

NO. 59188

Case No.: 08-CV-0363-D

Dept. No.: I

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JUL 21 2011

DOUGLAS COUNTY
DISTRICT COURT CLERK

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2011 JUL 21 PM 3:37

TED THUAN
CLERK

BY: *[Signature]* DEPUTY

IN THE NINTH JUDICIAL DISTRICT COURT FOR THE STATE OF NEVADA

IN AND FOR THE COUNTY OF DOUGLAS

FILED

SEP 14 2011

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

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.

NOTICE OF APPEAL

COME NOW J.W. BENTLEY and MARYANN BENTLEY, Trustees of the Bentley
Family 1995 Trust ("Bentley"), by and through their counsel of record, Michael L. Matuska,
Brooke Shaw Zumpft, and hereby appeal to the Supreme Court of Nevada from the *Order for*
Division of Water (effectively, a temporary restraining order) that was entered on 15 April 2011.

DATED this 26th day of July 2011.

BROOKE · SHAW · ZUMPFT

By:

[Signature]
Michael L. Matuska
State Bar No. 5711
1590 4th Street/P.O. Box 2860
Minden NV 89423
(775) 782-7171
(775) 782-3081 (Fax)

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SEP 14 2011

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
DEPUTY CLERK

11-27941

BROOKE · SHAW · ZUMPFT
POST OFFICE BOX 2860
MINDEN, NEVADA 89423
(775) 782-7171

CERTIFICATE OF SERVICE


Pursuant to NRCp 5(b), I certify that I am an employee of BROOKE · SHAW · ZUMPFT and that on the 21st day of July 2011, I served a true and correct copy of the preceding document entitled **NOTICE OF APPEAL** addressed to:

Bryan L. Stockton
Deputy Attorney General
100 North Carson Street
Carson City, NV 89701

Thomas J. Hall, Esq.
305 South Arlington Avenue
P.O. Box 3948
Reno NV 89505-3948

☒ **BY U.S. MAIL:** I deposited for mailing in the United States mail, with postage fully prepaid, an envelope containing the above-identified document at Minden, Nevada, in the ordinary course of business.

☐ **BY FACSIMILE:** I transmitted via facsimile from the offices of Brooke · Shaw · Zumpft the above-identified document in the ordinary course of business to the individual and facsimile numbers indicated.


LIZ STERN, ALS

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Case No.: 08-CV-0363-D

SEP 13 2011

Dept. No.: I

DOUGLAS COUNTY
DISTRICT COURT CLERK

2011 SEP 13 AM 11:40

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IN THE NINTH JUDICIAL DISTRICT COURT FOR THE STATE OF NEVADA

IN AND FOR THE COUNTY OF DOUGLAS

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.)

CASE APPEAL STATEMENT

COME NOW J.W. BENTLEY and MARYANN BENTLEY, Trustees of the Bentley Family 1995 Trust ("Bentley"), by and through their counsel of record, Michael L. Matuska, Brooke · Shaw · Zumpft, and hereby appeal to the Supreme Court of Nevada from the *Order for Division of Water* (effectively, a temporary restraining order) that was entered on 15 April 2011.

1. Name of Appellant filing this Case Appeal Statement:

J.W. BENTLEY and MARYANN BENTLEY, Trustees of the Bentley Family 1995 Trust ("Bentley").

2. Name of the judge issuing the decision, judgment, or order appealed from:

Honorable David R. Gamble.

3. Parties to the proceedings in the district court:

i. Initiating Party/Plaintiff – State of Nevada, ex. rel. Office of the State Engineer;

ii. Excepting Party/Defendant (to this sub-proceeding only) – J.W. BENTLEY and MARYANN BENTLEY, Trustees of the Bentley Family 1995 Trust ("Bentley");

1 iii. Intervenors: HALL RANCHES, LLC ("Hall"), THOMAS J. SCYPHERS
2 and KATHLEEN M. SCYPHERS, FRANK SCHARO, SHERIDAN CREEK EQUESTRIAN
3 CENTER, LLC, a Nevada Limited Liability Company, and DONALD S. FORRESTER and
4 KRISTINA M. FORRESTER ("Forrester"); RONALD R. MITCHELL and
5 GINGER G. MITCHELL (collectively, "Intervenors").

6 4. Parties involved in this appeal:

7 i. Appellant – J.W. BENTLEY and MARYANN BENTLEY, Trustees of the
8 Bentley Family 1995 Trust ("Bentley");

9 ii. Respondents – State of Nevada, ex. rel. Office of the State Engineer; HALL
10 RANCHES, LLC ("Hall"), THOMAS J. SCYPHERS and KATHLEEN M. SCYPHERS,
11 FRANK SCHARO, SHERIDAN CREEK EQUESTRIAN CENTER, LLC, a Nevada Limited
12 Liability Company, and DONALD S. FORRESTER and KRISTINA M. FORRESTER
13 ("Forrester"); RONALD R. MITCHELL and GINGER G. MITCHELL (collectively,
14 "Intervenors").

15 5. Name of counsel involved in this appeal:

16 i. Michael L. Matuska, Brooke · Shaw · Zumpft, 1590 Fourth Street,
17 Suite 100, Minden, Nevada 89423, (775) 782-7171, for Appellant, J.W. BENTLEY and
18 MARYANN BENTLEY, Trustees of the Bentley Family 1995 Trust ("Bentley");

19 ii. Deputy Attorney General Bryan Stockton, 100 N. Carson Street, Carson
20 City, Nevada, 89701, for Respondent State of Nevada ex. rel. Office of the State Engineer;

21 iii. Thomas J. Hall, 305 South Arlington Avenue, P.O. Box 3948, Reno NV
22 89505-3948, for Respondents – HALL RANCHES, LLC ("Hall"), THOMAS J. SCYPHERS and
23 KATHLEEN M. SCYPHERS, FRANK SCHARO, SHERIDAN CREEK EQUESTRIAN
24 CENTER, LLC, a Nevada Limited Liability Company, and DONALD S. FORRESTER and
25 KRISTINA M. FORRESTER ("Forrester"); RONALD R. MITCHELL and
26 GINGER G. MITCHELL (collectively, "Intervenors").

27 6. Name of counsel involved in the district court proceedings:
28

///

i. Michael L. Matuska, Brooke · Shaw · Zumpft, 1590 Fourth Street, Suite 100, Minden, Nevada 89423, (775) 782-7171, for Appellant, J.W. BENTLEY and MARYANN BENTLEY, Trustees of the Bentley Family 1995 Trust ("Bentley");

ii. Deputy Attorney General Bryan Stockton, 100 N. Carson Street, Carson City, Nevada, 89701, for Respondent State of Nevada ex. rel. Office of the State Engineer;

iii. Thomas J. Hall, 305 South Arlington Avenue, P.O. Box 3948, Reno NV 89505-3948, for Respondents – HALL RANCHES, LLC ("Hall"), THOMAS J. SCYPHERS and KATHLEEN M. SCYPHERS, FRANK SCHARO, SHERIDAN CREEK EQUESTRIAN CENTER, LLC, a Nevada Limited Liability Company, and DONALD S. FORRESTER and KRISTINA M. FORRESTER ("Forrester"); RONALD R. MITCHELL and GINGER G. MITCHELL (collectively, "Intervenors").

7. Representation of Appellant: J.W. BENTLEY and MARYANN BENTLEY, Trustees of the Bentley Family 1995 Trust ("Bentley"), was represented in the lower court and on this appeal by retained counsel, Michael L. Matuska, Brooke · Shaw · Zumpft, 1590 Fourth Street, Suite 100, Minden, Nevada 89423, (775) 782-7171.

