FILED
NOV 13 2006
U.S. DISTRICT COURT

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 Subproceeding: C-125-B NINTH REPORT OF THE UNITED STATES OF AMERICA CONCERNING STATUS OF SERVICE ON CERTAIN PERSONS AND ENTITIES

The United States of America ("United States"), on behalf of itself and the Walker River Paiute Tribe ("Tribe"), submits the following information related to its service efforts on persons and entities subject to service under the *Case Management Order* (Apr. 18, 2000) ("CMO"). As set forth in this pleading, the United States asks the Court to approve certain service efforts, to amend the caption related to this phase of service, to make corrections and additions, and, in some instances, to take no action at this point as service efforts are continuing. The instant filing focuses on a portion of those persons and entities subject to service under Paragraph 3 of the CMO.

This is the ninth such filing that the United States has made in this action. The United States and the Tribe ask the parties to direct any comments or corrections regarding this report to the United States so that any corrections might be made promptly. In addition, the United States

will include this report in the proposed agenda for the status conference with the Magistrate Judge, scheduled for December 8, 2006, and will suggest that the Court address the report and relief requested at that time.

As with the previous Service Reports, this pleading includes a set of exhibits. We have served the exhibits to this filing in the same manner in which we handled the previous filings. Individuals and entities addressed in this filing have received copies of only those exhibits that concern their service issues, and we will provide any of them with copies of any additional exhibits that they wish to obtain. In addition, we have provided materials to the mediating parties in a similar fashion, except that we have again provided a copy of all exhibits to counsel for the Walker River Irrigation District, and will provide the other mediating parties with copies of any exhibits they request.

We will be submitting a separate filing of the original Waivers of Service, Notices of Appearance, Disclaimers, and Notices of Change of Ownership of Water Right, arranged in alphabetical order.

We have organized this pleading numerically, according to the alphabetical listing of names included on the caption in the United States' and Tribe's respective First Amended Counterclaims. Exhibits are numbered to correlate to the overall numerical organization (*i.e.*, Exhibit 1 relates to the discussion of Defendant #1). For each Defendant addressed, we have attempted to identify all service categories relevant to that Defendant, but we are not representing these identifications as necessarily complete or asserting that any Defendant subject to service under CMO categories not specifically identified would need to be served a second time. To the extent that corrections or additional or changed parties appear appropriate, those are discussed in

connection with the listing as originally identified in the case caption.

We have not yet provided the Court with a proposed amended Caption, but are prepared to do so after the Court addresses the requests stated herein. We are also providing a copy of this pleading and the certificate of service to the Court and the Clerk's Office on a computer disk in Word Perfect format and would be pleased to provide this information in any other format to assist the Court and Clerk's Office.

In an effort to assist with the development of the Certificate of Service for this case, we have included in this pleading addresses for counsel, and if there is no counsel, addresses for service upon the individual or entity served. For persons and entities filing Notices of Appearance, these addresses are included in the body of the pleading. The attached Certificate of Service includes all persons and entities served. This filing also includes several address changes that we have received from various persons or entities. We recognize that if the Court dismisses certain individuals and entities from the case, as we have requested, the Certificate of Service attached to this document will change as well.

I. Service:

1. Mary A. Adams:

   a. Basis for inclusion: CMO 3.c.

   b. Status of service: A signed Waiver of Service has been returned. *See* Exhibit 1.

   c. Counsel: None indicated.

   d. Address for service: n/a

   e. Requested action(s): We request a finding that service is complete.

2. Adrian Family Trust

a. Basis for inclusion: CMO 3.c.

b. Status of service: Waiver of Service and Notice of Appearance forms have been returned, signed by trustees Eugene M. Adrian, Jr. and Helen E. Adrian. *See* Exhibit 2.

c. Counsel: None indicated.

d. Address for service: Adrian Family Trust
Helen E. and Eugene M., Jr. trustees
506 Madden Lane
Yerington, NV 89447

e. Requested action(s): We request a finding that service is complete.

3. Susan S. Aiken:

a. Basis for inclusion: CMO 3.c.

b. Status of service: Ms. Aiken has signed and returned Waiver of Service and Notice of Appearance forms. *See* Exhibit 3.

c. Counsel: None indicated.

d. Address for service: Susan Sedgwick Aiken
30 Sunny Grove
Yerington, NV 89447

e. Requested action(s): We request a finding that service is complete.

4. C. Fred Aldridge: *see* Terry L. Bunkowski, below.

5. Algeo Family Revocable Trust:

a. Basis for inclusion: CMO 3.c.

b. Status of service: Waiver of Service and Notice of Appearance forms have been returned, signed by trustee John W. Algeo. *See* Exhibit 5.

c. Counsel: None indicated.

d. Address for service: Algeo Family Revocable Trust
John W. and Catherine H. Algeo, trustees
41 Panavista Circle
Yerington, NV 89447

e. Requested action(s): We request a finding that service is complete.

6. Carl Altman:

a. Basis for inclusion: CMO 3.c.

b. Status of service: Mr. Altman returned a signed Waiver of Service. *See* Exhibit 6.

c. Counsel: None indicated.

d. Address for service: n/a

e. Requested action(s): We request a finding that service is complete.

7. Mary Altman:

a. Basis for inclusion: CMO 3.c.

b. Status of service: Ms. Altman has returned a signed Waiver of Service. *See* Exhibit 7.

c. Counsel: None indicated.

d. Address for service: n/a

e. Requested action(s): We request a finding that service is complete.

