

FILED
JUN 6 1972
STATE ENGINEER'S OFFICE

THIS INSTRUMENT, made and entered into this 20th day of December, 1960, by and between ERNEST L. DONALD and ALICE HANKINS MERKLEY, his wife, E. RAY MERKLEY and MARIE DONALD, his wife, CHARLES B. ZUNINO and MARIE S. ZUNINO, his wife, and ROBERT J. ZUNINO and IRMA ZUNINO, his wife, all of Elko County, Nevada, First Parties, and ERNEST L. MERKLEY and ALICE HANKINS MERKLEY, his wife, and E. RAY MERKLEY, of the same place, Second Parties,

W I T N E S S E T H:

That the First Parties, for and in consideration of the sum of TEN (\$10.00) DOLLARS, current lawful money of the United States of America, to them in hand paid, and other good and valuable consideration including an agreement to partition certain property heretofore owned and operated by W. U. BARNES, accruing to the First Parties from the Second Parties, the receipt whereof is hereby acknowledged, do by these presents grant, bargain, sell, convey and confirm unto the Second Parties, their heirs, executors, administrators and assigns forever, all that certain lot, piece or parcel of land situate, lying and being in the County of Elko, State of Nevada, and particularly described as follows, to-wit:

Township 29 North, Range 56 East, M.D.B. & M.

- Section 1: $\frac{1}{4}$ NW $\frac{1}{4}$
- 2: Lots 3 and 4; $\frac{1}{4}$ NW $\frac{1}{4}$
- 3: $\frac{1}{2}$ N; $\frac{1}{2}$ S
- 4: That portion of Lot 1, SE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ Easterly of Right of Way acquired by the State of Nevada for highway purposes.

In N $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 2, and S $\frac{1}{2}$ S $\frac{1}{2}$ of Section 3, that portion thereof lying North of a line more particularly described as follows:

Beginning at Corner No. 1, the accepted center of Section 2, T. 29 N., R. 56 E., M.D.B. & M., thence N. 89°50' W., 1079.00 feet to Corner No. 2; thence S. 62°03' W., 600.00 feet to Corner No. 3;

ORVILLE R. WILSON
ATTORNEY AT LAW
ELKO, NEVADA

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D E E D

THIS INDENTURE, made and entered into this 20th day of December, 1960, by and between ERNEST L. MERKLEY and ALICE HANKINS MERKLEY, his wife, E. RAY MERKLEY and MARIE MERKLEY, his wife, CHARLES B. ZUNINO and MARIE M. ZUNINO, his wife, and DELBERT J. ZUNINO and LINDA ZUNINO, his wife, all of Elko County, Nevada, First Parties, and ERNEST L. MERKLEY and ALICE HANKINS MERKLEY, his wife, and E. RAY MERKLEY, of the same place, Second Parties,

W I T N E S S E T H:

That the First Parties, for and in consideration of the sum of TEN (\$10.00) DOLLARS, current lawful money of the United States of America, to them in hand paid, and other good and valuable consideration including an agreement to partition certain property heretofore owned and operated by W. U. BARNES, accruing to the First Parties from the Second Parties, the receipt whereof is hereby acknowledged, do by these presents grant, bargain, sell, convey and confirm unto the Second Parties, their heirs, executors, administrators and assigns forever, all that certain lot, piece or parcel of land situate, lying and being in the County of Elko, State of Nevada, and particularly described as follows, to-wit:

Township 29 North, Range 56 East, M.D.B. & M.

- Section 1: S $\frac{1}{2}$ NW $\frac{1}{4}$
 2: Lots 3 and 4; S $\frac{1}{2}$ NW $\frac{1}{4}$
 3: N $\frac{1}{2}$; N $\frac{1}{2}$ S $\frac{1}{2}$
 4: That portion of Lot 1, SE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ Easterly of Right of Way acquired by the State of Nevada for highway purposes.

