

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.

) IN EQUITY NO. C-125-ECR
)
) Subproceedings: C-125-B and C-125-C
) 3:73-CV-00125-ECR-WGC
) 3:73-CV-00127-ECR-WGC
) 3:73-CV-00128-ECR-WGC

**STIPULATION AND ORDER
CONCERNING SUBMISSION OF
REPORTS TO MAGISTRATE
JUDGE**

UNITED STATES OF AMERICA,
WALKER RIVER PAIUTE TRIBE,

Counterclaimants,

v.

WALKER RIVER IRRIGATION DISTRICT,
et al.,

Counterdefendants.

1 1. On December 23, 2011, identical Minute Orders were entered in these
2 proceedings (Doc. Nos. 1047, 1675 and 567) directing, among other things, the “principal
3 parties” to these lawsuits to prepare a Joint Report concerning “a general overview of the
4 history of the cases, to identify the primary issues which are presented by and remaining in
5 these lawsuits, and to bring to [the Magistrate’s] attention any matters of legal or factual
6 importance within his jurisdiction of which he should be aware” (the “Minute Orders”).
7

8 2. The Minute Orders provided that the Joint Report be submitted on or before
9 January 20, 2012, and further provided that any party could object to the content of the Joint
10 Report by filing a separate Supplementary Report on or before January 30, 2012.
11

12 3. Because of the Christmas and New Year’s holiday and the number of principal
13 parties involved and their geographic locations, the undersigned counsel were unable to
14 convene a conference call to discuss compliance with the Minute Orders until January 5, 2012.

15 4. On January 5, 2012, the undersigned counsel took part in a conference call
16 concerning compliance with the Minute Orders.

17 5. Based upon the amount of time remaining to comply with the Minute Orders,
18 the number of principal parties involved, their geographic locations, and past difficulties
19 experienced by the principal parties in reaching mutual agreement on the content of documents
20 to be filed in these proceedings, the undersigned counsel propose an alternative approach to
21 meeting the objectives of the Minute Orders.
22

23 6. In addition, the undersigned counsel request a short extension of time for that
24 compliance.

25 NOW, THEREFORE, based upon the foregoing and subject to the approval of the
26 Court, the undersigned counsel, on behalf of their respective clients, hereby agree and stipulate
27 that:
28

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

By: / s / Simeon M. Herskovits
Simeon M. Herskovits
P.O. Box 1075
El Prado, New Mexico 87529
Attorneys for Mineral County, Nevada

NEVADA ATTORNEY GENERAL'S OFFICE

By: / s / Marta Adams
Marta Adams
Sr. Deputy Attorney General
Conservation and Natural Resources
100 N. Carson Street
Carson City, Nevada 89701
Attorneys for Nevada Department of Wildlife

CALIFORNIA ATTORNEY GENERAL'S OFFICE

By: / s / Michael W. Neville
Michael W. Neville
Deputy Attorney General
455 Golden Gate Avenue, Suite 11000
San Francisco, California 94102
Attorneys for State of California Agencies

JW HOWARD/ATTORNEYS LTD.

By: / s / John W. Howard
John W. Howard
1508 W. Lewis Street
San Diego, California 92103
Attorneys for Joseph and Beverly Landolt

SCHROEDER LAW OFFICES, P.C.

By: / s / Laura Schroeder
Laura Schroeder, Therese Ure
440 Marsh Avenue
Reno, Nevada 89509
Attorneys for Circle Bar N Ranch, LLC and
Mica Farms, LLC

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

LAW OFFICES OF WES WILLIAMS, JR.

By: / s / Wes Williams, Jr.
Wes Williams, Jr.
P.O. Box 100
Schurz, Nevada 89427
Attorney for Walker River Paiute Tribe

MONO COUNTY, CALIFORNIA

By: / s / Stacey Simon
Stacey Simon
Deputy County Counsel, Mono County
P.O. Box 2415
Mammoth Lakes, California 93546-2415

LAW OFFICES OF GEORGE BENESCH

By: / s / George Benesch
George Benesch
190 W. Huffaker Lane, # 408
Reno, Nevada 89511
Attorney for Lyon County, Nevada

ORDER

Dated: January _____, 2012. IT IS SO ORDERED.

William Cobb
United States Magistrate Judge

CERTIFICATE OF SERVICE

I certify that I am an employee of Woodburn and Wedge and that on the 9th day of January, 2012, I electronically served the foregoing *Stipulation and Order Concerning Submission of Reports to Magistrate Judge* in Case No. 3:73-cv-0127-ECR-WGC 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:

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
Christopher 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	falowlaw@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
Debbie Leonard	dleonard@mcdonaldcarano.com
Wes Williams	wwilliams@standfordaluni.org
William J. Duffy	william.duffy@dgsllaw.com
Gene M. Kaufmann	GKaufmann@mindenlaw.com

1 Erin K.L. Mahaney emahaney@waterboards.ca.gov
David L. Negri david.negri@usdoj.gov
2 Simeon Herskovits simeon@communityandenvironment.net
3 John W. Howard johnh@jwhowardattorneys.com
Malissa Hathaway McKeith mckeith@lbbslaw.com
4 Andrew D. Galvin drew.galvin@americantower.com
Lynn L. Steyaert lls@water-law.com
5 Noelle R. Gentilli ngentill@water.ca.gov
Donald B. Mooney dbmooney@dcn.org
6 Erick Soderlund esoderlu@water.ca.gov
7 Stuart David Hotchkiss david.hotchkiss@ladwp.com

8 and I further certify that I served a copy of the foregoing in Case No. 3:73-cv-0127-ECR-WGC
9 to the following by U.S. Mail, postage prepaid, this 9th day of January, 2012:
10

