GORDON H. DePAOLI
Nevada State Bar 0195
DALE E. FERGUSON
Nevada State Bar 4986
WOODBURN AND WEDGE
One East First Street, Suite 1600
Post Office Box 2311
Reno, Nevada 89505
Telephone: (702) 688-3000
Attorneys for Defendant
WALKER RIVER IRRIGATION DISTRICT

U.S. DISTRICT COURT
DISTRICT OF NEVADA
RECEIVED
SEP - 8 1998
CLERK, U.S. DISTRICT COURT
BY _____ DEPUTY

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA, Plaintiff, WALKER RIVER PAIUTE TRIBE, Plaintiff-Intervenor, v. WALKER RIVER IRRIGATION DISTRICT, a corporation, et al., Defendants.	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)***
WALKER RIVER PAIUTE TRIBE, Counterclaimant, UNITED STATES OF AMERICA, Counterclaimant, v. WALKER RIVER IRRIGATION DISTRICT Counterdefendant, STATE OF NEVADA, Counterdefendant-Intervenor.	

FILED
'98 SEP -9 PM 2:12
LARRY WILSON
CLERK
BY _____ DEPUTY

63

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

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

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

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

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

3. The Tribe filed its original counterclaim in this matter on March 18, 1992. The 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

WOODBURN AND WEDGE
ATTORNEYS
ONE EAST FIRST STREET
RENO, NEVADA 89501
(702) 688-3000

water for the benefit of the Walker River Indian Reservation.

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

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

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

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

1) granting leave to serve the *First Amended Counterclaim of the United States of America* (July 30, 1997) ("United States' First Amended Counterclaim"), and the *First Amended Counterclaim of the Walker River Paiute Tribe* ("Tribe's First Amended Counterclaim") (July 30, 1997) upon surface water and groundwater claimants in the Walker River basin;

2) to establish a procedure for service of pleadings upon joined parties; and

3) to approve forms for purposes of notice and waiver.

///

WOODBURN AND WEDGE
ATTORNEYS
ONE EAST FIRST STREET
RENO, NEVADA 89501
(702) 688-3000

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

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

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

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

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

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

DATED this 8th day of September, 1998.

WOODBURN AND WEDGE

By: Gordon H. DePaoli
GORDON H. DePAOLI

Attorneys for WALKER RIVER IRRIGATION DISTRICT

KATHRYN E. LANDRETH
United States Attorney

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

Attorneys for UNITED STATES OF AMERICA

WOODBURN AND WEDGE
ATTORNEYS
ONE EAST FIRST STREET
RENO, NEVADA 89501
(702) 688-3000

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

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

WOODBURN AND WEDGE
ATTORNEYS
ONE EAST FIRST STREET
RENO, NEVADA 89501
(702) 688-3000

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

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

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

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

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

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

DATED this 8th day of September, 1998.

WOODBURN AND WEDGE

By: _____
GORDON H. DePAOLI

Attorneys for WALKER RIVER IRRIGATION DISTRICT

KATHRYN E. LANDRETH
United States Attorney

By: _____
JOHN P. LANGE

Attorneys for UNITED STATES OF AMERICA

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

GREENE, MEYER & McELROY

By: _____
SCOTT B. McELROY
ALICE WALKER

Attorneys for WALKER RIVER PAIUTE TRIBE

McCUTCHEN, DOYLE, BROWN & ENERSON

By: _____
DAVID E. MOSER

Attorneys for CALIFORNIA TROUT, INC.

BOWMAN & ROBINSON

By: _____
LINDA A. BOWMAN

Attorneys for UNITED STATES BOARD OF WATER COMMISSIONERS

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

By: _____
MARTA ADAMS

IT IS SO ORDERED.

DATED this ____ day of _____, 1998.

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

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

McCUTCHEN, DOYLE, BROWN & ENERSON

By: _____
DAVID E. MOSER

Attorneys for CALIFORNIA TROUT, INC.

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

By: _____
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

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

McCUTCHEN, DOYLE, BROWN & ENERSON

By: _____
DAVID E. MOSER

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

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

McCUTCHEN, DOYLE, BROWN & ENERSON

By: _____
DAVID E. MOSER

Attorneys for CALIFORNIA TROUT, INC.

