CV-N-73-0127-0132

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DISTRICT OF NEVADA

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U.S. DISTRICT COURT
DISTRICT OF NEVADA
FILED
FEB 12 2001
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BY DEPUTY

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA, Plaintiff, WALKER RIVER PAIUTE TRIBE, Plaintiff-Intervenor, v. WALKER RIVER IRRIGATION DISTRICT, a corporation, et al., Defendants.	In Equity No. C-125-ECR Subfile No. C-125-B **MEMORANDUM OF WALKER RIVER IRRIGATION DISTRICT CONCERNING PROCEDURE FOR RECORDING NOTICES OF LIS PENDENS AND CONCERNING IDENTIFICATION OF COUNTERDEFENDANTS BY CASE MANAGEMENT ORDER CATEGORIES**
UNITED STATES OF AMERICA, WALKER RIVER PAIUTE TRIBE, Counterclaimants, v. WALKER RIVER IRRIGATION DISTRICT, et al., Counterdefendants.	

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I. Introduction.

On or about December 19, 2000, the Walker River Paiute Tribe (the "Tribe") and the United States filed a status report in this matter. Based upon review of the Status Report, counsel for the Walker River Irrigation District (the "District") concluded that there is no common understanding as to what information was required at this time in order to identify, name and serve the counter-defendants as required by the Case Management Order.

From the recent Status Report of the United States and the Tribe, it appears that the United States and the Tribe believe it is necessary to categorize the counter-defendants by the categories referenced in the Case Management Order and to presently determine the nature and extent of the water rights of each. In at least one place, they assert that the "identification of water rights claimed by each potential party is essential to be able to track changes in parties over time." Dec. 18, 2000 Status Report at 17. That statement suggested to the District that if the procedures for dealing with changes in ownership could be decided now, the parties, in particular the Tribe and the United States, could better determine whether it was necessary to categorize the counter-defendants by the categories referenced in the Case Management Order and to determine the nature and extent of each of their water rights.

As a result of the December 21, 2000 status conference the Court has directed the parties to address two issues: (1) the procedure for recording notices of lis pendens; and (2) the extent to which it is necessary to identify the counter-defendants by categories referred to in the Case Management Order and to determine the nature and extent of their water rights. Jan. 11, 2001 Minute Order (Doc. 131).

II. The Court Should Adopt The Procedures Of Nevada And California Law For Recording Notices Of Lis Pendens Here.

A. Introduction.

The Case Management Order provides that "procedures for recording of Notices of Lis Pendens will be determined by the Magistrate Judge by order." Case Management Order (Doc. 108) at pg. 6, lns. 17-19. In addition, 28 U.S.C. § 1964 provides:

> Where the law of a State requires a notice of an action concerning real property pending in a court of the State to be registered, recorded, docketed, or indexed in

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> a particular manner, or in a certain office or county or parish in order to give constructive notice of the action as it relates to the real property, and such law authorizes a notice of an action concerning real property pending in a United States district court to be registered, recorded, docketed, or indexed in the same manner, or in the same place, those requirements of the State law must be complied with in order to give constructive notice of such an action pending in a United States district court as it relates to real property in such State.

Under that statute, parties in a federal court action concerning real property which is located in a state which has a lis pendens statute must comply with the state statute in order to give constructive notice of the federal court action. *Winkler v. Andrus*, 614 F.2d 707, 712 (10th Cir. 1980); *Geiger v. Espy*, 885 F. Supp. 231, 233 (D.Ks. 1995).

Here both Nevada and California law authorize a notice of such an action pending in a United States District Court. *See,* NRS § 14.010(2); Cal. Code Civ. P. § 405.5. Under Nevada and California law a properly filed or recorded notice of lis pendens is constructive notice to a subsequent purchaser, encumbrancer or other transferee of the noticed action from the time of filing or recording. *See* NRS § 14.010(3); Cal. Code of Civ. P. § 405.24.

In other words such a purchaser, encumbrancer or transferee will be bound by a subsequent judgment in the action. *See Goldstein v. Ray*, 173 Cal. Rptr. 550, 552 (Cal. App. 1981). Compliance with these procedures seems to obviate the need to track changes in ownership and to substitute new owners as parties.

B. The Claims Of The Tribe And The United States Here Affect Title To Or The Right To Possession Of Real Property Within The Meaning Of The California And Nevada Statutes.

The lis pendens statutes of Nevada and California apply to actions affecting the title to or possession of real property. *See* NRS § 14.010(1); Cal. Code Civ. P. § 405.4. Under both Nevada and California law water rights are considered appurtenances to real property and are treated as real property. *See* Cal. Civ. Code §§ 658; 662; *Standart v. Round Valley Water Co., 19 P. 689 (Cal. 1888); Zolezzi v. Jackson*, 72 Nev. 150, 154, 297 P.2d 1081 (1956); *Dermody v. Reno*, 113 Nev. 207, 212, 931 P.2d 1354 (1997). The Tribal Claims in effect seek to establish rights to possess water from a common res, *i.e.* the Walker River, on the basis of

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priority. Therefore, the Tribal Claims will affect the rights of counter-defendants to possess water from that common res and are actions affecting the right to possession of real property.

No Nevada or California case has been found which holds that the relevant statutes do apply to claims to water like the Tribal Claims here. However, the Nevada lis pendens procedure was followed in the action entitled "*United States of America and Pyramid Lake Paiute Tribe of Indians v. Truckee-Carson Irrigation District*," in the United States District Court for the District of Nevada, Civil No. R-2987 JBA (the "Truckee River Action"). That action involved over 17,000 named defendants. In that action the United States and the Pyramid Tribe sought water for the Pyramid Lake Indian Reservation in addition to water which had been awarded in an earlier action. There, like here, the defendants were parties who owned land with appurtenant water rights which had been previously adjudicated by a decree entered by this Court. There, like here, the effort was to establish a right to possess water from a common source.

