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FILED

JUN 04 2010

Eureka County Clerk

BY *Shannon Cantrell* Deputy

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Case No. CV10002-141

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.

**VERIFIED COMPLAINT
TO QUIET TITLE**

(Exempt from Arbitration; Action
Concerning Title to Real Estate)

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,

Plaintiff, EUREKA COUNTY, a political subdivision of the state of Nevada, by and
through its counsel ALLISON, MacKENZIE, PAVLAKIS, WRIGHT & FAGAN, LTD. and
THEODORE BEUTEL, Eureka County District Attorney, complains and alleges as follows:

FIRST CLAIM FOR RELIEF

1. Plaintiff, EUREKA COUNTY, is a political subdivision of the state of Nevada.
2. Defendant, EUREKA WATER ASSOCIATION, INC., was a Nevada corporation until October 31, 1996 at which time its corporate charter was permanently revoked.

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1 See, True and correct copy of the Memorandum of Secretary of State dated July 31, 2007 attached
2 hereto as **Exhibit "1"** and incorporated herein by this reference.

3 3. The true names or capacities, whether individual, corporate, associate or
4 otherwise, of Defendants named herein as DOES I through XX, inclusive, are unknown to Plaintiff,
5 who sues said Defendants by such fictitious names, and Plaintiff will amend this Complaint to show
6 their true names and capacities when the same have been ascertained.

7 4. Plaintiff is informed and believes that Defendants, DOES I through XX,
8 inclusive, and each of them, claim an interest in or to the real property described in paragraph 5
9 below adverse to Plaintiff's interest, and whose claims constitute a cloud on Plaintiff's interest in
10 said real property.

11 5. Plaintiff, EUREKA COUNTY, is the true and lawful owner of all the right,
12 title and interest in and to the water rights used for municipal and domestic purposes known as
13 follows:

- 14 a. Nevada State Engineer's Certificate No. 9889 (Permit No. 26542)
15 providing for a diversion rate of 0.14 cubic feet per second from an
16 underground well commonly referred to as the Spring Street Well,
17 the point of diversion being SW 1/4 SW 1/4 Section 13, T.19N.,
18 R.53E., M.D.B.&M., or at a point from which the West 1/4 corner
19 of Section 24, T.19N., R.53E., bears S. 17° 50' W., a distance of
20 3060 feet situated in Eureka County, State of Nevada;
- 21 b. Nevada State Engineer's Certificate No. 9890 (Permit No. 26543)
22 providing for a diversion rate of 0.05 cubic feet per second from an
23 underground well commonly referred to as Well #3, the point of
24 diversion being SW1/4 NW1/4 Section 24, T.19N., R.53E.,
25 M.D.B.&M., or at a point from which the W 1/16 corner of Section
26 13 and 24, T.19N., R.53E., M.D.B.&M., bears N. 20° 34' E., a
27 distance of 1746.30 feet situated in Eureka County, State of Nevada;
- 28 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

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- 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

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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.,

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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.

6. 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).

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

4 8. On October 16, 1963, the water rights described in paragraph 5 above, then
5 commonly referred to as Heller's Eureka Water Works, were transferred by Louis and Helen Heller
6 to J. Donald Morrison and Rose Morrison by a Deed recorded on September 5, 1967 as Document
7 No. 45212 in the Eureka County Recorder's Office in Book 20, pages 305-308. A true and correct
8 copy of the Deed is attached hereto as **Exhibit "2"** and incorporated herein by this reference.

9 9. On March 22, 1967, EUREKA WATER ASSOCIATION, INC. was formed
10 for the purpose of operating a domestic water system. A true and correct copy of the Articles of
11 Incorporation of the EUREKA WATER ASSOCIATION, INC. is attached hereto as **Exhibit "3"**
12 and incorporated herein by this reference.

13 10. Thereafter, on August 31, 1967, Donald Morrison and Rose Morrison
14 transferred the water system to EUREKA WATER ASSOCIATION, INC., by a Warranty Deed
15 recorded on August 31, 1967 as Document No. 45194 in the Eureka County Recorder's Office in
16 Book 20, pages 281-283. A true and correct copy of the Warranty Deed is attached hereto as
17 **Exhibit "4"** and incorporated herein by this reference.

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

22 12. On January 5, 1982, EUREKA WATER ASSOCIATION, INC. passed a
23 resolution that the real property water rights described in paragraph 5 above, then commonly
24 referred to as the Eureka Town Water System, "with all assets, real or personal, and debts be taken
25 over, maintained and controlled by the Board of County Commissioners acting as a Town Board
26 for the unincorporated town of Eureka, Nevada." A true and correct copy of the January 5, 1982
27 Resolution of EUREKA WATER ASSOCIATION, INC. is attached hereto as **Exhibit "5"** and
28 incorporated herein by this reference.

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1 13. EUREKA WATER ASSOCIATION, INC. intended by such resolution to
2 transfer ownership of the real property water rights described in paragraph 5 above to Plaintiff,
3 EUREKA COUNTY. See, True and correct copy of Affidavit of Pete Goicoechea, a former
4 member of the Board of EUREKA WATER ASSOCIATION, INC. attached hereto as **Exhibit “6”**
5 and incorporated herein by this reference; and Affidavit of David A. Pastorino, a former member
6 of the Board of the EUREKA WATER ASSOCIATION, INC., dated February 5, 2009 and true and
7 correct copy of December 18, 2007 Affidavit of David A. Pastorino, both attached hereto as **Exhibit**
8 **“7”** and incorporated herein by this reference.

9 14. EUREKA COUNTY accepted the real property water rights described in
10 paragraph 5 above when the Board of County Commissioners at their meeting on January 6, 1982
11 unanimously agreed to “take over, maintain and operate the water system for the Town of Eureka
12 until all statutes are complied with.” A true and correct copy of the January 6, 1982 Minutes of the
13 Board of Eureka Commissioners is attached hereto as **Exhibit “8”** and incorporated herein by this
14 reference.

15 15. Despite the intended transfer of the real property water rights from EUREKA
16 WATER ASSOCIATION, INC. to EUREKA COUNTY, no deed was ever executed or recorded
17 nor was a Report of Conveyance filed with the Nevada Division of Water Resources, and
18 accordingly the water rights described in paragraph 5 above are currently titled in the name of
19 EUREKA WATER ASSOCIATION, INC. See, Affidavit of Ronald D. Damele, Jr. dated February
20 6, 2009 and true and correct copy of December 27, 2007 Affidavit of Ronald D. Damele, Jr., both
21 attached hereto as **Exhibit “9”** and incorporated herein by this reference.

22 16. Since EUREKA WATER ASSOCIATION, INC.’s charter has been
23 permanently revoked, EUREKA COUNTY can no longer obtain a deed from EUREKA WATER
24 ASSOCIATION, INC. and therefore requests that this Court quiet title to the real property water
25 rights identified in paragraph 5 above in the name of EUREKA COUNTY.

26 17. EUREKA COUNTY has utilized the real property water rights since January
27 6, 1982, a period exceeding fifteen (15) years. See, Exhibit “9”.

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18. EUREKA COUNTY has paid all taxes, assessments, costs and fees, 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.

19. EUREKA COUNTY is entitled to judgment quieting title to it in fee simple to the real property water rights described above in paragraph 5.


WHEREFORE, Plaintiff prays:

1. For an Order of this Court permitting publication of Summons;
2. For an Order of this Court quieting title in Plaintiff to the water rights described above in paragraph 5 as against all Defendants, and all persons claiming under them,
3. For such other and further relief as the Court deems just and proper.

DATED this 28th day of May, 2010.

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

By:


KAREN A. PETERSON, ESQ.
Nevada State Bar No. 0366
JENNIFER MAHE, ESQ.
Nevada State Bar No. 9620

Attorneys for Plaintiff,
EUREKA COUNTY

-and-

THEODORE BEUTEL, ESQ.
Nevada State Bar No. 5222
EUREKA COUNTY DISTRICT ATTORNEY
701 South Main Street
Post Office Box 190
Eureka, Nevada 89316

Attorney for EUREKA COUNTY

EXHIBIT “1”

STATE OF NEVADA



ROSS MILLER
Secretary of State

SCOTT W. ANDERSON
Deputy Secretary
for Commercial Recordings

OFFICE OF THE
SECRETARY OF STATE

TO: THEODORE BEUTEL ESQ
PO BOX 190
EUREKA NV 89316

DATE: JULY 31, 2007 SUBJECT: EUREKA WATER ASSOCIATION, INC.

Date of Organization: MARH 22, 1967 Date of Qualification:
Entity #: C427-1967 State:

- Good Standing – current as of:
- Delinquent as of: Sixty-Day List of Officers
- Delinquent as of: Annual List of Officers
- Permanently revoked as of: OCT 31, 1996 (NRS 78.180 (4))
- Merged_ Dissolved_ as of: Withdrawn as of:
- Name change:

Corporation not on file: A search for this corporation shows no record on file having registered as a corporation in the State of Nevada.

FOR FURTHER INFORMATION REGARDING HOW TO OBTAIN COPIES OF ANY FURTHER DOCUMENTS ON FILE, PLEASE CONTACT THE COPIES DIVISION AT (775) 684-5708.

Respectfully,

ROSS MILLER
Secretary of State

By

Certification Clerk

Commercial Recording Division
200 N. Carson Street
Carson City, Nevada 89701-4069
Telephone (775) 684-5708
Fax (775) 684-5630

EXHIBIT “2”

1 THIS INDENTURE, made this 16th day of October, A.D.,
2 1963, between LOUIS A. HELLER and HELEN HELLER, husband and wife,
3 of Eureka, Nevada, the parties of the first part and J. DONALD
4 MORRISON and ROSE MORRISON, husband and wife, of the same place,
5 the parties of the second part,

6 W I T N E S S E T H :

7 That the said parties of the first part, for and in con-
8 sideration of the sum of TEN DOLLARS (\$10) lawful money of the
9 United States of America, to them in hand paid by the parties of
10 the second part, and for other valuable considerations, the receipt
11 whereof is hereby acknowledged, does by these presents grant, bar-
12 gain, sell and convey unto the said parties of the second part, as
13 joint tenants, and to the survivor of them, and to the heirs and
14 assigns of such survivor forever, all those certain lots, pieces
15 or parcels of land, waters, water rights, possessory rights, per-
16 sonal property, franchises and easements operated as a unit under
17 the name of HELLER'S EUREKA WATER WORKS, and more particularly de-
18 scribed as follows:

19 PARCEL 1:

20 All that portion of Block 104, as set forth in the
21 Government Survey of the Townsite of Eureka, Nevada,
22 as approved by the General Land Office on November
19, 1937, lying easterly of the following described
line:

23 Beginning at a point 236 feet east of the southwest
24 corner of said Block 104; thence North 9⁰44' west 150
25 feet to a point; thence north 18⁰ 16' east a distance
of 260 feet, more or less, to the north boundary of
said Block 104.

26 PARCEL 2:

27 All that portion of Block 107 as set forth in the
28 Government Survey of the Townsite of Eureka, Nevada,
29 as approved by the General Land Office on November
19, 1937, lying west of the following described line:

30 Beginning at corner monument No. 2 of the Southern
Cross Mill Site, also known as Block 107 of the Town-
site of Eureka; running thence in a northwesterly

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MERT & MORGENTHAU
OF OR. RAINE
FALLON, NEVADA

1 direction to the southwest corner of monument No.
2 3 of the Richmond Mining Company of Nevada's mill
Site, also known as Block 108 of Eureka Townsite.

3 PARCEL 3:

4 THE DON RICARDO MILL SITE, in the Eureka Mining
5 District, as patented under Survey No. 274-B on March
31, 1883, and recorded in Book 15, page 33, Deed
6 Records of Eureka County.

7 PARCEL 4:

8 The GERALDINE MILL SITE, in the Eureka Mining Dis-
9 trict, as patented under Survey No. 284-B on July 28,
1883, and recorded in Book 17, page 39, Deed Records
of Eureka County.

10 PARCEL 5:

11 The SOUTHERN CROSS NO. 2 MILL SITE, in the Eureka Mining
12 District, as patented under Survey No. 100-B on June 15,
1878, and recorded in Book 6, page 634, Deed Records of
13 Eureka County.