8. Morries E. Andersen, Jr.:

a. Basis for inclusion: CMO 3.c.

b. Status of service: Mr. Andersen has returned signed Waiver of Service and

Notice of Appearance forms. *See* Exhibit 8.

c. Counsel: None indicated.

d. Address for service: Morries E. Andersen, Jr.
P. O. Box 103
Yerington, NV 89447

e. Requested action(s): We request a finding that service is complete.

9. Darrell E. Anderson:

a. Basis for inclusion: CMO 3.c.

b. Status of service: Mr. Anderson has returned a signed Waiver of Service. *See* Exhibit 9.

c. Counsel: None indicated.

d. Address for service: n/a

e. Requested action(s): We request a finding that service is complete.

10. Ernie A. Angeles:

a. Basis for inclusion: CMO 3.c.

b. Status of service: Mr. Angeles has returned signed Waiver of Service and Notice of Appearance forms. *See* Exhibit 10. These forms, however, were dated after Mr. Angeles had received Service of Process at his home.

c. Counsel: None indicated.

d. Address for service: Ernie A. Angeles
91 Luzier Lane
Yerington, NV 89447

e. Requested action(s): We request a finding that service is complete.

11. Sam S. Arentz III: *see* Trudie C. Arentz, below.

12. Trudie C. Arentz:

a. Basis for inclusion: CMO 3.c.

b. Status of service: The Arentz have each returned signed Waiver of Service and Notice of Appearance forms. *See* Exhibits 11 and 12.

c. Counsel: None indicated.

d. Address for service: Trudie C. and Sam S. Arentz III
7350 Island Queen Center
Sparks, NV 89436

e. Requested action(s): We request a finding that service is complete as to Sam S. Arentz III and Trudie C. Arentz.

13. David E. Armstrong: *see* Marge A. Armstrong, below.

14. Marge A. Armstrong:

a. Basis for inclusion: CMO 3.c.

b. Status of service: David E. and Marge A. Armstrong have each returned signed Waivers of Service. *See* Exhibits 13 and 14.

c. Counsel: None indicated.

d. Address for service: n/a

e. Requested action(s): We request a finding that service is complete as to David E. Armstrong and Marge A. Armstrong.

15. John G. Atwood, Jr.:

a. Basis for inclusion: CMO 3.c.

b. Status of service: Mr. Atwood has returned signed Waiver of Service and Notice of Appearance forms. *See* Exhibit 15.

c. Counsel: None indicated.

d. Address for service: John G. Atwood, Jr.
85 S. Bybee Lane
Yerington, NV 89447

e. Requested action(s): We request a finding that service is complete.

16. James J. Baran:

a. Basis for inclusion: CMO 3.c.

b. Status of service: Mr. Baran has returned signed Waiver of Service and Notice of Appearance forms. *See* Exhibit 16.

c. Counsel: None indicated.

d. Address for service: James J. Baran
45 Falcon Way
Yerington, NV 89447

e. Requested action(s): We request a finding that service is complete.

17. Vicki L. Barcellos:

a. Basis for inclusion: CMO 3.c.

b. Status of service: Ms. Barcellos has returned a signed Waiver of Service form. *See* Exhibit 17.

c. Counsel: None indicated.

d. Address for service: n/a

e. Requested action(s): We request a finding that service is complete.

18. Gladys Bartels: *see* William J. Bartels, below.

19. William J. Bartels:

a. Basis for inclusion: CMO 3.c.

b. Status of service: Mr. Bartels has returned signed Waiver of Service and Notice of Appearance forms. The water rights at issue are held jointly by William J. and Gladys Bartels. *See* Exhibits 18 and 19.

c. Counsel: None indicated.

d. Address for service: Gladys and William J. Bartels, Sr.
6 Cottonwood Lane
Yerington, NV 89447

e. Requested action(s): We request a finding that service is complete as to Gladys Bartels and William J. Bartels, Sr.

20. Beverly I. Baumgartner: *see* John G. Baumgartner, below.

21. John G. Baumgartner:

a. Basis for inclusion: CMO 3.c.

b. Status of service: The Baumgartners have each returned signed Waiver of Service and Notice of Appearance forms. *See* Exhibits 20 and 21.

c. Counsel: None indicated.

d. Address for service: Beverly I. and John G. Baumgartner
2 Thurston Way
Yerington, NV 89447

e. Requested action(s): We request a finding that service is complete as to Beverly I. Baumgartner and John G. Baumgartner.

22. Linda G. Beal: *see* Steven G. Beal, below.

23. Steven G. Beal:

a. Basis for inclusion: CMO 3.c.

b. Status of service: The Beals have each returned a signed Waiver of Service.

See Exhibits 22 and 23.

c. Counsel: None indicated.

d. Address for service: n/a

e. Requested action(s): We request a finding that service is complete as to Linda G. Beal and Steven G. Beal.

24. Ethel R. Bean: *see* Kenneth R. Bean, below.

25. Kenneth R. Bean:

a. Basis for inclusion: CMO 3.c.

b. Status of service: The Beans have each returned a signed Waiver of Service. However, further investigation has shown that the water right at issue was quitclaimed to the Kenneth R. Bean and Ethel R. Beam Family Trust in 1998. *See* Exhibits 24 and 25.

c. Counsel: None indicated.

d. Address for service: n/a

e. Requested action(s): We request that Ethel R. Bean and Kenneth R. Bean as individuals be dismissed and that the Kenneth R. Bean and Ethel R. Beam Family Trust be substituted. The Trust has yet to be served.

