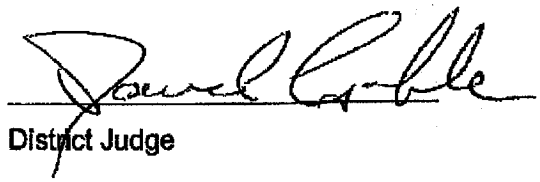
E.) From, in any manner, meddling with, opening, closing, changing, injuring, or otherwise interfering with any head gates, weirs, water boxes, flumes or other measuring devices placed, installed or established by the State Engineer or under his authority or direction, unless such act be done by the 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

EXHIBIT 2

Part 2 of 3

in response to Docketing Statement question 26

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.
V-02420	FRANK J. JUDD	PALMER SWAMP	SWNSEM SEC. 14, T.12N., R.19E., M.D.B.&M.	APR.1 TO OCT. 15	IRRIGATION 1897	0.210	4.00	82.8

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION	REMARKS
SECTION	TOWN-SHIP	RANGE	NE				NW				SW				SE						STOCKWATER IS ALSO RECOGNIZED, SEE SEC. XII 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.															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 AC.-FT./ ACRE	TOTAL AC.-FT.
V-02857	THE HOLDEN LIVING TRUST DATED AUGUST 24, 1993 HANSON TRUST, DATED APRIL 2, 1980 ROBERT D. & WANDA D. SHOCKEY	UNNAMED SPRING "C"	SENWNW SEC. 26, T.12N., R.19E., M.D.B.&M.,S.47°37'14"E. 3,808.0 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	TOWN-SHIP	RANGE	NE				NW				SW				SE						STOCKWATER IS ALSO RECOGNIZED, SEE SEC. XII OF 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.			29.00	3.50		26.40	11.60	30.50	16.90									117.90		PROOF V02856 SUPPLEMENTS THIS PROOF WITH THE EXCEPTION OF 1.40 ACRES IN THE SENWNEN AND 15.40 ACRES IN THE SWNWNEN SECTION 26, T.12N., R.19E., M.D.B.&M.
26	T. 12 N., R. 19 E.		0.70		15.10	29.00													45.10		
															TOTAL ACRES ALLOTTED				163.00		

DOUGLAS COUNTY APN'S 1219-25-001-006, 007; AND 1219-26-001-037, 038 (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-02858	THE HOLDEN LIVING TRUST DATED AUGUST 24, 1993 HANSON TRUST, DATED APRIL 2, 1980 ROBERT D. & WANDA D. SHOCKEY AHERN LIVING TRUST 1980 WILD GOOSE LIMITED PARTNERSHIP ROBERT H. & ARLENE M. BROWN FAMILY TRUST	LUTHER CREEK	PRIMARY (WEST) DIVERSION: NENSEN SEC. 35, T.12N., R.19E., M.D.B.&M., S.13°21'16"W. 3072.0 FT. FROM NE COR. OF SAID SECTION 35, IN ALPINE COUNTY, CALIFORNIA. SECONDARY (EAST) DIVERSION: SWHNWN SEC. 36, T.12N., R.19E., M.D.B.&M., S.07°05'10"E. 2163.0 FT. FROM NW COR. OF SAID SECTION 36, IN ALPINE COUNTY, CALIFORNIA.	APR. 1 TO OCT. 15 JAN. 1 TO DEC. 31	IRRIGATION DOMESTIC 1853	* 1.670 ** 6.000	4.00 4.00	507.60 516.00

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	N E				N W				S W				S E						
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
25	T. 12 N.,	R. 19 E.		29.00	3.50		26.40	11.60	30.50	16.90	20.60			19.90	1.60	33.40	36.50	18.00	245.90		STOCKWATER IS ALSO RECOGNIZED FOR 70 HEAD OF LIVESTOCK. SEE SEC. X8 OF THE FINAL ORDER OF DETERMINATION
26	T. 12 N.,	R. 19 E.	0.70			30.40									0.40				31.60		NORTH DIVERSION:
																			278.40		

NORTH DIVERSION:

* 1.6 OF 10 C.F.S. IS APPURTENANT TO 119.4 ACRES LOCATED WITHIN THE S½NE¼ AND NW¼ SECTION 25 AND E½NE¼ AND NE¼SE¼ SECTION 26, T.12N., R.19E., M.D.B.&M.

PROOF V02857 SUPPLEMENTS THIS PORTION OF THIS PROOF WITH THE EXCEPTION OF 1.40 ACRES IN THE SE¼NE¼ AND 0.40 ACRE IN THE NE¼SE¼ SECTION 26, T.12N., R.19E., M.D.B.&M.

SOUTH DIVERSION:

** 6.0 OF 10 C.F.S. IS APPURTENANT TO 129 ACRES LOCATED WITHIN THE E½SW¼ AND SE¼ SECTION 26, T.12N., R.19E., M.D.B.&M.

NORTH DIVERSION: DOUGLAS COUNTY APN'S 1219-25-002-001 AND 1219-26-001-037& 039 (PORTIONS).

SOUTH DIVERSION: DOUGLAS COUNTY APN 1219-25-002-002 (PORTION). 1219-25-002-001 AND 1219-26-001-037& 039 (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-04594	ALLAN AND P.J. SAPP FAMILY TRUST AGREEMENT SAPP 1993 TRUST ALAN D. SAPP, TRUSTEE THEADORE AND KATHERINE WEBER	SHERIDAN CREEK (NORTH AND SOUTH DIVERSIONS) AND STUTLER CREEK	SHERIDAN CREEK NENSE¼ SEC. 16, T.12N., R.19E., M.D.B.&M., N.72°23'31"E. 5,412.47, FROM SW COR. OF SAID SECTION 16. STUTLER CREEK SENNE¼ SEC. 16, T.12N., R.19E., M.D.B.&M., N.42°55'27"W. 1,572.88 FT. FROM SE COR. OF SAID SECTION 16.	APR.1 TO OCT. 15	IRRIGATION 1862 FOR SHERIDAN CR. 1905 FOR STUTLER CK.	*0.013 ** 0.096 *** 0.010	14.88 11.48	40.00 1.68

PLACE OF USE 40 ACRE DESCRIPTIONS																		ACRES PER SECTION	REMARKS
SECTION	TOWN-SHIP	RANGE	NE				NW				SW				SE				TOCKWATER IS ALSO RECOGNIZED, SEE SEC. XII OF FINA 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.							0.25	0.88	3.12	5.75							10.00
															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 1219-14-001-0018 AND 1219-14-002-005, 006.
THE MAP WAS FILED ON JAN. 4, 1996, IN THE COUNTY RECORDER'S OFFICE IN BOOK 196, PAGE 767, DOCUMENT NO. 378278.

PROOFS V06305 AND V06306 WERE FILED BY THEODORE AND KATHERINE A. WEBER FOR THE WATERS OF STUTLER AND SHERIDAN CREEKS, RESPECTIVELY. THEREFORE, PROOFS V06305-6 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 GANSBERG SPRING UNDER PERMIT 7696, CERTIFICATE 1760.

THE TOTAL COMBINED DUTY OF WATER SHALL NOT EXCEED 4.00 ACRE-FEET PER ACRE OF WATER FROM ALL WATER SOURCES.

DOUGLAS COUNTY APN'S 1219-14-002-005, 006.

* 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 NENSW¼ AND 6.75 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.:08-CV0368-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-05049	BENZ FAMILY TRUST	MOTT CREEK & UNNAMED STREAM	NENSEN SEC. 04, T.12N., R.19E., M.D.B.&M., S.04°30'W. 3,400.00 FT. FROM NE COR. OF SAID SECTION 04. NWNSWN SEC. 03, T.12N., R.19E., M.D.B.&M., S.11°E. 3,460.00FT. FROM NW COR. OF SAID SECTION 03.	APR.1 TO OCT. 15 JAN. 1 TO DEC.31	IRRIGATION DOMESTIC 1862	0.171	4.00	63.20

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		
3	T. 12 N.,	R. 19 E.									10.66					5.24			15.90	TOCIWATER IS ALSO RECOGNIZED, SEE SEC. XII OF FINA ORDER OF DETERMINATION DOUGLAS COUNTY APN 1219-03-002-087.
															TOTAL ACRES ALLOTTED				15.90	

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY: PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ ACRE	TOTAL AC.-FT.
V-05070	LORILYN V. AND RANDALL R. CHITWOOD	MOTT CREEK	NENSEN SEC. 04, T.12N., R.19E., M.D.B.&M., S.14°15'43"W. 759.47 FT. FROM EN COR. OF SAID SECTION 04.	APR.1 TO OCT. 15 JAN. 1 TO DEC.31 JAN. 1 TO DEC.31	IRRIGATION DOMESTIC STOCK WATER 1859	0.105	4.00	28.20

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		
3	T. 12 N.,	R. 19 E.												2.071			6.00		7.071	DOMESTIC AND STOCK WATER SUFFICIENT TO WATER 12 HEAD OF LIVESTOCK IS INCLUDED. THIS PROOF IF PARTIALLY SUPPLEMENTED BY PERMIT 63414, UNDERGROUND WATER. DOUGLAS COUNTY APN 1219-03-002-064.
															TOTAL ACRES ALLOTTED				7.077	

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY: PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ ACRE	TOTAL AC.-FT.
V-06314	DAVID B. DAVIS AND SHARON L. DAVIS MADDIS FRIESIAN RANCH, LLC	MOTT CREEK	FOUR WAY SPLIT OF STREAM: NE¼SE¼ SEC. 04, T.12N., R.19E., M.D.B.&M., S.03°30'20"W. 3,398.85 FT. FROM NE COR. OF SAID SECTION 04. TWO WAY SPLIT OF PRECEEDING SPLIT: NW¼SW¼ SEC. 03, T.12N., R.19E., M.D.B.&M., S.10°52'41"E. 3,426.70 FT. FROM NW COR. OF SAID SECTION 03. SPLIT TO ALLERMAN SUCCESSORS: SE¼NW¼ SEC. 03, T.12N., R.19E., M.D.B.&M., S.35°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	N.E.				N.W.				S.W.				S.E.						STOCKWATER IS ALSO RECOGNIZED. SEE SEC. XII 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.	3.86	9.45	4.07	3.62														21.00	THIS PROOF IS SUPPLEMENTED BY PERMIT 68296,
															TOTAL ACRES ALLOTTED					21.00	CERTIFICATE 14690, UNDERGROUND WATER.
																					DOUGLAS COUNTY APN 1219-03-001-062.

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 MOTT CREEK IN A WAY THAT PROMOTES BENEFICIAL USE OF THE WATER AS PER COURT ORDER DATED MAY 21, 2010 (CASE NO. 08-CV0094-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-05819	MOTTSVILLE CEMETERY ASSOCIATION	MOTT CREEK	NENSEW SEC. 04, T.12N., R.19E., M.D.B.&M., S.12°45'30"W. 762 FT. FROM E¼ COR. OF SAID SECTION 04.	APR.1 TO OCT. 15 JAN. 1 TO DEC.31	IRRIGATION DOMESTIC 1890	0.047	4.00	12.64

PLACE OF USE 40 ACRE DESCRIPTIONS																			ACRES PER SECTION	REMARKS
SECTION	TOWN-SHIP	RANGE	NE				NW				SW				SE					STOCKWATER IS ALSO RECOGNIZED. SEE SEC. XII 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.								0.89	2.44	0.13							3.16	DOMESTIC USE IS FOR DRINKING WATER FOR VISITORS TO THE CEMETERY.
															TOTAL ACRES ALLOTTED				3.16	

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY: PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ ACRE	TOTAL AC.-FT.
V-06226	EDWARD J. HAYES AND CONSTANCE G. HAYES	MOTT CREEK	PRIMARY DIVERSION: NENSEW SEC. 04, T.12N., R.19E., M.D.B.&M., S.12°45'W. 763 FT. FROM E¼ COR. OF SAID SECTION 04. SECONDARY DIVERSION: SENSWN SEC. 03, T.12N., R.19E., M.D.B.&M., S.61°03'E. 2,068 FT. FROM W¼ COR. OF SAID SECTION 03.	APR.1 TO OCT. 15 JAN. 1 TO DEC.31	IRRIGATION DOMESTIC 1863	0.123	4.00	33.16

PLACE OF USE 40 ACRE DESCRIPTIONS																			ACRES PER SECTION	REMARKS
SECTION	TOWN-SHIP	RANGE	NE				NW				SW				SE					STOCKWATER IS ALSO RECOGNIZED. SEE SEC. XII 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.												1.28			7.01		8.29	THIS PROOF IS SUPPLEMENTED BY PERMIT 27931, CERTIFICATE 9514, UNDERGROUND. DOUGLAS COUNTY APN 1218-03-602-065.
															TOTAL ACRES ALLOTTED				8.29	

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY: PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC./FT./ ACRE	TOTAL AC./FT.
V-06284	THE RODGERS FAMILY TRUST	SHERIDAN CREEK SOUTH DIVERSION	PRIMARY DIVERSION: NE¼SE¼ SEC. 15, T.12N., R.19E., M.D.B.&M., N.03°00'W. 1,647 FT. FROM SE COR. OF SAID SECTION 15. SECONDARY DIVERSION: NW¼SW¼ SEC. 14, T.12N., R.19E., M.D.B.&M., N.13°37'E. 1,716 FT. FROM SW COR. OF SAID SECTION 14.	APR 1 TO OCT. 15	IRRIGATION 1871	0.390	4.00	160.80

PLACE OF USE 40 ACRE DESCRIPTIONS																		ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE				STOCKWATER IS ALSO RECOGNIZED, SEE SEC. XII 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.												8.50			29.10	2.50	40.20
															TOTAL ACRES ALLOTTED				40.20

A PORTION OF THIS PROOF IS SUPPLEMENTAL TO BARBER CREEK DECREED RIGHTS.

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.
V-06265	THE RODGERS FAMILY TRUST	SHERIDAN CREEK (SOUTH DIVERSION)	PRIMARY DIVERSION: NE¼SE¼ SEC. 15, T.12N., R.19E., M.D.B.&M., N.03°08'W. 1,647 FT. FROM SE COR. OF SAID SECTION 15. SECONDARY DIVERSION: NW¼SW¼ SEC. 14, T.12N., R.19E., M.D.B.&M., N.13°37'E. 1,716 FT. 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	TOWN-SHIP	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		

STOCKWATER IS RECOGNIZED FOR 60 HEAD OF LIVESTOCK, SEE SEC. XII OF THE FINAL ORDER OF DETERMINATION

A PORTION OF THIS PROOF IS SUPPLEMENTAL TO BARBER CREEK DECREED RIGHTS.

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.
V-06305	BENTLEY FAMILY TRUST 1993 TRUST	STUTLER CREEK	SE¼NE¼ SEC. 16, T.12N., R.19E., M.D.B.&M., N.37°10'24"W. 2,892.69 FT. FROM SE COR. OF SAID SECTION 16.	APR.1 TO OCT. 15 JAN 1. TO DEC. 31	IRRIGATION DOMESTIC 1906	6.040	*1.49	**19.37

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.							7.67	1.94		3.32							12.93	STOCKWATER IS ALSO RECOGNIZED. SEE SEC. XII OF FINAL ORDER OF DETERMINATION
															TOTAL ACRES ALLOTTED				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.
																				**DUTY OF WATER IS BASED ON THE DIVERSION RATE EXPANDED OVER A 196 DAY GROWING SEASON.
																				LAND WITHIN THE NW SECTION 14 IS SUPPLEMENTAL TO PROOF V06306 AND SUPPLEMENTED BY PERMIT 7595, CERTIFICATE 1760
																				A BOUNDARY LINE ADJUSTMENT MAP FOR DOUGLAS COUNTY ASSESSORS PARCELS 19-200-09, 10 AND 11 WAS FILED ON JAN. 4, 1996, IN THE COUNTY RECORDER'S OFFICE IN BOOK 196, PAGE 787, DOCUMENT NO. 378278. ACREAGE PRIOR TO THE LOT BOUNDARY LINE ADJUSTMENT WAS AS FOLLOWS: 7.60 ACRES IN THE SW¼NW¼ SEC. 14 2.76 ACRES IN THE SE¼NW¼ SEC. 14 2.57 ACRES IN THE NW¼SW¼ SEC. 14
																				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-06305	BENTLEY FAMILY TRUST 1995 TRUST	SHERIDAN CREEK (NORTH DIVERSION)	HENSEN SEC. 15, T.12N., R.19E., M.D.B.&M. N.72°20'31"E. 5,412.47. FROM SW COR. OF SAID SECTION 15.	APR.1 TO OCT. 15 JAN. 1 TO DEC.31	IRRIGATION DOMESTIC 1852	*0.153	4.00	51.72

PLACE OF USE 40 ACRE DESCRIPTIONS																			ACRES PER SECTION	REMARKS
SECTION	TOWN-SHIP	RANGE	N.E.				N.W.				S.W.				S.E.					STOCKWATER IS ALSO RECOGNIZED. SEE SEC. XB 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.							7.67	1.94		3.32							12.93	THE TOTAL COMBINED DUTY UNDER THIS PROOF, PROOF V06305 AND PERMIT 7595, CERTIFICATE 1760 SHALL NOT EXCEED 4.0 ACRE-FEET PER ACRE.
																			TOTAL ACRES ALLOTTED 12.93	LAND WITHIN THE N½ SECTION 14 IS SUPPLEMENTAL TO PROOF V06305 AND IS SUPPLEMENTED BY PERMIT 7595, CERTIFICATE 1760.

* CURRENT IRRIGATION PRACTICES INDICATE THAT ALL OF THE WATER UTILIZED UNDER THIS CLAIM FROM SHERIDAN CREEK ORIGINATE FROM THE NORTH DIVERSION OF SAID STREAM. THEREFORE, ALL WATER DELIVERY TO THIS PARCEL SHALL HENCEFORTH BE 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-CV0383-D)

ACREAGE IS DETERMINED BY THE STATE ENGINEER'S OFFICE FROM THE BOUNDARY LINE ADJUSTMENT MAP FOR DOUGLAS COUNTY ASSESSOR'S PARCELS 19-200-09, 10 AND 11. THE MAP WAS FILED ON JAN. 4, 1996, IN THE COUNTY RECORDER'S OFFICE AS BOOK 196, PAGE 197, DOCUMENT NO. 378278.

ACREAGE PRIOR TO THE LOT BOUNDARY LINE ADJUSTMENT WAS AS FOLLOWS:
7.60 ACRES IN THE SW¼NW¼ SEC. 14
2.76 ACRES IN THE SE¼NW¼ SEC. 14
2.57 ACRES IN THE N½S½SW¼ SEC. 14

DOUGLAS COUNTY APN 1219-14-001-019.

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	DENTLEY FAMILY TRUST 1995 TRUST	SHERIDAN CREEK NORTH DIVERSION AND SOUTH DIVERSION	NENSEN SEC. 15, 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	TOWN-SHIP	RANGE	N.E.				N.W.				S.W.				S.E.					
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
14	T. 12 N.,	R. 19 E.							X											STOCKWATER IS RECOGNIZED FOR 22 HEAD OF LIVESTOCK. SEE SEC. XII OF THE FINAL ORDER OF DETERMINATION
15	T. 12 N.,	R. 19 E.													X					SUPPLEMENTAL TO PROOF V06308. 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-06308	DENTLEY FAMILY TRUST 1995 TRUST	STUTLER CREEK	SENNEN 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	TOWN-SHIP	RANGE	N.E.				N.W.				S.W.				S.E.					
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
14	T. 12 N.,	R. 19 E.							X											STOCKWATER IS RECOGNIZED FOR 22 HEAD OF LIVESTOCK. SEE SEC. XII OF THE FINAL ORDER OF DETERMINATION
15	T. 12 N.,	R. 19 E.													X					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.
V-06309	DONALD S. FORRESTER AND KRISTINA M. FORRESTER, HUSBAND AND WIFE AS JOINT TENANTS.	SHERIDAN CREEK *NORTH DIVERSION **SOUTH DIVERSION	RENSER SEC. 15, T.12N., R.19E., M.D.B.&M., N.72°20'31"E. 5,412.43 FT. FROM SW COR. OF SAID SECTION 16.	APR.1 TO OCT. 15	IRRIGATION	*0.710	4.00	243.48
				JAN. 1 TO DEC.31	DOMESTIC	**0.056	4.00	39.60
					1862			

SECTION	TOWN-SHIP	RANGE	N.E. NE	N.E. NW	N.E. SW	N.E. SE	N.W. NE	N.W. NW	N.W. SW	N.W. SE	S.W. NE	S.W. NW	S.W. SW	S.W. SE	S.E. NE	S.E. NW	S.E. SW	S.E. SE	ACRES PER SECTION
ACREAGE IRRIGATED FROM THE NORTH DIVERSION																			
14	T. 12 N.,	R. 19 E.		2.42	8.89		3.73		10.56	35.25									60.87
ACREAGE IRRIGATED FROM THE SOUTH DIVERSION																			
14	T. 12 N.,	R. 19 E.									4.63					5.37			9.90
															TOTAL ACRES ALLOTTED				70.77

PLACE OF USE
40 ACRE DESCRIPTIONS

REMARKS

STOCKWATER IS ALSO RECOGNIZED. SEE SEC. XII OF FINAL ORDER OF DETERMINATION

THE TOTAL COMBINED DUTY UNDER THIS PROOF, PROOF V06310 AND PERMIT 7856, CERTIFICATE 1780 SHALL NOT EXCEED 4.0 ACRE-FEET PER ACRE

THIS PROOF IS PARTIALLY SUPPLEMENTAL TO PROOF V06310 AND SUPPLEMENTED BY PERMIT 7856, CERTIFICATE 1780.

DOUGLAS COUNTY APN 1219-14-001-012 AND A PORTION OF 1219-14-001-008.

