

DISTRICT	Lone Mountain
DIST_NO	2870
COUNTY	Esmeralda
If different from written on document	
TITLE	Hughes Tool Co. (Claims Info.) Group Claims
If not obvious	Procedures - Sections 2, 3, 10, 11, 14, T3N, R40E
AUTHOR	Gerstle, W; Gerstle, M; Robertson A; Renshaw A Austin, J; Bighee, B
DATE OF DOC(S)	1914, 1934, 1954, 1970
MULTI_DIST Y / (N?)	
Additional Dist. Nos:	
QUAD_NAME	
P_M_C_NAME	Hughes Tool Co.; Esmeralda Extraction Corp.
(mine, claim & company names)	Tonopah Belmont Development Co.; General Metals Recovery Corp.
COMMODITY	
If not obvious	
NOTES	Deeds; plat maps; list of easements; handwritten notes
	18p.

Keep docs at about 250 pages if no oversized maps attached  
(for every 1 oversized page (>11x17) with text reduce  
the amount of pages by ~25)

Revised: 1/22/08

SS: DD 12/27/08  
Initials Date  
DB: \_\_\_\_\_  
Initials Date  
SCANNED: MT 1.12.10  
Initials Date



MISC. MINING PROPERTY FOR SALE  
Group claims procedures 96

HUGHES TOOL CO. (CLAIMS INFO.) 96  
GROUP CLAIMS PROCEDURES

60002483

2870

Search for doc. explaining

exceptions:

#142 - Taxes at moment

#143 - Taxes at moment

#6 - R/w for T.G. - R.R.  
(now defunct).

#7 - R/w to Nevada Calif.  
Power  
if any exist.

#12 - assessors for basis of tax deed

#9 - Highway map



TONOPAH BELMONT DEVELOPMENT COMPANY  
to  
GENERAL METALS RECOVERY CORPORATION

DEED

THIS INDENTURE made this 18th day of September, A.D.1934 by and between the TONOPAH BELMONT DEVELOPMENT COMPANY, a corporation, party of the First Part, and the GENERAL METALS RECOVERY CORPORATION, a corporation, party of the Second Part, WITNESSETH:

THAT, in consideration of the sum of Ten Dollars, lawful money of the United States of America, in hand paid by the party of the Second Part to the party of the First Part, as well as of other good and valuable considerations, the receipt of all of which is hereby acknowledged, the party of the First Part does hereby grant, bargain, sell and convey unto the party of the Second Part, and its successors and assigns, the following lots, pieces or parcels of ground situated at Millers, in Esmeralda County, State of Nevada, and more particularly described as follows, to wit South East quarter(S.E. $\frac{1}{4}$ ) of North West quarter(N.W. $\frac{1}{4}$ ) of Section 3, South West quarter(S.W. $\frac{1}{4}$ ) of North East quarter(N.E. $\frac{1}{4}$ ) of Section 3, East half(E. $\frac{1}{2}$ ) of the South West quarter(S.W. $\frac{1}{4}$ ) of Section 3, West half(W. $\frac{1}{2}$ ) of the South East quarter(S.E. $\frac{1}{4}$ ) of Section 3, East half(E. $\frac{1}{2}$ ) of North West quarter(N.W. $\frac{1}{4}$ ) of Section 10, West half(W. $\frac{1}{2}$ ) of North East quarter(N.E. $\frac{1}{4}$ ) of Section 10, East half(E. $\frac{1}{2}$ ) of South West quarter(S.W. $\frac{1}{4}$ ) of Section 10, West half(W. $\frac{1}{2}$ ) of South East quarter(S.E. $\frac{1}{4}$ ) of Section 10,

all of the Sections of aforesaid being situated in and subdivisions of Township Three(3) North, Range Forty(40) East, Mount Diablo Base and Meridian. The aforesaid tracts embrace five hundred and sixty acres(560) more or less;

TOGETHER with all and singular the mill tailings or residues belonging to the party of the First Part and the water well thereon situated, but expressly excluding such mill tailings or residues belonging to the Tonopah Mining Company of Nevada, and also expressly excluding sundry machinery and side track belonging to Campbell & Kelly, thereon situated.

The Eastern boundary of the aforesaid conveyed land hereby becomes the Western boundary of land formerly owned by Desert Power and Mill Company, and now owned by the Tonopah Mining Company of Nevada, and is situated as follows:- Said party line begins at Corner, marked Corner number 2, which Corner number 2 bears 1321.8 ft. South 89° 43' West from Corner number 1, which is the Section Corner common to Sections 10, 11, 14 and 15 of Township three aforesaid, marked by a U. S. Government monument on the ground and from said Corner number 2 said party line runs from the South side line of said Section number 10, North 0° 04' East 5282.7 ft. to Corner number 3 on the line dividing Section 10 from Section 3; thence North 0° 01' East 3964.9 ft. to Corner number 4.

TO HAVE AND TO HOLD the said premises, together with the appurtenances and privileges thereto incident, and all buildings, tenements and hereditaments thereon or there- to in any wise belonging, including said mill tailings or residues and water well belonging to the party of the First Part unto the party of the Second Part, its successors and assigns forever.

