LEWIS BRISBOIS BISGAARD & SMITH LLP
221 NORTH FIGUEROA STREET, SUITE 1200
LOS ANGELES, CALIFORNIA 90012
TELEPHONE (213) 250-1800

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEVADA

| | |
|---|---|
| UNITED STATES OF AMERICA,<br>Plaintiff,<br>WALKER RIVER PAIUIE TRIBE,<br>Plaintiff-Intervenor,<br>v.<br>WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.<br>Defendants | Case No.: 3:73-cv-127-ECR<br>RAM In Equity: C-125-B<br><br>**NOTICE OF CHANGE OF OWNERSHIP OF WATER RIGHT** |

The undersigned, Sullivan Plastics Corporation, counter-defendant in the above action, hereby notifies the Court and the United States that the undersigned (or the entity on whose behalf the undersigned is acting) has sold or otherwise conveyed ownership of all or a part of a water right within one or more of the categories set forth in Paragraph 3 of the Case Management Order and provides the following information:

1. The name and address of the party or parties who sold or otherwise conveyed ownership:

O'Sullivan Plastics Corporation; and
Mainline Vinyl Sheeting Corporation
c/o PolyOne
Attn: Woodrow Ban
33587 Walker Road
Avon Lake, OH 44012

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

J.R. Benton Co., L.L.C.
2171 Alabama Highway 229
Tallassee, Alabama 36078

3. Attached as Exhibit A to or include with this notice is a copy of the Deed transferring the ownership of land.

4. The undersigned acknowledges that any person or entity who files a Notice of Change of Ownership of Water Right using this form is ultimately responsible for the accuracy of this filing.

*

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* This notice shall be sent to the following persons:

Linda Lea Sharer, Chief Deputy Clerk
United States District Court for the District of Nevada
Reno, NV 89501

And

Susan L. Schneider
United States Department of Justice
Post Office Box 756
Littleton, CO 80160

LEWIS BRISBOIS BISGAARD & SMITH LLP
221 NORTH FIGUEROA STREET, SUITE 1200
LOS ANGELES, CALIFORNIA 90012
TELEPHONE (213) 250-1800

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

Executed this 25th day of October, 2006.

LEWIS BRISBOIS BISGAARD & SMITH

By:_____

MALISSA HATHAWAY MCKEITH
Counsel for O'Sullivan Plastics Corporation
Mainline Vinyl Shipping
221 North Figueroa Street, 12th Floor
Los Angeles, CA 90012
(213) 250-1800

LEWIS BRISBOIS BISGAARD & SMITH LLP
221 NORTH FIGUEROA STREET, SUITE 1200
LOS ANGELES, CALIFORNIA 90012
TELEPHONE (213) 250-1800

A. P. No. 4-031-01, 4-031-04,
14-081-09
R.P.T.T. $5,265.00
No. 182212-MM
When recorded mail to:
J.R. Benton Co., LLC
2171 Alabama Hwy 229
Tallassee, AL 36078
TSK-89401
Mail tax statements to:
Same as above

DOC # 371594
Conformed Copy
(Not Compared to Original)
12/27/2005 04:22 PM
Official Record
Requested By
TITLE SERVICE & ESCROW
Lyon County - NV
Mary C. Milligan - Recorder

DEED

THIS INDENTURE WITNESSETH: That O'SULLIVAN PLASTICS CORPORATION, a Nevada corporation, successor to MAINLINE VINYL SHEETING CORPORATION, by Certificate of Name Change filed in the Office of the Secretary of State of the State of Nevada on January 7, 1985 (as to Parcel A), and O'SULLIVAN PLASTICS CORPORATION, a Nevada corporation (as to Parcels B and C)(collectively, "Grantor"), in consideration of the sum of Ten Dollars ($10.00), the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey, without covenants or warranties express or implied, except as hereinafter expressly set forth, to J. R. BENTON CO., L.L.C., an Alabama limited liability company ("Grantee"), whose address is: 2171 Alabama Highway 229, Tallassee, Alabama 36078, all that real

property situate in the County of Lyon, State of Nevada, described as follows:

SEE EXHIBIT "A" ATTACHED HERETO.