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-B)

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY: PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC-FT./ ACRE	TOTAL AC-FT.
V-05310	DONALD S. FORRESTER AND KRISTINA M. FORRESTER, HUSBAND AND WIFE AS JOINT TENANTS.	STUTLER CREEK	SE¼NE¼ SEC. 16, T.12N., R.19E., M.D.B.&M., N.07°10'24"W. 2,892.89 FT. FROM THE SE COR. OF SAID SECTION 16. THE WATERS OF STUTLER CREEK ARE THEN CONVEYED THROUGH A PIPELINE TO A POINT IN THE SE¼SE¼ SEC. 15, T.12N., R.19E., M.D.B.&M., WHERE THE WATERS OF STUTLER 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 NE¼SE¼ SEC. 15, T.12N., R.19E., M.D.B.&M., N.72°20'31"E. 5,412.47 FT. FROM THE SW COR. OF SAID SECTION 15.	APR.1 TO OCT. 15 JAN. 1 TO DEC.31	IRRIGATION DOMESTIC 1905	0.250	* 1.49	90.70

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION	REMARKS
SECTION	TOWN-SHIP	RANGE	N.E.				N.W.				S.W.				S.E.						
			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	9.89		3.73		10.58	35.25										60.87	STOCKWATER IS ALSO RECOGNIZED. SEE SEC. XB OF FINAL ORDER OF DETERMINATION
																			TOTAL ACRES ALLOTTED	60.87	* THE TOTAL COMBINED DUTY UNDER THIS PROOF, PROOF V05309 AND PERMIT 7595, CERTIFICATE 1760 SHALL NOT EXCEED 4.0 ACRE-FEET PER ACRE.
																					THIS PROOF IS SUPPLEMENTAL TO PROOF V05309 AND IS SUPPLEMENTED BY PERMIT 7595, CERTIFICATE 1760.
																					DOUGLAS COUNTY APN 1219-14-003-012 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.
V-06311	THE FNS REVOCABLE TRUST THE CGS REVOCABLE TRUST THOMAS J. SCYPHERS AND KATHLEEN M. SCYPHERS	STUTLER CREEK	SE¼NE¼ SEC. 16, T.12N., R.19E., M.D.B.&M., N.07°10'24"W. 2,892.59 FT. FROM THE SE COR. OF SAID SECTION 16. THE WATERS OF STUTLER CREEK ARE THEN CONVEYED THROUGH A PIPELINE TO A POINT IN THE SE¼SE¼ SEC. 15, T.12N., R.19E., M.D.B.&M., WHERE THE WATERS OF STUTLER 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 NE¼SE¼ SEC. 15, T.12N., R.19E., M.D.B.&M., N.72°20'31"E. 5,412.47 FT. FROM THE SW COR. OF SAID SECTION 15.	APR.1 TO OCT. 15 JAN. 1 TO DEC.31	IRRIGATION DOMESTIC 1866	0.070	* 7.49	24.73

PLACE OF USE 40 ACRE DESCRIPTIONS																			ACRES PER SECTION	REMARKS
SECTION	TOWN-SHIP	RANGE	NE				NW				SW				SE					STOCKWATER IS ALSO RECOGNIZED. SEE SEC. XII 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.		6.03	0.02		15.09			0.67									16.61	* THE TOTAL COMBINED DUTY UNDER THIS PROOF, PROOF V06312 AND PERMIT 7696, CERTIFICATE 1780 SHALL NOT EXCEED 4.0 ACRE-FEET PER ACRE
															TOTAL ACRES ALLOTTED				16.61	THIS PROOF IS SUPPLEMENTAL TO PROOF V06312 AND IS SUPPLEMENTED BY PERMIT 7696, CERTIFICATE 1780.
																				DOUGLAS COUNTY APN'S 1219-14-001-004, SCYPERS; 1219-14-001-005, SEVERSON.

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEAR(LY) PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ ACRE	TOTAL AC.-FT.
V-06312	THE FNS REVOCABLE TRUST THE CGS REVOCABLE TRUST THOMAS J. SCYPHERS AND KATHLEEN M. SCYPHERS	SHERIDAN CREEK (NORTH DIVERSION)	NERSEN SEC. 15, T.12N., R.19E., M.D.B.&M., N.72°20'31"E. 5,412.47 FT. FROM THE SW COR. OF SAID SECTION 15.	APR.1 TO OCT. 15 JAN. 1 TO DEC.31	IRRIGATION DOMESTIC 1852	0.166	* 4.00	66.44

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION	REMARKS
SECTION	TOWN-SHIP	RANGE	NE				NW				SW				SE						STOCKWATER IS ALSO RECOGNIZED. SEE SEC. XII 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.		0.03	0.02		15.69			0.87										16.61	* THE TOTAL COMBINED DUTY UNDER THIS PROOF, PROOF V06311 AND PERMIT 7595, CERTIFICATE 1760 SHALL NOT EXCEED 4.0 ACRE-FEET PER ACRE.
															TOTAL ACRES ALLOTTED					16.61	

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)

THIS PROOF IS SUPPLEMENTAL TO PROOF V06311 AND IS SUPPLEMENTED BY PERMIT 7595. CERTIFICATE 1760.

DOUGLAS COUNTY APNS 1219-14-001-004, SCYPHERS; 1219-14-001-005, SEVERSON.

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY: PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC./FT./ ACRE	TOTAL AC./FT.
V-06313	MADDI'S FRESIAN RANCH, LLC	MOTT CREEK	FOUR WAY SPLIT OF STREAM: NE¼SE¼ SEC. 04, T.12N., R.19E., M.D.B.&M., S.49°03'20"W. 3,366.85 FT. FROM NE COR. OF SAID SECTION 04. TWO WAY SPLIT OF STREAM: NW¼SW¼ SEC. 03, T.12N., R.19E., M.D.B.&M., S.10°52'41"E. 1,246.70 FT. FROM NW COR. OF SAID SECTION 03. SPLIT TO ALLERMAN SUCCESSORS: SE¼NW¼ SEC. 03, T.12N., R.19E., M.D.B.&M., S.35°56'55"E. 2,901.46 FT. FROM NW COR. OF SAID SECTION 03.	APR. 1 TO OCT. 15 JAN. 1 TO DEC. 31 JAN. 1 TO DEC. 31	IRRIGATION DOMESTIC STOCK WATER 1852	0.426	4.00	160.00

PLACE OF USE
40 ACRE DESCRIPTIONS

SECTION	TOWN-SHIP	RANGE	N.E. NE	N.E. NW	N.E. SW	N.E. SE	N.W. NE	N.W. NW	N.W. SW	N.W. SE	S.W. NE	S.W. NW	S.W. SW	S.W. SE	S.E. NE	S.E. NW	S.E. SW	S.E. SE	ACRES PER SECTION
3	T. 12 N.,	R. 19 E.		27.00	13.00														40.00
															TOTAL ACRES ALLOTTED				40.00

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. 09-CV0483-P).

REMARKS

STOCKWATER IS ALSO RECOGNIZED. SEE SEC. XII OF FINAL ORDER OF DETERMINATION

DOUGLAS COUNTY APN 1219-03-001-051.

THIS PROOF IS SUPPLEMENTED BY PERMIT 59086, UNDERGROUND, STOCK WATER, AND PARTIALLY SUPPLEMENTED BY PERMIT 63392, UNDERGROUND, IRRIGATION ON 3.75 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-06375	MOTTSVILLE LIMITED PARTNERSHIP II	MOTT CREEK	NE\SE\ SEC. 04, T.12N., R.19E., M.D.B.&M., S.58°14'04"W. 6,420.37 FT. FROM NE 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	N.E.				N.W.				S.W.				S.E.						STOCKWATER IS ALSO RECOGNIZED, SEE SEC. XII 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.	0.30		21.80	16.80				2.90	1.60				0.10	17.00				60.00	DOUGLAS COUNTY APN'S 1219-03-001-065, 054; 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-06318	DOUGLAS AND AMELIA HELLMAN DANIEL R. & ALICA R. MILLS RAYMOND R. PETERS & NANCY M. PETERS REVOCABLE TRUST DATED 11/21/1990	MOTT CREEK	NE\SE\ SEC. 04, T.12N., R.19E., M.D.B.&M., S.58°14'04"W. 6,420.37 FT. FROM NE 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	0.432	4.00	160.00

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	N.E.				N.W.				S.W.				S.E.						STOCKWATER IS ALSO RECOGNIZED FOR 60 HEAD OF LIVESTOCK, SEE SEC. XII 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.							0.80			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 1219-09-001-066.

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY: PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ ACRE	TOTAL AC.-FT.
V-06317	JACK VETIV	MOTT CREEK	NE¼SE¼ SEC. 04, T.12N., R.19E., M.D.B.&M., S.14°15'43"W. 767.47 FT. FROM E¼ COR. OF SAID SECTION 04.	APR.1 TO OCT. 15 JAN. 1 TO DEC.31	IRRIGATION DOMESTIC 1852	0.206	4.00	80.00

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			STOCKWATER IS ALSO RECOGNIZED, SEE SEC. XII OF FINAL ORDER OF DETERMINATION
3	T. 12 N., R. 19 E.														17.30			2.70	20.00		THIS PROOF IS SUPPLEMENTED BY PERMIT 27931, CERTIFICATE 9514, UNDERGROUND.
															TOTAL ACRES ALLOTTED				20.00		THE CLAIMANT IS NOT THE OWNER OF RECORD OF SAID CERTIFICATE.
																					DOUGLAS COUNTY APN 1219-03-002-087.

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY: PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ ACRE	TOTAL AC.-FT.
V-06318	NORMAN AND SHIRLEY MELNIKOFF, HUSBAND AND WIFE AS JOINT TENANTS	MOTT CREEK	NE¼SE¼ SEC. 04, T.12N., R.19E., M.D.B.&M., S.14°15'43"W. 767.47 FT. FROM E¼ COR. OF SAID SECTION 04.	APR.1 TO OCT. 16 JAN. 1 TO DEC.31 JAN. 1 TO DEC.31	IRRIGATION DOMESTIC STOCK WATER 1852	0.206	4.00	80.00

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			DOMESTIC AND STOCK WATERING OF OF 26 HEAD OF LIVESTOCK.
3	T. 12 N., R. 10 E.														4.20	7.90	4.40	3.50	20.00		THIS PROOF IS SUPPLEMENTED BY PERMIT 61036, UNDERGROUND.
															TOTAL ACRES ALLOTTED				20.00		DOUGLAS COUNTY APN 1219-03-002-086.

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY: PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ ACRE	TOTAL AC.-FT.
V-06319	DONNA BUDDINGTON	MOTT CREEK	NE¼SE¼ SEC. 04, T.12N., R.19E., M.D.B.&M., S.14°16'42"W. 767.47 FT. FROM E¼ COR. OF SAID SECTION 04	APR.1 TO OCT. 15 JAN. 1 TO DEC.31	IRRIGATION DOMESTIC 1862	0.148	4.00	40.00

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		
2	T. 12 N.,	R. 19 E.										3.90							3.90	STOCKWATER IS ALSO RECOGNIZED FOR 10 HEAD OF LIVESTOCK, SEE SEC. XII OF THE FINAL ORDER OF DETERMINATION
3	T. 12 N.,	R. 19 E.													6.10				6.10	THIS PROOF IS SUPPLEMENTED BY PERMIT 27331, CERTIFICATE 9614, UNDERGROUND.
															TOTAL ACRES ALLOTTED				10.00	DOUGLAS COUNTY APN 1219-03-002-088

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY: PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ ACRE	TOTAL AC.-FT.
V-06320	WILLIAM R. TOMERLIN TRUST DATED AUG. 11, 1976 KIMMERLING 1990 TRUST DATED JUNE 12, 1990 MCDERMID 1980 LIVING TRUST MICHAEL PEGRAM JEFF & JODIE WASS FAMILY TRUST MICHAEL MCALISTER 2000 TRUST AGREEMENT	WHEELER CREEK NO. 1 AND WHEELER CREEK NO. 2	* WHEELER CREEK NO. 1 NW¼SW¼ SEC. 10, T.12N., R.19E., M.D.B.&M., S.00°45'E. 1,000 FT. FROM W¼ COR. OF SAID SECTION 10. ** WHEELER CREEK NO. 2 SW¼SW¼ SEC. 10, T.12N., R.19E., M.D.B.&M., S.03°40'E. 2,640 FT. FROM W¼ COR. OF SAID SECTION 10.	APR. 1 TO OCT. 15 JAN. 1 TO DEC.31 JAN. 1 TO DEC.31	IRRIGATION DOMESTIC STOCK WATER 1852	* 0.652 ** 1.174	4.03	166.40

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION	REMARKS
SECTION	TOWN-SHIP	RANGE	N.E.				N.W.				S.W.				S.E.						
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
9	T. 12 N.,	R. 19 E.													0.50					0.50	DOMESTIC AND STOCK WATERING FOR 32 HEAD OF CATTLE, 32 CALVES AND 1 HAPPY BULL.
10	T. 12 N.,	R. 19 E.									5.80	20.50	13.70	0.60						48.60	THE STATE ENGINEER DETERMINES THAT ACREAGE AND DUTY BE REDUCED AS REFLECTED IN THE "PLACE OF USE" DESCRIPTION BASED ON MAP NO. 4891, "U.S. GEOLOGICAL SURVEY, HYDROGRAPHIC BRANCH, RECLAMATION SERVICE, FOR THE TRUCKEE-CARSON PROJECT NEV.", DATED JULY 27, 1904, AND AERIAL PHOTOS OF CARSON VALLEY BOTTOM LANDS, DATED OCT. 20, 1938.
															TOTAL ACRES ALLOTTED					49.10	

THIS PROOF IS SUPPLEMENTED BY PERMIT 24806, CERTIFICATE 7584; PERMIT 24807, CERTIFICATE 7583; PERMIT 25601, CERTIFICATE 1586 AND AN UNDERGROUND SOURCE UNDER PERMIT 25409, CERTIFICATE 7585. THE STATE ENGINEER DETERMINES THAT NO ADDITIONAL DUTY OR DIVERSION RATE ARE ALLOWED ON LANDS IRRIGATED FROM THE SAME WATER SOURCE UNDER A PROOF OF APPROPRIATION AND PERMITTED RIGHTS. THEREFORE, THE TOTAL DUTY OF WATER SHALL NOT EXCEED 4.00 ACRE-FEET PER ACRE FROM ANY AND/OR ALL SOURCES

DOUGLAS COUNTY APN'S 1219-10-002-011, 012, 013, 010 AND THE EAST PART OF PARCEL 1219-09-002-004.

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 JOHN MICHAEL MATTHEWS REVOCABLE TRUST DATED JULY 24, 2002	UNNAMED SPRING (D)-DIRECT DIVERSION. LUTHER CREEK - RETURN FLOW	*UNNAMED SPRING (D) SE&NW SEC. 26, T.12N., R.19E., M.D.B.&M., S.53°15'E., 2,380 FT. FROM NW COR. OF SAID SECTION 26.	APR.1 TO OCT. 15 JAN. 1 TO DEC.31	IRRIGATION DOMESTIC 1853	*1.50	4.00	161.44
			LUTHER CREEK - RETURN FLOW NE&SE SEC. 35, T.12N., R.19E., M.D.B.&M., S.13°21'16"W. 3,072 FT. FROM NE COR. OF SAID SECTION 35.	The State Engineer determines that no vested rights exist for [illegible] from Luther Creek for "drain and [illegible] water only." No diversion rate or duty is allowed under this proof.				

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION	REMARKS
SECTION	TOWN-SHIP	RANGE	N.E.				N.W.				S.W.				S.E.						
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			DOMESTIC AND STOCK WATERING FOR 122 HEAD OF LIVESTOCK.
24	T. 12 N.,	R. 19 E.											4.00	12.30						16.30	
25	T. 12 N.,	R. 19 E.					13.50	10.46												24.06	THE TOTAL COMBINED DUTY OF WATER SHALL NOT EXCEED 4.0 ACRE-FEET PER ACRE FROM ANY AND/OR ALL SOURCES.
																			TOTAL ACRES ALLOTTED	40.36	

* 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 CLAIM NO. 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 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 7843, "UNNAMED SPRING", AND PERMIT 24919, CERTIFICATE 7842, "UNNAMED SPRING", AND PROOF V02856 ON THE CLAIMED 40.36 ACRES.

DOUGLAS COUNTY APN'S 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 BARTHOLOMEW FAMILY TRUST DATED NOVEMBER 21, 2001 HENRY EDWARD WARG & GERALDINE GARDNER REVOCABLE TRUST, DATED OCTOBER 27, 2003	MILLER CREEK, UNNAMED SPRING (A) & UNNAMED SPRING (D)	*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	*0.085	*2.71	6.09
				JAN. 1 TO DEC.31	DOMESTIC	**0.015	**4.00	9.88
				1853	***	***	***	***
				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 Scotts Ranch every 14 days.				
			** UNNAMED SPRING (A) NE¼NW¼ SEC. 26, T.12N., R.19E., M.D.B.&M., S.65°29'28"E. 2,614.06 FT. FROM NW COR. OF SAID SECTION 26.	Unnamed Creek is the same water source as Jackson Spring "A" under Proof V06342.				
			***UNNAMED SPRING (D) SE¼NW¼ SEC. 26, T.12N., R.19E., M.D.B.&M., S.47°37'14"E. 3,508 FT. FROM NW COR. OF SAID SECTION 26.	The State Engineer determines that a vested rights exceedance from Unnamed Spring (D) for 40% of the volume of the flow after the first 1.5 cfs is continued to Claims V-06321, V-06323 and V-09880.				

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION	REMARKS
SECTION	TOWN-SHIP	RANGE	N.E.				N.W.				S.W.				S.E.						STOCKWATER IS ALSO RECOGNIZED, SEE SEC. 7(I) 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.											2.47							2.47	THE TOTAL COMBINED DUTY OF WATER SHALL NOT EXCEED 4.8 ACRE-FEET PER ACRE FROM ANY AND/OR ALL SOURCES.
															TOTAL ACRES ALLOTTED					2.47	

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 INTERMITTANTLY AS PER COURT ORDER DATED DECEMBER 21, 2010 (CASE NO. 08-CV-0243-E)

THE STATE ENGINEER DETERMINES THAT THIS PROOF SUPERCEDES PERMIT 24525, CERTIFICATE 8436, "MILLER CREEK", AND PERMIT 24626, CERTIFICATE 8137, "UNNAMED CREEK", ON THE CLAIMED 2.47 ACRES.

THE WEST PORTION OF LOT 18 ON THE SUPPORTING MAP PORTION OF DOUGLAS COUNTY APN 1219-26-001-001 LOCATED WITHIN THE GREEN ACRES SUBDIVISION. LOCATED WITHIN THE GREEN ACRES SUBDIVISION.

***The first 1.50 cfs from Unnamed Spring (D) is allocated to Proofs V-06321, V-06323 and V-09880. Flows in excess of 1.50 cfs shall be divided at a 60%/40% split with 40% being routed through the diversion to the south, that flows towards Fountain Ranch to the east and Bitter Water Reservoir "Diversion Dam" located under V-09880. The 40% portion will be used for supplement Spring (A) water within the consolidated appropriation and spring (A) is opened to Proofs V-06322, V-06326, V-06326, V-06327, V-06328, V-06329, V-06330, V-06331, V-06333, V-06334, V-07486, V-09264, V-09265, V-09266 and V-09270. Refer to Table 8 for the distribution table as it pertains to the 60%/40% division of the original water from Unnamed Spring (D).

V-09270. Refer to Table 8 for the distribution table as it pertains to the 60%/40% division of the original 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.
V-06323	THE J. ENTERPRISES TRUST DATED AUGUST 1, 1996	UNNAMED SPRING (D)-DIRECT DIVERSION. LUTHER CREEK - RETURN FLOW	*UNNAMED SPRING (D) SE¼NW¼ SEC. 26, T.12N., R.19E., M.D.B.&M., S.53°15'E, 3,380 FT. FROM NW COR. OF SAID SECTION 26.	APR.1 TO OCT. 15	IRRIGATION	*	*	*
				JAN. 1 TO DEC.31	DOMESTIC	**1.60	4.00	161.40
					1853			
			*LUTHER CREEK - RETURN FLOW NE¼SE¼ SEC. 35, T.12N., R.19E., M.D.B.&M., S.13°21'16"W. 3,072 FT. FROM NE COR. OF SAID SECTION 35.	The State Engineer determines that a water right is established from Luther Creek for "irrigation and stock" water only. No diversion rate or duty is shown or implied for this source.				

PLACE OF USE 40 ACRE DESCRIPTIONS			NE				NW				SW				SE				ACRES PER SECTION
SECTION	TOWN-SHIP	RANGE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
26	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

STOCKWATER IS ALSO RECOGNIZED, SEE SEC. XII 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.

1.60 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 1.6 CFS SHALL BE DIVIDED IN A 60%/40% SPLIT WITH 40% OF THE WATER ABOVE 1.6 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-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 8 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 THAT PORTION OF PERMIT 24918, CERTIFICATE 7843 "UNNAMED SPRING", AND PERMIT 24919, CERTIFICATE 7842, "UNNAMED SPRING", AND PROOF V02656 ON THE CLAIMED 40.35 ACRES.

DOUGLAS COUNTY APN 1219-26-001-016.

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY: PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ ACRE	TOTAL AC.-FT.
V-06924	EDWARD GROENEWYKE	MILLER CREEK	NE/NW/4 SEC. 26, T.12N., R.19E., M.D.B.&M., S.62°27'34"E. 1,982.63 FT. FROM NW COR. OF SAID SECTION 26.	APR.1 TO OCT. 15	IRRIGATION	0.055	2.71	6.86
				JAN. 1 TO DEC 31	DOMESTIC			
					1953			
				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.				

