

IN THE SUPREME COURT OF THE STATE OF NEVADA

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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Feb 28 2022 02:34 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

**WILFRED AND CAROLYN BAILEY, TRUSTEES OF THE WILFRED AND
CAROLYN BAILEY FAMILY TRUST DATED FEBRUARY 20, 2018, JOINDER IN
OPPOSITION TO STATE ENGINEER'S REQUEST FOR TEMPORARY
ADMINISTRATIVE STAY.**

Respondents Wilfred and Carolyn Bailey, Trustees of the Wilfred and Carolyn Bailey Family Trust Dated February 20, 2018, (“Bailey”) hereby file this Joinder in the Opposition to the State Engineer’s request for a temporary administrative stay of ongoing administrative proceedings before the Seventh Judicial District Court (“District Court”) filed by Respondents Ira R. Renner and Montira Renner on February 25, 2022. Bailey’s like the Renners, have an upcoming hearing on their Exceptions to the Order of Determination on March 3 and 4, 2022.

For the reasons set forth in the District Court’s Order Denying State Engineer’s Motion for Stay of Corrected Order Granting Solarljøs, LLC’s Motion for Partial Summary Judgment and Order Denying Motion for Stay of Entirety of these Adjudication Proceedings Pending Appeal, there is no emergency that justifies a temporary stay, and there is no reason for a permanent stay. The Court said:

The court finds a stay of any of the remaining proceedings scheduled to be heard March and April, 2022, is not supported by the State Engineer’s motion for stay and issues noted in his case appeal statement. Further, the State Engineer’s concern that multiple decrees will be potentially entered by the court contrary to NRS 533.185(1) which he alleges requires a single decree, although not supported by Nevada Law, is moot, assuming arguendo, this legal argument has merit. Provided the remainder of the evidentiary hearings take place as scheduled in March and April, 2022, this Court will be entering a single decree encompassing the Sadler Ranch, LLC, MW Cattle LLC and Venturacci hearings together with the upcoming scheduled hearings. This Court’s future case docket will not allow this Court time to enter individual decrees and the courts judicial time will best be used to address all cases in one decree.

Order Denying Stay at 8-9.

As to the State Engineer’s assertion that without a stay there will be irreparable harm to the State Engineer and the State of Nevada, the District Court concluded:

No irreparable injury will occur to the Diamond Valley water users, the State Engineer or to Nevada if the stay is denied. Should the Nevada Supreme Court reverse this Court’s corrected order granting partial summary judgment and it be determined that pending the Supreme Court’s decision, Solarljøs used water in excess of its right, the excess use can be repaired by reducing further allocation of

the amount of water that Solarljøs is ultimately found to be entitled until the excess amount used was replaced. (Citing, *United States v Truckee-Carson Irrigation District*, 882 F. 2d 364, 368 (9th Cir. 1989).) Order Denying Stay at 11.

Accordingly, Bailey respectfully requests 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 28th day of February 2022.

/s/Gordon H. DePaoli
Gordon H. DePaoli, Bar. No. 0195
Dale E. Ferguson, Bar No. 4986
WOODBURN AND WEDGE
6100 Neil Road, Suite 500
Reno, Nevada 89511
Telephone: 775/688-3000
Attorneys for Wilfred and Carolyn Bailey
Family Trust

CERTIFICATE OF SERVICE CERTIFICATE OF SERVICE

Pursuant to NRAP 25(b), I certify that I am an employee of WOODBURN and WEDGE, and that on this day, I served, or caused to be served, a true and correct copy of the foregoing JOINDER 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:

Aaron D. Ford
James N. Bolotin, Esq.
JBolotin@ag.nv.gov
Attorneys for Nevada State Engineer.

Ross E. de Lipkau, Esq.
ross@nv1lawyers.com
Attorney for Bliss
Laura A. Schroeder, Esq.

Therese A. Ure Stix, Esq.
Caitlin R. Skulan, Esq.
counsel@water-law.com
therese@water-law.com
Attorneys for Baumann, Beck Entities, and Fitzwater

Karen A. Peterson, Esq.
Theodore Beutel, Esq. .
kpeterson@allisonrnackenzie.com
tbeutel@eurekacountynv.gov
Attorneys for Eureka County

Alex Flangas, Esq.
Severin A. Carlson, Esq.
August Hotchkin, Esq.
aflangas@kcnvlaw.com
ahotchkin@kcnvkaw.com
Attorneys for Solarljios, LLC

Steven D. King, Esq.
Robert A. Dotson, Esq.
Justin C. Vance, Esq.
Kingmont@charter.net
RDotson@dotsonlaw.legal
JVance@dotsonlaw.legal
Attorneys for Peter and Gladys Goicoechea

Paul E. Salamanca, Esq.
David L. Negri, Esq.
David.Negri@usdoj.gov
Counsel for the United States of America

Paul G. Taggart, Esq.
David Rigdon, Esq.
Paul@legaltnt.com
David@legaltnt.com
Attorneys for Sadler Ranch and MW Cattle.

Paul G. Taggart, Esq.
Tim O'Connor, Esq.
Paul@legaltnt.com
Tim@legaltnt.com
Attorneys for Venturacci

Paul G. Taggart, Esq.
Tamara C. Thiel, Esq.
Paul@legaltnt.com
tammy@legaltnt.com
Attorneys for Renners

DATED this 28th day of February 2022.

/s/Katherine M. Rodriguez
Employee of WOODBURN and WEDGE