

NO. 64773

Consolidated Case No.: 08-CV-0363-D1
Case No.: 12-CV-0141
Case No.: 12-CV-0145
Case No.: 13-CV-1021

RECEIVED

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Dept. No.: I

DOUGLAS COUNTY
DISTRICT COURT CLERK

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FILED

IN THE NINTH JUDICIAL DISTRICT COURT OF NEVADA JAN 10 2014

IN AND FOR THE COUNTY OF DOUGLAS

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY [Signature]
DEPUTY CLERK

In Re: Rotation Schedule

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
County, Nevada.

JOINT NOTICE OF APPEAL

JOY SMITH, DANIEL BARDEN and
ELAINE BARDEN,

Petitioners,

J.W. BENTLEY AND MARYANN BENTLEY,
TRUSTEES OF THE BENTLEY FAMILY 1995
TRUST,

Petitioners,

v.

STATE OF NEVADA, OFFICE OF THE
STATE ENGINEER,

Respondent.

RECEIVED
JAN 09 2014
TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
DEPUTY CLERK

14-100917

MATUSKA LAW OFFICES, LTD.
937 MICA DRIVE, SUITE 16A
CARSON CITY, NEVADA 89403
(775) 392-2313

MATUSKA LAW OFFICES, LTD.
937 MICA DRIVE, SUITE 16A
CARSON CITY, NEVADA 89423
(775) 392-2313

1 COME NOW J.W. BENTLEY and MARYANN BENTLEY, Trustees of the Bentley
2 Family 1995 Trust ("Bentley"), by and through their counsel of record, Matuska Law Offices,
3 Ltd., Michael L. Matuska, and JOY SMITH, DANIEL D. BARDEN, and ELAINE BARDEN, by
4 and through their counsel of record, Dyer Lawrence Flaherty Donaldson & Prunty,
5 Jessica C. Prunty, and hereby appeal to the Supreme Court of Nevada from the *Order* dated
6 November 27, 2013, denying the Petitions for Judicial Review.

7 DATED this 23 day of December 2013.

8 MATUSKA LAW OFFICES, LTD.


9
10 By: 

Michael L. Matuska
State Bar No. 5711

11
12 DATED this 19 day of December 2013.

13 DYER LAWRENCE FLAHERTY
14 DONALDSON & PRUNTY

15 By: 

Jessica C. Prunty
State Bar No. 6926


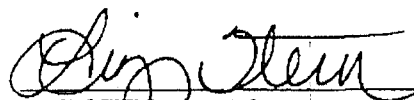
CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of MATUSKA LAW OFFICES, LTD. and that on the 23rd day of December 2013, I served a true and correct copy of the preceding document entitled **NOTICE OF APPEAL** addressed to:

Bryan L. Stockton Deputy Attorney General 100 North Carson Street Carson City, NV 89701	Thomas J. Hall, Esq. 305 South Arlington Avenue P.O. Box 3948 Reno NV 89505-3948
Jessica Prunty Dyer Lawrence Flaherty Donaldson and Prunty 2805 Mountain Street Carson City, Nevada 89703	

☒ **BY U.S. MAIL:** I deposited for mailing in the United States mail, with postage fully prepaid, an envelope containing the above-identified document at Minden, Nevada, in the ordinary course of business.

☐ **BY FACSIMILE:** I transmitted via facsimile from the offices of Brooke Shaw Zumpf the above-identified document in the ordinary course of business to the individual and facsimile numbers indicated.


LIZ STERN, ALS

NIATUSKA LAW OFFICES, LTD.
937 NICA DRIVE, SUITE 16A
CARSON CITY, NV 89705
(775) 392-2313

Consolidated Case No.: 08-CV-0363-D1
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RECEIVED 2013 DEC 23 AM 11:41
121 DEC 23 2013
DOUGLAS COUNTY, NV
DISTRICT COURT CLERK
T. TURAN
CLERK
DEPUTY

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IN THE NINTH JUDICIAL DISTRICT COURT OF NEVADA
IN AND FOR THE COUNTY OF DOUGLAS

In Re: Rotation Schedule

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
County, Nevada.

CASE APPEAL STATEMENT

JOY SMITH, DANIEL BARDEN and
ELAINE BARDEN,

Petitioners,

J.W. BENTLEY AND MARYANN BENTLEY,
TRUSTEES OF THE BENTLEY FAMILY 1995
TRUST,

Petitioners,

v.

STATE OF NEVADA, OFFICE OF THE
STATE ENGINEER,

Respondent.

///

///

COME NOW J.W. BENTLEY and MARYANN BENTLEY, Trustees of the Bentley Family 1995 Trust, by and through their counsel of record, Matuska Law Offices, Ltd., Michael L. Matuska, and JOY SMITH, DANIEL D. BARDEN, and ELAINE BARDEN, by and through their counsel of record, Dyer Lawrence Flaherty Donaldson & Prunty, Jessica C. Prunty, and hereby appeal to the Supreme Court of Nevada from the *Order* dated November 27, 2013, denying the Petitions for Judicial Review.

1. Name of Appellant(s) filing this Case Appeal Statement:

J.W. BENTLEY and MARYANN BENTLEY, Trustees of the Bentley Family 1995 Trust;

JOY SMITH;

DANIEL D. BARDEN and ELAINE BARDEN.

2. Name of the judge issuing the decision, judgment, or order appealed from:

Honorable Nathan Tod Young.

3. Parties to the proceedings in the district court:

i. Initiating Party/Petitioner(s) - J.W. BENTLEY and MARYANN BENTLEY, Trustees of the Bentley Family 1995 Trust; JOY SMITH; DANIEL D. BARDEN and ELAINE BARDEN;

ii. Responding Party/Respondent - State of Nevada, ex. rel. Office of the State Engineer;

iii. Intervenor: HALL RANCHES, LLC; THOMAS J. SCYPHERS and KATHLEEN M. SCYPHERS; FRANK SCHARO; SHERIDAN CREEK EQUESTRIAN CENTER, LLC, a Nevada limited liability company; DONALD S. FORRESTER and KRISTINA M. FORRESTER; RONALD R. MITCHELL and GINGER G. MITCHELL [Intervenors were represented by Thomas J. Hall, 305 South Arlington Avenue, P.O. Box 3948, Reno NV 89505-3948. It is unclear whether they are considered parties to this appeal].

///

4. Parties involved in this appeal:

- i. Appellant(s) – J.W. BENTLEY and MARYANN BENTLEY, Trustees of the Bentley Family 1995 Trust; JOY SMITH; DANIEL D. BARDEN and ELAINE BARDEN;
- ii. Respondent – State of Nevada, ex. rel. Office of the State Engineer.

5. Name of counsel involved in this appeal:

- i. Michael L. Matuska, Matuska Law Offices, Ltd., 937 Mica Drive, Suite 16A, Carson City, Nevada 89705 for Appellant J.W. BENTLEY and MARYANN BENTLEY, Trustees of the Bentley Family 1995 Trust; Jessica Prunty, Dyer Lawrence Flaherty Donaldson and Prunty, 2805 Mountain Street, Carson City, Nevada 89703, for Appellants JOY SMITH, DANIEL D. BARDEN and ELAINE BARDEN.
- ii. Deputy Attorney General Bryan Stockton, 100 N. Carson Street, Carson City, Nevada, 89701, for Respondent State of Nevada ex. rel. Office of the State Engineer.

6. Name of counsel involved in the district court proceedings:

- i. Michael L. Matuska, Matuska Law Offices, Ltd., 937 Mica Drive, Suite 16A, Carson City, Nevada 89705 for Appellant J.W. BENTLEY and MARYANN BENTLEY, Trustees of the Bentley Family 1995 Trust; Jessica Prunty, Dyer Lawrence Flaherty Donaldson and Prunty, 2805 Mountain Street, Carson City, Nevada 89703, for Appellants JOY SMITH, DANIEL D. BARDEN and ELAINE BARDEN.
- ii. Deputy Attorney General Bryan Stockton, 100 N. Carson Street, Carson City, Nevada, 89701, for Respondent State of Nevada ex. rel. Office of the State Engineer.
- iii. Thomas J. Hall, 305 South Arlington Avenue, P.O. Box 3948, Reno NV 89505-3948, for Intervenor – HALL RANCHES, LLC;

THOMAS J. SCYPHERS and KATHLEEN M. SCYPHERS; FRANK
SCHARO; SHERIDAN CREEK EQUESTRIAN CENTER, LLC, a Nevada
Limited Liability Company; DONALD S. FORRESTER and KRISTINA
M. FORRESTER; and RONALD R. MITCHELL and
GINGER G. MITCHELL.

7. Representation of Appellant(s):

Michael L. Matuska, Matuska Law Offices, Ltd., 937 Mica Drive, Suite
16A, Carson City, Nevada 89705 for Appellant J.W. BENTLEY and
MARYANN BENTLEY, Trustees of the Bentley Family 1995 Trust;
Jessica Prunty, Dyer Lawrence Flaherty Donaldson and Prunty, 2805
Mountain Street, Carson City, Nevada 89703, for Appellants JOY SMITH,
DANIEL D. BARDEN and ELAINE BARDEN

8. In Forma Pauperis: None of the parties requested or were granted leave to
proceed *in forma pauperis*;

9. Commencement of proceedings: The different stages to the proceedings in the
district court were commenced as follows:

- i. April 30, 2012 – Petition for Judicial Review filed by JOY SMITH,
DANIEL D. BARDEN and ELAINE BARDEN, Case No. 12-CV-0141;
- ii. May 3, 2012 – Petition for Judicial Review filed by J.W. BENTLEY and
MARYANN BENTLEY, Trustees of the Bentley Family 1995 Trust, Case
No. 12-CV-0145;
- iii. October 11, 2012 – Order consolidating petitions into Case No. 08-CV-
0363 and assigning the subsection designation of Case No. 08-CV-0363-D-
1.
- iv. April 25, 2013 – Joint Petition for Judicial Review filed by J.W. BENTLEY
and MARYANN BENTLEY, Trustees of the Bentley Family 1995 Trust;
JOY SMITH; DANIEL D. BARDEN and ELAINE BARDEN, Case No.
13-CV-0121;

v. November 27, 2013 - *Order* consolidating Case No. 13-CV-0121 with Case No. 08-CV-0363-D-1 and denying Petitions for Judicial Review.

10. Nature of Action. This is a petition for judicial review of the actions of the Nevada State Engineer in imposing a rotation schedule on the water rights from the North Branch of Sheridan Creek and subjecting Appellants' water rights to said rotation schedule. Appellants' enjoy vested water rights which have been proven, accepted, adjudicated, and decreed in Case No. 08-CV-0363 free from mandatory rotation. The Nevada State Engineer maintains he was required to impose a rotation schedule pursuant to the *Findings of Fact, Conclusions of Law and Judgment* entered by the Hon. David R. Gamble on April 5, 2012, after the trial in Case No. 08-CV-0363-D ("*Judgment*"). However, that trial concerned Intervenor's challenge to a Diversion Agreement which benefits J.W. BENTLEY and MARYANN BENTLEY, Trustees of the Bentley Family 1995 Trust. Appellants JOY SMITH, DANIEL D. BARDEN, and ELAINE BARDEN were not parties to that subproceeding. The Diversion Agreement is a separate issue from the rotation schedule that is the subject of this appeal. Deputy Attorney General Bryan Stockton requested in closing argument at the conclusion of the trial that the *Judgment* include a directive regarding a mandatory rotation schedule. Counsel for J.W. BENTLEY and MARYANN BENTLEY, Trustees of the Bentley Family 1995 Trust requested, but was denied, an opportunity to provide a further response. The *Judgment* includes a directive to the Nevada State Engineer to impose a rotation schedule when the flow of the North Branch of Sheridan Creek drops below 2.0 cfs. However, the *Judgment* is not a final judgment (See Case No. 60891), expressly states that the order regarding the rotation schedule will not be part of the final decree, and the parties stipulated and the *Judgment* ordered that J.W. BENTLEY and MARYANN BENTLEY, Trustees of the Bentley Family 1995 Trust reserved the right to petition for judicial review:

15. The parties made the following stipulations in relation to these Exceptions at the beginning of the trial, which were adopted by the Court:

a. Exception 1, in part, was that the State Engineer would not attempt to include a rotation schedule in the Decree itself, but that the provisions of NRS 533.075 and the order of this Court would be used to determine when and if a rotation schedule is needed to efficiently use the waters of the State of

1 Nevada. However, Bentley reserves all objections to the imposition of a
2 rotation schedule, including objection about the statutory authority to do so.
(Judgment)

3 NRS 533.075 was the only legal basis cited for a rotation schedule. However, that section
4 only authorizes rotation schedules upon agreement from the water users, and when read in
5 conjunction with the preceding non-impairment statute, NRS 533.065, precludes the court and the
6 State Engineer from imposing compulsory rotation schedules on adjudicated claims.
7

8 The Nevada State Engineer proceeded to impose rotation schedules for the entirety of the
9 2012 and 2013 irrigation seasons on all water rights users, including JOY SMITH,
10 DANIEL D. BARDEN, and ELAINE BARDEN, even though they were not parties to
11 subproceeding 08-CV-0363-D or the *Judgment*. JOY SMITH, DANIEL D. BARDEN, and
12 ELAINE BARDEN petition for judicial review of the 2012 rotation schedule (Case No. 12-CV-
13 0141). J.W. BENTLEY and MARYANN BENTLEY also petitioned for judicial review of the
14 2012 rotation schedule (Case No. 12-CV-0145). JOY SMITH, DANIEL D. BARDEN, and
15 ELAINE BARDEN, and J.W. BENTLEY and MARYANN BENTLEY filed a joint petition for
16 judicial review of the 2013 rotation schedule (Case No. 13-CV-0121). All petitions were
17 consolidated with the pending adjudication case (08-CV-0363) and designated as subproceeding
18 D-1. HALL RANCHES, LLC; THOMAS J. SCYPHERS and KATHLEEN M. SCYPHERS;
19 FRANK SCHARO; SHERIDAN CREEK EQUESTRIAN CENTER, LLC, a Nevada Limited
20 Liability Company; DONALD S. FORRESTER and KRISTINA M. FORRESTER; and
21 RONALD R. MITCHELL and GINGER G. MITCHELL intervened in those cases.
22
23

24 The petitions for judicial review proceeded to a hearing on October 17, 2013, before the
25 Hon. Nathan Tod Young. Judge Young entered a ruling from the bench in which he declined to
26 address the merits of the petitions which question the legal basis for a compulsory rotation
27 schedule because the rotation was addressed in a prior order. The written *Order* which followed
28

1 on November 27, 2013, departs slightly from the bench ruling and is unclear on whether it is
2 intended to address the merits of the legal challenge.

3 11. Other proceedings. Writ proceeding (Case No. 56531 - dismissed); Appeal
4 (Case No. 56551 - dismissed); Appeal (Case No. 59188 - dismissed); Appeal (Case No. 60891 -
5 dismissed).

6 12. Child Custody and Visitation. This case does not involve child custody and/or
7 visitation.

8 13. Possibility of a Settlement. The parties have already participated in three (3)
9 settlement conferences and there is no possibility of a settlement.

10 DATED this 23 day of December 2013.

MATUSKA LAW OFFICES, LTD.

11 By: 

12 Michael L. Matuska
13 State Bar No. 5711

14
15 DATED this 19 day of December 2013.

DYER LAWRENCE FLAHERTY
DONALDSON & PRUNTY

16
17
18 By: 

19 Jessica C. Prunty
20 State Bar No. 6926
21
22
23
24
25
26
27
28

MATUSKA LAW OFFICES, LTD.
937 MICA DRIVE, SUITE 16A
CARSON CITY, NV 89705
(775) 392-2313


CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of MATUSKA LAW OFFICES, LTD. and that on the 23rd day of December 2013, I served a true and correct copy of the preceding document entitled **CASE APPEAL STATEMENT** addressed to:

Bryan L. Stockton Deputy Attorney General 100 North Carson Street Carson City, NV 89701	Thomas J. Hall, Esq. 305 South Arlington Avenue P.O. Box 3948 Reno NV 89505-3948
Jessica Prunty Dyer Lawrence Flaherty Donaldson and Prunty 2805 Mountain Street Carson City, Nevada 89703	

☒ **BY U.S. MAIL:** I deposited for mailing in the United States mail, with postage fully prepaid, an envelope containing the above-identified document at Minden, Nevada, in the ordinary course of business.

