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Attorneys for the WALKER RIVER PAIUTE TRIBE

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA, Plaintiff, WALKER RIVER PAIUTE TRIBE, Plaintiff-Intervenor, vs. WALKER RIVER IRRIGATION DISTRICT, a corporation, et al. Defendants.	IN EQUITY NO. ~~C 125 A~~ C-125B **WALKER RIVER PAIUTE TRIBE'S MOTION FOR ORDER FOR NOTICE OF PROCEEDINGS**
WALKER RIVER IRRIGATION DISTRICT, Petitioner, vs. CALIFORNIA STATE WATER RESOURCES CONTROL BOARD, W. DON MAUGHAN, EDWIN H. FINSTER, ELISEO M. SAMANIEGO, JOHN CAFFREY and DARLENE E. RUIZ, Members of the California State Water Resources Control Board, Respondents,	

The Walker River Paiute Tribe, by and through their attorney, Scott B. McElroy, pursuant to Rule 7(b)(1) of the

Federal Rules of Civil Procedure and LR 140(1) of the Local Rules of Practice for the United States District Court for the District of Nevada moves this Court for an Order for notice of proceedings relating to the Tribe's Answer to First Amended Petition, And Counterclaim and Cross-claim.

The Tribe's counterclaim and cross-claim affect all water users on the Walker River and its tributaries. Therefore, the Tribe moves this Court for an Order for notice of proceedings. A proposed Order of Notice is attached to this motion.

Dated: March 17, 1992

Respectfully submitted,

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By: _____
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Attorneys for the Walker River Paiute Tribe

RECEIVED
MAR 1 8 1992
CLERK, U.S. DISTRICT COURT
DISTRICT OF NEVADA
BY

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA, Plaintiff, WALKER RIVER PAIUTE TRIBE, Plaintiff-Intervenor, vs. WALKER RIVER IRRIGATION DISTRICT, a corporation, et al. Defendants.	IN EQUITY NO. C-125 **ORDER REQUIRING NOTICE OF FILING OF ANSWER TO FIRST AMENDED PETITION, AND COUNTERCLAIM AND CROSS-CLAIM OF THE WALKER RIVER PAIUTE TRIBE**
WALKER RIVER IRRIGATION DISTRICT, Petitioner, vs. CALIFORNIA STATE WATER RESOURCES CONTROL BOARD, W. DON MAUGHAN, EDWIN H. FINSTER, ELISEO M. SAMANIEGO, JOHN CAFFREY and DARLENE E. RUIZ, Members of the California State Water Resources Control Board, Respondents,	

Good cause appearing,

IT IS HEREBY ORDERED that the Walker River Paiute Tribe shall give notice of the filing of its answer to first amended petition, and counterclaim and cross-claim of the Walker River Paiute Tribe as follows:

1. The notices shall be in the form attached hereto and made a part hereof as Exhibit A;

2. The notice shall be posted at the following locations:

United States Board of Water Commissioner's Office,
410 North Main Street, Yerington, Nevada;

Lyon County Courthouse, Main Street, Yerington, Nevada;

Post Office Bulletin Board, Main Street, Yerington, Nevada;

Central Mercantile, Smith Valley, Nevada;

U.S. Post Office Bulletin Board, Wellington, Nevada;

U.S. Post Office Bulletin Board, Coleville, California;

U.S. Post Office Bulletin Board, Bridgeport, California;

U.S. Post Office Bulletin Board, Schurz, Nevada.

3. The notice shall be published for one week in each of the Mason Valley News, Yerington, Nevada, Review Herald, Mammoth Lakes, California, and the Record Courier, Gardnerville, Nevada.

4. The notice will be mailed by first class, postage prepaid mail to each owner of water rights adjudicated by the Final Decree in this action as shown by the current assessment records of the United States Board of Water Commissioners which is directed by this order to provide the Tribe's counsel with a list of the names and addresses of such owners.

5. With respect to the water rights adjudicated by the Final Decree in Antelope Valley, California, the notice will be mailed by first class, postage prepaid mail to the Antelope Valley Mutual Water Company.

