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Attorney for UNITED STATES BOARD OF WATER COMMISSIONERS

6 IN THE UNITED STATES DISTRICT COURT  
7 FOR THE DISTRICT OF NEVADA

BY ~~LANCE S. WILSON~~  
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10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 WALKER RIVER PAIUTE TRIBE,

13 Plaintiff-Intervenor,

14 vs.

15 WALKER RIVER IRRIGATION DISTRICT,  
et al.,

16 Defendants.

IN EQUITY NO. C-125-EC  
SUBFILE NO. C-125-Q

UNITED STATES BOARD OF WATER  
COMMISSIONERS' RESPONSE TO  
MINERAL COUNTY'S MOTION TO  
DISMISS AND SUBSTITUTE PROPER  
PARTIES

18 MINERAL COUNTY,

19 Proposed Plaintiff-Intervenor,

20 vs.

21 WALKER RIVER IRRIGATION DISTRICT,  
22 et al.,

23 Proposed Defendants.

25 I. INTRODUCTION

26 On April 3, 2000, the Court filed an Order Concerning Status of Service on Defendants, Docket  
27 #227. Among other things, that order provided that Mineral County should file and serve and motions  
28 and supporting documentation to dismiss certain proposed defendants in early August of 2000. On

1 August 8, 2000, Mineral County filed a Motion and Dismiss and Substitute Proper Defendants (the  
2 "Motion to Dismiss and Substitute"). The Motion to Dismiss and Substitute lists the names of several  
3 individuals and entities that Mineral County seeks to substitute. It also attaches documentation to  
4 support Mineral County's position with respect to these individuals and entities (the "Supporting  
5 Documentation"). The Motion to Dismiss and Substitute is supported by an Affidavit of Treva J. Hearne  
6 (the "Hearne Affidavit"). On or about April 30, 2001, Mineral County filed an Amended Motion to Add  
7 and Dismiss Certain Parties (the "Amended Motion to Add and Dismiss") Mineral County then placed  
8 a large volume of documents ("Additional Supporting Documents") at Kinko's which parties were then  
9 required to order and pay for copies thereof. The United States Board of Water Commissioners ordered  
10 and paid \$177.10 to obtain copies of these Additional Supporting Documents. These documents have  
11 not been filed with the Clerk of the Court but the parties were advised at a status conference that a box  
12 containing these Additional Supporting Documents has been delivered to the Magistrate's chamber.

13 Set forth below is the USBWC's response concerning the individuals and entities listed in the  
14 Amended Motion to Add and Dismiss. In preparing this response, the USBWC has provided  
15 comments upon only those parties who are water rights holders and direct assessees of the USBWC.  
16 The Walker River Irrigation District (WRID) has advised the USBWC that its response will address the  
17 water rights holders who are WRID members. To assist the Court in evaluating these matters, the  
18 USBWC has excerpted certain documents from the Additional Supporting Documents under Tab A  
19 attached hereto. For ease of reference the USBWC has further tabbed the documents produced by  
20 Mineral County to correspond to the numbers assigned to the parties in the Amended Motion to Add and  
21 Dismiss, thus, documents supporting the requested action for Robert T. Adams are under Tab A-1 and  
22 so forth. Any documents which are referenced in this reply and which are being provided by the  
23 USBWC are copied under Tab B using the numbers assigned by Mineral County.

24 **II. THE BOARD OF WATER COMMISSIONERS' RESPONSE CONCERNING SPECIFIC**  
25 **INDIVIDUALS AND ENTITIES**

26 **1. Adams, Robert T.**

27 Mineral County seeks to dismiss ROBERT T. ADAMS, deceased, and add ADAMS RICHARD  
28 (sic) and ADAMS, GREGORY.

1           The supporting documents presented with the Amended Motion appear to be an attempt by  
2 Mineral County to justify service of process by publication. Inasmuch as the Motion is not directed at  
3 that aim, the USBWC will not address the propriety thereof.

4           The USBWC would agree that ROBERT T. ADAMS should be dismissed. The current owners  
5 of the property GREGORY BURTON ADAMS and RICHARD TAYLOR ADAMS. These names,  
6 including the full middle names for each of the grantees, appear on that certain Grant Deed recorded  
7 in the real property records of Mono County on October 9, 1996 which was provided to Mineral County  
8 in September 2000. See Tab B-1 which is a copy of the Grant Deed to GREGORY BURTON ADAMS  
9 and RICHARD TAYLOR ADAMS.

10 **3. Juan Arrache**

11           Mineral County seeks to dismiss JUAN ARRACHE as he is deceased and add the ARRACHE  
12 FAMILY TRUST, RONALD ARRACHE, TRUSTEE.

13           The real property records in Mono County should control who owns the water rights. If the  
14 property has been conveyed into a Trust, the Mono County Recorder would have that information and  
15 it would also be the appropriate place to confirm these facts.

16 **22. Day, Charles and Lucille**

17           Mineral County requests that CHARLES AND LUCILLE (sic) DAY be dismissed from the  
18 litigation and removed from the caption.

19           The USBWC records indicate that CHARLES E. DAY and LUCILE M. DAY no longer own  
20 decreed water rights. This property is currently assessed to WEAVER PROPERTIES, LLC. A copy  
21 of the most recent title document in the USBWC records is attached hereto under Tab B-22.

22 **37. Junction Range**

23           Mineral County seeks to add ARTHUR SETTLEMEYER and BENTLY AGRIDYNAMICS.

24           On March 17, 2000 the USBWC provided Mineral County with the title information available  
25 in the USBWC office for the property which is generally referred to as "Junction Range." A copy of this  
26 previously provided information is attached hereto under Tab B-37. Mineral County was advised that  
27 the USBWC records reflected that the Bently Family Limited Partnership, a Nevada limited partnership  
28 had acquired a one-half interest in the property and provided the Quitclaim Deed which reflected the

1 transfer of ownership. The current USBWC assessment for this property is sent to Settlemeyer Ranches,  
2 Inc. and Bently Family Limited Partnership at 2388 Highway 395, Minden, Nevada 89423. Mineral  
3 County's proposal to add "ARTHUR SETTLEMEYER" to the caption is not supported by the  
4 documents presented by Mineral County. Further the documents provided do not show that "BENTLY  
5 AGRIDYNAMICS" is a proper party to be added. Perhaps Mineral County has performed additional  
6 title work in Mono County which would support these actions but, if so, it is not before the Court at this  
7 time.

8 **57. Modesta Perriseau / Pamela Haas**

9 Mineral County seeks to dismiss MODESTA PERRISEAU and remove her name from the  
10 caption as well as add HAAS, PAMELA.

11 The documentation provided by Mineral County under TabA-57 shows 1) that MODESTA  
12 PERRISEAU has sold her property and that 2) Mineral County obtained a Waiver of Personal Service  
13 of Motions. No conveyancing documents have been provided.

14 The USBWC records show that the water rights formerly owned by MODESTA PERRISEAU  
15 are now owned by PAMELA HAAS and FRANK and BETTY FLOYD. Copies of the relevant  
16 conveyancing documents in the possession of the USBWC are attached under Tab B-57.

17 **59. Plymouth Land & Stock Company**

18 Mineral County seeks to dismiss Plymouth Land & Stock Company from the litigation and that  
19 its name be removed from the caption.

20 Mineral County asserts that no documentation exists to show that PLYMOUTH LAND &  
21 STOCK COMPANY ever owned a water rights. Lands formerly owned by PLYMOUTH LAND &  
22 STOCK COMPANY are included in the Walker River Decree, the USBWC records formerly assessed  
23 this entity, and that information was provided to Mineral County some time ago.

24 The USBWC would not object to PLYMOUTH LAND & STOCK COMPANY being removed  
25 from the litigation but if that occurs, the current owners of the land which it previously owned will need  
26 to be added to the caption and served with the appropriate documents. The USBWC records indicate  
27 that portions of the PLYMOUTH LAND & STOCK COMPANY property was conveyed to the  
28 CALIFORNIA DEPARTMENT OF FISH AND GAME and to MILTON DRESSLER. A complete

1 review of the real property records in Mono County, California for these parcels would be warranted  
2 in order to ensure that the current owners of this property are made parties to the litigation. Copies of  
3 the current water rights cards maintained by the USBWC for these water rights are attached hereto under  
4 Tab B-59.

5 **61. Porter, Harold and Sherri**

6 Mineral County seeks to dismiss Harold and Sherri Porter from the litigation. Mineral County  
7 indicates that Weaver Revocable Trust Agreement is already on the caption.

8 The USBWC records indicates that the property formerly owned by Harold and Sherri Porter is  
9 now assessed to Casino West, Inc. and the Romero Family Trust. The current water rights cards  
10 maintained by the USBWC for these properties along with the deeds which have been submitted to the  
11 USBWC are attached hereto under Tab B-61.

12 The USBWC believes that Mineral County's request that Harold and Sherri Porter be dismissed  
13 from the litigation is proper but that the current owners of this property, Casino West, Inc. and the  
14 Romero Family Trust should be added as parties.

15 **64. Sario Livestock Company**

16 Mineral County seeks to dismiss Sario Livestock Company and substitute Vaughn, O. Kyle &  
17 Leona, and Sierra Nevada Landco., Inc.

18 Mineral County has provided the Court with conveyancing documents for land not in question  
19 in this case. TabA-64. The land which SARIO LIVESTOCK COMPANY owns which has Walker  
20 River Decree water rights is located in Mono County, California not Lyon County, Nevada. The  
21 proposed changes relating to SARIO LIVESTOCK COMPANY should not be allowed.

22 **77. Virginia Creek Hydro, Inc.**

23 Mineral County seeks to dismiss VIRGINIA CREEK HYDRO, INC. and to add The Trust for  
24 Public Land.

25 Mineral County has provided no documentation to support its proposed change. The USBWC  
26 has received a deed which evidences that some of the water rights formerly owned by VIRGINIA  
27 CREEK HYDRO, INC. are currently owned by the COUNTY OF MONO and the UNITED STATES  
28 OF AMERICA. Copies of the deeds which have only recently been provided to the USBWC are

1 attached under Tab B-77.

2 **78. Gilbert C. Wedertz**

3 Mineral County seeks to dismiss Gilbert C. Wedertz from the action and that Jan Wedertz  
4 Huggans be added.

5 The USBWC currently assesses this property in the name of Gilbert C. Wedertz in care of Jan  
6 Huggans. In light of that fact and the fact that no documentation has been presented by Mineral County  
7 to substantiate the addition of Jan Wedertz Huggans as a party this change should be denied. Once  
8 again, the real property of Mono County, California are what should guide Mineral County in naming  
9 owners of these rights. If the property has been conveyed or distributed to Jan Wedertz Huggans there  
10 must be some documentation before the Court should allow the substitution.

11 **Conclusion**

12 Based upon the foregoing, the United States Board of Water Commissioners submits its  
13 recommendation as to each of the proposed changes addressed in this Response to the Amended Motion  
14 to Add and Dismiss:

15 Adams, Robert T.	Dismiss Robert T. Adams Add Gregory Burton Adams and Richard Taylor Adams
16	
17 Juan Arrache	Substitute the Trustee of the Trust only after documentation of the conveyance of the property into the trust
18	
19 Charles and Lucille (sic) Day	Dismiss Charles and Lucile Day and substitute in their place, Weaver Properties, LLC
20 Junction Range	Junction Range may be dismissed as it is not a legal entity Settelmeyer Ranches, Inc. and Bently Family Limited Partnership, a Nevada limited partnership should be added as parties
21	
22	
23 Modesta Perriseau	Modesta Perriseau should be dismissed Pamela J. Haas and Frank and Betty Floyd should be added as parties
24	
25	
26 Harold and Sherri Porter	Harold and Sherri Porter should be dismissed Casino West, Inc. and Romero Family Trust should be added as parties
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Plymouth Land & Stock Company

Plymouth Land & Stock Company should be dismissed only after its successors are ascertained  
State of California, California Department of Fish and Game and Milton Dressler should be added as parties

Sario Livestock Company

Sario Livestock Company should remain a party to the litigation and the proposed additional parties should not be added as they did not acquire lands subject to the Decree

Virginia Creek Hydro, Inc


Virginia Creek Hydro, Inc. should be dismissed  
County Of Mono and the United States of America should be added as parties

Gilbert C. Wedertz

Gilbert C. Wedertz should not be dismissed until documentation as to whom his property has been distributed is provided

Respectfully submitted this 17<sup>th</sup> day of August, 2001.

LAW OFFICE OF LINDA A. BOWMAN, LTD.

By:   
Linda A. Bowman, Esq.  
540 Hammill Lane  
Reno, NV 89511  
(775) 335-1700  
Attorney for the United States Board of Water Commissioners

**CERTIFICATE OF SERVICE**

Pursuant to FRCP 5(b), I hereby certify that on this date, I mailed a true and correct copy of the **UNITED STATES BOARD OF WATER COMMISSIONERS' RESPONSE TO MINERAL COUNTY'S AMENDED MOTION TO ADD AND DISMISS CERTAIN PARTIES**, postage prepaid, addressed to:

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Walker River Irrigation District  
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Yerington, NV 89447

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5 deLipkau  
P. O. Box 2790  
6 Reno, NV 89505-2790

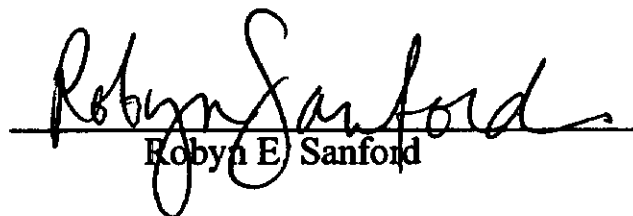
7 George Benesch, Esq.  
P.O. Box 3498  
8 Reno, NV 89505

9

10 DATED this 17th day of August, 2001.

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Robyn E. Sanford

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TYPE, OR PRINT IN PERMANENT INK SEE HANDBOOK FOR INSTRUCTIONS

DECEASED—NAME Robert Taylor ADAMS		SEX Male	DATE OF DEATH (MONTH, DAY, YEAR) April 12, 1977
RACE (WHITE, NEGRO, AMERICAN INDIAN, ETC. (SPECIFY)) White	AGE—LAST BIRTHDAY (YEARS) 66	DATE OF BIRTH (MONTH, DAY, YEAR) June 3, 1910	COUNTY OF DEATH Washoe
CITY, TOWN, OR LOCATION OF DEATH Reno	HOSPITAL OR OTHER INSTITUTION—NAME (IF NOT IN EITHER, GIVE STREET AND NUMBER) Washoe Medical Center		
STATE OF BIRTH (IF NOT IN U.S.A., NAME COUNTRY) Iowa	CITIZEN OF WHAT COUNTRY U.S.A.	MARRIED, NEVER MARRIED, WIDOWED, DIVORCED (SPECIFY) Married	SURVIVING SPOUSE (IF WIFE, GIVE MAIDEN NAME) Vivian Pellecchia
SOCIAL SECURITY NUMBER 530 03 3130	USUAL OCCUPATION (GIVE KIND OF WORK DONE DURING MOST OF WORKING LIFE, EVEN IF RETIRED) Attorney	KIND OF BUSINESS OR INDUSTRY Law	
RESIDENCE—STATE Nevada	COUNTY Washoe	CITY, TOWN, OR LOCATION Reno	STREET AND NUMBER 877 Brown Street
FATHER—NAME Burton Adams		MOTHER—MAIDEN NAME Maybelle Dicker	
INFORMANT—NAME Vivian P. Adams		MAILING ADDRESS (STREET OR R.F.D. NO., CITY OR TOWN, STATE, ZIP) 877 Brown St. Reno, Nevada 89509	
PART I. DEATH WAS CAUSED BY: (ENTER ONLY ONE CAUSE PER LINE FOR (a), (b), AND (c))			
10. IMMEDIATE CAUSE (a) Shock & Septicemia BUT 10, OR AS A CONSEQUENCE OF: (b) Post-operative Repair of A-v fistula from Iliac Artery to Inferior vena Cava (c)			
PART II. OTHER SIGNIFICANT CONDITIONS: CONDITIONS CONTRIBUTING TO DEATH BUT NOT RELATED TO CAUSE GIVEN IN PART I (a)			
ACCIDENT, SUICIDE, HOMICIDE, OR UNDETERMINED (SPECIFY)	DATE OF INJURY (MONTH, DAY, YEAR)	HOUR	HOW INJURY OCCURRED (ENTER NATURE OF INJURY IN PART I OR PART II, IT)
INJURY AT WORK (SPECIFY YES OR NO)	PLACE OF INJURY AT HOME, FARM, STREET, FACTORY, OFFICE BLDG., ETC. (SPECIFY)	LOCATION (STREET OR R.F.D. NO., CITY OR TOWN, STATE)	
CERTIFICATION—PHYSICIAN: I ATTENDED THE DECEASED FROM	MONTH DAY YEAR TO MONTH DAY YEAR 7 20 76 TO 4 12 77	AND LAST SAW HIM/HER ALIVE ON MONTH DAY YEAR 4 11 77	I HAD DID NOT VIEW THE BODY AFTER DEATH. DEATH OCCURRED AT THE PLACE OF MY FINDING OF MY FINDING TO THE CALL 9:30 A.M.
CERTIFICATION—MEDICAL EXAMINER OR CORONER: ON THE BASIS OF THE EXAMINATION OF THE BODY AND/OR THE INVESTIGATION, IN MY OPINION, DEATH OCCURRED ON THE DATE AND DUE TO THE CAUSE(S) STATED.			
CERTIFIER—NAME (TYPE OR PRINT) Paul S. Clark MD	SIGNATURE <i>Paul S. Clark MD</i>	DEGREE OR TITLE M.D.	DATE SIGNED (MONTH, DAY, YEAR) 4/12/77
MAILING ADDRESS—CERTIFIER 850 N. 11 St. Reno, Nev.			
BURIAL, CREMATION, REMOVAL (SPECIFY) Cremation	CEMETERY OR CREMATORY—NAME Masonic Memorial Gardens Crematory	LOCATION Reno Nevada	
DATE April 14, 1977	FUNERAL HOME—NAME AND ADDRESS (STREET OR R.F.D. NO., CITY OR TOWN, STATE, ZIP) Ross, Burke and Knobel Mortuary: 2155 Kietzke Ln., Reno, Nev.		
FUNERAL DIRECTOR—SIGNATURE <i>Theresa J. ...</i>	REGISTRAR—SIGNATURE <i>Linda Williams</i>	DATE RECEIVED BY LOCAL REGISTRAR April 14, 1977	

DECEASED

USUAL RESIDENCE WHERE DECEASED LIVED. IF DEATH OCCURRED IN INSTITUTION, GIVE RESIDENCE BEFORE ADMISSION.

PARENTS

CAUSE

CERTIFIER

BURIAL

EXH A1

1 TREVA J. HEARNE, ESQ. (SBN 4450)  
2 JAMES SPOO, ESQ. (SBN 1018)  
3 ZEH, POLAHA, SPOO, HEARNE & PICKER  
4 575 Forest Street, Suite 200  
5 Reno, Nevada 89509  
6 Telephone: (702) 323-5700

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Attorneys for Intervenor,  
MINERAL COUNTY NEVADA

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\*\*\*

UNITED STATES OF AMERICA,

Plaintiff,

WALKER RIVER PAIUTE TRIBE,

Plaintiff-Intervenor,

vs.

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

Defendants.

MINERAL COUNTY,

Proposed-Plaintiff-Intervenor,

vs.

WALKER RIVER IRRIGATION DISTRICT,  
a corporation, et al.

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

RETURN OF SERVICE

I Kenneth Pele, hereby certify that service of process of Mineral  
(Print name of server)

Zeh, Polaha, Hearne & Picker  
575 Forest Street, Suite 200  
Reno, Nevada 89509  
Tel.: (702) 323-5700 FAX: (702) 786-8183

1  
2 Lieu of Summons

3 upon: Vivian Adams (Print name of person served)

4 of: Heir to Robert Adams (Title and company where applicable)

5 on: May 4, 1999 (Date of service)

6 at: 4:00 P.M. (Time of service)

7  
8 at the following place:

9 877 Brown St., Reno, NV (Address or location)

10  
11 in the following manner:

12  served personally

13  left copies

14  unable to execute service (why) \_\_\_\_\_

15  
16  
17  other (specify) \_\_\_\_\_

18  
19 Remarks: \_\_\_\_\_

20  
21  
22 I declare under penalty of perjury under the laws of the United States of America that the  
23 foregoing information in this Return of Service is true and correct.

24 5-4-99  
25 Date

[Signature]  
Signature of Server

333 March Ave.

Reno, NV. 89009  
(Address of Server) C:\MyFiles\CLIENTS\Mineral\IP-Return.114

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA, )  
)  
Plaintiff, )  
)  
WALKER RIVER PAIUTE )  
TRIBE, )  
)  
Plaintiff-Intervenor, )  
)  
vs. )  
)  
WALKER RIVER IRRIGATION )  
DISTRICT, a corporation, et al. )  
)  
Defendants. )

IN EQUITY NO. C-125-ECR  
Subfile No. C-125-C

RETURN OF SERVICE

I Stephen Alastrey, hereby certify that service of process of Mineral  
(print name of server)

County's "Intervention Documents" was made pursuant to the Orders of the Court and  
Notice in Lieu of Summons

upon: Vivian Adams (print name of person served)

of: \_\_\_\_\_ (title and company where applicable)

on: 11/9/95 (date of service)

at: 4:35 pm (time of service)

at the following place:

877 Brown Street, Reno, NV (address or location)

89509

in the following manner:

served personally

left copies

unable to execute service (why) \_\_\_\_\_

other (Specify) \_\_\_\_\_

Remarks: She asked if being sued. I briefly explained about  
Walker Lake level/water overallocation upstream. She said.  
She hasn't been there for 15 (or 13) years.

I declare under penalty of perjury under the laws of the United States of America

that the foregoing information in this Return of Service is true and correct.

