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LANCE G. NELSON

BY \_\_\_\_\_

1 LOIS J. SCHIFFER  
Assistant Attorney General  
2 United States Department of Justice  
Environment and Natural Resources Division

3 KATHRYN E. LANDRETH  
4 United States Attorney  
100 West Liberty Street, Suite 600  
5 Reno, Nevada 89501  
Telephone: 702 784-5439

6 John P. Lange  
7 United States Department of Justice  
Environment & Natural Resources Division  
8 Indian Resources Section  
999 18th Street, Suite 945  
9 Denver, Colorado 80202  
Telephone: 303 312-7312

10 Hank Meshorer  
11 Special Litigation Counsel  
United States Department of Justice  
12 Environment & Natural Resources Division  
P. O. Box 7397  
13 Ben Franklin Station  
Washington, D.C. 20044-7397  
14 Telephone: 202-616-9643

15 Attorneys for the United States of America

16 IN THE UNITED STATES DISTRICT COURT  
17 FOR THE DISTRICT OF NEVADA

18 UNITED STATES OF AMERICA, )  
19 )  
Plaintiff, )

20 WALKER RIVER PAIUTE TRIBE, )  
21 )  
Plaintiff-Intervenor, )

22 vs. )

23 WALKER RIVER IRRIGATION DISTRICT, )  
24 a corporation, et al., )  
25 Defendants. )

26 WALKER RIVER PAIUTE TRIBE, )  
27 Counterclaimant, )

28 UNITED STATES OF AMERICA, )  
Counterclaimant, )

In Equity C-125-ECR

Subfile C-125-B

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vs.

WALKER RIVER IRRIGATION DISTRICT,

Counterdefendant,

STATE OF NEVADA,

Intervenor-Counterdefendant,

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, 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.;

1 Bobrick, Ruth E.; Bobrick, Thomas; Bobzien, Dolores J./Elizabeth)  
 Richardson; Bohlin, Vera J.; Bohlin, William B.; Bol, Julie A.;  
 2 Bolt, Billy F.; Bolt, Gary D.; Bolt, Norton; Boothe, Karen Ann;  
 Borsini Ranch Inc. (a corporation); Bowden, Barbara M.; Bowden,  
 3 Melvin H.; Bozsik, Albert S.; Bozsik, Albert S. Jr.; Bozsik, Olivia  
 V.; Bradleyville; Brandfass, B and B; Brethauer, Clarence D.;  
 4 Brethauer, Janet; Bromley Properties; Bronneke, Samuel P.;  
 Brown, Betty J.; Beverely, Brown E.; Brown, Beverly E.; Brown,  
 5 Darrol J.; Brown, Joel W.; Brown, Lois; Brown, Marilyn M.;  
 Brown, Ross; Brown, Shelby Dane; Bunkowski, Terry L.; Bunn,  
 6 Babe Lona; Burchett, Freeman C.; Burchett, Joseph Lee; Burchett,  
 Lucy D.; Burnett, Kenneth R.; Burnett, Sharon L.; Buster, David  
 7 C.; Buster, Gayle L.; Butcher, Tammie J.; Butcher, Terry E.;  
 Cabral, Joseph P.; Cabral, Joseph P. Sr.; Cabral, Norma J.; Calif  
 8 Dept of Fish and Game; Calif Dept of Parks & Recreation;  
 Calif. State Water Res. Control Board, Div. of Water Rights;  
 9 Callaham, Sandra J., Trust; Calneva Cattle Company; Canepa,  
 William and Eva Family Trust; Cantrall, Nancy; Cantrall, Nolan;  
 10 Capurro, Janice E., Trust; Capurro, Robert Steve and Janice Trust;  
 Capurro, Rose and Janice Trust; Cardinal, Michael C.; Cardinal,  
 11 Sally L.; Cardinelli, Ernest; Cardinelli, Kathleen; Carlson, Bill;  
 Carlson, Bill E.; Carlson, Deirdre; Carlson, Harry T.; Carlson,  
 12 Sharon; Carlson, Sharon M.; Carlson Family Trust; Carter, Agnete  
 S.; Carter, Philip V.; Cary, Edith F.; Cary, Edith F.; Cary,  
 13 William B.; Casey, Michael A.; Casey, Michael A. and Claudia C.;  
 Castello, Colleen V.; CEAS Co.; Cefalu, John N. and Judith A.;  
 14 Chase, Helen S.; Chase, Russell E.; Chichester, Dwayne;  
 Chichester Ranches, Inc. (a corporation); Chico, James V. and  
 15 Stanley B.; Chico, James V. Jr.; Chico, Sydney B.; Chisum  
 Incorporated (a corporation); Chounet, Jill C.; Chounet, William E.;  
 16 Christiansen, Jeffrey L.; Christiansen, Jill L.; Cid, Elaine M.; Cid,  
 James D.; Circle Bar-N Ranch; City of L.A., CA, Dept. of Water  
 17 and Power; City of Yerington, NV; Ciulei, Elena; Clark, Alex A.;  
 Clark, Bruce; Clark, Bruce A.; Clark, Bruce A.; Clark, Patricia;  
 18 Clark, Patricia D.; Clark, Patricia D.; Clark, Rita V.; Clark Trust;  
 Clements Family Trust; Cliff, Norman E. and Donald A.;  
 19 Compston, Dennis L.; Compston, Leah R.; Compston Family Trust  
 - Harvey Hunewill; Compston Family Trust - James Compston, Jr.;  
 20 Compston Family Trust - Marion Compston; Compston Family  
 Trust - Phyllis Hunewill; Compston Trust - Lois C. Compston;  
 21 Compston Trust - Robert J. Compston; Conlon, Ralph; Conlon,  
 Rosemary Lee; Connolly, Thomas P.; Connolly, Volina; Cook,  
 22 Gary; Cook, Margaret; Cooper, Edna G.; Costa, James P.; Costa  
 Norma A.; County of Lyon, NV; Coutts, L.; Coutts, T.; Coutts, Troy  
 23 Crandal, Susan Jill; Cremetti, William G. Trust - William Cremetti;  
 Croker, Laurence, Trustee; Croker, Ruth, Trustee; Crosby, Fred, T  
 24 and R; Crosby, Judy; Crystal, Dennis C.; Crystal, Mary I.; Curry,  
 Robert; Curry, Robert R.; Cutler, Diane; Cutler, Donald G. and  
 25 Dee Anne; Cutler, Donald G. and Diane A.; Dane, Frank B.; Dane,  
 Susan; David H. Fulstone Company; Davis, Helen E.; Davis,  
 26 James B.; Day, Caroline S.; Day, Charles E.; Day, Julie; Day,  
 Julie A.; Day, Kelli; Day, Lucile; Day, Robert H.; Day, Robert H.)  
 27 Jr.; Day, Robert Jr.; DeChambeau, Susannah W.; Del Porto,  
 Cheryl; Del Porto, Daniel E.; Delany, Barry F.; Delaney,  
 28 Deborah; DeLuca, Kenneth T.; Desert Pearl Farms; Dini, David J.;

1 Dini, Tosca M.; Dinneen, Daniel E. and Doreen E.; Dinsmore)  
 Family Trust - Delphine Dinsmore; Dinsmore Family Trust - Robert)  
 2 Dinsmore; Domenici, Aloha; Domenici, Gladys; Domenici,  
 Joseph; Domenici, Peter J.; Double JA Land & Livestock;)  
 3 Dressler, Fred, H., Trust; Dressler, Milton; Dreyer, Joan; Dreyer,  
 Roland; Dunn, Daniel D.; Dunn, Sandy L.; Durousseau, Barbara F.;)  
 4 Dye Family Trust - M.V. Dye, Trustee; Dye Family Trust - )  
 Kathleen Dye, Trustee; Eaton, Richard A.; Eaton, Tanya J.;)  
 5 Edwards, Shelly; Eickmeyer Family Trust; Eisenhouer, K.; Eitel,  
 Loretta Beth; Elvira Maionchi Lee Ivy Ranches; ELW Ranches, Inc.)  
 6 (a corporation); Elwell, Dona M.; Elwell, William J.; Emery,  
 Brett; Estrada, Frances; Estrada, Salvador; Evans, Anne B.;)  
 7 Everett, Harry; Executive Consultants, Inc. (a corporation); F.I.M.)  
 Corporation (a corporation); F.M. Fulstone, Inc. (a corporation)  
 8 Facer, Mabel; Facer, R.L.; Faretto, Cathleen - The Anderson Family)  
 1992 Trust; Faretto, Michael A. - The Anderson Family 1992 Trust;)  
 9 Faria, Edwin F. and Marty L.; Farias, Carmen; Farias, Ellis N.;)  
 Farias, Ellis Norman; Farias, Harold W.; Farias, Ruth; Farias )  
 10 Wheel Ranch, Inc. (a corporation); Farmer, Jack B.; Farmer, Letha)  
 S.; Fawcett, Lawrence Edward; Fawcett, Lawrence W.; Fenili,  
 11 Peter; Fenili, Veronica J.; Fickes, Gerald and Peggy L.; Field, John)  
 Julius; Field, Mary L.; Finch, Harry L.; Fitz, George O.; Fletcher,  
 12 Teri L.; Fletcher, Marie L.; Fletcher, Michael S.; Fletcher, Ruth L.;)  
 Fletcher, Wesley L.; Flying A, Limited Partnership; Flying M.)  
 13 Ranch - Barbara J. Mitchell and Bryce G. Mitchell; Forrester,  
 Pamela; Forrester, Wendell B.; Foss, Thomas A.; Four G)  
 14 Corporation (a corporation); Fox, Leonard A Trust - Elizabeth J.)  
 Leone, Trustee; Fox Mutual Ditch Company; Frade Ranches, Inc.(a)  
 15 corporation); Franklin, Carl and D. Camille; Franklin, Shawn C. and)  
 Vonda Kay; Fraser, Betty; Fraser, George; Frazier, George R.;)  
 16 Frazier, Helen; Freitas, Barbara L.; Freitas, Elizabeth; Freitas,  
 Maurice H.; Friedhoff, George W.; Friedhoff, Helen; Fuchs, Hans;)  
 17 Fuchs, Margaret; Fuller, Carol, Trustee; Fuller, Raymond, E. - )  
 Trustee; Fulstone, I.R.; Fulstone, Vivian D. Trust - Glenora F.)  
 18 Wright; Fulstone, Vivian D. Trust - James H. Fulstone; G Lazy B)  
 Partnership; Gable, Don R. Trust; Gable, M.P.; Gable, O.D.;)  
 19 Gable Family Trust; Garcia, Mariana; Garms, Donna J.; Garms,  
 Gary Jay; Garms, Toni J.; Garms Trust; Garmsland Limited; Gary,  
 20 William B. and Edith F.; Gattuso, Joseph A. and Kim I.; Gelles,  
 Eleanor, Lynn, and Paul; Gellers, Paul and Eleanor; Gemmell,  
 21 Bruce H.; Gerbig, Arden; Gerbig, Evilo; Gerbig, J.; Ghio, Diana)  
 D.; Ghio, Mario J.; Giles, William C.; Gill, Alice P.; Gill, Joseph)  
 22 P.; Gingras, Edward J.; Gingras, Opal Edith; Giodo, Joseph A.;)  
 Giodo, Virginia M.; Giorgi, Baldo, Trustee; Giorgi, Daniel E.;)  
 23 Giorgi, Donald; Giorgi, Evo, Trustee; Giorgi, F.A., Trustee;)  
 Giorgi, Florence A. Family Trust; Giorgi, J., Trustee; Giorgi, Linda)  
 24 Hunewill; Giorgi, Virginia M. Trustee; Giorgi Brothers, Inc.;)  
 Giron, Vince; Glasner, Grover F.; Glass, Daniel G.; Glass, Patricia)  
 25 J.; Gleason, James G.; Gleason, Maria D.; Gleason, Marla D.;)  
 Glock, Audrey; Glock, Ernest; Gober, Alice M.; Gober, Edward)  
 26 E.; Godde, Forrest G.; Goes, Frank; Goes, Sherryl; Goffinet,  
 Cheryl L.; Goffinet, Lonnie K.; Goodman, Emma M.; Goree, Jeff)  
 27 R.; Goree, Liborn; Goree, Margaret; Goree, Sandra J.; Gorham,  
 John A.; Gorham, Rosamond A.; Goss, Ronald W. and Sandra A.;)  
 28 Granata, Helen, Trustee; Gray, Leslie B.; Gray, Mary; Green)

