

IN THE SUPREME COURT OF THE STATE OF NEVADA

ADAM SULLIVAN, P.E., NEVADA
STATE ENGINEER, DIVISION OF
WATER RESOURCES, DEPARTMENT
OF CONSERVATION AND NATURAL
RESOURCES,

Appellant,

vs.

LINCOLN COUNTY WATER DISTRICT;
VIDLER WATER COMPANY, INC.;
COYOTE SPRINGS INVESTMENT,
LLC; NEVADA COGENERATION
ASSOCIATES NOS. 1 AND 2; APEX
HOLDING COMPANY, LLC; DRY LAKE
WATER, LLC; GEORGIA-PACIFIC
GYPSUM, LLC; REPUBLIC
ENVIRONMENTAL TECHNOLOGIES,
INC.; SIERRA PACIFIC POWER
COMPANY, D/B/A NV ENERGY;
NEVADA POWER COMPANY, D/B/A
NV ENERGY; THE CHURCH OF
JESUS CHRIST OF LATTER-DAY
SAINTS; MOAPA VALLEY WATER
DISTRICT; WESTERN ELITE
ENVIRONMENTAL, INC.; BEDROC
LIMITED, LLC; CITY OF NORTH LAS
VEGAS; AND LAS VEGAS VALLEY
WATER DISTRICT,

Respondents.

SOUTHERN NEVADA WATER
AUTHORITY,

Appellant,

vs.

LINCOLN COUNTY WATER DISTRICT;
VIDLER WATER COMPANY, INC.;
COYOTE SPRINGS INVESTMENT,
LLC; NEVADA COGENERATION
ASSOCIATES NOS. 1 AND 2; APEX
HOLDING COMPANY, LLC; DRY LAKE

No. 84739

FILED

OCT 14 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *E. A. Brown*
DEPUTY CLERK

No. 84741

WATER, LLC; GEORGIA-PACIFIC GYPSUM, LLC; REPUBLIC ENVIRONMENTAL TECHNOLOGIES, INC.; SIERRA PACIFIC POWER COMPANY, D/B/A NV ENERGY; NEVADA POWER COMPANY, D/B/A NV ENERGY; THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS; MOAPA VALLEY WATER DISTRICT; WESTERN ELITE ENVIRONMENTAL, INC.; BEDROC LIMITED, LLC; CITY OF NORTH LAS VEGAS; AND LAS VEGAS VALLEY WATER DISTRICT,

Respondents.

CENTER FOR BIOLOGICAL DIVERSITY,

Appellants,

vs.

LINCOLN COUNTY WATER DISTRICT; VIDLER WATER COMPANY, INC.; COYOTE SPRINGS INVESTMENT, LLC; NEVADA COGENERATION ASSOCIATES NOS. 1 AND 2; APEX HOLDING COMPANY, LLC; DRY LAKE WATER, LLC; GEORGIA-PACIFIC GYPSUM, LLC; REPUBLIC ENVIRONMENTAL TECHNOLOGIES, INC.; SIERRA PACIFIC POWER COMPANY, D/B/A NV ENERGY; NEVADA POWER COMPANY, D/B/A NV ENERGY; THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS; MOAPA VALLEY WATER DISTRICT; WESTERN ELITE ENVIRONMENTAL, INC.; BEDROC LIMITED, LLC; CITY OF NORTH LAS VEGAS; AND LAS VEGAS VALLEY WATER DISTRICT,

Respondents.

MUDDY VALLEY IRRIGATION

No. 84742

No. 84809

COMPANY,
Appellant,
vs.
LINCOLN COUNTY WATER DISTRICT;
VIDLER WATER COMPANY, INC.;
COYOTE SPRINGS INVESTMENT,
LLC; NEVADA COGENERATION
ASSOCIATES NOS. 1 AND 2; APEX
HOLDING COMPANY, LLC; DRY LAKE
WATER, LLC; GEORGIA-PACIFIC
GYPSUM, LLC; REPUBLIC
ENVIRONMENTAL TECHNOLOGIES,
INC.; SIERRA PACIFIC POWER
COMPANY, D/B/A NV ENERGY;
NEVADA POWER COMPANY, D/B/A
NV ENERGY; THE CHURCH OF
JESUS CHRIST OF LATTER-DAY
SAINTS; MOAPA VALLEY WATER
DISTRICT; WESTERN ELITE
ENVIRONMENTAL, INC.; BEDROC
LIMITED, LLC; CITY OF NORTH LAS
VEGAS; AND LAS VEGAS VALLEY
WATER DISTRICT,
Respondents.

*ORDER MODIFYING CAPTION AND SETTING BRIEFING
SCHEDULE*

On September 14, 2022, this court held an NPAP 33 appeal conference. Pursuant to the discussions at that conference, we conclude Las Vegas Valley Water District is not properly a respondent to these consolidated appeals, and we direct the clerk of this court to remove Las Vegas Valley Water District as a respondent from each appeal.

