

FILED  
BY \_\_\_\_\_  
JAN 24 1 34 PM '95

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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA

11 UNITED STATES OF AMERICA, )  
12 Plaintiff, )  
13 WALKER RIVER PAIUTE TRIBE, )  
14 Plaintiff-Intervenor, )  
15 vs. )  
16 WALKER RIVER IRRIGATION DISTRICT, )  
17 a corporation, et al., )  
18 Defendants. )

IN EQUITY NO. C-125-ECR  
SUBFILE NO. C-125-C

SUBMISSION PURSUANT TO  
MINUTE ORDER

JAN 24 5 17 PM '95  
CAROL C. HESSERD

19 Pursuant to the Court's Minute Order of January 3, 1995, in  
20 the above-referenced matter, the undersigned counsel of record  
21 hereby submit the following attached documents:

- 22 1. Order Requiring Service of and Establishing Briefing
- 23 Schedule Regarding the Motion to Intervene of Mineral County;
- 24 2. Notice of Motion to Intervene, Proposed Complaint-in-
- 25 Intervention and Motion for Preliminary Injunction of Mineral
- 26 County and Request for Waiver of Personal Service of Motions;
- 27 3. Waiver of Personal Service of Motions; and
- 28

1           4.    Notice in Lieu of Summons.

2           For the most part these documents are consistent with the  
3 Court's January 3, 1995 Minute Order. There are some differences  
4 between the schedule established by the Minute Order and the Order  
5 Requiring Service of and Establishing Briefing Schedule Regarding  
6 the Motion to Intervene of Mineral County. An additional document  
7 entitled "Notice in Lieu of Summons" is also included. The  
8 reasons for these variations from the Minute Order are set forth  
9 below.

10 **CHANGES IN SCHEDULE**

11           Rule 4(d)(2)(F) of the Federal Rules of Civil Procedure seems  
12 to require that a party be allowed at least 30 days in which to  
13 return a waiver of service. Counsel for Mineral County wanted to  
14 shorten that time to 15 days in order to allow more time for  
15 personal service. Some other counsel believed that the time could  
16 not or in any event should not be shortened. The order provides  
17 for 30 days. In order to meet the concern of Mineral County the  
18 date for completion of service and all other specific dates have  
19 been extended by 15 days.

20 **NOTICE IN LIEU OF SUMMONS**

21           Persons who do not return a waiver of service will have to be  
22 personally served. Because what is being served, at least  
23 initially, is a motion, rather than a complaint, it seemed that a  
24 document other than a summons was appropriate. The Notice in  
25 Lieu of Summons to be issued by the Clerk is submitted as that  
26 document.

27 **EXTENSION OF TIME**

28

1 This submission is made beyond the date set by the Court and  
2 to which the parties stipulated. The parties stipulate to  
3 extending the date for this submission to January 23, 1995.

4 DATED this 23<sup>rd</sup> day of January, 1995.

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16 Water Commissioners

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DAVID E. MOSER  
Attorneys for Cal-Trout, Inc.

25 By See Facsimile Signature attached  
26 JOHN P. LANGE  
27 Attorneys for the United States  
28 of America

**IT IS SO ORDERED**

Date: Jan. 24, 1995

Edward C. Reed,  
United States District Judge

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 2 to which the parties stipulated. The parties stipulate to  
 3 extending the date for this submission to January 23, 1995.

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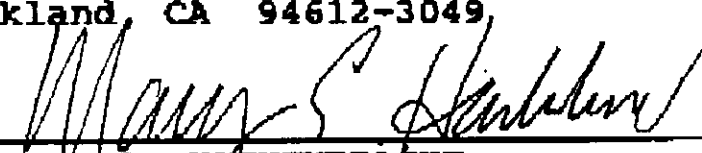
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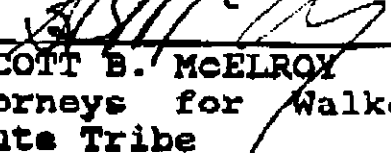
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