1 Valley Turf Farm, Inc. (a corporation); Greenfield)  
 Developm.ent/Limited Liability Company; Greenwood Mutual Ditch)  
 2 Co.; Grosio, Angelo; Grosio, Blanca; Grosio, Charles; Grosio,  
 Ernest; Grosio, Maxine J.; Grulli, Ace; Grulli, Felicia; Grulli,  
 3 Marvin; Guild, Rolene V.; Guy, Willis H.; Hadley, Ernest D.;  
 Hadley, Katherine; Hall, Blanche F., Trustee; Hall, Ralph; Hall,  
 4 Ruth; Hall, Walter L.; Ham, Dana C.; Ham, Franklin C.; Hamer)  
 Trust, John Hamer, Trustee; Hamer Trust, John Murray; Hamer)  
 5 Trust, Maryanna Hamer, Trustee; Hamilton, Alice J.; Hamilton,  
 Richard E.; Hamlett Group Limited Parners; Hammond, Judy;)  
 6 Hanifan, Janet; Philip, Hanifan; Hanifan, Philip; Hanks, Lawrence)  
 C.; Hanson, Beverly; Hanson, F.W. and Leona; Hanson, Gary M.;)  
 7 Hara, Marjorie E.; Hargus, John R., Adah M. Blinn Trust; Harmon,  
 Patricia; Harris, Carol C.; Harris, John R.; Harris Trust; Harrison,  
 8 B.A.; Harrison, Linda; Hartline, Deborah; Hartman, Charles J.)  
 and Mary A.; Hathaway, Myrtle K.; Hawkins, Benjamin F.;)  
 9 Hawkins, Benjamin F. and Juanita; Hawkins, Kenneth R.; Hawkins,  
 Margaret; Hawkins, Terry; Hayes, Jonathan C. and Deborah A.;)  
 10 Hazard, Michael J.; Hazard, Michael J.; Heimerman Family Trust,  
 John A Heimerman, Trustee; Heimerman Family Trust, Leona T.)  
 11 Heimerman, Trustee; Helmuth, George and Pamela; Henker, Mark;)  
 Henker, Nancy; Henwood Associates Inc. (a corporation)  
 12 Hernandez, Isidro V. and Audelia; Higginbotham, Carol;)  
 Higginbotham, John M.; Hill, Lynn M.; Hills, David W. and Carol  
 13 A.; Hilton, Marilyn J. - Flying M Ranch; Hilton, Marilyn June -  
 Flying M Cattle Co.; Hilton Family Trust; Holbrook, C., Trustee;)  
 14 Holbrook, Constance; Holbrook, Richard H. Jr.; Holbrook, Richard,  
 Trustee; Holbrook, Vera L.; Holmes, Frank; Howard, Charles S.;)  
 15 Howard, Charles S. III; Howard, Loretta; Huckins Family Trust,  
 Dorothy Huckins; Huckins Family Trust, Harry Huckins; Huggans,  
 16 Jan; Huggans, Jan; Hughes, Eva; Hughes, George; Hunewill,  
 Gregory A.; Hunewill, Harvey; Hunewill, Harvey E. Trustee;)  
 17 Hunewill, L.; Hunewill, Linda Giorgo; Hunewill, L.D.S. Church;)  
 Hunewill, Phyllis, Trustee; Hunewill Enterprises/Limited Liability)  
 18 Company; Hunewill Land & Livestock Co.; Hyne, Frances L.;)  
 Hyne, Marshall; Ireland, Mariann; Ireland, Ward W.; Ithurburu,  
 19 John P.; Ithurburu, Marilyn; Jacobsen, Finn; Jacobsen, Judith;)  
 Jacobsen, Michelle; Jacobsen, William; Jakobson, Bert A.; James)  
 20 A. Mabe Jamesgate Ranch; Jason Corporation; Jenkins, Joyce;)  
 Jenkins, Larry D.; Jensen, Jack E.; Jesch, Sylvia - Wheat Trustee,  
 21 Margaret M. Wheat Trust; Jesch Family Trust, Sylvia J. Jesch; Jesch)  
 Family Trust, Raymond Jesch; Johnson, Leona E.; Johnson, Wallace)  
 22 D.; Johnston, Charles; Johnston, Pearl D.; Jones, Georgianna;)  
 Jones, Frederick R.; Jones, Gilbert E.; Jones, Louise, Trustee;)  
 23 Jones, Louise A.; Jones, Norma J.; Jones, Thomas, Trustee; Jones,  
 Thomas F; Joseph W. Heflin, M.D., Ltd.; Joseph W. Heflin, Inc.;)  
 24 Judd, D. Leon; Judd, Lucy Charlene; Julian, Darlene A.; Julian,  
 Jay F.; Junction Ranch; Karadanis; Keeley, Edith L.; Keeley,  
 25 John H.; Keeley, Marvin C.; Kelly, Dr. Donald - Health)  
 International; Kennedy, Cleo N.; Kennedy, Dale S.; Kennon,  
 26 Vergie, A.; King Family Trust; Kyler, LaJune F.; Kyler, Melwood;)  
 L.T.R. Enterprises; Labbranch, Joseph H. and Bobbie L.; Landolt,  
 27 Beverly J. Trust; Landolt, David; Landolt, Joseph; Landolt, Joseph)  
 G Trust; Landolt, Tamela; Lands of Sierra, Inc. (a corporation))  
 28 Lapham, Willis H. and Joanna M.; Larson, Roger; Lazy Two-T)



1 Ranch; Lee, Carole J. (Rogers); Lee, Harry A., Trustee; Lee,  
 Thomas William; Lee Family Trust; Lee Ivey Ranch, Inc. (a  
 2 corporation); Lehmer, Debra S.; Lehmer, Steven M.; Leinassar,  
 Alan S.; Leinassar, M.F.; Leinassar, Marianne; Lekumberry,  
 3 Robert J. and Suzanne; Ligtenberg, Joanne; Ligtenberg, Roger F.;  
 Linscott, George; Linsenmier, Jack L.; Linsenmier, Wilma H.;  
 4 Little, David; Little, Sherry; Livingston, George E.; Livingston,  
 Lori A.; Lloyd, Morna M.; Lloyd, Thomas E.; Loll, Margaret M.;  
 5 Loll, Raymond F.; Lommori, Bessie J. Trust; Lommori, Dante J.;  
 Lommori, Eleanor B.; Lommori, Joe; Lommori, Joseph J. Trust;  
 6 Lommori, Joseph and Bessie Trust - B.J. Lommori, Trustee;  
 Lommori, Joseph and Bessie Trust - J.J. Lommori, Trustee;  
 7 Lommori, Julio and Delia T. Trust; Lommori Family Trust, Clance  
 Lommori, Trustee; Lommori Family Trust, Dante Lommori, Trustee;  
 8 Lommori Family Trust, Mario Lommori, Trustee; Lompa Family  
 Trust, Duana Lompa, Trustee; Lompa Family Trust, Samuel Lompa,  
 9 Trustee; Lorenz, Ellie T.; Lorenz, Joe E.; Ludel, Donna; Ludel,  
 Samuel M.; Lukumberry, Robert J.; Lund, Hans N.; Lund, Marie N.)  
 10 Lyon County Cemetery # 2 Hillcrest Cemetary; Lyon County Fair  
 Grounds, Inc. (a corporation); Lyon County Trust; Lyon Ranch  
 11 Operations, Inc. (a corporation); Mabe, Sandra R. - Jamesgate  
 Ranch; MacKenzie, Andrew; Mackey, Russell; Mackey, Theresa;  
 12 Madden, Gerald; Madden, Lois; Madsen, Patricia G.; Madsen,  
 Vernon Lee; Maine, D.C.; Maine, Gayle; Manha, Josephine,  
 13 Family Trust; Mann, Allen J. Jr.; Mann, Luetta A.; Mann, Melinda  
 L.; Maple, G.D. Jr.; Maple, Gurney D. Trustee; Maple, Ura L.,  
 14 Trustee; Marriott, Carlis N.; Marriott, Jack D.; Marriot, Jackie  
 Dale; Marriott, Lonnie E.; Marriott, Sandra; Marriott, Sandra Jo;  
 15 Marriott, Sandra K.; Masini, Carrol G.; Masini, Lawrence C. and  
 Alma Trust; Masini, Maria O.; Masini, Patricia; Masini  
 16 Investments; Matheson, Dorothy; Mattice, Lewis W. and Gayle;  
 Mattice, James L.; Mattice, Mary L.; Mausbach, Judith; McAlister,  
 17 Betsy K.; McAlister, Edgar O.; McBryde, Frank Joseph Trust;  
 McCarger, Doris; McCargar, Edward James; McClain, Terry Lee;  
 18 McClain, William T.; McColloch, Pamela; McColloch, Robert L.;  
 McCoy, Lee A. and Cheryl A.; McCray, Nancy R.; McCray, W.G.;  
 19 McHale, Michael Martin; McHale, Norma; McKay, James C.;  
 McKay, Marjorie M.; McKay, Mervin M.; McKinnon, Barbara J.;  
 20 McKinnon, Fred E.; McWhirter, Mildred K.; Meier, Virgil; Melio  
 Maionchi Lee Ivy Ranches; Mencarini, Amos Jr., Trust; Menesini,  
 21 Donald G.; Menesini, Edward L. and Kristie L.; Menesini, Gene;  
 Menesini, Gene J. Trustee; Menesini, Gerald T.; Menesini, Grace;  
 22 Menesini, Grace; Menesini, Lucinda; Menesini, Orlando;  
 Menesini, Pete; Menesini, Renee E.; Merczak, Elvetia; Merritt,  
 23 David L.; Merritt, Teresa C.; Merriwether, William; Mestmaker,  
 Robert; Methodist Episcopal Church; Mickey Mutual Ditch  
 24 Company; Miller, John M. and Christie A.; Miller, Lucille B.;  
 Miller, Robert J.; Miner, Frances; Minister, Rose Alice, Trustee;  
 25 Mitchell, Ginger; Mitchell, Ronald; Monia, Elaine; Monia, Elaine;  
 Monia, Ray; Monia, Ray; Montgomery, Jeffrey K.; Montgomery,  
 26 Mary; Montgomery, Tammy T.; Moore, Anthony P.; Moore,  
 Joyce; Moore, Laurie; Moore, Monica R.; Moore, Harold Trust;  
 27 Moorehead, Emma M., M. S.P. Trust; Moorehead, Si F.; Moreda,  
 Clarence J. - Family Trust; Moreda, Dairy; Moreda, Janet; Morse,  
 28 George C. III; Morse, George C. Jr.; Morse, Kathleen R.;

