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CLERK US DISTRICT COURT
DISTRICT OF NEVADA
BY: _____ DEPUTY

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 TENTH 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 tenth 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 April 10, 2007, 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. This filing also includes several address changes that we have received from various persons or entities. To the extent that the person or entity is not identified clearly in the address indicated for service, we have included that information in brackets. 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.

Service:

1. Alvarez Family Revocable Living Trust:

   a. Basis for inclusion: CMO 3.c

   b. Status of service: Waivers of Service have been returned signed by Amalia Alvarez and Enrique Alvarez, co-trustees. *See* Exhibit 1. However, these Waivers are dated three days after the trustees received personal Service of Process. A Notice of Appearance was filed with the Court. *See* Document No. 970.

   c. Counsel: None indicated.

d. Address for service: Alvarez Family Revocable Living Trust
Enrique and Amalia Alvarez, trustees
11010 Center Avenue
Gilroy, CA 95020

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

2. John A. Ausmus:

a. Basis for inclusion: CMO 3.c

b. Status of service: A signed Waiver of Service has been returned. *See* Exhibit 2. However, this Waiver is dated fifty days after Mr. Ausmus received personal Service of Process.

c. Counsel: None indicated.

d. Address for service: n/a

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

3. Kenneth E. Baker: *see* Linda M. Baker, below.

4. Linda M. Baker:

a. Basis for inclusion: CMO 3.c

b. Status of service: The Bakers have each returned signed Waiver of Service and Notice of Appearance forms. *See* Exhibits 3 and 4.

c. Counsel: None indicated.

d. Address for service: Kenneth E. and Linda M. Baker
P. O. Box 436
Wellington, NV 89444

e. Requested action(s): We request a finding that service is complete as to Kenneth E. Baker and Linda M. Baker.

5. Susan M. Baran:

a. Basis for inclusion: CMO 3.c

b. Status of service: We have learned that Mrs. Baran is deceased. *See* Exhibit 5. The water right at issue was held jointly with her husband James J. Baran, already a party to this action. *See* Order Concerning Ninth Report, Attachment B at No. 15.

c. Counsel: None indicated.

d. Address for service: n/a

e. Requested action(s): Dismissal.

6. Sharron Barr:

a. Basis for inclusion: CMO 3.c

b. Status of service: Waiver of Service and Notice of Appearance forms have been returned, signed by Debra Grooms, agent for Ms. Barr. *See* Exhibit 6.

c. Counsel: None indicated.

d. Address for service: Sharron Barr
P. O. Box 91
Floriston, CA 96111

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

7. William L. Bauhofer:

a. Basis for inclusion: CMO 3.c

b. Status of service: A signed Waiver of Service has been returned. *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. Donn T. Borden:

a. Basis for inclusion: CMO 3.c

b. Status of service: A signed Waiver of Service has been returned. *See* Exhibit 8. Mr. Borden also filed a Notice of Appearance with the Court. *See* Document No. 1040.

c. Counsel: None indicated.

d. Address for service: n/a

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

9. Christine E. Boucher: *see* Michael D. Boucher, below.

10. Michael D. Boucher:

a. Basis for inclusion: CMO 3.c

b. Status of service: Christine and Michael Boucher have each returned a signed Waiver of Service. *See* Exhibits 9 and 10.

c. Counsel: None indicated.

d. Address for service: n/a

e. Requested action(s): We request a finding that service is complete as to Christine E. Boucher and Michael D. Boucher.

11. Mary Lisa Bowen: *see* Wallice Bowen, below.

12. Wallice Bowen:

a. Basis for inclusion: CMO 3.c

b. Status of service: The Bowens 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: Mary Lisa and Wallice Bowen
40 Sunny Grove Drive
Yerington, NV 89447

e. Requested action(s): We request a finding that service is complete as to Mary Lisa Bowen and Wallice Bowen.

13. Ann M. Bowman: *see* William R. Bowman, below.

14. Wayne Bowman:

a. Basis for inclusion: CMO 3.c

b. Status of service: A signed Waiver of Service has been returned. *See* Exhibit 14.

c. Counsel: None indicated.

d. Address for service: n/a

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

15. William R. Bowman:

a. Basis for inclusion: CMO 3.c

b. Status of service: Ann and William Bowman have each returned a signed Waiver of Service. However, the envelopes containing these Waivers are postmarked thirteen days after they received personal Service of Process. *See* Exhibits 13 and 15.

c. Counsel: None indicated.

d. Address for service: n/a

e. Requested action(s): We request a finding that service is complete as to Ann M. Bowman and William R. Bowman.

