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GORDON H. DePAOLI  
Nevada State Bar No. 0195  
DALE E. FERGUSON  
Nevada State Bar No. 4986  
DOMENICO R. DePAOLI  
Nevada State Bar No. 11553  
Woodburn and Wedge  
6100 Neil Road, Suite 500  
Reno, Nevada 89511  
Telephone: 775/688-3000  
Attorneys for Walker River Irrigation District

GEORGE N. BENESCH  
Nevada State Bar No. 1734  
190 W. Huffaker Lane, Ste. 408  
Reno, Nevada 89511  
Attorney for Lyon County

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

IN THE OFFICE OF THE STATE ENGINEER  
OF THE STATE OF NEVADA

RECEIVED  
2013 JUN - 7 PM 3:10  
STATE ENGINEERS OFFICE

IN THE MATTER OF CHANGE )  
APPLICATION NO. 80700 FILED BY )  
THE NATIONAL FISH AND WILDLIFE )  
FOUNDATION )

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

SE 'S EXHIBITS 31  
DATE: \_\_\_\_\_



1 **I. WITNESSES AND OUTLINE OF ADDITIONAL TESTIMONY.**

2 **A. Lee G. Bergfeld**

3 The Joint Protestants will call Lee G. Bergfeld, P.E., of MBK Engineers of Sacramento,  
4 California. Mr. Bergfeld will testify as an expert witness. Mr. Bergfeld will testify in response  
5 to NFWF Exhibit 116, "Walker River Decision Support Tool (version 2.0): Application and  
6 Analysis of National Fish & Wildlife Foundation Application No. 80700" and supporting model  
7 input and output files contained in NFWF Exhibit 115, "Walker River Basin Decision Support  
8 Tool" and in response to testimony related thereto. He will testify that Exhibit 116 and the  
9 supporting input and output files, Exhibit 115, do not address and are not currently able to  
10 address the potential for the changes requested in Application 80700 to conflict with existing  
11 rights, and he will explain the reasons for those conclusions. His testimony will be based upon  
12 and consistent with information included in his written and signed report dated June 6, 2013.  
13

14 Mr. Bergfeld will sponsor the following additional exhibits:  
15

16 Exhibit No. 197 - Rebuttal Report to National Fish and Wildlife Foundation  
17 Exhibits 115 and 116 in Support of Application 80700;

18 **B. Marc Van Camp**

19 The Joint Protestants will call Marc Van Camp, P.E., of MBK Engineers of Sacramento,  
20 California. Mr. Van Camp will testify as an expert witness. Mr. Van Camp may testify in  
21 response to the testimony of David Yardas, Bruce Aylward, Catherine Wilson, Paul Hamai,  
22 Dwight Smith and Eugene Franzoy. His testimony will be related to NFWF Exhibit 111 and its  
23 associated Exhibit 1, BIA Exhibits 251 through 265, and Walker River Paiute Tribe Exhibit 354  
24 and its associated Exhibit 1. He will testify that the draft "Program Water Conveyance  
25 Accounting Protocols" will not protect existing and recognized water rights, and will not protect  
26 water approved for change under Application 80700. He will explain the reasons for those  
27 conclusions. He will also suggest features which should be included in an appropriate  
28

1 accounting protocol. His testimony will be based upon and consistent with information included  
2 in his written and signed report dated June 7, 2013.

3 Mr. Van Camp will sponsor the following additional exhibit:

4 Exhibit No. 198 - "Rebuttal Report to Exhibits Describing a Draft Accounting  
5 Protocol to Ensure Delivery of Water to Walker Lake".  
6

7 **C. Administrative Notice**

8 The Joint Protestants may request the Nevada State Engineer to take administrative notice  
9 of information in specific files in the Office of the Nevada State Engineer. The Joint Protestants  
10 may call one or more witnesses to explain and summarize the significance of the information in  
11 those files.

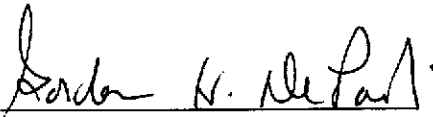
12 **II. ADDITIONAL DOCUMENTARY EVIDENCE.**

13 Based upon information available at this time, the Joint Protestants intend to introduce  
14 the following additional documentary evidence at the administrative hearing in this matter:  
15

Exhibit No.	LIST OF ADDITIONAL EXHIBITS OF WALKER RIVER IRRIGATION DISTRICT, LYON COUNTY AND BOWMAN PROTESTANTS  Description
197	Report of Lee G. Bergfeld dated June 6, 2013 entitled "Rebuttal Report to National Fish and Wildlife Foundation Exhibits 115 and 116 in Support of Application 80700"
198	Report of Marc Van Camp dated June 7, 2013 entitled "Rebuttal Report to Exhibits Describing a Draft Accounting Protocol to Ensure Delivery of Water to Walker Lake"

24 WOODBURN AND WEDGE

25 Dated this 7th day of June, 2013.

26 By: 

27 GORDON H. DePAOLI


28 DALE E. FERGUSON

DOMENICO R. DePAOLI

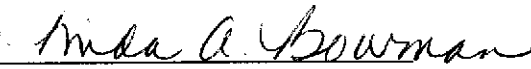
Attorneys for Walker River Irrigation District

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Dated this 7th day of June, 2013.

By:   
\_\_\_\_\_  
GEORGE N. BENESCH  
Attorney for Lyon County

Dated this 7th day of June, 2013.

By:   
\_\_\_\_\_  
LINDA A. BOWMAN  
Attorney for Bowman Protestants

**AFFIDAVIT OF SERVICE**

STATE OF NEVADA            )  
  ) ss.  
COUNTY OF WASHOE        )

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

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

On June 7, 2013, I deposited in sealed envelopes in the United States Mail, postage fully prepaid, a true and correct copy of the foregoing filed in the above entitled matter, along with a hard copy or an electronic copy on compact disk (as indicated below) of each of the exhibits listed in the foregoing, addressed to each of the names and addresses as follows:

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

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

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

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

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

Don Springmeyer, Christopher Mixson  
Wolf Rifkin Shapiro Schulman Rabkin  
3556 E. Russell Road, 2<sup>nd</sup> Floor  
Las Vegas, Nevada 89120

Newhall Mutual Ditch Co., Darrel E. Pursel  
42 McKenzie Lane  
Yerington, Nevada 89447

Walker River Irrigation District  
Kenneth Spooner, Manager  
P.O. Box 820  
Yerington, Nevada 89447

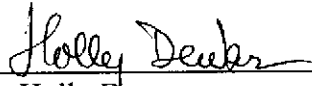
Karen Peterson  
Allison MacKenzie Law Firm  
402 N. Division Street  
Carson City, Nevada 89702

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

Steven B. Rye  
215 W. Bridge St., Ste. 3  
Yerington, Nevada 89447

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

1 David Sceirine  
2 P.O. Box 239  
3 Yerington, Nevada 89447

4  
5   
6 \_\_\_\_\_  
7 Holly Dewar

8 SUBSCRIBED and SWORN to before  
9 me this 7th day of June, 2013.

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11 \_\_\_\_\_  
12 NOTARY PUBLIC



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