

IN THE SUPREME COURT OF THE STATE OF NEVADA

DEB HAALAND IN HER OFFICIAL
CAPACITY AS SECRETARY OF THE
UNITED STATES DEPARTMENT OF
THE INTERIOR; THE UNITED
STATES DEPARTMENT OF THE
INTERIOR; CHARLES F. SAMS, III, IN
HIS OFFICIAL CAPACITY AS
DIRECTOR OF THE NATIONAL PARK
SERVICE; THE NATIONAL PARK
SERVICE; AND JAMES WOOLSEY IN
HIS OFFICIAL CAPACITY AS
SUPERINTENDENT OF THE GREAT
BASIN NATIONAL PARK,

Appellants,


vs.

BAKER RANCHES INC., A NEVADA
CORPORATION; DAVID JOHN
ELDRIDGE AND RUTH ELDRIDGE AS
CO-TRUSTEES OF THE DAVID JOHN
ELDRIDGE AND RUTH ELDRIDGE
FAMILY LIVING TRUST, DATED
JANUARY 31, 2007; ZANE JORDAN;
AND JUDEE SCHALEY,
Respondents.

No. 87345

FILED

DEC 16 2024

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a district court injunction in a water rights matter. Seventh Judicial District Court, White Pine County; Steve L. Dobrescu, Judge.

In the underlying case, respondents sought to enjoin appellants from diverting the Baker and Lehman Creeks in violation of a water rights decree issued in 1934. Appellants removed the district court case to the

United States District Court for the District of Nevada; however, it was subsequently remanded to the Seventh Judicial District Court, *Baker Ranches, Inc. v. Haaland*, No. 321CV00150GMNCSD, 2022 WL 867267 (D. Nev. Mar. 22, 2022). The state district court then granted an injunction based on its determination that appellants waived sovereign immunity, and appellants immediately appealed the order to this court. Meanwhile, appellants appealed the federal court's remand order, without seeking a stay of the state district court proceedings, and the Ninth Circuit Court of Appeals vacated and remanded to the United States District Court to determine if appellants had waived sovereign immunity. *Baker Ranches, Inc. v. Haaland*, No. 22-15765, 2023 WL 6784357 (9th Cir. Oct. 13, 2023). Upon remand from the Ninth Circuit, the federal district court determined the order underlying this appeal is void because the remand to state court was vacated and, concluding that sovereign immunity precludes suit in state and federal court, dismissed the case in its entirety. *Baker Ranches, Inc. v. Haaland*, No. 3:21-CV-00150-GMN-CSD, 2024 WL 3927263 (D. Nev. Aug. 23, 2024); see *United States v. Mitchell*, 445 U.S. 535, 538 (1980) (providing that federal courts lack jurisdiction over claims against the federal government upon proper invocation of sovereign immunity); *Cox v. U.S. Dep't of Agric.*, 800 F.3d 1031, 1032 (9th Cir. 2015) (per curiam) (determining that sovereign immunity deprived Nevada state court of jurisdiction). Respondents have appealed the latest federal district court ruling to the Ninth Circuit, and the appeal remains pending.

Given that this matter is proceeding in the federal courts, appellants have moved to dismiss this appeal or, in the alternative, stay these proceedings pending the Ninth Circuit appeal. Respondents oppose the motion, and appellants have replied. Having considered the arguments

of the parties, this court concludes that it lacks jurisdiction over the case. Although the federal district court previously issued a remand order, that order was vacated, such that the federal district court effectively retained jurisdiction. See 28 U.S.C. § 1446(d); *Cal. ex rel. Sacramento Metro. Air Quality Mgmt. Dist. v. U.S.*, 215 F.3d 1005, 1011 (9th Cir. 2000) (“The removal of an action to federal court necessarily divests state and local courts of their jurisdiction over a particular dispute.”). Further, while respondents’ Ninth Circuit appeal could result in the reversal of the federal district court’s order and lead to reinstatement of the order underlying this appeal, to avoid having this appeal linger on the court’s docket indefinitely, appellant’s motion to dismiss is granted, and this court dismisses this appeal without prejudice to appellants’ ability to move for its reinstatement within 30 days of any remand from the federal district court, if deemed appropriate.

It is so ORDERED.¹



_____, J.
Herndon



_____, J.
Lee



_____, J.
Bell

¹Given the disposition of this appeal, respondents’ request for judicial notice and motion to supplement the record are denied without prejudice. Appellants’ motion for an extension of time to file a reply brief is granted. NRAP 31(b)(3)(B). The reply brief was filed on November 8, 2024.

cc: Hon. Steve L. Dobrescu, District Judge
Jonathan L. Andrews, Settlement Judge
U.S. Department of Justice/Environment and Natural Resources
Division/Appellate Section
Leonard Law, PC
White Pine County Clerk