

GORDON H. DePAOLI
Nevada State Bar No. 195
DALE E. FERGUSON
Nevada State Bar No. 4986
DOMENICO R. DePAOLI
Nevada State Bar No. 11553
Woodburn and Wedge
6100 Neil Road, Suite 500
Reno, Nevada 89511
Telephone: 775/688-3000

Attorneys for Walker River Irrigation District

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

) IN EQUITY NO. C-125

Plaintiff.

) SUBFILE NO. C-125-B

3:73-cv-00127-ECR-LRL

WALKER RIVER PAIUTE TRIBE,

) SUBFILE NO. C-125-C

Plaintiff-Intervenor,

) 3:73-cv-00128-ECR-LRL

V

1

WALKER RIVER IRRIGATION DISTRICT,
a corporation, et al.,

) **WALKER RIVER IRRIGATION
DISTRICT'S OBJECTIONS TO
RULINGS OF MAGISTRATE JUDGE
WITH RESPECT TO REVISED
PROPOSED ORDERS AND
AMENDED ORDERS CONCERNING
SERVICE ISSUES PERTAINING TO
DEFENDANTS WHO HAVE BEEN
SERVED**

UNITED STATES OF AMERICA,
WALKER RIVER PAIUTE TRIBE,

Counterclaimants.

V

WALKER RIVER IRRIGATION DISTRICT,
et al.,

Counterdefendants.

Pursuant to L.R. IB3-1(a), the Walker River Irrigation District (the "District") objects to the rulings of Magistrate Judge Lawrence R. Leavitt made in identical "Revised Proposed Orders Concerning Service Issues Pertaining to Defendants Who Have Been Served" filed in these subproceedings on August 24, 2011 (Doc. 1649 in subproceeding C-125-B, and Doc. 540 in subproceeding C-125-C) (the "Revised Proposed Orders") and to the "Amended Orders Concerning Service Issues Pertaining to Defendants Who Have Been Served" filed in subproceeding C-125-B (Doc. 1650) on August 26, 2011, and filed in subproceeding C-125-C (Doc. 542) on September 6, 2011 (the "Amended Orders"). For ease of reference in these Objections and the Points and Authorities filed under separate cover, the District refers only to the Amended Orders because the later Amended Orders and the earlier Revised Proposed Orders are essentially identical. However, reference to the Amended Orders includes the Revised Proposed Orders.

The District objects to the Magistrate Judge's rulings to the effect that:

(1) After litigation has been commenced, the substitution or joinder of a successor-in-interest is governed exclusively by Fed. R. Civ. P. 25;

(2) Once a defendant has been served, the burden of keeping track of inter vivos transfers and substituting successors-in-interest properly is borne by the defendant and the successor-in-interest;

(3) Where a defendant has been served and subsequently sells or otherwise conveys a water right or a portion of a water right, the successor-in-interest will be bound by the results of this litigation by reason of the provisions of Fed. R. Civ. P. 25(c) even if the successor-in-interest is not properly substituted or joined;

(4) Absent service of a statement noting the death of a defendant in a subproceeding, the case may proceed against the original party, and the successors-in-interest will be bound by the results of this litigation;

1 (5) The Plaintiff Parties shall provide periodic notice of developments in these
2 proceedings to other parties in these proceedings by mail and by publication as directed by
3 further order of this Court; and

4 (6) The District regularly provide updated water right ownership information to the
5 Court and to the Plaintiff Parties.

6 The District's Objections to the rulings made in the Amended Orders are more
7 specifically set forth in the Points and Authorities filed under separate cover, and are based upon
8 the grounds that those rulings are clearly erroneous and/or contrary to law. The Objections are
9 supported by all of the pleadings and papers on file in these subproceedings and upon the Points
10 and Authorities in Support of Objections of the District to Magistrate's Rulings which are filed
11 under separate cover.

12 DATED this 12th day of September, 2011.

13 WOODBURN AND WEDGE

14
15
16
17 By: / s / Gordon H. DePaoli
18 Gordon H. DePaoli
19 Dale E. Ferguson
20 Domenico R. DePaoli
21 6100 Neil Road, Suite 500
22 Reno, Nevada 89511
23 Attorneys for WALKER RIVER
24 IRRIGATION DISTRICT

