FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA, Plaintiff, WALKER RIVER PAIUTE TRIBE, Plaintiff-Intervenor, vs. WALKER RIVER IRRIGATION DISTRICT, a corporation, et al., Defendants.	IN EQUITY NO. C-125-ECR Subproceeding: C-125-B FIFTH 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 service efforts on persons and entities subject to service under 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 phase of service, to make corrections and additions, and, in some instances, to take no action at this point as service efforts are continuing. The instant filing focuses on a portion of those persons and entities subject to service under Paragraph 3.a. of the CMO.

This is the fifth such filing that the United States has made in this action. The United States also filed its *Fourth Report of the United States of America Concerning Status of Service*

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on Certain Persons and Entities, Case Nos. C-125-B (Feb. 28, 2005) ("Fourth Service Report"). The Court has referred both reports to the hearing of May, 25, 2005. *Minutes of the Court*, Case No. C-125-B (Mar. 8, 2005). The United States and the Tribe ask the parties to direct any comments or corrections regarding either of these reports to the United States in advance of the May 25, 2005, hearing so that any corrections might be made promptly.

As with the previous Service Reports, this pleading includes a set of exhibits. We have served the exhibits to this filing in the same manner in which we handled the previous filings. Individuals and entities addressed in this filing have received copies of only those exhibits that concern their service issues, and we will provide any of them with copies of any additional exhibits that they wish to obtain. In addition, we have provided materials to the mediating parties in a similar fashion, except that we have again provided a copy of all exhibits to counsel for the Walker River Irrigation District, and will provide the mediating parties with copies of any exhibits they request.

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 relates 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 caption.

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. This filing also includes (Section II) several address changes that we have received from various persons or entities. 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.

I. Service Efforts:

1. Dennis J. Acciari: *see* Linda L. Acciari, below.

2. Linda L. Acciari:

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

b. Status of service: Dennis J. Acciari and Linda L. Acciari have each returned signed Waiver of Service and Notice of Appearance forms. *See* Exhibits 1 and 2.

c. Counsel: None indicated.

d. Address for service: Linda L. and Dennis J. Acciari
P. O. Box 36
Smith, NV 89430

e. Requested action(s): We request a finding that service is complete as to Dennis J. Acciari and Linda L. Acciari.

3. Gregory B. Adams: see Richard T. Adams, below

4. Richard T. Adams:

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

b. Status of service: Gregory B. Adams has returned a signed Waiver of Service. *See* Third Service Report at No. 1; *Order Concerning Third Report of the United States of America Concerning Status of Service on Certain Persons and Entities*, Case No. C-125-B (Mar. 8, 2005) ("Order - Third Service Report"). In addition, Michael D. Hoy has filed a Notice of Appearance on behalf of both Gregory B. Adams and Richard T. Adams. *See* Exhibits 3 and 4.

c. Counsel: [Gregory B. Adams and Richard T. Adams]
Michael D. Hoy, Esq.
Bible Hoy & Trachok
201 W. Liberty St., Third Floor
Reno, NV 89511

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

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

5. Ag Heritage Development, Inc.:

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

b. Status of service: A Waiver of Service form has been returned, signed by

E. Richard Thomas, President, Ag Heritage Development, Inc. *See* Exhibit 5.

c. Counsel: None indicated.

d. Address for service: Ag Heritage Development, Inc.
E. Richard Thomas, President
6240 Montecito Blvd.
Santa Rosa, CA 05409

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

6. Cynthia J. Aiazzi: *see* Gary R. Aiazzi, below.

7. Gary R. Aiazzi:

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

b. Status of service: Cynthia J. Aiazzi and Gary R. Aiazzi have each returned a signed Waiver of Service form and Notice of Appearance form. *See* Exhibits 6 and 7.

c. Counsel: None indicated.

d. Address for service: Cynthia J. and Gary R. Aiazzi
1407 Orchard Rd.
Gardnerville, NV 89410

e. Requested action(s): We request a finding that service is complete as to Cynthia J. Aiazzi and Gary R. Aiazzi.

8. Edward A. Andrews Trust:

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

b. Status of service: No response. The water rights at issue have been conveyed to Kathy S. Blackford, who was served on July 16, 2004. *See* Exhibit 8.

c. Counsel: None indicated.

d. Address for service: n/a

e. Requested action(s): We request the Court to dismiss the Edward A.

Andrews Trust and substitute Kathy S. Blackford.

9. Antelope Valley Mutual Water Co.:

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

b. Status of service: A Waiver of Service form and Notice of Appearance form have been returned, signed by Dwain Chichester, President, Antelope Valley Mutual Water Company. *See* Exhibit 9.

c. Counsel: None indicated.

d. Address for service: Antelope Valley Mutual Water Company
P.O. Box 43
Topaz, CA 96133

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

10. Deborah F. Arrighi: *see* Mark N. Arrighi, below.

11. Mark N. Arrighi:

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

b. Status of service: Deborah F. Arrighi and Mark N. Arrighi have returned a signed Waiver of Service form. *See* Exhibits 10 and 11.

c. Counsel: None indicated.

d. Address for service: Deborah F. and Mark N. Arrighi
49 Fairway Dr.
Yerington, NV 89447

e. Requested action(s): We request a finding that service is complete as to Deborah F. Arrighi and Mark N. Arrighi.

12. Donald A. Balaam: *see* Olga M. Balaam, below.

13. Olga M. Balaam:

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

b. Status of service: Donald A. Balaam and Olga M. Balaam have each returned a signed Waiver of Service form and Notice of Appearance form. *See* Exhibits 12 and 13.

c. Counsel: None indicated.

d. Address for service: Olga M. and Donald A. Balaam
17 Campbell Lane
Yerington, NV 89447

e. Requested action(s): We request a finding that service is complete as to Donald A. Balaam and Olga M. Balaam.

14. Cynthia R. Bammer: *see* David G. Bammer, below.

15. David G. Bammer:

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

b. Status of service: No response. The water rights at issue have been conveyed to Kathleen M. Beckius and Brian S. Christof, for whom service has been deemed complete. *See* Exhibits 14 and 15; Order - Third Service Report.

c. Counsel: None indicated.

d. Address for service: n/a

e. Requested action(s): We request the Court to dismiss Cynthia R. Bammer and David G. Bammer.

16. Sylvia J. Banta:

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

b. Status of service: No response. The water rights at issue have been

conveyed to Rheta M. and Warren G. Runnerstrom. The Runnerstroms have been served and a request is pending for the Court to determine that service upon them is complete. *See* Exhibit 16; Fourth Service Report at Nos. 118-119.

c. Counsel: None indicated.

d. Address for service: n/a

e. Requested action(s): We request the Court to dismiss Sylvia J. Banta and substitute Rheta M. and Warren G. Runnerstrom. A request to have service upon the Runnerstroms deemed complete is pending.

17. James D. Bednark:

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

b. Status of service: No response. The water rights at issue have been conveyed to Dianne P. and William L. Hawhee. The Hawhees have been served and a request is pending for the Court to determine that service upon them is complete. *See* Exhibit 17; Fourth Service Report at Nos. 9-10.

c. Counsel: None indicated.

d. Address for service: n/a

e. Requested action(s): We request the Court to dismiss James D. Bednark and substitute Dianne P. Hawhee and William L. Hawhee. A request to have service upon the Hawhees deemed complete is pending.

18. Ines Beilke: *see* Theodore W. Beilke, below.

19. Theodore W. Beilke:

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

b. Status of service: No response. The water rights at issue have been conveyed to three separate parties: Gerardo and Laurie L. Evangelista for whom service has been deemed complete; Leland and Karen Hutchins for whom service has been deemed complete; and Sovereign Enterprises to be served at a later date. *See* Exhibits 18 and 19; Order - Third Service Report.

c. Counsel: None indicated.

d. Address for service: n/a

e. Requested action(s): We request the Court to dismiss Ines Beilke and Theodore W. Beilke; substitute Gerardo Evangelista, Laurie L. Evangelista, Leland Hutchins, Karen Hutchins, and Sovereign Enterprises. Service is already complete as to Gerardo Evangelista, Laurie L. Evangelista, Leland Hutchins, and Karen Hutchins.

20. Ken & Peggy Bitler Family Trust:

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

b. Status of service: Ken Bitler and Peggy Bitler have each returned Waiver of Service and Notice of Appearance forms signed as trustees of the Ken & Peggy Bitler Family Trust. *See* Exhibit 20.

c. Counsel: None indicated.

d. Address for service: Ken and Peggy Bitler Family Trust
Ken Bitler and Peggy Bitler, Trustees
P. O. Box 315
Zephyr Cove, NV 89448-0315

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

21. Thomas Bobrick:

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

b. Status of service: No response. The water rights in question have been conveyed to the Thomas Bobrick Trust, which has already been substituted into this action and for which service has been deemed complete. *See* Exhibit 21; *Order Concerning Second Report of the United States of America Concerning Status of Service on Certain Persons and Entities*, C-125-B (Mar. 8, 2005) ("Order - Second Service Report").

c. Counsel: None indicated.

d. Address for service: n/a

e. Requested action(s): We request that Thomas Bobrick be dismissed from this action.

22. Steven Bohner: *see* Susan Bohner, below.

23. Susan Bohner:

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

b. Status of service: Steven Bohner and Susan Bohner were served in their individual capacities. Since that time, the United States has received documentation indicating that the water rights at issue have been conveyed to the Steven and Susan Bohner Family Trust. Steven L. Bohner and Susan S. Bohner have each returned Waiver of Service and Notice of Appearance forms signed as trustees of the Steven and Susan Bohner Family Trust. *See* Exhibits 22 and 23.

c. Counsel: None indicated.

d. Address for service: Steven and Susan Bohner Family Trust
Steven Bohner and Susan Bohner, Trustees
81 Pete Hendrichs Road
Yerington, NV 89447

e. Requested action(s): We request the Court to dismiss Steven and Susan

Bohner as individuals; substitute the Steven and Susan Bohner Family Trust; and find that service is complete as to the Steven and Susan Bohner Family Trust.

24. Carolyn C. Booth: *see* Kirk A. Booth, below.

25. Kirk A. Booth:

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

b. Status of service: No response. The water rights at issue have been conveyed to Paul and Jill Fry, who are already parties in this action for whom service has been deemed complete. *See* Exhibits 24 and 25; Order - Third Service Report.

c. Counsel: None indicated.

d. Address for service: n/a

e. Requested action(s): We request the Court to dismiss Carolyn C. Booth and Kirk A. Booth; and substitute Paul Fry and Jill Fry, who have already been served.

