

IN THE SUPREME COURT OF THE STATE OF NEVADA

Case No. 81224

DIAMOND NATURAL RESOURCES PROTECTION & CONSERVATION ASSOCIATION; J&T FARMS, LLC; GALLAGHER FARMS LLC; JEFF LOMMORI; M&C HAY; CONLEY LAND & LIVESTOCK, LLC; JAMES ETCHEVERRY; NICK ETCHEVERRY; TIM HALPIN; SANDI HALPIN; DIAMOND VALLEY HAY COMPANY, INC.; MARK MOYLE FARMS LLC; D.F. & E.M. PALMORE FAMILY TRUST; WILLIAM H. NORTON; PATRICIA NORTON; SESTANOVICH HAY & CATTLE, LLC; JERRY ANDERSON; BILL BAUMAN; DARLA BAUMAN; TIM WILSON, P.E., NEVADA STATE ENGINEER, DIVISION OF WATER RESOURCES, DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES; AND EUREKA COUNTY;

Appellants,

v.

DIAMOND VALLEY RANCH, LLC; AMERICAN FIRST FEDERAL, INC.; BERG PROPERTIES CALIFORNIA, LLC; BLANCO RANCH, LLC; BETH MILLS, TRUSTEE MARSHALL FAMILY TRUST; TIMOTHY LEE BAILEY; CONSTANCE MARIE BAILEY; FRED BAILEY; CAROLYN BAILEY; SADLER RANCH, LLC; IRA R. RENNER; AND MONTIRA RENNER,

Respondents.

Appeal From Order Granting Petitions for Judicial Review
Seventh Judicial District Court of Nevada Case No. CV-1902-348

**JOINT APPENDIX
VOLUME VI**

LEONARD LAW, PC
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CHRONOLOGICAL INDEX TO JOINT APPENDIX

DATE	DOCUMENT	VOLUME	PAGE RANGE
02/11/2019	Sadler Ranch, LLC and Daniel S. Venturacci's Petition for Judicial Review (filed in Case No. CV-1902-349, later consolidated with CV-1902-348)	I	JA0001-0089
02/11/2019	Bailey Petitioners' Notice of Appeal and Petition for Review of Nevada State Engineer Order No. 1302 (filed in Case No. CV-1902-350, later consolidated with CV-1902-348)	I	JA0090-0115
02/11/2019	Ira R. and Montira Renner Petition for Judicial Review	I	JA0116-0144
04/03/2019	Eureka County's Motion to Intervene	I	JA0145-0161
04/05/2019	Notice of Entry of Stipulation and Order to Consolidate Cases	I	JA0162-0182
04/25/2019	Order Following Telephone Status Hearing Held April 9, 2019	I	JA0183-0186
04/26/2019	Letter to Chambers re Stipulated Extension for Record on Appeal	I	JA0187-0188
05/10/2019	Order Granting Eureka County's Motion to Intervene	I	JA0189-0190
05/13/2019	DNRPCA Intervenors' Motion to Intervene	I	JA0191-0224

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06/07/2019	Order Granting Motion to Extend Time to File The State Engineer's Record on Appeal	I	JA0235
06/11/2019	State Engineer Motion in Limine	II	JA0236-0307
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06/14/2019	Notice of Withdrawal of Petitioner Daniel S. Venturacci	VI	JA1269-1271
06/20/2019	Eureka County's Joinder to State Engineer's Motion in Limine	VI	JA1272-1275
06/24/2019	Opposition of Baileys to Motion in Limine	VI	JA1276-1285
06/24/2019	Sadler Ranch, LLC and Ira R. and Montira Renner Opposition to Motion in Limine	VI	JA1286-1314
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07/01/2019	Eureka County's Joinder to State Engineer's and DNRPCA's Replies in Support of Motion in Limine	VI	JA1337-1341
07/02/2019	State Engineer's Reply in Support of Motion in Limine	VI	JA1342-1353
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09/06/2019	Order Granting Motion to Intervene for Diamond Valley Ranch, LLC, American First Federal, Inc., Berg Properties California, LLC and Blanco Ranch, LLC	VI	JA1379-1382
09/16/2019	Opening Brief of Petitioners Sadler Ranch, LLC and Ira R. and Montira Renner	VII	JA1383-1450
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11/26/2019	Sadler Ranch, LLC and Ira R. & Montira Renner's Addendum to Reply Brief	IX	JA1819-1855
11/26/2019	Reply Brief of Bailey Petitioners and Addendum to Bailey Reply Brief	IX	JA1856-1945
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04/30/2020	Notice of Entry of Findings of Fact, Conclusion of Law, Order Granting Petitions for Judicial Review filed by Bailey Petitioners	XII	JA2465-2507
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05/14/2020	DNRPCA Intervenors' Motion for Stay Pending Appeal of Order Granting Petitions for Judicial Review of State Engineer Order 1302	XIII	JA2555-2703
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12/11/2019	Transcript of Proceedings, Oral Argument Volume II	XI	JA2290-2365
05/28/2019	Unopposed Motion to Extend Time to File the State Engineer's Record on Appeal	I	JA0225-0232

AFFIRMATION

The undersigned does hereby affirm that the preceding document does not contain the social security number of any person.

Date: September 23, 2020

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Attorney for DNRPCA Appellants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of Leonard Law, PC, and that on September 23, 2020, the foregoing document was electronically filed with the Clerk of the Court for the Nevada Supreme Court by using the Nevada Supreme Court's E-Filing system (E-Flex). Participants in the case who are registered with E-Flex as users will be served by the EFlex system. All others will be served by first-class mail.

/s/ *Tricia Trevino*
An employee of Leonard Law, PC

STATE OF NEVADA
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES

JASON KING, P.E.
STATE ENGINEER



DIAMOND VALLEY
HYDROGRAPHIC BASIN 10-153

CROP INVENTORY

CALENDAR YEAR 2015

Prepared by: Shannon McDaniel
and Kyle Wolf

JA1197
SE ROA 884

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ABSTRACT

This inventory represents the status and usage of all permitted, certificated, and claims of vested right groundwater rights for irrigation purposes located within Diamond Valley, Hydrographic Basin 10-153, for the year 2015. **Only those groundwater rights associated with irrigation purposes are represented in this report.** For a listing and summary of all other manners of use within the basin please refer to the [Nevada Division of Water Resources Hydrographic Basin Summary](#).

The data presented are valid for the time period of this report and may vary from previously published figures as water rights within the basin are subject to administrative action, such as certification, cancellation, forfeiture or withdrawal on a continuing basis.

For the year 2015, the permitted and certificated groundwater rights for irrigation purposes totaled **32,913 acres** with a total duty of 126,898 acre-feet within Diamond Valley. An estimated **25,305 acres** were irrigated and 73,879 acre-feet were pumped during 2015.

HYDROGRAPHIC BASIN SUMMARY

HYDROGRAPHIC BASIN NUMBER	153, REGION 10
HYDROGRAPHIC BASIN NAME	DIAMOND VALLEY
COUNTIES	EUREKA AND ELKO
MAJOR COMMUNITIES	EUREKA
DESIGNATED BASIN	DESIGNATED - IRRIGATION DENIED
DENIALS BASED UPON WATER AVAILABILITY	ALL USES
ESTIMATED IRRIGATION PUMPAGE 2014 (ACRE-FEET)	73,879*

STATE ENGINEER'S ORDERS

<u>NO. 277 – PARTIAL DESIGNATION OF BASIN</u>	AUGUST 5, 1964
<u>NO. 280 – AMENDED DESIGNATION OF BASIN</u>	AUGUST 28, 1964
<u>NO. 541 – NOTICE OF CURTAILMENT</u>	DECEMBER 22, 1975
<u>NO. 717 – NOTICE OF CURTAILMENT</u>	JULY 10, 1978
<u>NO. 809 – TOTALIZING METERS</u>	DECEMBER 1, 1982
<u>NO. 813 – AMENDMENT OF ORDER 809</u>	FEBRUARY 7, 1983
<u>NO. 815 – AMENDED DESIGNATION OF BASIN</u>	APRIL 4, 1983
<u>NO. 1226 – AMENDED DESIGNATION OF BASIN</u>	MARCH 26, 2013

COMMITTED GROUNDWATER RESOURCE FOR IRRIGATION PURPOSES: 126,898 ACRE-FEET
DATE: DECEMBER 2015

NOTE: Committed groundwater resource data are approximate for December 2015. Rights may be subject to change applications, certification, withdrawals, forfeiture and cancellations; each of these circumstances could impact the duty, diversion rate and acreage associated with a given right. Be advised this report acknowledges that other manner of uses may be present in the basin; however, only those groundwater rights associated with irrigation purposes are represented in this report.

* Acreage represented in this report may have surface water rights appurtenant. This report acknowledges those acres with surface water rights but is not intended to quantify, nor present any definitive use of those surface water rights. The data represent only the pumping of groundwater and the acreage to which it is applied.

PURPOSE AND SCOPE

The purpose of this report is to inventory all of the groundwater resources allocated to irrigation and described by the Office of the State Engineer, Nevada Division of Water Resources (NDWR), and to estimate the amount of groundwater pumped for irrigation purposes within the Diamond Valley Hydrographic Basin (10-153), for the year 2015.

DESCRIPTION OF THE STUDY AREA

The Diamond Valley Hydrographic Basin is located in central Nevada (Figure 1), occupying approximately 735 square miles in Eureka and Elko Counties. The adjacent hydrographic basins are Huntington Valley (4-035) to the northeast, Newark Valley (10-154) to the east, Little Smoky Valley - Northern Part (10-155A) to the south, Stevens Basin (10-152) to the southwest, Kobeh Valley (10-139) to the west, and Pine Valley (4-053) to the northwest.

Diamond Valley is bounded by the Diamond Mountains to the east, the Fish Creek Range to the south, the Mahogany Hills to the southwest, and the Sulphur Spring Range to the west. Diamond Valley is approximately 20 miles wide by 56 miles long with basin elevations ranging from approximately 5,760 feet above mean sea level on the valley floor to approximately 10,000 feet in the surrounding mountains. Irrigation occurs primarily in the south central part of the basin (Figure 2).

The U.S. Geological Survey (USGS) maintains one stream flow gauging station in Diamond Valley (site #10245980). Data for this and other gauges can be accessed on the USGS website (<http://nevada.usgs.gov>).

GROUNDWATER LEVELS

Depths to groundwater in Diamond Valley are measured by multiple agencies on an annual basis. Sites at which water level measurements are made by or reported to NDWR include:

153 N20 E52 26AABC1	153 N20 E52 26AABC2	153 N20 E53 02DDDD1
153 N20 E53 04DDBB2	153 N20 E53 10DDDD2	153 N20 E53 20BC 01
153 N20 E53 21CDDC1	153 N20 E53 28ADC 01	153 N20 E53 30ABCC2
153 N20 E53 30DCCC1	153 N20 E53 32BBBA1	153 N20 E53 32BDCC1
153 N21 E52 04BBAA1	153 N21 E52 10AAAC1	153 N21 E52 10AAAC2
153 N21 E53 01BCAA1	153 N21 E53 01CDCC2	153 N21 E53 02CCAA1
153 N21 E53 03BBDD2	153 N21 E53 03CDBB2	153 N21 E53 04CDBB1
153 N21 E53 06CDBB2	153 N21 E53 08BACC1	153 N21 E53 08DCAA1
153 N21 E53 09BBDD2	153 N21 E53 09DBDD1	153 N21 E53 11CDBB2
153 N21 E53 12CCBC2	153 N21 E53 12DCAA2	153 N21 E53 13DA 1
153 N21 E53 14CACC2	153 N21 E53 15BACC2	153 N21 E53 16CCAA3
153 N21 E53 20AACC2	153 N21 E53 21DCAA2	153 N21 E53 22BDBB2
153 N21 E53 23AACC1	153 N21 E53 23DACC1	153 N21 E53 24ADBB1
153 N21 E53 24CDDD1	153 N21 E53 27ACAA3	153 N21 E53 28BBDD1
153 N21 E53 33AACC2	153 N21 E53 34DDB 02	153 N21 E53 35BDBB2

<u>153 N21 E53 36AD 1</u>	<u>153 N21 E53 36CDD 01</u>	<u>153 N21 E54 05BDBB1</u>
<u>153 N21 E54 05DCCC1</u>	<u>153 N21 E54 08CDDD1</u>	<u>153 N21 E54 20BACC2</u>
<u>153 N21 E54 20CCCC1</u>	<u>153 N21HE52 35ADD 2</u>	<u>153 N21HE54 32DCC 2</u>
<u>153 N21HE54 34BBB 1</u>	<u>153 N22 E51 01CBAB1</u>	<u>153 N22 E51 01DBBB1</u>
<u>153 N22 E51 01DBBB2</u>	<u>153 N22 E51 12ADCD1</u>	<u>153 N22 E51H12DBBC1</u>
<u>153 N22 E51H13DADB1</u>	<u>153 N22 E52 07DBBD1</u>	<u>153 N22 E52 07DBBD2</u>
<u>153 N22 E52 11ACCB1</u>	<u>153 N22 E52 16CCCB1</u>	<u>153 N22 E52 17DDAC1</u>
<u>153 N22 E52 17DDCA1</u>	<u>153 N22 E52 18ACDB1</u>	<u>153 N22 E52 18CBDD1</u>
<u>153 N22 E52 18CBDD2</u>	<u>153 N22 E52 19CBBC1</u>	<u>153 N22 E52 20CBDC1</u>
<u>153 N22 E54 05CDBB2</u>	<u>153 N22 E54 05DDBB2</u>	<u>153 N22 E54 06CCCC1</u>
<u>153 N22 E54 07DDCD2</u>	<u>153 N22 E54 18CADD1</u>	<u>153 N22 E54 19CC 1</u>
<u>153 N22 E54 22CCDD1</u>	<u>153 N22 E54 28AACCC1</u>	<u>153 N22 E54 28DCCC2</u>
<u>153 N22 E54 32DDCD1</u>	<u>153 N22 E54 33BBDD1</u>	<u>153 N23 E51 36ACDC1</u>
<u>153 N23 E52 13BBA 1</u>	<u>153 N23 E53 27BB 1</u>	<u>153 N23 E53 29CCCA1</u>
<u>153 N23 E53 31BBB 01</u>	<u>153 N23 E54 20DD 1</u>	<u>153 N23 E54 27ACC 1</u>
<u>153 N23 E54 29CDDD2</u>	<u>153 N23 E54 30DDD 2</u>	<u>153 N23 E54 32CDD 01</u>
<u>153 N24 E53 06BDAB1</u>	<u>153 N25 E54 28BCBC1</u>	

Groundwater level data have also been collected by the USGS and can be accessed through their website (<http://nevada.usgs.gov>).

METHODS TO ESTIMATE IRRIGATED ACREAGE

This report estimates the number of acres irrigated by the groundwater pumped under permits, certificates, and claims of vested right issued by the State Engineer. Table 1 and Figure 3 present the current and historic irrigated acreage and pumpage; Appendix A presents estimates detailed by certificate, permit, or vested claim number. The following methods were used to arrive at the estimated acreage:

- Field inspection of the place of use was conducted to estimate the number of acres under cultivation.
- In cases where field inspection of the place of use was not practical, aerial and/or satellite imagery were analyzed to determine acreages.

METHODS TO ESTIMATE PUMPAGE

This report estimates the amount of groundwater pumped under the permits and certificates issued by the Nevada State Engineer as well as claims of vested right in the Diamond Valley Hydrographic Basin. The following methods were used to arrive at the estimated use:

- Where totalizing meters were in place, meter readings were taken and compared with previous data (if available).
- Where meters were not in place and the use was irrigation, pumpage was estimated by multiplying the number of hours the well was operated during the past year (determined from an hour meter reading or asking the water user) by the certificated diversion rate.
- Where there were no flow meters or other reliable options for estimating pumpage and the use was irrigation, pumpage was estimated by dividing the Net Irrigation Water Requirement (NIWR) for the crop grown by the efficiency of the irrigation method used,

then multiplying by the number of acres irrigated. Irrigation efficiencies associated with three types of irrigation methods are: pivot at 85%; wheel line or other hand moved sprinklers at 75%; and flood at 60%. The pumpage amount estimated by this method was limited by the duty of the permit. For places where the groundwater rights were supplemental to surface water, groundwater use was estimated using the NIWR method above, but adjusted based on available surface water for the year. Evapotranspiration and NIWR data by basin can be found on the NDWR website at: http://water.nv.gov/mapping/et/et_general.cfm. This approach using the NIWR to estimate pumpage was used starting in 2013; this and subsequent pumpage estimates may differ significantly from estimates of previous years.

TABLES

Table 1. Diamond Valley historical irrigated acreage and pumpage data.

Year	2011	2012	2013	2014	2015
Acres Irrigated	24,357	25,234	25,252	24,676	25,305
Acre-Feet Pumped*	70,600	73,200	75,037	73,136	73,879

* The NIWR method to estimate pumpage was used starting in 2013; estimates may differ significantly from previous years. Annual pumpage data for 2010 through 2012 are revised from previous crop inventories per State Engineer's [Order 1264](#).

FIGURES

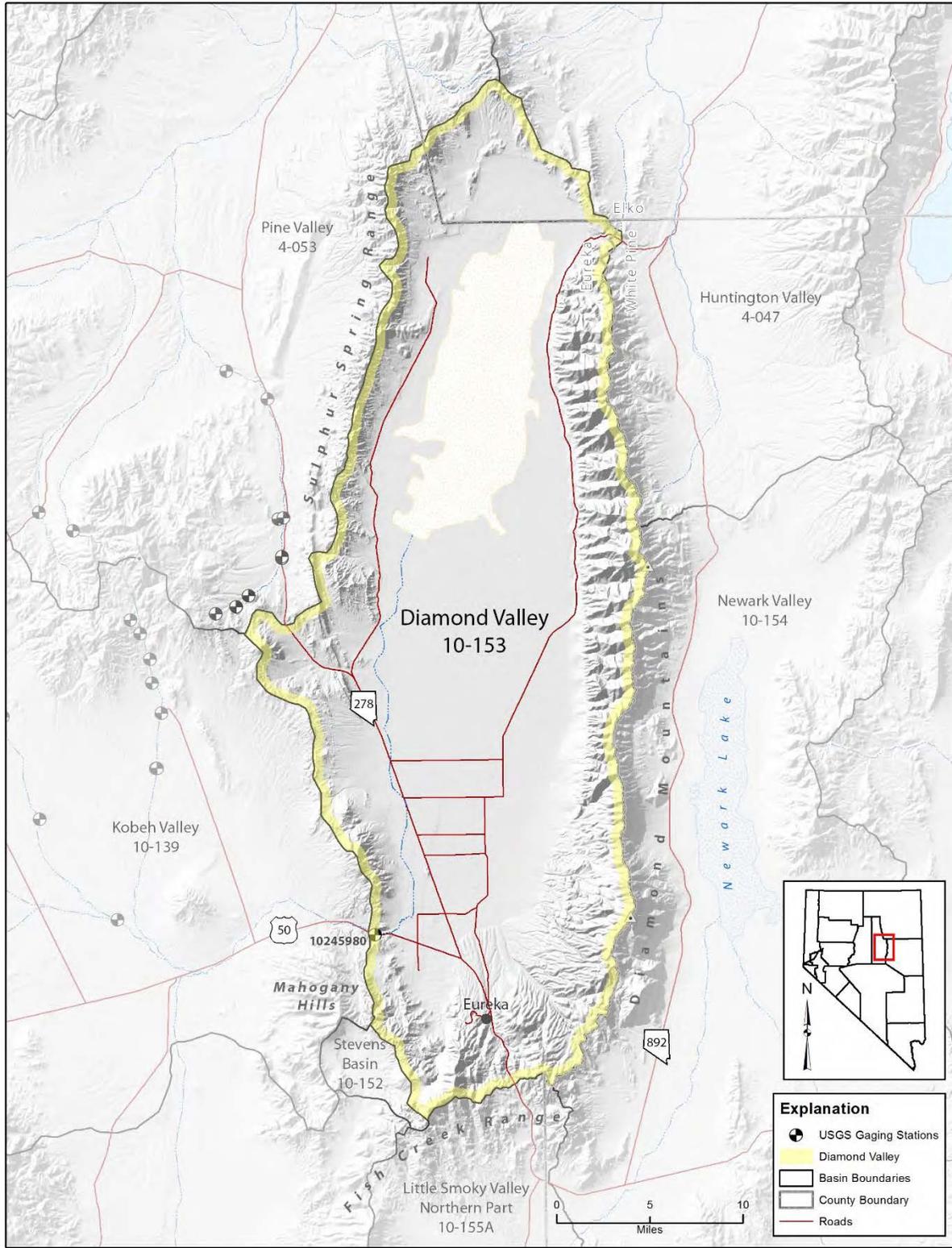


Figure 1. Physiographic map of Diamond Valley (Hydrographic Basin 10-153).

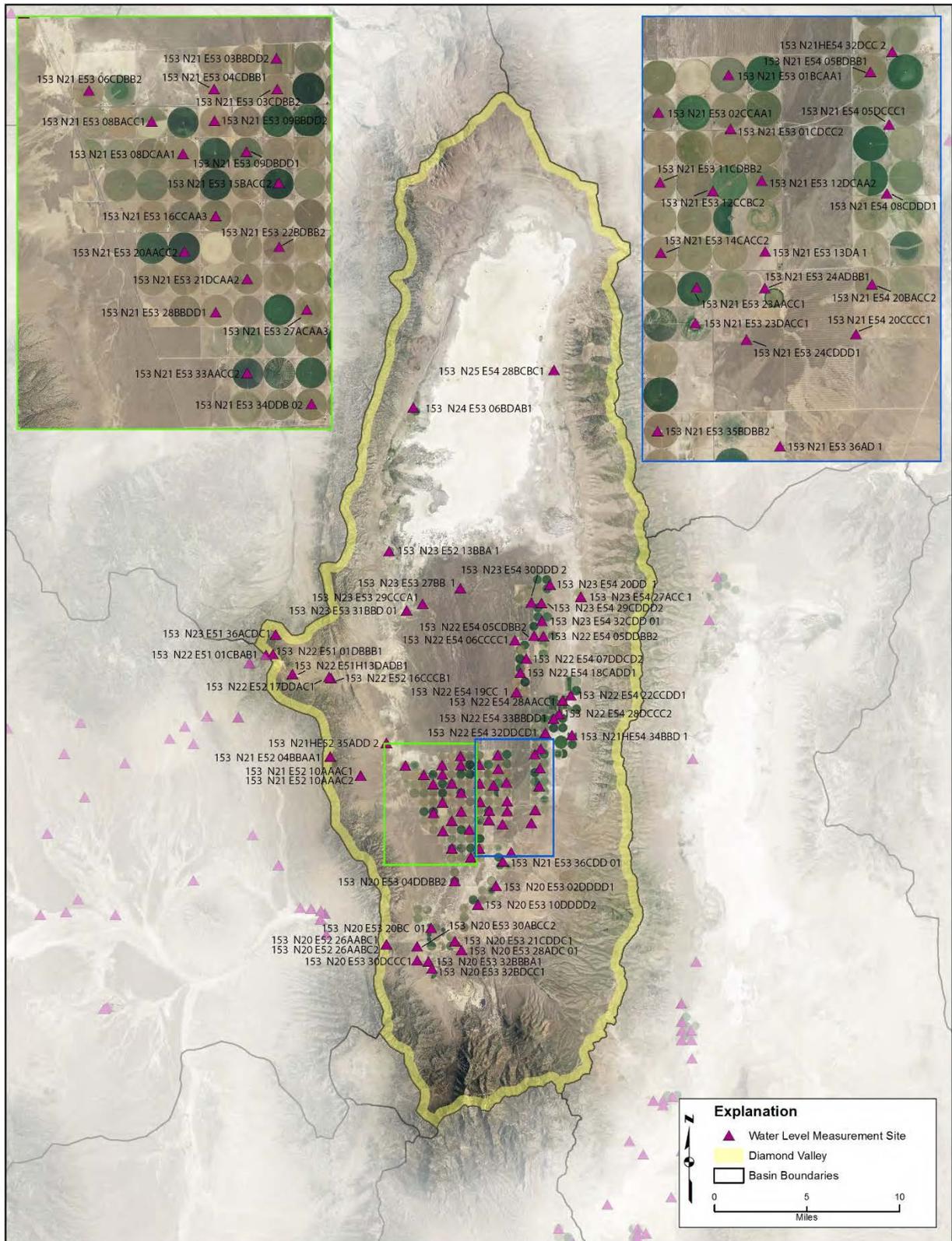


Figure 2. Map showing Diamond Valley irrigated acreage and water level monitoring sites.

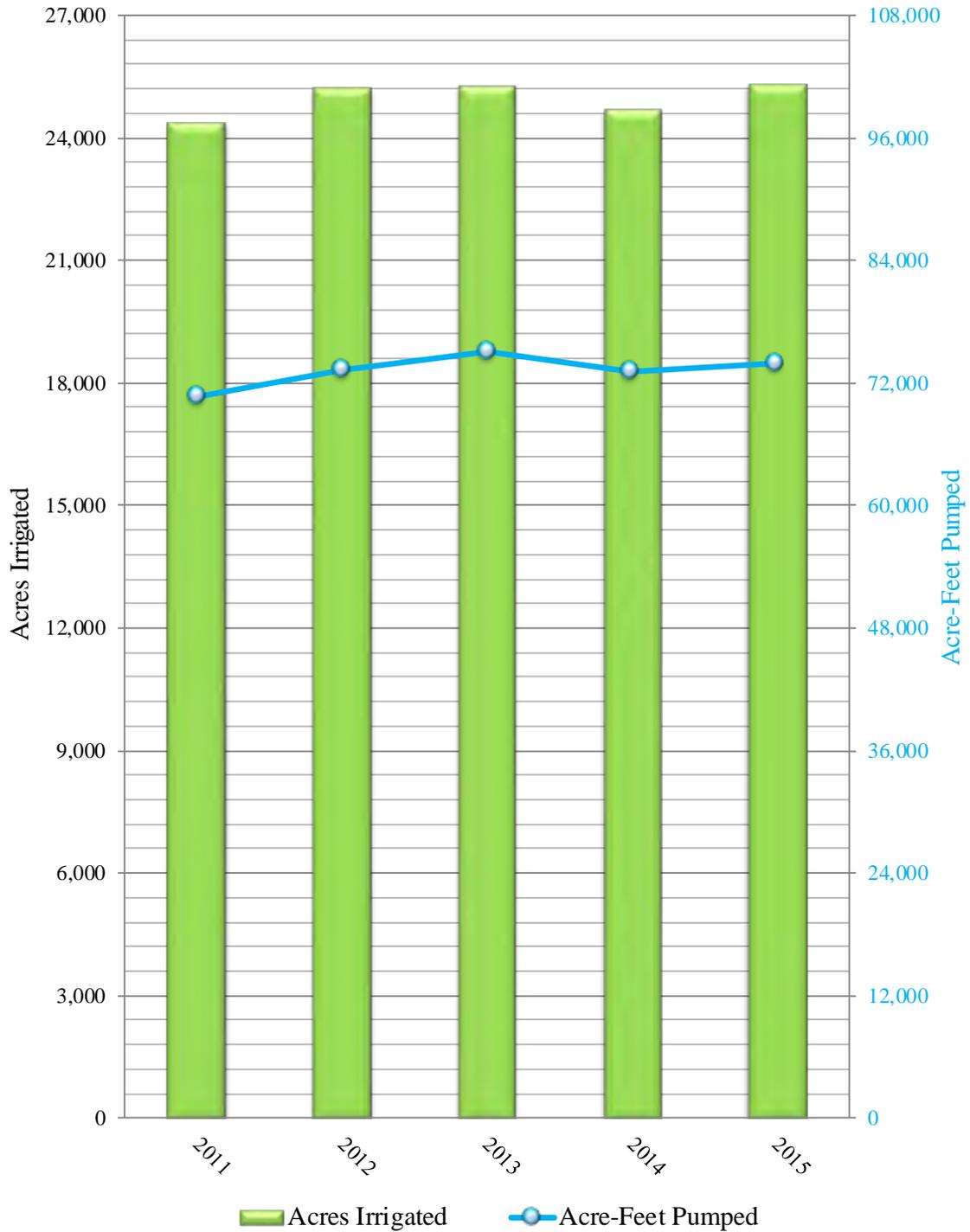


Figure 3. Graph showing Diamond Valley historical irrigated acreage and pumpage. The NIWR method to estimate pumpage was used starting in 2013; estimates may differ significantly from previous years. Annual pumpage data for 2010 through 2012 are revised from previous crop inventories per State Engineer’s [Order 1264](#).

APPENDIX A. 2015 DIAMOND VALLEY CROP INVENTORY.

EXPLANATION OF COLUMN HEADINGS

App No	The file number of the Application to Appropriate/Change Water or the Claim of Vested Right.
Status	Indicates the status of an application: Permit (PER), Certificated (CER), or a Claim of Vested Right (VST).
QQ	The quarter-quarter of the Section in which the point of diversion is located.
Q	The quarter of the Section in which the point of diversion is located.
Sec	The Section in which the point of diversion is located.
Twn	The Township in which the point of diversion is located.
Rng	The Range in which the point of diversion is located.
Sup	Indicates whether the groundwater right is part of a group of groundwater rights used to irrigate all or a portion of the same acreage (supplemental). A “Y” in this column signifies the groundwater right is supplemental to other groundwater rights.
Supplemental Application Number	The application number(s) of the water right(s) that are supplemental to one another.
Permitted Acres	The number of acres defined by the permit or certificate that is eligible to be irrigated.
Supplementally Adjusted Permitted Acres	The supplementally adjusted, total number of acres that is eligible to be irrigated under a supplemental group of water rights.
Permitted Duty Acre-Feet	The amount of water that may be pumped in a given year, or season, as defined by the permit, certificate, or claim of vested right. If there is a supplemental group, the total combined duty is listed as a supplementally adjusted duty.
Supplementally Adjusted Duty Acre-Feet	The supplementally adjusted, total combined duty that may be pumped in a given year, or season, for a supplemental group of water rights, expressed in acre-feet. The supplementally adjusted, total combined duty is listed at the end of a supplemental group in bold .
Owner of Record	The owner of the water right as recorded in the records of the State Engineer. A water right may have more than one owner of record. Only the first, alphabetically, is listed in this table.
Crop Type	Indicates whether or not a crop was in production during the water year. If a crop was in production, the common name description of the plants under cultivation if given (e.g. alfalfa).

Irrigation Method	The method by which the water is applied to the crop and ground (e.g. pivot).
Irrigated Acreage	The estimate of the number of acres irrigated associated with a particular water right. A “-” in this field indicates that pumpage was attributed to a senior supplemental permit or certificated water right.
Acreage Estimation Method	The method by which the number of acres irrigated was determined. F – Field inspection. I – Aerial or satellite imagery.
Acre-Feet Pumped	The estimate of the amount of water pumped under a particular water right, expressed in acre-feet. One acre-foot equals 325,851 gallons. A “-“ in this field indicates that pumpage was attributed to a senior supplemental permit or certificated water right.
Pumpage Estimation	The method used to estimate the amount of water pumped. M – Totalizing meter readings. N – NIWR Method. D – Duty.

Crop Inventory and Groundwater Pumpage for Irrigation - Diamond Valley - Basin 153, 2015

App No	Status	QQ	Q	Sec	Twn	Reg	Sup	Supplemental Application Number	Permitted Acres	Supplementally Adjusted Permitted Acres	Permitted Duty Acre-Feet	Supplementally Adjusted Duty Acre-Feet	Owner of Record	Crop Type	Irrigation Method	Irrigated Acres	Acresage Estimation Method	Acres Pumped	Pumpage Estimation Method
14948	CER	SW	SE	28	22N	54E	Y	53872	308.60	612.54	617.20	1,234.40	PALMORE, DONALD FRANK	Alf	Flood	308.60	I	617.20	D
18242	CER	SW	NE	7	22N	54E	Y	72370	320.00	320.00	1,280.00	1,280.00	ANDERSEN, BONNIE G.	Alf	Pivot	219.00	I	644.12	N
18621	CER	SE	NE	36	21N	53E	Y	18622, 44621	206.29	206.29	825.16	825.16	ALLEN, ROGER & JUDY	Alf	Pivot	88.00	I	258.82	N
18622	CER	SW	NE	36	21N	53E	Y	18621, 44621	206.29	206.29	825.16	825.16	ALLEN, ROGER & JUDY	Alf	Pivot	--	F	--	N
18623	CER	LT12	NE	1	20N	53E	Y	22551	278.22	278.22	1,112.88	1,112.88	MACHACEK, JERRY L. & TRINA L.	Alf	Pivot	246.50	I	725.00	N
18786	CER	NE	NE	13	21N	53E	Y	17	320.00	320.00	1,280.00	1,280.00	JUANITA RUTHEL MARTIN TRUST 95%	Alf	Pivot	252.00	F	741.18	N
18787	CER	NE	NW	13	21N	53E	Y	17	320.00	320.00	1,280.00	1,280.00	JUANITA RUTHEL MARTIN TRUST 95%	Alf	Pivot	--	F	--	N
18788	CER	NE	SE	13	21N	53E	Y	18789	320.00	320.00	1,280.00	1,280.00	JUANITA RUTHEL MARTIN TRUST 95%	Alf	Pivot	126.00	I	370.59	N
18789	CER	NE	SW	13	21N	53E	Y	18788	320.00	320.00	1,280.00	1,280.00	JUANITA RUTHEL MARTIN TRUST 95%	Alf	Pivot	--	F	--	N
18794	CER	NE	NE	23	21N	53E	Y	31111	120.00	159.50	480.00	638.00	MOYLE, DENISE L. AND HICKS, DEANNE M.	Alf	Pivot	94.00	I	276.47	N
18796	CER	NE	SE	23	21N	53E	Y		160.00	160.00	640.00	640.00	SMITH, CRAIG ALLEN & SHELBA KAY	Alf	Pivot	125.00	I	367.65	N
18797	CER	NE	SW	23	21N	53E	Y		160.00	160.00	640.00	640.00	SMITH, CRAIG ALLAN & SHELBA KAY	Alf	Pivot	121.00	I	355.88	N
18802	CER	SE	NE	8	22N	54E	Y		160.00	160.00	640.00	640.00	FRED L. ETCHEGARAY AND JOHN J. ETCHEGARAY, A NEVADA PARTNERSHIP	Grass Hay	Pivot	124.00	I	350.12	N
18834	CER	SE	SE	17	21N	54E	Y	19052	319.06	319.06	1,276.23	1,276.23	NEWTON, DEBRA L.	Alf	Pivot	244.00	I	717.65	N
18835	CER	SE	SW	17	21N	54E	Y	19053	319.45	319.45	1,277.81	1,277.81	NEWTON, DEBRA L.	Alf	Pivot	245.00	I	720.59	N
18851	CER	SE	SE	5	21N	54E	Y		129.11	129.11	516.44	516.44	EUREKA COUNTY; GALLAGHER FARMS, LL	Alf	Pivot	129.11	I	379.74	N
18911	CER	SE	SW	16	21N	54E	Y		294.00	294.00	1,176.00	1,176.00	HILL, HOWARD SR.; HILL, KATHY	None	None	0.00	F	0.00	N
18927	CER	NE	NW	26	21N	53E	Y	18928	320.00	320.00	1,280.00	1,280.00	A.G. FARM COMMODITIES, INC.	Alf, Grass Hay	Pivot	258.00	I	743.65	N
18928	CER	NE	SW	26	21N	53E	Y	18927	320.00	320.00	1,280.00	1,280.00	A.G. FARM COMMODITIES, INC.	Alf, Grass Hay	Pivot	--	F	--	N
18975	CER	SW	NE	11	20N	53E	Y	34950	181.82	307.50	727.28	1,230.00	SESTANOVICH HAY & CATTLE LLC	Alf	Pivot	126.00	I	370.59	N
18978	CER	SE	NE	4	21N	53E	Y	42019, 42020	255.84	276.44	1,023.36	1,105.76	COOPER, CHARLES C.	Alf	Pivot	240.00	I	705.88	N
18981	CER	SE	SE	4	21N	53E	Y	39553	156.00	156.00	624.00	624.00	COOPER, ERMYLEE R.	Grass Hay	Pivot	0.00	F	0.00	N
18988	CER	SE	SE	10	20N	53E	Y	80780	160.00	160.00	640.00	640.00	SESTANOVICH HAY & CATTLE LLC	Pasture	Pivot	126.00	I	370.59	N
18989	CER	SE	NE	10	20N	53E	Y	80781	160.00	160.00	640.00	640.00	SESTANOVICH HAY & CATTLE LLC	None	None	0.00	F	0.00	N
18999	CER	SW	NE	15	21N	53E	Y	42021	22.80	160.00	91.20	640.00	COOPER, CHARLES E.	None	None	0.00	F	0.00	N
19014	CER	NW	NE	5	21N	54E	Y	1	160.00	454.00	640.00	1,816.00	J & T FARMS, LLC	Alf	Pivot	126.00	I	370.59	N
19052	CER	NW	NE	17	21N	54E	Y	18834	319.06		1,276.23		NEWTON, DEBRA L.	Alf	Pivot	--	F	--	N
19053	CER	NE	NW	17	21N	54E	Y	18835	319.45		1,277.80		NEWTON, DEBRA L.	Alf	Pivot	--	F	--	N
19110	CER	SW	SW	22	22N	54E	Y		160.00	160.00	640.00	640.00	MARK MOYLE FARMS, LLC	Alf	Flood	157.00	I	640.00	N
19111	CER	SW	SW	27	22N	54E	Y	23893	155.50	155.50	622.00	622.00	MILES, HAROLD R.	Alf	Pivot	58.00	I	170.59	N
19145	CER	SE	SW	32	23N	54E	Y		160.00	640.00	2,560.00	2,560.00	MOYLE, JAMES L.	Alf	Pivot	126.00	I	370.59	N
19191	CER	SW	SW	17	20N	53E	Y	24214	131.08	281.16	524.30	1,124.62	ANDERSON, JERRY LEE	Alf, Grain	Pivot	119.00	I	350.00	N
19192	CER	SW	SE	18	20N	53E	Y	29765	149.15	313.20	596.60	1,252.80	HALPIN, SANDRA L.	Alf	Pivot	124.00	I	364.71	N
19218	CER	SE	SW	21	20N	53E	Y	21561, 24378	206.60	222.42	735.68	889.68	CRANE, WILLIAM A. CRANE	Alf	Pivot	94.50	I	277.94	N
19279	CER	SE	SE	7	21N	53E	Y		83.00	83.00	332.00	332.00	DUBRAY, FERNO L. & CARRIE M.	Alf	Pivot	66.50	I	195.59	N
19292	CER	SW	NE	21	21N	53E	Y		139.80	139.80	559.20	559.20	D.V. CORPORATION	Alf	Pivot	114.00	I	335.29	N
19293	CER	SW	SE	21	21N	53E	Y		132.40	132.40	529.60	529.60	D.V. CORPORATION	Alf	Pivot	107.00	I	314.71	N
19324	CER	SE	SE	2	20N	53E	Y		158.00	158.00	632.00	632.00	SESTANOVICH HAY & CATTLE LLC	Pasture	Pivot	128.00	I	376.47	N
19360	CER	SE	SW	5	22N	54E	Y		155.00	155.00	620.00	620.00	ETCHEGARAY, LEROY W.	Alf	Pivot	126.00	I	370.59	N
19361	CER	SE	SE	5	22N	54E	Y		155.00	155.00	620.00	620.00	ETCHEGARAY, LEROY W.	Alf	Pivot	123.00	I	361.76	N
19378	CER	NW	NW	34	21N	53E	Y	3	244.80	314.00	979.20	1,256.00	MOYLE, DUSTY L.	Alf	Pivot	227.60	I	669.41	N
19379	CER	NW	NE	33	21N	53E	Y		158.00	158.00	632.00	632.00	MOYLE, DUSTY L.	Grain	Pivot	126.00	I	296.47	N
19381	CER	NW	SE	33	21N	53E	Y		240.00	240.00	960.00	960.00	MOYLE, DUSTY L.	Alf	Pivot	165.00	I	485.29	N
19411	CER	NW	SW	32	20N	53E	Y		96.00	96.00	384.00	384.00	HOMESTAKE MINING COMPANY OF CALIFORNIA	Pasture	Pivot	80.00	I	235.29	N
19490	CER	LT06	6	22N	54E	Y		173.07	173.07	692.28	692.28	SOLARLOS LLC	None	Wheel Lines	0.00	F	0.00	N	
19492	CER	NE	SE	34	21N	53E	Y	20015	314.00	314.00	1,256.00	1,256.00	CONLEY, BEVERLY A. AND CONLEY, KENNETH E.	Alf	Pivot	252.00	I	741.18	N

Crop Inventory and Groundwater Pumpage for Irrigation - Diamond Valley - Basin 153, 2015

App No	Status	QQ	Q	Sec	Twn	Rng	Sup	Supplemental Application Number	Permitted Acres	Supplementally Adjusted Acres	Permitted Duty Acre-Feet	Supplementally Adjusted Duty Acre-Feet	Owner of Record	Crop Type	Irrigation Method	Irrigated Acres	Acreage Estimation Method	Acre-Feet Pumped	Pumpage Estimation Method
19500	CER	LT13	NW	20	20N	53E			166.10	166.10	664.40	664.40	CONLEY LAND & LIVESTOCK, LLC	Alf	Pivot	145.10	I	426.76	N
19501	CER	SW	NW	20	20N	53E			164.48	164.48	657.92	657.92	CONLEY LAND & LIVESTOCK, LLC	Alf	Pivot	113.00	I	332.35	N
19502	CER	SE	SE	20	20N	53E			152.27	152.27	609.08	609.08	CONLEY LAND & LIVESTOCK, LLC	Alf, Pasture	Pivot	145.10	I	426.76	N
19526	CER	SE	SW	15	20N	53E			301.00	301.00	1,204.00	1,204.00	BAUMAN, JAMES E.	Alf	Pivot	252.00	I	741.18	N
19541	CER	SE	SE	28	21N	53E			141.30	141.30	565.20	565.20	DIAMOND VALLEY RANCH, LLC	Alf	Pivot	126.00	I	370.59	N
19542	CER	NE	SE	28	21N	53E			117.00	117.00	468.00	468.00	DIAMOND VALLEY RANCH, LLC	Alf	Pivot	116.00	I	341.18	N
19563	CER	SE	SE	1	21N	53E	Y	19971, 28160	319.87	319.87	1,279.48	1,279.48	PLASKETT, TOMMYE J.	Grass Hay	Pivot	252.00	I	711.53	N
19760	CER	SE	SE	8	21N	54E	Y	28061	319.00	319.00	1,276.00	1,276.00	BURNHAM FARMS, LLC	Alf	Pivot	244.00	I	717.65	N
19904	CER	NE	SE	29	21N	53E	Y	24609, 78905	158.00	280.80	632.00	1,108.14	DIAMOND VALLEY RANCH, LLC	Alf	Pivot	126.00	I	370.59	N
19965	CER	NW	SE	12	21N	53E	Y	78447	158.00	158.00	632.00	632.00	RAND, JOSEPH L. AND ELLEN M.	Alf	Pivot	126.00	I	370.59	N
19966	CER	SW	NE	12	21N	53E	Y	80581	156.00	156.00	218.20	624.00	RAND, ELLEN M.	Alf	Pivot	128.00	I	376.47	N
19971	CER	SW	NE	1	21N	53E	Y	19563, 28160	319.87	319.87	779.16	779.16	PLASKETT, TOMMYE J.	Grass Hay	Pivot	--	F	--	N
19972	CER	SE	NW	1	21N	53E	Y	4	320.33	320.33	1,281.32	1,281.32	PLASKETT, TOMMYE J.	Alf	Pivot	126.00	I	370.59	N
19973	CER	SE	SW	1	21N	53E	Y	4	320.33	320.33	1,281.32	1,281.32	PLASKETT, TOMMYE	Alf	Pivot	125.00	F	367.65	N
20000	CER	NW	NE	34	21N	53E	Y	3	156.00	156.00	624.00	624.00	MOYLE, DUSTY L.	Alf	Pivot	--	F	--	N
20015	CER	NW	SW	34	21N	53E	Y	19492	158.00	160.00	640.00	640.00	MOYLE, DUSTY L.	Alf	Pivot	--	F	--	N
20046	CER	SE	NW	33	22N	54E			160.00	160.00	640.00	640.00	BURNHAM FARMS, LLC	Grass Hay	Pivot	125.00	I	352.94	N
20087	CER	SE	NE	20	21N	53E	Y	24607	156.00	308.00	624.00	1,232.00	DIAMOND VALLEY RANCH, LLC	Timothy	Pivot	126.00	I	355.76	N
20088	CER	NE	NW	20	21N	53E	Y	24606	158.00	312.00	632.00	1,248.00	DIAMOND VALLEY RANCH, LLC	Timothy	Pivot	126.00	I	355.76	N
20366	CER	SE	NW	22	22N	54E	Y		159.58	159.58	638.31	638.31	MARK MOYLE FARMS, LLC	Grass Mix	Pivot	126.00	I	355.76	N
20487	CER	NE	NW	22	21N	53E			127.70	127.70	510.80	510.80	MARSHALL, REESE W.	Alf	Pivot	125.00	I	367.65	N
20565	CER	SE	NW	32	20N	53E			73.00	73.00	292.00	292.00	EUREKA COUNTY	Pasture	Pivot	64.00	I	188.24	N
20694	CER	SE	NE	21	20N	53E	Y	21399	172.22	253.29	688.88	1,013.16	ETCHEVERRY FAMILY LIMITED	Alf	Pivot	63.00	I	185.29	N
21085	CER	SE	NW	35	21N	53E	Y	23462, 23803	156.40	327.60	625.60	1,310.40	MILLER, ANTHONY	Alf	Pivot	126.00	I	370.59	N
21399	CER	SW	NW	22	20N	53E	Y	20694	253.29	1,013.16	1,013.16	1,013.16	ETCHEVERRY FAMILY LIMITED	Alf	Pivot	63.00	I	185.29	N
21426	CER	SE	SE	15	21N	53E			160.00	160.00	640.00	640.00	MORRISON, LLOYD & BELINDA FAYE	Alf	Pivot	126.00	I	370.59	N
21428	CER	SE	NE	11	21N	53E			156.00	156.00	624.00	624.00	BENSON, PATTIE E. AND KENNETH F.	Grass Hay	Pivot	133.00	I	375.53	N
21561	CER	SE	NW	21	20N	53E	Y	19218, 24378	129.92	159.68	519.68	519.68	EUREKA MOLY LLC	Alf	Pivot	--	F	--	N
21839	CER	SW	SW	16	21N	53E			158.00	158.00	632.00	632.00	ALLEN, MAX D.	Alf	Pivot	126.00	I	370.59	N
21841	CER	SE	NW	21	21N	53E			158.00	158.00	632.00	632.00	MICHEL & MARGARET ETHEVERRY	Grain	Pivot	125.00	I	294.12	N
21843	CER	SW	SW	15	21N	53E			156.00	156.00	624.00	624.00	FAMILY LP	Alf	Pivot	126.00	I	370.59	N
21844	CER	SW	NW	15	21N	53E			158.00	158.00	632.00	632.00	MORRISON, BELINDA FAYE	Grass Hay	Pivot	126.00	I	355.76	N
21929	CER	SW	NW	28	21N	53E			157.60	157.60	630.40	630.40	COOPER, CHARLES E.	Alf	Pivot	130.00	I	382.35	N
21930	CER	SW	NE	27	21N	53E			158.80	158.80	635.20	635.20	DIAMOND VALLEY RANCH, LLC	Alf	Pivot	126.00	I	370.59	N
22194	CER	SE	SW	3	21N	53E			134.00	134.00	536.00	536.00	AMERICAN FIRST FEDERAL	Alf	Pivot	126.00	I	370.59	N
22195	CER	SE	SE	3	21N	53E			155.50	155.50	622.00	622.00	BAILEY, TIMOTHY LEE AND CONSTANCE	Alf	Pivot	127.00	I	373.53	N
22217	CER	SE	NE	20	20N	53E			163.57	163.57	654.28	654.28	MARIE	Grass Hay	Pivot	131.00	I	369.88	N
22316	CER	SW	SE	27	21N	53E			157.20	157.20	628.80	628.80	BAILEY, TIMOTHY LEE AND CONSTANCE	Alf, Garrison	Pivot	145.10	I	417.11	N
22352	CER	SW	SE	19	22N	54E			32.20	32.20	129.28	129.28	CONLEY LAND AND LIVESTOCK LLC	Alf	Pivot	121.00	I	355.88	N
22353	CER	SW	NE	19	22N	54E			158.00	158.00	632.00	632.00	AMERICAN FIRST FEDERAL	None	None	0.00	F	0.00	N
22551	CER	SE	SE	36	21N	53E	Y	18623	181.69	181.69	726.76	726.76	MARK MOYLE FARMS, LLC	Grass Hay	Pivot	126.00	I	355.76	N
22566	CER	SW	SE	8	21N	53E			117.00	117.00	468.00	468.00	MORRISON, BELINDA F.	Alf, Grain	Pivot	--	F	--	N
22567	CER	SW	NE	8	21N	53E			117.00	117.00	468.00	468.00	ALLEN, ROGER & JUDY	Alf	Pivot	126.00	I	370.59	N
22648	CER	SW	NE	3	21N	53E	Y	22921	296.72	296.72	1,186.88	1,186.88	MILLER, LAVON AND KRISTI	Alf	Pivot	126.00	I	370.59	N
22921	CER	SW	NW	3	21N	53E	Y	22648	296.72	296.72	1,186.88	1,186.88	MILLER, LAVON AND KRISTI	Alf	Pivot, Wheel Lines	276.00	I	872.94	N
													BENSON, KENNETH F.	Alf	Pivot, Wheel Lines	--	F	--	N
													BENSON, KENNETH F.	Alf	Pivot, Wheel Lines	--	F	--	N

Crop Inventory and Groundwater Pumpage for Irrigation – Diamond Valley – Basin 153, 2015

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22922	CER	SW	NE	22	21N	53E	Y	36321, 36322	161.59	161.59	646.36	1,260.80	BENSON, PATTIE, AND KENNETH F.	Alf	Pivot	130.00	I	382.35	N
22982	CER	SW	NE	22	21N	53E	Y		315.20	315.20	1,260.80	1,260.80	AMERICAN FIRST FEDERAL	Alf	Pivot	254.00	I	747.06	N
23271	CER	SE	SE	32	22N	54E	Y	29278	317.70	317.70	1,270.80	1,270.80	BURNHAM FARMS, LLC	Alf, Grass	Pivot	252.00	I	729.41	N
23272	CER	SW	SW	32	22N	54E	Y	28641	160.00	320.00	640.00	1,280.00	BURNHAM FARMS, LLC	Alf	Pivot	122.00	I	358.82	N
23462	CER	LT01	SE	21	20N	53E	Y	21085, 23803	304.00	1,216.00	1,216.00	1,216.00	EUREKA COUNTY	Alf	Pivot	126.00	I	370.59	N
23711	CER	SE	SW	21	20N	53E	Y	23738, 23739	225.69	225.69	902.76	902.76	EUREKA MOLLY, LLC	Alf, Grass	Pivot	205.00	I	593.65	N
23738	CER	NW	SW	28	20N	53E	Y	23711, 23739	225.69	902.76	902.76	902.76	EUREKA MOLLY, LLC	Alf, Grass	Pivot	--	F	--	N
23739	CER	LT07	SW	28	20N	53E	Y	23711, 23738	225.69	902.76	902.76	902.76	EUREKA MOLLY, LLC	Alf, Grass	Pivot	--	F	--	N
23803	CER	SW	SW	35	21N	53E	Y	21085, 23462	171.20	684.80	684.80	684.80	MILLER, ANTHONY	Alf	Pivot	--	F	--	N
23893	CER	SW	SW	22	22N	54E	Y	19111	76.50	306.00	306.00	306.00	MILES, HAROLD R.	None	None	0.00	F	0.00	N
23918	CER	SW	NE	33	21HN	54E	Y		11.10	44.40	44.40	44.40	NORTON, WILLIAM H. JR.	None	None	0.00	I	0.00	N
24127	CER	SW	NE	10	21N	53E	Y	24128	320.00	1,280.00	1,280.00	1,280.00	CONAWAY, DALE R.	Grass	Pivot	252.00	I	711.53	N
24128	CER	SW	SE	10	21N	53E	Y	24127	320.00	1,280.00	1,280.00	1,280.00	CONAWAY, DALE R.	Grass	Pivot	--	F	--	N
24129	CER	SW	NW	10	21N	53E	Y	24130	310.20	310.20	1,240.80	1,240.80	MORRISON, ALBERTA J.	Hay	Pivot	254.00	I	732.12	N
24130	CER	SW	SW	10	21N	53E	Y	24129	310.20	1,240.80	1,240.80	1,240.80	MORRISON, ALBERTA J.	Alf, Grass	Pivot	--	F	--	N
24214	CER	SW	NW	17	20N	53E	Y	19191	156.25	624.99	624.99	624.99	ANDERSON, EDWARD B.	Alf, Grain	Pivot	128.00	I	301.18	N
24262	CER	SW	NW	9	21N	53E	Y	5	472.00	472.00	476.52	1,888.00	DIAMOND VALLEY HAY CO.	Alf, Timothy, Grass Hay	Pivot	472.00	I	476.52	N
24263	CER	NW	NE	9	21N	53E	Y	5	472.00	472.00	452.40	452.40	DIAMOND VALLEY HAY CO.	Alf, Timothy, Grass Hay	Pivot	--	F	452.40	N
24264	CER	SW	SE	9	21N	53E	Y	5	472.00	472.00	928.92	928.92	DIAMOND VALLEY HAY CO.	Alf, Timothy, Grass Hay	Pivot	--	F	431.55	N
24265	CER	SW	SW	9	21N	53E	Y	5	236.00	944.00	944.00	944.00	DIAMOND VALLEY HAY CO.	Timothy, Grass Hay	Pivot	--	F	--	N
24272	CER	SE	SE	20	21N	54E	Y	20088	308.00	1,232.00	1,232.00	1,232.00	DIAMOND VALLEY RANCH, LLC	Alf	Pivot	120.00	I	352.94	N
24607	CER	SE	SE	20	21N	53E	Y	20087	308.00	1,232.00	1,232.00	1,232.00	LIBERTY LIVESTOCK CO	Alf	Pivot	126.00	I	370.59	N
24609	CER	SE	NE	29	21N	53E	Y	19904, 78905	280.80	1,108.14	1,108.14	1,108.14	DIAMOND VALLEY RANCH, LLC	Alf	Pivot	--	F	--	N
26437	CER	SE	SE	30	23N	54E	Y		127.20	508.80	508.80	508.80	ALLEN, ROGER B. & JUDY B.	Alf	Pivot	125.00	I	367.65	N
26664	CER	SE	NE	24	21N	53E	Y		40.00	160.00	160.00	160.00	KEPHART, MARY A.	Alf	Pivot	33.00	I	97.06	N
27976	CER	NE	SE	2	21N	53E	Y		126.12	504.48	504.48	504.48	MARSHALL FAMILY TRUST	Grass	Pivot	126.00	I	355.76	N
28035	CER	SE	SE	6	21N	53E	Y	28036	50.39	201.56	201.56	201.56	BAILEY, CAROLYN	Grass Hay	Pivot	56.75	I	160.24	N
28036	CER	SW	SE	6	21N	53E	Y	28035	69.25	277.00	277.00	277.00	BAILEY, CAROLYN	Grass Hay	Pivot	69.25	I	195.53	N
28061	CER	NW	SE	8	21N	54E	Y	19760	125.60	502.40	502.40	502.40	BURNHAM FARMS, LLC	Alf	Pivot	--	F	--	N
28160	CER	LT03	SW	1	21N	53E	Y	19563, 19971	125.08	500.32	500.32	500.32	PLASKETT, TOMMYE J.	Grass Hay	Pivot	--	F	--	N
28561	CER	NE	SW	33	22N	54E	Y		130.00	520.00	520.00	520.00	BLEHM, RONALD W.	Alf	Pivot	124.00	I	364.71	N
28641	CER	SW	NW	32	22N	54E	Y	23272	160.00	640.00	640.00	640.00	BURNHAM FARMS, LLC	Grass Hay	Pivot	120.00	I	338.82	N
29278	CER	NW	NE	32	22N	54E	Y	23271	120.00	480.00	480.00	480.00	BURNHAM FARMS, LLC	Grass Hay	Pivot	--	F	--	N
29405	CER	NE	NW	8	21N	53E	Y		147.83	591.32	591.32	591.32	MORRISON, D. LLOYD	Alf	Pivot	126.00	F	370.59	N
29557	CER	SE	SE	20	23N	54E	Y		121.84	487.36	487.36	487.36	MOYLE, JAMES L. & N. JANE	Alf	Pivot	121.84	I	358.35	N
29765	CER	SW	SE	18	20N	53E	Y	19192	313.20	1,252.80	1,252.80	1,252.80	HALPIN, SANDIE L.	Alf	Pivot	124.00	I	364.71	N

