

IN THE SUPREME COURT OF THE STATE OF NEVADA

EUREKA COUNTY,

Petitioner,

vs.

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

Respondent,

and

KOBEH VALLEY RANCH, LLC;
ETCHEVERRY FAMILY LTD.
PARTNERSHIP; DIAMOND CATTLE
CO., LLC; and DIAMOND NATURAL
RESOURCES PROTECTION &
CONSERVATION ASSOCIATION,

Real Parties in Interest.

Electronically Filed
Aug 24 2016 02:38 p.m.
Tracie K. Lindeman
Clerk of Supreme Court
Case No. 71090

**NOTICE OF STATE ENGINEER'S ORDER
VACATING PRE-HEARING CONFERENCE**

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Petitioner, EUREKA COUNTY provides notice to the Court that on August 23, 2016, Respondent, JASON KING, P.E., NEVADA STATE ENGINEER; DIVISION OF WATER RESOURCES, DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES ("STATE ENGINEER"), by and through Kristen Geddes, Chief, Hearings Section, entered an ORDER VACATING PRE-HEARING CONFERENCE set for August 25, 2016 before the STATE ENGINEER regarding protested Applications 85573 through 85604, inclusive, 86149 through 86153, inclusive, and 86157 through 86161, inclusive, filed by Kobeh Valley Ranch, LLC ("KVR"). A copy of the STATE ENGINEER's ORDER VACATING PRE-HEARING CONFERENCE is attached hereto as Exhibit "1".

DATED this 24th day of August, 2016.

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By: /s/ Karen A. Peterson
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~and~

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CERTIFICATE OF SERVICE

Pursuant to NRAP 25(1)(c), 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 on all parties to this action by:

✓ Electronic Service

as follows:

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DATED this 24th of August, 2016.

/s/ Nancy Fontenot
NANCY FONTENOT

EXHIBIT “1”

IN THE OFFICE OF THE STATE ENGINEER
OF THE STATE OF NEVADA

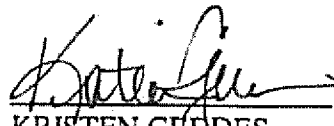
IN THE MATTER OF PROTESTED)
APPLICATIONS 85573 THROUGH 85604,)
INCLUSIVE, 86149 THROUGH 86153,)
INCLUSIVE, 86157 THROUGH 86161)
INCLUSIVE, FILED TO APPROPRIATE)
THE UNDERGROUND WATERS OF)
KOBEN VALLEY (139) AND DIAMOND)
VALLEY (153) HYDROGRAPHIC)
BASINS, EUREKA COUNTY, NEVADA.)

ORDER VACATING
PRE-HEARING CONFERENCE

On July 26, 2016, the State Engineer issued a Notice of Pre-Hearing conference on the above-captioned protested applications for August 25, 2016. *Inter alia*, a protest issue raised by Eureka County was that the State Engineer was without jurisdiction to consider these applications while orders by the Seventh Judicial District Court of Nevada concerning State Engineer Ruling No. 6127 were on appeal before the Nevada Supreme Court in Case No. 70157. The Applicant filed an Answer to the Protests on May 20, 2016, including responding to Eureka County's jurisdiction protest issue. The State Engineer has not ruled on this protest issue.

On August 22, 2016, Eureka County filed a *Verified Petition for Writ of Prohibition or in the Alternative, Writ of Mandamus* in the Nevada Supreme Court, Case No. 71090. In the *Petition*, Eureka County requests that a writ issue precluding the State Engineer from taking action on these applications pending the ongoing appeal in Case No. 70157. Eureka County also questions the authority of the State Engineer taking any action on these applications prior to Eureka County's pending Application 83948. The State Engineer intends to Answer the *Petition*, if so directed by the Supreme Court.

Accordingly, IT IS HEREBY ORDERED that the pre-hearing conference in the above-referenced matter currently scheduled for August 25, 2016, is hereby VACATED pending any decision by the Nevada Supreme Court on Eureka County's *Petition*.


KRISTEN GEDES
Chief, Hearings Section

Dated this 23rd day of
August, 2016.

SERVICE LIST

**Order Vacating Pre-hearing Conference in the matter of protested Applications
85573 through 85604, inclusive, 86149 through 86153, inclusive, 86157 through 86161,
inclusive.**

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