IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA, Plaintiff, WALKER RIVER PAIUTE TRIBE, Plaintiff-Intervenor, vs. WALKER RIVER IRRIGATION DISTRICT, a corporation, et al., Defendants.	IN EQUITY NO. C-125-ECR Subproceeding: C-125-B SIXTH REPORT OF THE UNITED STATES OF AMERICA CONCERNING STATUS OF SERVICE ON CERTAIN PERSONS AND ENTITIES

The United States of America ("United States"), on behalf of itself and the Walker River Paiute Tribe ("Tribe"), submits the following information related to its service efforts on persons and entities subject to service under the *Case Management Order* (Apr. 18, 2000) ("CMO"). As set forth in this pleading, the United States asks the Court to approve certain service efforts, to amend the caption related to this phase of service, to make corrections and additions, and, in some instances, to take no action at this point as service efforts are continuing. The instant filing focuses on a portion of those persons and entities subject to service under Paragraph 3 of the CMO.

740

This is the sixth such filing that the United States has made in this action. The United States and the Tribe ask the parties to direct any comments or corrections regarding either of these reports to the United States so that any corrections might be made promptly.

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

We are also submitting a separate filing of the original Waivers of Service, Notices of Appearance, Disclaimers, and Notices of Change of Ownership of Water Right, which is arranged in alphabetical order.

We have organized this pleading numerically, according to the alphabetical listing of names included on the caption in the United States' and Tribe's respective First Amended Counterclaims. Exhibits are numbered to correlate to the overall numerical organization (*i.e.*, Exhibit 1 relates to the discussion of Defendant #1). For each Defendant addressed, we have attempted to identify all service categories relevant to that Defendant, but we are not representing these identifications as necessarily complete or asserting that any Defendant subject to service under CMO categories not specifically identified would need to be served a second time. To the extent that corrections or additional or changed parties appear appropriate, those are discussed in

connection with the listing as originally identified in the case caption.

We have not yet provided the Court with a proposed amended Caption, but are prepared to do so after the Court addresses the requests stated herein. We are also providing a copy of this pleading and the certificate of service to the Court and the Clerk's Office on a computer disk in Word Perfect format and would be pleased to provide this information in any other format to assist the Court and Clerk's Office.

In an effort to assist with the development of the Certificate of Service for this case, we have included in this pleading addresses for counsel, and if there is no counsel, addresses for service upon the individual or entity served. This filing also includes (Section III) several address changes that we have received from various persons or entities. To the extent that the person or entity is not identified clearly in the address indicated for service, we have included that information in brackets. We recognize that if the Court dismisses certain individuals and entities from the case, as we have requested, the Certificate of Service attached to this document will change as well.

I. Service Efforts: CMO Paragraph 3.a.

1. Vincent S. Bracken:

a. Basis for inclusion: CMO 3.a.

b. Status of service: A Waiver of Service form was returned signed by Vincent S. Bracken. *See* Exhibit 1.

c. Counsel: None indicated.

d. Address for service: Vincent S. Bracken
8908 Aspen View Drive
West Jordan, UT 84088

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

2. Colleen Susan Coffey, *see* William R. Kugler, below.

3. Bradley D. Davis, *see* Carrie L. Davis below.

4. Carrie L. Davis:

a. Basis for inclusion: CMO 3.a.

b. Status of service: The United States has received documentation indicating that the water right at issue has been conveyed to Scott DeChambeau. *See* Exhibit 3 / 4.

c. Counsel: None indicated.

d. Address for service: N/A

e. Requested action(s): We request that the Court dismiss Bradley and Carrie Davis and substitute Scott DeChambeau. Mr. DeChambeau was served July 25, 2005.

5. Farias Revocable Trust Agreement:

a. Basis for inclusion: CMO 3.a.

b. Status of service: The United States has received documentation confirming that the water right at issue has been conveyed to Hunewill Land & Livestock. *See* Exhibit 5.

c. Counsel: None indicated.

d. Address for service: N/A

e. Requested action(s): We request that the Court dismiss the Farias Revocable Trust Agreement, and substitute Hunewill Land & Livestock, which is already a party to this action.

6. Ace Grulli, *see* Marvin Grulli below.

7. Felicia Grulli, *see* Marvin Grulli, below.

8. Marvin Grulli:

a. Basis for inclusion: CMO 3.a.

b. Status of service: The United States has received documentation confirming that the water right at issue has been conveyed to David and Laura Moline. *See* Exhibit 6 / 7 / 8.

c. Counsel: None indicated.

d. Address for service: N/A

e. Requested action(s): We request that the Court dismiss Ace Grulli, Felicia Grulli and Marvin Grulli, and substitute David and Laura Moline. The Molines have yet to be served.