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LIZ STERN, ALS

9TH JUDICIAL DISTRICT COURT
Ted Thran
Clerk of the Court
Ph 782-9820 Fax 782-9954
1625 8th Street
P.O. Box 218
Minden, NV 89423-0000
(775)-782-9820, TTY for Deaf: (775)-782-9964
(775) 782-9820

01/02/14

Case Number: 08-CV-00363-DC CV-OTH

Date Filed: 10/28/08

Status: Open/Active

Judge Assigned: Gamble, David

Mott Creek Water: ITMO Water Rights (Lead Case D-1 Consolidated W/13-

C A S E H I S T O R Y

CONSOLIDATED/RELATED CASES

Lead CaseID: 08-CV-00363-DC

SubCaseID	Type	Start	End
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13-CV-00121-DC C		10/17/13	
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INVOLVED PARTIES

Type	Num	Name (Last, First, Mid, Title)	Dispo	Entered
SPT	001	Taylor Creek		04/25/13
SPT	002	Cary Creek		04/25/13
		AKA Carey, Creek		
SPT	003	Monument Creek		04/25/13
SPT	004	Bulls Canyon		04/25/13
SPT	005	Stutler Creek		04/25/13
		AKA Stattler, Creek		
SPT	006	Sheridan Creek		04/25/13
SPT	007	Gansberg Spring		04/25/13
SPT	008	Sharpe Spring		04/25/13
SPT	009	Wheeler Creek No. 1		04/25/13
SPT	010	Wheeler Creek No. 2		04/25/13
SPT	011	Miller Creek		04/25/13
SPT	012	Miller Creek		04/25/13
SPT	013	Beers Spring		04/25/13
SPT	014	Luther Creek		04/25/13
RPI	001	Mott Creek		10/28/08
RPI	002	Taylor Creek		10/28/08
RPI	003	Cary Creek		10/28/08

Type	Num	Name (Last, First, Mid, Title)	Dispo	Entered
RPI	004	Monument Creek		10/28/08
RPI	005	Bulls Canyon		10/28/08
RPI	006	Stutler Creek		10/28/08
RPI	007	Stattler Creek		10/28/08
RPI	008	Sheridan Creek		10/28/08
RPI	009	Gansberg Spring		10/28/08
RPI	010	Sharpe Spring		10/28/08
RPI	011	Wheeler Creek No. 1		10/28/08
RPI	012	Wheeler Creek No. 2		10/28/08
RPI	013	Miller Creek		10/28/08
RPI	014	Beers Spring		10/28/08
RPI	015	Luther Creek		10/28/08
RPI	016	Bentley, J.W.		12/10/08
Attorney: 5711 Matuska, Michael L Brooke & Shaw P. O. Box 2860 Minden, NV 89423 (702) 782-7171				
RPI	017	Bentley, Maryann		12/10/08
RPI	018	Kimmerling Trust		02/11/09
Attorney: 1628 Lipkau, Ross E Marshall, Hill, Cassas & De Lipkau P.O. Box 2790 Reno, NV 89505-2790 (775) 323-1601				
RES	001	State Of Nevada		08/05/09
Attorney: 004764 Stockton, Bryan 515 E. Musser St. Carson City, NV 89714				
RES	002	Taylor, Tracy		08/05/09
Attorney: 004764 Stockton, Bryan 515 E. Musser St. Carson City, NV 89714				
RES	003	Christian, Stephen H		10/25/12
PLT	001	Mott Creek Water Rights		04/25/13
Attorney: 5711 Matuska, Michael L Brooke & Shaw P. O. Box 2860 Minden, NV 89423 (702) 782-7171				
PLT	002	Bentley, J. W.		04/25/13
PLT	003	Bentley, Maryann		04/25/13
PET	001	Smith, Joy		01/18/13
PET	002	Barden, Daniel		01/18/13
PET	003	Barden, Elaine		01/18/13
PET	004	Smith, Joy		06/28/13

Attorney: 6926 Prunty, Jessica C
 Dyer, Lawrence, Penrose, Flaherty & Donaldson
 2805 N. Mountain Street
 Carson City, NV 89703
 (775)885-1896

Type	Num	Name (Last, First, Mid, Title)	Dispo	Entered
PET	005	Barden, Daniel		06/28/13
PET	006	Barden, Elaine		06/28/13
OTH	001	Stockton, Bryan		10/28/08
OTH	002	Maddi's Friesian Ranch, LLC.		03/27/09
		Attorney: 4580 Taggart, Paul G 108 N. Minnesota Street Carson City, NV 89703 (775)882-9900		
OTH	003	Davis, David B.		03/26/09
		Attorney: 1234 Person, Proper	Removed: 04/21/09	
		001597 Kolvet, Brent	Removed: 01/27/10	
		1111 Person, Proper P. O. Box 218 Minden, NV 89423		
OTH	004	Davis, Sharon Lynn		03/26/09
		Attorney: 1111 Person, Proper P. O. Box 218 Minden, NV 89423		
OTH	005	Jackson, Jerald R.		03/26/09
		Attorney: 001701 Keele, George	Removed: 04/29/10	
		000195 DePaoli, Gordon P.O. Box 2311 Reno, NV 89505		
OTH	006	Windholz, Irene M.		03/26/09
OTH	007	Forrester, Donald S.		03/27/09
		Attorney: 6333 Hall, David R P O Box 218 Minden, NV 89423 (775) 782-9803		
OTH	008	Forrester, Kristina M.		03/27/09
OTH	009	Bentley, J.W.		03/25/09
		Attorney: 5711 Matuska, Michael L Brooke & Shaw P. O. Box 2860 Minden, NV 89423 (702) 782-7171		

Type Num	Name (Last, First, Mid, Title)	Dispo	Entered
OTH 010	Bentley, Maryann		03/25/09
OTH 011	Gronendyke, Edward H.		03/25/09
	Attorney: 000159 Brooke, T. Scott		
	990 Ironwood Drive, Suite 300		
	Minden, NV 89423		
OTH 012	Brooks Family Trust		03/23/09
	Attorney: 000159 Brooke, T. Scott		
	990 Ironwood Drive, Suite 300		
	Minden, NV 89423		
OTH 013	Yturbide, Thomas M		04/09/09
	Attorney: 6540 Yturbide, Jennifer A		
	Rowe & Hales		
	1638 Esmeralda Avenue		
	P.O. Box 2080		
	Minden, NV 89423		
	(775) 782-8141		
OTH 014	Yturbide, Paula J		04/09/09
	Attorney: 6540 Yturbide, Jennifer A		
	Rowe & Hales		
	1638 Esmeralda Avenue		
	P.O. Box 2080		
	Minden, NV 89423		
	(775) 782-8141		
OTH 015	Park, Eric		04/09/09
	Attorney: 000937 Chase, Kelly	Removed: 07/31/09	
	1234 Person, Proper		
	P. O. Box 218		
	Minden, NV 89423		
OTH 016	Park, Elizabeth		04/09/09
	Attorney: 000937 Chase, Kelly		
	P.O. Box 2800		
	1674 Highway 395, Suite 205		
	Minden, NV 89423		
OTH 017	Bentley Family Trust 1995 Trust		04/20/09
OTH 018	Douglas, Myles S		11/06/12
OTH 019	Douglas, Amy B		11/06/12
ITV 001	Hall Ranches, LLC.		04/10/09
ITV 002	Sheridan Creek Equestrian Center, LLC.		04/10/09
ITV 003	Scharo, Frank		04/10/09
ITV 004	Mitchell, Ronald R.		04/10/09
ITV 005	Mitchell, Ginger G.		04/10/09
ITV 006	Scyphers, Thomas J.		12/13/10
	Attorney: 000675 Hall, Thomas		
	PO Box 3948		

Reno, NV 89505

Type	Num	Name (Last, First, Mid, Title)	Dispo	Entered
ITV	007	Scyphers, Kathleen M.		12/13/10
ITV	008	Scyphers, Thomas J.		05/31/13
INT	001	Scyphers, Kathleen M.		05/31/13
INT	002	Scharo, Frank		05/31/13
INT	003	Sheridan Creek Equestrian Center, LLC		05/31/13
INT	004	Forrester, Donald S.		05/31/13
INT	005	Forrester, Kristina M.		05/31/13
INT	006	Mitchell, Ronald R.		05/31/13
INT	007	Mitchell, Ginger G.		05/31/13
INT	008	Hall Ranches, LLC		05/31/13
DEF	001	State Of Nevada		04/25/13
DEF	002	Office Of The State Engineer		04/25/13

CALENDAR EVENTS

Date	Time	Dur	Cer	Evnt	Jdg	L	Day	Of	Rslt	By	ResultDt	Jdg	T	Notice	Rec
04/01/09	09:00A	001	yes	CALL	DRG		01	/01	CON	C	07/23/09	DRG			N
07/06/09	01:30P	001	yes	PTC	DRG		01	/01	CON	C	07/23/09	DRG			N
08/27/09	09:00A	001	yes	CALL	DRG		01	/01	VAC	C	08/19/09	DRG	P		
12/16/09	09:00A	007	yes	CITR	DRG		01	/02	CON	C	12/16/09	DRG			N
12/17/09	09:00A	007	yes	CITR	DRG		02	/02	VAC	C	12/16/09				N
01/14/10	01:00P	001	yes	CITR	DRG		01	/01	VAC	C	11/23/10	DRG			
01/29/10	01:00P	001	yes	CITR	DRG		01	/01	CON	C	01/13/12	DRG			N
05/17/10	09:00A	004	yes	CALL	DRG		01	/01	CON	C	05/17/10	DRG	P		N
07/16/10	09:00A	001	yes	CALL	DRG		01	/01	CON	C	07/16/10	DRG	P		N
08/01/11	01:30P	001	yes	CALL	DRG		01	/01	CON	C	08/01/11	DRG	P		N
01/09/12	09:00A	007	yes	CITR	DRG		01	/01	CON	C	01/13/12	DRG			N
01/11/12	09:00A	007	yes	CITR	DRG		01	/03	CON	C	01/13/12	DRG			N
01/12/12	09:00A	007	yes	CITR	DRG		02	/03	VAC	C	01/13/12				N
01/13/12	09:00A	007	yes	CITR	DRG		03	/03	VAC	C	01/13/12				N
01/19/12	09:00A	007	yes	CITR	DRG		01	/02	CON	C	01/13/12	DRG			N

Date	Time	Dur	Cer	Evnt	Jdg	L	Day	Of	Rslt	By	ResultDt	Jdg	T	Notice	Rec
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01/20/12	09:00A	007	yes	CITR	DRG		02	/02	CON	C	01/13/12	DRG			N
10/10/12	01:30P	001	yes	PTC	DRG		01	/01	CON	C	10/10/12	DRG			N
11/07/12	09:00A	001	yes	CALL	DRG		01	/01	CON	C	11/07/12	DRG	P		N
11/09/12	09:00A	001	yes	CALL	DRG		01	/01	CON	C	11/07/12	DRG	P		N
11/30/12	09:00A	001	yes	CALL	DRG		01	/01	CON	C	11/30/12	DRG	P		N
10/17/13	09:00A	007	yes	CALL	NTY		01	/01					P		

JUDGE HISTORY

JUDGE ASSIGNED	Type	Assign	Date	Removal	RSN
DRG Gamble, David	J		10/28/08		
DRG Gamble, David	T		09/11/13		

DOCUMENT TRACKING

Num/Seq	Description	Filed	Received	Party	Routed	Ruling	Closed	User ID
001000	Notice of filing of the State Engineer's Order of Determination	10/28/08		DRG	OTH001			N/A
002000	Order Setting Hearing of Exceptions	10/30/08		DRG	000			PG PG
003000	Affidavit of Service	11/10/08		DRG	000			BW BW
004000	Notice of Exceptions And Exceptions To Final Order Of Determination Filed by RPI016-Bentley, J.W., RPI017-Bentley, Maryann	12/10/08		DRG	RPI016			BW BW
005000	Notice of Request and Notice Regarding Partial Ownership of Claim 06320	02/11/09		DRG	RPI018			KW KW
006000	Notice of Exceptions and Exceptions to Final Order of Determination (RE: Proofs V-06365, V-06366)	03/23/09		DRG	000			MB MB
007000	Claimant's Notice of Exceptions to the Final Order of Determination Regarding Proof of Appropriation No. V-08850	03/25/09		DRG	000			MB MB
010000	(STRICKEN) Amended Notice of Exceptions and Exceptions to Final Order of Determination	03/25/09		DRG	RPI016			HC PG

Num/Seq	Description	Filed	Received	Party	Routed	Ruling	Closed	User ID
008000	Notice of Exception to the Order of Determination	03/26/09		DRG	000			MB MB
009000	Notice of Exceptions to the Final Order of Determination	03/26/09		DRG	000			MB MB
011000	(STRICKEN) Notice of Appearance and Intent to Participate	03/27/09		DRG	000			MB PG
012000	(STRICKEN)Reply to Exceptions by Bentley to Final Order of Determination	03/27/09		DRG	000			MB PG
013000	(STRICKEN) Response to Reply to Ex by Bentley to Final Order of Determination Filed by RPI017-Bentley, Maryann, RPI016-Bentley, J.W.	03/31/09		DRG	RPI017			MB PG
014000	Certificate of Service	03/31/09		DRG	RPI001			N/A PG
015000	Reporter's Transcript of Proceedings Determination of Water Rights Hearing 4/1/09 (Subpart A)	04/03/09		DRG	000			MB MB
016000	Reporter's Transcript of Proceedings Determination of Water Rights Hearing 4/1/09 (Subpart B)	04/03/09		DRG	000			MB MB
017000	Reporter's Transcript of Proceedings Determination of Water Rights Hearing 4/1/09 (Subpart C)	04/03/09		DRG	000			MB MB
018000	Reporter's Transcript of Proceedings Determination of Water Rights Hearing 4/1/09 (Subpart D)	04/03/09		DRG	000			MB MB
019000	Reporter's Transcript of Proceedings Determination of Water Rights Hearing 4/1/09 (Subpart E)	04/03/09		DRG	000			MB MB
020000	Reporter's Transcript of Proceedings Determination of Water Rights Hearing 4/1/09 (Subpart F)	04/03/09		DRG	000			MB MB
021000	Reporter's Transcript of Proceedings Determination of Water Rights Hearing 4/1/09	04/03/09		DRG	000			MB MB
022000	(F) Motion to Intervene	04/09/09		DRG	OTH013	Ruled	04/29/09	HC JT
023000	(F) Notice of and Motion to Intervene	04/09/09		DRG	OTH015	Ruled	04/29/09	HC JT
024000	(F) Amended Certificate of Service Filed by OTH013-Yturbide, Thomas M, OTH014-Yturbide, Paula J	04/10/09		DRG	OTH013			MB MB
025000	(F) Motion to Intervene	04/10/09		DRG	OTH002	Ruled	04/29/09	MB JT
026000	(D) Motion to Intervene Filed by ITV001-Hall Ranches, LLC., , ITV005-Mitchell, Ginger G., ITV004-Mitchell, Ronald R., ITV003-Scharo, Frank, ITV002-Sheridan	04/10/09	04/28/09	DRG	ITV001	Ruled	06/12/09	MB JT

