ORIGINAL

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

FILED
02 JUN 19 PM 3:58
LARRY R. WILSON, CLERK
BY _____ DEPUTY

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** MOTION FOR ORDER OF PUBLICATION <u>FIFTH REQUEST</u>
MINERAL COUNTY, Proposed-Plaintiff-Intervenor, vs. WALKER RIVER IRRIGATION DISTRICT, a corporation, et al. Defendants.	

COMES NOW, MINERAL COUNTY, NEVADA, by and through its counsel, ZEH, SAINT-

ZEH, SAINT-AUBIN, SPOO & HEARNE
575 Forest Street, Suite 200
Reno, Nevada 89509
(775) 323-5700 FAX: (775) 786-8183

415

AUBIN, SPOO & HEARNE, and pursuant to the Federal Rules of Civil Procedure, Rule 4 (e) requests an Order of Publication of the Notice in Lieu of Summons for all unidentified parties who may be holders of water rights in the Walker River, if the Court deems such publication necessary after the due diligence of Mineral County to complete personal service and publication on certain named parties who cannot be found and publication on certain hereinafter specified persons and entities who are believed to have or have had water rights in the Walker River, but who cannot be found for purposes of personal service.

DATED this 19th day of June, 2002.

ZEH, SAINT-AUBIN, SPOO & HEARNE

By: _____
TREVA J. HEARNE, ESQ.

POINTS AND AUTHORITIES

I.

MINERAL COUNTY HAS SERVED SUBSTANTIALLY ALL PERSONS WHO HOLD WATER RIGHTS IN THE WALKER RIVER

As stated in the Affidavits filed concurrently with this Motion, Mineral County cannot find certain persons or entities for purposes of service. Eighteen persons now remain that have had service attempted or cannot be found from over 1200 persons who have been served.

Previously, Mineral County had found many more discrepancies in the list furnished by WRID however, after the Court directed WRID to give Mineral County its most current information the list has changed and dwindled.

Mineral County was able to locate substantially all the persons on the remainder of the list that had not been previously served. Some few remain that are presently being sought for service by the public and private process servers retained by Mineral County. Publication in the communities where the Walker River flows would be the appropriate means to reach all identified and unidentified parties. The Court previously identified the appropriate newspaper publications as used by both the Walker River Irrigation District and the Watermaster in its Order of June 13, 1997, et seq.

II.

THE FEDERAL RULES OF CIVIL PROCEDURE PROVIDE FOR PUBLICATION UPON A SHOWING OF DUE DILIGENCE

Rule 4 (e) provides that the Federal Court can allow service by the method used in the State where the Court is located:

> Unless otherwise provided by federal law, service upon an individual from whom a waiver has not be obtained, and filed, other than an infant or an incompetent person, may be effected in any judicial

> district of the United States:
>
> (1) pursuant to the law of the state in which the district court is located,. . . .for the service of a summons upon defendant in an action brought in the courts of general jurisdiction of the State . . . . FRPC, Rule 4(e)

The District Court of the District of Nevada is located in Nevada. The Nevada Rules of Civil Procedure allow for publication as follows:

> (4)(e)(ii). Property. In any action which relates to, or the subject of which is, real or personal property in this state in which such person defendant or corporation defendant has or claims a lien or interest, actual or contingent, herein, or in which relief demanded consists wholly or in part of excluding such person or corporation from any interest therein, and the said defendant resides out of the state or has departed from the state, or cannot after due diligence be found within the state, or conceals himself to avoid the service of summons, the judge or justice may make an order that the service be made by the publication of summons; said service by publication shall be made in the same manner as now provided in all cases of service by publication.

Certainly, Mineral County has exercised due diligence in its search and service of process on the water rights' holders in the Walker River. Due diligence has been exercised in such a manner that only eighteen persons and entities remain unfound from the more than 1298 persons and entities identified for service. Due diligence has been exercised by Mineral County in the expenditure of time and money to locate these persons for purposes of personal service.

III.

THE NOTICE IN LIEU OF SUMMONS ADEQUATELY INFORMS PERSONS OF THE ACTION

The requirement of notice is that it give sufficient notice. The Notice in Lieu suggested by WRID and the Watermaster has been adopted in its entirety by Mineral County and used for service since 1995. Mineral County submits that the Notice in Lieu is sufficient notice to those remaining defendants to be apprized of the nature of the action.

Counsel for Mineral County will list its own phone number for persons to call for information regarding the nature of the case. Mineral County would further place several copies of the entirety of its intervention documents including the lengthy affidavits, at convenient public places for review by the defendants.

To publish all the documents of 256 pages in the four newspapers designated by the Court for the four weeks was estimated at $96,000.00 in 1999. Whereas, publication of the Notice in Lieu, itself seventeen pages long, in the insert section of the four newspapers for four weeks will cost over $6,000.00.

Mineral County has made a huge expenditure of funds in order to be the historic party, unique in all water adjudications, to have personally served the individual defendants who are water rights' holders in the water adjudication. The cost is no longer a test of Mineral County's resolve to enter this litigation in order to preserve Walker Lake, but has now become so cost prohibitive that Mineral County will be foreclosed from the litigation altogether if it must publish all the documents ordered by the Court. The Court's order preceded the recent expenditure of over $48,000.00 in additional funds to accomplish the remainder of the personal service.

This Court is a Court in equity. Equity looks for fairness. Fairness for the parties to be served in that they must be given sufficient notice. Equity for Mineral County, one of the poorest counties in Nevada, as it tries valiantly to preserve its primary economic resource.

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WHEREFORE, Mineral County, Nevada, respectfully requests that the Court order publication for the unidentified and unfound parties in the four newspapers identified in the January 13, 1997, Order of this Court of the Hon. Howard C. Reed, and that the publication be limited to the Notice in Lieu of Summons filed with this Court in November, 1997.

DATED this 19th day of June, 2002.

ZEH, SAINT-AUBIN, SPOO & HEARNE

By: Treva J. Hearne
TREVA J. HEARNE, ESQ.

REQUEST FOR PUBLICATION OF THE FOLLOWING SPECIFIC PERSONS

1. Gregory Burton Adams
2. Richard Taylor Adams
3. Boardman, Dennis
4. Moreda, Iginia M.
5. Del Porto, Julia A.
6. Emery, Bret
7. Gerbig, Arden, Evilo, and Josephine
8. Gover, Edward E.
9. Hardy, Karen Lund
10. Hervin, Patricia
11. Jones, Marjorie Ann
12. Nagel, Helen
13. Nugent, Evelyn & George D.
14. Romero Family Trust, Benito Antonio & Linda Irene Romero, Trustees
15. Sepulveda, Mariana
16. Sweetwater Land and Cattle Co.

1

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JAMES SPOO, ESQ. (SBN 1018)
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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. Proposed Defendants	

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.

2. I represent Mineral County in the present litigation.

3. 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.

4. 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 when I 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 Vivian, 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.

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 18th day of June, 2002.

TREVA J. HEARNE

SUBSCRIBED and SWORN to
before me this 18th day of June, 2002.
by Treva J. Hearne

NOTARY PUBLIC

MARTHA HAUSER
Notary Public - State of Nevada
Appointment Recorded in Washoe County
No: 01-70618-2 - Expires August 27, 2005

2

TREVA J. HEARNE, ESQ. (SBN 4450)
JAMES SPOO, ESQ. (SBN 1018)
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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. Proposed Defendants.	

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.

2. I represent Mineral County in the present litigation.

3. 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.

