U.S. DISTRICT COURT
DISTRICT OF NEVADA
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CLERK, U.S. DISTRICT COURT
DISTRICT OF NEVADA
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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 **ORDER REQUIRING SERVICE OF AND ESTABLISHING BRIEFING SCHEDULE REGARDING THE MOTION TO INTERVENE OF MINERAL COUNTY**

On January 3, 1995, a status conference was held in the above-entitled matter, at which conference the following counsel appeared: James Spoo and Treva J. Hearne for Mineral County, Nevada; John P. Lange for United States of America; Linda Bowman for United States Board Water Commissioners; Mary E. Hackenbracht for the California State Water Resources Control Board; Susan Joseph-Taylor for the State of Nevada; Gordon H. DePaoli for the Walker River Irrigation District; Scott B. McElroy for the Walker River Paiute Tribe; and David E. Moser for Cal-Trout, Inc.

At the status conference the Court considered scheduling and notice of the October 25, 1994, Motion of Mineral County, Nevada to Intervene in this action to assert a proposed complaint-in-intervention for water for Walker Lake. Based upon the discussions, argument, determinations, and rulings at the status conference, and good cause appearing, it is hereby ordered:

1. For the administrative convenience of the Court, the Clerk shall establish a new subfile in this action to be designated C-125-C in which all documents pertaining to the Motion to Intervene and proposed complaint-in-intervention of Mineral County, Nevada shall be placed and filed.

2. Within thirty (30) days of the entry of this Order, Mineral County shall file: (a) its revised motion to intervene; (b) its revised points and authorities in support thereof; (c) a revised proposed complaint-in-intervention which clarifies the basis for Mineral County's claims to water from the Walker River for Walker Lake and which identifies the persons or entities against whom such claims are proposed to be asserted; and (d) any motion for preliminary injunction, supporting points and authorities and any other supporting documents which Mineral County may choose to file. The documents filed pursuant to this paragraph 2 are hereinafter sometimes collectively referred to as "Mineral County's Intervention Documents."

3. On or before May 10, 1995, pursuant to Rule 4 of the Federal Rules of Civil Procedure, Mineral County shall serve Mineral County's Intervention Documents on all claimants to the waters of the Walker River and its tributaries, which claimants

include: (a) all persons, corporations, institutions, associations, or other entities, which are shown by the records of the United States Board of Water Commissioners to presently hold a water right determined and adjudicated by the Final Decree entered in this action on April 14, 1936, as amended April 24, 1940; and (b) all persons, corporations, institutions, associations, or other entities who appropriated water from the Walker River or its tributaries after entry of the Final Decree in this action; and all persons, corporations, institutions, associations, or other entities who have intervened or been named as respondents in this action after entry of the Final Decree.

4. If Mineral County intends to seek a waiver of service of Mineral County's Intervention Documents pursuant to the provisions of Rule 4(d) of the Federal Rules of Civil Procedure, Mineral County shall allow the person served 30 days to return the waiver of service and shall include with the mailing the attached Notice Of Motion to Intervene, Proposed Complaint-in-Intervention of Mineral County and Request for Waiver of Personal Service of Motions and the attached Waiver of Personal Service of Motions.

5. In any situation where service of Mineral County's Intervention Documents is not waived, in addition to Mineral County's Intervention Documents, Mineral County shall also serve the attached Notice in Lieu of Summons properly issued by the Clerk of the Court.

6. The following schedule shall apply to Mineral County's Intervention Documents:

(a) Responses to Mineral County's Motion to Intervene and Mineral County's Points and Authorities in support of its Motion to Intervene shall be served not later than July 11, 1995;

(b) Reply Points and Authorities in support of Mineral County's Motion to Intervene shall be served not later than September 11, 1995;

(c) No answer or other response to the proposed complaint-in-intervention will be required until a decision by the Court on Mineral County's Motion to Intervene and then only upon a schedule to be established by further order of the Court; and

(d) No response to any motion for preliminary injunctive relief filed and served by Mineral County will be required until a decision by the Court on Mineral County's Motion to Intervene and then only upon a schedule to be established by further order of the Court.

