

WRID, Lyon County and Bowman Protestants

EXHIBIT

179

Order on Stipulation for Modification of Decree (Claim 254) entered March 14, 2007
in the Walker River Action

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 ECR

ORDER ON STIPULATION FOR
 MODIFICATION OF DECREE
 (Proposed) ENTERED
 RECEIVED
 SERVED ON
 COUNSEL/PARTIES OF RECORD
 MAR 14 2007
 CLERK US DISTRICT COURT
 DISTRICT OF NEVADA
 DEPUTY
 BY:

John David Stanley Sr. and Marlyse Reed Stanley ("Stanleys") have filed a *Petition For Approval of Modification of the Walker River Decree* (Doc. No. 774) ("Stanley Petition") requesting a change in the point of diversion for water appropriated under Permit No. 3830, Certificate 1178 ("Stanley Water Right"), as set forth at p. 70 of the *Decree* (Apr. 24, 1936), *modified, Order for Entry of Amended Final Decree to Conform to Writ of Mandate, Etc.* (Apr. 24, 1940) ("Walker River Decree"), as Claim No. 254 under the name of George Parker. The Walker River Paiute Tribe and the United States of America (collectively, "Objectors") have filed Objections to the Stanley Petition (Doc. No. 778). The Stanleys and the Objectors have resolved objections related to the change in point of diversion pursuant to a *Stipulation For Modification of Decree* (Doc. No. 804) ("*Stipulation*").

THEREFORE, in accordance with the *Stipulation*, the Court Orders as follows:

1. The Stanleys do not own the 5.56 acres of land located in the NE1/4 of the SE1/4 of Section 20, T. 15 N., R. 26 E. (the "BLM Land") as described on page 70 of the Walker River Decree under Claim No. 254. The Stanleys also do not own any water rights appurtenant to the BLM Land and, therefore, the point of diversion for any water rights appurtenant to the BLM Land shall not be changed.

2. Except as provided in Paragraph 1 above, the Stanley Petition is approved, and the entry for Claim No. 254 at p. 70 of the Walker River Decree is hereby amended as requested by the Stanley Petition as follows:

Owner: John David Stanley and Marlyse Reed Stanley

Stream: Walker River

Year of relative priority: March 13, 1916

Amount in cubic feet per second: 0.8226

No. of acres irrigated: 82.26

Description of land: 12.56 acres in NE $\frac{1}{4}$ of SW $\frac{1}{4}$; 10.50 acres in SE $\frac{1}{4}$ of NW $\frac{1}{4}$; 25.60 acres in SW $\frac{1}{4}$ of NE $\frac{1}{4}$; 13.94 acres in NW $\frac{1}{4}$ of SE $\frac{1}{4}$; 19.66 acres in SE $\frac{1}{4}$ of NE $\frac{1}{4}$; Sec. 20, T. 15N., R. 26E, M.D.B.&M.

Point of Diversion: the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 20, T. 15N., R. 26E, M.D.B.&M., or at a point from which the E $\frac{1}{4}$ Corner of said Section 20 bears N.75° 06' 38" E a distance of 3932' (Walker River)

3. Except as otherwise provided in Paragraph 1 above, the Walker River Decree is hereby amended to substitute John David Stanley and Marlyse Reed Stanley for George Parker with respect to Claim No. 254.

4. Consistent with the provisions of NRS 533.024, this amendment does not have the effect of quieting title to the Stanley Water Right.

5. This Order shall not be construed to waive any rights of the Objectors to raise issues in the future concerning title to or the existence of a water right appurtenant to the BLM Land.

6. The Stanleys shall not apply any water to or conduct farming or other operations upon the BLM Land without first obtaining any required federal permits or other approvals.

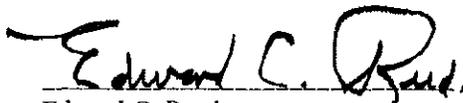
7. This Order does not affect the pending claims to water of the United States or the Walker River Paiute Tribe in Subfile C-125-B.

8. The Nevada State Engineer is ordered to revise the records of that Office to conform to the terms of this Order and shall submit a copy of its revised approved permit and certificate of appropriation of water to the Court.

9. This Order does not address any issues raised in the *Objections of the Walker River Paiute Tribe and the United States of America to the Petition for Approval of Modifications of the Walker River Decree (John David Stanley and Marlyse Reed Stanley) and Application for Leave to Present Additional Material Evidence (May 22, 2006) (Doc. No. 778)*, except those issues concerning the BLM Land. All other issues raised are dismissed without prejudice.

10. Nothing herein shall be construed as precedent in any other proceeding or context. This Order does not limit or affect the rights of the United States or the Walker River Paiute Tribe against any third parties. This Order does not and shall not be construed to create rights in, or grant any cause of action to, any third party not a Party to the *Stipulation*.

IT IS SO ORDERED this 14 day of March, 2007



Edward C. Reed
United States District Judge