8. In *Forma Pauperis*: None of the parties requested or were granted leave to proceed *in forma pauperis*;

9. Commencement of proceedings: The different stages to the proceedings in the district court were commenced as follows:

6/5/1987 – Petition filed in the Office of the State Engineer requesting determination for the relative rights of the claimants to the water of Sheridan Creek, Douglas County, Nevada;

6/17/87 – Order from Ninth Judicial District Court for order requiring the State Engineer to proceed with the same;

6/22/90 – State Engineer entered Order No. 1031 initiating the adjudication proceedings to determine the relative rights of claimants of vested rights to Sheridan Creek and other watercourses that drain into the Carson Valley from the Eastern slope of the Carson Range of mountains;

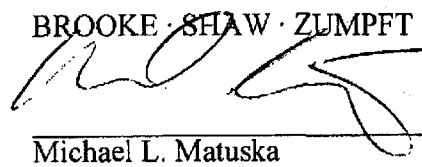
1 6/12/06 – State Engineer entered Preliminary Order of Determination;
2 8/14/08 – State Engineer entered Final Order of Determination;
3 12/10/08 – Bentley commences these sub-proceeding by filing Notice of
4 Exceptions and Exceptions to Final Order of Determination;
5 3/25/09 - Bentley filed Amended Notice of Exceptions and Exceptions to Final
6 Order of Determination;
7 4/1/09 - Hon. David R. Gamble designates these proceedings on Bentley's
8 exceptions regarding Sheridan Creek as a separate sub-proceeding – D.
9 10. Nature of Action. This is a water rights adjudication proceeding. Bentley is in a
10 unique position in that it enjoys the right to divert (but not consume) water from Sheridan Creek
11 above its allocated amount pursuant to a Water Diversion and Use Agreement that was recorded in
12 the Official Records of Douglas County, Nevada, on 27 March 1987. The water is to be diverted
13 through Bentley's ponds and then returned to the creek and ditch system for use by other
14 claimants. Intervenor filed multiple motions to have the lower court override that Diversion
15 Agreement and instead impose a rotation schedule. On 15 April 2011, the lower court granted
16 Intervenor's motion(s) and entered an Order which effectively restrained Bentley's diversion of
17 the amount already adjudicated in its favor in the Final Order of Determination and any diversions
18 under the recorded Diversion Agreement; instead, the lower court entered a temporary order for
19 the Office of the State Engineer to implement a twenty-one (21) day rotation schedule on a
20 temporary basis. As a result, Bentley gets the full flow of water from the North Branch of
21 Sheridan Creek 1.6 days out of the twenty-one (21) day rotation cycle. There is no statutory basis
22 or need for this Order, and it was entered without an evidentiary hearing or a requirement for
23 Intervenor to post a bond. Bentley appeals from this Order as if it were a temporary restraining
24 order.
25 11. Other proceedings. None pending.
26 12. Child Custody and Visitation. This case does not involve child custody and
27 visitation.
28 ///

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(775) 782-7171

13. Possibility of a Settlement. This case involves the possibility of a settlement.
DATED this 12th day of September 2011.

BROOKE · SHAW · ZUMPF

By:


Michael L. Matuska
State Bar No. 5711
1590 4th Street/P.O. Box 2860
Minden NV 89423
(775) 782-7171
(775) 782-3081 (Fax)

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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of BROOKE · SHAW · ZUMPFT and that on the 2nd day of September 2011, I served a true and correct copy of the preceding document entitled **CASE APPEAL STATEMENT** addressed to:

Bryan L. Stockton
Deputy Attorney General
100 North Carson Street
Carson City, NV 89701

Thomas J. Hall, Esq.
305 South Arlington Avenue
P.O. Box 3948
Reno NV 89505-3948

☒ **BY U.S. MAIL:** I deposited for mailing in the United States mail, with postage fully prepaid, an envelope containing the above-identified document at Minden, Nevada, in the ordinary course of business.

☐ **BY FACSIMILE:** I transmitted via facsimile from the offices of Brooke · Shaw · Zumpft the above-identified document in the ordinary course of business to the individual and facsimile numbers indicated.


LIZ STERN, ALS

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POST OFFICE BOX 2860
MINDEN, NEVADA 89423
(775) 782-7171

9TH JUDICIAL DISTRICT COURT
Ted Thran
Clerk of the Court
Ph 782-9820 Fax 782-9954
1625 8th Street
P.O. Box 218
Minden, NV 89423-0000
(775)-782-9820, TTY for Deaf: (775)-782-9964
(775) 782-9820

09/13/11

Case Number: 08-CV-00363-DC CV-OTH
Date Filed: 10/28/08
Status: Open/Active
Judge Assigned: Gamble, David

Mott Creek Water: ITMO Water Rights

C A S E H I S T O R Y

INVOLVED PARTIES

Type	Num	Name (Last, First, Mid, Title)	Dispo	Entered
RPI	001	Mott Creek		10/28/08
RPI	002	Taylor Creek		10/28/08
RPI	003	Cary Creek		10/28/08
RPI	004	Monument Creek		10/28/08
RPI	005	Bulls Canyon		10/28/08
RPI	006	Stutler Creek		10/28/08
RPI	007	Stattler Creek		10/28/08
RPI	008	Sheridan Creek		10/28/08
RPI	009	Gansberg Spring		10/28/08
RPI	010	Sharpe Spring		10/28/08
RPI	011	Wheeler Creek No. 1		10/28/08
RPI	012	Wheeler Creek No. 2		10/28/08
RPI	013	Miller Creek		10/28/08
RPI	014	Beers Spring		10/28/08
RPI	015	Luther Creek		10/28/08
RPI	016	Bentley, J.W.		12/10/08
Attorney: 5711 Matuska, Michael L Brooke & Shaw P. O. Box 2860 Minden, NV 89423 (702) 782-7171				
RPI	017	Bentley, Maryann		12/10/08
RPI	018	Kimmerling Trust		02/11/09
Attorney: 1628 Lipkau, Ross E Marshall, Hill, Cassas & De Lipkau P.O. Box 2790 Reno, NV 89505-2790				

(775)323-1601

Type	Num	Name (Last, First, Mid, Title)	Dispo	Entered
RES	001	State Of Nevada Attorney: 004764 Stockton, Bryan 515 E. Musser St. Carson City, NV 89714		08/05/09
RES	002	Taylor, Tracy Attorney: 004764 Stockton, Bryan 515 E. Musser St. Carson City, NV 89714		08/05/09
OTH	001	Stockton, Bryan		10/28/08
OTH	002	Maddi's Friesian Ranch, LLC. Attorney: 4580 Taggart, Paul G 108 N. Minnesota Street Carson City, NV 89703 (775)882-9900		03/27/09
OTH	003	Davis, David B. Attorney: 1234 Person, Proper 001597 Kolvet, Brent 1111 Person, Proper P. O. Box 218 Minden, NV 89423	Removed: 04/21/09 Removed: 01/27/10	03/26/09
OTH	004	Davis, Sharon Lynn Attorney: 1111 Person, Proper P. O. Box 218 Minden, NV 89423		03/26/09
OTH	005	Jackson, Jerald R. Attorney: 001701 Keele, George 000195 DePaoli, Gordon P.O. Box 2311 Reno, NV 89505	Removed: 04/29/10	03/26/09
OTH	006	Windholz, Irene M.		03/26/09
OTH	007	Forrester, Donald S. Attorney: 6333 Hall, David R P O Box 218 Minden, NV 89423 (775)782-9803		03/27/09
OTH	008	Forrester, Kristina M.		03/27/09
OTH	009	Bentley, J.W. Attorney: 5711 Matuska, Michael L Brooke & Shaw		03/25/09

