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2014 OCT -7 PM 5:16

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SADIE SULLIVAN
DIST. COURT CLERK

1 Case No. CV10122

2 Dept. No. 01

3
4 IN THE SIXTH JUDICIAL DISTRICT COURT
5 OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF LANDER

6 DANIEL AND EDDYANN FILIPPINI,

7 Plaintiffs,

8 v.

9 JULIAN TOMERA RANCHES, INC., BATTLE
10 MOUNTAIN DIVISION,

11 Defendants,

12 v.

13 RAND PROPERTIES, LLC.,

14 Defendants,

15 v.

16 JOHN CARRINGTON AND TAMI
17 CARRINGTON,

18 Defendants,

19 v.

20 JOHN E. CARRINGTON AND VIRGINIA G.
21 CARRINGTON DECLARATION OF TRUST
DATED FEBRUARY 19, 2003

22 Defendant.

23 RAND PROPERTIES, LLC,

24 Counter-Claimant,

25 v.

26 DANIEL AND EDDYANN FILIPPINI,

Counter-Claim Defendant.

**ORDER GRANTING IN PART
MOTIONS TO ALTER OR
AMEND AND RECONSIDER
ADMINISTRATIVE DECREE
and
ADMINISTRATIVE DECREE OF
TROUT CREEK, LOWER REESE
RIVER VALLEY, LANDER
COUNTY, NEVADA**

1 RAND PROPERTIES, LLC,

2 Cross-Claimant,

3 v.

4 JULIAN TOMERA RANCHES, INC., BATTLE
5 MOUNTAIN DIVISION,

6 Cross-Claim Defendant.

7 JULIAN TOMERA RANCHES, INC., BATTLE
8 MOUNTAIN DIVISION,

9 Cross-Claimant,

10 v.

11 RAND PROPERTIES, LLC,

12 Cross-Claim Defendant.

13 **IN RE to Relative Rights to Waters of Trout Creek,**
14 **the headwaters of which are located within or near**
15 **Township 29 North, Range 45 East, MDM, Lander**
County, State of Nevada.

16 Plaintiffs Daniel E. Filippini and Eddyann U. Filippini, Co-Trustees of the Daniel E. and
17 Eddyann U. Filippini Family Trust (hereinafter "Filippini Trust"), by and through their counsel,
18 Laura A. Schroeder and Therese A. Ure, of Schroeder Law Offices, P.C., and pursuant to the Court's
19 order at the hearing on June 9, 2014, hereby submit the following Proposed Order Granting in Part
20 Motions to Alter or Amend and Reconsider the Administrative Decree.

21 **PROCEDURAL POSTURE**

22 On July 1, 2013, the Court filed the Administrative Decree of Trout Creek, Lower Reese
23 River Valley, Lander County, Nevada. The Notice of Entry of Judgment for the order was filed on
24 July 15, 2013.

25 On July 26, 2013, Plaintiffs, Daniel and Eddyann Filippini ("Filippinis") filed a Notice of
26 Motion and Filippinis' Motion to Alter or Amend the Administrative Decree of Trout Creek, Lower

1 Reese River Valley, Lander County, Nevada. On August 12, 2013, Defendant Rand Properties, LLC
2 (“Rand”) filed its Opposition to Filippinis’ Motion to Alter or Amend the Administrative Decree. On
3 August 26, 2013, Filippinis filed a Reply to Rand Properties’ Opposition to Motion to Alter or
4 Amend the Administrative Decree of Trout Creek, Lower Reese Valley, Lander County, Nevada.

5 On July 29, 2013, Rand filed a Motion to Amend and Reconsider the Administrative Decree
6 Entered July 1, 2013. The motion was submitted to the Court on August 23, 2013. On August 12,
7 2013, Filippinis filed a Response to Motion to Amend and Reconsider the Administrative Decree
8 Entered July 1, 2013. On August 23, 2013, Rand filed a Reply to Filippinis’ Response to Motion to
9 Amend and Reconsider the Administrative Decree Entered July 1, 2013.

