

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

5 SE 'S EXHIBITS 27
6
7 DATE: _____

8 IN THE MATTER OF CHANGE
9 APPLICATION NO. 80700 FILED
10 BY THE NATIONAL FISH AND
11 WILDLIFE FOUNDATION

STATE ENGINEERS OFFICE
2013 FEB 14 PM 4:00
RECEIVED

12 **INITIAL LIST OF WITNESSES AND EXHIBITS OF**
13 **UNITED STATES BOARD OF WATER COMMISSIONERS**

14 The UNITED STATES BOARD OF WATER COMMISSIONERS FOR THE
15 WALKER RIVER ("Board"), by and through its attorneys, ALLISON, MacKENZIE, PAVLAKIS,
16 WRIGHT & FAGAN, LTD., in accordance with the State Engineer's Amended Notice of Hearing,
17 dated August 10, 2012, provides its initial list of witnesses and exhibits. The Board may call any or
18 all of the following witnesses and utilize any or all of the following exhibits in this proceeding:

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

- 20 1. Jim Shaw, Water Master
21 U.S. Board of Water Commissioners
22 410 North Main Street
23 Yerington, NV 89447

24 Mr. Shaw will testify regarding the Walker River Decree; the apportionment and
25 distribution of the waters of the Walker River, including its forks and tributaries in the State of
26 Nevada and the State of California; 1953 Rules and Regulations for the Distribution of Water of the
27 Walker River Stream System; the Board's comments contained in the Board's letter dated July 15,
28 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

ALLISON, MacKENZIE, PAVLAKIS, WRIGHT & FAGAN, LTD.
402 North Division Street, P.O. Box 646, Carson City, NV 89702
Telephone: (775) 687-0202 Fax: (775) 882-7918
E-Mail Address: law@allisonmackenzie.com

ALLISON, MacKENZIE, PAVLAKIS, WRIGHT & FAGAN, LTD.
402 North Division Street, P.O. Box 646, Carson City, NV 89702
Telephone: (775) 687-0202 Fax: (775) 882-7918
E-Mail Address: law@allisonmackenzie.com

1 February 3, 2012; and any other matters pertaining to Application No. 80700 filed in this
2 proceeding.

3 2. Members of the U.S. Board of Water Commissioners
4 410 North Main Street
Yerington, NV 89447

5 A Commissioner or Commissioners of the U.S. Board of Water Commissioners may testify
6 regarding the Walker River Decree; the apportionment and distribution of the waters of the Walker
7 River, including its forks and tributaries in the State of Nevada and the State of California; 1953
8 Rules and Regulations for the Distribution of Water of the Walker River Stream System; the Board's
9 comments and recommendations contained in the Board's letter dated July 15, 2011 to the State
10 Engineer; the Board's list of issues to be addressed prior to a hearing submitted to the State Engineer
11 on October 21, 2011; the Board's brief submitted to the State Engineer on February 3, 2012; and any
12 other matters pertaining to Application No. 80700 filed in this proceeding.

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

16 B. **List of Exhibits:**

17 1051. Walker River Final Decree, dated April 14, 1936 and filed by the
18 Court Clerk on April 15, 1936. Bates stamped USBWC 1 - USBWC 77.

19 1052. U.S. District Court Findings of Fact and Conclusions of Law, dated
20 April 14, 1936 and filed by the Court Clerk on April 15, 1936 in the C-125 case. Bates Stamped
21 USBWC 78 - USBWC 105.

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

27 1054. Minute Order issued by Judge Reed on July 28, 1989 directing the
28 Clerk to file a copy of the Order for Entry of Amended Final Decree to Conform To Writ of

ALLISON, MacKENZIE, PAVLAKIS, WRIGHT & FAGAN, LTD.
402 North Division Street, P.O. Box 646, Carson City, NV 89702
Telephone: (775) 687-0202 Fax: (775) 882-7918
E-Mail Address: law@allisonmackenzie.com

1 Mandate Etc. as Judge St. Sure's 1940 Order and for the docket to reflect that the 1940 Order has
2 been refiled in its appropriate place. Bates stamped USBWC 112.

