

1 UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,)
4)
5 Plaintiff,)
6)
7 WALKER RIVER PAIUTE TRIBE,)
8)
9 Plaintiff-Intervenor,)
10 vs.)
11)
12 WALKER RIVER IRRIGATION DISTRICT,)
13 a corporation, et al.,)
14)
15 Defendants.)

16 MINERAL COUNTY,)
17)
18 Proposed-Plaintiff-Intervenor,)
19 vs.)
20)
21 WALKER RIVER IRRIGATION DISTRICT,)
22 a corporation, et al.,)
23)
24 Proposed Defendants.)
25)

IN EQUITY NO. C-125-RCJ-WGC
Subproceeding: C-125-C

3:73-CV-00128-RCJ-WGC

**[PROPOSED] ORDER SETTING
BRIEFING SCHEDULE FOR
MINERAL COUNTY'S MOTION
FOR INTERVENTION AND
AMENDED COMPLAINT IN
INTERVENTION**

26 On October 25, 1994, Mineral County filed a Notice of Motion and Motion for
27 Intervention and a Petition to Intervene in the C-125-B case seeking to intervene in this action
28 and asserting a claim for water on behalf of Walker Lake pursuant to the Public Trust doctrine.
(C-125-B Doc. Nos. 31-32). On January 3, 1995, the Court created subfile C-125-C, or 3:73-
CV-128 to cover Mineral County's Motion for Intervention and claim on behalf of Walker Lake.
Minutes of the Court, at 1 (C-125-C Doc. No. 1).¹ Initially, neither the Court nor the parties
understood the amount of time and effort that would be required to complete service in this

1 subproceeding or the C-125-B subproceeding, and the Court set schedules for the completion of
2 service and briefing on Mineral County's Motion for Intervention. After adjusting the schedule
3 to provide more time for completion of service, it became apparent that completion of service
4 would take an undetermined amount of time beyond the schedules that the Court set.

5 Consequently, on January 8, 1999, the Court vacated the schedule and deferred setting new
6 deadlines for briefing on Mineral County's Motion for Intervention until the completion of
7 service. Order Granting Joint Ex Parte Application to Vacate Schedule for Filing Responses to
8 Mineral County's Motion to Intervene, at 4-5 (Doc. No. 247).

10 Over the ensuing years Mineral County has completed service on the vast majority of
11 proposed defendants, and currently is making its final service efforts. Pursuant to the Court's
12 Order dated August 2, 2012 (Doc. No. 605), the deadline for completion of Rule 4 service in the
13 C-125-C subproceeding now is March 1, 2013. At status conferences held on August 2 and
14 August 22, 2012, the parties and the Court discussed briefing Mineral County's Motion for
15 Intervention prior to the completion of final service efforts. Because service is virtually
16 complete, and in an effort to move the case forward, the Court has determined that briefing on
17 Mineral County's Motion for Intervention may proceed prior to the completion of Mineral
18 County's final service efforts. After Mineral County's final service efforts are complete, the
19 Court will provide an opportunity for supplemental briefing on intervention for those defendants
20 who are served too late to take advantage of the briefing schedule ordered below.
21
22
23
24
25

26 ¹ Unless otherwise noted, all subsequent Court document references in this Order are to C-125-C
27 documents.

THEREFORE, IT IS HEREBY ORDERED as follows:

1. Mineral County shall file its opening brief in support of intervention no later than October 31, 2012.
2. Responses shall be filed no later than December 14, 2012.
3. Mineral County shall file a reply no later than January 14, 2013.

DATED: _____, 2012.

United States Magistrate Judge

Respectfully submitted this 2nd day of October, 2012,

/s/ SIMEON M. HERSKOVITS

Simeon M. Herskovits, Nevada Bar No. 11155
Advocates for Community and Environment
P.O. Box 1075
El Prado, New Mexico 87529
Phone: (575) 758-7202
Fax: (575) 758-7203
Email: simeon@communityandenvironment.net

/s/ SEAN A. ROWE

Sean A. Rowe, Nevada Bar No. 10977
Mineral County District Attorney
P.O. Box 1210
Hawthorne, Nevada 89415
Phone: (775) 945-3636
Fax: (775) 945-0740
Email: srowe@mineralcountynv.org