4. 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 Richard T. Adams.

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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 18th day of June, 2002.

TREVA J. HEARNE

SUBSCRIBED and SWORN to
before me this 18th day of June, 2002
by Treva J. Hearne

NOTARY PUBLIC

MARTHA HAUSER
Notary Public - State of Nevada
Appointment Recorded in Washoe County
No: 01-70618-2 - Expires August 27, 2005

3

TREVA J. HEARNE, ESQ. (SBN 4450)
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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.	**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. Proposed Defendants.	

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.

2. I represent Mineral County in the present litigation.

3. I believe and have reason to believe that Dennis Boardman, 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.

4. After consultation with the Lyon County Sheriff, an attempt to locate Mr. Boardman at his usual residence was made.

5. The Sheriff of Lyon County, Nevada stated to us that Dennis Boardman had been evicted from the only address we had for him and he had left no forwarding address.

6. I cannot find any forwarding address or another location after a diligent search of the records at the Lyon County Recorders Office and making inquiry with the persons who work at the Lyon County Recorders Office and the Sheriff's office.

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Further, affiant sayeth naught.

DATED this 18th day of June, 2002.

TREVA J. HEARNE

SUBSCRIBED and SWORN to
before me this 18th day of June, 2002
by Treva J. Hearne

NOTARY PUBLIC

MA[illegible]ER
Notary Public - State of Nevada
Appointment Recorded in Washoe County
No. [illegible]-2 - Ex[illegible] [illegible]st 27, 2005

4

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. Proposed Defendants.	

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.

2. I represent Mineral County in the present litigation.

3. I believe and have reason to believe that Iginia Moreda, 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 she is concealing himself in order to avoid service of summons.

4. I have confirmed that the proper name for this person is Iginia Moreda, a married woman, pursuant to the deed of this property.

5. I have confirmed that the address listed with WRID matches the address in the deed of records, 155/157 North Highway 95A, Yerington, Nevada. (See letter from Dale Ferguson, Attachment A to this affidavit).

6. The sheriff of Lyon County went to that address and did not find Iginia Moreda. (See attachment B. to this affidavit)

7. She is not listed in the telephone book for Yerington, Nevada. There is no other address listed for her in the Recorder's Office of Lyon County.

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Further, affiant sayeth naught.

DATED this 18th day of June, 2002.

TREVA J. HEARNE

SUBSCRIBED and SWORN to
before me this 18th day of June, 2002
by Treva J. Hearne

NOTARY PUBLIC

MARTHA HAUSER
Notary Public - State of Nevada
Appointment Recorded in Washoe County
No: 01-70618-2 - Expires August 27, 2005

Attachment A

JAMES L. HALLEY
RICHARD O. KWAPIL
GORDON H. DiPAOLI
SUELLEN FULSTONE
JOHN E. MURTHA
STEPHEN S. KENT
W. CHRIS WICKER
SHAWN B. MEADOR
KIRK S. SCHUMACHER
LYNNE K. SIMONS
R. BLAIN ANDRUS
DON L. ROSS

WOODBURN AND WEDGE
ATTORNEYS AND COUNSELORS AT LAW
6100 NEIL ROAD
SUITE 500
RENO, NEVADA 89511
P.O. BOX 2311, RENO, NV 89505
(775) 688-3000
FACSIMILE (775) 688-3088

GREGG P. BARNARD
DALE E. FERGUSON
RANDY A. DRAKE
SHAWN G. PEARSON
DANE W. ANDERSON
MICHAEL W. KEANE
BUFFY L. DREILING
JOHN E. KEUSCHER

WILLIAM K. WOODBURN (1910-1989)
VIRGIL H. WEDGE (1912-2000)
CASEY W. VLAUTIN (1938-2001)

May 30, 2002

Via Hand Delivery and Facsimile (775) 786-8183

Treva J. Hearne, Esq.
Zeh, Spoo & Hearne
575 Forest Street
Reno, Nevada 89509

Re: Mineral County Intervention; C-125-C

Dear Treva:

I have reviewed the status of service on the following individuals listed in your May 28, 2002 letter:

1. Madsen, Patricia - My office does not have a copy of a waiver signed by Patricia Madsen. Please fax a copy of the waiver to me and I will modify the Proposed Order accordingly.

2. Menesini, Orlando - The status of service upon Orlando Menesini was addressed by the Court at the May 3, 2002 status conference. My notes indicate that the Court ruled that Orlando Menesini had not been served.

3. Ogle, Laurie Rene - I will modify the Proposed Order to indicate service on Laurie Rene Ogle.

4. Sciarani, Arnold, Jr. - My office has a copy of a return of service form that indicates that "Arnold Sciarani" was served on November 5, 1998. Please fax a copy of the service form indicating that "Arnold Sciarani Jr." was served and I will modify the Proposed Order accordingly.

5. Snyder, T.F. - The Caption contains the name Theresa Snyder and T.F. Snyder. My office has a copy of a return of service form indicating that Theresa Snyder was served but nothing to indicate that T.F. Snyder has been served. Your letter indicates that Theresa Snyder and T.F Snyder are the same person. The name T.F. Snyder does not appear on the current assessment records of the Irrigation District, therefore, I would stipulate to the dismissal of T.F. Snyder. If you agree, I will place the name T.F. Snyder

in Section C. of the Proposed Order and we can bring the dismissal of this name to the attention of the Court when we submit the Proposed Order.

6. Sweetwater Land & Cattle Company - The status of service upon Sweetwater Land and Cattle Company was addressed by the Court at the May 3, 2002 status conference. My notes indicate that the Court ruled that Sweetwater Land and Cattle Company had not been served and that service on that entity may be appropriately addressed in a motion for publication.

7. Wright, Glenora F. - The Caption contains the name Glenora F. Wright. My office does not have a service form indicating that Glenora F. Wright has been served. Your letter indicates that Glenora Wright is a trustee and has never held water rights as an individual The name Glenora F. Wright does not appear on the current assessment records of the Irrigation District, therefore, I would stipulate to the dismissal of Glenora F. Wright. If you agree, I will place the name Glenora F. Wright in Section C. of the Proposed Order and we can bring the dismissal of this name to the attention of the Court when we submit the Proposed Order.

Please contact me as soon as possible so that we discuss the status of service on the names listed above. Once again, if possible, I would like to submit the Proposed Order to the Court by tomorrow.

With respect to the addresses you requested, the Irrigation District's records indicate the following:

Iginia Moreda
157 N. Highway 95A
Yerington, NV 89447

Julie Del Porto
157 N. Highway 95A
Yerington, NV 89447

Theodore and Annette Emens
5A West Pursel Lane
Yerington, NV 89447

Marvin & Lynn Peterson Trust
Marvin & Lynn Peterson, Trustees
P.O. Box 250
Yerington, NV 89447

Susan Steneri
231 N. Whitacre
Yerington, NV 89447

William K. Vicencio
231 N. Whitacre
Yerington, NV 89447

The Irrigation District has the following addresses for the Vivian D. Fulstone Trust and Laurie Lynn Wilson, however, it has received information, in the form of deeds, that the subject properties may have been transferred. I have enclosed a copy of these deeds for your review.

Vivian D. Fulstone Trust
P. O. Box 23
Wellington, NV 89444

Laurie Lynn Wilson
P.O. Box 250
Yerington, NV 89447

The Irrigation District does not have addresses for the following: 1) Frank and Betty Floyd; 2) Arden, Evilo J. and Josephine A. Gerbig; or 3) Gerald Wymore.