C. In Order To Comply With The Nevada And California Lis Pendens Statutes It Is Not Necessary To Categorize The Defendants By The Case Management Order Categories Or To Determine The Nature And Extent Of Their Water Rights.

The Nevada and California statutes require that a notice of lis pendens include the names of the parties to the action and a description of the property affected. *See* NRS 14.010(1); Cal. Code Civ. P. § 405.20. Nevada law also requires that the notice state the "object of the action." NRS § 14.010(1).

The Truckee River Action provides an example of how these three statutory requirements may be satisfied here. With respect to the object of the action, each lis pendens in the Truckee River Action stated:

> The object of said action is to determine and adjudicate the rights of the United States of America and the Pyramid Lake Paiute Tribe of Indians to the use of the waters of the Truckee River and its tributaries in the State of Nevada. Included within the rights for which judicial recognition is sought is the right for the maintenance and preservation of Pyramid Lake.

See Excerpts from Truckee River Action Lis Pendens attached hereto as Exhibits 1 and 2. With respect to the names of the parties, each lis pendens stated:

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> NOTICE IS HEREBY GIVEN that the above-entitled action concerning and affecting title to real property was commenced on December 21, 1973 in the above-entitled court by the above-named plaintiff against the defendants named in Exhibit A, which is attached hereto and made a part hereof, and said action is now pending in said court.

Id.

The description of the property affected was handled in slightly different ways in Washoe and Storey Counties. In each county, each lis pendens had three exhibits. Exhibit A included the name of each defendant along with a description of real property owned by that defendant (Storey County), or in the alternative, the assessor's parcel number owned by that defendant (Washoe County). Exhibit B was a general description of all of the real property involved in the action. Finally, Exhibit C was a map depicting the real property affected by the action. *See* Exhibits 1 and 2 attached hereto. Admittedly, in the Truckee River Action, all of the defendants were holders of surface water rights. Groundwater was not an issue there. However, each lis pendens said nothing at all about the water rights of the defendants.

Here, to the extent anything is included about water rights, it seems that the introductory language to the notice could include the following or similar language:

> Notice is hereby given that the above-entitled action concerning and affecting surface and/or underground water rights appurtenant to real property was commenced on March 18, 1992 and October 22, 1992.

The description of the real property portion of the notice could include the following or similar language:

> The surface and/or underground water rights affected by said action are appurtenant to the part of Lyon County, Nevada, which is described in Exhibit B, which is attached hereto and made a part hereof, and which is depicted on the maps which accompany this instrument, dated _____, identified as Exhibit C, and made a part hereof.

There does not seem to be any need to categorize the defendants or to describe the nature and extent of their water rights for purposes of either the Nevada or California statute. The previous California statute, which was nearly identical to the present Nevada statute and which is not materially different from the present California statute, was construed to give constructive notice of all facts apparent on the face of the pleadings and of those other facts of

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which the facts so stated necessarily put a purchaser on inquiry. *See, West Inv. Co. v. Moorhead*, 262 P.2d 322 (1953); *Harris v. Whittier Bldg. & Loan Ass'n*, 63 P.2d 840 (1937). The general statements suggested above should be sufficient to require a transferee to inquire about the nature of the water rights appurtenant to the land, if that information is material at all. In other words, the failure to specifically describe the nature and extent of a particular water right in a notice would not render the notice defective, because if that information is significant there is enough information in the notice to require a transferee to inquire about it.

D. The Procedure To Be Followed In Recording And Serving The Notices Are Not Onerous In Light Of The Benefits Achieved.

A properly filed notice of lis pendens, which is constructive notice from the time it is filed or recorded, serves two purposes here. First, once recorded it will be constructive notice to a transferee, even if the change in ownership occurs before the original transferor is served. It will eliminate the moving target problem which exists before service is complete. Second, it will insure that transferees are bound by the final judgment, even if they are not named or substituted as counter-defendants.

Under Nevada law, the notice must be recorded and indexed in the county where the real property is located. NRS § 14.010(1). There will be fees associated with that recording and indexing. At present those fees appear to include $7.00 for the first page and $1.00 for each additional page. In addition, each name will likely need to be separately indexed at a charge of $3.00 each. *See* NRS 247.305. However, that indexing fee may be reduced by ½ if the document meets certain standards for indexing by a device which reads characters by an optical process. *See* NRS § 247.307.

Under California law the notice must also be recorded in the county where the property is located. Cal. Code Civ. P. § 405.20. However, before it may be recorded a copy of it must be sent by registered or certified mail to all known addresses of the adverse parties and owners of record of the affected real property as shown by the latest county assessment roll. Cal. Code Civ. P. § 405.22. Proof of that service must be recorded with the notice of pendency of action. Cal. Code of Civ. P. § 405.23.

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There will also be fees associated with recording and indexing in California. Those fees seem to be $4.00 for the first page and $3.00 for each additional page. *See,* Cal. Govt. Code § 27361. In addition, to the extent that each name must be indexed, the charge appears to be $1.00 for each group of 10 names. *See,* Cal Govt. Code § 27361.8.

In light of the provisions of 28 U.S.C § 1964 and the benefits to be obtained here, the existence of these fees cannot form a basis for not complying with the relevant Nevada and California law. 28 U.S.C. § 1964 is explicit and direct in saying that "in order to give constructive notice" of the Tribal Claims, the "requirements of State law must be complied with."

III. It Is Not Presently Necessary To Categorize Each Counter-Defendant By The Categories In The Case Management Order Or To Determine The Nature And Extent Of Their Water Rights.

As has been established above, there is no need to categorize the counter-defendants or to determine the nature and extent of their water rights for purposes of complying with Nevada's and California's lis pendens procedure. The District knows of no other reason to obtain that information prior to service of process. If such information ever becomes important in connection with the Tribal Claims, it is likely that it will be after the threshold issue stage of the proceedings. At that time it could be obtained by appropriate discovery.

