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**UNITED STATES DISTRICT COURT  
 FOR THE DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,	)	IN EQUITY NO. C-125-ECR
	)	Subproceedings: C-125-B & C-125-C
Plaintiff,	)	3:73-CV-00127-ECR-RAM &
	)	3:73-CV-00128-ECR-RAM
WALKER RIVER PAIUTE TRIBE,	)	
	)	
Plaintiff-Intervenor,	)	
vs.	)	<b>JOINT REPLY OF PLAINTIFF</b>
	)	<b>PARTIES TO WALKER RIVER</b>
WALKER RIVER IRRIGATION DISTRICT,	)	<b>IRRIGATION DISTRICT'S</b>
a corporation, et al.,	)	<b>RESPONSE TO JOINT MOTION</b>
	)	<b>OF MINERAL COUNTY,</b>
Defendants.	)	<b>WALKER RIVER PAIUTE TRIBE,</b>
	)	<b>AND UNITED STATES OF</b>
<hr/> MINERAL COUNTY,	)	<b>AMERICA TO SET STATUS</b>
	)	<b>CONFERENCE ON PENDING</b>
Proposed-Plaintiff-Intervenor	)	<b>ISSUES</b>
vs.	)	
	)	
WALKER RIVER IRRIGATION DISTRICT	)	
a corporation, et al.	)	
	)	
Proposed Defendants.	)	
	)	
<hr/>	)	

Proposed Plaintiff-Intervenor Mineral County, Plaintiff-Intervenor Walker River Paiute Tribe, and Plaintiff United States of America (collectively the “Plaintiff Parties”), through their undersigned counsel, jointly submit this *Joint Reply of Plaintiff Parties to Walker River Irrigation District’s Response to Joint Motion of Mineral County, Walker River Paiute Tribe, and United States of America to Set Status Conference on Pending Issues*. The Plaintiff Parties have moved jointly for a status conference in Case Nos. C-125-B (Doc. 1591) and C-125-C (Doc. 508), which are related subproceedings in Case No. C-125. The Walker River Irrigation District (“WRID”) has responded to this request. *Walker River Irrigation District’s Response to Joint Motion of Mineral County, Walker River Paiute Tribe, and United States of America to Set Status Conference on Pending Issues* (Aug. 9, 2010) (C-125-B at Doc. 1592; C-125-C at Doc. 509) (“Response”).<sup>1</sup> The Plaintiff Parties respond as follows:

The Plaintiff Parties have asked the Court to schedule a status conference to allow the Court and Parties to review the status of these subproceedings in general and to review the status of specific issues pending before the Court, such as the status of service efforts in each subproceeding. WRID does not oppose a status conference in either matter, and no other party has opposed this motion in any way.

In its Response, WRID attempts to frame the proceedings and procedural history regarding each subproceeding and present its view of these proceedings. The Plaintiff Parties’ decision not to dispute each point in WRID’s characterization of these proceedings should not be misinterpreted as an indication of agreement with WRID’s interpretation of the proceedings. In their Joint Motion, the Plaintiff Parties simply identified certain pending issues before the Court

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<sup>1</sup> Circle Bar N Ranch LLC subsequently joined WRID’s response in Case No. C-125-B. (Doc. 1593).

and asked the Court to schedule a status conference so that the parties can begin to discuss the case and issues with the Court.

The Plaintiff Parties disagree with WRID's characterization that subproceedings C-125-B and C-125-C "are not related" and its position that the two subproceedings should be handled separately. Response at 2, 5. While the two subproceedings are not officially consolidated, they are clearly related, address overlapping substantive issues, and present similar procedural issues, such as completion of service. Moreover, as a matter of procedural history, the two subproceedings effectively were consolidated for purposes of a comprehensive mediation process that was authorized by the Court and agreed to by WRID, among other parties, which continued for over three-and-a-half years before ending in late 2006.<sup>2</sup> Further, it makes practical sense to schedule status conferences in both matters at the same time. Indeed, the Court has routinely addressed both sub-proceedings at the same time in the past. *E.g.*, *Minutes of the Court* (C-125-B at Doc. 1468; C-125-C at Doc. 489) (Status Conference on Dec. 3, 2008); *Minutes of the Court* (C-125B at Doc. 1381; C-125-C at Doc. 478 (Status Conference on July 25, 2008).

