U.S. DISTRICT COURT
DISTRICT OF NEVADA
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CLERK, U.S. DISTRICT COURT
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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

CV-N-73-127

UNITED STATES OF AMERICA, Plaintiff, WALKER RIVER PAIUTE TRIBE, Plaintiff-Intervenor, vs. WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,	)	IN EQUITY NO. C-125 SUBFILE NO. C-125-B **Memorandum of the United States of America and the Walker River Paiute Tribe Concerning the Identification of Counter-defendants by Case Management Order Categories and Use of Notices of Lis Pendens** **Exhibit 5: <u>Supplemental Affidavit of Dennis Becker</u>**

I, Dennis Becker, hereby make the following declaration pursuant to 28 U.S.C. §1746:

1. The following supplements my Affidavit in this matter of March 9, 2001.

2. On March 12-16, 2001, I traveled to Nevada and California to review documents at: the Nevada Division of Water Resources, Carson City, Nevada; the California Water Resources Control Board, Sacramento, California; and the U.S. District Court for the District of Nevada, Reno, Nevada.

3. On March 12-13, 2001, I reviewed approximately 200 water rights permit files at the Nevada Division of Water Resources in Carson City, Nevada. I also arranged to have certain documents photocopied for my later use. I have now reviewed approximately 1,000+ files on

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two separate occasions at the Nevada Division of Water Resources. The files that I reviewed were based on the list provided by the State of Nevada in October 2000, as described in my previous Affidavit. This task of reviewing the files that were identified to the United States by the State of Nevada is now essentially complete, except for five files that neither I nor the Division of Water Resources staff could locate.

4. On March 14, 2001, I reviewed approximately 120 files at the California Water Resources Control Board in Sacramento, California. I also arranged to have certain documents photocopied for my later use. The files that I reviewed were based on the list provided by the State of California in October 2000, as described in my previous Affidavit. This task of reviewing the files that were identified to the United States by the State of California is now essentially complete, except for two files that neither I nor the Water Resources Control Board staff could locate.

5. On March 15, 2001, I reviewed selected pleadings in C-125-C at the U.S. District Court for the District of Nevada in Reno, Nevada. With rare exception, Mineral County has not served the United States with copies of Waiver of Service or Return of Service documents for persons and entities that it has served. To the extent that the United States has obtained these documents thus far, this has been the result of its locating and photocopying such documents in the Court's official files. My purpose in this current trip was to attempt to locate Waiver of Service or Return of Service documents in the Court's files for certain individuals and entities listed on Mineral County's "Good Serve" lists for whom the United States has no such filings. Based on my previous efforts to copy and review these filings, the United States appeared to

be missing at least 80 such documents. On March 15, I located and photocopied nine of the missing service documents. I also photocopied additional such documents that had been filed since the United States last photocopied these files in June 2000. My review of all documents now in the Untied States' possession and related to Mineral County's service efforts in C-125-C is ongoing.

6. On March 16, 2001, I reviewed photocopies of documents at the Nevada Division of Water Resources, Carson City, Nevada, which I had requested on March 12-13, and returned to Denver, Colorado.

Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury under the laws of the United States of America and the State of Nevada that the foregoing is true and correct. Further, affiant sayeth not.

Executed this 19th day of March, 2001.

Dennis Becker

Dennis Becker