IN WITNESS WHEREOF the said party of the First Part, by resolution of its Board of Directors, has caused these presents to be executed and subscribed with its name, attested by its corporate seal, the day and year first hereinabove written.

(Corporate)

( Documentary ) (Documen-)

5-1-35

TONOPAH BELMONT DEVELOPMENT COMPANY

WITNESSES

Book 3-B  
Page 16-17

6602483 2870

Item # 13  
Quick Title

= 560 acres



Gerstle, William L.  
and Mark L.

(MILLERS)  
Arable Land, Sec. 3-10; Twp. 3N;  
Range 40E; 567 Acres at \$1.25 per  
acre

Ridge, Reese  
Stout, W. W.

SILVER PEAK  
1 room house  
3 room house

708.00 23.01  
75.00 2.74  
225.00 8.21

Amy Roberson, County Treasurer of Esmeralda County, Nevada bid the same in for the use and benefit of said Esmeralda County, Nevada, and the State of Nevada, which taxes amounted to the sums set opposite the respective pieces or parcels of property hereinbefore described, and therefore became the purchaser of each and all of the said described pieces or parcels of land and property so bid in for taxes, for the use and benefit of said Esmeralda County and the State of Nevada.

That the said real estate was sold subject to redemption pursuant to the Statutes in such cases made and approved.

AND WHEREAS, No person has redeemed the said property aforesaid during the time allowed by law for its redemption and as stated in the certificate of sale thereof, or prior to the execution of this deed.

AND WHEREAS, all the hereinbefore described pieces and parcels of land and property were sold by Amy Roberson, County Treasurer and Ex-Officio Tax Receiver, of Esmeralda County, Nevada, on one and the same day, to-wit: the 11th day of September, 1939.

NOW, THEREFORE, THIS INDENTURE WITNESSETH, That for and in consideration of the premises, I, Amy Roberson, County Treasurer and Ex-Officio Tax Receiver, as aforesaid, by virtue and in pursuance of the Statutes in such cases made and provided,

HAVE BARGAINED, SOLD AND CONVEYED AND CONFIRMED, AND BY THESE PRESENTS do grant, bargain, sell convey and confirm unto the said Amy Roberson, County Treasurer of Esmeralda County, State of Nevada, TRUSTEE, for the use and benefit of said Esmeralda County, State of Nevada, and the State of Nevada, and to her successors in office forever, all of those certain lots, pieces or parcels of land and property so sold and hereinbefore described, as fully as I, Amy Roberson, County Treasurer and Ex-Officio Tax Receiver, as aforesaid, may or can lawfully sell, or convey the same together with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining to all the said described owner or owners or claimants thereof, known or unknown, in or to all the foregoing described premises, or every part or parcel, thereof, with the appurtenances which she or he or they or either of them or it has possession on the day of such levy or assessment.

TO HAVE AND TO HOLD, all and singular, the hereinbefore and above mentioned described premises, together with appurtenances thereof, unto Amy Roberson, County Treasurer of said Esmeralda County, Trustee, as aforesaid, the party of the second part and to her successors in office forever.

IN WITNESS WHEREOF, I have hereunto set my hand and seal in the County aforesaid the day and year first hereinbefore mentioned.

STATE OF NEVADA, )

COUNTY OF ESMERALDA. )

SS.

Amy Roberson  
COUNTY TREASURER AND EX-OFFICIO  
TAX RECEIVER OF THE COUNTY OF  
ESMERALDA, STATE OF NEVADA.

On this 17th day of September, A. D. 1941, before me, John Koontz, County Recorder, in and for the County and State aforesaid, personally appeared Amy Roberson, County Treasurer and Ex-Officio Tax Receiver in and for the County of Esmeralda and State of Nevada, known to me to be the person described in and who executed the foregoing instrument, and she ack-



o; thence North 0° 01' East 3984.9 ft. to Corner number 4.

TO HAVE AND TO HOLD the said premises, together with the appurtenances and privileges thereto incident, and all buildings, tenements and hereditaments thereon or there- to in any wise belonging, including said mill tailings or residues and water well belonging to the party of the First Part unto the party of the Second Part, its successors and assigns forever.

IN WITNESS WHEREOF the said party of the First Part, by resolution of its Board of Directors, has caused these presents to be executed and subscribed with its name, attested by its corporate seal, the day and year first hereinabove written.

(Corporate) (Documentary) (5-1-35)  
(Seal) (Stamp) (tary)  
(2) (Stamp)  
(Dollars) (2)  
(Cancelled) (Dollars)  
(E W L) (Cancelled)  
(5-1-35) (EWL)  
WELLS FARGO BANK & UNION TRUST CO.

TONOPAH BELMONT DEVELOPMENT COMPANY

by Clyde A Heller  
President  
by J. K. Kitto  
Secretary

(Documentary)  
(Stamp)  
(2)  
(Dollars)  
(5-1-35)  
(Cancelled)  
(E W L)

WELLS FARGO BANK & UNION TRUST CO.

