

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 COUNTY, NEVADA.

No. 62620

FILED

MAR 14 2013

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *Angela*
DEPUTY CLERK

J.W. BENTLEY; MARYANN BENTLEY;
AND 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.

ORDER DISMISSING APPEAL


This is an appeal from a district court order awarding attorney fees and costs to respondents. Ninth Judicial District Court, Douglas County; David R. Gamble, Judge.

Appellants have filed a "Motion for Determination of Final Order," recognizing a potential jurisdictional defect and asking this court to clarify whether the order designated in their notice of appeal is substantively appealable. Respondents have filed a response.

Having considered the motion and the response, we conclude that the order awarding attorney fees is not substantively appealable because no final judgment has been entered in the district court action and the order is not appealable under any statute or court rule. See NRAP 3A(b)(1) (identifying orders and judgments that are substantively appealable); Lee v. GNLV Corp., 116 Nev. 424, 426, 996 P.2d 416, 417 (2000) (explaining that a final judgment is one that disposes of all issues presented in the case, leaving nothing for the future consideration of the district court, except for post-judgment issues such as attorney fees and costs). Accordingly, because we lack jurisdiction over this appeal, see Taylor Constr. Co. v. Hilton Hotels, 100 Nev. 207, 209, 678 P.2d 1152, 1153 (1984) (providing that this court has jurisdiction to consider an appeal only when the appeal is authorized by statute or court rule), we

ORDER this appeal DISMISSED.¹


_____, J.
Gibbons


_____, J.
Douglas


_____, J.
Saitta

¹In light of this order, we deny as moot appellants' February 15, 2013, motion to extend certain deadlines.

cc: Ninth Judicial District Court Dept. 1
Dyer, Lawrence, Penrose, Flaherty, Donaldson & Prunty
Matuska Law Offices, Ltd.
Thomas J. Hall
Attorney General/Carson City
Douglas County Clerk