

IN THE SUPREME COURT OF THE STATE OF NEVADA

ADAM SULLIVAN, P.E., NEVADA
STATE ENGINEER, DIVISION OF
WATER RESOURCES, DEPARTMENT
OF CONSERVATION AND NATURAL
RESOURCES; SOUTHERN NEVADA
WATER AUTHORITY; CENTER FOR
BIOLOGICAL DIVERSITY; and
MUDDY VALLEY IRRIGATION CO.,

Appellants,

vs.

LINCOLN COUNTY WATER
DISTRICT; VIDLER WATER
COMPANY, INC.; COYOTE SPRINGS
INVESTMENT, LLC; NEVADA
COGENERATION ASSOCIATES
NOS. 1 AND 2; APEX HOLDING
COMPANY, LLC; DRY LAKE
WATER, LLC; GEORGIA-PACIFIC
GYPSUM, LLC; REPUBLIC
ENVIRONMENTAL TECHNOLOGIES,
INC.; SIERRA PACIFIC POWER
COMPANY d/b/a NV ENERGY;
NEVADA POWER COMPANY d/b/a
NV ENERGY; THE CHURCH OF
JESUS CHRIST OF LATTER-DAY
SAINTS; MOAPA VALLEY WATER
DISTRICT; WESTERN ELITE
ENVIRONMENTAL, INC.; BEDROC
LIMITED, LLC; CITY OF NORTH
LAS VEGAS; and LAS VEGAS
VALLEY WATER DISTRICT
RESOURCES,

Respondents.

Electronically Filed
Jun 08 2022 10:46 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

Case No. 84739
(consolidated with Case Nos. 84741,
84742, and 84809)

**STATE ENGINEER’S PARTIAL JOINDER TO
THE SOUTHERN NEVADA WATER AUTHORITY’S EMERGENCY
MOTION FOR STAY UNDER NRAP 27(E) OF DISTRICT COURT’S
ORDER GRANTING PETITIONS FOR JUDICIAL REVIEW PENDING
APPEAL and PARTIAL JOINDER TO THE CENTER FOR BIOLOGICAL
DIVERSITY’S EMERGENCY MOTION FOR STAY UNDER NRAP 27(E)**

Respondent, Adam Sullivan, P.E., in his capacity as the Nevada State Engineer, Department of Conservation and Natural Resources, Division of Water Resources (hereafter “State Engineer”), by and through counsel, Nevada Attorney General Aaron D. Ford, Chief Litigation Counsel Steve Shevorski, Senior Deputy Attorney General James N. Bolotin, and Deputy Solicitor General Kiel B. Ireland, hereby partially joins the Emergency Motion for Stay Under NRAP 27(E) of District Court’s Order Granting Petitions for Judicial Review Pending Appeal filed by the Southern Nevada Water Authority (“SNWA”) and the Emergency Motion for Stay Under NRAP 27(E) filed by the Center for Biological Diversity (“the Center”). The State Engineer has reviewed the Emergency Motions for Stay filed by SNWA and the Center and agrees that a stay pending the appeal(s) of the district court’s Findings of Fact, Conclusions of Law, and Order Granting Petitions for Judicial Review (“Order Vacating Order 1309”) is appropriate.

In the absence of Order 1309, which establishes a maximum amount of groundwater pumping that can be sustained within the aquifer delineated as the Lower White River Flow System (“LWRFS”), and in light of the findings in the Order Vacating Order 1309, the State Engineer is without means to address the next

management and administrative steps to balance the interests of the water right holders within the LWRFS while being protective of the water resource. The State Engineer therefore joins in SNWA's and the Center's request for a stay pending appeal.

RESPECTFULLY SUBMITTED this 8th day of June, 2022.

AARON D. FORD
Attorney General

By: /s/ James N. Bolotin
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CERTIFICATE OF SERVICE

I certify that I am an employee of the Office of the Attorney General and that on this 8th day of June, 2022, I served a copy of the foregoing STATE ENGINEER'S PARTIAL JOINDER TO THE SOUTHERN NEVADA WATER AUTHORITY'S EMERGENCY MOTION FOR STAY UNDER NRAP 27(E) OF DISTRICT COURT'S ORDER GRANTING PETITIONS FOR JUDICIAL REVIEW PENDING APPEAL and PARTIAL JOINDER TO THE CENTER FOR BIOLOGICAL DIVERSITY'S EMERGENCY MOTION FOR STAY UNDER NRAP 27(E), by electronic service to the participants in this case who are registered with the Nevada Supreme Court's EFlex Electronic Filing System.

/s/ Dorene A. Wright _____