Scott B. McElroy
Alice E. Walker
Greene, Meyer & McElroy, P.C.
1007 Pearl Street, Suite 220
Boulder, CO 80302
303/442-2021

Kelly R. Chase
P.O. Box 2800
Minden, NV 89423
702/782-3099

Attorneys for the WALKER RIVER PAIUTE TRIBE

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LANCE S. WILSON
CLERK
BY

IN THE 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; Abrott, Arthur H.; Abrott, Mary L.; Adams, Robert T.; Adams, Vivian; Aho, James A.; Aho, Judith H.; Aiazzi, Denise N.; Aiazzi, Estelle M.; Aiazzi, James K. Trust; Aiazzi, Pete A.; Aiazza Ranches; Aiazzi, Reno George Trust; Aiazzi, Stephen E.;Aiazzi, Wilbert Angelo; Albany Family Trust; Albright, Cheryle; Albright, Elaine L.; Albright, Samuel D.; Aldridge, C. Fred; Alexander Dawson, Inc. (a corporation); Alpers Ranch Co., Inc. (a corporation); Andrews, Edward A. Trust; Andrews Trust; Annett, Norman T. and Alpha D.; Annett Ranch, A Limited Partnership; Annett's Mono Village, Inc. (a corporation); Antelope Union Elementary School; Antelope Elementary School; Antelope Valley Mutual Water; Armstrong, J. T and R; Armstrong, Rita; Armstrong, Thomas; Arrache, Juan E. and Carmel M.; Arrighi, Deborah F.; Arrighi, Mark N.; Arsenio Family Trust, Frank Arsenio; Arsenio Family Trust, Tillie Arsenio; Artesani Family Trust, E.J. Artesani; Artesani Family Trust, M.E. Artesani; Ash, Frank G.; Ash, Janice F.; Ash, Janice F.; Ash, Kimberly L.; Aylor, Elmo E.; Aylor, Margot A.; Baker, Calvin; Baker, Cherie; Baker, Christina R.; Baker, Lawrence E.; Bacon, Milton E.; Baker,	IN EQUITY NO. C-125-ECR Subproceeding C-125-B **FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE**

Steven; Baker, Virginia; Bacon Trust, Milton)
E. Bacon, Jr. Trustee; Balaam, Donald A.;)
Balaam, Olga M.; Banta, Mary Louise; Banta,)
Ronald T.; Banta, Ronald T.; Baptiste, Lorraine F.;)
Baptiste, Joe S.; Bar Keystone Ranch/a General)
Partnership; Barber, Harriet H.; Barron Hilton c/o-)
Flying M Cattle Co.; Barrett, Charles R.; Barrett,)
Michelle; Barrett Family Trust; Batchelder, Fred;)
Batchelder, Josephine; Bath, Barbara C.; Bath,)
Ronald J.; Batjer Family Trust, Cameron M. Batjer,)
Trustee; Bayer, Albert; Beagle, Billy Roy; Beagle,)
Thelma G.; Bean, Ethel, Trustee; Bean, Kenneth,)
Trustee; Beckhan, John W.; Beckman, Carolee B.;)
Bednark, James D.; Bednark, Terri; Bell, Brian)
William; Bemiss-Jason Corporation (a corporation);)
Bennett, Janet and Helen M.; Bennett, W and L)
Trust-Lauralee Bennett; Bennett, W and L Trust-)
Wayne E. Bennett; Benninger, Charles; Bently,)
Donald E.; Bergevin, Louis W.; Bergin, Leo P.;)
Bergin, Leo and Yvonne Family Trust; Bergstrom,)
Cynthia K.; Berinati, Donald J.; Berrington,)
Gary M.; Berrington, Gary M. and Susan P.;)
Berrington, Nadine; Berrington, Steven D.;)
Berrington, Susan P.; Biggs, David; Biggs, Marilyn;)
Bitler, Ken and Peggy Family Trust; Bitler, Kenneth)
P.; Bitler, Peggy; Bitler, Peggy L.; Blackham Trust,)
Craig Blackham, Trustee; Blackham Trust, Nancy)
Blackham, Trustee; Blades, Anna; Blades, Jerry L.;)
Blakely Family Living Trust, Beverly Blakely; Blakely)
Family Living Trust, Robert Blakely; Blasco Family)
Ltd. Partnership; Bliss, Agnes C., Trustee, U.D.T.;)
Bliss, Maurice A., Trustee, U.D.T.; Bobrick, Ruth E.;)
Bobrick, Thomas; Bobzien, Dolores J./Elizabeth)
Richardson; Bohlin, Vera J.; Bohlin, William B.;)
Bol, Julie A.; Bolt, Billy F.; Bolt, Gary D.; Bolt,)
Norton; Boothe, Karen Ann; Borsini Ranch Inc. (a)
corporation); Bowden, Barbara M.; Bowden,)
Melvin H.; Bozsik, Albert S.; Bozsik, Albert S. Jr.;)
Bozsik, Olivia V.; Bradleyville; Brandfass, B and B;)
Brethauer, Clarence D.; Brethauer, Janet; Bromley)
Properties; Bronneke, Samuel P.; Brown, Betty J.;)
Beverely, Brown E.; Brown, Beverly E.; Brown,)
Darrol J.; Brown, Joel W.; Brown, Lois; Brown,)
Marilyn M.; Brown, Ross; Brown, Shelby Dane;)
Bunkowski, Terry L.; Bunn, Babe Lona; Burchett,)
Freeman C.; Burchett, Joseph Lee; Burchett, Lucy D.;)
Burnett, Kenneth R.; Burnett, Sharon L.; Buster,)
David C.; Buster, Gayle L.; Butcher, Tammie J.;)
Butcher, Terry E.; Cabral, Joseph P.; Cabral, Joseph)
P. Sr.; Cabral, Norma J.; Calif. Dept of Fish and)

