

BEFORE THE OFFICE OF THE STATE ENGINEER

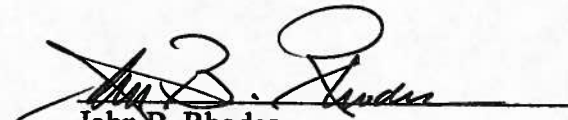
STATE OF NEVADA

IN THE MATTER OF APPLICATIONS)
53987 THROUGH 53992, INCLUSIVE,)
AND 54003 THROUGH 54021,)
INCLUSIVE, FILED TO)
APPROPRIATE THE)
UNDERGROUND WATERS OF) MOTION TO ASSOCIATE
SPRING VALLEY, CAVE VALLEY,) OUT-OF-STATE COUNSEL
DELAMAR VALLEY, AND DRY)
LAKE VALLEY HYDROGRAPHIC)
BASINS (180, 181, 182 AND 184),)
LINCOLN COUNTY AND WHITE)
PINE COUNTY, NEVADA)

Protestants Millard County, Utah and Juab County, Utah through their undersigned Nevada Counsel of Record, John B. Rhodes, hereby move the State Engineer for an Order permitting J. Mark Ward to practice in this matter, pursuant to Nevada Supreme Court Rule 42.

This Motion is based on and supported by the attached Verified Application for Association of Counsel, Certificate of Good Standing from the Utah State Bar, and the State Bar of Nevada Statement, all accompanying this Motion as required and incorporated herein by reference.

Respectfully submitted this 8th day of July, 2011.


John B. Rhodes
NV Bar #1353
P.O. Box 18191
Reno, Nevada 89511
Phone (775) 849-2525

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2011 JUL - 8 PM 3: 51
STATE ENGINEERS OFFICE

CERTIFICATE OF SERVICE

I certify that on July 8, 2011, I served the foregoing Motion, with attachments and proposed Order, by mailing copies to:

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

Great Basin Water Network and
Protestants 2nd Big Springs Irrigation
Company, et al.;
Simeon Herskovits
Advocates for Community and
Environment
P.O. Box 1075
El Prado, NM 87529

Richard W. and Lesley Sears
1963 South 17th East HC 10
Ely, NN 89301

Long Now Foundation
Laura Welcher
Director of Operations
Fort Mason Center
Building A
San Francisco, CA 94123

Confederated Tribes of the Goshute
Reservation, Duckwater Shoshone Tribe
and Ely Shoshone Tribe
Mark Echohawk and V. Aaron Contreras
505 Pershing Ave., Suite 100
Pocatello, ID 83205

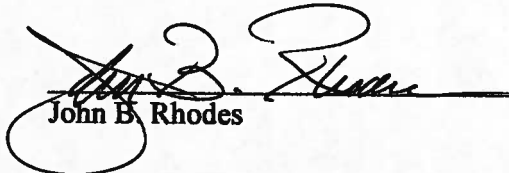
EskDale Center
Jerald Anderson
1100 Circle Drive
Garrison, UT4728

Corporation of the Presiding Bishop of the
Church of Jesus Christ of Latter-day Saints
Severin A. Carlson
Kaempher Crowell, Renshaw, Gronauer &
Fiorentino
510 W. Fourth Street
Carson City, NV 89703

U.S. Department of Agriculture
Forest Service
Jeanne A. Evenden
324 25th Street
Ogden, UT 84401

Nye County
George Benesch
190 W. Huffaker Lane, Suite 408
Reno, NV 89511-2092

Henry C. Vogler IV
HC 33 Box 33920
Ely, NV 89301



John B. Rhodes

BEFORE THE OFFICE OF THE STATE ENGINEER

STATE OF NEVADA

Docket Nos. 53897-53992, 54003-54021

IN THE MATTER OF PROTESTED)	VERIFIED APPLICATION OF
APPLICATIONS 53987, 53988 (CAVE)	J. MARK WARD FOR ASSOCIATION OF
VALLEY - BASIN 180), 53989, 53990)	COUNSEL UNDER NEVADA SUPREME
(DRY LAKE VALLEY - BASIN 181),)	COURT RULE 42
53991, 53992 (DELAMAR VALLEY -)	
BASIN 182), AND)	
54003 THROUGH 54021 (SPRING)	
VALLEY - BASIN 184), LINCOLN)	
COUNTY AND WHITE PINE)	
COUNTY, NEVADA.)	

