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SE 'S EXHIBITS 21
DATE: _____

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16 IN THE OFFICE OF THE STATE ENGINEER
17 OF THE STATE OF NEVADA
18

RECEIVED
2013 FEB 15 PM 3:00
STATE ENGINEERS OFFICE

19 IN THE MATTER OF CHANGE)
20 APPLICATION NO. 80700 FILED BY)
THE NATIONAL FISH AND WILDLIFE)
21 FOUNDATION)
22)
23)
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28)

WITNESSES, OUTLINE OF
TESTIMONY, AND EXHIBIT LIST OF
WALKER RIVER IRRIGATION
DISTRICT, LYON COUNTY, AND
BOWMAN PROTESTANTS

1 Pursuant to the Interim Order dated July 17, 2012 and the Amended Notice of Hearing
2 dated August 10, 2012, the Walker River Irrigation District (the "District"), Lyon County and the
3 Bowman Protestants (collectively, the "Joint Protestants") hereby submit their Witnesses,
4 Outline of Testimony, and Exhibit List. A copy of each Exhibit on the Exhibit List is also being
5 provided under separate cover in hard copy or by computer compact disk.
6

7 **I. WITNESSES AND OUTLINE OF TESTIMONY.**

8 **A. Kenneth C. Spooner**

9 The Joint Protestants will call Kenneth C. Spooner. Mr. Spooner will testify concerning
10 his background and his employment as General Manager of the Walker River Irrigation District.
11 Mr. Spooner will provide general information on the relevant geography of the Walker River
12 Basin and the area and facilities involved with Change Application No. 80700. His testimony
13 will include a description and explanation of selected features of the Walker River Basin in
14 California and Nevada, including, but not limited to, the headwaters of the West Fork of the
15 Walker River through Antelope Valley, Topaz Lake, Smith Valley, and into Mason Valley; the
16 headwaters of the East Fork of the Walker River in Bridgeport Valley, including Bridgeport
17 Reservoir, the East Walker area, and into Mason Valley; and the Main Walker River in Mason
18 Valley to the Schurz Valley, and into Walker Lake. Mr. Spooner will also provide background
19 testimony concerning the organization of the District, and the ownership of ditches and ditch
20 companies within the boundaries of the District. Mr. Spooner will testify about water rights
21 appurtenant to lands within the District. He will also testify to water rights held by the District.
22
23

24 Mr. Spooner will testify concerning acquisitions of land and/or water rights made to date
25 by the Applicant, National Fish and Wildlife Foundation ("NFWF") within the boundaries of the
26 District. He will testify as to the existing point of diversion, place and manner of use of such
27 acquired water rights. He will also provide testimony concerning Water Rights Assessment
28 Agreements between NFWF and the District concerning the payment of District assessments

1 associated with acquired water rights and Deeds of Trust which secure NFWF's obligations
2 under the Water Rights Assessment Agreements.

3 Mr. Spooner will sponsor and/or reference the following exhibits:

4 Exhibit No. 163 - Selected features of the Walker River Basin, California and Nevada;

5 Exhibit No. 164 - Map showing location of main hydrologic features in the Walker River
6 Basin, California and Nevada;

7 Exhibit No. 165 - District Notice dated February 11, 1919;

8 Exhibit No. 166 - Order of the Board of County Commissioners, Lyon County, March 6,
9 1919;

10 Exhibit No. 167 - Canvas of votes and Order of Board of County Commissioners of Lyon
11 County, April 15, 1919;

12 Exhibit No. 168 - Petition for Confirmation of Organization Proceedings in the Eighth
13 Judicial District Court of the State of Nevada in and for the County of Lyon;

14 Exhibit No. 169 - Notice of Hearing of Petition for Confirmation of Organization
15 Proceedings in the Eighth Judicial District Court of the State of Nevada in and for the County of
16 Lyon of the Walker River Irrigation District, November 22, 1919;

17 Exhibit No. 170 - Decree of Confirmation of Organization Proceedings in the Eighth
18 Judicial District Court of the State of Nevada in and for the County of Lyon of the Walker River
19 Irrigation District, December 9, 1919;

