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LANCE S. WILSON  
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BY \_\_\_\_\_

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U.S. DISTRICT COURT  
MINDEN, NEVADA  
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Mr. Evan Beavers  
Beavers & Young  
1616 Highway 395  
Minden, NV 89423  
Attention: Mr. Beavers  
Enclosed  
Thank you for your letter  
of 4/19/00 regarding  
the above captioned matter.  
I will be in contact with  
you again in the near future.  
Sincerely,  
Lance S. Wilson  
Clerk

Evan Beavers, Esq.  
Beavers & Young  
1616 Highway 395  
Minden, NV 89423

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U.S. DISTRICT COURT  
DISTRICT OF NEVADA  
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CLERK, U.S. DISTRICT COURT  
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CLERK

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,  
Plaintiff,  
WALKER RIVER PAIUTE TRIBE,  
Plaintiff-Intervenor,

In Equity No. C-125-ECR  
Subfile No. C-125-B

CASE MANAGEMENT ORDER

vs.  
WALKER RIVER IRRIGATION DISTRICT,  
a corporation, et al.,  
Defendants.

UNITED STATES OF AMERICA,  
WALKER RIVER PAIUTE TRIBE,  
Counterclaimants,

v.  
WALKER RIVER IRRIGATION DISTRICT,  
et al.,  
Counterdefendants.

The enormity and complexity of the issues pending with respect to the First Amended counterclaims filed by the United States and the Walker River Paiute Tribe certainly suggest that

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1 some sort of bifurcation would be helpful in processing the action.  
2 Any such bifurcation may involve some duplication of work in  
3 relation to subsequent phases of the case. There does not seem to  
4 be any way to entirely avoid duplication, but we should endeavor to  
5 do so to the extent that we can. Another major concern is whether  
6 persons litigating in later phases of the case may find themselves  
7 prejudiced by being bound by decisions and adjudications in earlier  
8 phases where they did not participate. This, too, we should  
9 endeavor to avoid.

10 Without bifurcation of some sort, the case may simply be  
11 too big and too complex to process on a reasonable basis.

12 Having determined that some sort of bifurcation is  
13 desirable and necessary, we conclude that, in general terms, the  
14 proposal of the U.S./Tribe to bifurcate the "Tribal Claims" is as  
15 good and logical a basis for dividing the case as has been  
16 suggested or can be devised.

17 While many of the defenses to the claims of the  
18 U.S./Tribe claims for the Walker River Paiute Indian Reservation  
19 may be the same or similar to the defenses that may be offered with  
20 respect to the remaining claims of the U.S. for other Indian  
21 reservations and lands and federal enclaves and federal lands, each  
22 of the remaining claims appears to require development of a  
23 distinctly different factual scenario, as well as specific legal  
24 basis. This presents one good reason to bifurcate as suggested by  
25 the U.S./Tribe. Exactly how the defenses which overlap the claims  
26 for the Walker River Paiute Indian Reservation will play out as to

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each of the other separate claims is uncertain and adds justification for the proposed bifurcation.

In the order that follows, we have expanded the categories of water rights holders to be served with process somewhat beyond the categories suggested by the U.S./Tribe in their proposed case management order, but have not included all such categories as have been suggested by the Walker River Irrigation District and States of Nevada and California.

The categories to be served with process may be subject to adjustment and modification by order of the Magistrate Judge as he may find to be appropriate. However, we note that we have limited domestic users to be served with process to those whom, it appears, might be affected by pumping of underground water on the Walker River Paiute Indian Reservation. If it is shown that other domestic users could be affected by such pumping or that the underground and surface water constitute a single hydrological system where an earlier priority for the tribe for surface or underground waters could affect the rights of other domestic users, the Magistrate Judge should make an order expanding the category of domestic users who are required to be served with process.

We have also expanded the categories of water rights holders who have permits to pump groundwater issued by the State of Nevada and who are required to be served with process to additional Sub Basins in Nevada. This has been done because of the claim that underground and surface waters constitute a single source.

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These additional categories are also subject to modification by the Magistrate Judge on the same basis as noted above.

With the conclusion that the Tribal claims should be bifurcated in mind, we then endeavor to devise a case management order to provide for such bifurcation, taking into account the companion considerations noted above.

**IT IS, THEREFORE, HEREBY ORDERED** that:

(1) The claims of the Tribe contained in the First Amended Counterclaim of the Tribe and the claims of the U.S. on behalf of the Tribe (First, Second, and Third Claims for Relief) set forth in the First Amended Counterclaim of the U.S. are hereby bifurcated from all other claims raised by the U.S. in its pleading. The bifurcated claims are sometimes referred to herein as the "Tribal Claims." Reference to the U.S./Tribe below refers separately to the United States and its said claims, set forth in its First Amended Counterclaim in behalf of the Tribe and to the Walker River Paiute Tribe and its claims set forth in its First Amended counterclaim.

