

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Sectt B. McElroy
Alice E. Walker
Greene, Meyer & McElroy, P.C.
1007 Pearl Street, Suite 220
Boulder, CO 80302
303/442-2021

Kelly R. Chase
P.O. Box 2800
Minden, NV 89423
702/782-3099

Attorneys for the WALKER RIVER PAIUTE TRIBE

Kathryn E. Landreth, United States Attorney
Shirley A. Smith, Assistant United States Attorney
100 West Liberty St., Ste. 600
Reno, NV 89509
775/784-5438

Susan Schneider
United States Department of Justice
Environment & Natural Resources Division
999 18th St., Suite 945
Denver, CO 80202
303/312-7308

Attorneys for the UNITED STATES OF AMERICA

**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.)
)
-----)
WALKER RIVER PAIUTE TRIBE,)
)
Counterclaimant,)
)
UNITED STATES OF AMERICA,)
)
Counterclaimant,)
)
vs.)
)
WALKER RIVER IRRIGATION DISTRICT,)
)
Counterdefendant,)
)
)
STATE OF NEVADA,)
)
Counterdefendant-Intervenor.)
-----)

BY _____
DEPUTY
LANCE S. WILSON
CLERK
59 OCT 29 AM 11:07

FILED

IN EQUITY NO. C-125
Subproceeding C-125-B

**FOURTH STIPULATION AND ORDER
FOR EXTENSION OF TIME TO FILE
STIPULATION OR STATEMENT OF
THE ISSUES ON WHICH THERE IS
AGREEMENT AND THE ISSUES
WHICH ARE DISPUTED**

[Handwritten signatures and stamps]

89

1 On May 11, 1999, the Court issued an order addressing the *United States' and Walker*
2 *River Paiute Tribe's Joint Motion for Leave to Serve First Amended Counterclaims, to Join*
3 *Groundwater Users, to Approve Forms for Notice and Waiver, and to Approve Procedure for*
4 *Service of Pleadings Once Parties Are Joined* (Aug. 19, 1998), in which the United States and
5 the Walker River Paiute Tribe ("Tribe") seek to include groundwater claimants in service of the
6 *First Amended Counterclaim of the United States of America* (July 31, 1997), and the *First*
7 *Amended Counterclaim of the Walker River Paiute Tribe* (July 31, 1997), and the responses and
8 reply to that joint motion. *Minutes of the Court* (May 11, 1999). At a telephonic hearing with
9 the parties on May 21, 1999, the Court ordered the following:

12 [T]he parties will have forty-five (45) days from this date within
13 which to submit a stipulation, or if a stipulation cannot be reached,
14 then a statement of the issues on which there is agreement and the
15 issues which are disputed with respect to planning and scheduling
16 according to the order of the Court of May 11, 1999, and any
17 matters that are related to the issues and problems referred to in
18 that order.

17 *Minutes of the Court* (May 21, 1999). The Court indicated, however, that the 45 day period was
18 flexible and the Court would allow additional time if necessary.

19 On June 30, 1999, the Court entered an order accepting a stipulation by the parties to
20 extend the due date for submission of the stipulation or statement of the issues on which there is
21 agreement and the issues which are disputed, from July 5, 1999 to August 16, 1999. On
22 August 13, 1999, the Court entered a second order extending the date by another thirty days,
23 from August 16, 1999 to September 30, 1999. The parties met in Carson City on September 2,
24 1999 to discuss the proposed stipulation that counsel for the Tribe and the United States
25 prepared, and again met telephonically on September 20, 1999 to continue those discussions.
26 Acting on a third stipulation by the parties, on September 30, 1999, the Court entered a third
27
28

1 order extending the date for submission of an agreement or statement of disputed issues to
2 October 29, 1999.

