CV-N-73-0127-ECR(RAM)

WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

FILED

04 JUN 23 PM 1:51

LANCE S. WILSON

BY _____ DEPUTY

TO: Susan L Schneider, attorney for the United States of America

1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.

2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER - DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.

3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.

4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the Waiver of Service.

5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 6-21, 2004

Cleo C Pendleton Trustee
Signature
Janet Pendleton trustee
Cleo C. Pendleton, Janet L. Pendleton
Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as: Trustees of
(Title)
Pendleton Living Trust
(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

294

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

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

The undersigned counter-defendant in the above action hereby notifies the Court and the United States that the undersigned (or the entity on whose behalf the undersigned is acting) has no interest in any water right within the categories set forth in Paragraph 3 of the *Case Management Order* (Apr. 18, 2000) and, therefore, **disclaims all interest in this action.**

This disclaimer and notice shall be sent to the following two persons:

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

<u>And</u>

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

In addition, because the undersigned sold or otherwise conveyed ownership of all of the

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

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

Name(s): Cleo C. Pendleton and Janet L. Pendleton, Trustees
Pendleton Living Trust dated July 28, 2000

Street or P.O. Box: 1781 Chico Lane

Town or City: Pahrump

State: Nevada

Zip Code: 89060

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

Name(s): Mark A. Huntley

Street or P.O. Box: P.O. Box 59

Town or City: Yerington

State: Nevada

Zip Code: 89447

3. Attached to or included with this notice is a copy of the (check appropriate box(es)):

- ☒ Deed
- ☐ Court Order
- ☐ Other Document.

by which the change in ownership was accomplished.

4. The undersigned acknowledges that any person or entity who files a Disclaimer of Interest in this matter is ultimately responsible for the accuracy of this filing. Consequently, the undersigned acknowledges that any person or entity who files a Disclaimer of Interest, but, in fact, has water rights subject to this litigation, shall nevertheless be bound by the results of this litigation.

Executed this 21 day of June 2004.

Cleo C Pendleton, Trustee
Janet Pendleton Trustee

[signature of counter-defendant]

Cleo C. Pendleton, Trustee
Janet L. Pendleton, Trustee

[name of counter-defendant]

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

[signature, if applicable, of person acting on behalf of Counter-Defendant]

1781 Chico Lane
Pahrump, Nevada 89060

[address]

[telephone number]

30[illegible]314
OFFICIAL RECORDS
LYON COUNTY, NEV.
RECORD REQUESTED BY

Title Service & Escrow Co.
03 SEP 30 PM 2: 13

MARY C. HILLIGAN
COUNTY RECORDER
FEE 40 DEP. KR

APN 12-321-14
Document Transfer Tax $214.50
Order No. TSL-25712
Mail Tax Bill to Grantee:
P.O. Box 59
Yerington, NV 89447

SPACE ABOVE FOR RECORDER'S USE ONLY

GRANT, BARGAIN and SALE DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged

CLEO C. PENDLETON and JANET L. PENDLETON, Trustees, or their successors in trust, under the Pendelton Living Trust, dated July 28, 2000

do hereby GRANT, BARGAIN and SELL TO

MARK A. HUNTLEY, a single man

the real property situate in the County of Lyon, State of Nevada, described as follows:

All that certain real property being a portion of SW 1/4 of SW 1/4 of Section 14, T 12 N, R 25 E, M.D.B.&M., Lyon County, Nevada, described as follows:

Parcel No. 3, as shown on the Parcel Map FOR DANIEL E. DEL PORTO & CHERRYL ANN DEL PORTO, recorded in the Official Records of Lyon County, Nevada on December 5, 1988 as Document No. 120768.

TOGETHER WITH all water and water rights, ditches and ditch rights, wells and well rights

TOGETHER WITH all tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversion, remainders, rents, issues or profits thereof.

DATED 9-24-03

305314

THE PENDLETON LIVING TRUST

Cleo C. Pendleton Trustee
CLEO C. PENDLETON, Trustee

Janet L. Pendleton Trustee
JANET L. PENDLETON, Trustee

STATE OF NEVADA)
) ss.
COUNTY OF Nye)

On Sept 24th, 2003 personally appeared before me, a Notary Public (or Judge or other authorized person, as the case may be), CLEO C. PENDLETON and JANET L. PENDLETON, Trustees, or their successors in trust, under the Pendelton Living Trust, dated July 28, 2000, who acknowledged to me that they executed the within instrument.

Elizabeth J. Hayden
Notary Public

Notary Public - State of Nevada
County of Nye
ELIZABETH J. HAYDEN
My Appointment Expires
June 12, 2007
No. 03-85640-14