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Attorneys for the CHIEF DEPUTY WATER COMMISSIONER/WATER MASTER

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA, 3:73-CV-00127-MMD-WGC

Plaintiff,

WALKER RIVER PAIUTE TRIBE,

Plaintiff-Intervenor,

vs.

WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,

Defendants.

_____/

NOTICE OF WATER MASTER'S FILING IN COMPLIANCE WITH COURT'S MINUTE ORDER [ECF 2623]

The CHIEF DEPUTY WATER COMMISSIONER/WATER MASTER ("Water Master"), by and through her attorneys of record, ALLISON MacKENZIE, LTD., submits the Minute Order in Chambers of July 28, 1989 regarding the Order For Entry of Amended Final Decree To Conform To Writ of Mandate Etc., signed by Judge St. Sure on April 24, 1940, and originally filed by the Clerk on April 25, 1940 [ECF 153]; and the Minute Order in Chambers of June 7, 1989 attaching the Order For Entry Of Amended Final Decree To Conform To Writ Of Mandate Etc., signed by the Honorable Judge St. Sure on April 24, 1940 and originally filed by the Clerk on April 25, 1940 [ECF 150].

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DATED this 16th day of July, 2020.

ALLISON MacKENZIE, LTD.
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Email: kpeterson@allisonmackenzie.com

By: *_____/s/ Karen A. Peterson, Esq._____*
KAREN A. PETERSON, ESQ.
Attorneys for the CHIEF DEPUTY WATER COMMISSIONER/WATER MASTER

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CERTIFICATE OF SERVICE

I hereby certify that I am an employee of **ALLISON MacKENZIE, LTD.**, and that I electronically filed the foregoing document with the Clerk of the Court by using the CM/ECF system, and that service will be accomplished on all counsel and persons requesting notice by the Court CM/ECF system, which will send notification of such filing to their email addresses.

DATED this 16th day of July, 2020.

/s/ Nancy Fontenot
NANCY FONTENOT

4821-5028-1155, v. 1

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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
RENO, NEVADA

JUL 28 12 27 PM '89
RECEIVED AND FILED
CAROL C. FITZGERALD CLERK BY DEPUTY

UNITED STATES OF AMERICA,	)	IN EQUITY NO: C-125
vs.	)	MINUTES OF THE COURT
WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,	)	DATE: July 28, 1989

PRESENT: EDWARD C. REED, JR. U.S. District Judge

Deputy Clerk: Bette Stewart Reporter: NONE APPEARING

Counsel for Plaintiff(s) NONE APPEARING

Counsel for Defendant(s) NONE APPEARING

MINUTE ORDER IN CHAMBERS

Pursuant to our Order of June 7, 1989 (document #150), and no party having filed any objection,

IT IS, THEREFORE, HEREBY ORDERED that a copy of the Order For Entry of Amended Final Decree To Conform To Writ of Mandate Etc., signed by Judge St.Sure on April 24, 1940, and originally filed by the Clerk on April 25, 1940, shall be again filed by the Clerk in the case file in the appropriate date order, to complete the records of the Court. A copy of the said Order For Entry of Amended Final Decree is attached to document #150; the Clerk shall copy that attachment and file it as the said Order in the manner required hereby. In addition, a copy of the within Order shall be attached to the 1940 Order signed by Judge St. Sure and filed with it.

IT IS FURTHER ORDERED that the docket entry shall reflect that the 1940 Order has been refiled in its appropriate place.

CAROL C. FITZGERALD, CLERK

By Bette Stewart
Deputy Clerk

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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
RENO, NEVADA

UNITED STATES OF AMERICA,	)	IN EQUITY NO: C-125
vs.	)	MINUTES OF THE COURT
WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,	)	DATE: June 7, 1989

PRESENT: EDWARD C. REED, JR. U.S. District Judge

Deputy Clerk: Bette Stewart Reporter: NONE APPEARING

Counsel for Plaintiff(s) NONE APPEARING

Counsel for Defendant(s) NONE APPEARING

MINUTE ORDER IN CHAMBERS

The Court in the past has seen a copy of what is presumed to be an order signed by Judge A. F. St. Sure under date of April 24, 1940, amending the final decree to conform with the Writ of Mandate of the Ninth Circuit Court of Appeals. Examination of the official court files in this case indicates that those files do not include this order. An entry describing an order of April 24, 1940, by Judge St. Sure appears in the docket of the case, as follows:

> Apr 25, 1940 Fil. & Enty. Order, signed by Judge St.Sure Apr. 24, 1940, for entry of Amended Final Decree to conform to Writ of Mandate, etc.
>
> Stoddard

The Court has obtained what appears to be an accurate copy of the said order of April 24, 1940, and proposes to order that it be filed by the Clerk in the correct date order in the official file and that an additional docket entry be made to reflect the current refiling of the said order.

In order to make the record of the case in the court file complete, it is highly desirable that a copy of this order be filed and become a part of the official record.

A copy of what is presumed to be the order of April 24, 1940, is attached to this order.

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IT IS, THEREFORE, HEREBY ORDERED that if any party has any objection to the Court entering an order that the said copy of the April 24, 1940, order be filed and made a part of the official record and that the appropriate additional docket entry be made, such objection shall be filed and served within 30 days from the date of this order. Any party desiring to respond to any such objection shall thereafter have 20 days to file such response. There will be no reply.