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

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

10 1057. USBWC Daily Worksheet. Bates Stamped USBWC 144.

11 1058. West Hyland Ditch information. Bates Stamped USBWC 145 -
12 USBWC 146.

13 1059. Walker River Irrigation District Cards for Claim Nos. 23A and 67 on
14 the West Hyland Ditch. Bates Stamped USBWC 147 - USBWC 151.

15 The Board reserves the right to introduce records from the State Engineer's files and
16 records and additional exhibits as may be identified resulting from the testimony or exhibits
17 disclosed by other parties and any exhibits to be used for impeachment or rebuttal purposes as may
18 be required at the hearing.

19 DATED this 14th day of February, 2013.

20
21 **ALLISON, MacKENZIE, PAVLAKIS,**
22 **WRIGHT & FAGAN, LTD.**
23 402 North Division Street
24 Carson City, NV 89703-4168

25 By:

26 
27 KAREN A. PETERSON, ESQ.

28 Attorneys for UNITED STATES BOARD OF
WATER COMMISSIONERS FOR THE
WALKER RIVER

ALLISON, MacKENZIE, PAVLAKIS, WRIGHT & FAGAN, LTD.
402 North Division Street, P.O. Box 646, Carson City, NV 89702
Telephone: (775) 687-0202 Fax: (775) 882-7918
E-Mail Address: law@allisonmackenzie.com

CERTIFICATE OF SERVICE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

Hand-delivery [NRCP 5(b)(2)(A)]

**Susan Joseph-Taylor, P.E., Hearings Officer
Division of Water Resources
901 South Stewart Street, Suite 2002
Carson City, NV 89701-5250**

Federal Express, UPS, or other overnight delivery

**Don Springmeyer, Esq.
Christopher Mixon, Esq.
Wolf, Rifkin, Shapiro, et al
3556 East Russell Road, 2nd Floor
Las Vegas, NV 89120**

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

Placing a true copy thereof in a sealed postage prepaid envelope, first class mail, in the United States Mail in Carson City, Nevada [NRCP 5(b)(2)(B)]

**George N. Benesch, Esq.
190 West Huffaker, Suite 408
Reno, NV 89511**

**Wes Williams, Jr., Esq.
P.O. Box 100
Schurz, NV 89427**

**Gorgon H. DePaoli, Esq.
Dale Ferguson, Esq.
Woodburn and Wedge
6100 Neil Road, Suite 500
Reno, NV 89511**

**Stephen B. Rye, Esq.
215 West Bridge Street, Suite 3
Yerington, NV 89447**

**Linda A. Bowman, Esq.
P.O. Box 10306
Reno, NV 89510-0306**

ALLISON, MacKENZIE, PAVLAKIS, WRIGHT & FAGAN, LTD.
402 North Division Street, P.O. Box 646, Carson City, NV 89702
Telephone: (775) 687-0202 Fax: (775) 882-7918
E-Mail Address: law@allisonmackenzie.com

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**Jim Snyder
P.O. Box 550
Yerington, NV 89447**

**Campbell Canal Co.
c/o Rife and Associates
David Sceirine, President
22 Highway 208
Yerington, NV 89447**

**Newhall Mutual Ditch Co.
Darrell E. Pursel, President
42 MacKenzie Lane
Yerington, NV 89447**

**David Sceirine
P.O. Box 239
Yerington, NV 89447**

**Joseph Sceirine
P.O. Box 1013
Yerington, NV 89447**

**D & GW Ditch Co.
Louis Scatena, Secretary
1275 Highway 208
Yerington, NV 89447**

**Louis Scatena
1275 Highway 208
Yerington, NV 89447**

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

DATED this 14th day of February, 2013.


NANCY FONTENOT