26. Carl D. Bell:

a. Basis for inclusion: CMO 3.c.

b. Status of service: Mr. Bell has returned signed Waiver of Service and Notice of Appearance forms. *See* Exhibit 26.

c. Counsel: None indicated.

d. Address for service: Carl D. Bell
1805 N. Carson St., #26
Carson City, NV 89701

e. Requested action(s): We request a finding that service is complete.

27. Don Bentley and Patty S. Bentley Family Trust:

a. Basis for inclusion: CMO 3.c.

b. Status of service: A Waiver of Service form signed by trustees Don Bentley and Patty S. Bentley has been returned. *See* Exhibit 27.

c. Counsel: None indicated.

d. Address for service: n/a

e. Requested action(s): We request a finding that service is complete.

28. Cynthia Bergstom: *see* Raymond Bergstrom, below.

29. Raymond Bergstrom:

a. Basis for inclusion: CMO 3.c. and i

b. Status of service: The Bergstroms have written to inform us that they no longer own the water rights at issue, Juan and Maria Verdugo having purchased same. *See* Exhibits 28 and 29.

c. Counsel: None indicated.

d. Address for service: n/a

e. Requested action(s): We request that the Court dismiss the Bergstroms and substitute the Verdugos who are already parties to this action. They were served July 29, 2004, and have yet to respond.

30. Donald J. Bernard:

a. Basis for inclusion: CMO 3.c.

b. Status of service: Mr. Bernard has signed and returned Waiver of Service and Notice of Appearance forms. *See* Exhibit 30.

c. Counsel: None indicated.

d. Address for service: Donald J. Bernard
20 Fox Lane, #A
Yerington, NV 89447

e. Requested action(s): We request a finding that service is complete.

31. Barbara L. Berry: *see* Robert J. Berry, below

32. Matthew P. Berry: *see* Yvette R. Berry, below.

33. Robert J. Berry:

a. Basis for inclusion: CMO 3.c.

b. Status of service: Barbara and Robert Berry have each returned a signed Waiver of Service. *See* Exhibits 31 and 33.

c. Counsel: None indicated.

d. Address for service: n/a

e. Requested action(s): We request a finding that service is complete as to Barbara L. Berry and Robert J. Berry.

34. Yvette R. Berry:

a. Basis for inclusion: CMO 3.c.

b. Status of service: No response. Documentation recently received from the State of Nevada shows that the water rights at issue have been conveyed to RightWay Investments Smith Valley, LLC. *See* Exhibits 32 and 34.

c. Counsel: None indicated.

d. Address for service: n/a

e. Requested action(s): We request that the Court dismiss Matthew P. and Yvette R. Berry; and substitute RightWay Investments Smith Valley, LLC which is already a party to this action. *See* Order Concerning Seventh Report, Attachment B at No. 177.

35. Jessica Bettencourt:

a. Basis for inclusion: CMO 3.c.

b. Status of service: Jessica Diaz, who was served as Jessica Bettencourt, has returned a signed Waiver of Service. *See* Exhibit 35.

c. Counsel: None indicated.

d. Address for service: n/a

e. Requested action(s): We request that the caption be amended to read Jessica Bettencourt Diaz; and a finding that service is complete.

36. Lawrence R. Bettencourt:

a. Basis for inclusion: CMO 3.c.

b. Status of service: Mr. Bettencourt has returned a signed Waiver of Service. *See* Exhibit 36.

c. Counsel: None indicated.

d. Address for service: n/a

e. Requested action(s): We request a finding that service is complete.

37. Mary Jane Bettencourt:

a. Basis for inclusion: CMO 3.c.

b. Status of service: Ms. Bettencourt has returned a signed Waiver of Service. *See* Exhibit 37.

c. Counsel: None indicated.

d. Address for service: n/a

e. Requested action(s): We request a finding that service is complete.

38. Julia A. Bezayiff: *see* Roger F. Bezayiff, below.

39. Roger F. Bezayiff:

a. Basis for inclusion: CMO 3.c.

b. Status of service: The Bezayiffs have each returned a signed Waiver of Service form. *See* Exhibits 38 and 39.

c. Counsel: None indicated.

d. Address for service: n/a

e. Requested action(s): We request a finding that service is complete as to Julia A. Bezayiff and Roger F. Bezayiff.

40. Gene Bingeman Family Trust:

a. Basis for inclusion: CMO 3.c.

b. Status of service: Waiver of Service and Notice of Appearance forms have been returned, signed by trustee Joyce Bingeman. *See* Exhibit 40.

c. Counsel: None indicated.

d. Address for service: Gene Bingeman Family Trust
Joyce Bingeman, trustee
191 Sunset Hills Drive

Yerington, NV 89447

e. Requested action(s): We request a finding that service is complete.

41. Dale G. Blackburn: *see* Eve L. Blackburn, below.

42. Eve L. Blackburn:

a. Basis for inclusion: CMO 3.c

b. Status of service: The Blackburns have each returned signed Waiver of Service and Notice of Appearance forms. *See* Exhibits 41 and 42.

c. Counsel: None indicated.

d. Address for service: Dale C. and Eve L. Blackburn
P. O. Box 197
Smith, NV 89430

e. Requested action(s): We request a finding that service is complete as to Dale G. Blackburn and Eve L Blackburn.

43. Laurie A. Bonnet: *see* Mason L. Bonnet, below.

44. Mason L. Bonnet:

a. Basis for inclusion: CMO 3.c.

b. Status of service: The Bonnets each have returned a signed Waiver of Service . *See* Exhibits 43 and 44.

c. Counsel: None indicated.

d. Address for service: n/a

e. Requested action(s): We request a finding that service is complete as to Laurie A. Bonnet and Mason L. Bonnet.

