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10
11 IN THE UNITED STATES DISTRICT COURT
12 FOR THE DISTRICT OF NEVADA

13 UNITED STATES OF AMERICA,) IN EQUITY NO. C-127
14)
15 Plaintiff,) 3:73-cv-00127-MMD-CSD
16)
17 WALKER RIVER PAIUTE TRIBE) STIPULATION AND ORDER
18) CONTINUING THE STAY REGARDING
19 Plaintiff-Intervenor,) DISCOVERY AND MOTION SCHEDULE
20)
21 v.)
22)
23 WALKER RIVER IRRIGATION DISTRICT,
24 a corporation, et al.,
25
26 Defendants.

27 1. On June 23, 2022, the Plaintiffs and Principal Defendants (“Parties”) requested a
28 90-day stay of the Scheduling Order¹ and obligations outlined therein to give the Parties the
opportunity to resolve the Tribe’s outstanding water right claims by agreement. *Stipulation and*
[Proposed] Order Staying the Order Regarding Discovery and Motion Schedule (ECF No. 2701)
 (“Stipulation”).

2. On June 24, 2022 the Court granted the Parties request. *Order Staying the Order*
Regarding Discovery and Motion Schedule (ECF No. 2702) (“Stay Order”).

 ¹ *Order Regarding Discovery and Motion Schedule and Procedure* (ECF No. 2611).

1 3. Based upon the progress made by the Parties during that first 90-day Stay, on
2 September 15, 2022, the Parties requested a second 90-day Stay (ECF 2706)(“Second Stay
3 Order”).

4 4. Based upon the progress made by the Parties during that second 90-day Stay, on
5 December 15, 2022, the Parties requested a third 90-day Stay (ECF 2713; 2714)(“Third Stay
6 Order”).

7 5. In the Third Stay Order, the Court directed the Parties as follows: “Within seven
8 (7) days before the expiration of any stay granted the Parties will inform the Court either that
9 additional time is needed to achieve a settlement agreement or that settlement will not be possible.
10 In either case, the Parties will seek additional relief from the Court accordingly as needed and as
11 contemplated by paragraphs 14 and 16 of the Scheduling Order.” Third Stay Order at 3.

12 6. Since December 16, 2022, the Plaintiffs and Principal Defendants Walker River
13 Irrigation District and Nevada Department of Wildlife (the “Negotiating Parties”) have
14 substantively and productively engaged in discussions, consultations and correspondence to
15 pursue an agreement among the Parties that would resolve the Tribe’s outstanding water right
16 claims. This activity was consistent with the extensive internal and external consultation
17 previously contemplated by the Parties and the Court. *See* Stipulation at 3 ¶11.

18 7. Although the Parties have been unable to yet achieve a final agreement, the
19 Negotiating Parties have made substantial progress on such an Agreement which has included
20 exchanges of and revisions to a written agreement.

21 8. The Negotiating Parties believe that additional meetings, discussions,
22 consultations, and correspondence would be beneficial and productive to developing a final
23 agreement that would resolve the Tribe’s outstanding water right claims.

24 9. Accordingly, the Negotiating Parties believe that a fourth, 90-day stay of the
25 Scheduling Order is justified and would be beneficial and productive to developing a final
26 agreement that would resolve the Tribe’s outstanding water right claims.

1 NOW, THEREFORE, pursuant to the Third Stay Order, the Parties hereby stipulate and
2 agree as follows:

3 1. The Scheduling Order and obligations outlined therein should be stayed for a fourth 90-
4 day period to give the Parties the opportunity to resolve the Tribe's outstanding water right claims
5 by agreement.

6 2. Within seven (7) days before the expiration of any stay granted the Parties will inform
7 the Court either that additional time is needed to achieve a settlement agreement or that settlement
8 will not be possible. In either case, the Parties will seek additional relief from the Court accordingly
9 as needed and as contemplated by paragraphs 14 and 16 of the Scheduling Order.

10 Dated: March 6, 2023.

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ORDER

Dated: March 7, 2023.

IT IS SO ORDERED.


United States Magistrate Judge