14 PARCEL 6:

15 An undivided one-half interest in and to the GREEN SEAL
16 MILL SITE, in the Eureka Mining District, as patented
under Patent No. 6169, and Survey No. 167-B on July
15, 1882.

17 PARCEL 7:

18 All of Block 43, as set forth in the Government Survey
19 of the Townsite of Eureka, Nevada, as approved by the
General Land Office on November 19, 1937.

20 PARCEL 8:

21 A parcel of land commencing at the U.S.C.G. Station Tank
22 Monument, which bears North 70°19'30" east, 1252.79 feet
23 from the S₄ corner of Section 14, Township 19 North,
range 53 east, M.E.B.&M., thence a distance of 25 feet
24 toward the City Cemetery on a bearing of South 85°13'
west, the true point of beginning, thence a distance of
25 45.96 feet on a true bearing of North 22°54' west; thence
a distance of 100.0 feet on a true bearing of north 67°
26 06' east; thence a distance of 58.0 feet on a true bear-
ing of south 22°54' east; thence a distance of 100.0
27 feet on a true bearing of north 67°06' east; thence a
distance of 42.0 feet on a true bearing of south 22°
28 54' east; thence a distance of 200.0 feet on a true
bearing of south 67°06' west; thence a distance of
54.04 feet on a true bearing of north 22°54' west.

29 PARCEL 9:

30 Summit Spring

LAW OFFICES
DENEL & MCGARTHER
600 W. MAIN
FULLERTON, NEVADA

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Prospect Spring
Morgan Spring
Fred Spring
Sunberg Spring
Big Spring
Watkins Spring
Silver Spring
Deep Springs
One spring in New York Canyon south of Eureka
One spring southwest of Eureka in Goodwin Canyon
One spring at south end of the Town of Eureka, between Busl and Spring Streets.

PARCEL 10:

Also the following possessory rights and water rights:
The Lani Ranch, known as Summer Ranch
Parcel known as Survey No. 1 containing 94. acres,
Richmond Water Works
Houndtree Vegetable Ranch, containing South, Middle & East Springs,
Stream of Water & water right located by Wm. Gillen, et al
Also certain lots containing Clark Springs
Also certain Springs situate about 40 feet southerly from the main sand box of the Richmond Mining Company's main pipe line,
Entire property, etc., comprising the Richmond Mining Company's water works, including East Spring, Gillen Spring, Middle Spring, Clark Springs and South Spring.

PARCEL 11:

All those certain water mains and laterals, tanks, reservoirs, pumps, and engines, together with all franchises and rights now held and enjoyed by the Heller's Eureka Water Works and all privileges granted the same as a Public Utility and heretofore enjoyed by the said Heller Eureka Water works for the purpose of conveying, transporting, and supplying water to the residents and inhabitants of the Town of Eureka, County of Eureka, State of Nevada.

TOGETHER WITH, all and singular, the waters and water rights, ditches and ditch rights, tenements, 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 the said premises, together with the appurtenances, unto the said parties of the second part, as joint tenants, and not as tenants in common, with right of survivorship,

LAW OFFICES
SHELDON & McCARTON
25 SO. MAIN ST.
FALLON, NEVADA

and to the heirs and assigns of such survivor forever.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands, the day and year first above written

Louis A. Heller
LOUIS A. HELLER

Helen Heller
HELEN HELLER

STATE OF NEVADA, }
County of Churchill } ss.

On this 16th day of October, A.D., 1963, personally appeared before me, a notary public in and for the county and state aforesaid, LOUIS A. HELLER and HELEN HELLER, known to me to be the persons described in and who executed the foregoing instrument, who acknowledged to me that they executed the same freely and voluntarily and for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate above written.

Carman Sexton
Notary Public

My Commission Expires: May 21, 1967



File No. 15212
RECORDED AT THE REQUEST OF
Donald Morrison
September 5, A. D. 19 67
at 55 minutes past 1 P. M.
in Book 20 of OFFICIAL RECORDS
Page 305-308 Records of
Churchill County, Nevada
Louis A. Heller
Recorder Fee \$ 6.00



LAW OFFICES
BEHL & REAGHORE
PO BOX, NAJME
FALLON, NEVADA

EXHIBIT “3”

OFFICE OF
JOHN KOONTZ
SECRETARY OF STATE

THE STATE OF NEVADA



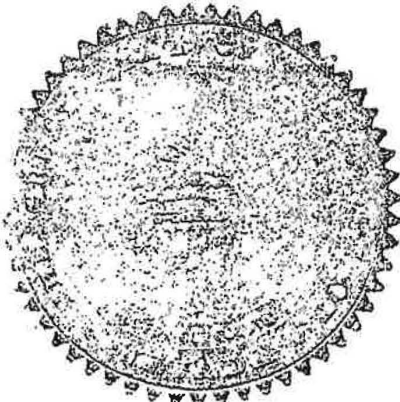
DEPARTMENT OF STATE

I, JOHN KOONTZ, the duly elected, qualified and acting Secretary of State of the State of Nevada, do hereby certify that the annexed is a true, full and correct transcript of the original Articles of Incorporation of

EUREKA WATER ASSOCIATION, INC.

as the same appears on file and of record in this office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Great Seal of State, at my office in Carson City, Nevada, this 22ND day of MARCH A. D. 19 67



John Koontz
Secretary of State
By _____ Deputy

Form 1
531

ARTICLES OF INCORPORATION

OF

EUREKA WATER ASSOCIATION, INC.

KNOW ALL MEN BY THESE PRESENTS:

That the undersigned do hereby associate themselves into a corporation under and by virtue of Nevada Revised Statutes 91.410 and 91.540, and do hereby certify and adopt the following Articles of Incorporation.

ARTICLE I.

The name of the corporation shall be:
EUREKA WATER ASSOCIATION, INC.

ARTICLE II.

This shall be a nonstock, nonprofit organization.

ARTICLE III.

The purposes for which said corporation is formed and its powers are:

(a) To engage in any lawful activity;

(b) To supply the members thereof with domestic water and to carry on the business of a domestic water works company and all its branches; to sink wells and shafts, and to make, build and construct, lay down and maintain reservoirs, cisterns, culverts, filter beds, main and other pipes and appliances, and to execute and do all other works and things necessary or convenient for obtaining, storing, holding, delivering and measuring and distributing water, or otherwise for the purposes of the company including the purchase, lease, or other acquisition of all property incident thereto, and the holding, owning, enjoying, selling, leasing, mortgaging, or otherwise encumbering and disposing of any and all and every kind of real and personal property;

(c) To appoint such agents and officers as its business might require, and such appointed agents may be either persons or corporations.

(d) To admit persons and corporations to membership in the corporation;

JOHN C. LANE
ATTORNEY AT LAW
P. O. BOX 207
EUREKA 4061
EUREKA, NEVADA
92316

- 1 (e) To expel any member pursuant to the provisions of its by-laws;
- 2 (f) To forfeit the membership of any member for violation of any agree-
- 3 ment between him and the corporation or for his violation of its by-laws;
- 4 (g) To sue and be sued in any court;
- 5 (h) To make contracts;
- 6 (i) To borrow money and contract debts when necessary for the transaction
- 7 of its business, or for the exercise of its corporate rights, privileges or franch-
- 8 ises, or for any other lawful purpose of its incorporation; to issue bonds, prom-
- 9 issory notes, bills of exchange, debentures, and other obligations and evidences
- 10 of indebtedness, payable at a specified time or times, or payable upon the happen-
- 11 ing of a specified event or events, whether secured by mortgage, pledge or other-
- 12 wise, or unsecured, for money borrowed, or in payment for property purchased,
- 13 or acquired, or for any other lawful object;
- 14 (j) To carry on any and all operations necessary or convenient in connec-
- 15 tion with the transaction of any of its business.

18 IT IS HEREBY EXPRESSLY PROVIDED that the foregoing enumeration of
19 purposes and powers shall not be held to limit or restrict in any manner the
20 powers of this corporation, except as such powers may be limited according to
21 law, provided, however, that nothing in these Articles of Incorporation shall be
22 deemed to empower the corporation to engage in the banking business, trust com-
23 pany business, or building and loan association business.

25 ARTICLE IV.

26 The location of the principal office of the corporation in the State of
27 Nevada is the Office of the District Attorney, Courthouse, Reno, Nevada.
28 Branch offices may hereafter be established at such other place or places within
29 the State of Nevada as may from time to time be determined by the Board of
30 Directors.
31

JERRY O. TANK
ATTORNEY AT LAW
P. O. BOX 207
DENVER 4081
DENVER, NEVADA
85115

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ARTICLE V.

The period of the existence of this corporation shall be fifty (50) years.

ARTICLE VI.

Members of the governing board shall be known as directors and the number thereof shall be not less than three (3), the exact number to be fixed by the by-laws of the corporation provided that the number so fixed by the by-laws may be increased or decreased from time to time.

The names and addresses of the first Board of Directors are as follows:

- Tom Johnston Eureka, Nevada
- E. C. Leutzinger Eureka, Nevada
- Donald E. Morrison Eureka, Nevada
- Jack Bay Eureka, Nevada
- Ronald Hicks Eureka, Nevada

ARTICLE VII.

The voting power and the property rights and interest of each member shall be equal. New members may be admitted who shall be entitled to vote and share in the property of the corporation with the old members in accordance with the provisions of the by-laws.

ARTICLE VIII.

The names and post office addresses of each of the subscribers signing these Articles of Incorporation are as follows:

- Jack Bay Eureka, Nevada
- E. C. Leutzinger Eureka, Nevada
- Tom Johnston Eureka, Nevada

ARTICLE IX.

Pursuant to NRS 81.470 the Board of Directors shall have the power to make and alter the by-laws of the corporation. By-laws made by the directors under the power so conferred may be altered, amended or repealed by the dir-

JERRY G. DANK
ATTORNEY AT LAW
P. O. BOX 207
EUREKA, NEVADA
PHONE 4081
89316

1 ectors, or by the members at any meeting called and held for that purpose, pro-
2 vided, however, that such action by the members shall require a vote of two-
3 thirds (2/3), of the total membership.

4 ARTICLE X.

5 The full powers of control and management of the corporation shall be
6 vested in the Board of Directors, which Board may delegate, in its discretion,
7 portions of such powers to any committee of said Board, or to the officers of
8 the corporation. In the absence of fraud no contract or other transaction of the
9 corporation shall be affected by the fact that any of the directors of the corpor-
10 ation are in any way interested or connected with any other party to such con-
11 tract or transaction, provided that the interest in any such contract or trans-
12 action of any such director shall at the time be fully disclosed or otherwise known
13 to the board of directors; and each and every person who may become a director
14 of the corporation is hereby relieved from any liability that might otherwise
15 exist from contracting with the corporation for the benefit of himself or any firm,
16 association or corporation in which he may be in anywise interested. Any dir-
17 ector of the corporation may vote and act upon any matter, contract or trans-
18 action between the corporation and any subsidiary, parent, or affiliated corpor-
19 ation or corporations, without regard to the fact that he is also a director of, or
20 has any interest in, such other corporation or corporations.

21 ARTICLE XI.

22 The Board of Directors may appoint an executive committee from among
23 the members of such Board of Directors, which committee, to the extent pro-
24 vided in the by-laws of the corporation and so far as may be permitted by law,
25 shall have and may exercise all of the powers of the Board of Directors in the
26 management of the business and affairs of the corporation during the intervals
27 between the meetings of the Board of Directors.

28 IN WITNESS WHEREOF, we have hereunto set our hands and seals and
29
30
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32

JERRY C. TANE
ATTORNEY AT LAW
P. O. BOX 207
HUNTER 4083
HUNTER, NEVADA
89316

1 executed these presents this 20th day of March, 1967.

2
3
4 E. C. LEUTZINGER

5 JACK BAY

6
7 TOM JOHNSTON

8 STATE OF NEVADA,)
9 : SS.
10 COUNTY OF EUREKA.)

11 On this 20th day of March, 1967, personally appeared before
12 me, a Notary Public in and for said County and State, E. C. LEUTZINGER

13 JACK L. BAY, and TOM JOHNSTON

14 , known to me to be the persons described in and who executed the above
15 and foregoing instrument; who acknowledged to me that they each executed the
16 same freely and voluntarily and for the uses and purposes therein mentioned.