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		
26	T. 12 N.,	R. 19 E.,					2.63												2.63	STOCKWATER IS ALSO RECOGNIZED. SEE SEC. XII OF FINAL ORDER OF DETERMINATION
															TOTAL ACRES ALLOTTED				2.63	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 PERMIT 24628, CERTIFICATE 6136, "MILLER CREEK", ON THE CLAIMED 2.52 ACRES.
																				X - LOT 1 ON THE SUPPORTING MAP. DOUGLAS COUNTY APN 1219-26-001-034.

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY: PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ ACRE	TOTAL AC.-FT.
V-06325	RICHARD E. BROWN & SHARON E. BURNS	MILLER CREEK, UNNAMED SPRING (A) AND UNNAMED SPRING (D)	* 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	* 0.066	* 2.71	6.88
				JAN. 1 TO DEC.31	DOMESTIC	** 0.016	** 4.00	10.16
					1853	***	***	***
				The State Engineer determines this Miller Creek is subject to a 4 day rotation for Green Acres water users and a 10 day rotation for the Sconse Ranch every 14 days.				
			** UNNAMED SPRING (A) NE¼NW¼ SEC. 26, T.12N., R.19E., M.D.B.&M., S.05°20'28"E. 2,614.00 FT. FROM NW COR. OF SAID SECTION 26.	Unnamed Spring (A) is the same water source as Jackson Spring "A" under Proof V06342.				
			***UNNAMED SPRING (D) SE¼NW¼ SEC. 26, T.12N., R.19E., M.D.B.&M., S.47°37'14"E. 3,508 FT. FROM NW COR. OF SAID SECTION 26.	The State Engineer determines there is a total [illegible] combined from Unnamed Spring (D) per 60% or the [illegible] of the new area [illegible] was 1.5 [illegible] allocated to Claims V-06321, V-06323 and V-08850.				

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION	REMARKS
SECTION	TOWN-SHIP	RANGE	N.E.				N.W.				S.W.				S.E.						
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			STOCKWATER IS ALSO RECOGNIZED, SEE SEC. XII OF FINAL ORDER OF DETERMINATION
24	T. 12 N.,	R. 19 E.	X	X															2.54		THE TOTAL COMBINED DUTY OF WATER SHALL NOT EXCEED 4.0 ACRE-FEET PER ACRE FROM ANY AND/OR ALL SOURCES.
																		TOTAL ACRES ALLOTTED	2.54		

WATER FROM UNNAMED SPRING (A) IS SUBJECT TO A ROTATION SCHEDULE IMPOSED BY THE STATE ENGINEER IF WINOLA FARMS CANNOT REACH AN AGREEMENT ON A SCHEDULE INTERNALLY AS PER COURT ORDER DATED DECEMBER FEB. 2012 CASE NO. 08-CV0032-ET

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.

X - LOT 6 ON THE SUPPORTING MAP.
DOUGLAS COUNTY APN 1219-26-001-029.

***The total 1.50 cfs from Unnamed Spring (D) is [illegible] to Permits V-06321, V-06323 and V-08850. Permits Engineer at 1.50 cfs shall be divided on a 60%/40% [illegible] basis with 40% being routed through the [illegible] Farmer Road to the [illegible] water through the "Brewer's Dam" water main V-08850. The 40% portion will be [illegible] to Unnamed Spring (A) and [illegible] the [illegible] for said spring (A) as applied to Permits V-06322, V-06325, V-06326, V-06327, V-06328, V-06329, V-06330, V-06331, V-06332, V-06334, V-07486, V-09264, V-09265, V-09266 and V-09270. Reserve Tank 8 [illegible] 60%/40% divided [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.
V-06326	JEANNE C. NELSON REVOCABLE TRUST	MILLER CREEK UNNAMED SPRING (A) & UNNAMED SPRING (D)	* MILLER CREEK NE¼NW¼ SEC. 26, T.12N., R.19E., M.D.B.&M., S.62°27'34"E. 1,982.63 FT. FROM NW COR. OF SAID SECTION 26.	APR.1 TO OCT. 15	IRRIGATION	*0.065	*2.71	5.38
				JAN. 1 TO DEC.31	DOMESTIC	**0.016	**4.00	10.00
				1853	***	***	***	***
				The State Engineer determines that Miller Creek is supplied a 4 day volume by Green Acres water users and a 90 day volume by the Sierra Ranch every 14 days.				
			** UNNAMED SPRING (A) NE¼NW¼ SEC. 26, T.12N., R.19E., M.D.B.&M., S 66°20'28"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 V08342.				
			*** UNNAMED SPRING (D) SE¼NW¼ SEC. 26, T.12N., R.19E., M.D.B.&M., S.47°37'14"E. 3,809 FT. FROM NW COR. OF SAID SECTION 26.	The State Engineer determines that a total yield of 1.5 cfs is derived to Claims V-06321, V-06323 and V-08850.				

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		
24	T. 12 N.,	R. 19 E.	X	X																2.50
															TOTAL ACRES ALLOTTED					2.50

REMARKS

STOCKWATER IS ALSO RECOGNIZED, SEE SEC. XII 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 PERMIT 24523, CERTIFICATE 8136, 'MILLER CREEK', AND PERMIT 24526, CERTIFICATE 8137, 'UNNAMED CREEK', ON THE CLAIMED 2.54 ACRES.

X - LOT 5 ON THE SUPPORTING MAP.
DOUGLAS COUNTY APN 1219-26-001-030.

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-CV0081E).

*** The first 1.50 cfs from Unnamed Spring (D) is recognized as Proofs V-06321, V-06323 and V-08850. Flows in excess of 1.50 cfs shall be divided in a 60%/40% split, with 40% being routed through the property of the name, mailing address, Fannie Rae Hess Trust and which water is recognized as "Receiving Ditch" under claim V-08850. The 40% portion flow shall be used to supplement Spring (A) flow when the combined water rate for said spring (A) as applied to Proofs V-06322, V-06325, V-06326, V-06327, V-06328, V-06329, V-06330, V-06331, V-06333, V-06334, V-07496, V-09264, V-09265, V-09266 and V-09270. Refer to Table 8 of the stipulation table for a breakdown of the 60%/40% division of the flow of a right 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.
V-06327	SHEA FAMILY TRUST DATED MAY 10, 1996	MILLER CREEK, UNNAMED SPRING (A) & UNNAMED SPRING (D)	* 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	*0.128	*2.71	13.28
				JAN. 1 TO DEC.31	DOMESTIC	**0.030	**4.00	19.60
					1853	***	***	***
				The State Engineer determines that Miller Creek is subject to a 6 day rotation for Grass Alpha water users and a 10 day rotation for the Sagebrush Ranch every 14 days.				
			** UNNAMED SPRING (A) NE¼NW¼ SEC. 26, T.12N., R.19E., M.D.B.&M., S.66°20'28"E. 2,611.06 FT. FROM NW COR. OF SAID SECTION 26.	Unnamed Spring (A) is the same water source as Jackson Spring "A" under Permit V06342.				
			***UNNAMED SPRING (D) SE¼NW¼ SEC. 26, T.12N., R.19E., M.D.B.&M., S.47°37'14"E. 3,508 FT. FROM NW COR. OF SAID SECTION 26.	The State Engineer determines that a vested right is recognized from Unnamed Spring (D) for 40% prior, continuous use from since 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					
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
25	T. 12 N.,	R. 19 E.																X		STOCKWATER IS ALSO RECOGNIZED. SEE SEC. XII OF FINAL ORDER OF DETERMINATION
26	T. 12 N.,	R. 19 E.	X																	THE TOTAL COMBINED DUTY OF WATER SHALL NOT EXCEED 4.0 ACRE-FEET PER ACRE FROM ANY AND/OR ALL SOURCES.
															TOTAL ACRES ALLOTTED				4.00	

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, 2015 (CASE NO. 99-CV0263 B)

***The first 1.50 cfs from Unnamed Spring (D) is allocated as Priority V-06321, V-06323 and V-08850. From the Excess of 1.50 cfs, shall be divided in a 60%/40% split, with 40% being routed through the [illegible] Fountain Rose to the east and diverted water through the "Bassins Dam" under claim V-08850. The 40% portion will be used to supply Spring (A) [illegible] the consumptive use rights for said Spring (A) as noted in Permits 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-09266 and V-09270. Refer to Table 8 for the distribution using the percentages to use 60%/40% division of the [illegible] water from Unnamed Spring (D).

X - LOT 16 ON THE SUPPORTING MAP. DOUGLAS COUNTY APN 1219-23-002-012.

THE STATE ENGINEER DETERMINES THAT THIS PROOF SUPERCEDES PERMIT 24525, CERTIFICATE 8136, "MILLER CREEK", AND PERMIT 24526, CERTIFICATE 8137, "UNNAMED CREEK", ON THE CLAIMED 4.90 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-06928	WAYNE A. & SHARRON W. CURRIE PAUL D. & ELLEN MARIENTHAL	MILLER CREEK, UNNAMED SPRING (A) & UNNAMED SPRING (D)	*MILLER CREEK NE NW W SEC. 26, T.12N., R.19E., M.D.B.&M., S.82°27'34"E. 1,982.53 FT. FROM NW COR. OF SAID SECTION 26.	APR. 1 TO OCT. 15	IRRIGATION	*0.145	*2.71	15.04
				JAN. 1 TO DEC. 31	DOMESTIC	**0.034	**4.00	22.20
					1869	---	---	---
				The State Engineer determines that Miller Creek is entitled to a 4 day rotation for Green Acres water uses and a 10 day rotation for Sunset Ridge using 14 days.				
			** UNNAMED SPRING (A) NE NW W SEC. 26, T.12N., R.19E., M.D.B.&M., S.68°20'26"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.				
			***UNNAMED SPRING (D) SE NW W SEC. 26, T.12N., R.19E., M.D.B.&M., S.47°37'14"E. 3,608 FT. FROM NW COR. OF SAID SECTION 26.	The State Engineer determines that a portion of water attributed to Unnamed Spring (D) for 40% of the irrigation of the new stock tank with 1.5 acres consisting of Claims V-06321, V-06323 and V-06850. See Section V.				

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	N.E.				N.W.				S.W.				S.E.						STOCKWATER IS ALSO RECOGNIZED, SEE SEC. XII 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.											X	X						5.55	THE TOTAL COMBINED DUTY OF WATER SHALL NOT EXCEED 4.0 ACRE-FEET PER ACRE FROM ANY AND/OR ALL SOURCES.
															TOTAL ACRES ALLOTTED					5.55	

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, 2019 (CASE NO. 18-CV-0041 E)

***The best 1.50 cfs from Unnamed Spring (D) is allocated to Proofs V-06321, V-06323 and V-06850. From Exhibit 1.50 cfs shall be divided in a 60%/40% split, with 40% water routed through the irrigation system, Exhibit Reservoir and Stock water through the "Unnamed Ditch" under claim V-06850. The 40% portion will be used to supplement Spring (A) flow when the demand exceeds the flow of said spring (A) as decreed in Proofs V-06322, V-06325, V-06326, V-06327, V-06328, V-06329, V-06330, V-06331, V-06333, V-06334, V-07486, V-00264, V-09265, V-09266 and V-09270. Refer to Table 6 for the distribution table and priorities to the 60%/40% division of the unnamed water from Unnamed Spring (D).

THE STATE ENGINEER DETERMINES THAT THIS PROOF SUPERCEDES PERMIT 24525, CERTIFICATE 8134, "MILLER CREEK", AND PERMIT 24526, CERTIFICATE 8137, "UNNAMED CREEK", ON THE CLAIMED 5.55 ACRES.

X - LOT 23 ON THE SUPPORTING MAP. DOUGLAS COUNTY APN 1219-24-002-008.

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY; PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ ACRE	TOTAL AC.-FT.
V-06320	DAVID J. & ANNE DELLA ROSA	MILLER CREEK, UNNAMED SPRING (A) & UNNAMED SPRING (D)	* 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	* 0.136	* 2.21	14.16
				JAN. 1 TO DEC. 31	DOMESTIC	** 0.032	** 4.00	20.86
				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 in the Skelton Ranch every 14 days.				
			** UNNAMED SPRING (A) NE¼NW¼ SEC. 26, T.12N., R.19E., M.D.B.&M., S.55°20'28"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.				
			***UNNAMED SPRING (D) SE¼NW¼ SEC. 26, T.12N., R.19E., M.D.B.&M., S.47°37'14"E. 3,508 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 portion of the year over the first 1.5 cfs is delivered to Claims V-06321, V-06323 and V-08860. See Section V.				

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION	REMARKS
SECTION	TOWN-SHIP	RANGE	N.E.				N.W.				S.W.				S.E.						STOCKWATER IS ALSO RECOGNIZED, SEE SEC. XII 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.											X							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 acres shown on the plat, or one or more of it, indicate a state 660 area and shall be taken on the state property in Douglas County APN 19-290-15.

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 20, 2013 (CASE NO. 09-CV-0383-E).

***The first 1.50 cfs from Unnamed Spring (D) is appurtenant to Claims V-06321, V-06323 and V-08860. Claims Exceed of 1.50 cfs shall be divided on a 60%/40% split with 40% being routed through the diversion to the main irrigation ditch from Green Acres at the east end of the "Skelton Ranch" property under V-08860. The 40% portion to be used to supplement Spring (A) when needed for domestic purposes on said spring (A) as applied to Claims V-06322, V-06325, V-06326, V-06327, V-06328, V-06329, V-06330, V-06331, V-06333, V-06334, V-07408, V-09264, V-09265, V-09266 and V-09270. Refer to Table B for the appropriate share of the portion to the 60%/40% division of the irrigation water from Unnamed Spring (D).

THE STATE ENGINEER DETERMINES THAT THIS PROOF SUPERCEDES PERMIT 24525, CERTIFICATE 8136, "MILLER CREEK", AND PERMIT 24526, CERTIFICATE 8137, "UNNAMED CREEK", ON THE CLAIMED 5.22 ACRES.

X - LOT 14 ON THE SUPPORTING MAP.
DOUGLAS COUNTY APN 1219-24-002-005.

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ ACRE	TOTAL AC.-FT.
V-06330	GARY B. AND CLAUDIA A. CASTEEL	MILLER CREEK, UNNAMED SPRING (A) & UNNAMED SPRING (D)	* MILLER CREEK NE¼NW¼ SEC. 26, T.12N., R.19E., M.D.B.&M., S.82°2'734"E. 1,992.63 FT. FROM NW COR. OF SAID SECTION 26.	APR. 1 TO OCT. 15	IRRIGATION	* 0.133	* 2.71	13.77
				JAN. 1 TO DEC. 31	DOMESTIC	** 0.032	** 4.00	20.32
				1853	***	***	***	***
				The State Engineer determines that Miller Creek is supplied at 4 day rotation for Grazing Acres water users and a 10 day rotation for the Service Roads every 14 days.				
			** UNNAMED SPRING (A) NE¼NW¼ SEC. 26, T.12N., R.19E., M.D.B.&M., S.66°20'29"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.				
			***UNNAMED SPRING (D) SE¼NW¼ SEC. 26, T.12N., R.19E., M.D.B.&M., S.47°37'14"E. 3,308 FT. FROM NW COR. OF SAID SECTION 26.	The State Engineer determines that a water right is established from Unnamed Spring (D) for 40% of the source of the first 1.0 cfs is detected to Claims V-06321, V-06323 and V-06850. 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			
23	T. 12 N.,	R. 19 E.																X			STOCKWATER IS ALSO RECOGNIZED, SEE SEC. XII OF FINAL ORDER OF DETERMINATION
24	T. 12 N.,	R. 19 E.											X								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.						X													
26	T. 12 N.,	R. 19 E.	X																		THE STATE ENGINEER DETERMINES THAT THIS PROOF SUPERCEDES PERMIT 24525, CERTIFICATE 8135, "MILLER CREEK", AND PERMIT 24626, CERTIFICATE 8137, "UNNAMED CREEK", ON THE CLAIMED 5.08 ACRES.
																			TOTAL ACRES ALLOTTED	6.08	

WATER FOR UNNAMED SPRINGS IS SUBJECT TO A ROTATION SCHEDULE IMPOSED BY THE STATE ENGINEER PRIMARILY BY PARTIES CONTRACTED ON AGREEMENT ON A SCHEDULE INTERNALLY AS PER COURT ORDER DATED DECEMBER 17, 2013 IN CASE NO. 99-CV-0310, ET.

***The first 1.50 cfs from Unnamed Spring (D) is allocated to Claims V-06321, V-06323 and V-06850. From the excess of 1.50 cfs shall be divided in a 60%/40% split, with 40% being routed through the wetlands to the same downstream approved Existing Road to the east and divert water from the "Beaverdam Creek" under claim V-08850. The 40% portion will be used to supplement Spring (A) flow under the same rotation schedule for said spring (A) as applied to Claims 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-09266 and V-09270. Refer to Table B for the distribution table as a percent to the 60%/40% division of the highest priority Unnamed Spring (D).

X - LOT 8 ON THE SUPPORTING MAP. DOUGLAS COUNTY APN 1219-23-002-014.

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ ACRE	TOTAL AC.-FT.
V-06331	BARTHOLOMEW FAMILY TRUST	MILLER CREEK, UNNAMED SPRING (A) & UNNAMED SPRING (D)	* 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	* 0.128	* 2.71	13.22
				JAN. 1 TO DEC.31	DOMESTIC	** 0.050	** 4.00	19.52
				1853	***	***	***	***
				The State Engineer determines that Miller Creek is subject to a 4 day rotation per Green Acres water users and a 10 day rotation in the Steptoe Ranch every 14 days.				
			** UNNAMED SPRING (A) NE¼NW¼ SEC. 26, T.12N., R.19E., M.D.B.&M., S.88°20'28"E. 2,614.06 FT. FROM NW COR. OF SAID SECTION 26.	Unnamed Spring (A) is the same water source as Johnson Spring "A" under Permit V06342.				
			*** UNNAMED SPRING (D) SE¼NW¼ SEC. 26, T.12N., R.19E., M.D.B.&M., S.47°37'14"E. 3,500 FT. FROM NW COR. OF SAID SECTION 26.	The State Engineer determines that a decreed right is conveyance from Unnamed Spring (D) per 40% water between the new diversion point and 1.5 cfs to delivered at Claims V-06321, V-06323 and V-06850. See Section V.				

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION
SECTION	TOWN-SHIP	RANGE	N.E.				N.W.				S.W.				S.E.					
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
24	T. 12 N.,	R. 19 E.											X							
25	T. 12 N.,	R. 19 E.						X												
																			TOTAL ACRES ALLOTTED	4.80

REMARKS

STOCKWATER IS ALSO RECOGNIZED FOR 6 HEAD OF LIVESTOCK, SEE SEC. XII OF THE 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 PERMIT 24525, CERTIFICATE 8136, "MILLER CREEK", AND PERMIT 24526, CERTIFICATE 8137, "UNNAMED CREEK", ON THE CLAIMED 4.80 ACRES.

X - LOT 9 ON THE SUPPORTING MAP. DOUGLAS COUNTY APN 1219-24-002-010.

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, 2010 (CASE NO. 98-CV-0133).

*** The new 1.50 cfs from Unnamed Spring (D) is associated to Permits V-06321, V-06323 and V-06850. From Excess of 1.50 cfs shall be diverted in a 60%/40% split, with 40% being routed through the pipeline to the main conveyance ditch on Fredom Road to the east and diverted underneath the "Unknown Drain" under claim V-06850. The 40% portion will be used to supplement Spring (A) flow within the conveyance ditch on the same parcel (A) as repeated in Permits V-06322, V-06325, V-06326, V-06327, V-06328, V-06329, V-06330, V-06331, V-06333, V-06394, V-07496, V-09264, V-09265, V-09266 and V-09270. Refer to Table 5 for the distribution ratio of a combined 50 cfs 60%/40% division of the single conveyance 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-06332	JUDY GAINES	MILLER CREEK	* MILLER CREEK NE/NW/4 SEC. 26, T.12N., R.19E., M.D.B.&M., S.82°27'34"E. 1,062.63 FT. FROM NW COR. OF SAID SECTION 26.	APR. 1 TO OCT. 15	IRRIGATION	* 0.066	* 2.71	6.88
				JAN. 1 TO DEC. 31	DOMESTIC 1853			
				The State Engineer determines that Miller Creek is fully appropriated during the period April 1 through October 15. Gaines Acres water users use a 10 day rotation in the Spring Rotation every 14 days.				

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION	REMARKS
SECTION	TOWN-SHIP	RANGE	N.E.				N.W.				S.W.				S.E.						STOCKWATER IS ALSO RECOGNIZED. SEE SEC. III OF 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.		X			X													2.54	THE TOTAL COMBINED DUTY OF WATER SHALL NOT EXCEED 4.0 ACRE-FEET PER ACRE FROM ANY AND/OR ALL SOURCES.
																			TOTAL ACRES ALLOTTED	2.54	

THE STATE ENGINEER DETERMINES THAT THIS PROOF SUPERCEDES PERMIT 24525, CERTIFICATE 8130, "MILLER CREEK", ON THE CLAIMED 2.54 ACRES.

X - LOT 2 ON THE SUPPORTING MAP.
DOUGLAS COUNTY APN 1219-26-001-033.

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY: PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ ACRE	TOTAL AC.-FT.
V-06333	KEVIN J. & LINDA M. O'CONNELL	MILLER CREEK, UNNAMED SPRING (A) & UNNAMED SPRING (D)	* MILLER CREEK NE|NW|SE 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	* 0.130	* 2.71	13.50
				JAN. 1 TO DEC.31	DOMESTIC	** 0.081	** 4.00	19.92
					1853	***	***	***
				The State Engineer determines that Miller Creek is subject to a 4 day rotation for Group Acres water rights and a 10 day rotation on the Squaw Ranch every 14 days.				
			** UNNAMED SPRING (A) NE|NW|SE SEC. 26, T.12N., R.19E., M.D.B.&M., S.65°28'28"E. 2,614.06 FT. FROM NW COR. OF SAID SECTION 26.	Unnamed Spring (A) is one and the same water source as Jackson Spring "A" under Proof V06342.				
			***UNNAMED SPRING (D) SE|NW|SE SEC. 26, T.12N., R.19E., M.D.B.&M., S.47°87'14"E. 3,508 FT. FROM NW COR. OF SAID SECTION 26.	The State Engineer determines that a second right is established from Unnamed Spring (D) for 40% of the balance, or one new acre-foot per 3.5 cfs is delivered to Claims V-06321, V-06323 and V-08850. See Section V.				

