

EXHIBIT

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Elizabeth A. Brown
Clerk of Supreme Court

EXHIBIT

4

1 TIM WILSON, State Engineer, State)
2 of Nevada, Department of)
3 Conservation and Natural)
4 Resources, Division of Water)
Resources,)
Respondent.)
_____)

5
6 1. Petitioner Coyote Springs Investment, LLC ("CSI"), by and through the
7 undersigned counsel, hereby petitions this Court for judicial review of a June 15, 2020
8 decision entitled "Order # 1309 DELINEATING THE LOWER WHITE RIVER FLOW
9 SYSTEM HYDROGRAPHIC BASIN WITH THE KANE SPRINGS VALLEY BASIN (206),
10 COYOTE SPRING VALLEY BASIN (210). A PORTION OF BLACK MOUNTAINS AREA
11 BASIN (215), GARNET VALLEY BASIN (216), HIDDEN VALLEY BASIN (217),
12 CALIFORNIA WASH BASIN (218), AND MUDDY RIVER SPRINGS AREA (AKA
13 UPPER MOAPA VALLEY) BASIN (219) ESTABLISHED AS SUB-BASINS,
14 ESTABLISHING A MAXIMUM ALLOWABLE PUMPING IN THE LOWER WHITE RIVER
15 FLOW SYSTEM WITHIN CLARK AND LINCOLN COUNTIES, NEVADA, AND
16 RESCINDING INTERIM ORDER 1303" by Tim Wilson, Nevada State Engineer ("Order
17 1309"). A true and correct copy of Order 1309 is attached as Exhibit "A".

18 2. In Order 1309, Nevada State Engineer ("State Engineer"), Tim Wilson, ordered
19 the delineation of six, and part of a seventh, previously separately delineated
20 hydrographic basins, into a single hydrographic basin called the "Lower White River
21 Flow System", and ordered designated a maximum quantity of 8000 acre-feet-annually
22 of groundwater that may be pumped from the Lower White River Flow System
23 Hydrographic Basin, and ordered that the 8000 acre-foot maximum may be reduced if it
24 is determined that pumping adversely affects the Moapa dace, and ordered that the
25 previously issued moratorium regarding any final subdivision submitted to the State
26 Engineer for review set forth in State Engineer Interim Order 1303 dated January 11,

1 2019 ("Rescinded Order 1303") be terminated, *and ordered* that all other matters set
2 forth in Rescinded Order 1303 that are not specifically addressed in Order 1309 were
3 rescinded.

4 JURISDICTION AND PARTIES

5 3. This Court has jurisdiction to address this petition pursuant to N.R.S. 533.450(1),
6 which provides that "any person feeling aggrieved by any order or decision of the State
7 Engineer, . . . may have the same reviewed by a proceeding for that purpose, insofar as
8 may be in the nature of an appeal, which must be initiated in the proper court of the
9 county in which the matters affected or a portion thereof are situated. . . ." Coyote
10 Springs Investment LLC, master developer of the Coyote Springs Development, which
11 is subject to the State Engineer's June 15, 2020 decision, has over 21,000 acres of fee-
12 owned land for development in Lincoln County, Nevada, and holds a leasehold interest
13 to over 7,500 acres of conservation land in Lincoln County, Nevada; and over 6,800
14 acres of fee-owned land for development in Clark County, Nevada, and holds a
15 leasehold interest to over 6,200 acres of conservation land in Clark County, Nevada.

16 4. CSI is a limited liability company, formed under the laws of the State of Nevada,
17 and is the original developer of Coyote Springs Development in both Lincoln and Clark
18 Counties, Nevada.

19 5. Tim Wilson is, as of the date of this Petition, the State Engineer, Nevada Division
20 of Water Resources, is an agent of the State of Nevada, and is appointed by and
21 responsible to the Director of the State Department of Conservation and Natural
22 Resources ("Department"). NRS 532.020. The State Engineer issued the June 15,
23 2020 decision, Order 1309, which is the subject of this Petition.

