ORIGINAL

FILED

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Attorneys for Counter-Defendant

UNITED STATES DISTRICT COURT

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 port 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:

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The Whittier Trust Company of Nevada, Trustee for the
George A. L'Abbe Revocable Living Trust Agreement
100 West Liberty Street, Suite 890
Reno, NV 89501-1954

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

George A. L'Abbe, Special Trustee for the
George A. L'Abbe Revocable Living Trust Agreement
P.O. Box 961
158 East Walker Road
Yerington, NV 89447

3. Attached to or included with this notice is a copy of the Deed 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 such a notice, but retains such water rights, shall, nevertheless, be bound by the results of this litigation.

Executed this 15th day of June, 2005.

George A. L'Abbe, Special Trustee of the
George A. L'Abbe Revocable Living
Trust Agreement, as amended
(Counter-Defendant)

Attorneys (send all correspondence to):

Michael A.T. Pagni
Debbie A. Shosteck
McDonald Carano Wilson LLP
P.O. Box 2670
Reno, NV 89505

157170.1

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PHONE 775-788-2000 • FAX 775-788-2020

DOC # 353961

Conformed Copy

(Not Compared to Original)

06/17/2005 10:52 AM

Official Record

Requested By
GEORGE L'ABBE

Lyon County - NV
Mary C. Milligan - Recorder

APN 12-471-74

When recorded mail to:

U.S. Trust Company
601 Union St., Suite 3015
Seattle, WA 98101
Attn: Curtis Young

## QUITCLAIM DEED

WHEREAS, on May 31, 2000, GEORGE A. L'ABBE, Grantor, executed a Quitclaim Deed to BANK OF AMERICA, N.A., as Trustee for GEORGE A. L'ABBE, Grantee; and

WHEREAS, said Quitclaim Deed was recorded June 26, 2000, as Document No. 249512, Official Records of Lyon County, Nevada; and

WHEREAS, through inadvertence the Grantee 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, on April 19, 2002, GEORGE A. L'ABBE, Grantor, executed a "Water Rights Correction Deed" to BANK OF AMERICA, N.A., as Trustee for GEORGE A. L'ABBE, Grantee; and

WHEREAS, said Water Rights Correction Deed was recorded April 22, 2002, as Document No. 275641, Official Records of Lyon County, Nevada; and

WHEREAS, through inadvertence the Grantee 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, said inadvertence has since been corrected by a Correction Deed executed on June 15, 2005 and recorded on June 16, 2005, as Document No. 353880, Official Records of Lyon County, Nevada; and

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, said inadvertence has since been corrected by a Correction Deed executed on August 4, 2004 and recorded on August 6, 2004, as Document No. 327831, Official Records of Lyon County, Nevada; and

WHEREAS, on April 3, 2001 through inadvertence, BANK OF AMERICA, N.A., as Trustee for GEORGE A. L'ABBE, Grantor, also executed a Water Rights Deed to THE WHITTIER TRUST COMPANY OF NEVADA, as Trustee for GEORGE A. L'ABBE, Grantee, Document No. 261937, when no such separate Water Rights Deed was necessary to transfer the water rights described therein because, according to Nevada law, said water rights transferred with the land to which they were appurtenant pursuant to the Quitclaim Deed described above, Document No. 261936; and

WHEREAS, the diversion rate for certain of the water rights transferred under PERMITS 49274, 49276, 49277 and 49278 was subsequently corrected to consist of a pro-rata portion of the diversion rate from each permit pursuant to a Water Rights Correction Deed, executed on May 3, 2002 and recorded on May 13, 2002, as Document No. 276752, Official Records of Lyon County, Nevada; and

WHEREAS, the conveyance documented herein is meant to incorporate the corrections described above and reflect that the water rights remain appurtenant to the land and no separate water rights deed is necessary to convey the water rights appurtenant to the parcel conveyed herein;

IT IS HEREINAFTER ACKNOWLEDGED AND AGREED:

THIS INDENTURE is made and entered into this 17th day of May, 2005, by and between WHITTIER TRUST COMPANY OF

NEVADA, as Trustee for GEORGE A. L'ABBE REVOCABLE LIVING TRUST AGREEMENT, Grantor, and GEORGE A. L'ABBE, as Special Trustee for GEORGE A. L'ABBE REVOCABLE LIVING TRUST AGREEMENT, as Grantee,

**WITNESSETH:**

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.
>
> 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.

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

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.

WHITTIER TRUST COMPANY OF NEVADA, TRUSTEE FOR THE GEORGE A. L'ABBE REVOCABLE LIVING TRUST AGREEMENT

By: Deborah Wetzel
Its: Vice President–Client Administrator

By: Harold J. Depoali
Its: Vice President–Client Administrator

STATE OF NEVADA )
: ss.
COUNTY OF WASHOE )

On this 17th day of MAY, 2005, before me, the undersigned, a Notary Public in and for the State of Nevada, duly commissioned and sworn, personally appeared Deborah Wetzel and Harold Depoali, to me known or proven on the basis of satisfactory evidence; 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.

LORI HOUSTON
Notary Public - State of Nevada
Appointment Recorded in Washoe County
No: 00-64693-2 - Expires August 25, 2008

Notary Public in and for the State of Nevada
Residing at Reno Nevada.
Name Printed Lori Houston
My appointment expires: August 25, 2008

156296.2(#11740-1)

## 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 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 pro rata portion of the diversion rate 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.