1 Mortimore, Craig A.; Mustang Properties; Naftali, Nadel - Circle)  
 Bar-N Ranch; Nagel, Helen; Nagel, Robert R.; Nagel, Shirley J.; )  
 2 Nannini, Anna; Nannini, Guido; Nesmith, John F.; Nesmith,  
 Teresa M.; Nesmith Family Trust; Neuhauser, Geneva Ruth; )  
 3 Neuhauser, Larry; Nevada Department of Wildlife; Nevada Lands)  
 Division; Nevada-Utah Association of Seventh Day Adventists; )  
 4 Nevin, Melba; Nevin, Wilbur W.; Newcombe, Linda; Nielson,  
 Norman & Deana; Niti, Lawrence; Norman D. Brown, Inc. (a  
 5 corporation); Novy, Lowell; Nugent, Evelyn; Nugent, George D.; )  
 Nuti, Arnando; Nuti, Helen L.; Nuti, Lawrence; Nuti, Leslie; )  
 6 Nuti, Mary E.; Nuti, Mary R.; Nuti, Michael; Nuti, Ralph E.; )  
 Nuti, Ralph C.; Nuti Brothers; O'Banion, James R.; O'Connor, )  
 7 Kelli S.; O'Connor, Paul D.; Ogle, Leanna, M.; Orrin, Kenneth; )  
 Osborne, G.L.; Osborn, Henry S.; Osborne, R.E.; Owens, David )  
 8 A.; Owens, Cindy R.; Oxsen, Nancy; Oxsen, Peter; P.D.)  
 Explorations, Inc. - Phelps Dodge Corporation; Pace, Jeannie; )  
 9 Pacific-Ag Supplies, Inc.; Palmer, Alfred, Trustee; Palmer, Joy,  
 Trustee; Palmer, Joy L.; Park, W.B.; Park Livestock Company; )  
 10 Parker, Patricia; Parker, Raymond E.; Parraguirre, D.; Parris, Judy  
 Y.; Parris, Thomas A.; Patton, Marolyn; Patton, Marolyn B., Co- )  
 11 Trustee; Patton, Thomas, Co-Trustee; Pederson, Alenzo; Pederson )  
 Katie; Peeples, Frank Terry; Peeples, Frank Terry; Peeples, Josiah )  
 12 P.; Peeples, Norma M.; Pelayo, Dan; Pelayo, R.A.; Pellegrini,  
 Debra L.; Pellegrini, Steven W.; Pellegrini, Violet; Pendleton, )  
 13 Cleo C.; Pendleton, Daniel L.; Pendleton, Janet; Pendleton,  
 Jennifer; Penrose, Herbert W. Family Trust; Penrose General Imp. )  
 14 District - County of Lyon, NV; Peri & Peri, A Partnership; Peri &  
 Sons) Farms, Inc. (a corporation); Perrin Trusts - Francis L. Perrin; )  
 15 Perriseau, Melvin; Perriseau, Modesta; Perry, Gena; Perumean,  
 Cecelia C.; Perumean, Pete; Peters, Darlene; Peters, Glen; )  
 16 Peterson, Leland C.; Petersen, Leon E.; Peterson, Marion W.; )  
 Petersen, Martin W.; Petersen, Norma D.; Phelps Dodge )  
 17 Corporation - Real Estate Development; Phillip, Joan F.; Phillip,  
 Richard L.; Pinenut Ranch Cattle Corporation (a corporation) )  
 18 Pitchfork Rank, Inc. (a corporation); Plett, Pauline; Plett, Walter; )  
 Polish, Evelyn; Poli, John; Poli, Nancy; Polish, Louis; Porter, )  
 19 Harold; Porter, Randy; Porter, Sherri; Porter, Tracee; Pruett  
 Ranches, Inc. (a corporation); Pumpkin Hollow Farms, Inc. (a )  
 20 corporation); Purrell, James E.; Purrell, Karen M.; Purrell Trust; )  
 Pursel, Delbert; Pursel, James; Pursel, Melvin; Pursel, Norma; )  
 21 Pursel, Norman; Pursel, Phyllis; Pursel Ranch, A Partnership; )  
 Quealy, B.V.; Quealy, T.H.; Quilici, Basil A.; Quilici, Basil A.; )  
 22 Quilici, Louise; Quilici, Norma Yvonne; Quilici, Pauline L.; )  
 Quiroga, Carlos and Ofelia Trust; R.N. Fulstone Company; R and R )  
 23 Services, Inc.; Raisbeck, Nancy L.; Raisbeck, Peter D.; Ramsey,  
 Leila; Rathburn, Richard M. Jr.; Rauber, William S., Trustee; )  
 24 Regan, Ruby C. Trust - Ruby Regan; Renner, Donald W.; Renner,  
 Donald W.; Renner, Dorathea K.; Renner, Thomas R; Richardson, )  
 25 Elizabeth; Richardson, Glenna; Richardson, Ralph; Ritter, John  
 Gustave III; Ritter, Lucille; Ritter Family Trust; Riva, Anne M.; )  
 26 Riva, Hebert R.; Roberti, Carl; Roberts, George C.; Roderick,  
 Joseph; Roderick, Laurel; Rogers, Ralph; Rolston, Kenneth J.; )  
 27 Rolston, Linda; ROMA Corporation (a corporation); Roman  
 Catholic Bishop of Reno; Romano, Dennis; Romano, Diane R.; )  
 28 Rosaschi, Angelo Joseph; Rosaschi, Connie; Rosaschi, Lena, )

1 Trustee; Rosaschi, Lester; Rosaschi, Michael G.; Rosaschi, Paula  
 L.; Rosse, Debra D.; Rosse, Jerry R.; Rupe Family Trust;)  
 2 Ryerson, Alison M.; Ryerson, Morris E.; Salmonson, Karen;)  
 Salmonson, Michael L.; Salvador, William and Leota Trust; Santos,)  
 3 Christina M.; Santos, Paul J.; Sario Livestock Co.; Saunders, Eva  
 Irene; Sayer, Cora Trust; Scatena, Lorraine B.; Scatena, Louis G.;)  
 4 Sceirine, David A.; Sceirine, Edna Jayne; Sceirine, Herbert;)  
 Sceirine, Jackie Duane; Sceirine, Jayne; Sceirine, Joseph; Sceirine,)  
 5 Joseph E.; Sceirine, Lester; Sceirine, Susan L.; Schendel, Madge  
 E.; Schendel, Robert J.; Schmid, Ethel; Schmidt, Judy; Schotz,)  
 6 Peggy L.; Schotz, Robert J.; Schuster, Donna; Schuster Family  
 Trust; Schwake, Frederick; Schwake, Patricia; Sciarani, Arnold  
 7 Jr.; Sciarani, Donna; Sciarani, Eugo; Sciarani, Glenn; Sciarani,)  
 James; Sciarani, John; Sciarani, Mildred; Sciarani, Nelson;)  
 8 Sciarani, Nelson; Sciarani, Nelson, Trustee; Sciarani, Paul;)  
 Sciarani Trust; Scribner, Cynthia; Scribner, Vance; Seibert,)  
 9 Candace; Seifert, Judy A.; Seifert, Stanley D.; Seubert, Donald R.;)  
 Seubert, Sophia; Shehady, Donald and Teresa Trust; Sherlock,)  
 10 Michael; Sherlock, Robert; Sherlock Trust - Michelle Sherlock;)  
 Sherlock Trust - Robert D. Sherlock; Shively, E. Duane, Trustee;)  
 11 Shively, Russelle, Trustee; Shively 1991 Revocable Trust;)  
 Shoemaker, Janis; Shope, Edward B.; Shope, Joanna C.; Sierra  
 12 Pacific Power Co.; Silva, Dorthella A.; Silva, Edward B.; Silva,)  
 Gary C.; Silva, Paul S.; Silva, Tildean L.; Silva Trust, Declaration  
 13 of Vaughn & Shirley A., Shirley A. Silva, Trustee; Silverado, Inc. (a  
 corporation); Simmons, Leia H.; Simmons, Patricia; Simpson, E.R.;)  
 14 Singer, Linda; Singer, Steve; Six N Ranch, Inc. (a corporation)  
 Smith, Barbara J.; Smith, Cary R.; Smith, Cheryle Ann; Smith,)  
 15 Daniel G.; Smith, Ermon W.; Smith, Gaila M.; Smith, Glen H.;)  
 Smith, Grant, B.; Smith, Grant, B.; Smith, Kathy L.; Smith, Keith  
 16 A.; Smith, Mary E.; Smith, Mary Lee; Smith, Norville W.; Smith,)  
 Norville W.; Smith, Patricia Ann; Smith, Shawna S.; Smith,)  
 17 Wilbur L.; Smith, Verda; Smith Ranch Partnership; Smith Valley  
 Cattle Feeders; Snyder, Eddie R.; Snyder, Frances; Snyder, Lucy  
 18 A.; Snyder, Theresa; Snyder Livestock Company, Inc. (a  
 corporation) Soderstrom, Dave Jr.; Soderstrom, Joan; Solifume,)  
 19 Inc. (a corporation); Sorenson, Kenneth A. and Margaret; Spragues  
 Company. Spezzi, Stanley R., U/C.; Stanley, John D.; Stanley,)  
 20 John D. Sr.; Stanley, Marlyse R.; Stark, Glenn M.; Stark, Ruth L.;)  
 Starr, D.E.; Stebbins, Richard W.; Stebbins, Roberta; Steele, Charles  
 21 R.; Steele, Karen R.; Steneri, Donald R.; Steneri, Jamy L.;)  
 Steneri, Mary L.; Steneri Trust - Robert S. Capurro, Trustee;)  
 22 Stevens, Ronald Lynn; Stewart, Michael B.; Stewart, Sandy;)  
 Stillfield, Donna Jeanne Thomas; Stottlemeyer, E.; Stottlemeyer,)  
 23 Charles E. Jr.; Stoughton, Candace; Stoughton, Robert G.; Stout,)  
 Jack F.; Stout, Nancy; Stovall, Judith Lee; Strong, Charles W.;)  
 24 Strosnider, Inc. (a corporation); Strosnider Family Trust - Carolyn  
 Strosnider; Strosnider Family Trust - Kenneth Strosnider; Sturge,)  
 25 Michael A.; Sturge, Michelle A.; Sturtevant, Helen M.; Sundance  
 Cattle Company; Sundance Feedlot, Inc. (a corporation); Swagger  
 26 Ranch, Inc. (a corporation); Swainston, George and Dorothy Trust;)  
 Swainston Family Trust; Sweetwater Land & Cattle Co.; Taber,)  
 27 Don G.; Taber, Phyllis B.; Talbott Land & Livestock; Tamagni,)  
 Raymond Family Trust, Janice E. Tamagni; Tamagni, Raymond)  
 28 Family Trust, Raymond Tamagni; Tamagni, Victor; Tamagni)



