Henkle-Buchanan Group

BRIDGEPORT RESERVOIR

Storage: 10110 acre feet as of January 25, 1995[5]

Month	Proposed Discharge	Reservoir Storage	Acre Feet Release(Month)
March	200 c.f.s.	5,000 a.f.	12,000
April	200 c.f.s.	6,000 a.f.	12,000
May	250 c.f.s.	18,000 a.f.	15,000
June	400 c.f.s.	30,000 a.f.	24,000
July	200 c.f.s.	28,000 a.f.	12,000
August	200 c.f.s.	22,000 a.f.	12,000
September	150 c.f.s.	17,000 a.f.	9,000
October	100 c.f.s.	13,000 a.f.	6,000

Total acre feet released from reservoir		102,000 acre feet
Projected Run-off (March 1, October 31)		110,000 acre feet[6]
Reservoir augmentation		-8,000 acre feet
	Total	102,000 acre feet

5. March 1 estimated reservoir level 15,000 acre feet

6. USDA projections adjusted for 1995 snowpack

Henkle-Buchanan Group

COMBINED RIVER FLOWS

Month	c.f.s.
March	400
April	450
May	1,100
June	1,250
July	950
August	600
September	450
October	250

THE WABUSKA GAUGE

Because of groundwater depletion in Smith and Mason Valleys in 1994, it is unlikely that, at least to begin with, that Walker Rivers flows at the Wabuska Gauge will be substantial, even though some non-return ditches (Hall and Greenwood) have been running during the winter months.

Provided that the ditch diversion is minimal in March, it is possible that 30% of the flow or 130 c.f.s. would reach the Wabuska gauge. This flow will decrease in April with the effective beginning of the irrigation season when water is delivered to the ditches, but should increase to 50% in May because the projected flow of 1,100 c.f.s. is more than double the senior water rights and the remaining flow will move at a speed which will

inhibit groundwater capture. Even if 50 c.f.s. were lost to irrigation and other causes below Wabuska, Walker Lake would still receive 30,000 acre feet in May alone.

THE WATER MASTER

It appears that the water master exercises a considerable amount of leeway in administering water allocation under C-125. Upstream storage in the reservoirs is supposed to begin November 1 and end on March 1, which coincides with the beginning of irrigation season. Water is then released to the senior water rights holders. However, in March, 1993 for example, water storage increased in Bridgeport Reservoir by 10,000 acre feet.

Since this proposal does not violate C-125 in any way, the water master could implement the proposal by using the flood control argument with possible dissenters.

TIME FRAME

Time is of the essence in implementing this proposal to halt the degradation of Walker Lake. The Walker River Paiute Tribe[7] has agreed to consider releasing water from Webber Reservoir to Walker Lake through the channel cleared in 1993 if they can be assured of this flow schedule.

Submitted by:

Kelvin J. Buchanan, P.E.

7. Pers. Comm., Sam Stegeman, Engineer, Walker River Paiute Tribe

Henkle-Buchanan Group

Henkle-Buchanan Group
Engineers, Geoscientists and Environmental Managers
243 Stewart St. • P.O. Box 2391 • Reno, Nevada 89505-2391
(702) 786-4515 • (800) 572-9798 • FAX (702) 786-4324

March 2, 1995

James Spoo
Zeh, Spoo and Hearne
450 Marsh Avenue
Reno, NV 89509

Re: Walker Lake Proposal

Dear Jim,

As we discussed this morning, the volume of contained water in the snow pack when the proposal was authored on February 14 has decreased by almost 20 % today to where we are at about 91% of the April 1 snowpack for moisture content. Not only did we have no precipitation for two weeks, we had a record warm February. The moisture in the snowpack did not totally disappear of course. Both Bridgeport and Topaz Reservoirs contain 5% more water than I estimated and some has ponded in upland meadows. It is impossible to project average precipitation over any time period and it is not unusual that this particular two week period should have no precipitation. Even in winter, the Sierra weather pattern is dominated by a high pressure dome, penetrated on average by 6-8 very active storm systems. It would be most unfortunate if we were to get discouraged by the previous two week lack of precipitation, not pursue the proposal and then find that March precipitation has increased the snowpack to the predicted level. I have no reason to change my proposal based on the February precipitation totals.

As to your question about groundwater, precipitation this year will have very little impact on groundwater levels in Mason and Smith Valleys. Both Station 6 in Smith Valley and the Yerington weather station had received their normal October 1-April 30 precipitation by January 31, but the warm weather in February minimized the impact of this above normal precipitation (although Yerington has had 0.5 inches of precipitation in first 2 days of March).

It appears likely that a wetter pattern is setting up that will continue through next week. All parties can access the Sno-tel data on a daily basis and the snowpack may, by early next week, show a significant increase. This would provide an opportunity to review current data and perhaps an informal discussion with the parties could commence next week.

Your questions regarding the March 1 storage deadline were sound and I was remiss in writing only one sentence in explanation on this matter. The storage season ends on March 1 if the senior water rights users demand their irrigation water on that date. If they don't, then water can be stored in the reservoirs until such time as they do. When I said the Watermaster had leeway in releasing this water, he needs the approval of various other parties. I think there is a mechanism for early release, but all parties would have to agree. The senior water rights users would have to request the release of this water, knowing full well that the purpose of the release is for Walker Lake. There is an intermediate step in the process and then, additionally, the State Engineer would have to permit a change in beneficial use at the point of diversion so that water could go to Walker Lake. This is not a walk in the park, but it certainly could be achievable through cooperation.

I believe the Watermaster has more leeway in release of storage water if he believes that downstream flooding is a possibility.

The release of water from the reservoirs to accommodate the mixing of the Weed Pit water will also require some agreement between parties. The proposed ratio of ten to one (10/1) pit water to river will require a constant flow which may not necessarily conform with C-125. These are all tough questions.

As to the actual condition of the present snowpack, it is more similar to that of a late April snowpack. Because of January rains and warm February temperatures, it is almost saturated, meaning that a few warm days could cause a significant melt. In some respects this has already happened.

Please call me if you have any further questions.

Sincerely,

Kelvin Buchanan, P.E.

cc: Treva Hearne

Henkle-Buchanan Group

ZEH, SPOO & HEARNE
450 Marsh Avenue • Reno, NV 89509
Phone: (702) 323-4599 • Fax (702) 786-8183

CERTIFICATE OF MAILING

Pursuant to FRCP 5(b), I certify that I am an employee of the Law Office of ZEH, SPOO & HEARNE, and that on this date I caused to be mailed a copy of the attached **MOTION FOR PRELIMINARY INJUNCTION; MEMORANDUM OF POINTS AND AUTHORITIES; AFFIDAVIT OF KELVIN J. BUCHANAN, P.E.; AND AFFIDAVIT OF GARY L. VINYARD, Ph.D**, with postage fully prepaid to:

See attached Service List

DATED this 10th day of March, 1995.

MARILYN MITCHELL

ZEH, SPOO & HEARNE
450 Marsh Avenue • Reno, NV 89509
Phone: (702) 323-4599 • Fax (702) 786-8183

SERVICE LIST

Shirley A. Smith
Asst. U.S. Attorney
100 West Liberty, Suite 600
Reno, Nevada 89501

Roger Bezayiff
Chief Deputy Water Commissioner
U.S. Board of Water Commissioners
Post Office Box 853
Yerington, NV 89447

James T. Markle
State Water Resources Control Board
Post Office Box 100
Sacramento, CA 95814

John Kramer
Dept. of Water Resources
1416 Ninth Street
Sacramento, CA 95814

Evan B. Beavers, Esq.
BEAVERS & YOUNG
1616 Highway 395
Post Office Box 486
Minden, NV 89423

Ross E. de Lipkau
Post Office Box 2790
Reno, NV 89505

Garry Stone
290 South Arlington
Reno, NV 89510

Richard R. Greenfield
Dept. of the Interior
Two North Central Ave., Suite 500
Phoenix, AZ 85004

Western Nevada Agency
Bureau of Inidan Affairs
1677 Hot Springs Road
Carson City, NV 89706

Scott McElroy
Greene, Meyer & McElroy
1007 Pearl Street
Boulder, CO 80302

Matthew R. Campbell, Esq.
McCutche, Doyle, Brown & Enerson
Three Embarcadero Center
San Francisco, CA 94111

John P. Lange
Land & Natural Resources
Federal Building, Dr. 3607
999 18th Street, Suite 945
Denver, CO 80202

Roger Johnson
Water Resources Control Board
State of California
Post Office Box 2000
Sacramento, CA 95810

Linda Bowman
Vargas & Bartlett
Post Office Box 281
Reno, NV 89504

Mary Hackenbracht
Deputy Attorney General
State of California
2101 Webster Street
Oakland, CA 94612-3049

Frankie Sue Del Papa
Attorney General, State of Nevada
198 S. Carson Street
Capitol Complex
Carson City, NV 89710

Gordon H. DePaoli
Woodburn & Wedge
One E. First Street, Suite 1600
Post Office Box 2311
Reno, NV 89505

ZEH, SPOO & HEARNE
450 Marsh Avenue • Reno, NV 89509
Phone: (702) 323-4599 • Fax (702) 786-8183

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA, Plaintiff, WALKER RIVER PAIUTE TRIBE, Plaintiff-Intervenor, vs. WALKER RIVER IRRIGATION DISTRICT, a corporation, et al., Defendants.	IN EQUITY NO. C-125-RCJ-WGC Subproceeding C-125-C 3:73-cv-00128-RCJ-WGC **DISCLAIMER OF INTEREST IN WATER RIGHTS AND NOTICE OF RELATED INFORMATION AND DOCUMENTATION SUPPORTING DISCLAIMER**
MINERAL COUNTY, Plaintiff-Intervenor, vs. WALKER RIVER IRRIGATION DISTRICT, a corporation, et al., Defendants.	

The undersigned defendant in the above action hereby notifies the Court and Mineral County that the undersigned (or the entity on whose behalf the undersigned is acting) has no interest in any water right subject to the Walker River Decree, and therefore, **disclaims all interest in this action**.

In addition, because the undersigned sold or otherwise conveyed ownership of all of the water rights that the undersigned (or the entity on whose behalf the undersigned is acting) once owned before the undersigned was served with a Waiver of Personal Service of Notice in Lieu of Summons or by a Notice in Lieu of Summons the undersigned provides the following additional information:

1. The name and address of the defendant or defendants who sold or otherwise conveyed ownership:

_____
Name(s)

_____
Street or P.O. Box

_____
Town or City State Zip Code

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

_____
Name(s)

_____
Street or P.O. Box

_____
Town or City State Zip Code

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

- ☐ Deed
- ☐ Court Order
- ☐ Other Document

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.

_____

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

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

AND

Simeon Herskovits
Advocates for Community and Environment
P.O. Box 1075
El Prado, NM 87529

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

Executed this ____ day of _____, 20__

_____
[signature of defendant]

_____
[name of defendant]

_____
[signature, if applicable, of person acting on behalf of defendant]

_____
[name, if applicable, of person acting on behalf of defendant]

_____
[address]

_____
[telephone number]

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA, Plaintiff, WALKER RIVER PAIUTE TRIBE, Plaintiff-Intervenor, vs. WALKER RIVER IRRIGATION DISTRICT, a corporation, et al., Defendants.	IN EQUITY NO. C-125-RCJ-WGC Subproceeding C-125-C 3:73-cv-00128-RCJ-WGC **JOINT MOTION FOR SUBSTITUTION OF PARTIES FOLLOWING TRANSFER OF INTEREST AND REQUEST FOR HEARING**
MINERAL COUNTY, Plaintiff-Intervenor vs. WALKER RIVER IRRIGATION DISTRICT, a corporation, et al., Defendants.	

This motion is filed in Subproceeding C-125-C, docket number 3:73-cv-00128-RCJ-WGC, which involves claims for water in the Walker River by Mineral County. This motion is filed pursuant to Fed. R. Civ. P. 25(c) and this Court's Amended Order Concerning Service Issues Pertaining to Defendants Who Have Been Served (Doc. No. 542) and is filed jointly by _____, who is a current Defendant in this action based on the ownership of one or more water rights claims under the Walker River Decree ("Current Defendant") and has conveyed or otherwise transferred one or more of these water rights claims to _____ ("Proposed Defendant").

By this motion, the Current Defendant and Proposed Defendant ask the Court to substitute the Proposed Defendant into this action in place of the Current Defendant regarding the specific water right(s) identified herein. The parties to this motion request a hearing on this motion if any objections are filed to this motion. If there are no objections, the parties to this motion consent to the Court entering an Order of Substitution without a hearing.

I. Identification of Current Defendant:

The undersigned Current Defendant in the above action hereby notifies the Court and Mineral County that the undersigned (or the entity on whose behalf I am acting) has sold or otherwise conveyed ownership of all or a portion of a water right or rights under the Walker River Decree to the Proposed Defendant and provides the following information:

A. The name and address of the Current Defendant who sold or otherwise conveyed ownership:

Name(s):
Street or P.O. Box:
Town or City:
State:
Zip Code:
Telephone Number:
E-mail Address:

B. Attorney Representation:

- ☐ Check here if the Current Defendant is not represented by counsel in this subproceeding.
- ☐ Check here if the Current Defendant is represented by counsel in this subproceeding.

If the Current Defendant is represented by counsel in this subproceeding, that attorney is identified below, along with his or her mailing address, telephone number, facsimile number, and e-mail address:

Attorney:
Address:
Telephone Number:
Fax Number:
E-mail Address:

II. Identification of Proposed Defendant:

The undersigned Proposed Defendant in the above action hereby notifies the Court and Mineral County that the undersigned (or the entity on whose behalf I am acting) has acquired ownership of all or a portion of a water right or rights under the Walker River Decree from the Current Defendant and provides the following information:

A. The name and address of the Proposed Defendant who acquired the water right or rights at issue in this motion:

Name(s):
Street or P.O. Box:
Town or City:
State:
Zip Code:
Telephone Number:
E-mail Address:

B. Attorney Representation:

- ☐ Check here if the Proposed Defendant is not represented by counsel in this subproceeding.
- ☐ Check here if the Proposed Defendant is represented by counsel in this subproceeding.

If the Proposed Defendant is represented by counsel in this proceeding, that attorney is identified below, along with his or her mailing address, telephone number, facsimile number, and e-mail address:

Attorney:
Address:
Telephone Number:
Fax Number:
E-mail Address:

III. Identification of the Water Right(s) Addressed in this Motion:

A. This motion addresses the following water right(s) that the Current Defendant has transferred or otherwise conveyed to the Proposed Defendant:

B. Attached to and included with this motion are true and correct copies of all documents by which the change in ownership addressed in this motion was accomplished (check all appropriate boxes):

- ☐ Deed(s)
- ☐ Court Order(s)
- ☐ Other Document(s)

IV. Request for Substitution:

A. By this filing, the Current Defendant requests that the Proposed Defendant be substituted into this action as the Defendant in regard to the water right(s) identified in Section III.A.

B. By this filing, the Proposed Defendant agrees to be substituted into this action as the Defendant in regard to the water right(s) identified in Section III.A.

C. The undersigned Current Defendant and Proposed Defendant acknowledge that any person or entity who files this type of motion for substitution in this matter is ultimately responsible for the accuracy of this filing. Consequently, the undersigned Current Defendant and Proposed Defendant acknowledge that any defendant who files such a motion, but, in fact, retains the water rights addressed in this motion, shall nevertheless be bound by the results of this litigation.