P. O. Box 2860
Minden, NV 89423
(702)782-7171

Type	Num	Name (Last, First, Mid, Title)	Dispo	Entered
OTH	010	Bentley, Maryann		03/25/09
OTH	011	Gronendyke, Edward H.		03/25/09
		Attorney: 000159 Brooke, T. Scott		
		P.O. Box 2860		
		Minden, NV 89423		
OTH	012	Brooks Family Trust		03/23/09
		Attorney: 000159 Brooke, T. Scott		
		P.O. Box 2860		
		Minden, NV 89423		
OTH	013	Yturbide, Thomas M		04/09/09
		Attorney: 6540 Yturbide, Jennifer A		
		Rowe & Hales		
		1638 Esmeralda Avenue		
		P.O. Box 2080		
		Minden, NV 89423		
		(775)782-8141		
OTH	014	Yturbide, Paula J		04/09/09
		Attorney: 6540 Yturbide, Jennifer A		
		Rowe & Hales		
		1638 Esmeralda Avenue		
		P.O. Box 2080		
		Minden, NV 89423		
		(775)782-8141		
OTH	015	Park, Eric		04/09/09
		Attorney: 000937 Chase, Kelly	Removed: 07/31/09	
		1234 Person, Proper		
		P. O. Box 218		
		Minden, NV 89423		
OTH	016	Park, Elizabeth		04/09/09
		Attorney: 000937 Chase, Kelly		
		P.O. Box 2800		
		1700 County Road, Suite A		
		Minden, NV 89423		
OTH	017	Bentley Family Trust 1995 Trust		04/20/09
ITV	001	Hall Ranches, LLC.		04/10/09
ITV	002	Sheridan Creek Equestrian Center, LLC.		04/10/09
ITV	003	Scharo, Frank		04/10/09
ITV	004	Mitchell, Ronald R.		04/10/09
ITV	005	Mitchell, Ginger G.		04/10/09
ITV	006	Scyphers, Thomas J.		12/13/10

Attorney: 000675 Hall, Thomas
 PO Box 3948
 Reno, NV 89505

Type Num	Name (Last,First,Mid,Title)	Dispo	Entered
ITV 007	Scyphers, Kathleen M.		12/13/10

CALENDAR EVENTS

Date	Time	Dur	Cer	Evnt	Jdg	L	Day	Of	Rslt	By	ResultDt	Jdg	T	Notice	Rec
04/01/09	09:00A	001	yes	CALL	DRG		01	/01	CON	C	07/23/09	DRG			N
07/06/09	01:30P	001	yes	PTC	DRG		01	/01	CON	C	07/23/09	DRG			N
08/27/09	09:00A	001	yes	CALL	DRG		01	/01	VAC	C	08/19/09	DRG	P		
12/16/09	09:00A	007	yes	CITR	DRG		01	/02	CON	C	12/16/09	DRG			N
12/17/09	09:00A	007	yes	CITR	DRG		02	/02	VAC	C	12/16/09				N
01/14/10	01:00P	001	yes	CITR	DRG		01	/01	VAC	C	11/23/10	DRG			
01/29/10	01:00P	001	yes	CITR	DRG		01	/01							
05/17/10	09:00A	004	yes	CALL	DRG		01	/01	CON	C	05/17/10	DRG	P		N
07/16/10	09:00A	001	yes	CALL	DRG		01	/01	CON	C	07/16/10	DRG	P		N
08/01/11	01:30P	001	yes	CALL	DRG		01	/01	CON	C	08/01/11	DRG	P		N
01/09/12	09:00A	007	yes	CITR	DRG		01	/01							
01/11/12	09:00A	007	yes	CITR	DRG		01	/03							
01/12/12	09:00A	007	yes	CITR	DRG		02	/03							
01/13/12	09:00A	007	yes	CITR	DRG		03	/03							
01/19/12	09:00A	007	yes	CITR	DRG		01	/02							
01/20/12	09:00A	007	yes	CITR	DRG		02	/02							

JUDGE HISTORY

JUDGE ASSIGNED	Type	Assign Date	Removal	RSN
DRG Gamble, David	J	10/28/08		

DOCUMENT TRACKING

Num/Seq	Description	Filed	Received	Party	Routed	Ruling	Closed	User ID
001000	Notice of filing of the State Engineer's Order of Determination	10/28/08		DRG	OTH001			N/A
002000	Order Setting Hearing of Exceptions	10/30/08		DRG	000			PG PG
003000	Affidavit of Service	11/10/08		DRG	000			BW BW
004000	Notice of Exceptions And Exceptions To Final Order Of Determination Filed by RPI016-Bentley, J.W., RPI017-Bentley, Maryann	12/10/08		DRG	RPI016			BW BW
005000	Notice of Request and Notice Regarding Partial Ownership of Claim 06320	02/11/09		DRG	RPI018			KW KW
006000	Notice of Exceptions and Exceptions to Final Order of Determination (RE: Proofs V-06365, V-06366)	03/23/09		DRG	000			MB MB
007000	Claimant's Notice of Exceptions to the Final Order of Determination Regarding Proof of Appropriation No. V-08850	03/25/09		DRG	000			MB MB
010000	(STRICKEN) Amended Notice of Exceptions and Exceptions to Final Order of Determination	03/25/09		DRG	RPI016			HC PG
009000	Notice of Exceptions to the Final Order of Determination	03/26/09		DRG	000			MB MB
008000	Notice of Exception to the Order of Determination	03/26/09		DRG	000			MB MB
011000	(STRICKEN) Notice of Appearance and Intent to Participate	03/27/09		DRG	000			MB PG
012000	(STRICKEN) Reply to Exceptions by Bentley to Final Order of Determination	03/27/09		DRG	000			MB PG
013000	(STRICKEN) Response to Reply to Ex by Bentley to Final Order of Determination Filed by RPI017-Bentley, Maryann, RPI016-Bentley, J.W.	03/31/09		DRG	RPI017			MB PG
014000	Certificate of Service	03/31/09		DRG	RPI001			BD BD
015000	Reporter's Transcript of Proceedings Determination of Water Rights Hearing 4/1/09 (Subpart A)	04/03/09		DRG	000			MB MB
016000	Reporter's Transcript of Proceedings Determination of Water Rights Hearing 4/1/09 (Subpart B)	04/03/09		DRG	000			MB MB

