# Case 3:73-cv-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 1 of 271

EN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

INITED STATES OF AMERICA.

Plaintiff.

WALKER RIVER PAIUTE TRIBE.

Plaintiff-Intervenor.

VS.

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

Defendants.

IN EQUITY NO. C-125-ECR. Subproceeding: C-125-B

FIFTH REPORT OF THE UNITED STATES OF AMERICA CONCERNING STATUS OF SERVICE ON CERTAIN PERSONS AND ENTITIES

The United States of America ("United States"), on behalf of itself and the Walker River Paiute Tribe ("Tribe"), submits the following information related to its service efforts on persons and entities subject to service under the Case Management Order (Apr. 13, 2000) ("CMO"). As set forth in this pleading, the United States asks the Court to approve certain service efforts, to amend the caption related to this phase of service, to make corrections and additions, and, in some instances, to take no action at this point as service efforts are continuing. The instant filing focuses on a portion of those persons and entities subject to service under Paragraph 3.a. of the CMO.

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

C. 13-3: Fixth Service Report

PLACED UNCER SEPARATE COVER
DUE TO SIZE: 19 6 7 1



651

Disease Dictor Property

## Case 3:73-cv-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 2 of 271

## 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 o |
| Summons or in the service of the Notice in Lieu of Summons.  |
|  |

Date: 12/7/04

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 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 651 Filed 05/09/2005 Page 3 of 271

## 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.   |

(Corporate, Trust, Partnership or other entity)

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# Case 3:73 cv-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 4 of 271

| -   |  |   |  |  |  |  |  |
|-----|--|---|--|--|--|--|--|
| 2   | IN THE UNITED STATES D<br>FOR THE DISTRICT O   | DISTRICT COURT<br>OF NEVADA               |  |  |  |  |  |
| 3   | UNITED STATES OF AMERICA.  | )   |  |  |  |  |  |
| 4   | Plaintiff.   | <b>\</b>                                  |  |  |  |  |  |
| Ξ   | WALKER RIVER PAIUTE TRIBE.   | IN EQUITY NO. C-125                       |  |  |  |  |  |
| 6   | Plaintiff-Intervenor,  | SUBFILE NO. C-125-B                       |  |  |  |  |  |
| 7   | vs.  | )<br>)                                    |  |  |  |  |  |
| 8   | WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,   | )<br>)<br>)                               |  |  |  |  |  |
| 10  | NOTICE OF APPEARANCE AND IN  | TENT TO PARTICIPATE                       |  |  |  |  |  |
| 12  | - Alia ani   | n 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 additions:     |  |  |  |  |  |
| 14  | Chief Deputy Clerk United States District Court for the District of Nevada   | ·   |  |  |  |  |  |
| 15  | 400 South Virginia Street, Suite 301<br>Reno, Nevada 89501   | <b>-</b> ;                                |  |  |  |  |  |
| 16  | 3. In the envelope provided for return of my Waiver of Service of Notice in Lieu   |   |  |  |  |  |  |
| 7   | Summons. I am mailing a copy of this document to:  |   |  |  |  |  |  |
| 13  | Susan L. Schneider   |   |  |  |  |  |  |
| .9  | Attorney for the United States of America United States Department of Justice United States Department Personners Division |   |  |  |  |  |  |
| 20  | Environment & Natural Resources Division P.O. Box 756  |   |  |  |  |  |  |
| 21  | Littleton, Colorado 80160  |   |  |  |  |  |  |
| 22  | 4. I (or the entity on whose behalf I am act   |   |  |  |  |  |  |
| 23  | to the lawsuit or to the jurisdiction or venue of the cou  |   |  |  |  |  |  |
| 4   | in the Notice in Lieu of Summons or in the service of the  | 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: |  |  |  |  |  |
| 5   | me in these proceedings. I identify that attorney below  | , along with his or her mailing addres    |  |  |  |  |  |
| . 7 | telephone number, and facsimile number:  |   |  |  |  |  |  |
| : з |  |   |  |  |  |  |  |
|     | NOTICE OF APPEARANCE AND INTENT TO PARTI   | ccipate, page 1 of 2                      |  |  |  |  |  |

# Case 3:73<sub>FCV</sub>-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 5 of 271 Attorney: Address: Phone Number: Fax Number: (Signature) (Printed or typed Name) (Entity, if any, on whose behalf you are appearing) 775 463 3901 (Telephone number)

| 0.70 00407.141   | 1D 00D D 1 0E4 EU 10E/00/00/00   |
|--|--|
| e 3:73-cv-00127-MN   | 1D-CSD Document 651 Filed 05/09/2005 Page 6 o  |
| A.P.N. # 10-331-34   | I YAN CHINTY NEV   |
| A.F.N. #   | RECORD RECORD RECOURSTED BY  |
| R.P.T.T. S -0- 78  | STEWART TITLE OF   |
| ESCROW NO. 04040146  | 04 JUN -4 AM 8: 11   |
| RECORDING REQUESTED BY:<br>STEWART TITLE COMPAN  |  |
| MAIL TAX STATEMENTS TO:  | MARY C. HILLIGAN COUNTY RECORDER   |
| SAME AS BELOW  | 1600/50  |
|  | FEE 12 ter YIA   |
| WHEN RECORDED MAIL TO:   |  |
| JADE MILLER  |  |
| 4150 Longknife Rd.<br>Reno, NV 89509   |  |
| Reno, NV 89309   | (Space Above for Recorder's Use Only)  |
| GRA  | NT, BARGAIN, SALE DEED   |
|  | •  |
| THIS INDENTURE WITNESSETI<br>HUSBAND AND WIFE AS<br>INTEREST   | H: That JADE MILLER AND TENLEY V. MILLER,<br>JOINT TENANTS AS TO AN UNDIVIDED 1/2  |
| in consideration of \$10.00, the rece  | eipt of which is hereby acknowledged, does hereby Grant, Bargain Sell  |
| and Convey to J & M PI,  | eipt of which is hereby acknowledged, does hereby Grant, Bargain Sell LLC, a Nevada Limited Liability Company  |
| and to the heirs and assigns of such   | a Grantee forever, all that real property situated in the purply of 1.YON State of Nevada, bounded and described as:   |
| Co SEE EXHIBIT "A* Together with all and singular the t  | ounty of LYON State of Nevada, bounded and described as:  "ATTACHED HERETO AND MADE A PART HEREOF tenements, hereditaments and appurtenances thereunto belonging or in   |
| Co<br>SEE EXHIBIT "A*<br>Together with all and singular the t<br>anywise appertaining, and any reve  | ounty of LYON State of Nevada, bounded and described as: "ATTACHED HERETO AND MADE A PART HEREOF   |
| Co<br>SEE EXHIBIT "A*<br>Together with all and singular the t<br>anywise appertaining, and any reve  | ounty of LYON State of Nevada, bounded and described as:  "ATTACHED HERETO AND MADE A PART HEREOF tenements, hereditaments and appurtenances thereunto belonging or in   |
| Co<br>SEE EXHIBIT "A*<br>Together with all and singular the t<br>anywise appertaining, and any reve  | ounty of LYON State of Nevada, bounded and described as:  "ATTACHED HERETO AND MADE A PART HEREOF tenements, hereditaments and appurtenances thereunto belonging or in   |
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| Co<br>SEE EXHIBIT "A*<br>Together with all and singular the t<br>anywise appertaining, and any reve  | State of Nevada, bounded and described as: "ATTACHED HERETO AND MADE A PART HEREOF tenements, hereditaments and appurtenances thereunto belonging or in ersions, remainders, rents, issues or profits thereof.  BY:  |
| Co<br>SEE EXHIBIT "A*<br>Together with all and singular the t<br>anywise appertaining, and any reve  | State of Nevada, bounded and described as: "ATTACHED HERETO AND MADE A PART HEREOF tenements, hereditaments and appurtenances thereunto belonging or in ersions, remainders, rents, issues or profits thereof.  BY:  |
| Co<br>SEE EXHIBIT "A*<br>Together with all and singular the t<br>anywise appertaining, and any reve  | State of Nevada, bounded and described as:  "ATTACHED HERETO AND MADE A PART HEREOF tenements, hereditaments and appurtenances thereunto belonging or in ersions, remainders, rents, issues or profits thereof.  BY:  JADE MILLER                            |
| Co<br>SEE EXHIBIT "A*<br>Together with all and singular the t<br>anywise appertaining, and any reve  | State of Nevada, bounded and described as:  "ATTACHED HERETO AND MADE A PART HEREOF tenements, hereditaments and appurtenances thereunto belonging or in ersions, remainders, rents, issues or profits thereof.  BY:  JADE MILLER  BY:  Jenuty 4.  Jenuty 4. |
| SEE EXHIBIT "A' Together with all and singular the tanywise appertaining, and any reve   | State of Nevada, bounded and described as:  "ATTACHED HERETO AND MADE A PART HEREOF tenements, hereditaments and appurtenances thereunto belonging or in ersions, remainders, rents, issues or profits thereof.  BY:  JADE MILLER  BY:  TENLEY V. MILLER     |
| SEE EXHIBIT "A' Together with all and singular the tanywise appertaining, and any reve   | BY:  JADE MILLER  BY:  CAROL COSTA  Notary Public - State of Nevada, bounded and described as:  CAROL COSTA  Notary Public - State of Nevada   |
| SEE EXHIBIT "A' Together with all and singular the tanywise appertaining, and any reve   | BY:  TENLEY V. MILLER  CAROL COSTA  Notary Public - State of Nevada  Appointment Recorded in County of Dougles   |
| SEE EXHIBIT "A' Together with all and singular the tanywise appertaining, and any reve   | BY:  JADE MILLER  BY:  CAROL COSTA  Notary Public - State of Nevada, bounded and described as:  CAROL COSTA  Notary Public - State of Nevada   |
| SEE EXHIBIT "A' Together with all and singular the tanywise appertaining, and any reve  DATE: May 27, 2004  STATE OF Revada  COUNTY OF Assort at                                       | State of Nevada, bounded and described as:  "ATTACHED HERETO AND MADE A PART HEREOF tenements, hereditaments and appurtenances thereunto belonging or in erisions, remainders, rents, issues or profits thereof.  BY:    DADE MILLER                         |
| SEE EXHIBIT "A' Together with all and singular the tanywise appertaining, and any reve  DATE: May 27, 2004  STATE OF Revada  COUNTY OF Assort at                                       | State of Nevada, bounded and described as:  "ATTACHED HERETO AND MADE A PART HEREOF tenements, hereditaments and appurtenances thereunto belonging or in erisions, remainders, rents, issues or profits thereof.  BY:    DADE MILLER                         |
| SEE EXHIBIT "A' Together with all and singular the tanywise appertaining, and any reve   | State of Nevada, bounded and described as:  "ATTACHED HERETO AND MADE A PART HEREOF tenements, hereditaments and appurtenances thereunto belonging or in erisions, remainders, rents, issues or profits thereof.  BY:    DADE MILLER                         |
| SEE EXHIBIT "A' Together with all and singular the tanywise appertaining, and any reve  DATE: May 27, 2004  STATE OF Revada  COUNTY OF Assort County  This instrument was acknowledged | State of Nevada, bounded and described as:  "ATTACHED HERETO AND MADE A PART HEREOF tenements, hereditaments and appurtenances thereunto belonging or in erisions, remainders, rents, issues or profits thereof.  BY:    DADE MILLER                         |

# EXHIBIT "A" LEGAL DESCRIPTION

Order No.: 04040146MM

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 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

| Division #:                             | ८ व्यक्तियाच्या च्याप्ताः च      |  |                          |                           | WA   | ALKER RIVER IF<br>YERINGTO                            | Z<br>Z  | ATION DISTRICT     |                                   |                               |   |   |                    |
|---|----------------------------------|--|--------------------------|---------------------------|--|---|---|--------------------|-----------------------------------|-------------------------------|---|---|--------------------|
| Card #:<br>Name:                        | 19776<br>Michael C. &            | 19776<br>Michael C. & Angel Kerr Gilbert<br>J. & M. P. 1.1.C | Gilbert                  |                           | 1 1  |   |   | -                  |                                   |                               | index No.<br>Lyon County No.  | 297-A<br>10-331-34  | C                  |
| Address:                                | 861 Mahogany<br>Minden, NV 89423 | gany<br>V 89423  |                          |                           | ] ] ]  |   | O. & M. Local No. 1   |                    |                                   |                               | Claim No.<br>User#<br>Ditch   | 844<br>Colony   | ase 3              |
| Court Decree:                           |                                  | 7 7 7 7 7 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1                      |                          |                           |  |   |   | į                  |                                   |                               |   |   | 3:73               |
| PRIORITY                                | C.F.S.                           | ACRES  | PUTY                     | STORAGE                   | ACRE FEE   | EET REQUIRED  | ACRE FEET   | TOPAZ RES.         | BRIDGEPORT RES.                   | C. AIM B                      | TOTAL ACRES   | 108   | 3 <sub>7-C</sub> \ |
| NEWL                                    |                                  | 106.280  | 4 2768                   | 8.                        | 2.0402   | 2.49  |   |                    | איאה יופני                        |                               |   |   | ر <sub>-</sub> h   |
| TOTAL                                   |                                  | 106.280  |                          |                           |  | 218.852   | 218.86  | 218.86             | 00                                |                               | Water Rt. Acres   | 106.280   | <u>(</u> 21        |
|   |                                  |  |                          |                           |  |   |   |                    |                                   |                               | Non Wtr Rt. Acres   | 2   | 27                 |
|   |                                  |  |                          |                           |  |   |   |                    |                                   |                               | Acre Feet Storage   | 218 M-  | -M3/I              |
| LEGAL DESCRIPTION:                      |                                  |  |                          |                           |  | 76  |   | COMMENTS           |                                   |                               |   |   | D.                 |
| Pr. NE 1/4, Sec. 27;<br>T 11 N, R 23 E. | 27;<br>E.                        |  |                          | -                         |  |   |   | 10/15/02           | Transferred fro<br>Assigned new / | m card #66136<br>APN by Count | 10/15/02 - Transferred from card #66136 - Weaver Properties 02/11/04 - Assigned new APN by County   | lles  | -CS                |
| Parcel 1-A of PM 232837                 | 1 232837                         |  |                          |                           |  |   |   | - 10/21/90         | I ransferred fro                  | m card #19776                 | Gilbert & Miller  |   |                    |
| DOCUMENT HISTORY:                       |                                  |  |                          |                           |  |   |   |                    |                                   |                               |   |   | Dd                 |
| DOCUMENT #                              |                                  | DATE   | DESCRIPTION              | z                         |  |   |   |                    |                                   |                               |   |   | CI                 |
| #45-289                                 |                                  | 11/09/62   | Joint Tenant             | ant                       |  |   |   |                    |                                   |                               |   |   | Jih                |
| #109226                                 |                                  | 07/30/87   | Cora G. S                | ayre to Co                | Cora G. Sayre to Cora Sayre Trust.   |   |   |                    |                                   |                               |   |   | า <del>e</del>     |
| #201099                                 |                                  | 12/27/96   | Andrew G<br>M. Weave     | . Sayre, Jr.              | Andrew G. Sayre, Jr. & Mark Arrighi, Succe<br>M. Weaver, Jr. Revocable Trust Agreement | hi, Successor Tr                                      | rustees to Cora   | sayre, deceased    | 1, to William M.                  | Jr. & Rosemar                 | y F. Weaver, Trus   | Andrew G. Sayre, Jr. & Mark Arright, Successor Trustees to Cora Sayre, deceased, to William M. Jr. & Rosemary F. Weaver, Trustees of the William M. Weaver, Jr. Revocable Trust Agreement.            | nŧ                 |
| #203640                                 |                                  | 03/27/97   | Parcei Ma                | p of Portio               | ns of Sec. 22,   | Parcel Map of Portions of Sec. 22, & 27; T 11N-R 23 E | 1 23 E.   |                    |                                   |                               |   |   | <u>6</u> 5         |
| #209100                                 |                                  | 08/22/97   | Parcel Ma                | p of Portio               | Parcel Map of Portion of Sec. 22, &  | . 27; T 11 N - R 2                                    | 3 E. for William  | M. Weaver & Ro     | semary F. Wea                     | ver, Trustees                 | of the William M.   | & 27; T 11 N - R 23 E. for William M. Weaver & Rosemary F. Weaver, Trustees of the William M. Weaver. Jr. Trust   | )1                 |
| #212888                                 |                                  | 12/09/97   | Boundary                 | Line Adju                 | stment for Will  | iam M. Weaver,  | Boundary Line Adjustment for William M. Weaver, Jr. & Rosemary F. Weaver, Trustees of the William M. Weaver, Jr. Trust. | F. Weaver, Tru     | stees of the Will                 | lam M. Weave                  | r, Jr. Trust.   | ,   | F                  |
| 0007174                                 |                                  | 12/09/87   | William M<br>Weaver, T   | . Weaver, .<br>rustees of | Jr. & Roseman<br>the William W   | / F. Weaver, Trust                                    | istees of the Will<br>(18).   | iam M. Weaver      | Jr. Revocable                     | Irust Agreeme                 | ent to William M. V   | William M. Weaver, Jr. & Rosemary F. Weaver, Trustees of the William M. Weaver, Jr. Revocable Trust Agreement to William M. Weaver & Rosema() Weaver, Trustees of the William Weaver, Jr. Trust (18), | ile                |
| #213378                                 |                                  | 12/18/97   | William M<br>Nevada Li   | Weaver,                   | William M. Weaver, Jr. & Rosemary<br>Nevada Limited Liability Company.                 | / F. Weaver, Tru                                      | stees of the Will   | lam M. Weaver,     | Jr. Revocable                     | rust Agreeme                  | 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.   | perties, L.L.C., a  | ₫ĸΩ                |
| #215183                                 |                                  | 02/11/98   | Weaver Pro<br>woman (15) | operties, l               | .L.C., a Nevad   | a Limitted Liabil                                     | ilty Company to   | Weston L. Wrlg     | ht, an unmarrie                   | d man & Sand                  | Weaver Properties, L.L.C., a Nevada Limitied Liability Company to Weston L. Wright, an unmarried man & Sandra Lynn McCombs, an unmarried woman (16).  |   | 5/0                |
| ,                                       |                                  | 04/23/99   | Parcel Ma                | o for Weav                | Parcel Map for Weaver Properties, L.L.C.   | L.L.C.  |   |                    |                                   |                               |   |   | 9                  |
|   |                                  | 09/18/02   | Weaver Pr<br>undivided   | opertles L<br>1/2 interes | Weaver Properties L.L.C., a Nevada<br>undivided 1/2 interest and Jade & T              | t Limited Liabilit<br>Fenley V. Miller.               | da Limited Liability Company to Michael C. & Angel Kerr Gibert, husband and wite as lotter Tananta.                     | lichael C. & Ang   | Jel Kerr Gibert,                  | husband and                   | 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 interest and Jade & Tenley V. Miller, husband and wife as Idint Tenants. | its as to an  | <del>/2</del> 0    |
| #222341                                 | -                                | 06/04/04   | Jade and                 | renley V. h               | filler, husband  | and wife as Joi                                       | nt Tenants (an u  | nd. 1/2 Int.) to . | A M PL LLC A                      | Nevada limite                 | Jade and Tenley V. Miller, husband and wife as Joint Tenants (an und. 1/2 int.) to J & M P. LLC. a Nevada limited liability.  |   | 0!                 |
| 119                                     |                                  |  |                          |                           |  |   |   |                    |                                   |                               | u nability compan   |   | 5 Pa               |
|   |                                  |  |                          |                           |  |   |   |                    |                                   |                               |   | gc  | ge                 |
|   |                                  |  |                          |                           |  |   |   |                    |                                   |                               | WRID  | WRID 06/30/04   | 8 o                |
|   |                                  |  |                          |                           |  |   |   |                    |                                   |                               |   | 1 21  | f 27′              |

| Marie:   | Card #:                       | 20770           |          |                        |              |                | YERINGTO                            | ž                  | EVADA               |                                      |   |  |                    |
|--|-------------------------------|-----------------|----------|------------------------|--------------|----------------|-------------------------------------|--------------------|---------------------|--------------------------------------|---|--|--------------------|
| 1720 Hg/may 3880   Curr   No.   Curr   Cur   | Name:                         | GR8DEAL, LL(    | ပ        |                        |              | i              |                                     |                    |                     |                                      |   | index No.                                    | 297.A              |
| Continuentia, NV 88510   Continuentia, NV 88   | Address:                      | 1320 Highway    | 395N     |                        |              |                |                                     |                    |                     |                                      |   | Lyon County No.<br>Claim No.                 | 10-331-34          |
| Control   Cont   |                               | Gardnerville, N | IV 89410 |                        |              |                | 2 4 O                               |                    |                     |                                      |   | User#  | 2558               |
| 1.   1982.20   4.272   | Court Decree:                 |                 |          |                        |              | ]              |                                     |                    |                     |                                      |   | Öltch  | Colony             |
| 100.200   12.08   10.08.0   12.08.0   10.08.   | PRIORITY                      | C.F.S.          | ACRES    | DUTY                   | STORAGE      |                | TREQUIRED                           | ACREPEET           | TOPAZ RES.          | BRIDGEPORT RES                       |   |  |                    |
| 198.200   198.   | NEWL                          |                 | 106.280  | 4.2768                 | *5           | PER ACRE       | TOTAL                               | APPORTIONED        | AORE PEET           | ACRE FEET                            |   | TOTAL ACRES                                  | 108                |
| The first of the f | TOTAL                         |                 | 106.280  |                        |              | 7000.4         | 218.852                             | 218.86             | 218 R               |                                      |   | Water Rt. Acres                              | 108                |
| 10.18102 - Transferred from card #85125 - Weaver Trustees to Cent Sayre decessed to William M. Jr. & Rosemary F. Weaver, Trustees of the William M. Jr. & Rosemary F. Weaver, Trustees of the William M. Jr. & Rosemary F. Weaver, Trustees of the William M. Weaver, J. Trustees of the William M. Weaver |                               |                 |          |                        |              |                |                                     |                    |                     |                                      |   | Non Wir Rt. Acres                            |                    |
| 11.8 G. 21; 11.8 G. 21; 11.8 G. 22; 12.8 G. 22; 13.8 G. 22; 13.8 G. 22; 14.8 G. 22; 15.8 G. 22; 15.8 G. 22; 16.8 G. 22; 17.8 G. 22; 18.8 G | LEGAL DESCRIPTION             |                 |          |                        |              | 0              | N.                                  |                    |                     |                                      |   | Acre Feet Storage                            | 218.               |
| 114 of PM 22337  OXIE  O | Pr. NE 1/4, Sec.              | 27;             |          |                        |              |                | 1                                   |                    | COMMENT<br>10/18/02 | 99                                   |   |  |                    |
| 1109982 John Card Staye Trust.  1207087 Andrew G. Sayer to Cora Sayer Trust.  1207087 Andrew G. Sayer, Jr. & Mak Anighl Successor Trustees to Cora Saye, decessed, to William M. Jr. & Rosemary F. Weaver, Trustees of the William M. Jr. & Rosemary F. Weaver, Trustees of the William M. Jr. & Rosemary F. Weaver, Trustees of the William M. Weaver, Jr. Trust.  120897 William M. Weaver, Jr. & Rosemary F. Weaver, Trustees of the William M. Weaver, Jr. Trust.  120897 William M. Weaver, Jr. & Rosemary F. Weaver, Trustees of the William M. Weaver, Jr. Trust.  120897 William M. Weaver, Jr. & Rosemary F. Weaver, Trustees of the William M. Weaver, Jr. Trust.  120897 William M. Weaver, Jr. & Rosemary F. Weaver, Trustees of the William M. Weaver, Jr. Trust.  120897 William M. Weaver, Jr. & Rosemary F. Weaver, Trustees of the William M. Weaver, Jr. & Rosemary F. Weaver Froperties, Jr. C. & Neaver Broperties,  | T 11 N, R 23 Parcel 1-A of PI | E.<br>M 232837  |          |                        |              |                |                                     |                    | 02/11/04            | Assigned new Transferred fre         | om card #66136<br>APN by Count)<br>om card #19776 | - Weaver Properti<br>/<br>. Gilbert & Miller | es                 |
| 11/09/82 Joint Tenant  Ora of Sayre, Jr. & Mark Articls.  12/20/97 Cora of Sayre, Jr. & Mark Articls.  M. Waswer, Jr. & Revocable Trust Agreement  O92/19/97 Parcel Map of Portions of Sec. 22, 27; 71 to 14, 28, 22;  O812/99 Parcel Map of Portion of Sec. 22, 27; 71 to 14, 28, 22;  O812/99 Parcel Map of Portion of Sec. 22, 27; 71 to 14, 28, 22;  O812/99 Parcel Map of Portion of Sec. 22, 27; 71 to 14, 28, 22;  O812/99 Parcel Map of Portion of Sec. 22, 27; 71 to 14, 28, 22;  O812/99 Parcel Map of Portion of Sec. 22, 27; 71 to 14, 28, 22;  O811/99 William M. Wasver, Jr. & Rosemany F. Wasver, Trustees of the William M. Wasver, Jr. & Rosemany F. Wasver, Trustees of the William M. Wasver, Jr. & Rosemany F. Wasver, Trustees of the William M. Wasver, Jr. & Rosemany F. Wasver, Trustees of the William M. Wasver, Jr. & Rosemany F. Wasver, Trustees of the William M. Wasver, Jr. & Rosemany F. Wasver, Jr. Rosemany F. Wasver, Trustees of the William M. Wasver, Jr. Trust.  O811/99 Parcel Map for Wheaver, Jr. & Rosemany F. Wasver, Jr. Revocable Trust Agreement to William M. Wasver, Jr. Co., a Nevada Limited Liability Company to Weston L. Wright, an unmarried man & Sandra Lynn McCombs, an unmarried of Sandra Lynn McCombs, an unmarried of Sandra Lynn McCombs, an unmarried of Michael of Liness and Jade & Lines of Lines and Jade & Trust Map of Miles (J. A. Angel Kerr Gibert, husband and wife and J. & M. P. L.C., a Nevada limited liability Company of Michael C. & Angel Kerr Gibert, husband and wife and J. & M. P. L.C., a Nevada limited Sandra Lynn & Company to Company to GR8DEAL, L.C., a Nevada limited Liability Company of Michael C. & Angel Kerr Gibert, husband and wife and J. & M. P. L.C., a Nevada limited Company to GR8DEAL, L.C., a Nevada limited Company to GR8DEAL, L.C., a Nevada limited Liability Company to Michael C. & Angel Kerr Gibert, husband and wife and J. & M. P. L.C., a Nevada limited Company to GR8DEAL, L.C., a Nevada limited Company to GR8DEAL, L.C., a Nevada limited Company to Company to Company to Company to Company t | DOCUMENT HISTORY:             |                 |          |                        |              |                |                                     |                    | \$ 1                | I ransierred fr                      | om card #19776                                    | - Gilbert & J&M P                            | ו' ררכ             |
| 11/18962 Joint Tenant Cora G. Sayer Trust.  6 07/2087 Cora G. Sayer Live. And Ardrey Sayer Trust.  7 12/21996 Miller May Defect Deceased Trust Agenement.  8 12/21996 Miller May Defect Deceased Trust Agenement.  8 12/21996 Miller May Defect Deceased Trust Agenement.  8 12/21997 Parcel Map of Portions of Sec. 22, 4 27; T 11 N - R 23 E. Tor William M. Weaver, Jr. Revocable Trust Secenary F. Weaver, Trustees of the William M. Weaver, Jr. Resemany F. Weaver, Trustees of the William M. Weaver, Jr. Revocable Trust Agenement to William M. Weaver, Jr. Revocable Trust Agreement to William M. Weaver, Jr. Resemany F. Weaver, Trustees of the William M. Weaver, Jr. Revocable Trust Agreement to Weaver Properties, L.L.C., a New Jr. Properties, L.L.C., a New Jr. Revocable Trust Agreement to Weaver Properties, L.L.C., a New Jr. Revocable Trust Agreement to Weaver Properties, L.L.C., a New Jr. Revocable Trust Agreement of Weaver Properties, L.L.C., a New Jr. Revocable Trust Agreement of Weaver Properties, L.L.C., a New Jr. Revocable Trust Agreement of Weaver Properties, L.L.C., a New Jr. Revocable Trust Agreement of Weaver Properties, L.L.C., a New Jr. Revocable Trust Agreement of Weaver Properties, L.L.C., a New Jr. Revocable Trust Agreement of Weaver Properties, L.L.C., a New Jr. Revocable Trust Agreement of Weaver Properties, L.L.C., a New Jr. Revocable Trust Agreement of Weaver Properties, L.L.C., a New Jr. Revocable Trust Agreement of Weaver Properties, L.L.C., a New Jr. Revocable Trust Agreement of Weaver Properties, L.L.C., a New Jr. Revocable Trust Agreement of Weaver Properties, L.L.C., a New Jr. Revocable Trust Agreement of Weaver Properties, L.L.C., a New Jr. Revocable Trust Agreement of Weaver Ag | DOCUMENT #                    | Ô               | ATE      | DESCRIPTION            |              |                |                                     |                    |                     |                                      |   |  |                    |
| Cora G. Sayre to Cora Sayre Trust.  Andrew G. Sayre. A. & Mark Arthorit. Successor Trustees to Cora Sayre, decessed, to William M. Jr. & Rosemary F. Weaver, Trustees of the William M. Weaver, Jr. Revocable Trust Agreement.  12/20197 Parcel Map of Portions of Sec. 22, & 27, T 11 N - R.23 E. for William M. Weaver, Trustees of the William M. Weaver, Jr. & Rosemary F. Weaver, Trustees of the William M. Weaver, Jr. & Rosemary F. Weaver, Trustees of the William M. Weaver, Jr. & Rosemary F. Weaver, Trustees of the William M. Weaver, Jr. & Rosemary F. Weaver, Trustees of the William M. Weaver, Jr. & Rosemary F. Weaver, Trustees of the William M. Weaver, Jr. & Rosemary F. Weaver, Trustees of the William M. Weaver, Jr. & Rosemary F. Weaver, Trustees of the William M. Weaver, Jr. & Rosemary F. Weaver, Trustees of the William M. Weaver, Jr. & Rosemary F. Weaver, Trustees of the William M. Weaver, Jr. & Rosemary F. & Ro | #45-289                       | 11/0:           | 9/62     | Joint Tena             | Ħ            |                |                                     |                    |                     |                                      |   |  |                    |
| Andrew G. Sayre, Jr. & Mark Arrighi, Successor Trustees to Cora Sayre, decessed, to William M. Jr. & Rosemary F. Weaver, Trustees of the William M. Weaver, Jr. Recordable Trust Agreement.  M. Weaver, Jr. Recordable Trust Agreement.  Distably  Dis | #109226                       | 07/3            | 28/0     | Cora G. Sa             | yre to Cor.  | 1 Savre Trust. |                                     |                    |                     |                                      |   |  |                    |
| 12/0997 Parcel Map of Portion of Sec. 22, 4.27; T11 N. R.23 E.  12/0997 Barcel Map of Portion of Sec. 22, 4.27; T11 N. R.23 E.  12/0997 Barcel Map of Portion of Sec. 22, 4.27; T11 N. R.23 E. for William M. Weaver, A. Rosemary E. Weaver, Trustees of the William M. Weaver, Jr. Rosemary E. Weaver, Trustees of the William M. Weaver, Jr. Trustees of the William M. Weaver, Jr. Trustees of the William M. Weaver, Jr. Rosemary E. Weaver, Trustees of the William M. Weaver, Jr. Trustees of the William M. Weaver, Jr. Rosemary E. Weaver, Trustees of the William M. Weaver, Jr. Rosemary E. Weaver, Trustees of the William M. Weaver, Jr. Trustees of the William M. Weaver, Jr. Trustees of the William M. Weaver, Jr. Revocable Trust Agreement to William M. Weaver, Jr. Trustees of the William M. Weaver, Jr.  | 880107#                       | 12/2;           | 7/96     | Andrew G.              | Sayre, Jr.   | & Mark Arrigi  | il, Successor Tr                    | ustees to Cora S   | vayre, decease      | d to William M                       | 0 - 1   |  |                    |
| 12/1937 Boundary Line Adjustment for William M. Weaver, Jr. & Rosemary F. Weaver, Trustees of the William M. Weaver, Jr. & Rosemary F. Weaver, Trustees of the William M. Weaver, Jr. & Rosemary F. Weaver, Trustees of the William M. Weaver, Jr. & Rosemary F. Weaver, Trustees of the William M. Weaver, Jr. & Rosemary F. &  | #203640                       | 03/27           | 197      | Parcel Map             | of Portion   | S of Sec 22    | reement.                            | 1                  |                     |                                      | or or noseman                                     | y F. Weaver, Truste                          | ees of the Willian |
| 12/09/97 Boundary Line Adjustment for William M. Weaver, J. & Rosemary F. Weaver, Trustees of the William M. Weaver, J. Trust.  12/09/97 William M. Weaver, J. & Rosemary F. Weaver, Trustees of the William M. Weaver, J. Trust.  12/19/97 William M. Weaver, J. & Rosemary F. Weaver, Trustees of the William M. Weaver, J. Trust.  12/19/97 William M. Weaver, J. & Rosemary F. Weaver, Trustees of the William M. Weaver, J. Revocable Trust Agreement to William M. Weaver, J. Rosemary F. Weaver, J. Trust (18).  12/19/97 William M. Weaver, J. & Rosemary F. Weaver, Trustees of the William M. Weaver, Jr. Revocable Trust Agreement to William M. Weaver, Jr. & Rosemary F. Weaver, Jr. Company.  12/19/97 Weaver Properties, L.L.C., a Nevada Limited Liability Company to Weston L. Wright, an unmarried man & Sandra Lym McCombs, an unmarried Map for Weaver Properties, L.L.C.  108/18/02 Weaver Properties, L.L.C.  | #209100                       | 08/22           | 7672     | Parcel Map             | of Portion   | of Sec. 22 &   | 27. T 11 M . R                      | 23 E.              |                     |                                      |   |  |                    |
| 12/09/97 William M. Weaver, Jr. & Rosemary F. Weaver, Trustees of the William M. Weaver, Jr. Revocable Trust discenser to William M. Weaver, Jr. Trust (18).  Weaver, Trustees of the William M. Weaver, Jr. Revocable Trust Agreement to William M. Weaver, Jr. Revocable Trust Agreement to William M. Weaver, Jr. Revocable Trust Agreement to William M. Weaver Properties, L.L.C., a Nevada Limited Liability Company to Weston L. Wright, an unmarried man & Sandra Lynn McCombs, an unmarried Map for Weaver Properties, L.L.C., a Nevada Limited Liability Company to Michael C. & Angel Kerr Gibert, husband and wife as Joint Tenants, an undivided 1/2 Interest and Jade & Tenley V. Miller, husband and wife as Joint Tenants, an undivided 1/2 Interest and Jade & Tenley V. Miller, husband and wife as Joint Tenants, an undivided 1/2 Interest and Jade and Tenley V. Miller, husband and wife as Joint Tenants, an undivided 1/2 Interest and Jade & Tenley W. Miller, husband and wife as Joint Tenants, an undivided 1/2 Interest and Jade and Tenley V. Miller, husband and wife and J. & M. Pi, L.C., a Nevada limited liability company company.  Company. A Angel Kerr Gilbert, husband and wife and J. & M. Pi, L.C., a Nevada limited liability Company to GR8DEAL, L.C., a Nevada limited liability.  | #212989                       | 12/08           |          | Boundary L             | ine Adjust   | ment for Will  | am M. Weaver                        | Jr & Posemen       | M. Weaver & R       | osemary F. Wea                       | ver, Trustees o                                   | of the William M. W.                         | eaver, Jr. Trust.  |
| 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.  12/19/89 Weaver Properties, L.L.C., a Nevada Limited Liability Company to Weston L. Wright, an unmarried man & Sandra Lynn McCombs, an unmarried D4/23/99 Parcel Map for Weaver Properties, L.L.C.  108/18/02 Weaver Properties L.L.C., a Nevada Limited Liability Company to Michael C. & Angel Kerr Gibert, husband and wife as Joint Tenants, an undivided 1/2 Interest and Jade & Tenley V. Miller, husband and wife as Joint Tenants, an undivided 1/2 Interest and Jade and Tenley V. Miller, husband and wife as Joint Tenants and Undivided 1/2 Interest and Jade and Tenley V. Miller, husband and wife and J & M Pi, LLC. a Nevada limited liability Company to GR8DEAL, L.C., a Nevada limited liability Company  Company Company WRID 06/30/04   | 2007174                       | 12/09           |          | William M. Weaver, Tr. | Weaver, Jr   | & Rosemary     | F. Weaver, Trus                     | stees of the Willi | am M. Weaver        | Stees of the Will<br>Jr. Revocable   | liam M. Weaver                                    | , Jr. Trust.                                 |                    |
| 02/11/98 Weaver Properties, L.L.C., a Nevada Limited Liability Company to Weston L. Wright, an unmarried man & Sandra Lynn McCombs, an unmarried woman (15).  04/23/99 Parcel Map for Weaver Properties, L.L.C.  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 osio4/04 Jade and Tenley V. Miller, husband and wife as Joint Tenants (an und. 1/2 Int.) to J.& M. Pl. L.C. a Nevada limited liability company of Michael C. & Angel Kerr Gibert, husband and wife and J.& M. Pl. L.C. a Nevada limited liability company company.  WRID 06/30/04  | #213378                       | 12/19           | -        | William M. I           | Neaver, Jr.  | & Rosemary     | F. Weaver, Trust                    | stees of the Willi | am M. Weaver        | Jr Revocable                         |   | ii to william M. We                          | eaver & Rosemar    |
| 04/23/99 Parcel Map for Weaver Properties, L.L.C. 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 an undivided 1/2 Interest 06/04/04 Michael C. & Angel Kerr Gilbert, husband and wife and J.& M. Pi, L.C. a Nevada limited liability company company  WRID 06/30/04   | #215183                       | 02/11           |          | Weaver Pro             | perties, L.L | .C., a Nevada  | Limitled Liabili                    | ty Company to      | Veston   Wrig       | 1                                    |   | ii to weaver Prope                           | erties, L.L.C., a  |
| 109/18/02 Weaver Properties L.L.C., a Nevada Linited Liability Company to Michael C. & Angel Kerr Gibert, husband and wife as Joint Tenants as to an of-1/2 interest and Jade & Teniey V. Miller, husband and wife as Joint Tenants, an undivided 1/2 interest of Michael C. & Angel Kerr Gilbert, husband and wife as Joint Tenants (an und. 1/2 int.) to J. & M. P., L.C. a Nevada limited liability company company to GR8DEAL, L.C., a Nevada limited liability with an office of Michael C. & Angel Kerr Gilbert, husband and wife and J. & M. P., L.C., a Nevada limited company to GR8DEAL, L.C., a Nevada limited liability with an office of M. P. & M. P., L.C., a Nevada limited liability with an office of M. P. & M. P., L.C., a Nevada limited liability with an office of M. P. & M. P., L.C., a Nevada limited liability with an office of M. P. & M. P., L.C., a Nevada limited liability with an office of M. P. & M. P., L.C., a Nevada limited liability with a m. P. & M. P., L.C., a Nevada limited liability with | #232837                       | 04/23/          | -        | Parcel Man             | for Weaver   | Dronougie      | -                                   |                    | "                   |                                      | o man e sandr                                     | a Lynn McCombs,                              | an unmarried       |
| 06/04/04 Jade and Tenley V. Miller, husband and wife as Joint Tenants, an undivided 1/2 interest  06/04/04 Jade and Tenley V. Miller, husband and wife as Joint Tenants (an und. 1/2 int.) to J & M PI, LLC. a Nevada limited liability company  company  WRID 06/30/04  | #282766                       | 09/18/          | -        | Weaver Pro             | perties L.L. | C., a Nevada   | L.C.<br>Limited Liability           | / Company to M     | ichael C. & Any     | Non-Oil                              |   |  |                    |
| 06/04/04 Michael C. & Angel Kerr Gilbert, husband and wife and J.&. M. Pl, L.L.C., a Nevada limited company to GR8DEAL, L.L.C., a Nevada limited liability company  company  Company  WRID 06/30/04  | #322341                       | 06/04/          | +        | lade and Te            | /z Interest  | and Jade & T.  | enley V. Miller, h                  | nusband and wif    | e as Joint Ten      | gel herr Gloert,<br>Ints. an undivid | nusband and w<br>ed 1/2 integrand                 | ife as Joint Tenant                          | ts as to an        |
| 4  | #322342                       | 06/04/          |          | Michael C. &           | Angel Kei    | r Gilbert, hus | and wife as Join<br>band and wife a | it Tenants (an ur  | nd. 1/2 int.) to .  | & M PI, LLC. a                       | Nevada limited                                    | liability company                            |                    |
|  |                               |                 |          | Company                |              |                |                                     |                    |                     | med company t                        | o GRBDEAL, LI                                     | .C, a Nevada limite                          | ed liability       |
|  |                               |                 |          |                        |              |                |                                     |                    |                     |                                      |   |  |                    |
|  |                               |                 |          |                        |              |                |                                     |                    |                     |                                      |   | WRID   | 06/30/04           |
|  |                               |                 |          |                        |              |                |                                     |                    |                     |                                      |   |  |                    |
|  |                               |                 |          |                        |              |                |                                     |                    |                     |                                      |   |  |                    |

