

IN THE SUPREME COURT OF THE STATE OF NEVADA

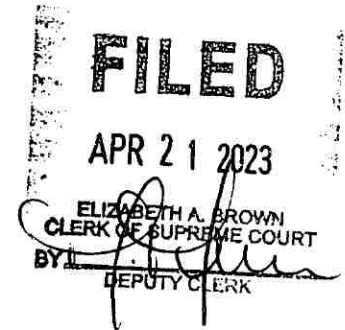
DEB HAALAND, IN HER OFFICIAL CAPACITY AS SECRETARY OF THE UNITED STATES DEPARTMENT OF THE INTERIOR; THE UNITED STATES DEPARTMENT OF THE INTERIOR; CHARLES F. SAMS, III, IN HIS OFFICIAL CAPACITY AS DIRECTOR OF THE NATIONAL PARK SERVICE; THE NATIONAL PARK SERVICE; AND JAMES WOOLSEY, IN HIS OFFICIAL CAPACITY 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. 85919



ORDER GRANTING MOTION TO DISMISS APPEAL

This is an appeal from a district court order holding appellants in contempt of a 1934 district court decree adjudicating rights to the waters of Lehman and Baker Creeks in White Pine County, Nevada. The challenged order further grants respondents access to federal park land to perform maintenance of these creeks and enjoins appellant from impeding this access. Respondents move to dismiss this appeal for lack of jurisdiction, asserting that a contempt order is not appealable. Appellants oppose the

motion, contending that the challenged order grants a preliminary injunction and is appealable under NRAP 3A(b)(3). Respondents have filed a reply.

This court has jurisdiction to consider an appeal only when the appeal is authorized by statute or court rule. *Taylor Constr. Co. v. Hilton Hotels Corp.*, 100 Nev. 207, 678 P.2d 1152 (1984). No rule or statute authorizes an appeal from an order of contempt that is ancillary to another proceeding. *Pengilly v. Rancho Santa Fe Homeowners Ass'n*, 116 Nev. 646, 5 P.3d 569 (2000). However, the contempt order at issue here is not ancillary to any other district court action. Respondents' sole claim for relief seeks to hold appellants in contempt for their alleged violation of the 1934 decree and to enjoin them from interfering with respondents' exercise of their water rights under the decree. As such, the portion of the district court's order holding appellants in contempt may ultimately be properly challenged in an appeal from the final judgment under NRAP 3A(b)(1). *See Las Vegas Police Protective Ass'n Metro, Inc. v. Eighth Judicial Dist. Court*, 122 Nev. 230, 130 P.3d 182 (2006); *Vaile v. Vaile*, 133 Nev. 213, 217, 396 P.3d 791, 794-95 (2017) ("[I]f the contempt finding or sanction is included in an order that is otherwise independently appealable, this court has jurisdiction to hear the contempt challenge on appeal.").

A final judgment is one that "disposes of all the issues presented in the case, and leaves nothing for the future consideration of the court except for post-judgment issues such as attorney's fees and costs." *Lee v. GNLV Corp.*, 116 Nev. 424, 426, 996 P.2d 416, 417 (2000). Here, the district court's order requires the parties to prepare "proposed action plan[s]" to identify and prioritize the maintenance and repair needs of the subject stream systems. The court invites objections and suggested modifications to


these plans, implying the specific conditions of respondents' access and approved maintenance are subject to future argument and decision. Therefore, while a contempt order may be challenged in an appeal from a final judgment under certain circumstances, the present order does not finally resolve all issues and does not provide this court with jurisdiction over the appeal.

This court also has jurisdiction to review an order granting an injunction. NRAP 3A(b)(3); NRS 2.090(2). It appears the remainder of the challenged order is in the nature of an injunction. In particular, it grants affirmative relief by directing appellants to allow respondents to enter certain property to assess and/or perform maintenance and repairs. *See* 42 Am. Jur. 2d Mandatory Injunctions § 6, 10 (November 2022 Update) (mandatory injunctions alter, rather than preserve, the status quo); Injunction, *Black's Law Dictionary* (9th ed. 2009) ("A court order commanding or preventing an action."). However, for an injunction to be appealable, it must still finally resolve a particular issue. *Sicor, Inc. v. Sacks*, 127 Nev. 896, 266 P.3d 618 (2011). As noted above, the district court's order reserves a final ruling on the conditions of the injunction until after the parties have submitted their proposed action plans and therefore appeal is not proper at this time. Accordingly, the motion to dismiss is granted, and this appeal is dismissed.

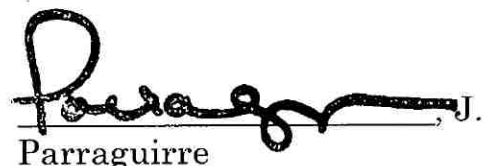
It is so ORDERED.

 _____, J.

Herndon

 _____, J.

Lee

 _____, J.

Parraguirre

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