

APN See Document
for various
APN water rights.
APN _____



OFFICIAL RECORD E03
LESLIE BOUCHER, RECORDER


DECREE QUIETING TITLE

Title of Document

Affirmation Statement

X I, the undersigned hereby affirm that the attached document, including any exhibits, hereby submitted for recording **does not contain** the social security number, driver's license or identification card number, or any "Personal Information" (as defined by NRS 603A.040) of any person or persons. (Per NRS 239B.030)

_____ I, the undersigned hereby affirm that the attached document, including any exhibits, hereby submitted for recording **does contain** the social security number, driver's license or identification card number, or any "Personal Information" (as defined by NRS 603A.040) of a person or persons as required by law: _____
(State specific law)


Signature _____ Title _____

DYLAN V. FREHNER, ESQ.

Print

11/05/2018

Date

Grantees address and mail tax statement:

Robert C. Lewis and Vivian C. Lewis

P.O. Box 520

Moapa, Nevada 89025

FILED

2010 NOV -5 PM 2: 22.

LISA C. LLOYD
LINCOLN COUNTY CLERK

1 Case No.: CV-1169016

2 Dept. No.: 1

3 **IN THE SEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
4 **IN AND FOR THE COUNTY OF LINCOLN**

6 *****

7 ROBERT C. LEWIS and VIVIAN C. LEWIS as
8 Trustees of the ROBERT C. AND VIVIAN C. LEWIS
1990 TRUST DATED JUNE 20, 1990.,

9 Plaintiff,

10 v.

11 R.P. HENRIE, deceased, and his successors in interest;
12 JAMES S. HENRIE aka JAMES F. HENRIE, deceased
13 and his successors in interest; PARLEY S. HENRIE,
14 deceased and his successors in interest; WILLIAM
15 THOMAS HENRIE, deceased and his successors in
16 interest; JAMES S. HENRIE aka JAMES F. HENRIE,
17 PARLEY S. HENRIE, and JAMES F. HENRIE
18 collectively known as the HENRIE BROTHERS;
19 HELEN V. MORRISON BRUNDY; DIXIE FAYE
20 MORRISONBRUNDY; DIXIE FAYE MORRISON
21 TRUST; OTELIA E MORRISON HENRIE, deceased
22 and her successors in interests; CHARLES BRUNDY,
23 deceased and his successors in interest; MARY J.
24 AVERETT, deceased and her successors in interest;
25 GILBERT C. HEATON, deceased and his successors
26 in interest; MILDRED L. HEATON, deceased and her
27 successors in interests; ANDREW LYTLE, deceased
28 and his successors in interest; FERN B. LYTLE,
deceased and her successors in interest; and DOE I
through DOE X; together with each and every one and
all of the unknown heirs of each and every one of the
above-named Defendants, his last known addresses was
in the County of Lincoln, State of Nevada, unless
otherwise stated herein; also all other persons unknown
claiming any right, title, estate, lien or interest in the
real property described in the complaint adverse to
Plaintiffs' ownership, or any cloud upon Plaintiffs' title
thereto,

Defendants.

DECREE QUIETING TITLE

DYLAN V. FREHNER
ATTORNEY AT LAW
A Professional Corporation
P.O. Box 517
Pioche Nevada 89043
Telephone (775) 962-5533 Facsimile (775) 549-9586

1 This cause having come before the Court for trial/hearing on this 23rd day of October,
2 2018, before the above-entitled Court, sitting without a jury, the HONORABLE STEVE
3 DOBRESKU, District Court Judge, presiding; the Plaintiff being represented in Court and
4 represented by DYLAN V. FREHNER, Esq., its attorney; Defendants Helen V. Morrison Brundy
5 and her attorney CRAIG MUELLER, Dixie Faye Morrison Brundy, and Dixie Faye Morrison Trust
6 all not being present; nor any other listed or unlisted Defendants being present; and said action
7 having been dismissed as to all fictitious Defendants designated by the names DOES I through X;