TION DISTRICT

WALKER RIVER IR

Division #:

## -- - <del>-</del> Case 3:73-cv-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 10 of 27

APN: 14-231-02

When recorded, mail original and Tax Statements to Grantee: Jean Leslie Bye 3210 Kessaris Way

Reno, Nevada 89511 RPTT#3

DIFICIAL RECORDS LYON COUNTY, NEV. RECORD REQUESTED BY

David Keese, Esq. 03 SEP 16 PM 12: 33

HARY C. HELIGAN COUNTY RECORDER

Box 2229

Reno, NV 89505

## EXECUTOR'S DEED

THIS DEED is made on the  $\mathcal{A}^{\zeta}$ day of September 2003, by Jean Leslie Bye, as Executor of the estate of HENRY SIGMOND OSBORN, deceased, Grantor, conveying to Jean Leslie Bye, 3210 Kessaris Way, Reno, NV 89511, as tenant in common an undivided one-half (と) interest and conveying to Gayle Sidney(Herman) Poulsen, 3684 West Spruce Creek Meridian, Idaho 83642, as tenant in common an undivided one-half (%) interest, as tenants in common, Grantees.

Grantor is the qualified Executor of the above-stated estate, filed as Probate Case Number PE 6244, in the Third Judicial District Court of the State of Nevada, County of Lyon.

Grantees are entitled to distribution of one-half each of the real property described below.

FOR VALUABLE CONSIDERATION RECEIVED, Grantor conveys and releases to each of the above said Grantees an undivided one- $\mathsf{half}(\ensuremath{\mathfrak{h}}_2)$  interest of the following described real property located at 149 Hwy 95A North, Mason Valley, Yerington, NV in the County of Lyon, State of Nevada, with all appurtenances, more particularly described as follows:

Commencing at the Section Corner common to Sections 15, 16, 21 and 22, T.14N. R.25 E., M.D.B.&M. and running thence N 00°18'10" W 3602.53 feet; thence N 00°10'15" E. 621.30 feet to the true point of beginning; thence 1st course S  $89^{\circ}42'40"$  W 662.58 feet; thence  $2^{nd}$  course N 00°14'00" W 621.27 feet; thence 3rd course N 89°42'46" E

# Case 3:73-cy-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 11 of 27

666.96 feet; thence  $4^{\text{th}}$  course S 00°10'15" W 621.27 feet to the place of beginning and being 9.48 Acres in the NE 1/4 of NE1/4 Section 16, T. 14 N. R. 25E., M.D.B.&M.

Together with all water and water rights, ditches and ditch rights appurtenant thereto or used in connection therewith.

APN 14-231-02

The Executor of the Estate of HENRY SIGMOND OSBORN, has executed this Deed at Reno, Nevada, on this

Sportember 2003.

JEAN LESLIE BYE, Executor of the Estate of Henry Sigmond Osborn, deceased

STATE OF NEVADA }

COUNTY OF WASHOE

On this day of <u>fortem by</u>, 2003, before me the undersigned, a Notary Public in and for said County and State, personally appeared JEAN LESLIE BYE known to me, based on satisfactory evidence, to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

WITNESS my hand and official seal

MOTARY PUBLIC

LINDA C. HOVAN

Notary Fublic, State of Neveda

Appointment No. 9809092

My Appt. Expires Feb. 14, 2004

# Case 3:73-cv-00127-MMD-CSD Document 651 Filed 05/99/2005 Page 12 of 27

UFFICIAL RECORDS LYON COUNTY, NEV. RECORD REQUESTED BY

A.P.N. 12-261-07-/2-Escrow No.: LY-303145-DA

303145

RECORDING REQUESTED BY:

MAIL TAX STATEMENTS AND WHEN RECORDED, MAIL TO:
Raymond B. Hammack
P.O. BOX 196

Smith, NV 89430-0196

NORTHERN NEVADA TITLE CO.

04 APR 21 AH 11: 13

MARY D. HILLIGAN COUNTY RECORDER

FEE LO DEP. KV

THIS SPACE FOR RECORDER'S USE ONLY

The undersigned grantor(s) declare(s):

Documentary transfer tax is \$ 438.75, computed on full value of property conveyed.

GRANT, BARGAIN, SALE DEED

That James L. Pepple and Grace Pepple, Husband and Wife as Joint Tenants with Right of Survivorship in consideration of \$10.00 Dollars, the receipt of which is hereby acknowledged, do(es) hereby Grant, Bargain, Self and Convey to Raymond B. Hammack and Sonya Hammack, Husband and Wife as Joint Tenants all that real property 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 singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

Dated: April 20, 2004

James L. Pepple

Lace Pepple

Grace Pepp)/e

# Case 3:73-cy-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 13 of 27

| STATE OF NEVADA )                                       |       |
|---|-------|
| COUNTY OF LYON  |       |
| On 4-20-04 personally appeared before me, a No          | otary |
| Public, James L. PRODIR and                             |       |
| Grave Depote  |       |
| - Crace - CPP1  |       |
| who acknowledged that he executed the above instrument. |       |
| Signature (Notary Public)                               |       |
| , , , ,   |       |

DIANE L. ARVIZO

Notary Public - State of Nevada

Appointment Recorded In Lyon County

No: 96-5065-12 - Expires September 20, 2004

# Case 3:73-cy-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 14 of 27

LY-303145-DA 303145

## EXHIBIT "A"

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

Of a portion of land situated in the SW ¼ of the SW ¼ of Section 2, T. 12 N., R. 25 E., M.D.B.&M., located in the County of Lyon, State of Nevada. More particularly described as follows:

Commencing at the SW corner of Section 2, T. 12 N., R. 25., M.D.B.&M., marked with a 1 ½" iron pin; Thence running along the South line of the SW ½ of said Section 2 S. 89°28'13" E. 585.34 feet to a point on the Easterly right of way of State Route 208, said point also being the point of beginning; Thence S. 89°28'13" E. 250.04 feet; Thence N. 0°31'47" E. 166.88 feet; Thence N. 89°28'13" W. 175.90 feet; Thence S. 86°22'51" W. 139.42 feet to a point on the Easterly right of way of State Route 208; Thence along the Easterly right of way S. 21°57'35" E. 169.70 feet to the point of beginning.

Said Parcel is further shown as Adjusted Parcel 1 on that certain Boundary Line Adjustment Map recorded in the Official Records of Lyon County, Nevada on April 6, 2004 as Document No. 317616.

NOTE: Legal description previously contained in Document No. 317617 recorded on April 6, 2004.

| LT:1   |                                 |                                       |                     |                             | WALI   | WALKER R II  | IRRIGATION DISTRICT   | ISTRICT                             |  |              |  |                     |                           |
|--|---------------------------------|---------------------------------------|---------------------|-----------------------------|--|--|-----------------------|-------------------------------------|--|--------------|--|---------------------|---------------------------|
| Card #:<br>Name:                                 | 22410<br>Raymond                | 22410<br>Raymond B. & Sonya Hammack   | ımmack              |                             |  |  | TENINGTON, NEVADA     |                                     |  |              | Index No.<br>Lyon County No.   | Fm 16B<br>12-261-13 | C                         |
| Address:   | P. O. Box 1391<br>Yerington, NV | P. O. Box 1391<br>Yerington, NV 89447 |                     |                             | 1   1  | •<br>•   | O. & M. Local No. 3   |                                     |  |              | Claim No.<br>User #<br>Ditch   | 923 S<br>Greenwood  | 2565                      |
| Court Decree:                                    |                                 |                                       |                     | İ                           |  |  |                       |                                     |  |              |  |                     | 3·7                       |
| PRIORITY   | S.F.S                           | ACRES                                 | PUTY                | DAYS                        | ACRE FEET REQUIRED PER ACRE                              | REQUIRED<br>TOTAL  | ACRE FEET APPORTIONED | TOPAZ RES.<br>ACRE FEET             | BRIDGEPORT RES.<br>ACRE FEET   | CLAIM #      | TOTAL ACRES  |                     | 3-C\                      |
| NEWL   |                                 | 1.850                                 | 3.2076              | 65                          | 1 5444   | 2.857  |                       |                                     |  |              |  |                     | _                         |
| TOTAL  |                                 | 1.850                                 |                     |                             |  | 2.857  | 2.86                  | 00.                                 | 2.86   |              | Water Rt. Acres  |                     | 1                         |
|  |                                 |                                       |                     |                             |  |  |                       |                                     |  |              |  |                     | 27-I                      |
| :  |                                 |                                       |                     |                             |  | :<br>د کو<br>تو  |                       | 45.1                                |  |              | Acre Feet Storage  |                     | 2.860                     |
| LEGAL DESCRIPTION:                               |                                 |                                       | 90.46               |                             |  | 315<br>315<br>315<br>315<br>315<br>315<br>315<br>315<br>315<br>315 | 上                     | COMMENTS                            | 3:   |              |  |                     | <b>D</b> -                |
| Fr. SW 1/4 of SW 1/4, Sec. 2;<br>T 12 N, R 25 E. | W 1/4, Sec<br>E.                | . <b>2</b> .                          |                     |                             | Salaria<br>Salari  |  | <b>*</b>              | Also APN<br>5/9/01 - T<br>5/28/04 - | Also APN #12-261-07<br>5/9/01 - Transferred from card #1500 - Aylor<br>5/28/04 - Transferred from card #1988 - De  | card #1500   | - Aylor  | [                   | CSI                       |
|  |                                 |                                       |                     |                             | A TANK   | ŧ  |                       | 6/03/04 -                           | 6/03/04 - Transferred from F<br>6/10/04 - Changed Address  | m Pepple - u | 6/03/04 - Transferred from Pepple - user #1551, card #39880<br>6/10/04 - Changed Address                               |                     | D D                       |
| DOCUMENT HISTORY:                                |                                 |                                       |                     | *                           |  |  |                       | 7                                   |  |              |  |                     | oc                        |
| DOCUMENT#  |                                 | DATE                                  | DESCRIPTION         | Z                           |  |  |                       |                                     |  |              |  |                     | IIr                       |
| #09152   |                                 | 12/20/71                              | Fred & Jo           | sephine B                   | Fred & Josephine Batchelder to Alfred & Yvonne Ratzlaff. | red & Yvonne   | Ratzlaff.             |                                     |  |              |  |                     | me                        |
| #14550   |                                 | 05/29/73                              | Alfred & Y          | Alfred & Yvonne Ratzlaff to | zlaff to Luther  | Luther & Eva Jo Kanning.   | Jing.                 |                                     | , , , , , , , , , , , , , , , , , , ,  |              |  |                     | nt                        |
| #108077  |                                 | 05/30/87                              | Round the           | e World Air                 | Round the World Aircraft (F. Edison Avior Pres.) to Em   | a Margot A.  | Aylor.                | Avlor tradude                       | Louner & Eva Jo National to Elimo E. & Margot A. Aylor.  Round the World Aircraft (F. Edison Avior Pres.) to Filmo Edison Avior Inclinded non under stated and all the state of the state o | 4            |  |                     | 6                         |
| #259255  |                                 | 04/03/01                              | Elmo Edis           | son Aylor a                 | nd Margot Ann  | Aylor, husbar  | nd and wife as        | Joint Tenants to                    | o James L. & G   | race People  | Elmo Edison Aylor and Margot Ann Aylor, husband and wife as Joint Tenants to James L. & Grace People, husband and wife |                     | 51                        |
| #317616  |                                 | 04/06/04                              | Boundary            | Line Adjus                  | tment for Jam  | es L & Grace F   | Pepple                |                                     |  |              |  |                     | F                         |
| #317617  |                                 | 04/06/04                              | James L. Survivors  | & Grace Pe<br>hip           | pple, husband  | and wife as J  | oint Tenants to       | James L. & Gr                       | ace Pepple, hus  | sband and w  | ife as Joint Tenant  | s with Righ         | عان                       |
| #318754  | ;                               | 04/21/04                              | James L. as Joint T | & Grace Pe<br>enants        | pple, husband  | and wife as J  | oint Tenants wi       | ith Right of Sur                    | vivorship to Ra  | ymond B. &   | Sonya Hammack, 1   | nusband an          | d 0                       |
|  |                                 |                                       |                     |                             |  |  |                       |                                     |  |              | 5/09/2005  |                     | <del>.</del><br>5/09/2005 |
|  |                                 |                                       |                     |                             |  |  |                       |                                     |  |              |  | . ago               | Page                      |
|  |                                 |                                       |                     |                             |  |  |                       |                                     |  |              | WRID 06/3  | 0/04                | 15 of 27                  |

## Case 3:73-cy-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 16 of 27

## 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 (o:         | the entity on who  | se behalf I am actii | ng) will retain all | defenses or obj   | ections to the lawsui |
|------------------|--------------------|----------------------|---------------------|-------------------|-----------------------|
| or to the jurisd | ction or venue of  | the Court except for | or objections base  | ed on a defect in | the Notice in Lieu o  |
| Summons or it    | the service of the | Notice in Lieu of    | Summons L           | )                 | -                     |

Date: 3-25-05

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 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 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 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.

# Case 3:73-cv-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 17 of 27 IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA UNITED STATES OF AMERICA. Plaintiff. WALKER RIVER PAIUTE TRIBE. Plaintiff-Intervenor. SUBFILE NO. C-125-B

VS.

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

# NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE

- 1. I hereby enter my appearance in this sub-proceeding in this case.
- 2. I am filing this document with the District Court at the following address:

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

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

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

- 4. I (or the entity on whose behalf I am acting) will retain all defenses or 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 me in these proceedings. I identify that attorney below, along with his or her mailing address. telephone number, and facsimile number:

28

| ase 3:73 | cy-00127-MMD-CSD Documen | it 651 Filed 05/09/2005 Page 18 of                  |
|----------|--------------------------|---|
| 1        | Attorney:                |   |
| , 2      |                          |   |
| 3        | Address:                 |   |
| 4        |                          |   |
| 5        |                          |   |
| 6        | Phone Number:            |   |
| 7        | Fax Number:              |   |
| 8        |                          | <u></u>   |
| 9        |                          | (Signature)   |
| 10       |                          |   |
| 11       |                          | Japh 16, 8300                                       |
| 12       |                          | (Printed or typed Name)                             |
| 13       |                          |   |
| 14       |                          |   |
| 15       |                          | (Entity, if any, on whose behalf you are appearing) |
| 16       | ·                        | 129 Lower Clerry RD                                 |
| 17       |                          | W. 11 inten N. 1. 87444                             |
| 18       |                          | (Address)   |
| 19       |                          | (Telephone number)                                  |
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|          |                          |   |

# Case 3:73-cy-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 19 of 27

309839

OFFICIAL RECORDS LYON COUNTY, NEV. RECORD REQUESTED BY

APN 14-541-03 Document Transfer Tax \$2,106.00 Order No. TSL-25707-KG Mail Tax Bill to Grantee: 60 PETE HENDRICKS ROAD YERINGTON, NEVADA 89447

Title Service & Escrow Co. 03 DEC -8 PH 4: 38

MARY C. MILLIGAN COUNTY RECORDER



SPACE ABOVE FOR RECORDER'S USE ONLY

ANT, BARGAIN and SALE DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged

KENNETH BITLER and PEGGY L. BITLER, as Trustees of the KEN and PEGGY BITLER FAMILY TRUST, dated May 13, 1992, as to an undivided one-half (1/2) interest, and MARVIN F. PETERSON and LYNN M. PETERSON, as Trustees of the MARVIN AND LYNN PETERSON TRUST, dated September 25, 1990, as to an undivided one-half (1/2) interest

do (es) hereby GRANT, BARGAIN and SELL TO

WILLIAM A. MERRIWETHER and SHERRI A. MERRIWETHER, 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:

Parcel 1:

That portion of the W 1/2 of the SW 1/4 and the SW 1/4 of the NW 1/4 of Section 7, Township 13 North, Range 26 East, M.D.B.&M., lying East of the Highway 95 Alternate, in Lyon County, Nevada, more particularly described as follows, to-wit:

Beginning at a point on the South boundary of said Section 7 at a point from which the Southeast corner of Section 7 bears South 89°29'20" East, 4040.50 feet; thence running North 0°21' East, 3979.55 feet; thence South 89°46' West 260.80 feet to the easterly right-of-way line of the highway; thence along the highway South 2°12' West 3977.39 feet; thence South 89°20'20" East 389.60 feet to the point of beginning.

## Case 3:73-cy-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 20 of 27

#### Parcel 2:

A parcel of land located in the SW 1/4 of SW 1/4 of Section 7, Township 13 North, Range 26 East, M.D.B.&M., in Lyon County, Nevada, being that area lying outside of the curve in the Highway 95 Alternate, South and East of the highway and West of the fence line, more particularly described as follows:

Beginning at the Southwest corner of the said SW 1/4 of SW 1/4, Section 7, from which the Southeast corner of said Section 7 bears South £9°29'20" East, 5318.00 feet; thence running South 89°29'20" East, 888.50 feet; thence North 2°12'00" East, 1021.14 feet to the froint of tangency of the East right-of-way line of said highway; thence following the curve to the right from a back tangent bearing of North 2°12' East, with a radius of 1040 feet; through an angle of 81°38' for a distance of 1481.76 feet; thence South 0°21'00" West, 26.31 feet to the point of beginning.

Excepting from both parcels all of the following described property which lies within the boundaries of Parcels 1 & 2:

Being a piece or parcel of land 80 feet in width, or parcels or strips of land 40 feet in width on each side of the surveyed highway centerline of Nevada State Route 3 (U.S. 95 Alt.) between Highway Engineer's Stations "D" 80 20.83 P.O.T. and "D" 93+56.05 P.O.T.; and being a piece or parcel of land 100 feet in width or parcels or strips of land 50 feet in width on each side of the surveyed highway centerline of Nevada State Route 3 (U.S. 95 Alt.)

between Highway Engineer's Station 'D' 93+56.05 P.O.T. and "D" 119+98.00 P.C. which centerline is more fully described as follow, to-wit:

Beginning at an intersection of said centerline with the West boundary of the SE 1/4 of the SE 1/4 of said Section 12 at Highway Engineer's Station "D" 80+20.83 P.O.T. said point of beginning further described as bearing North 89.52.23 West a distance of 6547.22 feet from the Southeast corner of said Section 7; thence North 89°35′31" East along said centerline a distance of 1844.02 feet to a point; thence South 87°39′57 Fast continuing along said centerline a distance of 2133.15 feet to the point of ending at Highway Engineer's Station "D" 119+98.00 P.C.; said point of ending further described as bearing South 88°40′51" West a distance of 2572.53 feet from the Southeast corner of said Section 7.

#### Parcel 3:

Township 13 North, Range 26 East, M.D.B.&M.

Section 7: Southeast 1/4 of Northwest 1/4; East 1/2 of Southwest 1/4.

## Case 3:73-cy-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 21 of 27

Legal Description appeared previously in Document No. 185717, recorded on September 12, 1995, Official Records of Lyon County, Nevada.

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

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

DATED 12-3.83

KENNETH BITLER, Trustee

PEGGY L. BITLER, Trustee

STATE OF NEVADA

COUNTY OF LYON

88.

Notary Public

KELLY GREGG

Notary Public - State of Nevada
Appointment Recorded in Lyon County
No: 02-75325-12 - Expires May 14, 2006

Qoy,

## Case 3:73-cy-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 22 of 27

LYNN M. PETERSON, Trustee

STATE OF CALIFORNIA NEVALA

COUNTY OF

on 12/3/03 before me Lill A. Johnson

personally appear a MARVIN F. PETERSON and LYNN M. PETERSON, as Trustees of the MARVIN AND LYNN PETERSON TRUST, dated September 25, 1990 personally known to me OR proved to me on the basis of satisfactory evidence to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacities and that by their signatures on the instrument the persons, or the entity upon behalf of which the persons acted, executed the instrument.

WITNESS my hand and official seals

JILL A. JOHNSON
Notary Public - State of Nevada
Appointment Recorded in Douglas County
No: 83-0504-5 - Expires June 10, 2005

Och

Signature of Notary

# Case 3:73-cv-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 23 of 27 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, 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         | defens | ses or object | ions to the l | awsuit  |
|--|--------|---------------|---------------|---------|
| or to the jurisdiction or venue of the Court except for objections based | d on a | defect in th  | e Notice in   | Lieu of |
| Summons or in the service of the Notice in Lieu of Summons.              | ^      |               |               |         |

Date: 6-25-05

TO:

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 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-cy-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 24 of 27 IN THE UNITED STATES DISTRICT COURT 2 FOR THE DISTRICT OF NEVADA 3 UNITED STATES OF AMERICA. 4 Plaintiff. 5 IN EQUITY NO. C-125 WALKER RIVER PAIUTE TRIBE. 6 SUBFILE NO. C-125-B Plaintiff-Intervenor. 7 VS. 8 WALKER RIVER IRRIGATION DISTRICT, a corporation, et al., 9 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 400 South Virginia Street, Suite 301 15 Reno, Nevada 89501 16 In the envelope provided for return of my Waiver of Service of Notice in Lieu c 3. 17 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 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

| Case 3:73 | 3-cy-00127 | -MMD-CSD<br>Attorney: | Document 651 | Filed 05/09/2005 Page 25 of                         |
|-----------|------------|-----------------------|--------------|---|
| 2         |            |                       |              | •   |
| 3         |            | Address:              |              |   |
| 4         |            |                       |              |   |
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| 6         |            | Phone Number:         |              |   |
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| 9         |            |                       |              | (Signature)   |
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| 11        |            |                       |              | JERLIETERSON  |
| 12        |            |                       |              | (Printed or typed Name)                             |
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| 14        |            |                       |              |   |
| 15        |            |                       |              | (Entity, if any, on whose behalf you are appearing) |
| 16        |            |                       |              | 129 Lawer Copy &                                    |
| 17        |            |                       |              | Cellingten, NVB994                                  |
| 18        |            |                       |              | (Address)<br>(775)4(5-2079                          |
| 19        |            |                       |              | (Telephone number)                                  |
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## Case 3:73-cy-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 26 of 27

# WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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Signature

HARK M. ARRIGH!

Printed/Typed Name

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

TRUSTEE of

(Title)

RUBY C. REGAN 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 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 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 651 Filed 05/09/2005 Page 27 of 27

# 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 | Signature ELMER C ROBERTSON  |            |
|---------------|--|------------|
|               | Printed/Typed Name If you are acting on behalf of any entity, identify that you acting as: | are<br>_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 651 Filed 05/09/2005 Page 29 of 27

| 1   | Attorney:        |                           |
|-----|------------------|---------------------------|
| 2   |                  |                           |
| 3   | Address:         |                           |
| 4   |                  |                           |
| 5   | -<br>-<br>-<br>- |                           |
| 6   | Phone Number:    |                           |
| 7   | Fax Number:      |                           |
| 8   |                  | Elmer Ctabertson          |
| 9   |                  | (Signature)               |
| 10  |                  |                           |
| 11  |                  | ELMER C ROBERTSON         |
| 12  |                  | (Printed or typed Name)   |
| 13  | ·                |                           |
| 14  |                  |                           |
| 15  |                  | (Entity, if any, on whose |
| 16  |                  | behalf you are appearing) |
| 17  |                  | 199 PETE HENDRICHSIRD     |
| - 1 |                  | YELINGTON, NV 89447       |
| 18  |                  | (Address)                 |
| 19  |                  | 775-463-4617              |
| 20  |                  | (Telephone number)        |
| 21  |                  |                           |
| 22  |                  |                           |
| 23  |                  |                           |
| 24  |                  |                           |
| 25  |                  | •                         |
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| 27  |                  |                           |

# Case 3:73-cy-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 30 of 27

## 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.

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.

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 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 United States Department of Justice Environment & Natural Resources Division 20 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. 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-cy-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 32 of 27

| 1          | Attorney:     |   |
|------------|---------------|---|
| 2          |               |   |
| 3          | Address:      |   |
| 4          |               |   |
| 5          |               |   |
| 6          | Phone Number: |   |
| 7          | Fax Number:   |   |
| 8          |               | Geneva K Robeitson                                  |
| 9          |               | (Signature)   |
| 10         |               |   |
| 11         |               | GEHEVA K. ROBERTSON                                 |
| 12         |               | (Printed or typed Name)                             |
| 13         |               |   |
| 14         |               |   |
| 15         |               | (Entity, if any, on whose behalf you are appearing) |
| 16         |               | 199 fete Hendrichold                                |
| <b>.</b> 7 |               | 199 fete Hendricks Rd<br>Yerington, NV 89447        |
| 18         |               | (Address)<br>75-463-4617                            |
| 19         |               | (Telephone number)                                  |
| 20         |               |   |
| 21         |               |   |
| 22         |               |   |
| 23         |               |   |
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## Case 3:73-cy-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 33 of 27

## 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: 3/23/05 | Signature J. Rogens   |                |
|---------------|---|----------------|
|               | Printed/Typed Name  | _              |
|               | If you are acting on behalf of any entity, identify to acting as: | hat you are of |
|               | (Title)   | V1             |
|               | (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 651 Filed 05/09/2005 Page 34 of 27

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| Date: 3/23/05 | Signature RALPH S. ROGERS  Printed/Transl Name           |         |
|---------------|--|---------|
|               | 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)          |         |

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## 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 lawquit  |
|--|-----------------|
| or to the jurisdiction or venue of the Court except for objections based on a defect in the No | tice in Lieu of |
| Summons or in the service of the Notice in Lieu of Summons                                     | tice in Lieu o  |

Date: 3-19-05

Signature
DAVID H. ROOTS

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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# Case 3:73-cy-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 37 of 27

| 1  | Attorney:     |   |
|----|---------------|---|
| 2  |               |   |
| 3  | Address:      |   |
| 4  |               |   |
| 5  |               |   |
| 6  | Phone Number: |   |
| 7  | Fax Number:   |   |
| 8  |               | Loud dillows  |
| 9  |               | (Signature)   |
| 10 |               |   |
| 11 |               | DAVID H ROOTS                                       |
| 12 |               | (Printed or typed Name)                             |
| 13 |               |   |
| 14 |               |   |
| 15 |               | (Entity, if any, on whose behalf you are appearing) |
| 16 |               |   |
| 17 |               |   |
| 18 |               | (Address)   |
| 19 |               | (Telephone number)                                  |
| 20 |               |   |
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# Case 3:73-cy-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 38 of 27

# WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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| Date: 3/18/05 | Signature  Kathleen Roots  Printed/Typed Name  If you are acting on behalf of any entity, identify that you are acting as:  OTHER PORTS | _ |
|---------------|---|---|
| •             | (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 651 Filed 05/09/2005 Page 40 of 27 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 651 Filed 05/09/2005 Page 41 of 27

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

- LO: 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: 2-17-05

Signature Rosasch

Romeo Rosaschi, Jr.

