

IGNACIA S. MORENO
 Assistant Attorney General
 DANIEL G. BOGDEN
 United States Attorney
 Greg Addington, Assistant U.S. Attorney
 Susan L. Schneider, Trial Attorney
 U.S. Department of Justice
 Environment and Natural Resources Div.
 999 – 18th Street, South Tower Suite 370
 Denver, Colorado 80202
 (303) 844-1348
 susan.schneider@usdoj.gov
Attorneys for the United States of America

Simeon M. Herskovits, Nevada Bar No. 11155
 Advocates for Community and Environment
 El Prado, New Mexico 87529
 P.O. Box 1075
 (575) 758-7202
 simeon@communityandenvironment.net
Attorney for Mineral County, Nevada

Wes Williams, Jr., Nevada Bar No. 06864
 3119 Lake Pasture Rd.
 P.O. Box 100
 Schurz, Nevada 89427
 (775) 773-2838
 wwilliams@stanfordalumni.org
Attorney for the Walker River Paiute Tribe

**UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 WALKER RIVER PAIUTE TRIBE,)
)
 Plaintiff-Intervenor,)
 vs.)
)
 WALKER RIVER IRRIGATION DISTRICT,)
 a corporation, et al.,)
)
 Defendants.)
 _____)
 MINERAL COUNTY,)
)
 Proposed-Plaintiff-Intervenor,)
 vs.)
)
 WALKER RIVER IRRIGATION DISTRICT)
 a corporation, et al.,)
)
 Proposed Defendants.)
 _____)

IN EQUITY NO. C-125-ECR-WGC
 Subproceedings: C-125-B & C-125-C
 3:73-CV-00127-ECR- WGC &
 3:73-CV-00128-ECR- WGC

**UNOPPOSED MOTION FOR
 LEAVE TO FILE OVERSIZED
 BRIEF**

The United States of America (“United States”) and the Walker River Paiute Tribe (“Tribe”)(Plaintiff and Plaintiff-Intervenor in subproceeding C-125-B) and Mineral County (Proposed Plaintiff-Intervenor in subproceeding C-125-C)(collectively “Plaintiff Parties”) respectfully submit this *Motion for Leave to File Oversized Brief*.

Pursuant to Rules LR 7-4 and LR IB 3-1(a) of the Local Rules of Civil Practice of the United States District Court for the District of Nevada, Plaintiff Parties move the Court for leave to file an oversized brief in reply to the *Walker River Irrigation District’s Objections to Rulings of Magistrate Judge With Respect to Revised Proposed Orders and Amended Orders Concerning Service Issues Pertaining to Defendants Who have Been Served* and *Walker River Irrigation District’s Points and Authorities in Support of Objections to Rulings of Magistrate Judge with Respect to Revised Proposed Orders and Amended Orders Concerning Service Issues Pertaining to Defendants Who Have Been Served* (C-125-B ##1652, 1653, C-125-C ##543, 544).

In support of this motion, the Plaintiff Parties represent the following to the Court:

1. The Walker River Irrigation District (“WRID”) has filed objections to three Orders issued by Magistrate Judge Leavitt in one or both of subproceedings C-125-B and C-125-C. This request addresses the response in opposition to these objections to be filed on December 2, 2011, regarding WRID’s objections to the *Order Approving Revised Proposed Order Concerning Service Issues Pertaining to Defendants Who Have Been Served*, which was issued in both subproceedings.¹

¹ On August 24, 2011, the Magistrate Judge issued identical *Revised Proposed Orders Concerning Service Issues Pertaining to Defendants Who Have Been Served* in C-125-B and C-125-C. (B-#1649, C-#540). On August 26, 2011, he issued an *Amended Order Concerning Service Issues Pertaining to Defendants Who Have Been Served* in C-125-B. (B-#1650), and on September 6, 2011, issued an identical *Amended Order Concerning Service Issues Pertaining to*

2. Plaintiff Parties have determined to file a single joint response in both C-125-B and C-125-C. LR 7-4 sets forth a limit of 30 pages for any responses in opposition to objections to a Magistrate Judge's order. If Plaintiff Parties filed separate briefs, these briefs could have totaled 60 pages. By consolidating their responses into a single brief, the Plaintiff Parties have both consolidated their arguments and reduced the total number of pages that might have been required for two separate briefs.

3. WRID's objections are set forth in a motion and lengthy brief of 30 pages that require a detailed response.

4. For all of the above reasons it is necessary to exceed the page limitations of LR 7-4 to present the Court with the information it needs to decide the issue before it.

5. Plaintiff Parties seek approval to file a joint brief of no more than forty-five (45) pages in length in response to *Walker River Irrigation District's Objections to Rulings of Magistrate Judge With Respect to Revised Proposed Orders and Amended Orders Concerning Service Issues Pertaining to Defendants Who have Been Served*. The responses to be filed in opposition to WRID's other objections will each meet the page limit set forth in LR-7-4.²

6. Undersigned counsel has contacted counsel for WRID, which filed the objections, and counsel for Circle Bar N Ranch LLC and Mica Farms LLC, which joined in WRID's objections, both of whom indicate that they will not oppose this request.

Defendants Who Have Been Served in C-125-C. (C-#542) The amended orders contain attachments omitted from the initial orders, but are otherwise identical.

² The other filings address the *Order Concerning Service Cut-Off Date* (Sept. 19, 2011, B-#1656), and the *Order* addressing Mineral County's 2008 Service Report (Sept. 27, 2011, C-#547).

