

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA

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1 UNITED STATES OF AMERICA,

2 Plaintiff,

3 WALKER RIVER PAIUTE TRIBE,

4 Plaintiff-Intervenor,

5 v.

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

8 Defendants.

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DANIEL S. WILSON  
CLERK  
BY [Signature] DEPUTY

IN EQUITY NO. CV-125-ECR

SUBFILE NO. C-125-B

U.S. DISTRICT COURT  
DISTRICT OF NEVADA  
ENTERED & SERVED  
JUL 16 2003  
CLERK U.S. DISTRICT COURT  
BY [Signature] DEPUTY

ORDER REGARDING  
CHANGES IN OWNERSHIP  
OF WATER RIGHTS

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 to this action because they own water rights within one or more of the nine categories set forth in Paragraph 3 of the Court's *Case Management Order* (Apr. 18, 2000).

2. During the course of this action, it is possible that a party will sell or otherwise convey ownership of all or a portion of the water rights which that party owned when brought into this action by a Waiver of Service of Notice in Lieu of Summons or by service of a Notice in Lieu of Summons.

3. A change in ownership of a water right or a portion 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 some or all 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

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1 a exclusive list of all of the ways in which a change in ownership may occur.

2 4. It is important that the Court and the Plaintiffs be notified of changes in the  
3 ownership of water rights while this action is pending because among other things, a change in  
4 ownership may require that a new party be included in the action, or that a present party be  
5 dismissed or both.

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

7 1. If a party to this action sells or otherwise conveys ownership of all or a portion of  
8 any water right within any of the nine categories set forth in Paragraph 3 of the *Case*  
9 *Management Order* (Apr. 18, 2000)<sup>1/</sup>, that party shall, within sixty days after any such change in

10 \_\_\_\_\_  
11 <sup>1/</sup> You should review the *Case Management Order* and *First Amended Counterclaims* filed by  
12 the United States and by the Walker River Paiute Tribe, which are included in the materials served  
13 upon you. For convenience, the nine categories of persons and entities that the Court has ordered  
14 to be served and named are listed here:

- 14 1. Category 3.a.: The successors in interest to all water rights holders under the Decree  
15 (April 14, 1936), modified, Order of Entry of Amended Final Decree to Conform to  
16 Writ of Mandate, Etc. (April 24, 1940) ("Decree").
- 16 2. Category 3.b.: All holders of surface water rights under the laws of the States of  
17 Nevada and California in the Walker River Basin who are not presently parties to this  
18 adjudication.
- 18 3. Category 3.c.: All holders of permits or certificates to pump groundwater issued by  
19 the State of Nevada and domestic users of groundwater within Sub Basins 107  
20 (Smith Valley), 108 (Mason Valley), 110A (Schurz Subarea of the Walker Lake  
21 Valley, and 110B (Walker Lake Subarea of the Walker Lake Valley).
- 20 4. Category 3.d.: All holders of permits or certificates to pump groundwater issued by  
21 the State of Nevada within Sub Basins 106 (Antelope Valley), and 109 (East  
22 Walker), and 110C (Whiskey Flat-Hawthorne Subarea of Walker Lake Groundwater  
23 Basin).
- 22 5. Category 3.e.: All users of groundwater for irrigation in California in the Walker  
23 River Basin.
- 23 6. Category 3.f.: All holders of "vested rights" to the use of groundwater under the laws  
24 of the State of Nevada within the Walker River Basin.
- 24 7. Category 3.g.: All municipal providers in Nevada within the Walker River Basin who  
25 currently use groundwater.
- 25 8. Category 3.h.: All municipal providers in California within the Walker River Basin  
26 who currently use groundwater.
- 26 9. Category 3.i.: All industrial users in Nevada within the Walker River Basin who  
27 currently use groundwater.

1 ownership, notify the Court and the United States of the change in ownership.

2 2. The notice required by this Order shall provide the following information:

3 A. The name and address of the party who sold or otherwise conveyed  
4 ownership;

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

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

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

11 Linda Lea Sharer, Chief Deputy Clerk  
12 United States District Court for the District of Nevada  
13 400 South Virginia Street, Suite 301  
14 Reno, NV 89501

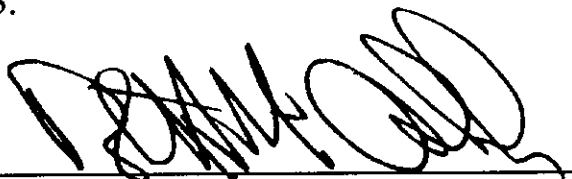
15 Susan L. Schneider  
16 Unites States Department of Justice  
17 P.O. Box 756  
18 Littleton, CO 80160

19 4. The form and substance of the notice shall substantially conform to the form of  
20 notice attached to this order as Exhibit A.

21 5. Any person or entity who files a Notice of Change of Ownership of Water Right  
22 using the attached form or provides information for this purpose by other means is ultimately  
23 responsible for the accuracy of this filing. Consequently, any person or entity who files such a  
24 notice regarding water rights subject to this litigation, but retains such water rights, shall  
25 nevertheless be bound by the results of this litigation.

26 IT IS SO ORDERED:

27 Dated: July 9, 2003.

  
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>NOTICE OF CHANGE OF</b>
Plaintiff-Intervenor,	)	<b>OWNERSHIP OF WATER RIGHT</b>
	)	
v.	)	
	)	
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 sold or otherwise conveyed ownership of all or a portion 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:

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Street or P.O. Box

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Town or City                      State                      ZipCode

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

Name(s)

Street or P.O. Box

Town or City                      State                      ZipCode

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

\*                      This 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

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such a notice, but retains such water rights, shall nevertheless, be bound by the results of this litigation.

Executed this \_\_\_\_\_ day of \_\_\_\_\_ 200\_\_.

[signature of counter-defendant]

[name of counter-defendant]

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

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

[address]

[telephone number]

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