

OFFICIAL RECORD  
Requested By:  
BROOKE SHAW ZUMPF

UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

Nevada State Office  
1340 Financial Boulevard  
P.O. Box 12,000  
Reno, Nevada 89520-0006

✓ Brooke Shaw Zumpf  
Bx 2860  
Minden, NV 89423

Douglas County - NV  
Werner Christen - Recorder  
Page: 1 Of 14 Fee: 27.00  
BK-1205 PG- 7117 RPTT: 0.00

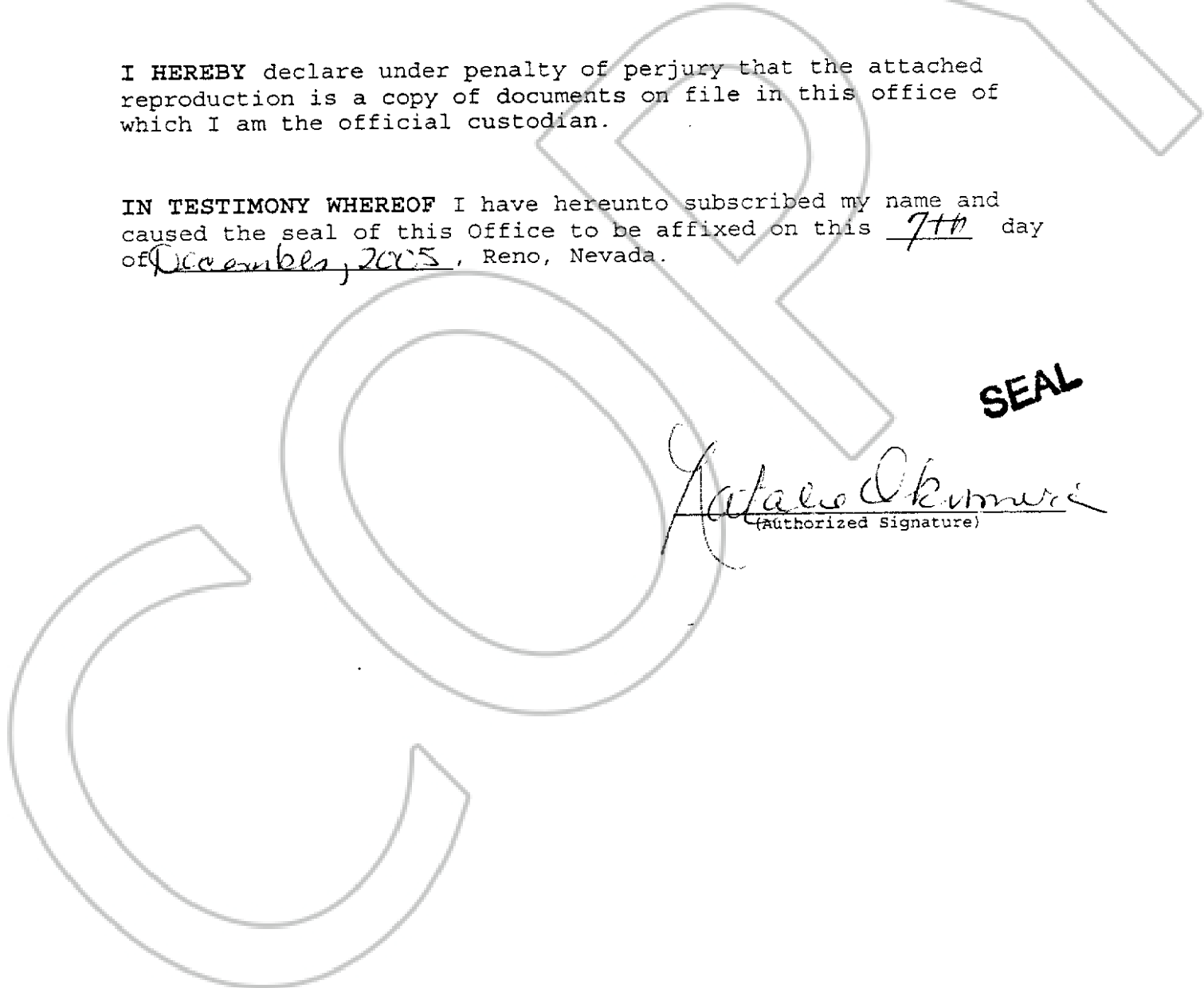


I HEREBY declare under penalty of perjury that the attached reproduction is a copy of documents on file in this office of which I am the official custodian.

IN TESTIMONY WHEREOF I have hereunto subscribed my name and caused the seal of this Office to be affixed on this 7th day of December, 2005, Reno, Nevada.

