

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;  
THE HONORABLE GARY FAIRMAN,  
DISTRICT JUDGE; AND BAUMANN  
FAMILY TRUST,

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; JOHN J.  
ETCHEGARARY; 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

Case No.: 72317

Electronically Filed  
Aug 31 2017 02:17 p.m.

District Court Case No. Elizabeth A. Brown  
Clerk of Supreme Court  
CV-1504-218

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; DONALD MORRISON; RUBY HILL MINING COMPANY, LLC; ROGER ALLEN; AND JUDITH ALLEN,

Real Parties in Interest.

**RESPONSE OF RUBY HILL MINING COMPANY, LLC, NOTIFYING THIS COURT THAT IT NEITHER JOINS NOR OPPOSES THE “VERIFIED PETITION FOR WRIT OF PROHIBITION OR IN THE ALTERNATIVE, WRIT OF CERTIORARI OR MANDAMUS”<sup>1</sup> AND FURTHER NOTIFYING THIS COURT THAT IT SHOULD BE REMOVED FROM THE CAPTION IN THIS MATTER**

In the Supreme Court’s Order dated August 29, 2017 (the “Order”), the Court instructed Ruby Hill Mining Company, LLC (“Ruby Hill”) to choose one of three options going forward in this case. Specifically, this Court directed Ruby Hill to make a filing with regard to the current Verified Petition filed by Eureka County and Diamond Natural Resources Protection & Conservation Association.

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<sup>1</sup>Hereinafter, the “Verified Petition.”

1 Ruby Hill has determined it is best to choose Option 3 as presented by this  
2 Court in the Order, which is to say that Ruby Hill neither joins nor opposes the  
3 Verified Petition, and thus Ruby Hill should be removed from the caption in this  
4 matter.

5 By making this filing, Ruby Hill intends to comply with this Court's  
6 Order to provide necessary notification and does not otherwise alter its previous  
7 position that it does not desire to directly participate in this this matter before the  
8 Court by the filing of additional papers and the making of additional arguments,  
9 which Ruby Hill believes can be adequately presented by other parties.

10 DATED this 31st day of August 2017

11 HOLLAND & HART LLP

12 By /s/ Alex J. Flangas

13 Alex J. Flangas

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20 *Attorneys for Ruby Hill Mining Company, LLC*

**CERTIFICATE OF SERVICE**

I hereby certify that I am an employee of Holland & Hart LLP, and that on the August 31, 2017, I caused to be served a true and correct copy of the foregoing **RESPONSE OF RUBY HILL MINING COMPANY, LLC, NOTIFYING THIS COURT THAT IT NEITHER JOINS NOR OPPOSES THE “VERIFIED PETITION FOR WRIT OF PROHIBITION OR IN THE ALTERNATIVE, WRIT OF CERTIORARI OR MANDAMUS” AND FURTHER NOTIFYING THIS COURT THAT IT SHOULD BE REMOVED FROM THE CAPTION IN THIS MATTER** in the following manner:

(EMAIL) Pursuant to Rule 5(b) of the Nevada Rules of Civil Procedure, the above-referenced document was electronically filed on the date hereof and served via Electronic Mail on the parties as set forth below:

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