20 Exhibit No. 171 - California Water Right License No. 9407, Bridgeport Reservoir;

21 Exhibit No. 172 - California Water Right License No. 6000, Topaz Reservoir;

22 Exhibit No. 173 - California Water Right License No. 3987, Topaz Reservoir;

23 Exhibit No. 174 - Nevada Water Right Certificate No. 4972, Topaz Reservoir;

24 Exhibit No. 175 - Nevada Water Right Certificate No. 8859, West Walker River;

1 Exhibit No. 176 - Nevada Water Right Certificate No. 8860, East Walker and Main
2 Walker Rivers;

3 Exhibit No. 177 - Nevada Water Right Certificate No. 8861;

4 Exhibit No. 178 - Nevada State Engineer Ruling 1749A entered July 28, 1970;

5 Exhibit No. 179 - Order on Stipulation for Modification of Decree (Claim 254) entered
6 March 14, 2007 in the Walker River Action;

7 Exhibit No. 180 - Nevada Water Right Certificate No. 10860;

8 Exhibit No. 186 - Water Rights Assessment Agreement between NFWF and District
9 dated May 7, 2010;

10 Exhibit No. 187 - Deed of Trust dated May 7, 2010 among NFWF, Trustor, TICOR Title
11 of Nevada, Inc., Trustee, and Walker River Irrigation District, Beneficiary;

12 Exhibit No. 188 - Excerpt from 2007 Census of Agriculture, issued February, 2009;
13 updated December, 2009¹;

14 Exhibit No. 189 - Excerpt from Walker River Chronology, Nevada Division of Water
15 Resources; and

16 Exhibit No. 190 - NFWF Acquisitions as of February 8, 2012.

17 **B. Lee G. Bergfeld**

18 The Joint Protestants will call Lee G. Bergfeld, P.E., of MBK Engineers of Sacramento,
19 California. Mr. Bergfeld will testify as an expert witness. Mr. Bergfeld will testify concerning
20 his educational background and employment history since college. He will testify concerning
21 the consumptive use of applied water for alfalfa in Mason Valley. He will testify concerning the
22 data, methods and assumptions he used to calculate the consumptive use of applied water. He
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27
28 ¹ If the 2012 Census of Agriculture becomes available at any time before the conclusion of the hearing on this matter, the District intends to offer as an exhibit an excerpt from it similar to this excerpt.

1 will testify that it is his opinion that the annual consumptive use of applied water for alfalfa in
2 Mason Valley is 3.0 acre feet per acre. His testimony will be based upon and consistent with
3 information included in his written and signed report dated February 14, 2013. Mr. Bergfeld will
4 also compare and contrast his conclusions to the relevant conclusions in the January, 2010 report
5 published by the Nevada Division of Water Resources entitled "Evapotranspiration and Net
6 Irrigation Water Requirements for Nevada," and to the relevant conclusions made in other
7 published reports.
8

9 Mr. Bergfeld will sponsor the following exhibits:

10 Exhibit No. 193 - Resume of Lee G. Bergfeld; and

11 Exhibit No. 194 - Report of Lee G. Bergfeld entitled "Consumptive Use of Applied
12 Water of Alfalfa in Mason Valley" dated February 14, 2013.

13 Mr. Bergfeld may reference any or all of the other Exhibits submitted by the Joint Protestants.
14

15 **C. Marc Van Camp**

16 The Joint Protestants will call Marc Van Camp, P.E., of MBK Engineers of Sacramento,
17 California. Mr. Van Camp will testify as an expert witness. Mr. Van Camp will testify
18 concerning his educational background, employment history since college, and his experience.
19 He will testify concerning background information relevant to Application No. 80700, including,
20 but not limited to, the Walker River Decree and the manner in which the Walker River Decree is
21 administered. He will provide information concerning water rights within the Walker River
22 Basin, including, but not limited to, those appurtenant to lands within the District. He will testify
23 about the specific water rights which are the subject of Application No. 80700, their existing
24 point of diversion, and their existing place of use. Mr. Van Camp will also testify about the
25 recognized senior water right and recognized junior water rights which have points of diversion
26 downstream of the existing point of diversion for the water rights which are the subject of
27 Application No. 80700. He will also testify about recognized junior water rights which are
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1 upstream of the existing point of diversion of those same water rights. He will further testify
2 about water rights claimed to exist for the Walker River Indian Reservation downstream of the
3 existing point of diversion of the water rights which are the subject of the Application No.
4 80700. Mr. Van Camp will also testify concerning an ongoing dispute concerning the proper
5 place of measurement for the 26.25 cfs water right with an 1859 priority date recognized in the
6 Walker River Decree for the Walker River Indian Reservation.
7