Crop Inventory and Groundwater Pumpage for Irrigation - Diamond Valley - Basin 153, 2015

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40402	CER	SE	NW	30	23N	54E	Y		127.20	127.20	508.80	508.80	MOYLE, DUSTY L.	None	Pivot	127.20	I	71.83	N
41883	CER	LT07	28	20N	53E	Y		41884	39.20	39.20	156.80	156.80	MILLER, OWEN J. AND CHERYL	Grass	Pivot	31.50	I	88.94	N
41884	CER	LT11	28	20N	53E	Y		41883	39.20	39.20	156.80	156.80	MILLER, OWEN J. AND CHERYL	Grass	Pivot	--	F	--	N
42019	CER	SE	NW	4	21N	53E	Y	18978, 42020	121.90	121.90	455.24	455.24	COOPER, CHARLES C.	Alf	Pivot	--	F	--	N
42020	CER	SE	NW	4	21N	53E	Y	18978, 42019	121.90	121.90	88.00	88.00	COOPER, CHARLES C.	Alf	Pivot	--	F	--	N
42021	CER	SE	NW	15	21N	53E	Y	18999	137.20	137.20	548.80	548.80	COOPER, CHARLES E.	Timothy	Pivot	126.00	I	355.76	N
42367	CER	SE	NW	24	21N	53E	Y	6	120.00	120.00	40.00	480.00	KEPHART, MARI ALICE	Alf	Pivot	126.00	I	40.00	N
42368	CER	SE	NW	24	21N	53E	Y	6	120.00	120.00	40.00	40.00	KEPHART, MARI ALICE	Alf	Pivot	--	F	40.00	N
42369	CER	SE	NW	24	21N	53E	Y	5	120.00	120.00	120.00	120.00	KEPHART, MARI ALICE	Alf	Pivot	--	F	120.00	N
42370	CER	SE	NW	24	21N	53E	Y	6	120.00	120.00	120.00	120.00	KEPHART, MARI ALICE	Alf	Pivot	--	F	120.00	N
42891	CER	SE	NW	1	20N	53E	Y	7	107.61	107.61	141.77	430.44	MOLL, HOLLON D. & VELMA M.	Alf	Pivot	107.61	I	141.77	N
43268	CER	NW	NE	18	22N	54E	Y	43270, 43836	250.00	250.00	782.10	1,000.00	KENNETH P. STENTON	Grass Hay	Pivot	250.00	I	705.88	N
43269	CER	NW	NE	18	21N	53E	Y	8	130.00	130.00	76.80	520.00	BLANCO RANCH, LLC	Alf	Pivot	126.00	N	76.80	N
43270	CER	NE	SW	18	22N	54E	Y	43268, 43836	250.00	250.00	629.38	629.38	KENNETH P. STENTON	Grass Hay	Pivot	--	F	--	N
43271	CER	NW	NW	17	21N	53E	Y	9	520.00	520.00	525.62	2,080.00	BERG PROPERTIES CALIFORNIA, LLC	Alf	Pivot	504.00	I	525.62	N
43272	CER	NW	NE	17	21N	53E	Y	9	520.00	520.00	525.62	525.62	BERG PROPERTIES CALIFORNIA, LLC	Alf	Pivot	--	F	525.62	N
43273	CER	SW	SW	17	21N	53E	Y	9	520.00	520.00	514.39	514.39	BERG PROPERTIES CALIFORNIA, LLC	Alf	Pivot	--	F	481.11	N
43274	CER	NW	SE	17	21N	53E	Y	9	520.00	520.00	514.39	514.39	BERG PROPERTIES CALIFORNIA, LLC	Alf	Pivot	--	F	--	N
43397	CER	SE	SW	20	23N	54E	Y		160.00	160.00	640.00	640.00	MOYLE, JAMES L. & N. JANE	Alf	Pivot	125.00	F	367.65	N
43836	CER	NW	NE	18	22N	54E	Y	43268, 43270	250.00	250.00	1,000.00	1,000.00	KENNETH P. STENTON	Grass Hay	Pivot	--	F	--	N
43837	CER	NW	NE	18	21N	53E	Y	8	130.00	130.00	111.99	111.99	BLANCO RANCH, LLC	Alf	Pivot	--	F	111.99	N
43838	CER	NW	NE	18	21N	53E	Y	8	130.00	130.00	111.99	111.99	BLANCO RANCH, LLC	Alf	Pivot	--	F	111.99	N
43839	CER	NW	NE	18	21N	53E	Y	8	130.00	130.00	109.62	109.62	BLANCO RANCH, LLC	Alf	Pivot	--	F	69.81	N
43840	CER	NW	NE	18	21N	53E	Y	8	130.00	130.00	109.62	109.62	BLANCO RANCH, LLC	Alf	Pivot	--	F	--	N
44451	CER	NE	NE	28	22N	54E	Y	44452	303.40	303.40	576.58	1,213.60	PALMORE, DONALD FRANK	Alf, Grass Hay	Flood	303.00	I	576.58	N
44452	CER	SE	NW	28	22N	54E	Y	44451	303.40	303.40	640.00	640.00	PALMORE, DONALD FRANK	Alf, Grass Hay	Flood	--	F	637.02	N
44604	CER	NE	SW	27	22N	54E	Y	10	125.70	125.70	137.36	502.80	BURNHAM FARMS, LLC	Alf	Pivot	125.70	I	137.36	N
44605	CER	NE	SW	27	22N	54E	Y	10	125.70	125.70	137.36	137.36	BURNHAM FARMS, LLC	Alf	Pivot	--	F	137.36	N
44606	CER	NE	SW	27	22N	54E	Y	10	125.70	125.70	18.88	18.88	BURNHAM FARMS, LLC	Alf	Pivot	--	F	18.88	N
44607	CER	NE	SW	27	22N	54E	Y	10	125.70	125.70	136.00	136.00	BURNHAM FARMS, LLC	Alf	Pivot	--	F	76.11	N
44609	CER	NE	SW	27	22N	54E	Y	10	125.70	125.70	236.80	236.80	BURNHAM FARMS, LLC	Alf	Pivot	--	F	--	N
44610	CER	NE	SW	27	22N	54E	Y	10	125.70	125.70	120.00	120.00	BURNHAM FARMS, LLC	Alf	Pivot	--	F	--	N
44621	CER	SE	NW	36	21N	53E	Y	18621, 18622	206.29	206.29	825.16	825.16	ALLEN, ROGER & JUDY	Alf	Pivot	--	I	--	N
46287	CER	NW	SW	2	21N	53E	Y		158.00	158.00	632.00	632.00	GROTH, DANIEL E.	Grass Hay	Pivot	130.00	I	367.06	N
46348	CER	LT05	1	21N	53E	Y	4		131.28	131.28	525.12	525.12	PLASKETT, TOMMYE J.	Alf	Pivot	--	F	--	N
46461	CER	SW	NW	29	23N	54E	Y		144.00	144.00	576.00	576.00	MOYLE, DUSTY L.	Alf	Pivot	126.00	I	370.59	N
46505	CER	SW	NW	8	21N	54E	Y		127.60	127.60	510.40	510.40	BURNHAM FARMS, LLC	Alf	Pivot	126.00	I	370.59	N
47518	CER	LT05	29	20N	53E	Y	11	317.54	317.54	504.24	1,270.16	ANDERSON, EDWARD B.	Alf, Grain	Pivot	254.00	I	504.24	N	
47519	CER	LT05	29	20N	53E	Y	11	317.54	317.54	278.40	278.40	ANDERSON, EDWARD B.	Alf, Grain	Pivot	--	F	168.11	N	
47520	CER	LT05	29	20N	53E	Y	11	317.54	317.54	638.72	638.72	ANDERSON, EDWARD B.	Alf, Grain	Pivot	--	F	--	N	
47521	CER	LT05	29	20N	53E	Y	11	317.54	317.54	168.24	168.24	ANDERSON, EDWARD B.	Alf, Grain	Pivot	--	F	--	N	
47591	CER	SW	NE	30	23N	54E	Y		127.20	127.20	508.80	508.80	ALLEN, ROGER B. & JUDY B.	Alf	Pivot	126.00	F	370.59	N
48225	CER	SE	NW	7	21N	53E	Y	34596, 48226	120.58	120.58	482.30	482.30	MORRISON, CHERYL A.	Alf	Pivot	113.00	I	332.35	N
48226	CER	SE	NW	7	21N	53E	Y	34596, 48225	120.58	120.58	300.00	300.00	MORRISON, CHERYL A.	Alf	Pivot	--	F	--	N
48437	CER	SE	SW	22	22N	54E	Y	34939	130.00	130.00	272.80	272.80	MOYLE, MARK STEPHEN	Alf	Pivot	--	F	--	N
48871	CER	SE	NE	4	21N	54E	Y	12	213.20	213.20	296.50	852.70	GALLAGHER FARMS, LLC; A NEVADA LIMITED LIABILITY COMPANY	Alf, Grass Hay	Pivot	205.00	I	296.50	N
48872	CER	SE	NE	4	21N	54E	Y	12	213.20	213.20	327.10	327.10	GALLAGHER FARMS, LLC; A NEVADA LIMITED LIABILITY COMPANY	Alf, Grass Hay	Pivot	--	F	297.50	N

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48948	CER	SE	SW	6	21N	53E	Y	55272	119.64	124.78	478.56	499.12	BAILEY, CAROLYN	Alf	Pivot	119.64	I	351.88	N
49185	CER	SE	SW	29	23N	54E	Y		125.68	125.68	502.72	502.72	MOYLE, DUSTY L.	Alf	Pivot	123.00	I	361.76	N
49188	CER	SE	SW	29	23N	54E	Y		125.68	125.68	502.72	502.72	MOYLE, DUSTY L.	Alf	Pivot	125.68	I	369.65	N
49853	CER	SW	SW	7	21N	53E	Y	49854	29.63	29.63	118.52	118.52	DUBRAY, FERNO L. & CARRIE M.	None	None	0.00	F	0.00	N
49854	CER	LT08	SW	7	21N	53E	Y	49853	29.63	29.63	118.52	118.52	DUBRAY, FERNO L. & CARRIE M.	None	None	0.00	F	0.00	N
50095	CER	SE	SW	30	23N	54E	Y		127.20	127.20	508.80	508.80	MOYLE, DUSTY L.	Alf	Pivot	126.00	I	370.59	N
50581	CER	SE	NW	6	24N	53E	Y	50582	275.01	275.01	249.66	1,100.04	SADLER RANCH, LLC	Hay	Pivot	252.00	I	249.66	N
50582	CER	NW	SW	6	24N	53E	Y	50581	275.01	1,100.04	1,100.04	1,100.04	SADLER RANCH, LLC	Alf, Grass	Pivot	--	F	476.69	N
50650	CER	SW	NW	32	23N	54E	Y	2	160.00	640.00	640.00	640.00	MOYLE, JAMES L.	Grain, Grass	Pivot	--	F	--	N
50962	CER	NW	NW	13	23N	52E	Y	50963, 57838	75.30	118.30	129.20	473.20	KOBEH VALLEY RANCH LLC	Alf	Pivot	54.77	I	129.20	N
50963	CER	NW	NW	13	23N	52E	Y	50962, 57838	75.30	118.30	129.20	473.20	KOBEH VALLEY RANCH LLC	Alf	Pivot	--	I	31.89	N
51647	CER	SW	NW	2	21N	53E	Y		144.70	144.70	578.80	578.80	GROTH, DANIEL E.	Alf	Pivot	125.00	I	367.65	N
53872	CER	NE	SW	28	22N	54E	Y	14948	303.94	617.20	617.20	617.20	PALMORE, DONALD FRANK	Alf	Flood	--	I	617.20	N
55535	CER	SW	NW	5	22N	54E	Y	39156	125.60	502.40	502.40	502.40	ETCHEGARAY, FRED L.	Grain	Pivot	--	F	--	N
55727	CER	SE	SW	6	21N	53E	Y	48948	5.14	20.56	20.56	20.56	BAILEY, CAROLYN	Alf	Pivot	5.14	I	15.12	N
56652	CER	NE	NW	24	21N	53E	Y	6	120.00	160.00	160.00	160.00	KEPHART, MARI A.	Alf	Pivot	--	F	50.59	N
57835	PER	SE	SW	13	23N	52E	Y	18	78.23	155.48	155.48	312.92	KOBEH VALLEY RANCH LLC	Alf	Pivot	No Estimate	No Estimate	No Estimate	N
57836	PER	SE	SW	13	23N	52E	Y	18	78.23	147.60	147.60	147.60	KOBEH VALLEY RANCH LLC	Alf	Pivot	No Estimate	No Estimate	No Estimate	N
57838	CER	NW	NW	13	23N	52E	Y	50962, 50963	118.30	172.00	172.00	172.00	KOBEH VALLEY RANCH LLC	Alf	Pivot, Wheel Lines	63.53	I	172.00	N
57839	PER	SE	SW	13	23N	52E	Y	18	164.00	0.00	0.00	0.00	KOBEH VALLEY RANCH LLC	Alf	Pivot	No Estimate	No Estimate	No Estimate	N
57840	PER	SE	SW	13	23N	52E	Y	18	164.00	0.00	0.00	0.00	KOBEH VALLEY RANCH LLC	Alf	Pivot	No Estimate	No Estimate	No Estimate	N
63497	CER	SE	SW	36	24N	52E	Y	V01104	120.71	408.30	408.30	408.30	BAILEY, BARBARA	Alf	Pivot	120.00	I	352.94	N
64630	CER	SE	NW	1	20N	53E	Y	7	107.61	288.67	288.67	288.67	MOLL, HOLLON D. & VELMA M.	Alf	Pivot	--	I	185.52	N
64631	CER	SE	NW	1	20N	53E	Y	7	107.61	288.67	288.67	288.67	MOLL, HOLLON D. & VELMA M.	Alf	Pivot	--	F	--	N
64632	CER	SE	NW	1	20N	53E	Y	7	107.61	288.67	288.67	288.67	MOLL, HOLLON D. & VELMA M.	Alf	Pivot	--	F	--	N
64633	CER	SE	NW	1	20N	53E	Y	7	107.61	288.67	288.67	288.67	MOLL, HOLLON D. & VELMA M.	Alf	Pivot	--	F	--	N
60602	PER	SE	SW	13	23N	52E	Y		75.77	303.08	303.08	303.08	KOBEH VALLEY RANCH LLC	Alf	Pivot	No Estimate	No Estimate	No Estimate	N
67172	CER	SW	SW	34	21HN	54E	Y		123.77	495.07	495.07	495.07	MARK & TERESA MOYLE FAMILY TRUST	Alf	Pivot	123.77	I	364.03	N
68923	PER	NW	NW	32	20N	53E	Y		60.50	242.00	242.00	242.00	EUREKA COUNTY	Pasture	Wheel Lines	60.50	F	201.67	N
70587	CER	NE	NW	4	21N	54E	Y	12	211.46	123.56	123.56	123.56	GALLAGHER FARMS, LLC; A NEVADA LIMITED LIABILITY COMPANY	Alf, Grass	Pivot	--	F	--	N
70588	CER	NE	NW	4	21N	54E	Y	12	205.82	229.11	229.11	229.11	GALLAGHER FARMS, LLC; A NEVADA LIMITED LIABILITY COMPANY	Alf, Grass	Pivot	--	F	--	N
70940	CER	SW	SE	19	22N	54E	Y		125.68	502.72	502.72	502.72	MARK MOYLE FARMS, LLC	Alf	Pivot	125.68	I	369.65	N
71748	CER	SE	SE	8	22N	54E	Y		126.70	506.80	506.80	506.80	FRED L. ETCHEGARAY AND JOHN J. ETCHEGARAY, A NEVADA PARTNERSHIP	Pasture	Pivot	128.00	I	376.47	N
72370	PER	LT02	SW	4	22N	54E	Y	18242	320.00	1,280.00	1,280.00	1,280.00	ANDERSEN, HARLOW B. & BONNIE G.	Alf	Pivot	--	F	--	N
73899	PER	SE	SW	5	25N	53E	Y	13	305.92	631.18	631.18	631.18	DENNIS L WEST & KIM KENNEDY WEST	Alf	Pivot	126.00	I	370.59	N
73570	PER	NE	SW	5	25N	53E	Y	13	305.92	33.20	33.20	33.20	RENNER, IRA R. & MONTIRA	Grass Hay	Pivot	218.30	I	33.20	D
73571	PER	NE	SW	5	25N	53E	Y	13	305.92	128.40	128.40	128.40	RENNER, IRA R. & MONTIRA	Grass Hay	Pivot	--	F	128.40	D
73572	PER	SE	NW	5	25N	53E	Y	13	305.92	128.40	128.40	128.40	RENNER, IRA R. & MONTIRA	Grass Hay	Pivot	--	F	128.40	D
73573	PER	SE	NW	5	25N	53E	Y	13	305.92	240.00	240.00	240.00	RENNER, IRA R. & MONTIRA	Grass Hay	Pivot	--	F	240.00	D
76358	PER	NE	NW	23	21N	53E	Y		136.36	545.44	545.44	545.44	MOYLE, DENISE L. AND HICKS, DEANNE M.	Alf	Pivot	126.00	I	370.59	N
77083	PER	SE	NW	13	24N	52E	Y	85025T	225.52	204.74	204.74	902.08	SADLER RANCH, LLC	Pivot, Wheel Lines	225.52	F	628.20	N	
77569	PER	NW	SE	14	21N	53E	Y	81269	133.40	207.22	207.22	533.60	MOYLE, DENISE L. AND HICKS, DEANNE M.	Alf	Pivot	126.00	I	370.59	N
77646	CER	SE	SE	33	21HN	54E	Y	14	256.06	123.60	123.60	1,024.24	WILLIAM H NORTON	Starter	Pivot	256.06	I	123.60	N

Crop Inventory and Groundwater Pumpage for Irrigation - Diamond Valley - Basin 153, 2015

App No	Status	QQ	Q	Sec	Twn	Rng	Sup	Supplemental Application Number	Permitted Acres	Supplementally Adjusted Permitted Acres	Permitted Duty Acre-Feet	Supplementally Adjusted Duty Acre-Feet	Owner of Record	Crop Type	Irrigation Method	Irrigated Acres	Acres Pumped	Pumpage Estimation Method
77666	PER	SE	NW	27	23N	54E	Y	77665	165.00	165.00	394.12	547.88	JOSEPH L RAND AND ELLEN M RAND REVOCABLE LIVING TRUST DATED MAY 9 1996	Alf	Pivot	110.25	324.26	F
77695	CER	SE	SE	33	21HN	54E	Y	14	256.06	256.06	469.92		WILLIAM H NORTON	Starter	Pivot	--	469.92	F
77696	CER	SE	SE	33	21HN	54E	Y	14	256.06	256.06	295.12		WILLIAM H NORTON	Starter	Pivot	--	189.72	F
78062	PER	NW	NE	14	21N	53E	Y	15965	157.00	157.00	628.00	628.00	MOYLE, DENISE L. AND HICKS, DEANNE M. RAND, JOSEPH L. AND ELLEN M. MARK & TERESA MOYLE FAMILY TRUST DATED 12/22/1999	Alf	Pivot	126.00	370.59	I
78447	PER	NW	SE	12	21N	53E	Y	19965	158.00	158.00	0.00		MARK & TERESA MOYLE FAMILY TRUST DATED 12/22/1999	Alf	Pivot	--	--	F
78568	CER	NW	NW	34	21HN	54E	Y	8195	81.95	81.95	327.80	327.80	J.W.L. PROPERTIES, LLC	Alf	Pivot	94.50	277.94	I
78771	PER	NW	SE	4	20N	53E	Y	15	257.20	257.20	362.40	1,028.80	J.W.L. PROPERTIES, LLC	Alf, Timothy	Pivot	254.00	362.40	I
78772	PER	LT16	4	20N	53E	Y	15	257.20	257.20	128.00	128.00	J.W.L. PROPERTIES, LLC	Alf, Timothy	Pivot	--	128.00	F	
78773	PER	LT16	4	20N	53E	Y	15	257.20	257.20	398.40	398.40	J.W.L. PROPERTIES, LLC	Alf, Timothy	Pivot	--	241.60	F	
78774	PER	SW	SE	4	20N	53E	Y	15	257.20	257.20	52.00	52.00	J.W.L. PROPERTIES, LLC	Alf, Timothy	Pivot	--	--	F
78775	PER	SW	SE	4	20N	53E	Y	15	257.20	257.20	88.00	88.00	J.W.L. PROPERTIES, LLC	Alf, Timothy	Pivot	--	--	F
78905	PER	SW	NE	28	21N	53E	Y	19904, 24609	274.80	1,099.20	1,099.20	584.40	DIAMOND VALLEY RANCH LLC	Alf	Pivot	--	0.00	F
78906	PER	SW	NE	28	21N	53E	Y	19966	156.00	146.10	584.40	584.40	DIAMOND VALLEY RANCH LLC	None	None	0.00	0.00	F
80581	PER	SW	NE	12	21N	53E	Y	19966	156.00	155.00	405.80	620.00	RAND, JOSEPH L AND ELLEN M NORTON, WILLIAM H JR AND PATRICIA A	Alf	Pivot	--	--	F
80717	CER	SW	SE	32	21HN	54E	Y	14	256.06	135.60	135.60		NORTON, WILLIAM H JR	Starter	Pivot	--	--	F
80718	CER	SE	SW	33	21HN	54E	Y	14	256.06	135.60	135.60		NORTON, WILLIAM H JR	Starter	Pivot	--	--	F
80780	PER	SE	SE	10	20N	53E	Y	18988	160.00	640.00	640.00	640.00	SESTANOVICH HAY & CATTLE LLC	Grass Hay	Pivot	--	--	F
80781	PER	SE	NE	10	20N	53E	Y	18989	160.00	640.00	640.00	640.00	SESTANOVICH HAY & CATTLE LLC	Grass Hay	Pivot	--	--	F
80879	CER	SW	SE	32	21HN	54E	Y	16	77.00	77.00	249.52	249.52	NORTON, WILLIAM H JR AND PATRICIA A	None	None	0.00	0.00	F
80880	CER	SW	SE	32	21HN	54E	Y	16	78.00	78.00	87.28	87.28	NORTON, WILLIAM H JR AND PATRICIA A	Alf	Pivot	--	--	F
80881	CER	SW	SE	32	21HN	54E	Y	16	78.00	78.00	44.00	44.00	NORTON, WILLIAM H JR AND PATRICIA A	Alf	Pivot	--	--	F
80926	CER	SW	SE	32	21HN	54E	Y	16	155.00	103.20	103.20		NORTON, WILLIAM H JR	Alf	Pivot	151.02	444.18	I
81004	PER	SE	SW	11	20N	53E	Y	31455	12.77	51.08	51.08		HALPIN, JAYME L	Alf	Pivot	12.77	37.56	I
81268	PER	NE	SE	32	23N	54E	Y	2	640.00	1,280.00	1,280.00		MOYLE, JAMES L AND N JANE	Alf, Grain, Grass Hay	Pivot	--	--	F
81269	PER	NE	SE	14	21N	53E	Y	77569	133.40	207.22	207.22		MOYLE, DENISE L. AND HICKS, DEANNE M. AIF	Grass Hay	Pivot	--	--	F
81650	PER	LT15	21	20N	53E	Y	26.61	26.61	106.45	106.45	106.45		EUREKA MOLLY, LLC	None	No Estimate	No Estimate	No Estimate	F
81720	PER	NW	SE	23	24N	52E	Y	82268 (Spring)	525.00	975.00	975.00	975.00	SADLER RANCH, LLC	None	None	0.00	0.00	F
81825	PER	NE	SE	3	23N	54E	Y	82572	204.30	204.30	612.90	612.90	VENTURACCI, DANIEL S	Pasture	Hand Lines	40.00	133.33	I
82572	PER	SE	SE	3	23N	54E	Y	81825	204.30	204.30	612.90	612.90	VENTURACCI, DANIEL S	Pasture	Hand Lines	--	--	F
83567	PER	SE	NW	27	23N	54E	Y	77666	37.32	149.28	149.28		JOSEPH L RAND AND ELLEN M RAND REVOCABLE LIVING TRUST	Alf	Pivot	--	--	F
83615	PER	NE	NW	5	21N	54E	Y	1	158.00	189.36	189.36		J & T FARMS, LLC	Alf	Pivot	126.00	370.59	I
83616	PER	NE	SW	5	21N	54E	Y	1	136.00	544.00	544.00		J & T FARMS, LLC	Alf	Pivot	--	--	F
83617	PER	NE	SW	5	21N	54E	Y	1	158.00	442.64	442.64		J & T FARMS, LLC	Alf	Pivot	--	--	F
83622	PER	SE	SE	35	21N	53E	Y	209.00	209.00	836.00	836.00		LC PROPERTIES	None	Flood	0.00	0.00	F
83623	PER	NE	NE	35	21N	53E	Y	100.50	100.50	402.00	402.00		LC PROPERTIES	None	None	0.00	0.00	F
85025T	PER	NE	NW	24	24N	52E	Y	77083	225.52	902.08	902.08		SADLER RANCH, LLC	Pivot, Wheel	--	--	F	
85212T	PER	NE	NE	13	21N	53E	Y	17	320.00	640.00	640.00		JUANITA RUTHEL MARTIN	Alf, Grain Lines	--	--	F	
85213T	PER	SE	NW	13	21N	53E	Y	17	320.00	640.00	640.00		JUANITA RUTHEL MARTIN	Alf	Pivot	--	--	F
<p align="right">Total Supplementally Adjusted Permitted/Certificated Pumpage 32,912.84</p>													<p align="right">Total Estimated Acreage 25,304.54</p>		<p align="right">Total Estimated Pumpage 73,879.20</p>			

¹ PERMITS 19014, 83615, 83616 AND 83617 HAVE A TOTAL COMBINED DUTY OF 1,816.00 AFA.
² PERMITS 19145, 29873, 30102, 36070, 50650 AND 81268 HAVE A TOTAL COMBINED DUTY OF 2,560.00 AFA.

Crop Inventory and Groundwater Pumpage for Irrigation - Diamond Valley - Basin 153, 2015

App No	Status	QQ	Q	Sec	Twn	Rng	Sup	Supplemental Application Number	Permitted Acres	Supplementally Adjusted Permitted Acres	Permitted Duty Acre-Feet	Supplementally Adjusted Duty Acre-Feet	Owner of Record	Crop Type	Irrigation Method	Irrigated Acres	Acreage Estimation Method	Acre-Feet Pumped	Pumpage Estimation Method
³ PERMITS 19378, 20000 AND 24605 HAVE A TOTAL COMBINED DUTY OF 2,560.00 AFA. ⁴ PERMITS 19972, 19973, 34948 AND 46348 HAVE A TOTAL COMBINED DUTY OF 1,281.32 AFA. ⁵ PERMITS 24262, 24263, 24264 AND 24265 HAVE A TOTAL COMBINED DUTY OF 1,888.00 AFA. ⁶ PERMITS 42367, 42368, 42369, 42370 AND 56652 HAVE A TOTAL COMBINED DUTY OF 480.00 AFA. ⁷ PERMITS 42891, 64630, 64631, 64632 AND 64633 HAVE A TOTAL COMBINED DUTY OF 430.44 AFA. ⁸ PERMITS 43269, 43837, 43838, 43839 AND 43840 HAVE A TOTAL COMBINED DUTY OF 520.00 AFA. ⁹ PERMITS 43271, 43272, 43273 AND 43274 HAVE A TOTAL COMBINED DUTY OF 2,080.00 AFA. ¹⁰ PERMITS 44604, 44605, 44606, 44607, 44609 AND 44610 HAVE A TOTAL COMBINED DUTY OF 502.00 AFA. ¹¹ PERMITS 47518, 47519, 47520 AND 47521 HAVE A TOTAL COMBINED DUTY OF 1,270.16 AFA. ¹² PERMITS 48871, 48872, 70587 AND 70588 HAVE A TOTAL COMBINED DUTY OF 852.7 AFA. ¹³ PERMITS 73570, 73571, 73572 AND 73573 HAVE A TOTAL COMBINED DUTY OF 530.00 AFA. ¹⁴ PERMITS 77646, 77695, 77696 AND 80718 HAVE A TOTAL COMBINED DUTY OF 1,024.24 AFA. ¹⁵ PERMITS 78771, 78772, 78773, 78774 AND 78775 HAVE A TOTAL COMBINED DUTY OF 1,028.8 AFA. ¹⁶ PERMITS 80717, 80879, 80880, 80881 AND 80926 HAVE A TOTAL COMBINED DUTY OF 620.00 AFA.																			

STATE OF NEVADA
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES

JASON KING, P.E.
STATE ENGINEER



DIAMOND VALLEY
HYDROGRAPHIC BASIN 10-153

CROP INVENTORY

CALENDAR YEAR 2016

Prepared by: Shannon McDaniel P.E.
Kyle Wolf and
Bob Goodson

JA1219
SE ROA 906

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ABSTRACT

This inventory represents the status and usage of all permitted, certificated, and claims of vested right groundwater rights for irrigation purposes located within Diamond Valley, Hydrographic Basin 10-153, for the year 2016. **Only those groundwater rights associated with irrigation purposes are represented in this report.** For a listing and summary of all other manners of use within the basin please refer to the [Nevada Division of Water Resources Hydrographic Basin Summary](#).

The data presented are valid for the time period of this report and may vary from previously published figures as water rights within the basin are subject to administrative action, such as certification, cancellation, forfeiture or withdrawal on a continuing basis.

For the year 2016, the permitted and certificated groundwater rights for irrigation purposes totaled **32,702 acres** with a total duty of 126,568 acre-feet within Diamond Valley. An estimated **25,680 acres** were irrigated and 75,323 acre-feet were pumped during 2016.

HYDROGRAPHIC BASIN SUMMARY

HYDROGRAPHIC BASIN NUMBER	153, REGION 10
HYDROGRAPHIC BASIN NAME	DIAMOND VALLEY
COUNTIES	EUREKA AND ELKO
MAJOR COMMUNITIES	EUREKA
DESIGNATED BASIN	DESIGNATED - IRRIGATION DENIED
DENIALS BASED UPON WATER AVAILABILITY	ALL USES
ESTIMATED IRRIGATION PUMPAGE 2016 (ACRE-FEET)	75,323*

STATE ENGINEER'S ORDERS

<u>NO. 277 – PARTIAL DESIGNATION OF BASIN</u>	AUGUST 5, 1964
<u>NO. 280 – AMENDED DESIGNATION OF BASIN</u>	AUGUST 28, 1964
<u>NO. 541 – NOTICE OF CURTAILMENT</u>	DECEMBER 22, 1975
<u>NO. 717 – NOTICE OF CURTAILMENT</u>	JULY 10, 1978
<u>NO. 809 – TOTALIZING METERS</u>	DECEMBER 1, 1982
<u>NO. 813 – AMENDMENT OF ORDER 809</u>	FEBRUARY 7, 1983
<u>NO. 815 – AMENDED DESIGNATION OF BASIN</u>	APRIL 4, 1983
<u>NO. 1226 – AMENDED DESIGNATION OF BASIN</u>	MARCH 26, 2013
<u>NO. 1263 – ADJUDICATION</u>	AUGUST 21, 2015
<u>NO. 1264 – CRITICAL MANAGEMENT AREA DESIGNATION</u>	AUGUST 25, 2015
<u>NO. 1266 – ADJUDICATION</u>	OCTOBER 16, 2015

COMMITTED GROUNDWATER RESOURCE FOR IRRIGATION PURPOSES: 126,568 ACRE-FEET
DATE: DECEMBER 2016

NOTE: Committed groundwater resource data are approximate for December 2016. Rights may be subject to change applications, certification, withdrawals, forfeiture and cancellations; each of these circumstances could impact the duty, diversion rate and acreage associated with a given right. Be advised this report acknowledges that other manner of uses may be present in the basin; however, only those groundwater rights associated with irrigation purposes are represented in this report.

* Acreage represented in this report may have surface water rights appurtenant. This report acknowledges those acres with surface water rights but is not intended to quantify, nor present any definitive use of those surface water rights. The data represent only the pumping of groundwater and the acreage to which it is applied.

PURPOSE AND SCOPE

The purpose of this report is to inventory all of the groundwater resources allocated to irrigation and described by the Office of the State Engineer, Nevada Division of Water Resources (NDWR), and to estimate the amount of groundwater pumped for irrigation purposes within the Diamond Valley Hydrographic Basin (10-153), for the year 2016.

DESCRIPTION OF THE STUDY AREA

The Diamond Valley Hydrographic Basin is located in central Nevada (Figure 1), occupying approximately 735 square miles in Eureka and Elko Counties. The adjacent hydrographic basins are Huntington Valley (4-035) to the northeast, Newark Valley (10-154) to the east, Little Smoky Valley - Northern Part (10-155A) to the south, Stevens Basin (10-152) to the southwest, Kobeh Valley (10-139) to the west, and Pine Valley (4-053) to the northwest.

Diamond Valley is bounded by the Diamond Mountains to the east, the Fish Creek Range to the south, the Mahogany Hills to the southwest, and the Sulphur Spring Range to the west. Diamond Valley is approximately 20 miles wide by 56 miles long with basin elevations ranging from approximately 5,760 feet above mean sea level on the valley floor to approximately 10,000 feet in the surrounding mountains. Irrigation occurs primarily in the south central part of the basin (Figure 2).

GROUNDWATER LEVELS

Depths to groundwater in Diamond Valley are measured by multiple agencies on an annual basis. Sites at which water level measurements are made by or reported to NDWR include:

153 N19 E53 10ADCA1	153 N19 E53 10DACB1	153 N19 E53 10DADA1
153 N19 E53 11CBBD1	153 N19 E53 11CBDA1	153 N19 E53 14BBCA1
153 N19 E53 15AADA1	153 N20 E53 02DDDD1	153 N20 E53 04DDBB2
153 N20 E53 20BC 01	153 N20 E53 21CDDC1	153 N20 E53 28ADC 01
153 N20 E53 29BCCC1	153 N20 E53 30DCCC1	153 N20 E53 32BBBA1
153 N20 E53 32BDCC1	153 N20 E53 32CCAA1	153 N20 E53 32CCAA2
153 N21 E53 01CDCC2	153 N21 E53 02CCAA1	153 N21 E53 03BBDD2
153 N21 E53 03CDBB2	153 N21 E53 04CDBB1	153 N21 E53 08BACC1
153 N21 E53 08DCAA1	153 N21 E53 09BBDD2	153 N21 E53 09DBDD1
153 N21 E53 11CDBB2	153 N21 E53 12CCBC2	153 N21 E53 12DCAA2
153 N21 E53 13DA 1	153 N21 E53 14CACC2	153 N21 E53 15BACC2
153 N21 E53 16CCAA3	153 N21 E53 20AACC2	153 N21 E53 21DCAA2
153 N21 E53 22BDBB2	153 N21 E53 23AACC1	153 N21 E53 23DACC1
153 N21 E53 24ADBB1	153 N21 E53 24CDDD1	153 N21 E53 27ACAA3
153 N21 E53 28BBDD1	153 N21 E53 33DBD 1	153 N21 E53 34DDB 02
153 N21 E53 35BDBB2	153 N21 E53 36AD 1	153 N21 E53 36CDD 01
153 N21 E54 05BDBB1	153 N21 E54 05DCCC1	153 N21 E54 08CDDD1
153 N21 E54 20BACC2	153 N21 E54 20CCCC1	153 N21HE52 35ADD 2
153 N21HE54 32DCC 2	153 N21HE54 34BBDD 1	153 N22 E51 01DBBB2

153 N22 E51 12ADCD1	153 N22 E51H12DBBC1	153 N22 E52 07DBBD1
153 N22 E52 07DBBD2	153 N22 E52 11ACCB1	153 N22 E52 17DDCA1
153 N22 E52 18ACDB1	153 N22 E52 18CBDD1	153 N22 E52 18CBDD2
153 N22 E52 19CBBC1	153 N22 E52 20CBDC1	153 N22 E54 05CDBB2
153 N22 E54 05DDBB2	153 N22 E54 06CCCC1	153 N22 E54 07DDCD2
153 N22 E54 18CADD1	153 N22 E54 19CC 1	153 N22 E54 22CCDD1
153 N22 E54 28AACC1	153 N22 E54 28DCCC2	153 N22 E54 32DDCD1
153 N22 E54 33BBDD1	153 N23 E52 13BBA 1	153 N23 E53 27BB 1
153 N23 E53 29CCCA1	153 N23 E53 31BBD 01	153 N23 E54 20DD 1
153 N23 E54 27ACC 1	153 N23 E54 29CDDD2	153 N23 E54 30DDD 2
153 N23 E54 32CDD 01	153 N24 E53 06BDAB1	153 N24 E54 34BAC 1
153 N25 E54 28BCBC1		

Additional water level measurements and site data can be obtained from the NDWR website (<http://water.nv.gov>). Groundwater level data have also been collected by the U.S. Geological Survey (USGS) and can be accessed through their website (<http://nevada.usgs.gov>).

METHODS TO ESTIMATE IRRIGATED ACREAGE

This report estimates the number of acres irrigated by the groundwater pumped under permits, certificates, and claims of vested right issued by the State Engineer. Table 1 and Figure 3 present the current and historic irrigated acreage and pumpage; Appendix A presents estimates detailed by certificate, permit, or vested claim number. The following methods were used to arrive at the estimated acreage:

- Field inspection of the place of use was conducted to estimate the number of acres under cultivation.
- In cases where field inspection of the place of use was not practical, aerial and/or satellite imagery were analyzed to determine acreages.

METHODS TO ESTIMATE PUMPAGE

This report estimates the amount of groundwater pumped under the permits and certificates issued by the Nevada State Engineer as well as claims of vested right in the Diamond Valley Hydrographic Basin. The following methods were used to arrive at the estimated use:

- Where totalizing meters were in place, meter readings were taken and compared with previous data (if available).
- Where meters were not in place and the use was irrigation, pumpage was estimated by multiplying the number of hours the well was operated during the past year (determined from an hour meter reading or asking the water user) by the certificated diversion rate.
- Where there were no flow meters or other reliable options for estimating pumpage and the use was irrigation, pumpage was estimated by dividing the Net Irrigation Water Requirement (NIWR) for the crop grown by the efficiency of the irrigation method used, then multiplying by the number of acres irrigated. Irrigation efficiencies associated with three types of irrigation methods are: pivot at 85%; wheel line or other hand moved sprinklers at 75%; and flood at 60%. The pumpage amount estimated by this method was limited by the duty of the permit. For places where the groundwater rights were

supplemental to surface water, groundwater use was estimated using the NIWR method above, but adjusted based on available surface water for the year. Evapotranspiration and NIWR data by basin can be found on the NDWR website at: <http://water.nv.gov/Evapotranspiration.aspx>. This approach using the NIWR to estimate pumpage was used starting in 2013; this and subsequent pumpage estimates may differ significantly from estimates of previous years.

TABLES

Table 1. Diamond Valley historical irrigated acreage and pumpage data.

Year	2012	2013	2014	2015	2016
Acres Irrigated	25,234	25,252	24,676	25,305	25,680
Acre-Foot Pumped*	73,200	75,037	73,136	73,879	75,323

* The NIWR method to estimate pumpage was used starting in 2013; estimates may differ significantly from previous years. Annual pumpage data for 2010 through 2012 are revised from previous crop inventories per State Engineer's [Order 1264](#).

FIGURES

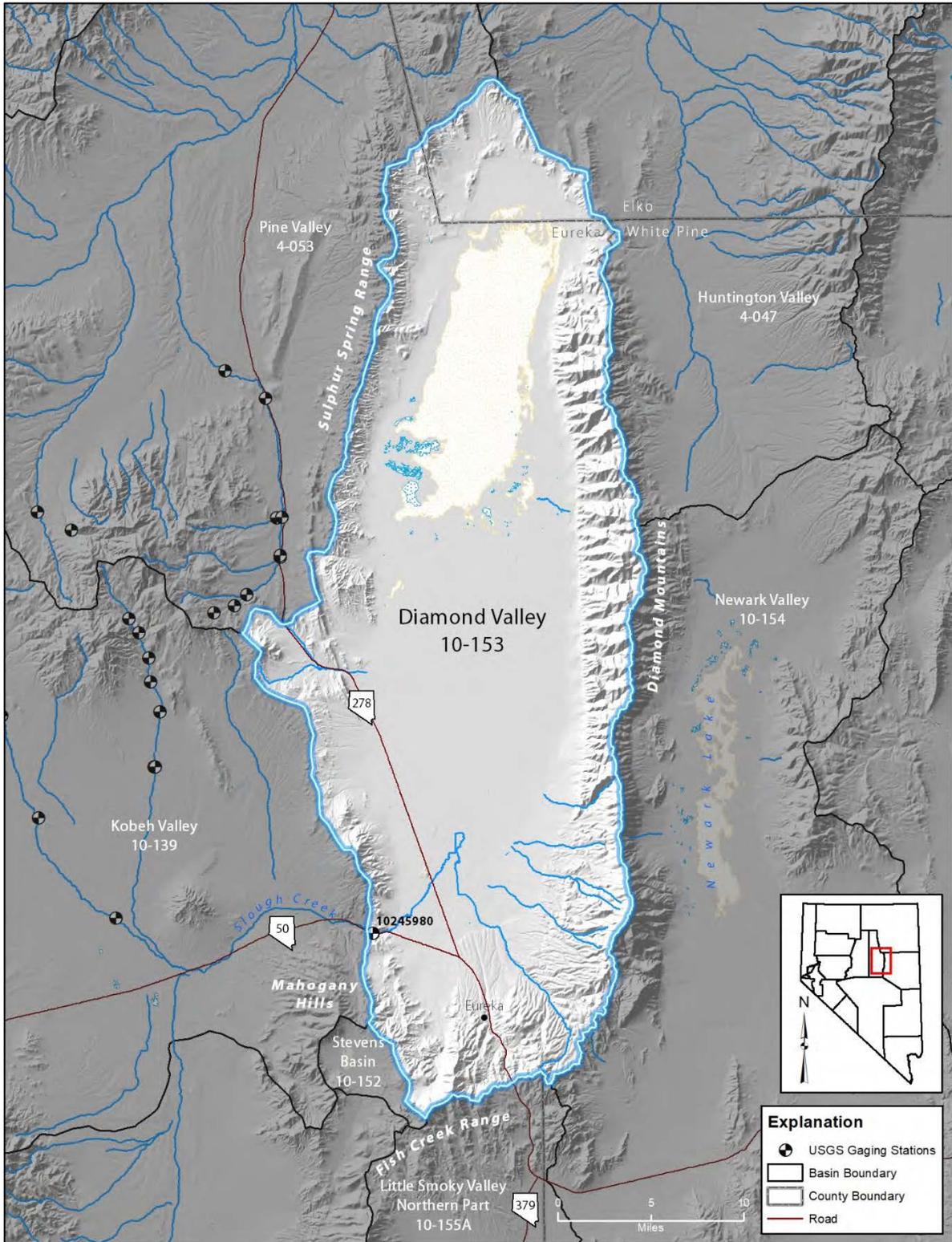


Figure 1. Physiographic map of Diamond Valley (Hydrographic Basin 10-153).

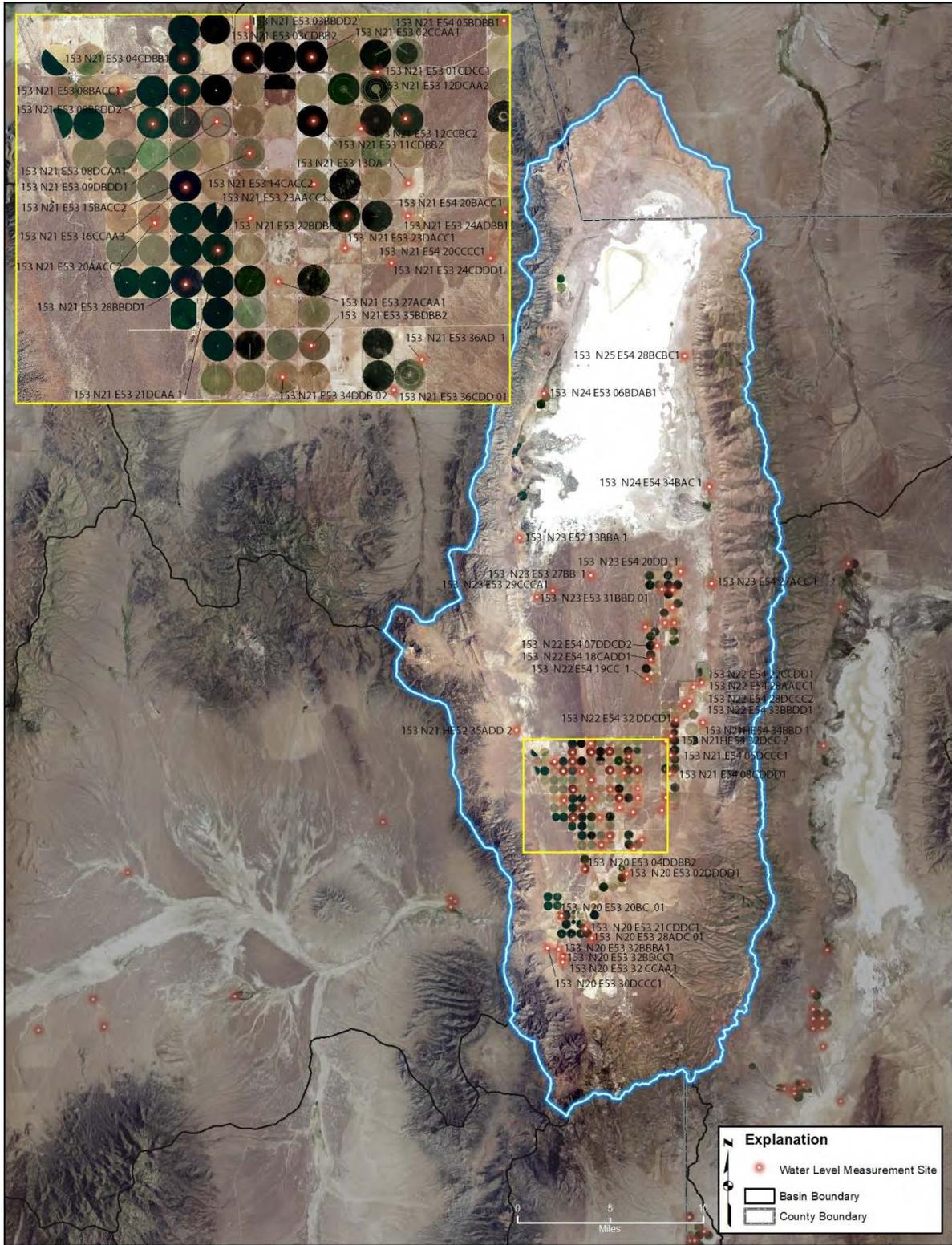


Figure 2. Map showing Diamond Valley irrigated acreage and water level monitoring sites.

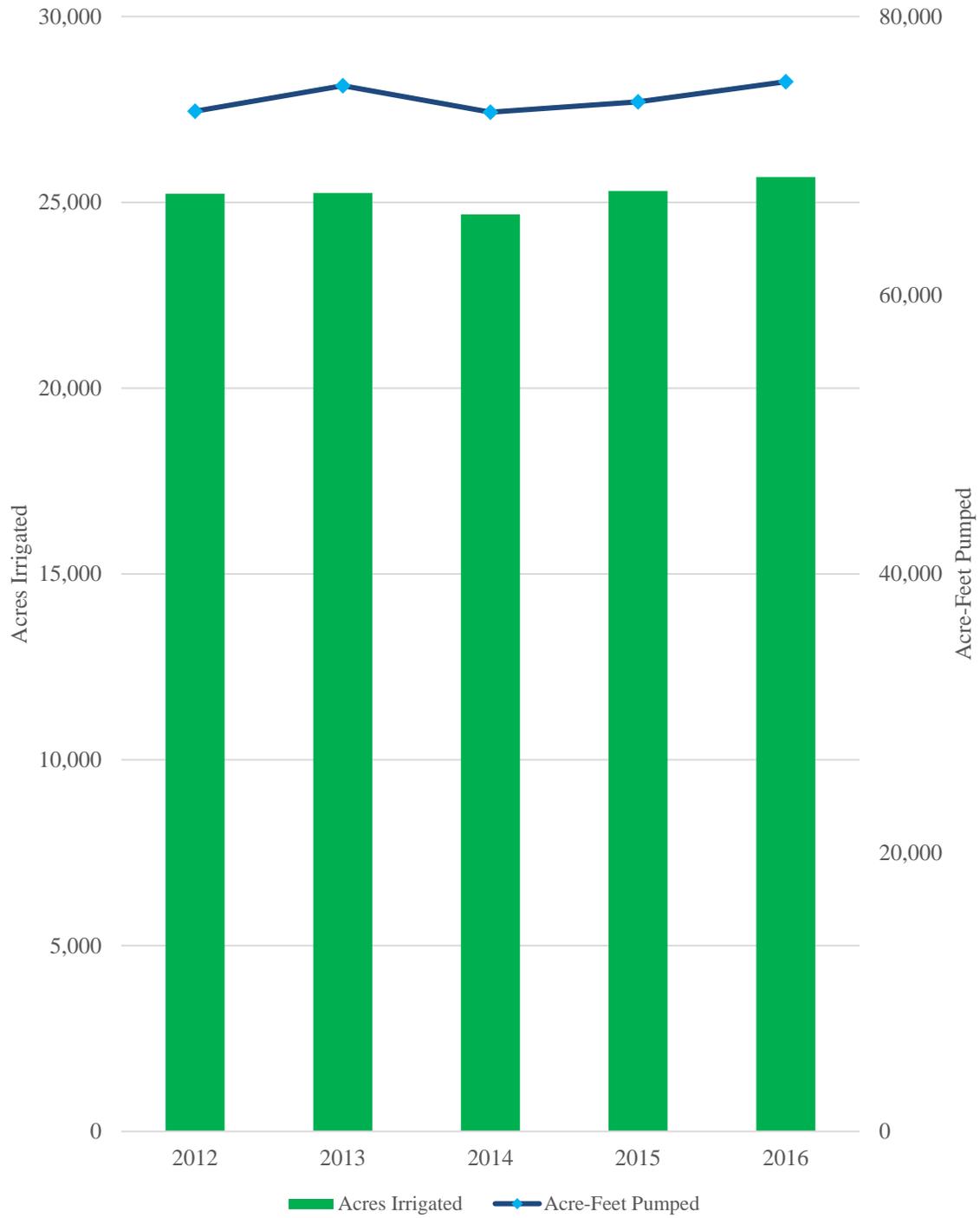


Figure 3. Graph showing Diamond Valley historical irrigated acreage and pumpage.

APPENDIX A. 2016 DIAMOND VALLEY CROP INVENTORY

EXPLANATION OF COLUMN HEADINGS

App No	The file number of the Application to Appropriate/Change Water or the Claim of Vested Right.
Status	Indicates the status of an application: Permit (PER), Certificated (CER), or a Claim of Vested Right (VST).
QQ	The quarter-quarter of the Section in which the point of diversion is located.
Q	The quarter of the Section in which the point of diversion is located.
Sec	The Section in which the point of diversion is located.
Twn	The Township in which the point of diversion is located.
Rng	The Range in which the point of diversion is located.
Sup	Indicates whether the groundwater right is part of a group of groundwater rights used to irrigate all or a portion of the same acreage (supplemental). A “Y” in this column signifies the groundwater right is supplemental to other groundwater rights.
Supplemental Application Number	The application number(s) of the water right(s) that are supplemental to one another.
Permitted Acres	The number of acres defined by the permit or certificate that is eligible to be irrigated.
Supplementally Adjusted Permitted Acres	The supplementally adjusted, total number of acres that is eligible to be irrigated under a supplemental group of water rights.
Permitted Duty Acre-Feet	The amount of water that may be pumped in a given year, or season, as defined by the permit, certificate, or claim of vested right. If there is a supplemental group, the total combined duty is listed as a supplementally adjusted duty.
Supplementally Adjusted Duty Acre-Feet	The supplementally adjusted, total combined duty that may be pumped in a given year, or season, for a supplemental group of water rights, expressed in acre-feet. The supplementally adjusted, total combined duty is listed at the end of a supplemental group in bold .
Owner of Record	The owner of the water right as recorded in the records of the State Engineer. A water right may have more than one owner of record. Only the first, alphabetically, is listed in this table.
Crop Type	Indicates whether or not a crop was in production during the water year. If a crop was in production, the common name description of the plants under cultivation if given (e.g. alfalfa).

Irrigation Method	The method by which the water is applied to the crop and ground (e.g. pivot).
Irrigated Acreage	The estimate of the number of acres irrigated associated with a particular water right. A “-” in this field indicates that pumpage was attributed to a senior supplemental permit or certificated water right.
Acreage Estimation Method	The method by which the number of acres irrigated was determined. F – Field inspection. I – Aerial or satellite imagery.
Acre-Feet Pumped	The estimate of the amount of water pumped under a particular water right, expressed in acre-feet. One acre-foot equals 325,851 gallons. A “-“ in this field indicates that pumpage was attributed to a senior supplemental permit or certificated water right.
Pumpage Estimation	The method used to estimate the amount of water pumped. M – Totalizing meter readings. N – NIWR Method. D – Duty.

