

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; SOUTHERN NEVADA
WATER AUTHORITY; CENTER FOR
BIOLOGICAL DIVERSITY; AND MUDDY
VALLEY IRRIGATION CO.,

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
WATER DISTRICT,

Respondents.

Electronically Filed
No. 84739
Jun 15 2022 03:27 p.m.
No. 84741
Elizabeth A. Brown
No. 84742
Clerk of Supreme Court
No. 84809

**RESPONDENTS LINCOLN COUNTY WATER DISTRICT'S AND
VIDLER WATER COMPANY, INC.'S RESPONSE TO APPELLANT
STATE ENGINEER'S DOCKETING STATEMENT**

Pursuant to NRAP 14(f), Respondents, Lincoln County Water District and Vidler Water Company, Inc., by and through their undersigned counsel, submit their Response to Appellant, Nevada State Engineer’s Docketing Statement. Respondents strongly disagree with Issue No. 4 stated in response to Question 9 entitled “Issues on Appeal” on page 4 of the State Engineer’s Docketing Statement. Appellant incorrectly argues that an issue on appeal in this case is: “4. Whether substantial evidence supports the State Engineer’s findings in Order 1309, including the boundaries of the LWRFS and the 8,000 acre-foot annual sustainable perennial yield?” The State Engineer stated in response to Question 8: “The district court did not reach the substantial evidence issue”. Because the district court declined to reach the substantial evidence issue in deciding the petitions for judicial review, it is not appropriate for the Supreme Court to consider the substantial evidence issue since there is no error regarding substantial evidence the State Engineer can argue in this appeal from the district court’s order. *See Recontrust Co. v. Zhang*, 130 Nev. 1, 9, 317 P.3d 814, 819 (2014).

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DATED this 15th day of June, 2022.

LINCOLN COUNTY DISTRICT
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COMPANY, INC.

CERTIFICATE OF SERVICE

Pursuant to NRAP 25(1)(c), I hereby certify that I am an employee of ALLISON MacKENZIE, LTD., Attorneys at Law, and that on this date, I caused the foregoing document to be served on all parties to this action by:

✓ Court's electronic notification system

~ and ~

✓ Via E-Mail as follows:

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DATED this 15th day of June, 2022.

/s/ Nancy Fontenot

NANCY FONTENOT