10 On September 12, 2013, the Court filed an Order Requiring Parties to Serve the Attorney
11 General of the State of Nevada on Behalf of the State Engineer and Order for Attorney General to
12 file a Responsive Pleading. On November 8, 2013, the Attorney General filed the State Engineer’s
13 Response with Recommendations Regarding the Parties’ Motions Pursuant to the Court’s September
14 12, 2013 Order. On November 21, 2013, Filippinis filed a Reply to State Engineer’s Response with
15 Recommendations Regarding the Parties’ Motions Pursuant to the Court’s September 12, 2013
16 Order.

17 On February 7, 2014, the Court provided all parties with a Proposed Order Granting in Part
18 Motions to Amend and Reconsider, instructing all parties, including the State Engineer, to provide
19 input to refine the order.

20 A hearing regarding the Reconsideration of Administration was held June 9, 2014. Counsel
21 for Filippini drafted the Proposed Order Granting in Part Motions to Alter or Amend and Reconsider
22 Administrative Decree of Trout Creek, Lower Reese River Valley, Lander County, Nevada,
23 incorporating edits per the June 9, 2014 hearing. The proposed order was circulated to all parties on
24 July 11, 2014. Comments and recommendations were received by counsel for the State Engineer,
25 Rand, and Julian Tomera Ranches, Inc. (“Tomera”). Comments and edits were then incorporated.

1 The Court, having heard all of the evidence in this matter and all of the pleadings as set forth
2 above, finds that the Administrative Order shall be amended as drafted below.

3
4 **ADMINISTRATIVE DECREE OF TROUT CREEK, LOWER REESE RIVER VALLEY,**
5 **LANDER COUNTY, NEVADA**

6 ~

7 **I. HISTORY OF THE AREA**

8 Present day Lander County was established on March 7, 1873. Trout Creek is located in the
9 Lower Reese River Valley (Basin 59) in Townships 29 and 30 North, Ranges 43, 44, 44 ½ , 45, and
10 46 East within Lander County. By 1873, recorded human activity on the lands surrounding Trout
11 Creek, including the lands subject to this adjudication (hereinafter "subject lands") and use of Trout
12 Creek and its tributaries had been ongoing for more than a decade. Subject to a number of federal
13 and state legislative acts, aimed at encouraging the settlement and purchase of certain lands within
14 Lander County, settlers began utilizing and making use of the lands surrounding Trout Creek and
15 using the water of Trout Creek to support agricultural pursuits, including watering of livestock and
16 cultivation of the arid land. The first recorded stock use of Trout Creek occurred in approximately
17 1862. The first recorded irrigation use of Trout Creek was recorded in 1869.

18 **II. JUDGMENT AND DECREE**

19 Without the application of water, the subject lands are arid. Irrigation is necessary for the
20 production of crops on the subject lands. Diversion of water is also necessary to support livestock.
21 The parties named in this Decree, by virtue of the appropriation of water by their predecessors in
22 interest and themselves, are entitled and allowed to use the water of Trout Creek for livestock and
23 irrigation purposes as set forth herein, and as set forth in the Order filed in this case. Except such
24 persons as may have acquired right to the use of the water of Trout Creek and its tributaries in
25 Lander County, Nevada, granted under and pursuant to an application to the State Engineer and
26 under and by virtue of the Nevada Revised Statutes ("NRS") Chapter 533, no person other than the

1 parties named herein, have or may claim any interest in or to the said waters of Trout Creek or its
2 tributaries.

3 **III. WATER SOURCE**

4 The source of water that is the subject of this adjudication is located in Lander County,
5 Nevada, and consists of the surface flow of Trout Creek and its tributaries. Trout Creek is a tributary
6 to the Reese River and is located within the Lower Reese River Valley, Hydrographic Basin No. 04-
7 059, Lander County, Nevada. Trout Creek originates in the Shoshone Mountain Range and runs east
8 to west from Trout Creek Canyon, through the canyon mouth in Township 29 North, Range 45 East
9 through the valley and eventually into the Reese River in Township 30 North, Range 43 East. The
10 Trout Creek drainage is bounded by Crippen Canyon to the north and by Hancock Canyon to the
11 south.

