

EXHIBIT “1”

EXHIBIT “1”

NO. _____

FILED

MAR 09 2016

Eureka County Clerk

By A. Diana

Case Nos. CV 1108-155
CV-1108-156
CV-1108-157
CV-1112-164
CV-1112-165
CV-1202-170
CV-1207-178

Dept No. 2

IN THE SEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF
NEVADA, IN AND FOR THE COUNTY OF EUREKA

EUREKA COUNTY, a political subdivision
of the State of Nevada,
Petitioner,

v.

STATE OF NEVADA, EX. REL., STATE
ENGINEER, DIVISION OF WATER
RESOURCES,

Respondent.

CONLEY LAND & LIVESTOCK, LLC, a
Nevada limited liability company, LLOYD
MORRISON, an individual,

Petitioners,

v.

OFFICE OF THE STATE ENGINEER OF THE
STATE OF NEVADA, DIVISION OF WATER
RESOURCES, DEPARTMENT OF
CONSERVATION AND NATURAL
RESOURCES, JASON KING, State Engineer,
KOBEL VALLEY RANCH, LLC, Real Party in
Interest,

Respondents.

**AMENDED ORDER
GRANTING OBJECTION TO
PROPOSED ORDER REMANDING
TO STATE ENGINEER; ORDER
GRANTING PETITIONS FOR JUDICIAL
REVIEW; ORDER VACATING PERMITS**



1 KENNETH F. BENSON, an individual,
2 DIAMOND CATTLE COMPANY, LLC, a
3 Nevada limited liability company, and
4 MICHEL and MARGARET ANN
ETCHEVERRY FAMILY, LP, a Nevada
registered foreign limited partnership,

Petitioners,

v.

6 STATE ENGINEER OF NEVADA, OFFICE OF
7 THE STATE ENGINEER, DIVISION OF
8 WATER RESOURCES DEPARTMENT OF
9 CONSERVATION AND NATURAL
RESOURCES,

Respondent.

10 EUREKA COUNTY, a political subdivision of
11 the State of Nevada,

Petitioner,

v.

13 STATE OF NEVADA, EX. REL., STATE
14 ENGINEER, DIVISION OF WATER
RESOURCES,

Respondent.

15 KENNETH F. BENSON, an individual,
16 DIAMOND CATTLE COMPANY, LLC, a
17 Nevada limited liability company, and
18 MICHEL and MARGARET ANN
ETCHEVERRY FAMILY, LP, a Nevada
registered foreign limited partnership,

Petitioners,

v.

20 STATE ENGINEER OF NEVADA, OFFICE OF
21 THE STATE ENGINEER, DIVISION OF
22 WATER RESOURCES DEPARTMENT OF
23 CONSERVATION AND NATURAL
RESOURCES,

Respondent.



1 KENNETH F. BENSON, an individual,
2 DIAMOND CATTLE COMPANY, LLC, a
3 Nevada limited liability company, and
4 MICHEL AND MARGARET ANN
5 ETCHEVERRY FAMILY, LP, a Nevada
6 registered foreign limited partnership,

7 **Petitioners,**

8 **v.**

9 STATE ENGINEER OF NEVADA, OFFICE OF
10 THE STATE ENGINEER, DIVISION OF
11 WATER RESOURCES DEPARTMENT OF
12 CONSERVATION AND NATURAL
13 RESOURCES,

14 **Respondent.**

15 MICHEL AND MARGARET ANN
16 ETCHEVERRY FAMILY, LP, a Nevada
17 Registered Foreign Limited Partnership
18 DIAMOND CATTLE COMPANY, LLC, a
19 Nevada Limited Liability Company, and
20 KENNETH F. BENSON, an individual,

21 **Petitioners,**

22 **vs.**

23 STATE ENGINEER OF NEVADA,
24 OFFICE OF THE STATE ENGINEER,
25 DIVISION OF WATER RESOURCES,
26 DEPARTMENT OF CONSERVATION
AND NATURAL RESOURCES,

Respondents.

KOBEH VALLEY RANCH, LLC, a
Nevada limited liability corporation,

Intervenor-Respondents.

On May 20, 2013, petitioners MICHEL AND MARGARET ANN ETCHEVERRY FAMILY, LP, DIAMOND CATTLE COMPANY, LLC and KENNETH F. BENSON appealed this Court's findings of fact, conclusions of law, and order denying petitions for judicial



1 review, entered May 17, 2013 (Nevada Supreme Court case no. 63258). The appeal was
2 consolidated with the appeal in Nevada Supreme Court case no. 61324 for appellate
3 purposes. The court reversed and remanded the case for proceedings consistent with the
4 opinion.¹ The remittitur was issued on November 23, 2015.

5 On November 25, 2015, Kobeh Valley Ranch, LLC ("KVR") via email, submitted to
6 the court a proposed order remanding to State Engineer; on December 3, 2015, Eureka
7 County, Kenneth F. Benson, Diamond Cattle Company LLC and Michel and Margaret Ann
8 Etcheverry Family, L.P. filed a joint objection to proposed orders of Kobeh Valley Ranch,
9 LLC; on December 7, 2015, Michel and Margaret Ann Etcheverry Family, L.P., Diamond
10 Cattle Company, LLC and Kenneth Benson ("petitioners") filed an objection to proposed
11 orders of Kobeh Valley Ranch, LLC; on December 16, 2015, KVR filed its reply to joint
12 objection to proposed orders of Kobeh Valley Ranch LLC; on December 15, 2015,
13 respondent Jason King, P.E., the State Engineer, filed his joinder to Kobeh Valley Ranch,
14 LLC's reply to joint objection to proposed orders; on January 8 and 12, 2016, petitioners
15 filed a request for review of objection to proposed orders of Kobeh Valley Ranch, LLC; the
16 court has reviewed the pleadings and finds that no further briefing or hearing is
17 necessary.²

18 The court has reviewed the Nevada Supreme Court's opinion issued October 29,
19 2015. The Nevada Supreme Court held that "substantial evidence does not support the
20 State Engineer's finding that KVR would be able to "adequately and fully" mitigate the fact
21 that its ground water appropriations will cause Kobeh Valley springs that sources existing
22 rights to cease to flow."³ The court further held that "The State Engineer's decision to

23
24 ¹Eureka County v. State Engineer, 131 Nev. Adv. Opn. 84 (2015).

25 ²7JDCR 11.

26 ³Eureka County v. State Engineer at 16.



1 grant KVR's applications when the result of appropriations would conflict with existing
2 rights and based upon unsupported findings that mitigation would be sufficient to rectify
3 the conflict violates the Legislature's directive that the State Engineer must deny use or
4 change applications when the use or change would conflict with existing rights."⁴ Having
5 found petitioners had met their burden to show the State Engineer's decision was
6 incorrect, the court held "the State Engineer's decision to grant KVR's applications cannot
7 stand."⁵ The court reversed and remanded these cases to the district court for further
8 proceedings consistent with this opinion.⁶

9 The Nevada Supreme Court did not remand the cases to the State Engineer for
10 further proceedings consistent with its opinion which it could have done if the court
11 concluded additional administrative review and findings were necessary. Based upon the
12 Supreme Court's reversal of this Court's order denying petitions for judicial review and the
13 State Engineer's decision to grant KVR's applications, this Court finds that the petitions
14 for judicial review filed by the petitioners must be granted.

15 Good cause appearing,

16 IT IS HEREBY ORDERED that the petitions for judicial review filed by petitioners
17 in the above-captioned proceedings are **GRANTED**. The approval of the monitoring,
18 management, and mitigation plan, issued by respondent, STATE ENGINEER OF NEVADA
19 is **VACATED** and applications nos. 72695, 72696, 72697, 72698, 73545, 73546, 73547,
20 73548, 73549, 73550, 73551, 73552, 74587, 75988, 75989, 75990, 75991, 75992, 75993,
21 75994, 75995, 75996, 75997, 75998, 75999, 76000, 76001, 76002, 76003, 76004, 76005,
22 76006, 76007, 76008, 76009, 76745, 76746, 76802, 76803, 76804, 76805, 76989, 76990,

23 _____
24 ⁴*Id.*

25 ⁵*Id.*

26 ⁶*Id.*

1 77171, 77525, 77526, 77527, 77553, 78424, 79911, 79912, 79913, 79914, 79915, 79916,
2 79917, 79918, 79919, 79920, 79921, 79922, 79923, 79924, 79925, 79926, 79927, 79928,
3 79929, 79930, 79931, 79932, 79933, 79934, 79935, 79936, 79937, 79938, 79939, 79940,
4 79941 and 79942 are hereby **DENIED** pursuant to NRS 533.370(2) in accordance with the
5 holding of the Supreme Court's opinion in 131 Nev. Adv. Opn. 84 issued October 29, 2015.

6 IT IS HEREBY FURTHER ORDERED that the permits issued by the State Engineer
7 for the above applications are **VACATED**.

8 DATED this 7th day of March, 2016.

9 
10 _____
11 DISTRICT JUDGE

STATE OF NEVADA
JUDICIAL BRANCH
GARY D. FAIRMAN
DISTRICT JUDGE
DEPARTMENT 2
WHITE PINE, LINCOLN AND EUREKA COUNTIES
STATE OF NEVADA





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2 consolidated with the appeal in Nevada Supreme Court case no. 61324 for appellate
3 purposes. The court reversed and remanded the case for proceedings consistent with the
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18 The court has reviewed the Nevada Supreme Court's opinion issued October 29,
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19 is **VACATED** and applications nos. 72695, 72696, 72697, 72698, 73545, 73546, 73547,
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7 for the above applications are **VACATED**.

8 DATED this 7th day of March, 2016.

9 
10 _____
11 DISTRICT JUDGE

NO. _____
FILED

MAR 02 2016

Eureka County Clerk
By Christina Pearce

Case Nos. CV 1108-155
CV-1108-156
CV-1108-157
CV-1112-164
CV-1112-165
CV-1202-170

Dept No. 2

IN THE SEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF
NEVADA, IN AND FOR THE COUNTY OF EUREKA

EUREKA COUNTY, a political subdivision
of the State of Nevada,

Petitioner,

v.

STATE OF NEVADA, EX. REL., STATE
ENGINEER, DIVISION OF WATER
RESOURCES,

Respondent.

CONLEY LAND & LIVESTOCK, LLC, a
Nevada limited liability company, LLOYD
MORRISON, an individual,

Petitioners,

v.

OFFICE OF THE STATE ENGINEER OF THE
STATE OF NEVADA, DIVISION OF WATER
RESOURCES, DEPARTMENT OF
CONSERVATION AND NATURAL
RESOURCES, JASON KING, State Engineer,
KOBEL VALLEY RANCH, LLC, Real Party in
Interest,

Respondents.

ORDER GRANTING OBJECTION TO
PROPOSED ORDER REMANDING
TO STATE ENGINEER; ORDER
GRANTING PETITIONS FOR JUDICIAL
REVIEW; ORDER VACATING PERMITS

SEVENTH JUDICIAL DISTRICT COURT

GARY D. FAIRMAN

DISTRICT JUDGE

DEPARTMENT 2

WHITE PINE, LINCOLN AND EUREKA COUNTIES

STATE OF NEVADA





1 KENNETH F. BENSON, an individual,
2 DIAMOND CATTLE COMPANY, LLC, a
3 Nevada limited liability company, and
4 MICHEL and MARGARET ANN
ETCHEVERRY FAMILY, LP, a Nevada
registered foreign limited partnership,

Petitioners,

v.

6 STATE ENGINEER OF NEVADA, OFFICE OF
7 THE STATE ENGINEER, DIVISION OF
8 WATER RESOURCES DEPARTMENT OF
CONSERVATION AND NATURAL
RESOURCES,

Respondent.

10 EUREKA COUNTY, a political subdivision of
the State of Nevada,

Petitioner,

v.

13 STATE OF NEVADA, EX. REL., STATE
ENGINEER, DIVISION OF WATER
RESOURCES,

Respondent.

16 KENNETH F. BENSON, an individual,
DIAMOND CATTLE COMPANY, LLC, a
Nevada limited liability company, and
MICHEL and MARGARET ANN
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Petitioners,

v.

21 STATE ENGINEER OF NEVADA, OFFICE OF
THE STATE ENGINEER, DIVISION OF
WATER RESOURCES DEPARTMENT OF
CONSERVATION AND NATURAL
RESOURCES,

Respondent.



1 KENNETH F. BENSON, an individual,
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v.

6 STATE ENGINEER OF NEVADA, OFFICE OF
7 THE STATE ENGINEER, DIVISION OF
8 WATER RESOURCES DEPARTMENT OF
CONSERVATION AND NATURAL
RESOURCES,

Respondent.

