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December 29, 1994

FEDERAL EXPRESS

The Honorable Edward C. Reed
Judge of the District Court
United States District Court
300 Booth Street, Room 1109
Reno, NV 89509-1385

Re: *United States of America v. Walker River Irrigation District, et al.* (In Equity No. C-125s, Subfile No. C-125-B, D.C., District of Nevada

Dear Judge Reed:

This firm represents the Walker River Basin Water Users Group ("WUG"). The WUG is comprised of water users with rights to waters of the Walker River or members who represent individuals or entities with water rights from the Walker River system in Nevada and California. The WUG was formed in order to address in a constructive manner the various issues facing its members, including, but not limited to, the instream flows within the Walker River system, the potential for additional water for the Walker River Indian Reservation, an interstate allocation of waters of the Walker River system between Nevada and California, and water for Walker Lake.

The WUG has been informed that Mineral County, Nevada has filed a petition to intervene in the above referenced action, and that a hearing on matters associated with the action, as well as intervention, has been scheduled for January 3, 1995. While individuals and entities who are members of the WUG may be parties to the Decree, the nature of the issues dealt with in Mineral County's petition affect the water users as a group as much or more than they affect them individually. As a consequence, the WUG is considering whether it should formally petition this Court for permission to intervene in order to protect the collective interests of its members.

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EDWARD C. REED, JR.
SENIOR JUDGE

44

In this regard, the WUG's purpose would not be to proceed in a confrontational manner, but, rather, to proceed constructively in addressing the issues which would be before the Court if Mineral County's petition is granted. Constructive participation might include the development of a physical solution in which the Walker River system is operated in a manner which maximizes the reasonable beneficial uses of water, including environmental uses of water, and minimizes any adverse impact on WUG members. The WUG intends to proceed in various forums to seek reasonable solutions to identified problems. In light of the petition to intervene and the issues raised by Mineral County, intervention may, as a practical matter, be the only formal way to become involved in the issues associated with Walker Lake.

Because I am uncertain of the exact procedures that the Court intends to employ in dealing with petitions to intervene, I wanted to inform the Court that the WUG was considering filing a motion to intervene and, if appropriate, arrange to have the petition heard at the same time as the Mineral County petition. In the alternative, the WUG would adhere to whatever procedures the Court might establish for the filing of a petition.

Very truly yours,

Donald B. Mooney for

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Attorney

SLS:sb

cc: Jim Weishaupt
WUG Executive Board
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