Schneider, Susan (ENRD)

From: Glenda Parker [gparker@aescurb.com]
Sent: Thursday, April 29, 2010 2:05 PM
To: Schneider, Susan (ENRD)
Subject: RE: Walker River

Thank you.

Glenda Parker
Comptroller
AES Industries, Inc
334-283-3438
Fax 334-283-5447
gparker@aescurb.com

From: Schneider, Susan (ENRD) [mailto:Susan.Schneider@usdoj.gov]
Sent: Thursday, April 29, 2010 2:59 PM
To: Glenda Parker
Subject: RE: Walker River

Dear Ms. Parker,

We have determined to withdraw our request to have J R Benton & Co. substituted into this case at this time because it has not yet been served. We made the decision to withdraw our requests that a number of persons or entities be substituted into this case for the same reason, and because the predecessor owners are already parties to the case. This is explained further in the filing that we will be submitting to the Court today, which is also being mailed to you. As to J R Benton & Co., we had previously served O'Sullivan Plastics Corp., and it has been deemed served for this interest. Pursuant to Rule 25(c), "[if] an interest is transferred, the action may be continued by or against the original party unless the court, on motion, orders the transferee to be substituted in the action or joined with the original party." Fed. R. Civ. P. 25(c).

I had hoped to get back to you sooner and apologize for the delay. In addition, we are currently reviewing the status of J R Benton & Co., because it appears to have more than one interest that is subject to this case and we are not certain of the service status of this other interest. If we determine that it would be prudent to serve J R Benton & Co., we will contact you. In the meantime, if you have any questions, please contact me.

Susan L. Schneider
U.S. Department of Justice
Environment and Natural Resources Division
1961 Stout Street, 8th Floor
Denver, CO 80294
(303) 844-1348
fax: (303) 844-1350

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From: Glenda Parker [mailto:gparker@aescurb.com]
Sent: Wednesday, March 17, 2010 12:09 PM

Attachment 3

To: Schneider, Susan (ENRD)
Subject: RE: Walker River

No, we don't have an attorney in this manner. We are unaware of what this matter is & how it pertains to us as a company. Any assistance you can provide in explaining this suit is greatly appreciated. Thank you.

Glenda Parker
Comptroller
AES Industries, Inc
334-283-3438
Fax 334-283-5447
gparker@aescurb.com

From: Schneider, Susan (ENRD) [mailto:Susan.Schneider@usdoj.gov]
Sent: Wednesday, March 17, 2010 1:03 PM
To: Glenda Parker
Cc: Rutherford, Eileen (ENRD)
Subject: RE: Walker River

Thank you for your email. I'll look into this and get back to you, probably next week. Do you have an attorney in this matter? If so, please give me your attorney's name and address.

Susan L. Schneider
U.S. Department of Justice
Environment and Natural Resources Division
1961 Stout Street, 8th Floor
Denver, CO 80294
(303) 844-1348
fax: (303) 844-1350

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From: Glenda Parker [mailto:gparker@aescurb.com]
Sent: Wednesday, March 17, 2010 9:15 AM
To: Schneider, Susan (ENRD)
Subject: Walker River

I received a copy of the 15th report concerning the status of service on certain persons and entities from the District Court of NV for Walker River Paiute Tribe vs. Walker River Irrigation District. Our company, J R Benton & Co purchased a parcel of land & building from O'Sullivan Plastics Corp in Yerington, NV later selling the building and some of the land to Wabuska LLC; however we still own a portion of the land. In review of this document, we are uncertain what we need to do with it, if any thing. Please advise if any action needs to be taken on our part as well as what the court proceedings mean to us as a land owner. I appreciate your assistance. Thank you.

Glenda Parker
Comptroller
AES Industries, Inc
334-283-3438
Fax 334-283-5447
gparker@aescurb.com

Attachment 3

U.S. Department of Justice

Environment and Natural Resources Division

90-6-2-86

Denver Field Office
1961 Stout Street
8th Floor
Denver, CO 80294

Telephone (303) 844-1430
Facsimile (303) 844-1350

March 25, 2010

Marie Fiester, S4753-028
Vice President and Sr. Trust Administrator
Wealth Management Group
Nevada Trust Center
Wells Fargo Bank, N.A.
P.O. Box 95021
Henderson, NV 89009

Re: U.S. v. Walker River Irrigation District (D. Nev.)
Malcolm S. and Evelyn M. Rountree Trust; Lyon County NV. APN 4-061-20

Dear Ms. Fiester:

I understand that you contacted Susan Schneider, who is the attorney for the United States in the above litigation, to ascertain background information about this case because Mr. and Mrs. Rountree are deceased and you are distributing the assets of the Malcolm S. and Evelyn M. Rountree Trust.

Enclosed please find five documents that are among the documents provided to defendants when they were served. The description of the two Court Orders is excerpted from a summary sheet in each service package and should explain their purposes.