10
11 On May 20, 2013, petitioners MICHEL AND MARGARET ANN ETCHEVERRY
12 FAMILY, LP, DIAMOND CATTLE COMPANY, LLC and KENNETH F. BENSON appealed
13 this Court's findings of fact, conclusions of law, and order denying petitions for judicial
14 review, entered May 17, 2013 (Nevada Supreme Court case no. 63258). The appeal was
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24 orders of Kobeh Valley Ranch, LLC; on December 16, 2015, KVR filed its reply to joint
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2 respondent Jason King, P.E., the State Engineer, filed his joinder to Kobeh Valley Ranch,
3 LLC's reply to joint objection to proposed orders; on January 8 and 12, 2016, petitioners
4 filed a request for review of objection to proposed orders of Kobeh Valley Ranch, LLC; the
5 court has reviewed the pleadings and finds that no further briefing or hearing is
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7 The court has reviewed the Nevada Supreme Court's opinion issued October 29,
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13 rights and based upon unsupported findings that mitigation would be sufficient to rectify
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16 found petitioners had met their burden to show the State Engineer's decision was
17 incorrect, the court held "the State Engineer's decision to grant KVR's applications cannot
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20 The Nevada Supreme Court did not remand the cases to the State Engineer for
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2 concluded additional administrative review and findings were necessary. Based upon the
3 Supreme Court's reversal of this Court's order denying petitions for judicial review and the
4 State Engineer's decision to grant KVR's applications, this Court finds that the petitions
5 for judicial review filed by the petitioners must be granted.

6 Good cause appearing,

7 IT IS HEREBY ORDERED that the petitions for judicial review filed by petitioners
8 in the above-captioned proceedings are **GRANTED**. The approval of the monitoring,
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10 is **VACATED** and applications nos. 72695, 72696, 72697, 72698, 73545, 73546, 73547,
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15 79917, 79918, 79919, 79920, 79921, 79922, 79923, 79924, 79925, 79926, 79927, 79928,
16 79929, 79930, 79931, 79932, 79933, 79934, 79935, 79936, 79937, 79938, 79939, 79940,
17 79941 and 79942 are hereby **DENIED** pursuant to NRS 533.371(2) in accordance with the
18 holding of the Supreme Court's opinion in 131 Nev. Adv. Opn. 84 issued October 29, 2015.

19 IT IS HEREBY FURTHER ORDERED that the permits issued by the State Engineer
20 for the above applications are **VACATED**.

21 DATED this 29th day of February, 2016.

22 
23 DISTRICT JUDGE
24
25
26

NO.
FILED
MAR 14 2016
Eureka County Clerk
By

Case Nos. CV1108-155
CV1108-156
CV1108-157
CV1112-164
CV1112-165
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CV1207-178

Dept. No. 2

IN THE SEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF EUREKA

EUREKA COUNTY, a political
subdivision of the State of Nevada,

Petitioner,

vs.

Case No.: CV1108-155

Dept. No.: 2

THE STATE OF NEVADA, EX. REL.,
STATE ENGINEER, DIVISION OF
WATER RESOURCES, and KOBEH
VALLEY RANCH, LLC, a Nevada
limited liability company,

Respondents. /

CONLEY LAND & LIVESTOCK, LLC, a
Nevada limited liability company; LLOYD
MORRISON, an individual;

Petitioners/Plaintiffs,

vs.

Case No.: CV1108-156

Dept. No.: 2

THE OFFICE OF THE STATE ENGINEER
OF THE STATE OF NEVADA, DIVISION
OF WATER RESOURCES, DEPARTMENT
OF CONSERVATION AND NATURAL
RESOURCES, JASON KING, State Engineer;
KOBEH VALLEY RANCH, LLC, Real Party
in Interest;

Respondents/Defendants. /

///

///

///

1 KENNETH F. BENSON, an individual,
2 DIAMOND CATTLE COMPANY, LLC, a
3 Nevada Limited Liability Company, and
4 MICHEL AND MARGARET ANN
ETCHEVERRY FAMILY, LP, a Nevada
Registered Foreign Limited Partnership,

Petitioners,

5 vs.

Case No.: CV1108-157

Dept. No.: 2

6 STATE ENGINEER, OF NEVADA,
7 OFFICE OF THE STATE ENGINEER,
8 DIVISION OF WATER RESOURCES,
9 DEPARTMENT OF CONSERVATION
AND NATURAL RESOURCES, and
KOBEL VALLEY RANCH, LLC, a
Nevada limited liability company,

10 Respondents. /

11 EUREKA COUNTY,
12 a political subdivision of the State of Nevada,

Petitioner,

13 vs.

Case No.: CV1112-164

Dept. No.: 2

14 THE STATE OF NEVADA, EX. REL.,
15 STATE ENGINEER, DIVISION OF
16 WATER RESOURCES, and KOBEL
VALLEY RANCH, LLC, a Nevada
limited liability company,

17 Respondents. /

18 KENNETH F. BENSON, an individual,
19 DIAMOND CATTLE COMPANY, LLC, a
20 Nevada Limited Liability Company, and
MICHEL AND MARGARET ANN
ETCHEVERRY FAMILY, LP, a Nevada
Registered Foreign Limited Partnership,

21 Petitioners,

22 vs.

Case No.: CV1112-165

Dept. No.: 2

23 STATE ENGINEER OF NEVADA,
24 OFFICE OF THE STATE ENGINEER,
25 DIVISION OF WATER RESOURCES,
26 DEPARTMENT OF CONSERVATION
AND NATURAL RESOURCES, and KOBEL
VALLEY RANCH, LLC, a Nevada limited
liability company,

27 Respondents. /

1 KENNETH F. BENSON, an individual,
2 DIAMOND CATTLE COMPANY, LLC, a
3 Nevada limited liability company, and
4 MICHEL AND MARGARET ANN
ETCHEVERRY FAMILY, LP, a Nevada
registered foreign limited partnership,

Petitioners,

Case No.: CV1202-170

5 vs.

Dept. No.: 2

6 STATE ENGINEER OF NEVADA,
7 OFFICE OF THE STATE ENGINEER,
8 DIVISION OF WATER RESOURCES
9 DEPARTMENT OF CONSERVATION
AND NATURAL RESOURCES,

Respondent. /

10 MICHEL AND MARGARET ANN
11 ETCHVERRY FAMILY, LP, a Nevada
12 Registered Foreign Limited Partnership,
DIAMOND CATTLE COMPANY, LLC, a
13 Nevada Limited Liability Company, and
KENNETH F. BENSON, an individual,

14 Petitioners,

Case No.: CV1207-178

15 vs.

Dept. No.: 2

16 STATE ENGINEER, OF NEVADA,
17 OFFICE OF THE STATE ENGINEER,
18 DIVISION OF WATER RESOURCES,
DEPARTMENT OF CONSERVATION
AND NATURAL RESOURCES,

19 Respondent,

20 AND

21 KOBEH VALLEY RANCH, LLC, a
22 Nevada limited liability company,

23 Intervenor-
Respondent. /

24 **NOTICE OF ENTRY OF AMENDED ORDER**
25 **GRANTING OBJECTION TO PROPOSED ORDER REMANDING**
26 **TO STATE ENGINEER; ORDER GRANTING PETITIONS**
FOR JUDICIAL REVIEW; ORDER VACATING PERMITS

27 NOTICE IS HEREBY given that on the 9th day of March, 2016, the Court duly
28 entered an **AMENDED ORDER GRANTING OBJECTION TO PROPOSED ORDER**

ALLISON MacKENZIE, LTD.
402 North Division Street, P.O. Box 646, Carson City, NV 89702
Telephone: (775) 687-0202 Fax: (775) 882-7918
E-Mail Address: law@allisonmackenzie.com

1 REMANDING TO STATE ENGINEER; ORDER GRANTING PETITIONS FOR JUDICIAL
2 REVIEW; ORDER VACATING PERMITS in the above-entitled matters. A copy of said
3 AMENDED ORDER is attached hereto as Exhibit "1".

4 **AFFIRMATION**

5 The undersigned does hereby affirm that the preceding document **DOES NOT**
6 contain the social security number of any person.

7 DATED this 14th day of March, 2016.

8
9 KAREN A. PETERSON, ESQ.
Nevada State Bar No. 0366
ALLISON MacKENZIE, LTD.
402 North Division Street
Carson City, Nevada 89703

10 ~ and ~

11
12 EUREKA COUNTY DISTRICT ATTORNEY
13 701 South Main Street
14 Post Office Box 190
15 Eureka, Nevada 89316

16 BY:

17 
18 THEODORE BEUTEL, ESQ.
19 Nevada State Bar No. 5222

20 Attorneys for EUREKA COUNTY
21
22
23
24
25
26
27
28

ALLISON MacKENZIE, LTD.
402 North Division Street, P.O. Box 646, Carson City, NV 89702
Telephone: (775) 687-0202 Fax: (775) 882-7918
E-Mail Address: law@allisonmackenzie.com

CERTIFICATE OF SERVICE

Pursuant to NRCP Rule 5(b), 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 to all parties to this action by:

☒ Placing a true copy thereof in a sealed postage prepaid envelope, first class mail, in the United States Mail in Carson City, Nevada [NRCP 5(b)(2)(B)]

☐ Via electronic transmission

☐ Hand-delivery [NRCP 5(b)(2)(A)]

Micheline N. Fairbank, Esq.
Senior Deputy Attorney General
Attorney General's Office
100 North Carson Street
Carson City, NV 89701

Ross E. de Lipkau, Esq.
John R. Zimmerman, Esq.
Francis Mark Wikstrom, Esq.
Parsons Behle & Latimer
50 West Liberty Street, Suite 750
Reno, Nevada 89501

Laura A. Schroeder, Esq.
Therese A. Ure, Esq.
Schroeder Law Offices, P.C.
440 Marsh Avenue
Reno, Nevada 89509

Gordon H. DePaoli, Esq.
Dale E. Ferguson, Esq.
Woodburn and Wedge
6100 Neil Road, Suite 500
Reno, NV 89511

Courtesy Copy to:
Honorable Gary D. Fairman
Seventh Judicial District Court
P.O. Box 151629
Ely, NV 89315

DATED this 14th day of March, 2016.


NANCY FONTENOT

4836-0522-0143, v. 1

Case #: CV-1108156

Judge: PAPEZ, DAN L.

Date Filed: 08/10/11 Department: 02

Case Type: JUDREV JUDICIAL REVIEW

Title/Caption: Conley Land & Livestock LLC, a Nevada limited company; Lloyd Morrison, an individual,
vs.
The Office of The State Engineer of the State of Nevada, Division of Water Water Resources,, Department of Conservation and Natural Resources, Jason King, State Engineer, Kobe Valley Ranch

Comments: CONSOL CV1108-155,CV1108-157,CV1112-164,CV1112-165

Defendant(s)	Attorney(s)
STATE ENGINEERS OFFICE	No "Attorney 1" Listed
Defendant(s)	Attorney(s)
STATE OF NEVADA WATER RESOURCE	No "Attorney 1" Listed
Defendant(s)	Attorney(s)
DEPT OF WATER CONSERVATION &	No "Attorney 1" Listed
Defendant(s)	Attorney(s)
DEPT OF NATURAL RESOURCES	No "Attorney 1" Listed
Defendant(s)	Attorney(s)
JASON KING	No "Attorney 1" Listed
Defendant(s)	Attorney(s)
KOBEH VALLEY RANCH	No "Attorney 1" Listed
Plaintiff(s)	Attorney(s)
CONLEY LAND & LIVESTOCK	No "Attorney 1" Listed
Plaintiff(s)	Attorney(s)
LLOYD MORRISON	No "Attorney 1" Listed

Disp/Judgment: SMJD Date: 06/18/12

Filings:

Date	Pty Filing	Fees
8/10/11	PETITION FOR WRIT OF PROHIBITION COMPLAINT AND PETITIONS FOR JUDICIAL REVIEW	
8/10/11	NOTICE OF VERIFIED PETITION FOR WRIT OF PROHIBITIONS, COMPLAINT AND PETITION FOR JUDICIAL REVIEW	
8/15/11	AFFIDAVIT OF SERVICE BY MAIL	
8/15/11	SUMMONS, RETURN OF SERVICE, KOBEH VALLEY RANCH, LLC	
8/15/11	SUMMONS, RETURN OF SERVICE, JASON KING, STATE ENGINEER	
9/06/11	STIPULATION TO EXTEND TIME	
9/20/11	PARTIAL MOTION TO DISMISS NOTICE OF INTENT TO DEFEND	

