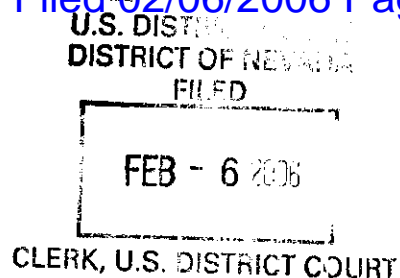


January 30, 2006

Linda Lea Sharer, Chief Deputy Clerk
United States District Court for the District of Nevada
400 South Virginia Street, Suite 301
Reno, Nv. 895501



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

RE: Disclaimer of Interest in Water Rights and Notice of Related Information
And Documentation Supporting Disclaimer

James P. Herner (Deceased 6-18-04)
Elizabeth A. Herner, Spouse

We sold our water rights when we relocated to California. Enclosed are the following:

1. Death Certificate of James P. Herner
2. Certificate #12646 - Permit 26360 showing us as owners of 9.6 acre-feet issued by the Division of Water Resources in Carson City, Nv.
3. Water Rights Deed showing transfer of water rights to:
Donna K. And Thomas E. Hustace
9 Grand View Lane
Wellington, Nevada 89444 3 acre feet
4. Water Rights Deed showing transfer of water rights to:
Donna K. And Thomas E. Hustace
9 Grand View Lane
Wellington, Nevada 89444 0.6 acre feet
5. Water Rights Deed showing transfer of water rights to:
William Brandstetter
(No address available) 4.0 acre feet

6. Page 3 of Escrow Instructions from Title Insurance and Escrow of Yerrington, Nevada, when the property we owned was sold, when we relocated to Ca. due to the deteriorating health of my husband, to:

Frank E. And Randi Hunnewill
13 Siegel Court
Wellington, Nevada 89444

2.0 acre feet

TOTAL ACRE FEET

9.6 ACRE FEET

Since we no longer have an interest in these water rights, it is my hope that our names will be removed from the Lawsuit.

Thank you.

James P. Herner, deceased 6-18-04



Elizabeth A. Herner

P.O. Box 893685
Temecula, Ca. 92589

951/926-0465

U.S. DISTRICT COURT
DISTRICT OF NEVADA

FEB - 6 2006

CLERK U.S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,)	
)	
)	Plaintiff,
)	In Equity No. C-125-ECR
)	Subfile No. C-125-B
WALKER RIVER PAIUTE TRIBE,)	
)	DISCLAIMER OF INTEREST IN
)	WATER RIGHTS AND NOTICE OF
Plaintiff-Intervenor,)	RELATED INFORMATION AND
)	DOCUMENTATION SUPPORTING
v.)	DISCLAIMER
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 no interest in any water right within the categories set forth in Paragraph 3 of the *Case Management Order* (Apr. 18, 2000) and, therefore, **disclaims all interest in this action.**

This disclaimer and 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

In addition, because the undersigned sold or otherwise conveyed ownership of all of the

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water rights that the undersigned (or the entity on whose behalf the undersigned is acting) once owned before the undersigned was served with a Waiver of Service of Notice in Lieu of Summons or by a Notice in Lieu of Summons, the undersigned provides the following additional information:

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

Name(s): *Elizabeth & James P. Herner*

Street or P.O. Box: *P.O. Box 893685*

Town or City: *Jamez*

State: *Ca.*

Zip Code: *92589*

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

Name(s): *See attached letter*

Street or P.O. Box:

Town or City:

State:

Zip Code:

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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 Disclaimer of Interest in this matter is ultimately responsible for the accuracy of this filing. Consequently, the undersigned acknowledges that any person or entity who files a Disclaimer of Interest, but, in fact, has water rights subject to this litigation, shall nevertheless be bound by the results of this litigation.

Executed this 1st day of February 2006

Elizabeth A. Herner

[signature of counter-defendant]

ELIZABETH
A. HERNER

[name of counter-defendant]

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JAMES P. HERNER
DECEASED

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

[signature, if applicable, of person acting on
behalf of Counter-Defendant]

[address]

[telephone number]

East a distance of 241.36 feet to the Southeast corner of said Easterly parcel; thence along the Southerly line of said parcel South 89°25'48" West a distance of 225.23 feet to the Southwest corner of said Easterly parcel; thence along the Westerly line of said Easterly parcel; North 0°02'01" West a distance of 491.55 feet to the point of beginning.

Said parcel as further delineated on Lyon County Record of Survey Map, recorded on to come as Document No. to come.

RESERVING THEREFROM, 7 acre feet of the 9 acre feet of stand alone underground water rights.

Showing title vested in:

FRANK E. HUNEWILL and RANDI HUNEWILL, husband and wife as Joint Tenants with the Right of Survivorship

free of encumbrances except:

1. ALL General and special taxes for fiscal year 2003-2004 AS REQUIRED BY LENDER
2. Assessments and/or Bonds not delinquent
3. Covenants, conditions, restrictions, rights of way, easements, and reservations of record, if any.
4. Items 2, 3 AND 4 as shown on your Amended Preliminary Title Report issued under this Escrow No. and dated as of July 11, 2003.
5. Deed of Trust to record in favor of Buyers Lender.

ADDITIONAL INSTRUCTIONS:

- A. Buyer and Seller each agree to pay 1/2 of all costs to Escrow, Title Insurance, Documents, Recording and Transfer Tax. Buyer agrees to pay all costs in connection with the financing.
- B. Deed to be prepared by Escrowee. Loan documents to be provided by Lender.
- C. This escrow is contingent upon those items listed in Buyers offer dated June 27, 2003. Buyer depositing all money and documents needed to close, into escrow, shall constitute a waiver of this contingency.
- D. Buyer agrees to comply with Lender's Fire and Flood Insurance requirements.
- E. Seller instructs Escrowee to report all terms of this sale to the Internal Revenue Service on form 1099-S.
- F. The water rights shown in the legal description are for reference purposes only and will not be included in the Policy of Title Insurance and no assurance of their existence, quantity, quality or allowable usage is either implied or expressed by their appearance therein. Escrowee will not be responsible for the transfer of any of said water or water rights to the Buyer, Buyer does hereby agree to handle said transfer outside of escrow, after close.

COUNTY OF ORANGE

HEALTH CARE AGENCY

1200 N. MAIN STREET, SUITE 100-A
SANTA ANA, CA 92701

CERTIFICATE OF DEATH

3 200430 1109352

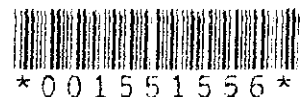
Form containing personal data, residence, spouse and parent information, funeral director, place of death, cause of death, and registrar information.

CERTIFIED COPY OF VITAL RECORDS

STATE OF CALIFORNIA }
COUNTY OF ORANGE

DATE ISSUED

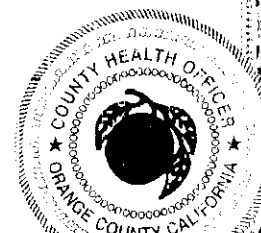
JUL 15 2004



This is a true and exact reproduction of the document officially registered and placed on file in the office of the VITAL RECORDS SECTION, ORANGE COUNTY HEALTH CARE AGENCY.

Handwritten signature of Mark B. Horton

MARK B. HORTON, M.D.
HEALTH OFFICER
ORANGE COUNTY CALIFORNIA



This copy not valid unless prepared on engraved border displaying seal and signature of Registrar.



HUGH RICCI, P.E.
State Engineer

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES

123 W. Nye Lane, Suite 246
Carson City, Nevada 89706-0818
(775) 687-4380 • Fax (775) 687-6972
<http://ndwr.state.nv.us>

December 24, 2002

RE: Permit 26360 (Certificate 12646)

James P. Herner and
Elizabeth A. Herner
PO Box 5
Wellington, NV 89444

Dear Mr. and Mrs. Herner:

Please be advised that Permit 26360 (Certificate 12646) has been assigned to show **James P. Herner and Elizabeth A. Herner** as current owners of record of 9.6 acre-feet seasonally at a diversion rate of 0.1371 cubic feet per second.

The *Summary of Ownership* is enclosed for your reference. Confirmation of title transfer should not be construed to mean that the water rights are in good standing. This assignment reflects only the information that has been filed with this office and may be subject to amendment upon receipt of additional documentation.

If you have any questions, please contact this office at (775) 687-4381.

Sincerely,

Tony Eng

Tony Eng
Engineering Technician III

TE/ld

Enclosure: *Summary of Ownership*

Based on \$1500/acre foot, .6 acre feet = \$900.

Recording requested by:

When recorded, mail to:

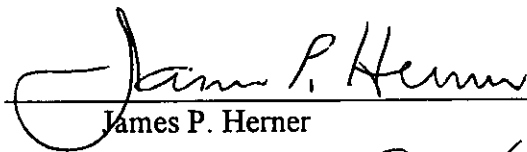
WATER RIGHTS DEED

THIS INDENTURE WITNESSETH: That for a valuable consideration, receipt is hereby acknowledged, James P. Herner and Elizabeth A. Herner (hereinafter referred to as "Grantor"), do hereby grant, bargain and sell to Donna K. Hustace and Thomas E. Hustace (hereinafter referred to as "Grantee"), all right, title and interest which Grantors have in and to 3.0 acre feet per annum of the following water right, to wit:


Application Number 26360, certificate Number 12646, as issued by the State Engineer of the State of Nevada, Division of Water Resources.

TO HAVE AND TO HOLD the said rights, together with the appurtenances, unto the said Grantee forever.

WITNESS my hand this 9th day of January, 2004.



James P. Herner



Elizabeth A. Herner

STATE OF CALIFORNIA)
) ss.
COUNTY OF RIVERSIDE)

On JANUARY 09, _____, 2004, before me, a notary public, personally appeared James P. Herner, personally known or proved to me to be the person who executed the above instrument.

Christine D. Wixon
Notary Public



STATE OF CALIFORNIA)
) ss.
COUNTY OF RIVERSIDE)

On JANUARY 09, _____, 2004, before me, a notary public, personally appeared Elizabeth A. Herner, personally known or proved to me to be the person who executed the above instrument.

Christine D. Wixon
Notary Public



Recording requested by:

When recorded, mail to:

WATER RIGHTS DEED

THIS INDENTURE WITNESSETH: That for a valuable consideration, receipt is hereby acknowledged, James P. Herner and Elizabeth A. Herner (hereinafter referred to as "Grantor"), do hereby grant, bargain and sell to Donna K. Hustace and Thomas E. Hustace (hereinafter referred to as "Grantee"), all right, title and interest which Grantors have in and to 0.6 acre feet per annum of the following water right, to wit:

Application Number 26360, certificate Number 12646, as issued by the State Engineer of the State of Nevada, Division of Water Resources.

TO HAVE AND TO HOLD the said rights, together with the appurtenances, unto the said Grantee forever.

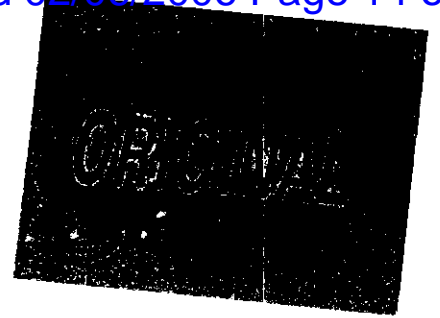
WITNESS my hand this _____ day of February , 2004.

James P. Herner

Elizabeth A. Herner

Recording requested by:

When recorded, mail to:



WATER RIGHTS DEED

THIS INDENTURE WITNESSETH: That for a valuable consideration, receipt of which is hereby acknowledged, James Herner and Elizabeth Herner (hereinafter referred to as "Grantor"), do hereby grant, bargain and sell to Bill Brandstetter (hereinafter referred to as Grantee"), all right, title and interest which Grantors have in and to 4.0 acre feet per annum of the following described water right, to wit:

Application Number 26360, certificate Number ¹²⁶⁴⁶~~12464~~, as issued by the State Engineer of the State of Nevada, Division of Water Resources.

TO HAVE AND TO HOLD the said rights, together with the appurtenances, unto the said Grantee, and to the successors, heirs, and assigns of Grantee forever.

WITNESS my hand this 20 day of Nov, 2003

James Herner
JAMES HERNER

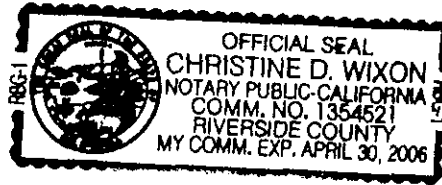
WITNESS my hand this 20 day of Nov, 2003

Elizabeth P. Herner
ELIZABETH HERNER

STATE OF CALIFORNIA)
) ss.
COUNTY OF RIVERSIDE)

On NOVEMBER 20, 2003, before me, a notary public, personally appeared James Herner, personally known or proved to me to be the person who executed the above instrument.

Christine D. Wixon
Notary Public



STATE OF CALIFORNIA)
) ss.
COUNTY OF RIVERSIDE)

On NOVEMBER 20, 2003, before me, a notary public, personally appeared Elizabeth Herner, personally known or proved to me to be the person who executed the above instrument.

Christine D. Wixon
Notary Public





1500 U.S. POSTAGE
2712705-120 FEB 02 2006
5408 PASSED FROM ZIP CODE 92563

RETURN TO SENDER
REQUESTED

Linda Lee Sharen
Chief Deputy Clerk Court for
United States District Court
the District of Nevada
400 South Virginia St. #301
Reno, Nev. 89501

Elizabeth Herner
PO Box 893685
Temecula CA 92589-3685

PLEASE CHECK THE TOP OF THIS ENVELOPE FOR THE POSTAGE ADDRESS OF THE UNITED STATES POSTAL SERVICE
CERTIFIED MAIL



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