9. William R. Kugler:

a. Basis for inclusion: CMO 3.a.

b. Status of service: The United States has received documentation confirming that the water right at issue has been conveyed to S. V. Development. *See* Exhibit 2 / 9.

c. Counsel: None indicated.

d. Address for service: N/A

e. Requested action(s): We request that the Court dismiss William R. Kugler, and substitute S. V. Development, which has yet to be served.

10. Carrol G. Masini, *see* Maria O. Masini:

11. Maria O. Masini:

a. Basis for inclusion: CMO 3.a.

b. Status of service: The United States has received documentation confirming that the water right at issue has been conveyed to the Carrol Gene and Maria Orsola Masini Family Trust. The Masinis have returned a signed Notice of Appearance on behalf of the Trust. *See* Exhibit 10 / 11.

c. Counsel: None indicated.

d. Address for service: Carrol Gene and Maria Orsola Masini Family Trust
Carol G. and Maria O. Masini, trustees
230 Highway 208
Yerington, NV 89447

e. Requested action(s): We request a finding that the Court dismiss Carrol G. Masini and Maria O. Masini; substitute the Carrol Gene and Maria Orsola Masini Family Trust; and find that service is complete as to the Trust.

12. Cynthia L. Mathews, *see* Steven P. Mathews.

13. Steven P. Mathews:

a. Basis for inclusion: CMO 3.a.

b. Status of service: A signed Notice of Change of Ownership of Water Right form has been returned indicating that the water right at issue has been quitclaimed to the Walker River Irrigation District. *See* Exhibit 12 / 13.

c. Counsel: None indicated.

d. Address for service: N/a

e. Requested action(s): We request that the Court dismiss both Cynthia L. and Steven P. Mathews, and substitute Walker River Irrigation District, which is already a party to this action.

14. Edgar O. McAlister:

a. Basis for inclusion: CMO 3.a.

b. Status of service: The United States has received documentation confirming that the water right at issue has been conveyed to Bruce G. and Beverly K. Vogel. *See* Exhibit 14.

c. Counsel: None indicated.

d. Address for service: N/A

e. Requested action(s): We request that the Court dismiss Edgar O. McAlister, and substitute Bruce G. and Beverly K. Vogel. The Vogels have yet to be served in their individual capacities.

15. Betty J. Meier, *see* Virgil Meier, below.

16. Virgil J. Meier:

a. Basis for inclusion: CMO 3.a.

b. Status of service: The United States has received documentation confirming that the water right at issue has been conveyed to Don and Cheryl Dockum [½ interest] and Tommy and Marcia Hefner [½ interest]. *See* Exhibit 15 / 16.

c. Counsel: None indicated.

d. Address for service: N/A

e. Requested action(s): We request that the Court dismiss Betty J. and

Virgil J. Meier, and substitute Don and Cheryl Dockum and Tommy and Marcia Hefner. The Dockums and Hefners have yet to be served.

17. Michael F Neeper, *see* Sandra M. Neeper below.

18. Sandra M. Neeper:

a. Basis for inclusion: CMO 3.a.

b. Status of service: The United States has received documentation confirming that the water right at issue has been conveyed to John A. and Nancy J. Mathas. *See* Exhibit 17 / 18.

c. Counsel: None indicated.

d. Address for service: N/A

e. Requested action(s): We request that the Court dismiss Michael F. and Sandra M. Neeper, and substitute John A. and Nancy J. Mathas, who have yet to be served.

19. Victor A. Perry:

a. Basis for inclusion: CMO 3.a.

b. Status of service: Victor Alan Perry has returned signed Waiver of Service and Notice of Appearance forms. *See* Exhibit 19.

c. Counsel: None indicated.

d. Address for service: Victor A. Perry
6130 Plumas Street
Reno, NV 89509

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

20. Myron M. Rinasz:

a. Basis for inclusion: CMO 3.a.

b. Status of service: A Waiver of Service form has been returned, signed by Myron M. Rinasz. *See* Exhibit 20.

c. Counsel: None indicated.

d. Address for service: Myron M. Rinasz
1665 Toler Lane
Gardnerville, NV 89410

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

21. Cherie C. Rye:

a. Basis for inclusion: CMO 3.a.

