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LANCE S. WILSON
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IN THE 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.	)	IN EQUITY NO. C-125 SUBFILE NO. C-125-B **IDENTIFICATION OF METHODS USED BY THE UNITED STATES OF AMERICA AND THE WALKER RIVER PAIUTE TRIBE TO IDENTIFY PERSONS AND ENTITIES TO BE SERVED PURSUANT TO PARAGRAPH 3 OF THE CASE MANAGEMENT ORDER** **Exhibit 1:** **Affidavit of Dennis Becker**

I, Dennis Becker, hereby make the following declaration pursuant to 28 U.S.C. § 1746. The following statements incorporate and supplement statements made in my previous affidavit of March 9, 2001, and my supplemental affidavit of March 19, 2001.

1. The facts stated in this affidavit are based on my personal knowledge and I am competent to testify to the matters set forth herein.

2. I hold a B.A. from Tabor College, Hillsboro, Kansas, 1964; a Bachelor of Divinity from Mennonite Brethren Biblical Seminary, Fresno, California, 1967; a M.A. in Christian Education from Mennonite Brethren Biblical Seminary, Fresno, California, 1980; and a Paralegal Certificate from Denver Paralegal Institute, Denver, Colorado, 1990.

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3. I am presently employed full-time as a Senior Paralegal by Labat-Anderson, Inc. I have been employed as a paralegal since August 1990, first by Acumenics Research and Technology, Inc., and then by Labat-Anderson, Inc., after it acquired Acumenics Research and Technology, Inc. in December 1995.

4. Currently, I am working under the supervision of a Certified Legal Investigator (National Association of Legal Investigators), who is licensed in the State of California (1981 to present), and an attorney for the United States Department of Justice.

5. Labat-Anderson, Inc. has assigned me to work on the above-captioned case, *United States of America and Walker River Paiute Tribe v. Walker River Irrigation District,* on a part-time basis from January 2000 to June 2000, and on a full-time basis from July 2000 to the present.

6. My primary assignment in this case is to work on the identification of the persons and entities described in the categories in paragraph 3 of the *Case Management Order* (Apr. 18, 2000) ("CMO") for purposes of conducting court-ordered service on them as counter-defendants. To this end, among other things, I have located, gathered, and reviewed a variety of information from a variety of sources. Some of this information has come from certain parties to this case: the State of Nevada; the State of California; the Walker River Irrigation District; and the United States Board of Water Commissioners. It is my understanding that the documents I have reviewed from these sources are compiled and maintained as part of their respective statutory, regulatory or other authorities and duties regarding certain water rights claims and claimants. It is also my understanding that these documents are available to the public. I have also consulted a variety of other

information sources, as described in this Affidavit.

7. I am identifying and tracking potential counter-defendants by name, address, CMO category, and an identification of their respective water claim(s). I am categorizing them by CMO category because this is how the Court described them and how it ordered the United States and the Tribe to identify them. Moreover, most of the information sources from the above defendants that I have obtained and reviewed employ identical or similar categories in their identification and tracking efforts of water rights claims and claimants.

8. Thus, as a general practice, once I identify a potential counter-defendant according to one of the CMO categories, I check and, if necessary, update addresses for the counter-defendant, and look for a description of the water right claimed. I have found that some persons and entities have multiple water rights claims and claim rights to water in more than one of the CMO categories.

9. I have also found that maintaining an identification of water rights claimed by potential counter-defendants assists in updating my identification effort. Information such as water right number and location is generally found on the documents provided. Among other things, conflicting documents showing that different people claim the same right may indicate a possible sale or transfer of that right. Moreover, if I simply were to try to include names of persons and entities as water rights claimants without checking on the water right(s) claimed, I might end up tracking individuals or entities and updating address changes for them without necessarily knowing that they were no longer water claimants. Thus, tracking the water right(s) claimed, although it involves more work, is a significant further assistance in my work. Part of my effort has been to try to collect as

much information as possible to enable me to: include potential counter-defendants whom the United States is directed to serve; confirm that these identifications are accurate by locating them in more than one source; and exclude potential counter-defendants who for one reason or another have transferred or no longer have water rights claims and, therefore, do not need to be served.

