

1/31/12 SUPPLEMENTAL PETITION FOR JUDICIAL REVIEW  
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  
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 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  
2/24/12 AFFIDAVIT OF SERVICE  
2/24/12 RECEIPT FOR DOCUMENTS  
2/24/12 RECEIPT FOR 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 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  
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  
3/28/16 NOTICE OF APPEARANCE  
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-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><b>Defendant(s)</b> STATE ENGINEER OF NEVADA</p> <p><b>Defendant(s)</b> OFFICE OF STATE ENGINEER</p> <p><b>Defendant(s)</b> DIVISION OF WATER RESOURCES</p> <p><b>Defendant(s)</b> DEPT OF CONSERVATION</p> <p><b>Defendant(s)</b> NATURAL RESOURCES</p> <p><b>Plaintiff(s)</b> BENSON, KENNETH</p> <p><b>Plaintiff(s)</b> DIAMOND VALLEY CATTLE COMPANY</p> <p><b>Plaintiff(s)</b> ETCHEVERRY, MICHEL &amp; MARGRET</p>	<p><b>Attorney(s)</b> PARSONS BEHLE &amp; LATIMER STOCKTON, BRIAN L. ESQ.</p> <p><b>Attorney(s)</b> PARSONS BEHLE &amp; LATIMER STOCKTON, BRIAN L. ESQ.</p> <p><b>Attorney(s)</b> PARSONS BEHLE &amp; LATIMER STOCKTON, BRIAN L. ESQ.</p> <p><b>Attorney(s)</b> PARSONS BEHLE &amp; LATIMER STOCKTON, BRIAN L. ESQ.</p> <p><b>Attorney(s)</b> PARSONS BEHLE &amp; LATIMER STOCKTON, BRIAN L. ESQ.</p> <p><b>Attorney(s)</b> SCHRODER, LAURA A</p> <p><b>Attorney(s)</b> SCHRODER, LAURA A</p> <p><b>Attorney(s)</b> SCHRODER, LAURA A</p>
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Filings:		Fees
Date	Pty Filing	
12/30/11	NOTICE OF PETTITON FOR JUDICIAL REVIEW	
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	
1/12/12	ORDER ALLOWING INTERVENTION OF KOBEH VALLEY RANCH, LLC AS A A PARTY RESPONDENT, AND CONSOLIDATING CV 1112-165 WITH CASE NOS. CV 1108-155, CV 1108-156 AND CV 1108-157	
1/13/12	EUREKA COUNTY'S OPENING BRIEF	

1/17/12 THERESE A URE AFFIDAVIT OF SERVICE  
1/17/12 AFFIDAVIT OF SERVICE  
1/17/12 FIRST AMENDED PETITION FOR JUDICIAL REVIEW  
1/17/12 NOTICE OF PETITION  
1/17/12 PETITION FOR JUDICIAL REVIEW  
1/17/12 AFFIDAVIT OF SERVICE  
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  
1/23/12 MOTION FOR EXTENTION OF TIME  
1/24/12 RESPONDENT KOBEH VALLEY RANCH, LLC'S RESPONSE TO MOTION TO  
EXTEND TIME  
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  
RESPONSE TO MOTION TO EXTEND TIME  
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  
1/26/12 ORDER GRANTING EXTENTION  
1/30/12 CERTIFICATE OF SERVICE  
1/31/12 NOTICE OF SUPPLEMENTAL PETITION FOR JUDICIAL REVIEW  
1/31/12 SUPPLEMENTAL PETITION FOR JUDICIAL REVIEW  
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  
CV108-156, 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 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  
4/19/12 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

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

12/16/15 OBJECTION TO PROPOSED ORDERS  
REPLY TO JOINT OBJECTION TO PROPOSED ORDERS OF KOBEH VALLEY  
RANCH, LLC  
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  
3/28/16 NOTICE OF APPEARANCE  
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-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

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

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

**Filings:**

Date	Pty Filing	Fees
12/29/11	NOTICE OF PETITION FOR JUDICIAL REVIEW	
12/29/11	PETITION FOR JUDICIAL REVIEW ( EXEMPT FROM ARBITRATION; JUDICIAL REVIEW OF ADMINISTRATIVE DECISION)	
1/10/12	STIPULATION TO (1) ALLOW KOBEH VALLEY RANCH, LLC TO INTERVENE AS A RESPONDENT, AND (2) CONSOLIDATE WITH CASE NOS CV1106-155 AND CV1108-157	
1/11/12	SUMMONS: THE STATE OF NEVADA	
1/11/12	SUMMONS; (FIRST ADDITION) (STATE ENGINEER, DIVISION OF WATER RESOURCES)	
1/11/12	AFFIDAVIT OF SERVICE	
1/11/12	AFFIDAVIT OF SERVICE	
1/11/12	RECEIPT FOR DOCUMENTS	
1/11/12	RECEIPT FOR DOCUMENTS	
1/11/12	RECEIPT FOR DOCUMENTS	
1/11/12	AFFIDAVIT OF SERVICE	
1/11/12	RECEIPT FOR DOCUMENTS	
1/12/12	ORDER ALLOWING INTERVENTION OF KOBEH VALLEY RANCH, LLC AS A PARTY RESPONDENT, AND CONSOLIDATING CV 1112-164 WITH CASE NOS. CV 1108-155, CV 1108-156 AND CV 1108-157	
1/12/12	ORDER ALLOWING INTERVENTION OF KOBEH VALLEY RANCH, LLC AS A PARTY RESPONDENT, AND CONSOLIDATING CV1112-165 WITH CASE NOS CV1108-155, CV1108-156 AND CV1108-157	
1/13/12	EUREKA COUNTY'S OPENING BRIEF	
1/13/12	EUREKA COUNTY'S SUMMARY OF RECORD ON APPEAL CV 1112-164	
1/23/12	MOTION FOR EXTENTION OF TIME	

