

1 STATE OF NEVADA
2 DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
3 DIVISION OF WATER RESOURCES
4 BEFORE JASON KING, STATE ENGINEER
5

6
7
8 SE 'S EXHIBITS 202
9 DATE: _____
10

11 IN THE MATTER OF CHANGE
12 APPLICATION NO. 80700 FILED
13 BY THE NATIONAL FISH AND
14 WILDLIFE FOUNDATION
15

16 RECEIVED
17 2013 OCT 11 PM 3:04
18 STATE ENGINEERS OFFICE

19 **OCTOBER 11, 2013 LIST OF WITNESSES AND EXHIBITS OF**
20 **UNITED STATES BOARD OF WATER COMMISSIONERS**

21 The UNITED STATES BOARD OF WATER COMMISSIONERS FOR THE
22 WALKER RIVER ("Board"), by and through its attorneys, ALLISON, MacKENZIE, PAVLAKIS,
23 WRIGHT & FAGAN, LTD., in accordance with the State Engineer's Fourth Amended Notice of
24 Hearing dated July 31, 2013, provides its October 11, 2013 list of witnesses and exhibits. The State
25 Engineer's Fourth Amended Notice of Hearing provides that to the extent protests remain as of
26 October 11, 2013, a hearing will be held to consider the matter of protested Application No. 80700,
27 and the participants are to submit reduced witness/exhibit lists.

28 A. **List of Hearing Witnesses:**

1. Jim Shaw, Water Master
U.S. Board of Water Commissioners
410 North Main Street
Yerington, NV 89447

Mr. Shaw will testify regarding the Walker River Decree; the apportionment and distribution of the waters of the Walker River, including its forks and tributaries in the State of Nevada and the State of California; 1953 Rules and Regulations for the Distribution of Water of the Walker River Stream System; the Board's comments contained in the Board's letter dated July 15, 2011 to the State Engineer; the Board's list of issues to be addressed prior to a hearing submitted to the State Engineer on October 21, 2011; the Board's brief submitted to the State Engineer on

1 February 3, 2012; and any other matters pertaining to Application No. 80700 filed in this
2 proceeding. Mr. Shaw may also testify regarding the Conditional Stipulation to Resolve Certain
3 Protest Issues Regarding Application No. 80700 entered into between the National Fish and Wildlife
4 Foundation ("NFWF") and the Walker River Irrigation District ("WRID") dated June 28, 2013 and
5 the Stipulation to Resolve Certain Protests Regarding Application No. 80700 entered into between
6 NFWF, the United States Bureau of Indian Affairs ("BIA") and the Walker River Paiute Tribe
7 ("WRPT") dated October 2, 2013¹. These stipulations were submitted to the State Engineer
8 subsequent to each document exchange in this matter.

9 The Board reserves the right to call additional witnesses as may be identified
10 resulting from the testimony or exhibits disclosed by other parties and rebuttal or impeaching
11 witnesses as may be required at the hearing.

12 B. List of Exhibits:

13 1051. Walker River Final Decree, dated April 14, 1936 and filed by the
14 Court Clerk on April 15, 1936. Bates stamped USBWC 1 – USBWC 77.

15 1052. U.S. District Court Findings of Fact and Conclusions of Law, dated
16 April 14, 1936 and filed by the Court Clerk on April 15, 1936 in the C-125 case. Bates Stamped
17 USBWC 78 - USBWC 105.

18 1053. Minute Order issued by Judge Reed on June 7, 1989, with the attached
19 copy of the Order for Entry of Amended Final Decree to Conform to Writ of Mandate Etc., signed
20 by Judge St. Sure under date of April 24, 1940, amending the final decree to conform with the Writ
21 of Mandate of the Ninth Circuit Court of Appeals, proposed to be refiled in the C-125 case in the
22 correct date order in the official file. Bates stamped USBWC 106 - USBWC 111.

23 1054. Minute Order issued by Judge Reed on July 28, 1989 directing the
24 Clerk to file a copy of the Order for Entry of Amended Final Decree to Conform To Writ of
25 Mandate Etc. as Judge St. Sure's 1940 Order and for the docket to reflect that the 1940 Order has
26 been refiled in its appropriate place. Bates stamped USBWC 112.

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¹ The Board is not a party to either of these Stipulations.

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1 1055. Rules and Regulations for the Distribution of Water of the Walker
2 River Stream System Under the Provisions of Paragraph 15 of Decree in Equity, No. C-125, filed
3 August 27, 1953. Bates stamped USBWC 113 – USBWC 122.

