

# HALE LANE

ATTORNEYS AT LAW

5441 Kietzke Lane, Second Floor, Reno, Nevada 89511  
Telephone (775) 327-3000 | Facsimile (775) 786-6179  
www.halelane.com

October 26, 2005

**Via Facsimile (775) 323-0466 and US Mail**

Henry Egghart, Esq.  
702 Plumas Street  
Reno, NV 89509

**Re: Frances Molarius adv. NWNT et al.**  
**Our File No. 15775-0007**

Dear Mr. Egghart:

I received the phone message you left at our general voicemail system yesterday, wherein you stated that you were out of the office and did not get a chance to get back to us yesterday. Because we had not heard from you, we already filed the motion to dismiss.

Nevertheless, your message also stated that you had filed a motion for leave to file a Second Amended Complaint. In light of this filing, you need to withdraw the Second Amended Complaint you have already filed because it is still an improper pleading. If the Court grants your motion for leave to file the Second Amended Complaint, you could then properly refile it. We will withdraw the motion to dismiss the Second Amended Complaint as soon as you withdraw the complaint.

Thank you for your attention to this matter. Please do not hesitate to contact me if you have any questions.

Sincerely,



Anthony L. Hall, Esq.

ALH/DVD/mf  
cc: Client

Edward Everett Hale  
(1929-1993)  
Steve Lane  
J. Stephen Peek  
Karen D. Dennison  
R. Craig Howard  
Stephen V. Novacek  
Richard L. Elmore  
Richard Bennet  
Robert C. Anderson  
Alex J. Flangas  
James L. Kelly  
Kelly Testolin  
N. Patrick Flanagan  
Matthew E. Woodhead  
Michelle D. Mullins  
Roger W. Jeppson  
Lance C. Earl  
Jeremy J. Nork  
David A. Garcia  
Elissa F. Cadish  
Timothy A. Lukas  
Frederick J. Schmidt  
James Newman  
Torry R. Somers  
Patrick J. Reilly  
Scott D. Flenning  
Scott Scherer  
Anthony L. Hall  
Jerry M. Snyder  
Brent C. Eckersley  
Frederick R. Battcher  
Patricia C. Halstead  
Matthew J. Kreutzer  
Matthew B. Hippler  
Brad M. Johnston  
Bryce K. Kurimoto  
Douglas C. Fowers  
Justin C. Jones  
Nicole M. Vance  
KimberLee Rotley\*\*  
Dora V. Djilanova  
Simon Johnson\*\*  
Sarah E. L. Cass  
Zachary B. Coughlin

**Of Counsel**

Roy Farrow  
Pauline Ng Lee  
Andrew Pearl

\* Admitted in California only  
\*\* Admitted in New York  
and New Jersey only

**HALE LANE PEEK DENNISON AND HOWARD**

LAS VEGAS OFFICE: 2300 West Sahara Avenue | Eighth Floor | Box 8 | Las Vegas, Nevada 89102 | Phone (702) 222-2500 | Facsimile (702) 365-5940  
CARSON CITY OFFICE: 777 East William Street | Suite 200 | Carson City, Nevada 89701 | Phone (775) 684-6000 | Facsimile (775) 684-6001

**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: 7-29-05

Vincent S. Bracken  
Signature

Vincent S. Bracken  
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 the 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 a Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

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

741 Exhibit 1

APN 10-731-24  
Document Transfer Tax \$3,100.50  
Order No. TSL-27248  
Mail Tax Bill to Grantee:  
P.O. Box 61  
Smith, NV 89430

**Doc # 331379**  
09/20/2004 04:36 PM  
**Official Record**  
Requested By  
TITLE SERVICE & ESCROW  
**Lyon County - NV**  
**Mary C. Milligan - Recorder**  
Page 1 of 2 Fee: \$15.00  
Recorded By: MCM RPT: \$3,100.50



SPACE ABOVE FOR RECORDER'S USE ONLY

**GRANT, BARGAIN and SALE DEED**

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged

WILLIAM R. KUGLER and COLLEEN SUSAN COFFEY, husband and wife

do (es) hereby GRANT, BARGAIN and SELL TO

S.V. DEVELOPMENT, LTD., a Nevada limited liability company

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

Parcel One:

All that certain real property situate in the West 1/2 of Section 7, Township 10 North, Range 24 East, M.D.B.&M., described as follows:

Parcel 2 as shown on the Parcel Map for Samuel D. and Cheryle J. Albright recorded in the Official Records of Lyon County, Nevada on November 21, 2000 as Document No. 254728.

Parcel Two:

A 15 foot wide road easement as conveyed and described Easement Agreement recorded in the Official Records of Lyon County, Nevada on April 8, 1992 as Document No. 150393.

Parcel Three:

A 15 foot wide non-exclusive road easement and right-of-way as conveyed and described in Roadway Easement Deed recorded in the Official Records of Lyon County, Nevada on January 6, 1992 as Document No. 147975.

Exhibit 2


Exhibit 9

TOGETHER WITH all water and water rights, ditches and ditch rights and wells and well rights which are appurtenant to and historically used in connection with the above described real property, including but not limited to WRID rights and that portion of State of Nevada Division of Water Resources Application No. 25506/Certificate No. 8424 which is appurtenant to the herein described property.

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

DATED 9-17-04

  
WILLIAM R. KUGLER

  
COLLEEN SUSAN COFFEY

STATE OF NEVADA )  
COUNTY OF Lyon ) ss.

On 9/17/2004 personally appeared before me, a Notary Public (or Judge or other authorized person, as the case may be), WILLIAM R. KUGLER and COLLEEN SUSAN COFFEY who acknowledged to me that they executed the within instrument.

  
Notary Public



**DOC # 331841**

09/27/2004

12:36 PM

**Official Record**

Requested By  
TITLE SERVICE & ESCROW

Lyon County - NV

Mary C. Milligan - Recorder

Page 1 of 3 Fee: \$16.00  
Recorded By: MCM RPTT: \$1,014.00

A.P.N.: 010-331-32

File No: 143-2159299 (MO)

R.P.T.T.: \$1,014.00

*TS 27445*



0331841

When Recorded Mail To: and Mail Tax Statements To:  
Scott DeChambeau  
P.O. Box 9697  
South Lake Tahoe, CA 96158

***GRANT, BARGAIN and SALE DEED***

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

Bradley D. Davis and Carrie L. Davis, husband and wife as community property with right of survivorship

do(es) hereby *GRANT, BARGAIN and SELL* to

Scott DeChambeau, a single man

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

**See exhibit "A"**

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

Date: 09/21/2004

Exhibit 3

Exhibit 4

Bradley D. Davis  
Bradley D. Davis

Carrie L. Davis  
Carrie L. Davis

STATE OF NEVADA     )  
                                      : ss.  
COUNTY OF             )  
**DOUGLAS**

This instrument was acknowledged before me on  
8 September 2004 by  
**Bradley D. Davis and Carrie L. Davis.**

[Signature] Notary Public  
                                      MJ GARVASONI, CAPT USMC, ADJ  
(My commission expires: 11/02/05 )

This Notary Acknowledgement is attached to that certain Grant, Bargain Sale Deed dated  
09/02/2004 under Escrow No. 143-2159299



Exhibit A

**LEGAL DESCRIPTION**

All that certain real property being a portion of SE 1/4 of SE 1/4 of Section 22, and a portion of the NE 1/4 of the NE 1/4 of Section 27, T 11 N, R 23 E, M.D.B.&M., and being a portion of Parcel 1 of Parcel Map No. 203640, Lyon County, Nevada, described as follows:

Parcel 1-C, 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.

Note: This order for Title Insurance (x) does ( ) does not qualify for a short term rate on the premium to be charged. If it does then said rate shall remain in effect until April 9, 2006.



Recording Requested by  
And Return to:  
WALKER RIVER IRRIGATION DISTRICT  
P. O. Box 820  
Yerington, NV 89447  
APN 10-081-24 & 10-081-25

309705  
OFFICIAL RECORDS  
LYON COUNTY, NEV.  
RECORD REQUESTED BY

W. R. I. D.  
03 DEC -5 PM 3: 17

MARY C. HILLIGAN  
COUNTY RECORDER  
FEE 15<sup>00</sup> DEP. *DW*

**WALKER RIVER IRRIGATION DISTRICT  
ORDER OF THE BOARD  
AND  
CERTIFICATE OF TRANSFER  
OF  
STORAGE WATER RIGHTS**

WHEREAS, JOSEPHINE FARIAS, Trustee of the FARIAS REVOCABLE TRUST AGREEMENT did on the 7<sup>th</sup> day of November, 2003, make application to the Board of Directors of the Walker River Irrigation District, State of Nevada, a quasi municipal corporation, to transfer storage water and benefits only; and said petition being duly heard.

NOW THEREFORE, by the Order of the Board of Directors, this is to certify that upon the Petition and showing made by JOSEPHINE FARIAS, Trustee of the FARIAS REVOCABLE TRUST AGREEMENT, the Board of Directors of the Walker River Irrigation District under and by authority conferred upon it by the provision of N.R.S. 539.705, did on the 5<sup>th</sup> day of December, 2003, make and enter its Order in said matter as follows:

Transfer all storage water and benefits from that certain land described as:

A portion of land situated in the West ½ of Section 10, T. 11 N., R. 23 E., M.D.B.&M., located in the County of Lyon, State of Nevada, more particularly described as Parcels 1 and 2 of Parcel Map Number 124557, being within Lyon County APN 09-061-11 and 09-061-13 (19.40 acres);

to be placed on certain lands described as:

A portion of land situated in Section 15 and Section 22, T. 12 N., R. 23 E., M.D.B.&M., located in the County of Lyon, State of Nevada (APN 10-081-24 & 10-081-25), more particularly described as follows:

**Parcel 1:**

Commencing at the SW corner of Section 22, T. 12 N., R. 23 E., M.D.B.&M., thence running North along the West line of the SW ¼ of said Section 22, 696.35 feet to the point of beginning; thence East 470.78 feet; thence North 00° 46' 04" East 1016.75 feet; thence West 484.41 feet; thence South 1016.66 feet to a point of beginning. (11.15 acres)

**Parcel 2:**

Commencing at the SW corner of Section 15, T. 12 N., R. 23 E., M.D.B.&M., said point also being the point of beginning. Thence running North 599.47 feet; thence East 599.47 feet; thence south 599.47 feet; thence West 599.47 feet to the point of beginning. (8.25 acres)

309705

Exhibit 5



Dated this 5th day of December, 2003.

