

# EXHIBIT 1

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recording the water right since 1924. This began with the acquisition of the land and water by George J. Crossley in 1924 through the Federal Homestead Act. St. Clair further provided newspaper articles, probate orders regarding the water rights, photographs of well casing, a history of steel water pipe fabrication and design, and an aerial photograph from 1954 (“Aerial Photograph”). ~~s from 1954, 1968, 1975, 1986, 1999, and 2013 (“Aerial Photographs”).~~

The State Engineer noted that the Aerial Photographs did not show any surface disturbance or development.<sup>10</sup> This statement bolsters St. Clair’s position. The *Alpine* V test requires a showing of a structure incompatible with irrigation or the stated use of the water right.<sup>11</sup> By acknowledging that the Aerial Photographs only showed bare ground, the State Engineer conceded that those photographs only showed nonuse, nothing more.<sup>12</sup>

## **B. Evidence of Intent**

The State Engineer relied heavily on the rusted condition of St. Clair’s well to infer the intent to abandon. After a review of the briefing and oral arguments, the

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<sup>10</sup> JA 19.

<sup>11</sup> *Alpine*, 291 F.3d at 1071.

<sup>12</sup> *Id.*

In the Supreme Court of Nevada

Electronically Filed  
Nov 13 2017 04:33 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

JASON KING, P.E., NEVADA STATE ENGINEER,  
DIVISION OF WATER RESOURCES,  
DEPARTMENT OF CONSERVATION AND  
NATURAL RESOURCES,

APPELLANT,

VS.

RODNEY ST. CLAIR,

RESPONDENT.


**NOTICE OF ERRATA TO**  
**RESPONDENT RODNEY ST. CLAIR'S ANSWERING BRIEF**

COMES NOW, Respondent, RODNEY ST. CLAIR, by and through his counsel of record, PAUL G. TAGGART, ESQ., DAVID H. RIGDON, ESQ., and TIMOTHY D. O'CONNOR, ESQ., of the law firm of TAGGART & TAGGART, LTD., and hereby files this Errata to correct an inadvertent error in Respondent Rodney St. Clair's Answering Brief, filed on January 24, 2017. The error came to light after oral argument, held on November 7, 2017. During oral argument, the information covered by this Errata was argued accurately by both parties.

As such, St. Clair hereby requests to interlineate his Answering Brief as shown in the attached Exhibit 1.

DATED this 13<sup>th</sup> day of November, 2017.

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By:   
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Attorneys for Respondent

**CERTIFICATE OF SERVICE**

Pursuant to NRAP 25(c)(1), I hereby certify that I am an employee of TAGGART & TAGGART, LTD, and that on this date, I caused the foregoing document to be served on all parties to this action by electronic filing to:

Justina A. Caviglia  
Nevada Attorney General's Office  
100 N. Carson St.  
Carson City, NV 89701  
[jcaviglia@ag.nv.gov](mailto:jcaviglia@ag.nv.gov)

DATED this 13<sup>th</sup> day of November, 2017.

A handwritten signature in blue ink, consisting of a large, stylized 'S' or 'J' shape with a horizontal line extending to the right.

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Employee of TAGGART & TAGGART, LTD.