1. First Amended Counterclaim of the United States of America (July 31, 1997).

2. First Amended Counterclaim of the Walker River Paiute Tribe (July 31, 1997).

3. Case Management Order (Apr. 18, 2000).

4. Order and Form -- Disclaimer of Interest: This Order requires you to notify the Court and the United States if you contend that you have been included in this litigation in error because you have no interest in any water right within any of the nine categories set forth in Paragraph 3 of the Case Management Order (Apr. 18, 2000). If you contend that you have been included in this litigation in error, the Order -- Disclaimer of Interest also

requires you to provide certain information and documents related to the transfer of water rights that would be part of this litigation. If you disclaim any water right in this litigation, you must comply with the Order -- Disclaimer of Interest, and you may use the form entitled Disclaimer of Interest in Water Rights and Notice of Related Information and Documentation Supporting Disclaimer, which is attached to the Order -- Disclaimer of Interest, to provide this information. (The Order -- Disclaimer of Interest is double-sided. The form Disclaimer of Interest in Water Rights and Notice of Related Information and Documentation Supporting Disclaimer is single-sided.) Please note that you are a Defendant if you are a domestic user of groundwater, as described further in ¶ 3.c of the enclosed CASE MANAGEMENT ORDER.

5. Order and Form Regarding Changes in Ownership of Water Rights: This Order requires you to notify the Court and the United States whenever during the course of this litigation you sell or otherwise convey ownership of all or a portion of any water right within any of the nine categories set forth in Paragraph 3 of the Case Management Order (Apr. 18, 2000). If you sell or otherwise convey any water right in this litigation, you must comply with the Order Regarding Changes in Ownership of Water Rights, and may use the form entitled Notice of Change of Ownership of Water Right, which is attached to the Order Regarding Changes in Ownership of Water Rights, to provide this information. You should retain this Order and the attached form for use whenever appropriate during the course of this litigation. You may also wish to make additional copies of the form attached to the Order for use if you sell or otherwise convey ownership of applicable water rights on more than one occasion during the course of this litigation. You should note that this Order also requires you to provide certain information and documents related to the transfer of water rights.

Please note that the Malcolm S. Rountree Trust will not be added to the caption of the **First Amended Counter Claim of the United States** (or to the caption of the Tribe's pleadings) until the Court approves its substitution into this proceeding.

Sincerely,

Eileen Rutherford

Eileen Rutherford
Senior Paralegal
USIS/Labat Anderson for the
U.S. Department of Justice

Schneider, Susan (ENRD)

From: Schneider, Susan (ENRD)
Sent: Thursday, April 29, 2010 2:20 PM
To: 'Robert Shorr'
Subject: RE: US vs .walker river irrigation district

Dear Mr. and Mrs. Shorr,

This email follows up on my earlier one to you. We have determined to withdraw our request that you be substituted into this case at this time because you have not been served with the underlying papers in the case. We made the decision to withdraw our requests that a number of persons or entities be substituted into this case for the same reason, and because the predecessor owners are already parties to the case. This is explained further in the filing that we will be submitting to the Court today, which is also being mailed to you. As to you and the right you acquired, we had previously served Tonja Dressler, DeVere Dressler, Roxanne Dressler and Candyce Wipfli, who are already parties to this case. Pursuant to Rule 25(c), "[if] an interest is transferred, the action may be continued by or against the original party unless the court, on motion, orders the transferee to be substituted in the action or joined with the original party." Fed. R. Civ. P. 25(c).

If you have any questions, please contact me.

Susan L. Schneider
U.S. Department of Justice
Environment and Natural Resources Division
1961 Stout Street, 8th Floor
Denver, CO 80294
(303) 844-1348
fax: (303) 844-1350

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From: Schneider, Susan (ENRD)
Sent: Thursday, April 08, 2010 3:29 PM
To: 'Robert Shorr'
Subject: RE: US vs .walker river irrigation district

Dear Mr. and Mrs. Shorr,

I have looked at Item 85 and 86 in Service Report 15 that address your water right. Candace Wipfli remains a defendant because she owns numerous other water rights that are separate from what was transferred to you. Because she owns other rights, we did not seek her dismissal. On reviewing the report entry, I see that two words in the sentence addressing Ms. Wipfli were inverted. The sentence should read: "Candace Wipfli continues to **hold additional** water rights and remains a defendant." Thank you for bring this to my attention.

I hope this information answers your question. Please let me know if you have any further questions.

Sincerely,

Susan L. Schneider
U.S. Department of Justice

Attachment 3

Environment and Natural Resources Division
1961 Stout Street, 8th Floor
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fax: (303) 844-1350

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From: Robert Shorr [mailto:robertshorr@yahoo.com]
Sent: Tuesday, March 16, 2010 11:02 AM
To: Schneider, Susan (ENRD)
Subject: Re: US vs .walker river irrigation district

Thank you

From: "Schneider, Susan (ENRD)" <Susan.Schneider@usdoj.gov>
To: Robert Shorr <robertshorr@yahoo.com>
Cc: "Rutherford, Eileen (ENRD)" <Eileen.Rutherford@usdoj.gov>
Sent: Tue, March 16, 2010 9:58:35 AM
Subject: RE: US vs .walker river irrigation district

Mr. Shorr, thank you for your email. I will look into this and get back to you, probably next week.

Susan L. Schneider
U.S. Department of Justice
Environment and Natural Resources Division
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Denver, CO 80294
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From: Robert Shorr [mailto:robertshorr@yahoo.com]
Sent: Tuesday, March 16, 2010 10:23 AM
To: Schneider, Susan (ENRD)
Subject: US vs .walker river irrigation district

Dear Ms. Schneider
I am unclear of the requested action on item 86) shorr,robert.
I do not understand the issue regarding Candace Wipfli continuing to hold additional water rights. Do those water rights have to do with my 5.12 g.f.s. allotment?

Thank you for your time.