

FILED
DEC 22 PM 2:57
LANCE S. WILSON
CLERK
BY _____
DEPT _____

[Faint, mostly illegible text and a handwritten signature]

Richard Olson
CLAASSEN & OLSON
PO Box 2101
Carson City NV 89702

[Handwritten mark or signature]

RECEIVED
IN DROP BOX

1 Scott B. McElroy
Alice E. Walker
2 Greene, Meyer & McElroy, P.C.
1007 Pearl Street, Suite 220
3 Boulder, CO 80302
303/442-2021

4 Kelly R. Chase
5 P.O. Box 2800
Minden, NV 89423
6 702/782-3099

Kathryn E. Landreth, United States Attorney
Shirley A. Smith, Assistant United States Attorney
100 West Liberty St., Ste. 600
Reno, NV 89509

U.S. DISTRICT COURT
DISTRICT OF NEVADA
RECEIVED

DEC 15 1999

77502845438
Susan Schneider
United States Department of Justice
Environment & Natural Resources Division
999 18th St., Suite 945
Denver, CO 80202
303/312-7308

7 CLERK, U.S. DISTRICT COURT
8 Attorneys for the WALKER RIVER PAIUTE
TRIBE
9 BY _____

Attorneys for the UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

10 UNITED STATES OF AMERICA,)
11)
12 Plaintiff,)

13 WALKER RIVER PAIUTE TRIBE,)
14)
15 Plaintiff-Intervenor,)

16 vs.)

17 WALKER RIVER IRRIGATION DISTRICT,)
18 a corporation, et al.,)
19 Defendants.)

20 WALKER RIVER PAIUTE TRIBE,)
21)
22 Counterclaimant,)

23 UNITED STATES OF AMERICA,)
24)
25 Counterclaimant,)

26 vs.)

27 WALKER RIVER IRRIGATION DISTRICT,)
28)
29 Counterdefendant,)

STATE OF NEVADA,)
Counterdefendant-Intervenor.)

IN EQUITY NO. C-125
Subproceeding C-125-B

STIPULATED REPORT TO THE COURT

FILED
DEC 15 1999

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1 On May 11, 1999, the Court issued an order addressing the *United States' and Walker*
2 *River Paiute Tribe's Joint Motion for Leave to Serve First Amended Counterclaims, to Join*
3 *Groundwater Users, to Approve Forms for Notice and Waiver, and to Approve Procedure for*
4 *Service of Pleadings Once Parties Are Joined* (Aug. 19, 1998), in which the United States and
5 the Walker River Paiute Tribe ("Tribe") seek to include groundwater claimants in service of the
6 *First Amended Counterclaim of the United States of America* (July 31, 1997), and the *First*
7 *Amended Counterclaim of the Walker River Paiute Tribe* (July 31, 1997), and the responses and
8 reply to that joint motion. *Minutes of the Court* (May 11, 1999). At a telephonic hearing with
9 the parties on May 21, 1999, the Court ordered the following:
10

11 [T]he parties will have forty-five (45) days from this date within
12 which to submit a stipulation, or if a stipulation cannot be reached,
13 then a statement of the issues on which there is agreement and the
14 issues which are disputed with respect to planning and scheduling
15 according to the order of the Court of May 11, 1999, and any
16 matters that are related to the issues and problems referred to in
17 that order.
18

19
20 *Minutes of the Court* (May 21, 1999). The Court indicated, however, that the 45 day period was
21 flexible and the Court would allow additional time if necessary.

22 On June 30, 1999, the Court entered an order accepting a stipulation by the parties to
23 extend the due date for submission of the stipulation or statement of the issues on which there is
24 agreement and the issues which are disputed, from July 5, 1999 to August 16, 1999. On
25 August 13, 1999, the Court entered a second order extending the date by another thirty days,
26 from August 16, 1999 to September 30, 1999. The parties met in Carson City on September 2,
27
28

1 1999 to discuss the proposed stipulation that counsel for the Tribe and the United States
2 prepared, and again met telephonically on September 20, 1999 to continue those discussions.
3 Acting on a third stipulation by the parties, on September 30, 1999, the Court entered a third
4 order extending the date for submission of an agreement or statement of disputed issues to
5 October 29, 1999.
6

