U.S. DEPT. OF JUSTICE
ENV. & NAT. RES. DIV.
DENVER, CO
2008 DEC 12 AM 11: 19

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: 12-9-08

Signature

Eric Gehrung
Printed/Typed Name

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

Alpine Property Management Inc.
(Corporate, Trust, Partnership or other entity)

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

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

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

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

U.S. DEPT. OF JUSTICE
ENV. & NAT. RES. DIV.
DENVER, CO

2008 DEC 12 AM 11: 19

ALPINE PROPERTY MANAGEMENT INC.
P.O. BOX 602
BRIDGEPORT, CA 93517
760-932-7735

December 9, 2008

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

Re: Request to remove Alpine Property Management Inc. as defendant in civil action Docket #C-125, Subfile C-125-B

Dear Ms. Schneider,

This letter is in response to the notice of lawsuit packet received from Susan L. Schneider, attorney for the United States of America vs. Walker River Irrigation District, naming Alpine Property Management Inc., as defendant.

Alpine Property Management Inc. owns and operates a small seasonal campground on the shore of Bridgeport Reservoir in Mono County, California. I understand that Alpine Property Management Inc. is being included as a defendant in this case due to ¶3.h of the Case Management Order. First, in the notice received there are two typos in the spelling of my name as well as my corporate name. The correct spelling is "Alpine Property Management Inc." and "Eric Gehrung".

I have reviewed all licenses and permits that Alpine Property Management Inc. holds and according to the Mono County Water System Administrator, Alpine Property Management Inc. holds a permit to operate a **Transient Non-Community Water System** registered as system #2600574. I have found no other permits or water rights that Alpine Property Management Inc. holds that could possibly tie Alpine Property Management Inc. to this case. The water system consists of a singe 6" well that serves potable water to seasonal RV spaces with little to no landscaping. It is important to note that the Mono County Water System Administrator does issue permits for Municipal Water Systems and Alpine Property Management Inc. does not hold this permit nor does it operate a municipal system.

Please let this letter serve as formal request to remove Alpine Property Management Inc. as defendant in civil action docket #C-125, Subfile C-125-B as it is clear that Alpine Property Management Inc. has been included in error. I trust the court will be advised and that no further information is needed at this time. Please advise me of the status of this request.

Thank You,

Eric Gehrung
President, Alpine Property Management Inc.
P.O. Box 602 Bridgeport, CA 93517
760-932-7735

FEE . . . . $ 53.00
PENALTY (if any) 0
TOTAL TO REMIT $ 53.00

MONO COUNTY
COUNTY COURTHOUSE
P.O. BOX 495
BRIDGEPORT, CA 93517

APPLICATION FOR BUSINESS LICENSE

KIND OF BUSINESS RV Park Business Tel. No. 760-932-7739

ADDRESS OF BUSINESS 2399 (NUMBER) Hwy 182 (STREET) Bridgeport (CITY) Ca 93517 (ZIP)

NEAREST CROSS STREET

FULL NAME OF APPLICANT Alpine Property Management Inc. (Corporation) Tel. No. 760-932-7739
(STATE WHETHER CORPORATION, PARTNERSHIP, INDIVIDUAL OR OTHER STATUS)

DOING BUSINESS AS Paradise Shores RV Park Parcel No. 08-18-08

IF A CORPORATION, EXACT CORPORATE NAME IS Alpine Property Management Inc.

Date of Incorporation 4-20-04 Incorporated in State of Calif.

NAMES OF OFFICERS	ADDRESS	TITLE
Eric Gehring	2399 Hwy 182 Bridgeport Ca	CEO
Michelle Gehring	2399 Hwy 182 Bridgeport Ca	C.E.O.

Underline Above Officer Authorized To Accept Service of Legal Process.

IF PARTNERSHIP, SHOW BELOW THE NAMES OF PARTNERS, ADDRESSES, & INTEREST HELD

NAMES OF PARTNERS	ADDRESSES	% INTEREST HELD

MAILING ADDRESS P.O. Box 602 (STREET) Bridgeport (CITY), Ca. 93517 (ZIP)

DATE BUSINESS STARTED 7-9-04

PREVIOUS OWNER'S NAME, (IF KNOWN) Paradise Shores Inc.

