

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

**INDICATE FULL CAPTION:**

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.

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Electronically Filed  
Mar 18 2022 04:26 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court  
**Case No. 84275**

District Court Case  
No. CV-2002009

**DOCKETING STATEMENT  
CIVIL APPEALS**

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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## GENERAL INFORMATION

Appellants must complete this docketing statement in compliance with NRAP 14(a). The purpose of the docketing statement is to assist the Supreme Court in screening jurisdiction, identifying issues on appeal, assessing presumptive assignment to the Court of Appeals under NRAP 17, scheduling cases for oral argument and settlement conferences, classifying cases for expedited treatment and assignment to the Court of Appeals, and compiling statistical information.

## WARNING

This statement must be completed fully, accurately and on time. NRAP 14(c). The Supreme Court may impose sanctions on counsel or appellant if it appears that the information provided is incomplete or inaccurate. *Id.* Failure to fill out the statement completely or to file it in a timely manner constitutes grounds for the imposition of sanctions, including a fine and/or dismissal of the appeal.

A complete list of the documents that must be attached appears as Question 27 on this docketing statement. Failure to attach all required documents will result in the delay of your appeal and may result in the imposition of sanctions.

This court has noted that when attorneys do not take seriously their obligations under NRAP 14 to complete the docketing statement properly and conscientiously, they waste the valuable judicial resources of this court, making the imposition of sanctions appropriate. See KDI Sylvan Pools v. Workman, 107 Nev. 340, 344, 810 P.2d 1217, 1220 (1991). Please use tab dividers to separate any attached documents.

1. Judicial District: Seventh  
County: Eureka  
District Ct. Case No.: CV-2002009

Department: Two  
Judge: Hon. Gary D. Fairman

**2. Attorney filing this docketing statement:**

Attorney: Karen A. Peterson, Esq.

Telephone: (775) 687-0202

Firm: Allison MacKenzie, Ltd.

Address: 402 North Division Street, Carson City, NV 89703-4168

Attorney: Theodore Beutel, Esq.

Telephone: (775) 237-5315

Firm: Eureka County District Attorney

Address: 701 South Main Street, P.O. Box 190, Eureka, NV 89316

Client(s): Eureka County, a political subdivision of the State of Nevada

If this is a joint statement by multiple appellants, add the names and addresses of other counsel and the names of their clients on an additional sheet accompanied by a certification that they concur in the filing of this statement.

**3. Attorney(s) representing respondents(s):**

Attorney: Alex J. Flangas

Telephone: (775) 852-3900

August B. Hotchkin

Telephone: (775) 852-3900

Firm: Kaempfer Crowell

Address: 50 W. Liberty Street, Suite 700, Reno, NV 89501

Client(s): Solarljios, LLC

(List additional counsel on separate sheet if necessary)

**4. Nature of disposition below (check all that apply):**

- |                                                                       |                                                                             |
|-----------------------------------------------------------------------|-----------------------------------------------------------------------------|
| <input type="checkbox"/> Judgment after bench trial                   | <input type="checkbox"/> Dismissal:                                         |
| <input type="checkbox"/> Judgment after jury verdict                  | <input type="checkbox"/> Lack of jurisdiction                               |
| <input checked="" type="checkbox"/> Summary judgment                  | <input type="checkbox"/> Failure to state a claim                           |
| <input type="checkbox"/> Default judgment                             | <input type="checkbox"/> Failure to prosecute                               |
| <input checked="" type="checkbox"/> Grant/Denial of NRCp 60(b) relief | <input type="checkbox"/> Other (specify): _____                             |
| <input type="checkbox"/> Grant/Denial of injunction                   | <input type="checkbox"/> Divorce Decree:                                    |
| <input type="checkbox"/> Grant/Denial of declaratory relief           | <input type="checkbox"/> Original <input type="checkbox"/> Modification     |
| <input type="checkbox"/> Review of agency determination               | <input checked="" type="checkbox"/> Other disposition (specify): NRCp 54(b) |

**5. Does this appeal raise issues concerning any of the following? N/A**

- ☐ Child Custody
- ☐ Venue
- ☐ Termination of parental rights

**6. Pending and prior proceedings in this court.** List the case name and docket number of all appeals or original proceedings presently or previously pending before this court which are related to this appeal:

N/A.

**7. Pending and prior proceedings in other courts.** List the case name, number and court of all pending and prior proceedings in other courts which are related to this appeal (e.g., bankruptcy, consolidated or bifurcated proceedings) and their dates of disposition:

The adjudication proceedings *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, Case No. CV-2002009*, In the Seventh Judicial District Court of the State of Nevada, In and For the County of Eureka are continuing during this appeal.

**8. Nature of the action.** Briefly describe the nature of the action and the result below:

The action below is an adjudication proceeding. The District Court entered its Corrected Order Granting Solarljøs, LLC's Motion for Partial Summary Judgment on October 27, 2021, and certified the Corrected Order as final by its Order Granting Solarljøs, LLC's Motion for Certification of Judgment on Solarljøs LLC's Exception in this Adjudication Proceeding on January 21, 2022.

**9. Issues on appeal.** State concisely the principal issue(s) in this appeal (attach separate sheets as necessary):

1. The District Court erred in issuing partial summary judgment on Solarljøs, LLC's exceptions based on there being no opposition filed to the Motion for Partial Summary Judgment.
2. The District Court erred in certifying its Corrected Order Granting Partial Summary Judgment to Solarljøs, LLC as Final Pursuant to NRCP 54(b), thereby issuing a separate decree for Solarljøs, LLC in violation of NRS 533.185(1).
3. The District Court erred in determining that its separate decree for Solarljøs, LLC was insignificant in the context of groundwater rights and use in Diamond Valley.
4. The District Court erred in requiring a claimant to intervene in another claimant's exceptions notwithstanding the claimant was satisfied with the Order of Determination and was already a party in interest in this proceeding.
5. The District Court erred in the procedures adopted for this adjudication such as a de novo review of exceptions; using a substantial evidence on review standard pursuant to NRS 533.450 for Solarljøs, LLC's Motion for Partial Summary Judgment; and failing to recognize and consider the State Engineer's Order of Determination.

**10. Pending proceedings in this court raising the same or similar issues.** If you are aware of any proceedings presently pending before this court which raises the same or similar issues raised in this appeal, list the case name and docket numbers and identify the same or similar issue raised:

N/A.

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**11. Constitutional issues.** If this appeal challenges the constitutionality of a statute, and the state, any state agency, or any officer or employee thereof is not a party to this appeal, have you notified the clerk of this court and the attorney general in accordance with NRAP 44 and NRS 30.130?

☒ N/A

☐ Yes

☐ No

If not, explain:

**12. Other issues.** Does this appeal involve any of the following issues?

☐ Reversal of well-settled Nevada precedent (identify the case(s))

☐ An issue arising under the United States and/or Nevada Constitutions

☐ A substantial issue of first impression

☒ An issue of public policy

☐ An issue where en banc consideration is necessary to maintain uniformity of this court's decisions

☐ A ballot question

If so, explain:

**13. Assignment to the Court of Appeals or retention in the Supreme Court.** Briefly set forth whether the matter is presumptively retained by the Supreme Court or assigned to the Court of Appeals under NRAP 17, and cite the subparagraph(s) of the Rule under which the matter falls. If appellant believes that the Supreme Court should retain the case despite its presumptive assignment to the Court of Appeals, identify the specific issue(s) or circumstance(s) that warrant retaining the case, and include an explanation of their importance or significance:

NRAP 17(a)(8) and (12).

**14. Trial.** If this action proceeded to trial, how many days did the trial last?

The adjudication proceedings in the District Court are ongoing.

**15. Judicial Disqualification.** Do you intend to file a motion to disqualify or have a justice recuse him/herself from participation in this appeal? If so, which Justice?

No.

## **TIMELINESS OF NOTICE OF APPEAL**

**16. Date of entry of written judgment or order appealed from:** October 27, 2021 filed with the District Court; and January 21, 2022 filed with the District Court.

If no written judgment or order was filed in the District Court, explain the basis for seeking appellate review: N/A

**17. Date written notice of entry of judgment or order was served:** November 5, 2021 and January 27, 2022.

Was service by:

☐ Delivery

☒ Mail/electronic/fax

**18. If the time for filing the notice of appeal was tolled by a post-judgment motion (NRCP 50(b), 52(b), or 59)**

(a) Specify the type of motion, the date and method of service of the motion, and the date of filing. N/A.

☐ NRCP 50(b) Date of filing \_\_\_\_\_

☐ NRCP 52(b) Date of filing \_\_\_\_\_

☐ NRCP 59 Date of filing \_\_\_\_\_

**NOTE: Motions made pursuant to NRCP 60 or motions for rehearing or reconsideration may toll the time for filing a notice of appeal. See AA Primo Builders v. Washington, 126 Nev. \_\_\_, 245 P.3d 1190 (2010). N/A.**

(b) Date of entry of written order resolving tolling motion:

(c) Date written notice of entry of order resolving tolling motion was served:

Was service by:

☐ Delivery

☐ Mail

**19. Date notice of appeal filed:**

If more than one party has appealed from the judgment or order, list the date each notice of appeal was filed and identify by name the party filing the notice of appeal:

State Engineer's Notice of Appeal filed: February 9, 2022

Eureka County's Notice of Appeal filed: February 16, 2022

**20. Specify statute or rule governing the time limit for filing the notice of appeal, e.g., NRAP 4(a) or other**

NRAP 4(a)(1) for NRCP 54(b) certification

**SUBSTANTIVE APPEALABILITY**

**21. Specify the statute or other authority granting this court jurisdiction to review the judgment or order appealed from:**

(a)

- |                                                                                        |                                       |
|----------------------------------------------------------------------------------------|---------------------------------------|
| <input checked="" type="checkbox"/> NRAP 3A(b)(1)                                      | <input type="checkbox"/> NRS 38.205   |
| <input type="checkbox"/> NRAP 3A(b)(2)                                                 | <input type="checkbox"/> NRS 233B.150 |
| <input type="checkbox"/> NRAP 3A(b)(3)                                                 | <input type="checkbox"/> NRS 703.376  |
| <input checked="" type="checkbox"/> Other (specify) <u>NRS 533.450(9), NRS 533.200</u> |                                       |

(b) Explain how each authority provides a basis for appeal from the judgment or order:

NRS 533.450(9) provides that an appeal may be taken to the Supreme Court from the judgment of the district court in the same manner as in other civil appeals.

NRAP 3A(b)(1) provides an appeal may be taken from a final judgment entered in an action.

NRS 533.200 provides appeals from a decree may be taken to the appellate court of competent jurisdiction by any party in interest in the same manner and effect as in civil cases.

**22. List all parties involved in the action or consolidated actions in the district court:**

- (a) Parties: The State of Nevada Department of Conservation and Natural Resources, Division of Water Resources; and Adam Sullivan, P.E.; Eureka County; Solarljós, 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.

- (b) If all parties in the district court are not parties to this appeal, explain in detail why those parties are not involved in this appeal, *e.g.*, formally dismissed, not served, or other: Peter Goicoechea and Gladys Goicoechea have requested dismissal.

**23. Give a brief description (3 to 5 words) of each party's separate claims, counterclaims, cross-claims, or third-party claims and the date of formal disposition of each claim.**

The State Engineer filed his Order of Determination with the Court on February 12, 2020. Eureka County; Solarljós, 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; and the United States Department of Interior, Bureau of Land Management timely filed exceptions to the State Engineer's Order of Determination.

**24. Did the judgment or order appealed from adjudicate ALL the claims alleged below and the rights and liabilities of ALL the parties to the action or consolidated actions below?**

- ☐ Yes  
☒ No

**25. If you answered "No" to question 24, complete the following:**

(a) Specify the claims remaining pending below: All exceptions except Solarljós, LLC exceptions.

(b) Specify the parties remaining below: All parties except Solarljós, LLC.

(c) Did the district court certify the judgment or order appealed from as a final judgment pursuant to NRCP 54(b)?

- ☒ Yes  
☐ No

(d) Did the district court make an express determination, pursuant to NRCP 54(b), that there is no just reason for delay and an express direction for the entry of judgment?

☒ Yes

☐ No

**26. If you answered “No” to any part of question 25, explain the basis for seeking appellate review (e.g., order is independently appealable under NRAP 3A(b)):**

**27. Attach file-stamped copies of the following documents:**

- The latest-filed complaint, counterclaims, cross-claims, and third-party claims.
- Any tolling motion(s) and order(s) resolving tolling motion(s)
- Orders of NRCP 41(a) dismissals formally resolving each claim, counterclaims, cross-claims and/or third-party claims asserted in the action or consolidated action below, even if not at issue on appeal
- Any other order challenged on appeal
- Notices of entry for each attached order

**Attachment to Docketing Statement**  
**The State of Nevada, et al. vs. Solarljøs, LLC, et al.**  
**Case No. 84275**

**3. Attorney(s) representing respondent(s):**

Attorney: Timothy D. O'Connor, Paul G. Taggart  
Telephone: (775) 882-9900  
Firm: Taggart & Taggart, Ltd.  
Address: 108 North Minnesota Street  
Carson City, NV 89703  
Client(s): Daniel S. Venturacci, Amanda L. Venturacci

Attorney: Ross E. de Lipkau  
Telephone: (775) 329-5600  
Firm: Robertson, Johnson, Miller & Williamson  
Address: 50 West Liberty Street, Suite 600  
Reno, NV 89501  
Client(s): Chad D. Bliss and Rosie J. Bliss

Attorney: Gordon H. DePaoli  
Telephone: (775) 688-3000  
Firm: Woodburn and Wedge  
Address: 6100 Neil Road, Suite 500  
Reno, NV 89511  
Client(s): Wilfred Bailey and Carolyn Bailey, Trustees of the Wilfred and Carolyn Bailey Family Trust Dated February 20, 2018

Attorney: Laura A. Schroeder, Caitlin R. Skulan, Therese A. Ure Stix  
Telephone: (775) 786-8800  
Firm: Schroeder Law Offices, P.C.  
Address: 10615 Double R Boulevard, Suite 100  
Reno, NV 89521  
Client(s): 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

Attorney: Tamara C. Thiel, Paul G. Taggart  
Telephone: (775) 882-9900  
Firm: Taggart & Taggart, Ltd.  
Address: 108 North Minnesota Street  
Carson City, NV 89703  
Client(s): Ira R. Renner; Montira Renner

///

Attorney: David H. Rigdon, Paul G. Taggart  
Telephone: (775) 882-9900  
Firm: Taggart & Taggart, Ltd.  
Address: 108 North Minnesota Street  
Carson City, NV 89703  
Client(s): Sadler Ranch, LLC; MW Cattle, LLC

Attorney: David Negri  
Telephone: (208) 334-1936  
Firm: U.S. Attorney's Office  
Address: 1290 West Myrtle Street, Suite 500  
Boise, ID 83702  
Client(s): United States Department of Interior, Bureau of Land Management

**Attorneys representing other appellants:**

Attorney: James N. Bolotin, Senior Deputy Attorney General  
Telephone: (775) 684-1231  
Firm: Office of the Attorney General  
Address: 100 North Carson Street  
Carson City, NV 89701  
Client(s): The State of Nevada Department of Conservation and Natural Resources,  
Division of Water Resources; and Adam Sullivan, P.E.

