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JUL 16 2007
CLERK US DISTRICT COURT
DISTRICT OF NEVADA
BY DEPUTY

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA, Plaintiff, WALKER RIVER PAIUTE TRIBE, Plaintiff-Intervenor, v. WALKER RIVER IRRIGATION DISTRICT, a corporation, et al., Defendants.	In Equity No. C-125-ECR Subfile No. C-125-B **DISCLAIMER OF INTEREST IN WATER RIGHTS AND NOTICE OF RELATED INFORMATION AND DOCUMENTATION SUPPORTING DISCLAIMER**

The undersigned 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 no interest in any water right within the categories set forth in Paragraph 3 of the *Case Management Order* (Apr. 18, 2000) and, therefore, **disclaims all interest in this action.**

This disclaimer and notice shall be sent to the following two persons:

Linda Lea Sharer, Chief Deputy Clerk
United States District Court for the District of Nevada
400 South Virginia Street, Suite 301
Reno, NV 89501

And

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

In addition, because the undersigned sold or otherwise conveyed ownership of all of the

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): E. E. Willhoyt and Goldie D. Willhoyt (now deceased)

Street or P.O. Box:

Town or City: Yerington NV.

State:

Zip Code:

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

Name(s): James A. Knudson
PO Box 996

Street or P.O. Box:

Town or City: Yerington NV

State:

Zip Code: 89447

Property was purchased in 1965.
Well was installed for personal use only by Ogden Drilling of Yerington NV 89447
Tel # 775-463-2071
James A. Knudson

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

- ☒ Deed
- ☐ Court Order
- ☐ Other Document.

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 _____ day of _____ 200__.

[signature of counter-defendant]

[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]

This Indenture, made the 22nd day of April one thousand nine hundred and sixty-five

Between E. E. Willhoyt and Goldie D. Willhoyt, husband and wife,

the parties of the first part,

and James A. Knudson,

Box 133 Yerington, Nevada

the party of the second part,

Witnesseth: That the said parties of the first part, in consideration of the sum of ----------Ten and no/100-------- dollars, lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, do by these presents grant, bargain, and sell unto the said party of the second part, and to his heirs and assigns forever, all the certain lot, piece or parcel of land situate in Mason Valley, County of Lyon, State of Nevada, and bounded and described as follows, to-wit:

All that piece or parcel of land situated in the SW¼ of NE¼, Sec. 9, T. 13 N, R 26 E, MDB&M and more fully described as follows: Beginning at the Southwest corner of the SW¼ of NE¼, Sec. 9, T. 13 N, R 26 E, MDB&M, thence running East 330 feet to true point of beginning at Southwest corner of 10 acre parcel; Thence First course North 645 feet; thence second course East 660 feet; thence third course South 645 feet; thence fourth course West 660 feet to the place of beginning, making ten acres more or less.

Together with the tenements, hereditaments, and appurtenances thereunto belonging or appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof.

To Have and to Hold the said premises, together with the appurtenances, unto the said party of the second part, and to his heirs and assigns forever

STATE OF NEVADA,
County of Lyon } ss.

On this 26th day of April A. D., one thousand nine hundred and sixty-five personally appeared before me, Carl O. Gelmstedt, a Notary Public in and for the said County of Lyon,

E. E. Willhoyt and Goldie D. Willhoyt, husband and wife,

known to me to be the persons described in and who executed the foregoing instrument, who acknowledged to me that they executed the same freely and voluntarily and for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at my office in the County of Lyon, the day and year in this certificate first above written.

Carl O. Gelmstedt

Notary Public in and for the County of Lyon, State of Nevada.

103790

Deed

TO

Dated ....., 19....

Recorded at the Request of

E. E. Wilhoyt

Feb 4, 1969

at 5 min. past 2 o'clock P.M.,

in Volume 52 of

Deeds

page 319

Lyon

County Records.

Margaret Chyan

Recorder.

By Violet Ward

Deputy Recorder.

A-31912—1M—1-63 FORM 464

This Indenture, made the 22nd day of April one thousand nine hundred and sixty-five

Between E. E. Willhoyt and Goldie D. Willhoyt, husband and wife,

the parties of the first part,

and James A. Knudson,

Box 133 Yerington, Nevada

the party of the second part,

Witnesseth: That the said parties of the first part, in consideration of the sum of ----------Ten and no/100--------- dollars, lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, do by these presents grant, bargain, and sell unto the said party of the second part, and to his heirs and assigns forever, all the certain lot, piece or parcel of land situate in Mason Valley, County of Lyon, State of Nevada, and bounded and described as follows, to-wit:

All that piece or parcel of land situated in the SW¼ of NE¼, Sec. 9, T. 13 N, R 26 E, MDB&M and more fully described as follows: Beginning at the Southwest corner of the SW¼ of NE¼, Sec. 9, T. 13 N, R 26 E, MDB&M, thence running East 330 feet to true point of beginning at Southwest corner of 10 acre parcel; Thence First course North 645 feet; thence second course East 660 feet; thence third course South 645 feet; thence fourth course West 660 feet to the place of beginning, making ten acres more or less.

Together with the tenements, hereditaments, and appurtenances thereunto belonging or appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof.

To Have and to Hold the said premises, together with the appurtenances, unto the said party of the second part, and to his heirs and assigns forever

STATE OF NEVADA,
County of Lyon } ss.

On this 26th day of April A. D., one thousand nine hundred and sixty-five personally appeared before me, Carl O. Gelmstedt, a Notary Public in and for the said County of Lyon,

E. E. Willhoyt and Goldie D. Willhoyt, husband and wife,

known to me to be the persons described in and who executed the foregoing instrument, who acknowledged to me that they executed the same freely and voluntarily and for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at my office in the County of Lyon, the day and year in this certificate first above written.

Carl O Gelmstedt

Notary Public in and for the County of Lyon, State of Nevada.

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Margaret Wyman

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DEPUTY

FILED
July 9, 2003
PM 3:03
LARRY S. WILSON
CLERK
DEPUTY

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

ORDER – DISCLAIMER OF INTEREST

U.S. DISTRICT COURT
DISTRICT OF NEVADA
ENTERED & SERVED
JUL 16 2003
CLERK US 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