

**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  
Jun 20 2022 03:36 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

Case No. 84739

Case No. 84741

Case No. 84742

Case No. 84809

**RESPONDENTS LINCOLN COUNTY WATER DISTRICT'S AND  
VIDLER WATER COMPANY, INC.'S RESPONSE TO APPELLANT  
CENTER FOR BIOLOGICAL DIVERSITY'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, Center for Biological Diversity's ("CBD") Docketing Statement. Respondents strongly disagree with Issue d stated in response to Question 9 entitled "Issues on Appeal" on page 9 of CBD's Docketing Statement. Appellant CBD incorrectly argues that an issue on appeal in this case is: "d. Does substantial evidence support the State Engineer's decision to combine seven basins in the Lower White River Flow System for joint administration and impose a cap on groundwater pumping?" The district court did not reach the substantial evidence issues of the consolidated petitions for judicial review. Because the district court declined to reach the substantial evidence issues in deciding the petitions for judicial review, it is not appropriate for the Supreme Court to consider substantial evidence issues since there is no error regarding substantial evidence CBD 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).

///

///

///

///

///

DATED this 20<sup>th</sup> day of June, 2022.

LINCOLN COUNTY DISTRICT  
ATTORNEY

181 North Main Street, Suite 205  
P.O. Box 60  
Pioche, Nevada 89043  
Telephone: (775) 962-8073

/s/ Dylan V. Frehner

DYLAN V. FREHNER #9020

Email: [dfrehner@lincolncountynv.gov](mailto:dfrehner@lincolncountynv.gov)

GREAT BASIN LAW

1783 Trek Trail  
Reno, Nevada 89521  
Telephone: (775) 770-0386

/s/ Wayne O. Klomp

WAYNE O. KLOMP #10109

Email: [wayne@greatbasinlawyer.com](mailto:wayne@greatbasinlawyer.com)

Attorneys for **Lincoln County Water  
District**

ALLISON MacKENZIE, LTD.

402 North Division Street  
Carson City, Nevada 89703  
Telephone: (775) 687-0202

/s/ Karen A. Peterson

KAREN A. PETERSON #366

Email: [kpeterson@allisonmackenzie.com](mailto:kpeterson@allisonmackenzie.com)

*Attorneys for Vidler Water 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:

Sylvia L. Harrison  
[sharrison@mcdonaldcarano.com](mailto:sharrison@mcdonaldcarano.com)  
Jordan W. Montet  
[jmontet@maclaw.com](mailto:jmontet@maclaw.com)  
Kiel Ireland  
[KIreland@ag.nv.gov](mailto:KIreland@ag.nv.gov)

DATED this 20<sup>th</sup> day of June, 2022.

/s/ Nancy Fontenot  
NANCY FONTENOT