26. Kenneth R. Burnett: *see* Sharon L. Burnett, below.

27. Sharon L. Burnett:

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

b. Status of service: Kenneth R. Burnett and Sharon L. Burnett have each returned signed Waiver of Service and Notice of Appearance forms. *See* Exhibits 26 and 27.

c. Counsel: None indicated.

d. Address for service: Sharon L. and Kenneth R. Burnett
16 Crosby Lane
Smith, NV 89430

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

28. Joseph P. & Norma J. Cabral 2002 Revocable Living Trust:

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

b. Status of service: Norma J. Cabral and Joseph P. Cabral, Sr. have each returned Waiver of Service and Notice of Appearance forms, signed as trustees of the Joseph P. & Norma J. Cabral 2002 Revocable Living Trust. *See* Exhibit 28.

c. Counsel: None indicated.

d. Address for service: Joseph P. & Norma J. Cabral 2002 Revocable Living Trust
P. O. Box 82
Wellington, NV 89444

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

29. Bill E. Carlson and Sharon M. Carlson Family Trust:

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

b. Status of service: Bill E. Carlson has returned Waiver of Service and Notice of Appearance forms signed as trustee of the Bill E. Carlson and Sharon M. Carlson Family Trust. *See* Exhibit 29.

c. Counsel: None indicated.

d. Address for service: Bill E. Carlson and Sharon M. Carlson Family Trust
Bill E. Carlson, Trustee
195 Hudson Aurora Road
Smith, NV 89430

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

30. Bill E. Carlson: *see* Sharon M. Carlson, below.

31. Sharon M. Carlson:

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

b. Status of service: Bill E. Carlson and Sharon M. Carlson have each

returned signed Waiver of Service and Notice of Appearance forms. *See* Exhibit 30 and 31.

c. Counsel: None indicated.

d. Address for service: Sharon M. and Bill E. Carlson
195 Hudson Aurora Road
Smith, NV 89430

e. Requested action(s): We request a finding that service is complete as to Bill E. Carlson and Sharon M. Carlson.

32. Elizabeth K. Carrasco: *see* Ray W. Carrasco, below.

33. Ray W. Carrasco:

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

b. Status of service: Ray W. Carrasco has returned signed Waiver of Service and Notice of Appearance forms. In addition, Elizabeth K. Carrasco has recently returned a signed Notice of Appearance. (Service has already been deemed complete as to Ms. Carrasco. *See* Third Service Report at No. 62; Order - Third Service Report.) *See* Exhibits 32 and 33.

c. Counsel: None indicated.

d. Address for service: Elizabeth K. and Ray W. Carrasco
P. O. Box 162
Wellington, NV 89444

e. Requested action(s): We request a finding that service is complete as to Ray W. Carrasco.

34. Casino West, Inc.:

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

b. Status of service: Signed Waiver of Service and Notice of Appearance forms have been returned by Lawrence B. Masini, President of Casino West, Inc. *See* Exhibit 34.

c. Counsel: None indicated.

d. Address for service: Casino West, Inc.
Lawrence B. Masini, President
11 N. Main St.
Yerington, NV 89447

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

35. Helen B. Chase: *see* Russell E. Chase, below.

36. Russell E. Chase:

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

b. Status of service: Waiver of Service and Notice of Appearance forms have been returned, signed by Helen Chase. The Chases own the water rights at issue as joint tenants. *See* Exhibits 35 and 36.

c. Counsel: None indicated.

d. Address for service: Helen B. and Russell E. Chase
551 Highway 208
Yerington, NV 89447

e. Requested action(s): We request a finding that service is complete as to Helen B. Chase and Russell E. Chase.

37. David G. Chilcote: *see* Teresa M. Gutierrez, below.

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

b. Status of Service: David G. Chilcote has returned signed Waiver of Service and Notice of Appearance forms. *See* Exhibit 37.

c. Counsel: None indicated.

d. Address for service: David G. Chilcote
2831 Hwy. 208
Wellington, NV 89444

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

38. Chisum, Inc.:

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

b. Status of Service: A Waiver of Service form has been returned, signed on behalf of Chisum, Inc. by Claude W. Chisum, President. *See* Exhibit 38.

c. Counsel: None indicated.

d. Address for service: Chisum, Inc.
Claude W. Chisum, President
333 Broadway Street
Yerington, NV 89447

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

39. Elaine C. Cid:

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

b. Status of service: Elaine C. Cid has returned signed Waiver of Service and Notice of Appearance forms. *See* Exhibit 39.

c. Counsel: None indicated.

d. Address for service: Elaine C. Cid
1403 Highway 208
Yerington, NV 89447

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

40. William G. Cremetti Trust:

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

b. Status of service: A Waiver of Service form has been returned, signed by Mark N. Arrighi, Trustee, William G. Cremetti Trust. *See* Exhibit 40.

c. Counsel: None indicated.

d. Address for service: William G. Cremetti Trust
Mark N. Arrighi, Trustee
49 Fairway Dr.
Yerington, NV 89447

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

41. Dee Ann Cutler: *see* Donald D. Cutler, below.

42. Donald D. Cutler:

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

b. Status of service: No response. The water rights at issue have been conveyed to three separate parties: Laura and Steven Tomac, *see* Nos. 163 and 164 below; Michael F. and Sandra M. Neeper, who were served on October 29, 2004; and First Union National Bank which, in turn, conveyed the property and its attendant water rights to Gregg E. and Shelly M. Lubbe, also served on October 29, 2004. *See* Exhibits 41 and 42.

c. Counsel: None indicated.

d. Address for service: n/a

e. Requested action(s): We request the Court to dismiss Dee Ann Cutler and Donald G. Cutler; and substitute Laura Tomac and Steven Tomac; Michael F. Neeper and Sandra M. Neeper; and Gregg E. Lubbe and Shelly M. Lubbe.

43. Diehl Family 1999 Revocable Living Trust:

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

b. Status of service: Gordon Diehl and Martha Diehl have each returned Waiver of Service and Notice of Appearance forms, signed as trustees of the Diehl Family 1999 Revocable Living Trust. *See* Exhibit 43.

c. Counsel: None indicated.

d. Address for service: Diehl Family 1999 Revocable Living Trust.
Gordon and Martha Diehl, Trustees
327 Broadway
Yerington, NV 89447

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

44. Joseph and Gladys Domenici Family Trust:

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

b. Status of service: Gladys Domenici, surviving trustee, has returned signed Waiver of Service and Notice of Appearance forms. *See* Exhibit 44.

c. Counsel: None indicated.

d. Address for service: Joseph & Gladys Domenici Family Trust
Gladys Domenici, surviving trustee
P. O. Box 333
Yerington, NV 89447

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

45. Double JA Land & Livestock Co., Inc.:

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

b. Status of service: No response. All water rights at issue have been conveyed to Faye E. and Chris H. Gansberg, Jr., for whom service has been deemed complete. *See* Exhibit 45; Order - Third Service Report.

c. Counsel: None indicated.

d. Address for service: n/a

e. Requested action(s): We request that the Double JA Land & Livestock Co., Inc. be dismissed from this action: and that Faye E. Gansberg and Chris H. Gansberg, Jr. be substituted. The Gansbergs are already parties in this action..

46. F & B Trust:

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

b. Status of service: Barbara L. Alpers and Frederick E. Alpers have each returned Waiver of Service and Notice of Appearance forms, signed as trustees of the F & B Trust. *See* Exhibit 46.

c. Counsel: None indicated.

d. Address for service: F & B Trust
Barbara L. and Frederick E. Alpers, trustees
192 Hudson Aurora Road
Smith, NV 89430

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

47. Farias, LLC:

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

b. Status of service: Dianne Farias and Ellis N. Farias have each returned Waiver of Service and Notice of Appearance forms, signed as Partners on behalf of Farias, LLC. *See* Exhibit 47.

c. Counsel: None indicated.

d. Address for service: Farias, LLC
Dianne and Ellis N. Farias, Partners
P. O. Box 27
Wellington, NV 89444

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

48. Carmen G. Farias: *see* Harold W. Farias, below.

49. Dianne Farias: *see* Ellis Norman Farias, below.

50. Ellis Norman Farias:

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

b. Status of service: Dianne and Ellis Norman Farias have returned a signed Notice of Change of Ownership form indicating that the water rights at issue have been conveyed to Travis E. and Francine L. Myers. The Myers will be served at a later date. *See* Exhibit 49 and 50.

c. Counsel: None indicated.

d. Address for service: Dianne and Ellis Norman Farias
P. O. Box 27
Wellington, NV 89444

e. Requested action(s): We request that the Court dismiss Dianne and Ellis Norman Farias and substitute Travis E Myers and Francine L. Myers.

51. Harold W. Farias:

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

b. Status of service: Carmen and Harold W. Farias have each returned signed Waiver of Service and Notice of Appearance forms. *See* Exhibit 48 and 51.

c. Counsel: None indicated.

d. Address for service: Carmen and Harold W. Farias
18 Route 338
Wellington, NV 89444

e. Requested action(s): We request a finding that service is complete as to Carmen Farias and Howard W. Farias.

52. Farias Wheel Ranch, Inc.:

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

b. Status of service: Waiver of Service and Notice of Appearance forms

have been returned, signed by Ellis N. Farias, President, Farias Wheel Ranch, Inc. *See* Exhibit 52.

c. Counsel: None indicated.

d. Address for service: Farias Wheel Ranch, Inc.
Ellis N. Farias, President
P. O. Box 27
Wellington, NV 89444

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

53. James S. Fine: *see* Jill M. Fine, below.

54. Jill M. Fine:

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

b. Status of service: Jill M. Fine and James S. Fine have each returned signed Waiver of Service and Notice of Appearance forms. *See* Exhibits 53 and 54.

c. Counsel: None indicated.

d. Address for service: Jill M. and James S. Fine
P. O. Box 101
Wellington, NV 89444

e. Requested action(s): We request a finding that service is complete as to James S. Fine and Jill M. Fine.

55. Ruth L. Fletcher:

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

b. Status of service: Ruth Fletcher has returned signed Waiver of Service and Notice of Appearance forms. *See* Exhibit 55.

c. Counsel: None indicated.

d. Address for service: Ruth Fletcher

P. O. Box 6
Smith, NV 89430

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

56. Flying A Limited Partnership:

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

b. Status of service: Each of the general partners of the Flying A Limited Partnership, Julius Bunkowski, Rose Bunkowski, Dennis Acciari and Linda Acciari, has returned signed Waiver of Service and Notice of Appearance forms. Subsequently, the same partners returned Waivers of Service clarifying the name of this entity as the Flying A Limited Partnership/Flying A Ranch LP. *See* Exhibit 56.

c. Counsel: None indicated.

d. Address for service: Flying A Limited Partnership/Flying A Ranch LP
P. O. Box 36
Smith, NV 89430

e. Requested action(s): We request the Court to amend the caption to read "Flying A Limited Partnership / Flying A Ranch LP," and find that service is complete.

57. Pamela A. Forrester: *see* Wendell Forrester, below.

58. Wendell Forrester:

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

b. Status of service: Pamela A. Forrester and Wendell Forrester have each returned signed Waiver of Service and Notice of Appearance forms. *See* Exhibits 57 and 58.

c. Counsel: None indicated.

d. Address for service: Pamela A. and Wendell Forrester
69 Quail Lane
Yerington, NV 89447

e. Requested action(s): We request a finding that service is complete as to Pamela A. Forrester and Wendell Forester.

