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5

6 **UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF NEVADA**

8 UNITED STATES OF AMERICA,)
9 Plaintiff,)

10 WALKER RIVER PAIUTE TRIBE,)
11 Plaintiff-Intervenor,)

12 vs.)

13 WALKER RIVER IRRIGATION DISTRICT,)
14 a corporation, et al.,)
15 Defendants.)

16 MINERAL COUNTY,)
17 Proposed-Plaintiff-Intervenor,)

18 vs.)

19 WALKER RIVER IRRIGATION DISTRICT)
20 a corporation, et al.)
21 Proposed Defendants.)

IN EQUITY NO. C-125-ECR
Subproceedings: C-125-B & C-125-C
3:73-CV-00127-ECR- LRL &
3:73-CV-00128-ECR- LRL

**UNOPPOSED MOTION FOR
EXTENSION OF TIME TO FILE
RESPONSE TO WALKER RIVER
IRRIGATION DISTRICT’S
OBJECTIONS TO RULINGS OF
MAGISTRATE JUDGE WITH
RESPECT TO REVISED
PROPOSED ORDERS AND
AMENDED ORDERS
CONCERNING SERVICE ISSUES
PERTAINING TO DEFENDANTS
WHO HAVE BEEN SERVED**

ORDER GRANTING

22 Pursuant to Rule 6(b) of the Federal Rules of Civil Procedure and LR 6-1 and LR 6-2,
23 counsel for the Mineral County moves the Court for an order extending the time for the Walker
24 River Paiute Tribe, United States of America, and Mineral County (“Plaintiff Parties”) to file
25 their response to the Walker River Irrigation District’s Objections to Rulings of Magistrate Judge
26 With Respect to Revised Proposed Orders and Amended Orders Concerning Service Issues

1 Pertaining to Defendants Who Have Been Served (“WRID’s objections”) (C-125-B Docs. 1652
2 & 1653; C-125-C Docs. 543 & 544) from on or before September 29, 2011, to on or before
3 December 2, 2011.

4 In support of this Motion, counsel for Mineral County represents the following to the
5 Court:

- 6
7 1. At the request of Plaintiff Parties, Magistrate Judge Leavitt held a telephonic status
8 conference on October 19, 2010, for the purpose of addressing pending service issues.
9 (Order, C-125-B Doc. 1598; C-125-C Doc. 512).
- 10 2. Pursuant to the status conference and by Stipulation and Order dated December 9, 2010,
11 and December 15, 2010, respectively, the Court established a schedule for filing
12 proposed service cutoff and successor-in-interest orders in C-125-B and C-125-C as well
13 as memoranda related to objections, if any, to the proposed orders. (C-125-B Doc. 1616;
14 C-125-C Doc. 518).
- 15 3. Pursuant to the Court’s direction, on November 30, 2010, the United States and Walker
16 River Paiute Tribe filed a proposed Service Cut-Off order in subproceeding C-125-B and
17 the United States, Walker River Paiute Tribe, and Mineral County filed joint proposed
18 Successor-in-Interest Orders in subproceedings C-125-B and C-125-C. (C-125-B Docs.
19 1613 & 1614; C-125-C Doc. 516).
- 20 4. In late 2010 and early 2011, the Court extended the filing deadlines related to the
21 proposed orders three times, twice for Primary Defendants and once for the Plaintiff
22 Parties. (C-125-B Docs. 1617, 1620, 1627; C-125-C Docs. 519, 521, 528).
- 23 5. After briefing in early 2011, on August 24, 2011, Magistrate Judge Leavitt issued
24 identical Revised Proposed Orders Concerning Service Issues Pertaining to Defendants
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1 Who Have Been Served in both subproceedings 125-B and 125-C. (C-125-B Doc. 1649,
2 C-125-C Doc. 540).

3 6. On August 26, 2011, Magistrate Judge Leavitt issued an Amended Order Concerning
4 Service Issues Pertaining to Defendants Who Have Been Served in subproceeding C-125-
5 B. (C-125-B Doc. 1650).

6 7. On September 6, 2011, Magistrate Judge Leavitt issued an identical Amended Order
7 Concerning Service Issues Pertaining to Defendants Who Have Been Served in
8 subproceeding C-125-C. (C-125-C Doc. 542).

9 8. The amended orders contained attachments not included in the August 24, 2011, orders,
10 but are otherwise identical to the August 24 orders.

11 9. On September 12, 2011, WRID filed Objections to Rulings of Magistrate Judge With
12 Respect to Revised Proposed Orders and Amended Orders Concerning Service Issues
13 Pertaining to Defendants Who Have Been Served, challenging the Magistrate Judge's
14 August 24, August 26, and September 6 orders. (C-125-B Docs. 1652 & 1653; C-125-C
15 Docs. 543 & 544).