Num/Seq	Description	Filed	Received	Party	Routed	Ruling	Closed	User	ID
017000	Reporter's Transcript of Proceedings Determination of Water Rights Hearing 4/1/09 (Subpart C)	04/03/09		DRG	000			MB	MB
018000	Reporter's Transcript of Proceedings Determination of Water Rights Hearing 4/1/09 (Subpart D)	04/03/09		DRG	000			MB	MB
019000	Reporter's Transcript of Proceedings Determination of Water Rights Hearing 4/1/09 (Subpart E)	04/03/09		DRG	000			MB	MB
020000	Reporter's Transcript of Proceedings Determination of Water Rights Hearing 4/1/09 (Subpart F)	04/03/09		DRG	000			MB	MB
021000	Reporter's Transcript of Proceedings Determination of Water Rights Hearing 4/1/09	04/03/09		DRG	000			MB	MB
022000	(F) Motion to Intervene	04/09/09		DRG	OTH013	Ruled	04/29/09	HC	JT
023000	(F) Notice of and Motion to Intervene	04/09/09		DRG	OTH015	Ruled	04/29/09	HC	JT
024000	(F) Amended Certificate of Service Filed by OTH013-Yturbide, Thomas M, OTH014-Yturbide, Paula J	04/10/09		DRG	OTH013			MB	MB
025000	(F) Motion to Intervene	04/10/09		DRG	OTH002	Ruled	04/29/09	MB	JT
026000	(D) Motion to Intervene Filed by ITV001-Hall Ranches, LLC., , ITV005-Mitchell, Ginger G., ITV004-Mitchell, Ronald R., ITV003-Scharo, Frank, ITV002-Sheridan Creek Equestrian Center, LLC.,	04/10/09	04/28/09	DRG	ITV001	Ruled	06/12/09	MB	JT
047000	(E) Qualified Objection to Exceptions to 04/13/09 The Final Order of Determination Regarding Proof of Appropriation V-08850 as it Affects Proofs Numbers V-06342, V-06343, and a Portion of V-02856 Filed by OTH005-Jackson, Jerald R., OTH006-Windholz, Irene M.			DRG	OTH005			MB	MB
028000	(F) Amended Certificate of Service	04/16/09		DRG	000			MB	MB
029000	(F) Affidavit of Service by Mail	04/17/09		DRG	000			MB	MB
030000	(D) Opposition to Motion to Intervene (Bentley) Filed by OTH017-Bentley Family Trust 1995 Trust, , OTH010-Bentley, Maryann, OTH009-Bentley, J.W.	04/20/09		DRG	OTH017			MB	MB
031000	(F) Notice of Appearance Filed by OTH003-Davis, David B., OTH004-Davis, Sharon Lynn	04/21/09		DRG	OTH003			MB	MB
032000	(D) Reply in Support of Motion to Intervene (Forrester/Scyphers/Scharo/Sheridan Creek/Mitchell) Filed by ITV003-Scharo, Frank, ITV002-Sheridan Creek Equestrian Center, LLC., , ITV004-Mitchell, Ronald R., ITV005-Mitchell,	04/24/09		DRG	ITV003			MB	MB

Ginger G., OTH007-Forrester, Donald S., OTH008-Forrester,
Kristina M.

Num/Seq	Description	Filed	Received	Party	Routed	Ruling	Closed	User ID
033000	(F) Order Granting Motion to Intervene (Maddi's Friesian Ranch)	04/29/09		DRG	000			MB MB
034000	(F) Order Granting Motion to Intervene (Maddi's Friesian Ranch LLC)	04/29/09		DRG	000			MB MB
036000	(F) Order RE: Granting Motion to Intervene of Eric and Elizabeth Park	04/29/09		DRG	000			MB MB
035000	(F) Order Granting Motion to Intervene (Thomas Yturbide & Paula Yturbide)	04/29/09		DRG	000			MB MB
038000	(F) Notice of Entry of Order Filed by OTH015-Park, Eric, OTH016-Park, Elizabeth	04/30/09		DRG	OTH015			MB MB
037000	(F) Notice of Entry of Order Filed by OTH013-Yturbide, Thomas M, OTH014-Yturbide, Paula J	04/30/09		DRG	OTH013			MB MB
039000	(F) Notice of Entry of Order	05/05/09		DRG	OTH002			MB MB
040000	(F) Opposition To Notice of Exception to the Order of Determination and Joinder in Opposition to Notice of Exception of Maddi's Friesian Ranch, LLC. Filed by OTH015-Park, Eric, OTH016-Park, Elizabeth	05/12/09		DRG	OTH015			MB MB
041000	(F) Opposition To Notice of Exception to The Order of Determination	05/13/09		DRG	OTH002			MB MB
042000	(F) Joinder in Opposition to Notice of Exception to the Order of Determination and Opposition to Notice of Exception to Order of Determination Filed by OTH013-Yturbide, Thomas M, OTH014-Yturbide, Paula J	05/13/09		DRG	OTH013			MB MB
043000	(F) Order Setting Pre-Trial Conference	06/05/09		DRG	000			KW KW
044000	(D) Request for Submission	06/05/09		DRG	000			KW KW
045000	(D) Order Allowing Intervention	06/12/09		DRG	000			KW KW
046000	(D) Notice of Entry of Order Filed by ITV005-Mitchell, Ginger G., ITV004-Mitchell, Ronald R., ITV003-Scharo, Frank, ITV002-Sheridan Creek Equestrian Center, LLC., , ITV001-Hall Ranches, LLC.,	06/16/09		DRG	ITV005			KW KW
048000	(D) Motion to Correct Order Allowing Intervention	07/08/09	07/29/09	DRG	OTH007	Ruled	11/13/09	PG JT
049000	(D) Transcript of Proceedings - Pretrial	07/15/09		DRG	000			HC HC

Hearing

Num/Seq	Description	Filed	Received	Party	Routed	Ruling	Closed	User ID
050000	(D) Opposition to Motion to Correct Order Filed by OTH009-Bentley, J.W., OTH010-Bentley, Maryann	07/16/09	DRG	OTH009				KW KW
051000	Witness List	07/16/09	DRG	000				KW KW
052000	List of Witnesses	07/17/09	DRG	OTH002				KW KW
053000	Witness List (F)	07/17/09	DRG	000				KW KW
054000	(F) Intervener Park's Identification of Witnesses to be Called at Trial Filed by OTH015-Park, Eric, OTH016-Park, Elizabeth	07/17/09	DRG	OTH015				KW KW
055000	Petitioners David Davis' and Sharon Davis' Witness List Filed by OTH003-Davis, David B., OTH004-Davis, Sharon Lynn	07/17/09	DRG	OTH003				KW KW
056000	(D) Reply in Support of Motion to Correct Order Allowing Intervention	07/22/09	DRG	ITV001				KW KW
057000	(F) Order Setting Hearing	07/22/09	DRG	000				KW KW
058000	(F) Notice of Entry of Order	07/28/09	DRG	OTH003				KW KW
059000	(F) Substitution of Attorney Filed by OTH015-Park, Eric, OTH016-Park, Elizabeth	07/31/09	DRG	OTH015				MB MB
061000	(F) Joinder in Motion in Limine, or Alternatively Motion to Compel Deposition Filed by OTH013-Yturbide, Thomas M, OTH014-Yturbide, Paula J	08/03/09	DRG	OTH013		Ruled	11/02/09	MB JT
064000	(F) Notice of Opposition to Motion Filed by RES001-State Of Nevada, , RES002-Taylor, Tracy	08/05/09	DRG	RES001				MB MB
062000	(F) Stipulation and Order to Continue Hearing	08/18/09	DRG	000				MB MB
063000	(F) Notice of Entry of Order	08/25/09	DRG	000				MB MB
065000	(F) Order Rescheduling Hearing	09/24/09	DRG	000				MB MB
066000	(F) Notice of Entry of Order	09/28/09	DRG	OTH003				HC HC
067000	(F) Order	11/04/09	DRG	000				MB MB
068000	(D) Order	11/17/09	DRG	000				MB MB
069000	(D) Response and Objection to Notice of Exceptions and Exceptions to Final Order of Determination	11/19/09	DRG	ITV001				MB MB

Filed by ITV001-Hall Ranches, LLC., , ITV002-Sheridan Creek
Equestrian Center, LLC., , ITV003-Scharo, Frank

