

IGNACIA S. MORENO  
Assistant Attorney General  
DANIEL G. BOGDEN  
United States Attorney  
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, South Tower Suite 370  
Denver, Colorado 80202  
(303) 844-1348  
susan.schneider@usdoj.gov  
*Attorneys for the United States of America*

Simeon M. Herskovits, Nevada Bar No. 11155  
Advocates for Community and Environment  
El Prado, New Mexico 87529  
P.O. Box 1075  
(575) 758-7202  
simeon@communityandenvironment.net  
*Attorney for Mineral County, Nevada*

Wes Williams, Jr., Nevada Bar No. 06864  
3119 Lake Pasture Rd.  
P.O. Box 100  
Schurz, Nevada 89427  
(775) 773-2838  
wwilliams@stanfordalumni.org  
*Attorney for the Walker River Paiute Tribe*

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

UNITED STATES OF AMERICA, )  
)  
Plaintiff, )

WALKER RIVER PAIUTE TRIBE, )  
)  
Plaintiff-Intervenor, )

vs. )  
)

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

\_\_\_\_\_  
MINERAL COUNTY, )  
)  
Proposed-Plaintiff-Intervenor, )

vs. )  
)

WALKER RIVER IRRIGATION DISTRICT )  
a corporation, et al., )  
)  
Proposed Defendants. )  
\_\_\_\_\_

IN EQUITY NO. C-125-ECR-WGC  
Subproceedings: C-125-B & C-125-C  
3:73-CV-00127-ECR- WGC &  
3:73-CV-00128-ECR- WGC

**UNOPPOSED MOTION FOR  
LEAVE TO FILE OVERSIZED  
BRIEF**

The United States of America (“United States”) and the Walker River Paiute Tribe (“Tribe”)(Plaintiff and Plaintiff-Intervenor in subproceeding C-125-B) and Mineral County (Proposed Plaintiff-Intervenor in subproceeding C-125-C)(collectively “Plaintiff Parties”) respectfully submit this *Motion for Leave to File Oversized Brief*.

Pursuant to Rules LR 7-4 and LR IB 3-1(a) of the Local Rules of Civil Practice of the United States District Court for the District of Nevada, Plaintiff Parties move the Court for leave to file an oversized brief in reply to the *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* and *Walker River Irrigation District’s Points and Authorities in Support of 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* (C-125-B ##1652, 1653, C-125-C ##543, 544).

In support of this motion, the Plaintiff Parties represent the following to the Court:

1. The Walker River Irrigation District (“WRID”) has filed objections to three Orders issued by Magistrate Judge Leavitt in one or both of subproceedings C-125-B and C-125-C. This request addresses the response in opposition to these objections to be filed on December 2, 2011, regarding WRID’s objections to the *Order Approving Revised Proposed Order Concerning Service Issues Pertaining to Defendants Who Have Been Served*, which was issued in both subproceedings.<sup>1</sup>

---

<sup>1</sup> On August 24, 2011, the Magistrate Judge issued identical *Revised Proposed Orders Concerning Service Issues Pertaining to Defendants Who Have Been Served* in C-125-B and C-125-C. (B-#1649, C-#540). On August 26, 2011, he issued an *Amended Order Concerning Service Issues Pertaining to Defendants Who Have Been Served* in C-125-B. (B-#1650), and on September 6, 2011, issued an identical *Amended Order Concerning Service Issues Pertaining to*

2. Plaintiff Parties have determined to file a single joint response in both C-125-B and C-125-C. LR 7-4 sets forth a limit of 30 pages for any responses in opposition to objections to a Magistrate Judge's order. If Plaintiff Parties filed separate briefs, these briefs could have totaled 60 pages. By consolidating their responses into a single brief, the Plaintiff Parties have both consolidated their arguments and reduced the total number of pages that might have been required for two separate briefs.

3. WRID's objections are set forth in a motion and lengthy brief of 30 pages that require a detailed response.

4. For all of the above reasons it is necessary to exceed the page limitations of LR 7-4 to present the Court with the information it needs to decide the issue before it.

5. Plaintiff Parties seek approval to file a joint brief of no more than forty-five (45) pages in length in response to *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*. The responses to be filed in opposition to WRID's other objections will each meet the page limit set forth in LR-7-4.<sup>2</sup>

6. Undersigned counsel has contacted counsel for WRID, which filed the objections, and counsel for Circle Bar N Ranch LLC and Mica Farms LLC, which joined in WRID's objections, both of whom indicate that they will not oppose this request.

---

*Defendants Who Have Been Served* in C-125-C. (C-#542) The amended orders contain attachments omitted from the initial orders, but are otherwise identical.

<sup>2</sup> The other filings address the *Order Concerning Service Cut-Off Date* (Sept. 19, 2011, B-#1656), and the *Order* addressing Mineral County's 2008 Service Report (Sept. 27, 2011, C-#547).