TOGETHER WITH all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

Grantor covenants with Grantee, that Grantor has done nothing to impair such title as Grantor received, and Grantor will warrant and defend the title against the lawful claims of all persons claiming by, under or through Grantor, except for the following:

1. zoning ordinances and building codes and regulations, if any;

2. real estate taxes and assessments, both general and special, not yet due and payable; and

3. all restrictions, reservations, easements and encumbrances or other matters of record.

FURTHER, Grantor, in consideration of the sum of Ten Dollars ($10.00), the receipt of which is hereby acknowledged, does hereby remise, release and forever quitclaim to Grantee, its successors and assigns, the following:

LEGAL DESCRIPTION

Parcel #A:

All that certain real property situate in the County of Lyon, State of Nevada, described as follows:

Parcel No. 1:

All that certain real property being a portion of SW 1/4 of SW 1/4 of Section 22, T 15 N, R 25 E, M.D.B.&M., Lyon County, Nevada, described as follows:

Parcel No. 1 of that certain parcel map filed for record in the Office of the Lyon County Recorder, Lyon County, Nevada, as Official Record No. 59232 on the 18th day of March 1981.

Parcel No. 2:

A parcel of land situated in the southeast quarter of the southeast quarter of Section 21, Township 15 North, Range 25 East, M.D.M., County of Lyon, State of Nevada, described as follows:

Beginning at a point in the East line of said Section 21 distant North 0°35'20" East, along said East line, 457.38 feet from the southeast corner of said section, also being distant northerly 100 feet from the center line of the main track of Southern Pacific Transportation Company (Mina Branch); thence North 72°12'53" West, parallel with said center line, 289.23 feet to a point in the easterly line of land (15 feet wide) described in "Parcel 1" of Deed dated September 22, 1968, from Southern Pacific Company to State of Nevada (U.S. #95 Alternate); in the North 7°14'43" West, along last said easterly line, 781.22 feet to a point in the North line of said southeast quarter of the southeast quarter; thence South 89°50'18" East, along last said North line, 382.80 feet to a point in the said East line of said section; thence South 0°35'20" East, along last said East line, 862.29 feet to the point of beginning.

Excepting therefrom that portion thereof lying below a depth of 500 feet, measured vertically, from the contour of the surface of said property.

Parcel No. 3:

All those certain parcels of land situate in Section 22, Township 15 North, Range 25 East, M.D.B.&M., in Mason Valley, Lyon County, Nevada, more particularly described as follows:

Lots 8, 9 and 10 of Block 8 of the Dyer Addition to the Town of Wabuska, Lyon County, Nevada, according to the Official Plat thereof on file in the office of the Lyon County Recorder, Lyon County, Nevada.

Parcel No. 4:

Lot 1 in Block 7, as shown on the Map of Dyer's Addition to the Town of Wabuska, recorded in Lyon County, Nevada, as Document No. 8192.

All parcels as described do include all those portions of streets as originally shown on the plat of the Dyer Addition to the town of Wabuska, and subsequently abandoned by the Board of Lyon County commissioners, as evidenced by Order, recorded in the Official Records of Lyon County, Nevada, on May 25, 1983 as Document No. 76110, and Order recorded in the Official Records of Lyon County, Nevada on January 11, 1982 as Document No. 65577.

Parcel #B:

All that certain real property being a portion of SW 1/4 of SW 1/4 of Section 22, T 15 N, R 25 E, M.D.B.&M., Lyon County, Nevada, described as follows:

Parcel 2 as shown on the Parcel Map for Robert A. Kuenzli recorded in the Official Records of Lyon County, Nevada on March 18, 1981 as Document No. 59232.

Parcel #C:

All that certain real property situate in the County of Lyon, State of Nevada, described as follows:

T 15 N, R 25 E, M.D.B.&M.

Section 22: SW 1/4 of SE 1/4 of SW 1/4

Permit No. 61207 Certificate No. 14927 Book 49 Page 14927

THE STATE OF NEVADA

CERTIFICATE OF APPROPRIATION OF WATER

* * * * *

WHEREAS, Robert O. Gargis, Agent has presented to the State Engineer of the state of Nevada Proof of Application of Water to Beneficial Use, from an underground source through a drilled well, pump, and distribution system for industrial and domestic purposes. The point of diversion of water from the source is as follows:

> SW¼ SW¼ Section 22, T.19N., R.25E., M.D.B.&M., or at a point from which the SW corner of said Section 22 bears S. 75°41'45" W., a distance of 770.93 feet situated in Lyon County, State of Nevada.

