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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  
27

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

1 **MAGISTRATE JUDGE WITH RESPECT TO REVISED PROPOSED ORDERS AND**  
2 **AMENDED ORDERS CONCERNING SERVICE ISSUES PERTAINING TO DEFENDANTS**  
3 **WHO HAVE BEEN SERVED** on the following non-CM/ECF participants by U.S Mail, postage  
4 prepaid, this 23rd day of September, 2011.

5 Ken Spooner  
6 Walker River Irrigation District  
7 P.O. Box 820  
8 Yerington, NV 89447

Jason King  
State Engineer – Division of Water Resources  
State of Nevada  
901 S. Stewart Street  
Carson City, NV 89701

9 John Kramer  
10 Department of Water Resources  
11 1416 Ninth Street, Room 1118  
12 Sacramento, CA 94814

Jim Shaw  
Chief Dep. Water Commissioner  
U.S. Board of Water Commissioners  
P.O. Box 853  
Yerington, NV 89447

13 Robert L. Hunter, Superintendent  
14 Western Nevada Agency  
15 Bureau of Indian Affairs  
16 311 E. Washington Street  
17 Carson City, NV 89701-4065

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100 N. Carson St.  
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18 Leo Drozdoff  
19 Dept. of Conservation & Natural Resources  
20 State of Nevada  
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6		Minden, NV 89423
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8	Post Office Box 3948	Lewis Cooper, Trustee
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17	Lona Marie Domenici-Reese	24 Panavista Circle
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19	Theodore A. and Annette M. Emens	John Gustave Ritter III
20	5A W. Pursel Lane	34 Aiazzi Lane
	Yerington, NV 89447	Yerington, NV 89447
21	L & M Family Limited Partnership	Sceirine Fredericks Ranch
22	Rife Sciarani & Co, RA	c/o Todd Sceirine
	22 HWY 208	3100 Hwy 338
23	Yerington, NV 89447	Wellington, NV 89444
24	Wallace J. & Linda P. Lee	Silverado, Inc.
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28	C-125-B/C-125-C: Mineral County Request for Extension	

