

Todd Kim

Assistant Attorney General
Environment & Natural Resources Division
United States Department of Justice

Guss Guarino / Marisa J. Hazell

Trial Attorneys, Indian Resources Section
999 18th Street, South Terrace, Suite 370
Denver, Colorado 80202
Office: 303-844-1343 Fax: 303-844-1350
E-mail: guss.guarino@usdoj.gov
and
P.O. Box 7611
Washington, D.C. 20044
Office: 202-307-2291
Fax: 202-305-0275
E-mail: Marisa.hazell@usdoj.gov

David L. Negri

Trial Attorney, Natural Resources Section
c/o US Attorney's Office
800 Park Blvd., Suite 600
Boise, Idaho 83712
Tel: (208) 334-1936; Fax: (208) 334-1414
E-mail: david.negri@usdoj.gov

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

UNITED STATES OF AMERICA,

Plaintiff,

WALKER RIVER PAIUTE TRIBE,

Plaintiff-Intervenor,

vs.

WALKER RIVER IRRIGATION DISTRICT,
a corporation, et al.,

Defendants.

3:73-CV-00128-MDD-WGC

**UNITED STATES' ANSWER TO
MINERAL COUNTY'S SECOND
AMENDED COMPLAINT**

ANSWER

Plaintiff, the United States of America (United States), hereby answers the Second Amended Complaint in Intervention of Plaintiff-Intervenor, Mineral County, Nevada, as follows:

1. The allegations contained in paragraph 1 are Plaintiff-Intervenor's characterization of its case to which no answer is required; to the extent they may be deemed allegations of fact, they are denied.

PARTIES

2. The allegation of who Plaintiff-Intervenor represents is Plaintiff-Intervenor's characterization, to which no answer is required. Admits that Plaintiff-Intervenor is a political subdivision, and is established under the laws, of the State of Nevada. As to the allegations in paragraph 2 that go to the effect of Walker Lake on Plaintiff-Intervenor, denies for lack of knowledge or information sufficient to form a belief as to their truth.

3. Admits.

JURISDICTION

4. Admits.

GENERAL ALLEGATIONS

5. Admits that Walker Lake is a rare terminal lake. As to the allegation in paragraph 5 that the Lake is one of Nevada's most precious natural resources, denies for lack of knowledge or information sufficient to form a belief as to its truth.

6. Admits the allegations in paragraph 6 to the extent they accurately reflect the cited source, which document is the best evidence of its contents.

7. Admits that the Lahontan cutthroat trout is listed as threatened under the federal Endangered Species Act and that the tui chub is identified as a "subspecies of concern" by the

1 American Fisheries Society. Admits remainder of the allegations in paragraph 7 to the extent
2 they accurately reflect the cited source, which document is the best evidence of its contents.

3 8. Admits the allegations in paragraph 8 to the extent they accurately reflect the
4 cited source, which document is the best evidence of its contents.

5 9. Denies the allegations in paragraph 9 for lack of knowledge or information
6 sufficient to form a belief as to their truth.

7 10. Admits the allegation in paragraph 10 to the extent it accurately reflects the cited
8 source, which document is the best evidence of its contents.

9 11. Admits the allegations in paragraph 11 to the extent they accurately reflect the
10 cited source, which document is the best evidence of its contents.

11 12. Admits the allegation in paragraph 12 to the extent it accurately reflects the cited
12 source, which document is the best evidence of its contents.

13 13. Denies the allegation in paragraph 13 for lack of knowledge or information
14 sufficient to form a belief as to its truth.

15 14. Admits the allegation in paragraph 14 to the extent it accurately reflects the cited
16 source, which document is the best evidence of its contents.

17 15. Admits the allegation in paragraph 15 to the extent it accurately reflects the cited
18 source, which document is the best evidence of its contents.

19 16. Denies the allegations in paragraph 16 for lack of knowledge or information
20 sufficient to form a belief as to their truth.

21 17. Denies the allegations in paragraph 17 for lack of knowledge or information
22 sufficient to form a belief as to their truth.

CERTIFICATE OF SERVICE

It is hereby certified that on September 28, 2021 service of the foregoing was made through the court's electronic filing and notice system (ECF) to all of the registered participants.

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