8 Mr. Van Camp will provide information on the hydrologic variability of the Walker River
9 and how that variability affects water available to satisfy water rights recognized by the Walker
10 River Decree. Specifically, he will provide sample years showing periods of water availability,
11 based on Water Master Records to the water rights which are the subject of Application No.
12 80700. He will identify the key points of the Walker River Decree and related Rules and
13 Regulations relative to the determination of water availability.
14

15 It is Mr. Van Camp's opinion that in order to avoid a conflict with existing rights as
16 required by Nevada law, to avoid injury to the water rights of other parties as required by the
17 Walker River Decree, and to avoid similar conflict with and injury to water rights claimed to
18 exist, but which are not yet recognized, the Nevada State Engineer must limit the quantity of
19 water which may be changed from irrigation to instream flow under each water right associated
20 with Application No. 80700 to the flow rate associated with the consumptive use portion of the
21 water right being changed up to a quantity not to exceed 3.0 acre feet per acre per irrigation
22 season, and must limit the exercise of that changed water right to times when the Water Master
23 determines that both the consumptive and non-consumptive use portions of each such water right
24 are simultaneously available at the existing point of diversion (the point of non-diversion). He
25 will further testify that the changed water right must remain subject to the regulation and
26 continuing jurisdiction of the Water Master for all purposes under the Walker River Decree. His
27
28

1 testimony will be based upon and consistent with information included in his written and signed
2 report dated February 15, 2013.

3 Mr. Van Camp will sponsor the following exhibits:

4 Exhibit No. 195 - Resume of Marc Van Camp; and

5 Exhibit No. 196 - Report of Marc Van Camp entitled "Summary of Pertinent Water rights
6 and Conflict With Water Rights Resulting From Proposed Changes Under NFWF Application
7 80700" dated February 14, 2013.

8
9 Mr. Van Camp may reference any or all of the other Exhibits submitted by the Joint Protestants,
10 including, but not limited to the following:

11 Exhibit No. 151 - Walker River Decree, entered April 14, 1936 in *United States of*
12 *America v. Walker River Irrigation District, et al.*, In Equity No. C-125 (D. Nev) (the "Walker
13 River Action");

14
15 Exhibit No. 152 - Stipulation and Agreement for Entry of Amended Final Decree
16 Pursuant to Writ of Mandate of The Circuit Court of Appeals - Ninth Circuit - and Also
17 Amended Decree Entered Herein on April 15, 1936 to Clarify Certain Provisions Thereof, filed
18 April 25, 1940 in the Walker River Action;

19 Exhibit No. 153 - Order for Entry of Amended Final Decree to Conform to Writ of
20 Mandate Etc., entered April 24, 1940 in the Walker River Action;

21 Exhibit No. 154 - Order appointing U.S. Board of Water Commissioners, entered May
22 12, 1937 in the Walker River Action;

23 Exhibit No. 155 - Order amending May 12, 1937 Order, entered January 28, 1938 in the
24 Walker River Action;

25 Exhibit No. 156 - Order Approving Rules and Regulations for Distribution of Water on
26 the Walker River Stream System, filed September 3, 1953;

