FORM P-1718
3-52

State of Nevada

Official Name
of Station Topaz Lake

FINAL REPORT FOR TAX DEPARTMENT - ACQUISITION OF LAND BY EASEMENT

County - Douglas

Tax district -

General location - Approximately 3 miles south of Holbrook Junction.

Grantor - United States Department of the Interior, Bureau of Indian Affairs

Grantee - American Telephone and Telegraph Company

Purchase price - $2039.41 (for Site and Access Road)

Deed dated -

Grant of easement dated - January 31, 1964 (50 year easement)

Deed recorded - (City or County / Date filed - Not recorded

Official Office -

Deed Book No. ____ ; Page No. _____

Purpose for which acquired - Topaz Lake Site
Delta-Oakland Radio Relay Route

Suggested value for tax purposes:

Land - $ -

Building - $

Tower - $

Taxes - None Outstanding

Acquired by Easement

Dimensions of land and acreage - (Complete only where land is purchased in fee)

A 400' X 400' parcel containing 3.673 acres and located in the SE¼ of Section 14, T. 10 N., R. 21 E., M. D. B. & M., Douglas County, Nevada.

Legal description from deed - (Complete only where land is purchased in fee)

Dated May 5, 1964 for ~~Superintendent~~ Right of Way Superintendent

cc: WCP, File

Serial № 23243

AMENDED

APPLICATION FOR PERMIT
TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of filing in State Engineer's Office JUL 15 1966

Returned to applicant for correction

Corrected application filed SEP 20 1966

Map filed SEP 20 1966

The applicant American Telephone and Telegraph Company and/or its agent Bell Telephone Company of Nevada

of 160 West First Street Reno, County of Washoe,

State of Nevada, hereby make s application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation; if a copartnership or association, give names of members.) A.T.& T. State of New York 1885 - Bell Telephone Company of Nevada - 1913

Please address all inquiries to:
Bell Telephone Co. of Nevada
ATTN: William Keenan
Senior Engineer
160 West First St. Reno, Nevad

1. The source of the proposed appropriation is Underground
   Name of stream, lake or other source.

2. The amount of water applied for is 35 gal/min. = .07798 c.f.s. second-feet
   One second-foot equals 448.83 gals. per min.
   (a) If stored in reservoir give number of acre-feet acre-feet

3. The water to be used for Domestic
   Irrigation, power, mining, manufacturing, domestic, or other use.

4. If use is for:
   (a) Irrigation (state number of acres to be irrigated)
   (b) Stockwater (state number and kinds of animals to be watered)
   (c) Other use (describe fully under "No. 11. Remarks")
   (d) Power:
   (1) Horsepower developed
   (2) Point of return of water to stream

5. The water is to be diverted from its source at the following point: SE¼ SE¼ of Section 14, T. 10 N., R. 21 E. - M.D.B.& M. or at a point from which the SE Corner of said Section 14 bears South 82° 36' 54" East a distance of 962.18 fee
   Describe as being within a 40-acre subdivision of public survey, and by course and distance to a section corner. If on unsurveyed land, it should be stated.

6. Place of use SE¼ SE¼ of Section 14, T. 10 N., R. 21 E., M.D.B.& M.
   Describe by legal subdivision, if on unsurveyed land it should be so stated.

7. Use will begin about January 1 (Month) and end about December 31 (Month), of each year.

8. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.) Drilled Well, pump, and distribution system.
   State manner in which water is to be diverted, whether by dam or other works, whether through pipes, ditches, flumes, or other conduits.

9. Estimat st of works $15,000

10. Estimated time required to construct works 2 weeks

11. Remarks System will have submersible pump, 500 gallon storage tank in building. Water utilized in bathroom and kitchen facilities.

