EXHIBIT A

ORIGINAL

IN THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE DISTRICT OF NEVADA

THE UNITED STATES OF AMERICA Plaintiff, -vs- ORR WATER DITCH COMPANY, et al Defendants.	IN EQUITY DOCKET NO. A3 Filed June 17th 1943. T. E. Dunham, Clerk

MOTION FOR SUBSTITUTION AND, OR JOINDER OF PARTIES

Plaintiff respectfully shows the Court as follows:

1. That this action was commenced by the filing of a Complaint and the issuance of Summons on March 3, 1913. That thereafter, on July 25, 1914, said Complaint was amended in various particulars and thereafter the defendants named in said Complaint and Amended Complaint and others joined as defendants by order or orders of the Court filed their respective answers and pleadings to the Complaint and joined issue thereon.

2. That said action was brought for the purpose of obtaining a general adjudication and determination of the relative rights of the parties to the waters of the Truckee River and its tributaries.

3. That the trial of said action commenced on August 4, 1919 before Honorable E. S. Farrington, District Judge, and it appearing to said District Judge that the trial would be an extended one, he thereupon and on October 14, 1919 appointed Honorable George F. Talbot as Special Master. That after the hearing of the evidence of the respective parties plaintiff and defendants, said Special Master submitted his proposed findings on July 24, 1924, and after hearing arguments

7—1404

U. S. GOVERNMENT PRINTING OFFICE

EXHIBIT A

on objections filed thereto filed his amended proposed findings on March 31, 1925 with the Clerk of the above entitled Court. That thereafter exceptions to said findings, or certain thereof, were duly filed and the above entitled cause, after being fully argued, was on July 11, 1925, submitted to the above entitled court for its decision.

4. That thereafter and on February 13, 1926, this Court made and entered a Temporary Restraining Order fixing the relative water rights of the parties, to which reference is hereby made, and said Restraining Order, ever since said date, has at all times been and now is in full force and effect.

5. That since the submission of the above entitled action to this Court there have been numerous voluntary transfers, sales under deeds of trust, upon foreclosure of mortgages, and for delinquent taxes and the like, of lands and water rights the subject of this action and involved herein.

6. That since the submission of the above entitled action for decision numerous of the original defendants have died, many of them without the State of Nevada, and in many cases it is impracticable for the plaintiff to ascertain the time or place of death of such decedents. That the respective claims of the plaintiff and the various defendants in the above entitled action have not been extinguished by the death of any of the defendants.

7. That the plaintiff and certain of the defendants accordingly have made due and diligent search for the purpose of ascertaining the names of all present owners of lands and water rights described in said Temporary Restraining Order, and as a result of such search advise the Court that the persons, individuals and corporations whose names are set forth in column 1 of Exhibit "A" hereto attached and by reference made a part

of this Motion are successors in interest to the parties defendant in the above entitled action. That for the convenience of the Court and for the purpose of expedition the names of the persons and individuals so succeeding since submission of this cause on July 11, 1925 are shown in said column 1 of Exhibit "A" and the names of their respective predecessors are indicated in column 2 by giving the claim numbers by which such predecessor is designated in said Temporary Restraining Order heretofore referred to and on file herein.

8. That subsequent to the entry of said Temporary Restraining Order and between about the 1st day of June, 1936 and the 1st day of February, 1937, the plaintiff and 157 of the original defendants and/or their successors in interest signed a stipulation in writing for the entry of a final decree in the form attached to said Stipulation, both of which were filed in the above entitled Court on the 22nd day of April, 1942.

9. That all present owners of lands and water rights named in Column 1 of Exhibit A hereto, are proper parties to this action and that a substitution and/or joinder of said parties is necessary and advisable in order that this court may make and enter herein a final judgment and decree which will determine all of the rights involved herein.

WHEREFORE, plaintiff moves the Court for an order substituting and/or joining as parties defendant the parties named in Column 1 of Exhibit "A" for and with their respective predecessors in interest as named and set forth in the Temporary Restraining Order of February 13, 1926 and identi-

fied by claim number in Column 2 of Exhibit "A".

Thomas O. Graven
United States Attorney
Address: Post Office Bldg., Reno, Nevada

Roy W. Stoddard
Special Assistant to the
Attorney General
Address: 27 E. First Street, Reno, Nevada.

