

1 KAREN A. PETERSON, ESQ.  
2 Nevada State Bar No. 0366  
3 **ALLISON MacKENZIE, LTD.**  
4 402 North Division Street  
5 Carson City, NV 89703  
6 Telephone: (775) 687-0202  
7 Facsimile: (775) 882-7918  
8 Email: [kpeterson@allisonmackenzie.com](mailto:kpeterson@allisonmackenzie.com)

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10 Attorneys for the UNITED STATES BOARD OF WATER COMMISSIONERS

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13  
14 **UNITED STATES DISTRICT COURT**  
15 **DISTRICT OF NEVADA**

16  
17 UNITED STATES OF AMERICA,

3:73-CV-00125-RCJ-WGC

18 Plaintiff,

In Equity No. C -125

19 WALKER RIVER PAIUTE TRIBE,

**UNITED STATES BOARD OF  
WATER COMMISSIONERS'  
REPORT TO COURT AND  
RECOMMENDATION FOR  
APPOINTMENT OF WATER  
COMMISSIONER FOR DIVISION 1;  
AND ORDER THEREON**

20 Plaintiff-Intervenor,

21 vs.

22 WALKER RIVER IRRIGATION DISTRICT,  
a corporation, et al.,

23 Defendants.

24 /

25 The UNITED STATES BOARD OF WATER COMMISSIONERS ("Board"), by and  
26 through its counsel, ALLISON MacKENZIE, LTD., presents to this Court its Report on filling the  
27 vacancy in Division 1.

28 On January 27, 2017, the Board submitted its Report (Doc. 1447) to the Court of the  
vacancy on the Board for Division 1. On February 9, 2017, the Court issued the Notice of Vacancy  
in Division 1, United States Board of Water Commissioners (Doc 1448). The Notice was published  
and posted by the Board as directed in the Court's Notice as shown by the Affidavits of Posting and  
Affidavits of Publication filed with the Court on March 1, 2017 (Docs. 1451 – 1455). One  
application was submitted to the Court for the Division 1 vacancy. The Board received the

ALLISON MacKENZIE, 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](mailto:law@allisonmackenzie.com)

1 application submitted by Jon D. McMasters to fill the vacancy in Division 1 along with a Letter and  
2 Resolution from the Walker River Paiute Tribe endorsing and supporting the application of Mr.  
3 McMasters. Copies of the Letter and Resolution from the Walker River Paiute Tribe are attached  
4 hereto as **Exhibit “1”**.

5 As Jon D. McMasters meets all of the qualifications for appointment and was  
6 recommended by the Walker River Paiute Tribe to fill the Division 1 vacancy, the Board supports  
7 and recommends Jon D. McMasters for appointment by the Court as the Commissioner to represent  
8 Division 1 in accordance with the Court Decree, In Equity C-125, until further order of this Court.

9 RESPECTFULLY submitted this 19<sup>th</sup> day of April, 2017.

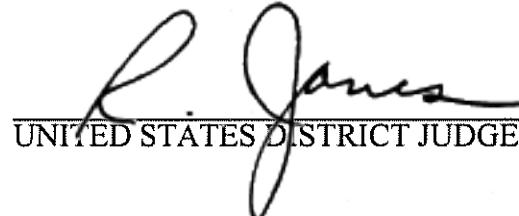
10 ***ALLISON MacKENZIE, LTD.***  
11 402 North Division Street  
12 Carson City, NV 89703

13 By: /s/ Karen A. Peterson  
14 KAREN A. PETERSON, ESQ.

15 Attorneys for UNITED STATES BOARD OF WATER  
16 COMMISSIONERS

17 **ORDER**

18 IT IS SO ORDERED this **3rd day of May, 2017.**

19   
20 UNITED STATES DISTRICT JUDGE

## **CERTIFICATE OF SERVICE**

I hereby certify that I am an employee of **ALLISON MacKENZIE, LTD.**, and that I electronically filed the foregoing document with the Clerk of the Court by using the CM/ECF system, and that service will be accomplished on all counsel and persons requesting notice by the Court CM/ECF system, which will send notification of such filing to their email addresses.

