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2 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

3 In Re: Rotation Schedule

4 In the Matter of the Determination
5 of the Relative Rights in and to
6 The Waters of Mott Creek, Taylor
7 Creek, Cary Creek (aka Carey
8 Creek), Monument Creek, and Bulls
9 Canyon, Stutler Creek (aka Stattler
10 Creek), Sheridan Creek, Gansberg
11 Spring, Sharpe Spring, Wheeler
12 Creek No. 1 Wheeler Creek No. 2,
13 Miller Creek, Beers Spring, Luther
14 Creek and Various Unnamed Sources
15 in Carson Valley, Douglas County,
16 Nevada.

Electronically Filed
Apr 22 2014 03:31 p.m.
Tracie K. Lindeman
Clerk of Supreme Court
Supreme Court No. 64773

District Court Consolidated
Case No.: 08-CV-0363-D1

12 JOY SMITH, DANIEL BARDEN and
13 ELAINE BARDEN, J.W. BENTLEY and
14 MARYANN BENTLEY, TRUSTEES OF THE
15 BENTLEY FAMILY 1995 TRUST,
16 1995 Trust,

Appellants,

16 vs.

17 STATE OF NEVADA, OFFICE OF THE STATE
18 ENGINEER,

Respondent.

19
20
21 **RESPONSE TO SUPPLEMENT TO MOTION**

22 **FOR DETERMINATION OF APPEALABLE ORDER**

23 COME NOW THOMAS J. SCYPHERS, KATHLEEN M. SCYPHERS, FRANK
24 SCHARO, SHERIDAN CREEK EQUESTRIAN CENTER, LLC, a Nevada Limited
25 Liability Company, DONALD S. FORRESTER, KRISTINA M. FORRESTER,
26 RONALD R. MITCHELL, GINGER G. MITCHELL and HALL RANCHES, LLC, a
27 Nevada Limited Liability Company ("Intervenors"), as Real Parties
28 in Interest, by and through their counsel, THOMAS J. HALL, ESQ.,

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2 and submit their Response to Supplement to Motion for Determination
3 of Appealable Order, as follows:

4 It is clear that the Honorable Judge Nathan Tod Young,
5 presiding Judge, did not deny the Motion to Amend Order entirely,
6 as reported in the Supplement to Motion for Determination of
7 Appealable Order, filed herein on or about April 11, 2014 (the
8 "Supplement"). In fact, the Court only entered an Order, attached
9 to the Supplement, in which it stated, at page 2, "THAT the motion
10 is partially DENIED as set forth below."

12 Furthermore, the true test is whether the Order filed in the
13 consolidated cases is really "final". Since there is no final
14 decree and judgment, as various components of the base case are
15 still being resolved and adjudicated, there is no final appealable
16 determination.
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18 Irrespective of the status of the November 27, 2013, Order,
19 the Intervenor's' previously moved for dismissal based on the fact
20 that no final judgment has been entered in Case No. 08-CV-0363.
21 The Petitions for Judicial Review were consolidated into a sub-
22 proceeding labeled 08-CV-0363-D-1; however, no final judgment has
23 been entered under the original filing. The pending appeal should
24 be dismissed.
25

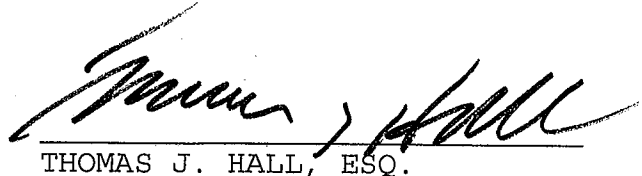
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2 Respectfully submitted this 22nd day of April, 2014.

3 LAW OFFICES OF THOMAS J. HALL

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6 THOMAS J. HALL, ESQ.
7 Nevada Bar No. 675
8 Post Office Box 3948
9 Reno, Nevada 89505

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2 **CERTIFICATE OF SERVICE**

3 I certify that I am an employee of Thomas J. Hall, Esq., and
4 that on this date, pursuant to NRCP 5(b), I placed in the U.S.
5 Mail, postage prepaid and electronically filed the foregoing with
6 the Clerk of the Court by using the ECF system, a true and correct
7 copy of the preceding document addressed to:
8

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26
27 DATED this 22nd day of April, 2014.
28


Misti Hale