UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
RENO, NEVADA

JAN 3 3 04 PM '95
CAROL C. FITZGERALD
CLERK
BY

UNITED STATES OF AMERICA and
THE WALKER RIVER PAIUTE TRIBE,

Plaintiff,

vs.

THE WALKER RIVER IRRIGATION DISTRICT,

Defendant.

_____/

CIVIL-C-125-B-ECR

MINUTES OF COURT

Date: January 3, 1995

PRESENT: EDWARD C. REED, JR. U. S. DISTRICT JUDGE

DEPUTY CLERK: COLLEEN MORZ REPORTER: CATHY WORKEN

Counsel for Plaintiff(s) JOHN P. LANGE; SCOTT McELROY; DAVID MOSER MARY HACKENBRACHT; GEORGE BENESCH

Counsel for Defendant(s) GORDON DePAOLI; DALE FERGUSON; LINDA BOWMAN; SUSAN JOSEPH-TAYLOR JAMES SPOO; TREVA HEARNE; DONALD MOONEY

MINUTES OF STATUS CONFERENCE:

At 10:05 A. M. Court convenes.

Court and counsel confer regarding the motion to intervene filed by Mineral County (#31) and the schedule to be followed in this action.

IT IS HEREBY ORDERED that a new sub-file will be established as C-125-C for the purposes of receiving the filing of all documents which pertain to the motion to intervene and claim of Mineral County. Copies of all documents previously filed in C-125-B relating to the intervention of Mineral will be removed to that extent and placed in C-125-C. The original of these minutes will be filed in C-125-B and a copy will be filed in C-125-C.

The entire case, including all of the sub files, C-125, C-125-A, C-125-B, and C-125-C constitute one action. All of these issues and claims also constitute a single law suit. The issues may overlap between the various claims and files which have been established.

No claims are to be prejudiced in any way because of their separation into a separate sub-file. The separation of the files is for record keeping purposes only.

46

At 11:45 A. M. Court recesses.

At 1:20 P. M. Court reconvenes.

IT IS HEREBY ORDERED that notice of the motion to intervene (#31) together with a copy of the motion to intervene shall be served upon all of the persons, corporations or institutions, or associations named as a defendant in the original decree who were served with process as well as substituted parties and the successors to the parties of record in the records of the U.S. Water Commissioners.

IT IS FURTHER ORDERED that such notice and motion shall be served upon any subsequent appropriators against whom a claim is to be made by the proposed intervenor and who are named as defendants in the complaint of the proposed intervenor and served with process.

IT IS FURTHER ORDERED that the pleading which is to accompany the motion shall also be served as a matter of service of process on each of the parties to the action as the Court has outlined in the order above.

IT IS FURTHER ORDERED that Mineral County shall have thirty (30) days within which to file an amended pleading and points and authorities in support of the motion to intervene.

IT IS FURTHER ORDERED that Mineral County shall be obligated to complete service of process, which includes the motion to intervene with the accompanying pleading and points and authorities, by April 25, 1995.

IT IS FURTHER ORDERED that parties shall have sixty (60) days after of service of process, but no later than June 26, 1995, within which to file a response to the motion to intervene. Replies to be filed by the County with respect to the oppositions to the motion to intervene will be due no later than August 25, 1995.

IT IS FURTHER ORDERED that no answer or other responsive motion or pleading to the complaint in intervention should be filed by any party until the further order of the Court. Any party served with a copy of the motion to intervene and the accompanying pleading shall be on notice as to further orders of the Court requiring answers to the complaint in intervention to be filed by a certain time.

IT IS FURTHER ORDERED that the order requiring responses to the motion to intervene shall apply to all parties on the mailing list according to the docket of the Court. This mailing list reflects parties who have been regularly appearing in respect to other pending matters.

IT IS FURTHER ORDERED that if Mineral County desires to seek a preliminary injunction, such motion may be served together with the motion to intervene and the accompanying pleading setting forth the claim. No response to any such motion for a preliminary injunction need be filed by any party pending the further order of the Court. All parties who are served with any of the foregoing documents or who have otherwise appeared in the action, will be required to respond to a motion for preliminary injunction at the same time as an answer or other responsive motion or pleading is required to be filed to the pleading which accompanies the motion to intervene. Any motion for preliminary injunction shall be required to be filed within thirty (30) days.

IT IS FURTHER ORDERED that counsel for Mineral County shall prepare a form of order within ten (10) days for approval by the Court reflecting the cutoff dates set forth in these minutes and also reflecting the need to give fair and proper notice to the parties who are to be served with the motion to intervene of what action they must take to protect their rights. Other counsel will have ten (10) days to file objections to the order. The order may be filed by stipulation.

IT IS FURTHER ORDERED that a copy of the order to be executed by the Court in accordance with these minutes showing the schedule and cutoff dates, shall be served upon the parties at the same time as the motion to intervene is served.

IT IS FURTHER ORDERED that all of the time limits shall begin to run from the time that the formal order, to be prepared by counsel for Mineral County, is signed and entered by the Court.

IT IS FURTHER ORDERED that if within the general framework which the Court has outlined for time cutoffs, the parties stipulate as to some differing time periods, the Court will certainly consider an order which reflects different or additional stipulated time cutoffs.

IT IS FURTHER ORDERED that the schedules and cutoff dates set in these minutes do not affect any other schedules or cutoff dates set in the case.

At 2:40 P. M. Court adjourns.

CAROL C. FITZGERALD, CLERK

By COLLEEN MORZ
Deputy