

1 UNITED STATES DISTRICT COURT  
2 FOR THE DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA, )  
4 Plaintiff, )

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

7 v. )

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

IN EQUITY NO. C-125-RCJ-WGC  
SUBFILE NO. C-125-C

3:73-CV-00128-RCJ-WGC

**[PROPOSED]**  
**ORDER CONCERNING STATUS OF**  
**REMAINING PROPOSED**  
**DEFENDANTS TO BE SERVED VIA**  
**RULE 4 SERVICE**

11 \_\_\_\_\_ )  
12 MINERAL COUNTY, )  
13 Proposed Plaintiff-Intervenor, )

14 v. )

15 WALKER RIVER IRRIGATION DISTRICT, )  
16 a corporation, et al., )  
17 Proposed Defendants. )

18  
19 This Order follows Mineral County’s filing of its *Report Concerning Status of Rule 4*  
20 *Service on Final List of Proposed Defendants*, Case No. C-125, Subproceeding C-125-C  
21 (January 9, 2013, Doc. No. 654), its *Supplement to January 9, 2013, Report Concerning Status*  
22 *of Rule 4 Service on Final List of Proposed Defendants*, Case No. C-125, Subproceeding C-  
23 125-C (February 7, 2013, Doc. No. 662), and this Court’s review of this matter during its Status  
24 Conference on February 7, 2013.

25 The Court hereby APPROVES AND ORDERS the relief requested therein by Mineral  
26 County.  
27  
28

1 Attachment A to this Order is a list of persons and entities for whom the Court has  
2 determined that SERVICE IS COMPLETE, based on the above Service Reports. Attachment  
3 B to this Order is a list of persons and entities who are hereby DISMISSED from this action  
4 pursuant to this Order. Attachment C to this Order is a list of persons and entities who are  
5 hereby substituted into this case as Proposed Defendants pursuant to this Order. Mineral  
6 County shall complete Rule 4 service as to the persons and entities listed in Attachment C in  
7 accordance with the Court's Order of August 2, 2013 (Doc. No. 605). Attachment D to this  
8 Order contains one correction to the caption in this case. Attachment E to this Order contains  
9 the final list of Proposed Defendants to be served pursuant to Fed. R. Civ. P. 4. In accordance  
10 with the Court's Order of August 2, 2012, (Doc. No. 605), Mineral County shall complete Rule  
11 4 service on the persons and entities listed in Exhibit E by March 1, 2013. Mineral County  
12 shall file an updated caption reflecting the above ordered dismissals, substitutions, and  
13 correction by March 1, 2013.  
14  
15

16  
17 IT IS SO ORDERED this \_\_\_\_ day of \_\_\_\_\_, 2013.  
18  
19

20 \_\_\_\_\_  
21 UNITED STATES MAGISTRATE JUDGE  
22

23 ///  
24 ///  
25 ///  
26  
27  
28

1 Respectfully submitted this 7th day of February, 2013,

2

3

/s/ Simeon M. Herskovits

Simeon M. Herskovits, Nevada Bar No. 11155

Advocates for Community and Environment

P.O. Box 1075

El Prado, New Mexico 87529

Phone: (575) 758-7202

Fax: (575) 758-7203

Email: simeon@communityandenvironment.net

4

5

6

/s/ Sean A. Rowe

Sean A. Rowe, Nevada Bar No. 10977

Mineral County District Attorney

P.O. Box 1210

Hawthorne, Nevada 89415

Phone: (775) 945-3636

Fax: (775) 945-0740

Email: srowe@mineralcountynv.org

7

8

9

*Attorneys for Mineral County*

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

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

1		)	
2		)	
3	UNITED STATES OF AMERICA,	)	
4	Plaintiff,	)	
5	WALKER RIVER PAIUTE TRIBE,	)	IN EQUITY NO. C-125-RCJ-WGC
6	Plaintiff-Intervenor,	)	SUBFILE NO. C-125-C
7	v.	)	3:73-CV-00128-RCJ-WGC
8	WALKER RIVER IRRIGATION DISTRICT,	)	<b>ATTACHMENT A TO THE</b>
9	a corporation, et al.,	)	<b>ORDER CONCERNING STATUS OF</b>
10	Defendants.	)	<b>REMAINING PROPOSED</b>
11	_____	)	<b>DEFENDANTS TO BE SERVED VIA</b>
12	MINERAL COUNTY,	)	<b>RULE 4 SERVICE: LIST OF</b>
13	Proposed Plaintiff-Intervenor,	)	<b>PROPOSED DEFENDANTS FOR</b>
14	v.	)	<b>WHOM SERVICE IS COMPLETE</b>
15	WALKER RIVER IRRIGATION DISTRICT,	)	
16	a corporation, et al.,	)	
17	Proposed Defendants.	)	
18	_____	)	

