IN THE SUPREME COURT OF THE STATE OF NEVADA

JASON KING, P.E., IN HIS OFFICIAL
CAPACITY AS NEVADA STATE
ENGINEER, STATE OF NEVADA
DEPARTMENT OF CONSERVATION
AND NATURAL RESOURCES,
DIVISION OF WATER RESOURCES,
Petitioner,
vs.
THE THIRD JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF LYON;
AND THE HONORABLE LEON
ABERASTURI, DISTRICT JUDGE,
Respondents,
and
STEVEN A. FULSTONE,
INDIVIDUALLY AND AS TRUSTEE OF
THE STEVEN A. FULSTONE 1989
LIVING TRUST; R.N. FULSTONE
COMPANY, A NEVADA
CORPORATION; CEAS COMPANY, A
NEVADA CORPORATION; AND
FARMERS AGAINST CURTAILMENT
ORDER, LLC,
Real Parties in Interest.

No. 69921

FILED

MAR 1 1 2016

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF PROHIBITION OR MANDAMUS

This original petition for a writ of prohibition or, alternatively, mandamus, challenges a district court order that (1) allows the parties to present testimony on certain issues concerning a hydrological model that petitioner relied on in entering the orders challenged in the underlying judicial review matter, and (2) contemplates the testifying witnesses' reliance on additional reports or analysis in the judicial review proceeding.

16-07894

Having considered the petition and supporting documents, we conclude that petitioner has failed to meet his burden of demonstrating that writ relief is warranted. NRS 34.170; NRS 34.330; *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 224, 228, 88 P.3d 840, 841, 844 (2004) (explaining petitioner's burden and recognizing that the right to appeal is generally an adequate legal remedy precluding writ relief); *see* NRS 533.450(9) (providing a right to appeal from a district court judgment on petitions for judicial review in a water rights matter). Accordingly, we

ORDER the petition DENIED.[1]

_____, J.
Hardesty

_____, J.
Saitta

_____, J.
Pickering

cc: Hon. Leon Aberasturi, District Judge
       Attorney General/Carson City
       Taggart & Taggart, Ltd.
       Parsons Behle & Latimer/Reno
       Third District Court Clerk

_____

[1]In light of this order, petitioner's motion to expedite is denied as moot.