9/20/11 AFFIDAVIT CONCERNING CERTIFIED MAIL RECEIPTS
9/22/11 STIPULATION FOR EXTENSION OF TIME
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10/20/11 STIPULATION FOR EXTENSION OF TIME
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10/26/11 CERTIFICATE OF SERVICE
10/27/11 STATE ENGINEER 2011 ROC BATES STAMPED DISK RDA 10/27/2011
PLACED IN THE FILE
11/14/11 REQUEST FOR AND POINTS AND AUTHORITIES IN SUPPORT OF
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TO DISMISS
11/16/11 SUMMARY OF RECORD ON APPEAL
12/02/11 ORDER SETTING BRIEFING SCHEDULE
12/02/11 STIPULATION FOR EXTENSION OF TIME AND ORDER
12/12/11 NOTICE OF MOTION
12/12/11 MOTION TO ASSOCIATE COUNSEL
12/15/11 REQUEST FOR REVIEW
12/16/11 REPLY IN SUPPORT OF PARTIAL MOTION TO DISMISS AND OPPOSITION
TO REQUEST WRIT OF PROHIBITION
12/16/11 KOBEH VALLEY RANCH'S JOINDER IN STATE OF NEVADA AND JASON
KINGS PARTIAL MOTION TO DISMISS
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CV1108-155, CV1108-156 AND CV1108-157
RESPONDENT, AND CONSOLIDATING CV1112-164 WITH CASE NOS.
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PARTY RESPONDENT, AND CONSOLIDATING CV1112-165 WITH CASE NO
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1/13/12 EUREKA COUNTY'S SUPPLEMENTAL SUMMARY OF RECORD ON APPEAL
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1/17/12 LLC, AND MICHEL AND MARGERET ANN ETCHEVERRY'S FAMILY LP'S
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1/24/12 RESPONDENT KOBEH VALLEY RANCH, LLC'S RESPONSE TO MOTION TO
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1/27/12 EUREKA COUNTY'S RESPONSE TO MOTION TO EXTEND TIME
1/27/12 PETITIONERS CONLEY LAND & LIVESTOCK, LLC AND LLOYD
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LLC AND MICHAEL AND MARGRET ANN ETCHEVERRY FAMILY LP'S

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2/01/12	ANSWER TO FIRST AMENDED PETITION FOR JUDICIAL REVIEW (CASE NO CV1112-165
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2/06/12	BATES STAMPED VOLUME II
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2/13/12	SUPPLEMENTAL RECORD AND SUMMARY OF RECORD ON APPEAL
2/22/12	ORDER ALLOWING INTERVENTION OF KOBEH VALLEY RANCH, LLC AS A RESPONDENT AND CONSOLIDATION OF CASE NOS. CV1202-170 CV1108-156, CV1108-157, CV1112-164 AND CV1112-165
2/23/12	ANSWER TO PETITION FOR JUDICIAL REVIEW
2/24/12	AFFIDAVIT OF SERVICE
2/24/12	RECEIPT FOR DOCUMENTS
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2/27/12	ANSWERING BRIEF
3/05/12	NOTICE OF INTENT TO DEFEND
3/28/12	PETITIONERS KENNETH F. BENSON, DIAMOND VALLEY CATTLE COMPANY LLC AND MAICHEL AND MARGARET ANN ETCHEVERRY FAMILY LP'S
	REPLY BRIEF
3/28/12	EUREKA COUNTY'S REPLY BRIEF
3/30/12	REPLY BRIEF OF CONLEY LAND & LIVESTOCK, LLC AND LLOYD MORRISON
4/09/12	CORRECTED ANSWERING BRIEF
4/23/12	TRANSCRIPT
5/14/12	EUREKA COUNTY'S PROPOSED FINDING OF FACT CONCLUSION OF LAW AND ORDER
5/14/12	PROPOSED FINDING OF FACT CONCLUSION OF LAW AND ORDER OF CONLEY LAND AND LIVESTOCK, LLC AND LLOYD MORRISON
5/16/12	PETITIONERS BENSON, DIAMOND VALLEY CATTLE CO., AND ETCHEVERRY FAMILY LLC PROPOSED FINDING OF FACT AND CONCLUSION OF LAW
5/16/12	KOBEH VALLEY RANCH'S PROPOSED FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER DENYING PETITIONS FOR JUDICIAL REVIEW
5/16/12	FINDINGS OF FACTS, CONCLUSION OF LAW AND ORDER
6/13/12	FINDING OF FACT, CONCLUSION OF LAW, AND ORDER DENYING PETITION FOR JUDICIAL REVIEW
6/13/12	CERTIFICATE OF SERVICE
6/18/12	NOTICE OF ENTRY OF FINDING OF FACT, CONCLUSIONS OF LAW, AND ORDER DENYING PETITIONS FOR JUDICIAL REVIEW
7/12/12	NOTICE OF APPEAL
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7/23/12	RECEIPT FOR DOCUMENTS
10/09/15	NOTICE OF APPEARANCE FOR RESPONDENT NV STATE ENGINEER
12/03/15	JOINT OBJECTION TO PROPOSED ORDERS OF KOBEH VALLEY RANCH, LLC
9/29/15	ORDER OF REVERSAL AND REMAND
11/25/15	REMITTITUR
11/25/15	CLERK'S CERTIFICATE
11/19/15	131 NEV., ADVANCE OPINION 84 (REVERSED AND REMANDED)
12/15/15	JOINDER TO KOBEH VALLEY RANCH, LLC'S REPLY TO JOINT OBJECTION TO PROPOSED ORDERS

12/16/15	REPLY TO JOINT OBJECTION TO PROPOSED ORDERS OF KOBEH VALLEY
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3/02/16	CERTIFICATE OF SERVICE
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3/09/16	CERTIFICATE OF SERVICE
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3/28/16	MOTION TO ALTER OR AMEND JUDGMENT
4/11/16	RESPONSE IN OPPOSITION TO KOBEH VALLEY RANCH, LLC'S MOTION TO ALTER OR AMEND JUDGMENT
4/11/16	OPPOSITION TO KOBEH VALLEY RANCH, LLD'S MOTION TO ALTER OR AMEND JUDGMENT
4/12/16	NOTICE OF APPEAL
4/12/16	CASE APPEAL STATEMENT

Case #: CV-1108157

Judge: PAPEZ, DAN L.

Date Filed: 08/11/11 Department: 02

Case Type: JUDREV JUDICIAL REVIEW

Title/Caption: KENNETH F. BENSON, an individual,
Diamond Cattle Company and Michael and
Margret ann Etcheverry Family , LP
vs.
State Engineer of Nevada Offices of
State Engineer, Div of Water Resource
Department of Conservation and Natural
Resources

Comments: CONSOL CV1108-155,CV1108-156,CV1112-164,CV1112-165

<p>Defendant(s) STATE ENGINEER</p> <p>Defendant(s) STATE OF NEVADA</p> <p>Defendant(s) DIVISION OF WATER RESOURCES</p> <p>Defendant(s) DEPARTMENT OF CONSERVATION</p>	<p>Attorney(s) PARSONS BEHLE & LATIMER STOCKTON, BRIAN L. ESQ.</p> <p>Attorney(s) No "Attorney 1" Listed</p> <p>Attorney(s) PARSONS BEHLE & LATIMER STOCKTON, BRIAN L. ESQ.</p> <p>Attorney(s) PARSONS BEHLE & LATIMER STOCKTON, BRIAN L. ESQ.</p>
<p>Plaintiff(s) BENSON, KENNETH</p> <p>Plaintiff(s) DIAMOND CATTLE COMPANY</p> <p>Plaintiff(s) ETCHEVERRY MICHEL, MARGARET</p>	<p>Attorney(s) SCHRODER, LAURA A</p> <p>Attorney(s) SCHRODER, LAURA A</p> <p>Attorney(s) SCHRODER, LAURA A</p>

Filings:			Fees
Date	Pty Filing		
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8/17/11	NOTICE OF PETITION FOR JUDICIAL REVIEW		
8/26/11	MACKENZIE HODGES AFFIDAVIT OF SERVICE		
8/26/11	LISA MORLAN AFFIDAVIT OF SERVICE		
9/14/11	NOTICE OF INTENT TO DEFEND		
9/26/11	ORDER ALLOWING INTERVENTION OF KOBEH VALLEY RANCH, LLC AS A PARTY RESPONDENT		
9/09/11	STIPULATION TO ALLOW KOBEH VALLEY RANCH, LLC TO INTERVENE AS A RESPONDENT		
10/03/11	ANSWER TO PETITION FOR JUDICIAL REVIEW		
10/14/11	STIPULATION TO CONSOLIDATE CV1108-156,CV1108-157 WITH THE EARLIEST ACTION FILED CV1108-155		

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11/14/11 REQUEST FOR AND POINTS AND AUTHORITIES IN SUPPORT OF
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12/12/11 MOTION TO ASSOCIATE COUNSEL
12/15/11 REQUEST FOR REVIEW
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12/16/11 KOBEH VALLY RANCH'S JOINDER IN STATE OF NEVADA AND JASON
KING'S PARTIAL MOTION TO DISMISS
12/16/11 KOBEH VALLEY RANCH'S REPLY TO CONLEY/MORRISON'S REQUEST
FOR AND POINTS AND AUTHORITIES IN SUPPORT OF ISSUANCE OF
WRIT PROHIBITION AND OPPOSITION TO MOTION TO DISMISS
12/19/11 ORDER ADMITTING TO PRACTICE
12/22/11 AMENDED CERTIFICATE OF SERVICE
12/30/11 OPPOSITION TO MOTION FOR SUMMARY JUDGMENT
1/12/12 ORDER ALLOWING INTERVENTION OF KOBEH VALLEY RANCH, LLC AS A
RESPONDENT, AND CONSOLIDATING CV1112-164 WITH CASE NOS,
CV1108-155, CV1108-156 AND CV1108-157
1/12/12 ORDER ALLOWING INTERVENTION OF KOBEH VALLEY RANCH, LLC AS A
PARTY RESPONDENT, AND CONSOLIDATING CV1112-165 WITH CASE NOS
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1/17/12 PETITIONERS KENNETH F. BENSON, DIAMOND VALLEY CATTLE COMPANY
LLC, AND MICHEL AND MARGARET ANN ETCHEVERRY FAMILY LP'S
OPENING BRIEF
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1/17/12 THERESE A. UTE AFFIDAVIT OF SERVICE
1/17/12 AFFIDAVIT OF SERVICE FOR NOTICE OF PETITION FOR JUDICIAL
REVIEW, PETITION FOR JUDICIAL REVIEW FOR CASE CV1112-164
FILE STAMPED 12/11/2011
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1/23/12 MOTION FOR EXTENSION OF TIME
1/24/12 RESPONDENT KOBEH VALLEY RANCH, LLC'S RESPONSE TO MOTION TO
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1/26/12 AFFIDAVIT IN SUPPORT TO RESPONDENT KOBEH VALLEY RANCH, LLC'S
RESPONSE TO MOTION TO EXTEND TIME
1/26/12 ORDER GRANTING EXTENTION
1/27/12 EUREKA COUNTY'S RESPONSE TO MOTION TO EXTEND TIME
1/27/12 PETITIONERS CONLEY LAND & LIVESTOCKS AND LLOYD MORRISON
RESPONSE TO MOTION TO EXTEND TIME
1/27/12 PETITIONERS KENNETH BENSON, DIAMOND VALLEY CATTLE COMPANY
LLC AND MARGARET ANN ETCHEVERRY'S RESPONSE TO MOTION TO
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1/30/12 CERTIFICATE OF SERVICE
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1/31/12	SUPPLEMENTAL PETITION FOR JUDICIAL REVIEW
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2/06/12	BATES STAMPED VOLUME I
2/06/12	BATES STAMPED VOLUME II
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2/13/12	SUPPLEMENTAL RECORD AND SUMMARY OF RECORD ON APPEAL
2/22/12	ORDER ALLOWING INTERVENTION OF KOBEH VALLEY RANCH, LLC AS A RESPONDENT AND CONSOLIDATION OF CASE NOS. CV1202-170 CV1108-156, CV1108-157, CV1112-164 AND CV 1112-165
2/23/12	ANSWER TO PETITION FOR JUDICIAL REVIEW
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2/24/12	AMENDED AFFIDAVIT OF SERVICE AS TO BRYAN STOCKTON
2/27/12	ANSWERING BRIEF OF RESPONDENT, KOBEH VALLEY RANCH, LLC
2/27/12	ANSWERING BRIEF
3/05/12	NOTICE OF INTENT TO DEFEND
3/28/12	PETITIONERS KENNETH F. BENSON, DIAMOND VALLEY CATTLE COMPANY LLC AND MICHEL AND MARGARET ANN ETCHEVERRY FAMILY LP'S REPLY BRIEF
3/28/12	EUREKA COUNTY'S REPLY BRIEF
3/30/12	REPLY BRIEF OF CONLEY LAND AND LIVESTOCK, LLC AND LLOYD MORRISON
4/09/12	CORRECTED ANSWERING BRIEF
4/23/12	TRANSCRIPT
5/14/12	EUREKA COUNTY'S PROPOSED FINDING OF FACT CONCLUSION OF LAW AND ORDER
5/14/12	PROPOSED FINDING OF FACT CONCLUSION OF LAW AND ORDER OF CONLEY LAND AND LIVESTOCK, LLC AND LLOYD MORRISON
5/16/12	PETITIONERS BENSON, DIAMOND VALLEY CATTLE CO., AND ETCHEVERRY FAMILY LPS PROPOSED FINDING OF FACT AND CONCLUSION OF LAW
5/16/12	KOBEH VALLEY RANCH'S PROPOSED FINDING OF FACT, CONCLUSION OF LAW, AND ORDER DENYING PETITIONS FOR JUDICIAL REVIEW
5/16/12	FINDINGS OF FACTS, CONCLUSION OF LAW AND ORDER
6/13/12	FINDING OF FACT, CONCLUSION OF LAW AND ORDER DENYING PETITION FOR JUDICIAL REVIEW
6/13/12	CERTIFICATE OF SERVICE
6/18/12	NOTICE OF ENTRY OF FINDING OF FACT, CONCLUSIONS OF LAW, AND ORDER DENYING PETITIONS FOR JUDICIAL REVIEW
7/12/12	NOTICE OF APPEAL
7/12/12	CASE APPEAL STATEMENT
7/12/12	NOTICE OF POSTING COST BOND
10/09/15	NOTICE OF APPEARANCE FOR RESPONDENT NV STATE ENGINEER
12/03/15	JOINT OBJECTION TO PROPOSED ORDERS OF KOBEH VALLEY RANCH, LLC
9/29/15	ORDER OF REVERSAL AND REMAND
11/19/15	131 NEV., ADVANCE OPINION 84 (REVERSED AND REMANDED)
11/25/15	REMITTITUR
11/25/15	CLERK'S CERTIFICATE
12/15/15	JOINDER TO KOBEH VALLEY RANCH, LLC'S REPLY TO JOINT OBJECTION TO PROPOSED ORDERS OF KOBEH VALLEY
12/16/15	REPLY TO THE JOINT OBJECTION TO PROPOSED ORDERS OF KOBEH VALLEY
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STATE ENGINEER; ORDER GRANTING PETITIONS FOR JUDICIAL
REVIEW; ORDER VACATING PERMITS
3/02/16 CERTIFICATE OF SERVICE
3/09/16 AMENDED ORDER GRANTING OBJECTION TO PROPOSED ORDER REMANDING
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4/11/16 OPPOSITION TO KOBEH VALLEY RANCH, LLD'S MOTION TO ALTER OR
AMEND JUDGMENT
4/12/16 NOTICE OF APPEAL
4/12/16 CASE APPEAL STATEMENT

