1960-2929

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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, the parties of the first part, and DELBERT J. ZUNINO and LINDA ZUNINO, his wife, parties of the second part,

W I T N E S S E T H:

That the parties of the first part, 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 parties of the first part from the parties of the second part, the receipt whereof is hereby acknowledged, do by these presents grant, bargain, sell, convey and confirm unto the parties of the second part, 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:

PARCEL I

TOWNSHIP 29 NORTH, RANGE 56 EAST, M.D.B.&M.

Section 1: SW¼
2: SE¼; S½SW¼;
In the N½SW¼; of Section 2, and the S½S½ of Section 3, that portion thereof lying south of a line more particularly described as follows:

Beginning at Corner No. 1, the accepted center of Section 2, Township 29 North, Range 56 East, 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

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ELKO, NEVADA

BOOK 10 PAGE 56

Corner No. 3; thence S. 53°01'W., 1290.00 feet to Corner No. 4; thence S.0°56'40" W., 579.00 feet to Corner No. 5; thence S. 77°25'W., 609.00 feet to Corner No. 6; thence N. 85°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., 225.00 feet to Corner No. 10; thence N.87°13'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 feet to Corner No. 13; a fence corner; thence N.79°W., 160.00 feet, more or less, along a fence now in place to Corner No. 14, the end, and also a point ~~in the West line of Section~~ 3, Township 29 North, Range 56 East, MDB&M.

Section 4: Lot 2; SW¼NE¼; NW¼SE¼; that portion of Lot 1, SE¼NE¼ and NE¼ SE¼ Westerly of Right of Way acquired for Highway purposes by the State of Nevada,. Also, less 3 parcels of land heretofore sold:

PARCEL 1:

A portion of the SE¼NE¼ of Section 4, T. 29 N., R, 56 E., MDB&M., and described as follows:

Commencing at Corner No. 1, which is a piece of ½ inch iron pipe 24 inches long driven into the ground from which the ¼ corner on the North side of Section 3, T. 29 N., R. 56 E., M.D.B.&M., which is a cedar stake marked ¼s set along side of a cedar post in a mound of rock (the said cedar post being marked ¼s and is in the North boundary fence of the Albert Hankins Estate Ranch) bears N.59°35'E., 3969.69 feet; ~~running~~ thence N.89°38'W., 110 feet to Corner No. 2, ~~which is~~ an iron stake 1½inches in diameter and 22 inches long, driven into the ground; running thence N.0°22'E., 240 feet, which is an iron stake 1½ inches in diameter and 22 inches long, driven into the ground; running thence S. 89°36'E., 26½ feet; running thence S.0°22'W., 120 feet; running thence S. 89°38'E., 83½ feet; running thence S.0°22'W., 120 feet to Corner No. 1, the place of beginning. Containing 0.376 acres.

PARCEL 2:

Another portion of the SE¼NE¼ of Section 4, T. 29N. R, 56 E., M.D.B.&M., and described as follows:

Commencing at Corner No. 1, which is an iron stake 1½ inches in diameter and 21 inches long, driven into the ~~ground, from which the above described 1/4 corner bears~~ N. 64°08'49" E., 3801.59 feet; running thence N.0°22'E., 40 feet to Corner No. 2, which is an iron stake 1½ inches in diameter and 21 inches long driven into the ground; running thence N. 89°38'W., 110 feet to Corner No. 3, which is an iron stake 1½ inches in diameter and 21 inches long

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ELKO, NEVADA

driven into the ground; running thence S.0°22'W., 40 feet to Corner No. 4, which is an iron stake 1½ inches in diameter and 21 inches long, driven into the ground; running thence S.89°38'E., 110 feet to Corner No. 1, the place of beginning. Containing 0.101 acress.

PARCEL 3:

Another portion of the SE¼NE¼ of Section 4, T. 29 N., R. 56 E., M.D.B.&M., and described as follows: (being described in Book 41 of Deeds, page 595)

Commencing at Corner No. 1, which is an old octagon rifle barrel 1 inch across and 30 inches long driven into the ground, from which the ¼ corner on the North side of Section 3, T. 29 N., R. 56 E., M.D.B.&M., which is a cedar stake marked ¼ set along side of a cedar post in a mound of rock (the said cedar post also being marked ¼s and is in the North boundary fence of the ranch commonly called the Albert Hankins Estate Ranch) bears North 62°39'30" E., 3852.39 feet; running thence South 0°22'W., 120 feet to Corner No. 2, running thence North 89°38"W., 83½ feet; running thence North 0°22'E., 120 feet; running thence south 89°38'E., 83½ feet to Corner No. 1, the place of beginning, Containing 0.23 acres.

