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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.	IN EQUITY NO. C-125 Subproceeding C-125-B STIPULATED REPORT TO THE COURT
WALKER RIVER PAIUTE TRIBE, Counterclaimant, UNITED STATES OF AMERICA, Counterclaimant, vs. WALKER RIVER IRRIGATION DISTRICT, Counterdefendant, STATE OF NEVADA, Counterdefendant-Intervenor.	

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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. On October 30, 1999, again pursuant to the parties' agreement, the Court entered a fourth order extending the deadline to December 15, 1999. On December 3, 1999, the parties met in Reno to discuss the competing versions of a case management order. On December 8 and again on December 14, 1999, the parties met telephonically to further discuss the approaches to a case management order in these proceedings.

After diligently attempting to reach consensus in this matter, the parties have determined that they are unable to reach agreement. Accordingly, the parties seek the Court's assistance in determining the best way to proceed to address the issues raised in the United States' and Tribe's first amended counterclaims. To this end, the parties have agreed that they should submit their respective proposals for the future management of this proceeding by way of motion. The parties stipulate and agree to the following schedule for submission of their respective motions: any party wishing to file a motion concerning case management shall do so by January 21, 2000; any party wishing to file a response to the motions concerning case management shall do so by

February 21, 2000; any party wishing to file a reply to responses to motions concerning case management shall do so by March 7, 2000.

Dated December 15, 1999

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GORDON H. DeFAOLI

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By: *Facsimile signature to follow*
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By: *See facsimile signature attached*

Attorneys for UNITED STATES BOARD OF WATER COMMISSIONERS

IT IS SO ORDERED.

DATED this 16 day of December, 1999.

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

Dated December 15, 1999

WOODBURN AND WEDGE

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CERTIFICATE OF MAILING

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 *STIPULATED REPORT TO THE COURT* in an envelope addressed to:

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Dated this 15 day of December, 1999.

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