

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 15 2019 12:34 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

Case No. 75917  
Ninth Circuit No. 15-16342

**NEVADA DEPARTMENT OF WILDLIFE'S  
REQUEST FOR EXTENSION OF TIME  
TO FILE ANSWERING BRIEF  
(First Request)**

Respondent, Nevada Department of Wildlife (NDOW), by and through counsel AARON D. FORD, Attorney General; and BRYAN L. STOCKTON, Senior Deputy Attorney General, hereby requests an extension of time to file its Answering Brief. NRAP Rule 26 (b)(1)(A). The Answering Brief is currently due January 28, 2019. NDOW requests an extension to have its answering brief due the same day as the other

Respondents in this case, being sixty (60) days from the date the State Engineer files his amicus brief. The Court granted the State Engineer an extension to file its amicus brief until January 25, 2019, in its Order dated December 27, 2018.

NDOW's position in this case is very different from that of the State Engineer. The State Engineer seeks to maintain the water rights of the State in accordance with the water law. *See* NRS 533.024. NDOW, on the other hand, owns the second largest bloc of water rights under the Walker River Decree and administers those water rights to support wildlife habitat. *See* NRS 501.100. NDOW holds upstream water rights to protect wildlife values in the Mason Valley Wildlife Management Area, Mason Valley Fish Hatchery and other areas. NDOW also holds a certificated water right for the benefit of Walker Lake from the State Engineer for water over and above the needs of the Walker River Decree.

The State Engineer has indicated that his brief will not support any party to the case. In contrast, NDOW has participated fully as a respondent in the Walker River case as a whole. NDOW filed a brief and participated in oral argument before the Ninth Circuit Court of Appeals as a Respondent. The majority of NDOW's water rights are delivered

through the Walker River Irrigation District (WRID). NDOW and WRID have cooperated and coordinated the defense to Mineral County's claims in the past and will do so in this case if the extension of time is granted.

NDOW plans to argue against the expansive vision of the public trust doctrine espoused by Mineral County. There are more public trust values in the Walker River System than just Walker Lake. Upstream riparian habitat, in-stream fish habitat, and habitat for migratory waterfowl are also important. NDOW also recognizes the balance that must be maintained to allow the citizens of Nevada to use its waters, as without waters, there will be no life. The balance between the other public trust wildlife values is crucial to the welfare of Nevada and will likely be outside the areas of concern to the State Engineer. NDOW requests the additional time so as to consider the arguments of the State Engineer and determine whether to respond to any of those arguments in its answering brief.

Counsel for NDOW contacted the other parties' respective counsel by electronic mail to determine whether there will be any objections to this request for extension of time. Mineral County, Walker Lake Working Group, Walker River Irrigation District, the Schroder Group,

Lyon County, Centennial Livestock, Mono County, and the Nevada State Engineer have indicated that they will not object to NDOW's request for extension of time.

RESPECTFULLY SUBMITTED this 15th day of January 2019.

AARON D. FORD  
Attorney General

By: /s/ Bryan L. Stockton  
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## CERTIFICATE OF SERVICE

I certify that I am an employee of the State of Nevada, Office of the Attorney General and that on this 15th day of January, 2019, I served a copy of the foregoing NEVADA DEPARTMENT OF WILDLIFE'S REQUEST FOR EXTENSION OF TIME TO FILE ANSWERING BRIEF, by electronic filing to:

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