Num/Seq	Description	Filed	Received	Party	Routed	Ruling	Closed	User ID
070000	Notice of Entry of Order Filed by ITV001-Hall Ranches, LLC., , ITV002-Sheridan Creek Equestrian Center, LLC., , ITV003-Scharo, Frank, ITV004-Mitchell, Ronald R., ITV005-Mitchell, Ginger G.	11/19/09		DRG	ITV001			MB MB
071000	(F) Expert Witness List Filed by OTH013-Yturbide, Thomas M, OTH014-Yturbide, Paula J	11/20/09		DRG	OTH013			MB MB
072000	(F) Expert Witness Disclosure	11/23/09		DRG	OTH002			MB MB
073000	(D) Motion to Dismiss or, in the Alternative, to Redesignate Affirmative Defenses as Counterclaims	12/01/09	01/04/10	DRG	OTH009	Ruled	05/17/10	HC JT
074000	(D) Opposition to Motion to Dismiss or, in the Alternative, to Redesignate Affirmative Defenses as Counterclaims Filed by OTH007-Forrester, Donald S., OTH008-Forrester, Kristina M.	12/18/09		DRG	OTH007			MB MB
075000	(D) Partial Opposition to Motion to Dismiss Filed by RES001-State Of Nevada, , RES002-Taylor, Tracy	12/18/09		DRG	RES001			MB MB
076000	(F) Order Setting Time for Continuation of Trial	12/21/09		DRG	000			HC HC
077000	(D) Notice of Filing Original Affidavits Filed by OTH007-Forrester, Donald S., OTH008-Forrester, Kristina M., ITV001-Hall Ranches, LLC., , ITV003-Scharo, Frank, ITV002-Sheridan Creek Equestrian Center, LLC., , ITV004-Mitchell, Ronald R., ITV005-Mitchell, Ginger G.	12/28/09		DRG	OTH007			MB MB
078000	Amended Certificate Of Service	12/29/09		DRG	RES001			BW BW
079000	Response to To Partial Opposition To Motion To Dismiss	12/30/09		DRG	000			BW BW
080000	Errata And Supplement to Opposition To Motion To Dismiss Or, In The Alternative, To Redesignate Affirmative Defenses As Counterclaims	12/30/09		DRG	000			BW BW
081000	(D) Reply to Opposition to Motion to Dismiss or, in the Alternative, to Redesignate Affirmative Defenses as Counterclaims	12/31/09		DRG	OTH009			HC HC
082000	D - Motion For Division Of Water And For Remand And Reference To State Engineer For Further Evidence Filed by OTH007-Forrester, Donald S., OTH008-Forrester, Kristina	01/08/10		DRG	OTH007	Ruled	05/17/10	BW JT

M.

Num/Seq	Description	Filed	Received	Party	Routed	Ruling	Closed	User ID
083000	Request for Expedited Hearing (D)	01/11/10		DRG	OTH007			PG PG
084000	Motion to Strike (D)	01/11/10		DRG	OTH009	Ruled	05/17/10	PG JT
085000	D - Errata To Motion For Division Of Water And For Remand And Reference to State Engineer For Further Evidence	01/13/10		DRG	OTH007			BW BW
086000	(D) Opposition to Motion to Strike	01/20/10		DRG	OTH007			HC HC
087000	(D) Motion to Strike, or in the Alternative, Opposition and Partial Joinder to Motion for Division of Water and for Remand and Reference to State Engineer for Further Evidence	01/20/10		DRG	OTH009	Ruled	05/17/10	HC JT
088000	(D) Reply to Opposition to Motion to Strike	01/21/10		DRG	OTH009			HC HC
089000	(D) Response To Motion for Division of Water and for Remand and Reference to State Engineer for Further Evidence, and Response to Request for Expedited Hearing	01/21/10		DRG	RES001			HC HC
090000	(D) Reply in Support of Motion for Division of Water and for Remand and Reference to State Engineer for Further Evidence and Opposition to Motion to Strike	01/26/10		DRG	OTH007			HC HC
091000	(D) Request for Submission	01/26/10		DRG	OTH007			HC HC
092000	(F) Substitution of Counsel	01/27/10		DRG	OTH003			HC HC
093000	(F) Affidavit of Mailing	01/29/10		DRG	000			HC HC
094000	(F) Transcript of Proceedings (Judge's Order)	02/02/10		DRG	000			HC KW
095000	(D) Request to Submit Motion to Strike, or in the Alternative, Opposition and Partial Joinder to Motion for Division of Water and for Remand and Reference to State Engineer for Further Evidence and Reply to Response to Motion for Division of Water and for Remand and Reference to State Engineer for Further Evidence, and Response to Request for Expedited Hearing	02/12/10		DRG	OTH009			HC HC
096000	(D) Joint Case Conference Report	02/23/10		DRG	000			HC HC
097000	(D) Correction to Opposition to Motion to Dismiss or, in the alternative, to redesignate affirmative defenses as counterclaims	02/25/10		DRG	OTH007			PG PG

Num/Seq	Description	Filed	Received	Party	Routed	Ruling	Closed	User ID
098000	(D) - Order (Calendar Call)	03/03/10		DRG	000			BW BW
099000	(D) Information Questionnaire	03/08/10		DRG	RES001			BW BW
100000	(D) Information Questionnaire	03/09/10		DRG	OTH009			HC HC
101000	(D) Information Questionnaire	03/11/10		DRG	ITV001			HC HC
102000	(D) Order Setting Hearing	03/29/10		DRG	000			HC HC
103000	(E) Substitution of Attorneys	04/28/10		DRG	OTH005			KW JT
104000	Order (F)	05/21/10		DRG	000			KW JT
105000	(F) Notice of Entry of Order	05/25/10		DRG	000			KW KW
106000	Transcript of Proceedings-Partial Transcript of Proceedings Case Conference/Status Conference	05/26/10		DRG	000			PG PG
107000	Order Re: Amended Notice of Exceptions and Exceptions	06/02/10		DRG	000			KW KW
108000	Notice of Entry of Order	06/04/10		DRG	000			KW KW
110000	Transcript of Proceedings-Case Conference/Status Conference Monday, May 17, 2010	06/07/10		DRG	000			PG PG
109000	(D) Opposition To Proposed Order for Divisions of Water	06/07/10		MPG	OTH009			PG PG
111000	(D) Intervenor's Opening Brief Regarding Diversion Agreement Filed by ITV005-Mitchell, Ginger G., ITV004-Mitchell, Ronald R., ITV003-Scharo, Frank, ITV002-Sheridan Creek Equestrian Center, LLC., , ITV001-Hall Ranches, LLC.,	06/16/10		DRG	ITV005			KW KW
112000	(F) Motion for Leave to Withdaraw as Counsel	06/16/10		DRG	000			KW KW
113000	(D) Bentley's Opening Brief	06/17/10		DRG	OTH009			PG PG
114000	(D) Order for Division of Water	06/18/10		DRG	000			KW KW
115000	(D) Notice of Entry of Order Filed by ITV005-Mitchell, Ginger G., ITV004-Mitchell, Ronald R., ITV003-Scharo, Frank, ITV002-Sheridan Creek Equestrian Center, LLC., , ITV001-Hall Ranches, LLC.,	06/24/10		DRG	ITV005			KW KW
116000	(D) Rebuttal to Intervenor's Opening Brief Filed by ITV001-Hall Ranches, LLC., , OTH009-Bentley, J.W., OTH010-Bentley, Maryann	06/24/10		DRG	ITV001			KW KW

