EXHIBIT 12

March 19, 1926 United States' Amended Bill of Complaint,
United States of America v. Walker River Irrigation District, et al.

EXHIBIT 12

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among themselves; rights of defendants not known to plaintiff; necessity that rights of plaintiff and of defendants be determined; recognition by plaintiff that rights of defendants as among themselves have been determined by decree In Equity No. 731; willingness of plaintiff to accept provisions of decree In Equity No. 731 so far as it establishes rights of defendants.

Prayer for: Temporary restraining order; preliminary injunction; permanent injunction; establishment of plaintiff's rights; quieting of title; establishment of relative rights of all parties; costs, and general relief.

Verification.

In the District Court of the United States of America
In and for the District of Nevada

UNITED STATES OF AMERICA,
Paintiff,

vs.

Walker River Irrigation District, a corporation, John A. Beemer, Antelope Valley Land & Cattle Company, a corporation, Arthur Pitts, Willie Pitts, H. F. Powell, Mrs. Elizabeth Chichester, B. H. Chichester, James Powell, Mrs. Eliza McKay, Mrs. Sarah Carney, Virgil Connell, Hunnewill Land & Livestock Company, a corporation, James McKay, Frank Simpson, Truckee River General Electric Company, a corporation, H. W. Settlemeyer, A. Settlemeyer F. Schacht, Thomas Berry, Joe Allard, Sam Fales, Henry Rube, Eddie Rube, Joe Sorerine, A. Dellamonica, Modesto Dellamonica, Frank Yparraguirre, Mrs. Minnie Pimental, Mono Land & Livestock Company a corporation, C. C. Loose, Mrs. Annie B. Philatro, Fred Fredericks, G. B. Day, Mrs. H. P. Day Estate, Plymouth Land & Livestock Company, a corporation, Leland Day, C. M. Kirkwood, A. S. Bryant, Lorene Wedertz, A. W. Brandon, Mrs. M. V. Sinnamon, C. E. Day, Frank W. Chichester, David McKay, Mrs. Bertrand Salles, Mrs. Olive Stewart,

Louise Scanivino Estate, Joseph Scanivino, R. C. Terry, Fred Dunn, Frank Yparraguirre, Henry Baker, R. S. Brooks, D. J. Butler, A. Jensen, Patrick J. Conway, Battista Cremetti, A. Charlebois, Louis Saroni, Modesto Dellamonica, Maria Dellamonica, Rosie Dellamonica, Katie Dellamonica, Ulisee Dellamonica, Compston & Hacquet, A. H. Barlow, Clara Masterson, Harriet Estes, Hunnewill Land & Livestock Company, a corporation, J. M. Feeney, Mrs. Amanda Fenili, John F. Fredericks, Fox Ditch Company, a corporation, C. W. Gallagher, J. E. Gallagher J. B. Gallagher, T. F. Gallagher, J. C. Gallagher, Ed. Hornleben, A. Scossa, A. Sciarini, Wm. Schacht, C. W. Hyatt, Flora Nicholas, F. H. Knemeyer, H. H. Steck, F. Robinson, Carlo Scatina, Charles Altman, Pursel Estate, H. C. Guild, Kate Smith Gage, John B. Gallagher, W. F. Freeman, Joe Faber, Andy Johnson, Mary Gallagher, Perazzo Brothers, P. J. Conway, Edward Frederick Wade, Esther Sara Wade, Katherin I. Gallagher, Peter Gallagher Paul H. Gallagher, John Gallagher, Fred Lammon, J. G. Gibbons, A. W. Gander, M. J. Green, Ira Fallon, Greenwood Ditch Company, a corporation, G. Scatina, W. A. Pursel, George Freidhoff, Frank J. Mathews, Joseph Mathews, W. H. Spragg Estate, J. E. Gallagher, H. C. Kenna, C. A. Barrett, George F. Batchelder, Frank Hanson, Henry Hanson, Edward Knemeyer, John Shehady, P. Domeinci, Joe Scurrine, Elmer Hanson, G. F. Allum, Mrs. Adeline Hilburn, Peter Henricks, Charles B. Johnson, Menesin & Tonetti, Matie F. Frennel, G. B. Logan, Antone Manha, J. Arouse,