PLACE OF USE 40 ACRE DESCRIPTION'S																				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			
23	T. 12 N.,	R. 19 E.																X			
26	T. 12 N.,	R. 19 E.	x																		
															TOTAL ACRES ALLOTTED					4.99	

STOCKWATER IS ALSO RECOGNIZED, SEE SEC. XII 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 PERMIT 24626, CERTIFICATE 8136, "MILLER CREEK", AND PERMIT 24528, CERTIFICATE 8137, "UNNAMED CREEK", ON THE CLAIMED 4.06 ACRES.

X - LOT 7 ON THE SUPPORTING MAP.
DOUGLAS COUNTY APN 1219-26-001-028.

WATER FROM UNNAMED SPRING(A) IS SUBJECT TO A ROTATION SCHEDULE IMPOSED BY THE STATE ENGINEER IF NON-VEST PARTIES CANNOT REACH AN AGREEMENT ON A SCHEDULE INTERNALLY AS PER COURT ORDER DATED DECEMBER 21, 2013 (CASE NO. 08-Vestal-1)

***The first 1.50 cfs from Unnamed Spring (D) is allocated to Proofs V-06321, V-06323 and V-08850. From Excess of 1.50 cfs shall be divided at a 60%/40% rate, with 40% being routed through the detention pond, then then per the Fourth Road in the east and flows water through the "Breaking Onto" under claim V-08850. The 40% portion will be used to supplement Spring (A) when there is insufficient demand for seep water (A) as stated in Proofs V-06322, V-06325, V-06326, V-06327, V-06328, V-06329, V-06330, V-06331, V-06333, V-06334, V-07486, V-06264, V-06265, V-09266 and V-09270. Refer to Table 8 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	YEAR(S) PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ ACRE	TOTAL AC.-FT.
V-06934	PEDRO AND MARGARET VILLALOBOS	MILLER CREEK & UNNAMED SPRING (A)	* MILLER CREEK NE 1/4 NW 1/4 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	* 0.067	* 2.71	6.91
				JAN. 1 TO DEC.31	DOMESTIC	** 0.016	** 4.00	10.20
					1953			
				The State Engineer determines that Miller Creek is supplied a 4 day rotation for Green Acres water users and a 10 day rotation for the Scenic Ranch every 14 days.				
			** UNNAMED SPRING (A) NE 1/4 NW 1/4 SEC. 26, T.12N., R.19E., M.D.B.&M., S 65°20'28"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			STOCKWATER IS ALSO RECOGNIZED FOR 6 HEAD OF LIVESTOCK, SEE SEC. XII OF THE FINAL ORDER OF 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 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, 2014 (CASE NO. 99-CV-0243-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 4.98 ACRES.

X - LOT 3 ON THE SUPPORTING MAP.
DOUGLAS COUNTY APN: 1219-26-001-032.

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY: PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ ACRE	TOTAL AC.-FT.
V-06335	BARTHOLOMEW FAMILY TRUST	MILLER CREEK	*MILLER CREEK NE¼NW¼ SEC. 26, T.12N., R.19E., M.D.B.&M., S.32°27'34"E. 1,982.63 FT. FROM NW COR. OF SAID SECTION 26.	APR.1 TO OCT. 15 JAN. 1 TO DEC.31	IRRIGATION DOMESTIC 1853	*0.066	*2.71	6.86
				The State Engineer determines that Miller Creek is capable of a 4 day rotation for Grass Acres water rights and a 10 day rotation for the Sunset 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			
23	T. 12 N.,	R. 19 E.															X	X			STOCKWATER IS ALSO RECOGNIZED FOR 6 HEAD OF LIVESTOCK. SEE SEC. XII OF THE FINAL ORDER OF DETERMINATION
26	T. 12 N.,	R. 19 E.	X	X																	THE TOTAL COMBINED DUTY OF WATER SHALL NOT EXCEED 4.0 ACRE-FEET PER ACRE FROM ANY AND/OR ALL SOURCES.
															TOTAL ACRES ALLOTTED				2.53		THE STATE ENGINEER DETERMINES THAT THIS PROOF SUPERCEDES PERMIT 24626, CERTIFICATE 8136, "MILLER CREEK", ON THE CLAIMED 2.53 ACRES.
																					X - LOT 17 ON THE SUPPORTING MAP, DOUGLAS COUNTY APN 1219-26-001-027.

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ ACRE	TOTAL AC.-FT.
V-06398	RON MITCHELL AND GINGER MITCHELL, HUSBAND AND WIFE AS JOINT TENANTS	SHERIDAN CREEK NORTH DIVERSION	NE/SE/4 SEC. 18, T.12N., R.19E., M.D.B.&M., N.72°20'31"E. 5,412.47 FT. FROM SW COR. OF SAID SECTION 18.	APR. 1 TO OCT. 15 JAN. 1 TO DEC. 31	IRRIGATION DOMESTIC 1862	0.123	4.00	41.48

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.			10.26											0.11				10.37	STOCKWATER IS ALSO RECOGNIZED. SEE SEC. XII OF FINAL ORDER OF DETERMINATION
															TOTAL ACRES ALLOTTED					10.37	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 V06397.

DOUGLAS COUNTY APN 1219-14-001-011.

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY: PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ ACRE	TOTAL AC.-FT.
V-06337	RON MITCHELL AND GINGER MITCHELL, HUSBAND AND WIFE AS JOINT TENANTS	STUTLER CREEK	SENWSEN SEC. 16, T.12N., R.19E., M.D.B.&M., N.07°10'24"W. 2,892.59 FT. FROM SE COR. OF SAID SECTION 16. THE WATERS OF STUTLER CREEK ARE THEN CONVEYED THROUGH A PIPELINE TO A POINT IN THE SENSEN SEC. 15, T.12N., R.19E., M.D.B.&M., WHERE THE WATERS OF STUTLER 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 NENSEN SEC. 15, T.12N., R.19E., M.D.B.&M., N.72°20'31"E. 5,412.47 FT. FROM SW COR. OF SAID SECTION 15.	APR.1 TO OCT. 15 JAN. 1 TO DEC.31	IRRIGATION DOMESTIC 1905	0.043	* 1.49	15.45

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			STOCKWATER IS ALSO RECOGNIZED. SEE SEC. XII OF FINAL ORDER OF DETERMINATION
T4	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 ANY AND/OR ALL SOURCES.
															TOTAL ACRES ALLOTTED					10.37	THIS PROOF IS SUPPLEMENTAL TO PROOF V06336. DOUGLAS COUNTY APN 1219-14-001-011.

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY: PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ ACRE	TOTAL AC.-FT.
V-06328	ERNEST E. PESTANA, TRUSTEE OF THE PESTANA 1980 FAMILY TRUST	STUTLER CREEK	SE¼NE¼ SEC. 16, T.12N., R.19E., M.D.B.&M., N.07°10'24"W. 2,892.59 FT. FROM SE COR. OF SAID SECTION 16. THE WATERS OF STUTLER CREEK ARE THEN CONVEYED THROUGH A PIPELINE TO A POINT IN THE SE¼SE¼ SEC. 16, T.12N., R.19E., M.D.B.&M., WHERE THE WATERS OF STUTLER 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 NE¼SE¼ SEC. 16, T.12N., R.19E., M.D.B.&M., N.72°20'31"E. 6,412.47 FT. FROM SW COR. OF SAID SECTION 16.	APR.1 TO OCT. 15 JAN. 1 TO DEC.31	IRRIGATION DOMESTIC 1905	0.100	* 1.49	35.40

PLACE OF USE 40 ACRE DESCRIPTIONS																			ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE					STOCKWATER IS ALSO RECOGNIZED, SEE SEC. XII 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.						7.42	15.62										23.04	* THE TOTAL COMBINED DUTY OF WATER SHALL NOT EXCEED 4.0 ACRE-FEET PER ACRE FROM ANY AND/OR ALL SOURCES.
15	T. 12 N.,	R. 19 E.				0.72													0.72	
															TOTAL ACRES ALLOTTED				23.76	THIS PROOF IS SUPPLEMENTAL TO PROOF V06328 AND IS SUPPLEMENTED BY PERMIT 7595, CERTIFICATE 1760.
																				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-06339	ERNEST E. PESTANA, TRUSTEE OF THE PESTANA 1986 FAMILY TRUST	SHERIDAN CREEK (NORTH DIVERSION)	NE¼SE¼ SEC. 15, T.12N., R.19E., M.D.B.&M., N.72°20'31"E. 5,412.47 FT. FROM SW COR. OF SAID SECTION 15.	APR.1 TO OCT. 15 JAN. 1 TO DEC.31	IRRIGATION DOMESTIC 1852	0.281	*4.00	95.04

PLACE OF USE 40 ACRE DESCRIPTIONS																			ACRES PER SECTION	REMARKS
SECTION	TOWN-SHIP	RANGE	NE				NW				SW				SE					STOCKWATER IS ALSO RECOGNIZED. SEE SEC. XII 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.						7.42	15.62										23.04	* THE TOTAL COMBINED DUTY OF WATER SHALL NOT EXCEED 4.0 ACRE-FEET PER ACRE FROM ANY AND/OR ALL SOURCES.
15	T. 12 N.,	R. 19 E.				0.72													0.72	
															TOTAL ACRES ALLOTTED				23.76	THIS PROOF IS SUPPLEMENTAL TO PROOF V06338 AND IS SUPPLEMENTED BY PERMIT 7596, 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)	NE¼SW¼ SEC. 15, T.12N., R.19E., M.D.B.&M., N.72°20'31"E. 5,412.47 FT. FROM SW COR. OF SAID SECTION 15.	APR.1 TO OCT. 15 JAN. 1 TO DEC.31	IRRIGATION DOMESTIC 1852	0.260	*4.00	88.12

PLACE OF USE 40 ACRE DESCRIPTIONS																			ACRES PER SECTION	REMARKS
SECTION	TOWN-SHIP	RANGE	NE				NW				SW				SE					STOCKWATER IS ALSO RECOGNIZED. SEE SEC. XII 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.					6.88	11.88	1.17	0.10									22.03	* THE TOTAL COMBINED DUTY OF WATER SHALL NOT EXCEED 4.0 ACRE-FEET PER ACRE FROM ANY AND/OR ALL SOURCES.
															TOTAL ACRES ALLOTTED				22.03	THIS PROOF IS SUPPLEMENTAL TO PROOF V06341 AND IS SUPPLEMENTED BY PERMIT 7595, 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 1219-14-001-003.

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY: PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ ACRE	TOTAL AC.-FT.
V-06341	HALL RANCHES, LLC	STUTLER CREEK	SE4NE4 SEC. 16, T.12N., R.19E., M.D.B.&M., N.87°10'24"W. 2,892.09 FT. FROM SE COR. OF SAID SECTION 16. THE WATERS OF STUTLER CREEK ARE THEN CONVEYED THROUGH A PIPELINE TO A POINT IN THE SE4NE4 SEC. 15, T.12N., R.19E., M.D.B.&M., WHERE THE WATERS OF STUTLER 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 NE4SE4 SEC. 15, T.12N., R.19E., M.D.B.&M., N.72°20'31"E. 5,412.47 FT. FROM SW COR. OF SAID SECTION 15.	APR.1 TO OCT. 15 JAN. 1 TO DEC.31	IRRIGATION DOMESTIC 1905	0.080	* 1.49	32.82

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION
SECTION	TOWN-SHIP	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.					5.88	11.08	1.17	0.10									22.03
															TOTAL ACRES ALLOTTED				22.03

REMARKS

STOCKWATER IS ALSO RECOGNIZED, SEE SEC. XII 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.

THIS PROOF IS SUPPLEMENTAL TO PROOF V06340 AND IS SUPPLEMENTED BY PERMIT 7595, CERTIFICATE 1760.

DOUGLAS COUNTY APN 1219-14-001-003.

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ ACRE	TOTAL AC.-FT.
V-06343	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"	SW¼NW¼ SEC. 26, T.12N., R.19E., M.D.B.&M., S.25°57'43"E. 1,548.41 FT. FROM NW COR. OF SAID SECTION 26.	APR.1 TO OCT. 15 JAN. 1 TO DEC.31 JAN. 1 TO DEC.31	IRRIGATION STOCK WATER DOMESTIC 1863	0.046	* 4.00	28.80

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION	REMARKS
SECTION	TOWN-SHIP	RANGE	N.E.				N.W.				S.W.				S.E.						
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			STOCKWATER IS ALSO RECOGNIZED, SEE SEC. XII OF FINAL ORDER OF DETERMINATION
26	T. 12 N.,	R. 19 E.					1.26			5.95										7.20	
															TOTAL ACRES ALLOTTED					7.20	

Water further to the objective of the irrigation system, it was determined that only 7.20 acres can be irrigated by Unnamed Spring (A). There remain unserviced to 7.20 acres west of Foothill Road along [illegible] that runs in a southwesterly direction to the Nevada at the point [illegible] in 1992. The land under the remainder of the canal was [illegible] maintained prior to the commencement of this zone. Therefore, the water source was already [illegible] from the canal in order up from the spring and thus was not used during [illegible]. This area [illegible] with the acreage claimed under Proof of Appropriation V-02859, dated on Aug. 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. 90-CV0331-E)

* THE TOTAL COMBINED DUTY OF WATER UNDER THIS PROOF AND PROOFS V06343 AND A PORTION OF V02856 SHALL NOT EXCEED A DUTY OF 4.00 ACRE-FEET PER ACRE.

THIS PROOF WILL SUPERCEDE A PORTION OF V02856 ON 0.40 ACRES LOCATED WITHIN THE NE¼NW¼ SECTION 26, T.12N., R.19E.,M.D.B.&M. AND 6.86 ACRES LOCATED WITHIN THE SE¼NW¼ 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 APN'S 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.
V-06343	JERALD R. JACKSON 1978 TRUST AS AMENDED AUGUST 11, 1992, AND IRENE M. WINDHOLZ TRUST DATED AUGUST 11, 1992	UNNAMED SPRING (B), DESIGNATED JACKSON SPRING "B"	SE¼NW¼ SEC. 26, T.12N., R.19E., M.D.B.&M., S.44°31'52"E. 2,414.38 FT. FROM NW COR. OF SAID SECTION 26.	APR.1 TO OCT. 15 JAN. 1 TO DEC.31 JAN. 1 TO DEC.31	IRRIGATION STOCK WATER DOMESTIC 1853	0.100 **	* 4.00 **	**26.80 **

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	N.E.				N.W.				S.W.				S.E.						
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			STOCKWATER IS ALSO RECOGNIZED FOR 29 HEAD OF LIVESTOCK, SEE SEC. XII OF THE FINAL ORDER OF DETERMINATION
26	T. 12 N.,	R. 19 E.					1.25			8.48									9.73		
																		TOTAL ACRES ALLOTTED		9.73	

* THIS PROOF PROVIDES SUPPLEMENTAL WATER TO THE 7.20 ACRES IRRIGATED UNDER PROOF V06342 WITH THE UNDERSTANDING THAT THE TOTAL COMBINED DUTY OF WATER ON SAID 7.20 ACRES SHALL NOT EXCEED **26.80 ACRE-FEET FROM ANY AND/OR ALL SOURCES

**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 VESTED RIGHT FOR 2.63 ACRES OF SUBIRRIGATION AND NO DIVERSION RATE OR DUTY IS ESTABLISHED UNDER THIS CLAIM.

THIS PROOF SUPERCEDES A PORTION OF V02856 ON 0.40 ACRES LOCATED WITHIN THE NE¼NW¼ SECTION 26, T.12N., R.19E.,M.D.B.&M. AND 5.56 ACRES LOCATED WITHIN THE SE¼NW¼ SECTION 26, T.12N., R.19E.,M.D.B.&M.

THIS PROOF SUPERCEDES PERMIT 24918, CERTIFICATE 7843 AND PERMIT 24919, CERTIFICATE 7842.

DOUGLAS COUNTY APN'S 1219-26-001-010-014, 018, 019, 022, 039, 040.

The collection been made, this spring on the appropriate map is shown in more a specifically direction. It actually lies to the north.

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY: PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ ACRE	TOTAL AC.-FT.
V-06344	JERALD R. JACKSON 1976 TRUST AS AMENDED AUGUST 11, 1992, AND IRENE M. WINDHOLZ TRUST DATED AUGUST 11, 1992	UNNAMED SPRING (C), DESIGNATED JACKSON SPRING "C"	SE¼NW¼ SEC. 26, T.12N., R.19E., M.D.B.&M., S.39°47'45"E. 3,097.66 FT. FROM NW COR. OF SAID SECTION 26.	APR.1 TO OCT. 15	IRRIGATION STOCK WATER 1853	*	*	*

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION	REMARKS
SECTION	TOWN-SHIP	RANGE	NE				NW				SW				SE						STOCKWATER IS ALSO RECOGNIZED, SEE SEC. XII OF 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.								2.98										2.98	* 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 SUB-IRRIGATION 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 24918, CERTIFICATE 7943 AND A PORTION OF PERMIT 24919, CERTIFICATE 7942.

DOUGLAS COUNTY APN'S 1219-26-001-010-001, 012, 013, 014(PART).

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC./FT./ ACRE	TOTAL AC./FT.
V-06345	JERALD R. JACKSON 1975 TRUST AS AMENDED AUGUST 11, 1992, AND IRENE M. WINDHOLZ TRUST DATED AUGUST 11, 1992	UNNAMED SPRING (D), DESIGNATED JACKSON SPRING "D"	SE¼NW¼ SEC. 26, T.12N., R.19E., M.D.B.&M., S.42°16'44"E. 3,023.20 FT. FROM NW COR. OF SAID SECTION 26.	APR.1 TO OCT. 15 JAN. 1 TO DEC.31	IRRIGATION STOCK WATER 1863	*	*	*

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION	REMARKS
SECTION	TOWN-SHIP	RANGE	N.E.				N.W.				S.W.				S.E.						
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
26	T. 12 N.,	R. 19 E.			1.04					12.31										13.35	STOCKWATER IS ALSO RECOGNIZED. SEE SEC. XII OF FINAL ORDER OF DETERMINATION
															TOTAL ACRES ALLOTTED					13.35	* 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 13.35 ACRES OF SUBIRRIGATION AND NO DIVERSION RATE OR DUTY OF WATER IS ESTABLISHED UNDER THIS CLAIM.
																					THIS PROOF SUPERCEDES A PORTION OF V02866 ON 0.40 ACRES LOCATED WITHIN THE NE¼NW¼ SECTION 26, T.12N., R.19E., M.D.B.&M. AND 5.50 ACRES LOCATED WITHIN THE SE¼NW¼ SECTION 26, T.12N., R.19E., M.D.B.&M.
																					THIS PROOF ALSO SUPERCEDES PERMIT 24918, CERTIFICATE 7843 AND PERMIT 24919, CERTIFICATE 7842.
																					DOUGLAS COUNTY APN'S 1219-26-001-014, 016-019.

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY: PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC./FT./ ACRE	TOTAL AC./FT.
V-06346	JOY WHIPPLE (AKA JOY S. SMITH) DANIEL PATRICK & ELAINE VANASSE BARDEN	STUTLER CREEK	SE¼NE¼ SEC. 16, T.12N., R.19E., M.D.B.&M., S.07°10'24"E. 2,892.69 FT. FROM SE COR. OF SAID SECTION 16.	APR.1 TO OCT. 15 JAN. 1 TO DEC.31	IRRIGATION DOMESTIC 1905	0.100	*3.49	37.78

PLACE OF USE 40 ACRE DESCRIPTIONS																			ACRES PER SECTION	REMARKS
SECTION	TOWN-SHIP	RANGE	N.E.				N.W.				S.W.				S.E.					STOCKWATER IS ALSO RECOGNIZED. SEE SEC. XII 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.						16.75											16.75	* THE TOTAL COMBINED DUTY OF WATER SHALL NOT EXCEED 4.0 ACRE-FEET PER ACRE FROM ANY AND/OR ALL SOURCES.
15	T. 12 N.,	R. 19 E.	6.21																6.21	
															TOTAL ACRES ALLOTTED				24.96	

THIS PROOF IS SUPPLEMENTAL TO PROOF V-06347 AND IS SUPPLEMENTED BY PERMIT 7595. CERTIFICATE 1760.

DOUGLAS COUNTY APN'S 1219-14-001-001-002, 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-06347	JOY WHIPPLE (AKA JOY S. SMITH) DANIEL PATRICK & ELAINE VANASSE BARDEN	SHERIDAN CREEK NORTH DIVERSION	NE¼SE¼ SEC. 15, T.12N., R.19E., M.D.B.&M., N.72°20'31"E. 8,412.47 FT. FROM SW COR. OF SAID SECTION 15.	APR. 1 TO OCT. 15 JAN. 1 TO DEC.31	IRRIGATION DOMESTIC 1862	0.296	* 4.00	99.76

PLACE OF USE 40 ACRE DESCRIPTIONS																		ACRES PER SECTION	REMARKS
SECTION	TOWN-SHIP	RANGE	NE				NW				SW				SE				STOCKWATER IS ALSO RECOGNIZED, SEE SEC. XII 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.						18.73										18.73	* THE TOTAL COMBINED DUTY OF WATER SHALL NOT EXCEED 4.0 ACRE-FEET PER ACRE FROM ANY AND/OR ALL SOURCES.
15	T. 12 N.,	R. 19 E.	6.21															6.21	
															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 2.8 CFS AS PER COURT ORDER DATED APRIL 5, 2012 (CASE NO.08-CV0363-D)

THIS PROOF IS SUPPLEMENTAL TO PROOF V-06348 AND IS SUPPLEMENTED BY PERMIT 7595, CERTIFICATE 1768.