Game; Calif. Dept of Parks & Recreation; Calif. State)
Water Res. Control Board - Division of Water Rights;)
Callaham, Sandra J., Trust; Calneva Cattle Company;)
Canepa, William and Eva Family Trust; Cantrall,)
Nancy; Cantrall, Nolan; Capurro, Janice E., Trust;)
Capurro, Robert Steve and Janice Trust; Capurro,)
Rose and Janice Trust; Cardinal, Michael C.;)
Cardinal, Sally L.; Cardinelli, Ernest; Cardinelli,)
Kathleen; Carlson, Bill; Carlson, Bill E.; Carlson,)
Deirdre; Carlson, Harry T.; Carlson, Sharon;)
Carlson, Sharon M.; Carlson Family Trust;)
Carter, Agnete S.; Carter, Philip V.; Cary,)
Edith F.; Cary, Edith F.; Cary, William B.; Casey,)
Michael A.; Casey, Michael A. and Claudia C.;)
Castello, Colleen V.; CEAS Co.; Cefalu, John N. and)
Judith A.; Chase, Helen S.; Chase, Russell E.;)
Chichester, Dwayne; Chichester Ranches, Inc. (a)
corporation); Chico, James V. and Stanley B.; Chico,)
James V. Jr.; Chico, Sydney B.; Chisum Incorporated)
(a corporation); Chounet, Jill C.; Chounet, William)
E.; Christiansen, Jeffrey L.; Christiansen, Jill L.; Cid,)
Elaine M.; Cid, James D.; Circle Bar-N Ranch; City)
of Los Angeles, California, Dept. of Water and)
Power; City of Yerington, Nevada; Ciulei, Elena;)
Clark, Alex A.; Clark, Bruce; Clark, Bruce A.;)
Clark, Bruce A.; Clark, Patricia; Clark, Patricia)
D.; Clark, Patricia D.; Clark, Rita V.; Clark Trust;)
Clements Family Trust; Cliff, Norman E. and
Donald A.; Compston, Dennis L.; Compston, Leah R.;)
Compston Family Trust - Harvey Hunewill; Compston)
Family Trust - James Compston, Jr.; Compston Family)
Trust - Marion Compston; Compston Family Trust -)
Phyllis Hunewill; Compston Trust - Lois C. Compston;)
Compston Trust - Robert J. Compston; Conlon,)
Ralph; Conlon, Rosemary Lee; Connolly, Thomas P.;)
Connolly, Volina; Cook, Gary; Cook, Margaret;)
Cooper, Edna G.; Costa, James P.; Costa Norma A.;)
County of Lyon, Nevada; Coutts, L.; Coutts, T.;)
Coutts, Troy Crandal, Susan Jill; Cremetti,William)
G. Trust - William Cremetti; Croker, Laurence,)
Trustee; Croker, Ruth, Trustee; Crosby,)
Fred. T and R; Crosby, Judy; Crystal, Dennis)
C.; Crystal, Mary I.; Curry, Robert; Curry,)
Robert R.; Cutler, Diane; Cutler, Donald G. and)
Dee Anne; Cutler, Donald G. and Diane A.; Dane,)
Frank B.; Dane, Susan; David H. Fulstone Company;)
Davis, Helen E.; Davis, James B.; Day, Caroline S.;)
Day, Charles E.; Day, Julie; Day, Julie A.; Day, Kelli;)
Day, Lucile; Day, Robert H.; Day, Robert H., Jr.;)
Day, Robert Jr.; DeChambeau, Susannah W.; Del)

Porto, Cherryl; Del Porto, Daniel E.; Delany, Barry)
F.; Delaney, Deborah; DeLuca, Kenneth T.; Desert)
Pearl Farms; Dini, David J.; Dini, Tosca M.; Dinneen,)
Daniel E. and Doreen E.; Dinsmore Family Trust -)
Delphine Dinsmore; Dinsmore Family Trust - Robert)
Dinsmore; Domenici, Aloha; Domenici, Gladys;)
Domenici, Joseph; Domenici, Peter J.; Double JA)
Land & Livestock; Dressler, Fred, H., Trust; Dressler,)
Milton; Dreyer, Joan; Dreyer, Roland; Dunn, Daniel)
D.; Dunn, Sandy L.; Durousseau, Barbara F.; Dye)
Family Trust - M.V. Dye, Trustee; Dye Family Trust -)
Kathleen Dye, Trustee; Eaton, Richard A.; Eaton,)
Tanya J.; Edwards, Shelly; Eickmeyer Family Trust;)
Eisenhouer, K.; Eitel, Loretta Beth; Elvira Maionchi)
Lee Ivy Ranches; ELW Ranches, Inc. (a corporation);)
Elwell, Dona M.; Elwell, William J.; Emery, Brett;)
Estrada, Frances; Estrada, Salvador; Evans, Anne B.;)
Everett, Harry; Executive Consultants, Inc. (a)
corporation); F.I.M. Corporation (a corporation);)
F.M. Fulstone, Inc. (a corporation); Facer, Mabel;)
Facer, R.L.; Faretto, Cathleen - The Anderson Family)
1992 Trust; Faretto, Michael A. - The Anderson)
Family 1992 Trust; Faria, Edwin F. and Marty L.;)
Farias, Carmen; Farias, Ellis N.; Farias, Ellis)
Norman;Farias, Harold W.; Farias, Ruth; Farias)
Wheel Ranch, Inc. (a corporation); Farmer, Jack B.;)
Farmer, Letha S.; Fawcett, Lawrence Edward;)
Fawcett, Lawrence W.; Fenili, Peter; Fenili,)
Veronica J.; Fickes, Gerald and Peggy L.; Field,)
John Julius; Field, Mary L.; Finch, Harry L.; Fitz,)
George O.; Fletcher, Teri L.; Fletcher, Marie L.;)
Fletcher, Michael S.; Fletcher, Ruth L.; Fletcher,)
Wesley L.; Flying A, Limited Partnership; Flying)
M. Ranch - Barbara J. Mitchell and Bryce G.)
Mitchell; Forrester, Pamela; Forrester, Wendell B.;)
Foss, Thomas A.; Four G Corporation (a)
corporation); Fox, Leonard A Trust - Elizabeth J.)
Leone, Trustee; Fox Mutual Ditch Company; Frade)
Ranches, Inc., (a corporation); Franklin, Carl and D.)
Camille; Franklin, Shawn C. and Vonda Kay; Fraser)
Betty; Fraser, George; Frazier, George R.; Frazier,)
Helen; Freitas, Barbara L.; Freitas, Elizabeth;)
Freitas, Maurice H.; Friedhoff, George W.;)
Friedhoff, Helen; Fuchs, Hans; Fuchs, Margaret;)
Fuller, Carol, Trustee; Fuller, Raymond, E. -)
Trustee; Fulstone, I.R.; Fulstone, Vivian D. Trust -)
Glenora F. Wright; Fulstone, Vivian D. Trust -)
James H. Fulstone; G Lazy B Partnership; Gable,)
Don R. Trust; Gable, M.P.; Gable, O.D.; Gable)
Family Trust; Garcia, Mariana; Garms, Donna J.;)

