

1 Simeon M. Herskovits, Nevada Bar No. 11155  
Advocates for Community and Environment  
2 P.O. Box 1075  
3 El Prado, New Mexico 87529  
(575) 758-7202  
4 simeon@communityandenvironment.net  
*Attorney for Mineral County, Nevada*  
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  
Subproceeding: C-125-C  
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 SEPTEMBER 27,  
2011 ORDER CONCERNING  
SERVICE ISSUES**

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 Mineral  
24 County to file its response to the Walker River Irrigation District's Objections to Rulings of  
25 Magistrate Judge With Respect to September 27, 2011 Order Concerning Service Issues  
26  
27

1 (“WRID’s objections”) (C-125-C Docs. 552 & 553) from on or before October 31, 2011, to on or  
2 before December 2, 2011.

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

- 5 1. On August 29, 2008, Mineral County filed a service report and proposed order in  
6 subproceeding C-125-C. (C-125-C Docs. 479 & 480).
- 7 2. On November 21, 2008, WRID filed a response to Mineral County’s service report. (C-  
8 125-C Doc. 488).
- 9 3. On January 23, 2009, Mineral County filed a reply to WRID’s response to Mineral  
10 County’s service report. (C-125-C Doc. 496).
- 11 4. On September 27, 2011, Magistrate Judge Leavitt issued an Order in subproceeding C-  
12 125-C ruling on Mineral County’s service report filings of August 29, 2008 and January  
13 23, 2009. (C-125-C Doc. 547).
- 14 5. October 14, 2011, WRID filed Objections to Rulings of Magistrate Judge with Respect to  
15 September 27, 2011 Order Concerning Service Issues. (C-125-C Docs. 552 & 553).
- 16 6. On that same day, Circle Bar N Ranch, LLC, and Mica Farms, LLC joined in WRID’s  
17 objections. (C-125-C Doc. 554).
- 18 7. 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 October 31, 2011.
- 20 8. Counsel for Mineral County currently is engaged in a six (6) week administrative  
21 hearing, effectively a trial, before the Nevada State Engineer that began September 26,  
22 2011, and will run through November 18, 2011, with a two week intermission in late  
23 October.
- 24
- 25
- 26
- 27
- 28

- 1 9. That two week intermission is nearly done and counsel for Mineral County has been  
2 continuously engaged in intense preparations for the second half of the hearing  
3 throughout the intermission.
- 4 10. Counsel for Mineral County has endeavored to accomplish as much as possible during  
5 the intermission in the State Engineer's administrative hearing in order to file a response  
6 as soon as possible.
- 7 11. However, due to the intensity and level of preparation required for that hearing, counsel  
8 for Mineral County likely will not have sufficient time to properly respond to WRID's  
9 objections until after the completion of the hearing and the Thanksgiving holiday that  
10 immediately follows.
- 11 12. For these reasons, on September 28, 2011, the Court granted Mineral County's request  
12 for extension of time within which Plaintiff Parties must file a joint response to WRID's  
13 objections to the Magistrate Judge's orders on successors-in-interest to on or before  
14 December 2, 2011. (C-125-B Doc 1661; C-125-C Doc. 549).
- 15 13. Mineral County requests the same extension to on or before December 2, 2011, in which  
16 to file a response to WRID's October 14, 2011 objections to the Magistrate Judge's  
17 September 27, 2011 order.
- 18 14. Counsel for Mineral County has contacted counsel for Primary Defendants concerning  
19 this request for an extension and none of the Primary Defendants has objected to it.  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 NOW, THEREFORE, based upon the foregoing, Mineral County respectfully requests  
2 that the Court grant this Unopposed Motion, and extend the time for Mineral County to file its  
3 response to WRID's objections, to on or before December 2, 2011, which would give counsel for  
4 Mineral County sufficient time to prepare that response.

5  
6 Respectfully submitted this 27<sup>th</sup> day of October, 2011,  
7

8 ADVOCATES FOR COMMUNITY &  
9 ENVIRONMENT

10 By: /s/  
11 Simeon M. Herskovits  
12 Nevada Bar No. 11155  
13 P.O. Box 1075  
14 El Prado, New Mexico 87529  
15 *Attorney for Mineral County*

16 **ORDER**

17 Dated: November 4, 2011.

18 IT IS SO ORDERED.

19   
20 Edward C. Reed.  
21 United States District Judge

22 3:73-cv-00128-ECR-RAM  
23  
24  
25  
26  
27