1/24/12 RESPONDENT KOBEH VALLEY RANCH LLC'S RESPONSE TO MOTION TO  
EXTEND TIME

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 PETITIONERS CONLEY LAND & LIVESTOCK, LLC AND LLOYD MORRISON  
RESPONSE TO RESPONSE TO MOTION TO EXTEND TIME

1/27/12 PETITIONERS KENNETH F. BENSON, DIAMOND CATTLE COMPANY LLC  
AND MARGARET ANN ETCHEVERRY FAMILY LP'S RESPONSE TO MOTION  
TO EXTEND TIME

1/26/12 ORDER GRANTING EXTENTION

1/30/12 CERTIFICATE OF SERVICE

1/31/12 NOTICE OF SUPPLEMENTAL PETITION FOR JUDICIAL REVIEW

1/31/12 SUPPLEMENTAL PETITION FOR JUDICIAL REVIEW

2/01/12 ANSWER TO PETITION FOR JUDICIAL REVIEW (CASE NO CV 1112-164)

2/01/12 ANSWER TO FIRST PETITION FOR JUDICIAL REVIEW CASE NO  
CV1112-165)

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 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 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 LPS 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  
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 FACT, CONCLUSION OF LAW AND ORDER

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

7/10/12 NOTICE OF APPEAL



7/10/12	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
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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-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 Conserva  
tion and Natural Resources, Jason King,  
State Engineer, Kobeh Valley Ranch

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

Defendant(s) STATE ENGINEERS OFFICE	Attorney(s) No "Attorney 1" Listed
Defendant(s) STATE OF NEVADA WATER RESOURCE	Attorney(s) No "Attorney 1" Listed
Defendant(s) DEPT OF WATER CONSERVATION &	Attorney(s) No "Attorney 1" Listed
Defendant(s) DEPT OF NATURAL RESOURCES	Attorney(s) No "Attorney 1" Listed
Defendant(s) JASON KING	Attorney(s) No "Attorney 1" Listed
Defendant(s) KOBEB VALLEY RANCH	Attorney(s) No "Attorney 1" Listed
Plaintiff(s) CONLEY LAND & LIVESTOCK	Attorney(s) No "Attorney 1" Listed
Plaintiff(s) LLOYD MORRISON	Attorney(s) 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, KOBEB 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  
10/03/11      ANSWER TO VERIFIED PETITION FOR WRIT OF PROHIBITION  
COMPLAINT AND PETITION FOR JUDICIAL REVIEW  
10/20/11      CONSENT TO CONSOLIDATION  
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10/26/11      ORDER DIRECTING THE CONSOLIDATION OF ACTION CV1108-156, AND  
ACTION NO. CV1108-157 WITH ACTION CV1108-155  
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  
ISSUANCE OF WRIT OF PROHIBITION AND IN OPPOSITION TO MOTION  
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  
12/16/11      KOBEH VALLEY RANCH'S REPLY TO CONLEY/MORRISON'S REQUEST FOR  
POINTS AND AUTHORITIES IN SUPPORT OF ISSUANCE OF WRIT  
PROHIBITION AND IN 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  
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CV1108-155, CV1108-156 AND CV1108-157  
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1/13/12      EUREKA COUNTY'S SUPPLEMENTAL SUMMARY OF RECORD ON APPEAL  
1/17/12      FIRST AMENDED PETITION FOR JUDICIAL REVIEW  
1/17/12      OPENING BRIEF OF CONLEY LAND & LIVESTOCK, LLC AND LLOYD  
MORRISON  
1/17/12      PETITIONERS KENNETH F. BENSON, DIAMOND VALLEY CATTLE COMPANY  
1/17/12      LLC, AND MICHEL AND MARGERET ANN ETCHEVERRY'S FAMILY LP'S  
1/17/12      AFFIDAVIT OF SERVICE  
1/23/12      MOTION FOR EXTENSION OF TIME  
1/24/12      RESPONDENT KOBEH VALLEY RANCH, LLC'S RESPONSE TO MOTION TO  
EXTEND TIME  
1/26/12      AFFIDAVIT IN SUPPORT OF RESPONDENT KOBEH VALLEY RANCH, LLC'S  
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1/26/12      ORDER GRANTING EXTENSION  
1/27/12      EUREKA COUNTY'S RESPONSE TO MOTION TO EXTEND TIME  
1/27/12      PETITIONERS CONLEY LAND & LIVESTOCK, LLC AND LLOYD  
MORRISON'S RESPONSE TO MOTION TO EXTEND TIME  
1/27/12      PETITIONERS KENNETH BENSON, DIAMOND VALLEY CATTLE COMPANY,  
LLC AND MICHAEL AND MARGRET ANN ETCHEVERRY FAMILY LP'S

RESPONSE TO MOTION TO EXTEND

CERTIFICATE OF SERVICE

NOTICE OF SUPPLEMENTAL PETITION FOR JUDICIAL REVIEW

SUPPLEMENTAL PETITION FOR JUDICIAL REVIEW

ANSWER TO PETITION FOR JUDICIAL REVIEW (CASE NO CV1112-164)

