# Case 3:73-cv-00127-MMD-CSD Document 189 Filed 06/25/2002 Page F-of 7- VED

JUN 2 4 2002

Scott B. McElroy Alice E. Walker GREENE, MEYER & McELROY, P.C. 1007 Pearl Street, Suite 220 Boulder, CO 80302 303/442-2021

Kelly R. Chase P.O. Box 2800 Minden, Nevada 89423 702/782-3099

Attorneys for the Walker River Paiute Tribe

CLERK, U.S. DISTRICT COURT
Greg Addington, Assignation TAGENE ADA
Susan L. Schneider Trial Attorney DEPUTY
U.S. Department of Justice
Environmental and Natural Resources Div.
999 - 18th Street, Suite 945
Denver, Colorado 80202
303/312-7308

Attorneys for the United States of America

FOR THE DISTRICT OF NEVADA

IN EQUITY NO. C-125-C UNITED STATES OF AMERICA, Sub-proceeding C-125-B Plaintiff, WALKER RIVER PAIUTE TRIBE, STIPULATION AND ORDER FOR EXTENSION OF TIME TO FILE REPLY TO THE RESPONSES FILED Plaintiff-Intervenor, REGARDING THE JOINT MOTION OF THE UNITED STATES OF VS. AMERICAN AND THE WALKER RIVER PAIUTE TRIBE FOR WALKER RIVER IRRIGATION DISTRICT, a corporation, et al., AMENDMENT OF THE COURT'S ORDER DENYING MOTION FOR Defendants. **CERTIFICATION OF DEFENDANT** CLASSES, OR FOR RELIEF FROM THIS SAME ORDER, AND **MEMORANDUM IN SUPPORT THEREOF** 

1. On or about May 8, 2002, the United States of America ("United States") and the Walker River Paiute Tribe ("Tribe") filed a Joint Motion of the United States of America and the Walker River Paiute Tribe For Amendment of the Court's Order Denying Motion for Certification of

(First Request)

Page 1

159

### Case 3:73-cv-00127-MMD-CSD Document 189 Filed 06/25/2002 Page 2 of 7

Defendant Classes or for Relief from this Same Order and a memorandum in support thereof ("Reconsideration Motion").

- 2. The Walker River Irrigation District ("District"), the State of Nevada ("Nevada"), and the U.S. Board of Water Commissioners have filed responses to the Reconsideration Motion.
- 3. Pursuant to Local Rule 7-2, any reply to the State's response would be due on June 24, 2002, and any reply to the District's and U.S. Board's respective responses would be due on July 1, 2002.
- 4. The United States and the Tribe require additional time in which to serve their respective replies to these responses.

WHEREFORE, based on the foregoing and subject to the approval of the Court, the parties to this Stipulation and Order hereby agree and stipulate that:

The United States and the Tribe shall have to and including July 9, 2002, in which to serve their respective replies concerning the Reconsideration Motion.

Dated this  $215^{+}$  of June, 2002.

WOODBURN AND Wedge
6100 Neil Road, Suite 500

Post Office Box 2311

Reno, Nevada 89511

State of Nevada
100 N. Carson Street
Carson City, NV 89701

By:
GORDON H. DEPAOLI

of Wildlife

Attorney for State of Nevada, Nevada Division

Attorneys for Walker River Irrigation District

Page 2

Defendant Classes or for Relief from this Same Order and a memorandum in support thereof ("Reconsideration Motion").

- 2. The Walker River Irrigation District ("District"), the State of Nevada ("Nevada"), and the U.S. Board of Water Commissioners have filed responses to the Reconsideration Motion.
- 3. Pursuant to Local Rule 7-2, any reply to the State's response would be due on June 24, 2002, and any reply to the District's and U.S. Board's respective responses would be due on July 1, 2002,
- 4. The United States and the Tribe require additional time in which to serve their respective replies to these responses.

WHEREFORE, based on the foregoing and subject to the approval of the Court, the parties to this Stipulation and Order hereby agree and stipulate that:

The United States and the Tribe shall have to and including July 9, 2002, in which to serve their respective replies concerning the Reconsideration Motion.

Dated this \_\_\_\_\_ of June, 2002.

WOODBURN AND Wedge 6100 Neil Road, Suite 500 Post Office Box 2311 Reno, Nevada 89511

GORDON H. DEPAOLI

Nevada State Bar 00195 DALE E. FERGUSON Nevada State Bar 04986

Attorneys for Walker River Irrigation District

MARTA ADAMS
Deputy Attorney General
State of Nevada
100 N. Carson Street
Carson City, NV 89701

By: \_\_\_\_\_\_\_MARTA ADAMS

Attorney for State of Nevada, Nevada Division of Wildlife

Page 2

## Case 3:73-cv-00127-MMD-CSD Document 189 Filed 06/25/2002 Page 4 of 7

Defendant Classes or for Relief from this Same Order and a memorandum in support thereof ("Reconsideration Motion").

- 2. The Walker River Irrigation District ("District"), the State of Nevada ("Nevada"), and the U.S. Board of Water Commissioners have filed responses to the Reconsideration Metion.
- 3. Pursuant to Local Rule 7-2, any reply to the State's response would be due on June 24, 2002, and any reply to the District's and U.S. Board's respective responses would be due on July I, 2002.
- 4. The United States and the Tribe require additional time in which to serve their respective replies to these responses.

WHEREFORE, based on the foregoing and subject to the approval of the Court, the parties to this Stipulation and Order hereby agree and stipulate that:

The United States and the Tribe shall have to and including July 9, 2002, in which to serve their respective replies concerning the Reconsideration Motion.

