

1  
2 Greg Addington, Assistant U.S. Attorney  
3 Susan L. Schneider, Trial Attorney  
4 U.S. Department of Justice  
5 Environment and Natural Resources Div.  
6 999 – 18<sup>th</sup> Street, Suite 370  
7 Denver, Colorado 80202  
8 (303) 844-1348  
9 susan.schneider@usdoj.gov  
10 *Attorneys for the United States of America*

11  
12 **IN THE UNITED STATES DISTRICT COURT**  
13 **FOR THE DISTRICT OF NEVADA**

14 UNITED STATES OF AMERICA, ) IN EQUITY NO. C-125  
15 )  
16 Plaintiff, ) SUBFILE NO. C-125-B  
17 ) 3:73-cv-00127-ECR-LRL  
18 WALKER RIVER PAIUTE TRIBE, )  
19 ) **UNOPPOSED MOTION FOR**  
20 Plaintiff-Intervenor, ) **EXTENSION OF TIME TO FILE**  
21 ) **RESPONSE TO WALKER RIVER**  
22 v. ) **IRRIGATION DISTRICT’S**  
23 ) **OBJECTIONS TO RULINGS OF**  
24 WALKER RIVER IRRIGATION DISTRICT, ) **MAGISTRATE JUDGE WITH**  
25 a corporation, et al., ) **RESPECT TO PROPOSED ORDER**  
26 ) **CONCERNING SERVICE CUT-OFF**  
27 Defendants. ) **DATE**  
 )

18  
19 Pursuant to Rule 6(b) of the Federal Rules of Civil Procedure and LR 6-1 and LR 6-2,  
20 counsel for the United States of America (“United States”) and the Walker River Paiute Tribe  
21 (“Tribe”) move the Court for an order extending the time for them to file their response to the  
22 Walker River Irrigation District’s Objections to Rulings of Magistrate Judge With Respect to  
23 Proposed Order Concerning Service Cut-Off Date (#1663) from on or before October 24 2011,  
24 to on or before December 2, 2011.

25  
26 In support of the Motion, counsel for the United States and the Tribe represent the  
27 following:

- 1 1. Pursuant to LR IB 3-1 and rule 6(d) of the Federal Rules of Civil Procedure, the current  
2 deadline to file responses is October 24, 2011. The United States and the Tribe anticipate  
3 filing a joint response, which effort requires coordination among them.
- 4 2. At the request of the United States, the Tribe and Mineral County, the proposed Plaintiff-  
5 Intervenor in subproceeding C-125-C (collectively the “Plaintiff Parties”), Magistrate  
6 Judge Leavitt held a telephonic status conference on October 19, 2010, to address  
7 pending service issues. (Order, C-125-B, # 1598; C-125-C, #512).
- 8 3. Pursuant to the status conference and by Stipulation and Order dated December 9, 2010,  
9 and December 15, 2010, respectively, the Court established a schedule for filing  
10 proposed service cutoff and successor-in-interest orders in C-125-B and C-125-C, as well  
11 as memoranda related to objections, if any, to the proposed orders. (C-125-B, #1616; C-  
12 125-C, #518).
- 13 4. Pursuant to the Court’s direction, on November 30, 2010, the United States and the Tribe  
14 filed a proposed Service Cut-Off Order in subproceeding C-125-B, and the Plaintiff  
15 Parties filed joint proposed Successor-In-Interest Orders in subproceedings C-125-B and  
16 C-125-C. (C-125-B, ## 1613, 1614; C-125-C, # 516).
- 17 5. In late 2010 and early 2011, the Court extended the filing deadlines related to the  
18 proposed orders three times, twice for the Primary Defendants and once for the Plaintiff  
19 parties. (C-125-B, ## 1617, 1620, 1627; C-125-C, ## 519, 521, 528).
- 20 6. After briefing was complete in early 2011, on August 24, 2011, Magistrate Judge Leavitt  
21 issued identical Revised Proposed Orders Concerning Service Issues Pertaining to  
22 Defendants Who Have Been Served in subproceedings C-125-B and C-125-C. (C-125-B,  
23 # 1649; C-125-C, #540).
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- 1 7. On August 26, 2011, Magistrate Judge Leavitt issued an Amended Order Concerning  
2 Service Issues Pertaining to Defendants Who Have Been Served in subproceeding C-125-  
3 B. (C-125-B, # 1650).
- 4 8. On September 6, 2011, Magistrate Judge Leavitt issued an identical Amended Order  
5 Concerning Service Issues pertaining to Defendants Who Have Been Served in  
6 subproceeding C-125-C. (C-125-C, # 542).
- 7 9. The amended orders contained attachments not included in the Orders of August 24,  
8 2011, but are otherwise identical.
- 9 10. On September 12, 2011, WRID filed Objections to Rulings of Magistrate Judge With  
10 Respect to Revised Proposed Orders and Amended Orders Concerning Service Issues  
11 Pertaining to Defendants Who Have Been Served, challenging the Magistrate Judge's  
12 August 24, August 26, and September 6 Orders. (C-125-B, ## 1652, 1653; C-125-C, ##  
13 543, 544. Circle Bar N Ranch, LLC, and Mica Farms, LLC joined in WRID's objections.  
14 (C-125-B # 1654; C-125-C, #545).
- 15 11. On September 19, 2011, the Magistrate Judge issued an Order Concerning Service Cut-  
16 Off Date. (C-125-B, # 1656).
- 17 12. Because the Plaintiff Parties plan to submit a joint response to WRID's objections  
18 regarding successor-in-interest issues, and because the Attorneys for Mineral County  
19 were about to commence a lengthy administrative hearing that is scheduled to run  
20 through November 18, 2011, Plaintiff Parties sought and Defendants concurred in an  
21 extension of time within which to file this response. The Court has granted an extension  
22 of time within which the response to the successor-in-interest objections is to be filed  
23 until December 2, 2011. (C-125-B, #1661; C-125-C, #549).
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1 13. On October 6, 2011, WRID filed Objections to Rulings of Magistrate Judge With  
2 Respect to Proposed Order Concerning Service Cut-Off Date, challenging the Magistrate  
3 Judge's Order Concerning Service Cut-Off Date (C-125-B, ## 1663, 1664). Circle Bar N  
4 Ranch, LLC, and Mica Farms, LLC joined in WRID's objections. (C-125-B # 1665).

