

Simeon Herskovits, Nevada Bar No. 11155
Iris Thornton, *pro hac vice*
ADVOCATES FOR COMMUNITY
AND ENVIRONMENT
P.O. Box 1075
El Prado, New Mexico 87529
Phone: (575) 758-7202
Fax: (575) 758-7203
Email: simeon@communityandenvironment.net
Email: iris@communityandenvironment.net
Counsel for Plaintiffs White Pine County, et al.

Michael Wheable, Nevada Bar No. 12518
White Pine County District Attorney
County Courthouse
801 Clark St., Suite 3 Ely, Nevada 89301
Phone: (775) 293-6565
Fax: (775) 289-1559
Email: MWheable@whitepinecountynv.gov
*Resident Counsel for Plaintiffs White Pine
County, et al.*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

CENTER FOR BIOLOGICAL DIVERSITY,)	
)	
Plaintiff,)	
v.)	Case No. 2:14-cv-226-APG-VCF
)	
UNITED STATES BUREAU OF LAND)	Consolidated with 2:14-cv-228-APG-
MANAGEMENT, <i>et al.</i> ,)	VCF
)	
Defendants,)	
and)	PLAINTIFFS' NOTICE OF
)	CROSS-APPEAL
SOUTHERN NEVADA WATER AUTHORITY,)	
)	
<u>Defendant-Intervenor.</u>)	
)	
WHITE PINE COUNTY, <i>et al.</i> ,)	
)	
Plaintiffs,)	
v.)	
)	
UNITED STATES BUREAU OF LAND)	
MANAGEMENT, <i>et al.</i> ,)	
)	
Defendants,)	
and)	
)	
SOUTHERN NEVADA WATER AUTHORITY,)	
)	
<u>Defendant-Intervenor.</u>)	

Please take notice that Plaintiffs White Pine County, Great Basin Water Network, Central Nevada Regional Water Authority, Sierra Club, Baker Water & Sewer General Improvement District, Utah Physicians for a Healthy Environment, Utah Rivers Council, Utah Audubon Council, and League of Women Voters of Salt Lake, Utah hereby cross-appeal to the U.S. Court of Appeals for the Ninth Circuit from the adverse disposition of claims in the August 23, 2017, Order Granting in Part and Denying in Part the Parties' Motions for Summary Judgment (ECF No. 136) in these consolidated cases, *Center for Biological Diversity v. U.S. Bureau of Land Management*, No. 2:14-cv-226-APG-VCF, and *White Pine County v. U.S. Bureau of Land Management*, No. 2:14-cv-228-APG-VCF, and any other adverse rulings in this action.

Respectfully submitted this 3rd day of November, 2017.

/s/ Simeon Herskovits

Simeon Herskovits, Nevada Bar No. 11155
Iris Thornton, *pro hac vice*
ADVOCATES FOR COMMUNITY
AND ENVIRONMENT
P.O. Box 1075
El Prado, New Mexico 87529
Phone: (575) 758-7202
Fax: (575) 758-7203
Email: simeon@communityandenvironment.net
Email: iris@communityandenvironment.net

Counsel for Plaintiffs

/s/ Michael Wheable

Michael Wheable, Nevada Bar No. 12518
White Pine County District Attorney
County Courthouse
801 Clark St., Suite 3
Ely, Nevada 89301
Phone: (775) 293-6565
Fax: (775) 289-1559
Email: MWheable@whitepinecountynv.gov

Resident Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of November, 2017, I electronically filed the foregoing **PLAINTIFFS' NOTICE OF CROSS-APPEAL** with the Clerk of Court using the CM/ECF system which sent notification of such filing to the following:

Luther L. Hajek
Trial Attorney, Natural Resources Section
United States Department of Justice
Environment & Natural Resources Division
999 18th St., South Terrace, Suite 370
Denver, CO 80202
Telephone: 303-844-1376
Facsimile: 303-844-1350
Email: luke.hajek@usdoj.gov

Stacey Bosshardt
Trial Attorney, Natural Resources Section
United States Department of Justice
Environment & Natural Resources Division
601 D St., NW
Washington, DC 20004
Telephone: 202-514-2912
Facsimile: 202-305-0274
Email: stacey.bosshardt@usdoj.gov

Attorneys for Defendants U.S. Bureau of Land Management, et al.

Gregory J. Walch
Dana R. Walsh
Southern Nevada Water Authority
1001 South Valley View Blvd. (MS #480)
Las Vegas, Nevada 89153
Tel.: (702) 258-7166
Fax: (702) 875-7002
Email: greg.walch@lvvwd.com
Email: dana.walsh@lvvwd.com

Murray D. Feldman
Holland & Hart LLP
800 W. Main Street, Ste. 1750
Boise, Idaho 83702
Tel.: (208) 342-5000
Fax: (208) 343-8869
Email: mfeldman@hollandhart.com

Hadassah M. Reimer
Holland & Hart LLP
25 S. Willow St., Ste. 200
PO Box 3099
Jackson, WY 83001
Tel.: (307) 734-4517
Fax: (307) 739-9744
Email: hmreimer@hollandhart.com

Attorneys for Intervenor Southern Nevada Water Authority

Julie Cavanaugh-Bill
Cavanaugh-Bill Law Offices, LLC
Henderson Bank Building
401 Railroad Street, Suite 307
Elko, NV 89801
Email: Julie@cblawoffices.org

Marc D. Fink
Center for Biological Diversity
209 East 7th Street
Duluth, MN 55805
Email: mfink@biologicaldiversity.org

Attorneys for Plaintiff Center for Biological Diversity

Paul Echo Hawk
Echo Hawk Law Office
P.O. Box 4166
Pocatello, Idaho 83205
Tel: 208-705-9503
Fax: 208-904-3878
Email: paulechohawk@gmail.com

Rovianne A. Leigh
Curtis G. Berkey
Scott W. Williams
Berkey Williams LLP
2030 Addison Street, Suite 410
Berkeley, California 94704
Telephone: (510) 548-7070
Facsimile: (510) 548-7080
Email: rleigh@berkeywilliams.com
Email: cberkey@berkeywilliams.com

Attorneys for Plaintiffs Confederated Tribes of the Goshute Reservation

/s/ Simeon Herskovits
Simeon Herskovits