

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

Greg Addington, Assistant U.S. Attorney  
Susan L. Schneider, Trial Attorney  
U.S. Department of Justice  
Environment and Natural Resources Div.  
999 – 18<sup>th</sup> Street, Suite 370  
Denver, Colorado 80202  
(303) 844-1348  
susan.schneider@usdoj.gov  
*Attorneys for the United States of America*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE 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  
)  
) SUBFILE NO. C-125-B  
) 3:73-cv-00127-ECR-LRL  
)  
) SUBFILE NO. C-125-C  
) 3:73-cv-00128-ECR-LRL  
)  
) **STIPULATION AND ORDER**  
) **CONCERNING FILING**  
) **DEADLINES FOR SUBMISSION**  
) **OF RESPONSES/OBJECTIONS**  
) **AND REPLIES REGARDING**  
) **PROPOSED SERVICE CUT-OFF**  
) **AND SUCCESSOR-IN-INTEREST**  
) **ORDERS**

---

UNITED STATES OF AMERICA,  
WALKER RIVER PAIUTE TRIBE,

Counterclaimants,

v.

WALKER RIVER IRRIGATION DISTRICT,  
et al.,

Counterdefendants.

---

1           1. Pursuant to proceedings before this Court during the status conference held on  
2           October 19, 2010, in Subproceeding C-125-B and Subproceeding C-125-C, and the parties'  
3           subsequent stipulation<sup>1</sup>, the following deadlines are in place regarding certain service  
4           document-related filings:

- 5           a.       The United States shall lodge the Service Cut-Off Order in  
6                    Subproceeding C-125-B with the Court on or before November 30, 2010;  
7  
8           b.       The United States and Mineral County shall lodge the Successor-in-  
9                    Interest Order in both Subproceeding C-125-B and Subproceeding C-125-C  
10                   on November 30, 2010; and  
11           c.       The parties shall file memoranda related to objections, if any, to either or  
12                    both such proposed orders on or before December 17, 2010.

13  
14           2. On November 30, 2010, the United States, the Walker River Paiute Tribe and  
15           Mineral County filed the orders addressed in paragraphs 1.a. and 1.b., above.

16           3. The United States, the Walker River Paiute Tribe, Mineral County and the  
17           Walker River Irrigation District, acting through their respective counsel of record<sup>2</sup>, have  
18           discussed and hereby stipulate to the following changes and additions to this schedule:

- 19           a.       The deadline for parties to file memoranda related to objections, if any,  
20                    to either or both proposed orders is changed from on or before December 17,  
21                    2010, to on or before December 31, 2010;  
22  
23           b.       Following the filing of any objections, the Plaintiff Parties and primary  
24                    Defendants in both cases shall confer before the Plaintiff Parties reply to  
25                    these objections, to determine, among other things, if the parties can agree  
26

27  
28 <sup>1</sup> *Stipulation & Order Concerning Time for Submission of Proposed Orders and Memoranda Related to  
Objections Thereto* (Nov. 9, 2010).

<sup>2</sup> In addition, the other primary Defendants (State of Nevada, State of California, Mono County, and attorneys  
Schroeder and Howards (each representing one or more individuals)), and the U.S. Board of Water Commissioners  
concur in this request.

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

on proposed language or if there are other additional procedures and forms that may assist with these issues;

c. The Plaintiff Parties shall file any replies, including any revisions to proposed orders, on or before January 27, 2011.

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

1. The deadline for parties to file memoranda related to objections, if any, to either or both proposed orders is changed from on or before December 17, 2010, to on or before December 31, 2010;

2. Following the filing of any objections, the Plaintiff Parties and primary Defendants in both cases shall confer before the Plaintiff Parties reply to these objections, to determine, among other things, if the parties can agree on proposed language or if there are other additional procedures and forms that may assist with these issues;

3. The Plaintiff Parties shall file any replies, including any revisions to proposed orders, on or before January 27, 2011.

