## Case 3:73-cv-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 1 of 383

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA.

Pamil.

WALKER RIVER PAILTE TRIBE.

Plaintiff-Intervenor.

VS.

WALKER RIVER IRRIGATION DISTRICT. a comporation, et al...

Defendants.

N 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 Partie Tribe. "Tribe"), submits the following information related to its service efforts on persons and entities subject to service under the Take Management Order (Apr. 18, 2000) ("CMO"). As set forth in this pleading, the United States usits the Court to approve pertain 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 Effh such filing that the United States has made in this action. The United States also filed its Found Separt of the Chica i States of America Concerning Status of Service.

. 7- 33-8: 7 ftd Sammae Kenat PLACED UNDER SEPARATE COVER



#### Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 2 of 383

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

1 .	Ding Rain	
Date: 3 20 65	Signature Denvis Accian	
	Printed/Typed Name	
	If you are acting on behalf of any entity, identify t	hat you are
	acting as:	of
	Denus ALINDA Accia	
	(Corporate, Trust, Partnership or other entity)	

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

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

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

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

## Case 3:73-cv-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 3 of 383

-	•	
2	FOR THE DISTRICT	DISTRICT COURT OF NEVADA
3	UNITED STATES OF AMERICA.	)
4	Plaintiff.	
5	WALKER RIVER PAIUTE TRIBE,	IN EQUITY NO. C-125
6	Plaintiff-Intervenor,	SUBFILE NO. C-125-B
7	vs.	
8 9	WALKER RIVER IRRIGATION DISTRICT, a corporation. et al.,	<b>)</b>
10	NOTICE OF APPEARANCE AND IN	TENT TO PARTICIPATE
11	1. I hereby enter my appearance in this sul	o-proceeding in this case.
12	2. I am filing this document with the Distr	ict Court at the following address:
13	Chief Deputy Clerk	
14	United States District Court for the District of Nevada	
15	400 South Virginia Street, Suite 301 Reno, Nevada 89501	
16	3. In the envelope provided for return of m	ny Waiver of Service of Notice in Lieu
17	Summons. I am mailing a copy of this document to:	
13	Susan L. Schneider	
19	Attorney for the United States of Americ United States Department of Justice	
20	Environment & Natural Resources Divis P.O. Box 756	sion
21 	Littleton, Colorado 80160	· · · · · · · · · · · · · · · · · · ·
22	4. I (or the entity on whose behalf I am acti	
23	to the lawsuit or to the jurisdiction or venue of the cour	
24	in the Notice in Lieu of Summons or in the service of th	
25   	5. If I (or the entity on whose behalf I am actin	
25	me in these proceedings. I identify that attorney below.	, along with his or her mailing address
7	telephone number, and facsimile number:	
23 ∥		
	NOTICE OF APPEARANCE AND INTENT TO PARTI	CTDATE Dage 1 of 2

3:73	-cv-00127-WWD-CSD Documen	nt 650 Filed 05/09/2005 Page 4 of 3
1	Attorney:	
2		
3	Address:	
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6	Phone Number:	
7	Fax Number:	De Danie
8		(Simonra)
9		(Signature)
10		Depuis Accini
11		(Printed or typed Name)
12		
13		No 11 1 Access
14		(Entity, if any, on whose
15		behalf you are appearing)
16		P. D. B. x 36
17		Sm th New 79430
18		(Address) 795-465-2358
19		(Telephone number)
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### Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 5 of 383

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

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

Date: 3/20/05

Signature/

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

acting as: \_

(Title)

(Corporate, Trust, Partnership or other entity)

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

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

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

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

of

## Case 3:73-cv-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 6 of 383

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2	IN THE UNITED STATES D FOR THE DISTRICT C	ISTRICT COURT OF NEVADA	
3	UNITED STATES OF AMERICA.	)	
4	Plaintiff.	) }	
5	WALKER RIVER PAIUTE TRIBE.	IN EQUITY NO. C-125	
6	Plaintiff-Intervenor,	SUBFILE NO. C-125-B	
7	vs.	(	
8	WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,	<b>}</b>	
10	NOTICE OF APPEARANCE AND INT	TENT TO PARTICIPATE	
11	· · · · · · · · · · · · · · · · · · ·	a proceeding in this case	
12	1. I hereby enter my appearance in this sub		
13	<ol> <li>I am filing this document with the Distr.</li> </ol>	ict Court at the following address.	
14	Chief Deputy Clerk United States District Court for the District of Nevada		
15	400 South Virginia Street, Suite 301 Reno, Nevada 89501		
16	3. In the envelope provided for return of m	y Waiver of Service of Notice in Lieu (	
17	Summons. I am mailing a copy of this document to:		
13	Susan L. Schneider Attorney for the United States of American	ca	
19	United States Department of Justice Environment & Natural Resources Divis		
20 21	P.O. Box 756 Littleton, Colorado 80160		
22	4. I (or the entity on whose behalf I am act	ing) will retain all defenses or objection	
23	to the lawsuit or to the jurisdiction or venue of the cou	rt except for objections based on a defec	
24	in the Notice in Lieu of Summons or in the service of the	ne Notice in Lieu of Summons.	
25	5. If I (or the entity on whose behalf I am acting) have retained an attorney to represent		
26	me in these proceedings. I identify that attorney below	, along with his or her mailing address	
27	telephone number, and facsimile number:		
28			
	NOTICE OF APPEARANCE AND INTENT TO PARTI	CIPATE, page 1 of 2	

### Case 3:73-cv-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 7 of 383 Attorney: Address: Phone Number: Fax Number: (Signature) (Printed or typed Name) (Entity, if any, on whose behalf you are appearing) (Address) (Telephone number)

# Case 3:73-cv-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 8 of 383

	Case	3:73-cv-00127-MIMD-C	SD Docu U.S EN	ment 650 Filed 05/09/2005	Page 8 of
2 3	BIE Mic 20 Rei 77	SLE HOY & TRACHOK  Shael D. Hoy (NV Bar 2723; CA Bar 133244)  1 West Liberty Street, Third Floor  no, Nevada 89511  5.786.8000 (voice)  5.786.7426 (fax)  torney for: Richard T. Adams and Gregory Burto	72 FEB 23	ER. 60 EM 10: 3	
5		T Inita		District Court Nevada	
•	8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Richard Taylor Adams and Green Fed.R.Civ.P. 4(d), Adams hereby personal jurisdiction, and subject Dated February 24, 200	reby enters its gory Burton A by waives served ct matter juris	In Equity No. C-125-ECR Subfile No. C-125-B  Notice of Appearance and Intent to Participate  appearance on behalf of Counterdefendated dams (collectively "Adams"). Pursuant trice of a summons, retaining objections to diction.  BIBLE HOY & TRACHOK  Michael D. Hoy	}
		25 26 27			Exhibit 3
	1	28		-1-	Exhibit 4

# Case 3:73-cv-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 9 of 383

	Jase 3:73-cv-00127-MMD-CSD Doc	sument 650 Filed 05/09/2005 Page 9 of
	Certificate	of Service  copy of the foregoing Notice of Appearance all charges prepaid thereon, on February 24,
1	It was sent a true and correct	copy of the folegoing
2	I certify that I have some a	Il charges prepaid thereon, on February 24,
: 2	Participate via United States Mail, 8	III Cliarges Par 1
3	and Intent to Participate	
. E	and Intent to Participate via United States Mail, a 2005, addressed to:  Susan L. Scheider United States Department of Justice Environmental & Natural Resources Division P.O. Box 756 Littleton, Colorado 80160 Shirley A. Smith Asst. U.S. Attorney 100 W. Liberty, Suite 600 Reno, Nevada 89501  George Benesch 210 Marsh Avenue, Suite 105 P.O. Box 3498 Reno, Nevada 89505  Jim Weishapt, General Manager Walker River Irrigation District P.O. Box 820 Yerington, Nevada 89447  James T. Markle State Water Resources Control Board P.O. Box 100 Sacramento, California 95814  John Kramer Department of Water Resources 1416 – 9 <sup>th</sup> Street Sacramento, California 95814  Ross E. deLipkau Marshail Hill Cassas & deLipkau P.O. Box 2790 Reno, Nevada 89505	Linda Lea Sharer, Chief Deputy Clerk USDC for The District of Nevada 400 South Virginia Street, Suite 301 Reno, Nevada 89501  Robert L. Hunter, Superintendant Western Nevada Agency Bureau of Indian Affairs 1677 Hot Springs Road Carson City, Nevada 89706  R. Michael Turnipseed, P.E. Division of Water Resources State of Nevada 123 West Nye Lane Carson City, Nevada 89710  David E. Moser McCutchen Doyle Brown & Enerson Three Embarcadero Center San Francisco, California 94111  John P. Lange, Dept. of Justice Environmental & Natural Resources Division 999 18th Street, Suite 945 Denver, Colorado 80202  Roger Johnson Water Resources Control Board State of California P.O. Box 2000 Sacramento, California 95810  Garry Stone 290 S. Arlington Ave. Reno, Nevada 89501
	28	- 2 -

# Case 3:73-cv-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 10 of 38

Creenfield	Linda A. Bowman 499 West Plumb Lane, Suite 4
Richard R. Greenfield Field Solicitors Office	Reno, Nevada 89509
the inicios	ì
2 Department of the interest of the Suite 5 2 North Central Avenue, Suite 5 Phoenix, Arizona 85004	Robert C. Anderson/Timothy Lukas
1	Hale Lane Peek, et al.
Marta Adams Deputy Attorney General	P O Box 3237
5 Division of Water Resources	Reno, Nevada 89505
6 100 North Carson Street Carson City, Nevada 89701-4	717
7 Gordon H. DePaoli	D. Cuir & Somach PC
Woodburn & Wedge	And Comital Mall Shife 1900
° 1 P O Box 2311	Sacramento, California 93814
Reno, Nevada 89501	Larry Reynolds Deputy Attorney General
Mary Hackenbracht Deputy Attorney General	State Engineer's Office
State of California	102 W. Nive Lane
2101 Webster Street	Carson City, Nevada 89710
Oakland, California 71012	D 2 Part 1646
Oakland, Camorina 71012  Roger Bezayiff Chief Deputy Water Commi	SSIONEL Branch Nevada 89049
141 0.0.0	issioners
P.O. Box 853 Yerington, Nevada 89447	
Treva Hearne	
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Zeh Polaha Spoo & Hearne 575 Forest Street	
18 Reno, Nevada 89509	
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20	Martha Ellis
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# Case 3:73-cv-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 11 of 38

# WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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

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and I may use the same envelope provided for recall	the lawsuit
and I may use will ret	gain all defenses or objections to the lawsuit
5. I (or the entity on whose behalf I am acting) will ret or to the jurisdiction or venue of the Court except for objection	defect in the Notice in Lieu of
5. I (of the chility of white a court except for objection	ns based on a defect in the reason
and the Coult Cacobe 201 and	
or to the Junisdiction of the Notice in Lieu of Summons	7////
or to the jurisdiction of vehice of the Source of Lieu of Summons. Summons or in the service of the Notice in Lieu of Summons.	// // // // //

Date: 11-15-04

E. Richard Thomas

Printed/Typed Name

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

Ha Heritace Development Inc.

(Corporate, Trust, Partnership or other entity)

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

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#### Case 3:73-cv-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 12 of 38

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Date: 3-1-05

Signature

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as:

(Title)

(Corporate, Trust, Partnership or other entity)

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

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2	IN THE UNITED STATES D FOR THE DISTRICT O	ISTRICT COURT OF NEVADA
3	UNITED STATES OF AMERICA,	)
4	Plaintiff,	) )
5	WALKER RIVER PAIUTE TRIBE,	N EQUITY NO. C-125
6	Plaintiff-Intervenor,	SUBFILE NO. C-125-B
7	vs.	
8 9	WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,	<b>)</b>
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11	<ol> <li>I hereby enter my appearance in this su</li> </ol>	b-proceeding in this case.
12	2. I am filing this document with the Dist	rict Court at the following address:
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16	ll ·	my Waiver of Service of Notice in Lieu of
17	Summons. I am mailing a copy of this document to:	
18	Susan I Schneider	
19	United States Department of Justice	
20	P.O. Box 756	
21	· )	acting) will retain all defenses or objections
2:	of the co	
2.	I the of Summons or in the service of	
2	zaz ( ) winy an whose hehalf I am a	acting) have retained an attorney to represent
2	I identify that attorney hel	
2	telephone number, and facsimile number:	
2	8	
	NOTICE OF APPEARANCE AND INTENT TO PA	RTICIPATE, page 1 of 2

# Case 3:73-cv-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 14 of 38

1	Attorney:	
2		
3	Address:	
4		
5		
6	Phone Number:	
7	Fax Number:	
8		Egirshia Hazi
9		(Signature) $3-/-05$
10		Cynthia J Din 22:
11		(Printed or typed Name)
12		
13		
14		(Entity, if any, on whose
15		behalf you are appearing)
16		
17		(Address)
18		
19		(Telephone number)
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### Case 3:73-cy-00127-MMD-CSD Document 650 Filed 95/09/2005 Page 15 of 38

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Date: 3 - 1 - 05	Signature R. Aug 22)	
	Printed/Typed Name	
	If you are acting on behalf of any entity, identify that	you are
	acting as:	of
	(Title)	
	(Corporate, Trust, Partnership or other entity)	

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

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

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

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

a notice of appearance and intent to participate.

1		
2	IN THE UNITED STA FOR THE DISTI	TES DISTRICT COURT UCT OF NEVADA
3	UNITED STATES OF AMERICA,	)
4	Plaintiff,	)
5	WALKER RIVER PAIUTE TRIBE,	) IN EQUITY NO. C-125
6	Plaintiff-Intervenor,	) SUBFILE NO. C-125-B
7	vs.	ĺ
8	WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,	) ) )
10	NOTICE OF APPEARANCE A	ND INTENT TO PARTICIPATE
11	1 I haraby anter my appearance in	this sub-proceeding in this case.
12	• • • •	
13	_	he District Court at the following address:
14	Chief Deputy Clerk United States District Court for District of Nevada	the
15	400 South Virginia Street, Suite Reno, Nevada 89501	2 301
16	3. In the envelope provided for re	turn of my Waiver of Service of Notice in Lieu of
17	Summons, I am mailing a copy of this document to:	
18	Susan L. Schneider Attorney for the United States of	of America
20	United States Department of Ju Environment & Natural Resour	stice
21	P.O. Box 756 Littleton, Colorado 80160	
22	4. I (or the entity on whose behalf	I am acting) will retain all defenses or objections
23	to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defec	
24	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.	
25	5. If I (or the entity on whose behalf	I am acting) have retained an attorney to represent
26	me in these proceedings, I identify that attorn	ey below, along with his or her mailing address,
27	telephone number, and facsimile number:	
28		

# Case 3:78-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 17 of 38

1	Attorney:	
2		
3	Address:	
4	•	
5		
6	Phone Number:	
7	Fax Number:	J ~ a`
8		Hay R. aross
9		(Signature)
10		
11		CANY R. A1A221
12		(Printed or typed Name)
13		3-1-05
14		(Entity, if any, on whose
15		behalf you are appearing)
16		
17		(Address)
18		(23001033)
19		(Telephone number)
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## Case 3:73-cv-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 18 of 38

A.P.N. 10-581-22 & 21 Escrow No.: LY-302205-DA - LY-302205A-DA

The undersigned grantor(s) declare(s):

Documentary transfer tax is \$474.50, computed on full value of property conveyed.

GRANT, BARGAIN, SALE DEED

or Trustee of the Edward A. Andrews Trust in consideration of \$10.00 Dollars,

the receipt of which is hereby acknowledged coles) hereby Grant, Bargain, Sell and Convey to Kathy S. Blackford, An

a Single Woman

Commy of Lyon, State of Nevada, bounded and described as follows: Vibrat fie a / Worth blot all that real property and

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

nto belonging or in anywise appertaining. Together with all singular the tenements, hereditaments and appurtenances t

Dated: 12-16-02

Edward A. Andrews Trust

CALIFOANIA STATE OF NEVADA

COUNTY OF DRANGE )

On Dea, 16, 2002 personally appeared before me, a Notary Public, Thomas E,

WHEN RECORDED MAIL TO: Kathy S. Blackford 407 Pleasant Hill Lane Sierra Madre, CA 91024

KATHRYN A. FLANIGAN Commission # 12/7278 Notary Public - California Orange County

Exhibit 8

·· THIS IS AN UNOFFICIAL COPY \*\*\*

# Case 3:73-cv-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 19

#### LY-302205-DA

## EXHIBIT "A" ATTACHED TO DEED

#### EXHIBIT "A"

All that certain real property situate in the county of Lyon, State of Nevada, described as follows:

All that certain real property being a portion of the North 1/2 of the Southwest 1/4 of Section 27, Township 11 North, Range 24 Parcel A: East, M.D.B.&M., Lyon County, Nevada described as follows:

Parcel 2 as shown on the Parcel Map for Church of Latter-Day Saints, recorded in the Official Records of Lyon County, Nevada on October 21, 1994 as Document No. 176235.

All that certain real property being a portion of the North 1/2 of the Southwest 1/4 of Section 27, Township 11 North, Range 24 Parcel B: East, M.D.B.&M., Lyon County, Nevada described as follows:

Parcel 3 as shown on the Division of Land into Large Parcels Map for Garmsland Limited, L.L.C., recorded in the Official Records of Lyon County, Nevada, on February 22, 1996 as Document No. 190423.

TOGETHER WITH ALL WATER AND WATER RIGHTS APPEARTENANT TO THE HEREIN DESCRIBED PROPERTY.

# Case 3:73-cv-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 20 of 38

# WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

# Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, TO: Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER - DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
  - 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAJUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
    - 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
    - 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons. ) .....

Summons or in the service of	Duran Checkel
Date: 12-17-04	Signature Chicheston
Date	Printed/Typed Name  If you are acting on behalf of any entity, identify that you are  of
	acting as: Provident
	(Title)  Antelope Valley Mutual Water Company  Antelope Valley Mutual Water entity)
	Antelope Valley Mutual Water entity)

Antelope Valley Mutual Water Company (Corporate, Trust, Partnership or other entity)

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been the cost of such service unless good cause be shown for its failure to sign and return the waiver. response to a familie to warve service that a party believes that the claims of the opposing parties are unfounded, or that the action has been used in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service Ent in an improper place of in a court that tacks jurisdiction over the subject matter of the action of over its person of property. A party who warves service is not to the service of the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons or the Summons of the Summons of the Notice in Lieu of Summons or the Summons of the Summons of the Summons of the Summon

of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought. unumons), and may rater object to the jurisdiction of the court of the me prace where the action has been blought.

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

a notice of appearance and intent to participate.

### Case \$:73-cv-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 22 of 38 Attorney: Address: Phone Number: Duran Checker Fax Number: (Signature) (Printed or typed Name) (Entity, if any, on whose behalf you are appearing) Antelope Valley Mutual Water C P.O. Box 43, Topaz, CA 96133 (Address) 530-495-2114 (Telephone number) NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 2 of 2 2.8

### Case 3:73-cv-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 23 of 38

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 3/10/25

Date: 3/10/25

Signature

HARK N. ARRIGHT & DEBORAN F. ARRIGHI

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as:

(Title)

(Corporate, Trust, Partnership or other entity)

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

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

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of Summons), and may later object to the jurisdiction of the court or to the place where the action has been broads

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the canonice of appearance and intent to participate.

Exhibit 10

with

### Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 24 of 38

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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

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

Date: 3/11/05

Signature

DONAL A BALAAM

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as:

(Title)

(Corporate, Trust, Partnership or other entity)

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

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a notice of appearance and intent to participate.

ur.

# Case 3:73-cv-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 25 of 38

1			
2		IN THE UNITED STATES FOR THE DISTRICT	
3	UNITED ST	TATES OF AMERICA.	)
4		Plaintiff,	
5	WALKER F	RIVER PAIUTE TRIBE,	) IN EQUITY NO. C-125
6		Plaintiff-Intervenor,	) ) SUBFILE NO. C-125-B
7	vs.		) )
8	WALKER F	LIVER IRRIGATION DISTRICT, n. et al.,	) ) )
10	-	NOTICE OF APPEARANCE AND I	NTENT TO PARTICIPATE
11	1.	I hereby enter my appearance in this s	sub-proceeding in this case.
12	2.	I am filing this document with the Dis	
13		Chief Deputy Clerk	
14		United States District Court for the District of Nevada	
15		400 South Virginia Street, Suite 301 Reno, Nevada 89501	
16	3.	In the envelope provided for return of	f my Waiver of Service of Notice in Lieu of
17	Summons, I	am mailing a copy of this document to:	
18		Susan L. Schneider	
19		Attorney for the United States of Am- United States Department of Justice	
20		P.O. Box 756	IVISION
21	4	Littleton, Colorado 80160	action) will retain all defences or chiestions
22	4.		acting) will retain all defenses or objections
23			ourt except for objections based on a defect
24	i .	e in Lieu of Summons or in the service o	
25 !	5	`	acting) have retained an attorney to represent
26	•		ow, along with his or her mailing address,
27	telephone ni	imber, and facsimile number:	
28	1		

# Case 3:73-cv-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 26 of 38

1	Attomey:	
2		
3	Address:	
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6	Phone Number:	
7	Fax Number:	D. Od G. Blacon
8		(Simona)
9		(Signature)
10		DONALD A. BALAAM
11		(Printed or typed Name)
12		
13		
14		(Entity, if any, on whose
15		behalf you are appearing)
16		17 CAMOBELL LANE
17		(Address) NV 89447
18		(775) 463-2041
19		(Telephone number)
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#### Case 3:73-cv-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 27 of 38

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 5-11-05

Signature

Marie Balaan

Signature

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as:

(Title)

(Corporate, Trust, Partnership or other entity)

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

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

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

# Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 28 of 38

1			
2		IN THE UNITED STATES DI FOR THE DISTRICT O	STRICT COURT F NEVADA
3	UNITED STA	ATES OF AMERICA,	
4		Plaintiff,	
5	WALKER RI	VER PAIUTE TRIBE,	IN EQUITY NO. C-125
6		Plaintiff-Intervenor,	SUBFILE NO. C-125-B
7	ı vs.		) )
8 9	WALKER RI a corporation	VER IRRIGATION DISTRICT, , et al.,	) ) )
10	1	NOTICE OF APPEARANCE AND INT	TENT TO PARTICIPATE
11	1.	I hereby enter my appearance in this sub	p-proceeding in this case.
12	2.	I am filing this document with the Distr	
13		Chief Deputy Clerk	
14		United States District Court for the District of Nevada	
15		400 South Virginia Street, Suite 301 Reno, Nevada 89501	
16	3.	In the envelope provided for return of n	ny Waiver of Service of Notice in Lieu of
17	Summons, I	am mailing a copy of this document to:	
18		Susan L. Schneider	•
19		Attorney for the United States of Ameri United States Department of Justice	
20		Environment & Natural Resources Divi P.O. Box 756	Sion
21		Littleton, Colorado 80160	11 defenses or objections
22	4.		ting) will retain all defenses or objections
23	11	t or to the jurisdiction or venue of the cou	
24	in the Notice	in Lieu of Summons or in the service of	
25	5.	If I (or the entity on whose behalf I am act	
26	me in these	proceedings, I identify that attorney below	w, along with his or her mailing address,
27	telephone nu	imber, and facsimile number:	
28			
		e of apprapance and intent to PART	ricipate, page 1 of 2

# Case 3:73-cv-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 29 of 38

1	Attorney:	
2		
3	Address:	
4	·	
5		
6	Phone Number:	•
7	Fax Number:	Mirie Galaam
8		
9		(Signature)
10		
11		MARIE BALAM (Printed or typed Name)
12		(Finited of typed Name)
13		
14		
15		(Entity, if any, on whose behalf you are appearing)
16		ochan you are appoung,
17		(Address) Ton, NV 89447
18		(775) 463-2041
19		(Telephone number)
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Case	3:73-cv-00127-MMD-CSD Do	dument 650 Filed 05/19/2005 Page 30 of 38
	A.P.N. # 10-711-22	orcasi erinesieve,
	R.P.T.T. \$ 481.00	STEWART TITLE OF 12: 26
	ESCROW NO. 030202942 RECORDING REQUESTED BY:	03 SEP 15 PM 3: 26
	STEWART TITLE COMPANY	MARY C. MILLIGAN COUNT RECORDER
	MAIL TAX STATEMENTS TO:	Cos Al DEP. KP
	118 of Laton No Color	Y RE-III-
	WHEN RECORDED MAIL TO:	
	Justo Rand Co	
	GRANT, BARGA	(Space Above for Recorder's Use Only)
	ř	
	THIS INDENTURE WITNESSETH: That DAVID BAMMER, EUSBAND AND WIFE	G. BARRIE AND CINIDIA K.
	in consideration of \$10.00, the receipt of which is here and Convey to BRIAN S. CHRISTOF AND	by acknowledged, does hereby Grant, Bargain Sell KATHLEEN M. BECKIUS
	and to the heirs and assigns of such Grantee forever, a	Il that real property situated in the
	County of Lyon	State of Nevada, bounded and described as: ERETO AND MADE A PART HEREOF
	Together with all and singular the tenements, heredita	ments and appurtenances thereunto belonging or in
	anywise appertaining, and any reversions, remainders	, rents, issues or profits thereof.
	DATE: August 12, 2003	DE D. Dum
		DAVID G. BAMMER
		EMITTELA R. BAMBER
		emine.
		twitter
		L HENDRICK
	$\wedge$	Noting Public - State of Newschi
	STATE OF LEVACE	Nt. 83-2710-6 - EXPINES APPLL 59, 3009
	COUNTY OF \ \( \text{CALCALA} \)	
•	This instrument was acknowledged before me on	9-8-03
n.	by DAVID G. BAMMER and CYNTHIA	K
Þ	Simplifie A Dundwig	
	Signature   No ary Public (One inch margin on all	sides of document for Recorder's Use Only)

Case 3:73-cv-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 31 of 3
---

STATE OF Albada )S	SS.
This instrument was acknowledged before, by	me on <u>Sept 11, 2003</u> .
CRYSTAL PADILLA NOTARY PUBLIC STATE OF NEVADA COMMISSION NO. 20-64618-12 Cornm. Expires June 12, 2004	Notary Public 304188

#### EXHIBIT 'A'

The land referred to herein is situated in the State of Nevada, County of Lyon, described as follows:

All that certain real property being a portion of the NE 1/4 of the NW 1/4 of Section 12, T 10 N, R 23 E, M.D.B. & M., Lyon County, Nevada, described as follows:

Parcel 2, as shown on the Parcel Map for F. M. Fulstone, Inc., recorded in the Official Records of Lyon County, Nevada, on December 7, 1995, as Document No. 188071.

ASSESSOR'S PARCEL NO.: 10-711-22

\*TOGETHER WITH all water and water rights, ditch or ditch rights and other rights to water, of any nature whatsoever, appurtenant to the property.

Division #:				WAL	WALKER RIVER	TION DISTRICT	STRICT		•		
Card #: Name; Address:	Brian S. Christof Kathleen M. Becklus 18 Old Ranch Rd. Wellington, NV 89444	3			જ જ	O. & M. Local No. 4		200 M		Lyon County No. Claim No. User # Ditch	10-711-22 392 Saroni
Court Decree:											<b>/</b> 3
					WENT INTER	LABE EFET	TOBATRES	RRIDGEPORT RES.			C
PRIORITY	C.F.S ACRES	ES DUTY	STORAGE	120	ACRE FEET REQUIRED	APPORTIONED	ACRE FEET	ACRE FEET	CLAIM #	TOTAL ACRES	
Balling	A 7KD	Kn 4.2768	99	2.0692	11.840					Water Rt. Acres	OE
TOTAL	6.750	<del> </del>			11.840	11.84	11.84	00.		Non Wir Rt. Acres	19
										Acre Feet Storage	7-N#M
	,						STITUTE CO.				
LEGAL DESCRIPTION:	.NC						COMMENT				+(
Fr. NE 1/4 of NW 1/4 T. 10 N., R. 23 E.	Fr. NE 1/4 of NW 1/4, Sec. 12; T. 10 N., R. 23 E.						Parcel 2 02/27/03 06/23/03 01/06/04	Parcel 2 PM #188071 02/27/03 - Address Change 06/23/03 - Address Change 01/06/04 - Transferred from card #2036	e e m card #2036	3 - Barret	CSD
											Do
DOCUMENT HISTORY	RY:										
DOCUMENT #	DATE	DESCRIPTION	TION								ur
<b>\$</b>	04/21/87	-	sing agree	Per closing agreement between F	F.M. Fulstone, Inc.	c. & F.I.M. Corp.					ne
#106980	04/21/87		orp. to F.N	F.I.M. Corp. to F.M. Fuistone, Inc.							ein 
#106984	04/21/87	-	orp. to F.N	F.I.M. Corp. to F.M. Fulstone, Inc.							
#107029	04/21/87	<u> </u>	iistone, inc	F.M. Fuistone, Inc. to F.I.M. Corp.							65
#107030	04/21/87	<u> </u>	ilstone, Inc	F.M. Fulstone, Inc. to F.I.M. Corp.	٠						50
<b>a</b>	08/12/87		onal index	card until Clain	Provisional index card until Claim #3 is amended as to its place of use	as to its place c	of use.				
00#	06/12/87	-	Sard Index	#'s 201, 430, 48	Water Card Index #'s 201, 430, 489, 489-C, & 602 abandoned	abandoned.					- []
#133306	03/0/190		e Water Tra	Inster form F.M	1. Fulstone, Inc. 1	to F.I.M. Corp., f	inal adjustment	Storage Water Transfer form F.M. Fulstone, Inc. to F.I.M. Corp., final adjustment to closing memorandum.	orandum.		e
#188017	12/07/96		Map of AP	N 10-711-17 for	F.M. Fulstone, lı	nc. (New parcels	10-711-22 & 16	Parcel Map of APN 10-711-17 for F.M. Fulstone, Inc. (New parcels 10-711-22 & 10-711-23, 12 acres total)	total).		d
#210944	10/10/97	-	Ilstone, Inc	, a Nevada Co	rporation to Dav	id G. & Cynthia	R. Bammer, Hu	F.M. Fulstone, Inc., a Nevada Corporation to David G. & Cynthia R. Bammer, Husband & Wife as Joint Tenants.	Joint Tenant	S.	O
#304188	09/15/03		3. & Cynth	David G. & Cynthia R. Bammer, I	husband and wife to Brian S. Cristof & Kathleen M. Beckius	e to Brian S. Cri	stof & Kathleen	n M. Beckius			5/(
											09
											),

Case 3:73-cv-00127-MMD-CSD Document 650 Filed Q5/99/2005 Page 34 of 38

UFFICIAL RECORDS LYON COUNTY, NEV. RECORD REQUESTED BY

APN 12-071-23 Document Transfer Tax \$253.50

Title Service & Escrow Co.

Mail Tax Bill to Grantee: 134 HIGHWAY 208 YERINGTON, NEVADA 89447

THIS I AN UNCERTICIAL COPY ""

MARY C. HILLIGAN COURTY RECORDER

SPACE ABOVE FOR RECORDER'S USE ONLY

RAN, BARGAIN and SALE DEED

FOR A VALUABLE CONSIDER TION, receipt of which is hereby acknowledged

SYLVIA J. BANTA, a widow

does hereby GRANT, BARGAIN and SELECTO

WARREN G. RUNNERSTROM and RHETA M. RUNNERSTROM, husband and wife as Joint Tenants with the Right of Survivership

all that certain real property being a portion of NW 1/4 of NW 1/4 of Section 26, T 13 N, R 25 B, M.D.B.&M., Ly R County, Nevada, described as follows:

Parcel B, as shown on the Parcel Map for Ronald T Barra, recorded in the Official Records of Lyon County, Nevada, on December 7, 1993 as Document No. 166799.

TOGETHER WITH all tenements, hereditaments and appurt pances thereunto belonging or in anywise appertaining, and any re-ersion, remainders, rents, issues or profits thereof.

DATED SUSPECT 20, 2003

SYLVIA U. / BANIA

302574

COLUTY OF LYON )

THIS IS AN UNCERTURE YOF I

Ornered 20, 2003 personally appeared before me, N tary Public (or Judge or other authorized Terson, as the case may be), SYLVIA J BALTA who acknowledged to me that she executed the within instrument.

Notary Public



Sop,

## Case 3:73-cv-00127-MMD-CSD Document 650 File ្នៃ (១៦/០១/០១/០១៦ Page 36 of 38

LYON COUNTY, NEV. RECORD REQUESTED BY

WESTERN TITLE CO. INC. 04 JUN -2 PH 4: 11

MARY C. HILLIGAN COUNTY RECORDER

A.P.N.:

12-031-9504

File No:

142-2122912 (NMP)

R.P.T.T.: \$799.50

When Recorded, Mail Tax Statements To: William L. Hawhee and Dianne P. Hawhee 834 W. Bridge Street Yerington, NV 89423

### GRANT, BARGAIN and SALE DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

James D. Bednark, a married man as his sole and separate property

do(es) hereby GRANT, BARGAIN and SELL to

William L. Hawhee and Dianne P. Hawhee, husband and wife as joint tenants with right of survivorship the real property situate in the County of Lyon, State of Nevada, described as follows:

See Exhibit "A"

Subject to

TOGETHER with all tenements, hereditaments and appurtenances, including easements and water rights, if any, thereto belonging or appertaining, and any reversions, remainders, rents, issues or profits thereof.

Date: 03/29/2004

# Case 3:73-cv-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 37 of 38

James Do	Edual	/ 			
James D. Bednark					
Colox	ato		•		
STATE OF NEV	<del>U</del> A	)			
COUNTY OF DOOR	el	\$6.			
COUNTY OF CORNE	31- <b>4-5</b> -	<b>\</b>			
		, 21.	12010	-U.	bu You
This instrument was a D. Bednark, a marri	cknowledged befo	e me on le and separa	24/0 te property.	ry.	by Jai
This instrument was a	cknowledged befo	e me on le and separa	24/0	-4	by Jai
This instrument was a D. Bednark, a marr	cknowledged befo	e me on	24/0 te property.	ry.	by Jai
This instrument was a D. Bednark, a marr	cknowledged befored man as his so	e me on		-4-	by Jai

2004 under Escrow No. 142-2122912.

SEAL AFFIXED

#### LEGAL DESCRIPTION

A parcel of land in the Northwest 1/4 of Section 22 and Northeast 1/4 of Section 21, Township 13 North, Range 25 East, Mount Diablo Meridian, bounded and described as follows:

Commencing at the NW corner of said Section 22, marked by a standard Bureau of Land Management pipe and brass cap, from which the North 1/4 corner of said Section 22 bears South 89°25'24" East; thence South 00°43'43" West, 1313.83 feet to the NW corner of the South 1/2 of the NW 1/4 of said Section 22, marked by a 5/8" rebar and cap marked PLS 10596, set per Map File No. 192614, Lyon County Official Records, Yerington, Nevada; thence South 00°44'56" West, 582.68 feet to a point on the Westerly line of said Section 22 marked by a 5/8" rebar with cap marked PLS 6200, per Map File No. 172217, Lyon County Official Records, the point of beginning; thence around the parcel as follows:

South 89°41'09" West, 17.46 feet; thence South 08°29'55" West, 125.44 feet; thence South 00°32'08" East, 121.26 feet; thence South 79°27'02" East, 32.12 feet to a point on the Westerly line of said Section 22; thence along said Westerly line, South 00°44'57" West, 433.92 feet; thence South 89°26'34" East, 354.64 feet; thence North 10°49'50" East, 86.64 feet; thence North 13°55'52" West, 118.08 feet; thence North 41°09'51" West, 265.61 feet; thence North 07°29'00" West 189.66 feet; thence North 05°28'41" East, 102.18 feet; thence South 89°41'09" West, 143.74 feet to the point of beginning.

Legal Description appeared previously in Document No. 320471, recorded on May 13, 2004, Official Records of Lyon County, Nevada.

A.P.N.#010~081~27  R.P.T.T.\$ 153.40  ESCROW NO. 030800246  Full Value	RECT STE WHI	C 650 Filed 05/09/2005 Page 39 of DRING REQUESTED BY: EWART TITLE COMPANY EN RECORDED MAIL TO: IL TAX STATEMENTS TO: GRANTEE IL435 SALLY LANE GARDNERVILLE, NV. 89410
1	GRANT, BARGAIN, SA	LE DEED
WIFE, AS TO AN UNDIVE	H: That THEODORE W. BEILI EDED 50% INTEREST AND I AND NIFE, AS TO AN UND	CE AND INES BEILKE, HUSHAND AND ALFRED J. SPIGARELLI AND DOROTHY IVIDED 50% INTEREST
in consideration of \$10.00, the recei	ipt of which is hereby acknowledged, d	loes hereby Grant, Bargain Sell and Convey to
GERARDO EVANGELIST WIFE AS JOINT TENAN	ra and laurie L. <b>Evan</b> gi TS	ELISTA, HUSBAND AND
County of Lyon SEE EXHIBIT "A" ATTAC	Grantee forever, all that real property state of Nevada, bounded and described THEO HERETO AND MADE A ECUTED IN COUNTERPART	as follows:
Together with all and singular the to appertaining, and any reversions, re	enements, hereditaments and appurtena mainders, rents, issues or profits there	nces thereumo belonging or in anywise of.
Together with all and singular the to appertaining, and any reversions, reDATE: Maxcl 24, 20	mainders, rents, issues or profits there	nces thereumo belonging or in anywise of.
appertaining, and any reversions, re	mainders, rents, issues or profits there	THEODORE W. BEILKE
appertaining, and any reversions, re	mainders, rents, issues or profits there	of.
appertaining, and any reversions, re	mainders, rents, issues or profits there	THEODORE W. BEILKE

295085

Notary Pablic

State of California County of Orange Ss

On Application 3, 2003 before me Darmal Houseand Notary Public, personally appeared Application Depression 2 Depression Notary who proved to me ont the basis of satisfactory evidence to be the Person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

Notary Public



TITLE OR TYPE OF DOCUMENT

NUMBER OF PAGES

DATE OF DOCUMENT

<del>295</del>085

## Case 3:73-cv-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 41 of 38

A.P.N. # 010-081-27

R.P.T.T. S 153.40 ESCROW NO. 030800246 Full Value RECORDING REQUESTED BY:
STEWART TITLE COMPANY
WHEN RECORDED MAIL TO:
MAIL TAX STATEMENTS TO:

GRANTEE 1435 SALLY LANE GARDNERVILLE, NV. 89410

#### GRANT, BARGAIN, SALE DEED

THIS INDENTURE WITNESSETH: That THEODORE W. BEILKE AND INES BEILKE, EUSBAND AND WIFE, AS TO AN UNDIVIDED 50% INTEREST AND ALFRED J. SPIGARELLI AND DOROTHY SPIGARELLI, HUSBAND AND WIFE, AS TO AN UNDIVIDED 50% INTEREST

in consideration of \$10.00, the receipt of which is hereby acknowledged, does hereby Grant, Bargain Sell and Convey to

GERARDO . EVANGELISTA AND LAURIE L. EVANGELISTA, HUSBAND AND WIFE AS JOINT TENANTS

and to the heirs and assigns of such Grantee forever, all that real property situated in the County of Lyon State of Nevada, bounded and described as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

"THIS DOCUMENT, EXECUTED IN COUNTERPART, IS BEING RECORDED AS ONE DOCUMENT"

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, remainters, rems, issues or profits thereof.

DATE: March 24, 2003

THEODORE W. BEILKE

Jack Beilke

INES BEILKE

ALFRED J. SPIGARELLI

DOBOTHY SPIGARELLI

COUNTY OF Los Amely ) ss.

This instrument was acknowledged before me on Moroh 31, 2003 by, This BEILER

Notary Public

andele D Karry

ADELE D. KATZ
COMM. # 1253205
Notary Public - Culifornio
LOS ANGELES COUNTY
My Commission Expires Morch 10, 2004 (

-Casa 9.79 av C		SUMMER OF A CENTRAL		Deale 10 of 0
Case 3:7.3-cv-u	00127-MMD-CSD Doc	aument bou Flied	U5/U9/ZUU5	Page 47 of 3
				. ago := 0: 0
		1		

A.P.N. #010-081-27

R.P.T.T. s 153.40 ESCROW NO. 030800245 Full Value RECORDING REQUESTED BY:
STEWART TITLE COMPANY
WHEN RECORDED MAIL TO:
MAIL TAX STATEMENTS TO:

GRANTEE 1435 SALLY LANE GARDNERVILLE, NV. 89410

# GRANT, BARGAIN, SALE DEED

THIS INDENTURE WITNESSETH: That THEODORE W. BEILKE AND INES BEILKE, HUSBAND AND WIFE, AS TO AN UNDIVIDED 50% INTEREST AND ALFRED J. SPIGARELLI AND DOROTHY SPIGARBLLI, HUSBAND AND WIFE, AS TO AN UNDIVIDED 50% INTEREST

in consideration of \$10.00, the receipt of which is hereby acknowledged, does hereby Grant, Bargain Sell and Convey to

GERARDO TEVANGELISTA AND LAURIE L. EVANGELISTA, HUSBAND AND WIFE AS JOINT TENANTS

and to the heirs and assigns of such Grantee forever, all that real property situated in the County of Lyon State of Nevada, bounded and described as follows:

SHE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

THIS DOCUMENT, EXECUTED IN COUNTERPART, IS BEING RECORDED AS ONE DOCUMENT"

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, remainders, rents, issues or profits thereof.

DATE:	March	24,	2003
STATE OF			} } ss.
COUNTY	OF		)
This instruc	nent was ac	mowle	diged before me on
by, TH	ALFRED	и. в Ј. S	PIGARELLI and DOROTHY
SPIG.	ARRIGIT		
Signature			
U1.5.440.111	Notary Pul		

THEODORE W. BEILKE

INES BEILKE

ALFRED J. SPIGARELLI

DOROTHY SPIGARELLI

7024633524

# Case 3:73-cv-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 43 of 38

State of California	) ·
LOS Angeles	<b>S</b> € € .
Sounty of V	· - · · · · · · · · · · · · · · · · · ·
March 27, 03 helpre ma	Hamid Nessau.
County of LOS Angles  On Macula, 03 before me  personally appeared THEODORE W.	Name and Title of Officer to b. "Jene Doe, Hovery Public"
personally appeared	Average) of Eignar(1)
	personally known to me proved to me on the basis of satisfactory evidence
HAMID NESSAR	to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ins), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.
COMM. #1385148 \$	
NOTATIFICALIFORMA I LOS ANCELES COUNTY	WITNESS my hand and official seal.
My Comm. Esp. November 17, 2006	Hered News
•	C Signature of record Profits
ортіс	ONAL ———————
Though the information below is not required by taw it may prove frequencing removes and reattachmen.	visiveble to persons relying on the document and could prevent it of this form to existing document.
Description of Attached Document	
Title or Type of Document: GRANT DE	ED
Title or Type of Document	D3 DNE
Document Date:  MOSVEW 24, 20  Signe (s) Other Than Named Above:  Stock Document	Number of Pages:
Slone (s) Other Than Named Above:	EILKE, ALPICELY SMEAR
& DORD	THY SPIGALELLI
Capacity(ies) Claimed by Signer	
Standa Name: See Above	
Signer's Name:	OF SIGNER
[ Inclviqual	Top of thursto name
Corporate Officer — Title(s):	
□ Partner — □ Limited □ General	
Attomey-in-Fact     ∴	
☐ Tristee	<u>.</u>
☐ Guardian or Conservator	
☐ Quardian or Conservator ☐ Other:	
☐ Guardian or Conservator	Dig of thursto nerse  Top of thursto nerse  Found Mo. 6607 Hassane Cell Toll-ring 1-4

# Case 3:73-cv-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 44 of 38

#### EXHIBIT 'A' LEGAL DESCRIPTION

That portion of the SW 1/4 of Section 28, Township 12 North, Range 23 Hast, M.D.B. & M., in the County of Lyon, State of Nevada, more particularly described as follows:

Commencing at a 3/4" IRON PIPE with washer stamped PLS 4248, said point is the West 1/4 of Section 28, thence South 89°44'04" East, 1326.59 feat; thence South 00°39'09" West, 6.86 feet to the TRUE POINT OF BEGINNING, thende through the following courses;

South 89\*44'04" East, 1326.59 feet;

South 00°43'44" West, 656.96 feet;

North 89\*44'04" West, 1325.71 fest;

North 00°39'09" East, 656.95 feet to the TRUE POINT OF BEGINNING.

10-081-27 ASSESSOR'S PARCEL NO.

IN COMPLIANCE WITH NEVADA REVISED STATUTE 111.312, THE HEREIN ABOVE LEGAL DESCRIPTION WAS TAKEN FROM INSTRUMENT RECORDED MARCH 9, 2000, AS FILE NO. 245410, RECORDED IN THE OFFICIAL RECORDS OF LYON COUNTY, STATE OF NEVADA."

"TOGETHER WITH 20 acre feet of water and water rights, ditch or ditch rights and other rights to water, of any nature whatsoever, appurtament to the property".

Charlene @ Stewart Intent on purch agreement for all apportentant
wheter to go w/land
LYON COUNTY. MEN
RECORD REQUESTED

OFFICIAL RECORDS LYON COUNTY, NEV. RECOPO REQUESTED BY STEWART TITLE OF

03 APR 24 PM 1: 44

HARY C. HILLIGAN COUNTY RECORDER

\_OLP.

## ase 3:73-cv-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 45 of 38 A.P. No. 142-2020123-KM/734-23767 Escrow No. \$153.40 R.P.T.T. WHEN RECORDED MAIL TO: \*\*This document is being recorded in counterpart and shall be considers Grantee 800 N. Carhart Ave one document. Fullerton, CA 92833 MAIL TAX STATEMENT TO: Mr & Mrs Hutchins 800 N. Carhart Ave Fullerton, CA 92833 GRANT, BARGAIN and SALE DEED FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, Theodore W. Beilke, an unmarried man and Ines Bellke, an unmarried woman as to an undivided 50% interest (who acquired title as husband and wife as joint tenants) and Alfred J. Spigarelli and Dorothy Spigarelli, husband and wife as joint tenants as to an undivided 50% interest do(⇔) hereby GRANT, BARGAIN and SELL to Leland Hutchins and Karen Hutchins, husband and wife as joint tenants with right of survivorship the real property situate in the County of Lyon, State of Nevada, described as follows: see legal description attached hereto and made a part hereof TOGETHER with all tenements, hereditaments and appurtenances, including easements and water rights, if any, therefore belonging or appertaining, and any reversions, remainders, rents, issues or profits thereof. Date: 07/24/2002 Date: 7/26/01 Theodore W. Beilke Alfred J. Spigarelli Derothy Spigarelli Derothy Spigarelli

Ines Beilke

285601

STATE OF NEVADA

COUNTY OF DOUGLAS

: 55.