Num/Seq	Description	Filed	Received	Party	Routed	Ruling	Closed	User ID
117000	(D) Intervenor's Reply Regarding the Diversion Agreement Filed by ITV005-Mitchell, Ginger G., ITV004-Mitchell, Ronald R., ITV003-Scharo, Frank, ITV002-Sheridan Creek Equestrian Center, LLC., , ITV001-Hall Ranches, LLC.,	06/30/10		DRG	ITV005			KW KW
118000	(D) Supplement to Intervenor's Reply Regarding the Diversion Agreement Filed by OTH008-Forrester, Kristina M., OTH007-Forrester, Donald S.	07/01/10		DRG	OTH008			KW KW
119000	(D) Motion for Order Shortening Time to Oppose Motion to Amend Rotation Schedule Filed by ITV005-Mitchell, Ginger G., ITV004-Mitchell, Ronald R., ITV003-Scharo, Frank, ITV002-Sheridan Creek Equestrian Center, LLC., , ITV001-Hall Ranches, LLC.,	07/02/10		DRG	ITV005	Moot	07/07/10	KW JT
120000	(D) Motion to Amend Rotation Schedule Filed by ITV005-Mitchell, Ginger G., ITV004-Mitchell, Ronald R., ITV003-Scharo, Frank, ITV002-Sheridan Creek Equestrian Center, LLC., , ITV001-Hall Ranches, LLC.,	07/02/10		DRG	ITV005	Moot	03/18/11	KW JT
121000	(F) ExParte Request for Temporary Restraining Order	07/06/10		DRG	OTH002			KW KW
122000	(F) Motion for Preliminary Injunction	07/06/10		DRG	OTH002			KW KW
123000	(F) Order Pursuant to Motion for Leave to Withdraw as Counsel	07/06/10		DRG	000			KW KW
124000	(F) Order Setting Hearing	07/08/10		DRG	000			KW JT
125000	(F) Response To Motion for Preliminary Injunction	07/12/10		DRG	RES001			KW KW
126000	(D) Motion to Strike Filed by OTH010-Bentley, Maryann, OTH009-Bentley, J.W.	07/12/10		DRG	OTH010	Moot	03/08/11	KW JT
127000	(D) Notice of Appeal Filed by OTH009-Bentley, J.W., OTH010-Bentley, Maryann	07/13/10		DRG	OTH009			KW KW
128000	(D) Case Appeal Statement Filed by OTH009-Bentley, J.W., OTH010-Bentley, Maryann	07/13/10		DRG	OTH009			KW KW
129000	(F) Exhibits to Response to Motion for Preliminary Injunction	07/14/10		DRG	RES001			KW KW
130000	(D) Opposition to (Third) Motion to Strike; Filed by OTH007-Forrester, Donald S., OTH008-Forrester, Kristina M.	07/16/10		DRG	OTH007			KW KW

Num/Seq	Description	Filed	Received	Party	Routed	Ruling	Closed	User ID
131000	(D) Opposition to Motion to Amend Rotation Schedule Filed by OTH009-Bentley, J.W., OTH010-Bentley, Maryann	07/19/10		DRG	OTH009			KW KW
132000	(F) Notice of Voluntary Withdrawal of Motion for Preliminary Injunction	07/22/10		DRG	OTH002	Moot	07/22/10	PG JT
133000	(D) Reply in Support of Motion to Amend Rotation Schedule Filed by OTH007-Forrester, Donald S., OTH008-Forrester, Kristina M.	07/28/10		DRG	OTH007			KW KW
134000	(D) Request for Submission Filed by OTH007-Forrester, Donald S., OTH008-Forrester, Kristina M.	07/28/10		DRG	OTH007			KW KW
135000	Receipt for Documents (Supreme Court)	08/10/10		DRG	000			KW KW
136000	(D) Order	08/16/10		DRG	000			KW KW
137000	(F) Order	08/30/10		DRG	000			PG PG
138000	(F) Notice of Entry of Order	09/02/10		TBA	RES001			PG PG
139000	(D) Motion for Summary Judgment	09/27/10		DRG	OTH007	Ruled	08/01/11	PG JT
140000	(D) Opposition to Motion for Summary Judgment and Cross-Motion for Summary Adjudication	10/07/10		DRG	OTH009	Ruled	08/01/11	PG JT
141000	(D) Motion for Protective Order	10/15/10		DRG	OTH007	Moot	03/08/11	PG JT
142000	(D) Request for Hearing	10/15/10		DRG	OTH007			PG PG
143000	(D) Request for Submission	10/15/10		DRG	ITV001			PG PG
144000	(D) Reply in Support of Motion for Summary Judgment	10/15/10		DRG	OTH007			PG PG
145000	(D) Opposition to Motion for Protective Order	10/28/10		DRG	OTH009			PG PG
146000	(D) Affidavit of Michael T. Matuska in Support of Opposition to Motion for Protective Order	10/28/10		DRG	000			PG PG
147000	Request for Submission	11/03/10		DRG	ITV001			PG PG
148000	Reply in Support of Motion for Protective Order	11/03/10		DRG	OTH007			PG PG
149000	(D) Order	11/19/10		DRG	000			PG PG

Num/Seq	Description	Filed	Received	Party	Routed	Ruling	Closed	User	ID
150000	(D) Motion to Withdraw as Attorney	12/14/10		TBA	ITV006	Moot	12/30/10	PG	JT
151000	(D) Opposition to Motion to Withdraw	12/16/10		DRG	OTH009			PG	PG
152000	(D) Withdrawal of Motion to Withdraw as Attorney Filed by ITV007-Scyphers, Kathleen M., ITV006-Scyphers, Thomas J.	12/30/10		DRG	ITV007			KW	KW
153000	(D) Withdrawal of Motion to Withdraw as Attorney	01/03/11		DRG	ITV006			HC	HC
154000	Remittitur (Supreme Court)	02/16/11		DRG	000			PG	PG
155000	Clerk's Certificate (Supreme Court)	02/16/11		DRG	000			PG	PG
156000	Order Dismissing Appeal (Supreme Court)	02/16/11		DRG	000			PG	PG
157000	Supreme Court Order Denying Petition for Writ of Prohibition or Mandamus	03/22/11		DRG	000			HC	HC
158000	(D) Request for Submission	03/22/11		DRG	000			HC	HC
159000	(D) Second Motion for Division of Water	03/29/11		DRG	OTH007	Ruled	07/26/11	PG	JT
160000	(D) Partial Opposition to Second Motion for Division of Water	04/06/11		DRG	RES001			PG	PG
162000	(D) Motion for Extension of Time	04/06/11		DRG	OTH009	Ruled	04/15/11	PG	JT
161000	(D) Ex Parte Motion to Shorten Time	04/07/11		DRG	OTH009	Ruled	04/15/11	PG	JT
163000	(D) Notice of Filing of Seepage Test Reports	04/08/11		DRG	OTH007			PG	PG
164000	(D) Opposition to Motion for Extension of Time	04/11/11		DRG	OTH007			PG	PG
165000	Order Directing Supplemental Briefing	04/13/11		DRG	000			PG	PG
166000	(D) Order	04/15/11		DRG	000			PG	PG
167000	Notice in Lieu of Remittitur	04/18/11		DRG	000			PG	PG
168000	(D) Opposition to Second Motion for Division of Water	04/29/11		DRG	OTH009			PG	PG
169000	Reply in Support of Second Motion for Division of Water	05/06/11		DRG	OTH007			PG	PG
170000	(D) Application for Release of Bond	05/16/11		DRG	OTH009	Ruled	06/07/11	PG	JT

