

IN THE SUPREME COURT OF THE STATE OF NEVADA

EUREKA COUNTY; DIAMOND
NATURAL RESOURCES PROTECTION
& CONSERVATION ASSOCIATION;
AND JASON KING, P.E., NEVADA STATE
ENGINEER, DIVISION OF WATER
RESOURCES, DEPARTMENT OF
CONSERVATION AND NATURAL
RESOURCES,

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; 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
May 10 2017 04:36 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.

REPLY APPENDIX

VOLUME 1 OF 1

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ASSOCIATION

**CHRONOLOGICAL REPLY APPENDIX
TO VERIFIED PETITION FOR WRIT OF PROHIBITION
OR IN THE ALTERNATIVE,
WRIT OF CERTIORARI OR MANDAMUS**

DOCUMENT	FILED	VOL	RAPP NO.
Order Granting Eureka County's Motion to Continue Show Cause Hearing	05/03/17	1	410-414

**ALPHABETICAL REPLY APPENDIX
TO VERIFIED PETITION FOR WRIT OF PROHIBITION
OR IN THE ALTERNATIVE,
WRIT OF CERTIORARI OR MANDAMUS**

DOCUMENT	FILED	VOL	RAPP NO.
Order Granting Eureka County's Motion to Continue Show Cause Hearing	05/03/17	1	410-414

CERTIFICATE OF APPENDIX - NRAP 30(g)(1)

In compliance with NRAP 30(g)(1), I hereby certify that this Reply Appendix consists of true and correct copies of the papers in the files of the Seventh Judicial District Court of the State of Nevada, In and For the County of Eureka.

DATED this 10th day of May, 2017.

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ASSOCIATION

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:

✓ Court's electronic notification system

as follows:

Adam Paul Laxalt, Esq.
Michael A.T. Pagni, Esq.
Justina A. Caviglia, Esq.
Gregory H. Morrison, Esq.
Robert W. Marshall, Esq.
Debbie Leonard, Esq.
David H. Rigdon, Esq.
Alex J. Flangas, Esq.
Paul G. Taggart, Esq.

DATED this 10th day of May, 2017.

/s/ Nancy Fontenot
NANCY FONTENOT

SEVENTH JUDICIAL DISTRICT COURT
GARY D. FAIRMAN
DISTRICT JUDGE
DEPARTMENT 2
WHITE PINE, LINCOLN AND EUREKA COUNTIES
STATE OF NEVADA



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Eureka County
Clerk & Treasurer

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Case No. CV-1504-218
Dept. No. 2

NO. _____
FILED
MAY 03 2017
By *G. Mad R. [Signature]*

IN THE SEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF EUREKA

* * * * *

SADLER RANCH, LLC,
Petitioner,

vs.

JASON KING, P.E., Nevada State Engineer,
DIVISION OF WATER RESOURCES,
DEPARTMENT OF CONSERVATION
AND NATURAL RESOURCES

Respondent,

and

EUREKA COUNTY; BAUMANN FAMILY
TRUST, et al.; SCOTT BELL, et al.;
DIAMOND NATURAL RESOURCES
PROTECTION & CONSERVATION
ASSOCIATION; RUBY HILL MINING
COMPANY, LLC; and ROGER B. AND
JUDITH B. ALLEN,

Intervenors.

ORDER GRANTING EUREKA
COUNTY'S MOTION TO CONTINUE
SHOW CAUSE HEARING

PROCEDURAL HISTORY

On March 31, 2017, Eureka County filed a motion to continue show cause hearing
("motion"), seeking a stay of the proceedings pending the resolution of Eureka County's petition