WALKER RIVER IRRIGATION DISTRICT


By:

  
Kenneth C. Spooner, Manager

  
Robert E. Bryan, Chairman

Attest:

By:

  
Leah Compston, Secretary

UNOFFICIAL COPY

Card #: 24506  
Name: Hunewill Land & Livestock Company  
Address: 200 Hunewill Lane  
Wellington, NV 89444

Index No. Pt 59,47, & 267  
Lyon County No. 10-081-24  
Claim No.  
User # 1010  
Ditch Colony

YERINGTON, NEVADA

O. & M. Local No. 1

Court Decree:

PRIORITY	C.F.S.	ACRES	DUTY	DAYS STORAGE	ACRE FEET REQUIRED PER ACRE	ACRE FEET APPORTIONED	TOTAL	TOPAZ RES. ACRE FEET	BRIDGEPORT RES. ACRE FEET	CLAIM #	TOTAL ACRES
NEWL		254.410	4.2768	65	2.0592		523.881				254.410
EXEM		.000	4.2768			.000					254.410
TOTAL		254.410				523.88	523.88		.00		523.880

LEGAL DESCRIPTION:

E 1/2 of E 1/2, W 1/2 of SE 1/4, Sec. 21;  
Fr. SW 1/4 of SW 1/4, Sec. 22;  
T. 12 N., R. 23 E.

COMMENTS:

Transferred from card #42302 - Red Creek Ranch, Inc.  
Transferred from card #55972 - Walker River Land Corp.  
3/24/00 - Transferred from card #55979 & 55986 - WRLC  
2/22/01 - Transferred from card #58010 - WRLC  
09/11/03 - Transferred from cards #24503 - Hunewill Land and Livestock Co. & #47790 - Shearer  
02/02/04 - Transferred from cards #24504 - Hunewill L&L Co. & #16701 - Farias Revocable Trust Agreement  
\*\* See Proof of Record of Survey #245089 by Corey Rice dated 1/27/04 in file (40.73 acres)

DOCUMENT HISTORY:

DOCUMENT #	DATE	DESCRIPTION
#51065	01/10/80	Associated Ranch Management to Trinox Company (all except 38.88 acres).
#173436	07/14/94	Trinox Company to Pruett Ranches, Inc. a Nevada Corporation.
#213637	12/29/97	Record of Survey in Support of Boundary Line Adjustment for Pruett Ranches, Inc., a Nevada Corporation.
#213638	12/29/97	Boundary Line Adjustment Deed (creating parcel 10-081-04 & 05).
#213682	12/31/97	Record of Survey to Support Boundary Line Adjustment for Pruett Ranches, Inc., a Nevada Corporation.
#213752	12/31/97	Reconveyance Deed - Marian Pinkerton, Treasurer & Ex-Officio Tax Receiver and Trustee for Lyon County Nevada to Pruett Ranches, Inc. a Nevada Corporation.
#214316	01/16/98	Record of Survey for Pruett Ranches, Inc., a Nevada Corporation.
#214322	01/16/98	Deed to Correct Legal Description on Document #173438.
#214323	01/16/98	Pruett Ranches, Inc., a Nevada Corporation to Red Creek Ranch, Inc., a Colorado Corporation - Grantor Reserving all Water Rights.
#214324	01/16/98	Water Rights & Easement Deed - Pruett Ranches, Inc., a Nevada Corporation to Red Creek Ranch, Inc., a Colorado Corporation.
#216883	03/31/98	A Map of Division into Large Parcels for Red Creek Ranch, Inc., a Colorado Corporation.
#219990	06/11/98	Land Patent (creates APN 10-081-17)
#228078	12/31/98	Red Creek Ranch, Inc. a Colorado Corporation to Walker River Land Corp., a Nevada Corporation. Excepting & Reserving unto Grantor all water rights
#228079	12/31/98	Water Rights Deed - Red Creek Ranch, Inc., a Colorado corporation to Walker River Land Corp. a Nevada corporation
#245089	02/29/00	Record of Survey in support of a Boundary Line Adjustment for Walker River Land Corp & Hunewill Land & Livestock Co.
#245090	02/29/00	Boundary Line Adjustment

WRID 06/30/04

DOCUMENT #	DATE	DESCRIPTION
#246091	02/29/00	Boundary Line Adjustment Deed - WRLC, Grantor and Hunewill Land and Livestock Company, Grantee
#256703	01/24/01	Walker River Land Corporation, a Nevada corporation to Hunewill Land and Livestock Co., a Nevada corporation - Excepting therefrom & reserving all springs, water, water rights, ditch & ditch rights
#256704	01/24/01	Water Rights Deed - Walker River Land Corporation, a Nevada corporation to Hunewill Land and Livestock Co., a Nevada corporation
#303673	09/08/03	Uhland/Hunewill - WRID Order of the Board & Certificate of Transfer of Storage Water Rights
#309705	12/05/03	Farias to Hunewill L&L Co. - WRID Order of the Board & Certificate of Transfer of Storage Water Benefits (11.15 acres)

WRID 06/30/04

Card #: 24508  
Name: Hunewill Land & Livestock Company  
Address: 200 Hunewill Lane  
Wellington, NV 89444  
Court Decree: C-126, P.30; Hunewill & Morris

Index No. 186  
Lyon County No. 10-081-26  
Claim No. Pt. of 74  
User # 1010  
Ditch Colony

O. & M. Local No. 1

PRIORITY	C.F.S.	ACRES	DUTY	DAYS STORAGE	ACRE FEET REQUIRED		ACRE FEET APPORTIONED	TOPAZ RES. ACRE FEET	BRIDGEPORT RES. ACRE FEET	CLAIM #	TOTAL ACRES
1906	.732	61.000	3.2076	34	PER ACRE	TOTAL					1,264.310
1906	.003	.210	3.2076	34	.8078	49.278				74	
NEWL		80.000	4.2768	65	.8078	.170				74	Water Rt. Acres 176.660
NEWL		26.100	4.2768	65	2.0692	184.736				74	Non Wtr Rt. Acres 1,078.760
NEWL		8.260	4.2768	65	2.0592	53.746				74	
EXEM		1,078.750	4.2768	65	2.0692	16.988				74	Acres Feet Storage 284.820
TOTAL	.735	1,264.310				.000	284.915	284.92	.00	74	

LEGAL DESCRIPTION:

W 1/2 of E 1/2, W 1/2, Sec. 16;  
SE 1/4 of NE 1/4, E 1/2 of SE 1/4, Sec. 16;  
NW 1/4, NW 1/4 of NE 1/4, Fr. SE 1/4, E 1/2 of SW 1/4,  
Fr. SW 1/4 of SW 1/4, NW 1/4 of SW 1/4, Sec. 22;  
N 1/2 of NW 1/4, Fr. NE 1/4 of NE 1/4,  
Fr. W 1/2 of NE 1/4 of NE 1/4, Sec. 27;  
1 acre in E 1/2 of NE 1/4 of NE 1/4, Sec. 27;  
7 acres in SW 1/4 of NE 1/4, Fr. SW 1/4 of SW 1/4 (26.10 Ac.) Sec. 22;  
T 12 N, R 23 E.

COMMENTS:

3/24/00 - Transferred from cards #24500 - Hunewill & 65979 - WRLC  
10/30/00 - Transferred to card #24052 - Hunewill L & L  
10/30/00 - Transferred from card #24501 - Hunewill L & L and  
card #6011 - WRLC  
10/30/00 - Transferred from card #24052 - Hunewill L & L (to correct  
card number sequence)  
02/02/04 - Transferred from cards #24502 - Hunewill L & L Co and  
#15701 - Farlas Revocable Trust Agreement

DOCUMENT HISTORY:

DOCUMENT #	DATE	DESCRIPTION
#44-161	11/19/61	Millie H. Hamblett to Hunewill Land & Livestock Co., Inc. 1961-82 Roll.
#179755	02/27/95	Lot Line Adjustment for Michael C. & Sally L. Rice Cardinal and Hunewill Land & Livestock Company (.21 Ac. Decree).
#179756	02/27/95	Michael C. & Sally L. Rice Cardinal and Hunewill Land & Livestock to Hunewill Land & Livestock Company, a Nevada Corporation. (QC Deed).
#179757	02/27/95	QC Deed - Hunewill Land & Livestock Company, Michael C. & Sally L. Rice Cardinal to Michael C. & Sally L. Rice Cardinal.
#245089	02/29/00	Record of Survey in support of a Boundary Line Adjustment for Walker River Land Corp & Hunewill Land & Livestock Co.
#245090	02/29/00	Boundary Line Adjustment Deed
#245091	02/29/00	Boundary Line Adjustment Deed - WRLC, Grantor and Hunewill Land and Livestock Company, Grantee
#253934	10/28/00	Order of the Board & Certificate of Transfer of Storage Water Rights - 26.10 Acs.
#309705	12/05/03	Farlas to Hunewill L&L Co. - WRID Order of the Board & Certificate of Transfer of Storage Water Benefits (8.25 Acres)