12 **IV. WATER FLOWS**

13 Trout Creek is fed from melting snow and rain from the upper elevations of the Shoshone
14 Mountain Range. The flow of water in Trout Creek varies from year to year depending on snow pack
15 and other natural factors. Spring runoff flows in Trout Creek can begin as early as February. The
16 periodic, high volume and temporary flows occurring prior to the start of the irrigation season, and
17 when the soils are dry, are characterized as "flash flows" or "freshets." Following the spring "flash
18 flows" or "freshets," flows generally begin to diminish in late summer. Trout Creek may cease to
19 flow altogether in August or September.

20 **V. PERIOD OF USE**

21 Except as otherwise provided by this Decree, the period of use, or season of use, for
22 irrigation from Trout Creek and all tributaries shall be from March 1st through September 15th each
23 year. Each claim for irrigation determined valid has a limited season of use.

24 (1) Claim V01563 (Filippini) is authorized for a period of use for irrigation from March
25 1st through September 15th.

1 (2) Claim V02678 (Rand) is authorized for a period of use for irrigation from March 1st
2 through September 15th each year.

3 The period of use for stock water use for all claims determined as valid shall be January 1st
4 through December 31st each year.

5 VI. EARLY PERIOD OF USE FOR IRRIGATION

6 The Water Commissioner appointed to administer this Decree shall have the right, power,
7 and authority to direct that the irrigation season begin earlier or later than March 1st due to climatic
8 conditions and because of fluctuation in and to the waters of Trout Creek. The irrigation season will
9 not be opened early or delayed without prior approval of the Court and written notice to each of the
10 vested water right holders.

11 VII. DUTY OF WATER

12 Except as otherwise provided herein, the duty of water for all lands irrigated under the claims
13 determined to be valid is fixed and shall not exceed 3.8 acre-feet per acre annually. The duty of
14 water for all stock water use under the claims determined to be valid is fixed and shall not exceed 20
15 gallons per day per cattle or horse.

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17 VIII. DIVERSION OF WATER

18 Pursuant to the authorized season of use, Filippini may begin diversion on March 1st.
19 Filippini's irrigation season shall end on September 15th each year. On March 1st, Rand may begin
20 diversion for irrigation. Rand's irrigation season shall end on September 15th each year. Depending
21 on each season's flow, the Water Commissioner may direct Filippini and Rand as to when each may
22 begin irrigation, which may be earlier or later than the dates set forth in this Decree.

23 Based upon this Court's factual findings adduced at trial and historic use of the vested rights
24 of the respective parties, Exhibit "1" is hereby attached to and incorporated by reference into this
25 Order, together with all notes, remarks and provisions which are a part of said Exhibit "1".

1 In all cases, no diversion of water shall be permitted except in such amount as shall be
2 actually and reasonably necessary for the economical and beneficial use for which the right of
3 diversion is determined and established. The amounts of water allowed are declared to be sufficient
4 for the uses authorized and any and all use of water in excess of such decreed amount is declared to
5 be wasteful and all wasteful or excessive use of water is prohibited.

6 The Water Commissioner may order a rotation method of irrigation if it is determined that
7 stream discharge can no longer satisfy crop-water demand during the middle of the irrigation
8 seasons, or between April 15th and July 15th.

9 Based upon the evidence, the findings of this Court and the historic use by the parties and
10 predecessors in interest, the Court finds that the Diversion Rates for the various vested rights are as
11 follows:

- 12 1. Claim V01563 (Filippinis) 5.630 cfs (See Exhibit 1, Page 1)
- 13 2. Claim V02678 (Rand) 0.88 cfs (See Exhibit 1, Page 2)

14 In addition, the Court finds that the vested rights for stock watering are as follows:

- 15 1. Claim V01563 (Filippini) 0.0312 cfs (Badger Ranch) and 0.0168 (public lands)
- 16 2. Claim V02678 (Rand) 0.0028 cfs, being 0.0019 for cattle (Trout Creek Ranch) and
17 0.0009 cfs for horses on public land
- 18 3. Claim V07581 (Tomera) 0.0187 cfs

