

IN THE SUPREME COURT OF THE STATE OF NEVADA

**EUREKA COUNTY and DIAMOND
NATURAL RESOURCES PROTECTION
& CONSERVATION ASSOCIATION,**

Petitioners,

vs.

**THE SEVENTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF EUREKA,
and THE HONORABLE GARY D. FAIRMAN,
DISTRICT COURT JUDGE,**

Respondents,

and

**SADLER RANCH, LLC;
JASON KING, P.E., NEVADA STATE
ENGINEER, DIVISION OF WATER
RESOURCES, DEPARTMENT OF
CONSERVATION AND NATURAL
RESOURCES; BAUMANN FAMILY
TRUST; BURNHAM FARMS, LLC; GALEN
BYLER; MARIAN BYLER; CONLEY LAND &
LIVESTOCK, LLC; DAMELE FARMS, INC.;
DIAMOND VALLEY HAY COMPANY, INC.;
FRED L. ETCHEGARAY and JOHN J.
ETCHEGARAY; MARY JEAN ETCHEGARAY;
LW & MJ ETCHEGARAY FAMILY TRUST;
EUREKA MANAGEMENT CO., INC.;
GALLAGHER FARMS LLC; JAYME L.
HALPIN; SANDI HALPIN; TIM HALPIN;
HIGH DESERT HAY, LLC; J&T FARMS, LLC;
J.W.L. PROPERTIES, LLC; MARK MOYLE**

Electronically Filed
Feb 08 2017 03:42 p.m.
Elizabeth A. Brown
Clerk of Supreme Court
Case No. 72317

FARMS LLC; J.R. MARTIN TRUST;
CHERYL MORRISON; MATT MORRISON;
DEBRA L. NEWTON; WILLIAM H. NORTON;
PATRICIA NORTON; D.F. & E.M.
PALMORE FAMILY TRUST; STEWARDSHIP
FARMING, LLC; SCOTT BELL; KRISTINA
BELL; DON BERGNER; LINDA BERGNER;
JAMES ETCHEVERRY; MICHEL &
MARGARET ANN ETCHEVERRY FAMILY
LIMITED PARTNERSHIP; MARK T.
AND JENNIFER R. ETCHEVERRY
FAMILY TRUST; MARTIN P. AND
KATHLEEN A. ETCHEVERRY FAMILY
TRUST; LAVON MILLER; KRISTI MILLER;
LYNFORD MILLER; SUSAN MILLER;
ALBERTA MORRISON; DONALD MORRISON;
RUBY HILL MINING COMPANY, LLC;
and ROGER and JUDITH ALLEN,

Real Parties in Interest.

**NOTICE OF VERIFIED PETITION
FOR WRIT OF PROHIBITION OR IN THE ALTERNATIVE,
WRIT OF CERTIORARI OR MANDAMUS**

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~and~

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PROTECTION & CONSERVATION
ASSOCIATION

NOTICE IS HEREBY GIVEN pursuant to the Nevada Rules of Appellate Procedure (“NRAP”) 21 that on or about February 8, 2017, Petitioners, EUREKA COUNTY and DIAMOND NATURAL RESOURCES PROTECTION & CONSERVATION ASSOCIATION, filed in the Nevada Supreme Court a Verified Petition for Writ of Prohibition or in the Alternative, Writ of Certiorari or Mandamus against Respondents, THE SEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF EUREKA, and THE HONORABLE GARY D. FAIRMAN, DISTRICT COURT JUDGE (“Respondents”), seeking a Writ of Prohibition or in the Alternative, a Writ of Certiorari or Mandamus pursuant to NRAP 21 to halt the proceedings before Respondents, THE SEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF EUREKA, and THE HONORABLE GARY D. FAIRMAN, DISTRICT COURT JUDGE, unless notice and an opportunity to be heard have first been provided to water right holders in the Diamond Valley Hydrographic Basin (153) (“Diamond Valley”), located in Eureka County, Nevada, before the District Court’s show cause hearing set to begin May 15-19, 2017 on that Court’s Alternate Writ of Mandamus.

A copy of this Notice of Verified Petition for Writ of Prohibition or in the Alternative, Writ of Certiorari or Mandamus, was served upon Respondents via email and via U.S. Mail, and a copy served on the attorneys for all other real

parties in interest in the proceeding before the Respondents via email and U.S.
Mail on February 8, 2017.

DATED this 8th day of February, 2017.

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By: /s/ Karen A. Peterson

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CERTIFICATE OF SERVICE

Pursuant to NRAP 25(1)(c), I hereby certify that I am an employee of ALLISON MacKENZIE, LTD., Attorneys at Law, and that on this date, I caused the foregoing document to be served on all parties to this action by:

 ✓ Email and Personal Delivery

 ✓ Email and U.S. Mail

as follows:

VIA Email and Personal Delivery:

Seventh Judicial District Court
Gary D. Fairman, District Judge
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Ely, NV 89301
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DATED this 8th day of February, 2017.

/s/ Susan Price
SUSAN PRICE