5  
6 14. To some extent, WRID's objections regarding the Order Concerning Service Cut-Off  
7 Date appear to address successor-in-interest issues as well. As a result, it is logical that  
8 the response regarding the objections to both Orders addressed herein, be made on the  
9 same timetable.

10 15. Therefore, the United States and the Tribe request an extension until December 2, 2011,  
11 in which to file a joint response to WRID's objections to the Order Concerning Service  
12 Cut-off Date.

13  
14 16. Counsel for the United States has contacted counsel for Primary Defendants concerning  
15 this request for an extension and none of the Primary Defendants has objected to it.

16  
17 NOW, THEREFORE, based upon the foregoing, the United States and the Tribe  
18 respectfully request that the Court grant this Unopposed Motion, and extend the time for them to  
19 file any responses to on or before December 2, 2011.

20  
21 Respectfully Submitted,

22  
23 U.S. DEPARTMENT OF JUSTICE

24 By: /s/ Susan L. Schneider  
25 Susan L. Schneider, Trial Attorney  
26 Environment and Natural Resources Div.  
27 999 – 18<sup>th</sup> Street, Suite 370  
Denver, Colorado, 80202  
*Attorney for United States of America*

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WALKER RIVER PAIUTE TRIBE

By: Wes Williams Jr. (by SLS)  
Wes Williams Jr.  
Nevada Bar No. 06864  
3119 Pasture Rd.  
P.O. Box 100  
Schurz, Nevada 89427  
*Attorney for Walker River Paiute Tribe*

**ORDER**

Dated: \_\_\_\_\_, 2011.

IT IS SO ORDERED.

\_\_\_\_\_  
United States District Judge

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CERTIFICATE OF SERVICE

I hereby certify that on this 14<sup>th</sup> day of October 2011, I electronically filed the foregoing **UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE RESPONSE TO WALKER RIVER IRRIGATION DISTRICT'S OBJECTIONS TO RULINGS OF MAGISTRATE JUDGE WITH RESPECT TO PROPOSED ORDER CONCERNING SERVICE CUT-OFF DATE** with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following via their email addresses:

Marta A. Adams  
[maadams@ag.state.nv.us](mailto:maadams@ag.state.nv.us) [payoung@ag.state.nv.us](mailto:payoung@ag.state.nv.us)

Gregory W. Addington  
[greg.addington@usdoj.gov](mailto:greg.addington@usdoj.gov) [judy.farmer@usdoj.gov](mailto:judy.farmer@usdoj.gov) [joanie.silvershield@usdoj.gov](mailto:joanie.silvershield@usdoj.gov)

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

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

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

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

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

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

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

Michael Neville  
[michael.neville@doj.ca.gov](mailto:michael.neville@doj.ca.gov), [cory.marcelino@doj.ca.gov](mailto:cory.marcelino@doj.ca.gov)

Karen A. Peterson  
[kpeterson@allisonmackenzie.com](mailto:kpeterson@allisonmackenzie.com), [egarrison@allisonmackenzie.com](mailto:egarrison@allisonmackenzie.com)

Todd A. Plimpton  
[tplimpton@msn.com](mailto:tplimpton@msn.com)

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24  
25  
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27