27 Exhibit No. 157 - Excerpt from P.L. 107-171, 05/13/2002, Desert Terminal Lakes I;
28

- 1 Exhibit No. 158 - Excerpt from P.L. 108-7, 02/20/2003, Desert Terminal Lakes II;
- 2 Exhibit No. 159 - Excerpt from P.L. 109-103, 11/19/2005, Desert Terminal Lakes III;
- 3 Exhibit No. 160 - Excerpt from P.L. 110-246, 06/18/2008, Desert Terminal Lakes IV;
- 4 Exhibit No. 161 - Excerpt from P.L. 111-85, 10/28/2009, Desert Terminal Lakes V;
- 5 Exhibit No. 162 - Excerpt from P.L. 112-74, 12/23/2011, Desert Terminal Lakes VI;
- 6 Exhibit No. 163 - Selected features of the Walker River Basin, California and Nevada;
- 7 Exhibit No. 164 - Map showing location of main hydrologic features in the Walker River
- 8 Basin, California and Nevada;
- 9
- 10 Exhibit No. 165 - Walker River Irrigation District Notice dated February 11, 1919;
- 11 Exhibit No. 166 - Order of the Board of County Commissioners, Lyon County, March 6,
- 12 1919;
- 13 Exhibit No. 167 - Canvas of votes and Order of Board of County Commissioners of Lyon
- 14 County, April 15, 1919;
- 15
- 16 Exhibit No. 168 - Petition for Confirmation of Organization Proceedings in the Eighth
- 17 Judicial District Court of the State of Nevada in and for the County of Lyon;
- 18 Exhibit No. 169 - Notice of Hearing of Petition for Confirmation of Organization
- 19 Proceedings in the Eighth Judicial District Court of the State of Nevada in and for the County of
- 20 Lyon of the Walker River Irrigation District, November 22, 1919;
- 21
- 22 Exhibit No. 170 - Decree of Confirmation of Organization Proceedings in the Eighth
- 23 Judicial District Court of the State of Nevada in and for the County of Lyon of the Walker River
- 24 Irrigation District, December 9, 1919;
- 25 Exhibit No. 171 - California Water Right License No. 9407, Bridgeport Reservoir;
- 26 Exhibit No. 172 - California Water Right License No. 6000, Topaz Reservoir;
- 27 Exhibit No. 173 - California Water Right License No. 3987, Topaz Reservoir;
- 28 Exhibit No. 174 - Nevada Water Right Certificate No. 4972, Topaz Reservoir;

1 Exhibit No. 175 - Nevada Water Right Certificate No. 8859, West Walker River;
2 Exhibit No. 176 - Nevada Water Right Certificate No. 8860, East Walker and Main
3 Walker Rivers;
4 Exhibit No. 177 - Nevada Water Right Certificate No. 8861;
5 Exhibit No. 178 - Nevada State Engineer Ruling 1749A entered July 28, 1970;
6 Exhibit No. 179 - Order on Stipulation for Modification of Decree (Claim 254) entered
7 March 14, 2007 in the Walker River Action;
8 Exhibit No. 180 - Nevada Water Right Certificate No. 10860;
9 Exhibit No. 181 - United States of America's First Amended Counterclaim, Subfile C-
10 125-B, July 30, 1997 in the Walker River Action;
11 Exhibit No. 182 - Walker River Paiute Tribe's First Amended Counterclaim, Subfile C-
12 125-B, July 30, 1997 in the Walker River Action;
13 Exhibit No. 183 - Report and Petition for Approval of Budget and Approval of Rate of
14 Assessment for the Year July 1, 2012 Through June 30, 2013, and for Approval of the Audit
15 Report for the Year Ended June 30, 2011, filed April 12, 2012 in the Walker River Action;
16 Exhibit No. 184 - Joint Comments of the Walker River Paiute Tribe and the United States
17 of America to the Report and Petition for Approval of Budget and Approval of Rate of
18 Assessment for the Year July 1, 2012 Through June 30, 2013, and for Approval of the Audit
19 Report for the Year Ended June 30, 2011, filed May 16, 2012 in the Walker River Action;
20 Exhibit No. 185 - Walker River Irrigation District Response to Joint Comments of the
21 Walker River Paiute Tribe and the United States of America, filed May 17, 2012 in the Walker
22 River Action; and
23 Exhibit No. 190 - NFWF Acquisitions as of February 8, 2012.

