IGNACIA S. MORENO
Assistant Attorney General

Andrew "Guss" Guarino, Trial 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) 844-1343; (303) 844-1348
guss.guarino@usdoj.gov
susan.schneider@usdoj.gov
David L. Negri, Trial Attorney
U.S. Department of Justice
Environment and Natural Resources Div.
c/o U.S. Attorney's Office
800 Park Blvd., # 600
Boise, Idaho 83712
(208) 334-1936
david.negri@usdoj.gov

Greg Addington
Assistant United States Attorney
100 W. Liberty Street, Suite 600
Reno, Nevada 89501
(775) 784-5438
greg.addington@usdoj.gov

Attorneys for the United States of America

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA, Plaintiff, WALKER RIVER PAIUTE TRIBE, Plaintiff-Intervenor, vs. WALKER RIVER IRRIGATION DISTRICT, a corporation, et al., Defendants.	IN EQUITY NO. C-125-RCJ Subproceedings: C-125-B & C-125-C 3:73-CV-00127-RCJ-WGC & 3:73-CV-00128-RCJ-WGC **SUMMARY FOR THE STATUS CONFERENCE HELD MAY 1, 2013**
MINERAL COUNTY, Proposed-Plaintiff-Intervenor, vs. WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.	

Proposed Defendants.)
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The United States of America ("United States"), Plaintiff in Case No. C-125 and Subproceeding C-125-B, submits the following summary of the May 1, 2013 Status Conference. Pursuant to the Court's direction, the United States consulted with the other Plaintiffs and the Primary Defendants (collectively "Primary Parties") to prepare and submit the following summary of this proceeding.

AGENDA ITEMS:

1. C-125-B:

a. Completion of Service and Service Issues:

i. Status update from the United States on service on possible claimants with dormant riparian surface water rights under the laws of California:

The United States reported that it was proceeding with personal service on approximately 140 to146 defendants that did not respond to the December 2012 mailing. As of the end of April, fifty-two defendants had been served and approximately ninety defendants remained to be served. The United States reported that the process server was encountering some difficulties serving defendants who live in gated communities in LA and San Francisco.

The United States reported that fifty-three additional defendants were served by mail on May 1, 2013, following additional research based on returned mailings, notification of death, and so forth. Further, a handful of defendants required additional research and will be served by mail shortly thereafter.

The United States reported that it was proceeding at a reasonable pace, based on the number of newly-identified defendants in this category. An optimistic estimate was that service would be complete no earlier than mid-June or July.

ii. Status updates on the following:

1. Updating and circulating the draft caption:

The United States reported that there was no update to report on this item. The United States was updating the draft caption as changes were identified, and the draft caption

will be updated and circulated when service is completed with respect to dormant riparian surface water rights under the laws of California. The Court inquired if a draft caption will be circulated before a final caption is submitted to the Court and the United States indicated it believed so.

2. Compiling and circulating a preliminary list of defendants who have filed a notice of appearance, including those defendants represented by counsel:

The United States reported that there was no update to report on this item. The list of defendants who had appeared will be updated and circulated when service is complete with respect to dormant riparian surface water rights under the laws of California.

The Court inquired whether the caption was arranged according to who has appeared and who has not. The United States reported that the draft caption was not arranged in this manner. The Court inquired if this will change after issuance of the E-Serve Order and asked that the lists be prepared in accordance with the needs of the Clerk's Office. The Court heard no objection with respect to the United States contacting Ms. Griffin directly to work on this issue.

3. Compiling and circulating a preliminary list of persons and entities that were served and have not filed a notice of appearance.

The United States reported that there was no update to report on this item; the list of defendants who were served and have not appeared will be updated and circulated when service is complete with respect to dormant riparian surface water rights under the laws of California.

iii. Additional Issues raised by Magistrate Judge Cobb:

1. The Court reported that Chief Judge Jones has not yet responded regarding the status of the E-Serve Order.

2. The Court noted that the *Supplemental Case Management Order* has been signed and filed as Doc # B-1865.

2. C-125-C:

a. Completion of Service and Service Issues:

Mineral County reported that Rule 4 personal service on identified proposed defendants was complete in C-125-C. Proposed Orders regarding the completion of service were being prepared and will be circulated within the next week or so. Counsel's illness has delayed his work.