D. Following the conveyance or transfer identified above, does the Current Defendant retain any water right or portion of a water right under the Walker River Decree, including any rights not identified in Section III?

- ☐ No. Subsequent to the conveyance/transfer identified in this motion, I/we/entity do not own any other water rights under the Walker River Decree. As a result, I/we/entity submit that the Court may dismiss the Current Defendant from this subproceeding because I/we/entity no longer own any water rights that are subject to this subproceeding.

- ☐ Yes. Subsequent to the conveyance/transfer identified in this motion, I/we/entity own other water rights under the Walker River Decree. As a result, the Current Defendant remains a Defendant in this subproceeding based on the ownership of other water rights that are subject to this subproceeding.

V. Waiver of Service pursuant to Fed. R. Civ. P. 4:

This Section applies to any Proposed Defendant that is not already a Defendant in this case based on its ownership of other water rights. By its signature to this motion, the Proposed Defendant:

A. Acknowledges that I/we/entity (or the entity on whose behalf I am acting) have been made aware of the fact that the water right(s) described in Section III above are subject to this subproceeding, which is entitled *United States v. Walker River Irrigation District,* and which is docket number 3:73-cv-00128-RCJ-WGC, In Equity C-125, Subfile No. C-125-C, in the United States District Court for the District of Nevada, and that I am bound by all Orders in this subproceeding;

B. Acknowledges that I/we/entity (or the entity on whose behalf I am acting) need not be served separately or personally, pursuant to Fed. R. Civ. P. 4, with a Notice in Lieu of Summons, the instant motion or any other previous filing in this subproceeding;

C. Acknowledges that I/we/entity (or the entity on whose behalf I am acting) may file a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE in the Court at the address indicated in Section VII, below; and

D. Acknowledges that I/we/entity (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 service pursuant to Fed. R. Civ. P. 25(c) regarding this motion.

VI. Certifications and Acknowledgements:

By this filing, the Current Defendant and Proposed Defendant acknowledge that:

A. Federal Rule of Civil Procedure 25(c) governs the substitution of successors-in-interest that are the result of a transfer, other than those resulting from the death of a defendant, and provides in relevant part that "[i]f 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....";

B. Rule 25(c) does not require that anything be done after an interest is transferred, which means that the action may be continued by or against the original party, and the judgment will be binding on his successor-in-interest even though the successor-in-interest is not named;

C. Absent the filing of this or a similar motion, this action would continue in the name of the Current Defendant, but would nevertheless bind the Proposed Defendant and any future successors-in-interest to the results of the litigation;

D. Other parties to the case, acting pursuant to the Federal Rules of Civil Procedure, may wish to file their position(s) regarding the merits of this motion, and may support, oppose or take no position on the merits of this motion;

E. Following the filing of this motion, the action will continue in the name of the Current Defendant for the water right(s) identified herein until such time as the Court approves the substitution requested herein. While substitution does not automatically dismiss a Current Defendant from this subproceeding, the Court may dismiss the Current Defendant if that Defendant no longer has any water rights subject to this proceeding.

VII. Filing and Service of this Motion:

The Current Defendant and Proposed Defendant have filed this motion in the above action with the:

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

and served a copy of this motion on:

Simeon Herskovits
P.O. Box 1075
El Prado, New Mexico 87529

PLEASE NOTE: Attorneys are reminded that they are required to comply with the electronic filing procedures of the U.S. District Court for District of Nevada.

"Attorneys who are admitted to the bar of this court, admitted to participate in a case pro hac vice, or who are authorized to represent the United States and its agencies, shall register as Filing Users of the System. Registration shall be in the form prescribed by the Clerk of the Court and by these Electronic Filing Procedures." U.S. Dist. Ct., D. Nev., Electronic Filing Procedures (rev. Aug. 24, 2006) at I.C.

Signature of Current Defendant:

_____ _____

(Signature) (Printed or typed Name)

Entity, if any, on whose behalf you are appearing: _____

The forgoing instrument was signed before me this ____ day of _____, 20__ by

_____.

State of _____

County of _____

_____

Signature of Notary

My Commission Expires:

Signature of Proposed Defendant:

_____ _____

(Signature) (Printed or typed Name)

Entity, if any, on whose behalf you are appearing: _____

The forgoing instrument was signed before me this ____ day of _____, 20__ by

_____.

State of _____

County of _____

_____

Signature of Notary

My Commission Expires:

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA, Plaintiff, WALKER RIVER PAIUTE TRIBE, Plaintiff-Intervenor, vs. WALKER RIVER IRRIGATION DISTRICT, a corporation, et al., Defendants.	IN EQUITY NO. 0125-RCJ-WGC Subproceeding C-125-C 3:73-cv-00128-RCJ-WGC **NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE**
MINERAL COUNTY, Plaintiff-Intervenor, vs. WALKER RIVER IRRIGATION DISTRICT a corporation, et al. Defendants.	

TO: Counsel of record for Mineral County, Nevada, the Walker River Irrigation District, United States, Walker River Paiute Tribe, State of Nevada, State of California, and the United States Board of Water Commissioners.

You are hereby notified that _____ enters an appearance of record in the above-captioned matter. The mailing address of _____, or its legal counsel, is as follows and service of all orders, pleadings and other documents filed in this matter shall be complete upon mailing to this address.

(provide mailing address)

CERTIFICATE OF SERVICE

I hereby certify that I have deposited in United States mail, postage prepaid, a true and correct copy of this Notice of Appearance and Intent to Participate in an envelope addressed to:

Simeon M. Herskovits
Advocates for Community and Environment
P.O. Box 1075
El Prado, NM 87529
Attorney for Mineral County

Bryan L. Stockton
Senior Deputy Attorney General
State of Nevada
100 N. Carson Street
Carson City, NV 89701
Attorney for State of Nevada

Gordon H. DePaoli
Dale E. Ferguson
Woodburn and Wedge
6100 Neil Road, Suite 500
Reno, NV 89511
Attorneys for Walker River Irrigation District

Wes Williams
Law Offices of Wes Williams Jr.
P.O. Box 100
Schurz, NV 89427
Attorney for Walker River Paiute Tribe

Andrew "Guss" Guarino
Indian Resources Section
Environment and Natural Resources Division
999 18th Street, North Terrace, Suite 370
Denver, CO 80202
Attorney for United States

Jan Zabriskie
Deputy Attorney General
1300 I Street, Suite 125
P.O. Box 944255
Sacramento, CA 94244-2550
Attorney for California State Agencies

Karen A. Peterson
Allison MacKenzie Russell Pavlakis
Wright & Fagan, Ltd.
402 North Division St.
P.O. Box 646
Carson City, NV 89703
Attorney for U.S. Board of Water Commissioners

_____
(signature)

_____
(print or type name)

_____
(print or type name of entity if applicable)

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA, Plaintiff, WALKER RIVER PAIUTE TRIBE, Plaintiff-Intervenor, vs. WALKER RIVER IRRIGATION DISTRICT, a corporation, et al., Defendants.	IN EQUITY NO. C-125-RCJ-WGC Subproceeding: C-125-C 3:73-CV-00128-RCJ-WGC **STATEMENT NOTING DEATH**
MINERAL COUNTY, Plaintiff-Intervenor, vs. WALKER RIVER IRRIGATION DISTRICT a corporation, et al. Defendants.	

Pursuant to Fed. R. Civ. P. 25(a), _____, who is a **representative of** or **successor-in-interest to** (circle one) the deceased party, notes the death during the pendency of this action of _____, who is named as a Defendant in this action based on the ownership of one or more water rights claimed under the Walker River Decree. The successor(s)-in-interest to the deceased Defendant's claimed water right(s) are as follows:

Name(s):
Street or P.O. Box:
Town or City:
State:
Zip Code:
Telephone Number:
E-mail Address:

Filing and Service of this Motion:

The Undersigned has filed this motion in the above action with the:

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

and has served a copy of this motion on the parties listed in the attached certificate of service.

PLEASE NOTE: Attorneys are reminded that they are required to comply with the electronic filing procedures of the U.S. District Court for District of Nevada. "Attorneys who are admitted to the bar of this court, admitted to participate in a case pro hac vice, or who are authorized to represent the United States and its agencies, shall register as Filing Users of the System. Registration shall be in the form prescribed by the Clerk of the Court and by these Electronic Filing Procedures." U.S. Dist. Ct., D. Nev., Electronic Filing Procedures (rev. Aug. 24, 2006) at I.C.

Signature of Representative or Successor-in-Interest:

_____ _____
(Signature) (Printed or typed Name)

Entity, if any, on whose behalf you are appearing: _____

The forgoing instrument was signed before me this ____ day of _____, 20__ by

_____.
(Printed or typed name)

State of _____

County of _____

_____
Signature of Notary

My Commission Expires:

CERTIFICATE OF SERVICE

I hereby certify that I have deposited in United States mail, postage prepaid, a true and correct copy of this Statement Noting Death in an envelope addressed to:

Simeon M. Herskovits
Advocates for Community and Environment
P.O. Box 1075
El Prado, NM 87529
Attorney for Mineral County

Bryan L. Stockton
Senior Deputy Attorney General
State of Nevada
100 N. Carson Street
Carson City, NV 89701
Attorney for State of Nevada

Gordon H. DePaoli
Dale E. Ferguson
Woodburn and Wedge
6100 Neil Road, Suite 500
Reno, NV 89511
Attorneys for Walker River Irrigation District

Wes Williams
Law Offices of Wes Williams Jr.
P.O. Box 100
Schurz, NV 89427
Attorney for Walker River Paiute Tribe

Andrew "Guss" Guarino
Indian Resources Section
Environment and Natural Resources Division
999 18th Street, North Terrace, Suite 370
Denver, CO 80202
Attorney for United States

Jan Zabriskie
Deputy Attorney General
1300 I Street, Suite 125
P.O. Box 944255
Sacramento, CA 94244-2550
Attorney for California State Agencies

Karen A. Peterson
Allison MacKenzie Russell Pavlakis
Wright & Fagan, Ltd.
402 North Division St.
P.O. Box 646
Carson City, NV 89703
Attorney for U.S. Board of Water Commissioners

_____
(signature)

_____
(print or type name)

_____
(print or type name of entity if applicable)

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA, Plaintiff, WALKER RIVER PAIUTE TRIBE, Plaintiff-Intervenor, vs. WALKER RIVER IRRIGATION DISTRICT, a corporation, et al., Defendants.	IN EQUITY NO. C-125-RCJ-WGC Subproceeding: C-125-C 3:73-CV-00128-RCJ-WGC **ORDER RELATING TO COMPLETION OF SERVICE**
MINERAL COUNTY, Proposed-Plaintiff-Intervenor, vs. WALKER RIVER IRRIGATION DISTRICT, a corporation, et al., Proposed Defendants.	

On October 25, 1994, Mineral County filed a Notice of Motion and Motion for Intervention and a Petition to Intervene in the C-125-B case. (C-125-B Doc. Nos. 31-32). On January 3, 1995, the Court created subfile C-125-C, or 3:73-CV-128. Minutes of the Court, at 1 (C-125-C Doc. No. 1).[1] On February 9, 1995, the Court ordered Mineral County to file revised Intervention Documents and to serve these Intervention Documents on all claimants to the waters of the Walker River and its tributaries pursuant to Federal Rule of Civil Procedure 4. Order

[1] Unless otherwise noted, all document references are to C-125-C documents.

Requiring Service of and Establishing Briefing Schedule Regarding the Motion to Intervene of Mineral County, ¶¶ 2, 3 (Doc. No. 19). Mineral County filed its Amended Complaint in Intervention, (Doc. No. 20), Amended Memorandum of Points and Authorities in Support of Mineral County's Amended Complaint in Intervention, (Doc. No. 21), and Motion for Preliminary Injunction; Memorandum of Points and Authorities; Affidavit of Kelvin J. Buchanan; and Affidavit of Gary L. Vinyard, Ph.D. (Doc. No. 22), on March 10, 1995.[2] On September 29, 1995, the Court clarified the February 9 Order and the set of documents that Mineral County was required to serve on claimants to the waters of the Walker River and its tributaries. Order, at 2 (Doc. No. 48). Over the ensuing years Mineral County completed service on the vast majority of proposed defendants.

On August 29, 2008, Mineral County filed a Service Report indicating that service is close to complete and requesting that the Court requesting that the Court confirm the caption submitted by Mineral County, amend certain names in the caption, strike certain names from the caption, and substitute other names in their stead, ratify service efforts for several proposed defendants, and clarify the status of service on several proposed defendants. Mineral County Report Concerning Status of Service on Proposed Defendants (Doc. No. 479). On September 27, 2011, Magistrate Judge Leavitt issued an Order Concerning Service Issues in C-125-C (Doc. No. 547), which granted the requests made in Mineral County's August 2008 Service Report. WRID filed objections to that Order (Doc. Nos. 552 & 553), Mineral County responded (Doc. No. 563), and the Court overruled those objections in its April 23, 2012 Order with the exception of

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[2]Together, all five of these documents relating to Mineral County's Motion for Intervention will be referred to as Mineral County's "Intervention Documents."

WRID's objection to the dismissal of Michael Sherlock, who will remain in the caption and must be served pursuant to Fed. R. Civ. P. 4. Order, at 22-27 (Doc. No. 592).[3]

Mineral County is now ready to move forward with its final service efforts in C-125-C. On June 7, 2012, Mineral County submitted a Report Concerning Status and Completion of Service containing a final service list of proposed defendants to be served pursuant to Rule 4, an updated caption reflecting all orders of the Court to date, and a service package for approval by the Court, which includes Mineral County's Intervention Documents, a Notice in Lieu of Summons, a Notice of Lawsuit and Request for Waiver of Personal Service of Notice in Lieu of Summons, and associated forms listed in paragraph 4 below. The Court finds that the list of 107 proposed defendants that remain to be served, submitted by Mineral County in its June 7, 2012 Report Concerning Status and Completion of Service, based upon previous orders of the Court, represents the final list of defendants to be served pursuant to Rule 4. The Court also finds that the updated caption submitted by Mineral County accurately reflects all orders of the Court to date. The Court further finds that the service package submitted by Mineral County complies with and is consistent with all orders of the Court to date.

THEREFORE, IT IS HEREBY ORDERED as follows:

1. Based on previous orders of the Court, the final list of proposed defendants to be served pursuant to Rule 4 submitted by Mineral County is hereby approved and is attached hereto as Attachment A.

2. The updated caption submitted by Mineral County is hereby approved as accurate and valid because it is consistent with all previous Orders of the Court that added and dismissed parties and is attached hereto as Attachment B.

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[3] As the Court noted, in its April 23, 2012, Order, Mineral County already had agreed that Michael Sherlock should not be dismissed and will be served.