45. William J. Bray, Sr.:

a. Basis for inclusion: CMO 3.c.

b. Status of service: Mr. Bray has returned signed Waiver of Service and Notice of Appearance forms. *See* Exhibit 45.

c. Counsel: None indicated.

d. Address for service: William J. Bray, Sr.
17 Villa Real
Yerington, NV 89447

e. Requested action(s): We request a finding that service is complete.

46. Eugene L. Bruhn:

a. Basis for inclusion: CMO 3.c.

b. Status of service: A signed Waiver of Service has been returned. *See* Exhibit 46.

c. Counsel: None indicated.

d. Address for service: n/a

e. Requested action(s): We request a finding that service is complete.

47. Nickels L. Bruhn:

a. Basis for inclusion: CMO 3.c.

b. Status of service: A signed Waiver of Service has been returned. *See* Exhibit 47.

c. Counsel: None indicated.

d. Address for service: n/a

e. Requested action(s): We request a finding that service is complete.

48. Gordon D. Bryan: *see* Helen Bryan, below.

49. Helen Bryan:

a. Basis for inclusion: CMO 3.c.

b. Status of service: The Bryans have each returned a signed Waiver of Service. *See* Exhibits 48 and 49.

c. Counsel: None indicated.

d. Address for service: n/a

e. Requested action(s): We request a finding that service is complete as to Gordon D. Bryan and Helen Bryan

50. Terry L. Bunkowski:

a. Basis for inclusion: CMO 3.a and c

b. Status of service: No response. Further investigation has shown that the water rights at issue have been conveyed to Myron M. Rinasz, and Scott M. and Angela M. Smith *See* Exhibit 50. Mr. Rinasz and Mr. and Mrs. Smith all have waived service and the Court has deemed service complete. *See* Order Concerning Sixth Report and Sixth Report at Nos. 20, 23 and 25.

c. Counsel: None indicated.

d. Address for service: n/a

e. Requested action(s): Dismissal.

51. Richard J. Cairns:

a. Basis for inclusion: CMO 3.c.

b. Status of service: No response. Further investigation has shown that the water right at issue has been conveyed to Gary R. MacBlane. *See* Exhibit 51.

c. Counsel: None indicated.

d. Address for service: n/a

e. Requested action(s): We request that the Court dismiss Richard J. Cairns and substitute Gary R. MacBlane, who has yet to be served.

52. David Callaham:

a. Basis for inclusion: CMO 3.a

b. Status of service: We have learned that Mr. Callaham is deceased. *See* Exhibit 52. He held the water right at issue in joint tenancy with his wife, Sandra Callaham, who received Service of Process on May 15, 2005.

c. Counsel: None indicated.

d. Address for service: n/a

e. Requested action(s): Dismissal.

53. Norma Jean Chidwick Trust

a. Basis for inclusion: CMO 3.c.

b. Status of service: Mrs. Chidwick, trustee, has returned a signed Waiver of Service and Disclaimer of Interest form. *See* Exhibit 53. Further investigation has shown that the water rights at issue were conveyed to Larry W. and Jane C. Marriott. .

c. Counsel: None indicated.

d. Address for service: n/a

e. Requested action(s): We request a finding that service is complete as to the Norma Jean Chidwick Trust; dismissal of the Trust; and substitution of Larry W.

and Jane C. Marriott. The Marriotts are already parties to this action. *See* Order Concerning Third Status Report, Attachment B at Nos. 241 and 242.

54. Carol R. Coté: *see* Louis J. Coté, below.

55. Louis J. Coté:

a. Basis for inclusion: CMO 3.c.

b. Status of service: The Cotés have returned signed Waivers of Service and a Disclaimer of Interest. The water rights at issue have been conveyed to Todd J. O'Banion. *See* Exhibits 54 and 55.

c. Counsel: None indicated.

d. Address for service: n/a

e. Requested action(s): We request that the Court dismiss Carol R. Coté and Louis J. Coté; and substitute Mr. O'Banion who is already a party to this action. *See* Order Concerning Seventh Service Report, Attachment B at No. 162

56. Jon D. Crowley: *see* Teresa G. Crowley, below.

57. Teresa G. Crowley:

a. Basis for inclusion: CMO 3.c.

b. Status of service: Mr. and Mrs. Crowley have each returned signed Waiver of Service and Notice of Appearance forms, along with Mrs. Crowley's cover letter. *See* Exhibits 56 and 57.

c. Counsel: None indicated.

d. Address for service: Jon D. and Teresa G. Crowley
5450 Milton Ranch Road
Shingle Springs, CA 95682

e. Requested action(s): We request a finding that service is complete as to Jon D. Crowley and Teresa G. Crowley.

58. Jack DeChambeau: *see* Susan J. DeChambeau, below.

59. Susan J. DeChambeau:

a. Basis for inclusion: CMO 3.c.

b. Status of service: The DeChambeaus have each returned a signed Waiver of Service. *See* Exhibits 58 and 59.

c. Counsel: None indicated.

d. Address for service: n/a

e. Requested action(s): We request a finding that service is complete as to Jack DeChambeau and Susan J. DeChambeau.

60. Cynthia L. Diekmann:

a. Basis for inclusion: CMO 3.a

b. Status of service: No response. A Notice of Change of Ownership of Water Right recently filed with the Court indicates that the water right at issue has been conveyed to Richard J. Diekmann. *See* Exhibit 60.

c. Counsel: None indicated.

d. Address for service: n/a

e. Requested action(s): We request that the Court dismiss Cynthia L. Diekmann and substitute Richard J. Diekmann. Mr. Diekmann has yet to be served.

