# EXHIBIT A

CAROL C. FITZGERALD
CLERK
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DEPUTY

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
RENO, NEVADA

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AND FILED

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| UNITED STATES OF AMERICA, et al., | IN EQUITY NO. C-125 |
| VS. | MINUTES OF THE COURT |
| WALKER RIVER IRRIGATION DISTRICT, et al. | DATE: April 9, 1990 |

PRESENT: EDWARD C. REED, JR. U.S. District Judge

Deputy Clerk: DEBBIE ROBERTS Reporter: NONE APPEARING

Counsel for Plaintiff(s) NONE APPEARING

Counsel for Defendant(s) NONE APPEARING

MINUTE ORDER IN CHAMBERS

On April 9, 1990, this Court adopted the Administrative Rules and Regulations Regarding Change of Point of Diversion, Manner of Use or Place of Use of Waters of the Walker River and Its Tributaries (document #161 Exhibit A), and entered its Order of Appointment of the California State Water Resources Control Board as Special Master (document #161 Exhibit B). The Administrate Rules and Regulations were adopted with one modification made by the Court on page 13 of Exhibit A.

IT IS, THEREFORE, HEREBY ORDERED that the Clerk shall provide copies of Exhibits A and B to document #161 to the parties to this action.

CAROL C. FITZGERALD, CLERK
By Debbie Roberts
Deputy Clerk

EXHIBIT A

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EXHIBIT B

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEVADA

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| UNITED STATES OF AMERICA,<br>Plaintiff,<br>WALKER RIVER PAIUTE TRIBE,<br>Intervenor-Plaintiff,<br>vs.<br>WALKER RIVER IRRIGATION DISTRICT, a corporation, et. al.,<br>Defendants. | IN EQUITY NO. C-125<br><br>**ORDER OF APPOINTMENT OF CALIFORNIA STATE WATER RESOURCES BOARD AS SPECIAL MASTER** |

1. On July 15, 1987, the United States Board of Water Commissioners and the Chief Deputy Water Commissioner filed a petition herein for an order establishing the procedure, rules and regulations to be followed with respect to changing the point of diversion, manner of use or place of use of the waters of the Walker River and for the appointment of the California State Water Resources Board as special master with respect to changes involving water rights in California.

2. The United States and the Walker River Paiute Tribe filed objections to the proposed rules and regulations and to the appointment of the California State Water Resources Control Board as special master.

3. The Court having heard the arguments of counsel and having rendered its decisions on May 17, 1988, July 7, 1989 and September 11, 1989, hereby makes the following order:

PREFACE

Neither this Order nor the Administrative Rules and Regulations affect the authority or duties of the United States Board of Water Commissioners to the extent that it may be deemed to be a special master under the Walker River Decree. To the extent that the duties assigned hereunder to the California State Water Resources Control Board may constitute duties formerly assigned to the United States Board of Water Commissioners, the United States Board of Water Commissioners shall no longer have such duties assigned to it.

I. APPOINTMENT

1. Pursuant to:

(a) the Administrative Rules and Regulations Regarding Change of Point of Diversion, Manner of Use or Place of Use of Waters of the Walker River and Its Tributaries, approved by the court on April 9, 1990;

(b) the Final Decree in the Walker River Action entered on April 15, 1936, as amended on April 20, 1940, and in particular paragraphs X, XIV, and XV thereof;

(c) Rule 53 of the Federal Rules of Civil Procedure; and

(d) Sections 2075 and 2076 of the Water Code of the State of California;

the California State Water Resources Control Board is hereby appointed as Special Master in this action.

II. GENERAL DUTY AND LIMITATION

2. The Special Master shall submit a report to this court for each change application, in the form and manner and pursuant to the procedure hereinafter provided, on any and all changes proposed in point of diversion, manner of use, or place of use, in exercise of those rights to the use of waters of the Walker River and its tributaries within the State of California established by the final decree in this action and any decree supplementary thereto.