(Documentary)  
(Stamp)  
(2)  
(Dollars)  
(5-1-35)  
(Cancelled)  
(E W L)

STATE OF PENNSYLVANIA )  
: SS.  
CITY AND COUNTY OF PHILADELPHIA)

On this 18th day of September, A. D. 1934, personally appeared before me, a Notary Public for the State of Pennsylvania, residing at Philadelphia, Pennsylvania, Clyde A. Heller and J. K. Kitto, known to me to be respectively the President and Secretary of the corporation that executed the foregoing instrument, and upon oath did each depose that he is the officer of said Company as above designated; that he is acquainted with the seal of said corporation and that the seal affixed to said instrument is the corporate seal of said corporation; that the signatures to said instrument were made by officers of said corporation as indicated after said signatures; and that the said corporation executed the said instru- ment 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 at Philadelphia, Pennsylvania, the day and year in this certificate first above written.

(Notarial Seal)

Anna B. Renshaw

Notary Public

NOTARY PUBLIC

My Commission expires

March 7, 1935

4826 Filed for record at request of Oscar Oram May 10, 1935 at 30 minutes past 2 o'clock  
\* P. M.

John Koontz, County Recorder



# THE UNITED STATES OF AMERICA,

To all to whom these presents shall come, Greeting:

WHEREAS, *The Santa Fe Pacific Railroad Company* being the owner of a tract of land described as follows: *the North West quarter of Section eleven in Township twenty North of Range one East of T1a and Salt River Meridian in Arizona, containing one hundred and sixty acres.*

designated and included within the limits of a public forest reservation, known and officially designated as the *San Francisco Mountains Forest Reserve* in the *State of Arizona*, under the provisions of the act approved June 4, 1897, entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-eight, and for other purposes," reconveyed and relinquished the said tract to the United States and has, under the provisions of said act, selected in lieu thereof the following-described tract of vacant public land now open to settlement, to wit: *the West half of the North West quarter and the West half of the South West quarter of Section eleven in Township three North of Range four East of Mount Diablo Meridian in Nevada, containing one hundred and sixty acres.*

NOW KNOW YE, THAT THE UNITED STATES OF AMERICA, In consideration of the premises, and in conformity with the aforesaid act, have given and granted, and by these presents do give and grant unto the said *Santa Fe Pacific Railroad Company*, and to its *successors*, the lands last above described: To HAVE AND TO HOLD the same, together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature thereunto belonging, unto the said *Santa Fe Pacific Railroad Company* and to its *successors* and assigns forever. And there is reserved, from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I, *Theodore Roosevelt* President of the United States of America, have caused these letters to be made patent, and the seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, this *twenty-first* day of *December*, in the year of our Lord one thousand *nine hundred and four*, and of the Independence of the United States the one hundred and *twenty-ninth*.

By the President:

*T. Roosevelt*

By *Wm. M. Bean* Secretary  
*L. E. Truitt*



Example of one of 4 F/L Pat's. They include minerals, and only reserve for D/C's

Recorder of the General Land Office



# THE UNITED STATES OF AMERICA.

To all to whom these presents shall come. Greeting:

Whereas, *The Agtec Land and Cattle Company, Limited*  
being the owner of a tract of land described as follows

situated and included within the limits of a public forest reservation, known and officially designated as the *San Francisco Mountains Forest Reserve* in the State of *Arizona*  
and under the provisions of the act approved June 4, 1897, entitled "An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-eight, and for other purposes," reconveyed and relinquished the said tract to the United States and has, under the provisions of said act, selected in lieu thereof the following described tract of vacant public land now open to settlement, to wit: *The East half of the South West quarter of Section Ten in Township Three North of Range forty East of Mount Diablo Meridian in Nevada, containing eighty acres*

Now Know Ye, that the United States of America, in consideration of the premises, and in conformity with the aforesaid act, have given and granted, and by these presents do give and grant unto the said *Agtec Land and Cattle Company, Limited*, and to its ~~successors~~ *heirs*, the lands last above described: To have and to hold the same, together with all the rights, privileges, immunities, and appurtenances of whatsoever nature thereunto belonging, unto the said *Agtec Land and Cattle Company, Limited* and to ~~its heirs~~ *its heirs* and assigns forever. And there is reserved, from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

In testimony whereof, I, *Theodore Roosevelt*

President of the United States of America, have caused these letters to be made patent, and the seal of the General Land Office to be hereunto affixed.