Section 10: NE¼; E½NW¼; N½SE¼; and Northerly 726.00 feet, more or less, of S½SE¼;

Section 11: N½; N½S½; S½SE¼; and Northerly 726.00 feet of S½SW¼;

Section 12: Lots 1, 2, 3, 4, and 5; SW¼NE¼; W½SE¼; SW¼;

Section 14: E½;

TOWNSHIP 29 NORTH, RANGE 57 EAST, M.D.B.&M.

Section 7: E½W½; Lots 1, 2, 3, and 4; being W½W½;

PARCEL II

An undivided 11.1% interest in the following:

TOWNSHIP 28 NORTH, RANGE 54 EAST, M.D.B.&M.

Section 16: NW¼SE¼; SW¼;
17: S½;
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 November 15, 1966 from PIONEER TITLE INSURANCE COMPANY OF NEVADA to the First Parties and Second Parties above-named, duly recorded on the 20th day of December

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ELKO, NEVADA

19 6c, 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 Sixth Judicial District Court of the State o f Nevada, in and for the County of Humboldt, said rights appearing under Claimant Albert Hankins, 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 per cent (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 hereinbefore 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-described real property, and by virtue of certificates and permits issued by the State Engineer of the State of Nevada, which therein specifically described the waters and the real property to which said waters and appurtenant, including but without limitation thereto, the following:

(a) Permit 1271, Certificate 196, Albert Hankins from Carville Creek through Carville Creek ditches, for irrigation of 230.8 acres of the 233.1 acres of water right for use on the above-described land in Sections 3, ~~10 and 11~~, Township 29 North, Range 56 East.

(b) Permit 1273, Certificate 198, Albert Hankins from McCutcheon Creek through McCutcheon Creek Ditch, for irrigation of 41.63 acres of 42.33 acres of water right on the above-described land in Sections 3 and 10, Township 29 North, Range 56 East, MDB&M.

(c) Permit 1272, Certificate 197, Albert Hankins from Smith Creek, through Smith Creek Ditch for irrigatin of 41.2 acres of the above described land in Section 4, Township 29 North, Range 56 East, MDB&M.

(d) Permit 1274, Certificate 199, Albert Hankins from Hankins or Adams Creek, through Hankins Creek Ditch for irrigation of 36.8 acres of the above described land in the Southwest quarter of Section 1, Township 29 North, Range 56 East, MDB&M.

TOGETHER with the vested right in the ditch high up in the Ruby Mountains which was constructed in 1876, and cuts off from the drainage water that would naturally flow into McCutcheon Creek, said ditch being described in that portion of the Edwards Decree hereinbefore set out.

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ATTORNEYS AT LAW
ELKO, NEVADA

10 59

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 Fifty-five and one-half percent (55.5%) 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 or 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, hertofore 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; fifty-five and one-half percent (55.5%) or 123 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; fifty-five and one-half percent (55.5%) or 1,914 AUM's.

If either the Forest permit or Bureau of Land Management rights shall be different than the above Second Parties shall receive fifty-five and one-half percent (55.5%) 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

Alice Hankins Merkley
ALICE HANKINS MERKLEY

E. Ray Merkley
E. RAY MERKLEY

Marie Merkley
MARIE MERKLEY

Charles B. Zunino
CHARLES B. ZUNINO

Marie M. Zunino
MARIE M. ZUNINO

Delbert J. Zunino
DELBERT J. ZUNINO

Linda Zunino
LINDA ZUNINO

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ELKO, NEVADA

STATE OF NEVADA)
) SS.
COUNTY OF ELKO)

On this 20th day of December, 1960, personally appeared before me, a Notary Public in and for the County and State above-mentioned, ERNEST L. MERKLEY, and ALICE HANKINS MERKLEY, his wife, 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.

Oliver R Milner
NOTARY PUBLIC

MY COMMISSION EXPIRES
OCTOBER 18, 1963

STATE OF NEVADA)
) SS.
COUNTY OF ELKO)

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.

Oliver R Milner
NOTARY PUBLIC

MY COMMISSION EXPIRES
OCTOBER 18, 1963

File No 2929
FILED FOR RECORD
AT REQUEST OF
Pioneer Title Ins Co
DEC 20 4 53 PM '60
RECORDED BOOK 10 PAGE 56
ESTHER M. SHELTON
ELKO COUNTY RECORDER
Fee 6.00

Partition Deed, for stamps refer to deed recorded in Book 98, Page 290, Official Records, File No. 2323
Esther M. Shelton
Elko County Recorder

VAUGHAN & HULL
ATTORNEYS AT LAW
ELKO, NEVADA