10. I use several sources when I try to locate and update addresses for potential counter-defendants. Generally, I try to find two sources that give the same address for each counter-defendant. For example, one such source might be one of the index cards maintained by the U.S. Board of Water Commissioners or the Walker River Irrigation District. I then look for another source to confirm the address. For example, some of the permit files in the offices of the Nevada State Engineer include names and addresses of claimants to certain water rights. Thereafter, I may find additional sources of information for further cross-references. Beyond primary sources, I use various database sites such as QuickInfo, Yahoo or Switchboard. I also use Powerfinder phone discs and local telephone books. Through Ancestry.com, I access the Social Security Death Index to determine if a person is deceased. All of these sources are publicly available, although some of them are obtained through commercial sources.

11. The QuickInfo database is a very helpful computer tool. Through use of this database, I have the ability to search various other databases, including, but not limited to: National Residential Locator; National Telephone Directory; National Property Tax Rolls; National Property Sales Information; National Bankruptcies, Liens and Judgments; Social Security Death Index; Nevada Corporations; Nevada Divorces; Nevada Marriages;

Nevada Property; and Nevada Voters. In the People Locator–Credit Header Search portion of this database, I can search by name and city or state, address and city, social security number and other combinations. Utilizing several databases together usually leads to positive results. Yahoo People Search and Switchboard allow me to search by last name and to narrow the search by first name, city and state. The results include a street address. Yahoo and Switchboard are helpful, but not as strong as QuickInfo. Powerfinder Phone Disc lists names, street addresses, city, state and phone numbers. Powerfinder is limited to listed phone numbers only and is not as current as the Internet databases. These are publicly available databases that can be obtained from a commercial source.

12. My work is ongoing. In December 2000, I spent one week in Nevada reviewing and collecting documents at the offices of the U.S. Board of Water Commissioners, the Walker River Irrigation District, and the State of Nevada, Division of Water Resources. I traveled to Nevada and California from March 12-16, 2001, to complete an identification and collection of documents at the Nevada Division of Water Resources and the California State Water Resources Control Board. Since March, I have reviewed various collections of documents and continue to monitor the Nevada Division of Water Resources web-site for updates. Department of Justice Attorney Susan Schneider is attempting to secure updated information from the Walker River Irrigation District and the U.S. Board of Water Commissioners, and additional information related to municipal users in California.

13. I have collected and/or reviewed or am in the process of collecting and/or reviewing the

following documents, some of which are document sources other than those identified to the United States and the Tribe by the defendants:

1. Service-related material from counsel for Mineral County in sub-proceeding C-125-C;
2. California State Water Resources Control Board Hydrographic Reports;
3. California State Water Resources Control Board Diversion Reports;
4. California State Water Resources Control Board Permit files;
5. Nevada Division of Water Resources computer generated printout of active water rights in the Walker River Basin, April 1999;
6. Nevada Division of Water Resources hard copy report of Nevada-issued water rights, permits, certificates and wells for surface water and groundwater in the Walker River Basin, May 2000;
7. Nevada Division of Water Resources electronic and hard copy report of Nevada-issued water rights, permits, certificates and wells for surface water and groundwater in the Walker River Basin, October 2000;
8. Nevada Division of Water Resources Permit files based on the October 2000 list;
9. Nevada Division of Water Resources well log database from the Nevada Division of Water Resources web-site;

