IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEVADA

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

FILED
04 AUG 17 PM 12: 26
LANCE S. WILSON
CLERK
BY _____ DEPUTY

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: Bank of America, N. A., as Trustee for George A. L'Abbe Revocable Living Trust Agreement

Name(s)

P.O. Box 34029

Street or P.O. Box

Seattle WA 98124
Town or City State ZipCode

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

Whittier Trust Company of Nevada, as Trustee for George A.L'Abbe Revocable Living Trust Agreement
Name(s)

100 West Liberty Street, Suite 890
Street or P.O. Box

Reno NV 89501-1954
Town or City State ZipCode

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

- [x] 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 retains such water rights, shall nevertheless, be bound by the results of this litigation.

Executed this 16th day of August 2004.

[signature of counter-defendant]

[name of counter-defendant]

The Whittier Trust Company of Nevada, Inc., as Trustee for George A. L'Abbe Revocable Living Trust Agreement

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

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

Harold J. Depoali, Vice President for The Whittier Trust Company of Nevada, Inc., as Trustee for George A. L'Abbe Revocable Living Trust Agreement

100 West Liberty Street, Suite 890
Reno, NV 89501

[address]

775-686-5400

[telephone number]

Attorneys: Sylvia Harrison
Michael A.T. Pagni
Debbie A. Shosteck
McDONALD CARANO WILSON LLP
Address: 100 W. Liberty St.,10th Floor
Reno, NV 89501
Mailing Address: P.O. Box 2670
Reno, NV 89505
Phone Number: 775-788-2000
Fax Number: 775-788-2020

When recorded, return to:
JAMES W. MINORCHIO
RIDDELL WILLIAMS P.S.
1001 4TH AVENUE PLAZA, SUITE 4500
SEATTLE, WA 98154-1065
RPTT # 8
APN 12-471-74

QUIT CLAIM DEED

The GRANTOR, BANK OF AMERICA, N.A., as Trustee for GEORGE A. L'ABBE, for and in consideration of transfer into trust, conveys and quit-claims to THE WHITTIER TRUST COMPANY OF NEVADA, as Trustee for GEORGE A. L'ABBE (whose address is: P.O. Box 961, Yerington, Nevada 89447), the following described real estate, situated in the County of Lyon, State of Nevada, together with all after acquired title of the grantor therein:

That portion of the Northeast ¼ of Section 23, Township 11 North, Range 26 East, M.D.B. & M., in the County of Lyon, State of Nevada, being more particularly described as follows:

Beginning at the Section corner common to 13, 14, 23, 24 as shown on Record of Survey No. 223861, thence through the following courses;

1. South 01°00'38" East, 1958.07 feet;
2. North 88°46'47" West, 2687.84 feet;
3. North 00°00'03" West, 638.78 feet;
4. North 45°42'44" East, 1852.85 feet;
5. South 88°36'59" East, 1326.75 feet to the True Point of Beginning

TOGETHER with the tenements, hereditaments, and appurtenances, including easements, if any, thereto belonging or appertaining, and any reversions, remainders, rents, issues, or profits thereof.

ALSO those certain waters and water rights described in Exhibit "A" attached hereto and incorporated herein by this reference.

SUBJECT, HOWEVER, to those certain Covenants, Conditions, and Restrictions for Walker River Ranch Irrigation Association recorded July 21, 1999, as document No. 236752, Official Records, Lyon County, Nevada.

261936

ALSO SUBJECT TO: Easements, restrictions, and reservations of record.

Tax parcel #12-471-74

Dated April 3, 2001

Bank of America, N.A., as Trustee

By: James E. Strock
James E. Strock, Vice President

By: Debra S. Thomas
Debra S. Thomas, AVP

STATE OF WASHINGTON)
) ss.
County of KING)

On this 3rd day of April, A.D., 2001, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared **James E. Strock** and **Debra S. Thomas** to me known or proven on the basis of satisfactory evidence to be the **Vice-President** and **Assistant Vice President**, respectively of **BANK OF AMERICA, N. A.**, that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act of said bank and that they were authorized to execute the said instrument.

WITNESS my hand and official seal hereto affixed the day and year in this certificate above written.

Pat A. Wood
Notary Public in and for the State of Washington
Residing at Everett.
Name Printed PAT A. WOOD
My appointment expires: 5/1/01.