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as: <u>Owner</u> of

\_\_\_\_\_\_

Romeo Rosaschi, Jr., Inc.

#### 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 name of appearance and intent to participate.

| 1        |                           |  |   |
|----------|---------------------------|--|---|
| 2        | •                         | IN THE UNITED STATES D<br>FOR THE DISTRICT (                               | ISTRICT COURT<br>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<br>a corporation | IVER IRRIGATION DISTRICT,<br>n, et al.,                                    | )<br>)<br>)                                   |
| 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                    |   |
| 15       |                           | 400 South Virginia Street, Suite 301<br>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<br>Attorney for the United States of Ame                | rica  |
| 19<br>20 |                           | United States Department of Justice<br>Environment & Natural Resources Div | · ·   |
| 21       |                           | P.O. Box 756<br>Littleton, Colorado 80160                                  |   |
| 22       | 4.                        | I (or the entity on whose behalf I am a                                    | cting) will retain all defenses or objections |
| 23       | to the lawsu              | uit or to the jurisdiction or venue of the co                              | ourt except for objections based on a defect  |
| 24       | in the Notic              | e in Lieu of Summons or in the service of                                  |   |
| 25       | 5.                        |  | 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 n               | umber, and facsimile number:   |   |
| 28       |                           |  |   |
|          | иотіс                     | CE OF APPEARANCE AND INTENT TO PAR   | TICIPATE, page 1 of 2                         |

### Case 3:73-cv-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 48 of 27 Attorney: Address: Phone Number: Fax Number: Romes Rosasela (Signature) Romeo Rosaschi, Jr. (Printed or typed Name) Romeo Rosaschi, Jr., Inc. Romeo Rosaschi, Jr., owner 702 South Main St. Yerington, NV 89447 (775) 463-3777 page 2 of 2 NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE

# Case 3:73-cy-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 44 of 27

A.P.N. 04-391-04 RPTT: ±1-9

RECORDING REQUESTED BY:

MAIL TAX STATEMENTS AND WHEN RECORDED, MAIL TO: Elaine M. Cid
1403 Hwy 208

Yerington, NV 8944;

DEFICIAL RECORDS

LYON COUNTY, NEV.

RECORD REQUESTED BY

E 12 12 Ci D

O3 NOV -4 PM 2: 34

MARY C. MILLIGAN

COUNTY RECORDER

FEE 39 DEP. ICR

THIS SPACE FOR RECORDER'S USE ONLY

GRANT, BARGAIN, SALE DEED

That Christina Lynn Roseberry, a Married Woman as Her Sole and Separate Property in consideration of \$10.00 Dollars, the receipt of which is hereby acknowledged, do(es) hereby Grant, Bargain, Sell and Convey to Elaine M. Cid, a Married Woman as Her Sole and Separate Property, all that real property in the County of Lyon, State of Nevada, bounded and described as follows:

Lot No. 3 as shown on the Official Map of Walker River Ranch Subdivision, recorded in the Official Records of Lyon County, Nevada on June 5, 1972 as Document No. 10568.

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

Dated: September 23, 2003

Christina Lynn Roseborry

STATE OF nwada

COUNTY OF Clark

On 10-20-03 personally appeared before me, a Notary Public, Christina Lynn Roseberry who acknowledged that she executed the above instrument.

Signature Kenly A. XIII

(Notary Public)

REMLE S. GRIMBERG
NOTARY PUBLIC
STATE OF NEVADA
APPT. No. 02-72499-1
MY APPT. EXPIRES DEC. 15, 2005

307671

ATION DISTRICT YERINGTON, NEVADA WALKER RIVER

Elaine M. Cld

8800

Card #: Name:

Division #:

1403 Highway 208 Yerington, NV 89447

Address:

Claim No. User # Ditch

2370

4-391-04 Fm 375

Lyon County No.

index No.

|               |           | and familiary       |        |         | -        |                    |             |           |                          |         | User#             | 2370                | •           |
|---------------|-----------|---------------------|--------|---------|----------|--------------------|-------------|-----------|--------------------------|---------|-------------------|---------------------|-------------|
|               | rerington | Terington, NV 89447 |        |         | ļ        |                    |             |           |                          |         | Ditch             | l pe Sandere        | 3:          |
| Court Decree: |           |                     |        |         |          |                    |             |           |                          |         |                   | 1                   | <b>7</b> 3  |
|               |           |                     |        |         |          |                    |             |           |                          |         |                   |                     | -ر          |
| VEIGOIGO      | 6         | -                   |        | DAYS    | ACRE FEE | ACRE PEET REQUIRED | ACREFEET    | TOPA7 RES | TOPAZ RES ABIDOEDOBT BE& |         |                   |                     | 21          |
|               | 6         | ACKES               | ALDO   | STORAGE | PER ACRE | TOTAL              | APPORTIONED | ACRE FEET | ACRE FEET                | CLAIM # | TOTAL ACRES       | 2.6                 | /-(         |
| NEW           |           | 004.6               | 40.00  | 1       |          | !                  |             |           |                          |         |                   | 1                   | 71          |
|               |           | 7.000               | 4.2/58 | 99      | 2.0592   | 5.272              |             |           |                          |         |                   | J                   | 7           |
| TOTAL         |           | 2.560               |        |         |          | 6.272              | 6.27        | K 27      | -                        |         | Water Rt. Acres   | 2.580               | 15          |
|               |           |                     |        |         |          |                    |             |           | 2                        |         | Non Wir Rt. Acres | 100                 | 7 7         |
|               |           |                     | `      |         |          |                    |             |           |                          |         |                   |                     | <b>4</b> 17 |
|               |           |                     |        |         |          |                    |             |           |                          |         | Acre Feet Storage | 1/2 <sup>2</sup> -3 | NΑ          |
|               |           |                     |        |         | j        |                    |             |           |                          |         |                   |                     |             |
| 210000UC      | į         |                     |        |         |          |                    |             |           |                          |         |                   |                     | )           |

01/05/04 - Removed C. Roseberry

COMMENTS:

| LEGAL DESCRIPTION: | Lot #3, Walker River Ranch Subdivision, Sections 9 & 10;<br>T 11 N, R 26 E. |
|--------------------|---|

| DOCUMENT HISTORY: |          |  |
|-------------------|----------|--|
| DOCUMENT #        | DATE     | DESCRIPTION  |
| #46-5             | 06/29/59 | Hilda Mollart to George & Beverly Mollart.   |
| #49-230           | 04/26/68 | Domenchina Sciarani to George & Beverly Mollart.   |
| #05511            | 06/15/70 |  |
| #31436            | 02/10/77 | Beverly Mollart Deceased,  |
| #34569            | 08/11/77 | George Binney III to Fred M & Alvsmae N. Schultz   |
| #40623            | 08/28/78 |  |
| #121317           | 12/30/88 | Elizabeth Mollart to George Mollart,   |
| #121318           | 12/30/88 | George Mollart to Circle Bar-N Ranch. (See Notes in File).   |
| #253953           | 10/26/00 | James D. Cid to Elaine M. Cid  |
| #278228           | 06/12/02 | Elaine M. Cld, a married woman to Elaine M. Cid, a married woman as her sole and separate property and Christina Lynn Roseberry, a married woman as her sole and separate property.  |
| #278229           | 06/12/02 | Christofer Roseberry, spouse of the Grantee to Christina I van Boseberry, a married was a contract of the Grantee to Christofer Roseberry, spouse of the Grantee to Christofer Roseberry, a married was a contract of the Grantee to Christofer Roseberry, a married was a contract of the Grantee to Christina I van Boseberry, a married was a contract of the Grantee to Christofer Roseberry, a married was a contract of the Grantee to Christofer Roseberry, a married was a contract of the Grantee to Christofer Roseberry and the Gra |
| #307671           | 11/04/03 | Christina Lynn Roseberry, a married woman as her sole and senarate property of Flaine M. Old a married woman as her sole and senarate property.  |
|                   |          | 9/2005   |
|                   |          |  |
|                   |          | WRID 06/30/04  |
|                   |          |  |

# Case 3:73-cy-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 46 of 27

#### 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.

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 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 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 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 651 Filed 05/09/2005 Page 47 of 27

| 1  |  |  |
|----|--|--|
| 2  | IN THE UNITED STATES D<br>FOR THE DISTRICT (   | ISTRICT COURT<br>OF NEVADA                   |
| 3  | UNITED STATES OF AMERICA.  | <b>)</b>                                     |
| 4  | Plaintiff.   | <b>\</b>                                     |
| 5  | WALKER RIVER PAIUTE TRIBE.   | N EQUITY NO. C-125                           |
| 6  | Plaintiff-Intervenor,  | SUBFILE NO. C-125-B                          |
| 7  | vs.  | <b>\( \)</b>                                 |
| 9  | WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,   | )<br>)                                       |
| 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 | <ol> <li>I am filing this document with the Dist</li> </ol>  |  |
| 13 | Chief Deputy Clerk United States District Court for the  |  |
| 14 | District of Nevada 400 South Virginia Street, Suite 301 Reno, Nevada 89501   |  |
| 16 |  | ny Waiver of Service of Notice in Lieu of    |
| 7  | Summons. I am mailing a copy of this document to:  |  |
| 3  | Susan L. Schneider   | ica  |
| 19 | Attorney for the United States of Amer<br>United States Department of Justice<br>Environment & Natural Resources Div |  |
| 20 | P.O. Box 756 Littleton, Colorado 80160   |  |
| 21 |  | ting) will retain all defenses or objections |
| 22 | to the lawsuit or to the jurisdiction or venue of the cou  |  |
| 23 | in the Notice in Lieu of Summons or in the service of  |  |
|    |  | ting) have retained an attorney to represent |
| 25 | 5. If I (or the entity on whose behalf I am act<br>me in these proceedings, I identify that attorney below           |  |
| 26 | -  | m, mong with ma of not mening address,       |
| 27 | telephone number, and facsimile number:  |  |
| 28 |  |  |
|    | NOTICE OF APPEARANCE AND INTENT TO PART  | CICIPATE, page 1 of 2                        |

# Case 3:78-cv-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 48 of 27

Attorney: Address: Phone Number: б Fax Number: (Signature) (Entity, if any, on whose behalf you are appearing) (Address) 775-465-9612 (Telephone number) 

# Case 3:73-cy-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 49 of 27

#### 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

#### 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 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 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 is 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 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 651 Filed 05/09/2005 Page 50 of 27

| -  |  |  |
|----|--|--|
| 2  | IN THE UNITED STATES D<br>FOR THE DISTRICT O   | ISTRICT COURT<br>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.,   | )<br>)                                     |
| 10 | NOTICE OF APPEARANCE AND INT   | TENT TO PARTICIPATE                        |
| 11 | <ol> <li>I hereby enter my appearance in this sub</li> </ol>   | -proceeding in this case.                  |
| 12 | <ol> <li>I am filing this document with the Distri</li> </ol>  |  |
| 13 | Chief Deputy Clerk   |  |
| 14 | United States District Court for the District of Nevada  |  |
| 15 | 400 South Virginia Street, Suite 301<br>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   | ~ 1  |
| 19 | Attorney for the United States of Americ United States Department of Justice Environment & Natural Resources Divis |  |
| 20 | P.O. Box 756 Littleton, Colorado 80160   |  |
| 21 | 4. I (or the entity on whose behalf I am acti  | ing) will retain all defenses or objection |
| 22 | to the lawsuit or to the jurisdiction or venue of the cour   |  |
| 23 | in the Notice in Lieu of Summons or in the service of the  |  |
| 24 |  |  |
| 25 | 5. If I (or the entity on whose behalf I am actume in these proceedings. I identify that attorney below            |  |
| 25 |  | , along with this or the thermal and       |
| 27 | telephone number, and facsimile number:  |  |
| 28 |  | -  |
| }  | NOTICE OF APPEARANCE AND INTENT TO PARTI   | cipare, page 1 of 2                        |

| <del>3</del> :7 | 3-cy-00127-MMD-CSD Document 651 Filed 45/09/2005 Page 51 o |
|-----------------|--|
| 1               | Attorney:  |
| 2               |  |
| 3               | Address:   |
| 4               | • ·  |
| 5               |  |
| . 6             | Phone Number:  |
| 7               | Fax Number:  |
| 8               | Donald Surbert   |
| 9               | (Signature)  |
| 10              |  |
| 11              | DONALD R. SEUBERT  |
| 12              | (Printed or typed Name)                                    |
| 13              | Partner  |
| 14              | Seubert Tamely Inta Torbas                                 |
| 15              | (Entity, if any, on whose behalf you are appearing)        |
| 16              | P.O. Box 43  |
| 17              | Smith, 9w. 89430   |
| 18              | (Address)<br>775-465-2319                                  |
| 19              | (Telephone number)   |
| 20              |  |
| 21              |  |
| 22              |  |
| 23              | •  |
| 24              |  |
| 25              |  |
| 26              |  |
| 27              |  |
|                 |  |

# Case 3:73-cy-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 52 of 27

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

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Date: 3-20-05

Signature,

Printed/Typed Name

If you are acting on behalf of any emity, 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

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| _      |  |   |
|--------|--|---|
| 2      | IN THE UNITED STATES D<br>FOR THE DISTRICT C                                 | ISTRICT COURT<br>OF NEVADA                |
| 3      | UNITED STATES OF AMERICA.  | )   |
| 4      | Plaintiff.   | )<br>}                                    |
| 5      | WALKER RIVER PAIUTE TRIBE.   | IN EQUITY NO. C-125                       |
| 6      | Plaintiff-Intervenor,  | SUBFILE NO. C-125-B                       |
| 7      | vs.  | )<br>)                                    |
| 8<br>9 | WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,                     | )<br>)<br>)                               |
| 10     | NOTICE OF APPEARANCE AND INT   | ENT 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 District of Nevada   |   |
| 15     | 400 South Virginia Street, Suite 301<br>Reno, Nevada 89501                   |   |
| 16     | <ol> <li>In the envelope provided for return of m</li> </ol>                 | y Waiver of Service of Notice in Lieu     |
| 7      | Summons. I am mailing a copy of this document to:                            |   |
| 3      | Susan L. Schneider   |   |
| 9      | Attorney for the United States of Americ United States Department of Justice |   |
| 20     | Environment & Natural Resources Divis P.O. Box 756                           | ion                                       |
| 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 court                  | except for objections based on a defe     |
| 4      | in the Notice in Lieu of Summons or in the service of th                     | e Notice in Lieu of Summons.              |
| 5      | 5. If I (or the entity on whose behalf I am actin                            | ng) have retained an attorney to represe: |
| 5      | 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                                    | IIPATE, page 1 of 2                       |

# -cy-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 54 of 27 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 651 Filed 05/09/2005 Page 55 of 27

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

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- 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: ASIGNATURE 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 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 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 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 an 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 witl otice of appearance and intent to participate.

| -        |  |   |  |  |  |  |  |
|----------|--|---|--|--|--|--|--|
| 2        | IN THE UNITED STATES D<br>FOR THE DISTRICT O   |   |  |  |  |  |  |
| 3        | UNITED STATES OF AMERICA.  | )   |  |  |  |  |  |
| 4        | Plaintiff.   | )<br>)                                    |  |  |  |  |  |
| 5        | WALKER RIVER PAILTE TRIBE,   | ) IN EQUITY NO. C-125                     |  |  |  |  |  |
| 6        | Plaintiff-Intervenor,  | ) SUBFILE NO. C-125-B                     |  |  |  |  |  |
| 7        | vs.  | )<br>)                                    |  |  |  |  |  |
| 8        | WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,                             | )<br>)<br>)                               |  |  |  |  |  |
| 10       | NOTICE OF APPEARANCE AND INT   | TENT TO PARTICIPATE                       |  |  |  |  |  |
| 11       | I hereby enter my appearance in this sub   | p-proceeding in this case.                |  |  |  |  |  |
| 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           |   |  |  |  |  |  |
| :5<br>16 | 400 South Virginia Street, Suite 301<br>Reno, Nevada 89501                           |   |  |  |  |  |  |
|          | 3. In the envelope provided for return of m  | y Waiver of Service of Notice in Lieu c   |  |  |  |  |  |
| 7        | Summons. I am mailing a copy of this document to:                                    |   |  |  |  |  |  |
| 13       | Susan L. Schneider Attorney for the United States of Americ                          | na e                                      |  |  |  |  |  |
| 0        | United States Department of Justice Environment & Natural Resources Divis            |   |  |  |  |  |  |
| 1        | P.O. Box 756<br>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 the 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 |  |  |  |  |  |
| 6        | me in these proceedings. I identify that attorney below                              | , along with his or her mailing address   |  |  |  |  |  |
| 7        | telephone number, and facsimile number:  |   |  |  |  |  |  |
| в        |  |   |  |  |  |  |  |

|        | -cy-00127- |               | Document 651 | File           | d 05/09/2005 Pa                                       | age 57 of |
|--------|------------|---------------|--------------|----------------|---|-----------|
| 1      |            | Attorney:     |              |                |   |           |
| 2      |            |               |              |                |   |           |
| 3      |            | Address:      |              |                |   |           |
| 4      |            |               | •            |                |   |           |
| 5      |            | Diana No. 1   |              |                |   |           |
| . 6    |            | Phone Number: |              |                |   |           |
| 7<br>8 |            | Fax Number:   |              | æ              | DJA   |           |
| 9      |            |               |              | سنه            | (Signature)   |           |
| 10     |            |               |              |                |   |           |
| 11     |            |               |              |                | DANIEL P. S   | HEHADY    |
| 12     |            |               |              |                | (Printed or typed Nam                                 | e)        |
| 13     |            |               |              |                |   |           |
| 14     |            |               |              |                | ***   |           |
| 15     |            |               |              |                | (Entity, if any, on whose<br>behalf you are appearing |           |
| 16     |            |               |              | * .            | PO 21 (   | <u></u>   |
| 17     |            |               |              |                | Wellingto 1   | 1 8944    |
| 18     |            |               |              |                | (Address)   | 7/87      |
| 19     |            |               |              | <del>y</del> • | (Telephone number                                     |           |
| 20     |            |               |              |                |   |           |
| 21     |            |               |              |                |   |           |
| 22     |            |               |              |                |   |           |
| 23     |            |               |              |                | •   |           |
| 24     |            |               |              |                |   |           |
| 25     | .:         |               |              |                |   |           |
| 26     |            |               |              |                |   | <u>.</u>  |
| 27     |            |               |              |                |   |           |

# Case 3:73-cv-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 58 of 27

#### 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

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 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 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 '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 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. Schneider with tice of appearance and intent to participate.

# Case 3:73-cy-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 59 of 27

| -      |  |
|--------|--|
| 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<br>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-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 District of Nevada  |
| 15     | 400 South Virginia Street, Suite 301<br>Reno, Nevada 89501   |
| 16     | 3. In the envelope provided for return of my Waiver of Service of Notice in Lieu c                 |
| 7      | Summons. I am mailing a copy of this document to:  |
| 9      | Susan L. Schneider<br>Attorney for the United States of America                                    |
| 20     | United States Department of Justice Environment & Natural Resources Division                       |
| 21     | P.O. Box 756<br>Littleton, Colorado 80160  |
| 22     | 4. I (or the entity on whose behalf I am acting) will retain all defenses or objection             |
| 3      | 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 acting) have retained an attorney to represen          |
| 6      | me in these proceedings, I identify that attorney below, along with his or her mailing address     |
| 7      | telephone number, and facsimile number:  |
| 3      |  |
|        | NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE DAGE 1 Of 2   |

| Case 3:73 | -<br>-cv-00127-MMD-CSD Document 65 | 51 Filed 05/09/2005 Page 60 of             |
|-----------|------------------------------------|--|
| 1         | Attorney:                          |  |
| 2         |                                    |  |
| 3         | Address:                           |  |
| 4         |                                    |  |
| 5         |                                    |  |
| 6         | Phone Number:                      |  |
| 7<br>8    | Fax Number:                        | Jesesa Shehaleftrust<br>+ Trule Sheba Dy   |
| 9         |                                    | (Signature)                                |
| 10        |                                    |  |
| 11        |                                    | ERESA SHEHADY TRUSTEE                      |
| 12        |                                    | (Printed or typed Name)                    |
| 13        |                                    |  |
| 14        |                                    | DNALD+ TERESA SHEHADY TRUST                |
| 15        |                                    | (Entity, if any, on whose                  |
| 16        |                                    | behalf you are appearing)                  |
| 17        |                                    | Tanita NV                                  |
| 18        |                                    | (Address) 8943                             |
| 19        |                                    | * <u>/-725-465-2278</u> (Telephone number) |
| 20        |                                    | (Telephone number)                         |
|           |                                    |  |
| 21        |                                    |  |
| 22        |                                    |  |
| 23        |                                    | •  |
| 24        | ;                                  |  |
| 25        |                                    |  |
| 26        |                                    |  |
| 27        |                                    |  |

# Case 3:73-cv-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 61 of 27

#### 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: April - 4,05

Printed/Typed Name

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

acting as:

(Title) UONALD + TERESA

(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 bea 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 witl stice of appearance and intent to participate.

# Case 3:73-cv-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 62 of 27

| 1  |  |  |  |
|----|--|--|--|
| 2  | IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA                                     |  |  |
| 3  | UNITED ST  | TATES OF AMERICA.  | )  |
| 4  |  | Plaintiff.   | )  |
| 5  | WALKER F   | LIVER PAIUTE TRIBE,  | ) IN EQUITY NO. C-125                    |
| 6  |  | Plaintiff-Intervenor,  | ) SUBFILE NO. C-125-B                    |
| 7  | Ve Ve  | <u>- 1</u>   |  |
| 8  | VS.  | ON/ED IDDIC ATION DISTRICT   |  |
| 9  | a corporation  | LIVER IRRIGATION DISTRICT,<br>n. et al.,   | <b>'</b>                                 |
| 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 Distr   |  |
| 13 |  | Chief Deputy Clerk   |  |
| 14 |  | United States District Court for the District of Nevada 400 South Virginia Street, Suite 301 |  |
| 16 |  | Reno, Nevada 89501   |  |
| 17 | 3.   | In the envelope provided for return of n   | ny Waiver of Service of Notice in Lieu c |
| 13 | Summons. I   | am mailing a copy of this document to:   |  |
| ,  |  | Susan L. Schneider Attorney for the United States of Ameri                                   | ica.                                     |
| 19 |  | United States Department of Justice Environment & Natural Resources Divi                     |  |
| 20 |  | P.O. Box 756   | Sion                                     |
| 21 |  | Littleton, Colorado 80160  |  |
| 22 | 4.   | I (or the entity on whose behalf I am act  |  |
| 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 address     |  |  |
| 27 | telephone number, and facsimile number:  |  |  |
| 28 |  |  |  |

| Case 3:73 |               | Document 651 | Filed 05/09/2005 Page 63 of |
|-----------|---------------|--------------|-----------------------------|
| 1         | Attorney:     |              |                             |
| 2         |               |              |                             |
| 3         | Address:      |              |                             |
| 4         |               | · ·          |                             |
| 5         |               |              |                             |
| . 6       | Phone Number: |              |                             |
| 7         | Fax Number:   |              | 016.001                     |
| 8         |               |              | In will                     |
| 9         |               |              | (Signature)                 |
| 10        |               |              | N C -                       |
| 11        |               |              | (Printed or typed Name)     |
| 12        |               |              | (I finited of typed Name)   |
| 13        |               | ,            | · + o T                     |
| 14        |               |              | (Entity, if any, on whose   |
| 15        |               |              | behalf you are appearing)   |
| 16        |               |              | · 365/ Highman              |
| 17        |               |              | 9-08 F                      |
| 18        |               |              | (Address)  Sonoh NV-        |
| 19        |               |              | (Telephone number)          |
| 20        |               |              | , 715465-2278               |
| 21        |               |              |                             |
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| 26        |               |              | -                           |
| 27        |               |              |                             |

## Case 3:73-cv-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 64 of 27

#### WAIVER 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 651 Filed 05/09/2005 Page 65 of 27 Attorney: Address: Phone Number: Fax Number: (Printed or typed Name) (Entity, if any, on whose behalf you are appearing) (Áddress) (Telephone number)

# Case 3:73-cv-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 66 of 27

# 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: 4/1/05

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

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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 651 Filed 05/09/2005 Page 67 of 27

| -        |   |   |  |
|----------|---|---|--|
| 2        | IN THE UNITED STATES DISTRICT COURT<br>FOR THE DISTRICT OF NEVADA                                   |   |  |
| 3        | UNITED STATES OF AMERICA.   | )   |  |
| Ť        | Plaintiff.  |   |  |
| 5        | WALKER RIVER PAIUTE TRIBE.  | IN EQUITY NO. C-125                         |  |
| 6        | Plaintiff-Intervenor,   | SUBFILE NO. C-125-B                         |  |
| 7        | vs.   |   |  |
| 83 O)    | WALKER RIVER IRRIGATION DISTRICT, a corporation. et al  | )<br>)                                      |  |
| 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>   | rict Court at the following address:        |  |
| 13<br>14 | Chief Deputy Clerk United States District Court for the District of Nevada                          |   |  |
| 15       | 400 South Virginia Street, Suite 301<br>Reno, Nevada 89501  |   |  |
| 16       | <ol> <li>In the envelope provided for return of r</li> </ol>  | ny Waiver of Service of Notice in Lieu c    |  |
| 17       | Summons. I am mailing a copy of this document to:   |   |  |
| 18       | Susan L. Schneider Attorney for the United States of Amer   | ica   |  |
| 20       | United States Department of Justice<br>Environment & Natural Resources Divi                         |   |  |
| 21       | P.O. Box 756<br>Littleton, Colorado 80160   |   |  |
| 22       | 4. I (or the entity on whose behalf I am ac   | ting) 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 |   |  |
| 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           |   |  |
| 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 3:7%-cy-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 68 of 27 Attorney: Address: Phone Number: Fax Number: The Wesley A. Smith & (Entity, if any, on whose behalf you are appearing) (Telephone number)

# Case 3:73-cy-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 69 of 27

#### 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: 4/1/05

Signature

Nesley

Printed/Typed Name

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

acting as: Trustee

(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 651 Filed 05/09/2005 Page 70 of 27 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 PAILTE TRIBE. SUBFILE NO. C-125-B 6 Plaintiff-Intervenor. 7 vs. 8 WALKER RIVER IRRIGATION DISTRICT, 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. 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 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 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, along with his or her mailing address. telephone number, and facsimile number: 27 28 NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 1 of 2

| ase 3:73 | B-cy-00127-MMD-CSD [ | Document 651 | Filed 05/09/2005 Page 71 of                      |
|----------|----------------------|--------------|--|
| 2        |                      |              |  |
| 3        | Address:             |              |  |
| 4        |                      |              |  |
| 5        |                      |              |  |
| 6        | Phone Number:        |              |  |
| 7        | Fax Number:          |              | Wesley a Smith TTE                               |
| 8        |                      |              | $\sim$   |
| 9        |                      |              | (Signature)                                      |
| 10       |                      |              | Wester A Smith Truste                            |
| 11       |                      |              | (Printed or typed Name)                          |
| 1.2      |                      |              |  |
| 13       |                      |              | The westey A Smith and<br>Beverly A Smith Family |
| 14       |                      |              | (Entity, if any, on whose Trust                  |
| 15       |                      |              | behalf you are appearing)                        |
| 16       |                      |              | 300 East Walter Rd                               |
| 17       |                      |              | Verinton, NV 89447<br>(Address)                  |
| 18       |                      |              | 775-463-349                                      |
| 19       |                      |              | (Telephone number)                               |
| 20       |                      |              |  |
| 21       |                      |              |  |
| 22       |                      |              |  |
| 23       |                      |              |  |
| 24       |                      |              |  |
| 25       | <i>:</i>             |              |  |
| 26       |                      |              | •  |
| 27       |                      |              |  |
|          |                      |              |  |

"" THIS IS AN UNOFFICIAL COPY ""

# Case 3:73-cv-00127-MMD-CSD Document 651 Files405/09/2005 Page 72 of 27

APN: 12-361-11 RPTT \$0.00 No. 8a

Mail Tax Statement to: Wesley A. & Beverly A. Smith 16 Almond Drive Yerington, NV 89447 OFFICIAL RECUROS
LYGH COUNTY: NEV.
RECORD REQUESTED BY

Wor Carpenter, Egg.
03 AUG 19 AN 10: 45

MARY C. HILLIGAN
COUNTY RECORDER

FIF 15 DEP. OLD

#### **QUITCLAIM DEED**

THIS INITENTISTE, made this /9 to day of Buguet, 2003, between WESLEY A. SMITH MEVERLY A. SMITH, Husband and Wife, parties of the first part, and WESLEY A. SMITH and BEVERLY A. SMITH, Trustees, under the terms of the WESLEY A. SMITH AND BEVERLY A. SMITH FAMILY TRUST, dated this day written above, the parties of the second part.

#### WITNESSETH:

That the said parties of the first pure conformity with the terms of the aforesaid Declaration of Trust, do by these presents remite, 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 Lean, State of Nevada, more particularly bounded and described as follows, to wit:

Township 12 N. Range 25 E., M.D.B.&M.

Section 24: SW 1/4 of SE 1/4 Section 25: NW 1/4 of NE 1/4

Per NRS 111.312, the legal description appeared previously in seed 289058, recorded on January 16, 2003, Lyon County Records.

With all water and water rights, ditches and ditch rights, wells and well rights

TOGETHER WITH, all and singular, the tenements, hereditaments and appartenances, including easements and water rights, if any, thereunto belonging or in anyway appertaining, and the reversion and reversions, remainder and remainders, rems 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.

Page 1 of 2.

### Case 3:73-cv-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 73 of 27

| WESLEY & SMITH   | BEVERLY A. SMITH  |
|--|---|
| STATE OF NEVADA ) ss.  COUNTY OF LYON  This installment was acknowledged by Wesley A. Smith and Beverly A. Smith | d before me on this 19 th day of Cury t, 2003,  |
| 100  | Josius Shipley Notary Public  |
| After Recording Mail to: William L. Carpenter 215 W. Bridge St., Suite 3 Yerington, NV. 89447                    | JANCES SHIPLEY  Notiney Public - State of Newada  Apparatual Recorded in Lyon County  Rise 88-888-12 - Expises April 29, 2007 |
|  | Cosper  |

### Case 3:73-cv-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 74 of 27

### 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.
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Signature

VEITH H. STAUFFER

Printed/Typed Name 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

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#### Case 3:73-cv-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 75 of 27 IN THE UNITED STATES DISTRICT COURT 2 FOR THE DISTRICT OF NEVADA 3 UNITED STATES OF AMERICA. 4 Plaintiff. 5 IN EQUITY NO. C-125 WALKER RIVER PAIUTE TRIBE. 6 SUBFILE NO. C-125-B Plaintiff-Intervenor. 7 VS. 8 WALKER RIVER IRRIGATION DISTRICT. a corporation, et al., 9 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 400 South Virginia Street, Suite 301 15 Reno, Nevada 89501 16 In the envelope provided for return of my Waiver of Service of Notice in Lieu c 3. 17 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 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 | 651 Filed 05/09/2005 Page 76 of       |
|---------------------------|---------------------------------------|
|                           |                                       |
| Address:                  |                                       |
|                           |                                       |
|                           |                                       |
| Phone Number:             |                                       |
| Fax Number:               | <b>A</b>                              |
|                           | 1H Stanfor                            |
|                           | (Signature)                           |
|                           |                                       |
|                           | KUITH H. STAUFFER                     |
|                           | (Printed or typed Name)               |
|                           |                                       |
|                           |                                       |
|                           | (Entity, if any, on whose             |
|                           | behalf you are appearing)  7 PINTO DR |
|                           | YURINGTON NU 8945                     |
|                           | (Address)                             |
|                           | 462-2021                              |
|                           | (Telephone number)                    |
|                           |                                       |
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|                           | •                                     |
| :                         |                                       |
|                           |                                       |
|                           |                                       |
|                           |                                       |
|                           | Attorney:  Address:  Phone Number:    |

### Case 3:73-cy-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 77 of 27

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

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Date: 3-17-05

Signature

PATRICIA L. STAUFFER

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

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## Case 3:73-cv-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 78 of 27

| -   |  |   |
|-----|--|---|
| 2   | IN THE UNITED STATES DI<br>FOR THE DISTRICT O                                    | STRICT COURT<br>F NEVADA                    |
| 3   | UNITED STATES OF AMERICA.  | )<br>}                                      |
| 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.,                         | )<br>)                                      |
| 10  | NOTICE OF APPEARANCE AND IN  | TENT TO PARTICIPATE                         |
| 1.1 | 1. I hereby enter my appearance in this sub                                      | p-proceeding in this case.                  |
| 12  | <ol> <li>I am filing this document with the Distr</li> </ol>                     |   |
| 13  | Chief Deputy Clerk United States District Court for the                          |   |
| 14  | District of Nevada 400 South Virginia Street, Suite 301 Reno, Nevada 89501       |   |
| 16  |  | ny Waiver of Service of Notice in Lieu (    |
| 17  | Summons. I am mailing a copy of this document to:                                |   |
| 13  | Sucan I Schneider  | ian   |
| 19  | Attorney for the United States of Amer United States Department of Justice       |   |
| 20  | Environment & Natural Resources Div<br>P.O. Box 756<br>Littleton, Colorado 80160 | 151011                                      |
| 21  |  | ting) will retain all defenses or objection |
| 22  | to the lawsuit or to the jurisdiction or venue of the co                         |   |
| 23  | in the Notice in Lieu of Summons or in the service of                            | the Notice in Lieu of Summons.              |
| 24  | i and a habelet am ac  | ting) have retained an attorney to represen |
| 25  |  |   |
| 26  | me in these proceedings, I identify that attorney belo                           | w, along with mo of not memory              |
| 27  | telephone number, and facsimile number:  |   |
| 28  |  |   |
|     | NOTICE OF APPEARANCE AND INTENT TO PAR   | TICIPATE, page 1 of 2                       |

| Case 3:73 | -cy-00127-MMD-CSD D    | ocument 651 Filed 05/09/2005 Page 79 of      |
|-----------|------------------------|--|
| 1         | Attorney:              |  |
| 2         |                        |  |
| 3         | Address:               |  |
| 4         |                        |  |
| 5         |                        |  |
| 6         | Phone Number:          |  |
| 7         | Fax Number:            | De de state                                  |
| 8         |                        | Talread Stays                                |
| 9         |                        | (Signature)                                  |
| 10        |                        |  |
| 11        |                        | PATRICIA L. STAUFFER (Printed or typed Name) |
| 12        |                        | (Timed or typed telesty                      |
| 13        |                        |  |
| 14        |                        | (Entity, if any, on whose                    |
| 15        |                        | behalf you are appearing)                    |
| 16        |                        | 7 PINTO DR                                   |
| 17        |                        | YERINGSON, NY 99447<br>(Address)             |
| 18        |                        | (Address)<br>775-463-2021                    |
| 19        |                        | (Telephone number)                           |
| 20        |                        |  |
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| 20        | NOTICE OF APPEARANCE I | AND INTENT TO PARTICIPATE, page 2 of 2       |

### Case 3:73-cy-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 80 of 27

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| Jelea M. Shuteward                                       |   |
|--|---|
| Helen M. Sturtevaux                                      |   |
| Printed/Typed Name                                       |   |
| If you are acting on behalf of any entity, identify that |   |
| acting as:   | of  |
| (Title)  |   |
| (Corporate, Trust, Partnership or other entity)          |   |
|  | Signature  Helen M. Shurtevaak  Printed/Typed Name  If you are acting on behalf of any entity, identify that yacting as:  (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 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.