Case #: CV-1112165

Judge: PAPEZ, DAN L.

Date Filed: 12/30/11 Department: 02

Case Type: JUDREV JUDICIAL REVIEW

Title/Caption: Kenneth Benson, an individual, Diamond
Cattle Company, LLC and
Michel & Margaret Ann Etcheverry, LP
vs. State Engineer, of Nevada, Office of
the State Engineer, Division of Water
Dept of Conservation and Natural Resourc

Comments: CONSOL CV1108-155, CV1108-156, CV1108-157, CV1112-164

<p>Defendant(s) STATE ENGINEER OF NEVADA</p> <p>Defendant(s) OFFICE OF STATE ENGINEER</p> <p>Defendant(s) DIVISION OF WATER RESOURCES</p> <p>Defendant(s) DEPT OF CONSERVATION</p> <p>Defendant(s) NATURAL RESOURCES</p> <p>Plaintiff(s) BENSON, KENNETH</p> <p>Plaintiff(s) DIAMOND VALLEY CATTLE COMPANY</p> <p>Plaintiff(s) ETCHEVERRY, MICHEL & MARGRET</p>	<p>Attorney(s) PARSONS BEHLE & LATIMER STOCKTON, BRIAN L. ESQ.</p> <p>Attorney(s) PARSONS BEHLE & LATIMER STOCKTON, BRIAN L. ESQ.</p> <p>Attorney(s) PARSONS BEHLE & LATIMER STOCKTON, BRIAN L. ESQ.</p> <p>Attorney(s) PARSONS BEHLE & LATIMER STOCKTON, BRIAN L. ESQ.</p> <p>Attorney(s) PARSONS BEHLE & LATIMER STOCKTON, BRIAN L. ESQ.</p> <p>Attorney(s) SCHRODER, LAURA A</p> <p>Attorney(s) SCHRODER, LAURA A</p> <p>Attorney(s) SCHRODER, LAURA A</p>
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Filings:	Date	Pty Filing	Fees
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	12/30/11	PETITION FOR JUDICIAL REVIEW	
	1/10/12	STIPULATION TO (1) ALLOW KOBEH VALLEY RANCH, LLC TO INTERVENE AS A RESPONDENT, AND (2) CONSOLIDATE WITH CASE NOS. CV1108-155, CV1108-156 AND CV1108-157	
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	1/13/12	EUREKA COUNTY'S OPENING BRIEF	

1/17/12 THERESE A URE AFFIDAVIT OF SERVICE
1/17/12 AFFIDAVIT OF SERVICE
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1/17/12 PETITIONERS KENNETH F. BENSON, DIAMOND CATTLE COMPANY, LLC
AND MARGARET ANN ETCHEVERRY FAMILY LP'S OPENING BRIEF
1/17/12 OPENING BRIEF OF CONLEY LAND & LIVESTOCK, LLC AND LLOYD
MORRISON
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1/24/12 RESPONDENT KOBEH VALLEY RANCH, LLC'S RESPONSE TO MOTION TO
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1/26/12 AFFIDAVIT IN SUPPORT OF RESPONDENT KOBEH VALLEY RANCH, LLC'S
RESPONSE TO MOTION TO EXTEND TIME
1/27/12 EUREKA COUNTY'S RESPONSE TO MOTION TO EXTEND TIME
1/27/12 RESPONDENTS CONLEY LAND & LIVESTOCK, LLP AND LLOYD MORRISON
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1/27/12 RESPONDENTS KENNETH F. BENSON, DIAMOND VALLEY CATTLE COMPANY
AND MARGARET ANN ETCHEVERRY FAMILY'S LP'S RESPONSE TO MOTION
TO EXTEND TIME
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1/30/12 CERTIFICATE OF SERVICE
1/31/12 NOTICE OF SUPPLEMENTAL PETITION FOR JUDICIAL REVIEW
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2/01/12 ANSWER TO PETITION FOR JUDICIAL REVIEW(CASE NO CV 1112-164)
2/01/12 ANSWER TO FIRST AMENDED PETITION FOR JUDICIAL REVIEW CASE
CV 1112-165)
2/06/12 SUMMARY OF RECORD ON APPEAL
2/06/12 BATES STAMPED VOLUME I
2/06/12 BATES STAMPED VOLUME II
2/06/12 BATES STAMPED VOLUME III
2/13/12 SUPPLEMENTAL OF RECORD AND SUMMARY OF RECORD ON APPEAL
2/22/12 ORDER ALLOWING INTERVENTION OF KOBEH VALLEY RANCH, LLC AS A
RESPONDENT AND CONSOLIDATION OF CASE NOS. CV1108-155
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2/24/12 RECEIPT OF DOCUMENTS
2/24/12 RECEIPT OF DOCUMENTS
2/24/12 AMENDED AFFIDAVIT OF SERVICE AS TO BRYAN STOCKTON
2/27/12 ANSWERING BRIEF OF RESPONDENT KOBEH VALLEY RANCH, LLC
2/27/12 ANSWERING BRIEF
3/05/12 NOTICE OF INTENT TO DEFEND
3/28/12 PETITIONERS KENNETH F. BENSON, DIAMOND VALLEY CATTLE COMPANY
LLC AND MICHEL AND MARGARET ANN ETCHEVERRY FAMILY LP'S
REPLY BRIEF
3/28/12 EUREKA COUNTY'S REPLY BRIEF
3/30/12 REPLY BRIEF OF CONLEY LAND AND LIVESTOCK, LLC AND LLOYD
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4/19/12 CORRECTED ANSWERING BRIEF
4/23/12 TRANSCRIPT
5/14/12 EUREKA COUNTY'S PROPOSED FINDING OF FACT CONCLUSION OF LAW
AND ORDER
5/14/12 PROPOSED FINDING OF FACT CONCLUSION OF LAW AND ORDER OF
CONLEY LAND AND LIVESTOCK, LLC AND LLOYD MORRISON
5/16/12 PETITIONERS BENSON, DIAMOND VALLEY CATTLE CO., AND

ETCHEVERRY FAMILY LLC PROPOSED FINDING OF FACT AND
CONCLUSION OF LAW

5/16/12 KOBEH VALLEY RANCH'S PROPOSED FINDINGS, CONCLUSION OF LAW
AND ORDER DENYING PETITIONS FOR JUDICIAL REVIEW

5/16/12 FINDING OF FACTS, CONCLUSION OF LAW AND ORDER

6/13/12 FINDING OF FACT, CONCLUSIONS OF LAW AND ORDER DENYING
PETITIONS FOR JUDICIAL REVIEW

6/13/12 CERTIFICATE OF SERVICE

6/18/12 NOTICE OF ENTRY OF FINDING OF FACT, CONCLUSIONS OF LAW, AND
ORDER DENYING PETITIONS FOR JUDICIAL REVIEW

7/12/12 PETITIONERS APPELLANTS BENSON, DIAMOND VALLEY CATTLE COMPANY
AND ETCHVERRY LP'S CASE APPEAL STATEMENT

7/12/12 PETITIONERS APPELLANTS BENSON DIAMOND VALLEY CATTLE COMPANY
LP'S CASE APPEAL STATEMENT

7/16/12 PROOF OF SERVICE

10/09/15 NOTICE OF APPEARANCE FOR RESPONDENT NV STATE ENGINEER

12/03/15 JOINT OBJECTION TO PROPOSED ORDERS OF KOBEH VALLEY RANCH, LLC

9/29/15 ORDER OF REVERSAL AND REMAND

11/19/15 131 NEV., ADVANCE OPINION 84 (REVERSED AND REMANDED)

11/25/15 REMITTITUR

11/25/15 CLERK'S CERTIFICATE

12/15/15 JOINDER TO KOBEH VALLEY RANCH, LLC'S REPLY TO JOINT
OBJECTION TO PROPOSED ORDERS

12/16/15 REPLY TO JOINT OBJECTION TO PROPOSED ORDERS OF
KOBEH VALLEY

1/08/16 REQUEST FOR REVIEW

3/02/16 ORDER GRANTING OBJECTION TO PROPOSED ORDER REMANDING TO
PROPOSED ORDER REMANDING TO STATE ENGINEER; ORDER GRANTING
PETITION FOR JUDICIAL REVIEW; ORDER VACATING PERMITS

3/02/16 CERTIFICATE OF SERVICE

3/09/16 AMENDED ORDER GRANTING OBJECTION TO PROPOSED ORDER REMANDING
TO STATE ENGINEER; ORDER GRANTING PETITIONS FOR JUDICIAL
REVIEW; ORDER VACATING PERMITS

3/09/16 CERTIFICATE OF SERVICE

3/28/16 MOTION TO ALTER OR AMEND JUDGMENT

4/11/16 RESPONSE IN OPPOSITION TO KOBEH VALLEY RANCH, LLC'S MOTION
TO ALTER OR AMEND JUDGMENT

4/11/16 OPPOSITION TO KOBEH VALLEY RANCH, LLD'S MOTION TO ALTER OR
AMEND JUDGMENT

4/12/16 NOTICE OF APPEAL

4/12/16 CASE APPEAL STATEMENT

Case #: CV-1202170

Judge: PAPEZ, DAN L.

