

1 Wes Williams Jr.  
2 Nevada Bar #6864  
3 Law Offices of Wes Williams Jr.  
4 A Professional Corporation  
5 3119 Lake Pasture Rd.  
6 P.O. Box 100  
7 Schurz, Nevada 89427  
8 (775)773-2838  
9 [wwilliams@stanfordalumni.org](mailto:wwilliams@stanfordalumni.org)  
10 Attorney for the Walker River Paiute Tribe

7 UNITED STATES DISTRICT COURT  
8 DISTRICT OF NEVADA

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 WALKER RIVER PAIUTE TRIBE,

13 Plaintiff-Intervenor,

14 vs.

15 WALKER RIVER IRRIGATION  
16 DISTRICT,

17 a corporation, et al.,

18 Defendants.  
19

} 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**

20 Pursuant to the Court’s order issued at a hearing held on November 4, 2013, *Minutes of*  
21 *Proceedings* at 3 (Nov. 4, 2013) (Doc. 1958), the Walker River Paiute Tribe (“Tribe”), a  
22 sovereign, federally recognized Indian tribe and Plaintiff-Intervenor in this matter, herein  
23 responds to the *Walker River Irrigation District’s Motion To Dismiss Pursuant to Fed. R. Civ. P.*  
24 *12(B)(1), or in the Alternative, to Stay Proceedings with Respect to Mineral County’s Amended*  
25 *Complaint in Intervention* (Mar. 31, 2014) (Doc. 751), and the *Walker River Irrigation District’s*  
26 *Points and Authorities in Support of Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(B)(1), or*  
27  
28

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  
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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
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Deborah Hartline P.O. Box 1343 Quincy, CA 95971	Silverado, Inc. c/o Scott Shackelton 4160 Long Knife Road Reno, NV 89509
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Margaret & Terry Hawkins 945 E. Main Street, #168 Fernley, NV 89801	Beverly Sceirine P.O. Box 249 Yerington, NV 89447
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Tom Talbot TALBOT LAND & LIVESTOCK 1650 North Sierra Highway Bishop, CA 93514	David Sceirine P.O. Box 1013 Yerington, NV 89447
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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
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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
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1 Presto Family Trust Agreement  
2 Beatrice Presto, et al., Trustees,  
3 1462 Douglas Avenue  
4 Gardnerville, NV 89410

5 Centennial Livestock  
6 David Wood  
7 652 W. Cromwell, Suite 103  
8 Fresno, CA 93711

9 Norman Annett  
10 P.O. Box 455  
11 Bridgeport, CA 93517

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

15 Pauline Bradshaw  
16 P.O. Box 55  
17 Wellington, NV 89444

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

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

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

James Fousekis  
2848 Garber Street  
Berkeley, CA 94705

Renee Presto  
1792 Solitude Lane  
Gardnerville, NV 89410

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

18 /s/ \_\_\_\_\_

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