16. Janet Q. Brusse: *see* Larry A. Brusse, below.

17. Larry A. Brusse:

a. Basis for inclusion: CMO 3.c

b. Status of service: The Brusses have each returned a signed Waiver of Service. *See* Exhibits 16 and 17.

c. Counsel: None indicated.

d. Address for service: n/a

e. Requested action(s): We request a finding that service is complete as to Janet Q. Brusse and Larry A. Brusse.

18. Suzanne Bunch:

a. Basis for inclusion: CMO 3.c

b. Status of service: Ms. Bunch has returned signed Waiver of Service and Notice of Appearance forms. *See* Exhibit 18.

c. Counsel: None indicated.

d. Address for service: Suzanne E. Bunch
132 N. Bybee Lane
Yerington, NV 89447

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

19. Ginger R. Capra: *see* Lloyd A. Capra, below.

20. Lloyd A. Capra:

a. Basis for inclusion: CMO 3.c

b. Status of service: The Capras have each signed and returned a Waiver of Service. *See* Exhibits 19 and 20.

c. Counsel: None indicated.

d. Address for service: n/a

e. Requested action(s): We request a finding that service is complete as to Ginger R. Capra and Lloyd A. Capra.

21. Bruce A. Clark:

a. Basis for inclusion: CMO 3.c

b. Status of service: Further investigation has shown that Mr. Clark is now deceased. *See* Exhibit 21.

c. Counsel: None indicated.

d. Address for service: n/a

e. Requested action(s): We request that the Court dismiss Bruce A. Clark and substitute Mr. Clark's estate. The estate was served on December 27, 2006.

22. John W. Claverie:

a. Basis for inclusion: CMO 3.c

b. Status of service: Mr. Claverie has returned signed Waiver of Service and Notice of Appearance forms. *See* Exhibit 22.

c. Counsel: None indicated.

d. Address for service: John M. Claverie
4024 Pomona Way
Livermore, CA 94550

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

23. Leon L. Cooper: *see* Mary Ann Cooper, below.

24. Mary Ann Cooper:

    a. Basis for inclusion: CMO 3.c

    b. Status of service: The Coopers have each returned a signed Waiver of Service. *See* Exhibits 23 and 24.

    c. Counsel: None indicated.

    d. Address for service: n/a

    e. Requested action(s): We request a finding that service is complete as to Leon L. Cooper and Mary Ann Cooper.

25. Larry D. Crawford:

    a. Basis for inclusion: CMO 3.c

    b. Status of service: Mr. Crawford has returned a signed Notice of Appearance. *See* Exhibit 25.

    c. Counsel: None indicated.

    d. Address for service: Larry D. Crawford
    2180 Chipmunk Drive
    Carson City, NV 89704

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

26. Dianna L. Cummings: *see* Edward M. Cummings, below.

27. Edward M. Cummings:

    a. Basis for inclusion: CMO 3.c

    b. Status of service: The Cummings have each returned a signed Waiver of Service. *See* Exhibits 26 and 27.

c. Counsel: None indicated.

d. Address for service: n/a

e. Requested action(s): We request a finding that service is complete as to Dianna L. Cummings and Edward M. Cummings.

28. Ginger L. Cutright: *see* Maxwell K. Cutright, below.

29. Maxwell K. Cutright:

a. Basis for inclusion: CMO 3.c

b. Status of service: The Cutrights have each returned a signed Waiver of Service. *See* Exhibits 28 and 29.

c. Counsel: None indicated.

d. Address for service: n/a

e. Requested action(s): We request a finding that service is complete as to Ginger L. Cutright and Maxwell K. Cutright.

30. Patricia L. Dahlin Trust:

a. Basis for inclusion: CMO 3.c

b. Status of service: Further investigation has shown that the water right at issue was transferred to Bryan R. and Leila C. Veil. *See* Exhibit 30.

c. Counsel: None indicated.

d. Address for service: n/a

e. Requested action(s): We request that the Court dismiss the Patricia L. Dahlin Trust and substitute Bryan R. and Leila C. Veil who were served December 27, 2006.

31. Albert J. Dane: *see* Judy H. Dane, below.

32. Judy H. Dane:

a. Basis for inclusion: CMO 3.c

b. Status of service: Mr. and Mrs. Dane have each returned a signed Waiver of Service. However, the Waivers were dated seven days after the Danes had received personal Service of Process. *See* Exhibits 31 and 32.

c. Counsel: None indicated.

d. Address for service: n/a

e. Requested action(s): We request a finding that service is complete as to Albert J. Dane and Judy H. Dane.