CERTIFICATE OF SERVICE

I certify that I am an employee of Woodburn and Wedge and that on the 12th day of September, 2011, I electronically served the foregoing *Walker River Irrigation District's Objections to Rulings of Magistrate Judge With Respect to Revised Proposed Orders and Amended Orders Concerning Service Issues Pertaining to Defendants Who Have Been Served* in Case No. 3:73-cv-00127-ECR-LRL with the Clerk of the Court using the CM/ECF system, which will notify 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	emmsmithlaw@cccomm.net
Don Springmeyer	dspringmeyer@wrslawyers.com
Chrристopher Mixson	cmixson@wrslawyers.com
G. David Robertson	gdavid@nvlawyers.com
George Benesch	gbenesch@sbcglobal.net
Greg Addington	greg.addington@usdoj.gov
Harry W. Swainston	hwswainston@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	mAdams@ag.state.nv.us
Marvin W. Murphy	marvinmurphy@sbcglobal.net
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
William E. Schaeffer	lander_lawyer@yahoo.com
Susan Schneider	susan.schneider@usdoj.gov
Paul J. Anderson	panderson@mclrenolaw.com

1 Debbie Leonard dleonard@mcdonaldcarano.com
2 Wes Williams wwilliams@standfordaluni.org
3 William J. Duffy william.duffy@dgslaw.com
4 Gene M. Kaufmann GKAufmann@mindenlaw.com
5 Erin K.L. Mahaney emahaney@waterboards.ca.gov
6 David L. Negri david.negri@usdoj.gov
7 Simeon Herskovits simeon@communityandenvironment.net
8 John W. Howard johnh@jhowardattorneys.com
9 Malissa Hathaway McKeith mckeith@lbbslaw.com
10 Andrew D. Galvin drew.galvin@americantower.com
11 Lynn L. Steyaert lls@water-law.com
12 Noelle R. Gentilli ngentill@water.ca.gov
13 Donald B. Mooney dbmooney@dcn.org
14 Erick Soderlund esoderlu@water.ca.gov
15 Stuart David Hotchkiss david.hotchkiss@ladwp.com

I further certify that I served a copy of the foregoing in Case No. 3:73-cv-00127-ECR-LRL to
the following via U.S. Mail, postage prepaid, this 12th day of September, 2011:

13 Robert L. Auer
14 Lyon County District Attorney
15 31 S. Main St.
16 Yerington, NV 89447

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

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

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

20 Leo Drozdoff
21 Dir. of Conservation & Natural Resources
22 State of Nevada
23 901 S. Stewart St.
24 Carson City, NV 89701

Mary Rosaschi
P.O. Box 22
Wellington, NV 89444

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

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

1 Daniel N. Frink
2 California Water Resources Control Board
P.O. Box 100
3 Sacramento, CA 94814

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

4 Arden O. Gerbig
5 106629 U.S. Highway 395
Coleville, CA 96407-9538

James Shaw
Water Master
U.S. Board of Water Commissioners
P.O. Box 853
Yerington, NV 89447

8 Nathan Goedde, Staff Counsel
California Dept. of Fish and Game
9 1416 Ninth St., #1335
Sacramento, CA 95814

Gary A. Sheerin
177 W. Proctor St., Suite B
Carson City, NV 89703

11 George M. Keele, APC
12 1692 County Rd., Suite A
Mindenv, NV 89423

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

15 Jason King
Division of Water Resources
16 State of Nevada
901 S. Stewart St.
17 Carson City, NV 89701

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

18 Timothy A. Lukas
P.O. Box 3237
19 Reno, NV 89505

Walker Lake Water Dist, G.I.D.
Walker Lake GID
175 Wassuk Way
Walker Lake, NV 89415

21 I certify that I am an employee of Woodburn and Wedge and that on the 12th day of
22 September, 2011, I electronically served the foregoing *Walker River Irrigation District's*
23 *Objections to Rulings of Magistrate Judge With Respect to Revised Proposed Orders and*
24 *Amended Orders Concerning Service Issues Pertaining to Defendants Who Have Been Served in*
25 Case No. 3:73-cv-00128-ECR-LRL with the Clerk of the Court using the CM/ECF system,
26 which will notify the following via their email addresses:
27

28 David L. Negri
Don Springmeyer

david.negri@usdoj.gov
dspringmeyer@wrslawyers.com

1 Chris Mixson cmixson@wrslawyers.com
2 Garry Stone jaliep@aol.com, jtboyer@troa.net
3 George N. Benesch gbenesch@sbcglobal.net
4 Gregory W. Addington greg.addington@usdoj.gov
5 James Spoo spootoo@aol.com
6 Thomas J. Hall tjhlaw@eschelon.com
7 Karen A. Peterson kpeterson@allisonmackenzie.com
8 Marta A. Adams MADams@ag.nv.gov
9 Michael Neville michael.neville@doj.ca.gov
10 Ross E. de Lipkau ecf@parsonsbehle.com
11 Simeon M. Herskovits simeon@communityandenvironment.net
12 Stacey Simon ssimon@mono.ca.gov
13 Stephen M. Macfarlane Stephen.Macfarlane@usdoj.gov
14 Susan L. Schneider susan.schneider@usdoj.gov
15 Wes Williams wwilliams@stanfordalumni.org

