

IN THE SUPREME COURT OF THE STATE OF NEVADA

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

Appellant,

vs.

GRANITE PEAK PROPERTIES, LLC, A
NEVADA LIMITED LIABILITY
COMPANY,

Respondent.

BAKER RANCHES INC.; SECOND BIG
SPRINGS IRRIGATION COMPANY;
AND BRIAN OKELBERRY,

Appellants,

vs.

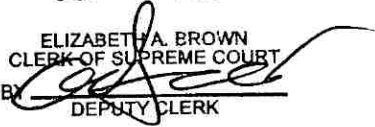
GRANITE PEAK PROPERTIES, LLC, A
NEVADA LIMITED LIABILITY
COMPANY,

Respondent.

No. 90563

FILED

SEP 22 2025

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

No. 90608

ORDER DISMISSING APPEAL

This is a consolidated appeal from a district court order remanding a water law decision to the State Engineer. Seventh Judicial District Court, White Pine County; Gary Fairman, Judge.

Initial review of the notices of appeal revealed a potential jurisdictional defect. Specifically, it appeared the challenged district court order is not a substantively appealable, final judgment. See NRS 533.450(9); NRAP 3A(b)(1). Accordingly, this court issued an order to show cause as to why this appeal should not be dismissed for lack of jurisdiction.

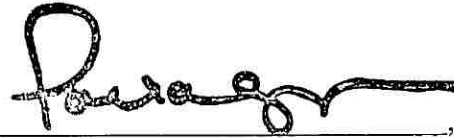
25-91232

In their response, appellants assert that the district court's order is "functionally final" and, therefore, appealable. Additionally, the State Engineer urges this court to adopt an "agency exception" rule to the general rule that an order remanding a matter to an administrative agency is interlocutory and, therefore, not immediately appealable. While appellants' argument is compelling, we do not reach whether this court should adopt the "agency exception" in this case because the order at issue lacks finality.

"[A] district court order remanding a matter to an administrative agency is not an appealable order, unless the order constitutes a final judgment on the merits and remands merely for collateral tasks, such as calculating benefits found due." *Wells Fargo Bank, N.A. v. O'Brien*, 129 Nev. 679, 680-81, 310 P.3d 581, 582 (2013). Here, the district court found that the State Engineer's failure to disclose a Technical Memorandum that served as the basis for Ruling 6540 deprived respondent of a "meaningful opportunity to challenge the evidence in the Technical Memorandum." The district court order, therefore, remanded and ordered the State Engineer to "provide all parties with notice and an opportunity to respond to the Technical Memorandum prior to making a final determination." Because the order necessarily requires further substantive review on the part of the State Engineer, it lacks finality. *State Taxicab Auth. v. Greenspun*, 109 Nev. 1022, 1025, 862 P.2d 423, 425 (1993) (concluding that an order of remand was not a final judgment where the order directed Taxicab Authority to review evidence it initially refused to consider). Because no statute or court rule permits an appeal from the district court order at issue, this court lacks jurisdiction to consider this appeal. *Brown v. MHC Stagecoach, LLC*, 129 Nev. 343, 345, 301 P.3d 850,

851 (2013) (explaining that this court “may only consider appeals authorized by statute or court rule”). Accordingly, we

ORDER this appeal DISMISSED.



J.

Parraguirre



J.

Bell



J.

Stiglich

cc: Hon. Gary Fairman, District Judge
Attorney General/Carson City
Leonard Law, PC
Schroeder Law Offices, P.C.
White Pine County Clerk