THIS IS AN APPLICATION FOR: NEW LICENSE ✓ RENEWAL

SELLER'S PERMIT # (IF REQUIRED)

APPLICANT MUST WITHIN FIVE DAYS THEREAFTER NOTIFY THIS OFFICE IN WRITING OF ANY CHANGE IN ANY FACTS REQUIRED BY THIS APPLICATION.

The information contained herein is true and correct to the best of my knowledge and belief. As a condition for the issuance of the license applied for, I agree; to submit any additional information that may be required; to conduct all phases of this business in accordance with regulations established for such business and to maintain all trucks or equipment that may be used in connection therewith, in conformance with all applicable laws, ordinances, and regulations.

Date 7-8-04 Applicant's Signature [signature] Title CEO

BELOW FOR OFFICE USE ONLY Approved _____ By _____

Disapproved _____ Board of Supervisors _____ Assessor _____

Building _____ Planning _____ Health _____ Sheriff _____ Other _____

License No. 1914 Date Issued _____ Bond _____ Ins. _____ Permit _____

Decal _____ Transient Occupancy Certificate No. _____

Drinking Water Source Assessment

Water System

PARADISE SHORES RV PARK

Mono County

Transient Non-community Water System

Water Source

WELL 01

Assessment Date

July, 2002

Assessment Completed By

LPA Mono County

California Department of Health Services
Drinking Water Field Operations Branch
LPA Mono County

District No.	**56**
System No.	**2600574**
Source No.	**001**
PS Code	**2600574-001**

Vulnerability Summary — Transient Non-community Water System

District Name LPA Mono County **District No.** 56 **County** Mono
System Name PARADISE SHORES RV PARK **System No.** 2600574
Source Name WELL 01 **Source No.** 001 **PS Code** 2600574-001

Completed by LPA Mono County **Date** July, 2002

According to DHS records, this Source is Groundwater. This Assessment was done using the Transient Noncommunity Groundwater System Method.

A source water assessment was conducted for the **WELL 01**

of the **PARADISE SHORES RV PARK** water system in **July, 2002**

The source is considered most vulnerable to the following activities not associated with any detected contaminants:

Septic systems - low density [<1/acre]

Discussion of Vulnerability

"There have been no contaminants detected in the water supply, however the source is still considered vulnerable to activities located near the drinking water source."

A copy of the complete assessment may be viewed at:

Mono County Health Department
P.O. Box 3329
437 Old Mammoth Rd, Suite J
Mammoth Lakes, CA 93546

You may request a summary of the assessment be sent to you by contacting:

Marvin Moskowitz
Small Water System Coordinator
760-924-5430
760-924-5458 (fax)

Vulnerability Ranking

District Name LPA Mono County **District No.** 56 **County** Mono
System Name PARADISE SHORES RV PARK **System No.** 2600574
Source Name WELL 01 **Source No.** 001 **PS Code** 2600574-001

Completed by LPA Mono County **Date** July, 2002

The following PCAs were identified in the assessment and are listed in priority order based on risk to the water supply. Refer to the last page for more information.

Zone	PCA (Risk Ranking)	*	PCA Risk Points	Zone Points	PBE Points	Vulnerability Score
A	Septic systems - low density [<1/acre] (H)		5	5	3	13

*** = A contaminant potentially associated with this activity has been detected in the water supply.**

Explanation of Source Water Assessments and Definition of Terms

A source water assessment was recently completed for this drinking water source. The assessment identifies the vulnerability of the drinking water supply to contamination from typical human activities. The assessments are intended to facilitate and provide the basic information necessary for a local community to develop a program to protect the drinking water supply.

A summary of the complete assessment is provided here. For more information, contact the agency or individual that prepared the assessment (shown in summary). You may also contact the local Department of Health Services Drinking Water Field Operations Branch district office (http://www.dhs.ca.gov/ps/ddwem/technical/dwp/districtofficesmap.pdf). Additional information about assessments can be found at: http://www.dhs.ca.gov/ps/ddwem/dwsap/FAQ.htm

Terms used in this summary:

Source Water Assessment: An assessment is an evaluation of a drinking water source to determine the "possible contaminating activities" (PCAs) to which the source is most vulnerable. The assessment includes: a delineation of protection zones around the source; an inventory of the types of PCAs within the source protection zones; and an analysis to determine the PCAs to which the source is most vulnerable. The information is compiled into a report that includes a map, calculations, checklists, and a summary of the findings.

