

1 GORDON H. DEPAOLI, NSB #195
2 DALE E. FERGUSON, NSB #4986
3 DOMENICO R. DePAOLI, NSB #11553
4 Woodburn and Wedge
5 6100 Neil Road, Suite 500
6 Reno, Nevada 89511
7 Telephone: 775-688-3000
8 Email: gdepaoli@woodburnandwedge.com
9 *Attorneys for Walker River Irrigation District*

10
11 IN THE UNITED STATES DISTRICT COURT
12 FOR THE DISTRICT OF NEVADA

13 UNITED STATES OF AMERICA,) IN EQUITY NO. C-127
14)
15 Plaintiff,) 3:73-cv-00127-MMD-CSD
16)
17 WALKER RIVER PAIUTE TRIBE) STIPULATION AND ORDER
18) CONTINUING THE STAY REGARDING
19 Plaintiff-Intervenor,) DISCOVERY AND MOTION SCHEDULE
20)
21 v.)
22)
23 WALKER RIVER IRRIGATION DISTRICT,
24 a corporation, et al.,
25
26 Defendants.

27 1. On June 23, 2022, the Plaintiffs and Principal Defendants (“Parties”) requested a
28 90-day stay of the Scheduling Order¹ and obligations outlined therein to give the Parties the
opportunity to resolve the Tribe’s outstanding water right claims by agreement. *Stipulation and*
[Proposed] Order Staying the Order Regarding Discovery and Motion Schedule (ECF No. 2701)
 (“Stipulation”).

2. On June 24, 2022 the Court granted the Parties request. *Order Staying the Order*
Regarding Discovery and Motion Schedule (ECF No. 2702) (“Stay Order”).

¹ *Order Regarding Discovery and Motion Schedule and Procedure* (ECF No. 2611).

1 3. Based upon the progress made by the Parties during that first 90-day Stay, on
2 September 15, 2022, the Parties requested a second 90-day Stay (ECF 2706)(“Second Stay
3 Order”).

4 4. Based upon the progress made by the Parties during that second 90-day Stay, on
5 December 15, 2022, the Parties requested a third 90-day Stay (ECF 2713; 2714)(“Third Stay
6 Order”).

7 5. In the Third Stay Order, the Court directed the Parties as follows: “Within seven
8 (7) days before the expiration of any stay granted the Parties will inform the Court either that
9 additional time is needed to achieve a settlement agreement or that settlement will not be possible.
10 In either case, the Parties will seek additional relief from the Court accordingly as needed and as
11 contemplated by paragraphs 14 and 16 of the Scheduling Order.” Third Stay Order at 3.

12 6. Since December 16, 2022, the Plaintiffs and Principal Defendants Walker River
13 Irrigation District and Nevada Department of Wildlife (the “Negotiating Parties”) have
14 substantively and productively engaged in discussions, consultations and correspondence to
15 pursue an agreement among the Parties that would resolve the Tribe’s outstanding water right
16 claims. This activity was consistent with the extensive internal and external consultation
17 previously contemplated by the Parties and the Court. *See* Stipulation at 3 ¶11.

18 7. Although the Parties have been unable to yet achieve a final agreement, the
19 Negotiating Parties have made substantial progress on such an Agreement which has included
20 exchanges of and revisions to a written agreement.

21 8. The Negotiating Parties believe that additional meetings, discussions,
22 consultations, and correspondence would be beneficial and productive to developing a final
23 agreement that would resolve the Tribe’s outstanding water right claims.

24 9. Accordingly, the Negotiating Parties believe that a fourth, 90-day stay of the
25 Scheduling Order is justified and would be beneficial and productive to developing a final
26 agreement that would resolve the Tribe’s outstanding water right claims.

1 NOW, THEREFORE, pursuant to the Third Stay Order, the Parties hereby stipulate and
2 agree as follows:

3 1. The Scheduling Order and obligations outlined therein should be stayed for a fourth 90-
4 day period to give the Parties the opportunity to resolve the Tribe's outstanding water right claims
5 by agreement.

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

10 Dated: March 6, 2023.

11 WOODBURN AND WEDGE
12 By: / s / Gordon H. DePaoli
13 Gordon H. DePaoli
14 Nevada Bar No. 195
15 6100 Neil Road, Suite 500
16 Reno, Nevada 89511
17 *Attorneys for Walker River Irrigation*
18 *District*

19 LAW OFFICES OF WES WILLIAMS, JR.,
20 P.C.
21 By: / s / Wes Williams, Jr.
22 (per authorization)
23 Wes Williams, Jr., NSB 6864
24 3119 Lake Pasture Rd.
25 P.O. Box 100
26 Schurz, Nevada 89427

27 MEYER, WALKER & WALKER, P.C.
28 By: / s / Alice E. Walker
(per authorization)
Alice E. Walker
1007 Pearl Street, Suite 220
Boulder, Colorado 80302
Attorneys for Walker River Paiute Tribe

U.S. DEPARTMENT OF JUSTICE
By: / s / Guss Guarino
(per authorization)
Guss Guarino, Trial Attorney
Marisa J. Hazell, Trial Attorney
Environment and Natural Resources Div.
999 18th Street, Suite 370
Denver, Colorado 80202

David L. Negri
Trial Attorney, Natural Resources Section
c/o U.S. Attorney's Office
800 Park Boulevard, Suite 600
Boise, Idaho 83712
Attorneys for United States of America

BEST BEST & KRIEGER

By: / s / Roderick E. Walston
(per authorization)
Roderick E. Walston
2001 N. Main Street, Suite 390
Walnut Creek, California 94596
Attorney for Centennial Livestock and Lyon
County

Jerry Snyder, NSB 6830
429 W. Plumb Lane
Reno, Nevada 89509
Attorney for Lyon County

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

OFFICE OF THE ATTORNEY GENERAL
OF CALIFORNIA

By: / s / Nhu Q. Nguyen
(per authorization)
Nhu Q. Nguyen, NSB 7844
1300 I Street, Suite 125
P.O. Box 944255
Sacramento, California 94244-2550
Attorneys for California State Agencies

THE COUNTY OF MONO (CA)

By: / s / Stacey Simon
(per authorization)
Stacey Simon, County Counsel
Emily Fox, Dep. County Counsel
P.O. Box 2415A
Mammoth Lakes, California 93546-2415
Attorneys for Mono County

STATE OF NEVADA OFFICE OF THE
ATTORNEY GENERAL

By: / s / Anthony J. Walsh
(per authorization)
Anthony J. Walsh, NSB 14128
Deputy Attorney General
100 N. Carson Street
Carson City, Nevada 89701-4717
Attorneys for Nevada Department of Wildlife


SIMONS HALL JOHNSTON PC

By: / s / Brad M. Johnston
(per authorization)
Brad M. Johnston, NSB 8515
22 State Route 208
Yerington, Nevada 89447
*Attorneys for Desert Pearl Farms, Peri
Family Ranch, LLC, Peri & Peri LLC, and
Frade Ranches*

ORDER

Dated: March 7, 2023.

IT IS SO ORDERED.


United States Magistrate Judge