

1 Thomas J. Hall, Esq.  
2 Nevada State Bar No. 675  
3 305 South Arlington Avenue  
4 Post Office Box 3948  
5 Reno, Nevada 89505  
6 Telephone: 775-348-7011  
7 Facsimile: 775-348-7211

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Apr 15 2011 09:53 a.m.  
Tracie K. Lindeman

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IN THE SUPREME COURT OF THE STATE OF NEVADA

J.W. Bentley and Maryann Bentley,  
Trustees of the Bentley Family  
1995 Trust,

Case No. 56351

Petitioners

v.

THE NINTH JUDICIAL DISTRICT COURT  
of the State of Nevada, in and for  
the County of Douglas, and THE  
HONORABLE DAVID R. GAMBLE, District  
Court Judge,

Respondents,

AND

DONALD S. FORRESTER, KRISTINA M.  
FORRESTER; HALL RANCHES, LLC, a  
Nevada limited liability company;  
THOMAS J. SCYPHERS; KATHLEEN M.  
SCYPHERS; FRANK SCHARO; SHERIDAN  
CREEK EQUESTRIAN CENTER, LLC, a  
Nevada limited liability company;  
RONALD R. MITCHELL; and GINGER G.  
MITCHELL as Intervenors In the  
Matter of the Determination of  
the Relative Rights in and to the  
Waters of Mott Creek, Taylor Creek,  
Cary Creek (aka Carey Creek),  
Monument Creek, and Bulls Canyon,  
Stutler Creek (aka Stattler Creek),  
Sheridan Creek, Gansberg Spring,

1 Sharpe Spring, Wheeler Creek No. 1  
2 Wheeler Creek No. 2, Miller Creek,  
3 Beers Spring, Luther Creek and  
4 Various Unnamed Sources in Carson  
Valley, Douglas Valley, Nevada.

5  
6 MOTION FOR ISSUANCE OF REMITTITUR

7 COME NOW, Real Parties in Interest DONALD S. FORRESTER and  
8 KRISTINA M. FORRESTER, HALL RANCHES, LLC, a Nevada Limited  
9 Liability Company, THOMAS J. SCYPHERS and KATHLEEN M. SCYPHERS,  
10 FRANK SCHARO, SHERIDAN CREEK EQUESTRIAN CENTER, LLC, a Nevada  
11 Limited Liability Company, RONALD R. MITCHELL and GINGER G.  
12 MITCHELL ("Real Parties"), by and through their counsel, THOMAS J.  
13 HALL, ESQ., and pursuant to NRAP Rule 41(a)(1), for issuance of  
14 the Remittitur in the above captioned matter and in support  
15 thereof states as follows:  
16

17 A. PROCEDURAL HISTORY:

18 On March 18, 2011, this Court rendered its Order Denying  
19 Petition for Writ of Prohibition or Mandamus.

20 On April 4, 2011, the Real Parties in Interest filed their  
21 Verified Bill of Costs.

22 On April 7, 2011, the Petitioners filed their Opposition to  
23 Verified Bill of Costs.

24 On April 12, 2011, this Court entered its Order Directing  
25 Supplemental Briefing regarding costs.  
26

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2 B. LEGAL AUTHORITY AND ANALYSIS:

3 NRAP Rule 39(d) provides as follows:

4 (d) Clerk to insert costs in remittitur. The clerk  
5 shall prepare and certify an itemized statement of costs  
6 taxes in the Supreme Court for insertion in the  
7 remittitur, but issuance of the remittitur must not be  
8 delayed for taxing costs. If the remittitur issues  
9 before costs are finally determined, the district court  
10 clerk must-upon the Supreme Court clerk's request-add  
11 the statement of costs, or any amendment of it, to the  
12 remittitur.

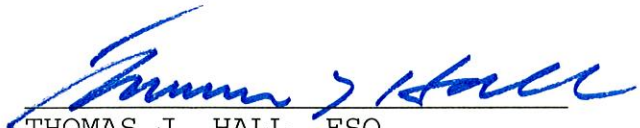
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14 C. CONCLUSION:

15 Because Rule 39(d) provides that the "issuance of the  
16 remittitur must not be delayed for taxing costs", it is  
17 respectfully requested that the Remittitur or an Order in Lieu of  
18 Remittitur be issued forthwith.

19 The undersigned does hereby affirm that the preceding  
20 document does not contain the social security number of any  
21 person.

22 DATED this 15<sup>th</sup> of April, 2011.

23 LAW OFFICES OF THOMAS J. HALL

24   
25 THOMAS J. HALL, ESQ.

26 Nevada Bar No. 675  
27 305 South Arlington Avenue  
28 Post Office Box 3948  
Reno, Nevada 89505

Attorney for Real Parties in Interest

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2 CERTIFICATE OF SERVICE BY MAIL

3 I certify that I am an employee of Thomas J. Hall, Esq., and  
4 that on this date, pursuant to NRAP 25(d), I placed in the U.S.  
5 Mail, postage prepaid, a true and correct copy of the foregoing  
6 document addressed to:

7  
8 Judge David R. Gamble  
9 Ninth Judicial District Court  
10 Post Office Box 218  
11 Minden, Nevada 89423

Thomas J. Scyphers  
Kathleen M. Scyphers  
1304 S. Aylesbury Court  
Gardnerville, Nevada 89460

12 Michael L. Matuska, Esq.  
13 Brooke, Shaw, Zumpft  
14 Post Office Box 2860  
15 Minden, Nevada 89423

Donald S. Forrester  
Kristina M. Forrester  
913 Sheridan Lane  
Gardnerville, Nevada 89460

16 Sheridan Equestrian Center, LLC  
17 Glenn A. Roberson, Jr.  
18 281 Tiger Wood Court  
19 Gardnerville, Nevada 89460

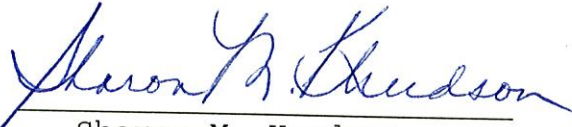
Ronald R. Mitchell  
Ginger G. Mitchell  
Post Office Box 5607  
Stateline, Nevada 89449

20 State of Nevada  
21 Department of Conservation and  
22 Natural Resources  
23 Division of Water Resources  
24 901 S. Stewart Street, Suite 2002  
25 Carson City, Nevada 89701

Frank Scharo  
Post Office Box 1225  
Minden, Nevada 89423

26 Hall Ranches, LLC  
27 Post Office Box 3948  
28 Reno, Nevada 89505

DATED this 15<sup>th</sup> day of April, 2011.

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30 Sharon M. Knudson

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**CERTIFICATE OF SERVICE**

I certify that I am an employee of the Law Offices of Thomas J. Hall, Esq., and that on this date, I electronically filed the foregoing document with the Clerk of the Court by using the electronic filing system which serviced the following parties electronically:

Bryan L. Stockton, Esq.  
Senior Deputy Attorney General  
100 North Carson Street  
Carson City, Nevada 89701

DATED this 15<sup>th</sup> day of April, 2011.

  
\_\_\_\_\_  
Misti A. Hale