ase 3:73-cv-00003-LDG Document 909 Filed 11/17/2008 Page 1 of 3 1 GREGORY A. BROWER **United States Attorney** GREG ADDINGTON 2 Assistant United States Attorney 3 100 West Liberty Street, Suite 600 Reno, Nevada 89501 4 Tel: (775) 784-5438 5 RONALD J. TENPAS, Assistant Attorney General FRED R. DISHEROON, Special Litigation Counsel United States Department of Justice 6 Environment and Natural Resources Division 7 P.O. Box 7397, Ben Franklin Station Washington, D.C. 20044-7397 8 Tel: (202) 616-9649 Email: Fred.Disheroon@usdoj.gov STEPHEN M. MACFARLANE, Trial Attorney United States Department of Justice 10 Environment and Natural Resources Division 501 I Street, Suite 9-700 11 Sacramento, California 95814-2322 Tel: (916) 930-2204 12 Fax: (916) 930-2210 Email: Stephen.Macfarlane@usdoj.gov 13 14 Attorneys for Plaintiff United States of America 15 IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA 16 UNITED STATES OF AMERICA, et al.,) Case No. 3:73-cv-00003-LDG 17 DECLARATION OF STEPHEN M. Plaintiff, 18) MACFARLANE IN SUPPORT OF) MOTION OF THE UNITED STATES, v. 19) STATE OF NEVADA, PYRAMID LAKE) PAIUTE TRIBE, TRUCKEE MEADOWS THE ORR WATER DITCH CO., et al., 20) WATER AUTHORITY, AND WASHOE) COUNTY WATER CONSERVATION Defendants. DISTRICT TO MODIFY OR 21 AMEND THE FINAL DECREE ENTERED IN THIS CASE IN 1944 22 23 I, Stephen M. Macfarlane, declare as follows: 24 I am a Trial Attorney employed by the United States Department of Justice in the 25 Environment and Natural Resources Division's Sacramento Field Office, and am an attorney of record for the United States in this case. I am familiar with the provisions of the Truckee River 26 27 Operating Agreement, which was negotiated pursuant to the Truckee-Carson-Pyramid Lake Water 28 Rights Settlement Act of 1990, Title II, Publ. L. 101-618, 104 Stat. 3294, and which was signed on September 6, 2008. I make this declaration based on my personal knowledge.

1	2. For the Court's convenience, Exhibit A attached to my Declaration is a true and
2	correct copy of the Truckee-Carson Pyramid Lake Water Rights Settlement Act of 1990, Title II
3	Publ. L. 101-618, 104 Stat. 3294.
4	3. Exhibit B attached to my Declaration is a true and correct copy of the Truckee River
5	Operating Agreement, signed September 6, 2008.
6	4. Exhibit C attached to my Declaration is a true and correct copy of the Preliminary
7	Settlement Agreement between the Sierra Pacific Power Company and the Pyramid Lake Paiute
8	Tribe.
9	I declare under penalty of perjury that the foregoing statements are true and correct.
10	Signed this 17 th day of November, 2008, in Sacramento, California,
11	
12	/s/ Stephen M. Macfarlane Stephen M. Macfarlane
13	Stephen W. Wactariane
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	
25	
26	
27	
28	
	- 2 -

Case 3:73-cv-00003-LDG Document 909 Filed 11/17/2008 Page 2 of 3