1 Family Trust - Florence Tamagni, Trustee; Tamagni Family Trust - )  
 Raymond E. Tamagni, Trustee; Taylor, Dola; Taylor, Laurence B.; )  
 2 Taylor, Lloyd T.; Taylor, Mary M.; Terry, L.; Terschluse, Barbara; )  
 Terschluse, Donald; Terschluse, Marie; Terschuluse, Robert; )  
 3 Thacher, John H. and Cardine H.; The Plymouth Land & Stock Co.; )  
 The Uhland Family Trust - Craig Uhland, Trustee; The Uhland )  
 4 Family Trust - Shawn Uhland, Trustee; Tholke, R.; Tholke, Rachel; )  
 Tholke, Rachel, Trust; Thom, Douglass; Thom, May; Thomas, )  
 5 Ami; Thomas, Jim R.; Thomas, Katherine L.; Thomas, Terry S.; )  
 Thomas, Tracy Glaze; Thomas, Wilson; Thompson, Clifford A.; )  
 6 Thompson, Evelyn; Thorn, Douglas; Tibbals, Carol J.; Tibbals, )  
 Joseph; Tibbals, Joseph W.; Tibbals, Margaret; Tibbals, Shari L.; )  
 7 Tibbals, Walter C.; Tibbals Family Trust - Donald H. Tibbals; )  
 Tibbals Family Trust - Joy M. Tibbals; Tierney, Karen M.; )  
 8 Tijsseling, Dick G.; Tijsseling, Judith A.; Tilley, Jerry E.; Tilley, )  
 Jerry E. Trust - Jerry E. Tilley, Trustee; Titus, Robin Lee; Toigo, )  
 9 Kathleen A.; Toigo, Thomas J.; Toll House Canyon Pardners; )  
 Tomac, Laura; Tomac, Steve; Topaz Ranch, Inc. (a corporation )  
 10 Twelves, Helen; Twelves, James; Twin Lakes Enterprises, Inc. (a )  
 corporation); Twombly, C.W. & V.B Trust - C.W. Twombly, )  
 11 Trustee; Twombly, C.W. and V.B. Trust - J. Snook, Trustee; )  
 Twombly, V.; U.L. Maple; Ugo Giorgi Family Trust - Ugo Giorgi, )  
 12 Trustee; Umberger, Lodema; Umberger, William W.; Valdez, )  
 Ramon and Myrna E.; Van Horn, Karen; Van Horn, Philip; Van )  
 13 Vilet, M and Sons, Inc. (a corporation); Vandebrake, Audrey; )  
 Vandebrake, Vernon; Vernon F. Bryan, Inc. (a corporation); Vetsch )  
 14 Robert; Vetsch, Leonard; Veuve, Gary J.; Veuve, Mary R.; )  
 Virdin, William M.; Virdin, Virginia Sue; Virginia Creek Hydro, )  
 15 Inc. (a corporation); Virginia Lakes Mutual Water; Vogel, Beverly )  
 K.; Vogel, Bruce G.; Walker, Gerald L. Fickes; )  
 16 Wallin, Lawrence B.; Wallin, Theresa M.; )  
 Warburton Family Trust - Joseph Warburton; Warburton Family )  
 17 Trust - Winifred Warburton; Ward, Catherine M.; Ward, Mark D.; )  
 Warr, David T.; Warr, John; Watkins, Louis H.; Watkins, Mildred )  
 18 A.; Weaver, John R.; Weaver, Lura K.; Weaver, William M. Jr.; )  
 Wedertz, Gilbert C.; Wesley, Joel and Sandra G. Brown; West )  
 19 Highland Ditch Co-Op; Westpac Utilities; Wilder, Joan; Wilens )  
 Family Trust; Wilkinson, Philip; Wilkinson, Vivian; Williams, )  
 20 Doris M.; Williams, Durell & Virginia Trust; Williams, E.M., )  
 Trustee; Williams, Evangeline; Williams, Harold S.; Williams, Jack )  
 21 H.; Williams, Joni Fay; Williams, Kenneth and Elizabeth Trust - )  
 Elizabeth Williams; Williams, Kenneth and Elizabeth Trust - )  
 22 Williams; Williams, Leonard and Emily Trust -Leonard S. Williams; )  
 Williams, Philip A.; Williams, Thomas E.; Willowcreek General )  
 23 Improvement District; Wills, Dennis; Wills, Marilyn; Wines, )  
 Daniel R.; Wines, Karen L.; Wipfli, Candyce; Wipfli, Tom; Wise, )  
 24 Catherine E.; Wise, David E.; Wolff, William J.; Woodard, Arlene )  
 Woodard, Carol; Wright, Joseph; Wright, Mary Mackedie; )  
 25 Wright, Nadia; Wright, Susan; Wright, Wayne D.; Wymore, )  
 Gerald Lee; Zippwald ,Jack C.; Zwiebel, A.J. )

26 )  
27 Counterdefendants, )

28 All known Claimants To Groundwater and Waters Of The )  
Walker River And Its Tributaries In The State of Nevada And )

1 The State of California )  
2 \_\_\_\_\_ )

3  
4 **FIRST AMENDED COUNTERCLAIM OF THE**  
5 **UNITED STATES OF AMERICA**

6 COMES NOW, the United States of America, at the request of the Secretary of Defense, the  
7 Secretary of Agriculture, and the Secretary of the Interior, by and through its undersigned attorneys,  
8 on its own behalf and for the benefit of the Walker River Paiute Tribe, the Yerington Paiute Tribe, the  
9 Bridgeport Paiute Indian Colony, and several individual Indians who are owners of allotments, either  
10 held in trust by the United States or held in restricted status by the United States, and herewith asserts  
11 the following claims:

12 **INTRODUCTION**

13  
14 1. This first amended counterclaim is made for the confirmation and declaration of certain  
15 rights in the United States to the use and storage of water in, on, under and otherwise appurtenant to  
16 certain lands in the Walker River basin owned by the United States that are under the jurisdiction of  
17 the Department of Defense, the Department of Agriculture and the Department of the Interior; or, held  
18 in trust or restricted status by the United States for the benefit of individual Indians, and certain  
19 Indian Tribes. The rights set forth in this first amended counterclaim are in addition to the right to  
20 divert the natural flow of the Walker River and its tributaries, awarded to the United States in the  
21 Decree entered in this action on April 15, 1936, as amended on April 24, 1940 in United States v.  
22 Walker River Irrigation Dist., In Equity No. C-125, hereinafter, the "Decree."

23 **JURISDICTION**

24 2. Jurisdiction over this first amended counterclaim is pursuant to (i) the continuing  
25 jurisdiction of this Court, by virtue of the Decree entered herein, over the waters of the Walker River  
26 and its tributaries in California and Nevada; (ii) 28 U.S.C. §1345 in that the proceedings are brought  
27 by the United States; (iii) 28 U.S.C. §1367 which vests the court with supplemental jurisdiction; (iv)  
28

1 28 U.S.C. §1651 which authorizes the court to issue all writs necessary or appropriate in aid of its  
2 jurisdiction; (v) 28 U.S.C. §1331, in that this first amended counterclaim is brought by the United  
3 States of America, on its own behalf and for the benefit of individual Indians, and Indian Tribes, and  
4 the matter in controversy arises under the Constitution, laws or treaties of the United States.

5  
6 PARTIES

7 3. Counterclaimant, the United States of America, appears in this case on its own behalf and  
8 for the benefit of specified individual Indians, and certain Indian Tribes.

9 4. Counterdefendants are all claimants to water of the Walker River and its tributaries,  
10 including groundwater.

11  
12 GENERAL ALLEGATIONS

13 5. The United States of America, under the Decree, currently has the right to use the natural  
14 flow of the waters of the Walker River and its tributaries in the amount of 26.25 cubic feet per second  
15 with a priority date of November 29, 1859, to irrigate 2,100 acres of land on the Walker River  
16 Reservation.

17 6. The suit commenced by the United States in 1924, under Docket Number C-125, was  
18 brought to quiet title and only concerned the water rights for use on the Walker River Indian  
19 Reservation as those boundaries existed at the time the suit was commenced. The suit did not  
20 adjudicate the groundwater rights of any of the parties in the litigation.

21 7. Paragraph XII of the 1936 Decree, entered on April 15, 1936, was amended on April 24,  
22 1940, to reflect that the Decree determined water rights "as of the 14th day of April, 1936."  
23 Paragraph XIV of the Decree provides that this Court retains jurisdiction for a number of purposes,  
24 including modification of the Decree.

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

28 9. In addition to the Walker River Indian Reservation, there are other lands within the Walker

1 River Basin owned by the United States that are under the jurisdiction of the Department of Defense,  
2 the Department of Agriculture and the Department of the Interior. There are also lands in the Walker  
3 River Basin, in addition to the Walker River Indian Reservation, owned by the United States and held  
4 in trust or restricted status for the benefit of specified individual Indians, the Bridgeport Paiute Indian  
5 Colony and the Yerington Paiute Tribe.