In N $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 2, and S $\frac{1}{2}$ S $\frac{1}{2}$ of Section 3, that portion thereof lying North of a line more particularly described as follows:

Beginning at Corner No. 1, the accepted center of Section 2, T. 29 N., R. 56 E., M.D.B. & M., thence N. 89°50' W., 1079.00 feet to Corner No. 2; thence S. 62°03' W., 600.00 feet to Corner no. 3;

Township 22 North, Range 56 East, M.D.B. & M. (Continued)

thence S. 53°01' W., 1290.00 feet to Corner No. 4;
 thence S. 08°56'40" W., 529.00 feet to Corner No. 5;
 thence S. 77°25' W., 609.00 feet to Corner No. 6;
 thence N. 65°50' W., 625.00 feet to Corner No. 7;
 thence N. 85°52' W., 405.00 feet to Corner No. 8;
 thence N. 85°34' W., 354.00 feet to Corner No. 9;
 thence S. 85°31' W., 255.00 feet to Corner No. 10;
 thence N. 95°12' W., 1250.00 feet to Corner No. 11;
 thence N. 39°08' W., 340.00 feet to Corner No. 12;
 thence S. 86°42' W., 1430.00 feet to Corner No. 13,
 a fence corner;
 thence N. 79° W., 160.00 feet, more or less, along
 a fence line now in place, to Corner No. 14, the
 end, a point in the West line of Section 3, T. 29
 N., R. 56 E., M.D.B. & M.

An undivided 8.9% interest in the following:

Township 23 North, Range 54 East, M.D.B. & M.

Section 16: NW $\frac{1}{4}$ SE $\frac{1}{4}$; SW $\frac{1}{4}$
 17: S $\frac{1}{2}$
 18: Lot 3

TOGETHER WITH all buildings and improvements situate thereon.

TOGETHER WITH a one-half interest in and to all of the vested water rights appurtenant to the ranch premises known as and called the W. U. BARNES Ranch, Jiggs, Nevada, specifically described in that certain Deed dated December 1, 1960, from PIONEER TITLE INSURANCE COMPANY OF NEVADA to the First Parties and Second Parties above-named, duly recorded on the 20th day of December, 1960, in Official Records, Page 45 records, Elko County Recorder's Office, Elko, Nevada, including but without limitation thereto, the following specifically described waters and water rights;

Of the vested adjudicated waters and water rights referred to and found on pages 43 and 100 of the Edwards Decree as printed in the "Humboldt River Adjudication 1923-1938" (Blue Book), and on pages 61 and 118, of the original Edwards Decree on file in the Humboldt River Adjudication in the Sixth Judicial District Court of the State of Nevada, in and for the County of Humboldt, said rights appearing under Claimant Albert Rankins, from Smith, South Fork, Smith Creek, McCutcheon, Adams and Dry Creeks, being 993.1 harvest acres, 104.5 meadow pasture acres and 119 diversified pasture acres; fifty percent (50%) thereof, being 496.55 harvest acres, 52.25 meadow pasture acres and 59.5 diversified pasture acres, and being fifty percent (50%) of the water and water rights identified under each priority listed, and totaling 70.85 second feet of water and 1612.15 acre feet of water, that is, fifty percent (50%) of the total water and water rights listed in the portion of the said decree as hereinabove described, and said waters shall be appurtenant to the lands hereinabove described in this Deed.

TOGETHER WITH a full interest in and to any and all waters and water rights appurtenant to any or all of the above-

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described real property, by virtue of certificates and permits issued by the State Engineer of the State of Nevada, which therein specifically describe the waters and the real property to which said waters are appurtenant, including but without limitation thereto, the following:

(a) Permit 1271, Certificate 196, Albert Hankins from Carville Creek through Carville Creek Ditches, for the irrigation of 2.3 acres out of 233.1 harvest acres appurtenant to the Northwest quarter of the Southwest quarter of Section 3, Township 29 North, Range 56 East.

(b) Permit 1273, Certificate 198, Albert Hankins from McCutcheon Creek through McCutcheon Creek Ditches for the irrigation of .7 acres out of 42.33 harvest acres appurtenant to the Northwest quarter of the Southwest quarter of Section 3, Township 29 North, Range 56 East.

(c) Permit 1274, Certificate 199, Albert Hankins from Hankins or Adams Creek through Hankins Creek Ditch for the irrigation of 10.8 acres out of 47.6 harvest acres appurtenant to the Southwest quarter of the Northwest quarter and the Southeast quarter of the Northwest quarter of Section 1, Township 29 North, Range 56 East.

(d) Permit 3091, Albert Hankins, from Smith Creek through unnamed ditch for the irrigation of 16.3 harvest acres appurtenant to the Northeast quarter of the Northwest quarter of Section 3, Township 29 North, Range 56 East, M.D.B. & M.