61. Colby D. Eller: *see* Julia C. Eller, below.

62. Julia C. Eller:

a. Basis for inclusion: CMO 3.a

b. Status of service: The Ellers have each returned signed Waiver of Service and Notice of Appearance forms. *See* Exhibits 61 and 62.

c. Counsel: None indicated.

d. Address for service: Colby E. and Julia C. Eller
426 Pearl St.
Yerington, NV 89447

e. Requested action(s): We request a finding that service is complete as to Colby D. Eller and Julia C. Eller.

63. Angel Espitia: *see* Margarita Espitia, below.

64. Margarita Espitia:

a. Basis for inclusion: CMO 3.c.

b. Status of service: Angel and Margarita Espitia have each returned signed Waiver of Service and Notice of Appearance forms. *See* Exhibits 63 and 64.

c. Counsel: None indicated.

d. Address for service: Angel and Margarita Espitia
634 Highway 95A E.
Yerington, NV 89447

e. Requested action(s): We request a finding that service is complete as to Angel Espitia and Margarita Espitia. We also request that the captions be amended to read Angel Espitia rather than Angel Espitia Flores.

65. Robert A. Eversult: *see* Shirley A. Eversult, below.

66. Shirley A. Eversult:

a. Basis for inclusion: CMO 3.c.

b. Status of service: The Eversults have each returned signed Waiver of Service and Notice of Appearance forms. *See* Exhibits 65 and 66.

c. Counsel: None indicated.

d. Address for service: Robert A. and Shirley A. Eversult
54 Locust Drive
Yerington, NV 89447

e. Requested action(s): We request a finding that service is complete as to Robert A. Eversult and Shirley A. Eversult.

67. Mabel Facer:

a. Basis for inclusion: CMO 3.a

b. Status of service: No response. The water right at issued has been conveyed to Jack E. Bush. *See* Exhibit 67. Mr. Bush is already a party to this action. *See* Order Concerning Third Service Report, Attachment B at No. 51.

c. Counsel: None indicated.

d. Address for service: n/a

e. Requested action(s): We request that the Court dismiss Mabel Facer and substitute Jack E. Bush.

68. Eileen Felthoven: *see* Lee A. Felthoven, below.

69. Lee A. Felthoven:

a. Basis for inclusion: CMO 3.c.

b. Status of service: The Felthovens have each returned signed Waiver of Service and Notice of Appearance forms. *See* Exhibits 68 and 69.

c. Counsel: None indicated.

d. Address for service: Eileen and Lee A. Felthoven
16314 Septo Street
North Hills, CA 91343

e. Requested action(s): We request a finding that service is complete as to Eileen Felthoven and Lee A. Felthoven.

70. Penelope J. Fowler: *see* Terry G. Fowler, below.

71. Terry G. Fowler:

a. Basis for inclusion: CMO 3.c.

b. Status of service: The Fowlers have each returns a signed Waiver of Service. *See* Exhibits 70 and 711

c. Counsel: None indicated.

d. Address for service: n/a

e. Requested action(s): We request a finding that service is complete as to Penelope J. Fowler and Terry G. Fowler.

72. Ken and Dorothy Gardner Trust:

a. Basis for inclusion: CMO 3.a

b. Status of service: Information recently received from WRID shows that the water right at issue has been conveyed from Kennth and Dorothy, as individuals, to the Ken and Dorothy Gardner Trust. The trust was served on June 6, 2006, and Waiver of Service and Notice of Appearance forms have been returned, signed by trustees Kenneth D. and Dorothy Rowe Gardner. *See* Exhibit 72.

c. Counsel: George M. Keele, Esq.
1629 County Road #A
Minden, NV 89423

d. Address for service: *See* counsel's address above.

e. Requested action(s): We request that the Court dismiss Dorothy Rowe Gardner and Kenneth D. Gardner, Jr. and substitute the Ken and Dorothy Gardner Trust. We further request a finding that service is complete as to the Trust.

73. Golden Honey Bear Trust:

a. Basis for inclusion: CMO 3.c.

b. Status of service: A Waiver of Service form has been returned, signed by co-trustee Gary L. Adams. *See* Exhibit 73.

c. Counsel: None indicated.

d. Address for service: n/a

e. Requested action(s): We request a finding that service is complete.

74. John R. Gourley: *see* Patricia L. Gourley, below.

75. Patricia L. Gourley:

a. Basis for inclusion: CMO 3.c.

b. Status of service: The water right at issue is held jointly by John R. and Patricia L. Gourley. A Waiver of Service has been returned, signed by Patricial L. Gourley. *See* Exhibits 74 and 75.

c. Counsel: None indicated.

d. Address for service: n/a

e. Requested action(s): We request a finding that service is complete as to John R. Gourley and Patricia L. Gourley.

76. Cheryl S. Hagen: *see* Mike Hagen, below.

77. Mike Hagen:

a. Basis for inclusion: CMO 3.c.

b. Status of service: The Hagens have each returned signed Waiver of Service and Notice of Appearance forms. *See* Exhibits 76 and 77.

c. Counsel: None indicated.

d. Address for service: Cheryl S. and Mike Hagen
21 Cottonwood Lane
Yerington, NV 89447

e. Requested action(s): We request a finding that service is complete as to Cheryl S. Hagen and Mike Hagen.

78. James B. Hall:

a. Basis for inclusion: CMO 3.c.

b. Status of service: A signed Waiver of Service has been returned. *See* Exhibit 78.

c. Counsel: None indicated.

d. Address for service: n/a

e. Requested action(s): We request a finding that service is complete.

