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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA, Plaintiff, WALKER RIVER PAIUTE TRIBE, Plaintiff-Intervenor, v. WALKER RIVER IRRIGATION DISTRICT, a corporation, et al., Defendants.	IN EQUITY NO. C-125 SUBFILE NO. C-125-B **NOTICE OF SERVICE AND MOTION FOR CLARIFICATION**
UNITED STATES OF AMERICA, WALKER RIVER PAIUTE TRIBE, Counterclaimants, v. WALKER RIVER IRRIGATION DISTRICT, et al., Counterdefendants.	

The Walker River Irrigation District (the "District") hereby certifies that pursuant to the Court's Order of August 20, 2007 (Doc. No. 1221), and pursuant to the December 17, 2007, Order granting motion for extension of time (Doc. No. 1276), on December 28, 2007, the District served by electronic mail or first class mail, postage prepaid, a copy of the *Walker River Irrigation District's Preliminary Legal Theories in Support of Defenses to the Tribal Claims* upon all persons required to be served as identified in the attached Certificate of Service.

The District has not yet filed its Preliminary Legal Theories in Support of Defenses to the Tribal Claims because there appears to be some confusion as to whether the parties' legal theories were to be filed, or simply exchanged among the parties. The Court's August 20, 2007, Order is not completely clear on that issue. In addition, the District's *Unopposed Motion for Extension of Time for All Defendants to File Legal Theories and Defenses* (Doc. No. 1271) added to the confusion by seeking an extension of time for "all defendants to file and serve their legal theories."

At the present time, in addition to the District, the United States and the Walker River Paiute Tribe and Circle Bar N Ranch, L.L.C., et al., have served, but not filed, their Preliminary Legal Theories. The Nevada Department of Wildlife has filed and served its Preliminary Legal Theories. The Walker Lake General Improvement District has filed and served its Preliminary Legal Theories, and Mono County has filed and served its Preliminary Legal Theories. For the time being, the District is only serving its Preliminary Legal Theories in Support of Defenses to the Tribal Claims.

The District respectfully moves that the Court clarify whether the parties should file, as well as serve, their respective legal theories. In light of the fact that other parties have already filed their legal theories, it would seem appropriate to direct that those parties who have not filed their legal

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theories to file them. They may be of some assistance to the Court with respect to suggested lists of threshold issues, which are to be filed by April 18, 2008.

DATED this 28th day of December, 2007.

Respectfully submitted,

WOODBURN AND WEDGE

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CERTIFICATE OF SERVICE

I certify that I am an employee of Woodburn and Wedge and that on the 28th day of December, 2007, I electronically filed the foregoing *Notice of Service and Motion for Clarification* 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 28th day of December, 2007:

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