CAROL C. FITZGERALD, CLERK

By Betty S. Stewart
Deputy Clerk

Filed _____, 1940

_____, Clerk

By _____, Deputy

IN EQUITY
NO. C-125

IN THE DISTRICT COURT OF THE UNITED STATES OF AMERICA,
IN AND FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

-vs-

WALKER RIVER IRRIGATION DISTRICT, a corporation, et al,

Defendants.

CASE IN EQUITY, C-125

By Hon. Jno. St. Sure

ORDER FOR ENTRY OF AMENDED FINAL DECREE TO CONFORM TO WRIT OF MANDATE ETC.

The court entered its final decree in the above cause on the 15th day of April, 1936, and thereafter plaintiff having appealed, the United States Circuit Court of Appeals - Ninth Circuit - issued, on the 19th day of October, 1939, its Mandate, Order and Decree reversing in certain respects the Order and Decree of this Court entered herein, as aforesaid, on April 15, 1936, and

Plaintiff having duly filed and noticed its Motion for an order directin the Clerk to file said Writ of Mandate and for an order amending said final Decree to conform with said Writ, and

It appearing to the Court that plaintiff and defendants, through their respective attorneys, desire to clarify certain other provisions of the said Decree entered herein on April 15, 1936 as aforesaid, in order that the same will conform to the record; and

Plaintiff and defendants, through their respective attorneys, having presented to this Court a stipulation in writing, signed by all of the attorneys now of record, that the Court may enter the following Order, and good cause appearing therefor.

IT IS ORDERED that the Clerk of this Court be, and he is hereby directed to file the Mandate, Order and Decree issued by the United States Circuit Court of Appeals - Ninth Circuit - on the 19th day of October, 1939 and received by the Clerk of this Court on October 22, 1939, and

IT IS FURTHER ORDERED that page 10 of the final Decree of this Court entered herein on April 15, 1936, be and the same is hereby amended so as to read as follows:

"argued before the Court in San Francisco, California and finally submitted on January 10, 1936. The Court, having considered the arguments of counsel and the evidence and having made its findings of fact and conclusions of law, and upon the 15th day of April, 1936, filed and entered its order and decree herein, and it thereafter appearing to this Court that on the 19th day of October, 1939, the United States Circuit Court of Appeals, Ninth Circuit, issued its Mandate, Order and Decree reversing the order and decree of this Court entered herein as aforesaid on April 15, 1936,

WHEREFORE, pursuant to said Writ of Mandate and is conformity therewith, it is now ordered, adjudged and decreed as follows:

RIGHTS OF THE UNITED STATES OF AMERICA

I. The plaintiff, United Statesof America, is hereby adjudged and decreed to be the owner of the right to divert a continuous flow of 26.25 cubic feet per second of the natural flow of the Walker River to be diverted from said stream upon or above the Walker River Indian Reservation during the irrigation season of 180 days of each year for the irrigation of 2100 acres of land situated in the Walker River Indian Reservation, in addition to whatever flow of said stream is reasonably necessary for domestic and stock watering purposes and power purposes, to the extent now used by plaintiff during the non-irrigation season, all with a priority of November 29, 1859, the date of the establishment of said Indian Reservation. The said natural flow of water of said stream and its said tributaries to be diverted therefrom at the points of diversion now used for such purpose by plaintiff or at such other points as may hereafter be selected by plaintiff for such diversion, either upon or above the Walker River Indian Reservation, provided, however, that any change in point or points of diversion sought to be made by the United States of America, to

a point or points above the present boundaries of the Walker River Indian Reservation, shall not be made except upon petition to this Court and its approval obtained after hearing upon such notice as the Court may order, and the Court expressly reserves jurisdiction of this cause for the purpose of hearing and determining such a petition or petitions.

The defendants and each of them, their several servants, agents, attorneys and all persons claiming by, through or under them, are forever enjoined and restrained from preventing or interfering with the natural flow of said quantities of water from the channels of the said stream and its said tributaries down to and upon said Indian Reservation.

RIGHTS OF DEFENDANTS RECOGNIZED IN DECREE NO. 731

II. The parties defendant to this suit, or their successors in interest, hereinafter in this paragraph II mentioned, whose rights were adjudicated for them, or their predecessors in interest, in the decree of this Court in the suit entitled "Pacific Livestock Company, a corporation, Plaintiff, vs. T. B. Rickey, et al., Defendants" in Equity No. 731, are hereby severally."

and

IT IS FURTHER ORDERED that the Decree of this Court entered on April 15, 1936, be further amended by inserting the words "as of the 18th day of April, 1936" after the last two words "its tributaries" appearing on line 3, page 72 thereof, and

IT IS FURTHER ORDERED that said Decree entered herein on April 15, 1936 be and the same is hereby further amended by inserting the words "of point of diversion or" after the first two words "a change" appearing on line 3, page 73 thereof, and

IT IS FURTHER ORDERED that Paragraph XVI on Page 75 of said Decree entered herein on April 15, 1936, be and the same is hereby amended so as to read as follows:

"XVI. The irrigation season along the Walker River, its branches and tributaries, extends from the first day of March to the thirty-first day of October of each year, except that in Bridgeport Valley on the East Walker River, and at all points above the Coleville Gauging Station on the West Walker River the irrigating

season covers the period from March first to September fifteenth of each year."

DATED this 24th day of April, 1940.

A. F. St. Sure
United States District Judge.