Applicant American Telephone & Telegraph Co.
and/or Bell Telephone Co. of Nev.
By s/Eugene B. Longfield
Agent

Compared kd /jw hs/jw

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions: This permit is issued subject to all existing rights on the source. It is understood that the amount of water herein granted is only a temporary allowance and that the final water right obtained under this permit will be dependent upon the amount of water actually placed to beneficial use. It is also understood that this right must allow for a reasonable lowering of the static water level at permittee's well due to other ground water development in the area. A substantial weir or other type of measuring device must be installed and measurements of water use kept. The well shall be equipped with a 2-inch opening and an air line for measuring depth to water. If well is flowing, a valve must be installed and maintained to prevent waste. The State retains the right to regulate the use of the water herein granted at any and all times.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.07798 cubic feet per second

Actual construction work shall begin on or before August 27, 1967

Proof of commencement of work shall be filed before September 27, 1967

Work must be prosecuted with reasonable diligence and be completed on or before August 27, 1968

Proof of completion of work shall be filed before September 27, 1968

Application of water to beneficial use shall be made on or before August 27, 1969

Proof of the application of water to beneficial use shall be filed on or before September 27, 1969

Map in support of proof of beneficial use shall be filed on or before

Commencement of work filed APR 24, 1967
Completion of work filed APR 24, 1967
Proof of beneficial use filed OCT 7, 1969
Cultural map filed
Certificate No. 7202 Issued 11-17-69
Recorded 12-3-69 Bk. 71 Page 682
Douglas County Recorder

IN TESTIMONY WHEREOF, I GEORGE W. HENNEN, State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 27th day of February, A.D. 1967

Assistant State Engineer

213 (Rev.)

Application No. 23243 Certificate Record No. 1202 Book 23 Page 1202

THE STATE OF NEVADA
CERTIFICATE OF APPROPRIATION OF WATER

WHEREAS Eugene B. Longfield, Agent has presented to the State Engineer of the State of Nevada Proof of Application of Water to Beneficial Use, from an underground source through drilled well, pump, and distribution system for domestic purposes. The point of diversion of water from the source is as follows: SE¼ SE¼ Section 14, T. 10 N. R. 21 E., M.D.B.&M., or at a point from which the SE corner of said Section 14 bears S. 82° 36' 54" E., a distance of 962.18 feet. situated in Douglas County, State of Nevada.

NOW KNOW YE, That the State Engineer, under the provisions of NRS 533.425, has determined the date, source, purpose, amount of appropriation, and the place where such water is appurtenant, as follows:

Name of appropriator American Telephone and Telegraph Co., or its Agent Bell Telephone Company of Nevada

Post-office address Reno, Nevada

Amount of appropriation 0.07798 cfs but not to exceed 1440 gallons per day

Period of use, from January 1st to December 31st of each year

Date of priority of appropriation July 15, 1966

Description of works of diversion, manner and place of use

Water is produced from a drilled well, thence pumped into a 500 gallon storage tank thence by pipeline into kitchen and bathroom facilities in a micro-wave station located within the same subdivision as the point of diversion where it is used for domestic purposes.

This certificate is issued subject to the terms of the permit.

The right to water hereby determined is limited to the amount which can be beneficially used, not to exceed the amount above specified, and the use is restricted to the place and for the purpose as set forth herein.

IN TESTIMONY WHEREOF, I ROLAND D. WESTERGARD, State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 17th day of November, A. D. 19 69

Compared jb/jls

Recorded 12-3-69 Bk. 71 Page 682 Douglas County Records.

State Engineer.

1923

Indexed under | Well Log No. 9104

Name of Applicant X

Map

Stream X

Township 10N, R21E X DOUGLAS County 0106

Point of diversion SE¼ SE¼ Sec 14

Application filed JUL 15 1966

Applicant AMERICAN Telephone & telegraph CO. & OR its AGENT Bell telephone Co. of NEVADA

Source of water UNDERGROUND

Returned for correction

Corrected application received SEP 20 1966

Map filed Sept 20, 1966

Sent for publication NOV 7 1966

Proof of publication filed DEC 12 1966

Investigated on ground by

Protested

COMPUTER CHECK	
File Entry	[illegible]
Publication	[illegible]
Permit	[illegible]
Certificate	[illegible]

Ready for action JAN 9 1967

Approved Feb 27, 1967 for 0.07798 c/s, Domestic

Denied

Withdrawn

Canceled

Due Date:

Proof of labor filed APR 24 1967 Sept. 27, 1967

Proof of completion of work filed APR 24 1967 Sept. 27, 1968

Proof of beneficial use filed OCT 7 1969 Sept. 27, 1969

Beneficial use map filed

Certificate No. 7202 issued 11-17-69 for 0.07798 c/s domestic

Recorded 12-3-69 Bk. 71 Page 582 Douglas County Records

Exhibit 5B

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA, Plaintiff, WALKER RIVER PAIUTE TRIBE, Plaintiff-Intervenor, v. WALKER RIVER IRRIGATION DISTRICT, a corporation, et al., Defendants.	In Equity No. C-125-ECR Subfile No. C-125-B **DISCLAIMER OF INTEREST IN WATER RIGHTS AND NOTICE OF RELATED INFORMATION AND DOCUMENTATION SUPPORTING DISCLAIMER**

