

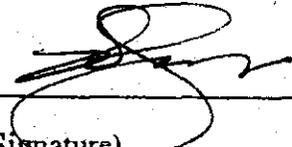
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Attorney:

Address:

Phone Number:

Fax Number:

  
\_\_\_\_\_  
(Signature)

Hazel L. Guy  
(Printed or typed Name)

\_\_\_\_\_  
(Entity, if any, on whose  
behalf you are appearing)

30 FOX LANE  
YORNINGTON, NV  
(Address)

775-463-5779  
(Telephone number)



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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
WALKER RIVER PAIUTE TRIBE,	)	IN EQUITY NO. C-125
	)	
Plaintiff-Intervenor,	)	SUBFILE NO. C-125-B
	)	
vs.	)	
	)	
WALKER RIVER IRRIGATION DISTRICT,	)	
a corporation, et al.,	)	

NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE

1. I hereby enter my appearance in this sub-proceeding in this case.
2. I am filing this document with the District Court at the following address:  
Chief Deputy Clerk  
United States District Court for the  
District of Nevada  
400 South Virginia Street, Suite 301  
Reno, Nevada 89501
3. In the envelope provided for return of my Waiver of Service of Notice in Lieu of Summons, I am mailing a copy of this document to:  
Susan L. Schneider  
Attorney for the United States of America  
United States Department of Justice  
Environment & Natural Resources Division  
P.O. Box 756  
Littleton, Colorado 80160
4. 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.
5. If I (or the entity on whose behalf I am acting) have retained an attorney to represent me in these proceedings, I identify that attorney below, along with his or her mailing address, telephone number, and facsimile number:

Exhibit 95

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Attorney:

Address:

Phone Number:

Fax Number:

Lillie S. Guy  
(Signature)

LILLIE S. GUY  
(Printed or typed Name)

\_\_\_\_\_  
(Entity, if any, on whose  
behalf you are appearing)

30 FOX LN  
WELINGTON, NV. 89447  
(Address)

775-463-5779  
(Telephone number)



**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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Date: 1-2-07



Signature

Laura La Pierre-Hines

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 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 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 notice of appearance and intent to participate.

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Date: 01-02-07

Timothy C Hines

Signature

Timothy C HINES

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)

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Doc # 0384899

06/21/2006 10:17 AM

**Official Record**

Requested By  
WESTERN TITLE COMPANY

Lyon County - NV

Mary C. Milligan - Recorder

Page 1 of 2 Fee: \$15.00

Recorded By: MCM RPTT: \$1,560.00

APN: 009-111-11

RPTT \$1,560.00

**WHEN RECORDED MAIL TO:**  
 Name Larry F. Talbott  
 Street 50 Acciari Rd.  
 Address Smith, NV 89430  
 City,State  
 Zip

**MAIL TAX STATEMENTS TO:**  
 Name Larry Talbott  
 Street Same  
 Address  
 City,State  
 Zip  
 Order 002153-LJI  
 No.



0384899

(SPACE ABOVE THIS LINE FOR RECORDERS USE)

**JOINT TENANCY DEED**

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, BETTY L. HIPPLE, Trustee of the HIPPLE FAMILY TRUST, dated 12<sup>th</sup> day of November, 1997 do(es) hereby GRANT, BARGAIN and SELL to LARRY F. TALBOTT and SHERRY L. TALBOTT, husband and wife, as joint tenants with right of survivorship, and not as tenants in common, the real property situate in the County of Lyon, State of Nevada bounded and described as follows:

All that real property situate in the County of Lyon, State of Nevada, described as follows:

Lot 4 of ACCIARI COUNTRY ESTATES INC., SUBDIVISION, according to the Official Map thereof recorded in the office of the County Recorder of Lyon County, Nevada, as Document No. 44378 on March 9, 1979.

Together with all tenements, hereditaments and appurtenances, if any, thereto belonging or appertaining, and any revisions, remainders, rents, issues or profits thereof.

