BILL LOCKYER, Attorney General
of the State of California
CHARLES W. GETZ, IV
Assistant Attorney General
JOHN DAVIDSON
Supervising Deputy Attorney General
MICHAEL W. NEVILLE
Deputy Attorney General
MARY E. HACKENBRACHT
50 Fremont Street, Suite 300
San Francisco, California 94105-2239
Telephone: (415) 356-6364; Facsimile: (415) 356-6257

Attorneys for California
Department of Fish and Game and
State Water Resources Control Board

FILED
SEP 4 AM 11:11
LARRY R. WILSON
CLERK
BY
DEPUTY

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA, Plaintiff, WALKER RIVER PAIUTE TRIBE, Plaintiff-Intervenor, v. WALKER RIVER IRRIGATION DISTRICT, a corporation, et al. Defendants.	IN EQUITY NO. C-125-ECR SUBFILE NO. C-125-B STATE OF CALIFORNIA'S MOTION FOR RELIEF FROM LOCAL RESIDENT COUNSEL REQUIREMENT OF LOCAL RULE 1A 10-2(c)
WALKER RIVER PAIUTE TRIBE, Counterclaimant, v. WALKER RIVER IRRIGATION DISTRICT, et al., Counterdefendants.	
MINERAL COUNTY, Proposed-Plaintiff-Intervenor, v. WALKER RIVER IRRIGATION DISTRICT, a corporation; et al., Proposed Defendants	

For the reasons given below, the California State Water Resources Control Board and the California Department of Fish and Game (hereinafter, "California" or "California state agencies"), by and through their undersigned counsel, hereby respectfully request that the court waive the local counsel requirement of Local Rule 1A 10-2(c) for the purposes of this case only. Local Rule 1A 10-2(c) of this Court requires association of a resident member of the Nevada Bar as co-counsel, unless the court orders otherwise. The California State Water Resources Control Board has complied with Rule 1A 10-2(c) by associating as local counsel Reno Attorney George Benesch. Mr. Benesch has informed the Board that he is no longer in a position to proceed as local co-counsel.

At this time, the California State agencies hereby request that the court relieve them from the requirement of this Local Rule 1A 10-2(c) and allow them to solely represent their clients in this litigation. The reasons for this motion are as follows:

(1) The two attorneys assigned to this case, Mary E. Hackenbracht and Michael W. Neville, are familiar with local rules and practices of the U.S. District Court for the District of Nevada, and also consult from time to time with Nevada attorneys about this case. Moreover, both Ms. Hackenbracht and Mr. Neville are seasoned litigators, with considerable experience in handling cases in federal court. Ms. Hackenbracht is a graduate of the Stanford University and the University of California, Hastings College of Law; Mr. Neville is a graduate of Albertson College of Idaho, London School of Economics, and the University of California, Hastings College of Law. Ms. Hackenbracht has twenty-three years of experience as an attorney, including twenty years with the California Attorney General's Office. Mr. Neville has 18 years of experience as an attorney, including 11 years with the California Attorney General's Office, and five years with the United States Department of Justice. *Notably, either Ms. Hackenbracht and/or Mr. Neville can be available on short notice for any necessary appearances or hearings before this court, whether in person or, if permitted by the court, by telephone*;

///

(2) Granting this motion would enhance the "overall efficiency and economy" of California State government (See California Government Code section 11040(b)) by saving the taxpayers of California considerable money in allowing the California Attorney General's Office to serve as the sole litigation counsel for the California State agencies in this court proceeding; and

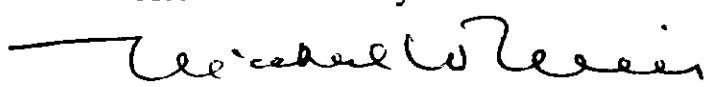
(3) It is expected that by this waiver, the spirit of Local Rule 1A 10-2(c) can be met, since the California Deputy Attorneys General will be available for necessary hearings, even at short notice, and both have the ability to sign binding stipulations, and perform all other necessary acts in representation of the counsel, in an expeditious fashion.