7 On September 29, 1999, the parties met telephonically to discuss specific concerns
8 regarding the proposed stipulation, and on October 22, 1999, counsel for the Walker River
9 Irrigation District submitted comments on behalf of the District, the State of Nevada and the
10 State of California regarding the United States' and Tribe's proposed stipulation. Counsel for the
11 District also submitted a revised stipulation for a case management order. On October 30, 1999,
12 again pursuant to the parties' agreement, the Court entered a fourth order extending the deadline
13 to December 15, 1999. On December 3, 1999, the parties met in Reno to discuss the competing
14 versions of a case management order. On December 8 and again on December 14, 1999, the
15 parties met telephonically to further discuss the approaches to a case management order in these
16 proceedings.
17

18 After diligently attempting to reach consensus in this matter, the parties have determined
19 that they are unable to reach agreement. Accordingly, the parties seek the Court's assistance in
20 determining the best way to proceed to address the issues raised in the United States' and Tribe's
21 first amended counterclaims. To this end, the parties have agreed that they should submit their
22 respective proposals for the future management of this proceeding by way of motion. The parties
23 stipulate and agree to the following schedule for submission of their respective motions: any
24 party wishing to file a motion concerning case management shall do so by January 21, 2000; any
25 party wishing to file a response to the motions concerning case management shall do so by
26
27
28

1 February 21, 2000; any party wishing to file a reply to responses to motions concerning case
2 management shall do so by March 7, 2000.

3 Dated December 15, 1999

4 WOODBURN AND WEDGE
5 By: Dale E. Ferguson, for
6 GORDON H. DeFAOLI

KATHRYN E. LANDRETH, United States
Attorney

By: See facsimile signature attached
SUSAN L. SCHNEIDER

7 Attorneys for WALKER RIVER IRRIGATION
8 DISTRICT

Attorneys for UNITED STATES OF AMERICA

9 BILL LOCKYER, Attorney General
of the State of California

GREENE, MEYER & McELROY

10 By: Facsimile signature to follow
11 MARY E. HACKENBRACHT

By: See facsimile signature attached
SCOTT B. McELROY
ALICE E. WALKER

12 Attorneys for STATE WATER RESOURCES
13 CONTROL BOARD AND ITS INDIVIDUAL
MEMBERS

Attorneys for WALKER RIVER PAIUTE
TRIBE

14 McCUTCHEN, DOYLE, BROWN & ENERSEN

BOWMAN & ROBINSON

15 By: See facsimile signature attached
16 DAVID E. MOSER

By: See facsimile signature attached

17 Attorneys for CALIFORNIA TROUT, INC.

Attorneys for UNITED STATES BOARD OF
WATER COMMISSIONERS

18 FRANKIE SUE DEL PAPA, Attorney General of
19 the State of Nevada

20 By: See facsimile signature attached
MARTA ADAMS

21 IT IS SO ORDERED.

22 DATED this 16 day of December, 1999.

24 Edward C. Reed, Jr.
25 EDWARD C. REED, JR., JUDGE
26 UNITED STATES DISTRICT COURT
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Dated December 15, 1999

WOODBURN AND WEDGE

By: _____
GORDON H. DePAOLI

Attorneys for WALKER RIVER IRRIGATION DISTRICT

BILL LOCKYER, Attorney General of the State of California

By: _____
MARY E. HACKENBRACHT

Attorneys for STATE WATER RESOURCES CONTROL BOARD AND ITS INDIVIDUAL MEMBERS

McCUTCHEX, DOYLE, BROWN & ENERSEN

By: _____
DAVID E. MOSER

Attorneys for CALIFORNIA TROUT, INC.

FRANKIE SUE DEL PAPA, Attorney General of the State of Nevada

By: _____
MARTA ADAMS

KATHRYN E. LANDRETH, United States Attorney

By: _____
SUSAN L. SCHNEIDER

Attorneys for UNITED STATES OF AMERICA

GREENE, MEYER & McELROY

By: _____
SCOTT B. McELROY
ALICE E. WALKER

Attorneys for WALKER RIVER PAIUTE TRIBE

BOWMAN & ROBINSON

By: _____
LINDA A. BOWMAN

Attorneys for UNITED STATES BOARD OF WATER COMMISSIONERS

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WOODBURN AND WEDGE

By: _____
GORDON H. DePAOLI

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BILL LOCKYER, Attorney General
of the State of California

By: _____
MARY B. HACKENBRACHT

Attorneys for STATE WATER RESOURCES CONTROL BOARD AND ITS INDIVIDUAL MEMBERS

McCUTCHEEN, DOYLE, BROWN & ENERSEN

By: _____
DAVID E. MOSER

Attorneys for CALIFORNIA TROUT, INC.

