

IN THE SUPREME COURT OF THE STATE OF NEVADA

EUREKA COUNTY,
Petitioner,

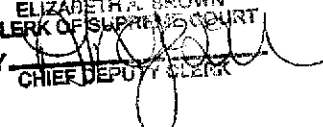
vs.

JASON KING, P.E., NEVADA STATE
ENGINEER, DIVISION OF WATER
RESOURCES, DEPARTMENT OF
CONSERVATION AND NATURAL
RESOURCES,
Respondent,
and
KOBEL VALLEY RANCH, LLC;
ETCHEVERRY FAMILY LTD.
PARTNERSHIP; DIAMOND CATTLE
COMPANY, LLC; AND DIAMOND
NATURAL RESOURCES PROTECTION
& CONSERVATION ASSOCIATION,
Real Parties in Interest.

No. 71090

FILED

DEC 22 2017

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
CHIEF DEPUTY CLERK

**ORDER DENYING PETITION
FOR WRIT OF MANDAMUS OR PROHIBITION**

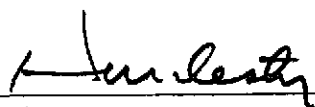
This is an original petition for a writ of mandamus or prohibition seeking to prohibit the State Engineer from acting on applications to appropriate water. Having reviewed the documents submitted in this matter, and without deciding upon the merits of any claims raised therein, we are not persuaded that our extraordinary and discretionary intervention is warranted. See NRS 34.160; NRS 34.320; *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 679, 818 P.2d 849, 851, 853 (1991).


First, petitioner Eureka County sought to prohibit respondent the State Engineer from commencing further action with Kobel Valley Ranch, LLC's (KVR) new applications *until* this court had resolved the matter in *State Engineer v. Eureka County*, 133 Nev., Adv. Op. 71, 402 P.3d

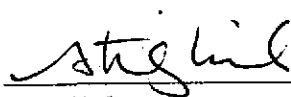
1249 (2017). As this court has resolved the matter in *State Engineer*, we conclude that the requested relief is moot. See *Personhood Nev. v. Bristol*, 126 Nev. 599, 602, 245 P.3d 572, 574 (2010) (“[A] controversy must be present through all stages of the proceeding, and even though a case may present a live controversy at its beginning, subsequent events may render the case moot.” (internal citations omitted)).

Second, Eureka County seeks to direct the State Engineer to consider other pending applications with an earlier priority date than KVR’s pending applications in the same hydrographic basin. However, “when the Legislature has created a right to petition for judicial review, that right constitutes an adequate and speedy legal remedy, which generally precludes writ relief.” *Howell v. Ricci*, 124 Nev. 1222, 1229, 197 P.3d 1044, 1049 (2008) (internal quotation marks omitted); NRS 34.170; NRS 34.330. Eureka County concedes that it has a statutory right to petition for judicial review of any subsequent decisions by the State Engineer under NRS 533.450. Accordingly, we

ORDER the petition DENIED.

 J.
Hardesty

 J.
Parraguirre

 J.
Stiglich

cc: Allison MacKenzie, Ltd.
Eureka County District Attorney
Attorney General/Carson City
Taggart & Taggart, Ltd.
McDonald Carano LLP/Reno
Parsons Behle & Latimer/Salt Lake City
Parsons Behle & Latimer/Reno
Schroeder Law Offices, P.C.
Eureka County Clerk