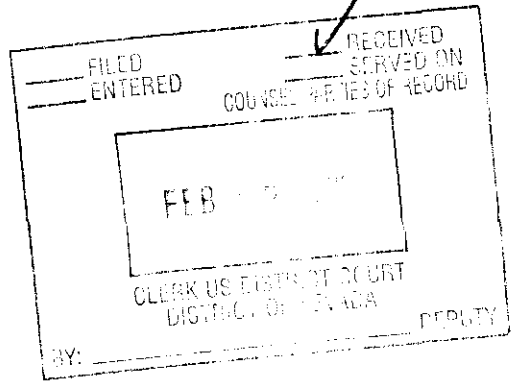


3:073-cv-127 DM



February 5, 2008

Ms. Linda Lea Sharer, Chief Deputy Clerk
U.S. District Court for Nevada
400 S. Virginia Street, Suite 301
Reno, NV 89501

Ms. Susan L. Schneider
U.S. Dept. of Justice
PO Box 756
Littleton, CO 80160

To Whom It May Concern:

This is the second time I have filled out and mailed the Order Regarding Changes in Ownership of Water Rights to both of you. I do not understand why I keep receiving these documents.

Please see the enclosed Water Rights, Grant, Sale and Bargain Deed transferring ownership.

If you have any questions, please call me at 775-463-7368.

Thank you.

Sincerely,

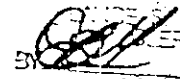
Nancy Werner
Nancy Werner

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

FILED
53 JUL -9 PM 3:03

1 UNITED STATES OF AMERICA.

2
3 Plaintiff.

BY  WILSON
DEPUTY

4 WALKER RIVER PAIUTE TRIBE,

5 Plaintiff-Intervenor,

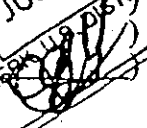
IN EQUITY NO. CV-125-ECR

SUBFILE NO. C-125-B

6 v.

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

9 Defendants.

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

ORDER REGARDING
CHANGES IN OWNERSHIP
OF WATER RIGHTS

10
11
12 The following background information is provided to aid in understanding the reasons
13 for and what is required by this Order:

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

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

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

207.

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)^{1/}, that party shall, within sixty days after any such change in
10

11 ^{1/} 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").
- 17 2. Category 3.b.: All holders of surface water rights under the laws of the States of
18 Nevada and California in the Walker River Basin who are not presently parties to this
19 adjudication.
- 20 3. Category 3.c.: All holders of permits or certificates to pump groundwater issued by
21 the State of Nevada and domestic users of groundwater within Sub Basins 107
22 (Smith Valley), 108 (Mason Valley), 110A (Schurz Subarea of the Walker Lake
23 Valley, and 110B (Walker Lake Subarea of the Walker Lake Valley).
- 24 4. Category 3.d.: All holders of permits or certificates to pump groundwater issued by
25 the State of Nevada within Sub Basins 106 (Antelope Valley), and 109 (East
26 Walker), and 110C (Whiskey Flat-Hawthorne Subarea of Walker Lake Groundwater
27 Basin.
- 28 5. Category 3.e.: All users of groundwater for irrigation in California in the Walker
29 River Basin.
- 30 6. Category 3.f.: All holders of "vested rights" to the use of groundwater under the laws
31 of the State of Nevada within the Walker River Basin.
- 32 7. Category 3.g.: All municipal providers in Nevada within the Walker River Basin who
33 currently use groundwater.
- 34 8. Category 3.h.: All municipal providers in California within the Walker River Basin
35 who currently use groundwater.
- 36 9. Category 3.i.: All industrial users in Nevada within the Walker River Basin who
37 currently use groundwater.

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

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

- A. The name and address of the party 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 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 89501

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

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

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

IT IS SO ORDERED:

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, |) | |
| |) | NOTICE OF CHANGE OF |
| Plaintiff-Intervenor, |) | OWNERSHIP OF WATER RIGHT |
| |) | |
| 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:

Kurt M. Werner
Nancy Werner Name(s)
538 Pete Henrichs
Yerington, NV Street or P.O. Box
89247

PERMITS
Town of City State ZipCode

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

Joseph Kircher

Name(s)

1331 Antelope Valley Rd

Street or P.O. Box

Reno
Town or City

NV
State

89447
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

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

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litigation.

Executed this 4th day of February 2008.



[signature of counter-defendant]

Nancy Kerner

[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]

538 Pete Henricks
Yerington NV 89447
775-463-7368

[address]

[telephone number]

DOC # 399185
Confirmed Copy

(Not Compared to Original)

01/22/2007 10:33 AM

Official Record

Requested By
NORTHERN NEVADA TITLE

Lyon County - NV
Mary C. Milligan - Recorder

A.P.N. 14-381-34
Escrow No.: EO-305321-DA
Accommodation Only

RECORDING REQUESTED BY:

MAIL TAX STATEMENTS AND WHEN
RECORDED, MAIL TO:

Joseph Kircher
1331 Antelope Valley Road
Reno, NV 89506

THIS SPACE FOR RECORDER'S USE ONLY

The undersigned grantor(s) declare(s):

Documentary transfer tax is \$265.20, computed on full value of property conveyed.

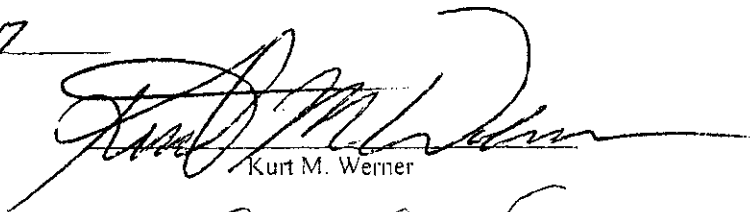
**WATER RIGHTS
GRANT, BARGAIN, SALE DEED**

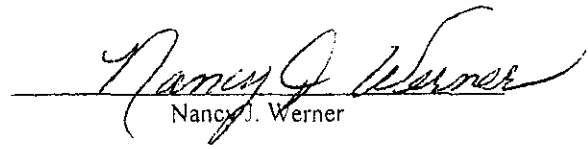
That **Kurt M. Werner and Nancy J. Werner, Husband and Wife as Joint Tenants with Right of Survivorship** in consideration of \$10.00 Dollars, the receipt of which is hereby acknowledged, do(es) hereby Grant, Bargain, Sell and Convey to **Joseph Kircher, a Married Man** all that real property in the County of Lyon, State of Nevada, bounded and described as follows:

41.84 acre feet of water rights under the State of Nevada, Division of Water Resources Permit No. 21582, Certificate No. 5813 and Permit No. 30218, Certificate No. 9432.

Together with all singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

Dated: 1/22/07


Kurt M. Werner


Nancy J. Werner

STATE OF NEVADA)

COUNTY OF LYON)

On 1-22-07 personally appeared before me, a Notary Public,

Kurt M. Werner and
Nancy J. Werner

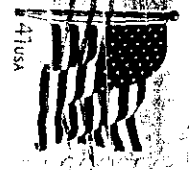
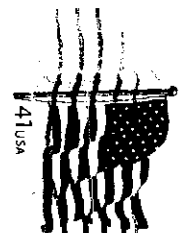
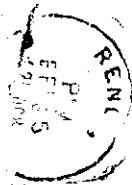
who acknowledged that they executed the above instrument.

Signature Diane Arvizo
(Notary Public)



US Department of Justice
PO Box 756
Littleton, CO 80160-0756

Ms. Linda Lea Sharer U.S. District
Court for Nevada
400 S. Virginia Street, Suite 301
Reno, NV 89501



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