

1 KAMALA D. HARRIS
Attorney General of California
2 ANNADEL A. ALMENDRAS
Supervising Deputy Attorney General
3 MICHAEL W. NEVILLE, State Bar No. 96543
ANITA E. RUUD, State Bar No. 72483
4 Deputy Attorneys General
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 703-5533
6 Fax: (415) 703-5480
E-mail: Anita.Ruud@doj.ca.gov
7 *Attorneys for California State Agencies*

8
9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE DISTRICT OF NEVADA
11

12 **UNITED STATES OF AMERICA;**
13
14 Plaintiff,

15 **WALKER RIVER PAIUTE TRIBE,**
16
17 Plaintiff-Intervenor,

18 v.

19 **WALKER RIVER IRRIGATION**
DISTRICT, a corporation, et al.,
20
21 Defendants.

22 **MINERAL COUNTY,**
23
24 Proposed-Plaintiff-Intervenor,

25 v.

26 **WALKER RIVER IRRIGATION**
DISTRICT, a corporation, et al.,
27
28 Proposed Defendants.

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

**VERIFIED PETITION FOR
PERMISSION TO PRACTICE IN THIS
CASE ONLY BY ATTORNEY NOT
ADMITTED TO THE BAR OF THIS
COURT**

1 Anita E. Ruud, Petitioner, respectfully represents to the Court:

2 1. That Petitioner is an attorney at law licensed to practice in the State of California.

3 2. That Petitioner is employed as a Deputy Attorney General with the California
4 Department of Justice, Office of the Attorney General, at 455 Golden Gate Avenue, Suite 11000,
5 San Francisco, CA 94102, telephone (415) 703-5533, and e-mail anita.ruud@doj.ca.gov.

6 3. That the Office of the Attorney General represents the California State Water
7 Resources Control Board, California Department of Fish and Wildlife, California Department of
8 Parks and Recreation, and California Department of Water Resources (California State Agencies)
9 in the above-entitled cases now pending before this Court.

10 4. That since December 22, 1976, Petitioner has been and presently is a member in
11 good standing of the bar of the State of California, where Petitioner regularly practices law.
12 Attached hereto as Exhibit A is a Certificate of the Clerk of the Supreme Court of the State of
13 California certifying that Petitioner's membership in the bar of the State of California is in good
14 standing.

15 5. That since October 19, 1978, Petitioner has been and presently is a member in
16 good standing of the United States Court of Appeals for the Ninth Circuit.

17 6. That since October 18, 1985, Petitioner has been and presently is a member in
18 good standing of the United States District Court for the Eastern District of California.

19 7. That since August 6, 1986, Petitioner has been and presently is a member in good
20 standing of the United States District Court for the Northern District of California.

21 8. That since February 16, 1979, Petitioner has been and presently is a member in
22 good standing of the United States District Court for the Central District of California.

23 9. That there are or have been no disciplinary proceedings instituted against
24 Petitioner, nor any suspension of any license, certificate, or privilege to appear before any
25 judiciary, regulatory, or administrative body, or any resignation or termination in order to avoid
26 disciplinary or disbarment proceedings.

27 10. That Petitioner has never been denied admission to the State Bar of Nevada.

28 11. That Petitioner is not a resident of the State of Nevada.

1 12. That Petitioner is not regularly employed in the State of Nevada.

2 13. That Petitioner has not appeared in any matter, including arbitration, mediation, or
3 matters before an administrative agency or governmental body, in which Petitioner has filed an
4 application to appear as counsel under the Court's Local Rule IA 10-2 in the preceding three (3)
5 years.

6 14. That Petitioner consents to the jurisdiction of the courts and disciplinary boards of
7 the State of Nevada with respect to the law of this state governing the conduct of attorneys to the
8 same extent as a member of the State Bar of Nevada.

9 15. That Petitioner agrees to comply with the standards of professional conduct
10 required of the members of the bar of this Court.

11 16. That Petitioner has disclosed in writing to the client that the applicant is not
12 admitted to practice in this jurisdiction and that the client has consented to such representation.

13 17. That on February 4, 1999, the California State Agencies, by and through their
14 counsel, the Office of the Attorney General, filed a motion for relief from the local resident
15 counsel requirement of then Local Rule 1A 10-2(c). Attached hereto as Exhibit B is a filed copy
16 of the California State Agencies' motion for relief.