10. Nevada Division of Water Resources monthly updates from the Nevada Division of Water Resources web-site, beginning May 2000;
11. Nevada Domestic Well Log Database;
12. Nevada Division of Water Resources Water Budgets for Groundwater Rights for Smith Valley and Mason Valley;
13. Nevada Department of Human Resources, Health Division Municipal Systems list;
14. U.S. Board of Water Commissioners Assessment list, 2000-2001;
15. U.S. Board of Water Commissioners Water Rights Index Cards, December, 2000;
16. Walker River Irrigation District Assessment List, June 1999;
17. Walker River Irrigation District Assessment List, October 2000;
18. Walker River Irrigation District Registrar List Worksheet, March 1999;
19. Walker River Irrigation District Poll Book, April 1999;
20. Walker River Irrigation District Certificates of Appropriation of Water;
21. Walker River Irrigation District list of Reserved Water Rights;
22. Walker River Irrigation District Water Rights Index Cards, December, 2000;
23. Web-site, Nevada Division of Water Resources;

24. Web-site, California State Water Resources Control Board;

25. Various deeds provided by Lyon County, Nevada to the U.S. Board of Water Commissioners;

26. Various deeds provided by Lyon County, Nevada to the Walker River Irrigation District; and

27. A variety of documents from the County Assessor's offices for Lyon, Mineral, Churchill, and Douglas Counties, Nevada, and Mono County, California, some of which may include property tax rolls, parcel descriptions and locations, and identifications of certain improvements identified by property owners, such as wells.

14. The following is a summary of documents I have collected or collected and reviewed and the results obtained, thus far, based on the CMO categories.

15. **<u>Category 3.a:</u> "The successors in interest to all water rights holders under the Decree (April 14, 1936), <u>modified</u>, Order for Entry of Amended Final Decree to Conform to the Writ of Mandate, Etc. (April 24, 1940)" ("Decree").**

15.a. I have reviewed the Assessment Rolls dated July 1, 2000, from the U.S. Board of Water Commissioners. This alphabetical list of 87 names and addresses is prepared by the U.S. Board of Water Commissioners and identifies individuals and entities billed for water rights assessments as of July 1, 2000. There is no indication of what water rights each individual or entity holds.

15.b. I reviewed, but did not photocopy, a collection of deeds provided by Lyon County, Nevada to the U.S. Board of Water Commissioners. My understanding is that Lyon County sends these documents on a periodic basis to the U.S. Board of

Water Commissioners to notify the U.S. Board of transfers of water rights.

15.c. I have reviewed approximately 87 U.S. Board of Water Commissioners' index cards listing names, addresses and water rights. These cards list specific water rights along with the identities and addresses of what appear to be the water rights holders. These cards also include some or all of the history of the ownership of each water right and transfers of title, and also the identity of the water right holder(s). These are in the same format and contain the same kind of information as the index cards of the Walker River Irrigation District, described below. My understanding is that these cards are the best sources of information within the U.S. Board's files to identify decreed water rights and water rights holders.

15.d. I have reviewed the Assessment Lists from the Walker River Irrigation District dated June 1999 and September 2000. Each of these alphabetical lists identifies over 500 names and addresses, is prepared by the Walker River Irrigation District, and names individuals and entities billed for water rights assessments as of the listed dates. There is no indication of what water right(s) each individual or entity holds or if, in fact, the individual or entity listed is the holder of any water right.

15.e. I have reviewed approximately 850 Walker River Irrigation District Index Cards that list specific water rights along with the identity and addresses of what appear to be the water rights holders. These cards also include some or all of the history of the ownership of each water right and transfers of title, which also identifies the water right holder(s). Some of these cards relate to water rights under the Decree, and others are identified as non-decreed rights. From these cards, I have

identified approximately 550 individuals and entities not included in Mineral County's early efforts to identify parties, as discussed further herein. These cards are in the same format and contain the same kind of information as in the index cards of the U.S. Board of Water Commissioners, described above. My understanding is that these cards are the best source of information within the Walker River Irrigation District's files to identify Decreed water rights and water rights holders.