Sincerely,

Dale E. Ferguson

Dale E. Ferguson

DEF: phc

Enclosures

REAL PROPERTY TRANSFER TAX: $ _____
( ) computed on full value of property conveyed, or
( ) computed on full value less value of liens and encumbrances ASSUMED

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

DANIEL E. DEL PORTO and CHERRYL ANN DEL PORTO, husband and wife

do(es) hereby GRANT TO
DANIEL E. DEL PORTO and CHERRYL ANN DEL PORTO, husband and wife, and IGINIA M. MOREDA, a married woman, and JULIE A. DEL PORTO, a single person, all as joint tenants.

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

Southeast 1/4 of Southeast 1/4, Section 9, Township 14 North, Range 25 East, M.D.B.&M., together with all water and water rights, ditches and ditch rights.

EXCEPTING THEREFROM that portion of the Southeast 1/4 of Section 9, Township 14 North, Range 25 East, M.D.B.&M., particularly described as follows:
Beginning at the Northwest corner of said Southeast quarter of the Southeast quarter; thence South along the West line thereof, a distance of 1320.00 feet more or less to the Southwest corner of said Southeast quarter of the Southeast quarter; thence East along the South line thereof a distance of 561.00 feet to a point on said South line; thence North parallel with and 561.00 feet East of the West line of said Southeast quarter of the Southeast quarter a distance of 1320.00 feet more or less to a point in the North line thereof; thence West along said North line a distance of 561.00 feet to the point of beginning.

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

Daniel E. Del Porto
Daniel E. Del Porto
Cherryl Ann Del Porto
Cherryl Ann Del Porto

STATE OF NEVADA
COUNTY OF LYON } ss
On February 21, 1997 before me the undersigned, a Notary Public in and for said County and State, personally appeared Daniel E. Del Porto and Cherryl Ann Del Porto

known to me 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.

WITNESS my hand and official seal.

JULIE JONES
Notary Public - State of Nevada
Appointment Recorded in Lyon County
No: 96-4724-12 - Expires October 3, 2000

SPACE BELOW FOR RECORDER'S USE

202590

LYON COUNTY RECORDS
Cherryl Del Porto
97 FEB 21 AM 10:08
COUNTY RECORDER
FEE 7.00

APD730

Attachment B

TREVA J. HEARNE, ESQ. (SBN 4450)
JAMES SPOO, ESQ. (SBN 1018)
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MINERAL COUNTY NEVADA

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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** **RETURN OF SERVICE**
MINERAL COUNTY, Proposed-Plaintiff-Intervenor, vs. WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.	

I Chris Miller, 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: Iginia M. Moreda (Print name of person served)

of: _____ (Title and company where applicable)

on: 10/24/00 (Date of service)

at: _____ (Time of service)

at the following place:

155/157 N. Hwy 95A (Address or location)

in the following manner:

[___] served personally

[___] left copies

[X] unable to execute service (why) Subject no longer lives in area.

_____.

[___] 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.

10/24/00
Date

Attempts: 10-24-00 @ 0944 Hk. 5127.

Chris Mill - 4289
Signature of Server

_____

_____
(Address of Server)

5

TREVA J. HEARNE, ESQ. (SBN 4450)
JAMES SPOO, ESQ. (SBN 1018)
ZEH, SAINT-AUBIN, SPOO & HEARNE
575 Forest Street, Suite 200
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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. Proposed Defendants.	

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.

2. I represent Mineral County in the present litigation.

3. I believe and have reason to believe that Julia Del Porto, 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 she is concealing himself in order to avoid service of summons.

4. I have confirmed that the proper name for this person is Julia Del Porto, pursuant to the deed of this property.

5. I have confirmed that the address listed with WRID matches the address in the deed of records, 155/157 North Highway 95A, Yerington, Nevada. (See letter from Dale Ferguson, Attachment A to the Moreda affidavit).

6. The sheriff of Lyon County went to that address and did not find Julia del Porto. (See Attachment to this affidavit.)

7. She is not listed in the telephone book for Yerington, Nevada. There is no other address listed for her in the Recorder's Office of Lyon County.

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///

Further, affiant sayeth naught.

DATED this 18th day of June, 2002.

TREVA J. HEARNE

SUBSCRIBED and SWORN to
before me this 18th day of June, 2002
by Treva J. Hearne

NOTARY PUBLIC

MARTHA HAUSER
Notary Public - State of Nevada
Appointment Recorded in Washoe County
No: 01-70618-2 - Expires August 27, 2005

Attachment A

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: (702) 323-5700

Attorneys for Intervenor,
MINERAL COUNTY NEVADA

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

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** **RETURN OF SERVICE**
MINERAL COUNTY, Proposed-Plaintiff-Intervenor, vs. WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.	

I Chris Miller, 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: Julie A. Del Porto (Print name of person served)

of: _____ (Title and company where applicable)

on: 10/24/00 (Date of service)

at: _____ (Time of service)

at the following place:

155/157 N. Hwy 95A (Address or location)

in the following manner:

[____] served personally

[____] left copies

[X] unable to execute service (why) Subject no longer lives at residence, or in area.

[____] 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.

10/24/00
Date

Chris Miller 4289
Signature of Server

ATTEMPTS: 10-24-00 @ 0944 HR. 5127

LYON COUNTY SHERIFF'S DEPT.
30 Nevin Way
Yerington, NV 89447

(Address of Server)

6

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. Proposed Defendants.	

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.

2. I represent Mineral County in the present litigation.

3. I believe and have reason to believe that Bret Emery, trustee for Don Johnson, 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 and is absolutely concealing himself in order to avoid service of summons.

4. Our first attempt to serve Brett Emery was by sending him a letter in Santa Cruz, the only address we had for him. He called our office and gave us an address. We sent the process to a process server in Santa Cruz because he told me that he would never sign a waiver. The process server reported to me that the address proved to be false and did not exist. The process server charged $56.00 for looking for the address.

5. I sent another letter to Brett Emery and he called and said that he would not sign a waiver and that he was no longer in the State of Nevada and that he would not cooperate and he hoped that we failed to get everyone served and were not allowed to go forward with our case.

6. We sent inquiries to the post office to attempt to locate Brett Emery or Don Johnson and received them back with no helpful information.

///

///

7. I believe that Mr. Emery has made every effort to conceal himself for the purposes of service of process.

Further, affiant sayeth naught.

DATED this 18th day of June, 2002.

TREVA J. HEARNE

SUBSCRIBED and SWORN to
before me this 18th day of June, 2002
by Treva J. Hearne

NOTARY PUBLIC

MARTHA HAUSER
Notary Public - State of Nevada
Appointment Recorded in Washoe County
No: 01-70618-2 - Expires August 27, 2005

Attachment A

ZEH, SPOO & HEARNE
575 FOREST ST, SUITE 200
RENO, NV 89509
Telephone: (775) 323-5700
Attorney for: WALKER RIVER PAIUTE TRIBE

UNITED STATES DISTRICT COURT

Plaintiff: UNITED STATES OF AMERICA
Defendant: WALKER RIVER IRRIGATION DISTRI
Hearing: <No Information>

Attempted Service
Case No. C125ECR
File No. 99-004037-0

1. I RECEIVED THE FOLLOWING PAPERS ON JULY 29, 1999:
NOTICE IN LIEU OF SUMMONS

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:

BRETT EMERY
6101 GUSHEE STREET
FELTON, CA 95081-9998

3. Declaration of Reasonable Diligence. Service attempts as follows:
1st: Date: 08-02-1999 Time: 03:55 p.m.
Addr: 6101 GUSHEE STREET, FELTON, CA

4. Remarks: NO SUCH ADDRESS AS THAT GIVEN

5. Person serving: VIRGIL KESTER
County of Santa Cruz
701 Ocean Street, Room 340
Santa Cruz, CA 95060-4074

6. Service Fee: $28.00

Phone: (831) 454-2170

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

Date: SEPTEMBER 14, 1999

CM O'Reilly
Authorized Agent

Brett Emery / Dan Johnson

Santa Cruz County Sheriff-Coroner

Sheriff Mark Tracy
701 Ocean St, rm 340
Santa Cruz, Ca 95060

Fax Transmittal Form

Date: 8/5/99

To: Treva Hearne

Refer/Case No: C-125-C

Voice Telephone: (775) 323-5700 Fax Number: (775) 786-8183

From: Nancy, Civil Div.