33. Jessica Barlow Daniels: *see* John Erle Daniels, below.

34. John Erle Daniels:

a. Basis for inclusion: CMO 3.c

b. Status of service: The Daniels have returned signed Waivers of Service. Additionally, Notices of Appearance have been submitted by their attorney Michael R. Montero. *See* Exhibits 33 and 34.

c. Counsel: Michael R. Montero, Esq.
Echeverria Law Office
9432 Double R Boulevard
Reno, NV 89521

d. Address for service: *see* Counsel's address above.

e. Requested action(s): We request a finding that service is complete as to Jessica Barlow Daniels and John Erle Daniels.

35. Dennis Davidson:

a. Basis for inclusion: CMO 3.c

b. Status of service: Mr. Davidson 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 a finding that service is complete.

36. Joni Davidson: *see* Nathan S. Davidson, below.

37. Nathan S. Davidson:

a. Basis for inclusion: CMO 3.c

b. Status of service: The Davidsons have each returned signed Waiver of Service and Notice of Appearance forms. *See* Exhibits 36 and 37.

c. Counsel: None indicated.

d. Address for service: Joni S. and Nathan S. Davidson
740 Day Lane
Wellington, NV 89444

e. Requested action(s): We request a finding that service is complete as to Joni Davidson and Nathan S. Davidson.

38. Bobby R. Day: *see* Helen M. Day, below.

39. Helen M. Day:

a. Basis for inclusion: CMO 3.c

b. Status of service: Mr. Day returned a signed Waiver of Service. The water right at issue was held jointly with Helen M. Day who is now deceased. *See* Exhibits

38 and 39.

c. Counsel: None indicated.

d. Address for service: n/a

e. Requested action(s): We request dismissal of Helen M. Day and a finding that service is complete as to Bobby R. Day.

40. Annette G. DeBusk: *see* W. Michael DeBusk, below.

41. W. Michael DeBusk:

a. Basis for inclusion: CMO 3.c

b. Status of service: The DeBusks have returned a Notice of Appearance signed by Mr. DeBusk on behalf of them both. The water right at issue is held jointly. *See* Exhibits 40 and 41.

c. Counsel: None indicated.

d. Address for service: Annette G. and W. Michael Debusk
39 Pit Road
Wellington, NV 89447

e. Requested action(s): We request a finding that service is complete as to Annette G. DeBusk and W. Michael DeBusk.

42. Diane DeGeorgis:

a. Basis for inclusion: CMO 3.c

b. Status of service: Ms. DeGeorgis has returned a signed Waiver of Service. *See* Exhibit 42.

c. Counsel: None indicated.

d. Address for service: n/a

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

43. Herman DeWitt, Sr.: *see* Wanda DeWitt:, below.

44. Wanda DeWitt:

a. Basis for inclusion: CMO 3.c

b. Status of service: The water right at issue is held jointly by Herman and Wanda DeWitt. Mrs. DeWitt has returned signed Waiver of Service and Notice of Appearance forms. *See* Exhibits 43 and 44.

c. Counsel: None indicated.

d. Address for service: Wanda J. and Herman DeWitt, Sr.
13 S. Willhoyt Lane
Yerington, NV 89447

e. Requested action(s): We request a finding that service is complete as to Herman DeWitt, Sr. and Wanda DeWitt.

45. Richard J. Diekmann:

a. Basis for inclusion: CMO 3.c

b. Status of service: Mr. Diekmann has returned a signed Waiver of Service. *See* Exhibit 45.

c. Counsel: None indicated.

d. Address for service: n/a

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

46. David Dieneman: *see* Sandra Dieneman, below.

47. Sandra Dieneman:

a. Basis for inclusion: CMO 3.c

b. Status of service: The Dienemans have each returned signed Waiver of Service and Notice of Appearance forms. *See* Exhibits 46 and 47

c. Counsel: None indicated.

d. Address for service: David P. and Sandra P. Dieneman
34 Falcon Way
Yerington, NV 89447

e. Requested action(s): We request a finding that service is complete as to David Dieneman and Sandra Dieneman.

48. Lyle J. Dillon:

a. Basis for inclusion: CMO 3.c

b. Status of service: Further investigation has shown that Lyle J. Dillon is now deceased. *See* Exhibit 48.

c. Counsel: None indicated.

d. Address for service: n/a

e. Requested action(s): We request that the Court dismiss Mr. Dillon and substitute the Lyle J. Dillon estate, which was served on December 27, 2006.

