FILED

04 MAY 27 PM 2:27

LANCE S. WILSON
CLERK
BY DEPUTY

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

| | |
|---|---|
| UNITED STATES OF AMERICA,<br><br>Plaintiff,<br><br>WALKER RIVER PAIUTE TRIBE,<br><br>Plaintiff-Intervenor,<br><br>vs.<br><br>WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,<br><br>Defendants. | IN EQUITY NO. C-125-ECR<br>[redacted]roceeding: C-125-B<br><br>REPORT OF THE UNITED STATES OF AMERICA CONCERNING STATUS OF SERVICE ON CERTAIN PERSONS AND ENTITIES |

The United States of America ("United States"), on behalf of itself and the Walker River Paiute Tribe ("Tribe"), submits the following information related to its initial service efforts on persons and entities subject to service under Paragraphs 3.d., g., and i. of the *Case Management Order* (Apr. 18, 2000) ("CMO"). As set forth in this pleading, the United States asks the Court to approve certain service efforts, to amend the caption related to this first phase of service, to make corrections and additions, and, in some instances, to take no action at this point as service efforts are continuing.

This is a lengthy pleading with a voluminous set of exhibits. Individuals and entities served in this phase have received copies of only those exhibits that concern their service issues. We will provide any of them with copies of any additional exhibits that they wish to obtain. We have asked the parties involved in the mediation of this case if they wish to receive the entire set

266

of exhibits. So far, the only parties to respond have requested the pleading and any specific exhibits that concern them, and have stated that they will identify any additional exhibits that they wish to receive. Consequently, we have provided materials to the other mediating parties in a similar fashion, except that we have provided a copy of all exhibits to counsel for the Walker River Irrigation District. We will provide copies of any exhibits as requested by the mediating parties.

We are also submitting a separate filing of the original Waivers of Service, Notices of Appearance, Disclaimers, and Notices of Change of Ownership of Water Right, which is arranged in alphabetical order.

We have organized this pleading numerically, according to the alphabetical listing of names included on the caption in the United States' and Tribe's respective First Amended Counterclaims. Exhibits are numbered to correlate to the overall numerical organization (*i.e.*, Exhibit 1 or Exhibits 1A and 1B would relate to the discussion of Defendant #1). For each Defendant addressed, we have attempted to identify all service categories relevant to that Defendant, but we are not representing these identifications as necessarily complete or asserting that any Defendant subject to service under CMO categories not specifically identified would need to be served a second time. To the extent that corrections or additional or changed parties appear appropriate, those are discussed in connection with the listing as originally identified in the case captions. In addition, several newly identified persons or entities who belong in this initial service phase, but are unrelated to any persons or entities listed in the caption, are addressed at the end of this pleading. We also note that there are instances discussed herein

where persons or entities served in this phase have turned out not to be subject to service under CMO Paragraphs d., g., or i., but are subject to service under other CMO service categories.

We have not yet provided the Court with a proposed amended Caption, but are prepared to do so after the Court addresses the requests stated herein. We are also providing a copy of this pleading and the certificate of service to the Court and the Clerk's Office on a computer disk in Word Perfect format and would be pleased to provide this information in any other format to assist the Court and Clerk's Office.

In an effort to assist with the development of the Certificate of Service for this case, we have included in this pleading addresses for counsel, and if there is no counsel, addresses for service upon the individual or entity served. To the extent that the person or entity is not identified clearly in the address indicated for service, we have included that information in brackets. We recognize that if the Court dismisses certain individual and entities from the case, as we have requested, the Certificate of Service attached to this document will change as well.

1. **Acciari Ranch Supply, Inc.:**

   a. Basis for inclusion: CMO Paragraphs 3.c. and i.

   b. Status of service: The Waiver of Service and Notice of Appearance forms have both been completed and returned, signed by Sophia Acciari Seubert, President, Acciari Ranch Supply, Inc. *See* Exhibit 1.

   c. Counsel: None identified.

   d. Address for service: Acciari Ranch Supply, Inc.
      P.O. Box 70
      Smith, NV 89430

   e. Requested action(s): We ask for a finding that service is complete.

2. **Alexander Dawson, Inc.:**

a. Basis for inclusion: CMO Paragraphs 3.c. and i.

b. Status of service: We have received correspondence from counsel, acknowledging receipt of the service materials, and providing us with a Disclaimer of Interest and related documentation indicating the sale of the water rights at issue to Break-A-Heart, LLC. *See* Exhibit 2A. Break-A-Heart, LLC was served on February 5, 2004, and has returned signed Waiver of Process and Notice of Appearance forms. *See* Exhibit 2B.

c. Counsel: [Alexander Dawson, Inc.]
John D. O'Brien
John D. O'Brien, LTD
700 South Seventh St.
Las Vegas, NV 89101-6051

[Break-A-Heart, LLC]
George N. Benesch
9432 Double R Blvd., Suite B
Reno, NV 89521

d. Address for service: *see* Counsels' addresses, above.

e. Requested action(s): We ask the Court to dismiss Alexander Dawson, Inc.; substitute Break-A-Heart, LLC; find that service is complete as to Alexander Dawson, Inc.; and find that service is complete as to Break-A-Heart, LLC.

3. **David L. Allen:**

a. Basis for inclusion: CMO Paragraphs 3.c. and i.

b. Status of service: Mr. Allen died on September 25, 1997. His wife, Doris Allen, has signed and returned both the Waiver of Service and Notice of Appearance

forms. The Allens were joint tenants with "rights of survivorship forever." *See* Exhibit 3.

c. Counsel: None identified.

d. Address for service: Doris J. Allen
17 Smith Lane
Yerington, NV 89447

e. Requested action(s): We ask the Court to dismiss David L. Allen; substitute Doris J. Allen; and find that service is complete as to Doris J. Allen.

4. **Evan L. Allred:**

a. Basis for inclusion: CMO Paragraph 3.d.

b. Status of service: Mr. Allred has signed and returned both the Waiver of Service and Notice of Appearance forms. *See* Exhibit 4.

c. Counsel: [Evan L. Allred]
George M. Keele
1692 County Road, #A
Minden, NV 89423

d. Address for service: *see* Counsel's address, above.

e. Requested action(s): We ask for a finding that service is complete.

5. **American Telephone and Telegraph Co.:**

a. Basis for inclusion: CMO Paragraph 3.d. and i. (Note that the State permit materials related to American Telephone and Telegraph Co.'s well permit describes this as a "domestic" well, but its purpose appears to be quasi-industrial.)

b. Status of service: We have received correspondence from counsel, acknowledging receipt of the service materials, and providing us with a

Disclaimer of Interest and related documentation, indicating that the current name of "American Telephone and Telegraph Company" is now "AT&T Corp.," and further indicating the sale of the building and microwave tower, the assignment of the right of way for the site and access road, and the implicit assignment of all rights to use the well and all water rights associated with the property to American Tower Management, Inc. *See* Exhibit 5A.

American Tower Management, Inc. was served on February 5, 2004. Undersigned counsel was contacted by its counsel and provided him with copies of the well permit and conveyance materials. American Tower Management, Inc. has returned a Disclaimer of Interest form as to the water rights in this action. *See* Exhibit 5B.

c. Counsel: Deborah S. Droller
Senior Attorney
AT&T
Room 3D
3033 Chain Bridge Road
Oakton, VA 22185

Andrew Galvin
American Tower Management, Inc.
116 Huntington Ave.
Boston, MA 02116

d. Address for service: *see* Counsel's addresses, above.

e. Requested action(s): We ask the Court to find that service is complete as to American Telephone and Telegraph, now known as AT&T; dismiss AT&T; substitute American Tower Management, Inc.; find that service is complete as to

American Tower Management, Inc; and dismiss American Tower Management, Inc., based on its disclaimer.

6. **Brad Amussen:**

a. Basis for inclusion: CMO Paragraph 3.d. As stated below, we do not think this classification is accurate.

b. Status of service: Mr. Amussen and Mrs. Patricia Amussen (formerly Patricia Fitzgerald) have returned signed Waivers of Service. *See* Exhibit 6A. Patricia Amussen is listed on the caption as "Patricia, Fitzgerald S."

Based on continuing investigation, we question whether either Mr. or Mrs. Amussen have a water right that fits within the requirements of CMO Paragraph 3. First, their water use appears to be domestic, which does not fit within CMO Paragraph 3.d. Second, they appear on Hawthorne Utilities' list of Corey Canyon pipeline accounts. Hawthorne Utilities has been served. It appears to us that the users of the Corey Canyon pipeline were included in our service list in error. *See* Exhibit 6B.

c. Counsel: None identified.

d. Address for service: Brad Amussen and Patricia Fitzgerald Amussen
P.O. Box 2266
Hawthorne, NV 89415

e. Requested action(s): We ask for a finding that service is complete as to Brad Amussen and Patricia Fitzgerald (Amussen). We believe, however, that Brad Amussen and Patricia Fitzgerald should be dismissed, but, if Mr. or Mrs.

Amussen believe our assessment is in error, they should be provided the opportunity to remain in this action.

7. **Anaconda Minerals Co.:** *see also* Atlantic Richfield Co.

a. Basis for inclusion: CMO Paragraph 3.d and i.

b. Status of service: Counsel has returned a signed Waiver of Service form. *See* Exhibit 7.

c. Counsel: [Anaconda Minerals Co.; Atlantic Richfield Co.]
William J. Duffy
Davis Graham & Stubbs, LLP
1550 Seventeenth St.
Suite 500
Denver, CO 80202

d. Address for service: *see* Counsel's address, above.

e. Requested action(s): We ask for a finding that service is complete.

8. **Applied Hydrology:**

a. Basis for inclusion: CMO Paragraphs 3.c and i.

b. Status of service: The Waiver of Service form was signed by Pamela A. Tarquin, Principal, Applied Hydrology Associates, Inc., and returned. *See* Exhibit 8.

c. Counsel: None indicated.

d. Address for service: Applied Hydrology Associates, Inc.
6100 Montview Blvd.
Denver, CO 80207

e. Requested action(s): This company presents a circumstance similar to that presented by several other entities. Our information is that Applied Hydrology Associates was the owner of a geothermal test well located in Basin 108. The

Nevada State Engineers Office has informed us that monitoring wells and geothermal test wells carry no water right. Our continuing investigation suggests that Applied Hydrology Associates has neither a certificate nor a permit to pump groundwater issued by the State of Nevada. Based on this information, we believe that Applied Hydrology Associates does not fit within the meaning of the Paragraph 3.d. of the CMO, and should be dismissed.

If the Court determines that this corporation should remain in this action, then we seek a finding that service is complete and ask the Court to amend the caption to read Applied Hydrology Associates, Inc.

9. **Arimetco, Inc. (International):**

a. Basis for inclusion: CMO Paragraphs 3.c and i.

b. Status of service: Arimetco, Inc. (International) is in bankruptcy proceedings. It was served through counsel on May 13, 2004.

c. Counsel: [Arimetco, Inc.]
Kasey C. Nye
Quarles & Brady Streich Lang, LLP
One S. Church Ave., #1700
Tucson, AZ 85701

d. Address for service: *see* Counsel's address, above.

e. Requested action(s): We seek no action from the Court at this time.

10. **Atlantic Richfield Co.:** *see also* Anaconda Minerals.

a. Basis for inclusion: CMO Paragraphs 3.c. and i.

b. Status of service: Counsel has returned a signed Waiver of Service form. *See* Exhibit 10.

c. Counsel: [Anaconda Minerals Co.; Atlantic Richfield Co.]
William J. Duffy
Davis Graham & Stubbs, LLP
1550 Seventeenth St.
Suite 500
Denver, CO 80202

d. Address for service: *see* Counsel's address, above.

e. Requested action(s): We ask for a finding that service is complete.

11. **Bank Of America:**

a. Basis for inclusion: CMO Paragraph 3.c.

b. Status of service: Although Bank of America appears in the caption associated with this phase of service, we did not serve them. Continued investigation has shown that the Bank is no longer the trustee for George A. L'Abbe. The current trustee is the Whittier Trust Company of Nevada, which was served on April 12, 2004. *See* Exhibit 11.

c. Counsel: n/a

d. Address for service: n/a

e. Requested action(s): We ask the Court to dismiss the Bank of America and to substitute the Whittier Trust Company of Nevada, as Trustee for George A. L'Abbe.

12. **Clyne P. Bauer:**

a. Basis for inclusion: CMO Paragraphs 3.d. and g (quasi-municipal).

b. Status of service: Mr. Bauer signed and returned a Waiver of Service and a Notice of Appearance in his individual capacity. Mr. Bauer is listed in his

individual capacity on the application and other materials associated with his groundwater well, which is also identified as "quasi-municipal." Our continued investigation also reveals that he has conveyed the applicable property to the "Clyne P. Bauer Trust," for which he is the trustee. *See* Exhibit 12.

c. Counsel: None indicated.

d. Address for service: Clyne P. Bauer/Clyne P. Bauer Trust
P.O. Box 186
Ely, NV 89301-0186

e. Requested action(s): As an initial matter, we ask the Court to find that service is complete as to Mr. Bauer in his individual capacity. We also ask the Court to determine either that service is complete based solely on service on Mr. Bauer as an individual or that Mr. Bauer must be re-served as the trustee for his Trust. Further, we ask the Court to determine if the caption should be amended to reflect the "Clyne P. Bauer Trust," and to determine whether or not Mr. Bauer should remain in this action in his individual capacity.

13. **Charles Baur:** *see* Mary Baur, below.

14. **Dreama Baur:** *see* Mary Baur, below.

15. **Edward J. Baur:** *see* Mary Baur, below.

16. **Mary Baur:**

a. Basis for inclusion: CMO Paragraph 3.d. and g (quasi-municipal).

b. Status of service: None of the four Baurs has responded.

Further investigation has shown that four adjacent properties owned by these four individuals and Norman Korn and Philo Korn (discussed below)[1] were combined and reconfigured into two properties. One parcel was sold to BK Corporation (the larger of the two parcels) and the other was sold to Cashell Investments, LLC. Cashell Investments, LLC has filed conveyance documents with the Nevada State Engineer indicating that the water rights permits associated with these properties are solely under its ownership. *See* Exhibit 13A-16A. *See also* Norman Korn, Philo Korn, and Ed's Topaz Nugget Casino, below.