(2) The Tribal Claims shall proceed as described in this Case Management Order. All discovery and all other proceedings in this action included in or in connection with the said First Amended Counterclaims are stayed, until the further order of the court, and except as provided in this order.

**SERVICE OF PROCESS AND FILING OF LIS PENDENS**

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(3) Prior to the resolution of the Threshold issues identified below, the U.S./Tribe shall effect service of their respective First Amended Counterclaims, notices in lieu of summons, requests for waiver of service, and the within Case Management Order on all of the members of the categories of water rights holders described below. Each of the members of each said category shall be named as a Counterdefendant in this case.

(a) The successors in interest to all water rights holders under the Decree (April 14, 1936), modified, Order for Entry of Amended Final Decree to Conform to Writ of Mandate, Etc. (April 24, 1940) ("1936" Decree).

(b) All holders of surface water rights under the laws of the States of Nevada and California in the Walker River Basin who are not presently parties to this adjudication.

(c) All holders of permits or certificates to pump groundwater issued by the State of Nevada and domestic users of groundwater within Sub Basins 107 (Smith Valley), 108 (Mason Valley), 110A (Schurz Subarea of the Walker Lake Valley), and 110B (Walker Lake Subarea of the Walker Lake Valley).

(d) All holders of permits or certificates to pump groundwater issued by the State of Nevada within Sub Basins 106 (Antelope Valley), 109 (East Walker), and 110C (Whiskey Flat-Hawthorne Subarea of Walker Lake Groundwater Basin).

(e) All users of groundwater for irrigation in California.

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(f) All holders of "vested rights" to the use of groundwater under the laws of the State of Nevada within the Walker River Basin.

(g) All municipal providers in Nevada within the Walker River Basin who currently use groundwater.

(h) All municipal providers in California within the Walker River Basin who currently use groundwater.

(i) All industrial users in Nevada within the Walker River Basin who currently use groundwater.

(4) Subject to the requirements of this order, within 60 days of entry of this Case Management Order the parties shall file an agreed-upon Notice in Lieu of Summons for the Tribal Claims and agreement upon procedures for recording Lis Pendens to the Magistrate Judge for his consideration and approval. To the extent the parties cannot agree on any of these issues they shall, within said period of time, file their own proposals regarding such issues for consideration and decision by the Magistrate Judge. Procedures for recording of Notices of Lis Pendens will be determined by the Magistrate Judge by order.

(5) To the extent the U.S. and the Tribe cannot effect service or obtain a waiver of service from all the individual members of the categories of water rights holders and users listed above, and all other claimants to surface and groundwater rights not identified or who are unknown, the U.S./Tribe may move for publication of summons consistent with Fed. R. Civ. P. 4 and the laws and rules applicable for Nevada and California respectively to

1 the extent they are to be used according to Fed. R. Civ. P. 4. The  
2 Magistrate Judge shall consider any such motion and rule on the  
3 same so as to grant or deny such motion for publication in whole or  
4 in part.

5 (6) The Magistrate Judge shall establish a schedule for  
6 completion of service of process which may be modified by further  
7 order from time to time as appropriate.

8 The Magistrate Judge is authorized to consider and decide  
9 all issues which may arise pertaining to service of process.

10 (7) The Magistrate Judge shall conduct all necessary  
11 proceedings and shall decide how the information shall be obtained  
12 by the U.S./Tribe to enable them to identify the individuals and  
13 entities with claims to surface water and/or groundwater in the  
14 Walker River Basin who are the appropriate counterdefendants to the  
15 U.S./Tribe said counterclaims. The Magistrate Judge shall  
16 determine the responsibilities of the respective parties to provide  
17 such information and at whose cost. Such information may be  
18 ordered obtained through orders devised by the court or discovery  
19 or other processes, so that the litigation may proceed in a  
20 reasonable manner.

21 In this connection, the Magistrate Judge shall also  
22 consider and determine how, when, and at whose cost information  
23 regarding changes or modification in the individuals or entities  
24 with such water rights claims shall be provided as between the  
25 parties and the entities which receive information respecting any  
26



1 such changes, until service of process is complete on the  
2 counterclaims.

3 (8) The U.S./Tribe may seek costs of service pursuant to  
4 the requirement of Fed. R. Civ. P. 4(d) during their service  
5 efforts under this Case Management Order.

6 (9) After the U.S./Tribe have received the information  
7 and compiled the list of parties whom they intend to serve, that  
8 list and a description of the procedures by which it was compiled  
9 shall be filed and provided to the parties who shall have such  
10 period of time as the Magistrate Judge shall determine to file  
11 objections indicating whether the list is complete and includes all  
12 such water rights claimants within the categories described in  
13 paragraph (3) above who can reasonably be identified. The  
14 Magistrate Judge shall consider and rule on all such objections.  
15 Corrections to the list of intended parties may be made during the  
16 period of the service of process upon appropriate notice and  
17 approval of the Magistrate Judge.