Date Filed: 02/02/12 Department: 02

Case Type: JUDREV JUDICIAL REVIEW

Title/Caption: Kenneth F. Benson,an individual, Diamond
Cattle Company,LLC, Michel and Margaret
Ann Etcheverry Family,LP
vs. State Engineer of NV,Office of the
State Engineer,Div of Water Resources
Dept of Conservation and Natural Resourc

Defendant(s) STATE ENGINEER OF NEVADA	Attorney(s) PARSONS BEHLE & LATIMER STOCKTON, BRIAN L. ESQ.
Defendant(s) OFFICE OF THE STATE ENGINEER	Attorney(s) PARSONS BEHLE & LATIMER STOCKTON, BRIAN L. ESQ.
Defendant(s) DIVISION OF WATER RESOURCES	Attorney(s) PARSONS BEHLE & LATIMER STOCKTON, BRIAN L. ESQ.
Defendant(s) DEPT OF CONSERVATION & NATURAL	Attorney(s) PARSONS BEHLE & LATIMER STOCKTON, BRIAN L. ESQ.
Defendant(s) NATURAL RESOURCES	Attorney(s) PARSONS BEHLE & LATIMER STOCKTON, BRIAN L. ESQ.
Plaintiff(s) BENSON, KENNETH	Attorney(s) SCHRODER, LAURA A
Plaintiff(s) DIAMOND CATTLE COMPANY	Attorney(s) SCHRODER, LAURA A
Plaintiff(s) ETCHEVERRY,MICHEL AND MARGARET	Attorney(s) SCHRODER, LAURA A

Filings:

Date	Pty Filing	Fees
2/02/12	NOTICE OF PETITION FOR JUDICIAL REVIEW	
2/02/12	PETITION FOR JUDICIAL REVIEW	
2/13/12	ASHLEY L. ROBBINS AFFIDAVIT OF SERVICE	
2/13/12	MACKENZIE HODGES AFFIDAVIT OF SERVICE	
2/16/12	STIPULATION TO (1) ALLOW KOBEH VALLEY RANC, LLC TO INTERVENE AS A RESPONDENT, AND (2) CONSOLIDATE WITH CASE NOS. CV1108-155,CV1108-156, CV1108-157,CV1112-164 AND CV1112-165	
2/22/12	ORDER ALLOWING INTERVENTION OF KOBEH VALLEY RANCH, LLC AS A PARTY RESPONDENT, AND CONSOLIDATING CV 1202-170 WITH CASE NOS. CV 1108-155, CV 1108-156, CV 1108-164 AND CV 1108-165	
2/23/12	ANSWER TO PETITION FOR JUDICIAL REVIEW (CV 1202-170)	

2/24/12	AFFIDAVIT OF SERVICE
2/24/12	RECEIPT OF DOCUMENTS
2/24/12	RECEIPT OF DOCUMENTS
2/24/12	AMENDED AFFIDAVIT OF SERVICE AS TO BRYAN STOCKTON
2/27/12	ANSWERING BRIEF OF RESPONDENT KOBEH VALLEY RANCH, LLC
2/27/12	ANSWERING BRIEF
3/05/12	NOTICE OF INTENT TO DEFEND
3/28/12	PETITIONERS KENNETH F. BENSON, DIAMOND VALLEY CATTLE COMPANY LLC AND MICHEL AND MARGARET ANN ETCHEVERRY FAMILY LP'S REPLY BRIEF
3/28/12	EUREKA COUNTY'S REPLY BRIEF
3/30/12	REPLY BRIEF OF CONLEY LAND AND LIVESTOCK, LLC AND LLOYD MORRISON
4/09/12	CORRECTED ANSWERING BRIEF
4/23/12	TRANSCRIPT
5/14/12	PROPOSED FINDING OF FACT CONCLUSION OF LAW AND ORDER OF CONLEY LAND AND LIVESTOCK, LLC AND LLOYD MORRISON
6/13/12	FINDING OF FACT, CONCLUSION OF LAW, AND ORDER DENYING PETITION FOR JUDICIAL REVIEW
6/13/12	CERTIFICATE OF SERVICE
7/12/12	NOTICE OF APPEAL
7/12/12	CASE APPEAL STATEMENT
7/12/12	NOTICE OF POSTING COST BOND
7/16/12	PROOF OF SERVICE
10/09/15	NOTICE OF APPEARANCE FOR RESPONDENT NV STATE ENGINEER
12/03/15	JOINT OBJECTION TO PROPOSED ORDERS OF KOBEH VALLEY RANCH, LLC
9/29/15	ORDER OF REVERSAL AND REMAND
11/19/15	131 NEV., ADVANCE OPINION 84 (REVERSED AND REMANDED)
11/25/15	REMITTITUR
11/25/15	CLERK'S CERTIFICATE
12/15/15	JOINDER TO KOBEH VALLEY RANCH, LLC'S REPLY TO JOINT OBJECTION TO PROPOSED ORDERS OF KOBEH VALLEY
12/16/15	REPLY TO JOINT OBJECTION TO PROPOSED ORDERS OF KOBEH VALLEY
1/08/16	REQUEST FOR REVIEW
3/02/16	ORDER GRANTING OBJECTION TO PROPOSED ORDER REMANDING TO STATE ENGINEER; ORDER GRANTING PETITIONS FOR JUDICIAL REVIEW; ORDER VACATING PERMITS
3/02/16	CERTIFICATE OF SERVICE
3/09/16	AMENDED ORDER GRANTING OBJECTION TO PROPOSED ORDER REMANDING TO STATE ENGINEER; ORDER GRANTING PETITIONS FOR JUDICIAL REVIEW; ORDER VACATING PERMITS
3/09/16	CERTIFICATE OF SERVICE
3/10/16	CORRECTED REMITTITUR
3/28/16	MOTION TO ALTER OR AMEND JUDGMENT
4/11/16	RESPONSE IN OPPOSITION TO KOBEH VALLEY RANCH, LLC'S MOTION TO ALTER OR AMEND JUDGMENT
4/11/16	OPPOSITION TO KOBEH VALLEY RANCH, LLC'S MOTION TO ALTER OR AMEND JUDGMENT
4/12/16	NOTICE OF APPEAL
4/12/16	CASE APPEAL STATEMENT

NO. _____
FILED

MAR 09 2016

Eureka County Clerk

By Alene

Case Nos. CV 1108-155
CV-1108-156
CV-1108-157
CV-1112-164
CV-1112-165
CV-1202-170
CV-1207-178

Dept No. 2

IN THE SEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF
NEVADA, IN AND FOR THE COUNTY OF EUREKA

EUREKA COUNTY, a political subdivision
of the State of Nevada,
Petitioner,

v.

STATE OF NEVADA, EX. REL., STATE
ENGINEER, DIVISION OF WATER
RESOURCES,

Respondent.

CONLEY LAND & LIVESTOCK, LLC, a
Nevada limited liability company, LLOYD
MORRISON, an individual,

Petitioners,

v.

OFFICE OF THE STATE ENGINEER OF THE
STATE OF NEVADA, DIVISION OF WATER
RESOURCES, DEPARTMENT OF
CONSERVATION AND NATURAL
RESOURCES, JASON KING, State Engineer,
KOBEL VALLEY RANCH, LLC, Real Party in
Interest,

Respondents.

**AMENDED ORDER
GRANTING OBJECTION TO
PROPOSED ORDER REMANDING
TO STATE ENGINEER; ORDER
GRANTING PETITIONS FOR JUDICIAL
REVIEW; ORDER VACATING PERMITS**

SEVENTH JUDICIAL DISTRICT COURT

GARY D. FAIRMAN

DISTRICT JUDGE

DEPARTMENT 2

WHITE PINE, LINCOLN AND EUREKA COUNTIES

STATE OF NEVADA





1 KENNETH F. BENSON, an individual,
2 DIAMOND CATTLE COMPANY, LLC, a
3 Nevada limited liability company, and
4 MICHEL and MARGARET ANN
ETCHEVERRY FAMILY, LP, a Nevada
registered foreign limited partnership,

Petitioners,

v.

6 STATE ENGINEER OF NEVADA, OFFICE OF
7 THE STATE ENGINEER, DIVISION OF
8 WATER RESOURCES DEPARTMENT OF
CONSERVATION AND NATURAL
RESOURCES,

Respondent.

10 EUREKA COUNTY, a political subdivision of
the State of Nevada,

Petitioner,

v.

13 STATE OF NEVADA, EX. REL., STATE
ENGINEER, DIVISION OF WATER
RESOURCES,

Respondent.

15 KENNETH F. BENSON, an individual,
16 DIAMOND CATTLE COMPANY, LLC, a
Nevada limited liability company, and
17 MICHEL and MARGARET ANN
ETCHEVERRY FAMILY, LP, a Nevada
18 registered foreign limited partnership,

Petitioners,

v.

20 STATE ENGINEER OF NEVADA, OFFICE OF
21 THE STATE ENGINEER, DIVISION OF
22 WATER RESOURCES DEPARTMENT OF
CONSERVATION AND NATURAL
RESOURCES,

Respondent.



1 KENNETH F. BENSON, an individual,
2 DIAMOND CATTLE COMPANY, LLC, a
3 Nevada limited liability company, and
4 MICHEL AND MARGARET ANN
5 ETCHEVERRY FAMILY, LP, a Nevada
6 registered foreign limited partnership,

7
8
9 Petitioners,

10 v.

11 STATE ENGINEER OF NEVADA, OFFICE OF
12 THE STATE ENGINEER, DIVISION OF
13 WATER RESOURCES DEPARTMENT OF
14 CONSERVATION AND NATURAL
15 RESOURCES,

16
17 Respondent.

18
19 MICHEL AND MARGARET ANN
20 ETCHEVERRY FAMILY, LP, a Nevada
21 Registered Foreign Limited Partnership
22 DIAMOND CATTLE COMPANY, LLC, a
23 Nevada Limited Liability Company, and
24 KENNETH F. BENSON, an individual,

25
26 Petitioners,

vs.

STATE ENGINEER OF NEVADA,
OFFICE OF THE STATE ENGINEER,
DIVISION OF WATER RESOURCES,
DEPARTMENT OF CONSERVATION
AND NATURAL RESOURCES,

Respondents.

KOBEH VALLEY RANCH, LLC, a
Nevada limited liability corporation,

Intervenor-Respondents.

On May 20, 2013, petitioners MICHEL AND MARGARET ANN ETCHEVERRY FAMILY, LP, DIAMOND CATTLE COMPANY, LLC and KENNETH F. BENSON appealed this Court's findings of fact, conclusions of law, and order denying petitions for judicial



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NO. _____
FILED

APR 12 2016

Eureka County Clerk
By Podboy

IN THE SEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF EUREKA

EUREKA COUNTY, a political subdivision
of the State of Nevada,

Petitioner,

vs.

THE STATE OF NEVADA, EX REL.,
STATE ENGINEER, DIVISION OF WATER
RESOURCES,

Respondent.

Case No. CV 1108-155
Case No. CV 1112-164

Dept. No. 2

CONLEY LAND & LIVESTOCK LLC, a
Nevada limited liability company, LLOYD
MORRISON, an individual,

Petitioners,

vs.

THE OFFICE OF THE STATE ENGINEER
OF THE STATE OF NEVADA, DIVISION
OF WATER RESOURCES, DEPARTMENT
OF CONSERVATION AND NATURAL
RESOURCES, JASON KING, State
Engineer; KOBEH VALLEY RANCH, LLC,
Real Party in Interest,

Respondents.

Case No. CV 1108-156

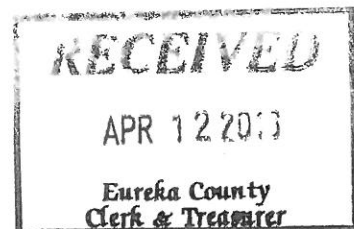
Dept. No. 2

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

Petitioners,

vs.

STATE ENGINEER OF NEVADA, OFFICE
OF THE STATE ENGINEER, DIVISION OF
WATER RESOURCES, DEPARTMENT OF
CONSERVATION AND NATURAL
RESOURCES,

Respondents.

Case No. CV 1108-157
Case No. CV 1112-165
Case No. CV 1202-170

Dept. No. 2

CASE APPEAL STATEMENT

1. Name of appellant filing this case appeal statement:
 - a. The State Engineer of Nevada, Office of the State Engineer, Division of Water Resources, Department of Conservation and Natural Resources, Division of Water Resources.
2. Identify the judge issuing the decision, judgment, or order appealed from:
 - a. The Honorable Judge Gary D. Fairman.
 - b. Order being appealed: Amended Order Granting Objection to Proposed Order Remanding to State Engineer; Order Granting Petitioners for Judicial Review; and Order Vacating Permits filed March 9, 2016.
3. Identify each appellant and the name and address of counsel for each appellant:
 - a. The appellant is the State Engineer of Nevada, Office of the State Engineer, Division of Water Resources, Department of Conservation and Natural Resources, Division of Water Resources.
 - b. The attorneys for the State Engineer of Nevada, Office of the State Engineer, Division of Water Resources, Department of Conservation and Natural Resources, Division of Water Resources:

///

Adam Paul Laxalt
Attorney General
Micheline N. Fairbank
Senior Deputy Attorney General
Nevada Bar No. 8062
100 North Carson Street
Carson City, Nevada 89701-4717
Tel: (775) 684-1225
Fax: (775) 684-1108

4. Identify each respondent and the name and address of appellate counsel, if known, for each:

Karen A. Peterson, Esq. (Nevada Bar No. 366)
Dawn Ellerbrock, Esq. (Nevada Bar No. 7327)
ALLISON, MACKENZIE, LTD.
402 North Division Street
Carson City, Nevada 89703

Ms. Peterson and Ms. Ellerbrock are attorneys of record for Eureka County. It is unknown whether Ms. Peterson and Ms. Ellerbrock will represent Eureka County in the appeal.