Creek Equestrian Center, LLC.,

Num/Seq	Description	Filed	Received	Party	Routed	Ruling	Closed	User ID
047000	(E) Qualified Objection to Exceptions to 04/13/09 The Final Order of Determination Regarding Proof of Appropriation V-08850 as it Affects Proofs Numbers V-06342, V-06343, and a Portion of V-02856 Filed by OTH005-Jackson, Jerald R., OTH006-Windholz, Irene M.			DRG	OTH005			MB MB
028000	(F) Amended Certificate of Service	04/16/09		DRG	000			MB MB
029000	(F) Affidavit of Service by Mail	04/17/09		DRG	000			MB MB
030000	(D) Opposition to Motion to Intervene (Bentley) Filed by OTH017-Bentley Family Trust 1995 Trust, , OTH010-Bentley, Maryann, OTH009-Bentley, J.W.	04/20/09		DRG	OTH017			MB MB
031000	(F) Notice of Appearance Filed by OTH003-Davis, David B., OTH004-Davis, Sharon Lynn	04/21/09		DRG	OTH003			MB MB
032000	(D) Reply in Support of Motion to Intervene (Forrester/Scyphers/Scharo/Sheridan Creek/Mitchell) Filed by ITV003-Scharo, Frank, ITV002-Sheridan Creek Equestrian Center, LLC., , ITV004-Mitchell, Ronald R., ITV005-Mitchell, Ginger G., OTH007-Forrester, Donald S., OTH008-Forrester, Kristina M.	04/24/09		DRG	ITV003			MB MB
033000	(F) Order Granting Motion to Intervene (Maddi's Friesian Ranch)	04/29/09		DRG	000			MB MB
034000	(F) Order Granting Motion to Intervene (Maddi's Friesian Ranch LLC)	04/29/09		DRG	000			MB MB
035000	(F) Order Granting Motion to Intervene (Thomas Yturbide & Paula Yturbide)	04/29/09		DRG	000			MB MB
036000	(F) Order RE: Granting Motion to Intervene of Eric and Elizabeth Park	04/29/09		DRG	000			MB MB
037000	(F) Notice of Entry of Order Filed by OTH013-Yturbide, Thomas M, OTH014-Yturbide, Paula J	04/30/09		DRG	OTH013			MB MB
038000	(F) Notice of Entry of Order Filed by OTH015-Park, Eric, OTH016-Park, Elizabeth	04/30/09		DRG	OTH015			MB MB
039000	(F) Notice of Entry of Order	05/05/09		DRG	OTH002			MB MB
040000	(F) Opposition To Notice of Exception to 05/12/09 the Order of Determination and Joinder in Opposition to Notice of Exception of Maddi's Friesian Ranch, LLC. Filed by OTH015-Park, Eric, OTH016-Park, Elizabeth			DRG	OTH015			MB MB

Num/Seq	Description	Filed	Received	Party	Routed	Ruling	Closed	User ID
041000	(F) Opposition To Notice of Exception to The Order of Determination	05/13/09		DRG	OTH002			MB MB
042000	(F) Joinder in Opposition to Notice of Exception to the Order of Determination and Opposition to Notice of Exception to Order of Determination Filed by OTH013-Yturbide, Thomas M, OTH014-Yturbide, Paula J	05/13/09		DRG	OTH013			MB MB
044000	(D) Request for Submission	06/05/09		DRG	000			KW KW
043000	(F) Order Setting Pre-Trial Conference	06/05/09		DRG	000			KW KW
045000	(D) Order Allowing Intervention	06/12/09		DRG	000			KW KW
046000	(D) Notice of Entry of Order Filed by ITV005-Mitchell, Ginger G., ITV004-Mitchell, Ronald R., ITV003-Scharo, Frank, ITV002-Sheridan Creek Equestrian Center, LLC., , ITV001-Hall Ranches, LLC.,	06/16/09		DRG	ITV005			KW KW
048000	(D) Motion to Correct Order Allowing Intervention	07/08/09	07/29/09	DRG	OTH007	Ruled	11/13/09	PG JT
049000	(D) Transcript of Proceedings - Pretrial Hearing	07/15/09		DRG	000			HC HC
050000	(D) Opposition to Motion to Correct Order Filed by OTH009-Bentley, J.W., OTH010-Bentley, Maryann	07/16/09		DRG	OTH009			KW KW
051000	Witness List	07/16/09		DRG	000			KW KW
052000	List of Witnesses	07/17/09		DRG	OTH002			KW KW
053000	Witness List (F)	07/17/09		DRG	000			KW KW
054000	(F) Intervener Park's Identification of Witnesses to be Called at Trial Filed by OTH015-Park, Eric, OTH016-Park, Elizabeth	07/17/09		DRG	OTH015			KW KW
055000	Petitioners David Davis' and Sharon Davis' Witness List Filed by OTH003-Davis, David B., OTH004-Davis, Sharon Lynn	07/17/09		DRG	OTH003			KW KW
056000	(D) Reply in Support of Motion to Correct Order Allowing Intervention	07/22/09		DRG	ITV001			KW KW
057000	(F) Order Setting Hearing	07/22/09		DRG	000			KW KW
058000	(F) Notice of Entry of Order	07/28/09		DRG	OTH003			KW KW
059000	(F) Substitution of Attorney Filed by OTH015-Park, Eric, OTH016-Park, Elizabeth	07/31/09		DRG	OTH015			MB MB

Num/Seq	Description	Filed	Received	Party	Routed	Ruling	Closed	User ID
061000	(F) Joinder in Motion in Limine, or Alternatively Motion to Compel Deposition Filed by OTH013-Yturbide, Thomas M, OTH014-Yturbide, Paula J	08/03/09		DRG	OTH013	Ruled	11/02/09	MB JT
064000	(F) Notice of Opposition to Motion Filed by RES001-State Of Nevada, , RES002-Taylor, Tracy	08/05/09		DRG	RES001			MB MB
062000	(F) Stipulation and Order to Continue Hearing	08/18/09		DRG	000			MB MB
063000	(F) Notice of Entry of Order	08/25/09		DRG	000			MB MB
065000	(F) Order Rescheduling Hearing	09/24/09		DRG	000			MB MB
066000	(F) Notice of Entry of Order	09/28/09		DRG	OTH003			HC HC
067000	(F) Order	11/04/09		DRG	000			MB MB
068000	(D) Order	11/17/09		DRG	000			MB MB
069000	(D) Response and Objection to Notice of Exceptions and Exceptions to Final Order of Determination Filed by ITV001-Hall Ranches, LLC., , ITV002-Sheridan Creek Equestrian Center, LLC., , ITV003-Scharo, Frank	11/19/09		DRG	ITV001			MB MB
070000	Notice of Entry of Order Filed by ITV001-Hall Ranches, LLC., , ITV002-Sheridan Creek Equestrian Center, LLC., , ITV003-Scharo, Frank, ITV004-Mitchell, Ronald R., ITV005-Mitchell, Ginger G.	11/19/09		DRG	ITV001			MB MB
071000	(F) Expert Witness List Filed by OTH013-Yturbide, Thomas M, OTH014-Yturbide, Paula J	11/20/09		DRG	OTH013			MB MB
072000	(F) Expert Witness Disclosure	11/23/09		DRG	OTH002			MB MB
073000	(D) Motion to Dismiss or, in the Alternative, to Redesignate Affirmative Defenses as Counterclaims	12/01/09	01/04/10	DRG	OTH009	Ruled	05/17/10	HC JT
074000	(D) Opposition to Motion to Dismiss or, in the Alternative, to Redesignate Affirmative Defenses as Counterclaims Filed by OTH007-Forrester, Donald S., OTH008-Forrester, Kristina M.	12/18/09		DRG	OTH007			MB MB
075000	(D) Partial Opposition to Motion to Dismiss Filed by RES001-State Of Nevada, , RES002-Taylor, Tracy	12/18/09		DRG	RES001			MB MB
076000	(F) Order Setting Time for Continuation of Trial	12/21/09		DRG	000			HC HC

Num/Seq	Description	Filed	Received	Party	Routed	Ruling	Closed	User ID
077000	(D) Notice of Filing Original Affidavits 12/28/09 Filed by OTH007-Forrester, Donald S., OTH008-Forrester, Kristina M., ITV001-Hall Ranches, LLC., , ITV003-Scharo, Frank, ITV002-Sheridan Creek Equestrian Center, LLC., , ITV004-Mitchell, Ronald R., ITV005-Mitchell, Ginger G.			DRG	OTH007			MB MB
078000	Amended Certificate Of Service	12/29/09		DRG	RES001			BW BW
079000	Response to To Partial Opposition To Motion To Dismiss	12/30/09		DRG	000			BW BW
080000	Errata And Supplement to Opposition To Motion To Dismiss Or, In The Alternative, To Redesignate Affirmative Defenses As Counterclaims	12/30/09		DRG	000			BW BW
081000	(D) Reply to Opposition to Motion to Dismiss or, in the Alternative, to Redesignate Affirmative Defenses as Counterclaims	12/31/09		DRG	OTH009			HC HC
082000	D - Motion For Division Of Water And For Remand And Reference To State Engineer For Further Evidence Filed by OTH007-Forrester, Donald S., OTH008-Forrester, Kristina M.	01/08/10		DRG	OTH007	Ruled	05/17/10	BW JT
083000	Request for Expedited Hearing (D)	01/11/10		DRG	OTH007			PG PG
084000	Motion to Strike (D)	01/11/10		DRG	OTH009	Ruled	05/17/10	PG JT
085000	D - Errata To Motion For Division Of Water And For Remand And Reference to State Engineer For Further Evidence	01/13/10		DRG	OTH007			BW BW
086000	(D) Opposition to Motion to Strike	01/20/10		DRG	OTH007			HC HC
087000	(D) Motion to Strike, or in the Alternative, Opposition and Partial Joinder to Motion for Division of Water and for Remand and Reference to State Engineer for Further Evidence	01/20/10		DRG	OTH009	Ruled	05/17/10	HC JT
088000	(D) Reply to Opposition to Motion to Strike	01/21/10		DRG	OTH009			HC HC
089000	(D)Response To Motion for Division of Water and for Remand and Reference to State Engineer for Further Evidence, and Response to Request for Expedited Hearing	01/21/10		DRG	RES001			HC HC
090000	(D) Reply in Support of Motion for Division of Water and for Remand and Reference to State Engineer for Further Evidence and Opposition to Motion to Strike	01/26/10		DRG	OTH007			HC HC
091000	(D) Request for Submission	01/26/10		DRG	OTH007			HC HC

Num/Seq	Description	Filed	Received	Party	Routed	Ruling	Closed	User ID
092000	(F) Substitution of Counsel	01/27/10		DRG	OTH003		HC	HC
093000	(F) Affidavit of Mailing	01/29/10		DRG	000		HC	HC
094000	(F) Transcript of Proceedings (Judge's Order)	02/02/10		DRG	000		HC	KW
095000	(D) Request to Submit Motion to Strike, or in the Alternative, Opposition and Partial Joinder to Motion for Division of Water and for Remand and Reference to State Engineer for Further Evidence and Reply to Response to Motion for Division of Water and for Remand and Reference to State Engineer for Further Evidence, and Response to Request for Expedited Hearing	02/12/10		DRG	OTH009		HC	HC
096000	(D) Joint Case Conference Report	02/23/10		DRG	000		HC	HC
097000	(D) Correction to Opposition to Motion to Dismiss or, in the alternative, to redesignate affirmative defenses as counterclaims	02/25/10		DRG	OTH007		PG	PG
098000	(D) - Order (Calendar Call)	03/03/10		DRG	000		BW	BW
099000	(D) Information Questionnaire	03/08/10		DRG	RES001		BW	BW
100000	(D) Information Questionnaire	03/09/10		DRG	OTH009		HC	HC
101000	(D) Information Questionnaire	03/11/10		DRG	ITV001		HC	HC
102000	(D) Order Setting Hearing	03/29/10		DRG	000		HC	HC
103000	(E) Substitution of Attorneys	04/28/10		DRG	OTH005		KW	JT
104000	Order (F)	05/21/10		DRG	000		KW	JT
105000	(F) Notice of Entry of Order	05/25/10		DRG	000		KW	KW
106000	Transcript of Proceedings-Partial Transcript of Proceedings Case Conference/Status Conference	05/26/10		DRG	000		PG	PG
107000	Order Re: Amended Notice of Exceptions and Exceptions	06/02/10		DRG	000		KW	KW
108000	Notice of Entry of Order	06/04/10		DRG	000		KW	KW
109000	(D) Opposition To Proposed Order for Divisions of Water	06/07/10		MPG	OTH009		PG	PG
110000	Transcript of Proceedings-Case Conference/Status Conference Monday, May 17, 2010	06/07/10		DRG	000		PG	PG

Num/Seq	Description	Filed	Received	Party	Routed	Ruling	Closed	User ID
111000	(D) Intervenor's Opening Brief Regarding Diversion Agreement Filed by ITV005-Mitchell, Ginger G., ITV004-Mitchell, Ronald R., ITV003-Scharo, Frank, ITV002-Sheridan Creek Equestrian Center, LLC., , ITV001-Hall Ranches, LLC.,	06/16/10		DRG	ITV005			KW KW
112000	(F) Motion for Leave to Withdraw as Counsel	06/16/10		DRG	000			KW KW
113000	(D) Bentley's Opening Brief	06/17/10		DRG	OTH009			PG PG
114000	(D) Order for Division of Water	06/18/10		DRG	000			KW KW
115000	(D) Notice of Entry of Order Filed by ITV005-Mitchell, Ginger G., ITV004-Mitchell, Ronald R., ITV003-Scharo, Frank, ITV002-Sheridan Creek Equestrian Center, LLC., , ITV001-Hall Ranches, LLC.,	06/24/10		DRG	ITV005			KW KW
116000	(D) Rebuttal to Intervenor's Opening Brief Filed by ITV001-Hall Ranches, LLC., , OTH009-Bentley, J.W., OTH010-Bentley, Maryann	06/24/10		DRG	ITV001			KW KW
117000	(D) Intervenor's Reply Regarding the Diversion Agreement Filed by ITV005-Mitchell, Ginger G., ITV004-Mitchell, Ronald R., ITV003-Scharo, Frank, ITV002-Sheridan Creek Equestrian Center, LLC., , ITV001-Hall Ranches, LLC.,	06/30/10		DRG	ITV005			KW KW
118000	(D) Supplement to Intervenor's Reply Regarding the Diversion Agreement Filed by OTH008-Forrester, Kristina M., OTH007-Forrester, Donald S.	07/01/10		DRG	OTH008			KW KW
119000	(D) Motion for Order Shortening Time to Oppose Motion to Amend Rotation Schedule Filed by ITV005-Mitchell, Ginger G., ITV004-Mitchell, Ronald R., ITV003-Scharo, Frank, ITV002-Sheridan Creek Equestrian Center, LLC., , ITV001-Hall Ranches, LLC.,	07/02/10		DRG	ITV005	Moot	07/07/10	KW JT
120000	(D) Motion to Amend Rotation Schedule Filed by ITV005-Mitchell, Ginger G., ITV004-Mitchell, Ronald R., ITV003-Scharo, Frank, ITV002-Sheridan Creek Equestrian Center, LLC., , ITV001-Hall Ranches, LLC.,	07/02/10		DRG	ITV005	Moot	03/18/11	KW JT
121000	(F) ExParte Request for Temporary Restraining Order	07/06/10		DRG	OTH002			KW KW
122000	(F) Motion for Preliminary Injunction	07/06/10		DRG	OTH002			KW KW
123000	(F) Order Pursuant to Motion for Leave to Withdraw as Counsel	07/06/10		DRG	000			KW KW

Num/Seq	Description	Filed	Received	Party	Routed	Ruling	Closed	User ID
124000	(F) Order Setting Hearing	07/08/10		DRG	000			KW JT
125000	(F) Response To Motion for Preliminary Injunction	07/12/10		DRG	RES001			KW KW
126000	(D) Motion to Strike Filed by OTH010-Bentley, Maryann, OTH009-Bentley, J.W.	07/12/10		DRG	OTH010	Moot	03/08/11	KW JT
127000	(D) Notice of Appeal Filed by OTH009-Bentley, J.W., OTH010-Bentley, Maryann	07/13/10		DRG	OTH009			KW KW
128000	(D) Case Appeal Statement Filed by OTH009-Bentley, J.W., OTH010-Bentley, Maryann	07/13/10		DRG	OTH009			KW KW
129000	(F) Exhibits to Response to Motion for Preliminary Injunction	07/14/10		DRG	RES001			KW KW
130000	(D) Opposition to (Third) Motion to Strike; Filed by OTH007-Forrester, Donald S., OTH008-Forrester, Kristina M.	07/16/10		DRG	OTH007			KW KW
131000	(D) Opposition to Motion to Amend Rotation Schedule Filed by OTH009-Bentley, J.W., OTH010-Bentley, Maryann	07/19/10		DRG	OTH009			KW KW
132000	(F) Notice of Voluntary Withdrawal of Motion for Preliminary Injunction	07/22/10		DRG	OTH002	Moot	07/22/10	PG JT
133000	(D) Reply in Support of Motion to Amend Rotation Schedule Filed by OTH007-Forrester, Donald S., OTH008-Forrester, Kristina M.	07/28/10		DRG	OTH007			KW KW
134000	(D) Request for Submission Filed by OTH007-Forrester, Donald S., OTH008-Forrester, Kristina M.	07/28/10		DRG	OTH007			KW KW
135000	Receipt for Documents (Supreme Court)	08/10/10		DRG	000			KW KW
136000	(D) Order	08/16/10		DRG	000			KW KW
137000	(F) Order	08/30/10		DRG	000			PG PG
138000	(F) Notice of Entry of Order	09/02/10		TBA	RES001			PG PG
139000	(D) Motion for Summary Judgment	09/27/10		DRG	OTH007	Ruled	08/01/11	PG JT
140000	(D) Opposition to Motion for Summary Judgment and Cross-Motion for Summary Adjudication	10/07/10		DRG	OTH009	Ruled	08/01/11	PG JT
141000	(D) Motion for Protective Order	10/15/10		DRG	OTH007	Moot	03/08/11	PG JT

