

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

JASON KING, P.E., in his official capacity as the NEVADA STATE ENGINEER, and the NEVADA DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES, DIVISION OF WATER RESOURCES, and SOUTHERN NEVADA WATER AUTHORITY,

Appellants,

vs.

MILLARD COUNTY, UTAH; JUAB COUNTY, UTAH, et al.,

Respondents.

No. 64815

Electronically Filed  
**DOCKETING STATEMENT**  
Feb 13 2014 11:39 a.m.  
**CIVIL APPEALS**

Tracie K. Lindeman  
Clerk of Supreme Court  
District Court Case No. CV-1204049  
Consolidated with

CV-1204050  
CV-1204051  
CV-1204052  
CV-1205053  
CV-1204054  
CV-1204055  
CV-0418012  
CV-0419012

**GENERAL INFORMATION**

All appellants not in proper person must complete this docketing statement. NRAP 14(a). The purpose of the docketing statement is to assist the Supreme Court in screening jurisdiction, classifying cases for en banc, panel, or expedited treatment, compiling statistical information and identifying parties and their counsel.

**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 find and/or dismissal of the appeal.

A complete list of the documents that must be attached appears as Question 26 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 obligation 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 Department I

County White Pine Judge Honorable Robert E. Estes

District Ct. Case No. CV-1204049 Consolidated with CV-1204050;  
CV-1204051; CV-1204052; CV-1205053; CV-1204054; CV-1204055;  
CV-0418012; CV-0419012

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

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Client(s) Jason King, P.E., in his official capacity as the Nevada State Engineer, and the  
Nevada Department of Conservation and Natural Resources, Division of Water  
Resources

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):**

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Client(s) White Pine County, Nevada; Elko County, Nevada; Eureka County, Nevada; Nye County, Nevada; Nye County Water District; City of Ely, Nevada; Central Nevada Regional Water Authority; Great Basin Water Network; Sierra Club; Center For Biological Diversity; 2nd Big Springs Irrigation Company; Lund Irrigation Company; Preston Irrigation Company; Alamo Sewer & Water GID; Baker GID; McGill-Ruth Sewer & Water GID; Great Basin Business & Tourism Council; White Pine Chamber of Commerce; Nevada Farm Bureau; N-4 State Grazing Board; Baker Ranches, Inc.; Bath Lumber; Panaca Farmstead Association; Border Inn; Pearson Farms; Rafter Lazy C Ranch; Sportsworld; Progressive Leadership Alliance of Nevada; League of Women Voters of Salt Lake City; Utah Audubon Council; Utah Physicians For A Healthy Environment; Post Carbon Salt Lake; Utah Rivers Counsel; Bristlecone Alliance; Citizens Education Project; Indian Springs Civic Association; School of the Natural Order; Vaughn M. Higbee & Sons; Armando Aguilew; Chris Adler; Bart Anderson; Amy Asperheim; Michele Austria; David A. and Tana R. Baker, individually and on behalf of their minor child, Clayton F. Baker; Dean & Barbara Baker; Tom & Janille Baker, individually and on behalf of their minor children, Alyshia, Caleb, Megan & Kayli Baker; Jerald Bates; James & Donna Bath; Shannon Barker; Christia Barlow; Margaret Barlow; Richard A. Barr; Brian Beacher; Elizabeth Bedell; Cynthia Lee Bell; "Robin" Edward John Bell III; Louis Benezet; Kathy Bingley; Michael Bivins; Gary Bodell; Sean Bonnell; Bobby Bonnell; Luke Bottche; John Bowman; D. Dane Bradfield; James E. Brady; Ann & Jim Brauer; Joel Briscoe; Walter Franklin Brown; Tom E. Brown; Bernard & Eva Buswell; Michele R. Butler; William Butts; Art Cameron; Karen Campbell; Dale Canepa; Rachel Carlisle; Beau Carlson; David Carlson; Louise Carlson; Marie A. Carrick; Melissa Cheeney; Steve Chouquer; Brandon Christian; Craig Christianson; Lene Clay; William Coffman; Peter Coroon; John S. Cole; Kathleen M. Cole; Landon Cole; Dawne Combs; John Condie; William & Geniel Connor; Kathy Cook; David & Halli Cox; Robert Cramer; Patricia J. Crosthait; Dustin Crowther; Cary Curcio; Kelley Dabel; Brad & Robin Dalton; Gary Davis; Pete Tony Delmue; Ludell Deutcher; Rom DiCianno; Travis Dormina; Anthony Paul Donohue; Orrin Dotson; Dennis Dotson Jr.; Joseph A. Dunne; Jerri Elliot; Velda Embry; Jerry Etchart; James R. Ferrell; Jody Finicum; Mike &

