

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE
DETERMINATION OF THE RELATIVE
RIGHTS IN AND TO THE WATERS OF
MOTT CREEK, TAYLOR CREEK, CARY
CREEK (AKA CAREY CREEK),
MONUMENT CREEK, AND BULLS
CANYON, STUTLER CREEK (AKA
STATTLER CREEK), SHERIDAN
CREEK, GANSBERG SPRING, SHARPE
SPRING, WHEELER CREEK NO. 1,
WHEELER CREEK NO. 2, MILLER
CREEK, BEERS SPRING, LUTHER
CREEK AND VARIOUS UNNAMED
SOURCES IN CARSON VALLEY,
DOUGLAS VALLEY, NEVADA,

No. 56551

FILED

JAN 18 2011

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

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

vs.

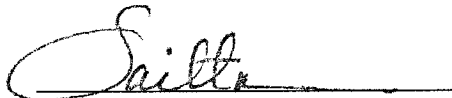
THE STATE OF NEVADA OFFICE OF
THE STATE ENGINEER; HALL
RANCHES, LLC; THOMAS J.
SCYPHERS; KATHLEEN M.
SCYPHERS; FRANK SCHARO;
SHERIDAN CREEK EQUESTRIAN
CENTER, LLC; DONALD S.
FORRESTER; KRISTINA M.
FORRESTER; RONALD R. MITCHELL;
AND GINGER G. MITCHELL,
Respondents.


ORDER DISMISSING APPEAL

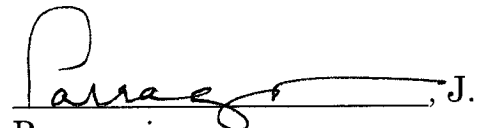
This is an appeal from a district court order imposing a rotation schedule in a water rights case. Ninth Judicial District Court, Douglas County; David R. Gamble, Judge. All respondents, except the State Engineer's Office, have filed a motion to dismiss, which appellants have opposed.

Having reviewed the parties' documents, we conclude that the appeal is moot, as the challenged order expired by its own terms at the end of the 2010 irrigation season, October 15, 2010. Marquis & Aurbach v. Dist. Ct., 122 Nev. 1147, 1162 n.32, 146 P.3d 1130, 1140 n.32 (2006) (citing University of Nevada v. Tarkanian, 95 Nev. 389, 394, 594 P.2d 1159, 1162 (1979), for the proposition "that the duty of this court is to resolve actual controversies and not to opine on moot questions or abstract propositions"). Accordingly, we grant respondents' motion and

ORDER this appeal DISMISSED.¹


Saitta, J.


Hardesty, J.


Parraguirre, J.

cc: Hon. David R. Gamble, District Judge
Brooke Shaw Zumpft
Attorney General/Carson City
Thomas J. Hall
Douglas County Clerk

¹This appeal shall also be dismissed as to respondent State Engineer's Office. Moreover, in light of this order, we deny as moot the State Engineer's motions to intervene and to withdraw that motion.