Respectfully submitted,

WOODBURN AND WEDGE

U.S. DEPARTMENT OF JUSTICE

By: /s/ Gordon H. DePaoli (by SLS)  
Gordon H. DePaoli  
Nevada Bar No. 195  
6100 Neil Road, Suite 500  
Reno, Nevada 89511  
*Attorney for Walker River Irrigation District*

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

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

WALKER RIVER PAIUTE TRIBE

ADVOCATES FOR COMMUNITY &  
ENVIRONMENT

By: Wes Williams Jr. (by SLS)  
Wes Williams Jr.  
Nevada Bar No. 06864  
3119 Pasture Rd.  
P.O. Box 100  
Schurz, Nevada 89427  
*Attorney for the Walker River Paiute Tribe*

By: /s/ Simeon Herskovits (by SLS)  
Simeon Herskovits  
Nevada Bar No. 11155  
P.O. Box 1075  
El Prado, New Mexico 87529  
*Attorney for Mineral County*

**ORDER**

Dated: December \_\_\_\_, 2010.

IT IS SO ORDERED.

\_\_\_\_\_  
Lawrence R. Leavitt  
United States Magistrate Judge

CERTIFICATE OF SERVICE

I hereby certify that on this 8<sup>th</sup> day of December 2010, I electronically filed the foregoing **STIPULATION AND ORDER CONCERNING FILING DEADLINES FOR SUBMISSION OF RESPONSES/OBJECTIONS AND REPLIES REGARDING PROPOSED SERVICE CUT-OFF AND SUCCESSOR-IN-INTEREST ORDERS** with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following via their email addresses:

Marta A. Adams  
maadams@ag.state.nv.us payoung@ag.state.nv.us

Gregory W. Addington  
greg.addington@usdoj.gov judy.farmer@usdoj.gov joanie.silvershield@usdoj.gov

George N. Benesch  
gbenesch@sbcglobal.net

Gordon H. DePaoli  
gdepaoli@woodburnandwedge.com

Dale E. Ferguson  
dferguson@woodburnandwedge.com

Simeon M. Herskovits  
simeon@communityandenvironment.net

John W. Howard  
john@jwhowardattorneys.com elisam@jwhowardattorneys.com

Erin K.L. Mahaney  
emahaney@waterboards.ca.gov

David L. Negri  
david.negri@usdoj.gov

Michael Neville  
michael.neville@doj.ca.gov, cory.marcelino@doj.ca.gov

Karen A. Peterson  
kpeterson@allisonmackenzie.com, egarrison@allisonmackenzie.com

Todd A. Plimpton  
tplimpton@msn.com

Laura A. Schroeder  
counsel@water-law.com

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

Stacey Simon  
[ssimon@mono.ca.gov](mailto:ssimon@mono.ca.gov)

Wes Williams Jr.  
[wwilliams@stanfordalumni.org](mailto:wwilliams@stanfordalumni.org)

Cheri Emm-Smith  
[districtattorney@mineralcountynv.org](mailto:districtattorney@mineralcountynv.org)

William E. Schaeffer  
[lander\\_laywer@yahoo.com](mailto:lander_laywer@yahoo.com)

Bryan L. Stockton  
[blstockt@ag.state.nv.us](mailto:blstockt@ag.state.nv.us), [payoung@ag.state.nv.us](mailto:payoung@ag.state.nv.us)

Stuart David Hotchkiss  
[david.hotchkiss@ladwp.com](mailto:david.hotchkiss@ladwp.com)

Paul J. Anderson  
[panderson@mclrenolaw.com](mailto:panderson@mclrenolaw.com)

Richard W. Harris  
[rharris@gbis.com](mailto:rharris@gbis.com)

John Paul Schlegelmilch  
[jpslaw@netscape.com](mailto:jpslaw@netscape.com)

Michael R. Montero  
[mrm@eloreno.com](mailto:mrm@eloreno.com)

Julian C Smith, Jr.  
[joylyn@smithandharmer.com](mailto:joylyn@smithandharmer.com)

Gene M. Kaufmann  
[GKaufmann@mindenlaw.com](mailto:GKaufmann@mindenlaw.com)