1 for writ of prohibition or, in the alternative, writ of certiorari or mandamus ("writ") by the Nevada
2 Supreme Court. The writ challenges this Court's order that Sadler Ranch is not constitutionally
3 required to provide notice to all appropriators in Diamond Valley before the show cause hearing.
4 Intervenor Ruby Hill Mining Company, LLC, filed a non-opposition to the motion on April 3,
5 2017. Respondent, Jason King, P.E., Nevada State Engineer, Division of Water Resources,
6 Department of Conservation and Natural Resources, filed a joinder to the motion on April 6, 2017.
7 Intervenor Diamond Natural Resources Protection & Conservation Association, Baumann Family
8 Trust, et al., and Scott Bell, et al., filed a joinder to the motion on April 14, 2017. Sadler Ranch
9 filed an opposition to Eureka County's motion to continue show cause hearing on April 19, 2017.
10 Eureka County filed a reply to Sadler Ranch, LLC's opposition to Eureka County's motion to
11 continue show cause hearing on April 21, 2017.

14 DISCUSSION

15 Eureka County argues that a stay is necessary because if the Supreme Court rules that
16 notice was required, the show cause hearing would be invalid and the parties would have
17 needlessly incurred the expenses for an invalid five-day hearing. Sadler Ranch, in opposition, re-
18 litigates the arguments concerning notice and argues that it will be harmed by any delay in the
19 proceedings. Sadler Ranch has stipulated, however, to previous continuations, and does not argue
20 that it would be *irreparably* harmed by another continuance. Although this Court expects that its
21 order will be upheld, the court's primary concern is the potential waste of judicial and party
22 resources if the show cause hearing has to be held a second time. Accordingly, the court finds that
23 a stay of proceedings until the Supreme Court resolves the writ petition is necessary to avoid
24 potential unnecessary expense to the parties and a substantial waste of the court's limited
25 resources.
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Good cause appearing,

IT IS HEREBY ORDERED that Eureka County's motion to show cause hearing is
GRANTED.

IT IS FURTHER ORDERED that the show cause hearing shall be continued until after
the Nevada Supreme Court issues a ruling in case no. 72317.

IT IS FURTHER ORDERED that the parties shall reset the show cause hearing or
request a status conference with the court within twenty (20) days after the Nevada Supreme Court
issues a ruling in case no. 72317.

DATED this 3rd day of May, 2017.

A handwritten signature of Gary D. Fairman in black ink, written over a horizontal line.

DISTRICT JUDGE

SEVENTH JUDICIAL DISTRICT COURT
GARY D. FAIRMAN
DISTRICT JUDGE
DEPARTMENT 2
WHITE PINE, LINCOLN AND EUREKA COUNTIES
STATE OF NEVADA



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MAY 03 2017
Eureka County
Clerk's Office

Case No. CV-1504-218

Dept No. 2

NO. FILED

MAY 03 2017

B. G. Miller

IN THE SEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF
NEVADA, IN AND FOR THE COUNTY OF EUREKA

SADLER RANCH, LLC,

Petitioner,

vs.

JASON KING, P.E., Nevada State
Engineer, DIVISION OF WATER
RESOURCES, DEPARTMENT OF
CONSERVATION AND NATURAL
RESOURCES,

Respondent,

and

EUREKA COUNTY; DIAMOND NATURAL
RESOURCE PROTECTION &
CONSERVATION ASSOCIATION,
BAUMAN FAMILY TRUST, et al.; and
SCOTT BELL, et al., and RUBY HILL
MINING COMPANY, LLC.

Intervenors.

CERTIFICATE OF SERVICE

The undersigned being an employee of the Eureka County Clerk's Office,
hereby certifies that on the 3rd day of May, 2017, I personally delivered a true and
correct copy of the following:



1 *Order Granting Eureka County's Motion To Continue Show Cause*
2 *Hearing*

3 addressed to:

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21 In the following manner:

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| <input checked="" type="checkbox"/> regular U.S. mail | <input type="checkbox"/> overnight UPS |
| <input type="checkbox"/> certified U.S. mail | <input type="checkbox"/> overnight Federal Express |
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| <input type="checkbox"/> hand delivery | |
| <input type="checkbox"/> copy placed in agency box located in the Eureka County Clerk's Office | |

Samanda P. Pava