FRANKIE SUE DEL PAPA, Attorney General of the State of Nevada

By: Marta Adams
MARTA ADAMS

KATHRYN E. LANDRETH, United States Attorney

By: _____
SUSAN L. SCHNEIDER

Attorneys for UNITED STATES OF AMERICA

GREENE, MEYER & McELROY

By: _____
SCOTT B. McELROY
ALICE E. WALKER

Attorneys for WALKER RIVER PAIUTE TRIBE

BOWMAN & ROBINSON

By: _____
LINDA A. BOWMAN

Attorneys for UNITED STATES BOARD OF WATER COMMISSIONERS

1 Dated 12/15/99, 1999

2 WOODBURN AND WEDGE

3 By: _____

4 Attorneys for WALKER RIVER IRRIGATION
5 DISTRICT

6 BILL LOCKYER, Attorney General
of the State of California

7 By: _____
8 MARY E. HACKENBRACHT

9 Attorneys for STATE WATER RESOURCES
10 CONTROL BOARD AND ITS INDIVIDUAL
MEMBERS

11 McCUTCHEN, DOYLE, BROWN & ENERSEN

12 By: _____
13 DAVID E. MOSER

14 Attorneys for CALIFORNIA TROUT, INC.

15 FRANKIE SUE DEL PAPA, Attorney General of
16 the State of Nevada

17 By: _____
18 MARTA ADAMS

19
20
21
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23
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KATHRYN E. LANDRETH, United States
Attorney

By: *Susan L. Schneider*
SUSAN L. SCHNEIDER

Attorneys for UNITED STATES OF AMERICA

GREENE, MEYER & McELROY

By: _____
SCOTT B. McELROY
ALICE E. WALKER

Attorneys for WALKER RIVER PAIUTE
TRIBE

BOWMAN & ROBINSON

By: _____
LINDA A. BOWMAN

Attorneys for UNITED STATES BOARD OF
WATER COMMISSIONERS

1 Dated December 15, 1999

2 WOODBURN AND WEDGE

3 By: _____

4 Attorneys for WALKER RIVER IRRIGATION
5 DISTRICT

6 BILL LOCKYER, Attorney General
7 of the State of California

8 By: _____
9 MARY E. HACKENBRACHT

10 Attorneys for STATE WATER RESOURCES
11 CONTROL BOARD AND ITS INDIVIDUAL
12 MEMBERS

13 McCUTCHEM, DOYLE, BROWN & ENERSEN

14 By: _____
15 DAVID E. MOSER

16 Attorneys for CALIFORNIA TROUT, INC.

17 FRANKIE SUE DEL PAPA, Attorney General of
18 the State of Nevada

19 By: _____
20 MARTA ADAMS

21
22
23
24
25
26
27
28

KATHRYN E. LANDRETH, United States
Attorney

By: _____
SUSAN L. SCHNEIDER

Attorneys for UNITED STATES OF AMERICA

GREENE, MEYER & McELROY

By: Alice E. Walker
SCOTT B. McELROY
ALICE E. WALKER

Attorneys for WALKER RIVER PAIUTE
TRIBE

BOWMAN & ROBINSON

By: _____
LINDA A. BOWMAN

Attorneys for UNITED STATES BOARD OF
WATER COMMISSIONERS

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28

Dated _____, 1999

WOODBURN AND WEDGE

By: _____
GORDON H. DePAOLI

Attorneys for WALKER RIVER IRRIGATION DISTRICT

BILL LOCKYER, Attorney General of the State of California

By: _____
MARY E. HACKENBRACHT

Attorneys for STATE WATER RESOURCES CONTROL BOARD AND ITS INDIVIDUAL MEMBERS

McCUTCHEN, DOYLE, BROWN & ENERSEN

By: _____
DAVID E. MOSER

Attorneys for CALIFORNIA TROUT, INC.

