

EXHIBIT 129

David R. Yardas

Outline of Rebuttal Testimony

Walker Basin Restoration Program

David Yardas directs the Walker Basin Restoration Program (Program) for the National Fish and Wildlife Foundation (NFWF) in conjunction with his responsibilities as Program Director, Southwest and Interior Water Programs. In this capacity, Mr. Yardas has overseen the preparation and submission of Application No. 80700, including the negotiations related to a proposed 'Conveyance Agreement' with the Walker River Paiute Tribe.

Mr. Yardas's rebuttal testimony will include additional discussion of 'Conveyance Agreement' negotiations among NFWF, the Walker River Paiute Tribe (WRPT) and the U.S. Bureau of Indian Affairs (BIA) in response to relevant evidence presented herein by WRPT and BIA, including but not limited to the following:

I. WRPT did not provide a copy of its 'Supplemental Data Report' (Exhibit No. 355) to NFWF at any time prior to WRPT's first evidence exchange in this proceeding, and particularly WRPT did not provide this report *prior* to execution of the Conveyance Agreement MOU (Exh. 111) by NFWF and WRPT; erroneous statement in outline of testimony of Dwight L. Smith that "the Supplemental Data report (Exhibit 355) [was] utilized to develop the proposed Accounting Protocols," in light of the above; lack of endorsement by NFWF of Supplemental Data Report; discussion of NFWF Exh. 122 (Apr. 19, 2013 USGS letter re WRPT Exh. 355).

II. Key benefits realized by NFWF during negotiations for Conveyance Agreement and Accounting Protocols, which are no longer realized in light of U.S. Bureau of Indian Affairs' rejection of key aspects of the draft Conveyance Agreement produced by NFWF and WRPT in course of lengthy negotiations.

III. Key accommodations or concessions agreed to by NFWF for the benefit of WRPT in course of Conveyance Agreement negotiations, which are no longer acceptable without BIA agreement to a final Conveyance Agreement as produced by NFWF and WRPT in course of lengthy negotiations.

IV. Based on the foregoing, NFWF's recommendations for accounting method(s) for tracking conveyance of Program Water through the lower Walker River and Weber Reservoir, including the following:

A. Construction and use of transportation loss equations based on historic gage data and incremental loss accounting (as opposed to daily gage readings and proportional loss accounting);

B. Only WRPT, BIA, the Federal Watermaster and NFWF have a meaningful stake in accounting for the conveyance of Program Water derived from acquired natural flow decree rights through the Reservation reach of the lower Walker River (i.e., from the Wabuska gauge to Walker Lake), therefore only those parties are necessary for determining a workable accounting protocol for such conveyance.

C. Use of the USGS lower Walker River model for monitoring and accounting for movement of water through the lower Walker River and into Walker Lake, if and when such modeling is publicly available.