Garms, Gary Jay; Garms, Toni J.; Garms Trust;)
Garmsland Limited; Gary, William B. and Edith F.;)
Gattuso, Joseph A. and Kim I.; Gelles, Eleanor,)
Lynn, and Paul; Gellers, Paul and Eleanor;)
Gemmell, Bruce H.; Gerbig, Arden; Gerbig, Evilo;)
Gerbig, J.; Ghio, Diana D.; Ghio, Mario J.; Giles,)
William C.; Gill, Alice P.; Gill, Joseph P.; Gingras,)
Edward J.; Gingras, Opal Edith; Giodo, Joseph A.;)
Giodo, Virginia M.; Giorgi, Baldo, Trustee; Giorgi,)
Daniel E.; Giorgi, Donald; Giorgi, Evo, Trustee;)
Giorgi, F.A., Trustee; Giorgi, Florence A. Family)
Trust; Giorgi, J., Trustee; Giorgi, Linda Hunewill;)
Giorgi, Virginia M. Trustee; Giorgi Brothers, Inc.;)
Giron, Vince; Glasner, Grover F.; Glass, Daniel G.;)
Glass, Patricia J.; Gleason, James G.; Gleason,)
Maria D.; Gleason, Marla D.;Glock, Audrey; Glock,)
Ernest; Gober, Alice M.; Gober, Edward E.; Godde,)
Forrest G.; Goes, Frank; Goes, Sherryl; Goffinet,)
Cheryl L.; Goffinet, Lonnie K.; Goodman, Emma)
M.; Goree, Jeff R.; Goree, Liborn; Goree,)
Margaret; Goree, Sandra J.; Gorham, John A.;)
Gorham, Rosamond A.; Goss, Ronald W. and)
Sandra A.; Granata, Helen, Trustee; Gray, Leslie)
B.; Gray, Mary; Green Valley Turf Farm, Inc. (a)
corporation); Greenfield Development/Limited)
Liability Company; Greenwood Mutual Ditch Co.;)
Groso, Angelo; Groso, Blanca; Groso, Charles;)
Groso, Ernest; Groso, Maxine J.; Grulli, Ace;)
Grulli, Felicia; Grulli, Marvin; Guild, Rolene V.;)
Guy, Willis H.; Hadley, Ernest D.; Hadley,)
Katherine; Hall, Blanche F., Trustee; Hall, Ralph;)
Hall, Ruth; Hall, Walter L.; Ham, Dana C.; Ham,)
Franklin C.; Hamer Trust, John Hamer, Trustee;)
Hamer Trust, John Murray; Hamer Trust, Maryanna)
Hamer, Trustee; Hamilton, Alice J.; Hamilton,)
Richard R.; Hamlett Group Limited Parners;)
Hammond, Judy; Hanifan, Janet; Philip, Hanifan;)
Hanifan, Philip; Hanks, Lawrence C.; Hanson,)
Beverly; Hanson, F.W. and Leona; Hanson, Gary)
M.; Hara, Marjorie E.; Hargus, John R., Adah M.)
Blinn Trust; Harmon, Patricia; Harris, Carol C.;)
Harris, John R.; Harris Trust; Harrison, B.A.;)
Harrison, Linda; Hartline, Deborah; Hartman,)
Charles J. and Mary A.; Hathaway, Myrtle K.;)
Hawkins, Benjamin F.; Hawkins, Benjamin F. and)
Juanita; Hawkins, Kenneth R.; Hawkins, Margaret;)
Hawkins, Terry; Hayes, Jonathan C. and Deborah)
A.; Hazard, Michael J.; Hazard, Michael J.;)
Heimerman Family Trust, John A. Heimerman,)
Trustee; Heimerman Family Trust, Leona T.)