Cashell Investments, LLC was served on February 5, 2004, and has returned a signed Waiver of Service and a Notice of Appearance, signed by Robert A. Cashell, Jr. (Managing Member). *See* Exhibit 13B-16B.

c. Counsel: n/a (Baurs)

None indicated by Cashell Investments, LLC

d. Address for service: n/a (Baurs)

Robert A. Cashell Jr.
Cashell Investments, LLC
500 Damonte Ranch Pkwy
Reno, NV 89511

e. Requested action(s): We ask the Court to dismiss the four Baurs (and the Korns, as discussed below); substitute Cashell Investments, LLC; and find that service is complete as to Cashell Investments, LLC.

17. **Marilyn A. Berry:** *see* Thomas C. Berry, below.

---

[1]Edward and Mary Baur owned an undivided 1/3 interest, Norman Korn and Philo Korn owned an undivided 1/3 interest, and Charles and Dreama Baur owned an undivided 1/3 interest.

18. **Thomas C. Berry:**

a. Basis for inclusion: CMO paragraph 3.d. As stated below, we do not think this classification is accurate.

b. Status of service: Mr. Thomas C. Berry and Mrs. Marilyn A. Berry have returned signed Waivers of Service. *See* Exhibit 17A-18A.

Based on continuing investigation, we question whether either Mr. or Mrs. Berry have a water right that fits within the requirements of CMO Paragraph 3. First, their water use appears to be domestic, which does not fit within CMO Paragraph 3.d. Second, they hold no well permit and appear to have been included in our service list in error. *See* Exhibit 17B-18B.

c. Counsel: None identified.

d. Address for service: Thomas C. Berry and Marilyn A. Berry
P.O. Box 2067
Hawthorne, NV 89415

e. Requested action(s): We ask the Court to find that service is complete as to Marilyn A. Berry and Thomas C. Berry. We believe, however, that Mr. and Mrs. Berry should be dismissed, but, if they believe our assessment is in error, they should be provided the opportunity to remain in this action. Moreover, if they do remain in this action, they would need to be re-served as they have recently transferred their property from joint ownership in their individual names to the Thomas C. and Marilyn A. Berry Family Trust, of which they are each trustees.

19. **Ellen C. Blair:**

a. Basis for inclusion: CMO Paragraph 3.d. and g.

b. Status of service: Ms. Blair has returned a signed Waiver of Service form and a signed Notice of Appearance form. *See* Exhibit 19.

c. Counsel: None indicated.

d. Address for service: Ellen C. Blair
P.O. Box 358
Hawthorne, NV 89415

e. Requested action(s): We ask for a finding that service is complete.

20. **Darlene G. Brown:** *see* Kenneth L. Brown, below.

21. **Kenneth L. Brown:**

a. Basis for inclusion: CMO Paragraph 3.d. and g (quasi-municipal).

b. Status of service: Mr. Kenneth L. Brown and Mrs. Darlene G. Brown have each returned signed Waiver of Service forms and signed Notice of Appearance forms. Recent investigation shows that Mr. and Mrs. Brown, who owned the land where an applicable well is situated as joint tenants, sold the property to Anthony T. Suryan Jr. and Marcia J. Suryan (as community property with a right of survivorship), and that the Suryans sold the property to Lazy S Lodge, which is already named in this action. *See* Exhibit 20-21. *See also* Lazy S Lodge, below.

c. Counsel: none indicated.

d. Address for service: Kenneth L. and Darlene G. Brown
750 Humboldt
Crescent City, NV 95531

e. Requested action(s): We ask for a finding that service is complete as to Kenneth L. Brown and Darlene G. Brown. We believe, however, that Mr. and Mrs. Brown should be dismissed, but if they believe our assessment is in error, they should be

provided the opportunity to remain in this action. The Lazy S Lodge has already been named and served, and was served a second time on February 5, 2004.

22. **Richard E. and Ronee Bybee Trust**:

a. Basis for inclusion: CMO Paragraph 3.c. and i.

b. Status of service: No response.

c. Counsel: n/a

d. Address for service: n/a

e. Requested action(s): We seek no action by the Court at this point and are checking addresses and determining how to proceed. We are also investigating information that the property and water rights may have been taken out of trust and distributed to the Bybees as individuals in joint tenancy.

23. **William L. Carpenter Trust:**

a. Basis for inclusion: CMO Paragraph 3.c. and i.

b. Status of service: William L. Carpenter, trustee for the William L. Carpenter Trust, has returned a signed Waiver of Service form and a signed Notice of Appearance form. *See* Exhibit 23.

c. Counsel: None indicated.

d. Address for service: William L. Carpenter
William L. Carpenter Trust
210 S. Nevada St.
Yerington, NV 89447

e. Requested action(s): We ask for a finding that service is complete. Further investigation indicates that the Carpenter Trust had one well (No. 78205) that has

now been plugged and abandoned. We believe that the Carpenter Trust has no other water right within the meaning of the CMO and should be dismissed, but, if the Trust believes our assessment is in error, it should be provided the opportunity to remain in this action.

24. **Kathryn I. Castagnola:** *see* Thomas Castagnola, below.

25. **Thomas Castagnola:**

a. Basis for inclusion: CMO Paragraph 3.d. As stated below, we do not think this classification is accurate.

b. Status of service: Mr. and Mrs. Castagnola have each returned signed Waivers of Service, signed Disclaimers, and a letter explaining their disclaimer. *See* Exhibit 24A-25A.

Based on the Castagnola's letters and our continuing investigation, we question whether either Mr. or Mrs. Castagnola has a water right that fits within the requirements of CMO Paragraph 3. First, their water use appears to be domestic, which does not fit within CMO Paragraph 3.d. Second, they appear to be customers of Hawthorne Utilities by way of using the Corey Canyon pipeline. Hawthorne Utilities has now been served. It appears to us that the users of the Corey Canyon pipeline were included in our service list in error. *See* Exhibit 24B-25B.

c. Counsel: None indicated.

d. Address for service: Thomas and Kathryn I. Castagnola
P.O. Box 2152
Hawthorne, NV 89415

e. Requested action(s): We ask for a finding that service is complete as to Thomas Castagnola and Kathryn Castagnola. Based on the information they provided and our investigation, we ask that the Court dismiss both of the Castagnolas.

26. **Richard J. Cavell:**

a. Basis for inclusion: CMO Paragraph 3.d.

b. Status of service: Mr. Cavell has returned signed Waiver of Service and Notice of Appearance forms. *See* Exhibit 26.

c. Counsel: None indicated.

d. Address for service: Richard J. Cavell
1013 Marshall Drive
Camano Island, WA 98282

e. Requested action(s): We ask for a finding that service is complete.

27. **Chevron Resources:**

a. Basis for inclusion: CMO Paragraph 3.c. and i.

b. Status of service: Chevron Resources, a division of ChevronTexaco Corporation, was served and its counsel has contacted us. Counsel indicates that the seven wells listed on the Nevada well database were used for geothermal testing in an area where Chevron ultimately conducted no geothermal development. The State Engineer's office has no record that these wells were plugged, but Chevron believes that they were plugged. Moreover, Chevron has sold all of its geothermal interests in Nevada and would make no claim to water in the Walker River Basin. Chevron has not yet conducted a search of its archives to ascertain if and when the wells were plugged or to ascertain who purchased these interests, but has

indicated that it would do whatever investigation the Court wishes and file the appropriate forms. *See* Exhibit 27.

We believe that Chevron Resources can be dismissed without further research, based on the absence of any permit resulting from this geothermal testing.

c. Counsel: Brian P. Roberts
Senior Counsel
ChevronTexaco Corporation
Corporation Law, Corporate and Environmental Unit
6001 Bollinger Canyon Rd.
San Ramon, CA 94583

d. Address for service: *see* Counsel's address, above.

e. Requested action(s): Dismissal.

28. **Cliff House Lakeside Resort:**

a. Basis for inclusion: CMO Paragraph 3.g (quasi-municipal).

b. Status of service: Our service materials were returned by a new owner of the property and water rights at issue. Ms. Donna Costa Beach has returned signed Waiver of Service and Notice of Appearance forms. She has also returned a completed Notice of Change of Ownership form and a copy of the deed of sale. *See* Exhibit 28. The Notice of Change of Ownership form indicates the seller to be Richard Dudley, but the Deed of Sale identifies Boyd H. Jensen and Leona B. Jensen as the sellers. Exhibit 28 also includes printouts from Mineral County records that indicate that Mr. Dudley and his wife sold the property to Mr. and Mrs. Jensen, who then sold it to Ms. Beach.

c. Counsel: None indicated.

d. Address for service: Donna Costa Beach
331 Cliff House Rd.
Walker Lake, NV 89415

e. Requested action(s): We ask the Court to dismiss Cliff House Lakeside Resort; substitute Donna Costa Beach; and find that service is complete as to Donna Costa Beach.

29. **Terrance Connolly:**

a. Basis for inclusion: CMO Paragraph 3.d. As stated below, we do not think this classification is accurate.

b. Status of service: No response.

Based on continuing investigation, we question whether Mr. Connolly has a water right that fits within the requirements of CMO Paragraph 3. First, his well use appears to be domestic, which does not fit within CMO Paragraph 3.d. Second, he holds no well permit and appears to have been included in our service list in error. *See* Exhibit 29.

c. Counsel: n/a.

d. Address for service: n/a.

e. Requested action(s): Dismissal.

30. **County Water Co. of Nevada:** *See also* Walker Lake Water District - GID.

a. Basis for inclusion: CMO Paragraph 3.c., g (quasi-municipal).

b. Status of service: No response. Further investigation has shown that these water rights were conveyed to Walker Lake Water District - GID, which has been served

regarding other water rights and which submitted a signed Waiver of Service and Notice of Appearance. *See* Exhibits 30 and 148.

c. Counsel: n/a.

d. Address for service: n/a

e. Requested action(s): Dismissal.

31. **Crystal Clear Water Co., Inc.:**

a. Basis for inclusion: CMO Paragraph 3.c. and g (quasi-municipal).

b. Status of service:. We have received a signed Waiver of Service form. *See* Exhibit 31.

c. Counsel: n/a.

d. Address for service: Diane L. Brandt
Crystal Clear Water Co., Inc.
35 Shirley Lane
Yerington, NV 89447

e. Requested action(s): We ask for a finding that service is complete.

32. **D & G Investments:**

a. Basis for inclusion: CMO Paragraph 3.c. and i.

b. Status of service: No response. Our continuing investigation indicates that D & G Investments sold the property and associated water rights to Richard N. Sorensen, whose estate sold these interests to Judy Collins. *See* Exhibit 32A. Ms. Collins was served on February 5, 2004, and has returned a signed Waiver of Service form. *See* Exhibit 32B.

c. Counsel: None indicated by Ms. Collins.

d. Address for service: Judy Collins
125 Highway 339
Yerington, NV 89447

e. Requested action(s): We ask the Court to dismiss D & G Investments; substitute Judy Collins; and find that service is complete as to Judy Collins.

33. **Day & Zimmerman Hawthorne Corp.:**

a. Basis for inclusion: CMO Paragraph 3.i.

b. Status of service: No response.

Continued investigation has shown that Day & Zimmerman is a contractor operating at the Hawthorne Military Depot and that the well listed on the Nevada well database was designed to remediate diesel fuel in soil and groundwater. When the method of remediation did not work, Day & Zimmerman asked the Hawthorne Army Depot managers to withdraw the permit associated with this well. A recent hydrographic abstract confirms that Permit No. 50644 has been withdrawn. *See* Exhibit 33.

c. Counsel: n/a

d. Address for service: n/a

e. Requested action(s): Dismissal.

34. **Day's Desert Creek, Ltd. dba Smith Transfer Station:**

a. Basis for inclusion: CMO paragraph 3.c. and i.

b. Status of service: No response. Investigation reveals that these are two separate entities. First, Day's Desert Creek, Ltd. is one entity; it was re-served on May 4, 2004, after investigation located a new address. *See* Exhibit 34A. Second, Smith Transfer Station is Darrol Brown dba Smith Transfer Station. Further, Smith

Transfer Station was recently incorporated as D & S Waste Removal, Inc. and Mr. Brown (President of D & S Waste Removal, Inc.) has returned a signed Waiver of Service on its behalf. *See* Exhibit 34B.

c. Counsel: n/a

d. Address for service: n/a [Day's Desert Creek, Ltd.]

D & S Waste Removal, Inc.
3 U.S. Highway 95A E
Yerington, NV 89447-2810

e. Requested action(s): We ask the Court to amend the caption to designate two entities: 1. Day's Desert Creek, Ltd.; and 2. D & S Waste Removal, Inc.; and find that service is complete as to D & S Waste Removal, Inc. At this point, we seek no action by the Court regarding Day's Desert Creek Ltd.

35. **Kent L. Deines:**

a. Basis for inclusion: CMO Paragraph 3.d.

b. Status of service: Kent L. Deines returned a signed Waiver of Service form as the Trustee for the Deines Family Trust. Our recent investigation indicates that the well permit identified in the Nevada well files has been cancelled.

*See* Exhibit 35.

c. Counsel: None indicated

d. Address for service: Kent L. Deines, Trustee
Deines Family Trust
13992 Dodder Ct.
Poway, CA 92064

e. Requested action(s): As an initial matter, we ask the Court to find that service is complete as to the Deines Family Trust. Based on the transfer of property to the Deines Family Trust, we believe that Kent L. Deines should be dismissed. Based upon Nevada's Division of Water Resources notification of the cancellation of Permit No. 35624 dated May 2, 2003, it appears that there is no basis to substitute the Deines Family Trust. If the Deines Family Trust has a water right subject to this case, it should be provided the opportunity to remain in this action. Moreover, if the Deines Family Trust remains in this action, it would need to be substituted for Kent L. Deines.

36. **Carol J. Den Heyer:** *see* Gary Den Heyer, below.

37. **Garry Den Heyer:**

a. Basis for inclusion: CMO Paragraph 3.d.

b. Status of service: Mr. Garry Den Heyer and Mrs. Carol J. Den Heyer have returned signed Waivers of Service and notified us that the property and associated water right has been sold to Joe J. and Wende J. Gaudreault. Additional information provided by the State of Nevada confirms this sale. Continued investigation has revealed that the Gaudreaults have, in turn, sold to the Albert L. and Wanda E. Grim 2001 Trust, which was served on February 5, 2004. *See* Exhibit 36A-37A. *See also* Joe and Wende J. Gaudreault, below.