59. George W. Fraser:

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

b. Status of service: George W. Fraser has returned signed Waiver of Service and Notice of Appearance forms. *See* Exhibit 59.

c. Counsel: None indicated

d. Address for service: George W. Fraser
P. O. Box 429
Yerington, NV 89447

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

60. Fraser Family Trust:

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

b. Status of service: George W. Fraser, Trustee of the Fraser Family Trust has returned signed a Waiver of Service. *See* Exhibit 60.

c. Counsel: None indicated.

d. Address for service: Fraser Family Trust
George W. Fraser, Trustee
P. O. Box 429
Yerington, NV 89447

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

61. James H. Fulstone:

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

b. Status of service: James H. Fulstone has returned signed Waiver of Service and Notice of Appearance forms. *See* Exhibit 61.

c. Counsel: None indicated.

d. Address for service: James H. Fulstone
P. O. Box 23
Wellington, NV 89444

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

62. Eleanor C. Gelles:

a. Basis for inclusion: CMO Paragraph 3.a

b. Status of service: No response. The water rights at issue have been conveyed to Krys and Scott D. Rader, who were served October 29, 2004. *See* Exhibit 62.

c. Counsel: None indicated.

d. Address for service: n/a

e. Requested action(s): We request that Eleanor C. Gelles be dismissed from this action.

63. Ghio Family Trust:

a. Basis for inclusion: CMO Paragraph 3.a

b. Status of service: No response. The water rights in question have been conveyed to Allan R. Simpson and Michelle T. and Timothy D. Swenson, all served October 29, 2004. *See* Exhibit 63.

c. Counsel: None indicated.

d. Address for service: n/a

e. Requested action(s): We request that the Ghio Family Trust be dismissed from this action.

64. Angel K. Gilbert: *see* Michael C. Gilbert, below.

65. Michael C. Gilbert:

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

b. Status of service: No response. Further investigation has shown that this water right was conveyed to GR8DEAL, LLC. *See* Exhibits 64 and 65. GR8DEAL, LLC has yet to be served.

c. Counsel: None indicated.

d. Address for service: n/a.

e. Requested action(s): We request that the Gilberts be dismissed and that GR8DEAL, LLC be substituted.

66. Ted G. Glassburn: *see* Theresa Glassburn, below.

67. Theresa S. Glassburn:

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

b. Status of service: Ted Glassburn and Theresa Glassburn have each returned signed Waiver of Service and Notice of Appearance forms. *See* Exhibits 66 and 67.

c. Counsel: None indicated.

d. Address for service: Theresa and Ted Glassburn
P. O. Box 302
Wellington, NV 89444

e. Requested action(s): We request a finding that service is complete as to Ted G. Glassburn and Theresa S. Glassburn.

68. Cheryl L. Goffinet: *see* Lonnie K. Goffinet, below.

69. Lonnie K. Goffinet:

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

b. Status of service: Cheryl L Goffinet and Lonnie K. Goffinet have each returned signed Waiver of Service and Notice of Appearance forms. *See* Exhibits 68 and 69.

c. Counsel: None indicated.

d. Address for service: Cheryl L. and Lonnie K. Goffinet
12 Tingle Court
Yerington, NV 89447

e. Requested action(s): We request a finding that service is complete as to Cheryl L. Goffinet and Lonnie K. Goffinet.

70. Angelo Groso:

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

b. Status of service: Angelo Groso has returned signed Waiver of Service and Notice of Appearance forms. *See* Exhibit 70.

c. Counsel: None indicated.

d. Address for service: Angelo Groso
P. O. Box 14
Wellington, NV 89444

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

71. Ernest & Maxine Jo Groso 2000 Family Trust:

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

b. Status of service: A Waiver of Service form has been returned, signed by Maxine J. Groso, Trustee, Ernest & Maxine Jo Groso 2000 Family Trust Agreement. *See* Exhibit 71.

c. Counsel: None indicated.

d. Address for service: The Ernest & Maxine Jo Groso 2000 Family Trust Agreement

Maxine Jo Groso, Trustee
P.O. Box 317
Wellington, NV 89444

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

72. Maxine Jo Groso:

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

b. Status of service: This water right has been transferred to the Ernest & Maxine Jo Groso 2000 Family Trust Agreement. *See* Exhibit 72.

c. Counsel: n/a.

d. Address for service: *see* above address for Maxine Jo Groso.

e. Requested action(s): Dismissal.

73. Teresa M. Gutierrez: *see* David Chilcote, above

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

b. Status of service: Waiver of Service and Notice of Appearance forms have been returned, signed by Teresa Magdalena Gutierrez. *See* Exhibit 73.

c. Counsel: None indicated.

d. Address for service: Teresa M. Gutierrez
2831 Highway 208
Wellington, NV 89444

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

74. Hall Family Trust Agreement:

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

b. Status of service: Waiver of Service and Notice of Appearance forms have been returned, signed by Debra Gilmore, Trustee of the Hall Family Trust Agreement. *See*

Exhibit 74.

c. Counsel: None indicated.

d. Address for service: Hall Family Trust Agreement
Debra Gilmore, Trustee
4 Cottonwood Lane
Yerington, NV 89447

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

75. Hanifan Living Trust:

a. Basis for inclusion: CMO Paragraph 3.a

b. Status of service: The water rights at issue have been conveyed to Kim K. Cox and Gene G. Zieman, both of whom have waived service. *See* Exhibit 75; text and Exhibit 223, below.

c. Counsel: None indicated.

d. Address for service: n/a

e. Requested action(s): We request that the Hanifan Living Trust be dismissed. Ms. Cox and Mr. Zieman are already parties to this action.

76. Kenneth V. Hansen:

a. Basis for inclusion: CMO Paragraph 3.a

b. Status of service: Kenneth V. Hansen has returned a signed Waiver of Service, on which he noted that he has not owned any water rights subject to this case since sometime in 2002. Further investigation has shown that the water rights at issue were conveyed to Walker River Irrigation District in 2002. *See* Exhibit 76.

c. Counsel: None indicated.

d. Address for service: n/a

e. Requested action(s): We request that Kenneth V. Hansen be dismissed from this action and that the Walker River Irrigation District be substituted. The Walker River Irrigation District is already a party to this action.

77. Carol C. Harris: *see* John R. Harris, below.

78. John R. Harris:

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

b. Status of service: No response. The water rights at issue have been conveyed to the 5 C's Cottonwood Ranch, LLC, which has already been served and for which service has been deemed complete. *See* Exhibit 78; Order - Third Service Report.

c. Counsel: None indicated.

d. Address for service: n/a

e. Requested action(s): We request the Court to dismiss Carol C. Harris and John R. Harris and substitute the 5 C's Cottonwood Ranch, LLC. 5 C's Cottonwood Ranch, LLC has already been served.

79. John / Leona Heimerman Family Trust:

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

b. Status of service: Leona T. Heimerman, surviving Trustee of the John / Leona Heimerman Family Trust, has returned signed Waiver of Service and Notice of Appearance forms. *See* Exhibit 79.

c. Counsel: None indicated.

d. Address for service: John / Leona Heimerman Family Trust
Leona T. Heimerman, trustee
815 W. Bridge St., #68
Yerington, NV 89447

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

80. Richard Scott Hemsath:

a. Basis for inclusion: CMO Paragraph 3.a

b. Status of service: R. Scott Hemsath has returned signed Waiver of Service and Notice of Appearance forms. *See* Exhibit 80.

c. Counsel: None indicated.

d. Address for service: R. Scott Hemsath
164 Lower Colony Road
Wellington, NV 89444

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

81. Kurt W. Hervin: *see* Reiko Hervin, below.

82. Patricia L. Hervin: *see* Reiko Hervin, below.

83. Reiko Hervin:

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

b. Status of service: Kurt W. Hervin, Patricia L. Hervin and Reiko Hervin have each returned signed Waiver of Service and Notice of Appearance forms. *See* Exhibits 81, 82 and 83.

c. Counsel: None indicated.

d. Address for service: Kurt W. and Reiko Hervin
Patricia L. Hervin
11 Norton Lane
Wellington, NV 89444

e. Requested action(s): We request a finding that service is complete as to Kurt W. Hervin, Patricia L. Hervin, and Reiko Hervin..

84. Betty Roxann Hill: *see* Jon A. Hill, below.

85. John A. Hill:

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

b. Status of service: Betty Roxann Hill and Jon A. Hill have each returned signed Waiver of Service and Notice of Appearance forms. *See* Exhibits 84 and 85.

c. Counsel: None indicated.

d. Address for service: Betty Roxann and Jon A. Hill
P. O. Box 825
Yerington, NV 89447

e. Requested action(s): We request a finding that service is complete as to Betty Roxann Hill and Jon A. Hill.

86. Harvey E. & Phyllis P. Hunewill Trust:

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

b. Status of service: Phyllis P. Hunewill, trustee of the Harvey E. & Phyllis P. Hunewill Trust, has returned signed Waiver of Service and Notice of Appearance forms. *See* Exhibit 86.

c. Counsel: None indicated.

d. Address for service: Harvey E. & Phyllis P. Hunewill Trust
Phyllis P. Hunewill, trustee
321 Artist View
Wellington, NV 89444

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

87. Mariann Ireland: *see* Ward W. Ireland, below.

88. Ward W. Ireland:

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

b. Status of service: Ward W. Ireland has returned signed Waiver of Service

and Notice of Appearance forms. In addition, Mariann Ireland has recently returned a signed Notice of Appearance, along with a second Waiver of Service. (Service has already been deemed complete as to Ms. Ireland. *See* Third Service Report at No. 200; Order - Third Service Report.) *See* Exhibits 87 and 88.

c. Counsel: None indicated.

d. Address for service: Mariann and Ward W. Ireland
603 Highway 208
Yerington, NV 89447

e. Requested action(s): We request a finding that service is complete as to Mariann Ireland and Ward W. Ireland.

89. John P. Ithurburu: *see* Marilyn R. Ithurburu, below.

90. Marilyn R. Ithurburu:

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

b. Status of service: John P. Ithurburu and Marilyn R. Ithurburu have each returned signed Waiver of Service and Notice of Appearance forms. *See* Exhibits 89 and 90.

c. Counsel: None indicated.

d. Address for service: Marilyn R. and John P. Ithurburu
P. O. Box 378
Wellington, NV 89444

e. Requested action(s): We request a finding that service is complete as to John P. Ithurburu and Marilyn R. Ithurburu.

91. LaJune F. Kyler:

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

b. Status of service: LaJune Kyler has returned signed Waiver of Service and

Notice of Appearance forms. *See* Exhibit 91.

c. Counsel: None indicated.

d. Address for service: LaJune F. Kyler
65 Highway 208
Yerington, NV 89447

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

92. L & M Family Limited Partnership:

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

b. Status of service: Lawrence B. Masini, Patricia K. Masini, and Lawrence C. Masini, Partners in the L & M Family Limited Partnership, have each returned signed Waiver of Service and Notice of Appearance forms. *See* Exhibit 92.

c. Counsel: None indicated.

d. Address for service: L & M Family Limited Partnership
11 N. Main St.
Yerington, NV 89447

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

93. Garth W. Lamb: *see* Shari Humble-Lamb, below.

94. Shari Humble-Lamb:

a. Basis for inclusion: CMO Paragraph 3.a

b. Status of service: No response. The water rights at issue have been conveyed to John J. Brackett, who has waived service. We note, however, an error in describing Mr. Brackett in the Third Service Report. He is John J. Brackett – not John L. Brackett. *See* Exhibits 93 and 94; Order - Third Service Report.

c. Counsel: None indicated.

d. Address for service: n/a

e. Requested action(s): We request the Court to dismiss Garth W. Lamb and Shari Humble-Lamb; substitute John J. Brackett, who has already waived service; and amend the caption to read "John J. Brackett."