Heimerman, Trustee; Helmuth, George and Pamela;)
Henker, Mark; Henker, Nancy; Henwood Associates)
Inc. (a corporation); Hernandez, Isidro V. and)
Audelia; Higginbotham, Carol; Higginbotham, John)
M.; Hill, Lynn M.; Hills, David W. and Carol A.;)
Hilton, Marilyn J. - Flying M Ranch; Hilton,)
Marilyn June - Flying M Cattle Co.; Hilton Family)
Trust; Holbrook, C., Trustee; Holbrook, Constance;)
Holbrook, Richard H. Jr.; Holbrook, Richard,)
Trustee; Holbrook, Vera L.; Holmes, Frank;)
Howard, Charles S.; Howard, Charles S. III;)
Howard, Loretta; Huckins Family Trust, Dorothy)
Huckins; Huckins Family Trust, Harry Huckins;)
Huggans, Jan; Huggans, Jan; Hughes, Eva;)
Hughes, George; Hunewill, Gregory A.; Hunewill,)
Harvey; Hunewill, Harvey E., Trustee; Hunewill,)
L.; Hunewill, Linda Giorgo; Hunewill, L.D.S.)
Church; Hunewill, Phyllis, Trustee; Hunewill)
Enterprises/Limited Liability Company; Hunewill)
Land & Livestock Co.; Hyne, Frances L.; Hyne,)
Marshall; Ireland, Mariann; Ireland, Ward W.;)
Ithurburu, John P.; Ithurburu, Marilyn; Jacobsen,)
Finn; Jacobsen, Judith; Jacobsen, Michelle;)
Jacobsen, William; Jakobson, Bert A.; James A.)
Mabe Jamesgate Ranch; Jason Corporation; Jenkins,)
Joyce; Jenkins, Larry D.; Jensen, Jack E.; Jesch,)
Sylvia - Wheat Trustee, Margaret M. Wheat Trust;)
Jesch Family Trust, Sylvia J. Jesch; Jesch Family)
Trust, Raymond Jesch; Johnson, Leona E.; Johnson,)
Wallace D.; Johnston, Charles; Johnston, Pearl D.;)
Jones, Georgianna; Jones, Frederick R.; Jones,)
Gilbert E.; Jones, Louise, Trustee; Jones, Louise)
A.; Jones, Norma J.; Jones, Thomas, Trustee;)
Jones, Thomas F.; Joseph W. Heflin, M.D., Ltd.;)
Joseph W. Heflin, Inc.; Judd, D. Leon; Judd, Lucy)
Charlene; Julian, Darlene A.; Julian, Jay F.;)
Junction Ranch; Karadanis; Keeley, Edith L.;)
Keeley, John H.; Keeley, Marvin C.; Kelly, Dr.)
Donald - Health International; Kennedy, Cleo N.;)
Kennedy, Dale S.; Kennon,Vergie, A.; King)
Family Trust; Kyler, LaJune F.; Kyler, Melwood;)
L.T.R. Enterprises; Labranch, Joseph H. and)
Bobbie L.; Landolt, Beverly J. Trust; Landolt,)
David; Landolt, Joseph; Landolt, Joseph G. Trust;)
Landolt, Tamela; Lands of Sierra, Inc. (a)
corporation); Lapham, Willis H. and Joanna M.;)
Larson, Roger; Lazy Two-T Ranch; Lee, Carole J.)
(Rogers); Lee, Harry A., Trustee; Lee, Thomas)
William; Lee Family Trust; Lee Ivey Ranch, Inc. (a)
corporation); Lehmer, Debra S.; Lehmer, Steven)

M.; Leinassar, Alan S.; Leinassar, M.F.; Leinassar,)
Marianne; Lekumberry, Robert J. and Suzanne;)
Ligtenberg, Joanne; Ligtenberg, Roger F.; Linscott,)
George; Linsenmier, Jack L.; Linsenmier, Wilma)
H.; Little, David; Little, Sherry; Livingston, George)
E.; Livingston, Lori A.; Lloyd, Morna M.; Lloyd,)
Thomas E.; Loll, Margaret M.; Loll, Raymond)
F.; Lommori, Bessie J. Trust; Lommori, Dante J.;)
Lommori, Eleanor B.; Lommori, Joe; Lommori,)
Joseph J. Trust; Lommori, Joseph and Bessie Trust -)
B.J. Lommori, Trustee; Lommori, Joseph and Bessie)
Trust - J.J. Lommori, Trustee; Lommori, Julio and)
Delia T. Trust; Lommori Family Trust, Clance)
Lommori, Trustee; Lommori Family Trust, Dante)
Lommori, Trustee; Lommori Family Trust, Mario)
Lommori, Trustee; Lompa Family Trust, Duana)
Lompa, Trustee; Lompa Family Trust, Samuel)
Lompa,Trustee; Lorenz, Ellie T.; Lorenz, Joe E.;)
Ludel, Donna; Ludel, Samuel M.; Lukemberry,)
Robert J.; Lund, Hans N.; Lund, Marie N.; Lyon)
County Cemetery # 2 Hillcrest Cemetary; Lyon)
County Fair Grounds, Inc. (a corporation); Lyon)
County Trust; Lyon Ranch Operations, Inc. (a)
corporation); Mabe, Sandra R. - Jamesgate Ranch;)
MacKenzie, Andrew; Mackey, Russell; Mackey,)
Theresa; Madden, Gerald; Madden, Lois; Madsen,)
Patricia G.; Madsen, Vernon Lee; Maine, D.C.;)
Maine, Gayle; Manha, Josephine, Family Trust;)
Mann, Allen J. Jr.; Mann, Luetta A.; Mann,)
Melinda L.; Maple, G.D. Jr.; Maple, Gurney D.)
Trustee; Maple, Ura L., Trustee; Marriott,)
Carlis N.; Marriott, Jack D.; Marriot, Jackie Dale;)
Marriott, Lonnie E.; Marriott, Sandra; Marriott,)
Sandra Jo; Marriott, Sandra K.; Masini, Carrol)
G.;Masini, Lawrence C. and Alma Trust; Masini,)
Maria O.; Masini, Patricia; Masini Investments;)
Matheson, Dorothy; Mattice, Lewis W. and Gayle;)
Mattice, James L.; Mattice, Mary L.; Mausbach,)
Judith; McAlister,) Betsy K.; McAlister, Edgar O.;)
McBryde, Frank Joseph Trust; McCarger, Doris;)
McCargar, Edward James; McClain, Terry Lee;)
McClain, William T.; McColloch, Pamela;)
McColloch, Robert L.; McCoy, Lee A. and Cheryl)
A.; McCray, Nancy R.; McCray, W.G.; McHale,)
Michael Martin; McHale, Norma; McKay, James)
C.; McKay, Marjorie M.; McKay, Mervin M.;)
McKinnon, Barbara J.; McKinnon, Fred E.;)
McWhirter, Mildred K.; Meier, Virgil; Melio)
Maionchi Lee Ivy Ranches; Mencarini, Amos Jr.,)
Trust; Menesini, Donald G.; Menesini, Edward L.)