49. Jeanette Doering: *see* Robert E. Doering, below.

50. Robert E. Doering:

a. Basis for inclusion: CMO 3.c

b. Status of service: The Doerings have each submitted signed Waiver of Service and Notice of Appearance forms. *See* Exhibits 49 and 50.

c. Counsel: None indicated.

d. Address for service: Jeannette and Robert E. Doering

1 Rock Road
Yerington, NV 89447

e. Requested action(s): We request a finding that service is complete as to Jeanette Doering and Robert E. Doering.

51. Barbara Douglas: *see* Michael Douglas, below.

52. Michael Douglas:

a. Basis for inclusion: CMO 3.c

b. Status of service: Barbara and Michael Douglas have each returned signed Waiver of Service and Notice of Appearance forms. *See* Exhibits 51 and 52.

c. Counsel: None indicated.

d. Address for service: Barbara A. and Michael A. Douglas
31 Rangeland Drive
Wellington, NV 89444

e. Requested action(s): We request a finding that service is complete as to Barbara A. Douglas and Michael A. Douglas.

53. Doyle Family Trust dated 12/30/04:

a. Basis for inclusion: CMO 3.c

b. Status of service: James and Katherine Doyle have each returned a Waiver of Service signed on behalf of the Trust. *See* Exhibit 53.

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 Doyle Family Trust dated 12/30/04.

54. James T. Dunlap: *see* Vicki L. Dunlap, below.

55. Vicki L. Dunlap:

a. Basis for inclusion: CMO 3.c

b. Status of service: The Dunlaps have each returned signed Waivers of Service. *See* Exhibits 54 and 55.

c. Counsel: None indicated.

d. Address for service: n/a

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

56. Katheryn B. Easton: *see* Robert L. Easton, below.

57. Robert L. Easton:

a. Basis for inclusion: CMO 3.c

b. Status of service: The Eastons have each returned a signed Waiver of Service. *See* Exhibits 56 and 57.

c. Counsel: None indicated.

d. Address for service: n/a

e. Requested action(s): We request a finding that service is complete as to Katheryn B. Easton and Robert L. Easton.

58. Michael L. Eckstein:

a. Basis for inclusion: CMO 3.c

b. Status of service: We have learned that Mr. Eckstein is deceased. Ownership of the water right at issue has been transferred to his surviving spouse, Clemencia C.

Eckstein. *See* Exhibit 58.

c. Counsel: None indicated.

d. Address for service: n/a

e. Requested action(s): We request that the Court dismiss Michael L. Eckstein and substitute Clemencia C. Eckstein. Mrs. Eckstein was served December 27, 2006.

59. ECT 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 Ethel C. Tribe. *See* Exhibit 59.

c. Counsel: None indicated.

d. Address for service: ECT Family Trust
Ethel C. Tribe, trustee
P. O. Box 415
Wellington, NV 89447

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

60. Delbert L. Elder: *see* Donna Carol Elder, below.

61. Donna Carol Elder:

a. Basis for inclusion: CMO 3.c

b. Status of service: Mr. and Mrs. Elder have returned signed Waiver of Service and Notice of Appearance forms. *See* Exhibits 60 and 61.

c. Counsel: None indicated.

d. Address for service: Delvin L. and Donna Carol Elder
16 Ludington Avenue
Yerington, NV 89447

e. Requested action(s): We request a finding that service is complete as to Delbert L. Elder and Donna Carol Elder.

62. Kim E. Epstein: *see* Nancy L. Epstein, below.

63. Nancy L. Epstein:

a. Basis for inclusion: CMO 3.c

b. Status of service: The Epsteins have each returned signed Waivers of Service. *See* Exhibits 62 and 63.

c. Counsel: None indicated.

d. Address for service: n/a

e. Requested action(s): We request a finding that service is complete as to Kem E. Epstein and Nancy L. Epstein.

64. Les T. Evasovic: *see* Michelle Evasovic, below.

65. Michelle Evasovic:

a. Basis for inclusion: CMO 3.c

b. Status of service: The Evasovics have each returned signed Waiver of Service and Notice of Appearance forms. *See* Exhibits 64 and 65.

c. Counsel: None indicated.

d. Address for service: Les T. and Michelle Evasovic
6 Mason Road
Yerington, NV 89447

e. Requested action(s): We request a finding that service is complete as to Les T. Evasovic and Michelle Evasovic.