06/21/2006  
02:01

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Joint Tenancy Deed - Page 2

Dated: June 7, 2006

*Betty L. Hipple*  
Betty L. Hipple

\_\_\_\_\_

STATE OF NEVADA } ss

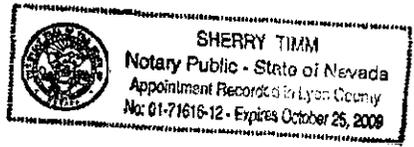
COUNTY OF LYON

This instrument was acknowledged before me on

June 15, 2006

by Betty L. Hipple

*Sherry Timm*  
Notary Public



**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.

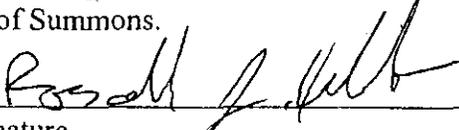
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Date: 9/30/06

  
\_\_\_\_\_  
Signature

Ronald J. Holcomb  
\_\_\_\_\_  
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)

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A party 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.

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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
WALKER RIVER PAIUTE TRIBE,	)	IN EQUITY NO. C-125
	)	
Plaintiff-Intervenor,	)	SUBFILE NO. C-125-B
	)	
vs.	)	
	)	
WALKER RIVER IRRIGATION DISTRICT,	)	
a corporation, et al.,	)	

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1. I hereby enter my appearance in this sub-proceeding in this case.
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United States District Court for the  
District of Nevada  
400 South Virginia Street, Suite 301  
Reno, Nevada 89501
3. In the envelope provided for return of my Waiver of Service of Notice in Lieu of

Summons. I am mailing a copy of this document to:

Susan L. Schneider  
Attorney for the United States of America  
United States Department of Justice  
Environment & Natural Resources Division  
P.O. Box 756  
Littleton, Colorado 80160

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Attorney:

Address:

Phone Number:

Fax Number:

Ronald J. Halcomb

(Signature)

Ronald J. Halcomb

(Printed or typed Name)

(Entity, if any, on whose  
behalf you are appearing)

33 Robin rd.

Yerington Nc 27894

(Address)

775-463-2362

(Telephone number)

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**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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Date: 9/30/06

Shauna Holcomb  
Signature  
Shauna Holcomb  
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)

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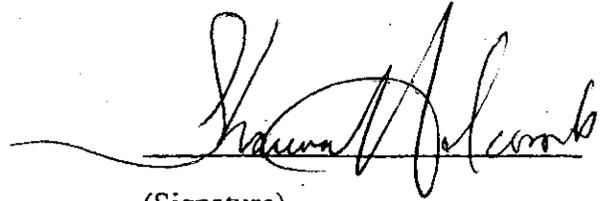
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Attorney:

Address:

Phone Number:

Fax Number:



(Signature)

Shanna Holcomb

(Printed or typed Name)

(Entity, if any, on whose  
behalf you are appearing)

33 Robin Rd

Yerington, NV 89444

(Address)

775-463-2362

(Telephone number)

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Date: 9/14/06

  
Signature  
DANIEL C. JOHNS

Printed/Typed Name

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

\_\_\_\_\_  
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Plaintiff,	)	
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	)	
Plaintiff-Intervenor,	)	SUBFILE NO. C-125-B
	)	
vs.	)	
	)	
WALKER RIVER IRRIGATION DISTRICT,	)	
a corporation, et al.,	)	

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Attorney:

Address:

Phone Number:

Fax Number:

*Daniel C. Johns*  
(Signature)

DANIEL C. JOHNS  
(Printed or typed Name)

\_\_\_\_\_  
(Entity, if any, on whose  
behalf you are appearing)

82 Hudson Avenue  
Smith, NV 89430  
(Address)

775-465-2160  
(Telephone number)

**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.

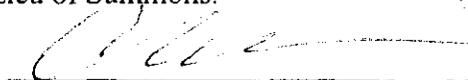
3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf 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: 10-27-06

23 Rock Rd  
Yerington NV  
89447



Signature

Christine P Johnson

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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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 notice of appearance and intent to participate.



RENO NV 895  
31 OCT 2006 PM 3 L

Susan L. Schneider, Attorney  
U.S. Department of Justice  
P. O. Box 756  
Littleton, CO 80160-0756

*C. Johnson*  
*Allev. 10-22-06*

Susan L. Schneider, Attorney  
U.S. Department of Justice  
P.O. Box 756  
Littleton, CO 80160-0756

80160-0756

**WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS**

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

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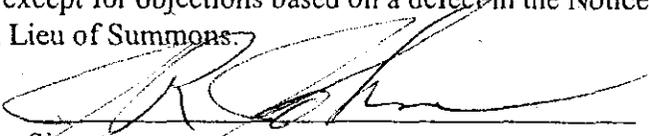
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Date: 10-27-06

23 Rock Rd  
Yerington Nev  
89447



Signature

John R Johnson

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)

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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.

