

**ORIGINAL**

**FILED**

SEP 26 2 22 PM '95

LANG...  
BY             
CLERK

1 DANIEL E. LUNGREN, 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, State Bar No. 096543  
Deputy Attorney General  
5 50 Fremont Street, Suite 300  
San Francisco, California 94105-2239  
6 Telephone: (415) 356-6364  
Facsimile: (415) 356-6257  
7  
8 Attorneys for California  
Department of Fish and Game

9  
10 UNITED STATES DISTRICT COURT  
11 DISTRICT OF NEVADA  
12

13 UNITED STATES OF AMERICA,  
14 Plaintiff,  
15 WAKLER RIVER PAIUTE TRIBE,  
16 Plaintiff-Intervenor,  
17 v.  
18 WALKER RIVER IRRIGATION DISTRICT,  
a corporation, et al.  
19 Defendants.  
20

IN EQUITY NO. C-125-ECR  
SUBFILE NO. C-125-C

21 WALKER RIVER PAIUTE TRIBE,  
22 Counterclaimant,  
23 v.  
24 WALKER RIVER IRRIGATION DISTRICT,  
et al.,  
25 Counterdefendants.  
26

**NOTICE OF APPEARANCE  
BY CALIFORNIA  
DEPARTMENT OF  
FISH AND GAME**

27 TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

28 The California Department of Fish and Game, by and through the



1 undersigned counsel, notices its appearance in the above-styled litigation, subfile no.  
2 C-125-C, pertaining to the reallocation of water sought by Mineral County, Nevada.  
3 The Department, as a holder of various water rights in the Walker River basin, is  
4 already nominally a party to this litigation. However, until now the Department has  
5 not been active in the litigation, and had not filed a notice of appearance. Now it  
6 appears that the critical issue of a major reallocation of water rights may be addressed  
7 in this case. A court order readjudicating and reallocating Walker River water to  
8 Walker Lake would have significant implications for one or more of the Department's  
9 interests: 1) its proprietary interest as a land owner and holder of certain water rights  
10 in the Walker River basin; 2) its legal responsibilities as the public trustee for  
11 California fish and wildlife; and 3) its interest gained in the civil settlement of *People of*  
12 *the State of California, California Department of Fish and Game v. Walker River Irrigation*  
13 *District*, Mono County Superior Court No. 9786, which requires the Walker River  
14 Irrigation District, as owner and operator of the Bridgeport Dam, to maintain a higher  
15 minimum pool in the Bridgeport Reservoir than is required by the District's license  
16 from the California State Water Resources Control Board.

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

1                   Accordingly, the California Department of Fish and Game requests that,  
2 from this date forward, copies of all pleadings, orders, or other documents filed or  
3 served in this matter, and all relevant correspondence, be sent to the following:

4                   Michael W. Neville  
5                   Deputy Attorney General  
6                   California Attorney General's Office  
7                   50 Fremont Street, Suite 300  
8                   San Francisco, California 94105-2239  
9                   Facsimile: (415) 356-6257

8 DATED:       September 25, 1995

                 Respectfully submitted,

                 DANIEL E. LUNGREN, Attorney General  
                 of the State of California

                 CHARLES W. GETZ, IV  
                 Assistant Attorney General

*Michael W. Neville*

                 MICHAEL W. NEVILLE  
                 Deputy Attorney General

                 Attorneys for California  
                 Department of Fish and Game

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 (Subfile No. C-125-C)**

I, **Janie White**, 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

**NOTICE OF APPEARANCE BY CALIFORNIA  
DEPARTMENT OF FISH AND GAME**

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 September 25, 1995, 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 September 25, 1995, at San Francisco, California.

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



\_\_\_\_\_  
JANIE WHITE  
DSM-1 (Rev. 1991)

**SERVICE LIST**

*United States v. Walker River Irrigation Dist., et al.*  
U.S.D.C. Nev. Dist. No. C-125-ECR (Subfile No. C-125-C)

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

Mary Hackenbracht  
Deputy Attorney General  
State Attorney General's Office  
2101 Webster Street  
Oakland, California 94612-3049

George Benesch  
BENESCH & FERMOILE  
P.O. Box 3197  
Reno, Nevada 89505

Robert L. Hunter, Superintendent  
Western Nevada Agency  
Bureau of Indian Affairs  
1677 Hot Springs Road  
Carson City, Nevada 89706

Roger Bezayiff  
Chief Deputy Water Commissioner  
U.S. Board of Water Commissioners  
P.O. Box 853  
Yerington, Nevada 89447

Roger Johnson  
Water Resources Control Board  
State of California  
P.O. Box 2000  
Sacramento, California 95810

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

Susan Joseph-Taylor  
Deputy Attorney General  
State of Nevada  
198 South Carson  
Carson City, Nevada 89710

Ross E. deLipkau, Esq.  
333 Holcomb Avenue, Suite 300  
P.O. Box 2790  
Reno, Nevada 89505

John Kramer  
Department of Water Resources  
1416 Ninth Street  
Sacramento, California 95814

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

Kathryn Landreth  
John P. Lange  
U.S. Department of Justice  
Environment & Natural Resources  
Division  
999 - 18th Street, Suite 945  
Denver, Colorado 80202

Dan Frink  
State Water Resources Control Board  
P.O. Box 100  
Sacramento, California 95814

Richard R. Greenfield  
U.S. Department of the Interior  
Two North Central Avenue, Suite 500  
Phoenix, Arizona 85004

Scott McElroy, Esq.  
GREENE, MEYER, & McELROY  
1007 Pearl Street  
Boulder, Colorado 80302

**SERVICE LIST (cont'd)**

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

U.S.D.C. Nev. Dist. No. C-125-ECR (Subfile No. C-125-C)

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

Shirley A. Smith  
Assistant U.S. Attorney  
100 West Liberty, Suite 600  
Reno, Nevada 89501

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

Garry Stone  
290 South Arlington  
Reno, Nevada 89510

R. Michael Turnipseed, P.E.  
Division of Water Resources  
State of Nevada  
123 West Nye Lane  
Carson City, Nevada 89710

Jim Weishaput, General Manager  
Walker River Irrigation District  
P.O. Box 820  
Yerington, Nevada 89447