Jo Fogliani; Paula J. Foht; Melissa Jo Free; Justin Frehner; Patrick Fuller; Veronica Garcia; Brent Gardner; Annette & Cecil Garland; Jo Anne Garrett; Patricia J. Gladman; Donald Gent; Anna E. Gloeckner; Pat and Kena Gloeckner, individually and on behalf of their minor children, Kylee, Kori, and Kourtney; Tami Gubler; Charles Hafen; Dennis Hafen; Lavoy Hafen; Fredrick Hammel; Relena Hanley; Michael Hanley; Bart Hansen; Daniel & June Hansen; Rick Hansen; Billie Harker; Carol Harker; DelsaNaia Harker; Eve Harker; Josett Harker; Thora Harker; David Hartley; Rocky Hatch & Lynda Hatch; Steven Heiselbetz; Aaron Carl Hgfeldt; Kathy Hiatt; Edwin E. Higbee; Kenneth F. & Kathryn A. Hill; Janice Hilton; Brandon Holton; N. Peter Horlacher; Andrew M. Horsch; Carol Hullinger; Ray Hulse; Don Hunt; Marlan K. Hunt; Merlene Hurd; Jennifer Jack; Robert Jennings; Jerone A. Jensen; Aaron Jessop; Carl Jessop; Jessica Jessop; Kevin J. Jessop; Lorin Jessop; Lorin Z. Jessop; Mike Jessop; Vivian Jessop; Abigail C. Johnson; Hope Johnson; Kirk Johnson; Laura Johnson; Linda G. Johnson; Mark D. Jones; William Jordan; Dennis Jurgensen; Patrick M. Kelley; Rose Diane Kelley; Becky Kleim; Jess Klotz; Michael Knipes; Ronald Kozak; William Kramer; Kathleen LaJoie; Larry LaJoie; Robert Laubach; Leah R. Lawson; Kyle Leany; Jack T. Lee; Jimmie Sue Lee; Merrilee Lee; Rollin Kim Lee; Jacob Lester; Sarah Lester; Wesley R. & Elaine R. Lewis; Bevan Lister; Brad Lloyd; Jo & Jason Lloyd; Mick & Lynn Lloyd; Teresa Lloyd; William Long; D.L. Lucchesi; Farrell & Manetta Lytle; Ken & Donna Lytle; Lisa L. Lytle; Chrystal Malloy; Dianne E. Mason; Mark A. Mason; Barbara J. Mason-Wanket; Major Mastin; Nevin May; Gary McBride; Marie McBride; John T. McClellan; Nathan McClure; Katherine McCrosky; Melinda McCrosky; Steve McCrosky; Paula & Parker McManus; Aaron McRory; Natalie Mellem; Laurel Ann Mills; Amanda Moore; Joe Morrow; Kari Mortensen; Dean Mossgr; Lisa M. Nielsen; Allan K. Nyberg; Dennis O'Connor; Mark Olson; Terry Olson; Carlos Palencia; Janice Palmeri; Axel Pearson; Keith A. & Lacie Pearson; Lee Pearson; Margaret Pense; Gary & Jo Ann Perea; Grant Perkins; Clifford Pete Peterson; India Phillips; Kevin Phillips; Rachelle Phillips; Terryle H. Phillips; Toni Pinkham; Arla Prestwich; Richard Prince; Merle Rawlings; Phillip Reeves; Merlin Rhode; Janie Rippetoe; Mark Rippetoe; Ronald Jeremy Robinson; Donald Rodriguez; LaRene & Chuck Rogers; Danile Rohr; Keith & Mary Rose; Gary Rosonlund; Katherine & William Rountree; Robert Rowe; Richard A. Rullo; Damian Sandoval; Greg Schatzle; Trey Scott; Tom H. Sears; Vaughan E. Seeben Jr.; John Settles; Chris Shinkle; Aaron Showell; Dan & Connie Simkins; Randy & Sharlan Simkins; Summer & Shane Simkins; Sammye L. Skinner; Jim Slough; William Smith; Sarah Somers; Devin Sonnenberg; Ed Spear; Shannon Spendlove; Marshall Stackhouse; Theodore Stazeski; Terrance & Debra Steadman; Paul Steed; Rachel Steed; Michelle Stephens; Keith Stever; Larry Stever; Jackie Stewart; Karl C. Stewart; Beverly Strickland; Shelby Taylor; Sidney Taylor; Russ & Cheyenne Thompson; Rex & Gracie Thompson; Laura Tibbetts; Ryan Timmons; Anna M. Trousdale; Deb Umina; Dennis Vanwinkle; Ed Vincent; Alex, Nicholas & Joseph Vincent; Edward & Stephanie Vincent; Mike Vitt; Henry C. & Dana Vogler, individually and on behalf of their minor children; Stinson Vogler; Duane E. & Brynlee Wadsworth; Jaycee Tyler and Kathy Wadsworth; John Wadsworth; Marcia Wadsworth; Mark Wadsworth; Tyler Wadsworth; Bradley Walch; Achiel E. Wanket; Edith B. Warren; Jo