PAT A. WOOD
Commission Expires
NOTARY
PUBLIC
MAY 01, 2001
STATE OF WASHINGTON

261936

EXHIBIT "A"

WATER RIGHTS TO BE CONVEYED

THOSE CERTAIN surface water rights from the East Walker River which are appurtenant to the real property described on Page 1 of document ("Property") pursuant to Claim 17 of that certain decree entitled "United States of America, Plaintiff, vs. Walker River Irrigation District, a corporation, et al, Defendants, Case in Equity C-125" consisting of the following:

1. The right to irrigate 25.5 acres of land with the following priorities:

Priority	Acreage
1867	0.57 acres
1875	1.98 acres
1879	2.55 acres
1885	12.75 acres
1890	3.19 acres
1895	4.46 acres
	25.50 acres

2. The right to irrigate 34.5 acres of the Property from the East Walker River designated as "NEWLAND" as administered by the Walker River Irrigation District.

The location of the above 60 acres of irrigated land is illustrated in the map attached hereto as Exhibit "A-1".

TOGETHER with a portion of Permit 25017, Certificate 8860 issued to the Walker River Irrigation District for flood and excess waters to the extent it is appurtenant to such 60 acres.

THE TOTAL LAND AREA of the Property to be irrigated by surface water rights from the East Walker River under portions of Claim 17, "NEWLAND" rights and permit 25017, Certificate 8860 is 60 acres, more or less.

The total quantity of water is 240 acre feet annually.

TOGETHER WITH a portion of the supplemental underground water rights under Permit 49274, 49276, 49277 and 49278 consisting of a diversion rate of 0.1149 cfs from each permit and having a total combined annual duty of 240.0 acre feet which are appurtenant to that same 60 acres of the land irrigated from the East Walker River by decreed water rights and NEWLAND water rights above described.

TOGETHER with the right to change the point of diversion and place and manner of use of said water rights.

TOGETHER WITH, all and singular, the tenements, hereditaments and appurtenances there unto belonging or in anywise appertaining, and the reversion and the reversions, remainder and remainders, rents, issues and profits thereof.

EXCLUDING THEREFROM, any and all water and water rights from any and all sources over and above those specifically described above.

261936
OFFICIAL RECORDS
LYON COUNTY, NEV.
RECORD REQUESTED BY
RIDDELL WILLIAMS
01 JUN -7 PM 12: 16
MARY C. MULLIGAN
COUNTY RECORDER
FEE 10.00 DEP. ES

OFFICIAL RECORDS
LYON COUNTY, NEV.
RECORD REQUESTED BY

APN 12-471-74

04 AUG -6 PM 1:58

MARY C. MILLIGAN
COUNTY RECORDER

FEE _____ DEP. _____

When recorded mail to:

Whittier Trust Company of Nevada
100 West Liberty Street, Suite 890
Reno, NV 89501-1954
Attn: Lori Houston

Not Compared with Original Lyon County Recorder

327831

DEED OF CORRECTION

WHEREAS, on April 3, 2001, BANK OF AMERICA, N.A., as Trustee for GEORGE A. L'ABBE, Grantor, executed a Quitclaim Deed to THE WHITTIER TRUST COMPANY OF NEVADA, as Trustee for GEORGE A. L'ABBE, Grantee; and

WHEREAS, said Quitclaim Deed was recorded June 7, 2001, as Document No. 261936, Official Records of Lyon County, Nevada; and

WHEREAS, through inadvertence the Grantor was incorrectly listed as BANK OF AMERICA, N.A., as Trustee for GEORGE A. L'ABBE, when it should have been BANK OF AMERICA, N.A., as Trustee for GEORGE A. L'ABBE REVOCABLE LIVING TRUST AGREEMENT; and

WHEREAS, through inadvertence the Grantee was incorrectly listed as THE WHITTIER TRUST COMPANY OF NEVADA, as Trustee for GEORGE A. L'ABBE, when it should have been THE WHITTIER TRUST COMPANY OF NEVADA, as Trustee for GEORGE A. L'ABBE REVOCABLE LIVING TRUST; and

WHEREAS, to prevent difficulties hereafter, it is expedient to correct this error.

