

1 G. DAVID ROBERTSON, ESQ.  
State Bar No. 1001  
2 KIRK C. JOHNSON, ESQ.  
State Bar No. 4299  
3 ROBERTSON & BENEVENTO  
50 West Liberty Street, Suite 600  
4 Reno, Nevada 89501  
Telephone No.: (775) 329-5600  
5 Facsimile No.: (775) 348-8300  
Attorneys for Counterdefendant  
6 Westfork

7  
8 **IN THE UNITED STATES DISTRICT COURT**  
9 **FOR THE DISTRICT OF NEVADA**

10  
11 UNITED STATES OF AMERICA,  
12 Plaintiff,

Case No.: 3:73-cv-00127-ECR-RAM  
IN EQUITY NO. C-125  
SUBFILE NO. C-125-B

13 WALKER RIVER PAIUTE TRIBE,  
14 Plaintiff-Intervenor,

15 vs.

**WESTFORK'S JOINDER IN  
DEFENDANTS' RESPONSIVE  
BRIEFS ON THRESHOLD ISSUES**

16 WALKER RIVER IRRIGATION  
DISTRICT, a corporation, et al.,  
17 Defendants.  
18 \_\_\_\_\_/

19 UNITED STATES OF AMERICA,  
WALKER RIVER PAIUTE TRIBE,  
20 Counterclaimants,  
21

22 vs.

23 WALKER RIVER IRRIGATION  
DISTRICT, et al.,  
24 Counterdefendants.  
25 \_\_\_\_\_/

26 COMES NOW Counterdefendant WESTFORK, by and through its attorneys of record,  
27 Robertson & Benevento, and hereby joins in Defendants Walker River Irrigation District's  
28

1 (1443) and Nevada Department of Wildlife's (1439)Responsive Briefs on Threshold Issues filed  
2 on or about October 10, 2008.

3 Dated: October 17, 2008.

4  
5 ROBERTSON & BENEVENTO  
6 50 West Liberty Street, Suite 600  
7 Reno, NV 89501

8 By:       /s/ Kirk C. Johnson        
9 Kirk C. Johnson, Esq.  
10 Attorneys for Westfork  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**CERTIFICATE OF SERVICE**

Pursuant to FRCP 5(b), I hereby certify that I am an employee of Robertson & Benevento, 50 West Liberty Street, Suite 600, Reno, Nevada 89501, and that on the 17<sup>th</sup> day of October, 2008, I electronically filed **WESTFORK'S JOINDER IN DEFENDANTS' RESPONSIVE BRIEFS ON THRESHOLD ISSUES** and thus, pursuant to LR 5-4, caused same to be served by electronic mail on the following Filing Users:

Linda Ackley  
[lackley@water.ca.gov](mailto:lackley@water.ca.gov)

Marta Adams  
[madams@ag.state.nv.us](mailto:madams@ag.state.nv.us)

Greg Addington  
[greg.addington@sudoj.gov](mailto:greg.addington@sudoj.gov)

George Benesch  
[gbenesch@sbcglobal.net](mailto:gbenesch@sbcglobal.net)

Linda A. Bowman  
[office@bowman.reno.nv.us](mailto:office@bowman.reno.nv.us)

T. Scott Brooke  
[brooke@brooke-shaw.com](mailto:brooke@brooke-shaw.com)

Brian Chally  
[brian.chally@lvvwd.com](mailto:brian.chally@lvvwd.com)

Gordon H DePaoli  
[gdepaoli@woodburnadnwedge.com](mailto:gdepaoli@woodburnadnwedge.com)

William J Duffy  
[william.duffy@dgsllaw.com](mailto:william.duffy@dgsllaw.com)

Cheri K Emm-Smith  
[districtattorney@mineralcountynv.org](mailto:districtattorney@mineralcountynv.org)

Dale E. Ferguson  
[dferguson@woodburnandwedge.com](mailto:dferguson@woodburnandwedge.com)

Andrew D. Galvin  
[drew.galvin@americantower.com](mailto:drew.galvin@americantower.com)

Noelle R Gentilli  
[ngentill@water.ca.gov](mailto:ngentill@water.ca.gov)

Sylvia L. Harrison  
[sharrison@mcdonaldcarano.com](mailto:sharrison@mcdonaldcarano.com)

John W. Howard  
[johnh@jwhowardattorneys.com](mailto:johnh@jwhowardattorneys.com)

1 Simeon Herskovits  
[simeon@communityandenvironment.net](mailto:simeon@communityandenvironment.net)

2  
3 John W. Howard  
[john@whowardattorneys.com](mailto:john@whowardattorneys.com)

4 Michael D. Hoy  
[mhoy@nevadalaw.com](mailto:mhoy@nevadalaw.com)

5  
6 Debbie Leonard  
[dshosteck@mcdonaldcarano.com](mailto:dshosteck@mcdonaldcarano.com)

7 Michael F. Mackedon  
[falonlaw@phonewave.net](mailto:falonlaw@phonewave.net)

8  
9 Erin K.L. Mahaney  
[emahaney@waterboards.ca.gov](mailto:emahaney@waterboards.ca.gov)

10 Gene M. Kaufmann  
[GKaufmann@mindenlaw.com](mailto:GKaufmann@mindenlaw.com)

11  
12 Malissa Hathaway McKeith  
[mckeith@lbbslaw.com](mailto:mckeith@lbbslaw.com)

13 Michael R. Montero  
[mrm@eloreno.com](mailto:mrm@eloreno.com)

14  
15 Marvin W. Murphy  
[marvinmurphy@sbcglobal.net](mailto:marvinmurphy@sbcglobal.net)

16 David L. Negri  
[david.negri@usdoj.gov](mailto:david.negri@usdoj.gov)

17  
18 Michael W. Neville  
[michael.neville@doj.ca.gov](mailto:michael.neville@doj.ca.gov)

19 Michael A. Pagni  
[mpagni@mcdonaldcarano.com](mailto:mpagni@mcdonaldcarano.com)

20  
21 Karen Peterson  
[kpeterson@allisonmackenzie.com](mailto:kpeterson@allisonmackenzie.com)

22 Susan Schneider  
[susan.schneider@usdoj.gov](mailto:susan.schneider@usdoj.gov)

23  
24 William E. Schaeffer  
[lander\\_lawyer@yahoo.com](mailto:lander_lawyer@yahoo.com)

25 John Paul Schlegelmilch  
[jpslaw@netscape.com](mailto:jpslaw@netscape.com)

26  
27 Laura Schroeder  
[counsel@water-law.com](mailto:counsel@water-law.com)

28 Stacey Simon  
[ssimon@mono.ca.gov](mailto:ssimon@mono.ca.gov)

1 Julian C Smith, Jr.  
[joylyn@smithandharmer.com](mailto:joylyn@smithandharmer.com)

2 Lynn L Steyaert  
[lls@water-law.com](mailto:lls@water-law.com)

3 Bryan L. Stockton  
[bstockton@ag.nv.gov](mailto:bstockton@ag.nv.gov)

4 Harry W Swainston  
[hwsainston@earthlink.net](mailto:hwsainston@earthlink.net)

5 Louis S Test  
[twallace@htag.reno.nv.us](mailto:twallace@htag.reno.nv.us)

6 Wes Williams  
[wwilliams@stanfordalumni.org](mailto:wwilliams@stanfordalumni.org)

7 Michael L. Wolz  
[mwolz@ag.nv.gov](mailto:mwolz@ag.nv.gov)

8 Charles S Zumpft  
[zumpft@brooke-shaw.com](mailto:zumpft@brooke-shaw.com)

9 I further certify that on the 17<sup>th</sup> day of October, 2008, I caused to be deposited in the U.S.  
10 Mail, first-class postage thereon fully prepaid, a true and correct copy of the above

11 **WESTFORK'S JOINDER IN DEFENDANTS' RESPONSIVE BRIEFS ON THRESHOLD**  
12 **ISSUES** on the following:

13 Kenneth Spooner  
14 General Manager  
15 Walker River Irrigation District  
16 P.O. Box 820  
17 Yerington, NV 89447

William W. Quinn  
Office of the Field Solicitor  
Department of the Interior  
401 W. Washington St., SPC 44  
Phoenix, AZ 85003

18 Mary Hackenbracht  
19 Deputy Attorney General  
20 State of California  
21 1515 Clay Street, 20<sup>th</sup> Floor  
22 Oakland, CA 94612-1413

Tracy Taylor  
Division of Water Resources  
State of Nevada  
901 S. Stewart Street  
Carson City, NV 89701

23 John Kramer  
24 Department of Water Resources  
25 1416 Ninth Street  
26 Sacramento, CA 95814

Nathan Goedde  
California Department of Fish and Game  
1416 9th Street Ste 1335  
Sacramento, CA 95814

27 Stephen B Rye  
28 Lyon Count District Attorney  
31 South Main Street  
Yerington, NV 89447

Donald B. Mooney  
Law Offices of Donald B. Mooney  
129 C Street, Suite 2  
Davis, CA 95616

1 Walker Lake Water Dist. G.I.D.  
175 Wassuk Way  
2 Walker Lake, NV 89415

James T. Fousekis  
Susan Fousekis  
2848 Garber Street  
Berkeley, CA 94705

3  
4 George M. Keele  
George M. Keele, APC  
1692 Country Road, Suite A  
5 Minden, NV 89423

William J Shaw  
Brooke & Shaw, Ltd.  
1590 Fourth Street  
P.O. Box 2860  
Minden, NV 89423

6  
7 John Kramer  
California Water Resources Department  
1416 Ninth Street  
8 Sacramento, CA 95814

Gary A Sheerin  
Gary A. Sheerin, Law Office of  
177 W Proctor Street, Suite B  
Carson City, NV 89703

9 R. C. Howard  
Hale Lane Peek, Dennison & Howard  
10 5441 Kietzke Lane  
Suite 200  
11 Reno, NV 89511

J. D. Sullivan  
Sullivan Law Offices  
1650 North Lucerne Street, Suite 201  
Minden, NV 89423

12 Robert L. Hunter  
Western Nevada Agency  
13 311 East Washington Street  
Carson City, NV 78701-4065

Mary Rosaschi  
P.O. Box 22  
Wellington, NV 89444

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

16  
17  
18  
19 /s/ Christine Braun  
An Employee of Robertson & Benevento