66. A. Jerry Falkenstein:

a. Basis for inclusion: CMO 3.c

b. Status of service: A signed Waiver of Service has been returned. *See* Exhibit 66.

c. Counsel: None indicated.

d. Address for service: n/a

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

67. Ida Favor:

a. Basis for inclusion: CMO 3.c

b. Status of service: Ms. Favor has returned a signed Waiver of Service. *See* Exhibit 67.

c. Counsel: None indicated.

d. Address for service: n/a

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

68. Herbert J. Fawcett:

a. Basis for inclusion: CMO 3.c

b. Status of service: A signed Waiver of Service has been returned. *See* Exhibit 68.

c. Counsel: None indicated.

d. Address for service: n/a

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

69. Michael P. Florio:

a. Basis for inclusion: CMO 3.c

b. Status of service: A signed Waiver of Service has been returned. *See* Exhibit 69.

c. Counsel: None indicated.

d. Address for service: n/a

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

70. Marlene A. Fowler: *see* Walter C. Fowler, below.

71. Walter C. Fowler:

a. Basis for inclusion: CMO 3.c

b. Status of service: The Fowlers have each returned a signed Waiver of Service. However, the envelope containing these Waivers is postmarked two days after they received personal Service of Process. *See* Exhibits 70 and 71.

c. Counsel: None indicated.

d. Address for service: n/a

e. Requested action(s): We request a finding that service is complete as to Marlene A. Fowler and Walter C. Fowler.

72. Charles R. Frame:

a. Basis for inclusion: CMO 3.c

b. Status of service: Mr. Frame has returned signed Waiver of Service and Notice of Appearance forms. *See* Exhibit 72.

c. Counsel: None indicated.

d. Address for service: Charles R. Frame
5 Piñon Drive
Wellington, NV 89444

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

73. Bruce R. Frechette:

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 73.

c. Counsel: None indicated.

d. Address for service: Bruce Frechette
23 Wild Peach Lane
Wellington, NV 89444

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

74. Steve Frishman: *see* Sue Frishman, below.

75. Sue Frishman:

a. Basis for inclusion: CMO 3.c

b. Status of service: The Frishmans have each returned signed Waiver of Service and Notice of Appearance forms. *See* Exhibits 74 and 75.

c. Counsel: None indicated.

d. Address for service: Steve and Sue Frishman
208 North Highway 95A
Yerington, NV 89447

e. Requested action(s): We request a finding that service is complete as to Steve Frishman and Sue Frishman.

76. Walter Frugoli:

a. Basis for inclusion: CMO 3.c

b. Status of service: Mr. Frugoli has returned a signed Notice of Appearance.

However, the envelope transmitting the Notice is postmarked five days after his receipt of personal Service of Process. *See* Exhibit 76.

c. Counsel: None indicated.

d. Address for service: Walter L. Frugoli
30 Fox Lane
Yerington, NV 89447

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

77. Jack R. Fuller: *see* Reba J. Fuller, below.

78. Reba J. Fuller:

a. Basis for inclusion: CMO 3.c

b. Status of service: The Fullers have each returned a signed Waiver of Service. *See* Exhibits 77 and 78.

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 R. Fuller and Reba J. Fuller.

79. Robert B. Fuller: *see* Vera Fuller, below.

80. Vera Fuller:

a. Basis for inclusion: CMO 3.c

b. Status of service: The Fullers have each returned a signed Waiver of Service. However, the envelope containing these Waivers is postmarked eighty-one days after they received personal Service of Process. *See* Exhibits 79 and 80.

c. Counsel: None indicated.

d. Address for service: n/a

e. Requested action(s): We request a finding that service is complete as to Robert B. Fuller and Vera Fuller.

81. Danny Fulton:

a. Basis for inclusion: CMO 3.c

b. Status of service: Mr. Fulton has returned signed Waiver of Service and Notice of Appearance forms. *See* Exhibit 81.

c. Counsel: None indicated.

d. Address for service: Danny L. Fulton
11 Malachite Road
Yerington, NV 89447

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

82. Jeanne Ganimian Trust:

a. Basis for inclusion: CMO 3.c

b. Status of service: Further investigation has shown that the water right at issue has been transferred from the Jeanne Ganimian Trust to Jeanne Ganimian in her individual capacity. *See* Exhibit 82. Ms. Ganimian was served December 27, 2006.

c. Counsel: None indicated.

d. Address for service: n/a

e. Requested action(s): We request that the Court dismiss the Jeanne Ganimian Trust and substitute Jeanne Ganimian.

83. Ellen C. Gansberg: *see* LeRoy D. Gansberg, below.

84. LeRoy D. Gansberg:

a. Basis for inclusion: CMO 3.c

b. Status of service: The Gansbergs have each returned a signed Waiver 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 Ellen C. Gansberg and LeRoy D. Gansberg.