ANSWER TO FIRST AMENDED PETITION FOR JUDICIAL REVIEW (CASE  
NO CV1112-165

SUMMARY OF RECORD ON APPEAL

BATES STAMPED VOLUME I

BATES STAMPED VOLUME II

BATES STAMPED VOLUME III

SUPPLEMENTAL RECORD AND SUMMARY OF RECORD ON APPEAL

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

ANSWER TO PETITION FOR JUDICIAL REVIEW

AFFIDAVIT OF SERVICE

RECEIPT FOR DOCUMENTS

RECEIPT FOR DOCUMENTS

AMENDED AFFIDAVIT OF BRYAN STOCKTON

ANSWERING BRIEF OF RESPONDENT, KOBEH VALLEY RANC, LLC

ANSWERING BRIEF

NOTICE OF INTENT TO DEFEND

PETITIONERS KENNETH F. BENSON, DIAMOND VALLEY CATTLE COMPANY  
LLC AND MAICHEL AND MARGARET ANN ETCHEVERRY FAMILY LP'S  
REPLY BRIEF

EUREKA COUNTY'S REPLY BRIEF

REPLY BRIEF OF CONLEY LAND & LIVESTOCK, LLC AND LLOYD  
MORRISON

CORRECTED ANSWERING BRIEF

TRANSCRIPT

EUREKA COUNTY'S PROPOSED FINDING OF FACT CONCLUSION OF LAW  
AND ORDER

PROPOSED FINDING OF FACT CONCLUSION OF LAW AND ORDER OF  
CONLEY LAND AND LIVESTOCK, LLC AND LLOYD MORRISON

PETITIONERS BENSON, DIAMOND VALLEY CATTLE CO., AND  
ETCHEVERRY FAMILY LLC PROPOSED FINDING OF FACT AND  
CONCLUSION OF LAW

KOBEH VALLEY RANCH'S PROPOSED FINDINGS OF FACT, CONCLUSION  
OF LAW AND ORDER DENYING PETITIONS FOR JUDICIAL REVIEW

FINDINGS OF FACTS, CONCLUSION OF LAW AND ORDER

FINDING OF FACT, CONCLUSION OF LAW, AND ORDER DENYING  
PETITION FOR JUDICIAL REVIEW

CERTIFICATE OF SERVICE

NOTICE OF ENTRY OF FINDING OF FACT, CONCLUSIONS OF LAW, AND  
ORDER DENYING PETITIONS FOR JUDICIAL REVIEW

NOTICE OF APPEAL

CASE APPEAL STATEMENT

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NOTICE OF APPEARANCE FOR RESPONDENT NV STATE ENGINEER

JOINT OBJECTION TO PROPOSED ORDERS OF KOBEH VALLEY RANCH, LLC

ORDER OF REVERSAL AND REMAND

REMITTITUR

CLERK'S CERTIFICATE

131 NEV., ADVANCE OPINION 84 (REVERSED AND REMANDED)

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 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 STATE ENGINEER; ORDER GRANTING PETITIONS FOR JUDICIAL REVIEW; ORDER VACATING PERMITS
3/09/16	CERTIFICATE OF SERVICE
3/28/16	NOTICE OF APPEARANCE
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

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

**Filings:**

Date	Pty Filing	Fees
8/11/11	PETITION FOR JUDICIAL REVIEW	
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	



10/26/11      ORDER DIRECTING THE CONSOLIDATION OF ACTION CV1108-156 AND  
ACTION NO.CV1108-157 WITH ACTION CV1108-155

10/26/11      CERTIFICATE OF SERVICE

11/14/11      REQUEST FOR AND POINTS AND AUTHORITIES IN SUPPORT OF  
ISSUANCE OF WRIT OF PROHINITION AND IN OPPOSITION TO MOTION  
TO DISMISS

11/16/11      SUMMARY OF RECORD ON APPEAL

12/02/11      ORDER SETTING BRIEFING SCHEDULE

12/02/11      STIPULATION FOR EXTENTION 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 FOR WRIT OF PROHIBITION

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  
CV1108-155, CV1108-156 AND CV1108-157

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MORRISON

1/17/12      PETITIONERS KENNETH F. BENSON, DIAMOND VALLEY CATTLE COMPANY  
LLC, AND MICHEL AND MARGARET ANN ETCHEVERRY FAMILY LP'S  
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1/17/12      AFFIDAVIT OF SERVICE

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

1/17/12      AFFIDAVIT OF SERVICE

1/23/12      MOTION FOR EXTENSION OF TIME

1/24/12      RESPONDENT KOBEH VALLEY RANCH, LLC'S RESPONSE TO MOTION TO  
EXTEND TIME

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  
EXTEND TIME

1/26/12      ORDER GRANTING EXTENTION

1/30/12      CERTIFICATE OF SERVICE

1/31/12      NOTICE OF SUPPLEMENTAL PETITION FOR JUDICIAL REVIEW



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

Petitioners,

vs.

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

Respondents.

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

Intervenor-Respondents.

23 On May 20, 2013, petitioners MICHEL AND MARGARET ANN ETCHEVERRY  
24 FAMILY, LP, DIAMOND CATTLE COMPANY, LLC and KENNETH F. BENSON appealed  
25 this Court's findings of fact, conclusions of law, and order denying petitions for judicial  
26



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.<sup>1</sup> 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.<sup>2</sup>

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."<sup>3</sup> The court further held that "The State Engineer's decision to  
23

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

25 <sup>2</sup>7JDCR 11.

26 <sup>3</sup>Eureka 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."<sup>4</sup> 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."<sup>5</sup> The court reversed and remanded these cases to the district court for further  
8 proceedings consistent with this opinion.<sup>6</sup>

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 <sup>4</sup>*Id.*

25 <sup>5</sup>*Id.*

26 <sup>6</sup>*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 7<sup>th</sup> day of March, 2016.