WHEREFORE, the Plaintiff Parties respectfully request that the Court grant leave to file an oversized brief of up to 45 pages in response to *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.*

Dated: November 30, 2011

Respectfully submitted,

By /s/ Susan L. Schneider  
SUSAN L. SCHNEIDER  
*Attorneys for the United States of America*

Dated: November 30, 2011

Respectfully submitted,

By /s/ Wes Williams Jr.  
WES WILLIAMS JR.  
*Attorney for the Walker River Paiute Tribe*

Dated: November 30, 2011

Respectfully submitted,

By /s/ Simeon M. Herskovits  
SIMEON M. HERSKOVITS  
*Attorney for Mineral County, Nevada*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 30<sup>th</sup> day of November 2011, I electronically filed the foregoing **UNOPPOSED MOTION FOR LEAVE TO FILE OVERSIZED BRIEF** 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](mailto:maadams@ag.state.nv.us) [payoung@ag.state.nv.us](mailto:payoung@ag.state.nv.us)

Gregory W. Addington

[greg.addington@usdoj.gov](mailto:greg.addington@usdoj.gov) [judy.farmer@usdoj.gov](mailto:judy.farmer@usdoj.gov) [joanie.silvershield@usdoj.gov](mailto:joanie.silvershield@usdoj.gov)

George N. Benesch

[gbenesch@sbcglobal.net](mailto:gbenesch@sbcglobal.net)

Gordon H. DePaoli

[gdepaoli@woodburnandwedge.com](mailto:gdepaoli@woodburnandwedge.com)

Dale E. Ferguson

[dferguson@woodburnandwedge.com](mailto:dferguson@woodburnandwedge.com)

Simeon M. Herskovits

[simeon@communityandenvironment.net](mailto:simeon@communityandenvironment.net)

John W. Howard

[john@jwhowardattorneys.com](mailto:john@jwhowardattorneys.com) [elisam@jwhowardattorneys.com](mailto:elisam@jwhowardattorneys.com)

Erin K.L. Mahaney

[emahaney@waterboards.ca.gov](mailto:emahaney@waterboards.ca.gov)

Donald R. Mooney

[dbmooney@dcn.org](mailto:dbmooney@dcn.org)

David L. Negri

[david.negri@usdoj.gov](mailto:david.negri@usdoj.gov)

Michael Neville

[michael.neville@doj.ca.gov](mailto:michael.neville@doj.ca.gov), [cory.marcelino@doj.ca.gov](mailto:cory.marcelino@doj.ca.gov)

Karen A. Peterson

[kpeterson@allisonmackenzie.com](mailto:kpeterson@allisonmackenzie.com), [egarrison@allisonmackenzie.com](mailto:egarrison@allisonmackenzie.com)

Todd A. Plimpton

[tplimpton@msn.com](mailto:tplimpton@msn.com)

Laura A. Schroeder  
[counsel@water-law.com](mailto:counsel@water-law.com)

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

Wes Williams  
[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  
[hwsainston@earthlink.net](mailto:hwsainston@earthlink.net)

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

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@dgsllaw.com](mailto:william.duffy@dgsllaw.com)

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

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

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

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

Noelle R. Gentili  
[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 30<sup>th</sup> day of November 2011:



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

Athena Brown, Superintendent  
Western Nevada Agency  
Bureau of Indian Affairs  
311 E. Washington Street  
Carson City, NV 89701-4065

Allen Biaggi  
Dept. of Conservation & Natural Res.  
State of Nevada  
901 S. Stewart St.  
Suite 1003  
Carson City, NV 89701

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

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

Dist. Attorney for Lyon County  
31 South Main Street  
Yerington, NV 89447

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

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

George M. Keele  
1692 County Road, Ste. A  
Minden, NV 89423

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

David Moser  
McCutchen, Doyle, Brown, et al.  
Three Embarcadero Center  
Suite 1800  
San Francisco, CA 94111

Gary Stone  
Water Master  
290 South Arlington Ave.  
Reno, NV 89501

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

James Fousekis  
2848 Garber Street  
Berkeley, CA 94705

Arden O. Gerbig  
106629 US Highway 395  
Coleville, CA 96407-9538

Michael Axline  
Western Environmental Law Center  
1216 Lincoln Street  
Eugene, OR 97405

George N. Bloise  
34 Artist View Lane  
Smith, NV 89450

Courtney Brown  
Pro hac vice  
PO Box 1507  
Taos, NM 87571

Arthur B. Walsh  
Los Angeles City Attorney's Office  
PO Box 51-111  
111 North Hope Street, Suite 340  
Los Angeles, CA 90054

/s/ Eileen Rutherford  
Eileen Rutherford, Senior Paralegal  
USIS/Labat for USDOJ