

IN THE SUPREME COURT OF THE STATE OF NEVADA

TIM WILSON, P.E., Nevada State
Engineer, DIVISION OF WATER
RESOURCES, DEPARTMENT OF
CONSERVATION AND NATURAL
RESOURCES,

Appellants,

v.

PAHRUMP FAIR WATER, LLC, a
Nevada limited-liability company;
PAUL BECK, an individual; BRUCE
JABOUR, an individual; GERALD
SCHULTE, an individual; STEVEN
PETERSON, an individual; and
MICHAEL LACH, an individual,

Respondents.

Supreme Court Case No. 77722

Appeal from Fifth Judicial District
Court Case No. 304
Electronically Filed
Mar 22 2019 11:00 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

**MOTION OF THE NEVADA GROUNDWATER ASSOCIATION
AND WATER SYSTEMS COUNCIL FOR LEAVE TO FILE *AMICUS
CURIAE* BRIEF IN SUPPORT OF RESPONDENTS**

The Nevada Groundwater Association and Water Systems Council (“Amici”) respectfully submit this motion pursuant to Rule 29(a) of the Nevada Rules of Appellate Procedure seeking leave to file the proposed amicus curiae brief in support of Respondents being filed in this case simultaneously with this motion.

Amici seek leave to file the amicus curiae brief in support of Respondents to address the merits of the important issues faced by the Court in this litigation. Many Nevadans—particularly those who reside outside of the few urban hubs of the State—rely on private domestic wells for a clean, efficient water supply. As such,

the water law was written to protect rural water users' right to keep and utilize private wells to provide for reasonable domestic and associated uses. Those uses are threatened by State Engineer's Amended Order 1293A (the "Order").

The Nevada Groundwater Association ("Association") was first established in 1975 and is an active domestic non-profit cooperative corporation on file with the Nevada Secretary of State. The Association is an active State Affiliate Association with the National Ground Water Association. The Association's purpose is to establish the water well industry in Nevada on a scientific and business basis, and to assist, promote, encourage and support the interest and welfare of the Nevada water well industry. The further purpose of the Association is to promote scientific education, standards and research to improve the methods of drilling and well completion, and to encourage harmony and cooperation with the membership and governing regulatory agencies. Association membership includes contractors and well drillers, pump installers, vendors and technical persons or corporations engaged in water well development projects.

The Association Board actively advocates for the members of the water well industry by providing public comment on proposed legislation or regulation changes that may impact the industry. In light of the current litigation in the matter of exempt wells, as well as pending legislative and/or regulatory changes, the Association has a keen interest in protecting the right to drill a domestic or exempt well in Nevada.

Founded in 1932, the Water Systems Council (“Council”) is a national nonprofit organization with programs solely focused on private water wells and small, shared wells that serve more than 13 million households, or 34 million Americans, nationwide. Council members are leaders in the water well industry who are dedicated to promoting and protecting our nation’s precious groundwater supply. Council members include 18 major manufacturers of well components, 14 major distributors of said products, 22 state associations of groundwater professionals, and 26 well contractors. Estimated annual sales in the water well industry top \$5 billion.

The Council is committed to the twin goals of protecting our nation’s groundwater resources and ensuring that Americans who depend on domestic wells have safe, reliable drinking water. To those ends, the Council works to educate well owners, consumers, and policymakers at the local, state, and federal levels about water wells and the importance of protecting America’s groundwater resources.

Two WSC business members of the have offices in Nevada: Preferred Pump & Equipment, L.P. has offices in Las Vegas and Sparks, and Western Hydro has an office in Sparks. The Council has a strong interest in protecting a private homeowner's right to access groundwater through private wells. WSC’s participation in this proceeding brings a national, comparative perspective.

Amici seek to intervene in the instant litigation to protect the interests of their members, as well as the Nevadans who rely on the products and services provided

by those members. Domestic wells have existed largely outside the purview of the Office of the State Engineer since the inception of that office in 1903. In the instant litigation, the Court has the opportunity to preserve that autonomy and prevent the State Engineer from administrative overreach.

CONCLUSION

For the foregoing reasons, Amici respectfully request that the Court grant them leave to file the amicus curiae brief being submitted simultaneously with this motion.

Dated: March 22, 2019.

PARSONS BEHLE & LATIMER

By: /s/ Gregory H. Morrison
Gregory H. Morrison, Esq.
Nevada Bar No. 12454

-and-

Jesse J. Richardson, Jr., Esq.
Pro Hac Vice

*Attorneys for Amici Curiae
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CERTIFICATE OF SERVICE

I certify that I am an employee of Parsons Behle & Latimer and that on this 22nd day of March, 2019, I cause and true and correct copy of the foregoing document, MOTION OF THE NEVADA GROUNDWATER ASSOCIATION AND WATER SYTEMS COUNCIL FOR LEAVE TO FILE AMICUS CURIAE BRIEF IN SUPPORT OF RESPONDENTS, to be served by filing with the Clerk of the Court using the Court's CM/ECF system, which sent electronic notification to all registered users:

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