Given under my hand, at the City of Washington, the *thirteenth*  
day of *July*, in the year of our Lord one thousand  
*nine hundred and seven* and of the  
Independence of the United States the one hundred and *thirty-second*

By the President: *Theodore Roosevelt*

*L. M. McKean*

*W. H. Sanford*

Recorder of the General Land Office



Example of the  
10 F/X Patents  
They include  
minerals and  
reserve only  
Ditch & canals



Carson City, Nevada

# The United States of America,

To all to whom these presents shall come, Greeting:

WHEREAS, a Certificate of the Register of the Land Office at Carson City, Nevada, has been deposited in the General Land Office, whereby it appears that, pursuant to the Act of Congress of May 20, 1862, To Secure Homesteads to Actual Settlers on the Public Domain, and the acts supplemental thereto, the claim of John T. Walsh has been established and duly consummated, in conformity to law, for the southeast quarter of the northwest quarter of Section eleven in Township three north of Range forty east of the Mount Diablo Meridian, Nevada, containing forty acres,

according to the Official Plat of the Survey of the said Land, returned to the GENERAL LAND OFFICE by the Surveyor-General:

NOW KNOW YE, That there is, therefore, granted by the UNITED STATES unto the said claimant the tract of Land above described: TO HAVE AND TO HOLD the said tract of Land, with the appurtenances thereof, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I, Woodrow Wilson

President of the United States of America, have caused these letters to be made Patent, and the seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the EIGHTEENTH

(SEAL)

day of NOVEMBER in the year of our Lord one thousand

nine hundred and FOURTEEN and of the Independence of the

United States the one hundred and THIRTY-NINTH.

By the President:

By

Woodrow Wilson  
M. O. Le Roy

Secretary

Copy of the  
Homestead Pat.  
Minerals incl.  
excepts; water  
rights exist'g  
& r/w for B/C

Item #5

? Quiet Title

RECORD OF PATENTS Patent Number

443422



Desert Power and Mill Co.,  
to  
Myron L. Smith et al

2252

THIS INSTRUMENT, made this 23rd day of October, A. D. 1913, between **DESERT POWER AND MILL COMPANY**, a corporation engaged in business in the State of Nevada, in Humboldt County, State of Nevada, party of the first part, and **MYRON L. SMITH, JULIAN M. SMITH and D. J. SMITH**, all of Tonopah, Nevada, parties of the second part.

WITNESSETH, That the said party of the first part, for and in consideration of the sum of Ten Dollars (\$10.00), lawful money of the United States, paid to the first party by the second parties, receipt whereof is hereby acknowledged, and other good and valuable considerations, has granted, released and forever relinquished, and by these presents does grant, release and forever relinquish, unto the said parties of the second part, and to their successors and assigns forever, all that certain lot, piece and parcel of land, situate, lying and being in the County of Humboldt, State of Nevada, and bounded and particularly described as follows, to-wit:

"Beginning at the intersection of the southerly right of way line of the Tonopah and Goldfield Railroad Company's main track and the southerly line of the S. E. 1/4 of Section 12, Township 3 North, Range 40 E., S. 2-3-4, said line intersecting the corner line of said said track at McClure's Station Station 84266.0; thence southerly along the said southerly line S. 1/4 of S. 2-3-4 1/4 feet; thence westerly S. 2-3-4 1/4 feet; thence southerly S. 1/4 of S. 2-3-4 1/4 feet to an intersection with the southerly right of way line of said main track; thence southerly along said right of way line, being a curve of 2400 ft. radius, to the point of beginning, said line of land lying to the South of the S. 1/4 of S. 2-3-4 1/4 feet to point of beginning, said line of land lying to the South of the S. 1/4 of S. 2-3-4 1/4 feet, and comprising an area of 1.212 acres, more or less.

WITNESSETH with all and singular the covenants, conditions and agreements therein contained, bearing date with all and singular the covenants, conditions and agreements therein contained, unto the said parties of the second part, their heirs and assigns forever.

IN WITNESS WHEREOF, the first party has hereunto set its corporate name by its duly authorized officers and agents, the day and year first above written.

DESERT POWER & MILL COMPANY.

By J. E. Austin  
As the President.

By C. A. Higgins  
As the Secretary.

SEAL OF PHILADELPHIA  
County of Philadelphia ss.

On this 23rd day of October 1913 A. D. 1913, personally appeared before me John Rodgers, a Notary Public of Pa in & for sd County, J. E. Austin and C. A. Higgins, known to me to be respectively the President and Secretary of the Corporation that executed the foregoing instrument, and upon oath, each for himself and not one for the other, did depose that they are the officers of said corporation, acting in the capacity as above designated; that they are acquainted with the seal of said corporation and that the seal affixed to said instrument is the corporate seal of said corporation; that the signatures to said instrument were made by officers of said corporation as indicated after their signatures, and that the said corporation executed the said instrument freely and voluntarily and for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my signature the day and year first above written.

Notarial Seal.

John Rodgers  
NOTARY PUBLIC.  
640 Hollist Rd'g, Philade., Pa.

Commission expires January 1st, 1915.

Was filed for record at the request of J. E. Smith April 7, 1915, at - minute part 1/2 of block, A. E.

Cliff P. Johnson, County Recorder.

