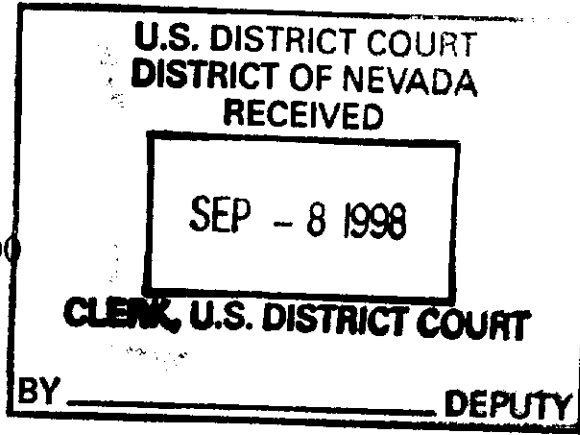


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6 Attorneys for Defendant  
7 WALKER RIVER IRRIGATION DISTRICT



8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE DISTRICT OF NEVADA

10 UNITED STATES OF AMERICA, )  
11 Plaintiff, )  
12 WALKER RIVER PAIUTE TRIBE, )  
13 Plaintiff-Intervenor, )  
14 v. )  
15 WALKER RIVER IRRIGATION DISTRICT, )  
16 a corporation, et al., )  
17 Defendants. )  
18 \_\_\_\_\_ )  
19 WALKER RIVER PAIUTE TRIBE, )  
20 Counterclaimant, )  
21 UNITED STATES OF AMERICA, )  
22 Counterclaimant, )  
23 v. )  
24 WALKER RIVER IRRIGATION DISTRICT )  
25 Counterdefendant, )  
26 STATE OF NEVADA, )  
27 Counterdefendant-Intervenor. )  
28 \_\_\_\_\_ )

In Equity No. C-125-ECR  
Subfile C-125-B  
**STIPULATION AND ORDER  
FOR EXTENSION OF TIME  
TO FILE RESPONSES TO  
UNITED STATES' AND  
WALKER RIVER PAIUTE  
TRIBE'S JOINT MOTION  
REGARDING FIRST AMENDED  
COUNTERCLAIMS (FIRST  
EXTENSION) AND TO  
COMPLETE SERVICE OF  
PROCESS (THIRTEENTH  
EXTENSION)**

FILED  
30 SEP - 9 11:12  
LANCE S. WILSON  
CLERK  
BY [Signature]  
DEPUTY

1           The undersigned parties, by and through their respective legal counsel, hereby stipulate and  
2 request that the Court enter an order extending the time to file responses to the *United States' and*  
3 *Walker River Paiute Tribe's Joint Motion for Leave to Serve First Amended Counterclaims, To Join*  
4 *Groundwater Users, To Approve Forms for Notice and Waiver, and To Approve Procedure for*  
5 *Service of Pleadings Once Parties are Joined* (the "Joint Motion"), and extending the time to  
6 complete the joinder of parties and service of process in this matter, as set forth below.

7           1.       There have been no previous requests for an extension of time to file responses to the  
8 Joint Motion.

9           2.       There have been twelve previous requests for an extension of time to join additional  
10 parties and complete service of process. The Court granted the first extension by Order dated  
11 February 23, 1993 (Document 19). Based on stipulations of the parties, additional extensions were  
12 granted by Orders dated:

13	June 14, 1993	(Document 20)
14	November 15, 1993	(Document 21)
15	May 23, 1994	(Document 25)
16	November 17, 1994	(Document 36)
17	March 21, 1995	(Document 48)
18	September 25, 1995	(Document 49)
19	March 25, 1996	(Document 52)
20	October 23, 1996	(Document 54)
21	March 19, 1997	(Document 55)
22	September 16, 1997	(Document 60)
23	March 19, 1998	(Document 61)

24 Under the most recent extension of time, the United States and Walker River Paiute Tribe (the  
25 "Tribe") have to and including September 21, 1998 to complete the joinder of parties and service of  
26 process in this matter.