17 IN WITNESS WHEREOF, I have hereunto set my hand and affixed my
18 official seal the day and year first hereinabove written.

19
20 /s/ Willis A. DePaoli
21 NOTARY PUBLIC.

22 Seal Affixed
23 Willis A. DePaoli
24 Notary Public - State of Nevada
25 Eureka County, Nevada
26 My Commission expires Oct. 14, 1969

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EXHIBIT “4”

WARRANTY DEED

1
2
3 THIS INDENTURE, made this 31st day of August, 1967, between J.
4 DONALD MORRISON and ROSE MORRISON, hereinafter collectively referred to
5 as GRANTORS and EUREKA WATER ASSOCIATION, INC., a Nevada Corporation,
6 hereinafter referred to as GRANTEE,
7

WITNESSETH:

8
9
10 That Grantors in consideration of the sum of SEVENTY-TWO THOUSAND
11 FIVE HUNDRED and no/100 DOLLARS (\$72, 500.00), to Grantors in hand paid by
12 Grantee, the receipt whereof is hereby acknowledged, do hereby grant, bargain,
13 sell, and convey unto the said Grantee, its successors and assigns forever, all
14 that tract or parcel of land lying and being in Eureka County, Nevada, and de-
15 scribed as follows, to-wit:
16

17 PARCEL 1: All that portion of Block 104 as set forth in the
18 Government Survey of the Townsite of Eureka, Nevada, as
19 approved by the General Land Office, November 19, 1937,
lying easterly of the following described line:

20 Beginning at a point 236 feet East of the Southwest corner
21 of said Block 104; thence North 9° 44' West 150 feet to a point;
22 thence North 18° 16' East a distance of 260 feet, more or less,
to the North boundary of said Block 104.

23 PARCEL 2: All that portion of Block 107 as set forth in the
24 Government Survey of the Townsite of Eureka, Nevada, as
25 approved by the General Land Office on November 19, 1937,
lying West of the following described line:

26 Beginning at corner monument No. 2 of the Southern Cross
27 Mill Site, also known as Block 107 of the Townsite of Eureka;
28 thence in a Northwesterly direction to the Southwest corner of
29 Monument No. 3 of the Richmond Mining Company of Nevada's
30 Mill Site, also known as Block 108 of Eureka Townsite.

31 PARCEL 3: The DON RICARDO MILL SITE in the Eureka
32 Mining District as patented under Survey No. 274-B on
March 31, 1883, and recorded in Book 15, page 33, Deed
Records.

PARCEL 4: The GERALDINE MILL SITE in the Eureka
Mining District, as patented under Survey No. 284-B on

1 July 28, 1883, and recorded in Book 17, page 39 of Deeds.

2 ✓ PARCEL 5: The SOUTHERN CROSS NO. 2 MILL SITE;
3 in the Eureka Mining District, as patented under Survey
4 No. 100-B on June 15, 1878, and recorded in Book 6,
5 page 634 of Deeds.

6 PARCEL 6: All of Block 43, as set forth in the Government
7 Survey of the Townsite of Eureka, Nevada, as approved by
8 the General Land Office on November 19, 1937.

9 PARCEL 7: A tract of land more particularly described as follows:

10 Commencing at the U. S. C. G. Station tank monument which
11 bears North $70^{\circ} 19' 30''$ East, 1852.79 feet from the South
12 quarter corner of Section 14, Township 19 North, Range 53
13 East, MDB&M, thence a distance of 25 feet towards the City
14 cemetery on a bearing of $S. 85^{\circ} 18' W.$, the true point of be-
15 ginning; thence a distance of 45.96 feet on a true bearing
16 of $N. 22^{\circ} 54' W.$; thence a distance of 100 feet on a true bearing
17 of $N. 67^{\circ} 06' E.$; thence a distance of 58 feet on a true bearing
18 of $S. 22^{\circ} 54' E.$; thence a distance of 100 feet on a true bearing
19 of $N. 67^{\circ} 06' E.$; thence a distance of 42 feet on a true bearing
20 of $S. 22^{\circ} 54' E.$; thence a distance of 200 feet on a true bearing
21 of $S. 67^{\circ} 06' W.$; thence a distance of 54.04 feet on a true bear-
22 ing of $N22^{\circ} 54' W.$

23 SUBJECT to recorded rights of way;

24 together with all franchises, rights of way; permits and
25 licenses for the construction and maintenance of the water
26 distribution system of Borrower in and near Eureka, Nevada
27 and all pipes, valves, meters, fittings, and other appurten-
28 ances of said water system now or hereafter installed on the
29 lands covered by said franchises, rights of way, permits or
30 licenses.

31 TO HAVE AND TO HOLD the same together with all the hereditaments
32 and appurtenances thereunto belonging or in any wise appertaining to the said
33 Grantee, its successors and assigns, forever.

34 Said Grantors, for themselves, their heirs, executors and administrators,
35 do covenant with the said Grantee, its successors and assigns, that the Grantors
36 are will seised in fee of the lands and premises aforesaid; that Grantors have
37 good right to sell and convey the same in manner and form aforesaid; that the
38 same are free from all incumbrances; and that Grantors will, and their heirs,
39 executors and administrators shall, warrant and defend the same to the said
40 Grantee, its successors and assigns, against the lawful claims and demands of


1 all persons.

2 IN WITNESS WHEREOF, the said Grantors have hereunto set their hands
3 the day and year first above written.

4
5 J. Donald Morrison
6 J. DONALD MORRISON
7 Rose Morrison
8 ROSE MORRISON

9 STATE OF NEVADA,)
10 : SS.
11 COUNTY OF EUREKA.)

12 On the 31st day of August, 1967, personally appeared before me, a
13 Notary Public, J. DONALD MORRISON and ROSE MORRISON, who acknowledged
14 to me that they executed the above instrument.

15
16  WILLIS A. DePAOLI
Notary Public - State of Nevada
Eureka County, Nevada
My commission expires Oct. 14, 1969

17 Willis A. DePaoli
18 Notary Public.

19
20 File No. 15191
21 RECORDED AT THE REQUEST OF
Eureka Water Association, Inc.,
22 August 31 A. D. 19 67
at 30 minutes past 2 P. M.
in Book 20 of OFFICIAL RECORDS
23 Page 281-281. Records of
EUREKA COUNTY, NEVADA
24 Willis A. DePaoli
Recorder Fee \$ 5.00

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JERRY G. LANE
ATTORNEY AT LAW
P. O. BOX 367
PHONE 4081
EUREKA, NEVADA
9916

EXHIBIT “5”

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R E S O L U T I O N

WHEREAS, the Eureka Town Water Association has operated and maintained the water system for the town of Eureka, Nevada for a number of years last past; and

WHEREAS, the said Eureka Town Water Association acting by and through its lawful Water Board and Officers of said association are fully informed and aware of serious problems confronting the water system for the town of Eureka, Nevada, that will necessitate major repairs and improvements for said water system; and

WHEREAS, the said Eureka Town Water Association is precluded from obtaining grant money or other funds, unless the water system becomes a political entity under the control of the Board of County Commissioners acting as a Town Board for the unincorporated town of Eureka, Nevada; and

WHEREAS, the Board of County Commissioners acting as a Town Board for the town of Eureka, Nevada, have agreed to take over, control and maintain the said water system, subject to all legal requirements under the statutes made and provided; and

WHEREAS, it is the unanimous desire of all the Water Board Members and Officers of the Eureka Town Water Association and expressed herein by this resolution, that the Board of County Commissioners acting as a Town Board for the unincorporated town of Eureka, Nevada, take over, control and maintain the water system for the town of Eureka, Nevada, and to also assume and take over all physical assets, which include real and personal property, accounts receivable, debts and assets of every kind and description, subject to applicable statutes, rules or regulations.

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NOW, THEREFORE, it is upon motion of Dave Pustaric
seconded by Lloyd Klindt and unanimously carried. It is
resolved that the Eureka Town Water System together 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, subject
to the statutes made and provided and that the Board Members and
Officers of the Eureka Town Water Association be relieved of all
duties, responsibilities or obligations in the future operation
of the Eureka Town Water System.

DATED this 5 day of January, 1982.

Approved:
EUREKA TOWN WATER ASSOCIATION
By: Ray Hubbard
President
By: Lloyd Klindt
Vice President
By: Carolyn Millard
Secretary
By: Dave Pustaric
Board Member
By: _____
Board Member
By: _____
Board Member

EXHIBIT “6”

Affidavit of Pete Goicoechea

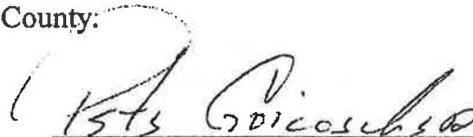
County of Eureka)
 : ss.
State of Nevada)

PETE GOICOECHEA, being first duly sworn, deposes and says that:

1. I am the Assemblyman for District 35 of the Nevada State Legislature, and have served in that position since 2003.
2. From 1987 to 2002, I served as a member of the Board of Eureka County Commissioners.
3. From 1977 to 1980, I served as a member of the Board on the Eureka Water Association, Inc.
4. I am aware the Eureka Water Association, Inc. was experiencing serious problems requiring major repairs and improvements to continue to provide water service to the town of Eureka. For example, in 1980, while I was President of the Association, the Association entered into a contract for the County to take over the operation of the water system. See Attachment A to this Affidavit, which is a true and correct copy of this contract.
5. The intent of the Association's Resolution of January 5, 1982, a true and correct copy of which is attached to this Affidavit as Attachment B, was to turn over the care, custody, and control of the water system completely to Eureka County.
6. The Board of Eureka County Commissioners accepted this Resolution, and published it in their minutes. A true and correct copy of those minutes is Attachment C to this

Affidavit.

7. The intent of the parties was to convey ownership of the entire water system, including the water rights, to Eureka County.


Pete Goicoechea

Subscribed and sworn to before me
this 26th day of December, 2007.


NOTARY PUBLIC



A G R E E M E N T

THIS AGREEMENT, made and entered into this 20th day of February, 1980, by and between THE COUNTY OF EUREKA, a political subdivision, hereinafter called "County", First Party, and EUREKA WATER ASSOCIATION, a Nevada Corporation, hereinafter called "Water Association", Second Party.

W I T N E S S E T H :

THAT WHEREAS, the Water Association is the owner and operator of the municipal water system in the town of Eureka, Nevada; and WHEREAS, the Water Association can no longer operate said system due to the lack of equipment and personnel; and

WHEREAS, the County is willing to take over the operation of the said municipal water system upon the terms and conditions as hereinafter set forth;

THEREFORE, in consideration of the mutual covenants, conditions and requirements on the part of the respective parties to be performed, said parties hereby agree as follows:

1. The Water Association agrees that it will remain responsible for the establishment of rates, the amount of advance deposits, and cost of all hookups.

2. The Water Association shall remain the owner of the municipal water system, and shall be responsible for determining the necessity of all capital improvements and the method of financing thereof.

3. The County will operate and maintain the municipal water system as it in its discretion shall determine. The County may incur normal maintenance costs as it in its discretion shall determine to be necessary, and can make purchases and hire labor and equipment for other than normal operation and maintenance to a maximum of ONE THOUSAND DOLLARS, (\$1000.00), for each purchase or for labor and materials. Any purchase or job resulting in an expenditure of over ONE THOUSAND DOLLARS, (\$1000.00), for other than normal operation

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Exhibit A

and maintenance must be approved by the Water Association.

4. The County agrees to collect, or to provide an office and personnel for the payment of all bills incurred in the operation and maintenance of the water system. The County agrees to establish a separate bank account to handle all receipts and from which all disbursements will be made. The County will be paid \$50.00 per month for this service. The amount of this charge will be reviewed at the end of every SIX (6) months to the end that the County will be adequately reimbursed for this service.

5. This agreement shall be for a term of TEN (10) months. It is understood, however, that this agreement may be cancelled by either party upon THIRTY (30) days written notice to the other of its intention to cancel this agreement.

6. The County will submit to the Water Association for its approval a schedule of charges for all labor and equipment supplied by the County. This labor and equipment schedule shall be reviewed every TWELVE (12) months from the commencement of this contract, to the end that the County will be adequately reimbursed for its labor and equipment.