SEAL

*Katalin Okunure*  
(Authorized Signature)





**United States Department of the Interior**  
**BUREAU OF LAND MANAGEMENT**

Carson City Field Office  
5665 Morgan Mill Rd.  
Carson City, NV 89701  
(775) 885-6000

01/07/2002  
W

In Reply Refer To:  
N-56235  
N-75420  
2800  
(NV-03300)

CERTIFIED MAIL 7000 0520 0017 5339 3645

DECISION

Richard J. & Hazel I. Wheaton  
3647 Highway 395 South  
Carson City, NV 89705

:  
:  
:

Right-of-Way

DECISION OF OCTOBER 22, 1993 VACATED  
RIGHT-OF-WAY GRANT OFFER

Right-of-Way Grant N-56235 for an access road, was issued to Richard J. & Hazel I. Wheaton on November 24, 1992 pursuant to the Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761). By Decision dated October 22, 1993 (see enclosed), the right-of-way was amended to include a natural gas pipeline under the Act of October 21, 1976.

This Decision is to inform you that the gas pipeline authorization was issued in error. The gas pipeline should have been issued under a new right-of-way grant pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185). Therefore, the amended Decision of October 22, 1993 is hereby vacated, and a new right-of-way grant is being offered for the natural gas pipeline.

The enclosed right-of-way grant will be subject to the terms and conditions contained therein. If you concur with the terms and conditions of the grant, please sign both copies of the grant and return them to this office. If you do not concur, submit your objections and recommendations for review and consideration.

Since the amended action was done in error by this office, no additional fees will be charged for processing the new right-of-way grant. Rental for the current right-of-way (N-56235) has been paid through December 31, 2002. Subsequent rental payments will be due at the beginning of the calendar year starting January 1, 2003 for the new right-of-way. A courtesy billing will be sent 30 days prior to each rental due date. Future billings will reflect the latest adjusted schedule as published in the Federal Register.



BK- 1205  
PG- 7118

The authority to use public land becomes effective on the date the grant is signed by an authorized officer of this office. A copy of the executed grant will be returned to you. You are allowed 30 days from your receipt of this Decision to submit the right-of-way grant forms.

This Decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4, and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (at the above address), within 30 days from receipt of this Decision. The appellant has the burden of showing that the Decision appealed from is in error.

If you wish to file a petition pursuant to regulation 43 CFR 4.21, or 43 CFR 2880 for a stay of the effectiveness of this Decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. Copies of the notice of appeal and petition for a stay must be submitted to each party named in this Decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413), at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

#### STANDARDS FOR OBTAINING A STAY

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a Decision pending appeal shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied.
2. The likelihood of the appellant's success on the merits.
3. The likelihood of immediate and irreparable harm if the stay is not granted, and
4. Whether the public interest favors granting the stay.

Questions should be addressed to Nancy Suglian, Land Law Examiner at (775) 885-6110.

**/S/ CHARLES P. POPE**

Charles Pope  
Acting Assistant Manager, Non-renewable Resources  
Carson City Field Office

**Enclosures:**

1. Form 1842-1
2. Copy of Amended Decision
3. Copy of Original Right-of-Way
4. New Right-of-Way Grant (2)



*Cjd*  
*10/22/93*

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

N-56235  
2800  
(NV-03337)

DECISION

OCT. 22 1993

Hazel I. and Richard J. Wheaton :  
P.O. Box 2153 :  
Gardnerville, NV 89410 :  
:

Right-of-Way

RIGHT-OF-WAY GRANT AMENDED

Right-of-way Grant N-56235 for an access road was issued to Hazel and Richard Wheaton effective November 24, 1992 pursuant to the Federal Land Policy and Management Act of October 21, 1976 (43 U.S.C. 1761).

On October 13, 1993, Hazel and Richard Wheaton filed an application to amend the right-of-way to include the installation of a natural gas pipeline. The holder has complied with all the terms and conditions of the grant, and the application to amend conforms to the appropriate laws and regulations.

Therefore, pursuant to the Act of October 21, 1976, supra, Right-of-Way Grant N-56235 is hereby amended to give the holder a right to construct, operate, maintain, and terminate a natural gas pipeline on public land.

This amendment is subject to the following terms and conditions:

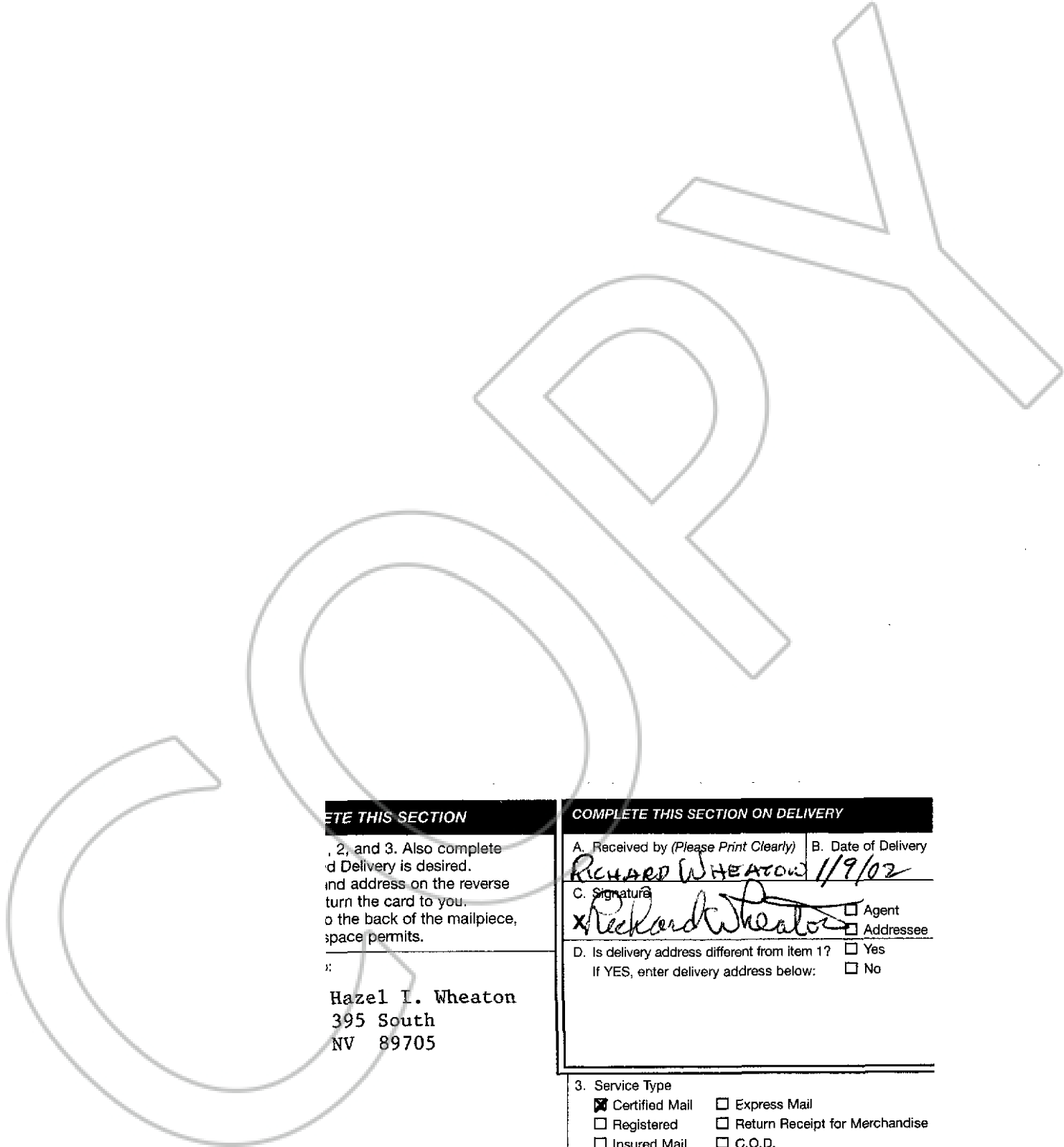
1. All valid rights existing on this date.
2. All terms and conditions of the grant continue to apply.

*Earl M. Krinsky*

John, Matthiessen  
Area Manager  
Walker Resource Area

CDONELSON:cjd:10/22/1993:N-56235.amd





**COMPLETE THIS SECTION**

1, 2, and 3. Also complete  
Certified Delivery is desired.  
Return address on the reverse  
side and address on the reverse  
side. Turn the card to you.  
If you return the card to you,  
turn the card to you.  
On the back of the mailpiece,  
space permits.

Hazel I. Wheaton  
395 South  
NV 89705

**COMPLETE THIS SECTION ON DELIVERY**

A. Received by (Please Print Clearly) B. Date of Delivery  
Richard Wheaton 1/9/02

C. Signature  
Richard Wheaton  Agent  
 Addressee

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

-75420

(Postage paid by service label) 7000 0520 0017 5339 3645

1/1999

Domestic Return Receipt

102595-99-M-1789



UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
RIGHT-OF-WAY GRANT

SERIAL NUMBER N-56235

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:

Richard J. and Hazel I. Wheaton  
P.O. Box 2153  
Gardnerville, NV 89410

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

Mt. Diablo Meridian  
T. 14 N., R. 20 E.,  
sec. 6, NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;

b. The right-of-way area granted herein is 60 feet wide, and 340 feet long containing 0.468 acres more or less.

c. This instrument shall terminate on November 23, 2022, 30 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.