Num/Seq	Description	Filed	Received	Party	Routed	Ruling	Closed	User	ID
171000	(D) Request to Set Trial	05/26/11		DRG	OTH007			PG	PG
172000	Order (Calendar Call)	06/01/11		DRG	000			KW	KW
173000	(D) Order Setting Hearing	06/01/11		DRG	000			PG	PG
174000	(D) Opposition to Request to Set Trial	06/03/11		DRG	OTH009			HC	HC
175000	(D) Order Directing Release of Bond	06/07/11		DRG	000			PG	PG
176000	(D) Information Questionnaire	06/08/11		DRG	000			HC	HC
177000	(D) Motion to Amend Division of Water	06/10/11		DRG	RES001	Ruled	07/26/11	PG	JT
178000	(D) Information Questionnaire	06/17/11		DRG	OTH009			PG	PG
179000	(D) Ex parte Motion to Shorten Time	06/17/11		DRG	OTH009			PG	PG
180000	(D) Notice of Entry of Order	06/20/11		DRG	OTH009			PG	PG
181000	(D) Order	06/20/11		DRG	000			PG	PG
182000	(D) Order Setting Trial	06/23/11		DRG	000			PG	PG
184000	(D) Scheduling Order	06/23/11		DRG	000			PG	PG
185000	(D) Opposition to Motion to Amend Division of Water	06/24/11		DRG	OTH007			PG	PG
186000	(D) Motion for Court Order Requiring Installation of Water Flow Division Device	06/24/11		DRG	OTH007	Moot	08/01/11	PG	JT
187000	(D) Joinder to Motion to Amend Division of Water and Reply to Opposition to Motion to Amend Division of Water	06/27/11		DRG	OTH009			PG	PG
188000	(D) Request for Submission of Motion to Amend Division of Water	06/27/11		DRG	RES001			PG	PG
189000	(D) Request for Submission	06/27/11		DRG	OTH009			PG	PG
190000	(D) Opposition to Motion for Court Order Requiring Installation of Water Flow Device	06/29/11		DRG	RES001			PG	PG
191000	(D) Joinder to Motion for Court Order Requiring Installation of Water Flow Division Device and Notice of Non-Opposition	07/01/11		DRG	OTH009			PG	PG
192000	(D) Reply to Opposition to Motion for Court Order Requiring Installation of Water Flow Device	07/06/11		DRG	OTH009			BW	BW

Num/Seq	Description	Filed	Received	Party	Routed	Ruling	Closed	User	ID
193000	(D) Reply in Support of Motion for Court Order Requiring Installation of Water Flow Division Device Filed by OTH007-Forrester, Donald S., OTH006-Windholz, Irene M., OTH005-Jackson, Jerald R., OTH004-Davis, Sharon Lynn, OTH003-Davis, David B., OTH002-Maddi's Friesian Ranch, LLC., , OTH001-Stockton, Bryan, ITV007-Scyphers, Kathleen M.	07/08/11		DRG	OTH007			MB	MB
194000	(D) Order	07/13/11		DRG	000			MB	MB
195000	(D) Motion to Compel Discovery Responses Filed by OTH009-Bentley, J.W., OTH010-Bentley, Maryann	07/15/11	08/01/11	DRG	OTH009	Moot	08/19/11	MB	JT
196000	(D) Affidavit of Michael L. Matuska in Support of Motion to Compel Filed by OTH009-Bentley, J.W., OTH010-Bentley, Maryann	07/15/11		DRG	OTH009			MB	MB
197000	(D) Amendment to Motion to Compel Discovery Responses Filed by OTH009-Bentley, J.W., OTH010-Bentley, Maryann	07/19/11		DRG	OTH009			MB	MB
198000	(D) Notice of Appeal Filed by OTH009-Bentley, J.W., OTH010-Bentley, Maryann	07/21/11		DRG	OTH009			MB	MB
199000	(D) Opposition to Motion to Compel Discovery Responses Filed by OTH007-Forrester, Donald S., OTH006-Windholz, Irene M., OTH005-Jackson, Jerald R., OTH004-Davis, Sharon Lynn, OTH003-Davis, David B., OTH002-Maddi's Friesian Ranch, LLC., , OTH001-Stockton, Bryan, ITV007-Scyphers, Kathleen M., ITV006-Scyphers, Thomas J., ITV005-Mitchell, Ginger G., ITV004-Mitchell, Ronald R., ITV003-Scharo, Frank	07/26/11		DRG	OTH007			MB	MB
200000	(D) Order	07/26/11		DRG	000			MB	MB
201000	(D) Reply to Opposition to Motion to Compel Discovery Responses Filed by OTH009-Bentley, J.W., OTH010-Bentley, Maryann	07/27/11		DRG	OTH009			MB	MB
202000	(D) Affidavit of Michael L. Matuska in Support of Reply to Opposition to Motion to Compel Filed by OTH010-Bentley, Maryann, OTH009-Bentley, J.W.	07/27/11		DRG	OTH010			MB	MB
203000	(D) Order re: Costs (Supreme Court)	07/28/11		DRG	000			MB	MB
204000	Transcript of Proceedings 8/1/11	08/05/11		DRG	000			MB	MB
205000	(D) Response to Objections to Proposed Order Filed by OTH009-Bentley, J.W., OTH010-Bentley, Maryann	08/08/11		DRG	OTH009			MB	MB
206000	(D) Reply in Support of Objections to	08/10/11		DRG	ITV006			MB	MB

Proposed Order Denying Motions for Summary Judgment

Filed by ITV006-Scyphers, Thomas J., ITV007-Scyphers, Kathleen
M., OTH007-Forrester, Donald S., OTH008-Forrester, Kristina M.

Num/Seq	Description	Filed	Received	Party	Routed	Ruling	Closed	User	ID
207000	(D) Motion to Strike Filed by ITV006-Scyphers, Thomas J., ITV007-Scyphers, Kathleen M., OTH001-Stockton, Bryan, OTH002-Maddi's Friesian Ranch, LLC., , OTH003-Davis, David B., OTH004-Davis, Sharon Lynn, OTH005-Jackson, Jerald R., OTH006-Windholz, Irene M., OTH007-Forrester, Donald S., OTH008-Forrester, Kristina M., OTH009-Bentley, J.W., OTH010-Bentley, Maryann	08/11/11		DRG	ITV006			MB	MB
208000	(D) Notice of Withdrawal of Motion to Compel Discovery Responses (Without Prejudice)	08/16/11		DRG	OTH009			HC	HC
209000	(D) Opposition to Motion to Strike Filed by OTH007-Forrester, Donald S., OTH008-Forrester, Kristina M.	08/19/11		DRG	OTH007			MB	MB
210000	(D) Order	08/24/11		DRG	000			MB	MB
211000	(D) Order	08/24/11		DRG	000			MB	MB
212000	(D) Reply to Opposition to Motion to Strike Filed by OTH009-Bentley, J.W., OTH010-Bentley, Maryann	08/26/11		DRG	OTH009			MB	MB
213000	(D) Notice of Entry of Order	08/30/11		DRG	OTH017			MB	MB
214000	(D) Stipulation to Extend Expert Witness Disclosure Filed by OTH009-Bentley, J.W., OTH010-Bentley, Maryann, ITV001-Hall Ranches, LLC., , ITV006-Scyphers, Thomas J., ITV007-Scyphers, Kathleen M., ITV003-Scharo, Frank, ITV002-Sheridan Creek Equestrian Center, LLC., , OTH007-Forrester, Donald S., OTH008-Forrester, Kristina M., ITV004-Mitchell, Ronald R., ITV005-Mitchell, Ginger G.	08/30/11		DRG	OTH009			MB	MB
215000	(D) Order Granting Extension of Expert Witness Disclosure	08/31/11		DRG	000			MB	MB
216000	(D) Notice of Entry of Order	09/01/11		DRG	000			MB	MB
217000	(D) Case Appeal Statement Filed by OTH010-Bentley, Maryann, OTH009-Bentley, J.W.	09/13/11		DRG	OTH010			MB	MB

RECEIVED
APR 15 2011
DOUGLAS COUNTY
DISTRICT COURT CLERK

Case No. 08-CV-0363-D

Dept. No. I

2011 APR 15 AM 10:16

CLERK
[Signature]

IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF DOUGLAS

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.

