

Wes Williams Jr.  
Nevada Bar #6864  
Law Offices of Wes Williams Jr.  
A Professional Corporation  
3119 Lake Pasture Rd.  
P.O. Box 100  
Schurz, Nevada 89427  
(775)773-2838  
[wwilliams@stanfordalumni.org](mailto:wwilliams@stanfordalumni.org)  
Attorney for the Walker River Paiute Tribe

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

WALKER RIVER PAIUTE TRIBE,

Plaintiff-Intervenor,

vs.

WALKER RIVER IRRIGATION  
DISTRICT,

a corporation, et al.,

Defendants.

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

} **WALKER RIVER PAIUTE TRIBE'S  
} RESPONSE TO MOTION TO  
} DISMISS, OR IN THE  
} ALTERNATIVE, TO STAY  
} PROCEEDINGS FILED BY WALKER  
} RIVER IRRIGATION DISTRICT**

Pursuant to the Court's order issued at a hearing held on November 4, 2013, *Minutes of Proceedings* at 3 (Nov. 4, 2013) (Doc. 1958), the Walker River Paiute Tribe ("Tribe"), a sovereign, federally recognized Indian tribe and Plaintiff-Intervenor in this matter, herein responds to the *Walker River Irrigation District's Motion To Dismiss Pursuant to Fed. R. Civ. P. 12(B)(1), or in the Alternative, to Stay Proceedings with Respect to Mineral County's Amended Complaint in Intervention* (Mar. 31, 2014) (Doc. 751), and the *Walker River Irrigation District's Points and Authorities in Support of Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(B)(1), or*

1 *in the alternative, to Stay Proceedings With Respect to Mineral County's Amended Complaint in*  
 2 *Intervention* (Mar. 31, 2014) (Doc. 751-1) ("WRID Motion and Brief"). For the reasons set forth  
 3 *in the Walker River Paiute Tribe's Points and Authorities in Support of Response in Opposition*  
 4 *to Motions to Dismiss Filed by Walker River Irrigation District, Nevada Department of Wildlife*  
 5 *and Circle Bar N Ranch* (May 30, 2014) (filed in subproceeding C-125-B (3:73-cv-127) as Doc.  
 6 2004-1), nothing in the WRID Motion and Brief justifies any limitation on the Court's exercise  
 7 of the jurisdiction it retained under the *Decree* (Apr. 14, 1936), *as amended by Order for Entry*  
 8 *of Amended Final Decree to Conform to Writ of Mandate Etc.* (Apr. 22, 1940) ("1936 Decree")  
 9 "for the purposes of changing the duty of water or for correcting or modifying this decree; also  
 10 for regulatory purposes, including a change of point of diversion or of the place of use of any  
 11 water user." 1936 Decree art. XIV. Because *Mineral County's Amended Complaint in*  
 12 *Intervention* (Mar. 10, 1995) (Doc. 20) involves water from the Walker River system, the Court  
 13 should exercise the jurisdiction it retained under the 1936 Decree.  
 14  
 15

16 RESPECTFULLY SUBMITTED this 30<sup>th</sup> day of May 2014.

17 LAW OFFICES OF WES WILLIAMS JR., P.C.

18 By /s/ Wes Williams Jr.  
 19 Wes Williams Jr.  
 20 3119 Pasture Road  
 21 P.O. Box 100  
 22 Schurz, Nevada 89427  
 23 Attorney for Walker River Paiute Tribe  
 24  
 25  
 26  
 27  
 28

**CERTIFICATE OF SERVICE**

I hereby certify that on this 30th day of May, 2014, I electronically filed the foregoing “WALKER RIVER PAIUTE TRIBE’S RESPONSE TO MOTION TO DISMISS, OR IN THE ALTERNATIVE, TO STAY PROCEEDINGS FILED BY WALKER RIVER IRRIGATION DISTRICT” 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 30th day of May, 2014, I caused a copy of the forgoing to be served on the following non CM/ECF participants by U.S. Mail, postage prepaid:

David Parraguirre  
1700 Wendy Way  
Reno, NV 89509

Rachel Tholke Trust  
c/o Dawn Cooper, Trustee  
P.O. Box 97  
Coleville, CA 96107

Deborah Hartline  
P.O. Box 1343  
Quincy, CA 95971

Silverado, Inc.  
c/o Scott Shackelton  
4160 Long Knife Road  
Reno, NV 89509

Margaret & Terry Hawkins  
945 E. Main Street, #168  
Fernley, NV 89801

Beverly Sceirine  
P.O. Box 249  
Yerington, NV 89447

Tom Talbot  
TALBOT LAND & LIVESTOCK  
1650 North Sierra Highway  
Bishop, CA 93514

David Sceirine  
P.O. Box 1013  
Yerington, NV 89447

Richard Fulstone  
F.M. Fulstone, Inc.  
R.N. Fulstone Company  
2022 Nevada State Highway No. 208  
P.O. Box 61  
Smith, NV 89430

Joe Sceirine  
P.O. Box 1013  
Yerington, NV 89447

Twelves Family Trust  
c/o Roy Snyder, Trustee  
4164 South Syracuse  
Denver, CO 80237

Stanley and Janet Hunewill  
P.O. Box 368  
Bridgeport, CA 93517

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

William Weaver  
Sweetwater Ranch  
2535 State Road 338  
Wellington, NV 89444

Centennial Livestock  
David Wood  
652 W. Cromwell, Suite 103  
Fresno, CA 93711

Garry Stone  
Water Master  
290 South Arlington Ave  
Reno, NV 89501

Norman Annett  
P.O. Box 455  
Bridgeport, CA 93517

R.A. Pelayo  
5336 Awbury 7 Ave  
Las Vegas, NV 89110

David and Karen Hardy Family Trust  
P.O. Box 21351  
Carson City, NV 89721

James Fousekis  
2848 Garber Street  
Berkeley, CA 94705

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

Renee Presto  
1792 Solitude Lane  
Gardnerville, NV 89410

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

/s/