**VERIFIED APPLICATION FOR ASSOCIATION
OF COUNSEL UNDER NEVADA SUPREME COURT RULE 42**

J. Mark Ward, Petitioner, respectfully represents:

1. Petitioner resides at 3004 Sweet Blossom Drive, South Jordan, Salt Lake County, Utah, 84095, Telephone: (801)783-7643.
2. Petitioner is an attorney at law employed as an in-house counsel with the Utah Association of Counties with offices at 5397 South Vine Street, Murray, Salt Lake County, Utah, 84107, Telephone: (801) 265-1331.
3. Petitioner has been retained personally by Millard County, Utah and Juab County, Utah, protestants in the above-entitled matter, to provide legal representation of Millard County and Juab County in connection with the above-entitled matter now pending before the above referenced State agency.

4. Since October of 1984, petitioner has been, and presently is, a member of good standing of the bar of the highest court of the State of Utah where petitioner regularly practices law.

5. Petitioner was admitted to practice before the following United States District Courts, United States Circuit Courts of Appeal, the Supreme Court of the United States, and/or courts of other states on the dates indicated for each, and is presently a member in good standing of the bars of said Courts:

	DATE ADMITTED:
Utah Supreme Court and other Courts of Utah:	October 15, 1984
United States District Court for the District of Utah:	October 15, 1984
United States Court of Appeals for the Tenth Circuit	May 21, 1993
United States Supreme Court	March 26, 2007

6. Petitioner is not currently suspended or disbarred in any court except as hereinafter provided (Give particulars; e.g., Court, jurisdiction, date): True.

7. Petitioner is not currently subject to any disciplinary proceedings by any organization with authority at law except as hereinafter provided (give particulars, e.g. court, discipline authority, date, status): True.

8. Petitioner has never received public discipline including, but not limited to, suspension or disbarment, by any organization with authority to discipline attorneys at law except as hereinafter provided (give particulars, e.g. court, discipline authority, date, status): True:

9. Petitioner has never had any certificate or privilege to appear and practice before any regulatory administrative body suspended or revoked except as hereinafter provided (give particulars, e.g. date, administrative body, date of suspension or reinstatement): True.

10. Petitioner, either by resignation, withdrawal, or otherwise, has never terminated or attempted to terminate Petitioner's office as an attorney in order to avoid administrative, disciplinary, disbarment, or suspension proceedings except as hereinafter provided: True.

11. Petitioner or any member of Petitioner's firm with which Petitioner is associated has/have filed application(s) to appear as counsel under Supreme Court Rule 42 during the past three (3) years in the following matters:

<u>Date of Application</u>	<u>Cause</u>	<u>Title of Court Administrative Body or Arbitrator</u>	<u>Was Application Granted or Denied</u>
June, 2008	IN THE MATTER OF APPLICATIONS 54022 THROUGH 54030, INCLUSIVE, FILED TO APPROPRIATE THE UNDERGROUND WATER OF THE SNAKE VALLEY HYDRO-GRAPHIC BASIN (195), WHITE PINE COUNTY, NEVADA	Office of the Nevada State Engineer, Department of Conservation and Natural Resources, Division of Water Resources	Granted
September, 2008	SALT LAKE COUNTY, UTAH and UTAH COUNTY, UTAH, Petitioners, vs. TRACY TAYLOR, Nevada State Engineer; STATE OF NEVADA, DIVISION OF WATER RESOURCES; DOES I through X; and ROE CORPORATIONS I through X, inclusive, Respondents; Case No CV0808100 Department No. 2	Seventh Judicial District Court of the State of Nevada, in and for the County of White Pine	Granted

(If necessary, please attach a statement of additional applications)

12. Nevada Counsel of Record for Petitioner in this matter is: John B. Rhodes, Nevada State Bar Number 1353, who has offices at 511 Rhodes Road, P.O. Box 18191, Reno, Nevada 89511, Telephone Number: (775) 849-2525.