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

By: _____
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

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

McCUTCHEN, DOYLE, BROWN & ENERSON

By: _____
DAVID E. MOSER

Attorneys for CALIFORNIA TROUT, INC.

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

By: _____
MARTA ADAMS

GREENE, MEYER & McELROY

By: _____
SCOTT B. McELROY
ALICE WALKER

Attorneys for WALKER RIVER PAIUTE TRIBE

BOWMAN & ROBINSON

By: Linda A. Bowman
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

CERTIFICATE OF SERVICE

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:

Shirley A. Smith
Assistant U.S. Attorney
100 West Liberty Street
Suite 600
Reno, NV 89501-1930

Larry C. Reynolds
Deputy Attorney General
State Engineer's Office
123 West Nye Lane
Carson City, NV 89710

Leo Havener
Walker River Irrigation District
P.O. Box 820
Yerington, NV 89447

James T. Markle
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 94814

John Kramer
Department of Water Resources
1416 Ninth Street
Sacramento, CA 94814

Kelly R. Chase
P.O. Box 2800
Reno, NV 89423

Ross E. de Lipkau
Marshall, Hill, Cassas & de Lipkau
P.O. Box 2790
Reno, NV 89505

Garry Stone
290 South Arlington Avenue
Reno, NV 89501

Kathryn E. Landreth
United States Attorney
100 West Liberty Street
Suite 600
Reno, NV 89501

John P. Lange
United States Department of Justice
Environment/Natural Resources Div.
Indian Resources Section
999 18th Street, Suite 945
Denver, CO 80202

Richard R. Greenfield, Esq.
Field Solicitor's Office
Department of the Interior
Two North Central Avenue
Suite 1130
Phoenix, AZ 85004-2383

Western Nevada Agency
Bureau of Indian Affairs
1677 Hot Springs Road
Carson City, NV 89706

R. Michael Turnipseed, P.E.
Division of Water Resources
State of Nevada
123 West Nye Lane
Carson City, NV 89710

Scott McElroy
Greene, Meyer & McElroy
1007 Pearl Street, #220
Boulder, CO 80302

John Davis
P.O. Box 1646
Tonopah, NV 89049

Roger Johnson
Water Resources Control Board
State of California
P.O. Box 2000
Sacramento, CA 95810

Roger Bezayiff
Chief Deputy Water Commissioner
U.S. Board of Water Commissioners
P.O. Box 853
Yerington, NV 89447

Linda A. Bowman
Bowman & Robinson
499 West Plumb Lane
Suite 4
Reno, NV 89509

Mary Hackenbracht
Department of Justice
State of California
2101 Webster Street, 12th Floor
Oakland, CA 94612-3049

Marta Adams
Deputy Attorney General
State of Nevada
Division of Water Resources
100 North Carson Street
Carson City, NV 89701-4717

Matthew R. Campbell
David E. Moser
McCutchen, Doyle, Brown & Enerson
3 Embarcadero Center
San Francisco, CA 94111

Donald B. Gilbert
DeCuir & Somach, P.C.
400 Capitol Mall
Suite 1900
Sacramento, CA 95814-4407

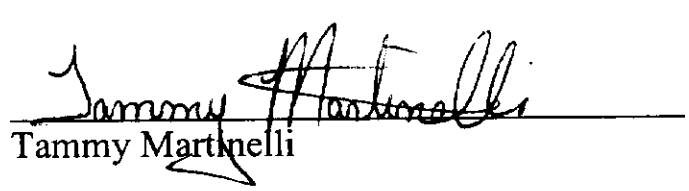
Treva J. Hearne
Zeh, Poloha, Spoo & Hearne
575 Forest Street
Suite 200
Reno, NV 89509

Robert C. Anderson
Timothy Lukas
Hale, Lane, Peek, Dennison, Howard, Anderson & Pearl
P.O. Box 3237
Reno, NV 89505

Michael W. Neville
California Attorney General's Office
50 Fremont Street, Suite 300
San Francisco, CA 94105-2239

George N. Benesch
P.O. Box 3498
Reno, NV 89509

DATED this 8th day of September, 1998.



Tammy Martinelli