79. Robert A. Hamlett:

a. Basis for inclusion: CMO 3.c.

b. Status of service: Mr. Hamlett has returned signed Waiver of Service and Notice of Appearance forms. *See* Exhibit 79.

c. Counsel: None indicated.

d. Address for service: Robert A. Hamlett, II

16 E. Lemos Lane
Yerington, NV 89447

e. Requested action(s): We request a finding that service is complete.

80. Bob E. Hana: *see* Carmela R. Hana, below.

81. Carmela R. Hana:

a. Basis for inclusion: CMO 3.c.

b. Status of service: The Hanas have each returned signed Waiver of Service and Notice of Appearance forms. *See* Exhibits 80 and 81.

c. Counsel: None indicated.

d. Address for service: Bob E. and Carmela R. Hana
4 Jackson Lane
Yerington, NV 89447

e. Requested action(s): We request a finding that service is complete as to Bob E. Hana and Carmela R. Hana.

82. Lawrence G. Hanks:

a. Basis for inclusion: CMO 3.a

b. Status of service: No response. We have learned that the water rights at issue have been conveyed to the Strudwick Living Trust. *See* Exhibit 82. The Trust is already a party to this action. *See* Order Concerning Fourth Status Report, Attachment B at No. 194

c. Counsel: None indicated.

d. Address for service: n/a

e. Requested action(s): Dismissal.

83. Gary W. Hardesty: *see* Karen Kay Hardesty, below.

84. Karen Kay Hardesty

a. Basis for inclusion: CMO 3.c.

b. Status of service: The Hardestys have returned signed Waivers of Service. *See* Exhibits 83 and 84.

c. Counsel: None indicated.

d. Address for service: n/a

e. Requested action(s): We request a finding that service is complete as to Gary W. Hardesty and Karen Kay Hardesty.

85. James Hardison: *see* Marlene Hardison, below.

86. Marlene Hardison

a. Basis for inclusion: CMO 3.c.

b. Status of service: The Hardisons have each returned a signed Notice of Appearance form. *See* Exhibits 85 and 86. However, these forms were received well after the Hardisons received Service of Process at their home on July 23, 2006.

c. Counsel: None indicated.

d. Address for service: James L. and Marlene Hardison
40 Cardinal Lane
Wellington, NV 89444

e. Requested action(s): We request a finding that service is complete as to James L. Hardison and Marlene Hardison.

87. Dennis E. Harrell: *see* Linda J. Harrell, below.

88. Linda J. Harrell:

a. Basis for inclusion: CMO 3.c.

b. Status of service: Dennis E. Harrell and Linda J. Harrell, who was served as Joy Harrell, have returned signed Waiver of Service forms. *See* Exhibits 87 and 88.

c. Counsel: None indicated.

d. Address for service: n/a

e. Requested action(s): We request that the caption be amended to read Linda J. Harrell, and a finding that service is complete as to Dennis E. Harrell and Linda J. Harrell.

89. Michael J. Hawkins:

a. Basis for inclusion: CMO 3.c.

b. Status of service: Mr. Hawkins has returned signed Waiver of Service and Notice of Appearance forms. *See* Exhibit 89.

c. Counsel: None indicated.

d. Address for service: Michael James Hawkins
7928 Cinthia Street
La Mesa, CA 91941

e. Requested action(s): We request a finding that service is complete.

90. Edward P. Hayes:

a. Basis for inclusion: CMO 3.c.

b. Status of service: Mr. Hayes has returned signed Waiver of Service and Notice of Appearance forms. *See* Exhibit 90.

c. Counsel: None indicated.

d. Address for service: Edward P. Hayes
50 Sharon Drive
Wellington, NV 89444

e. Requested action(s): We request a finding that service is complete.

91. Marcia E. Hefner: *see* Tom Hefner, below.

92. Tommy M. Hefner:

a. Basis for inclusion: CMO 3.c.

b. Status of service: The Hefners each have returned a signed Waiver of Service. *See* Exhibits 91 and 92.

c. Counsel: None indicated.

d. Address for service: n/a

e. Requested action(s): We request a finding that service is complete as to Marcia E. Hefner and Tommy M. Hefner.

93. Elizabeth A. Herner: *see also* James P. Herner, below.

a. Basis for inclusion: CMO 3.c.

b. Status of service: Mrs. Herner has returned signed Waiver of Service and Disclaimer forms with supporting documentation. *See* Exhibit 93.

c. Counsel: None indicated.

d. Address for service: n/a

e. Requested action(s): We request a finding that service is complete; that Mrs. Herner be dismissed; and that Frank E. and Randi Hunewill, the Brandstetter Family Trust, and Donna K. and Thomas E. Hustace be substituted. Only the Hustaces have yet to be served.

94. James P. Herner:

a. Basis for inclusion: CMO 3.c.

b. Status of service: Elizabeth Herner has submitted documentation which confirms that James P. Herner is deceased. *See* Exhibit 94. The water rights at issue were conveyed prior to Mr. Herner's demise.

c. Counsel: None indicated.

d. Address for service: n/a

e. Requested action(s): Dismissal.

95. Hicks Family Trust:

a. Basis for inclusion: CMO 3.c.

b. Status of service: Waiver of Service and Notice of Appearance forms have been returned, signed by trustee Louis H. Hicks. *See* Exhibit 95.

c. Counsel: None indicated.

d. Address for service: Hicks Family Trust
Louis H. and Adrienne S. Hicks, trustees
P. O. Box 479
Wellington, NV 89444

e. Requested action(s): We request a finding that service is complete.

