

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
RIGHT-OF-WAY GRANT
SERIAL NUMBER N-62491

1. A right-of-way is hereby granted pursuant to Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761).

2. Nature of Interest:

a. By this instrument, the holder:

Gary N. and Rose Mary Johnson
P.O. Box 693
Minden, NV 89423

receives a right to construct, operate, maintain, and terminate an access road across public lands described as follows:

Mt. Diablo Meridian

T. 13 N., R. 21 E.,

sec. 31, E $\frac{1}{2}$ E $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$,
NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$,
N $\frac{1}{2}$ N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$.

b. The right-of-way area granted herein is 25 feet wide, 978.77 feet long, containing 0.561 acres, more or less.

c. This instrument shall terminate on July 15, 2029 thirty years from its effective date unless, prior thereto, it is relinquished, abandoned, terminated, or modified pursuant to the terms and conditions of this instrument or of any applicable Federal law or regulation.

d. This instrument may be renewed. If renewed, the right-of-way shall be subject to the regulations existing at the time of renewal and any other terms and conditions that the authorized officer deems necessary to protect the public interest.

e. Notwithstanding the expiration of this instrument or any renewal thereof, early relinquishment, abandonment, or termination, the provisions of this instrument, to the extent applicable, shall continue in effect and shall be binding on the holder, its

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successors, or assignees, until they have fully satisfied the obligations and/or liabilities accruing herein before or on account of the expiration, or prior termination, of the grant.

3. **Rental:**

For and in consideration of the rights granted, the holder agrees to pay the Bureau of Land Management fair market value rental as determined by the authorized officer unless specifically exempted from such payment by regulation. Provided, however, that the rental may be adjusted by the authorized officer, whenever necessary, to reflect changes in the fair market rental value as determined by the application of sound business management principles, and so far as practicable and feasible, in accordance with comparable commercial practices.

4. **Terms and Conditions:**

- a. *This grant is issued subject to the holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations part 2800.*
- b. *Six months prior to termination of the grant, the holder shall contact the authorized officer to arrange a joint inspection of the right-of-way. This inspection will be held to agree to an acceptable termination and rehabilitation plan. This plan shall include but is not limited to, removal of facilities, drainage structures, or surface material, recontouring, topsoiling, or seeding. The authorized officer must approve the plan in writing prior to the holder's commencement of any termination activities.*
- c. *This grant may be reviewed at any time deemed necessary by the authorized officer.*
- d. *This grant shall, at a minimum, be reviewed by the authorized officer at the end of the 20th year and at regular intervals thereafter not to exceed 10 years.*
- e. *The map set forth in Exhibit A, attached hereto, is incorporated into and made a part of this grant instrument as fully and effectively as if it was set forth herein in its entirety.*
- f. *Failure of the holder to comply with applicable law or any provision of this grant shall constitute grounds for suspension or termination thereof.*
- g. *The holder shall perform all operations in a good and workmanlike manner so as to ensure protection of the environment and the health and safety of the public.*
- h. *This grant is subject to all valid rights existing on the effective date of the grant.*
- i. *The holder shall conduct all activities associated with the construction operation, and termination of the right-of-way within the authorized limits of the right-of-way.*
- j. *In case of change of address, the holder shall immediately notify the authorized officer.*
- k. *Any cultural (historic or prehistoric site or object) or paleontological resource or Native American human remains, funerary items, sacred objects, or objects of cultural patrimony*

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discovered by the permit holder, or any person working on their behalf, during the course of activities on federal land shall be immediately reported to the authorized officer by telephone, followed by written confirmation. The permit holder shall suspend all operations in the immediate area of such discovery and protect it until an evaluation of the discovery can be made by the authorized officer.

For cultural resources other than Native American human remains, funerary items, sacred objects, or objects of cultural patrimony, this evaluation will determine the significance of the discovery and what mitigation measures are necessary to allow the activities to proceed. The holder is responsible for the cost of evaluation and mitigation. Any decision on treatment and/or mitigation will be made by the authorized officer after consulting with the permit holder. Operations may resume only upon written authorization to proceed from the authorized officer.

For Native American human remains, funerary items, sacred objects, or objects of cultural patrimony the permit holder must stop activities in the immediate vicinity of the discovery and protect it from your activities for 30 days or until notified to proceed by the authorized officer. The holder is responsible for the cost of consultation, evaluation and mitigation. Any decision on treatment and/or mitigation will be made by the authorized officer after consulting with the permit holder.

- l. Construction sites shall be maintained in a sanitary condition at all times; waste materials at those sites shall be disposed of promptly at an appropriate waste disposal site. "Waste" means all discarded matter including, but not limited to, human waste, trash, garbage, refuse, oil drums, used petroleum products, ashes, and equipment.
- m. Holder shall limit excavation to the areas of construction. No borrow areas for fill material will be permitted on the site. All off-site borrow areas must be approved in writing by the authorized officer in advance of excavation. All waste material resulting from construction or use of the site by the holder shall be removed from the site. All waste disposal sites on public land must be approved in writing by the authorized officer in advance of use.
- n. As directed by the authorized officer, all road segments shall be winterized by providing a well-drained roadway by water barring, maintaining drainage, and any additional measures necessary to minimize erosion and other damage to the roadway or the surrounding public land.

IN WITNESS WHEREOF, The undersigned agrees to the terms and conditions of this right-of-way grant.

Gary N. Johnson

(Signature of Holder)

GARY N. JOHNSON

PROPERTY OWNER

(Title)

7-13-99

(Date)

Charles P. Dye Acting

(Signature of Authorized Officer)

Assistant Manager

Non-Renewable Resources

(Title)

7/16/99

(Effective Date of Grant)

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T 13 N, R 21 E MDM
SECTION 31

SCALE: 1"=200'

BLM

BLM

BLM

N01°56'01"W 298.35'

S01°56'01"E 365.80'

GN AND RM JOHNSON
APN 23-180-52

GN AND RM JOHNSON
APN 23-180-53

N89°12'28"E

BLM

ALLEN J AND E ALLIE

N72°03'07"E 685.22'

N77°57'15"E 645.97'

APPROXIMATE LOCATION
30' DRAINAGE EASEMENT
FEMA DESIGNATED
FLOOD HAZARD

PROPOSED 25'
ACCESS EASEMENT

EX BLDG

EX BLDG

N01°32'31"W 141.70'

FAHIM DR.

EX 50' ACCESS
EASEMENT

EX BLDG

EX BLDG

CALLE DEL SOL

CALLE LADERA

NOT A RECORD OF SURVEY

JOHNSON
DRAFTING
DESIGNS

CIVIL • MECHANICAL •
ARCHITECTURAL
DRAFTING
P.O. BOX 2216
GARDNERVILLE, NV
89410
PH: (702) 782-3484
FAX: (702) 782-3484

PROPOSED DRIVEWAY EASEMENT

FOR

GARY & ROSEMARY JOHNSON
GARDNERVILLE NEVADA

DATE: MAR., 1998

JOB No.: 1001.000

SCALE: 1"=200'

DWG No.: 10010SIT

DWN. BY: MJ

SHEET 1 OF 1

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EXHIBIT A

COPY

REQUESTED BY
Rose Mary Johnson
IN OFFICIAL RECORDS OF
DOUGLAS CO., NEVADA

2000 SEP 15 AM 11:21

LINDA SLATER
RECORDER

\$ 11.00 PAID KJ DEPUTY

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