and Kristie L.; Menesini, Gene; Menesini, Gene J.)
Trustee; Menesini, Gerald T.; Menesini, Grace;)
Menesini, Grace; Menesini, Lucinda; Menesini,)
Orlando; Menesini, Pete; Menesini, Renee E.;)
Merczak, Elvetia; Merritt, David L.; Merritt, Teresa)
C.; Merriwether, William; Mestmaker, Robert;)
Methodist Episcopal Church; Mickey Mutual Ditch)
Company; Miller, John M. and Christie A.; Miller,)
Lucille B.; Miller, Robert J.; Miner, Frances;)
Minister, Rose Alice, Trustee; Mitchell, Ginger;)
Mitchell, Ronald; Monia, Elaine; Monia, Elaine;)
Monia, Ray; Monia, Ray; Montgomery, Jeffrey K.;)
Montgomery, Mary; Montgomery, Tammy T.;)
Moore, Anthony P.; Moore, Joyce; Moore, Laurie;)
Moore, Monica R.; Moore, Harold Trust;)
Moorehead, Emma M., M.S.P. Trust; Moorehead,)
Si F.; Moreda, Clarence J. - Family Trust; Moreda,)
Dairy; Moreda, Janet; Morse, George C. III; Morse,)
George C. Jr.; Morse, Kathleen R.; Mortimore,)
Craig A.; Mustang Properties; Naftali, Nadel -)
Circle Bar-N Ranch; Nagel, Helen; Nagel, Robert)
R.; Nagel, Shirley J.; Nannini, Anna; Nannini,)
Guido; Nesmith, John F.; Nesmith, Teresa M.;)
Nesmith Family Trust; Neuhauser, Geneva Ruth;)
Neuhauser, Larry; Nevada Department of Wildlife;)
Nevada Lands Division; Nevada-Utah Association)
of Seventh Day Adventists; Nevin, Melba; Nevin,)
Wilbur W.; Newcombe, Linda; Nielson, Norman &)
Deana; Niti, Lawrence; Norman D. Brown, Inc. (a)
corporation); Novy, Lowell; Nugent, Evelyn;)
Nugent, George D.; Nuti, Armando; Nuti, Helen L.;)
Nuti, Lawrence; Nuti, Leslie; Nuti, Mary E.; Nuti,)
Mary R.; Nuti, Michael; Nuti, Ralph E.; Nuti, Ralph)
C.; Nuti Brothers; O'Banion, James R.; O'Connor,)
Kelli S.; O'Connor, Paul D.; Ogle, Leanna, M.;)
Orrin, Kenneth; Osborne, G.L.; Osborn, Henry S.;)
Osborne, R.E.; Owens, David A.; Owens, Cindy)
R.; Oxsen, Nancy; Oxsen, Peter; P.D. Explorations,)
Inc. - Phelps Dodge Corporation; Pace, Jeannie;)
Pacific-Ag Supplies, Inc.; Palmer, Alfred, Trustee;)
Palmer, Joy, Trustee; Palmer, Joy L.; Park, W.B.;)
Park Livestock Company; Parker, Patricia; Parker,)
Raymond E.; Parraguirre, D.; Parris, JudyY.;)
Parris, Thomas A.; Patton, Marolyn; Patton,)
Marolyn B., Co-Trustee; Patton, Thomas, Co-)
Trustee; Pederson, Alenzo; Pederson Katie; Peeples,)
Frank Terry; Peeples, Frank Terry; Peeples, Josiah)
P.; Peeples, Norma M.; Pelayo, Dan; Pelayo, R.A.;)
Pellegrini, Debra L.; Pellegrini, Steven W.;)
Pellegrini, Violet; Pendleton, Cleo C.; Pendleton,)

Daniel L.; Pendleton, Janet; Pendleton, Jennifer;)
Penrose, Herbert W. Family Trust; Penrose General)
Imp. District - County of Lyon, Nevada; Peri &)
Peri, A Partnership; Peri & Sons Farms, Inc.)
(a corporation); Perrin Trusts - Francis L. Perrin;)
Perriseau, Melvin; Perriseau, Modesta; Perry, Gena;)
Perumean, Cecelia C.; Perumean, Pete; Peters,)
Darlene; Peters, Glen; Peterson, Leland C.;)
Petersen, Leon E.; Peterson, Marion W.; Petersen,)
Martin W.; Petersen, Norma D.; Phelps Dodge)
Corporation - Real Estate Development; Phillip, Joan)
F.; Phillip, Richard L.; Pinenut Ranch Cattle)
Corporation (a corporation) Pitchfork Rank, Inc.)
(a corporation); Plett, Pauline; Plett, Walter;)
Polish, Evelyn; Poli, John; Poli, Nancy; Polish,)
Louis; Porter, Harold; Porter, Randy; Porter, Sherri;)
Porter, Tracee; Pruett Ranches, Inc. (a corporation);)
Pumpkin Hollow Farms, Inc. (a corporation);)
Purrell, James E.; Purrell, Karen M.; Purrell Trust;)
Pursel, Delbert; Pursel, James; Pursel, Melvin;)
Pursel, Norma; Pursel, Norman; Pursel, Phyllis;)
Pursel Ranch, A Partnership; Quealy, B.V.; Quealy,)
T.H.; Quilici, Basil A.; Quilici, Basil A.; Quilici,)
Louise; Quilici, Norma Yvonne; Quilici, Pauline L.;)
Quiroga, Carlos and Ofelia Trust; R.N. Fulstone)
Company; R and R Services, Inc.; Raisbeck, Nancy)
L.; Raisbeck, Peter D.; Ramsey, Leila; Rathburn,)
Richard M. Jr.; Rauber, William S., Trustee; Regan,)
Ruby C. Trust - Ruby Regan; Renner, Donald W.;)
Renner, Donald W.; Renner, Dorathea K.; Renner,)
Thomas R; Richardson, Elizabeth; Richardson,)
Glenna; Richardson, Ralph; Ritter, John Gustave III;)
Ritter, Lucille; Ritter Family Trust; Riva, Anne M.;)
Riva, Hebert R.; Roberti, Carl; Roberts, George C.;)
Roderick, Joseph; Roderick, Laurel; Rogers, Ralph;)
Rolston, Kenneth J.; Rolston, Linda; ROMA)
Corporation (a corporation); Roman Catholic Bishop)
of Reno; Romano, Dennis; Romano, Diane R.;)
Rosaschi, Angelo Joseph; Rosaschi, Connie;)
Rosaschi, Lena, Trustee; Rosaschi, Lester; Rosaschi,)
Michael G.; Rosaschi, Paula L.; Rosse, Debra D.;)
Rosse, Jerry R.; Rupe Family Trust; Ryerson,)
Alison M.; Ryerson, Morris E.; Salmonson, Karen;)
Salmonson, Michael L.; Salvador, William and)
Leota Trust; Santos, Christina M.; Santos, Paul J.;)
Sario Livestock Co.; Saunders, Eva Irene; Sayer,)
Cora Trust; Scatena, Lorraine B.; Scatena, Louis G.;)
Sceirine, David A.; Sceirine, Edna Jayne; Sceirine,)
Herbert; Sceirine, Jackie Duane; Sceirine, Jayne;)
Sceirine, Joseph; Sceirine, Joseph E.; Sceirine,)