FACTS

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2 6. From water rights purchased in 1998, CSI owns 4600 acre feet annually ("afa") of
3 certificated and permitted Nevada water rights in the Coyote Spring Valley Hydrographic
4 Basin. CSI's groundwater rights in the Coyote Spring Valley are evidenced as follows:
5 CSI owned 1500 afa under Permit 70429 (Certificate 17035) of which 1250 afa was
6 conveyed to the Clark County Coyote Springs Water Resources General Improvement
7 District ("CS-GID") to be used for the Coyote Springs Development, with the remaining
8 250 afa still owned by CSI. CSI also owned 1000 afa under Permit 74094 of which 750
9 afa were conveyed to the CS-GID to be used for the Coyote Springs Development, with
10 the remaining 250 afa still owned by CSI. CSI also owned 1600 afa under Permit 70430
11 of which 460 afa was relinquished as approved and permitted by the State Engineer
12 and accepted by the United States Fish and Wildlife Service ("USFWS") as required
13 mitigation arising from the Coyote Springs Development and for the protection of the
14 Moapa dace fish, thus leaving 1140 afa that continues to be owned by CSI. Further,
15 CSI continues to own 500 afa under Permit 74095. Thus, the total amount of water
16 permits held by CSI as of the date of this Petition is 2140 afa, and the total amount of
17 water rights held by the CS-GID is 2000 afa all of which is to be used for the Coyote
18 Springs Development¹, with 460 afa relinquished by CSI for protection of the
19 endangered Moapa dace. CSI also owns a few additional rights in the LWRFS
20 Hydrographic Basin outside of the Coyote Springs Valley. Furthermore, through a
21 purchase and option agreement dated October 17, 2005, and as amended from time to
22 time ("KS-Agreement"), CSI purchased from Lincoln County Water District ("LCWD")

23 _____
24 ¹ And pursuant to that certain Amended and Restated Coyote Springs Water and Wastewater Multi-Party
25 Agreement, dated July 7, 2015, regarding operation and management of the CS-GID, if the Coyote Springs
26 Development ceases to develop, then the water rights revert to CSI. Meaning, the CS-GID executes deeds
27 and other related instruments necessary to effectuate that reversion.

1 and Vidler Water Company ("Vidler") 246.96 acre feet of permitted water rights in Kane
2 Springs Valley and a contractual commitment from Lincoln County Water District to
3 provide CSI with 253.04 afa that CSI purchased and dedicated to Lincoln County Water
4 District (for an available total quantity of water equal to 500 afa) as evidenced by
5 Permits 72220 and 72221. Further subject to the KS-Agreement, CSI holds an option to
6 purchase from Vidler, an additional 500 afa of permitted Kane Springs Valley water
7 rights.

8 7. Directly relevant to CSI's interests, the total amount of water rights affected by
9 the State Engineer's decision is 4140 afa in Coyote Spring Valley and 1000 afa in the
10 Kane Spring Valley, in Clark and Lincoln Counties, Nevada, respectively.

11 8. The Southern Nevada Water Authority ("SNWA"), USFWS, CSI, Moapa Band of
12 Paiutes, and the Moapa Valley Water District ("MVWD") entered into a Memorandum of
13 Agreement dated April 20, 2006 and as amended from time to time (as amended, the
14 "2006 MOA") as a result of the State Engineer's Order 1169 and their respective
15 proposed development needs. The purpose of the 2006 MOA was to protect Muddy
16 River's flow rates for protection of the Moapa dace initially during the Order 1169 pump
17 test and then beyond. The 2006 MOA set forth certain rights and obligations of the
18 parties to the agreement. Among other things, CSI agreed to dedicate ten percent of its
19 initial water rights (4600 afa), which was a quantity of 460 afa, to the survival and
20 recovery of the Moapa dace pursuant to Section 3(a) of the MOA. The Biological
21 Opinion issued by USFWS described in File Nos. 84320-2008-F-0113 and 84320-2008-
22 I-0499, dated October 22, 2008] confirm CSI's obligation to dedicate this water as
23 appropriate mitigation for any take of the Moapa dace related to the development of
24 Coyote Springs community. USFWS determined that the best use of this 460 afa of
25 dedicated water would be for it to remain in the groundwater system in reliance on the
26 premise that the water makes its way in the underground system to the Muddy River

1 and the Muddy River Springs area, and thus also eventually to Lake Mead. In
2 accordance with Nevada water law, CSI recorded an Affidavit to Relinquish Water
3 Rights in Clark County and Lincoln County. The Affidavits were filed with the State
4 Engineer on May 24, 2016. These documents ensure the 460 afa will not be pumped
5 and remain in the State Engineer's count of appropriated water rights to prevent re-
6 appropriation in the future.