18 Scheduling, Case Management

19 (10) Following completion of service of process on the  
20 said counterclaims, the Magistrate Judge shall receive  
21 recommendations of the parties for procedures for scheduling and  
22 for the efficient management of the litigation given the number of  
23 parties to the case. Such procedures may include the use of common  
24 counsel, special procedures for service of pleadings, or any other  
25 mechanisms deemed likely to reduce the burdens on the parties and  
26 the court in a case of this magnitude. The Magistrate Judge shall

1 consider and make all appropriate rulings with respect to these  
2 matters.

3 Threshold Issues Relative to Tribal Claims

4 (11) As soon as convenient after the entry of this order,  
5 and upon appropriate notice to the parties presently appearing in  
6 the case, the Magistrate Judge shall consider and make a  
7 preliminary determination of the threshold issues to be addressed  
8 at the outset of the litigation on the U.S./Tribe said  
9 counterclaims. Scheduling of such consideration shall go forward  
10 notwithstanding other proceedings provided for in this order. The  
11 list of threshold issues regarding said claims will not be finally  
12 resolved and settled by the Magistrate Judge until all appropriate  
13 parties are joined. Nevertheless, the parties are directed to  
14 identify all potential threshold issues promptly and to submit them  
15 to the Magistrate Judge for consideration, as he shall direct, so  
16 that action may proceed as promptly as possible upon conclusion of  
17 service of process. In general, threshold issues, among others,  
18 shall address jurisdiction, claim, preclusion, applicable law,  
19 equitable and other defenses which may be raised by any party.

20 Among others, the Magistrate Judge shall consider  
21 inclusion in the list of threshold issues to the resolution of the  
22 said Tribal Claims to be addressed at the outset of the litigation:

23 (a) Whether this court has jurisdiction to adjudicate  
24 the said Tribal Claims. If so, to what extent should the  
25 court exercise its jurisdiction in these matters. In this  
26 connection, what is the scope of this court's subject matter

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jurisdiction to adjudicate the Tribal Claims to groundwater, as well as to additional surface waters?

(b) Does federal law govern the pumping of groundwater on the Walker Lake Paiute Indian Reservation by the Tribe or the U.S. on its behalf?

(c) If the Tribe has the right to pump groundwater under federal law, are such rights, as a matter of federal law, subject to different protections than those provided by State law?

(d) Whether the court has jurisdiction over groundwater used pursuant to State law outside the exterior boundaries of the Walker River Paiute Indian Reservation if such use interferes with the Tribe's rights under federal law to use water from the Walker River system. If so, should the court exercise that jurisdiction?

(e) Whether equitable defenses bar some or all of the said Tribal Claims. Within such time as shall be fixed by the Magistrate Judge the parties now or hereafter appearing in the case shall file for consideration by the Magistrate Judge a statement as to any defenses or issues they intend to assert.

(f) Whether, regardless of the extent of hydrologic connection between surface and groundwater, this court is required to accept the distinction drawn between surface water rights and groundwater rights provided by California and Nevada law.

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(g) Are the holders of surface water rights established under federal law entitled to protection from the use of groundwater beyond the protection provided to holders of surface water rights established under state law.

(h) If the only jurisdiction of this court with respect to groundwater issues is to protect surface water rights established under federal law from interference by junior groundwater users, must the issues of interference be decided as a part of the adjudication of federal surface water claims.

Phasing of Proceedings

(12) Pretrial proceedings in this case with respect to the Tribal Claims shall be conducted in multiple phases as follows:

(a) Phase I of the proceedings shall consist of the threshold issues as identified and determined by the Magistrate Judge.

(b) Phase II will involve completion and determination on the merits of all matters relating to the said Tribal Claims.

A Scheduling Order shall be entered by the Magistrate Judge, in accordance with this order, and such other appropriate matters as he shall consider necessary to provide for completion of consideration of Phases I, II, and subsequent phases in the case.

(c) Additional phases of the proceedings shall encompass all remaining issues in the case. Such phases shall be

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determined and scheduled by the Magistrate Judge and may, to the extent he determines, overlap Phases I and II as appropriate. We do anticipate, however, that the additional phases will not be scheduled by the Magistrate Judge at least until the threshold issues as set forth above have been decided on the merits. The additional phases shall include, but not be limited to:

- (a) All other claims, crossclaims, counterclaims, defenses and issues raised by the pleadings of the parties that are not included in the threshold issues.
- (b) All other issues related to the Tribal Claims.
- (c) All issues related to the other Federal Claims.