## VERIFICATION

**I declare under penalty of perjury that I have read this docketing statement, that the information provided in this docketing statement is true and complete to the best of my knowledge, information and belief, and that I have attached all required documents to this docketing statement.**

EUREKA COUNTY  
Name of appellant

KAREN A. PETERSON, ESQ.  
Name of counsel of record

MARCH 18, 2022  
Date

/s/ Karen A. Peterson  
Signature of counsel of record

CARSON CITY, NEVADA  
State and county where signed

## CERTIFICATE OF SERVICE

I certify that on the 18<sup>th</sup> day of March, 2022, I served a copy of this completed Docketing Statement upon all counsel of record:

☐ By personally serving it upon him/her; or

✓ By mailing it by first class mail with sufficient postage prepaid to the following address(es):  
(NOTE: If all names and addresses cannot fit below, please list names below and attach a separate sheet with the addresses.)

David Negri  
U.S. Attorney's Office  
1290 West Myrtle Street, Suite 500  
Boise, Idaho 83702

✓ By Court's CM/ECF Electronic Notification system:

Caitlin Skulan  
Justin Vance  
James Bolotin  
Timothy O'Connor  
Gordon DePaoli  
Laura Schroeder  
David Rigdon  
Aaron Ford  
Alex Flangas  
Therese Ure  
Paul Taggart  
Tamara Thiel  
August Hotchkin  
Ian Carr  
Ross de Lipkau

Dated this 18<sup>th</sup> day of March, 2022.

/s/ Nancy Fontenot  
Signature

## INDEX OF EXHIBITS

<u>Exhibit No.</u>	<u>Description</u>	<u>Pages</u> (Including Exhibit Page)
"1"	Notice of Filing Pursuant to NRS 533.165	50
"2"	Notice of Entry of Corrected Order Granting Solarljós, LLC's Motion for Partial Summary Judgment; Filed November 5, 2021	26
"3"	Notice of Entry of Order Granting Solarljós, LLC's NRCP 54(b) Motion; Filed January 27, 2022	15

# **EXHIBIT “1”**



Case No. CV 2002-009

Dept. No. 1



COPY

NO. FILED

FEB 12 2020

By Eureka County Clerk

**IN THE SEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR THE 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

**NOTICE OF FILING  
PURSUANT TO NRS 533.165**

The State of Nevada, Department of Conservation and Natural Resources, Division  
of Water Resources, and Tim Wilson, P.E., State Engineer, in his capacity as the Nevada  
State Engineer, by and through counsel, Nevada Attorney General Aaron D. Ford and  
Senior Deputy Attorney General James N. Bolotin, hereby files a copy of the Order of  
Determination (see attached DVD), together with the original hearing file (see attached  
DVD), and evidence and transcript of testimony (see attached DVD) filed with, or taken  
before, the State Engineer pursuant to NRS 533.165.

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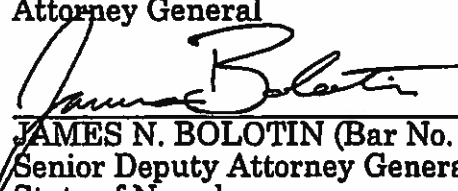
**AFFIRMATION**

The undersigned does hereby affirm that the preceding Notice of Filing Pursuant to NRS 533.165 does not contain the social security number of any person.

DATED this 6<sup>th</sup> day of February, 2020.

AARON D. FORD  
Attorney General

By:

  
JAMES N. BOLOTIN (Bar No. 13829)  
Senior Deputy Attorney General  
State of Nevada  
Office of the Attorney General  
100 North Carson Street  
Carson City, Nevada 89701-4717  
T: (775) 684-1231  
E: [jbolotin@ag.nv.gov](mailto:jbolotin@ag.nv.gov)  
*Attorney for Nevada State Engineer*

**INDEX OF EXHIBITS**

EXHIBIT No.	EXHIBIT DESCRIPTION	NUMBER OF PAGES
1.	Order of Determination dated January 31, 2020 (see attached DVD)	541
2.	Original Hearing File; Evidence and Transcript of Testimony (see attached DVD labeled "Adjudication Documents")	Numerous
3.	Index to Original Hearing File and Evidence and Transcripts of Testimony	40

**EXHIBIT 1**

**EXHIBIT 1**

***In the Matter of the  
Determination of the Relative  
Rights In and To All Waters of  
DIAMOND VALLEY, Hydrographic Basin  
No. 10-153, Elko and Eureka Counties,  
Nevada***

**DVD 1 of 1**

**Order of Determination  
Dated 01/31/2020**

**EXHIBIT 2**

**EXHIBIT 2**

**In the Matter of the  
Determination of the Relative  
Rights In and To All Waters of  
DIAMOND VALLEY, Hydrographic Basin  
No. 10-153, Elko and Eureka Counties,  
Nevada**

**DVD 1 of 1**

**Adjudication Documents  
Dated 02/05/2020**

**EXHIBIT 3**

**EXHIBIT 3**

1 Case No.

2 Dept. No.

3

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5

6 **IN THE SEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**

7 **IN AND FOR THE COUNTY OF EUREKA**

8

9 In the Matter of the Determination of the  
10 Relative Rights In and To all Waters,  
11 Both Surface and Underground, Located  
12 Within the Diamond Valley Hydrographic  
Basin No. 10-153, Eureka and Elko  
Counties, Nevada

**INDEX TO  
ORIGINAL HEARING FILE  
AND EVIDENCE AND  
TRANSCRIPTS OF TESTIMONY**

13 Tim Wilson, P.E., State Engineer, in his capacity as the Nevada State Engineer,  
14 Department of Conservation and Natural Resources, Division of Water Resources  
15 (hereafter "State Engineer"), by and through counsel, Nevada Attorney General Aaron D.  
16 Ford and Senior Deputy Attorney General James N. Bolotin, hereby files this Index to  
17 Original Hearing File and Evidence and Transcripts of Testimony.

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DATED this 6<sup>th</sup> day of February, 2020.

**By:**

  
JAMES N. BOLOTIN (Bar No. 13829)  
Senior Deputy Attorney General  
State of Nevada  
Office of the Attorney General  
100 North Carson Street  
Carson City, Nevada 89701-4717  
T: (775) 684-1231  
E: [jbolotin@ag.nv.gov](mailto:jbolotin@ag.nv.gov)  
*Attorney for Nevada State Engineer*

## **INDEX OF ADJUDICATION PROCEEDINGS**

### **DIAMOND VALLEY**

#### **In The Matter of The Determination of The Relative Rights In And To All Waters of Diamond Valley Eureka & Elko Counties, Nevada.**

#### **I. PETITION**

1. Request for Adjudication of the Relative Rights of Big Shipley Hot Springs and Indian Camp Springs in Eureka County, Nevada (Diamond Valley) – 06/11/2014
2. Response to Request for Adjudication of the Relative Rights of Big Shipley Hot Springs and Indian Camp Springs in Eureka County, Nevada (Diamond Valley) – 02/10/2015

#### **II. FIELD INVESTIGATION ASSESS NEED**

n/a

#### **III. ORDER GRANTING PETITION**

3. Order No. 800 Initiating Proceedings – 10/08/1982
4. Order No. 1263 to Reinstate Proceedings – 08/21/2015

#### **IV. NOTICE OF ORDER**

5. Notice of Order 800 (assigned No. 801) and Proceedings to Determine Water Rights Before the State Engineer of the State of Nevada – 10/08/1982
6. Cover letter for the Order No. 800 Initiating Proceedings and Notice of Order No. 801 – 10/08/1982
7. Proof of Service (Certified Mail Receipts) of the Order No. 800 Initiating Proceedings and Notice of Order No. 801
8. Notice of Order No. 1263 to Reinstate Proceedings – 08/21/2015
9. Cover Letter for Order No. 1263 to Reinstate Proceedings and Notice of Order – 08/21/2015
10. Proof of Service (Certified Mail Receipts) of Order No. 1263 to Reinstate Proceedings and Notice of Order

## **INDEX OF ADJUDICATION PROCEEDINGS**

### **DIAMOND VALLEY**

**In The Matter of The Determination of The Relative Rights In And To All Waters of Diamond Valley Eureka & Elko Counties, Nevada.**

#### **V. PROOF OF PUBLICATION OF ORDER**

11. Proof of Publication of Notice of Order Initiating Proceedings – Oct.–Nov. 1982
12. Proof of Publication of Notice of Order 1263 Reinstating Proceedings [LETTER NOT MAILED TO NEWSPAPER, Email done instead – erroneously published only 2 weeks, see next document for correction.]
13. Email communications regarding the re-publishing of Notice of Order 1263 Reinstating Proceedings due to first only published 2 weeks, requirement at least 1 time a week for 4 consecutive weeks – 09/24/2015–09/30/2015

#### **VI. WAIVER OF NOTICES**

n/a

#### **VII. FIELD INVESTIGATION PRIOR TO CLAIMS**

n/a

#### **VIII. NOTICE OF COMMENCEMENT**

14. Notice of Order No. 802 for Taking Proofs to Determine Water Rights Before the State Engineer – 11/18/1982
15. Notice and Order No. 1266 for Resumption of Taking Proofs dated 10/16/2015, [with revised Evidence of Priority pamphlet] – 10/16/2015

#### **IX. PROOF OF SERVICE**

16. Cover Letter for Notice of Order No. 802 for Taking Proofs To Determine Water Rights Before the State Engineer – 11/18/1982
17. Proof of Service (Certified Mail Receipts) of Notice of Order No. 802 for Taking Proofs To Determine Water Rights Before the State Engineer
18. Proof of Service (Certified Mail Receipts) of Notice and Order No. 1266 for Resumption of Taking Proofs dated 10/16/2015

## **INDEX OF ADJUDICATION PROCEEDINGS**

### **DIAMOND VALLEY**

**In The Matter of The Determination of The Relative Rights In And To All  
Waters of Diamond Valley Eureka & Elko Counties, Nevada.**

#### **X. PROOF OF PUBLICATION OF COMMENCEMENT**

- 19. Proof of Publication – Nov.–Dec. 1982
- 20. Proof of Publication of Notice and Order No. 1266 for Resumption of Taking Proofs dated 10/16/2015 – 11/20/2015 & 11/23/2015

#### **XI. EXTENSION OF TIME**

- 21. Request for Extension of Time Granted to 02/10/1985 – 12/23/1983
- 22. Proof of Service (Certified Mail Receipts) of Request for Extension of Time Granted to 02/10/1985
- 23. Request for Extension of Time Granted to 08/12/1985 – 01/25/1985
- 24. Proof of Service (Certified Mail Receipts) of Request for Extension of Time Granted to 08/12/1985
- 25. Request for Extension of Time to File Proofs by BLM – 02/22/2016
- 26. Denial of Request for Extension of Time to File Proofs by BLM – 03/08/2016
- 27. Objection to Request for Extension of Time to File Proofs by BLM – Sadler Ranch through Taggart – 03/15/2016
- 28. Amended Objection to Request for Extension of Time to File Proofs by BLM – Sadler Ranch through Taggart – 03/16/2016
- 29. Informational Statement – 06/15/2017

#### **XII. FINAL DATE OF PERIOD**

n/a

#### **XIII. FIELD INVESTIGATION OF ALL CLAIMS**

- 30. Field Investigation Report of Sadler Ranch Claims V-02658, V-03289, V-10918, V-10961, V-10967 and V-10968 by Beau Parker and Ken Lucas on 09/12–16/2016 & 09/19–23/2016 – 08/02/2017

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31. Field Investigation Cox Ranch & Willow Field V-02845, V-02846, V-02847, V-10368 by Tony Eng in Sept. 2016 and Spring 2017 – 10/02/2017
32. Field Investigation Rock & Box Canyons, Mau Ranch, V-01110, V-10973, V-01111–V-10972 by Tony Eng 10/03/2017
33. Field Investigation Maggini Ranch & Threemile Canyon Area V-01137, V-01900 & R-04270 – 10/16/2017
34. Field Investigation Thompson Ranch Area V-01114, V-01115, V-10974 by Tony Eng – 10/23/2017
35. Field Investigation Diamond Springs Ranch Sept. 2016 by Beau Parker & Ken Lucas – 11/09/2017
36. Spring & Surface Water Inventory Form – R-04246 – Ken Lucas – 07/25/2017
37. Spring & Surface Water Inventory Form – R-04519 – Beau Parker/Sarah Overton – 06/20/2017
38. Spring & Surface Water Inventory Form – R-04521 – Beau Parker/Sarah Overton – 06/23/2017
39. Spring & Surface Water Inventory Form – R-06947 (V-10891) – Beau Parker/Sarah Overton – 06/21/2017
40. Spring & Surface Water Inventory Form – R-01105 (R-04521) – Beau Parker/Sarah Overton – 06/23/2017
41. Spring & Surface Water Inventory Form – V-01106 – Beau Parker/Sarah Overton – 06/22/2017
42. Spring & Surface Water Inventory Form – V-01327 – Ken Lucas – 07/26/2017
43. Spring & Surface Water Inventory Form – V-01423 – Ken Lucas – 07/25/2017

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44. Spring & Surface Water Inventory Form – V-01521 –  
Ken Lucas/Sarah Overton – 09/13/2017
45. Spring & Surface Water Inventory Form – V-02326 –  
Ken Lucas/Sarah Overton – 09/12/2017
46. Spring & Surface Water Inventory Form – V-02969 –  
Ken Lucas/Sarah Overton – 09/12/2017
47. Spring & Surface Water Inventory Form – V-04147 – Ken Lucas –  
07/24/2017
48. Spring & Surface Water Inventory Form – V-04162 –  
Beau Parker/Sarah Overton – 06/22/2017
49. Spring & Surface Water Inventory Form – V-09758 –  
Ken Lucas/Sarah Overton – 09/13/2017
50. Spring & Surface Water Inventory Form – V-09759 – Ken Lucas –  
07/25/2017
51. Spring & Surface Water Inventory Form – V-09763 –  
Ken Lucas/Sarah Overton – 09/14/2017
52. Spring & Surface Water Inventory Form – V-09777 – Ken Lucas –  
07/25/2017
53. Spring & Surface Water Inventory Form – V-10845 –  
Beau Parker/Sarah Overton – 06/23/2017
54. Spring & Surface Water Inventory Form – V-10860 – Ken Lucas –  
07/26/2017
55. Spring & Surface Water Inventory Form – V-10873 – Ken Lucas –  
07/25/2017
56. Spring & Surface Water Inventory Form – V-10878 –  
Ken Lucas/Sarah Overton – 09/12/2017