7 9. Since just before the year 2000, over 20 years ago, CSI commenced
8 development efforts of its property in the Coyote Spring Valley. CSI's first development
9 agreement in Clark County was dated September 2004, and since that time CSI has
10 prepared and processed permits and approvals for community infrastructure, maps and
11 plans, and recorded maps. CSI's development efforts include zoning entitlements for
12 golf course, resort, residential, multi-family, commercial, industrial, gaming enterprise,
13 among others. These efforts include recorded large parcel, parent final maps for
14 purpose of subsequent residential subdivision maps, all of which were for the
15 development of the community and master plan known as the Coyote Springs
16 Development. These efforts were engaged with many agencies, including, without
17 limitation, Clark County, Lincoln County, the Las Vegas Valley Water District
18 ("LVVWD"), Lincoln County Water District, Clark County Water Reclamation District,
19 Nellis Air Force Base, Nevada Department of Wildlife, USFWS, US Army Corp. of
20 Engineers, Bureau of Land Management, Clark County Regional Flood Control District,
21 Nevada Department of Transportation, Nevada Division of Environmental Protection,
22 Department of Air Quality, Southern Nevada Water Authority, Southern Nevada Health
23 District, and the State Engineer. CSI holds and has been issued, a variety of permits,
24 entitlements, bonds, improvements, maps and plans.

25 10. Based on those permits, entitlements, bonds, and approved plans, CSI
26 constructed significant infrastructure improvements to support the Coyote Springs

1 Development. CSI constructed a Jack Nicklaus Signature Golf Course ("Golf Course") at
2 a cost of \$40,000,000. The Golf Course was constructed to support future residential
3 development and the overall Coyote Springs Development; but for the full development
4 of Coyote Springs Development pursuant to its entitlements, the Golf Course would not
5 have been built as a stand-alone business; golf courses are built to sell homes. The
6 Golf Course was designed to also serve as natural storm water drainage for the Coyote
7 Springs Development.

8 11. The Golf Course opened in May 2008, and has operated since opening at a
9 monetary loss, and operations at a loss continue to the present. The Golf Course has
10 just over 25,000 rounds of golf played per year. Prior to COVID-19 over 60 full time
11 employees were employed; post-COVID-19, there remain just 25 personnel employed
12 in connection with the Coyote Springs Golf Club and the Coyote Springs Development.
13 Many more employees would be activated and employed if CSI were allowed to
14 proceed with its entitled and permitted development efforts.

15 12. CSI's many improvements for the Coyote Springs Development include the
16 \$40,000,000 Jack Nicklaus Signature Golf Course; a 325 acre flood control detention
17 basin (subject of a dam permit issued and renewed by the State Engineer); a
18 groundwater treatment plant permitted by Nevada Department of Environmental
19 Projection and to specifications required by the LVVWD and the CS-GID which includes
20 two 1,000,000 gallon water storage tanks designed and constructed to culinary water
21 standards; a wastewater treatment plant permitted by the Nevada Department of
22 Environmental Protection and to specifications required by the LVVWD and the CS-GID
23 and initial package treatment plant; and a 3-megawatt electrical substation and
24 appurtenant equipment operated by Lincoln County Power District.

25 13. The Coyote Springs Development drilled and operated four groundwater
26 production wells, two of which are fully equipped to LVVWD and CS-GID standards,

1 municipal water wells, all of which have been overseen, approved, and permitted by the
2 State Engineer. The two wells equipped to municipal standards were done so at a cost
3 greater than Twenty Million Dollars (\$20,000,000). Based on, and in reliance on these
4 approvals, and other approvals by the relevant government agencies, including the
5 State Engineer, CSI constructed miles of roadways, curbs, and installed associated
6 underground utilities, including water, sewer, gas and electricity in the Coyote Springs
7 Development. The total cost of construction and acquisitions for these improvements
8 and associated processing is well over Two Hundred Million Dollars (\$200,000,000).