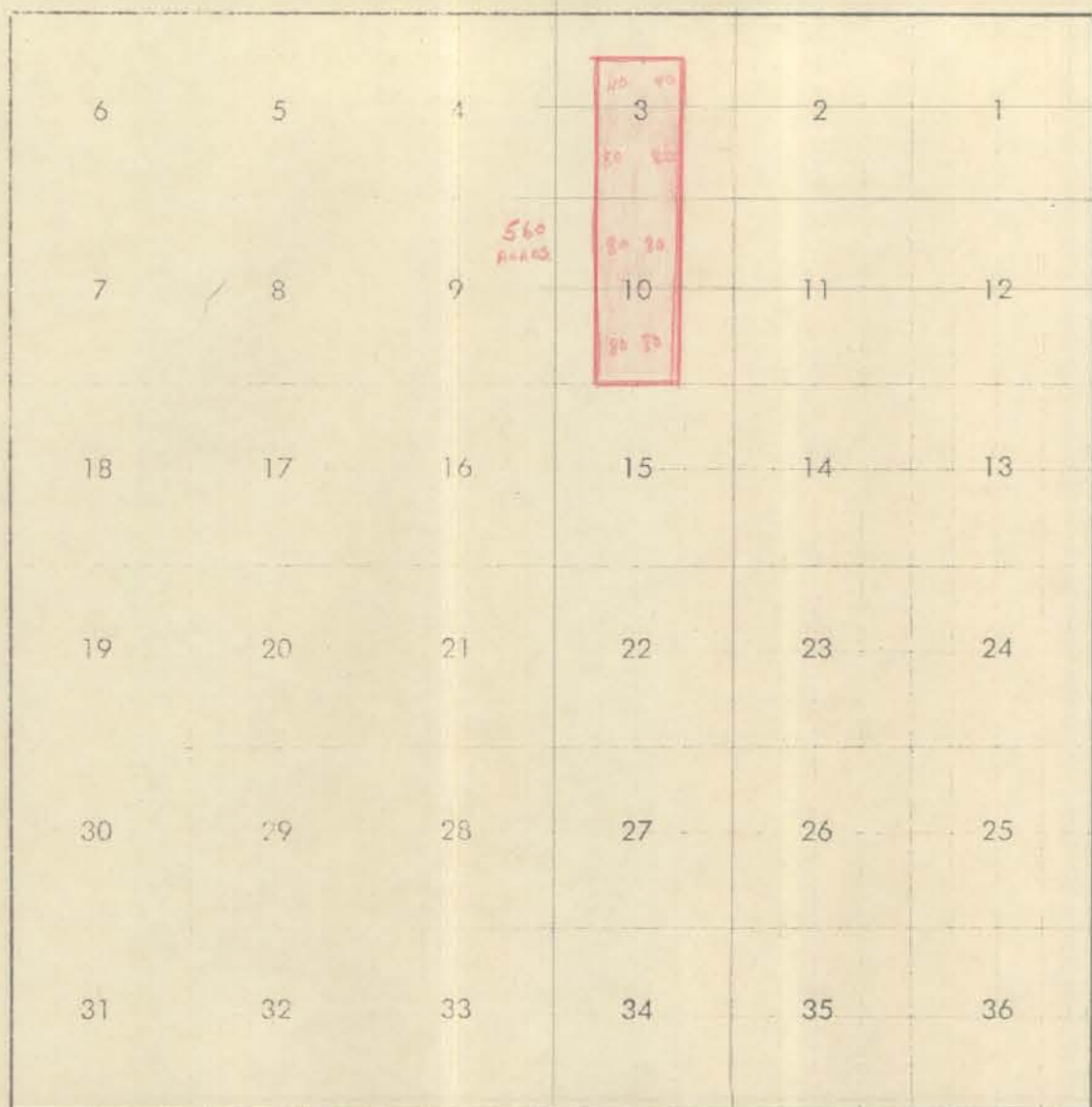
Item #11  
? Quiet Title



Township

Range

Meridian



Scale—One Inch—1 Mile (80 Chains)

Remarks:

TOWNSHIP PLAT—80 chains to 1 inch.