85. Desireé Gant: *see* Kent E. Gant, below.

86. Kent E. Gant:

a. Basis for inclusion: CMO 3.c

b. Status of service: The Gants have each returned signed Waivers of Service. *See* Exhibits 85 and 86.

c. Counsel: None indicated.

d. Address for service: n/a

e. Requested action(s): We request a finding that service is complete as to Desireé Gant and Kent E. Gant.

87. George Garafano:

a. Basis for inclusion: CMO 3.c

b. Status of service: A signed Waiver of Service has been returned. *See* Exhibit 87.

c. Counsel: None indicated.

d. Address for service: n/a

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

88. Stephen C. Garcia and Cheryl A. Garcia Family Trust:

a. Basis for inclusion: CMO 3.c

b. Status of service: Mr. and Mrs. Garcia have returned a Notice of Appearance form, signed by each as trustees. The envelope containing this form, however, was postmarked fifteen days after the Garcias had received personal Service of Process. *See* Exhibit 88.

c. Counsel: None indicated.

d. Address for service: Stephen C. Garcia and Cheryl A. Garcia Family Trust
Stephen C. and Cheryl A. Garcia, trustees
233 Lower Colony Road
Wellington, NV 89444

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

89. Annett Garrison: *see* Donald L. Garrison, below.

90. Donald L. Garrison:

a. Basis for inclusion: CMO 3.c

b. Status of service: Further investigation has shown that the water rights at issue have been transferred to Michael Peck and to Michael James Hawkins. *See* Exhibits 89 and 90.

c. Counsel: None indicated.

d. Address for service: n/a

e. Requested action(s): We request that the Court dismiss Annett and Donald L.

Garrison and substitute Michael Peck and Michael James Hawkins, both of whom are already parties to this action.

91. R. Jackson Gauldin and Kathryn B. Gauldin Trust dated 3-14-97:

a. Basis for inclusion: CMO 3.c

b. Status of service: A Waiver of Service has been submitted, signed by successor trustee Kathryn B. Gauldin. *See* Exhibit 91.

c. Counsel: None indicated.

d. Address for service: n/a

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

92. Catherine Lee Geissinger:

a. Basis for inclusion: CMO 3.b

b. Status of service: Further investigation has shown that the water right at issue was transferred to Mitchell J. Geissinger. Mr. Geissinger was served on September 5, 2006, but has not yet responded. *See* Exhibit 92.

c. Counsel: None indicated.

d. Address for service: n/a

e. Requested action(s): Dismissal.

93. Grooms Family Trust dtd 2/17/06:

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 Debra A. Grooms. *See* Exhibit 93.

c. Counsel: None indicated.

d. Address for service: Grooms Family Trust dated 2/17/2006
Debra A. Grooms, trustee
P. O. Box 91
Floriston, CA 96111

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

94. Hazel L. Guy: *see* Lillie S. Guy, below.

95. Lillie S. Guy:

a. Basis for inclusion: CMO 3.c

b. Status of service: Hazel and Lillie Guy have each returned a signed Notice of Appearance. However, the envelope transmitting these Notices is postmarked five days after their receipt of personal Service of Process. *See* Exhibits 94 and 95.

c. Counsel: None indicated.

d. Address for service: Hazel L. Guy
Lillie S. Guy
30 Fox Lane
Yerington, NV 89447

e. Requested action(s): We request a finding that service is complete as to Hazel L. Guy and Lillie S. Guy.

96. Laura LaPierre-Hines: *see* Timothy C. Hines, below.

97. Timothy C. Hines:

a. Basis for inclusion: CMO 3.c

b. Status of service: Laura and Timothy have each returned a signed Waiver of Service. *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 Laura LaPierre-Hines and Timothy C. Hines.

98. Hipple Family Trust:

a. Basis for inclusion: CMO 3.c

b. Status of service: Further investigation has shown that the water right at issue has been transferred to Larry F. and Sherry L. Talbott. *See* Exhibit 98.

c. Counsel: None indicated.

d. Address for service: n/a

e. Requested action(s): We request that the Court dismiss the Hipple Family Trust and substitute Larry F. and Sherry L. Talbott who were served December 27, 2006.