The undersigned counter-defendant in the above action hereby notifies the Court and the United States that the undersigned (or the entity on whose behalf the undersigned is acting) has no interest in any water right within the categories set forth in Paragraph 3 of the *Case Management Order* (Apr. 18, 2000) and, therefore, **disclaims all interest in this action.**

This disclaimer and notice shall be sent to the following two persons:

Linda Lea Sharer, Chief Deputy Clerk
United States District Court for the District of Nevada
400 South Virginia Street, Suite 301
Reno, NV 89501

<u>And</u>

Susan L. Schneider
United States Department of Justice
P.O. Box 756
Littleton, CO 80160

Exhibit 5B

In addition, because the undersigned sold or otherwise conveyed ownership of all of the

water rights that the undersigned (or the entity on whose behalf the undersigned is acting) once owned before the undersigned was served with a Waiver of Service of Notice in Lieu of Summons or by a Notice in Lieu of Summons, the undersigned provides the following additional information:

1. The name and address of the party or parties who sold or otherwise conveyed ownership:

Name(s):

Street or P.O. Box:

Town or City:

State:

Zip Code:

2. The name and address of each person or entity who acquired ownership

Name(s):

Street or P.O. Box:

Town or City:

State:

Zip Code:

3. Attached to or included with this notice is a copy of the (check appropriate box(es)):

- ☐ Deed
- ☐ Court Order
- ☐ Other Document.

by which the change in ownership was accomplished.

4. The undersigned acknowledges that any person or entity who files a Disclaimer of Interest in this matter is ultimately responsible for the accuracy of this filing. Consequently, the undersigned acknowledges that any person or entity who files a Disclaimer of Interest, but, in fact, has water rights subject to this litigation, shall nevertheless be bound by the results of this litigation.

Executed this 20th day of February 2004.

[signature of counter-defendant]

Steven O. Vardian

[name of counter-defendant]

[name, if applicable, of person acting on behalf of counter-defendant]

[signature, if applicable, of person acting on behalf of Counter-Defendant]

American Towel Management, I
116 Huntington Avenue
Boston, MA 02116

[address]

617-375-7500

[telephone number]

Exhibit 6A

WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.

2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER – DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.

3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.

4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.

5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 8/20/03

Signature

BRAD AMUSSEN

Printed Typed Name

If you are acting on behalf of any entity, identify that you are acting as: _____ of

(Title)

_____

(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, 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 claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

Exhibit 6A

WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.

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3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.

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5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 8/20/03

Patricia Amussen - (FORMERLY FITZGERALD)
Signature

PATRICIA AMUSSEN (FORMERLY FITZGERALD)
Printed Typed Name

If you are acting on behalf of any entity, identify that you are acting as: _____ of
(Title)

_____
(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

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An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

Exhibit 6B

11/12/03 16:04:53 Corey Canyon Accounts, November 12, 2003 PAGE

Customer Name

AMUSSEN, BRAD
CASTAGNOLA, GUS
CASTAGNOLA, KATHY (KOOHNS)
CORNELLA, DEL OR MARSHA
DEMPSEY, KIM
GRECO, DAVID
HARRINGTON, RICHARD
HAWTHORNE HEIGHTS MOBILE HOME
JACOBS, TED
KIRBY, KEN & LEANNE
MATHENY, JEFF
SANCHEZ, GENEVA
SAYCE, MIKE
SEATON, PHIL & TERI
SMITH, JACK
TOWE BILL
WADLOW, KEVIN
WILLIAMS, ROBERT

*** END OF REPORT ***

Exhibit 6B

Exhibit 7

WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.

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3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.

4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.

5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date August 28 2003

William J. Duffy
Signature

WILLIAM J. DUFFY #15966
Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as: Attorney of Record for xxfx
(Title) Atlantic Richfield Company
Anaconda Minerals Co.
(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, 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 claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

Exhibit 7

Exhibit 8

WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.

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3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.

4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.

5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 9/19/03

Signature

PAMELA A TARQUIN

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as: Principal of

(Title)

Applied Hydrology Associates Inc.