3. The service package submitted by Mineral County is hereby approved.

4. On or before March 1, 2013, Mineral County shall make service pursuant to Rule 4 of the Federal Rules of Civil Procedure of the following documents on all claimants to the waters of the Walker River who remain to be served:

a. Notice of Motion and Motion for Intervention (Doc. No. 2);

b. Proposed Petition to Intervene, Memorandum of Points and Authorities in Support of Proposed Petition to Intervene, and supporting affidavits and exhibits (Doc. No. 3);

c. Amended Complaint in Intervention (Doc. No. 20);

d. Amended Memorandum of Points and Authorities in Support of Mineral County's Amended Complaint in Intervention (Doc. No. 21);

e. Motion for Preliminary Injunction, Memorandum of Points and Authorities, affidavits, Affidavit of Kelvin J. Buchanan, P.E., and Affidavit of Gary L. Vinyard, Ph.D. (Doc. No. 22);

f. Notice in Lieu of Summons properly issued by the Clerk of the Court, attached hereto as Attachment C;

g. Notice of Appearance and Intent to Participate form, attached hereto as Attachment D;

h. Disclaimer of Interest in Water Rights and Notice of Related Information and Documentation Supporting Disclaimer form, attached hereto as Attachment E;

i. Joint Motion for Substitution of Parties Following Transfer of Interest form, attached hereto as Attachment F;

j. Statement Noting Death form, attached hereto as Attachment G; and

k. A copy of this Order.

5. Responses will be governed by the following provisions, which are included in the Notice in Lieu of Summons referenced in paragraph 4 of this Order, and attached hereto as Attachment C:

a. Responses to Mineral County's Notice of Motion and Motion for Intervention shall be filed and served pursuant to a schedule to be established by further order of the Court;

b. No answer or other response to Mineral County's Proposed Petition to Intervene and Amended Complaint in Intervention will be required until a decision by the Court on Mineral County's Motion for Intervention and then only upon a schedule to be established by further order of the Court;

c. No response to Mineral County's Motion for Preliminary Injunction will be required until a decision by the Court on Mineral County's Motion for Intervention and then only upon a schedule to be established by further order of the Court;

d. Within thirty (30) days of service of the Notice in Lieu of Summons the proposed defendant served shall file with the Court and serve on counsel for Mineral County, the Walker River Irrigation District, the United States, Walker River Paiute Tribe, Nevada, California, and the United States Board of Water Commissioners at their respective addresses, a Notice of Appearance and Intent to Participate which includes the name of the proposed defendant and the mailing address of that proposed defendant or of its counsel;

e. Persons, corporations, institutions, associations or other entities who, at the time of service, no longer own a water right subject to this litigation must file the Disclaimer of Interest referenced in paragraph 4(h) of this Order with the Court and serve it on Counsel for Mineral County within thirty (30) days of service;

f. Persons, corporations, institutions, associations or other entities who waive service or are served and who subsequently sell or otherwise transfer a water right that is the subject of this litigation may file with the Court a Joint Motion for Substitution referenced in paragraph 4(i) of this Order;

g. Representatives or heirs to persons who died after being served, and who owned a water right that is the subject of this litigation may file with the Court a Statement Noting Death referenced in paragraph 4(j) of this Order.

6. If Mineral County intends to seek a waiver of service of the above documents, pursuant to the provisions of Fed. R. Civ. P. 4(d), Mineral County shall allow thirty (30) days for return of the waiver of service and shall include with the mailing to persons requested to waive service the documents listed in paragraph 4 of this Order, except for the Notice in Lieu of Summons described in paragraph 4(f) above.

In addition to the documents to be mailed, as listed in paragraph 4, the mailing to each such proposed defendant seeking the waiver of service shall also include a Notice of Lawsuit and Request for Waiver of Personal Service of the documents included in the said mailing and for waiver of personal service of summons generally in accordance with Form 5 of the Rules of Civil Procedure, but modified to cover service of the other documents included in the mailing.

The Notice shall substantially conform to the Notice of Lawsuit and Request for Waiver of Personal Service of Notice in Lieu of Summons attached to this Order as Attachment H.

In the event that Mineral County intends to seek a waiver of service as set forth above, it also shall include with the documents mailed to a proposed defendant from whom such a waiver is sought a form of waiver generally in accordance with Form 6 of the Rules of Civil Procedure, but modified to cover waiver of service of summons and the other mailed documents as described above. The Waiver shall substantially conform to the Waiver of Personal Service of Notice in Lieu of Summons attached to this Order as Attachment I.

7. At such time as all service required by this Order is complete, Mineral County shall file a statement to that effect.

8. Once service has been deemed complete by the Court, the Court will set a schedule for responses to Mineral County's Intervention Documents. At that time, proposed defendants who have entered appearances will receive notice of the schedule for responses.

9. Persons, corporations, institutions, associations or other entities who waive service or are served but who do not appear shall nevertheless be deemed to have notice of subsequent orders of the Court with respect to the Notice of Motion and Motion for Intervention, answers or other responses to the Proposed Petition to Intervene and Amended Complaint in Intervention, or responses to the Motion for Preliminary Injunction.

10. **Treatment of Defendants Who Transferred Their Interest(s) Prior to Service:**

Pursuant to the Court's September 6, 2011 Amended Order Concerning Service Issues Pertaining to Defendants Who Have Been Served (Doc. No. 542), if any person or entity receiving service by mail or personal service has no interest in any water right subject to

subproceeding C-125-C, that person or entity shall notify the Court and Mineral County in writing of that fact.

If such a person or entity sold or otherwise conveyed ownership of *all* water rights subject to Subproceeding C-125-C before being served or otherwise brought into the Subproceeding, in addition to disclaiming any interest in C-125-C, that person or entity shall include a notice providing the same successor-in-interest information required to be included in a Motion for Substitution.

The form and substance of the Disclaimer and Notice shall substantially conform to the form attached to this Order as Attachment E and shall be sent to the Court and counsel for Mineral County.

Any person or entity who files a Disclaimer of Interest using the attached form or provides information for this purpose by other means is responsible for the accuracy of that filing. Consequently, any person or entity who files a Disclaimer of Interest of water rights subject to this litigation, but retains such water rights, shall nevertheless be bound by the results of this litigation.

Following its receipt from any person or entity disclaiming any interest in any of the water rights at issue in this case, Mineral County will review the materials received, and, if appropriate, request that the Court dismiss that person or entity from Subproceeding C-125-C.

If Mineral County does not receive a Waiver of Personal Service of Notice in Lieu of Summons and must personally serve a person or entity who subsequently files a Disclaimer of Interest pursuant to this Order, Mineral County will review the materials received, and, if appropriate, request that the Court dismiss the person or entity from Subproceeding C- 125-C,

but that person or entity may be subject to paying the costs related to formal personal service on them.

11. **Treatment of Successors-in-Interest As a Result of an *Inter Vivos*[4] Transfer:**

Pursuant to the Court's September 6, 2011 Amended Order Concerning Service Issues Pertaining to Defendants Who Have Been Served (Doc. No. 542), where a defendant has been served in this subproceeding and subsequently sells or otherwise conveys a water right or portion of a water right subject to the subproceeding, the successor(s)-in-interest need not be re-served, but will be bound by the results of this litigation.

Once a defendant has been served in a subproceeding, the burden of keeping track of *inter vivos* transfers of the defendant's water rights in that subproceeding and substituting the defendant's successors-in-interest properly is born by the defendant and its successor(s)-in-interest. The action will continue in the name of the served defendant until such time as the served defendant and any successor(s)-in-interest file an agreement and motion seeking the substitution of the successor(s)-in-interest for the served defendant and the Court approves that substitution.

If a defendant who has been served in a subproceeding subsequently sells or otherwise conveys a water right or a portion of a water right subject to that subproceeding, that defendant and its successor(s)-in-interest may move for substitution pursuant to Fed. R. Civ. P. 25(c).

If the Court approves the substitution of a successor-in-interest for a served defendant in a subproceeding, the action will continue against the successor-in-interest, who will be treated as

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[4] *Inter vivos* means among the living. Transfers that occur because a served defendant has died are addressed below

a served defendant for the pendency of the subproceeding and shall be bound by the requirements of this Order and all prior and subsequent Orders in that subproceeding.

If a defendant who has been served in a subproceeding subsequently acquires additional water rights that are subject to that subproceeding, the prior service on the defendant shall be effective as to all water rights held by that defendant, including any rights acquired subsequent to service.

The Court has approved the attached form (Attachment F) for use by defendants and their successors-in-interest in subproceedings C-125-C, under the above circumstances. Attachment F sets forth a joint motion by which both the current defendant and its successor(s)-in-interest may identify the rights transferred and indicate their agreement that the successor(s)-in-interest be substituted into the applicable subproceeding for the water rights addressed. This form is not the exclusive means by which successors-in-interest may be substituted into this action.

12. **Treatment of Successors-in-Interest As a Result of a Death:**

Pursuant to the Court's September 6, 2011 Amended Order Concerning Service Issues Pertaining to Defendants Who Have Been Served (Doc. No. 542), if a party dies during the course of this litigation, the court may order substitution of the proper party. A motion for substitution may be made by any party or by the decedent's successor or representative. If the motion is not made within ninety (90) days after service of a statement noting the death, the action by or against the decedent must be dismissed." Fed. R. Civ. P. 25(a)(1).

If no such notice or suggestion of death is made on the record, the case may proceed to judgment with the original named parties. A Statement Noting Death must be filed in all subproceeding(s) of this case in which the decedent was a defendant, and service of the statement must identify the successor(s) to the estate who may be substituted for the decedent.

A notice filed in one subproceeding shall not be construed as "service of a statement noting the death" in the other subproceeding for purposes of complying with the Amended Order Concerning Service Issues Pertaining to Defendants Who Have Been Served or FRCP 25(a).

Should a death be formally noted on the record by service of a statement noting the death filed in subproceeding C-125-C, Mineral County, or any other party or the decedent's representative and/or successor(s)-in-interest shall move for substitution of the proper successor(s)-in-interest within ninety (90) days of such notice pursuant to Fed. R. Civ. P. 25(a). The 90-day period may be extended pursuant to Rule 6(b), which provides the Court with the discretion to enlarge this period. Fed. R. Civ. P. 6(b).

The form and substance of the Statement Noting Death shall substantially conform to the form attached to this Order as Attachment G and shall be sent to the Court and served on counsel for Mineral County, the Walker River Irrigation District, the United States, Walker River Paiute Tribe, Nevada, California, and the United States Board of Water Commissioners at their respective addresses.

Absent service of a Statement Noting Death in a subproceeding, the case may proceed against the original named parties in that subproceeding and will bind any and all successor(s)-in-interest.

If a successor-in-interest already is a defendant in either subproceeding as a joint tenant or pursuant to other joint ownership of the right(s) owned by the decedent, no action is required and the subproceeding will continue against the successor-in-interest.

DATED: August 2, 2012.

William G. Cobb
United States Magistrate Judge

Attachment A – Final List of Proposed Defendants To Be Served Pursuant To Fed. R. Civ. P. 4

Attachment A – Final List of Proposed Defendants To Be Served Pursuant To Fed. R. Civ. P. 4

Final List of Proposed Defendants To Be Served Pursuant To Fed. R. Civ. P. 4

	Name of Party
1.	Adams, Gregory Burton
2.	Adams, Richard Taylor
3.	Annett, Norman
4.	Arrache 1990 Living Trust, Ronald B. Arrache, Trustee
5.	Arrache, Juan and Carmel Family Trust, Ronald B. Arrache, Trustee
6.	Blackford, Kathy S.
7.	Blanton Family Trust dated Mary 24, 1997, Christopher and Madelyn Blanton, Trustees
8.	Bozsik, Joseph M.
9.	Bradshaw, Leslie
10.	Bradshaw, Pauline
11.	Brown, Susan L.
12.	Bryan, Vernon F.
13.	Bush, Jack E.
14.	California, State of
15.	Casey, Claudia C.
16.	Casey, Michael A.
17.	Centennial Livestock, A California General Partnership
18.	Chesnutt, Loretta L.
19.	Chesnutt, Richard W.
20.	Clearview Ranch, LLC
21.	Cooper, Heather
22.	Cooper, Jack Allen
23.	Cooper, Robert Lewis
24.	Day, Sandra K.
25.	Day, Stephen R.

	Name of Party
26.	Del Porto, Daniel E. & Cherryl A. Family Trust, Daniel E. & Cherryl A. Del Porto, Trustees
27.	Desert Hills Dairy, LLC
28.	Dixon Family 1994 Trust, Robert E. and Judith E. Dixon, Co-Trustees
29.	Domenici-Reese, Lon Marie
30.	Dunn, Robert S. and Tammy M. Revocable Family Trust dated January 29, 1997, Robert S. and Tammy M. Dunn, Trustees
31.	Durazzo, Mario J.
32.	Emery, Brett A. 1999 Revocable Trust UDT dated December 27, 1999, Brett A. Emery, Trustee
33.	Ewert Family 1995 Trust dated May 9, 1995, Lewis A. and Beverly J. Ewert, Trustees
34.	Ferch, Carmen
35.	Flasko, Louis and Erma Family Trust dated June 4, 1981 and re-stated May 27, 1982, Joi Luene Blackenbury and Premier Trust, Co-Trustees
36.	Floyd, Betty
37.	Floyd, Frank
38.	Fousekis, James T. Intervivos Trust, James T. Fousekis, Trustee
39.	Fousekis, Susana Cox Intervivos Trust, James T. Fousekis, Trustee
40.	Gable, Don Ray
41.	Gerbig, Arden
42.	Gerbig, Evilo J.
43.	Gordon Revocable Trust, The dated June 24, 2002, Guy Gordon and Gaye Ekholm Gordon, Trustees
44.	Greggersen, Marlene S.
45.	Greggersen, Paula A.
46.	Hardy, Karen Lund

	Name of Party
47.	Hervin, Patricia
48.	Hopkins, Jon W.
49.	Hopkins, Lisa M.
50.	Huntsberger, Richard C.
51.	Johnson, Coale Robert
52.	Jones, Casey M.
53.	Jones, Marjorie Ann
54.	Jones, Mary C.
55.	Jurica, Mary E.
56.	Lamb, Esther I.
57.	Lamb, Michael E.
58.	Manha, William David
59.	Mattice, Dena L.
60.	Mattice, John E.
61.	McMinn, Joann A.
62.	McMinn, Robert L.
63.	Mica Farms, LLC
64.	Moreda Dairy
65.	Morgan Family 1996 Trust, James R. Morgan, Trustee
66.	Munson, Delores N.
67.	Nesmith Family Trust Agreement, Teresa M. Nesmith, Trustee
68.	Nevada Bighorns Unlimited
69.	Peri & Peri, LLC
70.	Perumean, Cecelia Trust, Peter Perumean Jr., Trustee
71.	Presto Family Trust Agreement dated August 16, 1990, Beatrice Presto, et al., Trustees
72.	Presto, Rene

	Name of Party
73.	Purrell, James E. and Karen M. Family Trust, James E. and Karen M. Purrell, Trustees
74.	Rauber, William S. Charlotte F. Declaration of Trust
75.	Rechel, Lucy
76.	Ritter Family Trust, John G. Jr. & Lucille, Trustees
77.	Ritter, Lucille
78.	Robison, Sandra J.
79.	Romero Family Trust, Benito Antonio & Linda Irene Romero, Co-Trustees
80.	Rye, Cherie C.
81.	Rye, Stephen B.
82.	Sandoval Family Trust U/D/T March 12, 2001, Albert Raymond and Cecilia Lillian Sandoval, Trustees
83.	Sans, Paul P.
84.	Savage, Keith
85.	Savage, Virginia
86.	Sceirine, Michael Duane
87.	Sherlock, Michael
88.	Shipley, Sandra J.
89.	Shipley, Walter D.
90.	Sierra Land & Sheep, LLC
91.	Simmons, Patricia
92.	Sjolin, Eunice

93.	Smith, Grant B. and Gaila M. 1996 Revocable Trust dated November 22, 1996, Grant B. and Gaila M. Smith, Trustees
94.	Smith, Travis S.
95.	Snyder, Jim
96.	Soilfume, Inc.
97.	Sovereign Enterprises, LLC
98.	Sweetwater Land & Cattle Company
99.	Terschluse Family Trust, Robert William and Marie Louisa Terschluse, Trustees
100.	Trust for Public Land
101.	Vernon F. Bryan, Inc.
102.	Ward, Lauren
103.	Ward, Mary Margaret
104.	Weaver Properties, LLC
105.	Wedertz, Gilbert C. (Successors in interest)
106.	Weiser Living Trust dated February 28, 2002, Robert G. and Betty J. Weiser, Trustees
107.	Zipwald, Darlene S.

