

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
RENO, NEVADA

UNITED STATES OF AMERICA,)	IN EQUITY NO. C-125-RCJ
)	Subproceedings: C-125-B and C-125-C
Plaintiff(s),)	
)	3:73-CV-0125-RCJ-WGC
)	3:73-CV-0127-RCJ-WGC
vs.)	3:73-CV-0128-RCJ-WGC
)	
)	
WALKER RIVER IRRIGATION, et al.,)	MINUTES OF PROCEEDINGS
)	
Defendant(s).)	DATED: January 6, 2015
)	
)	
)	

PRESENT: HONORABLE WILLIAM G. COBB, U.S. MAGISTRATE JUDGE

Deputy Clerk: Katie Lynn Ogden **Reporter:** FTR

Counsel Present: Wes Williams Jr., Andrew "Guss" Guarino, Gordon DePaoli, Dale Ferguson, Therese Ure, Bryan Stockton, Simeon Herskovits, George Benesch, Matt Curti, and Jan Zabriskie

Counsel Appearing Telephonically: Erin Mahaney, Annadel Almendras, Stacey Simon, David Negri, Harry Swainston and George Keele

Special Appearances: Eileen Rutherford (Senior Paralegal obo United States of America, Telephonically), Jim Shaw (Water Master) and Lia Griffin (USDC Clerk's Office Operations Manager)

MINUTES OF PROCEEDINGS: STATUS CONFERENCE

1:14 p.m. Court convenes.

I. Discussions Relating to Case No. 3:73-CV-00128-RCJ-WGC, In Equity C-125-C

A. Status as to Service on California Riparian Water Rights Holders

Mineral County counsel Simeon Herskovits reports there are close to 500 additional California riparian water rights holders that remain unserved (other Nevada water rights holders have been served). The compiling list of California riparian water rights holders who remain to be served is expected to be completed within the next two weeks. Once the list is complete and funds for service are allocated, Mineral County projects it will complete service by late summer 2015.

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B. E-Service Order and Case Management Order

Counsel suggests deferring the preparation of a Proposed E-Service Order and Case Management Order in the C-125-C subproceeding pending conclusion of the Motion to Dismiss (Doc. # 751). The court concurs.

C. Website Development

Counsel agrees establishing a website for the C-125-C subproceeding is appropriate at this time.

The court requests the United States District Court Clerk's Office to begin the process of developing a website for the C-125-C subproceeding, similar to the website implemented for the C-125-B subproceeding.

II. Discussions Relating to Case No. 3:73-CV-00127-RCJ-WGC, In Equity C-125-B

A. Superseding Order Regarding Service and Filing in Subproceeding C-125-B On and By All Parties (Doc. # 2100)

Counsel for the United States of America Guss Guarino indicates he will investigate whether service of the Superseding Order (Doc. # 2100) on "non-appearing parties" has been accomplished or not. The United States is directed to file a notice advising the court of its investigation no later than **Tuesday, 1/20/2015**.

i. Current Results of the Superseding Order Being Served

As a result of the Superseding Order being served, United States District Court Clerk's Office Operations Manager Lia Griffin reports the following responses generated by unrepresented parties:

- 131 parties requesting to be served by mail or postcard;
- 249 email addresses added to the C-15-B subproceeding docket;
- 277 return mailings; and
- 3 death notices or notices the party is no longer a water rights holder.

ii. Postcard Service

Ms. Griffin states after January 13, 2015, the clerk will file a notice that will identify the unrepresented parties requesting postcard service. Additionally, Ms. Griffin indicates the court will continue to maintain the list of unrepresented parties requesting postcard service and file a notice of the updated list quarterly.

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The court indicates and all counsel agree that serving a complete document in lieu of a postcard satisfies the postcard provision of the Superseding Order (Doc. # 2100, pg. 10, ¶ 17c and ¶ 18).

III. Discussion Regarding Proposed Joint Motion to Allow Service by Publication

The United States of America and the Walker River Tribe ("Plaintiffs") have circulated the Proposed Joint Motion to Allow Service by Publication and corresponding order and notice (see Doc. # 2149-1) to the principal parties associated with the C-125-B subproceeding. Counsel believes all known parties have been served and that service by publication, if approved, would pertain to any unknown water rights holders who have not been served. Mr. Guarino indicates Plaintiffs are currently addressing additional comments raised by other counsel and are in the process of finalizing the motion for service by publication. Mr. Guarino indicates the joint motion should be filed by the end of January 2015 and anticipates the motion will be fully briefed by the end of February 2015.

IV. Next Status Conference

The court schedules a status conference for **Thursday, February 26, 2015, at 10:00 a.m.**, in Reno Courtroom 2 before Magistrate Judge William G. Cobb. The United States of America shall file an agenda for the status conference no later than **Wednesday, February 18, 2015**. Counsel wishing to appear telephonically shall dial 1-877-873-8017, enter the access code 3416460, and enter the security code 22615 approximately five (5) minutes prior to the hearing.

IT IS SO ORDERED.

2:11 p.m. Court adjourns.

LANCE S. WILSON, CLERK

By: /s/
Katie Lynn Ogden, Deputy Clerk