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6 Attorneys for the United States of America

JUL 23 1992
CLERK, U.S. DISTRICT COURT
DISTRICT OF NEVADA
BY _____ FOR THE DISTRICT OF NEVADA

11 UNITED STATES OF AMERICA,
12 Plaintiff,
13 WALKER RIVER PAIUTE TRIBE,
14 Plaintiff-Intervenor,
15 vs.
16 WALKER RIVER IRRIGATION DISTRICT,
a corporation, et al.,
Defendants.

In Equity C-125
Subfile C-125-B

17 WALKER RIVER IRRIGATION DISTRICT,
18 Petitioner,
19 STATE OF NEVADA,
20 Petitioner-Intervenor,

UNITED STATES
OF AMERICA'S
MOTION FOR LEAVE
TO FILE COUNTERCLAIM

21 vs.
22 CALIFORNIA STATE WATER RESOURCES
CONTROL BOARD, W. DON MAUGHAN,
ELISEO M. SAMANIEGO, JOHN CAFFREY,
23 MARC DEL PIERO AND JAMES M. STUBCHAER,
Members of the California State Water
Resources Control Board,
24 Respondents,
25 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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1 attached counterclaim.

2 DATED July 22, 1992.

3 Respectfully submitted,

4 LELAND E. LUTFY
United States Attorney

5
6 By John P. Lange
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9 Environment and Nat. Resources Div.
10 United States Department of Justice
11 999 18th Street, Suite 945
12 Denver, Colorado 80202

13 Telephone: (303) 294-1900

14 IT IS SO ORDERED:

15 BY THE COURT:

16 _____
17 EDWARD C. REED
Judge, United States District Court

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