

BOOK 408 PAGE 357-369
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EUREKA COUNTY, NEVADA
M.N. REBALEATI, RECORDER
FILE NO. FEES 26.00

APN# 05-690-04

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Name MORRIS PICKERING & PETERSON

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JUDGMENT

(Title of Document)

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

This cover page must be typed or printed.

BOOK 408 PAGE 357

NO.

FILED

MAR 18 2005

BY Eureka County Clerk Deputy

MORRIS PICKERING & PETERSON
William E. Peterson, No. 1528
6100 Neil Road, Suite 555
Reno, Nevada 89511
Telephone: (775) 829-6000

Attorneys for Plaintiff
Sierra Pacific Power Company

IN THE SEVENTH JUDICIAL DISTRICT COURT
OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF EUREKA

SIERRA PACIFIC POWER COMPANY,
a Nevada corporation,

Plaintiff,

vs.

Edward D. Bryant; Eugene A. Fox Trust
and any and all other persons unknown
claiming any right, title or interest in the
real property described in the complaint,

Defendants.

Case No. CV-0208001

JUDGMENT

This cause came regularly on for a determination of value of the interest taken from defendants by virtue of plaintiff having condemned a portion of the property for the purpose of acquiring a perpetual easement over defendants' property as described in plaintiff's complaint. The court, having reviewed the affidavit of valuation of the interest taken by Mark Warren, MAI at \$1,000 which sum plaintiff has deposited in Court,

IT IS HEREBY ORDERED AND ADJUDGED that the property described in plaintiff's complaint shall be condemned for the uses and purposes stated in the complaint, a copy of which is attached hereto as Exhibit 1 and fully incorporated in this order by reference to the extent necessary to describe thee property and the intent taken.

1 IT IS FURTHER ORDERED AND ADJUDGED that the use for which the
2 property is sought to be condemned , a powerline easement, is authorized by law
3 and is a public use, and that the taking in condemnation is necessary for that
4 public use.

5 IT IS FURTHER ORDERED AND ADJUDGED that the payment to court of
6 the sum of money specified above is in full payment for the interests in the land
7 so taken, together with all improvements on the land, and for all damage of every
8 kind and nature the defendant suffered because of the taking of the property.

9 Dated this MARCH 18th, 2005.

10 
11 _____
12 DISTRICT JUDGE

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SEVENTH JUDICIAL DISTRICT COURT
IN AND FOR COUNTY OF ELUREKA
STATE OF NEVADA } SS

I, the Undersigned COUNTY CLERK and Ex-Officio
CLERK of the SEVENTH JUDICIAL DISTRICT COURT do hereby CERTIFY
that the foregoing is a full, true and correct copy of the original on file in
my office and that I have carefully compared the same with the
original.

WITNESS My Hand and Seal of said
DISTRICT COURT, this 21st day of March 2005
Frances Hale
County Clerk and Ex-Officio Court Clerk
[Signature] Deputy Clerk

COPY

1
2 SCOT R. CAMPBELL
3 Nevada Bar No. 3695
4 SIERRA PACIFIC POWER COMPANY
5 6100 Neil Road
6 Reno, NV 89511
7 (775) 834-5692

8
9 IN THE SEVENTH JUDICIAL DISTRICT COURT OF THE STATE
10 OF NEVADA IN AND FOR THE COUNTY OF EUREKA

11 SIERRA PACIFIC POWER COMPANY, a Nevada
12 corporation,

13 Plaintiff,

14 vs.

15 Edward D. Bryant; Eugene A. Fox Trust and any and all
16 other persons unknown claiming any right, title or interest
17 in the real property described in the complaint

18 Defendants.

Case No. _____
Dept. No. _____

19 COMPLAINT IN EMINENT DOMAIN

20 COMES NOW, Plaintiff, SIERRA PACIFIC POWER COMPANY ("Sierra Pacific"),
21 by and through its undersigned counsel, Scot R. Campbell, and for cause of action against the
22 above-named Defendants, hereby seeks to condemn a 160 foot wide easement across certain
23 real property held by Defendants adequate to construct, reconstruct, use, operate, maintain
24 repair, renew, relocate, enlarge, replace and patrol thereon and thereover, an electric power and
25 communication line, and associated appurtenances for transmission and distribution of electric
26 energy and communications in, on over, along and across certain property situate in the County of
27
28

1 Eureka, State of Nevada, alleges as follows:
2

3 I

4 Sierra Pacific, is and at all times mentioned herein was, a corporation duly
5 organized and existing under the laws of the State of Nevada and is the owner of a Certificate of
6 Public Convenience and Necessity issued by the Public Service Commission of Nevada
7 authorizing it to distribute electricity to customers within its service territory.

8 II

9 Sierra Pacific is entitled, by reason of the NRS 37.010, to acquire by condemnation
10 real property for the purpose of supplying persons with electricity.