b. Status of service: Cherie C. Rye has returned signed Waiver of Service and Notice of Appearance forms. *See* Exhibit 21.

c. Counsel: None indicated.

d. Address for service: Cherie C. Rye
1368 State Route 208
Yerington, NV 89447

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

22. Mariana Sepulveda:

a. Basis for inclusion: CMO 3.a.

b. Status of service: The United States has received documentation confirming that the water right at issue has been conveyed to Dena L. and John E. Mattice. *See* Exhibit 22.

c. Counsel: None indicated.

d. Address for service: N/A

e. Requested action(s): We request that the Court dismiss Mariana

Sepulveda, and substitute Dena L. and John E. Mattice. The Mattices have yet to be served.

23. Angela Smith, *see* Scott Smith below.

24. Ermon W. & Mary Lee Smith Family Trust:

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

b. Status of service: Waiver of Service and Notice of Appearance forms have been returned, signed by Mary Lee Smith, trustee of the Ermon W. & Mary Lee Smith Family Trust. *See* Exhibit 24.

c. Counsel: None indicated.

d. Address for service: Ermon W. & Mary Lee Smith Family Trust
Mary Lee Smith, trustee
2016 Pleasant View Court
Clarkston, WA 99403

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

25. Scott Smith:

a. Basis for inclusion: CMO 3.a.

b. Status of service: Waiver of Service forms have been returned signed by Angela and Scott Smith. *See* Exhibits 23 and 25.

c. Counsel: None indicated.

d. Address for service: Angela and Scott Smith
1665 Toler Lane
Gardnerville, NV 89410

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

26. Susan M. Steneri, *see* William K. Vicencio, below.

27. Hugo Van Vliet, *see* Shirley Van Vliet, below.

28. Shirley Van Vliet:

a. Basis for inclusion: CMO 3.a.

b. Status of service: The United States has received documentation confirming that the water right at issue has been conveyed to the Forrest G. Godde 1998 Trust. *See* Exhibit 27 / 28.

c. Counsel: None indicated.

d. Address for service: N/A

e. Requested action(s): We request that the Court dismiss the Van Vliets and substitute the Forrest G. Godde 1998 Trust. The Godde Trust is already a party to this action.

29. William K. Vicencio:

a. Basis for inclusion: CMO 3.a.

b. Status of service: A signed Notice of Change of Ownership of Water Right and supporting documentation have been returned indicating that the water rights at issue have been conveyed to Walker River Irrigation District. *See* Exhibit 26 / 29.

c. Counsel: None indicated.

d. Address for service: N/A

e. Requested action(s): We request that William K. Vicencio and Susan M. Steneri be dismissed from this action and that the Walker River Irrigation District be substituted. The Walker River Irrigation District is already a party to this action.

30. Joel and Nancy Walker 1999 Revocable Trust:

a. Basis for inclusion: CMO 3.a.

b. Status of service: The United States has received documentation confirming that the water right at issue has been conveyed to Steven M. Douglas and Debra A. Draper-Douglas. *See* Exhibit 30.

c. Counsel: None indicated.

d. Address for service: N/A

e. Requested action(s): We request that the Court dismiss the Joel and Nancy Walker 1999 Revocable Trust, and substitute Steven M. Douglas and Debra A. Draper-Douglas. The Douglases are already parties to this proceeding. *See* Third Service Report.

II. Service Efforts: CMO Paragraphs 3.d., g., and/or i.

1. Clyne P. Bauer:

a. Basis for inclusion: CMO Paragraphs 3.d. and g (quasi-municipal).

b. Status of service: Mr. Bauer had signed and returned a Waiver of Service and a Notice of Appearance in his individual capacity. Mr. Bauer was listed in his individual capacity on the application and other materials associated with his groundwater well, which is also identified as "quasi-municipal." Our continued investigation revealed that he conveyed the applicable property to the "Clyne P. Bauer Trust," for which he is the trustee. *See* Exhibit 12, First Service Report. We served the Clyne P. Bauer Trust on October 29, 2004, and have received a signed Waiver of Service. *See* Exhibit 31.

c. Counsel: None indicated.

d. Address for service: Clyne P. Bauer Trust
Clyne P. Bauer
P.O. Box 186

Ely, NV 89301-0186

e. Requested action(s): We request the Court to dismiss Clyne P. Bauer in his individual capacity; substitute the Clyne P. Bauer Trust; and find that service is complete as to the Clyne P. Bauer Trust.