Because of the expansion of this litigation to include groundwater, the work of identifying the required counter-defendants may in some ways be more simple than when the litigation involved only surface water, particularly in Nevada. With the exception of the unexplained omission of domestic users of underground water within the East Walker sub basin in Nevada, the Case Management Order essentially requires joinder of every person or entity with a water right, surface or underground, within the Walker River Basin in Nevada. Because there is limited urban development within the Walker River Basin in Nevada and except possibly for persons residing within the cities of Yerington and Hawthorne and within Topaz Ranch Estates, logic suggests that most landowners with a residence on their property within the Walker River Basin in Nevada in Lyon, Douglas, Churchill and Mineral Counties are likely

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to at least have a domestic well on that property. Many such landowners may also have rights to underground water for irrigation and rights to surface water.

If the object of the endeavor at this time is to name and serve the counter-defendants required to be named and served by the Case Management Order and to obtain sufficient information to satisfy applicable notice of pendency of action statutes, the effort might begin with an approach which produces the most inclusive identification of such counter-defendants. The Assessor's offices in Lyon, Douglas, Churchill and Mineral Counties might have the ability to indirectly provide such an inclusive list of owners of land within the Walker River Basin in Nevada. Although none of them will likely have a computer generated assessment roll which can sort by the "Walker River Basin", they may have a roll which can sort by tax district, which with some research can be limited to those tax district's within the Walker River Basin. Those offices may also be able to provide assistance in determining whether such property is or is not within the city of Yerington, the city of Hawthorne, or Topaz Ranch Estates *i.e.* areas which may receive domestic water service from sources other than domestic wells. In addition, those offices may be able to provide information on whether a parcel has improvements located thereon, including residences and wells. Those offices can provide assessor parcel numbers.

A process like this would produce an inclusive identification of potential counter-defendants. In Nevada at least, this identification could then be compared to the Assessment Roll of the District and to information obtained from the State of Nevada Division of Water Resources to ensure that persons or entities identified through those processes have not been excluded. To the extent that this process results in the inclusion of persons or entities who have no water rights, including no right to underground water for domestic use, such persons once served could file a disclaimer of any interest in the litigation and be promptly dismissed from it.

A process like this should also produce information sufficient to comply with applicable notice of pendency of action statutes. It will provide assessor parcel numbers. Someone within the Justice Department or the Department of Interior should be able to describe the Walker River Basin and produce a general map of the area.

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Unless and until the Court addresses the procedures for recording notices of pendency of action, there will be no common understanding of what information is required at this time. Without that common understanding, the process of identifying, naming and serving the counter-defendants will be extended unnecessarily.

Dated this 12th day of February, 2001.

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By: Gordon H. DePaoli

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EXHIBIT NUMBER

1

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U. S. DISTRICT COURT
DISTRICT OF NEVADA
FILED
DEC 2 1974
JOHN A. PORTER, Clerk
BY [signature] DEPUTY

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA, Plaintiff, and PYRAMID LAKE PAIUTE TRIBE OF INDIANS, Plaintiff-Intervenor, v. TRUCKEE-CARSON IRRIGATION DISTRICT, et. al., Defendants.	Civil No. R-2987 JBA

LIS PENDENS

NOTICE IS HEREBY GIVEN that the above-entitled action concerning and affecting title to real property was commenced on December 21, 1973, in the above-entitled court by the above-named plaintiff against the defendants named in Exhibit A, which is attached hereto and made a part hereof, and said action is now pending in said court.

The object of said action is to determine and adjudicate the rights of the United States of America and the Pyramid Lake Paiute Tribe of Indians to the use of the waters of the Truckee River and its tributaries in the State of Nevada. Included within the rights for which judicial recognition is sought is the right to water for the maintenance and

Exhibit 1

V 137

preservation of Pyramid Lake.

The real property affected by said action is situated in part in Storey County, Nevada, and is described in Exhibit B, which is attached hereto and made a part hereof, and is depicted on the maps which accompany this instrument, dated October 18, 1974, identified as Exhibit C, and made a part hereof.

Dated: December 2, 1974

V. DeVOE HEATON
United States Attorney

By E. Pierre Gezelin
E. PIERRE GEZELIN
Assistant United States Attorney

Subscribed and sworn to before me this 2nd day of December, 1974

Jeanne W. Mulcahy
Notary Public in and for the County of Washoe State of Nevada

JEANNE W. MULCAHY
Notary Public - State of Nevada
Washoe County
My Commission Expires Nov. 23, 1978

Conforte, Joseph	Sec. 15 of T19 N, R21E: Fr. N½ of Ne ¼; NE¼ of NW¼, ex RR R/W
	Sec. 10 of T19N, R21E: NE¼ pf SE¼; S½ of SE¼
	Sec. 11, T19N, R21E: Fr. S½ of NW¼; NW¼ of SW¼; NE¼ of SW¼; SW¼ of SW¼
Crosby, Janet	Sec. 3, T20N, R24E: Triangular Ptn, SW¼ of SW¼ of SW¼ of SW¼
	Sec. 4, T20N, R24E: Triangular Ptn. SW¼ of SW¼ of SW¼ of SE¼
	Sec. 9, T20N, R24E: Fr. N½ of NE¼; SE¼ of NW¼
Crosby, Terry	Sec. 3, T20N, R24E: Triangular Ptn. SW¼ of SW¼ of SW¼ of SW¼
	Sec. 4, T20N, R24E: Triangular Ptn. SW¼ of SW¼ of SW¼ of SE¼
	Sec. 9, T20N, R24E: Fr. N½ of NE¼; SE¼ of NW¼
Ferretto, Lisa	Sec. 21. T20N, R23E: Ptn. in SE¼ of NE¼ of SE¼
Ferretto, Pete	Sec. 21, T20N, R23E: Ptn. in SE¼ of NE¼ of SE¼
Fisk, Robert	Sec. 3, T20N, R24E: ptn, NW¼ of SW¼
Fisk, Walter	Sec. 3, T20N, R24E: Ptn, NW¼ of SW¼
Fisk, Warren	Sec. 3, T20N, R24E: Ptn. NW¼ of SW¼
Hutton, Agnes	Sec. 21, T20N, R23E: Fr. in SW¼ of NE¼
Hutton, Ernest	Sec. 21, T20N, R23E: Fr. in SW¼ of NE¼