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 651 Filed 05/09/2005 Page 81 of 27

| -        |  |   |  |  |
|----------|--|---|--|--|
| 2        | IN THE UNITED STATES DISTRICT COURT<br>FOR THE DISTRICT OF NEVADA          |   |  |  |
| 3        | UNITED STATES OF AMERICA.  | )   |  |  |
| 4        | Plaintiff.   | )<br>)  |  |  |
| 5        | WALKER RIVER PAIUTE TRIBE.   | IN EQUITY NO. C-125                           |  |  |
| б        | Plaintiff-Intervenor,  | SUBFILE NO. C-125-B                           |  |  |
| 7        | vs.  | )   |  |  |
| 8        | WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,                   | )<br>}  |  |  |
| 10       | NOTICE OF APPEARANCE AND IN  | TENT TO FARTICIPATE                           |  |  |
| 11       | 1. I hereby enter my appearance in this su                                 | b-proceeding in this case.                    |  |  |
| 12       | <ol> <li>I am filing this document with the Dist</li> </ol>                |   |  |  |
| 13       | Chief Deputy Clerk United States District Court for the                    |   |  |  |
| 15       | District of Nevada 400 South Virginia Street, Suite 301                    |   |  |  |
| 16       | Reno, Nevada 89501   | my Waiver of Service of Notice in Lieu of     |  |  |
| 17<br>17 |  | my walver of Service of Actions of the        |  |  |
| 13       | Summons. I am mailing a copy of this document to:                          |   |  |  |
| -9<br>19 | Susan L. Schneider Attorney for the United States of Amer                  | rica  |  |  |
| 20       | United States Department of Justice<br>Environment & Natural Resources Div |   |  |  |
| 21       | P.O. Box 756<br>Littleton, Colorado 80160                                  |   |  |  |
| 2±<br>22 | li e   | cting) will retain all defenses or objections |  |  |
| 23       | to the lawsuit or to the jurisdiction or venue of the co                   | urt except for objections based on a defect   |  |  |
| 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 ac                             |   |  |  |
| 26       | me in these proceedings, I identify that attorney belo                     |   |  |  |
| 27       | telephone number, and facsimile number:                                    |   |  |  |
| 2.8      |  |   |  |  |

| se 3:7 | 3-cy-00127-MMD-CSD<br>Attorney: | Document 651 Filed-05/09/2005 Page 82 of |
|--------|---------------------------------|--|
| 2      |                                 |  |
| 3      | Address:                        |  |
| 4      |                                 | · ·                                      |
| 5      |                                 |  |
| 6      | Phone Number:                   |  |
| 7      | Fax Number:                     | Delenn, Studeward                        |
| 8      |                                 |  |
| 9      |                                 | (Signature)                              |
| 10     |                                 | Helen M. Sturtevant                      |
| 11     |                                 | (Printed or typed Name)                  |
| 12     |                                 |  |
| 13     |                                 |  |
| 14     |                                 | (Entity, if any, on whose                |
| 15     |                                 | behalf you are appearing) 484 Day Cn     |
| 16     |                                 | Wellengton, an 84444                     |
| 17     |                                 | (Address)<br>775-465-215Z                |
| 18     |                                 | (Telephone number)                       |
| 19     |                                 | (2203)                                   |
| 20     |                                 |  |
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| 21     |                                 |  |

### Case 3:73-cy-00127-MMD-CSD Document 651 Filed-05/09/2005 Page 83 of 27

#### 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.

| TT 1.                     | Dama (Swainston)  |             |
|---------------------------|---|-------------|
| Date: <u>JULY 1, 2004</u> | Signature /<br>HARRY W. SWAINSTON                       |             |
|                           | Printed/Typed Name                                      |             |
|                           | If you are acting on behalf of any entity, identify the | nat 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 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-cy-00127-MMD-CSD Document 651 Filed-05/09/2005 Page 84 of 27

| 1        |  |   |
|----------|--|---|
| 2        | IN THE UNITED STATES I<br>FOR THE DISTRICT (   | DISTRICT COURT<br>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.,   | )<br>)  |
| 10       | NOTICE OF APPEARANCE AND IN  | TENT TO PARTICIPATE                           |
| 11       | <ol> <li>I hereby enter my appearance in this st</li> </ol>  | ab-proceeding in this case.                   |
| 12       | <ol><li>I am filing this document with the Dis</li></ol>   | rict 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<br>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   | winds .                                       |
| 19<br>20 | Attorney for the United States of Ame<br>United States Department of Justice<br>Environment & Natural Resources Di | •   |
| 21       | P.O. Box 756<br>Littleton, Colorado 80160  |   |
| 22       |  | cting) will retain all defenses or objections |
| 23       | to the lawsuit or to the jurisdiction or venue of the co   | ourt 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 a  | 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 PAR   | TICIPATE, page 1 of 2                         |

# Case 3:73-cy-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 85 of 27

| 1   | Attorney: HARRY W. SWAINSTO                    |
|-----|--|
| 2   |  |
| 3   | Address: 4040 HOBART RD. CARSON CITY, NV 89703 |
| 4   | CARSON CITY, NV 89703                          |
| 5   | 21611  |
| - 6 | Phone Number: (715) 883-2494                   |
| 7   | Fax Number: (775) 883 - 1719  Hanya. Sweinten  |
| 8   | Tranga. (Svansin)                              |
| 9   | (Signature)                                    |
| 10  |  |
| 11  | HARRY W. SWAINSTON (Printed or typed Name)     |
| 12  | (Finited of typed Name)                        |
| 13  |  |
| 14  | (Entity, if any, on whose                      |
| 15  | behalf you are appearing)                      |
| 16  |  |
| 17  | (Address)                                      |
| 18  | (Address)                                      |
| 19  | (Telephone number)                             |
| 20  |  |
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### Case 3:73-cy-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 86 of 27

### 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: Ledy 3 05/

Date: Ledy 3 05/

Signature

To ha W S war and 5 for a 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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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.

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# Case 3 73-cy-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 87 of 27

|     | N S Tab   |
|-----|---|
| 1   | Attomey: Harry W. Swainston                       |
| 2   | , , <del>, , , , , , , , , , , , , , , , , </del> |
| 3   | Address: 4040 Hole ball all                       |
| 4   | Address: 4040 Hole bart Rd<br>Carson City 89703   |
| 5   |   |
| 6   | Phone Number: 1775 783 2494                       |
| 7   | Fax Number: 883 - 1719                            |
| 8   | John W. Swains In                                 |
| 9   | (Signature)                                       |
| 10  |   |
| 11  | John W. Swainsto                                  |
| 12  | (Printed or typed Name)                           |
| 13  |   |
| 14  |   |
| 15  | (Entity, if any, on whose                         |
| 16  | behalf you are appearing)                         |
| 17  | Wellington New 89444                              |
| 18  | (Address)   |
| 1.9 | <u>/-715-465-2349</u> (Telephone number)          |
| 20  |   |
| 21  |   |
| 22  |   |
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### Case 3:73-cy-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 88 of 27

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

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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: 7-29-04 | Danny Taliaferro   |         |
|---------------|--|---------|
|               | 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

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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 D<br>FOR THE DISTRICT O                                 |   |
| 3        | UNITED STATES OF AMERICA,  | )   |
| 4        | Plaintiff,   | )<br>)                                      |
| 5        | WALKER RIVER PAIUTE TRIBE,   | ) IN EQUITY NO. C-125                       |
| 6        | Plaintiff-Intervenor,  | )<br>SUBFILE NO. C-125-B                    |
| 7        | vs.  | ) .<br>)                                    |
| 8<br>9   | WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,                     | )<br>)<br>)                                 |
| 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<br>14 | Chief Deputy Clerk United States District Court for the District of Nevada   |   |
| 15<br>16 | 400 South Virginia Street, Suite 301<br>Reno, Nevada 89501                   |   |
| 17       | 3. In the envelope provided for return of m                                  | ny Waiver of Service of Notice in Lieu of   |
| 1.8      | Summons, I am mailing a copy of this document to:                            |   |
| 19       | Susan L. Schneider Attorney for the United States of American                |   |
| 20       | United States Department of Justice Environment & Natural Resources Division |   |
| 21       | P.O. Box 756 Littleton, Colorado 80160                                       | SIOI  |
| 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                   | •   |
| 24       | in the Notice in Lieu of Summons or in the service of the                    |   |
| 25       |  |   |
|          | · ·  | -   |
| 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 651 Filed 05/09/2005 Page 90 of 27

| 1   | Attorney:     |   |
|-----|---------------|---|
| 2   |               |   |
| 3   | Address:      |   |
| 4   |               |   |
| 5   |               |   |
| 6   | Phone Number: |   |
| 7   | Fax Number:   | Danny Taligfers                                     |
| 8   |               | // 11   |
| 9   |               | (Signature)   |
| 10  |               | 710   |
| 11  |               | Danny Taliaferro<br>(Printed or typed Name)         |
| 1.2 |               | (Printed or typed Name)                             |
| 13  |               |   |
| 14  |               | (E-sin, if any an whose                             |
| 15  |               | (Entity, if any, on whose behalf you are appearing) |
| 16  |               |   |
| 17  |               | ZA 11   |
| 18  |               | (Address)   |
| 19  |               | (Telephone number)                                  |
| 20  |               |   |
| 21  |               |   |
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### Case 3:73-cv-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 91 of 27

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

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Date: 7/29/04 Signature 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

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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 I<br>FOR THE DISTRICT                                       | DISTRICT COURT<br>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.                       |  | ) -   |
| 8        | WALKER :<br>a corporation | RIVER IRRIGATION DISTRICT, on, et al.,   | )<br>)<br>)                                   |
| 10       |                           | NOTICE OF APPEARANCE AND IN  | TENT TO PARTICIPATE                           |
| 11       |                           |  |   |
| 12       | 1.                        | I hereby enter my appearance in this su  |   |
| 13       | 2.                        | I am filing this document with the Dist  | met Court at the following address:           |
| 14       |                           | Chief Deputy Clerk United States District Court for the                          |   |
| 15       |                           | District of Nevada<br>400 South Virginia Street, Suite 301<br>Reno, Nevada 89501 |   |
| 16       | 3.                        | In the envelope provided for return of   | my Waiver of Service of Notice in Lieu of     |
| 17<br>18 | Summons.                  | I am mailing a copy of this document to:   |   |
| 19       |                           | Susan L. Schneider Attorney for the United States of Amer                        | rica  |
| 20       |                           | United States Department of Justice<br>Environment & Natural Resources Div       |   |
| 21       | -                         | P.O. Box 756<br>Littleton, Colorado 80160  |   |
| 22       | 4.                        |  | eting) will retain all defenses or objections |
| 23       |                           | ait or to the jurisdiction or venue of the co                                    |   |
| 24       |                           | e in Lieu of Summons or in the service of  |   |
| 25.      | 5.                        |  | ting) have retained an attorney to represent  |
| 26       |                           | proceedings, I identify that attorney belo                                       |   |
| 27       |                           | umber, and facsimile number:   |   |
| 28       |                           |  |   |
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## Case 3:73-cv-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 93 of 27

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HAMILTON & McMAHON, LTD. Thomas Mirczak, Esq. Nevada State Bar #2126 577 California Avenue Reno, Nevada 89504 775-348-2700 Telephone: Attorneys for Counter-Defendant

### IN THE UNITED STATES DISTRICT COURT

### FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff.

In Equity No. C-125-ECR Subfile No. C-125-B

WALKER RIVER PAIUTE TRIBE,

Plaintiff-Intervenor,

NOTICE OF CHANGE OF OWNERSHIP OF WATER RIGHT

VS.

WALKER RIVER IRRIGATION DISTRICT, a corporation, et al., Defendants.

The undersigned counter-defendant in the above action hereby notifies the Court and the United States that the undersigned (or the entity on whose behalf the undersigned is acting) has sold or otherwise conveyed ownership of all or a portion of a water right within one or more of the categories set forth in Paragraph 3 of the Case Management Order and provides the following information:

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

> Lela Terry 1360 Gordon Avenue Reno, NV 89509

The name and address of each person or entity who acquired ownership 2. Twin Properties LLC 20 North Mountain View Yerington, NV 89447

## Case 3:73-cv-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 95 of 27

| 1                    | 3. Attached to or included with this notice is a copy of the (check appropriate box(es))            | ):   |
|----------------------|---|------|
| 2                    | ☐ Deed  |      |
| 3                    | ☐ Court Order   |      |
| 4                    | Other Document  |      |
| 5                    | 4. The undersigned acknowledges that any person or entity who files a Notice of Char                | nge  |
| 6                    | of Ownership of Water Right using this form is ultimately responsible for the accuracy of this fili | .ng. |
| 7                    | Consequently, the undersigned acknowledges that any person or entity who files such a notice, but   | .t   |
| 8                    | he hound by the results of this litigation  |      |
| 9                    | dough July 2004   |      |
| 10                   | $\mathcal{A}$   |      |
| 11                   | By: Molles / Vhank  | -    |
| 12                   | THOMAS MIRCZAK, ESQ.  |      |
| ^                    | Attorneys for Defendant LELA TERRY  |      |
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### Case 3:73-cv-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 96 of 27

|   | - 11    | 4 6.   |
|---|---------|--|
|   | 1       | CERTIFICATE OF SERVICE   |
|   | 2       | Pursuant to N.R.C.P. 5(b), I hereby certify that I am an employee of Hamilton & McMahon,       |
|   | 3       | Ltd., and that on the 2nd day of July, 2004, I served a true and correct copy of the foregoing |
|   | 4       | NOTICE OF CHANGE OF OWNERSHIP OF WATER RIGHT by:   |
|   | 5       | X Depositing for mailing, in a sealed enveloped, U.S. Postage prepaid, at Reno, Nevada         |
|   | 6       | Personal Delivery  |
|   | 7       | Facsimile  |
|   | 8       | Federal Express/Airborne Express/Other Overnight Delivery                                      |
|   | 9<br>10 | Hand Delivery  |
|   |         | addressed as follows:  |
|   | 11      | Susan L. Schneider<br>United States Department of justice                                      |
| E.<br>538<br>8<br>49-2745   | 12      | P.O. Box 756 Littleton, CO 80160   |
| 577 CALIFORNIA AVB.<br>T OFFICE BOX 40638<br>JNO, NV 89504-4638<br>(775) 348-2745 | 13      |  |
| CALIFO<br>T OFFICI<br>INO, NV   | 14      | DATED this And day of July, 2004   |
| 577<br>2<br>848 (277)   | 15      |  |
|   | 16      | Mary Suguram   |
|   | 17      | MARTHAE. SPRINGMANN  |
|   | 18      |  |
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# EXHIBIT A

### Case 3:73-cv-00127-MMD-CSD Document 651 Filed 05/09/2005/Fage 98 of 2

### CONTRACT FOR THE SALE OF LAND

THIS AGREEMENT is made on the \_\_\_\_\_ day of April, 2003, by and among LELA S. TERRY, ELVETIA S. MIRCZAK, and ELAINE EISENHAUER, (hereinafter referred to as "Sellers"), and TWIN PROPERTIES, LLC, (hereinafter referred to as "Purchaser").

#### RECITALS

1. Sellers are the owners of the lot or parcel of real property situated in Lyon County, Nevada, and more particularly described in Exhibit "A" attached hereto and made a part hereof.

The real property consists of agricultural acreage abutting Tucker Lane in Yerington, Lyon County, Nevada.

2. Sellers desire to sell and Purchaser desires to buy property for the purchase price and on the terms and conditions set forth below.

IN CONSIDERATION of the mutual and reciprocal promises of the parties, the parties agree:

### SECTION ONE

### PURCHASE PRICE AND TERMS OF PAYMENT

The purchase price for the property is One Hundred Seventy-Five Thousand Dollars (\$175,000.00), which shall be paid as follows:

- 1. By cash on the signing of this Agreement, receipt of which is acknowledged by Sellers: Forty Thousand Dollars (\$40,000.00);
- 2. By payment in equal monthly installments from May 15, 2003, of One Thousand Two Hundred Dollars (\$1,200.00), or more, including interest, commencing on the 15th day of May, 2003. Interest: Five and Three Quarters percent (5 3/4%) per year;
- 3. Additional cash balloon payment of Ninety Seven Thousand One Hundred Eighteen Dollars and Fifty Cents (\$97,118.50), due on May 15, 2008;
- 4. By Purchaser's payment of all real property taxes due and accruing after April 15, 2003; and
- 5. All payments shall be made payable to the Thomas Mirczak, Esq., Land Trust Account. Any payment received more than fifteen (15) days after the due date (15th day of each month) is subject to a Fifty-One Dollar (\$51.00) late fee.

### Case 3:73-cv-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 99 of 27

### SECTION TWO

#### TITLE

Title to property to be conveyed by Sellers shall be good and marketable title, clear of all liens, encumbrances, defects, and burdens.

Title as required by this Agreement shall be evidenced by a Quitclaim Deed.

Sellers shall convey title either individually, or through Thomas Mirczak, Esq., on May 15, 2008, providing all payments as described in Section One above have been made by Purchaser and cleared through Sellers' bank.

### SECTION THREE

#### COSTS

The following costs shall be borne equally by the parties: None.

The following costs shall be paid by the Sellers: None.

The following costs shall be paid by Purchaser:

Recording of this Contract, title insurance, and liability insurance.

The following costs shall be prorated to the date of closing: None.

### SECTION FOUR

### **INSURANCE**

Risk of loss or damage to property by fire, storm, burglary, vandalism, or other casualty, and risk of loss to persons, between the date of this Agreement and the transfer of title on May 15, 2008, shall be and is assumed by Purchaser. No such loss or damage shall void this Agreement.

### SECTION FIVE

### TRANSFER OF PROPERTY

Sellers shall transfer possession and use of the property upon execution of this Agreement.

Property shall be transferred to Purchaser, as provided in this Agreement, "As Is."

### Case 3:73-cv-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 100 of 2

#### SECTION SIX

### TIME OF ESSENCE; CLOSING

Time is expressly declared to be of the essence of this Agreement. The Agreement shall be executed on or before the 15th day of April, 2003, or such other date as the parties may in writing agree. Each party shall fully perform all the party's obligations under this Agreement at such times as to insure that the closing and transfer of Title occurs on May 15, 2008.

#### SECTION SEVEN

### REMEDIES OF PARTIES

- 1. If Purchaser fails or refuses to comply with the conditions assumed by Purchaser, or to perform all of Purchaser's obligations under this Agreement, Sellers may at Sellers' option: (a) hold and retain the initial deposit money and any additional funds paid or deposited by Purchaser, as liquidated damages for breach of this Agreement, and rescind and terminate the Agreement, whereupon all rights and obligations under the Agreement shall cease and determine; or (b) enforce this Agreement by appropriate action, including an action for specific performance, or for damages for breach, and retain all monies paid or deposited by Purchaser pending the determination of the action. Sellers shall give Purchaser written notice of election with respect to Sellers' exercise of either of these options.
- 2. If Sellers fail or refuse to perform Sellers' obligations under this Agreement, including the furnishing of good title and transfer of possession, Purchaser may either: (a) rescind the Agreement and recover all deposits and other amounts paid by Purchaser under this Agreement, and all expenses paid or incurred by Purchaser; or (b) pursue any remedy available to Purchaser, in law or equity, including an action to compel specific performance of this Agreement, or one for damages for breach, separately or alternatively.

#### SECTION EIGHT

#### WATER RIGHTS

The transfer and conveyance of property shall include all Sellers' water rights appurtenant to the herein described real property. Sellers will assist Purchaser to the most reasonable extent possible by executing any necessary documents relating to the sale of water rights in a particular year prior to the transfer of Title.

### Case 3:73-cv-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 101 of 2

#### SECTION NINE

#### TAXES

Purchaser shall assume responsibility for payment of all land taxes applicable to the subject property. Purchaser shall record this Contract in Lyon County, Nevada, and shall provide Sellers with a file-stamped copy of said recorded Contract.

#### SECTION TEN

### ASSIGNMENT; MODIFICATION; ENTIRE AGREEMENT OF PARTIES EXPRESSED

No right or interest of Purchaser under this Agreement shall be assigned without the prior written consent of Sellers, which consent shall not be unreasonably withheld.

No modification of this Agreement shall be valid or binding unless such modification is in writing, duly dated and signed by both parties.

This instrument constitutes the entire Agreement between the parties. Neither party shall be bound by any terms, conditions, statements, or representations, oral or written, not contained in this Agreement. Each party acknowledges that in executing this Agreement the party has not been induced, persuaded, or motivated by any promise or representation made by the other party, unless expressly set forth in this Agreement. All previous negotiations, statements, and preliminary instruments by the parties or their representatives are merged in this instrument.

### SECTION ELEVEN

#### NOTICE

All notice required by this Agreement shall be in writing and shall be served on the parties at their addresses, as indicated below, or on their attorneys at their business addresses. The mailing of a notice by registered or certified mail, return receipt requested, shall serve as sufficient notice. Notices may also be served by personal delivery, by mail-o-gram, telegram, or by the use of a facsimile machine with proof of transmission and a copy of the notice with proof of transmission being sent by regular mail on the date of transmission.

### Case 3:73-cv-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 102 of 2

#### SECTION TWELVE

#### SIGNATURE AND EFFECTIVE DATE

This instrument shall not be effective as an Agreement until duly signed by both parties. The date of execution and the effective date of the Agreement is the date first above set forth. The date of signature by each party is the date set forth unless otherwise indicated after the party's signature.

IN WITNESS OF THE ABOVE, the parties have executed this instrument, in duplicate, on the 15 4 day of Apr. 1, 2003.

LELA S. TERRY

(Seller)

ELVETIA S. MIRCZAK

(Seller)

ELAINE EISENHAUER

(Seller)

Address of Sellers:

c/o Thomas Mirczak 2581 Range View Lane Reno, Nevada 89509 JOAN SCIARANI-BLAKE TWIN PROPERTIES, LLC

BARBARA SCIARANI TWIN PROPERTIES, LLC

(Member)

Address of Purchaser

c/o Joan Sciarani-Blake 20 North Mountain View Yerington, Nevada 89447 Case 3:73-cv-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 103 of 2

# EXHIBIT A

THIS DEAR executed this Sich day of Pacember, 1963 by and between MATHEMETER SCHEMET.

berningter referred to so the grantor, and Elvilla Minoral, Leia Thank And Rathamies Elsewhaues,
chare and chare chike, hereinafter referred to no the grantoca,
chare and chare chike, hereinafter referred to no the grantoca,
chiralizative for and in consideration of the love and affection for the grantoca, the grantor
bereby grants and conveys the real property situate in the county of Lyon, State of Mevada, more
particularly described as follows:

Sterring at the SM corner of Section 11, T. 13 K., H. 25 E., MDMM., and running tence M. 50°C2°47° S., 2077.11 feet; thence M. 27°51°05°E., 1481.85 feet; thence M. 89°53°44°E.,589.59 feet to a point on the north line of the SE1 of Sec. 11 and being the northeast sorner of the Green Acres Subdivision and the true point of beginning; thence from said true point of beginning lat a course east along the north line of the said SE1 of SEc. 11 a distance of 2389.31 feet more or less to the northeast corner of the said SE1; thence 2nd course south along the east line of said SE1 a distance of 660 feet; thence 3rd course west at right angles a distance of 2389.31 feet, more or less, to the east line of the Green Acres Subdivision; thence north along the east line of the Green Acres Subdivision; containing 36.20 acres, more or less.

into the Grantees, their heirs and assigns forever.

TOCETHER 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 with all the appurtenances unto the granices, their heirs and assigns

IN MITNESS WHEREOF, the grantor has hereunto set her hand the day and year first above written.

Domenichina Sciarani

STATE OF NEVIDA 33.

On this 26th day of December, 1963 personally appeared before me a Notary Public, in and for the above county, DEMENICHINA SCIARANI, known to me to be the person described in and who executed the foregoing instrument, who acknowledged to me that she executed the same freely and volunarily and for the uses and purposes therein mentioned. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at my office the day and year first above written.

(Notarial Scal)
My commission expires July 18,1969

William C. Sanford, Notary Pathic in and for the County of Washoe, Sate of Nevada

3

Recorded at request of William C. Banford Dec. 30, 1963 at 25 min. past 9 a.m.

Jas. F. Barton, County Recorder

FILE NO. 67803

THIS INDENTURE made this 26th day of December, 1963 between JULIA S. PRAY, MARY KATHRINK ESTES WHO BUTH MARCARST PRAY, parties of the first part, grantors, and JAMES K. JOHNSON AND BLAINS JOHNSON, his wife and MARCO BOSCOVICH AND JEANNE BOSCOVICH, his wife, parties of the second

year IN WITNESS WHENEOF, the parties in this instrument first above written. 0 the first gart Francis J. Coddingt Mildred Coddington ha ve hereunto 10B their hands,

the

STATE 10 NE VADA

COUNTY OF LYON.

8n this 19th day of January, 1964 personally appeared before me, husband and in and for wife, the both said County-of Lyon, Francis J. Goddington and personally known to me to be the same person th e described undersigned Mildred Coddington, 'n and who Nota

executed and voluntarily and for the the foregoing instrument, who acknowledged to me that they executed the uses and purposes therein mentioned. same,

commission expires May 1,1965

Walter Whitacre, Notary Public in County of Lyon, State a nd 0 l for Nevada. e E E

Recorded at request 0 Francis Goddington Jan. 22, 1964 at 30 min. Jas. \_F. Barton, County Recorder past N p.m.

Ву

FILE NO. 87970

hereinsiter share and THIS DEED share alike, EXECUTED this referred t O hereinafter referred to as ស មា 20th the day Grantor, of January, 1964 and ELVIZIA MIRCZAK, the Grantees, by and bet ween トディス LENA TERRY AND KATHARINE DOMENICHINA SCIARANI

hereby forever, the particularly described WITNESSETH: grants following For and and conveys unto real. in consideration of follows: property the Grantees, situate the 'n. share love and affection the and County of share Lyon, alike, for the State their Grantees, of Nevada, heirs a nd the a 551 91 GI

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1 Sques and pro o<mark>c</mark>in anywise ₩iUh profits appertaining thereof and singular and the the reversion tenements, and hereditaments reversions, remainder and appurtenances and remainders, thereunto R n Welonging **σ** 

t<mark>M</mark>eir heirs a Meir heirs a and TO assigns HOLD wi th fore ver all the appurtenances, unto the Grantees, share and sha re alike

WHEREOF, the Grantor វាឧទ hereunto Domenichina set her Sciaraní ha nd the da y and year first abo∀e itten.

