

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA

12/17/04 09:30  
[Handwritten signature]

UNITED STATES OF AMERICA,	)	In Equity No. C-125-ECR
	)	Subfile No. C-125-B and C-125-C
Plaintiff,	)	<i>CV-N-73-127</i>
WALKER RIVER PAIUTE TRIBE,	)	
	)	<b>JOINT REPORT OF MEDIATING</b>
Plaintiff-Intervenor,	)	<b>PARTIES</b>
	)	
v.	)	
	)	
WALKER RIVER IRRIGATION DISTRICT,	)	
a corporation, et al.,	)	
	)	
Defendants.	)	
	)	

Pursuant to the Order Governing Mediation Process entered herein on May 27, 2003, the United States, State of Nevada, State of California, Walker River Paiute Tribe, Walker River Irrigation District, Mono County, California, Lyon County, Nevada, Mineral County, Nevada, and the Walker Lake Working Group (the "Parties") hereby submit the following Joint Report to the Court:

**1. Progress in the Mediation Process**

The Parties have participated in monthly mediation sessions over the past six months pursuant to the terms of the Mediation Process Agreement and Mediation Order. Monthly mediation sessions are presently scheduled for January, February and March of 2005. The Parties agree that progress in the mediation process is continuing.

**2. Continuation of the Mediation Process**

*496*

1 The Parties agree that the mediation process should continue through December 31,  
 2 2005 pursuant to the provisions of the Mediation Process Agreement previously executed by  
 3 the Parties and pursuant to the Order Governing Mediation Process. In this regard, the parties,  
 4 either individually or jointly, will file and serve a motion on or before January 18, 2005  
 5 consistent with this Joint Report. The briefing schedule will be as established by the court at  
 6 the status conference held on December 1, 2004.

7 **3. Holding Activity in Sub-proceedings C-125-B and C-125-C in Abeyance**

8 The Parties agree that all activity in the C-125-B and C-125-C sub-proceedings should  
 9 continue to be stayed, with the exception of efforts by the United States, Tribe and Mineral  
 10 County to complete service and otherwise as ordered by the Court. In this regard, the motion to  
 11 be filed on or before January 18, 2005 will include a request that the Order Governing  
 12 Mediation Process be amended accordingly.

13 **4. Payment of Mediator Fees and Expenses**

14 The Parties have agreed to make and are able to make payments toward the Mediator's  
 15 fees and expenses over the next six months in accordance with the provisions of the Mediation  
 16 Process Agreement.

17 **5. Need for Court Hearing**

18 There is no need for a hearing before the Court prior to the hearing currently scheduled  
 19 for March 8, 2005 at 1:30 P.M.

20 Dated this 16<sup>th</sup> day of December, 2004.

21 Date: Dec. 16, 2004

22 Scott B. McElroy, Alice E. Walker  
 23 Greene, Meyer & McElroy, P.C.  
 1007 Pearl St., #220  
 Boulder, CO 80302  
 303/442-2021

24 Kelly R. Chase  
 25 P.O. Box 2800  
 26 Minden, NV 89423  
 702/782-3099

27 By: Alice E. Walker  
 28 Scott B. McElroy  
 Attorneys for Walker River Paiute Tribe

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Date: 12/16/07

Susan Schneider  
U.S. Department of Justice  
Environment and Natural Resources Div.  
Indian Resources Section  
999 18th St., #945  
Denver, CO 80202  
303/312-7308

By: Susan L. Schneider  
Susan Schneider

*Attorneys for the United States of America*

Date: 12/17/04

Gordon DePaoli, Dale Ferguson  
Woodburn and Wedge  
6100 Neil Rd., #500  
Reno, NV 89511-1149  
775/688-3000

By: Dale E. Ferguson, for  
Gordon DePaoli

*Attorneys for Walker River Irrigation District*

Date: \_\_\_\_\_

Brian Sandoval  
Nevada Attorney General  
By: Marta Adams  
Senior Deputy Attorney General  
C. Wayne Howle  
Senior Deputy Attorney General  
100 N. Carson St.  
Carson City, NV 89701  
775/684-1237

By: \_\_\_\_\_  
Marta Adams

*Attorneys for State of Nevada*

Case 3:73-cv-00127-MMD-CSD Document 496 Filed 12/17/2004 Page 4 of 12

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Date: \_\_\_\_\_

Susan Schneider  
U.S. Department of Justice  
Environment and Natural Resources Div.  
Indian Resources Section  
999 18th St., #945  
Denver, CO 80202  
303/312-7308