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27 **D. Jim Snyder**
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1 The Joint Protestants will call Jim Snyder, a farmer and rancher within the District. Mr.
2 Snyder will testify concerning his background and his family's farming and ranching history
3 within the District. Through his family's farming and ranching operation, Mr. Snyder is familiar
4 with several ditches and ditch companies, including the Campbell Canal Company, the Fox
5 Ditch Company, the Greenwood Mutual Ditch Company, the G&H Mutual Ditch Company, the
6 New Hall Daniel Ditch Company, the Mickey Mutual Ditch Company, and the Spragg-
7 Woodcock Mutual Ditch Company.

9 Mr. Snyder will testify concerning how expenses associated with the operation and
10 maintenance of private ditches within the District are assessed and collected. He will also testify
11 concerning remedies available to assist owners of private ditches in the collection of
12 assessments. In connection with changes to water rights which permanently change the point of
13 diversion of water rights out of ditches within the District, Mr. Snyder will explain why the State
14 Engineer should condition the exercise of such changed water rights to require continued
15 payment of ditch and ditch company assessments associated with the ditch from which the water
16 rights are being changed in order to avoid burdening the remaining users on any such ditch with
17 an ever increasing proportionate share of costs and expenses associated with its operation and
18 maintenance.

20 **E. Peter Fenili**

21 The Joint Protestants will call Peter Fenili, a fourth generation rancher and farmer whose
22 land is located in Smith Valley, Nevada, who grows alfalfa, grass hay and grain forages. He
23 owns 251 acres in two separate parcels of land, which is "new land" within the District
24 boundaries and receives water from the Saroni Canal and the West Walker Ditch Company. Mr.
25 Fenili will testify concerning the effects of the Change of Place and Manner of Use Application
26 No. 80700, and the significant impact upon farmers and ranchers who receive only stored water
27 from the District. Mr. Fenili will testify as to how stored water is administered, and why the
28

1 removal of Decree water from the existing irrigation system will have adverse effects on the
2 Walker River Irrigation District's ability to administer and deliver stored water.

3 **F. Richard Nuti**

4 The Joint Protestants will call Richard Nuti, a Smith Valley farmer of alfalfa, grass hay
5 and small grain, and a rancher within the boundaries of the Walker River Irrigation District. Mr.
6 Nuti operates under the family corporation of Six-N-Ranch. Mr. Nuti has some land which has
7 solely stored water for irrigation, and some which depends upon supplemental groundwater. Mr.
8 Nuti will testify that he is a third generation farmer who would hope to be able to pass his
9 interest in "new lands" and his stored water within the Walker River Irrigation District to the
10 fourth and fifth generations of his family. Mr. Nuti will testify that if this change application
11 (and others to follow) is allowed to remove water from the irrigation uses, and allow it to remain
12 in stream, "new land" water right holders will be more detrimentally impacted as they only have
13 stored water to irrigate their crops.
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16 **G. Gary Garms**

17 The Joint Protestants will call Gary Garms, a Smith Valley farmer whose land has been
18 farmed by members of his family since the 1930s. The fourth generation of his family is now
19 involved in farming. Mr. Garms is expected to testify as to the disproportionate effect the
20 change before the State Engineer will be for those who farm "new lands" and which receive
21 stored water from the Walker River Irrigation District. Mr. Garms is also expected to testify to
22 the economic impacts the loss of the quantity of stored water capable of being delivered in any
23 irrigation season means to farmers and ranchers whose lands are irrigated utilizing stored water.
24

25 **II. DOCUMENTARY EVIDENCE.**

26 Based upon information available at this time, the Joint Protestants intend to introduce
27 the following documentary evidence at the administrative hearing in this matter:
28