# Case 3:73-cv-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 46 of 38

State of California	)	
County of Orange	\$ 55.	
	,	
on July 26, 200 before me, L	Auric Ann Warszawski nota Name and The of Officer (e.g., Jana Doe, Notery Public?) Spigarelli and Dorothy Spigar Name(a) o Signer(a)	14
personally appeared Alfred J. S	Spigarelli and Dorothy Spigaretes	ay?
		ory
LAURIE ANN WARSZAWSKI Commission # 1276E23 Notary Public - Colfornia Orango Courry My Contrit, Spires Oct 4, 2004	to be the person(s) whose name(s) is/a subscribed to the within instrument are acknowledged to me that he/she/they execute the same in his/her/their authorized capacity(ies), and that by his/her/the signature(s) on the instrument the person(s), the entity upon behalf of which the person(s) acted, executed the instrument.	nd ed ed eir or
Place Notery Sael Above	with Ess my hand and official seal.	
<del>-</del>	PTIONAL w, it may prove veluable to persons relying on the document	-
	nd reattachment of this form to enother document	
Description of Attached Document		
Title or Type of Document:		_
Document Date:	Number of Pages:	_
Signens) Other Than Named Above:		
Capacity(les) Claimad by Signer	RIGHT THUMBERS  12 SIGNER  Top of thumb her  13 Signer  Top of thumb her  Top of thumb her  Top of thumb her	MY
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☐ Corporate Officer — Title(s):	in numerical	1
☐ Parmer — ☐ Limited ☐ General		•
☐ Attorney in Fact	ĺ	1
Trustee		
Guttrdian or Conservator		

# Case 3:73-cv-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 47 of 38

\*\* This document is being recorded in counterpart and shall be considered one document.

A.P. No. .

10-081-28

Escrow No.

142--2020123-KM/

P.P.T.T.

\$153,40

WHEN RECORDED MAIL TO:

Grantee

800 N. Carhart Ave Fullerton, CA 92833

MAIL TAX STATEMENT TO:

Mr & Mrs Hutchins

800 N. Carhart Ave

Fullerton, CA 92833

## GRANT, BARGAIN and SALE DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

Theodore W. Beilke, an unmarried man and Ines Beilke, an unmarried woman as to an undivided 50% interest (who acquired title as husband and wife as joint tenants) and Alfred J. Spigarelli and Dorothy Spigarelli, husband and wife as joint tenants as to an undivided 50% interest

do(es) hereby GRANT, BARGAIN and SELL to

Leland Hutchins and Karen Hutchins, husband and wife as joint tenants with right of survivorship

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

see legal description attached hereto and made a part hereof

TOGETHER with all tenements, hereditaments and appurtenances, including easements and water rights, if any, thereto belonging or appertaining, and any reversions, remainders, rents, issues or profits thereof.

Date: 07/24/2002

You W Bill

Alfred J. Spigarelli

Dorothy Spigarelli

ines Beilke

STATE OF NEVADA

CALIFORNIO

COUNTY OF LOS

noughes angeles.

Case 3:73-cv-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 48 of 38

Tuly 25, 2007 by
Theodore W. Beilke and Work
Notary Public 24, 2002

(My commission expires: Dec 24, 2002)

HAMID NISAR COMM. 61205984
COMM. 61205984
HNOTHRY PUBLIC - CALPORNIA EL
LOS ANGELES COUNTY
COMM. EXP. DEO. 24, 2002

# Case 3:73-cv-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 49 of 38

A.P. No.

10-081-28

Escrow No.

142-2020123-KM/

R.P.T.T.

\$153.40

WHEN RECORDED MAIL TO:

Grantee

800 N. Carhart Ave Fullerton, CA 92833

Fullerton, CA 92833

MAIL TAX STATEMENT TO: Mr & Mrs Hutchins 800 N. Carhart Ave

\*\*This document is being recorded in counterpart and shall be considered one document.

## GRANT, BARGAIN and SALE DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

Theodore W. Beilke, an unmarried man and Ines Bellke, an unmarried woman as to an undivided 50% interest (who acquired title as husband and wife as joint tenants) and Alfred J. Spigarelli and Dorothy Spigarelli, husband and wife as joint tenants as to an undivided 50% interest

do(es) hereby GRANT, BARGAIN and SELL to

Leland Hutchins and Karen Hutchins, husband and wife as joint tenants with right of survivorship

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

see legal description attached hereto and made a part hereof

TOGETHER with all tenements, hereditaments and appurtenances, including easements and water rights, if any, thereto belonging or appertaining, and any reversions, remainders, rents, issues or profits thereof.

Date: 07/24/2002

Date: 7-30-02 Signed

Theodore W. Beilke

Alfred J. Spigarelli

Dorothy Spigarelli en Beilke

STATE OF NEVADA

COUNTY DOUGLAS 1 ; ss.

)

See attached Acknowledgment

# Case 3:73-cv-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 50 of 38

ounty of Las Angele	<u> </u>
	Adelph Katz, Notary Public,
	☐ personally known to me  □ proved to me on the basis of satisfactory evidence
ADELE D. KATZ COMM. # 1253205 Notary Public - California LOS ANGELES COUNTY  Ny Commission Expires Morch 10, 2004	to be the person(a) whose name(a) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(lee); and that by his/her/their signature(a) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.
	WITNESS my hand and official seal.
	1 0 × 1) W
	adele a karo
Place Notary Seal Above	302000
	OPTIONAL
	y law, it may prove valuable to persons relying on the document all and reattachment of this form to enother document.
Description of Attached Document Title or Type of Document:	bangain + Sale Deed
Document Date: 12402	Number of Pages:
Signer(s) Other Than Named Above:	doce W. Bellke, Affrect J. Spigarelli - Dorothy spigarelli
Signer's Name: INES Bellks  **Control of the state of the	O TRIBE THUMBERINT OF SIGNLES Top of mumb here
Corporate Officer — Title(s):	
□ Partner — □ Limited □ General	
Attorney in Fact	
☐ Trustee ☐ Guardian or Conservator	
Cother:	
Signer Is Representing:	

Case 3:73-cy-00127-MMD-CSD Decument 650 Filed 05/09/2005 Page 5	51 of 38
Theodore W. Belike and Alfred J. Spigarelli	<b>,</b>
and Dorothy Spigateffi and Ines Bellke.	

Notary Public

(My commission expires:

### Case 3:73-cv-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 52 of 38

#### LEGAL DESCRIPTION

That portion of the SW 1/4 of Section 20, Township 12 North, Range 23 East, M.D.B.&M., located in the County of Lyon, State of Nevada, more particularly described as follows:

Commencing at a 3/4" iron pipe with washer stamped PLS 4248, said point being the West 1/4 of Section 28, thence South 89°44'04" East, 1326.59 feet; thence South 00°39'09" West, 663.81 feet to the true point of beginning, thence through the following courses;

1. South 89°44'04" East, 1325.71 feet;

2. South 00°43'44" West, 995.43 feet to a non-tangent curve concave Northerly having a radius of 293.73 feet and a radial bearing of North 02°21'03" West;

3. Northwesterly along said curve an arc length of 163.20 feet and a central angle of 31°50'03";

4. North 60°35'49" West, 857.21 feet to the beginning of a non-tangent curve concave Northeasterly having a radius of 979.32 feet and a radial bearing of North 29°20'45" East;

5. Northwesterly along said curve having an arc length of 494.13 feet and a central angle of 28°54'33";

North 33°38'23" West, 104.88 feet;

7. North 00°39'10" East, 117.15 feet to the True Point of Beginning.

Legal Description appeared previously in Document No. 245410, recorded on March 9, 2000, Official Records of Lyon County, Nevada.

285601

GLEIGIAL RECORDS Lydd County, Nev. Record Reduested By

Title Service & Escrow Co. 02 NOV -8 PM 3: 26

MARY CAPILLIGAN
COUNTY RECORDER

FEE 2 100 DEP. MAL

2632.50 ESCROW NO. 040800057 RECORDING REQUESTED BY: STEWART TITLE COMPANY MAIL TAX STATEMENTS TO:

SAME AS BELOW

WHEN RECORDED MAIL TO: GRANTEE 1008 GEORGIA LANE GARDNERVILLE, NV 89460

(Space Above for Recorder's Use Only)

#### GRANT, BARGAIN, SALE DEED

THIS INDENTURE WITNESSETH: That THEODORE W. BEILKE, A MARRIED MAN and INES BEILKE, An Unmarried Woman, as to an undivided 50% interest; and ALFRED J. SPIGARELLI and DOROTHY SPIGARELLI, busband and wife, as to an undivided 50%

in consideration of \$10.00, the receipt of which is hereby acknowledged, does hereby Grant, Bargain Sell and Convey to SOVEREIGN ENTERPRISES, LLC, A NEVADA LIMITED LIABILITY COMPANY

and to the heirs and assigns of such Grantee forever, all that real property situated in the County of Lyon State of Nevada, bounded and described as:

#### SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, remainders, rents, issues or profits thereof.

DATE: January 23, 2004

THE STATE OF THE S
INES BEILKE
alfred J. Spignrelli
Mothy Sugarelle
DOROTHY SPIGARE/LLI

BETLEF

THEODODE W

STATE OF	
COUNTY OF	} ss.
This instrument was acknowledged by THEODORE W. BEILER	before me on and INES BEILKE
and ALFRED J. SPIGA	RELLI and DOROTHY
SPIGARELLI	
Signature	
Notary Public (One in	ch margin on all sides of document for Recorder's Use Only)

State of California }
County of Orange } s

On FORMAN 2, 2004 before metawar Horango Na Notary Public, personally appeared Francisco To Donothy Spicare Library who proved to me ont the basis of satisfactory evidence to be the Person(s) whose name(s) is are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

Notary Public.



CRANT, BARGAIN SALEDEED TITLE OR TYPE OF DOCUMENT

NUMBER OF PAGES

DATE OF DOCUMENT

## 

R.F.T.T. S 2632.50
ESCROW NO.040800057
RECORDING REQUESTED BY:
STEWART TITLE COMPANY
MAIL TAX STATEMENTS TO:
SAME AS BELOW

WHEN RECORDED MAIL TO: GRANTEE 1008 GEORGIA LANE GARDNERVILLE, NV 89460 And Compared white County Recorder

04 FEB 24 PM 2: 57

MARY C. MILLIGAN COUNTY RECORDER

FEE \_\_\_\_OEP.\_\_

314497

(Space Above for Recorder's Use Only)

## GRANT, BARGAIN, SALE DEED

THIS INDENTURE WITNESSETH: That THEODORE W. BEILKE, A MARRIED MAN and INES BEILKE, An Unmarried Woman, as to an undivided 50% interest; and ALFRED J. SPIGARELLI and DOROTHY SPIGARELLI, husband and wife, as to an undivided 50% in consideration of \$10.00, the receipt of which is bereby acknowledged, does hereby Grant, Bargain Soll and Convey to SOVEREIGN ENTERPRISES, LLC, A NEVADA LIMITED LIABILITY COMPANY

and to the heirs and assigns of such Grantee forever, all that real property situated in the

County of Lyon State of Nevada, bounded and described as:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

Together with all and singular the tenements, hereditaments and appartenances thereunto belonging or in anywise appertaining, and any reversions, remainders, rents, issues or profits thereof.

DATE: January 23, 2004

THIS DOCUMENT, EXECUTED IN COUNTERPART IS BEING RECORDED AS ONE DOCUMENT

THEODORE W. BELLEE

INES BEILKE

ALFRED J. SPIGARELLI

DOROTHY SPIGARELLI

STATE OF \_\_\_\_\_\_ } ss.

COUNTY OF \_\_\_\_\_\_ }

This instrument was acknowledged before me on \_\_\_\_\_\_, by THEODORE W. BEILKE and INES BEILKE and ALFRED J. SPIGARELLI and DOROTHY

SPIGARELLI

Signature Notary Public (One inch margin on all sides of document for Recorder's Use Only)

# Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 56 of 38

State of California	)
	} as.
County of	_ J Publ
On2/2./04	Hand Nesser and Fory  Hand of By a Dec 1 King Con, Honor Admin  Newscas of Byratter  Description to ma-
personally appeared The odore	W. BEIKE
	personally known to mag proved to me on the basis of satisfactory evidence
	to be the person(s) whose name(s) is/am subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(les), and that by his/her/their signature(s) on the instrument the person(s), or
	the entity upon behalf of which the person(s)
HAMO NESSAR	acted, executed the instrument.
COMM. #1385148	WITNESS my hand and official seal.
W. Comm. (Lotre Nov. 11, 2009)	- Alexander
•	Digrephore of Hodary Public
	Digrephere of Hadary Public
OP	TIONAL
Though the information below is not required by law, if may pr	TIONAL TOWNS TO PERSONAL TOWN THE MINISTER AND COURT PROVINCE OF THE PROPERTY AND COURT PROVINCE OF THE PROVINCE OF T
Though the information below is not required by law, if may professional fraudilient removal and resitable	rove valuable to persons relying on the document and could prevent
Though the information below is not required by law, if may be fraudilent removal and restlective Description of Attached Document	rove valuable to persons relying on the document and could prevent
Though the information below is not required by law, if may be fraudillent removal and realisable.  Description of Attached Document.  Title or Type of Document:	rove valuable to persons retying on the document and could prevent ment of this form to another document.
Though the information below is not required by law, if may be featurable to removal and realisable.  Description of Attached Document.  Title or Type of Document:	rove valuable to persons retying on the document and could prevent ment of this form to another document.
Though the information below is not required by law, if may be fraudillent removal and realisable.  Description of Attached Document.  Title or Type of Document:	rove valuable to persons retying on the document and could prevent ment of this form to another document.
Though the information below is not required by law, if may be fraudillent removal and realisable.  Description of Attached Document.  Title or Type of Document:	rove valuable to persons retying on the document and could prevent ment of this form to another document.
Though the information below is not required by law, if may be fraudillent removal and restracted.  Description of Attached Document.  Title or Type of Document: 723/04  Document Date: 1/23/04  Signer(s) Other Than Named Above: 4	rove valuable to persons relying on the document and could prevent
Though the information below is not required by law, if may be fraudillent removal and resiliable.  Description of Attached Document.  Title or Type of Document: 7204  Document Date: 1/23/04  Signer(s) Other Than Named Above: 49  Capacity(les) Claimed by Signer	rove valuable to persons retying on the document and could prevent ment of this form to another document.
Though the information below is not required by law, if may be fraudillent removal and restracted.  Description of Attached Document.  Title or Type of Document: 72074  Document Date: 1/23/04  Signer(s) Other Than Named Above: 4	rove valuable to persons retying on the document and could prevent ment of this form to another document.
Though the information below is not required by law, if may be fraudillent removal and resiliable.  Description of Attached Document.  Title or Type of Document: 72304  Document Date: 1/23/04  Signer(s) Other Than Named Above: 49  Capacity(les) Claimed by Signer	Number of Pages:  Beilke, Affed Spigar  Dotothy Spugaruli
Though the information below is not required by law, if may be fraudillent removal and restracted.  Description of Attached Document.  Title or Type of Document: 72074  Document Date: 1/23/04  Signer(s) Other Than Named Above: 1005  Capacity(les) Claimed by Signer  Signer's Name: 5000000000000000000000000000000000000	Number of Pages:  Beilke, Affred Spigar  Dotothy Sprgardi
Though the information below is not required by law, if may be fraudillent removal and restracted.  Description of Attached Document.  Title or Type of Document: 72074  Document Date: 1/23/04  Signer(s) Other Than Named Above: 1005  Capacity(les) Claimed by Signer  Signer's Name: 5000000000000000000000000000000000000	Number of Pages:  Beilke, Affred Spigar  Dotothy Sprgardi
Though the information below is not required by law, if may be fraudillent removal and restracted.  Description of Attached Document.  Title or Type of Document: 72074  Document Date: 1/23/04  Signer(s) Other Than Named Above: 1005  Capacity(les) Claimed by Signer  Signer's Name: 5000000000000000000000000000000000000	Number of Pages:  Beilke, Affred Spigar  Dotothy Sprgardi
Though the information below is not required by law, if may be fraudillent removal and restractive Description of Attached Document  Title or Type of Document: 72074  Document Date: 1/23/04  Signer(s) Other Than Named Above: 1005  Capacity(les) Claimed by Signer  Signer's Name: 500000  Individual Corporate Officer — Title(s): 5000000  Partner — 11 Limited 5000000000000000000000000000000000000	Number of Pages:  Beilke, Affred Spigar  Dotothy Sprgardi
Though the information below is not required by law, if may be fraudillent removal and restractive Description of Attached Document  Title or Type of Document: 72074  Document Date: 723/04  Signer(s) Other Than Named Above: F  Capacity(les) Claimed by Signer  Signer's Name: 6000000000000000000000000000000000000	Number of Pages:  Beilke, Affred Spigar  Dotothy Sprgardi

# Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 57 of 38

R.P.T.T. \$\_ 2632.50 ESCROW NO. 040800057 RECORDING REQUESTED BY: STEWART TITLE COMPANY MAIL TAX STATEMENTS TO: SAME AS BELOW

WHEN RECORDED MAIL TO: GRANTEE 1008 GEORGIA LANE GARDNERVILLE, NV 89460

(Space Above for Recorder's Use Only)

#### GRANT, BARGAIN, SALE DEED

THIS INDENTURE WITNESSETH: That THEODORE W. BEILKE, A MARRIED MAN and INES BEILKE, An Unmarried Woman, as to an undivided 50% interest; and ALFRED J. SPIGARELLI and DOROTHY SPIGARELLI, husband and wife, as to an undivided 50%

in consideration of \$10.00, the receipt of which is hereby acknowledged, does hereby Grant, Bargain Sell and Convey to SOVEREIGN ENTERPRISES, LLC, A NEVADA LIMITED LIABILITY COMPANY

and to the heirs and assigns of such Grantee forever, all that real property situated in the County of Lyon State of Nevada, bounded and described as:

#### SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, remainders, rents, issues or profits thereof.

DATE: January 23, 2004

THEODORE W. BEILKE ALFRED J. SPIGARELLI DOROTHY SPIGARELLI

This instrument was acknowledged before me on February 6,2004 SPICE BEST

ADELE D. KATZ COMML # 1253205 Notary Public - California LOS ANGELES COUNTY on Explires Morch 10, 2004

Notary Public (One inch margin on all sides of document for Recorder's Use Only)

## Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 58 of 38

#### EXHIBIT 'A' LEGAL DESCRIPTION

That portion of the N 1/2 of Section 28, Township 12, North, Range 23 East, M.D.B.. & M., in the County of Lyon, State of Nevada, more particularly described as follows:

Beginning at a 5/8" rebar and cap stamped PLS 8659, said point being the Section corner common to 21, 22, 27 and 28, thence through the following courses;

South 00°52'06" West along the Section line, 1319.96 feet;

North 89°34'25" West, 2657-19 feet;

7024633524

South 00°43'44" West, 1334.26 feet;

North 89°44'04" West, 1326.59 feet;

North 00°39'02" East, 2669.10 feet to the North line of Section 28,

South 89°24'46" East, 3990.57 feet to the TRUE POINT OF BEGINNING.

10-081-26 ASSESSOR'S PARCEL NO.

"IN COMPLIANCE WITH NEVADA REVISED STATUTE 111.312, THE HEREIN ABOVE LEGAL DESCRIPTION WAS TAKEN FROM INSTRUMENT RECORDED MARCH 9 2000, AS FILE NO. 245410, RECORDED IN THE OFFICIAL RECORDS OF LYON COUNTY, STATE OF NEVADA."

"TOGETHER WITH 313 acre feet of water rights per Walker River Irrigation District Card No. 3170.

ATION DISTRICT YERINGTON, NEVADA WALKER RIVER I

O. & M. Localino.

Gerardo & Laurie L. Evangelista

14490

Card #: Name

Division #:

Wellington, NV 89444

Court Decree:

214 Artesia Rd.

Address:

Pt 59, 47, 8.267 10-081-27 Lyon County No. Claim No. Index No.

User#

Case

Claim Claim User #

588 Colony Acre Feet Storage Non Wtr Rt. Acres Water Rt. Acres TOTAL ACRES CLAIM #

> BRIDGEPORT RES ACRE FEET

TOPAZ RES ACRE PEET 90.

41.18

3:73-cy-08

1\$27-1\$4 \$

		_					
				DAYS	ACRE FEET REQUIRED	REQUIRED	ACRE FEET
PRIORITY	6) 6)	ACRES	DUTY	STORAGE	PER ACRE	TOTAL	APPORTIONED
NEWL		20.000	4.2760	4.7 (D	2.0502	44, 184	
TOTAL		20.000				41,184	41.18

Transferred from card #56972 - Walker River Land Corp. Transferred from card #42302 - Red Creek Ranch, Inc. 3/25/00 - Transferred from card #55968 - WRLC 11/27/01 - Transferred from card #3171 - Beilke COMMENTS

LEGAL DESCRIPTION:

Sacratu Than 1000			U
COCOMEN TO OF .			ľ
DOCUMENT #	DATE	DESCRIPTION	$\mathbf{n}$
#51065	01/10/80	Associated Ranch Management to Trinox Company (all except 38.88 acres).	er
#173436	07/14/94	Trinox Company to Pruett Ranches, Inc. a Nevada Corporation.	١t
401000	40:00:04	December of Summer of Boundary Line Adjustment for Princit Banches Inc. a Nevada Corneration	6

Pt. of NE 1/4 of SW 1/4, Sec. 28; T. 12 N., R. 23 E.	Sec. 28;		Transferred from card #42302 - Red Creek Ranch, Inc. Transferred from card #56972 - Walker River Land Corp. 375,00 - Transferred from card #56968 - WRI C
			1/27/01 - Transferred from card #3171 - Beilke & Spigarelli 04/28/04 - Changed Address
YAOTSM TNAM COOL			U U
DOCUMENT #	DATE	DESCRIPTION	
#51065	01/10/80	Associated Ranch Management to Trinox Company (all except 38.88 acres).	Cres).
#173436	07/14/94	Trinox Company to Pruett Ranches, Inc. a Nevada Corporation.	
#213637	12/29/97	Record of Survey in Support of Boundary Line Adjustment for Pruett Ranches, Inc., a Nevada Corporation	Ranches, Inc., a Nevada Corporation.
#213638	12/29/97	Boundary Line Adjustment Deed (creating parcel 10-081-04 & 05).	50
#213682	12/31/97	Record of Survey to Support Boundary Line Adjustment for Pruett Ranches, Inc., a Nevada Corporation.	
#213762	12/31/97	Reconveyance Deed - Marian Pinkerton, Treasurer & Ex-Officio Tax Re-Corporation.	Pinkerton, Treasurer & Ex-Officio Tax Receiver and Trustee for Lyon County Nevada to Pruett Ranches, Inc. a Nevada
#214316	01/16/98	Record of Survey for Pruett Ranches, Inc., a Nevada Corporation.	d
#214322	01/16/98	Deed to Correct Legal Description on Document #173436.	
#214323	01/16/98	Pruett Ranches, Inc., a Nevada Corporation to Red Creek Ranch, Inc., a	a Corporation to Red Creek Ranch, Inc., a Colorado Corporation - Grantor Reserving all Water Rights.
#214324	01/16/98	Water Rights & Easement Deed - Pruett Ranches, Inc., a Nevada Corporation to Red Creek Ranch, Inc., a Colorado Corporation.	oration to Red Creek Ranch, Inc., a Colorado Corporation.
#216883	03/31/98	A Map of Division into Large Parcels for Red Creek Ranch, Inc., a Colorado Corporation.	orado Corporation.
#219988	06/11/98	Land Patent (creates APN 10-081-13)	2
hib	12/31/98	Red Creek Ranch, Inc. a Colorado Corporation to Walker River Land Co	Red Creek Ranch, Inc. a Colorado Corporation to Walker River Land Corp., a Nevada Corporation. Excepting & Reserving unto Grantor all water of rights
#228079	12/31/98	Water Rights Deed - Red Creek Ranch, Inc., a Colorado corporation to Walker River Land Corp. a Nevada corporation	70/08/90 CI a/M
#245089	02/29/00	Record of Survey in support of a Boundary Line Adjustment for Walker River Land Corp & Hunewill Land & Livestock Co.	١
#245090	02/28/00	Boundary Line Adjustment Deed	IS
#246410	03/09/00	Walker River Land Corp., a Nevada corporation to Theodore W. & Ines Beilke, husband and wife as Dorothy Spigarelli, husband and wife, as Joint Tenants, an und. 50% int., all as tenants in common	Walker River Land Corp., a Nevada corporation to Theodore W. & Ines Belike, husband and wife as Joint Tenants, an und. 60% int., and Alfred J. &D Dorothy Spigarelli, husband and wife, as Joint Tenants, an und. 50% int., all as tenants in common
#245411	03/09/00	Water Rights Deed - WRLC to Theodore W. & Ines Beilke, husband and wife as husband and wife, as Joint Tenants, an und. 50% int., all as tenants in common	Water Rights Deed - WRLC to Theodore W. & Ines Beilke, husband and wife as Joint Tenants, an und. 50% int., and Alfred J. & Dorothy Spigarelli, Constand and wife, as Joint Tenants, an und. 50% int., all as tenants in common

of 38

3:73-cv-00127-MMD-CSD Document 650 Filed 05/09/2005 Page	60 of 38
	06/30/04
	WRID

DOCUMENT HIS		
DOCUMENT #	DATE	DESCRIPTION
#	11/27/01	Card #3171 split into two cards to make separate cards for APN #'s 10-081-27 & 10-081-28
7 #	11/27/01	Beilke card #3171 split into cards #3172 & 3173
#295085	04/24/03	Theodore W. & Ines Beilke, husband and wife, as to an und. 50% int. and Alfred J. & Dorothy Spigarelli, husband and wife as to an und. 50% int. to
		Gerardo & Laurie L. Evangelista, husband and wife as Joint Tenants

Division #: 6				,	1	YERINGI	VERINGTON NEVADA	131216				
Card #; Name:	26402 Leiand & 1	26402 Leisind & Karen Hutchins		;   	i ¦						Index No. Lyon County No. Claim No.	P1 69, 47,8267 10-081-28
Address: Court Decree:	600 N. Ca	Fullerion, CA 92833				æ ø o	O. & M. Local No. 1				Ditch	73-cy
PRIORITY		ACHE	7100	BAYE	AORE PRET	FRET ARGUMEQ	ACRETERI APPORTIONED	TOPAZ RES.	BRIDGREONT BES.	CLAM	TOTAL ACRES	20.09
NEWL TOTAL	         .	18.000	4.2768	99	2.0692	32.847	-	32.96	00		Woter At Aeros	28:1
			P .:		!.	6 6 9 9 9 1				(*) (*) (*)	Nen WW RL Acros	32.
LEGAL DESCRIPTION	JA:							COMMENTS				
Pt. of NE 114 of SW 114, Pt. of NE 114 of SE 114, Sec. 28; T. 12 N., R. 23 E.	of SW 1/4, of SE 1/4, St 1, 23 E.	28;		f				Transferr Transferr 3724100 - 3726100 - 1127101 12/16/02	Transferred from card \$42302 - Red Creek Ranch, Transferred from card \$56972 - Walker River Land 3/24/00 - Also APN 19-081-28 3/25/00 - Transferred from card \$55968 - WRLC 11/27/01 - Transferred from card \$7171 - Belike 12/15/02 - Transferred from card \$3172 - Belike	2302 - Red Ci 6972 - Walker -28 n card \$65961 m card #3171 m card #3171	red from card #42302 - Red Creek Ranch, Inc. red from card #56972 - Walker River Land Corp. Also APN 19-081-28 Transferred from card #56968 - WRLC - Transferred from card #3171 - Belike & Sprigareli	¥.
DOCUMENT #		DATE	DESCRIPTION	***								
#61066		01/10/80	Associate	Associated Ranch Managem	fanagement to	Trinox Compa	ent to Trinox Company (all except 38.88 acres)	.88 acres.				
#173436		07/14/94	Trinox C	ompany to	Pruett Ranche	Trinox Company to Pruett Ranches, Inc. a Nevada Corporation.	a Corporation.					
#213637		12/29/97	Record o	Record of Survey in Support	i	sundary Line A	of Boundary Line Adjustment for Pruett	uett Ranches, li	Ranches, Inc., a Nevada Corporation	rporation.		
#213638		12/29/97	Boundar	Boundary Line Adjustment D	istment Deed (	creating parcel	leed (creating parcel 10-081-04 & 05).			į	i	
#213762		12/31/97	Reconveyand Corporation	yance Dec	d - Marian Pink	erion, Treasure	er & Ex-Officio T	ax Receiver and	Reconveyance Deed - Marian Pinkerton, Treasurer & Ex-Officio Tax Receiver and Trustee for Lyon Countries of Countries of Trustee for Lyon Countries of Countries	on County Ne	Record of Survey to Support Boundary Line Adjustment for Freet Ranches, inc., a nevada Corporation.  Reconveyance Deed - Marian Pinkerton, Treasurer & Ex-Officio Tax Receiver and Trustee for Lyon County Nevada to Pruett Ranches, inc.	sches, inc. a Nevac
#214316		01/16/98	Record o	Record of Survey for Pruett	or Pruett Ranch	tes, Inc., a Neva	Ranches, Inc., a Nevada Corporation.					
#214322		01/16/98	Deed to C	Deed to Correct Legal Descri	1al Description	ption on Document #173436.	1173436.					
#214323		01/16/98	Pruett Ra	nnches, Inc	. a Nevada Coi	rporation to Re	d Creek Ranch,	Inc., a Colorado	Corporation . C	Irantor Reser	Pruett Ranches, Inc., a Nevada Corporation to Red Creek Ranch, Inc., a Colorado Corporation - Grantor Reserving all Water Rights	hts.
#214324		01/16/98	Water RI	Water Rights & Easement De	ernent Deed - P	ruett Ranches,	Inc., a Nevada	Corporation to	ed - Pruett Ranches, Inc., a Nevada Corporation to Red Creek Ranch, Inc., a Colorado	1, Inc., a Colo	rado Corporallon.	
#216885 =		03/31/98	A Map of	A Map of Division into Large		II lor med cre	Parcels for hed Creek Manch, inc., a Colorado Corporation	Color ado Corp	oration.			
#228078	:	12/3 1/98	Red Cree	ek Ranch, I	nc. a Colorado	Corporation to	Walker River L.	ind Corp., a Ne	Red Creek Ranch, Inc. a Colorado Corporation to Walker River Land Corp., a Nevada Corporation.	n. Excepting	Excepting & Reserving unto	Grantor all water
#228079		12/3 1/98	Water RI	ghts Deed	Red Creek Ra	nch, Inc., a Col	orado corporati	on to Welker RI	Water Rights Deed - Red Creek Ranch, Inc., a Colorado corporation to Walker River Land Corp. a Nevada corporation	Nevada cor	poration	
#246089		02/29/00	Record	Record of Survey in support		<b>3oundary Line</b>	Adjustment for t	Valker River La	of a Boundary Line Adjustment for Walker River Land Corp & Hunewill Land & Livestock Co.	will Land & L	Ivestock Co.	
#245090		02/29/00	Boundar	Boundary Line Adjustment (	ustment Deed				1:			111111111111111111111111111111111111111
#245410		03/09/00	Walker R Dorothy	Walker River Land Corp., a h Dorothy Spigarell, husband	Corp., a Nevad. husband and w	a corporation to die, as Joint Te	o Theodore W. 4 mants, an und. 6	Ines Belike, ht 10% int., all as te	levada corporation to Theodore W. & Ines Belike, husband and wife as and wife, as Joint Tenants, an und. 60% int., all as tenants in corrmon	as Joint Ten	Walker River Land Corp., a Nevada corporation to Theodore W. & Ines Belike, husband and wife as John Tenants, an und. 69% int., and Alfred J. & Dorothy Spigarelli, husband and wife, as Joint Tenants, an und. 60% int., all as tenants in common	nt., and Alfred J. 4
8246411		00/00/00	Water Rights Deed - WRLC	ahls Deed	· WRLC to The	odore W. & Ine	Water Rights Deed - WRLC to Theodore W. & thee Belike, husband and wife as Joint Tenanle, an und. 60% int., and Alfred J. & Dorothy Spigarelli,	d and wife as J	Joint Tenants, an	und. 60% In.	. and Alfred J. & D	orothy Spigaretti.

### Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 63 of 38

## WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 3-14-05

Signature

PEGGG BITLEN

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

acting as: TRUSTEE

\_\_\_ of

(Title)

(Corporate, Trust, Partnership or other entity)

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

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

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

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

# Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 64 of 38

1				
2	IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA			
3	UNITED STATES OF AMERICA,			
4	Plaintiff.			
5	WALKER RIVER PAIUTE TRIBE, IN EQUITY NO. C-125			
6	Plaintiff-Intervenor,	) SUBFILE NO. C-125-B		
7	vs.			
80	WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,			
10	NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE			
11	1. I hereby enter my appearance in this sub-proceeding in this case.			
12	2. I am filing this document with the Distri	ct Court at the following address:		
13 14	Chief Deputy Clerk United States District Court for the			
15	District of Nevada 400 South Virginia Street, Suite 301 Reno, Nevada 89501			
16 17	3. In the envelope provided for return of m	y Waiver of Service of Notice in Lieu of		
18	Summons, I am mailing a copy of this document to:			
-5 19	Susan L. Schneider Attorney for the United States of Americ			
20	United States Department of Justice Environment & Natural Resources Division P.O. Box 756 Littleton, Colorado 80160			
21				
22	4. I (or the entity on whose behalf I am acting) will retain all defenses or objection			
23	to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defe			
24	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.			
25	5. If I (or the entity on whose behalf I am actin	ng) have retained an attorney to represent		
26	me in these proceedings, I identify that attorney below	, along with his or her mailing address,		
27	telephone number, and facsimile number:			
28				

## Case 3:7\$-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 65 of 38 Attomey: Address: Phone Number: Fax Number: (Signature) (Entity, if any, on whose behalf you are appearing) (Telephone number)

## Case 3:73-cv-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 66 of 38

# WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 3-14-05

KEN BITTEN

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are 

(Title)

KEN + PEGGY BITTER THUST (Corporate, Trust, Partnership or other entity)

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

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

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

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

## Case 3:73-cv-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 67 of 38

1. IN THE UNITED STATES DISTRICT COURT 2 FOR THE DISTRICT OF NEVADA 3 UNITED STATES OF AMERICA. 4 Plaintiff. 5 WALKER RIVER PAIUTE TRIBE. IN EQUITY NO. C-125 6 Plaintiff-Intervenor, SUBFILE NO. C-125-B 7 VS. 8 WALKER RIVER IRRIGATION DISTRICT. 9 a corporation, et al., NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE 10 11 1. I hereby enter my appearance in this sub-proceeding in this case. 12 2. I am filing this document with the District Court at the following address: 13 Chief Deputy Clerk 14 United States District Court for the District of Nevada 15 400 South Virginia Street, Suite 301 Reno, Nevada 89501 16 3. In the envelope provided for return of my Waiver of Service of Notice in Lieu of 17 Summons. I am mailing a copy of this document to: 18 Susan L. Schneider 19 Attorney for the United States of America United States Department of Justice 20 Environment & Natural Resources Division P.O. Box 756 Littleton, Colorado 80160 21 22 I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect 23 in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons. 24 25 If I (or the entity on whose behalf I am acting) have retained an attorney to represent me in these proceedings, I identify that attorney below, along with his or her mailing address, telephone number, and facsimile number:

NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 1 of 2

#### Case 3:7\$-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 68 of 38 Attorney: Address: Phone Number: Fax Number: (Signature) KEN BITTER (Printed or typed Name) KEN + PEGGS BIREN (Entity, if any, on whose Freus) behalf you are appearing) P.O. KOX 250 GERINGTON NU (Address) 775-463-4239 (Telephone number)

#### WHEN RECORDED MAIL TO:

Law Offices of John P. Schlegelmilch, Ltd. 30 Broadway Ave. Yerington, NV 89447

Grantee (and mail Tax Statement to): THOMAS BOBRICK, Trustee of The THOMAS BOBRICK TRUST 18 Maple Drive Yerington, NV 89447

APN # 012-071-28 RPTT #-8/7

#### **OUITCLAIM DEED**

THIS INDENTURE, made this 4th day of April, 2003, by and between THOMAS BOBRICK, a single man, hereinafter called Party of the First Part and, THOMAS BOBRICK, Trustee of the THOMAS BOBRICK TRUST, dated the 4th day of April, 2003, hereinafter called Party of the Second Party.

#### WITNESSETH:

That the said Party of the First Part hereby conveys to Party of the Second Party, its heirs, successors, and assigns, all of the right, title, and interest in and to that certain real property, commonly known as 152 Hwy 208, situate in the County of LYON, State of Nevada, described as follows::

All that certain real property being a portion of the west ½ of Section 26, Township 13 North, Range 25 E MB&M Lyon County, Nevada described as follows, Parcel C as shown on the Parcel Map for Thomas and Ruth E. Bobrick recorded in the official records of Lyon County, Nevada on March 28, 1996 as Document #191775.

PER NRS 111.312, THE LEGAL DESCRIPTION APPEARED PREVIOUSLY IN DEED NO. 270997 RECORDED ON January 15, 2002.

APN 012-071-28

1

Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 70 of 38

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

TO HAVE AND TO HOLD all and singular the said premises, together with the appurtenances, unto the Parties of the Second Part and to their assigns forever.

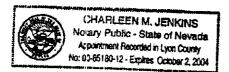
IN WITNESS WHEREOF, the Grantor has hereunto set his hand the day and year first above written.

TOM BOBRICK

#### **ACKNOWLEDGMENT**

STATE OF NEVADA ) :ss.
COUNTY OF LYON )

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year hereinabove written.



NOTARY PUBLIC

Case 3:73-cv-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 71 of 38

294071

OFFICIAL RECORDS LYON COUNTY, NEV. RECORD REQUESTED BY

John Schlegelmick LTD 03 APR-7 PM 4: 33

MARY C. HILLIGAN COUNTY RECORDER

FEE 16 0EP. Dee

## Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 72 of 38

## WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.

5. 1 (	or the entity on whose behalf I am acting) will retain	ain all defenses or objections to the lawsuit
or to the juris	diction or venue of the Court except for objections	is based on a defect in the Notice in Lieu o
Summons or	in the service of the Notice in Lieu of Sammons	a sustain a dolect in the Notice in Lieu o

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

acting as:

Steven & Susantohne

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

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

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

Ŧ					
2	IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA				
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4	Plaintiff,				
5	WALKER RIVER PAIUTE TRIBE, IN EQUITY NO. C-125				
6	Plaintiff-Intervenor, SUBFILE NO. C-125-B				
7	vs.				
9	WALKER RIVER IRRIGATION DISTRICT, ) a corporation, et al., )				
10	NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE				
11	1. I hereby enter my appearance in this sub-proceeding in this case.				
12	2. I am filing this document with the District Court at the following address:				
13	Chief Deputy Clerk				
14	United States District Court for the District of Nevada 400 South Virginia Street, Suite 301				
15	Reno, Nevada 89501				
16	3. In the envelope provided for return of my Waiver of Service of Notice in Lieu of				
17	Summons, I am mailing a copy of this document to:				
18	Susan L. Schneider Attorney for the United States of America				
19 20	United States Department of Justice Environment & Natural Resources Division				
21	P.O. Box 756 Littleton, Colorado 80160				
22	4. I (or the entity on whose behalf I am acting) will retain all defenses or objections				
23	to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defec				
24	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.				
25	If I (or the entity on whose behalf I am acting) have retained an attorney to represent				
26	me in these proceedings, I identify that attorney below, along with his or her mailing address,				
27	telephone number, and facsimile number:				
28					
•					

NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 1 of 2

## Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 74 of 38 Attomey: Address: Phone Number: Fax Number: (Signature) (Printed or typed Name) Steven a Susan (Entity, if any, on whose behalf you are appearing) (Telephone number)

## Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 75 of 38

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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Date: 3//5/05

Signature

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

acting as: \_\_\_

Steven & Susun Bonner Family True

(Corporate, Trust, Partnership or other entity)

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

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

1			
2	IN THE UNITED STATES FOR THE DISTRICT	DISTRICT COURT OF NEVADA	
3	UNITED STATES OF AMERICA,	)	
4	Plaintiff,	) )	
5	WALKER RIVER PAIUTE TRIBE.	) IN EQUITY NO. C-125	
6	Plaintiff-Intervenor,	) SUBFILE NO. C-125-B	
7	VS.	)	
8 9	WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,		
10	NOTICE OF APPEARANCE AND IT	NTENT TO PARTICIPATE	
11	1. I hereby enter my appearance in this s	uh-proceeding in this case	
12			
13	3	aret Court at the following address.	
14	Chief Deputy Clerk United States District Court for the		
15	District of Nevada 400 South Virginia Street, Suite 301 Reno, Nevada 89501		
16	·	my Waiver of Service of Notice in Lieu o	
17		my waiver of Service of Notice in Lieu o	
1.8	Summons. I am mailing a copy of this document to:		
19	Susan L. Schneider Attorney for the United States of Ame	пса	
20	United States Department of Justice Environment & Natural Resources Div P.O. Box 756	vision	
21	Littleton, Colorado 80160		
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23	to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defec		
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25	5. If I (or the entity on whose behalf I am acting) have retained an attorney to represent		
26	me in these proceedings, I identify that attorney below	w, along with his or her mailing address,	
27	telephone number, and facsimile number:		
28			
	NOTICE OF APPEARANCE AND INTENT TO PART	FICIPATE, page 1 of 2	

Case 3:7	3-cv-00127-MMD-CSD D	ocument 650 Filed <u>05</u> /09/2005 Page 77 o
1	Attorney:	
2		
3	Address:	
4		
5		
6	Phone Number:	
7	Fax Number:	Fruit of Report
8 (		Junia y Jane C
9		(Signature) TRUSTEE
10		(Signature) TRUSTEE Steven L-Burger
11		(Printed or typed Name)
12		(I finited of typed (value)
13		Steven & Susan Bohner Family Trus
14		
15		(Entity, if any, on whose behalf you are appearing)
16	·	81 Pete Henouchs XO.
17		Genington No 89447
18		(Address) 775-463-9888
19		(Telephone number)
20		
21		
22		
23		
24		
25	<b>:</b>	
26		
27		

Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 78 of 38

APN: 14-521-10 RPTT \$0.00 No. 6

Mail Tax Statements to: 81 Pete Hendrichs Road Yerington, NV. 89447

After Recording Mail to: William L. Carpenter 215 W. Bridge St., Suite 3 Yerington, NV. 89447 RECORD REQUESTED BY William Oseperter, Esq. 04 JAN 12 PM 1: 04

MARY C. HILLIGAN COUNTY RECORDER

LYON COUNTY, NEV.

FEE 150 DEP. MK

#### **QUITCLAIM DEED**

THIS INDENTURE, made this 9<sup>Th</sup> day of Torword, 2004, between STEVEN L. BOHNER and SUSAN SCRIVNER BOHNER, Husband and Wife, parties of the first part, and STEVEN BOHNER and SUSAN BOHNER, Trustees, under the terms of THE STEVEN BOHNER and SUSAN BOHNER FAMILY TRUST, dated this day written above, the parties of the second part.

#### WITNESSETH:

That the said parties of the first part, in conformity with the terms of the aforesaid Declaration of Trust, do by these presents remise, release and forever quitclaim unto the said parties of the second part, their successors and assigns forever, all their right, title and interest in and to the certain lot, piece or parcel of land situate, the County of Lyon, State of Nevada, more particularly bounded and described as follows, to wit:

Per NRS 111.312, the legal description appeared previously in Deed #287186 and recorded December 12, 2002 in Lyon County Records.

All that certain real property being a portion of the Northwest 1/4 of the Northwest 1/4 of Section 7, Township 13 North, Range 26 East, M.D.B.&M., Lyon County, Nevada, described as follows:

Parcel B as shown on the Parcel Map for Beryl Tamagni, recorded in the Official Records of Lyon County, Nevada, on November 19, 1991, as Document No. 146830.

EXCEPTING THEREFROM the South 25 feet as reserved by Raymond E. Tamagni and Janice E. Tamagni in that certain Gift Deed recorded in the Official Records of Lyon County, Nevada on June 17, 1992, as Document No. 152644.

Page 1 of 2

# Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 79 of 38

TOGETHER WITH, all and singular, the tenements, hereditaments and appurtenances, including easements and water rights, if any, thereunto belonging or in anyway appertaining, and the reversion and reversions, remainder and remainders, rents issues and profits thereof.

TO HAVE AND TO HOLD the said premises, together with the appurtenances, unto the said parties of the second part and their successors and assigns forever.

IN WITNESS WHEREOF, the parties of the first part have hereunto set their hand the day and year first above written.

STEVEN L. BOHNER

SUSAN SCRIVNER BOHNER

STATE OF NEVADA

**COUNTY OF LYON** 

ss.

This instrument was acknowledged before me in this

day of

2004

by Steven L. Bohner and Susan Scrivner Bohner.

Notary Public

JANICE SHIPLEY
Notary Public - State of Nevada
Appointment Recorded in Lyon County
No: 59-3156-12 - Expires April 29, 2007

TION DISTRICT

YERINGTC..., AEVADA WALKER RIVER

# PROVISIONAL S. & M. Local No. 3

Steven Bohner & Susan Bohner, Trustees Steven & Susan Bohner Family Trust

Division #:

Card #:

Name:

81 Pete Hendrichs Rd. Yerlngton, NV 89447

Address:

2525 Lyon County No.

14-521-10 Pt. of 34

Nicho! Merritt Ciaim No. User # Ditch

Index No.

Acre Feet Storege Non Wir Rt. Acres Weter Rt. Acres TOTAL ACRES # X Y C ä 99 ACRE FEET 1.30 COMMENTS ACRE FEET 1.90 **APPORTIONED** 

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-0.01 C

BRIDGEPORT RES.

TOPAZ RES.

ACRE FEET

ACRE PEET REQUIRED

PER ACRE

STORAGE DAYS

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ACRES

W.

PRIORITY

C-125, P. 44; Tamagni, Antone

Court Decree:

3.2376

10.000 10.000

52 52 52

TOTAL

1010

1.900 1,900 TOTAL

6/4/2000 - Transferred from card #34608 - Gerald Menesini 1/16/03 - Transferred from card #2045 - Roger Banta 03/02/04 - Changed to Trust Fr. NW 1/4 of NW 1/4, Section 7; T. 13 N., R. 26 E. LEGAL DESCRIPTION

CSD

Parcel B - PM 146830			\ г
DOCUMENT HISTORY:			١
DOCUMENT #	DATE	DESCRIPTION	
#36-302	01/01/49	Edward Tamagni to Edward & Bervi Tamagni, 1949 Roil.	
#24846/24845	12/15/75	Transfers between Manoukian & Tamagni, 1975-76 Roll.	
#33612	08/11/77	-	
#162438	06/09/92	ng for Final Distribution and Discharge - Beryl Tamagni's Estate to Raymond Edward & Janice E. Tamagni.	<b></b>
#162440	06/08/92	Executor's Deed - Raymond E. Tamagni, Executor of Estate of Beryl R. Tamagni to Raymond E. & Janiece E. Tamagni.	_
#152536	06/12/92	Grant Deed - Raymond E. & Janice E. Tamagni to Raymond E. & Janice E. Tamagni, Trustees of the Raymond E. Tamagni Family Trust.	_
#152644	06/17/92	Gift Deed from Raymond E. & Janice E. Tamagni to Gerald T. & Renee E. Menesini, Husband & Wife as Joint Tenants (10 acres, 14-521-10).	_
#246284	04/03/00	Trustees Deed Upon Sale - to Roger L. Banta, Trustee under Declaration of Trust dated 12/12/93	
#287186	12/12/02	Roger L. Banta, Trustee to Steven L. Bohner & Susan Scrivner Bohner, husband and wife as Joint Tenants	<del>-</del> ~
#311732	01/12/04	Steven L. Bohner & Susan Scrivner Bohner, husband and wife to Steven Bohner & Susan Bohner, Trustees of the Steven Bohner & Susan Bohner	_
		Family Trust	\ <i>E</i>
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PAUL 4.

