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FILED

MAY 10 2005

CLERK OF COURT

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 action(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 Pepple and James L. Pepple 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 Rosaschi, 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. Eisenhower, 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* Exhibit 157 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. Vandebroke: *see* Jerry Vandebroke, below.

177. Jerry Vandebroke:

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

b. Status of service: Debra A. Vandebroke and Jerry Vandebroke 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 Vandebroke  
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'Abbe." 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’Abbe 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,

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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 6<sup>th</sup> 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:

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David M. Little Family Trust Agreement  
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Dolores V. and Howard D. Turner  
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Linda R. Turria Trust Agreement  
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Linda and Randy Turria  
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Joseph and Winnifred Warburton, Trustees  
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Virginia M. and Michael C. Williford  
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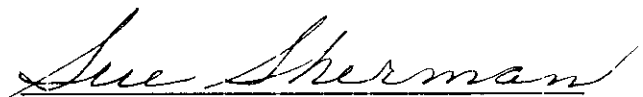
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Eloise and Kirk F. Yeager  
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Gene G. Zieman  
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A handwritten signature in cursive script that reads "Sue Sherman". The signature is written in black ink and is positioned above a horizontal line.

Sue Sherman  
Senior Paralegal