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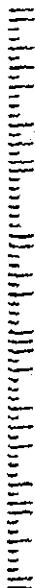
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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA  
RENO, NEVADA

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

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

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

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

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

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

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

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

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

25 Dated this 22nd day of August, 2007.

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28 \_\_\_\_\_  
UNITED STATES DISTRICT JUDGE