# Case 3:73-cv-00127-MMD-CSD Document 650 Filed (18) Page 81 of 38 RECORD REQUESTED BY

APN 10-331-09 Document Transfer Tax \$192.00 Order No. TSL-25516 Mail Tax Bill to Grantee: Dellington NV BRYYY

Title Service & Escrow Co. 03 SEP 11 AM 11: 03 - MARY C. HILLIGAN COUNTY RECORDER

SPACE ABOVE FOR RECORDER'S USE ONLY

# GRANT, BARGAIN and SALE DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged

KIRK A. BOOTH, an unmarried man and CAROLYN J. CROUSE, an unmarried who acquired title as CAROLYN C. BOOTH

do herepy GRANT, BARGAIN and SELL TO

PAUL J. FRY, III and JILL CHRISTINE FRY, husband and wife as Joint Tenants with the Right of Survivorship

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

All that certain real property being a portion of the Northwest 1/4 of the Southeast 1/4 of Section 27, T 11 N, R 23 E, M.D.B.&M., Lyon County, Nevada, being described as follows:

From the established and recognized monument (iron pin in mound of rocks) in the center of said Section 27, and which bears South 0°31' East, 2638.44 feet from the North one-quarter corner of said section; thence South 0°31' East along the one-quarter section line 330.00 feet to the true point of beginning at the Northwest corner of the parcel; thence North 89°56' East, 460.00 feet to a point at the Northeast corner of the parcel and in the so-called Colony Ditch: thence following along in said ditch so-called Colony East, 278.71 feet to a point at the Southeast corner South 25°07' East, 278.71 feet to a point at the Southeast corner of the parcel; thence leaving said ditch South 89°56' West, 576.00 feet to a point at the Southwest corner of the parcel; thence North 0°31' West along the one-quarter section line 252.50 feet to the point of beginning.

# Case 3:73-cv-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 82 of 38

BE RANCH

Legal Description appeared previously in Document No. 217726, recorded on April 21, 1998, Official Records of Lyon County, Nevada.

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

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

STATE OF NEVADA

COUNTY OF LYON

on August 27, 2003 personally appeared before me, a Notary Public for Judge or other authorized person, as the case may be), CAROLYN O. CROUSE, who acknowledged to me that she executed the within instrument.

STEPHANIE L. JACKSON Notary Public - State of Nevada Appointment Recorded in Lyon County No: 97-3155-12 - Expires August 25, 205

# Case 3:73-cv-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 83 of 38

KIRK A. BOOTH

STATE OF NEVADA

COUNTY OF LYON

On Serv 4,2003 personally appeared before me, a Notary public (or Judge or other authorized person, as the case may be), KIRK A. BOOTH, who acknowledged to me that he executed the within instrument.



JON DISTRICT	NEVADA
WALKER RIVER IRE	YERINGTON, NEVADA

Division #:						YERINGI	YERINGTON, NEVADA			_	Index No.	Fm 75-C	
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		- <del>-</del> -	1	DAYS	ACRE FEET	REGUI	ACRE FEET	Ш.	BRIDGEPORT RES.	CLAIM #	TOTAL ACRES		CV o
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#136869	10.	10/09/90	Executo	r Deed to	Executor Deed to Harry L. Finch.						:		e
#141650	40	04/21/98	Harry L.	Finch to	Kirk A. & Caro	lyn C. Booth, I	Harry L. Finch to Kirk A. & Carolyn C. Booth, husband and wife as Joint Tenants	e as Joint Tena	ints	Hitto as Caro	n C. Booth, husband and wife as Joint Tenants	aui J. Fry III &	nt⊤ ≣
#303883	<del></del>	09/11/03	Christin	Booth, an	Kirk A, Booth, an unmarried man Christine Fry, husband and wife a	Kirk A, Booth, an unmarried man and Carolyn J. C Christine Fry, husband and wife as Joint Tenants	i J. Crouse, an u ants	nmarried woma	יין איווס מכלכוו כּי				65
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# Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 85 of 38 WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 4-11.00	K wit R. B will	
Date: <u>4-4-05</u>	Signature Kannett R. Burnett	
•	Printed/Typed Name	
*	If you are acting on behalf of any entity, identify th	at you are
	acting as:	of
	(Title)	
	(Corporate, Trust, Partnership or other entity)	

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

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

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

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

# Case 3:73 cv-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 86 of 38

	IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA			
	UNITED STATES OF AMERICA.	<b>)</b>		
	Plaintiff.	)		
:	WALKER RIVER PAILTE TRIBE.	IN EQUITY NO. C-125		
÷	Plaintiff-Intervenor,	SUBFILE NO. C-125-B		
-	vs.	)		
9	WALKER RIVER IRRIGATION DISTRICT,	<b>)</b>		
10	NOTICE OF APPEARANCE AND I	NTENT TO PARTICIPATE		
11	1. I hereby enter my appearance in this s	sub-proceeding in this case.		
12	2. I am filing this document with the Dis	strict Court at the following address:		
13	Chief Deputy Clerk United States District Court for the			
15	District of Nevada 400 South Virginia Street, Su te 301 Reno. Nevada 89501			
16		my Waiver of Service of Notice in Lieu c		
17	Summons. I am mailing a copy of this document to:	my warver or betwee or route in 2.02 c		
13	Susan L. Schneider			
19	Attorney for the United States of Ame United States Department of Justice	rica		
20	Environment & Natural Resources Div P.O. Box 756	rision		
21	Littleton, Colorado 80160			
22	4. I (or the entity on whose behalf I am acting) will retain all defenses or objection			
23	to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defec			
24	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.			
25	5. If I (or the entity on whose behal? I am acting) have retained an attorney to represen			
26	me in these proceedings. I identify that attorney below	w, along with his or her mailing address.		
27	telephone number, and facsimile number:			
28				
	NOTICE OF APPEARANCE AND INTENT TO PART	TOTPATE Dage 1 of 2		

## Case 3:73-cv-00127-MMD, CSD Document 650 Filed 05/09/2005 Page 87 of 38 Address: Phone Number: Fax Number: Kant R.B. (Signature) (Printed or typed Name) (Entity, if any, on whose behalf you are appearing) 16 Crosby has (Address) 775-465-2141 (Telephone number)

# Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 88 of 38 WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 4-4-05

Signature

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as:

(Corporate, Trust, Partnership or other entity)

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

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

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

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

# Case 3:73<sub>||</sub>cv-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 89 of 38

	- <u> </u>			
:	IN THE UNITED STATES DISTRICT COURT . FOR THE DISTRICT OF NEVADA			
:	UNITED STATES OF AMERICA.			
<u>-</u>	Plaintiff.			
5	WALKER RIVER PAILTE TRIBE. ) IN EQUITY NO. C-125			
7	Plaintiff-Intervenor, SUBFILE NO. C-125-B			
8	vs.			
9	WALKER RIVER IRRIGATION DISTRICI, a corporation. et al.,			
10	NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE			
11	1. I hereby enter my appearance in this sub-proceeding in this case.			
12	2. I am filing this document with the District Court at the following address:			
13	Chief Deputy Clerk			
15	District of Nevada 400 South Virginia Street, Suite 301			
16	Reno, Nevada 89501			
17	3. In the envelope provided for return of my Waiver of Service of Notice in Lieu			
13	Summons, I am mailing a copy of this document to:			
19	Susan L. Schneider Attorney for the United States of America			
20	United States Department of Justice Environment & Natural Resources Division			
21	P.O. Box 756 Littleton, Colorado 80160			
22	4. I (or the entity on whose behalf I am acting) will retain all defenses or objection			
23	to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defe			
24	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.			
25	5. If I (or the entity on whose behalf I am acting) have retained an attorney to represe:			
26	me in these proceedings. I identify that attorney below, along with his or her mailing addres			
27	telephone number, and facsimile number:			
28				

Case 3:73	GV-00127-MMD-CSD Attorney:	Document 650 Filed 05/09/2005 Page 90 of
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3	Address:	•
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· <del>·</del> 6	Phone Number:	
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8		Haw But
9		(Signature)
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11		Sharon L. Burnet
12		(Printed or typed Name)
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15		(Entity, if any, on whose behalf you are appearing)
16		16 Crosby Lang
17		Smith, NV894
18		(Address) 775-465-2141
19		(Telephone number)
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# Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 91 of 38 WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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

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Date: 3- 22-05

Signature

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

acting as: \_\_\_\_\_
(Title)

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

(Corporate, Trust, Partnership or other entity)

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

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

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

# Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 92 of 38

2 IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA 3 UNITED STATES OF AMERICA. 4 Plaintiff. 5 WALKER RIVER PAILTE TRIBE. IN EQUITY NO. C-125 6 Plaintiff-Intervenor. SUBFILE NO. C-125-B 7 VS. 8 WALKER RIVER IRRIGATION DISTRICT. a corporation, et al., NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE 10 11 1. I hereby enter my appearance in this sub-proceeding in this case. 12 2. I am filing this document with the District Court at the following address: 13 Chief Deputy Clerk 14 United States District Court for the District of Nevada 15 400 South Virginia Street, Su te 301 Reno, Nevada 89501 16 3. In the envelope provided for return of my Waiver of Service of Notice in Lieu c Summons, I am mailing a copy of this document to: 13 Susan L. Schneider Attorney for the United States of America 19 United States Department of Justice Environment & Natural Resources Division 20 P.O. Box 756 Littleton, Colorado 80160 21 22 I (or the entity on whose behalf I am acting) will retain all defenses or objection to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defecin the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons. 24 If I (or the entity on whose behalf I am acting) have retained an attorney to represen 25 me in these proceedings. I identify that attorney below, along with his or her mailing address. telephone number, and facsimile number: 27 2.8

NOTICE OF APPEARANCE AND INTENT 10 PARTICIPATE, page 1 of 2

Case 3:73	-CV-00127-MMD-CSD Attorney:	Document 650 Filed 05/09/2005 Page 93 of
2		
3	Address:	
4		
5		•
6	Phone Number:	
7	Fax Number:	
8		Harma & Cabral
9		(Signature)
10		0.11
11		NORMA J CADRAL
12		(Printed or typed Name)
13		Trustee,
14		Joseph P. & Norma J. Cabral 2002 Revocable Living Trust
15		(Entity, if any, on whose
16		behalf you are appearing)
17		
18		(Address) Welling
19		(Telephone number)
20		(Telephone number) 175-465-2082
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27		

## Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 94 of 38

# WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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Date:  $\frac{2 - 22 - 05}{}$ 

JOSEPH P CARRAL SR .

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

acting as: \_\_\_\_\_\_\_of

(Title)

Loseph P. & Norma J. Cabral 2002 Revocable Living Trus (Corporate, Trust, Partnership or other entity)

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

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	ıl			
	IN THE UNITED STATES FOR THE DISTRIC			
	UNITED STATES OF AMERICA,	)		
	Plaintiff.	)		
	WALKER RIVER PAIUTE TRIBE.	) IN EQUITY NO. C-125		
	Flaintiff-Intervenor,	) SUBFILE NO. C-125-B		
7	vs.	)		
9	WALKER RIVER IRRIGATION DISTRICT,	) ) )		
10	NOTICE OF APPEARANCE AND	INTENT TO PARTICIPATE		
11				
12				
13	2. I am filing this document with the Di	strict Court at the following address:		
14	Chief Deputy Clerk United States District Court for the			
15	District of Nevada 400 South Virginia Street, Suite 301			
16	Reno, Nevada 89501			
17		fmy Waiver of Service of Notice in Lieu c		
13	Summons, I am mailing a copy of this document to:			
<b>;</b> 9	Susan L. Schneider Attorney for the United States of Ame	erica		
20	United States Department of Justice Environment & Natural Resources Di	vision		
21	P.O. Box 756 Littleton, Colorado 8016G			
22	4. I (or the entity on whose behalf I am acting) will retain all defenses or objections			
23	to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defec			
24	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.			
25	5. If I (or the entity on whose behalf I am ac	ting) have retained an attorney to represent		
26	me in these proceedings, I identify that attorney belo	w, along with his or her mailing address.		
7	telephone number, and facsimile number:			
3				

NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 1 of 2

#### -cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 96 of 38 Case 3:73 Attorney: 2 Address: 3 4 5 Phone Number: 6 Fax Number: 7 Joseph & Call h 8 (Signature) 9 10 JOSEPH P CABRAL SR 11 (Printed or typed Name) 12 13 Trustee, Joseph P. & Norma J. Cabral 2002 Revocable Living Trust 14 (Entity, if any, on whose 15 behalf you are appearing) 16 PO Box 82 WELLINGTON NV 8944 17 (Address) 18 775-465 2082 19 (Telephone number) 20 21 22 23 24 25 26 27 28

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER - DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.

5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsu	iit
or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu	of
Summons or in the service of the Notice in Lieu of Superiors	-1

Date: MARCH 18, 2005

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

acting as: TRUSTEE of

The Bill E. CARLEUN And Shapen M. CARLEW Family Trust. (Corporate, Trust, Partnership or other entity)

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

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

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

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

J		
2	FOR THE DISTRICT (	DISTRICT COURT OF NEVADA
3	UNITED STATES OF AMERICA,	)
4	Plaintiff,	) )
5	WALKER RIVER PAIUTE TRIBE,	) IN EQUITY NO. C-125
6	Plaintiff-Intervenor,	) SUBFILE NO. C-125-B
7	vs.	) )
8 9	WALKER RIVER IRRIGATION DISTRICT,	
10	NOTICE OF APPEARANCE AND INT	TENT TO PARTICIPATE
11		
12	1. I hereby enter my appearance in this sub	
13	2. I am filing this document with the Distri	ct Court at the following address:
14	Chief Deputy Clerk United States District Court for the	
15	District of Nevada 400 South Virginia Street, Suite 301 Reno, Nevada 89501	
16	3. In the envelope provided for return of m	w Waiver of Service of Nation in Title
17	Summons. I am mailing a copy of this document to:	y waiver of Service of Notice in Lieu of
18	Susan L. Schneider	
19	Attorney for the United States of Americ United States Department of Justice	a
20	Environment & Natural Resources Divis P.O. Box 756	ion
21	Littleton, Colorado 80160	
22	4. I (or the entity on whose behalf I am activ	ng) will retain all defenses or objections
23	to the lawsuit or to the jurisdiction or venue of the court	except for objections based on a defect
24	in the Notice in Lieu of Summons or in the service of the	Notice in Lieu of Summons.
25	5. If I (or the entity on whose behalf I am actin	g) have retained an attorney to represent
26	me in these proceedings, I identify that attorney below,	along with his or her mailing address,
27	telephone number, and facsimile number:	
28		
- 11		

### -cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 99 of 38 1 Attorney: 2 3 Address: 4 5 Phone Number: 6 7 Fax Number: 8 9 (Signature) 10 Bill E. CARLSON-TrusTa 11 (Printed or typed Name) 12 The Bill E. CARLSON and Shano. 13 M. CARLSON FAMILY TRUST. 14 (Entity, if any, on whose 15 behalf you are appearing) 16 195 Hudson Autora Ra 17 (Address) 1.8 775- 465-2148 19 (Telephone number) 20 21 22 23 24 25 26 27

28

## Case 3:73-cv-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 100 of 3

# WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000). two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER FAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan I. Schneider, attorney for the United States, and I may use the same envelope provided for return of the wai /er of service.
- 5. I (or the entity on whose behalf I am acting) will reta n all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: MARCH 16-2005

Signature

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as:

(Title)

(Corporate, Trust, Partnership or other entity)

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

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

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

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

1		
2	IN THE UNITED STATES D FOR THE DISTRICT O	ISTRICT COURT
3	UNITED STATES OF AMERICA.	)
4		\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \
5		) ) ) Di FOLUTY NO C 126
6		) IN EQUITY NO. C-125
7	·	) SUBFILE NO. C-125-B
8	vs. WALKER RIVER IRRIGATION DISTRICT	
9	a corporation, et al.,	) )
10	NOTICE OF APPEARANCE AND INT	TENT TO PARTICIPATE
11	1. I hereby enter my appearance in this sub	
12	appointment of the sub-	
13		ct Court at the following address:
14	Chief Deputy Clerk United States District Court for the District of Nevada	
15	400 South Virginia Street, Suite 301 Reno, Nevada 89501	
16 17	3. In the envelope provided for return of m	y Waiver of Service of Notice in Lieu o
18	Summons. I am mailing a copy of this document to:	
19	Susan L. Schneider Attorney for the United States of Americ	а
20	United States Department of Justice Environment & Natural Resources Divis	
21	P.O. Box 756 Littleton, Colorado 80160	
22	4. I (or the entity on whose behalf I am action	ng) will retain all defenses or objections
23	to the lawsuit or to the jurisdiction or venue of the court	except for objections based on a defect
24	in the Notice in Lieu of Summons or in the service of the	e Notice in Lieu of Summons.
25	5. If I (or the entity on whose behalf) am actin	g) have retained an attorney to represent
26	me in these proceedings, I identify that attorney below,	along with his or her mailing address,
27	telephone number, and facsimile number:	
28		
	NOTICE OF ADDRADANCE AND ADDRAG	

# Case 3:78-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 102 of 3

1	Attorney:	
2		
3	Address:	
4		
5		
6	Phone Number:	
7	Fax Number:	2//
8		Biy 4. Gale
9		(Signature)
10		
11		Bill E. CARLSON
12		(Printed or typed Name)
13		
14		
15		(Entity, if any, on whose behalf you are appearing)
16		195 Hudson Aurora Rd.
17		Snith, NU 89430
18		(Address)
.9		775-465-2148 (Telephone number)
20		•
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2		
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5	•	
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- 11		

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be selved with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

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of

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

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

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

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

1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE DISTRICT OF NEVADA 3 UNITED STATES OF AMERICA. 4 Plaintiff. 5 WALKER RIVER PAIUTE TRIBE. IN EQUITY NO. C-125 6 Plaintiff-Intervenor. SUBFILE NO. C-125-B 7 VS. 8 WALKER RIVER IRRIGATION DISTRICT. 9 a corporation, et al., NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE 10 11 I hereby enter my appearance in this sub-proceeding in this case. 1. 12 I am filing this document with the District Court at the following address: 2. 13 Chief Deputy Clerk United States District Court for the 14 District of Nevada 15 400 South Virginia Street, Suite 301 Reno, Nevada 89501 16 In the envelope provided for return of my Waiver of Service of Notice in Lieu of 3. 17 Summons, I am mailing a copy of this document to: 18 Susan L. Schneider Attorney for the United States of America 19 United States Department of Justice 20 Environment & Natural Resources Division P.O. Box 756 21 Littleton, Colorado 80160 I (or the entity on whose behalf I am acting) will retain all defenses or objections 22 4. to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons. 24 If I (or the entity on whose behalf I am acting) have retained an attorney to represent 25 me in these proceedings, I identify that attorney below, along with his or her mailing address, 26 telephone number, and facsimile number: 27 28

NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 1 of 2

# Case 3:78-cv-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 105 of 3

1	Attorney:	
2		
3	Address:	
4		
5		
6	Phone Number:	
7	Fax Number:	$\sim$
8		Sparn M. Calsan
9		(Signature)
10		
11		Sharon M. CARLSON
12		(Printed or typed Name)
13		
14		
15		(Entity, if any, on whose
16		behalf you are appearing) 195 Hudson Autora Rd.
17		Smith NU 89420
18		(Address)
19		775-465-2148 (Telephone number)
20		, and provide the second secon
21		
22		
23		
24		
25	•	, <del>-</del>
26		
7		

# Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 106 of 3

1	
2	IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA
3	UNITED STATES OF AMERICA.
4	Plaintiff,
5	WALKER RIVER PAIUTE TRIBE. ) IN EQUITY NO. C-125
6	) Plaintiff-Intervenor, ) SUBFILE NO. C-125-B
7	vs.
8	WALKER RIVER IRRIGATION DISTRICT,
9	a corporation, et al.,
10	NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE
11	1. I hereby enter my appearance in this sub-proceeding in this case.
12	I am filing this document with the District Court at the following address:
13	Chief Deputy Clerk
14	United States District Court for the District of Nevada
15	400 South Virginia Street, Suite 301 Reno, Nevada 89501
16	3. In the envelope provided for return of my Waiver of Service of Notice in Lieu of
17	Summons. I am mailing a copy of this document to:
18	Susan L. Schneider
19	Attomey for the United States of America United States Department of Justice
20	Environment & Natural Resources Division P.O. Box 756
21	Littleton, Colorado 80160
22	4. I (or the entity on whose behalf I am acting) will retain all defenses or objections
23	to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect
24	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.
25	5. If I (or the entity on whose behalf (am acting) have retained an attorney to represent
26	me in these proceedings, I identify that attorney below, along with his or her mailing address,
27	telephone number, and facsimile number:
28	
	NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 1 of 2

Exhibit 32

## Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 107 of 3 Attorney: Address: Phone Number: Fax Number: (Signature) (Printed or typed Name) (Entity, if any, on whose behalf you are appearing) (Address) (Telephone number)

NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 2 of 2

## Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 108 of 3

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the wa ver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

	Kay Wilaua	
Date: 3 -/8 - 05	Signatures (1) (arrosco)	
	Printed/Typed Name	
	If you are acting on behalf of any entity, identify that	you are
	acting as:	of
	(Title)	
	(Corporate, Trust, Partnership or other entity)	

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

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

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

## Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 109 of 3

1		
2	IN THE UNITED STATES DEFOR THE DISTRICT O	ISTRICT COURT OF NEVADA
3	UNITED STATES OF AMERICA.	· )
4	Plaintiff.	)
5	WALKER RIVER PAIUTE TRIBE,	) IN EQUITY NO. C-125
6	Plaintiff-Intervenor,	) SUBFILE NO. C-125-B
7	vs.	) )
8	WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,	) ) )
10	NOTICE OF APPEARANCE AND INT	TENT TO PARTICIPATE
11		
12	1. I hereby enter my appearance in this sub	
13	2. I am filing this document with he Distri	ict Court at the following address:
14	Chief Deputy Clerk United States District Court for the District of Nevada	
15	400 South Virginia Street, Suite 301 Reno, Nevada 89501	
16	3. In the envelope provided for return of m	ny Waiver of Service of Notice in Lieu of
17	Summons, I am mailing a copy of this document to:	
13	Susan L. Schneider	
19	Attorney for the United States of Americ United States Department of Justice	
20	Environment & Natural Resources Division P.O. Box 756	sicn
21	Littleton, Colorado 80160	
22		ing) will retain all defenses or objections
23	to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect	
24	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.	
25	5. If I (or the entity on whose behalf I am acti	ing) have retained an attorney to represent
26	me in these proceedings, I identify that attorney below	v, along with his or her mailing address.
27	telephone number, and facsimile number:	
28		
	NOTICE OF APPEARANCE AND INTENT 'O FART	ICIPATE, page 1 of 2

## Case 3:73-cv-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 110 of 3 Attomey: Address: Phone Number: Fax Number: (Printed or typed Name) (Entity, if any, on whose behalf you are appearing) (Telephone number)

NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 2 of 2

## Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 111 of 3

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.

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

Date: 3-23-05

Signature

Lawrence B. Masini

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

acting as: Yus. of

(Title)

(Corporate, Trust, Partnership or other entity)

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

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

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## Case 3:73-cv-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 112 of 3

-			
2		IN THE UNITED STATES D FOR THE DISTRICT (	ISTRICT COURT OF NEVADA
3	UNITED S'	TATES OF AMERICA.	)
4		Plaintiff.	) )
5	WALKER	RIVER PAIUTE TRIBE.	) IN EQUITY NO. C-125
6		Plaintiff-Intervenor,	) SUBFILE NO. C-125-B
7	vs.	1 1000000000000000000000000000000000000	, ) )
8	<u>.</u>		ĺ
9	WALKER I	RIVER IRRIGATION DISTRIC'T, on. et al.,	}
10		NOTICE OF APPEARANCE AND IN	TENT TO PARTICIPATE
11	1.	I hereby enter my appearance in this sub	p-proceeding in this case.
12	2.	I am filing this document with the Distr	ict Court at the following address:
13		Chief Deputy Clerk	
14		United States District Court for the	
15		District of Nevada 400 South Virginia Street, Suite 301 Reno, Nevada 89501	
16	3.	In the envelope provided for return of m	y Waiver of Service of Notice in Lieu c
17	Summons, I	am mailing a copy of this document to:	
13		Susan L. Schneider	
19		Attorney for the United States of American United States Department of Justice	ca
20		Environment & Natural Resources Divis P.O. Box 756	sion
21		Littleton, Colorado 80160	
22	4.	I (or the entity on whose behalf I am act	ing) will retain all defenses or objection
23	to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defec		
24	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.		
25	5.	If I (or the entity on whose behalf I am acti	ng) have retained an attorney to represen
26	me in these	proceedings, I identify that attorney below	, along with his or her mailing address
27	telephone nu	imber, and facsimile number:	
28			
	NOTICE	E OF APPEARANCE AND INTENT TO PARTI	CIPATE, page 1 of 2

## Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 113 of 3 Attorney: Address: Phone Number: Fax Number: (Signature) B. Masini (Printed or typed Name) Pres. Casino West (Entity, if any, on whose behalf you are appearing) (Telephone number)

## Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 114 of 3

### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*. which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the D strict of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the wa ver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 3 - 15 - 05	Signature HELEN Chase	
	Printed/Typed Name	
	If you are acting on behalf of any entity, identify that you	are
	4!	of
	(Title)	
	(Corporate, Trust, Partnership or other entity)	

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

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

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

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

# Case 3:78-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 115 of 3

-		
2	IN THE UNITED STATES DIST FOR THE DISTRICT OF	
3	UNITED STATES OF AMERICA.	
4	Plaintiff.	
5	WALKER RIVER PAIUTE TRIBE.	IN EQUITY NO. C-125
6	Plaintiff-Intervenor, )	SUBFILE NO. C-125-B
7	vs.	
9	WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,	
10	NOTICE OF APPEARANCE AND INTE	NT TO PARTICIPATE
11	1. I hereby enter my appearance in this sub-pr	roceeding in this case.
12	2. I am filing this document with the District	Court at the following address:
13	Chief Deputy Clerk United States District Court for the	
15	District of Nevada 400 South Virginia Street, Suit: 301 Reno, Nevada 89501	
16	3. In the envelope provided for return of my V	Waiver of Service of Notice in Lieu of
17	Summens, I am mailing a copy of this document to:	
18	Susan L. Schneider	
19	Attorney for the United States of America United States Department of Justice	
20	Environment & Natural Resources Division P.O. Box 756	n
21	Littleton, Colorado 80160	
22	4. I (or the entity on whose behalf I am acting	
23	to the lawsuit or to the jurisdiction or venue of the court ex	xcept for objections based on a defect
24	in the Notice in Lieu of Summons or in the service of the I	Notice in Lieu of Summons.
25	5. If I (or the entity on whose behalf I am acting)	have retained an attorney to represent
26	me in these proceedings, I identify that attorney below, al	long with his or her mailing address,
27	telephone number, and facsimile number:	
28		
	\$1	

## Case 3:73-cv-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 116 of 3 Attorney: Address: Phone Number: Fax Number: (Signature) (Printed or typed Name) (Entity, if any, on whose behalf you are appearing) (Telephone number)

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## Case 3:73-cv-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 118 of 3

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000) two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan ... Schneider, attorney for the United States, and I may use the same envelope provided for return of the wa ver of service.

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

Date: 3-12-05

rischartar C

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

acting as:

(Title)

(Corporate, Trust, Partnership or other entity)

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

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

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

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

## Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 119 of 3

-		
2	IN THE UNITED STATES D FOR THE DISTRICT C	ISTRICT COURT OF NEVADA
3	UNITED STATES OF AMERICA.	)
4	Plaintiff.	) )
5	WALKER RIVER PAIUTE TRIBE.	IN EQUITY NO. C-125
6	Plaintiff-Intervenor,	SUBFILE NO. C-125-B
7	vs.	) )
9	WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,	
10	NOTICE OF APPEARANCE AND IN	TENT TO PARTICIPATE
11	1 Therefore and the ship gub	proceeding in this case
12	1. I hereby enter my appearance in this sub	
13	2. I am filing this document with the Distri	ict Comt at the following address.
14	Chief Deputy Clerk United States District Court for the District of Nevada	
15	400 South Virginia Street, Suite 301 Reno, Nevada 89501	
16	<ol> <li>In the envelope provided for return of m</li> </ol>	y Waiver of Service of Notice in Lieu
17	Summons, I am mailing a copy of this document to:	
13	Susan L. Schneider	
19	Attorney for the United States of Americ United States Department of Justice	
20	Environment & Natural Resources Divis P.O. Box 756	sion
21	Littleton, Colorado 80160	
22	4. I (or the entity on whose behalf I am acti	
23	to the lawsuit or to the jurisdiction or venue of the cour	
24	in the Notice in Lieu of Summons or in the service of the	
25	5. If I (or the entity on whose behalf I am acti-	·• •
26	me in these proceedings. I identify that attorney below	, along with his or her mailing address
27	telephone number, and facsimile number:	
28		
	NOTICE OF APPEARANCE AND INTENT TO PARTI	CIPATE, page 1 of 2

	•	-cy-00127-MMD-CSD Docu Attorney:	ment 650 Filed 05/09/2005 Page 120 of 3
,	1	Attorney.	
	2	Address:	
	3	, (64.00)	
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	6	Phone Number:	
	7	Fax Number:	
	8		21-10cher
	ِ و		(Signature)
	10		
	11		DAVIS G-CHICEDTE
	12		(Printed or typed Name)
	13		
	14		
	15		(Entity, if any, on whose behalf you are appearing)
	16		283/ Hu/208
	17		WELLINGTON, HUNGGUY
	18		(Address)  105465. 9065
	19		(Telephone number)
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		NOTICE OF APPEARANCE AND IN	TENT TO PARTICIPATE, page 2 of 2

## Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 121 of 3

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

#### Susan L. Schneider, attorney for the United States of A nerica TO:

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER FAILITE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan I. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objection; based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 3/16/03

If you are acting on behalf of any entity, identify that you are

acting as: President.
(Title)
Chiszim Inc.

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

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

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

## Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 122 of 3

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
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- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 3/19/05

thains

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

acting as: \_

(Title)

(Corporate, Trust, Partnership or other entity)

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

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

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

## Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 123 of 3

1		
2	IN THE UNITED STATES D FOR THE DISTRICT C	ISTRICT COURT OF NEVADA
3	UNITED STATES OF AMERICA.	)
4	Plaintiff.	) )
5	WALKER RIVER PAIUTE TRIBE.	) IN EQUITY NO. C-125
6	Plaintiff-Intervenor,	) ) SUBFILE NO. C-125-B
7	vs.	
8	WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,	
10	NOTICE OF APPEARANCE AND IN	TENT TO PARTICIPATE
11		
12	1. I hereby enter my appearance in this sub	
13	2. I am filing this document with the Distri	ict Court at the following address:
14	Chief Deputy Clerk United States District Court for the District of Nevada	
15	400 South Virginia Street, Suite 301 Reno, Nevada 89501	
16	3. In the envelope provided for return of m	y Waiver of Service of Notice in Lieu of
17	Summons. I am mailing a copy of this document to:	
18	Susan L. Schneider	
19	Attorney for the United States of Americ United States Department of Justice	
20	Environment & Natural Resources Division P.O. Box 756	sion
21	Littleton, Colorado 80160	
22	4. I (or the entity on whose behalf I am act	ing) will retain all defenses or objections
23	to the lawsuit or to the jurisdiction or venue of the cour	t except for objections based on a defect
24	in the Notice in Lieu of Summons or in the service of the	ne Notice in Lieu of Summons.
25	5. If I (or the entity on whose behalf I am acti	ng) have retained an attorney to represent
26	me in these proceedings, I identify that attorney below	, along with his or her mailing address,
27	telephone number, and facsimile number:	
28		

Case 3:7	3-cv-00127-MMD-CSD Docum	ent 650 Filed 05/09/2005 Page 124
2		
3	Address:	
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5	•	
6	Phone Number:	
7	Fax Number:	$\mathcal{J}_{0}$ = 0
8		Same C. Cis
9		(Signature)
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11		ELAINE C. CID
12		(Printed or typed Name)
13		
14		
15		(Entity, if any, on whose
16		behalf you are appearing)
17		1403 Hwy 208
18		(Address) 33 987
19		(Telephone number)
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### Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 125 of 3

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, v/hich is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 3/10/05

Signature

HARK N. HARIGHI

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as: TRUSTEE of

(Title)

WILLIAM G. CREMETT! TRUST

(Corporate, Trust, Partnership or other entity)

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

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

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

## Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/20 005 Page 126 of 3 LYON COUNTY, NEV. RECORD REQUESTED BY

Title Service & Escrow Co.

03 OCT 24 PM 3:57

MARY C. HILLIGAN

COUNTY RECORDER

A.P. No.

012-361-18

Escrow No.

142-2095988-NMP/TSL-25733

R.P.T.T.

\$130.00 390.00

WHEN RECORDED MAIL TO:

Michael F. Neeper and Sandra M. Neeper 199 8th Street

Norco, CA 92860

MAIL TAX STATEMENT TO:

Neeper

199 8th Street Norco, CA 92860

GRANT, BARGAIN and SALE DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

Donald G. Cutler and Dee Ann Cutler, husband and wife as joint tenants

do(es) hereby GRANT, BARGAIN and SELL to

Michael F. Neeper and Sandra M. Neeper, husband and wife as joint tenants with right of survivorship

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

#### See Exhibit "A"

TOGETHER with all tenements, hereditaments and appurtenances, including easements and water rights, if any, thereto belonging or appertaining, and any reversions, remainders, rents, issues or profits thereof.

Date: 09/17/2003

306988

Exhibit 41

## Case 3:73-cv-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 127 of 3

Donald G. Cutler

Dee Ann Cutler

## Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 128 of 3

STATE OF NEVADA	)
	: ss.
COUNTY OF	)
DOUGLAS	•
This instrument was as	rknowledged before me on
This instrument was at	cknowledged before me on
	<u>みつ003</u> by
	d Dee Ann Cutler.
11-11-A-1	A
	tary Public /
1/0	
(My commission explre	

NOTARY PUBLIC
STATE OF NEVADA
County of Douglas
N. PETERSON
My Appointment Expires March 28, 2006

## Case 3:73-cv-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 129 of 3

#### LEGAL DESCRIPTION

All that certain real property being a portion of the N 1/2 of SW 1/4 and SE 1/4 of SW 1/4 of Section 22 and a portion of NE 1/4 of NW 1/4 of Section 27, T 12 N, R 25 E, M.D.B.&M., also being a portion of Parcel A of Map No. 168510 Lyon County, Nevada, described as follows:

Parcel 3, as shown on the Parcel Map for Fonald G. Cutler and Dee Anne Cutler, recorded in the Official Records of Lyon County, Nevada, on March 31, 1995 as Document No. 180740.

3e^470

#### Case 3:73-cv-00127-MMD-CSD Document 650 File 4.05/MF **開盟**005 Page 130 of 3

RECORD REQUESTED BY

WESTERN TITLE CO. INC.

03 OCT 17 AM 10: 34

MARY C. HILLIGAN

COUNTY RECORDER

APN: 12-361-20 RPTT \$351,00

WHEN RECORDED MAIL TO: STEVEN TOMAC

Name Street

39 panavista CIRCLE

Address City, State

Zip

MAIL TAX STATEMENTS TO:

Name Street STEVEN TOMAC SAMe

Address City, State

Zip Order

7131 LJI -112- LJI

No.

(SPACE ABOV & THIS LINE FOR RECORDERS USE)

#### JOINT TENANCY DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, DONALD G CUTLER and DEE ANNE CUTLER, husband and wife as joint tenants do(es) hereby GRANT, BARGAIN and SELL to STEVEN TOMAC and LAURA TOMAC, husband and wife as joint tenants with right of survivorship, and not as tenants in common, the real property situate in the. County of Lyon, State of Nevada bounded and described as follows:

See Exhibit A attached hereto and made a part hereof.

Together with all tenements, hereditaments and appurtenances, if any, thereto belonging or appertaining, and any revisions, remainders, rents, issues or profits thereof.

Dated: August 19, 2003

STATE OF NEVADA

}ss

This instrument was acknowledged before me on

SHERRY TIMM

Notary Public - State of Nevada Appointment Recorded in Lyon County

No: 01-71616-12 - Expires October 25, 2005

## Case 3:73-cv-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 131 of 3

#### Exhibit A

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

All that certain real property being a portion of the N  $\frac{1}{2}$  of SW  $\frac{1}{4}$  And SE  $\frac{1}{4}$  of SW  $\frac{1}{4}$  of Section 22 and a portion of NE  $\frac{1}{4}$  of NW  $\frac{1}{4}$  of Section 27, T 12 N, R 25 E, M. D. B.& M., Lyon County, Nevada, Being a portion of:

Parcel A, as shown on the Parcel Map for Joseph William Tibbals, recorded in the Official Records Of Lyon County, Nevada, on January 21, 1994, as Document No. 168103, and by Certificate of Amendment, recorded February 7, 1994, as Document No. 168510.

More particularly described as follows:

Parcel 1, as shown on the Parcel Map for Donald G. Cutler and Dea Anne Cutler, recorded in the Official Records of Lyon County, Nevada, on March 31, 1995, as Document No. 180740.

Case 3:73-cv-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 132 of 3

LYON COUNTY, NEV. RECORD REQUESTED BY

A.P.N.:

012-361-19

File No:

142-2:115692 (NMP) /TSL-2-2347

R.P.T.T.:

\$2,281,50

Title Service & Escrow Co. 04 FEB 18 PM 3: 08

MARY C. HILLIGAN COUNTY RECORDER

FEE 16 DEP. ICK

When Recorded, Mail Tax Statements To: Gregg E. Lubbe and Sheliy Lubbe 9 Nordyke Road Yerington, NV

#### GRANT, BARGAIN and SALE DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby act nowledged,

Wachovia Bank NA fka First Union National Bank

do(es) hereby GRANT, BARGAIN and SELL to

Gregg E. Lubbe and Shelly Lubbe, husband and wife as joint tenants  $\mathbf{M}_\bullet$ 

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

#### See Exhibit "A"

TOGETHER with all tenements, hereditaments and appurtenances, including easements and water rights, if any, thereto belonging or appertaining, and any reversions, remainders, rents, issues or profits thereof.

Date: 01/27/2004

## Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 133 of 3

Wachovia Bank NA fka First Union National Bank	
By: Byron M- Jinnen, Assistant Vice President	Sept. Market
STATE OF North Carolina; ss.	
This instrument was acknowledged before me on Wachovia Bank NA fka First Union National I	February 13, 2004 by
Hurndolyn H. Carothers	
My commission expires:	NC

## Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 134 of 3

#### LEGAL DESCRIPTION

All that certain real property being a portion of the N 1/2 of SW 1/4 and SE 1/4 of SW 1/4 of Section 22 and a portion of NE 1/4 of NW 1/4 of Section 27, T 12 N, R 25 e, M.D.B.&M., also being a portion of Parcel A of Map No. 168510, Lyon County, Nevada, described as follows:

Parcel 2, as shown on the Parcel Map for Donald G. Cutler and Dee Anne Cutler, recorded in the Official Records of Lyon County, Nevada, on March 31, 1995 as Document No. 180740.

ATION DISTRICT	NEVADA
WALKER RIVER	YERING:, I

Division #:

12 00 MI E Case 3:7 D-CSD Document 650 Filed 05/09/2005 Page 135 WRID 06/30/04 FM 372A-3 12-361-18 DAGW 1411 182 Donald G. & Dee Ann Cutler, husband and wife as Joint Tenants to Michael F. & Sandra M. Neeper, husband and wife as Joint Tenants Lyon County No. Non Wtr Rt. Acres Acre Feet Storage Water Rt. Acres TOTAL ACRES ndex No. Claim No. 01/20/04 - Transferred from card #11604 - Cutler User# Offich # ME C 162 162 162 162 162 162 162 162 8 182 162 162 00 BRIDGEPORT RES Supplement to Order Approving Sale of Real Property Free & Clear of Liens & Encumbrances ACRE FEET Joseph William Tibbals aka Joseph W. Tibbals to Donald G. & Dee Anne Cutter, H&W as J.T. QC Deed - Carol Tibbals to Joseph William Tibbals, as his sole & separate property. 13.76 COMMENTS: Order Approving Sale of Real Property Free & Clear of Liens & Encumbrances TOPAZ RES ACRE FEET APPORTIONED ACRE FEET Joseph W. Tibbals to Helen Coxhead MacFarland (20 Ac.) A Parcel Map for Joseph William Tibbals (Parcel A). 13.751 000 000. 000 000 8 8 .043 000 486 .183 12.705 268 077 TOTAL ACRE FEET REQUIRED Parcel Map for Donald G. & Dee Ann Cutler. Kay H. Bunn to Joseph W. & Carol Tibbals. Joseph William Tibbals to Carol Tibbals. Carol Tibbals to Joseph W. Tibbals. 3485 697 .9504 1.0771 2.0692 2534 PER ACRE STORAGE 30 34 DAYS F 22 99 DESCRIPTION 4.2768 4.2768 4.2768 4.2768 4.2768 4.2768 4.2768 4.2768 4.2768 4.2768 4.2768 DUTY 4.2788 4.2768 4.2768 Michael F. & Sandra M. Neeper C-125, P.: 46; J.i. Wilson 350 350 380 2.640 460 3.290 170 740 110 170 ACRES 510 6.170 4.130 20.010 10/24/03 10/24/03 10/24/03 03/05/82 12/10/73 06/24/81 09/06/84 01/21/94 03/31/95 06/29/94 06/29/94 DATE Norco, CA 92860 Fi. S 1/2 of SW 1/4, Sec. 22; Fr. NE 1/4 of NE 1/4, Sec. 27; T. 12 N. R. 25 E. 199 8th St. 155 900 900 .042 .063 603 .012 .002 007 800 50 Exhibit 42 36275 Parcel 3 of PM 180740 #70027 & # 70028 FORE DESCRIPTION: DOCUMENT HISTORY Court Decree; DOCUMENT # PRIORITY TOTAL #168103 #180740 #172992 Address #172991 #306986 NEWL #17193 #88208 #306987 #306988 EXCL Card #: Name: 1862 1863 1864 1868 1869 1872 1875 1877 1890 1903 #61467 1861 67.93

of 3

ATION DISTRICT .. NEVADA WALKER RIVER

YERING,

Jivision #:

Card #:

Name:

Steven & Laura Tomac

39 Panavista Cr.

Address

Case 3:7

D& GW 2107 162

디C

FM-372A1 12-361-20

index No.

Lyon County No.

Claim No. User #

Yerington, NV 89447

C-125, P. 46; J.I. Wilson Court Decree:

PRIORITY	E C	9000	2	DAYS	ACRE FEET	EET REQUIRED	ACRE FEET	TOPAZ RES.	BRIDGEBORT RES			
			3	STORAGE	PER ACRE	TOTAL	APPORTIONED	ACRE FEET	ACRE FEET	CLAIM #	TOTAL ACRES	
1861	.009	.570	4.2768			000				162		
1862	900	.360	4.2768			000				162	Water Rt. Acres	
1863	900	.350	4.2768			000				162	Non Wtr Rt. Acres	
1864	900.	.340	4.2768			000				162		
89	.042	2.640	4.2768			000				102		
69	700.	.480	4.2768			000				163	Acre Feet Storage	
1872	.053	3.290	4.2768			000				182		
7.6	.003	.170	4.2768	æ	2634	043				162		
77	.012	.740	4.2768	=	.3485	.258				162		
79	.002	011.	4.2768	22	769.	710.				701		
1890	800.	.510	4.2768	30	9504	485				707		
1903	.003	170	4.2768	34	1.0771	183				162		
NEWL		6.170	4.2768	65	2.0592	12.710				701		
EXCL		4.130	4.2768			000						
TOTAL	156	20.000				13.756	13.76	13.76	00.			