Susan L. Schneider, Attorney  
U.S. Department of Justice  
P. O. Box 756  
Littleton, CO 80160-0756

*John P. Johnson*  
*serv. 10-22-06*



Susan L. Schneider, Attorney  
U.S. Department of Justice  
P.O. Box 756  
Littleton, CO 80160-0756

8016040756



**WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS**

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

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Date: 10-10-2006



Signature

JEANNETTE JORDAN

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)

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Date: 10-10-2006

John E. Jordan  
Signature  
JOHN E. JORDAN  
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)

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Attorney:

Address:

Phone Number:

Fax Number:

Joan Kahn  
(Signature)

Joan Kahn  
(Printed or typed Name)

Richard & Joan Kahn Trust  
(Entity, if any, on whose  
behalf you are appearing)

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\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(Telephone number)

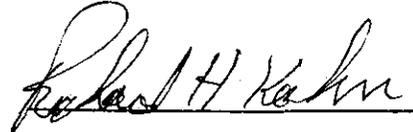
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Attorney:

Address:

Phone Number:

Fax Number:



(Signature)

RICHARD H. KAHN  
JOAN KAHN  
TRUST

(Printed or typed Name)

(Entity, if any, on whose  
behalf you are appearing)

(Address)

(Telephone number)

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Date: Sept 11, 2006

Annie F. Kimbal  
Signature

John N. F. Kimbal  
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)

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Attorney:

Address:

Phone Number:

Fax Number:

Johnnie F. Kimball

(Signature)

JOHNNIE F. KIMBALL

(Printed or typed Name)

\_\_\_\_\_  
(Entity, if any, on whose  
behalf you are appearing)

\_\_\_\_\_  
(Address)

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(Telephone number)

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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
WALKER RIVER PAIUIE TRIBE,  
  
Plaintiff-Intervenor,  
  
v.  
  
WALKER RIVER IRRIGATION DISTRICT,  
a corporation, et al.  
  
Defendants

Case No.: 3:73-cv-127-ECR  
RAM In Equity: C-125-B

**NOTICE OF CHANGE OF OWNERSHIP  
OF WATER RIGHT**

The undersigned, Sullivan Plastics Corporation, 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 sold or otherwise conveyed ownership of all or a part of a water right within one or more of the categories set forth in Paragraph 3 of the Case Management Order and provides the following information:

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

O'Sullivan Plastics Corporation; and  
Mainline Vinyl Sheeting Corporation  
c/o PolyOne  
Attn: Woodrow Ban  
33587 Walker Road  
Avon Lake, OH 44012

LEWIS BRISBOIS & AARD & SMITH LLP  
221 NORTH FIGUEROA STREET, SUITE 1200  
LOS ANGELES, CALIFORNIA 90012  
TELEPHONE (213) 260-1800

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

J.R. Benton Co., L.L.C.  
2171 Alabama Highway 229  
Tallassee, Alabama 36078

3. Attached as Exhibit A to or include with this notice is a copy of the Deed transferring the ownership of land.

4. The undersigned acknowledges that any person or entity who files a Notice of Change of Ownership of Water Right using this form is ultimately responsible for the accuracy of this filing.

\* This notice shall be sent to the following persons:

Linda Lea Sharer, Chief Deputy Clerk  
United States District Court for the District of Nevada  
Reno, NV 89501

And

Susan L. Schneider  
United States Department of Justice  
Post Office Box 756  
Littleton, CO 80160

LEWIS BRISBOIS BIS, RD & SMITH LLP  
221 NORTH FIGUEROA STREET, SUITE 1200  
LOS ANGELES, CALIFORNIA 90012  
TELEPHONE (213) 250-1800

LEWIS BRISBOIS BIS  
RD & SMITH LLP  
221 NORTH FIGUEROA STREET, SUITE 1200  
LOS ANGELES, CALIFORNIA 90012  
TELEPHONE (213) 250-1800

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Consequently, the undersigned acknowledges that any person or entity who files such a notice, but retains such water rights, shall nevertheless, be bound by the results of this litigation.

Executed this 25<sup>th</sup> day of October, 2006.

