

1 GORDON H. DePAOLI
Nevada State Bar No. 195
2 DALE E. FERGUSON
Nevada State Bar No. 4986
3 DOMENICO R. DePAOLI
Nevada State Bar No. 11553
4 Woodburn and Wedge
5 6100 Neil Road, Suite 500
Reno, Nevada 89511
6 Telephone: 775/688-3000

7 Attorneys for Walker River Irrigation District

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

11 UNITED STATES OF AMERICA,) IN EQUITY NO. C-125-RCJ
12) SUBFILE NO. C-125-C
Plaintiff,) 3:73-CV-00128-RCJ-WGC

13)
14 WALKER RIVER PAIUTE TRIBE,)
Plaintiff-Intervenor,)

15)
16 v.)

17 WALKER RIVER IRRIGATION DISTRICT,)
18 a corporation, et al.,)
19 Defendants.)

20)
21)
22)
23)
24)
25)
26)
27)
28)

**WALKER RIVER IRRIGATION
DISTRICT'S MOTION FOR
EXTENSION OF TIME
(First Request)**

20 MINERAL COUNTY,)
21)
Proposed Plaintiff-Intervenor,)

22)
23 v.)

24 WALKER RIVER IRRIGATION DISTRICT,)
25 et al.,)
26 Proposed Defendants.)

1 Pursuant to Fed. R. Civ. P. 6(b) and LR 6-2, the Walker River Irrigation District
2 (“District”) moves the Court for an order extending the time for all parties to file replies in
3 support of the Motion to Dismiss filed herein on March 31, 2014 (Dkt. 751) until a date which
4 is 30 days after the United States of America files its Response in Opposition to the Motions to
5 Dismiss filed in Subproceeding C-125-B. The following grounds are presented in support of
6 this Motion:
7

8 1. The Court ordered that motions to dismiss on jurisdictional grounds be filed by
9 March 31, 2014, with responses due May 30, 2014 and replies due June 30, 2014. (Dkt. 736).

10 2. The Motion to Dismiss was filed on March 31, 2014. (Dkt. 751).

11 3. By Order filed May 27, 2014, the United States Court of Appeals for the Ninth
12 Circuit stayed the deadline for the United States to file a response to the Motions to Dismiss in
13 Subproceeding C-125-B pending disposition of the Petition for Writ of Mandamus filed in the
14 Ninth Circuit by the United States of America.

15 4. The Ninth Circuit Court of Appeals has not yet disposed of the United States’
16 Petition for Writ of Mandamus.

17 5. On May 30, 2014, Mineral County filed its response to the Motion to Dismiss in
18 this matter (Dkt. 759), and on that same date, the Walker River Paiute Tribe filed its response
19 in opposition to Motions to Dismiss (Dkt. 758).

20 6. The United States filed a response to the Motion to Dismiss on June 2, 2014.
21 (Dkt. 760). However, that response does not address all of the issues raised by the Motions to
22 Dismiss filed in Subproceeding C-125-B.
23

24 7. The United States has not filed a response to the Motions to Dismiss in
25 Subproceeding C-125-B, and likely will not file a response until the Ninth Circuit Court of
26 Appeals disposes of its pending Petition for Writ of Mandamus and lifts its stay.
27
28

1 8. Pursuant to the Court's Order, replies in support of the Motion to Dismiss are
2 due herein on June 30, 2014 (Dkt. 736).

3 9. There is a jurisdictional issue raised by the Motion to Dismiss here which is
4 common to one of the jurisdictional issues raised in Subproceeding C-125-B.

5 10. The District has filed a similar Motion for Extension of Time in Subproceeding
6 C-125-B.

7 11. An extension of time in both Subproceedings C-125-B and C-125-C would
8 allow the briefing and decision on the Motions to Dismiss filed in both Subproceedings to
9 proceed simultaneously, consistent with the preference previously expressed by the Court, and
10 will keep the schedules for the Motions to Dismiss in both Subproceedings the same, all of
11 which is in the interest of judicial economy and efficiency.

