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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA

United States of America,  
Plaintiff,

-vs-

Walker River Irrigation  
District, et al.,  
Defendants.

NO. C-125-ECR  
C-125-B  
United States District Court  
400 S. Virginia Street  
Reno, Nevada 89501  
March 8, 2005

COPY

TRANSCRIPT OF STATUS CONFERENCE  
BEFORE THE HONORABLE ROBERT A. McQUAID, JR.  
UNITED STATES MAGISTRATE JUDGE

A P P E A R A N C E S:

FOR PLAINTIFF UNITED STATES:	Susan Schneider Assist. United States Attorney
FOR PLAINTIFF WALKER RIVER PAIUTE TRIBE:	Alice Walker Attorney at Law
FOR PLAINTIFF MINERAL COUNTY:	Simeon Herskovits Attorney at Law
FOR PLAINTIFF LYON COUNTY:	Steven Rye Attorney at Law

1 A P P E A R A N C E S: (cont')

2 FOR DEFENDANT LANDOLT: John Howard  
3 William E. Schaeffer  
4 Attorneys at Law

5 FOR DEFENDANT REVIFLIO: Laura Schroeder  
6 Attorney at Law

7 FOR DEFENDANT WALKER RIVER  
8 IRRIGATION DISTRICT: Gordon H. DePaoli  
9 Dale E. Ferguson  
10 Attorneys at Law

11 FOR DEFENDANT U.S. BOARD  
12 OF WATER COMMISSIONERS: Linda A. Bowman  
13 Attorney at Law

14 FOR DEFENDANT NEVADA DEPARTMENT  
15 OF WILDLIFE: Marta Adams  
16 Attorney at Law

17 FOR DEFENDANT FIM, INC.: Louis Test  
18 Attorney at Law

19 TELEPHONICALLY:

20 FOR MONO COUNTY: Stacey Simon  
21 Attorney at Law

22 FOR POLYONE CORPORATION: Melissa McKeith  
23 Attorney at Law

24 FOR CALIFORNIA ATTORNEY GENERAL: Michael Neville  
25 Deputy Attorney General

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OFFICIAL COURT REPORTER: KATHRYN M. FRENCH, RPR  
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CALIFORNIA LICENSE NO. 8536

1 fast if you just proceed through the litigation process.

2           So I think that the effort that's being put  
3 towards that mediation is beneficial, and I think it's  
4 beneficial for everybody, not just the people that are  
5 mediating. I think it's beneficial -- although they may  
6 disagree with me -- I think it's beneficial for the Landolts.  
7 I think it's beneficial for Ms. Schroeder's clients. I  
8 think it's beneficial for everybody. And a lot of effort has  
9 gone into the mediation process to this point, and I think  
10 that it would be wasteful to throw it away and say we're  
11 going to stop the process. As I say, although extending  
12 this until the end of December of 2005 may seem like a long  
13 time, it's not a long time in the big scheme of things in  
14 this case.

15           As I said, the Case Management Order provides that  
16 the matter is stayed in any event, so I don't think there's  
17 any prejudice. I think the equal protection argument that's  
18 been set forth principally by the Landolts is premature, and  
19 I don't believe that there's been any denial of due process,  
20 and I don't believe there will be any denial of due process.  
21 I think that what will occur is if -- and it's a big if --  
22 but if these parties that are participating in this mediation  
23 are successful and come forth with a plan, some sort of a  
24 framework to resolve this case, this court is going to allow  
25 adequate time for every party who may have, may be affected

1 in any manner with this resolution, to study whatever is put  
 2 on the table, to object, adequately object in writing and in  
 3 hearings, before any final proposal is done. And I think that  
 4 that process satisfies any due process arguments that are put  
 5 forward.

6 So for all those reasons, the joint motion number  
 7 505 is granted. The mediation order stays in effect, and the  
 8 stay concerning the mediation is still in effect until the end  
 9 of December 2005. That is without prejudice.

10 Mr. Howard, if you want to file some motions about  
 11 changing the case management and modifying the Case Management  
 12 Order, you're free to do so pursuant to the terms of the Case  
 13 Management Order. If you want to file a motion to recuse  
 14 Mr. DePaoli, you're free to do that. These motions that you  
 15 seem to want to try to file address the merits of the case,  
 16 they're going to continue to be unsuccessful, I believe.  
 17 Okay?

18 MR. HOWARD: Thank you, Your Honor.

19 THE COURT: All right.

20 Okay. The next item on the agenda is the status  
 21 of service efforts regarding service category A. And I think  
 22 that's the successors in interest. Is that --

23 MS. SCHNEIDER: That would be any decreed rights  
 24 holders. That's correct.

25 THE COURT: Okay.

1 Ms. Larsen, why don't you see if you could coordinate that  
 2 with Ms. Damron, and we'll just have it that same day, morning  
 3 or afternoon, whichever one Judge Reed doesn't want.

4 MS. BOWMAN: I will try to get a hearing date this  
 5 week then.

6 THE COURT: All right.

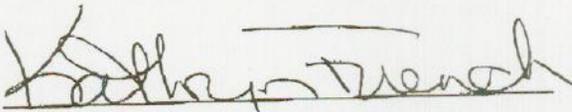
7 Anything else then?

8 (No response.)

9 THE COURT: All right. Thank you very much.

10 (Court Adjourned.)  
 11  
 12

13 I certify that the foregoing is a correct transcript from  
 14 the record of proceedings in the above-entitled matter.

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17 KATHRYN M. FRENCH, RPR, CCR

18 4-14-05

19 DATE

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