13. The following accurately represents the names and addresses of each party in this matter, WHETHER OR NOT REPRESENTED BY COUNSEL, and the names and addresses of each counsel of record who appeared for said parties:

NAME

MAILING ADDRESS

Please See the Attached List

14. Petitioner agrees to comply with the provisions of Nevada Supreme Court Rule 42(3) and Petitioner consents to the jurisdiction of the courts and disciplinary boards of the State of Nevada in accordance with provisions as set forth in SCR 42(3) and (13). Petitioner respectfully requests that Petitioner be admitted to practice in the above-entitled court FOR THE PURPOSES OF THIS MATTER ONLY.

15. Petitioner has disclosed in writing to the client that the applicant is not admitted to practice in this jurisdiction and that the client has consented to such representation.

I, John B. Rhodes, hereby consent as Nevada Counsel of Record to the designation of

Petitioner to associate in this cause pursuant to SCR 42.

DATED this 22ND day of JUNE, 2011



Counsel of Record

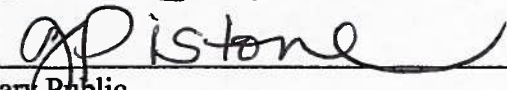
STATE OF NEVADA)

) ss

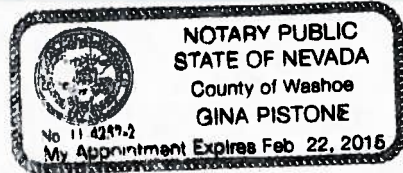
COUNTY OF WASHOE)

Subscribed and sworn to before me

this 22nd day of JUNE, 2011



Notary Public



Response to Question No. 13

Verified Application of J. Mark Ward for Association of Counsel

In The Matter Of Protested Applications 53987, 53988 (Cave Valley - Basin 180), 53989, 53990 (Dry Lake Valley - Basin 181), 53991, 53992 (Delamar Valley - Basin 182), And 54003 Through 54021 (Spring Valley - Basin 184), Lincoln County And White Pine County, Nevada.

Southern Nevada Water Authority;
Paul Taggart, Esq., Dana Walsh, Esq.,
Robert Dotson, Esq., Steven Sims, Esq.
1001 S. Valley View Blvd. MS#485
Las Vegas, Nevada 89153

P.O. Box 1075
El Prado, New Mexico 87529
Richard and Lesley Sears;
Richard Sears, Esq.
1963 South 17th East HC 10
Ely, Nevada 89301

Great Basin Water Network, 2nd Big
Springs Irrigation Company, Keith
Anderson, Craig Baker, Dean Baker,
Thomas Baker, Baker GID, Baker
Ranches, James & Donna Bath, Bath
Lumber Company, Govert Bassett, Walter
Benoit, Border Inn, Carter-Griffin, Inc.
Max & Diane Chipman, Citizens
Education Project, Louis Cole, Defenders
of Wildlife, Kristine Fillman, Patrick
Fillman, Gardner's Quarter Circle 5
Ranch, Jo Anne Garrett, Kena Gloeckner,
Patrick Gloeckner, Great Basin Business
& Tourism Council, Kathy Hiatt, County
of Inyo, Abigail Johnson, Linda Johnson,
League of Women Voters of Salt Lake
City, Robert Lewis, Lund Irrigation &
Water Company, Orvan Maynard,
Roderick McKenzie, Nevada Farm
Bureau, Panaca Irrigation Company, Gary
& Jo Ann Perea, Preston Irrigation
Company, Launce Rake, William &
Kathy Rountree, Toiyabe Chapter Sierra
Club, Amelia Sonnenberg, Sportsworld,
Terrance & Debra Steadman, Utah
Audubon Council, Mildred Valencia,
David Von Seggren, Mark Wadsworth,
Lois Weaver, County of White Pine and
City of Ely, Debra Whipple;
Simeon Herskovits, Esq.
Advocates for Community and
Environment

Long Now Foundation;
Steven Reich, Laura Welcher
Fort Mason Center
Building A
San Francisco, California 94123

Juab County and Millard County, Utah;
J. Mark Ward, Esq., John Rhodes, Esq.
Utah Association of Counties
5397 Vine Street
Murray, Utah 84107

Confederated Tribes of the Goshute
Reservation, Duckwater Shoshone Tribe
and Ely Shoshone Tribe;
Aaron Waite, Esq., Mark Echohawk, Esq.
and V. Aaron Contreras, Esq.
505 Pershing Ave., Suite 100
Pocatello, Idaho 83205