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11 DISTRICT JUDGE  
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NO. \_\_\_\_\_  
FILED

MAR 02 2016

Eureka County Clerk

By Christina Deane

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,

5 Petitioners,

6 v.

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

12 Respondent.

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

15 Petitioner,

16 v.

17 STATE OF NEVADA, EX. REL., STATE  
18 ENGINEER, DIVISION OF WATER  
19 RESOURCES,

20 Respondent.

21 KENNETH F. BENSON, an individual,  
22 DIAMOND CATTLE COMPANY, LLC, a  
23 Nevada limited liability company, and  
24 MICHEL and MARGARET ANN  
25 ETCHEVERRY FAMILY, LP, a Nevada  
26 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  
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  
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  
15 consolidated with the appeal in Nevada Supreme Court case no. 61324 for appellate  
16 purposes. The court reversed and remanded the case for proceedings consistent with the  
17 opinion.<sup>1</sup> The remittitur was issued on November 23, 2015.

18 On November 25, 2015, Kobeh Valley Ranch, LLC ("KVR") via email, submitted to  
19 the court a proposed order remanding to State Engineer; on December 3, 2015, Eureka  
20 County, Kenneth F. Benson, Diamond Cattle Company LLC and Michel and Margaret Ann  
21 Etcheverry Family, L.P. filed a joint objection to proposed orders of Kobeh Valley Ranch,  
22 LLC; on December 7, 2015, Michel and Margaret Ann Etcheverry Family, L.P., Diamond  
23 Cattle Company, LLC and Kenneth Benson ("petitioners") filed an objection to proposed  
24 orders of Kobeh Valley Ranch, LLC; on December 16, 2015, KVR filed its reply to joint  
25

26 <sup>1</sup>Eureka County v. State Engineer, 131 Nev. Adv. Opn. 84 (2015).



1 objection to proposed orders of Kobeh Valley Ranch LLC; on December 15, 2015,  
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  
6 necessary.<sup>2</sup>

7 The court has reviewed the Nevada Supreme Court's opinion issued October 29,  
8 2015. The Nevada Supreme Court held that "substantial evidence does not support the  
9 State Engineer's finding that KVR would be able to "adequately and fully" mitigate the fact  
10 that its ground water appropriations will cause Kobeh Valley springs that sources existing  
11 rights to cease to flow."<sup>3</sup> The court further held that "The State Engineer's decision to  
12 grant KVR's applications when the result of appropriations would conflict with existing  
13 rights and based upon unsupported findings that mitigation would be sufficient to rectify  
14 the conflict violates the Legislature's directive that the State Engineer must deny use or  
15 change applications when the use or change would conflict with existing rights."<sup>4</sup> Having  
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  
18 stand."<sup>5</sup> The court reversed and remanded these cases to the district court for further  
19 proceedings consistent with this opinion.<sup>6</sup>

20 The Nevada Supreme Court did not remand the cases to the State Engineer for  
21

---

22 <sup>2</sup>7JDCR 11.

23 <sup>3</sup>Eureka County v. State Engineer at 16.

24 <sup>4</sup>*Id.*

25 <sup>5</sup>*Id.*

26 <sup>6</sup>*Id.*



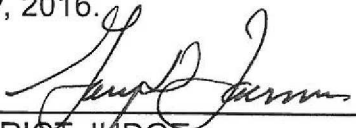
1 further proceedings consistent with its opinion which it could have done if the court  
2 concluded additional administrative review and findings were necessary. Based upon the  
3 Supreme Court's reversal of this Court's order denying petitions for judicial review and the  
4 State Engineer's decision 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,  
9 management, and mitigation plan, issued by respondent, STATE ENGINEER OF NEVADA  
10 is **VACATED** and applications nos. 72695, 72696, 72697, 72698, 73545, 73546, 73547,  
11 73548, 73549, 73550, 73551, 73552, 74587, 75988, 75989, 75990, 75991, 75992, 75993,  
12 75994, 75995, 75996, 75997, 75998, 75999, 76000, 76001, 76002, 76003, 76004, 76005,  
13 76006, 76007, 76008, 76009, 76745, 76746, 76802, 76803, 76804, 76805, 76989, 76990,  
14 77171, 77525, 77526, 77527, 77553, 78424, 79911, 79912, 79913, 79914, 79915, 79916,  
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 29<sup>th</sup> day of February, 2016.

22   
23 DISTRICT JUDGE  
24  
25  
26

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

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

Filings:			Fees
Date	Pty Filing		
8/08/11	PETITION OF JUDICIAL REVIEW		
8/09/11	NOTICE OF PETITION FOR JUDICIAL REVIEW		
8/17/11	SUMMONS AND RETURN OF SERVICE		
8/17/11	SUMMONS AND RETURN OF SERVICE		
8/17/11	SUMMONS AND RETURN OF SERVICE		
8/17/11	SUMMONS AND RETURN OF SERVICE		
8/17/11	RECEIPT FOR DOCUMENTS		
8/17/11	AFFIDAVIT OF SERVICE		
8/17/11	RECEIPT FOR DOCUMENTS		
9/07/11	STIPULATION TO ALLOW KOBEL VALLEY RANCH LLC TO INTERVENE AS		
9/07/11	A RESPONDENT		
9/14/11	NOTICE OF INTENT TO DEFEND		
9/14/11	ORDER ALLOWING INTERVENTION OF KOBEL 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 WITH THE EARLIEST OR		