DOUGLAS COUNTY APN'S 1219-14-001-001-002, 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-06348	DANIEL R. AND LAUREL C. HICKEY	UNNAMED SPRING	NE¼SE¼ SEC. 33, T.13N., R.19E., M.D.B.&M., N.32°26'38"W. 1,660.28 FT. FROM SE COR. OF SAID SECTION 33	APR. 1 TO OCT. 15 JAN. 1 TO DEC.31	IRRIGATION DOMESTIC 1889	0.200	4.00	23.32

PLACE OF USE 40 ACRE DESCRIPTIONS																		ACRES PER SECTION	REMARKS
SECTION	TOWN-SHIP	RANGE	NE				NW				SW				SE				STOCKWATER IS ALSO RECOGNIZED, SEE SEC. XII OF FINAL ORDER OF DETERMINATION
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
33	T. 13 N.,	R. 19 E.													4.42				4.42	DOUGLAS COUNTY APN'S 1319-33-002-020, 1319-34-002-010.
34	T. 13 N.,	R. 19 E.										1.41							1.41	
															TOTAL ACRES ALLOTTED				5.83	

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ ACRE	TOTAL AC.-FT.
V-06349	MADDIS FRIESIAN RANCH LLC	MOTT CREEK	NENSEN SEC. 04, T.12N., R.19E., M.D.B.&M., S.13°00'W. 763 FT. FROM E¼ COR. OF SAID SECTION 04. NW¼SW¼ SEC. 03, T.12N., R.19E., M.D.B.&M., S.41°15'E. 961 FT. FROM W¼ COR. OF SAID SECTION 03.	APR.1 TO OCT. 15 JAN. 1 TO DEC.31	IRRIGATION DOMESTIC 1862	0.386	4.00	133.84

PLACE OF USE 40 ACRE DESCRIPTIONS																			ACRES PER SECTION	REMARKS
SECTION	TOWN-SHIP	RANGE	N.E.				N.W.				S.W.				S.E.					STOCKWATER IS ALSO RECOGNIZED. SEE SEC. XII 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	OOUGLAS COUNTY APN 1219-03-001-068-069.
															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. 3-99-CV-0060-ET).

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC./FT./ ACRE	TOTAL AC.-FT.
V-06950	THOMAS M. AND PAULA J. YTURBIDE, TRUSTEES OF THE YTURBIDE 1991 FAMILY TRUST DATED AUGUST 7, 1991	MOTT CREEK	PRIMARY DIVERSION: NENSEW SEC. 04, T.12N., R.19E., M.D.B.&M., S.13°00'W. 763 FT. FROM E¼ COR. OF SAID SECTION 04. SECONDARY DIVERSION: NWNSWW SEC. 03, T.12N., R.19E., M.D.B.&M., S.41°15'E. 961 FT. FROM W¼ COR. OF SAID SECTION 03.	APR. 1 TO OCT. 15 JAN. 1 TO DEC. 31	IRRIGATION DOMESTIC 1862	0.184	4.00	51.84

PLACE OF USE 40 ACRE DESCRIPTIONS																			ACRES PER SECTION	REMARKS
SECTION	TOWN-SHIP	RANGE	NE				NW				SW				SE					STOCKWATER IS ALSO RECOGNIZED. SEE SEC. XII 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.									12.96									12.96	DOUGLAS COUNTY APN 1219-03-001-073.
															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. 09-CV0088-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-06351	ERIC SONG J. & ELIZABETH PARK	MOTT CREEK	PRIMARY DIVERSION: NE¼SE¼ SEC. 04, T.12N., R.19E., M.D.B.&M., S.13°00'W. 763 FT. FROM E¼ COR. OF SAID SECTION 04. SECONDARY DIVERSION: NW¼SW¼ SEC. 03, T.12N., R.19E., M.D.B.&M., S.41°15'E. 961 FT. FROM W¼ COR. OF SAID SECTION 03.	APR.1 TO OCT. 15 JAN. 1 TO DEC.31	IRRIGATION DOMESTIC 1852	0.092	4.00	40.00

PLACE OF USE 40 ACRE DESCRIPTIONS																			ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	N.E.				N.W.				S.W.				S.E.					STOCKWATER IS ALSO RECOGNIZED, SEE SEC. XII 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.								10.00									10.00	DOUGLAS COUNTY APN 1219-03-001-060.
															TOTAL ACRES ALLOTTED				10.00	

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-CV0383-1)

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY: PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ ACRE	TOTAL AC.-FT.
V-06352	DONALD A. TOUSSAU	TAYLOR CREEK	NE¼NE¼ SEC. 04, T.12N., R.19E., M.D.B.&M., S.49°20'W. 999 FT. FROM NE COR. OF SAID SECTION 04.	APR.1 TO OCT. 15 JAN. 1 TO DEC.31	IRRIGATION DOMESTIC PRIOR TO 1926	0.100	4.00	23.18

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	
4	T. 12 N.,	R. 19 E.	5.47			0.32													5.79
															TOTAL ACRES ALLOTTED				5.79

STOCKWATER IS ALSO RECOGNIZED. SEE SEC. XII OF FINAL ORDER OF DETERMINATION

THE TOTAL COMBINED DUTY UNDER THIS PROOF AND PROOF V06352 SHALL NOT EXCEED 4.0 ACRE-FEET PER ACRE FROM ANY AND/OR ALL SOURCES ON THE 5.79 ACRE PORTION UNDER THIS PROOF.

THIS PROOF INCLUDES PORTIONS OF DOUGLAS COUNTY APN'S 1219-04-001-011-013, 016-019, 021-022, 026, 033-035 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.
V-06352	DONALD A. TOUSSAU	UNNAMED SPRINGS	NE¼NW¼ SEC. 04, T.12N., R.19E., M.D.B.&M., S.40°13'W. 1,152 FT. FROM NE COR. OF SAID SECTION 04. SE¼NW¼ SEC. 04, T.12N., R.19E., M.D.B.&M., S.31°06'W. 1,845 FT. FROM NE COR. OF SAID SECTION 04. SE¼NW¼ SEC. 04, T.12N., R.19E., M.D.B.&M., S.29°19'W. 1,552 FT. FROM NE COR. OF SAID SECTION 04. SE¼NW¼ SEC. 04, T.12N., R.19E., M.D.B.&M., S.27°37'W. 2,019 FT. FROM NE COR. OF SAID SECTION 04.	APR.1 TO OCT. 15 JAN. 1 TO DEC.31	IRRIGATION DOMESTIC PRIOR TO 1906	0.080	*3.22	23.67

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION
SECTION	TOWN-SHIP	RANGE	N.E.				N.W.				S.W.				S.E.					
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
4	T. 12 N.,	R. 19 E.	5.47			1.85														7.32
															TOTAL ACRES ALLOTTED					7.32

REMARKS

STOCKWATER IS ALSO RECOGNIZED, SEE SEC. XII OF FINAL ORDER OF DETERMINATION

* THE TOTAL COMBINED DUTY UNDER THIS PROOF AND PROOF V06352 SHALL NOT EXCEED 4.0 ACRE-FEET PER ACRE FROM ANY AND/OR ALL SOURCES ON THE 5.79 ACRE PORTION UNDER PROOF V06352.

THIS PROOF INCLUDES PORTIONS OF DOUGLAS COUNTY APN'S 1219-04-001-011-013, 016-019, 021-022, 026, 033-035 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.
V-06354	THE SCHWAKE FAMILY TRUST CREDIT TRUST FOOTHILL RANCH, LLC	CARY CREEK	ORIFICE NENSE¼ SEC. 09, T.12N., R.19E., M.D.B.&M., S.87°06'W. 602 FT. FROM E¼ COR. OF SAID SECTION 9. DIVIDE BOX NENSE¼ SEC. 09, T.12N., R.19E., M.D.B.&M., S.86°57'19"W. 565 FT. FROM E¼ COR. OF SAID SECTION 09.	APR.1 TO OCT. 15	IRRIGATION	*2.000	**3.47	784.50
				JAN. 1 TO DEC.31	DOMESTIC			
				JAN. 1 TO DEC.31	STOCK WATER			
					1852			
				JAN. 1 TO DEC.31	POWER PRODUCTION			
					PRIOR TO 1900			

PLACE OF USE
40 ACRE DESCRIPTIONS

SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE				ACRES PER SECTION
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
2	T. 12 N.,	R. 19 E.										2.64	31.29						33.93
3	T. 12 N.,	R. 19 E.															19.62	34.23	53.85
10	T. 12 N.,	R. 19 E.	40.99	24.25	15.85	9.40													100.49
11	T. 12 N.,	R. 19 E.					1.83	35.82	0.26										37.91
															TOTAL ACRES ALLOTTED				226.08

The State Engineer determines that the storage claimed under this proof is from a facility 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, 1969. The dam was completed as evidenced by an inspection thereon made on [illegible] of prior use. The water storage is considered beneficial, as water rights are measured for storage.

SUFFICIENT WATER FOR 140 HEAD OF LIVESTOCK.

* THIS PROOF IS SUBJECT TO THE JULY 1, 1918, AGREEMENT, "GLOVER AGREEMENT", IN BOOK E, PAGE 397, AGR., DOUGLAS COUNTY RECORDER'S OFFICE. LANGUAGE IN THIS PROOF AND PROOF V06355 STIPULATES THAT SCHWAKE WILL RECEIVE 0.37 C.F.S. PLUS 1/3 OF THE REMAINING FLOW AND DREYER WILL RECEIVE 2/3 OF THE FLOW UNDER THIS PROOF OF CARY CREEK LESS 0.37 C.F.S. ON LANDS DESCRIBED UNDER PROOF V06355.

THIS PROOF IS SUPPLEMENTAL TO PORTIONS OF ALPINE DECREE CLAIM NOS. 527 AND 628 AND IS SUPPLEMENTED BY PERMIT 10983, CERTIFICATE 2937, CARY CREEK; AND PERMIT 72532, CERTIFICATE 3293, UNDERGROUND.

** THE TOTAL COMBINED DUTY OF WATER SHALL NOT EXCEED 4.0 ACRE-FEET PER ACRE FROM ANY AND/OR ALL SOURCES.

DOUGLAS COUNTY APN'S: 1219-02-000-016-018, 1219-03-002-089-094, 1219-10-001-036-045, 1219-11-001-001-004.

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY: PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ ACRE	TOTAL AC.-FT.
V-06354	ROLAND AND JOAN P. DREYER	GARY CREEK	DIVIDE BOX: NE¼SE¼ SEC. 09, T.12N., R.19E., M.D.B.&M., S 86°57'19"W, 565 FT. FROM E¼ COR. OF SAID SECTION 09.	APR.1 TO OCT. 15 JAN. 1 TO DEC.31 JAN. 1 TO DEC.31	IRRIGATION DOMESTIC STOCK WATER 1862	* 3.650	** 4.00	1064.96

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		
10	T. 12 N.,	R. 19 E			9.10	20.24									40.00	9.63	11.33	32.10	131.30	SUFFICIENT WATER FOR 300 HEAD OF LIVESTOCK. A PORTION OF THIS CLAIM HAS BEEN ABROGATED BY PERMIT 10983, CERTIFICATE 2937.
11	T. 12 N.,	R. 19 E.					17.31	4.26	40.00	34.96	0.20	32.71	6.50						134.94	* THIS PROOF IS SUBJECT TO THE JULY 1, 1916, AGREEMENT, "GLOVER AGREEMENT", IN BOOK E, PAGE 337, AGR., DOUGLAS COUNTY RECORDER'S OFFICE AND LANGUAGE IN THIS PROOF AND PROOF V06354 STIPULATES THAT SCHWAKE WILL RECEIVE 0.37 C.F.S. PLUS 1/3 OF THE REMAINING FLOW UNDER PROOF V06354 AND DREYER WILL RECEIVE 2/3 OF THE FLOW OF GARY CREEK LESS 0.37 C.F.S. UNDER THIS PROOF.
																			TOTAL ACRES ALLOTTED 266.24	THIS PERMIT IS SUPPLEMENTAL TO PORTIONS OF ALPINE DECREE CLAIM NOS. 625 AND 626 AND IS SUPPLEMENTED BY PERMIT 19039, CERTIFICATE 5862, PERMIT 19170, CERTIFICATE 5981; PERMIT 20766, CERTIFICATE 6512.
																				** THE TOTAL COMBINED DUTY OF WATER SHALL NOT EXCEED 4.0 ACRE-FEET PER ACRE FROM ANY AND/OR ALL SOURCES.
																				DOUGLAS COUNTY APN'S: 1219-10-002-056, 1219-10-001-046, 1219-11-001-005, 1219-10-002-058, 1219-09-002-003.

The State Engineer determines that no priority date or a means of water diversion has been established; therefore, no water is required 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.
V-06366	ALLEN D. SAPP AND PATRICIA J. SAPP	SHERIDAN CREEK (NORTH DIVERSION) AND TRIBUTARIES	SW¼SE¼ SEC. 15, T.12N., R.19E., M.D.B.&M., N.45°09'23"W. 2,070.25 FT. FROM SE COR. OF SAID SECTION 15. NW¼SW¼ SEC. 14, T.12N., R.19E., M.D.B.&M., N.12°50'48"E. 2,380.20 FT. FROM SE COR. OF SECTION 15, T.12N., R.19E., M.D.B.&M.	APR.1 TO OCT. 15 JAN. 1 TO DEC.31	IRRIGATION DOMESTIC 1860	0.050	4.00	20.40

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			STOCKWATER IS ALSO RECOGNIZED, SEE SEC. XII OF FINAL ORDER OF DETERMINATION
14	T. 12 N.,	R. 19 E.										5.10								5.10	DOMESTIC AND CULINARY USES ASSOCIATED WITH THE SHERIDAN HOUSE HOTEL AND SALOON.
																			TOTAL ACRES ALLOTTED	5.10	DOUGLAS COUNTY APN: 1219-14-802-003 & 005.

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.
V-06357	DONALD L. AND TONI M. ROOKER	SHERIDAN CREEK (SOUTH DIVERSION)	PRIMARY DIVERSION: NE¼SE¼ SEC. 15, T.12N., R.19E., M.D.B.&M., N.63°08'W. 1,647 FT. FROM SE COR. OF SAID SECTION 15. SECONDARY DIVERSION: NW¼SW¼ SEC. 14, T.12N., R.19E., M.D.B.&M., N.13°27'E. 1,716 FT. FROM SW COR. OF SAID SECTION 14.	APR.1 TO OCT. 15 JAN. 1 TO DEC.31	IRRIGATION DOMESTIC 1971	0.337	4.00	138.80

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		SEE PROOF V06358 FOR STOCK WATER.
14	T. 12 N.,	R. 19 E.									15.80	2.60	0.60	0.70		14.60	0.60		34.70	SUPPLEMENTAL TO WATER RIGHTS UNDER THE BARBER CREEK DECREE.
															TOTAL ACRES ALLOTTED				34.70	DOUGLAS COUNTY APN'S: 1219-14-002-061, 018.

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY: PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ ACRE	TOTAL AC.-FT.
V-06358	DONALD L. AND TONI M. ROOKER	SHERIDAN CREEK (SOUTH DIVERSION)	PRIMARY DIVERSION: NENSEN SEC. 15, T.12N., R.19E., M.D.B.&M., N.03°08W. 1,647 FT. FROM SE COR. OF SAID SECTION 15. SECONDARY DIVERSION: NWHSWH SEC. 14, T.12N., R.19E., M.D.B.&M., N.13°37E. 1,718 FT. 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	TOWN-SHIP	RANGE	N.E.				N.W.				S.W.				S.E.				
			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		X	X		

STOCKWATER IS RECOGNIZED FOR 50 HEAD OF LIVESTOCK. SEE SEC. XII OF THE FINAL ORDER OF DETERMINATION

SUPPLEMENTAL TO WATER RIGHTS UNDER THE BARBER CREEK DECREE.

DOUGLAS COUNTY APN'S: 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.
V-06389	DENNIS R. AND THERESE S. BUCKLEY	SHERIDAN CREEK (SOUTH DIVERSION)	PRIMARY DIVERSION: NE¼SE¼ SEC. 15, T.12N., R.19E., M.D.B.&M., N.89°08'W. 1,647 FT. FROM SE COR. OF SAID SECTION 15. SECONDARY DIVERSION: NW¼SW¼ SEC. 14, T.12N., R.19E., M.D.B.&M., N.13°37'E. 1,716 FT. 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		STOCKWATER IS RECOGNIZED FOR 30 HEAD OF LIVESTOCK. SEE SEC. XII OF THE FINAL ORDER OF DETERMINATION SUPPLEMENTAL TO WATER RIGHTS UNDER THE BARBER CREEK DECREE. DOUGLAS COUNTY APN: 1219-14-002-020.

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ ACRE	TOTAL AC.-FT.
V-06360	DENNIS R. AND THERESE S. BUCKLEY	SHERIDAN CREEK (SOUTH DIVERSION)	PRIMARY DIVERSION: NE¼SE¼ SEC. 15, T.12N., R.19E., M.D.B.&M., N.02°06'W. 1,647 FT. FROM SE COR. OF SAID SECTION 15. SECONDARY DIVERSION: NW¼SW¼ SEC. 14, T.12N., R.19E., M.D.B.&M., N.13°37'E. 1,716 FT. FROM SW COR. OF SAID SECTION 14.	APR.1 TO OCT. 15	IRRIGATION 1871	0.175	4.00	72.00

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE						SEE PROOF V-06359 FOR STOCK WATER. SUPPLEMENTAL TO WATER RIGHTS UNDER THE BARBER CREEK DECREE. DOUGLAS COUNTY APN: 1219-14-002-020.
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
14	T. 12 N.,	R. 19 E.									1.00			7.90		2.10	8.20		18.00		
															TOTAL ACRES ALLOTTED				18.00		

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ ACRE	TOTAL AC.-FT.
V-06361	STEPHEN RAY AND LUCETTE SIMON PAUL P. AND MOREME L. SIMON	SHERIDAN CREEK (SOUTH DIVERSION)	PRIMARY DIVERSION: NENSEN SEC. 15, T.12N., R.19E., M.D.B.&M., N.09°08'W, 1,647 FT. FROM SE COR. OF SAID SECTION 15. SECONDARY DIVERSION: NW¼SW¼ SEC. 14, T.12N., R.19E., M.D.B.&M., N.13°37'E, 1,716 FT. 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	TOWN-SHIP	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			STOCKWATER IS RECOGNIZED FOR 40 HEAD OF LIVESTOCK, SEE SEC. XII OF THE FINAL ORDER OF DETERMINATION. SUPPLEMENTAL TO WATER RIGHTS UNDER THE BARBER CREEK DECREE. DOUGLAS COUNTY APR: 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.
V-06362	STEPHEN RAY AND LUCETTE SIMON PAUL P. AND MORENE L. SIMON	SHERIDAN CREEK (SOUTH DIVERSION)	PRIMARY DIVERSION: NE¼SE¼ SEC. 15, T.12N., R.19E., M.D.B.&M., N 00°06'W, 1,647 FT. FROM SE COR. OF SAID SECTION 15. SECONDARY DIVERSION: NW¼SW¼ SEC. 14, T.12N., R.19E., M.D.B.&M., N 15°37'E, 1,716 FT. FROM SW COR. OF SAID SECTION 14.	APR. 1 TO OCT. 15	IRRIGATION 1871	0.316	4.00	130.40

PLACE OF USE 40 ACRE DESCRIPTIONS																			ACRES PER SECTION	REMARKS
SECTION	TOWN-SHIP	RANGE	NE				NW				SW				SE					SEE PROOF V-06361 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.										14.20	6.00				13.20	0.20		32.60	THE BARBER CREEK DECREE.
															TOTAL ACRES ALLOTTED				32.60	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.
V-06363	ROBERT D. AND WANDA D. SHOCKEY	LUTHER CREEK	PRIMARY DIVERSION: NE¼SE¼ SEC. 35, T.12N., R.19E., M.D.B.&M., S.19°21'16"W. 3072.0 FT. FROM NE COR. OF SAID SECTION 35, IN ALPINE COUNTY, CALIFORNIA. SECONDARY DIVERSION: NE¼SE¼ SEC. 26, T.12N., R.19E., M.D.B.&M., N.07°07'W. 1,471 FT. FROM SE COR. OF SAID SECTION 26.	APR.1 TO OCT. 15 JAN. 1 TO DEC.31	IRRIGATION DOMESTIC 1865	* 2.160	4.00	319.86

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION	REMARKS
SECTION	TOWN-SHIP	RANGE	N.E.				N.W.				S.W.				S.E.						
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			SEE PROOF V-06364 FOR STOCK WATER.
25	T. 12 N.,	R. 19 E.			33.00				4.68	23.36	16.82	1.06				4.83				79.97	* 1/2 OF 10 C.F.S. APPURTENANT TO 79.97 OF 122.58 ACRES LOCATED WITHIN THE SW¼NE¼, S½NW¼, NW¼SE¼ AND W½SW¼ SECTION 25, SE¼NW¼ AND NE¼SE¼ SECTION 26, T.12N., R.19E., M.D.B.&M.
															TOTAL ACRES ALLOTTED					79.97	DOUGLAS COUNTY APN'S 1219-26-002-001 AND 1219-25-001-008.