Mineral County reported that the proposed Orders will confirm that service on identified defendants is complete. Service by publication will be addressed at a later date. The

proposed Orders will not identify whether specific parties are *pro se* or represented by counsel.

b. Status update from Mineral County/Walker Lake Working Group on its effort to compile a list of *pro se* parties:

Mineral County reported that it was finalizing a list of *pro se* parties that it will circulate among the primary parties following the status conference. The Court asked if the various lists noted by Mineral County will be similar to those discussed in C-125-B. Mineral County reported that it was working on these lists already and it was on the verge of finalizing the lists. The Court indicated that coordination/discussion with Ms. Griffin would be helpful here.

c. Consideration of draft Order Setting Supplemental Briefing Schedule for Defendants Appearing after Initial Briefing Schedule on Motion to Intervene Was Established:

The Court and parties considered a draft Order Setting Supplemental Briefing Schedule for Defendants Appearing after Initial Briefing Schedule on Motion to Intervene Was Established. Mineral County submitted a proposed Order (Doc #C 664) in September 2012. The Court indicated that it was not in favor of such an Order and recommended to Chief Judge Jones that it not be approved. The Court has heard nothing since then, but believes this issue is within the Magistrate Judge's authority to decide. The Court determined that briefing was complete, but also stated that he will consider any request to file a response from anyone served after briefing began.

The Court noted that the remaining issue was how to notify defendants served after the briefing schedule is complete of their option to request leave to file a response. The Court asked if Mineral County can identify the limited number of defendants that would need this service. Mineral County indicated that it will draft and circulate to the primary parties a proposed order/notice informing the newly served defendants of the pending motion and outlining the procedures discussed. The primary parties are to respond to Mineral County within 5 days, after which Mineral County will file the proposed order/notice and notify the Court of its filing. The Court requested that the draft order/notice include an accurate list of defendants to receive the Order by mail. The draft order/notice shall also state that briefing is complete but the defendant has 21 days to request leave to file a response. Any Order allowing such new defendants to respond will include procedures for Mineral County to reply to any such filings.

3. Issues Common to Both Subproceedings:

a. Publication: Status of proposed Orders:

The United States reported that the United States and Mineral County have begun preparing materials regarding publication for use once service was complete in each subproceeding. When current service efforts were finished, both the United States and

Mineral County anticipated filing motions for service by publication. The proposed notices and orders will be circulated to the primary parties for review.

The Court indicated that it would discuss the draft publication materials at the next status conference, adding that it would like to see a proposed publication notice and order in Chambers.

b. Notification protocol and use in each subproceeding:

As discussed in 1.b. above, the proposed E-Serve Order for the C-125-B subproceeding was with Chief Judge Jones. Mineral County indicated that it will draft a similar proposed order and circulate it to the primary parties before the next status conference.

c. Website updates: Status update from Clerk's Office.

As noted above, the proposed E-Serve Order was before Chief Judge Jones for review and approval. Mineral County indicated that it would prefer to have one website with a gateway to both subproceedings. The Court agreed. Mineral County and Walker River Irrigation District will contact Ms. Griffin regarding this issue. The Court instructed that any other party that wanted to be included in such discussions should contact the United States or Mineral County.

4. Such additional issues that may be identified subsequent to the filing of this agenda and/or at the status conference: Nothing noted.

5. Confirmation of next status conference and/or informal meetings:

The next Status Conference is set for July 25, 2013 at 10am.

Dated: June 7, 2013

Respectfully submitted,

IGNACIA S. MORENO
Assistant Attorney General

Andrew "Guss" Guarino, Trial Attorney
Susan L. Schneider, Trial Attorney
David L. Negri, Trial Attorney
Greg Addington, Assistant United States Attorney

By /s/ Andrew "Guss" Guarino
Andrew "Guss" Guarino
U.S. Department of Justice
Environmental and Natural Resources Div.

999 – 18th Street, Suite 370
Denver, Colorado 80202
(303) 844-1348
Guss.guarino@usdoj.gov

Attorneys for the United States of America

CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of June, 2013, I electronically filed the foregoing **SUMMARY FOR THE STATUS CONFERENCE HELD MAY 1, 2013** 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 June, 2013:

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

Allen Biaggi/Leo Drozdoff
Dept. of Conservation & Natural Res.
State of Nevada
901 S. Stewart St.
Suite 1003
Carson City, NV 89701

State Engineer - Division of Water Resources
State of Nevada
901 S. Stewart St., Suite 202
Carson City, NV 89701

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

George M. Keele
1692 County Road, Ste. A
Minden, NV 89423

Arthur B. Walsh
Los Angeles City Attorney's Office
PO Box 51-111
111 North Hope Street, Suite 340
Los Angeles, CA 90054

/s/ Eileen Rutherford
Senior Paralegal, USIS for
United States Department of Justice