

JOHN CRUDEN  
U.S. Assistant Attorney General

Andrew "Guss" Guarino, Trial Attorney  
U.S. Department of Justice  
Environment and Natural Resources Div.  
999 18<sup>th</sup> Street, South Terrace, Suite 370  
Denver, Colorado 80202  
Office: 303-844-1343; Fax: 303-844-1350  
[guss.guarino@usdoj.gov](mailto: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  
Office: 208-334-1936; Fax: 208-344-1414  
[david.negri@usdoj.gov](mailto:david.negri@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.,	)	<b>SUMMARY FOR THE STATUS</b>
	)	<b>CONFERENCE HELD JANUARY 6, 2015</b>
Defendants.	)	
	)	
<hr/> MINERAL COUNTY,	)	
	)	
Plaintiff-Intervenor,	)	
vs.	)	
	)	
WALKER RIVER IRRIGATION DISTRICT,	)	
a corporation, et al.,	)	

Defendants. )  
)  
)  
)  
)

---

The United States of America (“United States”), Plaintiff in Case No. C-125 and Subproceeding C-125-B and Defendant in Subproceeding C-125-C, provides this as a summary of the discussions held and orders issued by the Court concerning upcoming matters associated with Subproceedings C-125-B and C-125-C. Pursuant to the Court’s direction, the United States consulted with the other primary parties to prepare and submit this summary.

**SUMMARY OF THE JANUARY 6, 2015 STATUS CONFERENCE**

The Court requested an update on the status of service in sub-proceeding C-125-C. Mineral County reported that it is nearing completion of its research relating to California dormant riparian water rights holders. At this time it appears that approximately 400 rights holders will need to be served. Service by mail should occur by February followed by personal service of non-responsive parties starting in April. Completion of service is estimated for mid to late summer.

The Court initiated discussion on how parties not currently served in C-125-C will be affected by the Motions to Dismiss. The Walker River Irrigation District (“WRID”) informed the Court that Judge Jones will not rule on the C-125-C Motions to Dismiss until after the motions to dismiss in C-125-B are heard. The United States noted that if a party is brought into the case after Motions to Dismiss are decided that party can bring any matter associated with the motions to dismiss to the Court’s attention and the Court can determine if it will revisit any issue.

The Court initiated a discussion of service of a Case Management Order and E-Service Order in C-125-C, and of initiating a web site for C-125-C. WRID and Mineral County would prefer that a CMO and E-Service Order be delayed until Judge Jones decides on the Motions to

Dismiss. The Court asked if a website for C-125-C should be delayed also. Mineral County and WRID have no objection to moving forward with a web site. The Clerk's office stated that a separate link for C-125-C subcase could be created and would need approval from Judge Jones to implement. The Clerk's office requests that no time frame for implementing the web site be imposed on them.

The Court asked the United States to confirm that those persons and entities that are listed in their Notice of Compliance, Doc. 2116, met the conditions set out in the Superseding Service Order. The United States will provide the Court confirmation of compliance by January 20, 2015. Regarding the Superseding Service Order, the Clerk's office noted that the 60-day time frame to respond is January 13, 2015. So far there has been 131 requests for postcard service, 249 emails provided, 277 returned as undeliverable, and 3 that state they are not water rights holders or have provided a certificate of death. WRID asked how addresses are being updated if a party does not keep the Court informed of address changes. The Clerk's office stated that they will be periodically filing a notice with the Court when addresses are being deleted or updated.

The Clerk's office stated that a post card mailing list for C-125-B will be sent out after January 13<sup>th</sup>.

The United States discussed its proposed Motion for Publication. When filed, it will conform to the service procedure and provide post card service on those that have requested it. There are comments from WRID on the current version that both parties feel they can work out. This will be a joint motion with the Tribe. After filing the Motion there will be a standard opportunity for parties to file responses and replies. Prior to filing the motion, the United States will submit a final report on service efforts.

The next Status Conference is set for February 26, 2015 at 10am. Parties may appear or participate telephonically. The United States will circulate a proposed agenda in advance and file a Proposed Agenda by February 18, 2015.

Dated: February 18, 2015

Respectfully submitted,

John Cruden  
U.S. Assistant Attorney General

Andrew "Guss" Guarino, Trial Attorney  
David L. Negri, Trial Attorney

By /s/ Andrew "Guss" Guarino  
Andrew "Guss" Guarino

U.S. Department of Justice  
Environmental and Natural Resources Division  
999 – 18<sup>th</sup> Street, Suite 370  
Denver, Colorado 80202  
303-844-1343  
Guss.guarino@usdoj.gov

*Attorneys for the United States of America*

**Certificate of Service**

It is hereby certified that on February 18, 2015 service of the foregoing **SUMMARY FOR THE STATUS CONFERENCE HELD JANUARY 6, 2015** was made through the court's electronic filing and notice system (CM/ECF) to all of the registered participants.

Further, pursuant to the *Superseding Order Regarding Service and Filing in Subproceeding C-125-B on and by All Parties* (Doc. 2100) at 12 ¶ 20, this *Notice of Compliance with Superseding Order* does not affect the rights of others and does not raise significant issues of law or fact. Therefore, the United States has taken no step to serve notice this document via the postcard notice procedures described in paragraph 17.c of the Superseding Order.

s/ Andrew "Guss" Guarino