

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

EUREKA COUNTY and DIAMOND  
NATURAL RESOURCES PROTECTION  
& CONSERVATION ASSOCIATION,

Petitioners,

v.

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  
FARMS LLC; J.R. MARTIN TRUST;  
CHERYL MORRISON; MATT MORRISON;  
DEBRA L. NEWTON; WILLIAM H. NORTON;  
PATRICIA NORTON; D.F. & E.M.

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Elizabeth A. Brown  
Clerk of Supreme Court

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 MAILL; SUSAN MILLER;  
ALBERTA MORRISON; DONALD MORRISON;  
RUBY HILL MINING COMPANY, LLC;  
And ROGER and JUDITH ALLEN,

Real Parties in Interest

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**PETITIONER DIAMOND NATURAL RESOURCES PROTECTION  
& CONSERVATION ASSOCIATION's  
JOINDER IN OPPOSITION TO MOTION TO DISMISS  
PETITION FOR WRIT OF PROHIBITION OR, IN THE ALTERNATIVE,  
WRIT OF CERTIORARI OR MANDAMUS**

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& CONSERVATION ASSOCIATION

Petitioner DIAMOND NATURAL RESOURCES PROTECTION & CONSERVATION ASSOCIATION (“DNRPCA”), by and through its attorney Debbie Leonard of McDonald Carano LLP, opposes the Motion to Dismiss filed by Intervenor and Real Party-in-Interest ROGER B. and JUDITH B. ALLEN (“the Allens”) and joins in the opposition filed by Petitioner EUREKA COUNTY. DNRPCA hereby incorporates by reference the points and authorities contained in Eureka County’s Opposition as if fully set forth herein. Additionally, DNRPCA submits that the Allens’ Motion to Dismiss improperly seeks to circumvent NRAP 21(b), which only allows a real party in interest in a writ petition proceeding to file an answer when directed by the Court. *See Stephens Media, LLC v. Eighth Jud. Dist. Ct.*, 125 Nev. 849, 857, 221 P.3d 1240, 1246 (2009) (directing respondent district judge but not real parties in interest to file answer).

For this reason and those set forth in Eureka County’s Opposition, DNRPCA respectfully asks that the Allens’ Motion to Dismiss be denied and the Court consider the Petition and grant the writ requested.

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## **AFFIRMATION**

Pursuant to NRS 239B.030, the undersigned does hereby affirm that the preceding document does not contain the social security number of any person.

Respectfully submitted this 8th day of March. 2017.

McDONALD CARANO LLP

By: /s/ Debbie Leonard  
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## CERTIFICATE OF SERVICE

I hereby certify that I am an employee of McDonald Carano LLP; that on or about March 8, 2017, the foregoing was electronically filed with the Clerk of the Court for the Nevada Supreme Court by using the Nevada Supreme Court's E-Filing system (Eflex). Participants in the case who are registered with Eflex as users will be served by the Eflex system.

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Dated: March 8, 2017.

/s/ *Pamela Miller*  
Pamela Miller