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IN THE SUPREME COURT OF THE STATE OF NEVADA

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

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

Appellants,

vs.

The State of Nevada Office of the  
State Engineer; Hall Ranches, LLC,  
Thomas J. Scyphers; Kathleen M.  
Scyphers; Frank Scharo; Sheridan  
Creek Equestrian Center, LLC;  
Donald S. Forrester; Kristina M.  
Forrester; Ronald R. Mitchell;  
and Ginger G. Mitchell,

Respondents.  
\_\_\_\_\_

Electronically Filed  
Dec 27 2011 02:55 p.m.

Supreme Court No. 59188  
Tracie K. Lindeman  
Clerk of Supreme Court  
District Case No. CV0363

REPLY IN SUPPORT OF SECOND MOTION TO DISMISS

COME NOW, Real Parties in Interest DONALD S. FORRESTER and  
KRISTINA M. FORRESTER, HALL RANCHES, LLC, a Nevada Limited  
Liability Company, THOMAS J. SCYPHERS and KATHLEEN M. SCYPHERS,  
FRANK SCHARO, SHERIDAN CREEK EQUESTRIAN CENTER, LLC, a Nevada

1 Limited Liability Company, RONALD R. MITCHELL and GINGER G.  
2 MITCHELL ("Real Parties"), by and through their counsel, THOMAS  
3 J. HALL, ESQ., and files their Reply in Support of Second Motion  
4 to Dismiss.

5  
6 **I. Procedural Note.**

7 The instant appeal was filed on July 21, 2011. The Case  
8 Appeal Statement was filed on September 14, 2011. Respondents  
9 filed their Motion to Dismiss on October 5, 2011. On October 14,  
10 2011, the Court denied the Motion to Dismiss, stating, "This  
11 denial is without prejudice to Respondents' right to renew the  
12 Motion, if deemed appropriate, upon completion of the settlement  
13 proceedings".

14  
15 The Settlement Program Status Report was filed December 9,  
16 2011, noting that the parties were unable to agree to a  
17 settlement of this matter.

18 The Second Motion to Dismiss was filed five days later on  
19 December 14, 2011.

20 The Respondents cannot be accused of any delay or dilatory  
21 tactics.

22  
23 Trial on the merits has been scheduled for January 9 - 12,  
24 2012. Those proceedings will allow the District Court to make a  
25 full and complete record of its future decision on the issue now  
26 pending before this Court. It is improper for this Court to rule  
27 in a piecemeal fashion.

1 The previous appeal in Supreme Court Case 56551, was  
2 resolved by an Order Dismissing Appeal, where this Court states:

3 Having reviewed the parties' documents, we conclude  
4 that the appeal is moot, as the challenged order  
5 expired by its own terms at the end of the 2010  
irrigation season, October 15, 2010.

6 See also, Order Denying Petition for Writ of Prohibition or  
7 Mandamus, Supreme Court Case 56351, issued March 18, 2011.

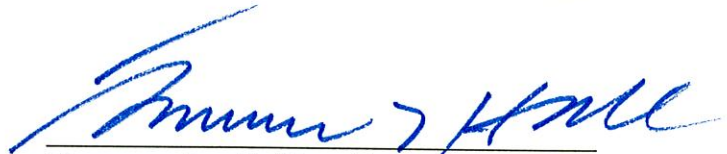
8 The challenged Order here expired October 15, 2011. Hence,  
9 this appeal is moot.

10 WHEREFORE, it is respectfully requested that the instant  
11 appeal be dismissed.

12 Pursuant to NRS 239B.030, the undersigned affirms that the  
13 preceding document does not contain the social security number  
14 of any person.

15 Respectfully submitted this 27th day of December, 2011.

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17  
18 LAW OFFICES OF THOMAS J. HALL

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28 Sharon/Sh.Cr.SC59188SupportDismissMotion.reply

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