8 WHEREAS, IT APPEARS AND THE COURT FINDS:

9 All unknown heirs and Defendants were served by publication on January 27 through
10 February 17, 2017;

11 The Defendant Helen V. Morrison Brundy filed an opposition in the case on April 25,
12 2017. A pre-trial conference was held on September 5, 2018, in which the Defendant Helen V.
13 Morrison Brundy was not present, but her representative, Tara Clark, was present and the matter
14 was set for trial on October 23, 2018. The Defendant Helen V. Morrison Brundy retained
15 attorney Craig Mueller who filed a Notice of Appearance on September 19, 2018 and was duly
16 notified of all proceedings, including the trial/hearing scheduled for October 23, 2018. Defendant
17 Helen V. Morrison Brundy through her attorney, Craig Mueller, filed a Motion to Continue on
18 September 19, 2018, and the Court entered an Order Denying Motion to Continue Trial on
19 October 5, 2018.

20 The Defendant Dixie Faye Morrison Brundy and Dixie Faye Morrison Trust also filed an
21 opposition on April 19, 2017, but did not attend the September 5, 2018 pre-trial conference.

22 At the trial on October 23, 2018, the Defendant Helen V. Morrison Brundy and her
23 attorney Craig Mueller failed to appear, as did Defendants Dixie Faye Morrison Brundy and the
24 Dixie Faye Morrison Trust.

25 At trial, the Court received 51 exhibits entered into evidence on behalf of the Plaintiff and
26 heard testimony from Robert C. Lewis. Based upon the evidence presented at trial, the Court
27 makes the following specific findings of fact:

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- That no Defendants appeared and/or filed any answer or other affirmative pleading setting forth challenge to Plaintiffs' claim of title in this case to the listed water rights:
 - That the Plaintiff proved by clear and convincing evidence its superior title to the Defendant Dixie Faye Morrison Brundy to the specified water rights based upon the following evidence:
 - Testimony from Robert C. Lewis that he and his wife Vivian C. Lewis had purchased in 1992 real property known as APN 008-281-04, and 50% interest in grazing allotments known as the Henrie Complex Allotment (#11034) and the Cottonwood Allotment (#21021), along with the listed and appurtenant water rights to those properties from Henry and Virginia Rice as successors in interest to Dixie Faye Morrison Brundy.
 - Exhibits 25-27 are real property deeds recorded in Lincoln County, Nevada, showing the chain of title transferring Dixie Faye Morrison Brundy's interest in the real property, grazing allotments and associated water rights. As listed in the Complaint, water rights #1, 3-6, and 13-23 were specifically transferred from Dixie through Exhibit 25.
 - Water rights #9 and #24 were transferred by Exhibits 30 and 32, which are deeds transferring any interest in the real property associated with those water rights from Dixie Brundy to Kevin and Sandy Olsen, and subsequently to the Plaintiff.
 - All remaining water rights (#2, 7, 8, 10-12) are all stock watering rights that are within and appurtenant to the Henrie Complex and/or Cottonwood grazing allotments as shown in Exhibits 2, 7, 8, 10-12 and 46-47. Exhibits 42-45 show Robert C. and Vivian C. Lewis as the owners of the Henrie Complex and Cottonwood grazing allotments

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- That the Plaintiff proved by clear and convincing evidence its superior title to the Defendant Helen V. Morrison Brundy, in the specified water rights based upon the following evidence:
 - Exhibit 28, an Agreement for Purchase and Sale of Operating Ranch executed in 1987 and recorded with the Lincoln County Recorder's Office in which Helen Brundy and her husband agreed to sell all of their interest in real property, grazing allotments and associated water rights outlined in the agreement in fee simple and free of any encumbrances to Kevin and Sandra Olsen. The Agreement listed several parcels, including APN 008-281-03 and 05, 008-281-06 and 07, along with their 50% interest in the Henrie allotments (#1034) and Cottonwood allotment (#1021) and any associated or appurtenant water rights.
 - The testimony of Robert C. Lewis showed that he and his wife, Vivian C. Lewis, assumed the rights of Kevin and Sandra Olsen to the 1987 Agreement in that Kevin and Sandra Olsen deeded their interest to Robert and Vivian Lewis in 2000 as shown in Exhibits 30-32. Robert and Vivian Lewis executed a deed of trust in favor of Helen Brundy and her husband to secure the note owed as shown in Exhibits 34 and 35. Robert and Vivian Lewis paid off the note, and a deed of full reconveyance was issued releasing the deed of trust as shown in Exhibit 37.
 - In addition, while none of the deeds from Helen Brundy and her husband specifically listed the water rights that were to transfer, Robert C. Lewis testified that he and his wife met with Helen Brundy in Utah in 2003 to have her execute a quitclaim deed to transfer the Henrie Complex and Cottonwood grazing allotments along with the specific water rights set forth in the deed. Exhibit 36 is the executed and recorded quitclaim deed from Helen Brundy to Robert and Vivian Lewis, and it lists specifically

