

1 GORDON H. DePAOLI
Nevada State Bar No. 0195
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 GEORGE N. BENESCH
Nevada State Bar No. 1734
9 190 W. Huffaker Lane, Ste. 408
Reno, Nevada 89511
10 Attorney for Lyon County

| | |
|-------|----------------|
| SE | 'S EXHIBITS 22 |
| DATE: | _____ |

11 LINDA A. BOWMAN
12 Nevada State Bar No. 743
P.O. Box 10306
13 Reno, Nevada 89510-0306
14 Attorney for Bowman Protestants

15
16 IN THE OFFICE OF THE STATE ENGINEER
17 OF THE STATE OF NEVADA
18

19 IN THE MATTER OF CHANGE)
20 APPLICATION NO. 80700 FILED BY)
THE NATIONAL FISH AND WILDLIFE)
21 FOUNDATION)
22)
23)
24)
25)
26)
27)
28)

**SUBMISSION OF DOCUMENTARY
EVIDENCE OF WALKER RIVER
IRRIGATION DISTRICT,
LYON COUNTY, AND BOWMAN
PROTESTANTS**

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STATE ENGINEERS OFFICE

Pursuant to the Interim Order dated July 17, 2012 and the Amended Notice of Hearing dated August 10, 2012, the Walker River Irrigation District (the "District"), Lyon County and the Bowman Protestants (collectively, the "Joint Protestants") hereby submit their Documentary Evidence identified as follows:

| Exhibit No. | Description |
|-------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <u>151</u> | 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") |
| <u>152</u> | 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 |
| <u>153</u> | Order for Entry of Amended Final Decree to Conform to Writ of Mandate Etc., entered April 24, 1940 in the Walker River Action |
| <u>154</u> | Order appointing U.S. Board of Water Commissioners, entered May 12, 1937 in the Walker River Action |
| <u>155</u> | Order amending May 12, 1937 Order, entered January 28, 1938 in the Walker River Action |
| <u>156</u> | Order Approving Rules and Regulations for Distribution of Water on the Walker River Stream System, filed September 3, 1953 |
| <u>157</u> | Excerpt from P.L. 107-171, 05/13/2002, Desert Terminal Lakes I |
| <u>158</u> | Excerpt from P.L. 108-7, 02/20/2003, Desert Terminal Lakes II |
| <u>159</u> | Excerpt from P.L. 109-103, 11/19/2005, Desert Terminal Lakes III |
| <u>160</u> | Excerpt from P.L. 110-246, 06/18/2008, Desert Terminal Lakes IV |
| <u>161</u> | Excerpt from P.L. 111-85, 10/28/2009, Desert Terminal Lakes V |
| <u>162</u> | Excerpt from P.L. 112-74, 12/23/2011, Desert Terminal Lakes VI |
| <u>163</u> | Selected features of the Walker River Basin, California and Nevada |
| <u>164</u> | Map showing location of main hydrologic features in the Walker River Basin, California and Nevada |

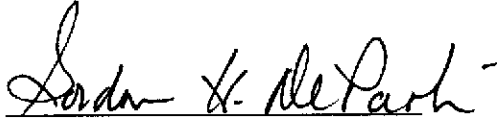
| Exhibit No. | Description |
|--------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | |
| <u>165</u> | Walker River Irrigation District Notice dated February 11, 1919 |
| <u>166</u> | Order of the Board of County Commissioners, Lyon County, March 6, 1919 |
| <u>167</u> | Canvas of votes and Order of Board of County Commissioners of Lyon County, April 15, 1919 |
| <u>168</u> | Petition for Confirmation of Organization Proceedings in the Eighth Judicial District Court of the State of Nevada in and for the County of Lyon |
| <u>169</u> | 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 |
| <u>170</u> | 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 |
| <u>171</u> | California Water Right License No. 9407, Bridgeport Reservoir |
| <u>172</u> | California Water Right License No. 6000, Topaz Reservoir |
| <u>173</u> | California Water Right License No. 3987, Topaz Reservoir |
| <u>174</u> | Nevada Water Right Certificate No. 4972, Topaz Reservoir |
| <u>175</u> | Nevada Water Right Certificate No. 8859, West Walker River |
| <u>176</u> | Nevada Water Right Certificate No. 8860, East Walker and Main Walker Rivers |
| <u>177</u> | Nevada Water Right Certificate No. 8861 |
| <u>178</u> | Nevada State Engineer Ruling 1749A entered July 28, 1970 |
| <u>179</u> | Order on Stipulation for Modification of Decree (Claim 254) entered March 14, 2007 in the Walker River Action |
| <u>180</u> | Nevada Water Right Certificate No. 10860 |
| <u>181</u> | United States of America's First Amended Counterclaim, Subfile C-125-B, July 30, 1997 in the Walker River Action |
| <u>182</u> | Walker River Paiute Tribe's First Amended Counterclaim, Subfile C-125-B, July 30, 1997 in the Walker River Action |