Mr. Albert L. Grim (on behalf of the Albert L. and Wanda E. Grim 2001 Trust) returned a Waiver of Service form on which he has noted that the property was sold to the Roach 2002 Trust, which has already been served regarding other

water rights, and we have obtained this deed. *See* Exhibit 37B. *See* Heidi D. and Roy B. Roach, below.

c. Counsel: None indicated.

d. Address for service: Garry and Carol Den Heyer
925 Tourmaline Dr.
Carson City, NV 89705

Albert L. Grim
Albert L. and Wanda E. Grim 2001 Trust
1717 Burgandy Rd.
Encinitas, CA 92024

e. Requested action(s): We ask the Court to find that service is complete as to Garry and Carol Den Heyer; and to dismiss Garry and Carol Den Heyer, (Note: the Grim Trust was not listed in the Complaint caption and we do not seek to substitute them for the Den Heyers).

38. **Desert Lake Campground:**

a. Basis for inclusion: CMO Paragraph 3.c. and g (quasi-municipal). (Note that the Cornellas also drilled a domestic well at their home; this well is located in Basin 110C and, therefore, is not subject to the Case Management Order.)

b. Status of service: Delbert K. Cornella has returned a signed Waiver of Service form and Notice of Appearance form on behalf of the Desert Lake Campground. *See* Exhibit 38. The property and water right is owned jointly by Delbert K. and Marylou Cornella, as joint tenants. The property is the location of Desert Lake Campground, which is not a corporation. The well permit for the Desert Lake Campground is in Mr. Cornella's name.

c. Counsel: None indicated

d. Address for service: Delbert K. Cornella
Desert Lake Campground
850 U.S. Highway 95
Hawthorne, NV 89415

e. Requested action(s): We ask the Court to substitute "Delbert K. and Mary Lou Cornella dba Desert Lake Campground" for Desert Lake Campground and find that service is complete.

39. **Louise L. Dillard:**

a. Basis for inclusion: CMO Paragraph 3.d.

b. Status of service: No response. Further investigation has shown that the Nevada State Engineer denied Ms. Dillard's application for a permit. *See* Exhibit 39.

c. Counsel: n/a.

d. Address for service: n/a

e. Requested action(s): Dismissal.

40. **Douglas County:** *see* Douglas County, Topaz Park, below.

a. Basis for inclusion: CMO Paragraph 3.d. and g.

b. Status of service: The District Attorney's Office for Douglas County has returned signed Waiver of Service and Notice of Appearance forms. *See* Exhibit 40-41.

c. Counsel: Brian Chally
Chief Civil Deputy District Attorney
Douglas County District Attorney's Office
P.O. Box 218
Minden, NV 89423

d. Address for service: *see* Counsel's address, above.

e. Requested action(s): We ask the Court to find that service is complete as to Douglas County; strike the separate entry on the caption for "Douglas County – Topaz Lake Park;" and amend the caption to read "Douglas County (Topaz Lake County Park).

41. **Douglas County – Topaz Lake Park:** *see* Douglas County, above.

42. **E.L.W. Ranches, Inc:**

a. Basis for inclusion: CMO Paragraph 3.a., b., and d.

b. Status of service: James T. Carrico, Treasurer of E.L.W. Ranches, Inc., has returned signed Waiver of Service and Notice of Intent to Appear forms. *See* Exhibit 42.

c. Counsel: None indicated.

d. Address for service: ELW Ranches, Inc.
165 Liberty St.
Reno, NV 89501

e. Requested action(s): We ask for a finding that service is complete.

43. **Ed's Topaz Nugget Casino:** *see* Mary Baur, above, and Norman and Philo Korn, below.

a. Basis for inclusion: CMO Paragraph 3.d. and g (quasi municipal).

b. Status of service: No response. Our investigation shows that this property is a portion of the property addressed above regarding the four Baur individuals and Norman and Philo Korn, discussed below. The four adjoining properties owned by these six individuals were reconfigured as two parcels, one of which was sold to BK Corporation and the other to Cashell Investments, LLC. Cashell Investments, LLC, purchased Ed's Topaz Nugget Casino. *See* Exhibit 13A-16A.

Cashell Investments, LLC, was served on February 5, 2004, and has returned a signed Waiver of Service and a Notice of Appearance, signed by Robert A. Cashell, Jr. (Managing Member). Cashell Investments, LLC, has filed conveyance documents with the Nevada State Engineer that indicate that the water rights are under its ownership. *See* Exhibit 13B-16B.

c. Counsel: n/a (Ed's Topaz Nugget Casino)

None indicated by Cashell Investments, LLC

d. Address for service: n/a (Ed's Topaz Nugget Casino)

Robert A. Cashell Jr.
Cashell Investments, LLC
500 Damonte Ranch Pkwy
Reno, NV 89511

e. Requested action(s): We ask the Court to dismiss Ed's Topaz Nugget Casino; substitute Cashell Investments, LLC; and find that service is complete as to Cashell Investments, LLC.

44. **Estrella Cattle Co.:**

a. Basis for inclusion: CMO Paragraph 3.b., c., and d.

b. Status of service: We received a signed Disclaimer of Interest from the only Estrella Cattle Co. we could find, which may or may not be the same entity that originally filed the claims associated with this name. Continued investigation shows that these claims are currently owned by E.L.W. Ranches, Inc., which is discussed above. *See* Exhibits 44 and 42.

c. Counsel: None indicated.

d. Address for service: *see* E.L.W. Ranches, Inc., above.

Tommy Funk, Sr.
ESTRELLA CATTLE CO.
310 E. Austin Avenue
Harlington, TX 78550

e. Requested action(s): We ask the Court to dismiss Estrella Cattle Co. As noted above, we believe that service is complete as to E.L.W. Ranches, Inc.

45. **Duffer Fairbanks:**

a. Basis for inclusion: CMO Paragraph 3.c.,d., and i.

b. Status of service: Mr. Fairbanks has returned signed Waiver of Service and Notice of Intent to Appear forms. *See* Exhibit 45.

c. Counsel: None indicated.

d. Address for service: R.L. Duffer Fairbanks
6 Herman Lane
Yerington, NV 89447

e. Requested action(s): We request a finding that service is complete. Records show that Mr. Fairbanks' name appears in various forms, including "Robert L. Fairbanks," "R.L. 'Duffer' Fairbanks," and "Duffer Fairbanks." We suggest that the Court change the caption to "Robert L. 'Duffer' Fairbanks," unless Mr. Fairbanks objects.

46. **Freeman E. Fairfield:**

a. Basis for inclusion: CMO Paragraph 3.d.

b. Status of service: Mr. Freeman was not served because we ascertained before sending the service package that he is long deceased. Following a series of interim conveyances, some of Mr. Freeman's water rights interests were conveyed

to Evan L. Allred, who has been served, as discussed above, and the others were conveyed to the Charles N. Matthewson Trust, which, as discussed below, have been conveyed elsewhere. *See* Exhibit 46.

c. Counsel: n/a

d. Address for service: n/a

e. Requested action(s): Dismissal.

47. **Flying M Hunt Club:** *see* Marilyn Hilton, below.

a. Requested action(s): We ask the Court to dismiss Flying M Hunt Club and substitute the "Hilton Family Trust," as discussed below.

48. **Flying M Ranch:** *see* Marilyn Hilton, below.

a. Requested action(s): We ask the Court to dismiss Flying M Ranch and substitute the "Hilton Family Trust," as discussed below.

49. **Fort Churchill Power Plant:** *see also* Sierra Pacific Power Company, below.

a. Basis for inclusion: CMO Paragraph 3.i.

b. Status of service: Subsequent to service, based on conversations with counsel for Sierra Pacific Power Company and additional records review, we have determined that the Fort Churchill Power Plant is a wholly-owned subsidiary of the Sierra Pacific Power Company and has no water rights independent of its parent company.

c. Counsel: *see* Sierra Pacific Power Company.

d. Address for service: *see* Sierra Pacific Power Company.

e. Requested action(s): Dismissal.

50. **Antone J. Frade:**

a. Basis for inclusion: CMO Paragraph 3.a. and c.

b. Status of service: Mr. Frade is deceased, and his water rights are owned by Frade Ranch, Inc. Mr. Joseph Frade, Secretary of the Frade Ranch, Inc., has signed and returned a Waiver of Service form and a Notice of Appearance on behalf of Frade Ranch, Inc. *See* Exhibit 50. (Mr. Frade was served initially because one of the databases we consulted indicated that at least one permit was held by Mr. Frade and was a commercial permit.)

c. Counsel: None indicated

d. Address for service: Joseph Frade
Frade Ranch, Inc.
Secretary
123 MacKenzie
Yerington, NV 89447

e. Requested action(s): We ask the Court to dismiss Mr. Antone Frade; substitute Frade Ranch, Inc.; and find that service is complete as to Frade Ranch, Inc.

51. **Joe J. Gaudreault:** *see* Wende J. Gaudreault, below.

52. **Wende J. Gaudreault:**

a. Basis for inclusion: CMO Paragraph 3.d.

b. Status of service: No response. Information provided to us by Mr. and Mrs. Den Heyer, *see* above, and the State of Nevada indicates that the Den Heyers sold this property and the associated water right to the Gaudreaults, who sold it to the Albert L. and Wanda E. Grim 2001 Trust, which was served on February 5, 2004. *See* Exhibit 51A-52A.

Mr. Albert L. Grim has returned a Waiver of Service form on which he has noted that the property was sold to the Roach 2002 Trust, which has already been

served regarding other water rights. *See also* Heidi and Roy Roach, below. Recent investigation has produced documentation corroborating this sale. *See* Exhibit 52B.

c. Counsel: n/a

d. Address for service: n/a

e. Requested action(s): We ask the Court to dismiss Joe J. Gaudreault and Wende J. Gaudreault.

53. **Geonomics, Inc.:**

a. Basis for inclusion: CMO Paragraph 3.c. and i.

b. Status of service: Mr. James L. Marcuerquiaga, President of Geonomics, Inc., has returned signed Waiver of Service and Notice of Appearance forms. Geonomics has also filed a Notice of Disclaimer. *See* Exhibit 53A.

The Nevada State Engineers Office has confirmed for us that all 18 entries for Geonomics on its Well Log data base were geothermal test bores. The State Engineers Office has not received any information that these test bores have been filled or capped. *See* Exhibit 53B. Furthermore, Geonomics, Inc. has disclaimed any interest in any water right in this action. We believe that Geonomics, Inc. can be dismissed, based on the absence of any permit resulting from this geothermal testing.

c. Counsel: None indicated.

d. Address for service: Geonomics, Inc.
1865 Greenbrae
Sparks, NV 89431

e. Requested action(s): We ask for a finding that service is complete and that the Court dismiss Geonomics, Inc.

54. **Forrest G. Godde:**

a. Basis for inclusion: CMO Paragraph 3.a., c. and d.

b. Status of service: Mr. Forrest G. Godde has returned a signed Waiver of Service form, signed as the Trustee for the Forrest G. Godde 1998 Trust. *See* Exhibit 54. Mr. Godde, who was served as an individual by Mineral County in Case No. C-125-C, has now transferred his water rights to the Forrest G. Godde 1998 Trust. (Note that some of the water rights associated with Mr. Godde's properties are currently held in other names. For example, Lee Ivey Ranch, Inc. is a WRID member and will be served at a later time.)

c. Counsel: None indicated.

d. Address for service: Mr. Forrest G. Godde
Trustee, Forrest G. Godde 1998 Trust
1075 Highway 208
Yerrington, NV 89447

e. Requested action(s): We ask the Court to substitute the Forrest G. Godde 1998 Trust for Forrest G. Godde, and find that service is complete as to the Forrest G. Godde 1998 Trust.

55. **Gregory Family Trust:** *see* Marjorie E. Gregory and Mel's Diner, below.

56. **George C. Gregory:** *see* Marjorie E. Gregory, below.

57. **Marjorie E. Gregory:**

a. Basis for inclusion: CMO Paragraph 3.d. and g. (quasi-municipal)

b. Status of service: Marjorie E. Gregory, Trustee, the Gregory Family Trust, has signed and returned a Waiver of Service form and notified us that Mr. George C. Gregory is deceased. Additional investigation and information provided by the State of Nevada has clarified that the Nevada State Engineers Office denied Application 60894, filed by George and Marjorie Gregory, and that Permit 57488 was conveyed to the Gregory Family Trust. *See* Exhibit 55-57. As discussed elsewhere in this pleading, the Gregory Family Trust has acquired additional water rights. *See, e.g.,* Mel's Diner, below.

c. Counsel: None indicated.

d. Address for service: Marjorie E. Gregory
Gregory Family Trust
1962 Dayton St.
Garnerville, NV 89410

e. Requested action(s): We ask the Court to dismiss Mr. George C. and Marjorie E. Gregory; and find that service is complete as to the Gregory Family Trust. *See also* Mel's Diner.

58. **Hardrock Mining Co.:**

a. Basis for inclusion: CMO Paragraph 3.d.

b. Status of service: Waiver of Service and Notice of Appearance forms, signed by Marylou Mannes, Secretary/Treasurer of the Hardrock Mining Company, Inc., have been returned. *See* Exhibit 58.

c. Counsel: Woodburn & Wedge
Sierra Plaza
6100 Neil Road, Suite 500
Reno, NV 89511-1149

d. Address for service: *see* Counsel's address, above.

e. Requested action(s): We ask for a finding that service is complete.

59. **Hawthorne Utilities:** *see also* Hawthorne Water System.

a. Basis for inclusion: CMO Paragraph 3.d. and g.

b. Status of service: Signed Waiver of Service and Notice of Appearance forms have been received. *See* Exhibit 59. In a conversation with the District Attorney on April 30, 2004, she identified additional information regarding the relationship among various entities associated with Mineral County. According to the District Attorney, Hawthorne Water System is part of the Hawthorne Utilities and the two would more appropriately be named as: Hawthorne Utilities (Hawthorne Water System).

c. Counsel: Cheri Emm-Smith
Mineral County District Attorney
P.O. Box 1210
Hawthorne, NV 89415

d. Address for service: *see* Counsel's address, above.

e. Requested action(s): We request a finding that service is complete and that the Court amend the caption to read: Hawthorne Utilities (Hawthorne Water System).