6. With respect to the water rights adjudicated by the Final Decree to the Walker River Irrigation District, the notice will be mailed by first class, postage prepaid mail to the Walker River Irrigation District.

7. The notice will be mailed to California Trout, Inc. by first class, postage prepaid mail to its attorney Matthew R.

Campbell, Esq., McCutchen, Doyle, Brown & Enerson, Three Embarcadero Center, San Francisco, California 94111.

8. The process of giving notice will be completed by _____, 1992.

DATED this ____ day of March, 1992.

_____
UNITED STATES DISTRICT JUDGE

RECEIVED
MAR 18 1992
CLERK, U.S. DISTRICT COURT
DISTRICT OF NEVADA

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA, Plaintiff, WALKER RIVER PAIUTE TRIBE, Plaintiff-Intervenor, vs. WALKER RIVER IRRIGATION DISTRICT, a corporation, et al. Defendants.	IN EQUITY NO. C-125 **NOTICE OF FILING ANSWER TO FIRST AMENDED PETITION, AND COUNTERCLAIM AND CROSS-CLAIM OF THE WALKER RIVER PAIUTE TRIBE**
WALKER RIVER IRRIGATION DISTRICT, Petitioner, vs. CALIFORNIA STATE WATER RESOURCES CONTROL BOARD, W. DON MAUGHAN, EDWIN H. FINSTER, ELISEO M. SAMANIEGO, JOHN CAFFREY and DARLENE E. RUIZ, Members of the California State Water Resources Control Board, Respondents,	

TO ALL INTERESTED PERSONS:

YOU ARE HEREBY NOTIFIED that:

1. On the 18th of March, 1992, there was filed in the Office of the Clerk of the above-entitled Court, the Walker River Paiute Tribe's Answer to the First Amended Petition, and Counterclaim and Cross-Claim of the Walker River Paiute Tribe (hereinafter "the Tribe").

2. The Counterclaim of the Tribe consists of two claims for relief, while the Cross-claim consists of one claim for relief. This notice pertains to both the counterclaim and cross-claim requests for relief.

3. The first claim for relief under the counterclaim involves the right of the Tribe to store water in Weber Reservoir.

4. The first claim for relief alleges that the Tribe is entitled to store water in Weber Reservoir for all purposes allowed under federal law with a priority date of April 15, 1936.

5. The second claim for relief under the counterclaim involves the right of the Tribe to use water on lands restored to the reservation pursuant to the Act of June 22, 1936, 49 Stat. 1806-07 with a priority date as of the date of restoration.

6. The second claim for relief alleges that the Tribe is entitled to use water from the Walker River and its tributaries on the restored lands of the Reservation for all purposes recognized under federal law.

7. The claim for relief under the cross-claim involves the protection of the Tribe's rights to direct flow rights from the Walker River, storage rights in Weber Reservoir and water rights for the restored lands to the Reservation.

8. The claim for relief alleges that the Tribe has a federally protected right to use of 26.25 cfs of direct flow from the Walker River and its tributaries, a storage right for Weber Reservoir, and a federally reserved water right for lands that have been restored to the Reservation.

9. The claim for relief under the cross-claim seeks a declaratory judgement and an injunction that:

a. The Tribe has a right to the unencumbered use of 26.25 cfs to irrigate 2100 acres of its reservation land;

b. The Tribe is entitled to store water in Weber Reservoir for all purposes allowed under federal law;

c. The Tribe has a right to the unencumbered use of water on restored lands pursuant to federal law;

d. The Board and Board Members have no authority or control over the federal reserved rights of the Tribe;

e. The laws of California, including the California Fish and Game Code, are inapplicable to the federal reserved water rights of the Tribe.

10. The claims under the counterclaim and the cross-claim both seek such other relief as the Court may deem just and proper.

