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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	

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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*;

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(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
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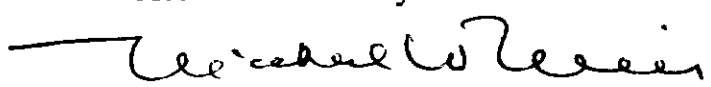

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DECLARATION OF SERVICE BY MAIL

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)

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United States v. Walker River Irrigation Dist., et al.
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Magistrate Judge Robert McQuaid, Jr.
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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)

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