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MINERAL COUNTY

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 **AFFIDAVIT OF KELVIN BUCHANAN**

STATE OF NEVADA)
) SS
COUNTY OF WASHOE)

KELVIN BUCHANAN, do declare the following:

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

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

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

3. All but two of the returns contained two extra pages, one blank page and one extra page which was the last page of Judge Reed's Order which was included twice. All but two of the returns were missing the first page of the Points and Authorities in support of the Preliminary Injunction. Two envelopes contained exact perfect copies with the one missing page included and the two additional pages not included. Those service documents with two extra pages and the one missing page were in the stack of documents copied by Kinko's for Mineral County.

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

FURTHER, YOUR AFFIANT SAYETH NAUGHT.

KELVIN BUCHANAN

Subscribed and sworn to before me

this 4 day of August, 1995.

Lorraine Strickley
Notary Public

LORRAINE STRICKLEY
Notary Public, State of Nevada
Appointment Recorded in Washoe County
MY APPOINTMENT EXPIRES JULY 31, 1997

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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this 4 day of August, 1995.

Lorraine Strickley