11/10/95  
Date

Stephen Hastley  
Signature of Server

1277 Riverside Drive, #13

Reno, NV 89503  
Address of Server

TREVA J. HEARNE, ESQ. (SBN 4450)  
JAMES SPOO, ESQ. (SBN 1018)  
**ZEH, SAINT-AUBIN, SPOO & HEARNE**  
575 Forest Street, Suite 200  
Reno, Nevada 89509  
Telephone: (775) 323-5700

Attorneys for Intervenor,  
MINERAL COUNTY NEVADA

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

\*\*\*

UNITED STATES OF AMERICA, )  
)  
Plaintiff, )  
)  
WALKER RIVER PAIUTE TRIBE, )  
)  
Plaintiff-Intervenor, )  
)  
vs. )  
)  
WALKER RIVER IRRIGATION DISTRICT, )  
a corporation, et al.; )  
)  
Defendants. )  
----- )

In Equity No. C-125-ECR  
Subfile No. C-125-C  
  
AFFIDAVIT OF  
TREVA J. HEARNE

MINERAL COUNTY, )  
)  
Proposed-Plaintiff-Intervenor, )  
)  
vs. )  
)  
WALKER RIVER IRRIGATION DISTRICT, )

a corporation, et al. )  
\_\_\_\_\_ )

STATE OF NEVADA )  
 ) ss:  
COUNTY OF WASHOE )

1. I am a member of the law firm of ZEH, SAINT-AUBIN, SPOO, & HEARNE and am admitted to the bars in California, Nevada & Missouri.
- b. I represent Mineral County in the present litigation.
- c. I believe and have reason to believe that Richard T. Adams, son of Vivian and Robert Adams, who has an interest in water rights in the Walker River resides out of the state or has departed from the state and after due diligence cannot be found within the state or he is concealing himself in order to avoid service of summons.
- d. After being informed by Linda Bowman that, even though Vivian Adams had stated to us that she was the only heir of Robert Adams, deceased, Vivian had conveyed some interest in the water rights that she held on the Walker River to her two sons, one of them Richard T. Adams, we made an attempt to locate and serve Mr. Adams.
5. The Sheriff of Nevada County, California stated to us that Gregory Adams appeared to have abandoned his home in Truckee. He further stated that no one was home and the snow around the house had not been disturbed.
6. I cannot find any forwarding address or another location for Robert T.




Adams.

7. I also asked Vivian Adams if she would reveal the whereabouts of her son for purposes of service and she declined to respond at all. I informed her we were looking for her sons and that they should contact me. She refused to respond.

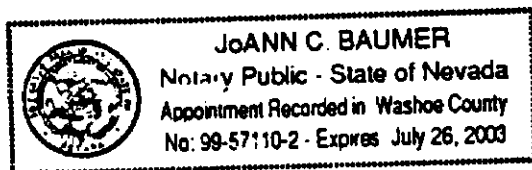
Further affiant sayeth naught.

DATED this 24th day of March, 2001.

  
TREVA J. HEARNE

SUBSCRIBED and SWORN to  
before me this ~~23rd~~<sup>24th</sup> day of March, 2001  
by Treva J. Hearne

  
NOTARY PUBLIC



TREVA J. HEARNE, ESQ. (SBN 4450)  
JAMES SPOO, ESQ. (SBN 1018)  
**ZEH, SAINT-AUBIN, SPOO & HEARNE**  
575 Forest Street, Suite 200  
Reno, Nevada 89509  
Telephone: (775) 323-5700

Attorneys for Intervenor,  
MINERAL COUNTY NEVADA

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

\* \* \*

UNITED STATES OF AMERICA, )  
)  
Plaintiff, )  
)  
WALKER RIVER PAIUTE TRIBE, )  
)  
Plaintiff-Intervenor, )  
)  
vs. )  
)  
WALKER RIVER IRRIGATION DISTRICT, )  
a corporation, et al.; )  
)  
Defendants. )

In Equity No. C-125-ECR  
Subfile No. C-125-C  
  
**AFFIDAVIT OF  
TREVA J. HEARNE**

----- )  
)  
MINERAL COUNTY, )  
)  
Proposed-Plaintiff-Intervenor, )  
)  
vs. )  
)  
WALKER RIVER IRRIGATION DISTRICT, )

a corporation, et al.

)  
)

STATE OF NEVADA )

) ss:

COUNTY OF WASHOE )

1. I am a member of the law firm of ZEH, SAINT-AUBIN, SPOO, & HEARNE and am admitted to the bars in California, Nevada & Missouri.
- b. I represent Mineral County in the present litigation.
- c. I believe and have reason to believe that Gregory Adams, son of Vivian and Robert Adams, who has an interest in water rights in the Walker River resides out of the state or has departed from the state and after due diligence cannot be found within the state or he is concealing himself in order to avoid service of summons.
- d. After being informed by Linda Bowman that, even though Vivian Adams had stated to us that she was the only heir of Robert Adams, deceased, Vivian had conveyed some interest in the water rights that she held on the Walker River to her two sons, one of them Gregory, we made an attempt to locate and serve Mr. Adams.
5. The Sheriff of Nevada County, California stated to us that Gregory Adams appeared to be an absentee landowner of the property in Truckee. He further stated that he believed that Gregory Adams lived in Reno, Nevada.
6. I personally called the Gregory Adams listed in the phone book in Reno and

located a Gregory Adams. When I told him I was trying to reach him if he owned water rights in the Walker River, son of Robert and Viviam, he claimed that he wasn't the correct Gregory Adams. He did believe that another Gregory Adams existed because several other creditors and process servers had reached him thinking he was the Gregory Adams that I, too, was seeking. He said that he did not know that Gregory Adams but that everyone seemed to be after him. For this reason I believe that Gregory Adams, son of Vivian and Robert Adams, is no longer in Reno, Nevada, nor anywhere that I can locate him.

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7. I also asked Viviam Adams if she would reveal the whereabouts of her son for purposes of service and she declined to respond at all. I informed her we were looking for her sons and that they should contact me. She refused to respond.

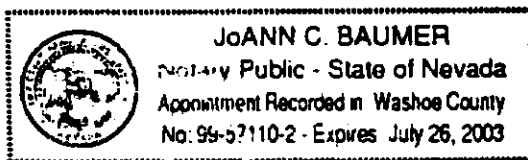
Further affiant sayeth naught.

DATED this 24th day of March, 2001.

  
TREVA J. HEARNE

SUBSCRIBED and SWORN to  
before me this <sup>24th</sup>~~23rd~~ day of March, 2001  
by Treva J. Hearne

  
NOTARY PUBLIC



TREVA J. HEARNE ATTORNEY AT LAW  
575 FOREST STREET, SUITE 200  
RENO, NV 89509  
Telephone: (775) 323-5700  
Attorney for: UNITED STATES OF AMERICA/WALKER RIVER PAIUTE TRIBE

none

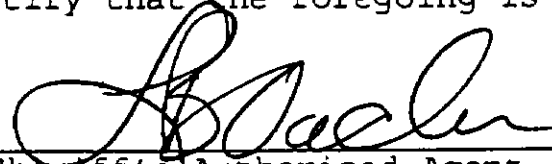
Plaintiff: UNITED STATES OF AMERICA/WALKER RIVER PA	Attempted Service
Defendant: WALKER RIVER IRRIGATION DISTRICT	Case No. C-125-ECR
Hearing: <No Information>	File No. 2001005002

1. I received the following papers on 01/08/2001:  
Amended Complaint, Notice of Motion, Notice
2. After due search, careful inquiry and diligent attempts at the dwelling house or usual place of abode and/or business, I have been unable to make personal delivery of said process on the following person(s) herein named, to wit:  
RICHARD T. ADAMS  
16591 FAWN STREET  
TRUCKEE, CA 96161
3. Declaration of Reasonable Diligence. Service attempts as follows:  
1st: Date/Time: 01/10/2001 7:05:00 AM  
Addr: 16591 FAWN STREET TRUCKEE CA 96161

4. Remarks: Residence is vacant. No occupants. Unable to locate.

5. Person Serving: David Lade Sheriff's Civil Division 950 Maidu Ave Nevada City, CA 95959	6. Fee for service: \$28.00  (530) 265-1220
--	---

7. I am a California sheriff and I certify that the foregoing is true and correct.



\_\_\_\_\_  
Sheriff's Authorized Agent  
Keith Royal, Sheriff

Date: January 10, 2001  
Jud. Coun. form, rule 982(a)(23)

1 TREVA J. HEARNE, ESQ. (SBN 4450)  
2 JAMES SPOO, ESQ. (SBN 1018)  
3 ZEH, SAINT-AUBIN, SPOO & HEARNE  
4 575 Forest Street, Suite 200  
5 Reno, Nevada 89509  
6 Telephone: (702) 323-5700

7  
8  
9 Attorneys for Intervenor,  
10 MINERAL COUNTY NEVADA

11 UNITED STATES DISTRICT COURT  
12 DISTRICT OF NEVADA

13 \* \* \*

14 UNITED STATES OF AMERICA, )

15 Plaintiff, )

16 WALKER RIVER PAIUTE TRIBE, )

17 Plaintiff-Intervenor, )

18 vs. )

19 WALKER RIVER IRRIGATION DISTRICT, )  
20 a corporation, et al.; )

21 Defendants. )

22 MINERAL COUNTY, )

23 Proposed-Plaintiff-Intervenor, )

24 vs. )

25 WALKER RIVER IRRIGATION DISTRICT, )  
26 a corporation, et al. )

27  
28 I D. LADE, hereby certify that service of process of Mineral  
(Print name of server)

Zeh, Saint-Aubin, Spoo & Hearne  
575 Forest Street, Suite 200  
Reno, Nevada 89509  
Tel.: (775) 323-5700 FAX: (775) 786-8183

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

RETURN OF SERVICE

1 County's "Intervention Documents" was made pursuant to the Orders of the Court and Notice in

2 Lieu of Summons

3 upon: RICHARD T. ADAMS (Print name of person served)

4 of: — (Title and company where applicable)

5 on: 1-10-01 (Date of service)

6 at: 0705 (Time of service)

7 at the following place:

8 16591 FAWN ST., TURKEY (Address or location)

9 in the following manner:

10  served personally

11  left copies

12  unable to execute service (why) NOBODY CURRENTLY RESIDES IN  
13 HOUSE. NO SIGN OF ACTIVITY IN SNOW AROUND HOUSE.

14  other (specify) \_\_\_\_\_

15 Remarks: \_\_\_\_\_

16 I declare under penalty of perjury under the laws of the United States of America that the  
17 foregoing information in this Return of Service is true and correct.

18 \_\_\_\_\_  
19 Date

20 \_\_\_\_\_  
21 Signature of Server

22 \_\_\_\_\_  
23 (Address of Server)



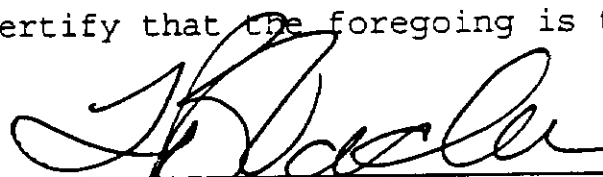
TREVA J. HEARNE ATTORNEY AT LAW  
575 FOREST STREET, SUITE 200  
RENO, NV 89509  
Telephone: (775) 323-5700  
Attorney for: UNITED STATES OF AMERICA/WALKER RIVER PAIUTE TRIBE

none

Plaintiff: UNITED STATES OF AMERICA/WALKER RIVER PA	Attempted Service
Defendant: WALKER RIVER IRRIGATION DISTRICT	Case No. C-125-ECR
Hearing: <No Information>	File No. 2001005003

1. I received the following papers on 01/08/2001:  
Amended Complaint, Notice of Motion, Notice
2. After due search, careful inquiry and diligent attempts at the dwelling house or usual place of abode and/or business, I have been unable to make personal delivery of said process on the following person(s) herein named, to wit:  
GREGORY B. ADAMS  
13311 MORaine ROAD  
TRUCKEE, CA 96161
3. Declaration of Reasonable Diligence. Service attempts as follows:  
1st: Date/Time: 01/10/2001 7:26:00 AM  
Addr: 13311 MORaine ROAD TRUCKEE CA 96161
4. Remarks: Tenant advised subject is owner of residence. Lives in Reno, Nevada, PO Box 13613, Reno, NV 89707.
5. Person Serving:  
David Lade  
Sheriff's Civil Division  
950 Maidu Ave  
Nevada City, CA 95959
6. Fee for service: \$28.00  
  
(530) 265-1220
7. I am a California sheriff and I certify that the foregoing is true and correct.

Date: January 10, 2001  
Jud. Coun. form, rule 982(a)(23)

  
\_\_\_\_\_  
Sheriff's Authorized Agent  
Keith Royal, Sheriff

1 TREVA J. HEARNE, ESQ. (SBN 4450)  
2 JAMES SPOO, ESQ. (SBN 1018)  
3 ZEH, SAINT-AUBIN, SPOO & HEARNE  
4 575 Forest Street, Suite 200  
5 Reno, Nevada 89509  
6 Telephone: (702) 323-5700

7  
8  
9 Attorneys for Intervenor,  
10 MINERAL COUNTY NEVADA

11 UNITED STATES DISTRICT COURT

12 DISTRICT OF NEVADA

13 \* \* \*

14 UNITED STATES OF AMERICA, )

15 Plaintiff, )

16 WALKER RIVER PAIUTE TRIBE, )

17 Plaintiff-Intervenor, )

18 vs. )

19 WALKER RIVER IRRIGATION DISTRICT, )

20 a corporation, et al.; )

21 Defendants. )

22 MINERAL COUNTY, )

23 Proposed-Plaintiff-Intervenor, )

24 vs. )

25 WALKER RIVER IRRIGATION DISTRICT, )

26 a corporation, et al. )

27  
28 I D. LADE, hereby certify that service of process of Mineral  
(Print name of server)

Zeh, Saint-Aubin, o & Hearne  
575 Forest Street, Suite 200  
Reno, Nevada 89509  
Tel.: (775) 323-5700 FAX: (775) 786-8183

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

RETURN OF SERVICE

1 County's "Intervention Documents" was made pursuant to the Orders of the Court and Notice in

2 Lieu of Summons

3 upon: Gregory B Adams (Print name of person served)

4 of: \_\_\_\_\_ (Title and company where applicable)

5 on: 1-10-01 (Date of service)

6 at: 0726 (Time of service)

7 at the following place:

8 13311 McRAINE RD, TRUCKEE (Address or location)

9 in the following manner:

10  served personally

11  left copies

12  unable to execute service (why) THE SUBJECT OWNS THE PROPERTY  
13 AND LIVES IN ZENO, NV.

14  other (specify) \_\_\_\_\_  
15 \_\_\_\_\_  
16 \_\_\_\_\_

17 Remarks: \_\_\_\_\_  
18 \_\_\_\_\_  
19 \_\_\_\_\_

20 I declare under penalty of perjury under the laws of the United States of America that the  
21 foregoing information in this Return of Service is true and correct.

22 1-10-01  
23 Date

D. Wade  
Signature of Server

PO Box 699

TRUCKEE, CA 96160  
(Address of Server)

**Zeh, Spoo & Hearne**

Attorneys and Counselors at Law

Charles R. Zeh, Esq.  
James Spoo, Esq.  
Treva J. Hearne, Esq.

575 Forest Street  
Reno, Nevada 89509  
(775) 323-5700  
fax (775) 786-8183

July 26, 2000

Ronald Arrache, heir and trustee  
Arrache Family Trust  
P.O. Box 2468  
Lancaster, California 94539

Re: *Mineral County/Walker River*

Dear Mr. Arrache:

Recently you signed a Waiver and accepted documents, as the heir and trustee to Mr. Juan Arrache, in the above-referenced matter for the water rights held by the Arrache Family Trust. Per an earlier discussion with you I understand the water rights are not held by anyone individually. They are held through the Arrache Family Trust. However, the Court and the opposing counsel for Walker River Irrigation District require that we submit proof of your being the Trustee to the Arrache Family Trust and that the water rights are in fact held through the Arrache Family Trust.

In following the Court's request for proof, I must request that you send to me, in the enclosed self-addressed, stamped envelope, a copy of the Deed for the water rights, as well as a copy of documentation which proves you are the Trustee to the Arrache Family Trust. I apologize for any inconvenience this may cause you and be assured, once we have a copy of the Deed and documentation proving you are the Trustee, we should not have to bother you further.

If you do not have a copy of the Deed and documentation proving you are the Trustee to the Arrache Family Trust, please sign at the bottom of this letter, where indicated, which states that you are in fact, the Trustee to the Arrache Family Trust and which will also prove that the water rights are now held in the name of the Trust.

Be advised, that we are on a very short time line to receive this documentation, and if we do not receive the documentation within one week from the date of this letter,

*Also admitted in California, Minnesota,  
Washington, D.C., and Missouri*

EXH A3

Ms. Vivian Adams  
Heir to Robert Adams  
July 26, 2000  
Page 2

---

we will have no choice but to serve you with a subpoena for your testimony.

Thank you in advance for your anticipated cooperation with this matter. If you should have any questions or comments, please do not hesitate to contact either myself or my secretary, Carol, at (775) 323-5700.

Sincerely yours,

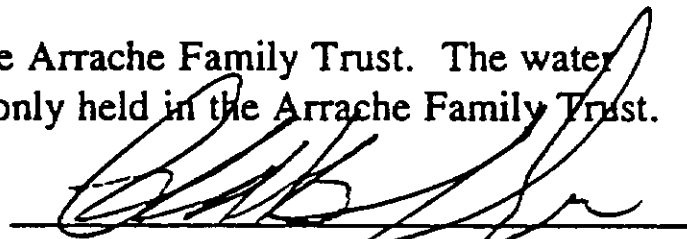
ZEH, SPOO & HEARNE

  
TREVA J. HEARNE

TJH/ce

I, Ronald Arrache, am the Trustee to the Arrache Family Trust. The water rights are no longer held individually, but are only held in the Arrache Family Trust.

Dated: July \_\_\_\_, 2000

  
RONALD ARRACHE

S:\CarolE\Mineral\U-Arrache.Ronald

ANTIN, MAGASINN, LITZ & GREBOW

A LAW CORPORATION

12100 WILSHIRE BOULEVARD

8TH FLOOR

LOS ANGELES, CALIFORNIA 90025

ARTHUR GREBOW  
RONALD A. LITZ  
MICHAEL ANTIN  
KENNETH A. FEINFIELD  
RICHARD E. GILBERT  
KENNETH M. BARISH  
EDWARD GARTENBERG  
ARNOLD W. MAGASINN  
VICKI FISHER MAGASINN  
TERRY FLETT BARAKIS  
  
WILLIAM DICKERMAN  
JONATHAN M. FELDMAN  
ANDREW M. GLATT  
SUSAN A. GRUSKIN  
MICHAEL L. TAYLOR  
CARL R. WALDMAN  
JEFF S. WESTERMAN

AREA CODE 213  
820-4411

TELECOPIER  
AREA CODE 213  
207-0701

WM. A. CRUIKSHANK, JR.  
(1923-1981)

JERRY R. STERN  
OF COUNSEL

WRITER'S VOICE MAIL NO.

OUR FILE NUMBER

CERTIFICATE

I, VICKI FISHER MAGASINN, an attorney at law, duly authorized to practice in the courts of the State of California, hereby certify that attached hereto is a true and accurate abstract copy of the Juan and Carmel Arrache Family Trust, dated April 5, 1990.

I further certify that the Trust has not been amended since the above date and is now in full force and effect.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this Certificate is executed on April 10, 1990, at Los Angeles, California.

  
VICKI FISHER MAGASINN

ARTICLE XI  
POWERS OF THE TRUSTEE

11.1. Powers Granted to Trustee. In addition to all other powers and discretions granted to or vested in the Trustee by law or by this instrument, and subject to any limitations stated elsewhere herein and to the Trustee's fiduciary obligations, the Trustee of each trust created hereby, and any successor Trustee, shall have the following powers and discretions in connection with the management of all or part of the trust estate:

A. General Powers.

1. To retain the trust estate in the same form as received by the Trustee;
2. To lend, relend, invest and reinvest the trust estate or any part thereof;
3. To acquire any property, real, personal or mixed, of any kind and character, wherever situated, and upon such terms and conditions as the Trustee may negotiate and determine;
4. To grant, bargain, sell (at public or private sale; for cash or on deferred payments), convey, grant options, exchange or convert trust property;
5. To assign, partition, divide, subdivide, repair, improve, develop, apply for zoning or rezoning, and lease any properties of the trust estate without restriction or limitation as to terms, either within or beyond the duration of the trusts created hereunder;
6. To deduct, extend and pay from funds belonging to the trust estate (first from income or, if insuffi-

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AR  
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C

2.1. Successor Trustees. Should either Trustor fail to qualify or cease to act as Trustee, the other of them shall act as ~~sole Trustee~~. Should both Trustors fail to qualify or cease to act as Trustee, RONALD B. ARRACHE shall act as Trustee. Should RONALD B. ARRACHE fail to qualify or cease to act as Trustee, NANCY A. ARRACHE shall act as Trustee. Should NANCY A. ARRACHE fail to qualify or cease to act as Trustee, RICHARD BRIGANTY shall act as Trustee. RICHARD BRIGANTY or the last Trustee actively surviving the order of Trustees herein named shall have the power to name one or more persons or organizations to act as successor Trustee. Each such nomination shall be made by filing a copy of the appointment signed by the named Trustee and filed with the records of this trust.

2.2. Trustors' Signatures. During the joint lifetimes of the Trustors, and while both of the Trustors are serving as Trustee, either Trustor shall have signature power with respect to any account of whatever nature belonging to the trust estate, including, without limitation, any such account maintained at a bank or savings and loan or other institution or a money market or related account.

2.3. Trustee's Delegation of Powers. Any individual Co-Trustee serving hereunder may, from time to time, delegate to the other Co-Trustee(s) all or any portion of the delegating Co-Trustee's powers as a Trustee, by delivery to the other Co-Trustee(s) of a written notice specifying the powers delegated. Any such delegation shall terminate upon delivery by the delegating Co-Trustee to the other Co-Trustee(s) of written notice of termination. The delegating Co-Trustee shall incur no liability to any beneficiary of trust created hereunder with respect to

*Handwritten initials: JEA*

*Handwritten initials: RBP*



any trust property to parts or shares for the purpose of distribution or otherwise, then upon any such division of the trust estate and upon any distribution, the Trustee may apportion and allocate the assets of the trust estate in cash or in kind, or partly in cash and partly in kind, or in undivided interests in such manner as the Trustee, in the Trustee's discretion, deems advisable. Except as otherwise expressly provided, the Trustee may sell such property as the Trustee deems necessary to make any such division or distribution. After any division of the trust estate, the Trustee may make joint investments with funds from some or all of the several trusts.

11.5. Power to Deal with Trustor's Legal Representative. If the Trustee deems it necessary or advisable for the protection of the estate of a Trustor or in the best interests of the estate of a Trustor the Trustee may in the Trustee's discretion without any liability for loss resulting to the trust estate by reason thereof:

A. Purchase securities and other property from the legal representative of such estate and retain such property as part of the trust estate; and

B. Make secured or unsecured loans to such legal representative.

11.6. Flower Bonds. The Trustee is authorized to purchase at less than par obligations of the United States of America that are redeemable at par in payment of any federal estate tax liability of either Trustor in such amounts as the Trustee deems advisable and for that purpose the Trustee may, as one option, partition a portion of the community property of the trust estate and make purchases from either or both portions. The Trustee shall resolve any doubt concerning the desirability of making any such purchase

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address)		TELEPHONE NO.	FOR COURT USE ONLY	
M.L. LUCKING INVESTIGATIONS 325 ELKHORN BLVD. STE 246 SACRAMENTO CA 95842 ATTORNEY FOR (NAME)		916-344-1702		
Insert name of court and name of judicial district and branch court, if any.		Ref. No. or File No.		
UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA		C-125-C		
SHORT TITLE OF CASE: WALKER PAIUTE V WALKER IRRIG.				
	DATE	TIME	DEPT./DIV	CASE NUMBER
	032244			C-125-ECR

PROOF OF SERVICE

AT THE TIME OF SERVICE I WAS AT LEAST 18 YEARS OF AGE AND NOT A PARTY TO THIS ACTION, AND I SERVED COPIES OF THE:

NOTICE IN LIEU OF SUMMONS  
 NOTICE OF MOTION AND MOTION OF MINERAL COUNTY OF NEVADA  
 FOR INTERVENTION  
 MINERAL COUNTY'S AMENDED COMPLAINT INTERVENTION  
 NOTICE OF MOTION TO INTERVENE, PROPOSED COMPLAINT-IN INTERVENTION  
 AND MOTION FOR PRELIMINARY INJUNCTION OF MINERAL COUNTY AND REQUEST  
 FOR WAIVER OF PERSONAL SERVICE OF MOTION  
 WAIVER OF PERSONAL SERVICE OF MOTION, AFFIDAVIT OF KELVIN J. BUCHANAN  
 WALKER RIVER BASIN WATER RIGHTS MODEL, AFFIDAVIT OF LOUIS THOMPSON  
 AFFIDAVIT OF MARLENE BUNCH, SECOND AFFIDAVIT OF KELVIN J. BUCHANAN P.E  
 AFFIDAVIT OF GARY L. VINYARD, PH.D, ORDER

- a. PARTY SERVED: CARMEL M. ARRACHE
- b. PERSON SERVED: CARMEL M. ARRACHE

AGE: 86 HEIGHT: 5'6 WEIGHT: 130 HAIR: GRAY RACE: CAU SEX: F

c. ADDRESS: 43515 27th St. West  
 Lancaster, CA 94536

I SERVED THE PARTY NAMED IN ITEM 2

a. BY PERSONALLY DELIVERING THE COPIES ON 11/21/95 AT 6:20 PM

PERSON SERVING: RHONDA FAHRNEY

FEE FOR SERVICE: \$ 57.50

Continued on Next Page

2020 17th STREET  
 BAKERSFIELD, CALIFORNIA 93301  
 (55) 634-9071 • FAX (805) 634-9621



**NIGHTHAWK  
 PROCESS SERVICE**  
 "LICENSED & BONDED"  
 P.O. BOX 1923  
 BAKERSFIELD, CA 93303

- d. Registered California process server
- (1)  Employee or independent contractor
- (2) Registration No. 110
- (3) County: Kern

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

Date:

12/5/95

*Rhonda Fahrney*  
 SIGNATURE

Case 3:73-cv-00128-MMD-CSD Document 385 Filed 08/17/2001 Page 35 of 116

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and address) <b>M.L. LUCKING INVESTIGATIONS</b> 5325 ELKHORN BLVD. STE 246 SACRAMENTO CA 95842 ATTORNEY FOR (NAME)		TEL. / FIVE NO. 916-344-1702	FOR COURT USE ONLY
Insert name of court and name of judicial district and branch court, if any. <b>UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA</b>		Ref. No. or File No. <b>C-125-C</b>	
SHORT TITLE OF CASE: <b>WALKER PAIUTE V WALKER IRRIG.</b>			
032244	DATE:	TIME:	DEPT./DIV. CASE NUMBER: <b>C-125-ECR</b>

NOT FOUND OR NON SERVICE RETURN

I, THE UNDERSIGNED AM AND WAS ON THE DATES HEREIN MENTIONED, OVER THE AGE OF EIGHTEEN YEARS AND NOT A PARTY TO THE ACTION, ATTEMPTED TO SERVE THE FOLLOWING:

- NOTICE IN LIEU OF SUMMONS
- NOTICE OF MOTION AND MOTION OF MINERAL COUNTY OF NEVADA FOR INTERVENTION
- MINERAL COUNTY'S AMENDED COMPLAINT INTERVENTION
- NOTICE OF MOTION TO INTERVENE, PROPOSED COMPLAINT-IN INTERVENTION AND MOTION FOR PRELIMINARY INJUNCTION OF MINERAL COUNTY AND REQUEST FOR WAIVER OF PERSONAL SERVICE OF MOTION
- WAIVER OF PERSONAL SERVICE OF MOTION, AFFIDAVIT OF KELVIN J. BUCHANAN
- WALKER RIVER BASIN WATER RIGHTS MODEL, AFFIDAVIT OF LOUIS THOMPSON
- AFFIDAVIT OF MARLENE BUNCH, SECOND AFFIDAVIT OF KELVIN J. BUCHANAN P.E
- AFFIDAVIT OF GARY L. VINYARD, PH.D, ORDER

AND THAT AFTER DUE SEARCH, CAREFUL INQUIRY AND DILIGENT ATTEMPTS AT THE RESIDENCE:

BUSINESS: 43515 27TH ST. WEST  
 942-3997  
 LANCASTER CA 94536

I HAVE BEEN UNABLE TO MAKE DELIVERY OF SAID PROCESS ON THE WITHIN NAMED:  
**JUAN E. ARRACHE**

PROCESS IS BEING RETURNED WITHOUT SERVICE FOR THE FOLLOWING REASONS:

11/21/95 **JUAN E. ARRACHE IS DECEASED**

Continued on Next Page

2020 17th STREET  
 BAKERSFIELD, CALIFORNIA 93301  
 (805) 634-9071 • FAX (805) 634-9621



**NIGHTHAWK PROCESS SERVICE**  
 'LICENSED & BONDED'  
 P.O. BOX 1923  
 BAKERSFIELD, CA 93303

- d. Registered California process server
- (1)  Employee or independent contractor
- (2) Registration No. 110
- (3) County: Kern

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

Date: 12/5/95

*Clayda Fabrey*  
 SIGNATURE

1 TREVA J. HEARNE, ESQ. (SBN 4450)  
2 JAMES SPOO, ESQ. (SBN 1018)  
3 ZEH, SPOO, HEARNE & PICKER  
4 575 Forest Street, Suite 200  
5 Reno, Nevada 89509  
6 Telephone: (775) 323-5700

7  
8  
9 Attorneys for Intervenor,  
10 MINERAL COUNTY NEVADA

11 UNITED STATES DISTRICT COURT  
12 DISTRICT OF NEVADA

13 \* \* \*

14 UNITED STATES OF AMERICA, )

15 Plaintiff, )

16 WALKER RIVER PAIUTE TRIBE, )

17 Plaintiff-Intervenor, )

18 vs. )

19 WALKER RIVER IRRIGATION DISTRICT, )

20 a corporation, et al.; )

21 Defendants. )

22 ----- )  
23 MINERAL COUNTY, )

24 Proposed-Plaintiff-Intervenor, )

25 vs. )

26 WALKER RIVER IRRIGATION DISTRICT, )

27 a corporation, et al. )  
28

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

WAIVER OF PERSONAL  
SERVICE OF MOTIONS

Zeh, Spoo, Hearne & Picker  
575 Forest Street, Suite 200  
Reno, Nevada 89509  
Tel.: (775) 323-5700 FAX: (775) 786-8183

E-62

1 TO: ZEH, SPOO, HEARNE & PICKER, attorneys for proposed Plaintiff/Intervenor,  
2 Mineral County, Nevada

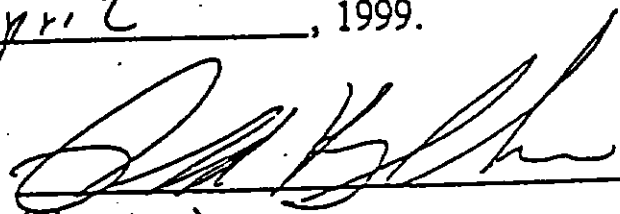
3 I acknowledge receipt of your request that I waive personal service of the  
4 documents involving the motion to intervene of Mineral County, Nevada, in the action of  
5 United States of America, *Plaintiff v. Walker River Irrigation District, et al.*, Defendants,  
6 which is Case No. C-125, Subfile No. C-125-C, in the United States District Court for the  
7 District of Nevada. I have also received a copy of the motion to intervene of Mineral  
8 County, the proposed complaint-in-intervention of Mineral County, the motion for  
9 preliminary injunction of Mineral County, and the Order Requiring Service of and  
10 Establishing Briefing Schedule Regarding the Motion to Intervene of Mineral County.  
11 along with two copies of this Waiver. I have also received a means by which I can return  
12 this signed waiver to you without cost to me.  
13  
14  
15

16 I agree to save the cost of personal service of the documents, as above-described,  
17 by not requiring that I (or the entity on whose behalf I am acting) be served with judicial  
18 process in the manner provided by Federal Rules of Civil Procedure, Rule 4. I (or the  
19 entity on whose behalf I am acting) will retain all defenses or objections to this matter or  
20 to the jurisdiction or venue of the Court except for objections based on a defect, if any, in  
21 the manner in which these documents have been provided to me.  
22  
23

24 I understand, that if I (or the entity on whose behalf I am acting) do not appear and  
25 respond to the motion to intervene, by August 23, 1999, and if the Court enters further  
26 orders with respect to answers or other responses to the proposed complaint-in-intervention  
27 or responses to the Motion for Preliminary Injunction, that I (or the entity on whose behalf  
28

1 I am acting) shall nevertheless be deemed to have notice of those subsequent orders of the  
2 Court.

3 DATED this 26 day of April, 1999.

4  
5   
6 (Signature)

7 Ronald B. Arrache Trustee  
8 Juan Arrache, Heir to Juan Arrache and Trustee  
9 (Printed name and title, if any)

10  
11 Arrache Family Trust  
12 (Company or entity, if any)

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Post Office Box 2468, Lancaster, California 93539-2468

CGI (805) 942-4092 Fax (805) 722-9176

Lic. # 383492

you will have to ~~do~~ do a  
Title search re: water rights.  
I have no documentation re: water rights  
and not a separate T.T.C.  
I rec'd your letter 8/1/00

8-2-00

1ST RECORD of Level printed in FULL format.

\*\*\* THIS DATA IS FOR INFORMATION PURPOSES ONLY \*\*\*

PROPERTY RECORD FOR MONO COUNTY, CA

ESTIMATED ROLL CERTIFICATION DATE JULY 1, 2000

Owner: ARRACHE, 1990 LIVING TRUST

Mailing Address: C/O ARRACHE, J E & C M, TRUSTEE, PO BOX 2468 REET WEST,  
LANCASTER, CA 93539

\*\*\*\*\* ASSESSMENT INFORMATION \*\*\*\*\*

Assessor's Parcel Number: 10-353-12

Assessment Year: 2000

Assessed Land Value: \$ 11,534

Assessed Improvement Value: \$ 34,144

Total Assessed Value: \$ 45,678

\*\*\*\*\* TAX INFORMATION \*\*\*\*\*

Tax Rate Code: 51-33

TAPE PRODUCED BY COUNTY: 7/2000



2ND RECORD of Levy printed in FULL format.

\*\*\* THIS DATA IS FOR INFORMATION PURPOSES ONLY \*\*\*

PROPERTY RECORD FOR MONO COUNTY, CA

ESTIMATED ROLL CERTIFICATION DATE JULY 1, 2000

Owner: ARRACHE, JUAN & CARMEL FAM (Trustee/Conservator)

Mailing Address: PO BOX 2468, LANCASTER, CA 93539

\*\*\*\*\* ASSESSMENT INFORMATION \*\*\*\*\*

Assessor's Parcel Number: 11-140-01

Assessment Year: 2000

Assessed Land Value: \$ 56,300

Total Assessed Value: \$ 56,300

\*\*\*\*\* TAX INFORMATION \*\*\*\*\*

Tax Rate Code: 51-06

TAPE PRODUCED BY COUNTY: 7/2000

3RD RECORD of Level printed in FULL format.

\*\*\* THIS DATA IS FOR INFORMATION PURPOSES ONLY \*\*\*

PROPERTY RECORD FOR MONO COUNTY, CA

ESTIMATED ROLL CERTIFICATION DATE JULY 1, 2000

Owner: ARRACHE, J & C FAMILY TRUST

Mailing Address: C/O ARRACHE, JUAN & CARMEL TRUSTEES, PO BOX 2468 REET WEST,  
LANCASTER, CA 93539

\*\*\*\*\* ASSESSMENT INFORMATION \*\*\*\*\*

Assessor's Parcel Number: 11-240-01

Assessment Year: 2000

Assessed Land Value: \$ 6,829

Total Assessed Value: \$ 6,829

\*\*\*\*\* TAX INFORMATION \*\*\*\*\*

Tax Rate Code: 51-06

TAPE PRODUCED BY COUNTY: 7/2000

\*\*\* THIS DATA IS FOR INFORMATION PURPOSES ONLY \*\*\*

PROPERTY RECORD FOR MONO COUNTY, CA

ESTIMATED ROLL CERTIFICATION DATE JULY 1, 2000

Owner: ARRACHE, JUAN & CARMEL FAM (Trustee/Conservator)

Mailing Address: PO BOX 2468REET, LANCASTER, CA 93539

\*\*\*\*\* ASSESSMENT INFORMATION \*\*\*\*\*

Assessor's Parcel Number: 11-240-03

Assessment Year: 2000

Assessed Land Value: \$ 7,130

Total Assessed Value: \$ 7,130

\*\*\*\*\* TAX INFORMATION \*\*\*\*\*

Tax Rate Code: 51-11

TAPE PRODUCED BY COUNTY: 7/2000

ded return to:

. Guild, Jr.  
Russell, Gallagher  
er, Ltd.  
x 2838  
Nevada 89505

8

QUITCLAIM DEED

THIS INDENTURE WITNESSETH: That for a valuable consid-  
on, receipt of which is hereby acknowledged, CHARLES E. DAY  
LUCILE M. DAY, husband and wife (Grantors) do hereby remise,  
se, and quitclaim to CHARLES E. DAY and LUCILE M. DAY, Co-  
tees of the DAY FAMILY TRUST (Grantee), all of their right,  
e and interest in that real property in the County of Lyon,  
e of Nevada, and more specifically described as follows:

PARCEL 1:

All that certain real property being a portion of Section  
32, T 10 N, R 24 E, M.D.B.&M., Lyon County, Nevada,  
described as follows:

Parcel No. 1 as shown on Parcel Map for L.S. Day, Inc.,  
recorded in the Official Records of Lyon County, Nevada  
on December 23, 1986, as No. 104156 [APN 10-761-04]

PARCEL 2:

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

T 9 N, R 24 E, M.D.B.&M., Section 23: the E 1/2 of the SE  
1/4, excepting therefrom that portion within the Highway  
Right of Way of State Route 338 [APN 10-781-02]

EXH A22 197422

GRANT, BARGAIN AND SALE DEED

THIS GRANT, BARGAIN AND SALE DEED is made this 8  
day of July, 1988, by CHARLES E. DAY, LUCILE M. I  
WILMA LUCILE COMPSTON, CAROLYN LOIS DAY and MARILYN RUTH  
ITHURBURU, as tenants in common, as Grantors, hereinafter  
referred to as "Grantors", and WILMA LUCILE COMPSTON, as Gra  
hereinafter referred to as "Grantee".

W I T N E S S E T H:

That Grantor, for and in consideration of the sum  
TEN DOLLARS (\$10.00) and other good and valuable consideration  
receipt of which is hereby acknowledged, does by these presents  
Grant, Bargain and Sell unto Grantee, her heirs, successors  
assigns forever, all that certain real property situate, ly  
and being in the County of Lyon, State of Nevada and more  
particularly described in Exhibit "A".

Together with all and singular tenements,  
hereditaments, and appurtenances thereunto belonging or in  
appertaining, reversion and reversions, remainder and remain  
rents, issues and profits thereof.

0117429

... HAVE AND TO HOLD, all and singular, the said  
together with the appurtenances, unto Grantee; and to,  
and assigns forever.

Charles E. Day  
E. DAY

Lucile M. Day  
LUCILE M. DAY

Lucile Compston  
LUCILE COMPSTON

Carolyn Lois Day  
CAROLYN LOIS DAY

Ruth Athurburu  
RUTH ATHURBURU

OF NEVADA )  
OF WASHOE ) ss.

On the 8<sup>th</sup> day of July, 1988, personally  
appeared before me, a Notary Public in and for said County and  
CHARLES E. DAY, who acknowledged to me that he executed  
the foregoing Deed.

SUSAN J. DeCHAMBEAU  
Notary Public - State of Nevada  
Appointment Recorded in Lyon County  
MY APPOINTMENT EXPIRES JULY 18, 1988

Susan J. DeChambeau  
NOTARY PUBLIC

OF NEVADA )  
OF WASHOE ) ss.

On the 8<sup>th</sup> day of July, 1988, personally  
appeared before me, a Notary Public in and for said County and  
LUCILE M. DAY, who acknowledged to me that she executed  
the foregoing Deed.

SUSAN J. DeCHAMBEAU  
Notary Public - State of Nevada

Susan J. DeChambeau

WHEN RECORDED, refer to:

Case 3:73-cv-00128-MMD-CSD Document 385 Filed 08/17/2001 Page 47 of 116  
CLARK J. GUILD, JR.  
GUILD, HAGEN & CLARK, LTD.  
Post Office Box 2838  
Reno, Nevada 89505

GRANT, BARGAIN AND SALE DEED

THIS GRANT, BARGAIN AND SALE DEED is made this 12  
day of December, 1986, by L. S. DAY, INC., a Nevada  
Corporation, as Grantor, hereinafter referred to as "Grantor",  
and WILMA LUCILE COMPSTON, hereinafter referred to as "Grantee".

Box 381, Minden, NV. 89423

WITNESSETH:

That Grantor, for and in consideration of the sum of  
TEN DOLLARS (\$10.00) and other good and valuable consideration,  
receipt of which is hereby acknowledged, does by these presents  
Grant, Bargain and Sell unto Grantee, her heirs, successors and  
assigns forever, all that certain real property situate, lying  
and being in the County of Lyon, State of Nevada and more  
particularly described in Exhibit "A".

Together with all and singular tenements,  
hereditaments, and appurtenances thereunto belonging or in  
anyway appertaining, reversion and reversions, remainder and  
remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular, the said  
premises together with the appurtenances, unto Grantee, and to  
her heirs and assigns forever.

Charles E. Day  
CHARLES E. DAY  
President  
L. S. DAY, INC.

Lucile M. Day  
LUCILE M. DAY  
Secretary  
L. S. DAY, INC.

0104159

STATE OF NEVADA

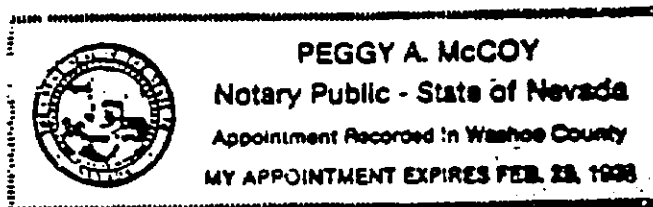
COUNTY OF WASHOE

)  
) ss.

On the 12<sup>th</sup> day of December, 1986, personally

appeared before me, a Notary Public in and for said County and State, CHARLES E. DAY and LUCILE M. DAY, who acknowledged to me that they had executed the foregoing Deed in their capacities as President and Secretary, respectively, of the above corporation.

*Peggy A McCoy*  
NOTARY PUBLIC



0104159



computed on full value of property conveyed.  
( ) computed on full value less value of liens and encumbrances remaining at time of sale.  
( ) Unincorporated area: ( ) City of ..... and  
( ) Realty not sold.

THIS INDENTURE WITNESSETH: That LORETTA J. HOWARD, CHARLES E. DAY, AND RICHARD W. STEBBINS, as Trustees of the CHRISTY J. RAZWICK TRUST AGREEMENT, Dated January

in consideration of \$10.00 the receipt of which is hereby acknowledged, do hereby Grant, Bargain, Sell  
Convey to CHARLES S. HOWARD, III, a married man, as his sole and separate property

all that real property situate in the \_\_\_\_\_  
State of Nevada, bounded and described as follows:  
SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

IT IS SPECIFICALLY AGREED THAT ALL WATER, WATER RIGHTS, DITCH AND DITCH RIGHTS APPURTENANT TO THE PROPERTY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO ARE ALSO CONVEYED HEREBY.

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

Witness our hand this 29th day of November  
THE CHRISTY J. RAZWICK TRUST AGREEMENT, dated January 15, 1986

STATE OF NEVADA }  
COUNTY OF Lyon } ss.

On December 14, 1988  
personally appeared before me, a Notary Public, \_\_\_\_\_  
Loretta J. Howard, Charles E. Day, and  
Richard W. Stebbins

who acknowledged that they executed the above instrument.

Signature [Signature]  
Notary Public

Loretta J. Howard  
By: Loretta J. Howard, Trustee  
Charles E. Day  
By: Charles E. Day, Trustee  
Richard W. Stebbins  
By: Richard W. Stebbins, Trustee

WHEN RECORDED MAIL TO:  
Charles S. Howard  
856 Highway 208  
Yerington, NV. 895

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,  
and all water and water rights, ditch and ditch rights, reservoir  
and reservoir rights.

Witness by hand this 13 day of September, 1996

Charles E Day  
CHARLES E. DAY

Lucile M. Day  
LUCILE M. DAY

STATE OF NEVADA )  
COUNTY OF Washoe ) ss:


On September 13<sup>th</sup>, 1996, before me, a notary public  
personally appeared CHARLES E. DAY, personally known (or proved)  
me to be the person whose name is subscribed to the above  
instrument, who acknowledged that he executed the instrument.

  
CLARK J. GUILD JR.  
Notary Public - State of Nevada  
Appointment Recorded in Washoe County  
MY APPOINTMENT EXPIRES JAN. 9, 1999

Clark J. Guild Jr  
Notary Public

STATE OF NEVADA )  
COUNTY OF Washoe ) ss:

On September 13<sup>th</sup>, 1996, before me, a notary public  
personally appeared LUCILE M. DAY, personally known (or proved)  
me to be the person whose name is subscribed to the above  
instrument who acknowledged that she executed the instrument.

  
CLARK J. GUILD JR.  
Notary Public - State of Nevada  
Appointment Recorded in Washoe County

Clark J. Guild Jr  
Notary Public

LAW OFFICE OF LINDA A. BOWMAN, LTD.

ATTORNEY AT LAW

LINDA A. BOWMAN

540 HAMMILL LANE  
RENO, NEVADA 89511

(775) 335-1700  
FAX (775) 335-1717

EMAIL: ATTY@BOWROB.RENO.NV.US

March 17, 2000

Faxed

Treva Hearne, Esq.  
Zeh, Spoo, Quade & Hearne  
575 Forest Street, Suite 200  
Reno, NV 89509

Re: Junction Range

Dear Treva:

At the hearing on the 14<sup>th</sup>, I mentioned that I believed that "Junction Range" was not a legal entity and that merely substituting in Arnold Settelmeier for Junction Range would not be correct.

Please be advised that the United States Board of Water Commissioners has recently received a deed which purports to convey an interest in the real property and water rights to Bently Family Limited Partnership, a Nevada limited partnership. I believe that this limited partnership in January of 1997 acquired a one-half interest in the "Junction Range" property. I believe that a Settelmeier entity or Arnold Settelmeier owns the other one-half interest but the only way to confirm that would be to contact the Mono County Assessor or Recorder offices in Bridgeport. I enclose a copy of the Quitclaim Deed referenced above for your review.

Sincerely yours,



Linda A. Bowman

LAB:hs  
Enclosure

cc: Gordon DePaoli, Esq. (w/encl.)  
Dale Ferguson, Esq. (w/encl.)

ERH A 37

00299

Recording requested by  
and when recorded, mail to  
and mail tax statements to:  
William Jac Shaw, Esq.  
Brooke & Shaw, Ltd.  
P.O. Box 2860  
Minden, NV 89423

RECORDED IN MONO  
COUNTY CALIFORNIA

'97 JAN 21 PM 2 54

\$16.00

M.S. \$10.00

Vol 755 Pgs 470-473

QUITCLAIM DEED

THIS INDENTURE WITNESSETH: That for a valuable consideration, receipt of which is hereby acknowledged, BENTLY NEVADA CORPORATION (Grantor), does hereby remise, release, and quitclaim to BENTLY FAMILY LIMITED PARTNERSHIP, a Nevada limited partnership (Grantees), of P.O. Box 127, Minden, Nevada, its one-half interest in and to all that real property in the County of Mono, State of California, being Assessor's Parcel Numbers 06-110-05, 06, 09 and 16; 06-130-01; and, 06-140-02, 04, 05 and 14, and more specifically described in Exhibit "A", attached hereto and incorporated herein by reference.

TOGETHER WITH any and all water rights, whether decreed or permitted, geothermal rights, gas, oil or hydrocarbon, appurtenant to the real property described in Exhibit "A".

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.

TO HAVE AND TO HOLD the said premises, together with the appurtenances, unto the said Grantees, and to their successors and assigns forever.

Witness my hand this 20<sup>th</sup> day of December, 1996.

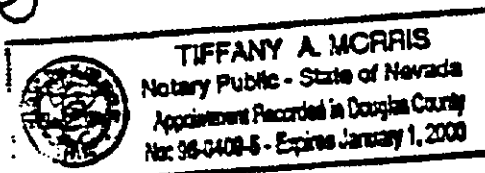
BENTLY NEVADA CORPORATION

By *Donald E. Bently*  
DONALD E. BENTLY,  
Its Chairman and CEO

STATE OF NEVADA )  
COUNTY OF DOUGLAS ) ss.

On 20 December, 1996, before me, a notary public, personally appeared DONALD E. BENTLY of BENTLY NEVADA CORPORATION, a Nevada corporation, personally known (or proved) to me to be the person whose name is subscribed to the above instrument who acknowledged that he executed the instrument.

*Tiffany A. Morris*  
Notary Public



REPORT NO. 98845T-TO  
EXHIBIT "A"

VOL. 0593 PAGE 425

PARCEL 1:

ALL OF THE FOLLOWING DESCRIBED LAND SITUATE IN TOWNSHIP 6 NORTH, RANGE 23 EAST, M.D.B.&M., IN THE COUNTY OF MONO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT OF SAID LAND FILED IN THE DISTRICT LAND OFFICE APRIL 11, 1877, TO-WIT:

SECTION 16: EAST HALF; AND THE SOUTHWEST QUARTER.

SECTION 20: SOUTHWEST QUARTER OF SOUTHEAST QUARTER; NORTHWEST QUARTER OF NORTHEAST QUARTER; SOUTHEAST QUARTER OF NORTHEAST QUARTER; AND THE EAST HALF OF THE SOUTHEAST QUARTER.

SECTION 21: EAST HALF; SOUTHWEST QUARTER; SOUTH HALF OF NORTHWEST QUARTER; AND THE NORTHEAST QUARTER OF NORTHWEST QUARTER.

EXCEPT FROM THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 21 THE FOLLOWING DESCRIBED PARCEL OF LAND CONVEYED TO THE STATE OF CALIFORNIA BY DEED DATED AUGUST 13, 1931, RECORDED IN BOOK 5, PAGE 444, OFFICIAL RECORDS OF MONO COUNTY:

BEGINNING AT A POINT IN THE EASTERLY RIGHT OF WAY LINE, SAID POINT BEING SOUTH 56°36' EAST 50 FEET FROM ENGINEER'S STATION 24+00 AND SOUTH 47°47'46" WEST 930.42 FEET FROM THE EAST QUARTER CORNER OF SECTION 21; THENCE NORTH 33°24' EAST 400 FEET; THENCE SOUTH 56°36' EAST 400 FEET; THENCE SOUTH 33°24' WEST 400 FEET; THENCE NORTH 56°36' WEST 400 FEET TO THE POINT OF BEGINNING.

ALSO EXCEPT FROM THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 21 THE FOLLOWING DESCRIBED PARCEL OF LAND CONVEYED TO THE STATE OF CALIFORNIA BY DEED DATED APRIL 29, 1940, RECORDED IN BOOK 16, PAGE 125, OFFICIAL RECORDS OF MONO COUNTY:

BEGINNING AT THE EAST QUARTER CORNER OF SECTION 21; THENCE SOUTH 47°47'46" WEST 930.42 FEET; THENCE NORTH 33°24' EAST 400 FEET; THENCE SOUTH 56°36' EAST 100 FEET TO THE TRUE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED; THENCE FROM SAID TRUE POINT OF BEGINNING, NORTH 33°24' EAST 100 FEET; THENCE SOUTH 56°36' EAST 100 FEET; THENCE SOUTH 33°24' WEST 100 FEET; THENCE NORTH 56°36' WEST 100 FEET TO THE TRUE POINT OF BEGINNING.

AND ALSO EXCEPT FROM THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 21 THE FOLLOWING DESCRIBED PARCEL OF LAND CONVEYED TO THE STATE OF CALIFORNIA, BY DEED DATED NOVEMBER 5, 1942, RECORDED IN BOOK 18, PAGE 403, OFFICIAL RECORDS OF MONO COUNTY:

BEGINNING AT A POINT OF INTERSECTION OF THE EASTERLY LINE OF STATE HIGHWAY IX-MNO-23-K AND SOUTHERLY LINE OF THE THEN EXISTING STATE HIGHWAY MAINTENANCE YARD, WHICH POINT IS LOCATED 50 FEET EASTERLY OF ENGINEER'S STATION 24+00 OF DEPARTMENT OF PUBLIC WORKS' SURVEY FOR SAID HIGHWAY AND FROM WHICH POINT THE EAST QUARTER CORNER OF SAID SECTION 21 BEARS NORTH 47°47'46" EAST, A DISTANCE OF 930.42 FEET; THENCE FROM SAID POINT OF BEGINNING SOUTH 56°36' EAST 500 FEET; THENCE SOUTH 33°24' WEST 500 FEET; THENCE NORTH 56°36' WEST 500 FEET TO SAID EASTERLY LINE OF STATE HIGHWAY; THENCE ALONG SAID EASTERLY LINE NORTH 33°24' EAST 500 FEET TO THE POINT OF BEGINNING.

SECTION 27: WEST HALF OF NORTHWEST QUARTER; AND THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER.

DEC 18 '96 10:28AM INYU MONO TITLE CO

VOL 0593 PAGE 426

SECTION 28: NORTHEAST QUARTER; AND THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER.

SECTION 29: NORTHEAST QUARTER; NORTH HALF OF SOUTHEAST QUARTER; NORTH HALF OF SOUTHWEST QUARTER; AND THE EAST HALF OF NORTHWEST QUARTER.

SECTION 30: NORTH HALF OF SOUTHEAST QUARTER; AND THE NORTHEAST QUARTER OF SOUTHWEST QUARTER.

PARCEL 2:

THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER; THE NORTH HALF OF THE SOUTHWEST QUARTER; AND THE NORTHWEST QUARTER, OF SECTION 29, TOWNSHIP 6 NORTH, RANGE 22 EAST, M.D.S.M., IN THE COUNTY OF MONO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT OF SAID LAND FILED IN THE DISTRICT LAND OFFICE APRIL 11, 1877.

APN:

06-110-05, 06, 09, 16

06-130-01

06-140-02, 04, 05, 14

Sat. 8-12-2000

To: TREVA J. HEARNE,  
Re: MINERAL Co/WALKER RIVER

RECEIVED  
AUG 15 2000

CE

In Response to your Recent letter 8-2-2000  
and our phone call 8-8-00 I have  
decided to provide you with the

Parcel # + Assessor's # for  
the property in question, so that  
you may request the information  
for yourself from the Mono County  
ASSESSORS office, since we no  
longer own this land situated in  
BRIDGEPORT, CA. along the SWAUGER  
CREEK, Hwy 395 (Devils Gate).  
THAT # IS (760) 932-5204

AP# 07-050-30 Sold in JAN-28-98 PARCEL II  
AP# 07-050-31 Sold in MAY-1-98 PARCEL I

I'm sure they will be glad to provide the <sup>current</sup> info.  
you need.

Sincerely yours,

Madeline M. Rousseau

I will be on Vacation in SAN Diego for 1 month.

EXH A57



1 TREVA J. HEARNE, ESQ. (SBN 4450)  
 2 JAMES SPOO, ESQ. (SBN 1018)  
 3 ZEH, SPOO & HEARNE  
 4 575 Forest Street, Suite 200  
 Reno, Nevada 89509  
 Telephone: (775) 323-5700

5  
 6 Attorneys for Intervenor,  
 MINERAL COUNTY NEVADA  
 7

8  
 9 UNITED STATES DISTRICT COURT  
 10 DISTRICT OF NEVADA

11 \* \* \*

Zeh, Spoo & Hearne  
 575 Forest Street, Suite 200  
 Reno, Nevada 89509  
 Tel.: (775) 323-5700 FAX: (775) 786-8183

13 UNITED STATES OF AMERICA, )  
 )  
 14 Plaintiff, )  
 )  
 15 WALKER RIVER PAIUTE TRIBE, )  
 )  
 16 Plaintiff-Intervenor, )  
 )  
 17 )  
 18 vs. )  
 )  
 19 WALKER RIVER IRRIGATION DISTRICT, )  
 20 a corporation, et al.; )  
 )  
 21 Defendants. )

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

WAIVER OF PERSONAL  
 SERVICE OF MOTIONS

22 ----- )  
 )  
 23 MINERAL COUNTY, )  
 )  
 24 Proposed-Plaintiff-Intervenor, )  
 )  
 25 )  
 26 vs. )  
 )  
 27 WALKER RIVER IRRIGATION DISTRICT, )  
 28 a corporation, et al. )  
 )

1 TO: ZEH, SPOO, HEARNE & PICKER, attorneys for proposed Plaintiff/Intervenor,  
2 Mineral County, Nevada

3 I acknowledge receipt of your request that I waive personal service of the  
4 documents involving the motion to intervene of Mineral County, Nevada, in the action of  
5 United States of America, *Plaintiff v. Walker River Irrigation District, et al.*, Defendants,  
6 which is Case No. C-125, Subfile No. C-125-C, in the United States District Court for the  
7 District of Nevada. I have also received a copy of the motion to intervene of Mineral  
8 County, the proposed complaint-in-intervention of Mineral County, the motion for  
9 preliminary injunction of Mineral County, and the Order Requiring Service of and  
10 Establishing Briefing Schedule Regarding the Motion to Intervene of Mineral County,  
11 along with two copies of this Waiver. I have also received a means by which I can return  
12 this signed waiver to you without cost to me.  
13  
14

15  
16 I agree to save the cost of personal service of the documents, as above-described,  
17 by not requiring that I (or the entity on whose behalf I am acting) be served with judicial  
18 process in the manner provided by Federal Rules of Civil Procedure, Rule 4. I (or the  
19 entity on whose behalf I am acting) will retain all defenses or objections to this matter or  
20 to the jurisdiction or venue of the Court except for objections based on a defect, if any, in  
21 the manner in which these documents have been provided to me.  
22

23  
24 I understand, that if I (or the entity on whose behalf I am acting) do not appear and  
25 respond to the motion to intervene, by August 23, 1999, and if the Court enters further  
26 orders with respect to answers or other responses to the proposed complaint-in-intervention  
27 or responses to the Motion for Preliminary Injunction, that I (or the entity on whose behalf  
28

1 I am acting) shall nevertheless be deemed to have notice of those subsequent orders of the  
2 Court.

3 DATED this 4 day of June, 1999.

4  
5 *Pamela J. Haas*  
6 (Signature)

7  
8 Pam Haas  
9 (Printed name and title, if any)

10  
11 \_\_\_\_\_  
12 (Company or entity, if any)

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\*\* THIS DATA IS FOR INFORMATION PURPOSES ONLY. CERTIFICATION CAN ONLY BE OBTAINED THROUGH THE OFFICE OF THE CALIFORNIA SECRETARY OF STATE. \*\*\*

CALIFORNIA SECRETARY OF STATE, CORPORATE RECORD.

THE PLYMOUTH LAND & STOCK COMPANY

TYPE OF CORPORATION: STATEMENT AND DESIGNATION BY FOREIGN CORPORATION

CORPORATE STATUS: SURRENDERED

DATE OF INCORPORATION/QUALIFICATION: 07/21/1913

MAILING ADDRESS: \* PO BOX 188  
GARDNERVILLE, NV 89410

STATE OF INCORPORATION: NEVADA

REGISTERED AGENT: NO AGENT

REGISTERED OFFICE: CA

*Done*

EXH A59

REGISTERED OFFICE: CA

TAX-BASIS: STOCK

CORPORATE NUMBER: 73951

DRY:

DATE: 10/16/1989

TRANSACTION: CERTIFICATE OF SURRENDER BY FOREIGN CORPORATION

AMENDMENT NO: D0321817

CALL LEXIS DOCUMENT SERVICES FOR ALL YOUR CORPORATE NEEDS. 800-634-9738

Order No. TSL-15049  
Document Transfer Tax \$1,262.95  
APN 10-831-06, 10-841-09

Mail Tax Bill to Grantee:  
787 7th Ave., 2nd Floor  
New York, NY 10019

**GRANT, BARGAIN and SALE DEED**

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged  
HAROLD E. PORTER and SHERRI PORTER, husband and wife  
do hereby GRANT, BARGAIN and SELL TO

WILLIAM M. WEAVER, JR. and ROSEMARY F. WEAVER, Trustees of the WILLIAM  
M. WEAVER, JR. REVOCABLE TRUST AGREEMENT, dated October 15, 1986

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

PARCEL A:  
Township 7 North, Range 25 East, M.D.B.&M.

- Section 7: South 1/2 of North 1/2; SE 1/4; East 1/2 of SW 1/4.
- Section 8: South 1/2; South 1/2 of North 1/2.
- Section 9: All.
- Section 10: SW 1/4 of SW 1/4.
- Section 15: West 1/2 of NW 1/4.
- Section 16: N 1/2; SW 1/4; N 1/2 of SE 1/4.
- Section 17: All in Nevada.
- Section 18: N 1/2 of NE 1/4; SE 1/4 of NE 1/4; Lots 9, 10, 11, 12,  
13, 14 and 15.

EXCEPTING THEREFROM the following parcels:

PARCEL NO. 1:

A parcel of land located in the E 1/2, Sec. 16 and the NW 1/4, Sec. 15,  
T 7 N, R 25 E, M.D.B.&M., Lyon County, State of Nevada, and being more  
particularly described as follows:

Beginning at a point which is at the intersection of the westerly right  
of way line of State Route 338 and the centerline of an easement for  
Silverado Road, recorded as Document No. 0113574, of Official Records  
in the Office of the County Recorder, said point bears South 12°39'46"  
East, 3240.59 feet from the 1/4 Sec. Cor. 9\10, and North 8° 50'11"  
East, 4900.95 feet from the SE Sec. Cor. Sec. 16, and is the TRUE POINT  
OF BEGINNING, thence along said centerline the following courses, from  
a tangent which bears South 73°31'29" West on a curve to the left with  
a radius of 50 feet, through an angle of 65°06'29" a distance of 56.82  
feet, thence South 8°25' West, 99.12 feet, thence on a curve to the  
right with a radius of 150 feet through an angle of 58°58', a distance  
of 154.37 feet, thence South 67°23' West, 493.84 feet, thence on a curve  
to the left with a radius of 300 feet through an angle of 38°42', a  
distance of 202.63 feet, thence South 28°41' West, 292.55 feet, thence  
on a curve to the left with a radius of 1800 feet, through an angle of  
3°10', a distance of 99.48 feet, thence South 25°31' West, 628.29 feet,  
thence on a curve to the right with a radius of 400 feet, through an  
angle of 14°48', a distance of 103.32 feet, to a point of reverse curve,  
thence from a tangent which bears South 40°19' West, on a curve to the  
left with a radius of 800 feet, through an angle of 25°30', a distance  
of 356.05 feet, thence South 14°49' West, 736.98 feet, thence on a curve  
to the right with a radius of 225 feet, through an angle of 37°06', a  
distance of 145.69 feet to a point of reverse curve, thence from a  
tangent which bears South 51°55' West, on a curve to the left with a  
radius of 300 feet, through an angle of 29°49', a distance of 156.12  
feet, thence South 22°06' West, 722.03 feet more or less to a point on  
the 1/16 section line of the SE 1/4 of Sec. 16, the end of the  
centerline of said easement, thence North 89°45'52" East, 1309.89 feet  
more or less to the S 1/16 Sec. Cor. Sec. 16\15, thence along the  
easterly Sec. line, Sec. 16 North 0°28'22" East, 1334.14 feet more or  
less to the East 1/4 Sec. Cor. Sec. 16, thence along the 1/4 Sec. line,

EXH A61

Sec. 15 North 88°42'13" East, 1222.37 feet more or less to the westerly right of way line of State Route 338, thence along said right of way line from a tangent which bears North 5°37'09" West, on a curve to the right with a radius 950.23 feet, through an angle of 2°04'38", a distance of 34.45 feet more or less, thence along said right of way line North 3°32'31" West, 363.01 feet thence along said right of way line on a curve to the left with a radius of 1950 feet, through an angle of 12°56', a distance of 440.17 feet, thence North 16°28'31" West, 1374.15 feet, to the TRUE POINT OF BEGINNING.

PARCEL NO. 2:

All that certain real property situate in the S 1/2 of Section 16, Township 7 North, Range 25 East, M.D.B.&M., Lyon County, Nevada, described as follows:

Parcel 1 as shown on the Parcel Map for William Weaver, recorded in the Official Records of Lyon County, Nevada, on September 19, 1988, as No. 119099.

Together with an easement for roadway purposes over the East 15 feet of Parcel 2 of the same Parcel Map, exclusive for the use of adjoining owners.

PARCEL NO. 3:

All that certain real property situate in the S 1/2 of Section 16, Township 7 North, Range 25 East, M.D.B.&M., Lyon County, Nevada, described as follows:

Parcel 2 as shown on the Parcel Map for William Weaver, recorded in the Official Records of Lyon County, Nevada, on September 19, 1988, as No. 119099.

PARCEL B:

Township 7 North, Range 25 East, M.D.B.&M.,

Section 20: Lots 8, 9, 10 and 11, N 1/2 NE 1/4, SE 1/4 NE 1/4.

Section 21: Lots 2 and 3, NW 1/4, N 1/2 SW 1/4.

TOGETHER WITH all water, water rights, ditches and ditch rights, wells, well rights and all grazing privileges which are 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 Sept. 12, 1995

  
HAROLD E. PORTER

  
SHERRI PORTER

185935

STATE OF CALIFORNIA )

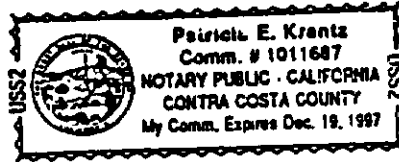
COUNTY OF Contra Costa )

On September 12, 1995, before me, the undersigned, a Notary Public in and for said State, personally appeared **HAROLD E. PORTER and SHERRI PORTER**, personally known to me (or 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.

Signature *Patricia E. Krantz*

Name Patricia E. Krantz



185935

RECORDERS USE  
185935  
RECORD REQUESTED BY  
Title Service & Escrow Co  
'95 SEP 19 AM 11 57  
FEE 9.00



Order No. T55-1742  
Document Transfer Tax \$1,866.80  
APN 21-165-04, 21-163-01, 21-163-02  
21-164-06

Mail Tax Bill to Grant  
P.O. Box 927  
Minden, NV 89423

GRANT, BARGAIN and SALE DEED

FOR A VALUABLE CONSIDERATION, receipt of which is here acknowledged

SARIO LIVESTOCK COMPANY, a Nevada general partnership does hereby GRANT, BARGAIN and SELL TO

SIERRA NEVADA LANDCO, INC., a Nevada corporation

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

T 19 N, R 24 E, M.D.B.&M.

- Section 1: All.
- Section 3: All.
- Section 11: All.
- Section 13: All.

T 20 N, R 24 E, M.D.B.&M.

- Section 9: Government Lot 2.
- Section 21: All.
- Section 23: The S 1/2 of the N 1/2 lying West of U.S. Highway 95 Alternate.
- Section 25: The W 1/2 lying West of U.S. Highway 95 Alternate.
- Section 27: All.
- Section 35: All.

All that certain real property being a portion of Section 15, T 20 N, R 24 E, M.D.B.&M., Lyon County, Nevada, described as follows:

Parcel 4 as shown on the Parcel Map for Sario Livestock Company, recorded in the Official Records of Lyon County, Nevada, on August 24, 1992 as Document No. 154458.

All that certain real property being a portion of the S 1/2 of Section 23, T 20 N, R 24 E, M.D.B.&M., Lyon County, Nevada, described as follows:

*EXH A64*

Commencing at the SW corner of Section 23, T 20 N, R 24 E, M.D.B.&M., the true point of beginning, thence North 0°24'53" East a distance of 2,644.40 feet to the West 1/4 corner of said section thence South 89°30'29" East a distance of

Telephone (702) 463-3371

Oil Tax Bill to Grantee  
720 The Grantee  
Fallon, Nv. 89406

Case 3:73-cv-00128-MMD-CSD Document 385 Filed 08/17/2001 Page 66 of 118  
Order No. TSF-4672  
RPTT \$39.00  
APN 21-165-09

GRANT, BARGAIN and SALE DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged

SARIO LIVESTOCK COMPANY, a Nevada general partnership

does hereby GRANT, BARGAIN and SELL TO

O. KYLE VAUGHAN and LEOMA VAUGHAN, 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:

All that certain real property being a portion of SW 1/4 of NE of Section 15, T 20 N, R 24 E, M.D.B.&M., and being a portion of Parcel 2, Lyon County Parcel Map 154458, described as follows:

Parcel 3 as shown on the Parcel Map for Sario Livestock Company recorded in the Official Records of Lyon County, Nevada on December 17, 1992, as Document No. 157702.

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

DATED 6/23/94

SARIO LIVESTOCK COMPANY, a Nevada general partnership

Beatrice Presto  
BEATRICE PRESTO, Successor Trustee of the Ramon and Beatrice Presto Family Trust, Partner

Attorney at Law  
30 Broadway - P.O. Box 866  
Yerington, Nevada 89447  
Telephone (702) 463-3371

NEVADA )  
STATE OF CALIFORNIA ) ss.

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA, )

Plaintiff, )

WALKER RIVER PAIUTE )

TRIBE, )

Plaintiff-Intervenor, )

vs. )

WALKER RIVER IRRIGATION )

DISTRICT, a corporation, et al. )

Defendants. )

IN EQUITY NO. C-125-ECR  
Subfile No. C-125-C

RETURN OF SERVICE

I JAMES BASTIC, hereby certify that service of process of Mineral  
(print name of server)

County's "Intervention Documents" was made pursuant to the Orders of the Court and  
Notice in Lieu of Summons

upon: SARO LINES INC PO (print name of person served)

of: \_\_\_\_\_ (title and company where applicable)

on: 9/23/95 (date of service)

at: 1462 JOURNALS AVE (time of service)

at the following place:

1462 JOURNALS AVE (address or location)

in the following manner:

served personally  
 left copies *11/15/95 PR-50*  
 unable to execute service (why) \_\_\_\_\_

other (Specify) \_\_\_\_\_

Remarks: \_\_\_\_\_

I declare under penalty of perjury under the laws of the United States of America that the foregoing information in this Return of Service is true and correct.

9/23/95  
Date

*James Porter*  
Signature of Server

52 E St  
Northampton MA  
Address of Server

*9/23/95 10:36 P.M.*

1 TREVA J. HEARNE, ESQ. (SBN 4450)  
2 JAMES SPOO, ESQ. (SBN 1018)  
3 ZEH, SPOO & HEARNE  
4 575 Forest Street, Suite 200  
5 Reno, Nevada 89509  
6 Telephone: (702) 323-5700

7  
8  
9  
10 Attorneys for Intervenor,  
11 MINERAL COUNTY NEVADA

12 UNITED STATES DISTRICT COURT

13 DISTRICT OF NEVADA

14 \* \* \*

15 UNITED STATES OF AMERICA, )

16 Plaintiff, )

17 WALKER RIVER PAIUTE TRIBE, )

18 Plaintiff-Intervenor, )

19 vs. )

20 WALKER RIVER IRRIGATION DISTRICT, )  
21 a corporation, et al.; )

22 Defendants. )

23 MINERAL COUNTY, )

24 Proposed-Plaintiff-Intervenor, )

25 vs. )

26 WALKER RIVER IRRIGATION DISTRICT, )  
27 a corporation, et al. )

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

RETURN OF SERVICE

ERH A78

28 I TERRY HIER, hereby certify that service of process of Mineral  
(Print name of server)  
County's "Intervention Documents" was made pursuant to the Orders of the Court and Notice in

Zeh, Spoc Hearne  
575 Forest St Suite 200  
Reno, Nevada 89509  
Tel.: (775) 323-5700 FAX: (775) 786-8183

1 Lieu of Summons

2 upon: JAW WENERTZ HUGGANS (Print name of person served)

3 of: \_\_\_\_\_ (Title and company where applicable)

4 on: 7-26-99 (Date of service)

5 at: 2:30 pm (Time of service)

6 at the following place:

7 #1 BRIDGEPORT, CA 93517 (Address or location)

8 in the following manner:

9  served personally

10  left copies

11  unable to execute service (why) \_\_\_\_\_

12  other (specify) \_\_\_\_\_

13 Remarks: JAW WENERTZ HUGGANS IS GILBERT WENERTZ  
14 SUCCESSOR IN INTEREST OF THE WATER RIGHTS.

15 I declare under penalty of perjury under the laws of the United States of America that the  
16 foregoing information in this Return of Service is true and correct.

17 7-26-99  
18 Date

19 Terry R. Hiri #803  
20 Signature of Server

21 TERRY R. HIRI

22 P.O. B. 616 BRIDGEPORT CA. 93517  
23 (Address of Server) C:\MyFiles\CLIENTS\Minera\RP-Return\114

005302

RECORDING REQUESTED BY  
Clark J. Guild, Jr., Esq.

AND WHEN RECORDED MAIL THIS DEED AND, UNLESS OTHERWISE  
SPECIFIED BELOW, MAIL TAX STATEMENT TO:

Name Gregory B. Adams  
Street 13311 Moraine Road  
Address Truckee, CA 96161  
City & State CA

RECORDED IN MONO  
COUNTY CALIFORNIA

'96 OCT 9 PM 3 03

FEE: \$7.00  
M.S. \$10.00

Title Order No. \_\_\_\_\_

SPACE ABOVE THIS LINE FOR RECORDER'S USE

### Grant Deed

THE UNDERSIGNED GRANTOR(S) DECLARE(S) DOCUMENTARY TRANSFER TAX IS \$ 0 APN 06-100-09  
 unincorporated area  City of \_\_\_\_\_  
Parcel No. \_\_\_\_\_  
 computed on full value of interest or property conveyed, or  
 computed on full value less value of liens or encumbrances remaining at time of sale, and

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,  
VIVIAN PELLECCCHIA ADAMS OSTER, Trustee of the VIVIAN ADAMS TRUST  
hereby GRANT(S) to GREGORY BURTON ADAMS and RICHARD TAYLOR ADAMS,  
as tenants in common

the following described real property in the  
County of Mono State of California:

Southeast quarter of the northeast quarter; east half of the southeast  
quarter and the southwest quarter of southeast quarter of Section 9,  
Township 6 North, Range 23 East, M.D.B. & M.

VIVIAN ADAMS TRUST

Dated September 24, 1996

By Vivian Pellecchia Adams Oster  
Vivian Pellecchia Adams Oster

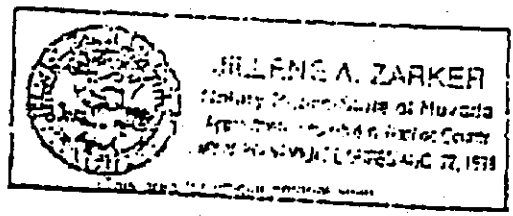
STATE OF ~~OREGON~~ NEVADA  
COUNTY OF WASHOE } S.S.

On September 24, 1996 before me.

a Notary Public in and for said County and State, personally appeared  
Vivian Pellecchia Adams Oster

personally known to me (or 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  
Signature [Signature]



MAIL TAX STATEMENTS TO PARTY SHOWN ON FOLLOWING LINE; IF NO PARTY SHOWN, MAIL AS DIRECTED ABOVE

EXH B1

Order No. TSI 012  
Document ID: 10-761-42 & 45

Mail Tax All to Grantee:  
5/8 Mar Arrighi  
Karloury, Astron Co  
5 S. Main St.  
Yerington, NV 89447

**GRANT, BARGAIN and SALE DEED**

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged

MUSTANG PROPERTIES, a Nevada General Partnership

does hereby GRANT, BARGAIN and SELL TO

WEAVER PROPERTIES, L.L.C., a Nevada Limited Liability Company

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

**Parcel 1:**

Being located in portions of Sections 4, 5 and 3, T 9 N, R 24 E, and portions of Sections 32 and 33, T 10 N, R 24 E, M.D.B.&M., County of Lyon, State of Nevada, and being more particularly described as follows:

Township 9 North, Range 24 East, M.D.B.&M.

Section 4: W 1/2.

Section 5: S 1/2 and the E 1/2 of the W 1/2.

Excepting therefrom all that portion lying West of the East right of way line of Desert Creek Road.

ALSO EXCEPTING THEREFROM adjusted lot No. 1 as defined on the plat titled "Adjustment of Boundary Line of a portion of Section 4, 5 and Section 3, T 9 N, R 24 E, and Section 32, 33, T 10 N, R 24 E, M.D.B.&M., for: Mustang Properties Limited Partnership."

Section 3: W 1/2 of the NE 1/4, and the NE 1/4 of NE 1/4.

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

Section 32: S 1/2 of the NE 1/4, the SE 1/4. The E 1/2 of the SW 1/4.

EXCEPTING THEREFROM: All that portion lying West of the East right of way line of Desert Creek Road.

ALSO EXCEPTING THEREFROM all that portion which lies within Lyon County Map Titled "Parcel Map of a portion of Sections 29 and 32, T 10 N, R 24 E, M.D.B.&M., for: L.S. Day, Inc. File No. 104156.

Section 33: W 1/2 of the SW 1/4 and the SE 1/4 of the SW 1/4.

Said parcel is more particularly defined as Lot No. 3 on the plat title "Adjustment of Boundary Line a portion of Section 4, 5, and Section 3, T 9 N, R 24 E, and Section 32;--33, T 10 N, R 24 E, M.D.B.&M. for: Mustang Properties Limited Partnership."

RONALD T. SANTA, CHARTERED

Attorney at Law  
200 Broadway St. Ste. 404  
Yerington, Nevada 89447  
Telephone (775) 433-3371

211355

ERH B22



T 9 N, R 24 E, M.D.B. & M.

Section 8: SW 1/4 of SM 1/4.  
Section 17: W 1/2 of NW 1/4.

TOGETHER WITH:

1. All water rights, as more particularly set forth in the action entitled United States v. Walker River Irrigation District, et al. in the United States District Court for the District of Nevada, in Equity, C-125 (1936), originally decreed to F. W. Simpson as Claim No. 172, with Desert Creek as the source, as set forth on page 48 of the Decree. Said right is evidenced by Card No. 101,600, Official Records of the Walker River Irrigation District, Yerington, Nevada.
2. An undivided 50% interest in that certain Agreement dated January 24, 1950, between Warren and Lucile Simpson, and Ambro and Belle Rosaschi, the Rosaschi interest represents a predecessor in interest to grantor.
3. Application 12129 Permit 7235, License 4037, Application 12023, Permit 7195, License 4035, Certificate 539, which represents storage waters of Lobdel Lake, all issued by the State of California, Division of Water Resources.

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

DATED Oct 10, 1997

MUSTANG PROPERTIES

  
 BY  
 ROGER A. BERGMANN, Managing Partner

RONALD T. HANCOCK, CHARTERED

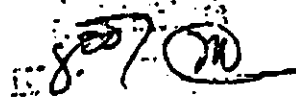
Notary Public  
 State of Nevada  
 My Comm. Expires 11/27/99

STATE OF NEVADA )  
 COUNTY OF Washoe ) ss.

On Oct 10, 1997 personally appeared before me, a Notary Public (or Judge or other authorized person, as the case may be), ROGER A. BERGMANN who acknowledged to me that he executed the within instrument.

  
 Notary Public

JUDY SCOTT  
 Notary Public - State of Nevada  
 Appointment Recorded in Washoe County  
 No. 95-010829 - EXPIRES NOV. 27, 1999

RECORDERS USE:  
 211355  
 Title Service & Escrow Co  
 97 OCT 22 PM 3:59  


LAW OFFICE OF LINDA A. BOWMAN, LTD.

ATTORNEY AT LAW

LINDA A. BOWMAN

540 HAMMILL LANE  
RENO, NEVADA 89511

(775) 335-1700  
FAX (775) 335-1717

EMAIL: ATTY@BOWROB.RENO.NV.US

March 17, 2000

**Faxed**

Treva Hearne, Esq.  
Zeh, Spoo, Quade & Hearne  
575 Forest Street, Suite 200  
Reno, NV 89509

**Re: Junction Range**

Dear Treva:

At the hearing on the 14<sup>th</sup>, I mentioned that I believed that "Junction Range" was not a legal entity and that merely substituting in Arnold Settlemeyer for Junction Range would not be correct.

Please be advised that the United States Board of Water Commissioners has recently received a deed which purports to convey an interest in the real property and water rights to Bently Family Limited Partnership, a Nevada limited partnership. I believe that this limited partnership in January of 1997 acquired a one-half interest in the "Junction Range" property. I believe that a Settlemeyer entity or Arnold Settlemeyer owns the other one-half interest but the only way to confirm that would be to contact the Mono County Assessor or Recorder offices in Bridgeport. I enclose a copy of the Quitclaim Deed referenced above for your review.

Sincerely yours.



Linda A. Bowman

LAB:hs  
Enclosure

cc: Gordon DePaoli, Esq. (w/encl.)  
Dale Ferguson, Esq. (w/encl.)

EXH B37

00299

Recording requested by  
and when recorded, mail to  
and mail tax statements to:  
William Jac Shaw, Esq.  
Brooke & Shaw, Ltd.  
P.O. Box 2860  
Minden, NV 89423

RECORDED IN MONO  
COUNTY CALIFORNIA

'97 JAN 21 PM 2 54

\$16.00

M.S. \$10.00

Vdc 755 P65 470-  
473

QUITCLAIM DEED

THIS INDENTURE WITNESSETH: That for a valuable consideration, receipt of which is hereby acknowledged, BENTLY NEVADA CORPORATION (Grantor), does hereby remise, release, and quitclaim to BENTLY FAMILY LIMITED PARTNERSHIP, a Nevada limited partnership (Grantees), of P.O. Box 127, Minden, Nevada, its one-half interest in and to all that real property in the County of Mono, State of California, being Assessor's Parcel Numbers 06-110-05, 06, 09 and 16; 06-130-01; and, 06-140-02, 04, 05 and 14, and more specifically described in Exhibit "A", attached hereto and incorporated herein by reference.

TOGETHER WITH any and all water rights, whether decreed or permitted, geothermal rights, gas, oil or hydrocarbon, appurtenant to the real property described in Exhibit "A".

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.

TO HAVE AND TO HOLD the said premises, together with the appurtenances, unto the said Grantees, and to their successors and assigns forever.

Witness my hand this 20<sup>th</sup> day of December, 1996.

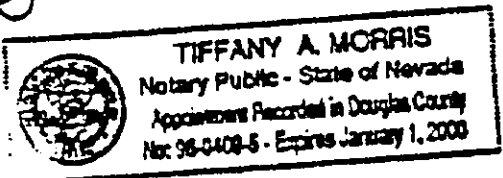
BENTLY NEVADA CORPORATION

By: *Donald E. Bently*  
DONALD E. BENTLY,  
Its Chairman and CEO

STATE OF NEVADA                    )  
  ) ss.  
COUNTY OF DOUGLAS            )

On 20 December, 1996, before me, a notary public, personally appeared DONALD E. BENTLY of BENTLY NEVADA CORPORATION, a Nevada corporation, personally known (or proved) to me to be the person whose name is subscribed to the above instrument who acknowledged that he executed the instrument.

*Tiffany A. Morris*  
Notary Public



/real esta/bncmono.qut/200ec96/tam

REPORT NO. 98845T-TC  
EXHIBIT "A"

VOL 0593 PAGE 425

PARCEL 1:

ALL OF THE FOLLOWING DESCRIBED LAND SITUATE IN TOWNSHIP 6 NORTH, RANGE 23 EAST, M.D.B.&M., IN THE COUNTY OF MONO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT OF SAID LAND FILED IN THE DISTRICT LAND OFFICE APRIL 11, 1877, TO-WIT:

SECTION 16: EAST HALF; AND THE SOUTHWEST QUARTER.

SECTION 20: SOUTHWEST QUARTER OF SOUTHWEST QUARTER; NORTHWEST QUARTER OF NORTHEAST QUARTER; SOUTHWEST QUARTER OF NORTHEAST QUARTER; AND THE EAST HALF OF THE SOUTHWEST QUARTER.

SECTION 21: EAST HALF; SOUTHWEST QUARTER; SOUTH HALF OF NORTHWEST QUARTER; AND THE NORTHEAST QUARTER OF NORTHWEST QUARTER.

EXCEPT FROM THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 21 THE FOLLOWING DESCRIBED PARCEL OF LAND CONVEYED TO THE STATE OF CALIFORNIA BY DEED DATED AUGUST 13, 1931, RECORDED IN BOOK 5, PAGE 444, OFFICIAL RECORDS OF MONO COUNTY:

BEGINNING AT A POINT IN THE EASTERLY RIGHT OF WAY LINE, SAID POINT BEING SOUTH 56°16' EAST 50 FEET FROM ENGINEER'S STATION 24+00 AND SOUTH 47°47'46" WEST 930.42 FEET FROM THE EAST QUARTER CORNER OF SECTION 21; THENCE NORTH 33°24' EAST 400 FEET; THENCE SOUTH 56°16' EAST 400 FEET; THENCE SOUTH 33°24' WEST 400 FEET; THENCE NORTH 56°16' WEST 400 FEET TO THE POINT OF BEGINNING.

ALSO EXCEPT FROM THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 21 THE FOLLOWING DESCRIBED PARCEL OF LAND CONVEYED TO THE STATE OF CALIFORNIA BY DEED DATED APRIL 29, 1940, RECORDED IN BOOK 16, PAGE 125, OFFICIAL RECORDS OF MONO COUNTY:

BEGINNING AT THE EAST QUARTER CORNER OF SECTION 21; THENCE SOUTH 47°47'46" WEST 930.42 FEET; THENCE NORTH 33°24' EAST 400 FEET; THENCE SOUTH 56°16' EAST 300 FEET TO THE TRUE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED; THENCE FROM SAID TRUE POINT OF BEGINNING, NORTH 33°24' EAST 100 FEET; THENCE SOUTH 56°16' EAST 100 FEET; THENCE SOUTH 33°24' WEST 100 FEET; THENCE NORTH 56°16' WEST 100 FEET TO THE TRUE POINT OF BEGINNING.

AND ALSO EXCEPT FROM THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 21 THE FOLLOWING DESCRIBED PARCEL OF LAND CONVEYED TO THE STATE OF CALIFORNIA, BY DEED DATED NOVEMBER 5, 1942, RECORDED IN BOOK 18, PAGE 403, OFFICIAL RECORDS OF MONO COUNTY:

BEGINNING AT A POINT OF INTERSECTION OF THE EASTERLY LINE OF STATE HIGHWAY IX-MNO-23-K AND SOUTHERLY LINE OF THE THEN EXISTING STATE HIGHWAY MAINTENANCE YARD, WHICH POINT IS LOCATED 50 FEET EASTERLY OF ENGINEER'S STATION 24+00 OF DEPARTMENT OF PUBLIC WORKS' SURVEY FOR SAID HIGHWAY AND FROM WHICH POINT THE EAST QUARTER CORNER OF SAID SECTION 21 BEARS NORTH 47°47'46" EAST, A DISTANCE OF 930.42 FEET; THENCE FROM SAID POINT OF BEGINNING SOUTH 56°16' EAST 500 FEET; THENCE SOUTH 33°24' WEST 500 FEET; THENCE NORTH 56°16' WEST 500 FEET TO SAID EASTERLY LINE OF STATE HIGHWAY; THENCE ALONG SAID EASTERLY LINE NORTH 33°24' EAST 500 FEET TO THE POINT OF BEGINNING.

SECTION 27: WEST HALF OF NORTHWEST QUARTER; AND THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER.

DEC 18 '96 10:29AM INFO MONO TITLE CO

VOL 0593 PAGE 428

SECTION 28: NORTHEAST QUARTER; AND THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER.

SECTION 29: NORTHEAST QUARTER; NORTH HALF OF SOUTHEAST QUARTER; NORTH HALF OF SOUTHWEST QUARTER; AND THE EAST HALF OF NORTHWEST QUARTER.

SECTION 30: NORTH HALF OF SOUTHEAST QUARTER; AND THE NORTHEAST QUARTER OF SOUTHWEST QUARTER.

PARCEL 2:

THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER; THE NORTH HALF OF THE SOUTHWEST QUARTER; AND THE NORTHWEST QUARTER, OF SECTION 28, TOWNSHIP 6 NORTH, RANGE 22 EAST, M.D.B.M., IN THE COUNTY OF MONO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT OF SAID LAND FILED IN THE DISTRICT LAND OFFICE APRIL 11, 1877.

APN:

06-110-05, 06, 09, 16

06-130-01

06-140-02, 04, 05, 14







*San Francisco*

RECORDING REQUESTED BY  
INTO-MONO TITLE COMPANY  
AND WHEN RECORDED MAIL THIS DEED AND, UNLESS OTHERWISE  
SHOWN BELOW, MAIL TAX STATEMENT TO:

(VOL. 0890 PAGE 383)

RECEIVED

JAN 31 2000

RECORDED IN MONO  
COUNTY CALIFORNIA

000599

Name: FRANK AND BETTY FLOYD  
Street Address: 315 EAST WOODROW STREET  
City: TAFT, CA 93268

MONO COUNTY ASSESSOR

00 JAN 28 PM 1 15

FEE: \$10.00

Title Order No. 111009 Escrow No. 111009SK

INV 008 (8-84)

1993643

Grant Deed

SPACE ABOVE THIS LINE FOR RECORDER'S USE

REC#L993843

THE UNDERSIGNED GRANTOR(S) DECLARE(S)

DOCUMENTARY TRANSFER TAX IS \$ 173.25

unincorporated area  City of

Parcel No. 07-050-30

computed on full value of interest or property conveyed, or

computed on full value less value of liens or encumbrances remaining at time of sale, and

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,  
FEDERAL NATIONAL MORTGAGE ASSOCIATION

hereby GRANT(S) to

FRANK FLOYD AND BETTY FLOYD, HUSBAND AND WIFE AS JOINT TENANTS

the following described real property in the  
County of MONO State of California:

SEE LEGAL DESCRIPTION ATTACHED HERETO AND MADE A PART OF

07-050-30

none

FEDERAL NATIONAL MORTGAGE ASSOCIATION

Dated JANUARY 14, 2000

STATE OF TEXAS  
COUNTY OF DALLAS

On 1/24/00 before me,

Stacy Parker

a Notary Public in and for said County and State, personally appeared

Sheryl Martin

Vice President

personally known to me (or 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/hers/their authorized capacity(ies), and that by his/hers/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

Signature

BY:

*Sheryl Martin*

Sheryl Martin

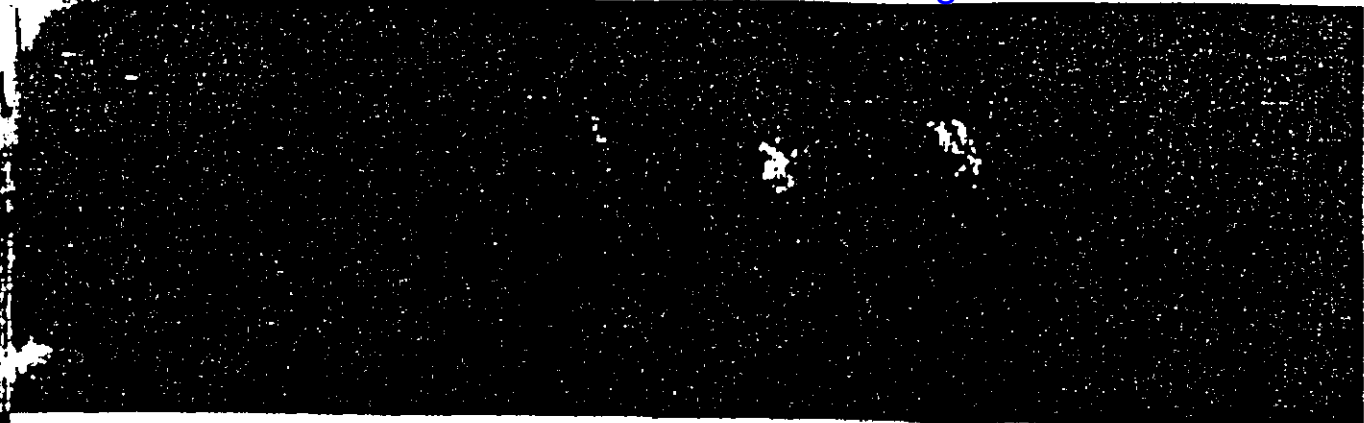
Vice President



STACY PARKER  
Notary Public, State of Texas  
My Commission Expires 08-25-02

(This area for official recorded deed)

MAIL TAX STATEMENTS TO PARTY SHOWN ON FOLLOWING LINE; IF NO PARTY SHOWN, MAIL AS DIRECTED ABOVE  
SAME AS ABOVE



FILE NO. 111009

LEGAL DESCRIPTION

VOL. 0890 PAGE 384

PARCEL 2 OF PARCEL MAP 32-39, IN THE COUNTY OF MONO, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 4, PAGE 19 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

TOGETHER WITH THAT PORTION OF PARCEL 1 OF PARCEL MAP 32-39, IN THE COUNTY OF MONO, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 4, PAGE 19 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY DESCRIBED AS FOLLOWS:

A TWENTY FIVE (25') WIDE EASEMENT FOR INGRESS AND EGRESS PURPOSES LOCATED IN A PORTION OF SECTION 22, TOWNSHIP 8 NORTH, RANGE 24 EAST, MOUNT DIABLO BASE AND MERIDIAN, MONO COUNTY, CALIFORNIA. (APN #07-050-31)

THE BASIS OF BEARING IS THE CENTERLINE OF U.S. 395, WHICH IS NORTH 78°35'55" WEST AS SHOWN ON PARCEL MAP #32-39 AND RECORDED IN PM VOL 4, PP 19, 19A.

THE CENTERLINE OF THE EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT 1" ID IRON PIPE BEARING A BRASS TAG INSCRIBED R.C.E. 27104 ON THE NORTHERLY LINE OF THE RIGHT OF WAY OF U.S. 395, WHICH IS STA:358+58.40 AT 75.00 FEET RIGHT, AS CALCULATED FROM PARCEL MAP #32-25 IN PM BOOK 2, PP 48, 48A, 48B AND THE SAID PARCEL MAP #32-39.

THENCE NORTH 01°04'01" EAST 444.33 FEET ALONG THE EASTERLY BOUNDARY LINE OF PARCEL #1 OF THE SAID PM #32-39, WHICH IS THE CENTERLINE OF AN EXISTING SIXTY FOOT (60') EASEMENT RECORDED IN BOOK 115 PAGE 32 OF MONO COUNTY OFFICIAL RECORDS,

THENCE DEPARTING FROM CENTERLINE OF THE SAID EXISTING EASEMENT THROUGH A CURVE LEFT HAVING A DELTA OF 51°48'27", RADIUS 200.00 FEET, ARC LENGTH 180.84 FEET AND A CHORD BEARING OF NORTH 24°50'13" WEST 174.74 FEET TO A POINT.

THENCE NORTH 50°44'28" WEST 325.14 FEET TO THE POINT OF INTERSECTION WHICH THE EASTERLY LINE OF PARCEL #2 OF THE SAID PARCEL MAP #32-39, WHENCE THE EASEMENT ENDS.

RECORDING REQUESTED BY  
INYO-MONO TITLE COMPANY

17870292

000329

AND WHEN RECORDED MAIL THIS DEED AND, UNLESS OTHERWISE SHOWN BELOW MAIL TAX STATEMENT TO

Name Jason L. Foster, et al  
Street P.O. BOX 622  
Address BRIDGEPORT, CA 93517  
City & State  
Zip

SEP 28 PM 12 43

*H/13.00*

Title Order No. 105657      Invoice No. 105657JM

IN 003 (5-94)

SPACE ABOVE THIS LINE FOR RECORDER'S USE

### Grant Deed

THE UNDERSIGNED GRANTORS DECLARE(S)

DOCUMENTARY TRANSFER TAX IS \$ 253.00

— unincorporated area  City of \_\_\_\_\_  
Parcel No. 07-050-30

computed on full value of interest or property conveyed, or  
 computed on full value less value of liens or encumbrances remaining at time of sale, and

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

MELVIN L. PERRISEAU AND MODESTA M. PERRISEAU, Husband and Wife

hereby GRANT(S) to

MARIE E. LEIFRIED, AN UNMARRIED WOMAN,  
JASON L. FOSTER, AN UNMARRIED MAN AND  
TIA L. BEAVER, A SINGLE WOMAN ALL AS JOINT TENANTS

the following described real property in the

County of MONO State of California

PARCEL 2 of Parcel Map 32-39, in the County of Mono, State of California, as per map recorded in Book 4, Page 19 of Parcel Maps, in the office of the County Recorder of said County.

(MORE PARTICULARLY DESCRIBED IN THE ATTACHED LEGAL DESCRIPTION)

Dated September 18, 1997

*Melvin L. Perriseau*  
Melvin L. Perriseau  
*Modesta M. Perriseau*  
Modesta M. Perriseau

STATE OF CALIFORNIA  
COUNTY OF \_\_\_\_\_ ) S S

On \_\_\_\_\_ before me

a Notar, Public in and for said County and State personally appeared

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 he/she/they executed the same in his/her/their authorized capacities, 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

WITTE My commission expires \_\_\_\_\_

Signature \_\_\_\_\_

*see attached*

MAIL TAX STATEMENTS TO PARTY SHOWN ON FOLLOWING LINE; IF NO PARTY SHOWN, MAIL AS DIRECTED ABOVE

LEGAL DESCRIPTION

PARCEL 2 OF PARCEL MAP 32-39, IN THE COUNTY OF MONO, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 4, PAGE 19 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

TOGETHER THAT PORTION OF PARCEL 1 OF PARCEL MAP 32-39, IN THE COUNTY OF MONO, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 4, PAGE 19 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

A TWENTY FIVE (25') WIDE EASEMENT FOR ENGRESS AND EGRESS PURPOSES LOCATED IN A PORTION OF SECTION 22, TOWNSHIP 6 NORTH, RANGE 24 EAST, MOUNT DIABLO BASE AND MERIDIAN, MONO COUNTY, CALIFORNIA. (APN #07-050-31)

THE BASIS OF BEARING IS THE CENTERLINE OF U.S. 395, WHICH IS NORTH 78° 35' 56" WEST AS SHOWN ON PARCEL MAP #32-39 AND RECORDED IN PM VOL 4, PP 19, 19A.

THE CENTERLINE OF THE EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMENCING AT 1" ID IRON PIPE BEARING A BRASS TAG INSCRIBED R.C.E. 27104 ON THE NORTHERLY LINE OF THE RIGHT OF WAY OF U.S. 395, WHICH IS STA:388+56.40 AT 75.00 FEET RIGHT, AS CALCULATED FROM PARCEL MAP #32-25 IN PM BOOK 2, PP 48, 48A, 48B AND THE SAID PARCEL MAP #32-39.

THENCE NORTH 01° 04' 01" EAST 444.33 FEET ALONG THE EASTERLY BOUNDRY LINE OF PARCEL #1 OF THE SAID PM #32-39, WHICH IS THE CENTERLINE OF AN EXISTING SIXTY FOOT (60') EASEMENT RECORDED IN BOOK 115 PAGE 32 OF MONO COUNTY OFFICIAL RECORDS,

THENCE DEPARTING FROM CENTERLINE OF THE SAID EXISTING EASEMENT THROUGH A CURVE LEFT HAVING A DELTA OF 51° 48' 27", RADIUS 200.00 FEET, ARC LENGTH 180.84 FEET AND A CHORD BEARING OF NORTH 24° 50' 13" WEST 174.74 FEET TO A POINT.

THENCE NORTH 50° 44' 26" WEST 325.14 FEET TO THE POINT OF INTERSECTION WHICH THE EASTERLY LINE OF PARCEL #2 OF THE SAID PARCEL MAP #32-39, WHENCE THE EASEMENT ENDS.

THE GRANTEE AGREES THAT IF THEY EVER DEVELOP ACCESS TO HIGHWAY 395 OVER SAID PARCEL 2, THEN THE EASEMENT HEREIN ACQUIRED OVER PARCEL 1 SHALL BE AUTOMATICALLY TERMINATED.

U S BOARD OF WATER COMMISSIONERS  
 Yerington, NV

Name: DRESSLER, MILTON  
 Address: 230 Scofield Drive  
Moraga, CA 94556

West Walker River  
 Plymouth Co.  
 Page 54 Claim 195

Index No.  
 Lyon County No.

Mono County Parcel Map No. 07-040-34

PRIORITY	C.F.S.	ACRES	DUTY	DAYS STORAGE	ACRE FEET REQUIRED		ACRE FEET APPORTIONED	BRIDGEPORT RES.		TOTAL ACRES:
					PER ACRE	TOTAL		ACRE FEET	ACRE FEET	
1865	1.28	80	Pg 54 Hot Creek branch - West Walker River							160
										Water Rt. Acres 80
										Non Wtr. Rt. Acres
										Acre Feet Storage
<b>TOTAL</b>	1.28	80								

Transferred from card #104000:  
 September 29, 1988 Vol 512 Page 509  
 Plymouth Land and Stock Co. to Milton Dressler

80 acres in SW 1/4, Sec. 19;  
 T 6 N. R 24 E

EH 1859

U S BOARD OF WATER COMMISSIONERS  
Yerington, NV

Name: CALIFORNIA DEPARTMENT OF FISH & GAME  
Address: Attention: Al Lapp  
109429 Hwy 395  
Coleville, CA 96107

Plymouth Co.  
Page 54 Claim 196

Index No.  
Lyon County No.

PRIORITY	C.F.S.	ACRES	DUTY	DAYS STORAGE	ACRE FEET REQUIRED		ACRE FEET APPORTIONED	TOPAZ RES. ACRE FEET	BRIDGEPORT RES. ACRE FEET	TOTAL ACRES:
					PER ACRE	TOTAL				
1860	4.48	280	Pg 54 East Walker Below Bridgeport Dam							280
TOTAL	4.48	280								

Water Rt. Acres 280  
Non Wtr. Rt. Acres  
Acre Feet Storage

Transferred from card #104000:

September 23, 1994 Vol 693 Page 375

Plymouth Land and Stock Co. to The Trust for Public Land  
Wildlife Conservation Board

to The State of California

W.R. - NE 1/4 of NE 1/4, S 1/2 of NE 1/4, W 1/2 of SE 1/4, SE 1/4 of SE 1/4, Sec. 14;  
 S 1/2 of SE 1/4, Sec. 11;  
 SW 1/4 of NE 1/4, SE 1/4 of NW 1/4, N 1/2 of SW 1/4, SW 1/4 of SW 1/4, Sec. 12;  
 NW 1/4 of NW 1/4, Sec. 13;  
 W 1/2 of SE 1/4, NE 1/4, Sec. 14;  
 W 1/2 of NE 1/4, E 1/2 of NW 1/4, E 1/2 of SW 1/4, SW 1/4 of SW 1/4, Sec. 23;  
 W 1/2 of NW 1/4, NW 1/4 of SW 1/4, Sec. 26;  
 S 1/2 of SE 1/4, Sec. 27;  
 N 1/2 of NE 1/4, Sec. 34;  
 T 6 N, R 25 E  
 1/4 SW 1/4 of SW 1/4, Sec. 35;  
 T 7 N, R 25 E

U S BOARD OF WATER COMMISSIONERS  
Yerington, NV

Name: CASINO WEST, INC.  
Address: 11 N. Main Street  
Yerington, NV 89447

Index No. \_\_\_\_\_  
Lyon County No. 10-831219  
Claim No. Pt. 171

PRIORITY	C.F.S.	ACRES	DUTY	DAYS STORAGE	ACRE FEET REQUIRED		ACRE FEET APPORTIONED	TOPAZ RES. ACRE FEET	BRIDGEPORT RES. ACRE FEET	TOTAL ACRES:
					PER ACRE	TOTAL				
1861	4.74	296.12								
1865	2.37	148.06								
1870	1.20	74.96								
1880	4.74	333.14								
1885	4.74	333.14								
TOTAL	17.79	1185.42								

Water Rt. Acres 1185.42  
Non Wtr. Rt. Acres \_\_\_\_\_  
Acre Feet Storage \_\_\_\_\_

Fr. S $\frac{1}{2}$  of N $\frac{1}{2}$  SE $\frac{1}{4}$ , E $\frac{1}{2}$  of SW $\frac{1}{4}$ , Sec. 7;  
S $\frac{1}{2}$ , S $\frac{1}{2}$  of N $\frac{1}{2}$ , Sec. 8;  
All of Sec. 9;  
SW $\frac{1}{4}$  of SW $\frac{1}{4}$ , Sec. 10;  
Fr. W $\frac{1}{2}$  of NW $\frac{1}{4}$ , Sec. 15;  
W $\frac{1}{2}$ , W $\frac{1}{2}$  of NE $\frac{1}{4}$ , Fr. E $\frac{1}{2}$  of NE $\frac{1}{4}$ , Fr. N $\frac{1}{2}$  of SE $\frac{1}{4}$ , Sec. 16;  
All of Sec. 17 in Nevada;  
N $\frac{1}{2}$  of NE $\frac{1}{4}$ , SE $\frac{1}{4}$  of NE $\frac{1}{4}$ , Lots. 9, 10, 11, 12, 13, 14 and 15, Sec. 18;  
T 7 N, R 25 E

257920 02/27/2001 Weaver Properties, L.L.C., a Nevada Limited Liability Company to Casino West, Inc., a Nevada corporation.

EXH B61

U S BOARD OF WATER COMMISSIONERS  
 Yerington, NV

Name: ROMERO FAMILY TRUST  
 Address: Benito Antonio and Linda Irene Romero, Co-Trustees  
2535 State Route 338  
Wellington, NV 89444

Index No. \_\_\_\_\_  
 Lyon County No. 10-831-33  
10-831-07  
 Claim No. Pt. 171

PRIORITY	C.F.S.	ACRES	DUTY	DAYS STORAGE	ACRE FEET REQUIRED		ACRE FEET APPORTIONED	TOPAZ RES.		BRIDGEPORT RES. ACRE FEET	TOTAL ACRES: <u>30.58</u>
					PER ACRE	TOTAL		ACRE FEET	ACRE FEET		
1861	.04	2.50									
1865	.02	1.25									
1870	.01	.63									
1880	.04	2.81									
1885	.04	2.81									
TOTAL	.15	10.00									

Water Rt. Acres 10.00  
 Non Wtr. Rt. Acres \_\_\_\_\_  
 Acre Feet Storage \_\_\_\_\_

0119212	08/17/88	William M. Weaver, Jr. and Rosemary F. Weaver, Trustees of the William M. Weaver, Jr. Revocable Trust Agreement to Benny Romero and Linda Romero, husband and wife as Joint Tenants.
227988	12/12/98	Benito Antonio Romero and Linda Irene Romero, as Co-Trustees of the Romero Family Trust and Weaver Properties L.L.C. a Nevada Limited Liability Company to Benito Antonio Romero and Linda Irene Romero, as Co-Trustees of the Romero Family Trust.

Portion of S 1/4 of Sec. 16, T 7 N, R 25 E.



Order No. TSL 21  
Document Transfer Tax \$1,550.00  
APN 10-831-19

Mail Tax Nil  
11 N. Main St.  
Yerington, NV 89447

GRANT, BARGAIN and SALE DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged  
WEAVER PROPERTIES L.L.C., a Nevada Limited Liability Company  
do (es) hereby GRANT, BARGAIN and SELL TO  
CASINO WEST, INC., a Nevada corporation

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

PARCEL A:

Township 7 North, Range 25 East, M.D.B.&M.

- Section 7: South 1/2 of North 1/2; SE 1/4; East 1/2 of SW 1/4.
- Section 8: South 1/2; South 1/2 of North 1/2.
- Section 9: All.
- Section 10: SW 1/4 of SW 1/4.
- Section 15: West 1/2 of NW 1/4.
- Section 16: N 1/2; SW 1/4; W 1/2 of SE 1/4.
- Section 17: All in Nevada.
- Section 18: N 1/2 of NE 1/4; SE 1/4 of NE 1/4;  
Lots 9, 10, 11, 12, 13, 14 and 15.

EXCEPTING THEREFROM the following parcels:

Parcel 1: 10-831-04 Jones, Thomas + Louise

A parcel of land located in the E 1/2, Sec. 16 and the NW 1/4, Sec. 15,  
T 7 N, R 25 E, M.D.B.&M., Lyon County, State of Nevada, and being more  
particularly described as follows:

92A

Beginning at a point which is at the intersection of the westerly right  
of way line of State Route 338 and the centerline of an easement for  
Silverado Road, recorded as Document No. 0113574, of Official Records in  
the Office of the County Recorder, said point bears South 12°39'46"  
East, 3240.59 feet from the 1/4 Sec. Cor. 9\10, and North 3° 50'11"  
East, 4900.95 feet from the SE Sec. Cor. Sec. 16, and is the TRUE POINT  
OF BEGINNING, thence along said centerline the following courses, from  
a tangent which bears South 73°31'29" West on a curve to the left with  
a radius of 50 feet, through an angle of 65°06'29" a distance of 56.82  
feet, thence South 3°25' West, 99.12 feet, thence on a curve to the  
right with a radius of 150 feet through an angle of 58°58', a distance  
of 154.37 feet, thence South 67°23' West, 493.84 feet, thence on a curve  
to the left with a radius of 300 feet through an angle of 38°42', a  
distance of 202.63 feet, thence South 28°41' West, 292.55 feet, thence  
on a curve to the left with a radius of 1800 feet, through an angle of  
3°10', a distance of 99.48 feet, thence South 25°31' West, 628.29 feet,  
thence on a curve to the right with a radius of 400 feet, through an  
angle of 14°48', a distance of 103.32 feet, to a point of reverse curve,  
thence from a tangent which bears South 40°19' West, on a curve to the  
left with a radius of 800 feet, through an angle of 25°30', a distance  
of 356.05 feet, thence South 14°49' West, 736.98 feet, thence on a curve  
to the right with a radius of 225 feet, through an angle of 37°06', a  
distance of 145.69 feet to a point of reverse curve, thence from a  
tangent which bears South 51°55' West, on a curve to the left with a  
radius of 300 feet, through an angle of 29°49', a distance of 156.12  
feet, thence South 22°06' West, 722.03 feet more or less to a point on  
the 1/16 section line of the SE 1/4 of Sec. 16, the end of the  
centerline of said easement, thence North 89°45'52" East, 1309.89 feet  
more or less to the S 1/16 Sec. Cor. Sec. 16\15, thence along the  
easterly Sec. line, Sec. 16 North 0°28'22" East, 1334.14 feet more or  
less to the East 1/4 Sec. Cor. Sec. 16, thence along the 1/4 Sec. line,  
Sec. 15 North 88°42'13" East, 1222.37 feet more or less to the westerly  
right of way line of State Route 338, thence along said right of way

line from a tangent which bears North 5°37'09" West, a curve to the right with a radius of 540.20 feet through an angle of 4°04'28" a distance of 34.45 feet more or less, thence along said right of way line North 3°32'31" West, 363.01 feet thence along said right of way line on a curve to the left with a radius of 1950 feet, through an angle of 12°56', a distance of 440.17 feet, thence North 16°28'31" West, 1374.15 feet, to the TRUE POINT OF BEGINNING.

Parcel 3: 10-831-08 Beat.

All that certain real property situate in the S 1/2 of Section 16, Township 7 North, Range 25 East, M.D.B.&M., Lyon County, Nevada, described as follows:

Parcel 2 as shown on the Parcel Map for William Weaver, recorded in the Official Records of Lyon County, Nevada, on September 19, 1988, as No. 119099.