EXHIBIT A

Manha, Fred G.	Sec. 16, T19N, R21E: Fr. NW¼ of SW¼: NE¼ of SE¼ SW¼ of SW¼ ex 18.13 acres
	Sec. 17, T19N, R21E: Fr. E½ of SE¼: SW¼ of SE¼: SE¼ of SW¼
Manha, Jose A.	Sec. 16, T19N, R21E: Fr. NW¼ of SW¼: NE¼ of SE¼: SW¼ of SW¼ ex 18.13 acres
	Sec. 17, T19N, R21E: Fr. E½ of SE¼: SW¼ of SE¼: SE¼ of SW¼
McCarren, Sister Mary Margaret	Sec. 1, T19N, R21E: Fr. NE¼: S½ of NW¼: NW¼ of SW¼
	Sec. 6, T20N, R22E: Fr. S½ of NW¼: SW¼ of NE¼: SE¼ of NE¼: NE¼ of SW¼, Lots 1, 2, 3, 4, 6.
Peri, James	Sec. 16, T19N, R21E: SW¼ of SE¼
	Sec. 15, T19N, R21E: SW¼ of SW¼: SW¼ of NE¼ and Ptn N½ of SW¼ laying south of the Truckee River
Peri, Joseph	Sec. 16, T19N, R21E: SW¼ of SE¼
	Sec. 15, T19N, R21E: SW¼ of SW¼: SW¼ of NE¼ and ptn N½ of SW¼ laying south of the Truckee River
Slattery, Kathryn	Sec. 21, T20N, R23E: SE¼ of NW¼: S½ of NE¼ of SE¼ ex 11 a. lying S and W of canal
Weaver, Henry O.	Sec. 14, T20N, R23E: S½ of SE¼
	Sec. 13, T20N, R23E: Ptn. Co. SE¼: S½ of SW¼

All those parcels of land in Storey County, State of Nevada the perimeters of which are depicted on the drawing labeled United States of America v. Truckee Carson Irrigation District et.al., Civil No. R-2987 JBA, U.S.D.C. Nevada, Washoe and Storey Counties attached hereto and made a part hereof, said parcels being more particularly described as follows:

T. 19 N., R. 21 E., Mount Diablo Base & Meridian

Section	1:	SE¼NE¼
Section	10:	S½SE¼
Section	11:	W½SW¼
Section	11:	SW¼NW¼
Section	15:	NE¼NW¼
Section	15:	N½NE¼
Section	15:	N½SW¼
Section	15:	SW¼SW¼
Section	16:	S½
Section	17:	S½S½

T. 19 N., R. 22 E., M.D.B. & M.

Section	6:	S½N½
Section	6:	N½NE¼

T. 20 N., R. 22E., M.D.B. & M.

Section	28:	S½SW¼
Section	32:	S½N½
Section	32:	N½NE¼
Section	32:	NE¼NW¼
Section	33:	NW¼NE¼
Section	33:	S½NE¼

T. 20 N., R. 23 E., M.D.B. & M.

Section	13:	NW¼SE¼
Section	13:	S½S½
Section	14:	S½SE¼
Section	21:	S½N½
Section	23:	NE¼NE¼

T. 20 N., R. 24 E., M.D.B. & M.

Section	3:	S½NW¼
Section	3:	N½SW¼
Section	9:	N½NE¼
Section	9:	SW¼NE¼
Section	9:	S½NW¼

EXHIBIT B

UNITED STATES OF AMERICA
Plaintiff

PYRAMID TRIBE OF INDIANS,
Plaintiff-Intervenor

vs.

TRUCKEE-CARSON IRRIGATION DISTRICT, ET ALS,
Defendants

EXHIBITS C

Map Attachment to LIS PENDENS - Storey County

FILED: December 2, 1974

EXHIBIT NUMBER

2

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Attorneys for Plaintiff

U. S. DISTRICT COURT
DISTRICT OF NEVADA
FILED
1974
JOHN A. PORTER, Clerk
BY _____ DEPUTY

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA, Plaintiff, and PYRAMID LAKE PAIUTE TRIBE OF INDIANS, Plaintiff-Intervenor, v. TRUCKEE-CARSON IRRIGATION DISTRICT, et. al., Defendants.	Civil No. R-2987 JBA

LIS PENDENS

NOTICE IS HEREBY GIVEN that the above-entitled action concerning and affecting title to real property was commenced on December 21, 1973, in the above-entitled court by the above-named plaintiff against the defendants named in Exhibit A, which is attached hereto and made a part hereof, and said action is now pending in said court.

The object of said action is to determine and adjudicate the rights of the United States of America and the Pyramid Lake Paiute Tribe of Indians to the use of the waters of the Truckee River and its tributaries in the State of Nevada. Included within the rights for which judicial recognition is sought is the right to water for the maintenance and

Exhibit 2

preservation of Pyramid Lake.

The real property affected by said action is situated in part in Washoe County, Nevada, and is described in Exhibit B, which is attached hereto and made a part hereof, and is depicted on the maps which accompany this instrument, dated October 18, 1974, identified as Exhibit C, and made a part hereof.

Dated: December, 1974.

V. DeVOE HEATON
United States Attorney

By E. Pierre Gezelin
E. PIERRE GEZELIN
Assistant United States Attorney

Subscribed and sworn to before me this 2nd day of December, 1974.