**Responses to Process**

(13) The notices in lieu of summons shall notify the persons or entities served concerning how and when they must respond. They shall be directed to file and serve upon the U.S., the Tribe, the Walker River Irrigation District, the States of Nevada and California, within 60 days after completion of service of process (or where service is by publication within 60 days after the last day of publication of such service), a notice of appearance and intent to participate. No Answers or other pleading will be required except upon further order of the Magistrate Judge entered thereafter. No default shall be taken for failure to appear.

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(14) Upon completion of Phase I it may be necessary to join additional parties.

Discovery, Motions and Further Proceedings

(15) Once the Magistrate Judge has finally determined the threshold issues, discovery shall be allowed to all parties on the threshold issues. Discovery shall also be permitted during that same time period concerning the basis for the Tribal Claims; such discovery shall be limited to propounding of interrogatories and requests for production of documents relating to the contentions of the U.S./Tribe with respect to the basis for the Tribal Claims.

The discovery provided for in this paragraph (15) shall be conducted for such period and according to such terms, conditions, modifications and extensions to this order as shall be determined to be appropriate by the Magistrate Judge.

As provided above, all other discovery is stayed.

(16) Motions which may be dispositive or partially dispositive of any threshold issue shall be deferred until completion of discovery as permitted by this order and shall be filed thereafter within such time period and schedules for answers and replies as shall be determined by the Magistrate Judge. Such dispositive motions, however, will be decided by the undersigned judge.

(17) To the extent the threshold issues are not resolved by motions, an evidentiary hearing shall be held before the undersigned judge at such time and according to such conditions

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(including, as appropriate, the filing of joint prehearing orders as shall be determined by the Magistrate Judge.

(18) If a party wishes to perpetuate testimony relevant to this matter, that party shall comply with Fed. R. Civ. P. 27 and any applicable Local Rule. The Magistrate Judge will consider and determine all issues pertaining to perpetuation of testimony.

(19) Any party may move for modification of this Case Management Order for good cause shown. The Magistrate Judge shall have authority to change, modify and adjust this order. The Magistrate Judge shall hold regular periodic status conferences at times he shall determine, so that he and the parties may be advised as to the progress of the case and problems encountered, so that appropriate changes, modifications, and adjustments may be made in this order and such problems addressed.

**IT IS FURTHER ORDERED** that the Joint Motion For Leave to Serve First Amended Counterclaim filed by U.S./Tribe (#62) is **GRANTED** on the basis and to the extent set forth in this order.

The motions (#67), (#90), (#96), and (#93) are all considered ruled upon and decided as provided in the within order.

DATED: April 18, 2000.

*Edward C. Reed*  
UNITED STATES DISTRICT JUDGE

1 GEORGE N. BENESCH, ESQ. (SBN1774)  
2 Law Offices of George N. Benesch  
3 1025 Ridgeview Drive, Suite 400  
4 Post Office Box 3498  
5 Reno, Nevada 89505-3498  
6 Telephone: (775) 827-3100

U.S. DISTRICT COURT  
DISTRICT OF NEVADA  
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CLERK, U.S. DISTRICT COURT  
BY \_\_\_\_\_ DEPUTY

7 UNITED STATES DISTRICT COURT  
8 DISTRICT OF NEVADA

9 UNITED STATES OF AMERICA,  
10 Plaintiff,  
11 WALKER RIVER PAIUTE TRIBE,  
12 Plaintiff-Intervenor,  
13 vs.  
14 WALKER RIVER IRRIGATION  
15 DISTRICT, a corporation, et al;  
16 Defendants.

In Equity No. C-125-ECR  
Subfile No. C-125-C

SUBSTITUTION OF  
ATTORNEYS

FILED  
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DISTRICT OF NEVADA

17 GEORGE N. BENESCH, ESQ., is hereby substituted as attorney for Sario  
18 Livestock Company, in the above-entitled action, in place and stead of DeCuir &  
19 Somach and Hale, Lane, Peek, Dennison, Howard, and Anderson.

20 DATED this 14 day of Feb., 2000.

21 Beatrice Presto  
22 Beatrice Presto, General Manager

23 I hereby consent to the above and foregoing substitution.

24 DATED this 28th day of February, 2000.

25 DeCuir & Somach

26  
27 By William Vidales  
28

Law Offices of  
George N. Benesch  
1025 Ridgeview Drive,  
Suite. 400  
Reno, Nevada 89509  
(775) 827-3100

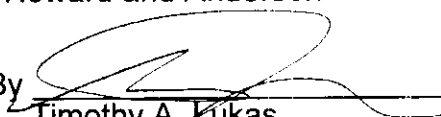


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I hereby consent to the above and foregoing substitution.

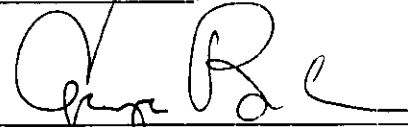
DATED this 14<sup>th</sup> day of March, 2000.