16 10. On that same day, Circle Bar N Ranch, LLC, and Mica Farms, LLC joined in WRID's
17 objections. (C-125-B Doc. 1654; C-125-C Doc. 545).

18 11. Pursuant to LR IB 3-1 and Rule 6(d) of the Federal Rules of Civil Procedure, the deadline
19 for responses to WRID's objections is September 29, 2011.

20 12. Just as the three Plaintiff Parties submitted joint filings on successor-in-interest issues
21 before Magistrate Judge Leavitt, the Walker River Paiute Tribe, United States of
22 America, and Mineral County plan to submit a joint response to WRID's objections and
23 will need to work collaboratively on that response.
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1 13. Attorneys for Mineral County currently are preparing for a six (6) week administrative
2 hearing, effectively a trial, before the Nevada State Engineer that is set to begin
3 September 26, 2011, and will run through November 18, 2011, with a two week
4 intermission in late October during which time counsel for Mineral County will be
5 engaged in intense preparation for the second half of the hearing.
6

7 14. Counsel for Mineral County is coordinating work on the joint response with counsel for
8 the United States and Walker River Paiute Tribe, and will endeavor to accomplish as
9 much as possible during the intermission in the State Engineer's administrative hearing in
10 order to file the joint response as soon as possible.

11 15. However, due to the intensity and level of preparation required for that hearing, counsel
12 for Mineral County likely will not have sufficient time to ensure that Mineral County's
13 interests and positions are adequately addressed in the response to WRID's objections
14 until after the completion of the hearing and the Thanksgiving holiday that immediately
15 follows.
16

17 16. Therefore, Mineral County requests an extension until December 2, 2011, in which to file
18 a joint response to WRID's objections.

19 17. Counsel for Mineral County has contacted counsel for Primary Defendants concerning
20 this request for an extension and none of the Primary Defendants has objected to it..
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1 NOW, THEREFORE, based upon the foregoing, Mineral County respectfully requests
2 that the Court grant this Unopposed Motion, and extend the time for Plaintiff Parties to file their
3 response to WRID's objections, to on or before December 2, 2011, which would give counsel for
4 Mineral County sufficient time to work with the United States and Walker River Paiute Tribe to
5 prepare that response.
6

7
8 Respectfully submitted this 23rd day of September, 2011,

9 ADVOCATES FOR COMMUNITY &
10 ENVIRONMENT

11 By: /s/_____

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13 Nevada Bar No. 11155
14 P.O. Box 1075
15 El Prado, New Mexico 87529
16 *Attorney for Mineral County*

17 **ORDER**

18 Dated: September 28, 2011.

19 IT IS SO ORDERED.

20
21 
22 Edward C. Reed.
23 United States District Judge
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CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of September, 2011, I electronically filed the foregoing **UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE RESPONSE TO WALKER RIVER IRRIGATION DISTRICT'S OBJECTIONS TO RULINGS OF MAGISTRATE JUDGE WITH RESPECT TO REVISED PROPOSED ORDERS AND AMENDED ORDERS CONCERNING SERVICE ISSUES PERTAINING TO DEFENDANTS WHO HAVE BEEN SERVED** 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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C-125-B/C-125-C: Mineral County Request for Extension

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27 and I further certify that I served or caused to have served a true and correct copy of the
28 foregoing **UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE RESPONSE**
TO WALKER RIVER IRRIGATION DISTRICT'S OBJECTIONS TO RULINGS OF

**MAGISTRATE JUDGE WITH RESPECT TO REVISED PROPOSED ORDERS AND
AMENDED ORDERS CONCERNING SERVICE ISSUES PERTAINING TO DEFENDANTS**

WHO HAVE BEEN SERVED on the following non-CM/ECF participants by U.S Mail, postage prepaid, this 23rd day of September, 2011.

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Yerington, NV 89447

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State of Nevada
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John Kramer
Department of Water Resources
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Jim Shaw
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6		Minden, NV 89423
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17	Lona Marie Domenici-Reese	24 Panavista Circle
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18	Yerington, NV 89447	
19	Theodore A. and Annette M. Emens	John Gustave Ritter III
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21	L & M Family Limited Partnership	Sceirine Fredericks Ranch
22	Rife Sciarani & Co, RA	c/o Todd Sceirine
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24	Wallace J. & Linda P. Lee	Silverado, Inc.
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28	C-125-B/C-125-C: Mineral County Request for Extension	

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5	Yerington, NV 89447	Yerington, NV 89447
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8	Nancy J. Nuti	Susan Steneri
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10	Smith, NV 89430	Yerington, NV 89447
11	Athena Brown, Superintendent	R. C. Howard
11	Western Nevada Agency	Hale Lane Peek, Dennison & Howard
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18	Walker Lake GID	McCutchen, Doyle, Brown, et.al.
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19	Walker Lake, NV 89415	Suite 1800
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/s/

NOEL SIMMONS