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

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	IN EQUITY NO. C-125-RCJ
)	Subproceedings: C-125-B & C-125-C
WALKER RIVER PAIUTE TRIBE,)	3:73-CV-00127-RCJ-WGC &
)	3:73-CV-00128-RCJ-WGC
Plaintiff-Intervenor,)	
vs.)	
)	
WALKER RIVER IRRIGATION DISTRICT,)	
a corporation, et al.,)	SUMMARY FOR THE STATUS
)	CONFERENCE HELD SEPTEMBER 6,
Defendants.)	2013
)	
_____)	
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 summary of the September 6, 2013 Status Conference held before Magistrate Judge Cobb. 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:

The United States updated the Court concerning completion service on remaining identified defendants (dormant riparian water rights holders in California). The United States informed the Court that additional funding had been found and secured and that personal service of the remaining approximately forty defendants would resume in the near future.

2. C-125-C

a. Completion of Service and Service Issues:

i. Update from Mineral County concerning discussions with counsel for Mono County and California State agencies on possible claimants with dormant riparian surface water rights under the laws of California.

Mineral County informed the Court that it had been in discussion with Mono County and the State of California over whether or not dormant riparian owners needed to be added to C-125-C. Mineral County is looking at the possibility of modifying recent pleadings with a statement that service is otherwise complete and that any remaining issue concerning dormant riparian water rights would be addressed after the question of intervention was settled. If required, dormant riparian rights holders could be served later. Mineral County expressed the desire to proceed with publication. Mineral County will continue discussions with Mono County and State of California and circulate

papers outlining the issue. The State reported that there had been preliminary discussions about carve-out language with the United States but language was never agreed upon because the United States decided to pursue service of riparian rights holders. Any language would have to make clear what the rights are and that they are being protected.

ii. Update from Mineral County on revised service report and proposed orders concerning completion of service on identified proposed defendants.

Mineral County restated that service on all identified defendants is complete and would like to proceed with publication.

The Court requested that Mineral County and the United States discuss a timeline for publication and explore whether both subcases should be published at the same time to avoid confusion to the public.

Mineral County stated that both parties have discussed the timeline for publication and understands that it could make sense to simultaneously publish. At this time Mineral County is several months ahead of the United States and therefore not actively recommending publishing at the same time.

The State of California agrees that there have been good discussions with Mineral County and the idea of carve out language is under discussion. No language is agreed upon at this time and the State just wants to make sure that rights are protected.

3. Issues Common to Both Subproceedings

a. Publication: Status of proposed Orders

i. Report by the United States and Mineral County concerning prepared materials for service by publication

The United States and Mineral County briefly described that they had been working together to develop publication materials.

b. E-service orders

i. Report by the United States and WRID concerning efforts to develop modifications to the E-Service Order (125-B # 1874) as outlined by the Court on July 25, 2013

The Court requested that the order be called “Superseding Order” so no one is confused between the orders. “Superseding” shall be placed in front of “order” throughout the document.

The Court and the parties discussed several changes to the E-Service Order to improve it. The Court noted that it was imperative to establish a service order that worked for both represented and unrepresented parties and was sensitive to the significant cost that might be associated with serving documents to hundreds of parties. The Court articulated that the record reflected that those who do not respond to the initial service at all will no longer be served additional documents.

Paragraph 4 in the proposed order related to postcard service requested by Chief Judge Jones at the July 25th joint status conference. When suggesting the postcard service, Chief Judge Jones referred to the Orr Ditch Order, 3:73-cv-31 Doc #1198. That order addressed service on those who responded to initial service. In C-125-B, those that initially responded are approximately 1000. The parties understood that Chief Judge Jones was concerned with the due process rights of the approximately 600 unrepresented parties that did not respond to the previous E-serve order filing. The Court was also swayed by Mr. Swainston’s comment that those who want to participate will be significantly, financially burdened by this postcard requirement. The current order does not sufficiently clarify the burden. Strong language is needed to emphasize the burden and how it might be avoided.

The Court would like the parties to go back and rework the proposed superseding order and Judge Cobb will discuss the order with Chief Judge Jones and perhaps request a hearing on the due process issue.

Regarding paragraph 6, WRID mentioned that the parties need to speak with the local libraries to make sure they can be used as repositories of a physical copy of filed documents and that perhaps copy service would be available. The Tribe noted that all filings are available at the Tribe library. Mono County will be available to check locations in the Bridgeport area.

ii. Report by Mineral County concerning a Case C-125-C E-Service order in light of the Court’s comments of July 25, 2013

Mineral County has prepared a draft E-Service Order but would like to wait to circulate until the issues are worked out in C-125-B to circulate a final draft.

4. Such additional issues that may be identified subsequent to the filing of this agenda and/or at the status conference

The Court will set up a conference call on the C-125-B e-service order.

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

Oral Argument C-125-C scheduled for September 23, 1:30 p.m. (Pacific).

A joint status conference is set for November 4, 10 a.m. (Pacific).

Dated: October 30, 2013

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By /s/ Andrew “Guss” Guarino
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CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of October, 2013, I electronically filed the foregoing **SUMMARY FOR THE STATUS CONFERENCE HELD SEPTEMBER 6, 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 30th day of October, 2013:

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/s/ Eileen Rutherford
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