And further I certify that I also served a copy of the foregoing document on the following non-CM/ECF participants by U.S. Mail, postage prepaid:

Bryan Bowker  
U.S. Department of the Interior  
Bureau of Indian Affairs - Western Region  
Division of Natural Resources, MS-460  
2600 N. Central Avenue, 4<sup>th</sup> Floor  
Phoenix, AZ 85004

Walker River Irrigation District  
P.O. Box 820  
Yerington, NV 89447

California Water Resources Department  
1416 Ninth Street  
Sacramento, CA 95814

Bradley Crowell, Director  
Dept. of Conservation & Natural Resources  
State of Nevada  
901 S. Stewart Street #1003  
Carson City, NV 89701

Jason King, P.E.  
Department Conservation and  
Natural Resources  
Division of Water Resources  
901 S. Stewart Street, #2002  
Carson City, NV 89701

London, May, 1871.

DATED this 19<sup>th</sup> day of April, 2017.

/s/ Nancy Fontenot  
**NANCY FONTENOT**

4821-2952-2246, v. 1

# **EXHIBIT “1”**



## Walker River Paiute Tribe

1022 Hospital Road • P.O. Box 220 • Schurz, Nevada 89427

Telephone: (775) 773-2306

Fax: (775) 773-2585

United States Board of Water Commissioners  
Walker River  
410 N. Main Street  
Yerington, NV 89447

Dear Commission Members:

The Federal District Court for the District of Nevada issued a Notice of Vacancy in Division 1, United States Board of Water Commissioners on February 9, 2017 in the Walker River litigation case (Case No. 3:73-CV-00125-RCJ-WGC; Doc. 1448). The qualifications for this seat on the Board include the person being a member of the Walker River Paiute Tribe and a resident of the Walker River Paiute Reservation. The person must also be competent to perform the duties of a Board member, of good moral character, emotionally stable and mature, in good health, patient, courteous and capable of deliberation and decisions when required to act.

Jon McMasters has submitted an application to fill this position. The Walker River Paiute Tribe ("Tribe") supports Mr. McMasters' application. I and the Walker River Tribal Council can attest to Mr. McMasters meeting all of the qualifications required for this position. The Tribal Council, at a meeting held on April 13, 2017 voted unanimously to recommend Mr. McMasters to this vacancy. Based on this, the Tribe hereby requests that the Board and/or the Court approve Jon McMasters to fill the vacant seat for Division 1, United States Board of Water Commissioners for the Walker River.

Please let me know if you need anything further from the Tribe regarding this matter.

Sincerely,

*Amber Torres*  
Amber Torres, Tribal Chairman  
WALKER RIVER PAIUTE TRIBE

Attachment: Tribal Resolution WR-40-2017



## Walker River Paiute Tribe

1022 Hospital Road • P.O. Box 220 • Schurz, Nevada 89427  
RESOLUTION OF THE GOVERNING BODY

Telephone: (775) 773-2306

OF THE

Fax: (775) 773-2585

### WALKER RIVER PAIUTE TRIBE

#### RESOLUTION NO. WR-40-2017

BE IT RESOLVED BY THE TRIBAL COUNCIL OF THE WALKER RIVER PAIUTE TRIBE THAT:

WHEREAS, the governing body of the Walker River Paiute Tribe is organized under the provisions of the Indian Reorganization Act of June 1934 as amended, to exercise certain home rule and be responsible for the promotion of economic and social welfare of its members; and

WHEREAS, the United States Board of Water Commissioners (USBWC) was formed in 1936 to apportion and distribute waters of the Walker River and its tributaries by the Federal District court, and

WHEREAS, the Walker River Basin is split into six (6) divisions and each USBWC represents their respective divisions in carrying out the Walker River C-125 decree; and

WHEREAS, the Walker River Paiute Tribe has a seat on the (USBWC); and

WHEREAS, the commission seat for the Tribes division is currently empty; and

WHEREAS, Jon D. McMasters has applied for the commission seat and does meet the requirements; and

BE IT FINALLY RESOLVED THAT, the Walker River Paiute Tribe endorses and supports the application of Jon D. McMasters for the Tribe's vacant seat on the USBWC.

#### CERTIFICATION

It is hereby certified that the foregoing Resolution of the Walker River Paiute Tribal Council, composed of seven members, of whom 6, constituting a quorum, were present at a meeting held on the 13th day of April 13, 2017, and that the foregoing resolution was adopted by the affirmative vote of 5 FOR, 0 AGAINST, and 0 ABSTENTIONS, pursuant to the authority contained in Article VI, Section 1(e), of the Constitution and By-Laws of the Walker River Paiute Tribe, approved March 26, 1937.

John Lockwood, Tribal Council Secretary  
WALKER RIVER PAIUTE TRIBE