16 I further certify that I served a copy of the foregoing in Case No. 3:73-cv-00128-ECR-
17 LRL to the following by U.S. Mail, postage prepaid, this 12th day of September, 2011:

18 Allen Anspach
19 U.S. Bureau of Indian Affairs
20 Western Region
21 400 North 5th St., 12th Floor
22 Phoenix, AZ 85004

23 Timothy A. Lukas
24 P.O. Box 3237
25 Reno, NV 89505

26 Robert Auer
27 District Attorney for Lyon County
28 31 South Main St.
Yerington, NV 89447

29 Michael F. Mackedon
30 P.O. Box 1203
31 179 South LaVerne St.
32 Fallon, NV 89407

33 Michael Axline
34 Western Environmental Law Center
35 1216 Lincoln St.
36 Eugene, OR 97405

37 Cynthia Menesini
38 111 N. Hwy. 95A
39 Yerington, NV 89447

40 Wesley G. Beverlin
41 Malissa Hathaway McKeith
42 Lewis, Brisbois, Bisgaard & Smith LCP
43 221 N. Figueroa St., Ste. 1200
44 Los Angeles, CA 90012

45 Cynthia Nuti
46 P.O. Box 49
47 Smith, NV 89430

48 Adah Blinn and John Hargus Trust,
49 Robert Lewis Cooper, Trustee
50 984 Hwy. 208
51 Yerington, NV 89447

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

55 George N. Bloise
56 34 Artist View Ln.

57 Richard B. Nuti
58 P.O. Box 49

1	Smith, NV 89450-9715	Smith, NV 89430
2	Courtney Brown P.O. Box 1507 Taos, NM 87571	Charles Price 24 Panavista Cir. Yerington, NV 89447
3		
4	Kelly R. Chase 1700 County Road, Ste. A P.O. Box 2800 Minden, NV 89423	John Gustave Ritter III 34 Aiazzi Ln. Yerington, NV 89447
5		
6		
7	Christy De Long & Kirk Andrew Stanton 27 Borsini Ln. Yerington, NV 89447	Sean A. Rowe Mineral County District Attorney P.O. Box 1210 Hawthorne, NV 89415
8		
9		
10	Domenici 1991 Family Trust Lona Marie Domenici-Reese P.O. Box 333 Yerington, NV 89447	Sceirine Fredericks Ranch c/o Todd Sceirine 3100 Hwy. 338 Wellington, NV 89444
11		
12		
13	Leo Drozdoff Dir. of Conservation and Natural Resources 901 S. Stewart St. Carson City, NV 89706	Scott H. Shackelton Law Offices of Scott Shackelton 4160 Long Knife Rd. Reno, NV 89509
14		
15		
16	Nathan Goedde Staff Counsel California Dept. of Fish & Game 1416 Ninth St., Ste. 1335 Sacramento, CA 95814	James Shaw Water Master U.S. Board of Water Commissioners P.O. Box 853 Yerington, NV 89447
17		
18		
19	Michael D. Hoy Hoy & Hoy 1495 Ridgeview Dr., Suite 90 Reno, NV 89519	Silverado, Inc. Gordon R. Muir, RA One E. Liberty St., Suite 416 Reno, NV 89501
20		
21		
22	Jason King Division of Water Resources State of Nevada 901 S. Stewart St. Carson City, NV 89701	Daniel G. & Shawna S. Smith P.O. Box 119 Wellington, NV 89444
23		
24		
25		
26	Wallace J. & Linda P. Lee 904 W. Goldfield Ave. Yerington, NV 89447	Kenneth Spooner General Manager Walker River Irrigation District P.O. Box 820 Yerington, NV 89447
27		
28		

1
2 L & M Family Limited Partnership
Rife Sciarani & Co, RA
22 Hwy. 208
3 Yerington, NV 89447

Susan Steneri
7710 Pickering Cir., Reno
Reno, NV 89511

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

Arthur B. Walsh
Los Angeles City Attorney's Office
P.O. Box 51-111
111 N. Hope St., Suite 340
Los Angeles, CA 90051-0100

7 Los Angeles City Attorney's Office
8 P.O. Box 51-111
9 111 North Hope St., Ste. 340
Los Angeles, CA 90051

10
11 / s / Holly Deawr
12 _____
13 Holly Dewar
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28