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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA, Plaintiff, WALKER RIVER PAIUTE TRIBE, Plaintiff-Intervenor, vs. WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.; Defendants.	**In Equity No. C-125-ECR** **Subfile No. C-125-C** **REPLY TO OPPOSITION TO DECLARE SERVICE COMPLETE**
MINERAL COUNTY, Proposed-Plaintiff-Intervenor, vs. WALKER RIVER IRRIGATION DISTRICT, a corporation, et al. Proposed-Defendants.	

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COMES NOW, Mineral County, Nevada, and respectfully requests that the Court grant Mineral County's request to deem its service complete.

POINTS AND AUTHORITIES

I.

SERVICE PAPERS ARE OUT AND WILL BE RETURNED IMMINENTLY

Mineral County has placed 55 service papers with sheriffs and private process servers. As soon as the last of those proof of service forms are returned, Mineral County will be filing those proofs. Not all of those will be successful. Mineral County has ample experience with this process to know that not all of the persons will be found, or the process server will be told in the field that the water rights belong to another person and that person will be served. At which point, as history of this case will support, WRID and the Watermaster and, perhaps, the State of Nevada, will object that the caption doesn't contain the proper names and that the service is improper because the persons were served and their names were not on the caption. Mineral County could be ordered to re-serve persons. This process can continue on to the eternity of the ages and, certainly, beyond the existence of Walker Lake, the real purpose of the objections.

No one could possible argue that Mineral County has not made a good faith effort to serve all the water rights holders of the Walker River just as directed by the Honorable Edward C. Reed. Over 2000 serves in this case have been completed and only 55 remain outstanding.

Mineral County has agreed to continue to serve its papers as the United States discovers persons who may be water rights holders that escaped service from Mineral

County. Cost effectiveness would direct Mineral County to produce its papers again to be served with the United States of America in an abundance of caution. Lists can be prepared to show who has been served by Mineral County and, if a name appears that has not been served, papers will go with the process server automatically without question. What more can a party do to insure that proper service has occurred.

WRID, the Watermaster and the State of Nevada have been quite clear from the beginning that Mineral County has no place in this litigation because Walker Lake will take all the water from the upstream ranchers. This is an exaggeration and an expression of the unwillingness of WRID, the Watermaster and the State of Nevada to be reasonable in agreeing that the Court should consider the service final so that the merits of this matter can be calendared and argued.

WHEREFORE, Mineral County respectfully requests that the Court determine that Mineral County has completed its service of process on the holders of water rights in the Walker River and set this matter for argument on the intervention.

Dated this 19th of July, 2002.

ZEH, SAINT-AUBIN, SPOO & HEARNE

By: _____
TREVA J. HEARNE, ESQ.

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of the Law Offices of ZEH, SAINT-AUBIN, SPOO & HEARNE, 575 Forest Street, Suite 200, Reno, Nevada; over the age eighteen years and not a party to the within action; that on this date I caused to be mailed via U.S. Mail, a true and correct copy of the foregoing *Reply to Opposition to Declare Service Complete,* addressed as follows:

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Dated this 19th of July, 2002.

Martha Hauser