Jeanne W. Mulcahy
Notary Public in and for the County of Washoe State of Nevada

JEANNE W. MULCAHY
Notary Public State of Nevada
Washoe County
My Commission Expires Nov. 23, 1974

A. B. S. Land Company	034-093-02
	034-093-03
A. R. C. Mfg. Corp.	019-032-05
Aas, Leila L.	025-100-23
Aas, Oscar T.	025-100-23
Abbay, Laura A.	033-161-34
Abbey, Dewey W.	026-255-06
Abbey, Patsy J.	026-255-06
Abbott, Eleanor	
Abbott, Elizabeth M.	025-030-30
Abbott, S. F.	
Abbott, Thomas F.	025-030-30
Abernathy, Bobby Oscar	033-022-28
Abernathy, Sharon L.	033-022-28
Abernathy, Valerie F.	016-016-05
Aboud, Betty J.	009-040-07
Aboud, Michael	009-040-07
Ackerman, Bruce L.	016-050-03
Ackerman, Glen R.	033-121-28
Ackerman, La Donna D.	016-050-03
Ackerman, Margaret I.	033-121-28
Acres, Garvel	008-075-12
Acuna, Ruthellen	033-061-34
Adam, Kay F.	007-054-06
Adam, Robert E.	007-057-06
Adams, Alice M.	019-022-05
Adams, Ernest A.	007-031-04
Adams, Eva B.	019-131-12
Adams, Frank T.	019-091-01
Adams, Harrison G.	018-017-09
Adams, Irma	
Adams, J. C.	
Adams, John E.	025-422-03
Adams, La Prelle J.	019-152-19
Adams, Marguerite S.	025-422-03
Adams, Martha B.	019-091-01
Adams, Mary Jane	019-052-18
Adams, Muriel S.	007-031-04
Adams, N. D.	019-052-18
Adams, Ola Mae	018-017-09
Adams, Patricia A.	245-295-07
Adams, Patricia C.	031-262-14
	031-262-15
	003-150-12
Adams, Quentin W.	031-262-14
	031-262-15
	003-150-12
Adams, Richard B.	
Adams, Robert E.	026-441-11
Adams, Robert T.	
Adams, Roy R.	245-295-07
Adams, Russell E.	019-152-19
Adams, Sally Patterson	030-250-62
Adams, Velma	
Adamson, Madeline H.	034-140-59
Adamson, Richard H.	034-140-59
Add Inc.	003-152-26
Addis, James et al	004-063-14
Addison, Charlene	009-232-26
Addison, Marshall S.	009-232-26
Adicks, Florence I.	013-142-04
Adicks, John H.	013-142-04

EXHIBIT A

Adlish, John J.	040-532-09
Adlish, Pearl M.	040-532-09
Aerolite Chrome Corporation	040-303-03
Affleck, Benjamin	040-162-13
Affleck, Gloria P.	040-162-13
Africa, Pamela	033-201-17
Africa, Timothy	033-201-17
Agerton, Dorothy M.	038-110-03
	038-110-06
Agerton, James A.	038-110-03
	038-110-06
Agerton, Steven L.	003-061-10
Agerton, Trula E.	033-061-10
Agnew, Melvin T.	023-194-05
Ahlberg, Richard R.	025-030-55
Aiken, Fred C.	004-333-01
Aiken, Margaret R.	004-333-01
Ainsworth, Evelyn B.	028-060-07
Ainsworth, Thomas C.	028-060-07
Airoso, Emily	020-031-26
Airoso, Joe	020-031-26
Airport Properties, Inc.	020-182-10
Aitken, Mattie	050-234-06
Al-Air Inc.	024-020-05
Alastuey, Rene	040-302-02
Albares, Louis J.	010-252-19
Albares, Valerie	010-252-19
Albers, Alice C.	023-330-07
Alberti, John F.	010-263-17
Alberti, Nan L.	010-263-17
Albertson, Lorene	020-121-09
Albiniano, Barbara G.	004-193-15
Albiniano, Victor	004-193-15
Albright, Harold G.	010-282-25
Albright, Sherry K.	010-282-25
Alcorn, Albert A.	025-100-08
Alcorn, Glenda M.	025-100-08
Aldige, Eva M.	010-361-49
	010-361-50
Alexander, Clair H.	019-192-13
Alexander, Donald G.	025-243-02
Alexander, Fannie E.	025-243-02
Alexander, Lucille O.	019-192-13
Alford, Eleanore L.	007-033-08
Alger, Laurel J.	013-061-39
Alger, Norman S.	013-061-39
Allaback, Patricia J.	024-091-05
Allaback, W. Glenn	024-091-05
Allard, Dorothy R.	020-351-05
Allard, Fred	028-351-04
Allard, John	025-392-04
Allard, Lawrence V.	020-351-06
Allard, Louis Edmond	020-351-05
Allard, Mary E.	027-241-10
Allard, Mary E.	028-250-04
	028-250-10
Allard, Mary Lou	028-351-04
Allard, Pearl V.	025-392-04
Allard, Wanda J.	020-351-06
Allen, Betty L.	019-031-13
Allen C. M.	
Allen, Charles W.	014-243-03