3
4 On September 29, 1999, the parties met telephonically to discuss specific concerns
5 regarding the proposed stipulation, and on October 22, 1999, counsel for the Walker River
6 Irrigation District submitted comments on behalf of the District, the State of Nevada and the State
7 of California regarding the United States' and Tribe's proposed stipulation. Counsel for the
8 District also submitted a revised stipulation for a case management order. The parties believe that
9 they have made progress toward coming to consensus on a proposed stipulation, and believe that
10 consensus on the appropriate procedure for addressing the Tribe's and the United States' claims is
11 possible. However, the parties are concerned that reaching consensus on the issues will take
12 additional time beyond October 29, 1999. As a result, the parties hereby agree to request a fourth
13 extension of time until December 15, 1999 to submit the stipulation or statement of issues to the
14 Court. The additional time is necessary to arrange a meeting among the attorneys for the parties
15 in Reno, address the changes proposed by counsel for the District, and to circulate and discuss a
16 new proposed stipulation.
17
18

19 Accordingly, the parties herein stipulate and agree that the parties will have to and
20 including December 15, 1999 to file a stipulation or a statement of the issues on which there is
21 agreement and the issues which are disputed.
22
23
24
25
26
27
28

1 Dated October 28, 1999

2 WOODBURN AND WEDGE

KATHRYN E. LANDRETH, United States Attorney

3 By: See facsimile signature attached
4 GORDON H. DePAOLI

By: See facsimile signature attached
SUSAN L. SCHNEIDER

5 Attorneys for WALKER RIVER IRRIGATION
6 DISTRICT

Attorneys for UNITED STATES OF AMERICA

7 BILL LOCKYER, Attorney General
8 of the State of California

GREENE, MEYER & McELROY
By: Alice E. Walker
SCOTT B. McELROY
ALICE E. WALKER

9 By: See facsimile signature attached
MARY E. HACKENBRACHT

10 Attorneys for STATE WATER RESOURCES
11 CONTROL BOARD AND ITS INDIVIDUAL
MEMBERS

Attorneys for WALKER RIVER PAIUTE TRIBE

12 McCUTCHEEN, DOYLE, BROWN & ENERSEN

BOWMAN & ROBINSON

13 By: See facsimile signature attached
14 DAVID E. MOSER

By: See facsimile signature attached
LINDA A. BOWMAN

15 Attorneys for CALIFORNIA TROUT, INC.

Attorneys for UNITED STATES BOARD OF
WATER COMMISSIONERS

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

18 By: See facsimile signature attached
19 MARTA ADAMS

20 IT IS SO ORDERED.

21 DATED this 2d. day of November, 1999.

22 Edward C. Reed, Jr.
23 EDWARD C. REED, JR., JUDGE
24 UNITED STATES DISTRICT COURT
25
26
27
28

1 Dated _____, 1999

2 WOODBURN AND WEDGE

3 By: Dale E. Ferguson for
4 GORDON H. DePAOLI

5 Attorneys for WALKER RIVER IRRIGATION
6 DISTRICT

7 BILL LOCKYER, Attorney General
8 of the State of California

9 By: _____
10 MARY E. HACKENBRACHT

11 Attorneys for STATE WATER RESOURCES
12 CONTROL BOARD AND ITS INDIVIDUAL
13 MEMBERS

14 McCUTCHEEN, DOYLE, BROWN & ENERSEN

15 By: _____
16 DAVID E. MOSER

17 Attorneys for CALIFORNIA TROUT, INC.

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

20 By: _____
21 MARTA ADAMS

KATHRYN E. LANDRETH, United States
Attorney

By: _____
SUSAN L. SCHNEIDER

Attorneys for UNITED STATES OF AMERICA
GREENE, MEYER & McELROY

By: _____
SCOTT B. McELROY
ALICE E. WALKER

Attorneys for WALKER RIVER PAIUTE TRIBE

BOWMAN & ROBINSON

By: _____
LINDA A. BOWMAN

Attorneys for UNITED STATES BOARD OF
WATER COMMISSIONERS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Dated _____ 1999

WOODBURN AND WEDGE

By: _____
GORDON H. DePAOLI

Attorneys for WALKER RIVER IRRIGATION DISTRICT

BILL LOCKYER, 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 & ENERSEN

By: _____
DAVID E. MOSER

Attorneys for CALIFORNIA TROUT, INC.

