

IN THE SUPREME COURT OF THE STATE OF NEVADA

EUREKA COUNTY; DIAMOND
NATURAL RESOURCES PROTECTION
& CONSERVATION ASSOCIATION;
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; 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. PALMORE
FAMILY TRUST; STEWARDSHIP
FARMING, LLC; SCOTT BELL;
KRISTINA BELL; DON BERGNER;
LINDA BERGNER; JAMES
ETCHEVERRY; MICHEL AND
MARGARET ANN ETCHEVERRY
FAMILY LIMITED PARTNERSHIP;
MARK T. AND JENNIFER R.
ETCHEVERRY FAMILY TRUST;
MARTIN P. AND KATHLEEN A.

No. 72317

FILED

AUG 29 2017

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ETCHEVERRY FAMILY TRUST;
LAVON MILLER; KRISTI MILLER;
LYNFORD MILLER; SUSAN MILLER;
ALBERTA MORRISON; AND DONALD
MORRISON,

Petitioners,

vs.

THE SEVENTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
EUREKA; AND THE HONORABLE
GARY FAIRMAN, DISTRICT JUDGE,
Respondents,

and

SADLER RANCH, LLC; RUBY HILL
MINING COMPANY, LLC; ROGER
ALLEN; AND JUDITH ALLEN,
Real Parties in Interest.

ORDER

On March 16, 2017, this court entered an order directing real parties in interest, on behalf of respondents, to file and serve answers against issuance of the writ requested in this matter. Our order additionally directed that if "any of the named real parties in interest do not believe they are interested parties in this proceeding," they were to notify this court. Real parties in interest Sadler Ranch, LLC, Roger B. Allen, and Judith B. Allen have filed answers to the petition. The other real parties in interest did not file answers to the petition, but have filed responses to our order.

First, numerous parties¹ filed a single response noting that their interests “are aligned with those of Petitioners” and they “therefore support the granting of the writ.” We elect to treat this document as a joinder in the petition and conclude that these parties should be designated as petitioners, rather than real parties in interest, in the caption of this matter. The clerk shall conform the caption on this court’s docket to the caption on this order.²

Additionally, real party in interest Ruby Hill Mining Company, LLC, filed a response indicating that it has an interest in the outcome of this matter, but “does not desire to file any additional papers with the Supreme Court in this matter or to directly participate in this matter before the Court.” Ruby Hill shall have five days from the date of this order to file and serve a notice specifically informing this court that (1) it joins in the

¹Baumann Family Trust; Burnham Farms, LLC; Galen Byler; Marian Byler; Conley Land & Livestock, LLC; Damele Farms, Inc.; Diamond Valley Hay Company, Inc.; Fred L. Etchegaray; 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. Palmore Family Trust; Stewardship Farming, LLC; Scott Bell; Kristina Bell; Don Bergner; Linda Bergner; James Etcheverry; Michel and 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; and Donald Morrison.

²If any party objects to this modification of the caption, that party shall notify this court, in writing, within five days from the date of this order.

petition; (2) it opposes the petition; or (3) as it neither joins nor opposes the petition, it should be removed from the caption in this matter.

It is so ORDERED.

Cherry, C.J.

cc: Hon. Gary Fairman, District Judge
McDonald Carano LLP/Reno
Attorney General/Carson City
Allison MacKenzie, Ltd.
Eureka County District Attorney
Holland & Hart LLP/Reno
Taggart & Taggart, Ltd.
Parsons Behle & Latimer/Reno
Eureka County Clerk