11 III

12 Pursuant to NRS 37.020 Sierra Pacific may take a fee simple or lesser interest in
13 the real property sought to be condemned.

14 IV

15 That pursuant to Sierra Pacific's Certificate of Public Convenience and Necessity
16 and to enable Sierra Pacific to carry out the purposes and objectives of its organization, it is
17 necessary that Sierra Pacific acquire the right to construct, erect, alter, use, operate, maintain
18 repair, reconstruct, renew, relocate, enlarge, replace and patrol thereon and thereover, one or
19 more electric transmission and communication facilities, and associated appurtenances on an
20 easement interest 160 feet wide over and across certain real property described in Exhibit "A" and
21 depicted on a map in Exhibit "B", attached hereto and incorporated herein by this reference. The
22 property interest to be condemned herein and hereby includes only a part of an entire parcel or
23 tract or piece of property. A legal description of the easement is attached hereto as Exhibit "C".
24

25 V

26 That the public use for which the easement interest is required and facts showing
27 the necessity of its acquisition for such use are as follows:
28

1 Sierra Pacific's northern Nevada electric import capability is limited. Energy load
2 demand forecasts indicate that the current infrastructure system will not be able to reliably meet
3 future peak demands. The Falcon-Gonder 345kV transmission line would improve Sierra
4 Pacific's electric system's import capability by 260 megawatts.
5

6 VI

7 The names and interests of the owners and other persons interested in the real
8 property described in Exhibit "A" and depicted in Exhibit "B" which are known to the Sierra Pacific
9 are as follows:

- 10 A. Defendant Edward K. Bryant has a fee interest. Defendants interest is evidenced
11 by that certain deed recorded in Book 224 Page 241 as Document Number
12 137368 of the Official Records of Eureka County. Defendants last known address
13 is:

14 25214 Soto Road
15 Hayward, CA 94544
16 P.O. Box 4384
Hayward, CA 94544

17 Plaintiffs have been unable to contact Edward K. Bryant. Certified letters were
18 mailed to the above address on November 15, 2001 and again on December 19,
19 2001. No response was received. The addresses set forth above were obtained
20 by the Eureka County Assessor's Office. Tax notices sent to the above addresses
21 are being paid.

- 22 B. Defendant Eugene A. Fox Trust. Defendants last known address is:

23 Gregory D. Fox Trustee
24 2590 Sierra Vista Lane
Rescue, CA 95672

25 Defendants have an easement 30 feet in width along all boundaries, recorded October 9,
26 1987 in Book 185, Page 68, of the Official Records of Eureka County, Nevada.

VII

After diligent effort, Sierra Pacific has been unable to acquire by purchase, on satisfactory terms, the above-described surface use interest for its corporate purposes.

VIII

In addition to the Defendants named, there are, or may be, others who have, or may claim, some interest in the real surface use interest to be taken, whose names have not been ascertained. These persons are made a party to this action under the designation of "unknown persons."

IX

SIERRA PACIFIC hereby demands a trial on the issue of just compensation as to the above-described surface use interest.

X

If there is more than one estate or divided interest in the surface use interest sought to be condemned in this proceeding, SIERRA PACIFIC is entitled, pursuant to NRS Section 37.115 to have the amount of just compensation determined as between Sierra Pacific and all Defendants claiming an interest therein. The respective rights of such Defendants in and to such award shall be determined by the Court in a later and separate hearing.

WHEREFORE, Plaintiff prays:

1. That Plaintiff be adjudged that the public use requires the condemnation of the easement interest described herein;
2. That the easement interest is necessary to such public use;
3. That the Court ascertain the just compensation to be awarded Defendants; and

1
2
3 4. For such other and further relief as the Court deems just and reasonable.

4 DATED this 1st day of August 2002.

5 Respectfully submitted,

6
7 SIERRA PACIFIC POWER COMPANY

8 By Scot R. Campbell
9 Scot R. Campbell, Associate
10 General Counsel
11 Nevada Bar No. 3695

12 CONDEMNW\BRYANT\AINT

1 STATE OF NEVADA

2) ss.
3 COUNTY OF WASHOE)


4
5 William Roullier, being first duly sworn, deposes and says:

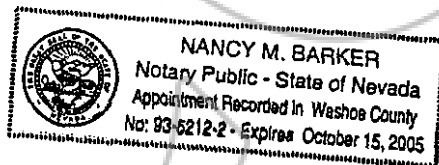
6 That he is the Manager of Land Operations for Sierra Pacific Power Company; that he has
7 read the foregoing Complaint and knows and understands the contents thereof; that there are
8 good grounds to support this Complaint; that the same is true of his own knowledge, except those
9 matters therein stated upon information and belief, and as to those matters, he believes them to
10 be true.

