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**ORIGINAL**

1 TREVA J. HEARNE, ESQ. (SBN 4450)  
2 JAMES SPOO, ESQ. (SBN 1018)  
3 **ZEH, SAINT-AUBIN, SPOO, & HEARNE**  
4 575 Forest Street, Suite 200  
5 Reno, Nevada 89509  
6 Telephone: (775) 323-5700

7  
8 Attorneys for Intervenor,  
9 MINERAL COUNTY NEVADA

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BY: [Signature]  
CLERK

10 UNITED STATES DISTRICT COURT  
11 DISTRICT OF NEVADA

12 \* \* \*

13 UNITED STATES OF AMERICA, )  
14 )  
15 Plaintiff, )

16 WALKER RIVER PAIUTE TRIBE, )  
17 )  
18 Plaintiff-Intervenor, )

19 vs. )

20 WALKER RIVER IRRIGATION DISTRICT, )  
21 a corporation, et al.; )  
22 Defendants. )

23 MINERAL COUNTY, )  
24 )  
25 Proposed-Plaintiff-Intervenor, )

26 vs. )

27 WALKER RIVER IRRIGATION DISTRICT, )  
28 a corporation, et al. )  
Proposed Defendants. )

**In Equity No. C-125-ECR  
Subfile No. C-125-C**

**REQUEST TO LATE FILE  
AND REQUEST FOR  
MODIFIED SERVICE  
ORDER**

ZEH, SAINT-AUBIN, SPOO & HEARNE  
575 Forest Street, Suite 200  
Reno, Nevada 89509  
(775) 323-5700 FAX: (775) 786-8183

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1 COMES NOW, Mineral County, Nevada, and respectfully requests that the Court  
2 accept its filing of a Motion to Publish two days later than required by the Order of this  
3 Honorable Court. Mineral County makes this request based upon its continued due diligence  
4 in service in this matter and because new matters require a review of the service.  
5

6 POINTS

7 Mineral County, Nevada, has indeed been in the active process of service of its papers  
8 in this matter since 1995. The Court has directed Mineral County to shoulder an incredibly  
9 burdensome and costly task in order for it to make its case to this Court of equity regarding  
10 the impending death of the natural wonder that is Walker Lake.  
11

12 Mineral County, Nevada, whose annual expenditures for the year ending June 30,  
13 2000 were \$4,755, 727.00 has spent more than \$100,000.00 in making this service of  
14 process. Over one hundred volunteers have donated their time in addition to the sums  
15 expended to employ process servers, marshals, and sheriffs over the entire United States of  
16 America, in order to make service on holders of water rights in the Walker River. Nearly  
17 2000 persons have been personally served. The Court has held numerous hearings, one that  
18 lasted an entire day. This type of personal service for a water adjudication is both unheard  
19 of and considerable in its breadth. ).  
20  
21

22 Mineral County duly prepared its service documents with the new caption and has  
23 initiated and completed some of the serves that were ordered by the Court. On June 12,  
24 2002, Walker River Irrigation District faxed to Mineral County a document that affected at  
25 least two persons on the caption and would require changes. The fact is that service takes  
26 time. First the Court orders the parties or the parties agree to certain persons to be served.  
27  
28

1 Then Mineral County has to find the funds to accomplish the service. By the time the  
2 service is near complete but not quite, new parties or different names are found and, to be  
3  
4 legally and technically correct, Mineral County should amend the caption before serving  
5 those next parties. Another situation that complicates the service is that the Sheriff will  
6 discover who the real party is while out making the service,<sup>1</sup> the deputy serves this person  
7  
8 then Mineral County is required to find the paperwork that supports that serve in order to  
9 amend the caption. The problem is that the paperwork often doesn't appear for months and  
10 months.

11           During the completion of this motion for publication, WRID forwarded two deeds that  
12 indicate that the water rights belonging to Vivian Fulstone Trust and to the Wilsons have  
13  
14 been conveyed to others. Mineral County could spend more money and hours looking for  
15 these persons and may or may not be able to accomplish service. The persons who really  
16 now possess the water rights would be available and could be served.

17  
18           Mineral County has suggested and is now requesting that the Court determine that  
19 Mineral County's service is complete and that Mineral County be ordered to continue to  
20 serve persons with its papers as they become known, either through the WRID or through  
21 the service of the United States of America for the Walker River Tribe. Mineral County  
22 believes that to be accurate this is the only method that will work. If so ordered by this  
23  
24 Court, Mineral County will file a motion to that matter, if the Magistrate believes that this

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25  
26           <sup>1</sup> Mineral County has learned to absolutely believe the Sheriff when he states that the water  
27 right has been sold. The deputies in the field have been the most reliable source of information in this  
28 entire service.