J. D. Sullivan  
[jd@mindenlaw.com](mailto:jd@mindenlaw.com)

Charles S Zumpft  
[zumpft@brooke-shaw.com](mailto:zumpft@brooke-shaw.com)

Harry W. Swainston  
[hwswainston@earthlink.net](mailto:hwswainston@earthlink.net)

Malissa Hathaway McKeith  
[mckeith@lbbslaw.com](mailto:mckeith@lbbslaw.com)

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

Sheri M. Thome  
[sheri.thome@wilsonelser.com](mailto:sheri.thome@wilsonelser.com)

Marvin W. Murphy  
[marvinmurphy@sbcglobal.net](mailto:marvinmurphy@sbcglobal.net)

Brian Chally  
[brian.chally@lvvwd.com](mailto:brian.chally@lvvwd.com)

Kirk C. Johnson  
[kirk@nvlawyers.com](mailto:kirk@nvlawyers.com)

G. David Robertson  
[gdauid@nvlawyers.com](mailto:gdauid@nvlawyers.com)

Louis S Test  
[twallace@htag.reno.nv.us](mailto:twallace@htag.reno.nv.us)

T. Scott Brooke  
[brooke@brooke-shaw.com](mailto:brooke@brooke-shaw.com)

William J Duffy  
[william.duffy@dgslaw.com](mailto:william.duffy@dgslaw.com)

Michael D Hoy  
[mhoy@nevadalaw.com](mailto:mhoy@nevadalaw.com)

Debbie Leonard  
[dleonard@mcdonaldcarano.com](mailto:dleonard@mcdonaldcarano.com)

Michael F. Mackedon  
[faalonlaw@phonewave.net](mailto:faalonlaw@phonewave.net)

Donald B. Mooney  
[dbmooney@dcn.org](mailto:dbmooney@dcn.org)

Erick Soderlund  
[esoderlu@water.ca.gov](mailto:esoderlu@water.ca.gov)

Don Springmeyer  
[dspringmeyer@wrslawyers.com](mailto:dspringmeyer@wrslawyers.com)

James Spoo  
[spootoo@aol.com](mailto:spootoo@aol.com), [jjrbau@hotmail.com](mailto:jjrbau@hotmail.com)

Lynn Steyaert  
[lls@water-law.com](mailto:lls@water-law.com)

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

Micheal A. Pagni  
[mpagni@mcdonaldcarano.com](mailto:mpagni@mcdonaldcarano.com)

Noelle R. Gentilli  
[ngentill@water.ca.gov](mailto:ngentill@water.ca.gov)

Ross E. de Lipkau  
[ecf@parsonsbehle.com](mailto:ecf@parsonsbehle.com)

Sylvia L. Harrison  
[sharrison@mcdonaldcarano.com](mailto:sharrison@mcdonaldcarano.com)

and I further certify that I served a copy of the forgoing to the following non CM/ECF participants by U.S. Mail, postage prepaid, this 8<sup>th</sup> day of December 2010:

Ken Spooner  
Walker River Irrigation District  
P. O. Box 820  
Yerington, NV 89447

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

John Kramer  
Department of Water Resources  
1416 Ninth Street, Rm 1118  
Sacramento, CA 94814

Lyon County District Attorney  
31 South Main Street  
Yerington, NV 89447

Robert L. Hunter  
Western Nevada Agency  
Bureau of Indian Affairs  
311 E. Washington Street  
Carson City, NV 89701-4065

William J Shaw ,  
Brooke & Shaw, Ltd.  
1590 Fourth Street  
P.O. Box 2860  
Minden, NV 89423

Allen Biaggi  
Dept. of Conservation & Natural Res.  
State of Nevada  
901 S. Stewart St.  
Carson City, NV 89701

R. C. Howard  
Hale Lane Peek, Dennison & Howard  
5441 Kietzke Lane  
Suite 200  
Reno, NV 89511

State Engineer - Division of Water  
Resources  
State of Nevada  
901 S. Stewart St.  
Carson City, NV 89701

