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DISTRICT OF NEVADA
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3:73-CV-127

FILED
JULY 9, 2003
PM 3:03
JAMES S. WILSON
CLERK
BY DEPUTY

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA,	IN EQUITY NO. C-125
Plaintiff,	SUBFILE NO. C-125-B
WALKER RIVER PAIUTE TRIBE,	
Plaintiff-Intervenor,	ORDER – DISCLAIMER OF INTEREST
vs.	
WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,	

U.S. DISTRICT COURT
DISTRICT OF NEVADA
ENTERED & SERVED
JUL 15 2003
CLERK, U.S. DISTRICT COURT
DEPUTY

The following background information is provided to aid in understanding the reasons for and what is required by this Order:

1. The Court has ordered that certain persons and entities be included as parties in this action because they own water rights within one or more of the nine categories set forth in Paragraph 3 of the Court's April 18, 2000 Case Management Order.

2. It is possible that some of the specific persons or entities who are served with a Waiver of Service of Notice in Lieu of Summons, Notice of Lawsuit, or a Notice in Lieu of Summons do not belong in this action, because, for example, they may have sold or otherwise conveyed the ownership of all water rights subject to this action prior to being served.

3. A change in ownership of a water right can occur in a number of ways and for a variety of reasons. Often a change in ownership of a water right occurs when ownership of the land on which the water is used changes. A change in ownership may involve a sale, a gift, a death or even a divorce. It may also involve estate or business planning decisions, such as conveyance to an intervivos trust or a limited liability company. Frequently, changes in ownership are accomplished by a deed. However, in an estate or divorce proceeding, they may be accomplished by an order of a court. These examples are not an exclusive list of all of the

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ways in which a change in ownership may occur.

4. It is important that the Court and the Plaintiffs be notified if a person or entity who receives service by mail or personal service does not, in fact, have any ownership interest in a water right in any of the nine categories set forth in Paragraph 3 of the Court's April 18, 2000 Case Management Order. In addition, that person or entity need not be burdened with this litigation and, if there was a change in ownership, a new party may need to be added to the action. Before any such person may be omitted from this action, certain information and documents will have to be provided to the Plaintiffs and the Court.

Based upon the foregoing, it is hereby ORDERED as follows:

1. If any person or entity receiving service by mail or personal service has no interest in any water right within any of the nine categories set forth in Paragraph 3 of the *Case Management Order* (Apr. 18, 2000)[1], that person or entity shall notify the Court and the

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[1] You should review the *Case Management Order* and *First Amended Counterclaims* filed by the United States and by the Walker River Paiute Tribe, which are included in the materials served upon you. For convenience, the nine categories of persons and entities that the Court has ordered to be served and named are listed here:

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

2. 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.

3. Category 3.c.: 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).

4. Category 3.d.: 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).

5. Category 3.e.: All users of groundwater for irrigation in California in the Walker River Basin.

United States in writing of that fact.

2. If such person or entity sold or otherwise conveyed ownership of all of the water rights that the person or entity once owned before they were served or otherwise brought into this action, in addition to disclaiming any interest in this action, they shall include a notice providing the following information:

A. The name and address of the person or entity who sold or otherwise conveyed ownership;

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

C. A copy of the deed, court order or other document by which the change in ownership was accomplished.

3. The disclaimer and notice shall be sent to the Court and counsel for the United States, addressed as follows:

Linda Lea Sharer, Chief Deputy Clerk
United States District Court for the District of Nevada
400 South Virginia Street, Suite 301
Reno, NV 895501

Susan L. Schneider
United States Department of Justice
P.O. Box 756
Littleton, CO 80160

4. The form and substance of the disclaimer and notice shall substantially conform to the form attached to this Order as Exhibit A.

5. Following their receipt from any person or entity disclaiming any interest in any

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6. Category 3.f.: All holders of "vested rights" to the use of groundwater under the laws of the State of Nevada within the Walker River Basin.

7. Category 3.g.: All municipal providers in Nevada within the Walker River Basin who currently use groundwater.

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

9. Category 3.i.: All industrial users in Nevada within the Walker River Basin who currently use groundwater.

of the water rights at issue in this case of a Waiver of Service of Notice in Lieu of Summons and any Disclaimers of Interest and accompanying information and documents sought by this Order, Plaintiffs will review the materials received and, if appropriate, seek the Court's concurrence in omitting that person or entity filing such materials from this case.

6. If Plaintiffs do not receive a Waiver of Service of Notice in Lieu of Summons and must personally serve a person or entity that subsequently files a Disclaimer of Interest pursuant to this Order, Plaintiffs will also review the materials received and, if appropriate, seek the Court's concurrence in omitting the person or entity from this case, but that person or entity may be subject to paying the costs related to formal personal service on them.

7. Despite the above provisions, any person or entity who files a Disclaimer of Interest in this matter is ultimately responsible for the accuracy of this filing. Consequently, any person or entity who files a Disclaimer of Interest, but, in fact, has water rights subject to this litigation, shall nevertheless be bound by the results of this litigation.

8. Any person or entity subject to service under the Federal Rules of Civil Procedure who receives notice of this action in the manner provided by Federal Rule of Civil Procedure 4(d) remains subject to the duty to avoid unnecessary costs of serving the summons, even if that person or entity ultimately disclaims any ownership interest in any of the water rights described by Paragraph 3 of the Court's April 18, 2000 Case Management Order.

IT IS SO ORDERED:

Dated July 9, 2003.