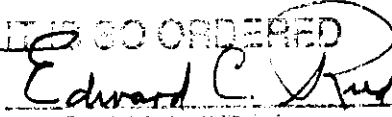
Hale, Lane, Peek, Dennison,  
Howard and Anderson

By   
Timothy A. Lukas

I hereby accept the above and foregoing substitution as attorney for Sario  
Livestock Company.

DATED this 13<sup>th</sup> day of April, 2000.

  
GEORGE N. BENESCH, ESQ.  
1025 Ridgeview Drive, Suite 400  
Post Office Box 3498  
Reno, Nevada 89505  
(775) 827-3100

IT IS SO ORDERED  
  
U.S. DISTRICT JUDGE  
DATED: April 18, 2000

CERTIFICATE OF SERVICE BY MAIL

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The undersigned hereby certifies that she is an employee of the Law Offices of George N. Benesch, and that on this date, she deposited in the United States Mail, at Reno, Nevada, a true and correct copy of the attached and foregoing SUBSTITUTION OF ATTORNEYS, enclosed in a sealed envelope with first class postage fully prepaid, addressed to the following:

Marta Adams  
Deputy Attorney General  
State of Nevada  
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Carson City, NV 89701

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Western Nevada Agency  
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| 4  | Roger Bezayiff<br>Watermaster  | Kenneth Spooner<br>General Manager<br>WRID  |
| 5  | P.O. Box 853<br>Yerington, NV 89447                                      | P.O. Box 820<br>Yerington, NV 89447   |
| 6  | Stuart I. Somach   |   |
| 7  | John A. Mendez   | Alex J. Flangas   |
| 8  | Donald B. Gilbert  | Timothy A. Lukas  |
| 9  | DeCuir & Somach<br>400 Capitol Mall, Ste. 1900                           | Robert C. Anderson<br>Hale, Lane, Peek, Dennison, Howard<br>and Anderson<br>P.O. Box 3237<br>Reno, NV 89505 |
| 10 | Sacramento, CA 95814   |   |
| 11 | Michael W. Neville<br>Deputy Attorney General<br>Department of Justice   | Treva J. Hearne, Esq.<br>James Spoo, Esq.   |
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| 13 |  |   |
| 14 | Kelly R. Chase<br>P.O. Box 2800<br>Minden, NV 89423                      | Roger Johnson<br>State Water Resources Control Board<br>P.O. Box 2000<br>Sacramento, CA 95810               |
| 15 |  |   |
| 16 | Norman Annett<br>Annett's Mono Village<br>P.O. Box 455                   | Kenneth Strosnider<br>P.O. Box 26<br>Smith, NV 89430  |
| 17 | Bridgeport, CA 93517   |   |
| 18 | Artesani Family Trust<br>c/o E.J. and M.E. Artesani                      | Richard N. Fulstone<br>2022 Nevada State Highway, No. 208<br>P.O. Box 61<br>Smith, NV 89430                 |
| 19 | 3024 Hauser Way<br>Carson City, NV 89701                                 |   |
| 20 |  |   |
| 21 | Deborah Hartline<br>P.O. Box 1343<br>Quincy, CA 95971                    | Terry Hawkins<br>Margaret Hawkins<br>945 E. Main Street, #168<br>Fernley, NV 89801                          |
| 22 |  |   |
| 23 | Virginia Lakes Mutual Water Co.<br>c/o Don Meier<br>4495 Gibraltar Drive | David Parraguirre<br>1700 Wendy Way<br>Reno, NV 89509   |
| 24 | Reno, NV 89509   |   |
| 25 | Plymouth Land and Stock<br>c/o Louis W. Bergevin                         | David A. Sceirine<br>P.O. Box 1013<br>Yerington, NV 89447   |
| 26 | P.O. Box 188<br>Gardnerville, NV 89410                                   |   |
| 27 | ////   |   |
| 28 |  |   |

1 Joe Sceirine  
2 P.O. Box 1013  
3 Yerington, NV 89447

Jack Sceirine  
Beverly Sceirine  
P.O. Box 249  
Yerington, NV 89447

3 Talbot Land & Livestock  
4 c/o Thomas J. Talbot  
5 1650 N. Sierra Highway  
6 Bishop, CA 93514

Rachel Tholke Trust  
c/o Dawn Cooper, Trustee  
P.O. Box 97  
Coleville, CA 96107  
Sweetwater Ranch  
c/o William W. Weaver, Jr.  
2535 State Route 338  
Wellington, NV 89444

6 Twelves Family Trust  
7 c/o Roy Snyder, Joanne Rice  
8 Elizabeth Aadnesen  
9 4164 South Syracuse  
10 Denver, CO 80237

