

1 GORDON H. DePAOLI  
Nevada State Bar No. 00195  
2 DALE E. FERGUSON  
Nevada State Bar No.4986  
3 WOODBURN AND WEDGE  
4 6100 Neil Road, Suite 500  
Reno, Nevada 89511  
5 Telephone: 775 / 688-3000

6 Attorneys for WALKER RIVER IRRIGATION  
7 DISTRICT

8 **IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF NEVADA**

9  
10 UNITED STATES OF AMERICA, ) IN EQUITY NO. C-125  
11 Plaintiff, )  
12 ) SUBFILE NO. C-125-B  
13 ) 3:73-cv-00127-ECR-LRL  
14 WALKER RIVER PAIUTE TRIBE, )  
15 Plaintiff-Intervenor, ) SUBFILE NO. C-125-C  
16 ) 3:73-cv-00128-ECR-LRL  
17 )  
18 ) **STIPULATION AND ORDER**  
19 ) **CONCERNING TIME FOR**  
20 WALKER RIVER IRRIGATION DISTRICT, ) **SUBMISSION OF PROPOSED**  
a corporation, et al., ) **ORDERS AND MEMORANDA**  
21 ) **RELATED TO OBJECTIONS**  
22 Defendants. ) **THERE TO**  
23 )  
24 )  
25 )  
26 )

---

19 UNITED STATES OF AMERICA, )  
20 WALKER RIVER PAIUTE TRIBE, )  
21 Counterclaimants, )  
22 v. )  
23 WALKER RIVER IRRIGATION DISTRICT, )  
24 et al. )  
25 Counterdefendants. )  
26 )

---

27 1. On October 19, 2010, the Court held a status conference in Subproceeding C-  
28 125-B and Subproceeding C-125-C.

1           2.       At the status conference, the Court established two dates by which proposed  
2 orders were to be lodged. The first order is to be lodged by the United States in Subproceeding  
3 C-125-B, and relates to a cut-off date for service. It was to be lodged on November 9, 2010,  
4 along with a status memorandum if there were any objections to it. *See*, Doc. 1608, Agenda,  
5 Item B.2.b. It was not entirely clear from the status conference as to how objections, if any, to  
6 the Service Cut-Off Order were to be managed, and on what schedule.

8           3.       The second order is to be lodged by the United States and Mineral County in  
9 both Subproceedings and relates to the status and obligations of existing defendants that  
10 transfer water rights subsequent to appearing or being deemed served, and procedures to  
11 address issues related to their successors and their substitution and/or joinder (the “Successor-  
12 in-Interest Order”). *See*, Doc. 1608, Agenda, Item B.2.g. The Successor-in-Interest Order is to  
13 be lodged in both Subproceedings on November 30, 2010. Memoranda related to any  
14 objections to that order are to be submitted in both Subproceedings on or before December 17,  
15 2010.

17           4.       The United States, Mineral County and the Walker River Irrigation District,  
18 acting through their respective counsel of record, desire to place both orders on the same  
19 schedule for lodging with the Court, and for filing memoranda related to any objections thereto.

21           5.       By placing the Service Cut-Off Order on the same schedule as the Successor-in-  
22 Interest Order, the parties will have additional time to consult with represented parties with  
23 whom they are aligned, and to attempt to resolve any objections to the proposed orders before  
24 they are lodged with the Court and without the need to file memoranda of objections. In  
25 addition, the schedule with respect to the Service Cut-Off Order will be clarified.

26           NOW, THEREFORE, based upon the foregoing, and subject to the approval of the  
27 Court, the United States, Mineral County and the Walker River Irrigation District hereby agree  
28 and stipulate that:

1           1.       The United States shall lodge the Service Cut-Off Order in Subproceeding C-  
2 125-B with the Court on or before November 30, 2010;

3           2.       The United States and Mineral County shall lodge the Successor-in-Interest  
4 Order in both Subproceeding C-125-B and Subproceeding C-125-C on November 30, 2010;  
5 and  
6

7           3.       The parties shall file memoranda related to objections, if any, to either or both  
8 such proposed orders on or before December 17, 2010.