App No	Status	QQ	Q	Sec	Twn	Rng	Sup	Supplemental Application Number	Permitted Acres	Supplementally Adjusted Permitted Acres	Permitted Duty Acre-Feet	Supplementally Adjusted Duty Acre-Feet	Owner of Record	Crop Type	Irrigation Method	Irrigated Acres	Average Estimation Method	Acres-Foot Pumped	Pumpage Estimation Method
14948	CER	SW	SE	28	22N	54E	Y	53872	308.60	612.54	617.20	1,234.40	DONALD F. AND ELIZA M. PALMORE FAMILY TRUST	Alfalfa	Flood	308.60	I	617.20	D
18242	CER	SW	NE	7	22N	54E	Y	72370	320.00	320.00	1,280.00	1,280.00	ANDERSEN, BONNIE G.	Alfalfa	Pivot	219.00	I	644.12	N
18621	CER	SE	NE	36	21N	53E	Y	18622, 44621	206.29	206.29	825.16	825.16	ALLEN, ROGER & JUDY	Alfalfa, Grass	Pivot	202.00	I	584.71	N
18622	CER	SW	NE	36	21N	53E	Y	18621, 44621	206.29	206.29	825.16	825.16	ALLEN, ROGER & JUDY	Alfalfa, Grass	Pivot	--	F	--	N
18623	CER	LT12	1	20N	53E		Y	22551	278.22	278.22	1,112.88	1,112.88	MACHACEK, JERRY L. & TRINA L.	Alfalfa, Pasture	Pivot	246.50	I	725.00	N
18786	CER	NE	NE	13	21N	53E	Y	18787	320.00	320.00	1,280.00	1,280.00	RUTH MARTIN RANCHES, LLC	Alfalfa	Pivot	252.00	F	741.18	N
18787	CER	NE	NW	13	21N	53E	Y	18786	320.00	320.00	1,280.00	1,280.00	RUTH MARTIN RANCHES, LLC	Alfalfa	Pivot	--	F	--	N
18788	CER	NE	SE	13	21N	53E	Y	18789	320.00	320.00	1,280.00	1,280.00	RUTH MARTIN RANCHES, LLC	Alfalfa	Pivot	126.00	I	370.59	N
18789	CER	NE	SW	13	21N	53E	Y	18788	320.00	320.00	1,280.00	1,280.00	RUTH MARTIN RANCHES, LLC	Alfalfa	Pivot	--	F	--	N
18794	CER	NE	NE	23	21N	53E	Y	31111	120.00	159.50	480.00	638.00	MOYLE, DENISE L. AND HICKS, DEANNE M.	Grass	Pivot	94.00	I	265.41	N
18796	CER	NE	SE	23	21N	53E	Y		160.00	160.00	640.00	640.00	SMITH, CRAIG ALLEN & SHELBA KAY	Alfalfa	Pivot	94.50	I	277.94	N
18797	CER	NE	SW	23	21N	53E	Y		160.00	160.00	640.00	640.00	SMITH, CRAIG ALLEN & SHELBA KAY	Alfalfa	Pivot	63.00	I	185.29	N
18802	CER	SE	NE	8	22N	54E	Y		160.00	160.00	640.00	640.00	FRED L. ETCHEGARAY AND JOHN J. ETCHEGARAY, A NEVADA PARTNERSHIP	Grass Hay	Pivot	124.00	I	350.12	N
18834	CER	SE	SE	17	21N	54E	Y	19052	319.06	319.06	1,276.23	1,276.23	NEWTON, DEBRA L.	Alfalfa, Grass	Pivot	244.00	I	703.29	N
18835	CER	SE	SW	17	21N	54E	Y	19053	319.45	319.45	1,277.80	1,277.80	NEWTON, DEBRA L.	Alfalfa, Grass	Pivot	245.00	I	706.00	N
18851	CER	SW	SE	5	21N	54E	Y		129.11	129.11	516.44	516.44	EUREKA COUNTY; GALLAGHER FARMS, LLC	Alfalfa	Pivot	129.11	I	379.74	N
18911	CER	SE	SW	16	21N	54E	Y		294.00	294.00	1,176.00	1,176.00	HILL, HOWARD SR.; HILL, KATHY	None	None	0.00	F	0.00	N
18927	CER	NE	NW	26	21N	53E	Y	18928	320.00	320.00	1,280.00	1,280.00	A.G. FARM COMMODITIES, INC.	Alfalfa, Grass Hay	Pivot	258.00	I	743.65	N
18928	CER	NE	SW	26	21N	53E	Y	18927	320.00	320.00	1,280.00	1,280.00	A.G. FARM COMMODITIES, INC.	Alfalfa, Grass Hay	Pivot	--	F	--	N
18975	CER	SW	NE	11	20N	53E	Y	34950	181.82	307.50	727.28	1,230.00	SESTANOVICH HAY & CATTLE LLC	Alfalfa	Pivot	126.00	I	370.59	N
18978	CER	SE	NE	4	21N	53E	Y	42019, 42020	255.84	276.44	1,023.36	1,105.76	BENSON, CRAIG AND KATHRYN	Alfalfa	Pivot	240.00	I	705.88	N
18981	CER	SE	SE	4	21N	53E	Y	39553	156.00	156.00	624.00	624.00	BENSON, CRAIG AND KATHRYN	Grass Hay	Pivot	0.00	F	0.00	N
18988	CER	SE	SE	10	20N	53E	Y	80780	160.00	160.00	640.00	640.00	EUREKA COUNTY; SESTANOVICH HAY & CATTLE LLC	Grass	Pivot	126.00	I	355.76	N
18989	CER	SE	NE	10	20N	53E	Y	80781	160.00	160.00	640.00	640.00	SESTANOVICH HAY & CATTLE LLC	None	None	0.00	F	0.00	N
18999	CER	SW	NE	15	21N	53E	Y	42021	22.80	160.00	91.20	640.00	COOPER, CHARLES E.	None	None	0.00	F	0.00	N
19014	CER	NW	NE	5	21N	54E	Y	1	160.00	454.00	640.00	1,816.00	J & T FARMS, LLC	Grass	Pivot	136.00	I	384.00	N
19052	CER	NW	NE	17	21N	54E	Y	18834	319.06	319.06	1,276.23	1,276.23	NEWTON, DEBRA L.	Alfalfa, Grass	Pivot	--	F	--	N
19053	CER	NE	NW	17	21N	54E	Y	18835	319.45	319.45	1,277.80	1,277.80	NEWTON, DEBRA L.	Alfalfa	Pivot	--	F	--	N
19110	CER	SW	SW	22	22N	54E	Y		160.00	160.00	640.00	640.00	MARK MOYLE FARMS, LLC	Alfalfa	Flood	157.00	I	640.00	N
19111	CER	SW	SW	27	22N	54E	Y	23893	155.50	155.50	622.00	622.00	MILES, HAROLD R.	Alfalfa	Pivot	58.00	I	170.59	N
19145	CER	SE	SW	32	23N	54E	Y	2	160.00	160.00	640.00	2,560.00	MOYLE, JAMES L.	Alfalfa	Pivot	126.00	I	370.59	N
19191	CER	SW	SW	17	20N	53E	Y	24214	31.08	281.16	524.30	1,124.62	ANDERSON, JERRY LEE	Grain	Pivot	120.00	I	282.35	N
19192	CER	SW	SE	18	20N	53E	Y	29765	149.15	313.20	596.60	1,252.80	HALPIN, SANDRA L.	Alfalfa	Pivot	126.00	I	370.59	N
19218	CER	SE	SW	21	20N	53E	Y	21561, 24378	206.60	222.42	735.68	889.68	CRANE, WILLIAM A. CRANE	Alfalfa, Grass	Pivot	142.00	I	408.32	N
19279	CER	SE	SE	7	21N	53E	Y		83.00	83.00	332.00	332.00	DUBRAY, FERNO L. & CARRIE M.	Alfalfa	Pivot	66.50	I	195.59	N
19292	CER	SW	NE	21	21N	53E	Y		139.80	139.80	559.20	559.20	DAMELE FARMS, INC	Alfalfa	Pivot	114.00	I	335.29	N
19293	CER	SW	SE	21	21N	53E	Y		132.40	132.40	529.60	529.60	DAMELE FARMS, INC	Alfalfa	Pivot	107.00	I	314.71	N
19324	CER	SE	SE	2	20N	53E	Y		158.00	158.00	632.00	632.00	SESTANOVICH HAY & CATTLE LLC	Alfalfa	Pivot	128.00	I	376.47	N
19360	CER	SE	SW	5	22N	54E	Y		155.00	155.00	620.00	620.00	ETCHEGARAY FAMILY TRUST	Alfalfa	Pivot	126.00	I	370.59	N
19361	CER	SE	SE	5	22N	54E	Y		155.00	155.00	620.00	620.00	ETCHEGARAY FAMILY TRUST	Alfalfa	Pivot	123.00	I	361.76	N
19378	CER	NW	NW	34	21N	53E	Y	20000, 24605	244.80	314.00	979.20	1,256.00	MOYLE, DUSTY L.	Grass	Pivot	227.60	I	642.64	N
19379	CER	NW	NE	33	21N	53E	Y		158.00	158.00	632.00	632.00	MOYLE, DUSTY L.	Alfalfa	Pivot	126.00	I	370.59	N
19381	CER	NW	SE	33	21N	53E	Y		240.00	240.00	960.00	960.00	MOYLE, DUSTY L.	Alfalfa	Pivot	165.00	I	485.29	N
19411	CER	NW	SW	32	20N	53E	Y		96.00	96.00	384.00	384.00	HOMESTAKE MINING COMPANY OF CALIFORNIA	Pasture	Pivot	80.00	I	235.29	N
19492	CER	NE	SE	34	21N	53E	Y	20015	314.00	314.00	1,256.00	1,256.00	CONLEY, BEVERLY A. AND CONLEY, KENNETH E.	Alfalfa	Pivot	252.00	I	741.18	N
19500	CER	LT13	20	20N	53E		Y		166.10	166.10	664.40	664.40	CONLEY LAND & LIVESTOCK, LLC	Alfalfa	Pivot	145.10	I	426.76	N
19501	CER	SW	NW	20	20N	53E	Y		164.48	164.48	657.92	657.92	CONLEY LAND & LIVESTOCK, LLC	Grass	Pivot	113.00	I	319.06	N
19502	CER	SW	SE	20	20N	53E	Y		152.27	152.27	609.08	609.08	CONLEY LAND & LIVESTOCK, LLC	Alfalfa, Pasture	Pivot	145.10	I	426.76	N
19526	CER	SE	SW	15	20N	53E	Y		301.00	301.00	1,204.00	1,204.00	BAUMANN, JAMES E.	Alfalfa	Pivot	250.50	I	736.76	N
19541	CER	SE	SE	28	21N	53E	Y		141.30	141.30	565.20	565.20	DIAMOND VALLEY RANCH, LLC	Alfalfa	Pivot	126.00	I	370.59	N
19542	CER	NE	NE	28	21N	53E	Y		117.00	117.00	468.00	468.00	DIAMOND VALLEY RANCH, LLC	Alfalfa	Pivot	116.00	I	341.18	N
19563	CER	SE	SE	1	21N	53E	Y	19971, 28160	319.87	319.87	1,279.48	1,279.48	PLASKETT, TOMMYE J.	Grass Hay	Pivot	252.00	I	711.53	N
19760	CER	SE	SE	8	21N	54E	Y	28061	319.00	319.00	1,276.00	1,276.00	BURNHAM FARMS, LLC	Alfalfa	Pivot	244.00	I	717.65	N

App No	Status	QQ	Q	Sec	Twn	Rng	Sup	Supplemental Application Number	Permitted Acres	Supplementally Adjusted Acres	Permitted Duty Acre-Feet	Supplementally Adjusted Duty Acre-Feet	Owner of Record	Crop Type	Irrigation Method	Irrigated Acres	Average Estimation Method	Acre-Feet Pumped	Pumpage Estimation Method
19904	CER	SE	NE	29	21N	53E	Y	24609, 78905	158.00	280.80	632.00	1,108.14	DIAMOND VALLEY RANCH, LLC	Alfalfa	Pivot	126.00	I	370.59	N
19965	CER	NW	SE	12	21N	53E	Y	78447	158.00	158.00	632.00	632.00	RAND, JOSEPH L. AND ELLEN M.	Alfalfa	Pivot	126.00	I	370.59	N
19966	CER	SW	NE	12	21N	53E	Y	80581	156.00	156.00	218.20	624.00	RAND, ELLEN M.	Alfalfa	Pivot	128.00	I	376.47	N
19971	CER	SW	NE	1	21N	53E	Y	19563, 28160	319.87		779.16		PLASKETT, TOMMYE J.	Grass Hay	Pivot	--	F	--	N
19972	CER	SE	NW	1	21N	53E	Y	3	320.33	320.33	1,281.32	1,281.32	PLASKETT, TOMMYE J.	Alfalfa	Pivot	126.00	F	370.59	N
19973	CER	SE	NW	1	21N	53E	Y	3	320.33	320.33	1,281.32	1,281.32	PLASKETT, TOMMYE J.	Alfalfa	Pivot	125.00	F	367.65	N
20000	CER	NW	NE	34	21N	53E	Y	19378, 24605	156.00		632.00		MOYLE, DUSTY L.	Grass	Pivot	--	F	--	N
20015	CER	NW	SW	34	21N	53E	Y	19492	158.00		632.00		MOYLE, DUSTY L.	Alfalfa	Pivot	--	F	--	N
20046	CER	SE	NW	33	22N	54E	Y		160.00	160.00	640.00	640.00	BURNHAM FARMS, LLC	Grass Hay	Pivot	125.00	I	352.94	N
20087	CER	SE	NE	20	21N	53E	Y	24607	156.00	308.00	624.00	1,232.00	DIAMOND VALLEY RANCH, LLC	Grass	Pivot	126.00	I	355.76	N
20088	CER	NE	NW	20	21N	53E	Y	24606	158.00	312.00	632.00	1,248.00	DIAMOND VALLEY RANCH, LLC	Grass	Pivot	126.00	I	355.76	N
20366	CER	SE	NW	22	22N	54E	Y		159.58	159.58	638.31	638.31	MARK MOYLE FARMS, LLC	Grass	Pivot	126.00	I	355.76	N
20487	CER	NE	NW	22	21N	53E	Y		127.70	127.70	510.80	510.80	MARSHALL, REESE W.	Alfalfa	Pivot	125.00	I	367.65	N
20565	CER	SE	NW	32	20N	53E	Y		64.00	64.00	256.00	256.00	EUREKA COUNTY	Pasture	Pivot	64.00	I	188.24	N
20694	CER	SE	NE	21	20N	53E	Y	21399	172.22	253.29	688.88	1,013.16	MICHEL AND MARGARET ANN ET CHEVERRY FAMILY LIMITED PARTNERSHIP	Alfalfa	Pivot	63.00	I	185.29	N
21085	CER	SE	NW	35	21N	53E	Y	23462, 23803	156.40	327.60	625.60	1,310.40	MILLER, ANTHONY	Alfalfa	Pivot	126.00	I	370.59	N
21399	CER	SW	NW	22	20N	53E	Y	20694	253.29		1,013.16		MICHEL AND MARGARET ANN ET CHEVERRY FAMILY LIMITED PARTNERSHIP	Alfalfa	Pivot	63.00	I	185.29	N
21426	CER	SW	SE	15	21N	53E	Y		160.00	160.00	640.00	640.00	MORRISON, LOYD & BELINDA FAYE	Alfalfa	Pivot	126.00	I	370.59	N
21428	CER	SE	NE	11	21N	53E	Y		156.00	156.00	624.00	624.00	MORRISON, LOYD & BELINDA FAYE	Grass Hay	Pivot	133.00	I	375.53	N
21561	CER	SE	NW	21	20N	53E	Y	19218, 24378	129.92		519.68		BENSON, PATTI E. AND KENNETH F.	Alfalfa, Grass	Pivot	--	F	--	N
21839	CER	SW	SW	16	21N	53E	Y		158.00	158.00	632.00	632.00	BERGENER, LINDA AND DON	Alfalfa	Pivot	126.00	I	370.59	N
21841	CER	SE	NW	21	21N	53E	Y		158.00	158.00	632.00	632.00	MICHEL & MARGARET ET CHEVERRY FAMILY LP	Alfalfa	Pivot	125.00	I	367.65	N
21843	CER	SW	SW	15	21N	53E	Y		156.00	156.00	624.00	624.00	MORRISON, LOYD AND BELINDA FAYE	Alfalfa	Pivot	126.00	I	370.59	N
21844	CER	SW	NW	15	21N	53E	Y		158.00	158.00	632.00	632.00	M & C HAY MORRISON TRUST DATED MARCH 26, 2016	Grass Hay	Pivot	126.00	I	355.76	N
21929	CER	SW	NW	28	21N	53E	Y		157.60	157.60	630.40	630.40	DIAMOND VALLEY RANCH, LLC	Alfalfa	Pivot	130.00	I	382.35	N
21930	CER	SW	NE	27	21N	53E	Y		158.80	158.80	635.20	635.20	AMERICAN FIRST FEDERAL	Alfalfa	Pivot	126.00	I	370.59	N
22194	CER	SE	SW	3	21N	53E	Y		134.00	134.00	536.00	536.00	BAILEY, TIMOTHY LEE AND CONSTANCE MARIE	Grass	Pivot	127.00	I	358.59	N
22195	CER	SE	SE	3	21N	53E	Y		155.50	155.50	622.00	622.00	BAILEY, TIMOTHY LEE AND CONSTANCE MARIE	Grass Hay	Pivot	131.00	I	369.88	N
22217	CER	SE	NE	20	20N	53E	Y		163.57	163.57	654.28	654.28	CONLEY LAND AND LIVESTOCK LLC	Alfalfa, Garrison	Pivot	145.10	I	417.11	N
22316	CER	SW	SE	27	21N	53E	Y		157.20	157.20	628.80	628.80	AMERICAN FIRST FEDERAL	Alfalfa	Pivot	121.00	I	355.88	N
22352	CER	SW	SE	19	22N	54E	Y		32.20	32.20	129.28	129.28	MARK MOYLE FARMS, LLC	None	None	0.00	F	0.00	N
22353	CER	SW	NE	19	22N	54E	Y		158.00	158.00	632.00	632.00	MARK MOYLE FARMS, LLC	Grass Hay	Pivot	126.00	I	355.76	N
22551	CER	SE	SW	36	21N	53E	Y	18623	181.69		726.76		ALLEN, ROGER & JUDY	Alfalfa, Pasture	Pivot	--	F	--	N
22566	CER	SW	SE	8	21N	53E	Y		117.00	117.00	468.00	468.00	MILLER, LAVON AND KRISTI	Grass	Pivot	126.00	I	355.76	N
22567	CER	SW	NE	8	21N	53E	Y		117.00	117.00	468.00	468.00	MILLER, LAVON AND KRISTI	Alfalfa	Pivot	126.00	I	370.59	N
22648	CER	SW	NE	3	21N	53E	Y	22921	296.72	296.72	1,186.88	1,186.88	BENSON, KENNETH F.	Alfalfa	Pivot, Wheel Lines	276.00	I	872.94	N
22921	CER	SW	NW	3	21N	53E	Y	22648	296.72		1,186.88		BENSON, KENNETH F.	Alfalfa	Pivot, Wheel Lines	--	F	--	N
22922	CER	SW	LT01	2	21N	53E	Y	36321, 36322	161.59	161.59	646.36	646.36	BENSON, PATTI E. AND KENNETH F.	Alfalfa	Pivot	130.00	I	382.35	N
22982	CER	SW	NE	22	21N	53E	Y		315.20	315.20	1,260.80	1,260.80	AMERICAN FIRST FEDERAL	Alfalfa	Pivot	254.00	I	747.06	N
23271	CER	SE	SE	32	22N	54E	Y	29278	317.70	317.70	1,270.80	1,270.80	BURNHAM FARMS, LLC	Alfalfa, Grass Hay	Pivot	0.00	I	0.00	N
23272	CER	SW	SW	32	22N	54E	Y	28641	160.00	320.00	640.00	1,280.00	BURNHAM FARMS, LLC	Alfalfa	Pivot	122.00	I	358.82	N
23462	CER	LT01	35	21N	53E	Y	21085, 23803	304.00		1,216.00			EUREKA COUNTY	Alfalfa	Pivot	--	F	--	N
23711	CER	SE	SW	21	20N	53E	Y	23738, 23739	225.69	225.69	902.76	902.76	EUREKA MOLLY, LLC	Alfalfa, Grass	Pivot	205.00	I	593.65	N
23738	CER	NW	SW	28	20N	53E	Y	23711, 23739	225.69		902.76		EUREKA MOLLY, LLC	Alfalfa, Grass	Pivot	--	F	--	N
23739	CER	LT07	28	20N	53E	Y	23711, 23738	225.69		902.76			EUREKA MOLLY, LLC	Alfalfa, Grass	Pivot	--	F	--	N
23803	CER	SW	SW	35	21N	53E	Y	21085, 23462	171.20		684.80		MILLER, ANTHONY	Alfalfa	Pivot	126.00	I	370.59	N
23893	CER	SW	SW	22	22N	54E	Y	19111	76.50		306.00		MILES, HAROLD R.	None	None	0.00	F	0.00	N
23918	CER	SW	NE	33	21HN	54E	Y		11.10	11.10	44.40	44.40	NORTON, WILLIAM H. JR.	None	None	0.00	I	0.00	N
24127	CER	SW	NE	10	21N	53E	Y	24128	320.00	320.00	1,280.00	1,280.00	CONAWAY, DALE R.	Alfalfa, Grass	Pivot	252.00	I	726.35	N
24128	CER	SW	SE	10	21N	53E	Y	24127	320.00		1,280.00		CONAWAY, DALE R.	Alfalfa, Grass	Pivot	--	F	--	N

JA1234

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24129	CER	SW	NW	10	21N	53E	Y	24130	310.20	310.20	1,240.80	1,240.80	MORRISON, ALBERTA J.	Alfalfa	Pivot	254.00	I	747.06	N
24130	CER	SW	SW	10	21N	53E	Y	24129	310.20	1,240.80	1,240.80	1,240.80	MORRISON, ALBERTA J.	Alfalfa	Pivot	--	F	--	N
24214	CER	SW	NW	17	20N	53E	Y	19191	156.25	624.99	624.99	624.99	ANDERSON, EDWARD B.	Grain	Pivot	118.00	I	277.65	N
24262	CER	SW	NW	9	21N	53E	Y	4	472.00	472.00	476.52	1,888.00	DIAMOND VALLEY HAY CO.	Alfalfa, Grass Hay	Pivot	496.00	I	476.52	N
24263	CER	NW	NE	9	21N	53E	Y	4	472.00	472.00	452.40	452.40	DIAMOND VALLEY HAY CO.	Alfalfa, Grass Hay	Pivot	--	F	452.40	N
24264	CER	SW	SE	9	21N	53E	Y	4	472.00	928.92	928.92	928.92	DIAMOND VALLEY HAY CO.	Alfalfa, Grass Hay	Pivot	--	F	515.43	N
24265	CER	SW	SW	9	21N	53E	Y	4	236.00	944.00	944.00	944.00	DIAMOND VALLEY HAY CO.	Alfalfa, Grass Hay	Pivot	--	F	--	N
24272	CER	SE	SW	8	21N	54E	Y	20088	160.00	640.00	640.00	640.00	BURNHAM FARMS, LLC	Alfalfa	Pivot	120.00	I	352.94	N
24378	CER	SW	LT04	21	20N	53E	Y	19218, 21561	74.70	298.80	298.80	298.80	COUNTY OF EUREKA	Grass	Pivot	22.74	I	64.21	N
24574	CER	SW	SW	8	21N	53E	Y	19904, 78905	170.17	680.68	680.68	680.68	MORRISON, D. LLOYD	Alfalfa	Pivot	124.00	I	364.71	N
24605	CER	NW	NE	34	21N	53E	Y	19378, 20000	79.00	316.00	316.00	316.00	MOYLE, DUSTY L.	Grass	Pivot	22.40	I	63.25	N
24606	CER	NW	SW	20	21N	53E	Y	20088	308.00	1,232.00	1,232.00	1,232.00	DIAMOND VALLEY RANCH, LLC	Alfalfa	Pivot	126.00	I	370.59	N
24607	CER	SE	SE	20	21N	53E	Y	20087	308.00	1,232.00	1,232.00	1,232.00	DIAMOND VALLEY RANCH, LLC	Alfalfa	Pivot	126.00	I	370.59	N
24609	CER	SE	NE	29	21N	53E	Y	19904, 78905	280.80	1,108.14	1,108.14	1,108.14	DIAMOND VALLEY RANCH, LLC	Alfalfa	Pivot	--	F	--	N
26437	CER	SE	SE	30	23N	54E	Y	127.20	127.20	508.80	508.80	508.80	ALLEN, ROGER B. & JUDY B.	Alfalfa	Pivot	125.00	I	367.65	N
26664	CER	SE	NE	24	21N	53E	Y	40.00	40.00	160.00	160.00	160.00	KEPHART, MARY A.	Alfalfa	Pivot	33.00	I	97.06	N
27976	CER	NE	SE	2	21N	53E	Y	126.12	126.12	504.48	504.48	504.48	MARSHALL FAMILY TRUST	Alfalfa	Pivot	126.00	I	370.59	N
28035	CER	SW	SE	6	21N	53E	Y	28036	50.39	201.56	478.56	478.56	BAILEY, CAROLYN	Grass Hay	Pivot	56.75	I	160.24	N
28036	CER	SW	SE	6	21N	53E	Y	28035	69.25	277.00	277.00	277.00	BAILEY, CAROLYN	Grass Hay	Pivot	69.25	I	195.53	N
28061	CER	NW	SE	8	21N	54E	Y	19760	125.60	502.40	502.40	502.40	BURNHAM FARMS, LLC	Alfalfa	Pivot	--	F	--	N
28160	CER	LT03	1	21N	53E	Y	19563, 19971	500.32	125.08	500.32	500.32	PLASKETT, TOMMYE J.	Grass Hay	Pivot	--	F	--	N	
28561	CER	NE	SW	33	22N	54E	Y	130.00	130.00	520.00	520.00	520.00	BURNHAM FARMS, LLC	Alfalfa	Pivot	124.00	I	364.71	N
28641	CER	SW	NW	32	22N	54E	Y	23272	160.00	640.00	640.00	640.00	BURNHAM FARMS, LLC	Alfalfa	Pivot	120.00	I	352.94	N
29278	CER	NW	NE	32	22N	54E	Y	23271	120.00	480.00	480.00	480.00	BURNHAM FARMS, LLC	Alfalfa, Grass Hay	Pivot	252.00	I	729.41	N
29405	CER	NE	NW	8	21N	53E	Y	147.83	147.83	591.32	591.32	591.32	MORRISON, D. LLOYD	Alfalfa	Pivot	126.00	F	370.59	N
29557	CER	SE	SE	20	23N	54E	Y	121.84	121.84	487.36	487.36	487.36	MOYLE, JAMES L. & N. JANE	Alfalfa	Pivot	121.84	I	358.35	N
29765	CER	SW	SE	18	20N	53E	Y	19192	313.20	1,232.80	1,232.80	1,232.80	HALPIN, SANDIE L.	Alfalfa	Pivot	133.00	I	391.18	N
29873	CER	SE	SW	32	23N	54E	Y	640.00	640.00	2,800.00	2,800.00	2,800.00	MOYLE, JAMES L.	Alfalfa, Grass	Pivot	378.00	I	1,096.94	N
29895	CER	SW	NE	33	22N	54E	Y	125.66	125.66	502.64	502.64	502.64	OLIVERA, EGIDIO	Alfalfa	Pivot	124.00	I	364.71	N
30102	CER	SE	NW	32	23N	54E	Y	320.00	320.00	890.27	890.27	890.27	MOYLE, JAMES L.	Alfalfa	Pivot	--	F	--	N
30913	CER	SW	NE	29	23N	54E	Y	119.45	119.45	477.80	477.80	477.80	MOYLE, DUSTY L.	Alfalfa	Pivot	119.45	I	351.32	N
30927	CER	SE	SE	33	22N	54E	Y	30928	125.66	69.12	502.64	502.64	TROYER, JOHN AND LOUISE	Grass	Pivot	125.00	I	69.12	N
30928	CER	SE	SE	33	22N	54E	Y	30927	125.66	502.64	502.64	502.64	TROYER, JOHN AND LOUISE	Grass	Pivot	--	I	283.82	N
31062	CER	SW	SW	12	21N	53E	Y	138.42	138.42	553.68	553.68	553.68	RAND, JOSEPH L. AND ELLEN M.	Alfalfa	Pivot	128.00	I	376.47	N
31063	CER	SE	NW	12	21N	53E	Y	130.80	130.80	523.20	523.20	523.20	RAND, JOSEPH L. AND ELLEN M.	Alfalfa	Pivot	126.00	I	370.59	N
31108	CER	NE	NW	14	21N	53E	Y	135.36	135.36	541.44	541.44	541.44	MOYLE, DENISE L. AND HICKS, DEANNE M.	Alfalfa	Pivot	126.00	I	370.59	N
31110	CER	NE	SW	14	21N	53E	Y	135.36	135.36	541.44	541.44	541.44	MOYLE, DENISE L. AND HICKS, DEANNE M.	Alfalfa	Pivot	126.00	I	370.59	N
31111	CER	NE	NE	23	21N	53E	Y	39.50	39.50	158.00	158.00	158.00	MOYLE, DENISE L. AND HICKS, DEANNE M.	Grass	Pivot	32.00	I	90.35	N
31113	CER	NE	NW	11	21N	53E	Y	133.40	133.40	533.60	533.60	533.60	MOYLE, DENISE L. AND HICKS, DEANNE M.	Alfalfa	Pivot	126.00	I	370.59	N
31114	CER	NE	SW	11	21N	53E	Y	134.40	134.40	537.60	537.60	537.60	MOYLE, DENISE L. AND HICKS, DEANNE M.	Grass	Pivot	126.00	I	355.76	N
31454	CER	SE	SE	11	20N	53E	Y	130.00	130.00	520.00	520.00	520.00	MOYLE, DENISE L. AND HICKS, DEANNE M.	Grass	Pivot	127.00	I	358.59	N
31455	CER	SE	SW	11	20N	53E	Y	128.03	128.03	512.12	512.12	512.12	HALPIN, JAYME L.	Alfalfa	Pivot	113.23	I	333.03	N
33018	CER	SE	NE	16	21N	53E	Y	120.00	120.00	480.00	480.00	480.00	MARTIN P. & KATHLEEN A. ETCHEVERRY TRUST & ETCHEVERRY, MARK T. & JENNIFER	Alfalfa	Pivot	126.00	I	370.59	N
33019	CER	SW	SE	16	21N	53E	Y	120.00	120.00	480.00	480.00	480.00	MARTIN P. & KATHLEEN A. ETCHEVERRY TRUST & ETCHEVERRY, MARK T. & JENNIFER	Alfalfa	Pivot	120.00	I	352.94	N
33668	CER	NW	NE	20	21N	54E	Y	33669	305.94	1,223.74	1,223.74	1,223.74	WISEHART, LARRY	Alfalfa	Pivot	126.00	I	370.59	N
33669	CER	SE	SE	20	21N	54E	Y	33668	305.94	1,223.74	1,223.74	1,223.74	WISEHART, LARRY	Alfalfa	Pivot	--	F	--	N
33670	CER	SW	SW	20	21N	54E	Y	33671	316.18	1,264.70	1,264.70	1,264.70	WISEHART, LARRY	Alfalfa	Pivot	125.00	I	367.65	N
33671	CER	NE	NW	20	21N	54E	Y	33670	316.18	1,264.70	1,264.70	1,264.70	WISEHART, LARRY	Alfalfa	Pivot	--	F	--	N
33817	CER	NE	NW	27	21N	53E	Y	127.90	127.90	511.60	511.60	511.60	BELL, SCOTT THOMAS AND KRISTINE LOUISE	Grass Hay	Pivot	126.00	I	355.76	N
33818	CER	SW	SW	27	21N	53E	Y	127.70	127.70	510.80	510.80	510.80	BELL, SCOTT THOMAS AND KRISTINE LOUISE	Grass Hay	Pivot	126.00	I	355.76	N

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34561	CER	SE	SW	19	22N	54E			129.00	129.00	516.01	516.01	MARK MOYLE FARMS, LLC	Alfalfa	Pivot	124.00	I	364.71	N
34562	CER	SE	NW	19	22N	54E			124.87	124.87	499.48	499.48	MARK MOYLE FARMS, LLC	Grass	Pivot	124.87	I	352.57	N
34596	CER	SE	NE	7	21N	53E	Y	48225, 48226	237.10	237.10	501.82	948.40	M & C HAY MORRISON TRUST DATED MARCH 26, 2016	Alfalfa	Pivot	121.00	I	355.88	N
34939	CER	SE	SW	22	22N	54E	Y	48437	130.00	130.00	520.00	520.00	MARK MOYLE FARMS, LLC	Alfalfa	Pivot	126.00	I	370.59	N
34948	CER	NE	SW	1	21N	53E	Y	34948 ₃	126.40	126.40	505.60	505.60	PLASKETT, TOMMYE J.	Alfalfa	Pivot	--	F	--	N
34950	CER	SE	NE	11	20N	53E	Y	18975	125.68	125.68	502.72	502.72	SESTANOVICH HAY & CATTLE LLC	Grass	Pivot	125.68	I	354.86	N
35009	CER	SW	NW	16	21N	53E			160.00	160.00	640.00	640.00	BENSON, KENNETH F.	Alfalfa	Pivot	120.00	I	352.94	N
35012	CER	NE	SW	22	21N	53E			127.90	127.90	511.60	511.60	GOLD STREET FARM, LLC	Alfalfa	Pivot	126.00	I	370.59	N
35013	CER	SE	SW	21	21N	53E			136.66	136.66	546.64	546.64	MICHEL & MARGARET ETHEREY FAMILY LP	Alfalfa	Pivot	126.00	I	370.59	N
35374	CER	SW	SW	7	21N	53E			27.11	27.11	108.44	108.44	DUBRAY, FERNO L. & CARRIE M.	Alfalfa	Pivot	24.00	I	70.59	N
35375	CER	SE	SE	7	21N	53E			96.76	96.76	387.04	387.04	DUBRAY, FERNO L. AND CARRIE M.	Alfalfa	Pivot	92.00	I	270.59	N
35418	CER	LT16	29	20N	53E				1.00	1.00	4.00	4.00	RUBIO, DAVID M.	Grass	Sprinkler	1.00	F	3.20	N
36070	CER	SE	SE	32	23N	54E	Y	2	160.00	160.00	640.00	640.00	MOYLE, JAMES L.	Grass	Pivot	--	F	--	N
36321	CER	LT01	2	21N	53E		Y	22922, 36322	161.59	161.59	304.01	304.01	BENSON, PATTI E. AND KENNETH F.	Alfalfa	Pivot	--	F	--	N
36322	CER	LT01	2	21N	53E		Y	22922, 36321	161.59	161.59	323.18	323.18	BENSON, PATTI E. AND KENNETH F.	Alfalfa	Pivot	--	F	--	N
39156	CER	SE	NE	5	22N	54E	Y	55535	312.56	312.56	1,250.24	1,250.24	ETCHEGARAY, FRED L.	Alfalfa, Grass	Pivot	252.00	I	726.35	N
39552	CER	SE	SW	4	21N	53E	Y	39554	138.03	138.03	552.12	552.12	BENSON, CRAIG AND KATHRYN	Alfalfa	Pivot	125.00	I	379.41	N
39553	CER	SE	SE	4	21N	53E	Y	18981	135.81	135.81	543.24	543.24	BENSON, CRAIG AND KATHRYN	Grass Hay	Pivot	125.00	I	352.94	N
39554	CER	SE	SW	4	21N	53E	Y	39552	138.03	138.03	552.12	552.12	BENSON, CRAIG AND KATHRYN	Alfalfa	Pivot	--	F	--	N
40010	CER	SE	NE	32	21HN	54E	Y	40013	114.66	125.66	458.64	502.64	MILLER, LYNFORD & SUSAN	Alfalfa	Pivot	114.66	I	337.24	N
40011	CER	SE	NW	32	21HN	54E	Y	40014	27.40	125.66	108.59	501.59	BURNHAM FARMS, LLC	Alfalfa	Pivot	27.40	I	80.59	N
40013	CER	SE	NE	32	21HN	54E	Y	40010	11.00	11.00	44.00	44.00	MILLER, LYNFORD & SUSAN	Alfalfa	Pivot	11.00	I	32.35	N
40014	CER	SE	NW	32	21HN	54E	Y	40011	98.26	127.20	393.04	508.80	MOYLE, DUSTY L.	Grass	Pivot	31.50	I	88.94	N
40402	CER	SE	NW	30	23N	54E	Y	41884	39.20	39.20	156.80	156.80	MILLER, OWEN J. AND CHERYL	Grass	Pivot	--	F	--	N
41883	CER	LT07	28	20N	53E		Y	41883	39.20	39.20	156.80	156.80	MILLER, OWEN J. AND CHERYL	Grass	Pivot	--	F	--	N
42019	CER	SE	NW	4	21N	53E	Y	18978, 42020	121.90	121.90	455.24	455.24	BENSON FAMILY 2008 TRUST	Alfalfa	Pivot	--	F	--	N
42020	CER	SE	NW	4	21N	53E	Y	18978, 42019	121.90	121.90	88.00	88.00	BENSON FAMILY 2008 TRUST	Alfalfa	Pivot	--	F	--	N
42021	CER	SW	NE	15	21N	53E	Y	18999	137.20	137.20	548.80	548.80	M & C HAY MORRISON TRUST DATED MARCH 26, 2016	Timothy	Pivot	126.00	I	355.76	N
42367	CER	SE	NW	24	21N	53E	Y	5	120.00	120.00	40.00	480.00	KEPHART, MARI ALICE	Alfalfa	Pivot	126.00	I	40.00	N
42368	CER	SE	NW	24	21N	53E	Y	5	120.00	120.00	40.00	40.00	KEPHART, MARI ALICE	Alfalfa	Pivot	--	F	40.00	N
42369	CER	SE	NW	24	21N	53E	Y	5	120.00	120.00	120.00	120.00	KEPHART, MARI ALICE	Alfalfa	Pivot	--	F	120.00	N
42370	CER	SE	NW	24	21N	53E	Y	5	120.00	120.00	120.00	120.00	KEPHART, MARI ALICE	Alfalfa	Pivot	--	F	120.00	N
42891	CER	SE	NW	1	20N	53E	Y	6	107.61	107.61	141.77	430.44	MOLL, HOLLON D. & VELMA M.	Alfalfa	Pivot	107.61	I	141.77	N
43268	CER	NW	NE	18	22N	54E	Y	43270, 43836	250.00	250.00	782.10	1,000.00	MARK MOYLE FARMS, LLC	Grass Hay	Pivot	250.00	I	705.88	N
43269	CER	NW	NE	18	21N	53E	Y	7	130.00	130.00	76.80	520.00	BLANCO RANCH, LLC	Alfalfa	Pivot	126.00	I	76.80	N
43270	CER	NE	SW	18	22N	54E	Y	43268, 43836	250.00	250.00	629.38	2,080.00	MARK MOYLE FARMS, LLC	Grass Hay	Pivot	--	F	--	N
43271	CER	NW	NW	17	21N	53E	Y	8	520.00	520.00	525.62	2,080.00	BERG PROPERTIES CALIFORNIA, LLC	Alfalfa	Pivot	504.00	I	525.62	N
43272	CER	NW	NE	17	21N	53E	Y	8	520.00	520.00	525.62	2,080.00	BERG PROPERTIES CALIFORNIA, LLC	Alfalfa	Pivot	--	F	525.62	N
43273	CER	SW	SW	17	21N	53E	Y	8	520.00	520.00	514.39	1,000.00	BERG PROPERTIES CALIFORNIA, LLC	Alfalfa	Pivot	--	F	431.11	N
43274	CER	NW	SE	17	21N	53E	Y	8	520.00	520.00	514.39	1,000.00	BERG PROPERTIES CALIFORNIA, LLC	Alfalfa	Pivot	--	F	431.11	N
43397	CER	SE	SW	20	23N	54E	Y	7	160.00	160.00	640.00	640.00	MOYLE, JAMES L. & N. JANE	Grass	Pivot	125.00	F	352.94	N
43836	CER	NW	NE	18	22N	54E	Y	43268, 43270	250.00	250.00	1,000.00	1,000.00	MARK MOYLE FARMS, LLC	Grass Hay	Pivot	--	F	--	N
43837	CER	NW	NE	18	21N	53E	Y	7	130.00	130.00	111.99	111.99	BLANCO RANCH, LLC	Alfalfa	Pivot	--	F	111.99	N
43838	CER	NW	NE	18	21N	53E	Y	7	130.00	130.00	111.99	111.99	BLANCO RANCH, LLC	Alfalfa	Pivot	--	F	111.99	N
43839	CER	NW	NE	18	21N	53E	Y	7	130.00	130.00	109.62	109.62	BLANCO RANCH, LLC	Alfalfa	Pivot	--	F	69.81	N
43840	CER	NW	NE	18	21N	53E	Y	7	130.00	130.00	109.62	109.62	BLANCO RANCH, LLC	Alfalfa	Pivot	--	F	--	N
44451	CER	NE	NE	28	22N	54E	Y	44452	303.40	303.40	576.58	1,213.60	DONALD F. AND ELIZA M. PALMORE FAMILY TRUST	Alfalfa, Grass Hay	Flood	303.00	I	576.58	N
44452	CER	SE	NW	28	22N	54E	Y	44451	303.40	303.40	640.00	640.00	DONALD F. AND ELIZA M. PALMORE FAMILY TRUST	Alfalfa, Grass Hay	Flood	--	F	637.02	N
44604	CER	NE	SW	27	22N	54E	Y	9	125.70	125.70	137.36	502.80	LYNFORD & SUSAN MILLER REVOCABLE FAMILY TRUST	Alfalfa	Pivot	125.70	I	137.36	N
44605	CER	NE	SW	27	22N	54E	Y	9	125.70	125.70	137.36	137.36	LYNFORD & SUSAN MILLER REVOCABLE FAMILY TRUST	Alfalfa	Pivot	--	F	137.36	N
44606	CER	NE	SW	27	22N	54E	Y	9	125.70	125.70	18.88	18.88	LYNFORD & SUSAN MILLER REVOCABLE FAMILY TRUST	Alfalfa	Pivot	--	F	18.88	N

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44607	CER	NE	SW	27	22N	54E	Y	9	125.70		136.00		LYNFORD & SUSAN MILLER REVOCABLE FAMILY TRUST	Alfalfa	Pivot	--	F	76.11	N
44609	CER	NE	SW	27	22N	54E	Y	9	125.70		236.80		LYNFORD & SUSAN MILLER REVOCABLE FAMILY TRUST	Alfalfa	Pivot	--	F	--	N
44610	CER	NE	SW	27	22N	54E	Y	9	125.70		120.00		BURNHAM FARMS, LLC	Alfalfa	Pivot	--	F	--	N
44621	CER	SE	NW	36	21N	53E	Y	18621, 18622	206.29		825.16		ALLEN, ROGER & JUDY	Alfalfa, Grass	Pivot	--	I	--	N
46287	CER	NW	SW	2	21N	53E	Y		158.00	158.00	632.00	632.00	GROTH, DANIEL E.	Alfalfa	Pivot	130.00	I	382.35	N
46348	CER	L705	1	21N	53E		Y	3	131.28		525.12		PLASKETT, TOMMYE J.	Alfalfa	Pivot	--	F	--	N
46461	CER	SW	NW	29	23N	54E			144.00	144.00	576.00	576.00	MOYLE, DUSTY L.	Alfalfa	Pivot	126.00	I	370.59	N
46505	CER	SW	NW	8	21N	54E			127.60	127.60	510.40	510.40	BURNHAM FARMS, LLC	Alfalfa	Pivot	126.00	I	370.59	N
47518	CER	LT05	29	20N	53E		Y	10	317.54	317.54	504.24	1,270.16	ANDERSON, EDWARD B.	Alfalfa, Grain	Pivot	254.00	I	504.24	N
47519	CER	LT05	29	20N	53E		Y	10	317.54	317.54	278.40		ANDERSON, EDWARD B.	Alfalfa, Grain	Pivot	--	F	168.11	N
47520	CER	LT05	29	20N	53E		Y	10	317.54	317.54	638.72		ANDERSON, EDWARD B.	Alfalfa, Grain	Pivot	--	F	--	N
47521	CER	LT05	29	20N	53E		Y	10	317.54	317.54	168.24		ANDERSON, EDWARD B.	Alfalfa, Grain	Pivot	--	F	--	N
47591	CER	SW	NE	30	23N	54E			127.20	127.20	508.80	508.80	ALLEN, ROGER B. & JUDY B.	Alfalfa	Pivot	126.00	F	370.59	N
48225	CER	SE	NW	7	21N	53E	Y	34596, 48226	120.58		482.30		M & C HAY MORRISON TRUST DATED MARCH 26, 2016	Alfalfa	Pivot	113.00	I	332.35	N
48226	CER	SE	NW	7	21N	53E	Y	34596, 48225	120.58		300.00		M & C HAY MORRISON TRUST DATED MARCH 26, 2016	Alfalfa	Pivot	--	F	--	N
48437	CER	SE	SW	22	22N	54E	Y	34939	130.00		272.80		MARK MOYLE FARMS, LLC	Alfalfa	Pivot	--	F	--	N
48871	CER	SE	NE	4	21N	54E	Y	11	213.20	213.20	296.50	852.70	GALLAGHER FARMS, LLC; A NEVADA LIMITED LIABILITY COMPANY	Alfalfa, Grass Hay	Pivot	205.00	I	296.50	N
48872	CER	SE	NE	4	21N	54E	Y	11	213.20	213.20	327.10		GALLAGHER FARMS, LLC; A NEVADA LIMITED LIABILITY COMPANY	Alfalfa, Grass Hay	Pivot	--	F	297.50	N
48948	CER	SE	SW	6	21N	53E	Y	55272	119.64	124.78	478.56	499.12	BAILEY, CAROLYN	Alfalfa	Pivot	119.64	I	351.88	N
49185	CER	SE	SW	29	23N	54E			125.68	125.68	502.72	502.72	MOYLE, DUSTY L.	Alfalfa	Pivot	123.00	I	361.76	N
49188	CER	SE	SW	29	23N	54E			125.68	125.68	502.72	502.72	MOYLE, DUSTY L.	Alfalfa	Pivot	125.68	I	369.65	N
49853	CER	SW	SW	7	21N	53E	Y	49854	29.63	29.63	118.52	118.52	DUBRAY, FERNO L. & CARRIE M.	None	None	0.00	F	0.00	N
49854	CER	LT08	7	21N	53E		Y	49853	29.63	29.63	118.52	118.52	DUBRAY, FERNO L. & CARRIE M.	None	None	0.00	F	0.00	N
50095	CER	SE	SW	30	23N	54E			127.20	127.20	508.80	508.80	MOYLE, DUSTY L.	Alfalfa	Pivot	126.00	I	370.59	N
50581	CER	SE	NW	6	24N	53E	Y	13	275.01	275.01	249.66	1,100.04	SADLER RANCH, LLC	Pasture	Pivot	252.00	F	491.52	N
50582	CER	NW	SW	6	24N	53E	Y	13	275.01	275.01	1,100.04	1,100.04	SADLER RANCH, LLC	Pasture	Pivot	--	F	--	N
50650	CER	SW	NW	32	23N	54E	Y	2	160.00		640.00		MOYLE, JAMES L.	Alfalfa	Pivot	--	F	--	N
50962	CER	NW	NW	13	23N	52E	Y	14	75.30	118.30	129.20	473.20	KOBEH VALLEY RANCH LLC	Alfalfa	Pivot	56.00	I	129.20	N
50963	CER	NW	NW	13	23N	52E	Y	14	75.30	118.30	172.00		KOBEH VALLEY RANCH LLC	Alfalfa	Pivot	--	I	35.51	N
51647	CER	SW	NW	2	21N	53E			144.70	144.70	578.80	578.80	GROTH, DANIEL E.	Alfalfa	Pivot	125.00	I	367.65	N
53872	CER	NE	SW	28	22N	54E	Y	14948	303.94		617.20		PALMORE FAMILY TRUST	Alfalfa	Flood	--	I	617.20	D
55535	CER	SW	NW	5	22N	54E	Y	39156	125.60		502.40		ETCHEGARAY, FRED L.	Alfalfa	Pivot	--	F	--	N
55727	CER	SE	SW	6	21N	53E	Y	48948	5.14		20.56		BAILEY, CAROLYN	Alfalfa	Pivot	5.14	I	15.12	N
56652	CER	SE	NW	24	21N	53E	Y	5	120.00		160.00		KEPHART, MARI A.	Alfalfa	Pivot	--	F	50.59	N
57835	PER	SE	SW	13	23N	52E	Y	15		78.23	155.48	312.92	KOBEH VALLEY RANCH LLC	None	None	0.00	F	0.00	N
57836	PER	SE	SW	13	23N	52E	Y	15			147.60		KOBEH VALLEY RANCH LLC	None	None	0.00	F	0.00	N
57838	CER	NW	NW	13	23N	52E	Y	14	118.30		172.00		KOBEH VALLEY RANCH LLC	Alfalfa	Pivot, Wheel Lines	35.60	I	172.00	N
57839	PER	SE	SW	13	23N	52E	Y	15		164.00	0.00		KOBEH VALLEY RANCH LLC	None	None	0.00	F	0.00	N
57840	PER	SE	SW	13	23N	52E	Y	15		164.00	0.00		KOBEH VALLEY RANCH LLC	None	None	0.00	F	0.00	N
63497	CER	SE	SW	36	24N	52E	Y	16	120.71	120.71	408.30	408.30	BAILEY FAMILY TRUST	Grass	Pivot	120.00	I	338.82	N
64630	CER	SE	NW	1	20N	53E	Y	6	107.61		288.67		MOLL, HOLLON D. & VELMA M.	Alfalfa	Pivot	--	I	185.52	N
64631	CER	SE	NW	1	20N	53E	Y	6	107.61		288.67		MOLL, HOLLON D. & VELMA M.	Alfalfa	Pivot	--	F	--	N
64632	CER	SE	NW	1	20N	53E	Y	6	107.61		71.71		MOLL, HOLLON D. & VELMA M.	Alfalfa	Pivot	--	F	--	N
64633	CER	SE	NW	1	20N	53E	Y	6	107.61		288.67		MOLL, HOLLON D. & VELMA M.	Alfalfa	Pivot	--	F	--	N
66062	PER	SE	SW	13	23N	52E			75.77	75.77	303.08	303.08	KOBEH VALLEY RANCH LLC	Grass	Pivot	31.50	I	88.94	N
67172	CER	SW	SW	34	21HN	54E			123.77	123.77	495.07	495.07	MARK MOYLE FARMS, LLC	Alfalfa	Pivot	123.77	I	364.03	N
68923	PER	NW	NW	32	20N	53E			60.50	60.50	242.00	242.00	EUREKA COUNTY	None	Wheel Lines	0.00	F	0.00	N
70587	CER	NE	NW	4	21N	54E	Y	11	211.46		123.56		GALLAGHER FARMS, LLC; A NEVADA LIMITED LIABILITY COMPANY	Alfalfa, Grass Hay	Pivot	--	F	--	N
70588	CER	NE	NW	4	21N	54E	Y	11	205.82		229.11		GALLAGHER FARMS, LLC; A NEVADA LIMITED LIABILITY COMPANY	Alfalfa, Grass Hay	Pivot	--	F	--	N
70940	CER	SW	SE	19	22N	54E			125.68	125.68	502.72	502.72	MARK MOYLE FARMS, LLC	Alfalfa	Pivot	125.68	I	369.65	N

App No	Status	QQ	Q	Sec	Twn	Rng	Sup	Supplemental Application Number	Permitted Acres	Supplementally Adjusted Permitted Acres	Permitted Duty Acre-Feet	Supplementally Adjusted Duty Acre-Feet	Owner of Record	Crop Type	Irrigation Method	Irrigated Acres	Average Estimation Method	Acre-Feet Pumped	Pumpage Estimation Method
71748	CER	SE	SE	8	22N	54E			126.70	126.70	506.80	506.80	FRED L. FITCHGARAY AND JOHN J. FITCHGARAY, A NEVADA PARTNERSHIP	Pasture	Pivot	128.00	I	376.47	N
72370	PER	PER	LT02	7	22N	54E	Y	18242	320.00	1,280.00	1,280.00	631.18	ANDERSEN, HARLOW B. & BONNIE G.	Alfalfa	Pivot	--	F	--	N
73899	PER	SE	SW	4	22N	54E			157.75	631.18	631.18	631.18	DENNIS L WEST & KIM KENNEDY WEST	Grass	Pivot	126.00	I	355.76	N
76358	PER	NE	NW	23	21N	53E			136.36	136.36	545.44	545.44	MOYLE, DENISE L. AND HICKS, DEANNE M.	Alfalfa	Pivot	126.00	I	370.59	N
77083	PER	SE	NW	13	24N	52E	Y	17	225.52	225.52	204.74	902.08	SADLER RANCH, LLC	Alfalfa	Pivot, Wheel Lines	0.00	F	0.00	N
77569	PER	NW	SE	14	21N	53E	Y	81269	133.40	133.40	207.22	533.60	MOYLE, DENISE L. AND HICKS, DEANNE M.	Alfalfa	Pivot	126.00	I	370.59	N
77646	CER	SE	SE	33	21HN	54E	Y	18	256.06	256.06	123.60	1,024.24	WILLIAM H NORTON	Alfalfa	Pivot	256.06	I	123.60	N
77666	PER	SE	NW	27	23N	54E	Y	19	135.85	135.85	394.12	543.40	JOSEPH L RAND AND ELLEN M RAND REVOCABLE LIVING TRUST DATED MAY 9 1996	Alfalfa	Pivot	110.25	F	324.26	N
77695	CER	SE	SE	33	21HN	54E	Y	18	256.06	256.06	469.92	469.92	WILLIAM H NORTON	Alfalfa	Pivot	--	F	469.92	N
77696	CER	SE	SE	33	21HN	54E	Y	18	256.06	256.06	295.12	295.12	WILLIAM H NORTON	Alfalfa	Pivot	--	F	159.60	N
78062	PER	NW	NE	14	21N	53E			157.00	157.00	628.00	628.00	MOYLE, DENISE L. AND HICKS, DEANNE M.	Alfalfa	Pivot	126.00	I	370.59	N
78447	PER	NW	SE	12	21N	53E	Y	19965	158.00	158.00	632.00	632.00	RAND, JOSEPH L. AND ELLEN M.	Alfalfa	Pivot	--	F	--	N
78568	CER	NW	NW	34	21HN	54E	Y	20	81.95	81.95	327.80	327.80	MARK MOYLE FARMS, LLC	Alfalfa	Pivot	94.50	I	277.94	N
78771	PER	NW	SE	4	20N	53E	Y	20	257.20	257.20	362.40	1,028.80	J.W.L. PROPERTIES, LLC	Alfalfa, Grass	Pivot	254.00	I	362.40	N
78772	PER	PER	LT16	4	20N	53E	Y	20	257.20	257.20	128.00	128.00	J.W.L. PROPERTIES, LLC	Alfalfa, Grass	Pivot	--	F	128.00	N
78773	PER	PER	LT16	4	20N	53E	Y	20	257.20	257.20	398.40	398.40	J.W.L. PROPERTIES, LLC	Alfalfa, Grass	Pivot	--	F	241.60	N
78774	PER	SW	SE	4	20N	53E	Y	20	257.20	257.20	52.00	52.00	J.W.L. PROPERTIES, LLC	Alfalfa, Grass	Pivot	--	F	--	N
78775	PER	SW	SE	4	20N	53E	Y	20	257.20	257.20	88.00	88.00	J.W.L. PROPERTIES, LLC	Alfalfa, Grass	Pivot	--	F	--	N
78905	PER	SW	NE	28	21N	53E	Y	19904, 24609	274.80	1,099.20	1,099.20	584.40	DIAMOND VALLEY RANCH LLC	Alfalfa	Pivot	126.00	F	370.59	N
78906	PER	SW	NE	28	21N	53E	Y	19966	146.10	146.10	584.40	584.40	DIAMOND VALLEY RANCH LLC	Alfalfa	Pivot	126.00	F	370.59	N
80581	PER	SW	NE	12	21HN	54E	Y	21	78.00	136.00	405.80	620.00	RAND, JOSEPH L AND ELLEN M	Alfalfa	Pivot	--	F	--	N
80717	CER	SW	SE	32	21HN	54E	Y	18	256.06	256.06	135.60	135.60	NORTON, WILLIAM H JR AND PATRICIA A	Alfalfa	Pivot	--	F	--	N
80718	CER	SE	SW	33	21HN	54E	Y	18	256.06	256.06	135.60	135.60	NORTON, WILLIAM H JR	Alfalfa	Pivot	--	F	--	N
80781	PER	SE	SE	10	20N	53E	Y	18988	160.00	640.00	640.00	640.00	SESTANOVICH HAY & CATTLE LLC	Grass	Pivot	0.00	F	0.00	N
80781	PER	SE	NE	10	20N	53E	Y	18989	160.00	640.00	640.00	640.00	SESTANOVICH HAY & CATTLE LLC	None	None	0.00	F	0.00	N
80879	CER	SW	SE	32	21HN	54E	Y	21	77.00	77.00	249.52	249.52	NORTON, WILLIAM H JR AND PATRICIA A	Alfalfa	Pivot	--	F	--	N
80880	CER	SW	SE	32	21HN	54E	Y	21	78.00	78.00	87.28	87.28	NORTON, WILLIAM H JR AND PATRICIA A	Alfalfa	Pivot	--	F	--	N
80881	CER	SW	SE	32	21HN	54E	Y	21	78.00	78.00	44.00	44.00	NORTON, WILLIAM H JR AND PATRICIA A	Alfalfa	Pivot	--	F	--	N
80926	CER	SW	SE	32	21HN	54E	Y	21	155.00	103.20	103.20	103.20	NORTON, WILLIAM H JR	Alfalfa	Pivot	151.02	I	444.18	N
81004	PER	SE	SW	11	20N	53E	Y	31455	12.77	51.08	51.08	51.08	HALPIN-JAYMEL	Alfalfa	Pivot	12.77	I	37.56	N
81268	PER	SE	NE	32	23N	54E	Y	2	640.00	1,280.00	1,280.00	1,280.00	MOYLE, JAMES L AND N JANE	Alfalfa, Grass	Pivot	--	F	--	N
81269	PER	NE	SE	14	21N	53E	Y	77569	133.40	207.22	207.22	207.22	MOYLE, DENISE L. AND HICKS, DEANNE M.	Alfalfa	Pivot	--	F	--	N
81650	PER	PER	LT15	21	20N	53E	Y		26.61	106.45	106.45	106.45	EUREKA MOLLY, LLC	None	None	0.00	F	0.00	N
81720	PER	NW	SE	23	24N	52E	Y	22	525.00	525.00	975.00	975.00	SADLER RANCH, LLC	None	None	0.00	F	0.00	N
81825	PER	NE	SE	3	23N	54E	Y	23	204.30	204.30	612.90	612.90	VENTURACCI, DANIEL S	Grain	Pivot	126.00	I	336.00	N
82572	PER	SE	SE	3	23N	54E	Y	23	204.30	204.30	612.90	612.90	VENTURACCI, DANIEL S	Grain	Pivot	--	F	--	N
83567	PER	SE	NW	27	23N	54E	Y	19	37.32	149.28	149.28	149.28	JOSEPH L RAND AND ELLEN M RAND REVOCABLE LIVING TRUST	Alfalfa	Pivot	--	F	--	N
83615	PER	NE	NW	5	21N	54E	Y	1	158.00	158.00	189.36	189.36	J & T FARMS, LLC	Alfalfa	Pivot	158.00	I	464.71	N
83616	PER	NE	SW	5	21N	54E	Y	1	136.00	544.00	544.00	544.00	J & T FARMS, LLC	Alfalfa	Pivot	107.00	I	314.71	N
83617	PER	SE	NW	5	21N	54E	Y	1	158.00	442.64	442.64	442.64	J & T FARMS, LLC	Alfalfa	Pivot	--	F	--	N
83622	PER	SE	SE	35	21N	53E	Y		209.00	209.00	836.00	836.00	LC PROPERTIES	None	Flood	0.00	F	0.00	N
83623	PER	NE	NE	35	21N	53E	Y		100.50	100.50	402.00	402.00	LC PROPERTIES	None	None	0.00	F	0.00	N
85131	PER	NE	SW	5	25N	53E	Y	12	305.92	305.92	33.20	932.25	RENNER, IRA R. & MONTIRA	Grass Hay Mix	Pivot	206.58	I	33.20	N
85132	PER	NE	SW	5	25N	53E	Y	12	305.92	128.40	128.40	128.40	RENNER, IRA R. & MONTIRA	Grass Hay Mix	Pivot	--	F	128.40	N
85133	PER	SE	NW	5	25N	53E	Y	12	305.92	128.40	128.40	128.40	RENNER, IRA R. & MONTIRA	Grass Hay Mix	Pivot	--	F	128.40	N
85134	PER	SE	NW	5	25N	53E	Y	12	305.92	240.00	240.00	240.00	RENNER, IRA R. & MONTIRA	Grass Hay Mix	Pivot	--	F	59.97	N
85145	PER	NE	NW	24	24N	52E	Y	17	225.52	902.80	902.80	902.80	SADLER RANCH, LLC	Alfalfa	Pivot, Wheel Lines	225.52	F	702.32	N