Allen, Charlotte N.	033-201-15
Allen Company, Inc., The	019-303-25
Allen, Craig L.	016-231-03
Allen, Dorothy E.	019-181-01
Allen, Floyd Edward C.	010-253-18
Allen, Georgia G.	016-231-03
Allen, Grace D.	014-243-03
Allen, Hugh, Jr.	019-181-01
Allen, Jud	019-031-13
Allen, L. B.	
Allen, Marcelle D.	027-392-09
Allen, Margie N.	008-092-23
Allen, Patricia A.	010-253-18
Allen, Rex H. F.	
Allen, Robert B.	027-392-09
Allen, R. R.	
Allen, William I.	033-062-24
All Faith Spiritua Center	025-411-05
Home Gardens Church of Nazarene U/C	
Alley, Judith C.	020-292-18
Allingham, Thomas H.	010-321-21
Allingham, Wilma C.	010-321-21
Allison, Carole L.	024-093-08
Allison, David J.	024-093-08
Allison, Edward E.	019-162-20
Allison, Esther	024-091-01
Allison, Jack W.	024-093-13
Allison, Joann T.	018-162-20
Allison, Joseph M.	045-296-01
Allison, Martha	045-296-01
Allison, Okal M.	027-322-09
Allison, Robert E.	024-091-01
Allison, Samuel K.	027-322-09
Allport, F. William	025-030-07
Allport, Marie A.	025-030-07
Alonso, Alfredo	018-090-22
Alonso, Joseph M.	040-372-01
Alonso, Marie L.	018-090-22
Alonso, Nancy	040-372-01
Altenburg, Elaine M.	027-323-07
Altenburg, F. Giles	027-323-07
Altman, Alice J.	025-413-02
Altman, Richard A.	025-413-02
Alvarado, Joseph	015-112-05
Amaral, Anita N.	033-062-15
Amaral, Ann M.	
Ambrose, Elizabeth A.	009-263-04
American Investments, Ltd.	015-281-49
American Savings & Loan Assoc.	025-253-05
Ames, Esther L.	045-294-12
	045-295-08
Ames, Orval C.	045-294-12
	045-295-08
Amesbury Enterprises	015-111-05
Amesbury, Stephen C.	019-360-02
Amestoy, Alfred D.	033-121-31
Amestoy, Alfred L.	018-012-02
Amestoy, Ann A.	033-121-31
Amick, Bill	024-072-03
Ammon, Theodore J.	015-281-33

Ammon, Tommie L.	015-281-33
Anagnostou, John N.	006-075-13
Anagnostou, Malamo K.	006-075-13
Anctil, Elsbeth Ann	019-074-17
Anctil, Ralph J.	019-074-17
Andersen, Cruz M.	055-051-06
Andersen, Elaine M.	033-071-13
Andersen, Gordon R.	055-051-06
Andersen, Holger J.	033-061-25
Andersen, Julius T.	033-071-13
Andersen, Margaret A.	033-061-25
Anderson, Andrew E.	020-011-12
Fanning, Gerald U/C	
Anderson, Anne L.	023-152-04
Anderson, Arthur G.	025-090-29
Anderson, Arvie J.	028-294-06
Anderson, Audrey K.	025-090-29
Anderson, Barbara M.	014-226-14
	014-226-13
Anderson, Bernard A. W.	002-292-21
	002-292-22
Anderson, Birdie S.	018-012-14
Anderson, Blair V.	014-226-14
	014-226-13
Anderson, Carl J.	006-073-04
Anderson, Celia Rose	010-081-17
Anderson, Cora A.	025-090-22
Anderson, Dolores	018-017-02
Anderson, Donald D.	019-191-10
	019-191-11
Anderson, Donald J.	025-422-04
Anderson, Donna L.	025-391-01
Anderson, Dorothy D.	028-294-06
Anderson, Ella K. N.	014-192-14
Anderson, Fred M.	023-152-04
Anderson, Fred V.	018-017-02
Anderson, Fritz F.	023-193-15
Anderson, Gary M.	033-122-26
Anderson, Gilbert H.	040-350-42
	040-293-02
	040-293-01
Anderson, Glenn S.	004-191-08
Anderson, Grace A.	019-191-10
	019-191-11
Anderson, Grace E.	006-073-04
Anderson, Lois B.	025-432-02
Anderson, Mable A.	007-032-20
Anderson, Marcella M.	002-292-21
	002-292-22
Anderson, Margaret G.	040-350-42
	040-293-02
	040-293-01
Anderson, Marie J.	031-123-08
Anderson, Maxine	
Anderson, Opal	004-191-08
Anderson, Orville W.	007-032-20
Anderson, Pauline C.	024-062-08
Anderson, Raymond F.	024-062-08
Anderson, Rita	023-193-15

All those parcels of land in Washoe County, State of Nevada, the perimeters of which are depicted on the drawing labeled United States of America v. Truckee Carson Irrigation District et. al., Civil No. R-2987 JBA, U.S.D.C. Nevada, Washoe and Storey Counties attached hereto and made a part hereof, said parcels being more particularly described as follows:

T. 16N., R.19E., Mount Diablo Base & Meridian

Section	1:	all	Section	19:	E½SE¼
Section	2:	all	Section	20:	W½
Section	3:	all	Section	21:	E½E½
Section	4:	S½SE¼	Section	22:	all
Section	5:	E½	Section	23:	all
Section	5:	E½W½	Section	24:	all
Section	7:	SE¼SE¼	Section	25:	N½
Section	8:	NW¼NE¼	Section	25:	SW¼
Section	8:	W½	Section	25:	NW¼SE¼
Section	9:	N½NE¼	Section	26:	E½
Section	9:	SE¼SE¼	Section	26:	N½NW¼
Section	10:	all	Section	27:	N½N½
Section	11:	all	Section	28:	NE¼NE¼
Section	12:	all	Section	29:	all
Section	13:	all	Section	30:	E½E½
Section	14:	all	Section	31:	E½NE¼
Section	15:	all	Section	31:	NE¼SE¼
Section	16:	E½E½	Section	32:	NW¼
Section	17:	W½	Section	32:	N½SW¼
Section	18:	NE¼NE¼	Section	35:	NE¼
Section	18:	S½NE¼	Section	36:	N½NW¼
Section	18:	SE¼	Section	36:	SW¼NW¼
Section	19:	NE¼			

T. 16N., R.20E., M.D.B. & M.

Section	7:	all	Section	19:	N½SE¼
Section	17:	W½W½	Section	19:	SW¼SE¼
Section	18:	all	Section	20:	W½NW¼
Section	19:	N½	Section	20:	NW¼SW¼
Section	19:	SW¼	Section	30:	NW¼NW¼

T. 17N., R.18E., M.D.B. & M.

Section	25:	NE¼SW¼	Section	26:	S½S½
Section	25:	S½SW¼	Section	35:	E½E½
Section	25:	SE¼	Section	36:	N½

T. 17N., R.19E. M.D.B. & M.

Section	1:	NW¼SW¼	Section	13:	SE¼NE¼
Section	2:	S½	Section	13:	N½SE¼
Section	11:	N½NE¼	Section	14:	W½SW¼
Section	11:	SE¼NE¼	Section	15:	E½SE¼
Section	12:	W½NW¼	Section	23:	all
Section	12:	NW¼SW¼	Section	24:	all