95. Langner Family Trust:

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

b. Status of service: A Waiver of Service form has been returned, signed by Donald H. Langner, Trustee, Langner Family Trust. *See* Exhibit 95.

c. Counsel: None indicated.

d. Address for service: Langner Family Trust
Donald and Lorraine Langner, Trustees
30 E. Tognoli
Yerington, NV 89447

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

96. Nettie E. Lawson: *see* Ronnie D. Lawson, below

97. Ronnie D. Lawson:

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

b. Status of service: Nettie Lawson and Ronnie D. Lawson, Sr. have each returned signed Waiver of Service and Notice of Appearance forms. *See* Exhibits 96 and 97.

c. Counsel: None indicated.

d. Address for service: Nettie E. and Ronnie D. Lawson, Sr.
P. O. Box 68
Smith, NV 89430

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

98. Lekumberry Family 2001 Trust:

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

b. Status of service: Waiver of Service and Notice of Appearance forms have been returned, signed by Suzanne Lekumberry, Trustee, the Lekumberry Family 2001 Trust. *See* Exhibit 98.

c. Counsel: None indicated.

d. Address for service: Lekumberry Family 2001 Trust
Suzanne Lekumberry, trustee
P. O. Box 248
Smith, NV 89430

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

99. Bonnie Little: *see* David Little, Jr., below.

100. David Little, Jr.:

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

b. Status of service: Bonnie Little and David Little, Jr. have each returned signed Waiver of Service and Notice of Appearance forms. *See* Exhibits 99 and 100.

c. Counsel: None indicated.

d. Address for service: Bonnie and David Little, Jr.
350 Densmore Lane
Yerington, NV 89447

e. Requested action(s): We request a finding that service is complete as to Bonnie Little and David Little, Jr.

101. David M. Little Family Trust Agreement:

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

b. Status of service: David M. Little and Sherry Little, trustees of the David M. Little Family Trust Agreement, have each returned signed Waiver of Service and Notice of

Appearance forms. *See* Exhibit 101.

c. Counsel: None indicated.

d. Address for service: David M. Little Family Trust Agreement
David M. and Sherry Little, trustees
P. O. Box 128
Yerington, NV 89447

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

102. Karen Lommori: *see* Natale Lommori, Jr., below.

103. Natale Lommori, Jr.:

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

b. Status of service: Karen Lommori and Natale Lommori, Jr. have each returned signed Waiver of Service and Notice of Appearance forms. *See* Exhibits 102 and 103..

c. Counsel: None indicated.

d. Address for service: Karen and Natale J. Lommori, Jr.
20 Mesa Drive
Wellington, NV 89444

e. Requested action(s): We request a finding that service is complete as to Karen Lommori and Natale Lommori, Jr..

104. Ruth J. Magee Revocable Trust:

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

b. Status of service: Waiver of Service and Notice of Appearance forms have been returned, signed by Ruth J. Magee, Trustee of the Ruth J. Magee Revocable Trust. *See* Exhibit 104.

c. Counsel: None indicated.

d. Address for service: Ruth J. Magee Revocable Trust

Ruth J. Magee, Trustee
19 Maple Drive
Yerington, NV 89447

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

105. Charles F. Mann: *see* Luetta A. Mann, below.

106. Luetta A. Mann:

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

b. Status of service: Charles F. Mann and Luetta Mann have each returned signed Waiver of Service and Notice of Appearance forms. In addition to water rights that the Manns own jointly, Luetta A. Mann owns additional water rights. *See* Exhibits 105 and 106.

c. Counsel: None indicated.

d. Address for service: Luetta A. and Charles F. Mann
519 Day Lane
Wellington, NV 89444

e. Requested action(s): We request a finding that service is complete as to Charles F. Mann and Luetta A. Mann.

107. Darrell Marraccini: *see* Lisa Marraccini, below.

108. Lisa Marraccini:

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

b. Status of service: Lisa Marraccini has returned signed Waiver of Service and Notice of Appearance forms. Darrell Marraccini has returned a signed Waiver of Service only. *See* Exhibits 107 and 108.

c. Counsel: None indicated.

d. Address for service: Lisa and Darrell Marraccini
38 E. Pursel Lane

Yerington, NV 89447

e. Requested action(s): We request a finding that service is complete as to Lisa Marraccini and Darrell Marraccini.

109. Masini Investments:

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

b. Status of service: Patricia K. Masini and Lawrence B. Masini, partners in Masini Investments, have each returned signed Waiver of Service and Notice of Appearance forms. *See* Exhibit 109.

c. Counsel: None indicated.

d. Address for service: Masini Investments
11 N. Main St.
Yerington, NV 89447

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

110. Mathews Family Trust:

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

b. Status of service: A Notice of Change of Ownership of Water Right form has been returned, signed by Robert J. Mathews, Trustee of the Mathews Family Trust, that indicates that this water right was conveyed to the Walker River Irrigation District, which has been served. *See* Exhibit 110.

c. Counsel: None indicated.

d. Address for service: Mathews Family Trust
Robert J. Mathews, Surviving Trustee
P.O. Box 532
Yerington, NV 89447

e. Requested action(s): Dismissal.

111. Michael P. & Cheryl E. McBee Revocable Living Trust:

a. Basis for inclusion: CMO Paragraph 3.a

b. Status of service: The water rights at issue have been conveyed to Cheryl E. McBee and Michael P. McBee, both of whom have already waived service. *See* Exhibit 111; Order - Third Service Report.

c. Counsel: None indicated.

d. Address for service: n/a

e. Requested action(s): We request the Court to dismiss the Michael P. & Cheryl McBee Revocable Living Trust; and to substitute Cheryl E. McBee and Michael P. McBee, who are already parties.

112. Judy J. McBryde:

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

b. Status of service: Judy J. McBryde returned the Notice sent her with a handwritten note that she had conveyed the water rights at issue in 2003. Our investigation has confirmed that these water rights were conveyed to Jeffrey M. and Kealoha Garcia who were served September 27, 2004. *See* Exhibit 112.

c. Counsel: None indicated.

d. Address for service: n/a

e. Requested action(s): We request the Court to dismiss Judy J. McBryde and to substitute Jeffrey M. Garcia and Kealoha Garcia, already parties to this action.

113. Cynthia L. Menesini: *see* Ronald Menesini, below.

114. Orlando & Grace Leota June Menesini Family Trust:

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

b. Status of service: No response. The water rights at issue have been conveyed to Randy Ellis and Reema Marie Menesini. *See* Exhibit 114.

c. Counsel: None indicated.

d. Address for service: n/a

e. Requested action(s): We request the Court to dismiss the Orlando & Grace Leota June Menesini Family Trust and to substitute Randy Ellis and Reema Marie Menesini, already parties to this action.

115. Randy Ellis Menesini: *see* Reema Marie Menesini, below.

116. Reema Marie Menesini:

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

b. Status of service: Randy Ellis Menesini and Reema Marie Menesini have each returned a signed Waiver of Service form. *See* Exhibits 115 and 116.

c. Counsel: None indicated.

d. Address for service: Reema Marie and Randy Ellis Menesini
404 Sandy Ave.
Yerington, NV 89447

e. Requested action(s): We request a finding that service is complete as to Randy Ellis Menesini and Reema Marie Menesini.

117. Ronald D. Menesini:

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

b. Status of service: Cynthia Menesini and Ronald D. Menesini have each returned signed Waiver of Service and Notice of Appearance forms. *See* Exhibits 113 and 117.

c. Counsel: None indicated.

d. Address for service: Cynthia L. and Ronald D. Menesini
202 S. Oregon St.
Yerington, NV 89447

e. Requested action(s): We request a finding that service is complete as to Cynthia L. Menesini and Ronald D. Menesini.

118. Jade Miller: *see* Tenley V. Miller, below.

119. Tenley V. Miller:

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

b. Status of service: No response. The water rights at issue have been conveyed to J & M PI, LLC which, in turn, conveyed them to GR8DEAL, LLC. GR8DEAL, LLC has yet to be served. *See* Exhibits 118 and 119.

c. Counsel: None indicated.

d. Address for service: n/a

e. Requested action(s): We request the Court to dismiss Jade Miller and Tenley V. Miller from this action.

120. Henry S. Osborn:

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

b. Status of service: Mr. Osborn is deceased. The water rights at issue have been conveyed to his heirs Jean Leslie Bye and Gayle Sidney (Herman) Poulsen, both of whom were served on September 27, 2004. *See* Exhibit 120.

c. Counsel: None indicated.

d. Address for service: n/a

e. Requested action(s): We request the Court to dismiss Henry S. Osborn and to substitute Jean Leslie Bye and Gayle Sidney (Herman) Poulsen.

121. Grace Pepple: *see* James L. Pepple, below.

122. James L. Pepple:

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

b. Status of service: No response. The Pepples have conveyed the water rights at issue to Raymond B. and Sonya Hammack, who were served October 29, 2004. *See* Exhibits 121 and 122.

c. Counsel: None indicated.

d. Address for service: n/a.

e. Requested action(s): We request that Grace Peeple and James L. Peeple be dismissed, and that Raymond B. Hammack and Sonya Hammack be substituted. The Hammacks are already parties to this action.

123. Jeffrey S. Peterson: *see* Sheri L. Peterson, below.

124. Marvin & Lynn Peterson Trust:

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

b. Status of service: No response. The water rights at issue have been conveyed to William A. and Sherri A. Merriwether. The Merriwethers have been served and a request is pending for the Court to determine that service upon them is complete. *See* Exhibit 124; Fourth Service Report at Nos. 23-24.

c. Counsel: None indicated.

d. Address for service: n/a

e. Requested action(s): We request the Court to dismiss the Marvin & Lynn Peterson Trust; and to substitute William A. Merriwether and Sherri A. Merriwether. A request to have service upon the Merriwethers deemed complete is pending.

125. Sheri L. Peterson:

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

b. Status of service: Sheri L. Peterson and Jeff Peterson have each returned signed Waiver of Service and Notice of Appearance forms. *See* Exhibits 123 and 125.

c. Counsel: None indicated.

d. Address for service: Sheri L. and Jeffrey S. Peterson
129 Lower Colony Road
Wellington, NV 89444

e. Requested action(s): We request a finding that service is complete as to Jeffrey S. Peterson and Sheri L. Peterson.

126. Ruby C. Regan Trust:

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

b. Status of service: A Waiver of Service form has been returned, signed by Mark N. Arrighi, Trustee, Ruby C. Regan Trust. *See* Exhibit 126.

c. Counsel: None indicated.

d. Address for service: Ruby C. Regan Trust
Mark N. Arrighi, Trustee
49 Fairway Dr.
Yerington, NV 89447

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

127. Elmer C. Robertson: *see* Geneva K. Robertson, below.

128. Geneva K. Robertson:

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

b. Status of service: Elmer C. Robertson and Geneva K. Robertson have each returned signed Waiver of Service and Notice of Appearance forms. *See* Exhibits 127 and 128.

c. Counsel: None indicated.

d. Address for service: Geneva K. and Elmer C. Robertson
199 Pete Hendrichs Road
Yerington, NV 89447

e. Requested action(s): We request a finding that service is complete as to Elmer C. Robertson and Geneva K. Robertson.