Wells; Susan Wetmore; B.J. Whitney; Sharon Williams; William & Holly M. Wilson; Edward E. Wright; Margaret Joyce & Gordon F. Yach; Michelle Yosai; and Donald Zook

**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 type="checkbox"/> Summary judgment                          | <input type="checkbox"/> Failure to state a claim                       |
| <input type="checkbox"/> Default Judgment                          | <input type="checkbox"/> Failure to prosecute                           |
| <input 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 checked="" type="checkbox"/> Review of agency determination | <input type="checkbox"/> Other disposition (specify): _____             |

**5. Does this appeal raise issues concerning any of the following? No**

- 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:

(1) *Great Basin Water Network, A Non-Profit Organization et al. v. Tracy Taylor, in his official capacity as the Nevada State Engineer; the State of Nevada Department of Conservation and Natural Resources, Division of Water Resources; and the Southern Nevada Water Authority, Supreme Court Case No. 49718.*

(2) *Southern Nevada Water Authority, and Tracy Taylor, in his official capacity as State Engineer v. Carter-Griffin, Inc. d/b/a Carter Cattle Co. et al., Supreme Court Case No. 54986.*

**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:

(1) *Great Basin Water Network, A Non-Profit Organization et al. v. Tracy Taylor, in his official capacity as the Nevada State Engineer; and the Nevada Department of Conservation and Natural Resources, Division of Water Resources; Case No. CV-0608119; Seventh Judicial District Court, White Pine County; Order Remanding Case to State Engineer filed on August 19, 2010.*

(2) *Carter-Griffin, Inc., et al., and Cave Valley Ranch, LLC, Petitioners, vs. Tracy Taylor, Nevada State Engineer, State of Nevada Division of Water Resources, Respondents, Southern Nevada Water Authority, Real Party in Interest; Case No. CV-0830008; Seventh Judicial District Court, County of Lincoln; Order Vacating and Remanding State Engineer's Ruling filed on October 19, 2009.*

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

This action results from the Nevada State Engineer's issuance of four separate Rulings that granted applications filed by the Southern Nevada Water Authority for the appropriation of water in Spring Valley, Cave Valley, Delamar Valley, and Dry Lake Valley groundwater basins in Nevada. Petitioners filed petitions for judicial review of the State Engineer's Rulings. The district court issued a Decision setting aside the State Engineer's Rulings as arbitrary and capricious and not supported by substantial evidence.

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

The principal issues in this appeal are: (1) whether the Nevada State Engineer has jurisdiction to order mitigation of water rights outside of Nevada; (2) whether the Nevada State Engineer's practice and policy of calculating perennial yield is supported by substantial evidence; (3) whether the efficacy of the monitoring, management and mitigation plan ordered by the Nevada State Engineer is supported by substantial evidence; (4) whether the Nevada State Engineer's conclusion that the appropriation of water from Cave, Dry Lake, and Delamar Valleys will not significantly impact groundwater flow in the White River flow system is supported by substantial evidence.