Attachment B - Caption

Attachment B - Caption

Simeon M. Herskovits, Nevada Bar No. 11155
Advocates for Community and Environment
P.O. Box 1075
El Prado, New Mexico 87529
Phone: (575) 758-7202
Fax: (575) 758-7203
E-mail: simeon@communityandenvironment.net

Sean A. Rowe, Nevada Bar No. 10977
Mineral County District Attorney
P.O. Box 1210
Hawthorne, NV 89415
Phone: (775) 945-3636
Fax: (775) 945-0740
Email: srowe@mineralcountynv.org

Attorneys for MINERAL COUNTY, NEVADA

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA, Plaintiff, WALKER RIVER PAIUTE TRIBE, Plaintiff-Intervenor, vs. WALKER RIVER IRRIGATION DISTRICT, a corporation, et al., Defendants.	IN EQUITY NO. 0125-RCJ-WCG Subproceeding C-125-C 3:73-cv-00128-RCJ-WGC **CAPTION**
MINERAL COUNTY, Proposed-Plaintiff-Intervenor vs. WALKER RIVER IRRIGATION DISTRICT, a corporation; ADAMS, VIVIAN; ADAMS, RICHARD TAYLOR & GREGORY BURTON; AHO, JAMES A. & JUDITH; AIAZZI, STEPHEN E. & DENISE; AIAZZI, PETE A.	

& ESTELLE M.; AIAZZI, WILBERT;)
AIAZZI RANCHES; JAMES K. AIAZZI)
TRUST, JAMES AIAZZI, TRUSTEE; RENO)
GEORGE AIAZZI TRUST, RENO GEORGE)
AIAZZI, TRUSTEE; ALBEE, WILLIAM E. &)
FLORENCE M.; ALBRIGHT FAMILY TRUST,)
SAMUEL D. & CHERYLE ALBRIGHT,)
TRUSTEES; ALDRIDGE, C. FRED; ANDERSON)
FAMILY 1992 TRUST, CARL W. & DIANA L.)
ANDERSON, TRUSTEES; ANNETT RANCH;)
ANNETT'S MONO VILLAGE; ANNETT,)
NORMAN; ANTELOPE VALLEY)
ELEMENTARY SCHOOL; ANTELOPE VALLEY)
MUTUAL WATER CO.; ARMSTRONG,)
THOMAS & RITA; JUAN AND CARMEL)
ARRACHE FAMILY TRUST, RONALD B.)
ARRACHE, TRUSTEE; ARRACHE 1990 LIVING)
TRUST, RONALD B. ARRACHE, TRUSTEE;)
ARRIGHI, MARK N. & DEBORAH F.;)
ARSENIO FAMILY TRUST, FRANK & TILLIE)
ARSENIO, TRUSTEES; ARTESANI FAMILY)
TRUST; ASH, JANICE F. & KIMBERLY L.;)
AYLOR, ELMO E. & MARGOT A.; BACON,)
MILTON E.; BACON TRUST; MILTON E.)
BACON, JR., TRUSTEE; BALAAM,)
DONALD A. & OLGA M.; BANTA, RONALD T.;)
BAPTISTE, JOE S. & LORRAINE F.; BAR)
KEYSTONE RANCH, General Partnership;)
BARBER, HARRIET H.; JOSEPHINE S. &)
FRED C. BATCHELDER FAMILY TRUST,)
CONNIE B. JANSEN & LEONARD)
BATCHELDER, TRUSTEES; BATH,)
RONALD J. & BARBARA C.; BATJER FAMILY)
TRUST; BATJER, CHRISTINA; BATJER,)
MARYBEL; CAMERON M. BATJER,)
TRUSTEE; BAYER, MILDRED;)
BEDNARK, JAMES D. & TERRI; BELL,)
BRIAN WILLIAM; BENNETT, JANET S.;)
W & L BENNETT TRUST, WAYNE E. &)
LAURALEE BENNETT, TRUSTEES;)
BENNINGER, CHARLES J.; BENTLY FAMILY)
LIMITED PARTNERSHIP; BERGIN, LEO P.;)
BERINATI, DONALD J.; BERRINGTON,)
GARY M. & SUSAN P.; BERRINGTON,)
STEVEN D. & NADINE; BIEN, RICHARD H. &)

C. ELLEN; BIGGS, DAVID E. & MARILYN L.;)
BITLER, KENNETH P.; KENNETH BITLER &)
PEGGY L. BITLER, TRUSTEES; BITLER)
FAMILY TRUST; BITLER, PEGGY;)
BLACKFORD, KATHY S.; BLACKHAM TRUST,)
CRAIG & NANCY BLACKHAM, TRUSTEES;)
BLAKELY FAMILY LIVING)
TRUST, ROBERT W. & BEVERLY J.)
BLAKELY, TRUSTEES; BLANTON FAMILY)
TRUST DATED MARCH 24, 1997,)
CHRISTOPHER & MADELYN BLANTON,)
TRUSTEES; JAMES M. BLASCO FAMILY)
Limited Partnership; BOBRICK, THOMAS)
& RUTH E.; BOBZIEN, DOLORES J.;)
BOHLIN, WILLIAM B. & VERA J.; BOLT,)
BILLY FRANK & JULIE ANN; BOLTON)
ROSE TRUST, BOLTON FRANCIS MINISTER,)
TRUSTEE; BOOTH, KAREN; BORSINI)
RANCH, INC.; BOTELHO, WILLIAM D. &)
JACQULYN J.; BOZSIK, ALBERT S., JR. &)
OLIVIA V.; BOZSIK, JOSEPH M.;)
BRADLEYVILLE; BRETHAUER,)
CLARENCE D. & JANET; BRADSHAW,)
PAULINE & LESLIE; BRONNEKE,)
SAMUEL P.; BROWN, BEVERLY E.; BROWN,)
DARROL J. & MARILYN M.; BROWN, JOEL)
WESLEY & SANDRA G.; BROWN, LOIS L. &)
ROSS; BROWN, BETTY J. & SHELBY DANE;)
BROWN, SUSAN L.; NORMAN D.)
BROWN, INC.; BRYAN, VERNON F.;)
VERNON F. BRYAN, INC.; BUNKOWSKI,)
TERRY L.; BUNN, BABE LONA; BURCHETT,)
FREEMAN C. & LUCY D.; BURCHETT,)
JOSEPH LEE; BURNETT, KENNETH R. &)
SHARON L.; BUSH, JACK E.; BUSTER, DAVID)
C. & GAYLE L.; C.E.A.S. CO., INC.; CABRAL,)
JOSEPH P.; CAL NEVA CATTLE COMPANY;)
CALDWELL, LURA B.; CA DEPT. OF FISH &)
GAME; CALIFORNIA DEPT. OF PARKS &)
RECREATION; SANDRA J. CALLAHAM)
TRUST; SANDRA J. CALLAHAM, TRUSTEE;)
CAMPBELL, WILLIAM J. CANTRALL, NOLAN)
& NANCY; JANICE E. CAPURRO TRUST;)
ROBERT S. & ROSE CAPURRO, TRUSTEES;)
CARDINELLI, ERNEST; CARLSON)

FAMILY TRUST; BILL ERIC & SHARON)
MARIE CARLSON, TRUSTEES; CARY,)
WILLIAM B. & EDITH F.; CASEY, MICHAEL)
A. & CLAUDIA C.; CASINO WEST, INC.;)
CASTELLO, COLLEEN V.; CEFALU, JOHN N.)
& JUDITH A.; CENTENNIAL LIVESTOCK, A)
CALIFORNIA GENERAL PARTNERSHIP;)
CHASE, RUSSELL E. & HELEN S.; CHESNUTT,)
RICHARD W. & LORETTA L.; CHICHESTER,)
DWAIN; CHICHESTER RANCHES, INC.;)
CHICO, JAMES V., JR.; CHISUM)
INC.; CHRISTIANSEN, JEFFREY & JILL;)
CID, JAMES D. & ELAINE M.; CIRCLE)
BAR-N RANCH, a Nevada Partnership;)
CITY OF LOS ANGELES)
DEPT. OF WATER AND POWER; CITY OF)
YERINGTON; CIULEI, ELENA; CLARK,)
ALEX A. & RITA V.; CLEARVIEW RANCH,)
LLC; CLEMENTS FAMILY TRUST, MILTON R.)
CLEMENTS, TRUSTEE; CLIFF, NORMAN E. &)
DONALD A.; COMPSTON FAMILY TRUST,)
JAMES COMPSTON, JR. & MARION F.)
COMPSON, TRUSTEES; COMPSTON TRUST;)
ROBERT J. & LOIS C. COMPSTON,)
TRUSTEES; CONLON, RALPH)
& ROSEMARY LEE; CONNOLLY, THOMAS)
P. & VOLINA L.; COOK, GARY &)
MARGARET; COOPER, EDNA; COOPER,)
ROBERT LEWIS, HEATHER, & JACK ALLEN;)
COSTA, JAMES P. & NORMA A.; COUTTS,)
TROY; CRANDALL, SUSAN JILL;)
CROKER TRUST; CROSBY, FRED)
& JUDY; CURTIS & SONS CONSTRUCTION,)
INC.; CUTLER, DONALD G. & DEE ANNE;)
DANE, FRANK B. & SUSAN M.;)
DAVIS, JAMES B. & HELEN E.;)
DAY, ROBERT H., JULIE A. &)
KELLI; DAY, CAROLINE S., ROBERT H.)
& JULIE; DAY, ROBERT H., JR.; DAY,)
SANDRA K. & STEPHEN R.;)
DeCHAMBEAU, SUSANNAH W.;)
DELUCA, KENNETH T.;)
DEL PORTO, DANIEL E. &)
CHERRYL; DANIEL E. & CHERRYL A.)
DEL PORTO FAMILY TRUST, DANIEL E.)

& CHERRYL A. DEL PORTO, TRUSTEES;)
DELANEY, BARRY F. & DEBORAH; DESERT)
HILLS DAIRY, LLC; DESERT)
PEARL FARMS, a General Partnership;)
DINNEEN, DANIEL E. & DOREEN E.; DINI,)
DAVID J.; DINSMORE FAMILY TRUST,)
ROBERT H. & DELPHINE DINSMORE,)
TRUSTEES; DIXON FAMILY 1994 TRUST,)
ROBERT E. & JUDITY E. DIXON,)
CO-TRUSTEES; DOMENICI, JOSEPH &)
GLADYS; DOMENICI 1991 FAMILY TRUST,)
LONA MARIE DOMENICI-REESE,)
THEOLINDA ANNE SKOGSBERG AND)
SHARON VIETTI, CO-TRUSTEES;)
DOMENICI-REESE, LONA MARIE; DOUBLE)
J A LAND AND LIVESTOCK;)
DRESSLER, MILTON; FRED H. DRESSLER)
TRUST; DREYER, ROLAND & JOAN; DUNN,)
DANIEL D. & SANDY L.; THE ROBERT S.)
DUNN AND TAMMY M. DUNN REVOCABLE)
FAMILY TRUST DATED JANUARY 29,)
1997, ROBERT S. & TAMMY M. DUNN,)
TRUSTEES; DURAZZO, MARIO J.;)
DUVAL, OLIVER A. & BARBARA R.;)
ELW RANCHES, INC.; EDWARDS,)
SHELLEY; EISENHOUER, K.;)
EITEL, LORETTA BETH; ELWELL,)
WILLIAM J. & DONA M.; EMENS,)
THEODORE A. & ANNETTE M.; EMERY,)
BRETT; BRETT A. EMERY 1999 REVOCABLE)
TRUST UDT DATED DECEMBER 27, 1999,)
BRETT A. EMERY, TRUSTEE; ENTWISTLE,)
CHRISTOPHER R., KENNETH B. & MICHAEL)
B., JENNIFER M.; ESTRADA, SALVADOR & ')
FRANCES; EVERETT, VIRGINIA M.;)
EWERT FAMILY 1995 TRUST DATED)
MAY 9, 1995, LEWIS A. & BEVERLY J.)
EWERT, TRUSTEES; F.I.M. CORPORATION;)
FARETTO FAMILY TRUST; MICHAEL &)
CATHLEEN FARETTO, TRUSTEES;)
FARIA, EDWIN F. & MARTY L.;)
FARIAS, ELLIS N.; FARIAS,)
HAROLD, CARMEN & RUTH; FARIAS)
WHEEL RANCH, INC.; FAWCETT,)
LAWRENCE W.; FENILI, PETER A. &)

VERONICA J.; FERCH, CARMEN; FICKES,)
GERALD L. & PEGGY L.; FIELD, JOHN J &)
MARY L.; FINCH, HARRY L.; THE LOUIS)
FLASKO AND ERMA FLASKO FAMILY)
TRUST DATED JUNE 4, 1981 AND)
RE-STATED MAY 27, 1982, JOI LUENE)
BLACKENBURY & PREMIER TRUST,)
CO-TRUSTEES; FLETCHER, RUTH;)
FLETCHER, MICHAEL S. & MARIE L.;)
FLETCHER, WESLEY L. & TERI L.;)
FLOYD, FRANK & BETTY; FLYING A)
LIMITED PARTNERSHIP; FLYING M)
RANCH; FORRESTER, WENDELL B. &)
PAMELA; FOSS, THOMAS A.; FOUR G)
CORPORATION; THE SUSANA COX)
FOUSEKIS INTERVIVOS TRUST, JAMES T.)
FOUSEKIS, TRUSTEE; JAMES T. FOUSEKIS)
INTERVIVOS TRUST, JAMES T. FOUSEKIS,)
TRUSTEE; LEONARD A. FOX TRUST;)
ELIZABETH J. LEONE, TRUSTEE; FRADE)
RANCHES INC.; FRANCIS, ROY D. &)
ELISABETH L.; FRANKLIN, SHAWN C. &)
VONDA KAY; FRANKLIN, CARL & D.)
CAMILLE; FRASER, GEORGE & BETTY;)
FRAZIER, GEORGE R. & HELEN; FREITAS,)
MAURICE H. & ELIZABETH; FREITAS,)
BARBARA L.; FRIEDHOFF,)
HELEN; FUCHS, HANS & MARGARET;)
RAYMOND E. & CAROL FULLER TRUST;)
F.M. FULSTONE, INC.; FULSTONE, JAMES)
H.; DAVID H. FULSTONE COMPANY;)
R.N. FULSTONE COMPANY;)
G LAZY B PARTNERSHIP; DON R. GABLE;)
GABLE FAMILY TRUST; O.D. &)
M. P. GABLE, TRUSTEES; GARMS)
TRUST, GARY J. & TONY J. GARMS,)
TRUSTEES; GARMSLAND LIMITED;)
GATTUSO, JOSEPH A. & KIM I.; GELLES,)
ELEANOR; GELLES, PAUL & LYNN;)
GEMMELL, BRUCE H.; GERBIG, ARDEN &)
EVILO J.; GHIO, MARIO J. & DIANA D.;)
GILES, WILLIAM C.; GILL, JOSEPH P. &)
ALICE P.; GILMORE, DEBRA; GIODO,)
JOSEPH A.; GIORGI, DONALD;)
UGO & FLORENCE A. GIORGI FAMILY)