EXHIBIT B

T. 17N., R. 19E., M.D.B. & M. (cont.)

Section	25:	all	Section	32:	N½S½
Section	26:	all	Section	33:	NW¼SW¼
Section	27:	E½	Section	34:	E½
Section	31:	N½	Section	34:	E½SW¼
Section	32:	SW¼NE¼	Section	35:	all
Section	32:	S½NW¼	Section	36:	all

T. 17N., R.20E., M.D.B. & M.

Section	3:	W½NW¼	Section	7:	S½
Section	3:	NW¼SW¼	Section	8:	NE¼NW¼
Section	4:	all	Section	8:	W½NW¼
Section	5:	NE¼SE¼	Section	8:	NW¼SW¼
Section	5:	S½SE¼	Section	9:	N½NW¼
Section	7:	NE¼	Section	18:	NW¼NE¼
Section	7:	E½NW¼	Section	18:	N½NW¼

T. 18N., R. 19E., M.D.B. & M.

Section	1:	all	Section	4:	E½NE¼
Section	2:	E½	Section	4:	NE¼SE¼
Section	2:	NE¼NW¼	Section	10:	NE¼NE¼
Section	2:	S½SW¼	Section	11:	N½
Section	3:	SW¼NE¼	Section	11:	N½SE¼
Section	3:	NW¼	Section	12:	all
Section	3:	NW¼SE¼	Section	13:	NE¼
Section	3:	SE¼SE¼	Section	13:	NE¼SE¼

T. 18N., R.20E., M.D.B. & M.

Section	3:	NW¼NE¼	Section	18:	E½SE¼
Section	3:	W½	Section	19:	E½NE¼
Section	3:	NW¼SE¼	Section	19:	SW¼NE¼
Section	3:	S½SE¼	Section	19:	N½SE¼
Section	4:	NE¼NE¼	Section	20:	N½
Section	4:	S½NE¼	Section	20:	N½S½
Section	4:	E½NW¼	Section	20:	SE¼SW¼
Section	4:	S½	Section	20:	SW¼SE¼
Section	5:	S½NE¼	Section	21:	N½
Section	5:	NW¼	Section	21:	N½SW¼
Section	5:	S½	Section	21:	SW¼SW¼
Section	6:	all	Section	21:	SE¼
Section	7:	all	Section	22:	NE¼NE¼
Section	8:	all	Section	22:	W½E½
Section	9:	all	Section	22:	W½
Section	10:	all	Section	22:	NE¼SE¼
Section	14:	W½SW¼	Section	23:	NW¼NW¼
Section	15:	all	Section	27:	N½NW¼
Section	16:	N½	Section	28:	N½NE¼
Section	16:	SW¼	Section	28:	SW¼NE¼
Section	16:	W½SE¼	Section	29:	NW¼NE¼
Section	17:	all	Section	29:	NW¼
Section	18:	N½	Section	33:	SE¼SW¼
Section	18:	N½SW¼	Section	33:	SE¼
Section	18:	SE¼SW¼			

T. 19N., R. 18E., M.D.B. & M.

Section	7:	S½NE¼	Section	14:	W½SE¼
Section	7:	SE¼	Section	15:	SW¼
Section	8:	S½NW¼	Section	15:	S½SE¼
Section	8:	S½	Section	16:	W½NE¼
Section	9:	SW¼	Section	16:	SE¼NE¼
Section	9:	W½SE¼	Section	16:	NW¼
Section	11:	SE¼SW¼	Section	16:	N½SW¼
Section	11:	S½SE¼	Section	16:	SE¼
Section	13:	NW¼NW¼	Section	17:	NE¼
Section	13:	S½NW¼	Section	17:	NE¼NW¼
Section	13:	E½SW¼	Section	17:	W½NW¼
Section	13:	SE¼	Section	18:	E½
Section	14:	NE¼	Section	19:	E½E½
Section	14:	E½NW¼	Section	20:	W½W½
Section	14:	SW¼	Section	29:	NW¼NW¼

T. 19N., R. 19E., M.D.B. & M.

Section	1:	all	Section	17:	SE¼NW¼
Section	2:	N½	Section	17:	S½
Section	2:	N½S½	Section	18:	S½
Section	2:	SE¼SW¼	Section	19:	N½NW¼
Section	2:	S½SE¼	Section	20:	NE¼
Section	3:	NE¼	Section	20:	E½NW¼
Section	3:	S½NW¼	Section	20:	NW¼NW¼
Section	3:	S½	Section	21:	N½N½
Section	4:	SE¼SE¼	Section	22:	N½N½
Section	9:	E½NE¼	Section	22:	SE¼NE¼
Section	9:	E½SW¼	Section	22:	SE¼NW¼
Section	9:	SE¼	Section	22:	SW¼
Section	10:	all	Section	22:	E½SE¼
Section	11:	NW¼NW¼	Section	23:	all
Section	12:	E½	Section	24:	all
Section	12:	E½SW¼	Section	25:	all
Section	12:	SW¼SW¼	Section	26:	E½
Section	13:	NE¼	Section	26:	E½NW¼
Section	13:	E½NW¼	Section	26:	NE¼SW¼
Section	13:	S½	Section	26:	S½SW¼
Section	14:	W½E½	Section	27:	SE¼SE¼
Section	14:	SE¼NE¼	Section	33:	SE¼SE¼
Section	14:	W½	Section	34:	E½NE¼
Section	14:	SE¼SE¼	Section	34:	NW¼SW¼
Section	15:	all	Section	34:	S½SW¼
Section	16:	all	Section	34:	SE¼
Section	17:	NE¼NE¼	Section	35:	all
Section	17:	S½NE¼	Section	36:	all

