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3 **IN THE SUPREME COURT OF NEVADA**

4 Electronically Filed
5 Dec 09 2014 09:02 a.m.
6 Tracie K. Lindeman
7 Clerk of Supreme Court

8 In Re: Rotation Schedule

No. 64773

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

MOTION TO CONSOLIDATE

19
20 JOY SMITH, DANIEL BARDEN and
21 ELAINE BARDEN, J.W. BENTLEY and
22 MARYANN BENTLEY, TRUSTEES OF
23 THE BENTLEY FAMILY 1995 TRUST,

24 Appellants.

25 v.

26 STATE OF NEVADA, OFFICE OF THE
27 STATE ENGINEER,

28 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 hereby move to consolidate this case with Docket Nos. 66303 and 66932.

This appeal concerns a final judgment dismissing consolidated petitions for judicial review. This appeal and the underlying petition for judicial review are focused on the compulsory rotation schedule that was ordered by the District Court and imposed by the Nevada State Engineer. These issues have been fully briefed.

1 This Court also directed the parties to this appeal to brief jurisdictional concerns
2 regarding the finality of the underlying order dismissing the petitions for judicial review in
3 light of the ongoing decree case in the District Court. This issue has also been fully
4 briefed. BENTLEY submits that the briefs adequately demonstrate that this Docket No.
5 64773 and the underlying petition for judicial review were separate from the decree case
6 and were not mere subparts of that case. As such, the jurisdictional concerns have been
7 addressed. In addition, the District Court entered the final decree on September 29, 2014.
8 BENTLEY has separately appealed the decree as Docket No. 66932. BENTLEY's
9 challenge to the compulsory rotation schedule will be one of the issues raised in Docket
10 No. 66932. This Docket No. 64773 and Docket No. 66303 should be consolidated with
11 Docket No. 66932 so that the issue concerning the compulsory rotation schedule only has
12 to be briefed once.

13
14 Dated this 8th day of December 2014.

15
16 MATUSKA LAW OFFICES, LTD.

17
18 By: 

19 MICHAEL L. MATUSKA, SBN 5711

20 937 Mica Drive, Suite 16A

21 Carson City NV 89705

22 Attorneys for APPELLANTS.

23 J.W. Bentley And Maryann Bentley
24
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CERTIFICATE OF SERVICE

I certify that on the 8th day of December 2014, I served a copy of this

Motion to Consolidate upon all counsel of record:

☐ By personally serving it upon him/her; or

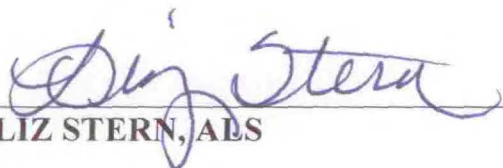
☒ By mailing it by first class mail with sufficient postage prepaid to the following address(es): (NOTE: If all names and addresses cannot fit below, please list names below and attach a separate sheet with the addresses.)

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Dated this 8th day of December 2014.


LIZ STERN, ALS