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9
10 **IN THE UNITED STATES DISTRICT COURT**
11 **FOR THE DISTRICT OF NEVADA**

12 UNITED STATES OF AMERICA,)	3:73-cv-00127-MMD-CSD
)	
13 Plaintiff,)	
)	STIPULATION AND ORDER
14 WALKER RIVER PAIUTE TRIBE,)	STAYING THE ORDER
)	REGARDING DISCOVERY AND
15 Plaintiff-Intervenor,)	MOTION SCHEDULE
)	
16 v.)	
)	
17 WALKER RIVER IRRIGATION DISTRICT,)	
18 a corporation, et al.,)	
)	
19 Defendants.)	
)	

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22 1. On March 16, 2020, the Court entered the Order Regarding Discovery and Motion
23 Schedule and Procedure (the “Scheduling Order”). ECF No. 2611. The Scheduling Order was
24 amended by stipulation on December 28, 2020 due to circumstances related to the COVID-19
25 Pandemic. *See* ECF No. 2648. The Scheduling Order was amended again by stipulation on
26 September 15, 2021 due to the same ongoing Pandemic-related circumstances. *See* ECF No. 2676.
27 As amended, the existing schedule by which the parties are engaged in litigation activities is
28 ongoing with some deadlines established and imminent and some deadlines still indefinite.

1 2. The Scheduling Order contemplates at paragraphs 14 and 16 that the Plaintiffs and
2 Principal Defendants (the “Parties”) may ask the Court for relief from the deadlines and
3 obligations contemplated under the Scheduling Order.

4 3. The Parties believe that current, unique circumstances exist that justify a 90-day
5 stay of the deadlines and obligations contemplated under the Scheduling Order.

6 4. Beginning in late 2021, undersigned counsel for the Walker River Irrigation
7 District, (the “District”), the United States and the Walker River Paiute Tribe have actively
8 engaged in substantive discussions centered on resolving the outstanding water right claims of the
9 Walker River Paiute Tribe (the “Tribe”) by settlement and agreement among them.

10 5. In order to confirm that resolution of the Tribe’s outstanding water right claims
11 might be possible, the District, the United States and the Tribe have engaged in discussions
12 concerning the parameters of a possible settlement with their decision-makers.

13 6. In addition to discussions with its decision-makers, counsel for the District engaged
14 in discussions concerning the parameters of a possible settlement with representatives of the
15 Nevada Division of Water Resources and the Nevada Department of Wildlife and those
16 representatives have also held internal discussions on the parameters of a possible settlement.

17 7. Those meetings and discussions have resulted in the development of a
18 comprehensive list of principles that would both resolve the Tribe’s water right claims and the
19 challenges to those claims.

20 8. Undersigned counsel for the United States, Tribe, District and Nevada Department
21 of Wildlife met most recently on June 16, 2022 and have agreed (among counsel and in principle)
22 to the broader parameters of settlement and agreement that could likely be the basis for resolving
23 the Tribe’s outstanding water right claims. Undersigned counsel have agreed to further develop
24 these principles into a final settlement and agreement that they will present to their respective
25 clients/government superiors for approval.

26 9. The Parties believe that after many years of active litigation, resolution of the
27 Tribe’s outstanding water right claims is real and possible. With one limited exception, the Parties
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1 believe, rather than engaging in active, expensive litigation activities, that their collective efforts
2 and resources are better spent at this time focused exclusively on accomplishing resolution of the
3 Tribe's outstanding water right claims through settlement and agreement. The limited exception
4 relates to the continuation of the work of the District's Historical expert which work has been
5 delayed by closure and/or limited access to Archive/Records Offices. Rather than stopping that
6 work now, and then requiring it to start again, if the settlement efforts are ultimately unsuccessful,
7 the District believes that it will be more efficient to continue that work while these settlement
8 discussions continue, at least during the initial 90 day stay period described below. This exception
9 can be reviewed at that time.

10 10. For these reasons, the Parties jointly request that the Court stay the remaining
11 deadlines of its Scheduling Order for 90 days. During that time, the Parties will work to draft
12 necessary documents and secure necessary settlement approval. Within seven (7) days before the
13 expiration of the stay, the Parties will either: a) inform the Court that documents supporting a
14 settlement will be presented to the Court within the 90-day stay period; b) seek an extension to the
15 stay and detail the remaining tasks needed to secure settlement approval; or c) inform the Court
16 that efforts to resolve the Tribe's outstanding water right claims by settlement have failed. In the
17 event settlement fails, the Parties will present a joint schedule that resumes the schedule already
18 developed to litigate this matter to conclusion as needed.

19 11. The Parties to this action include the federal government, the Walker River Paiute
20 Tribe, Nevada and California entities, and a very large irrigation district. Securing final party
21 approval for these entities to enter into any settlement will require extensive internal consultation
22 and the approval of numerous individuals. Though this process will likely take some time to
23 complete, undersigned counsel will make every effort to advance this effort as quickly as possible
24 and believe that the 90-day stay being sought herein will be sufficient to advance this matter
25 toward a final resolution. Moving forward, unless otherwise ordered by the Court, the Parties will
26 seek only 90-day stays, as needed, to accomplish settlement. The Parties are, therefore, seeking a
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1 90-day stay of the deadlines and obligations contemplated under the Scheduling Order in good
2 faith and not for any dilatory purpose.

3 NOW, THEREFORE, pursuant to paragraphs 14 and 16 of the Scheduling Order,
4 the parties hereby stipulate and agree as follows:

5 1. The Scheduling Order and obligations outlined therein should be stayed for 90 days
6 to give the Parties the opportunity to resolve the Tribe's outstanding water right claims by
7 agreement.

8 2. Within seven (7) days before the expiration of any stay granted the Parties will
9 inform the Court either that additional time is needed to achieve a settlement agreement or that
10 settlement will not be possible. In either case, the Parties will seek additional relief from the Court
11 accordingly as needed and as contemplated by paragraphs 14 and 16 of the Scheduling Order.

12 Dated: June 23, 2022.

13 WOODBURN AND WEDGE

U.S. DEPARTMENT OF JUSTICE

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ORDER

21 Dated: June 24, 2022.

IT IS SO ORDERED.

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23 
24 _____
United States Magistrate Judge