Acreage is as shown on the Douglas County Assessor's Parcel plat 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 totals this same is 87.5 acres. The 87.5 acres represent the 80.00 acres within APN's * 1219-25-002-001 and * 1219-25-001-008. Therefore, acreage was recalculated by the State Engineer's office as represented in the "PLACE OF USE - 40 ACRE DESCRIPTIONS".

* Note: Douglas County APN 19-300-19 and the remaining (40) acres of APN 19-300-37 have been consolidated into two (2) lots (40) acre parcels numbered 1219-25-002-001 and 1219-26-001-006.

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ ACRE	TOTAL AC.-FT.
V-06364	ROBERT D. AND WANDA D. SHOCKEY	LUTHER CREEK	PRIMARY DIVERSION: NE¼SE¼ SEC. 35, T.12N., R.19E., M.D.B.&M., S.13°21'16"W. 3072.0 FT. FROM NE COR. OF SAID SECTION 36, IN ALPINE COUNTY, CALIFORNIA. SECONDARY DIVERSION: NE¼SE¼ SEC. 26, T.12N., R.19E., M.D.B.&M., N.07°07'W. 1,471 FT. FROM SE COR. OF SAID SECTION 26.	JAN. 1 TO DEC. 1	STOCK WATER 1865			

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.			X				X	X	X	X				X			STOCKWATER IS RECOGNIZED FOR 100 HEAD OF LIVESTOCK, SEE SEC. XII OF THE FINAL ORDER OF DETERMINATION. DOUGLAS COUNTY APN'S 1219-25-002-001, 000.

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY: PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ ACRE	TOTAL AC.-FT.
V-06366	BROOKS FAMILY TRUST AGREEMENT DATED FEBRUARY 18, 1992	LUTHER CREEK	PRIMARY DIVERSION: NE¼SE¼ SEC. 35, T.12N., R.19E., M.D.B.&M., S.13°21'16"W. 3072.6 FT. FROM NE COR. OF SAID SECTION 35, IN ALPINE COUNTY, CALIFORNIA. SECONDARY DIVERSION: NE¼SE¼ SEC. 26, T.12N., R.19E., M.D.B.&M., N.07°07'W. 1,471 FT. FROM SE OF COR. SAID SECTION 26.	APR.1 TO OCT. 15 JAN. 1 TO DEC.31	IRRIGATION DOMESTIC 1866	*1.18	4.00	236.80

PLACE OF USE 40 ACRE DESCRIPTIONS																			ACRES PER SECTION	REMARKS
SECTION	TOWN-SHIP	RANGE	N.E.				N.W.				S.W.				S.E.					
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		SEE PROOF V-06366 FOR STOCK WATER
26	T. 12 N.,	R. 19 E.							4.60			35.50	3.90						44.00	* 1/3 OF 10 C.F.S. APPURTENANT TO 43.61 OF
26	T. 12 N.,	R. 19 E.													15.20				16.20	123.68 ACRES LOCATED WITHIN THE SW¼NE¼,
															TOTAL ACRES ALLOTTED				59.20	S½NW¼, NW¼SE¼ AND W½SW¼ SECTION 26, SE¼NW¼
																				AND NE¼SE¼ SECTION 26, T.12N., R.19E., M.D.B.&M.
																				PORTION OF DOUGLAS COUNTY APN 1219-26-002-012

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC./FT./ ACRE	TOTAL AC.-FT.
V-08366	BROOKS FAMILY TRUST AGREEMENT DATED FEBRUARY 18, 1992	LUTHER CREEK	PRIMARY DIVERSION: NE¼SE¼ SEC. 35, T.12N., R.19E., M.D.B.&M., S.13°21'16"W. 3072.0 FT. FROM NE COR. OF SAID SECTION 35, IN ALPINE COUNTY, CALIFORNIA. SECONDARY DIVERSION: NE¼SE¼ SEC. 26, T.12N., R.19E., M.D.B.&M., N.07°07'W. 1,471 FT. FROM SE COR. OF SAID SECTION 26.	JAN. 1 TO DEC. 31	STOCK WATERING 1865			

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.							X			X	X						STOCKWATER IS RECOGNIZED FOR 120 HEAD OF LIVESTOCK. SEE SEC. XII OF THE FINAL ORDER OF DETERMINATION.
26	T. 12 N.,	R. 19 E.													X				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.
V-06367	SCOSSA BROTHERS	MILLER CREEK, BEERS SPRING AND OTHER UNNAMED SPRINGS	*MILLER CREEK NW¼ NW¼ SEC. 26, T.12N., R.19E., M.D.B.&M., S.46°10'E. 1,059.61 FT. FROM NW COR. OF SAID SECTION 26. ** BEERS SPRING NW¼SE¼ SEC. 22, T.12N., R.19E., M.D.B.&M., S.84°02'W 2,184.0 FT. FROM THE E¼ COR. OF SAID SEC. 22.	APR. 1 TO OCT. 15 JAN. 1 TO DEC. 31	IRRIGATION DOMESTIC 1862	* 2.000 ** 0.150	* 2.71 ** 0.27	578.04 51.591

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 Scossa Ranch every 14 days.

PLACE OF USE 40 ACRE DESCRIPTIONS																			ACRES PER SECTION
SECTION	TOWNSHIP	RANGE	N.E.				N.W.				S.W.				S.E.				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
23	T. 12 N.	R. 19 E.			1.00	10.20					14.20			20.90	40.00	35.03	37.00	29.40	184.60
24	T. 12 N.	R. 19 E.										5.00	9.20						14.20
26	T. 12 N.	R. 19 E.		2.90			12.00												14.90
TOTAL ACRES ALLOTTED																			213.90

REMARKS

SEE PROOF V-06368 FOR STOCKWATER.

THE TOTAL COMBINED DUTY OF WATER SHALL NOT EXCEED 4.0 ACRE-FEET PER ACRE FROM ANY AND/OR ALL SOURCES.

THIS PROOF SUPERCEDES PERMIT 24557, CERTIFICATE 8079, MILLER CREEK AND IS SUPPLEMENTAL TO PROOF V06371.

SUPPLEMENTS WATER UNDER THE BARBER CREEK DECREE, SUPPLEMENTED BY PERMIT 24557, CERT. 6815, AND PERMIT 24201, CERT. 6813

DOUGLAS COUNTY APN 1219-23-002-010, 011.

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ ACRE	TOTAL AC.-FT.
V-06368	SCOSSA BROTHERS	MILLER CREEK, BEERS SPRING AND OTHER UNNAMED SPRINGS	MILLER CREEK NW¼NW¼ SEC. 26, T.12N., R.19E., M.D.B.&M., S.66°10'E., 1,669.01 FT. FROM NW COR. OF SAID SECTION 26. BEERS SPRING NW¼SE¼ SEC. 22, T.12N., R.19E., M.D.B.&M., S.84°02'W. 2,184.0 FT. FROM THE E¼ COR. OF SAID SEC. 22.	JAN. 1 TO DEC. 1	STOCK WATER 1862			

The State Engineer recommends that Minor Creek be subject to a 4 day rotation for Green Acres water users and a 10 day rotation for the Scossa 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		
22	T. 12 N.,	R. 19 E.	PORTIONS OF THIS SECTION																	STOCKWATER IS RECOGNIZED FOR 545 HEAD OF LIVESTOCK. SEE SEC. XII OF THE FINAL ORDER OF DETERMINATION.
23	T. 12 N.,	R. 19 E.			X	X					X			X	X	X	X	X		THIS PROOF SUPERCEDES PERMIT 24587, CERTIFICATE 8079, MILLER CREEK
24	T. 12 N.,	R. 19 E.										X	X							THIS PROOF IS SUPPLEMENTAL TO PROOF V06372.
26	T. 12 N.,	R. 19 E.		X			X													DOUGLAS COUNTY APN'S 1219-23-002-010, 011; 1219-22-002-001.

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ ACRE	TOTAL AC.-FT.
V-06369	WILEY W. LLC BETTIE KERNARD KANELOS TRUST MICHAEL STEVEN BELLIK ERIK AND MYRNA J. VINDUM BARBARA JANE HUGHES THE BENSON FAMILY 2008 TRUST DATED OCTOBER 14, 2008 CHAMPLIN NEVADA TRUST	MOTT CREEK	PRIMARY DIVERSION: NE¼SE¼ SEC. 04, T.12N., R.19E., M.D.B.&M., S.12°48'W. 768 FT. FROM E¼ COR. OF SAID SECTION 04. SECONDARY DIVERSION: SW¼SW¼ SEC. 34, T.13N., R.19E., M.D.B.&M., N.89°56'E. 775 FT. FROM SW COR. OF SAID SECTION 34.	JAN. 1 TO DEC. 1	STOCK WATER 1953			

PLACE OF USE 40 ACRE DESCRIPTIONS																		ACRES PER SECTION	REMARKS
SECTION	TOWN-SHIP	RANGE	N.E.				N.W.				S.W.				S.E.				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
34	T. 13 N.,	R. 19 E.									X	X	X	X	X	X	X	X	

STOCKWATER IS RECOGNIZED FOR 120 HEAD OF LIVESTOCK. SEE SEC. XII OF THE FINAL ORDER OF DETERMINATION.

DOUGLAS COUNTY APN'S 1319-34-002-023 THROUGH 028.

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC./FT./ ACRE	TOTAL AC.-FT.
V-06370	WILEY W. LLC BETTIE KENNARD KANELOS TRUST MICHAEL STEVEN BELLIK ERIK AND MYRNA J. VINDUM BARBARA JANE HUGHES THE BENSON FAMILY 2008 TRUST DATED OCTOBER 14, 2008 CHAMPLIN NEVADA TRUST	MOTT CREEK	PRIMARY DIVERSION: NE¼SE¼ SEC. 04, T.12N., R.19E., M.D.B.&M., S.12°45'W. 763 FT. FROM E¼ COR. OF SAID SECTION 04. SECONDARY DIVERSION: SW¼SW¼ SEC. 34, T.13N., R.19E., M.D.B.&M., N.89°56'E. 779 FT. FROM SW COR. OF SAID SECTION 34.	APR.1 TO OCT. 16 JAN. 1 TO DEC.31	IRRIGATION DOMESTIC 1853	1.100	3.40	431.46

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		SEE PROOF V-06369 FOR STOCK WATERING.
34	T. 13 N.,	R. 19 E.											25.00	40.20			40.00	21.70	126.90	DOUGLAS COUNTY APN'S 1319-34-002-023
															TOTAL ACRES ALLOTTED				126.90	THROUGH 028.

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ ACRE	TOTAL AC.-FT.
V-06371	SCOSSA BROTHERS	LUTHER CREEK, MILLER CREEK, FREDERICKSBURG DITCH, AND VARIOUS UNNAMED SPRINGS. WASTE AND DRAIN WATER FROM THESE SOURCES.	DIVERSION NO. 1 NW¼SE¼ SEC. 23, T.12N., R.19E., M.D.B.&M., N.54°04'21"E. 3,969 FT. FROM SW COR. OF SAID SECTION 23. DIVERSION NO. 2 SW¼SE¼ SEC. 23, T.12N., R.19E., M.D.B.&M., N.73°40'15"E. 3,241 FT. FROM SW COR. OF SAID SECTION 23. DIVERSION NO. 3 NE¼SW¼ SEC. 24, T.12N., R.19E., M.D.B.&M., N.79°49'00"E. 7,400 FT. FROM SW COR. OF SAID SECTION 23. DIVERSION NO. 4 SE¼SE¼ SEC. 23, T.12N., R.19E., M.D.B.&M., N.85°42'17"E. 4,129 FT. FROM SW COR. OF SAID SECTION 23. DIVERSION NO. 6 NW¼NE¼ SEC. 26, T.12N., R.19E., M.D.B.&M., S.88°03'16"E. 3,123 FT. FROM SW COR. OF SAID SECTION 23.	APR.1 TO OCT. 15 The State Engineer determines that a vested right is established from these sources for "drain and waste" water only. No diversion rate or duty is allowed. See Section V.	IRRIGATION 1852			

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.			1.03	10.20									40.00	21.80	24.40	27.60	125.00	SEE PROOF V-06372 FOR STOCK WATERING. THIS PROOF SUPERCEDES PERMIT 24657, CERTIFICATE 6079, MILLER CREEK.
24	T. 12 N.,	R. 19 E.			34.30	2.70			21.30	32.50	20.00	40.20	13.00	1.80					166.70	THIS PROOF IS SUPPLEMENTAL TO PROOF V06372.
26	T. 12 N.,	R. 19 E.		0.40															0.40	DOUGLAS COUNTY APNS 1219-23-002-010-011.
															TOTAL ACRES ALLOTTED				292.10	SUPPLEMENTS WATER UNDER THE BARRER CREEK DECREE. SUPPLEMENTED BY PERMIT 24657, CERT. 6815, 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-06372	SCOSSA BROTHERS	LUTHER CREEK, MILLER CREEK, FREDERICKSBURG DITCH, AND VARIOUS UNNAMED SPRINGS. WASTE AND DRAIN WATER FROM THESE SOURCES.	DIVERSION NO. 1 NW¼SE¼ SEC. 23, T.12N., R.19E., M.D.B.&M., N.54°04'21"E. 3,988 FT. FROM SW COR. OF SAID SECTION 23. DIVERSION NO. 2 SW¼SE¼ SEC. 23, T.12N., R.19E., M.D.B.&M., N.73°40'15"E. 3,241 FT. FROM SW COR. OF SAID SECTION 23. DIVERSION NO. 3 NE¼SW¼ SEC. 24, T.12N., R.19E., M.D.B.&M., N.79°49'00"E. 7,400 FT. FROM SW COR. OF SAID SECTION 23. DIVERSION NO. 4 SE¼SE¼ SEC. 23, T.12N., R.19E., M.D.B.&M., N.86°42'17"E. 4,129 FT. FROM SW COR. OF SAID SECTION 23. DIVERSION NO. 5 NW¼NW¼ SEC. 26, T.12N., R.19E., M.D.B.&M., S.88°03'16"E. 3,123 FT. FROM SW COR. OF SAID SECTION 23.	JAN. 1 TO DEC. 31	STOCK WATER 1852 The State Engineer determines that a reasonable [illegible] for "stock and [illegible]" under this [illegible]. 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		
23	T. 12 N.,	R. 19 E.			X	X									X	X	X	X		STOCKWATER IS RECOGNIZED FOR 545 HEAD OF LIVESTOCK. SEE SEC. XII OF THE FINAL ORDER OF DETERMINATION.
24	T. 12 N.,	R. 19 E.			X	X			X	X	X	X	X	X						THIS PROOF SUPERCEDES PERMIT 24557, CERTIFICATE 8079, MILLER CREEK
26	T. 12 N.,	R. 19 E.		X																DOUGLAS COUNTY APN'S 1219-23-002-010, 011; 1219-22-002-001.
																				SUPPLEMENTS WATER UNDER THE BARBER CREEK DECREE, SUPPLEMENTED BY PERMIT 24557, CERT. 6815, AND PERMIT 24201, CERT. 6811

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 & JOYCE H. LACKEY TODD R. & JACQUELYN M. WERNER	MOTT CREEK	NENSEW SEC. 04, T.12N., R.19E., M.D.B.&M., S.14°15'43"W. 767.47 FT. FROM E¼ COR. OF SAID SECTION 04.	APR.1 TO OCT. 15 JAN. 1 TO DEC. 31	IRRIGATION DOMESTIC 1882	0.102	4.00	27.60

PLACE OF USE 40 ACRE DESCRIPTIONS																			ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE					STOCKWATER IS ALSO RECOGNIZED, SEE SEC. XII 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.													2.36		1.33	3.23		6.92	DOUGLAS COUNTY APN 1219-03-002-006.
															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.
V-07486	MICHAEL CATHERWOOD AND ROBIN L. CATHERWOOD	MILLER CREEK, UNNAMED SPRING (A) & UNNAMED SPRING (D)	* 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	*0.127	*2.71	5.10
				JAN. 1 TO DEC.31	DOMESTIC	**0.050	**4.00	19.44
					1853	***	***	***

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

** UNNAMED SPRING (A) NE¼NW¼ SEC. 26, T.12N., R.19E., M.D.B.&M., S.66°20'28"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.

***UNNAMED SPRING (D) SE¼NW¼ SEC. 26, T.12N., R.19E., M.D.B.&M., S.42°37'14"E. 3,508 FT. FROM NW COR. OF SAID SECTION 26.

The State Engineer determines that a vested right is available from Unnamed Spring (D) for a direct diversion that subject to the priority date described in the First 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			
23	T. 12 N.,	R. 19 E.																X			STOCKWATER IS ALSO RECOGNIZED, SEE SEC. XII OF FINAL ORDER OF DETERMINATION
24	T. 12 N.,	R. 19 E.											X								THE TOTAL COMBINED DUTY OF WATER SHALL NOT EXCEED 4.0 ACRE-FEET PER ACRE FROM ANY AND/OR ALL SOURCES
															TOTAL ACRES ALLOTTED					4.86	

WATER FROM UNNAMED SPRING (A) IS SUBJECT TO A ROTATION SUPPLY SCHEDULE IMPOSED BY THE STATE ENGINEER IN INVOLVED PARTIES CANNOT REACH AN AGREEMENT ON A SCHEDULE INTERNALLY AS PER COURT ORDER DATED DECEMBER 21, 2011 CASE NO. 06-00093-D.

THE STATE ENGINEER DETERMINES THAT THIS PROOF SUPERCEDES PERMIT 24626, CERTIFICATE 8136, "MILLER CREEK", AND PERMIT 24626, CERTIFICATE 8137, "UNNAMED CREEK".

X - LOT 15 ON THE SUPPORTING MAP. DOUGLAS COUNTY APN 1219-23-002-013.

***The first 1.50 cfs from Unnamed Spring (D) is allocated to Rights V-06321, V-06323 and V-08850. From the First 1.50 cfs each right is divided at a 60%/40% split, with 40% being routed through the "Bypass Box" under claim V-08850. The 40% portion will be used to supplement Spring (A) flow when the combination schedule for that spring (A) is active in 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-09266, and V-09270. Refer to Table B for the distribution table as it pertains to the 60%/40% division of the waters 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.
V-08850	GINDEKENDYKE FAMILY TRUST DATED MARCH 2, 1978	UNNAMED SPRING (A) - DIRECT DIVERSION. UNNAMED SPRING (D) & LUTHER CREEK - RETURN FLOW	* UNNAMED SPRING (A) SWXNWX SEC. 26, T.12N., R.19E., M.D.B.&M., S.24°E. 1,550 FT. FROM NW COR. OF SAID SECTION 26.	APR. 1 TO OCT. 15	IRRIGATION	*0.077	* 4.00	49.22
				JAN. 1 TO DEC.31	DOMESTIC	**1.50	4.00	102.16
				JAN. 1 TO DEC.31	STOCK WATER	STOCKWATER IS ALSO RECOGNIZED.		
					1863			
			** UNNAMED SPRING (D) SENNWX SEC. 26, T.12N., R.19E., M.D.B.&M., S.47°37'14"E. 3,608 FT. FROM NW COR. OF SAID SECTION 26.	Unnamed Spring (A) is the same water source as Jackson Spring "A" under Proof V06342. Test spring in the past source of water for the long ends of the [illegible] spring, [illegible] the stream will permit. The State Engineer determines that a vested right to [illegible] from Unnamed Spring (D) for a domestic diversion right and the diversion and spring area for use only on lands located on the same side of the northeastern-trending divide which [illegible] the parcel [illegible]. Unnamed Spring "A" water cannot be used [illegible] and this source.				
			LUTHER CREEK RETURN FLOW NENSEX SEC. 35, T.12N., R.19E., M.D.B.&M., S.13°21'16"W. 3,072 FT. FROM NE COR. OF SAID SECTION 35.	The State Engineer determined that a vested right to [illegible] from Lower Cragmont "drain and waste" water only. No diversion rate of duty is assured. See Section V.				

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION	REMARKS
SECTION	TOWN-SHIP	RANGE	N.E.				N.W.				S.W.				S.E.						STOCKWATER IS RECOGNIZED FOR 30 HEAD OF LIVESTOCK. SEE SEC. XII OF THE FINAL ORDER OF DETERMINATION.
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
LAND IRRIGATED FROM UNNAMED SPRING (A)																					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.		6.39	4.89		1.15												12.43		
LAND IRRIGATED FROM UNNAMED SPRING (D)																					THE STATE ENGINEER DETERMINES THAT THIS PROOF SUPERCEDES PERMIT 24918, CERTIFICATE 7843, "UNNAMED SPRING", AND PERMIT 24919, CERTIFICATE 7842, "UNNAMED SPRING", AND PROOF V-02856.
26	T. 12 N.,	R. 19 E.	6.77	7.02	9.11	2.64													25.54		
LUTHER CREEK RETURN FLOW																					
26	T. 12 N.,	R. 19 E.	6.77			2.64													9.41		
																		TOTAL ACRES ALLOTTED	37.97		DOUGLAS COUNTY APN 1219-26-001-035.

WATER FROM UNNAMED SPRING(A) IS SUBJECT TO A ROTATION SCHEDULE IMPOSED BY THE STATE ENGINEER IF INVOLVED DUTIES CANNOT BE MET BY AGREEMENT OR A SCHEDULE ULTIMATELY ESTABLISHED BY COURT ORDER DATED DECEMBER 21, 2011 CASE NO. 90-[illegible]

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

UNNAMED SPRING (A) is the domestic source of water for 6.39 acres irrigated within the NWXNEX, 4.89 acres within the SWXNEX and 1.15 acres within the SEXNWX Sec. 26, T.12N., R.19E., M.D.B.&M. Spring north of the diversion dam appears [illegible] a [illegible] diversion through the pressed pipe on the [illegible].

UNNAMED SPRING "D" is approximately 6.77 acres located within the NEXNEX, 7.02 acres within the NWXNEX, 9.11 acres within the SWXNEX and 2.64 acres within the SEXNEX Sec. 26, T.12N., R.19E. M.D.B.&M. Spring [illegible] of the diversion dam appears [illegible] the spring head in the [illegible].

