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06/04/2010

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**Official Record**

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ALLISON MACKENZIE PAVLAKIS

Eureka County - NV

Mike Rebaleati - Recorder

Fee: \$19.00

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RPTT:

Recorded By: FES

Book- 499 Page- 0391

RECORDING REQUESTED BY

WHEN RECORDED MAIL TO

KAREN A. PETERSON, ESQ.  
ALLISON, MACKENZIE, PAVLAKIS,  
WRIGHT & FAGAN, LTD.  
402 North Division Street  
P.O. Box 646  
Carson City, NV 89702



0215019

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☒ The party executing this document hereby affirms  
that this document submitted for recording does  
not contain the social security number of any  
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that this document submitted for recording does  
contain the social security number of a person or  
persons as required by NRS 239B.030(2).

Signature

LIS PENDENS

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E-Mail Address: law@allisonmackenzie.com

NO.

FILED

JUN 04 2010

Eureka County Clerk  
Deputy  
BY *[Signature]*

Case No. CV1000-141

Dept. No. \_\_\_\_\_

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

EUREKA COUNTY, a political  
subdivision of the state of Nevada,

Plaintiff,

vs.

**LIS PENDENS**

EUREKA WATER ASSOCIATION,  
INC., a revoked Nevada corporation;  
All persons unknown claiming any  
right, title, estate, lien, or interest in  
the real property described in the  
complaint adverse to EUREKA  
COUNTY's ownership, or any cloud  
upon EUREKA COUNTY's title  
thereto; and DOES I through XX,  
inclusive,

Defendants,

NOTICE IS HEREBY GIVEN that Plaintiff, EUREKA COUNTY, has commenced  
an action against EUREKA COUNTY WATER ASSOCIATION, INC.; All persons unknown  
claiming any right, title, estate, lien, or interest in the real property described in the complaint  
adverse to EUREKA COUNTY's ownership, or any cloud upon EUREKA COUNTY's title  
thereto; and DOES I through XX, inclusive, in the above-entitled Court, which action is now  
pending.

The object of said action is to quiet title to Plaintiff, EUREKA COUNTY, to the real  
property water rights used for municipal and domestic purposes described as follows:

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- a. Nevada State Engineer's Certificate No. 9889 (Permit No. 26542) providing for a diversion rate of 0.14 cubic feet per second from an underground well commonly referred to as the Spring Street Well, the point of diversion being SW 1/4 SW 1/4 Section 13, T.19N., R.53E., M.D.B.&M., or at a point from which the West 1/4 corner of Section 24, T.19N., R.53E., bears S. 17° 50' W., a distance of 3060 feet situated in Eureka County, State of Nevada;
- b. Nevada State Engineer's Certificate No. 9890 (Permit No. 26543) providing for a diversion rate of 0.05 cubic feet per second from an underground well commonly referred to as Well #3, the point of diversion being SW1/4 NW1/4 Section 24, T.19N., R.53E., M.D.B.&M., or at a point from which the W 1/16 corner of Section 13 and 24, T.19N., R.53E., M.D.B.&M., bears N. 20° 34' E., a distance of 1746.30 feet situated in Eureka County, State of Nevada;
- c. Nevada State Engineer's Certificate No. 9891 (Permit No. 26544) providing for a diversion rate of 0.07 cubic feet per second from an underground well commonly referred to as Well #1, the point of diversion being SW1/4 NE1/4 Section 25, T.19N., R. 53E., M.D.B.&M., or at a point from which the W 1/16 corner of Section 13 and 24, T.19N., R.53E., M.D.B.&M., bears N. 16° 20' W., a distance of 7397 feet situated in Eureka County, State of Nevada;
- d. Nevada State Engineer's Certificate No. 9685 (Permit No. 29603) providing for a diversion rate of 0.089 cubic feet per second but not to exceed 21.02 million gallons annually from an underground well, the point of diversion being NW1/4 SE1/4 Section 25, T.19N., R.53E., M.D.B.&M., or at a point from which the S1/4 corner of said Section 25 bears S. 32° 12' W., a distance of 2135.54 feet situated in Eureka County, State of Nevada;
- e. Nevada State Engineer's Certificate No. 12927 (Permit No. 40156) providing for a diversion rate of 0.111 cubic feet per second but not to exceed 26.18 million gallons annually from Richmond Spring, the point of diversion being in the NW1/4 SW1/4 Section 19, T.19N., R.54 E., M.D.B.&M. or at a point from which the W1/16 corner common to Sections 13 and 24, T.19N., R.53 E., M.D.B.&M. bears N. 51° 41' W. a distance of 5,383.08 feet situated in Eureka County, State of Nevada;
- f. Nevada State Engineer's Certificate No. 12928 (Permit No. 40157) providing for a diversion rate of 0.111 cubic feet per second but not to exceed 26.18 million gallons annually from Bullwacker Spring, the point of diversion being in the SW1/4 SW1/4 Section 19, T.19N., R.54E., M.D.B.&M. or at a point from which the W1/16 corner common to Sections 13 and 24, T.19N., R.53E., M.D.B.&M. bears N. 46°53' W. a distance of 5,844.21 feet situated in Eureka County, State of Nevada;
- g. Nevada State Engineer's Certificate No. 12929 (Permit No. 40158) providing for a diversion rate of 0.111 cubic feet per second but not to exceed 26.18 million gallons annually from Gorman Spring, the point of diversion being in the NE1/4 SW1/4 Section 25, T.19N., R.53E., M.D.B.&M. or at a point from which the SE corner of said