Total Irrigated Acreage 25,679.86
Total Estimated Pumpage 75,323.24

Total Supplementally Adjusted Permitted/Certificated Acreage 32,701.62
Total Supplementally Adjusted Permitted/Certificated Duty 126,567.87

App No	Status	QQ	Q	Sec	Twn	Rng	Sup	Supplemental Application Number	Permitted Acres	Supplementally Adjusted Permitted Acres	Permitted Duty Acre-Feet	Supplementally Adjusted Duty Acre-Feet	Owner of Record	Crop Type	Irrigation Method	Irrigated Acres	Average Estimation Method	Acre-Feet Pumped	Pumpage Estimation Method
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Footnote:

- ¹ PERMITS 19014, 83615, 83616 AND 83617 HAVE A TOTAL COMBINED DUTY OF 1,816.00 AFA.
- ² PERMITS 19145, 29873, 30102, 36070, 50650 AND 81268 HAVE A TOTAL COMBINED DUTY OF 2,560.00 AFA.
- ³ PERMITS 19972, 19973, 34948 AND 46348 HAVE A TOTAL COMBINED DUTY OF 1,281.32 AFA.
- ⁴ PERMITS 24262, 24263, 24264 AND 24265 HAVE A TOTAL COMBINED DUTY OF 1,888.00 AFA.
- ⁵ PERMITS 42367, 42368, 42369, 42370 AND 56652 HAVE A TOTAL COMBINED DUTY OF 480.00 AFA.
- ⁶ PERMITS 42891, 64630, 64631, 64632 AND 64633 HAVE A TOTAL COMBINED DUTY OF 430.44 AFA.
- ⁷ PERMITS 43269, 43837, 43838, 43839 AND 43840 HAVE A TOTAL COMBINED DUTY OF 520.00 AFA.
- ⁸ PERMITS 43271, 43272, 43273 AND 43274 HAVE A TOTAL COMBINED DUTY OF 2,080.00 AFA.
- ⁹ PERMITS 44604, 44605, 44606, 44607, 44609 AND 44610 HAVE A TOTAL COMBINED DUTY OF 502.00 AFA.
- ¹⁰ PERMITS 47518, 47519, 47520 AND 47521 HAVE A TOTAL COMBINED DUTY OF 1,270.16 AFA.
- ¹¹ PERMITS 48871, 48872, 70587 AND 70588 HAVE A TOTAL COMBINED DUTY OF 852.7 AFA.
- ¹² PERMIT 50075 CERTIFICATE 12333 (SPRING NO. 8); PERMITS 85131, 85132, 85133 AND 85134 AND CLAIM OF VESTED RIGHT V00432 HAVE A TOTAL COMBINED DUTY OF 932.25 AFA FOR THE IRRIGATION OF 320.27 ACRES OF WHICH 24.77 ACRES REMAIN AS STAND ALONE UNDERGROUND RIGHTS. PERMITS 85131, 85132, 85133 AND 85134 MAY ALSO BE SUPPLEMENTAL TO PERMIT 57920, CERTIFICATE 11890 (SPRING #6); PERMIT 37922, CERTIFICATE 11891 (SPRING #7); AND CLAIMS OF VESTED RIGHT V10884 (SPRING NO. 6), V10885 (SPRING NO. 7) AND V10886 (SPRING NO. 8).
- ¹³ PERMITS 50581 AND 50582 HAVE A TOTAL COMBINED DUTY OF 1,100.04 AFA FOR THE IRRIGATION OF 275.01 ACRES. THESE PERMITS MAY BE SUPPLEMENTAL TO THE WATERS OF EVA SPRING UNDER PERMIT 7247, CERTIFICATE 1195 AND CLAIM OF VESTED RIGHT V02658 AND JAMES WHITE SPRING UNDER PERMIT 6254, CERTIFICATE 1409.
- ¹⁴ PERMITS 50962, 50963 AND 57838 HAVE A TOTAL COMBINED DUTY OF 473.2 AFA FOR THE IRRIGATION OF 118.3 ACRES. PERMITS 50962, 50963 AND 57838 AND CLAIM OF VESTED RIGHT V04476 (ROMANO SPR #2) HAVE A TOTAL COMBINED DUTY OF 489.16 AFA FOR THE IRRIGATION OF 122.29 ACRES OF WHICH 80.16 ACRES ARE SUPPLEMENTAL. PERMIT 57838 MAY BE SUPPLEMENTAL TO THE WATERS OF ROMANO SPR #1 UNDER CLAIM OF VESTED RIGHT V04479, SPRING NO. 4A UNDER CLAIM OF VESTED RIGHT V10916 AND SPRING AND RESERVOIR NO.2 UNDER CLAIM OF VESTED RIGHT V10917.
- ¹⁵ PERMITS 57835, 57836, 57839 AND 57840 HAVE A TOTAL COMBINED DUTY OF 312.92 AFA.
- ¹⁶ PERMIT 63497 IS COMPLETELY SUPPLEMENTAL TO THE WATERS OF BAILEY SPRING UNDER CLAIM OF VESTED RIGHT V01104.
- ¹⁷ PERMITS 77083 AND 85145 HAVE A TOTAL COMBINED DUTY OF 902.08 AFA FOR THE IRRIGATION OF 225.52 ACRES AND MAY BE SUPPLEMENTAL TO THE WATERS OF BIG SHIPLEY SPRINGS UNDER PERMIT 82268 AND CLAIM OF VESTED RIGHT V03289 AND SHIPLEY SPRINGS #2 UNDER CLAIM OF VESTED RIGHT V10918.
- ¹⁸ PERMITS 77646, 77695, 77696 AND 80718 HAVE A TOTAL COMBINED DUTY OF 1,024.24 AFA.
- ¹⁹ PERMITS 77666 AND 83567 HAVE A TOTAL COMBINED DUTY OF 543.40 AFA FOR THE IRRIGATION OF 135.85 ACRES AND ARE PARTIALLY SUPPLEMENTAL TO THE WATERS OF UNNAMED SPRINGS UNDER CLAIM OF VESTED RIGHT V01137.
- ²⁰ PERMITS 78771, 78772, 78773, 78774 AND 78775 HAVE A TOTAL COMBINED DUTY OF 1,028.8 AFA.
- ²¹ PERMITS 80717, 80879, 80880, 80881 AND 80926 HAVE A TOTAL COMBINED DUTY OF 620.00 AFA.
- ²² PERMIT 81720 IS COMPLETELY SUPPLEMENTAL TO THE WATERS OF BIG SHIPLEY SPRINGS UNDER PERMIT 82268 AND SHIPLEY SPRINGS #2 UNDER CLAIM OF VESTED RIGHT V10918. THE TOTAL COMBINED DUTY UNDER PERMIT 4273, CERTIFICATE 964 (BIG SHIPLEY SPRINGS) AND PERMITS 81720 AND 82268 (BIG SHIPLEY SPRINGS) SHALL NOT EXCEED 2,918.7 AFA.
- ²³ PERMITS 81825 AND 82572 HAVE A TOTAL COMBINED DUTY OF 612.9 AFA. PERMIT 81825 IS COMPLETELY SUPPLEMENTAL TO THE WATERS OF TAFT SPRINGS UNDER CLAIM OF VESTED RIGHT V01115. PERMIT 82572 IS COMPLETELY SUPPLEMENTAL TO THE WATERS OF HORSE CANYON UNDER CLAIM OF VESTED RIGHT V01114.

STATE OF NEVADA
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES

JASON KING, P.E.
STATE ENGINEER



DIAMOND VALLEY
HYDROGRAPHIC BASIN 10-153

CROP INVENTORY

CALENDAR YEAR 2017

Prepared by: Ken Haffey
Kyle Wolf and
Bob Goodson

JA1240
SE ROA 927

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ABSTRACT

This inventory represents the status and usage of all permitted, certificated, and claims of vested right groundwater rights for irrigation purposes located within Diamond Valley, Hydrographic Basin 10-153, for the year 2017. **Only those groundwater rights associated with irrigation purposes are represented in this report.** For a listing and summary of all other manners of use within the basin please refer to the [Nevada Division of Water Resources Hydrographic Basin Summary](#).

The data presented are valid for the time period of this report and may vary from previously published figures as water rights within the basin are subject to administrative action, such as certification, cancellation, forfeiture or withdrawal on a continuing basis.

For the year 2017, the permitted and certificated groundwater rights for irrigation purposes totaled **32,702 acres** with a total duty of 126,348 acre-feet within Diamond Valley. An estimated **25,124 acres** were irrigated and 73,497 acre-feet were pumped during 2017.

HYDROGRAPHIC BASIN SUMMARY

HYDROGRAPHIC BASIN NUMBER	153, REGION 10
HYDROGRAPHIC BASIN NAME	DIAMOND VALLEY
COUNTIES	EUREKA AND ELKO
MAJOR COMMUNITIES	EUREKA
DESIGNATED BASIN	DESIGNATED - IRRIGATION DENIED
DENIALS BASED UPON WATER AVAILABILITY	ALL USES
ESTIMATED IRRIGATION PUMPAGE 2017 (ACRE-FEET)	73,497*

STATE ENGINEER’S ORDERS

<u>NO. 277 – PARTIAL DESIGNATION OF BASIN</u>	AUGUST 5, 1964
<u>NO. 280 – AMENDED DESIGNATION OF BASIN</u>	AUGUST 28, 1964
<u>NO. 541 – NOTICE OF CURTAILMENT</u>	DECEMBER 22, 1975
<u>NO. 717 – NOTICE OF CURTAILMENT</u>	JULY 10, 1978
<u>NO. 815 – AMENDED DESIGNATION OF BASIN</u>	APRIL 4, 1983
<u>NO. 1226 – AMENDED DESIGNATION OF BASIN</u>	MARCH 26, 2013
<u>NO. 1263 – ADJUDICATION</u>	AUGUST 21, 2015
<u>NO. 1264 – CRITICAL MANAGEMENT AREA DESIGNATION</u>	AUGUST 25, 2015
<u>NO. 1266 – ADJUDICATION</u>	OCTOBER 16, 2015
<u>NO. 1292 – TOTALIZING METERS</u>	DECEMBER 7, 2017

COMMITTED GROUNDWATER RESOURCE FOR IRRIGATION PURPOSES: 126,348 ACRE-FEET
 DATE: DECEMBER 2017

NOTE: Committed groundwater resource data are approximate for December 2017. Rights may be subject to change applications, certification, withdrawals, forfeiture and cancellations; each of these circumstances could impact the duty, diversion rate and acreage associated with a given right. Be advised this report acknowledges that other manner of uses may be present in the basin; however, only those groundwater rights associated with irrigation purposes are represented in this report.

* Acreage represented in this report may have surface water rights appurtenant. This report acknowledges those acres with surface water rights but is not intended to quantify, nor present any definitive use of those surface water rights. The data represent only the pumping of groundwater and the acreage to which it is applied.

PURPOSE AND SCOPE

The purpose of this report is to inventory all of the groundwater resources allocated to irrigation and described by the Office of the State Engineer, Nevada Division of Water Resources (NDWR), and to estimate the amount of groundwater pumped for irrigation purposes within the Diamond Valley Hydrographic Basin (10-153), for the year 2017.

DESCRIPTION OF THE STUDY AREA

The Diamond Valley Hydrographic Basin is located in central Nevada (Figure 1), occupying approximately 735 square miles in Eureka and Elko Counties. The adjacent hydrographic basins are Huntington Valley (4-035) to the northeast, Newark Valley (10-154) to the east, Little Smoky Valley - Northern Part (10-155A) to the south, Stevens Basin (10-152) to the southwest, Kobeh Valley (10-139) to the west, and Pine Valley (4-053) to the northwest.

Diamond Valley is bounded by the Diamond Mountains to the east, the Fish Creek Range to the south, the Mahogany Hills to the southwest, and the Sulphur Spring Range to the west. Diamond Valley is approximately 20 miles wide by 56 miles long with basin elevations ranging from approximately 5,760 feet above mean sea level on the valley floor to approximately 10,000 feet in the surrounding mountains. Irrigation occurs primarily in the south central part of the basin (Figure 2).

GROUNDWATER LEVELS

Depths to groundwater in Diamond Valley are measured by multiple agencies on an annual basis. Sites at which water level measurements are made by or reported to NDWR include:

<u>153 N19 E53 10ADCA1</u>	<u>153 N19 E53 10DACB1</u>	<u>153 N19 E53 10DADA1</u>
<u>153 N19 E53 11CBBD1</u>	<u>153 N19 E53 11CBDA1</u>	<u>153 N19 E53 14BBCA1</u>
<u>153 N19 E53 15AADA1</u>	<u>153 N20 E53 02DDDD1</u>	<u>153 N20 E53 04DDBB2</u>
<u>153 N20 E53 20BC 01</u>	<u>153 N20 E53 21CDDC1</u>	<u>153 N20 E53 28ADC 01</u>
<u>153 N20 E53 29BCCC1</u>	<u>153 N20 E53 30DCCC1</u>	<u>153 N20 E53 32BBBA1</u>
<u>153 N20 E53 32BDCC1</u>	<u>153 N20 E53 32CCAA1</u>	<u>153 N20 E53 32CCAA2</u>
<u>153 N21 E53 01CDCC2</u>	<u>153 N21 E53 02CCAA1</u>	<u>153 N21 E53 03BBDD2</u>
<u>153 N21 E53 03CDBB2</u>	<u>153 N21 E53 04CDBB1</u>	<u>153 N21 E53 08BACC1</u>
<u>153 N21 E53 08DCAA1</u>	<u>153 N21 E53 09BBDD2</u>	<u>153 N21 E53 09DBDD1</u>
<u>153 N21 E53 11CDBB2</u>	<u>153 N21 E53 12CCBC2</u>	<u>153 N21 E53 12DCAA2</u>
<u>153 N21 E53 13DA 1</u>	<u>153 N21 E53 14CACC2</u>	<u>153 N21 E53 15BACC2</u>
<u>153 N21 E53 16CCAA3</u>	<u>153 N21 E53 20AACC2</u>	<u>153 N21 E53 21DCAA2</u>
<u>153 N21 E53 22BDBB2</u>	<u>153 N21 E53 23AACC1</u>	<u>153 N21 E53 23DACC1</u>
<u>153 N21 E53 24ADBB1</u>	<u>153 N21 E53 24CDDD1</u>	<u>153 N21 E53 27ACAA3</u>
<u>153 N21 E53 28BBDD1</u>	<u>153 N21 E53 33DBD 1</u>	<u>153 N21 E53 34DDB 02</u>
<u>153 N21 E53 35BDBB2</u>	<u>153 N21 E53 36AD 1</u>	<u>153 N21 E53 36CDD 01</u>
<u>153 N21 E54 05BDBB1</u>	<u>153 N21 E54 05DCCC1</u>	<u>153 N21 E54 08CDDD1</u>
<u>153 N21 E54 20BACC2</u>	<u>153 N21 E54 20CCCC1</u>	<u>153 N21HE52 35ADD 2</u>
<u>153 N21HE54 32DCC 2</u>	<u>153 N21HE54 34BBDD 1</u>	<u>153 N22 E51 01DBBB2</u>

153 N22 E51 12ADCD1	153 N22 E51H12DBBC1	153 N22 E52 07DBBD1
153 N22 E52 07DBBD2	153 N22 E52 11ACCB1	153 N22 E52 17DDCA1
153 N22 E52 18ACDB1	153 N22 E52 18CBDD1	153 N22 E52 18CBDD2
153 N22 E52 19CBBC1	153 N22 E52 20CBDC1	153 N22 E54 05CDBB2
153 N22 E54 05DDBB2	153 N22 E54 06CCCC1	153 N22 E54 07DDCD2
153 N22 E54 18CADD1	153 N22 E54 19CC 1	153 N22 E54 22CCDD1
153 N22 E54 28AACC1	153 N22 E54 28DCCC2	153 N22 E54 32DDCD1
153 N22 E54 33BBDD1	153 N23 E52 13BBA 1	153 N23 E53 27BB 1
153 N23 E53 29CCCA1	153 N23 E53 31BBD 01	153 N23 E54 20DD 1
153 N23 E54 27ACC 1	153 N23 E54 29CDDD2	153 N23 E54 30DDD 2
153 N23 E54 32CDD 01	153 N24 E53 06BDAB1	153 N24 E54 34BAC 1
153 N25 E54 28BCBC1		

Additional water level measurements and site data can be obtained from the NDWR website (<http://water.nv.gov>). Groundwater level data have also been collected by the U.S. Geological Survey (USGS) and can be accessed through their website (<http://nevada.usgs.gov>).

METHODS TO ESTIMATE IRRIGATED ACREAGE

This report estimates the number of acres irrigated by the groundwater pumped under permits, certificates, and claims of vested right issued by the State Engineer. Table 1 and Figure 3 present the current and historic irrigated acreage and pumpage; Appendix A presents estimates detailed by certificate, permit, or vested claim number. The following methods were used to arrive at the estimated acreage:

- Field inspection of the place of use was conducted to estimate the number of acres under cultivation.
- In cases where field inspection of the place of use was not practical, aerial and/or satellite imagery were analyzed to determine acreages.

METHODS TO ESTIMATE PUMPAGE

This report estimates the amount of groundwater pumped under the permits and certificates issued by the Nevada State Engineer as well as claims of vested right in the Diamond Valley Hydrographic Basin. The following methods were used to arrive at the estimated use:

- Where totalizing meters were in place, meter readings were taken and compared with previous data (if available).
- Where meters were not in place and the use was irrigation, pumpage was estimated by multiplying the number of hours the well was operated during the past year (determined from an hour meter reading or asking the water user) by the certificated diversion rate.
- Where there were no flow meters or other reliable options for estimating pumpage and the use was irrigation, pumpage was estimated by dividing the Net Irrigation Water Requirement (NIWR) for the crop grown by the efficiency of the irrigation method used, then multiplying by the number of acres irrigated. Irrigation efficiencies associated with three types of irrigation methods are: pivot at 85%; wheel line or other hand moved sprinklers at 75%; and flood at 60%. The pumpage amount estimated by this method was limited by the duty of the permit. For places where the groundwater rights were

supplemental to surface water, groundwater use was estimated using the NIWR method above, but adjusted based on available surface water for the year. Evapotranspiration and NIWR data by basin can be found on the NDWR website at: <http://water.nv.gov/Evapotranspiration.aspx>. This approach using the NIWR to estimate pumpage was used starting in 2013; this and subsequent pumpage estimates may differ significantly from estimates of previous years.

TABLES

Table 1. Diamond Valley historical irrigated acreage and pumpage data.

Year	2013	2014	2015	2016	2017
Acres Irrigated	25,252	24,676	25,305	25,680	25,124
Acre-Feet Pumped*	75,037	73,136	73,879	75,323	73,497

* The NIWR method to estimate pumpage was used starting in 2013; estimates may differ significantly from previous years.

FIGURES

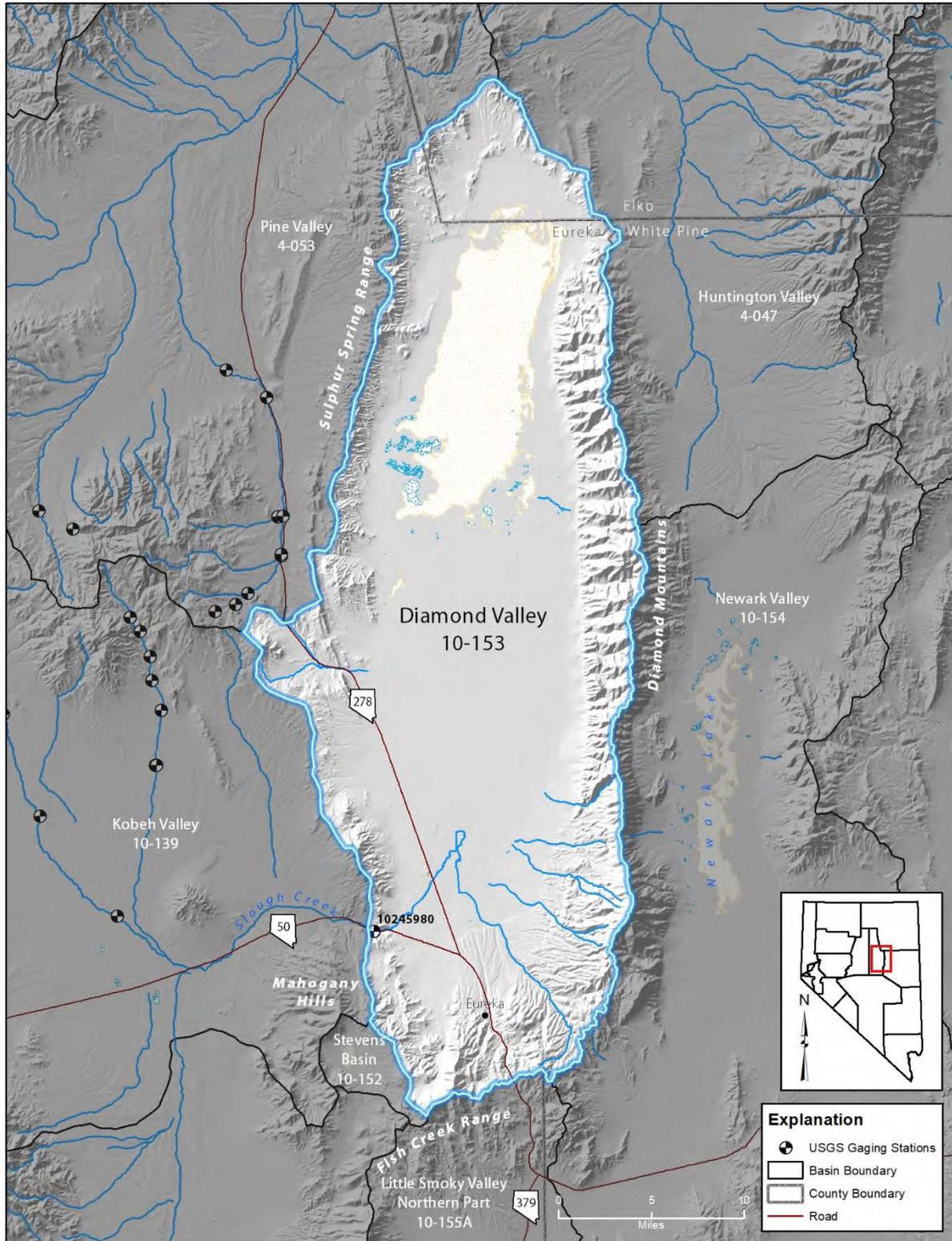


Figure 1. Physiographic map of Diamond Valley (Hydrographic Basin 10-153).

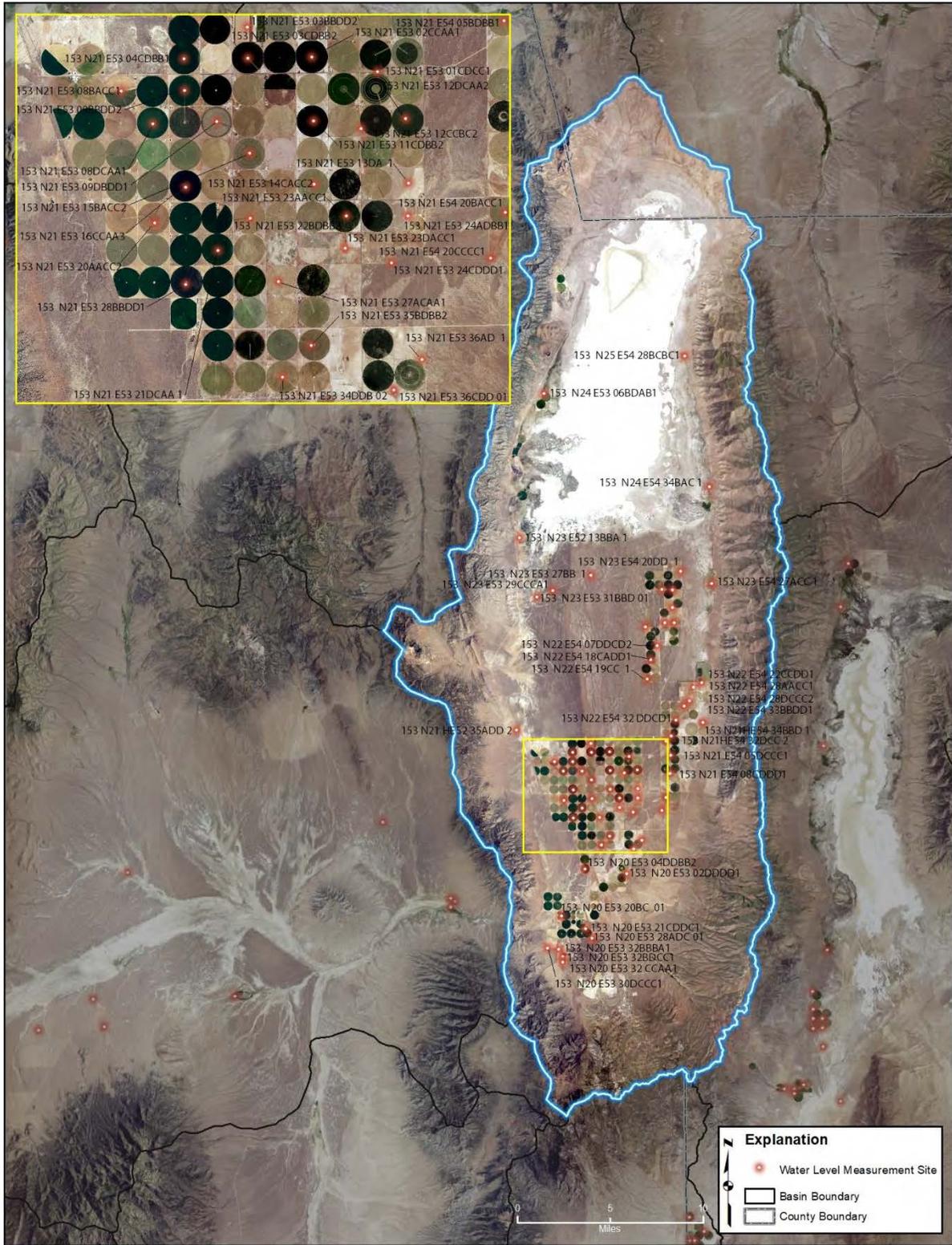


Figure 2. Map showing Diamond Valley irrigated acreage and water level monitoring sites.

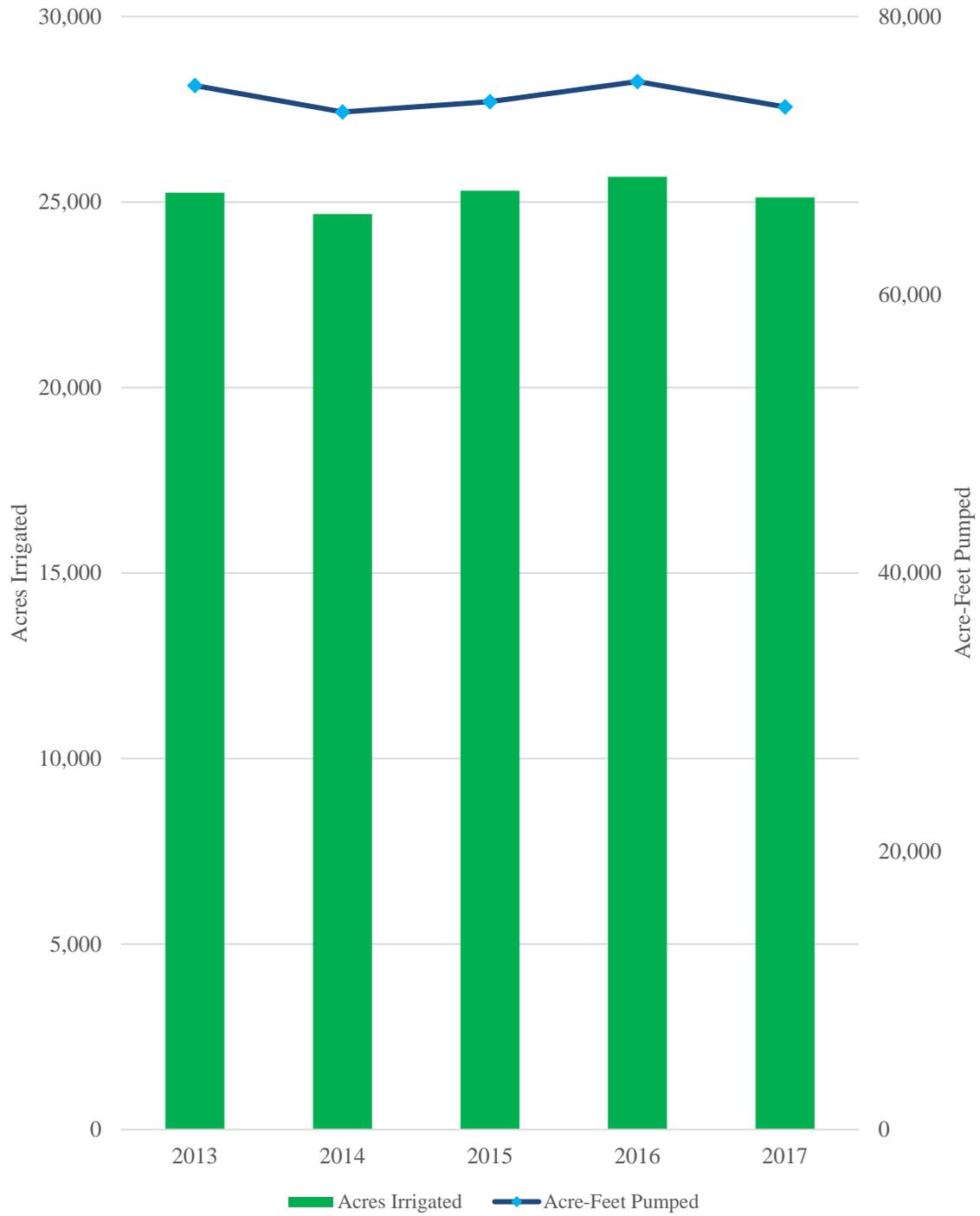


Figure 3. Graph showing Diamond Valley historical irrigated acreage and pumpage.

APPENDIX A. 2017 DIAMOND VALLEY CROP INVENTORY

EXPLANATION OF COLUMN HEADINGS

App No	The file number of the Application to Appropriate/Change Water or the Claim of Vested Right.
Status	Indicates the status of an application: Permit (PER), Certificated (CER), or a Claim of Vested Right (VST).
QQ	The quarter-quarter of the Section in which the point of diversion is located.
Q	The quarter of the Section in which the point of diversion is located.
Sec	The Section in which the point of diversion is located.
Twn	The Township in which the point of diversion is located.
Rng	The Range in which the point of diversion is located.
Sup	Indicates whether the groundwater right is part of a group of groundwater rights used to irrigate all or a portion of the same acreage (supplemental). A “Y” in this column signifies the groundwater right is supplemental to other groundwater rights.
Supplemental Application Number	The application number(s) of the water right(s) that are supplemental to one another.
Permitted Acres	The number of acres defined by the permit or certificate that is eligible to be irrigated.
Supplementally Adjusted Permitted Acres	The supplementally adjusted, total number of acres that is eligible to be irrigated under a supplemental group of water rights.
Permitted Duty Acre-Feet	The amount of water that may be pumped in a given year, or season, as defined by the permit, certificate, or claim of vested right. If there is a supplemental group, the total combined duty is listed as a supplementally adjusted duty.
Supplementally Adjusted Duty Acre-Feet	The supplementally adjusted, total combined duty that may be pumped in a given year, or season, for a supplemental group of water rights, expressed in acre-feet. The supplementally adjusted, total combined duty is listed at the end of a supplemental group in bold .
Owner of Record	The owner of the water right as recorded in the records of the State Engineer. A water right may have more than one owner of record. Only the first, alphabetically, is listed in this table.
Crop Type	Indicates whether or not a crop was in production during the water year. If a crop was in production, the common name description of the plants under cultivation if given (e.g. alfalfa).

Irrigation Method	The method by which the water is applied to the crop and ground (e.g. pivot).
Irrigated Acreage	The estimate of the number of acres irrigated associated with a particular water right. A “-” in this field indicates that pumpage was attributed to a senior supplemental permit or certificated water right.
Acreage Estimation Method	The method by which the number of acres irrigated was determined. F – Field inspection. I – Aerial or satellite imagery.
Acre-Feet Pumped	The estimate of the amount of water pumped under a particular water right, expressed in acre-feet. One acre-foot equals 325,851 gallons. A “-“ in this field indicates that pumpage was attributed to a senior supplemental permit or certificated water right.
Pumpage Estimation	The method used to estimate the amount of water pumped. M – Totalizing meter readings. N – NIWR Method. D – Duty.

App No	Status	QQ	Q	Sec	Twn	Rng	Sup	Supplemental Application Number	Permitted Acres	Supplementally Adjusted Permitted Acres	Permitted Duty Acre-Feet	Supplementally Adjusted Duty Acre-Feet	Owner of Record	Crop Type	Irrigation Method	Irrigated Acres	Average Estimation Method	Acre-Feet Pumped	Pumpage Estimation Method
14948	CER	SW	SE	28	22N	54E	Y	53872	308.60	612.54	617.20	1,234.40	DONALD F. AND ELIZA M. PALMORE FAMILY TRUST	Alfalfa	Flood	148.13	I	617.20	N
18242	CER	SW	NE	7	22N	54E	Y	72370	320.00	320.00	1,280.00	1,280.00	ANDERSEN, BONNIE G.	Alfalfa	Pivot	219.00	I	644.12	N
18621	CER	SE	NE	36	21N	53E	Y	18622, 44621	206.29	206.29	825.16	825.16	ALLEN, ROGER & JUDY	Alfalfa, Grass	Pivot	142.00	I	358.82	N
18622	CER	SW	NE	36	21N	53E	Y	18621, 44621	206.29	206.29	825.16	825.16	ALLEN, ROGER & JUDY	Alfalfa, Grass	Pivot	--	F	--	N
18623	CER	LT12	1	20N	53E	Y	Y	22551	278.22	278.22	1,112.88	1,112.88	MACHACEK, JERRY L. & TRINA L.	Alfalfa	Pivot	0.00	I	0.00	N
18786	CER	NE	NE	13	21N	53E	Y	18787	320.00	320.00	1,280.00	1,280.00	RUTH MARTIN RANCHES, LLC	Alfalfa	Pivot	252.00	F	741.18	N
18787	CER	NE	NW	13	21N	53E	Y	18786	320.00	320.00	1,280.00	1,280.00	RUTH MARTIN RANCHES, LLC	Alfalfa	Pivot	--	F	--	N
18788	CER	NE	SE	13	21N	53E	Y	18789	320.00	320.00	1,280.00	1,280.00	RUTH MARTIN RANCHES, LLC	Alfalfa	Pivot	126.00	I	370.59	N
18789	CER	NE	SW	13	21N	53E	Y	18788	320.00	320.00	1,280.00	1,280.00	RUTH MARTIN RANCHES, LLC	Alfalfa	Pivot	--	F	--	N
18794	CER	NE	NE	23	21N	53E	Y	31111	120.00	159.50	480.00	638.00	MOYLE, DENISE L. AND HICKS, DEANNE M.	Grass	Pivot	126.00	I	355.76	N
18796	CER	NE	SE	23	21N	53E	Y		160.00	160.00	640.00	640.00	SMITH, CRAIG ALLEN & SHELBA KAY	Alfalfa	Pivot	94.50	I	277.94	N
18797	CER	NE	SW	23	21N	53E	Y		160.00	160.00	640.00	640.00	SMITH, CRAIG ALLEN & SHELBA KAY	Alfalfa	Pivot	63.00	I	185.29	N
18802	CER	SE	NE	8	22N	54E	Y		160.00	160.00	640.00	640.00	FRED L. ETCHEGARAY AND JOHN J. ETCHEGARAY, A NEVADA PARTNERSHIP	Grass Hay	Pivot	124.00	I	350.12	N
18834	CER	SE	SE	17	21N	54E	Y	19032	319.06	319.06	1,276.23	1,276.23	NEWTON, DEBRA L.	Alfalfa, Grass	Pivot	244.00	I	703.29	N
18835	CER	SE	SW	17	21N	54E	Y	19053	319.45	319.45	1,277.80	1,277.81	NEWTON, DEBRA L.	Alfalfa, Grass	Pivot	245.00	I	706.00	N
18851	CER	SW	SE	5	21N	54E	Y	42019, 42020	129.11	129.11	516.44	516.44	EUREKA COUNTY; GALLAGHER FARMS, LLC	Alfalfa	Pivot	129.11	I	379.74	N
18911	CER	SE	SW	16	21N	54E	Y		294.00	294.00	1,176.00	1,176.00	HILL, HOWARD SR.; HILL, KATHY	None	None	0.00	F	0.00	N
18927	CER	NE	NW	26	21N	53E	Y	18928	320.00	320.00	1,280.00	1,280.00	A.G. FARM COMMODITIES, INC.	Alfalfa, Grass Hay	Pivot	258.00	I	743.65	N
18928	CER	NE	SW	26	21N	53E	Y	18927	320.00	320.00	1,280.00	1,280.00	A.G. FARM COMMODITIES, INC.	Alfalfa, Grass Hay	Pivot	--	F	--	N
18975	CER	SW	NE	11	20N	53E	Y	34950	181.82	307.50	727.28	1,230.00	SESTANOVICH HAY & CATTLE LLC	Alfalfa	Pivot	126.00	I	370.59	N
18978	CER	SE	NE	4	21N	53E	Y	42019, 42020	255.84	276.44	1,023.36	1,055.72	BENSON, CRAIG AND KATHRYN	Alfalfa	Pivot	240.00	I	705.88	N
18981	CER	SE	SE	4	21N	53E	Y	39553	156.00	156.00	624.00	624.00	BENSON, CRAIG AND KATHRYN	Grass Hay	Pivot	0.00	F	0.00	N
18988	CER	SE	SE	10	20N	53E	Y	80780	160.00	160.00	640.00	640.00	EUREKA COUNTY; SESTANOVICH HAY & CATTLE LLC	Grass	Pivot	126.00	I	355.76	N
18989	CER	SE	NE	10	20N	53E	Y	80781	160.00	160.00	640.00	640.00	SESTANOVICH HAY & CATTLE LLC	Alfalfa	Pivot	126.00	F	370.59	N
18999	CER	SW	NE	15	21N	53E	Y	42021	22.80	160.00	91.20	640.00	COOPER, CHARLES E.	None	None	0.00	F	0.00	N
19014	CER	NW	NE	5	21N	54E	Y	1	160.00	454.00	640.00	1,816.00	J & T FARMS, LLC	Grass	Pivot	126.00	I	355.76	N
19053	CER	NW	NE	17	21N	54E	Y	18834	319.06	319.06	1,277.80	1,276.23	NEWTON, DEBRA L.	Alfalfa, Grass	Pivot	--	F	--	N
19110	CER	SW	SW	22	22N	54E	Y		160.00	160.00	640.00	640.00	MARK MOYLE FARMS, LLC	Alfalfa	Flood	157.00	I	640.00	N
19111	CER	SW	SW	27	22N	54E	Y	23893	155.50	155.50	622.00	622.00	MILES, HAROLD R.	Alfalfa	Pivot	58.00	I	170.59	N
19145	CER	SE	SW	32	23N	54E	Y		160.00	640.00	640.00	2,560.00	MOYLE, JAMES L.	Alfalfa	Pivot	126.00	I	370.59	N
19191	CER	SW	SW	17	20N	53E	Y	24214	131.08	281.16	524.30	1,124.62	ANDERSON, JERRY LEE	Grain	Pivot	119.00	I	280.00	N
19192	CER	SW	SE	18	20N	53E	Y	29765	149.15	313.20	596.60	1,252.80	HALPIN, SANDRA L.	Alfalfa	Pivot	124.00	I	364.71	N
19218	CER	SE	SW	21	20N	53E	Y	21561, 24378	206.60	222.42	735.68	889.68	CRANE, WILLIAM A. CRANE	Alfalfa, Grass	Pivot	149.63	I	433.59	N
19279	CER	SE	SE	7	21N	53E	Y		83.00	83.00	332.00	332.00	DUBRAY, FERNO L. & CARRIE M.	Alfalfa	Pivot	66.50	I	195.59	N
19292	CER	SW	NE	21	21N	53E	Y		139.80	139.80	559.20	559.20	DAMELE FARMS, INC	Alfalfa	Pivot	114.00	I	335.29	N
19293	CER	SW	SE	21	21N	53E	Y		132.40	132.40	529.60	529.60	DAMELE FARMS, INC	Alfalfa	Pivot	107.00	I	314.71	N
19324	CER	SE	SE	2	20N	53E	Y		158.00	158.00	632.00	632.00	SESTANOVICH HAY & CATTLE LLC	Alfalfa	Pivot	128.00	I	376.47	N
19360	CER	SE	SW	5	22N	54E	Y		155.00	155.00	620.00	620.00	ETCHEGARAY FAMILY TRUST	Alfalfa	Pivot	126.00	I	370.59	N
19361	CER	SE	SE	5	22N	54E	Y		155.00	155.00	620.00	620.00	ETCHEGARAY FAMILY TRUST	Alfalfa	Pivot	123.00	I	361.76	N
19378	CER	NW	NW	34	21N	53E	Y	20000, 24605	244.80	314.00	979.20	1,256.00	MOYLE, DUSTY L.	Grass	Pivot	250.00	I	705.88	N
19379	CER	NW	NE	33	21N	53E	Y		158.00	158.00	632.00	632.00	MOYLE, DUSTY L.	Alfalfa	Pivot	126.00	I	370.59	N
19381	CER	NW	SE	33	21N	53E	Y		240.00	240.00	960.00	960.00	MOYLE, DUSTY L.	Alfalfa	Pivot	126.00	I	370.59	N
19411	CER	NW	SW	32	20N	53E	Y		96.00	96.00	384.00	384.00	HOMESTAKE MINING COMPANY OF CALIFORNIA	Pasture	Pivot	80.00	I	235.29	N
19492	CER	NE	SE	34	21N	53E	Y	20015	314.00	314.00	1,256.00	1,256.00	CONLEY, BEVERLY A. AND CONLEY, KENNETH E.	Alfalfa	Pivot	252.00	I	741.18	N
19500	CER	LT13	20	20N	53E	Y		166.10	166.10	664.40	664.40	CONLEY LAND & LIVESTOCK, LLC	Alfalfa	Pivot	145.10	I	426.76	N	
19501	CER	SW	NW	20	20N	53E	Y	164.48	164.48	657.92	657.92	CONLEY LAND & LIVESTOCK, LLC	Grass	Pivot	113.00	I	319.06	N	
19502	CER	SW	SE	20	20N	53E	Y	152.27	152.27	609.08	609.08	CONLEY LAND & LIVESTOCK, LLC	Alfalfa, Pasture	Pivot	95.00	I	279.41	N	
19526	CER	SE	SW	15	20N	53E	Y	301.00	301.00	1,204.00	1,204.00	BAUMAN, JAMES E.	Alfalfa	Pivot	252.00	I	741.18	N	
19541	CER	SE	SE	28	21N	53E	Y	141.30	141.30	565.20	565.20	DIAMOND VALLEY RANCH, LLC	Alfalfa	Pivot	136.00	I	400.00	N	
19542	CER	NE	NE	28	21N	53E	Y	117.00	117.00	468.00	468.00	DIAMOND VALLEY RANCH, LLC	Alfalfa	Pivot	116.00	I	341.18	N	
19563	CER	SE	SE	1	21N	53E	Y	19971, 28160	319.87	319.87	1,279.48	1,279.48	PLASKETT, TOMMYE J.	Grass Hay	Pivot	252.00	I	711.53	N

App No	Status	QQ	Q	Sec	Twn	Rng	Sup	Supplemental Application Number	Permitted Acres	Supplementally Adjusted Acres	Permitted Duty Acre-Feet	Supplementally Adjusted Duty Acre-Feet	Owner of Record	Crop Type	Irrigation Method	Irrigated Acres	Average Estimation Method	Acre-Feet Pumped	Pumpage Estimation Method
19760	CER	SE	SE	8	21N	54E	Y	28061	319.00	319.00	1,276.00	1,276.00	BURNHAM FARMS, LLC	Alfalfa	Pivot	244.00	I	717.65	N
19904	CER	SE	NE	29	21N	53E	Y	24609, 78905	158.00	280.80	632.00	1,108.14	DIAMOND VALLEY RANCH, LLC	Alfalfa	Pivot	126.00	I	370.59	N
19965	CER	NW	SE	12	21N	53E	Y	78447	158.00	158.00	632.00	632.00	RAND, JOSEPH L. AND ELLEN M.	Alfalfa	Pivot	126.00	I	370.59	N
19966	CER	SW	NE	12	21N	53E	Y	80581	156.00	156.00	218.20	624.00	RAND, ELLEN M.	Alfalfa	Pivot	128.00	I	376.47	N
19971	CER	SW	NE	1	21N	53E	Y	19563, 28160	319.87	320.33	779.16	1,281.32	PLASKETT, TOMMYE J.	Grass Hay	Pivot	--	F	--	N
19972	CER	SE	NW	1	21N	53E	Y	3	320.33	320.33	1,281.32	1,281.32	PLASKETT, TOMMYE J.	Alfalfa	Pivot	126.00	I	370.59	N
19973	CER	SE	SW	1	21N	53E	Y	3	320.33	320.33	1,281.32	1,281.32	PLASKETT, TOMMYE J.	Alfalfa	Pivot	125.00	F	367.65	N
20000	CER	NW	NE	34	21N	53E	Y	19378, 24605	156.00	156.00	624.00	624.00	MOYLE, DUSTY L.	Grass	Pivot	--	F	--	N
20015	CER	NW	SW	34	21N	53E	Y	19492	158.00	158.00	632.00	632.00	MOYLE, DUSTY L.	Alfalfa	Pivot	--	F	--	N
20046	CER	SE	NW	33	22N	54E	Y	24607	160.00	160.00	640.00	640.00	BURNHAM FARMS, LLC	Grass Hay	Pivot	125.00	I	352.94	N
20087	CER	SE	NE	20	21N	53E	Y	24606	156.00	308.00	624.00	1,232.00	DIAMOND VALLEY RANCH, LLC	Grass	Pivot	126.00	I	355.76	N
20088	CER	NE	NW	20	21N	53E	Y	24606	158.00	312.00	632.00	1,248.00	DIAMOND VALLEY RANCH, LLC	Grass	Pivot	126.00	I	355.76	N
20366	CER	SE	NW	22	22N	54E	Y	15958	159.58	159.58	638.31	638.31	MARK MOYLE FARMS, LLC	Grass	Pivot	126.00	I	355.76	N
20487	CER	NE	NW	22	21N	53E	Y	127.70	127.70	127.70	510.80	510.80	MARSHALL, REESE W.	Alfalfa	Pivot	125.00	I	367.65	N
20565	CER	SE	NW	32	20N	53E	Y	64.00	64.00	64.00	256.00	256.00	EUREKA COUNTY	Pasture	Pivot	64.00	I	188.24	N
20694	CER	SE	NE	21	20N	53E	Y	21399	172.22	253.29	688.88	1,013.16	MICHEL AND MARGARET ANN ETCHEVERRY FAMILY LIMITED PARTNERSHIP	Alfalfa	Pivot	63.00	I	185.29	N
21085	CER	SE	NW	35	21N	53E	Y	23462, 23803	156.40	327.60	625.60	1,310.40	MILLER, ANTHONY	Alfalfa	Pivot	126.00	I	370.59	N
21399	CER	SW	NW	22	20N	53E	Y	20694	253.29	1,013.16	1,013.16	1,013.16	MICHEL AND MARGARET ANN ETCHEVERRY FAMILY LIMITED PARTNERSHIP	Alfalfa	Pivot	63.00	I	185.29	N
21426	CER	SW	SE	15	21N	53E	Y	160.00	160.00	160.00	640.00	640.00	MORRISON, LLOYD & BELINDA FAYE	Alfalfa	Pivot	126.00	I	370.59	N
21428	CER	SE	NE	11	21N	53E	Y	116.49	116.49	465.90	465.90	BENSON, PATTI E. AND KENNETH F.	Grass Hay	Pivot	133.00	I	375.53	N	
21561	CER	SE	NW	21	20N	53E	Y	19218, 24378	129.92	519.68	519.68	519.68	EUREKA MLY LLC	Alfalfa, Grass	Pivot	--	F	--	N
21839	CER	SW	SW	16	21N	53E	Y	158.00	158.00	158.00	632.00	632.00	BERGENER, LINDA AND DON MICHEL & MARGARET ETCHEVERRY FAMILY LP	Alfalfa	Pivot	126.00	I	370.59	N
21841	CER	SE	NW	21	21N	53E	Y	158.00	158.00	158.00	632.00	632.00	MICHEL & MARGARET ETCHEVERRY FAMILY LP	Alfalfa	Pivot	125.00	I	367.65	N
21843	CER	SW	SW	15	21N	53E	Y	156.00	156.00	156.00	624.00	624.00	MORRISON, LLOYD AND BELINDA FAYE	Alfalfa	Pivot	126.00	I	370.59	N
21844	CER	SW	NW	15	21N	53E	Y	158.00	158.00	158.00	632.00	632.00	M & C HAY MORRISON TRUST DATED MARCH 26, 2016	Grass Hay	Pivot	126.00	I	355.76	N
21929	CER	SW	NW	28	21N	53E	Y	157.60	157.60	630.40	630.40	DIAMOND VALLEY RANCH, LLC	Alfalfa	Pivot	130.00	I	382.35	N	
21930	CER	SW	NE	27	21N	53E	Y	158.80	158.80	635.20	635.20	AMERICAN FIRST FEDERAL	Alfalfa	Pivot	126.00	I	370.59	N	
22194	CER	SE	SW	3	21N	53E	Y	134.00	134.00	536.00	536.00	BAILEY, TIMOTHY LEE AND CONSTANCE MARIE	Grass	Pivot	127.00	I	358.59	N	
22195	CER	SE	SE	3	21N	53E	Y	155.50	155.50	622.00	622.00	BAILEY, TIMOTHY LEE AND CONSTANCE MARIE	Grass Hay	Pivot	131.00	I	369.88	N	
22217	CER	SE	NE	20	20N	53E	Y	163.57	163.57	654.28	654.28	CONLEY LAND AND LIVESTOCK LLC	Alfalfa, Garrison	Pivot	145.10	I	417.11	N	
22316	CER	SW	SE	27	21N	53E	Y	157.20	157.20	628.80	628.80	AMERICAN FIRST FEDERAL	Alfalfa	Pivot	121.00	I	355.88	N	
22352	CER	SW	SE	19	22N	54E	Y	32.20	32.20	129.28	129.28	MARK MOYLE FARMS, LLC	None	None	0.00	F	0.00	N	
22353	CER	SW	NE	19	22N	54E	Y	158.00	158.00	632.00	632.00	MARK MOYLE FARMS, LLC	Grass Hay	Pivot	126.00	I	355.76	N	
22551	CER	SE	SW	36	21N	53E	Y	181.69	181.69	726.76	726.76	ALLEN, ROGER & JUDY	Alfalfa	Pivot	--	F	--	N	
22566	CER	SW	SE	8	21N	53E	Y	117.00	117.00	468.00	468.00	MILLER, LAVON AND KRISTI	Grass	Pivot	117.00	I	330.35	N	
22567	CER	SW	NE	8	21N	53E	Y	117.00	117.00	468.00	468.00	MILLER, LAVON AND KRISTI	Alfalfa	Pivot, Wheel Lines	117.00	I	344.12	N	
22648	CER	SW	NE	3	21N	53E	Y	285.08	285.08	1,140.32	1,140.32	BENSON, KENNETH F.	Alfalfa	Pivot, Wheel Lines	276.00	I	872.94	N	
22921	CER	SW	NW	3	21N	53E	Y	22648	285.08	1,140.32	1,140.32	BENSON, KENNETH F.	Alfalfa	Pivot, Wheel Lines	--	F	--	N	
22922	CER	SW	NE	2	21N	53E	Y	36321, 36322	119.64	161.59	478.57	633.94	BENSON, PATTI E. AND KENNETH F.	Alfalfa	Pivot	130.00	I	382.35	N
22982	CER	SW	NE	32	21N	53E	Y	315.20	315.20	1,260.80	1,260.80	AMERICAN FIRST FEDERAL	Alfalfa	Pivot	254.00	I	747.06	N	
23272	CER	SW	SW	22	22N	54E	Y	28641	160.00	320.00	640.00	1,280.00	BURNHAM FARMS, LLC	Alfalfa	Pivot	120.00	I	352.94	N
23462	CER	SW	SW	35	21N	53E	Y	21085, 23803	304.00	1,216.00	902.76	902.76	EUREKA COUNTY	Alfalfa	Pivot	--	F	--	N
23711	CER	SE	SW	21	20N	53E	Y	23738, 23739	225.69	225.69	902.76	902.76	EUREKA MOLLY, LLC	Alfalfa, Grass	Pivot	205.00	I	593.65	N
23738	CER	NW	SW	28	20N	53E	Y	23711, 23739	225.69	902.76	902.76	902.76	EUREKA MOLLY, LLC	Alfalfa, Grass	Pivot	--	F	--	N
23739	CER	SW	SW	22	20N	53E	Y	23711, 23738	225.69	902.76	902.76	902.76	EUREKA MOLLY, LLC	Alfalfa, Grass	Pivot	--	F	--	N
23803	CER	SW	SW	35	21N	53E	Y	21085, 23462	171.20	684.80	684.80	684.80	MILLER, ANTHONY	Alfalfa	Pivot	126.00	I	370.59	N
23893	CER	SW	SW	22	22N	54E	Y	19111	76.50	306.00	306.00	306.00	MILES, HAROLD R.	None	None	0.00	F	0.00	N
23918	CER	SW	NE	33	21HN	54E	Y	11.10	11.10	44.40	44.40	44.40	NORTON, WILLIAM H. JR.	None	None	0.00	F	0.00	N
24127	CER	SW	NE	10	21N	53E	Y	24128	320.00	1,280.00	1,280.00	1,280.00	CONAWAY, DALE R.	Alfalfa, Grass	Pivot	252.00	I	726.35	N
24128	CER	SW	SE	10	21N	53E	Y	24127	320.00	1,280.00	1,280.00	1,280.00	CONAWAY, DALE R.	Alfalfa, Grass	Pivot	--	F	--	N

