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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
RENO, NEVADA

UNITED STATES OF AMERICA, Plaintiff, WALKER RIVER PAIUTE TRIBE, Plaintiff-Intervenor, vs. WALKER RIVER IRRIGATION DISTRICT, et al., Defendants.	In Equity No. C-125-ECR Subfile No. C-125-B MINUTES OF THE COURT DATED: Wednesday, September 28, 2005
UNITED STATES OF AMERICA, WALKER RIVER PAIUTE TRIBE, Counterclaimants, vs. WALKER RIVER IRRIGATION DISTRICT, et al., Counterdefendants.	

PRESENT: HONORABLE ROBERT A. McQUAID, JR., U.S. MAGISTRATE JUDGE

Deputy Clerk: Gina Mugnaini Reporter: FTR 1:37 p.m. - 1:53:29 p.m.

Counsel appearing in person: Linda Bowman (U.S. Board of Water Commissioners); Dale E. Ferguson (WRID); John Howard (Landolts) W.E. Schaeffer (Landolts); Laura Schroeder (Walker River Water Users); Cheri K. Emm (Mineral County); and Marta Adams (State of Nevada)

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Counsel appearing telephonically: Alice Walker and Scott McElroy (Walker River Paiute Tribe); and Simeon Herskovits (Mineral County & Walker Lake Working Group)

PROCEEDINGS: STATUS CONFERENCE

1:37 : p.m.: Court convenes.

The Court expresses his condolences to Ms. Schneider and advises, that as has been done in the past, the proposed agenda of the United States and the Tribe will be used. The Sixth Report and Order not yet having been filed, the first two agenda items regarding the Sixth Report and Order thereto will be continued to the next status conference. Ms. Walker advises the Court that the Sixth Report and Order should be filed and served in the near future.

The next item on the agenda is the ongoing efforts to update the certificate of service. Ms. Walker informs the Court that Ms. Schneider reports that progress is being made in this effort and she is continuing to update the certificate.

The Court next inquires as to the status of Mediation. Mr. Ferguson reports that mediation is on going and they continue to meet on a monthly basis. They hope to have a frame work of agreements completed in the near future. They are facing a terribly significant issue right now that they are hoping to get resolved by the October meeting.

The next agenda item is the status of the service regarding services categories described in paragraph 3 of the CMO. Ms. Walker reports that Ms. Schneider indicates that she sent out on September 16, 2005 approximately 165 packets for service by mail all of those related to Category 3C of the CMO which is a combination of ground water permits and domestic users. Her goal is to send out the remainder of that category before the next status conference. There were 155 personal services done in April and May of this year and those services are complete. A report of which was filed with the Court in July. After some discussion, it was determined that the Return of Service of Process packet was actually dated August 12, 2005 and that all parties had received a copy of that report. There being no objections, that service, Docket #717, is deemed complete.

The Court asks if there are any other service related items to be discussed. Ms. Walker informs the Court and the parties that Ms. Schneider stated that over the summer personal service was made on 35 more defendants and there will be a report forthcoming on that service.

The next Agenda item is the status of development of proposed procedures regarding mailing, notice and other contacts with unrepresented persons and entities served in this action. Ms. Walker reports that last March she had sent a proposed draft order to supplement the Case Management Order to the counsel for the active participants of this case, including Mr. Howard and Ms. Schroeder. In that draft order, she identified the establishment of a steering committee, which would basically be counsel to all the parties who have been active in this case including Mr. Howard and Ms. Schroeder. She also addressed the question of allowing service of process upon attorneys of record when individuals are represented by counsel when they come into the case and the third item was allowing service of pleadings and other papers by e-mail where the parties or counsel consented to such service. At this time, according to Ms. Walker, the Steering Committee would consist of counsel for the United States, The Tribe, California, Nevada, Mono County, Mineral County, Lyon County, Walker Lake Working Group, the Landolts and the Circle Bar N Ranch folks. Possibly also George Benesch to the extent that he is representing others besides Lyon County. Ms. Walker indicates that she has received, from Ms. Schneider, a copy of an order regarding the Klamath River adjudication in the State of Oregon which allows for filing and service by electronic mail and she will provide a copy to the Court for its review. Ms. Walker will recirculate the proposed pleading to see if there are any comments or questions and hopefully she can get an agreed upon motion submitted to supplement the Case Management Order to get the process going so that the Steering Committee can be in place by the time Phase One is reached. The Court concurs and orders Ms. Walker to attach a copy of that order regarding electronic service to the motion. Ms. Bowman asks that she be sent a copy of the proposed pleading.

The Court notes that that seems to take care of the agenda items and asks if there is anything else to be taken up. There being nothing further, the Court sets the next status conference for **Tuesday, December 6, 2005, at 1:30 p.m.**

Counsel shall contact the courtroom deputy, Gina Mugnaini, at (775) 686-5758, two days in advance of the hearing to advise her if they wish to participate telephonically and, if so, of the telephone number(s) where they may be reached for the hearing. The courtroom deputy will initiate the conference call.

A status report shall be submitted to the Court two weeks in advance of the status conference to identify the issues that need to be discussed.

IT IS SO ORDERED.

1:53:29 p.m.: Court adjourns.

LANCE S. WILSON, CLERK

By: Gina Mugnaini
Deputy Clerk