U.S. DISTRICT COURT
DISTRICT OF NEVADA
FILED
SEP 29 1995
CLERK, U.S. DISTRICT COURT
BY 630 DEPUTY

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.,

Defendants.

_____/

O R D E R

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

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

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

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

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

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

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

(f) A copy of the within order.

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

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

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

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

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

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

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

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

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

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

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

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

DATED: September 29, 1995.

Edward C Reed,

United States District Judge

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