In order to simplify the briefing of these appeals, this court has determined that the parties should address the following issues in their briefs. (1) The basin issues: whether the State Engineer had legal authority to delineate the Lower White River Flow System (LWRFS) as a single

hydrographic basin for joint administration and conjunctive management of ground and surface waters based on its interconnectivity and shared supply of water. (2) The due process issues: whether (A) the notice and hearing procedure employed by the State Engineer satisfied the requirements of due process; (B) the hearing provided by the State Engineer satisfied due process and afforded respondents a full and complete opportunity to address the implications of the State Engineer's decision to subject the LWRFS to conjunctive management and joint administration; and (C) the State Engineer's nondisclosure, before or during the Order 1303 proceedings, of the six criteria he would use in evaluating the connectivity of the basins and determining the new consolidated basin boundary satisfied the requirements of due process.

Appellants shall have 50 days from the date of this order to file and serve a single joint opening brief that does not exceed 45 pages or 21,000 words and addresses the basin issues and the due process issues.

Respondents shall have 30 days from the date the opening brief is served to file and serve a single joint answering brief that addresses the arguments in the opening brief regarding the basin issues and parts A and C of the due process issues.¹ The joint answering brief may not exceed 30 pages or 14,000 words. Further, each respondent may, within the same time period, file and serve a separate answering brief addressing part B of the due process issues that does not exceed 15 pages or 7,000 words.

¹On October 11, 2022, Western Elite Environmental, Inc., Bedroc Limited, LLC, and City of North Las Vegas filed a notice that they will not be participating in this appeal. Accordingly, the remaining respondents need not coordinate with these entities when preparing their answering brief.

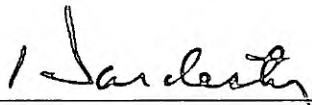
Appellants shall have 30 days from service of the last answering brief to file a single joint reply brief that does not exceed 45 pages or 21,000 words and that responds to the arguments in all answering briefs.

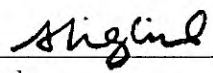
The parties shall have 20 days from the date of this order to file and serve a joint appendix. To reduce duplication of materials and make the joint appendix more manageable, we suspend the provisions of NRAP 30 as follows. NRAP 30(b)(2)(I) shall be suspended, and the parties will not be required to include copies of the notices of appeal in the joint appendix. NRAP 30(b) shall also be suspended to the extent that it requires multiple copies of the same document to be filed. Therefore, where a notice of entry of a judgment or order includes a copy of the judgment or order, a separate copy of that judgment or order need not be filed in the appendix. The joint appendix shall include copies of all petitions for judicial review filed below and the briefing on those petitions. However, if the petitions or briefs include attachments of documents that are already included in the appendix, the parties shall substitute the attachment with a single page that identifies the name of the document and the precise volume and page numbers where that same document can be found in the appendix filed with this court. NRAP 30(c)(2) is suspended to the extent it limits each volume of the appendix to 250 pages and requires each appendix to contain a copy of the index. For the purposes of this appeal, the parties may file a single index as a separate volume of the appendix. The parties may submit the joint appendix by FTP. Each volume of the appendix shall be saved as pdf files, have a resolution of between 200-300 dpi, and may not exceed 50 megabytes. We stress, however, that the joint appendix must comply with the provisions of NRAP 30(c)(1).

The court will not look favorably on any request for an extension of time. No telephonic extensions will be granted. And any other request for an extension of time must be requested by written motion demonstrating extraordinary and compelling circumstances and supported by affidavit. We note, counsel's caseload will not be deemed such a circumstance.

If any party objects to any portion of this scheduling order, they may file an objection within 5 days of the date of this order. Any objection must specifically identify and suggest an alternative to the portion of the order to which the party objects. No response or reply may be filed to any objection.

It is so ORDERED.


_____, J.
Hardesty


_____, J.
Stiglich


_____, J.
Herndon

cc: Hon. Bitá Yeager, District Judge
Attorney General/Carson City
Brownstein Hyatt Farber Schreck, LLP/Las Vegas
Wingfield Nevada Group
Attorney General/Las Vegas
Robison, Sharp, Sullivan & Brust
Taggart & Taggart, Ltd.
Steven C. Anderson
Coulthard Law PLLC
Schroeder Law Offices, P.C.
Marquis Aurbach Coffing
Lincoln County District Attorney

Dyer Lawrence, LLP
Parsons Behle & Latimer/Reno
McDonald Carano LLP/Reno
Justina Alyce Caviglia
Allison MacKenzie, Ltd.
Michael D. Knox
Kaempfer Crowell/Reno
Great Basin Law
Eighth District Court Clerk