

Electronically Filed
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Elizabeth A. Brown
Clerk of Supreme Court

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE
DETERMINATION OF THE
RELATIVE RIGHTS IN AND TO ALL
WATERS, BOTH SURFACE AND
UNDERGROUND, LOCATED
WITHIN THE DIAMOND VALLEY
HYDROGRAPHIC BASIN 10-153,
EUREKA AND ELKO COUNTIES,
NEVADA.

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

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

Appellants,

v.

SOLARLJOS, LLC; DANIEL S.
VENTURACCI; AMANDA L.
VENTURACCI; CHAD D. BLISS;
ROSIE J. BLISS; WILFRED BAILEY
AND CAROLYN BAILEY,
TRUSTEES OF THE WILFRED AND
CAROLYN BAILEY FAMILY TRUST
DATED FEBRUARY 20, 2018;
EUREKA COUNTY; JAMES E.
BAUMANN; VERA L. BAUMANN;

NORMAN C. FITZWATER; KINDY
L. FITZWATER; ARC DOME
PARTNERS, LLC; ROBERT F. BECK
AND KAREN A. BECK, TRUSTEES
OF THE BECK FAMILY TRUST
DATED APRIL 1, 2005; IRA R.
RENNER; MONTIRA RENNER;
SADLER RANCH, LLC; MW
CATTLE, LLC; UNITED STATES
DEPARTMENT OF INTERIOR,
BUREAU OF LAND
MANAGEMENT; PETER
GOICOECHEA; AND GLADY
GOICOECHEA,

Respondents.

**SOLARLJOS, LLC’S (“Solarljios”) RESPONSE TO DOCKETING
STATEMENT OF APPELLANT NEVADA STATE ENGINEER**

Pursuant to NRAP 14(f), the undersigned submits this response to the Docketing Statement of the Nevada State Engineer, specifically to identify those “issues on appeal” to which Solarlos strongly disagrees pursuant to NRAP 14(f). Solarljios’ one-page response is contained entirely on the “Discussion” page following this signature block, as there is no form for submission of the such response from Respondent for use in connection with Docketing Statements of appellants.

Respectfully submitted this 24th day of March, 2022.

KAEMPFER CROWELL

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(one page response to docketing statement on following page)

Discussion

Solarljøs disagrees with the following “issues on appeal”:

1. The State Engineer objects to “various procedures used by the district court” including “allowing discovery...,” yet the determination of Solarljøs exception involved *no discovery* in district court. That fact is not in dispute, and is evident in the record to this Court from the district court.
2. The State Engineer raises an alleged issue as to the use of dispositive motion practice, but no formal objection was raised by the State or any other party in the Solarljøs’ objection to the use of such. Additionally, the State claims to appeal the “decision” to grant Solarljøs’ motion for partial summary judgment “at least in part because it was unopposed,” but the fact that no opposition was filed to Solarljøs’ motion is not in dispute – that is self-evident from the record and as such is not an issue that should be subject to appeal.
3. The State Engineer erroneously claims that the Order of Determination was never made part of the record; to the contrary, it was filed with the district court and was expressly considered by the district court, which is evident in that it was expressly referenced in Solarljøs judgment by the district court.
4. Finally, Solarljøs strongly disagrees that “other” procedural issues should be allowed to be raised and argued in the Solarljøs appeal as they were not at issue in the determination of the Solarljøs objection and were not argued below in the Solarljøs objection proceeding.

CERTIFICATE OF SERVICE

I hereby certify that on March 24, 2022, service of the foregoing **SOLARLJOS, LLC’S (“Solarljios”) RESPONSE TO DOCKETING STATEMENT OF APPELLANT NEVADA STATE ENGINEER** was filed electronically with the Clerk of the Court, and therefore electronic service was made in accordance with the master service list to the following:

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

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DATED March 24, 2022

/s/ Sharon Stice

An employee of Kaempfer Crowell