17 18. That on March 1, 1999, the Court issued a Minute Order stating that the California
18 State Agencies' motion for relief from the requirements of then Local Rule IA 10-2(c) is granted.
19 Attached hereto as Exhibit C is a filed copy of the Court's March 1, 1999, Minute Order.

20 19. Petitioner respectfully prays that Petitioner be admitted to practice before this
21 Court FOR THE PURPOSES OF THIS CASE ONLY.

22 20. Petitioner further respectfully prays that consistent with the Court's Minute Order
23 of March 1, 1999, Petitioner and the California State Agencies continue to be relieved from the
24 requirement of current Local Rule IA 10-2(d) to associate a resident member of the State Bar of
25 Nevada and the Bar of this Court as co-counsel.

26 

27 _____
Petitioner's signature

28

1 STATE OF CALIFORNIA)
2)
3 COUNTY OF SAN FRANCISCO)

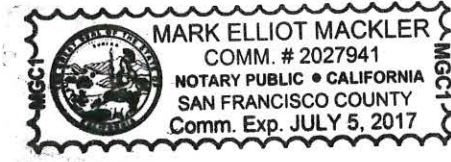
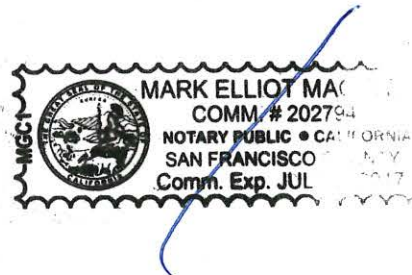
4 Anita E. Ruud, Petitioner, being first duly sworn, deposes and says:

5 That the foregoing statements are true.

6 
Petitioner's signature

7 Subscribed and sworn to before me this 10th day of November, 2014.

8
9 
10 Notary Public



11 APPROVED:

12 Dated: This 16th day of December, 2014.

13 
14 UNITED STATES DISTRICT JUDGE

15 SF1991CV0695
16 41129020.doc

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

EXHIBIT A



Supreme Court of California

FRANK A. McGUIRE

Court Administrator and Clerk of the Supreme Court

CERTIFICATE OF THE CLERK OF THE SUPREME COURT

OF THE

STATE OF CALIFORNIA

ANITA ELISABETH RUUD

I, FRANK A. McGUIRE, Clerk of the Supreme Court of the State of California, do hereby certify that ANITA ELISABETH RUUD, #72483, was on the 22nd day of December, 1976, duly admitted to practice as an attorney and counselor at law in all the courts of this state, and is now listed on the Roll of Attorneys as a member of the bar of this state in good standing.

*Witness my hand and the seal of the court
on the 10th day of November, 2014.*

FRANK A. McGUIRE

Clerk of the Supreme Court

By: _____

I. H. Calanoc, Deputy Clerk

EXHIBIT B

ORIGINAL

[Handwritten initials]

1 BILL LOCKYER, Attorney General
 of the State of California
 2 CHARLES W. GETZ, IV
 Assistant Attorney General
 3 JOHN DAVIDSON
 Supervising Deputy Attorney General
 4 MICHAEL W. NEVILLE
 Deputy Attorney General
 5 MARY E. HACKENBRACHT
 50 Fremont Street, Suite 300
 6 San Francisco, California 94105-2239
 Telephone: (415) 356-6364; Facsimile: (415) 356-6257
 7
 8 Attorneys for California
 Department of Fish and Game and
 State Water Resources Control Board
 9