The Court has determined that service is complete upon the following persons and entities in this action pursuant to the *Order Concerning Status of Remaining Proposed Defendants To Be Served Via Rule 4 Service*:

1. Richard Taylor Adams
2. Arrache 1990 Living Trust, Ronald B. Arrache, Trustee
3. Juan and Carmel Arrache Family Trust, Ronald B. Arrache, Trustee
4. Kathy S. Blackford
5. Joseph M. Bozsik
6. Leslie Bradshaw
7. Pauline Bradshaw
8. Susan L. Brown
9. Jack E. Bush
10. Claudia C. Casey
11. Michael A. Casey
12. Centennial Livestock, A California General Partnership
13. Loretta L. Chesnutt
14. Richard W. Chesnutt

- 1 15. Heather Cooper
- 2 16. Jack Allen Cooper
- 3 17. Robert Lewis Cooper
- 4 18. Sandra K. Day
- 5 19. Stephen R. Day
- 6 20. Daniel E. & Cheryl A. Del Porto Family Trust, Daniel E. & Cheryl A. Del Porto,  
Trustees
- 7 21. Dixon Family 1994 Trust, Robert E. and Judith E. Dixon, Co-Trustees
- 8 22. Lona Marie Domenici-Reese
- 9 23. Tammy M. Dunn Revocable Family Trust dated January 29, 1997, Robert S. and  
10 Tammy M. Dunn, Trustees
- 11 24. Mario J. Durazzo
- 12 25. Brett A. Emery 1999 Revocable Trust UDT dated December 27, 1999, Brett A. Emery,  
Trustee
- 13 26. The Ewert Family 1995 Trust dated May 9, 1995, Lewis A. and Beverly J. Ewert,  
Trustees
- 14 27. Carmen Ferch
- 15 28. The Louis and Erma Flasko Family Trust dated June 4, 1981 and re-stated May 27,  
1982, Joi Luene Blackenbury and Premier Trust, Co-Trustees
- 16 29. Betty Floyd
- 17 30. Frank Floyd
- 18 31. James T. Fousekis Intervivos Trust, James T. Fousekis, Trustee
- 19 32. Susana Cox Fousekis Intervivos Trust, James T. Fousekis, Trustee
- 20 33. Don Ray Gable
- 21 34. Arden Gerbig
- 22 35. Evilo J. Gerbig
- 23 36. Gordon Revocable Trust, dated June 24, 2002, Guy Gordon and Gaye Ekholm Gordon,  
Trustees
- 24 37. Marlene S. Greggersen
- 25 38. Jon W. Hopkins
- 26 39. Lisa M. Hopkins
- 27 40. Richard C. Huntsberger
- 28 41. Coale Robert Johnson
42. Casey M. Jones
43. Mary C. Jones
44. Mary E. Jurica
45. Esther I. Lamb
46. Michael E. Lamb
47. William David Manha
48. Dena L. Mattice
49. John E. Mattice
50. Joann A. McMinn
51. Robert L. McMinn
52. Mica Farms, LLC
53. Moreda Dairy
54. Morgan Family 1996 Trust, James R. Morgan, Trustee
55. Delores N. Munson
56. Nesmith Family Trust Agreement
57. Nevada Bighorns Unlimited

