

IN THE SUPREME COURT OF THE STATE OF NEVADA

Electronically Filed
Mar 03 2015 08:50 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

J.W. BENTLEY and MARYANN
BENTLEY, TRUSTEES FO THE
BENTLEY FAMILY 1995 trust,,

Appellants,

vs.

HALL RANCES, LLC, a Nevada
limited liability company; THOMAS
J. SCYPHERS; KATHLEEN M.
SCYPHERS; FRANK SCHARO;
SHERIDAN CREEK EQUESTRIAN
CENTER, LLC, a Nevada limited
liability company; DONALD S.
FORRESTER; KRISTINA M
FORRESTER; RONALD R.
MITCHELL; and GINGER G.
MITCHELL,

Respondents.

CASE NO. 64773

Dist. Court No. 08-cv-0363

OPPOSITION TO MOTION FOR CLARIFICATION OF ORDER

The Nevada State Engineer Jason King, P.E., by and through counsel, Attorney General Adam Paul Laxalt and Senior Deputy Attorney General Bryan L. Stockton, hereby oppose the Motion for Clarification of Order filed by J.W. Bentley and Maryann Bentley, Trustees of the Bentley Family 1995 Trust, on February 23, 2015.

MEMORANDUM OF POINTS AND AUTHORITIES

Bentley has consistently attempted to litigate matters outside the record in the cases that are now consolidated before this Court. The State Engineer imposed

rotation schedules for the 2012 and 2013 irrigation seasons in compliance with the order of the district court in case 08-CV-0363-D on April 5, 2012. Joint Appendix (JA) I, 155. Therein, the court ordered the State Engineer to issue a rotation schedule when the “combined flow from the North Diversion of Sheridan Creek and tributaries (North Diversion) drops below 2.0 cfs. . . .” JA I, 169. The appeal in case number 64773, concerns only whether the State Engineer complied with the district court order to impose a rotation schedule when the flow drops below 2.0 cfs. Thus, Bentley’s assertion that the State Engineer may attempt to supplement the decision to impose the rotation schedules with other materials is just another attempt to preemptively expand the scope of the appeal beyond the proper jurisdiction of the district court, and by extension, this Court.

As noted by Bentley, appeal number 64773, has already been fully briefed. Bentley’s arguments are largely unresponsive to the issue therein and to allow Bentley an extra brief to expand on the already irrelevant arguments made, would be a waste of resources and require the other parties to respond to two appeals when only one remains un-briefed. The arguments herein will merely repeat those already made in appeal number 64773 and Bentley should not be

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allowed to continue to vexatiously multiply the pleadings in the case. *See* NRAP Rule 32 (a)(7)(D)(i) (“The court looks with disfavor on motions to exceed the applicable page limit or type-volume limitation. . . .”)

RESPECTFULLY SUBMITTED this 2nd day of March 2015.

ADAM PAUL LAXALT
Attorney General

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the Nevada Supreme Court by using the appellate CM/ECF system on March 2, 2015.

Participants in the case who are registered CM/ECF users will be served by the appellate CM/ECF system.

s/ Sandra Geyer
SANDRA GEYER