App No	Status	QQ	Q	Sec	Twn	Rng	Sup	Supplemental Application Number	Permitted Acres	Supplementally Adjusted Permitted Acres	Permitted Duty Acre-Feet	Supplementally Adjusted Duty Acre-Feet	Owner of Record	Crop Type	Irrigation Method	Irrigated Acres	Average Estimation Method	Acre-Feet Pumped	Pumpage Estimation Method
24129	CER	SW	NW	10	21N	53E	Y	24130	310.20	310.20	1,240.80	1,240.80	MORRISON, ALBERTA J.	Alfalfa	Pivot	254.00	I	747.06	N
24130	CER	SW	SW	10	21N	53E	Y	24129	310.20	310.20	1,240.80	1,240.80	MORRISON, ALBERTA J.	Alfalfa	Pivot	--	F	--	N
24214	CER	SW	NW	17	20N	53E	Y	19191	156.25	156.25	624.99	624.99	ANDERSON, EDWARD B.	Grain	Pivot	128.00	I	301.18	N
24262	CER	SW	NW	9	21N	53E	Y	4	472.00	472.00	476.52	1,888.00	DIAMOND VALLEY HAY CO.	Alfalfa, Grass Hay	Pivot	472.00	I	476.52	N
24263	CER	NW	NE	9	21N	53E	Y	4	472.00	472.00	452.40	452.40	DIAMOND VALLEY HAY CO.	Alfalfa, Grass Hay	Pivot	--	F	452.40	N
24264	CER	SW	SE	9	21N	53E	Y	4	472.00	472.00	928.92	928.92	DIAMOND VALLEY HAY CO.	Alfalfa, Grass Hay	Pivot	--	F	445.43	N
24265	CER	SW	SW	9	21N	53E	Y	4	236.00	236.00	944.00	944.00	DIAMOND VALLEY HAY CO.	Alfalfa, Grass Hay	Pivot	--	F	--	N
24272	CER	SE	SW	8	21N	54E	Y	19218, 21561	160.00	160.00	640.00	640.00	BURNHAM FARMS, LLC	Alfalfa	Pivot	120.00	I	352.94	N
24378	CER	SW	LT04	21	20N	53E	Y	19218, 21561	74.70	74.70	298.80	298.80	COUNTY OF EUREKA	Grass	Pivot	55.13	I	155.66	N
24574	CER	SW	SW	8	21N	53E	Y	19378, 20000	170.17	170.17	680.68	680.68	MORRISON, D. LLOYD	Alfalfa	Pivot	124.00	I	364.71	N
24605	CER	NW	NE	34	21N	53E	Y	20088	308.00	308.00	1,232.00	1,232.00	MOYLE, DUSTY L.	Grass	Pivot	--	I	--	N
24606	CER	NW	SW	20	21N	53E	Y	20088	308.00	308.00	1,232.00	1,232.00	DIAMOND VALLEY RANCH, LLC	Alfalfa	Pivot	126.00	I	370.59	N
24607	CER	SE	SE	20	21N	53E	Y	20087	308.00	308.00	1,232.00	1,232.00	DIAMOND VALLEY RANCH, LLC	Alfalfa	Pivot	126.00	I	370.59	N
24609	CER	SE	NE	29	21N	53E	Y	19904, 78905	280.80	280.80	1,108.14	1,108.14	DIAMOND VALLEY RANCH, LLC	Alfalfa	Pivot	--	F	--	N
26437	CER	SE	SE	30	23N	54E	Y		127.20	127.20	508.80	508.80	ALLEN, ROGER B. & JUDY B.	Alfalfa	Pivot	125.00	I	367.65	N
26664	CER	SE	NE	24	21N	53E	Y		40.00	40.00	160.00	160.00	KEPHART, MARY A.	Alfalfa	Pivot	33.00	I	97.06	N
27976	CER	NE	SE	2	21N	53E	Y		126.12	126.12	504.48	504.48	MARSHALL FAMILY TRUST	Alfalfa	Pivot	126.00	I	370.59	N
28035	CER	SW	SE	6	21N	53E	Y	28036	50.39	50.39	201.56	478.56	BAILEY, CAROLYN	Grass Hay	Pivot	50.39	I	142.28	N
28036	CER	SW	SE	6	21N	53E	Y	28035	69.25	69.25	277.00	277.00	BAILEY, CAROLYN	Grass Hay	Pivot	69.25	I	195.53	N
28061	CER	NW	SE	8	21N	54E	Y	19760	125.60	125.60	502.40	502.40	BURNHAM FARMS, LLC	Alfalfa	Pivot	--	F	--	N
28061	CER	NW	SE	8	21N	54E	Y	19760	125.60	125.60	502.40	502.40	BURNHAM FARMS, LLC	Alfalfa	Pivot	--	F	--	N
28561	CER	NE	SW	33	22N	54E	Y	19563, 19971	125.08	125.08	500.32	500.32	PLASKETT, TOMMYE J.	Grass Hay	Pivot	--	F	--	N
28561	CER	NE	SW	33	22N	54E	Y	19563, 19971	125.08	125.08	500.32	500.32	PLASKETT, TOMMYE J.	Grass Hay	Pivot	--	F	--	N
28641	CER	SW	NW	32	22N	54E	Y	23272	160.00	160.00	640.00	640.00	BURNHAM FARMS, LLC	Alfalfa	Pivot	122.00	I	358.82	N
29278	CER	NW	NE	32	22N	54E	Y	70249	120.00	120.00	480.00	480.00	BURNHAM FARMS, LLC	Alfalfa, Grass Hay	Pivot	252.00	I	729.41	N
29405	CER	NE	NW	8	21N	53E	Y		147.83	147.83	591.32	591.32	MORRISON, D. LLOYD	Alfalfa	Pivot	126.00	F	370.59	N
29557	CER	SE	SE	20	23N	54E	Y		121.84	121.84	487.36	487.36	MOYLE, JAMES L. & N. JANE	Alfalfa	Pivot	121.84	I	358.35	N
29765	CER	SW	SE	18	20N	53E	Y	19192	313.20	313.20	1,252.80	1,252.80	HALPIN, SANDIE L.	Alfalfa	Pivot	124.00	I	364.71	N
29873	CER	SE	SW	32	23N	54E	Y	2	640.00	640.00	1,280.00	1,280.00	MOYLE, JAMES L.	Alfalfa	Pivot	126.00	I	370.59	N
29895	CER	SW	NE	33	22N	54E	Y	2	125.66	125.66	502.64	502.64	OLIVIERA, EGIDIO	Alfalfa	Pivot	124.00	I	364.71	N
30102	CER	SE	NW	32	23N	54E	Y	2	320.00	320.00	890.27	890.27	MOYLE, JAMES L.	Alfalfa	Pivot	--	F	--	N
30913	CER	SW	NE	29	23N	54E	Y		119.45	119.45	477.80	477.80	MOYLE, DUSTY L.	Alfalfa	Pivot	119.45	I	351.32	N
30927	CER	SE	SE	33	22N	54E	Y	30928	125.66	125.66	502.64	502.64	TROYER, JOHN AND LOUISE	Grass	Pivot	125.00	I	69.12	N
30928	CER	SE	SE	33	22N	54E	Y	30927	125.66	125.66	502.64	502.64	TROYER, JOHN AND LOUISE	Grass	Pivot	--	I	283.82	N
31062	CER	SW	SW	12	21N	53E	Y		138.42	138.42	553.68	553.68	RAND, JOSEPH L. AND ELLEN M.	Alfalfa	Pivot	128.00	I	376.47	N
31063	CER	SE	NW	12	21N	53E	Y		130.80	130.80	523.20	523.20	RAND, JOSEPH L. AND ELLEN M.	Alfalfa	Pivot	126.00	I	370.59	N
31108	CER	NE	NW	14	21N	53E	Y		135.36	135.36	541.44	541.44	MOYLE, DENISE L. AND HICKS, DEANNE M.	Alfalfa	Pivot	126.00	I	370.59	N
31110	CER	NE	SW	14	21N	53E	Y		135.36	135.36	541.44	541.44	MOYLE, DENISE L. AND HICKS, DEANNE M.	Alfalfa	Pivot	135.36	I	398.12	N
31111	CER	NE	NE	23	21N	53E	Y	18794	39.50	39.50	158.00	158.00	MOYLE, DENISE L. AND HICKS, DEANNE M.	Grass	Pivot	--	F	--	N
31113	CER	NE	NW	11	21N	53E	Y		133.40	133.40	533.60	533.60	MOYLE, DENISE L. AND HICKS, DEANNE M.	Alfalfa	Pivot	126.00	I	370.59	N
31114	CER	NE	SW	11	21N	53E	Y		134.40	134.40	537.60	537.60	MOYLE, DENISE L. AND HICKS, DEANNE M.	Alfalfa	Pivot	126.00	I	355.76	N
31454	CER	SE	SE	11	20N	53E	Y		130.00	130.00	520.00	520.00	HALPIN, JAYME L.	Grass	Pivot	127.00	I	358.59	N
31455	CER	SE	SW	11	20N	53E	Y	81004	128.03	128.03	512.12	563.20	HALPIN, JAYME L.	Alfalfa	Pivot	113.23	I	333.03	N
33018	CER	SE	NE	16	21N	53E	Y		120.00	120.00	480.00	480.00	MARTIN P. & KATHLEEN A. ETCHEVERRY TRUST & ETCHEVERRY, MARK T. & JENNIFER	Alfalfa	Pivot	120.00	I	352.94	N
33019	CER	SW	SE	16	21N	53E	Y		120.00	120.00	480.00	480.00	MARTIN P. & KATHLEEN A. ETCHEVERRY TRUST & ETCHEVERRY, MARK T. & JENNIFER	Alfalfa	Pivot	120.00	I	352.94	N
33668	CER	NW	NE	20	21N	54E	Y	33669	305.94	305.94	1,223.74	1,223.74	WISEHART, LARRY	Alfalfa	Pivot	126.00	I	370.59	N
33669	CER	SE	SE	20	21N	54E	Y	33668	305.94	305.94	1,223.74	1,223.74	WISEHART, LARRY	Alfalfa	Pivot	--	F	--	N
33670	CER	SW	SW	20	21N	54E	Y	33671	316.18	316.18	1,264.70	1,264.70	WISEHART, LARRY	Alfalfa	Pivot	125.00	I	367.65	N
33671	CER	NE	NW	20	21N	54E	Y	33670	316.18	316.18	1,264.70	1,264.70	WISEHART, LARRY	Alfalfa	Pivot	--	F	--	N
33817	CER	NE	NW	27	21N	53E	Y		127.90	127.90	511.60	511.60	BELL, SCOTT THOMAS AND KRISTINE LOUISE	Grass Hay	Pivot	126.00	I	355.76	N

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App No	Status	QQ	Q	Sec	Twn	Rng	Sup	Supplemental Application Number	Permitted Acres	Supplementally Adjusted Permitted Acres	Permitted Duty Acre-Feet	Supplementally Adjusted Duty Acre-Feet	Owner of Record	Crop Type	Irrigation Method	Irrigated Acres	Average Estimation Method	Acre-Feet Pumped	Pumpage Estimation Method
33818	CER	SW	SW	27	21N	53E			127.70	127.70	510.880	510.80	BELL, SCOTT THOMAS AND KRISTINE LOUISE	Grass Hay	Pivot	126.00	I	355.76	N
34561	CER	SE	SW	19	22N	54E			129.00	129.00	516.01	516.01	MARK MOYLE FARMS, LLC	Alfalfa	Pivot	124.00	I	364.71	N
34562	CER	SE	NW	19	22N	54E			124.87	124.87	499.48	499.48	MARK MOYLE FARMS, LLC	Grass	Pivot	124.87	I	352.57	N
34596	CER	SE	NE	7	21N	53E	Y	48225, 48226	237.10	237.10	501.82	948.40	M & C HAY MORRISON TRUST DATED MARCH 26, 2016	Alfalfa	Pivot	121.00	I	355.88	N
34939	CER	SE	SW	22	21N	54E	Y	48437	130.00	130.00	520.00	520.00	MARK MOYLE FARMS, LLC	Alfalfa	Pivot	126.00	I	370.59	N
34948	CER	NE	SW	1	21N	53E	Y		126.40	126.40	505.60	505.60	PLASKETT, TOMMYE J.	Alfalfa	Pivot	--	F	--	N
34950	CER	SE	NE	11	20N	53E	Y	18975	125.68	125.68	502.72	487.56	SESTANOVICH HAY & CATTLE LLC	Grass	Pivot	125.68	I	354.86	N
35009	CER	SW	NW	16	21N	53E	Y		121.89	121.89	487.56	487.56	BENSON, KENNETH F.	Alfalfa	Pivot	120.00	I	352.94	N
35012	CER	NE	SW	22	21N	53E	Y		127.90	127.90	511.60	511.60	GOLD STREET FARM, LLC	Alfalfa	Pivot	126.00	I	370.59	N
35013	CER	SE	SW	21	21N	53E	Y		136.66	136.66	546.64	546.64	MICHEL & MARGARET ETHEVERRY FAMILY LP	Alfalfa	Pivot	126.00	I	370.59	N
35374	CER	SW	SW	7	21N	53E	Y		27.11	27.11	108.44	108.44	DUBRAY, FERNO L. & CARRIE M.	Alfalfa	Pivot	24.00	I	70.59	N
35375	CER	SE	SE	7	21N	53E	Y		96.76	96.76	387.04	387.04	DUBRAY, FERNO L. & CARRIE M.	Alfalfa	Pivot	92.00	I	270.59	N
35418	CER		LT16	29	20N	53E	Y		1.00	1.00	4.00	4.00	RUBIO, DAVID M.	Grass	Sprinkler	1.00	F	3.20	N
36070	CER	SE	SE	32	23N	54E	Y		160.00	160.00	640.00	640.00	MOYLE, JAMES L.	Grass	Pivot	126.00	F	355.76	N
36321	CER	CE	LT01	2	21N	53E	Y	22922, 36322	161.59	161.59	304.01	304.01	BENSON, PATTI E. AND KENNETH F.	Alfalfa	Pivot	--	F	--	N
36322	CER	CE	LT01	2	21N	53E	Y	22922, 36321	119.59	119.59	153.38	153.38	BENSON, PATTI E. AND KENNETH F.	Alfalfa, Grass	Pivot	252.00	I	726.35	N
39156	CER	SE	NE	5	22N	54E	Y	55535	312.56	312.56	1,250.24	1,250.24	ETCHEGARAY, FRED L.	Alfalfa	Pivot	129.00	I	379.41	N
39552	CER	SE	SW	4	21N	53E	Y	39554	138.03	138.03	552.12	552.12	BENSON, CRAIG AND KATHRYN	Alfalfa	Pivot	125.00	I	352.94	N
39553	CER	SE	SE	4	21N	53E	Y	18981	135.81	135.81	543.24	543.24	BENSON, CRAIG AND KATHRYN	Grass Hay	Pivot	125.00	I	352.94	N
39554	CER	SE	SW	4	21N	53E	Y	39552	138.03	138.03	552.12	552.12	BENSON, CRAIG AND KATHRYN	Alfalfa	Pivot	--	F	--	N
40010	CER	SE	NE	32	21HN	54E	Y	40013	114.66	114.66	458.64	502.64	MILLER, LYNFORD & SUSAN	Alfalfa	Pivot	114.66	I	337.24	N
40011	CER	SW	NW	32	21HN	54E	Y	40014	27.40	27.40	108.59	501.59	BURNHAM FARMS, LLC	Alfalfa	Pivot	27.40	I	80.59	N
40013	CER	SE	NE	32	21HN	54E	Y	40010	11.00	11.00	44.00	44.00	MILLER, LYNFORD & SUSAN	Alfalfa	Pivot	11.00	I	32.35	N
40014	CER	SE	NW	30	21HN	54E	Y	40011	98.26	98.26	393.04	508.80	BURNHAM FARMS, LLC	Alfalfa	Pivot	98.26	I	289.00	N
40402	CER	SE	NW	30	23N	54E	Y		127.20	127.20	508.80	508.80	MOYLE, DUSTY L.	Grass	Pivot	127.20	I	359.15	N
41883	CER	LT07	28	20N	53E	Y	Y	41884	39.20	39.20	156.80	156.80	MILLER, OWEN J. AND CHERYL	Grass	Pivot	31.50	I	88.94	N
41884	CER	LT11	28	20N	53E	Y	Y	41883	39.20	39.20	156.80	156.80	MILLER, OWEN J. AND CHERYL	Grass	Pivot	--	F	--	N
42019	CER	SE	NW	4	21N	53E	Y	18978, 42020	121.90	121.90	455.24	455.24	BENSON FAMILY 2008 TRUST	Alfalfa	Pivot	--	F	--	N
42020	CER	SE	NW	4	21N	53E	Y	18978, 42019	121.90	121.90	455.24	455.24	BENSON FAMILY 2008 TRUST	Alfalfa	Pivot	--	F	--	N
42021	CER	SW	NE	15	21N	53E	Y	18999	137.20	137.20	548.80	548.80	M & C HAY MORRISON TRUST DATED MARCH 26, 2016	None	None	0.00	F	0.00	N
42367	CER	SE	NW	24	21N	53E	Y	5	120.00	120.00	40.00	480.00	KEPHART, MARI ALICE	Alfalfa	Pivot	126.00	I	40.00	N
42368	CER	SE	NW	24	21N	53E	Y	5	120.00	120.00	40.00	40.00	KEPHART, MARI ALICE	Alfalfa	Pivot	--	F	40.00	N
42369	CER	SE	NW	24	21N	53E	Y	5	120.00	120.00	120.00	120.00	KEPHART, MARI ALICE	Alfalfa	Pivot	--	F	120.00	N
42370	CER	SE	NW	24	21N	53E	Y	5	120.00	120.00	120.00	120.00	KEPHART, MARI ALICE	Alfalfa	Pivot	--	F	120.00	N
42891	CER	SE	NW	1	20N	53E	Y	6	107.61	107.61	141.77	430.44	MOLL, HOLLOD D. & VELMA M.	None	Pivot	0.00	I	0.00	N
43268	CER	NW	NE	18	22N	54E	Y	43270, 43836	250.00	250.00	782.10	1,000.00	MARK MOYLE FARMS, LLC	Grass Hay	Pivot	250.00	I	705.88	N
43269	CER	NW	NE	18	21N	53E	Y	7	130.00	130.00	76.80	520.00	BLANCO RANCH, LLC	Alfalfa	Pivot	126.00	I	76.80	N
43270	CER	NE	SW	18	22N	54E	Y	43268, 43836	250.00	250.00	629.38	2,080.00	MARK MOYLE FARMS, LLC	Grass Hay	Pivot	--	F	--	N
43271	CER	NW	NW	17	21N	53E	Y	8	520.00	520.00	525.62	2,080.00	BERG PROPERTIES CALIFORNIA, LLC	Alfalfa	Pivot	504.00	I	525.62	N
43272	CER	NW	NE	17	21N	53E	Y	8	520.00	520.00	525.62	525.62	BERG PROPERTIES CALIFORNIA, LLC	Alfalfa	Pivot	--	F	525.62	N
43273	CER	SW	SW	17	21N	53E	Y	8	520.00	520.00	514.39	514.39	BERG PROPERTIES CALIFORNIA, LLC	Alfalfa	Pivot	--	F	431.11	N
43274	CER	NW	SE	17	21N	53E	Y	8	520.00	520.00	514.39	514.39	BERG PROPERTIES CALIFORNIA, LLC	Alfalfa	Pivot	--	F	431.11	N
43397	CER	SE	SW	20	23N	54E	Y	8	160.00	160.00	640.00	640.00	MOYLE, JAMES L. & N. JANE	Grass	Pivot	125.00	F	352.94	N
43856	CER	NW	NE	18	22N	54E	Y	43268, 43270	250.00	250.00	1,000.00	1,000.00	MARK MOYLE FARMS, LLC	Grass Hay	Pivot	--	F	--	N
43837	CER	NW	NE	18	21N	53E	Y	7	130.00	130.00	111.99	111.99	BLANCO RANCH, LLC	Alfalfa	Pivot	--	F	111.99	N
43838	CER	NW	NE	18	21N	53E	Y	7	130.00	130.00	111.99	111.99	BLANCO RANCH, LLC	Alfalfa	Pivot	--	F	111.99	N
43839	CER	NW	NE	18	21N	53E	Y	7	130.00	130.00	109.62	109.62	BLANCO RANCH, LLC	Alfalfa	Pivot	--	F	69.81	N
43840	CER	NW	NE	18	21N	53E	Y	7	130.00	130.00	109.62	109.62	BLANCO RANCH, LLC	Alfalfa	Pivot	--	F	--	N
44451	CER	NE	NE	28	22N	54E	Y	44452	303.40	303.40	576.58	1,213.60	DONALD F. AND ELIZA M. PALMORE FAMILY TRUST	Alfalfa, Grass Hay	Flood	303.00	I	576.58	N
44452	CER	SE	NW	28	22N	54E	Y	44451	303.40	303.40	640.00	640.00	DONALD F. AND ELIZA M. PALMORE FAMILY TRUST	Alfalfa, Grass Hay	Flood	--	F	637.02	N
44604	CER	NE	SW	27	22N	54E	Y	9	125.70	125.70	137.36	502.80	LYNFORD & SUSAN MILLER REVOCABLE FAMILY TRUST	Alfalfa	Pivot	125.70	I	137.36	N
44605	CER	NE	SW	27	22N	54E	Y	9	125.70	125.70	137.36	137.36	LYNFORD & SUSAN MILLER REVOCABLE FAMILY TRUST	Alfalfa	Pivot	--	F	137.36	N

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44606	CER	NE	SW	27	22N	54E	Y	9	125.70		18.88		LYNFORD & SUSAN MILLER REVOCABLE FAMILY TRUST	Alfalfa	Pivot	--	F	18.88	N
44607	CER	NE	SW	27	22N	54E	Y	9	125.70		136.00		LYNFORD & SUSAN MILLER REVOCABLE FAMILY TRUST	Alfalfa	Pivot	--	F	76.11	N
44609	CER	NE	SW	27	22N	54E	Y	9	125.70		236.80		LYNFORD & SUSAN MILLER REVOCABLE FAMILY TRUST	Alfalfa	Pivot	--	F	--	N
44610	CER	NE	SW	27	22N	54E	Y	9	125.70		120.00		BURNHAM FARMS, LLC	Alfalfa	Pivot	--	F	--	N
44621	CER	SE	NW	36	21N	53E	Y	18621, 18622	206.29		82.5.16	632.00	ALLEN, ROGER & JUDY GROTH, DANIEL E.	Alfalfa, Grass	Pivot	130.00	F	382.35	N
46287	CER	NW	SW	2	21N	53E	Y		158.00		525.12		PLASKETT, TOMMYE J.	Alfalfa	Pivot	--	F	--	N
46348	CER	LT05	1	21N	53E		Y	3	131.28		576.00		MOYLE, DUSTY L.	Alfalfa	Pivot	--	F	--	N
46461	CER	SW	NW	29	23N	54E	Y		144.00		576.00		MOYLE, DUSTY L.	Alfalfa	Pivot	126.00	F	370.59	N
46505	CER	SW	NW	8	21N	54E	Y		127.60		510.40		BURNHAM FARMS, LLC	Alfalfa	Pivot	126.00	F	370.59	N
47518	CER	LT05	29	20N	53E		Y	10	317.54	317.54	504.24	1,270.16	ANDERSON, EDWARD B.	Alfalfa, Grain	Pivot	254.00	F	504.24	N
47519	CER	LT05	29	20N	53E		Y	10	317.54	317.54	278.40		ANDERSON, EDWARD B.	Alfalfa, Grain	Pivot	--	F	168.11	N
47520	CER	LT05	29	20N	53E		Y	10	317.54	317.54	638.72		ANDERSON, EDWARD B.	Alfalfa, Grain	Pivot	--	F	--	N
47521	CER	LT05	29	20N	53E		Y	10	317.54	317.54	168.24		ANDERSON, EDWARD B.	Alfalfa, Grain	Pivot	--	F	--	N
47591	CER	SW	NE	30	23N	54E	Y		127.20	127.20	508.80	508.80	ALLEN, ROGER B. & JUDY B.	Alfalfa	Pivot	126.00	F	370.59	N
48225	CER	SE	NW	7	21N	53E	Y	34596, 48226	120.58		482.30		M & C HAY MORRISON TRUST DATED MARCH 26, 2016	Alfalfa	Pivot	113.00	F	332.35	N
48226	CER	SE	NW	7	21N	53E	Y	34596, 48225	120.58		300.00		M & C HAY MORRISON TRUST DATED MARCH 26, 2016	Alfalfa	Pivot	--	F	--	N
48437	CER	SE	SW	22	22N	54E	Y	34939	130.00		272.80		MARK MOYLE FARMS, LLC	Alfalfa	Pivot	--	F	--	N
48871	CER	SE	NE	4	21N	54E	Y	11	213.20	213.20	296.50	852.70	GALLAGHER FARMS, LLC; A NEVADA LIMITED LIABILITY COMPANY	Alfalfa, Grass	Pivot	205.00	F	296.50	N
48872	CER	SE	NE	4	21N	54E	Y	11	213.20		327.10		GALLAGHER FARMS, LLC; A NEVADA LIMITED LIABILITY COMPANY	Alfalfa, Grass	Pivot	--	F	297.50	N
48948	CER	SE	SW	6	21N	53E	Y	55272	119.64	124.78	478.56	499.12	BAILEY, CAROLYN	Alfalfa	Pivot	119.64	F	351.88	N
49185	CER	SE	SW	29	23N	54E	Y		125.68	125.68	502.72	502.72	MOYLE, DUSTY L.	Alfalfa	Pivot	123.00	F	361.76	N
49188	CER	SE	SW	29	23N	54E	Y		125.68	125.68	502.72	502.72	MOYLE, DUSTY L.	Alfalfa	Pivot	125.68	F	369.65	N
49853	CER	SW	SW	7	21N	53E	Y	49854	29.63	29.63	118.52	118.52	DUBRAY, FERNO L. & CARRIE M.	None	None	0.00	F	0.00	N
49854	CER	LT08	7	21N	53E		Y	49853	29.63	29.63	118.52	118.52	DUBRAY, FERNO L. & CARRIE M.	None	None	0.00	F	0.00	N
50095	CER	SE	NW	30	23N	54E	Y		127.20	127.20	508.80	508.80	MOYLE, DUSTY L.	Alfalfa	Pivot	126.00	F	370.59	N
50581	CER	SE	NW	6	24N	53E	Y	13	275.01	275.01	249.66	1,100.04	SADLER RANCH, LLC	Pasture	Pivot	252.00	F	249.66	N
50582	CER	NW	SW	6	24N	53E	Y	13	275.01	275.01	1,100.04	1,100.04	SADLER RANCH, LLC	Pasture	Pivot	--	F	491.52	N
50650	CER	SW	NW	32	23N	54E	Y	2	160.00		640.00		MOYLE, JAMES L.	Alfalfa	Pivot	126.00	F	370.59	N
50962	CER	NW	NW	13	23N	52E	Y	14	75.30	118.30	129.20	473.20	KOBEH VALLEY RANCH LLC	None	None	0.00	F	0.00	N
50963	CER	NW	NW	13	23N	52E	Y	14	75.30	118.30	172.00	172.00	KOBEH VALLEY RANCH LLC	None	None	0.00	F	0.00	N
51647	CER	NE	SW	28	21N	53E	Y		144.70	144.70	578.80	578.80	GROTH, DANIEL E.	Alfalfa	Pivot	125.00	F	367.65	N
53872	CER	NE	SW	28	21N	53E	Y	14948	303.94		617.20		PALMORE FAMILY TRUST	Alfalfa	Flood	130.47	F	543.63	N
55535	CER	SE	SW	5	22N	54E	Y	39156	125.60		502.40		ETCHEGARAY, FRED L.	Alfalfa	Pivot	--	F	--	N
55727	CER	SE	SW	6	21N	53E	Y	48948	5.14		20.56		BAILEY, CAROLYN	Alfalfa	Pivot	5.14	F	15.12	N
56652	CER	SE	NW	24	21N	53E	Y	5	120.00		160.00		KEPHART, MARI A.	Alfalfa	Pivot	--	F	50.59	N
57835	PER	SE	SW	13	23N	52E	Y	15		78.23	155.48	312.92	KOBEH VALLEY RANCH LLC	None	None	0.00	F	0.00	N
57836	PER	SE	SW	13	23N	52E	Y	15			147.60		KOBEH VALLEY RANCH LLC	None	None	0.00	F	0.00	N
57838	CER	NW	NW	13	23N	52E	Y	14	118.30		172.00		KOBEH VALLEY RANCH LLC	None	None	0.00	F	0.00	N
57839	PER	SE	SW	13	23N	52E	Y	15		164.00	0.00		KOBEH VALLEY RANCH LLC	None	None	0.00	F	0.00	N
57840	PER	SE	SW	13	23N	52E	Y	15		164.00	0.00		KOBEH VALLEY RANCH LLC	None	None	0.00	F	0.00	N
63497	CER	SE	SW	36	24N	52E	Y	16	120.71	120.71	408.30	408.30	BAILEY FAMILY TRUST	Grass	Pivot	120.00	F	282.35	N
64630	CER	SE	NW	1	20N	53E	Y	6	107.61		288.67		MOLL, HOLLON D. & VELMA M.	Alfalfa	Pivot	--	F	--	N
64631	CER	SE	NW	1	20N	53E	Y	6	107.61		288.67		MOLL, HOLLON D. & VELMA M.	Alfalfa	Pivot	--	F	--	N
64632	CER	SE	NW	1	20N	53E	Y	6	107.61		71.71		MOLL, HOLLON D. & VELMA M.	Alfalfa	Pivot	--	F	--	N
64633	CER	SE	NW	1	20N	53E	Y	6	107.61		288.67		MOLL, HOLLON D. & VELMA M.	Alfalfa	Pivot	--	F	--	N
66062	PER	SE	SW	13	23N	52E	Y		75.77	75.77	303.08	303.08	KOBEH VALLEY RANCH LLC	None	None	0.00	F	--	N
67172	CER	SW	SW	34	21HN	54E	Y		123.77	123.77	495.07	495.07	MARK MOYLE FARMS, LLC	Alfalfa	Pivot	123.77	F	364.03	N
68923	PER	NW	NW	32	20N	53E	Y		60.50	60.50	242.00	242.00	EUREKA COUNTY	None	None	0.00	F	0.00	N
70249	PER	SE	SE	32	22N	54E	Y	29278	317.70	317.70	1,270.80	1,270.80	BURNHAM FARMS, LLC	Alfalfa, Grass	Pivot	--	F	--	N
70587	CER	NE	NW	4	21N	54E	Y	11	211.46		123.56		GALLAGHER FARMS, LLC; A NEVADA LIMITED LIABILITY COMPANY	Alfalfa, Grass	Pivot	--	F	--	N

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70588	CER	NE NW	4	21N	54E		Y	11	205.82		229.11		GALLAGHER FARMS, LLC; A NEVADA LIMITED LIABILITY COMPANY	Alfalfa, Grass Hay	Pivot	--	F	--	N
70940	CER	SW SE	19	22N	54E				125.68	125.68	502.72	502.72	MARK MOYLE FARMS, LLC	Alfalfa	Pivot	125.68	I	369.65	N
71748	CER	SE SE	8	22N	54E		Y	18242	126.70	126.70	506.80	506.80	FRED L. ETCHEGARAY AND JOHN J. ETCHEGARAY, A NEVADA PARTNERSHIP	Pasture	Pivot	128.00	I	376.47	N
72370	PER	SE	LT02	7	22N	54E			320.00	1,280.00	1,280.00	1,280.00	DENNIS L WEST & KIM KENNEDY WEST	Alfalfa	Pivot	--	F	--	N
73899	PER	SE SW	4	22N	54E				127.19	508.78	508.78	508.78	ANDERSEN, HARLOW B. & BONNIE G.	Grass	Pivot	126.00	I	355.76	N
76358	PER	NE NW	23	21N	53E				136.36	545.44	545.44	545.44	MOYLE, DENISE L. AND HICKS, DEANNE M.	Alfalfa	Pivot	126.00	I	370.59	N
77569	PER	NW SE	14	21N	53E		Y	81269	133.40	326.38	326.38	326.38	MOYLE, DENISE L. AND HICKS, DEANNE M.	Alfalfa	Pivot	126.00	I	370.59	N
77646	CER	SE SE	33	21HN	54E		Y	18	256.06	256.06	123.60	1,024.24	WILLIAM H NORTON	Alfalfa	Pivot	255.00	I	123.60	N
77666	PER	SE NW	27	23N	54E		Y	19	135.85	135.85	394.12	543.40	JOSEPH L RAND AND ELLEN M RAND REVOCABLE LIVING TRUST DATED MAY 9 1996	Alfalfa	Pivot	110.25	F	324.26	N
77695	CER	SE SE	33	21HN	54E		Y	18	256.06	256.06	469.92	469.92	WILLIAM H NORTON	Alfalfa	Pivot	--	F	469.92	N
77696	CER	SE SE	33	21HN	54E		Y	18	256.06	256.06	295.12	295.12	WILLIAM H NORTON	Alfalfa	Pivot	--	F	156.48	N
78062	PER	NW NE	14	21N	53E				157.00	157.00	628.00	628.00	MOYLE, DENISE L. AND HICKS, DEANNE M.	Alfalfa	Pivot	126.00	I	370.59	N
78447	PER	NW SE	12	21N	53E		Y	19965	158.00	158.00	632.00	632.00	RAND, JOSEPH L. AND ELLEN M.	Alfalfa	Pivot	--	F	--	N
78568	CER	NW NW	34	21HN	54E				81.95	81.95	327.80	327.80	MARK MOYLE FARMS, LLC	Alfalfa	Pivot	94.50	I	277.94	N
78771	PER	NW SE	4	20N	53E		Y	20	257.20	257.20	362.40	1,028.80	J.W.L. PROPERTIES, LLC	Alfalfa, Grass	Pivot	254.00	I	362.40	N
78772	PER	LT16	4	20N	53E		Y	20	257.20	257.20	128.00	128.00	J.W.L. PROPERTIES, LLC	Alfalfa, Grass	Pivot	--	F	128.00	N
78773	PER	LT16	4	20N	53E		Y	20	257.20	257.20	398.40	398.40	J.W.L. PROPERTIES, LLC	Alfalfa, Grass	Pivot	--	F	241.60	N
78774	PER	SW SE	4	20N	53E		Y	20	257.20	257.20	52.00	52.00	J.W.L. PROPERTIES, LLC	Alfalfa, Grass	Pivot	--	F	--	N
78775	PER	SW SE	4	20N	53E		Y	20	257.20	257.20	88.00	88.00	J.W.L. PROPERTIES, LLC	Alfalfa, Grass	Pivot	--	F	--	N
78905	PER	SW NE	28	21N	53E		Y	19904, 24609	274.80	1,099.20	1,099.20	1,099.20	DIAMOND VALLEY RANCH LLC	Alfalfa	Pivot	--	F	--	N
78906	PER	SW NE	28	21N	53E		Y		146.10	146.10	584.40	584.40	DIAMOND VALLEY RANCH LLC	Alfalfa	Pivot	126.00	F	370.59	N
80581	PER	SW NE	12	21N	53E		Y	19966	156.00	156.00	405.80	405.80	RAND, JOSEPH L AND ELLEN M	Alfalfa	Pivot	--	F	--	N
80717	CER	SW SE	32	21HN	54E		Y	21	78.00	155.00	136.00	620.00	NORTON, WILLIAM H JR AND PATRICIA A NORTON, WILLIAM H JR	Alfalfa	Pivot	--	F	--	N
80718	CER	SE SW	33	21HN	54E		Y	18	256.06	256.06	135.60	135.60	SESTANOVICH HAY & CATTLE LLC	Grass	Pivot	--	F	--	N
80780	PER	SE SE	10	20N	53E		Y	18988	160.00	160.00	640.00	640.00	SESTANOVICH HAY & CATTLE LLC	None	None	0.00	F	0.00	N
80781	PER	SE NE	10	20N	53E		Y	18989	160.00	160.00	640.00	640.00	SESTANOVICH HAY & CATTLE LLC	None	None	0.00	F	0.00	N
80879	CER	SW SE	32	21HN	54E		Y	21	77.00	77.00	249.52	249.52	NORTON, WILLIAM H JR AND PATRICIA A NORTON, WILLIAM H JR AND PATRICIA A	Alfalfa	Pivot	--	F	--	N
80880	CER	SW SE	32	21HN	54E		Y	21	78.00	78.00	87.28	87.28	NORTON, WILLIAM H JR AND PATRICIA A NORTON, WILLIAM H JR AND PATRICIA A	Alfalfa	Pivot	--	F	--	N
80881	CER	SW SE	32	21HN	54E		Y	21	155.00	155.00	103.20	103.20	NORTON, WILLIAM H JR AND PATRICIA A NORTON, WILLIAM H JR	Alfalfa	Pivot	151.02	I	444.18	N
80926	CER	SW SE	32	21HN	54E		Y	21	155.00	155.00	103.20	103.20	NORTON, WILLIAM H JR AND PATRICIA A NORTON, WILLIAM H JR	Alfalfa	Pivot	12.77	I	37.56	N
81004	PER	SE SW	11	20N	53E		Y	31455	12.77	12.77	51.08	51.08	HALPIN, JAYME L	Alfalfa	Pivot	--	F	--	N
81268	PER	SE NE	32	23N	54E		Y	2	640.00	640.00	1,280.00	1,280.00	MOYLE, JAMES L AND N JANE	Alfalfa	Pivot	--	F	--	N
81269	PER	NE SE	14	21N	53E		Y	77569	133.40	133.40	207.22	207.22	MOYLE, DENISE L AND HICKS, DEANNE M.	Alfalfa	Pivot	--	F	--	N
81650	PER	NE SE	21	20N	53E		Y		26.61	26.61	106.45	106.45	EUREKA MOLLY, LLC	None	None	0.00	F	0.00	N
81720	PER	NW SE	23	24N	52E		Y	22	525.00	525.00	975.00	975.00	SADLER RANCH, LLC	None	None	0.00	F	0.00	N
81825	PER	NE SE	3	23N	54E		Y	23	204.30	204.30	612.90	612.90	VENTURACCI, DANIEL S	Grain	Pivot	126.00	I	296.47	N
82572	PER	SE SE	3	23N	54E		Y	23	204.30	204.30	612.90	612.90	VENTURACCI, DANIEL S	Grain	Pivot	--	F	--	N
83567	PER	SE NW	27	23N	54E		Y	19	37.32	37.32	149.28	149.28	JOSEPH L RAND AND ELLEN M RAND REVOCABLE LIVING TRUST	Alfalfa	Pivot	--	F	--	N
83615	PER	NE NW	5	21N	54E		Y	1	158.00	158.00	189.36	189.36	J & T FARMS, LLC	Alfalfa	Pivot	126.00	I	370.59	N
83616	PER	NE SW	5	21N	54E		Y	1	136.00	136.00	544.00	544.00	J & T FARMS, LLC	Alfalfa	Pivot	126.00	I	370.59	N
83617	PER	SE NW	5	21N	54E		Y	1	158.00	158.00	442.64	442.64	J & T FARMS, LLC	Alfalfa	Pivot	--	F	--	N
83622	PER	SE SE	35	21N	53E				209.00	209.00	836.00	836.00	LC PROPERTIES	None	Flood	0.00	F	0.00	N
83623	PER	NE NE	35	21N	53E				100.50	100.50	402.00	402.00	LC PROPERTIES	None	None	0.00	F	0.00	N
85131	PER	NE SW	5	25N	53E		Y	12	305.92	305.92	33.20	932.25	RENNER, IRA R. & MONTIRA	Grass Hay Mix	Pivot	206.58	I	33.20	N
85132	PER	NE SW	5	25N	53E		Y	12	305.92	305.92	128.40	128.40	RENNER, IRA R. & MONTIRA	Grass Hay Mix	Pivot	--	F	128.40	N
85133	PER	SE NW	5	25N	53E		Y	12	305.92	305.92	128.40	128.40	RENNER, IRA R. & MONTIRA	Grass Hay Mix	Pivot	--	F	128.40	N
85134	PER	SE NW	5	25N	53E		Y	12	305.92	305.92	240.00	240.00	RENNER, IRA R. & MONTIRA	Grass Hay Mix	Pivot	--	F	59.97	N

App No	Status	QQ	Q	Sec	Twn	Rng	Sup	Supplemental Application Number	Permitted Acres	Supplementally Adjusted Permitted Acres	Permitted Duty Acre-Feet	Supplementally Adjusted Duty Acre-Feet	Owner of Record	Crop Type	Irrigation Method	Irrigated Acres	Acreage Estimation Method	Acre-Feet Pumped	Pumpage Estimation Method
85145	PER	NE	NW	24	24N	52E	Y	17	225.52	225.52	902.08	902.08	SADLER RANCH, LLC	Alfalfa	Pivot, Wheel Lines	225.52	F	702.32	N
86032	PER	SE	SE	11	21N	53E		86033, 86033, 86035, 86037	120.40	120.40	35.32	481.60	BENSON, KENNETH F. AND PATTI	Alfalfa	Pivot	120.40	F	35.32	N
86033	PER	SE	SE	11	21N	53E		86033, 86033, 86035, 86037	120.40	120.40	144.44	144.44	BENSON, KENNETH F. AND PATTI	Alfalfa	Pivot	--	F	144.44	N
86034	PER	SE	SE	11	21N	53E		86033, 86033, 86035, 86037	120.40	120.40	142.04	142.04	BENSON, KENNETH F. AND PATTI	Alfalfa	Pivot	--	F	142.04	N
86037	PER	SE	SE	11	21N	53E		86033, 86033, 86035, 86037	120.40	120.40	144.40	144.40	BENSON, KENNETH F. AND PATTI	Alfalfa	Pivot	--	F	32.32	N
86600	PER	NE	NW	24	24N	52E	Y	17	225.52	225.52	204.74	204.74	SADLER RANCH, LLC	Alfalfa	Pivot, Wheel Lines	0.00	F	0.00	N

Total Irrigated Acreage 25,124.41
Total Estimated Pumpage 73,496.56

Total Supplementally Adjusted Permitted/Certificated Acreage 32,702.19
Total Supplementally Adjusted Permitted/Certificated Duty 126,347.51

Footnotes:

- ¹ PERMITS 19014, 83615, 83616 AND 83617 HAVE A TOTAL COMBINED DUTY OF 1,816.00 AFA.
- ² PERMITS 19145, 29873, 30102, 36070, 50650 AND 81268 HAVE A TOTAL COMBINED DUTY OF 2,560.00 AFA.
- ³ PERMITS 19972, 19973, 34948 AND 46348 HAVE A TOTAL COMBINED DUTY OF 1,281.32 AFA.
- ⁴ PERMITS 24262, 24263, 24264 AND 24265 HAVE A TOTAL COMBINED DUTY OF 1,888.00 AFA.
- ⁵ PERMITS 42367, 42368, 42369, 42370 AND 56657 HAVE A TOTAL COMBINED DUTY OF 480.00 AFA.
- ⁶ PERMITS 42891, 64630, 64631, 64632 AND 64633 HAVE A TOTAL COMBINED DUTY OF 430.44 AFA.
- ⁷ PERMITS 43269, 43837, 43838, 43839 AND 43840 HAVE A TOTAL COMBINED DUTY OF 520.00 AFA.
- ⁸ PERMITS 43271, 43272, 43273 AND 43274 HAVE A TOTAL COMBINED DUTY OF 2,080.00 AFA.
- ⁹ PERMITS 44604, 44605, 44606, 44607, 44609 AND 44610 HAVE A TOTAL COMBINED DUTY OF 502.00 AFA.
- ¹⁰ PERMITS 47518, 47519, 47520 AND 47521 HAVE A TOTAL COMBINED DUTY OF 1,270.16 AFA.
- ¹¹ PERMITS 48871, 48872, 70587 AND 70588 HAVE A TOTAL COMBINED DUTY OF 852.7 AFA.
- ¹² PERMIT 50075 CERTIFICATE 12333 (SPRING NO. 8); PERMITS 85131, 85132, 85133 AND 85134 AND CLAIM OF VESTED RIGHT V0432 HAVE A TOTAL COMBINED DUTY OF 932.25 AFA FOR THE IRRIGATION OF 320.27 ACRES OF WHICH 24.77 ACRES REMAIN AS STAND ALONE UNDERGROUND RIGHTS. PERMITS 85131, 85132, 85133 AND 85134 MAY ALSO BE SUPPLEMENTAL TO PERMIT 57920, CERTIFICATE 11890 (SPRING #6); PERMIT 37922, CERTIFICATE 11891 (SPRING #7); AND CLAIMS OF VESTED RIGHT V10884 (SPRING NO. 6), V10885 (SPRING NO. 7) AND V10886 (SPRING NO. 8).
- ¹³ PERMITS 50581 AND 50582 HAVE A TOTAL COMBINED DUTY OF 1,100.04 AFA FOR THE IRRIGATION OF 275.01 ACRES. THESE PERMITS MAY BE SUPPLEMENTAL TO THE WATERS OF EVA SPRING UNDER PERMIT 7247, CERTIFICATE 1195 AND CLAIM OF VESTED RIGHT V0268 AND JAMES WHITE SPRING UNDER PERMIT 6254, CERTIFICATE 1409.
- ¹⁴ PERMITS 50962, 50963 AND 57838 HAVE A TOTAL COMBINED DUTY OF 473.2 AFA FOR THE IRRIGATION OF 118.3 ACRES. PERMITS 50962, 50963 AND 57838 AND CLAIM OF VESTED RIGHT V04476 (ROMANO SPR #2) HAVE A TOTAL COMBINED DUTY OF 489.16 AFA FOR THE IRRIGATION OF 122.29 ACRES OF WHICH 80.16 ACRES ARE SUPPLEMENTAL. PERMIT 57838 MAY BE SUPPLEMENTAL TO THE WATERS OF ROMANO SPR #1 UNDER CLAIM OF VESTED RIGHT V04479, SPRING NO. 4A UNDER CLAIM OF VESTED RIGHT V10916 AND SPRING AND RESERVOIR NO.2 UNDER CLAIM OF VESTED RIGHT V10917.
- ¹⁵ PERMITS 57835, 57836, 57839 AND 57840 HAVE A TOTAL COMBINED DUTY OF 312.92 AFA.
- ¹⁶ PERMIT 63497 IS COMPLETELY SUPPLEMENTAL TO THE WATERS OF BAILEY SPRING UNDER CLAIM OF VESTED RIGHT V0104.
- ¹⁷ PERMITS 85145 AND 86600 HAVE A TOTAL COMBINED DUTY OF 902.08 AFA FOR THE IRRIGATION OF 225.52 ACRES AND MAY BE SUPPLEMENTAL TO THE WATERS OF BIG SHIPLEY SPRINGS UNDER PERMIT 82268 AND CLAIM OF VESTED RIGHT V03289 AND SHIPLEY SPRINGS #2 UNDER CLAIM OF VESTED RIGHT V10918.
- ¹⁸ PERMITS 77646, 77695, 77696 AND 80718 HAVE A TOTAL COMBINED DUTY OF 1,024.24 AFA.
- ¹⁹ PERMITS 77666 AND 83567 HAVE A TOTAL COMBINED DUTY OF 543.40 AFA FOR THE IRRIGATION OF 135.85 ACRES AND ARE PARTIALLY SUPPLEMENTAL TO THE WATERS OF UNNAMED SPRINGS UNDER CLAIM OF VESTED RIGHT V01137.

App No	Status	QQ	Q	Sec	Twn	Rng	Sup	Supplemental Application Number	Permitted Acres	Supplementally Adjusted Permitted Acres	Permitted Duty Acre-Feet	Supplementally Adjusted Duty Acre-Feet	Owner of Record	Crop Type	Irrigation Method	Irrigated Acres	Average Estimation Method	Acre-Feet Pumped	Pumpage Estimation Method
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²⁰ PERMITS 78771, 78772, 78773, 78774 AND 78775 HAVE A TOTAL COMBINED DUTY OF 1,028.8 AFA.

²¹ PERMITS 80717, 80879, 80880, 80881 AND 80926 HAVE A TOTAL COMBINED DUTY OF 620.00 AFA.

²² PERMIT 81720 IS COMPLETELY SUPPLEMENTAL TO THE WATERS OF BIG SHIPLEY SPRINGS UNDER PERMIT 82268 AND SHIPLEY SPRINGS #2 UNDER CLAIM OF VESTED RIGHT V10918. THE TOTAL COMBINED DUTY UNDER PERMIT 4273, CERTIFICATE 964 (BIG SHIPLEY SPRINGS) AND PERMITS 81720 AND 82268 (BIG SHIPLEY SPRINGS) SHALL NOT EXCEED 2,918.7 AFA.

²³ PERMITS 81825 AND 82572 HAVE A TOTAL COMBINED DUTY OF 612.9 AFA. PERMIT 81825 IS COMPLETELY SUPPLEMENTAL TO THE WATERS OF TAFI SPRINGS UNDER CLAIM OF VESTED RIGHT V0115. PERMIT 82572 IS COMPLETELY SUPPLEMENTAL TO THE WATERS OF HORSE CANYON UNDER CLAIM OF VESTED RIGHT V0114.