6 These lands and their appurtenant water rights and claims for water are more particularly  
7 described below.

8  
9 FIRST CLAIM FOR RELIEF

10 WEBER RESERVOIR

11 10. Weber Reservoir is a federally-constructed reservoir located on the Walker River Indian  
12 Reservation with a storage capacity of approximately 13,000 acre feet. The reservoir was practically  
13 completed in 1935, although floodgates were added in 1937. The United States, for the benefit of the  
14 Walker River Paiute Tribe, is entitled to store water from the Walker River and its tributaries in  
15 Weber Reservoir for all purposes recognized under federal law including but not limited to irrigation,  
16 stock watering, fish and wildlife, and domestic uses.

17 11. By the use of Weber Reservoir to store water, the Walker River Paiute Tribe can irrigate  
18 more than the 2,100 acres which it presently is entitled to irrigate under the terms of the Decree.

19 12. The right to store water in Weber Reservoir has a priority date of April 15, 1936. The  
20 amount claimed is 13,000 acre-feet plus evaporation and seepage.

21 SECOND CLAIM FOR RELIEF

22 LANDS RESTORED TO WALKER RIVER RESERVATION

23 13. Paragraphs 1-12 are incorporated herein as if fully set forth in this paragraph 13.

24 14. The Walker River Indian Reservation was established in 1859 with a land base of  
25 approximately 320,000 acres. Under the Act of May 27, 1902, 32 Stat. 260-261, the Reservation land  
26 base substantially reduced. A substantial part of these original Reservation lands, however, were  
27 restored to the Reservation on September 25, 1936, pursuant to the Act of June 22, 1936. The Act of  
28 June 22, 1936, 49 Stat. 1806-07, authorized the Secretary of the Interior to set aside certain lands as

1 an addition to the Walker River Indian Reservation. In accordance with the legislation, by Order  
2 dated September 25, 1936, the Secretary restored to the Walker River Indian Reservation  
3 approximately 167,460 acres.

4 15. The United States, for the benefit of the Walker River Paiute Tribe, is entitled to use  
5 water from the Walker River, its tributaries, and all other water located in, on, under, adjacent or  
6 otherwise appurtenant to the restored lands of the Reservation for all purposes recognized under  
7 federal law. The restored lands of the Reservation are entitled to a federal reserved water right as of  
8 the date of restoration.

9 16. The United States, for the benefit of the Walker River Paiute Tribe, is entitled to water  
10 rights for the restored lands in addition to the rights now recognized for use on the lands of the  
11 Reservation under the Decree.

12  
13 **THIRD CLAIM FOR RELIEF**

14 **GROUNDWATER FOR ALL LANDS WITHIN WALKER RIVER RESERVATION**

15 17. The United States, for the benefit of the Walker River Paiute Tribe, is entitled to use the  
16 groundwater of the Walker River basin located in, under, adjacent or otherwise appurtenant to all  
17 lands of the Walker River Indian Reservation not otherwise claimed in this First Amended  
18 Counterclaim.

19 18. The amount claimed is the amount necessary to fulfill the purposes of the Reservation.

20 19. The priority date claimed is November 29, 1859, or, in the alternative, April 15, 1936.

21 **FOURTH CLAIM FOR RELIEF**

22 **YERINGTON PAIUTE TRIBE**

23 20. Paragraphs 1-19 are incorporated herein as if fully set forth again in this paragraph 20.

24 21. The United States, at the request of the Secretary of the Interior, and for the benefit of the  
25 Yerington Paiute Tribe, makes the following claim for water from the Walker River, its tributaries,  
26 and all other water located in, on, under, adjacent or otherwise appurtenant to the lands hereinafter  
27 described.

28 22. The Yerington Reservation is located in Lyon County, Nevada, approximately eighty (80)



1 miles southeast of Reno, Nevada. The Reservation contains 1,636.24 acres, of which approximately  
2 22.9 acres are located within the City of Yerington, Nevada. The majority of these lands were  
3 acquired pursuant to the Indian Reorganization Act, §§ 5, 7, 48 Stat. 984, 25 U.S.C. §§ 465, 467.

4 23. The United States claims federal reserved water rights for these lands with the following  
5 priority dates:

6 A. Parcel 1:

7 Parcel 1 is 9.456 acres located in Section 22, T. 13 N., R. 25 E., MDM. The priority date  
8 claimed is May 25, 1917, which is based on the Act of May 18, 1916, 39 Stat. 143. In the alternative,  
9 the priority date claimed is April 15, 1936.

10 B. Parcel 2:

11 Parcel 2, which is sometimes referred to as Campbell Ranch, is 1,036.24 acres located in  
12 portions of Sections 7,17,18, and 20. MDM. The priority date claimed is December 10, 1936, the date  
13 of purchase, which purchase as made pursuant to the Indian Reorganization Act of 1934, §§ 5,7, 48  
14 Stat. 984, and the Act of May 9, 1935, 49 Stat. 176.

15 C. Parcel 3:

16 Parcel 3 is 120 acres located on the N1/2 of the NE1/4 OF Section 18, and the NE1/4 of the  
17 NW1/4 of Section 20, T. 14 N., R. 25 E., MDM. The priority date claimed is June 18, 1940, which is  
18 based on the Act of June 18, 1940, 54 Stat. 414-415. In the alternative, the priority date claimed is  
19 November 15, 1941.

20 D. Parcel 4:

21 Parcel 4 is 12.91 acres in or near the Town of Yerington located within the NW1/4 of Section  
22 22, T. 14 N., R. 25 E., MDM. The priority date claimed is the date of purchase, January 20, 1978.

23 E. Parcel 5:

24 Parcel 5, which is sometimes referred to as Arrowhead Ranch, is approximately 480 acres  
25 located in the W1/2 and the W1/2 of the E1/2 of Section 16, T. 14 N., R. 25 E., MDM. The priority  
26 date claimed is April 9, 1979.

27 24. The federal reserved water claimed for the benefit of the Yerington Paiute Tribe is claimed  
28 in order to fulfill the purposes of the Reservation. In addition to the claims set forth

1 above for federal reserved rights, the United States also seeks a declaration and confirmation of the  
2 water rights held under state law which have been acquired in connection with the above described  
3 parcels.

4  
5 FIFTH CLAIM FOR RELIEF

6 BRIDGEPORT PAIUTE INDIAN COLONY

7 25. Paragraphs 1-24 are incorporated herein as if fully set forth again in this paragraph 25.

8 26. The United States, at the request of the Secretary of the Interior, and for the benefit of the  
9 Bridgeport Paiute Indian Colony makes the following claim for water from the Walker River, its  
10 tributaries, and all other water located in, on, under, adjacent or otherwise appurtenant to the lands  
11 hereinafter described.

12 27. The Bridgeport Paiute Indian Colony consists of 40 acres and is located in the  
13 SE1/4NE1/4, Section 28, T. 5 N., R. 25 E., MDB&M.

14 28. The United States claims federal reserved water rights for the Bridgeport Paiute Indian  
15 Colony, made pursuant to an Act of Congress, 88 Stat. 1368, with a priority date of no later than  
16 October 18, 1974, the date of creation of the Colony.

17 29. In addition, for the Bridgeport Paiute Indian Colony, the United States also claims water  
18 rights based on California law, including but not limited to riparian, overlying and prescriptive rights,  
19 if any.

20 30. The water claimed for the benefit of Bridgeport Paiute Indian Colony is claimed in order  
21 to fulfill the purposes of the Colony.

22  
23 SIXTH CLAIM FOR RELIEF

24 GARRISON AND CLUETTE ALLOTMENTS

25 31. Paragraphs 1-30 are incorporated herein as if fully set forth again in this paragraph 31.

26 32. The United States, at the request of the Secretary of the Interior, and for the benefit of the  
27 Garrison and Cluette allottees makes the following claim for water from the Walker River, its  
28 tributaries, and all other water located in, on, under, adjacent or otherwise appurtenant to the lands

1 hereinafter described.

2 33. The Garrison and Cluette Allotments are both located in S. 17, T. 8 N., R. 23 E.,  
 3 MDB&M. The Garrison Allotment consists of 30.18 acres; the Cluette Allotment consists of 20.02  
 4 acres.

5 34. The United States claims federal reserved water rights for the Garrison and Cluette  
 6 allotments, made pursuant to the Act of June 30, 1932, 47 Stat. 474, with the following priority dates:

7 A. Garrison Allotment:

8 The priority date claimed is no later than November 10, 1933. In the alternative, the priority  
 9 date claimed is April 15, 1936.

10 B. Cluette Allotment:

11 The priority date claimed is no later than May 8, 1933. In the alternative, the priority date  
 12 claimed is April 15, 1936.

13 35. In addition, for both allotments, the United States also claims water rights based on  
 14 California law, including but not limited to riparian, overlying and prescriptive rights.

15 36. The water claimed for the benefit of the Garrison and Cluette Allottees is claimed in order  
 16 to fulfill the purposes of the allotments, above and beyond any water rights already acquired under  
 17 State law for these allotments.

18  
 19 SEVENTH CLAIM FOR RELIEF

20 INDIVIDUAL ALLOTMENTS

21 37. Paragraphs 1-36 are incorporated herein as if fully set forth in this paragraph 37.