FIRST ACTION FILED. ASSIGNED CASE NUMBER CV1108-155  
10/20/11 CONSENT TO CONSOLIDATE  
10/26/11 ORDER DIRECTING THE CONSOLIDATION OF ACTION CV1108-156, AND  
10/26/11 AND ACTION CV1108-157 WITH ACTION CV1108-155  
10/26/11 CERTIFICATE OF SERVICE  
10/27/11 STATE ENGINEER 2011 ROC BATES STAMP DISK RDA 10/27/2011  
11/14/11 REQUEST FOR AND POINTS AND AUTHORITIES IN SUPPORT OF  
ISSUANCE OF WRIT OF PROHIBITION AND IN OPPOSITITON TO MOTION  
TO DISMISS  
11/16/11 SUMMARY OF RECORD ON APPEAL  
12/02/11 ORDER SETTING BRIEFING SCHEDULE  
12/02/11 STIPULATION FOR EXTENTION 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 FOR WRIT OF PROHIBITION  
12/16/11 KOBEH VALLEY RANCH'S JOINDER IN THE STATE OF NEVADA AND  
JASON KING'S PARTIAL MOTION TO DISMISS  
12/16/11 KOBEEY VALLEY RANCH'S REPLY TO CONLEY/MORRISONS REQUEST FOR  
POINTS AND AUTHORITIES IN SUPPORT OF ISSUANCE OF WRIT OF  
PROHIBITION AND IN 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  
REPENDENT, AND CONSOLIDATING CV 1112-164 WITH CASE NOS.  
CV1108-155, CV1108-156 AND CV1108-157  
1/13/12 TABLE OF CONTENTS, EUREKA COUNTY OPENING BRIEF  
1/13/12 EUREKA COUNTY'S SUPPLEMENTAL SUMMARY OF RECORD ON APPEAL  
1/17/12 AFFIDAVIT OF SERVICE  
1/17/12 FIRST AMENDED PETITION FOR JUDICIAL REVIEW  
1/17/12 OPENING BRIEF OF CONLEY LAND & LIVESTOCK, LLC & LLOYD  
MORRISON  
1/17/12 PETITIONERS KENNETH F. BENSON, DIAMOND VALLEY CATTLE COMPANY  
LLC, AND MICHEL AND MARGARET ANN ETCHEVERRY FAMILY LP'S  
OPENING BRIEF  
1/17/12 AFFIDAVIT OF SERVICE  
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  
1/17/12 AFFIDAVIT OF SERVICE  
1/17/12 PETITIONER'S KENNETH F. BENSON, DIAMOND CATTLE COMPANY LLC  
AND MARGARET ANN ETCHEVERRY'S FAMILY LP'S OPENING BRIEF  
1/23/12 MOTION TO EXTEND TIME  
1/24/12 RESPONDENT KOBEH VALLEY RANCH, LLC'S RESPONSE TO MOTION TO  
EXTEND TIME  
1/26/12 AFFIDAVIT IN 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 AND LIVESTOCK, LLC AND LLOYD  
MORRISON'S RESPONSE TO MOTION TO EXTEND TIME  
1/27/12 PETITIONERS KENNETH F, BENSON, DIAMOND VALLEY CATTLE  
COMPANY AND ANN ETCHEVERRY'S FAMILY LP'S RESPONSE  
1/27/12 TO MOTION TO EXTEND TIME



1/30/12	CERTIFICATE OF SERVICE
1/31/12	NOTICE OF SUPPLEMENTAL PETITION FOR JUDICIAL REVIEW
1/31/12	SUPPLEMENTAL PETITION FOR JUDICIAL REVIEW
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 NO. CV 1112-165)
2/06/12	SUMMARY OF RECORD ON APPEAL
2/06/12	BATES STAMPED PAGES VOLUME I
2/06/12	BATES STAMPED PAGES VOLUME II
2/06/12	BATES STAMPED PAGES VOLUME III
1/12/12	ORDER ALLOWING INTERVENTION OF KOBEH VALLEY RANCH, LLC AS A PARTY RESPONDENT, AND CONSOLIDATING CV 1112-165 WITH CASE NO CV1108-155, CV1108-156, AND CV1108-157
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. CV 1202-170, CV 1108-156, CV 1108-157, 1112-164 AND CV 1112-165
2/23/12	ANSWER TO PETITION FOR JUDICIAL REVIEW
2/24/12	AFFIDAVIT OF SERVICE
2/24/12	RECEIPT FOR DOCUMENT
2/24/12	RECEIPT FOR DOCUMENT
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 KENNTTH F. BENSON, DIAMOND VALLEY CATTLE COMPANY LLC AND MICHEL AND MARGRET ANN ETCHEVERRY FAMILY REPLY BRIEF
3/28/12	EUREKA COUNTY'S REPLY BRIEF
3/30/12	REPLY BRIEF O CONLEY LAND & LIVESTOCK, LLC AND LLOYD MORRISON
4/09/12	CORRECTED ANSWERING BRIEF
4/23/12	TRANSCRIPT
5/14/12	EUREKA COUNTY 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 FINDINGS, CONCLUSION OF LAW, AND ORDER DENYING PETITIONERS 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 PETITIONS FOR JUDICIAL REVIEW
6/13/12	CERTIFICATE OF SERVICE
6/18/12	NOTICE OF ENTRY OF FINDINGS OF FACT, CONCLUSION OF LAW, AND ORDER DENYING PETITIONS FOR JUDICIAL REVIEW
7/10/12	NOTICE OF APPEAL
7/10/12	CASE APPEAL STATEMENT
7/23/12	RECEIPT FOR DOCUMENTS
9/29/15	ORDER OF REVERSAL AND REMAND
10/09/15	NOTICE OF APPEARANCE FOR RESPONDENT NV STATE ENGINEER
11/25/15	REMITTITUR
11/25/15	CLERK'S CERTIFICATE
12/03/15	JOINT OBJECTION TO PROPOSED ORDERS OF KOBEH VALLEY RANCH, LLC
11/19/15	131 NEV., ADVANCE OPINION 84 (REVERSED AND REMANDED)
12/15/15	JOINDER TO KOBEH VALLEY RANCH, LLC'S REPLY TO JOINT