Lester; Sceirine, Susan L.; Schendel, Madge E.;)
Schendel, Robert J.; Schmid, Ethel; Schmidt, Judy;)
Schotz, Peggy L.; Schotz, Robert J.; Schuster,)
Donna; Schuster Family Trust; Schwake, Frederick;)
Schwake, Patricia; Sciarani, Arnold Jr.; Sciarani,)
Donna; Sciarani, Eugo; Sciarani, Glenn; Sciarani,)
James; Sciarani, John; Sciarani, Mildred; Sciarani,)
Nelson; Sciarani, Nelson; Sciarani, Nelson, Trustee;)
Sciarani, Paul; Sciarani Trust; Scribner, Cynthia;)
Scribner, Vance; Seibert, Candace; Seifert, Judy A.;)
Seifert, Stanley D.; Seubert, Donald R.; Seubert,)
Sophia; Shehady, Donald and Teresa Trust;)
Sherlock, Michael; Sherlock, Robert; Sherlock Trust)
- Michelle Sherlock; Sherlock Trust - Robert D.)
Sherlock; Shively, E. Duane, Trustee; Shively,)
Russelle, Trustee; Shively 1991 Revocable Trust;)
Shoemaker, Janis; Shope, Edward B.; Shope, Joanna)
C.; Sierra Pacific Power Co.; Silva, Dorthella A.;)
Silva, Edward B.; Silva, Gary C.; Silva, Paul S.;)
Silva, Tildean L.; Silva Trust, Declaration of)
Vaughn & Shirley A., Shirley A. Silva, Trustee;)
Silverado, Inc. (a corporation); Simmons, Leia H.;)
Simmons, Patricia; Simpson, E.R.; Singer, Linda;)
Singer, Steve; Six N Ranch, Inc. (a corporation);)
Smith, Barbara J.; Smith, Cary R.; Smith, Cheryle)
Ann; Smith, Daniel G.; Smith, Ermon W.; Smith,)
Gaila M.; Smith, Glen H.; Smith, Grant, B.; Smith,)
Grant, B.; Smith, Kathy L.; Smith, Keith A.;)
Smith, Mary E.; Smith, Mary Lee; Smith, Norville)
W.; Smith, Norville W.; Smith, Patricia Ann; Smith,)
Shawna S.; Smith, Wilbur L.; Smith, Verda; Smith)
Ranch Partnership; Smith Valley Cattle Feeders;)
Snyder, Eddie R.; Snyder, Frances; Snyder, Lucy)
A.; Snyder, Theresa; Snyder Livestock Company,)
Inc. (a corporation); Soderstrom, Dave Jr.;)
Soderstrom, Joan; Solifume, Inc. (a corporation);)
Sorenson, Kenneth A. and Margaret; Spragues)
Company; Spezzi, Stanley R., U/C; Stanley, John)
D.; Stanley, John D. Sr.; Stanley, Marlyse R.;)
Stark, Glenn M.; Stark, Ruth L.; Starr, D.E.; State)
Water Res. Control Board - Division of Water)
Rights; Stebbins, Richard W.; Stebbins, Roberta;)
Steele, Charles R.; Steele, Karen R.; Steneri, Donald)
R.; Steneri, Jamy L.; Steneri, Mary L.; Steneri Trust)
- Robert S. Capurro, Trustee; Stevens, Ronald)
Lynn; Stewart, Michael B.; Stewart, Sandy;)
Stillfield, Donna Jeanne Thomas; Stottlemeyer, E.;)
Stottlemeyer, Charles E. Jr.; Stoughton, Candace;)
Stoughton, Robert G.; Stout, Jack F.; Stout, Nancy;)
Stovall, Judith Lee; Strong, Charles W.; Strosnider,)