Num/Seq	Description	Filed	Received	Party	Routed	Ruling	Closed	User ID
142000	(D) Request for Hearing	10/15/10		DRG	OTH007			PG PG
143000	(D) Request for Submission	10/15/10		DRG	ITV001			PG PG
144000	(D) Reply in Support of Motion for Summary Judgment	10/15/10		DRG	OTH007			PG PG
145000	(D) Opposition to Motion for Protective Order	10/28/10		DRG	OTH009			PG PG
146000	(D) Affidavit of Michael T. Matuska in Support of Opposition to Motion for Protective Order	10/28/10		DRG	000			PG PG
147000	Request for Submission	11/03/10		DRG	ITV001			PG PG
148000	Reply in Support of Motion for Protective Order	11/03/10		DRG	OTH007			PG PG
149000	(D) Order	11/19/10		DRG	000			PG PG
150000	(D) Motion to Withdraw as Attorney	12/14/10		TBA	ITV006	Moot	12/30/10	PG JT
151000	(D) Opposition to Motion to Withdraw	12/16/10		DRG	OTH009			PG PG
152000	(D) Withdrawal of Motion to Withdraw as Attorney Filed by ITV007-Scyphers, Kathleen M., ITV006-Scyphers, Thomas J.	12/30/10		DRG	ITV007			KW KW
153000	(D) Withdrawal of Motion to Withdraw as Attorney	01/03/11		DRG	ITV006			HC HC
154000	Remittitur (Supreme Court)	02/16/11		DRG	000			PG PG
155000	Clerk's Certificate (Supreme Court)	02/16/11		DRG	000			PG PG
156000	Order Dismissing Appeal (Supreme Court)	02/16/11		DRG	000			PG PG
157000	Supreme Court Order Denying Petition for Writ of Prohibition or Mandamus	03/22/11		DRG	000			HC HC
158000	(D) Request for Submission	03/22/11		DRG	000			HC HC
159000	(D) Second Motion for Division of Water	03/29/11		DRG	OTH007	Ruled	07/26/11	PG JT
160000	(D) Partial Opposition to Second Motion for Division of Water	04/06/11		DRG	RES001			PG PG
162000	(D) Motion for Extension of Time	04/06/11		DRG	OTH009	Ruled	04/15/11	PG JT
161000	(D) Ex Parte Motion to Shorten Time	04/07/11		DRG	OTH009	Ruled	04/15/11	PG JT

Num/Seq	Description	Filed	Received	Party	Routed	Ruling	Closed	User ID
163000	(D) Notice of Filing of Seepage Test Reports	04/08/11		DRG	OTH007			PG PG
164000	(D) Opposition to Motion for Extension of Time	04/11/11		DRG	OTH007			PG PG
165000	Order Directing Supplemental Briefing	04/13/11		DRG	000			PG PG
166000	(D) Order	04/15/11		DRG	000			PG PG
167000	Notice in Lieu of Remittitur	04/18/11		DRG	000			PG PG
168000	(D) Opposition to Second Motion for Division of Water	04/29/11		DRG	OTH009			PG PG
169000	Reply in Support of Second Motion for Division of Water	05/06/11		DRG	OTH007			PG PG
170000	(D) Application for Release of Bond	05/16/11		DRG	OTH009	Ruled	06/07/11	PG JT
171000	(D) Request to Set Trial	05/26/11		DRG	OTH007			PG PG
172000	Order (Calendar Call)	06/01/11		DRG	000			KW KW
173000	(D) Order Setting Hearing	06/01/11		DRG	000			PG PG
174000	(D) Opposition to Request to Set Trial	06/03/11		DRG	OTH009			HC HC
175000	(D) Order Directing Release of Bond	06/07/11		DRG	000			PG PG
176000	(D) Information Questionnaire	06/08/11		DRG	000			HC HC
177000	(D) Motion to Amend Division of Water	06/10/11		DRG	RES001	Ruled	07/26/11	PG JT
178000	(D) Information Questionnaire	06/17/11		DRG	OTH009			PG PG
179000	(D) Ex parte Motion to Shorten Time	06/17/11		DRG	OTH009			PG PG
180000	(D) Notice of Entry of Order	06/20/11		DRG	OTH009			PG PG
181000	(D) Order	06/20/11		DRG	000			PG PG
182000	(D) Order Setting Trial	06/23/11		DRG	000			PG PG
184000	(D) Scheduling Order	06/23/11		DRG	000			PG PG
185000	(D) Opposition to Motion to Amend Division of Water	06/24/11		DRG	OTH007			PG PG
186000	(D) Motion for Court Order Requiring	06/24/11		DRG	OTH007	Moot	08/01/11	PG JT

Installation of Water Flow Division Device

Num/Seq	Description	Filed	Received	Party	Routed	Ruling	Closed	User ID
187000	(D) Joinder to Motion to Amend Division of Water and Reply to Opposition to Motion to Amend Division of Water	06/27/11		DRG	OTH009			PG PG
188000	(D) Request for Submission of Motion to Amend Division of Water	06/27/11		DRG	RES001			PG PG
189000	(D) Request for Submission	06/27/11		DRG	OTH009			PG PG
190000	(D) Opposition to Motion for Court Order Requiring Installation of Water Flow Device	06/29/11		DRG	RES001			PG PG
191000	(D) Joinder to Motion for Court Order Requiring Installation of Water Flow Division Device and Notice of Non-Opposition	07/01/11		DRG	OTH009			PG PG
192000	(D) Reply to Opposition to Motion for Court Order Requiring Installation of Water Flow Device	07/06/11		DRG	OTH009			BW BW
193000	(D) Reply in Support of Motion for Court Order Requiring Installation of Water Flow Division Device Filed by OTH007-Forrester, Donald S., OTH006-Windholz, Irene M., OTH005-Jackson, Jerald R., OTH004-Davis, Sharon Lynn, OTH003-Davis, David B., OTH002-Maddi's Friesian Ranch, LLC., , OTH001-Stockton, Bryan, ITV007-Scyphers, Kathleen M.	07/08/11		DRG	OTH007			MB MB
194000	(D) Order	07/13/11		DRG	000			MB MB
195000	(D) Motion to Compel Discovery Responses Filed by OTH009-Bentley, J.W., OTH010-Bentley, Maryann	07/15/11	08/01/11	DRG	OTH009	Moot	08/19/11	MB JT
196000	(D) Affidavit of Michael L. Matuska in Support of Motion to Compel Filed by OTH009-Bentley, J.W., OTH010-Bentley, Maryann	07/15/11		DRG	OTH009			MB MB
197000	(D) Amendment to Motion to Compel Discovery Responses Filed by OTH009-Bentley, J.W., OTH010-Bentley, Maryann	07/19/11		DRG	OTH009			MB MB
198000	(D) Notice of Appeal Filed by OTH009-Bentley, J.W., OTH010-Bentley, Maryann	07/21/11		DRG	OTH009			MB MB
199000	(D) Opposition to Motion to Compel Discovery Responses Filed by OTH007-Forrester, Donald S., OTH006-Windholz, Irene M., OTH005-Jackson, Jerald R., OTH004-Davis, Sharon Lynn, OTH003-Davis, David B., OTH002-Maddi's Friesian Ranch, LLC., , OTH001-Stockton, Bryan, ITV007-Scyphers, Kathleen M., ITV006-Scyphers, Thomas J., ITV005-Mitchell, Ginger G.,	07/26/11		DRG	OTH007			MB MB

ITV004-Mitchell, Ronald R., ITV003-Scharo, Frank

Num/Seq	Description	Filed	Received	Party	Routed	Ruling	Closed	User ID
200000	(D) Order	07/26/11		DRG	000			MB MB
201000	(D) Reply to Opposition to Motion to Compel Discovery Responses Filed by OTH009-Bentley, J.W., OTH010-Bentley, Maryann	07/27/11		DRG	OTH009			MB MB
202000	(D) Affidavit of Michael L. Matuska in Support of Reply to Opposition to Motion to Compel Filed by OTH010-Bentley, Maryann, OTH009-Bentley, J.W.	07/27/11		DRG	OTH010			MB MB
203000	(D) Order re: Costs (Supreme Court)	07/28/11		DRG	000			MB MB
204000	Transcript of Proceedings 8/1/11	08/05/11		DRG	000			MB MB
205000	(D) Response to Objections to Proposed Order Filed by OTH009-Bentley, J.W., OTH010-Bentley, Maryann	08/08/11		DRG	OTH009			MB MB
206000	(D) Reply in Support of Objections to Proposed Order Denying Motions for Summary Judgment Filed by ITV006-Scyphers, Thomas J., ITV007-Scyphers, Kathleen M., OTH007-Forrester, Donald S., OTH008-Forrester, Kristina M.	08/10/11		DRG	ITV006			MB MB
207000	(D) Motion to Strike Filed by ITV006-Scyphers, Thomas J., ITV007-Scyphers, Kathleen M., OTH001-Stockton, Bryan, OTH002-Maddi's Friesian Ranch, LLC., OTH003-Davis, David B., OTH004-Davis, Sharon Lynn, OTH005-Jackson, Jerald R., OTH006-Windholz, Irene M., OTH007-Forrester, Donald S., OTH008-Forrester, Kristina M., OTH009-Bentley, J.W., OTH010-Bentley, Maryann	08/11/11		DRG	ITV006			MB MB
208000	(D) Notice of Withdrawal of Motion to Compel Discovery Responses (Without Prejudice)	08/16/11		DRG	OTH009			HC HC
209000	(D) Opposition to Motion to Strike Filed by OTH007-Forrester, Donald S., OTH008-Forrester, Kristina M.	08/19/11		DRG	OTH007			MB MB
210000	(D) Order	08/24/11		DRG	000			MB MB
211000	(D) Order	08/24/11		DRG	000			MB MB
212000	(D) Reply to Opposition to Motion to Strike Filed by OTH009-Bentley, J.W., OTH010-Bentley, Maryann	08/26/11		DRG	OTH009			MB MB
213000	(D) Notice of Entry of Order	08/30/11		DRG	OTH017			MB MB
214000	(D) Stipulation to Extend Expert	08/30/11		DRG	OTH009			MB MB

Witness Disclosure

Filed by OTH009-Bentley, J.W., OTH010-Bentley, Maryann,
 ITV001-Hall Ranches, LLC., , ITV006-Scyphers, Thomas J.,
 ITV007-Scyphers, Kathleen M., ITV003-Scharo, Frank,
 ITV002-Sheridan Creek Equestrian Center, LLC., ,
 OTH007-Forrester, Donald S., OTH008-Forrester, Kristina M.,
 ITV004-Mitchell, Ronald R., ITV005-Mitchell, Ginger G.

Num/Seq	Description	Filed	Received	Party	Routed	Ruling	Closed	User ID
215000	(D) Order Granting Extension of Expert Witness Disclosure	08/31/11		DRG	000			MB MB
216000	(D) Notice of Entry of Order	09/01/11		DRG	000			MB MB
217000	(D) Case Appeal Statement Filed by OTH010-Bentley, Maryann, OTH009-Bentley, J.W.	09/13/11		DRG	OTH010			MB MB
218000	Receipt for Documents (Supreme Court)	09/16/11		DRG	000			HC HC
219000	(D) Bentley's Expert Witness Disclosure Filed by OTH009-Bentley, J.W., OTH010-Bentley, Maryann	10/17/11		DRG	OTH009			MB MB
220000	(D) Notice of Change of Law Firm Filed by OTH009-Bentley, J.W., OTH010-Bentley, Maryann	10/31/11		DRG	OTH009			MB MB
221000	(D) Bentley's Objections to Intervenor's Trial Exhibits Filed by OTH009-Bentley, J.W., OTH010-Bentley, Maryann	12/22/11		DRG	OTH009			MB MB
222000	(D) Objection to Bentleys' Proposed Trial Exhibits and Documents Filed by ITV006-Scyphers, Thomas J., ITV007-Scyphers, Kathleen M., OTH007-Forrester, Donald S., OTH008-Forrester, Kristina M., ITV002-Sheridan Creek Equestrian Center, LLC., , ITV004-Mitchell, Ronald R., ITV005-Mitchell, Ginger G.	12/29/11		DRG	ITV006			MB MB
223000	(D) Motion for Judicial View of the Premises Filed by ITV001-Hall Ranches, LLC., , ITV006-Scyphers, Thomas J., ITV007-Scyphers, Kathleen M., OTH007-Forrester, Donald S., OTH008-Forrester, Kristina M.	12/30/11		DRG	ITV001	Ruled	01/09/12	MB JT
224000	(D) Intervenor's Trial Statement Filed by ITV001-Hall Ranches, LLC., , ITV002-Sheridan Creek Equestrian Center, LLC., , ITV004-Mitchell, Ronald R., ITV005-Mitchell, Ginger G., ITV006-Scyphers, Thomas J., ITV007-Scyphers, Kathleen M.	12/30/11		DRG	ITV001			MB MB
225000	(D) Bentley's Pretrial Statement Filed by RPI017-Bentley, Maryann, RPI016-Bentley, J.W.	12/30/11		DRG	RPI017			MB MB
226000	(D) Motion in Limine No. 1	12/30/11		DRG	RPI016	Ruled	01/09/12	MB JT

Filed by RPI016-Bentley, J.W., RPI017-Bentley, Maryann

Num/Seq	Description	Filed	Received	Party	Routed	Ruling	Closed	User ID
227000	(D) Partial Opposition to Motion for Judicial View of the Premises Filed by RPI016-Bentley, J.W., RPI017-Bentley, Maryann	01/04/12	DRG	RPI016				MB MB
228000	(D) Opposition to Motion in Limine or in the Alternative Motion for Continuance and Order Requiring Independent Studies of Groundwater Loss	01/06/12	DRG	RES001				PG PG
229000	(D) Stipulation (Regarding Mitchell Transcript)	01/06/12	DRG	000				PG PG
230000	(D) Response to Opposition to Motion in Limine No. 1 and Motion to Continue Trial	01/06/12	DRG	OTH009				PG PG
231000	(D) Errata to Intervenors' Trial Statement Filed by ITV001-Hall Ranches, LLC., , ITV002-Sheridan Creek Equestrian Center, LLC., , ITV003-Scharo, Frank, ITV004-Mitchell, Ronald R., ITV005-Mitchell, Ginger G., ITV006-Scyphers, Thomas J., ITV007-Scyphers, Kathleen M.	01/06/12	DRG	ITV001				MB MB
232000	(D) Opposition to Motion in Limine No. 1 Filed by ITV001-Hall Ranches, LLC., , ITV002-Sheridan Creek Equestrian Center, LLC., , ITV003-Scharo, Frank, ITV004-Mitchell, Ronald R., ITV005-Mitchell, Ginger G., ITV006-Scyphers, Thomas J., ITV007-Scyphers, Kathleen M.	01/06/12	DRG	ITV001				MB MB
233000	(D) Transcript of Proceedings 1/13/12	01/17/12	DRG	000				MB MB
234000	(D) Transcript of Proceedings 1/13/12	01/24/12	DRG	000				MB MB
235000	(D) Order Dismissing Appeal (Supreme Court)	01/25/12	DRG	000				MB MB
236000	(D) Objection to Proposed Order Filed by OTH010-Bentley, Maryann, OTH009-Bentley, J.W.	01/27/12	DRG	OTH010				MB MB
237000	(D) Objection to Proposed Order and Motion to Make Additional Findings of Fact, Conclusions of Law, Order and Judgment Filed by OTH007-Forrester, Donald S., OTH008-Forrester, Kristina M., ITV007-Scyphers, Kathleen M., ITV006-Scyphers, Thomas J., ITV003-Scharo, Frank, ITV004-Mitchell, Ronald R., ITV005-Mitchell, Ginger G., ITV002-Sheridan Creek Equestrian Center, LLC.,	02/01/12	DRG	OTH007		Ruled	04/05/12	MB JT
238000	(D) Transcript of Proceedings (Bench Trial) Volume 1 - 1/9/12	02/03/12	DRG	000				MB MB
239000	(D) Transcript of Proceedings (Bench Trial)	02/03/12	DRG	000				MB MB

