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| JAN 26 2009                                   |           |
| CLERK US DISTRICT COURT<br>DISTRICT OF NEVADA |           |
| BY: _____                                     | DEPUTY    |

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA**

1 UNITED STATES OF AMERICA,  
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3  
4 Plaintiff,

5 WALKER RIVER PAIUTE TRIBE,  
6  
7 Plaintiff-Intervenor,

8 vs.

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

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

**NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE**

- 11 1. I hereby enter my appearance in this sub-proceeding in this case.
- 12 2. I am filing this document with the District Court at the following address:

13 Chief Deputy Clerk  
14 United States District Court for the  
15 District of Nevada  
16 400 South Virginia Street, Suite 301  
17 Reno, Nevada 89501

- 18 3. In the envelope provided for return of my Waiver of Service of Notice in Lieu of  
19 Summons, I am mailing a copy of this document to:

20 Susan L. Schneider  
21 Attorney for the United States of America  
22 United States Department of Justice  
23 Environment & Natural Resources Division  
24 P.O. Box 756  
25 Littleton, Colorado 80160

- 26 4. I (or the entity on whose behalf I am acting) will retain all defenses or objections  
27 to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect  
28 in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons. \*\*\*

5. If I (or the entity on whose behalf I am acting) have retained an attorney to represent  
me in these proceedings, I identify that attorney below, along with his or her mailing address,  
telephone number, facsimile number, and e-mail address:

\*\*\* I also reserve the defense that the court lacks jurisdiction over Slinkard Creek because it is not a tributary of the Walker River, and is not an inter- state stream.

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Attorney:

Address:

Phone Number:

Fax Number:

E-mail Address:

**PLEASE NOTE:** Attorneys are reminded that they are required to comply with the electronic filing procedures of the U.S. District Court for District of Nevada.

“Attorneys who are admitted to the bar of this court, admitted to participate in a case pro hac vice, or who are authorized to represent the United States and its agencies, shall register as Filing Users of the System. Registration shall be in the form prescribed by the Clerk of the Court and by these Electronic Filing Procedures.” U.S. Dist. Ct., D. Nev., Electronic Filing Procedures (rev. Aug. 24, 2006) at I.C.

Tom Summers

(Signature)

Tom Summers

(Printed or typed Name)

Tom Summers, RA  
Swauger Ranch, Inc.

Swauger Ranch, Inc

(Entity, if any, on whose  
behalf you are appearing)

116116 Hwy. 395

Topaz, CA 96133

(Address)

(530) 495- 2306

(Telephone number)