T. 19N., R. 20E., M.D.B. & M.

Section	2:	NE¼	Section	5:	SW¼SW¼
Section	2:	W½	Section	6:	all
Section	2:	W½SE¼	Section	7:	all
Section	3:	all	Section	8:	S½NE¼
Section	4:	all	Section	8:	NW¼
Section	5:	E½	Section	8:	S½
Section	5:	N½NW¼	Section	9:	NE¼

T. 19N., R. 20E., M.D.B. & M. (Cont.)

Section	9:	S½NW¼	Section	20:	all
Section	9:	S½	Section	21:	all
Section	10:	NE¼NE¼	Section	22:	all
Section	10:	S½NE¼	Section	27:	NE¼NE¼
Section	10:	W½	Section	27:	W½E½
Section	10:	SE¼	Section	27:	W½
Section	11:	W½NE¼	Section	28:	all
Section	11:	W½	Section	29:	all
Section	11:	SE¼	Section	30:	all
Section	12:	SW¼SW¼	Section	31:	all
Section	13:	SE¼NE¼	Section	32:	NE¼NE¼
Section	14:	N½NE¼	Section	32:	W½
Section	14:	NW¼	Section	32:	NW¼SE¼
Section	14:	W½SW¼	Section	33:	N½
Section	15:	all	Section	33:	N½SE¼
Section	16:	all	Section	34:	SW¼NW¼
Section	17:	all	Section	34:	W½SW¼
Section	18:	all	Section	34:	SE¼SW¼
Section	19:	all			

T. 19N., R. 21E., M.D.B. & M.

Section	1:	N½N½	Section	11:	SW¼NW¼
Section	1:	SE¼NE¼	Section	11:	W½SW¼
Section	1:	SW¼NW¼	Section	15:	NE¼NW¼
Section	2:	SE¼NE¼	Section	15:	S½NW¼
Section	2:	N½SE¼	Section	15:	N½SW¼
Section	2:	SW¼SE¼	Section	16:	NE¼SE¼
Section	10:	S½SE¼	Section	17:	S½
			Section	18:	SW¼NW¼

T. 19N., R. 22E., M.D.B. & M.

Section	6:	W½NE¼	Section	6:	NW¼

T. 20N., R. 19E., M.D.B. & M.

Section	34:	NE¼SE¼	Section	35:	NW¼SW¼
Section	34:	S½SE¼	Section	36:	NE¼SE¼
Section	35:	S½S½	Section	36:	S½SE¼

T. 20N., R. 20E., M.D.B. & M.

Section	1:	S½SW¼	Section	12:	NW¼SW¼
Section	2:	W½NE¼	Section	15:	N½
Section	2:	NW¼	Section	15:	N½SW¼
Section	2:	NW¼SW¼	Section	15:	SE¼SW¼
Section	2:	S½SW¼	Section	15:	SE¼
Section	3:	SE¼	Section	16:	NE¼SE¼
Section	10:	E½	Section	21:	SE¼NE¼
Section	10:	E½W½	Section	21:	SE¼
Section	11:	SE¼NE¼	Section	22:	N½
Section	11:	SE¼	Section	22:	N½S½
Section	12:	NW¼	Section	26:	S½SW¼

T. 20N., R. 20E., M.D.B. & M. (Cont.)

Section	27:	W½	Section	31:	S½SW¼
Section	27:	NE¼SE¼	Section	31:	SE¼
Section	27:	S½SE¼	Section	32:	all
Section	28:	SE¼NE¼	Section	33:	all
Section	28:	SE¼SW¼	Section	34:	all
Section	29:	SW¼SW¼	Section	35:	S½NE¼
Section	30:	SE¼SE¼	Section	35:	NW¼
Section	31:	SE¼NE¼	Section	35:	S½
Section	31:	NE¼SW¼			

T. 20N., R. 22E., M.D.B. & M.

Section	26:	S½SW¼	Section	31:	W½SE¼
Section	27:	S½S½	Section	33:	NE¼NE¼
Section	28:	S½S½	Section	34:	N½N½
Section	29:	SE¼SE¼	Section	35:	N½NW¼

T. 20N., R. 23E., M.D.B. & M.

Section	22:	SE¼NE¼	Section	23:	S½NW¼
Section	23:	NE¼NW¼			

T. 20N., R. 24E., M.D.B. & M.

Section	3:	S½NW¼	Section	8:	SW¼
Section	3:	N½SW¼	Section	8:	NE¼SE¼
Section	4:	SE¼NE¼	Section	9:	NW¼NE¼
Section	4:	S½NW¼	Section	9:	NW¼
Section	4:	S½	Section	17:	NW¼NW¼
Section	8:	S½NW¼	Section	18:	E½NE¼

T. 21N., R. 24E., M.D.B. & M.

Section	9:	SE¼SW¼	Section	16:	NE¼NW¼
Section	15:	SW¼NW¼	Section	22:	SE¼
Section	15:	NW¼SW¼	Section	28:	SE¼NE¼
Section	16:	NE¼	Section	28:	E½SE¼

EXHIBIT B

UNITED STATES OF AMERICA
Plaintiff

PYRAMID LAKE PAIUTE TRIBE OF INDIANS
Plaintiff-Intervenor

vs.

TRUCKEE-CARSON IRRIGATION DISTRICT, ET ALS,
Defendants,

LIS PENDENS

Washoe and Storey Counties - filed December 2, 1974

EXHIBIT C

CERTIFICATE OF MAILING

I certify that I am an employee of Woodburn and Wedge and that on this date, I deposited in the United States Mail, postage prepaid, a true and correct copy of the foregoing ***MEMORANDUM OF WALKER RIVER IRRIGATION DISTRICT CONCERNING PROCEDURE FOR RECORDING NOTICES OF LIS PENDENS AND CONCERNING IDENTIFICATION OF COUNTERDEFENDANTS BY CASE MANAGEMENT ORDER CATEGORIES*** in an envelope addressed to:

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General Manager
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Dated this 12th day of February, 2001.

Penelope H. Colter

Penelope H. Colter

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