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every water right in the Complaint except #8, #9 and #24. The quitclaim deed was executed voluntarily and knowledgeably, and Helen Brundy never expressed any desire to retain any interest in the water rights outlined in the quitclaim deed.

- Helen Brundy also executed a deed transferring her interest in real property described in Exhibit 30, along with her interest to water right #24, if any.
- Helen Brundy's transfer of her interest in the Henrie Complex and Cottonwood grazing allotments in Exhibit 36 also transferred any interest she may have claimed in water rights #8 and 9, which are stock watering rights located within the Cottonwood grazing allotment. Exhibits 8,9, and 46 show the use and location of these water rights within and appurtenant to the Cottonwood grazing allotment.
- That Robert and Vivian Lewis and/or their successors in interest have owned and operated the real property and grazing allotments set forth in the deeds and held them out as their own since 2000, and are shown as the owner of record for the grazing allotments in Exhibits 42-45.
- That the Plaintiff, their successors in interest or their predecessors in interest, have held themselves out to be the owners against all other parties in fee simple of the water rights set forth in the Complaint for over 15 years.
- That the Plaintiff, their successors in interest or their predecessors in interest have paid all taxes on real property for the past 5 years as shown in Exhibit 41, which real property is the base property for the grazing allotments and all water rights appurtenant to the real property and grazing allotments.
- That the time within which said Defendants were required to appear and plead herein has expired; that they have not appeared herein; that no answer, motion or other pleading has been served or filed herein; and

- 1 • The allegations of said Complaint respecting ownership and possession of real
2 property/water rights described in said Complaint; and the Court being satisfied
3 that the allegations of the Complaint are true and that the relief asked for should be
4 granted;

5 NOW THEREFORE,

6 IT IS SO ORDERED, ADJUDGED AND DECREED:

7 1. That Plaintiff own in fee simple, and are entitled to the quiet and peaceful
8 possession of that those waters situated in the County of Lincoln, State of Nevada, and described
9 as follows, to-wit,

- 10 1. **Vested Right 01439**; Blackberry Spring No. 1 (also known as Hackberry Spring No. 1)
11 was filed January 5, 1916. The water is diverted according to the proof at 100 feet from
12 the SW corner of Section 14, T. 10 S., R. 66 E., in the County of Lincoln, State of
13 Nevada, for stock watering.
- 14 2. **Vested Right 01440**; Blackberry Spring No. 2 (also known as Hackberry Spring No. 2)
15 was filed January 5, 1916. The water is diverted according to the proof at 2600 feet from
16 the NW corner of Section 9, T. 10 S., R. 66 E., in the County of Lincoln, State of Nevada,
17 for stock watering.
- 18 3. **Vested Right 01441**; Blackberry Spring No. 3 (also known as Hackberry Spring No. 3)
19 was filed January 5, 1916. The water is diverted according to the proof at 660 feet from
20 the SE corner of Section 2, T. 10 S., R. 65 E., in the County of Lincoln, State of Nevada,
21 for stock watering.
- 22 4. **Vested Right 01447**; Ash Spring was filed February 6, 1916. The point of diversion is
23 described as being N. 30° W. 150 feet from the Southeast corner of Section 6, T.5 S., R.
24 68 E., in the County of Lincoln, State of Nevada, for stock watering.
- 25 5. **Vested Right 01448**; Elly Spring was filed February 7, 1916. The point of diversion is N.
26 40° E. 200 feet from the Southwest corner of Section 1, T. 6S., R. 67 E., in the County of
27 Lincoln, State of Nevada, for stock watering.
- 28 6. **Vested Right 01557**; Meadow Valley Wash (stream) was filed April 13, 1918. The
 points of diversion are in Section 34 and 35, T. 7 S., R. 67 E., in the County of Lincoln,
 State of Nevada, for irrigation and domestic purposes.
7. **Application 4338, Certificate 1569**; Filed March 2, 1917 to divert water in the
 SW1/4SW1/4 of Section 17, T. 7 S., R. 68 E., in the County of Lincoln, State of Nevada,
 for stock watering.
8. **Application 4339, Certificate 1570**; Filed March 2, 1917 to divert water in the
 SE1/4SW1/4 of Section 5, T. 7 S., R. 68 E., in the County of Lincoln, State of Nevada, for
 stock watering.
9. **Application 5942, Certificate 1687**; Filed January 8, 1920 to divert water in the
 NW1/4NW1/4 of Section 23, T. 9 S., R. 67 E. in the County of Lincoln, State of Nevada,
 for irrigation water from the Meadow Valley Wash (stream) for 37.521 acres.