CV-0012 OF WASHOR

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COUNTY OF BUTTE

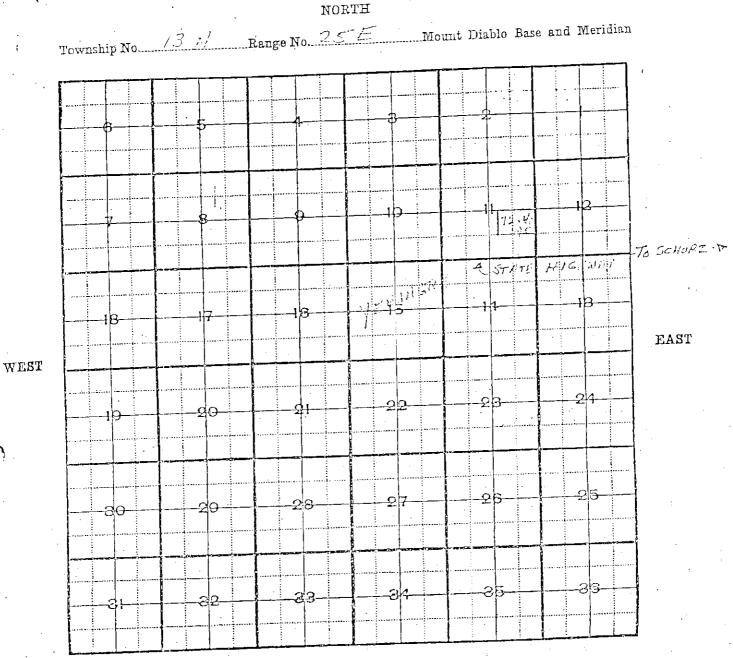
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outhin instrument, an Case 3 Recorded 73 My commission 651 Filed 05/09/2005 STATE 0 დ თ Motarial Joint pu ed  $(R_{\rm O}$ tarial  $S_{\rm e}$ al)
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# Case 3:73-cv-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 109 of 2



Boalo 80 Chains (1 mile) to an inch

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Page 110 of 2

| Division   |                                    |        |                              |   | WAL                                      | WALKER RIVE!<br>YERING!  | RIVE! SATION DISTRICT   | STRICT                  |  |                              |   |                    |             |
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| Card #:<br>Name:                                 | 53557<br>Sean C. & Denise L. Terry | Terry  |                              |   | !  |  |   |                         |  |                              | Index No.<br>Lyon County No.  | 297.A<br>10-331-33 | Ca          |
| Address:   | P. O. Box 173                      | 89444  |                              |   | : ;                                      | <b>∑</b><br>≪<br>C   | A M Local No. 1   |                         |  |                              | Claim No.<br>User#  | 2018<br>Colony     | ase         |
| Court Decree:                                    |                                    | ;<br>; | }                            |   | 1  |  |   |                         |  |                              |   | diam's             | 3:73        |
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| LEGAL DESCRIPTION                                |                                    |        |                              |   | 25                                       | 36   |   | COMMENTS                |  |                              |   |                    | <b>5</b> -  |
| Fr. NE 1/4 of NE 1/4, Sec. 27<br>T 11 N, R 23 E. | IE 1/4, Sec. 27;<br>3 E.           |        |                              | 13  |  | 2  |   | 2/11/04                 | 1/17/02 - Transferred from card #56133<br>2/11/04 - Assigned New APN by County | m card #5613<br>APN by Count | 1/17/02 - Transferred from card #56133 - Weaver Properties<br>2/11/04 - Assigned New APN by County  | ties               | CSD         |
| Parcel 1-D of PM 232837                          | A 232837                           |        |                              |   |  | -  |   |                         |  |                              |   |                    | D           |
| DOCUMENT HISTORY:                                |                                    |        |                              |   |  |  |   |                         |  |                              |   |                    | þ¢          |
| DOCUMENT #                                       | DATE                               |        | DESCRIPTION                  | -   |  |  |   |                         |  |                              |   |                    | :u          |
| #45.289  | 11/09/62                           |        | Joint Tenant<br>Cora G. Savr | Joint Tenant<br>Cora G. Savre to Cora Savre                 | a Savre Trust.                           |  |   |                         |  |                              |   |                    | me          |
| #201099  | 12/27/96                           | i      | Andrew G                     | Sayre, Jr.  | & Mark Arrig                             | Andrew G. Sayre, Jr. & Mark Arrighi, Successor Tru<br>William M. Weaver Ir Revorable Triet Arresment | Trustees to Cora  | Sayre, decea            | sed, to William  | M. Jr. & Roser               | Andrew G. Sayre, Jr. & Mark Arrighi, Successor Trustees to Cora Sayre, deceased, to William M. Jr. & Rosemary F. Weaver, Trustees of the William M. Jr. & Rosemary F. Weaver, Trustees of the         | rustees of the     | 1           |
| #203640  | 03/27/97                           |        | Parcel Ma                    | p of Portio   | ns of Sec. 22                            | Parcel Map of Portions of Sec. 22, 8 27; T 11 N - R 23 E.  | R 23 E.   |                         |  |                              |   |                    | 65          |
| #209100  | 08/22/97                           |        | Parcel Ma<br>Trust           | p of Portio   | n of Sec. 22,                            | & 27; T 11 N - R   | ₹23 E. for Willia   | m M. Weaver 8           | Rosemary F. V  | Veaver, Trusto               | Parcel Map of Portion of Sec. 22, & 27; T 11 N - R 23 E. for William M. Weaver & Rosemary F. Weaver, Trustees of the William M. Weaver, Jr. Trust.  | M. Weaver, J.      |             |
| #212988  | 12/09/97                           | -      | Boundary                     | Boundary Line Adjustment                                    |  | lliam M. Weave   | or William M. Weaver, Jr. & Rosemary F. Weaver, Trustees of the William M. Weaver, Jr. Trust.                                       | ry F. Weaver, 7         | rustees of the   | William M. We                | aver, Jr. Trust.  |                    | il          |
| #212989  | 12/09/97                           |        | William M<br>Rosemary        | Weaver, J<br>Weaver, T                                      | r. & Roseman                             | ry F. Weaver, Ti<br>e William Weav   | William M. Weaver, Jr. & Rosemary F. Weaver, Trustees of the WI<br>Rosemary Weaver, Trustees of the William Weaver, Jr. Trust (18). | /Illiam M. Wear         | rer, Jr. Revocat   | ole Trust Agre               | William M. Weaver, Jr. & Rosemary F. Weaver, Trustees of the William M. Weaver, Jr. Revocable Trust Agreement to William M. Weaver & Rosemary Weaver, Trustees of the William Weaver, Jr. Trust (18). | M. Weaver &        | ed.         |
| #213378  | 12/19/97                           |        | William M                    | William M. Weaver, Jr. & Ro<br>a Nevada Limited Liability C | r. & Rosemary Fibility Company.          | ry F. Weaver, Tiny.  | rustees of the M  | /illam M. Wea           | er, Jr. Revocat  | ole Trust Agre               | William M. Weaver, Jr. & Rosemary F. Weaver, Trustees of the William M. Weaver, Jr. Revocable Trust Agreement to Weaver Properties, L.L. a Nevada Limited Liability Company.                          | Properties, L.I    | 05/         |
| #215183  | 02/11/98                           |        | Weaver Prog<br>woman (15).   | Weaver Properties, L.L.C., a woman (15).                    |  | da Limitied Lia  | Nevada Limitted Liability Company to Weston L. Wright, an unmarried man   | to Weston L. V          | fright, an unma  | rried man & S                | & Sandra Lynn McCombs, an unmarried   | mbs, an unm        | <b>Q</b> 9, |
|  |                                    |        | Parcel Ma                    | p for Weav  | Parcel Map for Weaver Properties, L.L.C. | , L.L.C.   |   |                         |  |                              |   |                    | /2          |
| #270026<br>U                                     | 12/21/01                           |        | Weaver P.                    | operties L  | LC to Sean C                             | . & Denise L. To   | Weaver Properties LLC to Sean C. & Denise L. Terry, husband and wife as Joint Tenants   | nd wife as Joir         | it Tenants   |                              |   |                    | 00          |
| bit 151  |                                    |        |                              |   |  |  |   |                         |  |                              |   |                    | 5 Pag       |

### Case 3:73-cv-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 111 of 2

### 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: 3-31-03

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 Eules 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 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 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 651 Filed 05/09/2005 Page 112 of 2

1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE DISTRICT OF NEVADA 3 UNITED STATES OF AMERICA, 4 Plaintiff, 5 IN EQUITY NO. C-125 WALKER RIVER PAIUTE TRIBE, 6 SUBFILE NO. C-125-B Plaintiff-Intervenor, 7 VS. 8 WALKER RIVER IRRIGATION DISTRICT, a corporation, et al., 9 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 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. 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. 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, telephone number, and facsimile number:

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

28

# Case 3:78-cv-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 113 of 2

| 1  | Attorney:     |   |
|----|---------------|---|
| 2  |               |   |
| 3  | Address:      |   |
| 4  |               |   |
| 5  | -             |   |
| 6  | Phone Number: |   |
| 7  | Fax Number:   |   |
| 8  |               | Sun C 2                                 |
| 9  |               | (Signature)                             |
| 10 |               |   |
| 11 | •             | SEAN C. TERRY                           |
| 12 |               | (Printed or typed Name)                 |
| 13 |               |   |
| 14 |               |   |
| 15 |               | (Entity, if any, on whose               |
| 16 |               | behalf you are appearing)               |
| 17 |               |   |
| 8  |               | (Address)                               |
| .9 |               | (Telephone number)                      |
| 20 |               | , |
| 1  |               |   |
| 2  |               |   |
| 3  |               |   |
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| 7  |               |   |
| _  |               |   |

### Case 3:73-cy-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 114 of 2

### 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     |
|---|
| of the Jurisdiction or venue of the Court except for objections based on a defect in the Notice in I in a |
| Summons or in the service of the Notice in Lieu of Summons.   |

Date: 8/10/4

Signature

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 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-cy-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 116 of 2

| 1        | Attorney:     |                                   |
|----------|---------------|-----------------------------------|
| 2        |               |                                   |
| 3        | Address:      |                                   |
| 4        |               |                                   |
| 5        |               |                                   |
| 6        | Phone Number: |                                   |
| 7        | Fax Number:   |                                   |
| 8        |               | Lath seralluse                    |
| 9        |               | (Signature)                       |
| 10       |               | 0                                 |
| 11       |               | ROBERT W. TERSCHIUS               |
| 12       |               | (Printed or typed Name) TRUSTEZ   |
| 13       |               |                                   |
| 14       |               | (Entity, if any, on whose         |
| 15<br>16 |               | behalf you are appearing)         |
| 17       |               | 845 GLENMERE WAY                  |
| 18       | •             | LOS ANGELIES, CA 900 49 (Address) |
| 19       |               | (310) 476-2856                    |
| 20       |               | (Telephone number)                |
| 21       |               |                                   |
| 22       |               |                                   |
| 23       |               |                                   |
| 24       |               |                                   |
| 25       |               |                                   |
| 26       |               |                                   |
| 27       |               |                                   |
| 20       |               |                                   |

### Case 3:73-cv-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 117 of 2

### 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.
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| 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: 8-12-04

George N. Benesch

Printed/Typed Name

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

acting as: Attorney for of

(Title)

John and Caroline Thacher

(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 651 IN THE UNITED STATES I FOR THE DISTRICT  | DISTRICT COURT                             |
|----------------------------------|---|--|
|                                  | UNITED STATES OF AMERICA,   | )  |
|                                  | Plaintiff,  | )  |
|                                  | WALKER RIVER PAIUTE TRIBE,  | ) IN EQUITY NO. C-125                      |
| •                                | Plaintiff-Intervenor,   | SUBFILE NO. C-125-B                        |
|                                  | vs.   | )<br>}                                     |
|                                  | WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,  | )<br>)                                     |
| . 10                             | 0 NOTICE OF APPEARANCE AND INT  | TENT TO PARTICIPATE                        |
| 13<br>12<br>13<br>14<br>15<br>16 | 1. I hereby enter my appearance in this sub  2. I am filing this document with the District Chief Deputy Clerk United States District Court for the District of Nevada 400 South Virginia Street, Suite 301 Reno, Nevada 89501  3. In the envelope provided for return of m | ict Court at the following address:        |
| 13<br>19<br>20<br>21             | Susan L. Schneider Attorney for the United States of Americ United States Department of Justice   |  |
| 22                               | 4. I (or the entity on whose behalf I am acti-  | 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 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 PARTIC   | TTDATE Dage 1 of 2                         |

of 2

### Case 3:73-cv-00127-MMD-CSD Document 651<sub>B</sub> Filed 05/09/2005 Page 119 of 2 9432 Double R Blvd., Suite B Address: Reno, NV 89521 775-827-3100 Phone Number: 775-827-3020 Fax Number: (Signature) George N. Benesch (Printed or typed Name) John & Caroline Thacher (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 651 Filed 05/09/2005 Page 120 of 2

### 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: <u>Aug 23, 2004</u>

PLEASE NOTE CHANGE FOR ADDRESS

P.O. BOX 1343

YERINGTON, NV 89447

Signature

DAWN RAE COPER

Printed/Typed Name

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

RACHEL SMITH THOLKE 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 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 651 Filed 05/09/2005 Page 121 of 2

### 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: Chichor

ignature

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-cv-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 122 of 2

# 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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- 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.

atherine L. Thomas. Date: 7/30/04 Katherine L. Thomas 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 tht 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

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 651 Filed 05/09/2005 Page 123 of 2

# 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 bahalf 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 the Notice |   |
|---|---|
| Date: 7/30/04_                          | Signature  Signature  Trans  Printed/Typed Name  If you are acting on behalf of any entity, identify that you are  of |
|   | 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

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. 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

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 651 Filed 05/09/2005 Page 124 of 2

# 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 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 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 PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
  - 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
  - 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 6 - 10 - 04

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 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

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. 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.

### Case 3:73-cv-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 125 of 2

### 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:8/16/04 | Signature Don H. Tibbals  |
|--------------|---|
|              | 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 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 651 Filed 05/09/2005 Page 126 of 2

# 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: 6/7/04

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 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 651 Filed 05/09/2005 Page 127 of 2

| 1      |  |  |
|--------|--|--|
| 2      | IN THE UNITED STATES DEFINED FOR THE DISTRICT OF   | ISTRICT COURT<br>OF NEVADA                   |
| 3      | UNITED STATES OF AMERICA,  |  |
| 4      | Plaintiff,   | )<br>)                                       |
| 5      | WALKER RIVER PAIUTE TRIBE,   | IN EQUITY NO. C-125                          |
| 6      | Plaintiff-Intervenor,  | SUBFILE NO. C-125-B                          |
| 7      | vs.  | )<br>)                                       |
| 8<br>9 | WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,   | <i>)</i><br>)<br>)                           |
| 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     | <ol> <li>I am filing this document with the Distr</li> </ol>   | 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<br>Reno, Nevada 89501   |  |
| 16     | <ol> <li>In the envelope provided for return of n</li> </ol>   | 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<br>United States Department of Justice<br>Environment & Natural Resources Divi |  |
| 20     | P.O. Box 756   | Stoit  |
| 21     | Littleton, Colorado 80160  | ting) will retain all defenses or objections |
| 22     |  |  |
| 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  |  |
| 25     |  | ing) have retained an attorney to represent  |
| 26     | me in these proceedings, I identify that attorney below  | w, along with his of her maining address,    |
| 27     | telephone number, and facsimile number:  |  |
| 28     |  |  |

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

### Case 3:73-cv-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 128 of 2 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-QQ1e270MMRvcSprRogument\_651 Filed 05/09/2005 Page 129 of 2

- D: 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 PPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I say 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: 8 20 ,2004 | Signature Can times  |
|------------------|--|
|                  | Laura Jean Tomac 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 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 cul 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 as 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 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.

### 1 IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA 2 3 UNITED STATES OF AMERICA. 4 Plaintiff. 5 WALKER RIVER PAIUTE TRIBE. IN EQUITY NO. C-125-ECR 6 Plaintiff-Intervenor. SUBFILE NO. C-125-B V. 8 WALKER RIVER IRRIGATION DISTRICT.) a corporation, et al., 10 Defendants. 11 NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE 12 I hereby enter my appearance in this sub-proceeding in this case. 1. 13 I am filing this document with the District Court at the following address: 2. ] 🚅 Chief Deputy Clerk 15 United States District Court for the District of Nevada 400 South Virginia Street, Suite 401 16 Reno, Nevada 89501 1 -In the envelope provided for return of my Waiver of Service of Notice in Lieu of 3. 18 Summons. I am mailing a copy of this document to: 10 Susan L. Schneider 20Attorney for the United States of America United States Department of Justice 21 Environment & Natural Resources Division P.O. Box 756 22 Littleton, Colorado 80160 23 4. I (or the entity on whose behalf I am acting) will retain all defenses or objections 24 to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect 33 in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons. 26 If I (or the entity on whose behalf I am acting) have retained an attorney to 5. represent me in these proceedings, I identify that attorney below, along with his or her mailing 28

address, telephone number and facsimile number.

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

# Case 3:73 -cv-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 131 of 2

| _   | <b>A A A A B B B B B B B B B B</b> |   |
|-----|------------------------------------|---|
| 1   |                                    |   |
| 2   |                                    |   |
| 3   | Address:                           |   |
| 4   |                                    |   |
| 5   |                                    |   |
| 6   | Phone Number:                      |   |
| 7   | Fax Number:                        |   |
| 8   |                                    | Dra Jeakman                             |
| 9   |                                    | (Signaturé)                             |
| 10  |                                    |   |
| 11  |                                    | Laura Jean Tomac                        |
| 12  |                                    | (Printed or typed Name)                 |
| 13  |                                    |   |
| 14  |                                    |   |
| 15  |                                    | (Entity, if any, on whose               |
| 16  |                                    | behalf you are appearing)               |
|     |                                    | 39 Panavista Circle                     |
| 17  |                                    | Yerington NU 89447 (Address)            |
| 18  |                                    |   |
| 19  |                                    | 725 - 463 - 553  <br>(Telephone number) |
| 20  |                                    | (Telephone number)                      |
| 21  |                                    |   |
| 22  |                                    |   |
| 23  |                                    |   |
| 24  |                                    |   |
| 25  |                                    |   |
| 26  |                                    |   |
| :7  |                                    |   |
| . / |                                    |   |

# Case 3:73-cv-00127-MMD 1650 Popular Ant 1650 Filed 05/09/2005 Page 132 of 2

### ): 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 \*PPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I have 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>\$20</u> ,2004 | Store F. Tomas.   |
|-------------------------|---|
|                         | Steven B. Tomac   |
|                         | 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 of 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 there the edistates 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 as good cause be shown for its failure to sign and return the waiver.

It is not good cause for a faiture to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been light 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.

| 1        |   |  |   |  |  |
|----------|---|--|---|--|--|
| 2        | IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA                                      |  |   |  |  |
| 3        | UNITED ST.  | ATES OF AMERICA.   | )   |  |  |
| 4        |   | Plaintiff.   | )<br>)                                      |  |  |
| 5        | WALKER R  | IVER PAIUTE TRIBE,   | ) IN EQUITY NO. C-125                       |  |  |
| 6        |   | Plaintiff-Intervenor,  | )<br>SUBFILE NO. C-125-B                    |  |  |
| 7        | vs.   |  | )<br>)                                      |  |  |
| 8        | WALKER R  | IVER IRRIGATION DISTRICT,  | )<br>)<br>)                                 |  |  |
| 10       | NOTICE OF APPEARANCE AND INTENT 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  | ,<br>,                                      |  |  |
| 15       |   | 400 South Virginia Street, Suite 301<br>Reno, Nevada 89501   |   |  |  |
| 16       | 3.  | In the envelope provided for return of m   | ny Waiver of Service of Notice in Lieu or   |  |  |
| 17       | Summons, I  | am mailing a copy of this document to:   |   |  |  |
| 13       |   | Susan L. Schneider   |   |  |  |
| 19<br>20 |   | Attorney for the United States of Americ United States Department of Justice Environment & Natural Resources Division. |   |  |  |
| 21       |   | P.O. Box 756<br>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 court except for objections based on a defect |  |   |  |  |
| 2.4      | 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 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       |   |  |   |  |  |
|          | NOTICE  | OF APPEARANCE AND INTENT TO PARTI  | CIPATE, page 1 of 2                         |  |  |

# Case 3:73-cy-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 134 of 2

| 1    | Attorney: Gordon H. DePaoli, Dale E. Ferguson                  |
|------|--|
| 2    | Address: Woodburn and Wedge                                    |
| 3    | P.O. Box 2311<br>Reno, NV 89505                                |
| 4    |  |
| 5    | Phone Number: 775/688-3000                                     |
| 6    | Fax Number: 775/688-3088                                       |
| ~    | Dated this day of June. 2004.                                  |
| 8    | Steven B. Vomoz  |
| 9    | (Signature)  |
| 10   |  |
| 11   | Steven B. Tomac  |
| 12   | (Printed or typed name)  |
| 13   |  |
| 14   |  |
| 16   | (Entity, if any, on whose behalf you are appearing)            |
| 17   |  |
| 18   | Steve Tomac  |
| 19   | Steve Tomac  39 Panavista Circle  (Address) yerington NV 8944) |
| 20   |  |
| 21   | 775 - 463 - 553 )<br>(Telephone number)                        |
| 22   |  |
| 23   |  |
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| 26 . |  |
|      |  |

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### Case 3:73-cy-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 135 of 2

### 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: 8/18/04

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.

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 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 651 Filed 05/09/2005 Page 136 of 2

### 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        |
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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 Symmons  |

Date: 41/04

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 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 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 651 Filed 05/09/2005 Page 137 of 2

### 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 12-04

Signature

Dalones V. Tunwer

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 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-cy-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 138 of 2

# 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.
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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.

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# 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 651 Filed 05/09/2005 Page 139 of 2

### 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: 7-26-04

Signature

JOAN C. TURNER

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 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

L 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 651 Filed 05/09/2005 Page 140 of 2

### 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.

|                   | ROSS D. Turner   |     |
|-------------------|--|-----|
| Date: 7 - 26 - 04 | Signature ROSS D, TURNER                                     |     |
|                   | 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.

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 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 651 Filed 05/09/2005 Page 141 of 2

#### 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: <u>Co//4/04</u>

Signature

Linda Turca

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 of \* 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 651 Filed 05/09/2005 Page 142 of 2

## 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.
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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: 6/14/04

Printed/Typed Name

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

acting as: \_Dwur

Linda Turrie 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.

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 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 651 Filed 05/09/2005 Page 143 of 2

### 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 N | lotice in Lieu of |
|------------------------------------|--|-------------------|
| Summons or in the service of the   | e Notice in Lieu of Summons.                               | 1                 |
|                                    | Sinda Turrin Ran   | 1 Juni            |
| Date: <u>(4/14/04</u>              | Signature Linda Turren Rana                                | ly Turria         |
|                                    | Printed/Typed Name   | J TUTTLE          |
|                                    | If you are acting on behalf of any entity, iden            | tify that you are |
|                                    | acting as:   | of                |
|                                    | (Title)  |                   |
|                                    | (Corporate, Trust, Partnership or other enti               | ity)              |

#### 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 over its person or property. A party who waives service of "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 651 Filed 05/09/2005 Page 144 of 2

# 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: 8-3-09

Printed/Typed Name If you are acting on behalf of any ontity, identify that you are

(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

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 ST<br>FOR THE DIS                                       | TATES T                 | DISTR<br>OF N | UCT COURT<br>EVADA                          |
|-----|--------------|-------------|---|-------------------------|---------------|---|
| 3   | UNIT         | ED STA      | TES OF AMERICA,   |                         | )             |   |
| 4   |              |             | Plaintiff,  |                         | )             | IN EQUITY NO. C-125                         |
| 5   | WAI          | KER RI      | VER PAIUTE TRIBE,   |                         | )<br>)        | SUBFILE NO. C-125-B                         |
| 6   |              |             | Plaintiff-Intervenor,   |                         | ) -           | 20DI IDZ                                    |
| 7   |              | vs.         |   |                         | )             |   |
| 8   | WA           |             | VER IRRIGATION DISTRI   |                         | )             |   |
| 9   | a co         | фоганон     | , et al.,<br>NOTICE OF APPEARAN(                                      | CE AND                  | INTEN         | NT TO PARTICIPATE                           |
| 10  | )            | ı           |   |                         |               |   |
| 1.3 | ւ ∦          | 1.          | I hereby enter my appearar  | nce in this             | sub-pr        | occeeding in this case.                     |
| 1:  | 2            | 2.          | I am filing this document   | with the I              | District      | Court at the following address:             |
| 1   | 3            |             | Chief Deputy Clerk<br>United States District Cot                      | irt for the             |               |   |
| 1   | 4            |             |   |                         |               |   |
| 1   | .5           |             | District of Nevada<br>400 South Virginia Street<br>Reno, Nevada 89501 | ., Juito 3 c            |               | as Seas Notice in Lieu of                   |
| 1   | .6           | 3.          | In the envelope provided  | for return              | of my         | Waiver of Service of Notice in Lieu of      |
| :   | 17   <br> Si | ummons.     | I am mailing a copy of this d   | ocument                 | to:           |   |
| . , | 18           |             | Susan L. Schneider  | States of A             | Americ        | a   |
|     | 19           |             | United States Department Environment & Natural                        | nt of Justi<br>Resource | ce<br>s Divis | ion   |
|     | 20           |             | P.O. Box /56  | <b>50</b>               |               |   |
|     | 21           |             | Littleton, Colorado 8016  | Labalfi                 | am acti       | ing) will retain all defenses or objections |
|     | 22           | 4.          | I (or the entity on whose   | C. Dellail I            | he cou        | except for objections based on a defect     |
|     | 23           | to the law: | suit or to the jurisdiction or v                                      | venue of t              | ne com        | rt except for objections based on a defect  |
|     | 24           | in the Not  | ice in Lieu of Summons or i   | n the serv              | ice oi t      | he Notice in Lieu of Summons.               |
|     | 25           | 5.          | If I (or the entity on whos   | se behalf l             | am act        | ing) have retained an attorney to represent |
|     | 26           | me in the   | se proceedings, I identify th   | at attorne              | y belov       | w, along with his or her mailing address    |
|     | 27           | telephone   | number, and facsimile num   | ber:                    |               |   |
|     | 28           |             | •   |                         |               | - 1 of 2                                    |
|     |              | NOT         | TICE OF APPEARANCE AND  | INTENT T                | O PART        | rICIPATE, page 1 of 2                       |

# Case 3:73-cv-00127-MMD-CSD Document 651 Filed <del>0</del>5/09/2005 Page 146 of 2

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| 14  | (Entity, if any, on  | whose        |
| 15  | behalf you are app   | earing)      |
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| 1   | Pancipo Co   | 2 821231     |
|     | (Address)  303 770 3   | 630          |
|     | (Telephone nu  | ımber)       |
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# Case 3:73-cv-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 147 of 2

## 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 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 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.

Waiver as to Walker River Painte Tribels Counterclaim only

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

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 651 Filed 05/09/2005 Page 148 of 2

#### 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.
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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 Debra A. Vande Brake Date: 8-16-04 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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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 IN FOR THE DISTRICT (   | DISTRICT COURT<br>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.,   | )<br>)<br>)                                   |
| 10 | NOTICE OF APPEARANCE AND IN  | TENT TO PARTICIPATE                           |
| 11 | <ol> <li>I hereby enter my appearance in this st</li> </ol>  | ab-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<br>Reno, Nevada 89501   |   |
| 16 |  | 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 Ame<br>United States Department of Justice<br>Environment & Natural Resources Di |   |
| 20 | P.O. Box 756<br>Littleton, Colorado 80160  |   |
| 22 |  | cting) 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 o   |   |
| 25 | 5. If I (or the entity on whose behalf I am a  | cting) have retained an attorney to represent |
| 26 | me in these proceedings, I identify that attorney below  | ow, along with his or her mailing address,    |
| 27 | telephone number, and facsimile number:  |   |
| 28 |  |   |
|    | NOTICE OF APPEARANCE AND INTENT TO PAR   | RICIPATE, page 1 of 2                         |

# Case 3:73-cv-00127-MMD-CSD Document 651 Filed 95/09/2005 Page 150 of 2

| 1  | Attomey:      |   |
|----|---------------|---|
| 2  |               |   |
| 3  | Address:      |   |
| 4  |               |   |
| 5  |               |   |
| 6  | Phone Number: |   |
| 7  | Fax Number:   | Detra Vande Broke                       |
| 8  |               |   |
| 9  |               | (Signature)                             |
| 10 |               | Debra Vande Bake                        |
| 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 651 Filed 05/09/2005 Page 151 of 2

#### 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: 8-8-04

Signature

Signature

Signature

Signature

Signature

Signature

Signature

NERRY NAME BRAKE

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 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 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 651 Filed 05/09/2005 Page 152 of 2

| 1      |  |  |
|--------|--|--|
| 2      | IN THE UNITED STATES I<br>FOR THE DISTRICT (                                     | DISTRICT COURT<br>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<br>9 | WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,                         | )<br>)<br>)                                  |
| 10     | NOTICE OF APPEARANCE AND IN  | TENT TO PARTICIPATE                          |
| 11     | <ol> <li>I hereby enter my appearance in this su</li> </ol>                      | h-proceeding in this case                    |
| 12     |  |  |
| 13     | 2. I am filing this document with the Dist                                       | fict Court at the following address.         |
| 14     | Chief Deputy Clerk United States District Court for the                          |  |
| 15     | District of Nevada<br>400 South Virginia Street, Suite 301<br>Reno, Nevada 89501 |  |
| 16     |  | 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 Amer United States Department of Justice       | ica  |
| 20     | Environment & Natural Resources Div<br>P.O. Box 756                              | ision  |
| 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 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 I am act                                  | ting) 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  | CICIPATE, page 1 of 2                        |

#### Case 3:73-cy-00127-MMD-CSD Document 651 Filed-05/09/2005 Page 153 of 2 Attorney: Address: Phone Number: Fax Number: (Entity, if any, on whose behalf you are appearing) (Address) (Telephone number)

#### Case 3:73-cy-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 154 of 2

#### 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 t       | o the la | awsuit |
|---|----------|--------|
| or to the jurisdiction or venue of the Court except for objections based on a defect in the Not |          |        |
| 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 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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| 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.,                 | )<br>)<br>)                                 |  |
| 10 | NOTICE OF APPEARANCE AND INT   | TENT TO PARTICIPATE                         |  |
| 11 | I hereby enter my appearance in this sub                                 | p-proceeding in this case.                  |  |
| 12 | 2. I am filing this document with the Distri                             |   |  |
| 13 | Chief Deputy Clerk   |   |  |
| 14 | United States District Court for the District of Nevada                  |   |  |
| 15 | 400 South Virginia Street, Suite 301<br>Reno, Nevada 89501               |   |  |
| 16 | 3. In the envelope provided for return of m                              | ny Waiver of Service of Notice in Lieu of   |  |
| 17 | Summens, I am mailing a copy of this document to:                        |   |  |
| 18 | Susan L. Schneider Attorney for the United States of Ameri               | ca  |  |
| 20 | United States Department of Justice Environment & Natural Resources Divi |   |  |
| 21 | P.O. Box 756<br>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 cou                | rt except for objections based on a defect  |  |
| 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 |  |   |  |
|    | , ·  |   |  |

#### Case 3: 73-cy-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 156 of 2 Attorney: Address: Phone Number: Fax Number: (Signature) (Printed or typed Name) 1.2 1.3 (Entity, if any, on whose behalf you are appearing) (Telephone number)

#### Case 3:73-cy-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 157 of 2

#### 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: 3-17-2005

Signature

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 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 bught 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 a 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,  | )<br>)                                      |  |
| 5        | WALKER RIVER PAIUTE TRIBE,  | IN EQUITY NO. C-125                         |  |
| 6        | Plaintiff-Intervenor,   | SUBFILE NO. C-125-B                         |  |
| 7        | vs.   | ,<br>)                                      |  |
| 9        | WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,                    | )<br>)                                      |  |
| 10       | NOTICE OF APPEARANCE AND INT  | TENT TO PARTICIPATE                         |  |
| 11<br>12 | 1. I hereby enter my appearance in this sub                                 | p-proceeding in this case.                  |  |
| 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<br>Reno, Nevada 89501                  |   |  |
| 16<br>17 | 3. In the envelope provided for return of π                                 | ny Waiver of Service of Notice in Lieu of   |  |
| 18       | Summons, I am mailing a copy of this document to:                           |   |  |
| 19       | Susan L. Schneider Attorney for the United States of Ameri                  | ca  |  |
| 20       | United States Department of Justice<br>Environment & Natural Resources Divi | sion  |  |
| 21       | P.O. Box 756<br>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 cou                   | rt except for objections based on a defect  |  |
| 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       |   |   |  |
|          | N   |   |  |

# Case 3:73-cy-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 159 of 2

| 1  | Attorney:     |  |
|----|---------------|--|
| 2  |               |  |
| 3  | Address:      |  |
| 4  |               |  |
| 5  |               |  |
| 6  | Phone Number: | ••                                     |
| 7  | Fax Number:   | 1 11/1                                 |
| 8  |               | Juliolayha                             |
| 9  |               | (Signature)                            |
| 10 |               |  |
| 11 |               | (Printed or typed Name)                |
| 12 |               | (I filled of typed (valle)             |
| 13 |               |  |
| 14 |               | (Entity, if any, on whose              |
| 15 |               | behalf you are appearing)              |
| 16 |               | 1184 Hwy 208                           |
| 17 |               | Yerin Jon NV 89447<br>(Address)        |
| 18 |               | (775) 463-4867                         |
| 19 |               | (Telephone number)                     |
| 20 |               |  |
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| 22 |               |  |
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#### Case 3:73-cv-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 160 of 2

#### 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.

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 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 651 Filed 05/09/2005 Page 161 of 2

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

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

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|---|-------------------|
| or to the jurisdiction or venue of the Court except for objections based on a defect in the N | Notice in Lieu o  |
| Summons or in the service of the Notice in Lieu of Summons.                                   |                   |

Date: (0-/4-04)

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 Tripe) 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 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-cy-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 162 of 2

#### 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: //-2004

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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#### 3-cv-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 163 of 2 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., 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 14 United States District Court for the 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: 13 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 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

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

#### Case 3:73-cv-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 164 of 2 Attorney: Address: Phone Number: Fax Number: (Signature) (Printed or typed Name) (Entity, if any, on whose behalf you are appearing) (Address) 95/-926-6396 (Telephone number) Po 130x 10026 COSTA MESA, CA 92627

#### Case 3:73-cy-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 165 of 2

#### 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: 1/-34-2004    | Spirley Willow  |              |
|---------------------|---|--------------|
| Date: 1/2 A 7 200 / | Signature //  |              |
|                     | Printed/Typed Name                                      |              |
|                     | If you are acting on behalf of any entity, identify the | at you 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

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#### 3-cv-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 166 of 2 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. 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. 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 400 South Virginia Street, Suite 301 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 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 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 27 telephone number, and facsimile number: 28

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

| se 3. | Attomey:                  |
|-------|---------------------------|
| 2     |                           |
| 3     | Address:                  |
| 4     |                           |
| 5     |                           |
| 6     | Phone Number:             |
| 7.    | Fax Number:               |
| 8     | Sherley J. Villa          |
| 9     | (Signature)               |
| 10    |                           |
| 11    | Shirley I Villa           |
| 12    | (Printed or typed Name)   |
| 13    |                           |
| 14    |                           |
| 15    | (Entity, if any, on whose |
| 16    | behalf you are appearing) |
| 17    |                           |
| 18    | (Address)<br>951-951-6398 |
| 19    | (Telephone number)        |
| 20    | Po Box 1002 6             |
| 21    | COSTA MESA, CA            |
| 22    |                           |
| 23    | 92627                     |
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#### Case 3:73-cy-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 168 of 2

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

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| Date: 6/8/04 | Signature VIRGINIA Sue VIRDIN  Printed/Torond No.                           |
|--------------|---|
|              | Trinted 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 651 Filed 05/09/2005 Page 169 of 2

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

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

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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.