Trial) Volume 2 - 1/11/12

Num/Seq	Description	Filed	Received	Party	Routed	Ruling	Closed	User ID
240000	(D) Transcript of Proceedings (Bench Trial) Volume 3 - 1/12/12	02/03/12		DRG	000			MB MB
241000	(D) Transcript of Proceedings (Bench Trial) Volume 4 - 1/13/12	02/03/12		DRG	000			MB MB
242000	(D) Objection to Intervenor's Proposed Order Filed by OTH009-Bentley, J.W., OTH010-Bentley, Maryann	02/07/12		DRG	OTH009			MB MB
243000	(D) Reply in Support of Objections And Motion Filed by OTH007-Forrester, Donald S., OTH008-Forrester, Kristina M.	02/15/12		DRG	OTH007			BW BW
244000	Request for Submission	02/15/12		DRG	000			BW BW
245000	(D) Remittitur (Supreme Court)	02/22/12		DRG	000			MB MB
246000	(D) Clerk's Certificate - Supreme Court	02/22/12		DRG	000			MB MB
247000	(D) Order Dismissing Appeal	02/22/12		DRG	000			MB MB
248000	(D) Affidavit of Thomas J. Scyphers in Support of Third Motion for Division of Water and for Clarification of Prior Order	03/23/12		DRG	ITV006			MB MB
249000	(D) - Third Motion For Division of Water And For Clarification of Prior Order	03/23/12	04/16/12	DRG	OTH007	Moot	01/04/13	MB JT
250000	(D) Opposition to Third Motion for Division of Water and for Clarification of Prior Order	03/30/12		DRG	RES001			MB MB
251000	(D) Opposition to Third Motion for Division of Water and for Clarification of Prior Order Filed by OTH009-Bentley, J.W., OTH010-Bentley, Maryann	04/03/12		DRG	OTH009			MB MB
252000	(D) Findings of Fact, Conclusions of Law, Order and Judgment	04/05/12		DRG	000			MB MB
253000	(D) Notice of Entry of Judgment	04/10/12		DRG	000			MB MB
254000	(D) Reply in Support of Third Motion for Division of Water and for Clarification of Prior Order Filed by OTH007-Forrester, Donald S., OTH008-Forrester, Kristina M., ITV007-Scyphers, Kathleen M., ITV006-Scyphers, Thomas J., ITV002-Sheridan Creek Equestrian Center, LLC., , ITV003-Scharo, Frank	04/13/12		DRG	OTH007			MB MB

Num/Seq	Description	Filed	Received	Party	Routed	Ruling	Closed	User ID
255000	(D) Memorandum of Costs Filed by ITV002-Sheridan Creek Equestrian Center, LLC., , ITV003-Scharo, Frank, ITV006-Scyphers, Thomas J., ITV007-Scyphers, Kathleen M., OTH007-Forrester, Donald S., OTH008-Forrester, Kristina M.	04/13/12		DRG	ITV002			MB MB
256000	(D) Order	04/25/12		DRG	000			MB MB
257000	(D) Motion for Attorney's Fees Filed by OTH007-Forrester, Donald S., OTH008-Forrester, Kristina M., ITV001-Hall Ranches, LLC., , ITV003-Scharo, Frank, ITV006-Scyphers, Thomas J., ITV007-Scyphers, Kathleen M., ITV004-Mitchell, Ronald R., ITV005-Mitchell, Ginger G.	04/25/12		DRG	OTH007	Ruled	01/04/13	MB JT
258000	(D) Association of Attorneys Filed by OTH009-Bentley, J.W., OTH010-Bentley, Maryann	04/27/12		DRG	OTH009			MB MB
259000	(D) Stipulation Filed by ITV006-Scyphers, Thomas J., RPI016-Bentley, J.W., RPI017-Bentley, Maryann, ITV007-Scyphers, Kathleen M., ITV003-Scharo, Frank, ITV002-Sheridan Creek Equestrian Center, LLC., , ITV001-Hall Ranches, LLC., , OTH007-Forrester, Donald S., OTH008-Forrester, Kristina M., ITV004-Mitchell, Ronald R., ITV005-Mitchell, Ginger G.	05/02/12		DRG	ITV006			KW KW
260000	Notice of Appeal (D) Filed by RPI018-Kimmerling Trust, , RPI017-Bentley, Maryann, RPI016-Bentley, J.W., RPI015-Luther Creek, , RPI014-Beers Spring, RPI013-Miller Creek, , RPI012-Wheeler Creek No. 2, , RPI011-Wheeler Creek No. 1, , RPI010-Sharpe Spring, , RPI009-Gansberg Spring, , RPI008-Sheridan Creek, , RPI007-Stattdler Creek, , RPI006-Stutler Creek, , RPI005-Bulls Canyon, , RPI004-Monument Creek, , RPI003-Cary Creek, , RPI002-Taylor Creek, , RPI001-Mott Creek, , RES002-Taylor, Tracy, RES001-State Of Nevada,	05/03/12		DRG	RPI018			KW KW
261000	Case Appeal Statement (D) Filed by RPI018-Kimmerling Trust, , RPI017-Bentley, Maryann, RPI016-Bentley, J.W., RPI015-Luther Creek, , RPI014-Beers Spring, RPI013-Miller Creek, , RPI012-Wheeler Creek No. 2, , RPI011-Wheeler Creek No. 1, , RPI010-Sharpe Spring, , RPI009-Gansberg Spring, , RPI008-Sheridan Creek, , RPI007-Stattdler Creek, , RPI006-Stutler Creek, , RPI005-Bulls Canyon, , RPI004-Monument Creek, , RPI003-Cary Creek, , RPI002-Taylor Creek, , RPI001-Mott Creek, , RES002-Taylor, Tracy, RES001-State Of Nevada,	05/03/12		DRG	RPI018			KW KW
262000	Certificate of Deposit (D) Filed by RPI018-Kimmerling Trust, , RPI017-Bentley, Maryann, RPI016-Bentley, J.W., RPI015-Luther Creek, , RPI014-Beers Spring, RPI013-Miller Creek, , RPI012-Wheeler Creek No. 2, ,	05/03/12		DRG	RPI018			KW KW

RPI011-Wheeler Creek No. 1, , RPI010-Sharpe Spring, ,
 RPI009-Gansberg Spring, , RPI008-Sheridan Creek, ,
 RPI007-Stattdler Creek, , RPI006-Stutler Creek, , RPI005-Bulls
 Canyon, , RPI004-Monument Creek, , RPI003-Cary Creek, ,
 RPI002-Taylor Creek, , RPI001-Mott Creek, , RES002-Taylor, Tracy,
 RES001-State Of Nevada,

Num/Seq	Description	Filed	Received	Party	Routed	Ruling	Closed	User	ID
263000	(D) Order	05/10/12		DRG	000			MB	MB
264000	(D) Receipt for Documents (Supreme Court	05/21/12		DRG	000			MB	MB
265000	(D) Corrected Receipt for Documents Supreme Court	05/21/12		DRG	000			MB	MB
266000	(D) Motion to retax Costs and Opposition to Memorandum of Costs Filed by OTH009-Bentley, J.W., OTH010-Bentley, Maryann	05/22/12		DRG	OTH009	Ruled	01/04/13	MB	JT
267000	(D) Opposition to Motion for Attorney's Fees Filed by OTH009-Bentley, J.W., OTH010-Bentley, Maryann	05/22/12		DRG	OTH009			MB	MB
268000	(D) Reply in Support of Motion for Attorney's Fees Filed by ITV006-Scyphers, Thomas J., ITV007-Scyphers, Kathleen M., OTH007-Forrester, Donald S., OTH008-Forrester, Kristina M., ITV002-Sheridan Creek Equestrian Center, LLC., , ITV004-Mitchell, Ronald R., ITV005-Mitchell, Ginger G.	05/25/12		DRG	ITV006			MB	MB
269000	(D) Opposition to Motion to Retax Costs Filed by ITV002-Sheridan Creek Equestrian Center, LLC., , ITV004-Mitchell, Ronald R., ITV005-Mitchell, Ginger G., ITV006-Scyphers, Thomas J., ITV007-Scyphers, Kathleen M., OTH007-Forrester, Donald S., OTH008-Forrester, Kristina M.	05/25/12		DRG	ITV002			MB	MB
270000	Request for Submission Filed by ITV002-Sheridan Creek Equestrian Center, LLC., , ITV004-Mitchell, Ronald R., ITV005-Mitchell, Ginger G., ITV006-Scyphers, Thomas J., ITV007-Scyphers, Kathleen M., OTH007-Forrester, Donald S., OTH008-Forrester, Kristina M.	05/25/12		DRG	ITV002			MB	MB
271000	(D) Motion for Leave to File Sur-Reply Filed by OTH009-Bentley, J.W., OTH010-Bentley, Maryann	05/31/12		DRG	OTH009	Ruled	01/04/13	MB	JT
272000	(D) Sur-Reply Filed by OTH009-Bentley, J.W., OTH010-Bentley, Maryann	05/31/12		DRG	OTH009			MB	MB
273000	(D) Opposition to Motion For Leave to File Sur-Reply Filed by ITV007-Scyphers, Kathleen M., ITV006-Scyphers, Thomas J., ITV005-Mitchell, Ginger G., ITV004-Mitchell, Ronald R.,	06/06/12		DRG	ITV007			KW	KW

ITV003-Scharo, Frank, ITV002-Sheridan Creek Equestrian Center,
 LLC., , ITV001-Hall Ranches, LLC.,

Num/Seq	Description	Filed	Received	Party	Routed	Ruling	Closed	User ID
274000	(E) Order Setting Pre-Trial Conference	09/13/12		DRG	000			KW KW
275000	(E) Claimant's Supplement to Notice of Exceptions to the Final Order of Determination Regarding Proof of Appropriation No. V-08850; and Motions 1.) Motion to Allow Repair of Facilities and Allocation of Costs; 2.) Motion to Recognize Stockwater Rights 3.) Motion to Correct State Engineer's Errors in Acreage 4.) Motion to Condition Water Rights and Affidavit of Edward H. Groenendyke in Support	09/21/12		DRG	000			KW KW
276000	(D) Request for Transcript of Proceeding	09/24/12		DRG	000			KW KW
277000	(D) Certification of Compliance Re: Request for Transcript	09/24/12		DRG	000			KW KW
278000	(D) Request for Filing of Transcript of Proceedings	09/24/12		DRG	000			KW KW
279000	(E) Points and Authorities of Jerald R. Jackson, Trustee of the Jerald R. Jackson 1975 Trust, as Amended, and Irene M. Windholz Trustee of the Iren M. Windholz Trust Dated August 11, 1992, in Opposition to Motions of Edward H. Groenendyke Family Trust	10/09/12		DRG	000			MB MB
280000	Declaration of Jerald R. Jackson	10/09/12		DRG	000			MB MB
281000	(D-1) Order	10/11/12		DRG	000			KW KW
282000	(E) Errata to Exhibit 3 to the Affidavit of Edward H. Groenendyke in Support of teh Claimant's Supplement to Notice of Exceptions to the Final Order of Determination Regarding Proof of Appropriation No. V-08850 and Motions 1) Motion to Allow Repair of Facilities and Allocation of Costs; 2) Motion to Recognize Stockwater Rights 3) Motion to Correct State Engineer's Error's in Acreage 4) Motion to Condition Water Rights and Affidavit of Edward H. Groenendyke in Support	10/12/12		DRG	OTH011			KW KW
283000	(E) Response to Groenendyke's Supplement to Notice of Exceptions to the Final Order of Determination	10/12/12		DRG	RES001			KW KW
284000	(D-1) Notice of Intent to Defend Filed by ITV007-Scyphers, Kathleen M., ITV006-Scyphers, Thomas J., ITV005-Mitchell, Ginger G., ITV004-Mitchell, Ronald R., ITV003-Scharo, Frank, ITV002-Sheridan Creek Equestrian Center,	10/17/12		DRG	ITV007			KW KW

LLC., , ITV001-Hall Ranches, LLC.,

Num/Seq	Description	Filed	Received	Party	Routed	Ruling	Closed	User ID
285000	(E) Reply by Claimant Groenendyke Family Trusts in Support of Supplement and Motions	10/22/12		DRG	OTH011			KW KW
286000	(E) Opposition to Claimant's Supplement Notice of Exceptions to the Final Order of Determination Regarding Proof of Appropriation No. V-08850; And Motion 1) Motion to Allow Repair of Facilities and Allocation of Costs; 2) Motion to Recognize Stockwater Rights; 3) Motion to Correct State Engineer's Errors in Acreage; 4) Motion to Condition Water Rights; and Affidavit of Edward H. Groenendyke in Support	10/25/12		DRG	RPI017			KW KW
287000	(D1) Opening Brief of J.W. Bentley and Maryann Bentley	11/05/12		DRG	000			HC HC
288000	(D1) Request for Judicial Notice	11/05/12		DRG	000			HC HC
289000	Initial Appearance Fee Disclosure Filed by OTH018-Douglas, Myles S, OTH019-Douglas, Amy B	11/06/12		DRG	OTH018			KW KW
290000	(E) Opposition to Claimant's Supplement to Notice of Exceptions to the Final Order of Determination Regarding Proof of Appropriation No. V-08850; and Motions 1) Motion to Allow Repairs of Facilities and Allocation of Costs; 2) Motion to Recognize Stockwater Rights 3) Motion to Correct State Engineer's Errors in Acreage; 4) Motion to Condition Water Rights and Affidavit of Edward H. Groenendyke in Support Filed by OTH018-Douglas, Myles S, OTH019-Douglas, Amy B	11/06/12		DRG	OTH018			KW JT
291000	(E) Hearing Statement of Jerald R. Jackson, Trustee of the Jerald R. Jackson 1975 Trust, as Amended, and Irene M. Windholz, Trustee of the Irene M. Windholz Trust Dated August 11, 1992	11/08/12		DRG	000			KW MB
292000	(D1) Second Request for Judicial Notice Filed by OTH010-Bentley, Maryann, OTH009-Bentley, J.W.	11/13/12		DRG	OTH010			KW KW
293000	(E) List of Exhibits and Witnesses	11/29/12		DRG	RES001			BW BW
294000	Order	01/04/13		DRG	000			PG PG
295000	Judgment Entered Judgment	01/07/13	01/07/13	DRG	000	01/07/13 Moot	01/07/13	PG PG
296000	Notice of Recorded Judgment Judgment	01/07/13	01/07/13	DRG	000	01/07/13 Moot	01/07/13	PG PG

Num/Seq	Description	Filed	Received	Party	Routed	Ruling	Closed	User ID
297000	(D) Notice of Entry of Order Filed by ITV007-Scyphers, Kathleen M., ITV006-Scyphers, Thomas J., ITV005-Mitchell, Ginger G., ITV004-Mitchell, Ronald R., ITV003-Scharo, Frank, ITV002-Sheridan Creek Equestrian Center, LLC., , ITV001-Hall Ranches, LLC.,	01/09/13		DRG	ITV007			KW KW
298000	Transcript of Proceedings(E)-11/30/12	01/18/13		DRG	000			PG PG
299000	(D-1) Motion to Accept Filing of Opening Brief as Timely	01/18/13		DRG	PET001	Ruled	02/14/13	PG BH
300000	(D-1) Opening Brief of Petitioners Joy Smith, Daniel Barden and Elaine Barden	01/22/13		DRG	PET001			PG PG
301000	(D) Notice of Appeal	02/04/13		NTY	OTH009			HC HC
302000	(D) Case Appeal Statement	02/04/13		NTY	OTH009			HC HC
303000	Notice of Release	02/04/13		NTY	ITV001			HC HC
304000	(D1) Request for Submission	02/05/13		NTY	OTH009			PG PG
305000	(D1) Request for Submission	02/05/13		NTY	RPI016			PG PG
306000	(D1) Motion for Extension of Time to File a Response	02/07/13		NTY	RES001	Ruled	02/14/13	PG BH
307000	(D) Motion for Extension of Time to File Responses	02/12/13		NTY	ITV006	Ruled	02/14/13	PG BH
308000	(D1) Order	02/13/13		NTY	000			PG PG
309000	(D) Receipt for Documents (Supreme Court)	02/15/13		NTY	000			PG PG
310000	(D) Order Dismissing Appeal	02/19/13		NTY	000			PG PG
311000	(D1) Answering Brief to Petitioner's Opening Brief	03/13/13		NTY	RES001			PG PG
312000	(D1) Intervenor's Request for Judicial Notice Filed by ITV001-Hall Ranches, LLC., , ITV002-Sheridan Creek Equestrian Center, LLC., , ITV003-Scharo, Frank, ITV004-Mitchell, Ronald R., ITV005-Mitchell, Ginger G., ITV006-Scyphers, Thomas J., ITV007-Scyphers, Kathleen M.	03/15/13		NTY	ITV001			MB MB
313000	(D1) Intervenor's Request for Oral Argument Filed by ITV001-Hall Ranches, LLC., , ITV002-Sheridan Creek Equestrian Center, LLC., , ITV003-Scharo, Frank, ITV004-Mitchell, Ronald R., ITV005-Mitchell, Ginger G., ITV006-Scyphers, Thomas	03/15/13		NTY	ITV001			MB MB

J., ITV007-Scyphers, Kathleen M.