19 No party is entitled to exceed the annual duty as set by the Court. Tomera has the exclusive
20 rights to the use of the Trout Creek Pipeline. Both Filippini and Rand hold confirmed stock watering
21 rights as set forth herein, in addition to their irrigation vested rights; however, in order to avoid
22 waste, stock watering rights shall only be permitted as a matter of right when the parties are
23 exercising their irrigation water rights of use or outside the irrigation season when water is present in
24 the natural channel. Otherwise (when not exercising irrigation rights of use or outside the irrigation
25 season when no water is present in the natural channel, and except for the Trout Creek pipeline
26 diversion), stockwatering may be permitted only by order of the Water Commissioner who may

1 require the parties to "truck" the water to their respective stock.

2 IX. MEASUREMENT OF WATER

3 Measurement of water delivered for consumptive use is historically made at a point where
4 the main ditch or stream enters or becomes adjacent to land to be irrigated or as near thereto as
5 practicable. Water diverted for irrigation pursuant to this Decree shall be measured at the following
6 locations:

- 7 (1) Claim V01563 (Filippini): Headgate No. 1 located within the NE1/4NW1/4 Section
8 1, Township 29 North, Range 43 East.
- 9 (2) Claim V01563 (Filippini): Headgates No. 2 and No. 3 located within the
10 SW1/4SW1/4 Section 36, Township 30 North, Range 43 East.
- 11 (3) Claim V02678 (Rand): a point located with the SW1/4 NE1/4 Section 18, Township
12 29 North, Range 45 East.

13 Water diverted into the Trout Creek Pipeline for stockwater use shall be measured at the
14 following locations:

15 ///

- 16 (1) A point located within the SW1/4NE1/4 Section 18, Township 29 North, Range 45
17 East.
- 18 (2) A point located at the end of the shared irrigation/stockwater line, more specifically
19 described as the point at/near the valve for the Trout Creek (stockwater) Pipeline,
20 approximately located within 1) the SE1/4SE1/4 of Section 12, Township 29 North,
21 Range 44 East; or 2) Lot 4 of Section 12, Township 29 North, Range 44 ½ East.

22 Necessary headgates, meters, and measuring devices, which may be ordered by this Court or
23 the State Engineer, shall be installed and maintained by or at the expense of each of the water users
24 who benefit from the water being measured. Initially, the Water Commissioner is ordered to direct
25 the installation of two such measuring devices. One shall be placed below the Rand's tank, and a
26 second device shall be placed in the stockwater pipeline, as requested by the Water Commissioner at

1 the May 30, 2013 hearing. Rand shall be responsible for the installation and cost of the device below
2 their tank, and Tomera shall be responsible for the installation and cost of the device placed in the
3 stockwater pipeline. Such measuring devices shall be installed, modified, or removed at the direction
4 of the Water Commissioner.

5 **X. CHANGE IN POINT OF DIVERSION, MANNER OF USE, AND/OR PLACE OF USE**

6 All water allotted under this Decree and Order of Determination shall be appurtenant to the
7 place of use designated herein. Any water user desiring to change the point of diversion, manner of
8 use and/or place of use of the waters allotted herein must file an application pursuant to NRS §
9 533.345 with the State Engineer and be granted permission to make the change. Any change
10 approved and authorized by the State Engineer shall be secondarily approved or certified by this
11 Court under its continuing jurisdiction.

12 The Court retains the right and jurisdiction, in the future, to require any and all parties to
13 provide, at their own cost, a final proof survey map as it relates to the place of use for each vested
14 right. Until such Court order, the place of use as submitted to the State Engineer on the respective
15 Proofs of Appropriation shall be used to generally identify the various places of use, as long as it
16 conforms to both this Administrative Order and the Decree on Adjudication issued by this Court.

17 **XI. REGULATION AND RIGHT OF ENTRY**

18 Pursuant to NRS § 533.310(5), the Court shall retain jurisdiction, supervision, and control
19 over the administration of this Decree. The Court shall appoint a Water Commissioner to carry out,
20 supervise, and enforce the provisions of this Decree and the instructions and orders of the Court. The
21 Court shall authorize the employment by the Water Commissioner of such person or persons to
22 assist the Water Commissioner as the Court may deem necessary to properly carry out the provisions
23 of this Decree and the orders of the Court.