TONOPAH-TIMES-BONANZA

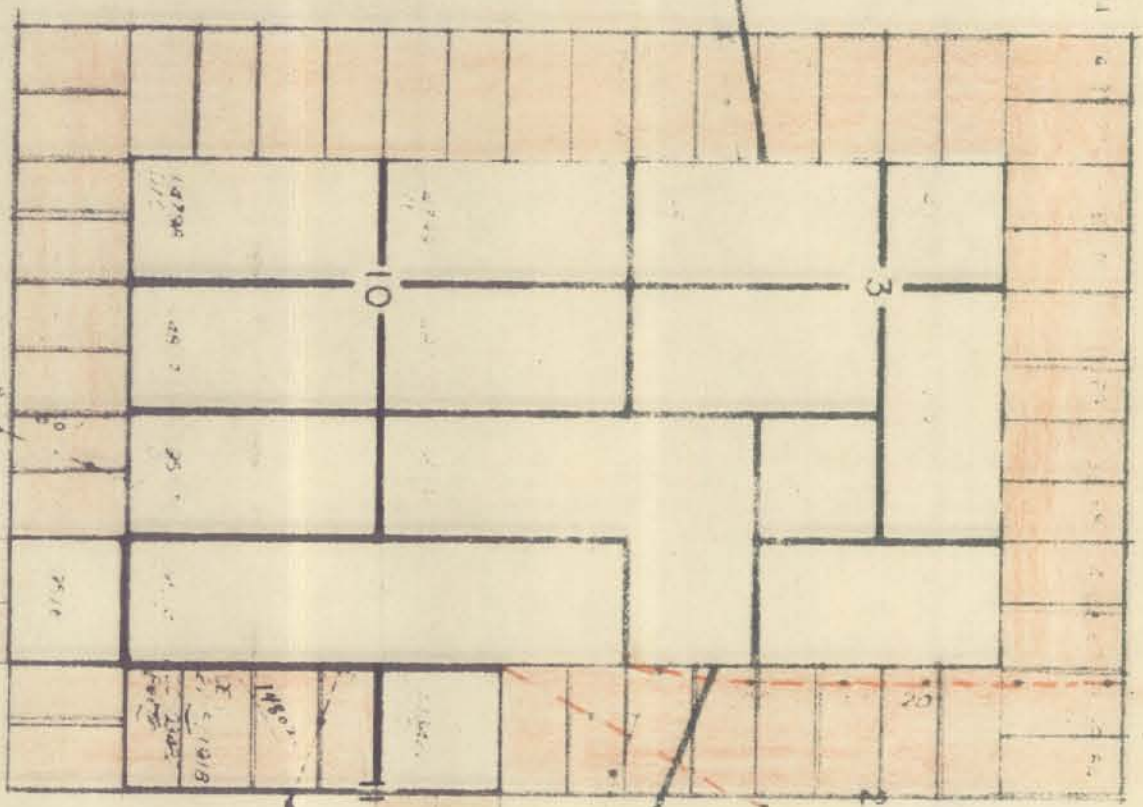
Item # 13  
QUIET TITLE?



17  
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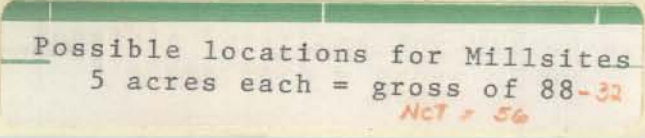
5  
4  
3  
20



Potential  
Placer Claim  
Locations = 52  
13 have R/W's  
crossing them



2	39.75	1	39.74	4	39.71	3	39.70	2	39.69	1	39.68	4	39.67	3	39.64	2	39.62	1	39.50	4	39.63	3	39.64	2	39.64	1	39.64
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### DESCRIPTION

All those certain lots, pieces or parcels of land situate in the County of Esmeralda, State of Nevada, described as follows:

TOWNSHIP 3 NORTH, RANGE 40 EAST, M.D.B.&M.

SECTION 2: SW $\frac{1}{4}$  of the NW $\frac{1}{4}$  and the W $\frac{1}{2}$  of the SW $\frac{1}{4}$

SECTION 3: S $\frac{1}{2}$  of the NE $\frac{1}{4}$ ; SE $\frac{1}{4}$  of the NW $\frac{1}{4}$ ; SE $\frac{1}{4}$  and the E $\frac{1}{2}$  of the SW $\frac{1}{4}$

SECTION 10: E $\frac{1}{2}$  and the E $\frac{1}{2}$  of the W $\frac{1}{2}$

SECTION 11: W $\frac{1}{2}$  of the W $\frac{1}{2}$  and the SE $\frac{1}{4}$  of the NW $\frac{1}{4}$

SECTION 14: NW $\frac{1}{4}$  of the NW $\frac{1}{4}$

EXCEPTING therefrom that portion of the W $\frac{1}{2}$  of the W $\frac{1}{2}$  of said Section 11, heretofore deeded to Southern California Edison Company, described as follows:

Beginning at a found Lava Rock 9 inches by 14 inches by 15 inches high set for the Southwest corner of said Section 11, said Southwest corner of Section 11, bears North 85°43'34" east along the south line of Section 10, Township 3 North, Range 40 East, M.D.B.&M., from a found Lava Rock Mound set for the Southwest corner of said Section 10, thence North 11°16'34" East 2512.91 feet to the True Point of Beginning of this description; thence North 83°30'00" East 300.00 feet; thence North 06°30'00" West 197.50 feet to a point hereinafter referred to as Point "A"; thence continuing North 06°30'00" West 252.50 feet; thence South 83°30'00" West 300 feet; thence South 06°30'00" East 450 feet to the True Point of Beginning.



**534.090 Forfeiture and abandonment of rights.**

1. Failure for 5 successive years on the part of the holder of any right, whether it be an adjudicated right, an unadjudicated right, or permitted right, and further whether such right be initiated after or before March 25, 1939, to use beneficially all or any part of the underground water for the purpose for which such right shall be acquired or claimed, shall work a forfeiture of both undetermined rights and determined rights of the right to the use of such water to the extent of such nonuse. Upon the forfeiture of a right to the use of ground water, such water shall revert to the public and shall be available for further appropriation, subject to existing rights. If, upon notice by registered or certified mail to the person of record whose right has been declared forfeited, such person fails to appeal such ruling in the manner provided for in NRS 533.450, and within the time provided for therein, the forfeiture becomes final.