DATED: February 3, 1999

Respectfully submitted,

BILL LOCKYER, Attorney General
of the State of California

CHARLES W. GETZ, IV
Assistant Attorney General



MICHAEL W. NEVILLE
Deputy Attorney General

MARY E. HACKENBRACHT
Deputy Attorney General

Attorneys for California Department of Fish and Game; and State Water Resources Control Board

DECLARATION OF SERVICE BY MAIL

Re: *United States v. Walker River Irrigation District, et al.*
U.S.D.C. Nev. Dist., Case No. C-125-ECR (Subfiles No. C-125-A, C-125-B, C-125-C)

I, **Helen Jellen,** declare that I am over 18 years of age, and not a party to the within cause; my business address is 50 Fremont Street, Suite 300, San Francisco, California 94105-2239. I served a true copy of the attached

STATE OF CALIFORNIA'S MOTION FOR RELIEF FROM LOCAL RESIDENT COUNSEL REQUIREMENT OF LCOAL RULE 1A 10-2(c)

on each of the following, by placing same in an envelope (or envelopes) addressed (respectively) as follows:

SEE ATTACHED SERVICE LIST

Each said envelope was then, on February 3, 1999, sealed and deposited in the mail in San Francisco, California, the county in which I am employed, with the fees thereon fully prepaid. Executed on February 3, 1999, at San Francisco, California.

I declare under penalty of perjury that the foregoing is true and correct.

Helen Jellen

HELEN JELLEN

SERVICE LIST

Re: *United States v. Walker River Irrigation District, et al.*
U.S.D.C. Nev. Dist., Case No. C-125-ECR (Subfiles No. C-125-A, C-125-B, C-125-C)

Marta Adams
Deputy Attorney General
STATE OF NEVADA
100 North Carson Street
Carson City, NV 89701

Robert C. Anderson
Timothy A. Lukas
Alex J. Flangas
HALE, LANE, PEEK, DENNISON,
HOWARD, ANDERSON AND PEARL
100 W. Liberty, 10th Flr.
P.O. Box 3237
Reno, NV 89505

Evan Beavers
BEAVERS & YOUNG
1616 Highway 395
P.O. Box 486
Minden, NV 89423

George Benesch
210 Marsh Avenue, Ste. 105
P.O. Box 3498
Reno, NV 89505

Roger Bezayiff
Chief Deputy Water Commissioner
U.S. BOARD OF WATER
COMMISSIONERS
P.O. Box 853
Yerington, NV 89447

Linda A. Bowman, Esq.
BOWMAN & ROBINSON
499 W. Plumb Lane, Suite 4
Reno, NV 89509
(3/98)

KELLY R. CHASE
P.O. Box 2800
Minden, NV 89423
(3/98)

ROSS E. DELIPKAU, ESQ.
333 Holcomb Avenue, Suite 300
P.O. Box 2790
Reno, NV 89505

Gordon H. DePaoli, Esq.
WOODBURN & WEDGE
P.O. Box 2311
Reno, NV 89505

Gordon H. DePaoli, Esq.
Dale E. Ferguson
WOODBURN & WEDGE
One East First Street
Suite 1600
Reno, NV 89505
(3/98)

Dan Frink
STATE WATER RESOURCES
CONTROL BOARD
P.O. Box 100
Sacramento, CA 95814

Richard R. Greenfield
DEPARTMENT OF THE INTERIOR
Two North Central Avenue, Suite 500
Phoenix, AZ 85004

SERVICE LIST (cont'd)
United States v. Walker River Irrigation Dist., et al.
U.S.D.C. Nev. Dist. No. C-125-ECR (Subfiles No. C-125-A, C-125-B, C-125-C)

Linda A. Bowman, Esq.
VARGAS & BARTLETT
P.O. Box 281
Reno, NV 89504

Mary Hackenbracht
Deputy Attorney General
STATE ATTORNEY GENERAL'S OFFICE
2101 Webster Street, 15th Floor
Oakland, CA 94612-3049