**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:

*Eureka County, a political subdivision of the State of Nevada, et al., v. The State of Nevada State Engineer, et al., Case No. 61324.*

Consolidated with:

*Michel and Margaret Ann Etcheverry Family, LP, et al., v. State Engineer, of Nevada, Office of the State Engineer Department of Conservation and Natural Resources, et al., Case No. 63258*

These cases also review the efficacy of a monitoring, management, and mitigation plan in connection with the appropriation of water.

**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: The appeal concerns the issue of how the Nevada State Engineer calculates the amount of water available for appropriation and is a substantial issue of first impression and public policy.



13. **Trial.** If this action proceeded to trial, how many days did the trial last? N/A

Was it a bench or jury trial? \_\_\_\_\_

14. **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?

N/A

15. **Date of entry of written judgment or order appealed** December 13, 2013.

If no written judgment or order was filed in the district court, explain the basis for seeking appellate review:

16. **Date written notice of entry of judgment or order was served** January 2, 2014.

Was service by:

Delivery

Mail/electronic/fax

17. **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.

NRCP 50(b)      Date of filing N/A

NRCP 52(b)      Date of filing N/A

NRCP 59          Date of filing N/A

**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).**

(b) Date of entry of written order resolving tolling motion N/A

(c) Date written notice of entry of order resolving tolling motion was served N/A

Was service by:

Delivery

Mail

**18. Date notice of appeal filed** See below.

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:

January 10, 2014      Jason King, P.E., in his official capacity as the Nevada State Engineer, and The Nevada Department of Conservation and Natural Resources, Division of Water Resources

January 13, 2014      Southern Nevada Water Authority

January 29, 2014      Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints, on Behalf of Cleveland Ranch

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

NRAP 4(a); NRS 533.450(9)

### **SUBSTANTIVE APPEALABILITY**

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

(a)

X NRAP 3A(b)(1)       NRS 38.205

NRAP       NRS 233B.150

NRAP 3A(b)(3)       NRS 703.376

X Other (specify) NRS 533.450(9)

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

The district court's decision is a final judgment pursuant to NRAP 3A(b)(1). This is also an appeal regarding a decision of the Nevada State Engineer and therefore may be taken to the Supreme Court pursuant to NRS 533.450(9).

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

(a) Parties:

Millard County, Utah and Juab County, Utah; White Pine County, Nevada; Elko County, Nevada; Eureka County, Nevada; Nye County, Nevada; Nye County Water District; City of Ely, Nevada; Central Nevada Regional Water Authority; Great Basin Water Network; Sierra Club; Center For Biological Diversity; 2nd Big Springs Irrigation Company; Lund Irrigation Company; Preston Irrigation Company; Alamo Sewer & Water GID; Baker GID; McGill-Ruth Sewer & Water GID; Great Basin Business & Tourism Council; White Pine Chamber of Commerce; Nevada Farm Bureau; N-4 State Grazing Board; Baker Ranches, Inc.; Bath Lumber; Panaca Farmstead Association; Border Inn; Pearson Farms; Rafter Lazy C Ranch; Sportsworld; Progressive Leadership Alliance of Nevada; League of Women Voters of Salt Lake City; Utah Audubon Council; Utah Physicians For A Healthy Environment; Post Carbon Salt Lake; Utah Rivers Counsel; Bristlecone Alliance; Citizens Education Project; Indian Springs Civic Association; School of the Natural Order; Vaughn M. Higbee & Sons; Armando Aguilaw; Chris Adler; Bart Anderson; Amy Asperheim; Michele Austria; Craig and Gretchen Baker, individually and on behalf of their minor children, Matthew and Emma; David A. and Tana R. Baker, individually and on behalf of their minor child, Clayton F. Baker; Dean & Barbara Baker; Tom & Janille Baker, individually and on behalf of their minor children, Alyshia, Caleb, Megan & Kayli Baker; Jerald Bates; James & Donna Bath; Shannon Barker; Christia Barlow; Margaret Barlow; Richard A. Barr; Brian Beacher; Elizabeth Bedell; Cynthia Lee Bell; "Robin" Edward John Bell III; Louis Benezet; Kathy Bingley; Michael Bivins; Gary Bodell; Sean Bonnell; Bobby Bonnell; Luke Bottche; John Bowman; D. Dane Bradfield; James E. Brady; Ann & Jim Brauer; Joel Briscoe; Walter Franklin Brown; Tom E. Brown; Bernard & Eva Buswell; Michele R. Butler; William Butts; Art Cameron; Karen Campbell; Dale Canepa; Rachel Carlisle; Beau Carlson; David Carlson; Louise Carlson; Marie A. Carrick; Melissa Cheeney; Steve Chouquer; Brandon Christian; Craig Christianson; Lene Clay; William Coffman; Peter Coroon; John S. Cole; Kathleen M. Cole; Landon Cole; Dawne Combs; John Condie; William & Geniel Connor; Kathy Cook; David & Halli Cox; Robert Cramer; Patricia J. Crosthait; Dustin Crowther; Cary Curcio; Kelley Dabel; Brad & Robin Dalton; Gary Davis; Pete Tony Delmue; Ludell Deutcher; Rom DiCianno; Travis Dormina; Anthony Paul Donohue; Orrin Dotson; Dennis Dotson Jr.; Joseph A. Dunne; Jerri Elliot; Velda Embry; Jerry Etchart; James R. Ferrell; Jody Finicum; Mike & Jo Fogliani; Paula J. Foht; Melissa Jo Free; Justin

