

IN THE SUPREME COURT OF THE STATE OF NEVADA

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

vs.

THE NINTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
DOUGLAS, AND THE HONORABLE  
DAVID R. GAMBLE, DISTRICT  
JUDGE,

Respondents,

and

DONALD S. FORRESTER; KRISTINA  
M. FORRESTER; HALL RANCHES,  
LLC, A NEVADA LIMITED LIABILITY  
COMPANY; THOMAS J. SCYPHERS;  
KATHLEEN M. SCYPHERS; FRANK  
SCHARO; SHERIDAN CREEK  
EQUESTRIAN CENTER, LLC, A  
NEVADA LIMITED LIABILITY  
COMPANY; RONALD R. MITCHELL;  
AND GINGER G. MITCHELL, AS  
INTERVENORS IN THE MATTER OF  
THE DETERMINATION OF THE  
RELATIVE RIGHTS IN AND TO THE  
WATERS OF MOTT CREEK, TAYLOR  
CREEK, CARY CREEK A/K/A CAREY  
CREEK, MONUMENT CREEK, AND  
BULLS CANYON, STUTLER CREEK  
A/K/A 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,  
Real Parties in Interest.

No. 56351

**FILED**

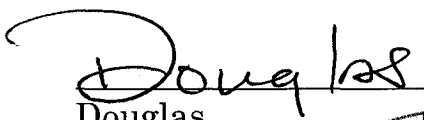
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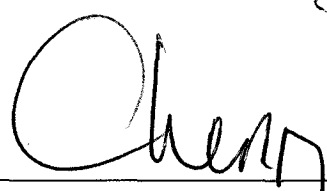
TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY A. W. [Signature]  
DEPUTY CLERK


ORDER RE: COSTS

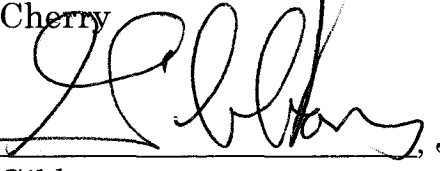
This original petition for a writ of prohibition or mandamus challenged district court orders permitting real parties in interest to file a response to petitioners' exceptions to the State Engineer's "Final Order of Determination" and imposing a rotation schedule. On March 18, 2011, we ordered the petition denied. Real parties in interest have submitted a bill of costs, subsequently amended, which petitioners oppose. Having considered the parties' pleadings on the question of whether costs are allowable in extraordinary writ proceedings before this court, we conclude that costs are not allowable in extraordinary writ proceedings pursuant to NRAP 39(a). Accordingly, the request for costs by real parties in interest is denied.

It is so ORDERED.<sup>1</sup>

  
\_\_\_\_\_, C.J.  
Douglas


  
\_\_\_\_\_, J.  
Cherry

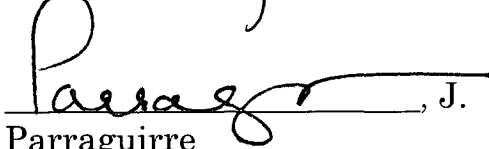
  
\_\_\_\_\_, J.  
Saitta

  
\_\_\_\_\_, J.  
Gibbons

  
\_\_\_\_\_, J.  
Pickering

  
\_\_\_\_\_, J.  
Hardesty

  
\_\_\_\_\_, J.  
Pickering

  
\_\_\_\_\_, J.  
Parraguirre

<sup>1</sup>Notice in lieu of remittitur issued April 15, 2011. Therefore, the motion for issuance of remittitur filed by real parties in interest is denied as moot.

cc: Hon. David R. Gamble, District Judge  
Brooke Shaw Zumpft  
Thomas J. Hall  
Douglas County Clerk