

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

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Elizabeth A. Brown  
Clerk of Supreme Court

IN THE MATTER OF THE  
DETERMINATION OF THE RELATIVE  
RIGHTS IN AND TO ALL WATERS  
BOTH SURFACE AND UNDERGROUND  
LOCATED WITHIN THE DIAMOND  
VALLEY, HYDROGRAPHIC BASIN NO.  
10-153, ELKO AND EUREKA  
COUNTIES, NEVADA.

THE STATE OF NEVADA  
DEPARTMENT OF CONSERVATION  
AND NATURAL RESOURCES,  
DIVISION OF WATER RESOURCES; and  
ADAM SULLIVAN, P.E., STATE  
ENGINEER,

Appellants,

vs.

SOLARLJOS, LLC; DANIEL S.  
VENTURACCI; AMANDA L.  
VENTURACCI; CHAD D. BLISS; ROSIE  
J. BLISS; WILFRED BAILEY AND  
CAROLYN BAILEY, TRUSTEES OF THE  
WILFRED AND CAROLYN BAILEY  
FAMILY TRUST DATED FEBRUARY 20,  
2018; EUREKA COUNTY; JAMES E.  
BAUMANN; VERA L. BAUMANN;  
NORMAN C. FITZWATER; KINDY L.  
FITZWATER; ARC DOME PARTNERS,  
LLC; ROBERT F. BECK AND KAREN A.  
BECK, TRUSTEES OF THE BECK  
FAMILY TRUST DATED APRIL 1, 2005;  
IRA R. RENNER; MONTIRA RENNER;  
SADLER RANCH, LLC; MW CATTLE,  
LLC; UNITED STATES DEPARTMENT  
OF INTERIOR, BUREAU OF LAND  
MANAGEMENT; PETER GOICOECHEA;  
and GLADY GOICOECHEA,

Respondents.

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**VENTURACCI'S JOINDER IN OPPOSITION TO STATE ENGINEER'S  
REQUEST FOR TEMPORARY ADMINISTRATIVE STAY**

Respondents DANIEL S. VENTURACCI and AMANDA L. VENTURACCI (“Venturacci”), by and through their counsel of record, PAUL G. TAGGART, ESQ., and TIMOHTY D. O’CONNOR, ESQ., of the law firm TAGGART & TAGGART, LTD.,” hereby file this Joinder in Opposition to the State Engineer’s request for a temporary administrative stay of ongoing administrative proceedings before the Seventh Judicial District Court (“District Court”) pending briefing on the merits of the State Engineer’s Motion for Stay. Respondents will file an additional Opposition to the Motion for Stay at the appropriate time.

Venturacci joins in the arguments made by IRA R. RENNER and MONTIRA RENNER (hereinafter “the Renners”) in their Opposition. There is no emergency that justifies a temporary stay of the entire adjudication proceeding pending before the district court. The State Engineer’s appeal should be reviewed narrowly as it pertains solely to a procedural appeal challenging the Court’s grant of an unopposed motion for summary judgment.<sup>1</sup> That summary judgment order is entirely unrelated the proceedings of multiple other parties (including Venturacci) that are finally on

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<sup>1</sup> The State Engineer only opposed Solarljós’ motion seeking certification of the order granting summary judgment, not the request for summary judgment itself. Therefore, the only proper issue before the Court in this appeal is whether the district court correctly applied NRCP 54(b) when certifying the Solarljós’ summary judgment order. *See* DCR 13(3) (the failure to file a written opposition “may be construed as an admission that the motion is meritorious and a consent to granting the same.”). *See also, Old Aztec Mine, Inc. v. Brown*, 97 Nev. 49, 52, 623 P.2d 981, 983 (1981) (“A point not urged in the trial court . . . is deemed to have been waived and will not be considered on appeal.”).

calendar to be heard, after nearly forty years of Venturacci asking for their day in court. The hearings are currently scheduled to begin on March 8, 2022. Because the scope of this appeal properly concerns only the District Court's certification of the SOLARLJOS, LLC ("Solarljós") summary judgment order, there is no justification for issuing a temporary administrative stay that would delay the currently scheduled hearings. Nor did the State Engineer cite to any authority to stay unrelated cases pending in a matter which the District Court judge compared to separate but consolidated matters.<sup>2</sup>

The State Engineer's concerns regarding costs associated with the continued procedures are erroneous. The State Engineer argues that the District Court's error may be compounded if further hearings continue, but 1) the same issues complained of in the Solarljós case do not appear to exist in other cases, and 2) even if there is some issue at the end of the Venturacci case that the State Engineer wishes to appeal, the State Engineer can make its case for a stay on the execution of judgment at that time. There is no eminent harm in continuing a run-of-the-mill evidentiary trial (as required by NRS 533.170) to collect testimony and evidence while the State Engineer appeals the Solarljós matter. The State Engineer opted out of defending his own order at the District Court level, anyway, so his claim of additional expense is hollow. His claimed 'object of appeal', the Order of Determination as to the

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<sup>2</sup> State Engineer Emergency Mot. for Stay at Ex. 5, 5:2-5.

separate parties, will not be defeated regardless of what happens in the Solarljós matter.

Accordingly, the Venturacci's respectfully request the Court decline to issue the requested temporary administrative stay on the currently calendared proceedings, and instead conduct briefing on the Motion for Stay in conformance with the applicable provisions of NRAP.

Respectfully submitted this 25<sup>th</sup> day of February 2022.

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**CERTIFICATE OF SERVICE**

**CERTIFICATE OF SERVICE**

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 OPPOSITION TO STATE ENGINEER'S REQUEST FOR TEMPORARY ADMINISTRATIVE STAY using the Nevada Supreme Court's E-Flex electronic filing system to the following parties:

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DATED this 25<sup>th</sup> day of February 2022.

/s/ Chloe Gouldman-Gainey  
Employee of TAGGART & TAGGART, LTD.