FILED
 12/22/14 AM 11:11
 LANCE J. NELSON
 CLERK
 BY *[Signature]*
 DEPUTY

10 UNITED STATES DISTRICT COURT
 11 DISTRICT OF NEVADA

12 UNITED STATES OF AMERICA,)	IN EQUITY NO. C-125-ECR
)	SUBFILE NO. C-125-B
13 Plaintiff,)	
14 WALKER RIVER PAIUTE TRIBE,)	
)	STATE OF CALIFORNIA'S
15 Plaintiff-Intervenor,)	MOTION FOR RELIEF FROM
v.)	LOCAL RESIDENT COUNSEL
16 WALKER RIVER IRRIGATION DISTRICT,)	REQUIREMENT OF LOCAL
17 a corporation, et al.)	RULE 1A 10-2(c)
)	
18 Defendants.)	
19 <u>WALKER RIVER PAIUTE TRIBE,</u>)	
)	
20 Counterclaimant,)	
v.)	
21 WALKER RIVER IRRIGATION DISTRICT, et al.,)	
)	
22 Counterdefendants.)	
23 <u>MINERAL COUNTY,</u>)	
24 Proposed-Plaintiff-Intervenor,)	
v.)	
25 WALKER RIVER IRRIGATION DISTRICT,)	
26 a corporation; et al.,)	
)	
27 Proposed Defendants)	

74

1 For the reasons given below, the California State Water Resources Control Board
2 and the California Department of Fish and Game (hereinafter, "California" or "California state
3 agencies"), by and through their undersigned counsel, hereby respectfully request that the court
4 waive the local counsel requirement of Local Rule 1A 10-2(c) for the purposes of this case only.
5 Local Rule 1A 10-2(c) of this Court requires association of a resident member of the Nevada Bar
6 as co-counsel, unless the court orders otherwise. The California State Water Resources Control
7 Board has complied with Rule 1A 10-2(c) by associating as local counsel Reno Attorney George
8 Benesch. Mr. Benesch has informed the Board that he is no longer in a position to proceed as
9 local co-counsel.

10 At this time, the California State agencies hereby request that the court relieve
11 them from the requirement of this Local Rule 1A 10-2(c) and allow them to solely represent their
12 clients in this litigation. The reasons for this motion are as follows:

13 (1) The two attorneys assigned to this case, Mary E. Hackenbracht and Michael W.
14 Neville, are familiar with local rules and practices of the U.S. District Court for the District of
15 Nevada, and also consult from time to time with Nevada attorneys about this case. Moreover,
16 both Ms. Hackenbracht and Mr. Neville are seasoned litigators, with considerable experience in
17 handling cases in federal court. Ms. Hackenbracht is a graduate of the Stanford University and
18 the University of California, Hastings College of Law; Mr. Neville is a graduate of Albertson
19 College of Idaho, London School of Economics, and the University of California, Hastings
20 College of Law. Ms. Hackenbracht has twenty-three years of experience as an attorney,
21 including twenty years with the California Attorney General's Office. Mr. Neville has 18 years
22 of experience as an attorney, including 11 years with the California Attorney General's Office,
23 and five years with the United States Department of Justice. *Notably, either Ms. Hackenbracht*
24 *and/or Mr. Neville can be available on short notice for any necessary appearances or hearings*
25 *before this court, whether in person or, if permitted by the court, by telephone;*

26 ///

27

28

DECLARATION OF SERVICE BY MAIL

Re: *United States v. Walker River Irrigation District, et al.*

U.S.D.C. Nev. Dist., Case No. C-125-ECR (Subfiles No. C-125-A, C-125-B, C-125-C)

I, **Helen Jellen**, declare that I am over 18 years of age, and not a party to the within cause; my business address is 50 Fremont Street, Suite 300, San Francisco, California 94105-2239. I served a true copy of the attached

**STATE OF CALIFORNIA'S MOTION FOR RELIEF FROM
LOCAL RESIDENT COUNSEL REQUIREMENT OF LCOAL
RULE 1A 10-2(c)**

on each of the following, by placing same in an envelope (or envelopes) addressed (respectively) as follows:

SEE ATTACHED SERVICE LIST

Each said envelope was then, on February 3, 1999, sealed and deposited in the mail in San Francisco, California, the county in which I am employed, with the fees thereon fully prepaid. Executed on February 3, 1999, at San Francisco, California.

I declare under penalty of perjury that the foregoing is true and correct.



