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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

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2
3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 WALKER RIVER PAIUTE TRIBE,

6 Plaintiff-Intervenor,

7 vs.

8 WALKER RIVER IRRIGATION DISTRICT,
9 a corporation, et al.,

IN EQUITY NO. C-125-B

SUBFILE NO. C-125-B

FILED
LANCE S. NELSON
CLERK
SEP 27 11 13 AM '05

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
- 15 District of Nevada
- 16 400 South Virginia Street, Suite 301
- 17 Reno, Nevada 89501
- 18 3. In the envelope provided for return of my Waiver of Service of Notice in Lieu of

19 Summons. I am mailing a copy of this document to:

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

26 4. I (or the entity on whose behalf I am acting) will retain all defenses or objections
27 to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect
28 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:

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Attorney: Andrew J. Morris

Address: Best Best & Krieger LLP
5 Park Plaza, Suite 1500
Irvine, CA 92614

Phone Number: (949) 263-2600

Fax Number: (949) 260-0972

Andrew Morris

(Signature)

ANDREW MORRIS

(Printed or typed Name)

Yerington Associates

(Entity, if any, on whose
behalf you are appearing)

P.O. Box 2688

Elko, Nevada 89803

(Address)
(775) 738-8000

(Telephone number)

PROOF OF SERVICE

I, Kerry V. Keefe, declare:

I am a resident of the State of California and over the age of eighteen years, and not a party to the within action; my business address is Best Best & Krieger LLP, 5 Park Plaza, Suite 1500, Irvine, California 92614. On September 19, 2005, I served the within documents:

NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE

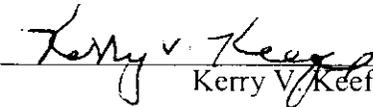
- by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m.
- by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Irvine, California addressed as set forth below.
- by causing personal delivery by of the document(s) listed above to the person(s) at the address(es) set forth below.
- by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.
- I caused such envelope to be delivered via overnight delivery addressed as indicated on the attached service list. Such envelope was deposited for delivery by Federal Express following the firm's ordinary business practices.

(SEE ATTACHED SERVICE LIST)

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on September 19, 2005, at Irvine, California.



 Kerry V. Keefe

SERVICE LIST

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

Scott B. McElroy
Attorney for the Walker River Paiute Tribe
Greene, Meyer & McElroy, P.C.
1007 Pearl Street, Suite 220
Boulder, CO 80302

Gordon DePaoli
Attorney for the Walker River Irrigation District
Woodburn and Wedge
P.O. Box 2311
Reno, NV 89505-2790

Marta Adams
Attorney for the State of Nevada
100 N. Carson St.
Carson City, NV 89701

Michael W. Neville
Deputy Attorney General
California Attorney General's Office
455 Golden Gate Avenue, Ste. 11000
San Francisco, CA 94102-3664

Chief Deputy Clerk
United States District Court for the District of Nevada
400 So. Virginia Street, Ste. 301
Reno, NV 89501