9 14. CSI relied upon the approvals granted by the relevant agencies, some of which
10 are listed above, but most particularly the State Engineer, to proceed with these
11 construction projects. CSI, in particular has relied on the approvals of the State
12 Engineer recognizing that CSI must use its certificated and permitted water rights in the
13 Coyote Springs Development in order to support operation of the existing and operating
14 golf course and related facilities, and all of its residential subdivision development and
15 construction efforts in order to open a homebuilding center to the public and sell
16 residential homes, among other customary southern Nevada master planned
17 community commercial and public facility support amenities.

18 15. Eighteen years ago, prior State Engineer Hugh Ricci issued an order which held
19 in abeyance certain applications pending or to be filed for additional water rights in the
20 Coyote Spring Valley Basin 210 (and other basins), known as Order 1169 ("Order
21 1169"). At the time of Order 1169, various parties, including CSI, MVWD, SNWA,
22 among others, had water right applications pending for determination. The State
23 Engineer determined there was insufficient information and data concerning the deep
24 carbonate aquifer underlying the hydrographic basins in question. Based on the need
25 for additional information and data, the State Engineer exercised his authority under
26 NRS 533.368 to order a hydrological study of the basins in question. In taking this step,

1 the State Engineer studied available water to issue a permit for pending applications,
2 and in so doing the State Engineer determined that certain applicants, including CSI,
3 already had a vested interest in water rights permitted from the carbonate aquifer
4 system, thereby acknowledging the existence and validity of CSI's 4600 afa referenced
5 in paragraph 6 above. The study requested was to occur over a five-year period and
6 fifty-percent (50%) of the water rights then permitted in the Coyote Springs Valley Basin
7 were to be pumped for at least two consecutive years. The applicants, which included
8 CSI, were to pay for the studies and were to file a report with the State Engineer within
9 180 days of the end of the fifth (5th) consecutive year following commencement of the
10 test.

11 16. CSI, SNWA, MVWD, among others, thereafter performed the required pump
12 tests on the wells in the Coyote Springs Valley Basin from 2010 to 2012 and filed their
13 reports in 2013.

14 17. On January 29, 2014, State Engineer Jason King issued Ruling 6255 ("Ruling
15 6255") out of the Order 1169 pump tests. In Ruling 6255, the State Engineer ruled that
16 pumping groundwater in Coyote Spring Valley Basin for new applications would
17 decrease flows at existing springs and could impact existing water rights held by parties
18 such as CSI's then existing 4600 afa of permitted water rights. The State Engineer also
19 found that the Muddy River and Muddy River Springs were fully appropriated and
20 pumping of groundwater could, in the future, potentially reduce flows in the Muddy River
21 that might cause a conflict with existing water rights. The State Engineer decided this
22 conflict with existing rights was not in the public interest and allowing appropriation of
23 additional groundwater resources could impair protection of springs and the habitat of
24 the Moapa dace that lives in the headwaters of the Muddy River. Based on those
25 findings, the State Engineer denied the then-pending new water right applications.
26 Ruling 6255 protects existing water rights (such as CSI's then owned 4600 afa) from

1 any new appropriations by denying the pending applications on the basis that existing
2 water rights must be protected.

3 18. CSI's existing water rights in what is now designated "Lower White River Flow
4 System Hydrographic Basin" are part of the rights the State Engineer ruled must be
5 protected in Ruling 6255. CSI has historically pumped, and continues to pump,
6 between 1400 afa and 2000 afa from its wells in the Coyote Spring Valley Basin. Golf
7 Course operations use, on average, 1100 afa, and beyond that water is used to support
8 construction activity in the Coyote Springs Development. Irrigation of Golf Course
9 Operations and other landscaping areas will be replaced by grey-reclaimed water in the
10 future after residential development is underway.

