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Electronically Filed Mar 05 2014 03:00 p.m. Tracie K. Lindeman Clerk of Supreme Court

## 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,

Case No. 61324

THE STATE OF NEVADA STATE ENGINEER: THE STATE OF NEVADA DIVISION OF WATER RESOURCES; and KOBEH VALLEY RANCH, LLC, a Nevada limited liability company,

Respondents.

MICHEL AND MARGARET ANN ETCHEVERRY FAMILY, LP, a Nevada registered foreign limited partnership; DIAMOND CATTLE COMPANY, LLC, a Nevada limited liability company; and, KENNETH F. BENSON, individually, Appellants,

STATE ENGINEER, OF NEVADA, OFFICE OF THE STATE ENGINEER. DPEARTMENT OF CONSERVATION AND NATURAL RESOURCES; and KOBEH VALLEY RANCH, LLC, a Nevada limited liability company,

Respondents.

Case No. 63258 (Consolidated with Case No. 61324)

AFFIDAVIT OF LAURA A. SCHROEDER IN SUPPORT OF MOTION TO CONTINUE ORAL ARGUMENT

On Appeal from the **Judgment of the Seventh District Court of the State** of Nevada in and for the County of Eureka, Case No. CV-1207-178

STATE OF NEVADA ) ss.

County of Washoe )

- I, LAURA A. SCHROEDER, being first duly sworn, depose and say:
- 1. I am one of the attorneys of record for Appellants in this matter.
- 2. I have personal knowledge of the facts set forth herein, am over the age of 18 years, and am otherwise competent to make this affidavit.
- 3. I make this affidavit in support of Appellants Michel and Margaret
  Ann Etcheverry Family, L.P.'s, Diamond Cattle Company, LLC's, and Kenneth F.
  Benson's Motion to Continue Oral Argument.
- 4. I have a conflict for the Oral Argument currently scheduled in this matter for May 6, 2014.
- 5. I am currently scheduled to be out of the country from May 4, 2014 until May 25, 2014 on a vacation with my husband and family members that was booked approximately 6 months ago and the cost of which is substantially non-refundable. Additionally, I will be unavailable June 5, 2014, and June 10, 2014 through June 16, 2014.
- 6. I am lead counsel for Appellants and it is imperative that I be present for Oral Argument in this matter.

- 7. My current schedule does not allow me to be in Nevada on May 6, 2014.
- 8. I have notified Appellants' and Respondents' counsel that I would be filing this motion.

DATED this 4<sup>th</sup>day of March, 2014.

Laura A. Schroeder

SUBSCRIBED AND SWORN to before me and by Laura A. Schroeder this 4th day of March, 2014.

ASHLEY ROBBINS
NOTARY PUBLIC
STATE OF NEVADA
My Commission Expires: 01-12-16
Certificate No: 12-6803-2

Notary Public for Nevada

My Commission expires: 1/12/10

## **PROOF OF SERVICE**

Pursuant to NRAP 25(d), I hereby certify that on the 5<sup>th</sup> day of March, 2014, I caused a copy of the foregoing *AFFIDAVIT OF LAURA A. SCHROEDER IN SUPPORT OF MOTION TO CONTINUE ORAL ARGUMENT* to be served on the following parties as outlined below:

## VIA COURT'S EFLEX ELECTRONIC FILING SYSTEM:

Francis Wikstrom Jessica Prunty Cassandra Joseph Dana Walsh Gary Kvistad **Bradford Jerbic Daniel Polsenberg** Bradley Herrema Michael Pagni Jeffrey Barr **Debbie Leonard** Josh Reid Theodore Beutel Karen Peterson John Zimmerman Francis Flaherty Paul Taggart Michael Rowe **Gregory Walch** James Erbeck Jennifer Mahe Dawn Ellerbrock Neil Rombardo Ross de Lipkau /// /// ///

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## VIA US MAIL, POSTAGE PRE-PAID ADDRESSED AS FOLLOWS:

William E. Nork, Settlement Judge 825 W. 12<sup>th</sup> Street Reno, NV 89503

Dated this 5<sup>th</sup> day of March, 2014.

/s/ Therese A. Ure

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