

IN THE SUPREME COURT OF THE STATE OF NEVADA

DIAMOND NATURAL RESOURCES  
PROTECTION & CONSERVATION  
ASSOCIATION; J&T FARMS, LLC;  
GALLAGHER FARMS LLC; JEFF  
LOMMORI; M&C HAY; CONLEY LAND  
& LIVESTOCK, LLC; JAMES  
ETCHEVERRY; NICK ETCHEVERRY;  
TIM HALPIN; SANDI HALPIN;  
DIAMOND VALLEY HAY COMPANY,  
INC.; MARK MOYLE FARMS LLC; D.F.  
& E.M. PALMORE FAMILY TRUST;  
WILLIAM H. NORTON; PATRICIA  
NORTON; SESTANOVICH HAY &  
CATTLE, LLC; JERRY ANDERSON;  
BILL BAUMAN; DARLA BAUMAN; TIM  
WILSON, P.E., NEVADA STATE  
ENGINEER, DIVISION OF WATER  
RESOURCES, DEPARTMENT OF  
CONSERVATION AND NATURAL  
RESOURCES; AND EUREKA COUNTY,  
Appellants,

vs.

DIAMOND VALLEY RANCH, LLC;  
AMERICAN FIRST FEDERAL, INC.;  
BERG PROPERTIES CALIFORNIA,  
LLC; BLANCO RANCH, LLC; BETH  
MILLS, TRUSTEE OF THE MARSHALL  
FAMILY TRUST; TIMOTHY LEE  
BAILEY; CONSTANCE MARIE  
BAILEY; FRED BAILEY; CAROLYN  
BAILEY; SADLER RANCH, LLC; IRA R.  
RENNER; AND MONTIRA RENNER,  
Respondents.

No. 81224

FILED

AUG 18 2020

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

## ORDER DENYING STAY

This is an appeal from a district court order granting judicial review and overturning the State Engineer's decision implementing a groundwater management plan for the Diamond Valley aquifer. Appellants have filed an emergency motion for stay pending appeal, seeking to render the groundwater management plan enforceable while this matter is being considered. Respondents have filed an opposition, appellants have filed a reply,<sup>1</sup> and certain respondents have moved for leave to file a sur-reply.<sup>2</sup>

When considering a motion for a stay pending appeal, we consider the following factors: whether (1) the object of the appeal will be defeated absent a stay, (2) appellants will suffer irreparable or serious harm without a stay, (3) respondents will suffer irreparable or serious harm if a stay is granted, and (4) appellants are likely to prevail on the merits of the appeal. NRAP 8(c); *see also Fritz Hansen A/S v. Eighth Judicial Dist. Court*, 116 Nev. 650, 659, 6 P.3d 982, 987 (2000). Having considered the parties' arguments in light of these factors, as well as the district court's

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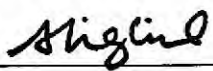
<sup>1</sup>Appellants' July 15, 2020, motion for leave to file a reply that exceeds the page limit is granted; the reply was filed on July 15, 2020.

<sup>2</sup>The Bailey respondents' motion for leave to file a sur-reply is granted; the clerk of this court shall detach from the July 16, 2020, motion and file the Baileys' sur-reply.

order denying a stay, we conclude that the factors do not militate in favor of a stay. Accordingly, we deny the motion for stay.

It is so ORDERED.

  
\_\_\_\_\_, J.  
Gibbons

  
\_\_\_\_\_, J.  
Stiglich

  
\_\_\_\_\_, J.  
Silver

cc: Hon. Gary Fairman, District Judge  
Leonard Law, PC  
Beth Mills  
Wolf, Rifkin, Shapiro, Schulman & Rabkin, LLP /Reno  
Taggart & Taggart, Ltd.  
Wolf, Rifkin, Shapiro, Schulman & Rabkin, LLP/Las Vegas  
Marvel & Marvel, Ltd.  
Attorney General/Carson City  
Allison MacKenzie, Ltd.  
Eureka County District Attorney  
Eureka County Clerk