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

DOC # 0215488

09/17/2010

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PETERSON, KAREN A ESQ

Eureka County - NV
Mike Rebaleati - Recorder

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☐ The party executing this document hereby affirms
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

JUDGMENT QUIETING TITLE

SEP 17 2010

Eureka County Clerk

BY *[Signature]* Deputy

Case No. CV 1006-141

Dept. No. II

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.

JUDGMENT QUIETING TITLEEUREKA 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.

This matter having come regularly for hearing before this Court on September 17, 2010 after due notice having been properly provided; Plaintiff, EUREKA COUNTY, a political subdivision of the state of Nevada, appeared by and through its attorneys, JENNIFER M. MAHE, ESQ., of ALLISON, MacKENZIE, PAVLAKIS, WRIGHT & FAGAN, LTD., and THEODORE BEUTEL, ESQ., EUREKA COUNTY DISTRICT ATTORNEY; and no Defendants having appeared in the action by filing an answer or other pleading, or appearing at the hearing, and the Court notes the Clerk entered a Default against all named Defendants, and 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, on August 27, 2010.

The Court having taken evidence and no persons objecting; the Court having considered the evidence presented, the pleadings and papers on file herein; and it appearing that the allegations of the Verified Complaint to Quiet Title are true. Accordingly, good cause appearing, the Court finds as follows:

1. Plaintiff, EUREKA COUNTY, a political subdivision of the state of Nevada, claims it is the true and lawful owner of all the right, title and interest in and to the water rights used for municipal and domestic purposes known as follows:

- 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.19 N., 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, T.19N., R.53E., M.D.M. or at a point from which the SE corner of said Sec. 25 bears S 26°12'E, a distance of 2291.88 feet;
- w. Nevada State Engineer's Vested Right No. V04509 providing for a diversion rate of 0.111 cubic feet per second from Bullwacker Spring, the point of diversion being SW1/4SW1/4 Sec. 19, T.19N., R.54E., M.D.M. or at a point from which the W 1/16 corner Section 13-24, T.19N., R.53E., M.D.M. bears N. 46°53'W. a distance of 5844.21 feet; and,
- x. Nevada State Engineer's Vested Right No. V04510 providing for a diversion rate of 0.111 cubic feet per second from Richmond Spring, the point of diversion being NW1/4SW1/4 Sec. 19, T.19N., R.54E., M.D.M. or at a point from which the W 1/16 corner Sec. 13-24 T.19N., R.53E., M.D.M. bears N 51°41'W a distance of 5383.08 feet.

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

2. On October 16, 1963, some of the water rights described in paragraph 1 above, then commonly referred to as Heller's Eureka Water Works, were transferred by Louis and Helen Heller to J. Donald Morrison and Rose Morrison by a Deed recorded on September 5, 1967 as Document No. 45212 in the Eureka County Recorder's Office in Book 20, pages 305-308. A true and correct copy of the Deed was attached as **Exhibit "2"** to the Verified Complaint to Quiet Title.

3. On March 22, 1967, EUREKA WATER ASSOCIATION, INC. was formed for the purpose of operating a domestic water system. A true and correct copy of the Articles of Incorporation of the EUREKA WATER ASSOCIATION, INC. was attached as **Exhibit "3"** to the Verified Complaint to Quiet Title.

4. On August 31, 1967, Donald Morrison and Rose Morrison transferred some of the water rights described in paragraph 1 above to EUREKA WATER ASSOCIATION, INC., by a Warranty Deed recorded on August 31, 1967 as Document No. 45194 in the Eureka County Recorder's Office in Book 20, pages 281-283. A true and correct copy of the Warranty Deed was attached as **Exhibit "4"** to the Verified Complaint to Quiet Title.

5. Between February 9, 1972 and August 12, 1985, EUREKA WATER ASSOCIATION, INC. filed with the Nevada Division of Water Resources the applications and the vested claims for the water rights utilized in the water system and described in paragraph 1 above.

6. On January 5, 1982, EUREKA WATER ASSOCIATION, INC. passed a resolution that some or all of the water rights described in paragraph 1 above, commonly referred to as the Eureka Town Water System, "with all assets, real or personal, and debts be taken over, maintained and controlled by the Board of County Commissioners acting as a Town Board for the unincorporated town of Eureka, Nevada." A true and correct copy of the January 5, 1982 Resolution of EUREKA WATER ASSOCIATION, INC. was attached as **Exhibit "5"** to the Verified Complaint to Quiet Title.