Theodore Beutel, Esq. (Nevada Bar No. 5222)
EUREKA COUNTY DISTRICT ATTORNEY
Post Office Box 190
Eureka, Nevada 89316

Mr. Beutel is an attorney of record for Eureka County. It is unknown whether Mr. Beutel will represent Eureka County in the appeal.

Jennifer Mahe, Esq. (Nevada Bar No. 9620)
MAHE LAW, LTD.
707 North Minnesota Street, Suite D
Carson City, Nevada 89703

Ms. Mahe is an attorney of record for Eureka County. It is unknown whether Ms. Mahe will represent Eureka County in the appeal.

Laura A. Schroeder, Esq. (Nevada Bar No. 3595)
Therese A. Ure, Esq. (Nevada Bar No. 10255)
SCHROEDER LAW OFFICES, P.C.
440 Marsh Avenue
Reno, Nevada 89509-1515

Ms. Schroeder and Ms. Ure are attorneys of record for Kenneth F. Benson, Diamond Cattle Company, LLC, and Michel and Margaret Ann Etcheverry Family LP. It is unknown whether Ms. Schroeder and Ms. Ure will represent these parties in the appeal.

///

///

Francis M. Wikstrom, Esq. (Utah Bar No. 3462)
PARSONS BEHLE & LATIMER
201 South Main Street, Suite 1800
Salt Lake City, Utah 84111

Mr. Wikstrom is an attorney of record for Kobeh Valley Ranch, LLC before the district court. Mr. Wikstrom is not an attorney licensed to practice law in the state of Nevada. Upon information and belief, Mr. Wikstrom was granted leave to appear under SCR 42. It is unknown whether Mr. Wikstrom will represent Kobeh Valley Ranch, LLC in the appeal.

Ross E. de Lipkau, Esq. (Nevada Bar No. 1628)
John R. Zimmerman, Esq. (Nevada Bar No. 9729)
PARSONS BEHLE & LATIMER
50 West Liberty Street, Suite 750
Reno, Nevada 89501

Mr. de Lipkau and Mr. Zimmerman are attorneys of record for Kobeh Valley Ranch, LLC. It is unknown whether Mr. de Lipkau or Mr. Zimmerman will represent Kobeh Valley Ranch, LLC in the appeal.

Paul G. Taggart, Esq. (Nevada Bar No. 6136)
David H. Rigdon, Esq. (Nevada Bar No. 13567)
TAGGART & TAGGART, LTD.
108 North Minnesota Street
Carson City, Nevada 89703

Mr. Taggart and Mr. Rigdon are attorneys of record for Kobeh Valley Ranch, LLC. Upon information and belief, Mr. Taggart and Mr. Rigdon will represent Kobeh Valley Ranch, LLC in the appeal.

5. Indicate whether any attorney identified above in response to questions 3 or 4 is not licensed to practice law in Nevada and, if so, whether the district court granted that attorney permission to appear under SCR 42 (attach a copy of any district court order granting such permission):

- a. Upon information and belief, Francis M. Wikstrom, Esq. (Utah Bar No. 3462) is not licensed to practice law in the state of Nevada. Further, upon information and belief, Mr. Wikstrom was granted permission pursuant to SCR 42, however, the Office of the Attorney General is not in possession of the order granting such leave.

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6. Indicate whether appellant was represented by appointed or retained counsel in the district court:
- a. Appellant was represented by the Office of the Attorney General before the district court.
7. Indicate whether appellant is represented by appointed or retained counsel on appeal:
- a. Appellant is represented by the Office of the Attorney General on appeal.
8. Indicate whether appellant was granted leave to proceed in forma pauperis, and the date of entry of the district court order granting such leave:
- a. Appellant did not seek in forma pauperis status and was not granted leave to proceed in forma pauperis.
9. Indicate the date the proceedings commenced in the district court (e.g., date complaint, indictment, information, or petition was filed):
- a. A petition for judicial review was filed on August 8, 2011, before the Seventh Judicial District Court case no. CV 1108-155.
- b. A petition for writ of prohibition, complaint and petition for judicial review was filed on August 10, 2011, before the Seventh Judicial District Court in case no. CV 1108-156.
- c. A petition for judicial review was filed on August 10, 2011, before the Seventh Judicial District Court in case no. CV 1108-157.
- d. A petition for judicial review was filed on December 29, 2011, before the Seventh Judicial District Court in case no. CV 1112-164.
- e. A petition for judicial review was filed on December 29, 2011, before the Seventh Judicial District Court in case no. CV 1112-165.
- f. A petition for judicial review was filed on February 3, 2012, before the Seventh Judicial District Court in case no. CV 1201-170.
- g. A petition for judicial review was filed on July 5, 2012, before the Seventh Judicial District Court in case no. CV 1207-178.

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10. Provide a brief description of the nature of the action and result in the district court, including the type of judgment or order being appealed and the relief granted by the district court:

a. This is an appeal from the Amended Order Granting Objection to Proposed Order Remanding to State Engineer; Order Granting Petitions for Judicial Review; Order Vacating Permits filed on March 9, 2016, and which the notice of entry of order was served March 14, 2016. The March 9, 2016, Order followed the Nevada Supreme Court's opinion, 131 Nev. Adv. Op. 84, which was issued on October 19, 2015. Based upon the District Court's interpretation of the Nevada Supreme Court's opinion, the District Court did not remand to the State Engineer applications to appropriate water for a beneficial use nos. 72695, 72696, 72697, 72698, 73545, 73546, 73547, 73548, 73549, 73550, 73551, 73552, 74587, 75988, 75889, 75990, 75991, 75992, 75993, 75994, 75995, 75996, 75997, 75998, 75999, 76000, 76001, 76002, 76003, 76004, 76005, 76006, 76007, 76008, 76745, 76746, 76802, 76803, 76804, 76805, 76989, 76990, 77171, 77525, 77526, 77527, 77553, 78424, 79911, 79912, 79913, 79914, 79915, 79916, 79917, 79918, 79919, 79920, 79921, 79922, 79923, 79924, 79925, 79926, 79927, 79928, 79929, 79930, 79931, 79932, 79933, 79934, 79935, 79936, 79937, 79938, 79939, 79940, 79941, and 79942, but rather denied those applications pursuant to NRS 533.370(2). The State Engineer appeals the District Court's interpretation of the Nevada Supreme Court's decision and the District Court's exercise of the executive authority in violation of the Nevada Constitution Article 3, Section 1, and NRS Chapter 533.

11. Indicate whether the case has previously been the subject of an appeal to or original writ proceeding in the Supreme Court and, if so, the caption and Supreme Court docket number of the prior proceeding:

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- 1 a. Yes, this case was previously subject to an appeal from the Seventh Judicial
2 District Court's denial of petitions for judicial review arising out of the State
3 Engineer's Ruling No. 6127. The docket number of the prior proceedings were
4 case nos. 61324 and 63258, which were consolidated in the following caption:

5 EUREKA COUNTY, A POLITICAL
6 SUBDIVISION OF THE STATE OF
7 NEVADA; KENNETH F. BENSON,
8 INDIVIDUALLY; DIAMOND CATTLE
9 COMPANY, LLC, A NEVADA LIMITED
10 LIABILITY COMPANY; AND MICHEL AND
11 MARGARET ANN ETCHEVERRY FAMILY,
12 LP, A NEVADA REGISTERED FOREIGN
13 LIMITED PARTNERSHIP,
Appellants,

Case No. 61324

vs.

14 THE STATE OF NEVADA STATE
15 ENGINEER; THE STATE OF NEVADA
16 DIVISION OF WATER RESOURCES; AND
17 KOBEH VALLEY RANCH, LLC, A NEVADA
18 LIMITED LIABILITY COMPANY,
Respondents.

19 MICHEL AND MARGARET ANN
20 ETCHEVERRY FAMILY, LP, A NEVADA
21 REGISTERED FOREIGN LIMITED
22 PARTNERSHIP; DIAMOND CATTLE
COMPANY, LLC, A NEVADA LIMITED
LIABILITY COMPANY; AND KENNETH F.
BENSON, AN INDIVIDUAL,
Appellants,

Case No. 63258

vs.

23 STATE ENGINEER, OF NEVADA, OFFICE
24 OF THE STATE ENGINEER,
25 DEPARTMENT OF CONSERVTION AND
26 NATURAL RESOURCES; AND KOBEH
27 VALLEY RANCH, LLC, A NEVADA
28 LIMITED LIABILITY COMPANY,
Respondents.

12. Indicate whether this appeal involves child custody or visitation:

a. This appeal does not involve child custody or visitation.

13. If this is a civil case, indicate whether this appeal involves the possibility of settlement:

a. Based upon the nature of the appeal, this case does not involve the possibility of settlement.

///

AFFIRMATION (Pursuant to NRS 239B.030)

The undersigned does hereby affirm that the preceding document does not contain the social security number of any person.

DATED this 8th day of April, 2016.

ADAM PAUL LAXALT
Attorney General

By: Micheline N. Fairbank
MICHELINE N. FAIRBANK
Senior Deputy Attorney General
Nevada Bar No. 8062
100 North Carson Street
Carson City, Nevada 89701-4717
Tel: (775) 684-1225
Fax: (775) 684-1108
Email: mfairbank@ag.nv.gov
Counsel for Respondent,
Nevada State Engineer

CERTIFICATE OF SERVICE

I certify that I am an employee of the State of Nevada, Office of the Attorney General, and that on this this 8th day of April, 2016, I served a true and correct copy of the foregoing CASE APPEAL STATEMENT, by placing said document in the U.S. Mail, postage prepaid, addressed to:

Karen A. Peterson, Esq.
Dawn Ellerbrock, Esq.
ALLISON, MACKENZIE, LTD.
402 North Division Street
Carson City, Nevada 89703
Attorneys for Eureka County

Michael Pagni, Esq.
Debbie Leonard, Esq.
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*Attorneys for Municipal Water Purveyors,
Truckee Meadows Water Authority*

Theodore Beutel, Esq.
EUREKA COUNTY DISTRICT ATTORNEY
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Eureka, Nevada 89316
Attorneys for Eureka County

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James W. Erbeck, Esq.
Bradford R. Jerbic, Esq.
LAS VEGAS CITY ATTORNEY
495 South Main Street, Sixth Floor
Las Vegas, Nevada 89101-6011
*Attorneys for Municipal Water Purveyors,
City of Las Vegas*

///

///

1 Jennifer Mahe, Esq.
2 MAHE LAW, LTD.
3 707 North Minnesota Street, Suite D
4 Carson City, Nevada 89703
5 *Attorneys for Eureka County*

6 Laura A. Schroeder, Esq.
7 Therese A. Ure, Esq.
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10 Reno, Nevada 89509-1515
11 *Attorneys for Kenneth F. Benson,*
12 *Diamond Cattle Company, LLC, and Michel*
13 *and Margaret Ann Etcheverry Family LP*

14 Francis M. Wikstrom, Esq.
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16 201 South Main Street, Suite 1800
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18 *Attorneys for Kobeh Valley Ranch, LLC*

19 Ross E. de Lipkau, Esq.
20 John R. Zimmerman, Esq.
21 PARSONS BEHLE & LATIMER
22 50 West Liberty Street, Suite 750
23 Reno, Nevada 89501
24 *Attorneys for Kobeh Valley Ranch, LLC*

25 Francis C. Flaherty, Esq.
26 Jessica C. Prunty, Esq.
27 DYER LAWRENCE PENROSE
28 FLAHERTY DONALDSON & PRUNTY
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Las Vegas, Nevada 89106-4614
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Town of Minden

Brandi L. Jensen, Esq.
FERNLEY CITY ATTORNEY
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Fernley, Nevada 89408
Attorneys for Municipal Water Purveyors,
City of Fernley

Jason Woodbury, Esq.
CARSON CITY DISTRICT ATTORNEY
885 East Musser Street, Suite 2030
Carson City, Nevada 89701
Attorneys for Municipal Water Purveyors,
Carson City

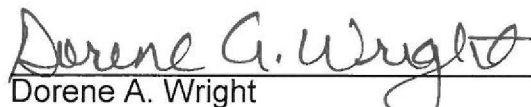
Josh M. Reid, Esq.
HENDERSON CITY ATTORNEY
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Henderson, Nevada 89009
Attorneys for Municipal Water Purveyors,
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Michael Smiley Rowe, Esq.
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Minden, Nevada 89423
Attorneys for Municipal Water Purveyors,
Gardnerville Ranchos General
Improvement District

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TAGGART & TAGGART, LTD.
108 North Minnesota Street
Carson City, Nevada 89703
Attorneys for Municipal Water Purveyors,
Southern Nevada Water Authority

Gregory J. Walch, Esq.
Dana R. Walsh, Esq.
LAS VEGAS VALLEY WATER DISTRICT
1001 South Valley View Boulevard
Las Vegas, Nevada 89153
Attorneys for Municipal Water Purveyors,
Southern Nevada Water Authority

Daniel F. Polsenberg, Esq.
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Southern Nevada Water Authority


Dorene A. Wright

Case #: CV-1108155

Judge: PAPEZ, DAN L.