11 DATED this 14<sup>th</sup> day of April, 2000.

  
Betty Melarkey

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GEORGE N. BENESCH, ESQ. (SBN1734)  
Law Offices of George N. Benesch  
1025 Ridgeview Drive, Suite 400  
Post Office Box 3498  
Reno, Nevada 89505-3498  
Telephone: (775) 827-3100

U.S. DISTRICT COURT  
DISTRICT OF NEVADA  
RECEIVED  
APR 14 2000  
CLERK, U.S. DISTRICT COURT  
BY \_\_\_\_\_ DEPUTY

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,  
Plaintiff,  
WALKER RIVER PAIUTE TRIBE,  
Plaintiff-Intervenor,  
vs.  
WALKER RIVER IRRIGATION  
DISTRICT, a corporation, et al;  
Defendants.

In Equity No. C-125-ECR  
Subfile No. C-125-C

SUBSTITUTION OF  
ATTORNEYS

FILED  
APR 19 AM 8:41  
CLERK

GEORGE N. BENESCH, ESQ., is hereby substituted as attorney for Carolyn Strosnider, in the above-entitled action, in place and stead of DeCuir & Somach and Hale, Lane, Peek, Dennison, Howard, and Anderson.

DATED this 5<sup>th</sup> day of February, 2000.

Carolyn Strosnider  
Carolyn Strosnider

I hereby consent to the above and foregoing substitution.

DATED this 28<sup>th</sup> day of February, 2000.

DeCuir & Somach

By William Webster

Law Offices of  
George N. Benesch  
1025 Ridgeview Drive,  
Suite. 400  
Reno, Nevada 89509  
(775) 827-3100

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I hereby consent to the above and foregoing substitution.

DATED this 14<sup>th</sup> day of March, 2000.

Hale, Lane, Peek, Dennison,  
Howard and Anderson

By [Signature]  
Timothy A. Lukas

I hereby accept the above and foregoing substitution as attorney for Carolyn Strosnider.

DATED this 13<sup>th</sup> day of April, 2000.

[Signature]  
GEORGE N. BENESCH, ESQ.  
1025 Ridgeview Drive, Suite 400  
Post Office Box 3498  
Reno, Nevada 89505  
(775) 827-3100

IT IS SO ORDERED  
[Signature]  
EDWARD C. HENDRICKS  
DISTRICT JUDGE  
DATED: April 13, 2000

CERTIFICATE OF SERVICE BY MAIL

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The undersigned hereby certifies that she is an employee of the Law Offices of George N. Benesch, and that on this date, she deposited in the United States Mail, at Reno, Nevada, a true and correct copy of the attached and foregoing SUBSTITUTION OF ATTORNEYS, enclosed in a sealed envelope with first class postage fully prepaid, addressed to the following:

Marta Adams  
Deputy Attorney General  
State of Nevada  
100 North Carson Street  
Carson City, NV 89701

R. Michael Turnipseed, P.E.  
Division of Water Resources  
State of Nevada  
123 W. Nye Lane  
Carson City, NV 89710

Western Nevada Agency  
Bureau of Indian Affairs  
1677 Hot Springs Road  
Carson City, NV 89706

Richard G. Greenfield  
Department of the Interior  
Two North Central Ave., #500  
Phoenix, AZ 85004

Linda Bowman  
Bowman & Robinson  
540 Hammill Lane  
Reno, NV 89511

Garry D. Stone  
Federal Water Master  
290 S. Arlington Avenue  
Reno, NV 89501

Ross E. deLipkau  
P.O. Box 2790  
Reno, NV 89505

John Kramer  
Department of Water Resources  
1416 Ninth Street  
Sacramento, CA 95814

Gordon H. DePaoli  
Dale E. Ferguson  
Woodburn & Wedge  
6100 Neil Road, Suite 500  
Reno, NV 89511

Kathryn E. Landreth  
United States Attorney  
100 W. Liberty, Suite 600  
Reno, NV 89501

Mary Hackenbracht  
Deputy Attorney General  
State of California  
1515 Clay Street, 20<sup>th</sup> Floor  
Oakland, CA 94612-3049

James T. Markle  
State Water Resources Control Board  
P.O. Box 100  
Sacramento, CA 95814

Susan Schneider  
U.S. Dept. of Justice  
Environment & Natural Resources  
Federal Building DR 3607  
999 - 18<sup>th</sup> Street, Suite 945  
Denver, CO 80202

David Moser  
McCutchen, Doyle, Brown & Enersen  
Three Embarcadero Center  
San Francisco, CA 94111

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Scott McElroy  
Alice Walker  
Greene, Meyer & McElroy  
1007 Pearl Street, Suite 220  
Boulder, CO 80302

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Watermaster  
P.O. Box 853  
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Stuart I. Somach  
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Donald B. Gilbert  
DeCuir & Somach  
400 Capitol Mall, Ste. 1900  
Sacramento, CA 95814