9           Dated: November 9, 2011.

10          WOODBURN AND WEDGE

U.S. DEPARTMENT OF JUSTICE

11  
12 By:       /s/ Gordon H. DePaoli        
      (per authorization)

By:       /s/ Susan L. Schneider        
      (per authorization)

13           Gordon H. DePaoli  
14           Nevada Bar No. 195  
15           6100 Neil Road, Suite 500  
16           Reno, Nevada 89511  
          *Attorneys for Walker River Irrigation  
          District*

          Susan L. Schneider, Trial Attorney  
          Environment and Natural Resources Div.  
          999 18<sup>th</sup> Street, Suite 370  
          Denver, Colorado 80202  
          *Attorneys for United States of America*

17   ADVOCATES FOR COMMUNITY &  
18   ENVIRONMENT

19  
20 By:       /s/ Simeon Herskovits        
      (per authorization)

          Simeon Herskovits  
          Nevada Bar No. 11155  
          P.O. Box 1075  
          El Prado, New Mexico 87529  
          *Attorneys for Mineral County*

21  
22  
23  
24   **ORDER**

25 Dated: November \_\_\_\_\_, 2010.       IT IS SO ORDERED.

26  
27  
28   \_\_\_\_\_  
  Lawrence R. Leavitt  
  United States Magistrate Judge

**CERTIFICATE OF SERVICE**

I certify that I am an employee of Woodburn and Wedge and that on the 9th day of November, 2010, I electronically served the foregoing *Stipulation and Order Concerning Time for Submission of Proposed Orders and Memoranda Related to Objections Thereto* in Case No. 3:73-cv-00127-ECR-LRL on the following via their email addresses:

Brian Chally	brian.chally@lvvwd.com
Bryan L. Stockton	bstockton@ag.nv.gov
Charles S. Zumpft	zumpft@brooke-shaw.com
Cherie K. Emm-Smith	districtattorney@mineralcountynv.org
Don Springmeyer	dspringmeyer@wrslawyers.com
Christopher Mixson	cmixson@wrslawyers.com
G. David Robertson	gdavid@nvlawyers.com
George Benesch	gbenesch@sbcglobal.net
Greg Addington	greg.addington@usdoj.gov
Harry W. Swainston	hwsainston@earthlink.net
J.D. Sullivan	jd@mindenlaw.com
James Spoo	spootoo@aol.com
John Paul Schlegelmilch	jpslaw@netscape.com
Julian C. Smith, Jr.	joylyn@smithandharmer.com
Karen Peterson	kpeterson@allisonmackenzie.com
Kirk C. Johnson	kirk@nvlawyers.com
Laura Schroeder	counsel@water-law.com
Louis S. Test	twallace@htag.reno.nv.us
Marta Adams	maadams@ag.state.nv.us
Marvin W. Murphy	marvinmurphy@sbcglobal.net
Michael D. Hoy	Michael D Hoy mhoy@nevadalaw.com
Michael F. Mackedon	falonlaw@phonewave.net
Michael R. Montero	mrm@eloreno.com
Michael A. Pagni	mpagni@mcdonaldcarano.com
Richard W. Harris	rharris@gbis.com
Ross E. de Lipkau	ecf@parsonsbehle.com
Sylvia Harrison	sharrison@mcdonaldcarano.com
T. Scott Brooke	brooke@brooke-shaw.com
Michael W. Neville	michael.neville@doj.ca.gov
Stacey Simon	ssimon@mono.ca.gov
Susan Schneider	susan.schneider@usdoj.gov
Paul J. Anderson	panderson@mclrenolaw.com
Debbie Leonard	dleonard@mcdonaldcarano.com
Wes Williams	wwilliams@standfordaluni.org
William J. Duffy	william.duffy@dgsllaw.com
Gene M. Kaufmann	GKaufmann@mindenlaw.com
Erin K.L. Mahaney	emahaney@waterboards.ca.gov
David L. Negri	david.negri@usdoj.gov
Simeon Herskovits	herskovitx@westernlaw.org

1 John W. Howard johnh@jwhowardattorneys.com  
2 Malissa Hathaway McKeith mckeith@lbbslaw.com  
3 Andrew D. Galvin drew.galvin@americantower.com  
4 Lynn L. Steyaert lls@water-law.com  
5 Noelle R. Gentilli ngentill@water.ca.gov  
6 Donald B. Mooney dbmooney@dcn.org  
7 Erick Soderlund esoderlu@water.ca.gov  
8 Stuart David Hotchkiss david.hotchkiss@ladwp.com

9 I further certify that I served a copy of the foregoing in Case No. 3:73-cv-00127-ECR-  
10 LRL to the following by U.S. Mail, postage prepaid, this 9<sup>th</sup> day of November, 2010:

11 Robert L. Auer  
12 Lyon County District Attorney  
13 31 S. Main St.  
14 Yerington, NV 89447

15 Jeff Parker  
16 Deputy Atty. General  
17 Office of the Attorney General  
18 100 N. Carson St.  
19 Carson City, NV 89701-4717

20 Wesley G. Beverlin  
21 Malissa Hathaway McKeith  
22 Lewis, Brisbois, Bisgaard & Smith LCP  
23 221 N. Figueroa St., Suite 1200  
24 Los Angeles, CA 90012

25 Todd Plimpton  
26 Belanger & Plimpton  
27 1135 Central Ave.  
28 P.O. Box 59  
Lovelock, NV 89419

29 Leo Drozdoff  
30 Dir. of Conservation & Natural Resources  
31 State of Nevada  
32 901 S. Stewart St.  
33 Carson City, NV 89701

34 William W. Quinn  
35 Office of the Field Solicitor  
36 Department of the Interior  
37 401 W. Washington St., SPC 44  
38 Phoenix, AZ 85003

39 Nathan Goedde, Staff Counsel  
40 California Dept. of Fish and Game  
41 1416 Ninth St., #1335  
42 Sacramento, CA 95814

43 Marshall S. Rudolph, Mono County Counsel  
44 Stacy Simon, Deputy County Counsel  
45 Mono County  
46 P. O. Box 2415  
47 Mammoth Lakes, CA 93546-2415

48 Mary Hackenbracht  
49 Deputy Attorney General  
50 State of California  
51 1515 Clay St., 20<sup>th</sup> Floor  
52 Oakland, CA 94612-1413

53 William E. Schaeffer  
54 P. O. Box 936  
55 Battle Mountain, NV 89820

56 Robert L. Hunter, Superintendent  
57 Western Nevada Agency  
58 Bureau of Indian Affairs  
59 311 E. Washington St.  
60 Carson City, NV 89701-4065

61 James Shaw  
62 Water Master  
63 U.S. Board of Water Commissioners  
64 P.O. Box 853  
65 Yerington, NV 89447

1 Jason King  
2 Division of Water Resources  
3 State of Nevada  
4 901 S. Stewart St.  
5 Carson City, NV 89701

Kenneth Spooner  
General Manager  
Walker River Irrigation District  
P.O. Box 820  
Yerington, NV 89447

6 Timothy A. Lukas  
7 P.O. Box 3237  
8 Reno, NV 89505

Garry Stone  
U.S. District Court Water Master  
290 S. Arlington Ave., 3rd Floor  
Reno, NV 89501

9 I certify that I am an employee of Woodburn and Wedge and that on the 9th day of  
10 November, 2010, I electronically served the foregoing *Stipulation and Order Concerning Time*  
11 *for Submission of Proposed Orders and Memoranda Related to Objections Thereto* in Case No.

12 3:73-cv-00128-ECR-LRL on the following via their email addresses:

13 Cheri K. Emm-Smith districtattorney@mineralcountynv.org  
14 David L. Negri david.negri@usdoj.gov  
15 Don Springmeyer dspringmeyer@wrslawyers.com  
16 Chris Mixson cmixson@wrslawyers.com  
17 Garry Stone jaliep@aol.com, jtboyer@troa.net  
18 George N. Benesch gbenesch@sbcglobal.net  
19 Gregory W. Addington greg.addington@usdoj.gov  
20 James Spoo spootoo@aol.com  
21 Karen A. Peterson kpeterson@allisonmackenzie.com  
22 Marta A. Adams MAdams@ag.nv.gov  
23 Michael Neville michael.neville@doj.ca.gov  
24 Ross E. de Lipkau ecf@parsonsbehle.com  
25 Simeon M. Herskovits simeon@communityandenvironment.net  
26 Stacey Simon ssimon@mono.ca.gov  
27 Stephen M. Macfarlane Stephen.Macfarlane@usdoj.gov  
28 Susan L. Schneider susan.schneider@usdoj.gov  
Wes Williams wwilliams@stanfordalumni.org

29 I further certify that I served a copy of the foregoing in Case No. 3:73-cv-00128-ECR-  
30 LRL to the following by U.S. Mail, postage prepaid, this 9<sup>th</sup> day of November, 2010:

31 Allen Anspach  
32 U.S. Bureau of Indian Affairs  
33 Western Region  
34 400 North 5<sup>th</sup> St., 12<sup>th</sup> Floor  
35 Phoenix, AZ 85004

Robert Auer  
District Attorney for Lyon County  
31 South Main St.  
Yerington, NV 89447