11 19. Through the specific plan, development agreement, entitlement and zoning
12 process, and creation of the CS-GID, CSI adopted aggressive water conservation plans
13 that it stands ready to implement. These plans include reuse of groundwater once it
14 makes its ways through the residential infrastructure, including grey-water use on golf
15 courses, common areas, and public parks. Coyote Springs Development's water
16 conservation target is for each equivalent-residential-unit to achieve 0.36 afa. Treated
17 effluent from CSI's wastewater treatment plant will be recycled within the development
18 and any portion not reused is designed to recharge the aquifer and flow to the Muddy
19 River and ultimately to Lake Mead.

20 20. Of the 4140 afa CSI has available for immediate development of the Coyote
21 Springs Development, CSI intends to support its existing entitled residential units within
22 its subdivisions, plus related resort, commercial and industrial development. Return
23 flows from the subdivision and effluent from its treatment plants will be returned to the
24 aquifer or recycled.

25 21. As CSI processed the final governmental approvals of what would be its first
26 residential subdivision map for 575 units in "Village A" of the Coyote Spring

1 Development, on May 16, 2018, State Engineer Jason King sent a letter to LVVWD
2 regarding Coyote Spring Valley Basin Water Supply, with a copy to CSI's
3 representative, Mr. Albert Seeno III.² The State Engineer stated that the pump tests
4 from Order 1169 through the present clearly indicate that pumping at the level during
5 the two year pump test caused unprecedented declines in groundwater levels.

6 22. In the State Engineer's May 16, 2018 letter, he stated (for the first time), that any
7 groundwater to be pumped across a *five-basin area* [emphasis in original] would be
8 limited to ensure no conflict with Muddy River Springs or the Muddy River as they are
9 the most senior rights in the then-identified five-basin area. The State Engineer further
10 said that carbonate pumping will be limited to a fraction of the 40,300 acre feet already
11 appropriated in the identified five-basin area. Following that sweeping statement, the
12 State Engineer specifically addressed the purpose of the then instant letter by stating:

13 Therefore, specific to the question raised in your November 16, 2017,
14 letter, considering current pumping quantities as the estimated sustainable
15 carbonate pumping limit, pursuant to the provisions found in Nevada
16 Revised Statutes Chapter 278, 533 and 534, the State Engineer
17 cannot justify approval of any subdivision development maps based
18 on the junior priority groundwater rights currently owned by
19 CWSRGID (sic)[Coyote Springs Water Resources General
20 Improvement District] or CSI unless other water sources are
21 identified for development. (emphasis in original.)

22 This May 16, 2018 letter went on to close with a desire that the water rights holders in
23 the area plus the Nevada Division of Water Resources work together to reach a
24 resolution for the entirety of the five basin area.

25 23. Subsequently, in communications by email between Albert Seeno III with the
26 State Engineer, on May 17, 2018, the State Engineer advised that he would neither
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² The May 16, 2018 letter was rescinded pursuant to a settlement agreement between CSI and the State Engineer. See paragraph 26 below.

1 sign-off nor approve any subdivision map submitted by CSI if they were based on
2 water rights CSI owned or had dedicated to the CS-GID.

3 24. On May 18, 2018, in a conversation with Albert Seeno III, the State Engineer
4 advised CSI not to spend one dollar more on the Coyote Springs Development Project
5 and that processing of CSI's maps had stopped. The State Engineer stated that he
6 was going to prepare a new draft order that would supersede or dramatically modify
7 Order 1169 and Ruling 6255, in approximately 30 days. The State Engineer admitted
8 to Albert Seeno III that this was uncharted territory and further, that his office has
9 never granted rights and then just taken them away.

10 25. Following his conversation with State Engineer Jason King, on May 18, 2018,
11 Albert Seeno III emailed Jason King and asked if anyone had filed an impairment claim
12 or any type of grievance with regard to CSI's and/or CS-GID's water rights and/or the
13 pumping CSI had performed over the prior 12 years. On May 21, 2018, the State
14 Engineer responded that no one had asserted a conflict or impairment regarding CSI's
15 pumping of the CS-GID and CSI's water rights.