NOW KNOW YE, That the State Engineer, under the provisions of NRS 533.425, has determined the date, source, purpose, amount of appropriation, and the place where such water is appurtenant, as follows:

| | |
|---|---|
| Name of appropriator: | O'Sullivan Plastics Corporation |
| Source: | Underground |
| Manner of Use: | Industrial and Domestic |
| Amount of appropriation: | 10.08 c.f.s., but not to exceed 2.99 million gallons annually |
| Period of use: | January 1st to December 31st of each year |
| Date of priority of appropriation: | May 8, 1995 |

Description of the works of diversion, manner and place of use:

Water is developed by means of a drilled well, 293 feet deep, 12 3/4 inch diameter casing, via a 5 H.P. submersible pump, thence through a distribution system to a manufacturing plant of plastic pipe located within a portion of the SW¼ SW¼ of Section 22, and a portion of the SE¼ SE¼ of Section 21, T.19N., R.25E., M.D.B.&M.

The total combined duty of water under this certificate and any certificate issued under Permit 61205, shall not exceed 2.99 million gallons annually.

This certificate is issued subject to the terms of the permit

The right to water hereby determined is limited to the amount which can be beneficially used, not to exceed the amount above specified, and the use is restricted to the place and for the purpose as set forth herein.

IN TESTIMONY WHEREOF, I, R. MICHAEL TURNIPSEED, State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 20th day of April, A.D. 1998.

State Engineer

Exhibit B

Permit No. 61207 Certificate No. 14928 Book 59 Page 14928

THE STATE OF NEVADA

CERTIFICATE OF APPROPRIATION OF WATER

* * * * *

WHEREAS, Robert O. Nargis, Agent has presented to the State Engineer of the State of Nevada Proof of Application of Water to Beneficial Use, from an underground source through a drilled well, pump, and distribution system for industrial and domestic purposes. The point of diversion of water from the source is as follows:

> SW¼ SW¼ Section 22, T.15N., R.15E., M.D.B.&M., or at a point from which the SW corner of said Section 22 bears S. 16°07'10" W., a distance of 795.22 feet, situated in Iron County, State of Nevada.

NOW KNOW YE, That the State Engineer, under the provisions of NRS 533.425, has determined the date, source, purpose, amount of appropriation, and the place where such water is appurtenant, as follows:

| | |
|---|---|
| Name of appropriator: | O'Sullivan Plastics Corporation |
| Source: | Underground |
| Manner of Use: | Industrial and Domestic |
| Amount of appropriation: | *0.10 c.f.s., but not to exceed 2.92 million gallons annually |
| Period of use: | January 1st to December 31st of each year |
| Date of priority of appropriation: | May 5, 1995 |

Description of the works of diversion, manner and place of use:

Water is developed by means of a drilled well, 150 feet deep, 10 inch diameter casing, via a 5 H.P. submersible pump, thence through a distribution system to a manufacturing plant of plastic pipe located within a portion of the SW¼ SW¼ of Section 22, T.15N., R.15E., M.D.B.&M.

*The total combined duty of water under this certificate and any certificates issued under Permit 61207, shall not exceed 2.92 million gallons annually.

This certificate is issued subject to the terms of the permit

The right to water hereby determined is limited to the amount which can be beneficially used, not to exceed the amount above specified, and the use is restricted to the place and for the purpose as set forth herein.

IN TESTIMONY WHEREOF, I, R. MICHAEL TURNIPSEED, State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 20th day of April, A.D. 1998.

