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9 UNITED STATES DISTRICT COURT  
10 DISTRICT OF NEVADA

11 UNITED STATES OF AMERICA,  
12 Plaintiff,

13 WALKER RIVER PAIUTE TRIBE,  
14 Plaintiff-Intervenor,

15 vs.

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

3:73-CV-00127-ECR-WGC  
In Equity No. C -125-B

**REQUEST THAT THE PROPOSED  
ORDER CONCERNING SIXTEENTH  
REPORT OF THE UNITED STATES  
OF AMERICA CONCERNING  
STATUS OF SERVICE ON CERTAIN  
PERSONS AND ENTITIES AND  
REQUEST FOR GUIDANCE  
BE DISCUSSED AT NEXT  
STATUS CONFERENCE**

20 The UNITED STATES BOARD OF WATER COMMISSIONERS (“USBWC”), by and  
21 through its undersigned counsel, requests that the *Proposed Order Concerning Sixteenth Report*  
22 (“Proposed Order”) (Doc. No. 1689) submitted by the UNITED STATES OF AMERICA (“UNITED  
23 STATES”) on February 9, 2011 seeking dismissal of the certain persons and entities listed in the  
24 Proposed Order be further discussed at the Status Conference currently set for March 13, 2012.<sup>1</sup>

25  
26 <sup>1</sup> The USBWC understands that the WALKER RIVER PAIUTE TRIBE (“TRIBE”) and UNITED STATES  
27 presently take the position that the USBWC is not a “party” to the instant case. *See, Plaintiff Parties’ Status Report* at p. 24  
28 (Doc. No. 1684). However, a review of the pleadings in this case shows that the USBWC has historically been included in  
certain pleadings filed by the parties with the Court or has filed comments on certain issues before the Court. For example,  
the USBWC was included as a signatory on numerous stipulations filed with the Court from 1992 to 2003 by the parties for

1 The USBWC is concerned that the groundwater users sought to be dismissed in the Proposed  
 2 Order have water rights that may be impacted if certain relief requested in this proceeding is granted.  
 3 While the groundwater users may not fit within the categories of users of groundwater listed in  
 4 Paragraphs 3(e) and 3(h) the *Case Management Order* (“CMO”) entered April 18, 2000 (Doc. No. 108),  
 5 their groundwater use for their businesses is located in close proximity to various surface water  
 6 tributaries of the West Walker River which are subject to the Walker River Decree (“Decree”) or  
 7 adjacent to the Bridgeport Reservoir or Topaz Lake, also subject to the Decree. Groundwater users  
 8 were joined in this proceeding because it was determined they may be affected if certain requested relief  
 9 in this action is granted. Any judgment entered in this matter must be binding on all affected  
 10 groundwater users and not subject to future attack if all affected groundwater users are not properly  
 11 joined in the case as defendants.

12 Information concerning the location of the groundwater users located in the Walker River Basin  
 13 identified in the Proposed Order is set forth below:

- 14 1. Alpine Property Management, Inc. (dba Paradise Shores RV Park): Located adjacent  
 15 to Bridgeport Reservoir.
- 16 2. Maynard M. Enos and Anne L. Enos Revocable Trust Agreement Dated March 16, 1995  
 17 (dba Willow Springs Motel and RV Park): Located across the road and less than 100  
 18 yards from Virginia Creek, tributary to the East Walker River.
- 19 3. Avery C. Gilleland (dba Walker Burger): Located a short distance from Mill Creek,  
 20 tributary to the West Walker River, approximately 200 yards from Mill Creek.
- 21 4. Theresa Gilleland (dba Walker Burger): Located a short distance from Mill Creek,  
 22 tributary to the West Walker River, approximately 200 yards from Mill Creek.
- 23 5. Sandra Marshall Living Trust (dba Sierra Retreat): Located less than 1/2 mile from the  
 24 West Walker River in Walker, California.
- 25 6. Jeffery H. Hinds (dba Mountain View Barbeque): Located approximately 1/4 of a mile  
 26 south of the West Walker River in Walker, California.

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27 extensions of time to file pleadings (Doc. Nos. 189, 184, 168, 165, 155, 154, 147, 123, 89, 88, 87, 86, 69, 63, 24, 16), thirteen  
 28 stipulated extension requests filed from 1993 to 1998 by the TRIBE and UNITED STATES to join additional parties and  
 complete service of process (Doc. Nos. 63, 61, 60, 55, 54, 52, 49, 48, 37, 25, 21 and 20), a stipulated report to the Court  
 (Doc. No. 90) and a stipulation to use certain documents in effecting service (Doc. No. 124). The USBWC has also filed  
 pleadings on certain service issues before the Court (Doc. Nos. 186, 68).

- 1           7.     Michele C. Hinds (dba Mountain View Barbeque): Located approximately 1/4 of a mile  
2           south of the West Walker River in Walker, California.
- 3           8.     Charles A. Baker, Jr. Family Trust (dba Big Meadow Lodge): Located approximately  
4           1.5 miles south of Bridgeport on Virginia Creek; Virginia Creek is a tributary to the East  
5           Walker River.
- 6           9.     James Edgar Little (dba Virginia Creek Settlement): Virginia Creek runs through this  
7           property; Virginia Creek is tributary to the East Walker River.
- 8           10.    Brinn Ellen Little (dba Virginia Creek Settlement): Virginia Creek runs through this  
9           property; Virginia Creek is tributary to the East Walker River.
- 10          11.    The Fesco Family Trust (dba Meadowcliff Lodge): The springs located on this property  
11          are tributary to the West Walker River; the Lodge is located 1/2 mile above West  
12          Walker River.
- 13          12.    Cal-Coast Marine, Inc.: Robinson Creek, a tributary to the East Walker River, runs  
14          through the property; the property is located right below Twin Lakes.
- 15          13.    L.A. and C.R. Harlander Trust: Robinson Creek, a tributary to the East Walker River,  
16          runs through the property; the property is located right below Twin Lakes.
- 17          14.    Bridgeport Reservoir Recreation Area, Inc. (dba Bridgeport Reservoir Boat Landing):  
18          Located adjacent to Bridgeport Reservoir.
- 19          15.    Stevens Family Trust (dba Topaz Lake RV Park): Located adjacent to Topaz Lake.

20           It appears from the *Sixteenth Report of the United States of America Concerning Status of*  
21           *Service on Certain Persons and Entities and Request for Guidance* (Doc. No. 1609) that the persons  
22           and entities identified in numbers 6-14 above are already included as Defendants in this action for other  
23           water rights. *See, Sixteenth Report* at pp. 8-9 (Doc. No. 1609).

24           The CMO provides that “[t]he categories to be served with process may be subject to adjustment  
25           and modification by order of the Magistrate Judge as he may find to be appropriate.” CMO at p. 3. It  
26           is respectfully requested that the issue of whether these groundwater users should be dismissed from  
27           this action be further discussed at the Status Conference to be held on March 13, 2012.

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Respectfully submitted this 16<sup>th</sup> day of February, 2012.

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CERTIFICATE OF SERVICE

I hereby certify that I am an employee of ALLISON, MacKENZIE, PAVLAKIS, WRIGHT & FAGAN, LTD., and that on the 16<sup>th</sup> day of February, 2012, I electronically filed the foregoing document 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:

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10 And further I certify that I served a copy of the foregoing to the following non-CM/ECF participants  
11 by U.S. Mail, postage prepaid, this 16<sup>th</sup> day of February, 2012.

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