Section 25 bears S. 53°54' E. a distance of 4,432.47 feet situated in Eureka County, State of Nevada;

- h. Nevada State Engineer's Certificate No. 12930 (Permit No. 40159) providing for a diversion rate of 0.111 cubic feet per second but not to exceed 26.18 million gallons annually from Florio Spring and its tributaries, the point of diversion being in the NE1/4 SE1/4 Section 25, T.19N., R.53E., M.D.B.&M. or at a point from which the SE corner of said Section 25 bears S.26° 12' E. a distance of 2,291.88 feet situated in Eureka County, State of Nevada;
- i. Nevada State Engineer's Certificate No. 12931 (Permit No. 40160) providing for a diversion rate of 0.111 cubic feet per second but not to exceed 26.18 million gallons annually from Fred Spring, the point of diversion being in the NW1/4 SW1/4 Section 30, T.19N., R.54E., M.D.B.&M. or at a point from which the SW corner of said Section 30 bears S. 08° 35' W. a distance of 1,483.01 feet situated in Eureka County, State of Nevada;
- j. Nevada State Engineer's Certificate No. 12932 (Permit No. 40161) providing for a diversion rate of 0.111 cubic feet per second but not to exceed 26.18 million gallons annually from Lani Spring, the point of diversion being in the SW1/4 SW1/4 Section 30, T.19N., R.54E., M.D.B.&M. or at a point from which the SW corner of said Section 30 bears S. 31°23' W. a distance of 1,566.12 feet situated in Eureka County, State of Nevada;
- k. Nevada State Engineer's Certificate No. 12933 (Permit No. 40162) providing for a diversion rate of 0.111 cubic feet per second but not to exceed 26.18 million gallons annually from Middle Spring and its tributaries, the point of diversion being in the SE1/4 NE1/4 Section 36, T.19N., R.53E., M.D.B.&M. or at a point from which the NE corner of said Section 36 bears N. 05° 09' E. a distance of 2,072.08 feet situated in Eureka County, State of Nevada;
- l. Nevada State Engineer's Certificate No. 12934 (Permit No. 40163) providing for a diversion rate of 0.111 cubic feet per second but not to exceed 26.18 million gallons annually from Summit Spring, the point of diversion being NE1/4 NE1/4 Section 1, T.18N., R.53E., M.D.B.&M. (unsurveyed) or at a point from which the NE corner of Section 36, T.19N., R.53E., M.D.B.&M. bears N. 05° 46' E. a distance of 5,680.66 feet situated in Eureka County, State of Nevada;
- m. Nevada State Engineer's Certificate No. 12935 (Permit No. 40164) providing for a diversion rate of 0.111 cubic feet per second but not to exceed 26.18 million gallons annually from Lucky Springs and its tributaries, the point of diversion being in the NE1/4 SE1/4 Section 1, T.18N., R.53E., M.D.B.&M. (unsurveyed) or at a point from which the NE corner of Section 36, T.19N., R.53E., M.D.B.&M. bears N. 04° 12' E. a distance of 8,487.23 feet situated in Eureka County, State of Nevada;
- n. Nevada State Engineer's Certificate No. 12936 (Permit No. 40165) providing for a diversion rate of 0.111 cubic feet per second but not to exceed 26.18 million gallons annually from Prospect Springs, the