Record Posted	Date	By
MT Plat	12/21/92	JK
OG Plat		
USE Plat		
HI Plat	12/21/92	JK
GM Platting		



BK- 1205  
PG- 7122

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. *Each grant issued for a term of 20 years or more 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. Provided, however, that a right-of-way granted herein may be reviewed at any time deemed necessary by the authorized officer.*
- b. *This grant is subject to all valid existing rights existing on the effective date of this grant.*
- c. *Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the holder, or any person working on his behalf, on public or Federal land shall be immediately reported to the authorized officer. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of evaluation and any decision as to proper mitigation measures will be made by the authorized officer after consulting with the holder.*
- d. *Prior to abandonment of any portion of the facilities authorized by this grant, the holder shall contact the authorized officer to arrange a joint inspection of the right-of-way. The inspection will be held to agree on an acceptable rehabilitation plan. The authorized officer must approve the plan in writing prior to the holder's commencement of any abandonment and/or rehabilitation activities.*
- e. *In case of change of address, the holder shall immediately notify the authorized officer.*
- f. *Holder shall maintain the right-of-way in a safe, usable condition, as directed by the authorized officer.*

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

Richard J. Wheaton  
(Signature of Holder)

Richard J. Wheaton  
(Signature of Holder)

11-18-92  
(Date)

J. Mathiessen  
(Signature of Authorized Officer)

Walker Resource Area Manager  
(Title)

NOV 24 1992

(Effective Date of Grant)

COPY







UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
RIGHT-OF-WAY GRANT  
SERIAL NUMBER N-75420

1. *A right-of-way is hereby granted pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185).*

2. *Nature of Interest:*

a. *By this instrument, the holder:*

*Richard J. & Hazel I. Wheaton  
3647 Highway 395 South  
Carson City, NV 89705*

*receives a right to construct, operate, maintain, and terminate a natural gas pipeline across public lands described as follows:*

*Mount Diablo Meridian*

*T. 14 N., R. 20 E.,  
sec. 6, NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ .*

*The right-of-way area granted herein is 50 feet wide, 230 feet long, containing 0.26 acres, more or less. The natural gas pipeline lies within existing access road right-of-way N-56235, which is also granted to Richard J. & Hazel I. Wheaton.*

b. *This instrument shall terminate on November 23, 2022 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.*

c. *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.*

d. *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.*



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 2880.*
- b. *This grant may be reviewed at any time deemed necessary by the authorized officer.*
- c. *This grant shall, at a minimum, be reviewed by the authorized officer at the end of the 10<sup>th</sup> year.*
- d. *Failure of the holder to comply with applicable law or any provision of this grant shall constitute grounds for suspension or termination thereof.*
- e. *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.*
- f. *The grant is subject to all valid rights existing on the effective date of the grant.*
- g. *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.*
- h. *In case of change of address, the holder shall immediately notify the authorized officer.*
- i. *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 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.*

- j. 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.*
- k. The holder shall comply with all applicable Federal, State and local laws and regulations, existing or hereafter enacted or promulgated, with regard to any hazardous material, as defined in this paragraph, that will be used, produced, transported or stored on or within the right-of-way or any of the right-of-way facilities, or used in the construction, operation, maintenance or termination of the right-of-way or any of its facilities. "Hazardous material" means any substance, pollutant or contaminant that is listed as hazardous under CERCLA of 1980, as amended, 42 U.S.C. 9601 et seq., and its regulations. The definition of hazardous substances under CERCLA includes any "hazardous waste" as defined in the RCRA of 1976, as amended, 42 U.S.C. 2011 et seq. The term does not include petroleum, including crude oil or any fraction thereof that is not otherwise specifically listed or designated as a hazardous substance under CERCLA section 101(14), U.S.C. 9601 (14), nor does the term include natural gas.*
- l. 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.*



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

Richard Wheaton  
(Signature of Holder)

Charles P. Pore  
(Signature of Authorized Officer)

R. J. Wheaton  
(Signature of Holder)

Acting Assistant Manager  
Nonrenewable Resources  
(Title)

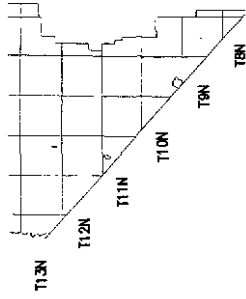
1-10-02  
(Date)

1/10/02  
(Effective Date of Grant)

COPY

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18	17	16	15	14	13
19	20	21	22	23	24
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31	32	33	34	35	36



--- Easements  
 - - - Town Boundary  
 - - - Township/Range/Section  
 [ ] Open Space/Conserv. Ease.  
 [ ] Receiving Area

1.00  
 B L K A  
 1100

Parcel Acreage  
 Parcel Block Number  
 Parcel Lot Number  
 Parcel Address

0663469  
 BK- 1205  
 PG- 7130  
 Page: 14 OF 14 12/15/2005