Fr. N 1/2 of SW 1/4, Sec. 22; T. 12 N., R. 25 E. Parcel 1 of PM 180740 DOCUMENT HISTORY

1/20/04 - Transferred from card #11602 - Cutter

WRID 06/30/04 Donald G. & Dee Anne Cutler, husband and wife as Joint Tenants to Steven & Laura Tomac, husband and wife as Joint Tenants Supplement to Order Approving Sale of Real Property Free & Clear of Liens & Encumbrances Joseph William Tibbals aka Joseph W. Tibbals to Donaid G. & Dee Anne Cutler, H&W as J.T. QC Deed Carol Tibbals to Joseph William Tibbals as his sole & separate property. Order Approving Sale of Real Property Free & Clear of Liens & Encumbrances Joseph W. Tibbals to Helen Coxhead MacFarland (20 Ac.). A parcel map for Joseph William Tibbals (Parcel A). Parcel Map for Donald G. & Dee Anne Cutler. Kay H. Bunn to Joseph W. & Carol Tibbals. Irrigation & Drainage Easement Agreement Joseph William Tibbals to Carol Tibbals. Carol Tibbals to Joseph W. Tibbals, DESCRIPTION 06/29/94 10/24/03 03/06/82 DATE 10/17/03 12/10/73 09/06/84 01/21/94 06/29/94 03/31/95 10/24/03 10/60/90 06/24/81 #70027 & #70028 DOCUMENT # #172991 #168103 #172992 #180740 #306470 #306986 #322776 #17193 #88208 #306987 #61467

650 Filed, 05/09/2005

Page

36 of 3

N DISTRICT	
I IHMIGATION	
WALKER RIVER	

1.27   1.27	Card #; Name:	First Uni	First Union National Bank	1		ŀ						Index No.	TM-3/2/A2
C-118. P. 44, 3.1 Wilton   C-118. P. 44, 3.1 W	Address:	Wells Fa	rgo Home Morti tevlew Boulevar	gage Inc. rd								Lyon County No. Claim No. User #	162
Control   Carrol   Carrol   Days   Carrol	Court Decree:		, SC 29716 46; J.I. Wilson			ĺ						Offich	DEGW
1310   42758	PRIORITY	0.7.8	ACRES	PUT	BAYE	AGRIPHE	REQUIRED	AGRETIEET	TOPAL RES.	PRIDGEFORT RES.		Total March	
182   182	1361	014	9.80	4 2768		400		O WOLL	ACRE FRET	ACRE PELT			
1210   121   1210   121   1210   121   1210   121   121   1210   121   1210   121   1210   121   1210   1	1862	600	069	4.2788	i		200				162	Wilber Rt. Agres	
1210   1210	1863	600	069	4.2768			999				162		1
12   12   12   12   13   14   15   15   15   15   15   15   15	1864	600	000	4.2768							29.		
12.00   12.00   15.20   12.78   8   2.834   073   182   182   182   19	1868	270.	4.620	4.2768			000				2		
10   10   10   10   10   10   10   10	1869	.012	7.80	4.2768			000				791	Aera Feet Sterage	
1270   1276   1284   11   1348   1413   162   162   162   163	1872	000	6.640	4.2768			000				70.		
1270   1270   1278   11   3486   443   198   1	1876	.00	.280	4.2768		.2634	073				701		
10   10   10   10   10   10   10   10	1877	.020	1.270	4.2768	+	3486	707				701		
1014   1880   4,2768   34   1,0771   312   1982	1879	603	200	4.2768	22		.139				70.		
10 570   1.216   1.0570   4.2768   86   2.0692   2.1768   1.0570   1.0570   4.2768   86   2.0692   2.1768   1.000   2.3.67   2.	1890	0	918	4.2768	20	2	. 636				701		
10.570   4.2768   86   2.0552   21.766	1903	900	.290	4.2768	3	1.0771	.312				163		
7.070   4.2788	NEWL.		10.570	4.2768	100	2.0692	21.766				•		
14, Sec. 22;   Committee   Description   D	EXCL	-	7.070	4.2768			000						
6 E.  DATE DESCRIPTION  12/10/73 Kay H. Bunn to Joseph W. & Carol Tibbala.  DESCRIPTION  12/10/73 Kay H. Bunn to Joseph W. Tibbala.  DESCRIPTION  12/10/73 Kay H. Bunn to Joseph W. Tibbala.  DESCRIPTION  DESCRIPTION  DESCRIPTION  12/10/73 Kay H. Bunn to Joseph W. Exerci Tibbala.  DESCRIPTION  DESCRIPTION	TOTAL	266	34.260				23.670	23.67	23.67	00.			
12/10/73 Kay H. Bunn to Joseph W. & Carol Tibbaia.  12/10/73 Kay H. Bunn to Joseph W. & Carol Tibbaia.  12/10/73 Kay H. Bunn to Joseph W. Tibbaia.  12/10/73 Carol Tibbaia to Keen Carol Tibbaia.  12/10/73 Carol Tibbaia to Helen Caxhead MacFarland (20 Ac.).  12/10/74 A Parcel Map for Joseph W. Tibbais, as his sole & separate Property.  12/10/74 A Parcel Map for Joseph W. Tibbais to Bonald G. & Dee Anne Cutler, H&W as J.T.  12/10/74 Joseph William Tibbais aka Joseph W. Tibbais to Donald G. & Dee Anne Cutler, H&W as J.T.  12/10/73 Description New York Donald G. & Dee Ann Cutler.  12/10/73 Trustee's Deed - Title Trust Deed Service Company as Trustee to First Union National Bank Trustee.	OAL DESCRIPTR	DM:										,	
12/10/73 Kay H. Bunn to Joseph W. & Carol Tibbala. 12/10/73 Kay H. Bunn to Joseph W. & Carol Tibbala. 12/10/73 Carol Tibbala to Joseph W. Tibbala. 12/10/73 Carol Tibbala to Helen Coxhead MacFarland (20 Ac.). 12/10/82 Carol Tibbala to Helen Coxhead MacFarland (20 Ac.). 12/10/83 A Parcel Map for Joseph William Tibbala, as his sole & separate Property. 12/10/83 Joseph William Tibbala aka Joseph W. Tibbala to Donald G. & Dee Anne Cutler, H&W as J.T. 12/10/83 Parcel Map for Donald G. & Dee Ann Cutler. 12/10/83 Trustee's Deed - Title Trust Deed Service Company as Trustee to First Union National Bank. Trustee	Fr. E 1/2 of S	W 1/4, Sec. 2 t. 26 E.	12;						Parcel 2 of	PM 180740 Fransferred fron	n card #1160	3 - Cuffee	
12/10/73 Kay H. Bunn to Joseph W. & Carol Tibbala.  12/10/73 Kay H. Bunn to Joseph W. & Carol Tibbala.  12/10/73 Carol Tibbala to Garol Tibbala.  03/06/82 Carol Tibbala to Joseph W. Tibbala.  08/06/84 Joseph W. Tibbala to Helen Coxhead MacFarland (20 Ac.).  01/27/94 A Parcel Map for Joseph William Tibbala (Parcel A).  06/29/94 GC Deed - Carol Tibbala aka Joseph William Tibbala to Donald G. & Dee Anne Cutler, H&W as J.T.  05/29/94 Joseph William Tibbala aka Joseph W. Tibbala to Donald G. & Dee Anne Cutler.  03/74/03 Trustee's Deed - Tile Trust Deed Service Corrpany as Trustee to First Union National Bank. Trustee the	CUMENT HISTO	RY:											
12/10/73 Kay H. Bunn to Joseph W. & Carol Tibbala.  6.470026 05/24/91 Joseph William Tibbala to Carol Tibbala.  6.670026 03/06/84 Joseph W. Tibbala to Helen Coxhead MacFarland (20 Ac.).  61/21/94 A Parcel Map for Joseph William Tibbala (Parcel A).  61/21/94 GC Deed - Carol Tibbala aka Joseph William Tibbala to Donald G. & Dee Anne Cutler, H&W as J.T.  63/74/03 Trustee's Deed - Tille Trust Deed Service Corrpany as Trustee to First Union National Bank. Trustee to	CUMENT &		DATE	DESCRIPTION									
6 #70028 O3/05/82 Carof Tibbals to Carol Tibbals.  O3/05/84 Joseph W. Tibbals to Helen Coxhead MacFarland (20 Ac.).  O1/21/94 A Parcel Map for Joseph William Tibbals (Parcel A).  O5/29/94 GC Deed - Carol Tibbals at Joseph William Tibbals, as his sole & separate Property.  O5/29/94 GC Deed - Carol Tibbals at Joseph William Tibbals to Donald G. & Dee Anne Cutler, H&W as J.T.  O3/71/95 Parcel Map for Donald G. & Dee Ann Cutler.  O2/14/03 Trustee's Deed - Title Trust Deed Service Correany as Trustee to First Union National Bank. Trustee the	17193		12/10/73	Key H. Bui	in to Josep		lobala						
2. #70028  03/06/84  Joseph W. Tibbals to Helen Coxhead MacFarland (20 Ac.).  01/21/84  A Parcel Map for Joseph William Tibbals (Parcel A).  06/29/94  OGC Deed - Carol Tibbals aka Joseph William Tibbals, as his sole & separate Property.  06/29/94  Joseph William Tibbals aka Joseph W. Tibbals to Donald G. & Dee Anne Cutler, H&W as J.T.  03/21/95  Parcel Map for Donald G. & Dee Ann Cutler.  02/14/03  Trustee's Deed - Tile Trust Deed Service Correany as Trustee to First Union National Bank. Trustee the	51467		06/24/81	Joseph Wi	Illam Tibba		bels.						
08/06/84 Joseph W. Tibbals to Helen Coxhead MacFarland (20 Ac.). 01/21/84 A Parcel Map for Joseph William Tibbals (Parcel A). 06/29/94 GC Deed - Carol Tibbals to Joseph William Tibbals, as his sole & separate Property. 06/29/94 Joseph William Tibbals aka Joseph W. Tibbals to Donald G. & Dee Anne Cutler, H&W as J.T. 05/29/94 Parcel Map for Donald G. & Dee Ann Cutler. 02/14/03 Trustee's Deed - Title Trust Deed Service Correany as Trustee to First Union National Bank. Trustee to	•₫:	28	03/06/82	Carol Tibb	als to Jose	ph W. Tibbals.							
01/21/94 A Parcet Map for Joseph William Tibbais (Parcel A). 06/29/34 QC Deed - Carol Tibbais to Joseph William Tibbais, as his sole & separate Property. 06/29/34 Joseph William Tibbais aka Joseph W. Tibbais to Donald G. & Dee Anne Cutier, H&W as J.T. 03/31/36 Parcel Map for Donald G. & Dee Ann Cutier. 02/14/03 Trustee's Deed - Title Trust Deed Service Company as Trustee to First Union National Bank. Trustee to	38208		09/06/84	Joseph W.	Tibbals to	Helen Coxheac	1 MacFarland (2	20 Ac.1					
06/29/94 QC Deed - Carol Tibbals to Joseph William Tibbals, as his sole & separate Property. 06/29/34 Joseph William Tibbals aka Joseph W. Tibbals to Donald G. & Dee Anne Cutler, H&W as J.T. 03/34/95 Parcel Map for Donald G. & Dee Ann Cutler. 02/14/03 Trustee's Deed - Title Trust Deed Service Company as Trustee to First Union National Bank. Trustee the	169 103		01/21/94	A Parcel M	ap for Jose	iph William Tib	bals (Parcel A).	diam.					
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03/71/96 Parcel Map for Donald G. & Dee Ann Cutter, 02/14/03 Trustee's Deed - Title Trust Deed Service Company as Trustee to First Union National Bank. Trustee the	172992		06/28/94	Joseph Wi	Mary Tibba	Is aka Joseph	W. Tibbale to D.	onald G. & Dee	Anne Cutler He	.   3			
02/14/03 Trustee's Deed - Title Trust Deed Service Company as Trustee to First Union National Bank. Trustee the	180740		03/31/106	Parcel May	o for Donek	d G. & Dee Ann	Cutter.						
	00000		02/14/03	Trustee's !	Seed - Tille	Trust Deed Se	rvice Company	as Trustee to F	Irst Union Natio	nal Bank, Truste	e, the secon	d party	

## Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 138 of 3

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER - DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.

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

Date: 10/17/00

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

acting as: <u>Trustee</u>

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

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

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

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

## Case 3:73-cv-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 139 of 3

1	.	
2	FOR THE DISTRICT O	
3	UNITED STATES OF AMERICA.	
4	Plaintiff.	<b>)</b>
5	WALKER RIVER PAIUTE TRIBE.	IN EQUITY NO. C-125
6	Plaintiff-Intervenor,	SUBFILE NO. C-125-B
7	vs.	000111111110110111111111111111111111111
8	j	
9	WALKER RIVER IRRIGATION DISTRICT, ) a corporation. et al.,	
10	NOTICE OF APPEARANCE AND INT	ENT TO PARTICIPATE
11	1. I hereby enter my appearance in this sub-	proceeding in this case.
12	2. I am filing this document with the Distric	ct Court at the following address:
13	Chief Deputy Clerk	
14	United States District Court for the District of Nevada	
15	400 South Virginia Street, Saite 301 Reno, Nevada 89501	
16	3. In the envelope provided for return of my	Waiver of Service of Notice in Lieu
17	Summons. I am mailing a copy of this docu nent to:	
13	Susan L. Schneider	
19	Attorney for the United States of America United States Department of Justice	1
20	Environment & Natural Resources Divisi P.O. Box 756	on
21	Littleton, Colorado 80160	
22	4. I (or the entity on whose behalf I am actir	g) will retain all defenses or objectio
23	to the lawsuit or to the jurisdiction or venue of the court	except for objections based on a defe
24	in the Notice in Lieu of Summons or in the service of the	Notice in Lieu of Summons.
25	5. If I (or the entity on whose behalf I am actin	g) have retained an attorney to represe
26	me in these proceedings, I identify that attorney below,	along with his or her mailing addres
27	telephone number, and facsimile number:	
28		
	NOTICE OF APPEARANCE AND INTENT TO PARTIC	IPATE, page 1 of 2

## Case 3:73 cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 140 of 3 Attorney: Address: Phone Number: Fax Number: (Signature) (Printed or typed Name) (Entity, if any, on whose behalf you are appearing) (Telephone number)

## Case 3:73-cv-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 141 of 3

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation Distric', which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER - DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in I ieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susar L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 03 -17- 05

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

acting as Trustee of

Diehl Family 1999 Revocable Living Trust
(Corporate, Trust, Partnership or other entity)

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

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

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

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

## Case 3:73-cv-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 142 of 3

_			
2		IN THE UNITED STATES D FOR THE DISTRICT O	DISTRICT COURT OF NEVADA
3	UNITED ST.	ATES OF AMERICA.	)
4		Plaintiff.	)
5	WALKER RI	VER PAIUTE TRIBE,	) IN EQUITY NO. C-125
6		Plaintiff-Intervenor,	SUBFILE NO. C-125-B
7	vs.		) }
8 9	WALKER RI	VER IRRIGATION DISTRICT, et al.,	) ) )
10		NOTICE OF APPEARANCE AND IN	TENT TO PARTICIPATE
11			
12	1.	I hereby enter my appearant e in this sub	
13	2.	I am filing this document with the Distr	ict Court at the following address:
14		Chief Deputy Clerk United States District Court for the District of Nevada	
15		400 South Virginia Street, Suite 301 Reno, Nevada 89501	
16	3.	In the envelope provided for return of n	ny Waiver of Service of Notice in Lieu
17	Summons. I a	m mailing a copy of this document to:	
13		Susan L. Schneider Attorney for the United States of Ameri	ca
20		United States Department o Justice Environment & Natural Resources Divi P.O. Box 756	sion
21		Littleton, Colorado 80160	
22	4.	I (or the entity on whose behalf I am act	ing) will retain all defenses or objectio
23	to the lawsuit	or to the jurisdiction or venue of the cour	rt except for objections based on a defe
24	in the Notice i	in Lieu of Summons or in the service of t	he Notice in Lieu of Summons.
25	5 :	If I (or the entity on whose behalf I am acti	ng) have retained an attorney to represe
26	me in these p	roceedings. I identify that attomey below	, along with his or her mailing addres
27	telephone nun	nber, and facsimile number:	
28			
	NOTICE	OF APPEARANCE AND INTENI TO PARTS	CIPATE, page 1 of 2

3:73	-cy-00127-MMD-CSD	Document 650 Filed 05/09/2005 Page 143 of
1	Attorney:	
2		
3	Address:	
4		•
5		
- 6	Phone Number:	
7	Fax Number:	$\rightarrow$ 010.01
8		marote Diehl
9		(Signature)
10		
11		(Printed or typed Name)
12		Trustee of
13		Diehl Family 1999 Family Revocable Living Tru
14		Entity, if any, on whose
15		behalf you are appearing)
16		327 Brondusy
17		Yepington, NU8944 (Address)
18		marlo Dille
19		(Telephone number) (775) 463-7813
20		(7/5)463-181)
21		
22		
23		
24		
25	. <del>:</del>	. *
26		
27		

## Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 144 of 3

## WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER - DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will recain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons

Date: 3 18 05

If you are acting on behalf of any entity, identify that you are

acting as: Surviving Trustee

(Title)

Josepha Gladys Domenic Family Trust

(Corporate, Trust, Partnership or other entity)

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

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

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

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

# Case 3:73-cv-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 145 of 3

_	· <b>1</b>	
2	FOR THE DISTRICT	
3	UNITED STATES OF AMERICA.	)
4	Plaintiff.	)
5	WALKER RIVER PAIUTE TRIBE.	) IN EQUITY NO. C-125
6	Plaintiff-Intervenor,	) SUBFILE NO. C-125-B
7	vs.	) )
8 9	WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,	) } )
10	NOTICE OF APPEARANCE AND IN	TENT TO PARTICIPATE
11		11 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
12	1. I hereby enter my appearance in this sub	
13	2. I am filing this document w th the Distr	ict Court at the following address:
14	Chief Deputy Clerk United States District Court for the District of Nevada	
15	400 South Virginia Street, Suite 301 Reno, Nevada 89501	
16	3. In the envelope provided for return of m	y Waiver of Service of Notice in Lieu
17	Summons. I am mailing a copy of this document to:	y warver of betwee of fronce in Lieu
13	Susan L. Schneider	
19	Attorney for the United States of Americ	ea
20	United States Department of Justice Environment & Natural Resources Divis P.O. Box 756	ion
21	Littleton, Colorado 80160	
22	4. I (or the entity on whose behalf I am acti	ng) will retain all defenses or objectio:
23	to the lawsuit or to the jurisdiction or venue of the cour	except for objections based on a defe
24	in the Notice in Lieu of Summons or in the service of th	e Notice in Lieu of Summons.
25	5. If I (or the entity on whose behalf I am actir	g) have retained an attorney to represe:
26	me in these proceedings, I identify that attorney below,	along with his or her mailing addres
27	telephone number, and facsimile number:	
28		
	NOTICE OF APPEARANCE AND INTENT TO PARTIC	ELPATE, page 1 of 2

## Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 146 of 3 Address: Phone Number: Fax Number: (Signature) (Printed or typed Name) (Entity, if any, on whose behalf you are appearing) (Address) (Telephone number)

Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 147 of 3

APN: N/A

O 40800093

WHEN RECORDED MAIL TO:
MAIL TAX STATEMENTS TO:
Chris H. Gansberg, Jr. and
Faye E. Gansberg
2277 Foothill Road
Markleeville, CA 96120

LPTT# 3

#### GRANT, BARGAIN AND SALE DEED

THIS GRANT, BARGAIN AND SALE DEED is made and entered into this 15th day of May 2004, between DOUBLE JA LAND & LIVESTOCK, INC., ("Grantor") and CHRIS H. GANSBERG, JR. and FAYE E. GANSBERG, husband and wife, as community property with right of survivorship ("Grantees").

#### WITNESSETH:

THAT THE SAID GRANTOR, for and in consideration of the sum on One Dollar (\$1.00), lawful money of the United States of America, and other good and valuable consideration, the receipt whereof is hereby acknowledged, hereby grants, bargains, sells and conveys unto Grantees and to their heirs, successors and a signs forever, all of the following described lot, piece or parcel of land, water rights, situate, lying and being in the State of Nevada, Lyon County, described as follows:

- A. See Exhibit "A" attached hereto and incorporated therein by reference.
- B. The following described water rights on file at the Nevada State Engineer's office.

(i)	Proof of Appropriation 04230	Permit12325, Certificate 3227
	Permit 64014, Certificate 15640	Permit 12345, Certificate 3442
	Permit 64013, Certificate 15639	Permit 12375, Certificate 3229
	Permit 31197, Certificate 10155	Permit 12398, Certificate 3202
	Permit 31198, Certificate 10156	Permit 12324, Certificate 3226
	Permit 12280, Certificate 3207	Permit 12321, Certificate 3223
	Permit 69801	Application70044
	Permit 12323, Certificate 3225	Permit 2322, Certificate 3224
		Application 70045

## Case 3:73-cv-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 148 of 3

- (ii) All water rights of the Walker River, including decreed, stored or Newlands, as more particularly set forth in the action entitled United States v. Walker River Irrigation District, et al., in the United States District Court, for the District of Nevada, in Equity C-125, appurtenant to the real property described above. Said water being a portion of Claim No.'s 11 and 123, and Claim No. 143 of the above entitled Decree. Index Card No. s 13300, 13400, and 13500 of the Walker River Irrigation District are incorporated herein.
- C. Any and all stock, shares or certificates of water ownership, or right to utilize water conveyance systems which are appurtenant to the real property described above.

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

TOGETHER WITH, all water and water rights, ditch and ditch rights, well and well rights with the appurtenances, unto the said Grantees, and to their heirs, successors and assigns forever.

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances, unto the said Grantee and to their heirs, successors and assigns forever.

IN WITNESS WHEREOF, the said Grantor has Fereunto executed this Grant, Bargain and Sale Deed the day and year first above written.

DOUBLE JA LANI! & LIVESTOCK COMPANY, INC., A NEVADA CORPORATION

By: JOHN J. ASCOAGA, President (

By: Roce L. acceaga

## : Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 149 of 3

STATE OF NEVADA	)	
	: SS.	
COUNTY OF WASHOE	)	,
This instrument was	acknowledged before	me on the 15 day of Mac,
2004 by 1-by T Assessed		
Notary Public	1 / /	•
Nana K.	Taket	AIANICM DAGO
Notary Public		NANCY RAPP TRABERT Notary Public - State of Nevada
Notary Public		Appointmini Recorded in Washing County
		No: 94-0345-2 - Expires November 4, 2006
		· · · · · · · · · · · · · · · · · · ·
STATE OF NEVADA	)	
STATE OF INEVIEW	: SS.	
COUNTY OF WASHOE	. 55. 1	
COUNTY OF WASHOE	)	
77. * *	tt	- and a stage of Man
	acknowledged before i	ne on the 15 day of 1/ay,
2004, by Rose L. Ascuaga.		
1. 0	11 +	Mark Mark Mark Control
Sance, P.	HKBUC1	NANCY RAPP TRABERT
Notary Public		Appointment Recorded in Washoe County
		Name of the Control o

#### EXHIBIT "A"

#### LEGAL DESCRIPTION

The land referred to herein is situated in the State of Nevada, County of LYON COUNTY, described as follows:

ALL THAT CERTAIN REAL PROPERTY SITUATE IN THE COUNTY OF LYON, STATE OF NEVADA, DESCRIBED AS FOLLOWS:

T 11 N, R 23 E, M.D.B.&M.:

SECTION 13:

THE EAST HALF OF THE SOUTHEAST QUARTER AND THE SOUTHWEST QUARTER.

SECTION 24:

THE EAST HALF OF THE SOUTHEAST QUARTER; THE EAST HALF OF THE NORTHEAST QUARTER; THE NORTHWEST QUARTER; THE EAST 200 FEET OF THE WEST HALF OF THE SOUTHEAST QUARTER; THE EAST 200 FEET OF THE SOUTHWEST QUARTER.

T 11 N, R 24 E, M.D.B.&M.:

SECTION 7:

THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER; THE SOUTH HALF OF THE SCUTHEAST QUARTER AND THE NE 1/4 OF THE SE 1/4, EXCEPTING THEREFROM PARCELS 1 AND 2 AS SHOWN ON LYON COUNTY PARCEL MAP 278755.

SECTION 18:

THE SW 1/4, THE E 1/2 OF THE NW 1/4, THE SW 1/4 OF THE NW 1/4, THE W 1/2 OF THE NE 1/4 AND THE N 1/2 OF THE NE 1/4 OF THE NE 1/4.

SECTION 19:

THE SW 1/4, EXCEPTING THEREFROM THAT PORTION CONVEYED TO H.B. GAGE, H.M. SCHOOLEY AND JOHN MCVICAR, TRUSTEES OF THE VALLEY GROVE CEMETERY ASSOCIATION AND THEIR SUCCESSORS IN OFFICE, BY DEED RECORDED APRIL 19, 1901 IN BOOK N. OF DEEDS, PAGE 237, LYON COUNTY NEVADA, RECORDS.

ALSO IN SECTION 19: ALL OF LOTS 1 AND 2 EXCEPT A STRIP OF LAND ALONG THE EAST BOUNDARY OF SAID LOTS BEING 52 RODS WIDE AT THE NORTH END AND 26 RODS WIDE ATTHE SOUTH END.

ASSESSOR'S PARCEL NO. 10-421-06 AND 13

"IN COMPLIANCE WITH NEVADA REVISED STATUTE 111.312, THE HEREIN

ABOVE LEGAL DESCRIPTION WAS TAKEN FROM INSTRUMENT RECORDED DECEMBER 26, 2002, AS FILE NO. 287912, RECORDED IN THE OFFICIAL RECORDS OF LYON COUNTY, STATE OF NEVADA."

ATION DISTRICT	NEVADA
WALKER RIVER IF	YERINGTON NEVADA

Division #:

	ł	l	I	ı	
19260	Chris H. Gansberg, Jr.	Faye E. Gansberg	2277 Foothill Road	Markleeville, CA 86120	
Card #:	Name:		Address:		

312 10-421-06 Pt. of 143 803 West Walker

Index No. Lyon County No. Claim No. User #

Court Decree: C-125, P. 42; Settelmeyer, F. W.

												3
y Liacing	u c	47000	2	DAVS	ACRE FEET REQUIRED	REQUIRED	ACRE PEET	TOPAZ RES.	BRIDGEPORT RES.			- <u>C\</u>
	6.7.5	ACKES	3	STORAGE	PER ACRE	TOTAL	APPORTIONED	ACRE FEET	ACRE FEET	CLAIM #	TOTAL ACRES	<b>/-</b>
1862	.018	1.330	3.2076			000				143		00
1863	1.019	84.920	3.2078			000				153	Woter Ht. Acres	247.170
1868	.132	15.170	3.2076			000				143	Non Wir Rt. Acres	<b>E</b> /
1878	.357	29.750	3.2076	4	.4039	12.016				143		<b>'-</b> [
NEWL		116.000	3.2076	99	1.6444	179.150					Acres Head Storage	₩ Ş
TOTAL	1.524	247.170				191.166	191.17	191.17	00.			<u>/ </u>
										,		
LEGAL DESCRIPTION:	ij.							COMMENTS:	**			-(
SW 1/4, Sec. 19; T 11 N R 24 F	19; 24 F.						14 5 14 14 14 14 14 14 14 14 14 14 14 14 14	06/16/04	- Transferred fro user #660	m Double JA	06/16/04 - Transferred from Double JA L & L Co card #13500, user #660	SE
E 1/2 of SE 1/4, Fr. T 11 N, R 23 E.	4, Fr. W 1/2 23 E.	E 12 of SE 1/4, Fr. W 1/2 of SE 1/4, Sec. 24; T 11 N, R 23 E.	24;		in the second se					:		D D
				8.5		4 2 3						O
DOCUMENT HISTORY:	tY:				· · · · · · · · · · · · · · · · · · ·							CI
DOCUMENT #		DATE	DESCRIPTION	No.	34,							ur
#49-219		99/60/90	Fred W. 8	Katle A. S.	settelmeyer to	Nymouth Land	Fred W. & Katle A. Settelmeyer to Plymouth Land & Livestock Co.					ne
#09362		01/26/72	Plymouth	Plymouth Land & Stock Co	•	this IA I said & I	A Bauble 1A Land & Livestack Co. Inc.					n
#322107		06/01/04	Double J.	A Land and ity property	Double JA Land and Livestock Company, Inc., community property with right of survivorship	npany, Inc., a Nurvivorship	evada corporati	on to Chris H.	Gansberg, Jr. an	d Faye E. Gar	Double JA Land and Livestock Company, Inc., a Nevada corporation to Chris H. Gansberg, Jr. and Faye E. Gansberg, husband and wife as community property with right of survivorship	t 6
#322108		06/01/04	References water	es water			1					5

ATION DISTRICT	NEVADA
WALKER RIVER I	YERINGTON,

Division #:

	YEKING JON, NEVADA
Card #:	19761
Name:	Chris H. Gansberg, Jr.
	Faye E. Gansberg
Address:	2277 Foothill Road
	Markleeville, NV 96120

Markleeville, NV	
	Court Decree:

Water Mt. Acre		00.	658.94	658.94	658.940	
					658.940	2.0592
TOTAL ACRES	CLAIM #	ACRE FEET	ACRE FEET	APPORTIONED	TOTAL	ER ACRE
		TOPAZ RES. BRIDGEPORT RES.	TOPAZ RES.	ACRE FEET	REQUIRED	ACRE FEET REQUIRED

2.0592 PER ACRE

9

4.2768

320.000 320.000

STORAGE DAYS

λLing

ACRES

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PRIORITY

TOTAL NEWL

1500 1500

27-MMD

Acre Feet Storage

3:73.

Case

10-421-13

Lyon County No.

Claim No. User# Ditch

Index No.

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- 1			

SW 1/4, SEc. 18; T 11 N, R 24 E. E 1/2 of SE 1/4, Sec. 13; E 1/2 of NE 1/4, Sec. 24; T 11 N, R 23 E.

LEGAL DESCRIPTION:

8/12/02 - Changed APN 8/16/04 - Transferred from Double JA L & L Co.- crd #13400, user #550

Map No. 24

DOCUMENT HISTORY:		
DOCUMENT #	DATE	DESCRIPTION
#09362	01/26/72	Plymouth Land & Livestock Co. to Double JA Land & Livestock Co., Inc.
17	ŭ6/24/62	rarcel Map for Double JA Land and Livestock Co.
#322107	06/01/04	Double JA Land and Livestock Company, Inc., a Nevada corporation to Chris H. Gansberg, Jr. and Fave E. Gansberg, husband and wife as
		community property with right of survivorship
#322108	06/01/04	References water

ATION DISTRICT	NEVADA
VALKER RIVER IF	YERINGTU

Division #:

Card #:	19262				ļ						Index No.	241A 276
Name:	Chris H. G	Chris H. Gansberg, Jr.									Lyon County No.	10-421-13
	Faye E. Gansberg	ansberg			]						Claim No.	Pt. of 111&123 0
Address:	2277 Foothill Road	hill Road										S03
	Markleevi	Markleeville, CA 96120										West Walker
Court Decree:	C-125, P.	C-125, P. 38; McVicar#111 P.38; Plymouth L&L Co.	1 P.38; Plyn	outh L&L	S							3:7
												3
PRIORITY	C.F.S.	ACRES	₽UTY	STORAGE	ACRE FEE	TREQUIRED	ACRE FEET APPORTIONED	TOPAZ RES. ACRE FEET	BRIDGEPORT RES. ACRE FEET	CLAIM #	TOTAL ACRES	CV
1862	900	420	3.207.8			000				111		<b>7-0</b>
1863	336	28.000	3.2076			000.				111	Water It. Acres	520-0
1864	1.332	111.000	3.2076			000.				123	Non With Rt. Acres	17,030
1868	090	6.000	3.2076			000				#	<u> </u>	7-
1869	.370	30.830	3.2076			000				123	Acre Feet Storage	- 1/3
1878	.740	46.250	4.2788	17	5386	24.910				123		IIV
1878	.116	9.580	3.2076	41	.4039	3.869				111		D
1878	1.792	149.330	3.2076	17	.4039	60.314				123	1	) <b>-(</b>
1885	.960	80.000	3.2076	29	689.	65.120				123	1	CS
1864	.720	60.000	3.2076			000.				123	7	BD
EXCL		17.020	3.2076			000					1	
TOTAL	6.430	637.430				144.214	144.21	144.21	00.			Oo
LEGAL DESCRIPTION	N.C							COMMENTS				cu
NE of SE, S o	ISE, SE of S. Wolne, E.	NE of SE, S of SE, SE of SW, Sec. 7; N of NE of NE, W of NE, E of NW, SW of NW, Sec. 18;	W Sec. 18			1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		Map No. :	24 ard adjusted for	r excess dec	cree	mei
Fr. W of NW, Sec. 19;	Sec. 19;						14	8/12/02 - (	Changed APN	בארנים כן	ppurchant mi aus	∩t
SW of SE, Ser	c. 13;			3				6/15/04	Fransferred from	Double JA	Land & Livestock C	65 p card
NW of NE, E. 200 ff T 11 N, R 23 E.	200 ft. in SW 23 E.	NW of NE, E. 200 ft. in SW of NESec. 24; T 11 N, R 23 E.				·		<b>t</b>	noor meet took			50
DOCUMENT HISTORY:	يز			<b>9</b>	_			-   				File
DOCUMENT#		DATE	DESCRIPTIC	N.								C
#09352		01/26/72	Plymouth	Land & L	Jvestock Co. to	Double JA Land	1& Livestock Co	J., Inc. (combin	ed with 241-A le	ss Plymout	1 Co.).	I <sub>C</sub> C
#278765		06/24/02	Parcel Ma	ip for Dou	tble JA Land &	Livestock Comp	any (APNs 10-4;	21-11 & 10-421-	12 non-water rig	hted land)		5/
#322107		06/01/04	Double J.	A Land an with right	d Livestock Co	mpany, Inc., a N	evada corporati	on to Chris H. (	Jansberg, Jr. &	Faye E. Gan	sberg, husband and	wife as community
#33108		06/01/04	Reference	es Water								)/2
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												ge
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COMMENTS:	Map No. 24  1/28/02 - card adjusted for excess decree  3/12/02 - Changed APN  6/18/04 - Transferred from Double JA Land & Livestock Co card  #13300, user #660	
LEGAL DESCRIPTION:	NE of SE, S of SE, SE of SW, Sec. 7; N of NE of NE. W of NE, E of NW. SW of NW. Sec. 18; Fr. W of NE, Sec. 19; T 11 N, R 24 E. SW of SE, Sec. 13; NW of NE, E. 200 ft. in SW of NESec. 24; T 11 N, R 23 E.	

DOCUMENT HISTORY:		
DOCUMENT #	DATE	DESCRIPTION
#09352	01/26/72	Plymouth Land & Livestock Co. to Double JA Land & Livestock Co., Inc. (combined with 241-A less Plymouth Co.).
#278765	06/24/02	Parcel Map for Double JA Land & Livestock Company (APNs 10-421-11 & 10-421-12 non-water righted land)
#322107	06/01/04	Double JA Land and Livestock Company, Inc., a Nevada corporation to Chris H. Gansberg, Jr. & Faye E. Gansberg, husband and wife
		property with right of survivorship
#33108	06/01/04	References Water

## Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 154 of 3

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons

	Frederica C Reporter	
Date:	Signature	
	Frederick E. Alpers	
	Printed/Typed Name	
	If you are acting on behalf of any entity, identify that you	are
	acting as: Co-Trustee	_ of
	(Title)	
	F & B Trust	
	(Corporate, Trust, Partnership or other entity)	

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

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1				
2	FOR THE DISTRICT OF NEVADA			
3	UNITED STATES OF AMERICA,			
4	Plaintiff,			
5	WALKER RIVER PAIUTE TRIBE, ) IN EQUITY NO. C-125			
6	Plaintiff-Intervenor, ) SUBFILE NO. C-125-B			
7	) vs.			
8	WALKER RIVER IRRIGATION DISTRICT. ) a corporation, et al., )			
10	NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE			
11	1. I hereby enter my appearance in this sub-proceeding in this case.			
12	2. I am filing this document with the District Court at the following address:			
13	Chief Deputy Clerk			
14	United States District Court for the District of Nevada			
15	400 South Virginia Street, Suite 301 Reno, Nevada 89501			
16	3. In the envelope provided for return of my Waiver of Service of Notice in Lieu of			
17	Summons. I am mailing a copy of this document to:			
18	Susan L. Schneider			
19	Attorney for the United States of America United States Department of Justice			
20	Environment & Natural Resources Division P.O. Box 756			
21	Littleton, Colorado 80160			
22	4. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect			
23	to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect			
24	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.			
25	5. If I (or the entity on whose behalf am acting) have retained an attorney to represent			
6	me in these proceedings, I identify that attorney below, along with his or her mailing address,			
7	telephone number, and facsimile number:			
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	NORTH OF ADDRESS AND AND AND AND ADDRESS A			

### Case 3:73-cv-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 156 of 3 Attorney: 1 2 Address: 3 4 5 Phone Number: 6 Fax Number: 7 Frederik E april 8 (Signature) 9 10 11 Frederick E. Alpers (Printed or typed Name) 12 13 14 F & B Trust (Entity, if any, on whose 15 behalf you are appearing) 16 192 Hudson Aurora Rd. 17 Smith. NV 89430 (Address) 18 <u>775- 463-2106</u> 19 (Telephone number) 20 21 22 23 24 25 26 27 2.8

## Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 157 of 3

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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

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

Date: 3-19-05

Signature

Barbara L. Alpers

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

acting as: Co-Trustee

(Title)

F & B Trust

(Corporate, Trust, Partnership or other entity)

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

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

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_	7
2	IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA
3	UNITED STATES OF AMERICA.
4	Plaintiff.
5	WALKER RIVER PAIUTE TRIBE. ) IN EQUITY NO. C-125
6	) Plaintiff-Intervenor, ) SUBFILE NO. C-125-B
7	) vs. )
8	WALKER RIVER IRRIGATION DISTRICT, ) a corporation, et al., )
10	NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE
11	1. I hereby enter my appearance in this sub-proceeding in this case.
12	
13	2. I am filing this document with the District Court at the following address:
14	Chief Deputy Clerk United States District Court for the
15	District of Nevada 400 South Virginia Street, Suite 301 Reno, Nevada 89501
16	3. In the envelope provided for return of my Waiver of Service of Notice in Lieu of
17	Summons. I am mailing a copy of this document to:
13	Susan L. Schneider
19	Attorney for the United States of America United States Department of Justice
20	Environment & Natural Resources Division P.O. Box 756
21	Littleton, Colorado 80160
22	4. I (or the entity on whose behalf I am acting) will retain all defenses or objections
23	to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect
24	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.
25	5. If I (or the entity on whose behalf I am acting) have retained an attorney to represent
26	me in these proceedings. I identify that attorney below, along with his or her mailing address,
27	telephone number, and facsimile number:
28	

# Case 3:78-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 159 of 3

1	Attorney:
2	
3	Address:
4	
5	
6	Phone Number:
7	Fax Number:
8	Dachara Mysers
9	(Signature)
10	
11	Barbara L. Alpers
12	(Printed or typed Name) Co-Trustee
13	
14	F & B Trust
15	(Entity, if any, on whose
16	behalf you are appearing)  192 Hudson Aurora Rd.
17	Smith. NV 89430
18	(Address)
19	775-465-2106 (Telephone number)
20	(1010p.1010 11—11001)
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## Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 160 of 3

### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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5. I (or the entity on whose behalf I am acting) will retain	all defenses or objections to the lawsuit
or to the jurisdiction or venue of the Court except for objections h	pased on a defect in the Notice in Lieu of
Summons or in the service of the Notice in Lieu of Summons	1

Date: 3/17/05

Signature

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

(Corporate, Trust, Partnership or other entity)

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

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# Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 161 of 3

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2		IN THE UNITED STATES D FOR THE DISTRICT O		
3	UNITED STATES C	F AMERICA.	)	
4	Plaint	iff.	)	
5	WALKER RIVER P.	AIUTE TRIBE.	IN EQUITY NO. C-125	
6	Plaint	iff-Intervenor,	SUBFILE NO. C-125-B	
7 8	vs.		<b>,</b>	
9	WALKER RIVER IF a corporation, et al.,	RIGATION DISTRICT.	) )	
10	NOTIC	E OF APPEARANCE AND IN	FENT TO PARTICIPATE	
11	1. I hereb	ov enter my appearance in this sub	p-proceeding in this case.	
12		•	ict Court at the following address:	
13		Deputy Clerk	<b>.</b>	
14	United	States District Court for the rict of Nevada		
15		outh Virginia Street, Suite 301 Nevada 89501		
16	3. In the	envelope provided for return of n	ny Waiver of Service of Notice in Lieu o	
17	Summons. I am maili	ng a copy of this documen; to:		
13		L. Schneider ev for the United States of Americ	an	
19 20	United	States Department of Justice nment & Natural Resources Division		
21	P.O. B	ox 756 on, Colorado 80160		
22			ing) will retain all defenses or objections	
23	4. I (or the entity on whose behalf I am acting) will retain all defenses or objection to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defection.			
24	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.			
25			ng) have retained an attorney to represent	
26		•	, along with his or her mailing address,	
27	telephone number, and		,	
	terephone number, and	racomme number.		
28				

## Case 3:78-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 162 of 3 Attomey: Address: Phone Number: Fax Number: (Signature) DIANNE FASIAS (Printed or typed Name) FANIASLIC (Éntity, if any, on whose behalf you are appearing) (Address) (Telephone number)

## Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 163 of 3

## WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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

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Date: 3-17-05

Signature

ELLIS N FARIAS

Printed/Typed Nam:

If you are acting on behalf of any entity, identify that you are acting as:

Of (Title)

Farias LCC

(Corporate, Trust, Partnership or other entity)

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

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

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## Case 3:73 cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 164 of 3

IN THE UNITED STATES D FOR THE DISTRICT C	ISTRICT COURT OF NEVADA		
UNITED STATES OF AMERICA.	)		
Plaintiff.	) )		
WALKER RIVER PAIUTE TRIBE.	) IN EQUITY NO. C-125		
Plaintiff-Intervenor	) SUBFILE NO. C-125-B		
	)		
-	<b>}</b>		
WALKER RIVER IRRIGATION DISTRICT.  a comporation, et al.,	)		
NOTICE OF APPEARANCE AND IN	TENT TO PARTICIPATE		
<ol> <li>I hereby enter my appearance in this sub</li> </ol>	-proceeding in this case.		
2. I am filing this document with the Distri	ict Court at the following address:		
Chief Deputy Clerk United States District Court for the			
District of Nevada			
Reno, Nevada 89501			
<ol> <li>In the envelope provided for return of m</li> </ol>	y Waiver of Service of Notice in Lieu		
Summons. I am mailing a copy of this document to:			
Susan L. Schneider Attorney for the United States of Americ	ca ·		
United States Department of Justice			
P.O. Box 756			
	no) will retain all defenses or objection		
to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defe			
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in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.			
5. F If I (or the entity on whose behalf I am actir	ng) have retained an attorney to represen		
me in these proceedings. I identify that attorney below,	, along with his or her mailing address		
telephone number, and facsimile number:			
	FOR THE DISTRICT COUNTED STATES OF AMERICA.  Plaintiff.  WALKER RIVER PAIUTE TRIBE.  Plaintiff-Intervenor,  vs.  WALKER RIVER IRRIGATION DISTRICT. a corporation, et al  NOTICE OF APPEARANCE AND INT  1. I hereby enter my appearance in this sub 2. I am filing this document with the District of Deputy Clerk United States District Court for the District of Nevada 400 South Virginia Street, Suite 301 Reno, Nevada 89501  3. In the envelope provided for return of m Summons, I am mailing a copy of this document to:  Susan L. Schneider Attorney for the United States of Americ United States Department of Justice Environment & Natural Resources Divis P.O. Box 756 Littleton, Colorado 80160  4. I (or the entity on whose behalf I am activate to the lawsuit or to the jurisdiction or venue of the cour in the Notice in Lieu of Summons or in the service of the		

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2ase 3:73	-CV-00127-MMD-CSD Attorney:	Document 650 Filed 05/09/2005 Page 165
2		
3	Address:	
4		· ·
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6	Phone Number:	
7	Fax Number:	- 10 1
8		Ell Hami
9		(Signature)
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12		(Printed or typed Name)
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14		Pantner - Farias CK
15		(Entity, if any, on whose
16		behalf you are appearing)  On Box 27
17		Wellington Nev 89444
18		(Address)
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## Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 166 of 3

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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	Eagreen Farias	
Date: 3-/8-05	Signature	
	Printed/Typed Name	
	If you are acting on behalf of any entity, identify that y	ou are
	acting as:	of
	(Title)	
	(Corporate, Trust, Partnership or other entity)	

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

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# Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 167 of 3

-					
2	IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA				
3	UNITED STATES OF AMERICA.	)			
4	Plaintiff.				
5	WALKER RIVER PAIUTE TRIBE.	IN EQUITY NO. C-125			
6	Plaintiff-Intervenor,	SUBFILE NO. C-125-B			
7	vs.				
9	WALKER RIVER IRRIGATION DISTRICT. a corporation, et al.,	) )			
10	NOTICE OF APPEARANCE AND INT	ENT TO PARTICIPATE			
11	1. I hereby enter my appearance in this sub	-proceeding in this case.			
12	2. I am filing this document with the Distri	ct Court at the following address:			
13 14 .	Chief Deputy Clerk United States District Court for the	·			
15	District of Nevada 400 South Virginia Street, Suite 301 Reno, Nevada 89501				
16	3. In the envelope provided for return of m	y Waiver of Service of Notice in Lieu o			
17	Summons. I am mailing a copy of this document to:				
18	Susan L. Schneider Attorney for the United States of Americ	72			
19 20	United States Department of Justice Environment & Natural Resources Divis				
21	P.O. Box 756 Littleton, Colorado 80160				
22	4. I (or the entity on whose behalf I am acti	ng) will retain all defenses or objection			
23	to the lawsuit or to the jurisdiction or venue of the cour				
24	in the Notice in Lieu of Summons or in the service of th				
25	5. If I (or the entity on whose behalf I am action				
26	me in these proceedings, I identify that attorney below	, along with his or her mailing address			
27	telephone number, and facsimile number:				
	-				

## Case 3:78-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 168 of 3 Attomey: Address: Phone Number: б Fax Number: (Signature) (Printed or typed Name) (Entity, if any, on whose behalf you are appearing) 18 Routa 338 (Address) (Telephone number)

#### Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 169 of 3 3 4 IN THE UNITED STATES DISTRICT COURT 5 FOR THE DISTRICT OF NEVADA 6 7 UNITED STATES OF AMERICA. 8 In Equity No. C-125-ECR Plaintiff. 9 Subfile No. C-125-B WALKER RIVER PAIUTE TRIBE. 10 NOTICE OF CHANGE OF OWNERSHIP OF WATER RIGHT Plaintiff-Intervenor. 11 V. 12 WALKER RIVER IRRIGATION DISTRICT, 13 a corporation, et al., 14 Defendants. 15 16 The undersigned counter-defendant in the above action hereby notifies the Court and the 1 United States that the undersigned (or the entity on whose behalf the undersigned is acting) has 18 sold or otherwise conveyed ownership of all or a portion of a water right within one or more of 19 the categories set forth in Paragraph 3 of the Case Management Order and provides the 20 following information: 21 The name and address of the party or parties who sold or otherwise conveyed 1. ownership: 2. Ellis Norman Farias and Dianne Farias 24 Name(s) 25 P. O. Box 27 Wellington, NV 89444 Street or P.O. Box 26 27 Exhibit 49 NOTICE OF CHANGE OF WATER RIGHTS OWNERSHIP, page 1 of 3

	73- <u>cv</u> -001	27-MMD±1 To	God Docu	IMENt 650	野 <b>州台</b> d 05/09/200 ZipCode	)5 Page 170
2	7.	The name ar	nd address of e	ach person or e	entity who acquired ow	mership
3					Francine L. L. My	
5			2773 Hw	y 208 reet on P.O. Box		
6 7			ellington own or City	NV State	89444 ZipCode	
8			·		·	minte
9	3.	Attached to	or included wi	th this notice is	a copy of the (check	appropriate
10	box(es)):	XX	Deed			
11			Court Order			
12			Other Docume			
13	by which the		nership was acc			n Stalia of
14	4.				erson or entity who fi	
15					ultimately responsible	
16	of this filing.	Consequently	r, the undersign	ned acknowled	ges that any person or	endry who mes
; <del>-</del>			·			
18			<del></del>			
19	•	This	nouce shall be s	ent to the follow	ving two persons:	
20		Linda Lea Sh	arer, Chief Dep	ury Clerk	C27 3	
21		400 South Vi	rginia Street. <b>S</b> t	for the District o rate 301	i Nevada	
77	1	Reno, NV 89 And	501			
23		••				
24		Susan L. Schi United States P.O. Box 756	Department of	Justice		
25	1	Littleton, CO				
26	man, a dumman					
27	i					

NOTICE OF CHANGE OF WATER RIGHTS OWNERSHIF, page 2 of 3

of 3

Case	:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 171 of 3 litigation.
3	
4	Executed this 18 day of March 2001.
5	
6	
7	
8	[signature of counter-defendant]
9	Channe Tarial
10	Ellis Norman: Farias and Dianne Farias
11	[name of counter-defendant]  Filis N Facias
12	Ellis N FARIAS DiAnne FARIAS
13	[signature, if applicable, of person acting on behalf of counter-defendant]
14	behan of counter-defendant
15	
16	name, if applicable, of person acting on
17	behalf of counter-defendant]
18	
19	P. O. Box 27 Wellington, NV 89444
20	[address]
21	775-465-2123
22	[telephone number]
23	
24	
25	
26	
27	
	NOTICE OF CHANGE OF WATER RIGHTS OWNERSHIP, page 3 of 3
28	MOTICE OF CHARGE OF WATER AGENCY CONTINUES OF STATE

# Case 3:73-cv-00127-MMD-CSD Document 650 Filed 05/65/2005 Page 172 of 3

RECORD REQUESTED BY

APN 10-651-09 Document Transfer Tax \$975.00 Order No. TSL-26937 Mail Tax, Bill to Grantee: 2773 Hwy 208

NORTHERN NEVADA TITLE CO. 04 SEP -3 AM IO: 52

MARY C. FULLIGAN COUNTY RECORDER

FEE 1500 DEP. DW

SPACE ABOVE FOR RECORDER'S USE ONLY

GRANT; BARGAIN and SALE DEED

receipt of which is hereby CONSIDERATION, FOR A VALUABLE acknowledged

ELLIS NORMAN FARIAS and DIANNE FARIAS, husband and wife

do (es) hereby GRANT, BARGAIN and SELL TO

TRAVIS E. MYERS and FRANCINE L.L. MYERS, husband and wife as Joint Tenants with the Right of Survivership

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

Beginning at a point at a fence corner at the Northeasterly corner of the parcel and along the Westerly side of the State Highway, said point further described as bearing North 69°43'30" West a distance of 864.33 feet from the section corner common to Sections 1, 2, 11 and 12, Township 10 North, Range 23 East; thence South 50°59' East along the Westerly side of the State Highway, a distance of 88.00 feet to a point; thence South 38°58' West a distance of 530.00 feet to a point on the Easterly slope of the Plymouth Ditch; thence North 35°11' West along the Easterly slope of said ditch, a distance of 91.50 feet to a point at the fence corner; thence North 38°58' East along the fence line a distance of 505.10 feet to the point of beginning.

