



BUREAU OF LAND MANAGEMENT
Ely Field Office
702 North Industrial Way, HC 33 Box 33500
Ely, Nevada 89301-9408

In Reply Refer To:

2850 (NV043)
N-63101

APR 9 1998

CERTIFIED MAIL P 216 080 277
RETURN RECEIPT REQUESTED

DECISION

Lincoln County Power
HC 74 Box 101
Pioche, NV 89043

:
:
:

FLPMA Title V
Power Distribution Line
Right-of-Way

RIGHT-OF-WAY GRANT ISSUED

On December 9, 1998, Louis Cole, on behalf of Lincoln County Power, filed a right-of-way application to extend a 7.2kV power distribution line in the Caliente, Nevada area, pursuant to P.L. 94-579 *supra* and the regulations in 43 CFR 2800.

Right-of-way grant N-63101, has been executed by the Authorized Officer and is attached with Exhibits A and B made part of the grant.

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 (58 FR 4939, January 19, 1993) or 43 CFR 2804.1 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. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named on 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.

Michael W. Meitz
for

Gene L. Drais
Assistant Field Manager
Nonrenewable Resources

4. Enclosure:

- 1) Form 1842-1
- 2) Form 2800-14
- 3) Exhibit A
- 4) Map-1

FORM 2800-14
(August 1985)

Issuing Office
Ely Field Office

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
RIGHT-OF-WAY GRANT/TEMPORARY USE PERMIT

SERIAL NUMBER NV-63101

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:

Lincoln County Power
District No. 1
HC 74 Box 101
Pioche, NV 89043

receives a right to construct, operate, maintain, and terminate a power line right-of-way, on public lands described as follows:

Mt. Diablo Meridian, Nevada

T. 4 S., R. 67 E.,
Sec. 17, E $\frac{1}{2}$ E $\frac{1}{2}$ SW $\frac{1}{4}$,
Sec. 20, N $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$.
 - b. The right-of-way or permit area granted herein is 20 feet wide, 6,478 feet long and contains 2.97 acres, more or less.
 - c. This instrument shall terminate 50 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 or permit 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.

- c. 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 assigns, 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 or permit is issued subject to the holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations part 2800.
- b. Upon grant termination by the authorized officer, all improvements shall be removed from the public lands within 90 days, or otherwise disposed of as provided in paragraph (4)(d) or as directed by the authorized officer.
- c. 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 or permit granted herein may be reviewed at any time deemed necessary by the authorized officer.
- d. The stipulations, plans, maps, or designs set forth in Exhibit A (undated), attached hereto, are incorporated into and made a part of this grant instrument as fully and effectively as if they were set forth herein in their entirety.
- e. Failure of the holder to comply with applicable law or any provision of this right-of-way grant or permit shall constitute grounds for suspension or termination thereof.
- f. 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.

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

Lawrence Cole
(Signature of Holder)

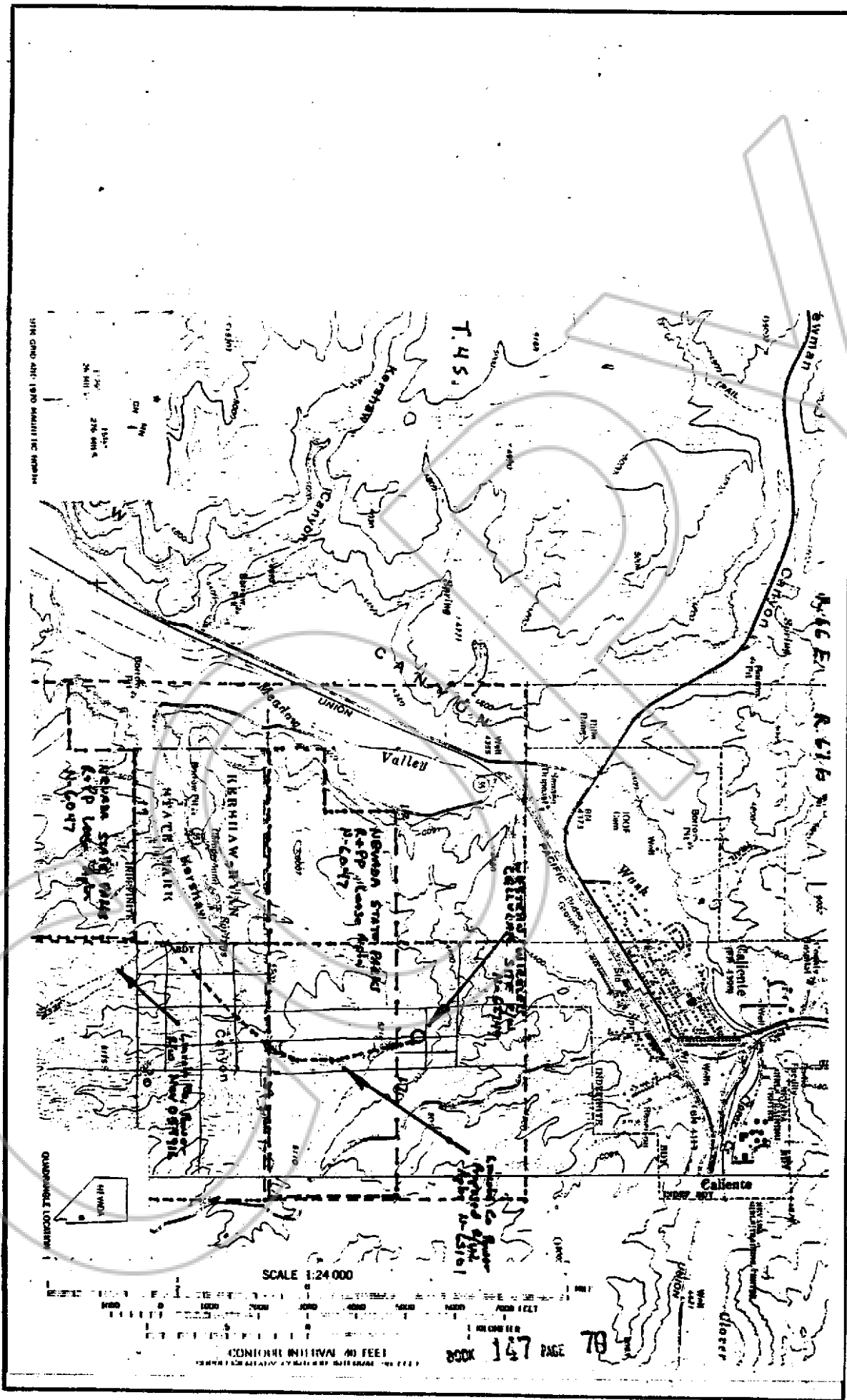
Manager
(Title)

April 5, 1999
(Date)

Michael W. McIntosh
(Signature of Authorized Officer)

*Deputy Non Responsible Resource
Assistant Field Supervisor*
(Title)

8 April 1999
(Effective Date of Grant)



3116 CHD. 411-1370 ADJUSTED TO NAD 83

MARKED TO CORRECT

SCALE 1:24 000



CONTOUR INTERVAL 40 FEET

BOOK 147 PAGE 70

COPY

NO. 114230

FILED AND RECORDED AT REQUEST OF
Lincoln County Power District No. 1
March 16, 2000

AT 50 MINUTES PAST 10 O'CLOCK

AM IN BOOK 147 OF OFFICIAL

RECORDS PAGE 65 LINCOLN

COUNTY, NEVADA

Jessie Borcher
COUNTY RECORD