WRID 06/30/04

A.P.N. # 001-171-19

R.P.T.T. \$ 858.00

ESCROW NO. 04040777

RECORDING REQUESTED BY:

STEWART TITLE COMPANY

MAIL TAX STATEMENTS TO:  
SAME AS BELOW

WHEN RECORDED MAIL TO:  
David & Laura Moline  
1387 Hawkins Pl  
Madisonville TN 37040

324905

OFFICIAL RECORDS  
LYNN COUNTY, NEV.  
RECORD REQUESTED BY

STEWART TITLE OF CC

04 JUL -1 PM 4:07

MARY C. HILLIGAN  
COUNTY RECORDER

FEE 15<sup>00</sup> REP. KV

(Space Above for Recorder's Use Only)

**GRANT, BARGAIN, SALE DEED**

THIS INDENTURE WITNESSETH: That  
ACE GRULLI, TRUSTEE UNDER THE TERMS OF THE ACE GRULLI FAMILY  
TRUST, DATED THIS 20TH DAY OF AUGUST 2003 AS TO AN UNDIVIDED  
1/2 INTEREST AND MARVIN GRULLI, SOLE SUCCESSOR TRUSTEE OF THE  
GRULLI FAMILY TRUST DATED JUNE 18, 1997  
in consideration of \$10.00, the receipt of which is hereby acknowledged, does hereby Grant, Bargain Sell  
and Convey to DAVID MOLINE AND LAURA MOLINE, HUSBAND AND WIFE AS  
JOINT TENANTS WITH RIGHT OF SURVIVORSHIP

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: June 07, 2004

BY: Ace Grulli Trustee  
ACE GRULLI, TRUSTEE

BY: Marvin Grulli TRUSTEE  
MARVIN GRULLI, TRUSTEE

STATE OF Nevada  
COUNTY OF Clark ss.



This instrument was acknowledged before me on 6-8-2004  
by, Ace Grulli Trustee  
Marvin Grulli Trustee  
Signature Carol Costa

Notary Public (One Inch Margin on all sides of Document for Recorders Use Only)

324905

Exhibit 6

Exhibit 7

Exhibit 8

**EXHIBIT "A"**

All that certain real property situate in the southeast 1/4 of Section 15, Township 13 North, Range 25 East, M.D.B. & M., Lyon County, Nevada, described as follows:

Parcel A, of the Parcel Map, according to the map thereof, Filed in the Office of the County Recorder, of Lyon County, Nevada, on May 28, 1996, as Document No. 193748.

ASSESSOR'S PARCEL NO. 1-171-19

"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".

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.,

IN EQUITY NO. C-125

SUBFILE NO. C-125-B

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 of 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 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.

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:

1 Attorney:

2  
3 Address:

4  
5  
6 Phone Number:

7 Fax Number:

8 Carol Masini

9 (Signature)

10  
11  
12 (Printed or typed Name)

13 Carol Masini

14 Carol AND/OR MARIA MASINI

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

16  
17  
18 (Address) 230 Hwy 208

19 Yerington Nevada 89447

20 (Telephone number)

21 775 463 1265



After recording, return Deed to  
the following address of Grantees:

Mr. and Mrs. Carrol G. Masini  
230 Highway 208  
Yerington, Nevada 89447

### DEED OF CORRECTION

On December 26, 1996, Carrol G. Masini and Maria O. Masini, husband and wife, executed a Quitclaim Deed to transfer certain real property situated near Yerington, in the County of Lyon, State of Nevada, to Carrol G. Masini and Maria O. Masini, as Co-Trustees under The Carrol And Maria Masini Family Trust Agreement dated September 27, 1996. The Quitclaim Deed was recorded on January 6, 1997, as Document No. 201284, of Official Records of Lyon County, Nevada. The legal description of the real property in the original Quitclaim Deed contained two errors. The second "of" on the first line of the legal description should have been "and," and the word "North" was omitted after the word "thence" at the beginning of the third from last line of the exception paragraph contained in the legal description. The grantors and grantees in the original Quitclaim Deed now desire and intend to correct the errors in the legal description contained in the original Quitclaim Deed, and accordingly, the Quitclaim Deed is hereby amended in its entirety to read as follows:

### QUITCLAIM DEED

Carrol G. Masini and Maria O. Masini, husband and wife, hereby quitclaim to Carrol G. Masini and Maria O. Masini, as Co-Trustees under The Carrol And Maria Masini Family Trust Agreement dated September 27, 1996, all of their right, title, and interest in the real property situated near Yerington, in the County of Lyon, State of Nevada, described as follows:

South 1/2 of the Southwest 1/4 and the Northeast 1/4 of Southwest 1/4 of Section 26, Township 13 North, Range 25 East, M.D.B.&M., and the West 1/2 of the Northeast 1/4 and the North 1/2 of the Southeast 1/4, Northeast 1/4 of the Southwest 1/4 of Section 35, Township 13 North, Range 25 East, M.D.B.&M., including all water rights, grazing permits, and other appurtenances.

EXCEPTING THEREFROM all that portion of the Southwest 1/4 of the Southwest 1/4 of Section 26, Township 13 North, Range 25 East, M.D.B.&M., more particularly described as follows:

Beginning at the Northwest corner of the parcel  
from which the Northeast corner of Section 22,

202435

Township 13 North, Range 25 East, bears North 0°3'2" East 9,204.90 feet; thence South 89°54' East 468.39 feet; thence South 0°6' West 465.00 feet; thence North 89°54' West 468.39 feet; thence North 0°6' West 465.00 feet along the East side of State Highway Route 3 to the point of beginning.

Assessor's Parcel Nos. 12-071-10 and 12-011-09

Together with all tenements, hereditaments, and appurtenances belonging or in any way appertaining to the property, and the rents, issues, and profits thereof.

Dated this 10 day of Feb., 1997.

Carrol G. Masini

Carrol G. Masini

Maria O. Masini

Maria O. Masini

Carrol G. Masini and Maria O. Masini, as Co-Trustees under The Carrol And Maria Masini Family Trust Agreement dated September 27, 1996, the grantees in the original Quitclaim Deed which is corrected pursuant to this Deed of Correction, hereby acknowledge and consent to the corrections contained in this Deed of Correction.

The Carrol And Maria Masini  
Family Trust

By Carrol G. Masini

Carrol G. Masini, Co-Trustee

By Maria O. Masini

Maria O. Masini, Co-Trustee

STATE OF NEVADA       )  
                                  ) ss.  
COUNTY OF LYON       )

This Deed of Correction was acknowledged before me on

202435

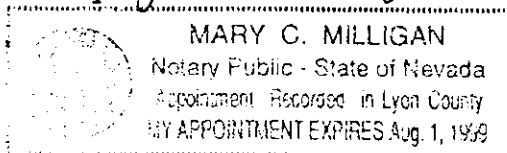
Feb. 10, 1997, by Carrol G. Masini and Maria O. Masini.

Mary C. Milligan  
Notary Public

STATE OF NEVADA )

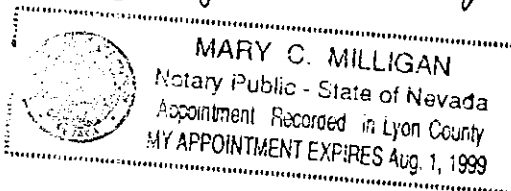
) ss.

COUNTY OF LYON )



This Deed of Correction was acknowledged before me on Feb. 10, 1997, by Carrol G. Masini and Maria O. Masini, as Co-Trustees under The Carrol And Maria Masini Family Trust Agreement dated September 27, 1996.

Mary C. Milligan  
Notary Public



202435

OFFICIAL RECORD  
LYON COUNTY, NEV.  
RECORD DEPARTMENT

FRIED L. OATES

97 FEB 14 AM 11:05

HANDY L. CARR  
COUNTY RECORDER

FEE \$9.00 PER 28

After recording, return Deed to  
the following address of Grantees:

Mr. and Mrs. Carrol G. Masini  
230 Highway 208  
Yerington, Nevada 89447

DEED OF CORRECTION

On December 26, 1996, Carrol Gene Masini and Maria Orsola Masini, as Trustees of the Carrol Gene Masini and Maria Orsola Masini Family Trust executed U/A trust agreement dated July 24, 1984, executed a Quitclaim Deed to transfer certain real property situated near Yerington, in the County of Lyon, State of Nevada, to Carrol G. Masini and Maria O. Masini, husband and wife, as community property. The Quitclaim Deed was recorded on January 6, 1997, as Document No. 201283, of Official Records of Lyon County, Nevada. The legal description of the real property in the original Quitclaim Deed contained two errors. The second "of" on the first line of the legal description should have been "and," and the word "North" was omitted after the word "thence" at the beginning of the third from last line of the exception paragraph contained in the legal description. The grantors and grantees in the original Quitclaim Deed now desire and intend to correct the errors in the legal description contained in the original Quitclaim Deed, and accordingly, the Quitclaim Deed is hereby amended in its entirety to read as follows:

QUITCLAIM DEED

Carrol Gene Masini and Maria Orsola Masini, as Trustees of the Carrol Gene Masini and Maria Orsola Masini Family Trust executed U/A trust agreement dated July 24, 1984, hereby quitclaim to Carrol G. Masini and Maria O. Masini, husband and wife, as community property, all of the right, title, and interest of the Trustees and the Trust in the real property situated near Yerington, in the County of Lyon, State of Nevada, described as follows:

South 1/2 of the Southwest 1/4 and the Northeast 1/4 of Southwest 1/4 of Section 26, Township 13 North, Range 25 East, M.D.B.&M., and the West 1/2 of the Northeast 1/4 and the North 1/2 of the Southeast 1/4, Northeast 1/4 of the Southwest 1/4 of Section 35, Township 13 North, Range 25 East, M.D.B.&M., including all water rights, grazing permits, and other appurtenances.

