

Electronically Filed  
Mar 09 2022 04:05 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

**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.

**Supreme Court 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,

Appellants,

v.

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.

**SOLARLJOS, LLC’S SUR-REPLY OR, IN THE ALTERNATIVE, REQUEST  
FOR BRIEF EXTENSION OF TIME BASED ON TECHNICAL ISSUE**

The State’s Deputy Attorney General noted in a footnote that the Oppositions of Solarljios were “not timely filed by 4:00 p.m.” on March 4, 2022. He did not indicate, however, that the timestamps show 4:01, 4:03, 4:13 and 4:14 p.m. PST.

As indicated in the attached Declaration of Alex J. Flangas, the undersigned (Mr. Flangas) was working directly on making those filings, as Mr. Flangas has often in the past made such Court filings directly. However, before 4:00 p.m. Mr. Flangas began experiencing technical issues and consulted with his IT department to assist in resolving those issues in order to make certain the filing would be timely.

After taking technical steps recommended by the IT personnel, it appeared at first that the issues were resolved, but Mr. Flangas was still unable to finalize the document and make the filing. He was then compelled to request that Ms. Stice physically file the Oppositions in his stead. Mr. Flangas personally observed and oversaw her filing the Oppositions at Ms. Stice's desk. Despite the technical issues, it appeared to Mr. Flangas that the filings were – in fact – submitted to the Court by 4:00 p.m., but the Court's timestamp suggests they were minutes off. As indicated in the Declaration, attached hereto as Exhibit 1, it was only because of technical issues on the system (either Mr. Flangas' system or his system's interaction with the Court's system) that the acceptance of the documents compelled Mr. Flangas to have to resort to the use of an entirely different computer to make the filings.

Because this apparent short delay in the formal receipt of the filings was caused by technical issues, and given the complete lack of prejudice to any party, the undersigned would request that the filings be duly considered by this Court. Mr. Flangas did not believe it was necessary to separately request an "extension" of time as it was the very technical computer filing issues that gave rise to the problem – not a need for more time to draft a responsive document.

[Remainder of Page Left Intentionally Blank]

Respectfully submitted this 9<sup>th</sup> day of March, 2022.

KAEMPFER CROWELL

BY: /s/ Alex J. Flangas

ALEX J. FLANGAS

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## **CERTIFICATE OF SERVICE**

I hereby certify that on March 9, 2022, service of the foregoing **SOLARLJOS, LLC'S SUR-REPLY OR, IN THE ALTERNATIVE, REQUEST FOR BRIEF EXTENSION OF TIME BASED ON TECHNICAL ISSUE** was filed electronically with the Clerk of the Court, and therefore electronic service was made in accordance with the master service list to the following:

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In addition, service was made by depositing the same mailing via first class mail with the United States Postal Service to the following:

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[david.negri@usdaj.gov](mailto:david.negri@usdaj.gov)

DATED March 9, 2022

*/s/ Sharon Stice*

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An employee of Kaempfer Crowell

**EXHIBIT INDEX**

<b>EXHIBIT</b>	<b>DESCRIPTION</b>	<b>PAGES</b>
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# EXHIBIT 1

# EXHIBIT 1



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

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L. FITZWATER; ARC DOME  
PARTNERS, LLC; ROBERT F. BECK  
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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.

**DECLARATION OF ALEX J. FLANGAS IN SUPPORT OF SUR-REPLY OR,  
IN THE ALTERNATIVE, REQUEST FOR BRIEF EXTENSION OF TIME  
BASED ON TECHNICAL ISSUE**

I, Alex J. Flangas, declare as follows:

1. I am one of the attorneys representing Solarljøs, LLC, in the matter before this Court. I have personal knowledge of the following.

2. On March 4, 2022, I was working on the Oppositions to two Motions filed by the State Engineer in this matter – an Opposition to the Motion for Emergency Stay and the Opposition to the Motion for Determination of Whether Certification Pursuant to NRCP 54(b) of Solarljøs’ Corrected Summary Judgment should have been granted by the District Court. Both Oppositions were due to be filed in this Court by 4:00 p.m., which deadline I understood.

3. During the afternoon of March 4, 2022, as I was completing final edits of the two Oppositions, I began experiencing technical issues with my computer at Kaempfer Crowell. My computer is a slightly different desktop than the computers used by others at Kaempfer Crowell, and the issues I was experiencing were unusual and caused difficulty with the documents. On two separate occasions that afternoon I consulted with my IT department for assistance, and worked with the IT department (Mr. Robin Liang) in an attempt to resolve the problems. I was intending to complete the edits to the documents and make the filings with the Supreme Court myself, as I have done in the past on prior cases. I am familiar with and have used the Court's filing system.

4. At a point where I thought the computer issues were resolved, I attempted to make filings, but was unable to complete the process. I cannot say whether it was as a result of my computer or the court's system, but I could not make the filing. It is quite possible it was my computer, as at a point prior to 4:00 p.m. my computer simply stopped functioning and I had to shut it down to begin again.

5. At that point, I asked my assistant, Mr. Sharon Stice, to pull up the same oppositions and to file them from her desktop computer – which she proceeded to do. I observed Ms. Stice doing the filings, and it appeared to us that

her computer was functioning properly and that the filings were made. Indeed, at the time, based only on my watch, it appeared they had been made by the 4:00 p.m. deadline.

6. It appears from the timestamp at the Court that the filings were not “accepted” by the system until minutes after 4:00 p.m. I cannot explain the delay, as that does not completely match with what I experienced that day. Nonetheless, it was a rather hurried result based on my particular computer problems that caused me to have to rely on a colleague for the filing rather than being able to utilize my computer for the filings.

7. I have used the very same computer previously to make many filings in court, including filings in the Nevada Supreme Court, so I know the system will normally accept my computer’s filings.

I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

DATED this 9th day of March, 2022.

BY: /s/ Alex J. Flangas  
Alex J. Flangas