Signature Signature Date: 6/8/04 Signature Liste (Am Michael ) 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 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-cy-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 170 of 2

#### 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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|               | Ocetoria E. Torhees                                      |         |
|---------------|--|---------|
| Date: 7-24-04 | Signature  |         |
|               | VICTORIA E VORHIES                                       |         |
|               | 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

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#### Case 3:73-cy-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 171 of 2

#### 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: 07 - 24 - 2004 | Signature  NULLIAN L. VORMIES JR  Brinted (Tymed Name)      |       |
|----------------------|---|-------|
|                      | Printed/Typed Name  |       |
|                      | If you are acting on behalf of any entity, identify that yo | u 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 651 Filed 05/09/2005 Page 172 of 2

#### 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: 7/27/04

Signature

WAYNE E BENNETT

Printed/Typed Name

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

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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. 9 a corporation, et al., NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE 2.0 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 15 400 South Virginia Street, Suite 301 Reno, Nevada 89501 ...6 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 Environment & Natural Resources Division 2.0 P.O. Box 756 Littleton, Colorado 80160 21 4 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 24 in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons. 5. 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, 26 telephone number, and facsimile number: 27 28

# Case 3: 73-cv-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 174 of 2

| 1  | Attorney:     |   |
|----|---------------|---|
| 2  |               |   |
| 3  | Address:      |   |
| 4  |               |   |
| 5  |               |   |
| 6  | Phone Number: |   |
| 7  | Fax Number:   |   |
| 8  |               | 1. E. Bennett                             |
| 9  |               | (Signature)                               |
| 10 |               |   |
| 11 |               | WAYNEE SeNNOTT                            |
| 12 |               | (Printed or typed Name)                   |
| 13 |               |   |
| 14 |               | WAL Trust                                 |
| 15 |               | (Entity, if any, on whose                 |
| 16 |               | behalf you are appearing)  1199211 June 1 |
| 17 |               | F/ (atjan Ca<br>(Address) 92020           |
| 18 |               |   |
| 19 |               | (Telephone number)                        |
| 20 |               | (1010phono manost)                        |
| 21 | ·             |   |
| 22 |               |   |
| 23 |               |   |
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| 25 |               |   |
| 26 |               |   |
| 27 |               |   |

#### Case 3:73-cv-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 175 of 2

#### 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.
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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: 06/14/2004

Printed/Typed Name

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

acting as:

Chairman of

(Corporate, Trust, Partnership or other entity)

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

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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 651 Filed 05/09/2005 Page 176 of 2

#### 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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Printed/Typed Name

If you are acting on behalf of any entity identify that you are acting as: Mensures [as no of

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

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| 1          |  |  |  |
|------------|--|--|--|
| 2          | IN THE UNITED STATES DEFOR 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.  |  |  |
| 8<br>9     | WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,   | )<br>)<br>)                                  |  |
| 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 Distr  |  |  |
| 13         | Chief Deputy Clerk   |  |  |
| 14         | United States District Court for the District of Nevada  |  |  |
| 15         | 400 South Virginia Street, Suite 301<br>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  <br>20 | Attorney for the United States of Ameri<br>United States Department of Justice<br>Environment & Natural Resources Divi   |  |  |
| 20<br>21   | P.O. Box 756 Littleton, Colorado 80160   | SIOII  |  |
| 22         |  | ting) will retain all defenses or objections |  |
| 23         |  | <u>.</u>                                     |  |
| 24<br>24   | 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. |  |  |
|            |  |  |  |
| 25         | 5. If I (or the entity on whose behalf I am act  |  |  |
| İ          | 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 PART  | ICIPATE, page 1 of 2                         |  |

# Case 3:73-cv-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 178 of 2

|    | H.          |                           |
|----|-------------|---------------------------|
| 1  | Attorney:   |                           |
| 2  |             |                           |
| 3  | Address:    |                           |
| 4  |             |                           |
| 5  |             |                           |
| 6  | <b>31</b>   | 775-788-2000              |
| 7  | Fax Number: | 773-788-2020              |
| 8  |             | To Ergin                  |
| 9  |             | (Signature)               |
| LO |             |                           |
| 11 |             | Lea P. Bergin             |
| 12 |             | (Printed or typed Name)   |
| .3 |             |                           |
| .4 |             | Walker River Landy-       |
| .5 |             | (Entity, if any, on whose |
| .6 |             | behalf you are appearing) |
| 7  |             | 2840 NE vend 89505        |
| 8  |             | (Address)                 |
| 9  |             | 775-788-200               |
| 0  |             | (Telephone number)        |
| 1  |             |                           |
| 2  |             |                           |
| з  |             |                           |
| 4  |             |                           |
| 5  |             |                           |
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| 11 |             |                           |

#### Case 3:73-cv-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 179 of 2

OFFICIAL RECORDS LYON COUNTY, NEV. RECORD REQUESTED BY

WESTERN TITLE CO. INC.

04 FEB -5 PM 2: 37

MARY C. WILLIGAN COUNTY BECORDER

APN: 12-361-06 RPTT 1/82-50

WHEN RECORDED MAIL TO:

PAUL P SANS Name Street

**45610 AIRLINE HIGHWAY** 

Address. City, State

KING CITY, CA 93930

Zip

MAIL TAX STATEMENTS TO:

Name Street 政队 P SANS 46610 AIRLINE HIGHWAY

Address City,State

CA 93930

Zip Order

No.

00089482-

7955 UC

(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, DEIRDRE WALLACE, an unmarried woman, do(es) hereby ERAND(s) BARGAIN SELL and CONVEY to PAUL P SANS and SANDRA J. ROBISON SANS, husband and wife as community property 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:

TOWNSHIP 12 NORTH, RANGE 25 EAST, M.D.B. & M.

SECTION 26: THE SOUTH 1/2 OF THE SOUTH 1/2 OF NORTHEAST 1/4.

NOTE(NRS 111.312) The above metes and bounds description appeared previously in that certain Quitclaim Deed, recorded in the office of the County Recorder of Lyon County, Nevada on March 21, 2001 as Document No. 258744 of Official Records.

TOGETHER with all tenements, hereditaments and appurtenances, if any, thereto belonging or appertaining, and any reversions, remainders, rents, issues or profits thereof. INCLUDING ANY AND ALL WATER RIGHTS TO SUBJECT PROPERTY

Dated: February 2, 2004

313414

#### Case 3:73-cv-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 180 of 2

Grant, Bargain and Sale Deed - Page 2

| *Dendu Wallace  |
|---|
| DEIRDRE WALLACE   |
|   |
| ~~  |
|   |
|   |
| C   |
| STATE OF NEVADA  SSS  SSS  SSS  SSS  SSS  SSS  SSS              |
| COUNTY OF douglas This instrument was acknowledged before me on |
| 2/3/04  |
| by DEIRDRE WALLACE  |
|   |
| Notary Public   |
| NOTARY PUBLIC   |

My Appointment Expires June 14, 2006

| Division                               |  |                       |                        | WAI  | ALKER RIVE  | ATION DISTRICT        | STRICT                  |                              |               |  |                      |                |
|--|--|-----------------------|------------------------|--|---|-----------------------|-------------------------|------------------------------|---------------|--|----------------------|----------------|
| Card #; 44540<br>Name: Paul P.         | 44540<br>Paul P. Sans and Sandra J. Robison Sans | a J. Robison          | Sans                   |  |   |                       |                         |                              |               | Index No. Lyon County No.  | 361-06               | Cas            |
| Address: 45610 King C                  | 45610 Airline Highway<br>King City, CA 93930     |                       |                        |  |   |                       |                         |                              |               | Claim No.<br>User#<br>Ditch  | 71<br>2548<br>Hilbun | s <b>e</b> 3:7 |
| Court Decree: C-125,                   | C-125, P.30; Hilbun, James                       | nes                   |                        | . !  |   |                       |                         |                              |               |  |                      | 73-            |
| PRIORITY C.F.S.                        | ACRES  | MΩ                    | DAYS                   | ACRE FEE   | ACRÈ FEET REQUIRED ER ACRE TOTAL  | ACRE FEET APPORTIONED | TOPAZ RES.<br>ACRE FEET | BRIDGEPORT RES.<br>ACRE FEET | CLAIM #       | TOTAL ACRES  | 40                   | CV-(           |
| 1873 .060                              |  | 3.2076                |                        |  | 000   |                       |                         |                              | 7.1           | Water Dr. Acres  |                      | 001            |
| 1902 .060                              |  | 3.2076                | 34                     | 8208.  | 4.040   |                       |                         |                              | 71            | Added No. Acres  | 40.                  | B2.            |
| NEWL<br>TOTAL .120                     | 30.000   | 3.2076                | 65                     | 1.5444   | 46.330  | 50.38                 | 00.                     | 50.38                        |               | Non Wtr Rt. Acres  |                      | <b>Z</b> -N    |
|  |  |                       |                        |  |   |                       |                         |                              |               | Acre Feet Storage  | 50.                  | 1\ <b>#</b> D  |
| LEGAL DESCRIPTION:                     |  |                       |                        |  |   |                       | COMMENTS:               |                              |               |  |                      | 1              |
| Fr. S 1/2 of S 1/2 of NE 1/4, Sec. 26; | ₹ 1/4, Sec. 26;                                  |                       |                        |  |   | 2                     | 3/22/04 -               | Transferred fron             | n Wallace, D  | 3/22/04 - Transferred from Wallace, Deirdre - Card #55985  | 85                   | SI             |
| T 12 N - R 25 E                        |  |                       |                        |  |   |                       |                         |                              |               |  |                      | ו כ            |
| DOCUMENT HISTORY:                      |  |                       |                        | o la   |   |                       |                         |                              |               |  |                      | 00             |
| DOCUMENT#                              | DATE   | DESCRIPTION           | Ž.                     | <u> </u>   |   |                       |                         |                              |               |  |                      | C              |
| #34-500                                | 01/02/48   | State of N            | levada to              | State of Nevada to Asburn C. Ross (Pat)                          | ss (Pat).   |                       |                         |                              |               |  |                      | ur             |
| #102972                                | 10/17/86   | Katherine             | M. Hame                | r Deceased to  | Katherine M. Hamer Deceased to John M. Hamer,   |                       |                         |                              |               |  |                      | 'ne            |
| #103556                                | 11/18/86   | John M. F             | lamer to               | John M. Hamer to John M. & Maryanna Hamer                        | yanna Hamer.  |                       |                         |                              |               |  |                      | en             |
| #196502                                | 08/20/96   | John Mary             | ray & Mar              | vanna Hamer  | John Mirray & Marzana Hamer Trustose of the John Mir.   | mer trust.            | 0 4000                  |                              | 4.            |  |                      | t e            |
|  |  | Trustees              | of the Wil             | liam M. Weave  | Trustees of the William M. Weaver, Jr. Revocable Trust Agreement dated 10/15/86                                   | Trust Agreeme         | nt dated 10/15/k        | na Hamer irust<br>86.        | to vvilitam M | Trustees of the William M. Weaver, Jr. Revocable Trust Agreement dated 10/15/86.                                       | semary F. Weave      | 35             |
| #205111                                | 05/07/97   | William M<br>Boardmar | I. Weaver<br>n, Wife & | William M. Weaver & Rosemary W<br>Boardman, Wife & Husband as Jo | Weaver, Trustees<br>Joint tenants.  | s of the William      | M. Weaver, Jr.          | Revocable Trus               | t Agreement   | Weaver, Trustees of the William M. Weaver, Jr. Revocable Trust Agreement to Deirdre Wallace & Dennis Joint tenants.    |                      | 1 F            |
| #258744                                | 03/21/01   | Deirdre W             | allace &               | Arthur Dennis  | Deirdre Wallace & Arthur Dennis Boardman to Deirdre Wallace, an unmarried woman as her sole and separate property | sirdre Wallace,       | in unmarried w          | oman as her so               | le and separ  | ate property   |                      | ile            |
| #313414                                | 02/05/04   | Deirdre W             | /allace, ar            | unmarried w  | oman to Paul P.   | Sans and Sand         | ra J. Robison S         | ans, husband a               | ind wife as c | Deirdre Wallace, an unmarried woman to Paul P. Sans and Sandra J. Robison Sans, husband and wife as community property |                      | ed             |
|  |  |                       |                        |  |   |                       |                         |                              |               |  |                      | 05/09/2005 I   |
|  |  |                       |                        |  |   |                       |                         |                              |               |  | . a.g.a              | Page 18        |
|  |  |                       |                        |  |   |                       |                         |                              |               | WRID   | WRID 06/30/04        | 31 of 2        |

# Case 3:73-cv-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 182 of 2

# 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 & Summons.

Date: 6/28/04

Signature

JOSEPH A. WARBURTON

Printed/Typed Name

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

acting as:

(Title) WARBURTON 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 prought 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 mmons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

| 3   | L            |   |   |
|-----|--------------|---|---|
| 2   |              | IN THE UNITED STATES FOR THE DISTRICT                                     | S DISTRICT COURT<br>I OF NEVADA               |
| 3   | UNITED       | STATES OF AMERICA,  | )   |
| 4   |              | Plaintiff,  |   |
| 5   |              | R RIVER PAIUTE TRIBE,   | )<br>) IN EQUITY NO. C-125                    |
| 6   |              | Plaintiff-Intervenor.   | ) SUBFILE NO. C-125-B                         |
| 7   | Vs.          | ,   | )<br>)  |
| 9   | WALKER       | RIVER IRRIGATION DISTRICT.  |   |
| 10  |              | NOTICE OF APPEARANCE AND I  | 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 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  | 3.           |   | my Waiver of Service of Notice in Lieu of     |
| 1.8 | Summors,     | I am mailing a copy of this document to:                                  | # 29 H 29                                     |
| 19  |              | Susan L. Schneider Attorney for the United States of Ame                  | 의 돈" : : : : : : : : : : : : : : : : : :      |
| 20  |              | United States Department of Justice<br>Environment & Natural Resources Di | vision vision                                 |
| 21  |              | P.O. Box 756<br>Littleton, Colorado 80160                                 | ω   |
| 22  | 4.           | I (or the entity on whose behalf I am a                                   | cting) will retain all defenses or objections |
| 23  | to the lawsu | ait or to the jurisdiction or venue of the co                             | ourt except for objections based on a defect  |
| 24  | in the Notic | e 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                               | cting) have retained an attorney to represent |
| 26  | me in these  | proceedings, I identify that attorney belo                                | w, along with his or her mailing address,     |
| 27  | telephone ni | umber, and facsimile number:  |   |
| 28  |              |   |   |
|     | NOTIC        | E OF APPEARANCE AND INTENT TO PART  | TICIDATE name 1 of 2                          |

# Case 3:73-cv-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 184 of 2

| 1   | Attorney:                             |
|-----|---------------------------------------|
| 2   |                                       |
| 3   | Address:                              |
| 4   |                                       |
| 5   |                                       |
| - 6 | Phone Number:                         |
| 7   | Fax Number:                           |
| 8   | John Calender                         |
| 9   | (Signature)                           |
| 1.0 |                                       |
| 1.1 | JOSEPH A. WARBURTON                   |
| 12  | (Printed or typed Name)               |
| 13  | WARBURTON                             |
| 14  | FAMILY TRUST                          |
| 1.5 | (Entity, if any, on whose             |
| 1.6 | behalf you are appearing) 20 MOORE IN |
| 1.7 | RENO, NV 89509                        |
| 18  | (Address)                             |
| 19  | (775)-825-7814                        |
| 20  | (Telephone number)                    |
| 21  |                                       |
| 22  |                                       |
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|     |                                       |

# Case 3:73-cy-00127-MMD-CSD Document 651 Filed-05/09/2005 Page 185 of 2

#### 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: <u>6/5/64</u>

Laver

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 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.

# Case 3: 3-cy-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 186 of 2

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., 9 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: 2. 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 in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons. 24 25 5. If I (or the entity on whose behalf I am acting) have retained an attorney to represent me in these proceedings, I identify that attorney below, along with his or her mailing address, 26 27 telephone number, and facsimile number: 28

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

|        | <b>,</b>   |
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| Case 3 | :73-cy-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 187 of 2  Attorney: Dele Ferr wow  woodburn to wedge |
| 1      | Money: Vare Wedge  |
|        |  |
| 3      | Address: POBOX 23//<br>Rong NV 89505   |
| 4      | KONG, WIN OPS COS  |
| 5      | Phone Number:  |
| ·- 6   | $\cdot$  |
| 7<br>8 | Fax Number:  |
| 9      | (Signature)  |
| 10     |  |
| 11     | Lauren 5'Clark   |
| 12     | (Printed or typed Name)  |
| 13     |  |
| 14     |  |
| 15     | (Entity, if any, on whose  |
| 16     | behalf you are appearing) 900 North Porkt  |
| 17     | Chocalote Body Stard-20  |
| 18     | (Address)<br>Lew Francisco, A  |
| 19     | (Telephone number) Price   |
| 20     |  |
| 21     | 415-202-850l   |
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# Case 3:73-cv-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 188 of 2

# 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: 15 June 2074 | Signature VILLE GALLE TARES                             |             |
|--------------------|---|-------------|
|                    | Printed/Typed Name                                      |             |
|                    | If you are acting on behalf of any entity, identify the | hat 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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# Case 3: 73-cv-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 189 of 2

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 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: 2. 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: 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 I (or the entity on whose behalf I am acting) will retain all defenses or objections 4. 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 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 651 Filed 05/09/2005 Page 190 |
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| 1      | Attomey: Dele Coodburn Cuede                                |
| 2      | Cercodourn + cercoge  |
| 3      | Address: PO Box 2311  |
| 4      | Address: PO Box 2311 Reno, NV 89505                         |
| 5      |   |
| - ნ    | Phone Number:   |
| 7      | Fax Number:   |
| 8      | May Mines Ska   |
| 9      | (Signature)   |
| 10     |   |
| 11     | Many Manyane + 11 mas                                       |
| 12     | (Printed or typed Name)                                     |
| 13     |   |
| 14     |   |
| 15     | (Entity, if any, on whose                                   |
| 16     | behalf you are appearing)                                   |
| 17     | San Francisco CA 9415                                       |
| 18     | (Address)   |
| 19     | V15-921-4909  |
| 20     | (Telephone number)  |
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# Case 3:73-cv-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 191 of 2

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Date: 3-18-05

Signature

DAVID WARK

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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# Case 3:73-cv-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 192 of 2

| -  i™ |   | 1104 00/00/2000 1 ago 102 01                          |
|-------|---|---|
| 2     | IN THE UNITED STATES I<br>FOR THE DISTRICT  | DISTRICT COURT<br>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 IT   |   |
| 11    | <ol> <li>I hereby enter my appearance in this s</li> </ol>                                  | ub-proceeding in this case.                           |
| 12    | <ol> <li>I am filing this document with the Dis</li> </ol>                                  | strict Court at the following address:                |
| 13    | Chief Deputy Clerk United States District Court for the                                     |   |
| 14    | District of Nevada<br>400 South Virginia Street, Suite 301                                  |   |
| 16    | Reno, Nevada 89501  | f my Waiver of Service of Notice in Lieu              |
| 17    |   | , my wares  |
| 13    | Summons. I am mailing a copy of this document to:   |   |
| 19    | Susan L. Schneider Attorney for the United States of Am United States Department of Justice |   |
| 20    | Environment & Natural Resources D   | ivision   |
| 21    | Littleton, Colorado 80160   | acting) will retain all defenses or objectic          |
| 22    | 4. I (or the entity on whose behalf I am  | acting) with for objections based on a defe           |
| 23    | to the lawsuit or to the jurisdiction or venue of the c                                     | Set - Mexica in Lieu of Summons.                      |
| 24    | in the Notice in Lieu of Summons or in the service of                                       | of the Notice in free or summer to represe            |
| 25    | 5. : If I (or the entity on whose behalf I am   | acting) have retained an acting of directions address |
| 26    | me in these proceedings. I identify that attorney be  | low, along with his of her manning address            |
| 27    | telephone number, and facsimile number:   |   |
| 28    |   |   |
|       | TO PARTY AND INTENT TO PA   | RTICIPATE, page 1 of 2                                |

| Case 3:73 | -cv-00127-MMD-CSD Docume | ent 651 Filed 05/09/2005 Page 193 o                 |
|-----------|--------------------------|---|
| 2         |                          |   |
| 3         | Address:                 |   |
| 4         |                          |   |
| 5         | -                        |   |
| 6         | Phone Number:            |   |
| 7         | Fax Number:              | .01   |
| 8         |                          | David Wan   |
| 9         |                          | (Signature)   |
| 10        |                          |   |
| 11        |                          | DAVID WARR  |
| 12        |                          | (Printed or typed Name)                             |
| 13        |                          |   |
| 14        |                          | cm - 'C whose                                       |
| 15        |                          | (Entity, if any, on whose behalf you are appearing) |
| 16        |                          | 1 Farrell LN  |
| 17        |                          | Yerington, NV 89447                                 |
| 18        |                          | (Address) <sup>8</sup><br><u>775-463-4706</u>       |
| 19        |                          | (Telephone number)                                  |
| 20        |                          |   |
| 21        |                          |   |
| 22        |                          |   |
| 23        |                          |   |
| 24        |                          |   |
| 25        | <u>;</u>                 |   |
| 26        | · ·                      |   |
| 27        |                          |   |
| 78        |                          |   |

# Case 3:73-cy-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 194 of 2

#### 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 OPDER 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

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 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. Schneider with a notice of appearance and intent to participate.

3 Farrell Lane, Yenington, NV 89447

Exhibit 197

# Case 3:73-cy-00127-MMD-CSD Document 651 Filed-05/09/2005 Page 195 of 2

| - 1 |   |                                       |
|-----|---|---------------------------------------|
| 2   | IN THE UNITED STATES DIS<br>FOR THE DISTRICT OF                               | STRICT COURT<br>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 INTE   | 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                                 | t 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<br>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 Divisi<br>P.O. Box 756                        | on                                    |
| 21  | Littleton, Colorado 80160   | all defences or objection             |
| 22  | I (or the entity on whose behalf I am actir                                   |                                       |
| 23  | to the lawsuit or to the jurisdiction or venue of the court                   |                                       |
| 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 actin                             |                                       |
| 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 PARTIC                                     | CIPATE, page 1 of 2                   |

| Case 3:73 | 3-cy-00127-MMD-CSD Document 65 | 1 Filed 05/09/2005 Page 196 of     |
|-----------|--------------------------------|------------------------------------|
| 1         | Attomey:                       |                                    |
| 2         |                                |                                    |
| 3         | Address:                       |                                    |
| 4         | - ·                            |                                    |
| 5         |                                |                                    |
| 6         | Phone Number:                  |                                    |
| 7         | Fax Number:                    | + Only C. War                      |
| 8         |                                | 70                                 |
| 9         |                                | (Signature)                        |
| 10        |                                | John C. Warr                       |
| 11        |                                | (Printed or typed Name)            |
| 12        |                                | (c.m.)                             |
| 13        |                                |                                    |
| 14        |                                | (Entity, if any, on whose          |
| 15        |                                | behalf you are appearing)          |
| 16        |                                | Yenng Ten. NV 89447                |
| 17        |                                | Yering Ton, NV. 89447<br>(Address) |
| 18        |                                | 727-561-0570                       |
| 19        |                                | (Telephone number)                 |
| 20        |                                |                                    |
| 21        |                                |                                    |
| 22        |                                |                                    |
| 23        |                                |                                    |
| 24        |                                |                                    |
| 25        | <b>:</b>                       | •<br>•                             |
| 26        |                                |                                    |
| 27        |                                |                                    |
|           | #                              |                                    |

## Case 3:73-cy-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 197 of 2

#### 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: 6 23-05

Signature

Ches (e.g. & Wass

Printed/Typed Name

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

(Title)

WR55 Trestments

(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 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 651 Filed 05/09/2005 Page 198 of 2

#### 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.

|               | Debi Riwasser  |     |
|---------------|--|-----|
| Date: 8/26/04 | Signature<br>Debi L. Wasser                                  |     |
|               | Printed/Typed Name   |     |
|               | If you are acting on behalf of any entity, identify that you | аге |
|               | 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 'nught 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 u 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 651 Filed-05/09/2005 Page 199 of 2

# 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: 3-26-04 | Signature ROBERT E. WASSER JR.  |
|---------------|---|
|               | Printed/Typed ivame  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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## Case 3:73-cy-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 200 of 2

#### 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: June 19 2004

Printed (Tomad Normal

Printed/Typed Name

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

acting as: Trustee

(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 651 Filed 05/09/2005 Page 202 of 2

| 1    | Attorney:                   |
|------|-----------------------------|
| 2    |                             |
| 3    | Address:                    |
| 4    |                             |
| 5    |                             |
| 6    | Phone Number:               |
| 7    | Fax Number:                 |
| 8    | Juli lave                   |
| 9    | (/(Signature)               |
| 10   |                             |
| 11   | Tichn Wagvar                |
| 12   | (Printed or typed Name)     |
| 13   |                             |
| 14   | (Entity, if any, on whose   |
| 15   | behalf you are appearing)   |
| 6    | 59 Rountree Ly              |
| 17   | Smith NU 89430<br>(Address) |
| .0   | (775) 465.2328              |
| 20   | (Telephone number)          |
| 21   |                             |
| 22   |                             |
| 3    |                             |
| 4    |                             |
| .5   |                             |
| 6    |                             |
| 7    |                             |
| - 11 |                             |

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## Case 3:73-cv-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 203 of 2

#### 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: Signature

Signature

Luva K. Meaver

Printed/Typed Name

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

(Title)

John Weaver Family (vust

(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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| -        |  |   |
|----------|--|---|
| 2        | IN THE UNITED STATES DI<br>FOR THE DISTRICT O                                |   |
| 3        | UNITED STATES OF AMERICA,  | )   |
| 4 1      | Plaintiff,   | )<br>)                                      |
| 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.,                     | )<br>)<br>)                                 |
| 10       | NOTICE OF APPEARANCE AND INT   | TENT TO PARTICIPATE                         |
| 11       |  |   |
| 12       | 1. I hereby enter my appearance in this sub                                  | -proceeding in this case.                   |
| 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<br>Reno, Nevada 89501                   |   |
| 16       | <ol> <li>In the envelope provided for return of m</li> </ol>                 | y Waiver of Service of Notice in Lieu of    |
| 17       | Summons, I am mailing a copy of this document to:                            |   |
| 18<br>19 | Susan L. Schneider Attorney for the United States of Americ                  | ca  |
| 20       | United States Department of Justice<br>Environment & Natural Resources Divis |   |
| 21       | P.O. Box 756<br>Littleton, Colorado 80160                                    |   |
| 22       | 4. I (or the entity on whose behalf I am acti                                | ing) will retain all defenses or objections |
| 23       | to the lawsuit or to the jurisdiction or venue of the cour                   | rt except for objections based on a defect  |
| 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 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       |  |   |
|          | NOTICE OF APPEARANCE AND INTENT TO PARTI                                     | cipate, page 1 of 2                         |

# Case 3:73-cy-00127-MMD-CSD Document 651 Filed-05/09/2005 Page 205 of 2

| 1   | Attorney:     |                                    |
|-----|---------------|------------------------------------|
| 2   |               |                                    |
| 3   | Address:      |                                    |
| 4   |               |                                    |
| 5   |               |                                    |
| 6   | Phone Number: |                                    |
| 7   | Fax Number:   |                                    |
| 8   |               | Lusa K. Weaver                     |
| ا و |               | (Signature)                        |
| 10  |               |                                    |
| 11  |               | Lura K Weaver                      |
| 12  |               | (Printed or typed Name)            |
| 13  |               |                                    |
| 14  |               |                                    |
| 15  |               | (Entity, if any, on whose          |
|     |               | behalf you are appearing)          |
| 16  |               | 59 Rountree Lane<br>Smith NV 89430 |
| 17  |               | (Address)                          |
| 18  |               | 775-465-2328                       |
| 19  |               | (Telephone number)                 |
| 20  |               |                                    |
| 21  |               |                                    |
| 22  |               |                                    |
| 23  |               |                                    |
| 24  |               |                                    |
| 25  |               |                                    |
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| Division #   |                                       |  |                                  |  | WALK  | WALKER RIVER<br>YERING | ATION DISTRICT   | STRICT   |  |  |  | •               |             |
|--|---------------------------------------|--|----------------------------------|--|---|------------------------|--|--|--|--|--|-----------------|-------------|
| Card #:  | 66100                                 |  |                                  |  | i   |                        | e de la companya de l |  |  |  | Index No.  | 2731-11         |             |
| Name:  | John & Lu                             | John & Lura Weaver Family Trust  | ily Trust                        |  | į !   |                        | THE STATE OF THE S | The state of the s |  | . 24<br>. 25<br>. 25<br>. 25<br>. 25<br>. 25<br>. 25<br>. 25<br>. 25 | Lyon County No.  | 10-10-10-1      | C           |
|  | John R. &                             | John R. & Lura K. Weaver, Trustees   | r, Trustees                      |  |   |                        | C.   | 1950年のアン   |  |  | Claim No.  | 2480            | as          |
| Address:   | 59 Rowntree Lane                      | ee Lane  |                                  |  | i   |                        | الات<br>[]<br>إلا  |  |  | ا<br>الأدار<br>الأدار  | Diser #  | 2017            | e           |
|  | Smith, NV 89430                       | 89430  |                                  |  | 1 1   | O. & M.                | O. & M. Local No. 4  |  |  |  | Ditcn  | 2010            | 3           |
| Court Decree:  | PROVISI                               | "PROVISIONAL" C-125, P.46; Van Fleet, A.J.   | .45; Van Fle                     | et, A.J.                                 |   |                        |  |  |  |  |  |                 | :7          |
|  |                                       |  |                                  | MAVE                                     | ACRETET REGUIRED                              | FOURED                 | ACRE PEET  | TOPAZ RES.   | BRIDGEPORT RES.  |  |  |                 | 3-(         |
| PRIORITY   | C.F.S.                                | ACRES  | 7100<br>¥1                       | STORAGE                                  | PER ACRE                                      | TOTAL                  | APPORTIONED  | ACRE PEET  | ACRE FEET  | CLAIM #  | IOIAL ACRES  |                 | <b>CV</b> : |
| 1880   | 700                                   | 68.000   | 3.2078                           | 52                                       | 426   | 34.450                 |  |  |  | 167  | Water Rt. Acres  | •               | - <b>Q</b>  |
| 1891   | 096                                   | 80.000   | 3.2076                           | 31                                       | .7366   | 68,930                 |  |  |  | 157  | Non Wit Rt. Acres  |                 | 1           |
| NEWL   |                                       | 37.000   | 4.2768                           | 65                                       | 2.0692  | 76.190                 |  |  |  |  |  |                 | 27          |
| CHED CTC   |                                       | 000  | 4.2768                           | 99                                       | 2.0592  | 190.790                |  |  |  |  | <del>-</del>   |                 | 7-          |
| TOTAL  | 1.660                                 | 175.000  |                                  |  | •   | 360.360                | 360.38   | 360.36   | 00.  |  | Acre Feet Storage  |                 | 360         |
|  |                                       |  |                                  |  |   |                        |  |  |  |  |  |                 | M           |
| LEGAL DESCRIPTION  | NO                                    |  |                                  |  |   |                        |  | COMMENTS   |  |  |  |                 | D-          |
| W 1/2 of SW 1/4 of NW W 1/2 of NE 1/4, Sec. 6; T 10 N, R 24 E. | 1/4 of NW 1/<br>1/4, Sec. 6;<br>24 E. | W 1/2 of SW 1/4 of NW 1/4, E 1/2 of NE 1/4, Sec. 4;<br>W 1/2 of NE 1/4, Sec. 6;<br>T 10 N, R 24 E. | 4, Sec. 4;                       |  |   |                        |  | Also APN<br>06/10/87   | Also APN 10-731-03 06/10/87 - PROVISIONAL water card until Ci<br>to piace of use. 06/10/87 - index card 273A & 561 combined. | water card t<br>A & 561 corr   | Also APN 10-731-03 06/10/87 - PROVISIONAL water card until Claim #167 amended as to place of use. 06/10/87 - index card 273A & 561 combined. | ended as        | CSD [       |
|  |                                       |  |                                  |  |   |                        | tak dan mananan  |  | n n  |  |  |                 | Po          |
| DOCUMENT HISTORY:  | RY:                                   |  |                                  |  |   |                        |  |  |  |  |  |                 | CL          |
| DOCUMENT #   |                                       | DATE   | DESCRIPTION                      | NO                                       |   |                        |  |  |  |  |  |                 | ιψ          |
| #36-268  |                                       | 09/27/60   | Rowntre                          | Rowntree, Herb & Elsie as                | isie as Joint Tenants.                        | ants.                  |  |  |  |  |  |                 | ۱e          |
| #30986   |                                       | 01/04/77   | Lommor                           | 1, Julio & D                             | Lommorl, Julio & Delia to Weaver, John & Lura | John & Lura.           |  |  |  |  |  | To pract of the | nţ          |
| #105759  |                                       | 03/02/87   | Rowntree, Herk<br>551, combined. | Rowntree, Herb & Elsie to 551, combined. | _   | John & Lura.           | 6/10/87 - Provisi  | onal water card  | until Claim #16  | /, amended   | Weaver, John & Lura. 6/10/87 - Provisional water card until Claim #16/, amended as to place of use   | illuca card and | 6           |
| #303542  |                                       | 09/04/03   | John R.<br>7/28/03               | John R. & Lura K. Weaver,<br>7/28/03     | Veaver, husband                               | and wife a Jo          | oint Tenants to J  | ohn R. & Lura  | K. Weaver, Trus  | tees or the  | husband and wife a Joint Tenants to John R. & Lura K. Weaver, Trustees of the John & Lura Weaver Fairing Hass dazed                          | reminy reast    | 1           |
| #303643  |                                       | 09/04/03   | John R.<br>7/28/03               | John R. & Lura K. Weaver,<br>7/28/03     | Veaver, husband                               | and wife as            | Joint Tenants to   | John R. & Lura   | K. Weaver, 1ru   | istees of the  | husband and wife as Joint Tenants to John R. & Lura K. Weaver, Trustees of the John & Lura weaver Familia Trustees                           |                 | ile         |

ATION DISTRICT

WALKER RIVER

Case 3:73-cv-00127-MMD-CSD Document 651 Filed 95/09/2005 Page 207 of 2

**APN:** 10-731-01

WHEN RECORDED RETURN TO: John & Lura Weaver, Trustees 59 Rowntree Lane Smith, NV 89430 MARY C. MILLIGAN
COUNTY RECORDER

FEE 6. OEP. STD

FCORD REQUESTED BY

GRANTEE-Mail Tax Statements To: John & Lura Weaver, Trustees 59 Rowntree Lane Smith, NV 89430

R.P.T.T. #8(a) = 0

#### DEED

THIS INDENTURE made and entered into this 44 day of 2003, by and between JOHN R. WEAVER and LURA K. WEAVER, husband and wife, party of the first part, and JOHN R. WEAVER and LURA K. WEAVER, as Grantors and Trustees of the JOHN and LURA WEAVER FAMILY TRUST, dated July 28, 2003, party of the second part.

## WITNESSETH:

That the party of the first part, without consideration to them paid by the party of the second part, do by these presents grant, bargain, sell and convey unto the party of the second part, and to its successors and assigns forever, all that certain real property situate in the County of Lyon, State of Nevada, described as follows:

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

TOGETHER with all and singular the tenements, hereditaments and

# Case 3:73-cv-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 208 of 2

appurtenances, including easements and water rights, if any, thereunto belonging, or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD the said presents, together with the appurtenances, unto the said party of the second part and to its successors and assigns forever.

IN WITNESS WHEREOF, the party of the first part have set their hands the day and year first above written.