It is further understood that from the revenues, the County will collect on behalf of the Water Association, the County will reimburse itself its costs for operating and maintaining the water system. After the costs have been paid, the County is directed to make the monthly payment due the Farmers Home Administration from the Water Association.

7. It is understood that the County is in no way assuming the obligation of the Water Association to the Farmers Home Administration, or any other prior or future obligations; the County's only obligation being to perform the services agreed upon in this agreement.

The Water Association agrees to indemnify and hold the County harmless from any and all obligations or liabilities of the Water Association heretofore incurred, or which may be incurred in the future.

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THIS AGREEMENT shall be binding upon and inure to the successors and assigns of the respective parties hereto.

IN WITNESS WHEREOF, the parties have hereunto set their hands, the day and year above written.

COUNTY OF EUREKA

BY Charles A. Wasson

Richard

EUREKA WATER ASSOCIATION

Phil Pioschke
President

Margie Elliott
Secretary

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RESOLUTION

WHEREAS, the Eureka Town Water Association has operated and maintained the water system for the town of Eureka, Nevada for a number of years last past; and

WHEREAS, the said Eureka Town Water Association acting by and through its lawful Water Board and Officers of said association are fully informed and aware of serious problems confronting the water system for the town of Eureka, Nevada, that will necessitate major repairs and improvements for said water system; and

WHEREAS, the said Eureka Town Water Association is precluded from obtaining grant money or other funds, unless the water system becomes a political entity under the control of the Board of County Commissioners acting as a Town Board for the unincorporated town of Eureka, Nevada; and

WHEREAS, the Board of County Commissioners acting as a Town Board for the town of Eureka, Nevada, have agreed to take over, control and maintain the said water system, subject to all legal requirements under the statutes made and provided; and

WHEREAS, it is the unanimous desire of all the Water Board Members and Officers of the Eureka Town Water Association and expressed herein by this resolution, that the Board of County Commissioners acting as a Town Board for the unincorporated town of Eureka, Nevada, take over, control and maintain the water system for the town of Eureka, Nevada, and to also assume and take over all physical assets, which include real and personal property, accounts receivable, debts and assets of every kind and description, subject to applicable statutes, rules or regulations.

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Exhibit B

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NOW, THEREFORE, it is upon motion of Dave Pustarcian
seconded by Floyd Klindt and unanimously carried. It is
resolved that the Eureka Town Water System together 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, subject
to the statutes made and provided and that the Board Members and
Officers of the Eureka Town Water Association be relieved of all
duties, responsibilities or obligations in the future operation
of the Eureka Town Water System.

DATED this 5 day of January, 1982.

Approved:

EUREKA TOWN WATER ASSOCIATION

By: Ray Hubbard
President

By: Floyd Klindt
Vice President

By: Earlene Neilson
Secretary

By: Dave Pustarcian
Board Member

By: _____
Board Member

By: _____
Board Member

State of Nevada,)
County of Eureka.) ss.

~~December 11, 1981~~
JANUARY 6, 1982

The Board of County Commissioners met pursuant to law. Present: R.D. Damele, Charles Vaccaro and Hale Bailey, Members; Johnson W. Lloyd, District Attorney; and Joan Shangle, Clerk.

The minutes of the previous meeting were read and approved.

The following Bills were allowed:

List of Officers	Salaries	3,231.97
Angela M. Evans	Salary	453.56
Arlene W. Damele	Salary	252.08
Alice Sara	Salary	428.90
Valaire Christiansen	Salary	396.67
Gladys P. Goicoechea	Salary	403.56
Karen L. Stephenson	Salary	388.15
Leonard J. Florenzi	Salary	495.39
John A. Egbert	Salary	478.87
Sally L. Egbert	Salary	194.69
Constance S. Emery	Salary	217.99
Michael R. Emery	Salary	528.95
Ormal W. Hodson	Salary	566.58
Michael G. Jay	Salary	449.23
Mowry A. Klindt	Salary	392.40
Pamela Y. McRann	Salary	408.65
Rand E. Nelson	Salary	564.96
Lawrence D. Toigo	Salary	449.73
Ida I. Turner	Salary	345.53
Edwin A. Kiefer	Salary	229.46
Shirley A. Allison	Salary	240.73
Bruce D. Carlsen	Salary	153.45
Albert J. Hammond	Salary	336.83
Kelly D. Risi	Salary	25.78
Eloise A. McDaniel	Salary	296.98
Nozma Allison	Salary	88.61
Gwendolyn M. Thomas	Salary	229.28
Dorothy M. Lyall	Salary	195.99
Keith M. Fackenthal	Salary	466.51
Lenola Fipps	Salary	357.88
Patrick J. Landon	Salary	743.96
Earle E. Borgna	Labor	497.45
Richard D. Dann	Labor	529.97
Luther Fiorenzi	Labor	441.57
Chester D. Hess	Labor	447.83
William J. Martin	Labor	466.86
Lawrence L. Melka	Labor	466.86
J. Donald Morrison	Labor	503.89
Robert B. Murphy	Labor	296.18
Evelyn Naillon	Salary	380.13
Benjamin F. Pascoe	Labor	474.03
Louis J. Tognoni	Labor	457.36
Colleen G. Hess	Salary	244.73
First Interstate Bank of Nevada	Withholding	3,147.19
Public Employees Retirement System	Retirement	2,914.62
McBride's Service	Supplies	25.80
Mt. Wheeler Power, Inc.	Services	64.72
A. Carlisle & Co. of Nevada	Supplies	3.61
Chevron U.S.A. Inc.	Supplies	313.74
Elko County Farm Supply	Supplies	20.00
Eureka Producers Co-Operative	Supplies	1,391.50
Warren Hodson	Expense	31.44
Intl. Assn. Coroner & Med. Examiner	Dues	25.00
Quill Corporation	Supplies	104.64
Walter F. Stephens, Jr. Inc.	Supplies	80.04
Nevada Home Health Services, Inc.	Services	425.00
Bruce D. Carlsen	Expense	11.95
M. Valaire Christiansen	Expense	7.74
Kevin Jackson	Services	30.75
R and K Sales	Supplies	59.47
Eastern Nev. Med. Group	Services	222.82
Builders Mart	Supplies	197.80
Burrroughs Corporation	Maintenance	1,653.33
David Maister	Refund	28.00
Bureau of Land Management	Fee	208.00
Keith M. Fackenthal	Expense	8.66
Quill Corporation	Supplies	67.39
Leo L. Curton Insurance Agency	Ins. Prens.	1,599.00
Nevada Bell	Services-Tolls	460.30
Nevada Bell	Services-Tolls	179.18
Mt. Wheeler Power, Inc.	Services	806.96
Mt. Wheeler Power, Inc.	Services	284.75
Lundberg's	Supplies	145.78
Xerox Corporation	Rental	185.00
Sierra Pacific Power Co.	Services	210.96

Exhibit C

A & D Textile Rentals	Services	35.00
Elko County Farm Supply	Supplies	17.75
Foulger Equipment Co.	Supplies	741.52
Inland Chemical & Supply Co., Inc.	Supplies	44.80
P-M Supply Company	Supplies	90.57
Sargent-Sowell, Inc.	Supplies	123.15
State of Nev. Purchasing Div.	Supplies	113.07
Garnay Marshall	Salary	50.00
Nevada Bell	Tolls-services	119.60
Plaskett Irrigation Co.	Supplies	192.50
Raine's Market	Supplies	6.92
Electronic Dist. Co. of Nevada	Supplies	63.24
Tannebaum Const. Co.	Sewer project	16,337.05
Home Lumber & Supply Co.	Supplies	150.63
Elko Cabinet & Woodworking	Services-supplies	164.00
Hasco, Inc.	Library	13,819.70
Leo L. Curto Insurance	Ins. Prem.	859.00
Nt. Wheeler Power, Inc.	Services	156.65
Wilson Bates Furniture Co.	Supplies	193.70
Johnson W. Lloyd	Mileage	250.96
Fox Foto Shop	Services-supplies	88.25
Warren Motor Co.	Dump truck; pickup	36,561.00
Petty Cash	Road Fund	86.01
Petty Cash	Water Assn.	88.83
James Ithurralde	Postage	36.00
Ella McKay-Postmaster	Services-supplies	27.00
Nev. Telecommunications, Inc.	Supplies	420.45
Texaco, Inc.	Cr.Cd.Acct.	18.92
Union Oil Co. of California	Cr.Cd.Acct.	49.46
L.N. Curtiss & Sons	Supplies	1,382.48
The Gibbens Co. Inc.	Service	50.00
Oakman's	Service-supplies	33.06
Ella McKay-Postmaster	Supplies	40.00
Chevron U.S.A. Inc.	Supplies	307.48
IML Freight, Inc.	Freight	9.48
Pioneer Equipment Co. of Nevada	Supplies	1,345.42
State of Nev. Dept.Mtr. Vehicles	License plates	4.00
Fannia Komp	Supplies	42.00
Eloise McDaniel	C.V. Rent	15.00
Nevada Bell	Toll	7.37
Pargas	Supplies	174.42
Record Supply Company	Supplies	347.15

Motion was made by Commissioner Bailey, seconded by Commissioner Vaccaro and unanimously carried that R.D. Damele be appointed Chairman for the year 1982 - IT IS SO ORDERED -

Leonard J. Fiorenzi, Director of Public Works, appeared before the Board and reported on county roads; athletic complex; and discussed a shop building.

Paul Pawlowski, BLM, appeared before the Board and discussed the sale of land by the BLM for possible town expansion. The date of the sale was set for March 31, 1982 at 2:00 P.M. 130 acres without mining claims will definitely be sold and another 150 acres possibly if Ruby Hill Mining Company will relinquish mining claims they have in that area. A telegram was received from O.W. Gushee, Jr., Ruby Hill Mining Company requesting 60 days for them to check claims. The Board unanimously agreed that they do not desire to propose validity examinations of claims and do not want to jeopardize them in any way if they are needed by Ruby Hill.

Motion was made by Commissioner Vaccaro, seconded by Commissioner Bailey and unanimously carried that the following appointments be made until further order of the Board:

Director of Public Works - Leonard J. Fiorenzi; Road Foreman - Earle Borgna; Courthouse Janitor - Karen Stephenson; D & T Janitor - Norma Allison; Sentinel Bldg. & Library Janitor - Dorothy Lyell; Park Caretaker - Gene Estella; - IT IS SO ORDERED -

An application to be appointed as a member to the Eureka County Planning Board was received from Kenneth P. Stenton. Motion was made by Commissioner Vaccaro, seconded by Commissioner Bailey and unanimously carried that Janet Eyre be reappointed and that Martin Milano be appointed in Judi Klindt's place to represent the Northend of Eureka County with both terms to expire January 1, 1986 - IT IS SO ORDERED -

Motion was made by Commissioner Vaccaro, seconded by Commissioner Bailey and unanimously carried that the following appointments be made until further order of the Board - IT IS SO ORDERED - Athletic Complex Committee: - Leonard J. Fiorenzi, Monique Ithurralde, Glen Moyle, Grant Crutchley, Barbara Bailey, Charles Vaccaro, Ted Jackson and Kate Holbo.

Airport Committee - Walt Plaskett, Joe Rand and LaVerne Machacek; Recreation Board - Roy Casey, Marge Hammond, R.D. Damele, Mary Jean Labarry and C.S. Thomas; General Obligation Bond Commission - R.D. Damele, Glen Moyle, Jerry Todd, Paul Sansinanz and Barbara Bailey.

A grant in the amount of \$2,000.00 was received by the Town of Crescent Valley from the State Division of Water Planning for a feasibility study of the town water system. Motion was made by Commissioner Vaccaro, seconded by Commissioner Bailey and unanimously carried that the Spink Corporation be appointed to do a feasibility study for the Town of Crescent Valley water system - IT IS SO ORDERED -

Responsibility was denied on patients admitted to the Elko General Hospital (Wilbur Chamberlain, Sharon Jeppesen, Margaret Gree, and Andrea Exter).