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Walch; Achiel E. Wanket; Edith B. Warren; Jo Wells; Susan Wetmore; B.J. Whitney; Sharon Williams; William & Holly M. Wilson; Edward E. Wright; Margaret Joyce & Gordon F. Yach; Michelle Yosai; and Donald Zook; Corporation Of The Presiding Bishop Of The Church Of Jesus Christ Of The Latter-Day Saints, on behalf of Cleveland Ranch; Confederated Tribes Of The Goshute Reservation; Duckwater Shoshone Tribe; and The Ely Shoshone Tribe, Jason King, P.E., in his official capacity as the Nevada State Engineer, and the Nevada Department Of Conservation And Natural Resources, Division Of Water Resources, and Southern Nevada Water Authority

- (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.

Craig Baker; Gretchen Baker; and Roderick McKenzie were formally dismissed from the District Court proceeding.

**22. 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.**

- a. Nevada State Engineer: Defend State Engineer's Ruling Nos. 6164-6167; December 13, 2013.
- b. Southern Nevada Water Authority: Defend State Engineer's Ruling Nos. 6164-6167; December 13, 2013.
- c. Millard County, Utah et al., Petitioners: Petition for Judicial Review of State Engineer's Ruling Nos. 6164-6167; December 13, 2013.

**23. 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

**24. If you answered "No" to questions 23, complete the following:**

- (a) Specify the claims remaining pending below:
- (b) Specify the parties remaining below:

(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

**25. If you answered "No" to any part of question 24, explain the basis for seeking appellate review (e.g., order is independently appealable under NRAP 3A(b)):**

**26. 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

**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.**

Jason King, P.E., in his official  
Capacity as the Nevada State  
Engineer, and the Nevada  
Department of Conservation and  
Natural Resources, Division Of  
Water Resources

Name of appellant

Cassandra P. Joseph

Name of counsel of record

February 12, 2014

Date

/s/ Cassandra P. Joseph

Signature of counsel of record

Carson City, Nevada

State and County where signed

**CERTIFICATE OF SERVICE**

I certify that on the 12<sup>th</sup> day of February, 2014, 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.)

Simeon Herskovits, Esq.  
Iris Thornton  
Advocates for Community and Environment  
P.O. Box 1075  
El Prado, NM 87529

Kelly C. Brown, District Attorney  
White Pine County  
810 Clark St., Suite 3  
Ely, Nevada 89301

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Severin A. Carlson  
KAEMPFER CROWELL RENSHAW  
GRONAUER & FIORENTINO  
50 West Liberty Street, No. 900  
Reno, Nevada 80501

Dated this 12<sup>th</sup> day of February, 2014.

/s/ Ginny Brownell  
Ginny Brownell, an employee of the  
Office of the Nevada Attorney General



List of Documents attached:

Exhibit 1.