99. Ronald J. Holcomb: *see* Shauna Holcomb, below.

100. Shauna Holcomb:

a. Basis for inclusion: CMO 3.c

b. Status of service: The Holcombs each have returned signed Waiver of Service and Notice of Appearance forms. *See* Exhibits 99 and 100.

c. Counsel: None indicated.

d. Address for service: Ronald J. and Shauna L. Holcomb
% David Duceshi
681 Garfield Place
Arroyo Grande, CA 93420

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

J. Holcomb and Shauna Holcomb.

101. Daniel C. Johns:

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 101.

c. Counsel: None indicated.

d. Address for service: Daniel C. Johns
82 Hudson Aurora Road
Smith, NV 89430

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

102. Christine P. Johnson: *see* John R. Johnson, below.

103. John R. Johnson:

a. Basis for inclusion: CMO 3.c

b. Status of service: The Johnsons have each returned a signed Waiver of Service. However, the envelopes containing these documents were postmarked nine days after the Johnsons had received personal Service of Process. *See* Exhibits 102 and 103.

c. Counsel: None indicated.

d. Address for service: n/a

e. Requested action(s): We request a finding that service is complete as to Christine P. Johnson and John R. Johnson.

104. Jeannette Jordon: *see* John E. Jordon, below:

105. John E. Jordon:

a. Basis for inclusion: CMO 3.c

b. Status of service: The Jordons have each returned a signed Waiver of Service. *See* Exhibits 104 and 105.

c. Counsel: None indicated.

d. Address for service: n/a

e. Requested action(s): We request a finding that service is complete as to Jeannette Jordon and John E. Jordon.

106. Joan Kahn: *see* Richard H. Kahn, below.

107. Richard H. Kahn:

a. Basis for inclusion: CMO 3.c

b. Status of service: We have learned that the water right at issue has been transferred to the Richard and Joan Kahn Trust. Each of the Kahns is a trustee and has signed a Notice of Appearance on behalf of the Trust. *See* Exhibits 106 and 107.

c. Counsel: None indicated.

d. Address for service: Richard and Joan Kahn Trust
Richard and Joan Kahn, *trustees*
17 Brown Lane
Yerington, NV 89447

e. Requested action(s): We request that the Court dismiss the Kahns as individuals, substitute the Richard and Joan Kahn Trust, and find that service is complete as to the Trust.

108. Johnnie F. Kimball:

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 108.

c. Counsel: None indicated.

d. Address for service: Johnnie F. Kimball
2431 S. Somerset
Harlington, TX 78552

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

109. Mainline Vinyl Sheeting Corporation:

a. Basis for inclusion: CMO 3.c

b. Status of service: The Registered Agent for Mainline Vinyl Sheeting Corporation has returned a Notice of Change of Ownership and filed same with the Court. The water right at issue is now held by the J. R. Benton Co., LLC. *See* Exhibit 109, Court Document No. 1028. The Benton Co. has yet to be served.

c. Counsel: None indicated.

d. Address for service: n/a

e. Requested action(s): We request that the Court dismiss Mainline Vinyl Sheeting Corporation; and substitute J. R. Benton Co., LLC.

110. Margaret Mason:

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 110.

c. Counsel: None indicated.

d. Address for service: Margaret A. Mason
5 Piñon Drive
Wellington, NV 89444

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

111. Robert H. Merrill:

a. Basis for inclusion: CMO 3.c

b. Status of service: Mr. Merrill has returned a signed Waiver of Service. *See* Exhibit 111.

c. Counsel: None indicated.

d. Address for service: n/a

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

112. Sandra Neville:

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 112.

c. Counsel: None indicated.

d. Address for service: Sandra F. Neville
19 Cardon Lane
Yerington, NV 89447

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

113. Daniel A. Norby:

a. Basis for inclusion: CMO 3.c

b. Status of service: Further investigation has shown that the water right at issue was conveyed to Homestretch Energy, LLC. *See* Exhibit 113.

c. Counsel: None indicated.

d. Address for service: n/a

e. Requested action(s): We request that the Court dismiss Mr. Norby and substitute Homestretch Energy (formerly Homestretch Geothermal, LLC) which is already a party to this action. *See* Order Concerning First Report, Attachment B at No. 25.

114. Alan W. Oliver: *see* Jo Marie Oliver, below.

115. Jo Marie Oliver:

a. Basis for inclusion: CMO 3.c

b. Status of service: Mrs. Oliver has returned a signed Waiver of Service for herself and a copy of Mr. Oliver's death certificate. The water right at issue was held by the Olivers in joint tenancy. *See* Exhibits 114 and 115.

c. Counsel: None indicated.

d. Address for service: n/a

e. Requested action(s): We request that Alan W. Oliver be dismissed and a finding that service is complete as to Jo Marie Oliver.

