

ORIGINAL

U.S. DISTRICT COURT
 DISTRICT OF NEVADA
 FILED
 DEC 29 2005
 CLERK, U.S. DISTRICT COURT
 BY _____ DEPUTY

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

UNITED STATES OF AMERICA,
 Plaintiff,
 WALKER RIVER PAIUTE TRIBE,
 Plaintiff-Intervenor,
 v.
 WALKER RIVER IRRIGATION DISTRICT,
 a corporation, et al.,
 Defendants.

) In Equity No. C-125-ECR
) Subfile No. C-125-B and C-125-C

JOINT REPORT OF MEDIATING PARTIES

U.S. DISTRICT COURT
 DISTRICT OF NEVADA
 FILED
 DEC 29 2005
 CLERK, U.S. DISTRICT COURT
 _____ DEPUTY

The United States, State of Nevada, State of California, Walker River Paute 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 several months pursuant to the terms of the Mediation Process Agreement and Mediation Order. The meeting previously scheduled for December 19, 2005, was cancelled. A meeting is now scheduled for January 20, 2006.

2. Continuation of the Mediation Process

At the January 20, 2006, meeting, the parties expect to reach a decision to continue or discontinue the Mediation Process, or, alternatively, to continue the Mediation Process in a

1 modified format. The Parties, either individually or jointly, will file and serve a report to the
2 Court concerning the continuation of the Mediation Process by no later than February 3, 2006.

3 **3. Holding Activities in Sub-Proceedings C-125-B and C-125-C in Abeyance**

4 The Parties agree that all activity in the C-125-B and C-125-C sub-proceedings should
5 continue to be stayed, with the exception of efforts by the United States, Tribe and Mineral
6 County to complete service, the motions which are the subject of the Court's Minute Order of
7 December 6, 2005, and as otherwise ordered by the Court, until the March 7, 2006, status
8 conference in this matter.
9

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

11 Until the continuation of the Mediation Process has been considered and decided upon
12 by the Parties and Court, the Parties have agreed to make and are able to make payments
13 toward the Mediator's fees and expenses as necessary and in accordance with the provisions of
14 the Mediation Process Agreement.
15

16 **5. Need for Court Hearing**

17 There is no need for a hearing before the Court prior to the hearing currently scheduled
18 for March 7, 2006, at 1:30 P.M.

19 Dated this 29th day of December, 2005.

20 Date: 12-27-05

21 Scott B. McElroy, Alice E. Walker
22 Greene, Meyer & McElroy, P.C.
23 1007 Pearl St., #220
24 Boulder, CO 80302
25 303/442-2021

26 Kelly R. Chase
27 P.O. Box 2800
28 Minden, NV 89423
702/792-3099

By: Alice E. Walker
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: 12-27-05

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: Mia E. Waller for
Susan Schneider

Attorneys for the United States of America

Date: December 29, 2005

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

By: Gordon H. DePaoli
Gordon DePaoli

Attorneys for Walker River Irrigation District

Date: _____

George J. Chanos
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

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: 29 December 05

George J. Chanos
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: 12-27-05

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: _____

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

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

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

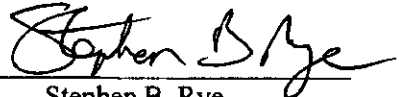
By: _____

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: 12-27-05

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

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

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: _____

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

Date: 12/28/05

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

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

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

Attorney for Mineral County

Date: 12-28-05

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

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

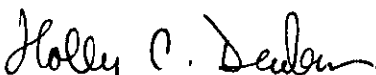
1	Susan Schneider Indian Resources Section U.S. Department of Justice 999 18 th Street Suite 945, North Tower Denver, CO 80202	Marta Adams Deputy Attorney General State of Nevada 100 North Carson street Carson City, NV 89701
5	Mary Hackenbracht Deputy Attorney General State of California 1515 Clay Street, 20 th Floor Oakland, CA 94612-1413	Treva J. Hearne Hager & Hearne 910 E. Parr Blvd., Ste. 8 Reno, NV 89512
9	James Shaw Water Master U.S. Board of Water Commissioners P.O. Box 853 Yerington, NV 89447	David L. Negri United States Department of Justice Environment and Natural Resources Div. 161 E. Mallard Dr., Suite A Boise, ID 83706
12	Linda Bowman 540 Hammill Lane Reno, NV 89511	Kelly Chase, Esq. P.O. Box 2800 Minden, NV 89423
14	Tim Gidden U. S. Dept. of the Interior, Office of the Secretary, Div. Of Indian Affairs 1849 C St. N.W. Mail Stop 6456 Washington, D.C. 20240	Wesley G. Beverlin Malissa Hathaway McKeith Lewis, Brisbois, Bisgaard & Smith LCP 221 N. Figueroa St., Suite 1200 Los Angeles, CA 90012
18	Marshall S. Rudolph, Mono County Counsel Stacy Simon, Deputy County Counsel Mono County P. O. Box 2415 Mammoth Lakes, CA 93546-2415	Erin K.L. Mahaney Office of Chief Counsel State Water Resources Control Board 1001 I St., 22 nd Floor Sacramento, CA 95814
22	Steve Rye Chief Deputy District Attorney Lyon County 31 S. Main St. Yerington, NV 89447	Simeon Herskovits Western Environmental Law Center P. O. Box 1507 Taos, NM 87571
25	Cheri Emm-Smith Mineral County District Attorney P. O. Box 1210 Hawthorne, NV 89415	William E. Schaeffer P. O. Box 936 Battle Mountain, NV 89820

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 Dated this 29th day of December, 2005.

5
6 
7 _____
8 Holly C. Dewar

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28