

# **EXHIBIT 1060**

U.S. DISTRICT COURT  
DISTRICT OF NEVADA  
ENTERED & SERVED  
MAR 23 2004  
CLERK, U.S. DISTRICT COURT  
BY [Signature] DEPUTY

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

WALKER RIVER PAIUTE TRIBE,

Plaintiff-Intervenor,

v.

WALKER RIVER IRRIGATION DISTRICT,  
a corporation, et al.

Defendants.

IN EQUITY NO. C-125

ORDER FOR  
TEMPORARY/MODIFICATION  
OF DECREE

FILED  
2004 MAR 23 AM 7:35  
BY [Signature]  
LARRY J. [Signature]

The Petitioner, State of Nevada, Division of State Lands, on behalf of the Department of Wildlife (State of Nevada), together with stipulating parties, filed its "Petition for and Stipulation Concerning One Year Change in Place of Use and Manner of Use of a Portion of Water Adjudicated to the State of Nevada Division of State Lands, on Behalf of the Nevada Department of Wildlife" on March 5, 2004.

Petitioner filed Application No. 70649 on November 19, 2003, in the Office of the State Engineer. The application sought permission to change the place of use and manner of use of the State of Nevada's water rights appurtenant to its Mason Valley Wildlife Management Area (MVWMA) for a one year period.

///

///

///

651

1 One protest was lodged on behalf of a number of parties.<sup>1</sup> By stipulation of the parties,  
2 the protest was dismissed without prejudice.

3 The Nevada State Engineer sent special notices and requests for publication in  
4 accordance with the ADMINISTRATIVE RULES AND REGULATIONS of the Walker River  
5 Irrigation District. Publications of notice of Application No. 70649 were duly made in the  
6 Mammoth Times, the Record Courier, and the Mason Valley News as required by such  
7 ADMINISTRATIVE RULES AND REGULATIONS.

8 On March 11, 2004, this Court entered its order setting a hearing upon the "Petition for  
9 and Stipulation Concerning One Year Change in Place of Use and Manner of Use of a  
10 Portion of Water Adjudicated to the State of Nevada Division of State Lands, on Behalf of the  
11 Nevada Department of Wildlife."

12 The State Engineer's entire record of proceedings was served upon all parties hereto  
13 on March 11, 2004.

14 Affidavit of Service was duly filed with this Court on March 12, 2004.

15 This Court finds that the allegations of said Petition are true, and that said Decree  
16 should be modified.

17 NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that  
18 the said Decree is temporarily modified as follows:

19 1. Change permit no. 70649, issued by the State Engineer, is hereby approved.

20 2. The Walker River Decree is temporarily modified in accordance with the Engineer's  
21 permit, and with the Stipulation for Protest Dismissal Without Prejudice, signed by C. Wayne  
22 Howle and Laura Schroeder, in the Protest to Application No. 70649.

23 3. This order is limited in its effect to this calendar year through and including October  
24 31, 2004, and shall not apply to nor constitute precedent for any purpose whatsoever,  
25 including, without limitation, any future temporary or permanent change application or  
26 applications filed with respect to any of State of Nevada's water rights or any other water

27  
28 <sup>1</sup> Protestants were Circle Bar N Ranch (Tom and Tony Reviglio), Edelweiss Farms (Joe and Beverly Landolt), Borsini Ranch, Inc. (Dale Borsini), Peavine Leasing, LLC (Mike Faretto), Peri Brothers & Sons (Dave and Butch Peri), L & M Family Limited Partnership (Brian Masini), and Thomas Bobrick Trust (Tom Bobrick).

1 rights adjudicated by the Walker River Decree.

2 4. This order shall not in any way affect or prejudice the positions of the parties with  
3 respect to the Motion to Intervene filed by Mineral County and the claims which Mineral  
4 County seeks to assert in subproceeding C-125-C, nor shall it in any way affect or prejudice  
5 the positions of the parties with respect to the claims of the United States and the Walker  
6 River Paiute Tribe to additional water as asserted in subproceeding C-125-B, and by entering  
7 into this Stipulation, the parties do not intend to affect the jurisdiction of the Court to  
8 determine those claims.

9 5. Each party hereto shall bear its own costs and attorneys' fees.

10 DATED this 22 day of March, 2004.

11   
12 UNITED STATES DISTRICT JUDGE