

IN THE SUPREME COURT OF THE STATE OF NEVADA

J.W. BENTLEY AND MARYANN
BENTLEY, TRUSTEES OF THE
BENTLEY FAMILY 1995 TRUST; JOY
SMITH; DANIEL BARDEN; AND
ELAINE BARDEN,

Appellants,

vs.

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

J.W. BENTLEY AND MARYANN
BENTLEY, TRUSTEES OF THE
BENTLEY FAMILY 1995 TRUST; JOY
SMITH; DANIEL D. BARDEN; AND
ELAINE BARDEN,

Appellants,

vs.

HALL RANCHES, LLC; 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.

No. 64773

FILED

JAN 23 2015

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

No. 66303

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

vs.

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

No. 66932

*ORDER REGARDING JURISDICTION,
CONSOLIDATING APPEALS,
AND SETTING BRIEFING SCHEDULE*

These are appeals from a district court order denying consolidated petitions for judicial review of the State Engineer's water use rotation schedule (Docket No. 64773); a district court order awarding costs, entered after the order denying the petitions for judicial review (Docket No. 66303); and a district court decree affirming as modified the State Engineer's order of determination (Docket No. 66932).

On January 15, 2014, in Docket No. 64773, appellants J.W. Bentley and Maryann Bentley moved this court to determine whether jurisdiction existed over that appeal. On May 27, 2014, we entered an order concluding that it was unclear whether a final judgment had been entered and directing the parties to address that issue in their briefs, deferring in part our ruling on the Bentleys' motion to determine jurisdiction. Thereafter, we entered an order suspending briefing in Docket No. 66303, because jurisdiction over that appeal from the costs

award also depended on whether the order denying the petitions for judicial review was final and appealable.

On September 29, 2014, the district court entered a decree affirming as modified the State Engineer's order of determination. That decree constitutes the final, appealable judgment in the water law matter below, NRS 533.200, and is the subject of the appeal in Docket No. 66932. Accordingly, as a final judgment has been entered, we have jurisdiction over each of these appeals even if the order denying the petitions for judicial review is not final, NRAP 4(a)(6); *Consolidated Generator-Nevada v. Cummins Engine Co.*, 114 Nev. 1304, 1312, 971 P.2d 1251, 1256 (1998), and these appeals may proceed.

The parties have moved to consolidate these appeals and have filed an objection to the suspension of the briefing schedule in Docket No. 66303. The parties also seek to avoid rebriefing issues already briefed in Docket No. 64773. As they arise from the same district court case and involve interrelated issues, we grant the motions in part and consolidate these three appeals. NRAP 3(b). Because the briefs in Docket No. 64773 were devoted in large part to the jurisdictional concern that no longer exists, however, we conclude that new briefs addressing the merits of the interrelated issues would assist this court in resolving these three appeals. Accordingly, we reinstate the briefing schedule as follows. Appellants shall have 60 days from the date of this order to file opening briefs addressing any and all issues raised in these consolidated appeals. The parties' briefs may cite to the appendices already filed in Docket No. 64773 and any supplemental appendix filed with the new briefs. Thereafter, briefing shall proceed in accordance with NRAP 31(a)(1).

It is so ORDERED.

1. J. L. Smith, C.J.

cc: Matuska Law Offices, Ltd.
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