

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATIONS 32006)
AND 32007 FILED TO APPROPRIATE THE)
PUBLIC WATERS OF LUCKY BUCK SPRING)
NO'S. 3 AND 4 IN THE BRUNEAU RIVER)
AREA, ELKO COUNTY, NEVADA.)

RULING

GENERAL

Application 32006 was filed on June 10, 1977, by Lucky Buck, Inc., to appropriate 0.5 c.f.s. of water from Lucky Buck Spring No. 3 for milling and domestic purposes within the SW1/4 SW1/4 Section 10, NW1/4 NW1/4 Section 15, T.45N., R.55E., M.D.B.&M. The point of diversion is described as being within the SW1/4 SW1/4 Section 10, T.45N., R.55E., M.D.B.&M.¹

Application 32007 was filed on June 10, 1977, by Lucky Buck, Inc., to appropriate 0.5 c.f.s. of water from Lucky Buck Spring No. 4 for milling and domestic purposes within the SW1/4 SW1/4 Section 10, NW1/4 NW1/4 Section 15, T.45N., R.55E., M.D.B.&M. The point of diversion is described as being within the SW1/4 SW1/4 Section 10, T.45N., R.55E., M.D.B.&M.¹

Applications 32006 and 32007 were timely protested by the United States of America, Forest Service, on the following grounds:¹

"The United States has a right to the water in Luck Buck Spring #3 and #4 to use in meeting the purposes for which National Forests were established, including use by livestock and wildlife. This claim is based on a January 20, 1909, reservation date.

There are 1251 cows presently grazing on lands adjacent to the springs and relying in part on the water from these springs. In addition, the area provides wildlife habitat for a variety of game and non-game species.

In an area of relative water scarcity, loss of these waters would restrict livestock dispersion and thus hamper National Forest management. Wildlife would also be adversely affected."

FINDINGS OF FACT

I.

This office has been advised by the Secretary of State of Nevada that Lucky Buck, Inc., current applicant of water right Applications 32006 and 32007, is not an authorized entity doing business within the State of Nevada as required under NRS 533.325.²

¹ Public record in the office of the State Engineer.

² See Exhibit "A".

CONCLUSIONS

I.

The State Engineer has jurisdiction of the parties and the subject matter of this action.³

II.

Lucky Buck, Inc., current applicant of record for water Applications 32006 and 32007, is not an authorized entity doing business within the State of Nevada as required under NRS 533.325.

RULING

Applications 32006 and 32007 are hereby denied on the grounds that the applicant is not authorized to do business in the State of Nevada.

Respectfully submitted,



PETER G. MORROS
State Engineer

PGM/GC/bl

Dated this 6th day of
December, 1985.

³ Chapter 533 NRS.

STATE OF NEVADA
Department OF State



I, WM. D. SWACKHAMER, the duly qualified and acting Secretary of State of the State of Nevada, do hereby certify that I am the custodian of the records relating to the organization of domestic corporations, and the qualification of foreign corporations to do business within this State, and am the proper person to make this certificate.

I FURTHER CERTIFY, that I have examined said records and find that

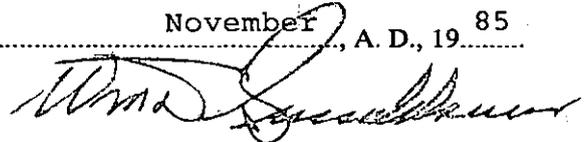
LUCKY BUCK INCORPORATED

is not a Nevada corporation and has never qualified as a foreign corporation to do business in this State under the provisions of Secs. 80.010 to 80.050 NRS 1957 as amended, that to date of this certificate, said corporation has never designated a Resident Agent upon whom process may be served, as required under Section 14.020 NRS 1957, and at the date hereof, there is no such agent in Nevada for said corporation and that this certificate is made under the provisions of Sec. 14.030 NRS 1957 as amended, of the Civil Practice Act of the State of Nevada.

IN WITNESS WHEREOF, I have hereunto set my hand

and affixed the Great Seal of State, at my office, in Carson City, Nevada, this 27th day of

November, A. D., 19 85



Secretary of State

By  Deputy

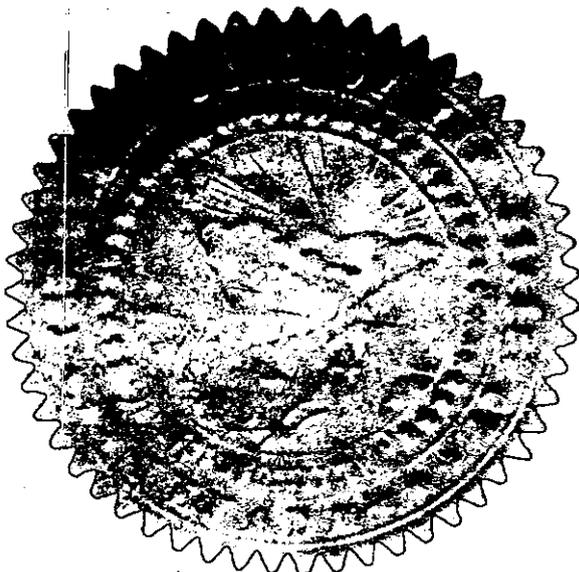


EXHIBIT A