TRUST; GIORGI, LYNDA L. HUNEWILL;)
GIRON, VINCE; GLASNER, GROVER F.;)
GLASS, DANIEL G. & PATRICIA J.; GLEASON,)
JAMES G. & MARLA D.; GLOCK, ERNEST &)
AUDREY; GOVER, ALICE M.; GODDE,)
FORREST G.; GOES, FRANK & CHERYL;)
GOFFINET, LONNIE K. & CHERYL L.;)
THE GORDON REVOCABLE TRUST DATED)
JUNE 24, 2002, GUY GORDON & GAYE)
EKHOLM GORDON, TRUSTEES; GOREE,)
LILBORN, MARGARET, SANDRA J. & JEFF R.;)
GORHAM, JOHN A. & ROSAMOND;)
GOSS, RONALD W.; GOSS, SANDRA A.)
GRAHAM, GENE G. & MARGARET F.;)
GRANATA, HELEN C.; GRAY,)
MARY; GREEN VALLEY TURF FARM, INC.;)
GREENFIELD DEVELOPMENT;)
GREGGERSEN; MARLENE S. & PAULA A.;)
GROSO, ANGELO, BLANCA E. &)
CHARLES; GROSO, ERNEST &)
MAXINE J.; GRULLI, MARVIN, FELICIA &)
ACE; GUILD, ROLENE V.; GUY, WILLIS)
H.; HAAS, PAMELA; HADLEY, ERNEST D.)
& KATHERINE; HALL, RALPH & WALTER;)
JOHN M. & MARYANNA HAMER TRUST;)
JOHN M. & MARYANNA HAMER,)
TRUSTEES; HAMLETT GROUP LIMITED)
PARTNERS; HAMMOND, JUDY; HANIFAN,)
PHILLIP; HANKS, LAWRENCE C.; HANSON,)
F.W. & LEONA; HARA, MARJORIE E.;)
HARDY, KAREN LUND; HARMON, PATRICIA;)
HARRIS, JOHN R. & CAROL C.; BEN & LINDA)
HARRISON TRUST; BENJAMIN A. & LINDA)
M. HARRISON,TRUSTEES; HARTLINE,)
DEBORAH; HARTMAN, CHARLES J. &)
MARY A.; HATHAWAY, MYRTLE K.;)
HAWKINS, TERRY & MARGARET;)
HAWKINS, BENJAMIN F. & JUANITA;)
HAWKINS, KENNETH R.; HAYES,)
JONATHAN C. & DEBORAH A.; HAZARD,)
MICHAEL J.; JOSEPH W. HEFLIN, INC.;)
HEIMERMAN FAMILY TRUST; JOHN A. &)
LEONA T. HEIMERMAN, TRUSTEES;)
HELMUTH, GEORGE & PAMELA;)
HENKER, MARK & NANCY; HERNANDEZ,)

ISIDRO V. & AUDELIA P.; HERVIN,)
KURT W., REIKO & PATRICIA; HILLS,)
DAVID W. & CAROL; HILTON, BARRON &)
MARILY JUNE; HILTON FAMILY TRUST;)
WILLIAM BARRON HILTON, TRUSTEE;)
HOLBROOK, RICHARD, SR. &)
CONSTANCE Y.; HOLBROOK, RICHARD H.)
JR. & VERA L.; HOLMES, FRANK MR. &)
MRS.; HOPKINS, JON W. & LISA M.;)
HOWARD, CHARLES S. & LORETTA;)
HUCKINS, HARRY G.U. &)
DOROTHY A.A.; HUGGANS, JAN;)
HUGHES, GEORGE & EVA;)
HUNEWILL, LOREN E.;)
HUNEWILL, JANET BLISS & STANLEY)
L.; HUNEWILL, GREGORY A.;)
HARVEY E. AND PHYLLIS HUNEWILL)
TRUST, HARVEY & PHYLLIS HUNEWILL,)
CO-TRUSTEES; HUNEWILL ENTERPRISES;)
HUNEWILL LAND & LIVESTOCK CO.;)
HUNTSBERGER, RICHARD C.; HYNE,)
MARSHALL & FRANCIS L.;)
IRELAND, WARD W. & MARIANN;)
ITHURBURU, JOHN & MARILYN;)
LEE IVEY RANCH, INC.; JACOBSEN, FINN)
R. & MICHELLE; JACOBSEN,)
WILLIAM & JUDITH; JAKOBSON, BERT A.;)
JASON CORPORATION; JENKINS, LARRY)
D.; JENSEN, JACK E.; JESCH FAMILY)
TRUST, RAYMOND & SYLVIA JESCH,)
TRUSTEES; JOHNSON, COALE ROBERT;)
JOHNSTON, CHARLES & PEARL D.; JONES,)
CASEY M. & MARY C.; JONES, MARJORIE)
ANN; JONES, THOMAS F. & LOUISE A.;)
JONES, GILBERT E. & NORMA J.; JULIAN,)
JAY F. & DARLENE A.; JURICA, MARY E.;)
KEELEY, JOHN H.; KELLY, DONALD DR.;)
KENNEDY, DALE S. & CLEO N.; KENNON,)
VERGIE A.; KYLER, MELWOOD & LA)
JUNE F.; L & M FAMILY LIMITED)
PARTNERSHIP; LA BRANCH, JOSEPH H. &)
BOBBIE L.; LAMB, MICHAEL E. & ESTHER I.;)
JOSEPH G. & BEVERLY J. LANDOLT TRUST;)
JOSEPH G. LANDOLT, BEVERY J.)
LANDHOLT, TRUSTEES; LANDS OF SIERRA,)

INC.; LAPHAM, WILLIS H. & JOANNA M.;)
LEE, THOMAS WILLIAM; LEE, WALLACE J.)
& LINDA P.; LEHMER, STEVEN M. &)
DEBRA S.; LEINASSAR, ALAN S. &)
MARIANNE; LEKUMBERRY, ROBERT J. &)
SUZANNE; LIGTENBERG, ROGER F. &)
JOANNE; LINSENMIER, JACK L. & WILMA H.;)
LITTLE, DAVID & SHERRY; LIVINGSTON,)
GEORGE & LORI; LLOYD, THOMAS E. &)
MORNA; LLOYD, THOMAS LELAND)
& SANDRA WEST; LOLL, MARGARET M.;)
LOMMORI, MARIO; LOMMORI FAMILY)
TRUST, DANTE J. LOMMORI, TRUSTEE;)
LOMMORI, ELEANOR B. & DANTE; JULIO &)
DELIA LOMMORI FAMILY TRUST, JOSEPH J.)
LOMMORI, BESSIE J. LOMMORI,)
TRUSTEES; JOSEPH J. AND BESSIE J.)
LOMMORI TRUST, JOSEPH J. & BESSIE J.)
LOMORRI, CO-TRUSTEES; LOMMORI, JULIO)
& DELIA; LOMPA FAMILY TRUST, SAMUEL)
A. LOMPA, DUANE S. LOMPA, TRUSTEES;)
LUDEL, SAMUEL M. & DONNA L.; HANS N. &)
MARIE N. LUND TRUST, HANS N. & MARIE N.)
LUND, TRUSTEES; LYON COUNTY)
CEMETARY #2 HILLCREST CEMETARY;)
LYON COUNTY FAIR GROUNDS, INC.;)
COUNTY OF LYON; MABE, JAMES A. &)
SANDRA R.; MACKEY, RUSSELL &)
THERESA; MADDEN, GERALD & LOIS;)
MAINE, D.C. & GAYLE; JOSEPHINE MANHA)
FAMILY TRUST; MANHA, WILLIAM)
DAVID; MANN, LUETTA & CHARLES F.;)
MAPLE, G. D. & U. L. JR.; MARRIOTT,)
JACKIE DALE & SANDRA K.; MARRIOTT,)
LONNIE E. & SANDRA JO; MARRIOTT,)
MICHAEL, SHELLY, NANCY & MARK;)
MASINI, CARROL G. & MARIA O.;)
LAWRENCE C. & ALMA MASINI TRUST;)
MASINI, LAWRENCE, ALMA & PATRICIA;)
MASINI INVESTMENTS; LAWRENCE)
C. MASINI RANCH; MATHESON, DOROTHY;)
MATTICE, JAMES L. & MARY L.; MATTICE,)
LEWIS W. & GAYLE; MATTICE, JOHN. E &)
DENA L.; MAUSBACH, JUDITH;)
McALISTER, EDGAR O. & BETSY K.;)

FRANK JOSEPH McBRYDE TRUST, FRANK)
JOSEPH McBRYDE, TRUSTEE; McCARGAR,)
EDWARD JAMES JR. & DORIS; McCLAIN,)
WILLIAM T. & TERRY LEE;)
McCOY, LEE A. & CHERYL; McCRAY,)
NANCY R.; McHALE, MICHAEL MARTIN)
& NORMA; McKAY, MARJORIE M.; McKAY,)
JAMES C.; McMINN, ROBERT L. & JOANN A.;)
McWHIRTER, MILDRED K.; MEIER, MR. &)
MRS. VIRGIL; AMOS MENCARINI JR. TRUST;)
MENESINI, DONALD G. &CYNTHIA;)
MENESINI, GENE; MENESINI, GERALD T.)
& RENEE E.; MENESINI, GRACE; MENESINI,)
EDWARD L. & KRISTIE L.; MERCZAK,)
ELVETIA; MERRITT, DAVID L. & TERESA C.;)
MERRIWETHER, WILLIAM;)
MESTMAKER, ROBERT; MICA FARMS, LLC;)
MILLER, LUCILLE B.; MILLER, JOHN M. &)
CHRISTIE A.; MINER, FRANCES; MITCHELL,)
RONALD & GINGER; MONIA, RAY & ELAINE;)
COUNTY OF MONO; MONTGOMERY, MARY)
LOUISE; MUNSON, DELORES N.; OGLE,)
LAURIE RENE; HAROLD MOORE TRUST,)
HAROLD MOORE, TRUSTEE; MOREDA)
DAIRY; MOREDA FAMILY TRUST,)
CLARENCE J. MOREDA, JANET M. MOREDA,)
TRUSTEES; MORGAN FAMILY 1996)
TRUST, JAMES R. MORGAN, TRUSTEE;)
MOROSE, DAN C. & TARA L.; NAGEL,)
ROBERT R. & SHIRLEY J.; NANNINI, ANNA;)
ANNA NANNINI REVOCABLE TRUST, ANNA)
NANNINI, TRUSTEE; NEILSON, NORMAN &)
DEANA; NESMITH FAMILY TRUST)
AGREEMENT; TERESA M. NESMITH,)
TRUSTEE; NEUHAUSER, GENEVA RUTH &)
LARRY; NEVADA BIGHORNS UNLIMITED;)
NEVADA-UTAH ASSOCIATION OF SEVENTH)
DAY ADVENTISTS; NEVIN, WILBUR W. &)
MELBA; NEWCOMBE, LINDA; NOVY,)
LOWELL; NUTI, ARMANDO & HELEN L.;)
NUTI, RALPH C. & MARY R.;)
NUTI, RALPH E. & MARY E.; NUTI,)
LAWRENCE M. & LESLIE J.; NUTI, MICHAEL)
A. & NANCY J.; NUTI BROTHERS; NUTI,)
RICHARD B. & CYNTHIA; O'BANION, JAMES)

R.; ORRIN, KENNETH; OSBORN, HENRY S.;)
OSBORNE, R.E. & G.L.; OXSEN, PETER &)
NANCY; PALMER, ALFRED W.)
& JOY L.; PARK, W.B.; PARK LIVESTOCK)
COMPANY; PARKER, RAYMOND E. &)
PATRICIA; PARRAGUIRRE, D.; PARRIS,)
THOMAS A. & JUDY Y.; PATTERSON,)
ROBERT M.; PATTON, THOMAS C. &)
MAROLYN B.; PEDERSON, ALENZO &)
KATIE; PEEPLES, NORMA M.; PEEPLES,)
FRANK TERRY; PELAYO, R.A.; PENDLETON,)
CLEO C. & JANET L.; PENDLETON, DANIEL L.)
& JENNIFER; PENROSE GENERAL)
IMPROVEMENT DISTRICT COUNTY OF)
LYON; PERI & PERI, LLC; PERRIN TRUST,)
FRANCIS L. & MARY K. PERRIN,)
CO-TRUSTEES; CLARENCE H. PERRIN)
TESTAMENTARY TRUST, HELEN J. SCHROCK)
& NANCY JO PLATTNER, SUCCESSOR)
TRUSTEES PERRISEAU, MELVIN; PERRY,)
GENA; PERUMEAN, PETER, SR. & CECELIA)
C.; THE CECELIA PERUMEAN TRUST, PETER)
PERUMEAN JR., TRUSTEE; PETERS, GLEN &)
DARLENE; PETERSEN, LEON E.; PETERSEN,)
MARTIN W. & NORMA D.; PETERSON,)
LELAND C. & MARION W.; PETERSON,)
JEFFREY & SHERI L.; P.D. EXPLORATIONS,)
INC.; PHELPS DODGE CORPORATION;)
PINENUT RANCH CORPORATION;)
PITCHFORK RANCH, INC.; PLETT, WALTER &)
PAULINE; POLI, JOHN & NANCY; POLISH,)
EVELYN; PRESTO FAMILY TRUST)
AGREEMENT DATED AUGUST 16, 1990,)
BEATRICE PRESTO, ET AL. TRUSTEES;)
PRESTO, RENE; PRICE, CHARLES; PRUETT)
RANCHES, INC.; PUMPKIN HOLLOW FARMS,)
INC.; EARLENE D. PURRELL TRUST,)
EARLENE D. PURRELL, TRUSTEE; JAMES)
E. PURRELL & KAREN M. PURRELL)
FAMILY TRUST, JAMES E. & KAREN M.)
PURRELL, TRUSTEES; PURSEL, MELVIN E. &)
PHYLLIS A.; PURSEL, NORMAN, NORMA,)
DELBERT & JAMES; PURSEL RANCH,)
a Partnership; QUEALY, B.V. & T. H.; QUILICI,)
NORMA YVONNE; QUILICI REVOCABLE)