Unit:

Voice Telephone: (831) 454-2170 Fax Number: (831) 454-2353

Regarding / Comments: No such address as 6101 Gushee St. Is this business address for Calif Dept Forestry? Please supply better address

If there are any problems in receiving this transmittal, please contact:
Santa Cruz Sheriff's Office at (831) 454-2242
Number of pages (including transmittal form): 1

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL, AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF YOU ARE NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY USE, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS INFORMATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY.

7

8

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. Proposed Defendants.	

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.

2. I represent Mineral County in the present litigation.

3. I believe and have reason to believe that Edward E. Gover, 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.

4. I have confirmed that the proper name for this person is Edward E.Gover by agreement with the parties.

5. I have confirmed that WRID nor the Watermaster has an address for Edward Gover (See WRID list with pertinent alphabetical names, Attachment A to this affidavit).

6. The sheriff of Lyon County went to the address that was listed by the United States of America and WRID in 1995 and did not find Edward Gover. The deputy did indicate that he spoke with the resident of the address and that it was Gover's daughter who stated that he lived in Arizona. Prior to that attempts had been made to serve Mr. Gover in 1995, but the proof of service had mistaken his name for Gober and the return indicated that Mr. Gober was deceased. The inquiry had been made at the same Panavista address for all inquiries.. (See attachment B. to this affidavit)

7. Mr. Gover was not listed in the telephone book for Yerington, Nevada. There is no other address listed for him in the Recorder's Office of Lyon County. When I searched

the records of Lyon County, I found no listing for Edward Gover.

8. Based on the statements of his daughter I believe that Mr. Gover has left the State and no longer resides in the State and cannot be found for purposes of process of service in the State of Nevada.

Further, affiant sayeth naught.

DATED this 18th day of June, 2002.

TREVA J. HEARNE

SUBSCRIBED and SWORN to
before me this 18th day of June, 2002
by Treva J. Hearne

NOTARY PUBLIC

MARTHA HAUSER
Notary Public - State of Nevada
Appointment Recorded in Washoe County
No: 01-70618-2 - Expires August 27, 2005

Attachment A

James G. & Marla D. Gleason
235 Hudson Aurora Road
Smith, NV 89430

Ernest & Audrey Glock
3 Greenacres Lane
Yerington, NV 89447

Forrest G. Godde 1998 Trust
Forrest G. Godde, Trustee
P. O. Box 1152
Lancaster, CA 93584-1152

Lonnie K. & Cheryl L. Goffinet
12 Tingle Court
Yerington, NV 89447

Ronald W. & Sandra A. Goss
7473 Mercedes Way
Rohnert Park, CA 94928-3631

Gene G. & Margaret F. Graham
1130 S. Guam
Ridgecrest, CA 93555

Helen C. Granata
939 Belgrave
Reno, NV 89502

Mary Gray
3540 Wedekin Road
Sparks, NV 89431

Charles Groso
Angelo & Blanca I. Groso
P. O. Box 14
Wellington, NV 89444

David & Nancy Groso
P. O. Box 123
Wellington, NV 89447

Ernest & Maxine J. Groso
P. O. Box 317
Wellington, NV 89444

Ace Grulli
Marvin & Felicia Grulli
235 S. Center Street
Yerington, NV 89447

Rolene Pitt Guild Living Trust
Rolene Pitt Guild, Trustee
105 E. Highway 95A
Yerington, NV 89447

Willis H. Guy
15 Sierra St.
Yerington, NV 89447

Judy Hammond
29 Borsni Lane
Yerington, NV 89447

Phillip Hanifan
1355 Donna court
Gardnerville, NV 89410

Lawrence G. Hanks
320 Kuulei Road
Kailua, HI 96734

F. W. & Leona Hanson
600 US Highway 95A E.
Yerington, NV 89447

John R. Hargus
Adah M. Blinn Trust
Robert Lewis Cooper, Successor Trustee
984 Highway 208
Yerington, NV 89447

Laurie A. Harig
6541 Bradford Lane
Las Vegas, NV 89108

Patricia Harmon
P. O. Box 1706
Gardnerville, NV 89410

Susan Katherine Harmon
2754 Highway 208
Smith, NV 89430

John R. & Carol C. Harris
99 Mason Road
Yerington, NV 89447

Ben & Linda Harrison Trust
Benjamin A. & Linda M. Harrison, Trustees
P. O. Box 11
Smith, NV 89430

Myrtle K. Hathaway
Jack L. & Wilma H. Linsenmier
31 Campbell Lane
Yerington, NV 89447

Attachment B

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

Attorneys for Intervenor,
MINERAL COUNTY NEVADA

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

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** **RETURN OF SERVICE**
MINERAL COUNTY, Proposed-Plaintiff-Intervenor, vs. WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.	

I C. Sherlock, 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: Edward E Yates (Print name of person served)

of: _____ (Title and company where applicable)

on: Nov. 3, 1998 (Date of service)

at: _____ (Time of service)

at the following place:

25 Panavista Circle, Yerington, NV (Address or location)

in the following manner:

[ ] served personally

[ ] left copies

[X] unable to execute service (why) DECEASED

[ ] 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.

11-3-98
Date

C Shulak
Signature of Server

LYON COUNTY SHERIFF'S DEPT.
30 Nevin Way
Yerington, NV 89447
(Address of Server) C:\MyFiles\CLIENTS\Mineral\P-Return.J14

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: (702) 323-5700

Attorneys for Intervenor,
MINERAL COUNTY NEVADA

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

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** **RETURN OF SERVICE**
MINERAL COUNTY, Proposed-Plaintiff-Intervenor, vs. WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.	

I Frank Hunewill, 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: Edward E. Gover (Print name of person served)

of: _____ (Title and company where applicable)

on: _____ (Date of service)

at: _____ (Time of service)

at the following place:

25 Panavista Circle, Yerington, NV (Address or location)

in the following manner:

[____] served personally

[____] left copies

[xx] unable to execute service (why) daughter's residence - subject resides in Arizona

[____] 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.

10-12-00
Date

Frank Hunewell
Signature of Server

ATTEMPTS: 10-11-00 @ 1137 HRS 5127
10-11-00 1504 6860
10-12-00 0830 3318

LYON COUNTY SHERIFF'S DEPT.
~~30 Nevin Way~~
Yerington, NV 89447

(Address of Server)

9

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. Proposed Defendants.	

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.

2. I represent Mineral County in the present litigation.

3. I believe and have reason to believe that Karen Lund Hardy, 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 she is concealing himself in order to avoid service of summons.