15.f. I have reviewed Walker River Irrigation District voter and election information for April 1999. The Poll Books and the Registrar Worksheet Lists name eligible voters for irrigation district elections, but contain no specific water rights information or addresses.

15.g. I reviewed the Walker River Irrigation District's list of "Reserved Water Rights," which is a list of names of landowners within the District whose water rights are held by other individuals or entities.

15.h. I reviewed, but did not photocopy, a collection of deeds provided by Lyon County, Nevada to the Walker River Irrigation District. My understanding is that Lyon County sends these documents on a periodic basis to notify the Walker River Irrigation District of transfers of water rights.

15.i. I have reviewed some "Good Serve" lists served upon the parties by Mineral County in sub-proceeding C-125-C. My understanding is that these are lists of individuals and entities holding Decreed water rights whose service by Mineral County in C-125-C is not in dispute. These documents also include a certain

number of Waiver of Service and Return of Service documents. I have also obtained a number of Waiver of Service and Return of Service documents from the C-125-C sub-proceeding that are not on any "Good Serve" list. I have identified approximately 700 individuals or entities from this review.

15.j. I have obtained additional filings by Mineral County that I intend to review. In part, I have waited to complete this review because the accuracy of Mineral County's work in many filings is still being debated in sub-proceeding C-125-C. In addition, most of the documents served upon the United States by Mineral County to report successful service do not include Waiver of Service and Return of Service documents, so there is no identification of the specific defendants served. Until recently and 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. Until recently, to the extent that the United States obtained these documents, this was the result of its locating and photocopying such documents in the Court's official files. With the assistance of other staff members, I have obtained a large number of these filings from the United States District Court in Reno, but am still missing some of these documents, particularly those that would have been included in the County's recent service-related filings with the Court. I will also be reviewing the County's most recent service-related filings.

15.k. None of the materials in Mineral County's service work in C-125-C identifies any specific water rights information as to each person or entity served. In reviewing

the documents provided to us by the U.S. Board of Water Commissioners, the Walker River Irrigation District and the State of Nevada regarding this category of water rights claimants, I have noticed that a significant number of the persons and entities named on the County's "Good Serves" list are not included in any of these other documents. As noted, my review of materials from the State of Nevada is in progress and the Court is still reviewing the completion of Mineral County's C-125-C service work.

15.l. I have reviewed material from the Nevada Division of Water Resources, including the May 2000 and the October 2000 computer-generated lists of water rights holders and the actual permit files from the State Engineer's office based on the October 2000 list. The State identified some rights recognized under the Decree on both the hard copy and the electronic file it provided us.

15.m. To date, I have identified approximately 1037 persons and entities in category 3.a.

16. **Category 3.b: "All holders of surface water rights under the laws of the States of Nevada and California in the Walker River Basin who are not presently parties to this adjudication."**

16.a. Upon review, the Walker River Irrigation District Assessment lists and index cards, described above, identify claimants to surface water rights not set forth in the Decree, in addition to identifying the holders of decreed rights.

16.b. Several sources from the State of Nevada assist with this category. I have several iterations of the Nevada Division of Water Resources' computer-generated printouts that list owners of surface water and groundwater rights issued by the State of Nevada in the Walker River Basin. I have reviewed both the May 2000

list and the October 2000 list for all CMO categories. I used the October 2000 list of water rights holders to organize my review of the Nevada Division of Water Resources permit files. It is helpful to use all three sources of information to obtain a more complete picture of the available information. To date, I have identified approximately 850 individuals and entities from this effort; not all of these individuals and entities have water claims in category 3.b.

16.c. As to the Nevada Division of Water Resources permit files noted in the previous sub-paragraph, I have reviewed these materials for all CMO categories. These files are based on the original application numbers and include specific water rights as well as the history of the transfer of the water rights. So far, I have found only a small number of previously undiscovered water rights holders in these materials due to a previous review of the May 2000 list.

