

ROBERT G. DREHER
Acting Assistant Attorney General

Andrew "Guss" Guarino, Trial Attorney
U.S. Department of Justice
Environment and Natural Resources Div.
999 – 18th Street, Suite 370
Denver, Colorado 80202
(303) 844-1343

guss.guarino@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,)	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.,)	UNITED STATES OF AMERICA'S
)	AMENDED LIST OF PROPOSED
Defendants.)	AGENDA ITEMS FOR THE STATUS
)	CONFERENCE SCHEDULED FOR
_____)	NOVEMBER 4, 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 proposed agenda to the Court for its Status Conference, scheduled for November 4, 2013. 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. In addition, this agenda incorporates additional comments received from the telephonic status conference held on October 31, 2013.

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. C-125-B

- a. 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.

2. C-125-C

- a. Service Issues:
 - i. Update from Mineral County on revised service report and issues concerning completion of service on identified defendants, including possible claimants of dormant riparian water rights under the laws of California, in light of the Court’s comments on July 25, 2013, and September 23, 2013.

3. Issues Common to Both Subproceedings

- a. Website Development

- i. Discussion concerning the need to develop (and the steps needed to accomplish) a court website that includes C-125-B and C-125-C documents in some workable fashion.
 - b. E-service orders
 - i. Development of a briefing issue/question and a briefing schedule to permit parties to present joint argument that postcard service is not necessary under due process and FRCP requirements due to the unique circumstances of these proceedings (C-125-B and C-125-C) and the high expense associated with such service.
 - ii. Report by the United States and WRID concerning efforts to develop modifications to the E-Service Order (C-125-B # 1874) as outlined by the Court on July 25, 2013.
 - iii. Report by Mineral County concerning a Case C-125-C E-Service order in light of the Court's comments of July 25, 2013 and September 23, 2013.
 - c. Case Management Order Development
 - i. Discussion concerning whether need exists to develop a case management order for C-125-C that would be similar in nature to and purpose of the C-125-B case management order.
- 4. Such additional issues that may be identified subsequent to the filing of this agenda and/or at the status conference**
- 5. Confirmation of next status conference and/or informal meetings.**

Dated: November 1, 2013

Respectfully submitted,

ROBERT G. DREHER
Acting Assistant Attorney General

Andrew "Guss" Guarino, 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 Division
999 – 18th Street, Suite 370
Denver, Colorado 80202
(303) 844-1343
Guss.guarino@usdoj.gov

Attorneys for the United States of America

CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of November, 2013, I electronically filed the foregoing **UNITED STATES OF AMERICA'S AMENDED LIST OF PROPOSED AGENDA ITEMS FOR THE STATUS CONFERENCE SCHEDULED FOR NOVEMBER 4, 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 1st day of November, 2013:

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

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

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

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