- point of diversion being in the NE1/4 NE1/4 Section 12, T.18N., R.53E., M.D.B.&M. (unsurveyed) or at a point from which the NE corner of Section 36, T.19N., R.53E., M.D.B.&M. bears N. 07° 04' E. a distance of 11,975.48 feet situated in Eureka County, State of Nevada;
- o. Nevada State Engineer's Vested Right No. V04501 providing for a diversion rate of 0.111 cubic feet per second from Gorman Spring, the point of diversion being NE1/4SW1/4 Sec. 25, T.19N., R.53E., M.D.M. or at a point from which the SE corner of said Sec. 25 bears S.53°54'E. a distance of 4432.47 feet;
- p. Nevada State Engineer's Vested Right No. V04502 providing for a diversion rate of 0.111 cubic feet per second from Prospect Springs, the point of diversion being NE1/4NE1/4 Sec. 12, T.18N., R.53E., M.D.M. (unsurveyed) or at a point from which the NE corner of Sec. 36, T.19N., R.53E., M.D.M., bears N. 7°04'E. a distance of 11,975.48 feet;
- q. Nevada State Engineer's Vested Right No. V04503 providing for a diversion rate of 0.111 cubic feet per second from Lucky Springs and its tributaries, the point of diversion being NE1/4SE1/4 Sec.1, T.18N., R.53E., M.D.M. (unsurveyed) or at a point from which the NE corner of Sec. 36, T.19N., R.53E., M.D.M. bears N.4°12'E. a distance of 8487.23 feet;
- r. Nevada State Engineer's Vested Right No. V04504 providing for a diversion rate of 0.111 cubic feet per second from Summit Spring, the point of diversion being NE1/4NE1/4 Sec.1, T.18N., R.53E., M.D.M. (unsurveyed) or at a point from which the NE corner of Sec. 36, T.19N., R.53E., M.D.M. bears N. 5°46'E. a distance of 5680.66 feet;
- s. Nevada State Engineer's Vested Right No. V04505 providing for a diversion rate of 0.111 cubic feet per second from Middle Spring the point of diversion being SE1/4NE1/4 Sec. 36, T.19N., R.53E., M.D.M. or at a point from which the NE corner of said Sec. 36 bears N. 5°09' E. a distance of 2072.08 feet;
- t. Nevada State Engineer's Vested Right No. V04506 providing for a diversion rate of 0.111 cubic feet per second from Lani Spring, the point of diversion being SW1/4SW1/4 Sec. 30, T.19N., R.54E., M.D.M. or at a point from which the SW corner of said Sec. 30 bears S.31°23'W a distance of 1566.12 feet;
- u. Nevada State Engineer's Vested Right No. V04507 providing for a diversion rate of 0.111 cubic feet per second from Fred Spring, the point of diversion being NW1/4SW1/4 Sec. 30, T.19N., R.54E., M.D.M. or at a point from which the SW corner of said Sec. 30 bears S.8°35' W. a distance of 1483.01 feet;
- v. Nevada State Engineer's Vested Right No. V04508 providing for a diversion rate of 0.111 cubic feet per second from Florio Spring and its tributaries, the point of diversion being NE1/4SE1/4 Sec. 25,



1 T.19N., R.53E., M.D.M. or at a point from which the SE corner of  
2 said Sec. 25 bears S 26°12'E, a distance of 2291.88 feet;

3 w. Nevada State Engineer's Vested Right No. V04509 providing for a  
4 diversion rate of 0.111 cubic feet per second from Bullwacker  
5 Spring, the point of diversion being SW1/4SW1/4 Sec. 19, T.19N.,  
6 R.54E., M.D.M. or at a point from which the W 1/16 corner Section  
7 13-24, T.19N., R.53E., M.D.M. bears N. 46°53'W. a distance of  
8 5844.21 feet; and,

9 x. Nevada State Engineer's Vested Right No. V04510 providing for a  
10 diversion rate of 0.111 cubic feet per second from Richmond Spring,  
11 the point of diversion being NW1/4SW1/4 Sec. 19, T.19N., R.54E.,  
12 M.D.M. or at a point from which the W 1/16 corner Sec. 13-24  
13 T.19N., R.53E., M.D.M. bears N 51°41'W a distance of 5383.08  
14 feet.

15 The place of use of all the above described water rights is located in the SE1/4  
16 NE1/4, SE1/4 Section 14; SE1/4 NE1/4, N1/2 NE1/4, Section 23; SW1/4 NW1/4, W1/2 SW1/4,  
17 Section 13; W1/2 NW1/4, Section 24, T.19N., R.53E., M.D.B.&M.

18 Reference is made to the Verified Complaint to Quiet Title in full particulars.

19 DATED this 28<sup>th</sup> day of May, 2010.

20 ALLISON, MacKENZIE, PAVLAKIS,  
21 WRIGHT & FAGAN, LTD.  
22 402 North Division Street  
23 Carson City, NV 89703

24 By: 

25 KAREN A. PETERSON, ESQ.  
26 Nevada State Bar No. 0366  
27 JENNIFER MAHE, ESQ.  
28 Nevada State Bar No. 9620

Attorneys for Plaintiff,  
EUREKA COUNTY

-and-

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Attorney for EUREKA COUNTY

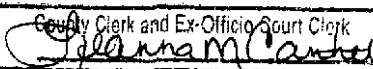
SEVENTH JUDICIAL DISTRICT COURT  
IN AND FOR COUNTY OF EUREKA  
STATE OF NEVADA

} 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.

DISTRICT COURT, this 28<sup>th</sup> day of May 2010

County Clerk and Ex-Officio Court Clerk

 Deputy Clerk

5