16 26. On June 8, 2018, CSI filed a Petition for Review of the State Engineer's May 16,
17 2018, letter challenging the State Engineer's decision to place a moratorium on
18 processing CSI's subdivision maps. After a court-ordered settlement meeting on
19 August 29, 2018,, the parties agreed to settle and dismiss the case. In that settlement
20 agreement dated August 29, 2018, the State Engineer agreed to rescind his May 16,
21 2018, letter and to process CSI's subdivision maps without prejudice.

22 27. Thereafter, the State Engineer began a public workshop process to review the
23 water available for pumping in an area that the State Engineer began calling the Lower
24 White River Flow System ("LWRFS") which includes the Coyote Spring Valley

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1 hydrographic basin³. This public process included public workshops, a working group
2 of stakeholders, and included facilitation of a meeting of the Hydrologic Review Team
3 (“HRT”) established pursuant to that certain 2006 Memorandum of Agreement among
4 some of the parties involved in the new LWRFS process.⁴

5 28. On September 7, 2018, the Office of the State Engineer issued two conditional
6 approvals of subdivision maps submitted for review by CSI. The first conditional
7 approval was for the Large Lot Coyote Springs—Village A, consisting of eight lots,
8 common area, and rights of way totaling approximately 643 acres in Clark County and
9 requiring the statutory 2.0 afa per lot, for a total of 16 afa. The second conditional
10 approval was for the Coyote Springs—Village A subdivision map, consisting of 575
11 lots, common areas and rights of way for approximately 142.71 acres in Clark County
12 and requiring an estimate demand of 408.25 afa of water annually based on .71 afa per
13 residential unit. The two subdivision maps were conditionally approved subject to a
14 showing by CSI (or its agent) that sufficient water was available without affecting senior
15 water rights in the Muddy River and the Muddy River Springs.

16 29. Following this brief public input process, the State Engineer issued a draft order
17 at a public workshop held on September 19, 2018. The September 19, 2018, draft
18 order contained a preliminary determination that there were 9,318 afa of water rights
19 with a priority date of March 31, 1983, or earlier, that could be safely pumped from five-
20 basins composing the initial-LWRFS basins without affecting the flows in the Muddy
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22 ³ The Lower White River Flow System as so named, was identified colloquially prior to January 2019, and in
23 Rescinded Order 1303 dated January 11, 2019 these same hydrographic basins were identified as a single
24 administrative unit, and then even further, in his June 15, 2020 Order#1309 the State Engineer specifically
25 named and identified the Lower White River Flow System Hydrographic Basin which is fully described in this
26 Petition.

26 ⁴ On July 24, 2018, the State Engineer held a Public Workshop and on August, 23, 2018 facilitated the
27 meeting of the HRT.

1 River and without affecting the endangered Moapa dace fish. The draft order included
2 a moratorium on processing of subdivision maps unless demonstrated to the State
3 Engineer's satisfaction that an adequate supply of water was available "in perpetuity"
4 for the subdivision proposed to be mapped.

5 30. On October 5, 2018, CSI submitted a series of comment letters to the State
6 Engineer regarding the September 19, 2018, draft order. CSI commented on the total
7 lack of technical information necessary to perform a comprehensive review of the State
8 Engineer's conclusions in the draft order. CSI requested that the State Engineer
9 provide public access to the cited 30,000 pages of documentation used to support his
10 conclusions in the draft order.

11 31. In the October 5, 2018 CSI comment letters from CSI and its qualified expert,
12 CSI also pointed out to the State Engineer that his use of the 9318 afa limit for pumping
13 in the basin was not supported by substantial evidence and that the State Engineer's
14 own data supported a figure of at least 11,400 afa that could be pumped without any
15 effect on the flows in the Muddy River or any effects on the Moapa dace. CSI also
16 criticized reliance on only three-years of pump data to establish the limitation of 9318
17 afa when data from more than three years was available.

18 32. On October 23, 2018, CSI provided additional comments on the September 19,
19 2018 draft order. CSI noted again that the State Engineer's own data supported a
20 determination that the correct amount of pumping that could be sustained in the
21 LWRFS was at least 11,400 afa and not 9,318 afa. However, even assuming that
22 9,318 afa was the correct number, CSI was still entitled to at least 1,880 afa of water
23 for its subdivisions.

