

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; and CITY
OF NORTH LAS VEGAS,

Respondents.

Case No.: 84739

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**APPELLANT MUDDY VALLEY IRRIGATION COMPANY'S PARTIAL
JOINDER IN SOUTHERN NEVADA WATER AUTHORITY'S LIMITED
OBJECTION TO THE COURT'S OCTOBER 14, 2022 ORDER SETTING
BRIEFING SCHEDULE**

Appellant MUDDY VALLEY IRRIGATION COMPANY (“MVIC”), by and through its counsel, STEVEN D. KING and DOTSON LAW, hereby files this partial joinder to the Southern Nevada Water Authority’s Limited Objection to the Court’s October 14, 2022, Order Setting Briefing Schedule. MVIC specifically joins in the objection to the order modifying caption and setting briefing schedule (“Scheduling Order”) insofar as it does or may be interpreted as limiting MVIC’s right to seek review on appeal.

The District Court issued two orders intending to resolve the various petitions for judicial review of Order 1309. The first issued on April 19, 2022 vacated Order 1309 but failed to address the MVIC petition. The second, addendum and clarification, was issued by the District Court on May 13, 2022 and dismissed the MVIC petition. That ruling dismissing MVIC’s petition appears irreconcilable to the determination within the same order granting SNWA’s petition on the same point.¹ MVIC filed its Notice of Appeal on May 26, 2022 seeking review of both District Court orders.

Like SNWA, absent a modification to the Court’s Scheduling Order, MVIC would appear to be precluded from seeking review

of certain aspects of the District Court’s orders. This would result in no opportunity to review the dismissal of its petition or opportunity to address the due process and erroneous conflict determination which MVIC contends deprives it of critical property rights. Like SNWA, MVIC is not aligned with the State Engineer’s office as to those topics.

Additionally, MVIC anticipates that there may be language in the opening brief which the State Engineer and/or SNWA wish to include in support of legal and factual positions or which assume or implicate legal and factual positions

¹ The position of MVIC is distinct from SNWA on this point.

related to the Lower White River Flow System (“LWRFS”) and particular its boundaries and/or extent, which MVIC will likely not wish to join. Consequently, MVIC also requests clarification that any party directed to file a joint brief may identify, by footnote or otherwise, portions of the joint brief to which they do not agree or from which they wish to abstain and not have the legal or factual position attributed to them.

With regard to the best way to address the due process and legal issue of the conflicts determination which appears inadvertently omitted from this October 14th Scheduling Order, MVIC suggests that should be included and allowed as part of a separate answering brief addressed under part 2B of the Scheduling Order.

Dated this 25 day of October 2022.



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CERTIFICATE OF SERVICE

I certify that on this date, I served a copy of the foregoing document upon all counsel of record by:

- Mail on all parties in said action, by placing a true copy thereof enclosed in a sealed envelope in a designated area for outgoing mail, addressed as set forth below. At Dotson Law, mail placed in that designated area is given the correct amount of postage and is deposited that same date in the ordinary course of business, in a United States mailbox in the City of Reno, County of Washoe, Nevada.
- By electronic service by filing the foregoing with the Clerk of Court using the E-Flex system, which will electronically mail the filing to the following individuals at the email addresses set for the below.
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Dated this 25 day of October 2022.


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