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- 1 10. **Application 10652, Certificate 2642;** known as Averett Spring and Reservoir and
2 situated within the NW1/4NW1/4 of Section 34, T. 8 S., R. 66 E., in the County of
3 Lincoln, State of Nevada.
- 4 11. **Application 10653, Certificate 2643;** known as Hidden Springs and situated within the
5 SW1/4SE1/4 of Section 34, T. 8 S., R. 66 E., in the County of Lincoln, State of Nevada.
6 **Application 10645, Certificate 2641;** known as Averett Well and Windmill and situated
7 within the SE1/4SE1/4 of Section 15, T. 9 S., R. 67 E., in the County of Lincoln, State of
8 Nevada.
- 9 12. **Vested Right 01503;** Fife Spring was filed April 21st, 1917.. The point of diversion is S.
10 45° E. 200 feet from the NW corner of Section 32, T. 6 S. R. 68 E., in the County of
11 Lincoln, State of Nevada, for stock watering.
- 12 13. **Application 4340, Certificate 426;** from Ash Creek in the SE1/4SE1/4 of Section 23 T.
13 6 S., R. 67 E., in the County of Lincoln, State of Nevada, for stock watering.
- 14 14. **Application 5163, Certificate 868;** from Dodge Pocket Reservoir in the NW1/4NE1/4 of
15 Section 36, T. 8 S., R 68 E., in the County of Lincoln, State of Nevada, for stock watering.
- 16 15. **Application 6493, Certificate 1499;** from Cottonwood Creek in the SW1/4NW1/4 of
17 Section 20, T.7 S., R. 68 E., in the County of Lincoln, State of Nevada, for irrigation and
18 domestic purposes.
- 19 16. **Application 8359, Certificate 1895;** from Meadow Valley Wash in the SE1/4NW1/4 of
20 Section 17, T. 10 S., R. 67 E., in the County of Lincoln, State of Nevada, for irrigation.
- 21 17. **Application 8553, Certificate 2062;** from Cottonwood Creek in the NW1/4SW1/4 of
22 Section 20, T. 7 S., R. 68 E., in the County of Lincoln, State of Nevada, for stock
23 watering.
- 24 18. **Application 9466, Certificate 1945;** from Meadow Valley Wash in the SE1/4NW1/4 of
25 Section 17, T. 10 S., R. 67 E., in the County of Lincoln, State of Nevada, for irrigation.
- 26 19. **Application 9565, Certificate 1946;** from Meadow Valley Wash in the SW1/4NW1/4 of
27 Section 14, T.8 S., R. 67 E., in the County of Lincoln, State of Nevada, for stock watering.
- 28 20. **Application 9566, Certificate 1947;** from the Meadow Valley Wash in the NE1/4SW1/4
of Section 24, T. 10 S., R. 66 E., in the County of Lincoln, State of Nevada, for stock
watering.
21. **Application 9567, Certificate 1948;** from the Meadow Valley Wash in the SW1/4NE1/4
of Section 17, T. 10 S., R. 67 E., in the County of Lincoln, State of Nevada, for stock
watering.
22. **Application 9568, Certificate 1949;** from the Meadow Valley Wash in the
NW1/4NW1/4 of Section 26, T. 8 S., R. 67 E., in the County of Lincoln, State of Nevada,
for stock watering.
23. **Application 8381 as changed by Application 10192, Certificate 2383;** from the
Meadow Valley Wash in the SW1/4NE1/4 of Section 27, T. 9 S., R. 67 E., in the County
of Lincoln, State of Nevada, for irrigation.