(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of ımons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by ıintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear :ost of such service unless good cause be shown for its failure to sign and return the waiver.

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An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with ice of appearance and intent to participate.

Exhibit 8

Case 3:73-cv-00127-MMD-WGC Document 2641614 Filed 05/27/04 Page 21 of

Nevada Division of Water Resources

Well Log Database

Query Results

Basin	County	Qtr-Qtr	Section	Twp	Rng	Owner	Date Complete	Well Log #	Driller Lic#	Total Depth	Static Water Level	Casing Diameter	APN	Work Type	Proposed Use	App #
108	32019	NE NE	04	13N	25E	PERI & SONS	1/19/2000	78925	1713	365	12.5	16		N	I	
108	32019	NE SW	04	13N	25E	PERI & SONS	7/2/2000	84085	1713			18		P	I	23794
108	32019	NE SW	04	13N	25E	PERI & SONS	7/2/2000	82133	1713	250	26	18		P	I	23794
108	32019	NW NW	04	13N	25E	PERI & SONS	2/14/2001	82572	1713	420	12	16		P	I	56856
108	32019	NW NW	04	13N	25E	PERI & SONS	6/29/2000	84084	1713	325	12	18		P	I	
108	32019	NW SW	04	13N	25E	ANACONDA MINERALS	10/29/1983	25330	1366	60	4	10		N	G	
108	32019	NW SW	04	13N	25E	ANACONDA MINERALS	10/28/1983	25329	1366	91	3	10		N	G	
108	32019	NW SW	04	13N	25E	ANACONDA MINERALS	10/21/1983	25328	1366	240	4			N	G	
108	32019	SW NE	04	13N	25E	PERI & SONS	2/15/2001	82571	1713	373	8	14		P	I	45856
108	32019	NE NE	05	13N	25E	MARK FLICKINGER ARCO	10/28/1998	74862	1028	60	45	4		N	G	
108	32019	NE NE	05	13N	25E	MARK FLICKINGER ARCO	10/28/1998	74863	1028	60	45	4		N	G	
108	32019	NE NE	05	13N	25E	MARK FLICKINGER ARCO	10/28/1998	74867	1028	60	45	4		N	G	
108	32019	NE NE	05	13N	25E	MARK FLICKINGER ARCO	10/28/1998	74866	1028	60	45	4		N	G	
108	32019	NE NE	05	13N	25E	MARK FLICKINGER ARCO	10/28/1998	74865	1028	60	45	4		N	G	
108	32019	NE NE	05	13N	25E	ANACONDA MINERALS	10/27/1983	25333	1366	39	3	10		N	G	
108	32019	NE NE	05	13N	25E	MARK FLICKINGER ARCO	10/28/1998	74864	1028	60	45	4		N	G	
108	32019	NW NE	05	13N	25E	APPLIED HYDROLOGY ASSOCIATES I	9/19/1997	70057	1413	73	7	8		N	G	monitoring well
108	32019	NW NE	05	13N	25E	ANACONDA MINERALS	10/23/1983	25336	1366	75	3	10		N	G	
108	32019	NW NE	05	13N	25E	ANACONDA MINERALS	10/23/1983	25341	1366	180	3			N	G	
108	32019	NW NE	05	13N	25E	ANACONDA MINERALS	10/21/1983	25338	1366	180	6			N	G	
108	32019	NW NE	05	13N	25E	ANACONDA MINERALS	10/23/1983	25337	1366	30	4	10		N	G	
108	32019	NW NE	05	13N	25E	ANACONDA MINERALS	10/24/1983	25332	1366	75	3	10		N	G	
108	32019	NW NE	05	13N	25E	ANACONDA MINERALS	10/24/1983	25334	1366	30	4	10		N	G	
		NW														

Exhibit 9

There is no EXHIBIT 9

Exhibit 10

WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.

2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER – DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.

3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.

4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.

5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date August 28, 2003

Signature

WILLIAM J. DUFFY #15966

Printed Typed Name

If you are acting on behalf of any entity, identify that you are acting as: Attorney of Record for xxx

(Title) Atlantic Richfield Company
Anaconda Minerals Co.

