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MINERAL COUNTY OF NEVADA

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA, Plaintiff, WALKER RIVER PAIUTE TRIBE, Plaintiff-Intervenor, vs. WALKER RIVER IRRIGATION DISTRICT, a corporation, et al., Defendants.	IN EQUITY NO. C-125-ECR SUBFILE NO. C-125-C **SUBMISSION PURSUANT TO MINUTE ORDER**

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

1. Order Requiring Service of and Establishing Briefing Schedule Regarding the Motion to Intervene of Mineral County;

2. Notice of Motion to Intervene, Proposed Complaint-in-Intervention and Motion for Preliminary Injunction of Mineral County and Request for Waiver of Personal Service of Motions;

3. Waiver of Personal Service of Motions; and

4. Notice in Lieu of Summons.

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

CHANGES IN SCHEDULE

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

NOTICE IN LIEU OF SUMMONS

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

EXTENSION OF TIME

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

DATED this 23rd day of January, 1995.

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By See Facsimile signature attached
DAVID E. MOSER
Attorneys for Cal-Trout, Inc.

IT IS SO ORDERED

Date: Jan. 24, 1995

Edward C. Reed,
United States District Judge

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

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