4. I have confirmed that the proper name for this person is Karen Hardy Lund by talking to her on the telephone in order to determine her name and address.

5. I have confirmed that WRID has an address in Carson City, Nevada and for Karen Lund Hardy that is the same as her grandfather Hans Lund. (See pertinent part of the WRID list as attachment A to this affidavit).

6. When this office spoke to her on the telephone, she claimed to live in Carson City. She gave us an address, but when we attempted service, the address was the Court house in Carson City. The next time we tried to reach her, the telephone was disconnected.

7. Hans and Marie Lund have apparently included all of their grandchildren on the water right which included many Entwhistle children plus Karen Lund Hardy. The Entwhistle children all lived with their grandparents and could be served at that address.

///

///

8. We found out from the process server that other process was attempted on Ms. Hardy for other reasons and she has not been found for any service and, for that reason, I believe that she is attempting to evade service.

Further, affiant sayeth naught.

DATED this 18th day of June, 2002.

TREVA J. HEARNE

SUBSCRIBED and SWORN to
before me this 18th day of June, 2002
by Treva J. Hearne

NOTARY PUBLIC

MARTHA HAUSER
Notary Public - State of Nevada
Appointment Recorded in Washoe County
No: 01-70618-2 - Expires August 27, 2005

Attachment A

Robert J. & Suzanne R. Lekumberry
2458 Highway 208
Smith, NV 89430

Ligtenberg Family Trust
Roger F. & Joanne Ligtenberg, Trustees
300 Campbell Lane
Yerington, NV 89447

David M. Little Family Trust Agreement
David M. & Sherry L. Little, Trustees
P. O. Box 128
Yerington, NV 89447

Thomas Leland and Sandra West Lloyd
P. O. Box 247
Wellington, NV 89444

Margaret M. Loll
Raymond C. Loll
Catherine M. Allen
Eileen F. Stewart
Phillip G. Loll
Patricia A. Motley
Daniel T. Loll
John C. Loll
Harry S. Loll
147 N. 95A
Yerington, NV 89447

Dante J. & Eleanor B. Lommori
713 Pearl St.
Yerington, NV 89447

Dante J. & Eleanor B. Lommori 1982 Family Trust
Dante J. Lommori, Trustee
713 Pearl Street
Yerington, NV 89447

Dante J. & Eleanor B. Lommori 1982 Family Trust
Dante J. Lommori, Trustee
Joseph J. & Bessie J. Lommori Trust
Joseph J. & Bessie J. Lommori, Co-Trustees
713 Pearl Street
Yerington, NV 89447

Joseph J. Lommori and Bessie J. Lommori Trust
Joseph J. & Bessie J. Lommori, Co-Trustees
710 Pearl Street
Yerington, NV 89447

Julio & Delia Lommori Trust
Julio & Delia Lommori, Trustees
84 Saroni
Smith, NV 89430

Julio & Delia Lommori
84 Saroni
Smith, NV 89430

Mario Lommori
20 S. West St.
Yerington, NV 89447

Natale Lommori, Jr.
Karen Lommori
20 Mesa Dr.
Wellington, NV 89444

Scott D. & Leslie Lynn Lommori
508 E. Bridge St.
Yerington, NV 89447

Samuel A. Lompa Family Trust
Samuel A. & Duana S. Lompa, Trustees
1840 East Fifth Street
Carson City, NV 89701

Samuel Moses & Donna Lee Ludel
8 MacKenzie Lane
Yerington, NV 89447

Hans N. & Marie N. Lund Trust
Hans N. & Marie N. Lund, Co-Trustees
Jennifer M. Entwistle
Karen Lund Hardy
Michael B. Entwistle
Christopher R. Entwistle
Kenneth B. Entwistle
P. O. Box 20519
Carson City, NV 89702

Lyon, County of
31 South Main Street
Yerington, NV 89447

Lyon County Fair Grounds, Inc.
P. O. Box 47
Yerington, NV 89447

James A. & Sandra R. Mabe
P. O. Box 76
Wellington, NV 89444

Z 440 380 684

US Postal Service
Receipt for Certified Mail
No Insurance Coverage Provided.
Do not use for International Mail *(See reverse)*

Sent to Karen Lund	
Street & Number P.O. Box 1657	
Post Office, State, & ZIP Code Carson City, NV 89702	
Postage	$ 3.50
Certified Fee	1.40
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	1.25
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	$ 6.15
Postmark or Date	

NV 89509 JAN 7 2000 U.S.P.S.

PS Form 3800, April 1995

Is your RETURN ADDRESS completed on the reverse side?

SENDER:
- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write *"Return Receipt Requested"* on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):
1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:
Karen Lund
P.O. Box 1657
Carson City, NV 89702

4a. Article Number
Z 440 380 684

4b. Service Type
☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery
1/7/00

5. Received By: *(Print Name)*
Marie Lund

6. Signature: *(Addressee or Agent)*
X Marie Lund

8. Addressee's Address *(Only if requested and fee is paid)*

Thank you for using Return Receipt Service.

PS Form 3811, December 1994 102595-98-B-0229 Domestic Return Receipt

10

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. Proposed Defendants.	

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.

2. I represent Mineral County in the present litigation.

3. I believe and have reason to believe that Patricia Hervin, who has an interest in water rights in the Walker River, resides out of the state and has departed from the state and after due diligence cannot be found within the state or is concealing herself in order to avoid service of summons.

4. Our first attempt to serve Patricia Hervin was sending service to the home of Rieko and Kurt Hervin where she is listed as residing. They told the Sheriff that she had moved to Grass Valley, California and would reveal nothing further.

5. I personally called the Post Office to determine if she was receiving mail in Grass Valley or in Nevada City in California and was told that she was not.

6. We also called the Recorder of Deeds and her name is not listed as a property owner.

7. We called information for a telephone number and she is not listed.

8. We also called the Sheriff of Nevada County and the dispatcher stated to us that they had no information regarding the whereabouts of Patricia Hervin.

///

///

///

Further affiant sayeth naught.

DATED this 18th day of June, 2002.

TREVA J. HEARNE

SUBSCRIBED and SWORN to
before me this 18th day of June, 2002
by Treva J. Hearne

NOTARY PUBLIC

MARTHA HAUSER
Notary Public - State of Nevada
Appointment Recorded in Washoe County
No: 01-70618-2 - Expires August 27, 2005

Attachment A

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: (702) 323-5700

Attorneys for Intervenor,
MINERAL COUNTY NEVADA

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

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** **RETURN OF SERVICE**
MINERAL COUNTY, Proposed-Plaintiff-Intervenor, vs. WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.	

I Deputy Jack Huizar, 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: Patricia Hervin (Print name of person served)

of: _____ (Title and company where applicable)

on: _____ (Date of service)

at: _____ (Time of service)

at the following place:

11 Norton Lane, Wellington, Nevada (Address or location)

in the following manner:

[ ] served personally

[ ] left copies

[✓] unable to execute service (why) MOVED TO GRASS VALLEY, CA.

[ ] 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.

10/25/00
Date

Jack Hughes #3310
Signature of Server

LYON COUNTY SHERIFF'S DEPT
30 Nevin Way
Yerington, NV 89447

(Address of Server)

ATS
10/22/00 1405 4252

11

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. Proposed Defendants.	

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.

2. I represent Mineral County in the present litigation.

3. I believe and have reason to believe that Marjorie Ann Jones, 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 she is concealing himself in order to avoid service of summons.