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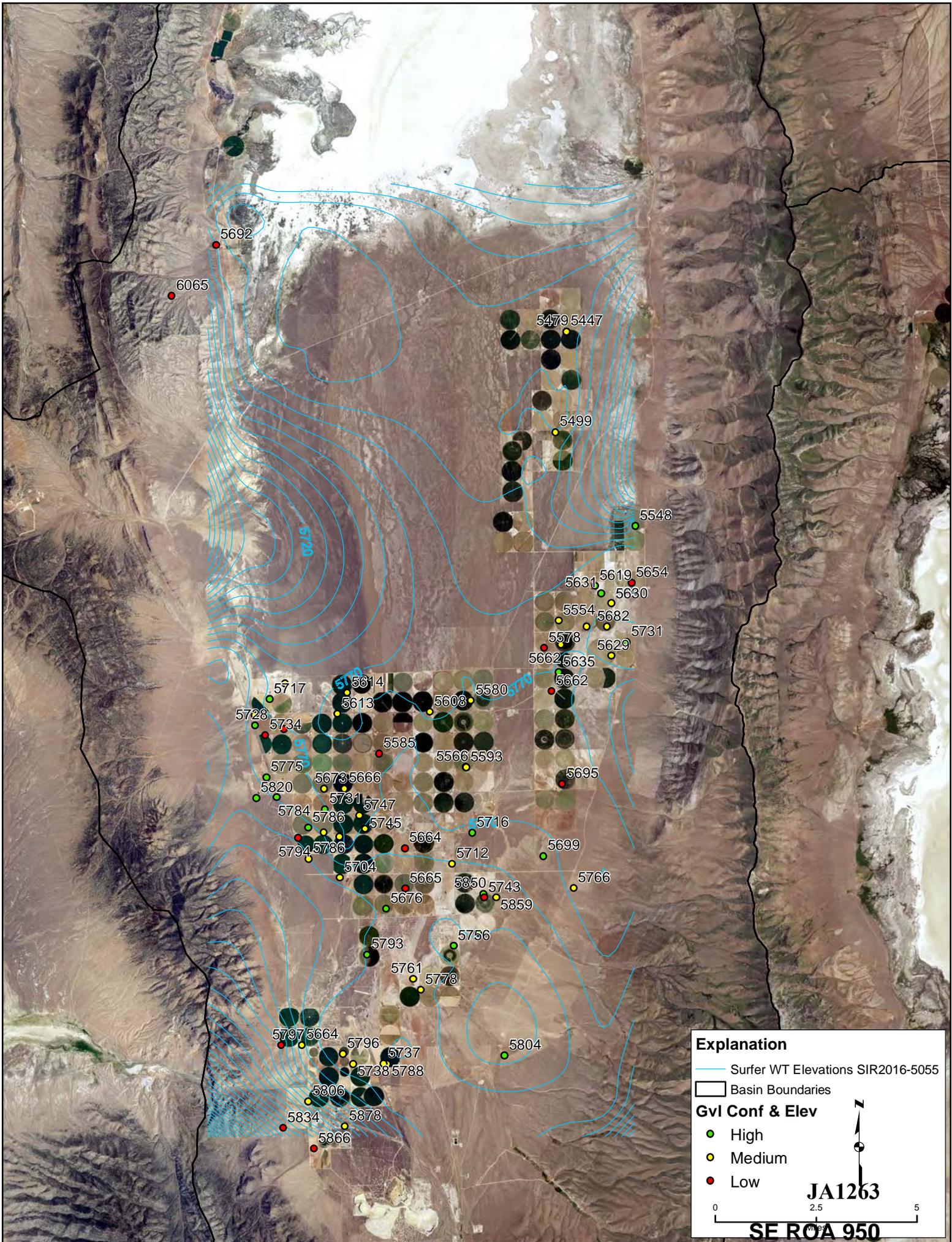
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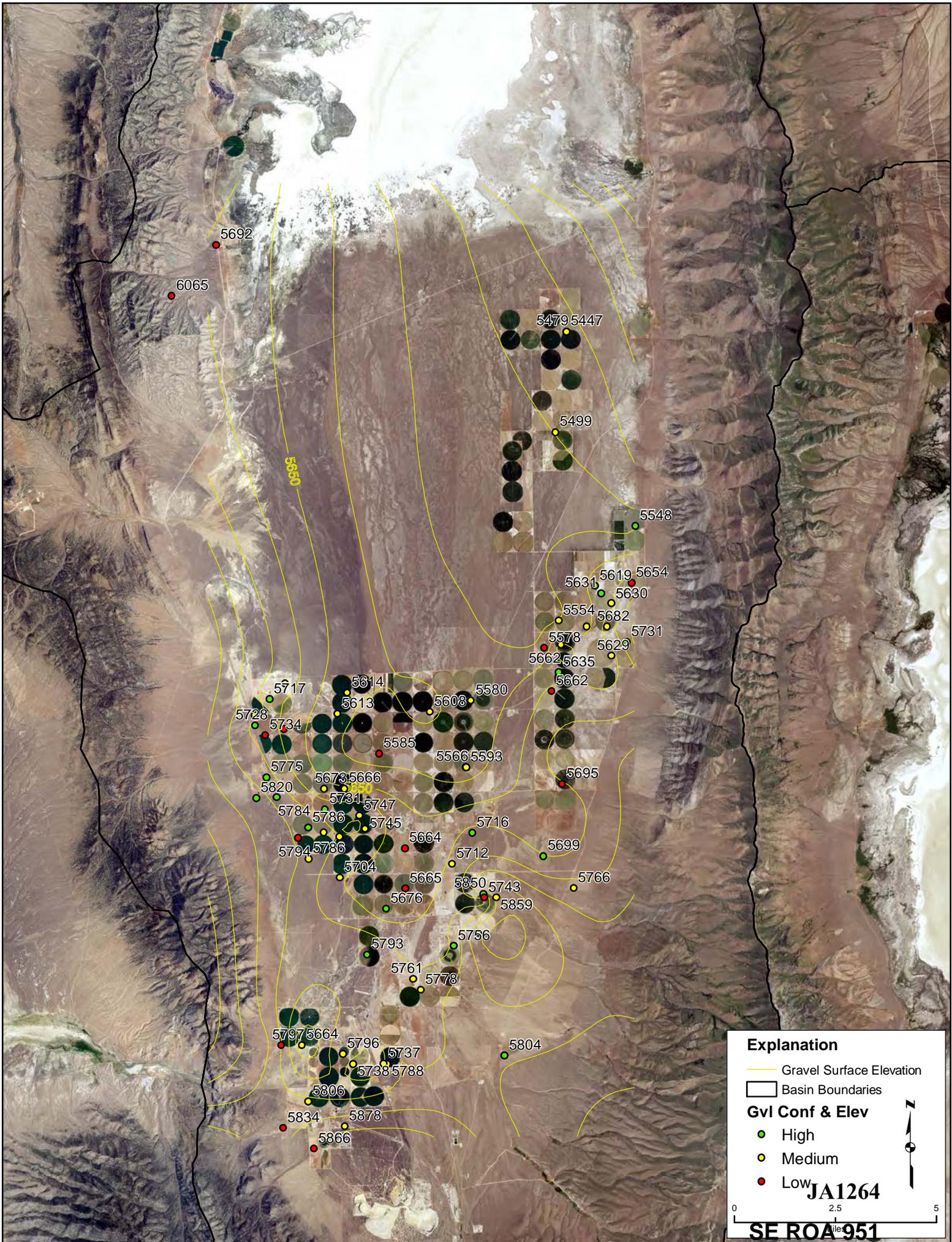
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Explanation

— Gravel Surface Elevation

▭ Basin Boundaries

Gwl Conf & Elev

● High

● Medium

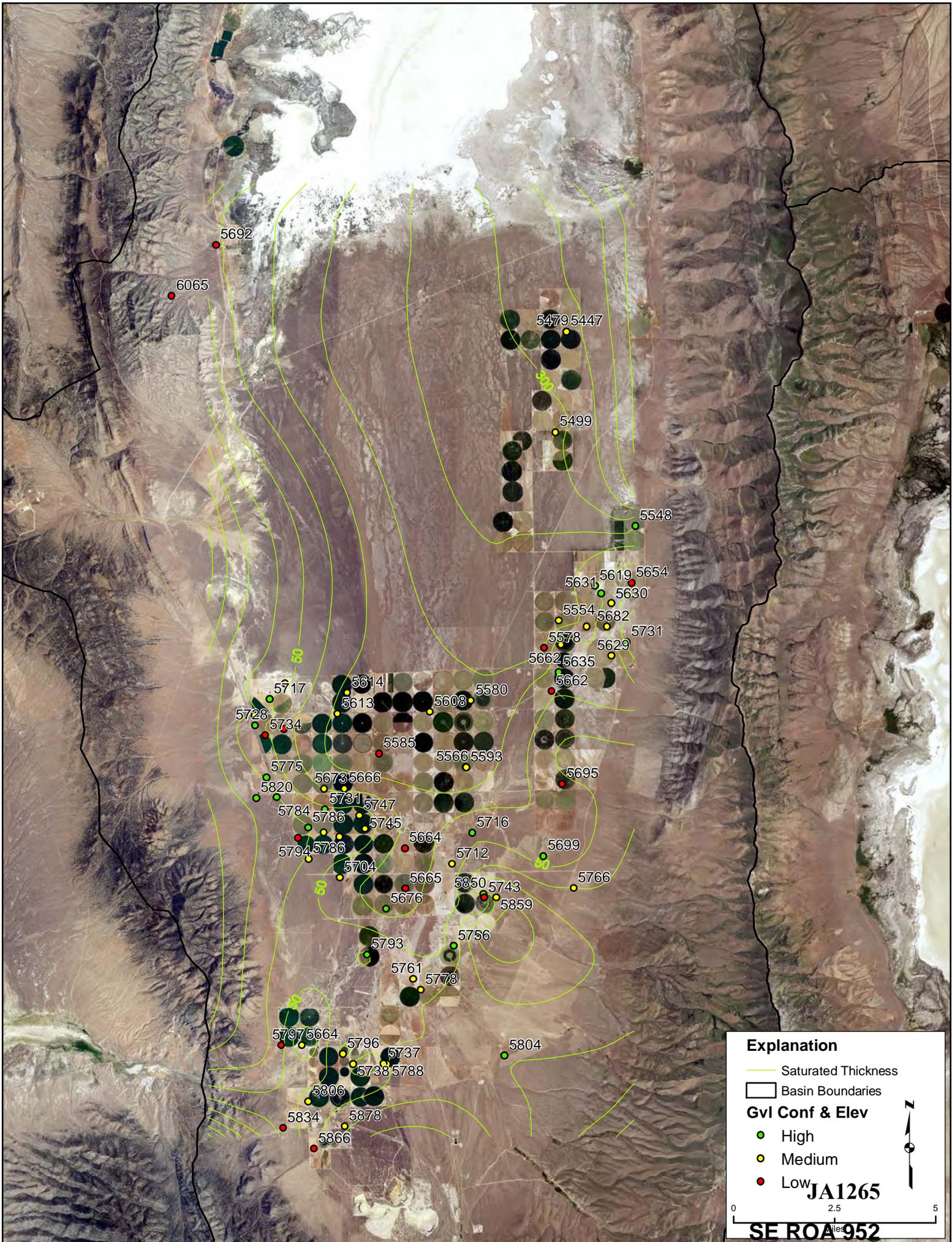
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JUN 11 2019

By *Eureka County Clerk*
[Signature]

Case No. CV-1902-348 consolidated with case nos.
CV-1902-349 and CV-1902-350

Dept No. 2

**IN THE SEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF
NEVADA, IN AND FOR THE COUNTY OF EUREKA**

TIMOTHY LEE BAILEY and
CONSTANCE MARIE BAILEY; FRED
BAILEY and CAROLYN BAILEY; IRA
R.RENNER, an individual, and
MONTIRA RENNER, an individual;
SADLER RANCH, LLC; and DANIEL S.
VENTURACCI,

Petitioners,

vs.

TIM WILSON, P.E., Nevada State
Engineer, DIVISION OF WATER
RESOURCES, DEPARTMENT OF
CONSERVATION AND NATURAL
RESOURCES,

Respondent,

EUREKA COUNTY; DNRPCA
INTERVENORS,

Interveners.

**ORDER FOLLOWING
TELEPHONE STATUS CONFERENCE
HELD JUNE 4, 2019**

On June 4, 2019, the court held a telephone conference with counsel of record to discuss providing notice of the proceedings, including the form and contents of the notice, the briefing schedule, and the oral argument hearing date. Appearing at the telephone conference were David H Rigdon, Esq., representing Sadler Ranch, Venturacci,

SEVENTH JUDICIAL DISTRICT COURT
GARY D. FAIRMAN
DISTRICT JUDGE
DEPARTMENT 2
WHITE PINE, LINCOLN AND EUREKA COUNTIES
STATE OF NEVADA





1 and the Renners, Don Springmeyer, Esq., and Christopher W. Mixon, Esq., representing
2 the Baileys, Tori N. Sundheim, Esq., representing the State Engineer, Karen A. Peterson,
3 Esq., representing Eureka County, and Debbie Leonard, Esq. representing the DNRPCA
4 intervenors.¹

5 All counsel agreed, and the court approves, that notice be given by certified or
6 registered mail.² All counsel further agreed the list identified as appendix F attached to the
7 GMP submitted to the State Engineer³ ("the list") are real parties in interest under NRCP
8 24(a)(2) as holders of water rights in Diamond Valley that may be affected in this litigation
9 all of whom shall receive a notice of this proceeding.

10 The notice shall advise all persons or entities seeking intervention (1) that all
11 motions to intervene shall be filed on or before August 1, 2019, (2) all motions to intervene
12 filed by persons or entities on the list shall be considered timely and granted intervention
13 as a matter of right if filed on or before August 1, 2019, and all motions to intervene after
14 filed August 1, 2019, are subject to NRCP 24.

15 The court finds that petitioners shall have 45 days from August 1, 2019, to file their
16 opening briefs, respondents shall have 30 days to file their answering briefs, and
17 petitioners shall have 30 days to file their reply briefs.

18 Good cause appearing,

19 IT IS HEREBY ORDERED that petitioners shall give notice of the filing of the
20 petitions for judicial review of State Engineer's order #1302 granting petition to adopt a
21 groundwater management plan for the Diamond Valley Hydrographic Basin (07-153),
22 Eureka County, Nevada.

23 ¹The court signed the DNRPCA intervenors' order granting motion to intervene on May
24 29, 2019.

25 ²NRS 534.040(4), NRS 533.450(3).

26 ³Ex. 1 to DCRPCA intervenors' motion to intervene filed May 13, 2019.



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IT IS HEREBY FURTHER ORDERED that petitioners shall mail all notices on or before June 27, 2019, to the persons/entities on the list identified as appendix F attached to the GMP submitted to the State Engineer and to any other water rights holders whose names and addresses are provided to petitioners' counsel on or before June 25, 2019.

IT IS HEREBY FURTHER ORDERED that all persons/entities on the list who file a motion to intervene on or before August 1, 2019, shall be granted intervention as a matter of right.

IT IS HEREBY FURTHER ORDERED that petitioners shall file their opening briefs on or before September 16, 2019; respondents shall file their answering briefs on or before October 16, 2019 ; petitioners shall file their reply briefs on or before November 12, 2019.

IT IS HEREBY FURTHER ORDERED that oral arguments shall be held on December 10, 11, 12, 2019, commencing at 10:00 a.m. on the first day, at the Eureka Opera House, Eureka, Nevada.

IT IS HEREBY FURTHER ORDERED that petitioners, Sadler Ranch and Daniel S. Venturacci, shall arrange to have a court reporter for the hearing and all parties shall equally pay for the court reporter expenses.

DATED this 11th day of June, 2019.


DISTRICT JUDGE

1 Case No. CV1902-348 (consolidated with Case Nos. CV1902-349 and CV-1902-350)

2 Dept. No. 2

NO. _____ FILED

3
4 JUN 14 2019

5 By *[Signature]* Eureka County Clerk

6 **IN THE SEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**

7 **IN AND FOR THE COUNTY OF EUREKA**

8
9 TIMOTHY LEE & CONSTANCE MARIE
10 BAILEY; FRED & CAROLYN BAILEY; IRA R.
11 & MONTIRA RENNER; SADLER RANCH,
12 LLC; and DANIEL S. VENTURACCI,

12 Petitioners,

13 vs.

14 TIM WILSON, P.E., Nevada State Engineer,
15 DIVISION OF WATER RESOURCES,
16 DEPARTMENT OF CONSERVATION AND
17 NATURAL RESOURCES,

17 Respondent.

18
19 **NOTICE OF WITHDRAWAL OF PETITIONER DANIEL S. VENTURACCI**

20 PLEASE TAKE NOTICE that Petitioner, DANIEL S. VENTURACCI, by and through his
21 counsel, PAUL G. TAGGART, ESQ. and DAVID H. RIGDON, ESQ., of the law firm of TAGGART
22 & TAGGART, LTD., hereby WITHDRAWS from the Petition for Judicial Review jointly filed by
23 DANIEL S. VENTURACCI and SADLER RANCH, LLC on February 11, 2019. SADLER RANCH,
24 LLC will remain a party to this litigation under said Petition.

25
26 **RECEIVED**

27 **JUN 14 2019**

28 **Eureka County Clerk**

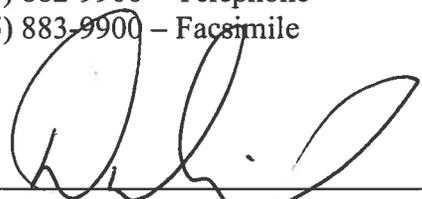
Taggart & Taggart, Ltd.
108 North Minnesota Street
Carson City, Nevada 89703
(775)882-9900 - Telephone
(775)883-9900 - Facsimile

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding document does not contain the social security number of any person.

DATED this 10th day of June, 2019.

TAGGART & TAGGART, LTD.
108 North Minnesota Street
Carson City, Nevada 89703
(775) 882-9900 – Telephone
(775) 883-9900 – Facsimile

By: 

PAUL G. TAGGART, ESQ.
Nevada State Bar No. 6136
DAVID H. RIGDON, ESQ.
Nevada State Bar No. 13567
TIMOTHY D. O'CONNOR, ESQ.
Nevada State Bar No. 14098

Taggart & Taggart, Ltd.
108 North Minnesota Street
Carson City, Nevada 89703
(775) 882-9900 – Telephone
(775) 883-9900 – Facsimile

CERTIFICATE OF SERVICE

Pursuant to NRC P 5(b), I hereby certify that I am an employee of TAGGART & TAGGART, LTD., and that on this day, I served, or caused to be served, a true and correct copy of the foregoing document, which applies to Case Nos. CV1902-348, -349, and -350, as follows:

[X] By **ELECTRONIC SERVICE**, addressed as follows:

Tori N. Sundheim, Esq.
Nevada Attorney General's Office
tsundheim@ag.nv.gov

Don Springmeyer, Esq.
Christopher W. Mixson, Esq.
Wolf, Rifkin, Shapiro, Schulman & Rabkin, LLP
dspringmeyer@wrslawyers.com
cmixson@wrslawyers.com

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[X] By **UNITED STATES POSTAL SERVICE**, by depositing for mailing in the United States Mail, with postage prepaid, an envelope containing the above-identified document, at Carson City, Nevada, in the ordinary course of business, addressed as follows:

The Honorable Gary D. Fairman
801 Clark Street, Suite 7
Ely, Nevada 89301

DATED this 10th day of June, 2019.



Employee of TAGGART & TAGGART, LTD.

Taggart & Taggart, Ltd.
108 North Minnesota Street
Carson City, Nevada 89703
(775)882-9900 - Telephone
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NO. _____ FILED

JUN 20 2019

By SKH Eureka County Clerk

1 Case No. CV-1902-348
2 (consolidated with Case Nos.
3 CV-1902-349 and CV-1902-350)
4
5
6
7 Dept. No. 2

8 **IN THE SEVENTH JUDICIAL DISTRICT COURT**
9 **OF THE STATE OF NEVADA IN AND FOR**
10 **THE COUNTY OF EUREKA**

11 TIMOTHY LEE BAILEY and
12 CONSTANCE MARIE BAILEY; FRED
13 BAILEY and CAROLYN BAILEY; IRA
14 R. RENNER, an individual, and
15 MONTIRA RENNER, an individual;
16 SADLER RANCH, LLC; and DANIEL S.
17 VENTURACCI,

18 Petitioners,

19 vs.

20 TIM WILSON, P.E., Nevada State
21 Engineer, DIVISION OF WATER
22 RESOURCES, DEPARTMENT OF
23 CONSERVATION AND NATURAL
24 RESOURCES,

25 Respondent.

26 EUREKA COUNTY; DNRPCA
27 INTERVENORS,

28 Intervenors.

**EUREKA COUNTY'S JOINDER TO STATE ENGINEER'S
MOTION IN LIMINE**

EUREKA COUNTY, by and through its counsel of record, ALLISON MacKENZIE, LTD. and THEODORE BEUTEL, ESQ., EUREKA COUNTY DISTRICT ATTORNEY, hereby joins in the State Engineer's Motion in Limine,

ALLISON MacKENZIE, LTD.
402 North Division Street, P.O. Box 646, Carson City, NV 89702
Telephone: (775) 687-0202 Fax: (775) 882-7918
E-Mail Address: law@allisonmackenzie.com

1 dated June 7, 2019. EUREKA COUNTY adds the following to the arguments of the
2 State Engineer.

3 EUREKA COUNTY notes the information requested in Items Nos. 3-12 of
4 Exhibit 2 are references contained in the documents included as Appendix C to the
5 Diamond Valley Groundwater Management Plan (“GMP”). Appendix C contains a
6 list of GMP workshops held and a summary of actions taken toward development of a
7 GMP by the meeting attendees, including meeting reminders, sign-in sheets, meeting
8 notes, outlines, etc. SE ROA 277-475. The information provided in Appendix C to
9 the GMP was prepared by the GMP attendees for their purposes in developing a GMP.
10 It was not prepared by the State Engineer for his purposes of approving the GMP. For
11 example, water right holders in attendance at a meeting in the GMP process were
12 apprised of background information concerning the Diamond Valley Hydrographic
13 Basin. Any references to background information was for purposes of accurately
14 stating the GMP minutes or meeting notes, not as independent documents to be
15 included as part of the GMP. As another example, if there were drafts of documents
16 attached to an email, all recipients of the email, including Petitioners, received copies
17 of the drafts. The purpose of Appendix C was to show the State Engineer the process
18 used and actions taken by the GMP attendees to develop the GMP. SE ROA 226-227.
19 Appendix C documents the many years of formal meetings and opportunities for
20 participation for those affected by the GMP.

21 If Petitioners had wanted additional information submitted as part of Appendix
22 C to the State Engineer as part of the GMP, they should have asked the Groundwater
23 Management Plan Advisory Board to include the information as part of Appendix C to
24 the GMP. Alternatively, Petitioners could have submitted that documentation
25 themselves to the State Engineer during the public hearing on October 30, 2018 or the
26 written comment period. SE ROA 536-39, 658-59, 723-26 (Bailey); 596-641, 660-79
27 (Sadler); and 593 (Renner).

ALLISON MacKENZIE, LTD.
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EUREKA COUNTY intends to file any reply it deems necessary in support of the State Engineer's motion after its reviews the responses of Petitioners.

AFFIRMATION

The undersigned hereby affirms that this document DOES NOT contain a social security number.

DATED this 20th day of June, 2019.

KAREN A. PETERSON, ESQ.
Nevada State Bar No. 0366
ALLISON MacKENZIE, LTD.
402 North Division Street
Carson City, Nevada 89703

~ and ~

EUREKA COUNTY DISTRICT ATTORNEY
701 South Main Street
Post Office Box 190
Eureka, Nevada 89316

BY:



THEODORE BEUTEL, ESQ.
Nevada State Bar No. 5222

Attorneys for EUREKA COUNTY

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1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCP Rule 5(b), I hereby certify that I am an employee of
3 ALLISON MacKENZIE, LTD., Attorneys at Law, **this document applies to Case**
4 **Nos. CV1902-348; -349; and -350;** and that on this date, I caused the foregoing
5 document to be served to all parties to this action by:

6 Electronic transmission

7
8 Paul G. Taggart, Esq.
9 David H. Rigdon, Esq.
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21 Placing a true copy thereof in a sealed postage prepaid envelope, in the
22 United States Mail in Carson City, Nevada [NRCP 5(b)(2)(B)]

23 **Courtesy Copy to Chambers:**

24 Hon. Gary D. Fairman
25 Department Two
26 P.O. Box 151629
27 Ely, NV 89315

28 DATED this 20th day of June, 2019.


NANCY FONTENOT

1 seeking a ruling on the admissibility of evidence shall be filed and served at least 15 days prior to
2 the first day of trial”); NRS 47.060(1) (“Preliminary questions concerning the qualification of a
3 person to be a witness, the existence of a privilege or the admissibility of evidence shall be
4 determined by the judge”); *see also Palmerin v. Riverside*, 794 F.2d 1409, 1413 (9th Cir.
5 1986)(“District judges should encourage counsel to bring motions in limine on evidentiary
6 questions. This will prevent disruptions at trial which could render the proceedings incoherent to
7 the jurors.”) (quoting *Judge’s Manual for the Management of Complex Criminal Jury Cases* § 2.2
8 (1982)); *see generally* Jennifer M. Miller, *To Argue Is Human, to Exclude, Divine: The Role of*
9 *Motions in Limine and the Importance of Preserving the Record on Appeal*, 32 Am. J. Trial
10 Advoc. 541, 547 (Spring 2009).

11 However, where there is no jury, such as the instant judicial review proceeding, there can
12 be no prejudice to the jury, and therefore the policy and purposes of motions in limine do not
13 apply. Put differently: this Court cannot be prejudiced merely by considering whether to allow the
14 parties to reference evidence that the State Engineer refused to include in the formal record on
15 appeal. The prejudicial effect of evidence is not a concern when there is no jury to whom the
16 evidence would be presented.

17 Here, because this is not a trial, and because there is no jury, and because this Court will
18 not be prejudiced or confused by considerations of evidence in support of the parties’ arguments, a
19 motion in limine is an improper vehicle by which to exclude evidence or preclude consideration of
20 additional documents or evidence not included in the State Engineer’s record on appeal.

21 Indeed, counsel’s survey of the cases and literature reveals not one instance of a motion in
22 limine being used or discussed outside of the pre-jury trial context.

23 **2. The State Engineer’s Gamesmanship is in Contravention of the Process Established**
24 **by the Court’s April 25, 2019 Order.**

25 After convening an early case status conference and hearing from the counsel for the
26 parties, the Court issued a procedural order, which included specific procedures relating to the
27 issues raised in the State Engineer’s Motion. In its Order, the Court established the following
28 procedure regarding the record on appeal:

1 First, the State Engineer was ordered to file the record on appeal by a date certain;

2 Second, legal counsel for the parties were ordered to meet and confer by a date certain “for
3 the purpose of discussing the contents of the ROA, *as filed*, any proposed supplemental exhibits to
4 the ROA, as well as any other matter counsel deem appropriate.” Order at 3;

5 Third, the Court would hold a status conference after the parties had met and conferred
6 with respect to the record on appeal. *Id.* at 4.

7 Instead of following this clear procedure and filing its record on appeal on the date ordered
8 by the Court, on or about April 16, 2019, the State Engineer provided the parties with a draft
9 summary of the record on appeal. Motion at 4:21–22. The Petitioners reviewed the draft, and
10 provided a substantial list of additional documents and evidence that Petitioners contended should
11 have been included in the record on appeal. In an email correspondence on May 21, 2019, counsel
12 for the Baileys suggested to all counsel that the best course of action was to remain in compliance
13 with the Court’s procedural order. *See* Exh. 1, attached hereto.

14 Nonetheless, the State Engineer filed the instant Motion in Limine along with the Record
15 on Appeal on June 7, 2019. Because of the filing of the Motion in Limine with the Record on
16 Appeal, the Baileys are left to assume that the State Engineer is not going to follow the Court’s
17 Order with respect to meeting and conferring over the contents of the record on appeal, “*as filed*”.
18 *See* Court’s April 25 Order, at 3 (emphasis added).

19 Because the State Engineer has ignored the Court’s April 25 Order and refused to meet and
20 confer regarding the Record on Appeal as filed, the Court should deny the Motion in Limine and
21 order the State Engineer to comply with the Court’s procedural order. This would ensure to the
22 Court, as it likely intended in its April 25 Order, that the parties had undertaken a full and good
23 faith discussion of the potential for the State Engineer to not oppose the inclusion of additional
24 documents and evidence for the Court’s consideration.

25 **3. The State Engineer Proceeding Below Obviates the Application of a Rule of Exclusion**
26 **on Review**

27 The proceeding that occurred before the State Engineer which resulted in the issuance of
28 Order 1302 was not a normal proceeding. As the State Engineer notes in the Motion in Limine,

1 there was no evidentiary hearing, there was only a proceeding to allow “public testimony.” No
2 witnesses were sworn in by an officer of the court prior to providing their public comment. No
3 experts were subject to examination on their qualifications. No witnesses were subject to cross-
4 examination. No evidence was subject to the laying of foundation and a review of its relevance or
5 admissibility. There were none of the hallmarks of a proper legal hearing.

6 Therefore, the notion of a record on appeal as a record of the admissible evidence and
7 competent testimony of witnesses under oath as considered by the State Engineer in order to
8 support his findings of fact and conclusions of law simply does not apply to the public comments
9 received by the State Engineer in this matter. While it is certainly helpful for the State Engineer to
10 have provided the parties with a substantial amount of the documents in the possession of the State
11 Engineer related to the matters at issue in this proceeding, that list of documents prepared at the
12 sole discretion of the State Engineer should not be used to limit the matters upon which this Court
13 may base its decision.

14 To the contrary, the parties should be permitted, in the course of written briefing on review
15 of Order 1302, to provide to the Court anything they think is relevant to the Court’s decision.
16 Upon providing such matters to the Court, the other parties may undertake appropriate motion
17 practice to contest anything they think is irrelevant or otherwise improper for the Court to
18 consider. And after such thorough attention of the parties, the Court can make a final
19 determination as to the relevance, and weight, of any matters brought before it.

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CONCLUSION

For the foregoing reasons, the Baileys oppose the State Engineer's Motion in Limine and respectfully request that the Court deny it.

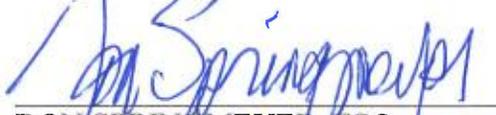
AFFIRMATION

Pursuant to NRS 239B.030(4)

The undersigned does hereby affirm that the preceding document does not contain the social security number of any person.

DATED this 21st day of June, 2019.

**WOLF, RIFKIN, SHAPIRO,
SCHULMAN & RABKIN, LLP**

By: 

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CHRISTOPHER W. MIXSON, ESQ.
Nevada Bar No. 10685
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Las Vegas, Nevada 89120
(702) 341-5200/Fax: (702) 341-5300
Attorneys for Bailey Petitioners

1 CERTIFICATE OF SERVICE

2 I hereby certify that on this 21st day of June, 2019, a true and correct copy of was sent via
3 electronic mail to the following:

4 Tori N. Sundheim, Esq.
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6 Nevada Attorney General's Office
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8 Carson City, NV 89701
9 TSundheim@ag.nv.gov

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22 wlopez@whitepinecountynv.gov

23 

24 Christie Rehfeld, an Employee of
25 WOLF, RIFKIN, SHAPIRO, SCHULMAN &
26 RABKIN, LLP

EXHIBIT “1”

EXHIBIT “1”

Chris Mixson

From: Chris Mixson
Sent: Tuesday, May 21, 2019 11:21 AM
To: 'Tori N. Sundheim'; 'David Rigdon'
Cc: Paul Taggart; Karen Peterson; Debbie Leonard; 'debbie@dleonardlegal.com'; Nancy Fontenot; Sarah Hope; Dorene A. Wright
Subject: RE: Status of ROA - CV-1902-348 (Bailey v. State Engineer)

All,

Procedurally, here is where I think we are: there is an April 16 scheduling order from the Court (filed April 25) that 1) required Tori to file the ROA by April 30, 2) ordered the parties to meet and confer by May 24 regarding “the contents of the ROA... and any proposed supplemental exhibits to the ROA,” and 3) scheduled a telephonic status conference for June 4. Before we received service of the Court’s scheduling order, on April 26 Tori submitted to the Court’s chambers a letter describing the stipulation of the parties to extend the time for filing the ROA to May 24; as far as I’m aware, there has been no response from the Court regarding that letter/stip.

I propose that we stick to the procedure outlined by the Court’s scheduling order, but with the extension requested in the letter/stip. That means Tori files the ROA this Friday 5/24, and the parties meet/confer about its contents sometime before the June 4 status conference.

I still think that because there was no evidentiary hearing, the notion of a record on appeal is not applicable to this matter and should not operate to limit the scope of materials for the Court’s review.

I’m available to talk Wed. afternoon or all day Thursday.

Chris

Christopher W. Mixson, Esq.
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cmixson@wrslawyers.com

From: Tori N. Sundheim [mailto:TSundheim@ag.nv.gov]
Sent: Tuesday, May 21, 2019 8:44 AM
To: 'David Rigdon'
Cc: Paul Taggart; Chris Mixson; Karen Peterson; Debbie Leonard; 'debbie@dleonardlegal.com'; Nancy Fontenot; Sarah Hope; Dorene A. Wright
Subject: RE: Status of ROA - CV-1902-348 (Bailey v. State Engineer)

Good Morning David,

I am scheduled to receive my client’s complete review of your requests today and am available any time Wednesday or Thursday to discuss. As you are aware, the State Engineer’s ROA was ready to file on April 30, 2019. The Court’s Order

stated we would discuss the “contents of the ROA, as filed, [and] any proposed supplemental exhibits to the ROA” between April 30 and May 24.

Before filing the ROA, I shared the Draft Summary of the ROA on April 16. The purpose of sharing this Draft Summary was to speed up the meet and confer process, in the hopes that you might identify in your review clerical errors and submit specific proposed supplemental exhibits that the State Engineer might agree are inadvertent omissions, for inclusion in the State Engineer’s ROA, prior to April 30. I anticipated that I would receive proposed supplemental exhibits from you, as Ordered by the Court, so that I could send them to my client for consideration, discuss them with you, and file the ROA by April 30th.

Instead, on April 23, 2019, I received a letter that detailed an extensive and burdensome list of requests requiring the identification of public records in the Diamond Valley Basin that date back to the 1970s. The scope of these requests necessitated a telephonic meet and confer that resulted in a stipulation to extend the time to file the ROA to May 24, 2019. The State Engineer could have filed the ROA on April 30th in accordance with the Court’s Order. The stipulated extension of time was necessary to review the high volume of your requests. Moreover, it reflects the seriousness with which the State Engineer has considered and processed them.

As the State Engineer’s review should be completed today, I am happy to discuss with you and the other parties at your convenience on Wednesday or Thursday. Please provide me with times so that we can schedule.

Thank you,

Tori

Tori Nicole Sundheim, Esq., LL.M.
Deputy Attorney General
Office of the Attorney General
Government and Natural Resources Division
100 N. Carson Street
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From: David Rigdon <David@legaltnt.com>
Sent: Monday, May 20, 2019 5:03 PM
To: Tori N. Sundheim <TSundheim@ag.nv.gov>
Cc: Paul Taggart <Paul@legaltnt.com>; Chris Mixson <CMixson@wrslawyers.com>; Karen Peterson <kpeterson@allisonmackenzie.com>; Debbie Leonard <dleonard@mcdonaldcarano.com>
Subject: Status of ROA - CV-1902-348 (Bailey v. State Engineer)

Tori,

It's been almost a month since I sent you a meet and confer letter regarding the proposed ROA in this case. I have not received any response from you or your client and the ROA is required to be submitted to the court by this Friday. I agreed to stipulate to an extension of time to file the ROA in the belief that we would be working in a cooperative manner to develop the record and ensure that nothing is missing. That doesn't appear to have happened.

I think we should schedule a phone conference with all the parties ASAP (including Debbie who has now filed a motion to intervene) to discuss this. I think the judge was expecting a more active meet and confer process than has actually happened.

Thanks

David H. Rigdon, Esq.

Attorney at Law
TAGGART & TAGGART, LTD
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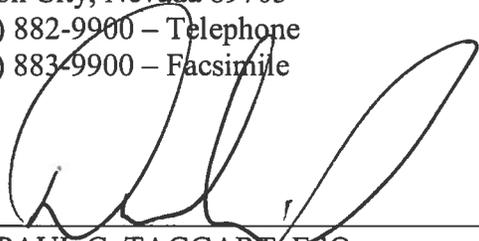
1 P.E. ("State Engineer") on June 7, 2019. This Opposition is based on the following Memorandum of
2 Points and Authorities, all papers and pleadings filed in this action, and any oral argument the Court
3 may wish to entertain.

4 **NOTICE OF OPPOSITION TO MOTION IN LIMINE**

5 A hearing on this motion is not requested at this time.

6 DATED this 21st day of June, 2019.

7 TAGGART & TAGGART, LTD.
8 108 North Minnesota Street
9 Carson City, Nevada 89703
10 (775) 882-9900 – Telephone
11 (775) 883-9900 – Facsimile

12 By: 

13 PAUL G. TAGGART, ESQ.
14 Nevada State Bar No. 6136
15 DAVID H. RIGDON, ESQ.
16 Nevada State Bar No. 13567
17 TIMOTHY D. O'CONNOR, ESQ.
18 Nevada State Bar No. 14098

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1 MEMORANDUM OF POINTS AND AUTHORITIES

2 INTRODUCTION

3 Justice Breyer of the United States Supreme Court has recently noted that “judicial review cannot
4 function if the agency is permitted to decide unilaterally what documents it submits to the reviewing
5 court as the administrative record.”¹ But the State Engineer argues that the judiciary lacks any authority
6 to determine whether the administrative record is sufficient. This claim is meritless. In reality, the Court
7 has an affirmative duty to determine whether the submitted record constitutes the “whole” administrative
8 record or whether it should be supplemented to include other evidence that was known and available to
9 the State Engineer at the time he made his decision, but which he now seeks to keep from this Court.

10 As the State Engineer himself has noted, the Diamond Valley Groundwater Management Plan
11 (“GMP”) was developed over the course of several years.² Evidence in the record clearly shows that
12 the State Engineer and high-level members of his staff were intimately involved in the initiation and
13 development of the GMP. This included regular communications with plan proponents, attending and
14 participating in meetings of the drafting committee, reviewing and commenting on at least two initial
15 drafts of the GMP, and making public presentations about Diamond Valley and the need for a GMP.
16 While the GMP was being developed, the State Engineer also submitted bills to the Legislature seeking
17 to receive express authorization for certain components of the GMP. These bills failed, but the
18 components were included in the GMP anyway. Also, at the time the draft GMP was considered, the
19 State Engineer and his staff were intimately familiar with the water problems in Diamond Valley and
20 the fact that more than fifty years of over-pumping of the basin by junior-priority irrigators has caused
21 both irreparable environmental damage and direct impairment of senior priority pre-statutory water
22 rights.

23 Despite all this, Acting State Engineer Wilson now wants this Court to believe, without evidence,
24 that when former State Engineer King considered and approved the GMP he put all of this history and
25 evidence out of his mind and did not, directly or indirectly, consider anything other than the cherry-

26
27 ¹ *In re United States*, 138 S. Ct. 371, 372 (2017) (Breyer, J., dissenting).

28 ² Order 1302 approving and adopting the GMP was issued by former State Engineer Jason King, who has since retired. References herein to any actions taken by the State Engineer during the time of the development and approval of the GMP are references to Mr. King and not to current Acting State Engineer Wilson.

1 picked documents included in the submitted Record on Appeal (“ROA”). Such a claim is fantastical
2 and contrary to common sense. Therefore, this Court should deny the State Engineer’s Motion.

3 **FACTUAL AND PROCEDURAL BACKGROUND**

4 The Court is fully aware of the long history of the State Engineer’s mismanagement of
5 groundwater resources in Diamond Valley and the problems that have resulted. For the sake of brevity,
6 Petitioners will not repeat this disreputable history except to note that owners of ranches that rely on
7 valley floor springs for water have been clamoring for the State Engineer to take effective action to halt
8 the impairment of their senior-priority, pre-statutory water rights since at least 1982 and have been
9 largely ignored. As the Court also knows, Diamond Valley is notorious for being one of the most over-
10 pumped basins in the state. The GMP process was initiated in direct response to efforts by senior-
11 priority water users to get relief. Accordingly, all documents and records in the files of the State
12 Engineer related to the water issues in Diamond Valley are directly relevant to this Court’s review of
13 the GMP.

14 **I. The History And Development Of The GMP**

15 In 2011, Assemblyman (now Senator) Giochoechea introduced the legislation that would
16 become NRS 534.037 and NRS 534.110(7). Those statutes authorize the State Engineer to designate as
17 a Critical Management Area (“CMA”) “any basin in which withdrawals of groundwater consistently
18 exceed the perennial yield of the basin.”³ Once designated, pumping in the basin is required to be
19 curtailed after ten years unless the State Engineer approves a GMP submitted by the basin’s water users.⁴
20 To be approved, a submitted GMP “must set forth the necessary steps for removal of the basin’s
21 designation as a critical management area,” meaning that the GMP must bring total groundwater
22 withdrawals below the perennial yield.⁵ In making a determination of whether the GMP meets this
23 requirement, the State Engineer must consider several factors including, without limitation, (1) basin
24 hydrology, (2) the physical characteristics of the basin, (3) geographic spacing and the location of
25
26
27

28 ³ NRS 534.110(7).

⁴ *Id.*

⁵ NRS 534.037(1).

1 withdrawals, (4) water quality, and (5) well location.⁶ Finally, the statute requires the State Engineer to
2 hold a “public hearing *to take testimony on the plan*” prior to approval.⁷

3 On August 25, 2015, the State Engineer issued Order 1264 formally designating Diamond Valley
4 as a CMA.⁸ This designation started a ten-year clock to develop and get approved a GMP or face
5 curtailment. Work on developing the GMP had actually begun in earnest in April of 2015, four months
6 before Order 1264 was issued.⁹ Between April 2015 and May 2018, numerous meetings were held by
7 plan proponents. Although ostensibly open to the public, individuals who were opposed to the
8 underlying principle that was being advocated (the stripping away of water right priorities through
9 conversion of water rights permits to a share-based system) reported being intimidated and afraid to
10 speak out.¹⁰

11 One individual who attended most of the public meetings was Rick Felling, former Deputy State
12 Engineer.¹¹ The record shows that Mr. Felling was intimately involved with developing the underlying
13 principles and provisions of the GMP on behalf of the State Engineer.¹² In effect, Mr. Felling served as
14 the personal representative of the State Engineer at these meetings. The record also indicates that draft
15 plans were submitted to both Mr. Felling and State Engineer King at least twice for an informal review
16 and that the State Engineer provided redlines and comments on those drafts.¹³ Notably, the ROA
17 submitted to the Court contains none of the State Engineer’s notes, communications, comments,
18 redlines, or working drafts from this period of time.

19 During the time that the GMP was being developed, the State Engineer also submitted two
20 proposed bills to the Legislature that would have granted him broad power to approve provisions of a
21 groundwater plan that might otherwise violate the law of prior appropriation and the water law statutes.¹⁴

22
23 ⁶ NRS 534.037(2).

24 ⁷ NRS 534.037(3) (emphasis added).

25 ⁸ SE ROA 134-38.

26 ⁹ SE ROA 277.

27 ¹⁰ SE ROA 684:8-11; 723:18-21.

28 ¹¹ Like Mr. King, Mr. Felling has retired from his position.

¹² See generally SE ROA 283-475 which outlines Mr. Felling’s ongoing involvement with the development of the GMP.

¹³ SE ROA 440 (“The State Engineer’s office completed their review of the Draft GMP.”); SE ROA 444 (“There were some relatively significant changes to the GMP discussed at the last meeting based on the State Engineer’s review of the GMP.”); SE ROA 451 (“The State Engineer’s office completed their review of the most recent draft and it is attached.”); SE ROA 453 (noting that the version of the draft GMP being circulated “incorporates all of the edits based on the State Engineer’s previous review.”);

¹⁴ See S.B. 81, 2015 Leg., 78th Sess. (Nev. 2015); S.B. 73, 2017 Leg., 79th Sess. (Nev. 2017).

1 This legislation failed to pass. Accordingly, there is no express statutory authorization for several of the
2 provisions included in the GMP. The ROA the State Engineer submitted fails to include this proposed
3 legislation, the minutes of the committee meetings where it was considered, or the comments and
4 evidence submitted to the Legislature by either the State Engineer or members of the public.

5 **II. The State Engineer’s Consideration Of The GMP**

6 On August 20, 2018, the final GMP and petition requesting its approval was submitted to the
7 State Engineer for formal consideration.¹⁵ On October 1, 2018, the State Engineer sent a “Notice of
8 Hearing” advertising a “public hearing” on the proposed plan.¹⁶ The notice did not include any
9 description of the procedures to be followed at the hearing, the method or manner by which exhibits or
10 other evidence could be proffered, or any deadline for submitting any such evidence or exhibits. Those
11 receiving the notice were simply told the time and place of the meeting and that “[w]ritten *comments*
12 will also be accepted until the conclusion of the hearing.”¹⁷

13 On October 30, 2018, the “hearing” was held at the opera house in Eureka, Nevada. After
14 initially informing the attendees that the purpose of the meeting was to provide “written or oral
15 *testimony*” to the State Engineer, the hearing officer switched gears and indicated that he would simply
16 be taking “public *comment*” from the attendees.¹⁸ The State Engineer then made some perfunctory
17 opening remarks in which he also expressed that the purpose of the meeting was simply to listen to
18 public *comments*.¹⁹ Importantly, the proponents of the GMP made no presentation explaining the
19 components of the plan and called no expert witnesses to testify that the plan contains the steps necessary
20 for removal of the CMA designation. In fact, the identity of the proponents of the GMP was never even
21 disclosed.

22 The hearing began with the hearing officer formally introducing four exhibits into the record.²⁰
23 But the hearing officer made clear that these four exhibits did not constitute the entirety of the
24 administrative record. Instead, the hearing officer specifically stated that he would take administrative
25

26 ¹⁵ SE ROA 148-527.

¹⁶ SE ROA 528-29.

¹⁷ *Id.* (emphasis added).

¹⁸ SE ROA 654:23-655:2; SE ROA 655:13-15. Testimony is defined as “[e]vidence that a competent witness *under oath or affirmation* gives at a trial or in an affidavit or deposition.” BLACK’S LAW DICTIONARY 1704 (10th ed.) (emphasis added).

¹⁹ SE ROA 656:6-8.

²⁰ SE ROA 656:17-657:5.

1 notice of “any other relevant publications, information, and records of the Office of the State
2 Engineer.”²¹ Accordingly, any documents, information, or records of the State Engineer that have any
3 relevance to the development of the GMP were incorporated into the administrative record by this
4 reference. Despite this, there are numerous relevant documents in the State Engineer’s records that were
5 not included in the submitted ROA.

6 Next, participants who had signed in at the door were called forward and asked to give their
7 “comments.”²² There was no particular order in which commenters were called (i.e., the hearing officer
8 did not follow the standard hearing practice of having proponents present their case first, followed by
9 opponents, followed by rebuttal). In addition, none of the proffered comments were made in the form
10 of sworn testimony, nor was any commenter subjected to cross-examination.²³ Also, no participant was
11 provided the opportunity to submit evidence and have it marked as an official exhibit. Instead,
12 participants were simply told that they could submit additional written *comments* by November 2,
13 2018.²⁴ In short, none of the due process procedures and processes that normally govern the conduct of
14 a testimonial hearing were followed.

15 At least two witnesses orally requested that the State Engineer review records that are not
16 included in the submitted ROA. Mr. Tim Bailey asked the State Engineer to consider the all the “water
17 resource bulletins, state water engineer orders, rulings, testimonies and judicial orders, rulings opinions,
18 testimonies, and court transcripts that pertain to the water situation in Diamond Valley.”²⁵ Most of these
19 documents are not included in the submitted ROA. Mr. Ari Erickson also specifically cited and read a
20 portion of an article that had been published in the University of Denver, Water Law Review on January
21 18, 2018.²⁶ This article is also conspicuously absent from the submitted ROA.

22 **III. Procedural History Of The Instant Litigation**

23 On January 11, 2019, the State Engineer issued Order 1302 approving the GMP. Petitioners
24 timely filed their various petitions for judicial review of that decision. Petitioners’ objections to the
25

26 ²¹ SE ROA 657:13-15.

27 ²² See generally SE ROA 653-742.

28 ²³ *Id.*

²⁴ SE ROA 741:15-17.

²⁵ SE ROA 659:4-17.

²⁶ SE ROA 685:3-16.

1 GMP fall into two broad categories: (1) objections to the plan itself (both legal and substantive), and (2)
2 objections to the irregular procedural process.

3 On April 9, 2019, the Court held a telephonic status conference with the parties. During that
4 conference, Petitioners raised the issue of the record on appeal. As a result of that discussion, the Court
5 ordered the parties to undergo a meet and confer consultation to try and arrive at a mutually agreed upon
6 record. Thereafter, on April 16, 2019, the State Engineer sent Petitioners a draft summary of his
7 proposed ROA.²⁷ After reviewing the summary, on April 23, 2019, counsel for Sadler Ranch and
8 Renner timely sent counsel for the State Engineer a good-faith meet and confer letter identifying
9 deficiencies in the proposed ROA and requesting that additional documents be produced and included
10 within the record.²⁸ The requests were detailed and included specific citations to pages in the GMP
11 where such records and documents were discussed. The Bailey Petitioners joined in this request.

12 After receiving the meet and confer letter, the State Engineer requested additional time to review
13 Petitioners' requests, which was granted under the belief that the State Engineer would conduct a good-
14 faith review and provide a timely response. However, after waiting almost a month without response,
15 on May 20, 2019, counsel for Sadler and Renner emailed counsel for the State Engineer asking for an
16 update.²⁹ On May 21, 2019, counsel for the State Engineer responded that she had not yet received back
17 from her client his review of the request.³⁰ At no time during the month-long period between the April
18 23, 2019, meet and confer letter and the May 20, 2019, email, did anyone from the State Engineer's
19 office make any attempt to consult with counsel for Petitioners regarding the request, nor did the State
20 Engineer make any good-faith effort to reach an accommodation regarding the scope of the record.

21 Instead, on June 7, 2019, the State Engineer simultaneously submitted both his ROA and the
22 instant Motion which seeks to unilaterally preclude Petitioners from even asking the Court to consider
23 supplements to the record. The Motion caught Petitioners by surprise because they believed that the
24

25
26 _____
27 ²⁷ Motion, Exhibit 1.

28 ²⁸ Exhibit 3. Importantly, many of the documents requested are in the possession of the State Engineer, not the Petitioners. Accordingly, for Petitioners to have those documents supplemented into the record first requires that they be produced by the State Engineer.

²⁹ Exhibit 1.

³⁰ Exhibit 2.

1 Court had clearly ordered a process whereby the State Engineer would file his proposed ROA and then
2 Petitioners would be allowed to file motions to supplement the ROA as they deemed advisable.³¹

3 STANDARD OF REVIEW

4 The United States Supreme Court has held that “the grounds upon which an administrative order
5 must be judged are those upon which *the record* discloses that its action was based.”³² Justice Breyer
6 has noted that “[e]ffective review [of an administrative decision] depends upon the administrative record
7 containing all *relevant* materials.”³³ The “whole” administrative record “is not necessarily those
8 documents that the agency has compiled and submitted as ‘the’ administrative record.”³⁴ Rather, the
9 “whole” administrative record “consists of all documents and materials directly or indirectly considered
10 by agency decision-makers and include evidence contrary to the agency’s position.”³⁵ Therefore, “[a]
11 reviewing court ‘should have before it neither more *nor less* information than did the agency when it
12 made its decision.’”³⁶ This is because “[r]eviewing ‘less than the full administrative record’ might
13 ‘allow a party to withhold evidence unfavorable to its case.’”³⁷

14 There are two primary ways that a party may seek to supplement a record submitted by the
15 agency: (1) by seeking to include evidence that should properly have been part of the record but was
16 either purposely or negligently omitted, or (2) by seeking to include evidence that was not available to
17 the agency at the time it made its decision, but which the party believes should be considered
18 nonetheless.³⁸ “Supplement” has been used synonymously to refer to both types of cases. The standard
19 for the first type of supplementation request is simple – “[i]f a party provides concrete, non-speculative
20 evidence that material an agency did actually consider ‘either directly *or indirectly*’ is absent from the
21 record,” then the material should be added.³⁹ However, for the second type of supplementation request,
22 the standard is higher (but not insurmountable) – a party must show one of the following: (1) that the
23 agency deliberately or negligently excluded documents that may be adverse to its decision, (2) that the

24 ³¹ April 25, 2019, Order Following Telephone Status Hearing Held April 9, 2019.

25 ³² *SEC v. Chenery Corp.*, 318 U.S. 80, 87, 63 S.Ct. 454, 459 (1943).

26 ³³ *In re United States*, 138 S. Ct. at 372 (Breyer, J., dissenting).

27 ³⁴ *Thompson v. U.S. Dep’t of Labor*, 885 F.2d 551, 555 (9th Cir. 1989).

28 ³⁵ *Id.*

³⁶ *Univ. of Colo. Health at Mem’l Hosp. v. Burwell*, 151 F.Supp.3d 1, 12 (D.D.C. 2015) (quoting *IMS, P.C. v. Alvarez*, 129 F.3d 618, 623 (D.C. Cir. 1997) (emphasis added)).

³⁷ *Id.*

³⁸ *Id.* at 13.

³⁹ *Id.* at 14 (emphasis added).

1 information is necessary to determine whether the agency considered all relevant factors, or (3) that the
2 agency failed to explain its action so as to frustrate judicial review.⁴⁰

3 Here, Petitioners are requesting the first type of supplementation. They are simply asking that
4 relevant materials that were readily available and known to the State Engineer at the time he made his
5 decision be included in the record. This should be an unremarkable request.

6 ARGUMENT

7 I. There Is Ample Evidence In The Record That The State Engineer Either Directly Or 8 Indirectly Considered Information And Materials Not Included In His ROA.

9 The State Engineer claims that the submitted ROA includes the entirety of the materials that the
10 State Engineer relied on in making his decision. But the State Engineer provides no evidence to the
11 Court, in the form of sworn testimony from former State Engineer King, of the veracity of that claim.⁴¹
12 And the claim is belied by both common sense and evidence that was included in the submitted ROA.

13 The standard for whether a document should be included in the ROA is whether the State
14 Engineer directly *or indirectly* considered it.⁴² The Court can infer that materials relevant to the
15 initiation and development of the GMP, which were in the possession of or known to the State Engineer
16 at the time of his decision, at a minimum indirectly influenced that decision.⁴³ Here, almost all the
17 materials requested in the April 23, 2019, meet and confer letter were known to or in the records of State
18 Engineer King's office when he made his decision.

19 The types of evidentiary material that Petitioners request be included in the ROA fall into four
20 general categories:

- 21 1. Materials related to the initiation and development of the GMP. This includes written
22 communications, notes, memorandums, drafts, presentation materials, studies, etc;

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24
25 ⁴⁰ *Id.* at 13.

26 ⁴¹ When a normal evidentiary hearing is conducted at the administrative level, such testimony is not required because the
27 evidence submitted into the record has been fully vetted and it is clear what record the agency relied on. However, an
28 agency's refusal to conduct an evidentiary hearing raises questions as to the scope of the record. The only means to
adequately address these questions is to have the agency decision-maker answer questions under oath regarding what
materials he did or did not consider.

⁴² *Thompson*, 885 F.2d at 555 ("The 'whole' administrative record, therefore, consists of all documents and materials directly
or *indirectly* considered by agency decision-makers.") (emphasis in original).

⁴³ *Id.* at 556 ("the critical inquiry is whether [the proffered materials] were before [the agency] at the time of the decision.").

1 2. Legislative history related to bills introduced in the Legislature during the development
2 of the GMP which proposed to amend either NRS 534.037 or NRS 534.110(7);

3 3. Scientific materials related to the effects of over-pumping and whether implementation
4 of the GMP would ameliorate those effects. This would include the Diamond Valley
5 groundwater model, scientific studies, and similar materials; and

6 4. Materials that participants at the October 30, 2018 meeting specifically requested the
7 State Engineer to consider, but were omitted from the record.

8 Evidence already in the record clearly indicates that relevant materials falling within these
9 categories were omitted from the State Engineer’s ROA. Page 71 of the GMP states that on March 19,
10 2009, State Engineer King held a workshop wherein he outlined the history and status of Diamond
11 Valley and specifically requested that the attendees develop a plan.⁴⁴ Page 77 of the GMP states that
12 the recommendations being made are based on a “Blueprint for Western Water Management” that was
13 presented by Professor Mike Young at a meeting held on June 11, 2015.⁴⁵ Page 98 of the GMP states
14 that the State Engineer made two formal presentations to water users in Diamond Valley during which
15 he strongly urged them to develop a plan.⁴⁶ Page 144 of the GMP states that legislation will be needed
16 to implement the proposed plan and specifically references SB 81 from the 2015 legislative session as
17 being the desired vehicle to accomplish this.⁴⁷ Importantly, like SB 73 from the 2017 session, SB 81
18 was a bill submitted to the Legislature by State Engineer King, himself. The email on Page 147 of the
19 GMP clearly shows that the State Engineer was provided a copy of a “GMP outline/working model.”⁴⁸
20 Pages 136-37, 149, and 250 of the GMP shows that Deputy State Engineer Felling was intimately
21 involved in recommending and developing the depreciation formula that is a key point of contention in
22 this litigation.⁴⁹ Page 201 and 222 of the GMP demonstrates that State Engineer King and his staff were
23 provided a draft copy of the GMP for review and made edits and comments on that draft.⁵⁰ Page 251 of
24 the GMP references numerous “reports, studies, testimony, etc.” that discuss the impacts of drawdown
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26 ⁴⁴ SE ROA 288.

27 ⁴⁵ SE ROA 294.

28 ⁴⁶ SE ROA 315.

⁴⁷ SE ROA 361.

⁴⁸ SE ROA 364.

⁴⁹ SE ROA 353-54, 366, 467.

⁵⁰ SE ROA 418, 439.

1 “as it is now, *or reduced as proposed in the groundwater management plan.*”⁵¹ Yet the submitted ROA
2 contains no documents or other materials related to these references.

3 For Acting State Engineer Wilson to claim that State Engineer King did not consider, even
4 indirectly, any of the communications, notes, memorandums, drafts, presentation materials, documents,
5 or other materials associated with the references documented above is not credible.⁵² This is particularly
6 true when, as here, (1) the documents were all physically located in the records of the State Engineer’s
7 office at the time he made his decision, and (2) State Engineer King has failed to provide any testimony,
8 under oath, validating Acting State Engineer Wilson’s claim.

9 Courts have stated that when a petitioner identifies non-speculative evidence showing that the
10 agency directly or indirectly considered materials requested to be included in the record, such materials
11 must be added.⁵³ Here, Petitioners are not engaged in some speculative fishing expedition. Rather, the
12 GMP and other materials already included in the ROA document that the requested materials were both
13 known to the State Engineer and in his records at the time he rendered his decision. Accordingly,
14 Petitioners’ request to have the State Engineer produce such records and include them in the ROA is
15 both justified and proper.

16 **II. Most Of The Documents Petitioners Are Requesting Be Added To The ROA Were Already**
17 **Incorporated Into The Administrative Record By The Hearing Officer.**

18 The State Engineer claims that Petitioners had a chance to present the requested documents at
19 the October 30, 2018, meeting and have them incorporated into the record, but failed to do so. This
20 argument is meritless and belied by the record.

21 At the very start of the meeting, the hearing officer expressly stated that he “will take
22 administrative notice of *any other relevant publications, information, and records of the office of the*
23 *State Engineer.*”⁵⁴ By this reference, all relevant records in the possession of the State Engineer were
24 made a part of the administrative record in this case. Accordingly, there was no need for Petitioners, or
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27 ⁵¹ SE ROA 468 (emphasis added).

28 ⁵² Motion at 2.

⁵³ *Burwell*, 151 F.Supp.3d at 15.

⁵⁴ SE ROA 657.

1 anyone else, to bring such documents to the meeting and ask for them to be formally submitted into the
2 record: the hearing officer did this for them.