IT IS HEREINAFTER ACKNOWLEDGED AND AGREED:

THIS INDENTURE is made and entered into this _____ day of _____, 2004, by and between BANK OF AMERICA, N.A., as Trustee for GEORGE A. L'ABBE REVOCABLE LIVING TRUST AGREEMENT, Grantor, and THE WHITTIER TRUST COMPANY OF NEVADA, as Trustee for GEORGE A. L'ABBE REVOCABLE LIVING TRUST AGREEMENT, Grantee,

W I T N E S S E T H:

That the Grantor, in consideration of the premises and of One Dollar ($1.00) to them paid by the Grantee, hereby remise, release and forever quitclaim

unto the Grantee, its successors and assigns forever, all the right, title, estate, interest, claim and demand, both at law and in equity, as well in possession as in expectancy of the Grantor, of, in and to all that certain real property situate in the County of Lyon, State of Nevada, being Assessor's Parcel No. 12-471-74, and more particularly described as follows:

That portion of the Northeast ¼ of Section 23, Township 11 North, Range 26 East, M.D.B.&M., in the County of Lyon, State of Nevada, being more particularly described as follows:

Beginning at the Section corner common to 13, 14, 23, 24 as shown on Record of Survey No. 223861, thence through the following courses:

1. South 01°00'38 East, 1958.07 feet;
2. North 88°46'47" West, 2687.84 feet;
3. North 00°00'03" West, 638.78 feet;
4. North 45°42'44" East, 1852.85 feet;
5. South 88°36'59" East, 1326.75 feet to the True Point of Beginning.

ALSO those certain waters and water rights described in Exhibit "A" attached hereto and incorporated herein by this reference.

SUBJECT, HOWEVER, to those certain Covenants, Conditions, and Restrictions fro Walker River Ranch Irrigation Association recorded July 21, 1999, as Document No. 236752, Official Records, Lyon County, Nevada.

ALSO SUBJECT TO: Easements, restrictions, and reservations of record.

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

TO HAVE AND TO HOLD, all and singular, the said premises together with the appurtenances, unto the Grantee, its successors and assigns forever.

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

BANK OF AMERICA, N.A., as Trustee for George A. L'Abbe Revocable Living Trust Agreement

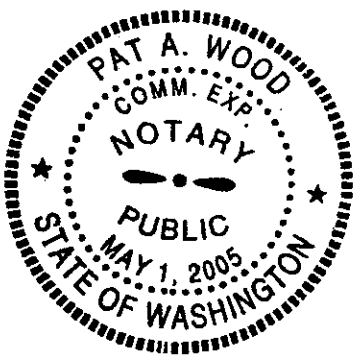
By _____
John T. Margeson, Vice President

By _____
Debra S. Thomas, Vice President

STATE OF WASHINGTON)
: ss.
COUNTY OF KING)

On this 4th day of August, 2004, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared JOHN T. MARGESON and DEBRA S. THOMAS, to me known or proven on the basis of satisfactory evidence to each be a Vice President of BANK OF AMERICA, N.A., as Trustee for George A. L'Abbe Revocable Living Trust Agreement; that they executed the foregoing instrument and acknowledged the said instrument to be the free and voluntary act of said bank and that they were authorized to execute the said instrument.

WITNESS my hand and official seal hereto affixed the day and year in this certificate above written.



Pat A. Wood
Notary Public in and for the State of Washington
Residing at Everett
Name Printed PAT A. WOOD
My appointment expires: 5/1/05

138699.1(#8208-2)\DS.dgo

EXHIBIT "A"

WATER RIGHTS TO BE CONVEYED

THOSE CERTAIN surface water rights from the East Walker River which are appurtenant to the real property described on Page 1 of document ("Property") pursuant to Claim 17 of that certain decree entitled "United States of America, Plaintiff, vs. Walker River Irrigation District, a corporation, et al, Defendants, Case in Equity C-125" consisting of the following:

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1867	0.57 acres
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	25.50 acres

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   The location of the above 60 acres of irrigated land is illustrated in the map attached hereto as Exhibit "A-1".

TOGETHER with a portion of Permit 25017, Certificate 8860 issued to the Walker River Irrigation District for flood and excess waters to the extent it is appurtenant to such acres.

THE TOTAL LAN D AREA of the Property to be irrigated by surface water rights from the East Walker River under portions of Claim 17, "NEWLAND" rights and permit 25017, Certificate 8860 is 60 acres, more or less.

The total quantity of water is 240 acre feet annually.

TOGETHER WITH a portion of the supplemental underground water rights under Permit 49274, 49276, 49277 and 49278 consisting of a diversion rate of 0.1149 cfs from each permit and having a total combined annual duty of 240.0 acre feet which are appurtenant to that same 60 acres of the land irrigated from the East Walker River by decreed water rights and NEWLAND water rights above described.

TOGETHER WITH the right to change the point of diversion and place and manner of use of said water rights.

TOGETHER WITH, all and singular, the tenements, hereditaments and appurtenances there unto belonging or in anywise appertaining, and the reversion and the reversions, remainder and remainders, rents, issues and profits thereof.

EXCLUDING THEREFROM, any and all water and water rights from any and all sources over and above the specifically described above.