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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

THE UNITED STATES OF AMERICA,
Plaintiff,
v.
ORR WATER DITCH CO., *et al.*,
Defendants.

Case No. 3:73-cv-00003-LDG
Sub-File No. 3:73-cv-00018-LDG

ORDER

In Re: Nevada State Engineer
Ruling #5747


Real party in interest TRI Water and Sewer Company moves to lift the stay (#74) of proceedings in this matter, which the Court entered pending resolution of related issues in the Second Judicial District Court for the State of Nevada. The State Engineer has filed a response indicating that it does not oppose the lifting of the stay (#75). The petitioner, the Pyramid Lake Paiute Tribe of Indians, opposes (#76). TRI has filed a reply.

The petitioner has filed status reports regarding the related proceedings in state court. Pursuant to the most recent status report, the matter is now pending in the Nevada Supreme Court, has been fully briefed, and the parties are awaiting the setting of a date for oral argument.

1 TRI Water and Sewer argues that briefing in this matter can proceed in parallel, and
2 that this would allow the State Engineer's decision to be implemented promptly. It further
3 argues that the limited issues before this Court will have little or no bearing on the
4 determination to be made by the Nevada Supreme Court. As recognized by the Tribe, the
5 relevant question in deciding whether to lift the stay is whether the determination of the
6 Nevada Supreme Court will have an effect on the ultimate determination of this Court. TRI
7 Water and Sewer has not addressed that issue. Accordingly,

8 THE COURT **ORDERS** that TRI Water and Sewer Company's Motion to Lift Stay
9 (#74) is DENIED.

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11 DATED this 30 day of March, 2012.

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14 Lloyd D. George
15 United States District Judge
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