129. Carole Rogers: *see* Ralph S. Rogers, below.

130. Ralph S. Rogers:

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

b. Status of service: Carole Rogers and Ralph S. Rogers have each returned a signed Waiver of Service. *See* Exhibits 129 and 130.

c. Counsel: None indicated.

d. Address for service: Carole and Ralph S. Rogers
28 Peeples Lane
Yerington, NV 89447

e. Requested action(s): We request a finding that service is complete as to Carole Rogers and Ralph S. Rogers.

131. David H. Roots: *see* Kathleen A. Roots, below.

132. Kathleen A. Roots:

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

b. Status of service: David H. Roots and Kathleen Roots have each returned signed Waiver of Service and Notice of Appearance forms. *See* Exhibits 131 and 132.

c. Counsel: None indicated.

d. Address for service: Kathleen A. and David H. Roots
201 Pete Hendrichs Road
Yerington, NV 89447

e. Requested action(s): We request a finding that service is complete as to Kathleen A. and David H. Roots.

133. Romeo Rosaschi, Jr., Inc.:

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

b. Status of service: A Waiver of Service form and Notice of Appearance form have been returned, signed by Romeo Rosaschi, Jr., owner, Romeo Rosachi, Jr., Inc. *See* Exhibit 133.

c. Counsel: None indicated.

d. Address for service: Romeo Rosaschi, Jr., Inc.
Romeo Rosaschi, Jr., owner
702 South Main St.
Yerington, NV 89447

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

134. Christina L. Roseberry: *see also* Elaine C. Cid, above.

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

b. Status of service: No response. Ms. Roseberry has conveyed her portion of the water right at issue to Elaine M. Cid.. *See* Exhibit 134.

c. Counsel: None indicated.

d. Address for service: n/a.

e. Requested action(s): Dismissal.

135. Madeline Schram:

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

b. Status of service: Madeline Schram has returned signed Waiver of Service and Notice of Appearance forms. *See* Exhibit 135.

c. Counsel: None indicated.

d. Address for service: Madeline Schram
18 Pit Road
Wellington, NV 89444

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

136. Seubert Family Limited Partnership:

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

b. Status of service: Donald R. Seubert and Sophia A. Seubert have each returned Waiver of Service and Notice of Appearance forms, signed as Partners on behalf of Seubert Family Limited Partnership. *See* Exhibit 136.

c. Counsel: None indicated.

d. Address for service: Seubert Family Limited Partnership
Donald R. and Sophia A. Seubert, Partners
P. O. Box 43
Smith, NV 89430

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

137. Daniel P. Shehady:

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

b. Status of service: Daniel P. Shehady has returned signed Waiver of Service and Notice of Appearance forms. *See* Exhibit 137..

c. Counsel: None indicated.

d. Address for service: Daniel P. Shehady
P. O. Box 271
Wellington, NV 89444

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

138. Donald & Teresa Shehady Trust:

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

b. Status of service: Teresa Shehady and Donald Shehady, trustees of the Donald & Teresa Shehady Trust, have each returned signed Waiver of Service and Notice of Appearance forms. *See* Exhibit 138.

c. Counsel: None indicated.

d. Address for service: Donald & Teresa Shehady Trust
Donald & Teresa Shehady, trustees
2561 Highway 208
Smith, NV 89430

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

139. Cherie C. Sherlock: *see* Cherie C. Rye, Fourth Service Report at No. 120.

Cherie C. Sherlock Rye owns one water right jointly with her husband, Stephen Rye, and another with her brother Michael Sherlock. Mr. Rye has waived service regarding the right owned jointly with his wife and that waiver would also include his wife. We are in the process of talking to Mr. Rye about the water right that his wife and brother-in-law own. We think this issue will be resolved by the time the Court considers this report.

140. Edward B. Silva:

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

b. Status of service: Edward B. Silva has returned signed Waiver of Service

and Notice of Appearance forms. Although some records indicate that this water right is owned jointly with Betty Silva, our information is that the Silvas were divorced in 1989 and the water right is owned solely by Mr. Silva. *See* Exhibit 140.

c. Counsel: None indicated.

d. Address for service: Edward B. Silva
5 W. Pursel Lane, #B
Yerington, NV 89447

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

141. Beverly A. Smith: *see* Wesley A. Smith, below.

142. Wesley A. Smith:

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

b. Status of service: Wesley A. Smith and Beverly A. Smith were served as individuals but the water right at issue has been transferred to a trust. The Smiths, as trustees of the Wesley A. Smith and Beverly A. Smith Family Trust, have each returned signed Waiver of Service and Notice of Appearance forms. *See* Exhibits 141 and 142.

c. Counsel: None indicated.

d. Address for service: Wesley A. Smith and Beverly A. Smith
Family Trust
Wesley A. Smith and Beverly A. Smith, Trustees
300 East Walker Road
Yerington, NV 89447

e. Requested action(s): We request the Court to dismiss Beverly A. Smith and Wesley A. Smith; substitute the Wesley A. Smith and Beverly A. Smith Family Trust; and find that service is complete.

143. Keith H. Stauffer: *see* Patricia L. Stauffer, below.

144. Patricia L. Stauffer:

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

b. Status of service: Keith H. Stauffer and Patricia L. Stauffer have each returned signed Waiver of Service and Notice of Appearance forms. *See* Exhibits 143 and 144.

c. Counsel: None indicated.

d. Address for service: Patricia L. and Keith H. Stauffer
7 Pinto Drive
Yerington, NV 89447

e. Requested action(s): We request a finding that service is complete as to Keith H. Stauffer and Patricia L. Stauffer.

145. Helen M. Sturtevant:

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

b. Status of service: Helen M. Sturtevant has returned signed Waiver of Service and Notice of Appearance forms. *See* Exhibit 145.

c. Counsel: None indicated.

d. Address for service: Helen M. Sturtevant
484 Day Lane
Wellington, NV 89444

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

146. Harry W. Swainston:

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

b. Status of service: A Waiver of Service form and Notice of Appearance form have been returned, signed by Harry W. Swainston. *See* Exhibit 146.

c. Counsel: Harry W. Swainston
4040 Hobart Rd.

Carson City, NV 89703

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

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

147. John W. Swainston:

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

b. Status of service: A Waiver of Service form and Notice of Appearance form have been returned, signed by John W. Swainston. *See* Exhibit 147.

c. Counsel: [John W. Swainston]
Harry W. Swainston
4040 Hobart Rd.
Carson City, NV 89703

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

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

148. Daniel R. Taliaferro: *see* Jill K. Taliaferro, below.

149. Jill K. Taliaferro:

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

b. Status of service: Daniel R. Taliaferro and Jill K. Taliaferro have each returned signed Waiver of Service and Notice of Appearance forms. *See* Exhibits 148 and 149.

c. Counsel: None indicated.

d. Address for service: Jill K. and Daniel R. Taliaferro
163 Hwy. 95A
Yerington, NV 89447

e. Requested action(s): We request a finding that service is complete as to Daniel K. Taliaferro and Jill K. Taliaferro.

150. Lela Terry: *see also* K. Eisenhouer, Third Service Report at No. 102; Order -

Third Service Report; and Elvetia Mirczak, Fourth Service Report at No. 18.

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

b. Status of service: A Notice of Change of Ownership of Water Right form has been received, which indicates that Lela Terry has conveyed the property and water rights at issue to Twin Properties LLC. *See* Exhibit 150. Twin Properties LLC was served on July 16, 2004.

c. Counsel: [Lela Terry]
Thomas Mirczak
Hamilton & McMahon, Ltd.
577 California Ave.
Reno, NV 89504

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

e. Requested action(s): We request the Court to dismiss Lela Terry and substitute Twin Properties, LLC.

151. Denise L. Terry: *see* Sean C. Terry, below.

152. Sean C. Terry:

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

b. Status of service: Sean C. Terry has returned signed Waiver of Service and Notice of Appearance forms. The Terrys own the water rights at issue as joint tenants. *See* Exhibits 151 and 152.

c. Counsel: None indicated.

d. Address for service: Sean C. Terry
P. O. Box 173
Wellington, NV 89444

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

153. Terschluse Family Trust:

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

b. Status of service: A Waiver of Service form and Notice of Appearance form have been returned, signed by Robert W. Terschluse, Trustee, Terschluse Family Trust. *See* Exhibit 153.

c. Counsel: None indicated.

d. Address for service: Terschluse Family Trust
Robert W. Terschluse, Trustee
845 Glenmere Way
Los Angeles, CA 90049

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

154. Caroline H. Thacher: *see* John H. Thacher, below.

155. John H. Thacher:

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

b. Status of service: A Waiver of Service form and Notice of Appearance form have been returned on behalf of Caroline H. Thacher and John Thacher, signed by attorney George N. Benesch. *See* Exhibits 154 and 155.

c. Counsel: [Caroline H. and John H. Thacher]
George N. Benesch
190 W. Huffaker Lane, Ste. 408
Reno, NV 89511

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

e. Requested action(s): We request a finding that service is complete as to Caroline Thacher and John Thacher.

156. Rachel Tholke Trust:

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

b. Status of service: A Waiver of Service form has been returned, signed by Dawn Rae Cooper, Trustee, Rachel Smith Tholke Trust. *See* Exhibit 156.

c. Counsel: None indicated.

d. Address for service: Rachel Smith Tholke Trust
Dawn Rae Cooper, Trustee
P.O. Box 1343
Yerington, NV 89447

e. Requested action(s): We request the Court to amend the caption to read "Rachel Smith Tholke Trust," and find that service is complete.

157. Ami C. Thomas: *see* Tracy G. Thomas, below.

158. Katherine L. Thomas: *see* Terry A. Thomas, below.

159. Terry A. Thomas:

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

b. Status of service: Katherine L. Thomas and Terry A. Thomas have each returned a signed Waiver of Service form. *See* Exhibits 158 and 159.

c. Counsel: None indicated.

d. Address for service: Katherine L. and Terry A. Thomas
519 Hwy 208
Yerington, NV 89447

e. Requested action(s): We request a finding that service is complete as to Katherine L. Thomas and Terry A. Thomas.

160. Tracy G. Thomas:

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

b. Status of service: Ami C. Thomas and Tracy G. Thomas have each

returned a signed Waiver of Service form. *See* Exhibit157 and 160.

c. Counsel: None indicated.

d. Address for service: Tracy G. and Ami C. Thomas
515 Hwy 208
Yerington, NV 89447

e. Requested action(s): We request a finding that service is complete as to Ami C. Thomas and Tracy G. Thomas.

161. Tibbals Family Trust Agreement:

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

b. Status of service: A Waiver of Service form has been returned, signed by Don H. Tibbals, Tibbals Family Trust. *See* Exhibit 161.

c. Counsel: None indicated.

d. Address for service: Tibbals Family Trust Agreement
Don H. and Joy Tibbals, Trustees
2 Austin
Yerington, NV 89447

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

162. Robin L. Titus:

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

b. Status of service: A Waiver of Service form and Notice of Appearance form have been returned, signed by Robin L. Titus. *See* Exhibit 162.

c. Counsel: None indicated.

d. Address for service: Robin L. Titus, M.D.
P.O. Box 377
Wellington, NV 89444

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

163. Laura Tomac: *see* Steven Tomac, below.

164. Steven Tomac:

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

b. Status of service: Laura Tomac and Steven Tomac have each returned a signed Waiver of Service form and a Notice of Appearance form. *See* Exhibits 163 and 164.

c. Counsel: None indicated.

d. Address for service: Laura and Steven Tomac
39 Panavista Circle
Yerington, NV 89447

e. Requested action(s): We request a finding that service is complete as to Laura Tomac and Steven Tomac..

