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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,)	IN EQUITY NO. C-125-RCJ
)	Subproceedings: C-125-B & C-125-C
Plaintiff,)	3:73-CV-00127-RCJ-WGC &
)	3:73-CV-00128-RCJ-WGC
WALKER RIVER PAIUTE TRIBE,)	
)	
Plaintiff-Intervenor,)	
vs.)	
)	
WALKER RIVER IRRIGATION DISTRICT,)	UNITED STATES OF AMERICA’S LIST
a corporation, et al.,)	OF PROPOSED AGENDA ITEMS FOR
)	THE STATUS CONFERENCE
Defendants.)	SCHEDULED FOR AUGUST 2, 2012
)	
MINERAL COUNTY,)	
)	
Proposed-Plaintiff-Intervenor,)	
)	
vs.)	
)	
WALKER RIVER IRRIGATION DISTRICT,)	
a corporation, et al.)	
)	
Proposed Defendants.)	
)	

The United States of America (“United States”), Plaintiff in Case No. C-125 and Subproceeding C-125-B, submits the following proposed agenda to the Court for its Status Conference, scheduled for August 2, 2012. Pursuant to this Court’s direction, the United States consulted with the other plaintiff parties and the primary defendants to prepare and submit this

proposed agenda. The following proposed agenda addresses issues in subproceedings C-125-B and C-125-C, with the exception of Agenda item No.1, which addresses C-125 and its subproceedings.

While the parties, including the United States, may not agree on the ripeness or timeliness of each issue on this agenda, these are outstanding issues before the Court that should be identified and discussed to some extent.

AGENDA ITEMS:

1. Transfer of C-125 and its Subproceedings to Chief Judge Jones.
2. C-125-B -- Completion of Service and Service Issues:
 - a. Service Report 17 (Doc. B-#1717): Consideration of this Report and Proposed Order (Doc. B-#1722).
 - b. Any remaining personal service issues.
 - c. Possible updates to California service.
 - d. Addressing persons and entities that were served but never responded or appeared: A Proposed Order will be circulated with to the parties and filed with the Court prior to the Status Conference.
 - e. Status of efforts by the United States, Walker River Paiute Tribe, State of California and Mono Country to address the following service or threshold issue raised by the State of California: whether claimants with dormant or unexercised riparian surface water rights under the laws of California and/or claimants with overlying, unexercised groundwater rights are subject to compulsory joinder. *See California State Agencies' Supplementary Report* (Jan. 30, 2012; B-#1057).

The larger group of parties in this case does not necessarily agree if these are service or threshold issues. Without addressing this consideration, a brief statement of the current status of these discussions follows:

- i. Dormant or unexercised riparian surface water rights: The four parties are continuing to discuss whether this category fits within the terms of Paragraph 3(b) of the *Case Management Order* (Apr. 18, 2000; Doc. B-#108) and possible options to address this category of persons and entities without delaying this proceeding.
- ii. Overlying, unexercised groundwater rights: The four parties agree that service on this category could be limited to active groundwater users, as long

as any unexercised water right holders are not prejudiced or precluded from participating in the future if their rights may be affected. This category does not appear to fit within the current terms of the *Case Management Order* (Doc. B-#108 at Paragraph 3(e), (g), & (h)) because the Case Management Order requires service on certain categories of “users” of groundwater in California and overlying, unexercised rights are not being used. The parties seek the Court’s concurrence in this position.

- f. Status of and Schedule for Completion of the Following:
 - i. the caption; deadline to file caption and period for comments/objections (*see* Paragraph 9 of CMO);
 - ii. a list of names and addresses of persons and entities served who have filed a notice of appearance (to be provided to the Clerk’s Office);
 - iii. a list of persons and entities served who have not filed a notice of appearance; and
 - iv. clarification of any persons or entities that have filed an appearance but were not served.
- 3. C-125-C -- Completion of Service and Service Issues
 - a. Mineral County’s Report Concerning Status and Completion of Service and Related Service Package:
 - i. Consideration of this Report and its attached documents;
 - ii. Consideration of filed comments and objections.
 - iii. Schedule for completing various tasks related to this Report.
 - b. Compiling a list of *pro se* parties.
 - c. Schedule for completion of service after approval of service package.
- 4. Issues Common to Both Subproceedings:
 - a. Publication:
 - i. Scope: general notice and notice to identified but unserved persons/entities.
 - ii. Proposal for publication process.
 - b. Notification protocol and use in each sub-proceeding:
 - i. E-service order
 - 1. Establish schedule for completion of list of names and addresses of persons and entities served who have filed a notice of appearance but who are not represented by counsel.
 - 2. Completion of E-service Order.
 - 3. Establish date for mailing of Notice and Order.
 - ii. Establish schedule for submission of Notice and Order Regarding Election By *Pro Se* Defendants to Receive Service from the CM/ECF System.
 - c. Website updates.

- i. Status and coordination with Clerk's Office.
 - ii. Schedule for Progress on Timing of Website for this Matter for Access by *Pro Se* Defendants Who Do Not Elect to Receive Service from the CM/ECF System.
5. C-125-B – Post-Service Issues and Discussion of Sequencing Issues:
 - a. Establishment of schedule for any additional briefing and/or oral argument for purposes of a final determination of list of threshold issues.
 - b. Establishment of schedule for any additional briefing and/or oral argument for purposes of determining whether, and if so, when answers are required.
6. C-125-C – Post-Service Issues and Discussion of Sequencing Issues: Briefing and resolution of Mineral County's Amended Complaint in Intervention (#C-20) and Motion for Preliminary Injunction (#C-22).
7. Any implementation issues regarding Judge Reed's service-related Orders: the Successor-in-Interest Order in C-125-B and C-125-C; Service Cut-off Order in C-125-B; and Service Report Order in C-125-C.
8. Such additional issues that may be identified subsequent to the filing of this agenda and/or at the status conference.
9. Scheduling next status conference and/or informal meetings.

Dated: July 19, 2012

Respectfully submitted,

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By /s/ Susan L. Schneider
SUSAN L. SCHNEIDER

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CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of July, 2012, I electronically filed the foregoing **UNITED STATES OF AMERICA'S LIST OF PROPOSED AGENDA ITEMS FOR THE STATUS CONFERENCE SCHEDULED FOR AUGUST 2, 2012** 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 19th day of July, 2012:

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