NOTICE OF MOTION

TO ALL OF THE PERSONS AND THE PARTIES NAMED IN COLUMN I OF EXHIBIT "A" ATTACHED TO AND MADE PART OF THE ABOVE AND FOREGOING MOTION:

You, and each of you, will please take notice that the undersigned on behalf of the United States of America, plaintiff herein, will bring the above Motion on for hearing before this Court at the courtroom of the above entitled Court at Carson City, Nevada, on the 1st day of December, 1943, at 10 o'clock A.M. or as soon thereafter as counsel can be heard.

Thomas O. Graven
United States Attorney
Address: Post Office Bldg., Reno, Nevada

Roy W. Stoddard
Special Assistant to the
Attorney General
Address: 27 E. First Street, Reno, Nevada.

Filed June 17th 1943.
Frank H. Norcross
District Judge.

7—1404
U. S. GOVERNMENT PRINTING OFFICE

EXHIBIT "A"

The following names listed in Column 1 indicate the names of the present owners of the lands described in the Temporary Restraining Order entered herein on February 13, 1926. The numbers in Column 2 indicate the claim numbers assigned to respective original defendants in the Temporary Restraining Order under which the name of the original defendant is given and which includes the description of his lands and water rights allowed for the irrigation thereof.

Printed copies of the Temporary Restraining Order are available for examination in the office of H. C. Dukes, the Watermaster, Gazette Building, Reno, Nevada, and the original thereof is also available for examination in the office of the Clerk of the United States Federal Court at Carson City, Nevada.

PRESENT DAY OWNERS	CLAIM NUMBER
Anderson, Tom & Mildred	452
Ackerman, Glenn W. & Ruth	247
Annett, Sheldon & Audrey	249
Albrechta, Mildred	452
Allison, Geo.	278,287,304
Arden, John	59
Atcheson, Katherine C.	48
Aldabe, Bert & wife Marie	119
Aguerrebere, Martin	138
Avanzino, Elmer Jack	144,145
Alcott, A. L.	366
Avansino, William and Silvo	368
Azcarata, Frank	622
Avansino, John	184,214
Anelli, Louis	135
Avansino, Caterina	143
Agnes, John	458
Arbico, Eugenio	501

PRESENT DAY OWNERS	CLAIM NUMBER
Avanzino, Jack	597
Atkinson, Frances B.	331
Acrea, D. L.	431,432
Adams, Wayne B.	250
Ah You Est., A. R. Schindler, Trustee for Wayne & Roland Asher	250
Allen, Ira T. & wife	179
Alexander, Henry	247
Altic, Edith B. & A. E.	366
American Loan Society	454
Anderson, Chas. J.	367
Anderson, Pete	208
Anderson, Robb W. & wife Ida	232
Anderson, Wm. H. & wife Zelia A.	250
Andrews, W. L.	208
Armstrong, Alice Powers	64,173
Arigoni, A.M. & wife Natalie	247
Atkinson, Paul E. & wife Evelyn	177
Aust, W. T.	244
Austin, W. C.	-
Avanzino, John L.	368
Avanzino, Thomas	457
Ayres, Irvin L.	55
Aznarez, Eusebio	247

PRESENT DAY OWNERS	CLAIM NUMBER
Anderson, Irene	574-575
Baker, Ella A.	574-575
Baker, Harold	574-575
Baker, Herman	574-575
Baker, Isabelle	574-575
Baker, Nellie	574-575
Kleppe, Fred	574-575
Kleppe, Patricia	574-575
Nichols, Albert W.	532,533,579,580,611
Nichols, Florence M.	532,533,579,580,611
Nichols, Marion C.	532,533,579,580,611
Rice, Lois as Guardian for Marie, Floyd & Bertha Fisco	116,117
Richards, C. L.	377,378
Thompson, Reuben and Mabel E.	379
Adams, Henry Brewster and Edna R.	380
Mortensen, Chris, Sohpus & M Jr.	47
Peckham, James G. & Edward M	463, 464
Peckham, Verna Potter	463, 464
Peckham Bros Inc	463, 464
Springer, Edgar J., Clarence Floyd & Solomon J.	743
Frost, Demarino	743
Dickey, R. B.	743
Koskela, Wm. W	743
Wanke, Bert R.	743