(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, 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 claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

Exhibit 10

Exhibit 11

When recorded, return to:
JAMES W. MINORCHIO
RIDDELL WILLIAMS P.S.
1001 4TH AVENUE PLAZA, SUITE 4500
SEATTLE, WA 98154-1065

RPTT #8
APN 12-471-74

QUIT CLAIM DEED

The GRANTOR, BANK OF AMERICA, N.A., as Trustee for GEORGE A. L'ABBE, for and in consideration of transfer into trust, conveys and quit-claims to THE WHITTIER TRUST COMPANY OF NEVADA, as Trustee for GEORGE A. L'ABBE (whose address is: P.O. Box 961, Yerington, Nevada 89447), the following described real estate, situated in the County of Lyon, State of Nevada, together with all after acquired title of the grantor therein:

> That portion of the Northeast ¼ of Section 23, Township 11 North, Range 26 East, M.D.B. & M., in the County of Lyon, State of Nevada, being more particularly described as follows:
>
> Beginning at the Section corner common to 13, 14, 23, 24 as shown on Record of Survey No. 223861, thence through the following courses;
>
> 1. South 01°00'38" East, 1958.07 feet;
> 2. North 88°46'47" West, 2687.84 feet;
> 3. North 00°00'03" West, 638.78 feet;
> 4. North 45°42'44" East, 1852.85 feet;
> 5. South 88°36'59" East, 1326.75 feet to the True Point of Beginning

TOGETHER with the tenements, hereditaments, and appurtenances, including easements, if any, thereto belonging or appertaining, and any reversions, remainders, rents, issues, or profits thereof.

ALSO those certain waters and water rights described in Exhibit "A" attached hereto and incorporated herein by this reference.

SUBJECT, HOWEVER, to those certain Covenants, Conditions, and Restrictions for Walker River Ranch Irrigation Association recorded July 21, 1999, as document No. 236752, Official Records, Lyon County, Nevada.

261936

261936

Exhibit 11

WRID 9/02

ALSO SUBJECT TO: Easements, restrictions, and reservations of record.

Tax parcel #12-471-74

Dated April 3, 2001

Bank of America, N.A., as Trustee

By: James E. Strock
James E. Strock, Vice President

By: Debra S. Thomas
Debra S. Thomas, AVP

STATE OF WASHINGTON)
) ss.
County of KING)

On this 3rd day of April, A.D., 2001, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared **James E. Strock** and **Debra S. Thomas** to me known or proven on the basis of satisfactory evidence to be the **Vice-President** and **Assistant Vice President**, respectively of **BANK OF AMERICA, N. A.**, that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act of said bank and that they were authorized to execute the said instrument.

WITNESS my hand and official seal hereto affixed the day and year in this certificate above written.

PAT A. WOOD
Commission Expires
NOTARY
PUBLIC
MAY 01, 2001
STATE OF WASHINGTON

Pat A. Wood
Notary Public in and for the State of Washington
Residing at Everett.
Name Printed PAT A. WOOD
My appointment expires: 5/1/01.

261936

EXHIBIT "A"

WATER RIGHTS TO BE CONVEYED

THOSE CERTAIN surface water rights from the East Walker River which are appurtenant to the real property described on Page 1 of document ("Property") pursuant to Claim 17 of that certain decree entitled "United States of America, Plaintiff, vs. Walker River Irrigation District, a corporation, et al, Defendants, Case in Equity C-125" consisting of the following:

1. The right to irrigate 25.5 acres of land with the following priorities:

Priority	Acreage
1867	0.57 acres
1875	1.98 acres
1879	2.55 acres
1885	12.75 acres
1890	3.19 acres
1895	4.46 acres
	25.50 acres

2. The right to irrigate 34.5 acres of the Property from the East Walker River designated as "NEWLAND" as administered by the Walker River Irrigation District.

The location of the above 60 acres of irrigated land is illustrated in the map attached hereto as Exhibit "A-1".

TOGETHER with a portion of Permit 25017, Certificate 8860 issued to the Walker River Irrigation District for flood and excess waters to the extent it is appurtenant to such 60 acres.

THE TOTAL LAND AREA of the Property to be irrigated by surface water rights from the East Walker River under portions of Claim 17, "NEWLAND" rights and permit 25017, Certificate 8860 is 60 acres, more or less.

The total quantity of water is 240 acre feet annually.

TOGETHER WITH a portion of the supplemental underground water rights under Permit 49274, 49276, 49277 and 49278 consisting of a diversion rate of 0.1149 cfs from each permit and having a total combined annual duty of 240.0 acre feet which are appurtenant to that same 60 acres of the land irrigated from the East Walker River by decreed water rights and NEWLAND water rights above described.

