EXHIBIT 8-
Letter from W. M. Kearney to Ethelbert Ward (Sept. 12, 1934), US0035287

(Copy)

WILLIAM M. KEARNEY

Attorney at Law

RENO, NEVADA.

September 12, 1934.

Honorable Ethelbert Ward
Special Assistant to Attorney General
332 Post Office Building,
Denver, Colorado.

Re: U. S. vs. Walker River Irrigation District, et al - In Equity C-125

Dear Mr. Ward:

The question of re-opening the above-entitled case has again been brought to my attention for the purpose of establishing the fact that a reservoir has been constructed at the Weber Site on the Shurz Indian Reservation capable of storing from 8,000 to 11,000 acre feet of water. The defendants in the case are of the opinion that this fact should be made known to United States District Judge St. Sure who heard the case.

I have before me a number of photographs showing the dam as constructed at the present time, the outlet works, spillways, etc. We are very pleased that this dam has reached its present stage of construction so as to make it possible to store water in the reservoir which is formed by it. The photographs show a substantial lake of water behind the dam which, I understand, amounts to from 800 to 1,000 acre feet on August 18, 1934, the date the pictures were taken.

The purpose of this letter is to ask whether you will at this time sign the enclosed stipulation that such a dam has been constructed and a reservoir will now be available to impound water to the extent of 8,000 to 11,000 acre feet for the lands on the Shurz Indian Reservation involved in the lawsuit.

When the matter was called to your attention heretofore, the defendants felt it wise for the time being to forego the filing of the motion which I had prepared to re-open the case to present the foregoing facts to the court because it was intimated that the construction of the reservoir by the Indian Department might be delayed or abandoned if we pursued that course.

2.
Honorable Ethelbert Ward September 12, 1934.

Now that the dam is a reality and is well toward completion, I am sure that you would have no objection to signing the enclosed stipulation. If not, will you please advise me promptly so that I may file the motion with the Court, requesting that the case be re-opened for the purpose of putting on testimony to establish the facts which I have indicated?

With kind personal regards, I am

Very truly yours,

(Sgd) Wm. M. Kearney

WMK:ME
ENCS. 2
CC: Mr. W. S. Boyle
Attorney at Law,
Reno, Nevada

Walker River Irrigation District
Yerington, Nevada.