11 Robert L. Auer
Lyon County District Attorney
12 31 S. Main St.
Yerington, NV 89447

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

14 Wesley G. Beverlin
Malissa Hathaway McKeith
15 Lewis, Brisbois, Bisgaard & Smith LCP
221 N. Figueroa St., Suite 1200
16 Los Angeles, CA 90012

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

17 Leo Drozdoff
18 Dir. of Conservation & Natural Resources
State of Nevada
19 901 S. Stewart St., #1003
20 Carson City, NV 89701

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

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

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

23 Arden O. Gerbig
24 106629 U.S. Highway 395
Coleville, CA 96407-9538

James Shaw
Water Master
U.S. Board of Water Commissioners
410 N. Main Street
25 Yerington, NV 89447
26
27
28

1 George M. Keele, APC
2 1692 County Rd., Suite A
3 Minden, NV 89423

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

4 Jason King
5 Division of Water Resources
6 State of Nevada
7 901 S. Stewart St.
8 Carson City, NV 89701

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

8 Timothy A. Lukas
9 P.O. Box 3237
10 Reno, NV 89505

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

10 Todd Plimpton
11 Belanger & Plimpton
12 1135 Central Ave.
13 P.O. Box 59
14 Lovelock, NV 89419

14 I certify that I am an employee of Woodburn and Wedge and that on the 9th day of
15 January, 2012, I electronically served the foregoing *Stipulation and Order Concerning*
16 *Submission of Reports to Magistrate Judge* in Case No. 3:73-cv-0128-ECR-WGC with the
17 Clerk of the Court using the CM/ECF system, which will send notification of such filing to the
18 following via their email addresses:

19 David L. Negri	david.negri@usdoj.gov
20 Don Springmeyer	dspringmeyer@wrslawyers.com
21 Chris Mixson	cmixson@wrslawyers.com
22 Garry Stone	jaliep@aol.com, jtboyer@troa.net
23 George N. Benesch	gbenesch@sbcglobal.net
24 Gregory W. Addington	greg.addington@usdoj.gov
25 James Spoo	spootoo@aol.com
26 Thomas J. Hall	tjhlaw@eschelon.com
27 Karen A. Peterson	kpeterson@allisonmackenzie.com
28 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

1 and I further certify that I served a copy of the foregoing in Case No. 3:73-cv-0128-ECR-WGC
2
3 to the following by U.S. Mail, postage prepaid, this 9th day of January, 2012:

4 U.S. Bureau of Indian Affairs
Regional Director, Western Region
5 2600 N. Central Ave., 4th Floor
6 Phoenix, AZ 85004

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

7 Robert Auer
District Attorney for Lyon County
8 31 South Main St.
9 Yerington, NV 89447

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

10 Michael Axline
Western Environmental Law Center
11 1216 Lincoln St.
12 Eugene, OR 97405

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

13 Wesley G. Beverlin
Malissa Hathaway McKeith
14 Lewis, Brisbois, Bisgaard & Smith LCP
15 221 N. Figueroa St., Ste. 1200
Los Angeles, CA 90012

Cynthia Nuti
P.O. Box 49
Smith, NV 89430

16 Adah Blinn and John Hargus Trust,
17 Robert Lewis Cooper, Trustee
18 984 Hwy. 208
Yerington, NV 89447

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

19 George N. Bloise
20 34 Artist View Ln.
21 Smith, NV 89450-9715

Richard B. Nuti
P.O. Box 49
Smith, NV 89430

22 Kelly R. Chase
1700 County Road, Ste. A
23 P.O. Box 2800
Minden, NV 89423

Charles Price
24 Panavista Cir.
Yerington, NV 89447

24 Christy De Long & Kirk Andrew Stanton
25 27 Borsini Ln.
26 Yerington, NV 89447

John Gustave Ritter III
34 Aiazzi Ln.
Yerington, NV 89447

27 Domenici 1991 Family Trust
Lona Marie Domenici-Reese
28 P.O. Box 333
Yerington, NV 89447

Sean A. Rowe
Mineral County District Attorney
P.O. Box 1210
Hawthorne, NV 89415

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

Leo Drozdoff
Dir. of Conservation and Natural Resources
901 S. Stewart St., # 1003
Carson City, NV 89701

Sceirine Fredericks Ranch
c/o Todd Sceirine
3100 Hwy. 338
Wellington, NV 89444

Michael D. Hoy
Hoy & Hoy
4741 Caughlin Pkwy, Ste. 4
Reno, NV 89519

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

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

James Shaw
Water Master
U.S. Board of Water Commissioners
410 N. Main Street
Yerington, NV 89447

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

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

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

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

Joseph J. Bessie J. Lommori Trust
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

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

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

I further certify that I served a copy of the foregoing in Case No. 3:73-cv-125-ECR-
WGC to the following non-CM/ECF participants by U.S. Mail, postage prepaid, this 9th day of
January, 2012:

1 Robert Auer
2 District Attorney for Lyon County
3 31 S. Main St.
4 Yerington, NV 89447

Jason King
State Engineer, Div. of Water Resources
State of Nevada
901 S. Stewart St.
Carson City, NV 89701

5 Athena Brown, Superintendent
6 Western Nevada Agency
7 Bureau of Indian Affairs
8 311 E. Washington St.
9 Carson City, NV 89701-4065

Jim Shaw
Chief Dep. Water Commissioner
U.S. Board of Water Commissioners
410 N. Main Street
Yerington, NV 89447

10 Leo Drozdoff
11 Dept. of Conservation & Natural Resources
12 State of Nevada
13 901 S. Stewart St., #1003
14 Carson City, NV 89701

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

15
16
17
18
19
20
21
22
23
24
25
26
27
28

/ s / Holly Dewar
Holly Dewar