TOGETHER with the right to change the point of diversion and place and manner of use of said water rights.

TOGETHER WITH, all and singular, the tenements, hereditaments and appurtenances there unto belonging or in anywise appertaining, and the reversion and the reversions, remainder and remainders, rents, issues and profits thereof.

EXCLUDING THEREFROM, any and all water and water rights from any and all sources over and above those specifically described above.

261936

261936

261936
OFFICIAL RECORDS
LYON COUNTY, NEV.
RECORD REQUESTED BY
RIDDELL WILLIAMS
01 JUN -7 PM 12: 16
MARY J. MULLIGAN
COUNTY RECORDER
FEE 10.00 DEP. ES

Mail Recorded Deed and
Tax Statements to:
George A. L'Abbe
P.O. Box 961
Yerington, NV 89447

APN 12-471-74

WATER RIGHTS CORRECTION DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, GEORGE A. L'ABBE, an unmarried man, ("Grantor"), does hereby convey and quitclaim to BANK OF AMERICA, N.A., as Trustee for GEORGE A. L'ABBE, (Grantee) those certain waters and water rights described in **Exhibit "A"** attached hereto and incorporated herein by this reference and appurtenant to the real property described in **Exhibit "B"** attached hereto.

TO HAVE AND TO HOLD said water and water rights, unto the Grantees, and to their successors and assigns forever.

SAID DEED is being filed to correct the quantity of the diversion rate of Permits 49274, 49276, 49277 and 49278 expressed in that certain quitclaim deed executed on May 31, 2000 and filed in the Office of the Lyon County Recorder on June 26, 2000 as Document #249512.

Dated this 19th day of APRIL, 2002

By: _____
GEORGE A. L'ABBE

State of NEVADA }
SS.
County of WASHOE }

This instrument was acknowledged before me on APRIL 19th 2002 by George A. L'Abbe personally known (or proved) to me to be the person whose name is subscribed to the foregoing instrument, who acknowledged that he executed the foregoing Water Rights Correction Deed.

By: _____
NOTARY PUBLIC

MARY C. JUNE
Notary Public - State of Nevada
Appointment Recorded in Washoe County
No: 93-58457-2 - Expires October 1, 2003

275641

EXHIBIT "A"

WATER RIGHTS TO BE CONVEYED

THOSE CERTAIN surface water rights from the East Walker River which are appurtenant to the real property described in EXHIBIT "B", attached ("Property") pursuant to Claim 17 of that certain decree entitled "UNITED STATES OF AMERICA, PLAINTIFF, VS. WALKER RIVER IRRIGATION DISTRICT, A CORPORATION, ET AL, DEFENDANTS, CASE IN EQUITY C-125" and consisting of the following:

1. The right to irrigate 25.5 acres of land with the following priorities:

1867:	0.57 acres
1875:	1.98 acres
1879:	2.55 acres
1885:	12.75 acres
1890:	3.19 acres
1895:	4.46 acres
	25.5 acres

2. The right to irrigate 34.5 acres of the Property from the East Walker River designated as "NEWLAND" as administered by the WALKER RIVER IRRIGATION DISTRICT.

TOGETHER with a portion of Permit 25017, Certificate 8860 issued to the Walker River Irrigation District for flood and excess waters to the extent it is appurtenant to such 60 acres.

THE TOTAL LAND AREA of the Property to be irrigated by surface water rights from the East Walker River under portions of CLAIM 17, "NEWLAND" rights and Permit 25017, Certificate 8860 is 60.00 acres, more or less.

ALONG WITH a portion of the supplemental underground water rights under PERMITS 49274, 49276, 49277 and 49278 consisting of a pro-rata portion of the diversion rate from each permit and having a total combined duty not to exceed 240 acre-feet which are appurtenant to that same 60 acres of the land irrigated from the East Walker River by Decreed and "Newland" rights described above.

TOGETHER WITH the right to change the point of diversion and place and manner of use of said water rights.

EXCLUDING THEREFROM, any and all water and water rights from any and all sources over and above those specifically described above.

