

IN THE SUPREME COURT OF THE STATE OF NEVADA

EUREKA COUNTY, A POLITICAL
SUBDIVISION OF THE STATE OF
NEVADA; KENNETH F. BENSON,
INDIVIDUALLY; DIAMOND CATTLE
COMPANY, LLC, A NEVADA LIMITED
LIABILITY COMPANY; AND MICHEL
AND MARGARET ANN ETCHEVERRY
FAMILY, LP, A NEVADA REGISTERED
FOREIGN LIMITED PARTNERSHIP,

Appellants,

vs.

THE STATE OF NEVADA STATE
ENGINEER; THE STATE OF NEVADA
DIVISION OF WATER RESOURCES; AND
KOBEL VALLEY RANCH, LLC, A NEVADA
LIMITED LIABILITY COMPANY,

Respondents.

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DECLARATION OF KAREN A. PETERSON, ESQ.,
AND CERTIFICATION PURSUANT TO NRAP 32(a)(7)(C)

The undersigned, KAREN A. PETERSON, ESQ., does hereby certify and
declare as follows:

1. I am an attorney and partner at ALLISON, MacKENZIE,
PAVLAKIS, WRIGHT & FAGAN, LTD., one of the attorneys for Appellant,
EUREKA COUNTY, in the above entitled matter.

No. 61324

Electronically Filed
Apr 05 2013 02:19 p.m.
District Court Case Nos.
Tracie K. Lindeman
Clerk of Supreme Court
CV 1108-155; CV 1108-156;
CV 1108-157; CV 1112-164;
CV 1112-165; CV 1202-170

2. On February 4, 2013, Respondent, NEVADA STATE ENGINEER (hereinafter “STATE ENGINEER”), filed his Answering Brief.

3. On February 5, 2013, Respondent, KOBEN VALLEY RANCH (hereinafter “KVR”), filed its Answering Brief.

4. The Answering Briefs filed by the Respondents raise new matters not addressed in EUREKA COUNTY’s Opening Brief such that EUREKA COUNTY wants the opportunity to answer such new matters in a reply brief pursuant to NRAP 28(c).

5. Although NRAP 28(c) authorizes EUREKA COUNTY to file a separate reply brief to answer the new matters raised by the STATE ENGINEER in his Answering Brief, and a second reply brief to answer the new matters raised by KVR in its Answering Brief, EUREKA COUNTY has decided to file a single Reply Brief to answer all new matters raised by the Respondents in their respective Answering Briefs.

6. Pursuant to NRAP 32(a)(7)(A)(ii), a reply brief is acceptable if it contains no more than 7,000 words. If EUREKA COUNTY filed a separate reply brief to each Respondent’s Answering Brief, the combined type-volume of the two reply briefs would be 14,000 words.

7. In accordance with the certification requirement of NRAP 32(a)(7)(C), EUREKA COUNTY’s proposed single Reply Brief contains 11,598

words, exclusive of the table of contents, table of authorities, certificate of service, and certificate of compliance.

8. EUREKA COUNTY has diligently edited its Reply Brief in an attempt to comply with the 7,000 word limitation, however, the scope and amount of new matters raised by the Respondents in their respective Answering Briefs has caused EUREKA COUNTY's Reply Brief to consist of 11,598 words. EUREKA COUNTY's Reply Brief is less than 14,000 words, the combined type-volume total of two reply briefs.

9. Based on the foregoing and the Motion filed herewith, EUREKA COUNTY respectfully requests permission to file its single Reply Brief answering the new matters raised by Respondents in their Answering Briefs consisting of 11,598 words.

IN WITNESS WHEREOF, the undersigned, KAREN A. PETERSON, ESQ., has hereunto set her hand this 5th day of April, 2013.

/s/ Karen A. Peterson

KAREN A. PETERSON, NSB 366

CERTIFICATE OF SERVICE

Pursuant to NRAP 25(1)(c), I hereby certify that I am an employee of ALLISON, MacKENZIE, PAVLAKIS, WRIGHT & FAGAN, 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 eFlex electronic filing system

as follows:

Bryan L. Stockton, Esq.
Therese A. Ure, Esq.
Laura A. Schroeder, Esq.
Ross E. de Lipkau, Esq.
John Zimmerman, Esq.
Francis M. Wikstrom, Esq.
Francis C. Flaherty, Esq.
Jessica C. Prunty, Esq.
Daniel F. Polsenberg, Esq.
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Dana R. Walsh, Esq.
Neil Rombardo, Esq.
Gary M. Kvistad, Esq.
Bradford R. Jerbic, Esq.
Bradley J. Herrema, Esq.
Jeffrey F. Barr, Esq.
Josh M. Reid, Esq.
James W. Erbeck, Esq.

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- ✓ _ Placing a true copy thereof in a sealed postage prepaid envelope in the United States Mail in Carson City, Nevada

as follows:

Michael Smiley Rowe, Esq.
Rowe Hales Yturbide, LLP
1638 Esmeralda Avenue
Minden, NV 89423

DATED this 5th day of April, 2013.

/s/ Nancy Fontenot
NANCY FONTENOT