

DOC # 734469
12/11/2008 03:52PM Deputy: DW
OFFICIAL RECORD
Requested By:
STEWART TITLE - CARSON
Douglas County - NV
Karen Ellison - Recorder
Page: 1 of 5 Fee: 43.00
BK-1208 PG-2738 RPTT: 0.00

APN: 1219-23-002-010, 011, and 016

WHEN RECORDED MAIL TO:

Bureau of Land Management
Attn: Jo Hufnagle
Carson City District Office
5665 Morgan Mill Road
Carson City, Nevada 89701
775-885-6000

1000834B



ACCESS AND CONSTRUCTION EASEMENT

THIS ACCESS AND CONSTRUCTION EASEMENT is made as of this 9th day of December 2008 by and between SCOSSA RANCH, LLC, hereinafter called "GRANTOR," and the UNITED STATES OF AMERICA, acting by and through the Bureau of Land Management, Department of Interior, hereinafter called "GRANTEE." The terms "Grantor" and "Grantee," wherever used herein, and any pronouns used in place thereof, shall include, respectively, the Grantor and all of that Grantor's successors and assigns, and the Grantee and all of its assigns and successors.

WITNESSETH:

Grantor, for and in consideration of the Conservation Easement Deed recorded simultaneously herewith, as noted below, received by Grantor, does hereby grant to Grantee and its assigns, as authorized by Section 205 of the Federal Land Policy and Management Act of 1976 as amended (43 U.S.C. 1715), a perpetual easement to construct, use, maintain, improve, and repair a road, water well and pipeline and/or ditch over and across the following described lands in the County of Douglas, State of Nevada:

A parcel of land lying in the Southwest 1/4 of Section 23, Township 12 North, Range 19 East, MDB&M, said parcel containing 0.04 acres, more or less, and being all that portion of said property contained within a strip of land 20 feet in width, being 10 feet on each side of the centerline, more particularly described as:

See Exhibit A attached hereto and made a part hereof, also containing a survey plat of the access easement.

If any subsequent survey of the road, water well and pipeline and/or ditch shows that any portion of the facilities, although located substantially as described, crosses lands of the Grantor not described herein, this easement shall be amended to include the additional lands traversed; if any lands described herein are not traversed by the facilities as constructed, the easement traversing the same shall be terminated in the manner hereinafter provided.

The acquiring agency is the Bureau of Land Management, Department of the Interior.

This grant is made subject to the following terms, provisions, and conditions applicable to Grantee, its permittees, contractors, and assigns:

Grantee shall have the right to use the road, water well and pipeline and/or ditch on the premises without cost for all purposes deemed necessary or desirable by Grantee in connection with the protection, administration, management, and utilization of Grantee's interests in lands or resources, associated with the Conservation Easement described below, now or hereafter owned or controlled. Grantee shall have the right to construct, reconstruct, and maintain the road, water well and pipeline and/or ditch within the premises. Grantee may extend rights and privileges for use of the premises to other Government departments and agencies, States and local subdivisions thereof, and to other entities, as authorized under the Conservation Easement described below.

This easement is granted subject to the following reservations by the Grantor, its successors and assigns:

The right to cross and re-cross the premises and the road at any place by any reasonable means and for any purpose in such manner as will not interfere unreasonably with use of the road, water well and pipeline and/or ditch.

This easement shall run with and benefit the Conservation Easement recorded on 12-11-08 at Book 1208, Page 2687, as Document No. 734463, Official Records of Douglas County, Nevada.

The access granted herein shall terminate and be of no further force and effect in the event that Grantor, at Grantor's expense, replaces the water well (State of Nevada Application No. 24201, Certificate Record No. 6813) with a well of equal or greater yield on the Conservation Easement Property, thereby eliminating Grantee's need of this access. The new proposed underground well site must be approved in advance in writing by the BLM District Manager or such other authorized officer as may be designated. The new underground well must comply with all state and local ordinances. Permission to change the point of diversion must be presented to and approved by the State Engineer of Nevada, and must not negatively impact the priority of Certificate Record No. 6813. The termination shall be evidenced by a statement in recordable form furnished by the Grantee to the Grantor.

TO HAVE AND TO HOLD unto the Grantee, its successors, and assigns forever.

IN WITNESS WHEREOF, Grantor has hereunto subscribed its name on the day and year first above written.

SCOSSA RANCH, LLC

By: Russell E. Scossa Manager
Russell E. Scossa, Manager

December 9, 2008
Date



ACKNOWLEDGEMENT

STATE OF Nevada
COUNTY OF Carson City ^{SS}

On this 9th day of Dec, 2008, personally came before me, a notary public in and for said County and State, the within-named RUSSELL E. SCOSSA, personally known to me, or proven to me on the basis of satisfactory evidence, to be the identical person described in and who executed the within and foregoing instrument and acknowledged to me that he executed the same as his free and voluntary act and deed, for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

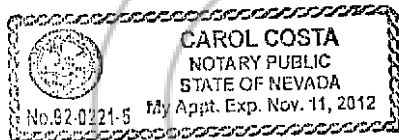
Seal

Carol Costa

Notary Public Signature

My commission expires:

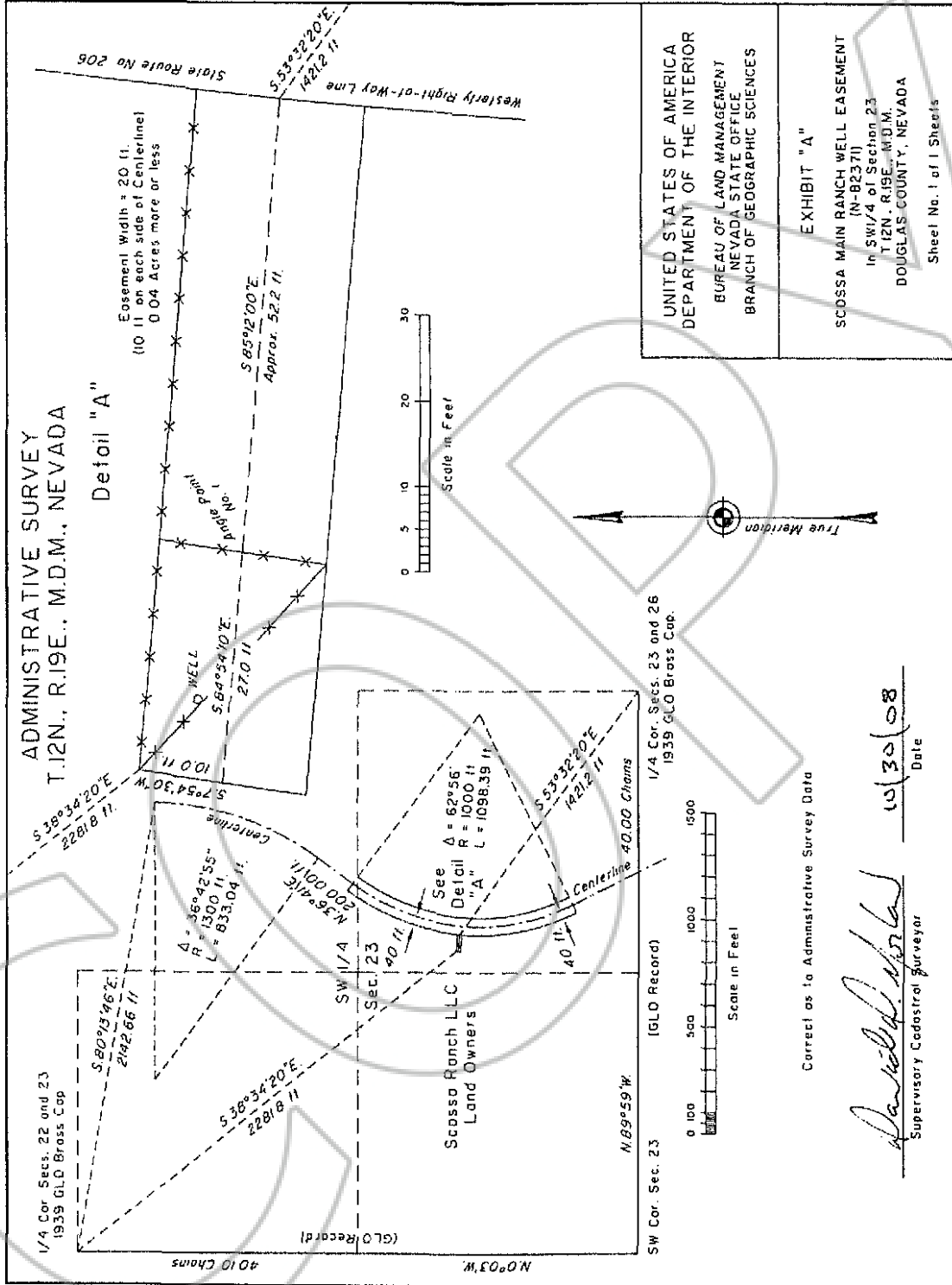
11-11-2012



BK-1208
PG-2740

EXHIBIT A

Scossa Main Perpetual Easement To Construct, Use, Maintain, Improve,
And Repair A Road, Water Well And Pipeline And/Or Ditch



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PG-2741

EXHIBIT A- Page 2
Scossa Main Perpetual Easement To Construct, Use, Maintain, Improve,
And Repair A Road, Water Well And Pipeline And/Or Ditch

Exhibit "A" Page 2
Administrative Survey (N-82371)
SCOSSA MAIN RANCH WELL ACCESS EASEMENT

An access easement 20 feet in width, 10 feet on either side of the centerline, containing 0.04 acres, more or less, located in the SW ¼ of Sec. 23, Township 12 North, Range 19 East, Mount Diablo Meridian, in Douglas County, Nevada. The centerline of said easement is more particularly described as follows:

Commencing at the 1/4 sec. cor. of secs. 22 and 23, T. 12 N., R. 19 E., M.D.M.&B., monumented with a General Land Office iron post, 1 in. diam., firmly set flush in a mound of stone, with brass cap mkd. ¼ S22 S23 1939; thence S. 38° 34' 20" E., 2281.8 feet dist., to a fence corner with fences bearing east, west and southeast and being the northwesterly corner of easement; thence S. 7° 54' 30" W., along the westerly boundary of easement, 10.0 feet dist., to the centerline of easement and being the true POINT OF BEGINNING; thence along the centerline of easement, S. 84° 54' 10" E., 27.0 feet dist. to Angle Point #1; thence S. 85° 12' 00" E. along the centerline of easement, approximately 52.2 feet dist., to the intersection of the westerly right-of-way line of State Route 206 (Foothill Road), and being the POINT OF ENDING.

From the point of ending, the 1/4 sec. cor. of secs. 23 and 26, T. 12 N., R. 19 E., M.D.M.&B., monumented with a General Land Office iron post, 1 in. diam., firmly set flush with the ground, with brass cap mkd. ¼ S23 S26 1939, bears approximately S. 53° 32' 20" E., 1421.2 feet dist.

The northwesterly corner of easement is located at latitude 38° 53' 01.54" N. and longitude 119° 49' 13.69" W. The water well is located at latitude 38° 53' 01.68" N. and longitude 119° 49' 13.39" W., approximately S. 50° 35' 20" E., 11 feet dist. from the northwesterly corner of easement.

Reference is made to GLO/BLM Dependent Resurvey and Extension Survey, executed under Group 281 California and Group 245 Nevada, accepted and dated February 18, 1954.

Reference is made to State of Nevada Department of Highways sketch showing right-of-way to be acquired from Pauline Scossa, Douglas County - F.A.S. 554 (D0-07) dated August 1950.

Measurements were made with Trimble 5700 Global Positioning System (GPS) receivers using real-time Kinematic methods and refer to the true meridian based on geodetic methods. Mean bearings of the lines and horizontal equivalents of ground distances are employed in the description. Latitude and Longitude refer to NAD83.

Survey performed by BLM on September 25, 2008.

Correct as to Administrative Survey Data


Supervisory Cadastral Surveyor 10/30/08
Date



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PG-2742

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