TOGETHER WITH a one-half interest in and to all of the right, title and interest which was owned or enjoyed by grantors, W. U. BARNES et ux and their successor in interest, the PIONEER TITLE INSURANCE COMPANY OF NEVADA and their predecessors in interest, in and to the stock water rights situate on the public domain and appurtenant to or used in connection with the W. U. BARNES Ranch, Jiggs, Nevada, as above more specifically described by reference.

TOGETHER WITH a full interest in and to all stock watering rights actually situate upon the above real property, or any portion thereof, which is appurtenant to said real property or used in connection therewith, owned or enjoyed by the said grantors, W. U. BARNES et ux, and their successors in interest, the PIONEER TITLE INSURANCE COMPANY OF NEVADA, and their predecessors in interest.

TOGETHER WITH forty-four and one-half percent (44.5%) of all range rights or permits or forest service rights or permits now or heretofore used or owned by the grantors and their predecessors in interest in the operation of or in connection with the so-called W. U. BARNES Ranch, Jiggs, Nevada, including, but not limited to the following specifically listed range, range rights and permits:

(a) Of the 222 cattle permit of Forest Service rights or permits, heretofore used by the W. U. BARNES Ranch from June 1 through October 31 of each year, in District 4 of the Humboldt National Forest, and being heretofore held in the name of W. U. BARNES and MARY E. BARNES; forty-four and one-half percent (44.5%) or 99 head; and

(b) Of the 3449 AUM permit or right of Bureau of Land Management rights or permits heretofore used by the W. U. BARNES Ranch in common in the Jiggs range unit; forty-four and one-half percent (44.5%), or 1535 AUMs.

CHARLES R. WELSON
ATTORNEY AT LAW
ELKO, NEVADA

If either the Forest permit or Bureau of Land Management rights shall be different than the above, the said Parties shall receive forty-four and one-half per cent (44.5%) of said actual Forest permit and Bureau of Land Management rights.

TOGETHER WITH all and singular the lands, tenements, hereditaments, improvements and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

RESERVING, HOWEVER, that certain interest and royalty in and to all oil and gas and other minerals of whatsoever nature, found in or located upon and under the land or premises above described, or that may be produced therefrom, to the extent that same are reserved in that certain Deed recorded in Book 8, pages 290-296 of Official Records in the office of the County Recorder, Elko County, Nevada.

TO HAVE AND TO HOLD the said premises, together with the appurtenances, unto the said Second Parties, their heirs, executors, administrators and assigns forever.

IN WITNESS WHEREOF, the First Parties have hereunto set their hands the day and year in this instrument first above written.

Ernest L. Merkley
ERNEST L. MERKLEY

E. Ray Merkley
E. RAY MERKLEY

Charles B. Zunino
CHARLES B. ZUNINO

Delbert J. Zunino
DELBERT J. ZUNINO

Alice Hankins Merkley
ALICE HANKINS MERKLEY

Marie Merkley
MARIE MERKLEY

Marie M. Zunino
MARIE M. ZUNINO

Linda Zunino
LINDA ZUNINO

STATE OF NEVADA, }
COUNTY OF ELKO. } SS.

On this 24th day of December, 1960, personally appeared before me, a Notary Public in and for said County and State, ERNEST L. MERKLEY and ALICE HANKINS MERKLEY, his wife, and E. RAY MERKLEY and MARIE MERKLEY, his wife, 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 first above written.

Orville R. Wilson
NOTARY PUBLIC.

MY COMMISSION EXPIRES
OCTOBER 12, 1961

ORVILLE R. WILSON
ATTORNEY AT LAW
ELKO, NEVADA

STATE OF NEVADA,)
COUNTY OF ELKO. } ss.

On this 20th day of December, 1960, personally appeared before me, a Notary Public in and for said County and State, CHARLES B. ZUNINO and MARIE M. ZUNINO, his wife, and DELBERT J. ZUNINO and LINDA ZUNINO, his wife, 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 first above written.

Robert Vaughan
NOTARY PUBLIC.



File No. 2928
FILED FOR RECORD
AT REQUEST OF
Pioneer Title Ins Co.
DEC 20 4 52 PM '60
RECORDED BOOK 10 PAGE 51
ESTHER M. SKELTON
ELKO COUNTY RECORDER
Fee 6-20

*Partition Deal for Stamp
taken to be recorded
in Book 10 page 292
Official Records
No 2928
Esther M. Skelton
Elko County Recorder*

ORVILLE R. WILSON
ATTORNEY AT LAW
ELKO, NEVADA