4. I have confirmed that the proper name for this person is Marjorie Ann Jones by checking the records of Lyon County and she appears on a request for federal government subsidy with David Manha. She appears on the WRID list as a water right holder with the Josephine E. Manha Family Trust (See pertinent pages of WRID list, attachment 1 to this affidavit).

5. Her service was sent through the Lyon County Sheriff's office and the deputy was unable to find her nor was he able to find any phone number or other evidence of her existence in Lyon County. (See attachment 2 to this affidavit)

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///

Further affiant sayeth naught.

DATED this 18th day of June, 2002.

TREVA J. HEARNE

SUBSCRIBED and SWORN to
before me this 18th day of June, 2002
by Treva J. Hearne

NOTARY PUBLIC

MARTHA HAUSER
Notary Public - State of Nevada
Appointment Recorded in Washoe County
No: 01-70618-2 - Expires August 27, 2005

Attachment A

Madden Family Trust
John G. & Bonita E. Madden, Trustees
3375 South El Camino Road
Las Vegas, NV 89102

Gerald & Lois Madden
512 Madden Lane
Yerington, NV 89447

Josephine E. Manha Family Trust
Josephine E. Manha, Trustee
William David Manha
Marjorie Ann Jones
327 Elder Glen Drive
Webster, TX 77598

G.D. Jr. & U.L. Maple
P. O. Box 101
Yerington, NV 89447

Darrell & Lisa Marraccini
38 E. Pursel Lane
Yerington, NV 89447

Jack D. & Sandra K. Marriott
2 Marriott Way
Yerington, NV 89447

Michael Marriott
Shelly Marriott
Nancy Marriott
Mark Marriott
2 Marriott Way
Yerington, NV 89447

Larry W. & Jane C. Marriott
P. O. Box 32
Smith, NV 89430

Lonnie E. & Sandra Jo Marriott
672 Hwy 208
Yerington, NV 89447

John J. Martincavage
Marjorie J. Meimberg
P. O. Box 860
Yerington, NV 89447

Carroll G. & Maria O. Masini
230 Highway 208
Yerington, NV 89447

Masini Investments
225 North Hwy 95
Yerington, NV 89447

Mason Valley Loyal Order of Moose
644 S. Main St.
Yerington, NV 89447

Dorothy Matheson
90 Tucker Lane
Yerington, NV 89447

Mathews Family Trust
Robert J. & Pauline M. Mathews, Trustees
P. O. Box 532
Yerington, NV 89447

Robert J. & Steven P. Mathews
dba Yerington Store-All
P. O. Box 532
Yerington, NV 89447

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

Duane & Crystal Lindsey Mattice
116 Pacific St.
Yerington, NV 89447

James L. & Mary L. Mattice
2 Nordyke Road
Yerington, NV 89447

Edgar O. & Betsy K. McAlister
524 Highway 208
Yerington, NV 89447

Michael P. & Cheryl E. McBee Revocable
Living Trust
Michael P. & Cheryl E. McBee, Trustees
105 Jug's Circle
Yerington, NV 89447

Frank J. and Judy J. McBryde
2827 Hwy 208
Wellington, NV 89444

Edward James McCargar, Jr.
Doris McCargar
689 Highway 208
Yerington, NV 89447

William T. & Terry Lee McClain
1636 Carval Court
Minden, NV 89423

Nancy McCray
1 Murphy Lane
Wellington, NV 89444

Attachment B

TREVA J. HEARNE, ESQ. (SBN 4450)
JAMES SPOO, ESQ. (SBN 1018)
ZEH, SAINT-AUBIN, SPOO & HEARNE
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Telephone: (702) 323-5700

Attorneys for Intervenor,
MINERAL COUNTY NEVADA

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

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** **RETURN OF SERVICE**
MINERAL COUNTY, Proposed-Plaintiff-Intervenor, vs. WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.	

I _____, 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: Marjorie Ann Jones (Print name of person served)

of: _____ (Title and company where applicable)

on: _____ (Date of service)

at: _____ (Time of service)

at the following place:

55 Manha Lane, Yerington, Nevada (Address or location)

in the following manner:

[xx] served personally

[___] left copies

[X] unable to execute service (why) DOES NOT LIVE AT THIS ADD. CHECKED PHONE BOOK + POST OFFICE. UNKN WHERE THIS PERSON LIVES.

[___] 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.

10-30-00
Date

[signature] #24600
Signature of Server

LYON COUNTY SHERIFF'S DEPT.
30 Nevin Way
Yerington, NV 89447
(Address of Server)

10/24/00 1740 hrs. 4289
10/28/00 1000 HRS. 5127
DOES NOT LIVE AT RES.

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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. Proposed Defendants.	

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.

2. I represent Mineral County in the present litigation.

3. I believe and have reason to believe that Helen Nagel is deceased. I believe this because she no longer appears on the WRID list. I believe this because her daughter told me this by telephone conversation. I also believe this because Diane Nagel signed a waiver as the heir of Helen Nagle.

4. I believe that Helen Nagel can't be found within the state or she is concealing himself in order to avoid service of summons.

5. I have confirmed that the proper name for this person is Helen Nagel by checking the records of Lyon County and talking with her daughter.

6. Further affiant sayeth naught.

DATED this 18th day of June, 2002.

TREVA J. HEARNE

SUBSCRIBED and SWORN to
before me this 18th day of June, 2002
by Treva J. Hearne

NOTARY PUBLIC

MARTHA HAUSER
Notary Public - State of Nevada
Appointment Recorded in Washoe County
No: 01-70618-2 - Expires August 27, 2005

Attachment A

RPTT #3

EXECUTRIX' DEED

THIS DEED made this 11th day of May, 1998, between DIANE NAGEL, Executrix of the Estate of HELEN JOSEPHINE NAGEL, also known as HELEN J. NAGEL, Deceased and herein referred to as Grantor, and DIANE NAGEL, an unmarried woman, of 6 Jackson Lane, Yerington, Nevada 89447, herein referred to as Grantee,

W I T N E S S E T H:

That on the 11th day of May, 1998, the Third Judicial District Court of the State of Nevada, in and for the County of Lyon, in Action No. PE5510, made an order directing the Executrix to convey to the Grantee, that certain real property belonging to the Estate of HELEN JOSEPHINE NAGEL, also known as HELEN J. NAGEL, Deceased, situate in the County of Lyon, State of Nevada, and specified and particularly described in said Order which is on file and of record in the Court and is hereby referred to and made a part of this deed.

The Executrix, pursuant to the Order above-mentioned of the Third Judicial District Court of the State of Nevada, in and for the County of Lyon, in consideration of the sum of ONE DOLLAR ($1.00), paid to Executrix by Grantee, the receipt of which is hereby acknowledged, does by these presents revise, release and forever quitclaim unto the said Grantee, her heirs and assigns forever, all the right, title, and interest that the Estate, operation of law or otherwise, may have acquired, other than or that of the deceased at the time of her death, in a

to-wit:

REAL PROPERTY

All that certain land situated in a portion of the Northwest 1/4 of Section 5, Township 15 North, Range 26 East, Mount Diablo Meridian and identified as Parcel D as shown on that certain Record of Survey for Robert & Shirley Nagel, File No. 126748, Lyon County Records, being described as follows:

Beginning at the Northwest corner of said Parcel B as shown on said Record of Survey, thence along the Southerly right of way of Pete Hendricks Road as shown on said Record of Survey, South 89°57'00" East a distance of 430.08 feet to the Northeast corner of said Parcel B; thence leaving said right of way and along the easterly line of said Parcel B, South 0°03'00" West a distance of 300.30 feet to the Southeast corner of said Parcel B; thence along the southerly line of said Parcel B, North 89°57'00" West a distance of 436.08 feet to the Southwest corner of said Parcel B; thence along the Westerly line of said Parcel B, North 0°03'00" East a distance of 300.30 feet to the Point of beginning of this description.