22 38. The United States, at the request of the Secretary of the Interior, and for the benefit of the  
 23 individual Indians, makes the following claim for water from the Walker River, its tributaries, and all  
 24 other water located in, on, under, adjacent or otherwise appurtenant to the lands hereinafter described:

25

	Allotment #	Township	Range	Section	Portion	Area (acres)	Walker R. Basin	
26	1	402	10N	21E	1	NW1/4	119.43	Yes
27	2	212	10N	21E	1	SW1/4	160	Yes

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3	403	10N	21E	2	NE1/4	159.50	Yes
4	404	10N	21E	2	NW1/4	159.05	1% outside
5	405	10N	21E	2	SW1/4	160	Partial
6	719	10N	21E	2	SE1/4	160	Yes
7	406	10N	21E	11	NW1/4	160	Partial
8	723	10N	21E	14	NE1/4	160	Partial
9	721	10N	21E	12	NW1/4	160	Yes
10	735	10N	21E	14	SE1/4	160	1% outside
11	699	10N	21E	12	SW1/4	160	Yes
12	698	10N	21E	12	SE1/4	160	Yes
13	725	10N	21E	13	NE1/4	160	Yes
14	726	10N	21E	13	NW1/4	160	Yes
15	727	10N	21E	13	SW1/4	160	Yes
16	718	10N	21E	13	SE1/4	160	Yes
17	715	10N	21E	24	NE1/4	160	Yes
18	716	10N	21E	24	NW1/4	160	Partial
19	717	10N	21E	24	SE1/4	160	Yes
20	682	10N	22E	1	S1/2NE1/4	80	Yes
		10N	22E	1	SE1/4NW1/4	40	Yes
		10N	22E	1	NE1/4NE1/4	32.69	Yes
21	304	10N	22E	3	S1/2NW1/4	80.01	Yes
		10N	22E	3	NW1/4NW1/4	38.88	Yes
		10N	22E	3	NE1/4NW1/4	38.71	Yes
22	303	10N	22E	4	S1/2NE1/4	80	Yes
		10N	22E	4	NE1/4NE1/4	39.01	Yes
		10N	22E	4	NW1/4NE1/4	39.12	Yes
23	289	10N	22E	4	NW1/4	158.59	Yes
24	288	10N	22E	4	SW1/4	160	Yes
25	290	10N	22E	4	SE1/4	160	Yes
26	236	10N	22E	6	NE1/4	160	Yes
27	235	10N	22E	6	NW1/4	160	Yes
28	237	10N	22E	6	SE1/4	160	Yes

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29	238	10N	22E	7	NE1/4	160	Yes
30	276	10N	22E	7	E1/2SE1/4	80	Yes
		10N	22E	8	S1/2SW1/4	80	Yes
31	277	10N	22E	8	S1/2SE1/4	80	Yes
		10N	22E	17	N1/2NE1/4	80	Yes
32	260	11N	21E	36	NE1/4	160	Yes
33	259	11N	21E	36	NW1/4	160	Yes
34	399	11N	21E	36	N1/2SE1/4	80	Yes
		11N	21E	36	SE1/4SE1/4	40	Yes
35	257	11N	21E	25	SW1/4	160	Partial
36	258	11N	21E	25	W1/2SE1/4	80	Yes
		11N	21E	25	SE1/4SE1/4	40	Yes
37	215	11N	21E	25	NE1/4NE1/4	39.95	No
		11N	22E	30	NW1/4NW1/4	39.48	Partial
		11N	22E	30	SW1/4NW1/4	39.48	Yes
38	216	11N	22E	30	W1/2NE1/4	80	Partial
		11N	22E	30	E1/2NW1/4	80	Partial
39	217	11N	22E	30	E1/2NE1/4	80	Partial
		11N	22E	29	W1/2NW1/4	80	Partial
40	218	11N	22E	29	W1/2NE1/4	80	Partial
		11N	22E	29	E1/2NW1/4	80	Partial
41	285	11N	22E	30	E1/2SW1/4	80	Yes
		11N	22E	30	NW1/4SW1/4	39.54	Yes
		11N	22E	30	SW1/4SW1/4	39.59	Yes
42	286	11N	22E	30	SE1/4	160	Yes
43	287	11N	22E	29	SW1/4	160	Yes
44	344	11N	22E	29	SE1/4	160	Yes
45	305	11N	22E	31	E1/2NW1/4	78.02	Yes
		11N	22E	31	NW1/4NW1/4	39.67	Yes
		11N	22E	31	SW1/4NW1/4	39.76	Yes
46	306	11N	22E	31	NE1/4	160	Yes
47	400	11N	22E	31	SW1/4	159.81	Yes



48	401	11N	22E	31	SE1/4	160	Yes
49	702	12N	22E	24	NE1/4	160	Yes
50	700	12N	22E	24	NW1/4	160	Yes
51	701	12N	22E	24	SW1/4	160	Yes
52	705	12N	22E	24	SE1/4	160	Yes
53	703	12N	22E	25	NW1/4	160	Yes
54	704	12N	22E	25	SW1/4	160	Yes
55	706	12N	22E	25	SE1/4	160	Yes

39. The United States claims federal reserved water rights for 55 allotments, made pursuant to the General Allotment Act of 1887, with the following priority dates:

A. Trust Allotments 1 through 5, 7 and 21 through 48:

The priority date claimed is no later than December 31, 1895. In the alternative, the priority date claimed is April 15, 1936.

B. Trust Allotments 6 and 8 through 20:

The priority date claimed is no later than May 26, 1908. In the alternative, the priority date claimed is April 15, 1936.

C. Trust Allotments 49 through 55:

The priority date claimed is no later than December 9, 1907. In the alternative, the priority date claimed is April 15, 1936.

40. The water claimed for the benefit of individual Indian allottees is claimed in order to fulfill the purposes of the allotments.

EIGHTH CLAIM FOR RELIEF

HAWTHORNE ARMY AMMUNITION PLANT

41. Paragraphs 1-40 are incorporated herein as if fully set forth in this paragraph 41.

42 The Hawthorne Army Ammunition Plant (hereinafter "Hawthorne Reservation") was originally withdrawn and reserved from the public domain by Executive Order 4531 on October 27,

1 1926. Additional contiguous lands were withdrawn and reserved from the public domain to become  
2 a part of the Hawthorne Reservation pursuant to Executive Order 5664 on July 2, 1931, Executive  
3 Order 5828 on March 30, 1932 and Executive Order 6958 on February 4, 1935.

4 43. Said lands were reserved for the Hawthorne Ammunition Plant for the exclusive use and  
5 benefit of the United States Navy for the development and use as an ammunition depot. In 1979, the  
6 management of the Reservation was transferred to the Department of the Army.

7 44. Pursuant to 10 U.S.C. § 3062, Hawthorne's mission includes:

8 (1) preserving the peace and security, and providing for the defense, of the United  
9 States, the Territories, Commonwealths, and possessions, and any areas occupied by  
10 the United States;

11 (2) supporting the national policies;

12 (3) implementing the national objectives; and

13 (4) overcoming any nations responsible for aggressive acts that imperil the peace and  
14 security of the United States.

15 45. The Hawthorne Reservation is located in Mineral County, Nevada adjacent to the town of  
16 Hawthorne on the eastern slope of the Wassuk mountain range and the south shore of Walker Lake,  
17 and contains approximately 147,000 acres of land dedicated to the above-stated mission.

18 46. The United States is entitled to the use of all of the waters located in, on, under, or  
19 otherwise appurtenant to the lands of the Hawthorne Reservation necessary to fulfill all of the  
20 purposes for which the reservation was created as recognized under federal or state law. Such lands  
21 are entitled to a federal water right with a date of priority date as of the date of the withdrawal and  
22 reservation from the public domain.

23 47. The United States of America has and is also entitled to state-based appropriative rights as  
24 well as federally reserved water rights in both surface and underground waters, including, but not  
25 limited to, aquifers, springs, seeps, rivers, streams and lakes wholly or partly on or otherwise  
26 appurtenant to the Hawthorne Reservation including Walker Lake in quantities of water necessary for  
27 present and future use and development of the Hawthorne Reservation and in the accomplishment of  
28 its mission. This includes, but is not limited to: providing water in amounts necessary for

1 commercial, municipal and industrial operations (eg. storage, maintenance, inspection, modification,  
2 testing and demilitarization of munitions); fire-fighting; administration and operation; training;  
3 domestic; recreation; wildlife and livestock management; irrigation; mobilization; deployment; and  
4 tactical applications. Additionally, the United States is entitled to reserved water rights for any and  
5 all other purposes for which the Hawthorne Reservation was withdrawn and reserved.

6 48. The priority date of the reserved water rights for the Hawthorne Reservation, for present  
7 and future use and development and the accomplishment of its mission, is October 27, 1926, the date  
8 Hawthorne was originally withdrawn and reserved from the public domain.

9 49. The reserved and state water rights for the Hawthorne, Reservation for present and future  
10 use and development and the accomplishment of its mission, for the purposes described in paragraphs  
11 44 and 47, supra, include, but are not necessarily limited, to the following water sources, diversions,  
12 storage reservoirs, and amounts:

13 (a) Cottonwood Creek/Black Beauty Reservoir: Water is diverted from the following four  
14 diversion points in Cottonwood Canyon, west and south of the Town of Walker Lake and stored in  
15 Black Beauty Reservoir.

16 Weir #1 - up to 220 GPM

17 Weir #2 - up to 200 GPM

18 Weir #3 - up to 400 GPM

19 Little Catch - up to 50 GPM

20 (b) Squaw Creek/Black Beauty Reservoir: Water is diverted from Squaw Creek up to 75  
21 GPM and is stored in Black Beauty Reservoir.

22 (c) Rose Creek/Rose Reservoir: Water is diverted from Rose Creek up to 200 GPM and  
23 stored in Rose Reservoir. Rose Reservoir has a storage capacity of 39,000,000 gallons (120 acre feet  
24 (af)). Water is drawn from Rose Reservoir via a pipe line to Black Beauty Reservoir.

25 (d) Middle Rose Creek/Rose Reservoir: Water is diverted from Middle Rose Creek up to 75  
26 GPM and is stored in Black Beauty Reservoir.

27 (e) House Creek/Black Beauty Reservoir: Water is diverted from House Creek up to 25 GPM  
28 and is stored in Black Beauty Reservoir.

1 (f) Cat Creek Dam and Reservoir: Water from Cat Creek is stored behind Cat Creek Dam up  
2 to 50,000,000 gallons (153 af). Water from Cat Creek is also stored in Black Beauty Reservoir.

3 (g) Dutch Creek: Water may be diverted from Dutch Creek in amounts necessary for the  
4 future use and development of the Hawthorne Reservation and in the accomplishment of its mission.

5 (h) Black Beauty Reservoir: A 48,000,000 gallon (147 af) storage reservoir which receives,  
6 or may in the future receive, its water from the sources listed in (a) through (g) above.

7 (i) Walker Lake: Sufficient water for the purposes described in paragraphs 44 and 47, supra.  
8 50. The reserved water rights for the Hawthorne Reservation, for present and future use and  
9 development and the accomplishment of its mission, for the purposes described in paragraphs 44 and  
10 47, supra, include, but is not limited to, the following groundwater sources and amounts:

11 (a) Well #1 - 950 gpm: Located north of the Industrial Area and south of HWY 95  
12 and used to supply water to the Industrial Area. This water is pumped into a storage tank to be used  
13 on demand.

14 (b) Well #2 - 250 gpm: Located east of the town of Hawthorne and just south of  
15 HWY 95 at the entrance to the South Magazine Area.

16 (c) Well #3 - 250 gpm: Located east of the town of Hawthorne and south of HWY  
17 95 and in the Southern Magazine Area.

18 (d) Well #4 - 250 gpm: Located in the southern storage area of the installation and  
19 used to supply water to the South Magazine area via a pipeline to 3 above-ground tanks.

20 (e) Well #5 - 800 gpm: Located west of Schwear Housing Area and sometimes  
21 stored in Black Beauty Reservoir.

22 (f) Well #6 - 640 gpm: Supplies Babbitt and the North and Central Magazine  
23 areas. The water is pumped into a 1,000,000 gallon (3 af) storage tank for use on demand.