HELEN JELLEN

SERVICE LIST

Re: *United States v. Walker River Irrigation District, et al.*

U.S.D.C. Nev. Dist., Case No. C-125-ECR (Subfiles No. C-125-A, C-125-B, C-125-C)

Marta Adams
Deputy Attorney General
STATE OF NEVADA
100 North Carson Street
Carson City, NV 89701

Linda A. Bowman, Esq.
BOWMAN & ROBINSON
499 W. Plumb Lane, Suite 4
Reno, NV 89509
(3/98)

Robert C. Anderson
Timothy A. Lukas
Alex J. Flangas
HALE, LANE, PEEK, DENNISON,
HOWARD, ANDERSON AND PEARL
100 W. Liberty, 10th Flr.
P.O. Box 3237
Reno, NV 89505

KELLY R. CHASE
P.O. Box 2800
Minden, NV 89423
(3/98)

ROSS E. DELIPKAU, ESQ.
333 Holcomb Avenue, Suite 300
P.O. Box 2790
Reno, NV 89505

Evan Beavers
BEAVERS & YOUNG
1616 Highway 395
P.O. Box 486
Minden, NV 89423

Gordon H. DePaoli, Esq.
WOODBURN & WEDGE
P.O. Box 2311
Reno, NV 89505

George Benesch
210 Marsh Avenue, Ste. 105
P.O. Box 3498
Reno, NV 89505

Gordon H. DePaoli, Esq.
Dale E. Ferguson
WOODBURN & WEDGE
One East First Street
Suite 1600
Reno, NV 89505
(3/98)

Roger Bezayiff
Chief Deputy Water Commissioner
U.S. BOARD OF WATER
COMMISSIONERS
P.O. Box 853
Yerington, NV 89447

Dan Frink
STATE WATER RESOURCES
CONTROL BOARD
P.O. Box 100
Sacramento, CA 95814

Richard R. Greenfield
DEPARTMENT OF THE INTERIOR
Two North Central Avenue, Suite 500
Phoenix, AZ 85004

SERVICE LIST (cont'd)

United States v. Walker River Irrigation Dist., et al.

U.S.D.C. Nev. Dist. No. C-125-ECR (Subfiles No. C-125-A, C-125-B, C-125-C)

Linda A. Bowman, Esq.
VARGAS & BARTLETT
P.O. Box 281
Reno, NV 89504

Mary Hackenbracht
Deputy Attorney General
STATE ATTORNEY GENERAL'S
OFFICE
2101 Webster Street, 15th Floor
Oakland, CA 94612-3049

Robert L. Hunter, Superintendent
WESTERN NEVADA AGENCY
Bureau of Indian Affairs
1677 Hot Springs Road
Carson City, NV 89706

William E. Hvidsten
John A. Mendez
Stuart L. Somach
DE CUIR & SOMACH
400 Capitol Mall, Suite 1900
Sacramento, CA 95814

Roger Johnson
WATER RESOURCES CONTROL
BOARD
State of California
P.O. Box 2000
Sacramento, CA 95810

Susan Joseph-Taylor
Deputy Attorney General
STATE OF NEVADA
198 South Carson
Carson City, NV 89710

Kathryn Landreth
United States Attorney
100 West Liberty Street, Suite 600
Reno, NV 89501
(3/98)

John P. Lange
U.S. DEPARTMENT OF JUSTICE
Environment & Natural Resources
Division
Federal Building DR 3607
999 - 18th Street, Suite 945
Denver, CO 80202

Scott McElroy, Esq.
Alice Walker
GREENE, MEYER, & McELROY
1007 Pearl Street, Suite 220
Boulder, CO 80302
(3/98)

David E. Moser, Esq.
Matthew R. Campbell, Esq.
McCUTCHEON, DOYLE, BROWN &
EMERSON
Three Embarcadero Center
Suite 1800
San Francisco, CA 94111

Shirley A. Smith
Assistant U.S. Attorney
U.S. ATTORNEY'S OFFICE
100 West Liberty, Suite 600
Reno, NV 89509
(3/98)

SERVICE LIST (cont'd)

United States v. Walker River Irrigation Dist., et al.