60. **Hawthorne Water System:** *see also* Hawthorne Utilities.

a. Basis for inclusion: CMO Paragraph 3.d and g.

b. Status of service: A signed Waiver of Service form has been returned on behalf of the Mineral County Commissioners for Hawthorne Water System, Mineral County, Nevada. *See* Exhibit 60. But, according to the Mineral County District Attorney (telephone conversation, April 30, 2004), Hawthorne Water System is part of Hawthorne Utilities and is not under the control of the Mineral County

Commissioners. We are trying to inquire of the District Attorney if the Waiver of Service form from Hawthorne Utilities can apply as well to the Hawthorne Water System, but she has not yet responded.

c. Counsel: Treva J. Hearne
557 Washington Street, Lower Level
Reno, NV 89503

Cheri Emm-Smith
Mineral County District Attorney
P.O. Box 1210
Hawthorne, NV 89415

d. Address for service: *see* Counsel's address, above.

e. Requested action(s): We ask for a finding that service is complete. In addition, we ask the Court to amend the caption to read: Hawthorne Utilities (Hawthorne Water System).

61. **Town of Hawthorne:** *see also* Mineral County, Mineral County Commissioners

a. Basis for inclusion: CMO Paragraph 3.d and g.

b. Status of service: Signed Waiver of Service and Notice of Appearance forms have been returned on behalf of the Mineral County Commissioners for the Town of Hawthorne, Mineral, County, Nevada. *See* Exhibit 61. In addition, the District Attorney for Mineral County has asked that her name be included as additional counsel for this entity.

c. Counsel: Treva J. Hearne
557 Washington Street, Lower Level
Reno, NV 89503

Cheri Emm-Smith
Mineral County District Attorney
P.O. Box 1210
Hawthorne, NV 89415

d. Address for service: *see* Counsel's address, above.

e. Requested action(s): We ask for a finding that service is complete. In addition, we ask the Court amend the caption to read: Mineral County (Mineral County; Town of Hawthorne; Mineral County Commissioners).

62. **Barron Hilton:** *see* Marilyn J. Hilton, below

63. **Marilyn J. Hilton:**

a. Basis for inclusion: CMO Paragraph 3.a., b., c., and d.

b. Status of service: No response. Our investigation shows that the Hiltons' water rights, which were previously under the names of numerous individuals or entities, have been transferred to the Hilton Family Trust. These individuals and entities are: Mr. Barron Hilton; Mrs. Marilyn Hilton; the Flying M Hunt Club; and the Flying M Ranch. For the Flying M Hunt Club and the Flying M Ranch, the Waiver of Service form was returned on behalf of the Hilton Family Trust, but it was signed by the ranch manager. *See* Flying M Hunt Club and Flying M Ranch, above. We have no information that the ranch manager is the correct person to sign on behalf of the Hilton Family Trust. We served the Hilton Family Trust on February 4, 2004.

c. Counsel: None indicated.

d. Address for service: n/a

e. Requested action(s): We ask the Court to dismiss Mr. Barron Hilton, Mrs. Marilyn Hilton, the Flying M Hunt Club, and the Flying M Ranch; and substitute the Hilton Family Trust.

64. **Judith H. Hohlt (Marshall):**

a. Basis for inclusion: CMO Paragraph 3.d.

b. Status of service: No response. Further investigation has shown that this water right was conveyed to Wiegand Resources, Inc., which was served on April 22, 2004, and has returned signed Waiver of Service and Notice of Appearance forms. *See* Exhibits 64A and 64B.

c. Counsel: n/a

d. Address for service: James T. Carrico
Wiegand Resources, Inc.
165 West Liberty St., Ste. 200
Reno, NV 89501

e. Requested action(s): We ask the Court to dismiss Judith H. Hohlt (Marshall); substitute Wiegand Resources, Inc.; and find that service is complete as to Wiegand Resources, Inc.

65. **Holbrook Station R.V. and Mobile Home Park:**

a. Basis for inclusion: CMO Paragraph 3.d. and g.

b. Status of service: No response.

c. Counsel: n/a

d. Address for service: n/a

e. Requested action(s): We seek no action by the Court at this point and are checking addresses and determining how to proceed. It also appears to us that the correct name of this company is "Holbrooke Station, LLC."

66. **Homestretch Geothermal, LLC.:**

a. Basis for inclusion: CMO Paragraph 3.c. and i.

b. Status of service: Waiver of Service and Notice of Appearance forms have been signed by Andrew E. Egbert, Manager, Homestretch Geothermal, LLC. *See* Exhibit 66.

c. Counsel: None indicated.

d. Address for service: Andrew E. Egbert
Manager
Homestretch Geothermal, L.L.C.
P.O. Box 1150
Leeds, UT 84746

e. Requested action(s): We ask for a finding that service is complete. (Note that this entity, while a geothermal enterprise, does not fit within the category of geothermal activities questioned above, *see, e.g.*, Applied Hydrology, Inc., because of the nature of groundwater well permits in its name.)

67. **Hunewill Enterprises:**

a. Basis for inclusion: CMO Paragraph 3.a., c., and i.

b. Status of service: Waiver of Service and Notice of Appearance forms have been signed by Phyllis P. Hunewill, Manager/Partner of Hunewill Enterprises L.L.C. *See* Exhibit 67.

c. Counsel: None indicated.

d. Address for service: Phyllis P. Hunewill
Hunewill Enterprises L.L.C.
321 Artist View
Wellington, NV 89444

e. Requested action(s): We ask for a finding that service is complete. In addition, the caption should be changed from "Hunewill Enterprises" to "Hunewill Enterprises, LLC."

68. **Carolyn Isom:** *see* Rex W. Isom, below.

69. **Dennis L. Isom:** *see* Delores Isom, below.

70. **Delores Isom:**

a. Basis for inclusion: CMO Paragraph 3.d. As stated below, we believe this category is incorrect.

b. Status of service: No response. Based on continuing investigation, we question whether either Dennis or Delores Isom has a water right that fits within the requirements of CMO Paragraph 3. We find no evidence that they hold a permit. Moreover, a recent special hydrographic abstract issued by the Nevada Division of Water Resources shows no wells in Sec. 34 T7N R30E. *See* Exhibit 69-70.

c. Counsel: n/a

d. Address for service: n/a

e. Requested action(s): Dismissal.

71. **Rex W. Isom Jr.:**

a. Basis for inclusion: CMO Paragraph 3.d. and i.

b. Status of service: No response. Further investigation has shown that Mr. Rex and Mrs. Carolyn Isom sold certain property and all water rights associated with two well permits to Mineral County in 2002. In 2003, the Nevada State Engineer's Office granted Mr. and Mrs. Isom an extension of time until April 2004 for filing a proof of beneficial use as to one of these permits (#48897). It appears, nevertheless, that the Isoms no longer have a water right subject to the terms of the CMO and that Mineral County, which has already been served, is the owner of these rights. *See* Exhibit 68 / 71.

c. Counsel: n/a

d. Address for service: n/a

e. Requested action(s): We believe that Mr. Rex and Mrs. Carolyn Isom should be dismissed. Mineral County is the owner of these interests and has already been served.

72. **Billie A. Jacobs:** *see* William T. Jacobs, below.

73. **William T. Jacobs:**

a. Basis for inclusion: CMO Paragraph 3.d. and g (quasi-municipal).

b. Status of service: Mr. William and Mrs. Billie Jacobs returned a Notice of Change of Ownership form, notifying us of the sale of certain property and water rights. Further investigation has confirmed that these interests were sold by the Jacobs to Orville and Linda Nekut, who then sold to Michael R. and Shannon L. Sayce as joint tenants with right of survivorship. *See* Exhibit 72-73. The Sayces were served on February 5, 2004.

c. Counsel: None indicated.

d. Address for service: William T. and Billie A. Jacobs
P.O. Box 103
Craig, CO 81626

e. Requested action(s): We ask for a finding that service is complete as to William T. and Billie A. Jacobs; and that the Court dismiss William T. and Billie A. Jacobs and substitute Michael R. and Shannon L. Sayce.

74. **K & K Water Co., Inc.:**

a. Basis for inclusion: CMO Paragraph 3.d. and g.

b. Status of service: A signed Waiver of Service form has been returned, signed by Loyde R. Marker, President of K & K Water Co., Inc. *See* Exhibit 74.

c. Counsel: None indicated.

d. Address for service: K & K Water Co., Inc.
2001 Masonic Dr.
Gardnerville, NV 89410

e. Requested action(s): We ask for a finding that service is complete.

75. **Winifred M. Kahn:**

a. Basis for inclusion: Paragraph 3.d.

b. Status of service: Winifred M. Kahn has signed Waiver of Service and Notice of Appearance forms as the trustee of the Morris and Winifred M. Kahn Family Trust. The water right permit subject to the CMO is specifically a part of this Trust. *See* Exhibit 75.

c. Counsel: None indicated.

d. Address for service: Mrs. Winifred M. Kahn
Morris & Winifred M. Kahn Family Trust
2091 Comstock Dr.
Gardnerville, NV 89410

e. Requested action(s): We ask the Court to dismiss Winifred M. Kahn in her individual capacity; substitute the Morris and Winifred M. Kahn Family Trust; and find that service is complete as to the Morris and Winifred M. Kahn Family Trust.

76. **Kenneth W. Kirby**: *see* Leeann M. Kirby, below.

77. **Leeann M. Kirby:**

a. Basis for inclusion: CMO Paragraph 3.d. As stated below, we believe this category is incorrect.

b. Status of service: No response. Based on continuing investigation, we question whether either Kenneth or Leeann Kirby has a water right that fits within the requirements of CMO Paragraph 3. First, their water use appears to be domestic, which does not fit within CMO Paragraph 3.d. Second, they appear to be customers of Hawthorne Utilities by way of using the Corey Canyon pipeline. Hawthorne Utilities has now been served. It appears to us that the users of the Corey Canyon pipeline were included in our service list in error. *See* Exhibit 76-77.

c. Counsel: n/a

d. Address for service: n/a

e. Requested action(s): Dismissal.

78. **Norman M. Korn:** *see* Philo T. Korn, below, and Mary Baur, above:

79. **Philo T. Korn:** *see also* Mary Baur and Ed's Topaz Nugget Casino, above.

a. Basis for inclusion: CMO Paragraph 3.d. and g. (quasi-municipal)

b. Status of service: No response.

Further investigation has shown that four adjacent properties owned by Charles, Dreama, Edward and Mary Baur (discussed above) and Norman Korn and Philo Korn[2] were combined and reconfigured into two properties. One parcel was sold to BK Corporation (the larger of the two parcels) and the other was sold

[2]Edward and Mary Baur owned an undivided 1/3 interest, Norman Korn and Philo Korn owned an undivided 1/3 interest, and Charles and Dreama Baur owned an undivided 1/3 interest.

to Cashell Investments, LLC. Cashell Investments, LLC, has filed conveyance documents with the Nevada State Engineer that identifies that the water rights permits associated with these properties are solely under its ownership. *See* Exhibit 13A-16A.

Cashell Investments, LLC, was served on February 5, 2004, and has returned a signed Waiver of Service and a Notice of Appearance, signed by Robert A. Cashell, Jr. (Managing Member). *See* Exhibit 13B-16B.

c. Counsel: n/a (Korns)

None indicated by Cashell Investments, LLC

d. Address for service: n/a (Ed's Topaz Nugget Casino)

Robert A. Cashell Jr.
Cashell Investments, LLC
500 Damonte Ranch Pkwy
Reno, NV 89511

e. Requested action(s): We ask the Court to dismiss Ed's Topaz Nugget Casino; substitute Cashell Investments, LLC; and find that service is complete as to Cashell Investments, LLC.

80. **Kovhil Corporation:**

a. Basis for inclusion: CMO Paragraph 3.d. and i.

b. Status of service: Cheryl M. Rowland, President, Kovhill Corporation, has signed a Disclaimer of Interest. We have also confirmed that a permit, for which this corporation is listed as applicant, was cancelled in May 2003. *See* Exhibit 80.

c. Counsel: The Disclaimer of Interest was mailed by an employee of Cooke, Roberts & Reese, Ltd., but no address or other indication that Kovhill Corporation is acting through counsel has been provided.

d. Address for service: Cheryl M. Rowland
President
Kovhil Corporation
2320 Watt St.
Reno, NV 89509

Cooke, Roberts and Reese, Ltd.
421 Court Street
Reno, Nevada 89505

e. Requested action(s): Dismissal.

81. **Lazy S Lodge:**

a. Basis for inclusion: CMO Paragraph 3.d. and g (quasi-municipal).

b. Status of service: No response. Information provided to us recently by the Nevada State Engineer confirms the transfer of water rights interests to this California Limited Partnership.

c. Counsel: n/a

d. Address for service: n/a

e. Requested action(s): We seek no action by the Court at this point and are checking addresses and determining how to proceed. We served the Lazy S Lodge at a second address on February 5, 2004.

82. **Alan S. Leinassar**:

a. Basis for inclusion: CMO Paragraph 3.a., c., and g.

b. Status of service: No response.

c. Counsel: n/a

d. Address for service: n/a

e. Requested action(s): We are checking addresses and determining how to proceed. Continued investigation has also demonstrated that the water rights at issue are owned by Alan Scott and Marianne Leinassar as joint tenants with rights of survivorship, and that both Mr. and Mrs. Leinassar should be named in this action. *See* Exhibit 82.

83. **Lyon County Cemetery II:** *see* Lyon County, below.

a. Status of service: A signed Waiver of Service form and a Notice of Appearance have been returned. *See* Exhibit 83.

84. **Lyon County Courthouse:** *see* Lyon County, below.

a. Status of service: A signed Waiver of Service form and a Notice of Appearance have been returned. *See* Exhibit 84.

85. **Lyon County Elm Tree Cemetery (Missouri Flats):** *see* Lyon County, below.

a. Status of service: A signed Waiver of Service form and a Notice of Appearance have been returned. *See* Exhibit 85.

86. **Lyon County Fairgrounds, Inc.:** *see* Lyon County, below.

a. Status of service: A signed Waiver of Service form and a Notice of Appearance have been returned. *See* Exhibit 86.

87. **Lyon County Public Works:** *see* Lyon County, below.

a. Status of service: A signed Waiver of Service form and a Notice of Appearance have been returned. *See* Exhibit 87.

88. **Lyon County School District:**

a. Basis for inclusion: CMO Paragraph 3.c. and g.

b. Status of service: A Waiver of Service form has been returned, signed by Jim Snyder, Board President of the Lyon County Schools. *See* Exhibit 88. (Please note that the Lyon County School District is a separate legal entity from other Lyon County entities that are included in this action.)

c. Counsel: Stephen B. Rye
Lyon County District Attorney's Office
31 S. Main St.
Yerington, NV 89447

d. Address for service: *see* Counsel's address, above.

e. Requested action(s): We request a finding that service is complete.

