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Dec 17 2014 03:07 p.m.  
Tracie K. Lindeman  
Clerk of Supreme Court

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

10 In Re: Rotation Schedule

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

Supreme Court No. 64773

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

24 JOY SMITH, DANIEL BARDEN and  
25 ELAINE BARDEN, J.W. BENTLEY and  
26 MARYANN BENTLEY, TRUSTEES OF THE  
27 BENTLEY FAMILY 1995 TRUST,  
28 1995 Trust,

Appellants,

vs.

STATE OF NEVADA, OFFICE OF THE STATE  
ENGINEER; DONALD S. FORRESTER AND  
KRISTINA M. FORRESTER; HALL RANCHES,  
LLC; THOMAS J. SCYPHERS AND KATHLEEN  
SCYPHERS; FRANK SCHARO; SHERIDAN  
CREEK EQUESTRIAN CENTER, LLC; AND  
RONALD R. MITCHELL AND GINGER G.  
MITCHELL,

Respondents.

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This appeal has been fully briefed. The appeal stems from a mandatory rotation schedule as imposed by the State Engineer for irrigating stream flows during times of water shortage.

It is unclear from the Motions to Consolidate filed in all three related appeals currently before the Court, if the three Cases 64773, 66303 and 66932 are consolidated, what briefing and scheduling orders will be required, inasmuch as all the briefs in Case 64773 have been prepared and submitted to the Court as follows:

1. Appellants' [Bentleys'] Opening Brief filed May 12, 2014;

2. Opening Brief on Appellants Joy Smith, Daniel Barden & Elaine Barden;
3. Respondents' and Intervenors' Answering Brief filed July 9, 2014;
4. Respondent's [State Engineer] Answering Breif filed July 10, 2014;
5. Appellants' [Bentleys'] Reply Brief to Intervenors' Answering Brief filed August 18, 2014;
6. Appellants' [Bentleys'] Reply Brief to Nevada State Engineer's Answering Brief filed August 19, 2014; and
7. Reply Brief of Appellants Joy Smith, Daniel Barden & Elaine Barden filed August 19, 2014.

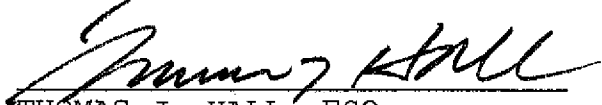
If the Court is inclined to grant the Motions to Consolidate as to Cases 66932 and 64773, in no event should the Court allow the Appellants to use the consolidation as an opportunity to re-brief legal arguments that were already fully briefed in this Case. Therefore, the Court is requested to direct the Appellants to limit any further briefing to new matters raised in the appeal in Case 66932.

Wherefore it is respectfully requested that the Motions to Consolidate be denied if the parties would be required to file additional and repetitive briefing on those fully briefed matters which have already been submitted to this Court.

1           The undersigned does hereby affirm that the preceding document  
2 does not contain the social security number of any person.

3           Respectfully submitted this 17th day of December, 2014.  
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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 NRAP 25(b), I electronically filed  
5 the foregoing with the Clerk of the Court by using the ECF system  
6 and placed in the U.S. Mail, postage prepaid and, a true and  
7 correct copy of the preceding document addressed to:  
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21 DATED this 17<sup>th</sup> day of December, 2014.  
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Misti Hale