Annetta D. Lewis, Peter Heitman, H. S. Morgan, James H. Wichman, John H. Wichman, Mickey Ditch Company, a corporation, T. F. Fitzpatrick, George Osborne, Mrs. Emma Osborne, H. A. Lancaster, J. M. Lancaster, William Scossa, Joe Scirenia, Frank Luca, Mrs. Melarkey, Pete Dominico, John Perazzo William Scatena, Louise McGowan, Ray McGown, E. Aeschelman, A. B. Silia, Carlo Barbogetata, Maronchi Brothers, Mabel Plummer, George Plummer, Ray McVicar, Neil McVicar, Chas. C. Perry, George W. Freidhoff, Daniel Wilton Pursel, Henry Arthur, Ira Fallon, N. F. Bertrand, Mrs. Sarah Jane Rawlins, William M. Penrose, Mrs. Nellie Neilson, Reynold J. Penrose, Mrs. Mary E. Young, Ambro Rosachi, Thos. Ross, Frank Robinson, W. F. Reading, G. M. Reading, George H. Fulstone, W. H. Roach, Cecil Burkham, Peter Savani, A. Grulli, Frank W. Simpson, Fred Fulstone, Joe Fulstone, Arthur Maionchi, Melio Maionchi, L. D. Santini, Lizzie Heronymous, J. C. Snyder, John Snyder, Gus Williams, Henry A. Williams, Florence Williams, Mamie C. Williams, Dora Williams, Spragg & Woodcock Ditch Company, a corporation, C. C. Perry, M. F. Bertrand, Mrs. A. F. McLeod, C. A. McLeod, J. B. Gallagher, Mrs. G. W. Webster, S. McCroskey, Lettie Shelton, F. S. Cox, G. F. Willis, G. L. Nicholas, John Lamfersweiler, M. Dellamonica, George Welsh, L. Simmons, W. F. Cambrell, Frank Boward, John Snyder, C. E. Kingsley, H. M. Hanson, J. N. Welsh J. G. McGowan, Isaac A. Strosnider, F. O. Stickney, Alice L. Martin, Antone Gamagni, The Plymonth Company, a corporation,

Nellie J. Whiteacre, Bertha Ann Johnson, G. W. Wilson, J. Q. Wilson, W. R. McGowan, J. W. Wilson, J. G. McGowan, Mrs. Louise McGowan, Emilio Aiazzi, Hester West, Sophia E. Lynch, John McVicar, F. B. Mann, Margaret Schooley, James T. McKay, John F. Yparraguirre, Frank Yparraguirre, Joseph Yparraguirre, George Parker and John Doe, Richard Roe, Simeon Poe, Jane Doe and Sarah Roe, whose true names are to the plaintiff unknown,

Defendants.

AMENDED BILL OF COMPLAINT
In Equity
No. C.-125

COMES NOW the United States of America, plaintiff, by and through George Springmeyer, United States Attorney in and for the District of Nevada, and by leave of Court files this Amended Bill of Complaint in Equity, and complains of the defendants named above, and alleges as follows:

1

That the jurisdiction of this court over this suit depends upon the fact that the United States of America is a party hereto, and that a part of the subject matter hereof is within the State and District of Nevada. The suit is brought on behalf of the plaintiff by direction and authority of the Attorney

General of the United States by request of the Secretary of the Interior. That some of the defendants, named above, as plaintiff is informed and believes, are citizens and residents of the State and District of Nevada; that others of the defendants are citizens and residents of the State and Northern District of California; and that the residence and citizenship of others of the defendants are unknown to the plaintiff.

II

That on November 29, 1859, and for a long time prior thereto the plaintiff was and ever since has been, and still and now is the owner of about 86,400 acres of land in the State and District of Nevada, which then formed and now form the Walker River Indian Reservation. That on said November 29, 1859, said lands were largely arid in character and incapable of producing crops without artificial irrigation, but a large part of said lands was then and now is susceptible of being reclaimed and made valuable agricultural land by artificial irrigation. That in said year 1859 a portion of said lands were irrigated and produced crops; that said irrigated lands thereafter gradually were increased in area by the reasonable efforts of plaintiff in building canals and ditches and growing crops thereon, and that now about two thousand acres have been reclaimed and are producing large and valuable agricultural crops of hay, grain, pasturage and garden truck.

