

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,	)	IN EQUITY NO. C-125-RCJ
	)	Subproceeding: C-125-B
WALKER RIVER PAIUTE TRIBE,)	
	)	3:73-CV-00127-RCJ-WGC
Plaintiff-Intervenor,)	
vs.)	
	)	REVISED PROPOSED ORDER ADDRESSING
WALKER RIVER IRRIGATION DISTRICT,	)	WHETHER CLAIMANTS WITH
a corporation, et al.,	)	OVERLYING, UNEXERCISED
	)	GROUNDWATER RIGHTS IN THE
Defendants.	)	STATE OF CALIFORNIA ARE SUBJECT
	)	TO COMPULSORY JOINDER IN THIS
	)	SUBPROCEEDING

This ORDER addresses an issue raised by the California State Agencies in subproceeding C-125-B: whether holders of overlying, unexercised groundwater rights in the State of California are presently subject to compulsory joinder in this subproceeding. This is one of two categories of unexercised water rights in California that the California State Agencies and Mono County assert are recognized and protected under California law.¹ The second category – dormant or unexercised surface riparian rights in the State of California – is not addressed in this Order.

After discussing this issue during the Court’s Status Conference on August 2, 2012, the Court and Counsel agreed that holders of these water rights do not fit within any category of water rights holders who must be served in accordance with the terms of the *Case Management Order* (Apr. 18, 2000; Doc. B-#108). Although holders of overlying, unexercised groundwater

¹ See, e.g. *The United States of America’s and Walker River Paiute Tribe’s Response Regarding Proposed Preliminary Threshold Issues* (Oct. 10, 2008; B-#1442); *California State Agencies’ Supplementary Report* (Jan. 30, 2012; B-#1057); *California State Agencies’ Suggested Threshold Issue* (June 24, 2008; B-#1359).

rights in California may need to be joined at a later time, there is no need to join them at this time.

IT IS SO ORDERED this ____ day of _____, 2012.

Hon. William G. Cobb
United States Magistrate Judge

CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of August, 2012, I electronically filed the foregoing **REVISED PROPOSED ORDER ADDRESSING WHETHER CLAIMANTS WITH OVERLYING, UNEXERCISED GROUNDWATER RIGHTS IN THE STATE OF CALIFORNIA ARE SUBJECT TO COMPULSORY JOINDER IN THIS SUBPROCEEDING** with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the email addresses that are registered for this case;

and I further certify that I served a copy of the forgoing to the following non CM/ECF participants by U.S. Mail, postage prepaid, this 24th day of August, 2012:

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