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

10 Respondent. /

11 MICHEL AND MARGARET ANN  
12 ETCHVERRY FAMILY, LP, a Nevada  
13 Registered Foreign Limited Partnership,  
DIAMOND CATTLE COMPANY, LLC, a  
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 9<sup>th</sup> 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 14<sup>th</sup> 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

12 ~ and ~

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

16 BY:

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

18 Attorneys for EUREKA COUNTY  
19  
20  
21  
22  
23  
24  
25  
26  
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28

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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.  
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50 West Liberty Street, Suite 750  
Reno, Nevada 89501

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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 14<sup>th</sup> day of March, 2016.

  
NANCY FONTENOT

4838-0522-0143, v. 1

**EXHIBIT “1”**

**EXHIBIT “1”**

NO. \_\_\_\_\_  
FILED

MAR 09 2016

Eureka County Clerk

By adane

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,  
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**





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,  
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17 Nevada limited liability company, and  
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Petitioners,

v.

20 STATE ENGINEER OF NEVADA, OFFICE OF  
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22 WATER RESOURCES DEPARTMENT OF  
23 CONSERVATION AND NATURAL  
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Respondent.



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6 v.

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

12 Respondent.

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

19 Petitioners,

20 vs.

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

26 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.<sup>1</sup> 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  
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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  
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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.<sup>2</sup>

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."<sup>3</sup> The court further held that "The State Engineer's decision to

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

25 <sup>2</sup>7JDCR 11.

26 <sup>3</sup>Eureka 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."<sup>4</sup> 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."<sup>5</sup> The court reversed and remanded these cases to the district court for further  
8 proceedings consistent with this opinion.<sup>6</sup>

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 <sup>4</sup>*Id.*

25 <sup>5</sup>*Id.*

26 <sup>6</sup>*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 7<sup>th</sup> day of March, 2016.

9   
10 \_\_\_\_\_  
DISTRICT JUDGE

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



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,  
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  
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  
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  
CONSERVATION AND NATURAL  
RESOURCES,

Respondent.

APR 13 2016

Eureka County Clerk

By Amadeo

 ORIGINAL

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.: II

Electronically Filed  
Apr 18 2016 01:02 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.

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

Respondent.

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

Petitioners,

vs.

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  
Interest,

Respondents.

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,

**REAL PARTY IN INTEREST KOBEL  
VALLEY RANCH, LLC'S NOTICE OF  
APPEAL**

Taggart & Taggart, Ltd.  
108 North Minnesota Street  
Carson City, Nevada 89703  
(775)882-9900 - Telephone  
(775)883-9900 - Facsimile

RECEIVED  
APR 13 2016  
Eureka County  
Clerk & Treasurer

1 vs.

2  
3 STATE ENGINEER OF NEVADA, OFFICE OF  
4 THE STATE ENGINEER, DIVISION OF  
5 WATER RESOURCES, DEPARTMENT OF  
6 CONSERVATION AND NATURAL  
7 RESOURCES,

8 Respondent.

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

11 Petitioner,

12 vs.

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

16 Respondent.

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

23 Petitioners,

24 vs.

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

Respondent.

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,

Respondent.

NOTICE is hereby given that Real Party in Interest, KOBEH VALLEY RANCH, LLC, by and through its attorneys of record, PAUL G. TAGGART, ESQ. and DAVID H. RIGDON, ESQ., of the law firm of TAGGART & TAGGART, LTD., hereby appeals to the Supreme Court of Nevada from the Amended Order Granting Objection to Proposed Order Remanding to State Engineer; Order Granting Petitions for Judicial Review; and Order Vacating Permits ("Order") entered by this Court on March 9, 2016. Notice of Entry of that Order was served on March 14, 2016. A copy of the Order is attached hereto as Exhibit 1.

**AFFIRMATION**  
**Pursuant to NRS 239B.030**

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

DATED this 12<sup>th</sup> day of April, 2016.

TAGGART & TAGGART, LTD.  
108 North Minnesota Street  
Carson City, Nevada 89703  
(775)882-9900 - Telephone  
(775)883-9900 - Facsimile

By: 

PAUL G. TAGGART, ESQ.  
Nevada State Bar No. 6136  
DAVID H. RIGDON, ESQ.  
Nevada State Bar No. 13567  
Attorneys for Real Party in Interest



**CERTIFICATE OF SERVICE**

Pursuant to NRCP 5(b), I hereby certify that I am an employee of TAGGART & TAGGART, LTD., and that on this date, I served or caused to be served, a true and correct copy of the foregoing NOTICE OF APPEAL by:

☒ By **U.S. POSTAL SERVICE:** I deposited for mailing in the United States Mail, with postage prepaid, an envelope containing the above-identified document, at Carson City, Nevada, in the ordinary course of business, addressed as follows:

Karen A. Peterson, Esq.  
Allison, Mackenzie, Pavlakis, Wright &  
Fagan, Ltd.  
P.O. Box 646  
Carson City, NV 89701

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

Theodore Beutel, Esq.  
Eureka County District Attorney  
P.O. Box 190  
Eureka, NV 89316

Micheline Fairbank, Esq.  
Nevada Attorney General's Office  
100 N. Carson St.  
Carson City, NV 89701

Ross E. De Lipkau, Esq.  
Gregory H. Morrison, Esq.  
Parsons, Behle & Latimer  
50 West Liberty St., Suite 750  
Reno, NV 89501

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

☐ By **U.S. CERTIFIED, RETURN RECEIPT POSTAL SERVICE:** I deposited for mailing in the United States Mail, with postage prepaid, an envelope containing the above-identified document, at Carson City, Nevada, in the ordinary course of business, addressed as follows:

☐ By **ELECTRONIC DELIVERY**, via:

DATED this 12 day of April, 2016.

  
Employee of TAGGART & TAGGART, LTD.

 ORIGINAL

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.: II

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.

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

Respondent.

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

Petitioners,

vs.

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  
Interest,

Respondents.

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,

**REAL PARTY IN INTEREST KOBEL**  
**VALLEY RANCH, LLC'S CASE**  
**APPEAL STATEMENT**

Taggart & Taggart, Ltd.  
108 North Main Street  
Carson City, Nevada 89703  
(775) 882-9900 ~ Telephone  
(775) 883-9900 ~ Facsimile

RECEIVED  
APR 13 2016  
Eureka County  
Clerk & Taggart



1 vs.

2  
3 STATE ENGINEER OF NEVADA, OFFICE OF  
4 THE STATE ENGINEER, DIVISION OF  
5 WATER RESOURCES, DEPARTMENT OF  
6 CONSERVATION AND NATURAL  
7 RESOURCES,

8 Respondent.

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

11 Petitioner,

12 vs.

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

16 Respondent.

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

23 Petitioners,

24 vs.

25 STATE ENGINEER OF NEVADA, OFFICE OF  
26 THE STATE ENGINEER, DIVISION OF  
27 WATER RESOURCES, DEPARTMENT OF  
28 CONSERVATION AND NATURAL  
29 RESOURCES,

30 Respondent.

31 KENNETH F. BENSON, an individual,  
32 DIAMOND CATTLE COMPANY, LLC, a  
33 Nevada limited liability company, and MICHEL  
34 and MARGARET ANN ETCHEVERRY  
35 FAMILY, LP, a Nevada registered foreign limited  
36 partnership,

37 Petitioners,

38 vs.

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

Respondent.

COMES NOW, Real Party in Interest, KOBEL VALLEY RANCH, LLC, by and through its  
attorneys of record, PAUL G. TAGGART, ESQ. and DAVID H. RIGDON, ESQ., of the law firm of  
TAGGART & TAGGART, LTD., and hereby files the Case Appeal Statement pursuant to the Nevada  
Rules of Appellate Procedure ("NRAP") 3(f) as follows:

**1. Name of appellant filing this case appeal statement:**

Real Party in Interest - KOBEL VALLEY RANCH, LLC

**2. Identify the judge issuing the decision, judgment, or order appealed from:**

THE HONORABLE GARY D. FAIRMAN

**3. Identify each appellant and the name and address of counsel for each appellant:**

KOBEL VALLEY RANCH, LLC

Attorneys for appellant KOBEL VALLEY RANCH, LLC

PAUL G. TAGGART, ESQ.

Nevada State Bar No. 6136

DAVID H. RIGDON, ESQ.

Nevada State Bar No. 13567

Taggart & Taggart, Ltd.

108 N. Minnesota St.

Carson City, NV 89703

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

Attorneys for appellant STATE ENGINEER

ADAM PAUL LAXALT

Attorney General

MICHELINE N. FAIRBANK

Senior Deputy Attorney General

Nevada State Bar No. 8062

100 North Carson St.

Carson City, NV 89701

4. Identify each respondent and the name and address of appellate counsel, if known, for each respondent (if the name of a respondent's appellate counsel is unknown, indicate as much and provide the name and address of that respondent's trial counsel):

EUREKA COUNTY

Attorneys for respondent EUREKA COUNTY

KAREN A. PETERSON, ESQ.

Nevada State Bar No. 366

DAWN ELLERBROCK, ESQ.

Nevada State Bar No. 7327

Allison MacKenzie, Ltd.

402 N. Division St.

Carson City, NV 89703

THEODORE BEUTEL, ESQ.

Nevada State Bar No. 5222

Eureka County District Attorney

P.O. Box 190

Eureka, NV 89316

KENNETH F. BENSON, DIAMOND CATTLE COMPANY, LLC, and MICHAEL and MARGARET ANN ETCHEVERRY FAMILY, LP

Attorneys for respondents KENNETH F. BENSON, DIAMOND CATTLE COMPANY, LLC, and MICHAEL and MARGARET ANN ETCHEVERRY FAMILY, LP

LAURA A. SCHROEDER, ESQ.

Nevada State Bar No. 3595

THERESE A. URE, ESQ.

Nevada State Bar No. 10255

Schroeder Law Offices, P.C.

440 Marsh Ave.

Reno, NV 89509

CONLEY LAND & LIVESTOCK LLC and LLOYD MORRISON

Attorneys for respondents CONLEY LAND & LIVESTOCK LLC and LLOYD MORRISON  
Unknown at this time.

5. Indicate whether any attorney identified above in response to question 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):

Upon information and belief all attorneys identified above are licensed to practice law in Nevada.