Notice of Petition for Judicial Review of the State Engineer's Approval of Application Nos. 54003 to 54014, 54019 and 54020 in Ruling 6164  
Millard County, Utah and Juab County, Utah, et al., v. Jason King, P.E. in his official capacity as the Nevada State Engineer, et al., Case No. CV-1204049 and Filed April 19, 2012

Exhibit 2

Notice of and Petition for Judicial Review of Ruling on Remand  
White Pine County, Nevada, et al., v. Jason King, P.E. in his official capacity as the Nevada State Engineer, et al., Case No. CV-0608119  
Ruling 6164  
Ruling 6165  
Ruling 6166  
Ruling 6167  
Filed April 23, 2012

Exhibit 3

Notice of Proceeding and Petition for Judicial Review  
Confederated Tribes of the Goshuite Reservation v. Jason King, P.E. in his official capacity as the Nevada State Engineer, Case No. CV-1204053  
Dated April 19, 2012

Exhibit 4

Notice of Proceeding and Petition for Judicial Review  
Ely Shoshone Tribe v. Jason King, P.E. in his official capacity as the Nevada State Engineer, Case No. CV-1204051  
Dated April 19, 2012

Exhibit 5

Notice of Proceeding and Petition for Judicial Review  
Duckwater Shoshone Tribe v. Jason King, P.E. in his official capacity as the Nevada State Engineer, Case No. CV-1204053  
Dated April 19, 2012

Exhibit 6

Petition for Judicial Review  
Corporation of the Presiding Bishop of the Church of Jesus Christ vs. Jason King, P.E. in his official capacity as the Nevada State Engineer,  
Case No. CV-1204050  
Dated April 19, 2012

**Exhibit 7**

**Order to Consolidate Cases, Change Venue, and Set Briefing Schedule  
Millard County, Utah and Juab County, Utah, et al., v. Jason King, P.E. in his  
Official capacity as the Nevada State Engineer, et al., Case No. CV-1204049 and  
Consolidated Cases  
Filed October 22, 2012**

**Exhibit 8**

**Notice of Entry of Decision  
White Pine County and Consolidated Cases vs. Jason King, P.E., et al  
Case No. CV1204049  
Filed dated January 2, 2014**

EXHIBIT 1

EXHIBIT 1

FILED

2012 APR 19 AM 10:15

SHARON B. DUNN  
WHITE PINE COUNTY CLERK  
BY [Signature]  
DEPUTY

1 Kirsty Pickering, Esq.  
2 Nevada Bar No. 9295  
3 333 Murry Street  
4 Ely, NV 89301  
5 775- 289-3333 Telephone  
6 866-431 8910 Fax  
7 Attorney for Millard County, Utah and Juab County, Utah

8 SEVENTH JUDICIAL DISTRICT COURT  
9 WHITE PINE COUNTY, NEVADA

10 MILLARD COUNTY, UTAH and JUAB  
11 COUNTY, UTAH,

Case No. CV- 1204049

Department No. 61

12 Petitioners,

13 vs.

14 JASON KING, P.E., Nevada State Engineer;  
15 STATE OF NEVADA, DIVISION OF WATER  
16 RESOURCES; DOES I through X; and ROE  
17 CORPORATIONS I through X, inclusive,

**NOTICE OF PETITION FOR  
JUDICIAL REVIEW OF THE STATE  
ENGINEER'S APPROVAL OF  
APPLICATION NOS. 54003 TO 54015,  
54019 AND 54020 IN RULING 6164**

18 Respondents.

*Ruling 6164  
Spring*

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19 In the Matter of the State Engineer's Approval of  
20 Application Nos. 54003 to 54015, 54019 and  
21 54020 in Ruling 6164.

22 COMES NOW, Petitioners, MILLARD COUNTY, UTAH and JUAB COUNTY, UTAH  
23 (hereinafter "Petitioners"), by and through their attorney of record Kirsty Pickering, Attorney at  
24 Law A Professional Corporation, and hereby gives notice of Petitioners' Petition for Judicial  
25 Review asking the Court to review the State Engineer's overruling in part of Petitioners' protests  
26 and approval of Application Nos. 54003 to 54015, 54019 and 54020 by Jason King, P.E., Nevada  
27 State Engineer (the "State Engineer"), in Ruling 6164, issued March 22, 2012.  
28

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**KIRSTY E. PICKERING**  
**ATTORNEY AT LAW**  
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ELY, NEVADA 89301  
TELEPHONE (775) 289-3333

1 This Notice of Appeal is filed pursuant to Section 533.450 of the Nevada Revised Statutes.  
2 Jurisdiction lies with the Seventh Judicial District Court, White Pine County, Nevada, as the  
3 subject applications were filed on groundwater in Spring Valley, situated in White Pine County.  
4 Hence, White Pine is the county in which the matters affected, or a portion thereof, are situated.

