



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Ely District Office
Star Route 5, Box 1
Ely, Nevada 89301

IN REPLY
REFER TO:

N-37170
2800
(NV-047)

SEP 13 1984

CERTIFIED MAIL # PO8 4493629
RETURN RECEIPT REQUESTED

DECISION

Mr. Lyle W. Wiseman :
P.O. Box 476 : Right-of-Way
Milford, Utah 84751 :

RIGHT-OF-WAY GRANT

Section A

1. There is hereby granted, pursuant to Title V of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1761) a nonexclusive, nonpossessory right-of-way to: Lyle W. Wiseman, hereinafter referred to as the Holder.
2. The right-of-way, is for the following purpose: access road.
3. The right-of-way crosses the following described land:

Mount Diablo Meridian
T. 6 N., R. 66 E.,
sec. 10, W²SW⁴, SE⁴SW⁴, NE⁴SW⁴,
sec. 15, E²NW⁴, SW⁴NW⁴, NW⁴SW⁴,
sec. 16, NE⁴SE⁴.

This right-of-way will be 60 feet wide and 8,516 feet long encompassing approximately 11.73 acres.

Section B

1. In consideration for these uses, the Holder shall pay a rental sum, which will be payable upon billing, to the Bureau of Land Management. The rental charges will commence once an appraisal is accomplished, and, of course, will consist of fair market value.
2. In consideration for costs incurred in monitoring the construction, operation, maintenance and termination of this right-of-way, the Holder shall submit a nonreturnable payment of \$40.00 within 60 days from the effective date of this grant (bill attached).

3. This right-of-way grant shall terminate 30 years from the effective date of this grant, unless prior thereto it is relinquished, abandoned, terminated or otherwise modified pursuant to the terms and conditions of this grant or of any applicable Federal law or regulation.
4. This right-of-way grant may be renewed. If renewed, the right-of-way will be subject to regulations existing at the time of renewal, and other terms and conditions deemed necessary to protect the public interest.
5. This right-of-way grant may be relinquished. It is to the Holder's benefit to relinquish this right-of-way if it is no longer needed, since it will be subject to rental charges until it is either relinquished or declared abandoned, pursuant to 43 CFR 2803.4(c).
6. In case of change of address, the Holder shall immediately notify the Ely District Manager, hereinafter referred to as the Authorized Officer.

Section C

1. This grant is subject to all valid rights existing on the effective date of this grant.
2. This grant is subject to all the applicable regulations contained in 43 CFR 2800.
3. This grant is subject to review after twenty years and at regular intervals thereafter not to exceed ten years.
4. There is reserved to the Authorized Officer, the right-to-grant additional rights-of-way or permits for compatible use on, over, under, or adjacent to the land involved in this grant.
5. Holder shall comply with the applicable Federal and State laws and regulations concerning the use of pesticides (i.e., insecticides, herbicides, fungicides, rodenticides, and other similar substances) in all activities/operations authorized under this grant. The Authorized Officer shall approve a written plan prior to the use of such substances. The plan must provide the type and quantity of material to be used; the pest, insect and fungus to be controlled; the method of application; the location of/or storage and disposal of containers; and other information that the Authorized Officer may require. The plan should be submitted no later than December 1 of any calendar year that

covers the proposed activities for the next fiscal year (i.e., December 1, 1983, deadline for the fiscal year 1985 action). Emergency use of pesticides may occur. The use of substances on or near the right-of-way shall be in accordance with the approved plan. A pesticide shall not be used if the Secretary of the Interior has prohibited its use. A pesticide shall be used only in accordance with its registered uses and within other limitations if the Secretary has imposed limitations. Pesticides shall not be permanently stored on public lands authorized for use under this grant.

6. The Holder shall indemnify the United States against any liability for damage to life or property arising from the occupancy or use of public lands under this grant.
7. All construction activities shall be confined to the minimum area necessary and shall not exceed the width of the right-of-way granted herein. The exterior boundaries of the right-of-way shall be clearly flagged prior to any surface disturbing activities.
8. If cultural resources are discovered during operations under this grant, the Holder shall immediately bring them to the attention of the Authorized Officer. The Holder shall not disturb such resources except as may be subsequently authorized. Within two working days of notification, the Authorized Officer will evaluate or have evaluated any cultural resources discovered and will determine if any action may be required to protect cultural resources discovered. The cost of data recovery for cultural resources discovered during operations shall be borne by the BLM unless otherwise specified by the Authorized Officer of the BLM. All cultural resources shall remain under the jurisdiction of the United States until ownership is determined under applicable law.
9. Holder shall file proof of construction within 90 days of completion of construction. Filing of proof of construction shall not exceed five years from the date of this grant in accordance with 43 CFR 2803.2(d).

Section D

1. The effective date of this right-of-way grant is the date of execution by the Authorized Officer.
2. If the Holder violates any of the terms and conditions to this grant, the Authorized Officer, after giving written notice, may declare the grant terminated.

Lincoln County

The undersigned agrees to all of the foregoing terms and conditions of this right-of-way grant:

Lyle H. Johnson
(Name)

owner
(Title)

Sept 20 - 84
(Date)

The right-of-way grant is executed this 26th day of Sept., 1984.

D.R. Uffner
Authorized Officer

District Manager
(Title)

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FILED AND RECORDED AT REC'D OFFICE
First American Title
4 August 1989

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P 86
RECORDED 332
COUNTY, NEVADA

Frank C. Hulse
FRANK C. HULSE COUNTY REC'D