Reference is hereby made to that certain Record of Survey for Ellis Norman Farias, recorded in the Official Records of Lyon County, Nevada on August 19, 2004 as Document No. 328857.

Note: Legal Description previously contained in document recorded March 10, 2003 as Document No. 292199. po

330250

## Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 173 of 3

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

DATED 9 1 DU

ELLIS NORMAN FARIAS

DIANNE FARIAS

STATE OF NEVADA

COUNTY OF LYON

On Sept. 1, 2001 personally appeared before me, a Notary Public (or Judge or other authorized person, as the case may be), ELLIS NORMAN FARIAS and DIANNE FARIAS, who acknowledged to me that they executed the within instrument.

SS.

Notary Public

STEPHANIE L. JACKSON
Notary Public - State of Nevada
Appointment Recorded in Lyon County
No: 97-3155-12 - Expires August 25, 2005

44.

## Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 174 of 3

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAILITE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 3-/8-05 Signature

HAROLO

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

acting as: \_\_\_\_\_(Title)

(Corporate, Trust, Partnership or other entity)

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

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

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

## Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 175 of 3

1]					
2	IN THE UNITED STATES DI FOR THE DISTRICT O	STRICT COURT F NEVADA			
ڌ	UNITED STATES OF AMERICA,				
4	Plaintiff.				
5		IN EQUITY NO. C-125			
6	) Plaintiff-Intervenor,	SUBFILE NO. C-125-B			
7	vs.				
8	WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,				
10	NOTICE OF APPEARANCE AND INT	ENT TO PARTICIPATE			
13					
2	<ol> <li>I hereby enter my appearance in this sub</li> </ol>				
13	2. I am filing this document with the Distri	ct Court at the following address:			
ر دا 14	Chief Deputy Clerk United States District Court for the District of Nevada				
15	400 South Virginia Street, Suite 301 Reno, Nevada 89501				
16	3. In the envelope provided for return cf m	y Waiver of Service of Notice in Lieu (			
7	Summons. I am mailing a copy of this document to:				
.3	Susan L. Schneider Attorney for the United States of America				
20	United States Department of Justice Environment & Natural Resources Division				
21	P.O. Box 756 Littleton, Colorado 80160				
22	4. I (or the entity on whose behalf! am act	ing) will retain all defenses or objection			
23	to the lawsuit or to the jurisdiction or venue of the cour				
24	The state of Summons				
25	5. If I (or the entity on whose behalf I am acti	ng) have retained an attorney to represer			
26	me in these proceedings, I identify that attorney below, along with his or her mailing address				
27	telephone number, and facsimile number:				
28					

and the second of the second		
·		
Case 3:7	-cy-00127-MMD-CSD Docume	nt 650 Filed 05/09/2005 Page 176 of 3
1	Attorney:	
2		
3	Address:	
4		
5		
6	Phone Number:	
7	Fax Number:	
8		Marchel Tarlas
9		(Signature)
10		
11		HAROLD WFARIAS
12		(Printed or typed Name)
13		
14		
15		(Entity, if any, on whose behalf you are appearing)
16		18 Route 338
17		WELLINGTON NV 8944C
18		(Address) (775) 465-2277
19		(Telephone number)
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26		•
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## Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 177 of 3

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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

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- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PARTIE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
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Date: 3-17-05

ELLIS N FARIAS

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

(Corporate, Trust, Partnership or other entity)

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

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# . Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 178 of 3

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2		IN THE UNITED STATES DIFFERENCE OF THE DISTRICT OF	ISTRICT COURT F NEVADA	
3	UNITED ST	ATES OF AMERICA.		
4		Plaintiff.		
5	WALKER R	IVER PAIUTE TRIBE.	IN EQUITY NO. C-125	
6		Plaintiff-Intervenor,	SUBFILE NO. C-125-B	
7	vs.			
9	WALKER R a corporation	IVER IRRIGATION DISTRICT, )  a. et al )		
LO		NOTICE OF APPEARANCE AND INT	ENT TO PARTICIPATE	
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.2	2.	I am filing this document with the Distri	ct Court at the following address:	
3		Chief Deputy Clerk United States District Court for the District of Nevada		
.5		400 South Virginia Street, Suite 301 Reno, Nevada 89501		
16	3.	In the envelope provided for return cf m	y Waiver of Service of Notice in Lieu (	
5	Summons, I	am mailing a copy of this document to:		
9		Susan L. Schneider Attorney for the United States of Arrieric	ca	
20		United States Department of Justice Environment & Natural Resources Divis P.O. Box 756	sion	
21		Littleton, Colorado 80160		
22	4.	I (or the entity on whose behalf I am acti	ing) will retain all defenses or objection	
23	to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defec			
4	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.			
25	5.	If I (or the entity on whose behalf I am activ	ng) have retained an attorney to represen	
25	me in these proceedings, I identify that attorney below, along with his or her mailing address			
27	telephone number, and facsimile number:			
28		•		

e 3:73	cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 179	of 3
1	Attomey:	
2		
3	Address:	
4	· •	
5		
- 6	Phone Number:	
7	Fax Number:	
8	Oll Ham	-
9	(Signature)	
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11	ELLis N FAIRINS (Printed or typed Name)	
12	(21111.00 of typed 1 the state)	
13	$A \cdot 1 \cdot + E \cdot 1$	/
14	Entity, if any, on whose	<u>/</u>
15	behalf you are appearing)	
16	Po Box 27 Wellington	<b>&gt;</b>
17	Minada 99444 (Address)	-
18	465-2123	
19	(Telephone number)	
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## Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 180 of 3

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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### Case 3:73-cv-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 181 of 3

-	
2	IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA
3	UNITED STATES OF AMERICA.
4	Plaintiff.
5	WALKER RIVER PAILTE TRIBE. ) IN EQUITY NO. C-125
6	) Plaintiff-Intervenor, ) SUBFILE NO. C-125-B
7	) vs.
8	) WALKER RIVER IRRIGATION DISTRICT, )
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14	United States District Court for the District of Nevada
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17	Summons. I am mailing a copy of this document to:
:3	Susan L. Schneider
19	Attorney for the United States of America United States Department of Justice
20	Environment & Natural Resources Division P.O. Box 756
21	Littleton, Colorado 80160
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26	me in these proceedings. I identify that atterney below, along with his or her mailing address
27	telephone number, and facsimile number:
28	
	NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 1 of 2

#### Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 182 of 3 Attomey: Address: Phone Number: Fax Number: (Signature) (Printed or typed Name) (Entity, if any, on whose behalf you are appearing) 11 hongview LANE Wellington No (Address) (175)465-9012 (Telephone number)

#### Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 183 of 3

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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Date: 3/18/05

Signature

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as:

(Title)

(Corporate, Trust, Partnership or other entity)

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

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

### Case 3:78-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 184 of 3

- 4	To mapped		
2	IN THE UNITED STATES DI FOR THE DISTRICT O	STRICT COURT F NEVADA	
3	UNITED STATES OF AMERICA.	1 }	
4	Plaintiff.	1	
5	WALKER RIVER PAIUTE TRIBE.	IN EQUITY NO. C-125	
6	Plaintiff-Intervenor,	SUBFILE NO. C-125-B	
7	vs.	) )	
8 9	WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,	) )	
10	NOTICE OF APPEARANCE AND ENT		
11	<ol> <li>I hereby enter my appearance in this sub</li> </ol>	p-proceeding in this case.	
12	2. I am filing this document with the Distr	ict Court at the following address:	
13	Chief Deputy Clerk		
14 15	United States District Court for the District of Nevada 400 South Virginia Street, Suite 301		
16	Reno Nevada 89501	ny Waiver of Service of Notice in Lieu c	
17	[	ny waron or or or	
13	Summons, I am mailing a copy of this document to:		
19	Susan L. Schneider Attorney for the United States of Ainer	ica	
20	United States Department of Historian Environment & Natural Resources Div		
21	Littleton, Colorado 80160		
22	4. I (or the entity on whose behalf I am ac	eting) will retain all defenses or objection	
23	to the lawsuit or to the jurisdiction or venue of the co	to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defec	
24	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.		
25	5 If I (or the entity on whose behalf I am acting) have retained an attorney to represent		
25	me in these proceedings. I identify that attorney below, along with his or her mailing address		
27	telephone number, and facsimile number:		
28			
		meanage 1 of 2	

NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 1 of 2

Case 3:73	-cy-00127-MMD-CSD Document	650 Filed 05/09/2005 Page 185 of 3
2		
3	Address:	
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- 6	Phone Number:	
7	Fax Number:	And Fai
8		(5: 1000)
9		(Signature)
10		Vill Fine
11		(Printed or typed Name)
12		
13		
14		(Entity, if any, on whose
15		behalf you are appearing)  P.O. Pox 101
16		Wellington, NV 85444
17		(Address) 465-90/2
18		(Telephone number)
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#### Case 3:73-cv-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 186 of 3

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

#### TO: Susan L. Schreider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: Wax 21, 2005	Signature Ruth Fletcher	
	Printed/Typed Name  If you are acting on behalf of any entity, identify that you acting as:  (Title)	u are of
	(Corporate, Trust, Partnership or other entity)	

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

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

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

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

IN THE UNITED STATES DISTRICT COURT 2 FOR THE DISTRICT OF NEVADA 3 UNITED STATES OF AMERICA. 4 Plaintiff. IN EQUITY NO. C-125 5 WALKER RIVER PAIUTE TRIBE, 6 SUBFILE NO. C-125-B Plaintiff-Intervenor, 7 VS. 8 WALKER RIVER IRRIGATION DISTRICT. a corporation, et al., NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE 10 I hereby enter my appearance in this sub-proceeding in this case. 1. I am filing this document with the District Court at the following address: 12 2. 13 Chief Deputy Clerk United States District Court for the 14 District of Nevada 400 South Virginia Street, Suite 301 15 Reno, Nevada 89501 In the envelope provided for return of my Waiver of Service of Notice in Lieu of 16 3. Summons. I am mailing a copy of this document to: 13 Susan L. Schneider Attorney for the United States of America 19 United States Department of Justice Environment & Natural Resources Division 20 P.O. Box 756 Littleton, Colorado 80160 21 I (or the entity on whose behalf "arm acting) will retain all defenses or objections 4. 22 to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect 23 in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons. 24 If I (or the entity on whose behalf "am acting) have retained an attorney to represent 25 me in these proceedings, I identify that attorney below, along with his or her mailing address, 26 telephone number, and facsimile number: 27 28 NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 1 of 2

#### Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 188 of 3 Attorney: 1 2 Address: 3 4 5 Phone Number: б Fax Number: 7 X Ruth Fletcher 8 (Signature) 9 10 Ruth Fletcher 11 (Printed or typed Name) 12 13 14 (Entity, if any, on whose 15 behalf you are appearing) P. O. Box 6 16 Smith, NV 89430 17 (Address) 18 775-465-1098 (Telephone number) 19 20 21 22 23 24 25 26 27

28

#### Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 189 of 3

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER - DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PATTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Sammons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.

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

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

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

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

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been right in an improper place or in a court that lacks jurisdiction over the subject matter of the action of over its person or property. A party who waives service 2 Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in cof Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

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

#### Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 190 of 3

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAILITE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 3 20 05

Signature

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

acting as: Partner

Corporate, Trust, Partnership or other entity)

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

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

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

### Case 3:73-cy-00127-MMD-CSD Document 650 Filed-05/09/2005 Page 191 of 3

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2	IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA
3	UNITED STATES OF AMERICA.
4	Plaintiff.
5	WALKER RIVER PAIUTE TRIBE, IN EQUITY NO. C-125
6	Plaintiff-Intervenor, SUBFILE NO. C-125-B
7	vs. )
8	WALKER RIVER IRRIGATION DISTRICT, a corporation. et al.,
10	NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE
11	<ol> <li>I hereby enter my appearance in this sub-proceeding in this case.</li> </ol>
12	<ol> <li>I am filing this document with the District Court at the following address:</li> </ol>
13	Chief Deputy Clerk
14	United States District Court for the District of Nevada
15	400 South Virginia Street, Suite 301 Reno, Nevada 89501
16	3. In the envelope provided for return of my Waiver of Service of Notice in Lieu
17	Summons. I am mailing a copy of this document to:
:3	Susan L. Schneider Attorney for the United States of America
19	United States Department of Justice  Environment & Natural Resources Division
20	P.O. Box 756 Littleton, Colorado 80160
21	
22	4. I (or the entity on whose behalf I am acting) will retain an described of objections based on a defe
23	
24	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.  5. : If I (or the entity on whose behalf "am acting) have retained an attorney to represe:
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25	me in these proceedings, I identify that attorney below, along with his or her mailing address
27	telephone number, and facsimile number:
28	_
	NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 1 of 2

Case 3:73		nt 650 Filed 05/09/2005 Page 192 of 3
1	Attorney:	
2		
3	Address:	
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5	Phone Number:	
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7	Fax Number:	Dens Rosein
8		(Signature)
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11		(Printed or typed Name)
12		partner
13		partner Flying A Lin. Led Pal
14		(Entity, if any, on whose
15		behalf you are appearing) P.O. Bo ~ 34
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17		(Address)
18		(Telephone number)
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#### Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 193 of 3

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PACUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.

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

Date: 4/8/05

Signature /

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

acting as

(Title) / -/

una / Fanin / / / / /

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

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

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

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

#### Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 194 of 3

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.

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

Date: 3/20/05

ignature

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

acting as: Ftora Partner

Corporate, Trust, Partnership or other entity

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

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

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

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

# Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 195 of 3

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2	IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA	
3	UNITED STATES OF AMERICA.	<b>)</b>
4	Plaintiff.	<u>'</u>
5	WALKER RIVER PAIUTE TRIBE.	IN EQUITY NO. C-125
6	Plaintiff-Intervenor,	SUBFILE NO. C-125-B
7	vs.	)
8 9	WALKER RIVER IRRIGATION DISTRICT. a corporation. et al.,	) ) )
10	NOTICE OF APPEARANCE AND IN	TENT TO PARTICIPATE
11	<ol> <li>I hereby enter my appearance in this sub</li> </ol>	p-proceeding in this case.
12	2. I am filing this document with the Distr	
13	Chief Deputy Clerk	
14	United States District Court for the District of Nevada	
15	400 South Virginia Street, Suite 301 Reno, Nevada 89501	
16	3. In the envelope provided for return of n	ny Waiver of Service of Notice in Lieu
17	Summons. I am mailing a copy of this document to:	
13	Susan L. Schneider	
19	Attorney for the United States of Ameri United States Department of Justice	
20	Environment & Natural Resources Divi P.O. Box 756 Littleton, Colorado 80160	21011
21	4. I (or the entity on whose behalf I am act	ing) will retain all defenses or objectio
22 23	to the lawsuit or to the jurisdiction or venue of the cou	
24	and the Notice in Lieu of Summons	
25	* rest ( )	
26	me in these proceedings. I identify that attorney below, along with his or her mailing addres	
27	telephone number, and facsimile number:	
28	••••••••••••••••••••••••••••••••••••••	
40	NOTICE OF APPEARANCE AND INTENT TO PARTS	CIPATE, page 1 of 2
- 1	NOTICE OF APPEARANCE AND INTEST 15 PARTS	

#### Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 196 of 3 Attorney: Address: Phone Number: Fax Number: (Signature) (Printed or typed Name) (Entity, if any, on whose behalf you are appearing) (Address) (Telephone number)

#### Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 197 of 3

### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
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- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 3/20/05

ighature

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

acting as: <u>Partner</u>

\_\_\_ of

Flying A Limi-

Corporate, Trust, Partnership or other entity)

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

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

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#### Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 198 of 3

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER - DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 3/20/05

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

acting as: Partner of

Flying A Limited Fartnership

(Corporate, Trust, Partnership or other entity)

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

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

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

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

### Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 199 of 3

=	
2	IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA
(1)	UNITED STATES OF AMERICA.
4	Plaintiff.
r)	WALKER RIVER PAILTE TRIBE. IN EQUITY NO. C-125
6	Plaintiff-Intervenor, SUBFILE NO. C-125-B
7	vs. ,
8	WALKER RIVER IRRIGATION DISTRICT,
9	a corporation, et al
10	NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE
11	<ol> <li>I hereby enter my appearance in this sub-proceeding in this case.</li> </ol>
12	2. I am filing this document with the District Court at the following address:
13	Chief Deputy Clerk
14	United States District Court for the
15	400 South Virginia Street, Suite 301 Reno, Nevada 89501
16	3. In the envelope provided for return of my Waiver of Service of Notice in Lieu
17	Summons. I am mailing a copy of this document to:
13	Summons: 1 and manning 2 copy of the Susan L. Schneider
19	Attorney for the United States of America United States Department of Justice
20	Environment & Natural Resources Division
21	P.O. Box 756 Littleton, Colorado 80160
22	4. I (or the entity on whose behalf I am acting) will retain all defenses or objection
23	to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defer
24	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.
25	5. If I (or the entity on whose behalf I am acting) have retained an attorney to represen
26	me in these proceedings. I identify that attorney below, along with his or her mailing address
_ 27	telephone number, and facsimile number:
28	
	NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 1 of 2

3:73	R-cy-00127-MMD-CSD Do	cument 650 Filed 05/09/2005 Page 200 o
1	Attorney:	
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3	Address:	
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· 6	Phone Number:	
7	Fax Number:	De Burkous
8		The same of the sa
9		(Signature)
10		Julius Bunkow
11		(Printed or typed Name)
12		Partner
13		Ilying A Limited Berlinus
14		(Entity, if any, on whose
15		behalf you are appearing)
16		In The Mevada 894.
17		(Address)
18		775-465-2358
19		(Telephone number)
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### Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 201 of 3

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 4/8/05

Signature

Pose

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

acting as: <u>Into Dwne</u>

owner \_\_\_\_\_

(Corporate, Trust, Partnership or other entity

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

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

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#### Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 202 of 3

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PARTIE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
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Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

acting as:

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

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

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# Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 203 of 3

1		
2	IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA	
3	UNITED STATES OF AMERICA.	
4	Plaintiff.	) '
5	WALKER RIVER PAIUTE TRIBE,	IN EQUITY NO. C-125
6	Plaintiff-Intervenor,	) SUBFILE NO. C-125-B
7	VS.	) )
8 9	WALKER RIVER IRRIGATION DISTRICT, a comporation, et al.,	$\mathcal{K}$
10	NOTICE OF APPEARANCE AND INT	ENT TO PARTICIPATE
11	1 I have been a second and the secon	proceeding in this case
12	1. I hereby enter my appearance in this sub	
15	2. I am filing this document with the Distri	Ct Court at the following audiess.
14	Chief Deputy Clerk United States District Court for the District of Nevada	
15	400 South Virginia Street, Suite 301 Reno, Nevada 89501	
16	3. In the envelope provided for return of m	y Waiver of Service of Notice in Lieu o
17	Summons. I am mailing a copy of this document to	,
18	Susan L. Schneider	
19	Attorney for the United States of Americ United States Department of Justice	
20	Environment & Natural Resources Divis P.O. Box 756	sion
21	Littleton, Colorado 80160	
22	4. I (or the entity on whose behalf "am acti	
23	to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defec	
24	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.	
25	5. If I (or the entity on whose behalf I am acti	ng) have retained an attorney to represent
26	me in these proceedings, I identify that attorney below, along with his or her mailing address	
27	telephone number, and facsimile number:	
28		

MOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 1 of 2

# Case 3:73-cv-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 204 of 3

1	Attorney:	
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3	Address:	
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6	Phone Number:	_
7	Fax Number:	1 - w/ have with Com set
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9		(Signature)
10		Rose MARKE Bun Youst
11		(Printed or typed Name)
12		Partner
1.3		Elying A Limited Partnesh
14		Entity, if any, on whose
15		behalf you are appearing)  POBA36
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#### Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 205 of 3

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PARTITE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

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

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

# Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 206 of 3

	11		
2	IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA		
3	UNITED STATES OF AMERICA.	)	
4	Plaintiff.	)	
5	WALKER RIVER PAILTE TRIBE.	) IN EQUITY NO. C-125	
£	Plaintiff-Intervenor,	) SUBFILE NO. C-125-B	
7	vs.		
8	WALKER RIVER IRRIGATION DISTRICT,		
9	a corporation, et al.,	<b>,</b>	
10	NOTICE OF APPEARANCE AN	D INTENT TO PARTICIPATE	
• • •		to the control of the state and	
12	1. I hereby enter my appearance in this sub-proceeding in this case.		
13	2. I am filing this document with the	District Court at the following address:	
14	Chief Deputy Clerk United States District Court for the		
- 15	District of Nevada 400 South Virginia Street, Suite 301		
16	Reno, Nevada 89501		
	3. In the envelope provided for retur	n of my Waiver of Service of Notice in Lieu (	
17	Summons. I am mailing a copy of this document to:		
18	Susan L. Schneider		
-9	Attorney for the United States of America United States Department of Justice		
20	Environment & Natural Resource P.O. Box 756	SUIVISION	
21	Littleton, Colorado 80160		
22	4. I (or the entity on whose behalf I am acting) will retain all defenses or objection		
23	to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defec		
24	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.		
25	5. If I (or the entity on whose behalf I am acting) have retained an attorney to represen		
26	me in these proceedings. I identify that attorney	below, along with his or her mailing address	
27	telephone number, and facsimile number:		
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į	NOTICE OF APPEARANCE AND INTENT TO	PARTICIPATE, page 1 of 2	
- 11		· •	

3:73	rcy-00127-MMD-CSD Documer	it 650 Filed 05/09/2005 Page 207 (
1	Attorney:	
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6	Phone Number:	
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8		Tamb a Jones
9		(Signature)
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11		Printed or typed Name)
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14		(F_vi_ if any on whose
15		(Entity, if any, on whose behalf you are appearing)
16		69 QUALL LANK
17		YERIHOTOM NV
18		(Address) 775-463-4654
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#### Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 208 of 3

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAILITE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
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- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 3-17-05

Signature

NENDELL FERRESTER

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as:

(Title)

(Corporate, Trust, Partnership or other entity)

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

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a notice of appearance and intent to participate.

<sup>∥</sup> •Case 3:73-		cument 650 Filed 05/09/2005 Page 209 of 3
1	Attomey:	cument 650 Filed 05/09/2005 Page 209 of 3
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3	Address:	
4		<u>.</u> •
5	Phone Number:	
. 6		<b>A</b>
7	Fax Number:	wendelfanglis
8		(Signature)
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10		WENDER FOREST
11		(Printed or typed Name)
12 13		
14		(Entity, if any, on whose
15		behalf you are appearing)  O QUAIL LANTE
16		YERINGON, NEN 69447
17		(Address) (775) 463-4654
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### Case 3:73-cv-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 210 of 3

### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

#### Susan L. Schrieider, attorney for the United States of America TO:

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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Date: 3-17-05

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

acting as: \_\_\_\_\_(Title)

(Corporate, Trust, Partnership or other entity)

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## Case 3:73-cv-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 211 of 3

-			" DISTI	DICT COURT
2		IN THE UNITED STATE FOR THE DISTRIC	T OF N	EVADA
3	UNI	TED STATES OF AMERICA.	)	
4		Plaintiff.	<i>)</i>	IN EQUITY NO. C-125
5	WA	LKER RIVER PAIUTE TRIBE.	)	SUBFILE NO. C-125-B
ć		Plaintiff-Intervenor,	)	SUBFILE NO. C-122
7		vs.	)	
8	337.4	ALKER RIVER IRRIGATION DISTRICT.	)	
9	a cc	NOTICE OF APPEARANCE, A.N.	n inte	NT TO PARTICIPATE
10				
11	.	<ol> <li>I hereby enter my appearance in t</li> </ol>	his sub-p	roceeding in this case.
12	2	and the document with the	e District	Court at the following address:
1:	3	Clark		
1.	l	Chief Deputy Clerk United States District Court for the		
1		District of Nevada 400 South Virginia Street, Suite	301	
- 1		Reno. Nevada 89501	ern of my	Waiver of Service of Notice in Lieu c
	li li	3. In the envelope provided sorres	rit to:	
		ummons. I am mailing a copy of this docume	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	
	.3 ∥	Susan L. Schneider Attorney for the United States of	f Americ	a
	.9	United States Department of Ju Environment & Natural Resour	stice ces Divis	ion
7	20	P.O. Box 756		
:	21	· whose het all	[] am acti	ing) will retain all defenses or objection
	22	Littleton, Colorado 80103  4. I (or the entity on whose behalf I am acting) will retain all defenses or objection to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.  5. If I (or the entity on whose behalf I am acting) have retained an attorney to represent the in these proceedings. I identify that attorney below, along with his or her mailing address.		
	23			
	24			
	25			
	26	rne in these proceedings. I identify that attor	ney delov	.,
	27	telephone number, and facsimile number:		
	23			nage 1 of 2
		NOTICE OF APPEARANCE AND INTENT	TO PART	ricipate, page 1 or =

#### Case 3:78-cv-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 212 of 3 Attomey: Address: Phone Number: Fax Number: (Entity, if any, on whose behalf you are appearing) (Telephone number)

# Case 3:73-cv-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 213 of 3

# WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

- Susan L. Schneider, attorney for the United States of America TO:
- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the Distric: of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER - DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to
  - 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST me. AMENDED COUNTERCLAIM OF THE WALKER RIVER PARTIE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) he served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
    - 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
    - 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 6-9-04/

GERGIE W FBASER
Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as \_\_\_\_OW777ER

(Corporate, Trust, Partnership or other entity)

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Numer 4 of the Federal Rules of Civil Frocedure requires certain parties to eveperate in saving unnecessary costs of service of the Professor Blocd of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear

It is not good cause for a failure to waive service that a party believes that the clarits of the opposing parties are unfounded, or that the action has been the cost of such service unless good cause be shown for its failure to sign and return the waiver. brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. Notice in Lieu of Summons retains all defenses and objections (except ony relating to the Notice in Lieu of Summons or to the service of the Notice in

of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought. anumons), and may rater object to the jurisdiction of the court or to the pract while the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with the court and the court and DOJ attorney S. Schneider with the court and t

a notice of appearance and intent to participate.

### Case 3:73-cv-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 214 of 3

### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER - DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAILITE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

	James 11 Julilon	
Date: 3-21-2005	Signature Same it Fulstone.	
	Printed/Typed Name  If you are acting on behalf of any entity, identify that you a	are of
	(Corporate, Trust, Partnership or other entity)	

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

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

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

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

# Case 3:73-cv-00127-MMD-CSD Document 650 Filed-05/09/2005 Page 215 of 3

- 1	Fe hargled 8		
2	IN THE UNITED STATES DI FOR THE DISTRICT O	STRICT COURT F NEVADA	
3	UNITED STATES OF AMERICA.	) )	
4	Plaintiff.		
101	WALKER RIVER PAIUTE TRIBE.	IN EQUITY NO. C-125	
6	Plaintiff-Intervenor,	SUBFILE NO. C-125-B	
7	vs.		
8	WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,		
10	NOTICE OF APPEARANCE AND INT	TENT TO PARTICIPATE	
11	1. I hereby enter my appearance in this sub	p-proceeding in this case.	
12	2. I am filing this document with the Distr	ict Court at the following address:	
13	Chief Deputy Clerk United States District Court for the District of Nevada 400 South Virginia Street, Suite 301 Reno, Nevada 89501		
14			
16	3. In the envelope provided for return of n	ny Waiver of Service of Notice in Lieu o	
17	Summons. I am mailing a copy of this document ic:		
13	Commit Schneider		
19	Attorney for the United States of America United States Department of Justice Environment & Natural Resources Division		
20	P.O. Box 756 Littleton, Colorado 80160		
21	Littleton, Colorado bores	ting) will retain all defenses or objections	
22	4. I (or the entity on whose behalf I am acting) will retain all defenses or objection		
23	to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect to the lawsuit or to the jurisdiction or venue of the Notice in Lieu of Summons.		
24	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.  5. If I (or the entity on whose behalf I am acting) have retained an attorney to represent		
25	5. If I (or the entity on whose behalf I am acting) have retained and in a start of the entity of whose behalf I am acting) have retained and its start of the entity of t		
26	me in these proceedings. I identify that attorney below, along with his or her mailing addres		
27	telephone number, and facsimile number:		
28			

#### Case 3:7\$-cv-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 216 of 3 Attorney: Address: Phone Number: Fax Number: (Signature) (Printed or typed Name) (Entity, if any, on whose behalf you are appearing) 156 - Lower Colony (Address) 775-465-2373 (Telephone number)

## Case 3:73-cv-00127-MMD-CSD Document 650 F304 05/09/2005 Page 217 of 3

A.P.N. 14-301-03

Escrow No.: LY-302643-DA RPTT \$121.55, computed on full

RECORDING REQUESTED BY:

Northern Nevada Title Company

MAIL TAX STATEMENTS AND WHEN

RECORDED, MAIL TO:

Scott D. Rader

3155 Lucerne Way

Sparks, NV 89431

UFFICIAL RECORDS LYON COUNTY, NEV. RECORD REQUESTED BY

NORTHERN NEVADA TITLE CO. (13 AUG - 1 PM 3: 11

> MARY C. MILLIGAN COUNTY RECORDER

43° m

THIS SPACE FOR RECORDER'S USE ONLY

GRANT, BARGAIN, SALE DEED

That Paul Gelles and Eleanor C. Gelles, Husband and Wife and Paul J. Gelles and Lynne R. Gelles, Husband and Wife as Joint Tenants with Right of Survivors aim Consideration of \$10.00 Dollars, the receipt of which is hereby acknowledged, do(es) hereby Grant, Bargain, with and Convey to Scott D. Rader and Krys Rader, Husband and Wife as Joint Tenants with Right of Survivors of Lall that real property in the County of Lyon, State of Nevada, bounded and described as follows:

See Exhibit "A" attached bereto and made a part hereof

TOGETHER WITH ALL WATER AND WATER RIGHTS APPURTENANT DESCRIBED PROPERTY.

THEHEREIN

Together with all singular the tenements, hereditaments and appurtenances thereu ato belong to thin anywise appertaining.

Tated: July 25, 2003

Paul Gelles

Eleanor C. Gelles

SIGNED IN COUNTERPART

Paul J. Gelles

SIGNED IN COUNTERPART

Lynne R. Gelles

301412

# Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 218 of 3

Andrew Control of the
STATE OF)
COUNTY OF)
On personally appeared before me, a Notary Public, Faul Gelles and Eleanor C. Gelles who acknowledged that they executed the above instrument.
Signature (Notary Public)
STATE OF Vlaho
COUNTY OF BUNGHAM )
On 7-30-03 personally appeared before me, a Notary Public, Faul J. Gelles and Lynne R. Gelles who acknowledged that they executed the above instrument.
Signature Pulley (Notary Public)
Commission axpilla: 3-17-2009
WIND OF THE COLUMN TO SERVICE OF THE COLUMN TO
*O <sub>0</sub> ,

## Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 219 of 3

LY-302643-DA 302643

#### EXHIBIT "A" ATTACHED TO GRANT, BARGAIN, SALE DEED

#### **EXHIBIT "A"**

All that certain real property situate in the county of Lyon, State of Nevada, described as follows:

A parcel of land located in Section 33, Township 14 North, Range 25 East, M.D.B.&M. and described as follows:

Commencing at the North of corner of Section 33, Township 14 North, Range 25 East, M.D.B.&M., from whence the North of the of said Section 33 bears N 89° 51' 49" W; thence S 01° 20' 44" W a distance of 2699.72 feet to be paint of beginning; thence around the parcel as follows:

S 0° 17' 46" W along the Western all the lower of State Route 95A a distance of 282.89 feet; thence S 89° 10' 16" W a distance of 199.86 feet; thence S 78° 27' 30" W a distance of 193.50 feet; thence S 03° 57' 43" W a distance of 227.85 feet; thence S 03° 57' 43" W a distance of 57.02 feet to the South line of the "Painter Property" as shown of May File No. 103717, Lyon County Records; thence N 89° 40' 00" W a distance of 858.81 feet; thence N 05' 161-23" E a distance of 652.20 feet to the South line of Penrose Country Club Estates Map File No. 91 49, I pon County Records; thence S 89° 38' 00" E along said line a distance of 924.60 feet to a rock wall; thence S 02° 38' 16" W a distance of 1.97 feet to the Southwest corner of the wall; thence along the Southwest corner of the wall; thence along the Southwest corner of 86.93 feet; thence S 89° 52' 15" B a distance of 87.11 feet; thence S 89° 02' 51" E a distance of 100.58 feet; thence S 54° 19' 28" E a distance of 87.11 feet; thence S 57° 12' 48" E a distance of 36.30 feet to the true point of beginning.

Reference is hereby made to that certain Record of Survey / Boundary Line Adjustment for Doris J. Thompson and Paul Cielles & Eleanor C. Gelles, recorded in the Officia. Results of Lyon County, Nevada on July 7, 1999 as Document No. 236141 and as amended by Carriccate of Amendment recorded July 15, 1999 as Document No. 236451.

Note: Legal description previously contained in document recorded July 1, 2002 a Depart No. 279167.

ON DISTRICT	Index No. 279-A Lyon County No. 14-301-03	~	73.	TOPAZ RES. BRIDGEPÖRT RES.	ACRE FEET OLAIM F CONTACTOR	17.09%	18.10 8.29 NATIVITY BY ACCES	Acre Feet Storage 26.399	COMMENTS:	10/29/03 - Transferred from card 19710 - Gelles						nt			Thompson & Paul & Eleanor C. Geliles	Marian Pinkerton, acting Lyon County Clerk & Ex-Officio Clerk on benalt of Paul Gelles & Eleanor C. Gelles quitcialms to Paul & Eleanor C. Gelles, husband and wife as Joint Tenants	Lynn R. Gelles, husband and wife as Joint Tenants to Scott D. & Krys Rader, husband	Q5/09/2005 Page 220 0
WALKER RIVE! ATION DISTRICT	TENING ON, MENDON	O, & M. Local No. 2		ACRE FEET TOPAZ RES.	TOTAL APPORTIONED ACRE FEET		26.390 26.39 18.10			10/29/03 - 7				ed Palmer.	obell.	pbell.	. 1	d Paul & Lynn Galles.	e Adjustment for Doris J. Thompson & Paul & Ele	Marian Pinkerton, acting Lyon County Clerk & Ex-Officio Clerk on benait of Paul Gelles & Eleanor Gelles, husband and wife as Joint Tenants	and wife and Paul J. & Lynn R. Gelles, husbar	
WALK				! -	STORAGE PER ACRE	3.2076 65 1.5444			\$77F			No second	DESCRIPTION	Charles Dainter to Mildred & Dainter	Charles Painter to F. & Velma Campbell	Velma Campbell to Charles F. Campbell	Charles Campbell to William & Ruby Lowery.	William & Ruby Lowery to Paul & E	Record of Survey/Boundary Line A	Gelles, husband and wife as Joint	Paul & Eleanor C. Gelles, husband and wife as Joint Tenants	
	42128 Scott D. & Krys Rader	3155 Lucerne Way Sparks, NV 89431	a. i		C.F.S. ACKES	17.090			PTION:	Fr. N 1/2 of NE 1/4 of SE 1/4, Sec. 33;	174 N - K Z5 E	STORY:	DAIE	03/09/64	<u>07/10/70</u>	05/28/76	03/81/60	09/43/00	02/10/199	66170770	08/01/03	
Division #	Card #: Name:	Address:	Court Decree:		PRIORITY	NEWL	TOTAL		LEGAL DESCRIPTION:	Fr. N 1/2 o	2	DOCUMENT HISTORY:	DOCUMENT #	#46-564	#52-323,4	#26443	123 123 124 123 124 123 124 125 125 125 125 125 125 125 125 125 125	- #: - #: - #: - #: - #: - #: - #: - #:	#236141	#236143	#301412	

## Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/69/2505 Page 221 of 3

OFFICIAL RECORDS LYON COUNTY, NEV. RECORD REQUESTED BY

APN: 004-391-07 RPTT \$1244.10

WESTERN TITLE CO. INC. 04 JUN 23 PM 3: 37

> MARY E. MILLIGAN COUNTY RECORDER

FFE 15° DEP. MK

WHEN RECORDED MAIL TO:

Name ALLAN R. SIMPSON Street 1397 HIGHWAY 208

Address

City,State

YERINGTON, NV 89447

Zip

MAIL TAX STATEMENTS TO:

Name Street

ALLAN R. SIMPSON 1397 HIGHWAY 208

Address City,State

YERINGTON, NV 89447

Zip Order

00089913-201- SLG 8645

No.

(SPACE ABOVE THIS LINE FOR RECORDERS USE)

## **GRANT, BARGAIN AND SALE DEED**

THIS INDENTURE WITNESSETH: That

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, MARIO J. GHIO JR and DIANA D. GHIO, TRUSTEES OF THE GHIO FAMILY TRUST DATED JULY 3, 2003, do(es) hereby GRANT(s) BARGAIN SELL and CONVEY to ALLAN R. SIMPSON, an unmarried man and TIMOTHY D. SWENSON and MICHELE T. SWENSON, husband and wife, as joint tenants. ALL TOGETHER AS JOINT TENANTS and to the heirs and assigns of such Grantee forever, all the following real property situated in the City of N/A County of LYON, State of Nevada bounded and described as follows:

LOT 6 AS SHOWN ON THE OFFICIAL MAP OF WALKER RIVER RANCH, RECORDED IN THE OFFICIAL RECORDS OF LYON COUNTY, NEVADA ON JUNE 5, 1972 AS DOCUMENT NO. 10568

TOGETHER with all tenements, hereditaments and appurtenances if any, thereto belonging or appertaining, and any reversions, remainders, rents, issues or profits thereof.

Dated: May 24, 2004

## Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 222 of 3

STATE OF NEVADA

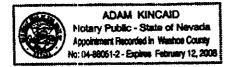
COUNTY OF WASHOE

This instrument was acknowledged before me on

May Z6th 2004

by MARIO J. GHIO. JR. AND DIANA D. GHIO.

TRUSTEES



Notary Public

ON DISTRICT  ADA  Index No. Fm-376  Lyon County No. 4-391-07  Claim No. User # 1889 95  User # Ditch  Ditch	CLAIM# TOTAL ACRES 4.0  Water Rt. Acres 4.0  Non WUT Rt. Acres 8.3  Acre Feet Storage 8.3  Acre Feet Storage 8.3  Acre Feet Storage 8.3  Ghio - card #19719, user #2373  Ghio Family Trust  Sson, an unmarried man and Timothy D. & Michel Communication of the case of the ca
LKER RIVE \TION DISTRICT YERIN , NEVADA	DUTY STORAGE FEET REQUIRED ACREEFET TOPAZRES BREGGEDORTRES  4.2768 66 2.0592 8.300 8.30 8.30 0.00  BECHOUS 8.5.10;  CESCIPITION The Walker RiverRach to Martin & Donna Schuster, 1976-77 Roll.  Martin Schuster to Donna R. Schuster, Trustee of the Donna R. Schuster Family Trust.  Donna R. Schuster to Donna R. Schuster, Trustee of the Donna R. Schuster Family Trust.  Martin Schuster to Donna R. Schuster, Trustee of the Donna R. Schuster Family Trust.  Martin Schuster to Donna R. Schuster, Trustee of the Donna R. Schuster Family Trust.  Martin Schuster to Donna R. Schuster, Trustee of the Donna R. Schuster Family Trust.  Martin Schuster to Donna R. Schuster, Trustee of the Donna R. Schuster Family Trust.  Martin J. Gibio, a married man no Diana Gibio, a married woman as her sole and cynearate property.  Martin J. Gibio, an arried man no Diana Gibio, and married woman as her sole and cynearate property.  Martin J. Gibio, and D. Ghio, husband and wife to Martin J. Albana D. Ghio, an arried woman as her sole and cynearate property.  Martin J. Gibio, a L. & Diana D. Ghio, husband and wife to Martin J. Albana D. Ghio, Jr. & Diana D. Ghio, Trustees of the Martin J. Ghio, Jr. & Diana D. Ghio, Trustees of the Simple J. Swensen, husband and wife as Joint Tenants, all together as Joint Tenants  I. Swensen, husband and wife as Joint Tenants, all together as Joint Tenants
W	Sections 9 & 10; Sections 9 & 10; Sections 9 & 10; Martin Schuster - Decessed:  Martin Schuster - Decessed:  Donna R. Shuster to Donna R. Schuster, 1976-77 Roll.  Martin Schuster of the Donna R. Schuster forming The Martin Schuster of the Donna R. Schuster forming The Martin Schuster of the Donna R. Schuster forming The Martin Schuster of the Donna R. Schuster forming The Martin Schuster of the Donna R. Schuster forming The Martin Schuster formin
49320 Allan R. Simpson Timothy D. & Michele T. Swenson 1397 Hwy 208 Yerington, NV 89447	NEWL
Division #:  Card #: 493  Name: Alla  Address: 139  Yer	NEWL  LEGAL DESCRIPTION: Lot #8, Walker Rive T 11 N, R 26 E. DOCUMENT HISTORY: DOCUMENT HISTORY: DOCUMENT # #156420 #173856 #223030 #223030 #223942 #3324026

	1
se 3:73-cy-00127-MMD-CSD D	ocument 650 Filed <u>05/29/22</u> 05 Page 224 of 3
	OFFICIAL KECORDS
A.P.N. # 10-331-34	LYON COUNTY, NEV.
_	RECOND REQUESTED BY
R.P.T.T. \$ 8580.00	STEWART TITLE OF
ESCROW NO. 04040146	04 JUN -4 AM 8: 12
RECORDING REQUESTED BY:	אייט אוו טייב
STEWART TITLE COMPANY	HARY C. HILLIGAN
MAJL TAX STATEMENTS TO: SAME AS BELOW	COUNTY RECORDER
	11.89 (16)
	FEE/10-/ DEP. (100)
WHEN RECORDED MAIL TO:	
Grantee	
1320 HIGHWAY 395 N	
GARDNERVILLE, NEVADA 89410	(Space Above for Beneaded at the Only)
CD AND DADO	(Space Above for Recorder's Use Only)
GRANT, BARGA	AIN, SALE DEED
**THIS DEED IS BEING SIGNED IN THIS INDENTURE WITNESSETH: That MICHE	COUNTERPART**
THIS INDENTURE WITNESSETH: That MICHAGILBERT, HUSBAND AND WIFE AND	TE WIT LIC - Norman
Limited Liability Company	o & m * 1; MUC.: a nevada
	· ·
in consideration of \$10.00, the receipt of which is her and Convey to GR8DEAL, LLC., A NEVA	why selectively does hands Court Dennis Call
and to the heirs and assigns of such Grantee forever, a	all that real properly situated in the
County of Lyon	State of Nevada, bounded and described as:
	ERETO AND MADE A PART HEREOF
Sogether with all and singular the tenements, heredital inywise appertaining, and any reversions, remainders,	uments and appurtunations thereunto belonging or in , rents, issues or profits thereof.
DATE: May 27, 2004	$\Omega_{\infty}$
J & M PI, LLC	MICHAEL C. GILBERT
o a m Fi, mic.	0 10 01M -1
BY:	Wat him Tilly
JADE A. MILLER	ANGEL KERR GILBERT
BY:	
TENLEY V. MILLER	
	CAROL COSTA
	Notary Public - State of Nevada P Appointment Recorded in County of Douglas
92,0221	Ny Appointment Expires No. 4, 2004
STATE OF PORCE	~~~~~~~
TATE OF The la Con City ss.	
COUNTY OF MISON CILTY	
,	/ 4./
his instrument was acknowledged before me on 6-	1-04
WMICHAEL C. GILBERT and ANGEL	
	KERR
GILBERT and J & M PI, LLC	KERR
GILBERT and J & M PI, LLC	KERR
GILBERT and J & M PI, LLC  Gignature arof Costa	ides of document for Recorder's Use Only)

A.P.N. # 10-331-34	
A.F.N. #	
R.P.T.T. \$ 8580.  ESCROW NO. 04040146  RECORDING REQUESTED BY:  STEWART TITLE COMPANY	
MAIL TAX STATEMENTS TO: SAME AS BELOW	
WHEN RECORDED MAIL TO: GRANTEE 1320 HIGHWAY 395 N	
GARDNERVILLE, NEVADA 89410	(Space Above for Recorder's Use Only)
GRANT, BAR	GAIN, SALE DEED
THIS INDENTURE WITNESSETH: That MIC GILBERT, HUSBAND AND WIFE AN Limited Liability Company	CHAEL C. GILBERT AND ANGEL KERR ND J & M PI, LLC. a Nevada
in consideration of \$10.00, the receipt of which is and Convey to GR8DEAL, LLC., A NE	hereby acknowledged, does hereby Grant, Bargain Sell
	State of Nevada, bounded and described as:  HERETO AND MADE A PART HEREOF  ditaments and appure mances thereunto belonging or in
J & M PI, LLC	MICHAEL C. GILBERT
BY:  JADE A. MILLER	ANGEL KERR GILBERT
4	
BY: Janley homely. TENLEY V. MILLER	
TENLEY V. MILLER	CAROL COSTA  Notary Public - State of Nevada  Appointment Recorded in Courty of Douglas  My Appointment Expires Nov. 4, 2004
	Notary Public - State of Nevada Appointment Recorded to County of Douglas
TENLEY V. MILLER	Notary Public - State of Nevada Appointment Recorded in Court y of Douglas My Appointment Expires Nov. 4, 2004

#### EXHIBIT 'A'

ALL THAT CERTAIN REAL PROPERTY BEING A PORTION OF SOUTH 1/2 OF SOUTHEAST 1/4 OF SECTION 22, AND NORTHEAST 1/4 AND NORTHWEST 1/4 OF SOUTHEAST 1/4 OF SECTION 27, T 11 N, R 23 E, M.D.B.&M., LYON COUNTY, NEVADA, DESCRIBED AS FOLLOWS:

PARCEL 1-A, AS SHOWN ON THE PARCEL MAP PREPARED FOR WEAVER PROPERTIES, L.L.C., RECORDED IN THE OFFICIAL RECORDS OF LYON COUNTY, NEVADA ON APRIL 23, 1999, AS DOCUMENT NO. 232837.