LIVING TRUST, BASIL ANGELO QUILICI,)
PAULINE LEVEILLE QUILICI, TRUSTEES;)
QUIROGA, HECTOR, GUADALUPE,)
CARLOS G. & OFELIA R.; QUIROGA)
REVOCABLE TRUST, CARLOS & OFELIA R.)
QUIROGA, TRUSTEES; R & R SERVICES;)
RAISBECK, PETER D. & NANCY L.;)
RASMUSSEN, STEVEN & KATHLEEN;)
RAUBER TRUST; WILLIAM S. RAUBER)
AND CHARLOTTE F. RAUBER)
DECLARATION OF TRUST, WILLIAM S.)
RAUBER, TRUSTEE; RECHEL, LUCY;)
RUBY C. REGAN TRUST, RUBY REGAN,)
TRUSTEE; RENNER, THOMAS, DORTHEA,)
DONALD & TOSCA; RICHARDSON, RALPH &)
GLENNA; RICHARDSON, ELIZABETH;)
RITTER FAMILY TRUST; JOHN G. RITTER, JR.)
& LUCILLE RITTER, TRUSTEES;)
RITTER, JOHN GUSTAVE, III; RITTER,)
LUCILLE; RIVA, HERVERT R.; ROBERTS,)
GEORGE; ROBERTSON, ELMER C. &)
GENEVA K.; ROBISON, SANDRA J.;)
RODERICK, JOSEPH E. & LAUREL D.;)
RODERICK, DOUGLAS RAY & S. JOANN;)
ROGERS, RALPH S. & CAROLE LEE;)
ROLSTON, KENNETH J. & LINDA; ROMA)
CORPORATION; ROMAN CATHOLIC)
BISHOP OF RENO; ROMERO FAMILY)
TRUST, BENITO ANTONIO & LINDA)
IRENE ROMERO, CO-TRUSTEES;)
ROSASCHI, LESTER & CONNIE; ROSASCHI,)
ANGELO JOSEPH; ROSASCHI, ANDREW)
GENE; ROSACHI, STANLEY THOMAS;)
ROSSE, JERRY R. & DEBRA D.; RUPE FAMILY)
TRUST AGREEMENT, MARVIN & JEAN RUPE,)
TRUSTEES; RYE, STEPHEN B. & CHERIE C.;)
SALVADOR, WILLIAM M. &)
LEOTA; SANDOVAL FAMILY TRUST U/D/T)
MARCH 12, 2001, ALBERT RAYMOND &)
CECELIA LILLIAN SANDOVAL, TRUSTEES;)
SANS, PAUL P.; SANTOS, PAUL J. &)
CHRISTINA M.; SARIO LIVESTOCK)
COMPANY; SAVAGE, KEITH & VIRGINIA;)
SCATENA, LOUIS G. & LORRAINE B.;)
SCEIRINE FREDERICKS RANCH; SCEIRINE,)

BEVERLY; SCEIRINE, DAVID A.;)
SCEIRINE, EDNA JAYNE; SCEIRINE,)
JOSEPH E.; SCEIRINE, MICHAEL DUANE;)
SCEIRINE TRUST, HERBERT L. & SUSAN L.)
SCEIRINE, TRUSTEES; SCHENDEL, ROBERT)
J.;SCHENDEL, MADGE E.; SCHMID, ETHEL;)
SCHOTZ, ROBERT J. & PEGGY L.; SCHUSTER)
FAMILY TRUST, DONNA R. SCHUSTER,)
TRUSTEE; SCIARANI, PAULINE,)
PAUL, NELSON, EUGO, JOHN & LINDA;)
SCIARANI, JAMES & DONNA; SCIARANI,)
NELSON, GLENN, PAUL T. & MILDRED;)
THE ARNOLD SCIARANI, JR. AND PAULINE)
SCIARANI TRUST AGREEMENT DATED)
JULY 12, 1989, ARNOLD SCIARANI, JR. &)
PAULINE SCIARANI, TRUSTEES; SCRIBNER,)
VANCE & CYNTHIA; SEIFERT, STANLEY)
D. & JUDY A.;SETTELMEYER, ARNOLD;)
SEUBERT, DONALD R. & SOPHIA; SHEHADY,)
DANIEL PAUL; SHEHADY, THERESA;)
DONALD & TERESA SHEHADY TRUST;)
SHERLOCK, MICHAEL & ROBERT; SHIPLEY,)
WALTER D. & SANDRA J.; SHIVELY 1991)
REVOCABLE TRUST, RUSSELLE & E. DUANE)
SHIVELY, TRUSTEES; SHOEMAKER TRUST)
AGREEMENT, JANICE K. SHOEMAKER,)
TRUSTEE; SIERRA LAND & SHEEP, LLC;)
SIERRA PACIFIC POWER CO.;)
SIINO, FRANK A. & MARTINA L.; SILVA,)
EDWARD B.; SILVERADO, INC.;)
SIMMONS, STANLEY C. & LEIA H.;)
SIMMONS, PATRICIA; SIX N RANCH, INC.;)
SJOLIN, EUNICE; SMITH, KEITH A., KATHY)
& MARY; SMITH, NORVILLE W., MR. &)
MRS.; SMITH, PATRICIA ANN; SMITH,)
DANIEL G. & SHAWNA S.; SMITH, ERMON)
W. & MARY LEE; SMITH, VERDA & WILBUR;)
SMITH, KATHY L.; SMITH, GLEN H. &)
BARBARA J.;SMITH, MICHAEL A. & EVA L.;)
SMITH, TRAVIS S.; THE GRANT B. SMITH &)
GAILA M. SMITH 1996 REVOCABLE TRUST)
DATED NOVEMBER 22, 1996, GRANT B. &)
GAILA M. SMITH, TRUSTEES; SMITH RANCH)
PARTNERSHIP; SMITH VALLEY CATTLE)
FEEDERS; SNYDER, THERESA & EDDIE R.;)

SNYDER, FRANCES; SNYDER, JIM;)
SNYDER, LUCY A.; SNYDER LIVESTOCK)
COMPANY, INC.; SODERSTROM, JOAN &)
DAVE JR.; SOILFUME, INC.; SORENSON,)
MARGE O. & KENNETH A.; SOVEREIGN)
ENTERPRISES, LLC; STANLEY, MARLYSE R.)
& JOHN D.; STANTON, KIRK ANDREW)
& CHRISTY DE LONG; STARK, RUTH L. &)
GLENN M.; STATE OF CALIFORNIA; STATE)
OF CALIFORNIA WATER RESOURCES;)
STATE OF NEVADA DEPARTMENT OF)
WILDLIFE; STATE OF NEVADA LANDS)
DIVISION; STEELE, KAREN R. & CHARLES R.;)
STEWART, SANDY; STEWART, MICHAEL)
B.; STILLFIELD, DONNA JEAN THOMAS;)
STOCKTON, EDWARD & LINDA A.;)
STOTTLEMEYER, CHARLES E., JR.;)
STOUGHTON, ROBERT G. & CANDACE;)
STOUT, JACK F. & NANCY; STOVALL,)
JUDITH LEE; STRONG, CHARLES W.;)
STROSNIDER FAMILY TRUST, KENNETH O.)
& CAROLYN M. STROSNIDER, TRUSTEES;)
STROSNIDER, INC.; STURGE, MICHELLE &)
MICHAEL A.; STURTEVANT, HELEN M.;)
SUNDANCE FEEDLOT, INC.; SUNRISE)
RANCH LLC; SUTTER RANCH)
CORPORATION; SWAGGER RANCH, INC.;)
SWAINSTON FAMILY TRUST, GEORGE D.)
SWAINSTON, DOROTHY E. SWAINSTON,)
TRUSTEES; SWEETWATER LAND & CATTLE)
COMPANY; TABER, PHYLLIS B. & DON G.;)
TALBOT LAND & LIVESTOCK; TAMAGNI,)
FLORENCE ELIZABETH; RAYMOND)
TAMAGNI FAMILY TRUST, RAYMOND &)
JANICE E. TAMAGNI, TRUSTEES; VICTOR &)
FLORENCE TAMAGNI TRUST, FLORENCE)
ELIZABETH TAMAGNI & NORMAN)
NIELSON, TRUSTEES; TAYLOR, DOLA &)
LLOYD T.; TAYLOR, MARY M.; TERRY, LELA;)
TERSCHLUSE, ROBERT W. & MARIE;)
TERSCHLUSE FAMILY TRUST, ROBERT)
WILLIAM & MARIE LOUISA TERSCHLUSE,)
TRUSTEES; THACHER, JOHN H. & CAROLINE)
H.; RACHEL THOLKE TRUST, DON COOK,)
TRUSTEE; THOM, MAY & DOUGLAS;)

THOMAS, KATHERINE L. & TERRY A.;)
THOMAS, AMI & WILSON; THOMAS, TRACY)
GLAZE; THOMPSON FAMILY TRUST,)
CLIFFORD A. THOMPSON, JR. & EVELYN L.)
THOMPSON, TRUSTEES; TIBBALS,)
MARGARET F. & JOSEPH E.; TIBBALS,)
JOSEPH W. & CAROL J.; TIBBALS FAMILY)
TRUST, DONALD H. & JOY M. TIBBALS,)
TRUSTEES; TIERNEY, KAREN M.;TIJSSELING,)
JUDITH A. & DICK G.; JERRY E. TILLEY)
TRUST, JERRY E. TILLEY, TRUSTEE; TITUS,)
ROBIN LEE; TOIGO, KATHLEEN A. &)
THOMAS J.; TOLL HOUSE CANYON)
PARTNERS; TOMAC, STEVE & LAURA;)
TRUST FOR PUBLIC LAND; TWELVES)
FAMILY TRUST, ROY SNYDER, TRUSTEE;)
TWIN LAKE ENTERPRISES; C.W. & V.B.)
TWOMBLY TRUST, CLIFFORD W. TWOMBLY)
& VIRGINIA B. TWOMBLY, JEAN T. SNOOK,)
TRUSTEES; UNITED STATES OF AMERICA;)
UNITED STATES OF AMERICA BUREAU)
OF LAND MANAGEMENT; UNITED)
STATES OF AMERICA TOIYABE NAT'L)
FOREST; THE UHLAND FAMILY TRUST,)
CRAIG R. UHLAND & SHAWN W.)
UHLAND, TRUSTEES; UMBERGER,)
LODEMA & WILLIAM W.; UNITED STATES)
OF AMERICABUREAU OF INDIAN AFFAIRS;)
VGR PARTNERSHIP; VALDEZ, RAMON &)
MYRNA; VAN HORN, PHILIP & KAREN;)
VAN VLIET, HUGO & SHIRLEY;)
VANDEBRAKE, VERNON & AUDREY;)
VEIL, TIMOTHY C. & KELLY A.; VETSCH,)
ROBERT & LEONARD; VEUVE, MARY R.)
& GARY; VICENCIO, WILLIAM K. & SUSAN)
STENERI; VIRDIN, VIRGINIA SUE &)
WILLIAM M.; VOGEL, BEVERLY K. &)
BRUCE G.; WAKELING, JAMES A. JR. &)
JEANNE; WALKER RIVER LAND CORP.;)
WALKER RIVER RANCH LIMITED)
PARTNERSHIP; WALLACE, DEIRDRE;)
WARBURTON FAMILY TRUST, JOSEPH A.)
WARBURTON & WINIFRED P.)
WARBURTON, TRUSTEES; WARD,)
CATHERINE M. & MARK D.; WARD,)

LAUREN & MARY MARGARET; WARR, DAVID T. & JOHN; WASS, CHESLEY E. & JANET A.; WEAVER PROPERTIES, LLC; WEAVER, LURA K. & JOHN R.; WEAVER REVOCABLE TRUST AGREEMENT, WILLIAM M. WEAVER, JR., TRUSTEE, ROSEMARY F. WEAVER, TRUSTEE; WEBB, ROBERT D. & LINDA K.; WEDERTZ, GILBERT C.; WEISER LIVING TRUST DATED FEBRUARY 28, 2002, ROBERT G. & BETTY J. WEISER, TRUSTEES; MARGARET M. WHEAT TRUST, SYLVIA JESCH, TRUSTEE; WHITE, DOUGLAS M. & JULIE ANN; WILDER, JOAN; WILENS FAMILY TRUST; WILKINSON, PHILIP & VIVIAN; WILLIAMS, DORIS M. & HAROLD S.; WILLIAMS, JONI FAY & PHILLIP A.; DURELL & VIRGINIA WILLIAMS TRUST, KENNETH WILLIAMS, TRUSTEE, ELIZABETH M. WILLIAMS, TRUSTEE; WILLIAMS TRUST, LEONARD S. WILLIAMS, TRUSTEE, EMILY MARTIN WILLIAMS, TRUSTEE; WILLIAMS REVOCABLE LIVING TRUST, JACK H. & EVANGELINE A. WILLIAMS, CO-TRUSTEES; WINES, KAREN L. & DANIEL R.; WIPFLI, CANDYCE & TOM; WISE, CATHERINE E. & DAVID E.; WRIGHT, MARY MACKEDIE & JOE; WRIGHT, SUSAN & JOSEPH; WRIGHT, NADIA & WAYNE D.; YERINGTON PAIUTE TRIBE; ZIPPWALD, JACK C. & DARLENE S.,

Proposed Defendants.

Attachment C – Notice in Lieu of Summons

Attachment C – Notice in Lieu of Summons

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA, Plaintiff, WALKER RIVER PAIUTE TRIBE, Plaintiff-Intervenor, vs. WALKER RIVER IRRIGATION DISTRICT, a corporation, et al., Defendants.	IN EQUITY NO. C-125-RCJ-WGC Subproceeding: C-125-C 3:73-CV-00128-RCJ-WGC **NOTICE IN LIEU OF SUMMONS**
MINERAL COUNTY, Proposed-Plaintiff-Intervenor, vs. WALKER RIVER IRRIGATION DISTRICT, a corporation, et al., Proposed Defendants.	

TO: _____: (As _____ of _____).

To the above named Defendant:

You have been named as a Defendant in a civil action. A Notice of Motion and Motion for Intervention, Proposed Petition to Intervene, Amended Complaint in Intervention, and a Motion for Preliminary Injunction by Mineral County, Nevada, claiming a right to a minimum level of water for Walker Lake, which would affect the water rights under the Walker River Decree which you (or the entity on whose behalf you are addressed) possess, have been filed in

the United States District Court for the District of Nevada, Reno, Nevada, Case No. C-125. This matter has been assigned Subfile No. C-125-C, docket number 3:73-cv-00128-RCJ-WGC.

The time for responding to the Notice of Motion and Motion for Intervention will be established by further order of the Court. You are not required to respond to the Motion for Intervention until the Court establishes the time for responding to that motion. You are not required to answer or otherwise respond to the Proposed Petition to Intervene or Amended Complaint in Intervention and Amended Memorandum of Points and Authorities until the Court enters its decision on Mineral County's Motion to Intervene and then only upon a schedule to be established by further order of the Court. Similarly, you are not required to respond to Mineral County's Motion for Preliminary Injunction and Points and Authorities in support thereof until the Court enters its decision on Mineral County's Motion to Intervene and then only upon a schedule to be established by further order of the Court.

You **are required**, within thirty (30) days after service of this Notice in Lieu of Summons upon you, to file with the Court and serve by mail on counsel for Mineral County, the Walker River Irrigation District, United States, Walker River Paiute Tribe, State of Nevada, State of California, and United States Board of Water Commissioners the attached Notice of Appearance and Intent to Participate. If you fail to do so, you shall nevertheless be deemed to have notice of subsequent orders of the Court and subsequent pleadings filed and served in this matter.

The materials in this package include ten (10) documents that you should review. These documents are listed in Attachment A to this Notice in Lieu of Summons and are explained below. Please note that two of these documents address the sale or other conveyance of your

water rights. Please read these materials carefully, as they are important to your legal rights and legal obligations.