Parcel 1: 10-831-14 Romero

A parcel of land located in a portion of the South 1/2 of Section 16, T 7 N, R 25 E, M.D.B.&M, County of Lyon, State of Nevada and being more particularly described as follows:

Beginning at the C-S 1/16 corner of Section 16, said point being a 1/2 inch diameter aluminum cap inscribed RLS4957 established per File No. 119099, said point being the true point of beginning, thence along the boundary of Parcel 1 as shown on Adjustment of Boundary Line for Weaver Properties, LLC and the Romero Family Trust the following courses and distances:

- 1) Along the Northerly line of the S 1/2 of the SE 1/4 of Section 16 North 89°45'52" East, 1,213.92 feet to the Westerly line of an existing roadway easement per File No. 115631;
- 2) Along said Westerly line North 22°06'00" East, 634.48 feet;
- 3) South 89°45'52" West, 2,129.96 feet to the Northeasterly corner of Parcel No. 2 per File No. 119099;
- 4) Along the Easterly line of Parcel No. 2 per File 119099 South 20°42'14" East, 1,406.15 feet to the Southeasterly corner of said Parcel No. 2;
- 5) Along the Southerly line of Parcel No. 1 per File No. 119099 North 66°35'06" East, 190.00 feet to the Westerly line of the S 1/2 of the SE 1/4 of Section 16;
- 6) Along said Westerly line North 00°06'01" West, 655.72 feet to the true point of beginning.

Said parcel as further delineated on Lyon County Record of Survey Map, recorded on December 30, 1998 as Document No. 227987.

Parcel 4: 10-831-12 Mike Rosachi

All that certain real property being a portion of the SW 1/4 of the NW 1/4 of Section 7, T 7 N, R 25 E, M.D.B.&M., Lyon County, Nevada, described as follows:

Lot 1, as shown on the Map of Division into Large Parcels for William M. Weaver, Jr., recorded in the Official Records of Lyon County, Nevada on June 20, 1997, as Document No. 206700.

PARCEL B: Property Acquired from Forest Service

Township 7 North, Range 25 East, M.D.B.&M.,

Section 20: Lots 8, 9, 10 and 11, N 1/2 NE 1/4, SE 1/4 NE 1/4.

Section 21: Lots 2 and 3, NW 1/4, N 1/2 SW 1/4.

EXCEPTING THEREFROM the following parcels:

Parcel 1: 10-831-11 Shida Anderson

A parcel of land located within a portion of the West 1/2 of Section 21, and a portion of the East 1/2 of Section 20, T 7 N, R 25 E, M.D.B.&M., Lyon County, Nevada, being more particularly described as follows:

Beginning at a point on the California and Nevada state line, said point

bears South 09°10'22" West, 1035.22 feet from the NW corner of said Section 20, being a stone with a lead plug tagged RLS 4957, as shown on the Parcel Map for William Weaver, Document No. 119099 of the Lyon County Recorder's Office, thence North 49°18'02" East, 1464.71 feet, thence South 48°14'18" East, 600.00 feet, thence South 49°18'02" West, 1464.71 feet to a point on said state line, thence North 48°14'18" West, along said state line, 600.00 feet to the point of beginning.

Parcel 2: 10-831-16 Dennis Hagerty.

All that certain real property being a portion of the W 1/2 of Section 21, T 7 N, R 25 E, M.D.B.&M., County, Nevada, described as follows:

Parcel A1, as shown on the Parcel Map for Weaver Property, L.L.C., recorded in the Official Records of Lyon County, Nevada on February 26, 1999, as Document No. 230277.

Parcel 3: 10-831-18 John McLain

All that certain real property being a portion of the S 1/2 of the NE 1/4 and a portion of the SE 1/4 of the NW 1/4 of Section 20, T 7 N, R 25 E, M.D.B.&M., Lyon County, Nevada, described as follows:

Parcel A-2, as shown on the Parcel Map for Weaver Properties, LLC, recorded in the Official Records of Lyon County, Nevada on April 20, 2000, as Document No. 246939.

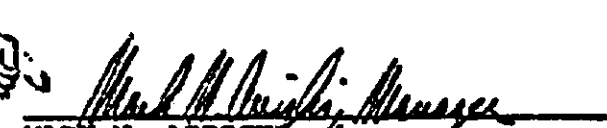
A Certificate of Amendment was recorded for the above Parcel Map on June 22, 2000 as Document No. 249330.

TOGETHER WITH all water, water rights, wells and well rights, ditches and ditch rights which are appurtenant thereto and historically used in connection therewith, if any.

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

DATED February 27, 2001


WEAVER PROPERTIES L.L.C.

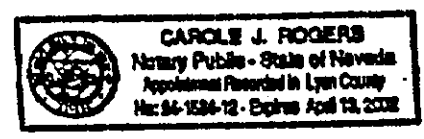
  
MARK N. ARRIGHI, Manager

2001

STATE OF NEVADA )  
                          ) ss.  
COUNTY OF LYON )

On February 27, 2001 personally appeared before me, a Notary Public (or Judge or other authorized person, as the case may be), MARK N. ARRIGHI, Manager of WEAVER PROPERTIES L.L.C. who acknowledged to me that he executed the within instrument.

  
Notary Public



RECORDERS USE
257920
OFFICIAL RECORDS LYON COUNTY, NEV.
RECORD REQUESTED BY Title Service & Escrow Co.
01 FEB 28 PM 12:59
MARY C. HILLIGAN COUNTY RECORDER
FEB 28 2001

Order No. TSL-9348A

Documentary Transfer Tax \$ 19.50

Escrow No. \_\_\_\_\_

- Computed on full value of property conveyed, or
- Computed on full value less liens & encumbrances remaining thereon at time of transfer.

WHEN RECORDED, MAIL TO:

Under penalty of perjury:

Mail Tax Bill to Grantee:

8 Cottonwood Lane  
Yerington, NV 89447

\_\_\_\_\_  
Signature of declarant or agent  
determining tax - firm name.

Space above this line for recorder's use

**GRANT, BARGAIN and SALE DEED**

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,  
**WILLIAM M. WEAVER, JR. and ROSEMARY F. WEAVER, Trustees of the  
William M. Weaver, Jr. Revocable Trust Agreement, dated Oct. 15, 1986**

do (es) hereby GRANT, BARGAIN and SELL TO

**BENNY ROMERO and LINDA ROMERO, 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:

**SEE EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART  
HEREOF.**

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

Dated 8/17/88

X W M Weaver Jr  
WILLIAM M. WEAVER, JR. Trustee

X Rosemary F Weaver  
ROSEMARY F. WEAVER Trustee

STATE OF NY )

County of NY )

ss.

On Aug 17, 1988 personally  
appeared before me, a Notary Public,

WILLIAM M. WEAVER, JR. and

ROSEMARY F. WEAVER

who acknowledged that she  
executed the above instrument.

Mary Ann Cleary  
NOTARY PUBLIC

0119212

**RONALD T. BANTA, CHARTERED**  
Attorney at Law  
30 Broadway—P.O. Box 806  
Yerington, Nevada 89447  
Telephone (702) 443-3371

TSL-9348A

EXHIBIT "A"

All that certain real property situate in the S½ of Section 16, T 7 N, R 25 E, M.D.B. & M., Lyon County Nevada, described as follows:

Parcel 1 as shown on the Parcel Map for William Weaver, recorded in the Official Records of Lyon County, Nevada, on Sept. 19, 1988, as No. 119099.

Reserving and Excepting therefrom an easement for roadway purposes over the West 15 feet, exclusive for the use of adjoining owners.

Together With an easement for roadway purposes over the East 15 feet of Parcel 2 of the same Parcel Map, exclusive for the use of adjoining owners.

Also Together With an easement for roadway purposes located in the SW¼ of Section 16, T 7 N, R 25 E, M.D.B. & M., being 50 feet in width and 25 feet on either side of the following described centerline:

BEGINNING AT A POINT WHICH IS AT THE INTERSECTION OF THE CENTER SECTION LINE OF SEC. 16 AND THE CENTERLINE OF SAID EASEMENT; SAID POINT BEARS N75°50'09"W, 2618.20 FEET FROM THE SE SEC. COR. SEC. 16; THENCE S66°35'06"W, 197.23 FEET; THENCE S1°39'31"W, 581.15 FEET MORE OR LESS TO THE SOUTH SEC. LINE OF SEC. 16, THE END OF THE CENTERLINE OF SAID EASEMENT; SAID POINT BEARS N89°36'37"E, 2338.53 FEET FROM THE SW SEC. COR. SEC. 16.

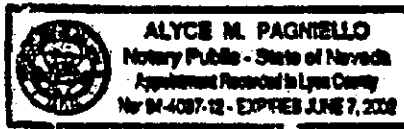
0119212

OFFICIAL RECORDS  
LYON COUNTY, NEV.  
RECORDS SECTION  
The Office of the Recorder  
'88 SEP 23 AM 10 43  
FEE 6.00

F. Nevada }  
OF Lyon } S.S.

DAY OF December, 1998 BEFORE ME, Alyce M. Pagnello  
NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED BENITO ANTONIO ROMERO AND  
ROMERO, PERSONALLY KNOWN TO ME (OR PROVED TO ME ON THE BASIS OF  
EVIDENCE) TO ESTABLISH WHOSE NAMES ARE SUBSCRIBED TO THE WITHIN INSTRUMENT  
EXECUTED TO ME THAT THEY EXECUTED THE SAME IN THEIR AUTHORIZED CAPACITIES,  
BY THEIR SIGNATURES ON THE INSTRUMENT THE PERSONS OR THE ENTITY  
WHICH THEY REPRESENTED, EXECUTED THE INSTRUMENT.  
AND AND OFFICIAL SEAL.

M. Pagnello  
NOTARY PUBLIC



**NOTARY RECORDER'S CERTIFICATE**

RECORDED AT THE REQUEST OF WILLIAM M. WEAVER AND BONNY ROMERO  
ON DAY OF December at 31 MINUTES PAST 9 O'CLOCK  
IN THE OFFICIAL RECORDS OF LYON COUNTY, NEVADA.

BY NANCY M. CORR  
RECORDER

17987

Jan A. Hayden  
DEUTY COUNTY RECORDER

**ADJUSTMENT OF BOUNDARY LINE  
FOR: WEAVER PROPERTIES, L.L.C.,  
AND THE ROMERO FAMILY TRUST  
AN ADJUSTMENT OF PORTIONS OF  
SECTIONS 7, 8, 9, 10, 15, 16, 17, 18, 20 & 21, T7N,  
R25E, MDB & M, LYON COUNTY, NEVADA.**

**BY: BEAR ENGINEERING 0160932-7077  
LAND SURVEYING & CIVIL ENGINEERING  
46 SINCLAIR ST, PO BOX 657, BRIDGEPORT CA 95917**

# 227987

12/30/98

Order No. TSL-19903  
Document Transfer Tax \$20.80  
APN 10-831-13 & 10-331-07

Mail Tax Bill to Grantee:  
2535 STATE ROUTE 338  
WELLINGTON, NEVADA 89444

GRANT, BARGAIN and SALE DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged

BENITO ANTONIO ROMERO and LINDA IRENE ROMERO, as Co-Trustees of THE ROMERO FAMILY TRUST as to a portion and WEAVER PROPERTIES L.L.C., a Nevada Limited Liability Company, as to the balance.

does hereby GRANT, BARGAIN and SELL TO

BENITO ANTONIO ROMERO and LINDA IRENE ROMERO, as Co-Trustees of THE ROMERO FAMILY TRUST dated October 21, 1992

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

A parcel of land located in a portion of the South 1/2 of Section 16, T 7 N, R 25 E, M.D.B.&M, County of Lyon, State of Nevada and being more particularly described as follows:

Beginning at the C-S 1/16 corner of Section 16, said point being a 1 1/2 inch diameter aluminum cap inscribed RLS4957 established per File No. 119099, said point being the true point of beginning, thence along the boundary of Parcel 1 as shown on Adjustment of Boundary Line for Weaver Properties, LLC and the Romero Family Trust the following courses and distances:

- 1) Along the Northerly line of the S 1/2 of the SE 1/4 of Section 16 North 89°45'52" East, 1,213.92 feet to the Westerly line of an existing roadway easement per File No. 115631;
- 2) Along said Westerly line North 22°06'00" East 634.48 feet;
- 3) South 89°45'52" West, 2,129.96 feet to the Northeasterly corner of Parcel No. 2 per File No. 119099;
- 4) Along the Easterly line of Parcel No. 2 per File 119099 South 20°42'14" East, 1,406.15 feet to the Southeasterly corner of said Parcel No. 2;
- 5) Along the Southerly line of Parcel No. 1 per File No. 119099 North 66°35'06" East, 190.00 feet to the Westerly line of the S 1/2 of the SE 1/4 of Section 16;
- 6) Along said Westerly line North 00°06'01" West, 655.72 feet to the true point of beginning.

The basis of bearings for this description is North, as determined from a solar observation taken at the 1/4 section corner 9/10 on November 26, 1987 per File No. 115631.

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

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

RONALD T. BANTA, CHARTERED  
Attorney at Law  
30 Broadway—P.O. Box 828  
Wellington, Nevada 89417  
Telephone (702) 463-3371

DATED 12-23-98

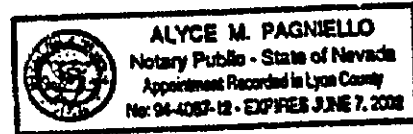
WEAVER PROPERTIES L.L.C., a  
Nevada Limited Liability Company

Mark N. Arrighi, Manager  
MARK N. ARRIGHI, Manager

STATE OF NEVADA )  
                          ) SS.  
COUNTY OF LYON )

On 12-23-98 personally appeared before me, a Notary  
Public (or Judge or other authorized person, as the case may be),  
MARK N. ARRIGHI who acknowledged to me that he executed the within  
instrument.

Alyce M. Pagnello  
Notary Public



RONALD T. BANTA, CHARTERED

Attorney at Law  
30 Broadway, P.O. Box 406  
Yerington, Nevada 89447  
Telephone (702) 463-3371



DATED 12-28-98

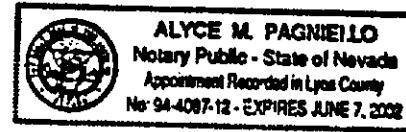
*Benito Antonio Romero*  
BENITO ANTONIO ROMERO

*Linda Irene Romero*  
LINDA IRENE ROMERO

STATE OF NEVADA )  
                          ) SS.  
COUNTY OF LYON )

On 12-28-98 personally appeared before me, a Notary Public (or Judge or other authorized person, as the case may be), BENITO ANTONIO ROMERO and LINDA IRENE ROMERO who acknowledged to me that they executed the within instrument.

*Alyce M. Pagnello*  
Notary Public



RONALD T. BANTA, CHARTERED  
Attorney at Law  
30 Broadway - P. O. Box 866  
Yerington, Nevada 89447  
Telephone (702) 483-3371

RECORDERS USE  
227988  
OFFICIAL RECORDS  
LYON COUNTY, NEV.  
RECORD REQUESTED BY  
90 DEC 30 AM 9:32  
HANCI M. FARR  
COUNTY RECORDER  
FEE 9.00 KH

U S BOARD OF WATER COMMISSIONERS  
 Yerington, NV

Name: County of Mono  
 Address: Board of Supervisors  
P. O. Box 715  
Bridgport, CA 93517

Page 57, Decree C-125  
 Virginia Creek  
 (Conway, J.A. & R.P.)

Index No. \_\_\_\_\_  
 Lyon County No. \_\_\_\_\_  
 CLAIM NO. 209 (Part)

PRIORITY	C.F.A.	ACRES	DAYS STORAGE	DUTY	ACRE FEET REQUIRED		ACRE FEET APPORTIONED	TOTAL ACRE FEET	REDEVELOPMENT ACRE FEET	TOTAL ACRES
					PER ACRE	TOTAL				
1860	1.28	80.00								
1863	1.72	107.50								
TOTAL	3.00	187.50								
NE¼ of SW¼; S¼ of SE¼ of SW¼ of NE¼; S¼ of SW¼ of SE¼ of NE¼, Section 1, T 2 N, R 25 E. S¼ of SW¼ of SW¼ of NW¼ Section 6, T 2 N, R 26 E. S¼ of SE¼ of SW¼ of NW¼ Section 6, T 2 N, R 26 E. NW¼ of SW¼; SW¼ of SW¼; W¼ of SW¼ of NE¼ of SW¼ SW¼ of NW¼ of NE¼ of SW¼; NW¼ of SE¼ of SW¼; S¼ of SE¼ of SW¼. Section 6, T 2 N, R 26 E. Except that portion of land lying within Tract 34-13, Book 9, Pages 53 to 53H, Mono County Recorder and except that portion conveyed to John R. Frederickson, Et ux, by deed recorded March 28, 1924, Book 676, Page 476.										
4818 Vol. 396 Page 551 12/12/83 - R.P. & T.S. Conway to Virginia Creek Hydro. 4840 Vol. 396 Page 556 12/12/83 - Mrs. John (Lucille) Schriakoff to Virginia Creek Hydro, Inc. 4842 Vol. 396 Page 560 12/12/83 - Mrs. Gladys C. Millner to Virginia Creek Hydro, Inc. 8986 Vol. 632 Page 560 - 12/30/92 - Virginia Creek Hydro, Inc. To Arnold O. Beckman, Trustee of Trust A of the Beckman Family Trust dated 09/26/77. 0565 Vol. 635 Page 141 - 01/19/93 - Arnold O. Beckman to Arnold S. Beckman. 0321 Vol. 786 Page 580 - 01/16/98 - Arnold S. Beckman to The Trust for Public Land, a California nonprofit public benefit corporation. 3172 Vol. 904, Page 218 - 3/23/2000 - The Trust for Public Land to the United States of America (Dept. of Interior - BLM) AND 9996 Vol. 832, Page 003 - 10/21/98 1938 Vol. 897, Page 108 - 03/15/00 - The Trust for Public Land to County of Mono, a political subdivision of the State of California.										

U S BOARD OF WATER COMMISSIONERS  
 Yerington, NV

Name: U.S. Dept. of the Interior  
Bureau of Land Management  
 Address: 785 North Main Street, Suite B  
Bishop, CA 93514

Page 57, Decree C-125  
 Virginia Creek  
 (Conway, J.A. & R.P.)

Index No. \_\_\_\_\_  
 Lyon County No. \_\_\_\_\_  
 CLAIM NO. 209 (Part)

PRIORITY	C.F.A.	ACRES	DUTY	DAYS STORAGE	ACRE FEET REQUIRED		ACRE FEET APPORTIONED	TOTAL ACRES	DAMOUNT PER ACRE	TOTAL ACRES
					PER ACRE	TOTAL				
1860	1.28	80.00								
1863	1.72	107.50								187.50
TOTAL										187.50
SE½ of the SW¼ of Section 31, T 3 N., R 26 E. W¼ of NE¼; E¼ of E¼ of NW¼; NW¼ of SE¼; E¼ of NE¼ of SW¼, Section 6, T 2 N, R 26 E. Except that portion of land lying with Tract No 34-13, Book 9, Pages 53 to 53H, Mono County Recorder and except that portion conveyed to John R. Frederickson, Et ux, by deed recorded March 28, 1994, Book 676, Page 476. Vol. 396 Page 551 12/12/83 - R.P. & T.S. Conway to Virginia Creek Hydro. Vol. 396 Page 556 12/12/83 - Mrs. John (Lucille) Sobriakoff to Virginia Creek Hydro, Inc. Vol. 396 Page 560 12/12/83 - Mrs. Gladys C. Millner to Virginia Creek Hydro, Inc. Vol. 632, Page 560 - 12/30/92 - Virginia Creek Hydro, Inc. to Arnold O. Backman, Trustee of Trust A of the Backman Family Trust dated 09/26/77. Vol. 635, Page 141 - 01/19/93 - Arnold O. Backman to Arnold S. Backman Vol. 786, Page 580 - 1/16/98 - Arnold S. Backman to The Trust for Public Lands. Vol. 904, Page 218 - 3/23/2000 - The Trust for Public Land, a California nonprofit public benefit corporation to United States of America (Dept. of Interior, BLM). AND Vol. 812, Page 003 - 10/21/98 Vol. 897, Page 108 - 03/15/00 - The Trust for Public Land to County of Mono, a political subdivision of the State of California.										

109123A+B 0697 109

001938

RECORDING REQUESTED BY  
AND WHEN RECORDED MAIL TO:  
COUNTY OF MONO  
Board of Supervisors  
P. O. Box 718  
Bridgeport, CA 93517  
Attn: Chairperson  
Mail Tax Statements to: above

RECORDED IN 109123  
COUNTY OF MONO  
'00 FEB 30 PM 2 31  
NO FILE

THIS CONVEYANCE IS EXEMPT FROM ANY DOCUMENTARY TRANSFER  
TAX PER CALIFORNIA REVENUE AND TAX CODE SECTION 11922

GRANT DEED

FOR A VALUABLE CONSIDERATION, the receipt and sufficiency of which are hereby  
acknowledged, **THE TRUST FOR PUBLIC LAND**, a California nonprofit public benefit  
corporation ("Grantor") does hereby grant and convey to **COUNTY OF MONO**, a political  
subdivision of the State of California ("Grantee") that certain real property located in Mono  
County, California, more particularly described as Exhibit A attached hereto and incorporated  
herein by this reference (the "Property").

TOGETHER WITH all right, title and interest to a portion of the water rights appurtenant  
to the Property as follows: a total of 12 cubic feet per second ("cfs") (the "Mill Creek Conveyed  
Water Rights") of the 12 cfs of water annually that is an allocated proportion of the pre-1914  
appropriative and adjudicated water rights as confirmed and adjudicated pursuant to the Mono  
County Superior Court in *Hydro Electric Company v. J.A. Conway, et al.*, Judgment and Decree  
No. 2088 rendered by said Superior Court on June 17, 1915, but entered *nunc pro tunc* as of  
November 20, 1914 (the "Mill Creek Decree") which awarded John A. Conway 14 cfs and F.D.  
Matly 4 cfs, to water flowing in Mill Creek for reasonable and beneficial purposes on the land  
referred to in the Mill Creek Decree. A summary of the water rights adjudicated by the Mill  
Creek Decree is attached hereto and incorporated herein as Exhibit B.

The Mill Creek Conveyed Water Rights are more particularly the following:

- (A) a total of 7 cfs of the 12 cfs decreed to be owned by J.A. Conway under the Mill  
Creek Decree, which are "Priority 2" rights, which are further agreed to be the first (1<sup>st</sup>), second  
(2<sup>nd</sup>), fifth (5<sup>th</sup>), ninth (9<sup>th</sup>), tenth (10<sup>th</sup>), eleventh (11<sup>th</sup>) and twelfth (12<sup>th</sup>) of said 12 cfs as  
identified in Exhibit C attached hereto;

vol. 0597111109

(B) a total of 3 cfs of the 3 cfs decreed to be owned by F.D. Mattly under the Mill Creek Decree, which are "Priority 8" rights as identified in Exhibit B attached hereto;

(C) a total of 1 cfs of the 2 cfs decreed to be owned by J.A. Conway under the Mill Creek Decree, which are "Priority 9" rights as identified on Exhibit B attached hereto, which are further agreed to be the second (2<sup>nd</sup>) of said 2 cfs; and

(D) a total 1 cfs of the 1 cfs decreed to be owned by F.D. Mattly under the Mill Creek Decree, which is "Priority 12" rights as identified on Exhibit B attached hereto.