Num/Seq	Description	Filed	Received	Party	Routed	Ruling	Closed	User ID
314000	(D1) Intervenor's Answering Brief to Petitioners' Opening Brief Filed by ITV001-Hall Ranches, LLC., , ITV002-Sheridan Creek Equestrian Center, LLC., , ITV003-Scharo, Frank, ITV004-Mitchell, Ronald R., ITV006-Scyphers, Thomas J., ITV005-Mitchell, Ginger G., ITV007-Scyphers, Kathleen M.	03/15/13		NTY	ITV001			MB MB
315000	(D) Order Dismissing Appeal	03/15/13		NTY	000			MB MB
316000	(D) Remittitur	03/18/13		NTY	000			HC HC
317000	(D) Clerk's Certificate	03/18/13		NTY	000			HC HC
318000	(D) Order Dismissing Appeal (Supreme Ct.	03/18/13		NTY	000			HC HC
319000	(D-1) Stipulation and Order for Extension of Time to File Replies to Answering Briefs Filed by PET001-Smith, Joy, PET002-Barden, Daniel, PET003-Barden, Elaine	03/28/13		NTY	PET001			MB MB
320000	Request to Submit Filed by PET001-Smith, Joy, PET002-Barden, Daniel, PET003-Barden, Elaine	03/28/13		NTY	PET001			MB MB
321000	(D-1) Order	04/02/13		NTY	000			PG PG
322000	(D-1) Notice of Entry of Order	04/04/13		MPG	PET001			PG PG
323000	Clerk's Certificate (Supreme Court)	04/15/13		NTY	000			PG PG
324000	Remittitur (Supreme Court)	04/15/13		NTY	000			PG PG
325000	Order Dismissing Appeal	04/15/13		NTY	000			PG PG
326000	(D1) Reply to J.W. Bentley and MaryAnn Bentley to Intervenor's Answering Brief	04/15/13		NTY	OTH009			PG PG
327000	(D1) Reply of J. W. Bentley and MaryAnn Bentley to Answering Brief of Jason King, P.E., Nevada State Engineer	04/15/13		NTY	OTH009			PG PG
328000	(D1) Motion to Strike State Engineer's Exhibits	04/15/13		NTY	OTH009			PG PG
329000	(D1) Second Notice of Intent to Defend	04/29/13		NTY	ITV006			PG PG
330000	Order Releasing Bonds	05/06/13		NTY	000			PG PG
331000	(D) Notice of Entry of Order	05/10/13		NTY	OTH009			HC HC

Num/Seq	Description	Filed	Received	Party	Routed	Ruling	Closed	User ID
332000	(E) Notice of Change of Address	05/16/13		NTY	000		HC	HC
333000	(D-1) Joinder in Intervenor's Request for Oral Argument	06/07/13		NTY	PET001		PG	KW
334000	(D-1) Reply Brief of Petitioners Joy Smith, Daniel Barden and Elaine Barden	06/07/13		NTY	PET001		PG	PG
335000	Order Setting Hearing	08/08/13		NTY	000		PG	DG
336000	Request for Assignment of Judge	08/29/13		NTY	000		PG	PG
337000	Memorandum of Temporary Assignment	09/11/13		DRG	000		HC	HC
338000	(E) Transcript of Proceedings	09/16/13		DRG	000		HC	HC
339000	(DI) Transcript of Proceedings	09/16/13		DRG	000		HC	HC
340000	Transcript of Proceedings-Oral Arguments on Petition for Judicial Review 10/17/13	11/19/13		NTY	000		PG	PG
341000	(D1) Order	11/27/13		NTY	000		PG	PG
342000	(D1) Memorandum of Costs	12/04/13		NTY	ITV006		PG	PG
343000	(D1) Notice of Entry of Order	12/04/13		NTY	ITV006		PG	PG
344000	(D1) Opposition to Memorandum of Costs and Motion to Retax and Settle Costs	12/09/13		NTY	OTH009		PG	PG
345000	(D1) Joinder in Opposition to Memorandum of Costs and Motion to Retax and Settle Costs	12/10/13		NTY	PET001		PG	PG
346000	Certificate of Service Filed by PET003-Barden, Elaine, PET002-Barden, Daniel, PET001-Smith, Joy	12/11/13		NTY	PET003		DG	DG
349000	Affidavit of Service	12/12/13		NTY	000		MB	MB
347000	Withdrawal of Memorandum of Costs Without Prejudice	12/18/13		NTY	ITV006		PG	PG
348000	Motion to Amend Order to Include an Award of Costs	12/18/13		NTY	ITV006		PG	PG
350000	D1 - Notice of Appeal	12/23/13		NTY	000		BW	BW
351000	D1 - Case Appeal Statement	12/23/13		NTY	000		BW	BW
352000	(E) Order	12/26/13		DRG	000		PG	PG

Num/Seq	Description	Filed	Received	Party	Routed	Ruling	Closed	User ID
353000	(D1) Opposition to Motion to Amend Order 12/27/13 to Include an Award of Costs			NTY	OTH009			PG PG

BEGIN JUDGMENT(S) - CASE HISTORY

001 MONEY JUDGMENT

ORIGINAL JUDGMENT

Judgment Against: Bentley Family Trust 1995 Trust
Bentley, J.W.
Bentley, Maryann
Mott Creek

Judgment in Favor of: Hall Ranches, LLC., et al

Judgment Entry Date: 01/07/13

Amount of Judgment: \$7,127.05

Interest Amount: \$.00

Court Costs: \$.00

Attorney Fee: \$.00

END JUDGMENT(S) - CASE HISTORY

9TH JUDICIAL DISTRICT COURT
Ted Thran
Clerk of the Court
Ph 782-9820 Fax 782-9954
1625 8th Street
P.O. Box 218
Minden, NV 89423-0000
(775)-782-9820, TTY for Deaf: (775)-782-9964
(775) 782-9820

01/07/14

Case Number: 13-CV-00121-DC JR

Date Filed: 04/25/13

Status: Closed/Inactive

Judge Assigned: Young, Nathan Tod

Mott Creek Water/Bentley V St Of Nevada (Consolidated Into 08-CV-0363)

C A S E H I S T O R Y

CONSOLIDATED/RELATED CASES

Lead CaseID: 08-CV-00363-DC

SubCaseID Type Start End

13-CV-00121-DC C 10/17/13

INVOLVED PARTIES

Type	Num	Name (Last,First,Mid,Title)	Dispo	Entered
SPT	001	Taylor Creek	AH TRAN 10/17/	04/25/13
SPT	002	Cary Creek	AH TRAN 10/17/	04/25/13
		AKA Carey, Creek		
SPT	003	Monument Creek	AH TRAN 10/17/	04/25/13
SPT	004	Bulls Canyon	AH TRAN 10/17/	04/25/13
SPT	005	Stutler Creek	AH TRAN 10/17/	04/25/13
		AKA Stattler, Creek		
SPT	006	Sheridan Creek	AH TRAN 10/17/	04/25/13
SPT	007	Gansberg Spring	AH TRAN 10/17/	04/25/13
SPT	008	Sharpe Spring	AH TRAN 10/17/	04/25/13
SPT	009	Wheeler Creek No. 1	AH TRAN 10/17/	04/25/13
SPT	010	Wheeler Creek No. 2	AH TRAN 10/17/	04/25/13
SPT	011	Miller Creek	AH TRAN 10/17/	04/25/13
SPT	012	Miller Creek	AH TRAN 10/17/	04/25/13
SPT	013	Beers Spring	AH TRAN 10/17/	04/25/13
SPT	014	Luther Creek	AH TRAN 10/17/	04/25/13
PLT	001	Mott Creek Water Rights	AH TRAN 10/17/	04/25/13

Attorney: 5711 Matuska, Michael L
Brooke & Shaw

P. O. Box 2860
Minden, NV 89423
(702) 782-7171

Type	Num	Name (Last, First, Mid, Title)	Dispo	Entered
PLT	002	Bentley, J. W.	AH TRAN 10/17/	04/25/13
PLT	003	Bentley, Maryann	AH TRAN 10/17/	04/25/13
PET	001	Smith, Joy	AH TRAN 10/17/	06/28/13
Attorney: 6926 Prunty, Jessica C Dyer, Lawrence, Penrose, Flaherty & Donaldson 2805 N. Mountain Street Carson City, NV 89703 (775) 885-1896				
PET	002	Barden, Daniel	AH TRAN 10/17/	06/28/13
PET	003	Barden, Elaine	AH TRAN 10/17/	06/28/13
ITV	001	Scyphers, Thomas J.	AH TRAN 10/17/	05/31/13
INT	001	Scyphers, Kathleen M.	AH TRAN 10/17/	05/31/13
INT	002	Scharo, Frank	AH TRAN 10/17/	05/31/13
INT	003	Sheridan Creek Equestrian Center, LLC	AH TRAN 10/17/	05/31/13
INT	004	Forrester, Donald S.	AH TRAN 10/17/	05/31/13
INT	005	Forrester, Kristina M.	AH TRAN 10/17/	05/31/13
INT	006	Mitchell, Ronald R.	AH TRAN 10/17/	05/31/13
INT	007	Mitchell, Ginger G.	AH TRAN 10/17/	05/31/13
INT	008	Hall Ranches, LLC	AH TRAN 10/17/	05/31/13
DEF	001	State Of Nevada	AH TRAN 10/17/	04/25/13
DEF	002	Office Of The State Engineer	AH TRAN 10/17/	04/25/13

JUDGE HISTORY

JUDGE ASSIGNED	Type	Assign	Date	Removal	RSN
NTY Young, Nathan Tod	J		04/25/13		

DOCUMENT TRACKING

Num/Seq	Description	Filed	Received	Party	Routed	Ruling	Closed	User ID
001000	Notice of and Petition for Judicial Review	04/25/13		NTY 000		Moot	10/17/13 PG	MB
002000	Notice of Intent to Defend	05/17/13		NTY DEF002		Moot	10/17/13 PG	MB
003000	Notice of Intent to Defend	06/04/13		TBA 000		Moot	10/17/13 PG	MB
004000	Motion for Consolidation	06/13/13		NTY ITV001		Moot	10/17/13 PG	MB
005000	Opposition to Motion for Consolidation	06/26/13		NTY PLT002		Moot	10/17/13 HC	MB

Num/Seq	Description	Filed	Received	Party	Routed	Ruling	Closed	User ID
006000	Response To The Motion to Consolidate and Motion to Hold Briefing in Abeyance	06/28/13		NTY	PET001	Moot	10/17/13 PG	MB
007000	Order	07/11/13		NTY	000	Moot	10/17/13 PG	MB
008000	Summary of Record on Appeal	07/16/13		NTY	DEF002	Moot	10/17/13 HC	MB
009000	Reply in Support of Motion for Consolidation	07/24/13		NTY	ITV001	Moot	10/17/13 PG	MB
010000	Order	11/27/13		NTY	000	Moot	10/17/13 PG	MB
011000	Notice of Appeal	12/23/13		NTY	000	Moot	10/17/13 BW	MB
012000	Case Appeal Statement	12/23/13		NTY	000	Moot	10/17/13 BW	MB

9TH JUDICIAL DISTRICT COURT
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Minden, NV 89423-0000
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(775) 782-9820

01/07/14

Case Number: 12-CV-00141-DC JR

Date Filed: 04/30/12

Status: Open/Active

Judge Assigned: Gamble, David

ITMO Rights Waters Of Mott Creek (Consolidated Into 08-CV-0363 D-1)

C A S E H I S T O R Y

INVOLVED PARTIES

Type	Num	Name (Last, First, Mid, Title)	Dispo	Entered
PLT	001	ITMO The Determination Of Relative Rights Waters Of Mott Cre		04/30/12
		Attorney: 002083 Penrose, James		
		PO Box 2426		
		Carson City, NV 89702		
PLT	002	Smith, Joy		04/30/12
PLT	003	Barden, Daniel		04/30/12
PLT	004	Barden, Elaine		04/30/12
OTH	001	Mott Creek		04/30/12
OTH	002	Taylor Creek		04/30/12
OTH	003	Taylor Creek		04/30/12
OTH	004	Cary Creek		04/30/12
OTH	005	Monument Creek		04/30/12
OTH	006	Bulls Canyon		04/30/12
OTH	007	Stutler Creek		04/30/12
OTH	008	Sheridan Creek		04/30/12
OTH	009	Gansberg Spring		04/30/12
OTH	010	Wheeler Creek No. 1		04/30/12
OTH	011	Sharpe Spring		04/30/12
OTH	012	Wheeler Creek No. 2		04/30/12
OTH	013	Miller Creek		04/30/12
OTH	014	Beers Spring		04/30/12
OTH	015	Luther Creek		04/30/12
OTH	016	Scyphers, Thomas J.		05/25/12
		Attorney: 000675 Hall, Thomas		
		PO Box 3948		
		Reno, NV 89505		

Type	Num	Name (Last, First, Mid, Title)	Dispo	Entered
OTH	017	Scyphers, Kathleen M.		05/25/12
OTH	018	Scharo, Frank		05/25/12
OTH	019	Sheridan Creek Equestrian Center LLC		05/25/12
OTH	020	Forrester, Donald S.		05/25/12
OTH	021	Forrester, Kristina M.		05/25/12
OTH	022	Mitchell, Ronald R.		05/25/12
OTH	023	Mitchell, Ginger G.		05/25/12
OTH	024	Hall Ranches LLC.		05/25/12
DEF	001	State Of Nevada, Office Of The State Engineer		04/30/12

JUDGE HISTORY

JUDGE ASSIGNED	Type	Assign Date	Removal	RSN
DRG Gamble, David	J	04/30/12		

DOCUMENT TRACKING

Num/Seq	Description	Filed	Received	Party	Routed	Ruling	Closed	User ID
001000	Notice of and Petition for Judicial Review	04/30/12		DRG	000			MB MB
002000	Certificate of Service Filed by PLT001-ITMO The Determination Of Relative Rights Waters Of Mott Creek, , PLT002-Smith, Joy, PLT003-Barden, Daniel, PLT004-Barden, Elaine	05/08/12		DRG	PLT001			MB MB
003000	Notice of Intent to Defend	05/22/12		DRG	DEF001			MB MB
004000	Motion to Intervene Filed by OTH024-Hall Ranches LLC., , OTH023-Mitchell, Ginger G., OTH022-Mitchell, Ronald R., OTH021-Forrester, Kristina M., OTH020-Forrester, Donald S., OTH019-Sheridan Creek Equestrian Center LLC, , OTH018-Scharo, Frank, OTH017-Scyphers, Kathleen M., OTH016-Scyphers, Thomas J.	05/25/12	06/27/12	DRG	OTH024	Ruled	10/10/12	MB JT
005000	Opposition to Motion to Intervene Filed by PLT004-Barden, Elaine, PLT003-Barden, Daniel, PLT002-Smith, Joy	06/08/12		DRG	PLT004			KW KW
006000	Reply in Support of Motion to Intervene Filed by OTH016-Scyphers, Thomas J., OTH017-Scyphers, Kathleen M., OTH019-Sheridan Creek Equestrian Center LLC, , OTH020-Forrester, Donald S., OTH021-Forrester, Kristina M., OTH022-Mitchell, Ronald R., OTH023-Mitchell, Ginger G., OTH024-Hall Ranches LLC.,	06/22/12		DRG	OTH016			KW KW