ASSESSOR'S PARCEL NO. 10-331-34

"TOGETHER WITH approximately 281 acre feet of storage water rights from Topaz Lake appurtment to the property".

		C	ase	3:7	3- <u>C</u> \
		297-A 10-331-34		Colony	1
		Index No. Lyon County No.	Claim No. User#	Difer	
					BRIDGEPORT RES.
STRICT					TOPAZ RES.
ITION D	YERINGTON, NEVADA		No.		ACRE FEET
m	YERINGTO		O. E.M. Local No.	1 3 3	
WALKE		1 1	1 1	ı	ACRE FEET REQUIRED
					DAVS
					PUTY
		, LLC	1320 Highway 395N Gardnerville, NV 89410		ACRES
	20770	GR8DEAL, LLC	1320 Highway 395N Gardnerville, NV 86		C.F.3.
Division #:	Card #:	Мапте:	Address:	Court Decree;	PRIORITY

Division #:

				KAVE	AABE BEEF	PAUL PAR					
PRIORITY	C.F.S.	ACRES	PUTY	2	AVAC PER REGUIRED	CENTRED	ACRE FEET	TOPAZ RES.	BRIDGEPORT RES.		
				STORAGE	PER ACRE	TOTAL	APPORTIONED	ACRE FEET	ACRE FEET	CLAIM #	TOTAL ACRES
i											
NEWL		106 280	4 2788	#)	20.00	400000					
TOTAL		-									Wednes Dr. Acres
		106.280				218.852	218,86	218.86	2		WALL ACTOR
											Mon War Dt Acres

Acre Feet Storage	10/16/02 - Transferred from card #56136 - Weaver Properties 02/11/04 - Assigned new APN by County	06/17/04 - Transferred from card #19776, Gilbert & Miller 06/17/04 - Transferred from card #19776 - Gilbert & J&M PI, LLC
EGAL DESCRIPTION:	Pr. NE 1/4, Sec. 27; T 11 N, R 23 E.	Parcel 1-A of PM 232837

218.8<del>6.6</del>

100 SE

**8** 

DOCUMENT HISTORY:		
DOCUMENT #	DATE	DESCRIPTION
#46-289	11/09/62	Joint Tenant
#109226	07/30/87	Cora G. Sayre to Cora Sayre Trust.
***************************************	12/27/96	Andrew G. Sayre, Jr. & Mark Arrighti, Successor Trustees in Cora Sayre, de Milliam M. 1- 6 D.
#703640	03/27/97	M. Weaver, Jr. Revocable Trust Agreement.  Parcel Man of Portlons of Sec. 32 # 27 # 4 # 10 ms.

Pr. NE 1/4, Sec. 27; T 11 N, R 23 E.		10/16/02 - Transferred from card #56136 - Weaver Properties 02/11/04 - Assigned new APN by County
Parcel 1-A of PM 232837		06/17/04 - Transferred from card #19776, Gilbert & Miller 06/17/04 - Transferred from card #18776 - Gilbert & J&M PJ, LLC
DOCUMENT HISTORY:		
DOCUMENT #	DATE	DESCRIPTION
#45-289	11/09/62	Joint Tenant
#109226	07/30/87	Cora G. Sayre to Cora Sayre Trust.
#101088	12/27/96	Andrew G. Sayre, Jr. & Mark Arright, Successor Trustees to Cora Sayre, deceased, to William M. Jr. & Rosemary F. Weaver, Trustees of the Williams M. Weaver, Ir. Bancashis Trustees of the Williams
#203640	03/27/97	Parcel Map of Portions of Sec. 22, & 27, 11 N - R 23 F.
#209400	08/22/97	Parcel Map of Portion of Sec 22 & 27. T 11 N D 22 E Co. Milliam 11 M.
#212988	12/09/97	Boundary Line Adjustment for William M. Weaver, Jr. & Rosemary E. Wasver, Trusters 20th Main M. Weaver, Jr. Trust.
#212989	12/09/97	William M. Weaver, Jr. & Rosemary F. Weaver, Trustees of the William M. Weaver, Jr. Revocable Trust Agreement to William M. Weaver, Trustees of the William M. Weaver, Jr. Revocable Trust Agreement to William M. Weaver & Rosemarm
#213378	12/19/97	William M. Weaver, Jr. & Rosemary F. Weaver, Trustees of the William M. Weaver, Jr. Revocable Trust Agreement to Weaver Properties, L.L.C., a Nevada Limited Liability Company
#216183	02/11/98	Weaver Properties, L.L.C., a Nevada Limitied Liability Company to Weston L. Wright, an unmarried man & Sandra Lynn McCombs, an unmarried woman (15).
#232837	04/23/99	Parcel Map for Weaver Properties 1 1.
#282768	09/18/02	Weaver Properties L.L.C., a Nevada Limited Liability Company to Michael C. & Angel Kerr Gibert, husband and wife as Joint Tenants as to an undivided 1/2 interset and lade & Tenants as to an
#322341	06/04/04	Jade and Tenley V. Miller, husband and wife as Initiative as Joint Tenants, an undivided 1/2 interest
#322342	06/04/04	Michael C. & Angel Kerr Gilbert, husband and wife and J.&. M.P., LLC, a Nevada Ilmited Ilability company company company to GR8DEAL, LLC, a Nevada Ilmited Company to GR8DEAL, LLC, a Nevada Ilmited Ilability
		age
		WRID 06/30/04

## Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 228 of 3

## WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAJUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

X Date: 3/21/05	Signature  Yed Glassbuss  Printed/Typed Name  If you are acting on behalf of any entity, identify that acting as:  (Title)	you are of
	(Corporate, Trust, Partnership or other entity)	

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

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

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

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

a notice of appearance and intent to participate.

## Case 3:78-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 229 of 3

1									
2	IN THE UNITED STATES DI FOR THE DISTRICT O	ISTRICT COURT OF NEVADA							
3	UNITED STATES OF AMERICA.								
4	Plaintiff.								
5	WALKER RIVER PAIUTE TRIBE,   IN EQUITY NO. C-125								
6	Plaintiff-Intervenor,	SUBFILE NO. C-125-B							
7	VS.	) )							
9	WALKER RIVER IRRIGATION DISTRICT, a corporation. et al.,								
10	NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE								
11	<ol> <li>I hereby enter my appearance in this sub</li> </ol>	p-proceeding in this case.							
12	<ol><li>I am filing this document with the Distri</li></ol>	ict Court at the following address:							
13	Chief Deputy Clerk								
14	United States District Court for the District of Nevada 400 South Virginia Street, Suite 301								
15	Reno, Nevada 89501								
16	3. In the envelope provided for return of my Waiver of Service of Notice in Lieu of								
17	Summons, I am mailing a copy of this document to:								
13	Susan L. Schneider								
19	Attorney for the United States of Ameri United States Department of Justice								
20	Environment & Natural Resources Divi P.O. Box 756	SIOII							
21	Littleton, Colorado 80160  4. I (or the entity on whose behalf I am acting) will retain all defenses or objections								
22									
23									
24	the second of th								
25									
26	me in these proceedings, I identify that attorney below	v, along will his of her maning address,							
27	telephone number, and facsimile number:								
28		_							
	NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 1 of 2								

# Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 230 of 3

1	Attorney:	
2		
3	Address:	
4		
5		
6	Phone Number:	
7	Fax Number:	x Dal Illand
8		
9	1	(Signature)
10		
11		(Printed or typed Name)
12		(Timod of types (Care)
13		
14		(Entity, if any, on whose
15		behalf you are appearing)
16		X TO BOX 302 Wellington
17		(Address)
18		775-4659612
19		(Telephone number)
20		
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## Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 231 of 3

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 3/21/05

Signature

Thereog Coloss burn, Testing of Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as:

(Corporate, Truss, Partnership or other entity)

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

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

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

An entity in this case who waives service must, within 60 days, as specified on the wasver form, provide the court and DOJ attorney S. Schneider with

a notice of appearance and intent to participate.

1		
2	IN THE UNITED STATES D FOR THE DISTRICT O	
3	UNITED STATES OF AMERICA,	)
4	Plaintiff.	}
5	WALKER RIVER PAIUTE TRIBE.	) IN EQUITY NO. C-125
6	Plaintiff-Intervenor,	) SUBFILE NO. C-125-B
7		) SUBFILE NO. C-123-B
8	VS.	<i>)</i> )
9	WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,	) )
10	NOTICE OF APPEARANCE AND IN	TENT TO PARTICIPATE
11	1. I hereby enter my appearance in this sub-	o-proceeding in this case.
12	2. I am filing this document with the Distr	•
13	Chief Deputy Clerk	ice count at the ronowing address.
14	United States District Court for the District of Nevada	
15	400 South Virginia Street, Suite 301 Reno, Nevada 89501	
16	3. In the envelope provided for πετυπι of π	y Waiver of Service of Notice in Lieu o
17	Summons, I am mailing a copy of this document to:	
13	Susan L. Schneider	
19	Attorney for the United States of Americal United States Department of Justice	
20	Environment & Natural Resources Division P.O. Box 756	sion
21	Littleton, Colorado 80160	
22	4. I (or the entity on whose behalf I am act	ing) will retain all defenses or objections
23	to the lawsuit or to the jurisdiction or venue of the cour	t except for objections based on a defect
24	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.	
25	5. If I (or the entity on whose behalf I am acti	ng) have retained an attorney to represent
26	me in these proceedings, I identify that attorney below, along with his or her mailing address,	
27	telephone number, and facsimile number:	
28		
H		

2

## Case 3:78-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 233 of 3 Attorney: Address: Phone Number: Fax Number: (Printed or typed Name) (Entity, if any, on whose behalf you are appearing) (Address) (Telephone number)

## .Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 234 of 3

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PATUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 3- 27-05

Signature

Chery L. Gorginet

Printed/Typea Name

If you are acting on behalf of any entity, identify that you are acting as:

(Title)

(Corporate, Trust, Partnership or other entity)

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

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

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

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

1		
2	IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA	
3	UNITED STATES OF AMERICA,	)
4	Plaintiff,	
5	WALKER RIVER PAIUTE TRIBE,	IN EQUITY NO. C-125
6	Plaintiff-Intervenor,	SUBFILE NO. C-125-B
7	vs.	)
8	WALKER RIVER IRRIGATION DISTRICT. a corporation, et al.,	) ) )
10	NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE	
11	<ol> <li>I hereby enter my appearance in this sub</li> </ol>	p-proceeding in this case.
12	2. I am filing this document with the Distr	ict Court at the following address:
13	Chief Deputy Clerk United States District Court for the	
14	District of Nevada	•
15	400 South Virginia Street, Suite 301 Reno, Nevada 89501	
16	3. In the envelope provided for returns of n	ny Waiver of Service of Notice in Lieu of
17	Summons, I am mailing a copy of this document to:	
18	Susan L. Schneider Attorney for the United States of Ameri	ica
20	United States Department of Justice Environment & Natural Resources Divi	
21	P.O. Box 756 Littleton, Colorado 80160	
22		ting) will retain all defenses or objections
23	to the lawsuit or to the jurisdiction or venue of the cou	
24	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.	
25	5. If I (or the entity on whose behalf I am acting) have retained an attorney to represen	
26	me in these proceedings, I identify that attorney below, along with his or her mailing address	
27	telephone number, and facsimile number:	
	telephone number, and racomine name.	
28		maranama nage 1 of 2

# Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 236 of 3

1	Attorney:	
2		
3	Address:	
4		
5		
6	Phone Number:	
7	Fax Number:	
8		Charl I Sff
9		(Signature)
10		
11		Cheal L Goffinet
12		(Printed or typed Name)
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14		
15		(Entity, if any, on whose behalf you are appearing)
16		12 Tingle-
17		
18		(Address) 
19		(Telephone number)
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## Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 237 of 3

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PARTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
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- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 3-11-05

Signature

Innnie

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

/m:/\_

(Title)

(Corporate, Trust, Partnership or other entity)

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

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

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

1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE DISTRICT OF NEVADA 3 UNITED STATES OF AMERICA, 4 Plaintiff. 5 IN EOUTTY NO. C-125 WALKER RIVER PAIUTE TRIBE. 6 SUBFILE NO. C-125-B Plaintiff-Intervenor, 7 VS. 8 WALKER RIVER IRRIGATION DISTRICT. 9 a corporation, et al., NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE 10 11 I hereby enter my appearance in this sub-proceeding in this case. 1. 12 I am filing this document with the District Court at the following address: 2. 16 Chief Deputy Clerk United States District Court for the 14 District of Nevada 400 South Virginia Street, Suite 30% 15 Reno, Nevada 89501 16 In the envelope provided for return of my Waiver of Service of Notice in Lieu o 3. Summons. I am mailing a copy of this document to: 18 Susan L. Schneider Attorney for the United States of America 19 United States Department of Justice Environment & Natural Resources Division 20 P.O. Box 756 Littleton, Colorado 80160 21 I (or the entity on whose behalf I am acting) will retain all defenses or objections 4. 22 to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect 23 in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons. 24 5. If I (or the entity on whose behalf I am acting) have retained an attorney to represent 25 me in these proceedings, I identify that attorney below, along with his or her mailing address, 26 telephone number, and facsimile number: 27 28 NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 1 of 2

## Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 239 of 3 Attorney: Address: Phone Number: Fax Number: (Signature) (Printed or typed Name) 1.3 (Entity, if any, on whose behalf you are appearing) (Telephone number)

## Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 240 of 3

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
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X Date: March 18-05	Y Gnore (6) Shote	
	ANGELO GROSO Printed/Typed Name	
	If you are acting on behalf of any entity, identify that you a	are
		of
	(Title)	
	(Corporate, Trust, Partnership or other entity)	

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

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

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

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

# Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 241 of 3

1		
2	IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA	
3	UNITED STATES OF AMERICA.	)
4	Plaintiff,	) )
5	WALKER RIVER PAIUTE TRIBE,	) IN EQUITY NO. C-125
6	Plaintiff-Intervenor,	) SUBFILE NO. C-125-B
7	VS.	) )
8	WALKER RIVER IRRIGATION DISTRICT. a corporation, et al.,	) ) )
10	NOTICE OF APPEARANCE AND INT	TENT TO PARTICIPATE
12	I. I hereby enter my appearance in this sub	p-proceeding in this case.
12	2. I am filing this document with the Distr	
13 14	Chief Deputy Clerk United States District Court for the	
15	District of Nevada 400 South Virginia Street, Suite 301 Reno, Nevada 89501	
16	·	ny Waiver of Service of Notice in Lieu o
17		ny iranoi di domino di transita
18	Summons. I am mailing a copy of this document to:	
19	Susan L. Schneider Attorney for the United States of Art.eri	ica
20	United States Department of Justice Environment & Natural Resources Divi	ision
21	P.O. Box 756 Littleton, Colorado 80160	
22	4. I (or the entity on whose behalf ! am ac	ting) will retain all defenses or objections
23	to the lawsuit or to the jurisdiction or venue of the cou	art except for objections based on a defect
24	in the Notice in Lieu of Summons or in the service of	the Notice in Lieu of Summons.
25	5. If I (or the entity on whose behalf   am act	ing) have retained an attorney to represent
26	me in these proceedings, I identify that attorney below, along with his or her mailing address.	
27	telephone number, and facsimile number:	

## Case 3:7\$-cv-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 242 of 3 Attorney: Address: Phone Number: Fax Number: angels Gross (Signature) ANGELO GROSO (Printed or typed Name) (Entity, if any, on whose behalf you are appearing) P. O. Box 14 Wellington, NV 89444 (Address) 775 - 465-2377 (Telephone number)

## Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 243 of 3

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

#### Susan L. Schneider, attorney for the United States of America O:

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAILITE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER - DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAJUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 2-14-25

Maxine J. Groso

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

acting as: <u>Trustee</u> of

The Ernest & Maxine Jo 2000 Family Trust Agreement

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

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

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

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

When Recor Mail to:

Case 3:73-cy-00127-MMD-CSD Document 650 Filed 95/09/2005 Page 244 of 3

P.O. Box 317
Wellington, NV 89444

A.P. # 010-641-04:05;06

## GRANT, BARGAIN AND SALE DEED

THIS INDENTURE made this 8 day of June, 2000, by and between MAXINE JO GROSO, Individually and MAXINE JO GROSO, as Guardian of the Person and Estate of ERNEST GROSO, as husband and wife, joint tenants with right of survivorship, of Lyon County, Nevada, "GRANTORS", and MAXINE JO GROSO, as Trustee of the ERNEST GROSO and MAXINE JO GROSO 2000 FAMILY TRUST AGREEMENT, dated

## WITNESSET H:

That the Grantors, do by these presents grant, bargain, sell and convey unto the Grantees and to their successors and assigns, without consideration, all right, title and interest in that certain real property situate in Lyon County, State of Nevada, and more particularly described as follows, to wit:

All the real property residence in Wellington, situate in the County of Lyon, State of Nevada, more particularly described as follows:

24966

 $p_{AB} = 1$ 

Case 3:73-cv-00127-MMD-CSD-Document 650 The 05/09/2005 Page 245 of 3 the Northeast 1/4 of the Southwest 1/4 of Section 2. Township 10 North, Range 23 East, M.D.B.&M.,

2. Township to North, Range as Ellows; at Wellington, Smith Valley, Lyon County, Nevada, more particularly described as follows:

COMMENCING at the 1/16th section corner which bears North 1323.40 feet, from the South 1/4 corner of said Section 2, proceeding North 19038'22" East 494.23 feet, to a point on the Westerly right of way line of Nevada State Highway Route 3, where said right of way line is intersected by the property line between the Groso Property (Post Office) and the Compston Property; proceed thence along said property line, South 48°34' West, 278.00 feet, to the true point of beginning, which is the most easterly corner of this parcel; proceed thence South 48034' West 106.00 feet, to a point on the North bank of the Plymouth Ditch; thence North 78°55' West, 128.00 feet, along said ditch bank, to a point, thence North 41004' West 135.96 feet, to a point on the Southerly line of a 36 foot wide easement for road and utilities, thence along said Southerly easement line, North 78047' East 128.67 feet, to a point; thence continuing along said Southerly line, South 70047' East, 80.00 feet, to a point; thence South 40°32'20" East, 142.55 feet, along the boundary between this pricel and the Groso property (Post Office) to the true point of beginning.

And:

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

## PARCEL 4:

Commencing at Monument No. 1 which is located 59.90 feet North of the northwest corner of the SW1/4 of the SE1/4 of Section 2, Township 10 North, Range 23 East, M.D.B.&M.; thence South 41°26' East 285.00 feet; thence South 48°34' West 30.00 feet to the true point of beginning for the description of this parcel of land; thence South 48°34' West 384 feet to a point on the north hank

Case 3:73-cv-004271-WANDACS DPBOOCUMENT 650 Fled 25/09/2005 Page 246 of 3 north bank of said ditch North the north bank of feet to a two inch iron pipe in the north bank of

north bank of said ditch North 7003 and feet to a two inch iron pipe in the north bank of said ditch; thence north 41004' West 584.60 feet to an iron pin in the south bank of the Burbank Ditch; thence North 73010' East 109.8 feet to an iron pin in the south bank of the Burbank Ditch; thence North 89010' East 164.60 feet to a point on the south bank of the Burbank Ditch; thence South 80049' East 168.80 feet to a pin in the south bank of the Burbank Ditch; thence North 70054' East 74.30 feet to a point on the south bank of the Burbank Ditch, thence North 63000' East 57.00 feet to the westerly side of the highway; thence south 41026' East 362.00 feet along the westerly side of the highway to the true point of beginning.

### And:

All that real property situate in the County of Lyon, State of Nevada described as follows: (Known as the Commercial Bldg./Equipment lot)

Beginning at the southeast corner of the parcel on the westerly side of the State Highway right of way, said point of beginning being described as bearing North 5035' East 585.23 feet from the established one-sixteenth corner, designated as the southeast corner of the NEI/4 of the SW1/2 of said Section 2, said one-sixteenth corner, a rock mound, being North a distance of 1323.40 feet from the south one-quarter corner of Section 2, Township 10 North, Range 23 East, M.D.B.&M.; thence from the point of beginning South 50°59' West 244 feet to a point which is 5 feet southerly from the southwest corner of the socalled Hoye Store Building; thence South 70047' West 95 feet to the southwest corner of the parcel; thence North 4052' West 275 feet to a point on the south bank of the Burbank Ditch and the northwest corner of the parcel; thence North 78042' East 49.60 feet to a fence corner at the morthwest corner of the Werner lot; thence South 42003' East along the fence line 97 feet to the fence corner; thence North 43030' East along the tence line is feet; more or less, to the State

Case 3:73-cy=00427=1400005SM34D thence South 140 East along said right of way 83.30 650 Filed 250942005 Page 247 of 3 thence South 42025 East along said right of way 62 feet to the point of beginning.

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

TOGETHER WITH the appurtenances and all the estate and rights of the Grantors in and to said premises.

IN WITNESS WHEREOF, the Grantors have executed this deed the day and year first herein above written.

MAXINE JO GROSO Individually

Bround George

MAXINE JO GROSO, Guardian of the

Person and Estate of

ERNEST GROSO

STATE OF NEVADA

88.

COUNTY OF WASHOE

BARBARA KAY REESE

PARTY Public, State of Levade

Consistency No. 92-1551-2

Party Capiros Oct. 15, 2000

NOTARY PUBLIC in and for said County and State.

17.17.14.2

Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 248 of 3

249667

OFFICIAL RECORDS LYON COUNTY, NEV. RECURD FEQUESTED BY

HENRY W. CAVALLERO

00 JUN 29 AH 11: 38

MARY C. HILLIGAN COUNTY RECORDER

FEE (100 DEP. 28

## FILED

- 1	* * Comes Comes (La)		
Ga	Sea3-73-cv-00:5234MMD-CSD Document 650 Filed 05/09/2005 Page 249 o		
2	Dept. No.: II 00 MAY 15 A 9: 37		
3	NIKKI A. BRYAN LYON COUNTY CLERK		
4	KAREN DINI		
5	DEFINITY		
6	IN THE THIRD JUDICIAL DISTRICT COURS! OF THE STATE OF NEVADA		
7	IN AND FOR THE COUNTY OF LYON		
8			
9	IN THE MATTER OF THE GUARDIANSHIP OF GUARDIAN OF THE PERSON AND		
10	SSTATE AND FOR INSTRUCTIONS		
11	ERNEST GROSO,		
12	An Adult Ward.		
13	THIS MATTER came before the Court this date upon the		
1.4			
15			
16			
17			
10			
1:			
2			
2			
2	manage his financial affairs and obtain related services from		
2	local, state and federal agencies.		
2	3. It is in the Ward's best interest that a Guardian of		
2	the Person and Estate be appointed.		
:	26		
:	27  That MAXINE 30 GROSO, SHOULD SE TECHNOLOGY  REPARAMENT OF ERNEST GROSO, to executed a Marital		

249671

1 Case 3:7 2	' uction Trust. The total value of the Trust Estate is 3-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 250 cestimated at a sum in excess of the federal estate tax		
3	THEREFORE, based upon the foregoing, IT IS HEREBY		
4	ORDERED as follows:		
5	1. That MAXINE JO GROSO is appointed Guardian of the		
6	Person and Estate of ERNEST GROSO.		
7	2. That the Clerk of the Court shall issue Letters of		
8	Guardianship to MAXINE JO GROSO as Guardian of the Person a		
9	Estate of ERNEST GROSO, upon her posting a bond in the sum (		
10	\$ <u> </u>		
11	3. That the Guardian, MAXINE JO GROSO, is hereby		
12	authorized to execute the Marital Deduction Trust set forth		
13	Exhibit "C" to the Petition on file herein, on behalf of the		
14	Ward, and is authorized to execute any conveyances, assignment		
15	or other documents to fund the trust for ERNEST GROSO.		
16	4. That the Guardian shall exercise her responsibili		
17	as Guardian of the Person, so that ERNEST GROSO is allowed		
18	live in the least restrictive environment.		
19	5 That the Guardian is not to be not held personal		
20	liable for the financial obligations of the Ward's care		
21.	DATED this 15th day of hay, 2000.		
22	<b>\</b>		
23	CERTIFIED COPY DISTRICT JUDGE		
24	The document to which this certificate is attached is a full, true and correct copy of the		
25	original on file and of record in my office		
26	DATE: 5-6-00 1 kg A. Bryan, Gounty Gigt 1911 Click of		
27	Telegraphic decimal Democratic Court on the State		
28			
	Deputy		

Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 251 of 3

249671

OFFICIAL RECORDS LYON COUNTY, HEV. RECORD REQUESTED BY

HENRY W. CAVALLERO 00 JUN 29 AH 11: 48

MARY C. HILLIGAN COUNTY RECORDER

11E 900 DEP. 28

## Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 252 of 3

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER - DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIL TE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 3/17/05

loresa

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

(Title)

(Corporate, Trust, Partnership or other entity)

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

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

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

# Case 3:73-cv-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 253 of 3

-		
2	IN THE UNITED STATES DIS FOR THE DISTRICT OF	STRICT COURT F NEVADA
3	UNITED STATES OF AMERICA.	
4	Plaintiff.	
5	WALKER RIVER PAIUTE TRIBE.	IN EQUITY NO. C-125
6	Plaintiff-Intervenor,	SUBFILE NO. C-125-B
7	vs.	
8	WALKER RIVER IRRIGATION DISTRICT,  a corporation, et al.,	
10	NOTICE OF APPEARANCE AND INT	ENT TO PARTICIPATE
11	<ol> <li>I hereby enter my appearance in this sub-</li> </ol>	proceeding in this case.
12	2. I am filing this document with the Distric	
13	Chief Deputy Clerk	
14	United States District Court for the District of Nevada	
15	400 South Virginia Street, Suite 301 Reno, Nevada 89501	
16	<ol> <li>In the envelope provided for return of my</li> </ol>	y Waiver of Service of Notice in Lieu
17	Summons. I am mailing a copy of this document to:	
13	Susan L. Schneider Attorney for the United States of Arneric	a
19	United States Department of Justice Environment & Natural Resources Divis	
20 21	P.O. Box 756 Littleton, Colorado 80160	<del></del>
22	4. I (or the entity on whose behalf I arr; acti	ng) will retain all defenses or objectior
23	to the lawsuit or to the jurisdiction or venue of the cour	
24	in the Notice in Lieu of Summons or in the service of th	ne Notice in Lieu of Summons.
25	5. If I (or the entity on whose behalf I am actin	· <del>-</del>
26	me in these proceedings, I identify that attorney below	, along with his or her mailing address
27	telephone number, and facsimile number:	
28		
	NOTICE OF APPEARANCE AND INTENT NO PARTI	cipate, page 1 of 2

### Attorney: Address: Phone Number: Fax Number: (Signature) (Printed or typed Name) (Entity, if any, on whose behalf you are appearing) 283/ Hu/208 2831 WELL 1 46-4011 (Address) 775-465-906 (Telephone number)

Case 3:78-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 254 of 3

## Case 3:73-cv-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 255 of 3

## WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER - DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMIMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
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- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons

Signature Date: 3-23-05 Printed/Typed Name If you are acting on behalf of any entity, identify that you are acting as: Trustee of (Title)
Hall Family Trust
(Corporate, Trust, Partnership or other entity)

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

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

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

# Case 3:73-cv-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 256 of 3

1	Apr. 1528 18.		
1 2		IN THE UNITED STATES	DISTRICT COURT T OF NEVADA
3	INI	TED STATES OF AMERICA.	)
4		Plaintiff.	) IN EQUITY NO. C-125
5	WA	LKER RIVER PAIUTE TRIBE,	SUBFILE NO. C-125-B
6		Plaintiff-Intervenor,	) SOBIETING
7		vs.	
8	WA	ALKER RIVER IRRIGATION DISTRICT, orporation, et al.,	) ) PARTICIPATE
9 10	1	NOTICE OF APPEARANCE AN	D INTENT TO PARTICIPAL
	1	1. I hereby enter my appearance in the	n's sub-proceeding in this case.
11	-	1. I hereby enter my appearance in a	Court at the following address:
13	2	2. I am filing this document with the	Elistrict Court at the following address:
1	3	Chief Deputy Clerk United States District Court for t	he
1	4	District of Nevada 400 South Virginia Street, Suite	301
1	.5	Reno, Nevada 89501	Service of Notice in Lieu of
1	.6	<ol> <li>In the envelope provided for retu</li> </ol>	un of my Waiver of Service of Notice in Lieu of
1	7 S	ummons. I am mailing a copy of this docume	:O: If
-	_3 ∥	Susan L. Schneider	f America
:	19	United States Department of Ju Environment & Natural Resour	stice ces Division
,	20	P.O. Box /30	
	21	Littleton, Colorado 80160	If am acting) will retain all defenses or objections
	22	4. I (or the entity on whose behave	fore court except for objections based on a defect
	23	to the lawsuit or to the jurisdiction or venue of	f the court except for objections based on a defect
	24	- uha C	FOR CELLING TABLE
	- 11		T ! All I ACMME? **= '
	26	me in these proceedings. I identify that attor	ney below, along with his or her mailing address
	27	telephone number, and facsimile number:	
			£ n
	28	OF APPEARANCE AND INTENT	TO PARTICIPATE, page 1 of 2

# Case 3:73-cv-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 257 of 3

3: //3-CV	-00127-MMD-CSD Docur	nent 650 Filed 05/09/2005 Page 257 of t
1	Attorney:	
2	Address:	
4		
5	Phone Number:	
7	Fax Number:	Debra Gilmore
8		(Signature)
10		Debra Gilmore
11 12		(Printed or typed Name)
13		Trustee of Hall Family Trus
14		(Entity, if any, on whose behalf you are appearing)
15 16		4 Cottonwood Ln Verington NV 89447
17		(Address) 775-463-2757
18		(Telephone number)
19 20		
21	·	
22		
23 24		
25	<b>;</b>	
26		
27		a = = 2
28	ADDEARANCE AN	D INTENT TO PARTICIPATE, page 2 of 2

Case 3:73-cv-00127-MMD-CSD Document 650 F100 9/2005 Page 258 of 3

A.P.N. 04-401-06

Escrow No.: LY-302812-DA RPTT \$95.55, based on full value

RECORDING REQUESTED BY:

Northern Nevada Title Company

MAIL TAX STATEMENTS AND WHEN RECORDED, MAIL TO:

Kim K. Cox

P.O. Box 234

Yerington, NV 8944?

RECORD REBUESTED BY NORTHERN NEVADA TITLE CO. 03 OCT 10 PH 4: 22

THIS SPACE FOR RECORDER'S USE ONLY

## GRANT, BARGAIN, SALE DEED

That Philip Colin Hanifan and Carol Anne Hanifan, Trustees of The Hanifan Living Trust dated April 8, 2002 in consideration of \$10.00 Dollars, the receipt of which is hereby acknowledged, do(es) hereby Grant, Bargain, Sell and Convey to Kim K. Cox, an Unmarried Woman and Gene G. Zieman, an Unmarried Man as Joint Tenants with Right of Survivorship all that real property in the County of Lyon, State of Nevada, bounded and described as follows:

Lot 12 as shown on the map for WALKER RIVER RANCH, recorded in the Official Records of Lyon County, Nevada on June 5, 1972 as Document No. 10568. 500

TOGETHER WITH ALL WATER AND WATER RIGHTS APPURTENANT TO THE HEREIN DESCRIBED PROPERTY.

Together with all singular the tenements, hereditaments and appurenances thereunto belonging or in anywise appertaining.

Dated: October 8, 2003

Hanifan Living Trust dated April 8, 2002

By: Colin Hanifan, Trustee

By Carol Conne Hanifan

Carol Artne Hanifan, Trustee:

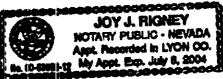
306121

## Case 3:73-cv-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 259 of 3

STATE OF NEVADA	)	
COUNTY OF LYON	)	
On 10-10-03	personally appeared b in Hanifan nne Hanifan	efore me, a Notary Trustee Trusts
		Andrew State of the Control of the C

who acknowledged that + help executed the above instrument.

Signature (Notary Public)



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tyon County No. 4401-06 DC Claim No. 463 GD Claim No. 10ser # Tunnel C. 10ser # 10ser	CLAIM # TOTAL ACRES  Water RL Acres  Non Wir RL Acres  Acre Feet Storage	from card #22500 - Hanifan  From card #22500 - Hanifan  Carol Ann Hanifan. Trustees of the Hanifan Living D  The Carol Ann Hanifan & Gene 3. Zieman, an unmarried O	Filed 05/09/2005 Page 2009/04/2005
WALKER RIVER ( ATION DISTRICT YERINGTON, NEVADA YERINGTON, NEVADA Gene G. Zieman P. O. Box 234 Yerington, NV 89447	C.F.S.         ACRE FEET         REQUIRED         ACRE FEET         TOPAZ RES.         BRIDGEPORT RES.           C.F.S.         ACRE FEET         TOPAZ RES.         BRIDGEPORT RES.           TOPAZ RES.         BRIDGEPORT RES.         BRIDGEPORT RES.           ACRE FEET         ACRE FEET         ACRE FEET           ACRE FEET         ACRE FEET         ACRE FEET	e Walker River Ranch Subdivision,  5 E.  107/09/76  10/21/02  10/10/03  Philip Coniin & Carol Ann Hanifan, Trust man as Joint Tenants with rights of Sul	
Division #: Card #: Name: Address:	Court Decree: PRIORITY NEWL TOTAL	Lot No. 12 of the Sections 9 & 10 T 11 N, R 25 T 11 N, R 25 DOCUMENT # #26.74 #26.74 #284452 #306121	

## Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 261 of 3

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PARTIE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.

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

Summons or in the service of the Notice in Lieu of Summons.

Date: 492 - 200 | Signature | HANSEN |
Printed/Typed Name
If you are acting on behalf of any entity, identify that you are acting as:

Of (Title)

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

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of

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

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

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

## Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 262 of 3

Recording Requested by And Return to:

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

RPTT#3

#### WATER RIGHTS DEED

THIS INDENTURE, is made this 2/5th day of 100 y ..., 2002, by and between KENNETH V. HANSEN ("Grantor") and the WALKER RIVER IRRIGATION DISTRICT (the "Grantee") as follows:

#### WITNESSETH:

WHEREAS, Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, to it acknowledged, does hereby GRANT, BARGAIN and SELL to Grantee and to its successors and assigns forever in accordance with the terms set forth in that certain WATER RIGHTS ASSESSMENT AGREEMENT entered into by Grantor and Grantee dated May 2/2002 and recorded in the Official Records of Lyon County as Document No. 377853, all water rights, ditch or conveyance rights and all storage rights of any nature whatsoever, appurtenant to the real property situate in the County of Lyon, State of Nevada and described as follows:

See Exhibit "A" attached hereto and made a part hereof.

TOGETHER WITH all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversions, remainder and remainders, rents, issues and profits thereof.

IN WITNESS WHEREOF, Grantor has executed these presents the day and year first above written.

KENNETH V. HANSEN

STATE OF NEVADA

COUNTY OF THUAN

This instrument was acknowledged before me on MA

Kenneth V. Hansen

LEAH COMPSTON
Notary Public - State of Nevada
Appointment Recorded in Lyon County
No: 93-3029-12 - Expires April 5, 2005

NOTARY PUBLIC

(My Commission Expires: 4-5-95

277854

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## Case 3:73-cv-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 263 of 3

EXHIBIT 'A'

All that real property in the County of Lyon, State of Nevada, being Assessor's Parcel Number 10-331-08, more particularly described as follows:

#### Parcel One:

Being all that certain piece or parcel of land lying in a portion of the NW ¼ of the SE ¼ of Section 27, Township 11 North, Range 23 East, M.D.B.&M., in Smith Valley, Lyon County, Nevada, and more particularly described by metes and bounds as follows, to wit:

From the established and recognized monument (into pin in mound of rocks) in the center of the said Section 27 and which bears South 0° 31' East 2638.44 feet from the North one-quarter comer of said Section; thence South 0° 31' East, 582,50 feet to the true point of beginning at the northwest comer of the parcel; thence North 89° 56' East 576.00 feet to a point at the northeast comer of the parcel and in the so-called Colony Ditch; thence following along said ditch South 25° 07' East, 200.00 feet to a point; thence South 20° 53' 30" East 163.90 feet to a point at the southeast comer of the parcel; thence leaving said ditch South 89° 56' West 716.00 feet to a point at the southwest comer of the parcel; thence North 0° 31' West 334.50 feet to the point of beginning.

#### Parcel Two

Being a portion of the SE ¼ of Section 27, Township 11 North, Range 23 East, M.D.B.&M., and more particularly described as follows:

Commencing at the established and recognized monument (iron pin in mound of rocks) in the center of said Section 27 and which bears \$.0° 31' E. 2638.44 feet from the N. ¼ corner of said Section 27; thence S. 0° 31' E. 917.00 feet to the True Point of Beginning; said Pont of Beginning being the Southwest corner of that certain parcel of land described in Deed recorded January 17, 1964 in Book 46, Page 414 of Deeds as File No. 87934; thence S. 0° 31' E. 61 feet; thence N. 89° 56' East 716.00 feet; thence N. 0° 31' W. 61 feet to the Southeast corner of the aforementioned land recorded in Book 46, Page 414; thence S. 89° 56' W. 716.00 feet to the True Point of beginning.

Per NRS 111.312, the legal description appeared previously in Deed #264630 recorded on August 14, 2001 in Lyon County Records.

277854

UFFICIAL RECORDS
LYON COUNTY, NEV.
RECORD REQUESTED BY
L. T.D.

02 JUN -5 PM 1:59

MARY C. HALLIGAN COUNTY RECORDER

## Case 3:73-cv-00127-MMD-CSD Document 650 Filed 05/09 เล็บเอา Tage 264 of 3

APN: 012-411-01 012-421-03

WHEN RECORDED MAIL TO: MAIL TAX STATEMENTS TO: Doug Champlin P.O. Box 31450 Mesa. AZ 85275-1450 Lyon County Recorder

04 FEB 13 AM 10: 25

MARY S. H.LLIGAN COUNTY RECORDER

FEE \_\_\_\_\_ DEP. \_\_\_\_

313868

### GRANT, BARGAIN AND SALE DEED

THIS GRANT, BARGAIN AND SALE DEED is made and entered into this 5th day of FEBRUARY, 2004, between JOHN R. HARRIS and CAROL C. HARRIS, husband and wife, ("Granter") and 5 C'S COTTONWOOD RANCH, LLC A NEVADA LIMITED LIABILITY COMPANY ("Grantee").

#### WITNESSETH:

THAT THE SAID GRANTORS, for and in consideration of the sum of One Dollar (\$1.00), lawful money of the United States of America, and other good and valuable consideration, the receipt whereof is hereby acknowledged, hereby grant, bargain, sell and convey unto Grantees and to their heirs, successors and assigns forever, all of the following described lot, piece or parcel of land, situate, lying and being in the State of Nevada, Lyon County, described as follows: (SEE EXHIBIT "A" ATTACHED AND MADE A PART THERECE)

TOGETHER WITH, all water rights, of any legal kind or nature, including these more fully described as a portion of Claim No. 163 of the action entitled U.S.A. v. Walker River Irrigation District, in the United States District Court for the District of Nevada, Case No. C-125, together with all stored water appurtenant to the real property described herein. References made to Walker River Irrigation District Index Card No. 22850.

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

TOGETHER WITH, all water and water rights, ditch and ditch rights, well and well rights with the appurtenances, unto the said Grantee, and to its successors and assigns forever.

## Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 265 of 3

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances, unto the said Grantee and to their heirs, successors and assigns forever.

IN WITNESS WHEREOF, the said Grantors have hereunto executed this Grant, Bargain and Sale Deed the day and year first above written.

Bargain and Sale Deed the day and year first above written.
By: John R Havris
JOHNR HARRIS  By: Asa ( Aur )  CAROL C. HARRIS
SUZANNE CHEECHOV  HOTAFY PUBLIC  STATE OF Appt. Re-corded in Douglas County
COUNTY OF O(Ruglas : SS
This instrument was acknowledged before me on the 5th day of Feb., 2004 by John R. Harris and Cawl C. Huris.
Againe l'heeche
STATE OF; ss.
COUNTY OF
This instrument was acknowledged before me on theday of
Notary Public

## Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 266 of 3

#### EXHIBIT "A"

#### LEGAL DESCRIPTION

The land referred to herein is situated in the State of Nevada, County of LYON COUNTY, described as follows:

#### PARCEL 1:

PARCEL 3 OF THAT CERTAIN PARCEL MAP FILED FOR RECORD IN THE OFFICE OF THE COUNTY RECORDER, LYON COUNTY, NEVADA ON MAY 19, 1980 AS DOCUMENT NO. 53399, LYON COUNTY OFFICIAL RECORDS.

ASSESSORS PARCEL NO. 12-421-03

#### PARCEL 2:

PARCEL 1 OF THAT CERTAIN PARCEL MAP FILED FOR RECORDED IN THE OFFICE OF THE COUNTY RECORDER, LYON COUNTY, NEVADA ON FEBRUARY 23, 1981 AS DOCUMENT NO. 60379, LYON, COUNTY OFFICIAL RECORDS

ASSESSORS PARCEL NO. 12-411-01

TOGETHER WITH ALL WATER, WATER RIGHTS, DITCH AND DITCH RIGHTS.

**TON DISTRICT** YERINGTON, ... VADA WALKER RIVER IRR

Division #:

Card #: Name:

Five (5) C's Cottonwood Ranch, LLC

P. O. Box 31450

Address:

Mesa, AZ 85275-1450

PROVISIONAL

Lee Sanders

12-421-03 Pt. of 163 299

Lyon County No.

Claim No. User # Ditch

Index No.

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### Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 268 of 3

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER - DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PARTIE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 3-17-05

Lema F. Heinerman

LEONA T. Heimerman

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

acting as: Surviving trustee of

John/Leona Heimerman Family Trust (Corporate, Trust, Partnership or other entity)

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

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

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

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

## Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 269 of 3

1		
2	IN THE UNITED STATES FOR THE DISTRIC	
3	UNITED STATES OF AMERICA.	)
4	Plaintiff.	j
5		<b>}</b>
6	WALKER RIVER PAIUTE TRIBE.	) IN EQUITY NO. C-125
7	Plaintiff-Intervenor,	) SUBFILE NO. C-125-B
	vs.	į
8 9	WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,	) )
10	NOTICE OF APPEARANCE AND	INTENT TO PARTICIPATE
12	1. I hereby enter my appearance in this	sub-proceeding in this case
12		•
13	2. I am filing this document with the Di	istrict Court at the following address:
14	Chief Deputy Clerk United States District Court for the District of Nevada	
15	400 South Virginia Street, Suite 301 Reno, Nevada 89501	
16	3. In the envelope provided for return of	f my Waiver of Service of Notice in Lieu (
17	Summons, I am mailing a copy of this document to:	
13	Susan L. Schneider	
19	Attorney for the United States of Armount of Justice	erica
20	Environment & Natural Resources Di P.O. Box 756	vision
21	Littleton, Colorado 80160	
22	4. I (or the entity on whose behalf I am a	acting) will retain all defenses or objection
23	to the lawsuit or to the jurisdiction or venue of the co	ourt except for objections based on a defec
24	in the Notice in Lieu of Summons or in the service of	f the Notice in Lieu of Summons.
25	5. If I (or the entity on whose behalf I am ac	cting) have retained an attorney to represent
26	me in these proceedings, I identify that attorney belo	ow, along with his or her mailing address.
27	telephone number, and facsimile number:	
28		
-		

NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 1 of 2

## Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 270 of 3 Attorney: Address: Phone Number: Fax Number: Lema n. Heimin (Signature) (Printed or typed Name) surviving Truster (Entity, if any, on whose behalf you are appearing) (Address (Telephone number)

## Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 271 of 3

## WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Signature

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as:

(Title)

(Corporate, Trust, Partnership or other entity)

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

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

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service he Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in 4 of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

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

## Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 272 of 3

-			
2	IN THE UNITED STATES DI FOR THE DISTRICT O	ISTRICT COURT OF NEVADA	
3	UNITED STATES OF AMERICA.		
4	Plaintiff.		
15	WALKER RIVER PAIUTE TRIBE.	IN EQUITY NO. C-125	
6	Plaintiff-Intervenor,	) SUBFILE NO. C-125-B	
7	VS.	) )	
8 9	WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,		
10	NOTICE OF APPEARANCE AND INT	TENT TO PARTICIPATE	
12	<ol> <li>I hereby enter my appearance in this sub</li> </ol>	e-proceeding in this case.	
2			
13			
14	Chief Deputy Clerk United States District Court for the District of Nevada		
15	400 South Virginia Street, Suite 301 Reno, Nevada 89501		
16	3. In the envelope provided for remm of m	ny Waiver of Service of Notice in Lieu of	
7	Summons. I am mailing a copy of this document to		
13	Susan L. Schneider Attorney for the United States of Ameri	са	
19	United States Department of Justice Environment & Natural Resources Divi		
20	P.O. Box 756		
21	Littleton, Colorado 80160	in a) will eatain all defenses or objections	
22		ing) will retain all defenses or objections	
23	to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect		
24	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.		
25	5. If I (or the entity on whose behalf I am act	<del>-</del>	
25	me in these proceedings. I identify that attorney belov	v, along with his or her mailing address,	
27	telephone number, and facsimile number:		
28			

NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 1 of 2

### Case 3:73-cy-00127-MMD-CSD Document 650 Filed-05/09/2005 Page 273 of 3 Attorney: Address: Phone Number: Fax Number: (Signature) (Printed or typed Name) (Entity, if any, on whose behalf you are appearing) 164 LOWER COLONY DO X WELLINGTON (Address) 775 465 02347 (Telephone number)

## Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 274 of 3

### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Liqu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAILITE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 3 /17/05	Signature,	
	Printed/Typed Name	
	If you are acting on behalf of any entity, identify that	•
	acting as	of
	(Title)	
	(Corporate, Trust, Partnership or other entity)	

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

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

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

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

## Case 3:73-cv-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 275 of 3

1		
2	IN THE UNITED STATES I FOR THE DISTRICT	
3	UNITED STATES OF AMERICA,	)
4	Plaintiff,	)
5	WALKER RIVER PAIUTE TRIBE,	) IN EQUITY NO. C-125
6	Plaintiff-Intervenor,	) SUBFILE NO. C-125-B
7	vs.	)
9	WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,	) ) )
10	NOTICE OF APPEARANCE AND IN	TENT TO PARTICIPATE
11	I hereby enter my appearance in this su	b-proceeding in this case.
12	2. I am filing this document with the Dist	rict Court at the following address:
13	Chief Deputy Clerk United States District Court for the	
15	District of Nevada 400 South Virginia Street, Suite 301 Reno, Nevada 89501	
16	3. In the envelope provided for return of i	my Waiver of Service of Notice in Lieu o
7	Summons, I am mailing a copy of this document to	
13	Susan L. Schneider	·
.9	Attorney for the United States of Amer United States Department of Justice Environment & Natural Resources Div	
20	P.O. Box 756	151011
21	Littleton, Colorado 80160	wing) will receip all defences or chiestians
22	, v	eting) will retain all defenses or objections
23	to the lawsuit or to the jurisdiction or venue of the co	
24	in the Notice in Lieu of Summons or in the service of	
25	· · ·	ting) have retained an attorney to represen
26	me in these proceedings, I identify that attorney below	w, along with his or her mailing address
27	telephone number, and facsimile number:	
28		

## Case 3:78-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 276 of 3

1	Attorney:	
2		
3	Address:	
4	-	
5		
6	Phone Number:	
7	Fax Number:	Zut W. Hen
9		(Signature)
10		v 1 11
11		(Printed or typed Name)
12		(ramed or types roams)
13	,	
14		(Entity, if any, on whose
15		behalf you are appearing)
16		Wellington, NV 8944
17		(Address)
18		775-465-1163
19 20		(Telephone number)
21		
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24		
25		.•
26		

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### Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 277 of 3

### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PARTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: <u>3-18-05</u>	Signature PATRICIA L: HERVIN	
	Printed/Typed Name	
	If you are acting on behalf of any entity, identify that y	ou are
	acting as:	of
	(Title)	<del></del>
	(Corporate, Trust, Partnership or other entity)	

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

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

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

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

1		
2	IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA	
3	UNITED STATES OF AMERICA,	)
4	Plaintiff,	)
5	WALKER RIVER PAIUTE TRIBE.	) IN EQUITY NO. C-125
6	Plaintiff-Intervenor,	) SUBFILE NO. C-125-B
7		)
8	VS.	<u> </u>
9	WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,	) )
10	NOTICE OF APPEARANCE AND IN	TENT TO PARTICIPATE
11	1 Thereby auton my company in this my	h mragading in this sass
12	1. I hereby enter my appearance in this su	•
13	2. I am filing this document with the Distr	nct Court at the following address:
14	Chief Deputy Clerk United States District Court for the	
15	District of Nevada 400 South Virginia Street, Suite 301 Reno, Nevada 89501	
16	3. In the envelope provided for return cf n	ny Waiver of Service of Notice in Lieu o
17	Summons. I am mailing a copy of this document to:	
18	Susan L. Schneider	
19	Attorney for the United States of America United States Department of Justice	
20	Environment & Natural Resources Division P.O. Box 756	
21	Littleton, Colorado 80160	
22	4. I (or the entity on whose behalf I am ac	ting) will retain all defenses or objections
23	to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defec	
24	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.	
25	5. If I (or the entity on whose behalf I am act	ing) have retained an attorney to represent
26	me in these proceedings, I identify that attorney below, along with his or her mailing address	
27	telephone number, and facsimile number:	
28		
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## Case 3:78-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 279 of 3

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1	Attorney:	
2		
3	Address:	
4		
5		
6	Phone Number:	
7	Fax Number:	Coatricia L Alervin
8		
9		(Signature)
10		PATRICIA LIHERVIN
11		(Printed or typed Name)
12		(Timed of typed Name)
13		
14		(Entity, if any, on whose
15		behalf you are appearing)
16		11 NORTON LN.
17		<u>WEILINGTON, NV. 8944</u> (Address)
18		(775) 465 1163
19		(Telephone number)
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### Case 3:73-cv-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 280 of 3

### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PARTIE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.

