Case 3:73-cv-00128-MMD-CSD Document 986 Filed 09/28/2021 Page 1 of 5

1	Todd Kim	
2	Assistant Attorney General Environment & Natural Resources Division	
	United States Department of Justice	
3	Guss Guarino / Marisa J. Hazell	
4	Trial Attorneys, Indian Resources Section	
-	999 18 th Street, South Terrace, Suite 370	
5	Denver, Colorado 80202 Office: 303-844-1343 Fax: 303-844-1350	
6	E-mail: guss.guarino@usdoj.gov	
7	and D. 7(11	
7	P.O. Box 7611 Washington, D.C. 20044	
8	Office: 202-307-2291	
0	Fax: 202-305-0275	
9	E-mail: Marisa.hazell@usdoj.gov	
10	David L. Negri	
11	Trial Attorney, Natural Resources Section c/o US Attorney's Office	
11	800 Park Blvd., Suite 600	
12	Boise, Idaho 83712	
13	Tel: (208) 334-1936; Fax: (208) 334-1414 E-mail: <u>david.negri@usdoj.gov</u>	
15	E-man. <u>david.negn@usdoj.gov</u>	
14		
15		DISTRICT COURT CICT OF NEVADA
16	UNITED STATES OF AMERICA,	3:73-CV-00128-MDD-WGC
17	Plaintiff,	5.75-CV-00128-MDD-WOC
)	
18	WALKER RIVER PAIUTE TRIBE,	UNITED STATES' ANSWER TO
19	Plaintiff-Intervenor,	MINERAL COUNTY'S SECOND
•	vs.	AMENDED COMPLAINT
20) WALKER RIVER IRRIGATION DISTRICT,)	
21	a corporation, et al.,	
22)	
22		
	Defendants.	
23	Defendants.)	
	Defendants.)	
23 24))	PLAINT Page
	Defendants.))	PLAINT Page

1 of 5

Case 3:73-cv-00128-MMD-CSD Document 986 Filed 09/28/2021 Page 2 of 5

1

ANSWER

2	Plaint	tiff, the United States of America (United States), hereby answers the Se	cond
3	Amended Co	mplaint in Intervention of Plaintiff-Intervenor, Mineral County, Nevada	, as follows:
4	1.	The allegations contained in paragraph 1 are Plaintiff-Intervenor's	
5	characterizat	ion of its case to which no answer is required; to the extent they may be	deemed
6	allegations of	f fact, they are denied.	
7		PARTIES	
8	2.	The allegation of who Plaintiff-Intervenor represents is Plaintiff-Interv	/enor's
9	characterizat	ion, to which no answer is required. Admits that Plaintiff-Intervenor is a	a political
10	subdivision,	and is established under the laws, of the State of Nevada. As to the alleg	gations in
11	paragraph 2 t	hat go to the effect of Walker Lake on Plaintiff-Intervenor, denies for la	ck of
12	knowledge of	r information sufficient to form a belief as to their truth.	
13	3.	Admits.	
14		JURISDICTION	
15	4.	Admits.	
16		GENERAL ALLEGATIONS	
17	5.	Admits that Walker Lake is a rare terminal lake. As to the allegation i	n paragraph
18	5 that the Lal	ke is one of Nevada's most precious natural resources, denies for lack of	knowledge
19	or informatio	on sufficient to form a belief as to its truth.	
20	6.	Admits the allegations in paragraph 6 to the extent they accurately refl	ect the
21	cited source,	which document is the best evidence of its contents.	
22	7.	Admits that the Lahontan cutthroat trout is listed as threatened under the	he federal
23	Endangered S	Species Act and that the tui chub is identified as a "subspecies of concern	n" by the
24	US ANSWE	R TO MINERAL COUNTY COMPLAINT	Page 2 of 5

Case 3:73-cv-00128-MMD-CSD Document 986 Filed 09/28/2021 Page 3 of 5

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.
23	
24	US ANSWER TO MINERAL COUNTY COMPLAINT Page 3 of 3

Case 3:73-cv-00128-MMD-CSD Document 986 Filed 09/28/2021 Page 4 of 5

1	18. Admits the United States Congress established the Walker Basin Conservancy to
2	oversee a program of water rights acquisitions and other measures to restore Walker Lake. As to
3	the remainder of the allegations in paragraph 18, denies for lack of knowledge or information
4	sufficient to form a belief as to their truth.
5	STATEMENT OF CLAIM
6	19. The United States incorporates by reference the responses in the preceding
7	paragraphs 1 through 18 of this Answer as though fully set forth herein.
8	20. The allegations contained in paragraphs 20–23 constitute conclusions of law to
9	which no answer is required; to the extent they may be deemed allegations of fact, they are
10	denied.
11	PRAYER FOR RELIEF
12	1. The allegations contained in paragraphs 1–24 are Plaintiff-Intervenor's
13	characterization of its prayers for relief to which no answer is required.
14	The United States denies each and every allegation not previously admitted or otherwise
15	qualified.
16	Respectfully submitted this 28 th day of September 2021.
17	
18	/s/ Andrew "Guss" Guarino Andrew "Guss" Guarino
19	Attorney for the United States
20	
21	
22	
23	
24	US ANSWER TO MINERAL COUNTY COMPLAINT Page 4 of 5

Case 3:73-cv-00128-MMD-CSD Document 986 Filed 09/28/2021 Page 5 of 5

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: <u>/s/ Andrew "Guss" Guarino</u> Andrew "Guss" Guarino