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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

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

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.

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

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On May 11, 1999, the Court issued an order addressing 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* (Aug. 19, 1998), in which the United States and the Walker River Paiute Tribe ("Tribe") seek to include groundwater claimants in service of the *First Amended Counterclaim of the United States of America* (July 31, 1997), and the *First Amended Counterclaim of the Walker River Paiute Tribe* (July 31, 1997), and the responses and reply to that joint motion. *Minutes of the Court* (May 11, 1999). At a telephonic hearing with the parties on May 21, 1999, the Court ordered the following:

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

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

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

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

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

Accordingly, the parties herein stipulate and agree that the parties will have to and including December 15, 1999 to file a stipulation or a statement of the issues on which there is agreement and the issues which are disputed.

Dated October 28, 1999

WOODBURN AND WEDGE

By: *See facsimile signature attached*
GORDON H. DePAOLI

Attorneys for WALKER RIVER IRRIGATION DISTRICT

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By: *See facsimile signature attached*
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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 2d. day of November, 1999.

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

Dated _____, 1999

WOODBURN AND WEDGE

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Dated October 27, 1999

WOODBURN AND WEDGE

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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:

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