89. **County of Lyon:** *see* the above entries for Lyon County Cemetery II; Lyon County Courthouse; Lyon County Elm Tree Cemetery (Missouri Flats); Lyon County Fairgrounds, Inc.; and Lyon County Public Works; *See also* the below entries for Smith Valley Fire Protection District; Smith Valley Park & Recreation Board; and Willowcreek G.I.D.

a. Basis for inclusion: CMO Paragraph 3.a., b., c. and g.

b. Status of service: A signed Waiver of Service form and a Notice of Appearance have been returned. *See* Exhibit 89. *See also* Exhibits 83 - 88.

c. Counsel: Stephen B. Rye
Lyon County District Attorney's Office
31 S. Main St.
Yerington, NV 89447

d. Address for service: *see* Counsel's address, above.

e. Requested action(s): We request a finding that service is complete as to each of the six Lyon County entities listed above (paragraphs 83-89) and that the Court

amend the caption to read: Lyon County (Lyon County; Lyon County Cemetery II; Lyon County Courthouse; Lyon County Elm Tree Cemetery (Missouri Flats); Lyon County Fairgrounds, Inc.; and Lyon County Public Works).

90. **Kenneth M. Maple:** *see* Susan L. Maple, below.

91. **Susan L. Maple:**

a. Basis for inclusion: CMO Paragraph 3.d

b. Status of service: Kenneth M. and Susan L. Maple have each returned signed Waiver of Service and Notice of Appearance forms. *See* Exhibit 90 - 91.

Based on continuing investigation, we question whether either Mr. or Mrs. Maple has a water right that fits within the requirements of CMO Paragraph 3. Their application for a groundwater permit for stock water, Application No. 51905, is listed as "cancelled" on the State of Nevada data base. . We find nothing to indicate that the Maples hold any other groundwater permit.

c. Counsel: None indicated.

d. Address for service: Kenneth M. and Susan L. Maple
P.O. Box 1903
Parcel C Towe Rd.
Hawthorne, NV 89415

e. Requested action(s): We ask for a finding that service is complete as to Kenneth M. and Susan L. Maple. We also believe, however, that Mr. and Mrs. Maple should be dismissed, but, if they believe our assessment is in error, they should be provided the opportunity to remain in this action.

92. **Hugh R. Marshall:**

a. Basis for inclusion: CMO Paragraph 3.d.

b. Status of service: No response. Further investigation has shown that this water right was conveyed to Wiegand Resources, Inc., which was served on April 22, 2004, and has returned signed Waiver of Service and Notice of Appearance forms.

c. Counsel: n/a

d. Address for service: James T. Carrico
Wiegand Resources, Inc.
165 West Liberty St., Ste. 200
Reno, NV 89501

e. Requested action(s): We ask the Court to dismiss Hugh R. Marshall; substitute Wiegand Resources, Inc.; and find that service is complete as to Wiegand Resources, Inc. *See also* Judith Hohlt (Marshall), above.

93. **Masonic Lodge:**

a. Basis for inclusion: CMO Paragraph 3.c., and i.

b. Status of service: A Waiver of Service form has been signed by Marion O. Rodger, Trustee, Hope Lodge #22, F & A.M. *See* Exhibit 93.

Continued investigation causes us to think that this groundwater well may have been used as a monitoring well and that it may now be plugged and abandoned.

c. Counsel: None indicated.

d. Address for service: Hope Lodge No. 22, Free and Accepted Masons
P.O. Box 678
Yerington, NV 89447

e. Requested action(s): The name of this entity should be changed to "Hope Lodge No. 22, Free and Accepted Masons." We ask for a finding that service is complete as to this entity. We further suspect that this entity should be dismissed

and wish to inquire further of the Hope Lodge before we ask the Court to consider dismissal.

94. **Charles N. Mathewson Trust:**

a. Basis for inclusion: CMO Paragraph 3.d.

b. Status of service: Signed Waiver of Service and Notice of Appearance forms have been returned by Charles N. Mathewson, Trustee for the Charles N. Mathewson Trust. *See* Exhibit 94A.

Continued investigation shows that some of the water rights held by the Charles N. Mathewson Trust were transferred in 1999 to Fairfield Ranch, LLC, of which Mr. Mathewson is a managing member. However, the Nevada State files still list the Charles N. Mathewson Trust as the owner of these water rights. In 2002, the Trust applied for a change of point of diversion regarding one of these rights, and, more recently, the Trust applied for additional permits. *See* Exhibit 94B.

c. Counsel: None indicated.

d. Address for service: Charles N. Mathewson, Trustee
Charles N. Mathewson Trust
9295 Prototype Dr.
Reno, NV 89521

e. Requested action(s): We ask for a finding that service is complete as to the Charles N. Mathewson Trust. We propose that the Court take no further action as to the Charles N. Mathewson Trust, unless it is clarified that the Trust has retained no water rights. We also ask that the Court to add Fairfield Ranch, LLC, which was served on February 5, 2004.

95. **Georganna P. Mayne:** *see* Larry A. Mayne

96. **Larry A. Mayne:**

a. Basis for inclusion: CMO Paragraph 3.d.

b. Status of service: Georgana P. and Larry A. Mayne have each returned signed Waiver of Service and Notice of Appearance forms. *See* Exhibit 95-96.

c. Counsel: None indicated.

d. Address for service: Georgana P. and Larry A. Mayne
P.O. Box 457
Hawthorne, NV 89415

e. Requested action(s): We ask for a finding that service is complete. We also note that the correct spelling of Mrs. Mayne's first name is "Georgana."

97. **Mel's Diner:**

a. Basis for inclusion: CMO Paragraph 3.c., and g.

b. Status of service: No response. Mr. Melvin Snoddy, who owned Mel's Diner and a house on adjoining property and owned the subject water rights under his own name and/or in trust, is deceased. The water rights associated with the land on which the diner is located were sold to Tom Rowe and Lillian Baker-Rowe. The water rights associated with the adjoining property were sold to the Gregory Family Trust, which has already been named and served. *See* Exhibit 97 and the discussion of the Gregory Family Trust, above.

c. Counsel: n/a

d. Address for service: n/a

e. Requested action(s): We ask the Court to dismiss Mel's Diner and substitute the Gregory Family Trust and Tom Rowe and Lillian Baker-Rowe. The Gregory

Family Trust has already been served. The Rowes were each served on May 10, 2004.

98. **Metcalf Builders, Inc.:**

a. Basis for inclusion: CMO Paragraph 3.c., and i.

b. Status of service: The attorneys for Metcalf Builders, Inc. have returned a signed Disclaimer of Interest form, which states that the water right(s) at issue were conveyed to Irving Maxon Chase, Trustee of the Irving Maxon Chase Living Trust. *See* Exhibit 98A. The Irving Maxon Chase Living Trust was served April 12, 2004, and has returned a Waiver of Service form, signed by Irving M. Chase, Trustee. *See* Exhibit 98B.

c. Counsel: [for Metcalf Builders, Inc.]
Chris MacKenzie
Allison, MacKenzie, Russell, Pavlakis, Wright & Fagan, Ltd.
402 North Division Street
P.O. Box 646
Carson City, Nevada 89702

None indicated by Irving Maxon Chase Living Trust

d. Address for service: *See* Counsel's address, above.

Irving M. Chase Trust
Irving M. Chase, trustee
283 S. Rock Creek Road
Emigrant, MT 59027

e. Requested action(s): We ask the Court to find that service is complete as to Metcalf Builders, Inc.; dismiss Metcalf Builders, Inc.; substitute the Irving Maxon Chase Living Trust; and find that service is complete as to the Irving Maxon Chase Living Trust.

99. **Mitchell Miller:** *see also* Wabuska Bar, below.

a. Basis for inclusion: CMO Paragraph 3.c., and i.

b. Status of service: Mr. Miller has returned a signed Waiver of Service form. *See* Exhibit 99A. Mr. Miller was doing business as the Wabuska Bar, which is not a legal entity. Mr. Miller quit-claimed his interests, including the water rights at issue, to Edmund and Linda Miller. *See* Exhibit 99B.

c. Counsel: None indicated.

d. Address for service: Mr. Mitchell Miller
110 Mason
Yerington, NV 98447

e. Requested action(s): We ask the Court to find that service is complete as to Mr. Miller and to add Edmund and Linda Miller, who were served on February 5, 2004. Mr. Miller should remain as a Defendant as we understand that he has additional water rights subject to service under later phases of service.

100. **Mineral County:** *see also* Town of Hawthorne and Mineral County Commissioners.

a. Basis for inclusion: CMO Paragraph 3.d., and g.

b. Status of service: A signed Waiver of Service form has been returned on behalf of Mineral County. *See* Exhibit 100. In addition, the District Attorney for Mineral County has asked that her name be included as additional counsel for this entity.

c. Counsel: Treva J. Hearne
557 Washington Street, Lower Level
Reno, NV 89503

Cheri Emm-Smith
Mineral County District Attorney
P.O. Box 1210
Hawthorne, NV 89415

d. Address for service: *see* Counsel's address, above.

e. Requested action(s): We ask for a finding that service is complete. In addition, we ask the Court to amend the caption to read Mineral County (Mineral County; Town of Hawthorne, Mineral County Commissioners).

101. **Mineral County Commissioners**: *see also* Town of Hawthorne and Mineral County.

a. Basis for inclusion: CMO Paragraph 3.d. and g.

b. Status of service: A Waiver of Service form has been returned on behalf of the Mineral County Commissioners, Mineral County, Nevada. *See* Exhibit 101. In addition, the District Attorney for Mineral County has asked that her name be included as additional counsel for this entity.

c. Counsel:

Treva J. Hearne
557 Washington Street, Lower Level
Reno, NV 89503

Cheri Emm-Smith
Mineral County District Attorney
P.O. Box 1210
Hawthorne, NV 89415

d. Address for service: *see* Counsel's address, above.

e. Requested action(s): We ask for a finding that service is complete. In addition, we ask the Court to amend the caption to read Mineral County (Mineral County; Town of Hawthorne; Mineral County Commissioners).

102. **David W. Moody:**

a. Basis for inclusion: CMO Paragraph 3.d. As stated below, we believe this category is incorrect.

b. Status of service: No response. Based on continuing investigation, we question whether Mr. Moody has a water right that fits within the requirements of CMO

Paragraph 3. First, his water use appears to be domestic, which does not fit within CMO Paragraph 3.d. Second, he holds no well permit and appears to have been included in our service list in error. *See* Exhibit 102.

c. Counsel: n/a

d. Address for service: n/a

e. Requested action(s): Dismissal.

103. **Peter C. Moschogianis:**

a. Basis for inclusion: CMO Paragraph 3.d.

b. Status of service: Mr. Moschogianis died on May 9, 2003. The water right at issue was conveyed to Kathryn Krantz Peterman and then to the Kottke Living Trust. *See* Exhibit 103A. The Kottke Living Trust was served on February 5, 2004, and has returned a Waiver of Service form, signed by Diane V. Kottke, trustee. *See* Exhibit 103B.

c. Counsel: None indicated

d. Address for service: Dennis L. and Diane B. Kottke, Trustees
Kottke Living Trust
1708 Westwood Dr.
Minden, NV 89423

e. Requested action(s): We ask the Court to dismiss Peter C. Moschogianis; substitute the Kottke Living Trust; and find that service is complete as to the Kottke Living Trust.

104. **Jim B. Moss:**

a. Basis for inclusion: CMO Paragraph 3.c., and g (quasi-municipal).

b. Status of service: Mr. James B. Moss is in custodial care. His wife, Helen, and his son, Jimmy A. Moss, are co-guardians. Jimmy A. Moss has signed a Waiver of Service. The water rights at issue, which include two permits, were in the James and Helen Moss 1976 Trust, although one of the data bases consulted lists it under "Jim B. Moss." The property to which the water rights were appurtenant was split and sold. One portion was sold to James W. Butterly and was inherited by his wife, Ellen Butterly, who is the current owner (and is the daughter of Helen and James B. Moss). Mrs. Butterly was served on February 5, 2004. The other portion of the property was sold to Jimmy A. Moss and his wife, Darlene G. Moss, as joint tenants. Mr. Jimmy A. Moss has returned a Waiver of Service. *See* Exhibit 104.

c. Counsel: None indicated.

d. Address for service: Jimmy A. and Darlene Moss
24 Thurston Way
Yerington, NV 89447

e. Requested action(s): We ask the Court to dismiss Jim B. Moss and to substitute Ellen Butterly and Jimmy A. and Darlene G. Moss. We also ask for a finding that service is complete as to Jimmy A. and Darlene G. Moss.

105. **Motley Living Trust Dated 12-23-70:**

a. Basis for inclusion: CMO Paragraph 3.d.

b. Status of service: The attorney for the Motley Living Trust has returned signed Waiver of Service and Notice of Appearance forms. The property and water rights at issue have been conveyed to Robert Earl Motley III and Philippa E.

Motley, as tenants in common, who were served on February 5, 2004. *See* Exhibit 105.

c. Counsel: Jeffrey Forer (Counsel for the Trust)
Weinstock, Manion, Reisman, Shore & Neumann
1875 Century Park East, Suite 1500
Los Angeles, CA 90067

d. Address for service: *see* Counsel's address, above.

e. Requested action(s): We ask the Court to find that service is complete as to the Motley Living Trust; dismiss the Motley Living Trust; and substitute Robert E. Motley III and Phillipa E. Motley.

106. **Nevada Department of Transportation:** *see also* Nevada Division of Wildlife, Nevada Environmental Protection, and Nevada Public Works Board, below.

a. Basis for inclusion: CMO Paragraph 3.c. and g.

b. Status of service: A signed Waiver of Service form has been returned by the Attorney General's office on behalf of the Nevada Department of Transportation. *See* Exhibit 106.

c. Counsel: Marta Adams, Senior Deputy Attorney General
Office of the Attorney General
100 N. Carson St.
Carson City, NV 89701

d. Address for service: *see* Counsel's address, above.

e. Requested action(s): We ask for a finding that service is complete as to the Nevada Department of Transportation. In addition, we ask the Court to amend the caption to read: "State of Nevada (Nevada Department of Transportation; Nevada Department of Wildlife)."