This package includes an Order Relating to Completion of Service that requires you to provide certain information to the Court and Mineral County.

The Order Relating to Completion of Service requires you to notify the Court and Mineral County within thirty (30) days of being served if you contend that you have been included in this litigation in error because at the time you were served, you claimed no water right under the Walker River Decree. If you contend that you have been included in this litigation in error, the Order Relating to Completion of Service 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 Relating to Completion of Service 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 Relating to Completion of Service and included herein. You should review this Order carefully and retain it and all forms attached to it for your files.

The Order Relating to Completion of Service also provides that if, during the course of this litigation, you sell or otherwise convey ownership of all or a portion of any water right under the Walker River Decree, you may use the JOINT MOTION FOR SUBSTITUTION OF PARTIES FOLLOWING TRANSFER OF INTEREST FORM, which is attached to the Order Relating to Completion of Service and included herein, to substitute your successor(s)-in-interest. 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. Pursuant to the Order Relating to Completion of Service and other orders of the Court, even if a successor-in-interest is not substituted, the successor will nonetheless be bound by the final decision of the Court.

The STATEMENT NOTING DEATH form, which is attached to the Order Relating to Completion of Service and included herein, is for use by heirs or successors-in-interest should the named Defendant die during the course of litigation. The contact information for the heir or successor must be included on this form. When a Statement Noting Death is filed with the Court, it must also be served on all parties listed on the form and filed with the Court. After a Statement Noting Death is filed and served, any party to the case may move to substitute the proper successor-in-interest to the deceased Defendant. Pursuant to the Order Relating to Completion of Service and other orders of the Court, if no Statement Noting Death is filed, even if a successor-in-interest is not substituted, the successor will nonetheless be bound by the final decision of the Court.

DATED this _____ day of _____, 2012.

_____
Clerk of the Court

(Seal)

NOTICE IN LIEU OF SUMMONS
ATTACHMENT A

Enclosed are the following ten (10) documents:

1. **Order Relating to Completion of Service;**
2. **Notice of Appearance and Intent to Participate form**: If you choose to sign this document, you **must** file the original with the District Court and you **must** send a copy of the document to the parties listed on the Notice of Appearance and Intent to Participate Certificate of Service;
3. **Disclaimer of Interest in Water Rights and Notice of Related Information and Documentation Supporting Disclaimer form;**
4. **Joint Motion for Substitution of Parties Following Transfer of Interest and Request for Hearing form;**
5. **Statement Noting Death form;**
6. **Mineral County's Notice of Motion and Motion for Intervention (October 25, 1994);**
7. **Mineral County's Proposed Petition to Intervene, Memorandum of Points and Authorities, and Supporting Affidavits of Kelvin F. Buchanan, Herman F. Staat, Marlene Bunch, and Louis Thompson (October 25, 1994);**
8. **Mineral County's Amended Complaint in Intervention (March 10, 1995);**
9. **Mineral County's Amended Memorandum of Points and Authorities in Support of Mineral County's Amended Complaint in Intervention (March 10, 1995)**; and
10. **Mineral County's Motion for Preliminary Injunction and Memorandum of Points and Authorities and supporting affidavits (March 10, 1995).**

Attachment D – Notice of Appearance and Intent to Participate Form

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA, Plaintiff, WALKER RIVER PAIUTE TRIBE, Plaintiff-Intervenor, vs. WALKER RIVER IRRIGATION DISTRICT, a corporation, et al., Defendants.	IN EQUITY NO. 0125-RCJ-WGC Subproceeding C-125-C 3:73-cv-00128-RCJ-WGC **NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE**
MINERAL COUNTY, Proposed-Plaintiff-Intervenor, vs. WALKER RIVER IRRIGATION DISTRICT a corporation, et al. Proposed Defendants.	

TO: Counsel of record for Mineral County, Nevada, the Walker River Irrigation District, United States, Walker River Paiute Tribe, State of Nevada, State of California, and the United States Board of Water Commissioners.

You are hereby notified that _____ enters an appearance of record in the above-captioned matter. The mailing address of _____, or its legal counsel, is as follows and service of all orders, pleadings and other documents filed in this matter shall be complete upon mailing to this address.

(provide mailing address)

CERTIFICATE OF SERVICE

I hereby certify that I have deposited in United States mail, postage prepaid, a true and correct copy of this Notice of Appearance and Intent to Participate in an envelope addressed to:

Simeon M. Herskovits
Advocates for Community and Environment
P.O. Box 1075
El Prado, New Mexico 87529
Attorney for Mineral County

Marta Adams
Deputy Attorney General
State of Nevada
100 North Carson Street
Carson City, NV 89701
Attorney for State of Nevada

Gordon H. DePaoli
Dale E. Ferguson
Woodburn and Wedge
6100 Neil Road, Suite 500
Reno, Nevada 89511
Attorneys for Walker River Irrigation District

Wes Williams
Law Offices of Wes Williams Jr.
P.O. Box 100
Schurz, NV 89427
Attorney for Walker River Paiute Tribe

Susan L. Schneider
U.S. Department of Justice
Environment and Natural Resources Division
999 18th Street
South Terrace, Suite 370
Denver, CO 80202
Attorney for United States

Michael Neville
455 Golden Gate Avenue, #11000
PO Box 944255
San Francisco, CA 94102
Attorney for State of California

Karen A Peterson
Allison MacKenzie Russell Pavlakis
Wright & Fagan, Ltd.
402 North Division St.
P.O. Box 646
Carson City, NV 89703
Attorney for U.S. Board of Water Commissioners

_____
(signature)

_____
(print or type name)

_____
(print or type name of entity if applicable

Attachment E – Disclaimer of Interest in Water Rights and Notice of Related Information and Documentation Supporting Disclaimer Form

Attachment E – Disclaimer of Interest in Water Rights and Notice of Related Information and Documentation Supporting Disclaimer Form

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

***

UNITED STATES OF AMERICA, Plaintiff, WALKER RIVER PAIUTE TRIBE, Plaintiff-Intervenor, vs. WALKER RIVER IRRIGATION DISTRICT, a corporation, et al., Defendants.	IN EQUITY NO. C-125-RCJ-WGC Subproceeding C-125-C 3:73-cv-00128-RCJ-WGC **DISCLAIMER OF INTEREST IN WATER RIGHTS AND NOTICE OF RELATED INFORMATION AND DOCUMENTATION SUPPORTING DISCLAIMER**
MINERAL COUNTY, Proposed-Plaintiff-Intervenor, vs. WALKER RIVER IRRIGATION DISTRICT, a corporation, et al., Proposed Defendants.	

The undersigned defendant in the above action hereby notifies the Court and Mineral County that the undersigned (or the entity on whose behalf the undersigned is acting) has no interest in any water right subject to the Walker River Decree, and therefore, **disclaims all interest in this action.**

In addition, because the undersigned sold or otherwise conveyed ownership of all of the water rights that the undersigned (or the entity on whose behalf the undersigned is acting) once owned before the undersigned was served with a Waiver of Personal Service of Notice in Lieu of Summons or by a Notice in Lieu of Summons the undersigned provides the following additional information:

1. The name and address of the defendant or defendants who sold or otherwise conveyed ownership:

_____
Name(s)

_____
Street or P.O. Box

_____
Town or City State Zip Code

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

_____
Name(s)

_____
Street or P.O. Box

_____
Town or City State Zip Code

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

- ☐ Deed
- ☐ Court Order
- ☐ Other Document

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.

_____

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

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

AND

Simeon Herskovits
Advocates for Community and Environment
P.O. Box 1075
El Prado, NM 87529

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

Executed this ____ day of _____, 20__

_____
[signature of defendant]

_____
[name of defendant]

_____
[signature, if applicable, of person acting on behalf of defendant]

_____
[name, if applicable, of person acting on behalf of defendant]

_____
[address]

_____
[telephone number]

Attachment F - Joint Motion for Substitution of Parties Following Transfer of Interest Form

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA, Plaintiff, WALKER RIVER PAIUTE TRIBE, Plaintiff-Intervenor, vs. WALKER RIVER IRRIGATION DISTRICT, a corporation, et al., Defendants.	IN EQUITY NO. C-125-RCJ-WGC Subproceeding C-125-C 3:73-cv-00128-RCJ-WGC **JOINT MOTION FOR SUBSTITUTION OF PARTIES FOLLOWING TRANSFER OF INTEREST AND REQUEST FOR HEARING**
MINERAL COUNTY, Proposed-Plaintiff-Intervenor vs. WALKER RIVER IRRIGATION DISTRICT, a corporation, et al., Proposed Defendants.	

This motion is filed in Subproceeding C-125-C, docket number 3:73-cv-00128-RCJ-WGC, which involves claims for water in the Walker River by Mineral County. This motion is filed pursuant to Fed. R. Civ. P. 25(c) and this Court's Amended Order Concerning Service Issues Pertaining to Defendants Who Have Been Served (Doc. No. 542) and is filed jointly by _____, who is a current Defendant in this action based on the ownership of one or more water rights claims under the Walker River Decree ("Current Defendant") and has conveyed or otherwise transferred one or more of these water rights claims to _____ ("Proposed Defendant").

By this motion, the Current Defendant and Proposed Defendant ask the Court to substitute the Proposed Defendant into this action in place of the Current Defendant regarding the specific water right(s) identified herein. The parties to this motion request a hearing on this motion if any objections are filed to this motion. If there are no objections, the parties to this motion consent to the Court entering an Order of Substitution without a hearing.

I. Identification of Current Defendant:

The undersigned Current Defendant in the above action hereby notifies the Court and Mineral County that the undersigned (or the entity on whose behalf I am acting) has sold or otherwise conveyed ownership of all or a portion of a water right or rights under the Walker River Decree to the Proposed Defendant and provides the following information:

A. The name and address of the Current Defendant who sold or otherwise conveyed ownership:

Name(s):
Street or P.O. Box:
Town or City:
State:
Zip Code:
Telephone Number:
E-mail Address:

B. Attorney Representation:

- ☐ Check here if the Current Defendant is not represented by counsel in this subproceeding.
- ☐ Check here if the Current Defendant is represented by counsel in this subproceeding.

If the Current Defendant is represented by counsel in this subproceeding, that attorney is identified below, along with his or her mailing address, telephone number, facsimile number, and e-mail address:

Attorney:
Address:
Telephone Number:
Fax Number:
E-mail Address:

II. Identification of Proposed Defendant:

The undersigned Proposed Defendant in the above action hereby notifies the Court and Mineral County that the undersigned (or the entity on whose behalf I am acting) has acquired ownership of all or a portion of a water right or rights under the Walker River Decree from the Current Defendant and provides the following information:

A. The name and address of the Proposed Defendant who acquired the water right or rights at issue in this motion:

Name(s):
Street or P.O. Box:
Town or City:
State:
Zip Code:
Telephone Number:
E-mail Address:

B. Attorney Representation:

- ☐ Check here if the Proposed Defendant is not represented by counsel in this subproceeding.
- ☐ Check here if the Proposed Defendant is represented by counsel in this subproceeding.

If the Proposed Defendant is represented by counsel in this proceeding, that attorney is identified below, along with his or her mailing address, telephone number, facsimile number, and e-mail address:

Attorney:
Address:
Telephone Number:
Fax Number:
E-mail Address:

III. Identification of the Water Right(s) Addressed in this Motion:

A. This motion addresses the following water right(s) that the Current Defendant has transferred or otherwise conveyed to the Proposed Defendant:

B. Attached to and included with this motion are true and correct copies of all documents by which the change in ownership addressed in this motion was accomplished (check all appropriate boxes):

- ☐ Deed(s)
- ☐ Court Order(s)
- ☐ Other Document(s)

IV. Request for Substitution:

A. By this filing, the Current Defendant requests that the Proposed Defendant be substituted into this action as the Defendant in regard to the water right(s) identified in Section III.A.

B. By this filing, the Proposed Defendant agrees to be substituted into this action as the Defendant in regard to the water right(s) identified in Section III.A.

C. The undersigned Current Defendant and Proposed Defendant acknowledge that any person or entity who files this type of motion for substitution in this matter is ultimately responsible for the accuracy of this filing. Consequently, the undersigned Current Defendant and Proposed Defendant acknowledge that any defendant who files such a motion, but, in fact, retains the water rights addressed in this motion, shall nevertheless be bound by the results of this litigation.

D. Following the conveyance or transfer identified above, does the Current Defendant retain any water right or portion of a water right under the Walker River Decree, including any rights not identified in Section III?

- ☐ No. Subsequent to the conveyance/transfer identified in this motion, I/we/entity do not own any other water rights under the Walker River Decree. As a result, I/we/entity submit that the Court may dismiss the Current Defendant from this subproceeding because I/we/entity no longer own any water rights that are subject to this subproceeding.

- ☐ Yes. Subsequent to the conveyance/transfer identified in this motion, I/we/entity own other water rights under the Walker River Decree. As a result, the Current Defendant remains a Defendant in this subproceeding based on the ownership of other water rights that are subject to this subproceeding.

V. Waiver of Service pursuant to Fed. R. Civ. P. 4:

This Section applies to any Proposed Defendant that is not already a Defendant in this case based on its ownership of other water rights. By its signature to this motion, the Proposed Defendant:

A. Acknowledges that I/we/entity (or the entity on whose behalf I am acting) have been made aware of the fact that the water right(s) described in Section III above are subject to this subproceeding, which is entitled *United States v. Walker River Irrigation District,* and which is docket number 3:73-cv-00128-RCJ-WGC, In Equity C-125, Subfile No. C-125-C, in the United States District Court for the District of Nevada, and that I am bound by all Orders in this subproceeding;

B. Acknowledges that I/we/entity (or the entity on whose behalf I am acting) need not be served separately or personally, pursuant to Fed. R. Civ. P. 4, with a Notice in Lieu of Summons, the instant motion or any other previous filing in this subproceeding;

C. Acknowledges that I/we/entity (or the entity on whose behalf I am acting) may file a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE in the Court at the address indicated in Section VII, below; and

D. Acknowledges that I/we/entity (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 service pursuant to Fed. R. Civ. P. 25(c) regarding this motion.

VI. Certifications and Acknowledgements:

By this filing, the Current Defendant and Proposed Defendant acknowledge that:

A. Federal Rule of Civil Procedure 25(c) governs the substitution of successors-in-interest that are the result of a transfer, other than those resulting from the death of a defendant, and provides in relevant part that "[i]f 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....";

B. Rule 25(c) does not require that anything be done after an interest is transferred, which means that the action may be continued by or against the original party, and the judgment will be binding on his successor-in-interest even though the successor-in-interest is not named;

C. Absent the filing of this or a similar motion, this action would continue in the name of the Current Defendant, but would nevertheless bind the Proposed Defendant and any future successors-in-interest to the results of the litigation;

D. Other parties to the case, acting pursuant to the Federal Rules of Civil Procedure, may wish to file their position(s) regarding the merits of this motion, and may support, oppose or take no position on the merits of this motion;

E. Following the filing of this motion, the action will continue in the name of the Current Defendant for the water right(s) identified herein until such time as the Court approves the substitution requested herein. While substitution does not automatically dismiss a Current Defendant from this subproceeding, the Court may dismiss the Current Defendant if that Defendant no longer has any water rights subject to this proceeding.