Possible Contaminating Activity (PCA): A PCA is a current or historic human activity that is an actual or potential origin of contamination for a drinking water source. PCAs include activities that use, store, produce or dispose of chemicals that have the potential to contaminate drinking water supplies. There are 110 types of PCAs in the California DWSAP program.

PCA Risk Ranking: Each type of PCA is assigned a risk ranking (Very High, High, Moderate, or Low). The risk ranking is based on the contaminant(s) typically associated with that PCA, the likelihood of release from that type of facility based on historical experience, and the mobility of the contaminant(s).

PCA Inventory: The PCA inventory is a review using local knowledge, databases, and on-site evaluations to identify the occurrence and approximate location of PCAs in the source water zones. The inventory for the basic DWSAP assessments is a presence-absence review. If a type of PCA occurs in a zone, a "Yes" is noted in the inventory for that zone, regardless of whether there is one or many of that type of facility within the zone. If a PCA has been associated with a contaminant detected in the water supply, a notation is made in the PCA inventory.

Source Water Zones or Areas: These are areas located around and typically adjacent to a drinking water source that have been identified as initial protection areas.

For **groundwater sources,** there are typically three concentric circular zones around a source (Zones A, B5 and B10). The sizes of the are determined based on characteristics of the source. PCAs located in the inner Zone A are considered more of a risk to the water supply than PCAs located in the middle Zone B5. Similarly, PCAs located in Zone B5 are considered more of a risk than PCAs located in the outer Zone B10.

For **surface water sources,** the watershed is defined as the overall protection area, and as an option, zones are defined closer to the source. Two types of zones are typically established. Zone A is the area within and near the surface water body and its tributaries. Zone B is an area within 2,500 feet of the intake, not including areas in Zone A. For surface water sources, PCAs located in Zone A are considered a greater threat than PCAs located in Zone B. PCAs located on the watershed outside of the zones are considered to be of less risk to the water supply. If zones have not been defined, PCAs are considered to be of equal risk regardless of location on the watershed.

Physical Barrier Effectiveness (PBE): The PBE for a source is an evaluation of the ability of the source and the surrounding area to prevent the movement of contaminants into the source. The PBE is based on the construction and operation features of the source, and the characteristics of the surrounding area. A source is assigned a PBE of Low, Moderate or High, where High indicates that the physical barriers of the source and site are very effective in preventing the movement of contaminants. By design, typical groundwater sources will have Moderate PBE, while typical surface water sources will have Low PBE. This is due to the greater exposure of surface water sources to contamination.

Vulnerability Ranking: The vulnerability ranking is a summary of the PCAs identified in the assessment prioritized by the risk that they pose to the water supply. The prioritization is based on the risk associated with a PCA, the zone in which it occurs, and the PBE of the source.
In the vulnerability ranking, points are assigned as follows:

PCA risk ranking	Very High = 7	High = 5	Moderate = 3	Low = 1	Unknown in any zone = 0
Zone (Groundwater)	A = 5	B5 = 3	B10 = 1		
Zone (Surface water with zones)	A = 5	B = 3	Watershed = 1		
Zone (Surface water without zones)	Watershed = 5				
Physical Barrier Effectiveness	Low = 5	Moderate = 3	High = 1		

The points for each type of PCA in each zone are totaled to give a vulnerability score, and the PCAs are ranked in order from the highest score to the lowest score. PCAs associated with detected contaminants are ranked at the top, regardless of vulnerability score. By definition, groundwater sources are not considered vulnerable to PCAs with scores less than 8, and surface water sources are not considered vulnerable to PCAs with scores less than 11. It should be noted that the vulnerability ranking scores do not have a direct quantitative value. Rather, the points are used only to relatively rank the types of PCAs for an individual source.

Note: Some of the summaries do not include a vulnerability ranking. If the assessment was done on paper and the details were not entered into the database, the vulnerability ranking is not available here. In addition, alternate methods of determining vulnerability were allowed in some cases, and the vulnerability ranking is not in the database.

Vulnerability Summary: The source is considered most vulnerable to the PCAs with the highest score, and to PCAs associated with detected contaminants. These PCAs are noted in the vulnerability summary. Further details or discussion may be provided in the vulnerability discussion.