EskDale Center;
Jerald Anderson
1100 Circle Drive
EskDale, Utah 84728

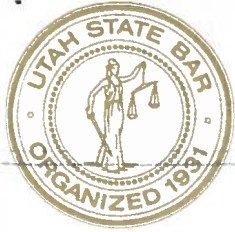
Corporation of the Presiding Bishop of the
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Kaempher Crowell, Renshaw, Gronauer &
Fiorentino

510 W. Fourth Street
Carson City, Nevada 89703

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Forest Service;
Mark Muir, Jeanne A. Evenden
324 25th Street
Ogden, Utah 84401

Nye County;
George Benesch, Esq.
190 W. Huffaker Lane, Suite 408
Reno, Nevada 89511-2092

Henry C. Vogler IV
HC 33 Box 33920
Ely, Nevada 89301



Utah State Bar

645 South 200 East, Suite 310 • Salt Lake City, Utah 84111-3834
Telephone: 801-531-9077 • 1-800-698-9077 • Fax: 801-531-0660

June 20, 2011

To Whom It May Concern:

Re: **CERTIFICATE OF GOOD STANDING for J. MARK WARD**

This is to certify that **J. MARK WARD**, Utah State Bar No. 4436, was admitted to practice law in Utah on **October 15, 1984** and is an **ACTIVE** member of the Utah State Bar in good standing. "Good standing" is defined as a lawyer who is current in the payment of all Bar licensing fees, has met mandatory continuing legal education requirements, if applicable, and is not disbarred, presently on probation, suspended, or has not resigned with discipline pending, from the practice of law in this state.

No public disciplinary action involving professional misconduct has been taken against the license of **J. MARK WARD** to practice law.

Katherine A. Fox
General Counsel
Utah State Bar



1 STAT

2
3 BEFORE THE OFFICE OF THE STATE ENGINEER
4 STATE OF NEVADA

5 Docket Nos. 53897-53992, 54003-54021

6 IN THE MATTER OF
7 PROTESTED APPLICATIONS
8 53987, 53988

9 STATE BAR OF NEVADA STATEMENT PURSUANT TO SUPREME COURT RULE
10 42 (3) (b)

11 THE STATE BAR OF NEVADA, in response to the application of
12 Petitioner, submits the following statement pursuant to SCR42(3):

13 SCR42(6)Discretion. The granting or denial of a motion to associate
14 counsel pursuant to this rule by the court is discretionary. The
15 court, arbitrator, mediator, or administrative or governmental
16 hearing officer may revoke the authority of the person permitted to
17 appear under this rule. Absent special circumstances, repeated
18 appearances by any person or firm of attorneys pursuant to this rule
19 shall be cause for denial of the motion to associate such person.

20 (a) **Limitation.** It shall be presumed, absent special
21 circumstances, and only upon showing of good cause, that
22 more than 5 appearances by any attorney granted under
23 this rule in a 3-year period is excessive use of this
24 rule.

25 (b) **Burden on applicant.** The applicant shall have the
26 burden to establish special circumstances and good cause
27 for an appearance in excess of the limitation set forth
28 in subsection 6(a) of this rule. The applicant shall set
forth the special circumstances and good cause in an
affidavit attached to the original verified application.

1. DATE OF APPLICATION: 6/23/2011

2. APPLYING ATTORNEY: J. Mark Ward, Esq.

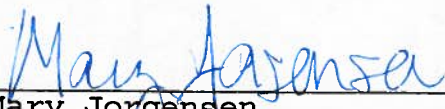
3. FIRM NAME AND ADDRESS: Utah Association of Counties, 5397 S.
Vine Street, Murray, UT 84107

1 4. NEVADA COUNSEL OF RECORD: John B. Rhodes, Esq., Rhodes Law
2 Offices, LTD, P.O. Box 18191, Reno, NV 89511

3 5. In addition to the present application, petitioner made the
4 following previous applications within the last three years:

5 08/25/2008 ADMISSION STATUS NOT REPORTED

6 DATED this June 30, 2011

7
8 
9 Mary Jorgensen
10 Member Services Coordinator
11 Pro Hac Vice Processor
12 STATE BAR OF NEVADA
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