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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

WALKER RIVER PAIUTE TRIBE,

Plaintiff-Intervenor,

v.

WALKER RIVER IRRIGATION DISTRICT,
a corporation, et al.,

Defendants.

) IN EQUITY NO. C-125

)

) SUBFILE NO. C-125-B

) 3:73-cv-00127-ECR-LRL

)

) SUBFILE NO. C-125-C

) 3:73-cv-00128-ECR-LRL

)

) **PLAINTIFF PARTIES' SECOND**

) **UNOPPOSED MOTION FOR**

) **EXTENSION OF TIME TO FILE**

) **REPLIES TO MEMORANDA**

) **RELATED TO OBJECTIONS TO**

) **PROPOSED SERVICE CUTOFF**

) **AND SUCCESSOR-IN-INTEREST**

) **ORDERS**

UNITED STATES OF AMERICA,
WALKER RIVER PAIUTE TRIBE,

Counterclaimants,

v.

WALKER RIVER IRRIGATION DISTRICT,
et al.,

Counterdefendants.

Pursuant to Rule 6(b) of the Federal Rules of Civil Procedure and LR 6-1 and LR 6-2, counsel for the United States of America (“United States”), the Walker River Paiute Tribe (“Tribe”), and Mineral County (“Plaintiff Parties”) move the Court for an order extending the time for the Plaintiff Parties to file replies to memoranda related to objections to the proposed service cutoff order (#1613 in C-125-B) and successor-in-interest orders (#1614 in C-125-B; #516 in C-125-C) from February 11, 2011, to on or before February 23, 2011.

In support of the Motion, counsel for the United States, Tribe and Mineral County represent the following:

1. The current deadline to file replies is February 11, 2011 (#1627 in C-125-B; #528 in C-125C). Plaintiff Parties anticipate filing one joint or two related replies. This effort requires coordination among the Plaintiff Parties.
2. Counsel for Mineral County lives in the vicinity of Taos, New Mexico, where extraordinarily severe weather and extreme cold, snow and high winds last week caused natural gas and electrical service to Taos and surrounding communities in northern New Mexico to be disrupted, starting Thursday, February 3, 2011. Beginning that day, significant numbers of homes and offices that depend on natural gas were without heat, including counsel’s office and home. Counsel was forced to close his office during this period. Outdoor temperatures have been as low as 46° below 0° (considering wind chill) and 26° below 0° (without considering wind chill). Although gas service was restored to counsel’s home and office in the afternoon of February 7, some area homes are still without gas service and intermittent losses of electricity continue.
3. The Governor of New Mexico declared a state of emergency on Thursday, February 3, 2011, which remains in effect due to the continuing severe weather and gas and electrical

1 outages. The State and National Guard were called in to assist with restoring gas
2 services.

3
4 4. A new storm headed into New Mexico on Tuesday, February 8, 2011. Although Mineral
5 County counsel's gas services were restored late on February 7, 2011, he was forced to
6 close his office once again. As of February 9, 2011, his office is open and he reports that
7 some level of normalcy appears to be returning to the area.

8 5. These circumstances have significantly interfered with Mineral County counsel's ability
9 to work on the reply and coordinate with counsel for the United States and the Tribe.

10 6. Although Mineral County counsel initially suggested an extension of time until Friday,
11 February 18, 2011, that conflicts with another filing obligation of the United States.
12 Undersigned counsel for the United States has a statutory deadline of February 22, 2011,
13 to file several hundred objections in one basin of the Montana water rights adjudication.
14 It is not possible to extend this deadline and she will be working with her client agency
15 and office staff through the 18th to get the objections mailed, so they can be received by
16 the Court on Tuesday, February 22, 2011 (Monday is a federal holiday).

17 7. Counsel for the United States has contacted counsel for the Primary Defendants
18 concerning this request. All of them that responded concurred in this request.¹

19
20 NOW, THEREFORE, based upon the foregoing, Plaintiff Parties respectfully request that
21 the Court grant this Unopposed Motion, and extend the time for Plaintiff Parties to file any
22 replies, including any revisions to the proposed orders, to on or before February 23, 2011.
23

24 Respectfully submitted,

25 WALKER RIVER PAIUTE TRIBE

26 U.S. DEPARTMENT OF JUSTICE

27
28 ¹ Attorney John Howard did not respond, but his client has not taken a substantive position on these issues.

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ORDER

Dated: February ____, 2011.

IT IS SO ORDERED.

Lawrence R. Leavitt
United States Magistrate Judge

CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of February 2011, I electronically filed the foregoing **Petition for Approval of Modification of the Walker River Decree on Behalf of the Yerington Paiute Tribe** with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following via their email addresses:

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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 9th day of February 2011:

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