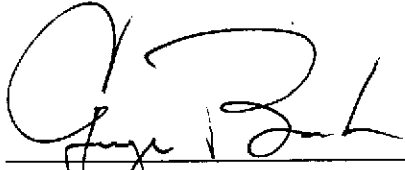
| Exhibit No. | Description |
|-------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <u>183</u> | 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 12, 2012 in the Walker River Action |
| <u>184</u> | Joint Comments of the Walker River Paiute Tribe and the United States of America to the 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 May 16, 2012 in the Walker River Action |
| <u>185</u> | 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 |
| <u>186</u> | Water Rights Assessment Agreement between NFWF and District dated May 7, 2010 |
| <u>187</u> | Deed of Trust dated May 7, 2010 among NFWF, Trustor, TICOR Title of Nevada, Inc., Trustee, and Walker River Irrigation District, Beneficiary |
| <u>188</u> | Excerpt from 2007 Census of Agriculture, issued February, 2009; updated December, 2009 ¹ |
| <u>189</u> | Excerpt from Walker River Chronology, Nevada Division of Water Resources |
| <u>190</u> | NFWF Acquisitions as of February 8, 2012 |
| <u>191</u> | Maps of Nuti Water Right Acreage |
| <u>192</u> | Map of Saroni Canal |
| <u>193</u> | Resume of Lee G. Bergfeld |
| <u>194</u> | Report of Lee G. Bergfeld entitled "Consumptive Use of Applied Water of Alfalfa in Mason Valley" dated February 14, 2013 |

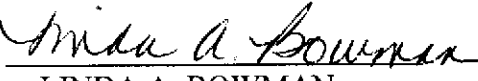
¹ If the 2012 Census of Agriculture becomes available at any time before the conclusion of the hearing on this matter, the District intends to offer as an exhibit an excerpt from it similar to this excerpt.

| Exhibit No. | Description |
|-------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <u>195</u> | Resume of Marc Van Camp |
| <u>196</u> | 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, along
11 with a hard copy or an electronic copy on compact disk (as indicated below) of each of the
12 exhibits listed in the foregoing, addressed to each of the names and addresses as follows:

13 George Benesch
14 190 W. Huffaker Lane, Ste. 408
15 Reno, Nevada 89511
(compact disk)

David Sceirine
P.O. Box 239
Yerington, Nevada 89447
(compact disk)

16 Linda Bowman
17 P.O. Box 10306
18 Reno, Nevada 89510-0306
(compact disk)

Joseph Sceirine
P.O. Box 1013
Yerington, Nevada 89447
(compact disk)

19 Campbell Canal Co., David Sceirine, Pres.
20 c/o Rife and Associates
21 22 Highway 208
22 Yerington, Nevada 89447
(compact disk)

Jim Snyder
P.O. Box 550
Yerington, Nevada 89447
(compact disk)

23 D & GW Ditch Co.
24 Louis Scatena, Secretary
25 1275 Highway 208
26 Yerington, Nevada 89447
(hard copy)

Tunnel Ditch Co.
Louis Scatena, Secretary
984 State Rte. 208
Yerington, Nevada 89447
(compact disk)

27 Newhall Mutual Ditch Co.
28 Darrell E. Pursel, President
42 McKenzie Lane
Yerington, Nevada 89447
(hard copy)

Don Springmeyer, Christopher Mixson
Wolf Rifkin Shapiro Schulman & Rabkin
3556 E. Russell Road, 2nd Floor
Las Vegas, Nevada 89120
(compact disk)

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Karen Peterson
Allison, MacKenzie
402 N. Division Street
Carson City, Nevada 89702
(compact disk)

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

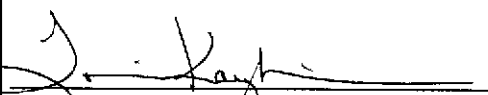
Stephen B. Rye
215 W. Bridge Street, Suite 3
Yerington, Nevada 89447
(compact disk)

Wes Williams
P.O. Box 100
Schurz, Nevada 89427
(compact disk)



Holly Dewar

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



NOTARY PUBLIC