U.S. DEPT. OF JUSTICE
ENV. & NAT. RES. DIV.
DENVER, CO

2008 DEC 29 PM 12: 43

WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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

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

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

Date: 12/22/08

Signature

MAYNARD M. ENOS

Printed/Typed Name

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

(Title)

MAYNARD M. ENOS AND ANNE L. ENOS REVOCABLE TRUST UNDER TRUST AGREEMENT DATED MARCH 16, 1995 (Corporate, Trust, Partnership or other entity)

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

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

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

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

LICENSE COLLECTOR
MONO COUNTY
COUNTY COURTHOUSE
P.O. BOX 495
BRIDGEPORT, CA 93517

FEE . . . . $ 25.00
PENALTY (if any)
TOTAL TO REMIT $ 25.00

APPLICATION FOR BUSINESS LICENSE

KIND OF BUSINESS Willow Springs Motel RV Park Guide Service Business Tel. No. 760 9327725

ADDRESS OF BUSINESS R. Box 1040 Highway 395 Bridgeport, CA 93517
NUMBER STREET CITY ZIP

NEAREST CROSS STREET Anne L. Enos TTE

FULL NAME OF APPLICANT Maynard M. Enos TTE Tel. No. 760 9327725
(STATE WHETHER CORPORATION, PARTNERSHIP, INDIVIDUAL OR OTHER STATUS)

DOING BUSINESS AS Motel RV Park Guide Service Parcel No. 11-060-12

IF A CORPORATION, EXACT CORPORATE NAME IS N/A

Date of Incorporation _____ Incorporated in State of _____

NAMES OF OFFICERS	ADDRESSES	TITLES

Underline Above Officer Authorized To Accept Service of Legal Process.

IF A PARTNERSHIP, SHOW BELOW THE NAMES OF PARTNERS, ADDRESSES, & INTEREST HELD

NAMES OF PARTNERS	ADDRESSES	% INTEREST HELD
N/A		

MAILING ADDRESS _____
STREET CITY ZIP

DATE BUSINESS STARTED 4-22-98

PREVIOUS OWNER'S NAME, (IF KNOWN) Louise Rasmussen

THIS IS AN APPLICATION FOR: NEW LICENSE YES RENEWAL _____

APPLICANT MUST WITHIN FIVE DAYS THEREAFTER NOTIFY THIS OFFICE IN WRITING OF ANY CHANGE IN ANY FACTS REQUIRED BY THIS APPLICATION.

The information contained herein is true and correct to the best of my knowledge and belief. As a condition for the issuance of the license applied for, I agree; to submit any additional information that may be required; to conduct all phases of this business in accordance with regulations established for such business and to maintain all trucks or equipment that may be used in connection therewith, in conformance with all applicable laws, ordinances, and regulations.

Date 4-22-98 Applicant's Signature Maynard Enos Title Owner

BELOW FOR OFFICE USE ONLY

Approved _____ By _____

Disapproved _____ Board of Supervisors _____ Assessor _____

Building _____ Planning _____ Health _____ Sheriff _____ Other _____

License No. 1249 Date Issued _____ Bond _____ Ins. _____ Permit _____

Decal _____ Transient Occupancy Certificate No. _____

Drinking Water Source Assessment

Water System

WILLOW SPRINGS MOTEL AND RV PK

Mono County

Transient Non-community Water System

Water Source

WELL 01

Assessment Date

July, 2002

Assessment Completed By

LPA Mono County

California Department of Health Services
Drinking Water Field Operations Branch
LPA Mono County

District No.	56
System No.	2600511
Source No.	001
PS Code	2600511-001

Vulnerability Summary — Transient Non-community Water System

District Name LPA Mono County **District No.** 56 **County** Mono
System Name WILLOW SPRINGS MOTEL AND RV PK **System No.** 2600511
Source Name WELL 01 **Source No.** 001 **PS Code** 2600511-001

Completed by LPA Mono County **Date** July, 2002

According to DHS records, this Source is Groundwater. This Assessment was done using the Transient Noncommunity Groundwater System Method.

A source water assessment was conducted for the **WELL 01**

of the **WILLOW SPRINGS MOTEL AND RV PK** water system in **July, 2002**

The source is considered most vulnerable to the following activities not associated with any detected contaminants:

Septic systems - low density [<1/acre]

Discussion of Vulnerability

"There have been no contaminants detected in the water supply, however the source is still considered vulnerable to activities located near the drinking water source."