275641

EXHIBIT "B"

TO THE WATER RIGHTS DEED

LEGAL DESCRIPTION

The land referred to herein is situated in the State of Nevada, County of LYON, described as follows:

That portion of the Northeast 1/4 of SEction 23, Township 11 North, Range 26 East, M.D.B. & M., in the County of Lyon, State of Nevada, being more particularly described as follows:

Beginning at the Section corner common to 13, 14, 23, 24 as shown on Record of Survey No. 223861, thence through the following courses;

1. South 01° 00' 38" East, 1958.07 feet;
2. North 88° 46' 47" West, 2687.84 feet;
3. North 00° 00' 03" West, 638.78 feet;
4. North 45° 42' 44" East, 1852.85 feet;
5. South 88° 36' 59" East, 1326.75 feet to the TRUE POINT OF BEGINNING.

ASSESSOR'S PARCEL NO. 12-471-74

PER NRS 111.312, THE LEGAL DESCRIPTION APPEARED PREVIOUSLY IN DEED # 241208 RECORDED ON NOVEMBER 9, 1999 IN LYON COUNTY RECORDS.

275641

EXHIBIT "B"
TO THE WATER RIGHTS DEED

LEGAL DESCRIPTION

The land referred to herein is situated in the State of Nevada, County of LYON, described as follows:

That portion of the Northeast 1/4 of SEction 23, Township 11 North, Range 26 East, M.D.B. & M., in the County of Lyon, State of Nevada, being more particularly described as follows:

Beginning at the Section corner common to 13, 14, 23, 24 as shown on Record of Survey No. 223861, thence through the following courses;

1. South 01° 00' 38" East, 1958.07 feet;
2. North 88° 46' 47" West, 2687.84 feet;
3. North 00° 00' 03" West, 638.78 feet;
4. North 45° 42' 44" East, 1852.85 feet;
5. South 88° 36' 59" East, 1326.75 feet to the TRUE POINT OF BEGINNING.

ASSESSOR'S PARCEL NO. 12-471-74

PER NRS 111.312, THE LEGAL DESCRIPTION APPEARED PREVIOUSLY IN DEED # 241208 RECORDED ON NOVEMBER 29, 1999 IN LYON COUNTY RECORDS.

275641

OFFICIAL RECORDS
LYON COUNTY, NEV.
RECORD REQUESTED BY
George L'Able
02 APR 22 AM 9:51
MARY C. HILLIGAN
COUNTY RECORDER
FEE 17.00 DEP. DW

RPTT-#3
Correcting Permit #2 + Trustee
Mail Recorded Deed and
Tax Statements to:
George A. L'Abbe
P,.O. Box 961
Yerington, NV 89447

APN 12-471-74

WATER RIGHTS CORRECTION DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, BANK OF AMERICA, N.A., as Trustee for GEORGE A. L'ABBE, (Grantor) does hereby GRANT, BARGAIN to THE WHITTIER TRUST COMPANY OF NEVADA, as Trustee for GEORGE A. L'ABBE (whose address is: P.O. Box 961, Yerington, Nevada 89447), those certain waters and water rights described in **Exhibit "A"** attached hereto and incorporated herein by this reference and appurtenant to the real property described in **Exhibit "B"** attached hereto.

TO HAVE AND TO HOLD said water and water rights, unto the Grantees, and to their successors and assigns forever.

SAID DEED is being filed to correct the quantity of the diversion rate of Permits 49274, 49276, 49277 and 49278 expressed in that certain quitclaim deed executed on May 31, 2000 and filed in the Office of the Lyon County Recorder on June 26, 2000 as Document #249512.

Dated this 3rd day of May, 2002.

Bank of America, N.A., As Trustee

By: Debra S. Thomas
Debra S. Thomas VP & Trust Officer
(Printed Name)

By: John T. Margeson
John T. Margeson, VP & Trust Officer

276752

STATE OF WASHINGTON)
) ss.
County of KING)

On this 3rd day of May, 2002, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Debra S. Thomas and John T. Margeson to me known or proven on the basis of satisfactory evidence to be the Vice President and Vice President, respectively of BANK OF AMERICA N.A., that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act of said bank and that they were authorized to execute the said instrument.

WITNESS my hand and official seal hereto affixed the day and year in this certificate above written.