State Engineer

cms/sb

Exhibit C

LEWIS BRISBOIS BISGAARD & SMITH LLP
221 NORTH FIGUEROA STREET, SUITE 1200
LOS ANGELES, CALIFORNIA 90012
TELEPHONE (213) 250-1800

**CERTIFICATE OF MAILING**

I certify that I am an employee of Lewis Brisbois Bisgaard & Smith and that on this 3rd day of November, 2006, I electronically filed the foregoing ***Notice of Change of Ownership of Water Right*** with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following via their e-mail addresses:

Marta A. Adams maadams@ag.state.nv.us, payoung@ag.state.nv.us

Gregory W. Addington greg.addington@usdoj.gov, judy.farmer@usdoj.gov; joanie.silvershield@usdoj.gov

George N. Benesch gbenesch@sbcglobal.net,

Linda A. Bowman office@bowman.reno.nv.us, office@webmail.hotspotbroadband.com

Louis Martin Bubala , III lbubala@jonesvargas.com

Gordon H. DePaoli gdepaoli@woodburnandwedge.com

Dale E Ferguson dferguson@woodburnandwedge.com

Andrew Galvin drew.galvin@americantower.com

Sylvia L! . Harrison sharrison@mcdonaldcarano.com

Simeon Herskovits herskovits@westernlaw.org

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Kirk C. Johnson kirk@nvlawyers.com, chris@nvlawyers.com

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J. D. Sullivan jd@mindenlaw.com, gene_kaufmann@hotmail.com, attyjoesullivan@hotmail.com, awoods@mindenlaw.com

Wes Williams wwilliams@stanfordalumni.org

Charles S Zumpft zumpft@brooke-shaw.com

Ross E. de Lipkau RdeLipkau@parsonsbehle.c! om, rtinnell@parsonsbehle.com

And I further certify that I served a copy of the foregoing to the following non-CM/ECF participants by U.S. Mail, postage prepaid, this 25th day of October, 2006:

Brian Chally
Douglas County District Attorney's Office
P.O. Box 218
1625 8th Street
Minden, NV 89423-

William J. Duffy
Davis Graham & Stubbs LLP
1550 17th Street
Suite 500
Denver, CO 80202

LEWIS BRISBOIS BISGAARD & SMITH LLP
221 NORTH FIGUEROA STREET, SUITE 1200
LOS ANGELES, CALIFORNIA 90012
TELEPHONE (213) 250-1800

Cheri K Emm-Smith
PO Box 1210
Hawthorne, NV 89415

Daniel N. Frink
California Water Resources Control Board
P.O. Box 100
Sacramento, CA 94814-

Nathan Goedde
California Department of Fish and Game
1416 9th Street Ste 1335
Sacramento, CA 95814

Mary Hackenbracht
California Attorney General's Office
1300 I Street, Suite 1101
PO Box 944255
Sacramento, CA 94244-2550

Robert L. Hunter
! Western Nevada Agency
311 East Washington Street
Carson City, NV 78701-4065

George M. Keele
George M. Keele, APC
1692 Country Road
Suite A
Minden, NV 89423-

John Kramer
Department of Water Resources
1416 Ninth Street
Sacramento, CA 95814-

David Moser
McCutchen, Doyle, Brown, Et Al.
Three Embarcadero Center,
Suite 1800
San Francisco, CA 94111-

Stephen B Rye
Lyon Count District Attorney
31 South Main Street
Yerington, NV 89447-

LEWIS BRISBOIS BISGAARD & SMITH LLP
221 NORTH FIGUEROA STREET, SUITE 1200
LOS ANGELES, CALIFORNIA 90012
TELEPHONE (213) 250-1800

John P Schlegelmilch
Lyon County District Attorney's Office
31 South Main Street
Yerington, NV 89447-

William J Shaw
Brooke & Shaw, Ltd.
1590 Fourth Street
P.O. Box 2860Minden, NV 89423-

Gary A Sheerin !
Gary A. Sheerin, Law Office of
177 W Proctor Street
Suite B
Carson City, NV 89703

Garry Stone
Water Master
290 South Arlington Ave
Reno, NV 89501-

Harry W Swainston
Harry W. Swainston
4040 Hobart Rd.
Carson City, NV 89703-

Louis S Test
Hoffman, Test, Guinan & Collier
429 W. Plumb Ln.
P.O. Box 187
Reno, NV 89504-

Walker Lake Water Dist. G.I.D.
175 Wassuk Way
Walker Lake, NV 89415

Roberta G. Dunn

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TELEPHONE (213) 250-1800