LEWIS BRISBOIS BISGAARD & SMITH



By: \_\_\_\_\_

MALISSA HATHAWAY MCKEITH  
Counsel for O'Sullivan Plastics Corporation  
Mainline Vinyl Shipping  
221 North Figueroa Street, 12<sup>th</sup> Floor  
Los Angeles, CA 90012  
(213) 250-1800

A. P. No. 4-031-01, 4-031-04,  
14-081-09

R.P.T.T. \$5,265.00

No. 182212-MM

When recorded mail to:

J.R. Benton Co., LLC  
2171 Alabama Hwy 229  
Tallahassee, AL 36078

TSK-89401

Mail tax statements to:

Same as above

**DOC # 071594**  
**Conformed Copy**

(Not Compared to Original)

12/27/2005 84:22 PM

**Official Record**

Requested By  
TITLE SERVICE & ESCROW

Lyon County - NV  
Mary C. Milligan - Recorder

DEED

THIS INDENTURE WITNESSETH: That O'SULLIVAN PLASTICS CORPORATION, a Nevada corporation, successor to MAINLINE VINYL SHEETING CORPORATION, by Certificate of Name Change filed in the Office of the Secretary of State of the State of Nevada on January 7, 1985 (as to Parcel A), and O'SULLIVAN PLASTICS CORPORATION, a Nevada corporation (as to Parcels B and C) (collectively, "Grantor"), in consideration of the sum of Ten Dollars (\$10.00), the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey, without covenants or warranties express or implied, except as hereinafter expressly set forth, to J. R. BENTON CO., L.L.C., an Alabama limited liability company ("Grantee"), whose address is: 2171 Alabama Highway 229, Tallahassee, Alabama 36078, all that real

property situate in the County of Lyon, State of Nevada,  
described as follows:

SEE EXHIBIT "A" ATTACHED HERETO.

TOGETHER WITH all and singular the tenements, hereditaments  
and appurtenances thereunto belonging or in anywise  
appertaining.

Grantor covenants with Grantee, that Grantor has done  
nothing to impair such title as Grantor received, and Grantor  
will warrant and defend the title against the lawful claims of  
all persons claiming by, under or through Grantor, except for  
the following:

1. zoning ordinances and building codes and regulations,  
if any;
2. real estate taxes and assessments, both general and  
special, not yet due and payable; and
3. all restrictions, reservations, easements and  
encumbrances or other matters of record.

FURTHER, Grantor, in consideration of the sum of Ten  
Dollars (\$10.00), the receipt of which is hereby acknowledged,  
does hereby remise, release and forever quitclaim to Grantee,  
its successors and assigns, the following:

---

LEGAL DESCRIPTION

Parcel #A:

All that certain real property situate in the County of Lyon, State of Nevada, described as follows:

Parcel No. 1:

All that certain real property being a portion of SW 1/4 of SW 1/4 of Section 22, T 15 N, R 25 E, M.D.B.&M., Lyon County, Nevada, described as follows:

Parcel No. 1 of that certain parcel map filed for record in the Office of the Lyon County Recorder, Lyon County, Nevada, as Official Record No. 59232 on the 18th day of March 1981.

Parcel No. 2:

A parcel of land situated in the southeast quarter of the southeast quarter of Section 21, Township 15 North, Range 25 East, M.D.M., County of Lyon, State of Nevada, described as follows:

Beginning at a point in the East line of said Section 21 distant North  $0^{\circ}35'20''$  East, along said East line, 457.38 feet from the southeast corner of said section, also being distant northerly 100 feet from the center line of the main track of Southern Pacific Transportation Company (Mina Branch); thence North  $72^{\circ}12'53''$  West, parallel with said center line, 289.23 feet to a point in the easterly line of land (15 feet wide) described in "Parcel 1" of Deed dated September 22, 1968, from Southern Pacific Company to State of Nevada (U.S. #95 Alternate); in the North  $7^{\circ}14'43''$  West, along last said easterly line, 781.22 feet to a point in the North line of said southeast quarter of the southeast quarter; thence South  $89^{\circ}50'18''$  East, along last said North line, 382.80 feet to a point in the said East line of said section; thence South  $0^{\circ}35'20''$  East, along last said East line, 862.29 feet to the point of beginning.

Excepting therefrom that portion thereof lying below a depth of 500 feet, measured vertically, from the contour of the surface of said property.