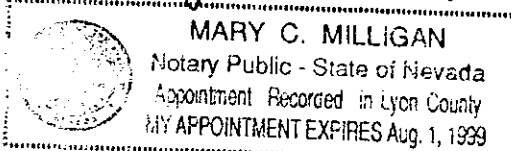
EXCEPTING THEREFROM all that portion of the Southwest 1/4 of the Southwest 1/4 of Section 26, Township 13 North, Range 25 East, M.D.B.&M., more particularly described as follows:

202434

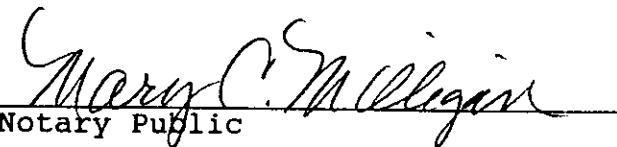
Trustees of the Carrol Gene Masini And Maria Orsola Masini Family Trust executed U/A trust agreement dated July 24, 1984.

  
Notary Public

STATE OF NEVADA )  
COUNTY OF LYON ) ss.



This Deed of Correction was acknowledged before me on Feb. 10, 1997, by Carrol G. Masini and Maria O. Masini.

  
Notary Public



WALTHER, KEY, NAUPIN, OATS, COX, KILICH & LEGG, ATTORNEYS AT LAW, RENO, NEVADA

202434

OFFICIAL DEED  
LYON COUNTY, NEV.  
RECORD REQUESTED BY

FRED L. OATES  
97 FEB 14 AM 11:02

NANCY L. CARR  
COUNTY RECORDER

FEE 9.00 DER. 28

P.O. Box 30000  
RENO, NV. 89520

Case 3:13-cv-00129-MMD-WGC Document 741 Filed 10/11/05 Page 22 of 67

32100

Card #: 32100  
Name: Carrol & Maria Masini Family Trust  
Address: Carrol G. & Maria O. Masini, Co-Trustees  
230 Highway 208  
Yerington, NV 89447

Index No. 71  
Lyon County No. 12-011-09  
Claim No. Pt. of 45  
User # 1270  
Ditch Fox

O. & M. Local No. 3

Court Decree: C-125, P. 25; Fox Ditch Company

PRIORITY	C.F.S.	ACRES	DUTY	DAYS STORAGE	ACRE FEET REQUIRED PER ACRE	TOTAL	ACRE FEET APPORTIONED	TOPAZ RES. ACRE FEET	BRIDGEPORT RES. ACRE FEET	CLAIM #	TOTAL ACRES
1866	.471	23.710	3.2076			.000				45	200.000
1870	.432	21.620	3.2076			.000				45	200.000
1876	.356	17.870	3.2076	8	.1901	3.397				45	200.000
1880	.173	8.660	3.2076	25	.594	5.138				45	200.000
1886	.087	4.290	3.2076	29	.689	2.966				45	200.000
1890	.035	1.880	3.2076	30	.7128	1.340				45	200.000
1896	.045	2.280	3.2076	32	.7603	1.734				45	200.000
NEWL		119.700	3.2076	66	1.6444	184.866				45	199.429
TOTAL	1.599	200.000				199.429	199.43	.00	199.43		

LEGAL DESCRIPTION:

W 1/2 of NE 1/4, N 1/2 of SE 1/4, NE 1/4 of SW 1/4, Sec. 35;  
T 13 N, R 25 E.

DOCUMENT HISTORY:

DOCUMENT #	DATE	DESCRIPTION
41-471	03/29/55	Leo and Thelma Masini to Tony & Annie Masini
#35748	01/10/78	Annie Masini to Carroll Maini, 1/2 Int.
39468	08/07/78	Trustee, Ralph Moriconi to Carroll Masini, 1/2 Int.-1977 - 78 Roll
91530	03/01/86	Carroll Masini to Carroll G. Masini and Maria Orsola Masini Family Trust
201283	01/06/97	Carroll Gene & Maria Orsola Masini as trustees of the Carroll Gene & Maria Orsola Masini Family Trust to Carrol M. & Maria O. Masini, Husband & Wife as community Property
202434	02/14/97	Deed of Correction and Quitclaim Deed - Carrol Gene Masini and Maria Orsola Masini, as Trustees of the Carrol Gene Masini and Maria Orsola Masini Family Trust to Carrol G. Masini and Maria O. Masini, husband and wife, as community property
202435	02/14/97	Deed of Correction & Quitclaim Deed - Carrol G. & Maria O. Masini, husband and wife to Carrol G. & Maria O. Masini, Co-Trustees under the Carrol and Maria Masini Family Trust Agreement dated September 27, 1996

PROVISIONAL

COMMENTS:

Changed to Trust

Card #: 32200  
 Name: Carroll & Maria Masini Family Trust  
 Address: 230 Highway 208  
 Yerington, NV 89447

Index No. 71-A  
 Lyon County No. 12-071-10  
 Claim No. Pt. of 45  
 User # 1270  
 Ditch Fox

O. & M. Local No. 3

Court Decree: C-124, P. 25; Fox Ditch Company

PRIORITY	C.F.S.	ACRES	DUTY	DAYS STORAGE	ACRE FEET REQUIRED		ACRE FEET APPORTIONED	TOTAL ACRE FEET	BRIDGEPORT RES. ACRE FEET	CLAIM #	TOTAL ACRES
					PER ACRE	TOTAL					
1865	.569	47.410	3.2076			.000				45	110.000
1870	.520	33.230	3.2076			.000				45	110.0
1875	.428	29.360	3.2076	8	.1901	5.581				45	
1880	.207	.000	3.2076	25	.594	.000				45	
1885	.105	.000	3.2076	29	.689	.000				45	
1890	.041	.000	3.2076	30	.7128	.000				45	
1895	.055	.000	3.2076	32	.7603	.000				45	
TOTAL	1.925	110.000				5.581	5.58	.00	5.58		

LEGAL DESCRIPTION:

E 1/2 of SW 1/4, SW 1/4 of SW 1/4, Sec. 36;  
 T 13 N, R 25 E.

COMMENTS:

\*Decree in excess of acreage.  
 Changed to Trust

DOCUMENT HISTORY:

DOCUMENT #	DATE	DESCRIPTION
#43-486	03/21/81	Gold & Euna Fry et al to Tony & Annie Masini.
#38748	01/10/78	Tony Masini to Annie Masini, 5 acres - Tony kept the water rights on 10 acres through decree in excess of acreage. Annie Masini relinquishing all shares & rights to Carroll Masini w/R. Moriconi as Trustee.
#39468	08/07/78	Trustee Moriconi released all rights to Carroll Masini.
#48407	01/01/79	Tony Masini to Marvin I. Beams, 5 acres.
#91530	03/01/85	Carroll Masini to Carroll & Maria Masini.
#201283	01/08/97	Carroll Gene & Marie Orsola Masini as Trustees of the Carroll Gene & Maria Orsola Masini Family Trust to Carroll M. & Maria O. Masini, Husband & Wife as Community Property.
#202434	02/14/97	Deed of Correction and Quitclaim Deed - Carroll Gene Masini & Maria Orsola Masini, Trustees of the Carroll Gene Masini and Maria Orsola Masini Family Trust to Carroll G. Masini and Maria O. Masini, husband and wife, as community property
#202435	02/14/97	Deed of Correction and Quitclaim Deed - Carroll G. & Maria O. Masini, husband and wife to Carroll G. & Maria O. Masini, Co-Trustees under the Carroll and Maria Masini Family Trust Agreement dated September 27, 1996

**PROVISIONAL**



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**  
 )  
 )  
 ) v. )  
 )  
 )  
 WALKER RIVER IRRIGATION DISTRICT, )  
 )  
 ) a corporation, et al., )  
 )  
 )  
 ) Defendants. )  
 )  
 )

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

Street or P.O. Box

Exhibit 13



Gardnerville	NV	89410
Town or City	State	ZipCode

2. The name and address of each person or entity who acquired ownership

Walker River Irrigation District  
Name(s)

P. O. Box 820

Street or P.O. Box

Yerington	NV	89447
Town or City	State	ZipCode

3. Attached to or included with this notice is a copy of the (check appropriate box(es)):

- ☒ Deed  
☐ Court Order  
☐ Other Document.

by which the change in ownership was accomplished.

4. The undersigned acknowledges that any person or entity who files a Notice of Change of Ownership of Water Right using this form is ultimately responsible for the accuracy of this filing. Consequently, the undersigned acknowledges that any person or entity who files

\* This notice shall be sent to the following two persons:

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

And

Susan L. Schneider  
United States Department of Justice  
P.O. Box 756  
Littleton, CO 80160

such a notice, but retains such water rights, shall nevertheless, be bound by the results of this

litigation.

Executed this 5 day of May 2005.

[signature of counter-defendant]



[name of counter-defendant]

Steven P. Mathews

[signature, if applicable, of person acting on  
behalf of counter-defendant]

[name, if applicable, of person acting on  
behalf of counter-defendant]

916 Monument Peak  
Gardnerville, NV. 89461

[address]

(775)265-3888

[telephone number]

RECORDING REQUESTED BY  
AND WHEN RECORDED  
RETURN TO:

Walker River Irrigation District  
P.O. Box 820  
Yerington, NV 89447  
APN 12-062-44

DOC # 350619  
Confirmed Copy

(Not Compared to Original)

05/12/2005

10 27 AM

Official Record

Requested By  
WRID

Lyon County - NV  
Mary C. Milligan - Recorder

WATER RIGHTS QUITCLAIM DEED

THIS INDENTURE, made and entered into this 11<sup>th</sup> day of March,  
2005, by and between STEVEN P. and CYNTHIA L. MATHEWS, hereinafter referred  
to as "Grantor," and the WALKER RIVER IRRIGATION DISTRICT, hereinafter  
referred to as "Grantee";

WITNESSETH:

That the said Grantor, in consideration of the sum of TEN DOLLARS  
(\$10.00), lawful money of the United States of America, the receipt whereof is hereby  
acknowledged, does by these presents convey, transfer and quitclaim unto the  
Grantee, and to its successors and assigns forever, all of the rights of the Grantor to  
receive stored waters from Bridgeport Reservoir and to divert water from the Walker  
River and its tributaries, all such water rights being appurtenant to the land situate in  
the County of Lyon, State of Nevada, that is described in Exhibit "A" attached hereto  
and made a part hereof.

