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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-00125-ECR-WGC
	)	3:73-CV-00127-ECR-WGC &
WALKER RIVER PAIUTE TRIBE,	)	3:73-CV-00128-ECR-WGC
	)	
Plaintiff-Intervenor,	)	
vs.	)	
	)	
WALKER RIVER IRRIGATION DISTRICT,	)	<b>UNITED STATES OF AMERICA’S LIST OF PROPOSED AGENDA ITEMS FOR THE STATUS CONFERENCE SCHEDULED FOR MAY 9, 2012</b>
a corporation, et al.,	)	
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 and Subproceeding C-125-B, submits the following proposed agenda to the Court for its Status Conference, scheduled for May 9, 2012. Pursuant to this Court’s direction, the United States

consulted with the other plaintiff parties and the primary defendants to prepare and submit this proposed agenda. On May 5, 2012, counsel for the Walker River Irrigation District (“WRID”) circulated two alternative agendas, one for Subproceeding C-125-B and one for Subproceeding C-125-C. The practice in this case over the years has been to schedule status conferences at the same time and to use one agenda.<sup>1</sup> This is particularly helpful in C-125-B and C-125-C because they share common issues. The United States has attempted to incorporate WRID’s agenda items in the following agenda, although it is organized differently than WRID suggests. While the parties, including the United States, 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.

The United States and Mineral County ask that the Court conduct this Status Conference by telephone with all parties. It was the United States’ impression from the Status Conference of March 13, 2012, that the Status Conference set for May 9, 2012, was intended to be a briefer discussion of the status of a number of issues, instead of an in-depth discussion or to schedule deadlines. The primary defendants concur in or have no opposition to this request, although counsel for WRID and counsel for Circle Bar N Ranch, LLC and Mica Farms, LLC indicate they wish to appear before the Court even if the other parties attend by telephone.

**AGENDA ITEMS:**

1. Status of the objections before Judge Reed regarding three service-related Orders issued by Magistrate Judge Leavitt: the Successor-in-Interest Order in C-125-B and C-125-C; Service Cut-off Order in C-125-B; and Service Report Order in C-125-C.

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<sup>1</sup> *E.g., 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*, (Aug. 19, 2010, #B-1596, #C-510); *Minutes of the Court* (Dec. 3, 2008, #B-1468; #C-489); *Minutes of the Court* (July 25, 2008, #B-1381, #C-478).

- a. Order issued April 23, 2012, (#1078, #B-1711, #C-592).
  - b. Preliminary identification and discussion of follow-up and implementation issues.
2. C-125-B -- Completion of Service and Service Issues:
- a. Service Report 17.
  - b. Addressing persons and entities that were served but never responded or appeared: whether any additional notice is required.
  - c. Service issue raised by the State of California: Whether claimants with dormant or unexercised riparian surface water rights under the laws of California and/or claimants with overlying, unexercised groundwater rights are subject to compulsory joinder. *See California State Agencies' Supplementary Report* (Jan. 30, 2012) (#B-1057).
  - d. Status of preparing the following:
    - i. the caption;
    - ii. a list of names and addresses of persons and entities served who have filed a notice of appearance (to be provided to the Clerk's Office);
    - iii. a list of persons and entities served who have not filed a notice of appearance; and
    - iv. clarification of any persons or entities that have filed an appearance but were not served.
  - e. Consideration of Case Management Order Paragraph 9 Requirements:
    - i. whether the provisions of Paragraph 9 of the Case Management Order have been previously satisfied;
    - ii. submission of a final caption with a description for procedures followed for its completion; and
    - iii. filing objections thereto, if any.
3. C-125-C -- Completion of Service and Service Issues
- a. Preparation of the Service Report to be filed in C-125-C following issuance of Judge Reed's Order, including the current status of this effort.
  - b. Schedule for filing updated caption and service package and for objections thereto, if any.
  - c. Schedule for completion of service after approval of service package.
4. Publication:
- a. Scope: general notice and notice to identified but unserved persons/entities.
  - b. Proposal for publication process.
5. Notification protocol and use in each sub-proceeding:
- a. Eservice order
    - i. Establish schedule for completion of list of names and addresses of persons and entities served who have filed a notice of appearance but who are not represented by counsel.
    - ii. Completion of Eservice Order.

- iii. Establish date for mailing of Notice and Order referenced in 2.B above.
  - b. Establish schedule for submission of Notice and Order Regarding Election By Pro Se Defendants to Receive Service from the CM/ECF System.
  - c. Website updates.
    - i. Status
    - ii. Schedule for Progress on Timing of Website for this Matter for Access by Pro Se Defendants Who Do Not Elect to Receive Service form the CM/ECF System.
6. C-125-B – Post-Service Issues:
- a. Establishment of schedule for any additional briefing and/or oral argument for purposes of a final determination of list of threshold issues.
  - b. Establishment of schedule for any additional briefing and/or oral argument for purposes of determining whether, and if so, when answers are required.
7. C-125-C – Post-Service Issues: Briefing and resolution of Mineral County’s Amended Complaint in Intervention (#C-20) and Motion for Preliminary Injunction (#C-22).
8. Sequencing issues.
9. Such additional issues that may be identified subsequent to the filing of this agenda and/or at the status conference.
10. Scheduling next status conference and/or informal meetings.

Dated: May 7, 2010

Respectfully submitted,

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

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 7th day of May, 2012, I electronically filed the foregoing **UNITED STATES OF AMERICA'S LIST OF PROPOSED AGENDA ITEMS FOR THE STATUS CONFERENCE SCHEDULED FOR MAY 9, 2012** with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the email addresses that are registered for this case;

and I further certify that I served a copy of the forgoing to the following non CM/ECF participants by U.S. Mail, postage prepaid, this 7th day of May, 2012:

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