7. EUREKA WATER ASSOCIATION, INC. intended by such resolution to transfer ownership of the water rights described in paragraph 1 above to Plaintiff, EUREKA COUNTY.

8. EUREKA COUNTY accepted the real property water rights described in paragraph 1 above when the Board of County Commissioners at its meeting on January 6, 1982 unanimously agreed to "take over, maintain and operate the water system for the Town of Eureka until all statutes are complied with." A true and correct copy of the January 6, 1982 Minutes of the Board of Eureka Commissioners was attached as **Exhibit "8"** to the Verified Complaint to Quiet Title.

9. No deed was ever executed or recorded nor was a Report of Conveyance filed with the Nevada Division of Water Resources, and accordingly the water rights described in paragraph 1 above are currently titled in the name of EUREKA WATER ASSOCIATION, INC.

10. EUREKA COUNTY WATER ASSOCIATION, INC's charter was permanently revoked on October 31, 1996. Accordingly, EUREKA COUNTY can no longer obtain a deed from EUREKA WATER ASSOCIATION, INC.

11. Pursuant to Nevada law, water rights are regarded as real property. Application of Filippini, 66 Nev. 17, 21-22, 202 P.2d 535, 537 (1949).

12. In order to effectuate a conveyance of a water right, there must be a deed recorded with the applicable county recorder's office and a report of conveyance filed with the Nevada Division of Water Resources. NRS 533.382 and NRS 533.384.

13. EUREKA COUNTY has utilized the real property water rights identified in paragraph 1 above since January 6, 1982, a period exceeding fifteen (15) years.

14. EUREKA COUNTY has paid all taxes, assessments, costs and fees related to the said water rights, including all maintenance of the equipment needed to put the water rights to beneficial use, since January 6, 1982, a period exceeding fifteen (15) years.

15. No persons claiming an equitable interest in the said water rights have appeared.

16. The Court has reviewed the evidence presented and finds that the water rights described in paragraph 1 were conveyed to EUREKA COUNTY.

17. Based upon the foregoing, Plaintiff, EUREKA COUNTY, is the holder of legal and equitable title to the water rights described in paragraph 1 above.

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED AND JUDGMENT ENTERED AS FOLLOWS:

1. Title is quieted in the name of EUREKA COUNTY, a political subdivision of the state of Nevada, to all the right, title and interest in and to the water rights used for municipal and domestic purposes known as follows:

- 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,

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

- w. Nevada State Engineer's Vested Right No. V04509 providing for a diversion rate of 0.111 cubic feet per second from Bullwacker Spring, the point of diversion being SW1/4SW1/4 Sec. 19, T.19N., R.54E., M.D.M. or at a point from which the W 1/16 corner Section 13-24, T.19N., R.53E., M.D.M. bears N. 46°53'W. a distance of 5844.21 feet; and,
- x. Nevada State Engineer's Vested Right No. V04510 providing for a diversion rate of 0.111 cubic feet per second from Richmond Spring, the point of diversion being NW1/4SW1/4 Sec. 19, T.19N., R.54E., M.D.M. or at a point from which the W 1/16 corner Sec. 13-24 T.19N., R.53E., M.D.M. bears N 51°41'W a distance of 5383.08 feet.

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

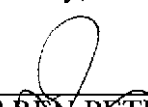
2. That Defendants, each of them, and all other persons claiming rights in the said water rights, are permanently enjoined from asserting any adverse claim to Plaintiff's right, title to, or interest in, said water rights.

DONE IN OPEN COURT this 17th day of September, 2010.


DISTRICT JUDGE

Submitted By:

ALLISON, MacKENZIE, PAVLAKIS,
WRIGHT & FAGAN, LTD.
402 North Division Street
P.O. Box 646
Carson City, NV 89702

By: 
KAREN PETERSON, ESQ.
Nevada State Bar # 0366
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Nevada State Bar # 9620

Attorneys for Plaintiff,
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.

WITNESS My Hand and Seal of said DISTRICT COURT, this 17th day of September 2010

County Clerk and Ex-Officio Court Clerk



Deputy Clerk