12 THEREFORE, the Walker River Irrigation District requests that the Court extend the
13 time for all parties to file replies in support of the Motion to Dismiss herein to a date which is
14 30 days after the United States files its response in opposition to the Motions to Dismiss
15 Subproceeding C-125-B.

16 Dated: June 6, 2014.

17 WOODBURN AND WEDGE

18 By: /s/ Gordon H. DePaoli
19 Gordon H. DePaoli,
20 Dale E. Ferguson, Domenico R. DePaoli
21 6100 Neil Road, Suite 500
22 Reno, Nevada 89511
23 Attorneys for Walker River Irrigation District
24
25
26
27
28

CERTIFICATE OF SERVICE

I certify that I am an employee of Woodburn and Wedge and that on the 6th day of June, 2014, I electronically served the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following via their email addresses:

Bryan L. Stockton	bstockton@ag.nv.gov
K Geddes	kgeddes@water.nv.gov
S. Geyer	sgeyer@ag.nv.gov
Don Springmeyer	dspringmeyer@wrslawyers.com
Christopher Mixson	cmixson@wrslawyers.com
C. Rehfeld	crehfeld@wrslawyers.com
N. Valdez	nvaldez@wrslawyers.com
George Benesch	gbenesch@att.net
Greg Addington	greg.addington@usdoj.gov
Elizabeth Pantner	epantner@usdoj.gov
Joanie Silvershield	joanie.silvershield@usdoj.gov
James Spoo	spootoo@aol.com
J. J. Rbau	jjrbau@hotmail.com
John Paul Schlegelmilch	jpslaw@netscape.com
Karen Peterson	kpeterson@allisonmackenzie.com
N. Fontonet	nfontonet@allisonmackenzie.com
V. O'Neill	voneill@allisonmackenzie.com
Laura Schroeder	counsel@water-law.com
T. Jackson	t.jackson@water-law.com
Tau	tau@water-law.com
Marta A. Adams	madams@ag.nv.gov
K. Armstrong	karmstrong@ag.nv.gov
L. Deming	ldeming@ag.nv.gov
V. Brownell	vbrownell@ag.nv.gov
V. Brownley	vbrownley@ag.nv.gov
Michael D. Hoy	mhoy@nevadalaw.com
K. Anderson	kanderson@nevadalaw.com
M. Kimmel	mkimmel@nevadalaw.com
T. Chrissinger	tchrissinger@nevadalaw.com
Ross E. de Lipkau	ecf@parsonsbehle.com
R. Tinnell	rtinnell@parsonsbehle.com
Thomas J. Hall	tjhall@eschelon.com
Michael W. Neville	michael.neville@doj.ca.gov
Annadel Almendras	annadel.almendras@doj.ca.gov
Joan Randolph	joan.randolph@doj.ca.gov
Stacey Simon	ssimon@mono.ca.gov
Stephen M. Macfarlane	Stephen.Macfarlane@usdoj.gov
Deedee Sparks	deedee.sparks@usdoj.gov
Cathy Wilson	cathy.wilson@bia.gov
Christopher Watson	christopher.watson@sol.doi.gov; chriswatson@gmail.com
Eileen Rutherford	eileen.rutherford@usdoj.gov

1	Yvonne Marsh	yvonne.marsh@usdoj.gov
	Paul J. Anderson	panderson@mclrenolaw.com
2	W. Cornelious	wcornelius@mclrenolaw.com
	Wes Williams	wwilliams@standfordaluni.org
3	David L. Negri	david.negri@usdoj.gov
	Simeon Herskovits	simeon@communityandenvironment.net
4	Sean A. Rowe	srowe@mineralcountynv.org
	Andrew Guss Guarino	guss.guarino@usdoj.gov
5	Cathy Wilson	c.wilson@bia.gov
	Iris Thornton	iris@communityandenvironment.net
6		

7

8

/s/ Holly Dewar
Holly Dewar

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28