III. UNAPPROPRIATED WATERS

3. This Order shall not govern applications to appropriate unappropriated waters of the Walker River or its tributaries in the State of California, except as provided in this paragraph. With respect to any such applications, it is the intent of this Court that such applications be processed in accordance with the laws of the State of California relating to the appropriation of unappropriated water; provided, first, that in the event any such application is approved, and following final judgment of the courts of the State of California should judicial review of such approval be sought therein, the Special Master shall timely move this Court for entry of a supplemental decree in this case recognizing any rights granted as the result of approval of such application; and, provided, second, that this Order shall govern changes proposed in point of diversion, manner of use, or place

of use, in exercise of any such rights recognized in a supplemental decree.

IV. PROCEDURE TO BE FOLLOWED

4. In processing all applications to change the point of diversion, manner of use or place of use ("change application"), the Special Master shall follow and require applicants to follow the Administrative Rules and Regulations Regarding Change of Point of Diversion, Manner of Use or Place of Use of Water of the Walker River and Its Tributaries (the "Administrative Rules and Regulations").

V. ADDITIONAL POWERS OF SPECIAL MASTER

5. The Special Master may hold any hearings and conduct any investigations in any part of the State of California or the State of Nevada necessary to carry out its duties pursuant to this Order. For such purposes the Special Master shall have (i) the powers conferred on Masters by the Federal Rules of Civil Procedure, and (ii) the power conferred on it, as California State Water Resources Control Board, by the laws of the State of California and by rules and regulations heretofore or hereafter adopted by it as California State Water Resources Control Board pursuant to such laws, so long as such proceeding affords all parties due process of law, and except as expressly otherwise provided in this Order. It is the duty of the Special Master to proceed with all reasonable diligence.

VI. REPORT

6. Form of Report. The report of the Special Master may be in narrative form, or in the form of findings of fact and

conclusions of law, or in some combination thereof, as deemed appropriate by the Special Master in view of the complexity of the factual and legal issues presented by the Application to Change. The report may contain such opinion upon the law and the facts as the Special Master deems appropriate in view of the issues presented.

7. Draft Report. Before filing its report as hereinafter provided, the Special Master shall announce it in the form of a draft.

a. The draft report shall include copies of the following:

(1) The Application to Change;

(2) The Notice of Application to Change, together with proof of publication thereof and a list of all persons to whom a copy of the Notice was mailed;

(3) Any protest(s) to the Application;

(4) Any notice(s) of hearing.

b. The Special Master shall mail notice of the draft report, together with a copy of the draft report, to the parties to the change proceedings or their attorneys.

c. Within 30 days after the date of the mailing of the draft, or within such further time as the Special Master may for good cause allow, any such party may file objections to it with the Special Master.

d. The Special Master shall consider any objections and may hold an adjudicatory hearing thereon if deemed advisable by it.

As used in this section the word "party" shall mean and refer to any person who appears or is allowed to appear in any proceeding before the Special Master.

8. Adopting, Filing and Serving Report. Following consideration of any objections to the draft report, the Special Master shall take the following actions:

a. The Special Master shall adopt the Report of Special Master pursuant to the laws of the State of California governing the taking of action by the Special Master as California State Water Resources Control Board.

b. The Report of Special Master shall consist of the draft report showing any changes made therein as the result of consideration of objections, and copies of any objections to the draft report.

c. The Report of Special Master shall be served and filed in accordance with Section 6.3 of the Administrative Rules and Regulations.

9. Effect of Report. The report of the Special Master shall not be final and its findings shall not be given presumptive effect. In review of any report and recommendation as to a change application rendered by the Special Master, the court shall not be limited by the "clearly erroneous" standard prescribed by Fed.R.Civ.P. 53(e)(2) and all matters referred to the Special Master shall be open for determinations by the court as if no findings had been made.

VII. COMPENSATION OF SPECIAL MASTER

10. Pursuant to Rule 53 of the Federal Rules of Civil Procedure, this Court fixes the compensation to be allowed to the Special Master for discharge of its duties pursuant to this Order as follows: The Special Master shall not be entitled to any fee for its services but shall be paid or reimbursed the total expenses incurred by it which are properly chargeable to the reference. The Special Master's Report shall include a statement of the total expense and shall equitably apportion the total expense among the parties to the agency proceeding.

DATED this 9th day of April, 1990.

Edward C. Reed

UNITED STATES DISTRICT JUDGE