III

That on or about or before the 29th day of November, 1859, plaintiff having for a long time prior thereto recognized the fact that certain Pahute and other Indians were and they and their ancestors for many years had been residing upon and using certain lands in the State of Nevada around and near the Walker River and Walker Lake, which lands are those mentioned in the second paragraph hereof, and plaintiff then being desirous of protecting said Indians and their descendants in their lands, homes, fields, pastures, fishing, waters and in their use thereof, and in affording to them opportunity to acquire the art of husbandry and other arts of civilization, and to become civilized, did reserve said lands with the appurtenances, from any and all forms of entry or sale, and did reserve and set aside the same for the sole use of said Indians, and for their benefit and civilization. That on to wit: the 23rd day of March, 1874, the said lands having been previously surveyed, were by order of the President of the United States of America, for the purpose aforesaid, withdrawn from sale or other disposition and set apart for the Pahute and other Indians, aforesaid.

That said Walker River runs through a large part of said lands and a large part thereof, to wit: about 11,000 acres, are susceptible of irrigation from and by use of the waters of the said Walker River and all its branches and tributaries including the East Walker River and the West Walker River; and for the successful and proper irrigation of and for domestic

and other uses on the said land, there is now required and ever since the year 1859 there has been required, 150 cubic feet per second of time of the said waters.

That ever since the said 29th day of November, 1859, and prior thereto, the said Indians and their descendants had lived and they now live upon said reservation; and the same has been used and now is being used by the United States as an Indian Reservation and for the uses and purposes aforesaid. The plaintiff does now and for many years last past has maintained an extensive agency, and an Indian School upon said reservation, and has encouraged and does encourage the Indians belonging to said reservation, who now number about 520 persons, to farm said lands, and many acres thereof, to wit: approximately two thousand, have been for many years last past to wit, since about the year 1859, and still and now are being irrigated and farmed by them and used for the purpose of producing extensive crops of hay, grain, pasture and vegetables.

IV

The United States by setting aside said lands for said purposes and by creating said Walker River Indian Reservation, and by virtue of the matters and things aforesaid, did, on to wit: the 29th day of November, 1859, reserve from further appropriation and did reserve, set aside and appropriate for its own use, in, on and about said Indian reservation, and on the lands thereof from and of the waters of the said

Walker River and its tributaries, 150 cubic feet of water per second of time.

That plaintiff is the owner of and by and through said Pahute and other Indians is in the possession and occupation of the said lands and said Walker Indian Reservation. That plaintiff is now the owner of and by and through said Pahute and other Indians aforesaid, ever since the year 1859 has been the owner and appropriator of and entitled to the use and benefit of a vested water right to 150 cubic feet per second of time of the waters of said Walker River, East Walker River, West Walker River and all the tributaries of said rivers; and that as Plaintiff is informed and believes, and therefore alleges, in said year 1859 plaintiff appropriated and reserved from further appropriation, as aforesaid, and ever since said year of 1859 plaintiff by and through the said Pahute and other Indians has required and has been and still and now is using and utilizing said 150 cubic feet per second of time of said waters for the necessary and beneficial irrigation and reclamation of portions of said lands on said Walker River Indian Reservation.

That the climate where said lands are situated is dry and arid, and that it is necessary to irrigate said lands in order to produce or raise crops thereon; that without irrigation and naturally, said lands will not produce agricultural or grazing crops, and are of little or no value, but that with proper irrigation, said lands will produce and for many years last past have produced large crops of hay, grain, pasture and

vegetables. That there is no other source of supply of water for the irrigation of said lands described above than the so-called Walker River, East Walker River, West Walker River and the tributaries thereof, the waters of which have been used and utilized as aforesaid for the purpose of raising the said crops upon said lands; that in the building of necessary irrigation works including canals, ditches and laterals, and in clearing said lands for irrigation, and in seeding them to crops plaintiff has expended large sums of money, to wit: $175,000.00, and that if said plaintiff is deprived of the use of said waters upon said lands, the said lands will again become barren and of little or no value, and said irrigation works, canals, ditches and laterals will likewise be and become almost valueless.