ORDER

THIS MATTER comes before the Court upon a Motion For
Extension of Time submitted by J.W. Bentley and MaryAnn
Bentley, Trustees of the Bentley Family Trust 1995 Trust
(hereinafter referred to as "Bentley"). The following have
opposed the Motion: Donald S. Forrester and Kristina M.
Forrester, Hall Ranches, LLC, Thomas J. Scyphers and
Kathleen M. Scyphers, Frank Scharo, Sheridan Creek Equestrian
Center, LLC, and Ronald R. Mitchell and Ginger G. Mitchell
(hereinafter referred to collectively as "Intervenors").

Bentley requests an extension of time to submit written
opposition to Intervenors' Second Motion For Division of Water.
Prior to Bentley's request being filed, the Court received a

1 Partial Opposition To Second Motion For Division Of Water
2 filed by the State Engineer. That partial opposition supports
3 the overall request to impose a rotation schedule for the 2011
4 irrigation season, pertaining to the waters of Sheridan Creek -
5 North Division, but proposes a different rotation schedule than
6 the one sought within Intervenor's Second Motion For Division
7 of Water. According to the State Engineer, his "proposed
8 rotation schedule allows for a more efficient distribution of
9 water. In addition, the Pestana parcel should not be included
10 at the present time as the property is not currently being
11 actively irrigated and all water right holders should share
12 equally in the excess created by the current non-use of water."

13 Partial Opposition To Second Motion For Division Of Water,
14 p. 2, lines 7-10.

15
16 Given the requested delay sought by Bentley, in briefing
17 the pending motion, and having examined all relevant pleadings
18 and papers on file herein, the Court now enters the following
19 order, good cause appearing:

20 The deadline to file Bentley's written opposition to the
21 Intervenor's Second Motion For Division of Water is hereby
22 extended to May 2, 2011. In the meantime, given that the 2011
23 irrigation schedule has already begun, the schedule proposed by
24 the State Engineer, as attached to the Partial Opposition, is
25 to be implemented as of the date of this Order by the State
26 Engineer until the pending motion has been fully briefed
27
28

1 and can be examined further by the Court.


2 IT IS SO ORDERED.

3 Dated this 15 day of April, 2011.

4

5

6



DAVID R. GAMBLE
District Judge

7

8 Copies served by mail and fax this 15th day of April, 2011 to:

9 Bryan L. Stockton, Esq.
10 Deputy Attorney General
11 State of Nevada
12 100 North Carson Street
13 Carson City, NV 89701
14 Fax: 775-684-1103

13 Thomas J. Hall, Esq.
14 P. O. Box 3948
15 Reno, NV 89505
16 Fax: 775-348-7211

15 Michael L. Matuska, Esq.
16 P. O. Box 2860
17 Minden, NV 89423
18 Fax: 775-782-3081

18

19

20

21

22

23

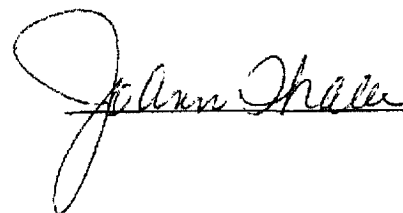
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25

26

27

28



Jann Thaler

CASE NO. 08-CV-0363(D)

DEPT NO. I

IN THE MATTER OF THE DETERMINATION OF THE
RELATIVE RIGHTS IN AND TO THE WATERS OF MOTT
CREEK, TAYLOR CREEK, CARY CREEK (ADA 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,

DATE: 8/1/11

COUNSEL:

JUDGE: DAVID R. GAMBLE

Michael Matuska-rep. Brooks
Family Trust

Tom Hall-rep. Forrester/Hall
Ranches

Brian Stockton-Deputy
Attorney General rep. State
Engineer's

CLERK: Pamela Gregory

COURT REPORTER: Joan Dotson

LAW CLERK: John Seddon

BAILIFFS: Rick Sousa

The above-entitled matter was before the Court this being the time set to hear the
pending Motions for Summary Judgment.

Mr. Hall and Mr. Matuska made their arguments.

The Court denied both motions, determining that genuine issues of material fact remain unresolved.

Mr. Matuska will prepare the Order.

The Court ordered the parties to meet and confer with representatives from the State Engineer's Office, together with their counsel if they choose, to determine reasonable steps for the maximal preservation and use of the Gansberg Stream and/or other water systems pertaining to the parties, including any improvements to prevent seepage associated with Bentley's use and appropriate division works necessary to implement the final Order of Decree.

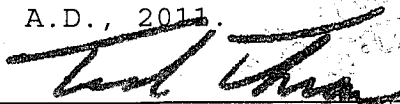
The State Engineer's Office is to report back to the Court.

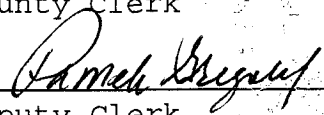
Mr. Stockton will prepare the Order.

1 STATE OF NEVADA)
2) ss
3 COUNTY OF DOUGLAS)

4 I, TED THRAN, County Clerk of Douglas County,
5 State of Nevada, and ex-officio Clerk of the District Court, Ninth
6 Judicial District of the State of Nevada, in and for the said
7 County of Douglas; said Court being a Court of Record, having
8 common law jurisdiction, and a Clerk and a Seal, do hereby certify
9 that the foregoing are the full, true copies of the following
10 original pleadings filed in Case No. 08-CV-0363 IN THE MATTER OF THE
11 DETERMINATION OF THE RELATIVE RIGHTS IN AND TO THE WATERS OF MOTT
12 CREEK; Notice of Appeal; Case Appeal Statement; District Court Docket
13 entries; Order filed April 15, 2011; District Court Minutes and,
14 Exhibit List.
15

16 IN TESTIMONY WHEREOF, I have hereunto set my hand
17 and affixed my Official Seal at Minden, in said County and State
18 this 13th day of September, A.D., 2011.

19 
20 _____
County Clerk

21 
22 _____
Deputy Clerk
23
24
25
26
27
28



TED THRAN
CLERK - TREASURER
<http://cltr.co.douglas.nv.us>

Civil Clerk's Office
(775) 782-9023

District Court Clerk's Office
(775) 782-9820

Tahoe General Services
(775) 586-7270

Treasurer's Office
(775) 782-9018

Transmittal to the Supreme Court

To: Nevada Supreme Court
210 South Carson Street
Carson City, Nevada 89710

Date: September 13, 2011

Re: District Court Case #: 08-CV-0363
District Court Case Name: IN THE MATTER OF THE DETERMINATION OF THE
RELATIVE RIGHTS IN AND TO THE WATERS OF MOTT
CREEK

THREE CERTIFIED COPIES of the following documents are transmitted to the Supreme Court pursuant to the July 22, 1996 revisions to the Nevada Rules of Appellate Procedure:

XXXX Notice of Appeal

XXXX Case Appeal Statement

XXXX District Court Docket entries

XXXX Judgment(s) or order(s) appealed from

**** Notice of entry of the judgment(s) or order(s) appealed from

**** Certification order directing entry of judgment pursuant to NRCP 54(b)

XXXX District Court Minutes

**** Exhibit List

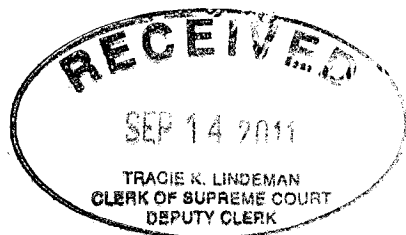
XXXX Supreme Court filing fee (\$250.00), if applicable

Respectfully,

TED THRAN
CLERK/TREASURER

By: *Pamela Suggs*
Senior Deputy Court Clerk

****indicates not applicable or not available



P.O. Box 218 • Minden, Nevada 89423