

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 ND ELKO COUNTIES,
NEVADA.

Electronically Filed
Mar 04 2022 01:42 p.m.
Elizabeth A. Brown
Clerk of Supreme Court
Case No. 84275

District Court Case
No. CV-2002009

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

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; 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 GLADYS
GOICOECHEA,

Respondents.

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**EUREKA COUNTY’S JOINDER TO STATE ENGINEER’S MOTION TO
DETERMINE WHETHER DISTRICT COURT PROPERLY CERTIFIED
CORRECTED ORDER GRANTING SOLARLJOS, LLC’S MOTION FOR
PARTIAL SUMMARY JUDGMENT AS FINAL PURSUANT TO NRCP 54(b)**

EUREKA COUNTY, by and through its undersigned counsel, hereby joins in the STATE ENGINEER’S MOTION TO DETERMINE WHETHER DISTRICT COURT PROPERLY CERTIFIED CORRECTED ORDER GRANTING SOLARLJOS, LLC’S MOTION FOR PARTIAL SUMMARY JUDGMENT AS FINAL PURSUANT TO NRCP 54(b), filed with this Court by Appellants, THE STATE OF NEVADA DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES, DIVISION OF WATER RESOURCES; and ADAM SULLIVAN, P.E., STATE ENGINEER on February 25, 2022.

This Joinder is filed pursuant to the Court’s Order Granting Temporary Stay filed March 1, 2022 as EUREKA COUNTY’s response to the STATE ENGINEER’s

jurisdiction motion.¹ EUREKA COUNTY joins in the STATE ENGINEER's arguments in his Motions submitted to this Court on February 25, 2022 that not only was certification under Rule 54(b) of the Nevada Rules of Civil Procedure improper and erroneous as a matter of law, but also the grant of SOLARLJOS' Motion for Partial Summary Judgment was erroneous for numerous reasons. *See e.g.*, STATE ENGINEER Emergency Motion for Stay of the District Court's Corrected Order at 6-7.

DATED this 4th day of March, 2022.

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By: /s/ Karen A. Peterson
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~and~

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Attorneys for EUREKA COUNTY

¹ EUREKA COUNTY previously filed a Joinder to the STATE ENGINEER's Emergency Motion for Stay on February 25, 2022.

CERTIFICATE OF SERVICE

Pursuant to NRAP 25(1)(c), I hereby certify that I am an employee of ALLISON MacKENZIE, LTD., Attorneys at Law, and that on this date, I caused the foregoing document to be served on all parties to this action by:

✓ Court's electronic notification system

as follows:

James Bolotin
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DATED this 4th day of March, 2022.

/s/ Nancy Fontenot
NANCY FONTENOT

4863-6263-8097, v. 1