ORIGINAL

FILED

04 NOV 17 PM 2:33

BY _____ DEPUTY

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEVADA

| | |
|---|---|
| UNITED STATES OF AMERICA,<br>Plaintiff,<br><br>WALKER RIVER PAIUTE TRIBE,<br>Plaintiff-Intervenor,<br><br>v.<br><br>WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,<br>Defendants. | In Equity No. C-125-ECR<br>Subfile No. C-125-B and C-125-C<br><br>**JOINT REPORT OF MEDIATING PARTIES** |

Pursuant to the Order Governing Mediation Process entered herein on May 27, 2003, the United States, State of Nevada, State of California, Walker River Paiute Tribe, Walker River Irrigation District, Mono County, California, Lyon County, Nevada, Mineral County, Nevada, and the Walker Lake Working Group (the "Parties") hereby submit the following Joint Report to the Court:

**1. Progress in the Mediation Process**

The Parties have participated in monthly mediation sessions over the past six months pursuant to the terms of the Mediation Process Agreement and Mediation Order. Monthly mediation sessions are presently scheduled for December, 2004, and January, 2005.

444

**2. Continuation of the Mediation Process**

The parties have agreed to file a report with the Court no later than December 17, 2004, stating their respective positions as to whether the mediation process should continue.

**3. Holding Activity in Sub-proceedings C-125-B and C-125-C in Abeyance**

The Court has stayed all activity in the C-125-B and C-125-C sub-proceedings, with the exception of efforts by the United States, Tribe and Mineral County to complete service and otherwise as ordered by the Court, through December of 2004. The parties have agreed to file a report with the Court no later than December 17, 2004, stating their respective positions as to whether the Court should extend the stay and if so for how long.

**4. Payment of Mediator Fees and Expenses**

The parties have agreed to file a report with the Court no later than December 17, 2004, stating their respective positions as to whether they have agreed to make and are able to make payments toward the Mediator's fees and expenses over the next six months in accordance with the provisions of the Mediation Process Agreement.

**5. Need for Court Hearing**

The Court has set a status conference in the C-125-B matter for December 1, 2004. There is no need for any additional hearing before the Court at the present time.

Dated this 17th day of November, 2004.

Date: Nov 12, 2004

Scott B. McElroy, Alice E. Walker
Greene, Meyer & McElroy, P.C.
1007 Pearl St., #220
Boulder, CO 80302
303/442-2021

Kelly R. Chase
P.O. Box 2800
Minden, NV 89423
702/782-3099

By: Scott B. McElroy

*Attorneys for Walker River Paiute Tribe*

Date: 11/15/04

Susan Schneider
U.S. Department of Justice
Environment and Natural Resources Div.
Indian Resources Section
999 18th St., #945
Denver, CO 80202
303/312-7308

By: Susan F. Schneider
Susan Schneider

*Attorneys for the United States of America*

Date: _____

Gordon DePaoli, Dale Ferguson
Woodburn and Wedge
6100 Neil Rd., #500
Reno, NV 89511-1149
775/688-3000

By: _____
Gordon DePaoli

*Attorneys for Walker River Irrigation District*

Date: 12 November 04

Brian Sandoval
Nevada Attorney General
By: Marta Adams
Senior Deputy Attorney General
C. Wayne Howle
Senior Deputy Attorney General
100 N. Carson St.
Carson City, NV 89701
775/684-1237

By: Marta Adams
Marta Adams

*Attorneys for State of Nevada*

Date: _____

Susan Schneider
U.S. Department of Justice
Environment and Natural Resources Div.
Indian Resources Section
999 18th St., #945
Denver, CO 80202
303/312-7308

By: _____
Susan Schneider

*Attorneys for the United States of America*

Date: 11/17/04

Gordon DePaoli, Dale Ferguson
Woodburn and Wedge
6100 Neil Rd., #500
Reno, NV 89511-1149
775/688-3000

By: Dale E. Ferguson, for
Gordon DePaoli

*Attorneys for Walker River Irrigation District*

Date: 12 November 04

Brian Sandoval
Nevada Attorney General
By: Marta Adams
Senior Deputy Attorney General
C. Wayne Howle
Senior Deputy Attorney General
100 N. Carson St.
Carson City, NV 89701
775/684-1237

By: Marta Adams
Marta Adams

*Attorneys for State of Nevada*

Date: 11-16-04

Michael Neville
Assistant Attorney General
State of California
455 Golden Gate Ave.
San Francisco, CA 94102
415/703-5523

By: _____
Michael Neville

*Attorneys for State of California, acting by and through the California Dept. of Water Resources, California Dept. of Fish and Game, and California State Water Resources Control Board*

Date: _____

Cheri K. Emm-Smith
Mineral County District Attorney
P.O. Box 1210
Hawthorne, NV 89415
775/945-3636

By: _____
Cheri K. Emm-Smith

*Attorney for Mineral County*

Date: _____

Stephen B. Rye
Chief Deputy District Attorney
Lyon County
31 S. Main St.
Yerington, NV 89447
775/463-6511

By: _____
Stephen B. Rye

*Attorney for Lyon County*

Date: _____

Michael Neville
Assistant Attorney General
State of California
455 Golden Gate Ave.
San Francisco, CA 94102
415/703-5523

By: _____
Michael Neville

*Attorneys for State of California, acting by and through the California Dept. of Water Resources, California Dept. of Fish and Game, and California State Water Resources Control Board*

Date: 11-15-04

Cheri K. Emm-Smith
Mineral County District Attorney
P.O. Box 1210
Hawthorne, NV 89415
775/945-3636