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

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

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

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

William E. Schaeffer  
[lander\\_laywer@yahoo.com](mailto:lander_laywer@yahoo.com)

Bryan L. Stockton  
[blstockt@ag.state.nv.us](mailto:blstockt@ag.state.nv.us), [payoung@ag.state.nv.us](mailto:payoung@ag.state.nv.us)

Stuart David Hotchkiss  
[david.hotchkiss@ladwp.com](mailto:david.hotchkiss@ladwp.com)

Paul J. Anderson  
[panderson@mclrenolaw.com](mailto:panderson@mclrenolaw.com)

Richard W. Harris  
[rharris@gbis.com](mailto:rharris@gbis.com)

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

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

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

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

J. D. Sullivan  
[jd@mindenlaw.com](mailto:jd@mindenlaw.com)

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

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

3 Malissa Hathaway McKeith  
4 [mckeith@lbbslaw.com](mailto:mckeith@lbbslaw.com)

5 Sheri M. Thome  
6 [sheri.thome@wilsonelser.com](mailto:sheri.thome@wilsonelser.com)

7 Marvin W. Murphy  
8 [marvinmurphy@sbcglobal.net](mailto:marvinmurphy@sbcglobal.net)

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

11 Kirk C. Johnson  
12 [kirk@nvlawyers.com](mailto:kirk@nvlawyers.com)

13 G. David Robertson  
14 [gdavid@nvlawyers.com](mailto:gdavid@nvlawyers.com)

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

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

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

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

23 Debbie Leonard  
24 [dleonard@mcdonaldcarano.com](mailto:dleonard@mcdonaldcarano.com)

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

27 Donald B. Mooney  
[dbmooney@dcn.org](mailto:dbmooney@dcn.org)

Erick Soderlund  
[esoderlu@water.ca.gov](mailto:esoderlu@water.ca.gov)

Don Springmeyer



1 [dspringmeyer@wrslawyers.com](mailto:dspringmeyer@wrslawyers.com)

2 James Spoo  
3 [spootoo@aol.com](mailto:spootoo@aol.com), [jjrbau@hotmail.com](mailto:jjrbau@hotmail.com)

4 Lynn Steyaert  
5 [lls@water-law.com](mailto:lls@water-law.com)

6 Micheal A. Pagni  
7 [mpagni@mcdonaldcarano.com](mailto:mpagni@mcdonaldcarano.com)

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

10 Ross E. de Lipkau  
11 [ecf@parsonsbehle.com](mailto:ecf@parsonsbehle.com)

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

14 and I further certify that I served a copy of the forgoing to the following non CM/ECF participants by U.S. Mail, postage prepaid, this 14<sup>th</sup> day of October, 2011:

15 Ken Spooner  
16 Walker River Irrigation District  
17 P. O. Box 820  
18 Yerington, NV 89447

19 Athena Brown, Superintendent  
20 Western Nevada Agency  
21 Bureau of Indian Affairs  
22 311 E. Washington Street  
23 Carson City, NV 89701-4065

24 Allen Biaggi  
25 Dept. of Conservation & Natural Res.  
26 State of Nevada  
27 901 S. Stewart St.  
Carson City, NV 89701

State Engineer - Division of Water Resources  
State of Nevada  
901 S. Stewart St.  
Carson City, NV 89701

1 Jim Shaw  
2 Chief Dep. Water Commissioner  
3 U. S. Bd. Water Commissioners  
4 410 N. Main Street  
5 Yerington, NV 89447

6  
7 Lyon County District Attorney  
8 31 South Main Street  
9 Yerington, NV 89447

10  
11 William J Shaw ,  
12 Brooke & Shaw, Ltd.  
13 1590 Fourth Street  
14 P.O. Box 2860  
15 Minden, NV 89423

16  
17 R. C. Howard  
18 Hale Lane Peek, Dennison & Howard  
19 5441 Kietzke Lane  
20 Suite 200  
21 Reno, NV 89511

22  
23 Kelly R. Chase  
24 P.O. Box 2800  
25 Minden, NV 89423

26  
27 George M. Keele  
1692 County Road  
Suite A  
Minden, NV 89423

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

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

David Moser  
McCutchen, Doyle, Brown, et al.  
Three Embarcadero Center  
Suite 1800

1 San Francisco, CA 94111

2 Gary Stone  
3 Water Master  
4 290 South Arlington Ave.  
5 Reno, NV 89501

6 James Fousekis  
7 2848 Garber Street  
8 Berkeley, CA 94705

9 Mary Rosaschi  
10 PO Box 22  
11 Wellington, NV 89444

12 Arden O. Gerbig  
13 106629 US Highway 395  
14 Coleville, CA 96407-9538

15 /s/ Eileen Rutherford  
16 Eileen Rutherford, Senior Paralegal  
17 USIS/Labat for US Department of Justice  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27