16.d. The Nevada Division of Water Resources updates water rights applications on its web-site on a monthly basis, which is proving to be helpful in providing new information. I have reviewed the web-site updates for May 2000 through April 2001 and will continue to monitor this web-site on a monthly basis.

16.e. Although Mineral County appears to have focused primarily on decreed water rights holders in sub-proceeding C-125-C, its materials may be helpful in identifying non-decreed water rights holders or addresses. I intend to review Mineral County's filings related to its service efforts in C-125-C to determine whether any category 3.b. members can be identified. This will be difficult because the specific water rights are not identified in these materials.

16.f. I have reviewed the California Water Resources Control Board Hydrographic Reports, which provide information on California Surface Water Rights holders by name and water right(s).

16.g. The California Water Resources Control Board Diversion Report, October 2000, identifies individual water rights holders in the Walker River Basin in California and became the basis for my identification and review of permit files in the State Water Resources Control Board offices in Sacramento.

16.h. I have reviewed approximately 115 permit files from the California Water Resources Control Board. These files contained both surface water and groundwater applications for post-1914 permits and statements for pre-1914 water usage.

16.i. To date, I have identified approximately 235 persons and entities in this category.

17. **<u>Category 3.c:</u> "All holders of permits or certificates to pump groundwater issued by the State of Nevada and domestic users of groundwater within Sub Basins 107 (Smith Valley), 108 (Mason Valley), 110A (Schurz Subarea of the Walker Lake Valley), and 110B (Walker Lake Subarea of the Walker Lake Valley)."**

17.a. I have reviewed the Nevada Division of Water Resources Surface and Groundwater Rights holders list for May 2000. Water rights are listed by name and water right(s).

17.b. I have reviewed the Nevada Division of Water Resources Surface and Groundwater Rights holders list for October 2000 and made a corresponding review of the Nevada Division of Water Resources permit files for this category. Water rights are listed by name and water right(s) in both the list and the permit files. Many of these water rights holders have already been identified as a result

of earlier document reviews. The review of these documents allows me to confirm many water rights, correct others, and identify and correlate the claimants to specific water rights claims.

17.c. The Nevada Well Log Database, dated October 2000, lists approximately 690 wells, including domestic wells. This log identifies basin number, well log number, owner's name, and a partial or complete address. The Nevada Division of Water Resources also maintains a well log database on its web-site. I have not reviewed these lists yet. Most, but not all, water rights holders on this list will pertain to domestic users in category 3.c. and these numbers are not reflected in ¶ 17.f. below.

17.d. I have reviewed the Nevada Division of Water Resources Water Budgets for Smith Valley and Mason Valley, which identify groundwater rights owners of record and provide the relevant parcel number, description, permit number and acre-feet. It is my understanding that these documents are prepared on an annual basis as a matter of Nevada law.

17.e. Through the assistance of another employee at Labat-Anderson, I have also obtained materials from the County Assessor for Lyon County, Nevada and Mineral County, Nevada that should assist in identifying many well locations, including domestic wells.

17.f. To date, I have identified approximately 606 persons and entities in this category.

18. **<u>Category 3.d:</u> "All holders of permits or certificates to pump groundwater issued by the State of Nevada within Sub Basins 106 (Antelope Valley), 109 (East Walker), and 110C (Whiskey Flat-Hawthorne Subarea of Walker Lake Groundwater Basin)."**

18.a. I have reviewed the Nevada Division of Water Resources Surface and Groundwater Rights holders list for May 2000. Water rights are listed by name and water rights.

18.b. I have reviewed the Nevada Division of Water Resources Surface and Groundwater Rights holders list for October 2000 and made a corresponding review of the Nevada Division of Water Resources permit files for this category. Water rights are listed by name and water rights in both the list and the permit files. Many of these water rights holders have previously been identified as a result of earlier document reviews. The review of these documents allows me to confirm many water rights, correct others, and identify and correlate the claimants to specific water rights claims.