V

That defendants, and each of them without right, and wrongfully and unlawfully, are using and utilizing the said waters of said Walker River, East Walker River, West Walker River and the tributaries thereof in the irrigation of lands owned or possessed by them, and in so utilizing said waters are obstructing, impeding, and preventing them from flowing down their natural channels to said Walker River Indian Reservation and are preventing and hindering the plaintiff and the said Pahute and other Indians aforesaid from using and utilizing said waters upon said lands on said Walker River Indian Reservation. The Plaintiff is informed and believes and

therefore upon such information and belief alleges the fact to be that the defendants and each of them are threatening to use and utilize all said waters upon lands owned and possessed by them, and are threatening to prevent plaintiff and the said Pahute and other Indians from using or utilizing any of said waters upon their said lands in said Walker River Indian Reservation. That the said defendants' said threatened use of said waters is without right, and wrongful and unlawful. That in the event the said defendants or any of them prevent the said waters from flowing to said Walker River Indian Reservation, plaintiff and the said Pahute and other Indians will have no water whatever to supply the needs and requirements of said Pahute and other Indians in the necessary, economical and beneficial irrigation of the said lands on said Walker River Indian Reservation, and that as a result this plaintiff will sustain great, immediate and irreparable loss, damage and injury to its said lands, and that it will be unable to raise or produce crops of hay, grain, pasture or vegetables upon said lands. That the said defendants threaten, and each of them threatens, and this plaintiff is informed and believes, and therefore upon such information and belief alleges the fact to be that the said defendants and each of them will, unless restrained and enjoined by order of this Court from so doing, construct dams, levees, headgates and ditches in said Walker River, East Walker River, West Walker River and the tributaries thereof, and thereby prevent the waters thereof from flowing nat-

urally to the said lands of plaintiff on said Walker River Indian Reservation, thus preventing said Pahute and other Indians from using and utilizing said waters which are necessary and essential as aforesaid for the proper and beneficial irrigation of the said lands on said Walker River Indian Reservation; all of which will be to the great, immediate and irreparable loss, damage and injury of this plaintiff, in that it will be deprived of, and will be unable to raise and produce crops of hay, grain, pasture or vegetables, which it has raised and produced upon said lands for many years last past.

VI

That the rights of the said defendants and each of them to the use of said waters of said Walker River, East Walker River, West Walker River and the tributaries thereof are conflicting with and adverse to the rights of plaintiff as hereinabove set forth, and are conflicting and adverse to the rights of each other and the rights claimed by said defendants and each of them, if exercised would, and when exercised do, diminish the volume of said waters in said Walker River, East Walker River, West Walker River and the tributaries thereof, so as to deprive the plaintiff of the amount of water to which it is entitled as a vested priority. That in particular during the remainder of the irrigation season of 1926, if the defendants or any of them should use or utilize the waters to which they and each of them claim they are entitled, as plaintiff is informed and believes, and

therefore alleges the fact to be, the plaintiff and the said Pahute and other Indians would suffer and sustain a total loss of all remaining crops which could be grown on said lands during the remainder of the season of 1926 if the waters to which plaintiff is entitled are allowed to flow upon said lands, to plaintiff's great, immediate and irreparable loss and damage.

That until the rights of the various claimants, parties hereto, including the plaintiff, to the use of the waters flowing in said Walker River, East Walker River, West Walker River and the tributaries thereof in the States of California and Nevada have been settled, and the extent, nature order and time of each right to divert said waters from said River and its tributaries have been judicially determined, plaintiff cannot properly protect its rights in and to the said waters, and to protect said rights other than as herein sought, if they could be so protected, would necessitate a multiplicity of suits.