Finally, the Plaintiff Parties disagree with WRID's suggestion that the Court "establish a schedule for the parties to file Status Reports in connection with each Subfile several days prior to the date set for each status conference." Response at 5. Given the passage of time that already has occurred since transfer of these proceedings and the fact that some of the identified issues have already been briefed, there is no need to create further delays by imposing an unnecessary briefing schedule on an uncertain number of issues. The Plaintiff Parties believe it would be more efficient for the parties to meet with the Court to discuss the case status and

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<sup>2</sup> See Order Governing Mediation Process (May, 27, 2003) (C-125-B at Doc. 199; C-125-C at Doc. 430).

outstanding issues first. Then, if the Court wishes more information on a particular issue or issues, the Court could order further briefing.

Such an approach is consistent with the practice before Magistrate Judge McQuaid over a period of several years, during which the United States would file a list of proposed agenda items approximately two weeks before each status conference. *E.g., The United States of America's List of Proposed Agenda items for the December 3, 2008 Status Conference*, Case No. C-125-B (Doc. 1462) (filed in C-125-B but addressing both sub-proceedings and used by the Court to address both sub-proceedings); *The United States of America's List of Proposed Agenda items for the July 25, 2008 Status Conference*, Case No. C-125-B (Doc. 1379) (same). The United States would be willing to draft and file a proposed agenda for both cases, after working with the other Plaintiff Parties and circulating the proposed draft to those attorneys who have made a practice of attending and participating in status conferences (Marta Adams (State of Nevada); Michael Neville (State of California); Karen Peterson (U.S. Board of Water Commissioners); Gordon DePaoli and Dale Ferguson (WRID); Stacy Simon (Mono County, CA); Laura Schroeder (one or more individual parties) and John Howard (one or more individual parties)).

#### CONCLUSION

For the reasons set forth above and in the Plaintiff Parties' Joint Motion to Set Status Conference on Pending Issues, the Plaintiff Parties respectfully request that the Court set a status conference to consider the pending issues before the Court, as well as the general procedural history and posture of these related C-125 proceedings, and require the United States to work with the other Plaintiff Parties and primary Defendants to prepare and submit a proposed agenda

two weeks prior to the scheduled status conference.

Dated: August 19, 2010

Respectfully submitted,

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By /s/ Susan L. Schneider  
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Dated: August 19, 2010

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Dated: August 19, 2010

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 19<sup>th</sup> day of August, 2010, I electronically filed the foregoing

**JOINT REPLY OF PLAINTIFF PARTIES TO WALKER RIVER IRRIGATION  
DISTRICT'S RESPONSE TO JOINT MOTION OF MINERAL COUNTY, WALKER  
RIVER PAIUTE TRIBE, AND UNITED STATES OF AMERICA TO SET STATUS  
CONFERENCE ON PENDING ISSUES** with the Clerk of the Court using the CM/ECF

system, which will send notification of such filing to the following via their email addresses:

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and I further certify that I served or caused to have served a true and correct copy of the foregoing **JOINT REPLY OF PLAINTIFF PARTIES TO WALKER RIVER IRRIGATION DISTRICT'S RESPONSE TO JOINT MOTION OF MINERAL COUNTY, WALKER RIVER PAIUTE TRIBE, AND UNITED STATES OF AMERICA TO SET STATUS CONFERENCE ON PENDING ISSUES** on the following non-CM/ECF participants by U.S Mail, postage prepaid, this 19th day of August, 2010.

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