

ADVOCATES FOR COMMUNITY AND ENVIRONMENT

Empowering Local Communities to Protect the Environment and their Traditional Ways of Life

Post Office Box 1075

El Prado, New Mexico 87529

Phone (575) 758-7202 Fax (575) 758-7203

September 15, 2011

State of Nevada
Division of Water Resources
Attn: Susan Joseph-Taylor
901 S. Stewart St., Suite 2002
Carson City, NV 89701

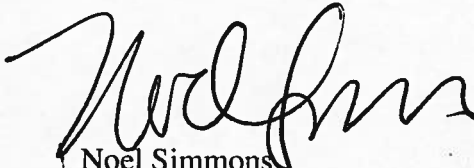
Re: In the Matter of Applications 53987 through 53992, inclusive, and 54003 through 54021, inclusive – Motion to Associate Counsel and Supporting paperwork

Dear Ms. Joseph-Taylor:

Enclosed for filing in the above-captioned matter, please find one original and one copy of a Motion to Associate Iris Thornton as out of state counsel, proposed order, and supporting exhibits.

Please let me know if you have any questions about this filing.

Sincerely,



Noel Simmons

Encl.

RECEIVED
2011 SEP 16 AM 11:00
STATE ENGINEERS OFFICE


**BEFORE THE STATE ENGINEER, STATE OF NEVADA
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES**

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

MOTION TO ASSOCIATE COUNSEL

Protestants GBWN et al. hereby move the State Engineer for an order permitting Iris Thornton, Esq. to practice in Nevada pursuant to Nevada Supreme Court Rule 42. This motion is supported by the attached "Verified Application for Association of Counsel" (Exhibit A), "Certificate of Good Standing from the State of New Mexico" (Exhibit B), and the "State Bar of Nevada Statement" (Exhibit C).

Respectfully submitted this 15th day of September, 2011.


Simeon Herskovits, NV Bar No. 11155
Nevada Counsel of Record
Advocates for Community and Environment
P.O. Box 1075
El Prado, NM 87529

RECEIVED
2011 SEP 16 AM 11:00
STATE ENGINEERS OFFICE

**BEFORE THE STATE ENGINEER, STATE OF NEVADA
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES**

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

ORDER ADMITTING TO PRACTICE

Iris Thornton, Esq., having filed a Motion to Associate Counsel under Nevada Supreme Court 42, together with a Verified Application for Association of Counsel, a Certificate of Good Standing from the State Bar of New Mexico, and the State Bar of Nevada Statement, and said Application and Motion to Associate having been noticed and the State Engineer being fully apprised in the premises, and good cause appearing, it is hereby

ORDERED, that said Application and Motion to Associate are hereby granted, and Iris Thornton, Esq., is hereby admitted to practice before the State Engineer for the purposes of the above titled matter only.

Dated this ____ day of _____, 2011.

By: _____

Submitted by:




Simeon Herskovits, NV Bar No. 11155
Nevada Counsel of Record
Advocates for Community and Environment
P.O. Box 1075
El Prado, NM 87529

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this MOTION TO ASSOCIATE COUNSEL was served on the following counsel of record by United States Postal Service First Class Mail, on this 15th day of September, 2011.

| | |
|---|--|
| Dana Walsh Southern Nevada Water Authority 1001 S. Valley View Blvd. MS#485 Las Vegas, Nevada 89153 | Nye County George Benesch 190 W. Huffaker Lane, Suite 408 Reno, Nevada 89511-2092 |
| Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-day Saints Severin A. Carlson Kaempfer Crowell, Renshaw, Gronauer & Fiorentino 510 W. Fourth Street Carson City, Nevada 89703 | Juab County and Millard County, Utah J. Mark Ward Utah Association of Counties 5397 Vine Street Murray, Utah 84107 |
| EskDale Center Jerald Anderson 1100 Circle Drive EskDale, Utah 84728 | U.S. Department of Agriculture Forest Service Jeanne A. Evenden 324 25th Street Ogden, Utah 84401 |
| 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, Idaho 83205 | Long Now Foundation Laura Welcher Director of Operations Fort Mason Center Building A San Francisco, California 94123 |
| Henry C. Vogler IV HC 33 Box 33920 Ely, Nevada 89301 | |



