

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

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

WALKER RIVER PAIUTE TRIBE,

Plaintiff-Intervenor,

v.

WALKER RIVER IRRIGATION  
DISTRICT, a corporation, et al.,

O R D E R

Defendants.

Motion of Mineral County to amend judgment (document #45) filed August 22, 1994, is **GRANTED**. The order setting deadlines for service should be modified. The order relative to what must be served requires clarification.

**THEREFORE, IT IS HEREBY ORDERED** as follows:

1. On or before February 1, 1996, (as to any claimants to the waters of the Walker River not previously served or who have not previously waived service), Mineral County shall make personal

1 service of the following documents on all claimants to the waters  
2 of the Walker River:

3 (a) Notice of Motion and Motion for Intervention  
4 (document #2); and Proposed Petition to Intervene, with  
supporting affidavits and exhibits (document #3).

5 (b) Amended Memorandum of Points and Authorities in  
6 support of Mineral County's Amended Complaint in  
Intervention (document #21).

7 (c) Amended Complaint in Intervention (document #20).

8 (d) Motion for Preliminary Injunction (document #22)  
9 with supporting points and authorities, affidavits, and  
10 other supporting documents as filed with the Clerk of the  
Court.

11 (e) Notice in lieu of summons properly issued by the  
Clerk of the Court.

12 (f) A copy of the within order.

13 2. If Mineral County intends to seek a waiver of  
14 service of the above documents, pursuant to the provisions of  
15 Fed.R.Civ.P. 4(d), Mineral County shall allow 30 days for return of  
16 the waiver of service and shall include with the mailing to persons  
17 requested to waive service the documents listed in paragraph 1  
18 above of this order, except for the Notice in Lieu of Summons  
19 described in paragraph 1(e) above.

20 In addition, the mailing to each such claimant seeking  
21 the waiver of service shall also include in addition to the  
22 documents to be mailed as listed in the immediately preceding  
23 paragraph, a request for waiver of personal service of the  
24 documents included in the said mailing and a request for waiver of  
25 service of summons generally in accordance with Form 1A to the  
26 rules, but modified to include not only a waiver of service of the

1 summons, but also of service of the other documents included in the  
2 mailing as required above.

3 In the event Mineral County intends to seek a waiver of  
4 service as set forth above, it shall also include with the said  
5 documents mailed to a person from whom such waiver is sought a form  
6 of waiver as set out in the request described above, generally in  
7 accordance with Form 1B to the rules and including waiver of  
8 service of summons and the other mailed documents as described  
9 above.

10 3. At such time as all service required by this order  
11 is complete, Mineral County shall file a statement to that effect.

12 4. The following schedules apply in respect to the said  
13 proposed intervention of Mineral County:

14 (a) Responses to Mineral County's Motion for  
15 Intervention (document #2), Proposed Petition to Intervene  
16 (document #3), and Amended Memorandum (document #21) of points  
17 and authorities in support of Mineral County's Amended  
18 Complaint In Intervention shall be served not later than April  
19 1, 1996.

20 (b) Reply points and authorities in support of Mineral  
21 County's Motion for Intervention (document #2), Proposed  
22 Petition to Intervene (document #3) and Amended Memorandum  
23 (document #21) of points and authorities in support of Mineral  
24 County's Amended Complaint In Intervention shall be due not  
25 later than June 1, 1996.  
26

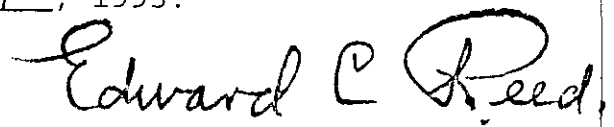
1 (c) No answer or other response to the amended  
2 complaint-in-intervention (document #20) will be required  
3 until a decision by the Court on Mineral County's Motion for  
4 Intervention (document #2) and then only upon a schedule to be  
5 established by further order of the Court; and

6 (d) No response to the motion for preliminary injunction  
7 (document #22) filed by Mineral County will be required until  
8 a decision by the Court on Mineral County's Motion For  
9 Intervention and then only upon a schedule to be established  
10 by further order of the Court.

11 5. Persons, corporations, institutions, associations or  
12 other entities who waive service or are served who do not appear  
13 and respond to Mineral County's Motion In Intervention shall  
14 nevertheless be deemed to have notice of subsequent orders of the  
15 Court with respect to the motion in intervention, answers or other  
16 responses to the proposed complaint-in-intervention or responses to  
17 the motion for preliminary injunctive relief.

18 6. This order amends (to the extent stated) the prior  
19 orders of this Court dated January 3, 1995, (document #1), February  
20 9, 1995, (document #19), and August 16, 1995, (document #44) with  
21 respect to the requirement for service of proposed intervenor  
22 Mineral County's motions, pleadings and supporting documents.

23 DATED: September 29, 1995.

24   
25 United States District Judge  
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