27           3.       The Tribe filed its original counterclaim in this matter on March 18, 1992. The  
28 Tribe's original counterclaim seeks the recognition of a right to store water in Weber Reservoir for  
use on the Walker River Indian Reservation and for a federal reserved water right for lands restored  
to the Reservation in 1936. These claims are in addition to the direct flow rights awarded to the  
United States for the benefit of the Tribe in the *Walker River Decree*. On July 22, 1992, the United  
States moved for leave to file its original counterclaim, which asserts similar claims to

1 water for the benefit of the Walker River Indian Reservation.

2 4. By Order dated October 22, 1992, the Court directed the Tribe and United States to  
3 serve their original counterclaims on all claimants to the waters of the Walker River and its  
4 tributaries pursuant to Rule 4 of the Federal Rules of Civil Procedure.

5 5. On or about July 30, 1997, the Tribe filed its *First Amended Counterclaim of the*  
6 *Walker River Paiute Tribe* ("Tribe's First Amended Counterclaim"). In addition to surface water  
7 claims as set forth in its original counterclaim, the Tribe's First Amended Counterclaim includes  
8 groundwater claims for the Reservation.

9 6. On or about July 30, 1997, the United States filed its *First Amended Counterclaim*  
10 *of the United States of America* ("United States' First Amended Counterclaim"). In addition to the  
11 surface water claims set forth in its original counterclaim, the United States' First Amended  
12 Counterclaim includes several specific claims to surface water and groundwater in the Walker River  
13 Basin. Theses claims for other federal enclaves in the Walker River Basin include claims for the  
14 Hawthorne Army Ammunition Plant, the Toiyabe National Forest, the Mountain Warfare Training  
15 Center of the United States Marine Corps and the Bureau of Land Management. The United States'  
16 First Amended Counterclaim also advances claims for surface and groundwater for the Walker River  
17 Indian Reservation, the Yerington Reservation, the Bridgeport Paiute Indian Colony and several  
18 individual allotments.

19 7. On or about August 19, 1998, the Tribe and United States filed the Joint Motion. The  
20 Joint Motion moves the Court for an order:

- 21 1) granting leave to serve the *First Amended Counterclaim of the*  
22 *United States of America* (July 30, 1997) ("United States'  
23 First Amended Counterclaim"), and the *First Amended*  
24 *Counterclaim of the Walker River Paiute Tribe* ("Tribe's First  
25 Amended Counterclaim") (July 30, 1997) upon surface water  
26 and groundwater claimants in the Walker River basin;
- 27 2) to establish a procedure for service of pleadings upon joined  
28 parties; and
- 3) to approve forms for purposes of notice and waiver.

///  
28

1 The Joint Motion also contains a proposed *Notice of Lawsuit and Request for Waiver of Summons*  
2 *and Waiver of Service of Summons* for consideration by the Court and the parties.

3 8. The Joint Motion involves a number of complex and important issues for the parties  
4 and, ultimately, the Court to address. The parties require additional time to respond to the issues  
5 raised in the Joint Motion.

6 9. The issues raised by the Joint Motion should be decided before the Tribe and United  
7 States begin their efforts to serve the United States' and Tribe's First Amended Counterclaims and  
8 related documents.

9 NOW, THEREFORE, based upon the foregoing and subject to the approval of the Court, the  
10 parties hereto, acting through their respective counsel, hereby stipulate as follows:

11 1. All parties shall have to and including November 9, 1998, to file any response to the  
12 Joint Motion. The Tribe and United States shall have to and including December 9, 1998, to file and  
13 reply in support of the Joint Motion.

14 2. The Tribe and United States shall have a period of time equal to six months after the  
15 Court enters an order addressing the issues in the Joint Motion in which to complete the joinder of  
16 parties and service of process in this matter.

