

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.

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Jul 07 2020 08:22 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

**SADLER RANCH, LLC AND IRA & MONTIRA RENNER NOTICE OF
INTENT TO FILE RESPONSES TO APPELLANTS' EMERGENCY
MOTION AND MOTION TO EXCEED PAGE LIMITS**

Respondents Sadler Ranch, LLC and Ira & Montira Renner hereby file notice of their intent to file Responses, as authorized by NRAP 27(3), to both the Emergency Motion and Motion to Exceed Page Limits filed by Diamond Natural Resources Protection and Conservation Association, et al. ("DNRCPA") in the above-entitled case.

DNRCPA filed its Motions after the close of normal business hours on July 6, 2020 and requested this Court take action on the Motions on or before July 10, 2020. DNRCPA's Emergency Motion is 28 pages in length, or almost 3 times the length allowed under NRAP 27(d)(2), and contains a host of factual and legal inaccuracies. Accordingly, Respondents need adequate time to review the motion

and prepare a response. DNRCPA's motion for stay is, in essence, a brief on the merits masquerading as a motion for stay.

There is no grave emergency necessitating the shortened timeframe. The State Engineer's inability to enforce his illegal order during the relatively short time it will take for the parties to argue the motion for stay will not cause irreparable injury to the life, liberty, or property of any party to this action. Just the opposite is true. Allowing the State Engineer to continue to enforce an order that he, himself, acknowledged is an illegal violation of Nevada's 150-year-old prior appropriation doctrine¹ and which forcibly redistributes water belonging to senior priority water right holders to junior priority right holders, will cause irreparable injury to Respondents.

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¹ See JASON KING, THE AUSTRALIAN APPROACH TO WATER MANAGEMENT A PILOT PROJECT IN DIAMOND VALLEY, NEVADA at Slide 21 (September 26, 2016, Western State Engineer's Annual Conference) (stating that the Diamond Valley Groundwater Management Plan will "[n]eed a statutory change to make [it] legal.") available at https://westernstateengineers.files.wordpress.com/2016/12/king_2016fall.pdf; See also State Engineer Order 1226 at 6 (acknowledging that "the GMP does deviate from the strict application of the prior appropriation doctrine.").

Accordingly, Respondents respectfully request they be provided with adequate time to file their Responses to Appellants' Motions.

Respectfully submitted this 7th day of July, 2020.

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By: /s/ David H. Rigdon
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Nevada State Bar No. 6136
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Nevada State Bar No. 13567

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 7th day of July, 2020.

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