

IN THE SUPREME COURT OF THE STATE OF NEVADA

ADAM SULLIVAN, P.E., NEVADA
STATE ENGINEER, et al.

Appellants,

vs.

LINCOLN COUNTY WATER
DISTRICT; et al.

Respondents.

Electronically Filed
Jun 13 2022 07:04 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

**SOUTHERN NEVADA WATER AUTHORITY’S REPLY TO GEORGIA-
PACIFIC GYPSUM LLC’S AND REPUBLIC ENVIRONMENT
TECHNOLOGIES, INC.’S OPPOSITION TO SOUTHERN NEVADA
WATER AUTHORITY’S MOTION TO EXCEED PAGE LIMIT**

IMMEDIATE ACTION REQUESTED

Appellant, SOUTHERN NEVADA WATER AUTHORITY (“SNWA”) by and through ITS counsel, PAUL G. TAGGART, ESQ. and THOMAS P. DUENSING, ESQ., of the law firm of TAGGART & TAGGART, LTD., and STEVEN C. ANDERSON ESQ., of SNWA hereby files its reply to Georgia-Pacific Gypsum LLC’s and Republic Environment Technologies, Inc.’s Opposition To Southern Nevada Water Authority’s Motion To Exceed Page Limit for its

Emergency Motion for Stay Under NRAP 27(e) Pending Appeal. This motion is supported by the following points and authorities.

MEMORANDUM OF POINTS AND AUTHORITIES

Georgia-Pacific Gypsum LLC’s and Republic Environment Technologies, Inc.’s (“Georgia-Pacific”) argue that motions are different than briefs, and the relief for page limits allowed for briefs are inapplicable to motion practice.¹ This is not true. This Court regularly hears motions to exceed page limits for more than just appellate briefs.² SNWA has correctly followed the rules of this Court.

SNWA also correctly demonstrated diligence and good cause. SNWA properly filed a declaration in support of its motion. SNWA correctly noted that this appeal relates to a matter of first impression and is part of a complex issue related to the authority of the Nevada State Engineer to manage overappropriated groundwater basins. The fourth factor in considering relating to the likelihood of success on the merits. The Motion for Stay certainly does not present SNWA’s entire case, which will be later briefed, but does provide key points on why SNWA will likely succeed

¹ Georgia-Pacific Gypsum LLC’s and Republic Environment Technologies, Inc.’s Opp’n To Southern Nevada Water Authority’s Mot. To Exceed Page Limit (“Georgia-Pacific Opp’n”) at 2-5.

² See e.g., *TRP Fund VI, LLC v. PHH Mortgage Corp.*, 138 Nev. Adv. Op. 21, 506 P.3d 1056, 1057 (2022) (motions for leave to file a stay motion and an opposition thereto that exceed the NRAP 27(d)(2) page limits were granted).

on the merits based on legal errors made by the district court in this complex area of the law.

Lastly, Georgia-Pacific's personal attack on counsel for SNWA is unfounded.³ In its declaration, counsel for SNWA declared under penalty of perjury that they worked diligently to present the Motion for Stay in a concise manner. There is no justification to support their claim that SNWA "made very little effort" to be concise in its motion. In fact, SNWA spent many hours attempting to reduce and refine its arguments to be as concise as possible.

Order 1309 is the result of decades of administrative proceedings and is 68 pages long.⁴ The appeal of Order 1309 involves over a dozen parties who provided thousands of pages of briefing at the district court proceeding, resulting in a final judgment that is 36 pages long.⁵ Clearly this is a complex case with complex legal issues. SNWA manages to summarize the long history and present the complex legal questions in 24 pages (including the title page and signature page).

CONCLUSION

SNWA respectfully submit that they have exercised diligence and demonstrated good cause to exceed the 10-page limit in NRAP 27(d)(2) and request leave to do so.

³ Georgia-Pacific Opp'n at 5

⁴ Mot. for Stay App. Vol. 1, Ex 1, at APP MFS 1-68.

⁵ Mot. for Stay App. Vol. 2, Ex 5, at APP MFS 189-228.

AFFIRMATION

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

Respectfully submitted this 13th day of June 2022.

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

By: /s/ Paul G. Taggart
PAUL G. TAGGART, ESQ.
Nevada State Bar No. 6136
THOMAS P. DUENSING, ESQ.
Nevada State Bar No. 13567

STEVEN C. ANDERSON
Nevada State Bar No. 11901
SOUTHERN NEVADA WATER
AUTHORITY
1001 S. Valley View Blvd.
Las Vegas, NV 89153
Sc.anderson@lvvwd.com

Attorneys for SNWA

CERTIFICATE OF SERVICE

Pursuant to NRAP 25(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 this Motion by electronic service to:

OFFICE OF THE ATTORNEY GENERAL
JAMES N. BOLOTIN #13829
LAENA ST-JULES #15156C
100 North Carson Street
Carson City, Nevada 89701-4717
Email: jbolotin@ag.nv.gov
Email: lstjules@ag.nv.gov
Attorneys for Nevada State Engineer