165. Malcolm Treasure: *see* Michelle R. Treasure, below.

166. Michelle R. Treasure:

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

b. Status of service: Malcolm Treasure and Michelle R. Treasure have each returned a signed Waiver of Service form. *See* Exhibits 165 and 166.

c. Counsel: None indicated.

d. Address for service: Michelle R. and Malcolm Treasure
4300 Blackwood St.
Newbury Park, CA 91320

e. Requested action(s): We request a finding that service is complete as to Malcolm Treasure and Michelle R. Treasure.

167. Dolores V. Turner: *see* Howard D. Turner, below.

168. Howard D. Turner:

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

b. Status of service: Dolores V. Turner and Howard D. Turner have each returned a signed Waiver of Service form. *See* Exhibits 167 and 168.

c. Counsel: None indicated.

d. Address for service: Dolores V. and Howard D. Turner
109 Jugs Circle
Yerington, NV 89447

e. Requested action(s): We request a finding that service is complete as to Dolores V. Turner and Howard D. Turner.

169. Joan C. Turner: *see* Ross D. Turner, below.

170. Ross D. Turner:

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

b. Status of service: Joan C. Turner and Ross D. Turner have each returned a signed Notice of Waiver form. *See* Exhibits 169 and 170.

c. Counsel: None indicated.

d. Address for service: Joan C. and Ross D. Turner
48 Walters Lane
Wellington, NV 89444

e. Requested action(s): We request a finding that service is complete as to Joan C. Turner and Ross D. Turner.

171. Linda Turria: *see* Randy Turria, below.

172. Linda R. Turria Trust Agreement:

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

b. Status of service: A Waiver of Service form has been returned, signed by

Linda Turria, owner, Linda Turria Trust Agreement. *See* Exhibit 172.

c. Counsel: None indicated.

d. Address for service: Linda R. Turria Trust Agreement
Linda R. Turria
P. O. Box 1763
Gardnerville, NV 89410

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

173. Randy Turria:

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

b. Status of service: Linda Turria and Randy Turria have each returned a signed Waiver of Service form. *See* Exhibits 171 and 173.

c. Counsel: None indicated.

d. Address for service: Linda and Randy Turria
P.O. Box 1763
Gardnerville, NV 89460

e. Requested action(s): We request a finding that service is complete as to Linda Turria and Randy Turria.

174. Twelves Family Trust:

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

b. Status of service: A Waiver of Service form and Notice of Appearance form have been returned, signed by Roy A. Snyder, General Partner, Twelves Family Partnership LLC. *See* Exhibit 174.

c. Counsel: None indicated.

d. Address for service: Twelves Family Partnership, LLC
4164 S. Syracuse
Denver, CO 80237

e. Requested action(s): We request the Court to amend the caption to read "Twelves Family Partnership, LLC," and find that service is complete.

175. United States Forest Service:

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

b. Status of service: A Waiver of Service form has been returned as to the Walker River Paiute Tribe's Counterclaim, signed by David Negri, Attorney, U.S. Department of Justice. *See* Exhibit 175.

c. Counsel: [United States Forest Service]
David Negri
U.S. DOJ-ENRD
161 East Mallard Dr., Ste. 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.

176. Debra A. Vandebrake: *see* Jerry Vandebrake, below.

177. Jerry Vandebrake:

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

b. Status of service: Debra A. Vandebrake and Jerry Vandebrake have each returned a signed Waiver of Service and Notice of Appearance form. *See* Exhibits 176 and 177.

c. Counsel: None indicated.

d. Address for service: Debra A. and Jerry Vandebrake
109132 Highway 395
Coleville, CA 96107

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

Debra A. Vandebrake and Jerry Vandebrake.

178. Julie M. Vaughan: *see* Richard D. Vaughan, below.

179. Richard D. Vaughan:

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

b. Status of service: Julie M. Vaughan and Richard D. Vaughan have each returned signed Waiver of Service and Notice of Appearance forms. *See* Exhibits 178 and 179.

c. Counsel: None indicated.

d. Address for service: Julie M. and Richard D. Vaughan
1184 Highway 208
Yerington, NV 89447

e. Requested action(s): We request a finding that service is complete as to Julie M. Vaughan and Richard D. Vaughan.

180. Kelly A. Veil: *see* Timothy C. Veil, below.

181. Timothy C. Veil:

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

b. Status of service: Kelly A. Veil and Timothy C. Veil have each returned a signed Waiver of Service form. *See* Exhibits 180 and 181.

c. Counsel: None indicated.

d. Address for service: Kelly A. and Timothy C. Veil
77 Hwy 95A
Yerington, NV 89447

e. Requested action(s): We request a finding that service is complete as to Kelly A. Veil and Timothy C. Veil.

182. Alan N. Villa: *see* Shirley J. Villa, below.

183. Shirley J. Villa:

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

b. Status of service: Alan N. Villa and Shirley J. Villa have each returned a signed Waiver of Service form and Notice of Appearance form. *See* Exhibits 182 and 183.

c. Counsel: None indicated.

d. Address for service: Shirley J. and Alan N. Villa
P.O. Box 10026
Costa Mesa, CA 92627

e. Requested action(s): We request a finding that service is complete as to Alan N. Villa and Shirley J. Villa.

184. Virginia Sue Virdin: *see* William Michael Virdin, below.

185. William Michael Virdin:

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

b. Status of service: Virginia Sue Virdin and William Michael Virdin have each returned a signed Waiver of Service form. *See* Exhibits 184 and 185.

c. Counsel: None indicated.

d. Address for service: Virginia Sue and William Michael Virdin
10 Borsini Lane
Yerington, NV 89447

e. Requested action(s): We request a finding that service is complete as to Virginia Sue Virdin and William Michael Vridin.

186. Victoria E. Vorhies: *see* William L. Vorhies, Jr., below.

187. William L. Vorhies, Jr.:

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

b. Status of service: Victoria E. Vorhies and William L. Vorhies, Jr., have each returned a signed Waiver of Service form. *See* Exhibits 186 and 187.

c. Counsel: None indicated.

d. Address for service: Victoria E. and William L. Vorhies, Jr.
3224 Denison Ave.
San Pedro, CA 90731

e. Requested action(s): We request a finding that service is complete as to Victoria E. Vorhies and William L. Vorhies, Jr.

188. W & L Trust:

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

b. Status of service: A Waiver of Service form and Notice of Appearance form have been returned, signed by Wayne E. Bennett, Trustee, W & L Trust. *See* Exhibit 188.

c. Counsel: None indicated.

d. Address for service: W & L Trust
Wayne and Lauralee Bennett, Trustees
1199 Nidrah St.
El Cajon, CA 92020

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

189. Walker Lake Irrigation District:

The Walker Lake Irrigation District is already a party to this case and represented by counsel.

190. Walker Lake Working Group, Inc:

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

b. Status of service: The Walker Lake Working Group, Inc., which is already a party to Case No. C-125-C, has returned a signed Waiver of Service form. *See* Exhibit 190.

c. Counsel: [Walker Lake Working Group, Inc.]
Simeon Herskovits
Western Environmental Law Center
P.O. Box 1507
Taos, NM 87571

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

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

191. Walker River Ranch Limited Partnership:

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

b. Status of service: A Waiver of Service form and notice of Appearance form have been returned, signed by Leo P. Bergin, Manager Partner, Walker River Ranch Limited Partnership. *See* Exhibit 191.

c. Counsel: None indicated.

d. Address for service: Walker River Ranch Limited Partnership
P.O. Box 2670
Reno, NV 89505

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

192. Diedre Wallace:

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

b. Status of service: No response. We have received information indicating that this water right has been conveyed to Paul P. Sans and Sandra J. Robison Sans who have waived service. *See* Exhibit 192.

c. Counsel: n/a

d. Address for service: n/a

e. Requested action(s): Dismissal.

193. Warburton Family Trust:

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

b. Status of service: A Waiver of Service form and Notice of Appearance form have been received, signed by Joseph A. Warburton, Trustee, Warburton Family Trust. *See* Exhibit 193.

c. Counsel: None indicated.

d. Address for service: Warburton Family Trust
Joseph and Winnifred Warburton, Trustees
20 Moore Lane
Reno, NV 89509

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

194. Lauren Ward: *see* Mary Margaret Ward, below.

195. Mary Margaret Ward:

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

b. Status of service: Lauren S. Ward and Mary Margaret Ward have each returned a signed Waiver of Service form and Notice of Appearance form. *See* Exhibits 194 and 195.

c. Counsel: [Mary Margaret and Lauren Ward]
Gordon DePaoli/Dale Ferguson
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 request a finding that service is complete as to Lauren Ward and Mary Margaret Ward.

196. David T. Warr:

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

b. Status of service: David T. Warr has returned signed Waiver of Service and Notice of Appearance forms. *See* Exhibit 196.

c. Counsel: None indicated.

d. Address for service: David T. Warr
1 Farrell Lane
Yerington, NV 89447

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

197. John Warr:

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

b. Status of service: John C. Warr has returned signed Waiver of Service and Notice of Appearance forms. *See* Exhibit 197.

c. Counsel: None indicated.

d. Address for service: John C. Warr
3 Farrell Lane
Yerington, NV 89447

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

198. Wass Investments:

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

b. Status of service: A signed Waiver of Service has been returned by Chesley E. Wass, President of Wass Investments. *See* Exhibit 198.

c. Counsel: None indicated

d. Address for service: Wass Investments
Chesley E. Wass, President
1071 Oro Way
Gardnerville, NV 89410

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

199. Debi I. Wasser: *see* Robert E. Wasser, Jr., below.

200. Robert E. Wasser, Jr.:

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

b. Status of service: Debi I. Wasser and Robert E. Wasser, Jr. have each returned a signed Waiver of Service. *See* Exhibits 199 and 200..

c. Counsel: None indicated

d. Address for service: Debi I. and Robert E. Wasser, Jr.
P. O. Box 178
Coleville, CA 96107-0178

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

201. John R. Weaver: *see* Lura K. Weaver, below.

202. Lura K. Weaver:

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

b. Status of service: The water rights at issue have been conveyed to the John and Lura Weaver Family Trust. John R. Weaver and Lura K. Weaver, trustees, have each returned signed Waiver of Service and Notice of Appearance forms. *See* Exhibits 201 and 202.

c. Counsel: None indicated

d. Address for service: John and Lura Weaver Family Trust
John R. and Lura K. Weaver, trustees
59 Rowntree Lane
Smith, NV 89430

e. Requested action(s): We request that John R. and Lura K. Weaver be dismissed; that the John and Lura Weaver Family Trust be substituted; and that service is complete as to the trust.

