

EXHIBIT 1

EXHIBIT 1

IN THE SUPREME COURT OF THE STATE OF NEVADA

MINERAL COUNTY; and
WALKER LAKE WORKING
GROUP,

Appellants,

vs.

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

Respondents.

Case No. 75917

**DECLARATION OF TORI N. SUNDHEIM
IN SUPPORT OF NEVADA STATE ENGINEER'S MOTION TO
EXCEED WORD LIMIT PURSUANT TO NRAP 32(a)(7)(D)(ii)**

I, TORI N. SUNDHEIM, hereby state that the assertions of this
declaration are true:

1. I am currently employed by the Nevada Office of the Attorney
General as a Deputy Attorney General. I am counsel for Amicus Curiae
named herein.

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2. The State Engineer filed the accompanying Motion to Exceed Word Limit, respectfully requesting that this Court permit him to exceed the word count by 1,022 words and file an amicus brief that is 8,022 words.

3. The State Engineer's deadline to file an Amicus Brief is January 25, 2019.

4. The State Engineer contacted counsel of record and none oppose this Motion to Exceed Word Limit.

5. The Nevada Division of Water Resources is the Agency responsible for administering Nevada's water laws. The questions certified by the Ninth Circuit Court of Appeals, as decided by this Court, may have significant implications for Nevada's water laws. This Court's resolution of these questions could therefore significantly alter the Agency's administration of Nevada's water laws. The State Engineer contends this request is necessary to fully inform this Court of the status of the law in the context of the issues and arguments presented by the certified questions.

6. The State Engineer is cognitive of the limitations set forth in NRAP 29(a)(7) and has attempted to be concise in the brief; however, due

to the statewide importance of the issues before the Court, any further reduction would be detrimental to the arguments advanced by the State Engineer. Accordingly, the State Engineer respectfully requests permission to submit a non-conforming amicus brief.

Pursuant to NRS 53.045, I hereby certify, under penalty of perjury, that the foregoing is true and correct to the best of my knowledge and belief.

Executed on this 25th day of January, 2019.

/s/ Tori N. Sundheim
TORI N. SUNDHEIM

IN THE SUPREME COURT OF THE STATE OF NEVADA

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IRRIGATION DISTRICT; STATE
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Electronically Filed
Jan 28 2019 10:07 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

Case No. 75917

**NEVADA STATE ENGINEER'S
MOTION TO EXCEED WORD LIMIT**

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Amicus Curiae, Nevada State Engineer, Department of Conservation and Natural Resources, Division of Water Resources (hereinafter State Engineer), by and through counsel, Nevada Attorney General Aaron D. Ford and Deputy Attorney General Tori N. Sundheim, hereby moves this Court for permission to file the Nevada State Engineer's Amicus Brief in excess of the 7,000 word limit pursuant to Nevada Rules of Appellate Procedure 29(e), 32(a)(7)(A)(i) and 32(a)(7)(D). This motion is based upon the attached Points and Authorities and the pleadings and papers on file herein.

MEMORANDUM OF POINTS AND AUTHORITIES

The State Engineer respectfully seeks permission from this Court to exceed the 7,000 word limitation by 1,022 words, for a total of 8,022 words. NRAP 29(e); NRAP 32(a)(7)(A)(i); NRAP 32(a)(7)(D). The deadline to file the Nevada State Engineer's Amicus Brief is January 25, 2019. The maximum length of an amicus curiae's brief authorized pursuant to NRAP 29(e) is 7,000 words. An amicus curiae's brief, "[e]xcept by the court's permission, may be no more than one-half the maximum length authorized by these Rules for a party's brief." NRAP 29(e). NRAP 32(a)(7)(i) authorizes 14,000 words for a party,

one-half of which totals 7,000 words. NRAP 32(a)(7)(D) further states “[a] motion to file a brief that exceeds the applicable page limit or type-volume limitation will be granted only upon a showing of diligence and good cause.”

The Nevada Division of Water Resources is the Agency responsible for administering Nevada’s water laws. The questions certified by the Ninth Circuit Court of Appeals as decided by this Court may have significant implications for Nevada’s water laws. This Court’s resolution of these questions could therefore significantly alter the Agency’s administration of Nevada’s water laws. The State Engineer contends this request is necessary to fully inform this Court of the status of the law in the context of the issues and arguments presented by the certified questions.

The State Engineer is cognitive of the limitations set forth in NRAP 29(a)(7) and has attempted to be concise in the brief; however, due to the statewide importance of the issues before the Court, any further reduction would be detrimental to the arguments advanced by the State Engineer. Accordingly, the State Engineer respectfully requests permission to submit a non-conforming amicus brief.

Attached hereto as Exhibit 1 is the Declaration of Tori N. Sundheim in support of this Motion to Exceed Word Limit and pursuant to NRAP 32(a)(7)(D)(ii). A copy of the Nevada State Engineer's Amicus Brief, containing 8,022 words, is filed concurrently herewith pending the Court's permission to file. Further, counsel for the State Engineer conferred with counsel of record and no party opposes this motion.

RESPECTFULLY SUBMITTED this 25th day of January, 2019.

AARON D. FORD
Attorney General

By: /s/ Tori N. Sundheim
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CERTIFICATE OF SERVICE

I certify that I am an employee of the Office of the Attorney General and that on this 25th day of January, 2019, I served a copy of the foregoing NEVADA STATE ENGINEER'S MOTION TO EXCEED WORD LIMIT, by electronic filing 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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Dale E. Ferguson, Esq.
*Attorneys for Walker River
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Jerry M. Snyder, Esq.
Roderick E. Walston, Esq.
Attorneys for Lyon County

/s/ Dorene A. Wright

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