

EXEMPTION No. 2

FILED FOR RECORDING
AT THE REQUEST OF
Southern Nevada Water Authority

2004 AUG 18 PM 4 27

LINCOLN COUNTY RECORDER
FEE NO Fee DEP
LESLIE BOUCHER AB

WHEN RECORDED RETURN TO

SOUTHERN NEVADA WATER AUTHORITY
ATTN: LANDS DEPT.
1900 EAST FLAMINGO RD.
LAS VEGAS, NEVADA 89119

BLM RIGHT-OF-WAY GRANT / TEMPORARY USE PERMIT NO. NV-78670

GRANTORS: UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

GRANTEES: SOUTHERN NEVADA WATER AUTHORITY
1900 EAST FLAMINGO ROAD
LAS VEGAS, NEVADA 89119

This page added to provide additional information required by NRS 111.312, Sections 1-2.

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

SERIAL NUMBER NV-78670

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:

Southern Nevada Water Authority
1900 E. Flamingo Rd., Ste. 170
Las Vegas, NV 89119

receives a right to install ten water monitoring well sites on public lands described in Exhibit A, attached.
 - b. The right-of-way or permit areas (ten sites) granted herein are each 200 feet wide by 200 feet long, and contain a total of 9.18 acres, more or less.
 - c. This instrument shall terminate 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 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.
 - 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 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.

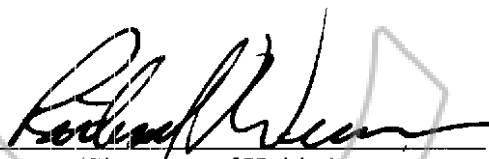
3. Rental:

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:

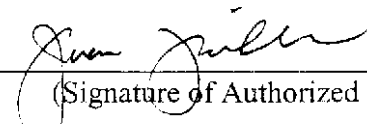
- a. This grant or permit is issued subject to the holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations part 2800.
- b. Upon grant termination by the authorized officer, all improvements shall be removed from the public lands within 90 days, or otherwise 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 B, 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.



(Signature of Holder)
Richard J. Wimmer
DGM - Administration

(Title)



(Signature of Authorized Officer)
Susan J. Miller
AFM NRR

AFM Nonrenewable Resources

July 15, 2004

(Date)

8/3/04

(Effective Date of Grant)

EXHIBIT - A
SOUTHERN NEVADA WATER AUTHORITY
N-78670
TEN MONITORING WELL SITES

LEGAL DESCRIPTION

<u>TOWNSHIP</u>	<u>RANGE</u>	<u>MER.</u>	<u>SEC.</u>	<u>SUBDIVISION</u>	<u>ACRES/LENGTH</u>
5 S.	58 E.	MDM	5	NW $\frac{1}{4}$ NW $\frac{1}{4}$	
6 S	58 E.	MDM	24	NE $\frac{1}{4}$ SE $\frac{1}{4}$	
6 S.	58 E.	MDM	28	SW $\frac{1}{4}$ SW $\frac{1}{4}$	
3 S.	62 E.	MDM	35	SE $\frac{1}{4}$ NE $\frac{1}{4}$	
1 N.	63 E.	MDM	25	SE $\frac{1}{4}$ SW $\frac{1}{4}$	
7 S.	63 E.	MDM	18	NE $\frac{1}{4}$ NE $\frac{1}{4}$	
6 N.	64 E.	MDM	19	NE $\frac{1}{4}$ SW $\frac{1}{4}$	
7 S.	64 E.	MDM	19	SE $\frac{1}{4}$ SW $\frac{1}{4}$	
9 N.	64 E.	MDM	31	SW $\frac{1}{4}$ NW $\frac{1}{4}$	
3 S.	65 E.	MDM	7	SW $\frac{1}{4}$ SW $\frac{1}{4}$	

Length 200 ft. ea.
 Width 200 ft. ea.
 x 10 sites = 400,000 sq. ft.

