

Greg Addington, Assistant U.S. Attorney
Susan L. Schneider, Trial Attorney
U.S. Department of Justice
Environment and Natural Resources Div.
999 – 18th Street, Suite 370
Denver, Colorado 80202
(303) 844-1348
susan.schneider@usdoj.gov
Attorneys for the United States of America

**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.)	UNITED STATES OF AMERICA’S LIST
)	OF PROPOSED AGENDA ITEMS FOR
WALKER RIVER IRRIGATION DISTRICT,)	THE STATUS CONFERENCE
a corporation, et al.,)	SCHEDULED FOR OCTOBER 19, 2010
)	
Defendants.)	
_____)	
MINERAL COUNTY,)	
Proposed-Plaintiff-Intervenor)	
vs.)	
)	
WALKER RIVER IRRIGATION DISTRICT)	
a corporation, et al.)	
)	
Proposed Defendants.)	
_____)	

The United States of America (“United States”), Plaintiff in Case No. C-125-B, submits the following proposed agenda to the Court for its Status Conference in sub-proceedings C-125-B and C-125-C, scheduled for October 19, 2010.

Pursuant to this Court’s Order of September 20, 2010 (C-125B at #1598; C-125-C at # 512), the United States consulted with the other plaintiff parties and the primary defendants to prepare and submit this proposed agenda. The proposed agenda includes all issues identified by

the various parties. The United States declined one request that it remove certain agenda items identified by another party from the draft of the compiled agenda. While the parties may not agree on the ripeness or timeliness of each issue on this agenda, these are outstanding issues before the Court that should be identified and discussed to some extent.

A. Introductions of Counsel:

B. Sub-proceeding C-125-B:

1. Brief summary of the case and claims.
2. Status of service:
 - a. Report by the United States on the current status of service on parties as required by the Case Management Order (# 108).
 - b. The establishment of cut-off dates regarding service, including new wells.
 - c. Service Report 15 (## 1578, 1584): resolution of any outstanding issues regarding proposed Order.
 - d. Service Report 16 (to be filed prior to Status Conference): discussion as to whether groundwater users in California deemed “transient non-community water systems” and other similarly situated users in California should be served and joined as parties to this action pursuant to the Case Management Order (# 108).
 - e. Any issues regarding Proofs of Service (## 717, 1319, 1375, 1586).
 - f. The status and obligations of existing defendants that obtain additional water rights after they appear or have been deemed served, including the establishment of procedures to address these circumstances.
 - g. The status and obligations of existing defendants that transfer their water rights subsequent to appearing or being deemed served, including the establishment of procedures to address issues related to successors in interest and possible substitution of successors in interest to parties previously served.
 - h. Plans to file additional service reports.

3. Completion of service:
 - a. Publication.
 - b. Website for C-125-B and possibly C-125-C.
 - c. Addressing any challenges to service.
 - d. Finalized caption.
4. Case Management Issues:
 - a. Updating Certificate of Service.
 - b. Website for C-125-B and possibly C-125-C, as noted above.
 - c. The status of issues related to the Case Management Order and resolution of any pending motions:
 - i. The Court's resolution of issues related to the identification and consideration of "threshold issues," as briefed by certain parties (## 1359, 1360, 1361, 1362) and in all responses, replies and joinders related to those document numbers.
 - ii. Whether and when an answer is required (## 1487, 1497-1501, 1503).
5. Settlement.

C. Sub-proceeding C-125-C:

1. Brief summary of the case and claims.
2. Status of service:
 - a. Report by Mineral County/Walker Lake Working Group on the current status of service on parties.
 - b. The Court's resolution of issues related to service of process as briefed by Mineral County and the Walker River Irrigation District (## 479, 488 and 496).
3. Completion of service:
 - a. Publication.
 - b. Website for C-125-B and possibly C-125-C.