7. Persons, corporations, institutions, associations or other entities properly served with Mineral County's Intervention Documents who do not appear and respond to Mineral County's Motion to Intervene shall nevertheless be deemed to have notice of subsequent orders of the Court with respect to answers

or other responses to the proposed complaint-in-intervention or responses to any motion for preliminary injunctive relief filed and served by Mineral County.

8. A copy of this Order shall be served with Mineral County's Intervention Documents in the manner required by paragraph 3 above.

DATED this 9th day of ~~January~~ February, 1995.

Edward C. Reed.
UNITED STATES DISTRICT JUDGE

TREVA J. HEARNE, ESQ.
JAMES SPOO, ESQ.
ZEH, SPOO & HEARNE
450 Marsh Avenue
Reno, Nevada 89509
(702)323-4599

Attorneys for Intervenor
MINERAL COUNTY OF NEVADA

U.S. DISTRICT COURT
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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 **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**

TO: _____: (As _____ of _____)

A motion to intervene, proposed complaint-in-intervention, and motion for preliminary injunction by Mineral County, Nevada, claiming a right to a minimum level of water for Walker Lake, which may affect the water rights in the Walker River which you (or the entity on whose behalf you are addressed) own, have been filed in the United States District Court for the District of Nevada, Reno, Nevada. Copies of these documents, along with an order of the Court, setting important deadlines with

respect to Mineral County's Motion to Intervene, are enclosed. This matter has been assigned Subfile No. C-125-C. This is not a formal summons from the Court, but rather a request by Counsel for Mineral County that you sign and return the enclosed waiver of service in order to save the cost of serving you with a notice in lieu of summons, plus an additional copy of the Motion to Intervene, the proposed complaint-in-intervention, and the motion for preliminary injunction. The cost of service will be avoided if we receive a signed copy of the waiver within 30 days after the date designated below as the date on which this notice and waiver are sent. We enclose a self-addressed, stamped envelope for your use. An extra copy of the waiver is also attached for your records.

If you comply with this request and return the signed waiver, it will be filed with the Court and no additional copies of the above-referenced documents will be served on you. The matter will then proceed as provided in paragraph 6 of the Order Requiring Service of and Establishing Briefing Schedule Regarding the Motion to Intervene of Mineral County, which order is included with this Notice.

If you do not return the signed waiver within the time indicated, we will take appropriate steps to effect formal service in a manner authorized by the Federal Rules of Civil Procedure and will then, to the extent authorized by those rules, ask the Court to require you (or the party on whose behalf you are addressed) to pay the full cost of such service. In that connection, please

read the statement concerning the duty of parties to waive service, which is attached hereto.

I affirm that this request is being sent to you on behalf of the proposed intervenor, Mineral County, Nevada, on this _____ day of _____, 1995.

DATED this _____ day of January, 1995.

TREVA J. HEARNE, ESQ.
JAMES SPOO, ESQ.
ZEH, SPOO & HEARNE
450 Marsh Avenue
Reno, Nevada 89509

By_____
JAMES SPOO
Attorneys for Mineral County

DUTY TO AVOID UNNECESSARY COSTS OF SERVICE OF SUMMONS AND OTHER DOCUMENTS

Rule 4 of the Federal Rules of Civil Procedure require certain parties to cooperate in saving unnecessary costs of service of the documents as referenced in the notice with which you have been provided. A party located in the United States who, after being notified of this matter and asked by the proposed intervenor, Mineral County, Nevada, to waive service of the documents, and fails to do so, will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the motion to intervene, proposed complaint-in-intervention, or motion for preliminary injunction are unfounded, or that the matter has been brought in an improper place or in a court that lacks jurisdiction over the subject matter thereof or over your person or property. A party who waives service of the documents retains all defenses and objections (except any relating to the service of these documents), and may later object to the jurisdiction of the Court or the place where the matter has been brought.

