

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 10-153,
EUREKA AND ELKO 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;

Electronically Filed
Mar 01 2022 02:54 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

Supreme Court No. 84275
District Court Case No. CV-2002009

MW CATTLE, LLC; UNITED STATES
DEPARTMENT OF INTERIOR,
BUREAU OF LAND MANAGEMENT;
PETER GOICOECHEA; and GLADY
GOICOECHEA,

Respondents.

**NOTICE OF SUPPLEMENT TO THE STATE ENGINEER'S
EMERGENCY MOTION UNDER NRAP 27(E) FOR STAY OF DISTRICT
COURT'S CORRECTED ORDER GRANTING SOLARLJOS, LLC'S
MOTION FOR PARTIAL SUMMARY JUDGMENT AND
STAY OF ADJUDICATION PROCEEDINGS PENDING APPEAL AND
REQUEST FOR TEMPORARY STAY PENDING DECISION ON
UNDERLYING MOTION FOR STAY**

Appellant, the State of Nevada, Department of Conservation and Natural Resources, Division of Water Resources, and Adam Sullivan, P.E., in his capacity as the Nevada State Engineer (hereafter "State Engineer"), by and through counsel, Nevada Attorney General Aaron D. Ford, Senior Deputy Attorney General James N. Bolotin, and Deputy Attorney General Ian Carr, hereby files this Notice of Supplement to his Emergency Motion for Stay Pending Appeal.

As stated in the State Engineer's Emergency Motion for Stay Pending Appeal, part of the emergency basis for the State Engineer's request was the upcoming hearings on exceptions "scheduled for March 3–4, 2022, March 8–10, 2022, and continuing for 2 to 3 days each week through the second to last week of April 2022." State Engineer's Emergency Motion for Stay Pending Appeal, p. 9. The State Engineer stated that "the district court's order denying the State Engineer's Motion

for Stay brings into direct question what the State Engineer’s role should be in these upcoming hearings,” citing that order attached to the Motion as Exhibit 7.

Yesterday, on February 28, 2022, the State Engineer was served with subpoenas by Eureka County for two of his staff members (Dan Taylor and Jared McCrum) to testify at the upcoming hearing on exceptions scheduled for March 3–4, 2022. *See* Subpoenas for Dan Taylor and Jared McCrum, attached hereto as Exhibit 8.¹ Eureka County did not subpoena the State Engineer or DWR personnel in previous hearings on exceptions, and this change in strategy seems to stem from the previously referenced question regarding the State Engineer’s role in these hearings in light of the district court’s February 24, 2022, order denying the State Engineer’s Motion for Stay.² The issuance of these subpoenas creates further uncertainty as to the role of the State Engineer in the proceedings in the district court.

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¹ As this is a supplement to the previously filed Emergency Motion for Stay Pending Appeal, the State Engineer numbered this exhibit in continuation of the exhibits previously filed with the Court.

² The State Engineer will also be filing a motion to quash in the district court.

The State Engineer now hereby provides notice that he is supplementing his Emergency Motion for Stay Pending Appeal with this latest information and the subpoenas attached hereto as Exhibit 8.

RESPECTFULLY SUBMITTED this 1st day of March, 2022.

AARON D. FORD
Attorney General

By: /s/ James N. Bolotin
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*Attorney for Appellant,
State Engineer*

CERTIFICATE OF SERVICE

I certify that I am an employee of the Office of the Attorney General and that on this 1st day of March, 2022, I served a copy of the foregoing NOTICE OF SUPPLEMENT TO THE STATE ENGINEER'S EMERGENCY MOTION UNDER NRAP 27(E) FOR STAY OF DISTRICT COURT'S CORRECTED ORDER GRANTING SOLARLJOS, LLC'S MOTION FOR PARTIAL SUMMARY JUDGMENT AND STAY OF ADJUDICATION PROCEEDINGS PENDING APPEAL AND REQUEST FOR TEMPORARY STAY PENDING DECISION ON UNDERLYING MOTION FOR STAY, by the Nevada Supreme Court's EFlex Electronic Filing System, addressed to:

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/s/ Dorene A. Wright

INDEX OF EXHIBITS

EXHIBIT No.	EXHIBIT DESCRIPTION	NUMBER OF PAGES
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EXHIBIT 8

EXHIBIT 8

Case No. CV-2002009
Dept. No. 2

IN THE SEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF
NEVADA, COUNTY OF EUREKA

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, EUREKA AND ELKO
COUNTIES, NEVADA

SUBPOENA

THE STATE OF NEVADA SENDS GREETINGS TO: DAN TAYLOR, Water Resource Specialist 2

HOME ADDRESS: _____ PHONE: _____

WORK ADDRESS: 901 S. Stewart Street, Suite 2002, Carson City, Nevada 89701 PHONE: (775) 684-2800

I COMMAND YOU, pursuant to N.R.S. 174.305, that you appear, via Zoom, and testify at the: HEARING

NAME OF COURT: District Court, Eureka County LOCATION OF HEARING: 10 South Main Street, Eureka, NV

DATE & TIME OF APPEARANCE: March 3-4, 2022 @ 9:30 a.m. via Zoom. The Hearing will be held in the
Eureka County Courthouse, Department #2, at the location listed above.

March 3, 2022: Zoom link: <https://us06web.zoom.us/j/84753035251?pwd=aUxtVENLZzhkK0ZqazhVOGlnbGIZUT09>

Meeting ID: 847 5303 5251 / Passcode: 309726

March 4, 2022: Zoom link: <https://us06web.zoom.us/j/89760066848?pwd=cEhVYktsaFZ5RGVPR2NMMHJhbjhJZz09>

Meeting ID: 897 6006 6848 / Passcode: 950439

Your failure to attend may result in you being deemed guilty of contempt and subject to arrest as a result thereof.
GIVEN UNDER MY HAND THIS ____ DAY OF FEBRUARY, 2022.

LISA HOEHNE, CLERK

BY: Betty L. Overman
DEPUTY CLERK.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the date of _____, I served this subpoena on _____, the witness named therein, at the location of _____, Nevada, by delivering a copy of this Subpoena to said witness personally.

Signature of Person Delivering Subpoena

Agency

Case No. CV-2002009
Dept. No. 2

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VALLEY HYDROGRAPHIC BASIN NO.
10-153, EUREKA AND ELKO
COUNTIES, NEVADA

SUBPOENA

THE STATE OF NEVADA SENDS GREETINGS TO: JARED McCrum, Water Commissioner

HOME ADDRESS: _____ PHONE: _____

WORK ADDRESS: 901 S. Stewart Street, Suite 2002, Carson City, Nevada 89701 PHONE: (775) 684-2800

I COMMAND YOU, pursuant to N.R.S. 174.305, that you appear, via Zoom, and testify at the: HEARING

NAME OF COURT: District Court, Eureka County LOCATION OF HEARING: 10 South Main Street, Eureka, NV

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Agency