

IN THE SUPREME COURT OF THE STATE OF NEVADA

EUREKA COUNTY; AND DIAMOND
NATURAL RESOURCES PROTECTION
& CONSERVATION ASSOCIATION;
AND JASON KING, P.E., NEVADA
STATE ENGINEER, DIVISION OF
WATER RESOURCES, DEPARTMENT
OF CONSERVATION AND NATURAL
RESOURCES,

Petitioners,

vs.

THE SEVENTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
EUREKA; THE HONORABLE GARY
FAIRMAN, DISTRICT JUDGE; AND
BAUMANN FAMILY TRUST,

Respondents,

and

SADLER RANCH, LLC; BAUMANN
FAMILY TRUST; BURNHAM FARMS,
LLC; GALEN BYLER; MARIAN BYLER;
CONLEY LAND & LIVESTOCK, LLC;
DAMELE FARMS, INC.; DIAMOND
VALLEY HAY COMPANY, INC.; FRED
L. ETCHEGARAY; JOHN J.
ETCHEGARAY; MARY JEAN
ETCHEGARAY; LW & MJ
ETCHEGARAY FAMILY TRUST;
EUREKA MANAGEMENT CO., INC.;
GALLAGHER FARMS LLC; JAYME L.
HALPIN; SANDI HALPIN; TIM
HALPIN; HIGH DESERT HAY, LLC;
J&T FARMS, LLC; J.W.L.
PROPERTIES, LLC; MARK MOYLE
FARMS LLC; J.R. MARTIN TRUST;
CHERYL MORRISON; MATT
MORRISON; DEBRA L. NEWTON;
WILLIAM H. NORTON; PATRICIA

No. 72317

FILED

JUL 21 2017

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

NORTON; D.F. & E.M. PALMORE
FAMILY TRUST; STEWARDSHIP
FARMING, LLC; SCOTT BELL;
KRISTINA BELL; DON BERGNER;
LINDA BERGNER; JAMES
ETCHEVERRY; MICHEL AND
MARGARET ANN ETCHEVERRY
FAMILY, LIMITED PARTNERSHIP;
MARK T. AND JENNIFER R.
ETCHEVERRY FAMILY TRUST;
MARTIN P. AND KATHLEEN A.
ETCHEVERRY FAMILY TRUST;
LAVON MILLER; KRISTI MILLER;
LYNFORD MILLER; SUSAN MILLER;
ALBERTA MORRISON; DONALD
MORRISON; RUBY HILL MINING
COMPANY, LLC; ROGER ALLEN; AND
JUDITH ALLEN,

Real Parties in Interest.

ORDER GRANTING MOTION

Real party in interest Sadler Ranch, LLC, has filed a motion requesting that this court take judicial notice of statements made by petitioner State Engineer in separate district court cases, as well as an order issued in one of those cases. Sadler asserts that the statements contradict arguments made by the State Engineer in its reply and those made in the petition, which the State Engineer joined. The State Engineer opposes the motion and Sadler has filed a reply. Having considered the parties' arguments as well as the documents before this court, we grant the motion. *See Occhiuto v. Occhiuto*, 97 Nev. 143, 625 P.2d 568 (1981) (examining the relationship between the current case and a second case to determine whether judicial notice of documents filed in the second case was appropriate). However, we decline to take judicial notice of the documents as appended to Sadler's motion because they are

incomplete and do not bear the file-stamp of the district court clerk. Accordingly, Sadler shall have 15 days from the date of this order to file complete and file-stamped copies of the documents that are the subject of the motion.

It is so ORDERED.

Cherry, C.J.

cc: McDonald Carano LLP/Reno
Attorney General/Carson City
Allison MacKenzie, Ltd.
Eureka County District Attorney
Holland & Hart LLP/Reno
Taggart & Taggart, Ltd.
Parsons Behle & Latimer/Reno