To have and to hold the said water rights together with the tenements,  
hereditaments and appurtenances thereunto belonging or appertaining and the

reversion and reversions, remainder and remainders, rents, issues and profits thereof unto the Grantee, its successors and assigns, forever.

Grantee does hereby agree to assume the payment of all fees and charges that may hereafter become due and payable in respect to said water rights referred to herein.

IN WITNESS WHEREOF, the parties have executed this instrument on the day and year first above written.

GRANTOR:

STEVEN P. MATHEWS  
CYNTHIA L. MATHEWS

By: *Steven Mathews*

By: *Cynthia Mathews* 4-15-05

Date: 3/11/05

GRANTEE:

WALKER RIVER IRRIGATION  
DISTRICT

By: *Robert E. Bryan*

Its: Chairman

Date: 5-6-05

SUBSCRIBED and SWORN to before me this 11<sup>th</sup> day of March, 2005.

*Leah Compston*  
NOTARY PUBLIC

SUBSCRIBED and SWORN to before me this 15 day of April, 2005.

*Doreen Truswell*  
NOTARY PUBLIC



SUBSCRIBED and SWORN to before me this 6<sup>th</sup> day of May, 2005.

*Leah Compston*  
NOTARY PUBLIC

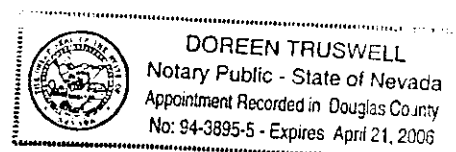


EXHIBIT "A"

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

All that certain real property being a portion of the SW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 23; T. 13 N., R. 25 E., M.D.B.&M., Lyon County, Nevada, described as follows:

Parcel 2, as shown on the Parcel Map for Steven P. Mathews & Robert J. Mathews, recorded in the Official Records of Lyon County, Nevada on July 3, 1997, as Document No. 207342.

**WALKER RIVER IRRIGATION DISTRICT  
YERINGTON, NEVADA**

Division #: 2

Card #: 33028  
 Name: Steven P. & Cynthia L. Mathews  
 Address: 916 Monument Peak  
 Gardnerville, NV 89410  
 Court Decree: C-125, P.25; Fox Ditch Company

Index No. PL 72  
 Lyon County No. 12-062-44  
 Claim No. PL 45  
 User # 2440  
 Ditch Fox

O. & M. Local No. 3

PRIORITY	C.F.S.	ACRES	DUTY	DAYS STORAGE	ACRE FEET REQUIRED PER ACRE	ACRE FEET APPORTIONED	TOPAZ RES. ACRE FEET	BRIDGEPORT RES. ACRE FEET	CLAIM #	TOTAL ACRES
1865	.002	.190	3.2076			.000			45	.640
1870	.002	.170	3.2076			.000			45	.840
1875	.002	.150	3.2076	8	.1901	.029			45	.000
1880	.001	.070	3.2076	25	.594	.042			45	
1885	.000	.030	3.2076	29	.689	.021			45	
1890	.000	.010	3.2075	30	.7128	.007			45	.098
1895	.000	.020	3.2076	32	.7603	.000			45	
TOTAL	.008	.640				.098	.10	.00	10	

LEGAL DESCRIPTION:

Fr. SW 1/4 of NW 1/4, Sec. 23;  
 T. 13 N., R. 25 E.

Parcel 2 of PM 207342

COMMENTS:

3/23/00 - Transferred from card #57200 - Zwiebel

DOCUMENT HISTORY:

DOCUMENT #	DATE	DESCRIPTION
#38-481	04/01/51	J.S. & V.G. DuPratt to A.J. & Amy Zwiebel. Excluded 17.28 acres - July 1968.
#22667	06/23/75	A. J. & Amy E. Zwiebel, husband and wife to Eugene & Beth Quillici, husband and wife
#38007	05/26/78	QC Deed - Elizabeth Quillici, a married woman to Eugene Quillici, a married man
#45558	05/15/79	Deed of Correction - Elizabeth Quillici aka Betty Quillici, aka Betty S. Quillici, aka Mary Elizabeth Quillici, a married woman to Eugene Quillici
#47092	07/19/79	Eugene Quillici, a married man as his sole and separate property to Robert J. & Hannah O. Salica, husband and wife as Joint Tenants
#179870	03/01/95	Robert J. & Hannah O. Salica, husband and wife to Robert J. Mathews, a married man and Steven P. Mathews, a married man, dba Yerington Store-All
#179871	03/01/95	QC Deed - Pauline Mathews, wife of Robert J. Mathews, & Cindy Mathews, wife of Steven P. Mathews, to Robert J. Mathews, a married man and Steven P. Mathews, a married man, dba Yerington Store-All
#207342	07/03/97	Parcel Map for Steven P. Mathews & Robert J. Mathews
#208159	07/28/97	Robert J. Mathews, a married man and Steven P. Mathews, a married man, dba Yerington Store-All and Pauline Mathews, wife of Robert J. Mathews to Steven P. Mathews
#208160	07/28/97	Steven P. Mathews to Steven P. Mathews and Cynthia L. Mathews, husband and wife as Joint Tenants

**Doc # 334393**  
10/27/2004 04:21 PM  
**Official Record**  
Requested By  
NORTHERN NEVADA TITLE  
Lyon County - NV  
Mary C. Milligan - Recorder  
Page 1 of 4 Fee: \$17.00  
Recorded By: KAV RPTT: \$1,170.00

A.P.N. 12-271-10  
Escrow No.: LY-303742-DA  
303742

RECORDING REQUESTED BY:

MAIL TAX STATEMENTS AND WHEN  
RECORDED, MAIL TO:

Bruce G. Vogel  
47 Black Mountain Circle  
Yerington, NV 89447



THIS SPACE FOR RECORDER'S USE ONLY

The undersigned grantor(s) declare(s):

Documentary transfer tax is \$1,170.00, computed on full value of property conveyed.

**GRANT, BARGAIN, SALE DEED**

That Edgar O. McAlister, Successor Trustee, under the terms of the Edgar O. McAlister and Betsy K. McAlister Family Trust, created by Declaration of Trust dated January 27, 1998 in consideration of \$10.00 Dollars, the receipt of which is hereby acknowledged, do(es) hereby Grant, Bargain, Sell and Convey to Bruce G. Vogel and Beverly K. Vogel, 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: October 21, 2004

The Edgar O. McAlister and Betsy K. McAlister Family Trust,  
created by Declaration of Trust dated January 27, 1998

By: Edgar O. McAlister  
Edgar O. McAlister, Successor Trustee

STATE OF NEVADA )

COUNTY OF Lyon )

On 10/25/04 personally appeared before me, a Notary  
Public,

Edgar D. McAlister

who acknowledged that he executed the above instrument.

Signature Jodi Lemos  
(Notary Public)



334393

10/27/2004  
002 of 4



LY-303742-DA  
303742

**EXHIBIT "A"**

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

Situate in the County of Lyon, State of Nevada and being a portion of the Northeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 11, Township 12 North, Range 25 East, M.D.&M., described as follows:

**PARCEL 1:**

Beginning at a point on the  $\frac{1}{16}$  Section line of Section 11, said point being 263.49 feet South of the West  $\frac{1}{16}^{\text{th}}$  corner common to Sections 2 and 11 as shown on that Record of Survey recorded as File No. 04930 and being the point of beginning of the herein described parcel; thence continuing South along said  $\frac{1}{16}^{\text{th}}$  Section line a distance of 263.48 feet to the Southwest corner; thence South  $89^{\circ}47'06''$  East a distance of 1370.87 feet to the Southeast corner of the parcel located on the quarter Section line; thence North 264.50 feet to the Northeast corner of the parcel; thence North  $89^{\circ}49'40''$  West 1374.84 feet to the point of beginning being located on the  $\frac{1}{16}^{\text{th}}$  Section line of said Section 11.

Said parcel shown on that certain Record of Survey recorded on November 27, 1970 as Document No. 04930, designated Don C. McMahan and Rose J. McMahan.

**PARCEL 2:**

The South 25 feet of the following described parcel of land:

That portion of the Southwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 11, Township 12 North, Range 25 East, M.D.&M., lying on the East side of Nevada State Highway Route 3, Lyon County, Nevada, described as follows:

Beginning at the intersection of the North line of said Southwest  $\frac{1}{4}$ , Northwest  $\frac{1}{4}$ , and the East right of way line of said Highway, from which the Northwest corner of said Section 11 bears North  $31^{\circ}46'25''$  West, 1550.69 feet; thence along the East right of way line of said Highway, South  $0^{\circ}21'$  East, 115.00 feet; thence South  $89^{\circ}55'$  East, 512.50 feet; thence North  $02^{\circ}21'$  West, 115.00 feet; thence North  $89^{\circ}55'$  West, 512.50 feet to the true point of beginning.

TOGETHER with the following easements:

A perpetual easement for roadway purposes upon and across the following described parcel:

The North 115 feet of the West 25 feet of the Northwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 11, Township 12 North, Range 25 East, M.D.&M.

A perpetual easement for roadway purposes upon and across that certain real property in the County of Lyon, State of Nevada, described as follows:

That certain piece or parcel of land lying and being in the Northeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 11, Township 12 North, Range 25 East, M.D.&M., recorded as File No. 04930 on November 27, 1970 in the Official Records of Lyon County, Nevada.

Continued...



334393

10/27/2004  
003 of 4

LY-303742-DA  
303742

**EXHIBIT "A" Continued...**

A strip of land approximately 10 feet in width being situated approximately at South 89°49'40" East running East for approximately 677 feet from the existing 25 foot wide North-South easement along line North 0°12'32" West.

A perpetual easement for roadway purposes upon and across that certain real property in the County of Lyon, State of Nevada, described as follows:

That certain piece or parcel of land lying and being in the Northeast ¼ of the Northwest ¼ of Section 11, Township 12 North, Range 25 East, M.D.&M., recorded as File No. 04930 on November 27, 1970, in the Official Records of Lyon County, Nevada.

A strip of land approximately 20 feet in width running North and South between South 89°44'32" East and South 89°47'06" East for approximately 265 feet along line North 0°12'32" East.

A perpetual easement for roadway purposes upon and across that certain real property in the County of Lyon, State of Nevada described as follows:

That certain piece or parcel of land lying and being in the Northeast ¼ of the Northwest ¼ of Section 11, Township 12 North, Range 25 East, M.D.&M., recorded as File No. 04930 on November 27, 1970, in the Official Records of Lyon County, Nevada.

A strip of land approximately 10.00 feet in width being situated approximately at South 89°41'59" East running East for approximately 677 feet from the existing 25 foot wide North-South easement along line North 0°12'32" West.

And, a strip of land approximately 20 feet in width running North and South between South 89°41'59" East and South 89°41'33" East for approximately 265 feet along line North 0°12'32" East.

A perpetual easement for roadway purposes upon and across that certain real property in the County of Lyon, State of Nevada, described as follows:

That certain piece or parcel of land lying and being in the Northeast ¼ of the Northwest ¼ of Section 11, Township 12 North, Range 25 East, M.D.&M., recorded as File No. 04930 on November 27, 1970 in the Official Records of Lyon County, Nevada.

A strip of land approximately 10.00 feet in width being situated approximately at South 89°41'59" East running East for approximately 677 feet from the existing 25 foot wide North-South easement along line North 0°12'32" West.

A strip of land approximately 20 feet in width running North and South between South 89°39'25" East and South 89°41'59" East, for approximately 265 feet along line North 0°12'32" East.

Note: Legal description previously contained in Document No. 214910, recorded on February 3, 1998.

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



334393

10/27/2004  
004 of 4

AND WHEN RECORDED MAIL THIS DEED AND TAX STATEMENTS TO:

Mr. and Mrs. Tommy M. Hefner,  
Attn: [redacted]  
40521 Corte de Rubi  
Murietta, CA 92562

Order No.  
Row No. 992597-CL  
Lessors's Parcel No. 02-440-20  
Date July 12, 2004

Doc # 2004007929  
Page 1 of 1  
Date: 8/31/2004 03:24P  
Filed by: INYO-MONO TITLE COMPANY  
Filed & Recorded in Official Records  
of MONO COUNTY  
RENN HULAN  
CLERK-RECORDER  
Fee: \$804.50

SPACE ABOVE THIS LINE FOR RECORDER'S USE

### GRANT DEED

The undersigned declares that the documentary transfer tax is \$797.50 and is computed on the full value of the interest or property conveyed. The property is located in the city of Coleville.

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, Virgil J. Meier and Betty June Meier, husband and wife as joint tenants hereby GRANT to

Tommy M. Hefner and Marcia E. Hefner, husband and wife as joint tenants as to an undivided one-half interest and Don M. Dockum and Cheryl F. Dockum husband and wife as joint tenants as to an undivided one-half interest the following described real property in the City of Coleville, County of Mono, State of California:

PARCEL 1 OF PARCEL MAP NO. 31-28 IN THE COUNTY OF MONO, STATE OF CALIFORNIA, AS PER PARCEL MAP RECORDED IN BOOK 1 PAGE 72 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT THEREFROM ALL DAMS, DIVERSION WORKS AND ALL CANALS AND DITCHES WHICH MAY BE LOCATED ON SAID LAND AS GRANTED TO ANTELOPE VALLEY MUTUAL WATER COMPANY BY DEED RECORDED JANUARY 19, 1926 IN BOOK V PAGE 16 OF OFFICIAL RECORDS.

  
Virgil J. Meier

  
Betty June Meier

STATE OF CALIFORNIA,  
COUNTY OF MONO } SS.

July 22, 2004 before me, the undersigned Notary Public in and for said State, personally appeared Virgil J. Meier and Betty June Meier, 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 on behalf of which the persons acted, executed the instrument.

WITNESS my hand and official seal.

Signature

MAIL TAX STATEMENTS AS DIRECTED ABOVE

FOR NOTARY SEAL OR STAMP

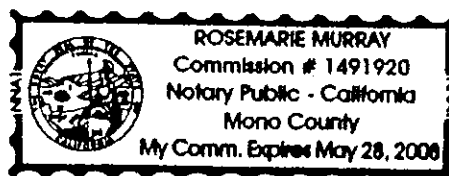


Exhibit 15

Exhibit 16

U.S. BOARD OF STATE COMMISSIONERS  
YERINGTON, NEVADA

Card #: 101640  
 Name: Don & Cheryl Dockum, Tommy & Marcia Hefner  
 Address: 41166 Breckin Ct  
 Murielita, CA 92562

Index No.  
 Parcel No.  
 Claim No.  
 User #

224,126.5  
 101640

Court Decree: C-125 Pg 39, 59 E. Powell

PRIORITY	C.F.S.	ACRES	DUTY	DAYS STORAGE	ACRE FEET REQUIRED PER ACRE	ACRE FEET APPORTIONED	TOPAZ RES. ACRE FEET	BRIDGEPORT RES. ACRE FEET	CLAIM #	TOTAL ACRES	TOTAL ACRES
1862	.200	12.680			.000				224,126.5	36.270	36.270
1863	.210	13.120			.000				126.5		36.270
1864	.170	10.470			.000				224,126.5		.000
TOTAL	.580	36.270			.000	.00	.00	.00			.000
										Water RL Acres	
										Non Wtr RL Acres	
										Acre Feet Storage	.000

## LEGAL DESCRIPTION:

Frac. NW1/4, Frac. SW1/4 of NE1/4, Sec. 18; T 8 N., R 23 E. Parcel # 02-440-20 Mono County, CA

## DOCUMENT HISTORY:

DOCUMENT #	DATE	DESCRIPTION
233-176	12/12/77	Vincent L. Martin to Mr. & Mrs. Virgil J. Meier
2004007929	08/31/04	Virgil J. Meier and Betty June Meier, husband and wife as joint tenants to Tommy M. Hefner and Marcia E. Hefner, husband and wife as joint tenants as to an undivided one-half interest and Don M. Dockum and Cheryl F. Dockum husband and wife as joint tenants as to an undivided one-half interest.

329142  
OFFICIAL RECORDS  
LYON COUNTY, NEV.  
RECORD REQUESTED BY

A.P.N.: 012-361-18  
File No: 142-2154592 (NMP)  
R.P.T.T.: \$643.50  
TSL- 27262

Title Service & Escrow Co.  
04 AUG 23 PM 2: 33

MARY S. MILLIGAN  
COUNTY RECORDER  
FEE 15<sup>00</sup> DEP. mk

When Recorded Mail To: and Mail Tax Statements To:  
John A. Mathas and Nancy J. Mathas  
Quail Lane  
Mason Valley, NV 89447

***GRANT, BARGAIN and SALE DEED***

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

Michael F. Neeper and Sandra M. Neeper, husband and wife as joint tenants

do(es) hereby *GRANT, BARGAIN and SELL* to

John A. Mathas and Nancy J. Mathas, husband and wife as Joint Tenants,  
with Right of Survivorship  
the real property situate in the County of Lyon, State of Nevada, described as follows:

**All that certain real property being a portion of the N 1/2 of SW 1/4 and SE 1/4 of SW 1/4 of Section 22 and a portion of NE 1/4 of NW 1/4 of section 27, T 12 N, R 25 E, M.D.B.&M., also being a portion of Parcel A of Map No. 168510, Lyon County, Nevada, described as follows: Parcel 3, as shown on the Parcel Map for Donald G. Cutler and Dee Anne Cutler, recorded in the Official Records of Lyon County, Nevada, on March 31, 1995 as Document No. 180740.**

Subject to

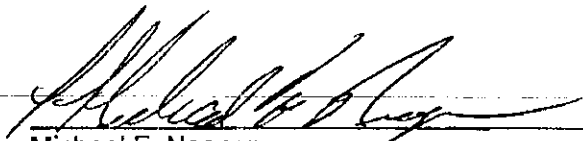
*TOGETHER* with all tenements, hereditaments and appurtenances, including easements and water rights, if any, thereto belonging or appertaining, and any reversions, remainders, rents, issues or profits thereof.

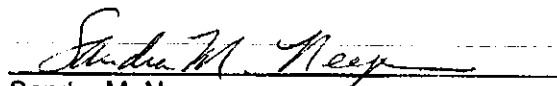
Date: 08/03/2004

329142

Exhibit 17


Exhibit 18

  
Michael F. Neeper

  
Sandra M. Neeper

STATE OF     **NEVADA**             )  
  : ss.  
COUNTY OF   **DOUGLAS**            )

This instrument was acknowledged before me on AUGUST 17, 2004 by  
Michael F. Neeper and Sandra M. Neeper, husband and wife as joint tenants.

  
Notary Public  
(My commission expires: 11/22/07 )

This Notary Acknowledgement is attached to that certain Grant, Bargain Sale Deed dated **August 03, 2004** under Escrow No. **142-2154592**.



**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.

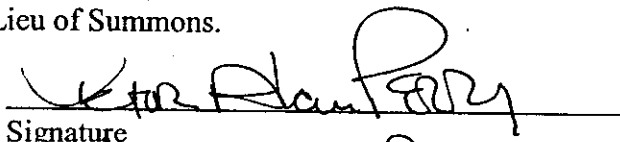
2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER – DISCLAIMER OF 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: \_\_\_\_\_

  
Signature

VICTOR ALAN PERRY  
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.

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



IN THE UNITED STATES DISTRICT COURT  
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.,

IN EQUITY NO. C-125

SUBFILE NO. C-125-B

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 of  
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 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.

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:

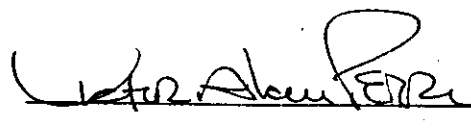


1 Attorney:

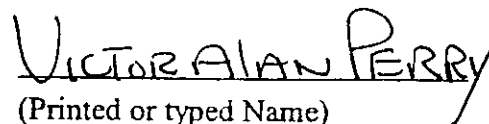
2  
3 Address:

4  
5  
6 Phone Number:

7 Fax Number:

8 

9 (Signature)

10  
11 

12 (Printed or typed Name)

13  
14  
15 (Entity, if any, on whose  
16 behalf you are appearing)

17  
18 (Address)

19 (Telephone number)

**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.

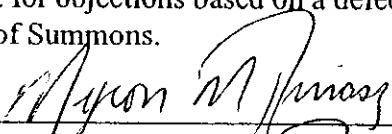
2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER – DISCLAIMER OF 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: 29 July 05

  
\_\_\_\_\_  
Signature Myron M. Pinast  
\_\_\_\_\_  
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 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 notice of appearance and intent to participate.

**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: 5-26-05

C. Rye  
Signature

CHERIE C. RYE  
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.

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

IN THE UNITED STATES DISTRICT COURT  
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.,

IN EQUITY NO. C-125

SUBFILE NO. C-125-B

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 of  
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 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.

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:

1 Attorney:

2  
3 Address: 1368 State Route 208  
4 Yerington NV 89447  
5

6 Phone Number: 775-463-4514

7 Fax Number:

8 C. Rye  
9 (Signature)

10  
11 CHERIE RYE  
12 (Printed or typed Name)

13  
14  
15 (Entity, if any, on whose  
16 behalf you are appearing)  
17 1368 State Rt 208  
18 Yerington NV 89447  
19 (Address)  
20 775-463-4514  
21 (Telephone number)  
22  
23  
24  
25  
26  
27  
28

326273

OFFICIAL RECORDS  
LYON COUNTY, NEV.  
RECORD REQUESTED BY

Title Service & Escrow Co.

04 JUL 20 AM 11:26

MARY C. HILLIGAN  
COUNTY RECORDER

FEE 15<sup>00</sup> DEP. KV

APN 14-231-43

Document Transfer Tax \$273.00

Order No. TSL-27105-SJ

Mail Tax Bill to Grantee:

41 Giorgi Lane  
Yerington NV 89447

SPACE ABOVE FOR RECORDER'S USE ONLY

**GRANT, BARGAIN and SALE DEED**

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged

MARIANA NICHOLS, a married woman, who acquired title as Mariana Sepulveda, a single woman

does hereby GRANT, BARGAIN and SELL TO

JOHN E. MATTICE AND DENA L. MATTICE, 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:

That portion of the East 1/2 of the East 1/2 of Section 16, T 14 N, R 25 E, M.D.B.&M., described as follows:

Commencing at a point which bears North 17°38'55" West a distance of 4196.77 feet from the Southeast corner of said Section 16; thence North 0°13' East along the Easterly right of way line of a proposed 50 foot roadway a distance of 820.74 feet to the Point of Beginning; thence first course North 0°13' East along said Easterly right of way line, a distance of 438.52 feet to the center of an existing irrigation ditch; thence second course North 88°46' East along the Southerly right of way line of said ditch, a distance of 588.03 feet to the West line of the parcel of land conveyed to F.W. Hanson etux by deed recorded March 20, 1967, in Book 50 at Page 154, Lyon County, Nevada Deed Records; thence third course along said West line South 0°14 East along the centerline of an irrigation ditch, a distance of 438.52 feet; thence fourth course North 88°48' West a distance of 591.43 feet to the Point of Beginning.

326273

Said parcel further shown as No. 13 on that certain Record of Survey recorded on April 23, 1968 as Document No. 101308.

Legal Description appeared previously in Document No. 204896, recorded on May 1, 1997, Official Records of Lyon County, Nevada.

TOGETHER WITH all water and water rights, ditches and ditch rights and wells and well rights which are appurtenant to and historically used in connection with the herein described property.

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

DATED 4-13-04

Mariana Nichols  
MARIANA NICHOLS

William H. Nichols  
WILLIAM H. NICHOLS who joins in the execution of this Deed to release all community interest.

STATE OF NEVADA       )  
                                  ) ss.  
COUNTY OF LYON       )

On 4/13/04 personally appeared before me, a Notary Public (or Judge or other authorized person, as the case may be), Mariana Nichols and William H. Nichols who acknowledged to me that they executed the within instrument.

Staci Lindberg  
Notary Public





**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: 8-5-05

  
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 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 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 notice of appearance and intent to participate.



**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: April 19, 2005

Mary Lee Smith

Signature

MARY LEE SMITH

Printed/Typed Name

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

(Title)

Ermon W. & Mary Lee Smith - Family Trust  
(Corporate, Trust, Partnership or other entity)

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

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

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service 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.

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..

IN EQUITY NO. C-125

SUBFILE NO. C-125-B

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 of 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 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.

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:

Attorney:

Address:

Phone Number:

Fax Number:

Mary Lee Smith

(Signature)

MARYLEE SMITH

(Printed or typed Name)

Smith Family Trust

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

2016 Pleasant View Ct  
(Address) Clarkston WA 99403  
509-243-2686

(Telephone number)

**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.

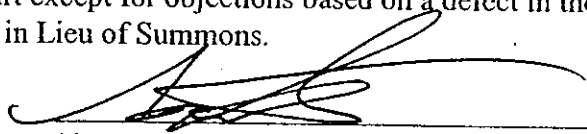
2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER – DISCLAIMER OF 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: 8-5-05

  
\_\_\_\_\_  
Signature

Scott M. Smith  
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 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 a Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

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

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.	)	
	)	NOTICE OF CHANGE OF
Plaintiff-Intervenor,	)	OWNERSHIP OF WATER RIGHT
	)	
v.	)	
	)	
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:

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

William K. Vicencio & Susan Steneri

Name(s)

231 N. Whitacre

Street or P.O. Box

Exhibit 26

Exhibit 29

Yerington	NV	89447
Town or City	State	ZipCode

2. The name and address of each person or entity who acquired ownership

Walker River Irrigation District

Name(s)

P. O. Box 820

Street or P.O. Box

Yerington	NV	89447
Town or City	State	ZipCode

3. Attached to or included with this notice is a copy of the (check appropriate box(es)):

- ☒ Deed  
☐ Court Order  
☐ Other Document

by which the change in ownership was accomplished.

4. The undersigned acknowledges that any person or entity who files a Notice of Change of Ownership of Water Right using this form is ultimately responsible for the accuracy of this filing. Consequently, the undersigned acknowledges that any person or entity who files

This notice shall be sent to the following two persons:

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

And

Susan L. Schneider  
 United States Department of Justice  
 P.O. Box 756  
 Littleton, CO 80160

litigation.

Executed this 19 day of April 2005.

[signature of counter-defendant]

*William K. Vicencio*  
*JS*

[name of counter-defendant]

*William K. Vicencio*  
*Susan Steneri*

[signature, if applicable, of person acting on  
behalf of counter-defendant]

[name, if applicable, of person acting on  
behalf of counter-defendant]

231 N. Whitacre, Yerington,  
[address] NV 89447

(775) 463-2619  
[telephone number]

348456  
Confirmed Copy

RECORDING REQUESTED BY  
AND WHEN RECORDED  
RETURN TO:

(Not Compared to Original)

04/19/2005

12:04 PM

Official Record

Requested By

WRID

Lyon County - NV  
Mary C. Milligan - Recorder

Walker River Irrigation District  
P.O. Box 820  
Yerington, NV 89447  
APN: 04-283-07

**WATER RIGHTS QUITCLAIM DEED**

THIS INDENTURE, made and entered into this 18<sup>th</sup> day of March,  
2005, by and between William K. Vicencio and Susan Steneri, hereinafter referred to  
as "Grantor(s)," and the WALKER RIVER IRRIGATION DISTRICT, hereinafter  
referred to as "Grantee";

**WITNESSETH:**

That the said Grantor(s), in consideration of the sum of TEN DOLLARS  
(\$10.00), lawful money of the United States of America, the receipt whereof is hereby  
acknowledged, does by these presents convey, transfer and quitclaim unto the  
Grantee, and to its successors and assigns forever, all of the rights of the Grantor(s)  
to receive stored water from Bridgeport Reservoir and to divert water from the Walker  
River and its tributaries, all such water rights being appurtenant to the land situate in  
the County of Lyon, State of Nevada, that is described in Exhibit "A" attached hereto  
and made a part hereof.

To have and to hold the said water rights together with the tenements,  
hereditaments and appurtenances thereunto belonging or appertaining and the



reversion and reversions, remainder and remainders, rents, issues and profits thereof unto the Grantee, its successors and assigns, forever.