Exhibit No.	EXHIBIT LIST OF WALKER RIVER IRRIGATION DISTRICT, LYON COUNTY AND BOWMAN PROTESTANTS Description
151	Walker River Decree, entered April 14, 1936 in <i>United States of America v. Walker River Irrigation District, et al.</i> , In Equity No. C-125 (D. Nev.) (the "Walker River Action")
152	Stipulation and Agreement for Entry of Amended Final Decree Pursuant to Writ of Mandate of The Circuit Court of Appeals - Ninth Circuit - and Also Amended Decree Entered Herein on April 15, 1936 to Clarify Certain Provisions Thereof, filed April 25, 1940 in the Walker River Action
153	Order for Entry of Amended Final Decree to Conform to Writ of Mandate Etc., entered April 24, 1940 in the Walker River Action
154	Order appointing U.S. Board of Water Commissioners, entered May 12, 1937 in the Walker River Action
155	Order amending May 12, 1937 Order, entered January 28, 1938 in the Walker River Action
156	Order Approving Rules and Regulations for Distribution of Water on the Walker River Stream System, filed September 3, 1953
157	Excerpt from P.L. 107-171, 05/13/2002, Desert Terminal Lakes I
158	Excerpt from P.L. 108-7, 02/20/2003, Desert Terminal Lakes II
159	Excerpt from P.L. 109-103, 11/19/2005, Desert Terminal Lakes III
160	Excerpt from P.L. 110-246, 06/18/2008, Desert Terminal Lakes IV
161	Excerpt from P.L. 111-85, 10/28/2009, Desert Terminal Lakes V
162	Excerpt from P.L. 112-74, 12/23/2011, Desert Terminal Lakes VI
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164	Map showing location of main hydrologic features in the Walker River Basin, California and Nevada
165	Walker River Irrigation District Notice dated February 11, 1919
166	Order of the Board of County Commissioners, Lyon County, March 6, 1919
167	Canvas of votes and Order of Board of County Commissioners of Lyon

Exhibit No.	EXHIBIT LIST OF WALKER RIVER IRRIGATION DISTRICT, LYON COUNTY AND BOWMAN PROTESTANTS Description
	County, April 15, 1919
168	Petition for Confirmation of Organization Proceedings in the Eighth Judicial District Court of the State of Nevada in and for the County of Lyon
169	Notice of Hearing of Petition for Confirmation of Organization Proceedings in the Eighth Judicial District Court of the State of Nevada in and for the County of Lyon of the Walker River Irrigation District, November 22, 1919
170	Decree of Confirmation of Organization Proceedings in the Eighth Judicial District Court of the State of Nevada in and for the County of Lyon of the Walker River Irrigation District, December 9, 1919
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172	California Water Right License No. 6000, Topaz Reservoir
173	California Water Right License No. 3987, Topaz Reservoir
174	Nevada Water Right Certificate No. 4972, Topaz Reservoir
175	Nevada Water Right Certificate No. 8859, West Walker River
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177	Nevada Water Right Certificate No. 8861
178	Nevada State Engineer Ruling 1749A entered July 28, 1970
179	Order on Stipulation for Modification of Decree (Claim 254) entered March 14, 2007 in the Walker River Action
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182	Walker River Paiute Tribe's First Amended Counterclaim, Subfile C-125-B, July 30, 1997 in the Walker River Action
183	Report and Petition for Approval of Budget and Approval of Rate of Assessment for the Year July 1, 2012 Through June 30, 2013, and for Approval of the Audit Report for the Year Ended June 30, 2011, filed April

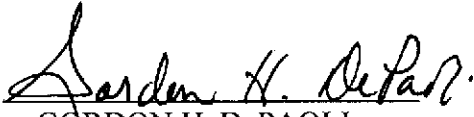
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	12, 2012 in the Walker River Action
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185	Walker River Irrigation District Response to Joint Comments of the Walker River Paiute Tribe and the United States of America, filed May 17, 2012 in the Walker River Action
186	Water Rights Assessment Agreement between NFWF and District dated May 7, 2010
187	Deed of Trust dated May 7, 2010 among NFWF, Trustor, TICOR Title of Nevada, Inc., Trustee, and Walker River Irrigation District, Beneficiary
188	Excerpt from 2007 Census of Agriculture, issued February, 2009; updated December, 2009 ²
189	Excerpt from Walker River Chronology, Nevada Division of Water Resources
190	NFWF Acquisitions as of February 8, 2012
191	Maps of Nuti Water Right Acreage
192	Map of Saroni Canal
193	Resume of Lee G. Bergfeld
194	Report of Lee G. Bergfeld entitled "Consumptive Use of Applied Water of Alfalfa in Mason Valley" dated February 14, 2013