2. That Plaintiffs' title to said real property is hereby forever quieted against any and
all claims or demands of Defendants, and all other persons unknown claiming any right, title,
estate, lien or interest in the real property;

///

///

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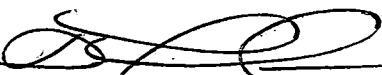
3. That Defendants and any person claiming under them are permanently enjoined and restrained from asserting any claim or interest in or to said real property or any part thereof.

DATED this 31 day of OCTOBER, 2018.



DISTRICT JUDGE

Respectfully submitted:



DYLAN V. FREHNER, ESQ.
P.O. Box 517
Pioche, Nevada 89043
Attorney for the Plaintiff

This document to which this certificate is attached is a full, true and correct copy of the original, on file and recorded in the County Clerk's Office, Pioche Nevada.

In witness whereof, I have hereunto set my hand and affixed the seal of the Seventh Judicial District Court in and for the County of Lincoln, State of Nevada, This 5th day of November 2018



Clerk
Deputy Clerk

**STATE OF NEVADA
DECLARATION OF VALUE**

1. Assessor Parcel Number(s)
 a. See document for various
 b. water rights.
 c. _____
 d. _____

2. Type of Property:
- | | |
|--|--|
| a. <input type="checkbox"/> Vacant Land | b. <input type="checkbox"/> Single Fam. Res. |
| c. <input type="checkbox"/> Condo/Twnhse | d. <input type="checkbox"/> 2-4 Plex |
| e. <input type="checkbox"/> Apt. Bldg | f. <input type="checkbox"/> Comm'l/Ind'l |
| g. <input type="checkbox"/> Agricultural | h. <input type="checkbox"/> Mobile Home |
| i. <input checked="" type="checkbox"/> Other <u>See document for various water rights.</u> | |

FOR RECORDERS OPTIONAL USE ONLY	
Book _____	Page: _____
Date of Recording: _____	
Notes: _____	

- 3.a. Total Value/Sales Price of Property \$ _____
 b. Deed in Lieu of Foreclosure Only (value of property) (_____)
 c. Transfer Tax Value: \$ _____
 d. Real Property Transfer Tax Due \$ _____

4. **If Exemption Claimed:**
 a. Transfer Tax Exemption per NRS 375.090, Section 3
 b. Explain Reason for Exemption: To clarify title for water rights.

5. Partial Interest: Percentage being transferred: 100 %
 The undersigned declares and acknowledges, under penalty of perjury, pursuant to NRS 375.060 and NRS 375.110, that the information provided is correct to the best of their information and belief, and can be supported by documentation if called upon to substantiate the information provided herein. Furthermore, the parties agree that disallowance of any claimed exemption, or other determination of additional tax due, may result in a penalty of 10% of the tax due plus interest at 1% per month. Pursuant to NRS 375.030, the Buyer and Seller shall be jointly and severally liable for any additional amount owed.

Signature _____ Capacity: GRANTOR

Signature  Capacity: GRANTEE

SELLER (GRANTOR) INFORMATION
(REQUIRED)
 Print Name: See Attached
 Address: _____
 City: _____
 State: _____ Zip: _____

BUYER (GRANTEE) INFORMATION
(REQUIRED)
 Print Name: See Attached
 Address: _____
 City: _____
 State: _____ Zip: _____

COMPANY/PERSON REQUESTING RECORDING (Required if not seller or buyer)
 Print Name: Dylan V. Frehner Escrow # _____
 Address: P.O. Box 517
 City: Pioche State: Nevada Zip: 89043

STATE OF NEVADA
DECLARATION OF VALUE
GRANTOR/GRANTEE
INFORMATION

GRANTOR

Seventh Judicial District Court (Robert C. Lewis and Vivian C. Lewis, Trustees)
P.O. Box 90
Pioche, Nevada 89043

GRANTEE

Robert C. Lewis and Vivian C. Lewis as Trustees of the
Robert C. and Vivian C. Lewis 1990 Trust Dated June 20, 1990
P.O. Box 520
Moapa, Nevada 89025

