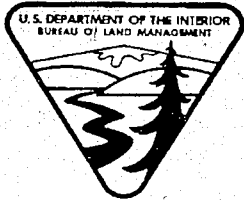




United States Department of the Interior



BUREAU OF LAND MANAGEMENT

Carson City District Office
5665 Morgan Mill Road
Carson City, Nevada 89701
PH: (702) 885-6100

IN REPLY REFER TO:
N-62529
2800
(NV-03300)

JUN 12 1998

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

DECISION

Robert L. & Denise M. Calloway
154 Rose Peak Road
Dayton, NV 89403

Right-of-Way

RIGHT-OF-WAY GRANT N-62529 ISSUED

Enclosed is your executed copy of Right-of-Way Grant N-62529. The rental for this right-of-way for the term ending December 31, 1998, adjusted for calendar-year billing, is \$85.30. Payment in said amount and the monitoring fee were received on June 11, 1998.

The issuance of this right-of-way grant constitutes a final decision by the Bureau of Land Management.

Clifford D. Ligons
Clifford D. Ligons
Assistant District Manager
Non-Renewable Resources

Enclosure:
1. Right-of-Way Grant

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UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
RIGHT-OF-WAY GRANT
SERIAL NUMBER N-62529

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:

Robert L. & Denise M. Calloway
154 Rose Peak Road
Dayton, NV 89403

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

Mt. Diablo Meridian

T. 10 N., R. 22 E.,
sec. 2, SW $\frac{1}{4}$ SE $\frac{1}{4}$
sec. 11, W $\frac{1}{2}$ NE $\frac{1}{4}$.

b. The right-of-way area granted herein is 50 feet wide, 3,650 feet long, containing 4.19 acres, more or less.

c. This instrument shall terminate on June 11, 2028 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 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.

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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 or paleontological resource (historic or prehistoric site or object) or Native American human remains, funerary items, sacred objects, or objects of cultural patrimony discovered by the right-of-way 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, with written confirmation. The right-of-way holder shall suspend all*

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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 right-of-way 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 right-of-way 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 right-of-way 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 right-of-way 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 right-of-way 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. Use of pesticides shall comply with the applicable Federal and State Laws. Pesticides shall be used only in accordance with their registered uses and within limitations imposed by the Secretary of the Interior. Prior to the use of pesticides, the holder shall obtain from the authorized officer, written approval of a plan showing the type and quantity of material to be used, pest(s) to be controlled, method of application, location of storage and disposal of containers, and any other information deemed necessary by the authorized officer prior to such use.*
- n. The holder(s) shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, the holder(s) shall comply with the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601, et seq.) with regard to any toxic substances that are used, generated by or stored on the right-of-way or on facilities authorized under this right-of-way grant. (See 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193.) Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established 40 CFR, Part 117 shall be reported as required by the Comprehensive Environmental Response, Compensation and Liability Act of 1980, Section 102b. A copy of any report required or requested by any Federal agency or State government as a result of a reportable release or spill of any toxic substances shall be furnished to the authorized officer concurrent with the filing of the reports to the involved Federal agency or State government.*

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

Robert Calloway
(Signature of Holder)
ROBERT CALLOWAY

Denise M Calloway
Denise ~~THE~~ M. Calloway
6/11/98
(Date)

Clifford D. Lyons
(Signature of Authorized Officer)
CLIFFORD D. LYONS
Assistant District Manager
Non-Renewable Resources
(Title)