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57. Spring & Surface Water Inventory Form – V-10889 –  
Beau Parker/Sarah Overton – 06/21/2017
58. Spring & Surface Water Inventory Form – V-10890 –  
Sarah Overton/Beau Parker – 06/21/2017
59. Spring & Surface Water Inventory Form – V-10891 (R-06947) –  
Beau Parker/Sarah Overton – 06/07/2017 & 06/21/2017
60. Spring & Surface Water Inventory Form – V-10894 – Ken Lucas –  
07/25/2017
61. Spring & Surface Water Inventory Form – V-10895 – Ken Lucas –  
07/25/2017
62. Spring & Surface Water Inventory Form – V-10904 – Ken Lucas –  
07/25/2017
63. Spring & Surface Water Inventory Form – V-10919 –  
Sarah Overton/Beau Parker – 06/21/2017
64. Spring & Surface Water Inventory Form – V-10920 –  
Sarah Overton/Beau Parker – 06/22/2017
65. Spring & Surface Water Inventory Form – V-10921 –  
Sarah Overton/Beau Parker – 06/22/2017
66. Spring & Surface Water Inventory Form – V-10922 –  
Beau Parker/Sarah Overton – 06/21/2017
67. Spring & Surface Water Inventory Form – V-10923 –  
Sarah Overton/Beau Parker – 06/21/2017
68. Spring & Surface Water Inventory Form – V-10924 –  
Sarah Overton/Beau Parker – 06/21/2017
69. Spring & Surface Water Inventory Form – V-10925 –  
Sarah Overton/Beau Parker – 06/20/2017

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70. Spring & Surface Water Inventory Form – V-10928 –  
Sarah Overton/Beau Parker – 06/21/2017
71. Spring & Surface Water Inventory Form – V-10929 –  
Sarah Overton/Beau Parker – 06/21/2017
72. Spring & Surface Water Inventory Form – V-10931 –  
Sarah Overton/Beau Parker – 06/21/2017
73. Spring & Surface Water Inventory Form – V-10932 –  
Sarah Overton/Beau Parker – 06/21/2017
74. Spring & Surface Water Inventory Form – V-10933 –  
Sarah Overton/Beau Parker – 06/21/2017
75. Spring & Surface Water Inventory Form – V-10934 –  
Sarah Overton/Beau Parker – 06/21/2017
76. Spring & Surface Water Inventory Form – V-10935 –  
Beau Parker/Sarah Overton – 06/20/2017
77. Spring & Surface Water Inventory Form – V-10936/R-04269 –  
Beau Parker/Sarah Overton – 06/20/2017
78. Spring & Surface Water Inventory Form – V-10937/R-04267 –  
Sarah Overton/Beau Parker – 06/21/2017
79. Spring & Surface Water Inventory Form – V-10938 –  
Sarah Overton/Beau Parker – 06/21/2017
80. Spring & Surface Water Inventory Form – V-10941 –  
Beau Parker/Sarah Overton– 06/20/2017
81. Spring & Surface Water Inventory Form – V-10942 –  
Beau Parker/Sarah Overton– 06/20/2017
82. Spring & Surface Water Inventory Form – V-10943 –  
Beau Parker/Sarah Overton– 06/20/2017



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83. Spring & Surface Water Inventory Form – V-10944 –  
Beau Parker/Sarah Overton– 06/20/2017
84. Spring & Surface Water Inventory Form – V-10945 –  
Sarah Overton/Beau Parker – 06/21/2017
85. Spring & Surface Water Inventory Form – V-10946 –  
Beau Parker/Sarah Overton– 06/20/2017
86. Spring & Surface Water Inventory Form – V-10947 –  
Sarah Overton/Beau Parker – 06/20/2017
87. Spring & Surface Water Inventory Form – V-10948 –  
Sarah Overton/Beau Parker – 06/20/2017
88. Spring & Surface Water Inventory Form – V-10950 –  
Sarah Overton/Beau Parker – 06/20/2017
89. Spring & Surface Water Inventory Form – V-10951 –  
Sarah Overton/Beau Parker – 06/21/2017
90. Spring & Surface Water Inventory Form – V-10952 –  
Sarah Overton/Beau Parker – 06/21/2017
91. Spring & Surface Water Inventory Form – V-10953 –  
Sarah Overton/Beau Parker – 06/20/2017
92. Spring & Surface Water Inventory Form – V-10954 –  
Sarah Overton/Beau Parker – 06/21/2017
93. Spring & Surface Water Inventory Form – V-10955 –  
Sarah Overton/Beau Parker – 06/20/2017
94. Spring & Surface Water Inventory Form – V-10956 –  
Sarah Overton/Beau Parker – 06/21/2017
95. Spring & Surface Water Inventory Form – V-10957 –  
Sarah Overton/Beau Parker – 06/20/2017

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96. Spring & Surface Water Inventory Form – V-10958 –  
Beau Parker/Sarah Overton – 06/20/2017
97. Spring & Surface Water Inventory Form – V-10959 –  
Beau Parker/Sarah Overton – 06/21/2017
98. Spring & Surface Water Inventory Form – V-10964 –  
Beau Parker/Sarah Overton – 06/22/2017
99. Spring & Surface Water Inventory Form – V-10965 –  
Beau Parker/Sarah Overton – 06/22/2017
100. Spring & Surface Water Inventory Form – V-10971 –  
Beau Parker/Sarah Overton – 06/22/2017
101. Spring & Surface Water Inventory Form – V-10979 –  
Ken Lucas/Sarah Overton – 09/11/2017
102. Spring & Surface Water Inventory Form – V-10981 –  
Ken Lucas/Sarah Overton – 09/11/2017
103. Spring & Surface Water Inventory Form – V-10982 –  
Ken Lucas/Sarah Overton – 09/13/2017
104. Spring & Surface Water Inventory Form – V-10983 –  
Ken Lucas/Sarah Overton – 09/12/2017
105. Spring & Surface Water Inventory Form – V-11002 –  
Ken Lucas/Sarah Overton – 09/12/2017
106. Field Investigation Koberh Valley Ranch June 2017 by Beau Parker &  
Sarah Overton – 12/28/2017
107. Field Investigation Diamond Valley, Bailey Ranch, V-01104, V-10868,  
V-10960 Sept. 2016 – TE 01/29/2018
108. Field Investigation Memorandum to files V-10880, V-10881 and  
V-10882 on 06/14/2017 – TE 04/11/18

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- 109. Field Investigation Report Diamond Valley, Simpson Creek & Four Eyed Nick Spring Areas, V-01084, V-01085, V-01086, V-01089, V-01133; V-02893, V-03657; and R-04239 in Apr. & May 2017 – TE 04/18/2018
- 110. Field Investigation Memorandum to file V-02959 on 05/17/2017, Holly Well TE 06/19/2018
- 111. Field Investigation Memorandum to file V-03033 on 05/17/2017, Florio Well TE 06/21/2018
- 112. Field Investigation Memorandum to file V-01068 on 06/13–14/ 2017, Seabury and Lucky Springs TE 06/21/2018

#### **XIV. ABSTRACT OF CLAIMS**

- 113. Abstract of Claims 08/31/2018

#### **XV. PRELIMINARY ORDER**

- 114. Preliminary Order 08/31/2018

#### **XVI. NOTICE OF SETTING TIME & PLACE**

- 115. Notice of Abstract of Proofs of Appropriation and Preliminary Order of Determination; Notice Setting Time and Place for Inspection of Proof of Claims; Notice of Deadline to File Objections; tentative dates for Hearing on Objections. 08/31/2018

#### **XVII. PROOF OF SERVICE OF PRELIMINARY ORDER – FIXING TIME AND PLACE**

- 116. Proof of service, signed Certified Mail Receipts; email.

#### **XVIII. OBJECTIONS**

- 117. Ruby Hill Mining Company request for notification – 10/29/18
- 118. Beck Properties – 11/01/2018

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- 119. Beck Family Trust dated 04/19/2005 – 11/01/2018
- 120. Arc Dome – 11/01/2018
- 121. Objection – Bailey Family Trust – 11/02/2018
- 122. Objection – Norman C. and Kindy L. Fitzwater – 11/05/2018
- 123. Bliss and Bingham Diamond Valley extension to file objections Letter KGjm – 11/06/2018
- 124. Objection – Baumann – 11/06/2018
- 125. Objection – BLM – 11/06/2018
- 126. Objections – Mark Moyle Farms, LLC – 11/06/2018
- 127. Eureka County Objection to PWR's – 11/07/2018
- 128. Eureka County – 11/07/2018
- 129. Renner, Ira and Montira – 11/07/2018
- 130. Solarljós, LLC – 11/07/2018
- 131. Kobeh Valley Ranch, LLC – 11/07/2018
- 132. Sadler Ranch, LLC – 11/7/2018
- 133. Venturacci, Daniel – 11/07/2018
- 134. Bliss, Chad and Rosie – 12/13/2018
- 134a. Supplemental Objections to Preliminary Order of Determination (Verification Added Only) – 01/29/2019

#### **XIX. NOTICE FOR HEARING OBJECTIONS**

n/a

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#### **XX. DAILY DEPOSITS**

n/a

#### **XXI. HEARING OF OBJECTIONS**

- 135. Diamond Valley Adjudication Notice of Hearing on Objections –  
01/10/2019 KGjm
- 136. Kobeh Valley Ranch's waiver of its right to hearing (Taggart) –  
01/23/19
- 137. Bailey Family Trust request (DePaoli) to move their hearing  
one-half day to 03/01/2019 – 01/25/19
- 138. DePaoli, Gordon – Diamond Valley Hearing on Objections Schedule  
Change for Bailey Family Trust – 01/31/19
- 139. Mark Moyle Farms, LLC's withdrawal of Objection to a Portion of the  
Preliminary Order and participation in the Hearing On Objections –  
01/28/19
- 140. Letter to Stephen Palmer granting re: Request for Extension of Time  
to File Evidence and Witness Statements due to the federal  
government shutdown; however, no change will be made to the  
predetermined timeframe of the hearing – 02/08/2019
- 141. Revised Schedule [not dates] for Hearing on Objections to the  
Preliminary Order of Determination, In The Matter of The  
Determination of The Relative Rights In and To All Water, Both  
Surface and Underground, Located Within Diamond Valley,  
Hydrographic Basin No. 10-153, Eureka and Elko Counties, State of  
Nevada – 02/08/2019
- 142. James E. and Vera L. Baumann's Withdrawal of Objections to  
Preliminary Order of Determination Regarding Claims V-04505,  
V-04506, V-04507, V-04509 and V-04510 – 02/21/2019
- 143. Notice of Continuing Hearing Date (for BLM) – 03/13/2019

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144. Diamond Valley Order of Determination – 01/31/2020

145. Notice of Order of Determination – 01/31/2020

**XXII. FINAL ORDER OF DETERMINATION**

n/a

**XXIII. PROOF OF SERVICE OF FINAL ORDER OF DETERMINATION**

n/a

**XXIV. COURT ORDER SETTING TIME & PLACE & PROOF OF SERVICE**

n/a

**XXV. PROOF OF PUBLICATION OF COURT ORDER SETTING TIME AND  
PLACE**

n/a

**XXVI. EXCEPTIONS FILED WITH THE COURT**

n/a

**XXVII. HEARING WITH COURT**

n/a

**XXVIII. SERVICE OF FINDINGS, CONCLUSIONS AND DECREE**

n/a

**XXIX. COST BILLS**

146. Cost accounting

**XXX. ENTRY OF FINAL DECREE**

n/a

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**XXXI. CERTIFICATES OR RIGHTS**

n/a

**XXXII. APPEAL TO THE SUPREME COURT**

n/a

**XXXIII. FINALITY**

n/a

**XXXIV. SERVICE LIST(S)**

147. Current Service List

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<b>Exhibit No.</b>	
	<b>IRA AND MONTIRA RENNER</b>
RNNR 1	V-02432
RNNR 2	V-10883
RNNR 3	V-10884
RNNR 4	V-10885
RNNR 5	V-10886
RNNR 6	V-10845
RNNR 7	V-10846
RNNR 8	V-10847
RNNR 9	V-10848
RNNR 10	V-10849
RNNR 11	V-10850
RNNR 12	V-10851
RNNR 13	V-10852
RNNR 14	V-10853
RNNR 15	V-10854
RNNR 16	V-10855
RNNR 17	Intentionally omitted
RNNR 18	Land Patents to Bailey
RNNR 19	V-02431
RNNR 20	Spring location
RNNR 21	Permit 85131
RNNR 22	Permit 85134
RNNR 23	Permit 85132
RNNR 24	Permit 85133
RNNR 25	Stockwater proof index
RNNR 26	Tax assessment of the property of Eureka
RNNR 27	Abstract of Title – Scott Ranch
RNNR 28	Order affirming final account of Robert Bailey
RNNR 29	Tax assessments, Eureka County 1900
RNNR 30	Tax assessments, Eureka County 1897
RNNR 31	Tax assessments, Eureka County 1894
RNNR 32	Tax assessments, Eureka County 1892
RNNR 33	Tax assessments, Eureka County 1891
RNNR 34	Tax assessments, Eureka County 1888
RNNR 35	John B. Scott Ranch Deed
RNNR 36	John Scott Land Mortgage



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RNNR 37	Tax assessments, Eureka County 1873
RNNR 38	Abstract of Title – Scott Ranch and confirming documents
RNNR 39	Chain of title and confirming documents
RNNR 40	State Engineer office memorandum: V-02432
RNNR 41	Land patent to Mulford
RNNR 42	Water rights maps
RNNR 43	Hydrographic Abstract of Renner water rights in basin 153
RNNR 44	Photos of hay, Aug. 1963
RNNR 45	USGS aerial photos
RNNR 46	Information concerning some inspected proofs of appropriation
RNNR 47	Photo of pump float
RNNR 48	Photo of Lake Dou Pah Gate
RNNR 49	Photo of Spring 3
RNNR 50	Photos of Spring 6
RNNR 51	George Thiel Expert Report and CV
RNNR 52	Certificate 11890
RNNR 53	Certificate 11891
RNNR 54	Certificate 12333
RNNR 55	Certificate 14026
RNNR 56	Transcript of Interview with J. Flynn
RNNR 57	NDWR Field Investigation Stockwater
RNNR 58	NDWR Field Investigation
RNNR 59	Terry Katzer CV
RNNR 60	Chain of Title Documents
RNNR 61	Renner Objections to Preliminary Order of Determination
RNNR 62	Renner Witness List
RNNR 63	Renner Exhibit List
	<b>SADLER RANCH, LLC</b>
SADL SUPP 1	2013 Transcripts
SADL SUPP 2	2019 Dwight Smith Report
SADL SUPP 3	Sadler Ranch Objections to Preliminary Order of Determination
SADL SUPP 4	1913–1914 Biennial Report of the State Engineer
SADL SUPP 5	2013 Dwight Smith Report
SADL SUPP 6	2013 Dwight Smith Demonstrative

