

RECEIVED  
2012 AUG 31 AM 10:55  
STATE ENGINEERS OFFICE

Don Springmeyer, Esq.  
Nev. Bar No. 1021  
Christopher W. Mixson, Esq.  
Nev. Bar No. 10685  
WOLF, RIFKIN, SHAPIRO, SCHULMAN & RABKIN, LLP  
3556 E. Russell Rd.  
Las Vegas, NV 89120  
dspringmeyer@wrslawyers.com  
cmixson@wrslawyers.com  
Ph: 702.241.5200/Fx: 702.341.5300

*Attorneys for Applicant National Fish & Wildlife Foundation*

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

IN THE MATTER OF APPLICATION 80700  
FILED BY THE NATIONAL FISH &  
WILDLIFE FOUNDATION

**RESPONSE OF APPLICANT NATIONAL  
FISH & WILDLIFE FOUNDATION TO  
MOTION OF U.S. BOARD OF WATER  
COMMISSIONERS FOR  
CLARIFICATION**

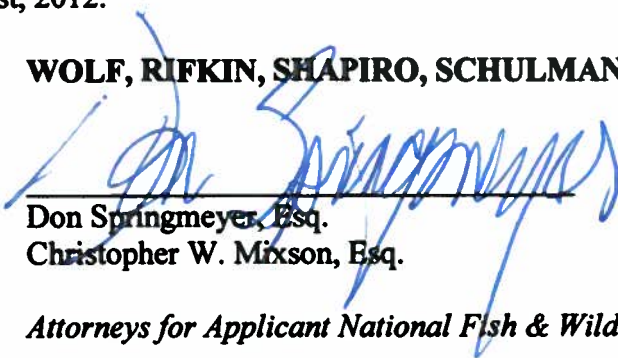
The Applicant herein, National Fish & Wildlife Foundation (“NFWF”), hereby responds to the August 10, 2012 Motion of the U.S. Board of Water Commissioners (the “Board”) for clarification of the State Engineer’s July 17, 2012, Interim Order and Notice of Hearing. The Board asks the State Engineer to reconsider his decision, and to let the Board participate in the evidentiary hearing regarding Application 80700 as a full party, with rights to present and cross-examine witnesses, present evidence, and generally present a full case to the State Engineer, as a protesting, adverse party, regarding Application 80700.

NFWF understands that the Walker Decree Court Regulations say what they say. In Applicant’s view it is far beyond the original intent of the Regulation, or the appropriate purview of the Board as a putative arm of the Decree Court itself, to be taking an adversary role, as opposed to a factually informative role, in this proceeding. Applicant intends to fully explore

those points with the Decree Court, but takes no position regarding the Board's Motion at this time.

Dated this 28<sup>th</sup> day of August, 2012.

**WOLF, RIFKIN, SHAPIRO, SCHULMAN & RABKIN, LLP**



Don Springmeyer, Esq.  
Christopher W. Mixson, Esq.

*Attorneys for Applicant National Fish & Wildlife Foundation*

**CERTIFICATE OF MAILING**

I certify that I am an employee of the law office of Wolf, Rifkin, Shapiro, Schulman and Rabkin, LLP, and that on this date I caused to be served by U.S. mail, postage prepaid, a true and correct copy of the foregoing **RESPONSE OF APPLICANT NATIONAL FISH & WILDLIFE FOUNDATION TO MOTION OF U.S. BOARD OF WATER COMMISSIONERS FOR CLARIFICATION** on the following persons and/or entities:

Karen Peterson, Esq.  
Allison, MacKenzie Law Firm  
402 North Division Street  
Carson City, Nevada 89702  
*Attorneys for U.S. Board of Water Commissioners*

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

Linda Bowman, Esq.  
P.O. Box 10306  
Reno, Nevada 89510-0306  
*Attorney for Gary G. Garms, Peter A. Fenili, Gary M. Berrington, Settlemeyer-Rosse Ranch Management, LLC, et al.*

Gordon DePaoli, Esq.  
Dale Ferguson, Esq.  
Woodburn and Wedge  
6100 Neil Road, Ste. 500  
Reno, Nevada 89511  
*Attorneys for Walker River Irrigation District*

George Benesch, Esq.  
190 W. Huffaker Lane, Ste. 408  
Reno, Nevada 89511  
*Attorney for Lyon County*

Jim Snyder  
P.O. Box 550  
Yerington, Nevada 89447  
*for Jim Snyder, Eddie R. Snyder, Eufrazia  
LLC, Spragg-Woodcock Mut. Ditch Co., et al.*

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

Louis Scatena  
1275 Hwy 208  
Yerington, Nevada

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

D & GW Ditch Co.  
Louis Scatena, Secretary  
1275 Hwy 208  
Yerington, Nevada 89447

Wes Williams, Esq.  
P.O. Box 100  
Schurz, Nevada 89427  
*Attorneys for Walker River Paiute Tribe*


Stephen B. Rye, Esq.  
215 W. Bridge St., Ste. 3  
Yerington, Nevada 89447  
*Attorney for Mickey Mut. Ditch Co., G&H  
Mut. Ditch Co., Greenwood Mut. Ditch Co.,  
Campbell Canal Co.*

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

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

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

Dated this 28<sup>th</sup> day of August, 2012.

  
An employee of Wolf, Rifkin, Shapiro,  
Schulman & Rabkin, LLP