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CLERK US DISTRICT COURT
DISTRICT OF NEVADA

DEPUTY

3.73 24-127

FILED
JULY 9, 2003
PM 3:03

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

LOUISE S. WALSON
CLERK
DEPUTY

IN EQUITY NO. C-125
SUBFILE NO. C-125-B

UNITED STATES OF AMERICA,

Plaintiff,

WALKER RIVER PAIUTE TRIBE,

Plaintiff-Intervenor,

vs.

WALKER RIVER IRRIGATION DISTRICT,
a corporation, et al.,

U.S. DISTRICT COURT
DISTRICT OF NEVADA
ENTERED & SERVED

JUL 16 2003

CLERK US DISTRICT COURT
DEPUTY

ORDER - DISCLAIMER OF INTEREST

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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1 ways in which a change in ownership may occur.

2 4. It is important that the Court and the Plaintiffs be notified if a person or entity
3 who receives service by mail or personal service does not, in fact, have any ownership interest
4 in a water right in any of the nine categories set forth in Paragraph 3 of the Court's April 18,
5 2000 Case Management Order. In addition, that person or entity need not be burdened with
6 this litigation and, if there was a change in ownership, a new party may need to be added to the
7 action. Before any such person may be omitted from this action, certain information and
8 documents will have to be provided to the Plaintiffs and the Court.

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

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

13
14 You should review the *Case Management Order* and *First Amended Counterclaims* filed
15 by the United States and by the Walker River Paiute Tribe, which are included in the materials
16 served upon you. For convenience, the nine categories of persons and entities that the Court
17 has ordered to be served and named are listed here:

- 18 1. Category 3.a.: The successors in interest to all water rights holders under the Decree
19 (April 14, 1936), modified, Order of Entry of Amended Final Decree to Conform to
20 Writ of Mandate, Etc. (April 24, 1940) ("Decree").
- 21 2. Category 3.b.: All holders of surface water rights under the laws of the States of
22 Nevada and California in the Walker River Basin who are not presently parties to this
23 adjudication.
- 24 3. Category 3.c.: All holders of permits or certificates to pump groundwater issued by
25 the State of Nevada and domestic users of groundwater within Sub Basins 107 (Smith
26 Valley), 108 (Mason Valley), 110A (Schurz Subarea of the Walker Lake Valley), and
27 110B (Walker Lake Subarea of the Walker Lake Valley).
- 28 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.

1 United States in writing of that fact.

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

- 6 A. The name and address of the person or entity who sold or otherwise
7 conveyed ownership;
- 8 B. The name and address of each person or entity who acquired ownership;
9 and
- 10 C. A copy of the deed, court order or other document by which the change
11 in ownership was accomplished.

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

14 Linda Lea Sharer, Chief Deputy Clerk
15 United States District Court for the District of Nevada
16 400 South Virginia Street, Suite 301
17 Reno, NV 895501

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

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

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

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

27 7. Category 3.g.: All municipal providers in Nevada within the Walker River Basin
28 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.

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

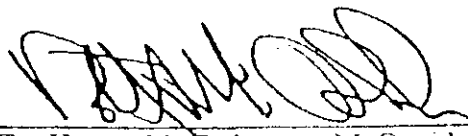
5 6. If Plaintiffs do not receive a Waiver of Service of Notice in Lieu of Summons
6 and must personally serve a person or entity that subsequently files a Disclaimer of Interest
7 pursuant to this Order, Plaintiffs will also review the materials received and, if appropriate,
8 seek the Court's concurrence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

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

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

19 IT IS SO ORDERED:

20 Dated July 9, 2003.

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22 _____
23 The Honorable Robert A. McQuaid, Jr.
24 United States District Court Magistrate Judge
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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: GARLANDVILLE, IA

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 SRR ANY WATER ~~RIGHT~~ I HAD WOULD GO TO LYON COUNTY
 DEDICATION OF WATER ANY RIGHT TO LYON COUNTY
 NEW CONSTRUCTION (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]

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[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 27 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

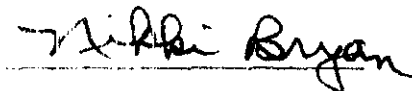
ABESENT: 0

ABSTENTIONS: 0

**BOARD OF LYON COUNTY
COMMISSIONERS**


By: Chairman

Attest:



County Clerk

LYON COUNTY BUILDING PERMIT

PERMIT SHALL EXPIRE BY LIMITATION IF WORK
HORIZONTAL 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
 Residence/Garage
 Class. R-3/U Flood Zone C-0475 B
 IB3 Set Backs: F 30 S 10 R 20
 Block Sub 12-11-23 FR W2 SE4 PAR B
 This card must be kept in a conspicuous place on or in the building
 readily available to County inspectors. Inspection must be called for and made
 by Sec. 108 of the Building Code.

IMPORTANT NOTICE
 THIS SHALL EXPIRE BY LIMITATION IF WORK IS SUSPENDED
 AND ABANDONED FOR A PERIOD OF 180 DAYS AFTER WORK IS
 COMMENCED. (ONE 180 DAY EXTENSION ALLOWED) IBC 105.5

N. Campbell
 S. Mema Sh

INSPECTION RECORD

TELEPHONE 463-6591, 577-5035

DATE	INSPECTOR	REMARKS
2-10-06	Jerry Olsen	
2-17-06	10500	
2-27-06	10500	
A Flood zones require elevation certificate for lowest floor prior to further inspections per Section 108 of Building Code		
4-17-06	Jerry Olsen	
3-10-06	10500	
5-2-06	Jerry Olsen	See Excavation
5-9-06	Jerry Olsen	All batt hatched
5-16-06	Jerry Olsen	
8-3-06	Jerry Olsen	
8-15-06	Jerry Olsen	
8-22-06	Jerry Olsen	FINAL
5-18-06	Jerry Olsen	
7-27-06	Jerry Olsen	Apply ready for service

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

FINAL INSPECTION

8-3-06
 Jerry Olsen

DATE BUILDING INSPECTOR