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Deputy Attorney General  
Department of Justice  
455 Golden Gate Ave., Ste. 11000  
San Francisco, CA 94102-3664

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Minden, NV 89423

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Annett's Mono Village  
P.O. Box 455  
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Quincy, CA 95971

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c/c Don Meier  
4495 Gibraltar Drive  
Reno, NV 89509

Plymouth Land and Stock  
c/c Louis W. Bergevin  
P.O. Box 188  
Gardnerville, NV 89410

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Assistant U.S. Attorney  
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Reno, NV 89509

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General Manager  
WRID  
P.O. Box 820  
Yerington, NV 89447

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Timothy A. Lukas  
Robert C. Anderson  
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and Anderson  
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Reno, NV 89505

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James Spoo, Esq.  
575 Forest Street, Ste. 200  
Reno, NV 89509

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State Water Resources Control Board  
P.O. Box 2000  
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c/o William W. Weaver, Jr.  
2535 State Route 338  
Wellington, NV 89444

Twelves Family Trust  
c/o Roy Snyder, Joanne Rice  
Elizabeth Aadnesen  
4164 South Syracuse  
Denver, CO 80237

DATED this 14<sup>th</sup> day of April, 2000.

  
Betty Melarkey

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Telephone: (775) 827-3100

U.S. DISTRICT COURT  
DISTRICT OF NEVADA  
RECEIVED  
APR 14 2000  
CLERK, U.S. DISTRICT COURT  
BY \_\_\_\_\_ DEPUTY

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,  
Plaintiff,  
WALKER RIVER PAIUTE TRIBE,  
Plaintiff-Intervenor,  
vs.  
WALKER RIVER IRRIGATION  
DISTRICT, a corporation, et al;  
Defendants.

In Equity No. C-125-ECR  
Subfile No. C-125-C

SUBSTITUTION OF  
ATTORNEYS

FILED  
10 APR 19 AM 8:41  
CLERK, U.S. DISTRICT COURT

GEORGE N. BENESCH, ESQ., is hereby substituted as attorney for Hunewill  
Land & Livestock, in the above-entitled action, in place and stead of DeCuir &  
Somach and Hale, Lane, Peek, Dennison, Howard, and Anderson.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2000.

Stanley L. Hunewill  
Jeff Hunewill Stanley L. Hunewill

I hereby consent to the above and foregoing substitution.

DATED this 28<sup>th</sup> day of February, 2000.

DeCuir & Somach

By William J. Somach

Law Offices of  
George N. Benesch  
1025 Ridgeview Drive,  
Suite. 400  
Reno, Nevada 89509  
(775) 827-3100

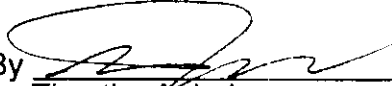
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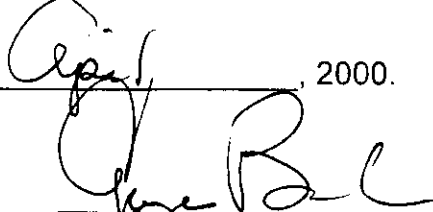
DATED this 14<sup>th</sup> day of March, 2000.

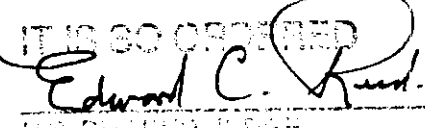
Hale, Lane, Peek, Dennison,  
Howard and Anderson

By   
Timothy A. Lukas

I hereby accept the above and foregoing substitution as attorney for Hunewill  
Land & Livestock.

DATED this 13<sup>th</sup> day of April, 2000.

  
GEORGE N. BENESCH, ESQ.  
1025 Ridgeview Drive, Suite 400  
Post Office Box 3498  
Reno, Nevada 89505  
(775) 827-3100

IT IS SO ORDERED  
  
U.S. DISTRICT JUDGE  
DATED: April 18, 2000

**CERTIFICATE OF SERVICE BY MAIL**

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State of Nevada  
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Carson City, NV 89701

R. Michael Turnipseed, P.E.  
Division of Water Resources  
State of Nevada  
123 W. Nye Lane  
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Western Nevada Agency  
Bureau of Indian Affairs  
1677 Hot Springs Road  
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Department of the Interior  
Two North Central Ave., #500  
Phoenix, AZ 85004

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Deputy Attorney General  
State of California  
1515 Clay Street, 20<sup>th</sup> Floor  
Oakland, CA 94612-3049

James T. Markle  
State Water Resources Control Board  
P.O. Box 100  
Sacramento, CA 95814

Susan Schneider  
U.S. Dept. of Justice  
Environment & Natural Resources  
Federal Building DR 3607  
999 - 18<sup>th</sup> Street, Suite 945  
Denver, CO 80202