24 (g) Well #7 - 250 gpm: Located between tank 5 and building 108-20.

25 (h) Well #8 - (total available capacity): Located on the west side of tank 6.

26 (i) Well #9 - (total available capacity): Located on the southwest side of Babbitt  
27 Housing Area.

28 51. In addition to the above-listed federal reserved water rights for the Hawthorne

1 Reservation, the United States has numerous appropriative water rights some of which were acquired  
2 when land was purchased by the United States of America and which subsequently became a part of  
3 the Hawthorne Reservation.

4 52. In the event of a mobilization the increase in Hawthorne activities will rise to an as yet  
5 unknown amount, but at a minimum of approximately 80% (European crisis) to 150% (Pacific crisis)  
6 of current usage along with an attendant need for water.

7  
8 NINTH CLAIM FOR RELIEF

9 UNITED STATES DEPARTMENT OF AGRICULTURE

10 TOIYABE NATIONAL FOREST

11 53. Paragraphs 1-52 are incorporated herein as if fully set forth in this paragraph 53.

12 54. The Toiyabe National Forest extends from the crest of the Sierra Nevada range in  
13 California east to the Cambridge Hills in western Nevada. The Forest was created from several forest  
14 reserves which were withdrawn from the public domain beginning in 1907.

15 55. The Toiyabe National Forest is managed under several acts of Congress (hereinafter  
16 "Acts") beginning with the Organic Administration Act of 1897, ch. 2, 30 Stat. 34, 16 U.S.C. § 475  
17 (1988) which provides that the purposes of the national forests are, inter alia, to "improve and protect  
18 the forest within the boundaries, or for the purpose of securing favorable conditions of water flows,  
19 and to furnish a continuous supply of timber for the use and necessities of citizens of the United  
20 States. . . ." The national forests are also managed under the principles of the Multiple-Use  
21 Sustained-Yield Act of 1960, Pub. L. No. 86-517, §§ 1 - 4, 74 Stat. 215, 16 U.S.C. §§ 528-531 (1988)  
22 (hereinafter "MUSYA"), which provides that the national forests shall be administered for outdoor  
23 recreation, range, timber, watershed and wildlife and fish purposes. Portions of the Toiyabe National  
24 Forest are administered pursuant to the Wilderness Act (September 3, 1964) Pub. L. No. 88-577, 78  
25 Stat. 890, as amended, 16 U.S.C. §§ 1131-1136 (1988). Additionally, the National Forests and Public  
26 Lands of Nevada Enhancement Act of 1988, Pub. L. No. 100-550, § 5, 102 Stat. 2749, 16 U.S.C. §  
27 460ccc-3 (1988) which transferred lands between the Forest Service and the Bureau of Land  
28 Management, "expressly reserves the minimum quantity of water necessary to achieve the primary



1 purposes for which the lands transferred . . . are withdrawn."

2           56. The United States is entitled to use the waters from the Walker River, its tributaries, and  
3 all other waters located in, on, under, or otherwise appurtenant to the lands comprising the Toiyabe  
4 National Forest in the amounts of water necessary to fulfill all purposes for which the reservation was  
5 created as recognized under federal or state law. Such lands are entitled to a federally reserved water  
6 right with a date of priority as of the date said lands were withdrawn and reserved from the public  
7 domain.

8           57. In connection with paragraph 56, supra, the United States is entitled to an instream flow  
9 reserved water rights in the amounts necessary to fulfill the purposes for which the Toiyabe National  
10 Forest was established under the Organic Administration Act of 1897. This includes, but is not  
11 necessarily limited to, reserved water rights in amounts necessary for the maintenance of the entire  
12 reach of each stream channel and all its named and unnamed tributaries lying within the Toiyabe  
13 National Forest.

14           58. The United States also has and is also entitled to both reserved water rights pursuant to  
15 the Organic Administration Act and the above noted subsequent Acts as well as water rights under  
16 state law, both surface and underground water, both consumptive and non-consumptive, which  
17 include but are not necessarily limited to, all aquifers, springs, seeps, rivers, streams, lakes and waters  
18 otherwise appurtenant to the Toiyabe National Forest in the amounts necessary to fulfill all present  
19 and future administrative purposes on the Toiyabe National Forest as stated in the Acts. The use of  
20 these waters include or will include, but is not necessarily limited to: fire management activities,  
21 erosion control, revegetation, irrigation, domestic, stockwatering and timber production, which  
22 includes but is not limited to, reforestation, road construction and maintenance and silvicultural  
23 treatments.

24           59. The United States also has and is also entitled to reserved water rights pursuant to the  
25 Organic Administration Act and its successor Acts in both surface and groundwater which includes,  
26 but is not necessarily limited to, all aquifers, springs, seeps, rivers, streams, lakes and waters  
27 otherwise appurtenant to Toiyabe National Forest in the amounts necessary for fighting fires in said  
28 National Forest.



1 equipment. This training area is the only site available to the Marine Corps for these activities. To  
2 support these training operations, the Marine Corps uses a 405-acre tract for a Base Camp, located at  
3 the confluence of Silver Creek and the West Walker River. Additionally, the Navy owns a family  
4 housing area 25 miles from the Base Camp.

5 65. The United States is entitled to use waters from the Walker River, its tributaries, and all  
6 other waters located in, on, under, or otherwise appurtenant to the lands of the MWTC in the amounts  
7 necessary to fulfill all purposes recognized under the federal and state law. Such lands are entitled to  
8 a priority date as of the date of the reservation.

9 66. The Marine Corps is diverting and is also entitled to certain waters pursuant to federal  
10 reserved, riparian, overlying, and appropriative water rights, including surface and groundwater  
11 sources, which are identified below:

12 a. Silver Creek:

13 Water needs of the Base Camp are supplied by surface diversions from Silver Creek and two  
14 groundwater wells, **noted** below. The Marine Corps uses water from Silver Creek based upon a pre-  
15 existing Forest Service claim and statement of diversion (USFS No. 9839), which is based on a  
16 riparian right, and has a priority date of 1951. Silver Creek surface water, up to 150 gpm, is diverted  
17 via a spillway located upstream of the Base Camp.

18 Silver Creek surface water is used for purposes that include, but are not limited to, training,  
19 domestic, industrial, fire protection, irrigation, construction, base hygiene, dust control, equipment  
20 and road washing, and future regulatory requirements for fire sprinkler system cross-connection  
21 control.

22 b. Base Camp Wells:

23 The Marine Corps' Base Camp domestic water demand is served by two groundwater wells,  
24 which are located in the Lower Base Camp up-gradient from all the buildings. Water is diverted from  
25 these wells up to the following amount:

26 Well No. 1 - 125 GPM.

27 Well No. 2 - 127 GPM.

28 An application for a Base Camp permit for both wells was submitted on May 26, 1993 to the

1 State of California, Department of Health Services.

2 c. Family Housing, Coleville, CA:

3 The Marine Corps also operates a family housing area on a tract approximately 40 acres in  
4 size and about 25 miles from the Base Camp. The facility, owned in fee by the U.S. Navy, is located  
5 within the West Walker River watershed on the eastern slope of the Sierra Nevada Mountains  
6 between the towns of Topaz, Nevada and Coleville, California. More specifically, the housing  
7 facility is located on the west side of highway 395, approximately 1.5 miles north of Coleville and  
8 about a quarter mile from the river. The housing area's domestic water demand, including domestic  
9 irrigation (lawn-watering of family gardens), is served by five wells. Water is diverted from these  
10 wells up to the following amount:

11 Well No. 1 - 21 GPM.

12 Well No. 2 - 27 GPM

13 Well No. 3 - 14 GPM

14 Well No. 4 - 21 GPM

15 Well No. 5 - 200 GPM

16 The State of California, Department of Health Services, granted a permit for Well Nos. 1 - 4  
17 on December 15, 1986, as water permit # 86-048, and amended that permit on February 11, 1994, to  
18 add Well No. 5 to the system.

19

20 ELEVENTH CLAIM FOR RELIEF

21 BUREAU OF LAND MANAGEMENT

22 67. Paragraphs 1-66 are incorporated herein as if fully set forth in this paragraph 67.

23 68. Certain lands were reserved from the public domain to establish Public Water Reserves  
24 No. 29, No. 70, and No. 107 (hereinafter "PWR"). These reservations were made pursuant to  
25 Executive Orders dated June 1, 1915, March 8, 1920 and April 17, 1926, respectively, and are  
26 administered by the Department of the Interior through the Bureau of Land Management ("BLM"),  
27 except as noted below.

28 69. The United States is entitled to the use of all of the waters located in, on, under, or

1 otherwise appurtenant to the lands of the PWRs necessary to fulfill all of the purposes recognized  
 2 under federal or state law. Such lands, except as noted below, are entitled to a federal reserved water  
 3 right with a date of priority as of the date of each individual PWR.

4 70. The United States has and is also entitled to reserved water rights for public springs and  
 5 water holes in amounts necessary to fulfill the purposes of the PWRs described in paragraph 78.  
 6 above. The priority dates are the dates the lands were withdrawn from the public domain. These  
 7 reserved rights include, but are not limited to, the following:

<u>Executive Order 6/1/15 - PWR #29</u>	<u>Reserved Acres</u>	<u>Flow</u>
T. 9 N., R. 28 E., Sec. 17, SW1/4NW1/4, NW1/4SW1/4	80 ac.	1 GPM
T. 11 N., R. 28 E., Sec. 7, (unsurveyed)	125.60 ac.	1 GPM
<u>Executive Order 3/8/20 - PWR #70</u>	<u>Reserved Acres</u>	<u>Flow</u>
T. 5 N., R. 28 E., Sec. 11, SW1/4NE1/4, SE1/4NW1/4	40 ac.	All
T. 5 N., R. 28 E., Sec. 30, N1/2 of lot 5	approx. 25 ac.	All

16 The above two PWRs are now located on land administered by the U.S. Forest Service pursuant to the  
 17 National Forests and Public Lands of Nevada Enhancement Act of 1988, Pub. L. No. 100-550, § 5,  
 102Stat. 2749, 16 U.S.C. § 460ccc-3 (1988).