A Resolution was received from the Eureka Water Association as follows:

R E S O L U T I O N

WHEREAS, the Eureka Town Water Association has operated and maintained the water system for the Town of Eureka, Nevada for a number of years last past; and

WHEREAS, the said Eureka Town Water Association acting by and through its lawful Water Board and Officers of said Association are fully informed and aware of the serious problems confronting the water system for the Town of Eureka, Nevada, that will necessitate major repairs and improvements for said water system; and

WHEREAS, the said Eureka Town Water Association is precluded from obtaining grant money or other funds, unless the water system becomes a political entity under the control of the Board of County Commissioner acting as a Town Board for the unincorporated town of Eureka, Nevada; and

WHEREAS, the Board of County Commissioners acting as a Town Board for the Town of Eureka, Nevada, have agreed to take over, control and maintain the said water system, subject to all legal requirements under the statutes made and provided; and

WHEREAS, it is the unanimous desire of all the Water Board members and officers of the Eureka Town Water Association and expressed herein by this Resolution that the Board of County Commissioners acting as a Town Board for the unincorporated town of Eureka, Nevada, take over, control and maintain the water system for the Town of Eureka, Nevada, and to also assume and take over all physical assets, which include real and personal property, accounts receivable, debts and assets of every kind and description, subject to applicable statutes, rules or regulations.

NOW THEREFORE, it is upon motion of Dave Pastorino, seconded by Floyd Klindt and unanimously carried, it is resolved that the Eureka Town Water System together 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, subject to the statutes made and provided and that the Board members and officers of the Eureka Town Water Association be relieved of all duties, responsibilities or obligations in the future operation of the Eureka Town Water System.

DATED: this 5th day of January, 1982.

The Board unanimously agreed that the Board acting as the Town Board for the Town of Eureka recognize that an emergency exists that requires them to take over, maintain and operate the water system for the Town of Eureka until all statutes are complied with. The District Attorney was instructed to telephone the Nevada Tax Commission advising them of this situation and to set up a meeting between the Board and the Tax Commission regarding the financial responsibilities involved.

List of Jurors drawn for year - 1982 -

Melvin R. Healy	Rita Stitzel	Richard Kephart
Mary Reith	Thomas G. Damele	Robert N. McKay
Wilfred R. Bailey	Pamela Buffham	Hester Moore
Cecilia Johnston	Judy A. Gail	Rebecca Rowley
Mary Bisoni	Charles Bispo	Tamara Kephart
James Moyle	Mary Beth Robinson	Anthony Lesperance
Daniel Shangle	J. Norman Rebaleati	Rita Brown
Antoinette Lesperance	George Parman	William S. Nelson
Frank Paxton	Doris Smith	Richard Hepperle
Joseph L. Rand	Lois Bispo	Marvel Thalheimer
Billie Sue Slagowski	Eliza Palmore	Maxine Meak
Mark Moyle	Ellen Rand	Alta Petterson
Maxine Rebaleati	Eunice Machacek	John V. Damele
Grant Crutchley	Dean Horn	Theo Jeppesen
Mari Kephart	Harold Miles	Evelyn Naillon
Lillian Marr	Don Bergener	Rachel Marshall
Emilia Tognoni	Florence Johnson	Mary Damele
Harold Lemlar	James Bailey	Judy Buffington
LaVerne Machacek	Marcia Phillips	Thomas Smith
LeRoy Sestanovich	George Brown	Cathy Neal
Mildred Adams	Vally Mulford	Ethel Buffington
Robert O. Burnham	Russell Rowley	Lee Bailey
Ruth Parman	Charlene Slagowski	Helen Hansen
Eric Pastorino	Dorothee McKay	Reese Marshall
John Whitaker	Linda Bergener	Christine Healy
James Buffham	Betty Tomporowski	Kolbe Klindt
Clarice Perry	Opal Hodson	Brant Hanson
Dave Slagowski	Yvonne Schumann	Shirley Allison
Elzine Burnham	Laura Kopper	Leona Rowley
Patti Benson	Glen Moyle	Arlene DePaoli
Grace Tognoni	Gwendolyn Thomas	John D. Rand
Joel Jeppesen	Janet Petersen	Janice Lesperance
Valerie Whitaker	Anna McKay	June Espan
Ronald W. Naillon	Ronald D. Damele, Jr.	Elizabeth Dann
Dennis Blehm	Karen Stephenson	Anthony Rowley
Steven E. Kephart	Alice Serr	Dorothy Jeppesen
Leo G. Damele	Lee Allison	Robert Martin
John Pitman	Alfred Roekenga	Ray Hubbard

Sandra Halpin
 Dave Betschart
 Brian Green
 George Thallheimer
 James McCool
 James Stanton
 Kenneth Dugan
 Paul Sansinena
 Blaine Roberts
 Alan Brown
 Vada Hubbard
 Lawrence Melka
 Tony Sestanovich
 Kathy Roberts
 Rosalie Edwards
 Charles Carroll
 Allen Sabey
 Beverly Conley
 Robert Reine
 Cheri Sestanovich
 Lucille Tallcott
 John Etchegaray
 Isadore Sara, III
 Andrew Thomas
 Carl Silveria
 Norville Marr
 Jace Prow
 Howard Krein
 Jerry Anderson

Chester Hess
 Fred Bailey
 Robert Woodworth
 Carl Schaumann
 Tony Mangipane
 RaVey Nuttall
 Georgeann Brown
 Elwood Wright
 Gifford A. Thompson
 Robert Eddy
 Val. O. Cunningham
 Kevin Buchanan
 Gerald Sestanovich
 Thomas Farrell
 Carl Slagowski
 Wm. Tomporowski
 Dal P. Ward, Jr.
 Bertha Northup
 Douglas Carver
 Arlene Damele
 Todd Hubbard
 William Marshall
 Lawrence Miller
 Helen Lemler
 Tina Bergener
 Stephen Damele
 Linda Brown
 Vickia Melka
 Elaine Patterson

Edna M. Pritchett
 Jackie Torell
 Robin Hicks
 Patricia Garate
 Wondell Myers
 Roy Garate
 Sharon Borresch
 Danny Mulford
 Lynette Halpin
 Luther Fiorenzi
 Thomas Halpin
 Elma Conaway
 Sharon Slagowski
 Thomas C. Johnson
 Barbara Dugan
 Joseph Tognoni
 Adair Robinson
 Penelope Corsentino
 Kenneth Benson
 Patricia Barzuela
 Teresa Sansinena
 David Torell
 Barbara Todd
 Joyce Robinson
 Gerald Fontes
 Sherry Paxton
 James Dotson
 Patrice Pittman

There being no further business, the Board adjourned to the call of the Chairman.

Approved this 20th day of January, 1982.

R.D. Dineen
 Chairman

ATTEST:

Jace Prow
 Clerk of the Board

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 24 WITNESS My Hand and Seal of said
 day of August 20 07

County Clerk and Ex-Officio Court Clerk
Joyce Jepsen Deputy Clerk

EXHIBIT “7”

AFFIDAVIT OF DAVID A. PASTORINO

STATE OF NEVADA)
 : ss.
COUNTY OF EUREKA)

DAVID A. PASTORINO, being first duly sworn deposes and says:

1. I am the chair of the Eureka County Television Board, and have held that position since about 1996.
2. From 1983 to 1986, and from 2003 to 2006, I served as a member of the Board of Eureka County Commissioners.
3. From 1981 to 1982, I served as a member of the Board on the Eureka Water Association, Inc.
4. I previously executed an Affidavit dated December 18, 2007 which addressed the transfer of title from Eureka Water Association, Inc. to Eureka County for the water rights described as:

<u>Permit No.</u>	<u>Source</u>	<u>Certificate No.</u>
40156	Richmond Spring	12927
40157	Bullwacker Spring	12928
40158	Gorman Spring	12929
40159	Florio Spring	12930
40160	Fred Spring	12931
40161	Lani Spring	12932
40162	Middle Spring	12933
40163	Summit Spring	12934
40164	Lucky Spring	12935
40165	Prospect Spring	12936

5. The water rights listed below that are the subject of this Affidavit were inadvertently omitted from my December 18, 2007 Affidavit. These water rights are now held in the name of the Eureka Water Association, Inc., and are described as follows:

<u>Permit No.</u>	<u>Source</u>	<u>Certificate No.</u>
26542	Spring Street Well	9889
26543	Well #3	9890
26544	Well #1	9891
29603	Underground	9685
V04501	Gorman Spring	
V04502	Prospect Spring	
V04503	Lucky Springs & Tribs	
V04504	Summit Spring	
V04505	Middle Spring	
V04506	Lani Spring	
V04507	Fred Spring	
V04508	Florio Spring & Tribs	
V04509	Bullwacker Spring	
V04510	Richmond Spring	

6. As a Board member of the Eureka Water Association, Inc., I made the motion reflected in the Resolution of January 5, 1982, a true and correct copy of which is attached to this Affidavit as Attachment A.

7. The Resolution describes the fact that the water system, serving the town of Eureka, was confronted with serious problems requiring major repairs and improvements.

8. The intent of the Resolution was to hand over the entire water works to the Board of Eureka County Commissioners.

9. There was little or no activity by the Association's Board after the Resolution was passed and accepted by the Commissioners.

10. The Board of Eureka County Commissioners has considered the property of the Eureka Water Association, Inc. to be part of the unincorporated town of Eureka's water system since 1982.

Dated this 5th day of February, 2009.



 DAVID A. PASTORINO

On FEBRUARY 5, 2009, personally appeared before me, a notary public, DAVID A. PASTORINO, personally known (or proved) to me to be the person whose name is subscribed to the foregoing Affidavit of David A. Pastornio, who acknowledged to me that he executed the foregoing document.


NOTARY PUBLIC



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RESOLUTION

WHEREAS, the Eureka Town Water Association has operated and maintained the water system for the town of Eureka, Nevada for a number of years last past; and

WHEREAS, the said Eureka Town Water Association acting by and through its lawful Water Board and Officers of said association are fully informed and aware of serious problems confronting the water system for the town of Eureka, Nevada, that will necessitate major repairs and improvements for said water system; and

WHEREAS, the said Eureka Town Water Association is precluded from obtaining grant money or other funds, unless the water system becomes a political entity under the control of the Board of County Commissioners acting as a Town Board for the unincorporated town of Eureka, Nevada; and

WHEREAS, the Board of County Commissioners acting as a Town Board for the town of Eureka, Nevada, have agreed to take over, control and maintain the said water system, subject to all legal requirements under the statutes made and provided; and

WHEREAS, it is the unanimous desire of all the Water Board Members and Officers of the Eureka Town Water Association and expressed herein by this resolution, that the Board of County Commissioners acting as a Town Board for the unincorporated town of Eureka, Nevada, take over, control and maintain the water system for the town of Eureka, Nevada, and to also assume and take over all physical assets, which include real and personal property, accounts receivable, debts and assets of every kind and description, subject to applicable statutes, rules or regulations.

///

1 NOW, THEREFORE, it is upon motion of Dave Prater
2 seconded by Thoyd Klindt, and unanimously carried. It is
3 resolved that the Eureka Town Water System together with all
4 assets, real or personal, and debts be taken over, maintained
5 and controlled by the Board of County Commissioners acting as a
6 Town Board for the unincorporated town of Eureka, Nevada, subject
7 to the statutes made and provided and that the Board Members and
8 Officers of the Eureka Town Water Association be relieved of all
9 duties, responsibilities or obligations in the future operation
10 of the Eureka Town Water System.

11 DATED this 5 day of January, 1982.

12
13 Approved:
14 EUREKA TOWN WATER ASSOCIATION
15 By: Ray Kuttand
16 President
17 By: Thoyd Klindt
18 Vice President
19 By: Earlene Neilson
20 Secretary
21 By: Dave Prater
22 Board Member

23 By: _____
24 Board Member

25 By: _____
26 Board Member

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Affidavit of David A. Pastorino

County of Eureka)
 : ss.
State of Nevada)

DAVID A. PASTORINO, being first duly sworn, deposes and says that:

1. I am the Chair of the Eureka County Television Board, and have held that position since about 1996.
2. From 1983 to 1986, and from 2003 to 2006, I served as a member of the Board of Eureka County Commissioners.
3. From 1981 to 1982, I served as a member of the Board on the Eureka Water Association, Inc.
4. The water rights that are the subject of this Affidavit are now held in the name of the Eureka Water Association, Inc. and are described here:

<u>Permit No.</u>	<u>Spring name</u>	<u>Certificate No.</u>
40156	Richmond Spring	12927
40157	Bullwacker Spring	12928
40158	Gorman Spring	12929
40159	Florio Spring	12930
40160	Fred Spring	12931
40161	Lani Spring	12932
40162	Middle Spring	12933
40163	Summit Spring	12934

40164 Lucky Spring 12935

40165 Prospect Spring 12936

5. As a member of the Eureka Water Association, Inc., I made the motion reflected in the Resolution of January 5, 1982, a true and correct copy of which is attached to this Affidavit as Attachment A.
6. The Resolution describes the fact that the water system, serving the town of Eureka, was confronted with serious problems requiring major repairs and improvements.
7. The intent of the Resolution was to hand over the entire water works to the Board of Eureka County Commissioners.
8. There was little or no activity by the Association's Board after the Resolution was passed and accepted by the Commissioners.
9. The Board of Eureka County Commissioners has considered the property of the Eureka Water Association, Inc. to be part of the unincorporated town of Eureka's water system since 1982.