Grantee does hereby agree to assume the payment of all fees and charges that may hereafter become due and payable in respect to said water rights referred to herein.

IN WITNESS WHEREOF, the parties have executed this instrument on the day and year first above written.

GRANTOR(S):

By: William K. Vicencio  
WILLIAM K. VICENCIO

By: Susan Steneri  
SUSAN STENERI

Date: March 18, 2005

GRANTEE:

WALKER RIVER IRRIGATION  
DISTRICT

By: Robert E. Bryan  
Its: Chairman

Date: April 7, 2005

SUBSCRIBED and SWORN to before me this 18<sup>th</sup> day of March, 2005, by William K. Vicencio and Susan Steneri

Leah Compston  
NOTARY PUBLIC



SUBSCRIBED and SWORN to before me this 7<sup>th</sup> day of April, 2005.

Leah Compston  
NOTARY PUBLIC



**EXHIBIT "A"**

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

All that certain real property situate in a fraction of the Southwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$ , of Sec. 22; T13 N, R 25 E, described as follows:

Parcel #1 as shown on the Parcel Map #43165, recorded in the Official Records of Lyon County, Nevada on June 20, 2000.

Division #: 2

WALKER RIVER IRRIGATION DISTRICT  
VERINGTON, NEVADA

"EXHIBIT A"

Card #: 66866  
Name: William K. Vicencio  
Address: Susan Starnett  
231 N. Whiteacre  
Verington, NV 89447

Court Decree: "PROVISIONAL" C-126, P.34; Mickey Ditch Company

C. & M. Local No. 3

Index No. Fm 270  
Lyon County No. 4-283-07  
Claim No. Pl. of 101  
User # 2146  
Ditch Mickey

PRIORITY	C.P. #	ACRES	DUTY	DAYS STORAGE	ACRE FEET REQUIRED PER ACRE	ACRE FEET TOTAL	ACRE FEET APPORTIONED	ACRE FEET TOTAL	ACRE FEET UNDERPORT BEL	CLAIM #
1900	000	.160	3.2876	33	7641	.130				
NEVIL	240	3.3978	66		14444	270				101
TOTAL	000	.400				500	.50	.50	.50	

LEGAL DESCRIPTION:

Frac. SE 1/4 of SW 1/4, Sec. 22;  
T 19 N, R 28 E.

Parcel #1 of PM #43166

COMMENTS:

Note: Pl. of Claim No. 101 (Mickey Ditch) A decreed, shares of stock priorities in error.

06/20/00 - Transferred from card #93686 - Palmer & Mason

DOCUMENT #	DATE	DESCRIPTION
#15679	07/01/72	Marvin P. Klassen to Alton S. & Christine M. Rogers.
#41688	10/28/76	Alton S. & Christine M. Rogers to Everett M. & Edna Jean Triplet.
#63438	08/19/80	Everett M. & Edna Jean Triplet to Howard D. Dale & Alla M. Dale, husband and wife as Joint Tenants
#67686	06/04/82	ATMAYK Terminating Joint Tenancy - Howard D. Dale deceased
#146660	11/13/81	Alla M. Dale to Anthony P. & Monica R. Moore.
#146661	11/13/81	Monica R. Moore to Anthony P. Moore, a married man as his sole and separate property
#206313	08/13/87	Anthony P. Moore to Joy L. Palmer.
#238991	10/08/88	Joy L. Palmer to Joy L. Palmer, a married woman as her sole & separate property and Robin S. Mason, an unmarried woman, as Joint Tenant
#247610	08/06/00	Joy L. Palmer & Robin S. Mason to William K. Vicencio & Susan Starnett as Joint Tenants

APN 12-071-08 & 09  
Document Transfer Tax \$399.75  
Order No. TSL-25580  
Mail Tax Bill to Grantee:  
P.O. Box 1152  
Lancaster, CA 93584

305079  
OFFICIAL RECORDS  
LYON COUNTY, NEV.  
RECORD REQUESTED BY  
Title Service & Escrow Co.  
03 SEP 26 PM 4:19  
MARY C. HILLIGAN  
COUNTY RECORDER  
FEE 40.00 DEP. (M)

SPACE ABOVE FOR RECORDER'S USE ONLY

**GRANT, BARGAIN and SALE DEED**

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged

HUGO VAN VLIET and SHIRLEY L. VAN VLIET, husband and wife

do (es) hereby GRANT, BARGAIN and SELL TO

FORREST G. GODDE, Trustee of the FORREST G. GODDE 1998 TRUST,  
dated January 26, 1998

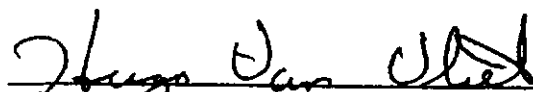
the real property situate in the County of Lyon, State of Nevada,  
described as follows:

Township 13 North, Range 25 East, M.D.B.&M.

Section 26: W 1/2 of SW 1/4 of SE 1/4.

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

DATED 9-22-2003

  
HUGO VAN VLIET

  
SHIRLEY L. VAN VLIET

305079

Exhibit 27

Exhibit 28

STATE OF CALIFORNIA

COUNTY OF San Joaquin

On September 22, 2003 before me, Annette Vasquez Notary Public  
personally appeared Hugo Van Vliet and Shirley L. Van Vliet

OR X proved to me on the basis of satisfactory evidence to  
be the person (s) whose name (s) ~~is/are~~ subscribed to the within  
instrument and acknowledged to me that ~~he/she/they~~ executed the  
same in ~~his/her/their~~ authorized capacity (ies) and that by  
~~his/her/their~~ signature (s) on the instrument the person (s), or  
the entity upon behalf of which the person (s) acted, executed the  
instrument.

WITNESS my hand and official seal.

Annette Vasquez  
Signature of Notary Notary Public



DOC # 334521

10/28/2004

03:39 PM

**Official Record**

Requested By  
TITLE SERVICE & ESCROW

Lyon County - NV

Mary C. Milligan - Recorder

Page 1 of 2 Fee: \$15.00

Recorded By: HCM RPTT: \$97.50

APN 14-531-04  
Document Transfer Tax \$97.50  
Order No. TSL-27641-SL  
Mail Tax Bill to Grantee:  
122 South Main Street  
Yerington, NV 89447



0334521

SPACE ABOVE FOR RECORDER'S USE ONLY

**GRANT, BARGAIN and SALE DEED**

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged

JOEL WALKER and NANCY WALKER, Trustees of the Joel and Nancy Walker 1999 Revocable Trust dated November 18, 1999

does hereby GRANT, BARGAIN and SELL TO

STEVEN M. DOUGLAS AND DEBRA A. DRAPER-DOUGLAS, husband and wife, as joint tenants

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

All that certain real property being a portion of the SW 1/4 of Section 1, T 13 N, R 25 E, M.D.B.&M., Lyon County, Nevada, described as follows:

Commencing at the Southwest corner of Section 1, T 13 N, R 25 E, M.D.B.&M., running thence North 0°56' East 1254.35 feet, thence running along the road North 0°44' East 200 feet; thence South 89°16' East 217.5 feet to the true point of beginning; thence from the true point of beginning 1st course South 0°44' West 200 feet; thence 2nd course South 89°16' East 217.5 feet; thence 3rd course North 0°44' East 200 feet; thence 4th course North 89°16' West 217.5 feet to the point of beginning.

Legal Description appeared previously in Document No. 299671, recorded on July 1, 2003, Official Records of Lyon County, Nevada.

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

DATED Oct. 22, 2004

The Joel and Nancy Walker 1999 Revocable Trust dated November 18, 1999

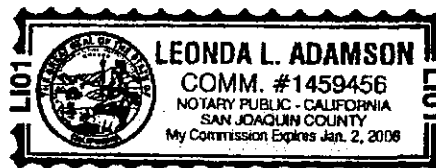
Joel Walker  
JOEL WALKER, TRUSTEE

Nancy Walker  
NANCY WALKER, TRUSTEE

STATE OF NEVADA       )  
                                  ) ss.  
COUNTY OF LYON       )

On October 22, 2004 personally appeared before me, a Notary Public (or Judge or other authorized person, as the case may be), Joel Walker and Nancy Walker who acknowledged to me that they executed the within instrument.

Leonda L. Adamson  
Notary Public



334521

10/28/2004  
002 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: 3-3-05

Clyne P. Bauer  
Signature

Clyne P. Bauer  
Printed/Typed Name

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

The Bauer Trust Agreement

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

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by 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 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 notice of appearance and intent to participate.



### 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: 12.17.04

Mary Wright  
Signature

Mary Wright  
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.

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

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA, )  
)  
Plaintiff, )  
)  
WALKER RIVER PAIUTE TRIBE, ) IN EQUITY NO. C-125-ECR  
)  
Plaintiff-Intervenor, ) SUBFILE NO. C-125-B  
)  
v. )  
)  
WALKER RIVER IRRIGATION DISTRICT,) a corporation, et al., )  
)  
Defendants. )

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 401  
Reno, Nevada 89501
3. In the envelope provided for return of my Waiver of Service of Notice in Lieu of 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 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.
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.

1 Attorney: Gordon H. DePaoli, Dale E. Ferguson

2 Address: Woodburn and Wedge  
3 P.O. Box 2311  
4 Reno, NV 89505

5 Phone Number: 775/688-3000

6 Fax Number: 775/688-3088

7 Dated this 17<sup>th</sup> day of ~~June~~<sup>Dec.</sup>, 2004.

8 Mary Wright  
9 (Signature)

10 Mary Wright  
11 (Printed or typed name)

12  
13  
14  
15 (Entity, if any, on whose behalf you are appearing)

16  
17 2784 Hwy 208  
18 P.O. Box 362  
19 Wellington, NV 89444  
(Address)

20 775-465-9363  
21 (Telephone number)