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JUL 23 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 C-125 Subfile C-125-B UNITED STATES OF AMERICA'S MOTION FOR LEAVE TO FILE COUNTERCLAIM
WALKER RIVER IRRIGATION DISTRICT, Petitioner, STATE OF NEVADA, Petitioner-Intervenor, vs. CALIFORNIA STATE WATER RESOURCES CONTROL BOARD, W. DON MAUGHAN, ELISEO M. SAMANIEGO, JOHN CAFFREY, MARC DEL PIERO AND JAMES M. STUBCHAER, Members of the California State Water Resources Control Board, Respondents, CALIFORNIA TROUT, INC., Respondent-Intervenor.	

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COMES NOW the United States of America, on its own behalf and for the benefit of the Walker River Paiute Tribe, and moves for leave to file the attached Counterclaim.

The grounds for the Motion are as follows:

1. Pursuant to a Scheduling and Planning Conference on May 18, 1992, the Court entered an Order in C-125-A, (#34), stating that the "United States is to indicate its position with respect to the cross-claim and the counterclaim of the Tribe by way of an appropriate motion within thirty (30) days, unless extended by further order of the Court." By Order dated June 17, 1992, in C-125-A, the Court extended the time until July 24, 1992. (#38)

2. The United States by virtue of its ownership of the water rights referenced in the counterclaim of the Tribe, is an indispensable party in relation to the relief requested by the Tribe in the counterclaim served by the Tribe on or about March 17, 1992.

3. The United States is desirous of aligning itself with the Tribe in connection with the counterclaim filed by the Tribe, and, acting independently on its own behalf, and for the benefit of the Tribe, the United States requests leave to file the

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attached counterclaim.

DATED July 22, 1992.

Respectfully submitted,

LELAND E. LUTFY
United States Attorney

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IT IS SO ORDERED:

BY THE COURT:

EDWARD C. REED
Judge, United States District Court

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