Noel Simmons

EXHIBIT A

**BEFORE THE STATE ENGINEER, STATE OF NEVADA
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES**

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

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

Iris Thornton, Petitioner, respectfully represents:
First Middle Name Last

1. Petitioner resides at 13 La Canada Road
Street Address

Arroyo Seco, Taos, NM
City County State

87514, (505) 504-2610
Zip Code Telephone

2. Petitioner is an attorney at law and a member of the law firm of Advocates for Community and
Environment with offices at 94 Highway 150, Suite 8 / P.O. Box 1075
Street Address

El Prado, Taos, NM, 87529
City County State Zip Code

(575) 758-7202, iris@communityandenvironment.net
Telephone Email

3. Petitioner has been retained personally or as a member of the above named law firm by _____
Protestants 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 Seggern, Mark Wadsworth, Lois Weaver, County of White Pine and City of Ely, Debra Whipple to provide legal representation in connection with the above-entitled matter now pending before the above referenced court.

4. Since September of 2007, petitioner has been, and presently is, a member of good standing of the bar of the highest court of the State of New Mexico 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

N/A

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

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): N/A

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): N/A

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): N/A

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; N/A

11. Petitioner has filed the following application(s) to appear as counsel under Nevada Supreme Court Rule 42 during the past three (3) years in the following matters: *(do not include Federal Pro Hac)*

| <u>Date of Application</u> | <u>Cause</u> | <u>Title of Court Administrative Body or Arbitrator</u> | <u>Was Application Granted or Denied</u> |
|----------------------------|--------------|---|--|
| <u>None</u> | | | |

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

12. Nevada Counsel of Record for Petition in this matter is:

(must be the same as the signature on the Nevada Counsel consent page)

| | | | |
|---------------|-------------|-------------------|--------------|
| <u>Simeon</u> | <u></u> | <u>Herskovits</u> | <u>11155</u> |
| First Name | Middle Name | Last Name | Bar # |

who has offices at Advocates for Community and Environment
Firm Name/Company

| | | |
|--------------------------------|-----------------|-------------|
| <u>94 Highway 150, Suite 8</u> | <u>El Prado</u> | <u>Taos</u> |
| Street Address | City | County |

| | |
|--------------|-----------------------|
| <u>87529</u> | <u>(575) 758-7202</u> |
| Zip Code | Phone Number |

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 |
| <u>SEE LIST ATTACHED HERETO AS ATTACHMENT A</u> | |

14. Petitioner agrees to comply with the provisions of Nevada Supreme Court Rule 42(3) and (13) 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, Iris Thornton, do hereby swear/affirm under penalty of perjury that the assertions of this application are true:

That I am the Petitioner in the above entitled matter; that I have read the foregoing and know the contents thereof; that the same is true of my own knowledge except as to those matters therein stated on information and belief, and as to the matter I believe them to be true.

That I further certify that I am subject to the jurisdiction of the Courts and disciplinary boards of this state with respect to the law of this state governing the conduct of attorneys to the same extent as a member of the State Bar of Nevada; that I understand and shall comply with the standards of professional conduct required by members of the State Bar of Nevada; and that I am subject to the disciplinary jurisdiction to the State Bar of Nevada with respect to any of my actions occurring in the course of such appearance.

DATED this 1ST day of SEPTEMBER, 2011

[Signature]

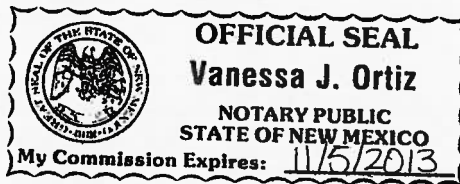
Petitioner/Affiant

If this signature is not in blue ink, you have a copy.

STATE OF New Mexico)
) ss
COUNTY OF Taos)

Subscribed and sworn to before me
this 1st day of September, 2011

[Signature]
Notary Public



I Simeon Herskovits hereby consent as Nevada Counsel of Record to the
Print NV Counsel name

designation of Petitioner to associate in this cause pursuant to SCR 42.

DATED this 1st day of September, 2011



Counsel of Record

If this signature is not in blue ink, you have a copy.