Containing 2.96 acres, more or less.

A.P.N. 14-551-06

TOGETHER WITH the tenements, hereditaments and appurtenances belonging to the premises.

TO HAVE AND TO HOLD the above-described premises, together with the appurtenances, to Grantee, her heirs and assigns forever.

IN WITNESS WHEREOF, the Executrix of the Estate of HELEN JOSEPHINE NAGEL, also known as HELEN J. NAGEL, Deceased, has executed this Deed at Yerington, Nevada, the day and year first

Nagel upon her taking of the oath.

2. That Diane Nagel qualified as Executrix on February 4, 1998, and entered upon the administration of said estate and has ever since continued to administer it.

3. That Notice to Creditors has been given as required by law, and the time for presentation of claims against the estate expired on April 7, 1998; that there were no claims filed against the estate.

4. That the Executrix duly filed with this Court a verified Record of Value on March 9, 1998, showing the assets of SEVENTH SIX THOUSAND FIVE HUNDRED FIFTY FIVE AND 99/100 DOLLARS ($76,555.99).

5. That the only assets contained in the estate are the following described real property:

REAL PROPERTY

All that certain land situated in a portion of the Northwest 1/4 of Section 5, Township 13 North, Range 26 East, Mount Diablo Meridian and identified as Parcel B as shown on that certain Record of Survey for Robert & Shirley Nagel, File No. 126748, Lyon County Records, being described as follows:

Beginning at the Northwest corner of said Parcel B as shown on said Record of Survey, thence along the Southerly right of way of Pete Hendricks Road as shown on said Record of Survey, South 89°57'00" East a distance of 430.08 feet to the Northeast corner of said Parcel B; thence leaving said right of way and along the easterly line of said Parcel B, South 0°03'00" West a distance of 300.30 feet to the Southeast corner of said Parcel B; thence along the southerly line of said Parcel B, North 89°57'00" West a distance of 430.08 feet to the Southwest corner of said Parcel B; thence along the Westerly line of said Parcel B, North 0°03'00" East a distance

TREVA J. HEARNE, ESQ. (SBN 4450)
JAMES SPOO, ESQ. (SBN 1018)
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Attorneys for Intervenor,
MINERAL COUNTY NEVADA

Zeh, Spoo & Hearne
575 Forest Street, Suite 200
Reno, Nevada 89509
Tel.: (775) 323-5700 FAX: (775) 771-3103

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 RETURN OF SERVICE
MINERAL COUNTY, Proposed-Plaintiff-Intervenor, vs. WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.	

I Carl Gosser, 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: Dave Nagel, heir to: (Print name of person served)

of: Robert & Helen Nagel (Title and company where applicable)

on: 7/3/99 (Date of service)

at: 2:30 (Time of service)

at the following place:

6 Joe Brown Ln, Yerington, NV (Address or location)

in the following manner:

[✓] served personally

[ ] left copies

[ ] 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.

7/3/99
Date

[signature]
Signature of Server

4971 Catalina dr. #2

Reno, NV. 89502
(Address of Server) C:\MyFiles\CLIENTS\Mineral\P-Return.114

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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. Proposed Defendants.	

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.

2. I represent Mineral County in the present litigation.

3. I believe and have reason to believe that George and Evelyn Nugent are not located within the State or they are attempting to avoid service of process.

4. I believe that George and Evenlyn Nugent can't be found within the state or are concealing themselves in order to avoid service of summons.

5. I have confirmed that the proper address for the Nugents by checking with the WRID assessment list.

6. The process server who attempted service on the Nugents stated that the address was old and, when he checked with a neighbor to the address, the neighbor stated that she had never heard of the Nugents (See attachment to this affidavit)

Further, affiant sayeth naught.

DATED this 18th day of June, 2002.

TREVA J. HEARNE

SUBSCRIBED and SWORN to
before me this 18th day of June, 2002
by Treva J. Hearne

NOTARY PUBLIC

MARTHA HAUSER
Notary Public - State of Nevada
Appointment Recorded in Washoe County
No: 01-70618-2 - Expires August 27, 2005

Attachment A

TREVA J. HEARNE, ESQ. (SBN 4450)
JAMES SPOO, ESQ. (SBN 1018)
ZEH, POLAHA, SPOO, HEARNE & PICKER
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Reno, Nevada 89509
Telephone: (702) 323-5700

Attorneys for Intervenor,
MINERAL COUNTY NEVADA

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

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** **RETURN OF SERVICE**
MINERAL COUNTY, Proposed-Plaintiff-Intervenor, vs. WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.	

I Kelvin Buchanan, 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: Evelyn Nuggent (Print name of person served)

of: _____ (Title and company where applicable)

on: 7/1/98 (Date of service)

at: _____ (Time of service)

at the following place:

_____ (Address or location)

in the following manner:

[___] served personally

[___] left copies

[✓] unable to execute service (why) P.O Box, old address, Post office says try Smithgage, no luck.

[___] other (specify) _____

Remarks: Talked to M. Shehedy, lives on Smithgage 46 years, never heard of them.

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.

7/13/98
Date

Signature of Server

Box 1749
Reno NV 89505
(Address of Server) C:\MyFiles\CLIENTS\Mineral\P-Return.J14

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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. Proposed Defendants.	

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.

2. I represent Mineral County in the present litigation.

3. I believe and have reason to believe that Romero Family Trust, Benito Antonio and Linda Irene Romero, Trustees, has been served as Sweetwater Land & Cattle Co. or Sweetwater Ranch and also the same Benny Romero was served for Harold and Sherri Porter. He was served because he lived at the same address with the Porters.

4. The process server reported to me that when he served Mr. Romero, Mr. Romero was hostile and aggressive and told him that he had been served enough and not to return to the property. The process server considered the aggressive behavior and the words taken together as a threat.

5. I believe that Mr. Romero could pose a physical threat to a process server that returns with service of process. Mr. Romero has been served at least twice for different persons or entities and he would resent service of process again.

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6. Under these special circumstances, I would believe that any process server is compromised in the safety of his person and for those special circumstances, Mineral County request that the Romero Family Trust be served by publication.

Further, affiant sayeth naught.

DATED this 18th day of June, 2002.

TREVA J. HEARNE

SUBSCRIBED and SWORN to
before me this 18th day of June, 2002
by Treva J. Hearne

NOTARY PUBLIC

Notary [illegible] Nevada
Appointment [illegible] Washoe County
No: 01-70618-2 - Expires August 27, 2005

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TREVA J. HEARNE, ESQ. (SBN 4450)
JAMES SPOO, ESQ. (SBN 1018)
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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.	**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. Proposed Defendants.	

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.

2. I represent Mineral County in the present litigation.

3. I believe and have reason to believe that Mariana Sepulveda is no longer in the State .

4. Mineral County counsel spoke with Vince Giron who claimed to have conveyed his water right interest to Mariana Sepulveda. Over a year ago, our office called the number listed under Mariana Sepulveda or Vince Giron and reached Mariana Sepulveda. She stated that she lived in Florida and was just back for a visit. She stated that she would stop by our offices and pick up service on her way back to Florida.