17 DATED this 8<sup>th</sup> day of September, 1998.

18 WOODBURN AND WEDGE

19 By: *Gordon H. DePaoli*  
20 GORDON H. DePAOLI

KATHRYN E. LANDRETH  
United States Attorney

By: *See facsimile signature attached*  
JOHN P. LANGE

21 Attorneys for WALKER RIVER  
22 IRRIGATION DISTRICT

Attorneys for UNITED STATES OF  
AMERICA

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DANIEL E. LUNDGREEN, Attorney  
General of the State of California

By: See facsimile signature attached  
MARY E. HACKENBRACHT

Attorneys for STATE WATER RESOURCES  
CONTROL BOARD AND ITS INDIVIDUAL  
MEMBERS

McCUTCHEEN, DOYLE, BROWN &  
ENERSON

By: See facsimile signature attached  
DAVID E. MOSER

Attorneys for CALIFORNIA TROUT, INC.

FRANKIE SUE DEL PAPA, Attorney  
General of the State of Nevada

By: See facsimile signature attached  
MARTA ADAMS

GREENE, MEYER & McELROY

By: See facsimile signature attached  
SCOTT B. McELROY  
ALICE WALKER

Attorneys for WALKER RIVER  
PAIUTE TRIBE

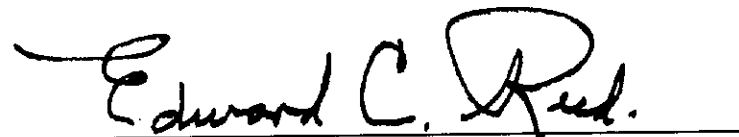
BOWMAN & ROBINSON

By: See facsimile signature attached  
LINDA A. BOWMAN

Attorneys for UNITED STATES BOARD  
OF WATER COMMISSIONERS

IT IS SO ORDERED.

DATED this 9 day of Sept, 1998.

  
EDWARD C. REED, JR.  
JUDGE, UNITED STATES DISTRICT  
COURT

1 The Joint Motion also contains a proposed *Notice of Lawsuit and Request for Waiver of Summons*  
2 *and Waiver of Service of Summons* for consideration by the Court and the parties.

3 8. The Joint Motion involves a number of complex and important issues for the parties  
4 and, ultimately, the Court to address. The parties require additional time to respond to the issues  
5 raised in the Joint Motion.

6 9. The issues raised by the Joint Motion should be decided before the Tribe and United  
7 States begin their efforts to serve the United States' and Tribe's First Amended Counterclaims and  
8 related documents.

9 NOW, THEREFORE, based upon the foregoing and subject to the approval of the Court, the  
10 parties hereto, acting through their respective counsel, hereby stipulate as follows:

11 1. All parties shall have to and including November 9, 1998, to file any response to the  
12 Joint Motion. The Tribe and United States shall have to and including December 9, 1998, to file and  
13 reply in support of the Joint Motion.

14 2. The Tribe and United States shall have a period of time equal to six months after the  
15 Court enters an order addressing the issues in the Joint Motion in which to complete the joinder of  
16 parties and service of process in this matter.

17 DATED this 8th day of September, 1998.

18 WOODBURN AND WEDGE

19 By: \_\_\_\_\_  
20 GORDON H. DePAOLI

21 Attorneys for WALKER RIVER  
22 IRRIGATION DISTRICT

KATHRYN E. LANDRETH  
United States Attorney

By:   
JOHN P. LANGE

Attorneys for UNITED STATES OF  
AMERICA

1 DANIEL E. LUNDGREEN, Attorney  
2 General of the State of California

3 By: Mary E. Hackenbracht  
4 MARY E. HACKENBRACHT

5 Attorneys for STATE WATER RESOURCES  
6 CONTROL BOARD AND ITS INDIVIDUAL  
7 MEMBERS

8 McCUTCHEN, DOYLE, BROWN &  
9 ENERSON

10 By: DAVID E. MOSER

11 Attorneys for CALIFORNIA TROUT, INC.

12 FRANKIE SUE DEL PAPA, Attorney  
13 General of the State of Nevada

14 By: MARTA ADAMS

15  
16  
17 IT IS SO ORDERED.

18 DATED this \_\_\_\_ day of \_\_\_\_\_, 1998.

GREENE, MEYER & McELROY

By: \_\_\_\_\_  
SCOTT B. McELROY  
ALICE WALKER

Attorneys for WALKER RIVER  
PAIUTE TRIBE

BOWMAN & ROBINSON

By: \_\_\_\_\_  
LINDA A. BOWMAN

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JUDGE, UNITED STATES DISTRICT  
COURT

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DANIEL E. LUNDGREEN, Attorney  
General of the State of California

By: \_\_\_\_\_  
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ENERSON

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DAVID E. MOSER

Attorneys for CALIFORNIA TROUT, INC.