2. A right to use underground water whether it be vested or otherwise may be lost by abandonment. If the state engineer, in investigating a ground water source, upon which there has been a prior right, for the purpose of acting upon an application to appropriate water from the same source, is of the belief from his examination that an abandonment has taken place, he shall so state in his ruling approving the application. If, upon notice by registered or certified mail to the person of record who had the prior right, such person fails to appeal such ruling in the manner provided for in NRS 533.450, and within the time provided for therein, the alleged abandonment declaration as set forth by the state engineer becomes final.

[9a. 178, 1939; added 1947, 52; 1943 NCL § 7993.18a]—(NRS A 1967, 193, 1053)

**534.100 Recognition of existing water rights; classification of water in definable aquifer or percolating water by state engineer; adjudication of vested underground water rights.**

1. Existing water rights to the use of underground water are hereby recognized. For the purpose of this chapter a vested right is a water right on underground water acquired from an artesian or definable aquifer prior to March 22, 1913, and an underground water right on percolating water, the course and boundaries of which are incapable of determination, acquired prior to March 25, 1939. The distinction as to whether water is in a definable aquifer or whether it is percolating water, the course and boundaries of which are incapable of determination, is a matter to be determined by the state engineer.

2. Any claimant of a vested underground water right may petition the state engineer to adjudicate such rights. If upon investigation he finds the facts and conditions justify it, he shall enter an order granting the petition and shall make proper arrangements to proceed with such determination. In the order the state engineer shall designate the area within



which such determination is to be made, but the size of such designated area may include other claimed underground vested water rights. Such designated area shall not extend into other drainage basins. Following the designation of such area the state engineer shall proceed with adjudicating such rights as provided for in chapter 533 of NRS.

[9a:178:1939; added 1947, 52; 1943 NCL § 7993.18b]—(NRS A 1957, 718)

**534.110 Rules, regulations of state engineer; statements and pumping tests; conditions of appropriation; restrictions.**

1. The state engineer shall administer this chapter and shall prescribe all necessary rules and regulations within the terms of this chapter for such administration.
2. The state engineer may:
  - (a) Require periodical statements of water elevations, water used, and acreage on which water was used from all holders of permits and claimants of vested rights.
  - (b) Upon his own initiation, conduct pumping tests to determine if overpumping is indicated, to determine the specific yield of the aquifers and to determine permeability characteristics.
3. The state engineer shall determine if there is unappropriated water in the area affected and may issue permits only if such determination is affirmative.
4. It shall be an express condition of each appropriation of ground water acquired under this chapter that the right of the appropriator shall relate to a specific quantity of water and that such right must allow for a reasonable lowering of the static water level at the appropriator's point of diversion. In determining such reasonable lowering of the static water level in a particular area, the state engineer shall consider the economics of pumping water for the general type of crops growing and may also consider the effect of water use on the economy of the area in general.
5. Nothing herein shall be so construed as to prevent the granting of permits to applicants later in time on the ground that the diversions under such proposed later appropriations may cause the water level to be lowered at the point of diversion of a prior appropriator, so long as the rights of holders of existing appropriations can be satisfied under such express conditions.
6. The state engineer shall conduct investigations in any basin or portion thereof where it appears that the average annual replenishment to the ground water supply may not be adequate for the needs of all permittees and all vested-right claimants, and if his findings so indicate the state engineer may order that withdrawals be restricted to conform to priority rights.
7. In any basin or portion thereof in the state designated by the







## SUBJECT TO

### PART ONE:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
2. Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
3. Easements, claims of easement or encumbrances which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other facts which a correct survey would disclose and which are not shown by the public record.
5. Unpatented mining claims; reservations or exceptions in patents or in Acts authorizing issuance thereof; water rights, claims or title to water.

### PART TWO:

1. Taxes for the fiscal year July 1, 1969 to July 1, 1970, including personal property taxes. The first and second quarterly instalments are now delinquent and subject to penalties. The Third quarterly instalment will become delinquent if not paid on or before the first Monday in January, 1971.
2. Taxes for the fiscal year July 1, 1970 to July 1, 1970, including personal property taxes, a lien not yet due and payable.
3. Provisions contained in the Patents from the United States of America.
4. Rights of way for any existing roads, trails, canals, ditches, flumes, conduits, pipe, pole or transmission lines on, under, over, through or across said premises.
5. The outstanding interest of John T. Walsh in and to the SE $\frac{1}{4}$  of NW $\frac{1}{4}$  of Section 11, Township 3 North, Range 40 East, M.D.B.&M., by reason of Patent issued to him and there being no conveyance of record divesting said John T. Walsh of his interest.
6. Grant of easement for railroad right of way traversing portions of Sections 10 and 11 in said Township and Range.
7. Easements for rights of way for the installation and maintenance of substations, power lines, structures or like electric power facilities as may have been granted to Nevada-California Power Company. *check for any existing on the property*
8. Right of way for electric power lines and rights incidental thereto granted California Electric Power Company, being 20 feet in width, 10 feet on each side of center line over the Northwest Quarter of the Southwest Quarter and the West-half of the Northwest Quarter of Section 11, recorded in Book 3-C page 114, E Esmeralda County, Nevada, records.
9. Right of way to the State of Nevada for Highway purposes and rights incidental thereto (U. S. N o. 6 and 95), granted to the State of Nevada by Deed recorded in Book 3-C page 23, Esmeralda County, Nevada, records.
10. Right of way for communication lines and rights incidental thereto granted Bell Telephone Company of Nevada, over the E $\frac{1}{2}$  SE $\frac{1}{4}$  of Section 3 and W $\frac{1}{2}$  SW $\frac{1}{4}$  of Section 2, recorded in Book 3-C at page 134 and 135, Esmeralda County, Nevada, records.