116. Randolph Perry:

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

b. Status of service: Mr. Perry has signed and returned a Notice of Appearance. *See* Exhibit 116.

c. Counsel: None indicated.

d. Address for service: Randolph Perry
1614 Bayview Drive
Hermosa Beach, CA 90254-9999

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

117. Norman E. Pierson: *see* Roxana J. Pierson, below.

118. Roxana J. Pierson:

a. Basis for inclusion: CMO 3.c

b. Status of service: The Piersons 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 a finding that service is complete as to Norman E. Pierson and Roxana J. Pierson.

119. Sharon L. Pike:

a. Basis for inclusion: CMO 3.c

b. Status of service: Ms. Pike has returned a signed Waiver of Service. However, the envelope transmitting that Waiver is post marked nine days after she received personal Service of Process. *See* Exhibit 119.

c. Counsel: None indicated.

d. Address for service: n/a

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

120. David M. Pinkstaff:

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 120.

c. Counsel: None indicated.

d. Address for service: David M. Pinkstaff
460 Upper Colony Road
Wellington, NV 89444

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

121. Richard M. Ralston, Jr.:

a. Basis for inclusion: CMO 3.c

b. Status of service: Further investigation has shown that Mr. Ralston's property is connected to the city water system. Therefore, he was served in error.

c. Counsel: None indicated.

d. Address for service: n/a

e. Requested action(s): Dismissal.

122. Oscar N. Reese Family Trust Agreement:

a. Basis for inclusion: CMO 3.c

b. Status of service: A Waiver of Service has been signed and returned by trustee Oscar N. Reese. *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. Rex Reiland Trust:

a. Basis for inclusion: CMO 3.c

b. Status of service: A Waiver of Service has been signed and returned by trustee Rex W. Reiland. *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. Frank W. Remick: *see* Janice I. Remick, below.

125. Janice I. Remick:

a. Basis for inclusion: CMO 3.c

b. Status of service: Further investigation has shown that the water right at issue has been transferred to Brock Tibbals and Lisa Tibbals. *See* Exhibits 124 and 125.

c. Counsel: None indicated.

d. Address for service: n/a

e. Requested action(s): We request that the Court dismiss Frank W. and Janice I. Remick and substitute Brock Tibbals and Lisa Tibbals. The Tibbals were served December 27, 2006.

126. Tom Riley:

a. Basis for inclusion: CMO 3.c

b. Status of service: A signed Waiver of Service has been returned. *See* Exhibit 126.

c. Counsel: None indicated.

d. Address for service: n/a

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

127. George W. Rose: *see* Winnie O. Rose, below.

128. Winnie O. Rose:

a. Basis for inclusion: CMO 3.c

b. Status of service: The Roses have each returned a signed Waiver of Service. *See* Exhibits 127 and 128.

c. Counsel: None indicated.

d. Address for service: n/a

e. Requested action(s): We request a finding that service is complete as to George W. Rose and Winnie O. Rose.

129. Janet A. Sanderson:

a. Basis for inclusion: CMO 3.c

b. Status of service: Ms. Sanderson has returned signed Waiver of Service and Notice of Appearance forms. *See* Exhibit 129.

c. Counsel: None indicated.

d. Address for service: Janet A. Sanderson
310 Highway 208
Yerington, NV 89447

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

130. Bruce K. Sanford: *see* Lynda L. Sanford, below.

131. Lynda L. Sanford:

a. Basis for inclusion: CMO 3.c

b. Status of service: The Sanfords have each returned a signed Waiver of Service. *See* Exhibits 130 and 131.

c. Counsel: None indicated.

d. Address for service:

e. Requested action(s): We request a finding that service is complete as to Bruce K. Sanford and Lynda L. Sanford.

132. Janice Ann Scandrett: *see* Rondal R. Scandrett, below.

133. Rondal R. Scandrett:

a. Basis for inclusion: CMO 3.c

b. Status of service: The Scandretts 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: Janice Ann and Rondal R. Scandrett
11 Piñon Drive
Wellington, NV 89444

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

134. Fritz Schroeder: *see* Janna Schroeder, below.

135. Janna Schroeder:

a. Basis for inclusion: CMO 3.c

b. Status of service: The Schroeders have each returned a signed Waiver of Service. *See* Exhibits 134 and 135.

c. Counsel: None indicated.

d. Address for service: n/a

e. Requested action(s): We request a finding that service is complete as to Fritz and Janna Schroeder.

136. Shafer Family Trust u/d/t/ 4-20-95: