

NOTICE BY PUBLICATION: A MOTION HAS BEEN FILED TO MODIFY OR AMEND THE ORR DITCH FINAL DECREE Case No. 3:73-cv-00003-LDG In Equity A-3 UNITED STATES DISTRICT COURT DISTRICT OF NEVADA UNITED STATES OF AMERICA, Plaintiff, v. THE ORR WATER DITCH CO., et al., Defendants. To: (a) Owners of a water right recognized in the Final Decree, (b) Owners of a water right within the Newlands Reclamation Project, and (c) Signatories of the Truckee River Agreement of 1935. **Why is this Notice being Published?** A motion has been filed to modify or amend the Final Decree that was entered in this case in 1944. Owners of a water right recognized in the Final Decree - including water rights within the Newlands Reclamation Project - or signatories to the Truckee River Agreement, which was made part of the Final Decree, have the right to appear in the proceedings on the motion. Owners or signatories who appear will receive notice of further proceedings and may participate in those proceedings. The remainder of this Notice will: a) provide you with a general summary of the proposed modification or amendment of the Final Decree; b) inform you how to obtain or gain access to a complete copy of the Motion to Modify or Amend, and; c) inform you how to submit a Notice of Appearance, which you must do to receive further notice or to participate.

General Summary of the Motion to Modify or Amend the Final Decree: The Final Decree, which was entered in this case in 1944, incorporated the Truckee River Agreement, which was signed in 1935. The Motion to Modify or Amend proposes to amend the Final Decree by adopting and incorporating the 2008 Truckee River Operating Agreement, and by superseding some, but not all, provisions of the 1935 Truckee River Agreement. The 1935 Truckee River Agreement specifies when water must be passed through or released from Lake Tahoe or Boca Reservoir to satisfy rates of water flow in the Truckee River known as "Floriston Rates." The 2008 Truckee River Operating Agreement permits adjustment of the Floriston Rates. Water that would have been passed through or released from Lake Tahoe or Boca Reservoir may be retained for storage. The Motion also proposes to add provisions of the 2008 Truckee River Operating Agreement to the Final Decree that are not currently addressed in the Final Decree. For example, the proposed amendment includes provisions of the 2008 Truckee River Operating Agreement governing the operation of Prosser Creek Reservoir and Stampede Reservoir, which reservoirs were built after the 1944 Final Decree. The proposed amendment also includes provisions addressing a number of additional matters, including procedural matters that are not currently addressed in the Final Decree. In general, Article 5 of the 2008 Truckee River Operating Agreement addresses the ways in which it supersedes and replaces some provisions of the 1935 Truckee River Agreement while carrying forward other provisions of the 1935 Truckee River Agreement. Article 5 of the 2008 Truckee River Operating Agreement is generally comparable to Articles III, IV, V, and VII of the 1935 Truckee River Agreement.

Obtaining a Complete Copy of the Motion and Supporting Documents: You can view or download a copy of the Motion to Modify or Amend the Final Decree entered in this Case in 1944 at <http://www.usbr.gov/mp/troa/index.html>, or by contacting: Jeffrey Rieker, Bureau of Reclamation, 705 North Plaza Street, Carson City,

Nevada 89701. Telephone: (775) 882- 3436. Email: jrieker@usbr.gov. You can also view a copy of the Motion to Modify or Amend the Final Decree at Clerk's office in the Bruce R. Thompson United States Courthouse, 400 South Virginia St., Reno, Nevada, and at the following libraries: 1) Carson City Library, 900 North Roop Street, Carson City, NV 89701; 2) Churchill Country Library, 553 South Main Street, Fallon, NV 89406; 3) Fernley Branch Library, 575 Silver Lace Blvd., Fernley, NV 89408; 4) Incline Village Library, 845 Alder Avenue, Incline Village, NV 89451; 5) South Lake Tahoe Library, 1000 Rufus Allen Blvd. South Lake Tahoe, CA 96160; 6) Tahoe City Library, 740 N. Lake Blvd., Tahoe City, CA 96145; 7) Truckee Library, 10031 Levon Avenue, Truckee, CA 96161; and 8) Reno Downtown Library, 301 South Center St., Reno, NV 89501. **Submitting a Notice of Appearance:** To receive notice of all further proceedings, and to participate in or be represented by legal counsel in all further proceedings, you or your legal counsel must complete a **Notice of Appearance** and mail it to the following address prior to **January 15, 2010:** Environment and Natural Resources Division United States Department of Justice P.O. Box 12520, Reno, NV 89510-2520. You may return a completed **Notice of Appearance** after January 15, 2010. If you do so, however, you will only receive notice of and be permitted to participate in those proceedings that occur after your name is placed on the service list. **What happens next:** If you return a completed **Notice of Appearance**, the United States will file it with the Clerk of the Court, and you will be placed on the service list for notice of subsequent proceedings on the Motion to Modify or Amend. A time for responding to Motion to Modify or Amend has not yet been established, and will only be established by further order of the Court. When the United States files the **Notice of Appearances** that are mailed prior to January 15, 2010, the Court will set a further case management conference to schedule further proceedings. No. 666248 - Oct. 17, 24, 31, Nov. 7, 2009

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mailing to the address above, unless I am represented by counsel, in which case my legal counsel must register with the District Court's Electronic Case Filing system and provide an e-mail address if they have not already done so. I hereby certify that I have deposited in the United States mail, postage prepaid, a true and correct copy of this Notice of Appearance in an envelope addressed to: Environment and Natural Resources Division United States Department of Justice P.O. Box 12520 Reno, NV 89510-2520 Dated this ___ day of _____, 20___. _____ (signature) _____ (print or type name) _____ (print or type name of entity, if applicable). No. 666287 - Oct. 17, 24, 31, Nov. 7, 2009