FRANKIE SUE DEL PAPA, Attorney General of the State of Nevada

By: _____
MARTA ADAMS

KATHRYN E. LANDRETH, United States Attorney

By: _____
SUSAN L. SCHNEIDER

Attorneys for UNITED STATES OF AMERICA

GREENE, MEYER & McELROY

By: _____
SCOTT B. McELROY
ALICE E. WALKER

Attorneys for WALKER RIVER PAIUTE TRIBE

BOWMAN & ROBINSON

By: Linda A. Bowman
LINDA A. BOWMAN

Attorneys for UNITED STATES BOARD OF WATER COMMISSIONERS

CERTIFICATE OF MAILING

I certify that I am an employee of Woodburn and Wedge and that on this date, I deposited in the United States Mail, postage prepaid, a true and correct copy of the foregoing *STIPULATED REPORT TO THE COURT* in an envelope addressed to:

Shirley A. Smith
Assistant U.S. Attorney
100 West Liberty Street, #600
Reno, NV 89509

Richard R. Greenfield
Department of the Interior
Two North Central Avenue, #500
Phoenix, AZ 85004

George Benesch
P.O. Box 3498
Reno, NV 89505

Western Nevada Agency
Bureau of Indian Affairs
1677 Hot Springs Road
Carson City, NV 89706

Kenneth Spooner
General Manager
Walker River Irrigation District
P.O. Box 820
Yerington, NV 89447

R. Michael Turnipseed, P.E.
Division of Water Resources
State of Nevada
123 West Nye Lane
Carson City, NV 89710

James T. Markle
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95814

Alice E. Walker
Greene, Meyer & McElroy
1007 Pearl Street, Suite 220
Boulder, CO 80302

John Kramer
Department of Water Resources
1416 Ninth Street
Sacramento, CA 95814

Matthew R. Campbell, Esq.
David Moser, Esq.
McCutchen, Doyle, Brown & Enerson
Three Embarcadero Center
San Francisco, CA 94111

Larry C. Reynolds
Deputy Attorney General
Nevada State Engineer's Office
123 West Nye Lane
Carson City, NV 89710

Ross E. de Lipkau
Marshall, Hill, Cassas & de Lipkau
P.O. Box 2790
Reno, NV 89505

Garry Stone
United States District Court Water Master
290 South Arlington Avenue
Third Floor
Reno, NV 89501

Roger Johnson
Water Resources Control Board
State of California
P.O. Box 2000
Sacramento, CA 95810

1 Susan Schneider
2 Indian Resources Section
3 U.S. Department of Justice
4 999 18th Street
5 Suite 945, North Tower
6 Denver, CO 80202

Marta Adams
Deputy Attorney General
State of Nevada
100 North Carson street
Carson City, NV 89701

5 Mary Hackenbracht
6 Deputy Attorney General
7 State of California
8 1515 Clay Street, 20th Floor
9 Oakland, CA 94612-1413

James Spoo
Treva J. Hearne
Zeh, Polaha, Spoo, Hearne & Picker
575 Forest Service
Reno, NV 89509

8 Roger Bezayiff
9 Water Master
10 U.S. Board of Water Commissioners
11 P.O. Box 853
12 Yerington, NV 89447

Hank Meshorer
United States Department of Justice
Natural Resources Division
Ben Franklin Station
P.O. Box 7611
Washington, D.C. 20044

12 William Hvidsten
13 Decuir & Somach
14 400 Capitol Mall, Suite 1900
15 Sacramento, CA 95814

Linda Bowman
Bowman & Robinson
540 Hammill Lane
Reno, NV 89511

15 Kelly R. Chase
16 P.O. Box 2800
17 Reno, NV 89423

John Davis
P.O. Box 1646
Tonopah, NV 89049

18 Kathryn E. Landreth
19 United States Attorney
20 100 West Liberty Street
21 Suite 600
22 Reno, NV 89501

Robert C. Anderson
Timothy Lukas
Hale, Lane, Peek, Dennison, Howard,
Anderson & Pearl
P.O. Box 3237
Reno, NV 89505

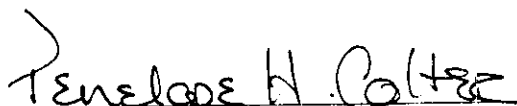
23 Michael W. Neville
24 California Attorney General's Office
25 50 Fremont Street
26 Suite 300
27 San Francisco, CA 94105-2239

Richard E. Olson, Jr.
Claassen & Olson
P.O. Box 2101
Carson City, NV 89702

28

1 Daniel N. Frink
2 Water Resources Control Board
3 State of California
4 P.O. Box 100
5 Sacramento, CA 94814

6 Dated this 15 day of December, 1999.

7 
8 Penelope H. Colter
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12
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14
15
16
17
18
19
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