

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

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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

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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
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18
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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	jaliep@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
2	1216 Lincoln St.	Yerington, NV 89447
3	Eugene, OR 97405	
4	Wesley G. Beverlin	Cynthia Nuti
5	Malissa Hathaway McKeith	P.O. Box 49
6	Lewis, Brisbois, Bisgaard & Smith LCP	Smith, NV 89430
7	221 N. Figueroa St., Ste. 1200	
8	Los Angeles, CA 90012	
9	Adah Blinn and John Hargus Trust,	Nancy J. Nuti
10	Robert Lewis Cooper, Trustee	P.O. Box 49
11	984 Hwy. 208	Smith, NV 89430
12	Yerington, NV 89447	
13	George N. Bloise	Richard B. Nuti
14	34 Artist View Ln.	P.O. Box 49
15	Smith, NV 89450-9715	Smith, NV 89430
16	Kelly R. Chase	Charles Price
17	1700 County Road, Ste. A	24 Panavista Cir.
18	P.O. Box 2800	Yerington, NV 89447
19	Minden, NV 89423	
20	Christy De Long & Kirk Andrew Stanton	John Gustave Ritter III
21	27 Borsini Ln.	34 Aiazzi Ln.
22	Yerington, NV 89447	Yerington, NV 89447
23	Domenici 1991 Family Trust	Sean A. Rowe
24	Lona Marie Domenici-Reese	Mineral County District Attorney
25	P.O. Box 333	P.O. Box 1210
26	Yerington, NV 89447	Hawthorne, NV 89415
27	Leo Drozdoff	Sceirine Fredericks Ranch
28	Dir. of Conservation and Natural Resources	c/o Todd Sceirine
	901 S. Stewart St.	3100 Hwy. 338
	Carson City, NV 89706	Wellington, NV 89444
	Michael D. Hoy	Scott H. Shackelton
	Hoy & Hoy	Law Offices of Scott Shackelton
	1495 Ridgeview Dr., Suite 90	4160 Long Knife Rd.
	Reno, NV 89519	Reno, NV 89509
	Jason King	James Shaw
	Division of Water Resources	Water Master
	State of Nevada	U.S. Board of Water Commissioners
	901 S. Stewart St.	410 N. Main Street
	Carson City, NV 89701	Yerington, NV 89447

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

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

4 L & M Family Limited Partnership
5 Rife Sciarani & Co, RA
6 22 Hwy. 208
7 Yerington, NV 89447

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

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

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

10 Los Angeles City Attorney's Office
11 P.O. Box 51-111
12 111 North Hope St., Ste. 340
Los Angeles, CA 90051

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

13 Arthur B. Walsh
14 Los Angeles City Attorney's Office
15 P.O. Box 51-111
16 111 N. Hope St., Suite 340
17 Los Angeles, CA 90051-0100

18 _____
19 / s / Holly Dewar
20 Holly Dewar
21
22
23
24
25
26
27
28