11
12 

13 William Roullier

14
15
16 Subscribed and sworn to before me
17 this 15 day of August, 2002.

18
19 
20 Notary Public



LEGAL DESCRIPTION

Order No.: 02010489

The land referred to herein is situated in the State of Nevada, County of EUREKA COUNTY, described as follows:

TOWNSHIP 30 NORTH, RANGE 50 EAST, M.D.B.&M.

Section 5: NW1/4NE1/4NE1/4;

EXCEPTING THEREFROM 90% in and to coal, oil, gas and other minerals of every kind and nature whatsoever, lying in under said land, as reserved by Strathearn Cattle Company, et al, in deed recorded May 25, 1959 in Book 25, Page 297, Deed Records, Eureka County, Nevada.

FURTHER EXCEPTING THEREFROM all minerals, royalties, mineral rights, mineral deposits, oil and gas, and oil and gas rights, and coal, lying in and under said land, as reserved by Earl Edgar and Delores Edgar, his wife, in deed recorded July 30, 1976 in Book 55, Page 595, Official Records, Elko County, Nevada.

FURTHER EXCEPTING THEREFROM 100% of all oil, gas, minerals and products derived therefrom, lying in and under said land, as reserved by Gregory D. Fox, Trustee to Eugene A. Fox Trust in deed recorded September 6, 1988 in Book 183, Page 159, November 7, 1991 in Book 228, Page 138, and May 10, 1993 in Book 247, Page 176, Official Records, Eureka County, Nevada.

BASIS OF BEARINGS

NAD 1983 (94 HARN ADJUSTMENT)
UTM, ZONE 11

AREA = 2.43 ACRES±

SCALE: 1" = 600'

FND. MOUND OF STONE
WITH "T" POST ALONGSIDE

FND. GLO BRASS CAP - 1914
WITH "T" POST ALONGSIDE

T31N, R50E, MDM

T30N, R50E, MDM

N00°21'29"E
269.67'

N89°19'15"E

3,962.7'±

N89°19'15"E

POB

660.5±

05-690-04
BRYANT, EDWARD

CENTERLINE OF A 160' WIDE
POWERLINE EASEMENT

N70°21'24"E
102.29'

LOT 4

LOT 3

LOT 2

LOT 1

SEC. 5

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Stanlec Consulting Inc.
510 Industrial Way
Sparks, Nevada 89431 USA
Tel: (775) 358-4931
Fax: (775) 358-4954
www.stanlec.com

MAP TO SUPPORT LEGAL DESCRIPTION
SIERRA PACIFIC POWER COMPANY
POR. SEC. 5, T30N, R50E, MDM

EUREKA COUNTY

NEVADA

80400400

MARCH 2001

Stantec Consulting Inc.
950 Industrial Way
Sparks NV 89431 USA
Tel: (775) 358-6931 Fax: (775) 358-6954
stantec.com



Stantec

January 02, 2000
Project No. 80400400

Legal Description
SIERRA PACIFIC POWER COMPANY
POWERLINE EASEMENT

OWNER: BRYANT
APN: 05-690-04

The following describes the centerline of a one hundred and sixty (160) foot wide powerline easement, situate within a portion of Section 5, T30N, R50E, MDM, lying eighty (80) feet on each side of the following described centerline:

Commencing at a point on the westerly line of said Section 5, from which a mound of stone marking the closing corner of Sections 5 and 6, T30N, R50E, MDM, bears North 00°21'29" East, 269.67 feet distant;

Thence departing said section line, North 89°19'15" East, 3,962.7 feet, more or less, to the westerly line Lot 1 of said Section 5 and the TRUE POINT OF BEGINNING;

Thence continuing North 89°19'15" East, 660.5 feet, more or less, to the easterly line of the NW1/4 of said Lot 1 and the Point of Terminus for this description, from which a GLO Brass Cap - 1914, marking the closing corner of Sections 4 and 5, T30N, R50 E, bears North 70°27'24" East, 702.29 feet distant.

The sidelines of the above described easements shall be lengthened or shortened so as to terminate upon the endlines.

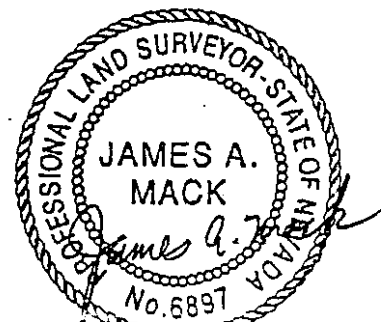
Containing an area of 2.43 acres of land, more or less.

Basis Of Bearing: NAD 1983 (94 Ham Adjustment), UTM Zone 11.

196685

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TAGS\516300400\6300400A\W7\DOCS\LEGAL\196685



Buildings
Environment
Industrial
Transportation
Urban Land