IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEVADA

| | |
|---|---|
| UNITED STATES OF AMERICA,<br><br>Plaintiff,<br><br>WALKER RIVER PAIUTE TRIBE,<br><br>Plaintiff-Intervenor,<br><br>v.<br><br>WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,<br><br>Defendants. | In Equity No. C-125-ECR<br>Subfile No. C-125-B<br><br>**NOTICE OF CHANGE OF OWNERSHIP OF WATER RIGHT** |

The undersigned counter-defendant in the above action hereby notifies the Court and the United States that the undersigned (or the entity on whose behalf the undersigned is acting) has sold or otherwise conveyed ownership of all or a portion of a water right within one or more of the categories set forth in Paragraph 3 of the Case Management Order and provides the following information:

1. The name and address of the party or parties who sold or otherwise conveyed ownership: TONI J. GARMS, GARY J. GARMS, and DONNA J. CLOUD, Trustees
G3 TRUST
Name(s)
P. O. Box 170
Street or P.O. Box

| Smith | NV | 89430 |
|---|---|---|
| Town or City | State | ZipCode |

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

BURGIE, LLC

Name(s)

P. O. Box 170

Street or P.O. Box

| Smith | NV | 89430 |
|---|---|---|
| Town or City | State | ZipCode |

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

☒ Deed

☐ Court Order

☐ Other Document.

by which the change in ownership was accomplished.

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

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

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

And

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

such a notice but relative such water rights shall nevertheless be bound by the results of this litigation.

Executed this 19 day of Feb 2006.

Gary J. Garms

Gary J. Garms, Trustee
G3 Trust
[signature of counter-defendant]

Toni J. Garms

Toni J. Garms, Trustee G3 Trust

[name of counter-defendant]

Donna J. Cloud

Donna J. Cloud, Trustee G3 Trust
[signature, if applicable, of person acting on behalf of counter-defendant]

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

P.O. Box 170
Smith, NV 89430

[address]

465-2466
[telephone number]

*** THIS IS AN UNOFFICIAL COPY ***

DOC # 365922
10/24/2005 10:33 AM
Official Record
Requested By
GARY GARMS
Lyon County - NV
Mary C. Milligan - Recorder
Page 1 of 5 Fee: $18.00
Recorded By: DLW RPTT:
0365922

APN# 10-481-22

Recording Requested by:
Name: GARY GARMS

Address: P. O. BOX 170

City/State/Zip: SMITH, NV 89430

DEED
(Title of Document)

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This page added to provide additional information required by NRS 111.312 Sections 1-2. (Additional recording fee applies)

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365922 10/24/2005 002 of 5

After Recording, Return to:

Gary J. Garms
P.O. Box 170
Smith, Nevada 89430

Lyon County, Nevada A.P.N. 10-481-22

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**DEED**

THIS INDENTURE, made this 6 day of October, 2005, by and between TONI J. GARMS, GARY J. GARMS, and DONNA J. CLOUD as Trustees of the G3 Trust, dated July 23, 2003, hereinafter referred to as "Grantor", and BURGIE, LLC, a Nevada limited liability company, hereinafter referred to as "Grantee", the address of Grantee being P.O. Box 170, Smith, Nevada 89430.

**WITNESSETH:**

NOW, THEREFORE, Grantor does by these presents, grant, bargain, sell and convey unto Grantee, and to the successors and assigns of Grantee, all the right, title and interest of Grantor to that certain real property lying and being in the County of Lyon, State of Nevada, and more particularly described as follows:

A parcel of land situated within Sections 28 & 33 of Township 11 North, Range 24 East, M.D.B.&M., Lyon County, Nevada and more particularly described as follows:

Commencing at the Southeast corner of Section 28, Township 11 North, Range 24 East, M.D.B.&M., said corner being marked by a 1/2" rebar with tag marked LS 1553; thence North 89 Degrees 18 Minutes 50 Seconds West, a distance of 744.30 feet to a 5/8" rebar with cap marked PLS 9393, said corner marking the true POINT OF BEGINNING; thence North 89 Degrees 10 Minutes 00 Seconds West a distance of 575.84 feet to a 5/8" rebar with cap marked PLS 9393; thence North 89 Degrees 27 minutes 07 seconds West a distance of 1320.10 feet to a 5/8" rebar with cap marked PLS 9393; thence North 00 Degrees 13 minutes 01 seconds East a distance of 2655.54 feet to the Center one quarter corner of said

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Section 28, said corner being marked by a 5/8" rebar with cap marked PLS 3090; thence North 00 Degrees 13 Minutes 02 Seconds East a distance of 1324.47 feet to a point, said corner being marked by a 5/8" rebar with cap marked PLS 3090; thence North 89 Degrees 31 Minutes 47 Seconds West a distance of 1307.83 feet to a point, said corner being marked by a 5/8" rebar with cap marked PLS 3090; thence North 00 Degrees 23 Minutes 46 Seconds East a distance of 1321.67 feet to a point on the North line of said Section 28, said corner being marked by a 5/8" rebar with cap marked PLS 3090; thence along the North line of said Section 28 South 89 Degrees 39 Minutes 05 Seconds East a distance of 1303.75 feet to the North one quarter corner of said Section 28, said corner being marked by a 5/8" rebar with tag marked RE 235; thence continuing along the North line of said Section 28 South 89 Degrees 37 Minutes 35 Seconds East a distance of 861.66 feet to a point, said point being marked by a 5/8" rebar marked RLS 4045; thence South 00 Degrees 07 Minutes 50 Seconds East a distance of 2652.35 feet to a point on the center one quarter section line of said Section 28 to a point, said point being marked by a 5/8" rebar marked RLS 4045; thence along the North line of the Southeast one quarter of said Section 28, South 89 Degrees 24 Minutes 32 Seconds East a distance of 1745.81 feet to the East one quarter corner of said Section 28, said corner being marked by a pipe with cap marked RLS 1802; thence South 00 Degrees 08 Minutes 25 Seconds East along the East line of the Southeast one quarter of said Section 28 a distance of 858.39 feet to a 5/8" rebar with cap marked PLS 3090; thence South 89 Degrees 51 Minutes 35 Seconds West a distance of 725.00 feet to a 5/8" rebar with cap marked PLS 3090; thence South 01 Degrees 25 Minutes 14 Seconds West a distance of 315.09 feet to a 5/8" rebar with cap marked PLS 9393; thence South 00 Degrees 16 Minutes 24 Seconds West a distance of 1474.33 feet to the POINT OF BEGINNING. Containing 222.68 acres, more or less.

BASIS OF BEARINGS

The basis of bearings of this description is the north line of the NW 1/4 of Section 28, T. 11N., R. 24E., M.D.B.&M., which bears N89°39'05"W as per Record Map 46271 of Official Lyon County Records.

"NOT A COPY"

Together with the following easements and water rights:

A non-exclusive right for ingress and egress along the Northerly 25 feet of the Southwest 1/4 of the Northwest 1/4 of Section 28, Township 11 North, Range 28 East, M.D.B.&M. Said grant being the Southerly 25 feet of the road known as Carter Road.

An easement for the conveyance of waters across the Southerly 20 feet of the Northerly 45 feet of the Southwest 1/4 of the Northwest 1/4 of Section

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28, Township 11 North, Range 28 East, M.D.B.&M. Together with the necessary ingress and egress across said strip for the maintenance of the ditches and canals crossing the same.

TOGETHER WITH the well and water rights identified under amended Application No. 23667, Certificate No. 8084, and all water and water rights, ditch and ditch rights appurtenant to said real property.

being A.P.N. 10-481-22.

TOGETHER WITH the tenements, hereditaments and appurtenances thereunto belonging or appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular the said real property, together with the appurtenances, unto Grantee, and to the successors and assigns of Grantee.

IN WITNESS WHEREOF, Grantor has caused this instrument to be executed the day and year first hereinabove written.

Toni J. Gamms,
Trustee of the G3 Trust, dated July 23, 2003

Gary J. Gamms,
Trustee of the G3 Trust, dated July 23, 2003

Donna J. Cloud,
Trustee of the G3 Trust, dated July 23, 2003

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**CERTIFICATE OF ACKNOWLEDGEMENT**

STATE OF NEVADA )
:ss.
COUNTY OF WASHOE )

This instrument was acknowledged before me on October 24, 2005, by Toni J. Garms, as Trustee of the G3 Trust, dated July 23, 2003.

BRANDY A. MUHILLY
Notary Public - State of Nevada
Appointment Recorded in Washoe County
No: 98-0282-2 - Expires January 3, 2006

NOTARY PUBLIC

STATE OF NEVADA )
:ss.
COUNTY OF WASHOE )

This instrument was acknowledged before me on October 24, 2005, by Gary J. Garms, as Trustee of the G3 Trust, dated July 23, 2003.

BRANDY A. MUHILLY
Notary Public - State of Nevada
Appointment Recorded in Washoe County
No: 98-0282-2 - Expires January 3, 2006

NOTARY PUBLIC

STATE OF NEVADA )
:ss.
COUNTY OF WASHOE )

This instrument was acknowledged before me on October 24, 2005, by Donna J. Cloud, as Trustee of the G3 Trust, dated July 23, 2003.

BRANDY A. MUHILLY
Notary Public - State of Nevada
Appointment Recorded in Washoe County
No: 98-0282-2 - Expires January 3, 2006

NOTARY PUBLIC

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DOC # DV-365922
10/24/2005 10:33 AM
Official Record

Requested By
GARY GARMS

Lyon County - NV
Mary C. Milligan - Recorder

Page 1 of 1 Fee: $18.00
Recorded By: DLN RPTT:

STATE OF NEVADA
DECLARATION OF VALUE

1. Assessors Parcel Number(s)
   a) 10-481-22
   b)
   c)
   d)

2. Type of Property:
   a) ☐ Vacant Land b) ☐ Single Fam. Res.
   c) ☐ Condo/Twnhse d) ☐ 2-4 Plex
   e) ☐ Apt. Bldg f) ☐ Comm'l/Ind'l
   g) ☒ Agricultural h) ☐ Mobile Home
   i) ☐ Other

FOR RECORDERS OPTIONAL USE ONLY
DOCUMENT/INSTRUMENT #:
BOOK PAGE
DATE OF RECORDING:
NOTES: Documentation provided

3. Total Value/Sales Price of Property: $ 0
   Deed in Lieu of Foreclosure Only (value of property) (
   Transfer Tax Value: $ 0
   Real Property Transfer Tax Due: $ 0

4. If Exemption Claimed:
   a. Transfer Tax Exemption per NRS 375.090, Section # 9
   b. Explain Reason for Exemption: Parent Corp Grantor owns 100% of Grantee.

5. Partial Interest: Percentage being transferred: _____ %

The undersigned declares and acknowledges, under penalty of perjury, pursuant to NRS 375.060 and NRS 375.110, that the information provided is correct to the best of their information and belief, and can be supported by documentation if called upon to substantiate the information provided herein. Furthermore, the parties agree that disallowance of any claimed exemption, or other determination of additional tax due, may result in a penalty of 10% of the tax due plus interest at 1% per month.

**Pursuant to NRS 375.030, the Buyer and Seller shall be jointly and severally liable for any additional amount owed.**

**Signature** Gary Garms **Capacity** Grantor
**Signature** Gary Garms **Capacity** Grantee

| SELLER (GRANTOR) INFORMATION (REQUIRED) | BUYER (GRANTEE) INFORMATION (REQUIRED) |
|---|---|
| Print Name: GARY GARMS et al | Print Name: GARY GARMS et al |
| Address: P. O. BOX 170 | Address: P. O. BOX 170 |
| City: SMITH | City: SMITH |
| State: NV Zip: 89430 | State: NV Zip: 89430 |

COMPANY/PERSON REQUESTING RECORDING
(required if not the seller or buyer)
Print Name: Escrow #
Address:
City: State: Zip:

(AS A PUBLIC RECORD THIS FORM MAY BE RECORDED/MICROFILMED)