HIN R. WEAVER

LURA K. WEAVER

STATE OF NEVADA

) ) \$5.

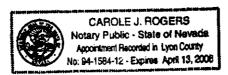
COUNTY OF LYON

On this 4th day of September 2003, personally appeared before me, a Notary Public, JOHN R. WEAVER and LURA K. WEAVER, personally known to me to be the persons whose names are subscribed to the above instrument who acknowledged that they executed the above instrument.

Notary Public

CAROLE J. ROGERS

Notary Rublic - State of Neveda
Appainting Recorded in Lyon County
No: 94-1984-12 - Expires April 19, 2006



# Case 3:73-cy-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 209 of 2

## Excepting therefrom:

All that certain lot, piece or parcel of real property located in the NE 1/4 of Section 5, T. 10 N., R. 24 E., M.D.B.&M., Lyon County, Nevada, described as follows:

Beginning at a point which bears N. 89° 48' 25" W., 1,324.89 feet from the east 1/4 corner of said Section 5. Thence N. 0° 43' 24" W., 670.11 feet, thence S. 89° 48' 25" E., 329 feet, thence S. 0° 43' 42" E., 670.11 feet, thence N. 89° 48' 25" W., 329 feet to the point of beginning.

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Case 3:73-cv-00127-MMD-CSD Document 651 Filled to 17. NEV. / 2005 Page 210 of 2

APN: 10-731-03

Eura Weaver 03 SEP - 4 PM 2: 58

WHEN RECORDED RETURN TO: John & Lura Weaver, Trustees

59 Rowntree Lane Smith, NV 89430 MARY C. MILLIGAN COUNTY RECORDER

GRANTEE-Mail Tax Statements To:

John & Lura Weaver, Trustees 59 Rowntree Lane Smith, NV 89430

R.P.T.T. #8(a) = 0

#### DEED

THIS INDENTURE made and entered into this 44 day of 2003, by and between JOHN R. WEAVER and LURA K. WEAVER, husband and wife as joint tenants with right of survivorship, party of the first part, and JOHN R. WEAVER and LURA K. WEAVER, as Grantors and Trustees of the JOHN and LURA WEAVER FAMILY TRUST, dated July 28, 2003, party of the second part.

# WITNESSETH:

That the party of the first part, without consideration to them paid by the party of the second part, do by these presents grant, bargain, sell and convey unto the party of the second part, and to its successors and assigns forever, all that certain real property situate in the County of Lyon, State of Nevada, described as follows:

Township 10 North, Range 24 East, M.D.B.&M.

Section 5: The West half (W 1/2) of the Northeast Quarter (NE 1/4)

TOGETHER WITH the water rights appurtenant thereto and the personal

# Case 3:73-cy-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 211 of 2

property located thereon and described in EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

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

TO HAVE AND TO HOLD the said presents, together with the appurtenances, unto the said party of the second part and to its successors and assigns forever.

IN WITNESS WHEREOF, the party of the first part have set their hands the day and year first above written.

HM D WEAVER

LULA K T. ) CALLED

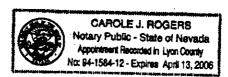
STATE OF NEVADA

) SS.

COUNTY OF LYON

On this 4th day of Sept., 2003, personally appeared before me, a Notary Public, JOHN R. WEAVER and LURA K. WEAVER, personally known to me to be the persons whose names are subscribed to the above instrument who acknowledged that they executed the above instrument.





# Case 3:73-cy-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 212 of 2

#### 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 SUMMON'S), 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: 8-26-04

Signature

George N. Benesch

Printed/Typed Name

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

acting as: Attorney for of

(Title)

Janet Huggans & Gilbert C. Wedertz (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 cour: 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.

#### B-cv-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 213 of 2 **Case 3:7** IN THE UNITED STATES DISTRICT COURT 2 FOR THE DISTRICT OF NEVADA 3 UNITED STATES OF AMERICA. 4 Plaintiff. 5 IN EQUITY NO. C-125 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 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 400 South Virginia Street, Suite 301 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 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 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 651 Filed 05/09/2005 Page 214 of 2 Attomey: 2 9432 Double R Blvd., Suite B Address: 3 Reno, Nevada 89521 4 5 775-827-3100 Phone Number: 6 775-827-3020 Fax Number: 7 8 (Signature) 9 10 George N. Benesch 11 (Printed or typed Name) 12 1.3 Janet Huggans Gilbert C. Wedertz 14 (Entity, if any, on whose 15 behalf you are appearing) 16 17 (Address) 18 19 (Telephone number) 20 21 22 23 24 25 26

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| 3 or 3            | ć         |  | **         |  | s n            | BOARD OF           | R COMMISSIONERS | NERS               |                          | and a second law of the second | المقاسمة معارية مارية ما المعارسة م | A            |
|-------------------|-----------|--|------------|--|----------------|--------------------|-----------------|--------------------|--------------------------|--------------------------------|-------------------------------------|--------------|
| Name:<br>Address: | ,         | HEDERIZ, Gilbert C. Jan. P.O. Bridgeport, CA 93517 | bert C.    | 12 0 - 1                                     | Husans<br>5007 | 4                  |                 | C-12<br>rlb.       | is<br>to Virginia Creek) | index<br>Lyon                  | Lyon County No.                     | Case 3:      |
| ALBOGA            | 8 7 0     | ACRES  | OUTY SOUTY | DAYB   |                | ACRE FEET REQUIRED | ACRE FEET       | TOPAZ RES.         | BRIDGEPORT RES.          |                                | TOTAL ACRES: 52                     | 73-0         |
|                   |           |  |            |  | PERACRE        | 101AL              | APPORTIONED     | MAGTER             |                          |                                |                                     | <br> <br> CV |
| 1893              | .64       | 40.00  |            | MIEKWOOD                                     | 0              |                    |                 |                    |                          |                                | S                                   | -0           |
| 1890              | 77.       | 07:1   | Chae       | <u>.                                    </u> |                |                    |                 |                    |                          | •                              | 7                                   | 01           |
| 1910              | 3 6       | 52 00  |            | 1  |                |                    |                 |                    |                          |                                | Non Wit. Alt. Acres                 |              |
|                   |           |  |            |  |                |                    |                 |                    |                          |                                |                                     | 7-N          |
|                   |           |  |            |  |                |                    |                 |                    |                          |                                |                                     | ۷IN          |
|                   |           |  |            |  |                |                    |                 |                    |                          |                                | Acre Feet Storage                   | ИC           |
|                   |           |  |            |  |                |                    |                 |                    |                          |                                |                                     | )-(          |
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| TOTAL             |           |  |            | T  |                |                    |                 |                    |                          |                                |                                     | D            |
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| SEA of NEA.       | . Sec.    | 7;   |            |  |                |                    | Book            | 2                  | 3 - 8/30/46 -            | . Charles W.                   | Fulton to                           | me           |
|                   | l l       | P. NWA. Sec.                                       | 8:         |  |                |                    | 13              | Gilbert C. Wedertz | rtz et al.               |                                |                                     | ent          |
| T 2 N,            | ٠œ١       |  |            |  |                |                    |                 |                    |                          |                                |                                     | t 6          |
|                   |           | of SEA, Sec. 33: 12                                |            | acres  |                |                    |                 |                    |                          |                                |                                     | 55           |
| N & L             | 5 N, R 25 | E.   |            |  |                |                    |                 |                    |                          |                                |                                     |              |
| 144,044           |           |  |            |  |                |                    |                 |                    |                          |                                |                                     | -i           |
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# Case 3:73-cv-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 216 of 2

#### Westlaw.

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#### DEATH RECORD

Information Current Through: 04/15/2005

Database Last Updated: 04/18/2005

Updated Frequency:

Weekly

Current Date:

04/20/2005

Source:

Social Security Administration Death Index

Name:

GILBERT WEDERTZ

SSN:

557-52-XXXX

State Where SSN Issued:

CALIFORNIA

Date of Birth:

01/20/1904

Date of Death:

06/1977

Age at Death:

Last Residence:

BURLINGAME, CA 94010

TO ORDER ORIGINAL FILINGS OR OTHER RELATED DOCUMENTS,

CALL WEST DOCUMENT RETRIEVAL AT 1-877-DOC-RETR (1-877-362-7387).

ADDITIONAL CHARGES APPLY.

END OF DOCUMENT

<sup>9 2005</sup> Thomson/West. No Claim to Orig. U.S. Govt. Works.

# Case 3:73-cy-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 217 of 2

# 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: 13.04

Robert A. Weiser

Printed/Typed Name

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

SBR LIVING 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 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 partic pate.

### Case 3:73-cy-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 218 of 2 313025

A.P.N. #\_ 012-351-10

R.P.T.T. \$ 370.50 ESCROW NO. 040100203 RECORDING REQUESTED BY: STEWART TITLE COMPANY MAIL TAX STATEMENTS TO: SAME AS BELOW

WHEN RECORDED MAIL TO: GRANTEE P.O. BOX 10026 COSTA MESA, CA 92627

of Flores, RECUROS LYON COUNTY, NEV. RECORD STATESTED BY STEWART TITLE OF De-04 JAN 30 PH 3: 08

> MARY D. INLLIGAN COUNTY RECORDER FEE 40 DEP. KK

(Space Above for Recorder's Use Only)

# GRANT, BARGAIN, SALE DEED

THIS INDENTURE WITNESSETH, That MICHAEL E. WELLINGTON, SR. and CHERYL ANN WELLINGTON; husband and wife

in consideration of \$10.00, the receipt of which is hereby acknowledged, does hereby Grant, Bargain Sell and Convey to ALAN N. VILLA and SHIRLEY J. VILLA, 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:

# 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 26, 2004

STATE OF SS. COUNTY OF

This instrument was acknowledged before me on by MICHAEL E. WELLINGTON, SR. CHERYL ANN WELLINGTON

Signature

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

313025

tober 12

### Case 3:73-cv-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 219 of 2

#### EXHIBIT "A"

#### LEGAL DESCRIPTION

ESCROW NO.: 040100203

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

A PARCEL OF LAND ADJOINING THE EAST RIGHT-OF-WAY LINE OF STATE ROUTE 3, AND BEING A PORTION OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 24, TOWNSHIP 12 NORTH, RANGE 25 EAST, M.D.&M., LYON COUNTY, NEVADA; FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SAID EAST RIGHT-OF-WAY LINE OF STATE ROUTE 3, AND BEING THE SOUTHWEST CORNER OF THIS DESCRIBED PARCEL, FROM WHICH THE SOUTHWEST CORNER OF THE SAID SECTION 24, BEARS SOUTH 0°45'27" WEST, 2268.84 FEET, THENCE ALONG THE SAID RIGHT-OF-WAY LINE NORTH 150.00 FEET; THENCE LEAVING THE SAID RIGHT-OF-WAY LINE SOUTH 82°49' EAST, 292.70 FEET; THENCE SOUTH 150.00 FEET; THENCE NORTH 82°49' WEST, 292.70 FEET TO THE SOUTHWEST CORNER OF THIS PARCEL AND PLACE OF BEGINNING.

REFERENCE IS HEREBY MADE TO THAT CERTAIN PARCEL MAP FILED FOR RECORD IN THE OFFICE OF THE COUNTY RECORDER OF LYON COUNTY ON OCTOBER 11, 1977 AS FILE NO. 34288.

ASSESSOR'S PARCEL NO. 12-351-10

"IN COMPLIANCE WITH NEVADA REVISED STATUTE 111.312, THE HEREIN ABOVE LEGAL DESCRIPTION WAS TAKEN FROM INSTRUMENT RECORDED FEBRUARY 22, 1999, AS FILE NO. 230080, RECORDED IN THE OFFICIAL RECORDS OF LYON COUNTY, STATE OF NEVADA."

"Together with all water rights, surface or ground, permitted, certificated, adjudicated, or vested, as well as all seeps, springs, and other rights to water, of any nature whatsoever, appurtenant to or historically used on the property."

| Division                                      |                            |              |                         |                                | WAI            | WALKER RIVE                                     | ATION  | ATION DISTRICT                    |  |                                 |                      |                 |                |
|---|----------------------------|--------------|-------------------------|--------------------------------|----------------|---|--|-----------------------------------|--|---------------------------------|----------------------|-----------------|----------------|
| Card #:                                       | 65961                      |              |                         |                                |                | YERING  | ~  | ٠ <u>٠</u>                        | \display.  | E.                              |                      |                 |                |
| Name;   | Aian N. & Shirley J. Villa | ley J. Villa |                         |                                | ı              |   | · · · · · · · · · · · · · · · · · · ·  |                                   |  | a.s.n                           | Index No.            |                 | ¢              |
|   |                            |              |                         |                                | 1              |   |  |                                   |  |                                 | Lyon County No.      | 12-351-10       | a              |
| Address:                                      | P. O. Box 10026            | 90           |                         |                                | 1              |   |  |                                   |  | J                               | Claim No.            |                 | S              |
|   | Costa Mesa, CA             | A 92627      |                         |                                | 1 1            | %<br>%<br>.0                                    | O. & M. Local No. 3  |                                   |  |                                 | User #               | 2147            | <b>3</b>       |
| Court Decree:                                 |                            |              |                         |                                | 1              |   |  |                                   |  |                                 | 3                    |                 | 3;7            |
|   |                            |              |                         | DAVE                           | A COR CER      | A700 000 000 000 000 000 000 000 000 000        |  |                                   |  |                                 |                      |                 | 3 <sub>T</sub> |
| PRIORITY                                      | S. F.                      | ACRES        | <b>₽UT</b>              | STORAGE                        | PER ACRE       | TOTAL   | ACRE FEET APPORTIONED  | TOPAZ RES. ACRE FEET              | DRIDGEPORT RES.<br>ACRE FEET   | CLAIM                           | TOTAL ACRES          |                 | ÇV             |
| NEWL  |                            | 1 000        | 4 2768                  | #)<br>#)                       | 2.0202         | 2.080   |  |                                   |  |                                 |                      |                 | <b>-</b>       |
| TOTAL   |                            | 1.000        |                         |                                |                | 2.060   | 2.08   | 00                                | 2.08   |                                 | Water Rt. Acres      |                 | <u>0</u>       |
|   |                            |              |                         |                                |                |   |  |                                   |  |                                 | Hon Wtr Rt. Acres    |                 | 237<br>297     |
|   |                            |              |                         |                                |                |   |  |                                   |  |                                 | Acre Feet Storage    |                 | -M             |
| LEGAL DESCRIPTION                             | N.                         |              |                         |                                |                |   |  | STANDOO                           |  | ļ                               |                      |                 | 10             |
|   |                            |              |                         |                                |                |   |  | COMMEN                            | ó  |                                 |                      |                 | -(             |
| NW 1/4 of SW 1/4, Sec. 24;<br>T 12 N, R 26 E. | 1/4, Sec. 24;<br>6 E.      | į            |                         |                                |                |   |  | Transfer<br>03/02/04              | Transferred from card #58450 - Williams<br>03/02/04 - Transferred from card 56201 - Wellington | 56450 - William<br>om card 5620 | ns<br>1 - Wellington |                 | S              |
| DOCUMENT HISTORY:                             | 17:                        |              |                         |                                |                |   |  |                                   |  |                                 |                      |                 | þ              |
| DOCUMENT #                                    |                            | DATE         | DESCRIPTION             |                                |                |   |  |                                   |  |                                 |                      |                 | D              |
| #33637  | /80                        | 08/19/77     | John & Ma               | tryanna Ha                     | mer to Paul &  | John & Maryanna Hamer to Paul & Myrtle Redfield | -  |                                   |  |                                 |                      |                 | 00             |
| #118131                                       | /80                        | 08/10/88     | Paul & My               | Paul & Myrtle Redfield to John | d to John K.   | n K. Richards & Susan R. Hart                   | an R. Hart   |                                   |  |                                 |                      |                 | u              |
| #125597                                       | )/10                       | 07/06/89     | John K. R.              | John K. Richards & Susan B.    | usen B. Hart   | to Harold S. & C                                | Hart to Harold S. & Doris M. Williams  |                                   |  |                                 |                      |                 | m              |
| #210541                                       | 2/60                       | 09/29/87     | Harold S.               | & Doris M.                     | Williams to CI | neryl Ann & Mic                                 | Harold S. & Doris M. Williams to Cheryl Ann & Michael E. Wellington, Sr. histhand & wife as Joint Tonnel | on Sr. huchan                     | of L wife as fall  | forester.                       |                      |                 | er             |
| #230080                                       | 02/2                       | 02/22/99     | Michael E.<br>husband a | Wellingtor                     | Sr. & Cheryt   | Ann Wellingtor                                  | , husband and  | who acqui                         | red title as Che   | yl Ann Wellir                   | igton & Michael E.   | Wellington, Sr. | nt (           |
| #313026                                       | 01/3                       | 01/30/04     | Michael E.              | Wellington                     | , Sr. & Chery  | Ann Wellington                                  | n, husband and   | ngton, husband<br>wife to Alan N. | and wife as Jo   | Int Tenants                     | of miles an interest |                 | 65             |
|   |                            |              |                         |                                |                |   |  |                                   |  |                                 | Filed                |                 | Filed          |
|   |                            |              |                         |                                |                |   |  |                                   |  |                                 |                      |                 | <b>05/0</b>    |
| Exhi  |                            |              |                         |                                |                |   |  |                                   |  |                                 |                      |                 | 9/20           |
| ibit 2  |                            |              |                         |                                |                |   |  |                                   |  |                                 |                      |                 | 05             |
| :06   |                            |              |                         |                                |                |   |  |                                   |  |                                 |                      |                 | Pag            |

# Case 3:73-cv-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 221 of 2

# 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 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: 6/20/04 | Signature  Earnest C Whee Lev  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 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-cy-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 222 of 2

#### 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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|                | Sould Com White  |     |
|----------------|--|-----|
| Date: $6/7/07$ | Signature  |     |
|                | JULIE AND WHITE  |     |
|                | 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)              |     |

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| 1      | -                           |  |   |  |  |
|--------|-----------------------------|--|---|--|--|
| 2      |                             | THE UNITED STATES FOR THE DISTRICT                     |   |  |  |
| 3      | UNITED STATES OF A          | MERICA,  | )   |  |  |
| 4      | Plaintiff,                  | -  |   |  |  |
| 5      | WALKER RIVER PAIU           | TE TRIBE,  | )<br>) IN EQUITY NO. C-125                    |  |  |
| 6      | Plaintiff-Ir                | ntervenor,   | )<br>SUBFILE NO. C-125-B                      |  |  |
| 7      | vs.                         |  | )   |  |  |
| 8<br>9 | WALKER RIVER IRRIG          | SATION DISTRICT,                                       | )<br>)<br>)                                   |  |  |
| 10     | NOTICE OF                   | F APPEARANCE AND II                                    | NTENT TO PARTICIPATE                          |  |  |
| 11     | l. I hereby en              | ter my appearance in this s                            | ub-proceeding in this case                    |  |  |
| 12     |                             |  | strict Court at the following address:        |  |  |
| 13     | Chief Depu                  |  | arter court at the following address.         |  |  |
| 14     | United State District o     | es District Court for the                              |   |  |  |
| 1.5    |                             | Virginia Street, Suite 301                             |   |  |  |
| 16     |                             |  | mu Waine of Camina (National Action           |  |  |
| 17     | Summons, I am mailing a     |  | my Waiver of Service of Notice in Lieu of     |  |  |
| 18     |                             |  |   |  |  |
| 19     |                             | r the United States of Ame                             | rica  |  |  |
| 20     | Environmen<br>P.O. Box 75   | es Department of Justice<br>nt & Natural Resources Div | vision  |  |  |
| 21     | li .                        | olorado 80160  |   |  |  |
| 22     | 4. I (or the ent            | ity on whose behalf I am ac                            | eting) will retain all defenses or objections |  |  |
| 23     |                             |  |   |  |  |
| 24     | in the Notice in Lieu of Su | mmons or in the service of                             | the Notice in Lieu of Summons.                |  |  |
| 2.5    | 5. If I (or the ent         | ity on whose behalf I am ac                            | ting) have retained an attorney to represent  |  |  |
| 26     | me in these proceedings, I  | identify that attorney below                           | w, along with his or her mailing address,     |  |  |
| 7      | telephone number, and facs  | imile number:  |   |  |  |
| 8      |                             |  |   |  |  |
|        | NOTICE OF APPEARAN          | NCE AND INTENT TO PART                                 | CIPATE, page 1 of 2                           |  |  |

### Case 3:73-cy-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 224 of 2 Attorney: Address: Phone Number: Fax Number: (Signature) JULIE WHITE (Printed or typed Name) (Entity, if any, on whose behalf you are appearing) 6 BORSINI IN. TERINGTON, M 89447 (Address) 775-463-3200 (Telephone number)

## Case 3:73-cv-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 225 of 2

#### 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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Date: 8/16/04

Signature

<u> Harold J.DePoali</u>

Printed/Typed Name

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

acting as: <u>Vice President-Client Admin.</u> of

(Title)

The Whitttier Trust Co. of Nevada, Trustee for the

(Corporate, Trust, Partnership or other entity)

George A. L'Abbe Revocable Living Trust Agreement

#### 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 IN THE UNITED STATES DISTRICT COURT 2 FOR THE DISTRICT OF NEVADA 3 UNITED STATES OF AMERICA. 4 Plaintiff. 5 IN EQUITY NO. C-125 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 11 I hereby enter my appearance in this sub-proceeding in this case. i. 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 400 South Virginia Street, Suite 301 15 Reno, Nevada 89501 16 In the envelope provided for return of my Waiver of Service of Notice in Lieu of 3. 17 Summens. 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. If I (or the entity on whose behalf I am acting) have retained an attorney to represent 5. 25 me in these proceedings. I identify that attorney below, along with his or her mailing address, telephone number, and facsimile number: 28 NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 1 of 2

# Case 3 73-cv-00127-MMD-CSD Document 651 Filed 95/09/2005 Page 227 of 2

| ĺ  |   |  |
|----|---|--|
| 1  | Attorney: Sylvia L. Harrison                                      |  |
| 2  | Michael A.T. Pagni<br>Debbie A. Shosteck                          |  |
| 3  | McDONALD CARANO WILSON LLI<br>Address: 100 West Liberty St., 10th |  |
| 4  | Reno, NV 89501<br>Mailing Address: P.O. Box 2670                  |  |
|    | Reño, NV 89505  |  |
| 5  | f'  |  |
| 6  | Phone Number: 775-788-2000  |  |
| 7  | Fax Number: 775-788-2020  | A  |
| 8  | -   | 132  |
| 9  |   | (Signature)  |
| 10 |   | Harold J. Depoali, V.P. on behalf of the Whittier Trust      |
| 11 |   | Company of Nevada, Trustee for<br>George A. L'Abbe Revocable |
| 12 | ·   | Living Trust Agreement                                       |
| 13 |   |  |
| 14 |   |  |
|    |   | (Entity, if any, on whose                                    |
| 15 |   | behalf you are appearing)                                    |
| 16 |   | 100 W. Liberty St., Suite 890                                |
| 17 |   | Reno, NV 89501   |
| 18 |   | (Address)  |
|    |   | 775-686-5400   |
| 19 |   | (Telephone number)   |
| 20 |   |  |
| 21 |   | •  |
| 22 |   |  |
| 23 |   |  |
| 24 |   |  |
| 25 |   |  |
| 26 |   |  |
|    |   |  |
| 27 | [   |  |
|    |   |  |

# Case 3:73-cv-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 228 of 2

2 3 4 5 IN THE UNITED STATES DISTRICT COURT 6 FOR THE DISTRICT OF NEVADA 7 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 ٧. 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 17 United States that the undersigned (or the entity on whose behalf the undersigned is acting) has 18 sold or otherwise conveved 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 22 1. The name and address of the party or parties who sold or otherwise conveved Bank of America, N. A., as Trustee for George A. L'Abbe 23 ownership Revocable Living Trust Agreement 24 Name(s). 25 P.O. Box 34029 26 Street or P.O. Box

NOTICE OF CHANGE OF WATER RIGHTS OWNERSHIP, page 1 of 3

27

# Case 3 73-cv-00127-MMDaCSD Document 651 Filed-05/09/2005 Page 229 of 2

| 2  |                 | To                            | wn or City                             | State                                   | ZipCode           |                 |           |
|----|-----------------|-------------------------------|--|---|-------------------|-----------------|-----------|
| 3  | 2.              | The name an                   | d address of ea                        | ch person or er                         | atity who acqui   | red ownership   | ,         |
| 4  |                 | Whittier<br>Revocabl          | Trust Compa<br>e Living Tru            | ny of Nevada<br>st Agreement<br>Name(s) | , as Trustee      | for George      | A.L'Abbe  |
| 5  |                 | 100 West                      |  | eet, Suite 8                            | 90                |                 |           |
| 6  |                 | Ren                           |  | NV                                      | 895011954         |                 |           |
| 7  |                 | To                            | wn or City                             | State                                   | ZipCode           |                 |           |
| 8  |                 |                               |  |   |                   |                 |           |
| 9  | 3.              | Attached to o                 | or included wit                        | h this notice is                        | a copy of the (c  | heck appropr    | iate      |
|    | box(es)):       |                               |  |   |                   |                 |           |
| 10 |                 | ¥                             | Deed                                   |   |                   |                 |           |
| 11 |                 |                               | Court Order                            |   |                   |                 |           |
| 12 |                 |                               | Other Docume                           | nt.                                     |                   |                 |           |
| 13 | by which the    | change in own                 | ership was acc                         | omplished.                              |                   |                 |           |
| 14 | 4.              | The undersig                  | ned acknowled                          | iges that any pe                        | erson or entity v | who files a No  | tice of   |
| 15 | Change of Ov    | vnership of W                 | ater Right usin                        | g this form is u                        | ltimately respon  | nsible for the  | ассигасу  |
| 15 | of this filing. | Consequently                  | , the undersign                        | ed acknowledg                           | ges that any pers | son or entity v | vho files |
|    |                 |                               |  |   |                   |                 |           |
| :- |                 |                               |  |   | •                 |                 |           |
| 15 |                 |                               |  |   |                   |                 |           |
| 19 | *               | This r                        | otice shall be se                      | ent to the follow                       | ing two persons:  |                 |           |
| 20 |                 | Tinda Lea Sha                 | irer. Chief Depu                       | ity Clerk                               |                   |                 |           |
| 21 |                 | United States                 | District Court fo<br>ginia Street, Sui | or the District of                      | `Nevada           |                 |           |
| 22 |                 | Reno, NV 895                  |  | ite 501                                 |                   |                 |           |
| 23 |                 | <u>And</u>                    |  |   |                   |                 |           |
|    |                 | Susan L. Schn                 |  |   |                   |                 |           |
| 24 |                 | United States<br>P.O. Box 756 | Department of J                        | ustice                                  |                   |                 |           |
| 25 |                 | Littleton, CC                 | 80160                                  |   |                   |                 |           |
| 25 |                 |                               |  |   |                   |                 |           |
| 27 |                 |                               |  |   |                   |                 | :         |
| 28 | NOTICE OF C     | HANGE OF WA                   | ATER RIGHTS                            | OWNERSHIP. p                            | age 2 of 3        |                 |           |

| Case   | 3:73-cv-00127-MMD-CSD Docume such a notice, but retains such water rights, shall ne | nt 651 Filed 05/09/2005 Page 230 of 2   |
|--------|---|---|
| 2      | litigation.   |   |
| 3<br>4 | Executed this day of the st   | 2004.   |
| 5      |   |   |
| 6      |   |   |
| 7      |   | [signature of counter-defendant]  |
| 8      |   |   |
| 9      |   |   |
| 10     |   | [name of counter-defendant]   |
| 11     |   | The Whittier Trust Company of Nevada, Inc.,   |
| 12     |   | as Trustee for George A. L'Abbe Revocable Living Trust Agreement  |
| 13     |   | [signature, if applicable, of person acting on behalf of counter-defendant]                                       |
| 14     |   | 142   |
| 15     |   |   |
| 16     |   | [name, if applicable, of person acting on behalf of counter-defendant]  |
| 17     |   | Harold J. Depoali, Vice President for The Whittier Trust Company of Nevada, Inc., as Trustee for George A. L'Abbe |
| 19     |   | Revocable Living Trust Agreement 100 West Liberty Street, Suite 890   |
| 20     | Attorneys: Sylvia Harrison<br>Michael A.T. Pagni                                    | Reno, NV 89501 [address]  |
| 21     | Debbie A. Shosteck<br>McDONALD CARANO WILSON LLP                                    | 775-686-5400  |
| 22     | Address: 100 W. Liberty St., 10th Floor<br>Reno. NV 89501                           | [telephone number]  |
| 23     | Mailing Address: P.O. Box 2670 Reno, NV 89505 Phone Number: 775-788-2000            |   |
| 24     | Phone Number: 775-788-2000<br>Fax Number: 775-788-2020                              |   |
| 25     |   |   |
| 26     |   |   |
| 27     |   |   |
| 28     | NOTICE OF CHANGE OF WATER RIGHTS OWNER  | SHIP, page 3 of 3   |

When recorded, return to:

JAMES W. MINORCHIO

RIDDELL WILLIAMS P.S.

1001 4<sup>TH</sup> AVENUE PLAZA, SUITE 4500

SEATTLE, WA 98154-1065

RPJT # 8

APN 12-471-79

#### QUIT CLAIM DEED

The GRANTOR, BANK OF AMERICA, N.A., as Trustee for GEORGE A. L'ABBE, for and in consideration of transfer into trust, conveys and quit-claims to THE WHITTIER TRUST COMPANY OF NEVADA, as Trustee for GEORGE A. L'ABBE (whose address is: P.O. Box 961, Yerington, Nevada 89447), the following described real estate, situated in the County of Lyon, State of Nevada, together with all after acquired title of the grantor therein:

That portion of the Northeast ¼ of Section 23, Township 11 North, Range 26 East, M.D.B. & M., in the County of Lyon, State of Nevada, being more particularly described as follows:

Beginning at the Section corner common to 13, 14, 23, 24 as shown on Record of Survey No. 223861, thence through the following courses;

- South 01°00'38" East, 1958.07 feet;
- 2. North 88'46'47" West, 2687.84 feet;
- -3. North 00°00'03" West, 638.78 feet;
- 4. North 45°42'44" East, 1852.85 feet;
- South 88°36'59" East, 1326.75 feet to the True Point of Beginning

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

ALSO those certain waters and water rights described in Exhibit "A" attached hereto and incorporated herein by this reference.

SUBJECT, HOWEVER, to those certain Covenants, Conditions, and Restrictions for Walker River Ranch Irrigation Association recorded July 21, 1999, as document No. 236752, Official Records, Lyon County, Nevada.

261936

Case 3:73-cv-00127-MMD-CSD Document 651-Filed 05/09/2005 Page 232 of 2

| ALSO SUBJECT TO: Easements, res      | strictions, and reservations of record.   |
|--------------------------------------|---|
| Tax parcel #12-471-74                |   |
|                                      |   |
| Dated _ April 3 2001                 |   |
| ,                                    | Bank of America, N.A., as Trustee   |
|                                      | mus & Strack  |
|                                      | James E. Strock, Vice President   |
|                                      |   |
|                                      | By: Modern of Transport   |
|                                      | Debra S. Thomas, AVP  |
|                                      |   |
|                                      |   |
|                                      |   |
| STATE OF WASHINGTON)                 |   |
| County of KING )                     |   |
| Λ.                                   | A.D. QOI before me, the   |
| On this 3rd day of A                 | A C. LE CISTO OF WASHINGTON, QUIT   |
| - undersigned, a Notary Public II    | onally appeared James E. Strock and proven on the basis of satisfactory evidence to         |
| Debra S. Thomas to me known or       | proven on the basis of satisfactory evidence to ant Vice President, respectively of BANK OF |
| he the Vice-President and Assist     | and acknowledged the  |
| AMERICA, N. A., that executed in     | e foregoing instrument, and acknowledged the voluntary act of said bank and that they were  |
| authorized to execute the said instr | ument   |
| aumonzed to exposite the care        |   |
| WITNESS my hand and official         | seal hereto affixed the day and year in this  |
| certificate above written.           | Pata. Wood  |
|                                      | Notary Public in and for the State of   |
|                                      | tat -blto-  |
|                                      | Residing at <u>Everett</u>  |
| STANTONE.                            | Name Printed PAT A WOOD   |
| O PUBLIC                             | My appointment expires:   |

#### EXHIBIT "A"

#### WATER RIGHTS TO BE CONVEYED

THOSE CERTAIN surface water rights from the East Walker River which are appurtenant to the real property described on Page 1 of doc ment ("Property") pursuant to Claim 17 of that certain decree entitled "United States of America, Plaintiff, vs. Walker River Irrigation District, a corporation, et al, Defendants, Case in Equity C-125" consisting of the following:

The right to irrigate 25.5 acres of land with the following priorities:

| Priority | Acreage     |
|----------|-------------|
| 1867     | 0.57 acres  |
| 1875     | 1.98 acres  |
| 1879     | 2.55 acres  |
| 1885     | 12.75 acres |
| 1890     | 3.19 acres  |
| 1895     | _4.46 scres |
|          | 25.50 acres |

 The right to irrigate 34.5 acres of the Property from the East Walker River designated as "NEWLAND" as administered by the Walker River Irrigation District.

The location of the above 60 acres of irrigated land is illustrated in the map attached hereto as Exhibit "A-1".

TOGETHER with a portion of Permit 25017, Certificate 8860 issued to the Walker River Irrigation District for flood and excess waters to the extent it is apportenant to such 60 acres.

THE TOTAL LAND AREA of the Property to be imigated by surface water rights from the East Walker River under portions of Claim 17, "NEWLAND" rights and permit 25017, Certificate 8860 is till acres, more or less.