ROBISON, SHARP, SULLIVAN & BRUST
KENT R. ROBISON #1167
71 Washington Street
Reno, Nevada 89593
Email: krobison@rssblaw.com
Email: tshanks@rssblaw.com

IN ASSOCIATION WITH:
BRADLEY J. HERREMA #10368
BROWNSTEIN HYATT FARBER SCHRECK, LLP
100 North City Parkway, Suite 1600
Las Vegas, Nevada 89106
Email: bherrema@bhfs.com

WILLIAM L. COULTHARD #3927
COULTHARD LAW
840 South Ranch Drive, #4-627
Las Vegas, Nevada 89106
Email: wlc@coulthardlaw.com

EMILIA K. CARGILL #6493
3100 State Route 168
P.O. Box 37010
Coyote Springs, Nevada 89037
Email: emilia.cargill@coyotesprings.com
Attorneys for Coyote Springs Investment, LLC

MARQUIS AURBACH COFFING
CHRISTIAN T. BALDUCCI #12688
10001 Park Run Drive
Las Vegas, Nevada 89145
Email: cbalducci@maclaw.com
Email: kwilde@maclaw.com
Attorneys for Apex Holding Company, LLC and Dry Lake Water, LLC

SCOTT LAKE
Center for Biological Diversity
P.O. Box 6205
Reno, Nevada 89513
(802) 299-7495
Email: slake@biologicaldiversity.org

IN ASSOCIATION WITH:

LISA T. BELENKY (Pro Hac Vice to be submitted)
Center for Biological Diversity
1212 Broadway, Suite 800
Oakland, California 94612
Email: lbelenky@biologicaldiversity.org
Attorneys for Center for Biological Diversity

DYER LAWRENCE, LLP
FRANCIS C. FLAHERTY
2805 Mountain Street
Carson City, Nevada 89703
(775) 885-1896
Email: fflaherty@dyerlawrence.com
Attorneys for Nevada Cogeneration Associates Nos. 1 and 2

KAEMPFER CROWELL
SEVERIN A. CARLSON #9373
SIHOMARA L. GRAVES #13239
50 West Liberty Street, Suite 700
Reno, Nevada 89501
Email: scarlson@kcnvlaw.com
Email: sgraves@kcnvlaw.com
Attorneys for The Church of Jesus Christ of Latter-day Saints

DOTSON LAW
ROBERT A. DOTSON #5285
JUSTIN C. VANCE #11306
5355 Reno Corporate Drive, Suite 100
Reno, Nevada 89511
Email: rdotson@dotsonlaw.legal
Email: jvance@dotsonlaw.legal

IN ASSOCIATION WITH:
STEVEN D. KING #4304
227 River Road
Dayton, Nevada 89403
Email: kingmont@charter.net
Attorneys for Muddy Valley Irrigation Company

McDONALD CARANO LLP
SYLVIA HARRISON #4106
LUCAS FOLETTA #12154
SARAH FERGUSON #14515
100 W. Liberty Street, Suite 1000
Reno, Nevada 89501
Email: sharrison@mcdonaldcarano.com
Email: lfoletta@mcdonaldcarano.com
Email: sferguson@mcdonaldcarano.com
Attorneys for Georgia-Pacific Gypsum, LLC and Republic Environmental Technologies, Inc.

PARSONS BEHLE & LATIMER
GREGORY H. MORRISON #12454
50 West Liberty Street, Suite 750
Reno, Nevada 89501
Email: gmorrison@parsonsbehle.com
Attorneys for Moapa Valley Water District

NEVADA ENERGY
JUSTINA A. CAVIGLIA #9999
MICHAEL D. KNOX #8143
6100 Neil Road
Reno, Nevada 89511
Email: justina.caviglia@nvenergy.com
Email: mknnox@nvenergy.com
Attorneys for Nevada Power Company dba NV Energy

SCHROEDER LAW OFFICES, P.C.
THERESE A. URE STIX #10255
LAURA A. SCHROEDER #3595
10615 Double R Blvd., Suite 100
Reno, Nevada 89521
Email: t.ure@water-law.com
Email: schroeder@water-law.com
Attorneys for City of North Las Vegas, Western Elite Environmental, Inc. and Bedroc Limited, LLC

LINCOLN COUNTY DISTRICT ATTORNEY
DYLAN V. FREHNER #9020
181 North Main Street, Suite 205
P.O. Box 60
Pioche, Nevada 89043
Email: dfrehner@lincolncountynv.gov

IN ASSOCIATION WITH:
WAYNE O. KLOMP #10109
SNELL & WILMER L.L.P.
50 West Liberty Street, Suite 510
Reno, Nevada 89501
Email: wklomp@swlaw.com
Attorneys for Lincoln County Water District

ALLISON MacKENZIE, LTD.
KAREN A. PETERSON #366
402 North Division Street
Carson City, Nevada 89703
Email: kpeterson@allisonmackenzie.com
Attorneys for Vidler Water Company, Inc.

DATED this 13th day of June 2022.

/s/ Thomas P. Duensing
Employee of TAGGART & TAGGART, LTD.