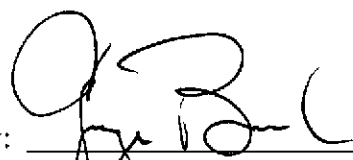
² If the 2012 Census of Agriculture becomes available at any time before the conclusion of the hearing on this matter, the District intends to offer as an exhibit an excerpt similar to this excerpt.

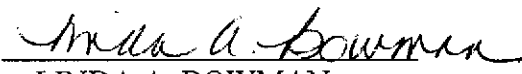
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Exhibit No.	EXHIBIT LIST OF WALKER RIVER IRRIGATION DISTRICT, LYON COUNTY AND BOWMAN PROTESTANTS Description
195	Resume of Marc Van Camp
196	Report of Marc Van Camp entitled "Summary of Pertinent Water Rights and Conflict With Water Rights Resulting From the Proposed Changes Under NFWF Application 80700 " dated February 14, 2013

WOODBURN AND WEDGE

Dated this 15th day of February, 2013. By: 
GORDON H. DePAOLI
DALE E. FERGUSON
DOMENICO R. DePAOLI
Attorneys for Walker River Irrigation District

Dated this 15th day of February, 2013. By: 
GEORGE N. BENESCH
Attorney for Lyon County

Dated this 15th day of February, 2013. By: 
LINDA A. BOWMAN
Attorney for Bowman Protestants

1 **AFFIDAVIT OF SERVICE**

2 STATE OF NEVADA)
3) ss.
4 COUNTY OF WASHOE)

5 Holly Dewar, being first duly sworn, deposes, and states under penalty of perjury, as
6 follows:

7 I am an employee of the law firm of Woodburn and Wedge, a citizen of the United
8 States, over 18 years of age, and not an interested person to the above-entitled matter.

9 On February 15, 2013, I deposited in sealed envelopes in the United States Mail, postage
10 fully prepaid, a true and correct copy of the foregoing filed in the above entitled matter,
11 addressed to each of the names and addresses as follows:

12 George Benesch
13 190 W. Huffaker Lane, Ste. 408
14 Reno, Nevada 89511

 David Sceirine
 P.O. Box 239
 Yerington, Nevada 89447

15 Linda Bowman
16 P.O. Box 10306
 Reno, Nevada 89510-0306

 Joseph Sceirine
 P.O. Box 1013
 Yerington, Nevada 89447

17 Campbell Canal Co., David Sceirine, Pres.
18 c/o Rife and Associates
19 22 Highway 208
 Yerington, Nevada 89447

 Jim Snyder
 P.O. Box 550
 Yerington, Nevada 89447

20 D & GW Ditch Co.
21 Louis Scatena, Secretary
22 1275 Highway 208
 Yerington, Nevada 89447

 Tunnel Ditch Co.
 Louis Scatena, Secretary
 984 State Rte. 208
 Yerington, Nevada 89447

23 Newhall Mutual Ditch Co.
24 Darrell E. Pursel, President
25 42 McKenzie Lane
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 Don Springmeyer, Christopher Mixson
 Wolf Rifkin Shapiro Schulman & Rabkin,
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 3556 E. Russell Road, 2nd Floor
 Las Vegas, Nevada 89120


26 Karen Peterson
27 Allison, MacKenzie
28 402 N. Division Street
 Carson City, Nevada 89702

 Christopher Watson
 U.S. Department of the Interior
 Office of the Solicitor
 1849 C Street NW, MS 6513 MIB
 Washington, D.C. 20240

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Stephen B. Rye
215 W. Bridge Street, Suite 3
Yerington, Nevada 89447

Wes Williams
P.O. Box 100
Schurz, Nevada 89427



Holly Dewar

SUBSCRIBED and SWORN to before
me this 15th day of February, 2013.



NOTARY PUBLIC