Num/Seq	Description	Filed	Received	Party	Routed	Ruling	Closed	User ID
008000	Motion to Consolidate	07/02/12	08/06/12	DRG	DEF001	Ruled	10/10/12	KW JT
009000	Partial Opposition to the Motion to Consolidate	07/19/12		DRG	PLT002			PG PG
010000	Order	10/11/12		DRG	000			KW KW
011000	Order	11/27/13		NTY	000			PG PG
012000	Notice of Appeal	12/23/13		NTY	000			BW BW
013000	Case Appeal Statement	12/23/13		NTY	000			BW BW

9TH JUDICIAL DISTRICT COURT
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Minden, NV 89423-0000
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(775) 782-9820

01/07/14

Case Number: 12-CV-00145-DC JR

Date Filed: 05/03/12

Status: Open/Active

Judge Assigned: Gamble, David

ITMO Relative Rights To Water Of Mott (Consolidated Into 08-CV-0363 D-

C A S E H I S T O R Y

INVOLVED PARTIES

Type	Num	Name (Last, First, Mid, Title)	Dispo	Entered
RES	001	State Of Nevada, Office Of The State Engineer		05/03/12
PET	001	Bentley, J.W.		05/03/12
		Attorney: 5711 Matuska, Michael L Brooke & Shaw P. O. Box 2860 Minden, NV 89423 (702)782-7171		
PET	002	Bentley, Maryann		05/03/12
PET	003	Bentley Family 1995 Trust		05/03/12
OTH	001	Scyphers, Thomas J.		05/25/12
		Attorney: 000675 Hall, Thomas PO Box 3948 Reno, NV 89505		
OTH	002	Scyphers, Kathleen M.		05/25/12
OTH	003	Scharo, Frank		05/25/12
OTH	004	Sheridan Creek Equestrian Center LLC		05/25/12
OTH	005	Forrester, Donald S.		05/25/12
OTH	006	Forrester, Kristina M.		05/25/12
OTH	007	Mitchell, Ronald R.		05/25/12
OTH	008	Mitchell, Ginger G.		05/25/12
OTH	009	Hall Ranches LLC.		05/25/12

JUDGE HISTORY

JUDGE ASSIGNED	Type	Assign Date	Removal RSN
DRG Gamble, David	J	05/03/12	

DOCUMENT TRACKING

Num/Seq	Description	Filed	Received	Party	Routed	Ruling	Closed	User ID
001000	Notice of and Petition for Judicial Review Filed by PET001-Bentley, J.W., PET002-Bentley, Maryann, PET003-Bentley Family 1995 Trust,	05/03/12	DRG	PET001				KW KW
002000	Motion to Disqualify Judge Filed by PET001-Bentley, J.W., PET002-Bentley, Maryann	05/08/12	DRG	PET001		Ruled	05/17/12	MB JT
003000	Affidavit and Certificate of Michael L. Matuska in Support of Motion to Disqualify Judge Filed by PET001-Bentley, J.W., PET002-Bentley, Maryann	05/08/12	DRG	PET001				MB MB
004000	Affidavit of J.W. Bentley in Support of Motion to Disqualify Judge	05/08/12	DRG	PET001				MB MB
005000	Answer	05/15/12	DRG	000				MB MB
006000	Order	05/17/12	DRG	000				MB MB
007000	Response to Answer Filed by PET002-Bentley, Maryann, PET001-Bentley, J.W.	05/18/12	DRG	PET002				MB MB
008000	Request to Submit Filed by PET001-Bentley, J.W., PET002-Bentley, Maryann	05/18/12	DRG	PET001				MB MB
009000	Notice of Intent to Defend	05/22/12	DRG	RES001				MB MB
010000	Motion to Intervene Filed by OTH001-Scyphers, Thomas J., OTH009-Hall Ranches LLC., , OTH007-Mitchell, Ronald R., OTH008-Mitchell, Ginger G., OTH006-Forrester, Kristina M., OTH005-Forrester, Donald S., OTH004-Sheridan Creek Equestrian Center LLC, , OTH003-Scharo, Frank, OTH002-Scyphers, Kathleen M.	05/25/12 06/27/12	DRG	OTH001		Ruled	10/10/12	MB JT
011000	Opposition to Motion to Intervene	06/11/12	DRG	000				BW BW
012000	Order Denying Motion To Disqualify Judge David R. Gamble	06/14/12	DRG	000				BW BW
016000	Reply in Support of Motion to Intervene	06/22/12	DRG	000				LB LB

Num/Seq	Description	Filed	Received	Party	Routed	Ruling	Closed	User ID
013000	Motion to Consolidate	07/02/12	08/06/12	DRG	RES001	Ruled	10/10/12	KW JT
014000	Opposition to Motion to Consolidate Filed by PET001-Bentley, J.W., PET002-Bentley, Maryann	07/05/12		DRG	PET001			KW KW
017000	Order	10/11/12		DRG	000			KW KW
018000	Notice of Appeal	12/23/13		NTY	000			BW BW
019000	Case Appeal Statement	12/23/13		NTY	000			BW BW

Consolidated Case No. 08-CV-0363-DE
Case No. 12-CV-0141
Case No. 13-CV-0120
FILED
2013 NOV 27 AM 9:33

Dept. No. 1

CLERK
BY *[Signature]* DEPUTY

RECEIVED

NOV 27

DOUGLAS COUNTY
DISTRICT COURT

IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF DOUGLAS

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 County, Nevada.

J.W. BENTLEY and MARY ANN
BENTLEY, TRUSTEES OF THE
BENTLEY FAMILY 1995 TRUST; JOY
SMITH, DANIEL BARDEN and ELAINE
BARDEN,

ORDER

Petitioners,

v.

STATE OF NEVADA, OFFICE OF
THE STATE ENGINEER,

Respondent.

THIS MATTER came before the Court on October 17, 2013, on petitions for judicial review ("Petitions") filed on April 30, 2012, and April 24, 2013. The Petitioners Joy Smith, Daniel Barden and Elaine Barden ("Smith and Barden") were represented by Jessica C. Prunty,

1 Esq., of Dyer, Lawrence, Penrose, Flaherty, Donaldson & Prunty. The Petitioners J.W.
2 Bentley and Mary Ann Bentley ("Bentleys") were represented by Michael L. Matuska, Esq., of
3 Matuska Law Offices, Ltd. The Respondent State of Nevada, Office of the State Engineer
4 ("State Engineer") was represented by Senior Deputy Attorney General Bryan L. Stockton,
5 Esq. The following individuals and entities participated in defense of the State Engineer, to
6 wit: Thomas Scyphers, Kathleen Scyphers, Frank Scharo, Sheridan Creek Equestrian Center,
7 LLC, Donald Forrester, Kristina Forrester, Ronald Mitchell, Ginger Mitchell and Hall
8 Ranches, LLC, (collectively "Intervenors") and were represented by Thomas J. Hall, Esq.

9
10 These matters have been fully briefed by the parties. The Court, having read all of the
11 pleadings, including the petitions, the opening, answering and reply briefs, all requests for
12 Judicial Notice and the previous orders entered herein. The Court, having also reviewed partial
13 transcripts of the previous trial held herein, and having heard oral arguments and rendered an
14 oral decision on October 17, 2013,

15
16 NOW THEREFORE, the Court makes the following findings, conclusions and orders
17 as follows:

18
19 1. On October 11, 2012, this Court ordered two previous Petitions for Judicial
20 Review, which were filed in Case Nos. 12-CV-0141 and 12-CV-0145, shall be consolidated
21 "into NJDC Case No. 08-CV-0363 and are hereby assigned the subsection designation of
22 NJDC Case No. 08-CV-0363-D-1." That Order is hereby confirmed.

23
24 2. The Motion to Consolidate filed herein on June 13, 2013, is granted and the
25 Petition for Judicial Review filed under Case No. 13-CV-0121 shall be consolidated with the
26 ongoing adjudication proceedings under Case No. 08-CV-0363-D-1.

27
28 3. The Requests for Judicial Notice filed on November 5, 2012, and November 12,
2012, by the Bentleys, and on March 14, 2013, by the Intervenors, are hereby granted.

1 4. The Petitions are not moot even though the rotation schedules ordered in 2012
2 and 2013 expired at the end of each irrigation season, as the issues raised by Petitioners are
3 capable of repetition, yet evading timely appellate review.

4 5. Water is a scarce and precious resource in the State of Nevada and every effort
5 should be made to conserve all available water resources.

6 6. Water is important for drinking and it is important for the rest of our lives, for
7 everything that the parties here use it for, for livestock, for agriculture, for ponds for fish and
8 for the enjoyment of life.

9 7. There is not enough water available in this part of the country for everything
10 that all of the parties want to use it for.

11 8. On August 14, 2008, the State Engineer filed his Final Order of Determination
12 which provides for the parties' water rights as follows (at page 194):

13 The diversion rates for the north and south split of Sheridan Creek are based on
14 a spring and early summer average stream flow of 3.5 c.f.s. Flow and diversion
15 rates during periods of drought and middle to late irrigation season will
16 generally be less than the rates determined in the Preliminary Order of
17 Determination. Therefore, all parties will have to share the water shortage
18 during periods of low flow. The total diversion from either the north or south
19 split can be used in its entirety in a rotation system of irrigation.

20 [Emphasis added.]

21 9. Pursuant to NRS 533.450(10), "[t]he decision of the State Engineer shall be
22 prima facie correct, and the burden of proof shall be upon the party attacking the same."

23 10. On appeal, the function of this Court is to review the evidence on which the
24 State Engineer based his decision, and ascertain whether the evidence supports the decision. If
25 so, the Court is bound to sustain the State Engineer's decision. State Engineer v. Curtis Park,
26 101 Nev. 30, 32, 692 P.2d 495 (1985).
27

1 11. In the absence of an agreement of the parties pursuant to NRS 533.075, the
2 Court may by its orders fix the times when, by rotation, the whole may be used by each at
3 different times in proportion to their respective rights.
4

5 12. This Court entered Findings of Fact, Conclusions of Law and Judgment, on
6 April 5, 2012 ("Judgment"), ordering the State Engineer to impose a rotation schedule on the
7 water rights from the North Diversion of Sheridan Creek and tributaries subject to certain
8 conditions stated in the Judgment.

9 13. Whenever the flow in the North Diversion of Sheridan Creek and tributaries is
10 below 2.0 cubic feet per second (cfs), a rotation schedule would be needed to avoid injury to
11 the water users.
12

13 14. Pursuant to the Judgment entered herein by District Judge David R. Gamble
14 (Retired), on April 5, 2012, when the combined flow from the North Diversion of Sheridan
15 Creek and tributaries drops below 2.0 cfs, the State Engineer shall impose a rotation schedule.
16

17 15. The rotation schedule shall be in effect from the time the North Diversion of
18 Sheridan Creek flow drops below 2.0 cfs until superseded, until the flow rises to above 2.0 cfs
19 or until the schedule is stayed or modified by this Court.

20 16. The rotation schedule shall be prepared at the beginning of each irrigation
21 season to allow review by this Court, under NRS 533.450, if any party challenges the schedule.
22

23 17. Substantial evidence supports this Court's decision and Judgment for rotation
24 and the State Engineer's implementation of the same.

25 18. The rotation of the available water has been properly ordered by this Court and
26 properly implemented by the State Engineer.

27 19. The Court does not find that the rotation order was illegal.
28

1 20. It is not the function of this Court to readdress the prior decision and Judgment
2 of this Court entered April 5, 2012.

3 21. The Judgment entered by this Court on April 5, 2012, will not be amended via
4 these proceedings.

5 22. This Court has jurisdiction over the action and the parties, and has the legal
6 authority to order the State Engineer to implement rotation of water during periods of low
7 flow.

8 23. The Petition for Judicial Review filed in Case No. 12-CV-0141 is hereby denied
9 in all regards.

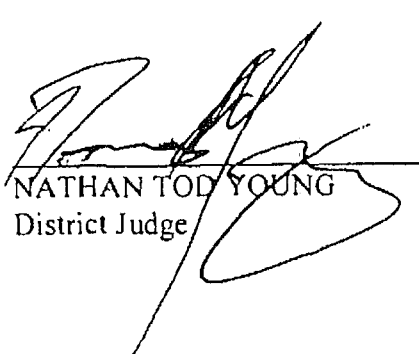
10 24. The Petition for Judicial Review filed in Case 12-CV-0145 is hereby denied in
11 all regards.

12 25. The Petition for Judicial Review filed in Case 13-CV-0121 is hereby denied in
13 all regards.

14 26. This Order shall apply in a continuing fashion to all future rotation schedules
15 imposed until such time as the Final Decree is entered herein.

16 IT IS SO ORDERED.

17 Dated this 27 day of November, 2013.

18
19
20
21
22 
NATHAN TOD YOUNG
District Judge

23
24 Originally submitted by:
25 Thomas J. Hall, Esq.
26 Law Offices of Thomas J. Hall

27 Subsequently edited by:
28 Nathan Tod Young
District Judge

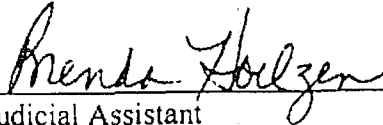
1 Copies served by mail this 27 day of November, 2013, to:

2 Bryan L. Stockton, Esq.
3 Deputy Attorney General
4 State of Nevada
5 100 North Carson Street
6 Carson City, NV 89701

7 Michael L. Matuska, Esq.
8 937 Mica Drive, #16A
9 Carson City, NV 89705

10 Thomas J. Hall, Esq.
11 P. O. Box 3948
12 Reno, NV 89505-3948

13 Jessica C. Prunty, Esq.
14 2805 Mountain Street
15 Carson City, NV 89703


Judicial Assistant

ORIGINAL

Consolidated Case No.: 08-CV-0363-D1
Case No.: 12-CV-0141
Case No.: 13-CV-0121

Dept. No.: I

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

RECEIVED

DEC 04 2013

DOUGLAS COUNTY
DISTRICT COURT CLERK

FILED

2013 DEC -4 PM 12:44

TED THUAN
CLERK
BY *[Signature]* DEPUTY

IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR DOUGLAS COUNTY

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
County, Nevada.

NOTICE OF ENTRY
OF ORDER

J.W. BENTLEY and MARYANN BENTLEY,
Trustees of the Bentley Family 1995
Trust; JOY SMITH, DANIEL BARDEN,
and ELAINE BARDEN,

Petitioners,

vs.

State of Nevada, Office of the
State Engineer,

Respondent.

1 PLEASE TAKE NOTICE that the on the 27th day of November,
2 2013, the Court entered its Order in the above-referenced
3 matter. A copy is attached hereto as Exhibit 1.
4

5 The undersigned does hereby affirm that the preceding
6 document does not contain the social security number of any
7 person.