The plaintiff recognizes as effective and binding the water rights and ditch rights on and along the Walker River and its tributaries in Nevada and in California, which were determined and adjudicated by the final decree of this court in the cause entitled "Pacific Livestock Company, a corporation, Complainant, vs. T. B. Rickey, et al, Defendants," In Equity No. 731, such recognition, however, being binding upon the plaintiff herein, the United States of America, only to the extent that in asserting its own claims as hereinbefore alleged, it will not disturb or interfere with the relative rights as among

themselves, of the parties to that decree, or their heirs, successors, administrators or assigns, who are parties to this suit, that is to say, the parties to said suit In Equity No. 731 shall have the priorities and rights adjudicated to them by the decree in said suit In Equity No. 731, except that the priorities and water rights of the plaintiff, the United States of America, as they may be fixed and determined by the Court, shall take their places in the order of priorities so that the parties to the decree in said suit in Equity No. 731, their heirs, successors, administrators or assigns, who are parties to this proceeding, and whose rights are subsequent to the rights of the United States as they may be fixed and determined by the Court herein, shall be subordinate to the rights of the United States. The plaintiff in asserting its own claims by this Bill of Complaint does not disturb or interfere with the relative rights as among themselves, of the parties to said decree In Equity No. 731 or their heirs, successors, administrators or assigns, who are parties to this suit.

WHEREFORE, plaintiff prays judgment against the defendants and each of them as follows:

1. That a temporary restraining order forthwith issue restraining defendants and each of them, and their and each of their agents servants, employes and lessees, and any and all other persons whomsoever from individually or through others damming, bulding levees, head-gates or ditches, obstructing, hindering, preventing or in any manner interfering with the natural flow of 150 cubic feet of water per

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second of time, in, down, along and upon the natural channels of the Walker River, East Walker River, West Walker River and the tributaries thereof, to and upon the Walker River Indian Reservation in the State and District of Nevada.

2. That not later than ten days after the granting of a temporary restraining order a hearing be had and a preliminary injunction be granted to plaintiff restraining defendants and each of them, and their and each of their agents, servants, employes and lessees, and any and all other persons whomsoever from individually or through others daming, building levees, head-gates or ditches, obstructing, hindering, preventing or in any manner interfering with the natural flow of 150 cubic feet of water per second in, down, along and upon the natural channels of Walker River, East Walker River, West Walker River and the tributaries thereof to and upon the Walker River Indian Reservation in the State and District of Nevada.

3. That upon the trial hereof, a permanent injunction issue restraining defendants and each of them, and their and each of their agents, servants, employees and lessees, and any and all other persons whomsoever from individually or through others daming, building levees head-gates or ditches, obstructing, hindering, preventing or in any manner interfering with the natural flow of 150 cubic feet of water per second, in, down, along and upon the natural channels of Walker River, East Walker River, West Walker River and the tributaries thereof, to and upon the

Walker River Indian Reservation in the State and District of Nevada.

4. That the Court order and adjudge that plaintiff has a first and prior vested right to 150 cubic feet per second of time of the waters of said Walker River, East Walker River, West Walker River and the tributaries thereof, and that the Court decree to plaintiff the water rights hereinabove set forth and claimed by and for plaintiff, and quiet its title therein and thereto, and enjoin said defendants and each of them from interfering therewith, and provide such other means, including the appointment of a Water Master and necessary assistants for the carrying out of its decree herein, as may be proper.

5. That the Court by its decree determine the relative rights of the parties hereto in and to the waters of the said river and its tributaries in Nevada and California, both natural flow and flood waters, to the end that it may be known how much of said waters may be diverted from said river by the parties hereto and for what purposes, where, by what means of diversion, and with what priority.

6. That the writ of subpoena issue to each and all of the said defendants, and that they be required to answer this Amended Bill of Complaint, and set up fully their claims to the waters of said river and its tributaries.

7. That plaintiff have its costs herein expended, and such other, further or different relief as may be meet and proper in the premises.

George Springmeyer

GEORGE SPRINGMEYER,
United States Attorney,
For Plaintiff.

Of Counsel: Ethelbert Ward

ETHELBERT WARD,
Special Assistant to the Attorney General.

UNITED STATES OF AMERICA
DISTRICT OF NEVADA } SS.

GEORGE SPRINGMEYER, being first duly sworn deposes and says:

That he is the United States Attorney for the District of Nevada, and as such makes this verification for and on behalf of plaintiff. That he has read the above and foregoing Amended Bill of Complaint and knows the contents thereof; that the same is true of his own knowledge except as to the matters therein stated on information or belief, and as to them, he believes it to be true.

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George Springmeyer

GEORGE SPRINGMEYER.

Subscribed and sworn to before me this 19th day of March, 1926.

Anna M. Warren

ANNA M. WARREN.
United States Commissioner. (Seal)