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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
RENO, NEVADA

UNITED STATES OF AMERICA, Plaintiff, WALKER RIVER PAIUTE TRIBE, Plaintiff-Intervenor vs. WALKER RIVER IRRIGATION DISTRICT, a corporation, et al., Defendants.	3:73-CV-0125-ECR-RAM In Equity No. C-125 Subfile No. C-125-B **ORDER**

IT IS HEREBY ORDERED that the Petition of the Walker River Paiute Tribe for Approval of State Engineer's Ruling No. 5746 (#857)(July 6, 2007)("Ruling No. 5746") is **GRANTED** on the following basis. The Court approves the Tribe's application for a temporary change in place and manner of use of the water right adjudicated for its benefit under the *United States v. Walker River Irrigation Dist.*, No. C-125 (D. Nev. Apr. 14, 1936), *as amended, Order for Entry of Amended Final Decree to Conform to Writ of Mandate, Etc.* (D. Nev. Apr. 24, 1940) ("Decree").

The State Engineer's ruling that the point of measurement of the Tribe's water right shall be the Parker's gage is approved, but

is without prejudice to the rights of the Tribe and the United States to seek in the future a different place of measurement and/or the addition of water to offset conveyance losses, if any.

The issue of the payment of fees has been resolved by agreement of the Tribe and the State Engineer by the Tribe voluntarily agreeing to pay the actual costs incurred by the State Engineer in considering this matter and ruling on it. This voluntary payment by the Tribe shall not constitute a waiver of sovereign immunity of the Tribe or the United States.

The objections relating to the giving of notice and relating to the amount of water needed for the change in manner of use are overruled.

Mineral County is allowed to appear in this matter as good cause is shown based upon its comments. The motion to strike portions of Mineral County's briefing is denied for reason that the statements therein are construed as argument and weighted accordingly.

The Court does not view the granting of the Tribe's petition as establishing a precedent as to how the Court should deal with this type of change application in the future.

The Objections (#876), filed by Defendant Circle Bar N Ranch to the form of order proposed by the Tribe are overruled and sustained as set forth in this order.

All other objections to the Tribe's Petition are overruled.

Dated this 22nd day of August, 2007.

Edward C. Reed.
UNITED STATES DISTRICT JUDGE