

1 **Todd Kim**
Assistant Attorney General
2 Environment & Natural Resources Division
United States Department of Justice
3

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

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

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

16 UNITED STATES OF AMERICA,)
) 3:73-CV-00128-MDD-WGC
17 Plaintiff,)
)
18 WALKER RIVER PAIUTE TRIBE,)
) **UNITED STATES' ANSWER TO**
19 Plaintiff-Intervenor,) **MINERAL COUNTY'S SECOND**
vs.) **AMENDED COMPLAINT**
20)
21 WALKER RIVER IRRIGATION DISTRICT,)
a corporation, et al.,)
)
22 Defendants.)
)
23)
24)

1 ANSWER

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

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

7 PARTIES

8 2. The allegation of who Plaintiff-Intervenor represents is Plaintiff-Intervenor's
9 characterization, to which no answer is required. Admits that Plaintiff-Intervenor is a political
10 subdivision, and is established under the laws, of the State of Nevada. As to the allegations in
11 paragraph 2 that go to the effect of Walker Lake on Plaintiff-Intervenor, denies for lack of
12 knowledge or 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 in paragraph
18 5 that the Lake is one of Nevada's most precious natural resources, denies for lack of knowledge
19 or information sufficient to form a belief as to its truth.

20 6. Admits the allegations in paragraph 6 to the extent they accurately reflect 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 federal
23 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.

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 28th day of September 2021.

17
18 /s/ Andrew “Guss” Guarino
19 Andrew “Guss” Guarino

20 Attorney for the United States
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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