11. Outstanding interest of Mayme T. Smith, Julius E. Smith, also known as J. E. Smith, and D. Holland in and to that portion of the NW $\frac{1}{4}$  of Section 11, Township 3 North, Range 40 East, M.D.B.&M., described as follows:

Beginning at the intersection of the Southerly right of way line of the Tonopah and Goldfield Railroad Company's main tract and the westerly line of the Northeast Quarter of the Southwest Quarter of said Section 11; thence South 1°07' West 347.5 feet; thence South 89°18' West 200 feet; thence North 1°07' East 347.5 feet to an intersection with the Southerly right of way line of said railroad, thence Easterly along said right of way line being a curve of 2764.93 feet radius concave to the south 200 feet to the point of beginning.

12. Any interest of Xניה Baird, County Treasurer of Esmeralda County, Nevada, in and to said real property by reason of the inaccuracy of the description in that certain Tax Deed recorded in Book 3-C page 95, Esmeralda County, Nevada, records.

13. The outstanding interest of the General Metals Recovery Corporation in and to the SE $\frac{1}{4}$ NW $\frac{1}{4}$ ; SW $\frac{1}{4}$ NE $\frac{1}{4}$ ; E $\frac{1}{2}$ SW $\frac{1}{4}$  and W $\frac{1}{2}$ SE $\frac{1}{4}$  of Section 3 and W $\frac{1}{2}$  of E $\frac{1}{2}$  and E $\frac{1}{2}$  of W $\frac{1}{2}$  of Section 10, Township 3 North, Range 40 East, M.D.B.&M., by reason of said property being conveyed to them by Deed recorded in Book 3-B at page 16, Esmeralda County, Nevada, records and there being no conveyance of record divesting them of said interest.

14. LEASE: Dated June 1, 1954, executed by Esmeralda Extraction Corporation, as Lessor, and Desert Mines, Inc., as Lessee, for a term of 30 years disclosed by Memorandum of Lease and Option Agreement and First Modification of Lease Agreement, recorded December 16, 1969 in Book 3-1 of Deeds, pages 80 and 82, Esmeralda County, Nevada, records.



# NEVADA *Title* GUARANTY COMPANY

TITLE INSURANCE

ESCROW SERVICE

Member  
AMERICAN LAND TITLE ASSOCIATION

MAIN OFFICE: 90 COURT STREET • POST OFFICE BOX 1290 • 323-1811/702 • RENO, NEVADA 89504

Associate Member  
CALIFORNIA LAND  
TITLE ASSOCIATION

BRANCH OFFICES:

Post Office Box 756 • 882-1451/702 • Security National Bank Building • Carson City, Nevada 89701  
Post Office Box 272 • 588-2488/702 • Round Hill Village • Zephyr Cove, Nevada 89448  
Post Office Box 548 • 482-6276/702 • Ward Building • Tonopah, Nevada 89449  
Post Office Box 308 • 758-7201/702 • 518 Idaho Street • Elko, Nevada 89801  
Post Office Box 550 • 443-3331/702 • 123 North Main Street • Yerington, Nevada 89467

## PRELIMINARY REPORT PLEASE REPLY TO:

TO

Date October 5, 1970

Your No.

Our No. 15216-NYE

This Preliminary Report on Title is delivered and accepted upon the understanding that you have no personal knowledge or intimation of any defect, objection, lien, or encumbrance affecting said premises other than those shown on succeeding pages hereof, and your failure to disclose any such personal knowledge or intimation shall render this Preliminary Report on Title and any policy issued based thereon, null and void as to such defect, objection, lien, or encumbrance.

Nothing herein contained shall be construed as a guarantee against the consequences of the exercise and enforcement or attempted enforcement of governmental 'police power' over the property described herein.

This Preliminary Report on Title is preliminary to the issuance of policy or policies of title insurance and shall become null and void, unless the policy or policies are issued and the premium therefor paid, within ninety (90) days from the date hereof. The liability assumed under this Preliminary Report is limited to the premium paid.

If a premium is paid for this Preliminary Report and a Policy of Title Insurance is subsequently issued by this company within a period of six (6) months from date hereof, then the amount so paid will be a credit against the Policy of Title Insurance fee.

This report is issued as an accommodation, and is made without liability and without obligation to issue such policy.

NEVADA TITLE GUARANTY COMPANY

By *Howard E. Reed*

Dated as of October 5, 1970

Vestee: ESMERALDA EXTRACTION CORPORATION, a Nevada corporation

### DESCRIPTION

(ATTACHED HERETO AND MADE A PART HEREOF)