

1 UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA, )

4 Plaintiff, )

5 WALKER RIVER PAIUTE TRIBE, )

6 Plaintiff-Intervenor, )

7 vs. )

8 WALKER RIVER IRRIGATION DISTRICT, )

9 a corporation, et al., )

10 Defendants. )

11 MINERAL COUNTY, )

12 Proposed-Plaintiff-Intervenor, )

13 vs. )

14 WALKER RIVER IRRIGATION DISTRICT, )

15 a corporation, et al., )

16 Proposed Defendants. )

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**

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

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

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**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**  
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\_\_\_\_\_  
/s/ **SEAN A. ROWE**  
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*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  
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4160 Long Knife Road  
Reno, NV 89509

**[Proposed] Order Setting Briefing Schedule for Mineral County's Motion for Intervention and Amended Complaint in Intervention**

1	Rachel Tholke Trust	Beverly Sceirine
2	c/o Dawn Cooper, Trustee	P.O. Box 249
3	P.O. Box 97	Yerington, NV 89447
4	Coleville, CA 96107	
5	David Parraguire	David Sceirine
6	1700 Wendy Way	P.O. Box 1013
7	Reno, NV 89509	Yerington, NV 89447
8	Deborah Hartline	Joe Sceirine
9	P.O. Box 1343	P.O. Box 1013
10	Quincy, CA 95971	Yerington, NV 89447
11	Margaret & Terry Hawkins	Stan Hunewill
12	945 E. Main Street, #168	Hunewill Ranch
13	Fernley, NV 89801	P.O. Box 368
14		Bridgeport, CA 93517
15	Tom Talbot	William Weaver
16	TALBOT LAND & LIVESTOCK	Sweetwater Ranch
17	1650 North Sierra Highway	2535 State Road 338
18	Bishop, CA 93514	Wellington, NV 89444
19	Kenneth Spooner	Robert Hunter
20	Walker River Irrigation District	Western Nevada Agency
21	P.O. Box 820	Bureau of Indian Affairs
22	Yerington, NV 89447	311 E. Washington Street
23		Carson City, NV 89701-4065
24	Richard Fulstone	Garry Stone
25	F.M. Fulstone	Water Master
26	2022 Nevada State Highway No. 208	290 South Arlington Ave
27	P.O. Box 61	Reno, NV 89501
28	Smith, NV 89430	
29	Twelves Family Trust	R.A. Pelayo
30	c/o Roy Snyder, Trustee	5336 Awbury 7 Ave
31	4164 South Syracuse	Las Vegas, NV 89110
32	Denver, CO 80237	
33	Wesley Beverlin	Desert Hills Dairy, LLC
34	Malissa Hathaway McKeith	402 N. Division Street
35	Lewis, Brisbois, Bisgaard, & Smith LCP	Carson City, NV 89703
36	221 N. Figueroa St., Suite 1200	
37	Los Angeles, CA 90012	

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10 /s/ Noel Simmons  
11 Noel Simmons

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