The total quantity of water is 240 acre feet annually.

TCKETHER. WITH a portion of the supplemental underground water rights under Permit 49274, 49276, 49277 and 49278 consisting of a diversion rate of 0.1149 cfs from each permit and having a total combined annual duty of 240.0 acre feet which are appurtenant to that same 60 acres of the land irrigated from the East Walker River by decreed water rights and NEWLAND water rights above described.

TOGETHER with the right to change the point of diversion and place and manner of use of said water rights.

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

EXCLUDING THEREFROM, any and all water and water rights from any and all sources over and above those specifically described above.

Case 3:73-cv-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 234 of 2

261936 UTHUTA NEUDROS LYON COUNTY, NEV.

RIDDELL WILLIAMS
01 JUH-7 PHI2: 16

HARY C. MULIGAN COUNTY RECORDER

FEE 1000 DEP. E.8

# Case 3:73-cy-00127-MMD-CSD Document 651 Filed 95/09/2005 Page 235 of 2

LYON COUNTY, NEV. RECORD REQUESTED BY

APN 12-471-74

When recorded mail to:

Whittier Trust Company of Nevada 100 West Liberty Street, Suite 890 Reno, NV 89501-1954 Attn: Lori Houston 04 AUG -6 PM 1:58

MARY C. MILLIGAN COUNTY RECORDER

FEE \_\_\_\_\_ DEP. \_\_\_\_

Not Compared with County Récorder

327831

#### **DEED OF CORRECTION**

WHEREAS, on April 3, 2001, BANK OF AMERICA, N.A., as Trustee for GEORGE A. L'ABBE, Grantor, executed a Quitclaim Deed to THE WHITTIER TRUST COMPANY OF NEVADA, as Trustee for GEORGE A. L'ABBE, Grantee; and

WHEREAS, said Quitclaim Deed was recorded June 7, 2001, as Document No. 261936, Official Records of Lyon County, Nevada; and

WHEREAS, through inadvertence the Grantor was incorrectly listed as BANK OF AMERICA, N.A., as Trustee for GEORGE A. L'ABBE, when it should have been BANK OF AMERICA, N.A., as Trustee for GEORGE A. L'ABBE REVOCABLE LIVING TRUST AGREEMENT; and

WHEREAS, through inadvertence the Grantee was incorrectly listed as THE WHITTIER TRUST COMPANY OF NEVADA, as Trustee for GEORGE A. L'ABBE, when it should have been THE WHITTIER TRUST COMPANY OF NEVADA, as Trustee for GEORGE A. L'ABBE REVOCABLE LIVING TRUST; and

WHEREAS, to prevent difficulties hereafter, it is expedient to correct this error.

IT IS HEREINAFTER ACKNOWLEDGED AND AGREED:

THIS INDENTURE is made and entered into this \_\_\_\_\_ day of \_\_\_\_, 2004, by and between BANK OF AMERICA, N.A., as Trustee for GEORGE A. L'ABBE REVOCABLE LIVING TRUST AGREEMENT, Grantor, and THE WHITTIER TRUST COMPANY OF NEVADA, as Trustee for GEORGE A. L'ABBE REVOCABLE LIVING TRUST AGREEMENT, Grantee,

#### WITNESSETH:

That the Grantor, in consideration of the premises and of One Dollar (\$1.00) to them paid by the Grantee, hereby remise, release and forever quitclaim

# Case 3:73-cv-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 236 of 2

unto the Grantee, its successors and assigns forever, all the right, title, estate, interest, claim and demand, both at law and in equity, as well in possession as in expectancy of the Grantor, of, in and to all that certain real property situate in the County of Lyon, State of Nevada, being Assessor's Parcel No. 12-471-74, and more particularly described as follows:

That portion of the Northeast ¼ of Section 23, Township 11 North, Range 26 East, M.D.B.&M., in the County of Lyon, State of Nevada, being more particularly described as follows:

Beginning at the Section corner common to 13, 14, 23, 24 as shown on Record of Survey No. 223861, thence through the following courses:

- 1. South 01°00'38 East, 1958.07 feet;
- North 88°46'47" West, 2687.84 feet;
- 3. North 00°00'03" West, 638.78 feet;
- 4. North 45°42'44" East, 1852.85 feet;
- 5. South 88°36'59" East, 1326.75 feet to the True Point of Beginning.

ALSO those certain waters and water rights described in Exhibit "A" attached hereto and incorporated herein by this reference.

SUBJECT, HOWEVER, to those certain Covenants, Conditions, and Restrictions fro Walker River Ranch Irrigation Association recorded July 21, 1999, as Document No. 236752, Official Records, Lyon County, Nevada.

ALSO SUBJECT TO: Easements, restrictions, and reservations of record.

TOGETHER WITH, all and singular, the tenements, the 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 Grantee, its successors and assigns forever.

# Case 3:73-cv-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 237 of 2

IN WITNESS WHEREOF, the Grantor has caused this instrument to be executed the day and year first above written.

> BANK OF AMERICA, N.A., as Trustee for George A. L'Abbe Revocable Living Trust Agreement

STATE OF WASHINGTON : SS. COUNTY OF KING

On this 4th day of Augus t, 2004, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared JOHN T. MARGESON and DEBRA S. THOMAS, to me known or proven on the basis of satisfactory evidence to each be a Vice President of BANK OF AMERICA, N.A., as Trustee for George A. L'Abbe Revocable Living Trust Agreement; that they executed the foregoing instrument and acknowledged the said instrument to be the free and voluntary act of said bank and that they were authorized to execute the said instrument.

WITNESS my hand and official seal hereto affixed the day and year in this certificate above written.

Yata. Wood

Notary Public in and for the State of

Washington

Residing at \_ Everett,

Name Printed PAT A. WOOD

My appointment expires: 5

138699.1(#8208-2)\DS.dgo

#### **EXHIBIT "A"**

#### WATER RIGHTS TO BE CONVEYED

THOSE CERTAIN surface water rights from the East Walker River which are appurtenant to the real property described on Page 1 of document ("Property") pursuant to Claim 17 of that certain decree entitled "United States of America, Plaintiff, vs. Walker River Irrigation District, a corporation, et al, Defendants, Case in Equity C-125" consisting of the following:

1. The right to irrigate 25.5 acres of land with the following priorities:

| <u>Priority</u> | <u>Acreage</u> |
|-----------------|----------------|
| 1867            | 0.57 acres     |
| 1875            | 1.98 acres     |
| 1879            | 2.55 acres     |
| 1885            | 12.75 acres    |
| 1890            | 3.19 acres     |
| 1895            | 4.46 acres     |
|                 | 25.50 acres    |

2. The right to irrigate 34.5 acres of the Property from the East Walker River designated as "NEWLAND" as administered by the Walker River Irrigation District.

The location of the above 60 acres of irrigated land is illustrated in the map attached hereto as Exhibit "A-1".

TOGETHER with a portion of Permit 25017, Certificate 8860 issued to the Walker River Irrigation District for flood and excess waters to the extent it is appurtenant to such acres.

THE TOTAL LAN D AREA of the Property to be irrigated by surface water rights from the East Walker River under portions of Claim 17, "NEWLAND" rights and permit 25017, Certificate 8860 is 60 acres, more or less.

The total quantity of water is 240 acre feet annually.

TOGETHER WITH a portion of the supplemental underground water rights under Permit 49274, 49276, 49277 and 49278 consisting of a diversion rate of 0.1149 cfs from each permit and having a total combined annual duty of 240.0 acre feet which are appurtenant to that same 60 acres of the land irrigated from the East Walker River by decreed water rights and NEWLAND water rights above described.

TOGETHER WITH the right to change the point of diversion and place and manner of use of said water rights.

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

EXCLUDING THEREFROM, any and all water and water rights from any and all sources over and above the specifically described above.

# Case 3:73-cv-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 239 of 2

# MCDONALD·CARANO·WILSON

Debbie A. Shosteck, Esq. dshosteck@mcdonaldcarano.com

Reply to: Reno

August 16, 2004

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

> Re: Walker River litigation (In Equity No. C-125, Subfile No. C-125-B)—Whittier Trust Company of Nevada on behalf of the George A. L'Abbe Revocable Living Trust Agreement

Dear Ms. Schneider:

Enclosed you will find copies of the (1) Waiver of Service of Notice in Lieu of Summons; (2) Notice of Appearance and Intent to Participate; and (3) Notice of Change of Ownership of Water Right in the above entitle matter. We will be representing the Whittier Trust Company of Nevada, Trustee for the George A. L'Abbe Revocable Living Trust Agreement, in the Walker River litigation. It is my understanding that Mr. L'Abbe has already sent to you a Waiver of Service of Notice in Lieu of Summons. Because the property to which the water rights at issue are appurtenant is owned by the Whittier Trust Company as Trustee for the George A. L'Abbe Revocable Living Trust Agreement, Mr. L'Abbe did not have legal authority to sign the waiver. Accordingly, I have provided another waiver signed by Harold J. DePaoli, Vice President-Client Administrator of the Whittier Trust Company of Nevada.

In addition, when Bank of America, N.A. originally conveyed the pertinent parcel to the Whittier Trust Company of Nevada, the quitclaim deed did not correctly indicate that each entity acted as Trustee for the George A. L'Abbe Revocable Living Trust Agreement. We have since recorded a correction deed with the Lyon County Recorder's Office to rectify this error, a copy of which is attached to the Notice of Change of Ownership.



2300 WEST SAHARA AVENUE

# Case 3:73-cv-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 240 of 2

#### 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: 7-1-04 | Signature S. Wiggins  |        |
|--------------|---|--------|
|              | Printed/Typed Name  |        |
|              | If you are acting on behalf of any entity, identify that yo | 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.

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.

| 1        |  |             |   |
|----------|--|-------------|---|
| 2        | IN THE UNITED STA  |             |   |
| 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<br>9   | WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,                           | )<br>)<br>) |   |
| 10       | NOTICE OF APPEARANCE A   | ND INT      | ENT TO PARTICIPATE                        |
| 11<br>12 | I hereby enter my appearance in  | this sub-   | proceeding in this case.                  |
|          | 2. I am filing this document with t  | he Distric  | et Court at the following address:        |
| 13<br>14 | Chief Deputy Clerk United States District Court for                                | the         |   |
| 15       | District of Nevada<br>400 South Virginia Street, Suite<br>Reno, Nevada 89501       |             |   |
| 16<br>17 | 3. In the envelope provided for ret  | um of my    | Waiver of Service of Notice in Lieu of    |
| : 8      | Summons, I am mailing a copy of this document                                      | at to:      |   |
| . 9      | Susan L. Schneider Attorney for the United States o                                |             | 1   |
| 20       | United States Department of Just<br>Environment & Natural Resource<br>P.O. Box 756 |             | on  |
| 21       | Littleton, Colorado 80160  |             |   |
| 2        | 4. I (or the entity on whose behalf)   | am actin    | g) 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 serv                                    | ice of the  | Notice in Lieu of Summons.                |
| 5        | 5. If I (or the entity on whose behalf I   | am acting   | g) have retained an attorney to represent |
| 6        | me in these proceedings, I identify that attorne                                   | y below,    | along with his or her mailing address,    |
| 7        | telephone number, and facsimile number:  |             |   |
| 8        |  |             |   |
|          | NORTH OF TRANSPORT   |             |   |

# Case 3: 73-cy-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 242 of 2

| 1   | Attorney: HARRY W. Swainston                       |
|-----|--|
| 2   |  |
| 3   | Address: 4040 Hobart Road<br>CARSON City, NV 89703 |
| 4   | CARSON City, NV 89703                              |
| 5   | _  |
| 6   | Phone Number: 775- 883-2494                        |
| 7   | Fax Number: 775 - 883 - 1719                       |
| 8   | flie & Wiggen                                      |
| 9   | (Signature)  |
| 10  | A  |
| 11  | Alice S. Wiggins                                   |
| 12  | (Printed or typed Name)                            |
| 13  |  |
| 14  |  |
| 15  | (Entity, if any, on whose                          |
| 16  | behalf you are appearing)                          |
| 17  |  |
| 18  | (Address)  |
| 19  | (Telephone number)                                 |
| 20  |  |
| 21  |  |
| - 1 |  |

2.5

# Case 3:73-cy-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 243 of 2

# 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: <u>\( \tau - 26 - \text{cut} \)

Signature

\( \text{ROBERT WILENS} \)

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as: \( \text{TRUSTEE} \) of

(Title)

\( \text{THE WILENS FAMILY TRUST} \)

(Corporate, Trust, Partnership or other entity)</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 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 651 Filed 05/09/2005 Page 245 of 2

| 1   | Attorney:     |                                 |
|-----|---------------|---------------------------------|
| 2   |               |                                 |
| 3   | Address:      |                                 |
| 4   |               |                                 |
| 5   |               |                                 |
| 6   | Phone Number: |                                 |
| 7   | Fax Number:   |                                 |
| 8   |               | Robert Wilens                   |
| 9   |               | (Signature)                     |
| 10  |               |                                 |
| 11  |               | ROBERT WILENS                   |
| 12  |               | (Printed or typed Name) TRUSTEE |
| 13  |               |                                 |
| 1.4 |               | THE WILENS FAMILY TRUST         |
| 15  |               | (Entity, if any, on whose       |
| 16  |               | behalf you are appearing)       |
|     |               | 11 NORDYKE ROAD                 |
| 17  |               | YERINGTON, NV 89447 (Address)   |
| 1.8 |               | 775 463-3560                    |
| 19  |               | (Telephone number)              |
| 20  |               |                                 |
| 21  |               |                                 |
| 22  |               |                                 |
| 23  |               |                                 |
| 24  |               |                                 |
| 25  |               |                                 |
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| 27  |               |                                 |
|     |               |                                 |

# Case 3:73-cy-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 246 of 2

# 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: 6/22/04 | Signature Williams                                       |         |
|---------------|--|---------|
|               | JOHN L. WILLIAMS   |         |
|               | 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

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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 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.

| 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        | YS. )  |
| 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       | 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<br>Reno, Nevada 89501   |
| 16<br>17 | 3. In the envelope provided for return of my Waiver of Service of Notice in Lieu of  |
| 1.8      | Summons, I am mailing a copy of this document to:  |
| . 9      | Susan L. Schneider<br>Attorney for the United States of America  |
| 2 0      | United States Department of Justice Environment & Natural Resources Division   |
| 21       | P.O. Box 756<br>Littleton, Colorado 80160  |
| 2        | 4. I (or the entity on whose behalf I am acting) 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, along with his or her mailing address,  |
| 7        | telephone number, and facsimile number:  |
| 8        |  |
|          | NOTICE OF ADDRESS OF THE TAXABLE OF TAXABLE OF TAXABL |

### Case 3: 73-cv-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 248 of 2 Attorney: Address: Phone Number: Fax Number: William (Signature) JOHN L. WILLIAMS (Printed or typed Name) (Entity, if any, on whose behalf you are appearing) 25 E, PURSEL LIN. YEKINGTON NV 89447 (Address) 775-463-4648 (Telephone number)

# Case 3:73-cy-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 249 of 2

LYON COUNTY, NEV. RECORD REQUESTED BY

NORTHERN NEVADA TITLE CO.

03 NOV -4 PM 3:41

Northern Nevada Title Company

Escrow No.: LY-302849-DA RPTT: \$81.90, based on full value

RECORDING REQUESTED BY:

A.P.N. 04-401-04

MAIL TAX STATEMENTS AND WHEN

RECORDED, MAIL TO:

Kim K. Cox

P.O. Box 234

Yerington, NV 89447

THIS SPACE FOR RECORDER'S USE ONLY

TRANT, BARGAIN, SALE DEED

That Bruce W. Stephenson, Successor Trustee of the Williams Revocable Living Trust dated March 2, 1989, amended and restated June 18, 2002 and further amended December 31, 2002 in consideration of \$10.00 Dollars, the receipt of which is hereby acknowledged, dollars, the receipt of which is hereby drant, Bargain, Sell and Convey to Kim K. Cox, an Unmarried Woman and Gene G. Zieman, an Unmarried Ways Joint Tenants with Right of Survivorship all that real property in the County of Lyon, State of Nevada, bounded and described as follows:

Lot 10 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. 🐓 🕰

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

Together with all singular the tenements, hereditaments and appurtenances thereunto appertaining.

Dated: October 29, 2003

Williams Revocable Living Trust dated March 2, 1989, amended and restated June 18, 2002 and further amended December 31, 2002

Bruce W. Stephenson.

# Case 3:73-cv-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 250 of 2

| STATE OF California )   |
|---|
| COUNTY OF Placer)   |
| On November 3 2003 personally appeared before me, a Notary Public, Bruce W. Stephenson, Successor Trustee who acknowledged that he executed the above instrument.   |
| Signature White Mall At   |
| (Notary Public)  CAROLYN M. ALBRIGHT  Comm. # 1356448  O  HOTARY PUBLIC - CALEFORNIA  PROCE COUNTY  CONT. # 1256448  O  CONT. |
| My Comm. Expires May 13, 2009   |
|   |
|   |
|   |
|   |
|   |
|   |
|   |
|   |
|   |

Document 651 Filed 05/09/2005 Page 251 of 2

ATION DISTRICT YERING LON, NEVADA WALKER RIVE!

Kim K. Cox and Gene G. Zleman

10799

Card #: Name:

Division #

P. O. Box 234

Address:

Lyon County No. Claim No. User # Ditch

464 Lee Sanders

4-401-04 Fm 375

Index No.

Yerington, NV 89447

|               | TOTAL ACRES                          |             | Water Rt. Acres | Service Action | MOI ALG DE DE DE | Acre Feet Storage |
|---------------|--------------------------------------|-------------|-----------------|----------------|------------------|-------------------|
|               |                                      | CLAIM *     |                 |                |                  |                   |
|               | RIDGEPORT RES.                       | ACRE FEET   |                 | 00.            |                  |                   |
|               | ACRE FEET TOPAZ RES. BRIDGEPORT RES. | ACRE FEET   |                 | 6.88           |                  |                   |
|               | ACRE FEET                            | APPORTIONED |                 | 6.83           |                  |                   |
|               | ACRE FEET REQUIRED                   | TOTAL       | 6.880           | 6.880          |                  |                   |
|               |                                      | •           | 2.0592          |                |                  |                   |
|               | DAVA                                 | STORAGE     | 99              |                |                  |                   |
|               |                                      | PUTY        | 4.2768          |                |                  |                   |
|               |                                      | ACRES       | 3 340           | 075.6          | 2400             |                   |
|               |                                      | C.F.S       |                 |                |                  |                   |
| Court Decree: |                                      | PRIORITY    | Airchard        | NEWL           |                  |                   |

| - NOTGIOUS DE LA COLO                      |                | COMMENT   |                       |
|--|----------------|---|-----------------------|
| ברסער סבסטיי יוסיי                         |                | 01/06/04 - Transferred from card #56500 - Williams Trust  | ns Trust              |
|  |                |   |                       |
| Lot No. 10, Walker River Ranch Subdivision | Ranch Subdivis | uois  |                       |
|  |                |   |                       |
| DOCUMENT HISTORY:                          |                |   |                       |
|  | DATE           | DESCRIPTION   |                       |
| DOCUMENT #                                 | 11.            |   |                       |
| #23986,24190, #28534                       | 08/10/76       | From the Walker River Ranch to Cartiledge.  |                       |
| #33407                                     | 08/06/77       | Lot #8 to L.E. & V.L. Hoselton.   |                       |
| #35323                                     | 12/09/79       | A.E. Catelidge to J. & E. Williams, Lots #9 & 10.   |                       |
| #54176                                     | 08/60/20       | J. & E. Williams to D. & R. Pelayo, Lot #9.   | cable Living Truct    |
| #123296                                    | 04/03/89       | Jack H. & Evangeline A. Williams, husband and wife to Jack H. & Evangeline A. Williams, I fustees for file Williams, husband and wife to Jack H. & Evangeline A. Williams, husband and wife to Jack H. & Evangeline A. Williams, husband and wife to Jack H. & Evangeline A. Williams, increased the second and wife to Jack H. & Evangeline A. Williams, husband and wife to Jack H. & Evangeline A. Williams, husband and wife to Jack H. & Evangeline A. Williams, increased the second and wife to Jack H. & Evangeline A. Williams, husband and wife to Jack H. & Evangeline A. Williams, husband and wife to Jack H. & Evangeline A. Williams, husband and wife to Jack H. & Evangeline A. Williams, increased the second and wife to Jack H. & Evangeline A. Williams, husband and wife to Jack H. & Evangeline A. Williams, husband and wife to Jack H. & Evangeline A. Williams, husband and wife to Jack H. & Evangeline A. Williams and | 19/02 and further ame |
| #307696                                    | 11/04/03       | Bruce W. Stephenson, Successor Trustee of the Williams Revocable Living Trust dated 3/2/89, amerided and research of survivorship   | rvivorship            |
| _  |                |   |                       |

WRID 06/30/04

# Case 3:73-cy-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 252 of 2

### 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: July 12, 2004 | Signature  Michael (Williford)  Printed/Typed Name  If you are acting on behalf of any entity, identify that y acting as:  (Title) | ou are |
|---------------------|--|--------|
|                     | (Corporate, Trust, Partnership or other entity)  |        |

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### Case 3:73-cy-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 253 of 2

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

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| Date: June 09, 2004 | Signature Signature                                      |            |
|---------------------|--|------------|
| 7                   | VIROINIA M. WILLIFORD                                    |            |
|                     | Printed/Typed Name                                       |            |
| •                   | If you are acting on behalf of any entity, identify that | it you are |
|                     | acting as:   | of         |
|                     | (Title)  |            |
|                     | (Corporate, Trust, Partnership or other entity)          |            |

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### Case 3:73-cy-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 254 of 2

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

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Date: 7-17-04

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

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| 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  | )<br>)<br>vs.  |
| 8  | WALKER RIVER IRRIGATION DISTRICT, a corporation, et ai.,   |
| 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:                                     |
| 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 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.C. Box 756   |
| 2  | Littleton, Colorado 80160  4. I (or the entity on whose behalf I am acting) will retain all defenses or objections |
| 2  | 4. I (or the entity on whose benall I am acting) will follow the second for objections based on a defect           |
| 2  | to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect                |
| 2  | in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.                               |
| 2  | 5. If I (or the entity on whose behalf I am acting) have retained an attorney to represen                          |
| 2  |  |
| 2  | telephone number, and facsimile number:  |
| 2  | 8  |
|    | NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 1 of 2  |

# Case 3: 73-cy-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 256 of 2

| 1   | Attorney:     |                                 |
|-----|---------------|---------------------------------|
| 2   |               |                                 |
| 3   | Address:      |                                 |
| 4   |               |                                 |
| 5   |               |                                 |
| 6   | Phone Number: |                                 |
| 7   | Fax Number:   | $\alpha$ , $\beta$              |
| 8   |               | Candype Wypoli                  |
| 9   | •             | (Signature)                     |
| 10  |               | 0.                              |
| 11  |               | (Printed or typed Name)         |
| 1.2 |               | (Fillited of typed Name)        |
| 13  |               |                                 |
| 1.4 |               | (Entity, if any, on whose       |
| 15  |               | behalf you are appearing)       |
| 16  |               | P.O. Box 79                     |
| 17  |               | Wellington N 89444<br>(Address) |
| 18  |               | 775- 465-2107                   |
| 19  |               | (Telephone number)              |
| 20  |               |                                 |
| 21  |               |                                 |
| 22  |               |                                 |
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| 24  |               |                                 |
| 25  |               |                                 |
| 26  |               |                                 |
| :   | <b>{</b> [    |                                 |

### Case 3:73-cy-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 257 of 2

### 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: 7/17/04 | Son Weeth  |            |
|---------------|--|------------|
|               | Signature Lom WIPFLI                                     |            |
|               | Printed/Typed Name                                       |            |
|               | If you are acting on behalf of any entity, identify that | 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 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 cour; that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the 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 part cipate.

| Τ   |   |  |
|-----|---|--|
| 2   | IN THE UNITED STATES DEFINED FOR THE DISTRICT OF  |  |
| 3   | UNITED STATES OF AMERICA,   | )  |
| 4   | Plaintiff,  | )<br>)                                     |
| 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.,  | )<br>)<br>)                                |
| 10  | NOTICE OF APPEARANCE AND INT  | TENT TO PARTICIPATE                        |
| 11  | <ol> <li>I hereby enter my appearance in this sub</li> </ol>  | enroceeding in this case                   |
| 12  | 2. I am filing this document with the Distri  |  |
| 13  | Chief Deputy Clerk  | et Court at the following address.         |
| 1.4 | United States District Court for the District of Nevada   |  |
| 15  | 400 South Virginia Street, Suite 301<br>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:   | y warver of gervice of Notice in Lieu of   |
| 18  | Susan L. Schneider  |  |
| ì.9 | Attorney for the United States of Americ 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 acti   | 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 Netice 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 actir   | 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:   |  |
| 8.2 |   |  |
|     | NOTICE OF ADDEADANCE AND INTENT TO DARTH  | CIDATE DECA 1 of 2                         |

# Case 3: 73-cv-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 259 of 2

| 1  | Attorney:     |              |   |
|----|---------------|--------------|---|
| 2  |               |              |   |
| 3  | Address:      |              |   |
| 4  |               | ·            |   |
| 5  |               |              |   |
| 6  | Phone Number: | 775 465 2107 |   |
| 7  | Fax Number:   |              |   |
| 8  |               |              | Som Vyde.   |
| 9  |               |              | (Signature)   |
| 10 |               |              | 1,  |
| 11 |               |              | JOM NIPFLI  |
| 12 |               |              | (Printed or typed Name)                             |
| 13 |               |              |   |
| 14 |               |              |   |
| 15 |               |              | (Entity, if any, on whose behalf you are appearing) |
| 16 |               |              | P. O. Box 79  |
| 17 |               |              | Wellington, NV 89444                                |
| 18 |               |              | (Address) 775 - 465 - 2107                          |
| 19 |               |              | (Telephone number)                                  |
| 20 |               |              |   |
| 21 |               |              |   |
| 22 |               |              |   |
| 23 |               |              |   |
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| #  |               |              |   |

### Case 3:73-cy-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 260 of 2

#### 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: Madre T. Wright

Signature

NADIA T. WRIGHT

Printed/Typed Name

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

(Title)

WRIGHT 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 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 IN THE UNITED STATES DISTRICT COURT 2 FOR THE DISTRICT OF NEVADA 3 UNITED STATES OF AMERICA. 4 Plaintiff. 5 IN EQUITY NO. C-125 WALKER RIVER PAIUTE TRIBE. 6 SUBFILE NO. C-125-B Plaintiff-Intervenor. 7 ٧s. 8 WALKER RIVER IRRIGATION DISTRICT. a corporation, et al., 9 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 400 South Virginia Street, Suite 301 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 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. 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, telephone number, and facsimile number: 27 28

# Case 3:73-cy-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 262 of 2

| 1   | Attorney:     |   |
|-----|---------------|---|
| 2   |               |   |
| 3   | Address:      |   |
| 4   |               |   |
| 5   |               |   |
| 6   | Phone Number: |   |
| 7   | Fax Number:   |   |
| 8   |               | nadia T. Wright                                     |
| 9   |               | (Signature)   |
| 1.0 |               |   |
| 1.1 |               | NADIA T. WRIGHT                                     |
| 1.2 |               | (Printed or typed Name)                             |
| 13  |               |   |
| 14  |               |   |
| 15  |               | (Entity, if any, on whose behalf you are appearing) |
| 16  |               | 13 RWKRS Cd   |
| 17  |               | Willington NV 89444                                 |
| 18  |               | (Address) 0<br>775 465 3372                         |
| 19  |               | (Telephone number)                                  |
| 20  |               |   |
| 21  |               |   |
| 2.2 |               |   |
| 23  |               |   |
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| 27  |               |   |

# Case 3:73-cy-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 263 of 2 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 based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

| Date: 3.29.05 | Signature<br>SANDRA WIGHT  |            |
|---------------|--|------------|
|               | Printed/Typed Name  If you are acting on bahalf of any entity, identify the acting as: | at you are |
|               | (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 wit a notice of appearance and intent to participate.

# Case 3:73-cy-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 264 of 2

| 2  | IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA             |  |  |  |
|----|--|--|--|--|
| 3  | UNITED STATES OF AMERICA.  |  |  |  |
| 4  | μ · · · · · · · · · · · · · · · · ·  |  |  |  |
| 5  | WALKER RIVER PAIUTE TRIBE.  IN EQUIT                                       | TY NO. C-125   |  |  |
| 6  | 6  | NO. C-125-B  |  |  |
| 7  | (  |  |  |  |
| 8  | ))   |  |  |  |
| 9  |  |  |  |  |
| 10 | NOTICE OF APPEARANCE AND INTENT TO PART                                    | CICIPATE   |  |  |
| 11 | 1. I hereby enter my appearance in this sub-proceeding in th               | ie caee  |  |  |
| 12 | .2   |  |  |  |
| 13 |  | nowing address.  |  |  |
| 14 |  |  |  |  |
| 15 |  |  |  |  |
| 16 | Reno, Nevada 89501   |  |  |  |
| 17 | 3. In the envelope provided for return of my Waiver of Servi               | ice of Notice in Lieu  |  |  |
| 13 | Summons. I am mailing a copy of this document to:                          |  |  |  |
| .9 | Susan L. Schneider   |  |  |  |
| 20 | United States Department of Justice  |  |  |  |
| 21 | P.O. Box 756   |  |  |  |
|    |  | defenses or objection  |  |  |
| 2  |  |  |  |  |
| li |  |  |  |  |
| 4  |  | in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons. |  |  |
| :5 |  |  |  |  |
| 6  | me in these proceedings, I identify that attorney below, along with his or | r her mailing addres   |  |  |
| 7  | telephone number, and facsimile number:                                    |  |  |  |
| 8  | 3  |  |  |  |
|    | NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page                       | l of 2   |  |  |

| 3:73 | -cv-00127-MMD-CSD Doc | cument 651 Filed 05/09/2005 Page 265 o    |
|------|-----------------------|---|
| 1    | Attorney:             |   |
| 2    |                       |   |
| 3    | Address:              |   |
| 4    |                       |   |
| 5    |                       |   |
| 6    | Phone Number:         | 1   |
| 7    | Fax Number:           | - Marchal Strant                          |
| 8    |                       | Minago                                    |
| 9    |                       | (Signature)                               |
| 10   |                       | SANDRAWright                              |
| 11   |                       | (Printed or typed Name)                   |
| 12   |                       | (2,111100 01 3)                           |
| 13   |                       |   |
| 14   |                       | (Entity, if any, on whose                 |
| 15   |                       | behalf you are appearing)                 |
| 16   |                       | 20 01 10 11 11 11 11 11 11 11 11 11 11 11 |
| 17   |                       | 30 Circle Dr Wellington NV<br>(Address)   |
| 18   |                       | 775-465-2015                              |
| 19   |                       | (Telephone number)                        |
| 20   |                       |   |
| 21   |                       |   |
| 22   |                       |   |
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| 27   |                       |   |

# Case 3:73-cy-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 266 of 2 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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Date: 3-29-05

Signature

Wester Wright

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

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|    | 1  |  |
|----|--|--|
|    | IN THE UNITED STATES DISTRICT COURT<br>FOR THE DISTRICT OF NEVADA  |  |
|    | UNITED STATES OF AMERICA.  |  |
|    | Plaintiff.   |  |
|    | WALKER RIVER PAIUTE TRIBE.   IN EQUITY NO. C-125   |  |
| -  | Plaintiff-Intervenor, SUBFILE NO. C-125-B  |  |
| ٤  | vs.  |  |
| 9  | WALKER RIVER IRRIGATION DISTRICT, a comporation, 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 | The state of the s |  |
| 13 | <ol> <li>I am filing this document with the District Court at the following address:</li> <li>Chief Deputy Clerk</li> </ol>  |  |
| 14 | United States District Court for the District of Nevada  |  |
| 15 | 400 South Virginia Street, Suite 301<br>Reno, Nevada 89501   |  |
| 15 |  |  |
| 17 | 3. In the envelope provided for return of my Waiver of Service of Notice in Lieu Summons. I am mailing a copy of this document to:   |  |
| 13 | Susan L. Schneider   |  |
| 19 | Attorney for the United States of America  |  |
| 20 | United States Department of Justice Environment & Natural Resources Division P.O. Box 756  |  |
| 21 | Littleton, Colorado 80160  |  |
| 2  | 4. I (or the entity on whose behalf I am acting) will retain all defenses or objection   |  |
| 3  | the lawsuit or to the jurisdiction or venue of the court except for objections based on a defe   |  |
| 4  | the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.  |  |
| t) | 5. If I (or the entity on whose behalf I am acting) have retained an attorney to represe:  |  |
| 6  | ne in these proceedings, I identify that attorney below, along with his or her mailing address   |  |
| 7  | lephone number, and facsimile number:  |  |
| 8  |  |  |
|    | NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 1 of 2  |  |

## Case 3:73-cv-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 268 of 2 Address: Phone Number: Fax Number: (Signature) (Printed or typed Name) (Entity, if any, on whose behalf you are appearing) 30 Circle Drive - Welling (Address) 775-465-2015 (Telephone number)

have address to:

# 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: 6/10/04

Signature Leager Shoise Yeager

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 Tripe) 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 "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.

hange address to: Case 3:73-cv-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 270 of 2

# 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: <u>dune</u> 10, 7004 | 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 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 partic pate.

# Case 3:73-cv-00127-MMD-CSD Document 651 Filed 05/09/2005 Page 271 of 2

# 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 or 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>8/9/2004</u> | Signature  Signature  Gene Zieman  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 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 ne 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 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 notice of appearance and intent to participate.