- 1 58. Peri & Peri, LLC
- 2 59. Presto Family Trust Agreement dated August 16, 1990
- 3 60. Rene Presto
- 4 61. James E. and Karen M. Purrell Family Trust
- 5 62. William S. & Charlotte F. Rauber Declaration of Trust
- 6 63. Lucy Rechel
- 7 64. Ritter Family Trust, John G. Jr. & Lucille, Trustees
- 8 65. Lucille Ritter
- 9 66. Sandra J. Robison
- 10 67. Romero Family Trust, Benito Antonio & Linda Irene Romero, Co- Trustees
- 11 68. Cherie C. Rye
- 12 69. Stephen B. Rye
- 13 70. Paul P. Sans
- 14 71. Keith Savage
- 15 72. Virginia Savage
- 16 73. Michael Duane Sceirine
- 17 74. Michael Sherlock
- 18 75. Sandra J. Shipley
- 19 76. Walter D. Shipley
- 20 77. Sierra Land & Sheep, LLC
- 21 78. Eunice Sjolin
- 22 79. The Grant B. and Gaila M. Smith 1996 Revocable Trust dated November 22, 1996
- 23 80. Travis S. Smith
- 24 81. Jim Snyder
- 25 82. Soilfume, Inc.
- 26 83. Sovereign Enterprises, LLC
- 27 84. Sweetwater Land & Cattle Company
- 28 85. Terschluse Family Trust, Robert William and Marie Louisa Terschluse, Trustees
86. Trust for Public Land
87. Vernon F. Bryan, Inc.
88. Lauren Ward
89. Mary Margaret Ward
90. Weaver Properties, LLC
91. The Weiser Living Trust dated February 28, 2002
92. Darlene S. Zipwald

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

1		)	
2		)	
3	UNITED STATES OF AMERICA,	)	
4	Plaintiff,	)	
5	WALKER RIVER PAIUTE TRIBE,	)	IN EQUITY NO. C-125-RCJ-WGC
6	Plaintiff-Intervenor,	)	SUBFILE NO. C-125-C
7	v.	)	3:73-CV-00128-RCJ-WGC
8		)	<b>ATTACHMENT B TO THE</b>
9	WALKER RIVER IRRIGATION DISTRICT,	)	<b>ORDER CONCERNING STATUS OF</b>
10	a corporation, et al.,	)	<b>REMAINING PROPOSED</b>
11	Defendants.	)	<b>DEFENDANTS TO BE SERVED VIA</b>
12	_____	)	<b>RULE 4 SERVICE:</b>
13	MINERAL COUNTY,	)	<b>LIST OF PROPOSED DEFENDANTS</b>
14	Proposed Plaintiff-Intervenor,	)	<b>TO BE DISMISSED</b>
15	v.	)	
16	WALKER RIVER IRRIGATION DISTRICT,	)	
17	a corporation, et al.,	)	
18	Proposed Defendants.	)	
19	_____	)	

The following persons and entities are DISMISSED, without prejudice, from this action pursuant to the *Order Concerning Status of Remaining Proposed Defendants To Be Served Via Rule 4 Service*:

1. Gregory Burton Adams
2. Norman Annett
3. Blanton Family Trust dated May 24, 1997
4. Vernon F. Bryan
5. Clearview Ranch
6. Desert Hills Dairy, LLC
7. Paul(a) A. Greggersen
8. Karen Lund Hardy
9. Patricia Hervin
10. Marjorie Ann Jones
11. Cecelia Perumean Trust, Peter Perumean Jr., Trustee
12. Patricia Simmons
13. Gilbert C. Wedertz
14. Arnold Settlemeier

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

3 UNITED STATES OF AMERICA, )  
 4 Plaintiff, )

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

7 v. )

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

11 \_\_\_\_\_ )  
 12 MINERAL COUNTY, )  
 13 Proposed Plaintiff-Intervenor, )

14 v. )

15 WALKER RIVER IRRIGATION DISTRICT, )  
 16 a corporation, et al., )  
 17 Proposed Defendants. )  
 18 \_\_\_\_\_ )

IN EQUITY NO. C-125-RCJ-WGC  
 SUBFILE NO. C-125-C

3:73-CV-00128-RCJ-WGC

**ATTACHMENT C TO THE  
 ORDER CONCERNING STATUS OF  
 REMAINING PROPOSED  
 DEFENDANTS TO BE SERVED VIA  
 RULE 4 SERVICE:  
 LIST OF PERSONS AND ENTITIES  
 WHO ARE TO BE SUBSTITUTED AS  
 PROPOSED SUCCESSOR-IN-  
 INTEREST DEFENDANTS**

19 The following persons and entities are SUBSTITUTED as Proposed Defendants in this  
 20 action pursuant to the *Order Concerning Status of Remaining Proposed Defendants To Be  
 Served Via Rule 4 Service*:

- 21 1. Norman W. & Kellie J. Annett Family Trust, Norman W. Annett and Kellie J. Annett,  
 22 Co-Trustees (to be substituted for Norman Annett)  
 23 2. Sancho Rancho, LLC (to be substituted for Blanton Family Trust dated May 24, 1997,  
 24 Christopher and Madelyn Blanton, Trustees)  
 25 3. David and Karen Hardy Family Trust, David E. and Karen L. Hardy, Trustees (to be  
 26 substituted for Karen Lund Hardy)  
 27  
 28



UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA

1 UNITED STATES OF AMERICA, )

2 )  
3 )  
4 Plaintiff, )

5 WALKER RIVER PAIUTE TRIBE, )

6 Plaintiff-Intervenor, )

7 v. )

8 WALKER RIVER IRRIGATION DISTRICT, )  
9 a corporation, et al., )

10 Defendants. )

11 \_\_\_\_\_ )  
12 MINERAL COUNTY, )

13 Proposed Plaintiff-Intervenor, )

14 v. )

15 WALKER RIVER IRRIGATION DISTRICT, )  
16 a corporation, et al., )

17 Proposed Defendants. )  
18 \_\_\_\_\_ )

IN EQUITY NO. C-125-RCJ-WGC  
SUBFILE NO. C-125-C

3:73-CV-00128-RCJ-WGC

**ATTACHMENT D TO THE  
ORDER CONCERNING STATUS OF  
REMAINING PROPOSED  
DEFENDANTS TO BE SERVED VIA  
RULE 4 SERVICE:  
CORRECTION TO THE CAPTION**

19 The Court has determined that the following correction to the caption in the above case  
20 shall be made pursuant to the *Order Concerning Status of Remaining Proposed Defendants To  
Be Served Via Rule 4 Service*:

- 21 1. Albert Raymond Sandoval is hereby removed from the caption as Trustee of Sandoval  
22 Family Trust U/D/T March 12, 2001, Albert Raymond and Cecilia Lillian Sandoval,  
23 Trustees. The Sandoval Family Trust U/D/T March 12, 2001, Cecilia Lillian Sandoval  
Trustee, will remain in the caption.

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA

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

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, )  
a corporation, et al., )

Proposed Defendants. )

IN EQUITY NO. C-125-RCJ-WGC  
SUBFILE NO. C-125-C  
3:73-CV-00128-RCJ-WGC

**ATTACHMENT E TO THE  
ORDER CONCERNING STATUS OF  
REMAINING PROPOSED  
DEFENDANTS TO BE SERVED VIA  
RULE 4 SERVICE:  
FINAL LIST OF PROPOSED  
DEFENDANTS TO BE SERVED  
PURSUANT TO FED. R. CIV. P. 4**

The following persons and entities are the final remaining Proposed Defendants to be served via Fed. R. Civ. P. 4 service pursuant to the *Order Concerning Status of Remaining Proposed Defendants To Be Served Via Rule 4 Service*:

1. State of California
2. Norman W. & Kellie J. Annett Family Trust, Norman W. Annett and Kellie J. Annett, Co-Trustees
3. Sancho Rancho, LLC
4. David and Karen Hardy Family Trust, David E. and Karen L. Hardy, Trustees

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

**CERTIFICATE OF SERVICE**

I hereby certify that on this 7th day of February, 2013, I electronically filed the foregoing **[PROPOSED] ORDER CONCERNING STATUS OF REMAINING PROPOSED DEFENDANTS TO BE SERVED VIA RULE 4 SERVICE** with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the email addresses that are registered for this case; and I further certify that on this 7th day of February, 2013, I caused a hard copy of the forgoing to be served on the following non CM/ECF primary Defendant participants by U.S. Mail, postage prepaid:

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

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

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

State Engineer - Division of Water  
Resources  
State of Nevada  
901 S. Stewart St., Suite 202  
Carson City, NV 89701

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

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

I further certify that I served a copy of the foregoing **[PROPOSED] ORDER**  
**CONCERNING STATUS OF REMAINING PROPOSED DEFENDANTS TO BE**  
**SERVED VIA RULE 4 SERVICE** on the following non-CM/ECF participants, by U.S Mail,  
postage prepaid, this 7th day of February, 2013:

Presto Family Trust Agreement  
Beatrice Presto, et al., Trustees,  
1462 Douglas Avenue  
Gardnerville, NV 89410

Renee Presto  
1792 Solitude Lane  
Gardnerville, NV 89410

Pauline Bradshaw  
P.O. Box 55  
Wellington, NV 89444

Leslie Bradshaw  
P.O. Box 55  
Wellington, NV 89444

/s/ Iris Thornton  
Iris Thornton