By: \_\_\_\_\_  
Susan Schneider

*Attorneys for the United States of America*

Date: \_\_\_\_\_

Gordon DePaoli, Dale Ferguson  
Woodburn and Wedge  
6100 Neil Rd., #500  
Reno, NV 89511-1149  
775/688-3000

By: \_\_\_\_\_  
Gordon DePaoli

*Attorneys for Walker River Irrigation District*

Date: 15 December 04

Brian Sandoval  
Nevada Attorney General  
By: Marta Adams  
Senior Deputy Attorney General  
C. Wayne Howle  
Senior Deputy Attorney General  
100 N. Carson St.  
Carson City, NV 89701  
775/684-1237

By: Marta Adams  
Marta Adams

*Attorneys for State of Nevada*

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Date: 12-16-04

Michael Neville  
Assistant Attorney General  
State of California  
455 Golden Gate Ave.  
San Francisco, CA 94102  
415/703-5523

By:   
Michael Neville

*Attorneys for State of California, acting by and through the California Dept. of Water Resources, California Dept. of Fish and Game, and California State Water Resources Control Board*

Date: \_\_\_\_\_

Cheri K. Emm-Smith  
Mineral County District Attorney  
P.O. Box 1210  
Hawthorne, NV 89415  
775/945-3636

By: \_\_\_\_\_  
Cheri K. Emm-Smith

*Attorney for Mineral County*

Date: \_\_\_\_\_

Stephen B. Rye  
Chief Deputy District Attorney  
Lyon County  
31 S. Main St.  
Yerington, NV 89447  
775/463-6511

By: \_\_\_\_\_  
Stephen B. Rye

*Attorney for Lyon County*

Case 3:73-cv-00127-MMD-CSD Document 496 Filed 12/17/2004 Page 6 of 12

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Date: \_\_\_\_\_

Michael Neville  
Assistant Attorney General  
State of California  
455 Golden Gate Ave.  
San Francisco, CA 94102  
415/703-5523


By: \_\_\_\_\_

Michael Neville

*Attorneys for State of California, acting by and  
through the California Dept. of Water Resources,  
California Dept. of Fish and Game, and  
California State Water Resources Control Board*

Date: 12-17-04

Cheri K. Emm-Smith  
Mineral County District Attorney  
P.O. Box 1210  
Hawthorne, NV 89415  
775/945-3636

By: 

Cheri K. Emm-Smith

*Attorney for Mineral County*

Date: \_\_\_\_\_

Stephen B. Rye  
Chief Deputy District Attorney  
Lyon County  
31 S. Main St.  
Yerington, NV 89447  
775/463-6511

By: \_\_\_\_\_

Stephen B. Rye

*Attorney for Lyon County*

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Date: \_\_\_\_\_

Michael Neville  
Assistant Attorney General  
State of California  
455 Golden Gate Ave.  
San Francisco, CA 94102  
415/703-5523

By: \_\_\_\_\_

Michael Neville

*Attorneys for State of California, acting by and  
through the California Dept. of Water Resources,  
California Dept. of Fish and Game, and  
California State Water Resources Control Board*

Date: \_\_\_\_\_

Cheri K. Emm-Smith  
Mineral County District Attorney  
P.O. Box 1210  
Hawthorne, NV 89415  
775/945-3636

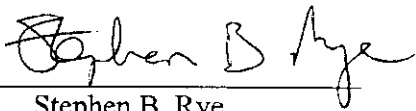
By: \_\_\_\_\_

Cheri K. Emm-Smith

*Attorney for Mineral County*

Date: 12-16-04

Stephen B. Rye  
Chief Deputy District Attorney  
Lyon County  
31 S. Main St.  
Yerington, NV 89447  
775/463-6511

By:   
Stephen B. Rye

*Attorney for Lyon County*

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Date: 12/17/04

Marshall Rudolph  
Mono County Counsel  
Stacey Simon  
Deputy County Counsel  
P.O. Box 2415  
Mammoth Lakes, CA 93546  
760/924-1700

By: Stacey Simon  
Marshall Rudolph / Stacey Simon

*Attorneys for Mono County*

Date: \_\_\_\_\_

Simeon Herskovits  
Western Environmental Law Center  
P.O. Box 1507  
Taos, NM 87571  
505/751-0351

By: \_\_\_\_\_  
Simeon Herskovits

*Attorneys for Mineral County and Walker Lake  
Working Group*



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Date: \_\_\_\_\_

Marshall Rudolph  
Mono County Counsel  
Stacey Simon  
Deputy County Counsel  
P.O. Box 2415  
Mammoth Lakes, CA 93546  
760/924-1700