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SADL SUPP 7	Dwight Smith CV
SADL SUPP 8	Michael Buschelman CV
SADL SUPP 9	Sadler Ranch 2019 Witness List
SADL SUPP 10	Sadler Ranch 2019 Exhibit List
	<b>DANIEL VENTURACCI</b>
<b>Proofs</b>	
VENT Exh 001	V-01114
VENT Exh 002	V-01115
VENT Exh 003	Proof Map V-01114, V-01115
VENT Exh 004	V-02845
VENT Exh 005	V-02846
VENT Exh 006	V-02847
VENT Exh 007	Proof Map V-02845, V-02846, V-02847
VENT Exh 008	V-10368
VENT Exh 009	Proof Map V-10368
VENT Exh 010	V-01110
VENT Exh 011	V-10973
VENT Exh 012	Proof Map V-01110
VENT Exh 013	Proof Map V-10973
VENT Exh 014	V-01111
VENT Exh 015	V-10972
VENT Exh 016	Proof Map V-01111
VENT Exh 017	Proof Map V-10972
VENT Exh 018	V-01319
VENT Exh 019	V-01320
VENT Exh 020	V-01521
VENT Exh 021	V-01596
VENT Exh 022	V-10974
VENT Exh 023	V-10975
VENT Exh 024	V-10976
VENT Exh 025	V-10977
VENT Exh 026	V-10978
VENT Exh 027	V-10979
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VENT Exh 030	V-10982
VENT Exh 031	V-10983
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<b>VENT Exh 033</b>	<b>V-10985</b>
<b>VENT Exh 034</b>	<b>V-10986</b>
<b>VENT Exh 035</b>	<b>V-10987</b>
<b>VENT Exh 036</b>	<b>V-10988</b>
<b>VENT Exh 037</b>	<b>V-10989</b>
<b>VENT Exh 038</b>	<b>V-10990</b>
<b>VENT Exh 039</b>	<b>V-10991</b>
<b>VENT Exh 040</b>	<b>V-10992</b>
<b>VENT Exh 041</b>	<b>V-10993</b>
<b>VENT Exh 042</b>	<b>V-10994</b>
<b>VENT Exh 043</b>	<b>V-10995</b>
<b>VENT Exh 044</b>	<b>V-10996</b>
<b>VENT Exh 045</b>	<b>V-10997</b>
<b>VENT Exh 046</b>	<b>V-10998</b>
<b>VENT Exh 047</b>	<b>V-10999</b>
<b>VENT Exh 048</b>	<b>V-11000</b>
<b>VENT Exh 049</b>	<b>V-11001</b>
<b>VENT Exh 050</b>	<b>V-11002</b>
<b>VENT Exh 051</b>	<b>V-11003</b>
<b>VENT Exh 052</b>	<b>V-11004</b>
<b>VENT Exh 053</b>	<b>V-11005</b>
<b>VENT Exh 054</b>	<b>V-11006</b>
<b>VENT Exh 055</b>	<b>V-11007</b>
<b>VENT Exh 056</b>	<b>V-11008</b>
<b>VENT Exh 057</b>	<b>V-11009</b>
<b>VENT Exh 058</b>	<b>V-11010</b>
<b>VENT Exh 059</b>	<b>V-11011</b>
<b>VENT Exh 060</b>	<b>V-11012</b>
<b>VENT Exh 061</b>	<b>V-11013</b>
<b>VENT Exh 062</b>	<b>V-11014</b>
<b>VENT Exh 063</b>	<b>V-11015</b>
<b>VENT Exh 064</b>	<b>V-11016</b>
<b>VENT Exh 065</b>	<b>V-11017</b>
<b>VENT Exh 066</b>	<b>V-11018</b>
<b>VENT Exh 067</b>	<b>V-11019</b>
<b>VENT Exh 068</b>	<b>V-11020</b>
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VENT Exh 073	V-11025
VENT Exh 074	V-11026
VENT Exh 075	V-11027
VENT Exh 076	V-11028
VENT Exh 077	V-11029
VENT Exh 078	Proof Map for V-11020
VENT Exh 079	Proof Map for V-11021, V-11022, V-11023
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VENT Exh 081	Proof Map for V-11025, V-11026, V-11027, V-11028, V-11029
VENT Exh 082	Proof Map for V-01319
VENT Exh 083	Proof Map for V-01320
VENT Exh 084	Proof Map for V-01521
VENT Exh 085	Proof Map for V-10974-V-11019
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VENT Exh 086	Patent Overview Map
VENT Exh 087	2514 Contract
VENT Exh 088	2514 Nevada State Archives Patent Copy
VENT Exh 089	2514 Recorded Copy
VENT Exh 090	6804 Contract
VENT Exh 091	6804 Nevada State Archives Patent Copy
VENT Exh 092	6804 Recorded Copy
VENT Exh 093	6805 Contract
VENT Exh 094	6805 Nevada State Archives Patent Copy
VENT Exh 095	6805 Recorded Copy
VENT Exh 096	8966 Nevada State Archives Patent Copy
VENT Exh 097	8966 Recorded Copy
VENT Exh 098	8967 Contract
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<b>BAUMANN 071</b>	<b>1962 Newspaper clipping re Hunter Ranch cattle</b>



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BAUMANN 072	Written Statement of Leo Damele
BAUMANN 073	Written Statement of John Schweble
BAUMANN 074	Written Statement of Wayne Robinson
BAUMANN 075	[Intentionally Omitted]
BAUMANN 076	Expert Report: William Price
BAUMANN 077	CV: William Price
BAUMANN 078	GLO Survey Plat Maps T20N, R54E
BAUMANN 079	GLO Survey Plat Notes T20N, R54E
BAUMANN 080	GLO Survey Plat Map T19N, R54E
BAUMANN 081	GLO Survey Plat Notes T19N, R54E
BAUMANN 082	BLM Master Title Plats (MTP)
BAUMANN 083	BLM Historical Index Sheets (HI)
BAUMANN 084	USGS Topographic and Quadrangle Survey Maps – Eureka and Diamond Peak
BAUMANN 085	Poison Spring Map (V-09760) – stock tanks in relation to boundary line
BAUMANN 086	Written Statement of Gerald Robinson
BAUMANN 087	Photos: Gathering Cattle in Milk Ranch Canyon
BAUMANN 088	NDWR Field Investigation – Spanish Gulch Spring (V-04500)
BAUMANN 089	NDWR Field Investigation – Milk Ranch (V-04499)
BAUMANN 090	NDWR Field Investigation – Bullwhacker (V-04509)
BAUMANN 091	NDWR Field Investigation – Lani (V-04506)
BAUMANN 092	NDWR Field Investigation – Richmond Spring (V-04510)
BAUMANN 093	NDWR Field Investigation – Middle Spring (V-04505)
BAUMANN 094	NDWR Field Investigation – Fred Spring (V-04507)
BAUMANN 095	Baumann Water Rights Notebook Vol. 1, Tab 1 (Allotment and Grazing Information, Surveys)
BAUMANN 096	Topographical Map re: Proofs 09760 and 09776
BAUMANN 097	Witness and Exhibit List
BAUMANN 098	Correspondence dated 02/12/2019, from Therese Ure, Esq. to Kristen Geddes re BLM Extension of Time and Revised Schedule for Hearing
BAUMANN 099	Partial withdrawal of Objection to Preliminary Order of Determination
BAUMANN 100	Map of Appropriation of Water by James Hunter, Eureka County, Nevada
<b>NORMAN AND KINDY FITZWATER</b>	
FITZWATER 001	1894 GLO Survey Plat Map

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FITZWATER 002	1893 GLO Survey Notes T20N R54E (Excerpted)
FITZWATER 003	1906 Resurvey Plat Map
FITZWATER 004	1906 GLO Survey Notes T20N R54E
FITZWATER 005	1911 NDWR Application and Permit 1937
FITZWATER 006	1911 Water Use Affidavit: Unappropriated Water
FITZWATER 007	1911 Deed from Mattei to Minoletti, Bk. 17 Pg. 95
FITZWATER 008	1911 Water Use Affidavit: Labor and Improvements
FITZWATER 009	1912 NDWR Application Map
FITZWATER 010	1912 NDWR Proof of Beneficial Use
FITZWATER 011	1912 NDWR Certificate 43
FITZWATER 012	08/17/1912 Water Location – County Recording of Certificate 43
FITZWATER 013	NDWR Permit 1937: Misc. Correspondence from File
FITZWATER 014	11/02/2018 Fitzwater Objections to Preliminary Order of Determination to Diamond Valley Adjudication
FITZWATER 015	11/07/2018 Eureka County's Objection to BLM's Public Water Reserves in Preliminary Order of Determination (Excerpted)
FITZWATER 016	RS 2339, RS 2477, RS 2340
FITZWATER 017	Demonstrative Maps of Pipeline Path
FITZWATER 018	Photographs of Spring Development, Reservoir, and Ditches
FITZWATER 019	1914 USA Patent to Minoletti 394049 (03/20/1914)
FITZWATER 020	NDWR file for BLM PWR R-04249
FITZWATER 020	NDWR file for BLM PWR R-04249
FITZWATER 021	Witness and Exhibit List
FITZWATER 022	Correspondence dated 02/12/2019, from Therese Ure, Esq. to Kristen Geddes re BLM Extension of Time and Revised Schedule for Hearing
FITZWATER 023	Marked up copy of photographs from Exhibit Fitzwater 018
	<b>CHAD AND ROSIE BLISS</b>
BLISS 001	Ruby Hill Grazing Allotment Map
BLISS 002	Proof of Appropriations – V-04497
BLISS 003	Gilbellini Spring #3 Photograph – V-04488
BLISS 004	Proof of Appropriations – V-04488
BLISS 005	Proof of Appropriations – V-04498
BLISS 006	Gilbellini Spring #3 Photograph – V-04489
BLISS 007	Proof of Appropriations – V-04489

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BLISS 008	Proof of Appropriations – V-04494
BLISS 009	Proof of Appropriations – V-04495
BLISS 010	Proof of Appropriations – V-04496
BLISS 011	Proof of Appropriations – V-04499
BLISS 012	Proof of Appropriations – V-04500
BLISS 013	Proof of Appropriations – V-04486
BLISS 014	Witness and Exhibit List
<b>EUREKA COUNTY</b>	
EUREKA 001	Curriculum Vitae of Robert O. Anderson, P.E., CFM, WRS
EUREKA 002	Report of Robert O. Anderson, P.E., CFM, WRS, entitled In the Matter of the Determination of the Relative Rights In and To All Waters of Diamond Valley Hydrographic Basin No. 10-153 Elko and Eureka Counties, Nevada, Eureka County Claims V-04501, V-04503, V-04504, V-04505, V-04506, V-04507, V-04508, V-04509 and V-004510, dated Jan. 2019
EUREKA 003	Curriculum Vitae of Jacob T. Tibbitts
EUREKA 004	Report of Jacob "Jake" Tibbitts entitled Report Supporting Eureka County Objections, In the Matter of Bureau of Land Management Claimed Public Water Reserved in Diamond Valley, Nevada, dated 01/31/2019
EUREKA 005	Curriculum Vitae of Dale C. Bugenig
EUREKA 006	Report of Dale C. Bugenig entitled In the Matter of Adjudication of Claims of Public Water Reserves in Diamond Valley, Nevada, dated 01/29/2019, with Attachment A entitled Field Investigative Report and Analysis of the BLM's Public Water Reserves in the Preliminary Order of Determination in Support of Eureka County's Objections
EUREKA 007	Bureau of Land Management, Instructional Memorandum NV-90-145, Water Rights Procedures for the State of Nevada, dated 01/17/1990
EUREKA 008	Bureau of Land Management, Instructional Memorandum NV IM-2005-077, BLM Nevada Water Rights Policy, dated 06/30/2005
EUREKA 009	Bureau of Land Management, Instructional Memorandum NV IM-2013-007, BLM Nevada Water Rights Policy, dated 12/19/2012
EUREKA 010	Bureau of Land Management, Public Water Reserve (PWR 107) Checklist

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Diamond Valley Eureka & Elko Counties, Nevada.**

<b>EUREKA 011</b>	<b>Bureau of Land Management, Protest of Application 83902 in the Office of the State Engineer of the State of Nevada, filed 07/28/2014</b>
<b>EUREKA 012</b>	<b>Bureau of Land Management, Packet of PWR files provided in response to Apr. 2017 email request from Jake Tibbitts</b>
<b>EUREKA 013</b>	<b>Bureau of Land Management, Shoshone-Eureka Resource Management Plan Environmental Impact Statement, dated 01/27/1984</b>
<b>EUREKA 014</b>	<b>Bureau of Land Management, Shoshone-Eureka Resource Management Plan Record of Decision, dated 03/10/1986</b>
<b>EUREKA 015</b>	<b>Bureau of Land Management, Shoshone-Eureka Proposed Resource Management Plan Amendment and Final Environmental Impact Statement, dated 08/28/1987</b>
<b>EUREKA 016</b>	<b>Bureau of Land Management, Shoshone-Eureka Resource Management Plan Amendment Record of Decision, dated 11/06/1987</b>
<b>EUREKA 017</b>	<b>Bureau of Land Management, Water Rights Manual 7250, dated 09/30/2013</b>
<b>EUREKA 018</b>	<b>Central Nevada Regional Water Authority. 03/31/17 Meeting. Retrieved from <a href="https://cnrwa.com/wp-content/uploads/bsk-pdf-manager/2019/01/CNRWA-meeting-minutes-March-31-2017.pdf">https://cnrwa.com/wp-content/uploads/bsk-pdf-manager/2019/01/CNRWA-meeting-minutes-March-31-2017.pdf</a></b>
<b>EUREKA 019</b>	<b>Cook, Christopher J. (BLM Mount Lewis Field Office Manager). Letter to J.J. Goicoechea regarding BLM protest of Application 83902, dated 09/12/2014</b>
<b>EUREKA 020</b>	<b>Plats and Indices for Each PWR Associated Township and Range. General Land Office Plats and BLM Master Title Plats with Historical Indices. Retrieved and consolidated from <a href="https://glorerecords.blm.gov/LandCatalog/Catalog">https://glorerecords.blm.gov/LandCatalog/Catalog</a> and <a href="https://www.nv.blm.gov/LandRecords/index.php">https://www.nv.blm.gov/LandRecords/index.php</a></b>
<b>EUREKA 021</b>	<b>Order of Withdrawal. Public Water Reserve No. 29, Nevada No. 1. 1915</b>
<b>EUREKA 022</b>	<b>Public Land Order. No. 2669, Nevada 051863, 057049. FR 62-4623. 05/10/1962</b>
<b>EUREKA 023</b>	<b>Simpson, Jo (BLM Office of Communication Chief). Letter to Luther K. (Luke) Wise regarding use of Public Water Reserves for wild horses, dated 10/29/2001</b>

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<b>EUREKA 024</b>	<b>Stipulation for Withdrawal of Protests between General Moly Inc. and Bureau of Land Management, dated 08/06/2008.</b>
<b>EUREKA 025</b>	<b>Tibbitts, Jake, "Re: Follow-ups from CNRWA presentation last Friday, 03/31/17." Message to Ronald (Rudy) Evenson, dated 04/25/2017. Email.</b>
<b>EUREKA 026</b>	<b>Tibbitts, Jake, "Re: PWR Checklist for filings in Diamond Valley." Message to Douglas Furtado and Jon Sherve, dated 04/25/2017. Email</b>
<b>EUREKA 027</b>	<b>Todd, Marci L. (BLM Acting State Director). Letter to Jake Tibbitts regarding Public Water Reserves, dated 06/12/2017</b>
<b>EUREKA 028</b>	<b>Ruling 5729, dated 04/27/2007</b>
<b>EUREKA 029</b>	<b>Eureka County's Objections to Preliminary Order of Determination, filed 11/07/2018, with Exhibit A</b>
<b>EUREKA 030</b>	<b>Affidavit of Robert O. Anderson, P.E., W.R.S., C.F.M., filed 11/07/2018</b>
<b>EUREKA 031</b>	<b>Eureka County's Objections to BLM's Public Water Reserves in Preliminary Order of Determination, filed 11/07/2018</b>
<b>EUREKA 032</b>	<b>Affidavit of Jake Tibbitts, filed 11/07/2018</b>
<b>EUREKA 033</b>	<b>Field Investigative Report and Analysis of the BLM's Public Water Reserves in the Preliminary Order of Determination in Support of Eureka County's Objections</b>
<b>EUREKA 034</b>	<b>Eureka County's Proofs of Claims V-04501, V-04503, V-04504, V-04505, V-04506, V-04507, V-04508, V-04509 and V-004510 and associated information submitted in this proceeding. Eureka County is not resubmitting the same information for purposes of the hearing unless requested to do so by the State Engineer</b>
<b>EUREKA 035</b>	<b>BLM Claim of Public Water Reserve R-04243</b>
<b>EUREKA 036</b>	<b>Eureka County Witness and Exhibit List</b>
<b>EUREKA 037</b>	<b>Affidavit of Leonard Fiorenzi</b>
<b>EUREKA 038</b>	<b>Affidavit of Ronald Damale</b>
<b>EUREKA 039</b>	<b>Proof of Appropriation V-01137</b>
<b>EUREKA 040</b>	<b>Claim R-04233</b>
<b>EUREKA 041</b>	<b>Claim R-04270</b>
<b>EUREKA 042</b>	<b>Claim R-04238</b>
<b>EUREKA 043</b>	<b>Claim R-04255</b>

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	<b>BLM</b>
BLM 001	General Land Office Records
BLM 002	Master Title Plats and Historical Indexes
BLM 003	Documents in support of R-04249
BLM 004	Documents in support of R-04250
BLM 005	Documents in support of R-04251
BLM 006	Documents in support of R-04253 and R-04254
BLM 007	Documents in support of R-04255
BLM 008	Documents in support of R-04256
BLM 009	Documents in support of R-04257
BLM 010	Documents in support of R-04258
BLM 011	Documents in support of R-04260 and R-04261
BLM 012	Documents in support of R-04262
BLM 013	Documents in support of R-04270
BLM 014	Documents in support of R-04233
BLM 015	Documents in support of R-04238
BLM 016	Documents in support of R-04243
BLM 017	Documents in support of R-04244
BLM 018	Documents in support of R-04271
BLM 019	Documents in support of R-04277
BLM 020	Documents in support of R-04520
BLM 021	Documents in support of R-04239
BLM 022	Documents in support of R-04263 and R-04264
BLM 023	Documents in support of R-04237
BLM 024	BLM Glossary of Terms
BLM 025	List of PWRs rejected for being fully appropriated
BLM 026	US Hwy 50 Right-of-Way Information
BLM 027	BLM Cadastral Report
BLM 028	Spreadsheet Summarizing Eureka County Objections
BLM 029	Spreadsheet – 2016 Battle Mountain, Diamond Valley, Basin 153, Public Water Reserves
BLM 030	Peterson Resume
BLM 031	Peterson Expert Report
BLM 032	Burdick Memo regarding vested claims
BLM 033	Bailey Family Trust Grazing Permit Information
BLM 034	Baumann Family Trust Grazing Permit Information
BLM 035	Dan Venturacci Grazing Permit Information

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BLM 036	Peter J. and Gladys P. Goicoechea Grazing Permit Information
BLM 037	2 Bit Ranch LLC Grazing Permit Information
BLM 038	Arc Dome LLC Grazing Permit Information
BLM 039	Bar D Land and Livestock LLC Grazing Permit Information
BLM 040	Diamond Cattle Co. Grazing Permit Information
BLM 041	High Country Ranches LLC Grazing Permit Information
BLM 042	Ira and Montira Renner Grazing Permit Information
BLM 043	Kobeh Valley Ranch LLC Grazing Permit Information
BLM 044	Sadler Ranch LLC Grazing Permit Information
BLM 045	BLM-NV Water Rights Policy IM-2014-044
BLM 046	BLM witness and exhibit list
BLM 047	BLM Objection to Preliminary Order of Determination
BLM 048	R-04238 corrected maps (topographic and aerial)
	<b>SOLARJOS, LLC</b>
SOLARJOS 001	Attachment "A" to Proof of Appropriation of Water for Diamond Mine and the Town of Prospect, Eureka County, Nevada [000001-000133]
	Objection of Solarljios. LLC and Gullsil, LLC to the Preliminary Order of Determination dated 08/30/2018, in the Matter of the Determination of the Relative Rights In and To All Waters of Diamond Valley, Hydrographic Basin No. 10-153, Elko and Eureka Counties, Nevada [000134-000153]
	Harrub Well historic map [000154]
	SRK Map of Prospect Well 1, Prospect Well 2, and Einar Spring [000155-000159]
	Barbi Harmon Testimony (Summary) [000160-000161]
	Harmon supporting documents (letters, BLM and State Historic Preservation Office [000162-000172]
	Harmon map [000173]
	Harmon photos [000174-000177]
SOLARJOS 002	Field Investigation
SOLARJOS 003	Solarljios Witness and Exhibit List
	<b>BAILEY FAMILY TRUST</b>
BAILEY 001	Grant Deed dated 01/11/2018, from Bailey Family Trust to Wilfred Bailey and Carolyn Bailey

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BAILEY 002	Grant Deed dated 02/20/2018, from Wilfred Bailey and Carolyn Bailey to Wilfred Bailey and Carolyn Bailey as Trustees of the Wilfred and Carolyn Bailey Family Trust dated 02/20/2018
BAILEY 003	Affidavit of Wilfred Rand Bailey dated 05/20/2016
BAILEY 004	Excerpts of Testimony of Wilfred Bailey, In the Matter of Applications 81719, 81720, 81825, 82268, 82570, 82571, 82572 and 82573, from Vol. IV of Transcript of Proceedings 11/21/2013
BAILEY 005	Declaration of Wilfred Rand Bailey, dated 01/21/2019
BAILEY 006	Map of Township No. 23 North of Range No. 52 East, Mount Diablo Meridian dated 11/04/1879
BAILEY 007	Map of Township No. 24 North of Range No. 52 East, Mount Diablo Meridian dated 11/04/1879
BAILEY 008	Map of Township No. 24 North of Range No. 53 East, Mount Diablo Meridian dated 10/22/1879
BAILEY 009	Map of Township No. 23 North of Range No. 52 East, Mount Diablo Meridian, dated 03/05/1894
BAILEY 010	Resume of Reed Cozens, PE, WRS, Resource Concepts, Inc.
BAILEY 011	Report of Reed Cozens, PE, WRS, Resource Concepts, Inc. dated 01/31/2019
BAILEY 012	Photograph of pond area around former spring site
BAILEY 013	Geohydrologic data report 1982
BAILEY 014	1912 map with notations by witness Reed Cozens
BAILEY 015	Oversize map with notations by witness Fred Bailey
BAILEY 016	Bailey witness and exhibits list
<b>TRANSCRIPTS OF PUBLIC HEARINGS</b>	
VOL. 1	Public Hearing held 02/11/2019
VOL. 2	Public Hearing held 02/12/2019
VOL. 3	Public Hearing held 02/14/2019
VOL. 4	Public Hearing held 02/15/2019
VOL. 5	Public Hearing held 02/19/2019
VOL. 6	Public Hearing held 02/21/2019
VOL. 7	Public Hearing held 02/22/2019
VOL. 8	Public Hearing held 02/25/2019
VOL. 9	Public Hearing held 02/26/2019
VOL. 10	Public Hearing held 02/27/2019
VOL. 11	Public Hearing held 02/28/2019



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<b>VOL. 12</b>	<b>Public Hearing held 03/01/2019</b>
<b>VOL. 13</b>	<b>Public Hearing held 03/28/2019</b>
<b>VOL. 14</b>	<b>Public Hearing held 03/29/2019</b>

# **EXHIBIT “2”**

RECEIVED

NOV 05 2021

Eureka County Clerk

Case No.: CV-2002009

NO FILED

Dept. No.: 2

NOV 05 2021

By Eureka County Clerk  
[Signature]

IN THE SEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE 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

**NOTICE OF ENTRY OF CORRECTED  
ORDER GRANTING SOLARLJOS  
LLC'S MOTION FOR PARTIAL  
SUMMARY JUDGMENT  
AND  
NOTICE VACATING/CONTINUING  
STATUS HEARING CURRENTLY SET  
FOR NOVEMBER 9, 2021**

TO: ALL PARTIES AND THEIR ATTORNEYS HEREIN:

PLEASE TAKE NOTICE that a Corrected Order Granting Solarljios, LLC's Motion for Partial Summary Judgment was entered in the above-referenced case on the 27<sup>th</sup> day of October, 2021. A true and correct copy of the Order is attached as "Exhibit 1."

Vacating/Continuing status hearing currently set for November 9, 2021: Solarljios had previously requested, and the Court granted, a request to vacate the evidentiary hearing following entry of the original summary judgment order. *Nothing has changed in that regard*; following the entry of the Corrected Order, there is still no need for an evidentiary hearing on Solarljios' exception.

However, Solarljios had previously requested the Court allow the parties to conduct a zoom conference on November 9, 2021 instead to address an anticipated request by Solarljios for NRCP

1 54(b) certification, at which time other interested parties would be allowed to participate. That  
2 status conference/hearing has now been vacated and will be reset following this Notice of  
3 Entry of Order. Solarljox will be filing a request for NRCp 54(b) certification of the *Corrected*  
4 Order, and the date for hearing on that request will be set following confirmation of availability of  
5 the Court to hear the request.

6 **AFFIRMATION:** Pursuant to NRS 239B.030, the undersigned hereby affirms that this  
7 document does not contain the personal information or social security number of any person.

8 DATED: November 5, 2021.

KAEMPFER CROWELL

9 

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18 Attorneys for Solarljox, LLC  
19  
20  
21  
22  
23  
24

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am employed by the law firm of Kacmpfer Crowell, and that on this 19<sup>th</sup> day of October, 2021, I served a true and correct copy of the foregoing document **NOTICE OF ENTRY OF CORRECTED ORDER GRANTING SOLARLJOS LLC'S MOTION FOR PARTIAL SUMMARY JUDGMENT AND NOTICE OF VACATING/CONTINUING STATUS HEARING ON NOVEMBER 9, 2021** via email, addressed to the following:

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Ian Carr  
Deputy Attorney General  
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1 *Baumann; Arc Dome Partners, LLC, Robert*  
2 *F. Beck and Karen A. Beck, Trustees of the*  
3 *Beck Family Trust dated 4-19-2005 and Beck*  
4 *Properties; Norman and Kindy Fitzwater*

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*Attorney for the United States of America*

12 Courtesy Copy Via U.S.P.S. Mail:

13 Hon. Gary D. Fairman  
14 Dept. 2  
15 PO Box 151629  
16 Ely, NV 89315

17 DATED November 5, 2021

18   
19 Sharon Stice  
20 An employee of Kacmpfer Crowell  
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# EXHIBIT 1

# EXHIBIT 1



Case No.: CV-2002009

Dept. No.: 2

NO. \_\_\_\_\_ FILED

OCT 27 2021

By *Eureka County Clerk*  
*[Signature]*

IN THE SEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE 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

**CORRECTED ORDER GRANTING  
SOLARLJOS, LLC'S MOTION FOR  
PARTIAL SUMMARY JUDGMENT**

THIS MATTER comes before the Court on a Motion for Partial Summary Judgment filed by Solarljios, LLC (hereinafter "Petitioner" or "Solarljios") on September 3, 2021. Any written opposition was due on or before September 17, 2021. However, no oppositions were filed to Solarljios' Motion for Partial Summary Judgment and Solarljios submitted the Motion for this Court's review and decision. Therefore, there is good cause appearing for this Court to grant Solarljios' Motion for Partial Summary Judgment in its entirety:

**I. FINDINGS OF FACT**

This Court, having read the moving papers, pleadings, exhibits, and other documentation  
HEREBY FINDS THE FOLLOWING:

1. This matter arises as one of the required statutory processes of a "vested rights adjudication" conducted under NRS 533.087 through 533.265.

2. The State Engineer's office began the process of taking "proofs" of vested rights

RECEIVED

OCT 27 2021

Eureka County Clerk

Katherine Conwell  
60 West Liberty Street, Suite 700  
Eureka, Nevada 89001

1 for the purpose of performing an adjudication of the Diamond Valley Hydrographic Basin, No  
2 10-153, nearly 40 years ago, back in 1982 when that office issued Order 800, the *Order*  
3 *Initiating Proceedings*, pursuant to NRS 533.090(2) and Order 801, the *Notice of Order and*  
4 *Proceedings*, which was published and served on land owners in the basin as required by NRS  
5 533.095. Several years of extension later, nothing had occurred to move that process along, and  
6 in 2015 the State Engineer issued Order 1263, a *Notice of Order and Proceedings to Determine*  
7 *Water Rights, both Surface and Underground*, in the matter of the determination of relative  
8 rights in and to all waters in the Diamond Valley Hydrographic Basin (10-153), Elko and  
9 Eureka Counties, Nevada. That Order effectively "reinitiated" Order 801 (one of the orders  
10 previously issued in 1982), and then on October 16, 2015, the State Engineer issued Order 1266,  
11 a *Notice of Order for Taking Proofs to Determine Water Rights*, which directed all interested  
12 parties who felt they had a claim to vested water rights in Diamond Valley to file their "Proofs"  
13 on or before May 31, 2016.

14 3. Solarjios was one of the parties who filed Proofs of vested water rights with the  
15 State Engineer as part of that proceeding in May of 2016, filing Claim Nos. V-10880, V-10881,  
16 and V-01882. Those Proofs were based on the use of water for a mining operation associated  
17 with the old mining town of Prospect, which had operated near the turn of the century prior to  
18 1900. The Proofs included documentation showing the existence of the mining operation,  
19 descriptions of the mining operation by the Solicitor General following annual visits to the mine  
20 site and the town, ledger entries demonstrating the existence of water pumps as part of the  
21 equipment utilized by the mining operation, Eureka County assessment records referencing the  
22 water system for the mine and the "Harrub Well" in that valuation, and a few photographs  
23 depicting locations of hand-dug wells in that vicinity.  
24

1  
2 4. When the State Engineer concluded the period for submission of the taking of  
3 Proofs, he analyzed those submissions and issued the Preliminary Order on August 30, 2018.  
4 The Preliminary Order stated the findings of the State Engineer regarding the submitted Proofs  
5 of vested water right claims for all of those persons and companies who had submitted Proofs  
6 by the May 31, 2016 deadline. The Preliminary Order stated which of the Proofs would be  
7 approved and how much of an allocation of water was proven as having been used (vested), and  
8 the State Engineer also indicated whether he found the water right proven up to be a surface  
9 right or groundwater right in the case of Solarljøs. The State Engineer also denied some Proofs  
10 of claim outright, and those claimants therefore received no vested water.

11 5. In that section of the Preliminary Order addressing the claims made by Solarljøs,  
12 the State Engineer approved Proof V-10880 for allocation of .472 cfs (cubic feet per second) of  
13 vested water rights to Solarljøs for "mining an milling from January 1 through December 31"  
14 from the Einar Spring, which is a surface source. That diversion rate allocation for a mining and  
15 milling right is equivalent to an annual total duty of 342.71 acre feet annually ("AFA"). In  
16 making that determination, the Preliminary Order at pages 273 and 274 discussed at length the  
17 documentary proof supplied by SRK and Solarljøs to support the claim, and spoke supportively  
18 of that proof, stating:

19 The waters from Clark Spring were captured and put into a pipeline to the  
20 former town of Ruby Hill, according to the maps drawn by Hague, which were  
21 surveyed in 1880. ... Several historical sources refer to Prospect being developed  
22 about 1885 with a population of about 50 people with a post office being  
23 established in 1893, but do not elaborate on much else. The smelter was not  
24 constructed until 1908 along with several boarding houses. The water pipeline  
from Clark Spring was probably severed in the early 1880's to serve the needs of  
the Prospect town site or the water from adjacent springs within the complex were  
utilized. This suggests that the needs for water prior to 1880 was minimal.  
Support documentation mentioned the water for boilers and mining operations  
were supplied with water from springs utilizing a Knowles steam pump and a

1 Cameron steam pump whose operating capacity at normal speeds would be  
2 approximately 200 gpm (0.45 cfs) combined. These necessary pieces of  
3 machinery probably arrived in the area prior to the town of Prospect being  
4 developed. The documentation filed in support of the proof and information  
5 gleaned from the public domain would put the date of first beneficial use of the  
6 water post-1880, based on the Hague map, and prior to the development of the  
7 town of Prospect prior to 1885. Based on the filed support documentation, field  
8 investigation by the Office of the State Engineer and information obtained from  
9 sources in the public domain, the State Engineer find [sic] a basis the diversion of  
10 0.472 cfs of water from Einar Spring source for mining and milling from January  
11 1 through December 31 with a priority date of 1880. The State Engineer also finds  
12 a basis for the diversion of water for domestic use from January 1 through  
13 December 31.

14 6. However, despite granting Solarljof a .472 cfs vested claim for the Einar Spring,  
15 the Preliminary Order then denied Solarljof's vested claims V-10881 and V-10882, but did so  
16 entirely on the basis that those claims were applications for "groundwater." In making those  
17 denials, the State Engineer found only that Solarljof's Proofs failed to demonstrate that  
18 groundwater wells rather than springs, were the source of water described and for which  
19 Solarljof provided evidence.

20 7. However, there was no discussion in the Preliminary Order of limiting the  
21 amount of water granted to Solarljof based on the type of mining operation, the size of the  
22 pumps, the way in the mining operation was operated (or would have been operated), or the  
23 approximate amount of water that such a mining operation and town as Prospect would have  
24 used given Solarljof's Proofs. Instead, the State Engineer denied Proofs V-10881 and V-10882  
on the sole basis that the points of diversion for those claims did not bear the necessary  
characteristics to be considered historic "wells." Indeed, in denying V-10882 the State Engineer  
also made the determination that the point of diversion was the same Einar Spring as was  
approved for Claim No. V-10880, and that there was no "well" at any location to support a

1 separate underground source.

2 8. The result of the Preliminary Order, consequently, was that Solarljøs was  
3 allocated vested rights in the amount of .472 cfs (342.71 AFA), but those vested water rights  
4 were limited to a single surface right source rather than also being groundwater rights with wells  
5 as their points of diversion. Thus, the State did find that Solarljøs had made sufficient proof of  
6 the use of that amount of water to justify the award of the vested claim (Solarljøs sought  
7 approval for .471cfs).

8 9. The only thing the State disagreed with Solarljøs about was the limited source of  
9 the water, with the State finding that the source was solely a surface spring and not also the  
10 historic, hand-dug groundwater wells identified in V-10881 and V-10882.

11 10. Solarljøs properly filed an objection to the Preliminary Order within the time  
12 required for filing objections under NRS 533.145 after the Preliminary Order was opened to  
13 public inspection as required by that statute.<sup>1</sup> Solarljøs' objection to the Preliminary Order was  
14 entirely based on the only finding made in the Preliminary Order that was adverse to the  
15 position put forth by Solarljøs, which was the State Engineer's finding that the sole source of  
16 the vested water used was the Einar Spring and that the groundwater well diversion locations  
17 identified by Solarljøs were not actually hand-dug "wells."

18 11. At the hearing on its objection, Solarljøs presented arguments and evidence  
19 directed only to that point: evidence and arguments designed to demonstrate that the locations  
20 of these other points of diversion of water identified were actually hand-dug wells, that the  
21 County's assessment records noted one source as the "Harrub Well," and that a noted  
22 archeologist who had worked on the cultural analysis of Solarljøs' property in connection with

23  
24 <sup>1</sup> As indicated above, Solarljøs had previously filed a Petition for Judicial Review of the Final  
Order, but upon filing its Objection in this case Solarljøs' counsel stipulated to stay that other  
case, CV2003-010, pending final determination of this matter.

1 the completion of Solarljos' environmental assessment necessary to satisfy BLM permitting  
2 requirements had concluded that the points of diversion sites were in fact hand-dug wells that  
3 might actually require preservation by Solarljos as part of the cultural assessment and work on  
4 the property. The intent of that proof at the hearing was to establish Solarljos right to a vested  
5 groundwater claim as well as a surface water claim. The amount of the vested claim was not at  
6 issue.

7 12. On January 31, 2020, the current State Engineer issued the Final Order after  
8 consideration of the various objections that had been filed and presented during the hearings  
9 conducted in early 2019. In the Final Order, the State Engineer accepted the additional  
10 arguments presented by Solarljos at the objection hearing when the State concluded that there  
11 were grounds to find that vested Proofs V-10881 and V-10882 were, in fact, groundwater  
12 sources (hand-dug wells) rather than surface springs.

13 13. However, the State Engineer's impromptu revisit of the analysis regarding the  
14 entire vested rights claim/proof filed by Solarljos and previously accepted as a "basis" for the  
15 finding of .472 cfs for mining and milling.

16 14. The Final Order's determination of a new reduction of water was made with no  
17 proof of facts or evidence in the record, yet made entirely new findings of fact, without any  
18 prior notice, that substantially depleted the prior allocation of water that had been granted to  
19 Solarljos in the Preliminary Order.

20 15. The Final Order suddenly and without notice of any kind to Solarljos creates an  
21 entirely different scenario of "possible" use of water by the prior mining operation and reduced  
22 the allocation of vested water from the prior allocation to less than 4% of what was previously  
23 approved, giving Solarljos only 13.2 AFA.

24 16. In making this determination, the State Engineer hypothesized about several

1 scenarios that would have been "more likely" as to the mining operation, and made statements  
2 about the amount of water that 100 men living in a bunkhouse and working at the mine would  
3 have used.

4 17. However, Solarljøs was not given any notice or opportunity to be heard  
5 regarding the State Engineer's analysis and conclusion regarding the comingled water amount  
6 allocated to Solarljøs based on its vested rights claims.

7 18. Further, nearly all of these "findings" were made without citation to any sources  
8 whatsoever regarding historical factual proof or even treatises or reference materials discussing  
9 mining operations in the area or how they were operated. As such, they were baseless and  
10 speculative, and unduly prejudicial to Solarljøs.

11 19. Solarljøs filed an "exception" to the Final Order of Determination pursuant to  
12 NRS 533.170, and this Court is tasked with resolving those exceptions as to all vested claimants  
13 who filed exceptions.

14 20. Solarljøs' exception is considered in the nature of a petition for judicial review  
15 on the *record* created before the State Engineer consisting of (a) the filing of Solarljøs' "proofs"  
16 of its vested rights claims, as required under NRS 533.087 and 533.125, and (b) the evidence  
17 submitted during the hearing on Objections to the Preliminary Order of Determination, as is  
18 required by NRS 533.145 and 533.150.<sup>2</sup>

19 21. The State Engineer failed to provide any evidence to support his decision to

20 <sup>2</sup> This Court notes that Solarljøs also filed a Petition for Judicial Review pursuant to NRS  
21 533.450 in Case No. CV2003-010 within 30 days of the Final Order because Solarljøs was  
22 "aggrieved" by the Final Order of the State Engineer, and NRS 533.450 states that it applies to  
23 "any order or decision of the State Engineer" and does not expressly exclude orders issued under  
24 adjudication of vested rights proceedings. However, Solarljøs and the State entered into a  
stipulation to stay that action pending the outcome of this proceeding and confirming that  
Solarljøs simply wanted to make sure its rights were preserved to appeal that part of the Final  
Order to which Solarljøs objected to a district court in *some* proceeding – one time, before a  
court. (The Stipulation notes that Solarljøs is not attempting to get two bites at the appeal  
"apple.")

1 revisit in the Final Order his prior determination regarding the amount of water to which  
2 Solarljøs is entitled under its vested rights claims.

3 22. In his Preliminary Order, the State Engineer determined Solarljøs vested claim to  
4 be a mining and milling use from January 1 to December 31 of .472 cfs. Solarljøs raised no  
5 objection to the .472 cfs determination.

6 23. Based on the findings and conclusions set forth in the State Engineer's  
7 Preliminary Order, Solarljøs' narrow and sole objection was the State Engineer's determination  
8 as to the source of that water. The State Engineer decided that Solarljøs had failed to prove that  
9 the source was groundwater and that the points of diversion for V-10881 and V-10882 were  
10 hand-dug wells. Consequently, all of the evidence presented and discussed at the hearing on that  
11 limited objection was directed entirely and completely to Solarljøs' proof that the source of the  
12 water was, in fact, groundwater wells.

13 24. Because no objection was raised as to the .472 cfs allocation of water, there was  
14 no basis or allowed reason for the State to revise its prior allocation of the amount of water  
15 determined to be provided to Solarljøs under its original proof of vested rights claim. 25. The  
16 three proofs of claim and other supporting documentation submitted by Solarljøs shows that it  
17 made claim to the same water as emanating from a spring and from groundwater, because the  
18 source of the water was a site referenced as "Einar Spring" and another as "the Harrub Well."

19 25. Solarljøs was not requesting more water in its Objection to the Preliminary  
20 Order, but rather recognition that the source of its water was both a groundwater well and a site  
21 that had been identified as a "spring" (surface right).

22 **II. CONCLUSIONS OF LAW**

23 This Court hereby makes the following conclusions of law based on the material  
24 undisputed facts outlined above, the evidence submitted, and the record.



1           A.     Summary Judgment

2           Rule 56 of the Nevada Rules of Civil Procedure ("NRCP") state that "[t]he court shall  
3 grant summary judgment if the movant shows there is no genuine dispute as to any material fact  
4 and the movant is entitled to judgment as a matter of law." NRCP 56(c); *Wood v. Safeway, Inc.*,  
5 121 Nev. 724, 729 (2005). "A genuine issue of material fact is one where the evidence is such  
6 that a reasonable [finder of fact] could return a verdict for the non-moving party." *Lee v. GNLV*,  
7 22 P.3d 209, 211-12 (2001) (citations omitted). The party opposing summary judgment may not  
8 rely "on gossamer threads of whimsy, speculation and conjecture . . . [and] the non-moving party  
9 . . . must, by affidavit or otherwise, set forth specific facts demonstrating the existence of a  
10 genuine factual issue" to support his or her claim at trial or defeat a motion for summary  
11 judgment. *Wood* at 731 (internal quotes and citations omitted); *Thomas v. Bokelman*, 86 Nev. 10,  
12 14, 462 P.2d 1020, 1023 (1970) (citations omitted).

13           A burden-shifting scheme is used in determining summary judgment, where "[t]he party  
14 moving for summary judgment bears the initial burden of production to show the absence of a  
15 genuine issue of material fact." *Cuzze v. Univ. and Comm. College Sys. of Nev.*, 123 Nev. 598,  
16 602, 172 P.2d 131, 135 (2007). "The manner in which each party must satisfy its burden of  
17 production depends on which party will bear the burden of persuasion on the challenged claim at  
18 trial." *Id.*

19           If "the moving party [bears] the burden of persuasion, that party must present evidence  
20 that would entitle it to a judgment as a matter of law in the absence of contrary evidence." *Id.* "If  
21 such a showing is made, then the party opposing summary judgment assumes a burden of  
22 production to show the existence of a genuine issue of material fact." *Id.* "But if the nonmoving  
23 party will bear the burden of persuasion at trial, the party moving for summary judgment may  
24 satisfy the burden of production by either (1) submitting evidence that negates an essential

1 element of the nonmoving party's claim, or (2) pointing out ... that there is an absence of  
2 evidence to support the nonmoving party's case." *Id.* (internal quotations omitted).

3 Further, regarding motions for summary judgment on claims untethered to factual  
4 support, the Nevada Supreme Court recently emphasized that:

5 [W]here an action is brought with practically no evidentiary basis to support it,  
6 summary judgment can be a valuable tool to discourage protracted and  
7 meritless litigation of factually insufficient claims. In dispensing with  
8 frivolous actions through summary judgment, courts promote the important  
policy objectives of sound judicial economy and enhance the judiciary's  
capacity to effectively and efficiently adjudicate legitimate claims.

9 *Boesiger v. Desert Appraisals, LLC*, 135 Nev. 192, 198, 444 P.3d 436, 441 (2019).

10 **B. Legal Analysis and Conclusions**

11 **1. The State Engineer Violated Solarljos' Right To Due Process.**

12 Based on the material undisputed facts outlined above, this Court finds as a matter of  
13 law that The State Engineer did not provide sufficient or adequate notice regarding its allocation  
14 of commingled vested water right usage in the Final Order of Determination, thus depriving  
15 Solarljos of its right to due process.

16 NRS 533.150(4) states that the evidence taken in a proceeding conducted in accordance  
17 with an objection to a Preliminary Order of adjudication of vested rights "must be confined to  
18 the subjects enumerated in the objections and the preliminary order of determination." Due  
19 process forbids any governmental agency, including the State Engineer, from using evidence in  
20 any way that forecloses an opportunity for a vested water right claimant from being heard. *See*  
21 *Eureka Cnty. v. State Eng'r*, 131 Nev. 846, 855, 359 P.3d 1114, 1120 (2015) (citing *Bowman*  
22 *Transp., Inc. v. Arkansas-Best Freight Sys., Inc.*, 419 U.S. 281, 288, 288 n. 4, 95 S.Ct. 438, 42  
23 L.Ed.2d 447 (1974); *see also Eureka Cnty. v. Seventh Judicial Dist. Court (Sadler Ranch)*, 134  
24 Nev. 275, 279, 417 P.3d 1121, 1124 (2018) ("In Nevada, water rights are regarded and

1 protected as real property.”) (internal quotations and citations omitted).

2 Moreover, it has been held by the Nevada Supreme Court that where the State Engineer  
3 issues an order “without providing notice or a hearing—[it is] an omission that, in the context of  
4 established water rights, would unquestionably be fatal.” *Wilson v. Pahrump Fair Water, LLC*,  
5 137 Nev. Adv. Op. 2, 418 P.3d 853, 858 (2021). This necessarily means that an opportunity to  
6 challenge the State Engineer’s determination must be afforded to a claimant such as Solarljøs  
7 before it enters its final order – which is precisely what the State Engineer failed to do here.

8 The record shows, and this Court finds, that Solarljøs filed Proofs of vested water rights  
9 with the State Engineer as part of the proceeding in May 2016. These claims were filed for  
10 vested water rights under Claim Nos. V-10880, V-10881 and V-01882. After analyzing the  
11 claims and submissions of evidence and proof, the State Engineer entered its Preliminary Order,  
12 where it *approved* Proof V-10880 for allocation of .472 cfs of vested water rights to Solarljøs  
13 (which is the equivalent of 341.71 AFA). The evidence presented and attached to these claims  
14 presented by Solarljøs was also uncontroverted that claims V-10881 and V-10882 were  
15 “comingled” with the source and usage of V-10880. This was not disputed by anyone, including  
16 the State Engineer in its Preliminary Order.

17 However, the State Engineer limited the approval to a surface water right from the Einar  
18 Spring *rather than* approving that allocation as a groundwater right and the Preliminary Order  
19 denied Solarljøs’ vested claims V-10881 and V-10882 on the basis that they were applications  
20 for “groundwater.” As such, the State Engineer’s denial in this regard was made solely on the  
21 basis that the sources of water identified appeared to be surface sources rather than groundwater  
22 wells. As a result, Solarljøs objected to the Preliminary Order solely because it believed that it  
23 had already demonstrated that the water was from a groundwater source and that the State  
24 should have found the source to be groundwater rather than surface springs. The record shows

1 that further discussion conducted at the hearing on the objection merely emphasized that point,  
2 focusing entirely on the source of water – not the mining operation itself or the nature of the use  
3 involved, because those factors had apparently been presented to the satisfaction of the State  
4 Engineer as demonstrated by the discussion in the Preliminary Order and the finding in favor of  
5 Solarljós to award a diversion of .472 cfs (341.71 AFA). No discussion was had at the hearing  
6 on the objection of Solarljós – by the State<sup>3</sup>-- regarding the amount of water used by the old  
7 mining operation, because there was nothing in the Preliminary Order suggesting that the State  
8 Engineer's office was concerned about the amount of water it had approved under Solarljós'  
9 claims for vested water (the .472 cfs/ 341.71 AFA).

10 However, after the March 19, 2019 hearing (which only focused on the singular issue  
11 regarding the source of water) the State Engineer entered its Final Order on January 31, 2020,  
12 where it reversed its prior decision regarding the source, agreeing with Solarljós that claims V-  
13 10881 and V-10882 were ground water sources, and that it was comingled for the total  
14 diversion rate of .472 cfs (341.71 AFA) of water. But, the State Engineer also found, for the  
15 first time, that Solarljós' allocated usage was "a total combined duty of 13.2 afa from all  
16 sources." No party, including Solarljós, was involved in an objection proceeding that would  
17 have allowed Solarljós to present evidence that went beyond what was presented in the subjects  
18 "enumerated in the objections and preliminary order." Further, there was not a single piece of  
19 evidence presented at the hearing on Solarljós' objection that would support the myriad of  
20 findings made by the State in the Final Order – suddenly and without notice to Solarljós –  
21 regarding an entirely revised review of the Prospect mining operation that the State now  
22 "believes" occurred on the site in an entirely different fashion than it previously concluded had  
23

24 <sup>3</sup> However, Solarljós' retained hydrologist, Tim Donahoe confirmed that the water usage  
approved by the state at .472 cfs was equivalent to 212 gallons per minute (i.e., 341.72 AFA) and  
is not unusual groundwater usage for a mining operation.

1 occurred when it granted Solarljøs the allocation of .472 cfs of water use (341.71 AFA) during  
2 the initial Proof review. However, no witnesses, expert or percipient, testified at the hearing  
3 contrary to what had been presented in the earlier Proof and no documentation was presented  
4 showing that Solarljøs' Proof of use was being challenged or would be subject to challenge as to  
5 the amount of water used.

6 Notwithstanding, the record shows the State Engineer still apparently found a basis for  
7 the .472 cfs (341.71 AFA) water usage for all three claims in the Final Order, contradicting its  
8 unsupported assumption for a total duty of 13.2 AFA which does not apply to a mining  
9 operation. The State Engineer unilaterally included its additional "finding" that not only  
10 contradicted itself in both the Preliminary and Final Orders, but also to the principles of  
11 calculating water usage with respect to historic mining operations. Therefore, this Court agrees  
12 with Solarljøs that the State Engineer's finding that the total duty of water usage allocated to  
13 Solarljøs is 13.2 AFA was arbitrary and unsupported and, based on the foregoing, was also a  
14 violation of Solarljøs' right to due process.

15 **B. The State Engineer's Final Order Regarding The Allocation of 13.2 AFA to**  
16 **Solarljøs Was Not Supported By Substantial Evidence And Therefore,**  
**Solarljøs Is Entitled To Summary Judgment as a Matter of Law**

17 A party aggrieved by an order or decision of the State Engineer is entitled to have the  
18 same reviewed in the nature of an appeal. NRS 533.450(1). This proceeding is, essentially, on  
19 the record and is in the nature of an appeal and therefore, the State Engineer's Final Order for  
20 Determination must include "findings in sufficient detail to permit judicial review" and "must  
21 clearly resolve all crucial issues presented." *Revert v. Ray*, 95 Nev. 782, 787, 603 P.2d 262,  
22 264-265 (1975).

23 In order to determine that the State Engineer's findings and order are valid, this Court  
24 must determine whether substantial evidence exists in the record to support the State Engineer's

1 decision. *Id.*; see also *State Engineer v. Morris*, 107 Nev. 699, 701, 819 P.2d 203, 205 (1991)  
2 *Pyramid Lake Paiute Tribe of Indians v. Ricci*, 126 Nev. 521, 525, 245 P.3d 1145, 1147-48  
3 (2010); and *Eureka Cnty. v. State Eng'r*, 131 Nev. 846, 853, 359 P.3d 1114, 1118-19 (2015);  
4 and *Wilson v. Pahump, LLC*, 137 Nev. Adv. Op. 2, 481 P.3d 853, 858 (2021) (stating that "the  
5 State Engineer's decision must be supported by substantial record evidence.") (citing to *King v.*  
6 *St. Clair*, 134 Nev. 137, 139, 414 P.3d 314, 316 (2008) (stating that "factual findings of the  
7 State Engineer should only be overturned if they are not supported by substantial evidence.")).  
8 "Substantial evidence is that which a reasonable mind might accept as adequate to support a  
9 conclusion." *Pyramid Lake Paiute Tribe of Indians, supra*. (internal quotations and citations  
10 omitted).

11 Moreover, this Court must also determine whether the State Engineer's order (or any  
12 part of its decision(s)) was arbitrary, capricious, an abuse of discretion, or whether it was  
13 otherwise affected by prejudicial legal error. *Pyramid Lake Paiute Tribe of Indians v. Washoe*  
14 *Cnty.*, 112 Nev. 743, 751, 918 P.2d 697, 702 (1996).

15 Finally, in reviewing an administrative decision by the State, this Court is required to  
16 "decide pure legal questions without deference to an agency determination" and therefore,  
17 applies a *de novo* standard of review to questions of law. See, *Felton v. Douglas Cnty.*, 134 Nev.  
18 34, 35, 410 P.3d 991, 993-994 (2018), see also *Pyramid Lake Paiute Tribe of Indians v. Ricci*,  
19 126 Nev. at 525, 245 P.3d at 147-48 (stating that "[w]ith respect to questions of law, however,  
20 the State Engineer's ruling is persuasive but not controlling . . . [and t]herefore, we review  
21 purely legal questions without deference to the State Engineer's ruling.")(internal citations  
22 omitted).

23 In its Final Order, the State Engineer agreed with Solarljós and found a basis for the total  
24 diversion rate of .472 cfs (341.71 AFA) of water from the underground sourced associated with

1 claims V-10881, V-10882, and the Einar Spring source under claim V-10880 for mining and  
2 milling from January 1 through December 31 with a priority date of 1879, as well as for the  
3 diversion of water for domestic use from January 1 through December 31. However, the State  
4 Engineer inexplicably added the following sentence to the findings for each claim: "This water,  
5 being comingled with water from Claims . . . will have a total combined duty of 13.2 afa from  
6 all sources." But, the State Engineer failed to provide any evidence, let alone any substantial  
7 evidence required to support this finding. Because there is no evidence in the record to support  
8 the finding by the State Engineer, this finding was no more than a mere assumption on the State  
9 Engineer's part.

10 Moreover and notwithstanding, this Court agrees with Solarljøs that there could never  
11 have been a factual basis to make those findings because NRS 533.150(4) would have precluded  
12 the introduction of such new evidence entirely outside of the Preliminary Order and outside of  
13 the "subjects" of Solarljøs' objection – which had only to do with the source of water and not  
14 the amount of the water allocated under the Proofs. This Court agrees that if the State Engineer  
15 had alerted the parties to the possibility that the mining operation itself was in question, or that  
16 the amount of water being approved was still in question, NRS 533.150(4) would have  
17 precluded the introduction of evidence directed to that issue following the issuance of the  
18 Preliminary Order. That Preliminary Order, in Nevada's statutory scheme, carries significant  
19 precedential weight; unless there is an objection posed, it essentially becomes the final  
20 determination of the State Engineer, and that is why there are such stringent statutory limits  
21 imposed on those who want to object to the finding made in preliminary orders of adjudication.  
22 See NRS 533.145 through 533.160.

23 However, the Final Order suddenly and without notice of any kind to Solarljøs creates  
24 an entirely different scenario of "possible" use of water by the prior mining operation, and

1 arbitrarily reduced the allocation of vested water from the prior allocation to less than 4% of  
2 what was previously approved, giving Solarljós only 13.2 AFA. In making this determination,  
3 the State Engineer hypothesized about several scenarios that would have been "more likely" as  
4 to the mining operation, and made statements about the amount of water that 100 men living in  
5 a bunkhouse and working at the mine would have used. However, nearly all of these "findings"  
6 were made without citation to any sources whatsoever regarding historical factual proof or even  
7 treatises or reference materials discussing mining operations in the area or how they were  
8 operated. As such, the State Engineer failed to provide any evidence whatsoever, let alone  
9 "substantial evidence" required to support its finding that Solarljós' allocation of water usage is  
10 only 13.2 AFA, and therefore, its finding must be overturned and Solarljós is entitled to  
11 summary judgment as a matter of law.

12 **NOW, THEREFORE, GOOD CAUSE APPEARING,**

13 **IT IS HEREBY ORDERED, ADJUDGED and DECREED** that Solarljós' motion for  
14 summary judgment is GRANTED in its entirety and the State Engineer's finding that Solarljós'  
15 allocation of commingled water right usage is 13.2 AFA is OVERTURNED.

16 **IT IS HEREBY FURTHER ORDERED ADJUDGED and DECREED** that  
17 Solarljós' allocation of commingled water right usage is 472 cfs, or 341.71 AFA as previously  
18 found in the State Engineer's Preliminary Order, which previously accepted by Solarljós.

19 DATED: *OCTOBER 27, 2021*

20  
21   
22 \_\_\_\_\_  
23 DISTRICT COURT JUDGE  
24



1 Respectfully Submitted

2 DATED: October 25, 2021.

3  
4 KAEMPFER CROWELL

5 

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8 50 West Liberty Street, Suite 700  
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14 *Attorneys for Solarljis, LLC*

SEVENTH JUDICIAL DISTRICT COURT  
GARY D. FAIRMAN  
DISTRICT JUDGE  
DEPARTMENT 2  
WHITE PINE, LINCOLN AND EUREKA COUNTIES  
STATE OF NEVADA



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OCT 27 2021

Eureka County Clerk

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Case No. CV-2002009

Dept No. 2

NO. \_\_\_\_\_ FILED

OCT 27 2021

By Eureka County Clerk  
[Signature]

IN THE SEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF  
NEVADA, IN AND FOR THE 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

CERTIFICATE OF SERVICE

The undersigned being an employee of the Eureka County Clerk's Office, hereby  
certifies that on the 27th day of October, 2021, I personally delivered a true and  
correct copy of the following:

***Corrected Order Granting Solarjos, LLC's Motion For Partial Summary  
Judgment***  
addressed to:

Paul Taggart, Esq.  
David H. Rigdon, Esq.  
Timothy D. O'Connor, Esq.  
Tamara Thiel, Esq.  
Paul@legaltnt.com  
Tim@legaltnt.com  
David@legaltnt.com  
Tammy@legaltnt.com

David Negri, Esq.  
davidnegri@usdoj.gov

James N. Bolotin, Esq.  
jbolotin@ag.nv.gov

Ross E. de Lipkau, Esq.  
Ross@nvlawyers.com



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[jvance@dotsonlaw.legal](mailto:jvance@dotsonlaw.legal)

In the following manner:

- |                          |                                                                       |                                     |                           |
|--------------------------|-----------------------------------------------------------------------|-------------------------------------|---------------------------|
| <input type="checkbox"/> | regular U.S. mail                                                     | <input type="checkbox"/>            | overnight UPS             |
| <input type="checkbox"/> | certified U.S. mail                                                   | <input type="checkbox"/>            | overnight Federal Express |
| <input type="checkbox"/> | priority U.S. mail                                                    | <input checked="" type="checkbox"/> | via email                 |
| <input type="checkbox"/> | hand delivery                                                         |                                     |                           |
| <input type="checkbox"/> | copy placed in agency box located in the Eureka County Clerk's Office |                                     |                           |

*B. Mahoney*

# **EXHIBIT “3”**

1 Case No.: CV-2002009

2 Dept. No.: 2

FILED

JAN 27 2022

Eureka County Clerk  
*[Signature]*

5 IN THE SEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

6 IN AND FOR THE COUNTY OF EUREKA

7 IN THE MATTER OF THE  
8 DETERMINATION OF THE RELATIVE  
9 RIGHTS IN AND TO ALL WATERS,  
10 BOTH SURFACE AND UNDERGROUND,  
11 LOCATED WITHIN THE DIAMOND  
12 VALLEY HYDROGRAPHIC BASIN NO.  
13 10-153, EUREKA AND ELKO COUNTIES,  
14 NEVADA

**NOTICE OF ENTRY OF ORDER  
GRANTING SOLARLJOS LLC'S  
MOTION FOR CERTIFICATION OF  
JUDGMENT ON SOLARLJOS LLC'S  
EXCEPTION IN THIS ADJUDICATION  
PROCEEDING**

14 TO: ALL PARTIES AND THEIR ATTORNEYS HEREIN:

15 PLEASE TAKE NOTICE that an Order Granting Solarljios LLC's Motion for Certification  
16 of Judgment on Solarljios LLC's Exception in this Adjudication Proceeding was entered in the  
17 above-referenced case on the 21<sup>st</sup> day of January, 2022. A true and correct copy of the Order is  
18 attached as "Exhibit 1."

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RECEIVED  
JAN 27 2022

Eureka County Clerk

SAVIER  
CROWTH

1           **AFFIRMATION:** Pursuant to NRS 239B.030, the undersigned hereby affirms that this  
2 document does not contain the personal information or social security number of any person.

3 DATED: January 24, 2022.

KAEMPFFER CROWELL

4 

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13 *Attorneys for Solarljios, LLC*

1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCP 5(b), I certify that I am employed by the law firm of Kaempfer  
3 Crowell, and that on this 24<sup>th</sup> day of January, 2022, I served a true and correct copy of the  
4 foregoing document **ORDER GRANTING SOLARLJOS LLC'S MOTION FOR**  
5 **CERTIFICATION OF JUDGMENT ON SOLARLJOS LLC'S EXCEPTION IN THIS**  
6 **ADJUDICATION PROCEEDING** via email, addressed to the following:

7 James N. Bolotin  
8 Senior Deputy Attorney General  
9 Ian Carr  
10 Deputy Attorney General  
11 State of Nevada  
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18 *Engineer, Dept. of Conservation and Natural*  
19 *Resources, Division of Water Resources*

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33 *Attorneys for James E. Baumann and Vera L.*  
34 *Baumann; Arc Dome Partners, LLC, Robert*  
35 *F. Beck and Karen A. Beck, Trustees of the*

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*Attorneys for the Wilfred Bailey and Carolyn*  
*Bailey, Trustees of the Wilfred and Carolyn*  
*Bailey Family Trust, and Marietta Bailey*

1 *Beck Family Trust dated 4-19-2005 and Beck*  
2 *Properties; Norman and Kindy Fitzwater*

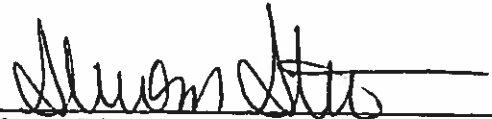
3 Ross E. de Lipkau  
4 ROBERTSON, JOHNSON, MILLER &  
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RESOURCES DIVISION  
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[david.negri@usdaj.gov](mailto:david.negri@usdaj.gov)  
*Attorney for the United States of America*

7 **Courtesy Copy Via U.S.P.S. Mail:**

8 Hon. Gary D. Fairman  
9 Dept. 2  
10 PO Box 151629  
11 Ely, NV 89315

12 DATED January 24, 2022



Sharon Stice  
An employee of Kaempfer Crowell



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**EXHIBIT INDEX**

<b>EXHIBIT</b>	<b>DESCRIPTION</b>	<b>PAGES</b>
1	Order Granting Solarljøs LLC's Motion for Certification of Judgment on Solarljøs LLC's Exception in this Adjudication Proceeding	8

# EXHIBIT 1

# EXHIBIT 1

Case No. CV-2002009

Dept No. 2

FILED

JAN 21 2022

Eureka County Clerk  
*[Signature]*

IN THE SEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF  
NEVADA, IN AND FOR THE 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

ORDER GRANTING SOLARLJOS,  
LLC'S MOTION FOR CERTIFICATION  
OF JUDGMENT ON SOLARLJOS  
LLC'S EXCEPTION IN THIS  
ADJUDICATION PROCEEDING

BACKGROUND

On October 27, 2021, the court entered a corrected order granting Solarljios, LLC's motion for partial summary judgment. The motion for partial summary judgment was unopposed. No parties intervened or were granted intervention in the Solarljios notice of exceptions. On November 16, 2021, Solarljios, LLC ("Solarljios") filed a notice of hearing on Solarljios, LLC's request/motion for certification of summary judgment pursuant to NRCP 54(b), and request/motion for certification of judgment on Solarljios LLC's exception in this adjudication proceeding ("Solarljios' rule 54(b) motion"). On December 3, 2021, the State Engineer filed State Engineer's response to Solarljios LLC's request/motion for certification of summary judgment pursuant to NRCP 54(b) ("State Engineer's rule 54(b) response"). On December 3, 2021, Ira R. Renner and Montira Renner and Daniel Venturacci and Amanda Venturacci each filed a response to Solarljios' rule 54(b) motion ("Renner/Venturacci's rule 54(b) responses"). Sadler Ranch, LLC and MW Cattle, LLC

SEVENTH JUDICIAL DISTRICT COURT  
GARY D. FAIRMAN  
DISTRICT JUDGE  
DEPARTMENT 2  
WHITE PINE, LINCOLN AND EUREKA COUNTIES  
STATE OF NEVADA



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1 filed a joinder to Renner/Venturacci's rule 54(b) responses ("Sadler Ranch/MW Cattle's  
2 joinder") on December 3, 2021. On December 7, 2021, Solarljøs filed Solarljøs, LLC's  
3 reply to the State Engineer's rule 54(b) response ("Solarljøs' reply"). No other parties  
4 filed any written opposition or response to Solarljøs' rule 54(b) motion.<sup>1</sup> A virtual hearing  
5 was held on the record on December 7, 2021, at which counsel for all of the parties  
6 appeared with the exception of Terese A. Ure-Stix, Ross E. deLipkau, and David L.  
7 Negri.<sup>2</sup> The court heard oral argument from all counsel appearing and took the matter  
8 under advisement.

#### 9 DISCUSSION

10 The court's procedure for the Diamond Valley vested rights adjudication provided  
11 that each party who had filed a notice of exception to the State Engineer's final order of  
12 determination ("OD") entered January 31, 2020, would be heard and considered  
13 separately. Several of the exceptions have already been heard by the court. Solarljøs'  
14 notice of exceptions hearing had been scheduled for November 9-11, 2021, but was  
15 vacated upon the court's entering partial summary judgment in its favor. Solarljøs' notice  
16 of exceptions challenged the difference in the amount of water it was allocated by the  
17 State Engineer in its preliminary order from that amount it allocated in the OD. Solarljøs  
18 is not involved as a litigant in any other exceptions. Solarljøs is a small family-owned  
19 mining operation. Solarljøs asserts there is no just reason for the court to delay 54(b)  
20 certification since the effect of the court's corrected order granting partial summary  
21 judgment removed Solarljøs as a party from the pending case adjudication, as well as  
22 removed its claim from this pending action. Solarljøs further argues that it will suffer

23 <sup>1</sup> At the oral argument Karen Peterson, representing Eureka County orally opposed Solarljøs' rule 54(b)  
24 motion.

25 <sup>2</sup> The court notes that James E. Baumann and Vera L. Baumann, Arc Dome Partners, LLC, Robert F.  
26 Beck and Karen Beck, trustees of the Beck Family Trust dated April 19, 2005, Beck Properties, Norman  
and Kandy Fitzwater, and the USA filed no pleadings regarding Solarljøs' rule 54(b) motion and their  
counsels' appearance was not expected nor required by the court.



1 harm if it is forced to wait until the court enters a singular decree encompassing a decision  
2 on all of the filed notices of exceptions because its ability to obtain financing for its mining  
3 project would be hampered as well as the importance of having its vested rights claims  
4 reach finality as to title and quantity of water thus making the water resource available  
5 sooner to its mining operation. Solarljos also states that the court's order granting partial  
6 summary judgment in its favor will not adversely affect any other parties' claims to vested  
7 rights in the remaining exceptions in this adjudication.

8 In response, the State Engineer first cites that the plain language of Nevada's  
9 water statutes and case law "require a single decree on the water system being  
10 adjudicated."<sup>3</sup> In support, the State Engineer relies on NRS 533.185(1) that states,  
11 "After the hearing the court shall enter a decree affirming or modifying the order of the  
12 State Engineer." The State Engineer maintains that a singular decree is required  
13 encompassing all exceptions to the OD, regardless of whether a hearing is held on an  
14 exception because NRS 533.200 provides for appeals to be taken from a decree. The  
15 State Engineer concludes that since all exceptions have not been heard by the court and  
16 a singular decree has not been entered encompassing all exceptions, the case status is  
17 not ripe for appeal.<sup>4</sup> The State Engineer's analysis is based on the Nevada Supreme  
18 Court holding in *In Re Waters of Humboldt River Stream System*<sup>5</sup> where the Court  
19 rejected an appeal from a water rights adjudication case because the decree had not yet  
20 been entered.<sup>6</sup> Second, the State Engineer contends that since the other exceptions in  
21 the adjudication are so closely related, if the Nevada Supreme Court must decide issues  
22 in the pending cases remaining in the district court in order for the Supreme Court to  
23 decide any issues in Solarljos' case, then there can be no finding that there is no just

24 <sup>3</sup> State Engineer's rule 54(b) resp. at 2.

25 <sup>4</sup> *Id.* at 4.

26 <sup>5</sup> 54 Nev. 115, 7P.2d 813, 814 (1932).

<sup>6</sup> State Engineer rule 54(b) resp. at 4.



1 reason for delay and a district court certification under those facts would be an abuse of  
2 discretion.<sup>7</sup> Third, the State Engineer asserts that Solarijos' reliance on *In re Estate of*  
3 *Sarge*,<sup>8</sup> is misplaced as it involved an appeal of consolidated cases which this water  
4 system adjudication is not as this is one case with multiple parties and exceptions.<sup>9</sup>

5 Solarijos responds that in 1932 when In Re Waters of Humboldt River Stream  
6 System was decided no certification procedure was available since neither the Federal  
7 Rules of Civil Procedure nor the Nevada Rules of Civil Procedure were in place, the latter  
8 being enacted in 1951. Renners' counsel, Tamara Thiel, pointed out at the hearing that  
9 the 2019 revisions to rule 54 allow district court certification of a judgment if the judgment  
10 not only eliminated one or more parties, but also when one or more but fewer than all  
11 claims are resolved.<sup>10</sup> Prior to the 2019 amendment, rule 54(b) only provided for  
12 certification of a judgment if it eliminated one or more of the parties, but not claims. The  
13 procedure in a water rights case is the same as in other civil cases.<sup>11</sup> The State Engineer  
14 cites no specific issue in Solarijos' claims similar to the other notices of exceptions making  
15 certification premature if granted by this Court. The court disagrees that the notices of  
16 exceptions are so closely related that allowing certification under 54(b) in this case would  
17 potentially compel the Nevada Supreme Court to decide the law of the case for the other  
18 pending notices of exceptions.<sup>12</sup> In Solarijos' case, this Court overturned the State  
19 Engineer's OD as to an underground source because the State Engineer based his  
20 decision on evidence that was never made part of the record.<sup>13</sup> No party filed an

21  
22 <sup>7</sup> *Id.* at 5, citing *Hallicrafters Co. v. Moore*, 102 Nev. 526, 528, 728 P.2d 411, 442-43 (internal citations  
omitted) (1986).

23 <sup>8</sup> 134 Nev. 866, 432 P.3d 718 (2018).

24 <sup>9</sup> State Engineer's rule 54(b) response at 6.

25 <sup>10</sup> NRCP 54(b); See Advisory Committee note -- 2019 Amendment.

26 <sup>11</sup> *Jackson v. Groenendgke*, 132 Nev. 296, 300, 369 P.3d 362, 365 (2016). See NRS 533.020 and NRS  
533.170.

<sup>12</sup> State Engr. rule 54 resp. at pg. 7.

<sup>13</sup> Corrected order granting mol. for sum. judg. at 4-7, 10-16.



1 exception or was otherwise granted intervention in Solarljios' case,<sup>14</sup> nor has Solarljios  
2 intervened in any other notices of exceptions. Further, this adjudication is more akin to  
3 consolidated cases retaining their separate identity for the purpose of appeal as was held  
4 in *In re Estate of Sarge*.<sup>15</sup> The court's corrected order granting partial summary judgment  
5 resolved all of Solarljios' exception issues. The court finds there are no claims with respect  
6 to the other notices of exceptions that are so closely related to Solarljios' issue that the  
7 Nevada Supreme Court must necessarily decide issues pending in the other cases in the  
8 district court in order to decide the issues appealed, if any, in Solarljios' case.<sup>16</sup> In this  
9 regard, the court finds that no piece meal litigation would occur if certification were granted  
10 to Solarljios.<sup>17</sup>

11 Solarljios claims the potential prejudice to its ability to get financing and carry on its  
12 mining operations by delaying certification substantially outweighs any prejudice to any  
13 other party, thus supporting certification.<sup>18</sup> The State Engineer maintains that there is  
14 no controlling law that prejudice is the primary consideration for the court.<sup>19</sup> The court  
15 agrees with the State Engineer and Solarljios that the court must find that there is "no just  
16 reason for delay" to grant a motion for certification.<sup>20</sup> Upon consideration of the prejudice  
17 to Solarljios and the prejudice to the remaining parties who have filed notices of  
18 exceptions, the court finds the prejudice to Solarljios outweighs the prejudices to the

19 <sup>14</sup> Eureka County sought intervention in all pending adjudication cases and was allowed to intervene in  
20 some cases not including the Solarljios case. Order granting Eureka County's motion to intervene  
21 entered March 16, 2021, at 1, 11. Eureka County never filed a petition for writ of mandamus challenging  
22 this order. See *Aetna Life & Casualty Ins. Co. v. Rowen*, 107 Nev. 362-363, 812 P.2d 350 (1991). *S///S*  
23 *v. District Court*, 111 Nev. 58, 30, 888 P.2d 911 (1995).

24 <sup>15</sup> *In re Estate of Sarge*, at 870-871.

25 <sup>16</sup> Mr. DePaoli, representing the Baileys, orally argued at the hearing that how the State Engineer  
26 interpreted and applied the relation back doctrine would be common to all cases. This issue is not  
present in Solarljios' notice of exceptions.

<sup>17</sup> See *Wiman v. Rafaely*, No. 82763 Supreme Court of Nevada, 489 P.3d 917 (2021) (cited for its  
persuasive value).

<sup>18</sup> Solarljios' request/mot. for cert. at pg. 4-6; Solarljios' reply at pg. 9-11.

<sup>19</sup> State Eng'r's rule 54 resp. at pg. 6.

<sup>20</sup> *Id.*, Rule 54(b).



1 remaining parties and that there is no just reason for delaying certification.<sup>21</sup>

2 Good cause appearing,

3 IT IS HEREBY ORDERED that Solarijos, LLC's request/motion for certification of  
4 summary judgment pursuant to NRCP 54(b) and request/motion for certification of  
5 judgment on Solarijos LLC's exception in this adjudication proceeding is GRANTED.

6 IT IS HEREBY FURTHER ORDERED that the court certifies as a final judgment  
7 the corrected order granting Solarijos' LLC's motion for partial summary judgment entered  
8 October 27, 2021.

9 DATED this 21<sup>st</sup> day of January, 2022.

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12 DISTRICT JUDGE

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25 <sup>21</sup> NRCP 54(b); *Mallin v. Farmers Ins. Exchange*, 106 Nev. 606, 611, 797 P.2d 978 (1990) reversed on  
26 other grounds, *In re of Estate of Sarge*, at 870.



Case No. CV-2002009

Dept No. 2

NO FILED

JAN 21 2022

Eureka County Clerk  
*Billie Hensley*

IN THE SEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF  
NEVADA, IN AND FOR THE 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

CERTIFICATE OF SERVICE

The undersigned being an employee of the Eureka County Clerk's Office, hereby  
certifies that on the 21<sup>st</sup> day of January, 2022, I personally delivered a true and  
correct copy of the following:

***Order Granting Solarljjos, LLC's Motion For Certification Of Judgment On  
Solarljjos LLC's Exception In This Adjudication Proceeding***  
addressed to:

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SEVENTH JUDICIAL DISTRICT COURT  
GARY D. FAIRMAN  
DISTRICT JUDGE  
DEPARTMENT 2  
WHITE PINE, LINCOLN AND EUREKA COUNTIES  
STATE OF NEVADA



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JAN 21 2022

Eureka County Clerk



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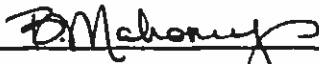
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In the following manner:

- |                          |                                                                       |                                     |                           |
|--------------------------|-----------------------------------------------------------------------|-------------------------------------|---------------------------|
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