WHEREFORE, the Plaintiff Parties respectfully request that the Court grant leave to file an oversized brief of up to 45 pages in response to *Walker River Irrigation District's Objections to Rulings of Magistrate Judge With Respect to Revised Proposed Orders and Amended Orders Concerning Service Issues Pertaining to Defendants Who have Been Served.*

Dated: November 30, 2011

Respectfully submitted,

By /s/ Susan L. Schneider
SUSAN L. SCHNEIDER
Attorneys for the United States of America

Dated: November 30, 2011

Respectfully submitted,

By /s/ Wes Williams Jr.
WES WILLIAMS JR.
Attorney for the Walker River Paiute Tribe

Dated: November 30, 2011

Respectfully submitted,

By /s/ Simeon M. Herskovits
SIMEON M. HERSKOVITS
Attorney for Mineral County, Nevada

CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of November 2011, I electronically filed the foregoing **UNOPPOSED MOTION FOR LEAVE TO FILE OVERSIZED BRIEF** 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 payoung@ag.state.nv.us

Gregory W. Addington

greg.addington@usdoj.gov judy.farmer@usdoj.gov joanie.silvershield@usdoj.gov

George N. Benesch

gbenesch@sbcglobal.net

Gordon H. DePaoli

gdepaoli@woodburnandwedge.com

Dale E. Ferguson

dferguson@woodburnandwedge.com

Simeon M. Herskovits

simeon@communityandenvironment.net

John W. Howard

john@jwhowardattorneys.com elisam@jwhowardattorneys.com

Erin K.L. Mahaney

emahaney@waterboards.ca.gov

Donald R. Mooney

dbmooney@dcn.org

David L. Negri

david.negri@usdoj.gov

Michael Neville

michael.neville@doj.ca.gov, cory.marcelino@doj.ca.gov

Karen A. Peterson

kpeterson@allisonmackenzie.com, egarrison@allisonmackenzie.com

Todd A. Plimpton

tplimpton@msn.com

Laura A. Schroeder
counsel@water-law.com

Stacey Simon
ssimon@mono.ca.gov

Wes Williams
wwilliams@stanfordalumni.org

Cheri Emm-Smith
districtattorney@mineralcountynv.org

William E. Schaeffer
lander_laywer@yahoo.com

Bryan L. Stockton
blstockt@ag.state.nv.us, payoung@ag.state.nv.us

Stuart David Hotchkiss
david.hotchkiss@ladwp.com

Paul J. Anderson
panderson@mclrenolaw.com

Richard W. Harris
rharris@gbis.com

John Paul Schlegelmilch
jpslaw@netscape.com

Michael R. Montero
mrm@eloreno.com

Julian C Smith, Jr.
joylyn@smithandharmer.com

Gene M. Kaufmann
GKaufmann@mindenlaw.com

J. D. Sullivan
jd@mindenlaw.com

Charles S Zumpft
zumpft@brooke-shaw.com

Harry W. Swainston
hwsainston@earthlink.net

Malissa Hathaway McKeith
mckeith@lbbslaw.com

Sheri M. Thome
sheri.thome@wilsonelser.com

Marvin W. Murphy
marvinmurphy@sbcglobal.net

Brian Chally
brian.chally@lvvwd.com

Kirk C. Johnson
kirk@nvlawyers.com

G. David Robertson
[gdavid@nvlawyers.com](mailto:g david@nvlawyers.com)

Louis S Test
twallace@htag.reno.nv.us

T. Scott Brooke
brooke@brooke-shaw.com

William J Duffy
william.duffy@dgsllaw.com

Michael D Hoy
mhoy@nevadalaw.com

Debbie Leonard
dleonard@mcdonaldcarano.com

Michael F. Mackedon
falonlaw@phonewave.net

Donald B. Mooney
dbmooney@dcn.org

Erick Soderlund
esoderlu@water.ca.gov

Don Springmeyer
dspringmeyer@wrslawyers.com

James Spoo
spootoo@aol.com, jjrbau@hotmail.com

Lynn Steyaert
lls@water-law.com

Micheal A. Pagni
mpagni@mcdonaldcarano.com

Noelle R. Gentili
ngentill@water.ca.gov

Ross E. de Lipkau
ecf@parsonsbehle.com

Sylvia L. Harrison
sharrison@mcdonaldcarano.com

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 30th day of November 2011:

Ken Spooner
Walker River Irrigation District
P. O. Box 820
Yerington, NV 89447

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

Allen Biaggi
Dept. of Conservation & Natural Res.
State of Nevada
901 S. Stewart St.
Suite 1003
Carson City, NV 89701

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

Jim Shaw
Chief Dep. Water Commissioner
U. S. Bd. Water Commissioners
Post Office Box 853
Yerington, NV 89447

Dist. Attorney for Lyon County
31 South Main Street
Yerington, NV 89447

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

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

George M. Keele
1692 County Road, Ste. A
Minden, NV 89423

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
San Francisco, CA 94111

Gary Stone
Water Master
290 South Arlington Ave.
Reno, NV 89501

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

James Fousekis
2848 Garber Street
Berkeley, CA 94705

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

Michael Axline
Western Environmental Law Center
1216 Lincoln Street
Eugene, OR 97405

George N. Bloise
34 Artist View Lane
Smith, NV 89450

Courtney Brown
Pro hac vice
PO Box 1507
Taos, NM 87571

Arthur B. Walsh
Los Angeles City Attorney's Office
PO Box 51-111
111 North Hope Street, Suite 340
Los Angeles, CA 90054

/s/ Eileen Rutherford
Eileen Rutherford, Senior Paralegal
USIS/Labat for USDOJ