A copy of the complete assessment may be viewed at:

Mono County Health Department
P.O. Box 3329
437 Old Mammoth Rd, Suite J
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You may request a summary of the assessment be sent to you by contacting:

Marvin Moskowitz
Small Water System Coordinator
760-924-5430
760-924-5458 (fax)

Vulnerability Ranking

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System Name WILLOW SPRINGS MOTEL AND RV PK **System No.** 2600511
Source Name WELL 01 **Source No.** 001 **PS Code** 2600511-001

Completed by LPA Mono County **Date** July, 2002

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90-6-2-36
C: Susan
File

U.S. DEPT. OF JUSTICE
ENV. & NAT. RES. DIV.
DENVER, CO

WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

2009 JAN -5 AM 11:25

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: 1/1/08

Signature

AVERY GILLELAND
Printed/Typed Name

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

_____
(Corporate, Trust, Partnership or other entity)

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

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

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

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

90-6-2-86
C: Susan
File

U.S. DEPT. OF JUSTICE
ENV. & NAT. RES. DIV.
DENVER, CO
2009 JAN -5 AM 11:25

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.

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

Date: 1/1/08

Teresa A Gilleland
Signature

Teresa A Gilleland
Printed/Typed Name

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

_____
(Corporate, Trust, Partnership or other entity)

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

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

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

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

FEE $ 53.00
PENALTY (if any) $ 0
TOTAL TO REMIT $ 53.00

LICENSE COLLECTOR
MONO COUNTY
COUNTY COURTHOUSE
P.O. BOX 495
BRIDGEPORT, CA 93517

APPLICATION FOR BUSINESS LICENSE

KIND OF BUSINESS Fast Food Business Tel. No. 530-495-2219

ADDRESS OF BUSINESS 107022 (NUMBER) US Hwy 395 (STREET) Coleville (CITY) 96107 (ZIP)

NEAREST CROSS STREET PINENUT

FULL NAME OF APPLICANT Avery C. Jr, Teresa A. Gilleland partnership (STATE WHETHER CORPORATION, PARTNERSHIP, INDIVIDUAL OR OTHER STATUS) Tel. No. 530-495-2121

DOING BUSINESS AS Walker Burger Parcel No. No J South 02-341-11

IF A CORPORATION, EXACT CORPORATE NAME IS

Date of Incorporation Incorporated in State of

NAMES OF OFFICERS	ADDRESS	TITLE

Underline Above Officer Authorized To Accept Service of Legal Process.

IF PARTNERSHIP, SHOW BELOW THE NAMES OF PARTNERS, ADDRESSES, & INTEREST HELD

NAMES OF PARTNERS	ADDRESSES	% INTEREST HELD
Avery C Gilleland Jr	P.O. Box 128 Coleville CA 96107	50
Teresa A Gilleland	same	50

MAILING ADDRESS P.O. Box 128 (STREET) Coleville (CITY) 96107 (ZIP)

DATE BUSINESS STARTED 4-25-00

PREVIOUS OWNER'S NAME, (IF KNOWN) Glen Rowley

THIS IS AN APPLICATION FOR: NEW LICENSE ✓ RENEWAL

SELLER'S PERMIT # (IF REQUIRED)

APPLICANT MUST WITHIN FIVE DAYS THEREAFTER NOTIFY THIS OFFICE IN WRITING OF ANY CHANGE IN ANY FACTS REQUIRED BY THIS APPLICATION.

The information contained herein is true and correct to the best of my knowledge and belief. As a condition for the issuance of the license applied for, I agree; to submit any additional information that may be required; to conduct all phases of this business in accordance with regulations established for such business and to maintain all trucks or equipment that may be used in connection therewith, in conformance with all applicable laws, ordinances, and regulations.

Date 4-7-00 Applicant's Signature Teresa A Gilleland Title Owner

BELOW FOR OFFICE USE ONLY Approved By

Disapproved Board of Supervisors Assessor

Building Planning Health Sheriff Other

License No. 1400 Date Issued Bond Ins. Permit

Transient Occupancy Certificate No.

Drinking Water Source Assessment

Water System

WALKER BURGER

Mono County

Transient Non-community Water System

Water Source

WELL 01

Assessment Date

February, 2002

Assessment Completed By

LPA Mono County

California Department of Health Services
Drinking Water Field Operations Branch
LPA Mono County

District No.	**56**
System No.	**2600648**
Source No.	**001**
PS Code	**2600648-001**

Vulnerability Summary — Transient Non-community Water System

District Name LPA Mono County **District No.** 56 **County** Mono
System Name WALKER BURGER **System No.** 2600648
Source Name WELL 01 **Source No.** 001 **PS Code** 2600648-001

Completed by LPA Mono County **Date** February, 2002

According to DHS records, this Source is Groundwater. This Assessment was done using the Transient Noncommunity Groundwater System Method.