203. Gilbert C. Wedertz:

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

b. Status of service: The U.S. Board of Water Commissioners lists the water right at issue as being owned by Gilbert C. Wedertz. The United States addressed its service of process accordingly. Mr. Wedertz died in 1977. Janet Huggans is Mr. Wedertz' heir and the present owner of the water rights, and attorney George Benesch has filed a Waiver of Service and Notice of Appearance on her behalf. Mr. Benesch indicates that Ms. Huggans has attempted to update the U.S. Board of Water Commissioner records without success. *See* Exhibit 203.

c. Counsel: [Janet Huggans / Gilbert C. Wedertz]
George N. Benesch, Esq.
190 W. Huffaker Lane, Ste. 408
Reno, Nevada 89511

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

e. Requested action(s): We request the Court to dismiss Gilbert C. Wedertz; substitute Janet Huggans; and find that service is complete as to Janet Huggans We also suggest that the U.S. Board of Water Commissioners consult with Ms. Huggans' counsel and update its records regarding this water right.

204. Weiser Living Trust:

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

b. Status of service: Robert G. Weiser, trustee of the Weiser Living Trust, has returned a signed Waiver of Service. *See* Exhibit 204.

c. Counsel: None indicated

d. Address for service: The Weiser Living Trust
Robert G. & Betty J. Weiser, trustees
871 Highway 208

Yerington, NV 89447

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

205. Cheryl Ann Wellington: *see* Michael E. Wellington, Sr., below.

206. Michael E. Wellington, Sr.:

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

b. Status of service: No response. Cheryl Ann and Michael E. Wellington, Sr., have conveyed the water rights at issue to Shirley J. and Alan N. Villa. The Villas have already been served and the completion of their service is addressed in this report. *See* Exhibits 205 and 206.

c. Counsel: None indicated.

d. Address for service: n/a.

e. Requested action(s): Dismissal.

207. Earnest C. Wheeler:

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

b. Status of service: Earnest C. Wheeler has returned a signed Waiver of Service. *See* Exhibit 207.

c. Counsel: None indicated.

d. Address for service: Earnest C. Wheeler
14 Prestwich Court
Sacramento, CA 95833

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

208. Julie Ann White:

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

b. Status of service: Julie Ann White has returned signed Waiver of Service and Notice of Appearance forms. *See* Exhibit 208.

c. Counsel: None indicated.

d. Address for service: Julie Ann White
6 Borsini Lane
Yerington, NV 89447

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

209. Whittier Trust Company of Nevada, as Trustee for George A. L'Abbe: *see* First Service Report at 11.

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

b. Status of service: In the First Service Report, at #11, we sought dismissal of the Bank of America as Trustee for George A. L'Abbe, because our continuing investigation showed that the current trustee is the Whittier Trust Company of Nevada. We also asked the Court to dismiss the Bank of America and substitute the "Whittier Trust Company of Nevada, as trustee for George A. L'Abee." First Service Report at 11. The Court ordered the change requested in its *Order Concerning First Report of the United States of America Concerning Status of Service on Certain Persons and Entities*, Case No. C-125-B (Dec. 1, 2004, supplemented Mar. 8, 2005).

We did not serve the Bank of America or Mr. L'Abbe, but served the new trustee, the Whittier Trust Company of Nevada. Harold J. DePoali, Vice President - Client Administration of the Whittier Trust Co. of Nevada, Trustee of the George A. L'Abbe Revocable Living Trust Agreement, has returned signed Waiver of Service, Notice of Appearance and Notice of Change of Ownership of Water Right forms. The Notice of Change of Ownership of Water Right form

confirms the change of ownership of the water right and includes a Deed of Correction between the two banks, dated August 4, 2004, which corrects an inadvertent error in their Quitclaim Deed of April 3, 2001. Our original request to the Court to amend the caption regarding this water right was filed before the Deed of Correction. The correct transfer was from the "Bank of American, N.A., as Trustee for George A. L'Abbee Revocable Living Trust Agreement" to "The Whittier Trust Company of Nevada, as Trustee for George A. L'Abbe Revocable Living Trust." *See* Exhibit 209.

c. Counsel: [The Whittier Trust Co. of Nevada, as Trustee for George A. L'Abbe Revocable Living Trust Agreement]
Sylvia L. Harrison
Michael A. T. Pagni
Debbie A. Shosteck
McDONALD CARANO WILSON LLP
P. O. Box 2670
Reno, NV 89505

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

e. Requested action(s): We request the Court to amend the caption to read "The Whittier Trust Company of Nevada, as Trustee for George A. L'Abbe Revocable Living Trust" and find that service is complete.

210. Alice S. Wiggins:

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

b. Status of service: Alice S. Wiggins has returned signed Waiver of Service and Notice of Appearance forms. *See* Exhibit 210.

c. Counsel: [Alice S. Wiggins]
Harry W. Swainston, Esq.
4040 Hobart Road
Carson City, NV 89703

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

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

211. Wilens Family Trust:

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

b. Status of service: Robert Wilens, trustee of the Wilens Family Trust, has returned signed Waiver of Service and Notice of Appearance forms. *See* Exhibit 211.

c. Counsel: None indicated.

d. Address for service: The Wilens Family Trust
Robert Wilens, trustee
11 Nordyke Road
Yerington, NV 89447

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

212. John L. Williams:

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

b. Status of service: John L. Williams has returned signed Waiver of Service and Notice of Appearance forms. *See* Exhibit 212.

c. Counsel: None indicated.

d. Address for service: John L. Williams
24 E. Pursel Lane
Yerington, NV 89447

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

213. Williams Revocable Living Trust:

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

b. Status of service: No response. The water right at issue was conveyed to Kim K. Cox and Gene G. Zieman. *See* Exhibit 213.

c. Counsel: None indicated.

d. Address for service: n/a.

e. Requested action(s): Dismissal.

214. Michael C. Williford: *see* Virginia M. Williford, below.

215. Virginia M. Williford:

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

b. Status of service: Michael C. and Virginia M. Williford have each returned signed Waiver of Service forms. *See* Exhibits 214 and 215.

c. Counsel: None indicated.

d. Address for service: Virginia M. and Michael C. Williford
839 Country Club
Stansbury Park, UT 84074

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

216. Candyce Wipfli: *See* Tom Wipfli, below.

217. Tom Wipfli:

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

b. Status of service: Tom and Candyce Wipfli have each returned signed Waiver of Service and Notice of Appearance forms. *See* Exhibits 216 and 217.

c. Counsel: None indicated.

d. Address for service: Candyce and Tom Wipfli
P. O. Box 79
Wellington, NV 89444

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

218. Wright Living Trust:

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

b. Status of service: Nadia T. Wright, trustee of the Wright Living Trust, has returned signed Waiver of Service and Notice of Appearance forms. *See* Exhibit 218.

c. Counsel: None indicated.

d. Address for service: Wright Living Trust
Nadia T. Wright, trustee
73 Rivers Road
Wellington, NV 89444

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

219. Sandra L. Wright: *see* Weston L. Wright, below.

220. Weston L. Wright:

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

b. Status of service: Sandra Wright and Weston Wright have each returned signed Waiver of Service and Notice of Appearance forms. *See* Exhibits 219 and 220.

c. Counsel: None indicated.

d. Address for service: Sandra and Weston Wright
30 Circle Drive
Wellington, NV 89444

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

221. Eloise Yeager: *see* Kirk F. Yeager, below.

222. Kirk F. Yeager:

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

b. Status of service: Eloise Yeager and Kirk F. Yeager have each returned signed Waiver of Service forms. *See* Exhibit 221 and 222.

c. Counsel: None indicated.

d. Address for service: Eloise and Kirk F. Yeager
4 Borsini Lane
Yerington, NV 89447

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

223. Gene G. Zieman: *see also* Kim K. Cox, (Third Service Report at No. 81; Order - Third Service Report.)

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

b. Status of service: Gene Zieman has returned a signed Waiver of Service. *See* Exhibit 223.

c. Counsel: None indicated.

d. Address for service: Gene G. Zieman
P. O. Box 234
Yerington, NV 89447

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

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 L. 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 L. Schneider

Date: 5/6, 2005

Attorney for the United States of America

CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of May 2005, I served a true and correct copy of the foregoing FIFTH 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:

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

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

George N. Benesch, Esq.
190 W. Huffaker Lane, Ste. 408
Reno, Nevada 89511

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

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

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

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

Nathan Goedde
Staff Counsel
Calif. Dept. of Fish and Game
1416 Ninth Street, Ste. 1335
Sacramento, CA 95814

Simeon Herskovits
Courtney Brown
Western Environmental Law Center
P. O. Box 1507
Taos, NM 87571

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

Michael Neville, Depty. Attny. General
DOJ, Off. of the Attorney General
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004

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

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

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

Jeff Parker, Deputy Atty General
Office of the Attorney General
100 N. Carson St.
Carson City, NV 89701-4717

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

Stephen B. Rye
Chief Deputy District Attorney
Lyon County
31 S. Main St.
Yerington, NV 89447

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

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

* * * * * *

John W. Howard
625 Broadway, Suite 1206
San Diego, CA 92101

Todd Plimpton
Belanger & Plimpton
1135 Central Avenue
P. O. Box 59
Lovelock, NV 89419

William E. Schaeffer
P.O. Box 936
Battle Mountain, NV 89820

Laura A. Schroeder
Schroeder Law Offices, P.C.
1915 N.E. 39th Ave.
P.O. Box 12527
Portland, Oregon 97212-0527

* * * *

Wesley G. Beverlin
Malissa Hathaway McKeith
Lewis, Brisbois, Bisgaard & Smith LCP
221 N. Figueroa St., Suite 1200
Los Angeles, CA 90012

Michael D. Hoy
Bible Hoy & Trachok
201 West Liberty Street, Third Floor
Reno, NV 89511

Timothy A. Lukas
P. O. Box 3237
Reno, NV 89505

* * * *

[Gregory B. and Richard T. Adams]
Michael D. Hoy, Esq.
See address above

[The Whittier Trust Co. of Nevada, as
Trustee for George A. L'Abbe Rev. Living
Trust Agreement]
Sylvia L. Harrison
Michael A. T. Pagni
Debbie A. Shosteck
McDONALD CARANO WILSON LLP
P. O. Box 2670
Reno, NV 89505

[JohnW. Swainston]
[Alice S. Wiggins]
Harry W. Swainston
4040 Hobart Road
Carson City, NV 89703

[Lela Terry]
Thomas Mirczak
Hamilton & McMahon, Ltd.
577 California Ave.
Reno, NV 89504

[Caroline H. and John H. Thacher]
[Gilbert C. Wedertz and Janet Huggans]
George N. Benesch, Esq.
See address above

[U.S.F.S.]
David Negri
See address above

[Walker Lake Working Group, Inc.]
Simeon Herskovits
See address above

[Mary Margaret and Lauren Ward]
Gordon DePaoli/Dale Ferguson
See address above

* * * *

Linda L. and Dennis J. Acciari
P. O. Box 36
Smith, NV 89430

Ag Heritage Development, Inc.
E. Richard Thomas, President
6240 Montecito Blvd.
Santa Rosa, CA 05409

Cynthia J. and Gary R. Aiazzi
1407 Orchard Rd.
Gardnerville, NV 89410

Antelope Valley Mutual Water Company
Dwain Chichester, President
P.O. Box 43
Topaz, CA 96133