Inc. (a corporation); Strosnider Family Trust -)
Carolyn Strosnider; Strosnider Family Trust -)
Kenneth Strosnider; Sturge, Michael A.; Sturge,)
Michelle A.; Sturtevant, Helen M.; Sundance Cattle)
Company; Sundance Feedlot, Inc. (a corporation);)
Swagger Ranch, Inc. (a corporation); Swainston,)
George and Dorothy Trust; Swainston Family Trust;)
Sweetwater Land & Cattle Co.; Taber, Don G.;)
Taber, Phyllis B.; Talbott Land & Livestock;)
Tamagni, Raymond Family Trust, Janice E.)
Tamagni; Tamagni, Raymond Family Trust,)
Raymond Tamagni; Tamagni, Victor; Tamagni)
Family Trust - Florence Tamagni, Trustee; Tamagni)
Family Trust - Raymond E. Tamagni, Trustee;)
Taylor, Dola; Taylor, Laurence B.; Taylor, Lloyd)
T.; Taylor, Mary M.; Terry, L.; Terschluse,)
Barbara; Terschluse, Donald; Terschluse, Marie;)
Terschuluse, Robert; Thacher, John H. and Cardine)
H.; The Plymouth Land & Stock Co.; The Uhland)
Family Trust - Craig Uhland, Trustee; The Uhland)
Family Trust - Shawn Uhland, Trustee; Tholke, R.;)
Tholke, Rachel; Tholke, Rachel, Trust; Thom,)
Douglass; Thom, May; Thomas, Ami; Thomas,)
Jim R.; Thomas, Katherine L.; Thomas, Terry S.;)
Thomas, Tracy Glaze; Thomas, Wilson; Thompson,)
Clifford A.; Thompson, Evelyn; Thorn, Douglas;)
Tibbals, Carol J.; Tibbals, Joseph; Tibbals, Joseph)
W.; Tibbals, Margaret; Tibbals, Shari L.; Tibbals,)
Walter C.; Tibbals Family Trust - Donald H.)
Tibbals; Tibbals Family Trust - Joy M. Tibbals;)
Tierney, Karen M.; Tijsseling, Dick G.; Tijsseling,)
Judith A.; Tilley, Jerry E.; Tilley, Jerry E. Trust -)
Jerry E. Tilley, Trustee; Titus, Robin Lee; Toigo,)
Kathleen A.; Toigo, Thomas J.; Toll House Canyon)
Pardners; Tomac, Laura; Tomac, Steve; Topaz)
Ranch, Inc. (a corporation); Twelves, Helen;)
Twelves, James; Twin Lakes Enterprises, Inc. (a)
corporation); Twombly, C.W. & V.B Trust - C.W.)
Twombly, Trustee; Twombly, C.W. and V.B.)
Trust - J. Snook, Trustee; Twombly, V.; U.L.)
Maple; Ugo Giorgi Family Trust - Ugo Giorgi,)
Trustee; Umberger, Lodema; Umberger, William)
W.; Valdez, Ramon and Myrna E.; Van Horn,)
Karen; Van Horn, Philip; Van Vilet, M and Sons,)
Inc. (a corporation); Vandebrake, Audrey;)
Vandebrake, Vernon; Vernon F. Bryan, Inc. (a)
corporation); Vetsch Robert; Vetsch, Leonard;)
Veuve, Gary J.; Veuve, Mary R.; Virdin, William)
M.; Virdin, Virginia Sue; Virginia Creek Hydro,)
Inc. (a corporation); Virginia Lakes Mutual Water;)

Vogel, Beverly K.; Vogel, Bruce G.; Walker, Gerald L. Fickes; Wallin, Lawrence B.; Wallin, Theresa M.; Warburton Family Trust - Joseph Warburton; Warburton Family Trust - Winifred Warburton; Ward, Catherine M.; Ward, Mark D.; Warr, David T.; Warr, John; Watkins, Louis H.; Watkins,Mildred A.; Weaver, John R.; Weaver, Lura K.; Weaver, William M. Jr.; Wedertz, Gilbert C.; Wesley, Joel and Sandra G. Brown; West Highland Ditch Co-Op; Westpac Utilities; Wilder, Joan; Wilens Family Trust; Wilkinson, Philip; Wilkinson, Vivian; Williams, Doris M.; Williams, Durell & Virginia Trust; Williams, E.M., Trustee; Williams, Evangeline; Williams, Harold S.; Williams, Jack H.; Williams, Joni Fay; Williams, Kenneth and Elizabeth Trust - Elizabeth Williams; Williams, Kenneth and Elizabeth Trust - Williams; Williams, Leonard and Emily Trust - Leonard S. Williams; Williams, Philip A.; Williams, Thomas E.; Willowcreek General Improvement District; Wills, Dennis; Wills, Marilyn; Wines, Daniel R.; Wines, Karen L.; Wipfli, Candyce; Wipfli, Tom; Wise, Catherine E.; Wise, David E.; Wolff, William J.; Woodard, Arlene Aiazzi; Woodard, Carol; Wright, Joseph; Wright, Mary Mackedie; Wright, Nadia; Wright, Susan; Wright, Wayne D.; Wymore, Gerald Lee; Zippwald, Jack C.; Zwiebel, A.J.; and all other unknown claimants to groundwater,

Defendants.

WALKER RIVER PAIUTE TRIBE,

Counterclaimant,

UNITED STATES OF AMERICA,

Counterclaimant,

vs.

WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.

Counterdefendants,

STATE OF NEVADA,

Counterdefendant-Intervenor.

FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE

In its order of October 30, 1992, (document #15) the Court found that the counterclaim filed by the Walker River Paiute Tribe ("Tribe") (document #1) on March 18, 1992, against the Walker River Irrigation District ("WRID") should have been filed as a cross-claim since the Tribe and the WRID were co-plaintiffs with regard to their assertions against the California State Water Resources Control Board. However, the Court also determined that the designation given by the Tribe would remain. In light of the Court's order, the Tribe files this first amended counterclaim as follows:

INTRODUCTION

1. This first amended counterclaim is for the recognition of a right to store water in Weber Reservoir for use on the lands of the Walker River Indian Reservation ("Reservation"), including the lands restored to the Reservation in 1936. Such rights are in addition to the rights to use water from the Walker River awarded to the United States for the benefit of the Tribe in United States v. Walker River Irrigation Dist., In Equity No. C-125 (D. Nev. 1936), as amended by, *Stipulation and Agreement for Entry of Amended Final Decree Pursuant to Writ of Mandate of the Circuit Court of Appeals - Ninth Circuit - and also Amended Decree entered herein on April 15, 1936 to Clarify Certain Provisions Thereof*, approved by, *Order for Entry of Amended Final Decree to Conform to Writ of Mandate, etc.*, United States v. Walker River Irrigation Dist., In Equity No. C-125 (D. Nev. 1940) ("Final Decree").

2. This first amended counterclaim is also for recognition of a right reserved under federal law to use surface water from the Walker River on the lands restored to the

Reservation in 1936. Such rights are in addition to the rights to use water from the Walker River awarded to the United States for the benefit of the Tribe in the Final Decree.

3. This first amended counterclaim is also for recognition of a right reserved under federal law to use groundwater underlying and adjacent to the lands of the Reservation, including groundwater underlying and adjacent to the lands restored to the Reservation in 1936, on the lands of the Reservation, including the lands restored to the Reservation in 1936. Such rights are in addition to the rights to use water from the Walker River awarded to the United States for the benefit of the Tribe in the Final Decree.