107. **Nevada Division of Wildlife:** *see also* Nevada Department of Transportation, above, and Nevada Environmental Protection, and Nevada Public Works Board, below.

a. Basis for inclusion: CMO Paragraph 3.a., c. and g.

b. Status of service: A signed Waiver of Service form has been returned by the Attorney General's office on behalf of the Nevada Division of Wildlife. *See* Exhibit 107.

c. Counsel: Marta Adams, Senior Deputy Attorney General
Office of the Attorney General
100 N. Carson St.
Carson City, NV 89701

d. Address for service: *see* Counsel's address, above.

e. Requested action(s): We ask for a finding that service is complete as to the Nevada Division of Wildlife, which is already a party to this case, and to amend this entity's name to "Nevada Department of Wildlife." In addition, we ask the Court to amend the caption to read: "State of Nevada (Nevada Department of Transportation; Nevada Department of Wildlife)."

108. **Nevada Environmental Protection:** *see also* Nevada Department of Transportation and Division of Wildlife, above, and Nevada Public Works Board, below.

a. Basis for inclusion: CMO Paragraph 3.c. and g.

b. Status of service: A signed Waiver of Service form has been returned by the Attorney General's office on behalf of the Nevada Division of Environmental Protection, which is the current and correct name of this governmental entity. This entity was served on the basis of information in the Nevada Division of Water Resources well log data base, which indicated that the Division of

Environmental Protection was the owner of a number of groundwater wells. The State of Nevada has provided further information that demonstrates that each of these wells was a groundwater monitoring well that has been plugged and abandoned pursuant to Nevada State law. *See* Exhibit 108. Consequently, there is no basis to include this governmental entity in this action.

c. Counsel: Marta Adams, Senior Deputy Attorney General
Office of the Attorney General
100 N. Carson St.
Carson City, NV 89701

d. Address for service: *see* Counsel's address, above.

e. Requested action(s): We ask for a finding that service is complete as to the Nevada Division of Environmental Protection and that the Court dismiss this entity.

109. **Nevada Public Works Board:** *see also* Nevada Department of Transportation, Division of Wildlife, and Nevada Environmental Protection, above.

a. Basis for inclusion: CMO Paragraph 3.c. and g.

b. Status of service: A signed Waiver of Service form has been returned by the Attorney General's office on behalf of the Nevada Public Works Board. This entity was served on the basis of information in the Nevada Division of Water Resources well log data base, which indicated that it owns one groundwater well. We have located further information that demonstrates that the Nevada Department of Prisons plugged and abandoned the well pursuant to Nevada State law and asked the Nevada State Engineer to cancel the permit associated with this

well. *See* Exhibit 109. Consequently, there is no basis to include this governmental entity in this action.

c. Counsel: Marta Adams, Senior Deputy Attorney General
Office of the Attorney General
100 N. Carson St.
Carson City, NV 89701

d. Address for service: *see* Counsel's address, above.

e. Requested action(s): We ask for a finding that service is complete as to the Nevada Public Works Board and that the Court dismiss this entity.

110. **O'Sullivan Plastics Corp.:**

a. Basis for inclusion: CMO Paragraph 3.c. and i.

b. Status of service: No response.

c. Counsel: n/a

d. Address for service: n/a

e. Requested action(s): We seek no action by the Court at this point. We recently located a new Registered Agent for this company and re-served them on February 5, 2004.

111. **W.B. Park:**

a. Basis for inclusion: CMO Paragraph 3.a., and d.

b. Status of service: No response. W.B. Park is listed on the U.S. Board of Water Commissioners annual assessment list for 2000 and 2001 and was served by Mineral County in Case No. C-125-C. Nevertheless, our continued investigation indicates that the property at issue was conveyed in 1986 to the W. Brook Parks Family Trust. In 1998, the Trust conveyed half of the property to David Wallace

Park and Mary Kathleen Park (Mr. W.B. Park's son and daughter-in-law), and the Trust conveyed the remaining half of the property in 1999, also to David Wallace Park and Mary Kathleen Park, who were served on April 22, 2004.

c. Counsel: n/a

d. Address for service: n/a

e. Requested action(s): We request the Court to dismiss W.B. Park and to substitute David Wallace Park and Mary Kathleen Park.

112. **Patricia, Fitzgerald S.:** *see* Brad Amussen, above.

113. **Edgar Ritter:** *see* Paula E. Ritter, below.

114. **Paula E. Ritter:**

a. Basis for inclusion: CMO Paragraph 3.d.

b. Status of service: Mrs. Paula Ritter has signed and returned a Waiver of Service form as Trustee of the Edgar & Paula Ritter Family Trust. Mr. Edgar Ritter is deceased. *See* Exhibit 113-114.

c. Counsel: None indicated

d. Address for service: Paula E. Ritter, Trustee
Edgar & Paula Ritter Family Trust
47932 W. 90th St.
Lancaster, CA 93536

e. Requested action(s): We request that the Court dismiss Mr. Edgar and Mrs. Paula E. Ritter; substitute the Edgar & Paula Ritter Family Trust; and find that service is complete as to the Edgar & Paula Ritter Family Trust.

115. **Heidi D. Roach:** *see* Roy B. Roach, below.

116. **Roy B. Roach:**

a. Basis for inclusion: CMO Paragraph 3.d. and g (quasi-municipal).

b. Status of service: No response. On January 3, 2003, Mr. Roy Roach filed a Report of Conveyance with the Nevada State Engineer, notifying the State that Permit 35246 had been conveyed in 1999 from William R. Keuper and Susan M. Keuper to Heidi D. and Roy B. Roach as joint tenants. Nevertheless, based on separate investigation, it appears that the Roaches transferred their water right to the Roach 2002 Trust in 2002. *See* Exhibit 116. The Roaches and/or the Roach 2002 Trust also have additional water rights applications pending. *See* Wende J. Gaudreault, and Garry Den Heyer, above.

c. Counsel: n/a

d. Address for service: n/a

e. Requested action(s): The Roaches have not responded to service on them in their individual capacities. The Roach 2002 Trust was served on February 5, 2004. We ask that the Court take no action at this time.

117. **Lotus R. Rubert:** *see* Peggy J. Rubert, below.

118. **Peggy J. Rubert:**

a. Basis for inclusion: CMO Paragraph 3.c. and i.

b. Status of service: No response.

c. Counsel: n/a

d. Address for service: n/a

e. Requested action(s): We are checking addresses and ask the Court to take no action at this time.

119. **Charles Sanderson:** *see* Patrick T. Sanderson, below.

120. **Patrick T. Sanderson:**

a. Basis for inclusion: CMO Paragraph 3.d. As stated below, we do not think this classification is accurate.

b. Status of service: Mr. Charles Sanderson and Mr. Patrick T. Sanderson are tenants in common to certain real estate in Mineral County. Mr. Patrick Sanderson has returned a signed Waiver of Service and Mr. Charles Sanderson has made no response. *See* Exhibit 119A-120A.

Based on continuing investigation, we question whether either Mr. Sanderson has a water right that fits within the requirements of CMO Paragraph 3. First, their water use appears to be domestic, which does not fit within CMO Paragraph 3.d. Second, we find no evidence to suggest that they hold a well permit. They appear to have been included in our service list in error.

c. Counsel: None identified.

d. Address for service: Mr. Patrick T. Sanderson
3469 Tourmaline Way
Carson City, NV 89705

e. Requested action(s): We believe that both Mr. Patrick Sanderson and Mr. Charles Sanderson should be dismissed, but, if they believe our assessment is in error, they should be provided the opportunity to remain in this action. We also ask the Court to find that service is complete as to both Mr. Sandersons.

121. **Schurz Elementary:**

a. Basis for inclusion: CMO Paragraph 3.

b. Status of service: Schurz Elementary School is part of the Mineral County School District. Signed Waiver of Service and Notice of Appearance forms have been returned on behalf of the Mineral County School Board. *See* Exhibit 121.

c. Counsel: Cheri Emm-Smith
Mineral County District Attorney
P.O. Box 1210
Hawthorne, NV 89415

d. Address for service: *see* Counsel's address, above.

e. Requested action(s): We request that the Court find that service is complete.

122. **Sierra Pacific Power Company:** *see also* Fort Churchill Power Plant, above.

a. Basis for inclusion: CMO Paragraph 3.a., c., and i.

b. Status of service: The Assistant General Counsel for Sierra Pacific Power Company has returned a signed Waiver of Service form. *See* Exhibit 122.

c. Counsel: [Sierra Pacific Power Co.]
Gordon DePaoli
Woodburn and Wedge
6100 Neil Road, Suite 500
Rento, NV 89511

d. Address for service: *see* Counsel's address, above.

e. Requested action(s): We request that the Court find that service is complete.

123. **Smith Valley Baptist Church:**

a. Basis for inclusion: CMO Paragraph 3.c., and i (commercial).

b. Status of service: The Pastor of the Smith Valley Baptist Church has returned signed Waiver of Service and Notice of Appearance forms. *See* Exhibit 123.

c. Counsel: None indicated.

d. Address for service: Rev. Archie Walker
Pastor

Smith Valley Baptist Church
P.O. Box 254
Smith, NV 89340

e. Requested action(s): We request a finding that service is complete.

124. **Smith Valley Fire Protection District:**

a. Basis for inclusion: CMO Paragraph 3.a., g. and i.

b. Status of service: Signed Waiver of Service and Notice of Appearance forms have been returned. *See* Exhibit 124. (Please note that the Smith Valley Fire Protection District is a separate legal entity from other Lyon County entities that are included in this action.)

c. Counsel: Stephen B. Rye
Lyon County District Attorney's Office
31 S. Main St.
Yerington, NV 89447

d. Address for service: *see* Counsel's address, above.

e. Requested action(s): We request a finding that service is complete.

125. **Smith Valley Park & Recreation Board:**

a. Basis for inclusion: CMO Paragraph 3.c. and g.

b. Status of service: Signed Waiver of Service and Notice of Appearance forms have been returned. *See* Exhibit 125.

c. Counsel: Stephen B. Rye
Lyon County District Attorney's Office
31 S. Main St.
Yerington, NV 89447

d. Address for service: *see* Counsel's address, above.

e. Requested action(s): We request a finding that service is complete.

126. **Jack Smith:** *see* Nadine Smith, below.

127. **Nadine Smith:**

a. Basis for inclusion: CMO Paragraph 3.d. As stated below, we do not think this classification is accurate. *See also* CMO Paragraph 3.b.

b. Status of service: No response.

Based on continuing investigation, we question whether Mr. Jack Smith and Mrs. Nadine Smith have a water right that fits within the requirements of CMO Paragraph 3. First, their water use appears to be domestic, which does not fit within CMO Paragraph 3.d. Second, they appear to be customers of Hawthorne Utilities by way of using the Corey Canyon pipeline. Hawthorne Utilities has now been served. It appears to us that the users of the Corey Canyon pipeline were included in our service list in error. *See* Exhibit 126-127.

c. Counsel: None identified.

d. Address for service: n/a

e. Requested action(s): We do not believe that Mr. Jack Smith and Mrs. Nadine Smith belong in this current service phase, but they should remain in the action based on ownership of a water right subject to service under CMO Paragraph 3.b.

128. **Robert H. Smith:**

a. Basis for inclusion: CMO Paragraph 3.d. and.i.

b. Status of service: No response. Christopher H. and Keri A. Sheerin have recently purchased certain property from Mr. Smith and have filed conveyance documents with the Nevada State Engineer indicating that Permit No. 65494 is now under their ownership. *See* Exhibit 128.

c. Counsel: n/a

d. Address for service: n/a

e. Requested action(s): We ask the Court to dismiss Robert H. Smith; and substitute Christopher H. Sheerin and Keri A. Sheerin who were served May 10, 2004.

129. **Caryl L. Spear:**

a. Basis for inclusion: CMO Paragraph 3.d.

b. Status of service: Caryl L. Spear died in 2003. A signed Waiver of Service form was returned by Kent Deines, Trustee of the Spear Family Trust. *See* Exhibit 129A.

Nevada State Engineer files list Caryl L. Spear and Kent L. Deines as co-applicants for Permit No. 35624. Mr. Deines returned a separate Waiver of Service form in connection with service on the Deines Family Trust, *see* above, regarding the same well permit. Recent investigation indicates that the well permit identified in the Nevada well files has been cancelled. *See* Exhibit 129B.

c. Counsel: None indicated

d. Address for service: Kent L. Deines, Trustee
Spear Family Trust
13992 Dodder Ct.
Poway, CA 92064

e. Requested action(s): We ask the Court to dismiss Caryl L. Spear, who is deceased. Based upon Nevada's Division of Water Resources notification of the cancellation of Permit No. 35624 dated May 2, 2003, it appears that there is no basis to further identify or substitute the Spear Family Trust. The Spear Family Trust should be provided an opportunity to bed substituted into this action, and if

it is substituted for Caryl L. Spear, we ask the Court to find that service is complete as to the Spear Family Trust.

130. **Robert G. Stoughton:**

a. Basis for inclusion: CMO Paragraph 3.a., c., and i.

b. Status of service: No response. Mr. Stoughton, along with his wife, Candace, owned a water permit for a well in Basin 107 for which the proposed use was industrial (CMO Paragraph 3. c. and i.). That permit has been conveyed to Juan R. and Maria R. Verdugo, who were served on February 5, 2004. *See* Exhibit 130.

Nevertheless, Mr. and Mrs. Stoughton own a domestic well in Basin 107 and remain subject to service under CMO Paragraph 3.c. We also note that the Stoughtons were served in Case No. C-125-C as WRID members, but no longer appear on WRID lists.

c. Counsel: n/a

d. Address for service: n/a

e. Requested action(s): We request that the Court amend the caption to add Juan R. and Maria R. Verdugo; and change Robert G. Stoughton to Robert G. and Candace Stoughton.

131. **Daniel F. Sullivan:**

a. Basis for inclusion: CMO Paragraph 3.d.

b. Status of service: No response.

c. Counsel: n/a

d. Address for service: n/a

e. Requested action(s): We have located a different address for Mr. Sullivan and have re-served him and ask the Court to take no action.

132. **Sweetwater Ranch Co.:**

a. Basis for inclusion: CMO Paragraph 3.a., c., and d.

b. Status of service: No response. Sweetwater Ranch does not currently exist as a legal entity. Moreover, its subject holdings were transferred to the William M. Weaver Jr. Revocable Trust, Paula Ritter, and Forest G. Godde, and each of these persons or entities has made later transfers of some or all of these holdings. Each of these successor owners has been served. *See* entries herein for William M. Weaver Revocable Trust; Paula Ritter; and Forest G. Godde.

c. Counsel: n/a

d. Address for service: n/a

e. Requested action(s): Dismissal.