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

By: _____
MARTA ADAMS

KATHRYN E. LANDRETH, United States Attorney

By: _____
SUSAN L. SCHNEIDER

Attorneys for UNITED STATES OF AMERICA

GREENE, MEYER & McELROY

By: _____
SCOTT B. McELROY
ALICE E. WALKER

Attorneys for WALKER RIVER PAIUTE TRIBE

BOWMAN & ROBINSON

By: _____
LINDA A. BOWMAN

Attorneys for UNITED STATES BOARD OF WATER COMMISSIONERS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Dated October 27, 1999

WOODBURN AND WEDGE

By: GORDON H. DePAOLI

Attorneys for WALKER RIVER IRRIGATION DISTRICT

BILL LOCKYER, 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 & ENERSEN

By: DAVID E. MOSER

Attorneys for CALIFORNIA TROUT, INC.

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

By: MARTA ADAMS

KATHRYN E. LANDRETH, United States Attorney

By: SUSAN L. SCHNEIDER

Attorneys for UNITED STATES OF AMERICA

GREENE, MEYER & McELROY

By: SCOTT B. McELROY
ALICE E. WALKER

Attorneys for WALKER RIVER PAIUTE TRIBE

BOWMAN & ROBINSON

By: LINDA A. BOWMAN

Attorneys for UNITED STATES BOARD OF WATER COMMISSIONERS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Dated _____, 1999

WOODBURN AND WEDGE

By: _____
GORDON H. DePAOLI

Attorneys for WALKER RIVER IRRIGATION DISTRICT

BILL LOCKYER, 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 & ENERSEN

By: _____
DAVID E. MOSER

Attorneys for CALIFORNIA TROUT, INC.

FRANKIE STEFEL PAPA, Attorney General of the State of Nevada

By: Marta Adams
MARTA ADAMS

KATHRYN E. LANDRETH, United States Attorney

By: _____
SUSAN L. SCHNEIDER

Attorneys for UNITED STATES OF AMERICA

GREENE, MEYER & McELROY

By: _____
SCOTT B. McELROY
ALICE B. WALKER

Attorneys for WALKER RIVER PAIUTE TRIBE

BOWMAN & ROBINSON

By: _____
LINDA A. BOWMAN

Attorneys for UNITED STATES BOARD OF WATER COMMISSIONERS

1 Dated Oct. 27, 1999

2 WOODBURN AND WEDGE

3 By: _____
4 GORDON H. DePAOLI

5 Attorneys for WALKER RIVER IRRIGATION
6 DISTRICT

7 BILL LOCKYER, Attorney General
8 of the State of California

9 By: _____
10 MARY E. HACKENBRACHT

11 Attorneys for STATE WATER RESOURCES
12 CONTROL BOARD AND ITS INDIVIDUAL
13 MEMBERS

14 McCUTCHEEN, DOYLE, BROWN & ENERSEN

15 By: _____
16 DAVID E. MOSER

17 Attorneys for CALIFORNIA TROUT, INC.

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

20 By: _____
21 MARTA ADAMS

KATHRYN E. LANDRETH, United States
Attorney

By: A. J. Schneider
SUSAN L. SCHNEIDER

Attorneys for UNITED STATES OF AMERICA

GREENE, MEYER & McELROY

By: _____
SCOTT B. McELROY
ALICE E. WALKER

Attorneys for WALKER RIVER PAIUTE TRIBE

BOWMAN & ROBINSON

By: _____
LINDA A. BOWMAN

Attorneys for UNITED STATES BOARD OF
WATER COMMISSIONERS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Dated _____, 1999

WOODBURN AND WEDGE

By: _____
GORDON H. DePAOLI

Attorneys for WALKER RIVER IRRIGATION DISTRICT

BILL LOCKYER, Attorney General of the State of California

By: _____
MARY E. HACKENBRACHT

Attorneys for STATE WATER RESOURCES CONTROL BOARD AND ITS INDIVIDUAL MEMBERS

McCLUTCHEN, DOYLE, BROWN & ENERSEN

By: _____
DAVID E. MOSER

Attorneys for CALIFORNIA TROUT, INC.