<u>Executive Order 4/17/26 - PWR #107</u>	<u>Reserved Acres</u>	<u>Flow</u>
T. 7 N., R. 28 E., Sec. 10, E1/2SE1/4	80 ac.	5 GPM
T. 7 N., R. 28 E., Sec. 11, NW1/4SW1/4	40 ac.	5 GPM
T. 7 N., R. 28 E., Sec. 15, N1/2NE1/4, SW1/4NE1/4, SE1/4NW1/4, NE1/4SW1/4, S1/2SW1/4	280 ac.	3 GPM
T. 7 N., R. 28 E., Sec. 21, NE1/4	160 ac.	2 GPM
T. 7 N., R. 28 E., Sec. 22, NW1/4NW1/4	40 ac.	2 GPM
T. 9 N., R. 28 E., Sec. 20, N1/2NE1/4	80 ac.	1 GPM



1           71. The United States has acquired and is therefore entitled to certain water rights which were  
 2 previously adjudicated and decreed in the C-125 Walker River Decree. These lands were acquired by  
 3 the United States and are identified as follows:

<u>Legal Description</u>	<u>Water Right Acres</u>
5           SW1/4SE1/4, Sec. 14; NW1/4 6           NE1/4, SW1/4 NE1/4, NW1/4 7           SE1/4, Sec. 23, T 3 N, R 25 E (C-125 Assessment, Roll # 63, Card # 105750)	160.00
8           Part of Claim #210 9           SE1/4NE1/4, E1/2SE1/4, NE1/4 10           SW1/4, S1/2 SW1/4, Section 23; 11           NE1/4NE1/4, NW1/4NW1/4, Sec. 12           26; SW1/4SW1/4, Section 20; NW1/4 13           NW1/4, Section 29, T 3 N, R 25 E. (C-125 Assessment, Roll # 64, Card # 105751)	400.00

12           72. The United States also has and is also entitled to riparian water rights under California  
 13 state law for riparian lands managed by the BLM. The priority date for lands which the United States  
 14 has held continuously since taking title from Mexico under the Treaty of Guadalupe Hidalgo is  
 15 February 2, 1848. In the case of acquired land, the priority date is the date the land was patented out  
 16 of the public domain. The water is used for the purpose of sustaining the existing riparian vegetation  
 17 and providing habitat for fish and wildlife. The above rights are appurtenant to the following stream  
 18 reaches:

19 Virginia Creek and tributaries

20 Public Land

T 3 N., R 25 E.: Sections 1, 2, 3, 9, 10, 11, 12, 13, 14, 15

21 T 4 N, R 25 E: Sections 35, 34, 27, 26, 25

22 Acquired land: T 3 N, R 25 E: Sections 21, 22, 23, 24, 25, 26, 27, 34, 35

23 Clear Water Creek and tributaries

24 Acquired Land

25 T 3 N, R 25 E: Section 12; T 4 N, R 26 E: Section 33

26 T 3 N, R 26 E: Sections 5, 6, 7, 18

27 Public Land

28 T 3 N, R 25 E: Section 1, 12

1 T 4 N, R 25 E: Section 24

2 T 4 N, R 26 E: Sections 31, 32, 34, 35, 30, 28, 27, 10, 14, 16, 19, 21, 22, 23

3 Aurora Canyon and tributaries - Rock Creek and other unnamed creeks

4 Public Land

T 4 N, R 25 E: Sections 1, 12, 10, 11

5

T 4 N, R 26 E: Sections 4, 3

6

T 5 N, R 25 E: Sections 35, 27, 26, 25, 24, 23, 14, 15, 12, 11, 10, 2

7

T 5 N, R 26 E: Sections 31, 32, 33, 29, 22, 21, 20, 19, 18, 17, 7, 8

8

Rough Creek and tributaries

9

Public Land

10 T 4 N, R 26 E: Sections 1, 2, 3

11 T 4 N, R 27 E: Section 6

12 T 5 N, R 26 E: Sections 35, 34, 26, 25, 24, 23, 22, 12, 13, 14

13 T 5 N, R 26 E: Sections 12, 11, 10, 9, 1, 2, 3, 4

14 T 5 N, R 27 E: Sections 31, 32, 33, 30, 29, 28, 19, 20, 18, 17, 7, 8, 9, 6

15 T 6 N, R 26 E: Sections 32, 33, 34, 35, 36

16 Including Portions of Bodie, Matastra and Rough Creeks that originate in California and flow into Nevada.

17

Bodie Creek tributaries

18 T 4 N, R 26 E: Section 12

T 4 N, R 27 E: Sections 1, 2, 3, 4, 7, 8, 9, 10, 11, 12, 15, 16 and 17

19 T 5 N, R 27 E: Sections 25, 26 and 35.

20 Green Creek

21 T 4 N, R 25 E: Section 33

22 Topaz Lake Area

23 Slinkard Creek and tributaries

24 T 9 N, R 22 E: Sections 4, 5, 6, 7, 8, 9, 10, 11, 14, 18, 19, 22, 23, 26 and 30

25 Mail Creek and tributaries

26 T 8 N, R 23 E: Sections 29, 31 and 32

T 8 N, R 22 E: Sections 1, 12, 14, 23 and 26.

27

28 73. The United States is also entitled to certain appropriative water rights, including rights

1 that either have been permitted and certificated pursuant to Nevada or California state law, or have  
2 applications pending for appropriation before the Nevada State Engineer and before the California  
3 Water Resources Control Board. In addition, the United States has riparian rights pursuant to  
4 California state law.

5  
6 WHEREFORE, the United States of America, in its first amended counterclaim on its own  
7 behalf and for the use and benefit of the Walker River Paiute Tribe, the Yerington Paiute Tribe, the  
8 Bridgeport Paiute Indian Colony and individual Indians owning allotments in the Walker River Basin  
9 prays that this court enter judgment and decree as follows:

10 (1) Quieting the title of the United States to the use in proper priority of the above-  
11 claimed waters rights on its own behalf and for the use and benefit of the Walker River Paiute Tribe,  
12 the Yerington Paiute Tribe, the Bridgeport Paiute Indian Colony and individual Indians owning  
13 allotments in the Walker River Basin.

14 (2) Declaring that the United States, on its own behalf and for the use and benefit of  
15 the Walker River Paiute Tribe, the Yerington Paiute Tribe, the Bridgeport Paiute Indian Colony and  
16 individual Indians owning allotments in the Walker River Basin, are entitled to the exclusive use,  
17 occupancy and right to the quiet enjoyment of such water rights in their proper priority.

18 (3) Declaring that the defendants and counterdefendants have no right, title or other  
19 interest in or to the use of such water rights.

20 (4) Preliminarily and permanently enjoining the defendants and counterdefendants  
21 from asserting any adverse rights, title or other interest in or to such water rights.

22 (5) Grant such other and further relief as the Court deems proper.

23 DONE this day of 30<sup>th</sup> day of July, 1997.

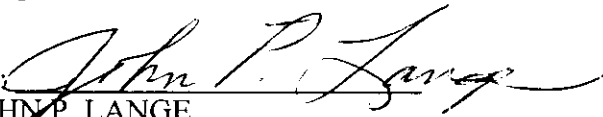
24  
25 Respectfully submitted,

26 LOIS SCHIFFER

27 Assistant Attorney General  
28 United States Department of Justice  
Environment & Natural Resources Div.

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KATHRYN E. LANDRETH  
United States Attorney  
100 West Liberty Street, Suite 600  
Reno, Nevada 89501  
Telephone: 702 784-5439

By:   
JOHN P. LANGE  
United States Department of Justice  
Environment & Natural Resources Division  
Indian Resources Section  
999 18th Street, Suite 945  
Denver, Colorado 80202  
Telephone: 303 312-7312

Hank Meshorer  
Special Litigation Counsel  
United States Department of Justice  
Environment & Natural Resources Division P. O. Box 7397  
Ben Franklin Station  
Washington, D.C. 20044-7397  
Telephone: 202 616-9643

CERTIFICATE OF SERVICE

I hereby certify that I have this ~~30th~~ day of July, 1997, served a true copy of the foregoing **FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA**, by placing same in the U. S. mails, postage prepaid, addressed as follows:

Shirley A. Smith, Esq.  
Asst. U. S. Attorney  
100 W. Liberty St., Suite 600  
Reno, NV 89501-1930

Western Nevada Agency  
Bureau of Indian Affairs  
1677 Hot Springs Road  
Carson City, CA 89706

Larry C. Reynolds, Esq.  
Deputy Attorney General  
State Engineer's Office  
123 West Nye Lane  
Carson City, NV 89710

R. Michael Turnipseed, P.E.  
Division of Water Resources  
State of Nevada  
123 West Nye Lane  
Carson City, NV 89710

Jim Weishaupt  
Walker River Irrigation District  
P. O. Box 820  
Yerington, NV 89447

Scott McElroy  
Greene, Meyer & McElroy  
1007 Pearl Street, No. 220  
Boulder, CO 80302

James T. Markle  
State Water Res. Control Bd.  
P. O. Box 100  
Sacramento, CA 94814

John Davis, Esq.  
Post Office Box 1646  
Tonopah, NV 89049

John Kramer  
Department of Water Resources  
1416 Ninth Street  
Sacramento, CA 94814

Rodger Johnson  
Water Resources Control Bd.  
State of California  
Post Office Box 2000  
Sacramento, CA 95810

Kelly R. Chase  
Post Office Box 2800  
Minden, NV 89423

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

Ross E. De Lipkau  
P. O. Box 2790  
Reno, NV 89505

Linda A. Bowman, Esq.  
Bowman & Robinson  
499 West Plumb Lane, Suite 4  
Reno, NV 89509

Gary Stone  
290 South Arlington  
Reno, NV 90510

Mary Hackenbracht, Esq.  
Department of Justice  
State of California  
2101 Webster St., 12th Floor  
Oakland, CA 94612-3049

Gordon H. DePaoli, Esq.  
Woodburn, Wedge & Jeppson  
P. O. Box 2311  
Reno, NV 89505

Marta Adams, Esq.  
Deputy Attorney General  
State of Nevada  
Division of Water Resources  
100 N. Carson Street  
Carson City, Nevada 89701-4717

Richard R. Greenfield, Esq.  
Field Solicitor's Office  
Department of the Interior  
Two N. Central Ave., Suite 1130  
Phoenix, AZ 85004-2383

1 George N. Benesch, Esq.  
210 Marsh Avenue, Suite 105  
2 Post Office Box 3498  
3 Reno, Nevada 89509

4 Matthew R. Campell, Esq.  
5 David E. Moser, Esq.  
6 McCutchen, Doyle, Brown & Enerson  
7 3 Embarcadero Center  
8 San Francisco, CA 94111

9 Donald B. Gilbert, Esq.  
10 DeCuir & Somach, P.C.  
11 400 Capitol Mall, Suite 1900  
12 Sacramento, California 95814-4407

13 Treva J. Hearne, Esq.  
14 Zeh, Polaha, Spoo & Hearne  
15 450 Marsh Avenue  
16 Reno, Nevada 89509

17 Robert C. Anderson and Timothy Lukas  
18 Hale, Lane, Peek, Dennison, Howard  
19 Anderson & Pearl  
20 Post Office Box 3237  
21 Reno, NV 89505

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23  
24  
25  
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*Deidre Hills*