A source water assessment was conducted for the **WELL 01**

of the **WALKER BURGER** water system in **February, 2002**

The source is considered most vulnerable to the following activities not associated with any detected contaminants:

Septic systems - high density [>1/acre]

Discussion of Vulnerability

"There have been no contaminants detected in the water supply, however the source is still considered vulnerable to activities located near the drinking water source."

A copy of the complete assessment may be viewed at:

Mono County Health Department
P.O. Box 3329
437 Old Mammoth Rd, Suite J
Mammoth Lakes, CA 93546

You may request a summary of the assessment be sent to you by contacting:

Marvin Moskowitz
Small Water System Coordinator
760-924-5430
760-924-5458 (fax)

Vulnerability Ranking

District Name LPA Mono County **District No.** 56 **County** Mono
System Name WALKER BURGER **System No.** 2600648
Source Name WELL 01 **Source No.** 001 **PS Code** 2600648-001

Completed by LPA Mono County **Date** February, 2002

The following PCAs were identified in the assessment and are listed in priority order based on risk to the water supply. Refer to the last page for more information.

Zone	PCA (Risk Ranking)	*	PCA Risk Points	Zone Points	PBE Points	Vulnerability Score
A	Septic systems - high density [>1/acre] (VH)		7	5	5	17

*** = A contaminant potentially associated with this activity has been detected in the water supply.**

Explanation of Source Water Assessments and Definition of Terms

A source water assessment was recently completed for this drinking water source. The assessment identifies the vulnerability of the drinking water supply to contamination from typical human activities. The assessments are intended to facilitate and provide the basic information necessary for a local community to develop a program to protect the drinking water supply.

A summary of the complete assessment is provided here. For more information, contact the agency or individual that prepared the assessment (shown in summary). You may also contact the local Department of Health Services Drinking Water Field Operations Branch district office (http://www.dhs.ca.gov/ps/ddwem/technical/dwp/districtofficesmap.pdf). Additional information about assessments can be found at: http://www.dhs.ca.gov/ps/ddwem/dwsap/FAQ.htm

Terms used in this summary:

Source Water Assessment: An assessment is an evaluation of a drinking water source to determine the "possible contaminating activities" (PCAs) to which the source is most vulnerable. The assessment includes: a delineation of protection zones around the source; an inventory of the types of PCAs within the source protection zones; and an analysis to determine the PCAs to which the source is most vulnerable. The information is compiled into a report that includes a map, calculations, checklists, and a summary of the findings.

Possible Contaminating Activity (PCA): A PCA is a current or historic human activity that is an actual or potential origin of contamination for a drinking water source. PCAs include activities that use, store, produce or dispose of chemicals that have the potential to contaminate drinking water supplies. There are 110 types of PCAs in the California DWSAP program.

PCA Risk Ranking: Each type of PCA is assigned a risk ranking (Very High, High, Moderate, or Low). The risk ranking is based on the contaminant(s) typically associated with that PCA, the likelihood of release from that type of facility based on historical experience, and the mobility of the contaminant(s).

PCA Inventory: The PCA inventory is a review using local knowledge, databases, and on-site evaluations to identify the occurrence and approximate location of PCAs in the source water zones. The inventory for the basic DWSAP assessments is a presence-absence review. If a type of PCA occurs in a zone, a "Yes" is noted in the inventory for that zone, regardless of whether there is one or many of that type of facility within the zone. If a PCA has been associated with a contaminant detected in the water supply, a notation is made in the PCA inventory.

Source Water Zones or Areas: These are areas located around and typically adjacent to a drinking water source that have been identified as initial protection areas.

For **groundwater sources,** there are typically three concentric circular zones around a source (Zones A, B5 and B10). The sizes of the are determined based on characteristics of the source. PCAs located in the inner Zone A are considered more of a risk to the water supply than PCAs located in the middle Zone B5. Similarly, PCAs located in Zone B5 are considered more of a risk than PCAs located in the outer Zone B10.

For **surface water sources,** the watershed is defined as the overall protection area, and as an option, zones are defined closer to the source. Two types of zones are typically established. Zone A is the area within and near the surface water body and its tributaries. Zone B is an area within 2,500 feet of the intake, not including areas in Zone A. For surface water sources, PCAs located in Zone A are considered a greater threat than PCAs located in Zone B. PCAs located on the watershed outside of the zones are considered to be of less risk to the water supply. If zones have not been defined, PCAs are considered to be of equal risk regardless of location on the watershed.