1 can be ordered without further motion then Mineral County so requests. Mineral County  
2 will continue to serve those persons that were agreed to in the proposed Order submitted by  
3 WRID and Mineral County and any parties that become known that have not been served.  
4 It is also Mineral County's recommendation that the caption be abbreviated to "et al" so that  
5 persons do not become confused if their name is not on the caption and in order for Mineral  
6 County to not have to change the caption on a weekly basis.  
7

8  
9 WHEREFORE THE ABOVE-STATED REASONS, Mineral County requests that the  
10 Court grant it the two day leave in which to file its Motion for Publication, but that the ruling  
11 or response to the Motion be stayed until a decision by the Court is made on the other issue  
12 of service raised by Mineral County, in that service be considered complete and that Mineral  
13 County be ordered to continue to serve persons as they become known.  
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20 Dated this 19<sup>th</sup> day of June, 2002.

21 ZEH, SAINT-AUBIN, SPOO & HEARNE

22  
23  
24 By:   
25 TREVA J. HEARNE, ESQ.  
26  
27  
28

**PROOF OF SERVICE BY MAIL**

Pursuant to NRCP 5(b), I certify that I am an employee of ZEH, SAINT-AUBIN, SPOO & HEARNE, 575 Forest Street, Suite 200, Reno, Nevada; over the age of eighteen years and not a party to the within action; that on this date, I deposited for mailing in the United States Mail, at Reno, Nevada, postage thereon fully prepaid, a true and correct copy of the *Request To Late File And Request For Modified Service Order*, addressed as follows:

Marta Adams  
Deputy Attorney General  
State of Nevada  
100 North Carson Street  
Carson City, NV 89701

Linda A. Bowman  
540 Hammill Lane  
Reno, NV 89511

R. Michael Turnipseed, P.E.  
Division of Water Resources  
State of Nevada  
123 Nye Lane  
Carson City, NV 89710

Roger Bezayiff  
Watermaster  
P.O. Box 853  
Yerington, Nevada 89447

Western Nevada Agency  
Bureau of Indian Affairs  
1677 Hot Springs Road  
Carson City, NV 89706

Ross E. deLipkau  
P.O. Box 2790  
Reno, NV 89505

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

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

George Benesch  
P.O. Box 3498  
Reno, NV 89505

Gordon H. DePaoli  
Dale E. Ferguson  
Woodburn & Wedge  
6100 Neil Road, Suite 500  
Reno, NV 89511-1149

Gary Stone  
290 South Arlington Avenue  
Reno, NV 89510

Kathryn E. Landreth  
United States Attorney  
100 W. Liberty, Suite 600  
Reno, NV 89501

1 Daniel N. Frink  
2 State Water Resources Control Board  
3 P.O. Box 100  
4 Sacramento, CA 95814

4 Mary Hackenbracht  
5 Deputy Attorney General  
6 State of California  
7 1515 Clay Street, 20<sup>th</sup> Floor  
8 Oakland, CA 94612-1413

8 David Moser  
9 McCutchen, Doyle, Brown & Enersen  
10 Three Embarcadero Center  
11 San Francisco, CA 94111

11 Shirley A. Smith  
12 Assistant U.S. Attorney  
13 100 W. Liberty, Suite 600  
14 Reno, NV 89509

14 Susan L. Schneider  
15 U.S. Department of Justice  
16 Indian Resources Section  
17 Environment & Natural  
18 Resources Division  
19 999 18<sup>th</sup> Street, Suite 945  
20 Denver, CO 80202


18 Scott McElroy  
19 Alice Walker  
20 Greene, Meyer & McElroy  
21 1007 Pearl Street  
22 Boulder, CO 80302

22 Dated this 17<sup>th</sup> of June, 2002.

Jim Weishaupt  
General Manager  
WRID  
P.O. Box 820  
Yerington, NV 89447

Alex J. Flangas  
Timothy A. Lukas  
Robert C. Anderson  
Hale, Lane, Peek, Dennison,  
Howard, Anderson & Pearl  
P.O. Box 3237  
Reno, NV 89509

Michael W. Neville  
Deputy Attorney General  
Department of Justice  
Office of the Attorney General  
455 Golden Gate Avenue, Suite 11000  
San Francisco, California 94102-3664

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24  
25  
26  
27  
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Martha Hauser