96. Carol Lee Hodges: *see* Donald Lee Hodges, below.

97. Donald Lee Hodges:

a. Basis for inclusion: CMO 3.c.

b. Status of service: The Hodges have each returned signed Waiver of Service forms. *See* Exhibits 96 and 97.

c. Counsel: None indicated.

d. Address for service: n/a

e. Requested action(s): We request a finding that service is complete as to Carol Lee Hodges and Donald Lee Hodges.

98. Ted O. and Marian Hughes Family Trust:

a. Basis for inclusion: CMO 3.c.

b. Status of service: A Waiver of Service has been returned, signed by trustee Ted O. Hughes. *See* Exhibit 98.

c. Counsel: None indicated.

d. Address for service: n/a

e. Requested action(s): We request a finding that service is complete.

99. Tony and Sharon Hughes Family Trust:

a. Basis for inclusion: CMO 3.c.

b. Status of service: A Waiver of Service has been returned, signed by trustee Tony E. Hughes. *See* Exhibit 99.

c. Counsel: None indicated.

d. Address for service: n/a

e. Requested action(s): We request a finding that service is complete.

100. William Lay-fatte & Joan T. Johnson Family Trust:

a. Basis for inclusion: CMO 3.c.

b. Status of service: A Waiver of Service has been returned signed by Joan T. Johnson, trustee. *See* Exhibit 100.

c. Counsel: None indicated.

d. Address for service: n/a

e. Requested action(s): We request a finding that service is complete.

101. Barbara A. and Arthur L. Jones, Sr. Trust:

a. Basis for inclusion: CMO 3.c.

b. Status of service: Further investigation has shown that the water right at issue is held by Barbara A. Jones and Arthur L. Jones in their individual capacities rather than their Trust.

c. Counsel: None indicated.

d. Address for service: n/a

e. Requested action(s): We request that the Court dismiss the Barbara A. and Arthur L. Jones, Sr. Trust and substitute Barbara A. Jones and Arthur L. Jones, who were served on June 6, 2006.

102. Carolyn M. Kates:

a. Basis for inclusion: CMO 3.c.

b. Status of service: A signed Waiver of Service has been returned. *See* Exhibit 102.

c. Counsel: None indicated.

d. Address for service: n/a

e. Requested action(s): We request a finding that service is complete.

103. Michael & Karen Kirchner Family Trust:

a. Basis for inclusion: CMO 3.c.

b. Status of service: A Waiver of Service has been returned, signed by trustees Michael Kirchner and Karen Kirchner. *See* Exhibit 103.

c. Counsel: None indicated.

d. Address for service: n/a

e. Requested action(s): We request a finding that service is complete.

104. Lackore Revocable Family Trust:

a. Basis for inclusion: CMO 3.c.

b. Status of service: Waiver of Service and Notice of Appearance forms were returned, signed by Dale C. Lackore, trustee. *See* Exhibit 104.

c. Counsel: None indicated.

d. Address for service: Lackore Revocable Family Trust
Dale C. and Beth M. Lackore, trustees
60 Luzier Lane
Yerington, NV 89447

e. Requested action(s): We request a finding that service is complete.

105. Brian B. Leavitt: *see* Kim S. Leavitt, below.

106. Kim S. Leavitt:

a. Basis for inclusion: CMO 3.c.

b. Status of service: The Leavitts have each returned signed Waiver of Service and Notice of Appearance forms. *See* Exhibits 105 and 106.

c. Counsel: None indicated.

d. Address for service: Brian B. and Kim S. Leavitt
44 N. Bybee Lane
Yerington, NV 89447

e. Requested action(s): We request a finding that service is complete as to Brian B. Leavitt and Kim S. Leavitt.

107. Linda Kathleen Leiter:

a. Basis for inclusion: CMO 3.c.

b. Status of service: Ms. Leiter has returned a signed Waiver of Service. *See* Exhibit 107.

c. Counsel: None indicated.

d. Address for service: Linda K. Leiter
475 Day Lane
Wellington, NV 89444

e. Requested action(s): We request a finding that service is complete.

108. Melvin L. Lockwood: *see* Sylvia M. Lockwood, below.

109. Sylvia M. Lockwood:

a. Basis for inclusion: CMO 3.c.

b. Status of service: The Lockwoods have each returned a signed Waiver of Service form. *See* Exhibits 108 and 109.

c. Counsel: None indicated.

d. Address for service: n/a

e. Requested action(s): We request a finding that service is complete as to Melvin L. Lockwood and Sylvia M. Lockwood.

110. Eugenie H. Mack: *see* Luther Mack, below.

111. Luther Mack:

a. Basis for inclusion: CMO 3.c.

b. Status of service: Eugenie H. Mack as returned a signed Waiver of Service, and both Eugenie and Luther Mack have returned signed Notice of Appearance forms. *See* Exhibits 110 and 111.

c. Counsel: Louis M. Bubala III
JONES VARGAS
100 West Liberty St., 12th Floor
P. O. Box 281
Reno, NV 89504-0281

d. Address for service: *See* attorney's address above.

e. Requested action(s): We request a finding that service is complete as to Eugenie H. Mack and Luther Mack.

112. Lee Ann MacKenzie:

a. Basis for inclusion: CMO 3.c.

b. Status of service: Ms. MacKenzie has returned a signed Waiver of Service. *See* Exhibit 112.

c. Counsel: None indicated.

d. Address for service:

e. Requested action(s): We request a finding that service is complete.

113. Leslie MacMannus:

a. Basis for inclusion: CMO 3.c.

b. Status of service: A signed Waiver of Service has been returned. *See* Exhibit 113.

c. Counsel: None indicated.

d. Address for service: n/a

e. Requested action(s): We request a finding that service is complete.