5. When she did not come to the office, we sent service to the Lyon County Sheriff's office where Vince Giron is a deputy who has accomplished many of these serves.

6. He did not return the service forms for Mariana Sepulveda nor did anyone else from the Sheriff's office.

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///

Further, affiant sayeth naught.

DATED this 18th day of June, 2002.

TREVA J. HEARNE

SUBSCRIBED and SWORN to
before me this 18th day of June, 2002
by Treva J. Hearne

NOTARY PUBLIC

MARTHA HAUSER
Notary Public - State of Nevada
Appointment Recorded in Washoe County
No. 01-70618-2 - Expires August , 2005

Attachment A

Zeh, Spoo, Quade & Hearne
Attorneys and Counselors at Law

Charles R. Zeh, Esq.
James Spoo, Esq.
Paul E. Quade, Esq.
Treva J. Hearne, Esq.

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

April 6, 2000

Mariana Sepulveda
P.O. Box 718
Yerington, Nevada 89447

Re: ***Walker River Litigation***

Dear Ms. Sepulveda:

On February 22, 1998, you were served with documents, which Vince Giron accepted for you, in the above-referenced matter for the water rights held by you. We understand you and Mr. Giron were co-habitating at the time service was effected. The Court and the opposing counsel for Walker River Irrigation District require that we submit proof of your having, in fact, received the documents in question and that at the time of service you were co-habitating with Mr. Giron. I also understand that Mr. Giron sold his water rights to you and at the time service was effected on you, Mr. Giron informed the process server he had sold his water rights. Please send me a copy of the sales receipt as well, for further documentation that Mr. Giron no longer owns water rights.

Since I am certain it would be more convenient to you to sign the bottom of this letter where indicated, and to send us a copy of the sales receipt, rather than give testimony or a statement, please return a signed copy of this letter and the sales receipt to us within the next ten (10) days and we will bother you no further.

Be advised, if we do not receive a signed copy of this letter and a copy of the sales receipt or a phone call from you stating the circumstances of Mr. Giron accepting documents on your behalf as well as stating if he in fact sold his water rights to you, we will be left with no choice but to serve you with a subpoena for your testimony.

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

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, QUADE & HEARNE

Treva J. Hearne/ce

TREVA J. HEARNE

TJH/ce

On February 22, 1998, I was co-habitating with Vince Giron. Mr. Giron did accept documents on my behalf in the above-referenced matter. I did receive those documents.

Dated: April ____, 2000

MARIANA SEPULVEDA

S:\CarolE\Mineral\L-Sepulveda.Mariana

Attachment B

TREVA J. HEARNE, ESQ. (SBN 4450)
JAMES SPOO, ESQ. (SBN 1018)
ZEH, POLAHA, SPOO, HEARNE & PICKER
575 Forest Street, Suite 200
Reno, Nevada 89509
Telephone: (702) 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 **RETURN OF SERVICE**
MINERAL COUNTY, Proposed-Plaintiff-Intervenor, vs. WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.	

I Holly Wilson-Buchman, hereby certify that service of process of Mineral
(Print name of server)

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

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

upon: Mariana Sepulveda (Print name of person served)

of: _____ (Title and company where applicable)

on: Feb. 21, 1998 (Date of service)

at: 11:30 a.m. (Time of service)

at the following place:

53 Toza, Yerington, NV (Address or location)

in the following manner:

[ ] served personally

[ ] left copies

[ ] unable to execute service (why) _____

[✓] other (specify) Vince Giron, adult at premises, accepted service.

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.

Feb. 22, 1998
Date

Holly Walton-Buchanan
Signature of Server

P.O. Box 660
Carson City, NV 89702
(Address of Server) C:\MyFiles\CLIENTS\Mineral\P-Return.J14

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TREVA J. HEARNE, ESQ. (SBN 4450)
JAMES SPOO, ESQ. (SBN 1018)
ZEH, SAINT-AUBIN, SPOO & HEARNE
575 Forest Street, Suite 200
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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.	**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. Proposed Defendants.	

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.

2. I represent Mineral County in the present litigation.

3. I believe and have reason to believe that Sweetwater Land & Cattle Company, who has an interest in water rights in the Walker River is incorporated out of the States of Nevada or California or has departed from the state of Nevada and after due diligence cannot be found within the state or it is concealing himself in order to avoid service of summons.

4. I have confirmed that the proper name for this entity is Sweetwater Land & Cattle Co., because WRID has always insisted that this name be on the caption because a list more than five years old in 1995 contained this name. This name does not appear, however, on the WRID assessment list. This name does not appear in neither the Secretary of State of California nor the Secretary of State of Nevada. (See attachment to this affidavit.)

5. I presume that this is the name that Benny Romero used for his place and it might have been, at one time, listed with the Watermaster, but was never incorporated legally. Mr. Romero has never been cooperative on this point.

6. I have not found Sweetwater Land & Cattle Company in Recorder of deeds in either Lyon or Mono County.

7. Mineral County has no address, no reference and no key to the whereabouts of the Sweetwater Land & Cattle Company. Mineral County has served the Sweetwater

Family Limited Partnership which claimed that it had no water right in the Walker River. Mineral County served the Sweetwater Partners Limited Partnership by serving its registered agent Mark Arraghi which does have water rights but claims that it is not the Sweetwater Land & Cattle Company.

Further, affiant sayeth naught.

DATED this 18th day of June, 2002.

TREVA J. HEARNE

SUBSCRIBED and SWORN to
before me this 18th day of June, 2002
by Treva J. Hearne

NOTARY PUBLIC

MARTHA HAUSER
Notary Public - State of Nevada
Appointment Recorded in Washoe County
No: 01-70618-2 - Expires August 27, 2005

Attachment A

Dean Heller
Nevada Secretary of State
Corporate Information

Search by Corporation Name

Enter a corporation's name (partial words are acceptable):
All words entered *must* be in the corporation's name.
See the **instructions** for further help on searches.

Sweetwater Land & Cattle Co.

Submit

Email questions about this website to: **SOS Technical Services**.

State of Nevada | Secretary of State | Search Menu

Sorry. There are no corporations that match your search string.

Try Again

State of Nevada | Secretary of State | Search Menu

California Secretary of State

Search | Contact Us | Home

Secretary of State Search Engine

Search Instructions

Please report any technical problems to the Webmaster.

NOTE: This search includes only static web pages on our site.
For access to **business filings** (Corporate records, etc.) please see the **Business Filings Division**.

Search Results

Sorry, I didn't find any documents that matched your search for **"Sweetwater Land & Cattle Co."**!

Search for: Sweetwater Land & Cattle Co.

Max Hits: 30 Format: standard

Sort by: score

Search Reset

This is a searchable index of information.
Note: *This service can only be used from a forms-capable browser.*

Enter keywords for your search. You can try both single and multi-word searches, separating words with ``**and**'', ``**or**'' and/or ``**not**''. You may use parentheses for grouping. A trailing asterisk (``*****'') matches all words beginning with whatever precedes the asterisk.

Examples:

- Internet search engine
- Miles and Sharon
- Esther or Josiah
- (wimp or shrimp) and election

This search was performed by w4ais W4VERSION.

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of the Law Offices of ZEH, SAINT-AUBIN, SPOO & HEARNE, 575 Forest Street, Suite 200, Reno, Nevada; over the age eighteen years and not a party to the within action; that on this date I caused to be mailed via U.S. Mail, a true and correct copy of the foregoing *Motion For Order Of Publication,* addressed as follows:

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Dated this 19th of June, 2002.

Martha Hauser