133. **T & G Financial, Inc.:**

a. Basis for inclusion: CMO Paragraph 3.c., d., and g (quasi-municipal).

b. Status of service: No response. Further investigation has found that the property at issue has been transferred and is currently owned by Pinion Pines MHC, LLC. *See* Exhibit 133.

c. Counsel: n/a

d. Address for service: n/a

e. Requested action(s): We ask the Court to dismiss T & G Financial, Inc. and to substitute Pinion Pines MHC, LLC, which was served on February 5, 2004.

134. **Tad's Enterprises:**

a. Basis for inclusion: CMO Paragraph 3.c., and i.

b. Status of service: A Waiver of Service form and a Disclaimer have been returned, signed by Donna M. Searby, as the Managing Member of Tad's Enterprises. The Disclaimer reports that the water rights at issue were conveyed to Homestretch Geothermal, LLC. In addition, Reports of Conveyance for the water rights at issue were filed with the State of Nevada. *See* Exhibit 134. Homestretch Geothermal, LLC has already been served in this matter. *See* Homestretch Geothermal, LLC above.

c. Counsel: None indicated.

d. Address for service: Tad's Enterprises
2181 Stone Hill Circle
Reno, NV 89509

e. Requested action(s): We ask that the Court to find that service is complete as to Tad's Enterprises; dismiss Tad's Enterprises; and substitute Homestretch Geothermal, LLC, which has already been named and served.

135. **Don H. Tibbals:** *see also* Weed Heights Development, below.

a. Basis for inclusion: CMO Paragraph 3.c., g. and i.

b. Status of service: Mr. Tibbals has signed and returned a Waiver of Service form. *See* Exhibit 135. Mr. Tibbals has some water rights listed in his name only, and he and his wife, Joy, are listed on other water rights attributed to Weed Heights Development, which is a corporation. Weed Heights Development has been served, but has not yet responded.

c. Counsel: None indicated.

d. Address for service: Don H. Tibbals

2 Austin
Yerington, NV 89447

e. Requested action(s): We request a finding that service is complete.

136. **Topaz Lake Water, Inc.:**

a. Basis for inclusion: CMO Paragraph 3.d., and g.

b. Status of service: A Waiver of Service form and Notice of Appearance form have been returned, signed by Robert A. Cashell, Jr., President, Topaz Lake Water, Inc. *See* Exhibit 136.

c. Counsel: None indicated.

d. Address for service: Robert A. Cashell, Jr.
President
Topaz Lake Water, Inc.
1950 E. Greg St.
Sparks, NV 89431

e. Requested action(s): We request a finding that a service is complete.

137. **Topaz Land Corp.:**

a. Basis for inclusion: CMO Paragraph 3.d. and g.

b. Status of service: No response. Further investigation shows that the State Engineer denied permit application No. 54140, which was filed by E. J. Nicholson and transferred to the Topaz Land Corporation prior to the denial of the permit. Furthermore, the Topaz Land Corporation is revoked as a Nevada corporation. *See* Exhibit 137.

c. Counsel: n/a

d. Address for service: n/a

e. Requested action(s): Dismissal.

138. **Topaz Lodge, Inc.:**

a. Basis for inclusion: CMO Paragraph 3.d., and g.

b. Status of service: A Waiver of Service form and Notice of Appearance form have been returned, signed by Robert A. Cashell, Jr., President, Topaz Lodge, Inc. *See* Exhibit 138.

c. Counsel: None indicated.

d. Address for service: Robert A. Cashell, Jr.
President
Topaz Lodge, Inc.
1950 E. Greg St.
Sparks, NV 89431

e. Requested action(s): We request a finding that a service is complete.

139. **Topaz Ranch Estates, G.I.D.:** *see* Topaz Ranch Estates Park, below.

a. Basis for inclusion: CMO Paragraph 3.d. and g.

b. Status of service: Both Topaz Ranch Estates, G.I.D. and Topaz Ranch Estates Park were served on April 12, 2004, at a new address, and we have received their signed waiver. *See* Exhibit 139 - 140.

c. Counsel: n/a

d. Address for service: Topaz Ranch Estates G.I.D.
Board of Trustees
3920 Carter Way
Wellington, NV 89444

e. Requested action(s): We ask the Court to strike the separate entry on the caption for "Topaz Ranch Estates Park," and that the Court amend the caption to read "Topaz Ranch Estates, G.I.D. (Topaz Ranch Estates Park), and to find that service is complete as to both.

140. **Topaz Ranch Estates Park:** *see* Topaz Ranch Estates G.I.D., above.

141. **Alice Tuttle:** *see* James B. Tuttle, below.

142. **James B. Tuttle:**

a. Basis for inclusion: CMO Paragraph 3.d.

b. Status of service: Mr. Tuttle is deceased. Mrs. Tuttle has signed and returned a Waiver of Service form and a Disclaimer. Mr. and Mrs. Tuttle had applied for two groundwater permits, but the wells were not usable for various reasons and the permits are currently listed in the Nevada State database as denied. *See* Exhibit 141-142.

c. Counsel: None indicated.

d. Address for service: Alice Tuttle
Box 519
Hawthorne, NV 89415

e. Requested action(s): We ask the Court to find that service is complete as to Alice Tuttle and to dismiss both Alice Tuttle and James B. Tuttle.

143. **United States Army Ammunition Depot:**

a. Basis for inclusion: CMO Paragraph 3.c., d., g., and i.

b. Status of service: A signed Waiver of Service form has been returned. *See* Exhibit 143.

c. Counsel: David Negri
U.S. Department of Justice
161 E. Mallard Dr., Suite A
Boise, ID 83706

d. Address for service: *see* Counsel's address, above.

e. Requested action(s): We request a finding that service is complete as to the Walker River Paiute Tribe's Counterclaim.

144. **United States Bureau of Land Management:**

a. Basis for inclusion: CMO Paragraph 3.a., b., c., and d.

b. Status of service: A signed Waiver of service form has been returned. *See* Exhibit 144.

c. Counsel: David Negri
U.S. Department of Justice
161 E. Mallard Dr., Suite A
Boise, ID 83706

d. Address for service: *see* Counsel's address, above.

e. Requested action(s): We request a finding that service is complete as to the Walker River Paiute Tribe's Counterclaim.

145. **United States Indian Irrigation Service:**

a. Basis for inclusion: CMO Paragraph 3.a. (We have clarified that this entity does not address water rights subject to service under CMO Paragraph 3.g.)

b. Status of service: A Waiver of Service form has been returned. This entity no longer exists, but has been incorporated into the United States Bureau of Indian Affairs ("BIA"). The United States, on behalf of the BIA, is already a party to this case and is a plaintiff in the United States' Counterclaims. *See* Exhibit 145.

c. Counsel: undersigned counsel for the United States represents the BIA.

d. Address for service: *see* Counsel's address, below.

e. Requested action(s): We request a finding that service is complete as to the Walker River Paiute Tribe's Counterclaim, and to amend the caption in the

Walker River Paiute Tribe's Counterclaim to read United States Bureau of Indian Affairs.

146. **Wabuska Bar:**

a. Basis for inclusion: *see* Mitchell Miller, above.

b. Status of service: *see* Mitchell Miller, above.

c. Counsel: none indicated.

d. Address for service: *see* Mitchell Miller, above.

e. Requested action(s): We ask the Court to dismiss Wabuska Bar and substitute Edmund and Linda Miller. *See* Mitchell Miller, above.

147. **Walker Lake Apartments:**

a. Basis for inclusion: CMO Paragraph 3.g (quasi-municipal).

b. Status of service: Three documents have been returned: a Waiver of Service form; a Notice of Appearance form; and a Notice of Change of Ownership form. Gary and Pam Mills signed the Waiver of Service and Notice of Appearance forms. Pursuant to a maintenance agreement, the owners of this well are: 1. Gary and Pam Mills (50%); 2. Conrad R. Eierman (32%); 3. Dennis P. Delisle (15.5%); and 4. Gladys Roark (2.5%). *See* Exhibit 147.

c. Counsel: None indicated.

d. Address for service: Gary and Pam Mills
P. O. Box 1367
Hawthorne, NV 89415

e. Requested action(s): We ask for a finding that service is complete.

148. **Walker Lake Water District:**

a. Basis for inclusion: CMO Paragraph 3.c. and g.

b. Status of service: A Waiver of Service form and a Notice of Appearance form have been returned, signed by Gladys M. Porter, Co-Chairman of the "Walker Lake Water District GID." *See* Exhibit 148.

c. Counsel: None indicated.

d. Address for service: Gladys M. Porter
Co-Chairman
Walker Lake Water District G.I.D.
175 Wassuk Way
Walker Lake, NV 89415

e. Requested action(s): We ask the Court to amend the caption to read Walker Lake Water District G.I.D; and find service is complete.

149. **Walker River Land Corporation:**

a. Basis for inclusion: CMO Paragraph 3.a., c., and i.,

b. Status of service: A Waiver of Service form and Notice of Appearance form have been returned, signed by Paula McCarthy, Secretary, Walker River Land Corporation. *See* Exhibit 149.

c. Counsel: [Walker River Land Corp.]
R. Craig Howard
Half Lane
100 West Liberty Street - 10th floor
Reno, NV 89501

d. Address for service: *see* Counsel's address, above.

e. Requested action(s): We seek a finding that service is complete.

150. **Walker River Paiute Tribe:**

a. Basis for inclusion: CMO Paragraph 3.c. and g.

b. Status of service: Counsel for the Walker River Paiute Tribe, which is already a party to these proceedings, has returned a signed Waiver of Service form

regarding the First Amended Counterclaim of the United States of America. *See* Exhibit 150.

c. Counsel: Scott B. McElroy/Alice E. Walker
Greene, Meyer & McElroy, P.C.
1007 Pearl Street, Suite 220
Boulder, CO 80302

d. Address for service: *See* Counsel's address, above.

e. Requested action(s): We request a finding that service is complete as to the United States' Counterclaim.

151. **Walker River Resort:**

a. Basis for inclusion: CMO Paragraph 3.g (quasi-municipal).

b. Status of service: No response. After further investigation, we have ascertained that this entity is Stanley and Leia Simmons dba Walker River Resort. We have re-served the Resort by serving the Simmons on February 5, 2004.

c. Counsel: n/a

d. Address for service: n/a

e. Requested action(s): We ask the Court to take no action at this time.

152. **William M. Weaver Jr. Revocable Trust:**

a. Basis for inclusion: CMO Paragraph 3.a., b., c., and d.

b. Status of service: A Waiver of Service form and a Notice of Appearance have been returned on behalf of Weaver Properties, LLC, signed by Mark N. Arrighi, Manager. The relevant properties and water rights of the Trust have been transferred to Weaver Properties, LLC. *See* Exhibit 152.

c. Counsel: None indicated.

d. Address for service: Mark N. Arrighi, Manager
Weaver Properties, LLC
5 South Main St.
Yerington, NV 89447

e. Requested action(s): We ask the Court to dismiss the William M. Weaver Jr. Revocable Trust, substitute Weaver Properties, LLC, and find that service is complete as to Weaver Properties, LLC.

153. **Weed Heights Development:**

a. Basis for inclusion: CMO Paragraph 3.c. and g (quasi-municipal).

b. Status of service: No response. Don Tibbals and Joy M. Tibbals are corporate officers of Weed Heights Development, which was served through its designated registered agent, Mark Knoble. Recent investigation shows that the Law Offices of John P. Schlegelmilch has replaced Mr. Knoble as registered agent. The corporation was re-served on May 10, 2004. *See* Exhibit 153.

c. Counsel: n/a

d. Address for service: n/a

e. Requested action(s): We ask the Court to take no action at this time. We note that the Tibbals also own water rights held by the Tibbals Family Trust, which are subject to service under other categories of the CMO and will be served at a later time.

154. **Wellington Station Resort:**

a. Basis for inclusion: CMO Paragraph 3.c. and g (quasi-municipal).

b. Status of service: No response. Further investigation shows that this property and the associated water right are owned by the Compston Family 1982 Trust, which

was served February 5, 2004. *See* Exhibit 154-A. The Compston Family 1982 Trust has returned a Waiver of Service form and a Notice of Appearance, signed by Marion F. Compston, Trustee. *See* Exhibit 154-B.

c. Counsel: Gordon DePaoli
Woodburn and Wedge
6100 Neil Road, Suite 500
Reno, NV 89511

d. Address for service: *see* Counsel's address, above.

e. Requested action(s): We ask the Court to dismiss Wellington Station Resort; substitute the Compston Family 1982 Trust; and find that service is complete as to the Compston Family 1982 Trust.

155. **John W. Whitney:**

a. Basis for inclusion: CMO Paragraph 3.d.

b. Status of service: Mr. Whitney has signed and returned a Waiver of Service form and a Notice of Appearance. *See* Exhibit 155.

c. Counsel: None indicated.

d. Address for service: John W. Whitney
P.O. Box 20579
Reno, NV 89515

e. Requested action(s): We seek a finding that service is complete.

156. **Willowcreek G.I.D.:**

a. Basis for inclusion: CMO Paragraph 3.c. and g.

b. Status of service: Counsel has returned a Waiver of Service form and Notice of Appearance. *See* Exhibit 156. (Please note that the Willowcreek G.I.D. is a

separate legal entity from other Lyon County entities that are included in this action.)

c. Counsel: Stephen B. Rye
Lyon County District Attorney's Office
31 S. Main St.
Yerington, NV 89447

d. Address for service: *see* Counsel's address, above.

e. Requested action(s): We request a finding that service is complete.

157. **Dan D. Wright:** *see* Mary M. Wright, below.

158. **Mary M. Wright:**

a. Basis for inclusion: CMO Paragraph 3.a., c. and i.

b. Status of service: No response. Continued investigation has shown that Dan Wright conveyed his interest in the lands at issue to Mary Wright and that the water right permit owned jointly by them has been cancelled. Mary Wright continues to own other water rights subject to this case. *See* Exhibit 157-158.

c. Counsel: n/a

d. Address for service: n/a

e. Requested action(s): We ask the Court to dismiss Dan D. Wright. We ask the Court to take no action at this time as to Mary M. Wright.

159. **Yerington Church of Christ:**

a. Basis for inclusion: CMO Paragraph 3.c. and g (quasi-municipal).

b. Status of service: A Waiver of Service form and a Notice of Appearance have been returned by Donna L. Parrott, Treasurer of the Yerington Church of Christ. *See* Exhibit 159.

c. Counsel: None indicated.

d. Address for service: Yerington Church of Christ
204 N. Whitacre #B
Yerington, NV 89447

e. Requested action(s): We seek a finding that service is complete.