5 The substance of Ruling 6164 as it relates to this petition is as follows: The groundwater  
6 made available for appropriation under the subject applications was done subject to and  
7 conditioned upon (1) a three-stage stage development plan spelled out by the State Engineer, (2) a  
8 Hydrologic Monitoring and Mitigation Plan for Spring Valley prepared by Applicant Southern  
9 Nevada Water Authority (hereafter "Applicant") and reviewed and approved by the State  
10 Engineer, (3) the Applicant's Biological Monitoring Plan for Spring Valley also reviewed and  
11 approved by the State Engineer, (4) the filing of annual reports by the Applicant, (5) the  
12 completion by Applicant and the approval by the State Engineer of baseline hydrologic and  
13 biological studies based on the collection of a minimum of 2 years of hydrologic and biological  
14 baseline data, and (6) the periodic updating by Applicant of a computer groundwater flow model,  
15 subject to approval by the State Engineer.  
16  
17

18 Petitioners are aggrieved by Ruling 6164, because (1) the above-referenced conditions and  
19 provisions of the Ruling do not state the type, nature, locations and extent of monitoring,  
20 measuring and mitigation measures necessary to prevent and/or reverse unreasonable impacts  
21 upon the groundwater levels and biological resources in Snake Valley (including the Millard and  
22 Juab County portion of Snake Valley) due to pumping and inter-basin export of groundwater from  
23 Spring Valley, and (2) the Ruling failed to incorporate the protections and provisions of the  
24 September 8, 2006 Spring Valley Stipulated Agreement entered into by Applicant and various  
25 Federal Agencies and approved by the State Engineer in a prior Spring Valley proceeding, which  
26 Stipulated Agreement is still in effect and is designed to protect a large "Area of Interest" that  
27  
28

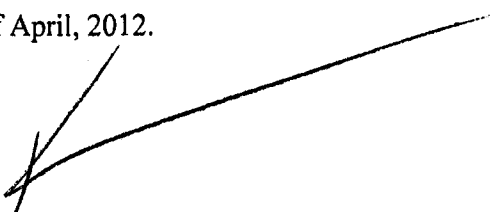
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extends into Millard and Juab Counties, from the impacts of Spring Valley groundwater pumping and inter-basin export.

Through this Petition for Judicial Review, Petitioners respectfully request this Court to reverse and remand the State Engineer's approval of Application Nos. 54003 to 54015, 54019 and 54020 with instructions to remedy Petitioners' above-stated grievance.

Dated this 19<sup>th</sup> day of April, 2012.

  
\_\_\_\_\_  
Kirsty Pickering, Attorney at Law  
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866 431 8910 Fax

Attorney for Petitioners Millard County, Utah and Juab County, Utah

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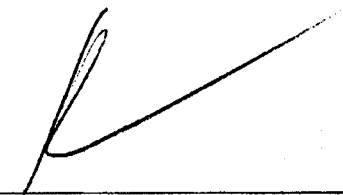
**CERTIFICATE OF SERVICE**

Pursuant to Section 533.450 of the Nevada Revised Statutes, I hereby certify that on April 19, 2012 I caused to be filed the foregoing NOTICE OF PETITION FOR JUDICIAL REVIEW OF THE STATE ENGINEER'S APPROVAL OF APPLICATION NOS. 54003 TO 54015, 54019 and 54020, with the Clerk of the above-entitled Court. I also certify that the foregoing document is being served this day on the interested parties by certified mail addressed as follows:

Jason King, P.E.  
Nevada State Engineer  
901 South Stewart Street, Suite 2002  
Carson City, Nevada 89701-5250

Dana Walsh,  
Southern Nevada Water Authority  
1001 S. Valley View Blvd., MS #485  
Las Vegas, NV 89153

DATED this 19<sup>th</sup> day of April, 2012.

  
\_\_\_\_\_  
Kirsty Pickering

**KIRSTY E. PICKERING**  
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