2. Mary M. Wright:

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

b. Status of service: Mary Wright has returned signed Waiver and Notice of Appearance forms. *See* Exhibit 32.

c. Counsel: Gordon H. DePaoli
Dale E. Ferguson
Woodburn and Wedge
P. O. Box 2311
Reno, NV 89505

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

e. Requested action(s): We ask the Court to find that service is complete.

III. Address Corrections:

We have received the following changes of address:

Virginia and Keith Savage
611 Sandy Avenue
Yerington 89447

Michelle D. and Richard G. Miller
1555 Picetti Court
Fernley, NV 89408-9247

Marie J. Rudd
710 Vera Avenue
Ripon, CA 95366

Madge E. Schendel
3299 Integrity Way
Fallbrook, CA 92028

Roxanne Dressler
P. O. Box719
Redwood Valley, CA 95470

Melvin E. Pursel 1998 Trust
Melvin E. Pursel, trustee
P. O. Box 839
Cascade, ID 83611

CONCLUSION

We ask the Court to approve the above service efforts and requested amendments, corrections and additions to the Caption as set forth herein.

Respectfully submitted,

Scott B. McElroy, Alice E. Walker
Greene, Meyer & McElroy, P.C.
1007 Pearl Street, Suite 220
Boulder, Colorado 80302
303- 442-2021

Kelly R. Chase
P.O. Box 2800
Minden, NV 89423
702-782-3099

Attorneys for the Walker River Paiute Tribe

Susan L. Schneider
U.S. Department of Justice
Environment and Natural Resources Div.
Indian Resources Section
999 18th Street, Suite 945
Denver, CO 80202
303-312-7308

By: Susan L. Schneider
Susan L. Schneider

Date: Oct. 7, 2005

Attorney for the United States of America

CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of October 2005, I served a true and correct copy of the foregoing SIXTH REPORT OF THE UNITED STATES OF AMERICA CONCERNING STATUS OF SERVICE ON CERTAIN PERSONS AND ENTITIES by first-class mail, postage prepaid, addressed to the following persons:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

* * * * * *

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

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

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

John P. Schlegelmilch
30 Broadway Avenue
Yerington, NV 89447

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

* * * *

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

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

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

* * * *

[Mary M. Wright]
Gordon DePaoli/Dale Ferguson
See address above

* * * * * *

Vincent S. Bracken
8908 Aspen View Drive
West Jordan, UT 84088

Bradley D. and Carrie L. Davis
15 Santa Sophia
Wellington, NV 89444

Farias Revocable Trust
Josephine M. Farias, sole trustee
43 Artesia Road
Wellington NV 89444
Ace Grulli
39 N. Center Street
Yerington, NV 89447

Marvin and Felicia Grulli
235 S. Center St.
Yerington, NV 89447

Colleen Susan Coffey
William R. Kugler
1195 Rabe Way
Carson City, NV 89701

Carrol Gene and Maria Orsola Masini
Family Trust
Carrol G. and Maria O Masini, trustees
230 Highway 208
Yerington, NV 89447

Cynthia L, and Steven P. Mathews
916 Monument Peak
Gardnerville, NV 89410

Edgar O. McAlister
524 Highway 208
Yerington, NV 89447

Betty J. and Virgil J. Meier
238 Larson Lane
Coleville, CA 96107

Michael F. and Sandra M. Neeper
199 8th Street
Norco, CA 92860

Victor A. Perry
6130 Plumas Street
Reno, NV 89509

Myron M. Rinasz
1665 Toler Lane
Gardnerville, NV 89410

Cherie C. Rye
1368 State Route 208
Yerington, NV 89447

Mariana Sepulveda
48 Peeples Lane
Yerington, NV 89447

Ermon W. & Mary Lee Smith Family Trust
Mary Lee Smith, trustee
2016 Pleasant View Court
Clarkston, WA 99403

Angela and Scott Smith
1665 Toler Lane
Gardnervills, NV 89410

Susan M. Steneri
William K. Vicencio
231 N. Whiacre
Yerington, NV 89447

Hugo and Shirley Van Vliet
15799 S. Carolton Road
Escalon, CA 95320

Joel and Nancy Walker 1999
Revocable Trust
Joel and Nancy Walker, trustees
2315 Grenoble Drive
Lodi, CA 95242

Clyne P. Bauer Trust
Clyne P. Bauer, trustee
P. O. Box 186
Ely, NV 89301

Sue Sherman

Sue Sherman
Senior Paralegal