

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

DIAMOND NATURAL RESOURCES  
PROTECTION AND CONSERVATION  
ASSOCIATION, et al,

Appellant,

vs.

TIMOTHY LEE BAILEY, et al,

Respondents.

Electronically Filed  
Jun 18 2020 03:01 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

**RESPONSE TO DOCKETING STATEMENT**

Pursuant to NRAP 14(f), Respondents Sadler Ranch, LLC and Ira & Montira Renner hereby respond to the docketing statement filed by Diamond Natural Resources Protection and Conservation Association and its related entities and individuals (“DNRCPA Appellants”).

Respondents object to the statement of “Other issues” contained within Appellants’ “Attachment to Docketing Statement” which inappropriately argues the merits of the case instead of providing the Court a succinct and neutral statement of issues. Respondents respectfully submit that the primary issue on appeal should be stated as follows:

Did the Nevada Legislature authorize the State Engineer  
to abrogate Nevada’s 150-year-old doctrine of prior

appropriation when it adopted NRS 534.037 & 534.110(7)?

Additionally, Respondents respectfully submit that Item 12 of the Docketing Statement should reflect that this appeal involves both an issue arising under the United States and Nevada Constitutions (due process and takings)<sup>1</sup> and an issue where *en banc* consideration is necessary to maintain uniformity with this Court's 150 years of precedent upholding and enforcing the prior appropriation doctrine.

Finally, this Court should be aware that a related action is pending before this Court in which the parties have discussed the Diamond Valley Groundwater Management Plan that is the subject of the present appeal. That case is docketed as *Eureka County v. Sadler Ranch, LLC* (Case No. 75736).

Respectfully submitted this 18<sup>th</sup> day of June, 2020.

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By: /s/ David H. Rigdon  
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<sup>1</sup> See Docketing Statement Attachment 1 (Sadler Ranch Petition for Judicial Review) at 6-7 (raising constitutional claims of due process violations (claims 1 and 9) and a constitutional takings claim (claim 16)).

**CERTIFICATE OF SERVICE**

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Pursuant to NRAP 25(b), I certify that I am an employee of TAGGART & TAGGART, LTD., and that on this day, I served, or caused to be served, a true and correct copy of the foregoing Respondent's Answering Brief by U.S. Mail to:

Beth Mills, Trustee, Marshall Family Trust  
HC 62 Box 62138  
Eureka, NV 89316

John E. Marvel, Esq.  
Marvel & Marvel, Ltd.  
217 Idaho Street Elko, NV 89801

All other counsel in this case are registered E-Flex users and were served electronically through the E-Flex Court system.

DATED this 18<sup>th</sup> day of June, 2020.

/s/ TJ Carpitcher  
Employee of TAGGART & TAGGART, LTD.