3 In addition, almost all of the records in question are physically in the possession of the State
4 Engineer, not Petitioners. The Petitioners were given less than thirty days' notice of the meeting.⁵⁵ The
5 notice stated only that a meeting was going to be held to consider the plan.⁵⁶ The notice did not indicate
6 that the meeting was going to be an evidentiary hearing, provide any instructions on how evidence
7 should be submitted, or instruct participants that they should bring with them any evidence or materials
8 for formal introduction into the record.⁵⁷ The only reference to written materials in the notice simply
9 states that "written *comments* [not evidentiary materials] will also be accepted."⁵⁸

10 In his Motion, the State Engineer has made clear that the October 30, 2018 meeting was not an
11 "evidentiary" hearing. In fact, the State Engineer expressly asserts that he was not required to hold an
12 evidentiary hearing *and did not do so*.⁵⁹ Yet, in the same breath, he illogically blames Petitioners for
13 not formally submitting evidence at this *non-evidentiary* proceeding.⁶⁰ Both the hearing officer and the
14 State Engineer made clear that participants at the meeting were there to provide only non-testimonial
15 public comment.⁶¹ At no time did the hearing officer ask any participant whether they had documents
16 or other materials they wished to make a part of the record. In fact, the hearing appears to have been
17 orchestrated and run in a manner designed to discourage any real exchange or consideration of evidence
18 rather than to facilitate it. Accordingly, the State Engineer's argument fails.

19 **III. The State Engineer's Admission That He Summarily Rejected Consideration Of The**
20 **Requested Supplemental Materials Automatically Renders His Decision Arbitrary And**
21 **Capricious And An Abuse Of Discretion.**

22 All decisions of the State Engineer must be supported by substantial evidence in the record.⁶²
23 Without such evidence any decision is, by definition, arbitrary and capricious. Here, the key factual
24 determination that the State Engineer needed to make is whether the GMP, as submitted, will reduce

25 ⁵⁵ The notice was *mailed* on October 1, 2018; the public meeting was held on October 30, 2018.

26 ⁵⁶ SE ROA 528.

27 ⁵⁷ *Id.*

28 ⁵⁸ *Id.*

⁵⁹ Motion at 10.

⁶⁰ Motion at 10-13.

⁶¹ SE ROA 655:11-13; SE ROA 656:6-8; SE ROA 657:20-21; SE ROA 741:1, 13-14.

⁶² *King v. St. Clair*, 134 Nev. Adv. Op. 18, 414 P.3d 314, 316 (2018).

1 withdrawals of groundwater in the basin below the perennial yield.⁶³ Yet there is no expert report or
2 testimony in the ROA that supports such a determination. Nor does the GMP or Order 1302 contain
3 any water budget calculations or modeling showing that total withdrawals from the basin will be less
4 than the perennial yield at the end of the GMP timeframe. In fact, the only expert who provided
5 comment at the October 30, 2018, meeting was David Hillis, a professional engineer. Mr. Hillis
6 definitively stated that “[t]he [United States Geological Survey] and other reports show that even with
7 the reduction [of pumping under the plan] that groundwater mining will still be occurring even at the
8 end of the plan” and “the plan will also not reduce the withdrawals below the perennial yield of the
9 basin.”⁶⁴ Because of this, Mr. Hillis concluded that “the plan does not include the necessary steps to
10 remove the CMA designation” as required by the statute.⁶⁵ With no other expert opinion or report, the
11 State Engineer lacks any evidence supporting his key factual determination.

12 In addition, at least two speakers requested that the State Engineer consider materials not
13 included in the submitted ROA.⁶⁶ For the State Engineer to now claim that he completely ignored these
14 requests, and did not consider even indirectly the materials cited by these speakers, is in itself an
15 admission that his decision was arbitrary, capricious, and an abuse of discretion. Likewise, the State
16 Engineer claims that he completely ignored and failed to consider the volumes of relevant materials in
17 his own possession that document the initiation and development of the GMP. By making this claim in
18 his Motion, the State Engineer is in effect conceding to this Court that he summarily disregarded relevant
19 and available evidence when he made his decision to approve the GMP. This, by definition, is arbitrary,
20 capricious, and an abuse of discretion.

21 **IV. This Court Can Consider Extra-Record Evidence With Respect To Petitioners’ Irregular**
22 **Process Claims.**

23 Petitioners have raised numerous claims in their various petitions. The claims fall into two broad
24 categories: (1) claims regarding the legal and evidentiary sufficiency of the GMP, and (2) claims of
25 irregularities in process employed by the State Engineer to develop and approve the GMP. The State
26

27 ⁶³ NRS 534.037(1) (the plan “must set forth the necessary steps for removal of the basin’s designation as a critical
management area.”).

28 ⁶⁴ SE ROA 675:6-8; 676:1-2.

⁶⁵ SE ROA 674:19-20.

⁶⁶ SE ROA 659:4-17 (Mr. Tim Bailey); SE ROA 685:3-16 (Mr. Ari Erickson).

1 Engineer is correct that for claims falling within the first category, this Court’s review is limited to the
2 administrative record (as long as that record is complete and includes all relevant material in the
3 possession of or readily available to the State Engineer when he made his decision). However, this is
4 not the case for Petitioners’ irregular process claims. For those claims, a court has the power to
5 independently hear evidence about the claims because such evidence is often not contained within the
6 administrative record itself.⁶⁷

7 Claims of irregularity in the administrative process are of especial importance to the judiciary.
8 As United States Supreme Court Justice Douglas noted,

9 When the Government . . . levels its great powers against the citizen, it
10 should be held to the same standards of fair dealing as we prescribe for
11 other legal contests. To let Government adopt such lesser ones as suits the
convenience of its officers is to start down the totalitarian path.⁶⁸

12 Therefore, “[a] procedural irregularity, like a conflict of interest, is a matter to be weighed in deciding
13 whether an [agency’s] decision was an abuse of discretion.”⁶⁹ And, “a procedural irregularity can
14 heighten judicial scrutiny.”⁷⁰

15 Here, Petitioners have alleged, among other things, that (1) “the process the State Engineer used
16 to review and adopt the GMP violated both the express requirements of NRS 534.037(3)⁷¹ and
17 constitutional due process standards,” and (2) “the State Engineer’s actions in this matter were biased,
18 inequitable, violated his duty to act as a neutral arbiter in water rights proceedings, and exhibited
19 prejudice towards holders of pre-statutory water rights in the basin.”⁷² These are exactly the type of
20 irregular process claims that heighten judicial scrutiny and allow a district court to review extra-record
21

22 ⁶⁷ See, e.g., NRS 703.373(8) (“In cases concerning alleged irregularities in procedure . . . that are not shown in the record,
23 the court may receive evidence concerning the irregularities.”); see also *Amos Treat & Co. v. SEC*, 306 F.2d 260, 268 (D.C.
Cir. 1962) (expressly authorizing the holding of an evidentiary hearing to determine whether board members were biased
and should be disqualified).

24 ⁶⁸ *Joint Anti-Fascist Refugee Comm. v. McGrath*, 341 U.S. 123, 177, 71 S. Ct. 624, 651 (1951) (Douglas, J., concurring).

25 ⁶⁹ *Abatie v. Alta Health & Life Ins.*, 458 F.3d 955, 972 (9th Cir. 2006).

26 ⁷⁰ *Id.*

27 ⁷¹ The State Engineer claims in its brief that the Legislature’s use of the term “public hearing” instead of “evidentiary hearing”
28 in NRS 534.037(3) relieved him of the obligation to conduct a proper fact-finding hearing. However, the statute also states
that the purpose of the hearing is “to take testimony.” “Testimony” is different from “public comment” and requires that
witnesses be called by the parties, sworn under oath or affirmation, and cross-examined by opposing parties. This clearly
did not happen at the October 30, 2018, meeting. Even so, both the State Engineer’s argument and Petitioners’ counter-
arguments on this point go to the merits of the case and have little bearing on this Court’s determination of the State
Engineer’s Motion.

⁷² Sadler Ranch Petition for Judicial Review at 6-7.

1 evidence to determine if the alleged irregularities actually occurred. Accordingly, the State Engineer’s
2 Motion should be denied.

3 **CONCLUSION**

4 For the reasons stated above, and others that may be developed in the course of these
5 proceedings, the State Engineer’s Motion should be denied. There are three options that the Court could
6 employ with respect to the ROA as this matter proceeds.

7 **Option 1:** The Court could deny the Motion without prejudice, allow the parties to submit with
8 their briefs any supplemental materials they want considered, and then allow the State Engineer to refile
9 his Motion prior to the scheduled hearing on the merits. Because the State Engineer is the party in
10 possession of many of the materials requested by Petitioners for inclusion in the ROA, if this option is
11 selected Petitioners respectfully request that the Court order the State Engineer to timely respond to any
12 records requests made by Petitioners.

13 **Option 2:** The Court could deny the State Engineer’s Motion with prejudice and enter an order
14 compelling the State Engineer to produce all materials in his possession requested in Petitioners’ April
15 23, 2019, meet and confer letter. To determine the breadth of document production required of the State
16 Engineer, the Court could authorize the issuance of subpoenas and the scheduling of depositions of
17 former State Engineer Jason King and former Deputy State Engineer Rick Felling to testify, under oath,
18 regarding the scope of the evidence they considered during the development and approval of the
19 Diamond Valley GMP.

20 **Option 3:** The Court could make a summary judgement determination that the ROA is deficient
21 absent a properly conducted administrative hearing and remand the case to the State Engineer with
22 instructions to hold an evidentiary hearing on this matter so that a proper administrative record can be
23 developed.⁷³

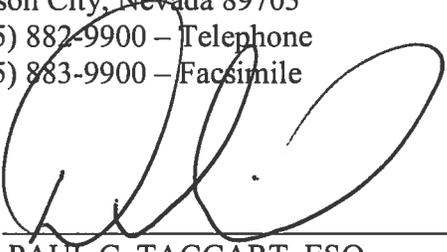
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27 ⁷³ While not directly applicable to petitions filed under NRS 533.450, NRS 233B.131(2) provides a model for this option.
28 Under NRS 233B.131(2) “[i]f, before submission to the court, an application is made to the court for leave to present
additional evidence, and it is shown to the satisfaction of the court that the additional evidence is material and that there were
good reasons for failure to present it in the proceeding before the agency, the court may order that the additional evidence
and any rebuttal evidence be taken before the agency upon such conditions as the court determines.” **JA1301**

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding document does not contain the social security number of any person.

DATED this 21st day of June, 2019.

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CERTIFICATE OF SERVICE

Pursuant to NRCp 5(b), I hereby certify that I am an employee of TAGGART & TAGGART, LTD., and that on this day, I served, or caused to be served, a true and correct copy of the foregoing document, which applies to Case Nos. CV1902-348, -349, and -350, as follows:

[X] By **ELECTRONIC SERVICE**, addressed as follows:

Tori N. Sundheim, Esq.
Nevada Attorney General’s Office
tsundheim@ag.nv.gov

Don Springmeyer, Esq.
Christopher W. Mixson, Esq.
Wolf, Rifkin, Shapiro, Schulman & Rabkin, LLP
dspringmeyer@wrslawyers.com
cmixson@wrslawyers.com

Karen A. Peterson, Esq.
Allison MacKenzie, Ltd.
kpeterson@allisonmackenzie.com

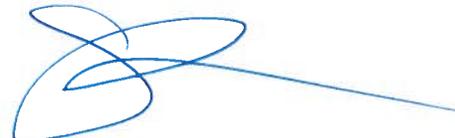
Theodore Beutel, Esq.
Eureka County District Attorney
tbeutel@eurekacountynv.gov

Debbie Leonard, Esq.
Leonard Law, PC
debbie@dleonardlegal.com

[X] By **UNITED STATES POSTAL SERVICE**, by depositing for mailing in the United States Mail, with postage prepaid, an envelope containing the above-identified document, at Carson City, Nevada, in the ordinary course of business, addressed as follows:

The Honorable Gary D. Fairman
801 Clark Street, Suite 7
Ely, Nevada 89301

DATED this 21st day of June, 2019.



Employee of TAGGART & TAGGART, LTD.

Taggart & Taggart, Ltd.
108 North Minnesota Street
Carson City, Nevada 89703
(775)882-9900 – Telephone
(775)883-9900 – Facsimile

EXHIBIT INDEX

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<u>Exhibit</u>	<u>Description</u>	<u>Pages</u>
1.	May 20, 2019, Email from David Rigdon to Tori Sundheim	1
2.	May 21, 2019, Email from Tori Sundheim to David Rigdon	1
3.	April 23, 2019, Meet and Confer Letter from David Rigdon to Tori Sundheim	5

Taggart & Taggart, Ltd.
108 North Minnesota Street
Carson City, Nevada 89703
(775)882-9900 ~ Telephone
(775)883-9900 ~ Facsimile

EXHIBIT 1

EXHIBIT 1

David Rigdon

From: David Rigdon
Sent: Monday, May 20, 2019 5:03 PM
To: Tori N. Sundheim
Cc: Paul Taggart; 'Chris Mixson'; 'Karen Peterson'; 'Debbie Leonard'
Subject: Status of ROA - CV-1902-348 (Bailey v. State Engineer)

Tori,

It's been almost a month since I sent you a meet and confer letter regarding the proposed ROA in this case. I have not received any response from you or your client and the ROA is required to be submitted to the court by this Friday. I agreed to stipulate to an extension of time to file the ROA in the belief that we would be working in a cooperative manner to develop the record and ensure that nothing is missing. That doesn't appear to have happened.

I think we should schedule a phone conference with all the parties ASAP (including Debbie who has now filed a motion to intervene) to discuss this. I think the judge was expecting a more active meet and confer process than has actually happened.

Thanks

David H. Rigdon, Esq.

Attorney at Law
TAGGART & TAGGART, LTD
108 N. Minnesota Street
Carson City, Nevada 89703
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CONFIDENTIALITY - This communication, including any attachments, is confidential and may be protected by privilege. If you are not the intended recipient, any use, dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify the sender by telephone or email, and permanently delete all copies, electronic or other, you may have. The foregoing applies even if this notice is embedded in a message that is forwarded or attached.

EXHIBIT 2

EXHIBIT 2

David Rigdon

From: Tori N. Sundheim <TSundheim@ag.nv.gov>
Sent: Tuesday, May 21, 2019 8:44 AM
To: David Rigdon
Cc: Paul Taggart; Chris Mixson; Karen Peterson; Debbie Leonard; 'debbie@dleonardlegal.com'; Nancy Fontenot; Sarah Hope; Dorene A. Wright
Subject: RE: Status of ROA - CV-1902-348 (Bailey v. State Engineer)

Good Morning David,

I am scheduled to receive my client's complete review of your requests today and am available any time Wednesday or Thursday to discuss. As you are aware, the State Engineer's ROA was ready to file on April 30, 2019. The Court's Order stated we would discuss the "contents of the ROA, as filed, [and] any proposed supplemental exhibits to the ROA" between April 30 and May 24.

Before filing the ROA, I shared the Draft Summary of the ROA on April 16. The purpose of sharing this Draft Summary was to speed up the meet and confer process, in the hopes that you might identify in your review clerical errors and submit specific proposed supplemental exhibits that the State Engineer might agree are inadvertent omissions, for inclusion in the State Engineer's ROA, prior to April 30. I anticipated that I would receive proposed supplemental exhibits from you, as Ordered by the Court, so that I could send them to my client for consideration, discuss them with you, and file the ROA by April 30th.

Instead, on April 23, 2019, I received a letter that detailed an extensive and burdensome list of requests requiring the identification of public records in the Diamond Valley Basin that date back to the 1970s. The scope of these requests necessitated a telephonic meet and confer that resulted in a stipulation to extend the time to file the ROA to May 24, 2019. The State Engineer could have filed the ROA on April 30th in accordance with the Court's Order. The stipulated extension of time was necessary to review the high volume of your requests. Moreover, it reflects the seriousness with which the State Engineer has considered and processed them.

As the State Engineer's review should be completed today, I am happy to discuss with you and the other parties at your convenience on Wednesday or Thursday. Please provide me with times so that we can schedule.

Thank you,

Tori

Tori Nicole Sundheim, Esq., LL.M.
Deputy Attorney General
Office of the Attorney General
Government and Natural Resources Division
100 N. Carson Street
Carson City, Nevada 89701-4747
Telephone: (775) 684-1219
Facsimile: (775) 684-1108

EXHIBIT 3

EXHIBIT 3

PAUL G. TAGGART
SONIA E. TAGGART

TAGGART & TAGGART, LTD.

A PROFESSIONAL CORPORATION
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CARSON CITY, NEVADA 89703
www.nvwaterlaw.com

DAVID H. RIGDON
TIMOTHY D. O'CONNOR
EVAN J. CHAMPA
THOMAS P. DUENSING*

*Licensed in California only

April 23, 2019

Tori N. Sundheim, Esq.
Deputy Attorney General
State of Nevada
100 N. Carson St.
Carson City, Nevada 89701

Re: *Bailey v. Wilson* (Case No. CV-1902-348) Meet and Confer re: Summary of Record on Appeal

Dear Tori:

Thank you for forwarding your draft Summary of Record on Appeal (“ROA”) in the *Bailey v. Wilson* case. I have had an opportunity to review it and believe that the proposed record is significantly lacking several documents and records relevant to this case. As the Ninth Circuit has noted, an administrative record “is not necessarily [limited to] those documents that the agency has compiled and submitted as the administrative record.”¹ Rather, a “whole” administrative record “consists of all documents and materials directly or *indirectly* considered by agency decision-makers and includes evidence contrary to the agency’s position.”²

Appendix C of the Diamond Valley Groundwater Management Plan (“DVGMP”) contains summaries of the various community meetings that resulted in the drafting of the plan. These summaries show that senior staff members of the Division of Water Resources were intimately involved in the development and drafting of the DVGMP. Inexplicably, there are no documents or records included in the proposed ROA (other than the summaries included in Appendix C) that document this involvement. In addition, several of the summaries include references to studies and other records that are also not included in the ROA.

To ensure that the district court has a complete record to review in this matter, my clients request additional documents, as indicated below, be included in the ROA. I should emphasize that the breadth of this request is necessitated by the fact that the State Engineer failed to hold a proper evidentiary hearing that could have resolved these evidentiary questions *before* the plan was approved. In addition, these requests are based on our initial review of the proposed Summary

¹ *Thompson v. U.S. Dep’t of Labor*, 885 F.2d 551, 555 (9th Cir. 1989) (emphasis in original, internal quotations omitted).

² *Id.* (emphasis in original).

ROA and we reserve the right to submit additional requests as we continue our review of the record.

- 1) The ROA should include all non-privileged emails sent or received by Jason King, Rick Felling, Adam Sullivan, Kelvin Hickenbottom, or any other employee of the Nevada Division of Water Resources, for the period between April 23, 2015, and January 11, 2019, related to the development of a groundwater management plan for Diamond Valley, reviews of outlines or draft copies of the plan, the scheduling of meetings to develop such a plan, the scheduling and format of the November 1, 2018, public comment meeting held at the Eureka Opera House, and/or the designation of Diamond Valley as a Critical Management Area. For any such document for which a claim of privilege is asserted please provide a privilege log identifying the document and stating the grounds for the claim of privilege.
- 2) The ROA should include all non-privileged notes, summaries, reports, presentations, or any similar documents prepared by, or provided to, Jason King, Rick Felling, Adam Sullivan, or Kelvin Hickenbottom related to any meeting attended by said individuals during which the development of the DVGMP was discussed. For any such document for which a claim of privilege is asserted please provide a privilege log identifying the document and stating the grounds for the claim of privilege.
- 3) P. 71 of the DVGMP indicates that on March 19, 2009, the State Engineer held a workshop wherein he outlined the history and status of Diamond Valley and asked water users to come up with a plan. Accordingly, the ROA should include copies of any presentation materials, notes, attendance logs, public comments, transcripts, or any similar documents, including any studies or reports cited in such materials.
- 4) P. 77 of the DVGMP indicates that the recommendations being made are based on a "Blueprint for Western Water Management" that was presented by Professor Mike Young at a meeting held on June 11, 2015. The ROA should include a copy of said "Blueprint" and any presentation materials, notes, attendance logs, public comments, transcripts, or any similar documents, including any studies or reports cited in such materials, from the June 11, 2015, meeting.
- 5) P. 98 of the DVGMP indicates that the State Engineer made two formal presentations (the most recent one in February 2014) to water users in Diamond Valley at which he strongly urged them to develop a plan to solve the water issues. The ROA should include copies of any presentation materials, notes, attendance logs, public comments, transcripts, or any similar documents, including any studies or reports cited in such materials, from those two meetings.
- 6) P. 144 of the DVGMP indicates that legislation will be needed to implement the plan and makes reference to SB 81 from the 2015 Nevada legislative session. The ROA should include all legislative materials related to the 2015 Legislature's consideration of

SB 81 including, without limitation, transcripts of all hearings on the bill. In addition, a similar bill was introduced during the 2017 Legislature (SB 73). The ROA should include all legislative materials related to SB 73 including without limitation, transcripts of all hearings on the bill. Finally, the ROA should include all records of communications between Jason King, Rick Felling, Adam Sullivan, Kelvin Hickenbottom, or any other employee of the Division of Water Resources and any employee, contractor, lobbyist, member, or employee of Eureka County or the Diamond Natural Resources Protection & Conservation Association related directly or indirectly to SB 81 or SB 73.

7) P. 147 of the DVGMP is an email, copied to Rick Felling, Jason King, and Kelvin Hickenbottom. The email indicates that it includes an attachment of the "GMP outline/working model with specific items for discussion and possible action highlighted." The referenced attachment should be included in the ROA as a separate document.

8) On p. 149 of the DVGMP reference is made to a USGS report that quantifies the amount of discharge in Diamond Valley. The ROA should include a copy of the referenced report and any and all communications by and between employees of the Division of Water Resources and either the United States Geological Survey ("USGS") or Eureka County regarding said report. In addition, the ROA should include any notes, summaries, presentations, mark-ups or comments by employees of the Division of Water Resources regarding said report and any scientific study cited within the USGS report.

9) On pp. 136-37 of the DVGMP the proposed water banking portion of the DVGMP is summarized. The DVGMP notes that "Rick Felling noted a possible depreciation to account for 'loss' by continued ET of phreatophytes of water banked." On p. 149 of the DVGMP, it states that "Rick Felling noted a possible depreciation to account for 'loss' by continued ET of phreatophytes of water banked." On p. 250 of the DVGMP it states that "[t]he rumor is that Rick Felling is saying that banked water will result in increased loss to phreatophyte and the quantity of water should be reduced if carried forward (like a negative interest rate)". On the same page it also states that "[b]anking depreciation was determined *based on guidance from the State Engineer's office* and numerical flow modeling using the best available information." This is clear evidence that senior staff of the Division of Water Resources were intimately involved in formulating the depreciation factor incorporated into the final DVGMP that is one of the points of contention in this litigation. Accordingly, the ROA should include any notes, emails, communications, research, presentations, calculations, groundwater models, groundwater model simulations, reviews of groundwater models and simulations, or any similar materials prepared by, submitted to, or reviewed by employees of the Division of Water Resources related to applying a depreciation factor to banked water. For any such document for which a claim of privilege is asserted please provide a privilege log identifying the document and stating the grounds for the claim of privilege.

10) P. 201 of the DVGMP is an email stating that Jake Tibbitts from Eureka County sent Jason King, Rick Felling, and Kelvin Hickenbottom a draft of the DVGMP for review.

Likewise, p. 222 contains an email sent to Jason King and Rick Felling indicating that a copy of a draft DVGMP is attached for their review. An email on p. 223 of the DVGMP states that “[t]he State Engineer’s office completed their review of the Draft GMP” and that an “edited workup is attached.” Additional emails included in the DVGMP further indicate that other drafts of the DVGMP were created and reviewed by employees of the Division of Water Resources prior to the submittal of the final DVGMP. The ROA should include all prior drafts of the DVGMP submitted to the Division of Water Resources for review as well as all comments, redlines, mark-ups, notes, or similar documents produced by employees of the Division of Water Resources related to their review of the various drafts.

11) On p. 251, the DVGMP includes a statement that “there are many reports, studies, testimony, etc. that discusses these things” (i.e., the impacts of groundwater drawdown “as it is now, *or reduced as proposed in the groundwater management plan*”). The proposed ROA appears to contain only a single study performed by Harrill in 1968. Because Petitioners have raised the issue of whether there is evidence that the DVGMP will stop the groundwater mining that is occurring in Diamond Valley, such studies are highly relevant to this litigation. Accordingly, the ROA should include each and every hydrologic study, report, groundwater model, and groundwater model simulation prepared by, submitted to, reviewed by, or commented on by employees of the Division of Water Resources related to the Diamond Valley groundwater basin including, without limitation, any reports that discuss the responsiveness of the aquifer to withdrawals from groundwater wells.

12) P. 254 of the DVGMP indicates that “based on monitoring data in DV, small reductions in pumping have created substantial reductions in drawdown.” On the same page it also states that “[b]ased on past monitoring in DV, the pumping reductions in the GMP will result in [groundwater stabilization].” Again, this is an issue of direct consequence in the instant litigation. Accordingly, the ROA should include any and all monitoring reports, monitoring data, analysis of such reports and data, notes, communications, or similar documents regarding groundwater levels in Diamond Valley that were submitted to, prepared by, reviewed by, or commented on by employees of the Division of Water Resources.

13) The record should also include all past orders of the State Engineer regarding the management of the Diamond Valley aquifer, as well as transcripts of previous meetings and hearings held by the State Engineer to discuss such orders including, without limitation, the transcript of the public hearing held by State Engineer Morros in 1982 to discuss a request for curtailment submitted by Milton Thompson.

14) In the 1970s the State Engineer cancelled a large number of water rights permits in Diamond Valley because the owners of the permits had failed to apply the water to beneficial use. However, the State Engineer allowed such individuals to apply for replacement permits with the understanding that these permits would be the first to be

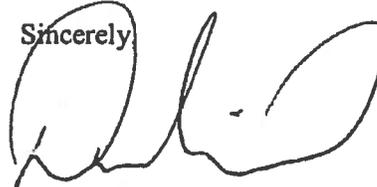
Tori N. Sundheim, Esq.
Deputy Attorney General
State of Nevada
April 23, 2019
Page 5

restricted in the event that pumping was regulated. Because the DVGMP imposes a basin-wide regulation of pumping, the record in this case should include copies of the cancellation notices for these water rights, applications for new water rights to replace the cancelled ones, any public documents related to the State Engineer's consideration of those new applications, and the approved permits and certificates associated with those applications.

Finally, the Summary of the ROA include copies of mitigation water rights issued to Sadler Ranch and Daniel Venturacci. My clients do not necessarily object to this, but do wonder why their permits are the only ones included. Either copies of all the water rights permits issued by the Division of Water Resources in Diamond Valley should be included in the ROA, or none should (except those identified in request # 14 above). Our clients' mitigation rights permits should not be singled out.

My clients eagerly await your response. Should you have any questions or concerns, please feel free to contact me by phone or email. I am also happy to meet with you and your client in person to discuss these issues further.

Sincerely

A handwritten signature in black ink, appearing to read 'DR', with a large, stylized flourish extending to the right.

David H. Rigdon, Esq.
TAGGART & TAGGART, LTD.

JUN 24 2019

By *[Signature]*
Eureka County Clerk

1 CASE NO.: CV-1902-348 (consolidated with
2 Case Nos. CV-1902-349 and CV-1902-350)

3 DEPT. NO.: 2
4
5

6 IN THE SEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR THE COUNTY OF EUREKA

8 * * *

9 TIMOTHY LEE & CONSTANCE MARIE
10 BAILEY; FRED & CAROLYN BAILEY; IRA
11 R. & MONIRA RENNER; SADLER RANCH,
12 LLC; DANIEL S. VENTURACCI,

Petitioners,

13 vs.

14 TIM WILSON, P.E., Nevada State
15 Engineer, DIVISION OF WATER
16 RESOURCES, DEPARTMENT OF
17 CONSERVATION AND NATURAL
18 RESOURCES,

Respondent.

19 EUREKA COUNTY; DIAMOND NATURAL
20 RESOURCES PROTECTION AND
21 CONSERVATION ASSOCIATION, J&T
22 FARMS, GALLAGHER FARMS, JEFF
23 LOMMORI, M&C HAY, CONLEY LAND &
24 LIVESTOCK, LLC, JIM AND NICK
25 ETCHEVERRY, TIM AND SANDIE HALPIN,
26 DIAMOND VALLEY HAY CO., MARK
27 MOYLE FARMS, LLC, D.F. AND E.M.
28 PALMORE FAMILY TRUST, BILL AND
PATRICIA NORTON, SESTANOVICH HAY
& CATTLE, LLC, JERRY ANDERSON, BILL
AND DARLA BAUMANN,

Respondents/Intervenors.

_____ /

**DNRPCA INTERVENOR'S
JOINDER TO
STATE ENGINEER'S
MOTION IN LIMINE
and
EUREKA COUNTY'S
JOINDER THERETO**

RECEIVED
JUN 24 2019
Eureka County Clerk

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DIAMOND NATURAL RESOURCES PROTECTION AND CONSERVATION ASSOCIATION, J&T FARMS, GALLAGHER FARMS, JEFF LOMMORI, M&C HAY, CONLEY LAND & LIVESTOCK, LLC, JIM AND NICK ETCHEVERRY, TIM AND SANDIE HALPIN, DIAMOND VALLEY HAY CO., MARK MOYLE FARMS, LLC, D.F. AND E.M. PALMORE FAMILY TRUST, BILL AND PATRICIA NORTON, SESTANOVICH HAY & CATTLE, LLC, JERRY ANDERSON, and BILL AND DARLA BAUMANN (collectively, "DNRPCA Intervenors") join in the Motion in Limine served by the State Engineer on June 7, 2019 and in the additional points made in the Joinder filed by Eureka County on June 20, 2019.

AFFIRMATION

The undersigned does hereby affirm that the preceding document does not contain the social security number of any person.

DATED: this 21st day of June, 2019.

LEONARD LAW PC

DEBBIE LEONARD (NSBN 8260)
955 S. Virginia Street, Suite 220
Reno, NV 89502
Attorney for DNRPCA Intervenors

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I hereby certify that I am an employee of LEONARD LAW, PC and that on this date I caused the foregoing document to be served to all parties to this action by electronic transmission to:

Paul G. Taggart
David H. Rigdon
Timothy D. O'Connor
Taggart & Taggart
108 North Minnesota Street
Carson City, NV 89703

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David@legaltnt.com
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Counsel for Tim Wilson, P.E. and Nevada Division of Water Resources

Karen Peterson
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Counsel for Eureka County

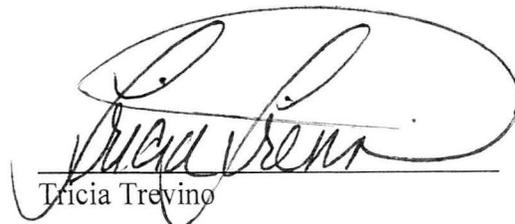
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5594-B Longley Lane
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Counsel for Petitioner Baileys

COURTESY COPY TO:

Honorable Gary D. Fairman
Department Two
P.O. Box 151629
Ely, NV 89315
wlopez@whitepinecountynv.gov

Dated: June 21, 2019


Tricia Trevino

Leonard Law, PC
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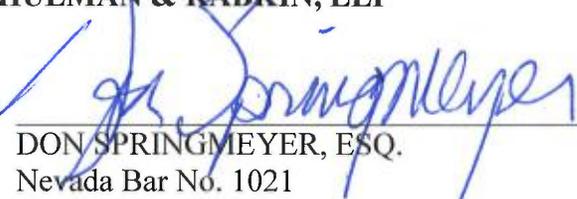
AFFIRMATION

Pursuant to NRS 239B.030(4)

The undersigned does hereby affirm that the preceding document does not contain the social security number of any person.

DATED this 28th day of June, 2019.

**WOLF, RIFKIN, SHAPIRO,
SCHULMAN & RABKIN, LLP**

By: 

DON SPRINGMEYER, ESQ.
Nevada Bar No. 1021
CHRISTOPHER W. MIXSON, ESQ.
Nevada Bar No. 10685
3556 E. Russell Road, Second Floor
Las Vegas, Nevada 89120
(702) 341-5200/Fax: (702) 341-5300
Attorneys for Bailey Petitioners

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on this 28th day of June, 2019, a true and correct copy of **NOTICE**
3 **OF MAILING OF NOTICE OF LEGAL PROCEEDINGS** was sent via electronic mail to the
4 following:

5 Tori N. Sundheim, Esq.
6 Deputy Attorney General
7 Nevada Attorney General's Office
8 100 N. Carson Street
9 Carson City, NV 89701
TSundheim@ag.nv.gov

Paul G. Taggart, Esq.
David H. Rigdon, Esq.
Timothy D. O'Connor, Esq.
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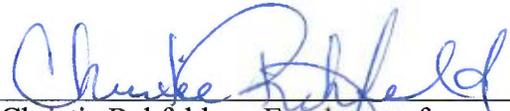
10 Eureka County
11 c/o Karen Peterson, Esq.
12 Allison MacKenzie, Ltd.
13 P.O. Box 646
14 Carson City, NV 89702-0646
15 Kpeterson@allisonmackenzie.com

Ted Beutel, Esq.
Eureka County District Attorney
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tbeutel@eurekacountynev.gov

14 Debbie Leonard
15 Leonard Law, PC
16 955 S. Virginia Street, Suite 220
17 Reno, NV 89502
18 debbie@dleonardlegal.com

16 **COURTESY COPY TO:**

17 Honorable Gary D. Fairman
18 Department Two
19 P.O. Box 151629 Ely, NV 89315
20 wlopez@whitepinecountynv.gov

21 

22 Christie Rehfeld, an Employee of
23 WOLF, RIFKIN, SHAPIRO, SCHULMAN &
24 RABKIN, LLP

EXHIBIT "A"

EXHIBIT "A"

**NOTICE OF LEGAL PROCEEDING
REGARDING THE DIAMOND VALLEY GROUNDWATER MANAGEMENT PLAN**

June 27, 2019

***** This Notice May Affect Your Legal Rights. Please Read Carefully *****

PLEASE TAKE NOTICE the Seventh Judicial District Court in and for Eureka County, Nevada on June 11, 2019 issued an order that may affect your legal rights to water in a lawsuit entitled **Case No. CV-1902-348, Bailey, Renner and Sadler Ranch, LLC, Petitioners, vs. Tim Wilson, P.E., Nevada State Engineer, et al., Respondent, and Eureka County and Diamond Natural Resources Protection and Conservation Association, et al., Intervenors.** On January 11, 2019, the Nevada State Engineer issued Order #1302 approving the Diamond Valley Groundwater Management Plan ("Diamond Valley GMP"). Several groundwater rights holders, including Timothy Lee & Constance Marie Bailey; Fred & Carolyn Bailey; Ira R. & Montira Renner; and Sadler Ranch, LLC, known as "Petitioners" filed Petitions for Judicial Review with the Seventh Judicial District Court of Nevada seeking to have Order #1302 overturned. All pleadings and paperwork related to this lawsuit have been filed in **Case No. CV-1902-348** (consolidated with Case Nos. CV-1902-349 & CV-1902-350) at the County Courthouse at 10 South Main Street in Eureka, Nevada. Copies of the pleadings and paperwork can be obtained at the office of the County Clerk.

You are receiving this Notice because the Eureka County District Court has directed the Petitioners in lawsuit **Case No. CV-1902-348** to send this notice to all identified holders of water rights and potentially affected water users in the Diamond Valley Basin who are not already parties to **Case No. CV-1902-348**.

Pursuant to an order issued by the Eureka County District Court on June 11, 2019, all interested persons who desire to intervene in these proceedings are advised that:

- (1) To participate in this lawsuit, you must file a motion to intervene on or before August 1, 2019;**
- (2) Motions to intervene filed by persons receiving this notice on or before August 1, 2019 shall be considered timely and will be granted as a matter of right; and**
- (3) Any motion to intervene filed after August 1, 2019 will be considered by the Court under the Nevada Rules of Civil Procedure, Rule 24.**

Copies of Order #1302 and the Petitions seeking to overturn the order can also be downloaded at <https://tinyurl.com/yy88th8z>.

EXHIBIT "B"

EXHIBIT "B "

2 BIT RNCH RUBY HILL SERIES LLC
P.O. BOX 585
EUREKA, NV 89316

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Gardnerville, NV 89410

ANDERSEN, HARLOW B. & BONNIE G.
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Poulsbo, WA 98370

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EUREKA, NV 89316

ANTONE J DAMELE REV TRUST
P.O. BOX 882
EUREKA, NV 89316

ARAGON, DAWN
Resource Concepts Inc.
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Carson City, NV 89703

ARCHULETA, DARRELL E.
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JUL 01 2019

By *[Signature]*
Eureka County Clerk

1 CASE NO.: CV-1902-348 (consolidated with
2 Case Nos. CV-1902-349 and CV-1902-350)
3
4
5
6 DEPT. NO.: 2

7 IN THE SEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
8 IN AND FOR THE COUNTY OF EUREKA

9 * * *

10 TIMOTHY LEE & CONSTANCE MARIE
11 BAILEY; FRED & CAROLYN BAILEY; IRA
12 R. & MONIRA RENNER; SADLER RANCH,
13 LLC; DANIEL S. VENTURACCI,

14 Petitioners,

15 vs.

16 TIM WILSON, P.E., Nevada State
17 Engineer, DIVISION OF WATER
18 RESOURCES, DEPARTMENT OF
19 CONSERVATION AND NATURAL
20 RESOURCES,

21 Respondent.

22 EUREKA COUNTY; DIAMOND NATURAL
23 RESOURCES PROTECTION AND
24 CONSERVATION ASSOCIATION, J&T
25 FARMS, GALLAGHER FARMS, JEFF
26 LOMMORI, M&C HAY, CONLEY LAND &
27 LIVESTOCK, LLC, JIM AND NICK
28 ETCHEVERRY, TIM AND SANDIE HALPIN,
DIAMOND VALLEY HAY CO., MARK
MOYLE FARMS, LLC, D.F. AND E.M.
PALMORE FAMILY TRUST, BILL AND
PATRICIA NORTON, SESTANOVICH HAY
& CATTLE, LLC, JERRY ANDERSON, BILL
AND DARLA BAUMANN,

Respondents/Intervenors.

_____ /

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**DNRPCA INTERVENOR'S
REPLY IN SUPPORT OF
JOINDER TO
STATE ENGINEER'S
MOTION IN LIMINE
and
EUREKA COUNTY'S
JOINDER THERETO**

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1 DIAMOND NATURAL RESOURCES PROTECTION AND CONSERVATION
2 ASSOCIATION, J&T FARMS, GALLAGHER FARMS, JEFF LOMMORI, M&C HAY,
3 CONLEY LAND & LIVESTOCK, LLC, JIM AND NICK ETCHEVERRY, TIM AND
4 SANDIE HALPIN, DIAMOND VALLEY HAY CO., MARK MOYLE FARMS, LLC, D.F.
5 AND E.M. PALMORE FAMILY TRUST, BILL AND PATRICIA NORTON, SESTANOVICH
6 HAY & CATTLE, LLC, JERRY ANDERSON, and BILL AND DARLA BAUMANN
7 (collectively, “DNRPCA Intervenors”) file this Reply in Support of Joinder to the Motion in
8 Limine served by the State Engineer on June 7, 2019 and in the additional points made in the
9 Joinder filed by Eureka County on June 20, 2019. This reply is supported by the following
10 points and authorities and such other matters as the Court may wish to consider. In addition to
11 this reply, the DNRPCA Intervenors also join in the reply in support of motion in limine filed by
12 the State Engineer

13 **POINTS AND AUTHORITIES**

14 **I. INTRODUCTION**

15 Nothing prevented the Petitioners from submitting to the State Engineer the information
16 they wanted him to consider when reviewing the GMP. The Petitioners cannot make up for their
17 failure below by having the Court exceed its authority under NRS 533.450. The Court’s review
18 is limited to the record before the State Engineer, and NRS 534.037 is clear that the State
19 Engineer’s sole obligation was to hold a public hearing, not the evidentiary hearing the
20 Petitioners now demand. The Court would exceed the bounds of its authority were it to consider
21 extra-record evidence, as the Petitioners request.

22 Simply because the group that developed the GMP (“the GMP Proponents”) may have
23 considered information that they then referenced in the GMP did not require the State Engineer
24 to independently review that information. And the reference to such information in the GMP
25 does not necessarily mean that information was part of what the State Engineer considered. If
26 the State Engineer’s approval of the GMP is supported by substantial evidence in the record
27 submitted by the State Engineer, the Court must affirm. Nothing presented by the Petitioners
28 identifies any deficiency in the record.

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II. ARGUMENT

A. Documents on Which the GMP Proponents Relied to Create the GMP Are Not Necessarily Documents on Which the State Engineer Relied When Approving the GMP

The Petitioners assume that the information the GMP Proponents considered when developing the GMP was the exact same information considered by the State Engineer when approving it. That is not necessarily the case. The GMP Proponents submitted the GMP with a number of appendices, which included:

1. The petition requesting approval of the GMP;
2. The 2014 GMP scoping report by Walker & Associates;
3. A description of the process for developing the GMP (which included correspondence to the State Engineer and others from his office regarding the process; drafts of the GMP; and detailed descriptions of what occurred at each meeting);
4. A description of the hydrology of Diamond Valley adapted from the 2016 Eureka Water Resources Master Plan;
5. A model job description for the water manager position;
6. A preliminary table of groundwater rights and associated shares;
7. A report from Utah State University on flow meter testing;
8. An expert report from hydrogeologist Dale Bugenig regarding groundwater flow modeling to support the banking depreciation calculation in the GMP.

Although the text of the GMP also describes other documents considered *by the GMP Proponents* when developing their plan (*see Sadler/Renner Opposition at 9-10 and citations therein*), to the extent those documents were not provided to the State Engineer with the GMP petition, the State Engineer properly excluded them from the ROA. Moreover, matters before the Nevada Legislature constitute what the *Legislature* considered, not what *the State Engineer* considered.

///
///

1 **B. NRS 534.037 Requires Only “A Public Hearing To Take Testimony,” Not An**
2 **Evidentiary Hearing**

3 The Petitioners try to write language into the GMP statute that does not exist. The
4 Legislature directed only that the State Engineer hold a “public hearing to take testimony,” not
5 an evidentiary hearing. NRS 534.037. Nothing prevented the petitioners from creating the record
6 before the State Engineer of matters they believed he should consider. They cannot blame the
7 State Engineer for their own shortcomings. To the extent they were not sure what materials
8 could be submitted with their comments, they could have readily asked the hearing officer. The
9 Petitioners have not pointed to any statement by the hearing officer rejecting requested
10 submissions of documents.

11 Instead, they ask the Court to decide the merits of their petitions in the course of
12 determining the scope of the record. This is improper. In light of the plain statutory language,
13 the Court is without authority to remand for an evidentiary hearing. *See* NRS 534.037.

14 **C. On a Petition for Judicial Review, A Court May Not Hold An Evidentiary**
15 **Hearing or Consider New Evidence**

16 The Court’s role is to determine whether the State Engineer’s approval of the GMP is
17 supported by substantial evidence in the record, not to consider any materials the Petitioners
18 wish to submit.

19 [A] party aggrieved by a decision of the State Engineer ... is not entitled to a De
20 novo hearing in the district court. The relevant statutes specifically provide that
21 any such review shall be “*in the nature of an appeal*” and that the proceedings in
22 the district court shall be “informal and summary.”

23 *Revert v. Ray*, 95 Nev. 782, 786, 603 P.2d 262, 264 (1979) (emphasis added), *quoting* NRS
24 533.450(1) and (2). Just as the Supreme Court does not allow an appellant to submit new
25 evidence on appeal, *see, e.g.*, NRAP 10, so too must this Court decline to consider new
26 information the Petitioners seek to submit. The Court would exceed its limited authority under
27 NRS 533.450 were it to do so.

28 The Sadler/Renner Petitioners rely on a dissenting opinion, which is not the law (Opp. at
1, 7). And the Petitioners fail to provide any authority to support their erroneous position that an

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agency head must testify under oath that the record submitted to the Court is what was considered when issuing a decision. The law is clear that the agency submits the record, and the Court limits its review to that record. *See Revert*, 95 Nev. at 786, 603 P.2d at 264. The Petitioners offer no basis for the Court to disregard this law because none exists.

III. CONCLUSION

The Petitioners cannot make up for their failings below by trying to submit new evidence in this appellate-type proceeding. The Court’s review must be limited to the record submitted by the State Engineer. None of the authorities cited by the Petitioners demonstrate otherwise.

AFFIRMATION

The undersigned does hereby affirm that the preceding document does not contain the social security number of any person.

DATED: this 28th day of June, 2019.

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Pursuant to NRCP 5(b), I hereby certify that I am an employee of LEONARD LAW, PC and that on this date I caused the foregoing document to be served to all parties to this action by electronic transmission to:

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Honorable Gary D. Fairman
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P.O. Box 151629
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Dated: June 28, 2019



Tricia Trevino

JUL 01 2019

By Eureka County Clerk

1 Case No. CV-1902-348
2 (consolidated with Case Nos.
3 CV-1902-349 and CV-1902-350)

4 Dept. No. 2

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6
7 **IN THE SEVENTH JUDICIAL DISTRICT COURT**
8 **OF THE STATE OF NEVADA IN AND FOR**
9 **THE COUNTY OF EUREKA**

10
11 TIMOTHY LEE BAILEY and
12 CONSTANCE MARIE BAILEY; FRED
13 BAILEY and CAROLYN BAILEY; IRA
14 R. RENNER, an individual, and
15 MONTIRA RENNER, an individual;
16 SADLER RANCH, LLC; and DANIEL S.
17 VENTURACCI,

18 Petitioners,

19 vs.

20 TIM WILSON, P.E., Nevada State
21 Engineer, DIVISION OF WATER
22 RESOURCES, DEPARTMENT OF
23 CONSERVATION AND NATURAL
24 RESOURCES,

25 Respondent.

26 EUREKA COUNTY; DNRPCA
27 INTERVENORS,

28 Intervenors.

**EUREKA COUNTY'S JOINDER TO STATE ENGINEER'S
AND DNRPCA'S REPLIES IN SUPPORT OF MOTION IN LIMINE**

EUREKA COUNTY, by and through its counsel of record, ALLISON MacKENZIE, LTD. and THEODORE BEUTEL, ESQ., EUREKA COUNTY DISTRICT ATTORNEY, hereby joins in the State Engineer's and DNRPCA

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JUL 01 2019

Eureka County Clerk

ALLISON MacKENZIE, LTD.
402 North Division Street, P.O. Box 646, Carson City, NV 89702
Telephone: (775) 687-0202 Fax: (775) 882-7918
E-Mail Address: law@allisonmackenzie.com

1 INTERVENORS' Replies in Support of Motion in Limine, dated June 28, 2019.
2 EUREKA COUNTY adds the following to the arguments of the State Engineer and
3 the DNRPCA in their respective replies.

4 Sadler Ranch, LLC and Ira R. & Montira Renner contend in their Conclusion
5 on page 14 of their Opposition there are three options the Court could employ now in
6 deciding the State Engineer's motion in limine. These three options are not
7 appropriately considered without a motion filed in support of Petitioners' requested
8 relief. It appears there is a dispute concerning the record on appeal in this case. The
9 pleadings filed with the Court on this issue need to be made in accordance with the
10 local rules of the Court so that the issues are properly briefed by all parties and
11 decided in an orderly manner by the Court. Sadler and Renner did not file a cross-
12 motion or any other motion seeking affirmative relief on their "options". The Court's
13 proper consideration of the record on appeal issue, which may go to the merits of
14 Petitioners' appeal, should not be hijacked by Petitioners' Opposition which
15 provides no legal support for the three options provided for the Court's consideration
16 in the context of a petition for judicial review proceeding or at this stage of their
17 appeal.

18 Further, while EUREKA COUNTY agrees the dissenting opinion of Justice
19 Breyer in *In re U.S.*, 138 S. Ct. 371, 372, 199 L. Ed. 2d 417 (2017) cited by
20 Petitioners Sadler and Renner in their Opposition is not controlling authority,
21 Petitioners have not shown the administrative record in this case does not contain all
22 relevant materials *presented* to the agency for purposes of making its administrative
23 decision, including not only materials supportive of the State Engineer's decision but
24 also materials contrary to the State Engineer's decision (emphasis added). See *Motor*
25 *Vehicle Mfrs. Assn. of United States, Inc. v. State Farm Mut. Automobile Ins. Co.*, 463
26 U.S. 29, 43-44, 103 S.Ct. 2856, 77 L.Ed.2d 443 (1983) cited *In re U.S.*, 138 S. Ct.
27 371, 372, 199 L. Ed. 2d 417 (2017). Nor do Petitioners tell the Court Justice Breyer's
28 dissent noted probing a decisionmaker's subjective mental reasoning, the relief

1 Petitioners' appear to contend is appropriate, cannot be deemed properly part of the
2 administrative record in any event, because it did not exist until after the agency
3 decision had been made. *In re U.S.*, 138 S. Ct. 371, 373, 199 L. Ed. 2d 417 (2017)
4 citing *Florida Power & Light Co. v. Lorion*, 470 U.S. 729, 743, 105 S.Ct. 1598, 84
5 L.Ed.2d 643 (1985) (“ ‘[T]he focal point for judicial review should be the
6 administrative record already in existence, not some new record made initially in the
7 reviewing court’ ” (quoting *Camp v. Pitts*, 411 U.S. 138, 142, 93 S.Ct. 1241, 36
8 L.Ed.2d 106 (1973) (*per curiam*))). Inquiry into the mental processes of
9 administrative decisionmakers is usually to be avoided absent a showing of bad faith
10 or improper conduct because it is distinct from the ordinary judicial task of evaluating
11 whether the decision itself was objectively valid, considering all of the materials
12 before the decisionmaker at the time he made the decision. *In re U.S.*, 138 S. Ct. 371,
13 373, 199 L. Ed. 2d 417 (2017) (cites omitted). Just as the mental processes of this
14 Court are not subject to review on appeal in the Nevada Supreme Court, Petitioners
15 provide no basis and cannot provide any basis for the Court to require the State
16 Engineer to provide testimony explaining his decision. As the record on appeal
17 clearly shows, the *process* of developing a Groundwater Management Plan (“GMP”)
18 by the GMP plan proponents to submit to the State Engineer if the statutory
19 requirements were met was transparent to all, including Petitioners. That process
20 occurred prior to the submittal of the petition for approval and the GMP to the State
21 Engineer governed by NRS 534.037 and controlling on the State Engineer.

22 **AFFIRMATION**

23 The undersigned hereby affirms that this document DOES NOT contain a social
24 security number.

25 ///

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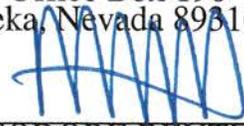
DATED this 1st day of July, 2019.

KAREN A. PETERSON, ESQ.
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~ and ~

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BY:



THEODORE BEUTEL, ESQ.
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1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCP Rule 5(b), I hereby certify that I am an employee of
3 ALLISON MacKENZIE, LTD., Attorneys at Law, **this document applies to Case**
4 **Nos. CV1902-348; -349; and -350;** and that on this date, I caused the foregoing
5 document to be served to all parties to this action by:

6 Electronic transmission

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Placing a true copy thereof in a sealed postage prepaid envelope, in the
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Courtesy Copy to Chambers:

Hon. Gary D. Fairman
Department Two
P.O. Box 151629
Ely, NV 89315

DATED this 1st day of July, 2019.


NANCY FONTENOT

ORIGINAL

Case No. CV-1902-348
(Consolidated with CV-1902-349 and CV-1902-350)

NO. _____ FILED _____

Dept. No. 2

JUL 02 2019

By Eureka County Clerk

**IN THE SEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF EUREKA**

TIMOTHY LEE & CONSTANCE MARIE
BAILEY; FRED & CAROLYN BAILEY;
IRA R. & MONTIRA RENNER; SADLER
RANCH, LLC; and DANIEL S.
VENTURACCI,

Petitioners,

vs.

TIM WILSON, P.E., Nevada State
Engineer, DIVISION OF WATER
RESOURCES, DEPARTMENT OF
CONSERVATION AND NATURAL
RESOURCES,

Respondent.

**REPLY IN SUPPORT OF
MOTION *IN LIMINE***

Tim Wilson, P.E., in his capacity as Acting Nevada State Engineer, Department of Conservation and Natural Resources, Division of Water Resources (hereafter "State Engineer"), by and through counsel, Nevada Attorney General Aaron D. Ford and Deputy Attorney General Tori N. Sundheim, hereby files this Reply in Support of Motion *in limine*. This Reply in Support of Motion *in limine* is based upon the attached Points and Authorities and the pleadings and papers on file herein.

POINTS AND AUTHORITIES

The Court's review in a water case is limited. The State Engineer acts as a trier of fact whose decision is *prima facie* correct. NRS 533.450(10). Petitioners seek to conduct extensive discovery similar to a civil case which will be of no value to the Court in its limited appellate abuse of discretion review under NRS 533.450. Order No. 1302 approves the final

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1 Diamond Valley Groundwater Management Plan (“DVGMP”) after consideration of each of
2 the statutory factors required by NRS 534.037, and the State Engineer’s Record on Appeal
3 (“Record”) substantiates its findings and conclusions.

4 Petitioners bear the burden to show that Order No. 1302 is not based on substantial
5 evidence. NRS 533.450(10); *Office of State Eng’r, Div. of Water Res. v. Curtis Park Manor Water*
6 *Users Ass’n*, 101 Nev. 30, 692 P.2d 495 (1985). This attempt to create a trial de novo atmosphere
7 where the court reweighs the evidence is in direct violation of NRS 534.037 and 533.450.
8 *Revert v. Ray*, 95 Nev. 782, 786, 603 P.2d 262, 264 (1979) (“[c]ontrary to appellants’
9 suggestion, a party aggrieved by a decision of the State Engineer in an appropriation
10 hearing is not entitled to a De novo hearing in the district court.”). A District Court is not
11 free to substitute its judgment for that of the Engineer, and must instead “review the
12 evidence upon which the Engineer based his decision and ascertain whether that evidence
13 supports the order.” *Curtis Park*, 101 Nev. at 30, 692 P.2d at 495. “Substantial evidence is
14 evidence that a reasonable mind might accept as adequate to support a conclusion.”
15 *Jackson v. Groenendyke*, 132 Nev. 296, 300, 369 P.3d 362, 365 (2016). The Court will not
16 set aside factual findings unless they are not supported by substantial evidence or are
17 clearly erroneous. *Id.*

18 **I. Petitioners Completely Ignore the NRS 533.450 “Substantial**
19 **Evidence” Standard of Review and Fail to Cite to Any Nevada Law in**
20 **Support for Their Opposition**

21 **A. A Motion *in Limine* is Procedurally Beneficial to the Court**

22 A Motion *in limine* is a procedural motion that is beneficial to the Court in promoting
23 judicial economy by excluding, in advance, information that is not relevant for the Court’s
24 consideration. *See Finger v. State*, 117 Nev. 548, 27 P.3d 66 (2001); *see also, Nev. Civ. Prac.*
25 *Manual*, § 18.02[2]. As previously noted by the Court, this case is complex enough without
26 petitioners referring to, or relying upon, evidence that does not assist the Court’s review in
27 determining whether the Record contains evidentiary support for the findings and
28 conclusions within Order No. 1302.

...

1 In Nevada, the notice pleading standard requires the court to look at the substance
2 of a pleading. NRCP 8(a); *Hay v. Hay*, 100 Nev. 196, 198, 678 P.2d 672, 674 (1984)
3 (“[b]ecause Nevada is a notice-pleading jurisdiction, our courts liberally construe pleadings
4 to place into issue matters which are fairly noticed to the adverse party.”). In this instance,
5 even if the Motion *in limine* could be called something else, the request before this Court is
6 the same. This Motion seeks a ruling to exclude evidence that is completely irrelevant to
7 the determination of whether the State Engineer relied on substantial evidence to come to
8 his decision adopting the DVGMP in Order No. 1302. *See also* 7JDCR 7(14) (“motions in
9 limine or other motions seeking a ruling on the admissibility of evidence”).

