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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEVADA

11	UNITED STATES OF AMERICA,	)	IN EQUITY NO. C-125
		)	
12	Plaintiff,	)	
		)	SUBFILE NO. C-125-C
13	WALKER RIVER PAIUTE TRIBE,	)	3:73-cv-00128-RCJ-WGC
		)	
14	Plaintiff-Intervenor,	)	<b>WALKER RIVER IRRIGATION</b>
		)	<b>DISTRICT'S COMMENTS ON</b>
15	v.	)	<b>MINERAL COUNTY'S REPORT</b>
		)	<b>CONCERNING STATUS AND</b>
16	WALKER RIVER IRRIGATION DISTRICT,	)	<b>COMPLETION OF SERVICE AND</b>
17	a corporation, et al.,	)	<b>RELATED SERVICE PACKAGE</b>
		)	
18	Defendants.	)	
		)	
19	_____	)	
		)	
20	MINERAL COUNTY,	)	
		)	
21	Proposed-Plaintiff-Intervenor,	)	
		)	
22	v.	)	
		)	
23	WALKER RIVER IRRIGATION DISTRICT,	)	
24	et al.,	)	
		)	
25	Proposed Defendants.	)	
		)	
26	_____	)	

1 Pursuant to the Court's Order of May 9, 2012 (Doc. # 594), Mineral County has  
2 submitted its Report Concerning Status and Completion of Service and its Proposed Order  
3 Relating to Completion of Service. Doc. #s 595 and 596. The Walker River Irrigation District  
4 (the "District") hereby submits its comments on the Proposed Order Relating to Completion of  
5 Service.<sup>1</sup>

6  
7 Paragraph 2 of the Proposed Order states:

8 "The updated caption submitted by Mineral County is hereby approved as  
9 accurate and current, and is attached hereto as Attachment B."

10 Para. 2 at p. 3, Ins. 20-21. [Emphasis added]. Similar language was included in Magistrate  
11 Judge Leavitt's Order Concerning Service Issues, dated September 27, 2011. Doc. # 547 at 1.  
12 The District objected to that portion of Magistrate Judge Leavitt's Order. *See*, Doc. # 552 at 2;  
13 Doc. # 553 at 11-12. The relevant language in Magistrate Judge Leavitt's Order was that the  
14 caption was "approved as accurate and valid." Doc. # 547 at 1.

15 As a result of the District's objection, and Mineral County's response thereto, the Order  
16 overruling the District's objection specifically stated that it was agreed that "approved as  
17 accurate and valid" was "meant only to reflect all previous Orders of the Court that added and  
18 dismissed parties." Doc. # 592 at 23. Therefore, the District requests that paragraph 2 of the  
19 Proposed Order be revised to read as follows:

20  
21 "The updated caption submitted by Mineral County attached hereto as Attachment  
22 B is hereby approved as accurate and valid because it is consistent with all  
previous Orders of the Court that added and dismissed parties."

23 This revised and additional language is proposed because it is consistent with Magistrate  
24 Judge Leavitt's order and Judge Reed's construction of it. In addition, without that additional  
25 language, the words "accurate and current" will be construed to mean that the Court found that  
26

27  
28 <sup>1</sup> The District recognizes and acknowledges the decisions made by the Order of April 23, 2012,  
Doc. # 592, overruling the District's objections to Doc. # 552 and 553, and has limited its  
comments here so as to avoid raising issues resolved by that April 23, 2012 Order.

1 the caption reflects the list of persons and entities who actually are the claimants to the waters of  
2 the Walker River and its tributaries as of the date the Court enters the order in August of 2012.  
3 The caption is not that, and the previous orders of the Court do not require it to be that.  
4 However, it is consistent with the previous orders of the Court that added and dismissed parties.

5 DATED this 13<sup>th</sup> day of July, 2012.

6  
7 WOODBURN AND WEDGE

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**CERTIFICATE OF SERVICE**

I certify that I am an employee of Woodburn and Wedge and that on July 13, 2012, I electronically served the foregoing *Walker River Irrigation District's Comments on Mineral County's Report Concerning Status and Completion of Service and Related Service Package* in Case No. 3:73-cv-00128-RCJ-WGC with the Clerk of the Court using the CM/ECF system, which will notify the following via their email addresses:

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I further certify that I served a copy of the foregoing in Case No. 3:73-cv-00128-RCJ-WGC to the following by U.S. Mail, postage prepaid, this 13<sup>th</sup> day of July, 2012:

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