Kelly R. Chase  
P.O. Box 2800  
Minden, NV 89423



1	George M. Keele	Weaver Rev. Trust Agreement
2	1692 County Road	William M. Jr. & Rosemary F. Weaver,
3	Suite A	Trustees
4	Minden, NV 89423	2535 Hwy. 338
5		Wellington, NV 89444
6	Gary A Sheerin	
7	Gary A. Sheerin, Law Office of	Timothy A. Lukas
8	177 W Proctor Street, Suite B	P.O. Box 3237
9	Carson City, NV 89703	Reno, NV 89505
10		
11	Walker Lake Water Dist. G.I.D.	Thomas J. Hall, Esq.
12	Walker Lake GID	Post Office Box 3948
13	175 Wassuk Way	305 S. Arlington Ave.
14	Walker Lake, NV 89415	Reno, NV 89505
15		
16	Nathan Goedde	Casino West
17	California Department of Fish and Game	Lawrence B. Masini, RA
18	1416 9th Street Ste 1335	11 North Main Street
19	Sacramento, CA 95814	Yerington, NV 89447
20		
21	David Moser	Adah Blinn and John Hargus Trust
22	McCutchen, Doyle, Brown, et al.	Robert Lewis Cooper, Trustee
23	Three Embarcadero Center, Suite 1800	984 Hwy 208
24	San Francisco, CA 94111	Yerington, NV 89447
25		
26	Gary Stone	Domenici 1991 Family Trust
27	Water Master	Lona Marie Domenici-Reese
28	290 South Arlington Ave.	P.O. Box 333
29	Reno, NV 89501	Yerington, NV 89447
30		
31	James Fousekis	Richard B. Nuti
32	2848 Garber Street	P.O. Box 49
33	Berkeley, CA 94705	Smith, NV 89430
34		
35	Mary Rosaschi	Theodore A. and Annette M. Emens
36	PO Box 22	138 Hwy 95A N
37	Wellington, NV 89444	Yerington, NV 89447-9724
38		
39	Jeff Parker, Deputy Atty General	R.A. Palayo
40	Office of the Attorney General	5336 Awbury7 Ave.
41	100 N. Carson St.	Las Vegas, NV 89110
42	Carson City, NV 89701-4717	
43		
44	Wesley Beverlin, Malissa Hathaway	L & M Family Limited Partnership
45	McKeith, Lewis Brisbois Bisgaard Smith	Rife Sciarani & Co, RA
46	221 N. Figueroa St., Suite 1200	22 HWY 208
47	Los Angeles, CA 90012	Yerington, NV 89447
48		
49		
50		

1 Wallace J. & Linda P. Lee  
2 904 W. Goldfield Ave.  
3 Yerington, NV 89447

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

4 John Gustave Ritter III  
5 34 Aiazzi Lane  
6 Yerington, NV 89447

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

7 Joseph J. Bessie J. Lommori Trust  
8 Joseph J. & Bessie J. Lommori, Trustees  
9 710 Pearl Street  
10 Yerington, NV 89447

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

11 Sceirine Fredericks Ranch  
12 c/o Todd Sceirine  
13 3100 Hwy 338  
14 Wellington, NV 89444

Jerry E. Tilley Trust, Jerry E. Tilley, Trustee  
11418 S. 105th E. Ave  
Bixby, OK 74008

15 Cynthia Menesini  
16 111 N. Hwy 95A  
17 Yerington, NV 89447

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

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

Scott H. Shackelton  
Law Offices of Scott Shackelton  
4160 Long Knife Road  
Reno, NV 89509

22 Cynthia Nuti  
23 P.O. Box 49  
24 Smith, NV 89430  
25 Daniel G. & Shawna S. Smith  
26 P.O. Box 119  
27 Wellington, NV 89444

Michael D. Hoy  
Bible Hoy & Trachok  
201 West Liberty Street  
Third Floor  
Reno, NV 89511

28 /s/ Eileen Rutherford  
Eileen Rutherford, Senior Paralegal  
USIS/Labat for US Department of Justice