Case 3:73-cv-00128-MMD-CSD Document 684 Filed 04/30/2013 Page 1 of 5

IGNACIA S. MORENO Assistant Attorney General

Andrew "Guss" Guarino, Trial Attorney Susan L. Schneider, Trial Attorney U.S. Department of Justice Environment and Natural Resources Div. 999 – 18th Street, Suite 370 Denver, Colorado 80202 (303) 844-1343; (303) 844-1348 guss.guarino@usdoj.gov susan.schneider@usdoj.gov David L. Negri, Trial Attorney U.S. Department of Justice Environment and Natural Resources Div. c/o U.S. Attorney's Office 800 Park Blvd., # 600 Boise, Idaho 83712 (208) 334-1936 david.negri@usdoj.gov

Greg Addington Assistant United States Attorney 100 W. Liberty Street, Suite 600 Reno, Nevada 89501 (775) 784-5438 greg.addington@usdoj.gov

Attorneys for the United States of America

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)
Plaintiff,) IN EQUITY NO. C-125-RCJ
WALKER RIVER PAIUTE TRIBE,) Subproceedings: C-125-B & C-125-C) 3:73-CV-00127-RCJ-WGC &) 3:73-CV-00128-RCJ-WGC
Plaintiff-Intervenor,) 3.73-CV-00128-RCJ-WGC
vs.)
WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,) UNITED STATES OF AMERICA'S LIST
Defendants.	OF PROPOSED AGENDA ITEMS FOR THE STATUS CONFERENCE SCHEDULED FOR MAY 1, 2013
MINERAL COUNTY,)
Proposed-Plaintiff-Intervenor,))
vs.)
WALKER RIVER IRRIGATION DISTRICT,	<i>)</i>)

Case 3:73-cv-00128-MMD-CSD Document 684 Filed 04/30/2013 Page 2 of 5

a corporation, et al.)
Proposed Defendants.)
)
)

The United States of America ("United States"), Plaintiff in Case No. C-125 and Subproceeding C-125-B, submits the following proposed agenda to the Court for its Status Conference, scheduled for May 1, 2013. Pursuant to this Court's direction, the United States consulted with the other plaintiff parties and the primary defendants to prepare and submit this proposed agenda, which addresses issues in subproceedings C-125-B and C-125-C.

While the parties, including the United States, may not agree on the ripeness or timeliness of each issue on this agenda, these are outstanding issues before the Court that should be identified and discussed to some extent.

AGENDA ITEMS:

1. C-125-B:

- a. Completion of Service and Service Issues:
 - i. Status update from the United States on service on possible claimants with dormant riparian surface water rights under the laws of California.
 - 1. Status of additional research needed to complete service of dormant riparian surface water rights holders.
 - 2. Service phases.
 - ii. Status updates on the following:
 - 1. Updating and circulating the draft caption
 - No new status on this item at this time; the draft caption will be updated when service is complete with respect to dormant riparian surface water rights under the laws of California.

Case 3:73-cv-00128-MMD-CSD Document 684 Filed 04/30/2013 Page 3 of 5

- 2. Compiling and circulating a preliminary list of defendants who have filed a notice of appearance, including those defendants represented by counsel.
 - No new status on this item at this time; the list of defendants who have filed a notice of appearance, will be updated when service is complete with respect to dormant riparian surface water rights under the laws of California
- 3. Compiling and circulating a preliminary list of persons and entities that were served and have not filed a notice of appearance.
 - No new status on this item at this time; the list of persons and entities that were served and have not filed a notice of appearance will be updated when service is complete with respect to dormant riparian surface water rights under the laws of California

2. C-125-C:

a. Completion of Service and Service Issues:

Rule 4 personal service on identified proposed defendants is complete in C-125-C. Proposed Orders regarding completion of service are being prepared and will be circulated as soon as possible.

b. Status update from Mineral County/Walker Lake Working Group on its effort to compile a list of *pro se* parties.

Mineral County is finalizing a list of pro se parties and will circulate it among the primary parties following the status conference.

c. Consideration of draft Order Setting Supplemental Briefing Schedule for Defendants Appearing after Initial Briefing Schedule on Motion to Intervene Was Established.

3. Issues Common to Both Subproceedings:

- a. Publication: Status of proposed Orders
 - Report by the United States the United States and Mineral County have begun preparing materials concerning publication of notice once service is complete in both subproceedings.
- b. Notification protocol and use in each sub-proceeding: Draft E-service order (submitted and pending decision)

Case 3:73-cv-00128-MMD-CSD Document 684 Filed 04/30/2013 Page 4 of 5

- c. Website updates: Status update from Clerk's Office.
- 4. Such additional issues that may be identified subsequent to the filing of this agenda and/or at the status conference.
- 5. Confirmation of next status conference and/or informal meetings.

Dated: April 30, 2013

Respectfully submitted,

IGNACIA S. MORENO Assistant Attorney General

Andrew "Guss" Guarino, Trial Attorney Susan L. Schneider, Trial Attorney David L. Negri, Trial Attorney Greg Addington, Assistant United States Attorney

By /s/ Andrew "Guss" Guarino
Andrew "Guss" Guarino
U.S. Department of Justice
Environmental and Natural Resources Div.
999 – 18th Street, Suite 370
Denver, Colorado 80202
(303) 844-1348
Guss.guarino@usdoj.gov

Attorneys for the United States of America

Case 3:73-cv-00128-MMD-CSD Document 684 Filed 04/30/2013 Page 5 of 5

CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of April, 2013, I electronically filed the foregoing **UNITED STATES OF AMERICA'S LIST OF PROPOSED AGENDA ITEMS FOR THE STATUS CONFERENCE SCHEDULED FOR MAY 1, 2013** with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the email addresses that are registered for this case;

and I further certify that I served a copy of the forgoing to the following non CM/ECF participants by U.S. Mail, postage prepaid, this 30th day of April, 2013:

Athena Brown, Superintendent Western Nevada Agency Bureau of Indian Affairs 311 E. Washington Street Carson City, NV 89701-4065

Allen Biaggi/Leo Drozdoff
Dept. of Conservation & Natural Res.
State of Nevada
901 S. Stewart St.
Suite 1003
Carson City, NV 89701

State Engineer - Division of Water Resources State of Nevada 901 S. Stewart St., Suite 202 Carson City, NV 89701 William J. Shaw Brooke & Shaw, Ltd P.O. Box 2860 Minden, NV 89423

George M. Keele 1692 County Road, Ste. A Minden, NV 89423

Arthur B. Walsh Los Angeles City Attorney's Office PO Box 51-111 111 North Hope Street, Suite 340 Los Angeles, CA 90054

/s/ Eileen Rutherford Senior Paralegal, USIS for United States Department of Justice