114. John A. Mathias: *see* Nancy Mathias, below.

115. Nancy Mathias:

a. Basis for inclusion: CMO 3.c.

b. Status of service: John and Nancy Mathias have each returned signed Waiver of Service and Notice of Appearance forms. *See* Exhibits 114 and 115.

c. Counsel: Bruce Robb, Esq.
201 W. Liberty St., Ste. 210
Reno, NV 89501

d. Address for service: *See* counsel's address, above.

e. Requested action(s): We request a finding that service is complete as to John A. Mathias and Nancy Mathias. We also request that the captions be amended to read Mathias rather than Mathas.

116. Georgia A. May:

a. Basis for inclusion: CMO 3.c.

b. Status of service: Ms. May has returned a signed Waiver of Service. *See* Exhibit 116.

c. Counsel: None indicated.

d. Address for service: n/a

e. Requested action(s): We request a finding that service is complete.

117. Michael R. McCarthy: *see* Micheale Ann Campoy-McCarthy, below.

118. Michaele Ann Campoy-McCarthy:

a. Basis for inclusion: CMO 3.c.

b. Status of service: The McCarthys have each returned a signed Waiver of Service. *See* Exhibits 117 and 118.

c. Counsel: None indicated.

d. Address for service: n/a

e. Requested action(s): We request that the caption be amended to correct the spelling of Micheale; and a finding that service is complete as to Michael R. McCarthy and Micheale Ann Campoy-McCarthy.

119. David Hoyt McGarity: *see* Mary Colleen McGarity, below.

120. Mary Colleen McGarity

a. Basis for inclusion: CMO 3.c.

b. Status of service: The McGaritys have each returned signed Waivers of Service. *See* Exhibits 119 and 120.

c. Counsel: None indicated.

d. Address for service: n/a

e. Requested action(s): We request a finding that service is complete as to David Hoyt McGarity and Mary Colleen McGarity.

121. Me-Too, Inc.

a. Basis for inclusion: CMO 3.c.

b. Status of service: A Waiver of Service was returned, signed by William L. Heffler, president. *See* Exhibit 121.

c. Counsel: None indicated.

d. Address for service: n/a

e. Requested action(s): We request a finding that service is complete.

122. Vernon L. Miller and Caroline S. Miller Family Trust:

a. Basis for inclusion: CMO 3.c.

b. Status of service: A Waiver of Service form has been returned, signed by trustee Vernon L. Miller. *See* Exhibit 122.

c. Counsel: None indicated.

d. Address for service: n/a

e. Requested action(s): We request a finding that service is complete.

123. Miser Family Trust:

a. Basis for inclusion: CMO 3.c.

b. Status of service: A Waiver of Service has been returned, signed by trustees Billy J. and Shirley J. Miser. *See* Exhibit 123.

c. Counsel: None indicated.

d. Address for service: n/a

e. Requested action(s): We request a finding that service is complete.

124. Jack L. Mosby: *see* Rena A. Mosby, below.

125. Rena A. Mosby:

a. Basis for inclusion: CMO 3.c.

b. Status of service: The Mosbys have each returned a signed Waiver of Service. *See* Exhibits 124 and 125.

c. Counsel: None indicated.

d. Address for service: n/a

e. Requested action(s): We request a finding that service is complete as to Jack L. Mosby and Rena A. Mosby.

126. Edwin E. Nesbit: *see* Pamella N. Nesbit, below.

127. Pamella N. Nesbit:

a. Basis for inclusion: CMO 3.c.

b. Status of service: The Nesbits have each returned signed Waiver of Service and Notice of Appearance forms. *See* Exhibits 126 and 127.

c. Counsel: None indicated.

d. Address for service: Edwin E. and Pamella H. Nesbit
P. O. Box 138
Wellington, NV 89447

e. Requested action(s): We request a finding that service is complete as to Edwin E. Nesbit and Pamella N. Nesbit.

128. Kelly L. Nickum:

a. Basis for inclusion: CMO 3.c.

b. Status of service: Signed Waiver of Service and Notice of Appearance forms have been returned. *See* Exhibit 128.

c. Counsel: None indicated.

d. Address for service: Kelly L. Nickum
22 Basque Lane
Yerington, NV 89447

e. Requested action(s): We request a finding that service is complete.

129. Eugene Laurance Oreb and Sherill Pauline Oreb Living Trust:

a. Basis for inclusion: CMO 3.c.

b. Status of service: A Waiver of Service, signed by trustees Eugene L. Oreb and Sherill Oreb, has been returned. *See* Exhibit 129.

c. Counsel: None indicated.

d. Address for service: n/a

e. Requested action(s): We request a finding that service is complete.

130. Emily Grace Parker: *see* Susan Emily Parker, below.

131. Susan Emily Parker:

a. Basis for inclusion: CMO 3.c.

b. Status of service: Emily Grace and Susan Emily Parker have each returned a signed Waiver of Service. *See* Exhibits 130 and 131.

c. Counsel: None indicated.

d. Address for service: n/a

e. Requested action(s): We request a finding that service is complete as to Emily Grace Parker and Susan Emily Parker.

132. Cherylin K. Parrott: *see* Harold T. Parrott, below.

133. Harold T. Parrott:

a. Basis for inclusion: CMO 3.c.

b. Status of service: The Parrotts have each returned signed Waiver of Service and Notice of Appearance forms. *See* Exhibits 132 and 133.

c. Counsel: None indicated.

d. Address for service: Cherylin K. and Harold T. Parrott
34-A Bybee Lane
Yerington, NV 89447