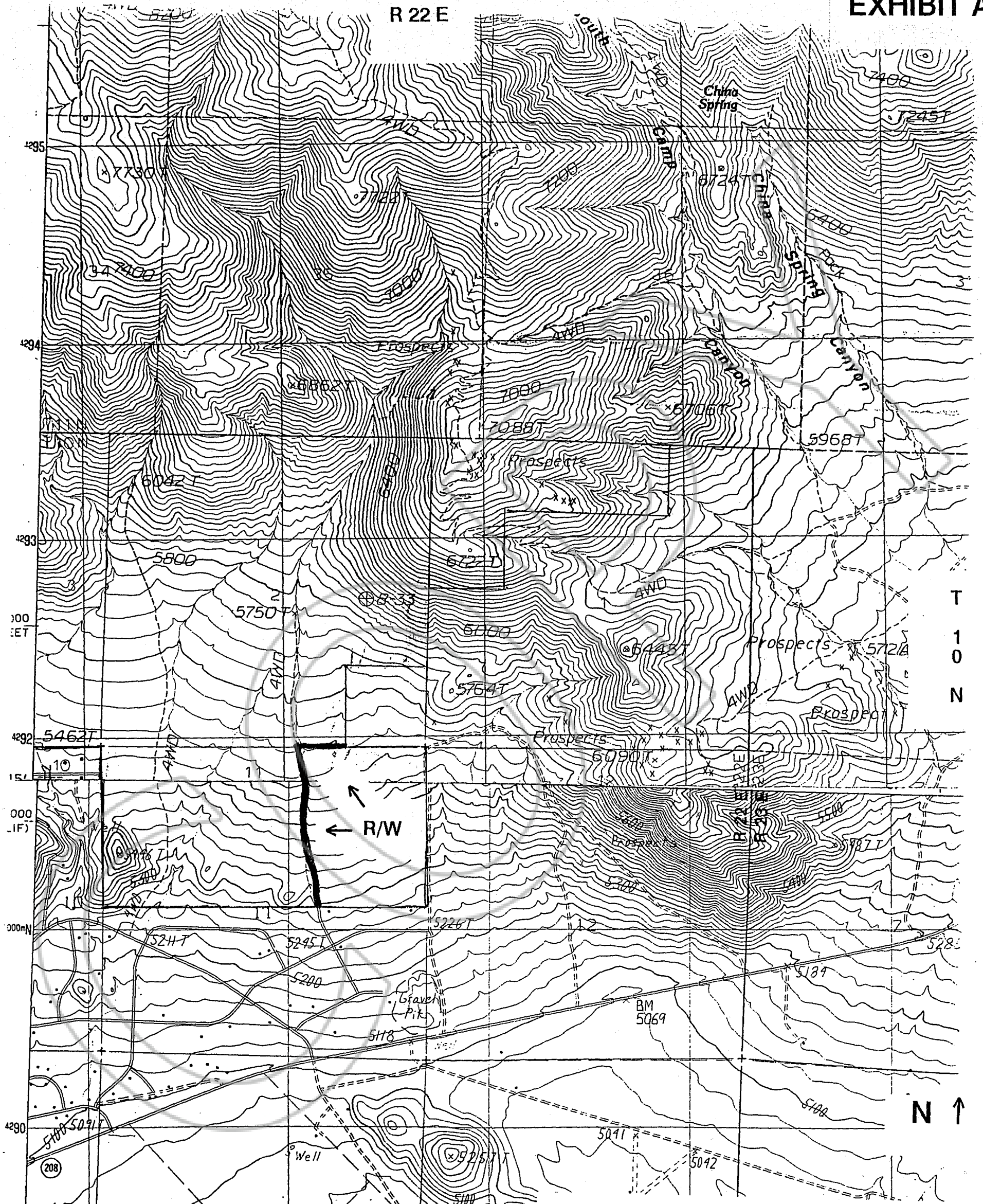
6/12/98
(Effective Date of Grant)

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ROBERT & DENISE CALLOWAY
 N-62529 ACCESS/BURIED UTILITIES R/W
 OREANA PEAK/LONG DRY CANYON 7.5' QUADS

COPY

REQUESTED BY

Stewart Title of Douglas County

IN OFFICIAL RECORDS OF
DOUGLAS CO., NEVADA

2002 DEC 10 PM 3: 18

LINDA SLATER
RECORDER

\$ 20⁰⁰ PAID KJ DEPUTY

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