David A. Pastorino

Subscribed and sworn to before me
this 18th day of December, 2007


NOTARY PUBLIC



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R E S O L U T I O N

WHEREAS, the Eureka Town Water Association has operated and maintained the water system for the town of Eureka, Nevada for a number of years last past; and

WHEREAS, the said Eureka Town Water Association acting by and through its lawful Water Board and Officers of said association are fully informed and aware of serious problems confronting the water system for the town of Eureka, Nevada, that will necessitate major repairs and improvements for said water system; and

WHEREAS, the said Eureka Town Water Association is precluded from obtaining grant money or other funds, unless the water system becomes a political entity under the control of the Board of County Commissioners acting as a Town Board for the unincorporated town of Eureka, Nevada; and

WHEREAS, the Board of County Commissioners acting as a Town Board for the town of Eureka, Nevada, have agreed to take over, control and maintain the said water system, subject to all legal requirements under the statutes made and provided; and

WHEREAS, it is the unanimous desire of all the Water Board Members and Officers of the Eureka Town Water Association and expressed herein by this resolution, that the Board of County Commissioners acting as a Town Board for the unincorporated town of Eureka, Nevada, take over, control and maintain the water system for the town of Eureka, Nevada, and to also assume and take over all physical assets, which include real and personal property, accounts receivable, debts and assets of every kind and description, subject to applicable statutes, rules or regulations.

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Exhibit A

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NOW, THEREFORE, it is upon motion of Dave Pratoriu
seconded by Floyd Klindt, and unanimously carried. It is
resolved that the Eureka Town Water System together 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, subject
to the statutes made and provided and that the Board Members and
Officers of the Eureka Town Water Association be relieved of all
duties, responsibilities or obligations in the future operation
of the Eureka Town Water System.

DATED this 5 day of January, 1982.

Approved:
EUREKA TOWN WATER ASSOCIATION
By: Ray Hubbard
President
By: Floyd Klindt
Vice President
By: Carolyn Tillman
Secretary
By: Dave Pratoriu
Board Member
By: _____
Board Member
By: _____
Board Member

EXHIBIT “8”

State of Nevada,)
County of Eureka.) ss.

~~December 21, 1981~~
JANUARY 6, 1982

The Board of County Commissioners met pursuant to law. Present: R.D. Damele, Charles Vaccaro and Hale Bailey, Members; Johnson W. Lloyd, District Attorney; and Joan Shangle, Clerk.

The minutes of the previous meeting were read and approved.

The following Bills were allowed:

List of Officers	Salaries	3,231.97
Angela M. Evans	Salary	453.56
Arlene W. Damele	Salary	252.08
Alice Sara	Salary	428.90
Valaire Christiansen	Salary	396.67
Gladys P. Goicoechea	Salary	403.56
Karen L. Stephenson	Salary	388.15
Leonard J. Fiorenzi	Salary	495.39
John A. Egbert	Salary	478.87
Sally L. Egbert	Salary	194.69
Constance S. Emery	Salary	217.99
Micheal R. Emery	Salary	528.95
Ozmal W. Hodson	Salary	566.58
Michael G. Jay	Salary	449.23
Mowry A. Klindt	Salary	392.40
Pamela Y. McRann	Salary	408.65
Rand E. Nelson	Salary	564.96
Lawrence D. Toigo	Salary	449.73
Ida I. Turner	Salary	345.53
Edwin A. Kiefer	Salary	229.46
Shirley A. Allison	Salary	240.73
Bruce D. Carlsen	Salary	153.45
Albert J. Hammond	Salary	336.83
Kelly D. Risi	Salary	25.78
Eloise A. McDaniel	Salary	296.98
Norma Allison	Salary	88.61
Gwendolyn M. Thomas	Salary	229.28
Dorothy M. Lyell	Salary	195.99
Keith M. Fackenthal	Salary	466.51
Lenola Fipps	Salary	357.88
Patrick J. Landon	Salary	743.96
Earle E. Borgna	Labor	497.45
Richard D. Dann	Labor	529.97
Luther Fiorenzi	Labor	441.57
Chester D. Hess	Labor	447.83
William J. Martin	Labor	466.86
Lawrence L. Melka	Labor	466.86
J. Donald Morrison	Labor	503.89
Robert B. Murphy	Labor	296.18
Evelyn Naillon	Salary	380.13
Benjamin F. Pascoe	Labor	474.03
Louis J. Tognoni	Labor	457.36
Colleen G. Hess	Salary	244.73
First Interstate Bank of Nevada	Withholding	3,147.19
Public Employees Retirement System	Retirement	2,914.62
McBride's Service	Supplies	25.80
Mt. Wheeler Power, Inc.	Services	64.72
A. Carlisle & Co. of Nevada	Supplies	3.61
Chevron U.S.A. Inc.	Supplies	313.74
Elko County Farm Supply	Supplies	20.00
Eureka Producers Co-Operative	Supplies	1,391.50
Warren Hodson	Expense	31.44
Intl. Assn. Coroner & Med. Examiner	Dues	25.00
Quill Corporation	Supplies	104.64
Walter F. Stephens, Jr. Inc.	Supplies	80.04
Nevada Home Health Services, Inc.	Services	425.00
Bruce D. Carlsen	Expense	11.95
M. Valaire Christiansen	Expense	7.74
Kevin Jackson	Services	30.75
R and K Sales	Supplies	59.47
Eastern Nev. Med. Group	Services	222.82
Builders Mart	Supplies	197.80
Burroughs Corporation	Maintenance	1,653.35
David Meister	Refund	28.00
Bureau of Land Management	Fee	208.00
Keith M. Fackenthal	Expense	8.66
Quill Corporation	Supplies	67.39
Leo L. Curton Insurance Agency	Ins. Prems.	1,599.00
Nevada Bell	Services-Tolls	460.30
Nevada Bell	Services-Tolls	179.18
Mt. Wheeler Power, Inc.	Services	806.96
Mt. Wheeler Power, Inc.	Services	284.75
Lundberg's	Supplies	145.76
Xerox Corporation	Rental	185.00
Sierra Pacific Power Co.	Services	210.96

A & D Textile Rentals	Services	35.00
Elko County Farm Supply	Supplies	17.75
Foulger Equipment Co.	Supplies	741.52
Inland Chemical & Supply Co., Inc.	Supplies	44.80
P-M Supply Company	Supplies	90.57
Sargent-Sowell, Inc.	Supplies	123.15
State of Nev. Purchasing Div.	Supplies	113.07
Garney Marshall	Salary	50.00
Nevada Bell	Tolls-services	119.60
Plaskett Irrigation Co.	Supplies	192.50
Raine's Market	Supplies	6.92
Electronic Dist. Co. of Nevada	Supplies	63.24
Tannebaum Const. Co.	Sewer project	16,337.05
Home Lumber & Supply Co.	Supplies	150.63
Elko Cabinet & Woodworking	Services-supplies	164.00
Hasco, Inc.	Library	13,819.70
Leo L. Curto Insurance	Ins. Prem.	859.00
Mc. Wheeler Power, Inc.	Services	156.65
Wilson Bates Furniture Co.	Supplies	193.70
Johnson W. Lloyd	Mileage	250.96
Fox Foto Shop	Services-supplies	88.25
Warren Motor Co.	Dump truck;pickup	36,561.00
Petty Cash	Road Fund	86.01
Petty Cash	Water Assn.	88.83
James Ithurrealde	Postage	36.00
Ella McKay-Postmaster	Services-supplies	27.00
Nev. Telecommunications, Inc.	Supplies	420.45
Taxaco, Inc.	Cr.Cd.Acct.	18.92
Union Oil Co. of California	Cr.Cd.Acct.	49.46
L.N. Curtiss & Sons	Supplies	1,382.48
The Gibbens Co. Inc.	Service	50.00
Oakman's	Service-supplies	33.06
Ella McKay-Postmaster	Supplies	40.00
Chevron U.S.A. Inc.	Supplies	307.48
IML Freight, Inc.	Freight	9.48
Pioneer Equipment Co. of Nevada	Supplies	1,345.42
State of Nev. Dept.Mtr. Vehicles	License plates	4.00
Fannia Komp	Supplies	42.00
Eloise McDaniel	C.V. Rent	15.00
Nevada Bell	Toll	7.97
Pargas	Supplies	174.42
Record Supply Company	Supplies	347.15

Motion was made by Commissioner Bailey, seconded by Commissioner Vaccaro and unanimously carried that R.D. Damele be appointed Chairman for the year 1982 - IT IS SO ORDERED -

Leonard J. Fiorenzi, Director of Public Works, appeared before the Board and reported on county roads; athletic complex; and discussed a shop building.

Paul Pawlowski, BLM, appeared before the Board and discussed the sale of land by the BLM for possible town expansion. The date of the sale was set for March 31, 1982 at 2:00 P.M. 130 acres without mining claims will definitely be sold and another 150 acres possibly if Ruby Hill Mining Company will relinquish mining claims they have in that area. A telegram was received from O.W. Gushes, Jr., Ruby Hill Mining Company requesting 60 days for them to check claims. The Board unanimously agreed that they do not desire to propose validity examinations of claims and do not want to jeopardize them in any way if they are needed by Ruby Hill.

Motion was made by Commissioner Vaccaro, seconded by Commissioner Bailey and unanimously carried that the following appointments be made until further order of the Board:

Director of Public Works - Leonard J. Fiorenzi; Road Foreman - Earle Borgna; Courthouse Janitor - Karen Stephenson; D & T Janitor - Norma Allison; Sentinel Bldg. & Library Janitor - Dorothy Lyell; Park Caretaker - Gene Estella; - IT IS SO ORDERED -

An application to be appointed as a member to the Eureka County Planning Board was received from Kenneth P. Stenton. Motion was made by Commissioner Vaccaro, seconded by Commissioner Bailey and unanimously carried that Janet Eyre be reappointed and that Martin Milano be appointed in Judi Klindt's place to represent the Northend of Eureka County with both terms to expire January 1, 1986 - IT IS SO ORDERED -

Motion was made by Commissioner Vaccaro, seconded by Commissioner Bailey and unanimously carried that the following appointments be made until further order of the Board - IT IS SO ORDERED - Athletic Complex Committee: - Leonard J. Fiorenzi, Monique Ithurrealde, Glen Moyle, Grant Crutchley, Barbara Bailey, Charles Vaccaro, Ted Jackson and Kate Holbo.

Airport Committee - Walt Plaskett, Joe Rand and LaVerne Machacs; Recreation Board - Roy Casey, Marge Hammond, R.D. Damele, Mary Jean Labarry and C.S. Thomas; General Obligation Bond Commission - R.D. Damele, Glen Moyle, Jerry Todd, Paul Sansinena and Barbara Bailey.

A grant in the amount of \$2,000.00 was received by the Town of Crescent Valley from the State Division of Water Planning for a feasibility study of the town water system. Motion was made by Commissioner Vaccaro, seconded by Commissioner Bailey and unanimously carried that the Spink Corporation be appointed to do a feasibility study for the Town of Crescent Valley water system - IT IS SO ORDERED -

Responsibility was denied on patients admitted to the Elko General Hospital (Wilbur Sherman, Sharon Jenneson, Margaret Grae, and Andrea Ester).