Physical Barrier Effectiveness (PBE): The PBE for a source is an evaluation of the ability of the source and the surrounding area to prevent the movement of contaminants into the source. The PBE is based on the construction and operation features of the source, and the characteristics of the surrounding area. A source is assigned a PBE of Low, Moderate or High, where High indicates that the physical barriers of the source and site are very effective in preventing the movement of contaminants. By design, typical groundwater sources will have Moderate PBE, while typical surface water sources will have Low PBE. This is due to the greater exposure of surface water sources to contamination.

Vulnerability Ranking: The vulnerability ranking is a summary of the PCAs identified in the assessment prioritized by the risk that they pose to the water supply. The prioritization is based on the risk associated with a PCA, the zone in which it occurs, and the PBE of the source.
In the vulnerability ranking, points are assigned as follows:

PCA risk ranking	Very High = 7	High = 5	Moderate = 3	Low = 1	Unknown in any zone = 0
Zone (Groundwater)	A = 5	B5 = 3	B10 = 1		
Zone (Surface water with zones)	A = 5	B = 3	Watershed = 1		
Zone (Surface water without zones)	Watershed = 5				
Physical Barrier Effectiveness	Low = 5	Moderate = 3	High = 1		

The points for each type of PCA in each zone are totaled to give a vulnerability score, and the PCAs are ranked in order from the highest score to the lowest score. PCAs associated with detected contaminants are ranked at the top, regardless of vulnerability score. By definition, groundwater sources are not considered vulnerable to PCAs with scores less than 8, and surface water sources are not considered vulnerable to PCAs with scores less than 11. It should be noted that the vulnerability ranking scores do not have a direct quantitative value. Rather, the points are used only to relatively rank the types of PCAs for an individual source.

Note: Some of the summaries do not include a vulnerability ranking. If the assessment was done on paper and the details were not entered into the database, the vulnerability ranking is not available here. In addition, alternate methods of determining vulnerability were allowed in some cases, and the vulnerability ranking is not in the database.

Vulnerability Summary: The source is considered most vulnerable to the PCAs with the highest score, and to PCAs associated with detected contaminants. These PCAs are noted in the vulnerability summary. Further details or discussion may be provided in the vulnerability discussion.

73-127

✓ FILED
ENTERED
RECEIVED
SERVED ON
COUNSEL/PARTIES OF RECORD

JAN - 6 2009

CLERK US DISTRICT COURT
DISTRICT OF NEVADA

BY: _____ DEPUTY

SANDRA MARSHALL
106705 U.S. HWY. 395
COLEVILLE, CA 96107

January 3, 2009

LINDA LEA SHARER, CHIEF DEPUTY CLERK
UNITED STATES DISTRICT COURT FOR NEVADA
400 SOUTH VIRGINIA STREET, SUITE 301
RENO, NA 89501

RE: EQUITY NO. C-125; SUBFILE NO. 125-B

DISCLAIMER OF WATER RIGHTS

Dear LINDA LEA SHARER, CHIEF DEPUTY CLERK:

THIS LETTER IS TO INFORM YOU THAT I BELIEVE I HAVE BEEN INCLUDED IN THIS LAWSUIT IN ERROR. I OWN "NO" WATER RIGHTS AND DO NO IRRIGATION. I HAVE ONE DOMESTIC WELL USED SOLELY FOR OUR PRIVATE USE ON OUR PROPERTY ONLY. I HAVE READ OVER THE CATEGORIES SET FORTH IN PARAGRAPH 3 OF THE CASE MANAGEMENT ORDER AND I DISCLAIM ALL INTEREST IN THIS ACTION.

SINCERELY,

Sandra Marshall

SANDRA MARSHALL

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

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

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

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

Sent 1/3/09

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

And

Sent 1-3-09

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

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

2 of 4 - N/A-
4 of 4 - N/A

Exhibit 5

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

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

by which the change in ownership was accomplished.

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

Executed this 3rd day of January 2009.