STATE OF New Mexico)

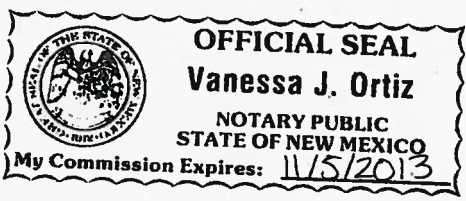
) ss

COUNTY OF Taos)

Subscribed and sworn to before me

this 1st day of September, 2011

Vanessa J. Ortiz
Notary Public



ATTACHMENT A

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

Question 13 – Parties List

| | |
|--|--|
| Dana Walsh Southern Nevada Water Authority 1001 S. Valley View Blvd. MS#485 Las Vegas, Nevada 89153 | Nye County George Benesch 190 W. Huffaker Lane, Suite 408 Reno, Nevada 89511-2092 |
| Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-day Saints Severin A. Carlson Kaempher Crowell, Renshaw, Gronauer & Fiorentino 50 West Liberty Street, Suite 900 Reno, Nevada 89501 | Juab County and Millard County, Utah J. Mark Ward Utah Association of Counties 5397 Vine Street Murray, Utah 84107 |
| EskDale Center Jerald Anderson 1100 Circle Drive EskDale, Utah 84728 | U.S. Department of Agriculture Forest Service Jeanne A. Evenden 324 25th Street Ogden, Utah 84401 |
| Henry C. Vogler IV HC 33 Box 33920 Ely, Nevada 89301 | Long Now Foundation Laura Welcher Director of Operations Fort Mason Center Building A San Francisco, California 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, Idaho 83205 | |

EXHIBIT B



IN THE SUPREME COURT OF THE STATE OF NEW MEXICO

Certificate

STATE OF NEW MEXICO }
 } ss.
SUPREME COURT }

I, KATHLEEN JO GIBSON, Chief Clerk of the Supreme Court of the State of New Mexico, hereby certify that **IRIS A. THORNTON** was admitted to practice law in the Supreme Court and other courts of the State of New Mexico on September 27, 2007, and has at all times since been and is now a member of the Bar of said Supreme Court in good standing.

"Good standing" means that the attorney is current on payment of State Bar dues; has complied with Minimum Continuing Legal Education requirements; and is not presently under either administrative or disciplinary suspension. No disciplinary action involving professional misconduct has been taken against the attorney's law license. This certification expires 30 days from this date, unless sooner revoked or rendered invalid by operation of rule or law.

WITNESS, My official signature and the seal
of said Court this 12th day
August, 2011

Kathleen Jo Gibson
Chief Clerk

By Madelaine Garcia
Chief Deputy Clerk

EXHIBIT C

1 STAT

2
3 BEFORE THE STATE ENGINEER, STATE OF NEVADA
4 DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
5 DIVISION OF WATER RESOURCES

6 IN THE MATTER OF
7 APPLICATIONS 53987 THROUGH 53992,
8 INCLUSIVE AND 54003 THROUGH 54021,
9 INCLUSIVE FILED TO APPROPRIATE
10 THE UNDERGROUND WATERS OF SPRING
11 VALLEY, CAVE VALLEY, DELAMAR
12 VALLEY AND DRY LAKE VALLEY
13 HYDROGRAPHIC BASINS (180,
14 181, 182 AND 184), LINCOLN COUNTY
15 AND WHITE PINE COUNTY, NEVADA.

16
17 STATE BAR OF NEVADA STATEMENT PURSUANT TO SUPREME COURT RULE
18 42 (3) (b)

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

21 SCR42(6) Discretion. The granting or denial of a motion to associate
22 counsel pursuant to this rule by the court is discretionary. The
23 court, arbitrator, mediator, or administrative or governmental
24 hearing officer may revoke the authority of the person permitted to
25 appear under this rule. Absent special circumstances, repeated
26 appearances by any person or firm of attorneys pursuant to this rule
27 shall be cause for denial of the motion to associate such person.

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

(b) **Burden on applicant.** The applicant shall have the
burden to establish special circumstances and good cause
for an appearance in excess of the limitation set forth
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: 9/6/2011

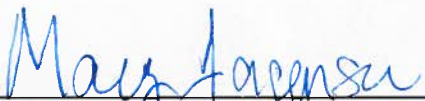
2. APPLYING ATTORNEY: Iris A. Thornton, Esq.

1 3. FIRM NAME AND ADDRESS: Advocates for Community and Environment,
2 94 Hwy 150, Suite 8, PO Box 1075, El Prado, NM 87529

3 4. NEVADA COUNSEL OF RECORD: Simeon M. Herskovits, Esq., Advocates
4 for Community and Environment, 94 Hwy. 150, Ste. 8, P.O. Box
5 1075, El Prado, NM 87529

6 5. There is no record of previous applications for appearance by
7 petitioner within the past three (3) years.

8 DATED this September 12, 2011

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