VII. Filing and Service of this Motion:

The Current Defendant and Proposed Defendant have filed this motion in the above action with the:

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

and served a copy of this motion on:

Simeon Herskovits
P.O. Box 1075
El Prado, New Mexico 87529

PLEASE NOTE: Attorneys are reminded that they are required to comply with the electronic filing procedures of the U.S. District Court for District of Nevada.

"Attorneys who are admitted to the bar of this court, admitted to participate in a case pro hac vice, or who are authorized to represent the United States and its agencies, shall register as Filing Users of the System. Registration shall be in the form prescribed by the Clerk of the Court and by these Electronic Filing Procedures." U.S. Dist. Ct., D. Nev., Electronic Filing Procedures (rev. Aug. 24, 2006) at I.C.

Signature of Current Defendant:

_____ _____

(Signature) (Printed or typed Name)

Entity, if any, on whose behalf you are appearing: _____

The forgoing instrument was signed before me this ____ day of _____, 20__ by

_____.

State of _____

County of _____

_____

Signature of Notary

My Commission Expires:

Signature of Proposed Defendant:

_____ _____

(Signature) (Printed or typed Name)

Entity, if any, on whose behalf you are appearing: _____

The forgoing instrument was signed before me this ____ day of _____, 20__ by

_____.

State of _____

County of _____

_____

Signature of Notary

My Commission Expires

Attachment G - Statement Noting Death Form

Attachment G - Statement Noting Death Form

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA, Plaintiff, WALKER RIVER PAIUTE TRIBE, Plaintiff-Intervenor, vs. WALKER RIVER IRRIGATION DISTRICT, a corporation, et al., Defendants.	IN EQUITY NO. C-125-RCJ-WGC Subproceeding: C-125-C 3:73-CV-00128-RCJ-WGC **STATEMENT NOTING DEATH**
MINERAL COUNTY, Proposed-Plaintiff-Intervenor, vs. WALKER RIVER IRRIGATION DISTRICT a corporation, et al. Proposed Defendants.	

Pursuant to Fed. R. Civ. P. 25(a), _____, who is a **representative of** or **successor-in-interest to** (circle one) the deceased party, notes the death during the pendency of this action of _____, who is named as a Defendant in this action based on the ownership of one or more water rights claimed under the Walker River Decree. The successor(s)-in-interest to the deceased Defendant's claimed water right(s) are as follows:

Name(s):
Street or P.O. Box:
Town or City:
State:
Zip Code:
Telephone Number:
E-mail Address:

Filing and Service of this Motion:

The Undersigned has filed this motion in the above action with the:

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

and has served a copy of this motion on the parties listed in the attached certificate of service.

PLEASE NOTE: Attorneys are reminded that they are required to comply with the electronic filing procedures of the U.S. District Court for District of Nevada. "Attorneys who are admitted to the bar of this court, admitted to participate in a case pro hac vice, or who are authorized to represent the United States and its agencies, shall register as Filing Users of the System. Registration shall be in the form prescribed by the Clerk of the Court and by these Electronic Filing Procedures." U.S. Dist. Ct., D. Nev., Electronic Filing Procedures (rev. Aug. 24, 2006) at I.C.

Signature of Representative or Successor-in-Interest

_____ _____
(Signature) (Printed or typed Name)

Entity, if any, on whose behalf you are appearing: _____

The forgoing instrument was signed before me this ____ day of _____, 20__ by

_____.
(Printed or typed name)

State of _____

County of _____

_____
Signature of Notary

My Commission Expires:

CERTIFICATE OF SERVICE

I hereby certify that I have deposited in United States mail, postage prepaid, a true and correct copy of this Statement Noting Death in an envelope addressed to:

Simeon M. Herskovits
Advocates for Community and Environment
P.O. Box 1075
El Prado, New Mexico 87529
Attorney for Mineral County

Marta Adams
Deputy Attorney General
State of Nevada
100 North Carson Street
Carson City, NV 89701
Attorney for State of Nevada

Gordon H. DePaoli
Dale E. Ferguson
Woodburn and Wedge
6100 Neil Road, Suite 500
Reno, Nevada 89511
Attorneys for Walker River Irrigation District

Wes Williams
Law Offices of Wes Williams Jr.
P.O. Box 100
Schurz, NV 89427
Attorney for Walker River Paiute Tribe

Susan L. Schneider
U.S. Department of Justice
Environment and Natural Resources Division
999 18th Street
South Terrace, Suite 370
Denver, CO 80202
Attorney for United States

Michael Neville
455 Golden Gate Avenue, #11000
PO Box 944255
San Francisco, CA 94102
Attorney for State of California

Karen A Peterson
Allison MacKenzie Russell Pavlakis
Wright & Fagan, Ltd.
402 North Division St.
P.O. Box 646
Carson City, NV 89703
Attorney for U.S. Board of Water Commissioners

_____
(signature)

_____
(print or type name)

_____
(print or type name of entity if applicable

Attachment H – Notice of Lawsuit and Request for Waiver of Personal Service of Notice in Lieu of Summons

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NOTICE OF LAWSUIT AND REQUEST FOR WAIVER OF PERSONAL SERVICE OF NOTICE IN LIEU OF SUMMONS

To: _____ (As _____ of _____)

You have been named as a Defendant in a civil action. A Notice of Motion and Motion for Intervention, Proposed Petition to Intervene, Amended Complaint-in-Intervention, and a Motion for Preliminary Injunction by Mineral County, Nevada, all claiming a right to a minimum level of water for Walker Lake ("Intervention Documents"), which may affect the water rights that you (or the entity on whose behalf you are addressed) claim under the Walker River Decree, have been filed in the United States District Court for the District of Nevada, Reno, Nevada, Case No. C-125. This matter has been assigned Subfile No. C-125-C, docket number 3:73-cv-0128-RCJ-WGC.

Rule 4 of the Federal Rules of Civil Procedure provides that under certain circumstances you can avoid being assessed the cost of being personally served if you sign a waiver and accept service by mail. The materials that have been sent to you in this package include a waiver form, instructions, and a self-addressed, stamped envelope for returning the waiver form. There are also other documents enclosed that address the sale or other conveyance of your water rights or if you believe that you should not be a party to this lawsuit. Please read these materials carefully, as they are important to your legal rights.

Enclosed are the following eleven (11) documents:

1. **Waiver of Personal Service of Notice in Lieu of Summons:** Two copies of this document are enclosed, one for your records and one that you may send in the

enclosed stamped and addressed envelope to Simeon Herskovits, the attorney for Mineral County, if you choose to execute the document.

2. **Order Relating to the Completion of Service;**
3. **Notice of Appearance and Intent to Participate Form.** If you choose to sign this document, you **must** file the original with the District Court and you **must** send a copy of the document to the parties listed on the Notice of Appearance and Intent to Participate Certificate of Service;
4. **Disclaimer of Interest in Water Rights and Notice of Related Information and Documentation Supporting Disclaimer Form**
5. **Joint Motion for Substitution of Parties Following Transfer of Interest Form;**
6. **Statement Noting Death Form.**
7. **Mineral County's Notice of Motion and Motion for Intervention** (October 25, 1994).
8. **Mineral County's Proposed Petition to Intervene, Memorandum of Points and Authorities, and Supporting Affidavits of Kelvin F. Buchanan, Herman F. Staat, Marlene Bunch, and Louis Thompson** (October 25, 1994).
9. **Mineral County's Amended Complaint in Intervention** (March 10, 1995).
10. **Mineral County's Amended Memorandum of Points and Authorities in Support of Mineral County's Amended Complaint in Intervention** (March 10, 1995).
11. **Mineral County's Motion for Preliminary Injunction and Memorandum of Points and Authorities and supporting affidavits** (March 10, 1995).

This is not a formal notification from the Court, but rather a request by Counsel for Mineral County that you sign and return the enclosed WAIVER OF PERSONAL

SERVICE OF NOTICE IN LIEU OF SUMMONS in order to save the cost of serving you with a Judicial Notice in Lieu of Summons, and additional copies of the Notice of Motion and Motion to Intervene, Proposed Petition to Intervene, Amended Complaint in Intervention and Memorandum of Points and Authorities in Support of Amended Complaint in Intervention, Motion for Preliminary Injunction, and related forms referenced above. <u>If you do not send a signed copy of the waiver to Mineral County within thirty (30) days after the date designated below as the date on which this Notice and request is sent, you may be liable for the cost of personally serving you</u>. We enclose a self-addressed, stamped envelope for your use. An extra copy of the waiver is also attached for your records.

If you comply with this request and return the signed waiver, it will be filed with the Court and no additional copies of the above-referenced documents will be served on you. The matter will then proceed as provided in paragraph 2 of the Order Relating to Completion of Service, which is included with this notice.

If you return the signed WAIVER OF PERSONAL SERVICE OF NOTICE IN LIEU OF SUMMONS, you are not obligated to respond to any of Mineral County's Intervention Documents, except upon further order of the Court. However IF YOU WISH TO PARTICPATE IN THIS CASE, you are required, within thirty (30) days of your execution of the WAIVER OF PERSONAL SERVICE OF NOTICE IN LIEU OF SUMMONS, to file and serve a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE with the Court and mail a copy of the notice to the parties listed on the NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE form. As noted above, a

copy of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE form that you may choose to use is attached.

If you do not return the signed WAIVER OF PERSONAL SERVICE OF NOTICE IN LIEU OF SUMMONS within the time indicated, we will take appropriate steps to effect formal service in a manner authorized by the Federal Rules of Civil Procedure and will then, to the extent authorized by those Rules, ask the Court to require you (or the party on whose behalf you are addressed) to pay the full cost of such service. In that connection, please read the statement concerning the duty of the parties to waive service of the notice in lieu of summons, which is attached hereto.

The Order Relating to Completion of Service requires you to notify the Court and Mineral County within thirty (30) days of being served if you contend that you have been included in this litigation in error because at the time you were served, you claimed no water right under the Walker River Decree. If you contend that you have been included in this litigation in error, the Order Relating to Completion of Service 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 Relating to Completion of Service 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 Relating to Completion of Service and included herein.

The Order Relating to Completion of Service also provides that if, during the course of this litigation, you sell or otherwise convey ownership of all or a portion of any water right under

the Walker River Decree, you may use the JOINT MOTION FOR SUBSTITUTION OF PARTIES FOLLOWING TRANSFER OF INTEREST FORM, which is attached to the Order Relating to Completion of Service and included herein, to substitute your successor(s)-in-interest. 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. Pursuant to the Order Relating to Completion of Service and other orders of the Court, even if a successor-in-interest is not substituted, the successor will nonetheless be bound by the final decision of the Court.

The STATEMENT NOTING DEATH form, which is attached to the Order Relating to Completion of Service and included herein, is for use by heirs or successors-in-interest should the named Defendant die during the course of litigation. The contact information for the heir or successor must be included on this form. When a Statement Noting Death is filed with the Court, it must also be served on all parties listed on the form and filed with the Court. After a Statement Noting Death is filed and served, any party to the case may move to substitute the proper successor-in-interest to the deceased Defendant. Pursuant to the Order Relating to Completion of Service and other orders of the Court, if no suggestion of death is filed, even if a successor-in-interest is not substituted, the successor will nonetheless be bound by the final decision of the Court.

I affirm that this request is being sent to you on behalf of the proposed Plaintiff-Intervenor, Mineral County, Nevada, on this _____ day of _____, 2012.

_____
Simeon Herskovits
Advocates for Community and Environment
P.O. Box 1075
El Prado, NM 87529
Attorney for Mineral County

DUTY TO AVOID UNNECESSARY COSTS OF SERVICE OF SUMMONS AND OTHER DOCUMENTS

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the documents as referenced in the notice with which you have been provided. A party located in the United States who, after being notified of this matter and asked by the proposed Plaintiff-Intervenor, Mineral County, Nevada, to waive service of the documents, and 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 Notice of Motion and Motion to Intervene, Proposed Petition to Intervene, Amended Complaint-in-Intervention, or Motion for Preliminary Injunction are unfounded, or that the matter has been brought in an improper place or in a court that lacks jurisdiction over the subject matter thereof or over your person or property. A party who waives service of the documents retains all defenses and objections (except any relating to the service of these documents), and may later object to the jurisdiction of the Court or the place where the matter has been brought.

A party who waives service must enter an appearance pursuant to paragraph 4(d) of the Order Relating to Completion of Service if the party wishes to participate in this case, and if the party fails to do so the party shall nevertheless be deemed to have notice of subsequent orders of the Court and filings of the parties with respect to the Notice of Motion and Motion for Intervention, the Proposed Petition to Intervene, the Amended Complaint-in-Intervention, or the Motion for Preliminary Injunction.

Attachment I – Waiver of Personal Service of Notice in Lieu of Summons

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA, Plaintiff, WALKER RIVER PAIUTE TRIBE, Plaintiff-Intervenor, vs. WALKER RIVER IRRIGATION DISTRICT, a corporation, et al., Defendants.	IN EQUITY NO. C-125-RCJ-WGC Subproceeding: C-125-C 3:73-CV-00128-RCJ-WGC **WAIVER OF PERSONAL SERVICE OF NOTICE IN LIEU OF SUMMONS**
MINERAL COUNTY, Proposed-Plaintiff-Intervenor, vs. WALKER RIVER IRRIGATION DISTRICT, a corporation, et al., Proposed Defendants.	

TO: Simeon Herskovits, attorney for Proposed Plaintiff-Intervenor Mineral County, Nevada:

I acknowledge receipt of your request that I waive personal service of the documents involving the Motion for Intervention of Mineral County, Nevada, in the action of United States of America, Plaintiff v. Walker River Irrigation District et al., Defendants, which is Case No. C-125, Subfile No. C-125-C, docket number 3:73-cv-00128-RCJ-WGC, in the United States District Court for the District of Nevada. I also have received two copies of this waiver, a copy of the Notice of Motion and Motion for Intervention of Mineral County, the Proposed Petition to Intervene, the Amended Complaint in Intervention and Amended Points and Authorities in Support of the Amended Complaint in Intervention, and the Motion for Preliminary Injunction of

Mineral County, and the Order Relating to Completion of Service, which includes as attachments a Notice of Appearance and Intent to Participate form, a Disclaimer of Interest in Water Rights and Notice of Related Information and Documentation Supporting Disclaimer form, a Joint Motion for Substitution of Parties Following Transfer of Interest form, and a Statement Noting Death form. I also have received a self addressed stamped envelope by which I can return this signed waiver to you without cost to me.

I, or the entity I represent, agree to save the expense of personal service of a notice in lieu of summons and the above-described documents.

I understand that I, or the entity on whose behalf I am acting, will retain all defenses or objections to this matter or to the jurisdiction or venue of the Court except for objections based on a defect, if any, in the manner in which these documents have been provided to me.

I understand that if I, or the entity on whose behalf I am acting, do not file a Notice of Appearance and Intent to Participate within 30 days, and if the Court enters further orders with respect to answers or other responses to the Notice of Motion and Motion for Intervention, Proposed Petition to Intervene, Amended Complaint in Intervention, or the Motion for Preliminary Injunction, that I, or the entity on whose behalf I am acting, shall nevertheless be deemed to have notice of those subsequent orders of the Court.

DATED this _____ day of _____, 2012.

_____
(Signature)

_____
(Printed name and title, if any)

_____
(Company or entity, if any)