11. Interested persons may examine the Answer to First Amended Petition, and Counterclaim and Cross-claim of the Walker River Paiute Tribe, in the office of the Clerk of the above-entitled Court at the Federal Office Building, 300 Booth Street, Reno, Nevada, and also at the offices of the Walker River Paiute Tribe, at the Walker River Tribal Center, Hospital Road, Schurz, Nevada 89427. A copy of the Answer to the First Amended Petition, and Counterclaim and Cross-claim of the Walker River Paiute Tribe may be obtained from Jeff J. Davis, Greene, Meyer & McElroy, P.C., 1007 Pearl Street, Suite 240, Boulder, Colorado 80302.

12. Persons, entities or governmental agencies who are parties to this action or successors in interests to parties to this action may participate in the proceedings on the Counterclaim and Cross-Claim by filing an Answer or other response within 30 days of the filing of the Answer to the First Amended Petition, and Counterclaim and Cross-claim of the Walker River Paiute Tribe, and by serving a copy thereof on the same day on counsel for the Walker River Paiute Tribe. No default will be taken against any person, entity or governmental agency who is a party to this action or a successor in interest to a party to this action who does not so respond. However, the final outcome with respect to the Counterclaim and Cross-claim of the Walker River Paiute Tribe may impact the manner in which the Walker River and its tributaries are operated under the Final Decree.

13. Persons, entities or governmental agencies who are not parties to this action or successors to parties to this action may seek Court permission to participate in the proceedings on the counterclaim or cross-claim by filing an appropriate motion within 30 days of the filing of the Answer to the First Amended Petition, and Counterclaim and Cross-claim of the Walker River Paiute Tribe, and by serving a copy thereof on the same day on counsel for the Walker River Paiute Tribe.

14. The Court has entered a Scheduling and Planning Order which sets out the schedule for other proceedings, with respect to the First Claim for Relief of the Walker River Irrigation District to which the Tribe has filed this Answer, counterclaim and cross-claim. This Scheduling and Planning Order includes a

schedule for discovery, additional motions, the prehearing notice order, and the prehearing order. Interested persons may examine the Scheduling and Planning Order in the Office of the Clerk of the above-entitled Court at the Federal Office Building, 300 Booth Street, Reno, Nevada, and also at the offices of the Walker River Irrigation District, 410 North Main Street, Yerington, Nevada.

DATED this ____ day of March, 1992.

CAROL C. FITZGERALD, Clerk
UNITED STATES DISTRICT COURT

By: _____
Deputy Clerk

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Attorneys for the WALKER RIVER PAIUTE TRIBE

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA, Plaintiff, WALKER RIVER PAIUTE TRIBE, Plaintiff-Intervenor, vs. WALKER RIVER IRRIGATION DISTRICT, a corporation, et al. Defendants.	IN EQUITY NO. C-125 **CERTIFICATE OF MAILING**
WALKER RIVER IRRIGATION DISTRICT, Petitioner, vs. CALIFORNIA STATE WATER RESOURCES CONTROL BOARD, W. DON MAUGHAN, EDWIN H. FINSTER, ELISEO M. SAMANIEGO, JOHN CAFFREY and DARLENE E. RUIZ, Members of the California State Water Resources Control Board, Respondents,	

I hereby certify that I have sent a true and correct copy of the foregoing Answer to First Amended Petition, and Counterclaim and Cross-Claim of the Walker River Paiute Tribe; Order Requiring

Notice of Filing of Answer to First Amended Petition, and Counterclaim and Cross-Claim of the Walker River Paiute Tribe; Notice of Filing Answer to First Amended Petition, and Counterclaim and Cross-Claim of the Walker River Paiute Tribe; Walker River Paiute Tribe's Motion for Order for Notice of Proceedings; and Walker River Paiute Tribe's Motion for Scheduling and Planning Conference; via U.S. Mail, first-class postage prepaid thereon, this 17th day of March 1992, addressed to:

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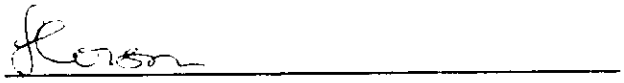
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