

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA  
RENO, NEVADA

UNITED STATES OF AMERICA,	)	IN EQUITY NO. C-125-ECR
	)	Subproceeding: C-125-B
Plaintiff(s),	)	3:73-CV-0127-ECR-RAM
	)	
	)	and
vs.	)	
	)	IN EQUITY NO. C-125-ECR
	)	Subproceeding: C-125-C
WALKER RIVER IRRIGATION, et al.,	)	3:73-CV-0128-ECR-RAM
	)	
Defendant(s).	)	MINUTES OF THE COURT
	)	
	)	DATED: DECEMBER 3, 2008
	)	

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PRESENT: HONORABLE ROBERT A. McQUAID, JR., U.S. MAGISTRATE JUDGE

Deputy Clerk: Jennifer S. Cotter Reporter: Donna Davidson

Counsel Present: Marta Adams, Laura Schroeder, Karen Peterson, Dale Ferguson, Gordon Depaoli, Susan Schneider, Simeon Herskovits, Wes Williams, Jr., Greg Addington, and John W. Howard

Counsel Appearing Telephonically: Stacey Simon, Donald Mooney, Wyatt Rolfe, and Michael Neville

PROCEEDINGS: STATUS CONFERENCE

10:05 a.m. Court convenes.

Ms. Schneider addresses the agenda items.

**1 - The status of service efforts regarding service categories described in paragraph 3 of the CMO, plans to file additional status reports with the Court regarding these service efforts, and potential changes in the organization of status reports.**

The Court is advised of the service efforts that are ongoing. Ms. Schneider also advises the Court that the Fourteenth Report has been delayed, but she anticipates that it will be filed sometime in December, 2008. She also states that the Fifteenth Report should be filed in January, 2009.

**2 - Service completion issues:**

Ms. Schneider advises the Court of the issues that could come up regarding service completion. Regarding this matter, she addresses: cut-off dates regarding service, including new wells and

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ownership changes in 2008 and beyond; completion of personal service and completion of case caption; whether and how publication should occur; potential challenges to service; and the status of a proposed website. Case management and service issues, as they specifically relate to paragraphs 7, 8, 9, and 10 of the case management order are also addressed.

**3. - Proposed Preliminary Threshold Issues.**

The Court advises the parties that, according to its interpretation of the case management order, the threshold issues cannot be decided until service is completed and all parties are joined. When a date has been determined when service will be completed, the Court will hear oral argument in addition to the briefing already done regarding the threshold issues.

**4. - Any issues related to this Court's transition to electronic filing, including errors on certificates of service.**

Ms. Schneider advises the Court that there is nothing to add at this time regarding this item.

**5 - Subproceeding C-125C: service and other issues.**

Mr. Herskovits moves for an extension of time until **January 23, 2009** to file a reply in support of Mineral County's Service Report (Docket #479). There are no objections voiced by the other parties. The Court advises Mr. Herskovits to submit a proposed order to that effect.

**6 - Such additional issues that may be identified subsequent to the filing of this agenda and/or at the status conference.**

The Court and the parties conduct discussion regarding when answers need to be filed in this matter. IT IS ORDERED that the United States shall file a brief with respect to this issue by **January 16, 2009**. Defendants shall have until **February 17, 2009** to file responsive briefs. The Court will then hear argument regarding this matter at the next status conference.

IT IS FURTHER ORDERED that the next status conference is set for **Monday, March 30, 2009 at 1:30 p.m.** Counsel wishing to appear telephonically shall call **1-800-215-8233** approximately ten (10) minutes prior to the hearing and enter the identification number **76812033**.

11:07 a.m. Court adjourns.

LANCE S. WILSON, CLERK

By: /s/

Deputy Clerk