

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

1 UNITED STATES OF AMERICA,)
2)
3 Plaintiff,)
4)
5 WALKER RIVER PAIUTE TRIBE,)
6)
7 Plaintiff-Intervenor,)
8 vs.)
9 WALKER RIVER IRRIGATION DISTRICT,)
10 a corporation, et al.,)
11)
12 Defendants.)

IN EQUITY NO. C-125-MMD
Subproceeding: 3:73-CV-00128-MMD-CSD

NOTICE BY PUBLICATION IN LIEU
OF SUMMONS

11 MINERAL COUNTY,)
12)
13 Plaintiff-Intervenor,)
14 vs.)
15 WALKER RIVER IRRIGATION DISTRICT,)
16 a corporation, et al.,)
17)
18 Defendants.)

19 TO:

20 **ALL UNKNOWN PERSONS AND ENTITIES WHO ARE OR CLAIM TO BE:** (1) a
21 claimant to the waters of the Walker River and its tributaries, which claimants include: (a) all
22 persons, corporations, institutions, associations, or other entities, which are shown by the records
23 of the United States Board of Water commissioners to presently hold a water right determined
24 and adjudicated by the Final Decree entered in this action on April 14, 1936, as amended April
25 24, 1940; and (b) all persons, corporations, institutions, associations, or other entities who
26 appropriated water from the Walker River or its tributaries after entry of the Final Decree in this
27 action; and all persons, corporations, institutions, associations, or other entities who have
28 intervened or been named as respondents in this action after entry of that Final Decree; or (2) a
holder of riparian water rights in the California portion of the Walker River Basin.

YOU ARE HEREBY NOTIFIED that the Federal District Court for the District of Nevada has
identified the above categories of persons and entities to be served as defendants in this
subproceeding. *Order Requiring Service of and Establishing Briefing Schedule Regarding the
Motion to Intervene of Mineral County* (Feb. 9, 1995) (ECF 19); *Transcript of Proceedings*, at
28-30 (Nov. 4, 2013) (ECF 737). You are further notified that a civil action has been filed in the
United States District Court in Reno, Nevada, entitled *Mineral County v. Walker River Irrigation*
Notice by Publication in Lieu of Summons

1 *District, et al.*, and assigned the following court docket number: In Equity C-125, Subfile C-128
2 (3:73-CV-00128-MMD-CSD). In this action, Mineral County, claims that the State of Nevada
3 and the Decree Court are obligated under the Public Trust Doctrine to modify the management of
4 the Walker River system, including modifications to the rules and regulations governing the
administration of the Walker River Decree, so as to ensure adequate average annual inflows to
Walker Lake.

5 If you are a water rights holder in any of the above categories, have not already appeared in this
6 matter, and wish to participate in this action or object to Mineral County's claims, you are
7 required to file, within sixty (60) days of the last publication of this Notice, a Notice of
8 Appearance and Intent to Participate in the United States District Court for the District of
9 Nevada. A Notice of Appearance and Intent to Participate must include the following
10 information: (a) name, mailing address, telephone number, and e-mail address (if any) of the
11 person/entity submitting the notice; and (b) name, mailing address, telephone number, and e-mail
12 address of attorney (if any) who will represent the identified person/entity. Attorneys appearing
13 on the behalf of any person or entity must file a Notice of Appearance and Intent to Participate
14 using the Court's EM/ECF filing system. Any person not represented by an attorney must file a
Notice of Appearance and Intent to Participate by mailing it to the Court at: Chief Deputy Clerk,
United States District Court for the District of Nevada, 400 South Virginia Street, Suite 301,
Reno, Nevada 89501. Any person not represented by an attorney must either consent to receive
ongoing notice of filings in this case by e-mail, or apply to the Court to receive ongoing notice
by mail by filing the appropriate notice of appearance form consistent with the forms attached to
the Court's July 19, 2021, *Order Approving Mineral County Service Package* (ECF 944).

15 Responses to Mineral County's Second Amended Complaint in Intervention from parties who
16 have not received notice or been served prior to this *Notice by Publication* shall be filed ninety
(90) days from the last date of publication of this Notice by Publication in Lieu of Summons.

17 If you file a Notice of Appearance and Intent to Participate you will receive notification of all
18 subsequent filings and will have the opportunity to participate in this case. If you do not file a
19 Notice of Appearance and Intent to Participate, the Court will address and resolve Mineral
20 County's claim without your participation. No default will be taken against you for failure to
appear, or for failure to respond to or otherwise defend against the *Second Amended Complaint*
in Intervention.

21 Additional Information:

22 The Court has established a website for this case so that all parties will have easy, free access to
23 documents filed in this case. The website is located at [https://www.nvd.uscourts.gov/case-](https://www.nvd.uscourts.gov/case-information/)
24 [information/](https://www.nvd.uscourts.gov/case-information/) (select "Mineral County case"). A number of documents appear on that website
25 that may be of use to you and inform you further of the nature and scope of this proceeding.
Your attention is directed to the following important documents which can be found at the ECF
Document Number indicated below on the Court's website:

- 26 1) Mineral County's Second Amended Complaint in Intervention (ECF 936);
27 2) Order Discontinuing Service by Mail (ECF 942);

28 Notice by Publication in Lieu of Summons

- 1 3) Order Relating to Completion of Service and Schedule for Responses to Mineral
- 2 County's Second Amended Complaint in Intervention (ECF 943);
- 3 4) Order Approving Mineral County's Service Package (ECF 944);
- 4 5) Principal Defendants' Joint Motion to Dismiss Mineral County's Second Amended
- 5 Complaint in Intervention Pursuant to Fed. R. Civ. P. 12(b)(1), 12(b)(6) and 12(b)(7)
- 6 (ECF 994);
- 7 6) Principal Defendants' Points and Authorities in Support of Motion to Dismiss Mineral
- 8 County's Second Amended Complaint in Intervention Pursuant to Fed. R. Civ. P.
- 9 12(b)(1), 12(b)(6) and 12(b)(7) (ECF 996);
- 10 7) Response to Principal Defendants' Motion to Dismiss Mineral County's Second
- 11 Amended Complaint in Intervention (ECF 1051);
- 12 8) Order to Allow Service by Publication (ECF ____);
- 13 9) Amended Order Concerning Service Issues Pertaining to Defendants Who Have Been
- 14 Served (ECF 542); and
- 15 10) Order Regarding Changes in Ownership of Water Rights (ECF 592).

16 This Notice is issued consistent with Rule 4 of the Federal Rules of Civil Procedure and the
17 orders referenced herein.

18 Date: 8/1/2022



19 CLERK OF COURT

20 *Debra K King*

21 *Signature of Clerk or Deputy Clerk*