JURISDICTION

4. Jurisdiction over this first amended counterclaim is pursuant to: a) the continuing jurisdiction of the Court over the waters of Walker River and its tributaries in California and Nevada, Final Decree ¶ XIV; b) 28 U.S.C. § 1331, in that this counterclaim arises under the Constitution, laws or treaties of the United States; c) 28 U.S.C. § 1362, in that this counterclaim is brought by the Tribe and arises under the Constitution, laws or treaties of the United States; d) 28 U.S.C. § 1367 which vests the Court with supplemental jurisdiction; and e) 28 U.S.C. § 1651 which authorizes the Court to issue all writs necessary or appropriate in aid of its jurisdiction.

PARTIES

5. The Tribe is a federally-recognized Indian Tribe organized under the Indian Reorganization Act, 25 U.S.C. §§ 461, 462, 463, 464, 465, 466-470, 471, 472, 473, 474, 475, 476-478, 479. The Reservation was established in 1859 with a land base of approximately 320,000 acres. Certain lands which were originally a part of the Reservation

were restored to the Reservation on September 25, 1936, pursuant to the Act of June 22, 1936, 49 Stat. 1806-07.

6. Counterdefendants are the WRID, the State of Nevada, and all claimants to the waters of the Walker River and its tributaries, including groundwater.

GENERAL ALLEGATIONS

7. The Tribe currently is entitled to use 26.25 cubic feet per second from the Walker River and its tributaries, with a priority date of November 29, 1859, to irrigate 2,100 acres of land on the Reservation as it existed before September 25, 1936. Final Decree ¶ 1.

8. Subsequent to April 14, 1936, numerous persons and other entities, including the United States, have appropriated additional waters from the Walker River Basin and its tributaries. In many instances, such claims to the use of water have not been subject to any adjudicative process.

9. Weber Reservoir is a federally-constructed reservoir located on the Reservation with a storage capacity of approximately 13,000 acre feet. Portions of the reservoir were completed in 1935, and floodgates were added in 1937. The Tribe is entitled to store water from the Walker River in Weber Reservoir for all purposes recognized under federal law including but not limited to irrigation, stock watering, fish and wildlife, and domestic uses.

10. By the use of Weber Reservoir to store water, the Tribe can irrigate more than the 2,100 acres which it is entitled to irrigate under the terms of the Final Decree.

11. The Tribe's priority date for storage in Weber Reservoir is April 15, 1936. The Tribe claims 13,000 acre feet plus evaporation and seepage.

12. The Act of June 22, 1936, 49 Stat. 1806-07, authorized the Secretary of the Interior to set aside certain lands as an addition to the Reservation for the benefit of the Tribe.

In accordance with that legislation, by Order dated September 25, 1936, the Secretary restored to the Reservation approximately 167,460 acres.

13. The Tribe is entitled to use water from the Walker River on the lands restored to the Reservation in 1936 for all purposes recognized under federal law including but not limited to irrigation, stock watering, fish and wildlife, recreation and domestic uses.

14. The instant suit, commenced by the United States in 1924, was brought to quiet title and only concerned the water rights for use on the Reservation as the boundaries existed at the time the suit was commenced. The suit did not adjudicate the groundwater rights of any of the parties in the litigation.

15. The Tribe is entitled to use groundwater underlying and adjacent to the lands within the Reservation, including groundwater underlying and adjacent to the lands restored to the Reservation in 1936, for all purposes recognized under federal law including but not limited to irrigation, stock watering, fish and wildlife, recreation and domestic uses.

16. Paragraph XIV of the Final Decree provides that this Court retains jurisdiction for modification of this decree.

FIRST CLAIM FOR RELIEF

17. Paragraphs 1-16 are incorporated herein by reference.

18. The Tribe is entitled to store water from the Walker River in Weber Reservoir for all purposes recognized under federal law. The Tribe's right to store water in Weber Reservoir has a priority date of April 15, 1936.

SECOND CLAIM FOR RELIEF

19. Paragraphs 1-16 are incorporated herein by reference.

20. The Tribe is entitled to use water from the Walker River on the lands restored to the Reservation in 1936 for all purposes recognized under federal law.

THIRD CLAIM FOR RELIEF

21. Paragraphs 1-16 are incorporated herein by reference.

22. The Tribe is entitled to use groundwater underlying and adjacent to the lands of the Reservation, including groundwater underlying and adjacent to the lands restored to the Reservation in 1936, for all purposes recognized under federal law with a priority date of November 29, 1859, on the lands of the Reservation including the lands restored to the Reservation in 1936.

WHEREFORE, the Tribe prays that the Court:

1. Pursuant to the jurisdictional bases set forth in Paragraph 4 hereof, reopen and modify the Final Decree to recognize, and declare and quiet title to:

A. The right of the Tribe to store water in Weber Reservoir for use on the Reservation including the lands restored to the Reservation in 1936;

B. The right of the Tribe to use water on the lands restored to the Reservation in 1936;

C. The right of the Tribe to use groundwater underlying and adjacent to the Reservation on the lands of the Reservation including the lands restored to the Reservation in 1936;

D. The right of the Tribe to use groundwater underlying and adjacent to the lands restored to the Reservation in 1936 on the lands of the Reservation including the lands restored to the Reservation in 1936.

2. Declare that the defendants and counterdefendants have no right, title or other interest in or to the use of such water rights.

3. Preliminarily and permanently enjoin the defendants and counterdefendants from asserting any adverse rights, title or other interest in or to such water rights.

4. Grant such other and further relief as it deems proper.

Dated: 30 July 1997

Respectfully submitted,

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Alice E. Walker

Attorneys for the WALKER RIVER PAIUTE TRIBE

CERTIFICATE OF SERVICE

I hereby certify that I have sent a true and correct copy of the foregoing **First Amended Counterclaim of the Walker River Paiute Tribe**, via U.S. Mail or Overnight Carrier (if so indicated), all charges prepaid thereon, this 30th day of July 1997, addressed to:

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