By: Cheri K. Emm-Smith
Cheri K. Emm-Smith

*Attorney for Mineral County*

Date: 11-12-04

Stephen B. Rye
Chief Deputy District Attorney
Lyon County
31 S. Main St.
Yerington, NV 89447
775/463-6511

By: Stephen B. Rye
Stephen B. Rye

*Attorney for Lyon County*

Date: _____

Michael Neville
Assistant Attorney General
State of California
455 Golden Gate Ave.
San Francisco, CA 94102
415/703-5523

By: _____
Michael Neville

*Attorneys for State of California, acting by and through the California Dept. of Water Resources, California Dept. of Fish and Game, and California State Water Resources Control Board*

Date: _____

Cheri K. Emm-Smith
Mineral County District Attorney
P.O. Box 1210
Hawthorne, NV 89415
775/945-3636

By: _____
Cheri K. Emm-Smith

*Attorney for Mineral County*

Date: 11-12-04

Stephen B. Rye
Chief Deputy District Attorney
Lyon County
31 S. Main St.
Yerington, NV 89447
775/463-6511

By: Stephen B Rye
Stephen B. Rye

*Attorney for Lyon County*

Date: 11/12/04

Marshall Rudolph
Mono County Counsel
Stacey Simon
Deputy County Counsel
P.O. Box 2415
Mammoth Lakes, CA 93546
760/924-1700

By: _____
Marshall Rudolph / Stacey Simon

*Attorneys for Mono County*

Date: 11/12/04

Simeon Herskovits
Western Environmental Law Center
P.O. Box 1507
Taos, NM 87571
505/751-0351

By: _____
Simeon Herskovits

*Attorneys for Mineral County and Walker Lake Working Group*

**CERTIFICATE OF MAILING**

I certify that I am an employee of Woodburn and Wedge and that on this date, I deposited in the United States Mail, postage prepaid, a true and correct copy of the foregoing ***JOINT REPORT OF MEDIATING PARTIES*** in an envelope addressed to:

Greg Addington
Assistant U.S. Attorney
100 W. Liberty St., #600
Reno, NV 89509

William W. Quinn
Field Solicitor's Office
Department of the Interior
401 W. Washington St., SPC 44
Phoenix, AZ 85003

George Benesch
9432 Double R Blvd., Suite B
Reno, NV 89521-5977

Robert L. Hunter
Western Nevada Agency
Bureau of Indian Affairs
1677 Hot Springs Rd.
Carson City, NV 89706

Kenneth Spooner
General Manager
Walker River Irrigation District
P.O. Box 820
Yerington, NV 89447

Hugh Ricci, P.E.
Division of Water Resources
State of Nevada
123 W. Nye Ln.
Carson City, NV 89706

Garry Stone
United States District Court Water Master
290 S. Arlington Ave., 3rd Floor
Reno, NV 89501

Alice E. Walker / Scott McElroy
Greene, Meyer & McElroy
1007 Pearl St., # 220
Boulder, CO 80302

John Kramer
Department of Water Resources
1416 Ninth St.
Sacramento, CA 95814

Alan Biaggi
Dir. of Conservation & Natural Resources
State of Nevada
123 W. Nye Ln.
Carson City, NV 89706

Bill Lockyer / Michael W. Neville
California Attorney General's Office
455 Golden Gate Ave., #11000
San Francisco, CA 94102-3664

Ross E. de Lipkau
Marshall, Hill, Cassas & de Lipkau
P.O. Box 2790
Reno, NV 89505

Susan Schneider
Indian Resources Section
U.S. Department of Justice
999 18th St., #945, North Tower
Denver, CO 80202

Marta Adams
Deputy Attorney General
State of Nevada
100 N. Carson St.
Carson City, NV 89701

Kelly R. Chase, Esq.
P.O. Box 2800
Minden, NV 89423

David L. Negri
U.S. Dept. of Justice
Environment and Natural Resources Div.
161 E. Mallard Dr., Suite A
Boise, ID 83706

Mary Hackenbracht
Deputy Attorney General
State of California
1515 Clay Street, 20th Floor
Oakland, CA 94612-1413

Treva J. Hearne
Hager & Hearne
910 E. Parr Blvd., Ste. 8
Reno, NV 89512

Jim Shaw
Water Master
U.S. Board of Water Commissioners
P.O. Box 853
Yerington, NV 89447

Linda Bowman
540 Hammill Ln.
Reno, NV 89511

Tim Glidden
U.S. Dept. of the Interior, Office of the
Secretary, Div. of Indian Affairs
1849 C St. N.W.
Mail Stop 6456
Washington, D.C. 20240

Scott H. Shackelton
Silverado, Inc.
4160 Long Knife Rd.
Reno, NV 89509

Marshall S. Rudolph, Mono County Counsel
Stacey Simon, Deputy County Counsel
Mono County
P.O. Box 2415
Mammoth Lakes, CA 93546 -2415

Erin K.L. Mahaney
Office of Chief Counsel
State Water Resources Control Board
1001 I St., 22nd Floor
Sacramento, CA 95814

Steve Rye
Chief Deputy District Attorney
Lyon County
31 S. Main St.
Yerington, NV 89447

Simeon Herskovits
Western Environmental Law Center
P.O. Box 1507
Taos, NM 87571

Cheri Emm-Smith
Mineral County District Attorney
P.O. Box 1210
Hawthorne, NV 89415

Dated this 17th day of November, 2004.

Holly C. Dewar