

IN THE SUPREME COURT OF THE STATE OF NEVADA

Case No. 73933

SIERRA PACIFIC INDUSTRIES, a California Corporation,

Appellant,

v.

JASON KING, P.E., in his capacity as Nevada State Engineer; THE
DIVISION OF WATER RESOURCES, DEPARTMENT OF
CONSERVATION, an agency of the State of Nevada; and
INTERMOUNTAIN WATER SUPPLY, LTD., a Nevada Limited Liability
Company,

Respondents

Appeal From Order Denying Petition for Judicial Review
District Court Case No.: CV16-01378
Second Judicial District Court of Nevada

APPELLANT'S NOTICE OF SUPPLEMENTAL AUTHORITIES

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Elizabeth A. Brown
Clerk of Supreme Court

Pursuant to NRAP 31(e), Appellant Sierra Pacific Industries (“SPI”) provides this notice of supplemental authorities to bring to the Court’s attention *Front Range Resources, LLC v. Colorado Groundwater Comm’n*, 415 P.3d 807, 813-14 (Colo. 2018). Supplemental authorities may be filed “[w]hen pertinent and significant authorities come to a party’s attention after the party’s brief has been filed, but before a decision....” *Id.* A notice of supplemental authorities must “state concisely and without argument the legal proposition for which each supplemental authority is cited” with “references to the page(s) of the brief that is being supplemented.” *Id.*

Front Range Resources supplements pages 26-29 of SPI’s Opening Brief and pages 17-21 of SPI’s Reply Brief. SPI offers this case to support its argument that June 1, 2016 Decision issued by Respondent Jason King, the Nevada State Engineer violated the anti-speculation doctrine. Nevada’s jurisprudence on the anti-speculation doctrine is largely derived from Colorado case law. *See Bacher v. State Engineer*, 122 Nev. 1110, 1119–20, 146 P.3d 793, 799 (2006) (citing *Three Bells Ranch v. Cache La Poudre*, 758 P.2d 164 (Colo. 1988)). *Front Range Resources* held that an option contract in which the option holder need not buy the appropriated water was insufficient to satisfy the anti-speculation doctrine.

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AFFIRMATION

Pursuant to NRS 239B.030, the undersigned does hereby affirm that the preceding document does not contain the social security number of any person.

Dated this 6th day of November, 2018.

By: /s/ Debbie Leonard
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of McDonald Carano, LLP, and that on this 6th day of November, 2018, a copy of the foregoing **APPELLANT’S NOTICE OF SUPPLEMENTAL AUTHORITIES** was electronically filed with the Clerk of the Court for the Nevada Supreme Court by using the Nevada Supreme Court’s E-Filing system (E-Flex). Participants in the case who are registered with E-Flex as users will be served by the EFlex system and others not registered will be served via U.S. mail as follows:

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