24 If any proper orders, rules, or directions of the appointed Water Commissioner or his
25 assistants, made in accordance with and for the enforcement of this Decree, are disobeyed or
26 disregarded, the Water Commissioner is empowered and authorized to cut off the delivery or

1 diversion of water to the ditch or water user so disobeying or disregarding the proper orders, rules, or
2 directions of the Court. The Water Commissioner shall promptly report to the Court such actions and
3 the circumstances connected therewith. Interference with the Water Commissioner shall be deemed a
4 contempt of Court.

5 The Water Commissioner appointed by the Court, or other authorized personnel, shall have
6 the right to enter the land of any water right owner or appropriator where any source, point of
7 diversion, or place of use mentioned in this Decree is situated, at any reasonable hour of the day, for
8 the purposes of investigating and carrying out the duties required for the administration of this
9 Decree.

10 Any person feeling aggrieved by any action or order of the Water Commissioner may
11 complain to the Court in writing, after service of a copy of such complaint to the Water
12 Commissioner and to each of the other parties to this Decree. The Court shall promptly review such
13 action or order and make such order as may be proper.

14 In the event of an emergency, the Water Commissioner shall have the right to contact the
15 Court directly to ask for direction.

16 XII. COSTS

17 The terms of employment, expenses, and compensation of the Water Commissioner shall be
18 fixed by orders the Court may from time to time make.

19 The ordinary and regular compensation and expenses of the Water Commissioner and his
20 assistants, as well as all other costs of the Court in the supervision and enforcement of this Decree,
21 shall be borne annually, as billed by the Water Commissioner, by the parties whose rights are
22 adjudicated in equal amounts, or otherwise as the Court deems just and equitable.

23 Extraordinary expenses of the Water Commissioner and his assistants, as well as all costs of
24 the Court related to the extraordinary supervision and enforcement of this Decree, shall be borne by
25 the parties whose rights are adjudicated in amounts the Court, in its discretion, deems just and
26 equitable.

1 between Horn, Filippini, and Tomera in 1989, the Court makes certain findings as set forth herein.
2 When Horn sold properties to Filippini and Tomera in 1989, an easement to access, operate,
3 maintain and repair the Trout Creek Pipeline and point of diversion was necessary to exercise the
4 property rights conveyed. This is evidenced by the Contract of Sale from Horn to Tomera which
5 included all waters and water rights "appurtenant to the said property or any part thereof, or used or
6 enjoyed in connection therewith, and together with all stockwatering rights used or enjoyed in
7 connection with the use of any of said lands," and "[a]ll grazing land or range stock watering
8 devises." The necessity is clear because without the easement, the pipeline and the water right in the
9 pipeline would be of no benefit to cattle using the grazing preference. Tomera paid substantial
10 consideration for the pipeline, water right, and grazing preference under the 1989 Contract of Sale.

11 ///

12 Access to maintain the pipeline to its point of diversion was, and still remains, essential to the
13 use of the property conveyed. Following the transfer from Horn to Tomera, Tomera was not
14 prevented from accessing and maintaining the Trout Creek Pipeline until Rand succeeded to Horn's
15 interest.

16 Moreover, the Trout Creek Pipeline and its diversion structure are valid works specifically
17 approved to deliver water under Permit 39377. Further, the works are permitted as a range
18 improvement on public land under the BLM Cooperative Agreement. Since the pipeline was
19 assigned to Tomera, Tomera has expended significant labor and expenses to repair, replace, and
20 maintain the Trout Creek Pipeline to keep it in operation. Tomera has improved the Trout Creek
21 Pipeline over time to allow for the continued beneficial use of water rights and claims for stock
22 watering.

23 Access remains a necessity for monitoring, operating, maintaining, and repairing all portions
24 of the Trout Creek Pipeline and its point of diversion that lie across Rand's private property in
25 Section 18.

1 Therefore, the Court concludes that Tomera is entitled to an easement by necessity for the
2 access, operation, maintenance, repair, and use of the Trout Creek Pipeline and its point of diversion
3 that lie across Rand's private property in Section 18.