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

#### Duty to Avoid Unnecessary Costs of Service of Notice an Lieu of Summons

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

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

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

1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE DISTRICT OF NEVADA 3 UNITED STATES OF AMERICA. 4 Plaintiff. 5 WALKER RIVER PAIUTE TRIBE. IN EQUITY NO. C-125 6 Plaintiff-Intervenor. SUBFILE NO. C-125-B 7 VS. 8 WALKER RIVER IRRIGATION DISTRICT. 9 a comoration, et al., NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE 10 11 I hereby enter my appearance in this sub-proceeding in this case. 1. 12 2. I am filing this document with the District Court at the following address: 13 Chief Deputy Clerk United States District Court for the 14 District of Nevada 400 South Virginia Street, Suite 301 15 Reno, Nevada 89501 16 3. In the envelope provided for return of my Waiver of Service of Notice in Lieu o 17 Summons. I am mailing a copy of this document to: 18 Susan L. Schneider Attorney for the United States of America 19 United States Department of Justice Environment & Natural Resources Division 20 P.O. Box 756 Littleton, Colorado 80160 21 I (or the entity on whose behalf I am acting) will retain all defenses or objections 4. 22 to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons. 24 If I (or the entity on whose behalf I am acting) have retained an attorney to represent 25 me in these proceedings, I identify that attorney below, along with his or her mailing address, 26 telephone number, and facsimile number: 28

### Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 282 of 3 Attorney: Address: Phone Number: Fax Number: (Signature) Reiko Hervin (Printed or typed Name) (Entity, if any, on whose behalf you are appearing) 11 Norton Lane (Address) 465-1163 (Telephone number)

### Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 283 of 3

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
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5. I (or the entity on whose behalf I am acting) will retain all de	efenses or objections to the lawsuit
or to the jurisdiction or venue of the Court except for objections based	on a defect in the Notice in Lieu of
Summons or in the service of the Notice in Lieu of Summons.	í

Date: 3/17/05

Signature

Betty Roxann Hi

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as:

(Corporate, Trust, Partnership or other entity)

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

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

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

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

## Case 3:73-cv-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 284 of 3

-	·		
2	IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA		
3	UNITED STATES OF AMERICA.		
4	Plaintiff )		
5	WALKER RIVER PAIUTE TRIBE,	IN EQUITY NO. C-125	
6	Plaintiff-Intervenor,	SUBFILE NO. C-125-B	
7	vs.		
8 9	WALKER RIVER IRRIGATION DISTRICT. ) a corporation. et al.,		
10	NOTICE OF APPEARANCE AND INT	ENT TO PARTICIPATE	
11		12 12 12 12 1	
12	1. I hereby enter my appearance in this sub-	· •	
13	2. I am filing this document with the Distric	et Court at the following address:	
14	Chief Deputy Clerk United States District Court for the District of Nevada		
15	400 South Virginia Street, Suite 301 Reno, Nevada 89501		
16	3. In the envelope provided for return of my	Waiver of Service of Notice in Lieu	
17	Summons, I am mailing a copy of this document to:		
13	Susan L. Schneider		
19	Attorney for the United States of America United States Department of Justice		
20	Environment & Natural Resources Division P.O. Box 756	on	
21	Littleton, Colorado 80160		
22	4. I (or the entity on whose behalf I am actin	g) will retain all defenses or objectic	
23	to the lawsuit or to the jurisdiction or venue of the court except for objections based on a def		
24	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.		
25	5. : If I (or the entity on whose behalf I am acting) have retained an attorney to represe		
25	me in these proceedings. I identify that attorney below, along with his or her mailing address		
27	telephone number, and facsimile number:		
28			
	NOTICE OF APPEARANCE AND INTENT TO PARTIC	ipate, page 1 of 2	

Case 3:73	<sub>т</sub> су-00127-MMD-CSD D	ocument 650 Filed 05/09/2005 Page 285 (
1	Attorney:	
. 2		
3	Address:	
4		· ·
5		
6	Phone Number:	
7	Fax Number:	B. Koranzi dili
8 9		(Signature)
		(Signature)
10 11		B. Roxann Hill
12		(Printed or typed Name)
13		
14		•
15		(Entity, if any, on whose
16		behalf you are appearing)
17		Verington NV 8941
18		(Address)
19		775-463-3243
20		(Telephone number)
21		
22		
23		
24		
25	; <b>:</b>	
26	•	
27		

# Case 3:73-cv-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 286 of 3

## WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER - DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to
  - 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
  - 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
  - 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 3/17/05

If you are acting on behalf of any entity, identify that you are acting as:

(Title)

(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lie Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asket a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has the cost of such service unless good cause be shown for its failure to sign and return the waiver. brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives see The Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons or the service of the Notice in Lieu of Summons or the Summons of the Notice in Lieu of Summons or the Summons of the Notice in Lieu of Summons or the Summons of the Notice in Lieu of Summons or the Summons of the Summons

u of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneide a notice of appearance and intent to participate. Exhibit 85

## Case 3:73-cv-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 3:73-cv-00127-MMD-CSD Page 3:73-cv-00127-MM 287 of 3

:73-cv-	-00127-MMD-CSD Document 65	0 Filed 05/09/2005 Page 287 of 3
-	IN THE UNITED STATE FOR THE DISTRIC	S DISTRICT COURT T OF NEVADA
3	NITED STATES OF AMERICA.	)
4	Plaintiff.	IN EQUITY NO. C-125
≡   <sub>11</sub>	ALKER RIVER PAILTE TRIBE.	SUBFILE NO. C-125-B
6	Plaintiff-Intervenor,	\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \
7	VS.	
8 V	VALKER RIVER IRRIGATION DISTRICT,	) DARTICIPATE
9   a	COPPORATION OF APPEARANCE A	ND INTENT TO PARTICIPATE
10		the sub-proceeding in this case.
11	1. I hereby enter my appearance in	this sub-process:  The District Court at the following address:
12		
13	Chief Deputy Clerk United States District Court for	r the
14	District of Nevada Street, Sull	te 301
15	Reno, Nevada 89501	teturn of my Waiver of Service of Notice in Lieu
16	3. In the envelope provided for	rent to:
17	Summons. I am mailing a copy of this docum	
13	Susan L. Schneider Attorney for the United State Attorney Department of	s of America Justice
19	Environment & Natural Reso	ources Division
20	P.O. Box 756 Littleton, Colorado 80160	was all defenses or object
21		nalf I am acting) will retain all defenses or object
22		
23	to the lawsuit of the to the lawsuit of Summons or in the	e service of the Notice in Lieu of Summons.  Finalf I am acting) have retained an attorney to rep
2	in the Notice in	enalf I am acting) have retained an attorney to represent the below, along with his or her mailing ac
	in these proceedings. I identify that a	ttorney below, along with his or her mailing ac
	hang number, and facsimile number.	:
	28 NOTICE OF APPEARANCE AND INT	HINT TO PARTICIPATE, page 1 of 2
	NOTITE -	

## Case 3:73-cv-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 288 of 3 Attorney: Address: Phone Number: Fax Number: (Entity, if any, on whose behalf you are appearing) (Telephone number) NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 2 of 2 2 B

# Case 3:73-cv-00127-MMD-CSD Document 650 Filed 1050 Page 289 of 3 WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS 005 Page 289 of 3

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

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER - DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy me. of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER, PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lacu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons. usic 7 Aunewill

Date: 4-4-05

P. Hunewill . Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

acting as: Frustee

(Corporate, Trust, Partnership or other entity)

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

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

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

of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

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

### Case 3:73-cv-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 290 of 3 IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA UNITED STATES OF AMERICA. 3 IN EQUITY NO. C-125 4 Plaintiff. WALKER RIVER PAILTE TRIBE. SUBFILE NO. C-125-B -Plaintiff-Intervenor, £ 7 ٧5. WALKER RIVER IRRIGATION DISTRICT. 3 NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE a corporation, et al., 9 10 I hereby enter my appearance in this sub-proceeding in this case. I am filing this document with the District Court at the following address: 1. 2. Chief Deputy Clerk United States District Court for the District of Nevada 14 400 South Virginia Street, Suite 301 Reno. Nevada 89501 In the envelope provided for remm of my Waiver of Service of Notice in Lieu 15 16 3. Summons. I am mailing a copy of this document to: Susan L. Schneider Attorney for the United States of America 13 United States Department of Justice Environment & Natural Resources Division 19 P.O. Box 756 20 Littleton, Colorado 80160 I (or the entity on whose behalf I am acting) will retain all defenses or objectio: to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defe 22 in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons. If I (or the entity on whose behalf I am acting) have retained an attorney to represe 24 rne in these proceedings. I identify that attorney below, along with his or her mailing address 25 telephone number, and facsimile number; 28

## B-cv-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 291 of 3 Address: Phone Number: Fax Number: (Signature) (Entity, if any, on whose behalf you are appearing) (Telephone number)

## Case 3:73-cv-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 292 of 3

### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIDTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the warver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

	Marienn Deland	
Date: 3-18-05	Signature	
	MARIANN LEELAND	
	Printed/Typed Name	
	If you are acting on behalf of any entity, identify that	t you are
	acting as:	of
	(Title)	
	(Corporate, Trust, Partnership or other entity)	

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

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

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

1.			
2	IN	THE UNITED STATE FOR THE DISTRIC	
3	UNITED STATES OF	AMERICA,	)
4	Plaintif	f ·	)
5	WALKER RIVER PA	IUTE TRIBE,	) IN EQUITY NO. C-125
6	Plaintif	f-Intervenor,	) SUBFILE NO. C-125-B
7	vs.		)
9	WALKER RIVER IRF a corporation, et al.,	UGATION DISTRICT,	) ) )
10	NOTICE	OF APPEARANCE AND	INTENT TO PARTICIPATE
11	1. I hereby	enter my appearance in the	is sub-proceeding in this case.
دا دا	2. I am fil	ng this document with the	District Court at the following address:
14	United	eputy Clerk States District Court for the ct of Nevada	•
15 16		ith Virginia Street, Suite 30 Jevada: 89501	)`{ 
17	3. In the e	nvelope provided for return	of my Waiver of Service of Notice in Lieu c
18	Summons. I am mailin	g a copy of this document t	o:
19	1	Schneider v for the United States of A	merica
20	United	States Department of Justice ment & Natural Resources	€
21	P.O. Bo		
22	4. I (or the	entity on whose behalf I ar	m acting) will retain all defenses or objection
23	to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defec		
24	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.		
25	5. If I (or the	entity on whose behalf I ar	n acting) have retained an attorney to represen
26	me in these proceeding	gs, I identify that attorney b	pelow, along with his or her mailing address
27	telephone number. and	facsimile number:	
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# Case 3:78-cv-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 294 of 3

1	Attomey:	
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3	Address:	
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6	Phone Number:	
7	Fax Number:	
8		Mariann Ireland
9		(Signature)
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11		MARIANN TRELAND
12		(Printed or typed Name)
13		
14		
15		(Entity, if any, on whose
16		behalf you are appearing)  603 Haw 208
17		yerington, NV 89447
18		(Address)
	·	175-463-4730
19 20		(Telephone number)
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## Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 295 of 3

### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PARTIE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 3/17/05
Signature

Day Tyel-a

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as:

Our of

(Title)

(Corporate, Trust, Partnership or other entity)

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

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

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

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

a notice of appearance and intent to participate.

## Case 3:78-cv-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 296 of 3

2	IN THE UNITED STATES DEFOR THE DISTRICT OF	ISTRICT COURT OF NEVADA	
3	UNITED STATES OF AMERICA.	)	
4	Plaintiff,	) )	
5	WALKER RIVER PAIUTE TRIBE.	IN EQUITY NO. C-125	
6	Plaintiff-Intervenor,	SUBFILE NO. C-125-B	
7	vs.		
8	WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,	) )	
10	NOTICE OF APPEARANCE AND IN	TENT TO PARTICIPATE	
11	1. I hereby enter my appearance in this su	b-proceeding in this case.	
12	2. I am filing this document with the Dist		
13	Chief Deputy Clerk		
14	United States District Court for the District of Nevada  AND Santh Victoria Street Saite 301		
15	400 South Virginia Street, Suite 301 Reno, Nevada 89501		
16	3. In the envelope provided for retarn of t	my Waiver of Service of Notice in Lieu o	
17	Summons, I am mailing a copy of this document to:		
13	Susan L. Schneider Attorney for the United States of Arne	rica	
20	United States Department of Justice Environment & Natural Resources Div		
21	P.O. Box 756 Littleton, Colorado 80160		
22	4. I (or the entity on whose behalf I am a	cting) will retain all defenses or objection	
23	to the lawsuit or to the jurisdiction or venue of the co	ourt except for objections based on a defec	
24	in the Notice in Lieu of Summons or in the service of	f the Notice in Lieu of Summons.	
25	li .	cting) have retained an attorney to represen	
26	me in these proceedings, I identify that attorney belo	ow, along with his or her mailing address	
27	telephone number, and facsimile number:		
28			
	NOTICE OF APPEARANCE AND INTENT TO FAR	RTICIPATE, page 1 of 2	

# Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 297 of 3

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1	Attorney:	
2		
3	Address:	
4		
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6	Phone Number:	
7	Fax Number:	Que la
8		Co and Manual
9		(Signature)
10		Ward Ireland
11		(Printed or typed Name)
12		(4.5
13		Owner
14		(Entity, if any, on whose
15		behalf you are appearing)
16		603 Hwy 208 Yerington, NJ. 89444
17		Yerington, No. 8944+, (Address)
18		775-463-4730
19		(Telephone number)
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25	5	
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# Case 3:73-cv-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 298 of 3 WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER - DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAJUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 4/4/05

Printed/Typed Name

if you are acting on behalf of any entity, identify that you are

(Title)

(Corporate, Trust, Partnership or other entity)

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

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cocperate in saving unnecessary costs of service of the Notice in Lieu o Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bea

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

of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

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

# Case 3:73-cv-00127-MMD-CSD Document 650 Filed 05/09/2005 Page

73-0	cv-00127-MMD-CSD Document 650 Fi	
2	IN THE UNITED STATES DI FOR THE DISTRICT O	ISTRICT COURT OF NEVADA
3	UNITED STATES OF AMERICA.	) )
÷	Plaintiff.	) 
5	WALKER RIVER PAIUTE TRIBE.	) IN EQUITY NO. C-125
€	Plaintiff-Intervenor,	SUBFILE NO. C-125-B
7	vs.	) )
æ	WALKER RIVER IRRIGATION DISTRICT.	<u> </u>
9	a comporation, et al  NOTICE OF APPEARANCE AND IN	TENT TO PARTICIPATE
10		
	1. I hereby enter my appearance in this su	b-proceeding in this case.
12	<ol> <li>I hereby enter my appearance in</li> <li>I am filing this document with the Dist</li> </ol>	rict Court at the following audiess.
13	Chief Deputy Clerk United States District Court for the	
14		
15	District of Nevada 400 South Virginia Street, Suite 301 Reno. Nevada 89501	- Salarice in Lieu
16	3. In the envelope provided for return of	my Waiver of Service of Notice in Lieu
17	Summons, I am mailing a copy of this document to:	
13	Susan L. Schneider Attorney for the United States of Ame	erica
19	United States Department of Justice Environment & Natural Resources Di	vision
20	P.O. Box 750	
21	whose het alf I am	acting) will retain all defenses or objection
22	4. I (or the entity on whose because of the country to the lawsuit or to the jurisdiction or venue of the country to the lawsuit or to the jurisdiction or venue of the country to the lawsuit or to the jurisdiction or venue of the country to the lawsuit or to the jurisdiction or venue of the country to the lawsuit or to the jurisdiction or venue of the country to the lawsuit or to the jurisdiction or venue of the country to the lawsuit or to the jurisdiction or venue of the country to the lawsuit or to the jurisdiction or venue of the country to the lawsuit or to the jurisdiction or venue of the country to the lawsuit or to the jurisdiction or venue of the country to the lawsuit or to the jurisdiction or venue of the country to the lawsuit or to the jurisdiction or venue of the country to the lawsuit or to the jurisdiction or venue of the country to the lawsuit or to the jurisdiction or venue of the country to the lawsuit or to the jurisdiction or venue of the country to the lawsuit or to the jurisdiction or venue of the country to the lawsuit or to the jurisdiction or venue of the country to the lawsuit or to the jurisdiction or venue of the country to the lawsuit or to the jurisdiction or venue of the country to the lawsuit or to the	ourt except for objections based on a defe
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2 <del>4</del>	to the lawsuit or to the jurisdiction of value in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons or in the Summons of the Notice in Lieu of Summons or in the Notice in Lieu of Sum	acting) have retained an attorney to represe
25	5. If I (or the entity on whose behalf all in	low along with his or her mailing address
2 5	5. If I (or the entity on whose senant a me in these proceedings. I identify that attorney be	
21	telephone number, and facsimile number:	
2	a	page 1 of 2
	8 NOTICE OF APPEARANCE AND INTENT TO PA	ARTICIPATE, PASS -

Case 3:73-c	/-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 300 of 3
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3	Address:
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6	Phone Number:  Fax Number:  Allun Ath
7	Fax Number:
8	(Signature)
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10	John Pierre Ithurbury
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13	(Entity, if any, on whose
14	behalf you are appearing)
16	INO. Box 378 INO. Thompson, INV 89444
17	(4.14-00)
18	(Address)  775-465-2506  (Telephone number)
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28	NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 2 of 2

# Case 3:73-cv-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 301 of 3 WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMON SUMM

- Susan L. Schneider, attorney for the United States of America 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in TO: the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER - DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrumen: (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST me. AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susam L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Summons or in the service of the re-	male It appleading
Date: 18,205	Signature  Macilyn B. Thurburw  Printed/Typed Name  If you are acting on behalf of any entity, identify that you are acting as:  of
	(Title)
	(retires

(Corporate, Trust, Partnership or other entity)

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

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

of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

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

### Case 3:73-cv-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 302 of 3 IN THE UNITED STATES DISTRICT COURT OF NEVADA FOR THE DISTRICT OF NEVADA 2 UNITED STATES OF AMERICA. 3 IN EQUITY NO. C-125 4 Plaintiff. WALKER RIVER PAIUTE TRIBE. SUBFILE NO. C-125-B = Plaintiff-Intervenor, E 7 VS. WALKER RIVER IRRIGATION DISTRICT. 8 NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE a corporation, et al.. 9 10 I hereby enter my appearance in this sub-proceeding in this case. I am filing this document with the District Court at the following address: 11 1. 12 2. Chief Deputy Clerk 13 United States District Court for the District of Nevada 14 400 South Virginia Street, Suite 301 In the envelope provided for return of my Waiver of Service of Notice in Lieu o Reno. Nevada 89501 15 15 3. Summons. I am mailing a copy of this document to: Susan L. Schneider Attorney for the United States of America 13 United States Department of Justice Environment & Natural Resources Division 19 P.O. Box 756 20 Littleton, Colorado 80160 I (or the entity on whose behalf I am acting) will retain all defenses or objection to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defec 22 in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons. If I (or the entity on whose behalf I am acting) have retained an attorney to represen 24 rne in these proceedings. I identify that actorney below, along with his or her mailing address 25 telephone number, and facsimile number: NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 1 of 2 23

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Case 3:73-cv	-00127-MMD-CSD Docum	nent 650 Filed 05/09/2005 Page 303 of 3
1	Attorney:	
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3	Address:	
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5	Phone Number:	
б	Fax Number:	Marily Rockfulano
7	, w	(Signature)
8		(218119101)
9		marilyn RIthurbury
10		Marilyn R. Thurburw (Printed or typed Name)
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12		
14		(Entity, if any, on whose
15		behalf you are appearing) P.O. Box 378
16		Wellington, NV 814,
17		(Address)
18		(Telephone number)
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	NOTICE OF APPEARANCE AND	

## Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 304 of 3

### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) he served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

$\sqrt{\text{Date: } 3 - 21 - 0.5}$	Signature My Ler	_
	Printed/Typed Name	
	If you are acting on behalf of any entity, identify	
	acting as:	of
	(Title)	
	(Corporate, Trust, Partnership or other entity)	<u> </u>

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

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

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

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider wit.

a notice of appearance and intent to participate.

## Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 305 of 3

<u>:</u>			
2		IN THE UNITED STATES D FOR THE DISTRICT C	ISTRICT COURT OF NEVADA
3	UNITED ST.	ATES OF AMERICA.	)
4		Plaintiff.	) )
5	WALKER RI	VER PAILTE TRIBE.	) IN EQUITY NO. C-125
6		Plaintiff-Intervenor,	) SUBFILE NO. C-125-B
7	vs.		) )
8		VER IRRIGATION DISTRICT,	)
9	a corporation.	et al.,	
10	1	NOTICE OF APPEARANCE AND INT	TENT TO PARTICIPATE
11	1.	I hereby enter my appearance in this sub	-proceeding in this case.
12	2.	I am filing this document with the Distri	ict Court at the following address:
13		Chief Deputy Clerk	
14		United States District Court for the District of Nevada	
15		400 South Virginia Street, Suite 301 Reno, Nevada 89501	
16	3.	In the envelope provided for return of m	y Waiver of Service of Notice in Lieu
17	Summons. I am mailing a copy of this document to:		
13		Susan L. Schneider	
19		Attorney for the United States of Americ United States Department of Justice	
20	:	Environment & Natural Resources Divis P.O. Box 756	sion
21		Littleton, Colorado 80160	
22	4.	I (or the entity on whose behalf I am acti	
23	to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defe		
24	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.		
25	5. : If I (or the entity on whose behalf I am acting) have retained an attorney to represe		
26	me in these pr	oceedings. I identify that attorney below	, along with his or her mailing addres
27	telephone nun	iber, and facsimile number:	
28			
	NOTICE	OF APPEARANCE AND INTENT TO PARTI	CIPATE, page 1 of 2

3:73	R-cy-00127-MMD-CSD	Document 650 Filed 05/09/2005 Page 306 c
1	Attorney:	
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3	Address:	
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6	Phone Number	:
7	Fax Number:	4.0. K.1
8		x Faren Kyler
9		(Signature)
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11		(Printed or typed Name)
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15		behalf you are appearing)
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17		× 15 56, RT e 208  (Address) Yearing tar, No. 8194  > 75-463-4241  × (Telephone number)
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## Case 3:73-cv-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 307 of 3

### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAILITE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
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5. I (or the entity on whose behalf I am acting) will retain	in all defenses or objections to the lawsuit
or to the jurisdiction or venue of the Court except for objections	s based on a defect in the Notice in Lieu of
Summons or in the service of the Notice in Lieu of Summons	13 to 1

Date: 3-23-05

Signature

Lawrence F. Masini

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

acting as: tartner of

(Title)

(Corporate, Trust, Partnership or other entity)

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

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

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

# Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 308 of 3

-						
2.	FOR THE DISTRICT OF NEVADA					
3	UNITED STATES OF AMERICA.	)				
4	Plaintiff.	) )				
5	WALKER RIVER PAIUTE TRIBE.	IN EQUITY NO. C-125				
6	Plaintiff-Intervenor,	SUBFILE NO. C-125-B				
7	vs.	) }				
8	WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,	) ) )				
10	NOTICE OF APPEARANCE AND IN	TENT TO PARTICIPATE				
11		r i skie sasa				
12	1. I hereby enter my appearance in this sub					
13	2. I am filing this document with the Distri	ict Court at the following address:				
14	Chief Deputy Clerk United States District Court for the District of Nevada					
15	400 South Virginia Street, Suite 301 Reno, Nevada 89501					
16	3. In the envelope provided for return of m	y Waiver of Service of Notice in Lieu o				
17	Summons. I am mailing a copy of this document to:					
13	Susan L. Schneider					
19	Attorney for the United States of Anterior United States Department of Justice	•				
20	Environment & Natural Resources Divis P.O. Box 756	non				
21	Littleton, Colorado 80160					
22	4. I (or the entity on whose behalf I am acti					
23	to the lawsuit or to the jurisdiction or venue of the cour	t except for objections based on a defect				
24	in the Notice in Lieu of Summons or in the service of th	e Notice in Lieu of Summons.				
25	5. If I (or the entity on whose behalf I am actin	ng) have retained an attorney to represent				
26	me in these proceedings, I identify that attorney below.	along with his or her mailing address.				
27	telephone number, and facsimile number:					
28						
	NOTICE OF APPEARANCE AND INTENT TO PARTI-	CIPATE, page 1 of 2				

e 3:73	3-CV-00127-MMD-CSD Docur Attorney:	ment 650 Filed 05/09/2005 Page 309 (
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3	Address:	
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9		(Signature)
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13		Partner
		L& M Family Ltd Partnersh
14 15		(Entity, if any, on whose
1		behalf you are appearing)  // N. Main St.
16		VERINGTON NV 89447
17		(Address)
18		(175) 463-2481
19		(Telephone number)
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## Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 310 of 3

### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

- TO: Susan L. Schneider, attorney for the United States of America
- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of
Summons or in the service of the Notice in Lieu of Summons.

Date: 03. 24.05

Signature .

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

acting as: Pari

Partner

(Title)

L & M Family Limited Partnership

(Corporate, Trus:, Partnership or other entity)

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

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## Case 3:73-cv-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 311 of 3

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2	IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA						
3	UNITED STATES OF AMERICA.	)					
4	Plaintiff.	}					
5	WALKER RIVER PAIUTE TRIBE,	) IN EQUITY NO. C-125					
6	Plaintiff-Intervenor,	) SUBFILE NO. C-125-B					
7	vs.	)					
8	WALKER RIVER IRRIGATION DISTRICT,						
9	a corporation, et al.,	<b>'</b>					
10	NOTICE OF APPEARANCE AND IN	TENT TO PARTICIPATE					
11	<ol> <li>I hereby enter my appearance in this su</li> </ol>	b-proceeding in this case.					
12	<ol> <li>I am filing this document with the Dist</li> </ol>						
13		••••					
14	Chief Deputy Clerk United States District Court for the District of Nevada						
15	400 South Virginia Street, Suite 301 Reno, Nevada 89501						
16	3. In the envelope provided for return of my Waiver of Service of Notice in Lieu o						
17	Summons. I am mailing a copy of this document to:						
13	Susan L. Schneider						
19	Attorney for the United States of Ameri United States Department of Justice						
20	Environment & Natural Resources Divi P.O. Box 756	ision					
21	Littleton, Colorado 80160						
22	4. I (or the entity on whose behalf I am act	ting) will retain all defenses or objection:					
23	to the lawsuit or to the jurisdiction or venue of the cou	rt except for objections based on a defec					
24	in the Notice in Lieu of Summons or in the service of t	he Notice in Lieu of Summons.					
25	5. If I (or the entity on whose behalf I am acti	ing) have retained an attorney to represent					
26	me in these proceedings. I identify that attorney below	v, along with his or her mailing address.					
27	telephone number, and facsimile number:						
28	•						
	NOTICE OF APPEARANCE AND INTENT TO PART	ICIPATE, page 1 of 2					

Case 3:73	-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 312 of 3
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3	Address:
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. 6	Phone Number: 775, 463 2904
7	Phone Number: 775. 463 2904  Fax Number: 1, 1, 43,40
8	Fax Number: " 4340 Values & Musine
9	(Signature)
10	
11	tatricia M. Masini
12	(Printed or typed Name)
13 (	Partner
14	L & M Family Limited Partnership
15	(Entity, if any, on whose
16	behalf you are appearing) 11 N. Main St.
17	Yerington, NV 89447
18	(Address)
	775-463-2904 (Telephone number)
19	(Telephone number)
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## Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 313 of 3

### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan I. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

	Intrice & Masini	
Date: 3/24/05	Signature	
	Patricia K. Masini	
	Printed/Typed Name  If you are acting on behalf of any entity, identify the acting as:  Partner	at you are
	(Title)	
	L & M Family Limited Partnership	
	(Corporate, Trust, Partnership or other entity)	

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

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

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

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

## Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 314 of 3

-							
2	IN THE UNITED STATES D FOR THE DISTRICT O	ISTRICT COURT OF NEVADA					
3	UNITED STATES OF AMERICA.	)					
4	Plaintiff.	) )					
5	WALKER RIVER PAIUTE TRIBE.	) IN EQUITY NO. C-125					
6	Plaintiff-Intervenor,	) SUBFILE NO. C-125-B					
7	vs.	) )					
8	WALKER RIVER IRRIGATION DISTRICT.	ý }					
9	a corporation, et al.,	)					
10	NOTICE OF APPEARANCE AND INT	TENT TO PARTICIPALE					
11	<ol> <li>I hereby enter my appearance in this sub</li> </ol>	p-proceeding in this case.					
12	2. I am filing this document with the Distr	ict Court at the following address:					
13	Chief Deputy Clerk						
14	United States District Court for the District of Nevada						
15	400 South Virginia Street, Suite 201 Reno, Nevada 89501						
16	3. In the envelope provided for remm of m	y Waiver of Service of Notice in Lieu o					
7	Summons, I am mailing a copy of this documen: to:						
.3	Susan L. Schneider						
.9	Attorney for the United States of Americ United States Department of Justice						
C	Environment & Natural Resources Divis P.O. Box 756	sion					
1	Littleton, Colorado 80160						
2	4. I (or the entity on whose behalf I am acti	ng) will retain all defenses or objection					
3	to the lawsuit or to the jurisdiction or venue of the cour	t except for objections based on a defec					
4	in the Notice in Lieu of Summons or in the service of th	ne Notice in Lieu of Summons.					
5	5. If I (or the entity on whose behalf I am actin	ng) have retained an attorney to represen					
5	me in these proceedings. I identify that attorney below	, along with his or her mailing address					
7	telephone number, and facsimile number:						

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Case 3:73	G-Cy-00127-MMD-CSD Document 650 File	d 05/09/2005 Page 315
,		
2	Address:	
3	Address.	
4	<u>.</u> *	
5		
6	Phone Number: 775.463.4526  Fax Number: 1, 45.26	, 
7	Fax Number: 1, 11 44.5.26	tatricia & Musine
8		
9		(Signature)
10		
11		Patricia K. Masini
12		(Printed or typed Name)
13	·	Partner L & M Family Limited
14		Partnership
15		(Entity, if any, on whose
16	·	behalf you are appearing) 11 N. Main St.
17		Yerington, NV 89447
18		(Address)
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# Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 316 of 3

LYON COUNTY, NEV. RECORD REQUESTED BY

APN: 010-193-18 RPTT \$975.00 WESTERN TITLE CO. INC. 04 JUN -2 PM 2: 20

WHEN RECORDED MAIL, TO:

HARY C. HILLIGAN COUNTY RECORDER

Name Street JOHN J. BRACKETT 2804 DOMINICI DRIVE FREMONT, CA 94536 EFF 15° DEP. MU

Address City,State

Zip

MAIL TAX STATEMENTS TO:

Name

JOHN J. BRACKETT

Street

SAME

Address

City,State

Zip Order

00008564-112-LJI

No.

(SPACE ABOVE THIS LINE FOR RECORDERS USE)

## GRANT, BARGAIN AND SALE DEED

THIS INDENTURE WITNESSETH: That

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, GARTH W. LAMB and SHARI L. HUMBLE-LAMB, who acquired title as SHARI HUMBLE-LAMB, husband and wife, do(es) hereby GRANT(s) BARGAIN SELL and CONVEY to JOHN J. BRACKETT, an unmarried man and to the heirs and assigns of such Grantee forever, all the following real property situated in the County of Lyon, State of Nevada bounded and described as follows:

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

A parcel of Land located within the Northeast ½ of Section 10, Township 11 North, Range 23 East, M.D.B.& M., more particularly described as follows:

Parcel 1A of a parcel map for FANNIN, filed for record on June 15, 2001, as File No. 262229, Official Records, Lyon County, Nevada.

TOGETHER WITH ALL WATER, WATER RIGHTS, WELL, WELL RIGHTS, DITCH AND DITCH RIGHTS APPURTENANT THERETO.

TOGETHER with all tenements, hereditaments and appurtenances, if any, thereto belonging or appertaining, and any reversions, remainders, rents, issues or profits thereof.

Dated: May 27, 2004

## Case 3:73-cv-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 317 of 3

Grant, Bargain and Sale Deed - Page 2		
GARTH W. LAMB	<u>-</u>	
SHARI HUMBLE-LAMB	_	IRA C. STANCLIFF  Notary Public, State of Nevada  Appointment. No. 03-84610.:  Appointment. No. 03-84610.:
STATE OF NEVADA  COUNTY OF Cla/IC  This instrument was acknowledged before me on	} ss	State of Nevada. County of Clark this
by Shor. L Heath Cook		Personally appeared to me to be the person whose name is subscribed in the above instrument who acknowledged that the personal executed the instrument.    The confimission expires   The confimision expires   The
Notary Public		CAROLYN S. CHANEY NOTARY PUBLIC STATE OF NEVADA

**FION DISTRICT** YERINGTOL, LEVADA WALKER RIVER IR!

Division #:

Acre Feet Storage Non Wtr Rt. Acres Water Dt. Acres TOTAL ACRES CLAIM \* 9 ACRE FEET

41.73

(10-193-10 Transferred to card #9051 - 31.28 Ac. - 24.1 Excluded & 7.18 Ac. COMMENTS Newland)

10-193-05 - 20.05 Ac. excluded (sold 12/05/94) 10-193-11 - 10.43 Ac. excluded (sold 5/05/95)

Parcel 1A of PM 262229

Fr. NE 1/4, Sec. 10; T 11 N - R 23 E

EGAL DESCRIPTION:

12/28/01 - Transferred from cad #15168 - Fannin 8/25/01 - Transferred from card #15170 - Fannin 3/12/01 - Transferred from card #55802 - VGR 3/12/01 - Transferred from card #55806 - VGR

Document

06/17/04 - Transferred from card #28380 - Lamb

WRID 06/30/04 Day Glenn D. & Tracey L. Fannin, husband and wife as Joint Tenants to Garth W. Lamb & Shari Humble-Lamb, husband and wife as Joint Tenants Garth W. Lamb & Sharl L. Humble-Lamb, who acquired title as Shari Humble-Lamb, husband and wife to John J. Brackett, an unmarried man Bruce A. & Patricia D. Clark to Richard Laurence & Tracy Lynn Blake Family Trust dated 6/1/93, APN 10-193-11, 10-43 acres excluded land. Bruce A. Clark & Patricia D. Clark, Husband & Wife to Patricia D. Clark, an unmarried woman as hewr sole & separate property VGR Limited Partnership to Glenn D. Fannin & Tracey L. Fannin, husband and wife as joint tenants Patrica D. Clark to the Patricia D. Clark 1996 Trust, Patricia D. Clark Trustor & Trustee. Hannah Satica to Bruce & Patricla Clark. "See Deed corrections in Clark File. THOISING A Map of Division into large Parcels for Patricla D. Clark Thr Patricia D. Clark 1996 Trust to Patricia D. Clark. Caleb & Lesta Whitbeck to Donald & Dori Sloan. James & june Rolph to Robert & Hannah Satica. Robert Satica to Hannah Satica as sole owner. Patricia D. Clark to VGR Limited Partnership. Donald & Doris Sloan to Louis & Mary Cote. Louis & Mary Cote to Jame & June Rolph. NOTTHINGE 11/07/96 06/02/04 02/15/01 11/07/98 06/15/01 11/13/01 02/16/96 02/15/01 04/09/65 04/27/90 96/90/90 10/12/95 07/08/70 03/14/72 77/05/80 01/02/62 1,40 Exhibit 94 SOCIIMENT HISTORY #322205 #257462 #199226 #262229 #268422 COCUMENT # #199229 #257439 #181849 #186628 190327 #132873 #43-207 #48-106 #33729 #09668 #03487

650 Filed 05/09/2005

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8 of 3

Court Decree

20.25 CL 3: 20.2600 Og 10-193-18 Colony 203 Lyon County No. Claim No. index No. User # Ditch BRIDGEPORT RES. 41.72 TOPAZ RES. ACRE FEET 41.72 APPORTIONED ACRE FEET O. & M. Local No. 1 41.719 41.7.9 TOTAL ACRE PEET REQUIRED 2.0592 PER ACRE STORAGE DAYS 63 DUTY 4.2768 20.260 20.260 ACRES Fremont, CA 94636 2804 Dominicl Dr. John L. Brackett S L 4907 TOTAL PRIORITY NEWL Address Card #: Name:

# Case 3:73-cv-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 319 of 3

# WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

- Susan L. Schneider, attorney for the United States of America °O:
- 1. I acknowledge receipt of your request that I waive service of ε Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAPM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the OFIDER - DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy me. of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAILITE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
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5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 2 - 14 - 05

DONALD LI Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as <u>frustee</u> of

The Languer Family Trust

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

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

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

## Case 3:73-cv-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 320 of 3

## WAIVER OF SERVICE OF NOTICE IN LIFU OF SUMMONS

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

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PARTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
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Date: 3-18-05 Printed/Typed Nama If you are acting on behalf of any entity, identify that you are acting as: \_\_ (Title) (Corporate, Trust, Partnership or other entity)

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

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a notice of appearance and intent to participate.

1					
2		IN THE UNITED STATES DI FOR THE DISTRICT O	ISTRICT COURT OF NEVADA		
3	UNITED ST	ATES OF AMERICA,			
4		Plaintiff,			
5	WALKER R	IVER PAIUTE TRIBE,	IN EQUITY NO. C-125		
6		Plaintiff-Intervenor,	SUBFILE NO. C-125-B		
7	vs.		, )		
8	WALKER R a corporation	IVER IRRIGATION DISTRICT,  1. et al.,	) ) )		
10	1 -	NOTICE OF APPEARANCE AND IN	FENT TO PARTICIPATE		
11	1.	I hereby enter my appearance in this sub	o-proceeding in this case.		
12	2.	I am filing this document with the Distr	ict Court at the following address:		
د 1		Chief Deputy Clerk			
14		United States District Court for the District of Nevada	,		
15		400 South Virginia Street, Suite 301 Reno, Nevada 89501			
16	3.	In the envelope provided for return of r	ny Waiver of Service of Notice in Lieu of		
17	Summons. I am mailing a copy of this document to:				
18		Susan L. Schneider			
19		Attorney for the United States of Arger United States Department of Justice			
20		Environment & Natural Resources Div P.O. Box 756	ision		
21		Littleton, Colorado 80160	11.1.C		
22	4.		eting) will retain all defenses or objections		
23	II	iit or to the jurisdiction or venue of the con			
24	in the Notic	e in Lieu of Summons or in the service of			
25	5.		ting) have retained an attorney to represent		
26	me ir these	proceedings, I identify that attorney belo	w, along with his or her mailing address,		
27	telephone n	umber, and facsimile number:			
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	NOTIC	TE OF APPEARANCE AND INTENT TO FAR	TICIPATE, page 1 of 2		

## 73-cv-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 322 of 3 Attorney: Address: Phone Number: Fax Number: (Signature) (Printed or typed Name) 1.3 (Entity, if any, on whose behalf you are appearing) (Address) (Telephone number)

## Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 323 of 3

### WATVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIL TE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
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5. I (or the entity on whose behalf I am acting) will retain all de	efens	ses or o	bjection	is to the	laws	uit
or to the jurisdiction or venue of the Court except for objections based	on a	defect	in the N	Notice in	Lieu	of
Summons or in the service of the Notice in Lieu of Summons.		)				

Date: 3-18-05

Signature

Signature

ANNI'F D. LAWSON SR

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as:

(Title)

(Corporate, Trust, Partnership or other entity)

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

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1

IN THE UNITED STATES DISTRICT COURT 2 FOR THE DISTRICT OF NEVADA 3 UNITED STATES OF AMERICA. 4 Plaintiff. 5 WALKER RIVER PAIUTE TRIBE. IN EQUITY NO. C-125 6 Plaintiff-Intervenor. SUBFILE NO. C-125-B 7 VS. 8 WALKER RIVER IRRIGATION DISTRICT. a corporation, et al., 9 NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE 10 11 1. I hereby enter my appearance in this sub-proceeding in this case. 12 2. I am filing this document with the District Court at the following address: فئة Chief Deputy Clerk United States District Court for the 14 District of Nevada 400 South Virginia Street, Suite 30% 15 Reno, Nevada 89501 16 In the envelope provided for return of my Waiver of Service of Notice in Lieu of 3. 17 Summons, I am mailing a copy of this document to 18 Susan L. Schneider Attorney for the United States of America 19 United States Department of Justice Environment & Natural Resources Division 20 P.O. Box 756 Littleton, Colorado 80160 21 I (or the entity on whose behalf I arn acting) will retain all defenses or objections 4 22 to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons. 24 If I (or the entity on whose behalf I am acting) have retained an attorney to represent 25 me in these proceedings, I identify that attorney below, along with his or her mailing address, 26 telephone number, and facsimile number: 27 28

# Case 3:73-cv-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 325 of 3

1	Attorney:	
2		
3	Address:	
4		
5		
6	Phone Number:	
7	Fax Number:	
8		A Grande St. Musa De
9		(Signature)
10		
11		Ronnie D. Lywsonsk (Printed or typed Name)
12		(Finited of typed Name)
13		
14		(Entity, if any, on whose
1.5		behalf you are appearing)
16		P-O. BOX 68
17		<u>SMITU WV 89430</u> (Address)
18		775.465 -2221
19		(Telephone number)
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#### Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 326 of 3

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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Date: 3/11/05	Signature Suzanne Lexumberry
	Printed/Typed Name
	If you are acting on behalf of any entity, identify that you are
	acting as: Trustee of
	Lekumberry 2001 Trust
	(Corporate, Trust, Partnership or other entity)

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

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

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

1 2 IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA 3 UNITED STATES OF AMERICA. 4 Plaintiff. 5 WALKER RIVER PAIUTE TRIBE. IN EQUITY NO. C-125 6 Plaintiff-Intervenor. SUBFILE NO. C-125-B 7 VS. 8 WALKER RIVER IRRIGATION DISTRICT. a corporation, et al., NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE 10 11 1. I hereby enter my appearance in this sub-proceeding in this case. 12 2. I am filing this document with the District Court at the following address: 13 Chief Deputy Clerk United States District Court for the 14 District of Nevada 400 South Virginia Street, Suite 3(1) 15 Reno, Nevada 89501 16 In the envelope provided for return of my Waiver of Service of Notice in Lieu of 3. 17 Summons, I am mailing a copy of this document to: 18 Susan L. Schneider 19 Attorney for the United States of America United States Department of Justice 20 Environment & Natural Resources Division P.O. Box 756 21 Littleton, Colorado 80160 22 4. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect 23 in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons. 24 If I (or the entity on whose behalf I am acting) have retained an attorney to represent 25 5. me in these proceedings, I identify that attorney below, along with his or her mailing address, 26 telephone number, and facsimile number: 27 28

# Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 328 of 3

	15	
1	Attorney:	
2		
3	Address:	
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6	Phone Number:	
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8		Glegarne Lekumberry
9		(Signature)
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11		Suzanne Lekumberry
12		(Printed or typed Name)
1.3		
14		Lekumberry 2001 Trust
15		(Entity, if any, on whose behalf you are appearing)
16		P.O. BOX 248
17		Smith, NV 89430 (Address)
18		775 465-2044
19		(Telephone number)
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#### Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 329 of 3

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER - DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAILITE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) he served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 3/21/05	Signature Sonnic Little	
	Printed/Typed Name If you are acting on behalf of any entity, identify that you acting as:  (Title)	are _ of
	(Corporate, Trust, Partnership or other entity)	

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

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

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

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

a notice of appearance and intent to participate.

