

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,

Plaintiff,

WALKER RIVER PAIUTE TRIBE,

Plaintiff-Intervenor,

v.

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

Defendants.

MINERAL COUNTY,

Proposed-Plaintiff-Intervenor,

v.

WALKER RIVER IRRIGATION DISTRICT,
et al.,

Proposed Defendants.

) IN EQUITY NO. C-125

) SUBFILE NO. C-125-C

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

) **WALKER RIVER IRRIGATION**
) **DISTRICT'S OBJECTIONS TO**
) **RULINGS OF MAGISTRATE JUDGE**
) **WITH RESPECT TO SEPTEMBER 27,**
) **2011 ORDER CONCERNING**
) **SERVICE ISSUES**

1 Pursuant to L.R. IB3-1(a), the Walker River Irrigation District (the “District”) objects to
2 the rulings of Magistrate Judge Lawrence R. Leavitt made in the Order entered on September 27,
3 2011 (Doc. 547) (the “Magistrate’s Order”). The District objects to the Magistrate Judge’s
4 rulings in the Magistrate’s Order to the effect that:

5 (1) The caption submitted as Exhibit C to Mineral County’s August 29, 2008 Service
6 Report (Doc. 479) is accurate and valid;

7 (2) Parties added to the Caption may be “substituted” into the action without proper
8 service of process pursuant to Rule 4 of the Fed. R. Civ. P.;

9 (3) Mineral County is not required to make further service on parties who have
10 already been validly served and for whom the Court has already ratified service, including
11 without limitation, notice of when those parties will be required to respond to the Motion to
12 Intervene;
13

14 (4) Mineral County proceed to serve parties identified in Exhibit 6 to Mineral
15 County’s Reply (Doc. 496) without unnecessary delay;

16 (5) For purposes of this litigation, the estate and successors-in-interest of a deceased
17 party bear the burden of filing and serving a Notice of Death pursuant to Fed. R. Civ. P. 25(a) in
18 the event of a party’s death; and
19

20 (6) It dismisses a party who owns water rights.
21

22 The District’s Objections to the rulings made in the Magistrate’s Order are more
23 specifically set forth in the Points and Authorities filed under separate cover, and are based upon
24 the grounds that those rulings are outside the scope of a magistrate’s authority to finally
25 determine, clearly erroneous and/or contrary to law. The Objections are supported by all of the

26 ///

27 ///

28 ///

1 pleadings and papers on file in this matter, and upon the Points and Authorities in Support of
2 Objections of the District to Magistrate's Rulings which are filed under separate cover.

3 DATED this 14th day of October, 2011.

4 WOODBURN AND WEDGE

5
6
7 By: / s / Gordon H. DePaoli
8 Gordon H. DePaoli
9 Dale E. Ferguson
10 Domenico R. DePaoli
11 6100 Neil Road, Suite 500
12 Reno, Nevada 89511
13 Attorneys for WALKER RIVER
14 IRRIGATION DISTRICT
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I certify that I am an employee of Woodburn and Wedge and that on October 14, 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-00128-ECR-LRL with the Clerk of the Court using the CM/ECF system, which will notify the following via their email addresses:

David L. Negri	david.negri@usdoj.gov
Don Springmeyer	dspringmeyer@wrslawyers.com
Chris Mixson	cmixson@wrslawyers.com
Garry Stone	jaliel@aol.com, jtboyer@troa.net
George N. Benesch	gbenesch@sbcglobal.net
Gregory W. Addington	greg.addington@usdoj.gov
James Spoo	spootoo@aol.com
Thomas J. Hall	tjhlaw@eschelon.com
Karen A. Peterson	kpeterson@allisonmackenzie.com
Marta A. Adams	MAdams@ag.nv.gov
Michael Neville	michael.neville@doj.ca.gov
Ross E. de Lipkau	ecf@parsonsbehle.com
Simeon M. Herskovits	simeon@communityandenvironment.net
Stacey Simon	ssimon@mono.ca.gov
Stephen M. Macfarlane	Stephen.Macfarlane@usdoj.gov
Susan L. Schneider	susan.schneider@usdoj.gov
Wes Williams	wwilliams@stanfordalumni.org

I further certify that I served a copy of the foregoing in Case No. 3:73-cv-00128-ECR-LRL to the following by U.S. Mail, postage prepaid, this 14th day of October, 2011:

U.S. Bureau of Indian Affairs Regional Director, Western Region 2600 N. Central Ave., 4 th Floor Phoenix, AZ 85004	Timothy A. Lukas P.O. Box 3237 Reno, NV 89505
Robert Auer District Attorney for Lyon County 31 South Main St. Yerington, NV 89447	Michael F. Mackedon P.O. Box 1203 179 South LaVerne St. Fallon, NV 89407
Michael Axline	Cynthia Menesini

1 Western Environmental Law Center 111 N. Hwy. 95A
1216 Lincoln St. Yerington, NV 89447
2 Eugene, OR 97405

3 Wesley G. Beverlin Cynthia Nuti
4 Malissa Hathaway McKeith P.O. Box 49
Lewis, Brisbois, Bisgaard & Smith LCP Smith, NV 89430
5 221 N. Figueroa St., Ste. 1200
6 Los Angeles, CA 90012

7 Adah Blinn and John Hargus Trust, Nancy J. Nuti
Robert Lewis Cooper, Trustee P.O. Box 49
8 984 Hwy. 208 Smith, NV 89430
9 Yerington, NV 89447

10 George N. Bloise Richard B. Nuti
34 Artist View Ln. P.O. Box 49
11 Smith, NV 89450-9715 Smith, NV 89430

12 Kelly R. Chase Charles Price
1700 County Road, Ste. A 24 Panavista Cir.
13 P.O. Box 2800 Yerington, NV 89447
14 Minden, NV 89423

15 Christy De Long & Kirk Andrew Stanton John Gustave Ritter III
27 Borsini Ln. 34 Aiazzi Ln.
16 Yerington, NV 89447 Yerington, NV 89447

17 Domenici 1991 Family Trust Sean A. Rowe
Lona Marie Domenici-Reese Mineral County District Attorney
18 P.O. Box 333 P.O. Box 1210
19 Yerington, NV 89447 Hawthorne, NV 89415

20 Leo Drozdoff Sceirine Fredericks Ranch
Dir. of Conservation and Natural Resources c/o Todd Sceirine
21 901 S. Stewart St. 3100 Hwy. 338
22 Carson City, NV 89706 Wellington, NV 89444

23 Michael D. Hoy Scott H. Shackelton
Hoy & Hoy Law Offices of Scott Shackelton
24 1495 Ridgeview Dr., Suite 90 4160 Long Knife Rd.
25 Reno, NV 89519 Reno, NV 89509

26 Jason King James Shaw
Division of Water Resources Water Master
27 State of Nevada U.S. Board of Water Commissioners
901 S. Stewart St. 410 N. Main Street
28 Carson City, NV 89701 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

Wallace J. & Linda P. Lee
904 W. Goldfield Ave.
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

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

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

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

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

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

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

/ s / Holly Dewar
Holly Dewar