4 The easement is for an underground water pipeline, and the route of the pipeline easement
5 extends from the point of diversion on Trout Creek as described in Permit No. 39377 over the route
6 of the existing pipeline to the boundary of Section 18 where the pipeline enters public land.

7 Concerning Rand's private land within Section 18, Tomera has a right to access and maintain the
8 pipeline from the point of diversion to the boundary of Section 18 where the pipeline enters public
9 land. In the event that Rand denies such access to the pipeline, Tomera has the right to install such
10 gate or gates as are necessary to access the pipeline easement for maintenance. A portion of the
11 pipeline on Rand's private land utilizes irrigation pipe that is also used to convey water to irrigate
12 Rand's meadows within Section 18.

13 Tomera shall have the right to access its point of diversion and maintain the flow of water
14 within the pipeline in accordance with Permit No. 39377. If maintenance or repair, including
15 replacement of the pipeline, is required, either party has a right to perform maintenance and repair
16 where the irrigation pipe is used in common, provided it does not interfere with the respective water
17 rights of the parties.

18 In the future, if Rand or Tomera elect to separate the Trout Creek Pipeline from Rand's
19 irrigation system, either party may petition this Court for approval to install a new headbox at the
20 point of diversion and install a new underground pipeline parallel to the irrigation pipeline to bypass
21 Rand's irrigation system along the easement at that party's sole expense. The design of any new
22 headbox and piping must be approved by the Court prior to installation. The party making such
23 election shall be responsible to ensure that any new headbox or pipeline does not result in any
24 increased maintenance than the current configuration of the system requires.

25 Additionally, this Court finds that there is insufficient evidence to show that the "prior
26 common ownership" element of an easement by necessity has been met as to the area of the

1 stockwater pipeline which runs across Rand's five sections of private land located in the flat. In the
2 event that Tomera has the necessity to repair or maintain the stockwater pipeline which runs across
3 Rand's five sections, Tomera will be required to petition this Court for further permission to do so.

4 **XV. SURFACE WATER FULLY APPROPRIATED**

5 The surface water of Trout Creek, located in the Lower Reese River Valley, Basin 04-059, of
6 Lander County, Nevada, and its tributaries are fully appropriated and no additional surface-water
7 permit shall be issued by the Nevada State Engineer, except that changes in point of diversion, place
8 of use, or manner of use may be granted in accordance with this Decree.

9 **XVI. OBJECTIONS OVERRULED**

10 Except as specifically provided in this Decree, all objections and exceptions of the parties are
11 denied and overruled.

12 **XVII. ADMINISTRATIVE DECREE**

13 The Court, having duly considered the entire record, the evidence offered and received, the
14 briefs and arguments of counsel, and being fully advised in this matter, finds the above-entitled
15 matters as Findings of Fact and Conclusions of Law as set forth herein.

16 **ORDER**

17 Wherefore, pursuant to and in accordance with said decision and judgment, the Court hereby
18 enters its Final Administrative Decree concerning the entire matters submitted to the Court, as
19 follows, to wit:

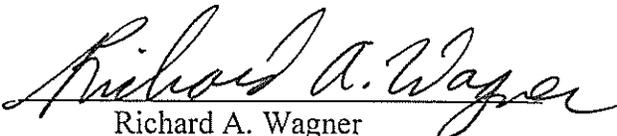
20 **IT IS HEREBY ORDERED** that the parties in this matter shall follow this administrative
21 decree as set forth herein.

22 **IT IS FURTHER ORDERED** that this court will retain jurisdiction to determine
23 assessments, costs, attorney fees, and other matters relating thereto.

24 **IT IS FURTHER ORDERED** that the attorneys on behalf of the Plaintiffs, shall prepare
25 and file a Notice of Entry of Judgment in this matter, and that the Clerk of the Court is hereby
26 ordered to provide certified copies of the judgment in this matter to all the attorneys of the respective

1 parties in this case, as well as certified copies to the State Engineer of the State of Nevada, and to
2 Steve DelSoldato, Water Commissioner.

