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8 *Attorneys for California State Agencies*

9
10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE DISTRICT OF NEVADA
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14 **UNITED STATES OF AMERICA;**

15 Plaintiff,

16 **WALKER RIVER PAIUTE TRIBE,**

17 Plaintiff-Intervenor,
18

19 v.

20 **WALKER RIVER IRRIGATION DISTRICT,**
21 **et al.,**

22 Defendants.
23

Case No. 3:73-cv-00128-MMD-WGC

**CALIFORNIA STATE AGENCIES’
ANSWER**

24 Counter-defendants California State Water Resources Control Board, California
25 Department of Fish and Wildlife, and California Department of Parks and Recreation (California
26 State Agencies), in compliance with the Minute Order dated September 17, 2021 (ECF No. 979),
27 hereby answer the Second Amended Complaint in Intervention (ECF No. 936) filed by Mineral
28 County on June 30, 2021, (SAC) as follows:

I. INTRODUCTION

1. Answering paragraph 1, the California State Agencies state that the matters asserted therein are Mineral County's characterization of their SAC as opposed to material allegations of fact. No response is required; to the extent a response is required, the California State Agencies deny the allegations.

II. PARTIES

2. Answering paragraph 2, the California State Agencies admit Mineral County is a political subdivision under the laws of the State of Nevada. The other statements are characterizations of Mineral County's claims as opposed to material allegations of fact that require no response. To the extent a response is required, the California State Agencies deny the allegations.

3. Answering paragraph 3, the California State Agencies state that Document Numbers 19, 20, and 733 speak for themselves and Mineral County's characterization of them requires no response.

III. JURISDICTION

4. Answering paragraph 4, the California State Agencies admit.

IV. GENERAL ALLEGATIONS

5. Answering paragraph 5, the California State Agencies admit Walker Lake is a desert terminus lake. The California State Agencies lack knowledge or information sufficient to form a belief about the truth of the remaining allegations, and on that basis deny such allegations.

6. Answering paragraph 6, the California State Agencies state that the cited material speaks for itself and Mineral County's characterization of it requires no response.

7. Answering paragraph 7, the California State Agencies state that the cited materials speak for themselves and Mineral County's characterization of them requires no response.

8. Answering paragraph 8, the California State Agencies state that the cited material speaks for itself and Mineral County's characterization of it requires no response.

9. Answering paragraph 9, the California State Agencies lack knowledge or information sufficient to form a belief about the truth of the allegations, and on that basis deny such

1 allegations.

2 10. Answering paragraph 10, the California State Agencies state that the cited material
3 speaks for itself and Mineral County's characterization of it requires no response.

4 11. Answering paragraph 11, the California State Agencies state that the cited material
5 speaks for itself and Mineral County's characterization of it requires no response.

6 12. Answering paragraph 12, the California State Agencies state that the cited material
7 speaks for itself and Mineral County's characterization of it requires no response.

8 13. Answering paragraph 13, the California State Agencies lack knowledge or
9 information sufficient to form a belief about the truth of the allegations, and on that basis deny
10 such allegations.

11 14. Answering paragraph 14, the California State Agencies state that the cited material
12 speaks for itself and Mineral County's characterization of it requires no response.

13 15. Answering paragraph 15, the California State Agencies state that the cited material
14 speaks for itself and Mineral County's characterization of it requires no response.

15 16. Answering paragraph 16, the California State Agencies lack knowledge or
16 information sufficient to form a belief about the truth of the allegations, and on that basis deny
17 such allegations.

18 17. Answering paragraph 17, the California State Agencies lack knowledge or
19 information sufficient to form a belief about the truth of the allegations, and on that basis deny
20 such allegations.

21 18. Answering paragraph 18, the California State Agencies admit the Walker Basin
22 Conservancy was established pursuant to a United States Congressional Act. The California State
23 Agencies lack knowledge or information sufficient to form a belief about the truth of the
24 remaining allegations, and on that basis deny such allegations.

25 **V. STATEMENT OF CLAIM**

26 19. Answering paragraph 19, the California State Agencies incorporate by reference their
27 responses to paragraphs 1 through 18.

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20. Answering paragraphs 20 to 23, the California State Agencies state that the matters asserted therein contain legal arguments and conclusions, as opposed to material allegations of fact. No response to such arguments and conclusions is required; to the extent a response is required, the California State Agencies deny.

VI. PRAYER FOR RELIEF

21. Answering paragraphs 1 through 24, the California State Agencies state that this is Mineral County's characterization of the relief it seeks and no response is required. To the extent a response is required, the California State Agencies deny.

AFFIRMATIVE DEFENSES

First Affirmative Defense

The doctrine of res judicata, claim preclusion, issue preclusion, and/or other principles of finality bar the re-adjudication of water rights adjudicated in the Walker River Decree.

Second Affirmative Defense

The SAC fails to join necessary and indispensable parties.

Third Affirmative Defense

The SAC and every claim for relief stated therein is barred by the doctrine of laches.

Fourth Affirmative Defense

The SAC and every claim for relief stated therein is barred by the doctrine of estoppel.

Fifth Affirmative Defense

The SAC and every claim for relief stated therein has been waived.

WHEREFORE, the California State Agencies pray for judgment as follows:

1. That Mineral County is entitled to no relief to the extent such relief would: (a) reduce or interfere with any water rights held by the California State Agencies, (b) interfere with the California State Agencies' jurisdiction and/or regulatory authority, (c) adversely impact California's public trust resources or result in the waste or unreasonable use of California's water resources, (d) conflict with water rights that were fully adjudicated in the Walker River Decree, or (e) conflict with California law;

2. For their costs of suit; and

3. For such other and further relief as the Court deems just and proper.

Dated: October 29, 2021

Respectfully submitted,

ROB BONTA
Attorney General of California

/s/ Nhu Q. Nguyen

NHU Q. NGUYEN
Deputy Attorney General
Attorneys for California State Agencies

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CERTIFICATE OF SERVICE

Case Name: United States of America,
Walker River Paiute Tribe v.
Walker River Irrigation District

No. **3:73-cv-00128-MMD-WGC**

I hereby certify that on October 29, 2021, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

CALIFORNIA STATE AGENCIES' ANSWER

I certify that participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct and that this declaration was executed on October 29, 2021, at Sacramento, California.

Leticia Aguirre

Declarant

/s/ Leticia Aguirre

Signature