Deborah F. and Mark N. Arrighi
49 Fairway Dr.
Yerington, NV 89447

Olga M. and Donald A. Balaam
17 Campbell Lane
Yerington, NV 89447

Ken and Peggy Bitler Family Trust
Ken Bitler and Peggy Bitler, Trustees
P. O. Box 315
Zephyr Cove, NV 89448-0315

Steven and Susan Bohner Family Trust
Steven Bohner and Susan Bohner, Trustees
81 Pete Hendrichs Road
Yerington, NV 89447

Sharon L. and Kenneth R. Burnett
16 Crosby Lane
Smith, NV 89430

Joseph P. & Norma J. Cabral 2002
Revocable Living Trust
P. O. Box 82
Wellington, NV 89444

Bill E. Carlson and Sharon M. Carlson
Family Trust
Bill E. Carlson, Trustee
195 Hudson Aurora Road
Smith, NV 89430

Sharon M. and Bill E. Carlson
195 Hudson Aurora Road
Smith, NV 89430

Elizabeth K. and Ray W. Carrasco
P. O. Box 162
Wellington, NV 89444

Casino West, Inc.
Lawrence B. Masini, President
11 N. Main St.
Yerington, NV 89447

Helen B. and Russell E. Chase
551 Highway 208
Yerington, NV 89447

David G. Chilcote
2831 Hwy. 208
Wellington, NV 89444

Chisum, Inc.
Claude W. Chisum, President
333 Broadway Street
Yerington, NV 89447

Elaine C. Cid
1403 Highway 208
Yerington, NV 89447

William G. Cremetti Trust
Mark N. Arrighi, Trustee
49 Fairway Dr.
Yerington, NV 89447

Diehl Family 1999 Revocable Living Trust.
Gordon and Martha Diehl, Trustees
327 Broadway
Yerington, NV 89447

Joseph & Gladys Domenici Family Trust
Gladys Domenici, surviving trustee
P. O. Box 333
Yerington, NV 89447

F & B Trust
Barbara L. and Frederick E. Alpers, trustees
192 Hudson Aurora Road
Smith, NV 89430

Farias, LLC
Dianne and Ellis N. Farias, Partners
P. O. Box 27
Wellington, NV 89444

Dianne and Ellis Norman Farias
P. O. Box 27
Wellington, NV 89444

Carmen and Harold W. Farias
18 Route 338
Wellington, NV 89444

Farias Wheel Ranch, Inc.
Ellis N. Farias, President
P. O. Box 27
Wellington, NV 89444

Jill M. and James S. Fine
P. O. Box 101
Wellington, NV 89444

Ruth Fletcher
P. O. Box 6
Smith, NV 89430

Flying A Limited Partnership /
Flying A Ranch, Limited Partnership
P. O. Box 36
Smith, NV 89430

Pamela A. and Wendell Forrester
69 Quail Lane
Yerington, NV 89447

George W. Fraser
P. O. Box 429
Yerington, NV 89447

Fraser Family Trust
George W. Fraser, trustee
P. O. Box 429
Yerington, NV 89447

James H. Fulstone
P. O. Box 23
Wellington, NV 89444

Theresa and Ted Glassburn
P. O. Box 302
Wellington, NV 89444

Cheryl L. and Lonnie K. Goffinet
12 Tingle Court
Yerington, NV 89447

Angelo Groso
P. O. Box 14
Wellington, NV 89444

Ernest & Maxine Jo Groso 2000 Family
Trust Agreement
Maxine Jo Groso, Trustee
P.O. Box 317
Wellington, NV 89444

Teresa M. Gutierrez
2831 Highway 208
Wellington, NV 89444

Hall Family Trust Agreement
Debra Gilmore, Trustee
4 Cottonwood Lane
Yerington, NV 89447

John / Leona Heimerman Family Trust
Leona T. Heimerman, trustee
815 W. Bridge St., #68
Yerington, NV 89447

R. Scott Hemsath
164 Lower Colony Road
Wellington, NV 89444

Kurt W. and Reiko Hervin
Patricia L. Hervin
11 Norton Lane
Wellington, NV 89444

Betty Roxann and Jon A. Hill
P. O. Box 825
Yerington, NV 89447

Harvey E. & Phyllis P. Hunewill Trust:
Phyllis P. Hunewill, trustee
321 Artist View
Wellington, NV 89444

Mariann and Ward W. Ireland
603 Highway 208
Yerington, NV 89447

Marilyn R. and John P. Ithurburu
P. O. Box 378
Wellington, NV 89444

LaJune F. Kyler
65 Highway 208
Yerington, NV 89447

L & M Family Limited Partnership
11 N. Main St.
Yerington, NV 89447

Langner Family Trust
Donald and Lorraine Langner, Trustees
30 E. Tognoli
Yerington, NV 89447

Nettie E. and Ronnie D. Lawson, Sr.
P. O. Box 68
Smith, NV 89430

Lekumberry Family 2001 Trust
Suzanne Lekumberry, trustee
P. O. Box 248
Smith, NV 89430

Bonnie and David Little, Jr.
350 Densmore Lane
Yerington, NV 89447

David M. Little Family Trust Agreement
David M. and Sherry Little, trustees
P. O. Box 128
Yerington, NV 89447

Karen and Natale J. Lommori, Jr.
20 Mesa Drive
Wellington, NV 89444

Ruth J. Magee Revocable Trust
Ruth J. Magee, Trustee
19 Maple Drive
Yerington, NV 89447

Luetta A. and Charles F. Mann
519 Day Lane
Wellington, NV 89444

Lisa and Darrell Marraccini
38 E. Pursel Lane
Yerington, NV 89447

Masini Investments
11 N. Main St.
Yerington, NV 89447

Mathews Family Trust
Robert J. Mathews, Surviving Trustee
P.O. Box 532
Yerington, NV 89447

Reema Marie and Randy Ellis Menesini
404 Sandy Ave.
Yerington, NV 89447

Cynthia L. and Ronald D. Menesini
202 S. Oregon St.
Yerington, NV 89447

Sheri L. and Jeffrey S. Peterson
129 Lower Colony Road
Wellington, NV 89444

Ruby C. Regan Trust
Mark N. Arrighi, Trustee
49 Fairway Dr.
Yerington, NV 89447

Geneva K. and Elmer C. Robertson
199 Pete Hendrichs Road
Yerington, NV 89447

Carole and Ralph S. Rogers
28 Peeples Lane
Yerington, NV 89447

Kathleen A. and David H. Roots
201 Pete Hendrichs Road
Yerington, NV 89447

Romeo Rosaschi, Jr., Inc.
Romeo Rosaschi, Jr., owner
702 South Main St.
Yerington, NV 89447

Madeline Schram
18 Pit Road
Wellington, NV 89444

Seubert Family Limited Partnership
Donald R. and Sophia A. Seubert, Partners
P. O. Box 43
Smith, NV 89430

Daniel P. Shehady
P. O. Box 271
Wellington, NV 89444

Donald & Teresa Shehady Trust
Donald & Teresa Shehady, trustees
2561 Highway 208
Smith, NV 89430

Edward B. Silva
5 W. Pursel Lane, #B
Yerington, NV 89447

Wesley A. & Beverly A. Smith Family Trust
Wesley Smith & Beverly A. Smith, trustees
300 East Walker Road
Yerington, NV 89447

Patricia L. and Keith H. Stauffer
7 Pinto Drive
Yerington, NV 89447

Helen M. Sturtevant
484 Day Lane
Wellington, NV 89444

Jill K. and Daniel R. Taliaferro
163 Hwy. 95A
Yerington, NV 89447

Sean C. Terry
P. O. Box 173
Wellington, NV 89444

Terschluse Family Trust
Robert W. Terschluse, Trustee
845 Glenmere Way
Los Angeles, CA 90049

Rachel Smith Tholke Trust
Dawn Rae Cooper, Trustee
P.O. Box 1343
Yerington, NV 89447

Katherine L. and Terry A. Thomas
519 Hwy 208
Yerington, NV 89447

Tracy G. and Ami C. Thomas
515 Hwy 208
Yerington, NV 89447

Tibbals Family Trust Agreement
Don H. and Joy Tibbals, Trustees
2 Austin
Yerington, NV 89447

Robin L. Titus, M.D.
P.O. Box 377
Wellington, NV 89444

Laura and Steven Tomac
39 Panavista Circle
Yerington, NV 89447

Michelle R. and Malcolm Treasure
4300 Blackwood St.
Newbury Park, CA 91320

Dolores V. and Howard D. Turner
109 Jugs Circle
Yerington, NV 89447

Joan C. and Ross D. Turner
48 Walters Lane
Wellington, NV 89444

Linda R. Turria Trust Agreement
Linda R. Turria
P. O. Box 1763
Gardnerville, NV 89410

Linda and Randy Turria
P.O. Box 1763
Gardnerville, NV 89460

Twelves Family Partnership, LLC
4164 S. Syracuse
Denver, CO 80237

Debra A. and Jerry Vandebrake
109132 Highway 395
Coleville, CA 96107

Julie M. and Richard D. Vaughan
1184 Highway 208
Yerington, NV 89447

Kelly A. and Timothy C. Veil
77 Hwy 95A
Yerington, NV 89447

Shirley J. and Alan N. Villa
P.O. Box 10026
Costa Mesa, CA 92627

Virginia Sue and William Michael Virdin
10 Borsini Lane
erington, NV 89447

Victoria E. and William L. Vorhies, Jr.
3224 Denison Ave.
San Pedro, CA 90731

W & L Trust
Wayne and Lauralee Bennett, Trustees
1199 Nidrah St.
El Cajon, CA 92020

Walker River Ranch Limited Partnership
P.O. Box 2670
Reno, NV 89505

Warburton Family Trust
Joseph an Winnifred Warburton, Trustees
20 Moore Lane
Reno, NV 89509

David T. Warr
1 Farrell Lane
Yerington, NV 89447

John C. Warr
3 Farrell Lane
Yerington, NV 89447

Wass Investments
Chesley E. Wass, President
1071 Oro Way
Gardnerville, NV 89410

Debi I. and Robert E. Wasser, Jr.
P. O. Box 178
Coleville, CA 96107-0178

John and Lura Weaver Family Trust
John R. and Lura K. Weaver, trustees
59 Rowntree Lane
Smith, NV 89430

The Weiser Living Trust
Robert G. & Betty J. Weiser, trustees
871 Highway 208
Yerington, NV 89447

Earnest C. Wheeler
14 Prestwich Court
Sacramento, CA 95833

Julie Ann White
6 Borsini Lane
Yerington, NV 89447

The Wilens Family Trust
Robert Wilens, trustee
11 Nordyke Road
Yerington, NV 89447

John L. Williams
24 E. Pursel Lane
Yerington, NV 89447

Virginia M. and Michael C. Williford
839 Country Club
Stansbury Park, UT 84074

Candyce and Tom Wipfli
P. O. Box 79
Wellington, NV 89444

Wright Living Trust
Nadia T. Wright, trustee
73 Rivers Road
Wellington, NV 89444

Sandra and Weston Wright
30 Circle Drive
Wellington, NV 89444

Eloise and Kirk F. Yeager
4 Borsini Lane
Yerington, NV 89447

Gene G. Zieman
P. O. Box 234
Yerington, NV 89447

Sue Sherman

Sue Sherman
Senior Paralegal