Date Filed: 08/08/11 Department: 02

Case Type: JUDREV JUDICIAL REVIEW

Title/Caption: EUREKA COUNTY, a political subdivision
of the State of Nevada
vs.
THE STATE OF NEVADA, EX.REL.,
STATE ENGINEER, DIVISION OF WATER
RESOURCES

Comments: CONSOL CV1108-156,CV1108-157,CV1112-164,CV1112-165

Defendant(s)	Attorney(s)
STATE OF NEVADA	PARSONS BEHLE & LATIMER STOCKTON, BRIAN L. ESQ.
Defendant(s)	Attorney(s)
STATE ENGINEER	STOCKTON, BRIAN L. ESQ. PARSONS BEHLE & LATIMER
Defendant(s)	Attorney(s)
DIVISION OF WATER RESOURCES	PARSONS BEHLE & LATIMER STOCKTON, BRIAN L. ESQ.
Defendant(s)	Attorney(s)
KOBEH VALLEY RANCH	PARSONS BEHLE & LATIMER STOCKTON, BRIAN L. ESQ.
Plaintiff(s)	Attorney(s)
EUREKA COUNTY	BEUTEL, THEODORE ALLISON, MACKENZIE, PAVALAKIS

Disp/Judgment: SMJD Date: 06/18/12

Filings:			Fees
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8/09/11		NOTICE OF PETITION FOR JUDICIAL REVIEW	
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8/17/11		SUMMONS AND RETURN OF SERVICE	
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1/17/12 AFFIDAVIT OF SERVICE
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4/12/16 CASE APPEAL STATEMENT

Case #: CV-1112164

Judge: PAPEZ, DAN L.

Date Filed: 12/29/11 Department: 02

Case Type: JUDREV JUDICIAL REVIEW

Title/Caption: EUREKA COUNTY,
a political subdivision of the State
of Nevada,
vs.
THE STATE OF NEVADA, EX REL., STATE ENGI
NEER, DIVISION OF WATER RESOURCES

Comments: CONSOL, CV1108-155, CV1108-156, CV1108-157, CV1112-165

Defendant(s) THE STATE OF NEVADA, EX REL	Attorney(s) PARSONS BEHLE & LATIMER STOCKTON, BRIAN L. ESQ.
Defendant(s) STATE ENGINEER, DIV OF WTR RES	Attorney(s) No "Attorney 1" Listed
Plaintiff(s) EUREKA COUNTY	Attorney(s) ALLISON, MACKENZIE, PAVALAKIS BEUTEL, THEODORE

Disp/Judgment: SMJD Date: 06/18/12

Filings:			Fees
Date	Pty Filing		
12/29/11	NOTICE OF PETITION FOR JUDICIAL REVIEW		
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11/19/15	131 NEV., ADVANCE OPINION 84 (REVERSED AND REMANDED)
11/25/15	REMITTITUR
11/25/15	CLERK'S CERTIFICATE
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4/11/16	RESPONSE IN OPPOSITION TO KOBEH VALLEY RANCH, LLC'S MOTION TO ALTER OR AMEND JUDGMENT
4/11/16	OPPOSITION TO KOBEH VALLEY RANCH, LLD'S MOTION TO ALTER OR AMEND JUDGMENT
4/12/16	NOTICE OF APPEAL
4/12/16	CASE APPEAL STATEMENT

Office of the Attorney General
100 North Carson Street
Carson City, Nevada 89701-4717

 ORIGINAL

NO. _____ FILED

APR 12 2016

Eureka County Clerk
By *W. Padborny*

Electronically Filed
Apr 14 2016 01:17 p.m.
Tracie K. Lindeman
Clerk of Supreme Court

IN THE SEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF EUREKA

EUREKA COUNTY, a political subdivision
of the State of Nevada,

Petitioner,

vs.

THE STATE OF NEVADA, EX REL.,
STATE ENGINEER, DIVISION OF WATER
RESOURCES,

Respondent.

Case No. CV 1108-155
Case No. CV 1112-164

Dept. No. 2

CONLEY LAND & LIVESTOCK LLC, a
Nevada limited liability company, LLOYD
MORRISON, an individual,

Petitioners,

vs.

THE OFFICE OF THE STATE ENGINEER
OF THE STATE OF NEVADA, DIVISION
OF WATER RESOURCES, DEPARTMENT
OF CONSERVATION AND NATURAL
RESOURCES, JASON KING, State
Engineer; KOBEH VALLEY RANCH, LLC,
Real Party in Interest,

Respondents.

Case No. CV 1108-156

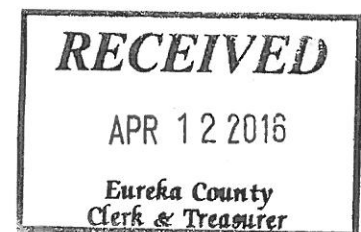
Dept. No. 2

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1 KENNETH F. BENSON, an individual,
2 DIAMOND CATTLE COMPANY, LLC, a
3 Nevada limited liability company, and
4 MICHEL AND MARGARET ANN
ETCHEVERRY FAMILY, LP, a Nevada
registered foreign limited partnership,

5 Petitioners,

6 vs.

7 STATE ENGINEER OF NEVADA, OFFICE
8 OF THE STATE ENGINEER, DIVISION OF
9 WATER RESOURCES, DEPARTMENT OF
CONSERVATION AND NATURAL
RESOURCES,

10 Respondents.

Case No. CV 1108-157
Case No. CV 1112-165
Case No. CV 1202-170

Dept. No. 2

11 **NOTICE OF APPEAL**

12 Notice is hereby given that the State Engineer of Nevada, Office of the State Engineer,
13 Division of Water Resources, Department of Conservation and Natural Resources, Division of
14 Water Resources ("Nevada State Engineer"), by and through counsel, Nevada Attorney
15 General Adam Paul Laxalt and Senior Deputy Attorney General Micheline N. Fairbank, hereby
16 appeals to the Nevada Supreme Court from the Amended Order Granting Objection to
17 Proposed Order Remanding to State Engineer; Order Granting Petitions for Judicial Review;
18 Order Vacating Permits entered by this Court on March 9, 2016. Notice of Entry of Order was
19 served on March 14, 2016. A copy of said Notice of Entry of Amended Order is attached
20 hereto as Exhibit 1.

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Office of the Attorney General
100 North Carson Street
Carson City, Nevada 89701-4717

AFFIRMATION (Pursuant to NRS 239B.030)

The undersigned does hereby affirm that the preceding Notice of Appeal does not contain the social security number of any person.

DATED this 8th day of April, 2016.

ADAM PAUL LAXALT
Attorney General

By: Michelle N. Fairbank
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*Counsel for Respondent,
Nevada State Engineer*

CERTIFICATE OF SERVICE

I certify that I am an employee of the State of Nevada, Office of the Attorney General, and that on this this 8th day of April, 2016, I served a true and correct copy of the foregoing NOTICE OF APPEAL, by placing said document in the U.S. Mail, postage prepaid, addressed to:

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13 *and Margaret Ann Etcheverry Family LP*

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3993 Howard Hughes Parkway, Suite 600
Las Vegas, Nevada 89169
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Dorene A. Wright

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1.	Notice of Entry of Amended Order Granting Objection to Proposed Order Remanding to State Engineer; Order Granting Petitions for Judicial Review; Order Vacating Permits filed March 14, 2016	12

Office of the Attorney General
100 North Carson Street
Carson City, Nevada 89701-4717

EXHIBIT 1

EXHIBIT 1

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E-Mail Address: law@allisonmackenzie.com

1 Case Nos. CV1108-155
2 CV1108-156
3 CV1108-157
4 CV1112-164
5 CV1112-165
6 CV1202-170
7 CV1207-178

8 Dept. No. 2

9
10 IN THE SEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
11
12 IN AND FOR THE COUNTY OF EUREKA

13 EUREKA COUNTY, a political
14 subdivision of the State of Nevada,

15
16 Petitioner,
17 vs.

Case No.: CV1108-155

Dept. No.: 2

18 THE STATE OF NEVADA, EX. REL.,
19 STATE ENGINEER, DIVISION OF
20 WATER RESOURCES, and KOBEH
21 VALLEY RANCH, LLC, a Nevada
22 limited liability company,

23
24 Respondents. /

25 CONLEY LAND & LIVESTOCK, LLC, a
26 Nevada limited liability company; LLOYD
27 MORRISON, an individual;

28
29 Petitioners/Plaintiffs,
30 vs.

Case No.: CV1108-156

Dept. No.: 2

31 THE OFFICE OF THE STATE ENGINEER
32 OF THE STATE OF NEVADA, DIVISION
33 OF WATER RESOURCES, DEPARTMENT
34 OF CONSERVATION AND NATURAL
35 RESOURCES, JASON KING, State Engineer;
36 KOBEH VALLEY RANCH, LLC, Real Party
37 in Interest;

38
39 Respondents/Defendants. /

40 ///

41 ///

42 ///

NO. FILED

MAR 14 2016

Eureka County Clerk
By: *[Signature]*

ALLISON MacKENZIE, LTD.
402 North Division Street, P.O. Box 646, Carson City, NV 89702
Telephone: (775) 687-0202 Fax: (775) 882-7918
E-Mail Address: law@allisonmackenzie.com

1 KENNETH F. BENSON, an individual,
2 DIAMOND CATTLE COMPANY, LLC, a
3 Nevada Limited Liability Company, and
4 MICHEL AND MARGARET ANN
5 ETCHEVERRY FAMILY, LP, a Nevada
6 Registered Foreign Limited Partnership,

7 Petitioners,

8 vs.

Case No.: CV1108-157

Dept. No.: 2

9 STATE ENGINEER, OF NEVADA,
10 OFFICE OF THE STATE ENGINEER,
11 DIVISION OF WATER RESOURCES,
12 DEPARTMENT OF CONSERVATION
13 AND NATURAL RESOURCES, and
14 KOBEH VALLEY RANCH, LLC, a
15 Nevada limited liability company,

16 Respondents. /

17 EUREKA COUNTY,
18 a political subdivision of the State of Nevada,

19 Petitioner,

20 vs.

Case No.: CV1112-164

Dept. No.: 2

21 THE STATE OF NEVADA, EX. REL.,
22 STATE ENGINEER, DIVISION OF
23 WATER RESOURCES, and KOBEH
24 VALLEY RANCH, LLC, a Nevada
25 limited liability company,

26 Respondents. /

27 KENNETH F. BENSON, an individual,
28 DIAMOND CATTLE COMPANY, LLC, a
Nevada Limited Liability Company, and
MICHEL AND MARGARET ANN
ETCHEVERRY FAMILY, LP, a Nevada
Registered Foreign Limited Partnership,

Petitioners,

vs.

Case No.: CV1112-165

Dept. No.: 2

STATE ENGINEER OF NEVADA,
OFFICE OF THE STATE ENGINEER,
DIVISION OF WATER RESOURCES,
DEPARTMENT OF CONSERVATION
AND NATURAL RESOURCES, and KOBEH
VALLEY RANCH, LLC, a Nevada limited
liability company,

Respondents. /

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1 KENNETH F. BENSON, an individual,
2 DIAMOND CATTLE COMPANY, LLC, a
3 Nevada limited liability company, and
4 MICHEL AND MARGARET ANN
5 ETCHEVERRY FAMILY, LP, a Nevada
6 registered foreign limited partnership,

Petitioners,

Case No.: CV1202-170

vs.