36 Wesley G. Beverlin  
37 Malissa Hathaway McKeith

Kelly R. Chase  
1700 County Road, Ste. A

1	Lewis, Brisbois, Bisgaard & Smith LCP	P.O. Box 2800
2	221 N. Figueroa St., Ste. 1200	Minden, NV 89423
3	Los Angeles, CA 90012	
4	Nathan Goedde	Mary Hackenbracht
5	Staff Counsel	Deputy Attorney General
6	California Dept. of Fish & Game	State of California
7	1416 Ninth St., Ste. 1335	1515 Clay St., 20 <sup>th</sup> Floor
8	Sacramento, CA 95814	Oakland, CA 94612-1413
9	Michael D. Hoy	Robert L. Hunter
10	Hoy & Hoy	Western Nevada Agency
11	1495 Ridgeview Dr., Suite 90	311 E. Washington St.
12	Reno, NV 89519	Carson City, NV 89701
13	Jason King	Timothy A. Lukas
14	Division of Water Resources	P.O. Box 3237
15	State of Nevada	Reno, NV 89505
16	901 S. Stewart St.	
17	Carson City, NV 89701	
18	Los Angeles City Attorney's Office	Michael F. Mackedon
19	P.O. Box 51-111	P.O. Box 1203
20	111 North Hope St., Ste. 340	179 South LaVerne St.
21	Los Angeles, CA 90051	Fallon, NV 89407
22	David Moser	Scott H. Shackelton
23	McCutchen, Doyle, Brown, et al.	Law Offices of Scott Shackelton
24	Three Embarcadero Center, Ste. 1800	4160 Long Knife Rd.
25	San Francisco, CA 94111	Reno, NV 89509
26	James Shaw	William J. Shaw
27	Water Master	Brooke & Shaw, Ltd.
28	U.S. Board of Water Commissioners	1590 Fourth St.
29	P.O. Box 853	P.O. Box 2860
30	Yerington, NV 89447	Minden, NV 89423
31	Kenneth Spooner	Tracy Taylor
32	General Manager	Department of Conservation and Natural
33	Walker River Irrigation District	Resources
34	P.O. Box 820	Division of Water Resources
35	Yerington, NV 89447	901 S. Stewart St., Ste. 202
36		Carson City, NV 89701
37	Adah Blinn and John Hargus Trust,	Casino West
38	Robert Lewis Cooper, Trustee	Lawrence B. Masini, RA
39	984 Hwy. 208	11 N. Main St.
40	Yerington, NV 89447	Yerington, NV 89447

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Domenici 1991 Family Trust  
Lona Marie Domenici-Reese  
P.O. Box 333  
Yerington, NV 89447

Wallace J. & Linda P. Lee  
904 W. Goldfield Ave.  
Yerington, NV 89447

Cynthia Menesini  
111 N. Hwy. 95A  
Yerington, NV 89447

Nancy J. Nuti  
P.O. Box 49  
Smith, NV 89430

Charles Price  
24 Panavista Cir.  
Yerington, NV 89447

Sceirine Fredericks Ranch  
c/o Todd Sceirine  
3100 Hwy. 338  
Wellington, NV 89444

Daniel G. & Shawna S. Smith  
P.O. Box 119  
Wellington, NV 89444

Susan Steneri  
P.O. Box 478  
Yerington, NV 89447

William K. Vicencio  
P.O. Box 478  
Yerington, NV 89447

L & M Family Limited Partnership  
Rife Sciarani & Co, RA  
22 Hwy. 208  
Yerington, NV 89447

Joseph J. Bessie J. Lommori Trust  
Joseph & Bessie J. Lommori, Trustees  
710 Pearl St.  
Yerington, NV 89447

Cynthia Nuti  
P.O. Box 49  
Smith, NV 89430

Richard B. Nuti  
P.O. Box 49  
Smith, NV 89430

John Gustave Ritter III  
34 Aiazzi Ln.  
Yerington, NV 89447

Silverado, Inc.  
Gordon R. Muir, RA  
One E. Liberty St., Suite 416  
Reno, NV 89501

Christy De Long & Kirk Andrew Stanton  
27 Borsini Ln.  
Yerington, NV 89447

Jerry E. Tilley, Trust  
Jerry E. Tilley, Trustee  
11418 S. 105<sup>th</sup> E. Ave.  
Bixby, OK 74008

/ s / Holly Dewar  
\_\_\_\_\_  
Holly Dewar