A party who waives service must respond to the documents to the extent required by paragraph 6 of the Order Requiring Service of and Establishing Briefing Schedule Regarding the Motion to Intervene of Mineral County.

U.S. DISTRICT COURT
DISTRICT OF NEVADA
RECEIVED
JAN 24 [redacted]
CLERK, U.S. DISTRICT COURT
BY _____ DEPUTY

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 **NOTICE IN LIEU OF SUMMONS**

TO: _____: (As _____ of _____)

To the above named Defendant:

You are hereby notified that a motion to intervene, proposed complaint-in-intervention, and motion for preliminary injunction by Mineral County, Nevada, claiming a right to a minimum level of water for Walker Lake, which would affect the water rights in the Walker River which you (or the entity on whose behalf you are addressed) possess, have been filed in the United States District Court for the District of Nevada, Reno, Nevada. You are required to respond within the times and as provided in

the attached Order Requiring Service of and Establishing Briefing Schedules Regarding the Motion to Intervene of Mineral County. If you fail to do so and if the proposed complaint-in-intervention is allowed to be filed and to the extent provided by further orders of the Court, a judgment by default may be taken against you for the relief demanded in the proposed complaint-in-intervention.

DATED this _____ day of _____, 1995.

_____
Clerk of the Court

(Seal)

DUTY TO AVOID UNNECESSARY COSTS OF SERVICE OF SUMMONS AND OTHER DOCUMENTS

Rule 4 of the Federal Rules of Civil Procedure require certain parties to cooperate in saving unnecessary costs of service of the documents as referenced in the notice with which you have been provided. A party located in the United States who, after being notified of this matter and asked by the proposed intervenor, Mineral County, Nevada, to waive service of the documents, and fails to do so, will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the motion to intervene, proposed complaint-in-intervention, or motion for preliminary injunction are unfounded, or that the matter has been brought in an improper place or in a court that lacks jurisdiction over the subject matter thereof or over your person or property. A party who waives service of the documents retains all defenses and objections (except any relating to the service of these documents), and may later object to the jurisdiction of the Court or the place where the matter has been brought.

A party who waives service must respond to the documents to the extent required by paragraph 6 of the Order Requiring Service of and Establishing Briefing Schedule Regarding the Motion to Intervene of Mineral County.

TREVA J. HEARNE, ESQ.
JAMES SPOO, ESQ.
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Attorneys for Intervenor
MINERAL COUNTY, NEVADA

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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 **WAIVER OF PERSONAL SERVICE OF MOTIONS**

TO: Zeh, Spoo & Hearne, attorneys for proposed Plaintiff/Intervenor, Mineral County, Nevada

I acknowledge receipt of your request that I waive personal service of the documents involving the motion to intervene of Mineral County, Nevada, in the action of United States of America, Plaintiff v. Walker River Irrigation District et al., Defendants, which is Case No. C-125, Subfile No. C-125-C, in the United States District Court for the District of Nevada. I have also received a copy of the motion to intervene of Mineral County, the proposed complaint-in-intervention of Mineral County,

the motion for preliminary injunction of Mineral County, and the Order Requiring Service of and Establishing Briefing Schedule Regarding the Motion to Intervene of Mineral County, along with two copies of this Waiver. I have also received a means by which I can return this signed waiver to you without cost to me.

I agree to save the cost of personal service of the documents, as above-described, by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Federal Rules of Civil Procedure, Rule 4. I (or the entity on whose behalf I am acting) will retain all defenses or objections to this matter or to the jurisdiction or venue of the Court except for objections based on a defect, if any, in the manner in which these documents have been provided to me.

I understand, that if I (or the entity on whose behalf I am acting) do not appear and respond to the motion to intervene, by July 11, 1995, and if the Court enters further orders with respect to answers or other responses to the proposed complaint-in-intervention or responses to the Motion for Preliminary Injunction, that I (or the entity on whose behalf I am acting)

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shall nevertheless be deemed to have notice of those subsequent orders of the Court.

DATED this ____ day of _____, 1995.

_____
(Signature)

_____
(Printed name and title, if any)

_____
(Company or entity, if any)