160. **Yerington Public Utilities:** *see* City of Yerington, below.

a. Status of service: A signed Waiver of Service form and a Notice of Appearance have been returned. *See* Exhibit 160

161. **Yerington Water Co.:** *see* City of Yerington, below.

a. Status of service: A signed Waiver of Service form and a Notice of Appearance have been returned. *See* Exhibit 161

162. **City of Yerington:**

a. Basis for inclusion: CMO Paragraph 3.a., c., and g (collectively for all three entities).

b. Status of service: A signed Waiver of Service form and a Notice of Appearance have been returned. *See* Exhibit 162. *See also* Exhibits 160 and 161.

c. Counsel: Charles S. Zumpft
102 So. Main St.
Yerington, NV 89447

d. Address for service: *see* Counsel's address, above.

e. Requested action(s): We seek a finding that service is complete as to the City of Yerington, Yerington Public Utilities, and Yerington Water Co. We also ask the Court to amend the caption to read: "City of Yerington (City of Yerington; Yerington Public Utilities; and Yerington Water Co.)" and to strike the separate entries for "Yerington Public Utilities" and "Yerington Water Co."

163. **Linda Lodato Bartlett:**

a. Basis for inclusion: CMO Paragraph 3.d.

b. Status of service: Ms. Bartlett is newly-identified and was served on May 10, 2004.

c. Counsel: n/a

d. Address for service: n/a

e. Requested action(s): We seek no response from the Court at this time.

164. **Alan Bledsoe:**

a. Basis for inclusion: CMO Paragraph 3.i.

b. Status of service: Mr. Bledsoe is newly-identified and was served on May 10, 2004.

c. Counsel: n/a

d. Address for service: n/a

e. Requested action(s): We seek no response from the Court at this time.

165. **Carol Bledsoe:**

a. Basis for inclusion: CMO Paragraph 3.i.

b. Status of service: Ms. Bledsoe is newly-identified and was served on May 10, 2004.

c. Counsel: n/a

d. Address for service: n/a

e. Requested action(s): We seek no response from the Court at this time.

## CONCLUSION

We ask the Court to approve the above service efforts and requested amendments, corrections and additions to the Caption as set forth herein.

Respectfully submitted,

Scott B. McElroy, Alice E. Walker
Greene, Meyer & McElroy, P.C.
1007 Pearl Street, Suite 220
Boulder, Colorado 80302
303- 442-2021

Kelly R. Chase
P.O. Box 2800
Minden, NV 89423
702-782-3099

*Attorneys for the Walker River Paiute Tribe*

Susan Schneider
U.S. Department of Justice
Environment and Natural Resources Div.
Indian Resources Section
999 18th Street, Suite 945
Denver, CO 80202
303-312-7308

By: Susan L. Schneider
Susan Schneider

Date: May 26, 2004

*Attorney for the United States of America*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 26th day of May, 2004, I served a true and correct copy of the foregoing REPORT OF THE UNITED STATES OF AMERICA CONCERNING STATUS OF SERVICE ON CERTAIN PERSONS AND ENTITIES by first-class mail, postage prepaid, addressed to the following persons:

Greg Addington, Esq.
Asst. U. S. Attorney
100 W. Liberty St., Suite 600
Reno, NV 89509

Hugh Ricci, P.E.
Division of Water Resources
State of Nevada
123 West Nye Lane
Carson City, NV 89710

Ken Spooner
Walker River Irrigation District
P. O. Box 820
Yerington, NV 89447

John Kramer
Department of Water Resources
1416 Ninth Street
Sacramento, CA 94814

Ross E. deLipkau
Marshall, Hill, Casses & deLipkau
P. O. Box 2790
Reno, NV 89505

Gary Stone
U.S. Dist. Water Court Master
290 South Arlington Ave., 3rd Floor
Reno, NV 89501

Gordon H. DePaoli, Esq.
Dale E. Ferguson, Esq.
Woodburn and Wedge
6100 Neil Road, Suite 500
Reno, NV 89511

Robert L. Hunter, Superintendent
Western Nevada Agency
Bureau of Indian Affairs
1677 Hot Springs Road
Carson City, CA 89706

Scott McElroy
Alice Walker
Greene, Meyer & McElroy, P.C.
1007 Pearl Street, No. 220
Boulder, CO 80302

Jim Shaw
Chief Dep. Water Commissioner
U. S. Bd. Water Commissioners
Post Office Box 853
Yerington, NV 89447

Linda A. Bowman, Esq.
Law Office of Linda A. Bowman, LTD
540 Hammill Lane
Reno, NV 89511

Marta Adams, Esq.
Deputy Attorney General
State of Nevada
100 N. Carson Street
Carson City, NV 89701-4717

George N. Benesch, Esq.
9432 Double R. Blvd., Suite B
Reno, Nevada 89521-5977

David L. Negri
United States Department of Justice
Env. and Natural Resources Division
161 E. Mallard Dr., Suite A
Boise, ID 83706

Kelly R. Chase
Post Office Box 2800
Minden, NV 89423

Bill Lockyer, Attorney General
Michael Neville, Depty. Attny. General
DOJ, Off. of the Attorney General
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-3664

Tim Glidden
U.S. DOI, Office of the Solicitor
Division of Indian Affairs
1849 C Street, N.W., M.S. 6456
Washington, D.C. 20240

Scott H. Shackelton
Silverado, Inc.
4160 Long Knife Rd.
Reno, Nevada 89509

Marshall S. Rudolph, County Counsel
Stacey Simon, Deputy County Counsel
Mono County
P.O. Box 2415
Mammoth Lakes, CA 93546-2415

Treva J. Hearne, Esq.
Law Offices of Treva J. Hearne
557 Washington St., Lower Level
Reno, Nevada 89503

Erin K.L. Mahaney
Office of Chief Counsel
State Water Resources Control Board
1001 I Street, 22nd Floor
Sacramento, CA 95814

Acciari Ranch Supply, Inc.
P.O. Box 70
Smith, NV 89430

[Break-A-Heart, LLC]
George N. Benesch
9432 Double R Blvd., Suite B
Reno, NV 89521

Doris J. Allen
17 Smith Lane
Yerington, NV 89447

[Evan L. Allred]
George M. Keele
1692 County Road, #A
Minden, NV 89423

[Arimetco, Inc.]
Kasey C. Nye
Quarles & Brady Streich Lang, LLP
One S. Church Ave., #1700
Tucson, AZ 85701

Clyne P. Bauer/Clyne P. Bauer Trust
P.O. Box 186
Ely, NV 89301-0186

Robert A. Cashell Jr.
Cashell Investments, LLC
500 Damonte Ranch Pkwy
Reno, NV 89511

Ellen C. Blair
P.O. Box 358
Hawthorne, NV 89415

Richard J. Cavell
1013 Marshall Drive
Camano Island, WA 98282

Donna Costa Beach
331 Cliff House Rd.
Walker Lake, NV 89415

Delbert K. Cornella
Desert Lake Campground
850 U.S. Highway 95
Hawthorne, NV 89415

Brian Chally
Chief Civil Deputy District Attorney
Douglas County District Attorney's Office,
P.O. Box 218
Minden, NV 89423

ELW Ranches, Inc.
165 Liberty St.
Reno, NV 89501

R.L. Duffer Fairbanks
6 Herman Lane
Yerington, NV 89447

Frade Ranch, Inc.
Joseph Frade, Secretary
123 MacKenzie
Yerington, NV 89447

[Hardrock Mining Co.]
Woodburn & Wedge
Sierra Plaza
6100 Neil Road, Suite 500
Reno, NV 89511-1149

Cheri Emm-Smith
Mineral County District Attorney
P.O. Box 1210
Hawthorne, NV 89415

Andrew E. Egbert, Manager
Homestretch Geothermal, L.L.C.
P.O. Box 1150
Leeds, UT 84746

Phyllis P. Hunewill
Hunewill Enterprises L.L.C.
321 Artist View
Wellington, NV 89444

Mrs. Winifred M. Kahn
Morris & Winifred M. Kahn Family Trust
2091 Comstock Dr.
Gardnerville, NV 89410

Stephen B. Rye
Lyon County District Attorney's Office
31 S. Main St.
Yerington, NV 89447

Charles N. Mathewson, Trustee
Charles N. Mathewson Trust
9295 Prototype Dr.
Reno, NV 89521

Georgana P. and Larry A. Mayne
P.O. Box 457
Hawthorne, NV 89415

Rev. Archie Walker, Pastor
Smith Valley Baptist Church
P.O. Box 254
Smith, NV 89340

Robert A. Cashell, Jr., President
Topaz Lake Water, Inc.
1950 E. Greg St.
Sparks, NV 89431

David Negri
U.S. Department of Justice
161 E. Mallard Dr., Suite A
Boise, ID 83706

Gary and Pam Mills
P.O. Box 1367
Hawthorne, NV 89415

Gladys M. Porter, Co-Chairman
Walker Lake Water District G.I.D.
175 Wassuk Way
Walker Lake, NV 89415

Walker River Land Corp.
Craig Howard
Half Lane
100 West Liberty Street - 10th floor
Reno, NV 89501

Mark N. Arrighi, Manager
Weaver Properties, LLC
5 South Main St.
Yerington, NV 89447

John W. Whitney
P.O. Box 20579
Reno, NV 89515

James T. Carrico
Wiegand Resources, Inc.
165 West Liberty St., Ste. 200
Reno, NV 89501

Yerington Church of Christ
204 N. Whitacre #B
Yerington, NV 89447

Charles S. Zumpft
102 So. Main St.
Yerington, NV 89447

[Anaconda Minerals Co.;
Atlantic Richfield Co.]
William J. Duffy
Davis Graham & Stubbs, LLP
1550 Seventeenth St., Suite 500
Denver, CO 80202

Judy Collins
125 Highway 339
Yerington, NV 89447

D & S Waste Removal, Inc.
3 U.S. Highway 95A E
Yerington, NV 89447-2810

Forrest G. Godde 1998 Trust
Mr. Forrest G. Godde, Trustee,
1075 Highway 208
Yerrington, NV 89447

Gregory Family Trust
Marjorie E. Gregory, trustee
1962 Dayton St.
Gardnerville, NV 89410

K & K Water Co., Inc.
2001 Masonic Dr.
Gardnerville, NV 89410

[Metcalf Builders, Inc.]
Chris MacKenzie, Allison, MacKenzie,
Russell, Pavlakis, Wright & Fagan, Ltd.
402 N. Division St.,
P.O. Box 646
Carson City, Nevada 89702

Mr. Mitchell Miller
110 Mason
Yerington, NV 98447

Kottke Living Trust
Dennis L. and Diane B. Kottke, Trustees
1708 Westwood Dr.
Minden, NV 89423

Jimmy A. and Darlene Moss
24 Thurston Way
Yerington, NV 89447

Edgar & Paula Ritter Family Trust
Paula E. Ritter, Trustee
47932 W. 90th St.
Lancaster, CA 93536

[Sierra Pacific Power Co.]
Gordon DePaoli
Woodburn and Wedge
6100 Neil Road, Suite 500
Reno, NV 89511

Don H. Tibbals
2 Austin
Yerington, NV 89447

Diane L. Brandt
Crystal Clear Water Co., Inc.
35 Shirley Lane
Yerington, NV 89447

Irving M. Chase Trust
Irving M. Chase, trustee
283 S. Rock Creek Road
Emigrant, MT 59027

Topaz Ranch Estates G.I.D.
Board of Trustees
3920 Carter Way
Wellington, NV 89444

[Alexander Dawson, Inc.]
John D. O'Brien
John D. O'Brien, LTD
700 South Seventh St.
Las Vegas, NV 89101-6051 (3)

Deborah S. Droller
Senior Attorney
AT&T, Room 3D
3033 Chain Bridge Road
Oakton, VA 22185

Andrew Galvin
American Tower Management, Inc.
116 Huntington Ave.
Boston, MA 02116

Brad Amussen and
Patricia Fitzgerald Amussen
P.O. Box 2266
Hawthorne, NV 89415

Applied Hydrology Associates, Inc.
6100 Montview Blvd.
Denver, CO 80207

Thomas C. Berry and Marilyn A. Berry
P.O. Box 2067
Hawthorne, NV 89415

Kenneth L. and Darlene G. Brown
750 Humboldt
Crescent City, NV 95531

William L. Carpenter Trust
William L. Carpenter, trustee
210 S. Nevada St.
Yerington, NV 89447

Thomas and Kathryn I. Castagnola
P.O. Box 2152
Hawthorne, NV 89415

Brian P. Roberts, Senior Counsel
Chevron Texaco Corporation
Corporate and Environmental Unit
6001 Bollinger Canyon Rd.
San Ramon, CA 94583

Deines Family Trust
Kent L. Deines, Trustee
13992 Dodder Ct.
Poway, CA 92064

Garry and Carol Den Heyer
925 Tourmaline Dr.
Carson City, NV 89705

Albert L. and Wanda E. Grim 2001 Trust
Albert L. Grim, trustee
1717 Burgandy Rd.
Encinitas, CA 92024

Tommy Funk, Sr.
Estrella Cattle Co.
310 E. Austin Avenue
Harlington, TX 78550

Geonomics, Inc.
1865 Greenbrae
Sparks, NV 89431

William T. and Billie A. Jacobs
P.O. Box 103
Craig, CO 81626

Cheryl M. Rowland, President
Kovhil Corporation
2320 Watt St.
Reno, NV 89509

Cooke, Roberts and Reese, Ltd.
421 Court Street
Reno, Nevada 89505

Kenneth M. and Susan L. Maple
P.O. Box 1903
Parcel C Towe Rd.
Hawthorne, NV 89415

Hope Lodge No. 22, Free and
Accepted Masons
P.O. Box 678
Yerington, NV 89447

[The Motley Trust]
Jeffrey Forer
Weinstock, Manion, Reisman, Shore &
Neumann
1875 Century Park East, Suite 1500
Los Angeles, CA 90067

Mr. Patrick T. Sanderson
3469 Tourmaline Way
Carson City, NV 89705

Spear Family Trust
Kent L. Deines, Trustee
13992 Dodder Ct.
Poway, CA 92064

Tad's Enterprises
2181 Stone Hill Circle
Reno, NV 89509

Alice Tuttle
Box 519
Hawthorne, NV 89415

Sue Sherman

Sue Sherman, paralegal