

IGNACIA S. MORENO
Assistant Attorney General
Greg Addington, Assistant U.S. 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) 844-1348
susan.schneider@usdoj.gov
Attorneys for the United States of America

**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 22, 2012
)	
<hr/> 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 22, 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, which addresses issues in subproceedings C-125-B and C-125-C.

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. Any review and discussion of the *draft Minutes of the Status Conference Conducted on August 2, 2012* (Aug. 14, 2012; #1098; #B-1732; #C-608).
2. C-125-B:
 - a. Completion of Service and Service Issues:
 - i. Status of remaining personal service efforts and related filings of Proofs of Service.
 - ii. Status of serving the owners of riparian rights in California based on receipt of recent filings of statements of diversion and use.
 - iii. Status of efforts to address 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).
 1. Dormant or unexercised riparian surface water rights: Report by the United States on the status of its review of information provided by Mono County and the possible scope of any additional service on the owners of these rights; and discussion of approaches to address this issue.
 2. Overlying, unexercised groundwater rights: Review of *proposed Order Addressing Whether Claimants With Overlying, Unexercised Groundwater Rights In The State Of California Are Subject To Compulsory Joinder In This Subproceeding* (Aug. 16, 2012; #B-1733).
 - iv. Status of and schedule to circulate and/or complete the following:
 1. Updating the draft caption.
 2. Compiling a preliminary list of defendants who have filed a notice of appearance, including those defendants represented by counsel.

3. Compiling a preliminary list of persons and entities who were served and have not filed a notice of appearance.
 - b. Post-Service and Sequencing Issues:
 - i. Follow-up regarding the parties' recent filings regarding threshold issues and answers.
 - ii. Establishment of schedule for any additional briefing and/or oral argument for purposes of a final determination of list of threshold issues.
 - iii. Establishment of schedule for any additional briefing and/or oral argument for purposes of determining whether, and if so, when answers are required.
3. C-125-C :
 - a. Completion of Service and Service Issues:
 - i. Continued discussion of the schedule to complete Mineral County's service efforts.
 - ii. Compiling a list of *pro se* parties.
 - b. Post-Service and Sequencing Issues: Continued discussion concerning potential schedule for briefing and resolution of Mineral County's Amended Complaint in Intervention (#C-20) and Motion for Preliminary Injunction (#C-22).
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: completion of E-service order.
 - c. Website updates: status and coordination with Clerk's Office.
5. Continuing problems with the CMECF filing system.
6. Such additional issues that may be identified subsequent to the filing of this agenda and/or at the status conference.
7. Confirmation of next status conference and/or informal meetings.

Dated: August 17, 2012

Respectfully submitted,

IGNACIA S. MORENO
Assistant Attorney General

Greg Addington, Assistant United States Attorney
Susan L. Schneider, Trial Attorney
U.S. Department of Justice
Environmental and Natural Resources Div.
999 – 18th Street, Suite 370
Denver, Colorado 80202
(303) 844-1348
susan.schneider@usdoj.gov

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

Attorneys for the United States of America

CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of August, 2012, I electronically filed the foregoing **UNITED STATES OF AMERICA'S LIST OF PROPOSED AGENDA ITEMS FOR THE STATUS CONFERENCE SCHEDULED FOR AUGUST 22, 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 17th day of August, 2012:

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

Dist. Attorney for Lyon County
31 South Main Street
Yerington, NV 89447

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