FRANKIE SUE DEL PAPA, Attorney  
General of the State of Nevada

By: \_\_\_\_\_  
MARTA ADAMS

**IT IS SO ORDERED.**

DATED this \_\_\_\_ day of \_\_\_\_\_, 1998.

GREENE, MEYER & McELROY

By: \_\_\_\_\_  
SCOTT B. McELROY  
ALICE WALKER

Attorneys for WALKER RIVER  
PAIUTE TRIBE

BOWMAN & ROBINSON

By: \_\_\_\_\_  
LINDA A. BOWMAN

Attorneys for UNITED STATES BOARD  
OF WATER COMMISSIONERS

\_\_\_\_\_  
EDWARD C. REED, JR.  
JUDGE, UNITED STATES DISTRICT  
COURT



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DANIEL E. LUNDGREEN, Attorney  
General of the State of California

By: \_\_\_\_\_  
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Attorneys for STATE WATER RESOURCES  
CONTROL BOARD AND ITS INDIVIDUAL  
MEMBERS

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ENERSON

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Attorneys for CALIFORNIA TROUT, INC.

FRANKIE SUE DEL PAPA, Attorney  
General of the State of Nevada

By: Marta Adams  
MARTA ADAMS

GREENE, MEYER & McELROY

By: \_\_\_\_\_  
SCOTT B. McELROY  
ALICE WALKER

Attorneys for WALKER RIVER  
PAIUTE TRIBE

BOWMAN & ROBINSON

By: \_\_\_\_\_  
LINDA A. BOWMAN

Attorneys for UNITED STATES BOARD  
OF WATER COMMISSIONERS

IT IS SO ORDERED.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 1998.

\_\_\_\_\_  
EDWARD C. REED, JR.  
JUDGE, UNITED STATES DISTRICT  
COURT

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DANIEL E. LUNDGREEN, Attorney  
General of the State of California

By: \_\_\_\_\_  
MARY E. HACKENBRACHT

Attorneys for STATE WATER RESOURCES  
CONTROL BOARD AND ITS INDIVIDUAL  
MEMBERS

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By: \_\_\_\_\_  
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Attorneys for CALIFORNIA TROUT, INC.

FRANKIE SUE DEL PAPA, Attorney  
General of the State of Nevada

By: \_\_\_\_\_  
MARTA ADAMS

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 1998.

GREENE, MEYER & McELROY

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Attorneys for WALKER RIVER  
PAIUTE TRIBE

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13 FRANKIE SUE DEL PAPA, Attorney  
14 General of the State of Nevada

15 By: \_\_\_\_\_  
16 MARTA ADAMS

17 IT IS SO ORDERED.

18 DATED this \_\_\_\_\_ day of \_\_\_\_\_, 1998.

19  
20  
21 \_\_\_\_\_  
EDWARD C. REED, JR.  
22 JUDGE, UNITED STATES DISTRICT  
23 COURT  
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**CERTIFICATE OF SERVICE**

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I certify that I am an employee of Woodburn and Wedge and that on this date, I deposited in the United States Mail, postage prepaid, a true and correct copy of the foregoing **Stipulation and Order for Extension of Time To File Responses to United States' and Walker River Paiute Tribe's Joint Motion Regarding First Amended Counterclaims (*First Extension*) and To Complete Service of Process (*Thirteenth Extension*)** in an envelope addressed to:

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18 State of California  
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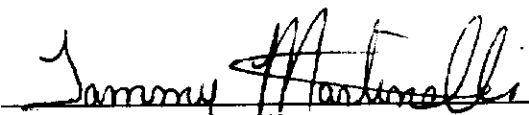
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George N. Benesch  
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24 DATED this 8<sup>th</sup> day of September, 1998.

25  
26   
27 Tammy Martnelli  
28