PAT A. WOOD
COMM. EXP.
NOTARY
PUBLIC
MAY 1, 2005
STATE OF WASHINGTON

Pat A. Wood
Notary Public in and for the State of Washington
Residing at Everett
Name printed PAT A. WOOD
My appointment expires: 5/1/05

276752

EXHIBIT "A"

WATER RIGHTS TO BE CONVEYED

THOSE CERTAIN surface water rights from the East Walker River which are appurtenant to the real property described in EXHIBIT "B", attached ("Property") pursuant to Claim 17 of that certain decree entitled "UNITED STATES OF AMERICA, PLAINTIFF, VS. WALKER RIVER IRRIGATION DISTRICT, A CORPORATION, ET AL, DEFENDANTS, CASE IN EQUITY C-125" and consisting of the following:

1. The right to irrigate 25.5 acres of land with the following priorities:

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1890:	3.19 acres
1895:	4.46 acres
	25.5 acres

2. The right to irrigate 34.5 acres of the Property from the East Walker River designated as "NEWLAND" as administered by the WALKER RIVER IRRIGATION DISTRICT.

TOGETHER with a portion of Permit 25017, Certificate 8860 issued to the Walker River Irrigation District for flood and excess waters to the extent it is appurtenant to such 60 acres.

THE TOTAL LAND AREA of the Property to be irrigated by surface water rights from the East Walker River under portions of CLAIM 17, "NEWLAND" rights and Permit 25017, Certificate 8860 is 60.00 acres, more or less.

ALONG WITH a portion of the supplemental underground water rights under PERMITS 49274, 49276, 49277 and 49278 consisting of a pro-rata portion of the diversion rate from each permit and having a total combined duty not to exceed 240 acre-feet which are appurtenant to that same 60 acres of the land irrigated from the East Walker River by Decreed and "Newland" rights described above.

TOGETHER WITH the right to change the point of diversion and place and manner of use of said water rights.

EXCLUDING THEREFROM, any and all water and water rights from any and all sources over and above those specifically described above.

276752

EXHIBIT "B"

TO WATER RIGHTS DEED

LEGAL DESCRIPTION

The land referred to herein is situated in the State of Nevada, County of LYON, described as follows:

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Beginning at the Section corner common to 13, 14, 23, 24 as shown on Record of Survey No. 223861, thence through the following courses;

1. South 01° 00′ 38" East, 1958.07 feet;
2. North 88° 46′ 47" West, 2687.84 feet;
3. North 00° 00′ 03" West, 638.78 feet;
4. North 45° 42′ 44" East, 1852.85 feet;
5. South 88° 36′ 59" East, 1326.75 feet to the TRUE POINT OF BEGINNING.

ASSESSOR'S PARCEL NO. 12-471-74

PER NRS 111.312, THE LEGAL DESCRIPTION APPEARED PREVIOUSLY IN DEED # 241208 RECORDED ON NOVEMBER 29, 1999 IN LYON COUNTY RECORDS.

276752

OFFICIAL RECORDS
LYON COUNTY, NEV.
RECORD REQUESTED BY
George L'Abbe
02 MAY 13 AM 9:42

MARY D. HILLIGAN
COUNTY RECORDER
FEE 17.00 DEP. DN

STATE OF WASHINGTON)
) ss.
County of KING)

On this 3rd day of May, 2002, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Debra S. Thomas and John T. Margeson to me known or proven on the basis of satisfactory evidence to be the Vice President and Vice President, respectively of BANK OF AMERICA, N.A., that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act of said bank and that they were authorized to execute the said instrument.

WITNESS my hand and official seal hereto affixed the day and year in this certificate above written.

PAT A. WOOD
COMM. EXP.
NOTARY
PUBLIC
MAY 1, 2005
STATE OF WASHINGTON

Pat A. Wood
Notary Public in and for the State of Washington
Residing at Everett
Name printed PAT A. WOOD
My appointment expires: 5/1/05

276752

EXHIBIT "A"

WATER RIGHTS TO BE CONVEYED

THOSE CERTAIN surface water rights from the East Walker River which are appurtenant to the real property described in EXHIBIT "B", attached ("Property") pursuant to Claim 17 of that certain decree entitled "UNITED STATES OF AMERICA, PLAINTIFF, VS. WALKER RIVER IRRIGATION DISTRICT, A CORPORATION, ET AL, DEFENDANTS, CASE IN EQUITY C-125" and consisting of the following:

1. The right to irrigate 25.5 acres of land with the following priorities:

1867:	0.57 acres
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TOGETHER WITH the right to change the point of diversion and place and manner of use of said water rights.

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276752