A Resolution was received from the Eureka Water Association as follows:

"

RESOLUTION

WHEREAS, the Eureka Town Water Association has operated and maintained the water system for the Town of Eureka, Nevada for a number of years last past; and

WHEREAS, the said Eureka Town Water Association acting by and through its lawful Water Board and Officers of said Association are fully informed and aware of the serious problems confronting the water system for the Town of Eureka, Nevada, that will necessitate major repairs and improvements for said water system; and

WHEREAS, the said Eureka Town Water Association is precluded from obtaining grant money or other funds, unless the water system becomes a political entity under the control of the Board of County Commissioner acting as a Town Board for the unincorporated town of Eureka, Nevada; and

WHEREAS, the Board of County Commissioners acting as a Town Board for the Town of Eureka, Nevada, have agreed to take over, control and maintain the said water system, subject to all legal requirements under the statutes made and provided; and

WHEREAS, it is the unanimous desire of all the Water Board members and officers of the Eureka Town Water Association and expressed herein by this Resolution that the Board of County Commissioners acting as a Town Board for the unincorporated town of Eureka, Nevada, take over, control and maintain the water system for the Town of Eureka, Nevada, and to also assume and take over all physical assets, which include real and personal property, accounts receivable, debts and assets of every kind and description, subject to applicable statutes, rules or regulations.

NOW THEREFORE, it is upon motion of Dave Pastorino, seconded by Floyd Klindt and unanimously carried, it is resolved that the Eureka Town Water System together 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, subject to the statutes made and provided and that the Board members and officers of the Eureka Town Water Association be relieved of all duties, responsibilities or obligations in the future operation of the Eureka Town Water System.

... DATED: this 5th day of January, 1982.

The Board unanimously agreed that the Board acting as the Town Board for the Town of Eureka recognize that an emergency exists that requires them to take over, maintain and operate the water system for the Town of Eureka until all statutes are complied with. The District Attorney was instructed to telephone the Nevada Tax Commission advising them of this situation and to set up a meeting between the Board and the Tax Commission regarding the financial responsibilities involved.

List of Jurors drawn for year - 1982 -

Melvin R. Healy	Rita Stitzel	Richard Kephart
Mary Reith	Thomas G. Damele	Robert N. McKay
Wilfred R. Bailey	Pamela Buffham	Hester Moore
Cecile Johnston	Judy A. Gail	Rebecca Rowley
Mary Bisoni	Charles Bispo	Tamara Kephart
James Moyle	Mary Beth Robinson	Anthony Lesperance
Daniel Shangla	J. Norman Rebaletti	Rita Brown
Antoinette Lesperance	George Parman	William S. Nelson
Frank Paxton	Doris Smith	Richard Hepperle
Joseph L. Rand	Lois Bispo	Marval Thallheimer
Billie Sue Slagowski	Eliza Palmore	Maxine Meek
Mark Moyle	Ellen Rand	Alta Petterson
Maxine Rebaletti	Eunice Machacek	John V. Damele
Grant Crutchley	Dean Korn	Theo Jeppesen
Mari Kephart	Harold Miles	Evelyn Naillon
Lillian Marr	Don Bergener	Rachel Marshall
Emilia Tognoni	Florence Johnson	Mary Damele
Harold Lemler	James Bailey	Judy Buffington
LaVerne Machacek	Marcia Phillips	Thomas Smith
LeRoy Sestanovich	George Brown	Cathy Nasl
Mildred Adams	Vally Mulford	Ethel Buffington
Robert O. Burnham	Russell Rowley	Lee Bailey
Ruth Parmen	Charlene Slagowski	Helen Hensen
Eric Pastorino	Dorothea McKay	Reese Marshall
John Whitaker	Linda Bergener	Christine Healy
James Buffham	Betty Tomporowski	Kolbe Klindt
Clarice Perry	Opal Hodson	Brent Henson
Dave Slagowski	Yvonne Schumann	Shirley Allison
Elaine Burnham	Laura Hopper	Leona Rowley
Patti Benson	Glen Moyle	Arlene DePaoli
Grace Tognoni	Gwendolyn Thomas	John D. Rand
Joel Jeppesen	Janet Petersen	Janica Lesperance
Valarie Whitaker	Anna McKay	Juna Espen
Ronald W. Naillon	Ronald D. Damele, Jr.	Elizabeth Dann
Dannis Blehm	Karen Stephenson	Anthony Rowley
Steven R. Kephart	Alice Serr	Dorothy Jeppesen
Leo G. Damele	Lee Allison	Robert Martin
John Pitman	Alfred Hoekenga	Ray Hubbard

Sandra Halpin
 Dave Betschart
 Brian Green
 George Thallheimer
 James McCool
 James Stenton
 Kenneth Dugan
 Paul Sansinena
 Blaine Roberts
 Alan Brown
 Vada Hubbard
 Lawrence Melka
 Tony Sestanovich
 Kathy Roberts
 Rosalie Edwards
 Charles Carroll
 Allen Sabey
 Beverly Conlay
 Robert Raine
 Cheri Sestanovich
 Lucille Tallcott
 John Etchegaray
 Isadore Sara, III
 Andrew Thomas
 Carl Silveria
 Norville Marr
 Jace Prow
 Howard Krein
 Jerry Anderson

Chester Hess
 Fred Bailey
 Robert Woodworth
 Carl Schaumann
 Tony Mangipane
 RaVey Nuttall
 Georgeann Brown
 Elwood Wright
 Gifford A. Thompson
 Robert Eddy
 Val. D. Cunningham
 Kevin Buchanan
 Gerald Sestanovich
 Thomas Farrell
 Carl Slagowski
 Wm. Tomporowski
 Dal P. Ward, Jr.
 Bertha Northup
 Douglas Carver
 Arlene Damele
 Todd Hubbard
 William Marshall
 Lawrence Miller
 Helen Lemler
 Tina Bergener
 Stephen Damele
 Linda Brown
 Vickie Melka
 Elaine Patterson

Edna M. Fritchett
 Jackie Torell
 Robin Hicks
 Patricia Garate
 Wondell Myers
 Roy Garate
 Sharon Borresch
 Denny Mulford
 Lynette Halpin
 Luther Fiorenzi
 Thomas Halpin
 Elma Conaway
 Sharon Slagowski
 Thomas C. Johnson
 Barbara Dugan
 Joseph Tognoni
 Adair Robinson
 Penelope Corsantino
 Kenneth Benson
 Patricia Berrueta
 Teresa Sansinena
 David Torell
 Barbara Todd
 Joyce Robinson
 Gerald Fontee
 Sherry Paxton
 James Dotson
 Patrice Pittman

There being no further business, the Board adjourned to the call of the Chairman.

Approved this 20th day of January, 1982.

RO. [Signature]
 Chairman

ATTEST:

[Signature]
 Clerk of the Board

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 24 day of August 20 07

County Clerk and Ex-Officio Court Clerk
Joyce [Signature] Deputy Clerk

EXHIBIT “9”

AFFIDAVIT OF RONALD D. DAMELE, JR.

STATE OF NEVADA)
 : ss.
COUNTY OF EUREKA)

RONALD D. DAMELE, JR., being first duly sworn deposes and says:

1. I am the Director of Public Works for the County of Eureka, Nevada, and have held that position since 2004.

2. I previously executed an Affidavit dated December 27, 2007 which addressed the transfer of title from Eureka Water Association, Inc. to Eureka County for the water rights described as:

<u>Permit No.</u>	<u>Source</u>	<u>Certificate No.</u>
40156	Richmond Spring	12927
40157	Bullwacker Spring	12928
40158	Gorman Spring	12929
40159	Florio Spring	12930
40160	Fred Spring	12931
40161	Lani Spring	12932
40162	Middle Spring	12933
40163	Summit Spring	12934
40164	Lucky Spring	12935
40165	Prospect Spring	12936

3. The water rights that are the subject of this Affidavit were inadvertently omitted from the December 27, 2007 Affidavit. The title to these water rights are now held in the name of the Eureka Water Association, Inc., and are described as follows:

<u>Permit No.</u>	<u>Source</u>	<u>Certificate No.</u>
26542	Spring Street Well	9889
26543	Well #3	9890
26544	Well #1	9891
29603	Underground	9685
V04501	Gorman Spring	
V04502	Prospect Spring	
V04503	Lucky Springs & Tribs	
V04504	Summit Spring	

V04505	Middle Spring
V04506	Lani Spring
V04507	Fred Spring
V04508	Florio Spring & Tribs
V04509	Bullwacker Spring
V04510	Richmond Spring

4. Eureka County and the unincorporated town of Eureka are experiencing growth as a result of increased mining exploration and activity.

5. As a result of this growth and increased activity, I am in the process of reviewing the needs of the town of Eureka's water and sewer infrastructure to accommodate increased demand.

6. During my review, I encountered the fact that the water rights described in paragraphs 2 and 3 of this Affidavit were never conveyed to the County of Eureka.

7. My letter of December 27, 2007 to Rick Oliver, Engineering Technician 5, with attachments A through L, is a fair and accurate history of the Eureka Water Association and the Association's struggle to provide water utility service to the residents of the townsite of Eureka, all of which is relevant to the water rights described in paragraph 3 of this Affidavit, as well as the water rights referenced in such letter.

8. I have researched whether any former Board Members of the permanently revoked Eureka Water Association, Inc., and/or members of the Board of Eureka County Commissioners were available to sign affidavits regarding the transfer of title from Eureka Water Association, Inc. to Eureka County. I have located Pete Goicoechea and David Pastorino, former Eureka Water Association Board members and former members of the Board of Eureka County Commissioners.

////

9. Eureka County is the entity which controls the town of Eureka's water system, and has been utilizing the water permits described in this Affidavit to provide water to customers since January 6, 1982.

10. From the facts and circumstances presented, no harm will be done to the revoked Association or anyone else from updating the title information in the State Engineer's Office.

Dated this 6th day of February, 2009.

R. Damele, Jr.
RONALD D. DAMELE, JR.,
Director of Public Works
Eureka County, Nevada

On February 6, 2009, personally appeared before me, a notary public, RONALD D. DAMELE, JR., personally known (or proved) to me to be the person whose name is subscribed to the foregoing Affidavit of Ronald D. Damele Jr., who acknowledged to me that he executed the foregoing document.

Kimberly L. Todd
NOTARY PUBLIC



Affidavit of Ronald D. Damele, Jr.

County of Eureka)
 : ss.
State of Nevada)

RONALD D. DAMELE, JR., being first duly sworn, deposes and says that:

1. I am the Director of Public Works for the County of Eureka, Nevada, and have held that position since 2004.
2. The water rights that are the subject of this Affidavit are now held in the name of the Eureka Water Association, Inc., and are described here:

<u>Permit No.</u>	<u>Spring name</u>	<u>Certificate No.</u>
40156	Richmond Spring	12927
40157	Bullwacker Spring	12928
40158	Gorman Spring	12929
40159	Florio Spring	12930
40160	Fred Spring	12931
40161	Lani Spring	12932
40162	Middle Spring	12933
40163	Summit Spring	12934
40164	Lucky Spring	12935
40165	Prospect Spring	12936

3. Eureka County and the unincorporated town of Eureka are experiencing growth as a result of increased mining exploration and activity.
4. As a result of this increased activity, I am in the process of reviewing the needs of the

town of Eureka's water and sewer infrastructure to accommodate increased demand.

5. During my review, I encountered the fact that the water rights described in ¶ 2 of this Affidavit were never conveyed to the County of Eureka.
6. My letter of December 27, 2007 to Rick Oliver, Engineering Technician 5, with attachments A through L, is a fair and accurate history of the Eureka Water Association and the Association's struggle to provide water utility service to the residents of the townsite of Eureka.
7. I have researched whether there remains persons who were members or Directors of the permanently revoked Association, and have located Pete Goicoechea and David Pastorino, former Association members and former members of the Board of Eureka County Commissioners.
8. Eureka County is the entity which controls the town of Eureka's water system, and has been utilizing the water permits described in this Affidavit to provide water to customers since January 6, 1982.
9. From the facts and circumstances presented, no harm will be done to the revoked Association or anyone else from updating the title information in the State Engineer's Office.

R. Damele, Jr.

Ronald D. Damele, Jr.
Director of Public Works
Eureka County, Nevada

Subscribed and sworn to before
me this 27th day of December, 2007.