Sandra Marshall
[signature of counter-defendant]

Sandra Marshall Living Trust
Sandra Marshall Trustee

[name of counter-defendant]

Exhibit 5

Sandy Marshall
106705 U.S. Hwy. 395
Coleville, CA 96107

RENO NV 895
05 JAN 2009 PM 1 T

Linda Lea Sharer, Chief Deputy Clerk
US Dst. Court of Nevada
400 S. Virginia, Suite 301
Reno, NV 89501

89501+2195

Date run : 11/21/2008 12:05:07PM
Run by

Mono County Health Department

Report # : 4601
Page # : 14

List of Water Systems by Facility Name

Record ID / Program/ Element	Facility Information	Owner Information	Emergency Notification	General Information
WA0001934	FA0000189 SIERRA RETREAT 106705 HIGHWAY 395 106705 HIGHWAY 395 COLEVILLE, CA 96107 530-495-2213	OW0000186 MARSHALL, SANDRA 106705 HIGHWAY 395 106705 HIGHWAY 395 COLEVILLE, CA 96107 530-495-2213	**MARSHALL, JAMES & SANDRA** Day : 530-495-2213 Night : Day : 530-495-2213 Night :	Mail To Permit No. No. of Serv. Con. Pop. Served FACILITY
WA0001933	FA0000199 SUMMIT INN US 395 & CONWAY SUMMIT HCR 1, BX 1065 BRIDGEPORT, CA 93517 760-647-6484	OW0000197 WEBB, JOHN & CAROLYN US 395 @ CONWAY SUMMIT HC 62, BOX 1065 BRIDGEPORT, CA 93517 760-647-6484	**WEBB, JOHN & CAROLYN** Day : 760-647-6484 Night : Day : 760-647-6484 Night :	Mail To Permit No. No. of Serv. Con. Pop. Served FACILITY
WA0001935	FA0000226 WALKER GENERAL STORE 106651 HWY. 395 106651 HWY. 395 COLEVILLE, CA 96107 530-495-2911	OW0000938 WALKER GENERAL STORE, INC. 106651 US HWY 395 106651 US HWY 395 COLEVILLE, CA 96107 530-495-2911	**BUSH, DEBORAH** Day : 530-495-2911 Night : Day : 530-495-2911 Night :	Mail To Permit No. No. of Serv. Con. Pop. Served FACILITY

Total Number of Records for This Program/Element : 6.00

4658 CURFFL WATER SYSTEM

WA0001959	FA0000189 SIERRA RETREAT 106705 HIGHWAY 395 106705 HIGHWAY 395 COLEVILLE, CA 96107 530-495-2213	OW0000186 MARSHALL, SANDRA 106705 HIGHWAY 395 106705 HIGHWAY 395 COLEVILLE, CA 96107 530-495-2213	**MARSHALL, JAMES & SANDRA** Day : 530-495-2213 Night : Day : 530-495-2213 Night :	Mail To Permit No. No. of Serv. Con. Pop. Served FACILITY

Total Number of Records for This Program/Element : 1.00

End of Report 1.0.1.03.00

Total Number of Records : 107

Exhibit 5

```
DIS01T001341NOV21080811
                        CURRENT PARCEL SUMMARY DISPLAY #1
TYPE BK PAGE PRCL UNIT  TS  MH TRA  USE CODE:0        NON TAXABLE:     CNCL DAT
E
000232003000000 5 51-01 PROP8 YR:         SEC-NO LIEN:
                                     RIGHTS CD:        1911 ACT:
-------------- OWNER NAME INFORMATION -------------------  -- MISCELLANEOUS --
NS   OWNER NAME                       T/H REC DATE PERCENT   ACREAGE      2.000
 1   SANDRA MARSHALL LIVING TRUST     SSP  9302003  1.0000   LIC TYPE
                                                             LIC NUM.

DBA  SIERRA RETREAT
                                                 -------- MAILING ADDRESS --------
            ------- SITUS ADDRESS --------       SANDRA MARSHALL, TRUSTEE
ST #/NAME                                        106705 HWY. 395
APT TYPE/#
CITY-STATE                                       COLEVILLE          CA
ZIP CODE                                                       96107
  DESC #1 28 8N 23E                            O/R:  XFER  VOL   PAGE     DATE
       #2 MH 1973 WESTCHESTER                            2003   10775 09302003
       #3 ON FOUNDATION                                  2002     420 01182002
       #4
BPS: TYPE    CLASS    ACCT #  ACCT LOC'S  B USE CD RTN DATE  AUD YR
     L        099
OLD APN:   -  -   -  -    -  @
```