The Honorable Robert A. McQuaid, Jr.
United States District Court Magistrate Judge

water rights that the undersigned (or the entity on whose behalf the undersigned is acting) once owned before the undersigned was served with a Waiver of Service of Notice in Lieu of Summons or by a Notice in Lieu of Summons, the undersigned provides the following additional information:

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

Name(s): BAY INVESTMENT PROPERTIES LLC

Street or P.O. Box: 1080 CANAL DRIVE

Town or City: GARDNERVILLE

State: NV

Zip Code: 89410

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

Name(s): Bell, MARK R.
FERNANDEZ, JANET

Street or P.O. Box: 4609 DOWNING CT

Town or City: GRANITE BAY

State: CA

Zip Code: 95746

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

☐ Deed

☐ Court Order

☒ Other Document.

I never had a water right to this property once we built SFR any water right I had would go to Lyon County Dedication of water any right to Lyon County new con station (well)

by which the change in ownership was accomplished.

4. The undersigned acknowledges that any person or entity who files a Disclaimer of Interest in this matter is ultimately responsible for the accuracy of this filing. Consequently, the undersigned acknowledges that any person or entity who files a Disclaimer of Interest, but, in fact, has water rights subject to this litigation, shall nevertheless be bound by the results of this litigation.

Executed this 20th day of March 2007.

[signature of counter-defendant]

Mark R Bell
[name of counter-defendant]

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

[signature, if applicable, of person acting on behalf of Counter-Defendant]

[address]

[telephone number]

RESOLUTION

A RESOLUTION SETTING THE NEW WATER CONSUMPTIVE USE PROFILE FOR THE DAYTON WATER UTILITY

RECEIVED
NOV 2 7 2001
LYON COUNTY UTILITIES

WHEREAS, the County of Lyon operates and maintains a Water Utility Service Area within the Dayton Valley Ground Water Basin;

WHEREAS, customer water use data indicates consumptive use is below 1.12 acre-feet per year;

WHEREAS, Capital Engineering prepared the Water Consumptive Use Profile Study, a comprehensive study of the Dayton Water Utility;

WHEREAS, on October 11, 2001, the State Department of Conservation and Natural Resources, Division of Water Resources (State) approved water rights dedication requirements;

WHEREAS, the County of Lyon has determined at this time to establish common water rights dedication requirements as approved by the State;

NOW, THEREFORE, BE IT RESOLVED,

That beginning November 16, 2001 the Board of Lyon County Commissioners does hereby set the water consumptive use profile dedication for single family homes for the Dayton Water Utility as follows:

REQUIRED DEDICATION OF WATER RIGHTS (ACRE-FEET)	LOT SIZE (FEET SQUARED)
0.7	10,000 AND UNDER
0.85	OVER 10,000 AND UP TO 12,000
0.95	OVER 12,000 AND UP TO 16,000
1.12	OVER 16,000

PASSED, APPROVED AND ADOPTED this 15th day of November, 2001 by the following vote of the Lyon County Board of Commissioners:

AYES: Fulstone, Goodman, Hillyard, Hunewill, Milz

NAYES: 0

ABESENT: 0

ABSTENTIONS: 0

BOARD OF LYON COUNTY COMMISSIONERS

By: Chairman

Attest:

County Clerk

LYON COUNTY
JILDING PERMIT

. PERMIT SHALL EXPIRE BY LIMITATION IF WORK
HORIZED IS NOT COMMENCED WITHIN 180 DAYS

Mark Bell

92 Hawk View Road, Wellington

10-191-15

). B-28003 DATE 2/10/2006

Jerry Olsen Construction

se Residence/Garage

/ Class. R-3/U Flood Zone C-0475 B

RR3 Set Backs: F 30 S 10 R 20

Block _____, Sub 12-L 1-23 FR W2 SE4 PAR B

his card must be kept in a conspicuous place on or in the building
eadily available to County inspectors. Inspection must be called for and made
by Sec. 109 of the Building Code.

IMPORTANT NOTICE

T SHALL EXPIRE BY LIMITATION IF WORK IS SUSPENDED
BANDONED FOR A PERIOD OF 180 DAYS AFTER WORK IS
ENCED. (ONE 180 DAY EXTENSION ALLOWED) IBC 105.5

N. Campbell/Ray S. Menash

INSPECTION RECORD

TELEPHONE 463-6591. 577-5035

	DATE	INSPECTOR	REMARKS
Footing	2-14-06		
Stemwall	2-17-06		
Slab or Underfloor	2-27-06		
"A" Flood zones require elevation certicate for "lowest floor" prior to further inspections per Section 109 of Building Code			
Roof Sheathing	4-17-06		
Shear Nail	3-10-06		
Stucco Lath	—		
Frame, Rough Electric Rough Plumbing, Gas Test	5-2-06		See Exc[illegible]
Insulation	5-9-06		All batt hav[illegible]
Sheetrock	5-16-06		
Wood-Stove Gas	8-3-06		
Septic Tank/Sewer Lateral	6-15-05 6-30-06		OPEN FINAL
Water Lateral			
Sewer/Water Final Approval			Utility Co. or GID approval required prior to final
Local Fire Department			Commercial Permits
Mfg. Home Conversion			
Power - Gas Service	3-14-06 7-27-06		Power GAS Appliance ready for service required

THIS BUILDING SHALL NOT BE OCCUPIED UNTIL FINAL INSPECTION HAS BEEN MADE AND CERTIFICATE OF OCCUPANCY ISSUED. THIS CARD WHEN SIGNED CONSTITUES C. of O. FOR SINGLE FAMILY RESIDENCE AND ACCESSORY.

FINAL INSPECTION

8-3-06
DATE

Ray S Moore
BUILDING INSPECTOR