Dept. No.: 2

7 STATE ENGINEER OF NEVADA,
8 OFFICE OF THE STATE ENGINEER,
9 DIVISION OF WATER RESOURCES
10 DEPARTMENT OF CONSERVATION
11 AND NATURAL RESOURCES,

Respondent. /

12 MICHEL AND MARGARET ANN
13 ETCHEVERRY FAMILY, LP, a Nevada
14 Registered Foreign Limited Partnership,
15 DIAMOND CATTLE COMPANY, LLC, a
16 Nevada Limited Liability Company, and
17 KENNETH F. BENSON, an individual,

Petitioners,

Case No.: CV1207-178

vs.

Dept. No.: 2

18 STATE ENGINEER, OF NEVADA,
19 OFFICE OF THE STATE ENGINEER,
20 DIVISION OF WATER RESOURCES,
21 DEPARTMENT OF CONSERVATION
22 AND NATURAL RESOURCES,

Respondent,

AND

23 KOBEH VALLEY RANCH, LLC, a
24 Nevada limited liability company,

Intervenor-
Respondent. /

25 NOTICE OF ENTRY OF AMENDED ORDER
26 GRANTING OBJECTION TO PROPOSED ORDER REMANDING
27 TO STATE ENGINEER; ORDER GRANTING PETITIONS
28 FOR JUDICIAL REVIEW; ORDER VACATING PERMITS

NOTICE IS HEREBY given that on the 9th day of March, 2016, the Court duly
entered an AMENDED ORDER GRANTING OBJECTION TO PROPOSED ORDER

ALLISON MacKENZIE, LTD.
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1 REMANDING TO STATE ENGINEER; ORDER GRANTING PETITIONS FOR JUDICIAL
2 REVIEW; ORDER VACATING PERMITS in the above-entitled matters. A copy of said
3 AMENDED ORDER is attached hereto as Exhibit "1".

4 AFFIRMATION

5 The undersigned does hereby affirm that the preceding document DOES NOT
6 contain the social security number of any person.

7 DATED this 14th day of March, 2016.

8
9 KAREN A. PETERSON, ESQ.
Nevada State Bar No. 0366
ALLISON MacKENZIE, LTD.
402 North Division Street
Carson City, Nevada 89703

11 ~ and ~

12 EUREKA COUNTY DISTRICT ATTORNEY
13 701 South Main Street
14 Post Office Box 190
Eureka, Nevada 89306

15
16 BY:

17 THEODORE BEUTEL, ESQ.
Nevada State Bar No. 5222

18 Attorneys for EUREKA COUNTY
19
20
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28

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CERTIFICATE OF SERVICE

Pursuant to NRCP Rule 5(b), 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 to all parties to this action by:

☒ Placing a true copy thereof in a sealed postage prepaid envelope, first class mail, in the United States Mail in Carson City, Nevada [NRCP 5(b)(2)(B)]

☐ Via electronic transmission

☐ Hand-delivery [NRCP 5(b)(2)(A)]

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6100 Neil Road, Suite 500
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Courtesy Copy to:
Honorable Gary D. Fairman
Seventh Judicial District Court
P.O. Box 151629
Ely, NV 89315

DATED this 14th day of March, 2016.


NANCY FONTENOT

4838-0522-0143, v. 1

EXHIBIT "1"

EXHIBIT "1"

SEVENTH JUDICIAL DISTRICT COURT
GARY D. FAIRMAN
DISTRICT JUDGE
DEPARTMENT 2
WHITE PINE, LINCOLN AND EUREKA COUNTIES
STATE OF NEVADA



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Case Nos. CV 1108-155
CV-1108-156
CV-1108-157
CV-1112-164
CV-1112-165
CV-1202-170
CV-1207-178

Dept No. 2

NO. _____
FILED
MAR 1 2016
Eureka County Clerk
By Edrine

IN THE SEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF
NEVADA, IN AND FOR THE COUNTY OF EUREKA

EUREKA COUNTY, a political subdivision
of the State of Nevada,
Petitioner,

v.

STATE OF NEVADA, EX. REL., STATE
ENGINEER, DIVISION OF WATER
RESOURCES,

Respondent.

CONLEY LAND & LIVESTOCK, LLC, a
Nevada limited liability company, LLOYD
MORRISON, an individual,

Petitioners,

v.

OFFICE OF THE STATE ENGINEER OF THE
STATE OF NEVADA, DIVISION OF WATER
RESOURCES, DEPARTMENT OF
CONSERVATION AND NATURAL
RESOURCES, JASON KING, State Engineer,
KOBEN VALLEY RANCH, LLC, Real Party in
Interest,

Respondents.

AMENDED ORDER
GRANTING OBJECTION TO
PROPOSED ORDER REMANDING
TO STATE ENGINEER; ORDER
GRANTING PETITIONS FOR JUDICIAL
REVIEW; ORDER VACATING PERMITS

SEVENTH JUDICIAL DISTRICT COURT

GARY D. FAIRMAN

DISTRICT JUDGE

DEPARTMENT 2

WHITE PINE, LINCOLN AND EUREKA COUNTIES

STATE OF NEVADA



1 KENNETH F. BENSON, an individual,
2 DIAMOND CATTLE COMPANY, LLC, a
3 Nevada limited liability company, and
4 MICHEL and MARGARET ANN
5 ETCHEVERRY FAMILY, LP, a Nevada
6 registered foreign limited partnership,

7 Petitioners,

8 v.

9 STATE ENGINEER OF NEVADA, OFFICE OF
10 THE STATE ENGINEER, DIVISION OF
11 WATER RESOURCES DEPARTMENT OF
12 CONSERVATION AND NATURAL
13 RESOURCES,

14 Respondent.

15 EUREKA COUNTY, a political subdivision of
16 the State of Nevada,

17 Petitioner,

18 v.

19 STATE OF NEVADA, EX. REL., STATE
20 ENGINEER, DIVISION OF WATER
21 RESOURCES,

22 Respondent.

23 KENNETH F. BENSON, an individual,
24 DIAMOND CATTLE COMPANY, LLC, a
25 Nevada limited liability company, and
26 MICHEL and MARGARET ANN
ETCHEVERRY FAMILY, LP, a Nevada
registered foreign limited partnership,

Petitioners,

v.

STATE ENGINEER OF NEVADA, OFFICE OF
THE STATE ENGINEER, DIVISION OF
WATER RESOURCES DEPARTMENT OF
CONSERVATION AND NATURAL
RESOURCES,

Respondent.



1 KENNETH F. BENSON, an individual,
2 DIAMOND CATTLE COMPANY, LLC, a
3 Nevada limited liability company, and
4 MICHEL AND MARGARET ANN
5 ETCHEVERRY FAMILY, LP, a Nevada
6 registered foreign limited partnership,

7 Petitioners,

8 v.

9 STATE ENGINEER OF NEVADA, OFFICE OF
10 THE STATE ENGINEER, DIVISION OF
11 WATER RESOURCES DEPARTMENT OF
12 CONSERVATION AND NATURAL
13 RESOURCES,

14 Respondent.

15 MICHEL AND MARGARET ANN
16 ETCHEVERRY FAMILY, LP, a Nevada
17 Registered Foreign Limited Partnership
18 DIAMOND CATTLE COMPANY, LLC, a
19 Nevada Limited Liability Company, and
20 KENNETH F. BENSON, an individual,

21 Petitioners,

22 vs.

23 STATE ENGINEER OF NEVADA,
24 OFFICE OF THE STATE ENGINEER,
25 DIVISION OF WATER RESOURCES,
26 DEPARTMENT OF CONSERVATION
AND NATURAL RESOURCES,

Respondents.

KOBEH VALLEY RANCH, LLC, a
Nevada limited liability corporation,

Intervenor-Respondents.

On May 20, 2013, petitioners MICHEL AND MARGARET ANN ETCHEVERRY FAMILY, LP, DIAMOND CATTLE COMPANY, LLC and KENNETH F. BENSON appealed this Court's findings of fact, conclusions of law, and order denying petitions for judicial



1 review, entered May 17, 2013 (Nevada Supreme Court case no. 63258). The appeal was
2 consolidated with the appeal in Nevada Supreme Court case no. 61324 for appellate
3 purposes. The court reversed and remanded the case for proceedings consistent with the
4 opinion.¹ The remittitur was issued on November 23, 2015.

5 On November 25, 2015, Kobreh Valley Ranch, LLC ("KVR") via email, submitted to
6 the court a proposed order remanding to State Engineer; on December 3, 2015, Eureka
7 County, Kenneth F. Benson, Diamond Cattle Company LLC and Michel and Margaret Ann
8 Etcheverry Family, L.P. filed a joint objection to proposed orders of Kobreh Valley Ranch,
9 LLC; on December 7, 2015, Michel and Margaret Ann Etcheverry Family, L.P., Diamond
10 Cattle Company, LLC and Kenneth Benson ("petitioners") filed an objection to proposed
11 orders of Kobreh Valley Ranch, LLC; on December 16, 2015, KVR filed its reply to joint
12 objection to proposed orders of Kobreh Valley Ranch LLC; on December 15, 2015,
13 respondent Jason King, P.E., the State Engineer, filed his joinder to Kobreh Valley Ranch,
14 LLC's reply to joint objection to proposed orders; on January 8 and 12, 2016, petitioners
15 filed a request for review of objection to proposed orders of Kobreh Valley Ranch, LLC; the
16 court has reviewed the pleadings and finds that no further briefing or hearing is
17 necessary.²

18 The court has reviewed the Nevada Supreme Court's opinion issued October 29,
19 2015. The Nevada Supreme Court held that "substantial evidence does not support the
20 State Engineer's finding that KVR would be able to "adequately and fully" mitigate the fact
21 that its ground water appropriations will cause Kobreh Valley springs that sources existing
22 rights to cease to flow."³ The court further held that "The State Engineer's decision to
23

24 ¹Eureka County v. State Engineer, 131 Nev. Adv. Opn. 84 (2015).

25 ²7JDCR 11.

26 ³Eureka County v. State Engineer at 16.



1 grant KVR's applications when the result of appropriations would conflict with existing
2 rights and based upon unsupported findings that mitigation would be sufficient to rectify
3 the conflict violates the Legislature's directive that the State Engineer must deny use or
4 change applications when the use or change would conflict with existing rights."⁴ Having
5 found petitioners had met their burden to show the State Engineer's decision was
6 incorrect, the court held "the State Engineer's decision to grant KVR's applications cannot
7 stand."⁵ The court reversed and remanded these cases to the district court for further
8 proceedings consistent with this opinion.⁶

9 The Nevada Supreme Court did not remand the cases to the State Engineer for
10 further proceedings consistent with its opinion which it could have done if the court
11 concluded additional administrative review and findings were necessary. Based upon the
12 Supreme Court's reversal of this Court's order denying petitions for judicial review and the
13 State Engineer's decision to grant KVR's applications, this Court finds that the petitions
14 for judicial review filed by the petitioners must be granted.

15 Good cause appearing,

16 IT IS HEREBY ORDERED that the petitions for judicial review filed by petitioners
17 in the above-captioned proceedings are **GRANTED**. The approval of the monitoring,
18 management, and mitigation plan, issued by respondent, STATE ENGINEER OF NEVADA
19 is **VACATED** and applications nos. 72695, 72696, 72697, 72698, 73545, 73546, 73547,
20 73548, 73549, 73550, 73551, 73552, 74587, 75988, 75989, 75990, 75991, 75992, 75993,
21 75994, 75995, 75996, 75997, 75998, 75999, 76000, 76001, 76002, 76003, 76004, 76005,
22 76006, 76007, 76008, 76009, 76745, 76746, 76802, 76803, 76804, 76805, 76989, 76990,

23
24 ⁴/d.

25 ⁵/d.

26 ⁶/d.

SEVENTH JUDICIAL DISTRICT COURT
GARY D. FAIRMAN
DISTRICT JUDGE
DEPARTMENT 2
WHITE PINE, LINCOLN AND EUREKA COUNTIES
STATE OF NEVADA



1 77171, 77525, 77526, 77527, 77553, 78424, 79911, 79912, 79913, 79914, 79915, 79916,
2 79917, 79918, 79919, 79920, 79921, 79922, 79923, 79924, 79925, 79926, 79927, 79928,
3 79929, 79930, 79931, 79932, 79933, 79934, 79935, 79936, 79937, 79938, 79939, 79940,
4 79941 and 79942 are hereby DENIED pursuant to NRS 533.370(2) in accordance with the
5 holding of the Supreme Court's opinion in 131 Nev. Adv. Opn. 84 issued October 29, 2015.

6 IT IS HEREBY FURTHER ORDERED that the permits issued by the State Engineer
7 for the above applications are VACATED.

8 DATED this 7th day of March, 2016.

9 
10 DISTRICT JUDGE
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