FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

LANCE S. WILSON
CLERK
BY
DEPUTY

UNITED STATES OF AMERICA,	)	
Plaintiff,	)	
WALKER RIVER PAIUTE TRIBE,	)	IN EQUITY NO. C-125
Plaintiff-Intervenor,	)	SUBFILE NO. C-125-B
vs.	)	
WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,	)	

NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE

1. I hereby enter my appearance in this sub-proceeding in this case.

2. I am filing this document with the District Court at the following address:

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

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

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

4. 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.

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

Attorney: William J. Shaw
T. Scott Brooke
William J. Geddes

Address: Brooke-Shaw-Zumfpt
1590 Fourth Street
Minden, NV 89423

Phone Number: 775-782-7171

Fax Number: 775-782-3081

(Signature)

William J. Geddes
(Printed or typed Name)

Bently Family Limited Partnership
(Entity, if any, on whose behalf you are appearing)

1711 Orbit Way
Minden, NV 89423
(Address)

775-782-4600
(Telephone number)

BROOKE · SHAW · ZUMPFT
POST OFFICE BOX 2860
MINDEN, NEVADA 89423
(775) 782-7171

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of BROOKE · SHAW · ZUMPFT and that on the 28th day of December, 2004, I served a true and correct copy of the preceding document entitled ***Notice of Appearance and Intent to Participate*** addressed to:

Shirley Smith
Asst. U. S. Attorney
100 W. Liberty, #600
Reno, NV 89501

George Benesch
P.O. Box 3498
Reno, NV 89505

Jim Weishaupt
Walker River Irrigation Dist.
P.O. Box 820
Yerington, NV 89447

James T. Markle
State Water Resources
P.O. Box 100
Sacramento, CA 95814

John Kramer
Dept. of Water Resources
1416 9th St.
Sacramento, CA 95814

Ross E. deLipkau
P.O. Box 2790
Reno, NV 89505

Richard R. Greenfield
Dept of the Interior
2 North Central Ave., Ste 500
Phoenix, AZ 85004

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

R. Michael Turnipseed, P.E.
Division of Water Resouces
123 West Nye Lane
Carson City, NV 89701

David E. Moser
Three Embarcadero Center
San Francisco, CA 94111

John P. Lange
Dept. of Justice
999 18th St., Ste 945
Denver, CO 80202

Roger Johnson
Water Resources Control Board
P.O. Box 2000
Sacramento, CA 95810

Garry Stone
290 S. Arlington Ave.
Reno, NV 89501

Linda A. Bowman
499 W. Plumb Lane, Ste 4
Reno, NV 89509

Marta Adams
Deputy Attorney General
Division of Water Resources
100 N. Carson Street
Carson City, NV 89701-4717

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Reno, NV 89501

Mary Hackenbracht
Deputy Attorney General
State of California
2102 Webster Street
Oakland, CA 94612-3046

Roger Bezayiff
Chief Deputy Water Commissioner
US Board of Water Commissioners
PO Box 853
Yerington, NV 89447

Treva Hearne
Jim Spoo
Zeh, Polaha, Spoo & Hearne
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Reno, NV 89509

Robert C. Anderson and Timothy Lukas

Hale Lane, Peek, Dennis, Howard Anderson & Pearl
PO Box 3237
Reno, NV 89505

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DeCUIR and SOMACH, P.C.
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Sacramento, CA 95814-4407

Larry Reynolds
Deputy Attorney General
State Engineer's Office
123 W. Nye Lane
Carson City, NV 89710

John Davis
PO Box 1646
Tonopah, NV 89049

[X] **BY U.S. MAIL:** I deposited for mailing in the United States mail, with postage fully prepaid, an envelope containing the above-identified document at Minden, Nevada, in the ordinary course of business.

[ ] **BY MESSENGER SERVICE:** I delivered the above-identified document to Reno-Carson Messenger Service for delivery to the offices of the addressee.

[ ] **BY FACSIMILE:** I transmitted via facsimile from the offices of Brooke · Shaw · Zumpft the above-identified document in the ordinary course of business.

[ ] **BY HAND DELIVERY:** I hand delivered an envelope containing the above-identified document to the addressee stated above, in the ordinary course of business.

Cynthia L Edwards

Cynthia Edwards

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BROOKE · SHAW · ZUMPFT
POST OFFICE BOX 2860
MINDEN, NEVADA 89423
(775) 782-7171

DISTRICT OF NEVADA
RECEIVED
DEC 27 2004
CLERK, U.S. DISTRICT COURT

WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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: 12.23.04

Signature

William J. Geddes
Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as: Attorney of
(Title)

Bently Family Limited Partnership
(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.