

# 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,

J.W. BENTLEY AND MARYANN BENTLEY, TRUSTEES OF THE  
BENTLEY FAMILY 1995 TRUST,  
Appellants,  
vs.  
THE STATE OF NEVADA OFFICE OF THE STATE ENGINEER;  
ET AL.,  
Respondents.

No. 56551

**FILED**

SEP 21 2010

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

## SETTLEMENT PROGRAM EARLY CASE ASSESSMENT REPORT

After conducting a premediation conference with counsel pursuant to NRAP 16(b), I make the following recommendation to the court regarding this appeal:

/ X / This case is appropriate for mediation and a settlement conference will be ~~has~~ been scheduled.

DURING THE WEEK BEGINNING OCTOBER 11, 2010

/ / This case is not appropriate for mediation and should be removed from the settlement conference program because,

/ / There is a potential jurisdictional defect.

/ / The parties have presented good cause showing that this appeal is not appropriate for mediation and should proceed to briefing.

/ / Other \_\_\_\_\_

/ X / The premediation conference has not been conducted or is continued because,

COUNSEL ARE CURRENTLY BEING POOLED TO DETERMINE IF THIS APPEAL

AND THE CASE HAS BEEN FILED CAN BE COMBINED IN ONE SETTLEMENT CONFERENCE

SEP 20 2010

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
DEPUTY CLERK

cc: All Counsel

*William E. Nork*  
Settlement Judge

10-24250



**Bentley v. State Engineer (No.56551)**

Monday, September 20, 2010 2:38 PM

**From:** "william nork" <nork8611@sbcglobal.net>

**To:** bstockton@ag.nv.gov, sgeyer@ag.nv.gov, mmataska@brookesshaw.com, liz@brookesshaw.com, tjhlaw@eschelon.com

Dear Counsel:

I am informed by the Settlement Program Administrator, Thomas H. Harris, that subsequent to filing the above-referenced Appeal, a Writ has been submitted to the Supreme Court. Although I have not seen a copy of this Writ, I understand it deals essentially with the same issues raised on Appeal.

I will appreciate it if you would respond to this Email by September 27, 2010 and let me know if you feel that the Appeal and the Writ can be dealt with in a single Settlement Conference. If so, will you also inform me if holding the Settlement Conference at the Office of the Nevada State Engineer during the week beginning October 11, 2010 is compatible with your schedule and that of all of your decision making clients.

If the proposed Settlement Conference date or combining of matters suggested seems to be unsuitable, please confer with opposing counsel and inform me of a mutually agreed upon alternative plan.

Thank you,

William E. Nork  
Settlement Judge