6. Indicate whether appellant was represented by appointed or retained counsel in the district court:

Appellant was represented in the district court by retained counsel ROSS E. DE LIPKAU, ESQ. and JOHN ZIMMERMAN, ESQ. of the law firm of Parsons Behle & Latimer and retained

counsel PAUL G. TAGGART, ESQ. and DAVID H. RIGDON, ESQ., of the law firm of Taggart & Taggart, Ltd.

**7. Indicate whether appellant is represented by appointed or retained counsel on appeal:**

Appellant is represented on appeal by retained counsel PAUL G. TAGGART, ESQ. and DAVID H. RIGDON, ESQ., of the law firm of Taggart & Taggart, Ltd.

**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:**

Appellant 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):**

In Case No. CV-1108-155 a Petition for Judicial Review was filed on August 8, 2011.

In Case No. CV-1108-156 a Petition for Writ of Prohibition, Complaint, and Petition for Judicial Review was filed on August 10, 2011.

In Case No. CV-1108-157 a Petition for Judicial Review was filed on August 10, 2011.

In Case No. CV-1112-164 a Petition for Judicial Review was filed on December 29, 2011.

In Case No. CV-1112-165 a Petition for Judicial Review was filed on December 29, 2011.

In Case No. CV-1201-170 a Petition for Judicial Review was filed on February 3, 2012.

In Case No. CV-1207-178 a Petition for Judicial Review was filed on July 5, 2012.

**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:**

This is an appeal from the Amended Order Granting Objection to proposed Order Remanding to State Engineer; Order Granting Petitions for Judicial Review; and Order Vacating Permits filed on March 9, 2016 and for which the Notice of Entry of Order was served on March 14, 2016.

The March 9, 2016 Amended Order was issued on remand by the Nevada Supreme Court as noted in 131 Nev. Adv. Op. 84, issued on October 19, 2015. Based on the District Court's erroneous interpretation of the Nevada Supreme Court opinion, the District Court failed to further remand consideration of the subject applications to appropriate water and applications to change the point of diversion, place of use, or manner of use of appropriated water to the State Engineer. Real Party in Interest, Kobeh Valley Ranch, LLC, appeals the District Court's interpretation of the remand instructions contained within the Nevada Supreme Court opinion and the District Court's exercise of executive authority in violation of the Nevada Constitution Article 3, Section 1, and NRS Chapter 533.

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

4 This case was previously subject to an appeal from the District Court's denial of the various  
5 Petitions for Judicial Review arising from State Engineer Ruling 6127. The docket numbers of  
6 the consolidated appeal were Case Nos. 61324 and 63258.

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

8 This appeal does not involve child custody or visitation.

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

10 This appeal does not involve the possibility of settlement.  
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28

**AFFIRMATION**  
**Pursuant to NRS 239B.030**

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

DATED this 12<sup>th</sup> day of April, 2016.

TAGGART & TAGGART, LTD.  
108 North Minnesota Street  
Carson City, Nevada 89703  
(775)882-9900 – Telephone  
(775)883-9900 – Facsimile

By: 

PAUL G. TAGGART, ESQ.  
Nevada State Bar No. 6136  
DAVID H. RIGDON, ESQ.  
Nevada State Bar No. 13567  
Attorneys for Real Party in Interest

Taggart & Taggart, Ltd.  
108 North Minnesota Street  
Carson City, Nevada 89703  
(775)882-9900 – Telephone  
(775)883-9900 – Facsimile



**CERTIFICATE OF SERVICE**

Pursuant to NRCP 5(b), I hereby certify that I am an employee of TAGGART & TAGGART, LTD., and that on this date, I served or caused to be served, a true and correct copy of the foregoing CASE APPEAL STATEMENT by:

☒ By **U.S. POSTAL SERVICE:** I deposited for mailing in the United States Mail, with postage prepaid, an envelope containing the above-identified document, at Carson City, Nevada, in the ordinary course of business, addressed as follows:

Karen A. Peterson, Esq.  
Allison, Mackenzie, Pavlakis, Wright &  
Fagan, Ltd.  
P.O. Box 646  
Carson City, NV 89701

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

Theodore Beutel, Esq.  
Eureka County District Attorney  
P.O. Box 190  
Eureka, NV 89316

Micheline Fairbank, Esq.  
Nevada Attorney General's Office  
100 N. Carson St.  
Carson City, NV 89701


Ross E. De Lipkau, Esq.  
Gregory H. Morrision, Esq.  
Parsons, Behle & Latimer  
50 West Liberty St., Suite 750  
Reno, NV 89501

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

☐ By **U.S. CERTIFIED, RETURN RECEIPT POSTAL SERVICE:** I deposited for mailing in the United States Mail, with postage prepaid, an envelope containing the above-identified document, at Carson City, Nevada, in the ordinary course of business, addressed as follows:

☐ By **ELECTRONIC DELIVERY**, via:

DATED this 12 day of April, 2016.

  
\_\_\_\_\_  
Employee of TAGGART & TAGGART, LTD.

NO.                       
**FILED**  
**MAR 14 2016**  
*Eureka County Clerk*  
By L. Mackenzie

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

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

16 Petitioner,

Case No.: CV1108-155

17 vs.

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 Respondents. /

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

27 Petitioners/Plaintiffs,

Case No.: CV1108-156

28 vs.

Dept. No.: 2

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

36 Respondents/Defendants. /

37 ///

38 ///

39 ///

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,

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,

Respondents. /

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

Petitioner,

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,

Respondents. /

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

Petitioners,

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,

Respondents. /