TOGETHER WITH all right, title and interest in and to a portion of the water rights appurtenant to the Property as follows: a total of 3 cfs (the "Virginia Creek Conveyed Water Rights") of the 6 cfs of water annually that is an allocated proportion of the pre-1914 appropriative and adjudicated water rights as confirmed and adjudicated in *United States v. Walker River Irrigation, et al.*, Case in Equity, C-125 ("Walker River Decree"), which final decree was entered April 14, 1936 and amended April 24, 1940, to waters flowing in Virginia Creek for reasonable and beneficial purposes on the lands referred to in said decree.

The Virginia Creek Conveyed Water Rights are more particularly the following: a total of 3 cfs of the 6 cfs of water from Virginia Creek decreed to J.A. and R.P. Conway under the Walker River Decree, which consists of the first (1<sup>st</sup>), third (3<sup>rd</sup>), and fifth (5<sup>th</sup>) cfs of said 6 cfs. As provided in the Walker River Decree, of the 3 cfs of the Virginia Creek Conveyed Water Rights, 1.54 cfs has a relative priority date of 1860 and 1.44 has a relative priority date of 1863.

TOGETHER WITH any and all rights of Grantor herein, in and to all buildings, improvements and fixtures thereon, minerals, timber, grazing and other surface and subsurface rights, permits, easements, ditches, ditch rights-of-way and ditch rights as located on the Property and used in connection therewith.

EXCEPTING AND RESERVING unto Grantor nonexclusive, perpetual, easements for ingress and egress for the benefit of and appurtenant to Grantor's retained property, which easements shall be on, over and across existing and future roads.

VOL 0897 PAGE 110

TOGETHER WITH all tenements, hereditaments, and appurtenances therunto belonging or in anywise appertaining, and the reversions, remainders, rents, issues, and profits thereof.

IN WITNESS WHEREOF, Grantor has executed this instrument this 15<sup>th</sup> day of MARCH, 2000.

GRANTOR:

THE TRUST FOR PUBLIC LAND, a California nonprofit public benefit corporation

By: Reed Halderman  
Reed Halderman

Title: Vice President

By: Tamela J. Ascalmeta  
Tamela J. Ascalmeta

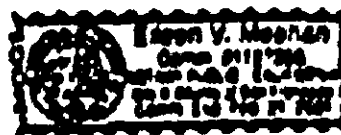
Title: Assistant Secretary

ACKNOWLEDGMENT

State of California,  
County of San Francisco

On this 15<sup>th</sup> day of March, 2000, before me, Eileen V. Meenan, a notary public, personally appeared Reed Halderman and Tamela J. Ascalmeta, personally known to me (or 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 and that by his/her/their signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

Eileen V. Meenan  
Notary Public



My commission expires 3-21-01

0897/111

EXHIBIT A

LEGAL DESCRIPTION

That certain real property situate in Mono County, California described as follows:

THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER, THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER, THE SOUTH HALF OF THE NORTH HALF OF THE NORTHEAST QUARTER, THE NORTH HALF OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER, THE NORTH HALF OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER, ALL IN SECTION 11, TOWNSHIP 2 NORTH, RANGE 28 EAST, MONO, IN THE COUNTY OF MONO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF, EXCEPT THEREFROM THAT PORTION OF SAID LAND CONVEYED TO THE STATE OF CALIFORNIA IN DEED RECORDED MARCH 28, 1981 IN BOOK 80 PAGE 224 OF OFFICIAL RECORDS.

THE SOUTH HALF OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER, THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER, THE NORTH HALF OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER, ALL IN SECTION 12, TOWNSHIP 2 NORTH, RANGE 28 EAST, MONO, IN THE COUNTY OF MONO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF.

THE SOUTH HALF OF THE NORTHWEST QUARTER AND THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 2 NORTH, RANGE 28 EAST, MONO IN THE COUNTY OF MONO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF.

THE NORTH HALF OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 2 NORTH, RANGE 28 EAST, MONO, IN THE COUNTY OF MONO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF, EXCEPT THEREFROM THAT PORTION OF SAID LAND AS CONVEYED TO THE STATE OF CALIFORNIA IN DEED RECORDED MARCH 28, 1981 IN BOOK 80 PAGE 224 OF OFFICIAL RECORDS.

THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 3 NORTH, RANGE 28 EAST, MONO, IN THE COUNTY OF MONO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF, EXCEPT THEREFROM THAT PORTION OF SAID LAND AS CONVEYED TO THE STATE OF CALIFORNIA IN DEED RECORDED MARCH 28, 1981 IN BOOK 80 PAGE 224 OF OFFICIAL RECORDS.

THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 31, TOWNSHIP 3 NORTH, RANGE 28 EAST, MONO, IN THE COUNTY OF MONO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF.

THE NORTH HALF OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER, THE WEST HALF OF THE EAST HALF OF THE NORTHWEST QUARTER, THE EAST HALF OF THE WEST HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER, ALL IN SECTION 11, TOWNSHIP 2 NORTH, RANGE 28 EAST, MONO, IN THE COUNTY OF MONO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF.

EXHIBIT A

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### SUMMARY OF WATER RIGHTS FOR MILL CREEK

Based on: Case 62048  
Hydro Electric Co. v. John A. Conway et al  
(November 30, 1914)

<u>Priority</u>	<u>Decreed Owner</u>	<u>AMOUNT (cfs)</u>	<u>Total</u>
1	N.C.P.C.	1	1
2	J.A. Conway	12	13
3	Hydro Electric Co.	6	19
4	Mary Pelesina	2.4	21.4
5	A.G. Allen	1	22.4
6	Thomas Sylvester	1.6	24
7	Hydro Electric Co.	12	36
8	P.D. Matthy	3	39
9	J.A. Conway	3	42
10	L.W. Deschamps	12.8	54.8
11	Mary Pelesina	3	57.8
12	P.D. Matthy	1	58.8
13	J.E. Cain	8	66.8
14	Hydro Electric Co.	2	68.8
Other	Pacific Power Co.	600	Power irrigation (all surplus for power)
	Pacific Power Co.	100	
	Pacific Power Co.	100	

EXHIBIT B  
*to Grant Deed*



vol. 0597 <sup>722</sup> 113

**CERTIFICATE OF ACCEPTANCE**

This is to certify that the interest in real property conveyed by the deed dated 3-13-2000 from Public Trust to the County of Mono, a political subdivision of the State of California, a copy of which is attached hereto, is hereby accepted on behalf of the Mono County Board of Supervisors by Daniel L. Lyster pursuant to authority conferred by Minute Order No. MOO-042 and that the grantee (County of Mono) consents to recordation thereof by its duly-authorized agent, Inyo-Mono Title Company.

Date: March 17, 2000 COUNTY OF MONO

By: Dan Lyster

**RECORDING REQUESTED BY:**

Inyo-Mono Title Company  
Escrow No. 111219

**WHEN RECORDED, PLEASE MAIL TO:**

Bureau of Land Management  
2800 Cottage Way  
Room W-1834  
Sacramento, CA 95825-0451  
Attn.: David McInay

**DOCUMENTARY TRANSFER TAX: None.**

(This conveyance is exempt from any documentary transfer tax per California Revenue and Taxation Code Section 11922)

**PRELIMINARY CHANGE OF OWNERSHIP REPORT:**

This transfer is exempt from the requirements of California Revenue and Taxation Code Section 5081 et seq., since the property is transferred to the United States of America.

*Confirmed Copy*

RECORDED IN MONO COUNTY, CALIFORNIA	
RENN NOLAN - RECORDER	
DATE	11-31-2001
TIME	11:32 A.M.

**NO FEE**

**GRANT DEED**

For and in consideration of the exchange of certain lands and interests as authorized by Section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716 et seq.), and as part of the Statewide Assembled Land Exchange Agreement between the Bureau of Land Management and The Trust for Public Land dated March 18, 1998, **THE TRUST FOR PUBLIC LAND**, a California nonprofit public benefit corporation, does hereby grant, sell and convey to **UNITED STATES OF AMERICA**, and its assigns all the real property situated in the County of Mono, State of California, described at Exhibit A, attached hereto and incorporated herein by this reference (the "Property").

**TOGETHER WITH** all right, title and interest in and to a portion of the water rights appurtenant to the Property as follows: a total of 2 cubic feet per second ("cfs") (the "Mill Creek Conveyed Water Rights") of the 14 cfs of water annually that is an allocated proportion of the pre-1914 appropriative and adjudicated water rights as confirmed and adjudicated pursuant to the Mono County Superior Court in *Hydro Electric Company v. J.A. Conway, et al.*, Judgment and Decree No. 2088 rendered by said Superior Court on June 17, 1915, but entered *nunc pro tunc* as of November 30, 1914 (the "Mill Creek Decree") which awarded John A. Conway 14 cfs to water flowing in Mill Creek for reasonable and beneficial purposes on the land referred to in the Mill Creek Decree. A summary of the water rights adjudicated by the Mill Creek Decree is attached hereto and incorporated herein at Exhibit B.

The Mill Creek Conveyed Water Rights are more particularly the following: a total of 2 cfs of the 12 cfs decreed to be owned by J. A. Conway under the Mill Creek Decree, which are "Priority 2" rights, which are further agreed to be the third (3rd) and the fourth (4th) of said 12 cfs as identified in Exhibit B attached hereto; and

TOGETHER WITH all right, title and interest in and to a portion of the water rights appurtenant to the Property as follows: a total of 3 cfs (the "Virginia Creek Conveyed Water Rights") of the 6 cfs of water annually that is an allocated proportion of the pre-1914 appropriative and adjudicated water rights as confirmed and adjudicated in *United States v. Walker River Irrigation, et al*, Case in Equity, C-125 ("Walker River Decree"), which final decree was entered April 14, 1936 and amended April 24, 1940, to waters flowing in Virginia Creek for reasonable and beneficial purposes on the lands referred to in said decree. The Virginia Creek Conveyed Water Rights are more particularly the following: a total of 3 cfs of the 6 cfs from Virginia Creek decreed to J.A. and R.P. Conway under the Walker River Decree, which consists of the second (2nd), the fourth (4th), and the sixth (6th) cfs of said 6 cfs. As provided in the Walker River Decree, of the 3 cfs of the Virginia Creek Conveyed Water Rights, the second (2nd) cfs has a priority date of 1860 and the fourth (4th) and the sixth (6th) cfs have a priority date of 1863.

SUBJECT to existing rights-of-way or easements, of record or in use, for roads, railroads, telegraph, telephone and electrical transmission lines, canals, laterals, ditches, flumes, siphons and pipelines, on, over and across the Property.

TO HAVE AND TO HOLD, the above granted and described premises, together with all tenements, hereditaments, and appurtenances, including minerals and mineral rights, buildings, structures, improvements, easements and those certain water rights described herein above only, thereto belonging or appertaining, and any reversions, remainders, rents, issues, or profits thereof, unto the UNITED STATES OF AMERICA, and its assigns.

IN WITNESS WHEREOF, Grantor has executed this instrument this 23 day of MARCH, 2000.

APN(s): \_\_\_\_\_

Legal description certified correct:

By: [Signature]  
Bureau of Land Management

The Trust for Public Land, a California non-profit public benefit corporation

By: [Signature]  
Jennie Gerard  
Its: [Signature]  
Senior Vice President

This is to certify that the interest in real property conveyed by this Grant Deed is accepted by the United States of America, a governmental agency, subject to approval of title by the Department of Justice. The United States of America hereby consents to recordation of this document, by order of its duly authorized officer shown below.

[Signature]  
Field Manager,  
United States Department of Interior,  
Bureau of Land Management

Date: April 15, 2000

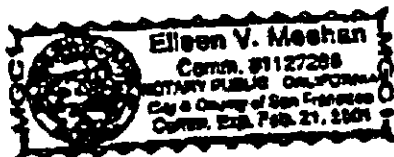
ACKNOWLEDGMENT

State of California )  
County of San Francisco ) ss.

On this 23rd day of MARCH, 2000, before me, Eileen V. Meehan, a notary public, personally appeared Jennie Gerard personally known to me (~~or 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.

Eileen V. Meehan  
Notary Public

My commission expires 2-21-01



LEGAL DESCRIPTION

THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 31, TOWNSHIP 3 NORTH, RANGE 26 EAST, MDM, IN THE COUNTY OF MONO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF.

THE WEST HALF OF THE NORTHEAST QUARTER AND THE EAST HALF OF THE EAST HALF OF THE NORTHWEST QUARTER AND THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER AND THE EAST HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 2 NORTH, RANGE 28 EAST, MDM, IN THE COUNTY OF MONO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF.

EXCEPT THAT PORTION OF SAID LAND LYING WITHIN TRACT NO. 34-13, AS PER MAP RECORDED IN BOOK 9 PAGES 53 TO 53H OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

ALSO EXCEPT THAT PORTION CONVEYED TO JOHN R. FREDERICKSON, ET UX, BY DEED RECORDED MARCH 28, 1994, IN BOOK 878 PAGE 478 OF OFFICIAL RECORDS.

EXHIBIT A

SUMMARY OF WATER RIGHTS  
FOR MILL CREEK

Eased on: Case #2088  
Hydro Electric Co. v. John A. Conway et al  
(November 30, 1914)

<u>Priority</u>	<u>Decreed Owner</u>	<u>Amount (cfs)</u>	<u>Total</u>
1	N.C.P.C.	1	1
2	J.A. Conway	12	13
3	Hydro Electric Co.	6	19
4	Mary Falosina	2.4	21.4
4	A.G. Allen	1	22.4
4	Thomas Sylvester	1.6	24
7	Hydro Electric Co.	14	38
8	F.D. Mattly	3	41
9	J.A. Conway	2	43
10	L.W. Dechambeau	12.6	55.6
11	Mary Falosina	3	58.6
12	F.D. Mattly	1	59.6
13	J.S. Cain	6	65.6
14	Hydro Electric Co.	2	67.6
other	Pacific Power Co.	600	Power
	Pacific Power Co.	300	irrigation
	Pacific Power Co.	300	(all surplus for power)

EXHIBIT B

*to Grant Deed*

0532-0003

00000

RECORDING REQUESTED BY  
AND WHEN RECORDED MAIL TO:

County of Mono  
Board of Supervisors  
P O Box 725  
Bridgeport, CA 93612  
Attn: Chairperson  
Mail: Tax Statements

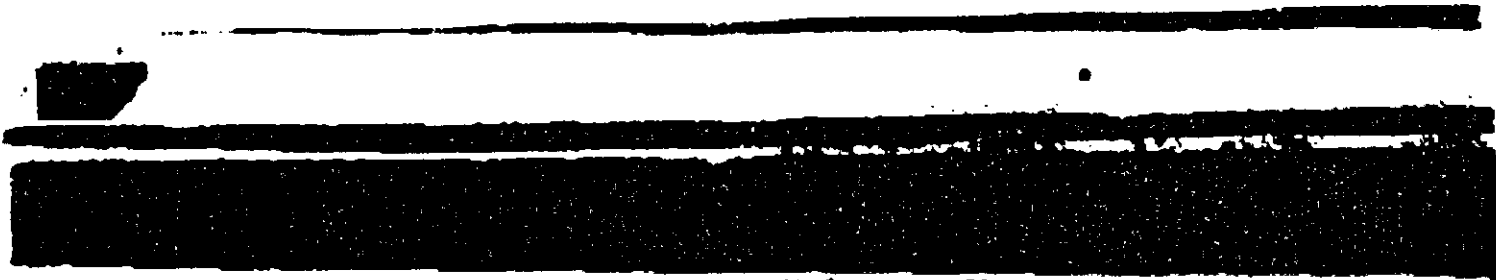
**THIS CONVEYANCE IS EXEMPT FROM ANY DOCUMENTARY TRANSFER  
TAX PER CALIFORNIA REVENUE AND TAX CODE SECTION 11922**

**GRANT DEED**

FOR A VALUABLE CONSIDERATION, the receipt and sufficiency of which are hereby acknowledged, **THE TRUST FOR PUBLIC LAND**, a California nonprofit public benefit corporation ("Grantor") does hereby grant, convey and donate to **COUNTY OF MONO**, a political subdivision of the State of California ("Grantee") that certain real property located in Mono County, California, more particularly described at **Exhibit A** attached hereto and incorporated herein by this reference (the "Property").

**TOGETHER WITH** all rights, title and interest in a portion of the water rights appurtenant to the Property as follows: a total of 4.0 cubic feet per second ("cfs") (the "Conveyed Water Rights") of the 14 cfs of water annually which is an allocated proportion of the pre-1914 appropriative and adjudicated water rights as confirmed and adjudicated pursuant to the Mono County Superior Court in **Hydro Electric Company vs. J.A. Conway, et al.**, Judgment and Decree No. 2088 rendered by said Superior Court on June 17, 1915, but entered *non pro litem* as of November 30, 1914 (the "Decree") which awarded John A. Conway 14 cfs to waters flowing in Mill Creek for reasonable and beneficial purposes on the land referred to in the Decree. A summary of the water rights adjudicated by the Decree is attached hereto and incorporated herein at **Exhibit B**. The Conveyed Water Rights are more particularly the following:

- (A) a total of 3 cfs of the 12 cfs decreed to be owned by J.A. Conway under the Decree, which are "Priority 3" rights, which are further agreed to be the sixth (6th) cfs, the seventh (7th) cfs and the eighth (8th) cfs of said 12 cfs; and
- (B) a total of 1 cfs of the 2 cfs decreed to be owned by J.A. Conway under the Decree, which are "Priority 4" rights, which is further agreed to be the first (1st) of said 2 cfs.



0532:004

TOGETHER WITH any and all rights of Grantor herein, in and to all buildings, improvements and fixtures thereon, minerals, timber, grazing and other surface and subsurface rights, permits, easements, ditches, ditch rights-of-way and ditch rights as located on the Property and used in connection therewith

EXCEPTING AND RESERVING unto Grantor nonexclusive, perpetual, easements for ingress and egress for the benefit of and appurtenant to Grantor's retained property, which easements shall be on, over and across existing and future roads

TOGETHER WITH all tenements, hereditaments, and appurtenances thereto, belonging or in anywise appertaining, and the reversions, remainders, rents, issues, and profits thereof

IN WITNESS WHEREOF, Grantor has executed this instrument this 21<sup>st</sup> day of SEPTEMBER, 1998.

**GRANTOR:**

**THE TRUST FOR PUBLIC LAND,**  
California nonprofit public benefit corporation

By: [Signature]  
Nelson Jo Lee  
Title: Senior Vice President

By: [Signature]  
Marela J. Assolator  
Title: Regional Council Council Assistant Secretary



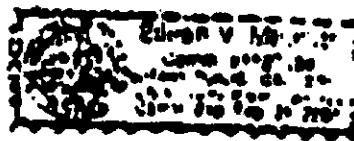
0532005

ACKNOWLEDGMENT

State of California )  
County of San Bernardino )

On this 21st day of April, 1974, before me, Edgar V. M... Notary Public, personally appeared ... and ... 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 ~~he~~ they executed the same in ~~his~~ their authorized capacity(ies) and that by ~~his~~ their signatures on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

Edgar V. M...  
Notary Public



My commission expires 2-2-1975

... 053211006

That certain real property situate in the County of Mono, State of California, described as follows:

**PARCEL 1:**

The northeast quarter of the southeast quarter and the south half of the southwest quarter of the southeast quarter of the northeast quarter and the south half of the southwest quarter of the southeast quarter of the northeast quarter of Section 1, Township 2 North, Range 25 East MDM, in the County of Mono, State of California, according to the official plat of said land filed in the District Land Office.

**PARCEL 2:**

The south half of the southwest quarter of the southwest quarter of the northwest quarter of Section 6, Township 2 North, Range 26 East MDM, in the County of Mono, State of California, according to the official plat thereof.

**PARCEL 3:**

The south half of the southeast quarter of the southwest quarter of the northwest quarter of Section 6, Township 2 North, Range 26 East MDM, in the County of Mono, State of California, according to the official plat thereof filed in the District Land Office on December 17, 1857.

**PARCEL 4:**

The northwest quarter of the southwest quarter and the southwest quarter of the southwest quarter and the west half of the southwest quarter of the northeast quarter of southwest quarter and the southwest quarter of the northwest quarter of the northeast quarter of the southwest quarter and the northwest quarter of the southeast quarter of the southwest quarter and the south half of the southeast quarter of the southwest quarter of Section 6, Township 2 North, Range 26 East MDM, in the County of Mono, State of California, according to the official plat thereof.

Except that portion lying within Tract No. 34-13 as per map recorded in Book 9 pages 53 to 5311 of maps in the office of the County Recorder of said county.

Also, except that portion conveyed to John R. Frederickman, et ux by deed recorded March 28, 1994 in Book 676 page 476 of official records.

**PARCEL 5:**

Lots A, B, 5 through 14, inclusive, 17 through 21, inclusive, and Lots 24 through 108, inclusive, in Tract No. 34-13, in Book 9, pages 53 to 5311, inclusive, of maps, in the office of the County Recorder of said County.

... A

08327007

SUMMARY OF WATER RIGHTS FOR MILL CREEK

Based on: Case #2088 Hydro Electric Co. v. John A. Conway et al (November 30, 1914)

Table with 4 columns: Priority, Decreed Owner, Amount (cfs), Total. Lists water rights for various owners including N.C.P.C., J.A. Conway, Hydro Electric Co., Mary Felosina, A.G. Allen, Thomas Sylvester, F.D. Mattly, L.W. Dechambeau, J.S. Cain, and Pacific Power Co. Includes a note for 'other' regarding power and irrigation.

08321008

**CERTIFICATE OF ACCEPTANCE**

This is to certify that the interest in real property conveyed by the deed dated October 21, 1998, from The Trust for Public Land to the County of Mono, a political subdivision of the State of California, a copy of which is attached hereto, is hereby accepted by order of the Mono County Board of Supervisors (Minute Order No. 98-316), and that the grantee (County of Mono) consents to recording thereof by its duly-authorized agent, Inyo-Mono Title Company.

Date: 11/6/98

COUNTY OF MONO

By: Paul Rowan  
Paul Rowan, Chairman  
Mono County Board of Supervisors