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4 Dated: October 1, 2014

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7 Richard A. Wagner
8 District Court Judge
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PRELIMINARY ORDER OF DETERMINATION TROUT CREEK																				
V-02678	Rand Properties, LLC			Irrigation		SW1/4NE1/4, Sec. 18, T29N, R45E					March 1 - September 15		1901		.88 cfs		3.8 afa		199.5 af	
PLACE OF USE																				
Section	Twn	Range	NE				NW				SW				SE				Acres per Section	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	SE	NW	SW	NE	NW	SW	SE		
TOTAL																				52.5
REMARKS: The Claimant may file a final proof survey within 2 years of the date of the Order of Determination and Decree to further refine the 52.5 acres of irrigation.																				
Proof No.	Claimant			Purpose		Point(s) of Diversion					Yearly Season of Use		Priority	Flow: Cfs		Duty: afa or gpd	Total Duty			
V-02678	Rand Properties, LLC			Stockwater		SW1/4NE1/4, Sec. 18, T29N, R45E					January 1 - December 31		1862	0.0028 cfs, being 0.0019 for cattle at Trout Creek Ranch and 0.0009 cfs for horses on public land		20 gpd	1,240 gpd for cattle at Trout Creek Ranch 600 gpd for horses at Trout Creek Ranch and on Public Land			
PLACE OF USE																				
Section	Twn	Range	NE				NW				SW				SE				Acres per Section	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	SE	NW	SW	NE	NW	SW	SE		
REMARKS: The Claimant may file a final proof survey within 2 years of the date of the order of Determination and Decree to further refine the place of use.																				
Proof No.	Claimant			Purpose		Point(s) of Diversion					Yearly Season of Use		Priority	Flow: Cfs		Duty: nfa or gpd	Total Duty			
V-07581	Julian Tomera Ranches, Battle Mountain Division			Stockwater		Multiple points along the natural stream channel including the headwaters of Trout Creek located in the SW1/4NW1/4, Sec. 30, T29N, R46E					January 1 - December 31		1862	0.0187 cfs		20 gpd	12,000 gpd			
PLACE OF USE																				
Section	Twn	Range	NE				NW				SW				SE				Acres per Section	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	SE	NW	SW	NE	NW	SW	SE		
24	29N	45E																		
8	29N	44E																		X
33	30N	44E											X							X
REMARKS: The place of use for V-07581 is the natural channel of Trout Creek and its associated tributaries beginning at a point located with the SE1/4SE1/4, Sec. 24, T29N, R45E and ending within the SE1/4SE1/4, Section 8, T29N, R44E on the Main Branch of Trout Creek, and the SE1/4SW1/4, Section 33, T30N, R44E on the North Branch; Tomera has exclusive rights to the use of the Trout Creek Pipeline																				

CERTIFICATE OF SERVICE

FILED

Pursuant to Rule 5(b) of the Rules of Civil procedure, I certify under penalty of perjury that on this date, I caused the foregoing Order's to be served on all parties to this action by delivering a true copy thereof as follow:

2014 OCT -9 PM 2:10
DIST. COURT CLERK MGA

- Faxed
- Hand Delivered
- Regular Mail
- Certified Mail

CV 10122
Order Granting in Part Motions to Alter or Amend and Reconsider Administrative Decree and Administrative Decree of Trout Creek, Lower Reese River Valley, Lander County, Nevada

OFFICE OF THE ATTORNEY GENERAL
CARSON CITY, NEVADA

Dated this 8th Day of October, 2014

OCT 15 2014

Steve DelSoldato
Water Commissioner
Nevada Division of Water Resources
815 E. 4th Street
Winnemucca, NV 89446

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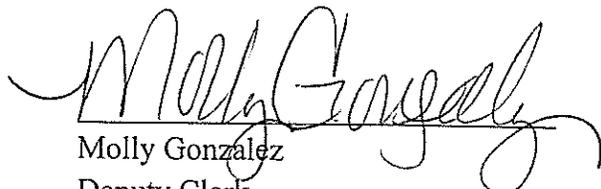
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Deputy Clerk