- c. Addressing any challenges to service.
 - d. Finalized caption.
4. Case Management Issues:
- a. Updating Certificate of Service.
 - b. Website for C-125-B and possibly C-125-C, as noted above.
 - c. Briefing and resolution of Mineral County/Walker Lake Working Group's Amended Complaint in Intervention (# 20).
5. Settlement.
- D.** Case Management: potential efficiencies and/or issues regarding sub-proceedings C-125-B and C-125-C.
- E.** Such additional issues that may be identified subsequent to the filing of this agenda and/or at the status conference.

Dated: October 8, 2010

Respectfully submitted,

Greg Addington, Assistant United States Attorney
Susan L. Schneider, Trial Attorney
U.S. Department of Justice
Environmental and Natural Resources Div.
999 – 18th Street, Suite 370
Denver, Colorado 80202
(303) 844-1348
susan.schneider@usdoj.gov

By /s/ Susan L. Schneider
SUSAN L. SCHNEIDER

Attorneys for the United States of America

CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of October, 2010, I electronically filed the foregoing **UNITED STATES OF AMERICA'S LIST OF PROPOSED AGENDA ITEMS FOR THE STATUS CONFERENCE SCHEDULED FOR OCTOBER 19, 2010** 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:

Marta A. Adams
madams@ag.nv.gov pyoung@ag.nv.gov

Gregory W. Addington
greg.addington@usdoj.gov judy.farmer@usdoj.gov joanie.silvershield@usdog.gov

George N. Benesch
gbenesch@sbcglobal.net

Ross E. de Lipkau
RdeLipkau@parsonsbehle.com, LBagnall@parsonsbehle.com

Gordon H. DePaoli
gdepaoli@woodburnandwedge.com

Cheri Emm-Smith
districtattorney@mineralcountynv.org

Dale E. Ferguson
dferguson@woodburnandwedge.com

John W. Howard
john@jwhowardattorneys.com elisam@whowardattorneys.com

Brad M. Johnston
bjohnston@hollandandhart.com, RenoFedECF@halelane.com, btoriyama@halelane.com,
carnold@halelane.com, cpulsipher@halelane.com, eford@hollandandhart.com

Erin K. L. Mahaney
emahaney@waterboards.ca.gov

Stephen M. Macfarlane
Stephen.Macfarlane@usdoj.gov, deedee.sparks@usdoj.gov

David L. Negri
David.negri@usdoj.gov

Michael Neville
michael.neville@doj.ca.gov cory.marcelino@doj.ca.gov

Karen A. Peterson
kpeterson@allisonmackenzie.com egarrison@allisonmackenzie.com

Todd A. Plimpton
tplimpton@msn.com

Marshall Rudolph
mrudolph@mono.ca.gov

Susan L. Schneider
susan.schneider@usdoj.gov

William Schaeffer
Lander_lawyer@yahoo.com

Laura A. Schroeder
counsel@water-law.com

Stacey Simon
ssimon@mono.ca.gov

Brian Stockton
bstockton@ag.nv.gov

Gary Stone
jaliep@aol.com

Wes Williams
wwilliams@standordalumni.org

Don Springmeyer
dspringmeyer@wrslawyers.com

Christopher W. Mixson
cmixson@wrslawyers.com

and I further certify that I served or caused to have served a true and correct copy of the foregoing **UNITED STATES OF AMERICA'S LIST OF PROPOSED AGENDA ITEMS FOR THE STATUS CONFERENCE SCHEDULED FOR OCTOBER 19, 2010** on the following non-CM/ECF participants by U.S Mail, postage prepaid, this 8th day of October, 2010:

Ken Spooner
Walker River Irrigation District
P.O. Box 820
Yerington, NV 89447

Tracy Taylor
State Engineer – Division of Water Resources
State of Nevada
901 S. Stewart Street
Carson City, NV 89701

John Kramer
Department of Water Resources
1416 Ninth Street, Room 1118
Sacramento, CA 94814

Jim Shaw
Chief Dep. Water Commissioner
U.S. Board of Water Commissioners
P.O. Box 853
Yerington, NV 89447

