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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

| | | |
|-----------------------------------|---|----------------------------------|
| UNITED STATES OF AMERICA, |) | In Equity No. C-125-ECR |
| |) | Subfile No. C-125-B and C-125-C |
| Plaintiff, |) | |
| |) | |
| WALKER RIVER PAIUTE TRIBE, |) | |
| |) | |
| Plaintiff-Intervenor, |) | JOINT REPORT OF MEDIATING |
| |) | PARTIES |
| v. |) | |
| |) | |
| WALKER RIVER IRRIGATION DISTRICT, |) | |
| a corporation, et al., |) | |
| |) | |
| Defendants. |) | |
| |) | |

The United States, State of Nevada, State of California, Walker River Paiute Tribe, Walker River Irrigation District, Mono County, California, Lyon County, Nevada, Mineral County, Nevada, and the Walker Lake Working Group (the "Parties") hereby submit the following Joint Report to the Court:

1. Progress in the Mediation Process

All participants in the Mediation Process, including representatives of the Walker River Paiute Tribe, met on April 11, 2006. The focus of the meeting concerned how the parties might simultaneously participate in the Mediation and in the activities which will take place pursuant to Section 208 of the Energy and Water Development Appropriations Act of 2006, a copy of which is attached to this report as Exhibit A. In addition, reports were provided concerning the smaller group meetings which had taken place since January 20, 2006.

2. Continuation of the Mediation Process

The parties continue to discuss how the Section 208 process may affect the issues in the Mediation. The parties intend to see if sufficient progress can be made in the Mediation by the

1 end of June, 2006, to allow for meaningful discussions with Congressional representatives
2 concerning how activities under Section 208 and the work of the Mediating Parties can be
3 coordinated to reach a common goal. The Mediating Parties will continue to meet in smaller
4 groups with respect to specific issues, and will also continue to hold general meetings on
5 certain matters and to receive reports from the smaller group meetings. The next small and
6 large group meetings are scheduled for May 1 and May 2, 2006.

8 **3. Holding Activities in Sub-Proceedings C-125-B and C-125-C in Abeyance**

9 The Parties agree that all activity in the C-125-B and C-125-C sub-proceedings should
10 continue to be stayed, with the exception of efforts by the United States, Tribe and Mineral
11 County to complete service, the appeal concerning the Motion to Disqualify, and as otherwise
12 ordered by the Court.

14 **4. Payment of Mediator Fees and Expenses**


15 The Parties have agreed to make and are able to make payments toward the Mediator's
16 fees and expenses as necessary and in accordance with the provisions of the Mediation Process
17 Agreement.

18 **5. Need for Court Hearing**

19 There is no need for a hearing before the Court at this time. The Mediating Parties will
20 again report to the Court, either orally or in writing, on or before the May 31, 2006, status
21 conference.

22 Dated this 25th day of April, 2006.

23 Date: 4/25/2006 Wes Williams, Jr.

25 By: 
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Date: 4/26/06

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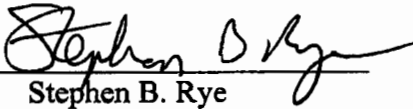
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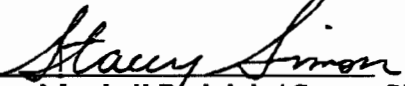
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CERTIFICATE OF MAILING

I certify that I am an employee of Woodburn and Wedge and that on the 25th day of April, 2006, I electronically filed the foregoing *Joint Report of Mediating Parties* with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following via their email addresses:

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and I further certify that I served a copy of the foregoing to the following non CM/ECF participants by U.S. Mail, postage prepaid, this 25th day of April, 2006:

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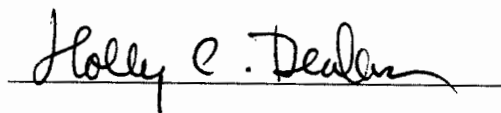
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H.R.2419

**Energy and Water Development Appropriations Act, 2006 (Enrolled as Agreed
to or Passed by Both House and Senate)**

EXHIBIT A

SEC. 208. (a)(1) Using amounts made available under section 2507 of the Farm and Security Rural Investment Act of 2002 (43 U.S.C. 2211 note; Public Law 107-171), the Secretary shall provide not more than \$70,000,000 to the University of Nevada--

(A) to acquire from willing sellers land, water appurtenant to the land, and related interests in the Walker River Basin, Nevada; and

(B) to establish and administer an agricultural and natural resources center, the mission of which shall be to undertake research, restoration, and educational activities in the Walker River Basin relating to--

(i) innovative agricultural water conservation;

(ii) cooperative programs for environmental restoration;

(iii) fish and wildlife habitat restoration; and

(iv) wild horse and burro research and adoption marketing.

(2) In acquiring interests under paragraph (1)(A), the University of Nevada shall make acquisitions that the University determines are the most beneficial to--

(A) the establishment and operation of the agricultural and natural resources research center authorized under paragraph (1)(B); and

(B) environmental restoration in the Walker River Basin.

(b)(1) Using amounts made available under section 2507 of the Farm and Security Rural Investment Act of 2002 (43 U.S.C. 2211 note; Public Law 107-171), the Secretary shall provide not more than \$10,000,000 for a water lease and purchase program for the Walker River Paiute Tribe.

(2) Water acquired under paragraph (1) shall be--

(A) acquired only from willing sellers;

(B) designed to maximize water conveyances to Walker Lake; and

(C) located only within the Walker River Paiute Indian Reservation.

(c) Using amounts made available under section 2507 of the Farm and Security Rural Investment Act of 2002 (43 U.S.C. 2211 note; Public Law 107-171), the Secretary, acting through the Commissioner of Reclamation, shall provide--

(1) \$10,000,000 for tamarisk eradication, riparian area restoration, and channel restoration efforts within the Walker River Basin that are designed to enhance water delivery to Walker Lake, with priority given to activities that are expected to result in the greatest increased water flows to Walker Lake; and

(2) \$5,000,000 to the United States Fish and Wildlife Service, the Walker River Paiute Tribe, and the Nevada Division of Wildlife to undertake activities, to be coordinated by the Director of the United States Fish and Wildlife Service, to complete the design and implementation of the Western Inland Trout Initiative and Fishery Improvements in the State of Nevada with an emphasis on the Walker River Basin.

(d) For each day after June 30, 2006, on which the Bureau of Reclamation fails to comply with subsections (a), (b), and (c), the total amount made available for salaries and expenses of the Bureau of Reclamation shall be reduced by \$100,000 per day.