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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA

FILED  
JULY 9, 2003  
3:03 PM

LANCE S. WILSON  
CLERK  
BY: [Signature] 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  
LANCE S. WILSON  
CLERK  
BY: [Signature] 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)<sup>1/</sup>, that person or entity shall notify the Court and the

13 \_\_\_\_\_  
14 <sup>2/</sup> 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  
has ordered to be served and named are listed here:

- 17 1. Category 3.a.: The successors in interest to all water rights holders under the Decree  
18 (April 14, 1936), modified, Order of Entry of Amended Final Decree to Conform to  
Writ of Mandate, Etc. (April 24, 1940) ("Decree").
- 19 2. Category 3.b.: All holders of surface water rights under the laws of the States of  
20 Nevada and California in the Walker River Basin who are not presently parties to this  
21 adjudication.
- 22 3. Category 3.c.: All holders of permits or certificates to pump groundwater issued by  
23 the State of Nevada and domestic users of groundwater within Sub Basins 107 (Smith  
24 Valley), 108 (Mason Valley), 110A (Schurz Subarea of the Walker Lake Valley), and  
25 110B (Walker Lake Subarea of the Walker Lake Valley).
- 26 4. Category 3.d.: All holders of permits or certificates to pump groundwater issued by  
27 the State of Nevada within Sub Basins 106 (Antelope Valley), 109 (East Walker), and  
28 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.

21  
22   
23 The Honorable Robert A. McQuaid, Jr.  
United States District Court Magistrate Judge  
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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA**

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

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

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

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

7 Name(s):

8  
9 Street or P.O. Box:

10  
11 Town or City:

12  
13 State:

14  
15 Zip Code:

16  
17 2. The name and address of each person or entity who acquired ownership

18  
19 Name(s):

20  
21 Street or P.O. Box:

22  
23 Town or City:

24  
25 State:

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27 Zip Code:  
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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]

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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]