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3 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

Electronically Filed
Sep 30 2010 03:34 p.m.
Tracie K. Lindeman

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5 In the Matter of the Determination of the)
6 Relative rights in and to the Waters of Mott)
7 Creek, Taylor Creek, Cary Creek (AKA Carey)
8 Creek), Monument Creek, and Bulls Canyon,)
9 Stutler Creek (AKA Stattler Creek), Sheridan)
10 Creek, Gansberg Spring, Sharpe Spring,)
11 Wheeler Creek No. 1, Wheeler Creek No. 2,)
12 Miller Creek, Beers Spring, Luther Creek and)
13 Various Unnamed Sources in Carson Valley,)
14 Douglas County, Nevada,)

Case No. 56551

Dist. Court Case No. CV 0363

**REQUEST TO WITHDRAW
MOTION TO INTERVENE**

11 J.W. BENTLEY AND MARYANN BENTLEY,)
12 TRUSTEES OF THE BENTLEY FAMILY 1995)
13 TRUST,)

Appellants,)

14 vs.)

15 THE STATE OF NEVADA OFFICE OF THE)
16 STATE ENGINEER, HALL RANCHES, LLC;)
17 THOMAS J. SCYPHERS; KATHLEEN M.)
18 SCYPHERS; FRANK SCHARO; SHERIDAN)
19 CREEK EQUESTRIAN CENTER, LLC;)
20 DONALD S. FORRESTER; KRISTINA M.)
21 FORRESTER; RONALD R. MITCHELL; AND)
22 GINER G. MITCHELL,)

Respondents.)

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24 **Appeal from the Ninth Judicial District of the State of Nevada**
25 **In and for Douglas County**
26 **The Honorable David R. Gamble, District Judge**
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28 The State of Nevada, and Jason King, P.E., in his capacity as State Engineer of
Nevada, by and through their counsel, Attorney General Catherine Cortez Masto and Senior
Deputy Attorney General Bryan Stockton, hereby submit their Request to Withdraw Motion to
Intervene.

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1 The State Engineer inadvertently filed a Motion to Intervene in this case, Supreme
2 Court Case Number 56551 on September 22, 2010. However, the State Engineer is already a
3 party to this case, and intended to file the Motion to Intervene in Supreme Court Case Number
4 56351. The State Engineer therefore requests that the Motion to Intervene filed in case
5 number 56551 be withdrawn. The State Engineer will file a Motion to Intervene in case
6 56351.

7 Submitted this 30th day of September 2010.

8 CATHERINE CORTEZ MASTO
9 Attorney General

10 By: /s/ Bryan L. Stockton
11 BRYAN L. STOCKTON
12 Nevada State Bar #4764
13 Senior Deputy Attorney General
14 100 North Carson Street
Carson City, Nevada 89701-4717
Tele: (775) 684-1228
Fax: (775) 684-1103
Attorneys for Respondent

1 **CERTIFICATE OF COMPLIANCE**

2 I hereby certify that I have read this Request to Withdraw Motion to Intervene, and to
3 the best of my knowledge, information, and belief, it is not frivolous or interposed for any
4 improper purpose. I further certify that this document complies with all applicable Nevada
5 Rules of Appellate Procedure; in particular, N.R.A.P. 28(e), which requires every assertion in
6 the reply regarding matters in the record to be supported by a reference to the page of the
7 transcript or appendix where the matter relied on is to be found. I understand that I may be
8 subject to sanctions in the event that the accompanying reply is not in conformity with the
9 requirements of the Nevada Rules of Appellate Procedure.

10 Dated this 30th day of September, 2010.

11 CATHERINE CORTEZ MASTO
12 Attorney General

13 By: /s/ Bryan L. Stockton
14 BRYAN L. STOCKTON
15 Nevada State Bar #4764
16 Senior Deputy Attorney General
17 100 North Carson Street
18 Carson City, Nevada 89701-4717
19 (775) 684-1228
20 *Attorneys for Respondent*

1 **CERTIFICATE OF MAILING**

2 I, Sandie Geyer, certify that I am an employee of the Office of the Attorney General,
3 State of Nevada, and that on this 30th day of September, 2010, I filed and served the
4 foregoing **REQUEST TO WITHDRAW MOTION TO INTERVENE**, through the e-filing system
5 at nvcourts:

6 Brook Shaw Zumpft
7 Michael Matuska, Esq.
8 P.O. Box 2860
9 Minden, Nevada 89423
10 *Attorneys for Appellants*
J.W. Bentley and Maryann Bentley
Trustees of the Bentley Family Trust 1995 Trust

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Attorneys for Respondents
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

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16 /s/ Sandie Geyer
17 Sandie Geyer, Legal Secretary II
18 Employee of the Nevada Attorney General
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