Robert L. Hunter, Superintendent
WESTERN NEVADA AGENCY
Bureau of Indian Affairs
1677 Hot Springs Road
Carson City, NV 89706

William E. Hvidsten
John A. Mendez
Stuart L. Somach
DE CUIR & SOMACH
400 Capitol Mall, Suite 1900
Sacramento, CA 95814

Roger Johnson
WATER RESOURCES CONTROL BOARD
State of California
P.O. Box 2000
Sacramento, CA 95810

Susan Joseph-Taylor
Deputy Attorney General
STATE OF NEVADA
198 South Carson
Carson City, NV 89710

Kathryn Landreth
United States Attorney
100 West Liberty Street, Suite 600
Reno, NV 89501
(3/98)

John P. Lange
U.S. DEPARTMENT OF JUSTICE
Environment & Natural Resources Division
Federal Building DR 3607
999 - 18th Street, Suite 945
Denver, CO 80202

Scott McElroy, Esq.
Alice Walker
GREENE, MEYER, & McELROY
1007 Pearl Street, Suite 220
Boulder, CO 80302
(3/98)

David E. Moser, Esq.
Matthew R. Campbell, Esq.
McCUTCHEON, DOYLE, BROWN & EMERSON
Three Embarcadero Center
Suite 1800
San Francisco, CA 94111

Shirley A. Smith
Assistant U.S. Attorney
U.S. ATTORNEY'S OFFICE
100 West Liberty, Suite 600
Reno, NV 89509
(3/98)

SERVICE LIST (cont'd)
United States v. Walker River Irrigation Dist., et al.
U.S.D.C. Nev. Dist. No. C-125-ECR (Subfiles No. C-125-A, C-125-B, C-125-C)

John Kramer
DEPARTMENT OF WATER RESOURCES
1416 Ninth Street
Sacramento, CA 95814

GARRY STONE
290 South Arlington
Reno, NV 89510

R. Michael Turnipseed, P.E.
DIVISION OF WATER RESOURCES
State of Nevada
123 West Nye Lane
Carson City, NV 89710

Jim Weishaput, General Manager
WALKER RIVER IRRIGATION DISTRICT
P.O. Box 820
Yerington, NV 89447

WESTERN NEVADA AGENCY
Bureau of Indian Affairs
1677 Hot Springs Road
Carson City, NV 89706

James Clear
U.S. Department of Justice
Environmental and Natural Resources Section
P.O.Box 44378
L'Enfant Plaza Station
Washington, D.C. 20026-4378

John Davis
P.O. Box 1646
Tonopah, NV 89049

James Spoo, Esq.
Treva J. Hearne, Esq.
ZEH, POLAHA, SPOO, HEARNE & PICKER
575 Forest Street
Reno, NV 89509

District Judge Edward Reed, Jr.
UNITED STATES DISTRICT COURT
District of Nevada
400 South Virginia Street
Room 301
Reno NV 89501

Magistrate Judge Robert McQuaid, Jr.
UNITED STATES DISTRICT COURT
District of Nevada
400 South Virginia Street
Room 301
Reno NV 89501

SERVICE LIST (cont'd)
United States v. Walker River Irrigation Dist., et al.
U.S.D.C. Nev. Dist. No. C-125-ECR (Subfiles No. C-125-A, C-125-B, C-125-C)

Leo Havener
Walker River Irrigation District
P.O. Box 820
Yerington, NV 89447

Richard E. Olson, Jr.
Claassen & Olson
P.O. Box 2101
Carson City, NV 89702

Hank Meshorer
Special Litigation Counsel
United States Department of Justice
Environmental and Natural Resources
Ben Franklin Station
P.O. Box 7397
Washington D.C. 20044-7397

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

Alice E. Walker
Greene, Meyer & McElroy
1007 Pearl Street, Ste. 200
Boulder, CO 80302