

IN THE SUPREME COURT OF THE STATE OF NEVADA

MINERAL COUNTY; and
WALKER LAKE WORKING
GROUP,

Appellants,

vs.

LYON COUNTY; CENTENNIAL
LIVESTOCK; BRIDGEPORT
RANCERS; SCHROEDER GROUP;
WALKER RIVER IRRIGATION
DISTRICT; STATE OF NEVADA
DEPARTMENT OF WIDLIFE;
and COUNTY OF MONO,
CALIFORNIA,

Respondents.

Electronically Filed
Jan 11 2019 11:54 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

Case No. 75917

**REQUEST TO AMEND DOCKET
AND NOTICE OF APPEARANCE OF COUNSEL**

Jason King, P.E., the State Engineer, in his capacity as the Nevada State Engineer, Department of Conservation and Natural Resources, Division of Water Resources, by and through counsel, Nevada Attorney General Aaron D. Ford and Deputy Attorney General Tori N. Sundheim, hereby files this Request to Amend the Docket and Notice of Appearance of Counsel.

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The Court's Docket improperly lists Deputy Attorney General Tori N. Sundheim as an Attorney for the State of Nevada Department of Wildlife. The Nevada State Engineer respectfully requests, unless otherwise directed by the Court, that the Court remove Tori N. Sundheim from the Docket as representing Respondent State of Nevada Department of Wildlife. The Nevada State Engineer also respectfully requests to be added as an Amicus Curiae in this case, represented by Deputy Attorney General Tori N. Sundheim. The Nevada State Engineer has not yet filed an amicus brief, which is due on January 25, 2019.

The present incorrect representation indicated in the Docket seems to be the result of a mere clerical error. The Nevada State Engineer and the Nevada Department of Wildlife are two separate parties in this case, represented by two separate attorneys. On November 29, 2018, the Nevada State Engineer filed a Joint Motion for Extensions of Time which included the State Engineer's request to extend the date to file an amicus brief under NRAP 29(a) to January 25, 2019. The Joint Motion for Extensions of Time was filed by Deputy Attorney Tori N. Sundheim on behalf of the Nevada State Engineer. The Nevada Division of Wildlife, represented by Senior Deputy Attorney Bryan L. Stockton, filed a

separate Notice of Non-Opposition to Motion for Extension of Time on the same day. On December 27, 2018, the Court issued an Order acknowledging the two agencies are separate parties, as “Jason King shall have until January 25, 2019, to file and serve an amicus brief” and “NDOW’s answering brief remains due to be filed by January 28, 2019.” Deputy Attorney General Tori N. Sundheim was added to the Court’s Docket as a result of the Joint Motion for Extensions of Time, but only became aware, on January 10, 2019, that she was listed as representing the State of Nevada Department of Wildlife rather than the Nevada State Engineer.

In the alternative, please accept this filing as a Notice of Appearance of Counsel on behalf of the Nevada State Engineer under NRAP 46(2). The State Engineer requests that all notices that are required to be given in this case or in any related adversary proceeding, and all papers that are required to be served in this case be given to and

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served upon the undersigned, at the office, email, telephone and facsimile numbers set forth below:

Tori N. Sundheim
Deputy Attorney General
Nevada Bar No. 14156
State of Nevada
Office of the Attorney General
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RESPECTFULLY SUBMITTED this 11th day of January, 2019.

AARON D. FORD
Attorney General

By: /s/ Tori N. Sundheim
TORI N. SUNDHEIM
Deputy Attorney General

CERTIFICATE OF SERVICE

I certify that I am an employee of the Office of the Attorney General and that on this 11th day of January, 2019, I served a copy of the foregoing REQUEST TO AMEND DOCKET AND NOTICE OF APPEARANCE OF COUNSEL, by electronic service to:

Simeon M. Herskovits, Esq.
Sean A. Rowe, Esq.
*Attorneys for Mineral County &
Walker Lake Working Group*

Therese A. Ure, Esq.
Attorney for Schroeder Group

Steven G. Martin, Esq.
Roderick E. Walston, Esq.
Attorneys for Centennial Livestock

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Stephen N. Kerins, Esq.
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*Attorneys for County of Mono,
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Gordon H. DePaoli, Esq.
Dale E. Ferguson, Esq.
*Attorneys for Walker River
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Stephen B. Rye, Esq.
Jerry M. Snyder, Esq.
Roderick E. Walston, Esq.
Attorneys for Lyon County

/s/ Dorene A. Wright