LUTHER CREEK RETURN FLOW is noted as being applied to its 6.77 acres located within the NEXNEX and 2.64 acres within the SEXNEX Sec. 26, T.12N., R.19E., M.D.B.&M.. Return flow is not authorized to this acreage, but it may be used downstream from the point at which it [illegible] the claimed acreage. Consumer and [illegible] appropriations are recognized with [illegible] of current use of this water.

*1.50 cfs is the minimum flow rate from Unnamed Spring (D) that is to be used in a common scheme of irrigation under Proofs V-06321, V-06323 and V-08850. Flows in excess of 1.5 cfs shall be divided in a 60%/40% and 40% of the water share 1.5 cfs diverted through the diversion [illegible] Fanning Road to the [illegible] through the "Diversion Ditch" under Proof V-08850. 60% of the flow in excess of 1.5 cfs will remain in the stream to be [illegible] under Proofs V-06321, V-06323 and V-08850. Refer to Table B for the distribution table as it pertains to the 60%/40% [illegible] of the [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.
V-09039	TOM E. MASON AND SHARON J. MASON	MOTT CREEK	NE¼SE¼ SEC. 04, T.12N., R.19E., M.D.B.&M., S.14°15'43"W. 767.47 FT. FROM E¼ COR. OF SAID SECTION 04.	JAN. 1 TO DEC. 31	DOMESTIC, GARDEN AND LAWN 1052	0.005	3.99	0.99

PLACE OF USE 40 ACRE DESCRIPTIONS			NE				NW				SW				SE				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. XII OF FINAL ORDER OF DETERMINATION
3	T. 12 N.,	R. 19 E.												0.22					0.22	DOUGLAS COUNTY APN 1219-03-002-060.
															TOTAL ACRES ALLOTTED				0.22	

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ ACRE	TOTAL AC.-FT.
V-09263	BRETT A. & KAREN A. KIMBALL ROBERT S. CHUDNOW STEVEN & SYLVIA RE'	MOTT CREEK	NENSE¼ SEC. 04, T.12N., R.19E., M.D.B.&M., S.14°16'43"W. 757.47 FT. FROM E¼ COR. OF SAID SECTION 04.	APR.1 TO OCT. 15	IRRIGATION 1852	0.129	4.00	34.92

PLACE OF USE 40 ACRE DESCRIPTIONS																			ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE					STOCKWATER IS ALSO RECOGNIZED. SEE SEC. XII 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.									1.80			1.72		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 located within portions of the NE¼SW¼, SE¼SW¼, NW¼SE¼ and SW¼SE¼, Section 3, T.12N., R.19E., M.D.B.&M. The State Engineer determined that water was diverted from Mott Creek and used to irrigate the acreage based on Map No. 4661, 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 Brown Land, dated Oct. 28, 1938. This claim is filed pursuant to NRS § 533.125

Acreage using each corp (40) acre parcel was determined based on measurements to within 0.012 acres. The acreage was then proportionately reduced within each forty (40) acre parcel 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-09264	TYNE HONKAMEN & MARSHALL KYLE	MILLER CREEK UNNAMED SPRING (A) & UNNAMED SPRING (D)	* 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. ** UNNAMED SPRING (A) NE¼NW¼ SEC. 26, T.12N., R.19E., M.D.B.&M., S.85°20'26"E. 2,614.08 FT. FROM NW COR. OF SAID SECTION 26. ***UNNAMED SPRING (D) SE¼NW¼ SEC. 26, T.12N., R.19E., M.D.B.&M., S.47°37'14"E. 3,508 FT. FROM NW COR. OF SAID SECTION 26.	APR.1 TO OCT. 15	IRRIGATION	* 0.066	* 2.71	0.89
					1863	** 0.016	** 4.00	10.12
						***	***	***

The State Engineer determined that Miller Creek is subject to a 4 day rotation for Green Acres during years and a 10 day rotation for the Sassone Ranch during 14 years.

Unnamed Spring (A) is the same water source as Jensen Spring "A" under Proof V06342.

The State Engineer determined that a vested right supplanted from Unnamed Spring (D) for a direct diversion right subject to the priority date described in the Final Order of Determination.

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION	REMARKS
SECTION	TOWN-SHIP	RANGE	N.E.				N.W.				S.W.				S.E.						
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			STOCKWATER IS ALSO RECOGNIZED. SEE SEC. XII OF FINAL ORDER OF DETERMINATION
26	T. 12 N., R. 19 E.			2.53																2.53	THE TOTAL COMBINED DUTY OF WATER SHALL NOT EXCEED 4.0 ACRE-FEET PER ACRE FROM ANY AND/OR 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 OR A SCHEDULE INTERNALLY AS PER COURT ORDER DATED DECEMBER 24, 2013 CASE NO. 98-V0045 D.

This water is assessed to Douglas County Assessor's Parcel 1219-26-001-001, using 2.53 acres located within a portion of the NW¼NE¼ Section 26, T.12N., R.19E., M.D.B.&M. The State Engineer determined that water has been diverted from Miller Creek and Unnamed Spring (A) and placed to beneficial use on this acreage prior to the Map No. 4991, "U.S. Geological Survey, Hydrological Branch, Reconnaissance Survey for the Truckee-Carson Project, Map", Dated June 27, 1904 and 1936 Amendments of Carson Valley Survey Land, dated Dec. 20, 1938 and the establishment of the acreage in the Green Acres subdivision was formally the same period. This priority date pursuant to NRS § 533.125.

*** The first 1.60 acre-feet of Unnamed Spring (D) is shared by Permits V-06321, V-06323 and V-09840. From the Excess of 1.50 acre-feet, is divided in a 60%/40% split with 40% being routed through the pipeline to the north, then turns towards Foothill Road to the east and divides water through the "Blossom Duck" pond under V-09840. The 40% portion will be routed supplement Spring (A) now under the same ownership as the same spring (A) as applied to Permits V-06322, V-06325, V-06326, V-06327, V-06328, V-06329, V-06330, V-06331, V-06333, V-06334, V-07496, V-09264, V-09265, V-09266 and V-09270. Refer to Table 8 for the distribution table and portions of the 60%/40% division of the original water from Unnamed Spring (D).

THE STATE ENGINEER DETERMINES THAT THIS PROOF SUPERCEDES PERMIT 24528, CERTIFICATE 8136, "MILLER CREEK", AND PERMIT 24526, CERTIFICATE 8137, "UNNAMED CREEK", ON THE CLAIMED 4.98 ACRES IN LOT 4 ON THE SUPPORTING MAP.

DOUGLAS COUNTY APN 1219-26-001-001.

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ ACRE	TOTAL AC.-FT.
V-09266	STEPHEN H. & PATRICIA CHRISTIAN	MILLER CREEK UNNAMED SPRING (A) & UNNAMED SPRING (D)	* MILLER CREEK NE¼NW¼ SEC. 26, T.12N., R.19E., M.D.B.&M., S.02°27'34"E. 1,982.63 FT. FROM NW COR. OF SAID SECTION 26. ** UNNAMED SPRING (A) NE¼NW¼ SEC. 26, T.12N., R.19E., M.D.B.&M., S.66°20'28"E. 2,614.06 FT. FROM NW COR. OF SAID SECTION 26. ***UNNAMED SPRING (D) SE¼NW¼ SEC. 26, T.12N., R.19E., M.D.B.&M., S.47°37'14"E. 3,508 FT. FROM NW COR. OF SAID SECTION 26.	APR.1 TO OCT. 15	IRRIGATION 1853	* 0.067 ** 0.016 ***	* 2.71 ** 4.00 ***	6.91 10.20 ---
			The State Engineer determines that Miller Creek is subject to a 4 day rotation for Green Acres under decree and a 10 day rotation for the Steve Ranch every 14 days.					
			Unnamed Spring (A) is one of two water rights on Jackson Spring "A" under Proof V06342.					
			The State Engineer determines that a vested right is confirmed for Unnamed Spring (D) for a decree question only, subject to the priority date described in the Final Order of Determination					

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	NE				NW				SW				SE						STOCKWATER IS ALSO RECOGNIZED. SEE SEC. XII 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.												X	X							THE TOTAL COMBINED DUTY OF WATER SHALL NOT EXCEED 4.0 ACRE-FEET PER ACRE FROM ANY AND/OR ALL SOURCES.
															TOTAL ACRES ALLOTTED					2.50	

WATER FROM UNNAMED SPRINGS IS SUBJECT TO A ROTATION SCHEDULE IMPOSED WHEN THE STATE ENGINEER INVOLVED PARTIES CANNOT REACH AN AGREEMENT ON A SCHEDULE INTERNALLY AS PER COURT ORDER DATED DECEMBER 20, 2013 (CASE NO. CV-0302-B).

This supply is described as Douglas County Assessor's Parcel 1219-24-002-009 (PORTION), some 2.55 acres located within a portion of the SE¼SW¼ Section 24, T.12N., R.19E., M.D.B.&M. The State Engineer determines that water is diverted from Miller Creek and Unnamed Creek and piped or transmitted on the surface as said on Map No. 4891, "U.S. Geological Survey Hydrographic Branch, Reconnaissance Survey, for use Truckee-Carson Project, Nev.", Dated July 27, 1904 and 1938 Aerial photo of Carson Valley Bureau Land, dated Oct. 20, 1938 and the total use of the acreage in the Green Acres subdivision was for irrigation of lawn ranch. This proof is not a permit under NRS § 533.126.

***The total 1.50 cfs from Unnamed Spring (D) is combined in Proofs V-06321, V-06323 and V-06850. Proofs Earlier of 1.50 cfs to be divided on a 60%/40% split with 40% being routed through an irrigation ditch that leaves Franklin Road to the east and directly enters through the "Backwater Drain" under claim V-06850. The 40% portion will be used to supplement Spring (A) flow which the same volume of water for said spring (A) as shown in Proofs V-06322, V-06325, V-06326, V-06327, V-06328, V-06329, V-06330, V-06331, V-06333, V-06334, V-07485, V-09264, V-09265, V-09266 and V-09270. Refer to Table 8 for the allocation table and decree to use 60%/40% overall of the irrigation water from Unnamed Spring (D).

THE STATE ENGINEER DETERMINES THAT THIS PROOF SUPERCEDES PERMIT 24525, CERTIFICATE 8136, "MILLER CREEK", AND PERMIT 24526, CERTIFICATE 8137, "UNNAMED CREEK".

LOT 10 ON THE SUPPORTING MAP. DOUGLAS COUNTY APN 1219-24-002-009 (PORTION). LOTS HAVE BEEN RECONFIGURED TO SHOW THAT CHRISTIAN ALSO OWNS 2.57 ACRES UNDER PROOF V-09270.

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY: PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ ACRE	TOTAL AC.-FT.
V-09265	JOHN MIHASIAN	MILLER CREEK UNNAMED SPRING (A) & UNNAMED SPRING (D)	*MILLER CREEK NE/4NW/4 SEC. 26, T.12N., R.19E., M.D.B.&M., S.82°27'34"E. 1,962.63 FT. FROM NW COR. OF SAID SECTION 26. **UNNAMED SPRING (A) NE/4NW/4 SEC. 26, T.12N., R.19E., M.D.B.&M., S.65°20'28"E. 2,614.06 FT. FROM NW COR. OF SAID SECTION 26. ***UNNAMED SPRING (D) SE/4NW/4 SEC. 26, T.12N., R.19E., M.D.B.&M., S.47°37'41"E. 3,508 FT. FROM NW COR. OF SAID SECTION 26.	APR.1 TO OCT. 15	IRRIGATION 1853	*0.135 **0.032 ***	*2.71 ***4.00 ***	14.04 20.72 ***

The State Engineer determines that Miller Creek is diverted at a 4 inch pipeline for Green Acres irrigation and a 10 inch pipeline for the Stokes Ranch among 14 ponds.

Unnamed Spring (A) is the same water source as Jones Spring "A" under Proof V08342.

The State Engineer determines that a vested right is appurtenant to Unnamed Spring (D) for a direct diversion right, subject to the priority dates described on 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			
26	T. 12 N.,	R. 19 E.												6.18					6.18		STOCKWATER IS ALSO RECOGNIZED. SEE SEC. XII OF FINAL ORDER OF DETERMINATION
																			TOTAL ACRES ALLOTTED 6.18		THE TOTAL COMBINED DUTY OF WATER SHALL NOT EXCEED 4.0 ACRE-FEET PER ACRE FROM ANY AND/OR ALL SOURCES.

WATER FROM UNNAMED SPRINGS IS SUBJECT TO A SATURATION SCHEDULE. SHOULD THE INTERESTED PARTIES CANNOT REACH AN AGREEMENT ON A SCHEDULE, INTERVENE AS THE COURT FOR ADJUDICATION IN 21-2015 CASE NO. CV-0602-FL.

This land is described as Douglas County Assessor's Parcel 1219-24-002-007, some 5.18 acres located within a portion of the SE/4SW/4 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 land as shown on Map No. 4891, "U.S. Geological Survey, Hydrographic Branch, Reconnaissance Survey, for the Truckee-Carson Project, Nev.", Dated Aug 27, 1904 and 1939 Aerial photo of Carson Valley Bureau Land, dated Oct. 20, 1938 and the total that is of the acreage in the Green Acres subdivision was formerly the same owner. This proof is now purchased NRS § 533.128.

***Two cfs 1.50 cfs from Unnamed Spring (D) is allocated to Proofs V-06321, V-06323 and V-06850. Flows Source is 1.50 cfs total to be divided in a 60%/40% split, with 40% being routed through the diversion to the north that flows across Fairview Road to the east and divert water through the "Bleeding Ditch" under Proof V-06850. The 40% diversion will be used to supplement Spring (A) flow which has a vested priority for the same (A) as applied to Proofs V-06322, V-06326, V-06327, V-06328, V-06329, V-06330, V-06331, V-06333, V-06334, V-07498, V-09264, V-09265, V-09266 and V-09270. Refer to Table B for the priorities and amounts to the 60%/40% division of the diverted water from Unnamed Spring (D).

LOT 12 ON THE SUPPORTING MAP.
DOUGLAS COUNTY APN 1219-24-002-007.

THE STATE ENGINEER DETERMINES THAT THIS PROOF SUPERCEDES PERMIT 24525, CERTIFICATE 8136, "MILLER CREEK", AND PERMIT 24526, CERTIFICATE 8137, "UNNAMED CREEK".

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ ACRE	TOTAL AC.-FT.
V-09267	ANDREW A LINDA HACKLER	MILLER CREEK	* MILLER CREEK NE¼NW¼ SEC. 26, T.12N., R.19E., M.D.B.&M., S 82°27'34"E, 1,982.62 FT. FROM NW COR. OF SAID SECTION 26.	APR.1 TO OCT. 15	IRRIGATION 1953	*0.023	*2.71	7.63
				The State Engineer determines this Water Claim is subject to a 4 acre reduction for Green Acres water rights and a 10 acre reduction for the Sunset Ranch county 14 acres.				

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		
23	T. 12 N.	R. 19 E.															X			
26	T. 12 N.	R. 19 E.		X																
															TOTAL ACRES ALLOTTED				2.76	

This water is measured at Douglas County Assessor's Parcel 1219-26-001-026, being 2.76 acres located within portions of the 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 same parcel based on Map No. 4891, U.S. Geological Survey, Topographical Branch, Reclamation Service, for the Truckee-Carson Project, Nev.-Dated July 27, 1904 and 1938 Aerial photo of Carson Valley Bottom Land, dated Dec. 20, 1938 and the fact that at the acreage to the Green Acres subdivision was run with the same ranch. The proof is now pursuant to HRS § 533.125.

STOCKWATER IS ALSO RECOGNIZED, SEE SEC. XII 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 PERMIT 24526, CERTIFICATE 8138, "MILLER CREEK".

X - LOT 18 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 AC.-FT./ ACRE	TOTAL AC.-FT.
V-09268	TERRY & CINDY LIBBON	MILLER CREEK	* MILLER CREEK NE¼NW¼ SEC. 26, T.12N., R.19E., M.D.B.&M., S.82°27'24"E. 1,862.63 FT. FROM NW COR. OF SAID SECTION 26.	APR. 1 TO OCT. 15	IRRIGATION 1953	*0.070	*2.71	7.21
				The State Engineer determines that Miller Creek is subject to a 4 day rotation for Grass Alpha water users and a 10 day rotation for the Sunset Ranch every 14 days.				

PLACE OF USE 40 ACRE DESCRIPTIONS																	ACRES PER SECTION	REMARKS
SECTION	TOWN-SHIP	RANGE	N.E.				N.W.				S.W.				S.E.			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
26	1. 12 N.	R. 19 E.		2.66														2.66
															TOTAL ACRES ALLOTTED			2.66

This land is described as Douglas County Assessor's Parcel 1219-26-001-025, being 2.66 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 this parcel as shown on Map No. 4681, "U.S. Geological Survey Topographic Branch, Reconnaissance Series, for the Truckee-Carson Project, Map", Dated June 27, 1904 and 1938 Aerial photo of Carson Valley Bureau Land, dated Dec. 20, 1938 and the fractional acreage in the Grass Alpha subdivision was estimated and added. This place of use pursuant to NRS § 533.126.

STOCKWATER IS ALSO RECOGNIZED. SEE SEC. XII 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 PERMIT 24525, CERTIFICATE 0136, "MILLER CREEK"

LOT 19 ON THE SUPPORTING MAP.
DOUGLAS COUNTY APN 1219-26-001-025.

PROOF NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY: PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ ACRE	TOTAL AC.-FT.
V-09259	RICHARD E. & DOROTHY J. MURISET	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 1863	*0.056	*2.71	6.80

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 Sparks Ranch every 14 days.

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION	REMARKS
SECTION	TOWN-SHIP	RANGE	N.E.				N.W.				S.W.				S.E.						
			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	
															TOTAL ACRES ALLOTTED					2.51	

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 the acreage as per Map No. 4001, "U.S. Geological Survey, Hydrographic Branch, Reclamation Service, Truckee-Carson Project, Map", Dated July 27, 1904 and 1938 Aerial photos of Carson Valley Bureau Land, dated Oct. 20, 1938 and the fact that a portion of the acreage in the Green Acres subdivision was actually irrigated prior to NRS § 533.126.

STOCKWATER IS ALSO RECOGNIZED. SEE SEC. XII 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 PERMIT 24528, CERTIFICATE 8136, "MILLER CREEK".

LOT 26 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. & PATRICIA CHRISTIAN JAMES DONOVAN HOLLAWAY & EILEEN PATRICIA HOLLAWAY	MILLER CREEK AND UNNAMED SPRING (A)& UNNAMED SPRING (D)	* MILLER CREEK NE &NW¼ SEC. 26, T.12N., R.19E., M.D.B.&M., S 82°27'34"E. 1,862.63 FT. FROM NW COR. OF SAID SECTION 26. ** UNNAMED SPRING (A) NE &NW¼ SEC. 26, T.12N., R.19E., M.D.B.&M., S.66°20'28"E. 2,614.06 FT. FROM NW COR. OF SAID SECTION 26. **UNNAMED SPRING (D) SE&NW¼ SEC. 26, T.12N., R.19E., M.D.B.&M., S.47°27'14"E. 3,808 FT. FROM NW COR. OF SAID SECTION 26.	APRIL 1 TO OCT. 15	IRRIGATION 1953	* 0.135 ** 0.032 ***	* 2.71 ** 4.00 ***	14.04 20.72 ***
				The State Engineer determines that Miller Creek is subjected to a 4 day recession per Green Acres water users and a 10 day recession for the Swanke Ranch every 14 days.				
				Unnamed Spring (A) is the same water source as Johnson Spring "A" under Proof V06342.				
				The State Engineer determined that a varied flow component from Unnamed Spring (D) has a direct flow nexus, subject to the calculations as found in the Final Order of Determination				

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION	REMARKS
SECTION	TOWN-SHIP	RANGE	NE				NW				SW				SE						STOCKWATER IS ALSO RECOGNIZED, SEE SEC. XII 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.												5.16						5.16	THE TOTAL COMBINED DUTY OF WATER SHALL NOT EXCEED 4.0 ACRE-FEET PER ACRE FROM ANY AND/OR ALL SOURCES.
																			TOTAL ACRES ALLOTTED	5.16	

WATER FROM UNNAMED SPRING (A) IS SUBJECT TO A ROTATION SCHEDULE ENFORCED BY THE STATE ENGINEER INVOLVED PARTIES CANCEL READ IN AGREEMENT ON A SCHEDULE OF PRIORITY AS PER COURT DECRIED DATED Sept. NINER 24, 2011 IC SE NO. 09-11084 ET

This land is assessed as Douglas County Assessor's Parcels 1219-24-002-008, 009 (PORTIONS), using 5.16 acres, lying within a portion of the SE&NW¼ 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 this acreage since at least Map No. 4891, "U.S. Government Survey Hydrographic Survey Reconnaissance Sketch, for the Truckee-Carson Project, New", Dated July 27, 1904 and 1938 Aerial survey of Carson Valley Bureau Land, dated Oct. 20, 1938 and appears that all of the acreage in the Green Acres subdivision has been irrigated at the time. This appears to be supported by NRS § 533.126.

**The first 1.50 cfs from Unnamed Spring (D) is associated to Proofs V-06321, V-06323 and V-06850. From in Excess of 1.50 cfs shall be divided in a 60%/40% split, with 40% being routed through the diversion to the south, and then through Farmer Ranch to the east and owners water through the "Bubbling Duck" under claim V-06890. The 40% portion will be used in support of Spring (A) flow within the [illegible] per claim spring (A) as applied to 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-09268 and V-09270. Refer to Table 8 in the distribution table as it applies to the 60%/40% division of the unnamed water from Unnamed Spring (D).