18.c. The Nevada Well Log Database, dated October 2000, lists approximately 690 wells, including domestic wells. This log identifies basin number, well log number, owner's name, and a partial or complete address. The Nevada Division of Water Resources also maintains a well log database on its web-site. I have not reviewed these lists yet. Most, but not all, water rights holders on this list will pertain to domestic users in category 3.c. and these numbers are not reflected in ¶ 18.d., below. Some of the rights on this list will pertain to category 3.d.

18.d To date, I have identified approximately 87 persons and entities in this category.

19. **<u>Category 3.e:</u> "All users of groundwater for irrigation in California in the Walker River Basin."**

19.a. The California State Water Resources Control Board does not maintain

information in this category. Only groundwater that is determined to be part of a subterranean stream is subject to the same application, permit, and license procedures as surface water users. To the extent that water rights exist in this category, they will be identified in the documents listed below.

19.b. I have reviewed the California State Water Resources Control Board Hydrographic Reports, which provide information on California Surface Water Rights holders by name and water right(s).

19.c. The California State Water Resources Control Board Diversion Report, October 2000, identifies individual water rights holders in the Walker River Basin in California and became the basis for my identification and review of permit files at the State Water Resources Control Board offices in Sacramento.

19.d. I have reviewed approximately 115 permit files from the California State Water Resources Control Board. These files contained both surface water and groundwater applications for post-1914 permits and statements for pre-1914 water usage.

19.e. The California State Water Resources Control Board web-site may yield information for water rights holders in this category.

19.f. To date, I have located 0 persons and entities in this category. To the extent that the materials noted in ¶ 19 include such water rights, they do not specifically identify them as such.

20. **<u>Category3.f:</u> "All holders of "vested rights" to the use of groundwater under the laws of the State of Nevada within the Walker River Basin."**

20.a. While the State of Nevada reports that it has no information for this category,

some applications on file with the Nevada Division of Water Resources include claims for such rights. Materials provided by the Nevada Division of Water Resources listed below identify vested water rights.

20.b. I have reviewed the Nevada Division of Water Resources Surface and Groundwater Rights holders list for May 2000. Groundwater rights are listed by name and water rights.

20.c. I have reviewed the Nevada Division of Water Resources Surface and Groundwater Rights holders list for October 2000 and made a corresponding review of the Nevada Division of Water Resources permit files for this category. Groundwater rights are listed by name and water rights in both the list and the permit files. Many of these water rights holders have already been identified as a result of earlier document reviews. The review of these documents allows me to confirm many water rights, correct others, and identify and correlate the claimants to specific water rights claims.

20.d. To date, I have identified 6 persons and entities in this category. There are, however, vested rights included in my lists for categories 3.b., 3.c., and 3.d, and I have not yet included these rights in my tally for category 3.e.

21. **<u>Category 3.g:</u> "All municipal providers in Nevada within the Walker River Basin who currently use groundwater."**

21.a. Information on municipal providers is found in the May 2000 and October 2000 water rights lists and the permit files from the Nevada Division of Water Resources. I have reviewed these materials and identified the water rights owners relative to this category.

21.b. The Nevada Department of Human Resources, Health Division, has provided a list of 130 water systems in Lyon, Mineral, Douglas and Churchill counties, Nevada. Twenty-nine of these systems are in the Walker River Basin. The list includes municipal, industrial and service businesses that the State has determined to be quasi municipal.

21.c. It is my understanding that Nevada does not define a "municipal provider." To the extent there is any dispute as to whether I have included all "municipal providers," other entities that may, for example, be small providers of water (e.g., restaurants, trailer parks, golf courses), should be included in the State lists and identified in another category.

21.d To date, I have identified 36 persons or entities in this category.

22. **Category 3h: "All municipal providers in California within the Walker River Basin who currently use groundwater."**

22.a. The California State Water Resources Control Board Hydrographic Reports provide information on California Surface Water Rights holders by name and water rights.

