

FILED
DEC 17 PM 3:30
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES OF AMERICA,)	In Equity No. C-125-ECR
)	Subfile No. C-125-B and C-125-C
Plaintiff,)	<i>CV-N-73-128</i>
)	
WALKER RIVER PAIUTE TRIBE,)	
)	JOINT REPORT OF MEDIATING
Plaintiff-Intervenor,)	PARTIES
)	
v.)	
)	
WALKER RIVER IRRIGATION DISTRICT,)	
a corporation, et al.,)	
)	
Defendants.)	

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 January, February and March of 2005. The Parties agree that progress in the mediation process is continuing.

2. Continuation of the Mediation Process

449

Case 3:73-cv-00128-MMD-CSD Document 449 Filed 12/17/04 Page 2 of 12

1 The Parties agree that the mediation process should continue through December 31,
2 2005 pursuant to the provisions of the Mediation Process Agreement previously executed by
3 the Parties and pursuant to the Order Governing Mediation Process. In this regard, the parties,
4 either individually or jointly, will file and serve a motion on or before January 18, 2005
5 consistent with this Joint Report. The briefing schedule will be as established by the court at
6 the status conference held on December 1, 2004.

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

8 The Parties agree that all activity in the C-125-B and C-125-C sub-proceedings should
9 continue to be stayed, with the exception of efforts by the United States, Tribe and Mineral
10 County to complete service and otherwise as ordered by the Court. In this regard, the motion to
11 be filed on or before January 18, 2005 will include a request that the Order Governing
12 Mediation Process be amended accordingly.

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

14 The Parties have agreed to make and are able to make payments toward the Mediator's
15 fees and expenses over the next six months in accordance with the provisions of the Mediation
16 Process Agreement.

17 **5. Need for Court Hearing**

18 There is no need for a hearing before the Court prior to the hearing currently scheduled
19 for March 8, 2005 at 1:30 P.M.

20 Dated this 16th day of December, 2004.

21 Date: Dec. 16, 2004

22 Scott B. McElroy, Alice E. Walker
23 Greene, Meyer & McElroy, P.C.
1007 Pearl St., #220
Boulder, CO 80502
303/442-2021

24 Kelly R. Chase
25 P.O. Box 2300
Minden, NV 89423
702/792-3099

26
27 By Alice E. Walker
28 Scott B. McElroy
Attorneys for Walker River Paiute Tribe

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Date: 12/16/04

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 L. Schneider
Susan Schneider

Attorneys for the United States of America

Date: 12/17/04

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

By: Dale E. Ferguson, Boy
Gordon DePaoli

Attorneys for Walker River Irrigation District

Date: _____

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

Attorneys for State of Nevada

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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: _____

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

By: _____
Gordon DePaoli

Attorneys for Waiker River Irrigation District

Date: 15 December 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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Date: 12-16-04

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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: 12-17-04

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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: 12-16-04

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Date: 12/17/04

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

By: Stacey Simon
Marshall Rudolph / Stacey Simon

Attorneys for Mono County

Date: _____

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*

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Date: _____

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: December 16, 2004

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*

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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 West Liberty Street, #600
Reno, NV 89509

William W. Quinn
Office of the Field Solicitor
Department of the Interior
401 West Washington Street, SPC 44
Phoenix, AZ 85003

George Benesch
190 West Huffaker
Reno, NV 89511

Robert L. Hunter
Western Nevada Agency
Bureau of Indian Affairs
1677 Hot Springs Road
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 West Nye Lane
Carson City, NV 89706

Garry Stone
United States District Court Water Master
290 South Arlington Avenue
Third Floor
Reno, NV 89501

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

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

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

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

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

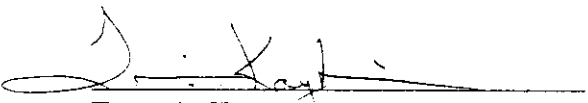
1	Susan Schneider	Marta Adams
2	Indian Resources Section	Deputy Attorney General
3	U.S. Department of Justice	State of Nevada
4	999 18 th Street	100 North Carson street
5	Suite 945, North Tower	Carson City, NV 89701
6	Denver, CO 80202	
7	Mary Hackenbracht	Treva J. Hearne
8	Deputy Attorney General	Hager & Hearne
9	State of California	910 E. Parr Blvd., Ste. 8
10	1515 Clay Street, 20 th Floor	Reno, NV 89512
11	Oakland, CA 94612-1413	
12	James Shaw	David L. Negri
13	Water Master	United States Department of Justice
14	U.S. Board of Water Commissioners	Environment and Natural Resources Div.
15	P.O. Box 853	161 E. Mallard Dr., Suite A
16	Yerington, NV 89447	Boise, ID 83706
17	Linda Bowman	Kelly Chase, Esq.
18	540 Hammill Lane	P.O. Box 2800
19	Reno, NV 89511	Minden, NV 89423
20	Tim Glidden	Scott H. Schackelton
21	U. S. Dept. of the Interior, Office of the	Silverado, Inc.
22	Secretary, Div. Of Indian Affairs	4160 Long Knife Rd.
23	1849 C St. N.W.	Reno, NV 89509
24	Mail Stop 6456	
25	Washington, D.C. 20240	
26	Marshall S. Rudolph, Mono County Counsel	Erin K.L. Mahaney
27	Stacy Simon, Deputy County Counsel	Office of Chief Counsel
28	Mono County	State Water Resources Control Board
29	P. O. Box 2415	1001 I St., 22 nd Floor
30	Mammoth Lakes, CA 93546-2415	Sacramento, CA 95814
31	Steve Rye	Simeon Herskovits
32	Chief Deputy District Attorney	Western Environmental Law Center
33	Lyon County	P. O. Box 1507
34	31 S. Main St.	Taos, NM 87571
35	Yerington, NV 89447	
36	Cheri Emm-Smith	William E. Schaeffer
37	Mineral County District Attorney	P. O. Box 306
38	P. O. Box 1210	Battle Mountain, NV 89820
39	Hawthorne, NV 89415	

1 Laura A. Schroeder
2 P. O. Box 12527
3 Portland, Oregon 97212-0527

John W. Howard
JW Howard/Attorneys
625 Broadway, Suite 1206
San Diego, CA 92101

4 Wesley G. Beverlin
5 Malissa Hathaway McKeith
6 Lewis, Brisbois, Bisgaard & Smith LCP
7 221 N. Figueroa St., Suite 1200
8 Los Angeles, CA 90012

9 Dated this 17th day of December, 2004.

10 
11 Tommie Kay Atkinson
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28