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8 MINERAL COUNTY

FILED
Aug 11 8 05 11 '95
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11 IN THE UNITED STATES DISTRICT COURT
12 FOR THE DISTRICT OF NEVADA

13 * * *

14 UNITED STATES OF AMERICA,)
15)
16 Plaintiff,) IN EQUITY NO. C-125-ECR
17)
18 WALKER RIVER PAIUTE TRIBE,)
19)
20 Plaintiff-Intervenor,) **AFFIDAVIT OF**
21) **KELVIN BUCHANAN**
22 vs.)
23)
24 WALKER RIVER IRRIGATION)
25 DISTRICT, a corporation, et al.)
26)
27 Defendants.)
28)

29 STATE OF NEVADA)
30) SS
31 COUNTY OF WASHOE)

32 KELVIN BUCHANAN, do declare the following:

33 1. I was asked to review the returns of service that
34 were not forwarded by the Post Office in the service of water
35 rights holders on the Walker River, which I currently have in my
36 possession and which have been constantly in my possession since
37 I retrieved them from the Post Office. The Post Office informed
38 me that these were returned because of expired forwarding address
39 cards. After I was asked to review the returns, I opened the en-
40 velopes that contained these returned service documents not for-

1 warded by the Post Office. There is no reason for these docu-
2 ments to be any different than those mailed by Mineral County
3 since they were mailed together with other documents that were
4 delivered.

5 2. I found that none of the 67 returns that I have
6 in my possession lacked the Complaint-in-Intervention. The
7 Complaint-in-Intervention consisted of five (5) pages which
8 weighed over one ounce. All of the envelopes sent by Mineral
9 County were weighed by the Hawthorne Post Office. All service
10 documents required \$2.16 postage. If any envelope had been
11 lighter by one ounce the postage would have been 23 cents less or
12 \$1.93. No envelopes weighed by the United States Post Office at
13 Hawthorne required less than \$2.16 postage.

14 3. All but two of the returns contained two extra
15 pages, one blank page and one extra page which was the last page
16 of Judge Reed's Order which was included twice. All but two of
17 the returns were missing the first page of the Points and Auth-
18 orities in support of the Preliminary Injunction. Two envelopes
19 contained exact perfect copies with the one missing page included
20 and the two additional pages not included. Those service docu-
21 ments with two extra pages and the one missing page were in the
22 stack of documents copied by Kinko's for Mineral County.

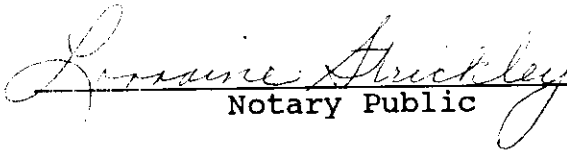
23 4. Walker River Irrigation District alleged that one
24 packet was missing the Complaint-in-Intervention. Because of the
25 weight of that document and the postage required, it is highly
26 unlikely that the Complaint-in-Intervention was missing when the
27 documents were mailed. I have no opinion as to whether the docu-
28 ment was lost after it was received by the addressee.

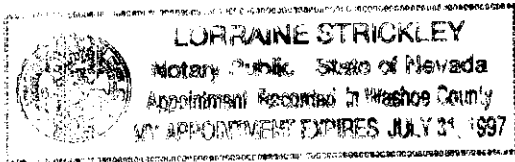
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FURTHER, YOUR AFFIANT SAYETH NAUGHT.


KELVIN BUCHANAN

Subscribed and sworn to before me
this 4 day of August, 1995.


Notary Public



CERTIFICATE OF SERVICE

Pursuant to FRCP 5(b), I certify I am an employee of ZEH, POLAHA, SPOO & HEARNE, and that I deposited for mailing, at Reno, Nevada, a true copy of **** AFFIDAVIT OF KELVIN BUCHANAN **** to:

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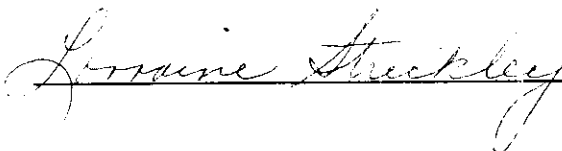
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6 Woodburn & Wedge
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8 this 4 day of August, 1995.

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