

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 (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 COUNTY, NEVADA.

No. 60891

FILED

FEB 15 2013

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *R. Malone*
DEPUTY CLERK

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

vs.

THE STATE OF NEVADA, OFFICE OF
THE STATE ENGINEER; HALL
RANCHES, LLC; SHERIDAN CREEK
EQUESTRIAN CENTER, LLC, A
NEVADA LIMITED LIABILITY
COMPANY; FRANK SCHARO;
RONALD R. MITCHELL; GINGER G.
MITCHELL; THOMAS J. SCYPHERS;
DONALD S. FORRESTER; AND
KRISTINA M. FORRESTER,
Respondents.

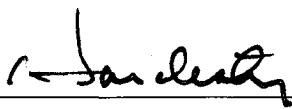
ORDER DISMISSING APPEAL

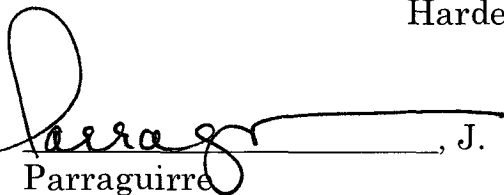
This is an appeal from a district court order, purportedly certified as final under NRCP 54(b), resolving certain exceptions to a final order of determination in a water rights case. Ninth Judicial District Court, Douglas County; David R. Gamble, Judge.

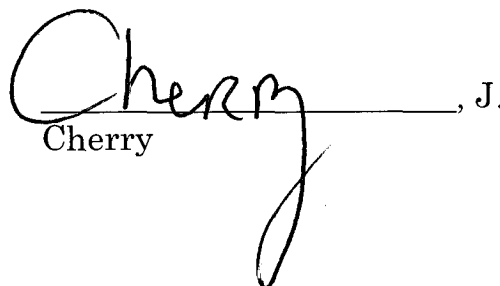
Our preliminary review of this case revealed a potential jurisdictional defect, in that it was not clear whether the judgment or order designated in the notice of appeal was a final order or was properly certified under NRCP 54(b). As a result, this court issued an order to appellants to show cause why this appeal should not be dismissed for lack of jurisdiction. See NRAP 3A(b)(1) (providing for an appeal from a final judgment in an action or proceeding); 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). In response to our order, appellants concede that the designated order was not a final judgment and that the order was not properly certified pursuant to NRCP 54(b). Nevertheless, they contend that this court has jurisdiction to consider this appeal pursuant to NRAP 3A(b)(3), which provides for an appeal from an injunction. Having reviewed the district court's order, we conclude that it is not appealable as an injunction under NRAP 3A(b)(3). See NRCP 65 (governing injunctions).

Accordingly, because appellants have not identified any basis on which this court may exercise jurisdiction over this appeal, we

ORDER this appeal DISMISSED.


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Cherry

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