Attorneys for Mineral County

CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of October, 2012, I electronically filed the foregoing **[PROPOSED] ORDER SETTING BRIEFING SCHEDULE FOR MINERAL COUNTY'S MOTION FOR INTERVENTION AND AMENDED COMPLAINT IN INTERVENTION** with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the email addresses that are registered for this case; and I further certify that on this 2nd day of October, 2012, I caused a copy of the forgoing to be served on the following non CM/ECF participants by U.S. Mail, postage prepaid:

Athena Brown, Superintendent
Western Nevada Agency
Bureau of Indian Affairs
311 E. Washington Street
Carson City, NV 89701-4065

District Attorney for Lyon County
31 South Main Street
Yerington, NV 89447

Leo Drozdoff
Dept. of Conservation & Natural Res.
State of Nevada
901 S. Stewart St.
Suite 1003
Carson City, NV 89701

William J. Shaw
Brooke & Shaw, Ltd
P.O. Box 2860
Minden, NV 89423

Jason King, State Engineer
Division of Water Resources
State of Nevada
901 S. Stewart St., Suite 202
Carson City, NV 89701

George M. Keele
1692 County Road, Ste. A
Minden, NV 89423

Arthur B. Walsh
Los Angeles City Attorney's Office
PO Box 51-111
111 North Hope Street, Suite 340
Los Angeles, CA 90054

Norman C. Annett
Annett's Mono Village
Twin Lakes Enterprises
P.O. Box 455
Bridgeport, CA 93517

William Quinn
Office of the Field Solicitor
Department of the Interior
401 W. Washington St., SPC 44
Phoenix, AZ 85003

Silverado, Inc.
c/o Scott Shackelton
4160 Long Knife Road
Reno, NV 89509

Rachel Tholke Trust
c/o Dawn Cooper, Trustee
P.O. Box 97
Coleville, CA 96107

Beverly Sceirine
P.O. Box 249
Yerington, NV 89447

David Parraguirre
1700 Wendy Way
Reno, NV 89509

David Sceirine
P.O. Box 1013
Yerington, NV 89447

Deborah Hartline
P.O. Box 1343
Quincy, CA 95971

Joe Sceirine
P.O. Box 1013
Yerington, NV 89447

Margaret & Terry Hawkins
945 E. Main Street, #168
Fernley, NV 89801

Stan Hunewill
Hunewill Ranch
P.O. Box 368
Bridgeport, CA 93517

Tom Talbot
TALBOT LAND & LIVESTOCK
1650 North Sierra Highway
Bishop, CA 93514

William Weaver
Sweetwater Ranch
2535 State Road 338
Wellington, NV 89444

Kenneth Spooner
Walker River Irrigation District
P.O. Box 820
Yerington, NV 89447

Robert Hunter
Western Nevada Agency
Bureau of Indian Affairs
311 E. Washington Street
Carson City, NV 89701-4065

Richard Fulstone
F.M. Fulstone
2022 Nevada State Highway No. 208
P.O. Box 61
Smith, NV 89430

Garry Stone
Water Master
290 South Arlington Ave
Reno, NV 89501

Twelves Family Trust
c/o Roy Snyder, Trustee
4164 South Syracuse
Denver, CO 80237

R.A. Pelayo
5336 Awbury 7 Ave
Las Vegas, NV 89110

Wesley Beverlin
Malissa Hathaway McKeith
Lewis, Brisbois, Bisgaard, & Smith LCP
221 N. Figueroa St., Suite 1200
Los Angeles, CA 90012

Desert Hills Dairy, LLC
402 N. Division Street
Carson City, NV 89703

R.C. Howard
Hale, Lane, Peek, Dennison & Howard
P.O. Box 3237
Reno NV 89505

James Fousekis
2848 Garber Street
Berkeley, CA 94705

Gary A. Sheerin,
Law Office Of Gary A. Sheerin
177 W. Proctor Street, Suite B
Carson City, NV 89703

John Howard
JW Howard Attorneys
625 Broadway, Suite 1206
San Diego, CA 92101

Brad M. Johnson
Peri & Peri
430 Highway 339
Yerington, NV 89447

Clear View Ranch, LLC
402 N. Division Street
Carson City, NV 89703

/s/ Noel Simmons
Noel Simmons