4 1056. Administrative Rules and Regulations Regarding Change of Point of
5 Diversion, Manner of Use or Place of Use of Water of the Walker River and its Tributaries and
6 Regarding Compliance with California Fish and Game Code § 937 and Other Provisions of
7 California Law as Amended through June 3, 1996. Bates Stamped USBWC 123 - USBWC 143.

8 1057. USBWC Daily Worksheet. Bates Stamped USBWC 144.

9 1058. West Hyland Ditch information. Bates Stamped USBWC 145 -
10 USBWC 146.

11 1059. Walker River Irrigation District Cards for Claim Nos. 23A and 67 on
12 the West Hyland Ditch. Bates Stamped USBWC 147 - USBWC 151.

13 1060. U.S. District Court Order For Temporary/Modification of Decree filed
14 March 23, 2004 (Document 650) in the C-125 case. Bates stamped USBWC 152 – USBWC 154.

15 1061. U.S. District Court Minutes of Court filed April 9, 2004 (Document
16 675) and Minutes of Court filed April 14, 2004 (Document 678) in the C-125 case. Bates stamped
17 USBWC 155 – USBWC 157.

18 1062. U.S. District Court Order filed August 22, 2007 (Document 883) in the
19 C-125 case. Bates stamped USBWC 158 – USBWC 159.

20 1063. U.S. District Court Order filed July 24, 2008 (Document 927) in the C-
21 125 case. Bates stamped USBWC 160 – USBWC 161.

22 1064. U.S. District Court Order filed July 6, 2009 (Document 963) in the C-
23 125 case. Bates stamped USBWC 162 – USBWC 163.

24 1065. U.S. District Court Order filed June 17, 2010 (Document 1003) in the
25 C-125 case. Bates stamped USBWC 164 – USBWC 165.

26 1066. Map – Mason and Smith Valleys 2012. Bates stamped USBWC 166.
27 Two 22-1/2” x 34-1/2” folded hard copies of this map were provided to the State Engineer.
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1 1067. USGS Map – Selected Features of the Walker River Basin, California
2 and Nevada 2003. Bates stamped USBWC 167. Two 11” x 17” folded hard copies of this map were
3 provided to the State Engineer.

4 1068. Map – West Hyland HRU C-125 Claims and Change Application
5 80700; Claim No. and Owners. Bates stamped USBWC 168 – USBWC 169.

6 The Board reserves the right to introduce records from the State Engineer’s files and
7 records and additional exhibits as may be identified resulting from the testimony or exhibits
8 disclosed by other parties and any exhibits to be used for impeachment or rebuttal purposes as may
9 be required at the hearing.

10 DATED this 11th day of October, 2013.

11
12 **ALLISON, MacKENZIE, PAVLAKIS,**
13 **WRIGHT & FAGAN, LTD.**
14 402 North Division Street
15 Carson City, NV 89703-4168

16 By: 
17 KAREN A. PETERSON, ESQ.

18 Attorneys for UNITED STATES BOARD OF
19 WATER COMMISSIONERS FOR THE
20 WALKER RIVER
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1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCP Rule 5(b), I hereby certify that I am an employee of ALLISON,
3 MacKENZIE, PAVLAKIS, WRIGHT & FAGAN, LTD., Attorneys at Law, and that on this date I
4 caused the foregoing document to be served to all parties to this action by the following methods:

5 ✓
6 Via Hand-delivery on *October 11, 2013* [NRCP 5(b)(2)(A)]

7 **Kristen Geddes**
8 **Chief, Hearings Section**
9 **Division of Water Resources**
10 **901 South Stewart Street, Suite 2002**
11 **Carson City, NV 89701-5250**

12 ✓
13 Placing a true copy thereof in a sealed postage prepaid envelope, first class mail, in the
14 United States Mail in Carson City, Nevada on *October 11, 2013* [NRCP
15 5(b)(2)(B)]

16 **Don Springmeyer, Esq.**
17 **DSpringmeyer@wrslawyers.com**
18 **Christopher Mixson, Esq.**
19 **CMixson@wrslawyers.com**
20 **Wolf, Rifkin, Shapiro, et al**
21 **3556 East Russell Road, 2nd Floor**
22 **Las Vegas, NV 89120**
23 **(And via email with permission)**

24 **Christopher Watson, Esq.**
25 **U.S. Department of the Interior**
26 **Office of the Solicitor**
27 **1849 C St., NW, MS 6513 MIB**
28 **Washington, DC 20240**

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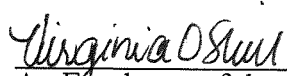
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DATED this 11th day of October, 2013.


An Employee of the Allison MacKenzie Law Firm