8 DATED this 2nd day of December, 2013.

9 LAW OFFICES OF THOMAS J. HALL

10 
11

12 Thomas J. Hall, Esq.
13 Nevada State Bar No. 675
14 305 South Arlington Avenue
15 Post Office Box 3948
16 Reno, Nevada 89505
17 Telephone: 775-348-7011
18 Facsimile: 775-348-7211
19
20
21
22
23
24
25
26
27
28

1
2
3 **CERTIFICATE OF SERVICE BY MAIL**
4

5 I certify that I am an employee of Thomas J. Hall, Esq.,
6 and that on this date, pursuant to NRCP 5(b), I placed in the
7 U.S. Mail, postage prepaid, a true and correct copy of the
8 preceding document addressed to:

9 Matuska Law Offices, Ltd.
10 Michael L. Matuska, Esq.
11 937 Mica Drive, Suite 16A
12 Carson City, Nevada 89705

Sheridan Creek Equestrian
Glenn A. Roberson, Jr.
281 Tiger Wood Court
Gardnerville, Nevada 89460

13 Bryan L. Stockton, Esq.
14 Senior Deputy Attorney General
15 100 North Carson Street
16 Carson City, Nevada 89701

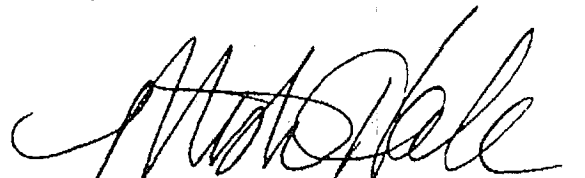
Donald S. Forrester
Kristina M. Forrester
913 Sheridan Lane
Gardnerville, Nevada 89460

17 Jessica C. Prunty, Esq.
18 Dyer, Lawrence, Penrose,
19 Flaherty, Donaldson & Prunty
20 2805 Mountain Street
21 Carson City, Nevada 89703

Frank Scharo
Post Office Box 1225
Minden, Nevada 89423

22 Ronald R. Mitchell
23 Ginger G. Mitchell
24 Post Office Box 5607
25 Stateline, Nevada 89449

26
27 DATED this 2nd day of December, 2013.
28


Misti Hale

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EXHIBIT LIST

EXHIBIT 1: Order entered November 27, 2013.

EXHIBIT 1

EXHIBIT 1

RECEIVED

NOV 27 2013

DOUGLAS COUNTY
DISTRICT COURT CLERK

2013 NOV 27 AM 9:33

TED THUAN
CLERK
BY: GREGG
DEPUTY

Consolidated Case No. 08-CV-0363-D1
Case No. 12-CV-0141
Case No. 13-CV-0121

Dept. No. I

IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF DOUGLAS

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 County, Nevada.

ORDER

J.W. BENTLEY and MARY ANN
BENTLEY, TRUSTEES OF THE
BENTLEY FAMILY 1995 TRUST; JOY
SMITH, DANIEL BARDEN and ELAINE
BARDEN,

Petitioners,

v.

STATE OF NEVADA, OFFICE OF
THE STATE ENGINEER,

Respondent.

THIS MATTER came before the Court on October 17, 2013, on petitions for judicial review ("Petitions") filed on April 30, 2012, and April 24, 2013. The Petitioners Joy Smith, Daniel Barden and Elaine Barden ("Smith and Barden") were represented by Jessica C. Prunty,

1 Esq., of Dyer, Lawrence, Penrose, Flaherty, Donaldson & Prunty. The Petitioners J.W.
2 Bentley and Mary Ann Bentley ("Bentleys") were represented by Michael L. Matuska, Esq., of
3 Matuska Law Offices, Ltd. The Respondent State of Nevada, Office of the State Engineer
4 ("State Engineer") was represented by Senior Deputy Attorney General Bryan L. Stockton,
5 Esq. The following individuals and entities participated in defense of the State Engineer, to
6 wit: Thomas Scyphers, Kathleen Scyphers, Frank Scharo, Sheridan Creek Equestrian Center,
7 LLC, Donald Forrester, Kristina Forrester, Ronald Mitchell, Ginger Mitchell and Hall
8 Ranches, LLC, (collectively "Intervenors") and were represented by Thomas J. Hall, Esq.

9
10 These matters have been fully briefed by the parties. The Court, having read all of the
11 pleadings, including the petitions, the opening, answering and reply briefs, all requests for
12 Judicial Notice and the previous orders entered herein. The Court, having also reviewed partial
13 transcripts of the previous trial held herein, and having heard oral arguments and rendered an
14 oral decision on October 17, 2013,

15
16 NOW THEREFORE, the Court makes the following findings, conclusions and orders
17 as follows:

18
19 1. On October 11, 2012, this Court ordered two previous Petitions for Judicial
20 Review, which were filed in Case Nos. 12-CV-0141 and 12-CV-0145, shall be consolidated
21 "into NJDC Case No. 08-CV-0363 and are hereby assigned the subsection designation of
22 NJDC Case No. 08-CV-0363-D-1." That Order is hereby confirmed.

23
24 2. The Motion to Consolidate filed herein on June 13, 2013, is granted and the
25 Petition for Judicial Review filed under Case No. 13-CV-0121 shall be consolidated with the
26 ongoing adjudication proceedings under Case No. 08-CV-0363-D-1.

27
28 3. The Requests for Judicial Notice filed on November 5, 2012, and November 12,
2012, by the Bentleys, and on March 14, 2013, by the Intervenors, are hereby granted.

1 4. The Petitions are not moot even though the rotation schedules ordered in 2012
2 and 2013 expired at the end of each irrigation season, as the issues raised by Petitioners are
3 capable of repetition, yet evading timely appellate review.

4 5. Water is a scarce and precious resource in the State of Nevada and every effort
5 should be made to conserve all available water resources.

6 6. Water is important for drinking and it is important for the rest of our lives, for
7 everything that the parties here use it for, for livestock, for agriculture, for ponds for fish and
8 for the enjoyment of life.

9 7. There is not enough water available in this part of the country for everything
10 that all of the parties want to use it for.

11 8. On August 14, 2008, the State Engineer filed his Final Order of Determination
12 which provides for the parties' water rights as follows (at page 194):

13 The diversion rates for the north and south split of Sheridan Creek are based on
14 a spring and early summer average stream flow of 3.5 c.f.s. Flow and diversion
15 rates during periods of drought and middle to late irrigation season will
16 generally be less than the rates determined in the Preliminary Order of
17 Determination. Therefore, all parties will have to share the water shortage
18 during periods of low flow. The total diversion from either the north or south
19 split can be used in its entirety in a rotation system of irrigation.

20 [Emphasis added.]

21 9. Pursuant to NRS 533.450(10), "[t]he decision of the State Engineer shall be
22 prima facie correct, and the burden of proof shall be upon the party attacking the same."

23 10. On appeal, the function of this Court is to review the evidence on which the
24 State Engineer based his decision, and ascertain whether the evidence supports the decision. If
25 so, the Court is bound to sustain the State Engineer's decision. State Engineer v. Curtis Park,
26 101 Nev. 30, 32, 692 P.2d 495 (1985).
27

1 11. In the absence of an agreement of the parties pursuant to NRS 533.075, the
2 Court may by its orders fix the times when, by rotation, the whole may be used by each at
3 different times in proportion to their respective rights.
4

5 12. This Court entered Findings of Fact, Conclusions of Law and Judgment, on
6 April 5, 2012 ("Judgment"), ordering the State Engineer to impose a rotation schedule on the
7 water rights from the North Diversion of Sheridan Creek and tributaries subject to certain
8 conditions stated in the Judgment.

9 13. Whenever the flow in the North Diversion of Sheridan Creek and tributaries is
10 below 2.0 cubic feet per second (cfs), a rotation schedule would be needed to avoid injury to
11 the water users.
12

13 14. Pursuant to the Judgment entered herein by District Judge David R. Gamble
14 (Retired), on April 5, 2012, when the combined flow from the North Diversion of Sheridan
15 Creek and tributaries drops below 2.0 cfs, the State Engineer shall impose a rotation schedule.
16

17 15. The rotation schedule shall be in effect from the time the North Diversion of
18 Sheridan Creek flow drops below 2.0 cfs until superseded, until the flow rises to above 2.0 cfs
19 or until the schedule is stayed or modified by this Court.

20 16. The rotation schedule shall be prepared at the beginning of each irrigation
21 season to allow review by this Court, under NRS 533.450, if any party challenges the schedule.

22 17. Substantial evidence supports this Court's decision and Judgment for rotation
23 and the State Engineer's implementation of the same.
24

25 18. The rotation of the available water has been properly ordered by this Court and
26 properly implemented by the State Engineer.

27 19. The Court does not find that the rotation order was illegal.
28

1 20. It is not the function of this Court to readdress the prior decision and Judgment
2 of this Court entered April 5, 2012.

3 21. The Judgment entered by this Court on April 5, 2012, will not be amended via
4 these proceedings.

5 22. This Court has jurisdiction over the action and the parties, and has the legal
6 authority to order the State Engineer to implement rotation of water during periods of low
7 flow.

8 23. The Petition for Judicial Review filed in Case No. 12-CV-0141 is hereby denied
9 in all regards.

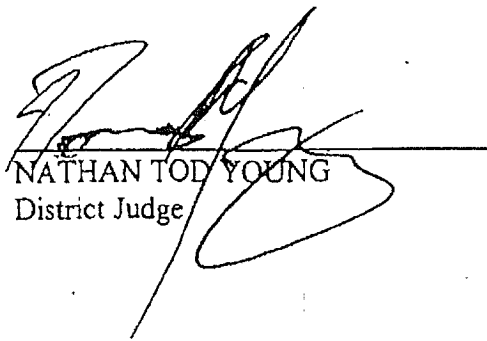
10 24. The Petition for Judicial Review filed in Case 12-CV-0145 is hereby denied in
11 all regards.

12 25. The Petition for Judicial Review filed in Case 13-CV-0121 is hereby denied in
13 all regards.

14 26. This Order shall apply in a continuing fashion to all future rotation schedules
15 imposed until such time as the Final Decree is entered herein.

16 IT IS SO ORDERED.

17 Dated this 27 day of November, 2013.

18
19
20
21
22 
23 NATHAN TOD YOUNG
 District Judge

24 Originally submitted by:
25 Thomas J. Hall, Esq.
26 Law Offices of Thomas J. Hall

27 Subsequently edited by:
28 Nathan Tod Young
 District Judge

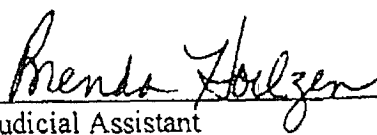
1 Copies served by mail this 27 day of November, 2013, to:

2 Bryan L. Stockton, Esq.
3 Deputy Attorney General
4 State of Nevada
5 100 North Carson Street
6 Carson City, NV 89701

7 Michael L. Matuska, Esq.
8 937 Mica Drive, #16A
9 Carson City, NV 89705

10 Thomas J. Hall, Esq.
11 P. O. Box 3948
12 Reno, NV 89505-3948

13 Jessica C. Prunty, Esq.
14 2805 Mountain Street
15 Carson City, NV 89703


Judicial Assistant

CASE NO. 08-CV-0363 D-1 and 13-CV-0121

DEPT NO. I

ITMO THE DETERMINATION OF THE WATERS
OF MOTT CREEL, et al.,

JOY SMITH, DANIEL BADEN AND ELAINE
BARDEN,

Petitioners'

J.W. BENTLEY AND MARY ANN BENTLEY,
TRUSTEES OF THE BENTLEY FAMILY 1995
TRUST,

Petitioners',

v.

STATE OF NEVADA, OFFICE OF THE STATE
ENGINEER,

Respondent,

DATE: 10/17/13

JUDGE: NATHAN TOD YOUNG

CLERK: Mary Biaggini

COURT REPORTER: Christy Joyce

LAW CLERK: John Seddon

BAILIFFS: Rick Sousa/Eric Lindsay

OTHERS PRESENT: Steve Walmsley - State Engineer
Frank Scharro - Intervener
Thomas and Kathleen Scyphers - Intervener
Sheraton Creek Equestrian Center - Intervener
Donald and Kristina Forrester - Intervener
Ronald and Ginger Mitchell - Intervener
Hall Ranchers, LLC., - Intervener
J.W. Bentley - Intervener
Daniel Barden

PETITIONER'S COUNSEL:

Michael L. Matuska, Esq.
Jessica C. Prunty, Esq.

RESPONDENT'S COUNSEL:

Bryan Stockton, Esq.

INTERVENERS' COUNSEL:

Thomas Hall, Esq.

The above-entitled matter was before the Court this being the time set for ORAL ARGUMENTS ON PETITION'S FOR JUDICIAL REVIEW. The Petitioner's were present in Court and represented by counsel. The Respondent was present in Court and represented by counsel.

The Court addressed the parties regarding the Motion for Consolidation.

Mr. Hall presented argument.

Mr. Matuska presented argument.

Ms. Prunty presented argument.

Mr. Stockton presented argument.

Having heard the arguments of the parties, the Court ordered that Case No. 08-CV-0363 D1 and 13-CV-0121 shall be consolidated.

The Court addressed the parties regarding the Petition for Judicial Review for the 2012 Rotation Schedule.

Mr. Matuska presented opening statements and argument.

Ms. Prunty presented opening statements and argument.

The Court recessed at 10:33 a.m. The Court reconvened at 10:49 a.m.

Mr. Stockton presented opening statements and arguments.

Mr. Stockton advised the Court that they would have no objection to Judicial Notice. The Court ordered this Court shall take Judicial Notice of all requested documents.

Mr. Stockton presented Exhibit 37-A (previously marked and admitted at Trial in Case 08-CV-0363-D) for reference to the Court.

Mr. Stockton presented supplemental statements as requested by the Court regarding the Rotation Schedule.

Mr. Hall presented opening statements and argument.

Mr. Matuska presented supplemental .

Mr. Prunty presented supplemental argument issues regarding preclusion.

The Court recessed for review at 11:50 a.m. The Court reconvened at 12:06 p.m.

The Court spoke with the parties regarding the necessity of water. The Court advised the parties that it was being asked to revisit the court's prior decision regarding the implementation of a rotation schedule. The appropriate view is on appeal. Until that time, the Petitions for Judicial Review are DENIED

Mr. Hall to prepare the Order.

RECEIVED

FILED

STATE OF NEVADA

) JAN 08 2014

COUNTY OF DOUGLAS

DOUGLAS COUNTY
DISTRICT COURT CLERK

2014 JAN -8 PM 4:38

TED THRAN
CLERK

BY *M. Bragg* DEPUTY

I, Ted Thran, County Clerk of Douglas County, State of Nevada, and ex-officio Clerk of the District Court, Ninth Judicial District of the State of Nevada, in and for the said County of Douglas; said Court being a Court of Record, having common law jurisdiction, and a Clerk and a Seal, do hereby certify that the foregoing are true copies of the following originals in Case No. 08-CV-0363 D-1, 12-CV-0141, 12-CV-0145 AND 13-CV-0121 - IN RE: IN THE MATTER OF THE DETERMINATION OF THE RELATIVE RIGHTS IN AND TO THE WATERS OF MOTT CREEK, ET. AL,: Joint Notice of Appeal; Case Appeal Statement; District Court Docket Entries; Order; Notice of Entry of Order; and District Court Minutes.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal at Minden, in said County and State this 8th day of January, A.D., 2014.

Ted Thran
County Clerk

M. Bragg
Deputy Court Clerk



TED THRAN
CLERK - TREASURER
<http://cltr.co.douglas.nv.us>

Civil Clerk's Office
(775) 782-9023

District Court Clerk's Office
(775) 782-9820

Tahoe General Services
(775) 586-7270

Treasurer's Office
(775) 782-9018

Transmittal to the Supreme Court

To: Nevada Supreme Court
210 South Carson Street
Carson City, Nevada 89710

Date: January 8, 2014

Re: District Court Case #: 08-CV-0363 D-1, 12-CV-0141, 12-CV-0145, AND 13-CV-0121

District Court Case Name: IN RE: IN THE MATTER OF THE DETERMINATION OF THE RELATIVE RIGHTS
IN AND TO THE WATERS OF MOTT CREEK, ET.AL.

THREE CERTIFIED COPIES of the following documents are transmitted to the Supreme Court pursuant to the July 22, 1996 revisions to the Nevada Rules of Appellate Procedure. Checked items are NOT included in this appeal:

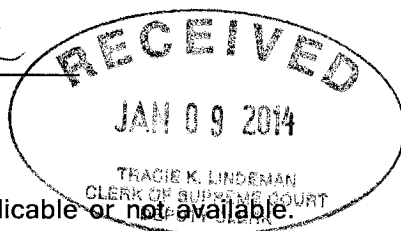
- ☒ Notice of Appeal
- ☒ Case Appeal Statement
- ☒ District Court Docket entries
- ☒ Judgment(s) or order(s) appealed from
- ☐ Order (NRAP FORM 4)
- ☒ Notice of entry of the judgment(s) or order(s) appealed from
- ☐ Certification order directing entry of judgment pursuant to NRCP 54(b)
- ☒ District Court Minutes
- ☐ Exhibit List
- ☒ Supreme Court filing fee (\$250.00), if applicable

Respectfully,

TED THRAN

CLERK/TREASURER

By: M. Blagov
Deputy Court Clerk



Items checked are not applicable or not available.