

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-C
WALKER RIVER PAIUTE TRIBE,)	3:73-cv-00128-RCJ-WGC
)	
Plaintiff-Intervenor,)	WALKER RIVER IRRIGATION
)	DISTRICT'S COMMENTS ON
v.)	MINERAL COUNTY'S REPORT
)	CONCERNING STATUS AND
WALKER RIVER IRRIGATION DISTRICT,)	COMPLETION OF SERVICE AND
a corporation, et al.,)	RELATED SERVICE PACKAGE
)	
Defendants.)	
_____)	
)	
MINERAL COUNTY,)	
)	
Proposed-Plaintiff-Intervenor,)	
)	
v.)	
)	
WALKER RIVER IRRIGATION DISTRICT,)	
et al.,)	
)	
Proposed Defendants.)	
_____)	

1 Pursuant to the Court's Order of May 9, 2012 (Doc. # 594), Mineral County has
2 submitted its Report Concerning Status and Completion of Service and its Proposed Order
3 Relating to Completion of Service. Doc. #s 595 and 596. The Walker River Irrigation District
4 (the "District") hereby submits its comments on the Proposed Order Relating to Completion of
5 Service.¹

6
7 Paragraph 2 of the Proposed Order states:

8 "The updated caption submitted by Mineral County is hereby approved as
9 accurate and current, and is attached hereto as Attachment B."

10 Para. 2 at p. 3, Ins. 20-21. [Emphasis added]. Similar language was included in Magistrate
11 Judge Leavitt's Order Concerning Service Issues, dated September 27, 2011. Doc. # 547 at 1.
12 The District objected to that portion of Magistrate Judge Leavitt's Order. *See*, Doc. # 552 at 2;
13 Doc. # 553 at 11-12. The relevant language in Magistrate Judge Leavitt's Order was that the
14 caption was "approved as accurate and valid." Doc. # 547 at 1.

15 As a result of the District's objection, and Mineral County's response thereto, the Order
16 overruling the District's objection specifically stated that it was agreed that "approved as
17 accurate and valid" was "meant only to reflect all previous Orders of the Court that added and
18 dismissed parties." Doc. # 592 at 23. Therefore, the District requests that paragraph 2 of the
19 Proposed Order be revised to read as follows:

20
21 "The updated caption submitted by Mineral County attached hereto as Attachment
22 B is hereby approved as accurate and valid because it is consistent with all
23 previous Orders of the Court that added and dismissed parties."

24 This revised and additional language is proposed because it is consistent with Magistrate
25 Judge Leavitt's order and Judge Reed's construction of it. In addition, without that additional
26 language, the words "accurate and current" will be construed to mean that the Court found that

27
28 ¹ The District recognizes and acknowledges the decisions made by the Order of April 23, 2012,
Doc. # 592, overruling the District's objections to Doc. # 552 and 553, and has limited its
comments here so as to avoid raising issues resolved by that April 23, 2012 Order.

1 the caption reflects the list of persons and entities who actually are the claimants to the waters of
2 the Walker River and its tributaries as of the date the Court enters the order in August of 2012.
3 The caption is not that, and the previous orders of the Court do not require it to be that.
4 However, it is consistent with the previous orders of the Court that added and dismissed parties.
5

6 DATED this 13th day of July, 2012.

7 WOODBURN AND WEDGE

8
9 By: / s / Gordon H. DePaoli
10 Gordon H. DePaoli
11 Dale E. Ferguson
12 Domenico R. DePaoli
13 6100 Neil Road, Suite 500
14 Reno, Nevada 89511
15 Attorneys for WALKER RIVER
16 IRRIGATION DISTRICT
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 July 13, 2012, I electronically served the foregoing *Walker River Irrigation District's Comments on Mineral County's Report Concerning Status and Completion of Service and Related Service Package* in Case No. 3:73-cv-00128-RCJ-WGC 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-RCJ-WGC to the following by U.S. Mail, postage prepaid, this 13th day of July, 2012:

U.S. Bureau of Indian Affairs Regional Director, Western Region 2600 N. Central Ave., 4 th Floor Phoenix, AZ 85004	Michael F. Mackedon P.O. Box 1203 179 South LaVerne St. Fallon, NV 89407
Robert Auer District Attorney for Lyon County 31 South Main St. Yerington, NV 89447	Kenneth Mayer, Director Elmer Bull, Habitat Director Chief Nevada Dept. of Wildlife 1100 Valley Rd. Reno, NV 89512
Michael Axline Western Environmental Law Center 1216 Lincoln St.	Cynthia Menesini 111 N. Hwy. 95A Yerington, NV 89447

1 Eugene, OR 97405

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

3 Wesley G. Beverlin
4 Malissa Hathaway McKeith
Lewis, Brisbois, Bisgaard & Smith LCP
5 221 N. Figueroa St., Ste. 1200
6 Los Angeles, CA 90012

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

7 Adah Blinn and John Hargus Trust,
Robert Lewis Cooper, Trustee
8 984 Hwy. 208
9 Yerington, NV 89447

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

10 George N. Bloise
34 Artist View Ln.
11 Smith, NV 89450-9715

Charles Price
24 Panavista Cir.
Yerington, NV 89447

12 Kelly R. Chase
1700 County Road, Ste. A
13 P.O. Box 2800
14 Minden, NV 89423

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

15 Christy De Long & Kirk Andrew Stanton
27 Borsini Ln.
16 Yerington, NV 89447

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

17 Domenici 1991 Family Trust
18 Lona Marie Domenici-Reese
19 P.O. Box 333
Yerington, NV 89447

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

20 Leo Drozdoff
21 Dir. of Conservation and Natural Resources
22 901 S. Stewart St., Suite 103
Carson City, NV 89701

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

23 Michael D. Hoy
24 Hoy & Hoy
1495 Ridgeview Dr., Suite 90
25 Reno, NV 89519

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

26 Jason King
27 Division of Water Resources
28 State of Nevada
901 S. Stewart St.

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

1 Carson City, NV 89701

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

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

9 Joseph J. Bessie J. Lommori Trust
10 Joseph & Bessie J. Lommori, Trustees
11 710 Pearl St.
12 Yerington, NV 89447

13 Los Angeles City Attorney's Office
14 P.O. Box 51-111
15 111 North Hope St., Ste. 340
16 Los Angeles, CA 90051

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

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

20
21
22
23
24
25
26
27
28

/ s / Holly Dewar
Holly Dewar