David Moser  
McCutchen, Doyle, Brown & Enersen  
Three Embarcadero Center  
San Francisco, CA 94111

Law Offices of  
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1025 Ridgeway Drive,  
Suite. 400  
P.O. Box 3498  
Reno, NV 89505-3498  
(775) 827-3100

////

1 Scott McElroy  
Alice Walker  
2 Greene, Meyer & McElroy  
1007 Pearl Street, Suite 220  
3 Boulder, CO 80302

Shirley A. Smith  
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100 W. Liberty, Suite 600  
Reno, NV 89509

4 Roger Bezayiff  
Watermaster  
5 P.O. Box 853  
Yerington, NV 89447

Kenneth Spooner  
General Manager  
WRID  
P.O. Box 820  
Yerington, NV 89447

6 Stuart I. Somach  
7 John A. Mendez  
Donald B. Gilbert  
8 DeCuir & Somach  
400 Capitol Mall, Ste. 1900  
9 Sacramento, CA 95814

Alex J. Flangas  
Timothy A. Lukas  
Robert C. Anderson  
Hale, Lane, Peek, Dennison, Howard  
and Anderson  
P.O. Box 3237  
Reno, NV 89505

10 Michael W. Neville  
11 Deputy Attorney General  
Department of Justice  
12 455 Golden Gate Ave., Ste. 11000  
San Francisco, CA 94102-3664

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James Spoo, Esq.  
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Reno, NV 89509

13 Kelly R. Chase  
14 P.O. Box 2800  
Minden, NV 89423

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State Water Resources Control Board  
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15 Norman Annett  
16 Annett's Mono Village  
P.O. Box 455  
17 Bridgeport, CA 93517

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c/o E.J. and M.E. Artesani  
19 3024 Hauser Way  
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23 c/o Don Meier  
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2535 State Route 338  
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8 4164 South Syracuse  
9 Denver, CO 80237

DATED this 14<sup>th</sup> day of April, 2000.

  
Betty Melarkey

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Law Offices of George N. Benesch  
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Telephone: (775) 827-3100

U.S. DISTRICT COURT  
DISTRICT OF NEVADA  
RECEIVED  
APR 14 2000  
CLERK, U.S. DISTRICT COURT  
BY \_\_\_\_\_

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,  
Plaintiff,  
WALKER RIVER PAIUTE TRIBE,  
Plaintiff-Intervenor,  
vs.  
WALKER RIVER IRRIGATION  
DISTRICT, a corporation, et al;  
Defendants.

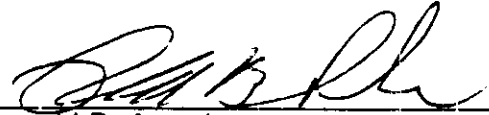
In Equity No. C-125-ECR  
Subfile No. C-125-C

SUBSTITUTION OF  
ATTORNEYS

FILED  
00 APR 19 AM 8:41  
L. J. WILSON  
CLERK

GEORGE N. BENESCH, ESQ., is hereby substituted as attorney for Ronald B. Arrache, in the above-entitled action, in place and stead of DeCuir & Somach and Hale, Lane, Peek, Dennison, Howard, and Anderson.

DATED this 08 day of 02, 2000.

  
\_\_\_\_\_  
Ronald B. Arrache

I hereby consent to the above and foregoing substitution.

DATED this 28th day of February, 2000.

DeCuir & Somach

By   
\_\_\_\_\_


Law Offices of  
George N. Benesch  
1025 Ridgeview Drive,  
Suite. 400  
Reno, Nevada 89509  
(775) 827-3100

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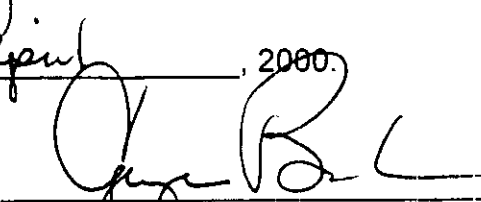
DATED this 14<sup>th</sup> day of March, 2000.


Hale, Lane, Peek, Dennison,  
Howard and Anderson

By   
Timothy A. Lukas

I hereby accept the above and foregoing substitution as attorney for Ronald B. Arrache.

DATED this 13<sup>th</sup> day of April, 2000.

  
GEORGE N. BENESCH, ESQ.  
1025 Ridgeview Drive, Suite 400  
Post Office Box 3498  
Reno, Nevada 89505  
(775) 827-3100

~~IT IS SO ORDERED~~  
  
U.S. DISTRICT JUDGE  
DATED: April 18, 2000



**CERTIFICATE OF SERVICE BY MAIL**

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8 DATED this 14th day of April, 2000.

  
Betty Melarkey