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

By: _____
MARTA ADAMS

KATHRYN E. LANDRETH, United States Attorney

By: _____
SUSAN L. SCHNEIDER

Attorneys for UNITED STATES OF AMERICA

GREENE, MEYER & McELROY

By: _____
SCOTT B. McELROY
ALICE E. WALKER

Attorneys for WALKER RIVER PAIUTE TRIBE

BOWMAN & ROBINSON

By: Linda A. Bowman
LINDA A. BOWMAN

Attorneys for UNITED STATES BOARD OF WATER COMMISSIONERS

CERTIFICATE OF SERVICE

I hereby certify that I have sent a true and correct copy of the foregoing Fourth Stipulation and Order for Extension of Time to File Stipulation or Statement of the Issues on Which There is Agreement and the Issues Which are Disputed, via U.S. Mail, postage prepaid, this 28 day of Oct, 1999, addressed to:

Marta Adams
Deputy Attorney General
Capitol Complex
100 N. Carson St.,
Carson City, NV 89701

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

Robert C. Anderson
Timothy Lukas
Alex J. Flangas
Hale, Lane, Peek, Dennison, Howard
100 W. Liberty, 10th Floor
P.O. Box 3237
Reno, NV 89505

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

Evan Beavers
Beavers & Young
1616 Hgwy. 395
P.O. Box 486
Minden, NV 89423

Gordon H. DePaoli
Dale E. Ferguson
Woodburn and Wedge
P.O. Box 2311
Reno, NV 89505-2790

George Benesch
210 Marsh Avenue, Suite 105
P.O. Box 3498
Reno, NV 89505

Daniel N. Frink
Water Resources Control Board
State of California
P.O. Box 100
Sacramento, CA 94814

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

Richard R. Greenfield
Field Solicitor's Office
Department of the Interior
2 North Central Avenue, Suite 500
Phoenix, AZ 85004

Linda A. Bowman
Bowman & Robinson
540 Hammill Lane
Reno, NV 89511

Mary Hackenbracht
Deputy Attorney General
State of California
1515 Clay St., 20th Floor
Oakland, CA 94612-1314

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

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

Treva J. Hearne
James S. Spoo
Zeh, Polaha, Spoo & Hearne
575 Forest Street
Reno, NV 89509

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Robert L. Hunter, Superintendent
Western Nevada Agency
Bureau of Indian Affairs
1677 Hot Springs Road
Carson City, NV 89706

John Kramer
Department of Water Resources
1416 - 9th Street
Sacramento, CA 95814

Kathryn Landreth, U.S. Attorney
Shirley A. Smith, Asst. U.S. Attorney
100 W. Liberty, #600
Reno, NV 89501

Hank Meshorer, Special Litigation Counsel
United States Department of Justice
Environment & Natural Resources Division
Ben Franklin Station
P.O. Box 7397
Washington, D.C. 20044-7397

David E. Moser
Matthew R. Campbell
McCutchen, Doyle, Brown & Enerson
Three Embarcadero Center, Suite 1800
San Francisco, CA 94111

Michael W. Neville
Deputy Attorney General
California Attorney General's Office
455 Golden Gate Ave., Suite 11000
San Francisco, CA 94102-3664

Richard E. Olson, Jr.
Claassen & Olson
P.O. Box 2101
Carson City, NV 89702

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

Susan Schneider
U.S. Department of Justice
Environment and Natural Resources Division
Indian Resources Section
999-18th Street, Suite 945
Denver, CO 80202

Stuart Somach
William Hvidsten
John A. Mendez
DeCUIR & SOMACH, P.C.
400 Capitol Mall, Suite 1900
Sacramento, California 95814-4407

Garry Stone
290 South Arlington Ave.
Reno, NV 89501

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

Jim Weishaput, General Manager
Walker River Irrigation District
P.O. Box 820
Yerrington, NV 89447