Dated this \_\_\_\_\_ of June, 2002.

WOODBURN AND Wedge 6100 Neil Road, Suite 500 Post Office Box 2311 Reno, Nevada 89511

By: \_\_\_\_\_\_GORDON H. DEPAOLI

Nevada State Bar 00195
DALE E. FERGUSON
Nevada State Bar 04986

Attorneys for Walker River Irrigation District

MARTA ADAMS
Deputy Attorney General
State of Nevada
100 N. Carson Street
Carson City, NV 89701

By: Marta Adams

Attorney for State of Nevada, Nevada Division of Wildlife

Page 2

#### Case 3:73-cv-00127-MMD-CSD Document 189 Filed 06/25/2002 Page 5 of 7

Linda A. Bowman Law Office of Linda A. Bowman, Ltd. 540 Hammill Lane Reno, Nevada 89509

By: Timble Bonen per telephone LINDA A. BOWMAN Can 6-20-02

Attorney for U.S. Board of Water Commissioners

Greg Addington, Assistant U.S. Attorney Susan L. Schneider, Trial Attorney U.S. Department of Justice Environmental and Natural Resources Div. 999 - 18th Street, Suite 945 Denver, Colorado 80202

By: J. J. Ahnerd

Attorneys for the United States of America

Scott B. McElroy Alice E. Walker GREENE, MEYER & McELROY, P.C. 1007 Pearl Street, Suite 220 Boulder, Colorado 80302

Kelly R. Chase P.O. Box 2800 Minden, Nevada 89423

By: aice E. Walker / par telephone
Alice E. Walker con 6-20-02

Attorneys for the Walker River Paiute Tribe

IT IS SO ORDERED

UNITED STATES DISTRICT JUDGE

#### **CERTIFICATE OF MAILING**

I hereby certify that on this 2/s+ day of June, 2002, I served a true and correct copy of the foregoing "Stipulation and Order for Extension of Time to File Reply to the Responses Filed Regarding the Joint Motion of the United States of America and the Walker River Paiute Tribe for Amendment of the Court's Order Denying Motion for Certification of Defendant Classes, or for Relief from this Same Order, and Memorandum in Support Thereof (First Request)" by first-class mail, postage prepaid, addressed to the following persons:

Greg Addington Assistant U.S. Attorney 100 West Liberty Street, Suite 600 Reno, NV 89509

George N. Benesch P.O. Box 3498 Reno, NV 89505-3498

Kenneth Spooner General Manager Walker River Irrigation District P.O. Box 820 Yerington, NV 89447

Gary Stone United States District Court Water Master 290 South Arlington Avenue, 3<sup>rd</sup> Floor Reno, NV 89501

John Kramer
Department of Water Resources
1416 Ninth Street
Sacramento, CA 94814

Hugh Ricci, P.E. Nevada State Engineer's Office 123 West Nye Lane Carson City, NV 89710

William Quinn
U.S. Department of the Interior
Office of the Solicitor
401 W. Washington St., SPC 44
Phoenix, AZ 85003

Robert L. Hunter Western Nevada Agency Bureau of Indian Affairs 1677 Hot Springs Road Carson City, NV 89706

R. Michael Turnipseed, P.E.
Dept. of Conservation & Natural Resources
State of Nevada
123 West Nye Lane
Carson City, NV 89710

Alice E. Walker/Scott McElroy Greene, Meyer & McElroy, P.C. 1007 Pearl Street, Suite 220 Boulder, CO 80302

#### Case 3:73-cv-00127-MMD-CSD Document 189 Filed 06/25/2002 Page 7 of 7

Matthew R. Campbell
David Moser
McCutchen, Doyle, Brown & Enerson
Three Embarcadero Center
San Francisco, CA 94111

Ross E. de Lipkau Marshall, Hill, Cassas & de Lipkau P.O. Box 2790 Reno, NV 89505

Mary Hackenbracht Deputy Attorney General State of California 1515 Clay Street, 20th Floor Oakland, CA 94612-1413

Jim Shaw Chief Dep. Water Commissioner U.S. Board of Water Commissioners P.O. Box 853 Yerington, NV 89447

Kelly R. Chase P.O. Box 2800 Minden, NV 89423

Bill Lockyer, Attorney General Michael W. Neville, Depty. Attny. Gen. California Attorney General's Office 455 Golden Gate Avenue, Suite 11000 San Francisco, CA 94102-3664

Marta Adams
Deputy Attorney General
State of Nevada
100 North Carson Street
Carson City, NV 89701

James Spoo Treva J. Hearne Zeh, St. Aubin, Spoo, & Hearne 575 Forest Service, Suite 200 Reno, NV 89509 Hank Meshorer
United States Department of Justice
Natural Resources Division
Ben Franklin Station
P.O. Box 7397
Washington, D.C. 20044-7397

Linda A. Bowman Law Office of Linda A. Bowman, Ltd. 540 Hammill Lane Reno, NV 89511

Daniel N. Frink
Water Resources Control Board
State of California
P.O. Box 100
Sacramento, CA 94814

Gordon H. DePaoli
Dale E. Ferguson
Woodburn and Wedge
6100 Neil Road, Suite 500
P.O. Box 2311
Reno, NV 89511

Craig Alexander
U.S. DOJ, ENRD, Indian Resources Section
P.O. Box 44378
L'Enfant Plaza Station
Washington, D.C. 20026-4378

Lou Leonard
U.S. Dept. of the Interior, Office of the Secretary, Division of Indian Affairs
1849 C Street, N.W.,
Mail Stop 6456
Washington, D.C. 20240

Yvonne M. Marsh, Paralegal Specialist