Robert L. Hunter, Superintendent
Western Nevada Agency
Bureau of Indian Affairs
311 E. Washington Street
Carson City, NV 89701-4065

Jeff Parker, Deputy Atty General
Office of the Attorney General
100 N. Carson St.
Carson City, NV 89701-4717

Allen Biaggi
Dept. of Conservation & Natural Resources
State of Nevada
901 S. Stewart Street
Carson City, NV 89701

Michael F. Mackedon
P.O. Box 1203
179 South LaVerne Street
Fallon, NV 89407

Nathan Goedde
Staff Counsel
California Dept. of Fish & Game
1416 Ninth Street, Suite 1335
Sacramento, CA 95814

Kelly R. Chase
1700 County Road, Suite A
P.O. Box 2800
Minden, NV 89423

Robert Auer
District Attorney for Lyon County
31 South Main Street
Yerington, NV 89447

Wesley G. Beverlin
Malissa Hathaway McKeith
Lewis, Brisbois, Bisgaard & Smith LCP
221 N. Figueroa St., Suite 1200
Los Angeles, CA 90012

Weaver Revocable Trust Agreement, William
M. Jr. & Rosemary F. Weaver, Trustees
2535 Hwy. 338
Wellington, NV 89444

Timothy A. Lukas
P.O. Box 3237
Reno, NV 89505

Thomas J. Hall, Esq.
Post Office Box 3948
305 S. Arlington Ave.
Reno, NV 89505

William J Shaw
Brooke & Shaw, Ltd.
1590 Fourth Street
P.O. Box 2860
Minden, NV 89423

Casino West
Lawrence B. Masini, RA
11 North Main Street
Yerington, NV 89447

Adah Blinn and John Hargus Trust, Robert
Lewis Cooper, Trustee
984 Hwy 208
Yerington, NV 89447

Domenici 1991 Family Trust
Lona Marie Domenici-Reese
P.O. Box 333
Yerington, NV 89447

Richard B. Nuti
P.O. Box 49
Smith, NV 89430

Theodore A. and Annette M. Emens
138 Hwy 95A N
Yerington, NV 89447-9724

R.A. Palayo
5336 Awbury7 Ave.
Las Vegas, NV 89110

L & M Family Limited Partnership
Rife Sciarani & Co, RA
22 HWY 208
Yerington, NV 89447

Charles Price
24 Panavista Circle
Yerington, NV 89447

Wallace J. & Linda P. Lee
904 W. Goldfield Ave.
Yerington, NV 89447

John Gustave Ritter III
34 Aiazzi Lane
Yerington, NV 89447

Joseph J. Bessie J. Lommori Trust, Joseph J. &
Bessie J. Lommori, Trustees
710 Pearl Street
Yerington, NV 89447

Sceirine Fredericks Ranch
c/o Todd Sceirine
3100 Hwy 338
Wellington, NV 89444

Cynthia Menesini
111 N. Hwy 95A
Yerington, NV 89447

Silverado, Inc.
Gordon R. Muir, RA
One E. Liberty St., Suite 416
Reno, NV 89501

Cynthia Nuti
P.O. Box 49
Smith, NV 89430

Daniel G. & Shawna S. Smith
P.O. Box 119
Wellington, NV 89444

Nancy J. Nuti
P.O. Box 49
Smith, NV 89430

Christy De Long & Kirk Andrew Stanton
27 Borsini Lane
Yerington, NV 89447

William K. Vicencio
P.O. Box 478
Yerington, NV 89447

Jerry E. Tilley Trust, Jerry E. Tilley, Trustee
11418 S. 105th E. Ave
Bixby, OK 74008

Susan Steneri
P.O. Box 478
Yerington, NV 89447

Scott H. Shackelton
Law Offices of Scott Shackelton
4160 Long Knife Road
Reno, NV 89509

/s/

Yvonne Marsh, Paralegal Specialist