#### Case 3:73-cv-00127-MMD-CSD Document 650 Filed-05/09/2005 Page 330 of 3 IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA 2 3 UNITED STATES OF AMERICA. 4 Plaintiff. IN EQUITY NO. C-125 = WALKER RIVER PAILTE TRIBE. SUBFILE NO. C-125-B 6 Plaintiff-Intervenor, 7 VS. WALKER RIVER IRRIGATION DISTRICT, 8 a corporation, et al., NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE 9 10 I hereby enter my appearance in this sub-proceeding in this case. 11 1. I am filing this document with the District Court at the following address: 12 2. 13 Chief Deputy Clerk United States District Court for the 14 District of Nevada 400 South Virginia Street, Sume 301 15 Reno, Nevada 89501 In the envelope provided for return of my Waiver of Service of Notice in Lieu 16 3. Summons. I am mailing a copy of this document to: 13 Susan L. Schneider Attorney for the United States of America United States Department of Justice 19 Environment & Natural Resources Division 20 P.O. Box 756 Littleton, Colorado 80160 I (or the entity on whose behalf I am acting) will retain all defenses or objection to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defer 22 in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons. 5. If I (or the entity on whose behalf I am acting) have retained an attorney to represe: me in these proceedings. I identify that attorney below, along with his or her mailing address 25 telephone number, and facsimile number: 27 23

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Case 3:73-c\	/-00127-MMD-CSD Documer	nt 650 Filed <del>0</del> 5/09/2005 Page 331 of
1	Attorney:	
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3	Address:	
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6	Phone Number:	•
7	Fax Number:	
8		(Signature)
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10		Connic Little
11		(Printed or typed Name)
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14		(Entity, if any, on whose
15		hehalf you are appearing)
16		350 Densmore Ln Yerington WV 8944
17		(Address)
18		ms. 463-1445
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	NOTICE OF APPEARANCE AND INT	TENT TO PARTICIPATE, page 2 of 2
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## Case 3:73-cv-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 332 of 3

### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER - DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Summons of in the out the	7-1-52
Date: 18 MAR 3005	Signature  DAOD Little 572  Printed/Typed Name  If you are acting on behalf of any entity, identify that you are of
	acting as:
	(Corporate, Trust, Partnership or other entity)

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

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

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

#### Case 3:73-cv-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 333 of 3 IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA 2 3 UNITED STATES OF AMERICA. 4 Plaintiff. IN EQUITY NO. C-125 5 WALKER RIVER PAILTE TRIBE. SUBFILE NO. C-125-B 6 Plaintiff-Intervenor, 7 VS. WALKER RIVER IRRIGATION DISTRICT, 8 a corporation, et al., 9 NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE 10 I hereby enter my appearance in this sub-proceeding in this case. 11 1. I am filing this document with the District Court at the following address: 12 2. 13 Chief Deputy Clerk United States District Court for the 14 District of Nevada 400 South Virginia Street, Suite 301 15 Reno, Nevada 89501 In the envelope provided for return of my Waiver of Service of Notice in Lieu C 16 3. 17 Summons. I am mailing a copy of this document to: 13 Susan L. Schneider Attorney for the United States of America United States Department of Justice 19 Environment & Natural Resources Division 20 P.O. Box 756 Littleton, Colorado 80160 21 I (or the entity on whose behalf I am acting) will retain all defenses or objection 22 to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defec-23 in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons. 5. If I (or the entity on whose behalf I am acting) have retained an attorney to represen 25 me in these proceedings. I identify that attorney below, along with his or her mailing address telephone number, and facsimile number: 28

#### -cv-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 334 of 3 Attorney: Address: Phone Number: Fax Number: (Signature) DAUD Little (Printed or typed Name) (Entity, if any, on whose behalf you are appearing) 350 Dengmore LN Terington NV (Address) (775) 463-1445 (Telephone number)

#### Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 335 of 3

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 3/28/05

Signature

Day J. M L; H)

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

acting as: Irustee

is: Itustee

(Title)

The David M. Little Family Trust Agreement

(Corporate, Trust, Partnership or other entity)

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

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

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## Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 336 of 3

1			
2	IN THE UNITED STATES D FOR THE DISTRICT O	ISTRICT COURT OF NEVADA	
3	UNITED STATES OF AMERICA,	)	
4	Plaintiff,	) )	
5	WALKER RIVER PAIUTE TRIBE,	) IN EQUITY NO. C-125	
6	Plaintiff-Intervenor,	) SUBFILE NO. C-125-B	
7	vs.	) )	
9	WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,	) ) )	
.0	NOTICE OF APPEARANCE AND IN	TENT TO PARTICIPATE	
.1		die eine le able ease	
.2	I. I hereby enter my appearance in this sub		
٤.	2. I am filing this document with the Distr	ict Court at the following address:	
.4	Chief Deputy Clerk United States District Court for the		
.5	District of Nevada 400 South Virginia Street, Suite 301 Reno, Nevada 89501		
.6	3. In the envelope provided for returner fin	ny Waiver of Service of Notice in Lieu of	
7	Summons, I am mailing a copy of this document to:		
.8	Susan L. Schneider		
9	Attorney for the United States of America United States Department of Justice Environment & Network Resources Division		
0 !	Environment & Natural Resources Division P.O. Box 756		
1	Littleton, Colorado 80160		
2	` '	ing) will retain all defenses or objections	
3	to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect		
4	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.		
5	5. If I (or the entity on whose behalf I am acting) have retained an attorney to represent		
6	me in these proceedings, I identify that attorney below	v, along with his or her mailing address,	
7	telephone number, and facsimile number:		
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NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 1 of 2

# Case 3:78-cv-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 337 of 3

- 1	)	
1	Attorney:	
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3	Address:	
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6	Phone Number:	
7	Fax Number:	10.1
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9		(Signature)
10		
11		David M Little
12		(Printed or typed Name)
13		Trustee, David M. Little Trust Family
14	·	Trust Agreement
15		(Entity, if any, on whose
16		behalf you are appearing) P. O. Box 128
17		Yerington, NV 89447
18		(Address)
19		(775) 463-3003 (Telephone number)
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#### Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 338 of 3

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.

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

Date: 3-28-05

Signature

Printed/Typed Name -

If you are acting on behalf of any entity, identify that you are acting as: Trustee of

(Title)

The David Little Family Trust Agreement

(Corporate, Trust, Partnership or other entity)

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

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

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## Case 3:73 cv-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 339 of 3

1		
2	IN THE UNITED STATES I FOR THE DISTRICT (	DISTRICT COURT OF NEVADA
3	UNITED STATES OF AMERICA.	)
4	Plaintiff.	)
5	WALKER RIVER PAIUTE TRIBE.	). IN EQUITY NO. C-125
6	Plaintiff-Intervenor,	SUBFILE NO. C-125-B
7	vs.	)
8	WALKER RIVER IRRIGATION DISTRICT.	) )
9	a comoration, et al.,	)
10	NOTICE OF APPEARANCE AND IN	TENT TO PARTICIPATE
11	I hereby enter my appearance in this sub	o-proceeding in this case.
12	2. I am filing this document with the Distr	ict Court at the following address:
13	Chief Deputy Clerk	
14	United States District Court for the District of Nevada	
15	400 South Virginia Street, Suite 301 Reno, Nevada 89501	
16	3. In the envelope provided for return of m	w Waiver of Service of Notice in Lieu
17		
: â	Susan L. Schneider	
19	Attorney for the United States of Ameri	
20	Environment & Natural Resources Division P.O. Box 756	
21	Littleton, Colorado 80160	
22	4. I (or the entity on whose behalf I am acting) will retain all defenses or objection	
23	to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defe	
24	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.	
25	5. If I (or the entity on whose behalf I am acting) have retained an attorney to represe:	
25	me in these proceedings. I identify that attorney below, along with his or her mailing address	
27	telephone number, and facsimile number:	
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Case 3:7		ocument 650 Filed 05/09/2005 Page 340 of 3
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3	Address:	
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6	Phone Number:	
7	Fax Number:	
8		Done
9		(Signature)
10		~
11		Sherry Little
12		(Printed or typed Name)
		Trustee,
13		The Dayid Little Family Trust Agreement
14		(Entity, if any, on whose
15		behalf you are appearing)
16		P. O. Box 128
17		Yerington, NV 89447
		(Address)
18		(775) 463–3003
19		(Telephone number)
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#### Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 341 of 3

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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

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	Laren Lomerari	
Date: 3/23/05	Signature / wen Lommori	
	Printed/Typed Name	
	If you are acting on behalf of any entity, identify that y	ou are
	acting as:	of
	(Title)	
	(Corporate, Trust, Partnership or other entity)	

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

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

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## Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 342 of 3

-			
2	IN THE UNITED STATES DI FOR THE DISTRICT O	ISTRICT COURT F NEVADA	
3	UNITED STATES OF AMERICA.	)	
4	Plaintiff.	) ) ·	
153	WALKER RIVER PAIUTE TRIBE.	IN EQUITY NO. C-125	
6	Plaintiff-Intervenor,	SUBFILE NO. C-125-B	
7	vs.	, )	
ω 0,	WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,	) )	
10	NOTICE OF APPEARANCE AND INT	TENT TO PARTICIPATE	
12	1. I hereby enter my appearance in this sub	p-proceeding in this case.	
12	2. I am filing this document with the Distr		
13	Chief Deputy Clerk		
14	United States District Court for the District of Nevada		
15	400 South Virginia Street, Suite 301 Reno. Nevada 89501		
16	3. In the envelope provided for return of n	ny Waiver of Service of Notice in Lieu c	
17	Summons. I am mailing a copy of this document to:		
13	Susan L. Schneider	C3	
19	Attorney for the United States of America United States Department of Justice Environment & Natural Resources Division		
20	P.O. Box 756		
21	Littleton, Colorado 80160  4. I (or the entity on whose behalf I am act	ing) will retain all defenses or objection	
22			
23	to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect to the lawsuit or to the jurisdiction of the court except for objections based on the lawsuit of		
24	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.  5. If I (or the entity on whose behalf I am acting) have retained an attorney to represent		
25	me in these proceedings. I identify that attorney below		
25		v, along will the second	
27	telephone number, and facsimile number:		
28		1 af 2	
	MOTICE OF APPEARANCE AND INTEND TO FART	ICIPATE, page 1 01 2	

#### Case 3:78-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 343 of 3 Attorney: Address: Phone Number: Fax Number: (Signature) Lammor. (Printed or typed Name) (Entity, if any, on whose behalf you are appearing) WELLING TON HU (Address) (Telephone number)

#### Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 344 of 3

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

(Corporate, Trust, Parmership or other entity)

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

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

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

## Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 345 of 3

1			
2		IN THE UNITED STATES D FOR THE DISTRICT O	ISTRICT COURT OF NEVADA
3	UNITED ST	ATES OF AMERICA.	)
4		Plaintiff.	)
5	WAIKERR	IVER PAIUTE TRIBE.	) . ) IN EQUITY NO. C-125
6		Plaintiff-Intervenor,	) SUBFILE NO. C-125-B
7		I militili little vonot,	)
8	VS.		)
9	a corporation	IVER IRRIGATION DISTRICT, i. et al.,	<i>)</i> )
10		NOTICE OF APPEARANCE AND IN	TENT TO PARTICIPATE
11	1.	I hereby enter my appearance in this sub	p-proceeding in this case.
12	2.	I am filing this document with the Distr.	
13	<b>-</b>		ior Comit an and tone wing and
14		Chief Deputy Clerk United States District Court for the District of Nevada 400 South Virginia Street, Suite 301	
15		Reno, Nevada 89501	
16	3.	In the envelope provided for return of m	y Waiver of Service of Notice in Lieu c
17	Summons, I	nm mailing a copy of this document to:	
13	0 2	Susan L. Schneider	
19		Attorney for the United States of Americ United States Department of Justice	ca
20		Environment & Natural Resources D vis	sion
21		P.O. Box 756 Littleton, Colorado 80160	
22	4.	I (or the entity on whose behalf I am acti	ing) will retain all defenses or objection
23	to the lawsuit	or to the jurisdiction or venue of the cour	t except for objections based on a defec
24	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.		
25	5.	If I (or the entity on whose behalf I am acti	ng) have retained an attorney to represen
26	me in these proceedings. I identify that attorney below, along with his or her mailing address		
27	telephone number, and facsimile number.		
28			

NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 1 of 2

#### Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 346 of 3 Attorney: Address: Phone Number: Fax Number: (Signature) (Printed or typed Name) (Entity, if any, on whose behalf you are appearing) 20 Y)ESA WELLINGTON NV COUL (Address) (Telephone number)

#### Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 347 of 3

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER - DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PARTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons

Date: 3/10/05

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

acting as: Trustee

J. Mages Revocable Trust

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

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

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

## Case 3:73-cv-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 348 of 3

1 ]			
2	IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA		
3	UNITED STATES OF AMERICA,		
4	Plaintiff,	) )	
5	WALKER RIVER PAIUTE TRIBE.	IN EQUITY NO. C-125	
6	Plaintiff-Intervenor,	SUBFILE NO. C-125-B	
7	vs.		
9	WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,	) )	
10	NOTICE OF APPEARANCE AND INT	TENT TO PARTICIPATE	
11	1. I hereby enter my appearance in this sub	-proceeding in this case.	
12	2. I am filing this document with the Distri	ct Court at the following address:	
13 14	Chief Deputy Clerk United States District Court for the District of Nevada		
15	400 South Virginia Street, Suite 301 Reno, Nevada 89501		
16	3. In the envelope provided for return of m	y Waiver of Service of Notice in Lieu of	
17	Summons. I am mailing a copy of this document to:		
18	Susan L. Schneider Attorney for the United States of Americ	ra	
19 20	United States Department of Justice Environment & Natural Resources Divis		
21	P.O. Box 756 Littleton, Colorado 80160		
22		ing) will retain all defenses or objections	
23	to the lawsuit or to the jurisdiction or venue of the cour		
24	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.		
25	5. If I (or the entity on whose behalf I am acti	•	
26	me in these proceedings, I identify that attorney below, along with his or her mailing address,		
27	telephone number, and facsimile number:		
28			
]			

#### Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 349 of 3 Attorney: Address: Phone Number: Fax Number: (Signature) Ruth J. Magee (Entity, if any, on whose behalf you are appearing) (Telephone number)

#### Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 350 of 3

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAILITE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) he served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Signature

Signature

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as:

(Title)

(Corporate, Trust, Partnership or other entity)

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

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

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

# Case 3:73-cv-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 351 of 3

1			
2	IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA		
3	UNITED STATES OF AMERICA.	)	
4	Plaintiff.	)	
5	WALKER RIVER PAIUTE TRIBE.	) IN EQUITY NO. C-125	
6	Plaintiff-Intervenor,	) SUBFILE NO. C-125-B	
7		)	
8	VS.	Ì	
9	WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,	<u> </u>	
10	NOTICE OF APPEARANCE AND	INTENT TO PARTICIPATE	
11	<ol> <li>I hereby enter my appearance in this</li> </ol>	sub-proceeding in this case.	
12	2. I am filing this document with the I	istrict Court at the following address:	
13	Chief Deputy Clerk		
14	United States District Court for the District of Nevada		
15	400 South Virginia Street, Suite 30 Reno, Nevada 89501	l	
16	<ol> <li>In the envelope provided for return</li> </ol>	of my Waiver of Service of Notice in Lieu or	
17	Summons. I am mailing a copy of this document to:		
13	Susan L. Schneider		
19	Attorney for the United States of At United States Department of Justice		
20	Environment & Natural Resources P.O. Box 756	Division	
21	Littleton, Colorado 80160		
22	l ·	a acting) will retain all defenses or objections	
23	to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect		
24	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.		
25	ii :	acting) have retained an attorney to represent	
26	me in these proceedings, I identify that attorney below, along with his or her mailing address,		
27	telephone number, and facsimile number		
28			
	NOTICE OF APPEARANCE AND INTENT TO I	PARTICIPATE, page 1 of 2	

#### cv-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 352 of 3 Attorney: Address: Phone Number: Fax Number: (Signature) (Printed or typed Name) (Entity, if any, on whose behalf you are appearing) 510 DA-1 LAM molligter no gayn. (Address) (Telephone number)

#### Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 353 of 3

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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or to the jurisdiction or venue of the Co	ourt except for objections based on a defect in the Notice in Lieu of
Summons or in the service of the Notic	e in Lieu of Summons.
3-20-05	Queeta a /

Signature

Luette f, Morri

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as:

(Title)

(Corporate, Trust, Partnership or other entity)

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

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

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

-	•		
2	IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA		
3	UNITED STATES OF AMERICA.	)	
4	Plaintiff.	)	
5	WALKER RIVER PAIUTE TRIBE.	) IN EQUITY NO. C-125	
7	Plaintiff-Intervenor,	SUBFILE NO. C-125-B	
	vs.	) )	
9	WALKER RIVER IRRIGATION DISTRICT, a corporation. et al.,	<i>)</i> ) )	
10	NOTICE OF APPEARANCE AND INT	TENT TO PARTICIPATE	
11			
12	1. I hereby enter my appearance in this sub		
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14	Chief Deputy Clerk United States District Court for the District of Nevada		
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16	3. In the envelope provided for return of m	v Waiver of Service of Notice in Lieu or	
17	Summons, I am mailing a copy of this document to:	y warren en een viete en meiste en Eiste en	
13	Susan L. Schneider		
19	Attorney for the United States of Americ United States Department of Justice	a	
20	Environment & Natural Resources Divis P.O. Box 756	ion	
21	Littleton, Colorado 80160		
22	4. I (or the entity on whose behalf I am actin	ng) will retain all defenses or objections	
23	to the lawsuit or to the jurisdiction or venue of the court	except for objections based on a defect	
24	in the Notice in Lieu of Summons or in the service of the	e Notice in Lieu of Summons.	
25	5. If I (or the entity on whose behalf I am actin	g) have retained an attorney to represent	
26	me in these proceedings, I identify that attorney below,	along with his or her mailing address,	
7	telephone number, and facsimile number:		
8			
	NOTICE OF APPEARANCE AND INTENT TO PARTIC	IPATE, page 1 of 2	

#### Case 3:78-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 355 of 3 Attorney: Address: Phone Number: Fax Number: (Signature) Luetta A. Mann (Printed or typed Name) (Entity, if any, on whose behalf you are appearing) (Address) (Telephone number)

#### Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 356 of 3

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PACUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
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- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 03/16/05

Signature

Davre | Marraccini

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as:

(Title)

(Corporate, Trust, Partnership or other entity)

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

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

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#### Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 357 of 3

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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Date: 3-17-05	Signature,	
	Printed/Typed Name	
	If you are acting on behalf of any entity, identify that	voji are
	acting as:	of
	(Title)	
	(Corporate, Trust, Partnership or other entity)	

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

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

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

1 2 IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA 3 UNITED STATES OF AMERICA. 4 Plaintiff. 5 WALKER RIVER PAIUTE TRIBE. IN EQUITY NO. C-125 6 Plaintiff-Intervenor. SUBFILE NO. C-125-B 7 V5. 8 WALKER RIVER IRRIGATION DISTRICT. 9 a corporation, et al., NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE 10 11 I hereby enter my appearance in this sub-proceeding in this case. 12 ? I am filing this document with the District Court at the following address: 13 Chief Deputy Clerk United States District Court for the 14 District of Nevada 15 400 South Virginia Street, Suite 301 Reno, Nevada 89501 16 3. In the envelope provided for return of my Waiver of Service of Notice in Lieu of 17 Summons. I am mailing a copy of this document to 18 Susan L. Schneider Attorney for the United States of America 19 United States Department of Justice Environment & Natural Resources Division 20 P.O. Box 756 Littleton, Colorado 80160 21 I (or the entity on whose behalf I am acting) will retain all defenses or objections 22 to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect 23 in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons. 24 If I (or the entity on whose behalf I arri acting) have retained an attorney to represent 25 me in these proceedings, I identify that attorney below, along with his or her mailing address, 26 telephone number, and facsimile number: 27 28 NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 1 of 2

# Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 359 of 3

1	Attorney:	
2		
3	Address:	
4		
5		
6	Phone Number:	
7	Fax Number:	£
8		Mariacene
9		(Signature)
10		
11		Lisa Marracuni
12		(Printed or typed Name)
13		
14		/D // 10
15		(Entity, if any, on whose behalf you are appearing)
16		38 E. Parsel Ln.
17		YERINGTON, NV 89447
18		(Address) (725) 463-3454
19		(Telephone number)
20		
21		
22		
23		
24		•
25		
26		
27		
28		

### Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 360 of 3 WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number in Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 3/24/05	Signature Masini	
	Patricia K. Masini Printed/Typed Name	
	If you are acting on behalf of any entity, identify the	nat you are
	acting as: Partner	of
	(Title)	
	Masini Investments	
	(Cornorate Trust Partnership or other entity)	

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

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

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

# Case 3:73 cv-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 361 of 3

-	-			
2		IN THE UNITED ST FOR THE DIS	TATES DIS	TRICT COURT NEVADA
3	UNITED STA	ATES OF AMERICA.	į	
4	<b>∦</b>	Plaintiff.	) }	
5	WALKER RI	VER PAILTE TRIBE.	)	IN EQUITY NO. C-125
6		Plaintiff-Intervenor,	)	SUBFILE NO. C-125-B
7	vs.		)	
8 9	WALKER RI a corporation.	VER IRRIGATION DISTRICT et al.,	ī, }	
10	<b>N</b>	OTICE OF APPEARANCE	AND INTE	NT TO PARTICIPATE
11		¥1.	·	
12	1.	I hereby enter my appearance		
13	2.	I am filing this document with	the District (	Court at the following address:
14		Chief Deputy Clerk United States District Court fo District of Nevada	r the	
15	3	400 South Virginia Street, Sui Reno, Nevada 89501	te 301	
16	3.	In the envelope provided for re	enim of my V	Vaiver of Service of Notice in Lieu o
17	Summons, I an	n mailing a copy of this docum	era to:	
13		Susan L. Schneider		
19		Attomey for the United States United States United States Department of Ju	istice	
20		Environment & Natural Resom P.O. Box 756	rces Division	
21		Littleton, Colorado 80160		
22	4.	(or the entity on whose behalf	I am acting)	will retain all defenses or objection
23	to the lawsuit o	r to the jurisdiction or venue of	f the court ex	cept for objections based on a defec
24	in the Notice in	Lieu of Summons or in the ser	vice of the N	otice in Lieu of Summons.
25	5. 🕴 If	I (or the entity on whose behalf	I am acting) l	have retained an attorney to represen
26	me in these pro	ceedings, I identify that attorne	ey below, alo	ong with his or her mailing address
7	telephone numb	er, and facsimile number:		
28				
	NOTICE O	F APPEARANCE AND INTENT T	o parmicipa	ATE, page 1 of 2

### Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 362 of 3 Address: Phone Number: 775.463.4526 Fax Number: (Signature) Patricia K. Masini (Printed or typed Name) Partner Masini Investments (Entity, if any, on whose behalf you are appearing) 11 N. Main St. Yerington, NV 89447 (Address) (Telephone number)

## Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 363 of 3

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.

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

Date: 3-23-05

Signature

Lawrence B. Masini .

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as:

(Title)

(Corporate, Trust, Partnership or other entity)

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

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

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

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

# Case 3:73-cv-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 364 of 3

-	<del>-</del>	
2	IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA	
3	UNITED STATES OF AMERICA.	
4	Plaintiff )	
5	WALKER RIVER PAIUTE TRIBE. ) IN EQUITY NO. C-12	25
6	Plaintiff-Intervenor, ) SUBFILE NO. C-125-B	
7	vs.	
9	WALKER RIVER IRRIGATION DISTRICT.	
10	NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE	
11	I. I hereby enter my appearance in this sub-proceeding in this case.	
12	2. I am filing this document with the District Court at the following address	s:
13	Chief Deputy Clerk	
14	United States District Court for the District of Nevada	
15	400 South Virginia Street, Suite 301 Reno, Nevada 89501	
16	3. In the envelope provided for return of my Waiver of Service of Notice is	n Lieu
17	Summons, I am mailing a copy of this document to:	
19	Susan L. Schneider Attorney for the United States of America	
20	United States Department of Justice Environment & Natural Resources Division	
21 .	P.O. Box 756 Littleton, Colorado 80160	
22	4. I (or the entity on whose behalf I am acting) will retain all defenses or ob	jection
23	to the lawsuit or to the jurisdiction or venue of the court except for objections based on	
24	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.	
25	5. If I (or the entity on whose behalf I am acting) have retained an attorney to re	presen
26	me in these proceedings, I identify that attorney below, along with his or her mailing	address
27	telephone number, and facsimile number:	
28		
1		

NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 1 of 2

Case 3:73	cv-00127-MMD-CSD Documen	t 650 Filed 05/09/2005 Page 365
2		
3	Address:	
4		
5		
۰- 6	Phone Number:	
7	Fax Number:	
8		
9		(Signature)
10		1
11		Laur & Mrs mi
12		(Printed or typed Name)
13		-tarticei
14		Masini Investments
15		(Entity, if any, on whose
16		behalf you are appearing)  11 N. Main St.
17		Yerington, NV 89447
18		(Address)
19		(775) 463-2481
20		(Telephone number)
21		
22		
1		
23		•
24	:	
25	<b>;</b>	
26		
27		

# Case 3 73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 366 of 3

4 IN THE UNITED STATES DISTRICT COURT 5 FOR THE DISTRICT OF NEVADA 6 UNITED STATES OF AMERICA. 8 Plaintiff, In Equity No. C-125-ECR 9 Subfile No. C-125-B WALKER RIVER PAIUTE TRIBE. 10 NOTICE OF CHANGE OF OWNERSHIP OF WATER RIGHT Plaintiff-Intervenor. 11 V. 12 WALKER RIVER IRRIGATION DISTRICT. a corporation, et al., 14 Defendants. 15 16 The undersigned counter-defendant in the above action hereby notifies the Court and the 17 United States that the undersigned (or the entity on whose behalf the undersigned is acting) has 18 sold or otherwise conveyed ownership of all or a portion of a water right within one or more of 19 the categories set forth in Paragraph 3 of the Case Management Order and provides the 20 following information: 21 The name and address of the party or parties who sold or otherwise conveyed 22 1. ownership: 23 24 Name: \$1 25 Mathews Family Trust Robert J. Mathews, Surviving Trustee 26 Street or P.O. Box

NOTICE OF CHANGE OF WATER RIGHTS OWNERSHIP, page 1 of 3

27

P. O. Box 532

Exhibit 110

#### Case 3 73-cy-00127-MMQ-CSQ\_Document 650 Filed Q5/09/2005 Page 367 of 3 ZipCode Town or Cir. State 2 The name and address of each person or entity who acquired ownership 2. 3 Walker River Irrigatiaon District 4 Name(s) P. O. Box 820 5 Street or P.O. Box 6 89447 NVYerington 7 State ZipCode Town or City 8 Attached to or included with this notice is a copy of the (check appropriate 3. 9 box(es)): 10 КX Deed 11 Court Order 12 Other Document. by which the change in ownership was accomplished. 13 The undersigned acknowledges that any person or entity who files a Notice of 14 Change of Ownership of Water Right using this form is ultimately responsible for the accuracy 15 of this filing. Consequently, the undersigned acknowledges that any person or entity who files 16 ! " 18 19 This notice shall be sent to the following two persons: 20 Linda Lea Sharer, Chief Deputy Clerk United States District Court for the District of Nevada 21 400 South Virginia Street, Suite 301 Reno, NV 89501 22 <u> And</u> 23 Susan L. Schneider 24 United States Department of Justice P.O. Box 756 25 Littleton, CO 80160

NOTICE OF CHANGE OF WATER RIGHTS OWNERSHIP, page 2 of 3

Case <sup>1</sup> 3	:7,3 <sub>FCV:7</sub> ,001,2,7-1 <b>MMD::GSD::Digasiment:65:0:Filed:05/09/2005::Page:3</b> 68
2	litigation.
3	
4	Executed this 22 nd day of FEB 200.5.
5	·
6	a la Martin
7	Stature of counter-defendant]
8	
9	Robert S Mathews
11	[name of counter-defendant]
12	
13	[signature, if applicable, of person acting on
14	behalf of counter-defendant]
15	
16	[name, if applicable, of person acting on
17	behalf of counter-defendant]
18	Dr. By 532
19	P.O. Box 532 VERINGTON, NV 89447 [address]
20	[address]
21	(175) 463-9339 [Telephone number]
22	[telephone number]
23	
24	
25	
26	
27	
28	NOTICE OF CHANGE OF WATER RIGHTS OWNERSHIP, page 3 of 3

Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 369 of 3

RECORDING REQUESTED BY AND WHEN RECORDED RETURN TO:

Walker River Irrigation District P.O. Box 820 Yerington, NV 89447 APN 12-062-15 RPTT # 2

(Not Compared to Original)

03/07/2005

12:39 PM

Official Record
Requested By

W.R.I.D.

Lyon County - NV Mary C. Milligan - Recorder

### WATER RIGHTS QUITCLAIM DEED

THIS INDENTURE, made and entered into this Andrew day of Feb, 22.

2005, by and between the MATHEWS FAMILY TRUST, ROBERT J. MATHEWS, surviving trustee, hereinafter referred to as "Grantor," and the WALKER RIVER IRRIGATION DISTRICT, hereinafter referred to as "Grantee";

#### WITNESSETH:

That the said Grantor, in consideration of the sum of TEN DOLLARS (\$10.00), lawful money of the United States of America, the receipt whereof is hereby acknowledged, does by these presents convey, transfer and quitclaim unto the Grantee, and to its successors and assigns forever, all of the rights of the Grantor to receive stored waters from Bridgeport Reservoir and to divert water from the Walker River and its tributaries, all such water rights being appurtenant to the land situate in the County of Lyon, State of Nevada, that is described in Exhibit "A" attached hereto and made a part hereof.

To have and to hold the said water rights together with the tenements, hereditaments and appurtenances thereunto belonging or appertaining and the

# Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 370 of 3

reversion and reversions, remainder and remainders, rents, issues and profits thereof unto the Grantee, its successors and assigns, forever.

Grantee does hereby agree to assume the payment of all fees and charges that may hereafter become due and payable in respect to said water rights referred to herein.

IN WITNESS WHEREOF, the parties have executed this instrument on the day and year first above written.

**GRANTOR:** 

MATHEWS FAMILY TRUST

By: Notes / Mathews

Date: 71-22 65

SUBSCRIBED and SWORN to before me this 22 hd day of 4 ch-mary, 2005.

NOTARY PUBLIC

LEAS COMARS LON
Notary Public State of Nevada
Appendment Reproced in Eyon County
No. 934537 To Floring Acril 5, 2005

GRANTEE::

WALKER RIVER IRRIGATION DISTRICT

Its: Chairman

Date: 3-7-05

SUBSCRIBED and SWORN to before me this <u>7th</u> day of <u>MARCH</u>, 2005.

NOTARY PUBLIC

LEAH COMPSTON
Notary Public - State of Nevada
Appointment Recorded in Lyon County
No: 93-3029-12 - Expires April 5, 2005

#### EXHIBIT "A"

All that certain real property situate in the SW ¼ of the NW ¼, Sec. 23; T. 13 N., R. 25 E., M.D.B.&M., County of Lyon, State of Nevada, more particularly described as follows:

#### Zwiebel Parcel #19:

Commencing at the northwest corner of said Section 23, proceed S 13° 03' 42" E, 1602.58 feet, to the northwest corner of Zwiebel Parcel No. 16; thence S 0° 20' W, 450.00 feet, along the westerly boundaries of Zwiebel Parcel Nos. 16, 17, & 18, to the TRUE POINT OF BEGINNING of this Parcel No. 19, which is the northwest corner; proceed thence S 89° 40' E, 290.40 feet, along the southerly boundary of Parcel No. 18 to the northeast corner of this parcel; thence S 0° 20' W, 150.00 feet, to the southwest corner of this parcel; thence N 89° 40' W, 290.40 feet, to the southwest corner of this parcel; thence N 0° 20' E, 150.00 feet, along the easterly side of a fifty foot wide public road easement, to the TRUE POINT OF BEGINNING, containing one acre, more or less.

PER NRS 111.312, THE LEGAL DESCRIPTION APPEARED PREVIOUSLY IN DEED #136762 RECORDED ON OCTOBER 19, 1990 IN LYON COUNTY RECORDS.

WALKER RIVER IRRIGATION DISTRIC	ACANDIA MOTORIA
WALKER	>

Division #: 2		WALKER RIVER IRRIGATION DISTRICT	
		YERINGTON, NEVADA	
*	******	Index No.	Š
		Lyon Count	Count
Name:	Mathews Family Itasi		
	Robert J. & Pauline M. Mathews, Trustees	CIGHT NO.	j E
Address.	P O Box 532	User#	*
		O. B. M. Local No. 3	_
	Terington, NV dute		
Court Decree:	C-125, P.25; Fox Ditch Company		

				CAYS	ACRE FEET REQUIRED	REQUIRED	ACRE FEET	TOPAZ RES.	TOPAZ RES. BRIDGEPORT RES.	_		1.170
PRIORITY	C.F.S	ACRES	PUTY	STORAGE	PER ACRE	TOTAL	APPORTIONED	ACRE FEET	ACRE FEET	CLAIM	TOTAL ACRES	
					1							
1865	400	.350	3.2076			000				45	Water Rt. Acres	1.170
1870	400	.310	3.2076			000.				45	Harris Dr. Acres .	000
1875	.003	.260	3.2076	80	1901	.049				45	THE REPORT OF	9
1880	.002	.130	3.2076	25	.594	710.				45		
1885	.00	090	3.2076	62	.689	.041				45	Acre Feet Storage	.189
1890	000	.030	3.2076	8	.7128	.021				45		
1895	000	.030	3.2076	32	.7603	000.				45		
TOTAL	410	1,170				189	\$	00,	18			
I FGAL DESCRIPTION:	ž							COMMENTS				
								3/23/00 -	3/23/00 - Transferred from card #57200 - Zwiebel	om card #5720	0 - Zwiebel	
Fr. SW 1/4 of NW 1/4, Sec. 23; T. 13 N., R. 25 E.	NW 1/4, Se . 25 E.	ic. 23;										
Zwiebel Parcel #19	91 #19											
IDOCUMENT HISTORY	ïY:	A STATE OF THE PARTY OF THE PAR										
POCUMENT #		DATE	DESCRIPTION									
#36-481		04/01/51	J.S. & V.G.	G. DuPraft	र्मात है है व छ।	Zwiebel Exclu	DuPrattic & J. & Amy Zwiebel Excluded 17.28 acres - July 1968.	6 - July 1968.	i			
#51935		03/04/80	₩ ₩	my E. Zwia	bod, furband	Aca of the box	A. J. & Amy E. Zwiebol, furthand and wife to Robert I. & Pauline Mathews, husband and wife	Mathews his	sband and wife	:		

Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 373 of 3 OFFICIAL RECORDS LYON COUNTY, NEV. RECORD REQUESTED BY Affix R.P.T.T.S WESTERN TITLE CO. INC. APN 14-481-17 04 MAR 18 AM 9: 22 RPT \*6 Title Order No. 5111.001567 MARY C. MILLIGAN COUNTY RECORDER Escrow No. 5111001567-JH WHEN RECORDED MAIL TO: 15° OEP. MK Name and Mrs. McBee Street Address City & State MAIL TAX STATE **T\$TO:** Grantee at address above SPACE ABOVE THIS LINE FOR RECORDER'S USE Quitclaim Deed FOR A VALUABLE CONSIDER MION, receipt of which is hereby acknowledged, MICHAEL P. MCBEE AND CHEEK, MCBEE, TRUSTEES OF THE MICHAEL P. MCBEE AND CHERYL E. MCBEE REVOCABLE INVING TRUST, DATED FEBRUARY 26, 1997 hereby REMISE(S), RELEASE(S) AND FOREVER QUITCLAIM(S) to MICHAEL P. MCBEE AND CHERYL E. MCBEE HUSBAND AND WIFE, AS JOINT TENANTS 10 Li that property in LYON County, Nevada, described as: Dated March 4, 2004 STATE OF NEVADA COUNTY OF On March 8, 2004 before me, the undersigned, a Notary Public in and for said State, personally appeared Michael + Checyl personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument. WITNESS my hand and official sea MICHELLE PELLEGRINI Nothiny Public - State of Nevada Signature Appointment Recorded in Livon County No. 34-5132-12 - Expires September 9, 2006

315976

Pelleari

rely le

(typed or printed)

Name ..

ORTC-470 4/2003

(This area for official notarial seal)

# Case 3:73-cv-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 374 of 3

#### Legal Description

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

Parcel C as shown on the Parcel Map and Boundary Adjustment for Grover F. Glasner recorded in the Official Records of Lyon County, Nevada on June 22, 1992 as Document No. 152758.

	1 303'
ase 3:73-cv-00127-MMD-CSD	Document 650 Filed 05/09/2005 Page 375 b
010.64113	EYBN COUNTY, NEV. RECURD REQUESTED BY
A.P.N. # 010-641-11	
R.P.T.T. \$ 513.50	STEWART TITLE OF
ESCROW NO. 030103064	03 SEP -9 PM 2: 27
RECORDING REQUESTED BY:	HARY C. HILLIGAN
STEWART TITLE COMPANY	COUNTY RECORDER
MAIL TAX STATEMENTS TO: SAME AS BELOW	120 KM
ORUM AND DINON	IEEOEP
THE TO	
WHEN RECORDED MAIL TO: GRANTEE	
2827 HIGHWAY 208 Po Box 1966	
WELLINGTON, NV 89444	(Space Above for Recorder's Use Only)
GArdnerville, W 89410	
GRANT, BARGA	
THIS INDENTURE WITNESSETH: That JUDY	J. MCBRYDE, Surviving Joint
THIS INDENTURE WITNESSEIR: Inat	-
in consideration of \$10.00, the receipt of which is here and Convey to JEFFREY M. GARCIA and	by acknowledged, does hereby Grant, Bargain Sell
and Convey to JEFFREY M. GARCIA and	KEALOMA GARCIA, HUBBANG
and wife as joint tenants	
and to the heirs and assigns of such Grantee forever, a	Il that real property situated in the
County of Lyon	State of 140 tank, bounded and described and
SEE EXHIBIT "A" ATTACHED HE	ERETO AND MADE A PART HEREOF
Together with all and singular the tenements, heredita	ments and appurtenances thereunto belonging or in
anywise appertaining, and any reversions, remainders.	rents, issues or profits thereof.
DATE: August 18, 2003	1 1 1 mcl
DATE: August 10, 2005	Cury & Mi Dry de
	JUDY J / MCBRYDE
	O V J
SUZANNE CHEECHOV	
NOTARY PUBLIC	
STATE OF NEVADA  Appt. Recorded in Designs County	
My Appt. Expires June 25, 2007	
No: 90-38450-6	
41.1	
STATE OF NV	
) ss.	
COUNTY OF WILLSCE }	
0	3/28/03
This instrument was acknowledged before me on	2/4-10/
by, out of Reduction	
Dr. M. U	• • • • • • • • • • • • • • • • • • •
Signature _ / Wilke / 1000	
	sides of document for Recorder's Use Only)

# EXHIBIT "A" LEGAL DESCRIPTION

Order No.: 03012245MM

The land referred to herein is situated in the State of Nevada, County of LYON, described as follows:

BEING PORTIONS OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 AND THE NORTHEAST 1/4 OF SECTION 2, TOWNSHIP 10 NORTH, RANGE 23 EAST, M.D.B. & M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL B AS SHOWN ON THAT CERTAIN PARCEL MAP RECORDED ON DECEMBER 3, 1993, AS DOCUMENT NO. 166714, LYON COUNTY OFFICIAL RECORDS.

ASSESSOR'S PARCEL NO. 10-641-11

TION DISTRICT	. ÉVADA
WALKER RIVER IRF	YERINGTOIL

Division #:

Card #: Name:	Jeffrey M. & Kealoha Garcia	422
Address:	P. O. Box 1966	

Gardnerville, NV 89410

The sea
AL ALLES
2 W L S
62 W

324-B1 10-841-11 806 Plymouth		
index No. Lyon County No. Claim No. User # Ditch	TOTAL ACRES Water Rt. Acres Non Wir Rt. Acres	
	CLAIM #	
	BRIDGEPORT RES. ACRE FEET ACRE FEET ACRE FEET	
	TOPAZ RES. ACRE FEET	
Ji, EVADA	ACRE FEET APPORTIGNED 1.44	

1.440 1.40

2.0592 PER ACRE

8

4.2768

.700 .700

TOTAL

NEWL

TOTAL

ACRE FEET REQUIRED

STORAGE

**5UT**₹

ACRES

PRIORITY

Court Decree:

Case 3:78-cv-0912

LEGAL DESCRIPTION:	COMMENTS:
0.70 acres in W 1/2, Sec. 2; T 10 N, R 23 E.	Parcel B of PM166714 01/20/04 - Removed Frank J. McBryde, deceased 01/20/04 - Transferred from card #33215 - McBryde
Incliment History.	

Acre Feet Storage

0.70 acres in W 1/2, Sec. 2; T 10 N. R 23 E.	ec. 2;	Parcel B of PM168714 01/20/04 - Removed Frank J. McBryde, deceased 01/20/04 - Transferred from card #33215 - McBryde	<u>v</u>
DOCUMENT HISTORY:			
DOCUMENT #	DATE	DESCRIPTION	
#35-848	01/03/49	Albert & Emma Zimmerman to Manley & Eisle Bishop.	
#51.370	04/03/68	Manley & Fisie Bishop to Rene & Mary Ann Cardinal.	
\$0.40\$E	11/06/91	Rene L. & Mary Ann Cardinal to Rene L. & Mary A. Cardinal, Trustees of the Cardinal Wellington Trust.	
#153917	02/12/93	Affidavit - Death of Joint Tenant - Mary Cardinal. Deceased.	
#168714	12/03/93	Parcel Map for Cardinal Wellington Trust.	
#170827	04/22/94	Rene L. Cardinal, Successor Trustee of the Cardinal Wellington Trust to Frank Joseph McBryde, Trustee of the Frank Joseph McBryde trust Agreement, dated October 21, 1992.	seph McBryde trust
#251142	08/11/00	Frank Joseph McBryde, Trustee of the Frank Joseph McBryde Trust Agreement, dated 10/21/92 to Frank J. & Judy J. M Joint Tenants	Bryde, husband and w
#303779	09/09/03	th of Joint	
2000100	00/00/00	1.1-d. 1 McDande Surviving Joint Tenant to Jeffrey M. & Kealoha Garcia, husband and wife as Joint Tenants	
#303780	09/09/03	Judy J. McBryde, Surviving Joint Tenant to Jeffrey M. & Nealona Calcia, inchain and whe as Joint Tenants	
#302/80	000000	O5/09/2005 Page 377 of the factor of the fac	WRID 06/30/04

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#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 3/21/05	Signature  Cynthia Menesin  Printed/Typed Name	
	If you are acting on behalf of any entity, identify that you acting as:	ou are
	(Title)	01
	(Corporate, Trust, Partnership or other entity)	

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

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

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

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

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3		
2	FOR THE DISTRICT (	DISTRICT COURT OF NEVADA
3	UNITED STATES OF AMERICA.	)
4	Plaintiff.	)
5	WALKER RIVER PAILTE TRIBE.	) IN EQUITY NO. C-125
6	Plaintiff-Intervenor,	) SUBFILE NO. C-125-B
7	· · · · · · · · · · · · · · · · · · ·	)
8		ĺ
9	WALKER RIVER IRRIGATION DISTRICT, a comporation. et al.,	<i>)</i> )
10	NOTICE OF APPEARANCE AND INT	TENT TO PARTICIPATE
11	1. I hereby enter my appearance in this sub	p-proceeding in this case.
12	2. I am filing this document with the Distri	ict Court at the following address:
13	Chief Deputy Clerk	
14	United States District Court for the District of Nevada	
15	400 South Virginia Street, Suite 301 Reno, Nevada 89501	
16	3. In the envelope provided for return of m	y Waiver of Service of Notice in Lieu
17	Summons, I am mailing a copy of this document to:	
13	Susan L. Schneider	
19	Attorney for the United States of Americ United States Department of Justice	
20	Environment & Natural Resources Divis P.O. Box 756	ion
21	Littleton, Colorado 80160	
22	4. I (or the entity on whose behalf I am actin	ng) will retain all defenses or objection
23	to the lawsuit or to the jurisdiction or venue of the court	except for objections based on a defer
24	in the Notice in Lieu of Summons or in the service of the	e Notice in Lieu of Summons.
25	5. If I (or the entity on whose behalf I am actin	g) have retained an attorney to represer
26	me in these proceedings. I identify that attorney below,	along with his or her mailing address
27	telephone number, and facsimile number:	
28		
- 1		

NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 1 of 2

### Case 3:73 cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 380 of 3 Attomey: Address: Phone Number: Fax Number: (Signature) MENESIAS WALL (Printed or typed Name) (Entity, if any, on whose behalf you are appearing) 2025.0500 /BUNDIDY (Address) 775-462-3901 (Telephone number)

ase 3:73-cv-00127-MMD-CSD Documer	AT 650 FIRED 05/09/2005 Page 381 - WHICHAL RECURDS LYON COUNTY, NEV.
APN: 014-291-02	Randy Manesini
RPTT: \$ 46 80	04 JUN 24 PH 12: 30
RPTI:	MARY C. MILLIGAH COUNTY RECORDER
When Recorded mail to:	FEE 150 DEP. Du
Randy Meneria	FEE 10 UEF.
Yernata NY 89447	
Grantees Address:	Recorders Use Only
Seate	Recolucts as only
do(es) hereby GRANT TO  Randy Ellis Menesin: and Recome  the real property situate in the County of Lyon, State  See Exh. 6:4"  TOGETHER WITH all tenements, hereditaments and appurtents	e of Nevada, described as follows:
appertaining, and any reversion, remainders, rents, issues or pro	
COUNTY OF NEAR LYON	
	Free L. Menerini
On Jone 24, , 2004, before me, the undersigned, a Notary Public in and for	Cx., TZ= (Signature)
t o	GRACE L. MENERIN
Grace L Menesini	2 Type or Print Name)
TRUSTEE	
known to me to be the person(s) whose name(s) is/are	(Signature)
subscribed to the within instrument, and acknowledged	(To a Print Name)
to me that he/she/they executed the same WITNESS my hand and official seal.	(Type or Print Name) Notary Seal
WILIARDS III) mand and stream and	

# Case 3:73-cv-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 382 of

#### EXHIBIT "A"

A percel of land located in the SE 1/4 of the NE 1/4 of Section 28, T. 14 N., R. 25 E., M.D.B.&M., in Lyon County, Nevada, and described as follows:

Beginning at the Southeast corner of the parcel from which the East on quarter corner of said Section 28 bears S. 15° 17' 20" E., 1058.86 feet: thence

N. 0° 19' 30" E., 303.11 feet; thence N. 89° 49' 20" W., 220.00 feet; thence S. 0° 19' 30" W., 302.54 feet; thence S. 89° 40' 30" E., 220.00 feet to the point of beginning

APN: 014-291-02

### Case 3:73-cy-00127-MMD-CSD Document 650 Filed 05/09/2005 Page 383 of 3

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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

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- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAULTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
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An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.