THE STATE ENGINEER DETERMINES THAT THIS PROOF SUPERCEDES PERMIT 24526, CERTIFICATE 8136, "MILLER CREEK", AND PERMIT 24526, CERTIFICATE 8137, "UNNAMED CREEK".

LOT 11 ON THE SUPPORTING MAP. DOUGLAS COUNTY APN: 1219-24-002-008, 009 (PORTIONS).

PERMIT NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY: PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ ACRE	TOTAL AC.-FT.
7595 CERT.: 1760	GERALD F. & PAMELA F.J. WHITMIRE DANIEL PATRICK & ELAINE VANASSE BARDEN JAMES D. AND EDNA DOORNINK HALL RANCHES, LLC EMILE P. HASTERT PESTANA 1988 FAMILY TRUST THOMAS J. & KATHLEEN M. SCYPHERS L. J. HANAVAN RODERICK J. & PATRICIA SMITH ESTES ENVIRONMENTAL CORP. JAMES D. TOMERLIN & WILLIAM R. TOMERLIN THE FNS REVOCABLE TRUST & THE DBS REVOCABLE TRUST	GANSBERG SPRING	SE¼SE¼ SEC. 16, T.12N., R.19E., M.D.B.&M.	APR. 15 TO OCT. 15	IRRIGATION & DOMESTIC DEC. 7, 1926	1.570		571.98

7505 CONT.	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	
14	T. 12 N.,	R. 19 E.					40.00	40.00	37.00	40.00									157.00
															TOTAL ACRES ALLOTTED				157.00

GANSBERG SPRING WATER IS COMMINGLED IN THE SAME PIPELINE AS STUTLER CREEK PRIOR TO BEING COMMINGLED WITH THE NORTH SPLIT OF SHERIDAN CREEK.

JAMES & JUNE IRENE ROLPH AND ROBERT A EVELYN DUNN HAVE BEEN ASSIGNED 1.56 CFS AND 588.24 AFA TO IRRIGATE 156 ACRES. JAMES AND EDNA DOORNINK HAVE BEEN ASSIGNED 0.01 CFS WITH 3.64 AFA TO IRRIGATE 1.0 ACRE.

THIS PERMIT IS SUPPLEMENTAL TO PROOFS V06304, V06306, V06308, V06309, V06310, V06311, V06312, V06338, V06339, V06340, V06341, V06346 AND V06347.

DOUGLAS COUNTY APN'S AS FOLLOWS: JONES: 1219-15-002-049, 1219-14-001-001, 002, ROLPH & DUNN: 1219-14-001-003, 008, 012, 013, 014, 016; 219-14-001-002, 004, 005, 006; DOORNINK: 1219-15-002-038 TÖMERLINS: 1219-15-001-026, 027, 028; HANAVAN: BOLEN CIRCLE RIGHT OF WAY; HASTERT: 1219-15-001-025; SMITH: 1219-15-001-010.

PERMIT NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY: PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ ACRE	TOTAL AC.-FT.
10033 CERT.: 3417	MCCAULEY FAMILY TRUST DATED 9/12/1893	SHARPE SPRING	SW¼NE¼ SEC. 16, T.12N., R.19E., M.D.B.&M., S.39°58W. 2,870 FT FROM E¼ COR. OF SAID SECTION 16.	JAN. 1 TO DEC. 31	IRRIGATION & DOMESTIC OCT. 7, 1936	0.050		

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	
16	T. 12 N.,	R. 19 E.															X	X	

WATER UNDER THIS PERMIT SERVES A RESIDENCE AND THE ASSOCIATED LANDSCAPING.

PERMIT NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ ACRE	TOTAL AC.-FT.
10983 CERT.: 2937	SCHWAKE FAMILY TRUST CREDIT TRUST FOOTHILL RANCH LLC.	CARY CREEK	NENSEW SEC. 9, T.12N., R.19E., M.D.B.&M., S.87°06'W. 602 FT. FROM E.N COR. OF SAID SECTION 9.	JAN. 1 TO DEC. 31	IRRIGATION STOCK WATERING & DOMESTIC 1873	0.370	0.90	145.44

PLACE OF USE
40 ACRE DESCRIPTIONS

SECTION	TOWN-SHIP	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
3	T. 12 N.,	R. 19 E.															19.6	33.6	53.20
10	T. 12 N.,	R. 19 E.	40.00	39.60	18.80	10.00													108.40
																	TOTAL ACRES ALLOTTED		161.60

REMARKS

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 V06355 PRIOR TO THE FILING OF SAID PROOF.

CARY CREEK IRRIGATION WATER IS STORED IN A RESERVOIR UNDER DAM PERMIT J-50.

THIS PERMIT IS SUPPLEMENTAL TO PROOF V06354 AND IS SUPPLEMENTED BY PERMIT 12892, CERTIFICATE 3293, UNDERGROUND.

PERMIT NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ ACRE	TOTAL AC.-FT.
18720 CERT.: 5861	BENTLY FAMILY LIMITED PARTNERSHIP DARWIN K. ELLIS, ELIZABETH D. ELLIS, DARWIN V. ELLIS AND LINDA T. ELLIS	UNNAMED SPRING	NENNEW SEC. 09, T.12N., R.19E., M.D.B.&M., S.37°40'25"W. 1,849.45 FT. FROM NE COR. OF SAID SECTION 09.	JAN. 1 TO DEC. 31	IRRIGATION & DOMESTIC APR. 13, 1960	0.050	4.00	22.84

PLACE OF USE
40 ACRE DESCRIPTIONS

SECTION	TOWN-SHIP	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
9	T. 12 N.,	R. 19 E.	4.00			1.71													5.71
																	TOTAL ACRES ALLOTTED		5.71

REMARKS

PERMIT NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ ACRE	TOTAL AC.-FT.
21509 CERT.: 6910	BENTLY FAMILY LIMITED PARTNERSHIP	BENTLY SPRINGS	SE¼NE¼ SEC. 09, T.12N., R.19E., M.D.B.&M., N.49°53'30"W. 1,072.47 FT. FROM E¼ COR. OF SAID SECTION 09.	JAN. 1 TO DEC. 31	IRRIGATION & DOMESTIC OCT. 7, 1963	0.010	4.00	3.04

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		
9	T. 12 N.,	R. 19 E.				0.76													0.76	
															TOTAL ACRES ALLOTTED				0.76	

PERMIT NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ ACRE	TOTAL AC.-FT.
24666 CERT.: 0743	BENTLY FAMILY LIMITED PARTNERSHIP	AUTUMN HILLS SPRING	SW¼NE¼ SEC. 09, T.12N., R.19E., M.D.B.&M., N.66°11'14"W. 1,844.08 FT. FROM E¼ COR. OF SAID SECTION 09.	JAN. 1 TO DEC. 31	DOMESTIC JUL. 3, 1968	0.016		365,000 GALLONS ANNUALLY

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		
9	T. 12 N.,	R. 19 E.			X															USE IS FOR 1 SINGLE FAMILY DWELLING.

PERMIT NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ ACRE	TOTAL AC.-FT.
24806 CERT.: 7584	WILLIAM R. TOMERLIN TRUST DATED AUG. 11, 1976 KAMERLING 1990 TRUST DATED JUNE 12, 1990	WHEELER CREEK NO. 1	NW¼SW¼ SEC. 10, T.12N., R.19E., M.D.B.&M., S.00°45'E. 1,000 FT. FROM W¼ COR. OF SAID SECTION 10.	JAN. 1 TO DEC. 31	IRRIGATION DEC. 10, 1968	1.250	4.00	376.44

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	
10	T. 12 N.,	R. 19 E.									38.31	31.20	14.90	9.70					94.11
															TOTAL ACRES ALLOTTED				94.11

A PORTION WAS ABROGATED BY PERMIT 25601.
THIS PERMIT IS SUPPLEMENTAL TO PORTIONS OF OF THE LAND IRRIGATED BY WHEELER CREEK NOS. 1 & 2 FILED UNDER PERMIT 24807, CERTIFICATE 7585, PERMIT 25601, CERTIFICATE 7586, PERMIT 25409, CERTIFICATE 7585, UNDERGROUND AND PROOF NO. V-06920.

PERMIT NO.	CLAIMANT	SOURCE	POINT (S) OF DIVERSION	YEARLY: PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ ACRE	TOTAL AC.-FT.
24807 CERT.: 7683	WILLIAM R. TOMERLIN TRUST DATED AUG. 14, 1976 KIMMERLING 1990 TRUST DATED JUNE 12, 1990 MCDERMID 1990 LIVING TRUST MICHAEL PEGRAM JEFF & JODIE WASS FAMILY TRUST MICHAEL MCALISTER 2000 TRUST AGREEMENT	WHEELER CREEK NO. 2	SW¼SW¼ SEC. 10, T.12N., R.19E., M.D.B.&M. S.03°40'E. 2,640 FT. FROM W¼ COR. OF SAID SECTION 10.	JAN. 1 TO DEC. 31	IRRIGATION DEC. 10, 1968	2.250	4.00	376.44

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		
10	T. 12 N.,	R. 19 E.									38.31	31.20	14.90	9.70					94.11	THIS PERMIT IS SUPPLEMENTAL TO PORTIONS OF OF THE LAND IRRIGATED BY WHEELER CREEK NOS. 1 & 2 FILED UNDER PERMIT 24806, CERTIFICATE 7684; PERMIT 26601, CERTIFICATE 7686; PERMIT 25409, CERTIFICATE 7685, UNDERGROUND; AND PROOF NO. V-08320.
															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.
26409 CERT.: 7586	WILLIAM R. TOMERLIN TRUST DATED AUG. 11, 1976 JEFF & JODIE WASS FAMILY TRUST MICHAEL MCALISTER 2000 TRUST AGREEMENT	UNDERGROUND	SW¼SE¼ SEC. 10, T.12N., R.19E., M.D.B.&M., N.00°31'46"E. 1,733.4 FT. FROM S¼ COR. OF SAID SECTION 10.	JAN. 1 TO DEC. 31	IRRIGATION DEC. 10, 1968	1.670	4.00	217.96

PLACE OF USE 40 ACRE DESCRIPTIONS																		ACRES PER SECTION	REMARKS
SECTION	TOWNSHIP	RANGE	N.E.				N.W.				S.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.									30.31	4.66	1.65	9.70					54.34	THIS PERMIT IS SUPPLEMENTAL TO PORTIONS OF THE LAND IRRIGATED BY WHEELER CREEK NO'S. 1 & 2 FILED UNDER PERMIT 24986, CERTIFICATE 7584; PERMIT 24807, CERTIFICATE 7583; PERMIT 26601, CERTIFICATE 7586, AND PROOF V-06920.
															TOTAL ACRES ALLOTTED				54.34	

PERMIT NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ ACRE	TOTAL AC.-FT.
25601 CERT.: 7585	WILLIAM R. TOMERLIN TRUST DATED AUG. 13, 1976 KIMMERLING 1990 TRUST DATED JUNE 12, 1990 MCDERMID 1990 LIVING TRUST MICHAEL PEGRAM JEFF & JODIE WASS FAMILY TRUST MICHAEL MCALISTER 2000 TRUST AGREEMENT	WHEELER CREEK NO. 1	SW¼SE¼ SEC. 09, T.12N., R.19E., M.D.B.&M., N.75°56'W. 2,280 FT. FROM SE COR. OF SAID SECTION 9.	JAN. 1 TO DEC. 31	IRRIGATION DEC. 10, 1968	1.250	4.00	376.44

PLACE OF USE 40 ACRE DESCRIPTIONS																		ACRES PER SECTION	REMARKS
SECTION	TOWN-SHIP	RANGE	NW¼				NE¼				SW¼				SE¼					
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
10	T. 12 N.,	R. 19 E.									36.31	31.20	14.90	9.70					94.11	THIS PERMIT IS SUPPLEMENTAL TO PORTIONS OF THE LAND IRRIGATED BY WHEELER CREEK NO'S. 1 & 2 FILED UNDER PERMIT 24806, CERTIFICATE 7584; PERMIT 24807, CERTIFICATE 7583; PERMIT 25409, CERTIFICATE 7686, UNDERGROUND, AND PROOF V-06520.
															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.
29884 CERT.: 9281	GROENENDYKE FAMILY TRUST RONALD MAZUR AND MARGARET HOLLON ZIEGLER	UNNAMED SPRING	NE 1/4 NW 1/4 SEC. 26, T.12N., R.19E., M.D.B.&M., S.78°47'40"E. 2,356.24 FT. FROM NW COR. OF SAID SECTION 26.	JAN. 1 TO DEC. 31	IRRIGATION NOV. 6, 1974	0.090	4.00	21.80

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION	REMARKS
SECTION	TOWN-SHIP	RANGE	N.E.				N.W.				S.W.				S.E.						
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
26	T. 12 N.,	R. 19 E.		1.58			3.88													5.46	
															TOTAL ACRES ALLOTTED					5.46	

PERMIT NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY: PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT / ACRE	TOTAL AC.-FT.
35626 CERT.: 9549	FREDERIC J. NIMIS AND CONCHA P. NIMIS	CASTLE GARDEN SPRING	SE 1/4 NE 1/4 SEC. 09, T.12N., R.19E., M.D.B.&M., S.26°36'01"W. 2,050.08 FT. FROM NE COR. OF SAID SECTION 09.	JAN. 1 TO DEC. 31	IRRIGATION DOMESTIC & FIRE PROTECTION JUL. 14, 1978	0.060	4.00	32.80

PLACE OF USE 40 ACRE DESCRIPTIONS																				ACRES PER SECTION	REMARKS
SECTION	TOWN-SHIP	RANGE	N.E.				N.W.				S.W.				S.E.						
			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	

PERMIT NO.	CLAIMANT	SOURCE	POINT(S) OF DIVERSION	YEARLY: PERIOD OF USE	PURPOSE & PRIORITY	FLOW CFS	DUTY AC.-FT./ ACRE	TOTAL AC.-FT.
36087 CERT.: 9885	DARWIN K. ELLIS, ELIZABETH D. ELLIS, DARWIN V. ELLIS AND LINDA T. ELLIS	ELLIS SPRING	SE¼NE¼ SEC. 09, T.12N., R.19E., M.D.B.&M., N.46°45'W. 1,583 FT. FROM E¼ COR. OF SAID SECTION 09.	JAN. 1 TO DEC. 31	IRRIGATION & DOMESTIC OCT. 25, 1978	0.011	4.00	1.96

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		
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.
81985	BENTLEY FAMILY TRUST JAMES W. BENTLEY, TRUSTEE	SHERIDAN CREEK	NE¼SE¼ SEC. 15, T.12N., R.19E., M.D.B.&M., N.72°20'31"W. 5,412.47 FT. FROM SW COR. OF SAID SECTION 15.	OCT. 16 TO MARCH 31	RECREATION JUNE 26, 2012	1.200		397.50

PLACE OF USE 40 ACRE DESCRIPTIONS																			ACRES PER SECTION	REMARKS
SECTION	TOWN-SHIP	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. 12 N.,	R. 19 E.							X			X							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.
81986	BENTLEY FAMILY TRUST JAMES W. BENTLEY, TRUSTEE	STUTLER CREEK	SE/NE/4 SEC. 16, T.12N., R.19E., M.D.B.&M., N.02°10'24"W. 2,892.69 FT. FROM SE COR. OF SAID SECTION 16.	OCT. 16 TO MARCH 31	RECREATION JUNE 28, 2012	0.400		132.50

PLACE OF USE 40 ACRE DESCRIPTIONS																		ACRES PER SECTION	REMARKS
SECTION	TOWN-SHIP	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. 12 N.,	R. 19 E.							X			X							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	GANSBERG SPRING	SE/NE/4 SEC. 16, T.12N., R.19E., M.D.B.&M., N.42°16'27"W. 1,673.88 FT. FROM SE COR. OF SAID SECTION 16.	OCT. 16 TO MARCH 31	RECREATION JUNE 28, 2012	0.250		82.50

PLACE OF USE 40 ACRE DESCRIPTIONS																		ACRES PER SECTION	REMARKS
SECTION	TOWN-SHIP	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. 12 N.,	R. 19 E.							X			X							0.00
															TOTAL ACRES ALLOTTED				0.00

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 196 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-06650	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**			**426.00**

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:	**417.67**	**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.

EXHIBIT 2

Part 3 of 3

in response to Docketing Statement question 26

APPENDIX C

Subpart D: Order and Judgment

Order dated April 5, 2012

RECEIVED
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DOUGLAS COUNTY
DISTRICT COURT CLERK

FILED
2012 APR -5 PM 1:46
TED THRAN
CLERK
M. BIAGGINI
BY 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	1219-14-001-005	12.990	V-06311
Camille Scharo			V-06312
Sheridan Creek	1219-14-001-008	35.960	V-06310
Equestrian Center, LLC			
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.
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JoAnn Thaler
Judicial Assistant

APPENDIX D

Subpart E: Order and Judgment

Order dated December 24, 2013

Case No. 08-CV-0363-B

Dept. 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 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

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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

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[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

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[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:

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APPENDIX E

Subpart F: Order and Judgment

Orders dated May 21, 2010 and August 30, 2010

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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

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

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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.

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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.

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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
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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:

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Tyler Elanco, Esq.
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Attorneys for Maddi's Friesian Ranch

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Minden, Nevada 89423
Attorneys for Ytrubide Family Trust

Eric and Elizabeth Park
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Pro Per

David and Sharon Davis
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Canyon Creek Equestrian Center

Sandie Geyer, LSII
Office of the Attorney General

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Carson City, NV 89701-4717

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Case No.: 08-CV0363-F

Department No.: 1

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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

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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
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(775) 684 -1228

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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.
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David and Sharon Davis
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Gardnerville, Nevada 89460
Pro Per 782-5543

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Canyon Creek Equestrian Center

Sandie Geyer, LSII
Office of the Attorney General

Nevada Office of the Attorney General
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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

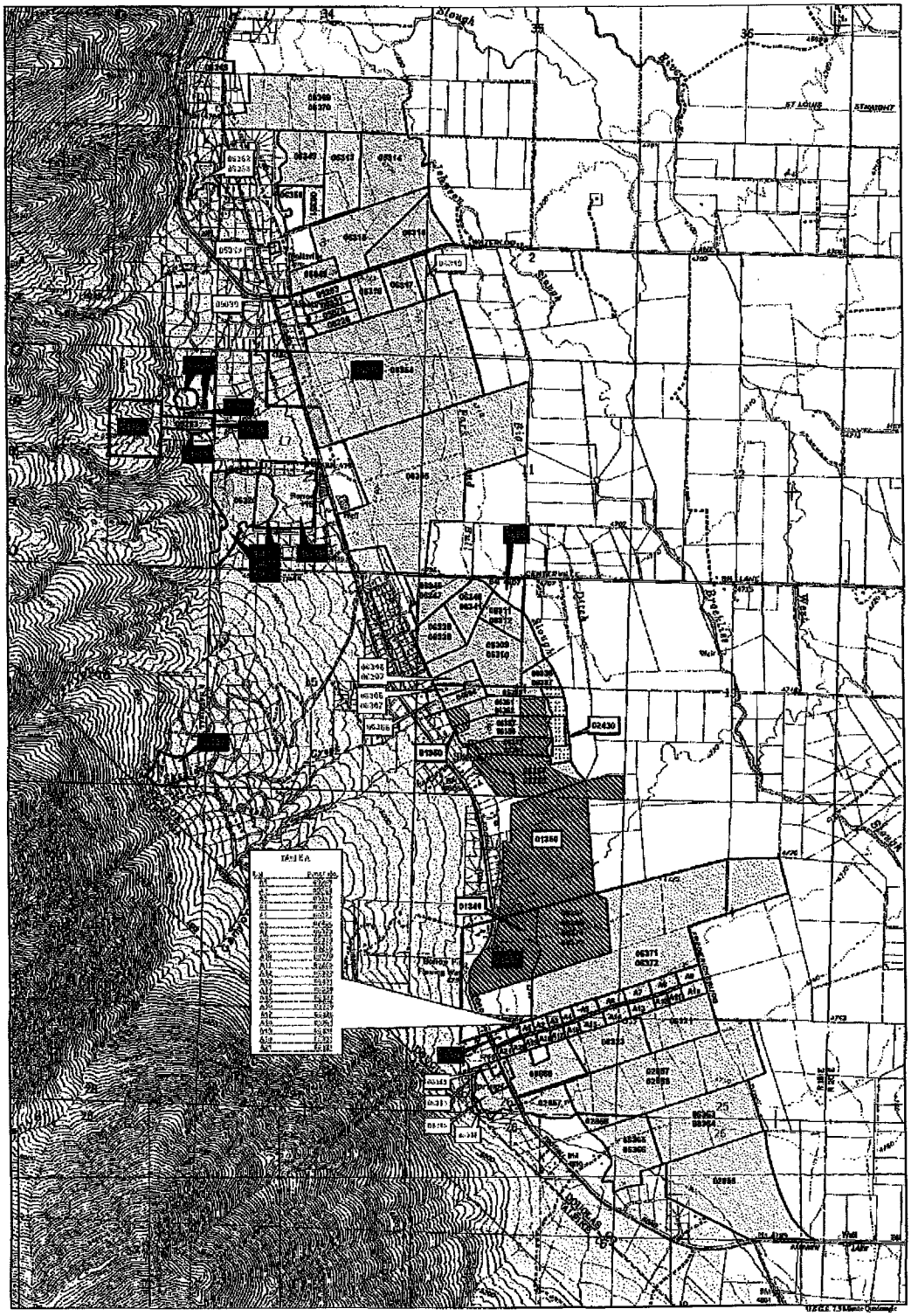
V-06350 STARTS ON DAY ONE

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



State of Nevada
Division of Water Resources
901 S. Stewart St.
Carson City, Nevada 89701

Map Compiled by: R.A. Crosse 02/2008

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OCT 1 7 2014

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
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Attorneys for State Engineer

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:

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