24 33. On January 11, 2019, State Engineer Jason King issued Rescinded Order 1303.

25 34. On May 13, 2019 the State Engineer amended Rescinded Order 1303. In
26 Rescinded Order 1303, the State Engineer declared that Coyote Spring Valley, Muddy

1 River Springs Area, Hidden Valley, Garnet Valley, California Wash, and the
2 northwestern part of the Black Mountains Area were designated as a joint
3 administrative unit for purposes of administration of water rights, known as the Lower
4 White River Flow System or the Six-Basin Area. Rescinded Order 1303 also declared
5 a temporary moratorium on approvals regarding any final subdivision or other
6 submissions concerning development and construction submitted to the State Engineer
7 for review. According to Rescinded Order 1303, any such submittal shall be held in
8 abeyance pending the conclusion of the public process to determine the total quantity
9 of groundwater that may be developed within the Lower White River Flow System.
10 Rescinded Order 1303 did provide an exception to the moratorium, that the State
11 Engineer could review and grant approval if a showing of an adequate and sustainable
12 supply of water to meet the anticipated "life of the subdivision" was made to his
13 satisfaction.

14 35. Rescinded Order 1303 raised five questions for stakeholders to review and to
15 which they could respond with technical, scientific data: (a) the geographic boundary
16 of the LWRFS, (b) aquifer recovery subsequent to the Order 1169 aquifer test, (c) the
17 long-term annual quantity and location of groundwater that may be pumped from the
18 LWRFS, (d) the effect of movement of water rights between alluvial and carbonate
19 wells within the LWRFS and (e) any other matter believed to be relevant to the State
20 Engineer's analysis (the "Five Topics Noticed for Determination").

21 36. In issuing Order 1309, the State Engineer went well beyond the scope of issues
22 within the Rescinded Order 1303's Five Topics Noticed for Determination.

23 37. Former State Engineer Jason King retired the same day that Rescinded Order
24 1303 was issued, January 11, 2019. Thereafter, Tim Wilson was appointed as Acting
25 State Engineer; and on December 12, 2019, Tim Wilson was appointed as the full
26 State Engineer.

1 38. On June 13, 2019, CSI submitted two-maps for signature and approval subject to
2 the exception written into Rescinded Order 1303: (i) its previously described Large Lot
3 Coyote Springs—Village A, consisting of eight lots, common area, and rights of way
4 totaling approximately 643 acres in Clark County and on the face of the map requiring
5 the statutory 2.0 afa per lot, for a total of 16 afa, and (ii) its Coyote Springs—Village A
6 subdivision map, consisting of 575 lots, common areas and rights of way for
7 approximately 142.71 acres in Clark County and requiring an estimate demand of
8 408.25 afa of water annually based on .71 afa per residential unit. These maps were
9 accompanied by a cover letter describing a request approval based on an attached
10 technical report which evidenced support for approval and identifying the technical and
11 hydrogeologic analysis supporting CSI's request for 2000 afa to be approved and
12 assigned to these maps for development within the Coyote Springs master planned
13 community.

14 39. The State Engineer held several workshops and meetings regarding Rescinded
15 Order 1303, on February 6, March 22, April 23, and July 24, 2019. These meetings
16 were workshops and held in anticipation and preparation for the scheduled hearing on
17 Rescinded Order 1303 scheduled for the end of September, early October, 2019.

18 40. The State Engineer identified dates for a hearing to be held on Rescinded Order
19 1303, to allow all interested parties to submit technical reports and studies in response
20 to the five questions raised by the State Engineer in Rescinded Order 1303, and cross
21 examine the others' experts, following which the State Engineer would take under
22 advisement all of the reports and testimony and render a decision in a new order.

23 41. Expert reports by interested parties were due July 3, 2019, and rebuttal reports
24 were due on August 16, 2019. CSI filed expert scientific, geophysical, hydrologic, and
25 hydrogeologic reports, and related rebuttal reports; all of which are reflected on the
26