10 **B. The Court Must Adhere to the Strict Statutory Standard of Review**

11 Petitioners seek to have this Court abandon the NRS 533.450 standard of review,
12 without a single citation to Nevada law.¹ The standard of review under NRS 533.450 does
13 not permit the Court to reweigh the evidence the State Engineer relied upon or decide that
14 substantial evidence supports some other conclusion; but rather, the standard is designed
15 to ensure that the decision the State Engineer made is supported by the evidence within
16 the Record. *Revert*, 95 Nev. at 782, 603 P.2d at 262; *Groenendyke*, 132 Nev. at 300, 369 P.3d
17 at, 365; *see* NRS 534.037(4) (*citing* NRS 533.450).

18 Petitioners’ argue that the State Engineer’s control over the Record is somehow
19 prejudicial to them. However, their assertion that they were intimidated and hesitant to
20 bring forth evidence against the plan is belied by their entries into the current Record, as
21 well as the record of litigation these parties have already created. *See* SE ROA 653—742
22 (Transcript of Proceedings); SE ROA 535—652 (comments submitted during public
23

24 ¹ Petitioners’ oppositions do not even cite to recent federal cases involving environmental agencies,
25 which are owed heightened deference due to the scientific expertise environmental decisions require. *San*
26 *Luis & Delta-Mendota Water Auth. v. Jewell*, 747 F.3d 581, 602 (9th Cir. 2014) (“[w]hen examining a scientific
27 determination, as opposed to simple findings of fact, a reviewing court must generally be at its most
28 deferential.”). Our review is limited to “the administrative record already in existence, not some new record
made initially in the reviewing court.” *Id.* (“[i]f the record before the agency does not support the agency
action, if the agency has not considered all relevant factors, or if the reviewing court simply cannot evaluate
the challenged agency action on the basis of the record before it, the proper course, except in rare
circumstances, is to remand to the agency for additional investigation or explanation.”).

1 hearing); SE ROA 596—641 (Sadler Ranch introduced its own briefing and expert opinion
2 for submission into the Record); SE ROA 741 (“[a] lot of written material was submitted
3 today. When will that be available for inspection and copy?”); *See also Eureka Cty v. Sadler*
4 *Ranch*, No. 75736, at <http://caseinfo.nvsupremecourt.us/public/caseView.do?csIID=45974>
5 (*last visited* 6/27/2019). In accordance with NRS 533.450(4), the transcript of all interested
6 parties’ testimony and the written submissions presented to the State Engineer is included
7 within the Record. NRS 533.450(4); *See* SE ROA 535—652. Petitioners had the opportunity
8 to, and did, introduce whatever they wanted into the Record in order to convince the State
9 Engineer to reject the DVGMP.

10 Petitioners bear the burden to show that the Record does not contain substantial
11 evidence in support of at least one key finding or conclusion within Order No. 1302.
12 *Compare Pyramid Lake Paiute Tribe of Indians v. Ricci*, 126 Nev. 521, 245 P.3d 1145 (2010)
13 (“[s]ubstantial evidence supports the State Engineer’s conclusion that Dodge Flat Basin
14 contains unappropriated water and that any harm to existing water rights or the public’s
15 interest is the result of the Tribe’s unpermitted use.”), *with Office of State Eng’r v. Morris*,
16 107 Nev. 699, 819 P.2d 203 (1991) (the State Engineer’s finding that the application would
17 recharge the Pahrump Ground Water Basin “ignored that the point of diversion sought for
18 the appropriation is not within the Pahrump basin”). Thus, it is not *necessary* or *relevant*
19 to present the information that the State Engineer did not rely upon. *Id.* Whatever is not
20 provided for in the Record, as filed by the State Engineer, cannot have been relied upon by
21 the State Engineer. The “substantial evidence” standard requires the State Engineer to
22 include the substantial evidence as part of the Record in order to withstand judicial review.

23 In addition, review is “in the nature of an appeal. . . .” NRS 533.450(1). On appeal,
24 the Nevada Supreme Court does not allow Petitioners to flood the Record with extraneous
25 evidence. The Supreme Court allows only those “portions of the record essential to
26 determination of issues raised in appellant’s appeal.” NRAP Rule 30(b)(3). Review is
27 limited and the Record must be limited accordingly.

28 ...

1 **II. This Reply is Responsive to the Four Categories of Evidence**
2 **Petitioners State in Their Opposition that They Seek to Introduce**

3 **A. The Materials Related to the Initiation and Development of the**
4 **DVGMP Have No Bearing on Whether the Final DVGMP Meets**
5 **the NRS 534.037 Statutory Criteria**

6 This Petition for Judicial Review challenges the State Engineer's approval of the
7 DVGMP under NRS 534.037(2), not its initiation and development. The DVGMP is the
8 final Plan the *Diamond Valley water right holders* developed and submitted to the State
9 Engineer that "set forth the necessary steps for removal of the basin's designation as a
10 critical management area." NRS 534.037(1). NRS 534.037(2) describes the factors the State
11 Engineer considers in "approving or disapproving a groundwater management plan"
12 prepared and submitted by the water right holders.

13 Petitioners seek to add additional documents to the Record related to the initiation
14 and development of the DVGMP. The State Engineer did not develop the final DVGMP,
15 even if the Diamond Valley community, on occasion, sought his advice. Supplementing the
16 Record with prior drafts, other considered and discarded ideas and communication and
17 arguments regarding the same is a clear attempt to have this court re-weigh the evidence
18 and consider conclusions other than those included in Order No. 1302 approving the final
19 DVGMP. In this case, the State Engineer submitted everything that was considered in
20 adopting the final DVGMP, including Petitioners' testimony and written submissions, and
21 the court should not allow respondents to fish through emails and old drafts to try to
22 manufacture irrelevant issues.

23 The Court's role in this matter is not to reweigh the evidence and conclusions on
24 appeal. NRS 534.450(1). *Revert*, 95 Nev. at 782, 603 P.2d at 262. It is not to determine
25 whether a different or earlier plan could have met the NRS 533.037 statutory criteria. The
26 court's role is simply to review if substantial evidence supports the State Engineer's
27 approval of the final DVGMP as submitted by the Diamond Valley community. Evidence
28 regarding previously considered options or discarded proposals is wholly irrelevant and
must be excluded.

1 **B. Legislative history related to bills introduced in the Legislature**
2 **During the development of the DVGMP are Currently Citable**
3 **Authority for This Court's Consideration**

4 Petitioners' request to have the Legislative History included as part of the State
5 Engineer's Record is nonsensical. The Legislative History, just like case law, is already at
6 the disposal of all of the parties, and the Court, in this and every case. It is not necessary
7 for the State Engineer to include Legislative History within the Record.

8 **C. The State Engineer's Record on Appeal Already Includes the**
9 **Scientific Materials That Support the State Engineer's Order**
10 **No. 1302 Approving the DVGMP Pursuant to NRS 534.037(2)**

11 Petitioners interject their own language into the NRS 534.037 factors and
12 mischaracterize the very statute that gives rise to this Petition for Judicial Review. This
13 blatant attempt to re-write the statute and seek the inclusion of evidence to support such
14 revision is inappropriate. The statute *does not equate or mandate* the removal of a basin's
15 designation as a critical management area with bringing "total groundwater withdrawals
16 below the perennial yield." Sadler et. al Opp'n Br. 2. This issue is contested and will be
17 fully addressed during briefing on the merits of the case.

18 Contrary to Petitioners' contentions, the State Engineer does not need to point to
19 any third party expert report or testimony to support its findings. This contention
20 eviscerates the purpose of the Office of the State Engineer and the NRS 533.450 standard
21 of review. The Office of the State Engineer already contains the in-house expertise to
22 evaluate the sufficiency of the final DVGMP and share with the court the information that
23 substantiates Order No. 1302, to enable the Court in its appellate review role.

24 In water law determinations under NRS Title 48, the State Engineer *is* the expert.
25 NRS 532.020 specifies the State Engineer's qualifications must be "a licensed professional
26 engineer pursuant to the provisions of chapter 625 of NRS" and "have such training in
27 hydraulic and general engineering and such practical skill and experience as shall fit that
28 person for the position." NRS 532.030. The State Engineer also appoints technical staff for
the "execution of the duties of the State Engineer," which includes the technical expertise
to evaluate the NRS 534.037(2) criteria:

1 In determining whether to approve a groundwater management
2 plan submitted pursuant to subsection 1, the State Engineer shall
3 consider, without limitation: (a) The hydrology of the basin; (b)
4 The physical characteristics of the basin; (c) The geographic
5 spacing and location of the withdrawals of groundwater in the
6 basin; (d) The quality of the water in the basin; (e) The wells
7 located in the basin, including, without limitation, domestic wells;
8 (f) Whether a groundwater management plan already exists for
9 the basin; and (g) Any other factor deemed relevant by the State
10 Engineer.

11 The Office of the State Engineer's staff are professionals that dedicate their collective
12 expertise to define the nature of the Diamond Valley critical management designation and
13 evaluate the NRS 534.037 criteria against the DVGMP. Furthermore, the State Engineer
14 keeps, in-house, all "maps, profiles and engineering data relating to the use of water,"
15 "conduct[s] necessary studies and inventories," and "map[s] water rights statewide on a
16 geographic information system," all of which inform the State Engineer's expert opinions.
17 *See* NRS 532.150; 532.165. This is the information for which the State Engineer takes
18 judicial notice during every administrative proceeding, to notify the public it will be relying
19 on relevant in-house scientific materials to support its final decisions. SE ROA 657.

20 The testimony and the documents that third parties entered into the Record, by way
21 of the NRS 534.037 "public hearing," provided the public an advocacy opportunity to
22 present testimony or information they feel might supplement or assist the State Engineer
23 in the rendering of his expert opinion. Third parties, including the DVGMP petitioners, are
24 free to hire engineers or other experts to offer recommendations by way of "expert reports"
25 for the State Engineer's consideration, but they are not required to do so. There is no
26 statutory requirement that the State Engineer should rely on any third-party expert, which
27 would interject bias into the State Engineer's decision-making especially when, upon
28 weighing the evidence and information, the State Engineer does not find that information
to be compelling or useful.

These third-party experts are advocates for individual water rights holders before
the State Engineer. *See, e.g.*, SE ROA 536—39; 658—59; 723—26 (Bailey); 596—641; 660—

1 677, 674 (Sadler);² 593 (Renner). While those experts must be qualified to submit an expert
2 report, those experts do not represent the State and did not “take and subscribe to an
3 official oath” to uphold the Constitutions of the United States and the State of Nevada, and
4 to faithfully execute the duties of the State Engineer. NRS 532.040. It is for this reason
5 that the State Engineer *considers* the opinions of third-party experts, if submitted, but
6 ultimately it is the State Engineer’s responsibility to evaluate and weigh the DVGMP, as
7 well as evidence against its adoption, as the State of Nevada’s independent expert entity.

8 The Record, as filed, and in addition to the testimony and evidence submitted by the
9 interested public, contains those data and documents that actually support the State
10 Engineer’s factual findings and conclusions within Order No. 1302. SE ROA 653—952. The
11 Record does not need to include *all* of the State Engineer’s in-house records—only those
12 necessary for the State Engineer’s evaluation of the DVGMP pursuant to the criteria set
13 forth within NRS 534.037, as determined by the State Engineer. Evidence regarding third
14 parties’ competing theories is irrelevant to the sole question before the Court, whether the
15 State Engineer’s decision is supported by substantial evidence. NRS 533.450.

16 If the Court finds that the Record, as filed, does not support the State Engineer’s
17 findings in Order No. 1302, then the proper remedy is to remand the decision for the further
18 exercise of the State Engineer’s expertise. *Office of State Eng’r v. Curtis Park Manor Water*
19 *Users Ass’n*, 101 Nev. 30, 32, 692 P.2d 495, 497 (1985); *see also Town of Eureka v. Office of*
20 *State Eng’r of State of Nev., Div. of Water Res.*, 108 Nev. 163, 826 P.2d 948 (1992)
21 (remanding the matter to the State Engineer to conduct further proceedings determining
22 whether the Town made substantial use of its water); *Bacher v. State Engineer*, 122 Nev.
23 1110, 146 P.3d 793 (2007) (The record did not support the State Engineer’s findings on
24 Vidler’s need for additional importation water).

25 ...

27 ² It is no surprise that Sadler’s expert believes “the plan does not include the necessary steps to
28 remove the CMA designation,” as defined by Sadler and not the State Engineer under NRS 534.110(7)(a) and
NRS 534.037.

1 **D. The State Engineer Included all of the Materials that**
2 **Participants Submitted for Inclusion within the Record on**
3 **Appeal**

4 As discussed above and within the Motion *in limine*, Petitioners already had the full
5 opportunity to present testimony and evidence to the State Engineer in order to assist his
6 evaluation of the DVGMP. NRS 534.037(3); SE ROA 535—742. This was in full compliance
7 with the plain language of NRS 534.037(3). In adopting the DVGMP, NRS 534.037(3)
8 requires the State Engineer to hold a “public hearing to take testimony on the plan,” and
9 specifies that notice shall be effected beginning “2 consecutive weeks before the hearing.”
10 NRS 534.037(3). Order No. 1302 documents the State Engineer’s compliance with this
11 process:

12 Notice of a public hearing to be held on October 30, 2018, was
13 published in the *Eureka County Sentinel*, the *Elko Daily Free*
14 *Press* and the *Ely Times* during the weeks of the 15th and 2nd of
15 October. Also, notice of the hearing was posted on the Internet
16 website of the Nevada Division of Water Resources commencing
17 on October 1, 2018. Additional notice was also sent by certified
18 mail directly to the boards of county commissioners for the
19 counties of Eureka, Elko, and White Pine. The GMP was made
20 available through the Internet website of the Nevada Division of
21 Water Resources commencing on October 1, 2018, and was also
22 available by request.

23 A public hearing to take testimony on the proposed GMP was held
24 in Eureka, Nevada, on October 30, 2018, during which testimony
25 in favor of and in opposition to the GMP was received. In addition,
26 the State Engineer held open the period for written public
27 comment for an additional three working days following the
28 hearing, during which time additional public comments were
received.

SE ROA 4—5 (citations omitted).

 In fact, the State Engineer exceeded NRS 534.037(3)’s requirements, providing
notice a full month in advance. The State Engineer also accepted evidence during the
hearing, allowed Petitioners to review the evidence that was submitted, and even extended
the time for Petitioners to submit written materials by three days. SE ROA 656 (Until
Friday, November 2nd, by 5:00)³. Again, the assertion that these Petitioners had

³ This corrects the State Engineer’s Motion *in limine* which states two weeks.

1 inadequate notice or were reticent to produce evidence is contradicted by the record of
2 participation in this case. See SE ROA 535—742.

3 Petitioners were allowed to introduce any documents into the State Engineer's
4 Record that they wanted included during, and after, the hearing. SE 653—742 (Transcript
5 of Public Hearing). All of the documents Petitioners did submit, including expert reports,
6 are included as part of the Record. SE ROA 535—652. To the extent that Petitioners "failed
7 to [introduce certain evidence] in the case at hand cannot be attributed to any neglect
8 of duty on the part of the State Engineer." *Bailey v. State*, 95 Nev. 378, 381, 594 P.2d
9 734, 736 (1979).

10 When testifying before the State Engineer, the burden is on the presenting party to
11 make their requests clear and to submit supporting documentation. Petitioners' claim that
12 "at least two speakers requested that the State Engineer consider materials not included
13 in the submitted ROA." Sadler Opp. at 12. However, the citation they offer references an
14 overly broad and vague request that the State Engineer consider "numerous water resource
15 bulletins, state water engineer orders, rulings, testimonies and judicial orders, rulings,
16 opinions, testimonies, and court transcripts that pertain to the water in Diamond Valley
17 Hydrographic Basin 10-153." SE ROA 659.⁴ This request was not accompanied by any
18 documentary submission. It would be absurd if the law permitted those testifying before
19 the State Engineer to reference overly broad or vague information in order to circumvent
20 the standard of review on appeal. The NRS 533.450 appellate review does not allow the
21 Petitioners to turn the case into a trial on the merits and this court must follow the law.

22 IV. CONCLUSION

23 The State Engineer respectfully requests that this Court grant the Motion *in Limine*
24 and order that any extraneous evidence requested not be introduced before this Court nor
25 added to the State Engineer's Record, as filed, in this case. The State Engineer is entitled
26 to the relief sought because judicial review of the State Engineer's decisions is special, in
27

28 ⁴ The only other example Petitioners provide is a Law Review Article referenced by Mr. Ari Erickson
at SE ROA 685. Law Review Articles are citable legal materials and do not need to be included in a Record.

1 “the nature of an appeal” and the proceedings before the District Court “must be informal
2 and summary.” NRS 534.050(1), (2). This unique statutory standard of review limits a
3 reviewing court to the State Engineer’s Record, and does not allow a de novo trial before
4 the Court. *Revert*, 95 Nev. at 786, 603 P.2d at 264.

5 The evidence Petitioners seek for inclusion within the Record or for presentation
6 before the Court is not relevant to this Court’s review. The Court’s role is not to evaluate
7 the merits of the Groundwater Management Plan. The Court’s role is to determine whether
8 there is substantial evidence within the State Engineer’s Record, as filed, to support the
9 State Engineer’s Order No. 1302. If there is not, the Court need not and cannot determine
10 what other plan should be put in place, it must remand the case back to the State Engineer
11 with directions to proceed in accordance with NRS 534.037. The Court should therefore
12 preclude Petitioners from supplementing the State Engineer’s Record or introducing extra-
13 record evidence on appeal by issuing the State Engineer’s Proposed Order *in limine*.

14 **AFFIRMATION**

15 The undersigned does hereby affirm that the preceding Motion *in Limine* does not
16 contain the social security number of any person.

17 DATED this 28th day of June, 2019.

18 AARON D. FORD
19 Attorney General

20 By:  4769
21  TORIN. SUNDHEIM (Bar No. 14156)
22 Deputy Attorney General
23 State of Nevada
24 Office of the Attorney General
25 100 North Carson Street
26 Carson City, Nevada 89701-4717
27 T: (775) 684-1219
28 E: tsundheim@ag.nv.gov
*Attorney for Respondent,
State Engineer*

1 **CERTIFICATE OF SERVICE**

2 I certify that I am an employee of the State of Nevada, Office of the Attorney General,
3 and that on this 28th day of June, 2019, I served a true and correct copy of the foregoing
4 MOTION *IN LIMINE*, said document applies to Case Nos. CV-1902-348, -349 and -350,
5 electronically to:

6 Paul G. Taggart, Esq.
7 David H. Rigdon, Esq.
8 Timothy O'Connor, Esq.
9 TAGGART & TAGGART, LTD.
10 E: paul@legaltnt.com
11 E: david@legaltnt.com
12 E: tim@legaltnt.com
13 E: sarah@legaltnt.com
14 *Attorneys for Petitioners Renner, Sadler Ranch & Venturacci*

15 Don Springmeyer, Esq.
16 Christopher W. Mixson, Esq.
17 WOLF, RIFKIN, SHAPIRO, SCHULMAN & RABKIN, LLP
18 E: DiamondGMPappeal@wrslawyers.com
19 *Attorneys for Petitioners Baileys*

20 Karen A. Peterson, Esq.
21 ALLISON MACKENZIE, LTD.
22 E: kpeterson@allisonmackenzie.com
23 *Attorney for Eureka County*

24 Theodore Beutel
25 EUREKA COUNTY DISTRICT ATTORNEY
26 E: tbeutel@eurekacountynv.gov
27 *Attorney for Eureka County*

28 Debbie Leonard, Esq.
LEONARD LAW, PC
E: dleonard@dleonardlegal.com
Attorney for Intervenors / Real Parties-in-Interest

and via U.S. Mail to:

Courtesy Copy to Chambers:
The Honorable Gary D. Fairman
Post Office Box 151629
Ely, Nevada 89315
E: wlopez@whitepinecountynv.gov


Sandra Geyer

JUL 31 2019

By Eureka County Clerk

1 Case No. CV1902-348
2 (Consolidated with Case Nos. CV1902-349 &
3 CV1902-350)

4 Dept. No.

6 **IN THE SEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
7 **IN AND FOR THE COUNTY OF EUREKA**

9 IRA R. RENNER, an individual, and
10 MONTIRA RENNER, an individual.

11 Petitioners.

12 vs.

13 TIM WILSON, P.E., Nevada State Engineer,
14 DIVISION OF WATER RESOURCES,
15 DEPARTMENT OF COSERVATION AND
16 NATURAL RESOURCES.

17 Respondent.

18 AND ALL OTHER RELATED ACTIONS.

MOTION TO INTERVENE

RECEIVED
JUL 31 2019
BY: B. Reisel

19
20 COMES NOW, Beth Mills, Trustee of the Marshall Family Trust (the "Marshall
21 Trust"), and requests an order granting her request to intervene in the above-captioned action.
22 Pursuant to 7JDCR 7, this Motion is supported by the following Memorandum of Points and
23 Authorities.

24 DATED this ___ day of July, 2019.

25
26 By Beth Mills
27 Beth Mills, Trustee of the Marshall Family Trust
28 in Propria Persona

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NOTICE OF MOTION

A hearing on this motion is not requested.

DATED this ___ day of July, 2019.

By Beth Mills
Beth Mills, Trustee of the Marshall Family Trust
in Propria Persona

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MEMORANDUM OF POINTS AND AUTHORITIES

On or about June 11, 2019, this Court issued an order directing the Petitioners in the above-captioned case to send a notice to all identified holders of water rights and potentially affected water users in the Diamond Valley Basin who are not already parties to the case. The Notice of Legal Proceeding Regarding the Diamond Valley Groundwater Management Plan dated June 27, 2019 ("Notice"), provides that "Motions to intervene filed by persons receiving this notice on or before August 1, 2019 shall be considered timely and will be granted as a matter of right"

The Marshall Family Trust is the holder of Permit No. 27976, Certificate No. 9084, having a priority date of March 7, 1960, and constituting a cumulative duty of 9,915.625-acre feet, and converting to 487.3164 shares under the Groundwater Management Plan.

Having received the Notice as an interested party in the action and having complied with the requirements of the Notice, the Marshall Family Trust hereby respectfully requests an Order from this honorable Court permitting its intervention in the action.

Affirmation pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding document does not contain the personal information of any person.

DATED this ___ day of July, 2019.

By Beth Mills
Beth Mills, Trustee of the Marshall Family Trust
in Propria Persona

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on this date, pursuant to NRCP 5(b), I deposited in the United
3 States Mail at Reno, Nevada, a true and correct copy of the **MOTION TO INTERVENE**
4 addressed to the following:

5
6 Tim Wilson, P.E.
7 Nevada State Engineer
8 Division of Water Resources
9 901 S. Stewart Street, Suite 2002
10 Carson City, NV 89701

Tori N. Sundheim, Esq.
Deputy Attorney General
Nevada Attorney General's Office
100 N. Carson Street
Carson City, NV 89701

9 Eureka County Board of
10 Commissioners
11 P.O. Box 694
12 Eureka, NV 89316

William H. Norton
HC 62 box 62150
Eureka, NV 89315

12 Ruby Hill Mining Company
13 c/o Alex Flangas, Esq.
14 36 Stewart Street
15 Reno, NV 89501

Mark Moyle Farms, LLC
c/o Debbie Leonard, Esq.
McDonald Carano LLP
P.O. Box 2670
Reno, NV 89501

15 Donald Palmore
16 P.O. Box 92
17 Eureka, NV 89316

Marty Plaskett
P.O. Box 8
Eureka, NV 89316

18 James Gallagher
19 HC 62 Box 62143
20 Eureka, NV 89316

Robert Burnham
HC 62 Box 62153
Eureka, NV 89316

20 Russell Conley
21 HC 62 Box 62646
22 Eureka, NV 89316

Ty Erikson
P.O. Box 848
Eureka, NV 89316

22 Eureka County
23 c/o Karen Peterson, Esq.
24 Allison MacKenzie, Ltd.
25 P. O. Box 646
26 Carson City, NV 89702-0646

Great Basin Resource Watch
c/o Simeon Herskovitz, Esq.
Iris Thornton, Esq.
Advocates for Community and Environment
P.O. Box 1075
El Prado, NM 87529

26 Andrew Goettle
27 HC 62 Box 62143A
28 Eureka, NV 89316

Don Springmeyer, Esq.
Christopher W. Mixson, Esq.
Wolf, Rifkin, Shapiro, Schulman & Rabkin, LLP
3556 E. Russell Road, Second Floor
Las Vegas, NV 89120

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Paul G. Taggart, Esq.
David H. Rigdon, Esq.
Timothy D. O'Connor, Esq.
Taggart & Taggart, Ltd.
108 North Minnesota Street
Carson City, NV 89703

Timothy and Constance Bailey
P.O. Box 66
Eureka, NV 89316

Eureka County
c/o Ted Beutel, Esq.
Eureka County District Attorney
P.O. Box, 190
Eureka, NV 89316-0190

Carolyn Bailey
c/o Gordon H. DePaoli, Esq.
Dale E. Ferguson, Esq.
Woodburn and Wedge
6100 Neil Road, Suite 500
Reno, NV 89511

DATED: July __, 2109.

Beth Mills, Trustee of the Marshall Family Trust
in Propria Persona

 ORIGINAL

NO. _____ FILED

AUG 01 2019

By  Eureka County Clerk

1 JOHN E. MARVEL, ESQ.
Nevada Bar No. 328
2 DUSTIN J. MARVEL, ESQ.
Nevada Bar No. 12036
3 MARVEL & MARVEL, LTD.
217 Idaho Street
4 Elko, Nevada 89801
(775) 738-9881
5

6 **IN THE SEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF**
7 **NEVADA**

8 **IN AND FOR THE COUNTY OF EUREKA**
9

10 TIMOTHY LEE & CONSTANCE MARIE
BAILEY; FRED & CAROLYN BAILEY; IRA
11 R. & MONTIRA RENNER; SADLER
RANCH, LLC, a Nevada limited liability
12 company; DANIEL S. VENTURACCI;

13 Petitioners,

14 v.

15 TIM WILSON, P.E., Nevada State Engineer,
DIVISION OF WATER RESOURCES,
16 DEPARTMENT OF CONSERVATION AND
NATURAL RESOURCES,

17 Respondents,

18 EUREKA COUNTY; DNRPCA,

19 Intervenors.
20

CASE NO.: CV-1902-348 (consolidated
with Case Nos. CV1902-349 and CV-1902-
350)

DEPT. NO.: 2

MOTION TO INTERVENE

21
22 Real parties in interest DIAMOND VALLEY RANCH, LLC, a Nevada limited liability
23 company; AMERICAN FIRST FEDERAL, Inc., a Nevada corporation; BERG PROPERTIES
24 CALIFORNIA, LLC, Nevada limited liability company; and BLANCO RANCH, LLC, a
25 Nevada limited liability company (collectively "DVR Parties") move this Court for an order
26

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AUG 01 2019

Eureka County Clerk

JA1359

1 permitting them to intervene as respondents in the above captioned action and to file an
2 answering brief in response to the petitions, according to the schedule to be established by the
3 Court. DVR Parties will participate in support of the Groundwater Management Plan (“GMP”)
4 being challenged by the Petitioners.

5 On June 11, 2019 this Court entered an order (“Order”) directing the Petitioners to
6 provide notice of the proceedings in the above captioned case to all persons identified in
7 appendix F attached to the GMP because these parties are real parties in interest. The DVR
8 Parties are among the parties listed in appendix F attached to GMP and were notified by
9 Petitioners of their right to intervene. Thus, pursuant to the Order, the DVR Parties may
10 intervene as matter of right.

11 Based on the foregoing, the DVR Parties request that the Court permit them to intervene,
12 to submit an answering brief in response to the Petition according to the schedule to be
13 established by the Court, to present oral argument, and otherwise participate fully in the
14 proceedings as respondents. A proposed Order granting this Motion is attached here as Ex 1. A
15 proposed Notice of Appearance and Intent to participate is attached hereto as Ex. 2.

16
17 DATED this 29th day of July, 2019.

18 MARVEL & MARVEL, LTD.

19 

20 JOHN E. MARVEL
21 Nevada Bar No. 328
22 217 Idaho Street
23 Elko, Nevada 89801
24 johnmarvel@marvellawoffice.com

Ex 1.

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1 JOHN E. MARVEL, ESQ.
Nevada Bar No. 328
2 DUSTIN J. MARVEL, ESQ.
Nevada Bar No. 12036
3 MARVEL & MARVEL, LTD.
217 Idaho Street
4 Elko, Nevada 89801
(775) 738-9881
5

6 **IN THE SEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF**
7 **NEVADA**

8 **IN AND FOR THE COUNTY OF EUREKA**

9 TIMOTHY LEE & CONSTANCE MARIE
10 BAILEY; FRED & CAROLYN BAILEY; IRA
11 R. & MONTIRA RENNER; SADLER
RANCH, LLC, a Nevada limited liability
company; DANIEL S. VENTURACCI;

12 Petitioners,

13 v.

14 TIM WILSON, P.E., Nevada State Engineer,
15 DIVISION OF WATER RESOURCES,
DEPARTMENT OF CONSERVATION AND
16 NATURAL RESOURCES,

17 Respondents,

18 EUREKA COUNTY; DNRPCA,

19 Intervenors.

**CASE NO.: CV-1902-348 (consolidated
with Case Nos. CV1902-349 and CV-1902-
350)**

DEPT. NO.: 2

MOTION TO INTERVENE

20
21 **NOTICE OF APPEARANCE AND**
INTENT TO PARTICIPATE

22 DIAMOND VALLEY RANCH, LLC, a Nevada limited liability company; AMERICAN
23 FIRST FEDERAL, Inc., a Nevada corporation; BERG PROPERTIES CALIFORNIA, LLC,
24 Nevada limited liability company; and BLANCO RANCH, LLC, a Nevada limited liability
25 company (collectively "DVR Parties"), by and through their counsel of record, John E. Marvel
26

1 of MARVEL & MARVEL, LTD, hereby enter their notice of appearance and intent to
2 participate as Respondents in the proceeding on the Petitions for Judicial Review in the above
3 consolidated actions.

4 DATED this 29th day of July, 2019.

MARVEL & MARVEL, LTD.

5
6 
7 _____

8 JOHN E. MARVEL
9 Nevada Bar No. 328
10 217 Idaho Street
11 Elko, Nevada 89801
12 johnmarvel@marvellawoffice.com

13 **AFFIRMATION**

14 Pursuant to NRS 239B.030, the undersigned hereby affirms that this document, including
15 any exhibits, does not contain the Personal Information, as defined by NRS 603A.040, of any
16 person.

17 DATED this 29th day of July, 2019.

MARVEL & MARVEL, LTD.

18
19 
20 _____

21 JOHN E. MARVEL
22 Nevada Bar No. 328
23 217 Idaho Street
24 Elko, Nevada 89801
25 johnmarvel@marvellawoffice.com
26

Ex 2.

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1
2 **IN THE SEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF**
3 **NEVADA**

4 **IN AND FOR THE COUNTY OF EUREKA**

5
6 TIMOTHY LEE & CONSTANCE MARIE
7 BAILEY; FRED & CAROLYN BAILEY; IRA
8 R. & MONTIRA RENNER; SADLER RANCH
9 LLC, a Nevada limited liability company;
10 DANIEL S. VENTURACCI;

11 **Petitioners,**

12 v.

13 TIM WILSON, P.E., Nevada State Engineer,
14 DIVISION OF WATER RESOURCES,
15 DEPARTMENT OF CONSERVATION AND
16 NATURAL RESOURCES,

17 **Respondents,**

18 EUREKA COUNTY; DENRPCA,

19 **Intervenors.**

**CASE NO.: CV-1902-348 (consolidated
with Case Nos. CV1902-349 and CV-1902-
350)**

DEPT. NO.: 2

**ORDER GRANTING
MOTION TO INTERVENE**

20 **ORDER GRANTING MOTION TO INTERVENE**

21 THIS MATTER is before this Court on Motion to Intervene by DIAMOND VALLEY
22 RANCH, LLC, a Nevada limited liability company; AMERICAN FIRST FEDERAL, Inc., a
23 Nevada corporation; BERG PROPERTIES CALIFORNIA, LLC, Nevada limited liability
24 company; and BLANCO RANCH, LLC, a Nevada limited liability company. This Court having
25 considered the applicable law and facts hereby finds as follows:

26 1. The Motion to Intervene is **GRANTED**.

2. DIAMOND VALLEY RANCH, LLC, a Nevada limited liability company;
AMERICAN FIRST FEDERAL, Inc., a Nevada corporation; BERG PROPERTIES
CALIFORNIA, LLC, Nevada limited liability company; and BLANCO RANCH, LLC, a

1 Nevada limited liability company shall be joined as Respondents in this action and shall be
2 entitled to file pleadings, fully participate in the consolidated actions and present argument and
3 legal briefs as their interests may appear on issues developed during the course of the
4 proceedings.

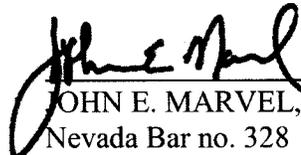
5 **IT IS SO ORDERED**

6 DATED: this _____ day of _____, 2019.

7
8
9 _____
10 DISTRICT JUDGE

11
12 *Respectfully submitted and approved by:*

13 MARVEL & MARVEL, LTD

14
15 
16 _____
17 JOHN E. MARVEL, ESQ.
18 Nevada Bar no. 328
19 DUSTIN J. MARVEL, ESQ.
20 Nevada Bar No. 12036
21 217 Idaho Street
22 Elko, Nevada 89801
23 (775) 738-9881
24
25
26

AFFIRMATION

1
2 Pursuant to NRS 239B.030, the undersigned hereby affirms that this document, including
3 any exhibits, does not contain the Personal Information, as defined by NRS 603A.040, of any
4 person.

5 DATED this 29th day of July, 2019.

6 MARVEL & MARVEL, LTD.

7
8 A handwritten signature in black ink, appearing to read "John E. Marvel", is written over a horizontal line.

9 JOHN E. MARVEL
10 Nevada Bar No. 328
11 217 Idaho Street
12 Elko, Nevada 89801
13 johnmarvel@marvellawoffice.com
14
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CERTIFICATE OF MAILING

1 PURSUANT TO N.R.C.P. 5(b), I certify that I am an employee of Marvel & Marvel, Ltd.
2 and on the 29th day of July, 2019, I placed in the mail, postage pre-paid, a copy of the attached
3 document addressed to:
4

5 Timothy Lee & Constance Marie Bailey; Fred & Carolyn
6 Bailey; Ira R. & Montira Renner; Sadler Ranch, LLC, A
7 Nevada Limited Liability Company; and, Daniel S.
8 Venturacci
9 Taggart & Taggart Law Firm
10 108 N Minnesota Street
11 Carson City, NV 89703

12 -and-

13 Tim Wilson, P.E., Nevada State Engineer
14 Department of Conservation and Natural Resources
15 Division of Water Resources
16 901 S. Stewart St., Suite 2002
17 Carson City, NV 89701

18 -and-

19 Eureka County
20 District Attorney's Office
21 P.O. Box 190
22 Eureka, NV 89316

23 -and-

24 DNRPCA
25 P.O. Box 13
26 Eureka, NV 89316

DATED this 29th day of July, 2019.


AMBER KONAKIS

SEVENTH JUDICIAL DISTRICT COURT
GARY D. FAIRMAN
DISTRICT JUDGE
DEPARTMENT 2
WHITE PINE, LINCOLN AND EUREKA COUNTIES
STATE OF NEVADA



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Case No. CV-1902-348 consolidated with case nos.
CV-1902-349 and CV-1902-350

Dept No. 2

NO. _____ FILED _____

SEP 04 2019

By *Gary D. Fairman*
Eureka County Clerk

**IN THE SEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF
NEVADA, IN AND FOR THE COUNTY OF EUREKA**

* * * * *

TIMOTHY LEE BAILEY and
CONSTANCE MARIE BAILEY; FRED
BAILEY and CAROLYN BAILEY; IRA
R.RENNER, an individual, and
MONTIRA RENNER, an individual;
SADLER RANCH, LLC; and DANIEL S.
VENTURACCI,

Petitioners,

vs.

TIM WILSON, P.E., Nevada State
Engineer, DIVISION OF WATER
RESOURCES, DEPARTMENT OF
CONSERVATION AND NATURAL
RESOURCES,

Respondent.

ORDER GRANTING MOTION IN LIMINE

PROCEDURAL BACKGROUND

On October 1, 2018, respondent, Jason King, P.E.,¹ Nevada State Engineer ("State Engineer") through Kristen Geddes, hearings officer, prepared a notice of hearing advising the Eureka County, White Pine County and the Elko County Board of Commissioners that a public hearing to consider a proposed groundwater management plan ("GMP") would be

¹Jason King retired sometime after January 11, 2019, and Tim Wilson thereafter became the acting State Engineer.

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SEP 04 2019

Eureka County Clerk



1 held on October 30, 2018, at the Eureka Opera House in Eureka, Nevada.² The hearing
2 was held on the noticed dates. The State Engineer entered Order 1302 on January 11,
3 2019, approving the Diamond Valley groundwater management plan ("GMP"). On
4 February 11, 2019, petitioners, Timothy Lee and Constance Marie Bailey, Fred and
5 Carolyn Bailey, Ira R. and Montira Renner, Sadler Ranch, LLC, and Daniel Venturacci
6 ("petitioners") filed separate notices of appeal and petitions for judicial review pursuant to
7 NRS 533.450. The three petitions were subsequently consolidated.³ The State Engineer
8 filed a notice of appearance on February 25, 2019. Eureka County and the DNRPCA
9 Intervenors were made parties to this case on June 7, 2019.⁴

10 On April 2, 2019, a telephone status conference was held to set a briefing schedule
11 and to fix April 30, 2019, as the date for the State Engineer to file the record on appeal
12 ("ROA"). This filing date was extended by agreement of the parties to June 7, 2019. The
13 ROA was filed on June 7, 2019. After the case status conference call, the parties
14 discussed the State Engineer's proposed ROA. Due to the State Engineer's concern that
15 petitioners would seek to expand the State Engineer's proposed ROA ". . . to evidence
16 beyond that which was relied upon by the State Engineer in issuing Order no. 1302.", the
17 State Engineer filed a motion in limine on June 11, 2019. Petitioners, Sadler Ranch, LLC
18 and Ira R. and Montira Renner, filed an opposition to motion in limine ("opposition") on
19 June 24, 2019. On June 20, 2019, Eureka County filed Eureka County's joinder to State
20 Engineer's motion in limine. On July 1, 2019, DNRPCA Intervenors filed their reply in
21 support of joinder to State Engineer's motion in limine and Eureka County's joinder thereto.
22 The State Engineer filed his reply in support of motion in limine on July 2, 2019.

23 _____
24 ²SEROA 528.

25 ³Stipulation and order to consolidate cases filed March 27, 2019.

26 ⁴Order granting motion to intervene filed June 7, 2019.



1 The court has reviewed all of the pleadings and finds that no further briefing or oral
2 argument is required.⁵

3 **RELEVANT FACTS**

4 A notice of public hearing was published on October 15 and 22, 2018, in the Eureka
5 County Sentinel, Elko Free Press, and Ely Times.⁶ In pertinent part, the notice of hearing
6 stated, ". . . State Engineer will hold a public hearing to receive testimony on a proposed
7 groundwater management plan . . .".⁷ The notice also advised the public that, "written
8 comments will also be accepted until the conclusion of the hearing."⁸ At the beginning of
9 the hearing, hearing officer, Malcolm Wilson, advised that the purpose of the hearing ". .
10 . is to receive written or oral testimony from any interested person . . .".⁹ Jason King was
11 present at the hearing.¹⁰ Hearing officer Wilson then told those present, "at this time we
12 will proceed with public comment."¹¹ ". . . we have a court reporter and want to get down
13 your testimony and comments . . .",¹² "we want to hear all of your comments. So, please,
14 if you're on the fence as to whether or not you want to stand up and comment, I would try
15 to encourage you to do that."¹³ No persons were sworn in as either lay or expert
16 witnesses to provide testimony under oath. Preliminarily, hearing officer Wilson marked

17 _____
18 ⁵JDCR7(11).

19 ⁶SEROA 531-533.

20 ⁷*Id.* 534.

21 ⁸*Id.*

22 ⁹*Id.* 654-655.

23 ¹⁰*Id.* 655.

24 ¹¹*Id.* 657.

25 ¹²*Id.* 658.

26 ¹³*Id.* 656.



1 and admitted four exhibits without objection, including the GMP. Prior to taking testimony
2 and public comment, hearing officer Wilson stated, "in addition, I will take administrative
3 notice of any other relevant publications, information, and records in the office of the State
4 Engineer."¹⁴

5 **DISCUSSION**

6 The State Engineer argues (1) the ROA includes the attached documents Bates-
7 stamped pages SEROA 1-952 as reflected in the summary of record on appeal filed June
8 11, 2019, (2) that petitioners' counsel's letter of April 23, 2019, requesting numerous
9 additional documents be made part of the ROA "are not relevant and not part of the record
10 relied upon in the issuance of Order no. 1302, but more similar to a public records request
11 seeking some 50 years of records relating to the Diamond Valley hydrographic basin,¹⁵ (3)
12 the State Engineer did review petitioners' request to add more documents to determine if
13 he inadvertently omitted evidence resulting in additional information being included in the
14 ROA,¹⁶ (4) the State Engineer held a public hearing to take testimony on the GMP, but that
15 he was not required to hold an evidentiary hearing,¹⁷ and (5) that petitioners had the
16 opportunity to introduce any evidence or other information they wanted to present at the
17 public hearing in support of their position and cannot supplement their position or the
18 record on appeal now with additional evidence or testimony.¹⁸

19 Petitioners respond that (1) the State Engineer never gave an oath or affirmation
20 to any person who made a statement at the public hearing , only taking comments, in

21 _____
22 ¹⁴*Id.* 657.

23 ¹⁵Mot. in limine at 4-5.

24 ¹⁶*Id.* at 5.

25 ¹⁷*Id.*

26 ¹⁸*Id.* at 4.



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violation of NRS 534.037(3); (2) no proponents of the GMP made a presentation about the plan components nor were any experts called to testify,¹⁹ (3) the identity of the GMP proponents was never disclosed,²⁰ (4) that the four exhibits introduced into the record did not encompass the entire record because the hearing officer stated he would take administrative notice of "any other relevant publications, information, and records of the Office of the State Engineer." Thus any documents, records, or information at the State Engineer's office "that have any relevance" to the GMP development were incorporated into the record, but not included in the ROA, and (5) the State Engineer directly or indirectly considered many documents not in the record or the GMP identified documents relied upon by the proponents which are therefore in the ROA by reference.²¹ Petitioners conclude that their noted deficiencies in the public hearing process did not afford due process that normally governs the conduct of "testimonial hearings".²²

NRS 534.037(3) in relevant part reads:

(3) Before approving or disapproving a groundwater management plan submitted pursuant to subsection 1, the State Engineer shall hold a public hearing to take testimony on the plan . . ."

The GMP was developed by a majority of the water rights holders in Diamond Valley because the State Engineer issued Order no. 1264 on August 25, 2015, designating Diamond Valley as a critical management area (CMA) under his authority pursuant to NRS 534.110(7).²³ If a CMA basin has this designation for 10 consecutive years, the State

¹⁹Oppn. to mot. in limine at 4

²⁰*Id.*

²¹*Id.* at 4-5.

²²*Id.* at 5.

²³SEROA 134,138.



1 Engineer shall orders withdrawals of water to conform to priority rights unless a GMP has
2 been approved for the basin pursuant to NRS 534.037.²⁴ Diamond Valley is the first basin
3 in Nevada to be designated as a CMA. It is well known that the CMA designation was
4 made by the State Engineer because withdrawals of groundwater consistently exceeded
5 the perennial yield of the Diamond Valley basin as a result of in excess of fifty years of
6 over-pumping in the basin by junior irrigators.

7 NRS 534.037(4) states that a State Engineer's decision on a GMA may be reviewed
8 by the district court pursuant to NRS 533.450. The district court's review of a State
9 Engineer's order or decision is "in the nature of an appeal."²⁵ The district court's review is
10 limited to the record below at the administrative hearing level. The court's review of a
11 challenged State Engineer decision is to determine whether there was an abuse of
12 discretion.²⁶ The court cannot "pass upon the credibility of witnesses nor reweigh the
13 evidence."²⁷ The district court's review focuses on whether the record includes substantial
14 evidence to support the State Engineer's decision.²⁸

15 NRS 534.037(3) requires that the State Engineer hold a "public hearing to
16 take testimony on the plan." Nowhere in NRS 534.037 is there a requirement that the
17 witnesses give sworn versus unsworn testimony, nor does the statute require an
18 adversarial evidentiary hearing procedure as found in other Nevada water rights
19 adjudication statutes.²⁹ NRS 534.037(3) does not distinguish between public comment

20 ²⁴NRS 534.110(7)(b).

21 ²⁵NRS 533.450(1).

22 ²⁶*Office of State Eng'r v. Curtis Park Manor Water User's Ass'n*, 101 Nev. 30, 32, 692
23 P.2d 495, 497 (1985).

24 ²⁷*Id.*

25 ²⁸*Revert v. Ray*, 95 Nev. 782, 786, 603 P.2d 232, 264 (11979).

26 ²⁹See NRS 533.365(4); NAC 533.240.



1 and taking testimony³⁰ at a public hearing. No party or person appearing at the public
2 hearing objected to the hearing procedure used by the hearing officer. The court finds that
3 the State Engineer did not conduct the public hearing in violation of NRS 534.037(3) by not
4 giving an oath to all who testified or by not subjecting those who testified to further
5 examination by the State Engineer, other persons, or attorneys present at the hearing.
6 "When interpreting a statute, the language of the statute should be given its plain
7 meaning³¹ unless doing so violates the act's spirit."³² The court finds that the State
8 Engineer was not required to give an oath to persons testifying or hold an adversarial
9 evidentiary hearing pursuant to the plain language of NRS 534.037(3).

10 Although the State Engineer was not required to hold an adversarial evidentiary
11 hearing, all persons or entities, whether present or not, could introduce evidence in the
12 record for his consideration of the GMP. Petitioners, Carolyn Bailey, Timothy Lee and
13 Constance Marie Bailey, Ira and Montira Renner, Sadler Ranch, and Daniel Veturacci³³
14 presented their testimony, written argument, and introduced an expert report from David
15 G. Hillis, Jr. P.E.³⁴ The State Engineer allowed 3 additional days, until November 2, 2018,
16 for the receipt of comments. The court finds the time to provide testimony, comments or
17 submit other evidence for the State Engineer's consideration was either at the public
18 hearing held October 30, 2018, or before 5:00 p.m. on November 2, 2018.³⁵ Petitioners

19
20 ³⁰See NAC 533.110.

21 ³¹*Public Employees' Benefit Prog. v. LVMPD*, 124 Nev. 138, 147, 179 P.3d 542, 548
22 (2008).

23 ³²*Id.*

24 ³³Daniel Venturacci withdrew as a petitioner on June 14, 2019.

25 ³⁴SEROA 536-539, 593, 596-641, 642-652.

26 ³⁵SEROA 656.



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assert that the court can and should allow additional evidence to supplement the record.³⁶ The court disagrees. Petitioners' could have and should have made their record at the October 30, 2018, public hearing or before November 2, 2018. The court's review will be limited to the ROA and Order no. 1302 to determine whether Order no. 1302 is supported by substantial evidence in the ROA.³⁷ The court will not hold a de novo hearing to consider additional evidence.³⁸

Petitioners maintain that the State Engineer, either directly or indirectly, considered information and materials not included in the ROA,³⁹ many of which petitioners argue the State Engineer has incorporated into the ROA.⁴⁰ NRS 534.037(2) sets forth seven criteria in sub-paragraphs (a-g) which the State Engineer must consider when presented with a GMP. Evidence supporting the State Engineer's evaluation of this criteria, his findings and order must come from the ROA. Essentially petitioners' argument is that every reference in the GMP to any document, note, presentation, log, comment, study, report, or publication, together with all non-privileged notes, summaries, reports, and emails, or any similar documents prepared by, or provided to, the State Engineer having anything to do with the development of the GMP should be made a part of the ROA.⁴¹ Petitioners also request that records of proposed but unpassed 2017 Nevada water law legislation that may have affected the GMP also be part of the ROA.⁴² Petitioners rely on *Thompson v. U.S.*

³⁶Oppn. at 8-11, Oppn. ex. 3, mot. in limine ex. 5.

³⁷See *Revert v. Ray*, 95 Nev. 782, 786, 603 P.2d 262, 264 (1979).

³⁸*Revert*, at 786.

³⁹Oppn. at 8-10.

⁴⁰*Id.* at 10.

⁴¹Oppn. at 10, ex. 2, April 23, 2019, letter from David Rigdon to Tori N. Sundheim. Mot. in limine.

⁴²*Id.*



1 *Dep't of Labor*.⁴³ Petitioners' analysis is incorrect. In *Thompson*, an administrative law
2 judge (ALJ) had received letters concerning settlement negotiations from both parties in
3 a labor related dispute. The ALJ, either directly or indirectly, considered the settlement
4 letters when he approved the submitted order for dismissal. There was no hearing
5 concerning the settlement negotiations before the ALJ. On appeal the letters were not
6 included for the Secretary of Labor's decision.⁴⁴ The Ninth Circuit held the settlement
7 negotiation letters were part of the record because they were considered by the ALJ.
8 These facts are clearly distinguished from those before this Court. There is no indication
9 that the State Engineer considered any other evidence as suggested by Petitioners. State
10 Engineer Wilson has represented that State Engineer King's ROA "contains the only
11 evidence the State Engineer relied upon in making his decision to accept the DVGMP as
12 set forth in Order no 1302."⁴⁵ The State Engineer argues that, "the record does not need
13 to include *all* of the State Engineer's in house records - only those necessary for the State
14 Engineer's evaluation of the DVGMP pursuant to the criteria set forth within NRS 534.037,
15 as determined by the State Engineer."⁴⁶ This Court considers the State Engineer's
16 representation as limiting his findings and order to the consideration of only those
17 documents that make up the ROA, regardless of what "other relevant publications,
18 information and records in the office of the State Engineer" Hearing Officer Wilson said that
19 the State Engineer would take into consideration.

20 Since the district court must determine whether there is substantial evidence in the
21 record to support the State Engineer's order or decision, the court will only consider that

22 _____
23 ⁴³885 F.2d 555, 557 (9th Cir. 1989).

24 ⁴⁴*Id.* at 555-556.

25 ⁴⁵Mot. in limine at 2.

26 ⁴⁶Reply at 8.



1 which was presented at the public hearing held October 30, 2018, or the comments and
2 evidence submitted before November 2, 2018, at 5:00 p.m. The court will not consider
3 "any other relevant publications, information, and records in the office of the State
4 Engineer" which are not in the ROA⁴⁷. If the State Engineer considered evidence or other
5 factors, including his records, that he deemed relevant that are outside of the ROA in
6 consideration of the criteria in NRS 534.037(2)(a-g) for the purpose of entering Order no.
7 1302, the ROA may not support his findings and order. Such a determination is not being
8 made by this Court at this time. Should the court find from the briefing and oral argument
9 in this case that the State Engineer considered evidence or records not contained in the
10 ROA when entering Order no. 1302, it still remains that there must be substantial evidence
11 in the ROA to support Order no. 1302.

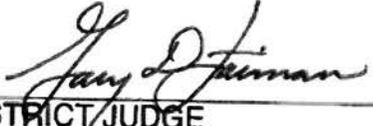
12 The court finds that the public hearing process to consider the GMP under NRS
13 534.037 provided notice and the opportunity for anyone to be heard and to offer evidence,
14 thus satisfying the due process standards.

15 Good cause appearing,

16 IT IS HEREBY ORDERED that the State Engineer's motion in limine filed June 11,
17 2019, is GRANTED.

18 IT IS HEREBY FURTHER ORDERED that all evidence in this matter shall be limited
19 to the State Engineer's record on appeal, as filed by the State Engineer on June 7, 2019.

20 DATED this 21st day of August, 2019.

21
22 
23 _____
24 DISTRICT JUDGE

25 _____
26 ⁴⁷Any party or the State Engineer can introduce certified copies of his records as
evidence in all cases where the original would be admissible. NRS 532.150.

SEP 06 2019

By *[Signature]*
Eureka County Clerk

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IN THE SEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF EUREKA

TIMOTHY LEE & CONSTANCE MARIE
BAILEY; FRED & CAROLYN BAILEY; IRA
R. & MONTIRA RENNER; SADLER RANCH
LLC, a Nevada limited liability company;
DANIEL S. VENTURACCI;

Petitioners,

v.

TIM WILSON, P.E., Nevada State Engineer,
DIVISION OF WATER RESOURCES,
DEPARTMENT OF CONSERVATION AND
NATURAL RESOURCES,

Respondents,

EUREKA COUNTY; DENRPCA,

Intervenors.

**CASE NO.: CV-1902-348 (consolidated
with Case Nos. CV1902-349 and CV-1902-
350)**

DEPT. NO.: 2

**ORDER GRANTING
MOTION TO INTERVENE**

ORDER GRANTING MOTION TO INTERVENE

THIS MATTER is before this Court on Motion to Intervene by DIAMOND VALLEY RANCH, LLC, a Nevada limited liability company; AMERICAN FIRST FEDERAL, Inc., a Nevada corporation; BERG PROPERTIES CALIFORNIA, LLC, Nevada limited liability company; and BLANCO RANCH, LLC, a Nevada limited liability company. This Court having considered the applicable law and facts hereby finds as follows:

1. The Motion to Intervene is **GRANTED**.

2. DIAMOND VALLEY RANCH, LLC, a Nevada limited liability company; AMERICAN FIRST FEDERAL, Inc., a Nevada corporation; BERG PROPERTIES CALIFORNIA, LLC, Nevada limited liability company; and BLANCO RANCH, LLC, a

1 Nevada limited liability company shall be joined as Respondents in this action and shall be
2 entitled to file pleadings, fully participate in the consolidated actions and present argument and
3 legal briefs as their interests may appear on issues developed during the course of the
4 proceedings.

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IT IS SO ORDERED

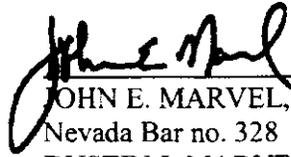
DATED: this 5th day of August, 2019.



DISTRICT JUDGE

Respectfully submitted and approved by:

MARVEL & MARVEL, LTD



JOHN E. MARVEL, ESQ.
Nevada Bar no. 328
DUSTIN J. MARVEL, ESQ.
Nevada Bar No. 12036
217 Idaho Street
Elko, Nevada 89801
(775) 738-9881

AFFIRMATION

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Pursuant to NRS 239B.030, the undersigned hereby affirms that this document, including any exhibits, does not contain the Personal Information, as defined by NRS 603A.040, of any person.

DATED this 29th day of July, 2019.

MARVEL & MARVEL, LTD.



JOHN E. MARVEL

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217 Idaho Street
Elko, Nevada 89801
johnmarvel@marvellawoffice.com

CERTIFICATE OF MAILING

1 PURSUANT TO N.R.C.P. 5(b), I certify that I am an employee of Marvel & Marvel, Ltd.
2
3 and on the 29th day of July, 2019, I placed in the mail, postage pre-paid, a copy of the attached
4 document addressed to:

5 Timothy Lee & Constance Marie Bailey; Fred & Carolyn
6 Bailey; Ira R. & Montira Renner; Sadler Ranch, LLC, A
7 Nevada Limited Liability Company; and, Daniel S.
8 Venturacci
9 Taggart & Taggart Law Firm
10 108 N Minnesota Street
11 Carson City, NV 89703

12 -and-

13 Tim Wilson, P.E., Nevada State Engineer
14 Department of Conservation and Natural Resources
15 Division of Water Resources
16 901 S. Stewart St., Suite 2002
17 Carson City, NV 89701

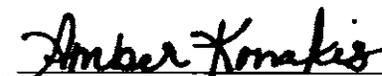
18 -and-

19 Eureka County
20 District Attorney's Office
21 P.O. Box 190
22 Eureka, NV 89316

23 -and-

24 DNRPCA
25 P.O. Box 13
26 Eureka, NV 89316

DATED this 29th day of July, 2019.


AMBER KONAKIS