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DEC 23 ... BY ...

U.S. DISTRICT COURT
DISTRICT OF NEVADA
FILED
JAN 3 1995
CLERK, U.S. DISTRICT COURT
BY COURT DEPUTY

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 C-125 Subfile ~~C-125-B~~ C-125-C
WALKER RIVER PAIUTE TRIBE, Counterclaimant, UNITED STATES OF AMERICA, Counterclaimant-Intervenor, vs. WALKER RIVER IRRIGATION DISTRICT, Counterdefendant, STATE OF NEVADA, Counterdefendant-Intervenor.	**REPORT FOR STATUS CONFERENCE ON MOTION TO INTERVENE BY MINERAL COUNTY**

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Mineral County of Nevada filed a Notice of Motion and Motion for Intervention in this case on or about October 25, 1994. Thereafter the attorneys for Mineral County, the Walker River Irrigation District, the United States Board of Water Commissioners, the California State Water Resources Control Board, the State of Nevada, Cal-Trout, Inc., the Walker River Paiute Tribe, and the United States entered into a stipulation concerning Mineral County's motion to intervene and for a status conference on the same. By a minute order of this court, dated November 17, 1994, the status conference was set for December 28, 1994, and then by further stipulation of the referenced attorneys, and order of the court, dated December 9, 1994, the status conference was set for January 3, 1995, at 10:00 A.M.

As part of the stipulation, the referenced attorneys agreed to serve and file ten days prior to the status conference a report concerning (a) The persons who should be given notice of and an opportunity to respond to the Motion to Intervene; and, (b) Any other matter which will aid in the disposition of the Motion to Intervene.

The following constitutes the report by the United States:

The original proceedings in this case were commenced by the United States in 1924 when the United States brought an action to quiet title to water rights for the benefit of the Walker River Paiute Tribe. More than a half century later the Walker River Paiute Tribe filed a motion to intervene in this case and the

court permitted the intervention of the Tribe. The State of Nevada was permitted to intervene in the case as well. Both the Tribe and the United States have filed claims for additional water rights and Mineral County has now sought intervention seeking, "recognition of a right of a minimum level of water for Walker Lake by means of certain right being reserved and allowed to flow down the Walker River both east and west forks, in sufficient quantity to reach, replenish, and maintain Walker Lake." See Mineral County's Proposed Petition To Intervene, dated October 25, 1994, at page 2.

When the United States and the Tribe filed their respective claims for additional water, the Walker River Irrigation District and the State of Nevada urged the court to require that notice of the claims be made by service of process under Rule 4, Fed. R. Civ. P., so that all claimants to the waters of the Walker River and its tributaries would be made parties under Rule 19 and be notified of the claims of the Tribe and the United States. The court, on October 27, 1992, ordered that the Tribe and the United States serve with process all claimants to the waters of the Walker River and its tributaries under Rule 4. (Document No. 15, C-125-B).

Although it is not the purpose of this report to respond to the merits of the Proposed Petition filed with the Motion to Intervene by Mineral County, it would appear to the United States that the persons who should be given notice of and an opportunity to respond to Mineral County's motion to intervene are the

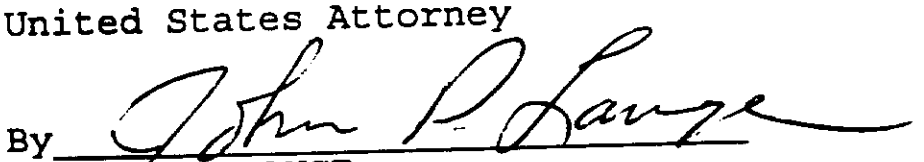
present parties to this case. See Rule 24(c) and Rule 5 of the Federal Rules of Civil Procedure. If Mineral County is ultimately permitted to intervene in these proceedings, then Mineral County would need to complete service of process on all claimants to water from the Walker River and its tributaries.

Those water right claimants, following service of process under Rule 4, should then be given an opportunity to respond to the merits of the Proposed Petition filed with the motion to intervene by Mineral County.

DATED this 22nd day of December, 1994.

Respectfully submitted,

KATHRYN E. LANDRETH
United States Attorney

By 
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CERTIFICATE OF SERVICE

I hereby certify that I have this 22nd day of December, 1994, served a true copy of the foregoing **REPORT FOR STATUS CONFERENCE ON MOTION TO INTERVENE BY MINERAL COUNTY**, by placing same in the U. S. mails, postage prepaid, addressed as follows:

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