22.b. The California State Water Resources Control Board Diversion Reports and permit files have yielded information on California Surface Water Rights municipal providers by name and address.

22.c. To date, I have identified 1 entity in this category.

23. **<u>Category 3.i:</u> "All industrial users in Nevada within the Walker River Basin who currently use groundwater."**

23.a. The Nevada Department of Human Resources, Health Division, has provided a

list of 130 water systems in Lyon, Mineral, Douglas and Churchill counties, Nevada. Twenty-nine of these systems are in the Walker River Basin. The list includes municipal, industrial and service businesses.

23.b. I have reviewed the Nevada Division of Water Resources Surface and Groundwater Rights holders lists for May 2000 and October 2000 and made a corresponding review based on the October 2000 list of the Nevada Division of Water Resources permit files for this category. Water rights are listed by name and water rights in both the list and the permit files. Many of these water rights holders have already been identified as a result of earlier document reviews. The review of these documents allows me to confirm many water rights, correct others, and identify and correlate the claimants to specific water rights claims.

23.c. To date, I have identified 11 entities in this category.

24. **Summary of Identification Efforts**

24.a. I have identified the following number of individuals or entities in the CMO categories. The total of the numbers in each category below will be more than 2,230 because some individuals and entities hold water rights in more than one category.

Category	Definition	Number
3.a	Successors in Interest to Decree of 1936, 1940	1037
3.b	Nevada Surface Water Rights Holders California Surface Water Rights Holders	235

3.c	Nevada Groundwater Permits in sub-basins 107, 108, 110A, 110B Nevada Groundwater Certificates in sub-basins 107, 108, 110A, 110B Domestic Users of Groundwater in sub-basins 107, 108, 110A, 110B	606
3.d	Nevada Groundwater Permits in sub-basins 106, 109, 110C Nevada Groundwater Certificates in sub-basins 106, 109, 110C	87
3.e	California Users of Groundwater for Irrigation	0
3.f	Nevada Holders of Vested Groundwater Rights	6
3.g	Nevada Municipal Providers using Groundwater	36
3.h	California Municipal Providers using Groundwater	1
3.i	Nevada Groundwater Industrial Users	11

24.b. Of the 2,230 identified potential counter-defendants, I have been unable to locate approximately 103.

24.c. Of the 2,230 identified potential counter-defendants, I believe approximately 243 are deceased.

24.d. Of the 2,230 identified potential counter-defendants, I have not identified water rights for 480 from the above sources.

25. **Evaluation of Resources**

25a. From a review of several of the resources listed above, it becomes apparent that no one list from any source is definitive for any one category within the CMO. When all lists are read together, a more complete and accurate list emerges. In addition, many sources or lists purporting to relate to a specific CMO category may, in fact, include information regarding other categories as well.

25b. None of the present defendants is willing to vouch for complete accuracy of its

lists, even though the documents at issue are official documents prepared and compiled by them in the normal course of their duties, which may include statutory, regulatory or other activities regarding certain water rights claims and claimants. This insecurity may be due to a number of reasons, including lack of reporting regulations or statutes requiring reporting, lack of reporting in a timely manner, lag time in getting reported information entered into databases, and clerical errors.

25.c. Different information may be reported by the same source depending on the information requested.

25d. To date, my document review has identified approximately 2,230 individuals and entities who are claimants to various water rights within one or more of the CMO categories and, therefore, potential counter-defendants. I estimate that upon completion of my efforts, I will have identified between 3,000 and 4,000 potential counter-defendants, although I believe the final number will be closer to 3,000. One factor that may affect this total number will be the total number of domestic users in Category 3.c. I am now in the process of both adding and deleting counter-defendants as I discover additional current water rights holders and water rights holders who may have transferred their water rights to another party.

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 12th day of June, 2001.

Dennis Becker