Parcel No. 3:

All those certain parcels of land situate in Section 22, Township 15 North, Range 25 East, M.D.B.&M., in Mason Valley, Lyon County, Nevada, more particularly described as follows:

Lots 8, 9 and 10 of Block 8 of the Dyer Addition to the Town of Wabuska, Lyon County, Nevada, according to the Official Plat thereof on file in the office of the Lyon County Recorder, Lyon County, Nevada.

Parcel No. 4:

Lot 1 in Block 7, as shown on the Map of Dyer's Addition to the Town of Wabuska, recorded in Lyon County, Nevada, as Document No. 8192.

All parcels as described do include all those portions of streets as originally shown on the plat of the Dyer Addition to the town of Wabuska, and subsequently abandoned by the Board of Lyon County commissioners, as evidenced by Order, recorded in the Official Records of Lyon County, Nevada, on May 25, 1983 as Document No. 76110, and Order recorded in the Official Records of Lyon County, Nevada on January 11, 1982 as Document No. 65577.

Parcel #B:

All that certain real property being a portion of SW 1/4 of SW 1/4 of Section 22, T 15 N, R 25 E, M.D.B.&M., Lyon County, Nevada, described as follows:

Parcel 2 as shown on the Parcel Map for Robert A. Kuenzli recorded in the Official Records of Lyon County, Nevada on March 18, 1981 as Document No. 59232.

Parcel #C:

All that certain real property situate in the County of Lyon, State of Nevada, described as follows:

T 15 N, R 25 E, M.D.B.&M.

Section 22: SW 1/4 of SE 1/4 of SW 1/4



Form No. 51208 Service No. 1234 Page 1234

THE STATE OF NEVADA

CERTIFICATE OF APPROPRIATION OF WATER

WHEREAS, Robert O. Boyle, Agent and Engineer to the State Engineer of the State of Nevada, under the provisions of Nevada Statute Chapter 533, has determined the date, source, purpose, amount of appropriation, and the place where such water is appropriated, as follows:

THE DATE OF APPROPRIATION IS: 12/15/1933, at 10:00 A.M. at a point from which the water is appropriated to the State Engineer of Nevada, at Sparks, N.V., a distance of 12.25 miles situated in Lyon County, State of Nevada.

NOW KNOW YE, THAT THE STATE ENGINEER, under the provisions of Nevada Statute Chapter 533, has determined the date, source, purpose, amount of appropriation, and the place where such water is appropriated, as follows:

Name of appropriator: O'Sullivan Plaster Corporation  
 Source: Underground  
 Manner of Use: Industrial and Domestic  
 Amount of appropriation: 4,000 a.c.f., but not to exceed 1.00 million gallons annually  
 Period of use: January 1st to December 31st of each year  
 Date of priority of appropriation: May 15, 1933

Description of the source of diversion, manner and place of use:

Water is developed by means of a drilled well, 120 feet deep, in 12 inch diameter casing, via a 5/8 inch diameter pipe, thence through a distribution system of a manufactured pipe of 12 inch pipe located within a portion of the well and in Section 26, T.15N., R.22E., N.12.25

The total amount of water in water under this certificate and any certificate issued under Section 5337, shall not exceed 1.00 million gallons annually.

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, R. MICHAEL, ENGINEER, State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 20th day of April, A.D. 1933.

*[Signature]*  
State Engineer

cms/st

Exhibit C

**CERTIFICATE OF MAILING**

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I certify that I am an employee of Lewis Brisbois Bisgaard & Smith and that on this 3rd day of November, 2006, I electronically filed the foregoing *Notice of Change of Ownership of Water Right* with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following via their e-mail addresses:

- Marta A. Adams    maadams@ag.state.nv.us, payoung@ag.state.nv.us
- Gregory W. Addington    greg.addington@usdoj.gov, judy.farmer@usdoj.gov;  
joanie.silvershield@usdoj.gov
- George N. Benesch    gbenesch@sbcglobal.net,
- Linda A. Bowman    office@bowman.reno.nv.us, office@webmail.hotspotbroadband.com
- Louis Martin Bubala , III    lbubala@jonesvargas.com
- Gordon H. DePaoli    gdepaoli@woodburnandwedge.com
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- Andrew Galvin    drew.galvin@americantower.com
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