

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 (“Solarlos”) RESPONSE TO
DOCKETING STATEMENT OF APPELLANT EUREKA COUNTY**

The undersigned submits this response to the Docketing Statement of Eureka County, specifically to identify those “issues on appeal” to which Solarljios 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 such response from Respondent for use in connection with Docketing Statements of appellants.

Respectfully submitted this 25th day of March, 2022.

KAEMPFER CROWELL

BY: /s/ Alex J. Flangas

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Discussion

Responses here will be identified by the “number” used by Eureka County in its Docketing Statement:

1. The record is undisputed that no opposition or objection was filed to Solarljøs’ Motion for Partial Summary Judgment; a claimed error in that “finding” is specious.
3. There is no determinable standard for review or consideration of the alleged error in making the alleged statement; as such, no appealable issue is presented.
4. No issue can be raised alleging this error when it was not presented to the district court during the Solarljøs exception proceeding *as an error*, and no issue was even raised by Eureka County regarding the district court’s rulings on intervention involving Solarljøs’ objection claim in district court until the hearing on certification of Solarljøs’ judgment. This is not a proper issue on appeal now.
5. Solarljøs disagrees that an issue can be properly be raised on appeal regarding whether the district court “recognized and considered” the State Engineer’s Order of Determination as part of the record, as it is expressly referenced – numerous times – in the district courts’ judgment in favor of Solarljøs (the Corrected Order Granting Solarljøs’ Motion for Partial Summary Judgment); that it was (raised and considered) is irrefutable on the face of the judgment. Additionally, Eureka County did not object to the district court’s decisions regarding procedure in the Solarljøs objection proceeding from which it now appeals; those issues were not preserved by Eureka County for appeal here.

CERTIFICATE OF SERVICE

I hereby certify that on March 25, 2022, service of the foregoing **SOLARLJOS, LLC’S (“Solarlos”) RESPONSE TO DOCKETING STATEMENT OF APPELLANT EUREKA COUNTY** 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 25, 2022

/s/ Sharon Stice

An employee of Kaempfer Crowell