Toni M. Wright
NOTARY PUBLIC



D.
FILED
SEP 17 2010
Eureka County Clerk
BY *Jennifer Cantel* Deputy

1 Case No. CV 1006-141
2 Dept. No. II
3
4
5
6

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

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

12 Plaintiff,

13 vs.

JUDGMENT QUIETING TITLE

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

24 Defendants.
25
26
27
28

29 This matter having come regularly for hearing before this Court on September 17,
30 2010 after due notice having been properly provided; Plaintiff, EUREKA COUNTY, a political
31 subdivision of the state of Nevada, appeared by and through its attorneys, JENNIFER M. MAHE,
32 ESQ., of ALLISON, MacKENZIE, PAVLAKIS, WRIGHT & FAGAN, LTD., and THEODORE
33 BEUTEL, ESQ., EUREKA COUNTY DISTRICT ATTORNEY; and no Defendants having
34 appeared in the action by filing an answer or other pleading, or appearing at the hearing, and the
35 Court notes the Clerk entered a Default against all named Defendants, and all persons unknown
36 claiming any right, title, estate, lien, or interest in the real property described in the complaint

ALLISON, MacKENZIE, PAVLAKIS, WRIGHT & FAGAN, LTD.
402 North Division Street, P. O. Box 646, Carson City, NV 89702
Telephone: (775) 687-0202 Fax: (775) 882-7918
E-Mail Address: law@allisonmackenzie.com

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1 adverse to EUREKA COUNTY's ownership, or any cloud upon EUREKA COUNTY's title thereto,
2 and DOES I through XX, inclusive, on August 27, 2010.

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

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

- 10 a. Nevada State Engineer's Certificate No. 9889 (Permit No. 26542)
11 providing for a diversion rate of 0.14 cubic feet per second from an
12 underground well commonly referred to as the Spring Street Well,
13 the point of diversion being SW 1/4 SW 1/4 Section 13, T.19N.,
14 R.53E., M.D.B.&M., or at a point from which the West 1/4 corner
15 of Section 24, T.19N., R.53E., bears S. 17° 50' W., a distance of
16 3060 feet situated in Eureka County, State of Nevada;
- 17 b. Nevada State Engineer's Certificate No. 9890 (Permit No. 26543)
18 providing for a diversion rate of 0.05 cubic feet per second from an
19 underground well commonly referred to as Well #3, the point of
20 diversion being SW1/4 NW1/4 Section 24, T.19N., R.53E.,
21 M.D.B.&M., or at a point from which the W 1/16 corner of Section
22 13 and 24, T.19N., R.53E., M.D.B.&M., bears N. 20° 34' E., a
23 distance of 1746.30 feet situated in Eureka County, State of Nevada;
- 24 c. Nevada State Engineer's Certificate No. 9891 (Permit No. 26544)
25 providing for a diversion rate of 0.07 cubic feet per second from an
26 underground well commonly referred to as Well #1, the point of
27 diversion being SW1/4 NE1/4 Section 25, T.19N., R. 53E.,
28 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

FILED

AUG 30 2010

No. CV10006-141

Eureka County Clerk
By Deanna M. Cantrell Deputy

**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.

S U M M O N S

EUREKA WATER ASSOCIATION,
INC., a revoked Nevada Corporation

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.

The State of Nevada sends greets to the above-named Defendant:

You are hereby summoned and required to serve upon Plaintiff's attorneys, whose address

is: KAREN A. PETERSON, Esq.
ALLISON, MacKENZIE, PAVLAKIS,
WRIGHT & FAGAN, LTD.
402 North Division Street
Carson City, NV 89703
(775) 687-0202

an answer to the Complaint which is herewith served upon you, within 20 days after service of this
Summons on you, exclusive of the date of service. If you fail to do so, judgment by default will be taken
against you for the relief demanded in the Complaint.*

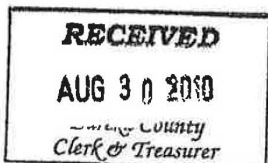
JACKIE BERG, Clerk of the Court

Date: June 4, 2010.

By Deanna M. Cantrell
Deputy Clerk

(SEAL OF COURT)

*-Note:-When service is by publication, insert a
brief statement of the object of action. See Rule 4.
RETURN OF SERVICE ON REVERSE



STATE OF NEVADA)
 : ss.
COUNTY OF EUREKA)

AFFIDAVIT OF MAILING
(For Use When Service Is By Publication and Mailing)

_____, being first duly sworn, deposes and says: That affiant is, and was, when the herein described mailing took place, a citizen of the United States, over 21 years of age, and not a party to, nor interested in, the within action; that on the ____ day of _____, 2010, affiant deposited in the post Office at Eureka, Nevada, a copy of the within Summons attached to a copy of the Complaint, enclosed in a sealed envelope upon which first class postage was fully prepaid, addressed to _____, the within named defendant at _____, that there is regular communication by mail between the place of mailing and the place so addressed.

Subscribed and Sworn to before me

this _____ day of _____, 20____. _____

Notary Public in and for said County and State

My commission expires: _____

(SEAL)

Note:--If service is made in any manner permitted by Rule 4 other than personally upon the defendant, or is made outside the United States, a special affidavit or return must be made.

AFFIDAVIT OF SERVICE
(For General Use)

STATE OF _____)
: ss.
COUNTY OF _____)

_____, being first duly sworn, deposes and says:
That affiant is, and was on the day when he served the within Summons, a citizen of the United States, over 21 years of age, and not a party to, nor interested in, the within action; that the affiant received the Summons on the _____ day of _____, 2010, and personally served the same upon _____, the within named defendant, on the _____ day of _____, 2010, by delivering to the said defendant _____, personally in _____, County of _____, State of _____, a copy of the Summons attached to a copy of the Complaint.

Subscribed and Sworn to before me
this _____ day of _____, 2010

Signature of person making service

Notary Public in and for said County and State

My Commission expires: _____
(SEAL)

NEVADA SHERIFF'S RETURN

STATE OF NEVADA)
: ss.
COUNTY OF EUREKA)

I hereby certify and return that I received the within Summons on the _____ day of _____, 2010, and personally served the same upon _____, the within named defendant, on the _____ day of _____, 2010, by delivering to the said defendant, _____, personally in Eureka County, State of Nevada, a copy of the Summons attached to a copy of the Complaint.

Sheriff of Eureka County, Nevada

Date: _____, 200__

By: _____
Deputy

*

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:

- 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;

- i. 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.

AUG 30 2010

Eureka County Clerk

By Manna Cantrell Deputy

No. CV1009-141

**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.

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.

**First Additional
SUMMONS**

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

The State of Nevada sends greets to the above-named Defendant:

You are hereby summoned and required to serve upon Plaintiff's attorneys, whose address

is: KAREN A. PETERSON, Esq.
ALLISON, MacKENZIE, PAVLAKIS,
WRIGHT & FAGAN, LTD.
402 North Division Street
Carson City, NV 89703
(775) 687-0202

an answer to the Complaint which is herewith served upon you, within 20 days after service of this
Summons on you, exclusive of the date of service. If you fail to do so, judgment by default will be taken
against you for the relief demanded in the Complaint.*

JACKIE BERG, Clerk of the Court

Date: June 4, 2010.

By Manna Cantrell
Deputy Clerk

(SEAL OF COURT)

*-Note:-When service is by publication, insert a
brief statement of the object of action. See Rule 4.
RETURN OF SERVICE ON REVERSE



STATE OF NEVADA)
 : ss.
COUNTY OF EUREKA)

AFFIDAVIT OF MAILING

(For Use When Service Is By Publication and Mailing)

_____, being first duly sworn, deposes and says: That affiant is, and was, when the herein described mailing took place, a citizen of the United States, over 21 years of age, and not a party to, nor interested in, the within action; that on the ____ day of _____, 2010, affiant deposited in the post Office at Eureka, Nevada, a copy of the within Summons attached to a copy of the Complaint, enclosed in a sealed envelope upon which first class postage was fully prepaid, addressed to _____, the within named defendant at _____, that there is regular communication by mail between the place of mailing and the place so addressed.

Subscribed and Sworn to before me

this _____ day of _____, 20____. _____

Notary Public in and for said County and State

My commission expires: _____

(SEAL)

Note:--If service is made in any manner permitted by Rule 4 other than personally upon the defendant, or is made outside the United States, a special affidavit or return must be made.

AFFIDAVIT OF SERVICE
(For General Use)

STATE OF _____)
: ss.
COUNTY OF _____)

_____, being first duly sworn, deposes and says:
That affiant is, and was on the day when he served the within Summons, a citizen of the United States, over 21 years of age, and not a party to, nor interested in, the within action; that the affiant received the Summons on the _____ day of _____, 2010, and personally served the same upon _____, the within named defendant, on the _____ day of _____, 2010, by delivering to the said defendant _____, personally in _____, County of _____, State of _____, a copy of the Summons attached to a copy of the Complaint.

Subscribed and Sworn to before me
this _____ day of _____, 2010

Signature of person making service

Notary Public in and for said County and State

My Commission expires: _____
(SEAL)

NEVADA SHERIFF'S RETURN

STATE OF NEVADA)
: ss.
COUNTY OF EUREKA)

I hereby certify and return that I received the within Summons on the _____ day of _____, 2010, and personally served the same upon _____, the within named defendant, on the _____ day of _____, 2010, by delivering to the said defendant, _____, personally in Eureka County, State of Nevada, a copy of the Summons attached to a copy of the Complaint.

Sheriff of Eureka County, Nevada

Date: _____, 200__

By: _____
Deputy

*

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:

- 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.

D.
FILED
SEP 17 2010
Eureka County Clerk
BY *Jennifer Cantrell* Deputy

1 Case No. CV 1006-141
2 Dept. No. II
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7 IN THE SEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
8 IN AND FOR THE COUNTY OF EUREKA
9

10 EUREKA COUNTY, a political
11 subdivision of the state of Nevada,
12 Plaintiff,

13 vs.

JUDGMENT QUIETING TITLE

14 EUREKA WATER ASSOCIATION,
15 INC., a revoked Nevada corporation,
16 All persons unknown claiming any
17 right, title, estate, lien, or interest in
18 the real property described in the
19 complaint adverse to EUREKA
20 COUNTY's ownership, or any cloud
21 upon EUREKA COUNTY's title
22 thereto; and DOES I through XX,
23 inclusive,
24 Defendants.
25 _____/

26 This matter having come regularly for hearing before this Court on September 17,
27 2010 after due notice having been properly provided; Plaintiff, EUREKA COUNTY, a political
28 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

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1 adverse to EUREKA COUNTY's ownership, or any cloud upon EUREKA COUNTY's title thereto,
2 and DOES I through XX, inclusive, on August 27, 2010.

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

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

- 10 a. Nevada State Engineer's Certificate No. 9889 (Permit No. 26542)
11 providing for a diversion rate of 0.14 cubic feet per second from an
12 underground well commonly referred to as the Spring Street Well,
13 the point of diversion being SW 1/4 SW 1/4 Section 13, T.19N.,
14 R.53E., M.D.B.&M., or at a point from which the West 1/4 corner
15 of Section 24, T.19N., R.53E., bears S. 17° 50' W., a distance of
16 3060 feet situated in Eureka County, State of Nevada;
- 17 b. Nevada State Engineer's Certificate No. 9890 (Permit No. 26543)
18 providing for a diversion rate of 0.05 cubic feet per second from an
19 underground well commonly referred to as Well #3, the point of
20 diversion being SW1/4 NW1/4 Section 24, T.19N., R.53E.,
21 M.D.B.&M., or at a point from which the W 1/16 corner of Section
22 13 and 24, T.19N., R.53E., M.D.B.&M., bears N. 20° 34' E., a
23 distance of 1746.30 feet situated in Eureka County, State of Nevada;
- 24 c. Nevada State Engineer's Certificate No. 9891 (Permit No. 26544)
25 providing for a diversion rate of 0.07 cubic feet per second from an
26 underground well commonly referred to as Well #1, the point of
27 diversion being SW1/4 NE1/4 Section 25, T.19N., R. 53E.,
28 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

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- 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

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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.,

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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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 1. Title is quieted in the name of EUREKA COUNTY, a political subdivision
26 of the state of Nevada, to all the right, title and interest in and to the water rights used for municipal
27 and domestic purposes known as follows:
28

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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.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

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- 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

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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,

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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:

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By: 
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