U.S.D.C. Nev. Dist. No. C-125-ECR (Subfiles No. C-125-A, C-125-B, C-125-C)

John Kramer
DEPARTMENT OF WATER
RESOURCES
1416 Ninth Street
Sacramento, CA 95814

James Spoo, Esq.
Treva J. Hearne, Esq.
ZEH, POLAHA, SPOO, HEARNE &
PICKER
575 Forest Street
Reno, NV 89509

GARRY STONE
290 South Arlington
Reno, NV 89510

District Judge Edward Reed, Jr.
UNITED STATES DISTRICT COURT
District of Nevada
400 South Virginia Street
Room 301
Reno NV 89501

R. Michael Turnipseed, P.E.
DIVISION OF WATER RESOURCES
State of Nevada
123 West Nye Lane
Carson City, NV 89710

Jim Weishaput, General Manager
WALKER RIVER IRRIGATION
DISTRICT
P.O. Box 820
Yerington, NV 89447

Magistrate Judge Robert McQuaid, Jr.
UNITED STATES DISTRICT COURT
District of Nevada
400 South Virginia Street
Room 301
Reno NV 89501

WESTERN NEVADA AGENCY
Bureau of Indian Affairs
1677 Hot Springs Road
Carson City, NV 89706

James Clear
U.S. Department of Justice
Environmental and Natural Resources
Section
P.O.Box 44378
L'Enfant Plaza Station
Washington, D.C. 20026-4378

John Davis
P.O. Box 1646
Tonopah, NV 89049

SERVICE LIST (cont'd)

United States v. Walker River Irrigation Dist., et al.

U.S.D.C. Nev. Dist. No. C-125-ECR (Subfiles No. C-125-A, C-125-B, C-125-C)

Leo Havener
Walker River Irrigation District
P.O. Box 820
Yerington, NV 89447

Richard E. Olson, Jr.
Claassen & Olson
P.O. Box 2101
Carson City, NV 89702

Hank Meshorer
Special Litigation Counsel
United States Department of Justice
Environmental and Natural Resources
Ben Franklin Station
P.O. Box 7397
Washington D.C. 20044-7397

Larry Reynolds
Deputy Attorney General
State Engineer's Office
123 W. Nye Lane
Carson City, NV 89710

Alice E. Walker
Greene, Meyer & McElroy
1007 Pearl Street, Ste. 200
Boulder, CO 80302

EXHIBIT C

FILED
MAR 1 1999
U.S. DISTRICT COURT
DISTRICT OF NEVADA
RENO, NEVADA

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
RENO, NEVADA

UNITED STATES OF AMERICA,)
Plaintiff,)
WALKER RIVER PAIUTE TRIBE,)
Plaintiff-Intervenor,)
VS.)
WALKER RIVER IRRIGATION DISTRICT, a)
corporation, et al.,)
Defendants.)
WALKER RIVER PAIUTE TRIBE,)
Counterclaimant,)
v.)
WALKER RIVER IRRIGATION DISTRICT, et al.)
Counterdefendants.)
MINERAL COUNTY,)
Proposed Plaintiff-Intervenor,)
VS.)
WALKER RIVER IRRIGATION DISTRICT, et al.)
Proposed Defendants.)

CV-N-73-127-ECR
IN EQUITY NO. C-125-ECR
SUBFILE NO. C-125-B
MINUTES OF THE COURT
DATE: March 1, 1999

PRESENT: EDWARD C. REED, JR. U.S. District Judge
Deputy Clerk: WAYNE JULIAN Reporter: NONE APPEARING
Counsel for Plaintiff(s) NONE APPEARING
Counsel for Defendant(s) NONE APPEARING

MINUTE ORDER IN CHAMBERS

Motion filed on February 4, 1999, (#74) by the State of California for relief from the requirements of local rule IA 10-2(C) is **GRANTED**. No opposition was filed to the motion. It appears appropriate in the case of the State of California that it should be relieved from the requirements of the rule.

LANCE S. WILSON, CLERK
By Wayne Julian
Deputy Clerk
74

CERTIFICATE OF SERVICE

Case Name: **United States of America;** No. **C-125-RCJ**
Walker River Paiute Tribe v. **Subproceedings: C-125-B and**
Walker River Irrigation District **C-125-C**

I hereby certify that on November 10, 2014, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

VERIFIED PETITION FOR PERMISSION TO PRACTICE IN THIS CASE ONLY BY
ATTORNEY NOT ADMITTED TO THE BAR OF THIS COURT

I certify that **all** participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on November 10, 2014, at San Francisco, California.

Joan Randolph
Declarant

/s/ Joan Randolph
Signature