By: \_\_\_\_\_

Marshall Rudolph / Stacey Simon

*Attorneys for Mono County*

Date: December 16, 2004

Simeon Herskovits  
Western Environmental Law Center  
P.O. Box 1507  
Taos, NM 87571  
505/751-0351

By: 

Simeon Herskovits

*Attorneys for Mineral County and Walker Lake  
Working Group*

**CERTIFICATE OF MAILING**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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 *JOINT REPORT OF MEDIATING PARTIES* in an envelope addressed to:

Greg Addington  
Assistant U.S. Attorney  
100 West Liberty Street, #600  
Reno, NV 89509

William W. Quinn  
Office of the Field Solicitor  
Department of the Interior  
401 West Washington Street, SPC 44  
Phoenix, AZ 85003

George Benesch  
190 West Huffaker  
Reno, NV 89511

Robert L. Hunter  
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

Hugh Ricci, P.E.  
Division of Water Resources  
State of Nevada  
123 West Nye Lane  
Carson City, NV 89706

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

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

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

Alan Biaggi  
Dir. of Conservation & Natural Resources  
State of Nevada  
123 W. Nye Lane  
Carson City, NV 89706

Bill Lockyer / Michael W. Neville  
California Attorney General's Office  
455 Golden Gate Avenue  
Suite 11000  
San Francisco, CA 94102-3664

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

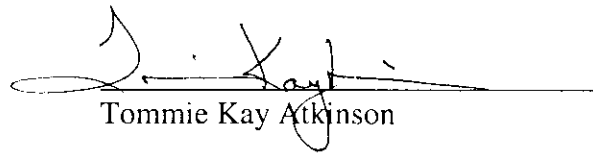
1	Susan Schneider	Marta Adams
2	Indian Resources Section	Deputy Attorney General
3	U.S. Department of Justice	State of Nevada
4	999 18 <sup>th</sup> Street	100 North Carson street
	Suite 945, North Tower	Carson City, NV 89701
	Denver, CO 80202	
5	Mary Hackenbracht	Treva J. Hearne
6	Deputy Attorney General	Hager & Hearne
7	State of California	910 E. Parr Blvd., Ste. 8
	1515 Clay Street, 20 <sup>th</sup> Floor	Reno, NV 89512
	Oakland, CA 94612-1413	
8	James Shaw	David L. Negri
9	Water Master	United States Department of Justice
10	U.S. Board of Water Commissioners	Environment and Natural Resources Div.
11	P.O. Box 853	161 E. Mallard Dr., Suite A
	Yerington, NV 89447	Boise, ID 83706
12	Linda Bowman	Kelly Chase, Esq.
13	540 Hammill Lane	P.O. Box 2800
	Reno, NV 89511	Minden, NV 89423
14	Tim Glidden	Scott H. Schackelton
15	U. S. Dept. of the Interior, Office of the	Silverado, Inc.
16	Secretary, Div. Of Indian Affairs	4160 Long Knife Rd.
	1849 C St. N.W.	Reno, NV 89509
	Mail Stop 6456	
17	Washington, D.C. 20240	
18	Marshall S. Rudolph, Mono County Counsel	Erin K.L. Mahaney
19	Stacy Simon, Deputy County Counsel	Office of Chief Counsel
20	Mono County	State Water Resources Control Board
	P. O. Box 2415	1001 I St., 22 <sup>nd</sup> Floor
	Mammoth Lakes, CA 93546-2415	Sacramento, CA 95814
21	Steve Rye	Simeon Herskovits
22	Chief Deputy District Attorney	Western Environmental Law Center
23	Lyon County	P. O. Box 1507
	31 S. Main St.	Taos, NM 87571
24	Yerington, NV 89447	
25	Cheri Emm-Smith	William E. Schaeffer
26	Mineral County District Attorney	P. O. Box 936
	P. O. Box 1210	Battle Mountain, NV 89820
27	Hawthorne, NV 89415	
28		

1 Laura A. Schroeder  
2 P. O. Box 12527  
3 Portland, Oregon 97212-0527

John W. Howard  
JW Howard/Attorneys  
625 Broadway, Suite 1206  
San Diego, CA 92101

4 Wesley G. Beverlin  
5 Malissa Hathaway McKeith  
6 Lewis, Brisbois, Bisgaard & Smith LCP  
7 221 N. Figueroa St., Suite 1200  
8 Los Angeles, CA 90012

9 Dated this 17<sup>th</sup> day of December, 2004.

10   
11 Tommie Kay Atkinson

12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28