Total 9.18 Acres

EXHIBIT B
STANDARD STIPULATIONS
SOUTHERN NEVADA WATER AUTHORITY
N-78670

1. Hereinafter, holder means any party granted this right-of-way and/or temporary use permit, its agents, contractors, representatives, or other persons directed by holder to construct, maintain, repair, restore, relinquish, abandon, modify, rehabilitate, or terminate this right-of-way, and holder's successors, or assigns.
2. This grant is subject to all valid rights existing on the effective date of this grant.
3. 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.
4. The holder shall maintain the right-of-way in a sanitary condition at all times during construction, maintenance or other operations during the term of this right-of-way. Any waste material, to include all discarded matter, will be disposed of promptly at a State of Nevada approved sanitary landfill site by the holder. "Waste" means all discarded matter including human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and equipment.
5. The holder shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, the holder shall comply with the Toxic Substances Control Act of 1976 as amended, 15 U.S.C. 2601 et Seq. (1982) with regards 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 reportable quantity established by 40 CFR, Part 117 shall be reported as required by the Comprehensive Environmental Response, Compensation, and Liability Act, 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.
6. The holder shall protect all survey monuments found within the right-of-way. Survey monuments include, but are not limited to General Land Office and Bureau of Land Management Cadastral Survey Corners, reference corners, witness points, U.S. Coastal and Geodetic benchmark and triangulation stations, military control monuments, and recognizable civil (both public and private) survey monuments.

In the event of obliteration or disturbance of any of the above, the holder shall immediately report the incident, in writing, to the authorized officer and the installing authority, if known. Where General Land Office or Bureau of Land Management right-of-way monuments or references are obliterated during operations, the holder shall secure the services of a registered land surveyor or a Bureau cadastral surveyor to restore the disturbed monuments and references, using surveying procedures found in the Manual of Surveying Instructions for the Survey of the Public Lands of the United States, latest edition. The holder shall record such survey in the appropriate office and send a copy to the authorized officer. If the Bureau cadastral surveyors or other Federal surveyors are used to restore the disturbed survey monument, the holder shall be responsible for the survey cost.

7. No construction or routine maintenance activities shall be performed during periods when the soil is too wet to adequately support construction equipment. If such equipment creates ruts in excess of 8 -10 inches deep, the soil shall be deemed to wet to adequately support construction equipment.
8. Any relocation, additional construction, or use that is not in accord with the right-of-way grant, shall not be initiated without prior written approval of the authorized officer.
9. The holder shall conduct all activities directly or indirectly associated with the construction, maintenance, operation, and termination of the right-of-way within the authorized limits of the right-of-way.
10. 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 should be immediately reported to 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.
11. No less than 60 days prior to termination of the right-of-way, the holder shall contact the authorized officer to arrange a joint inspection of the right-of-way. The inspection will be held to agree to an acceptable termination (and rehabilitation) plan. The authorized officer must approve the plan in writing prior to the holder commencing any termination activities.
12. The holder will furnish and install culverts of the gauge, materials, diameter(s), and lengths indicated and approved by the Authorized Officer. Culverts shall be free of corrosion, dents, or other deleterious conditions. Culverts will be placed on channel bottoms on firm, uniform, beds, which have been shaped to accept them and align to minimize erosion.


Backfill will be thoroughly compacted. No equipment will be routed over a culvert until backfill depth is adequate to protect culverts. The minimum diameter for culverts shall be 18 inches.

13. The holder shall limit excavation of the ROW to areas of construction. No borrow areas for fill material will be permitted on the site. All waste material resulting from construction or use of the site by holder will be removed from the site.
14. In accordance with Instruction Memorandum dated 5/23/2001, actions, which may impact migratory birds, are not allowed during the critical nesting period. The critical nesting period is established as May 1 through July 15. Activities may not occur during this period without special authorization, and only after breeding bird surveys have been conducted by the field office wildlife team. If you wish to conduct activities during this period, you must notify the Ely Field Office wildlife team a minimum of 30 days prior to the day you wish to begin in order for the required survey to be conducted. Authorization for construction during this breeding period would be contingent on the findings of the survey.
15. The holder agrees to indemnify the United States against any liability arising from the release or threatened release of any toxic substances on the right-of-way or resulting from activity on the right-of-way. This agreement applies without regard to whether a release is caused by the holder, its agent, or unrelated third parties.
16. The Holder shall provide notice of any spills, accidents, or incidents involving release of a hazardous substance. In addition, the Holder shall immediately notify, the National Response Center (NRC) Duty Officer 1-800-424-8802, and also within (4) four hours, notify the Bureau of Land Management, Ely District at 1-775-289-1800, and the Nevada Division of Emergency Management, Nevada Department of Environmental Protection at 1-775-885-4670.
17. If a release requiring response of emergency personnel and/or containment/clean-up crews occurs, the Holder is responsible to pay the costs associated with those activities. This does not preclude the Holder to attempt recovery of those costs civilly.
18. The authorized officer may suspend or terminate in whole, or in part, construction, maintenance, operation, or termination on the right-of-way, when in his judgment, unforeseen conditions arise which result in the approved terms and conditions being inadequate to protect the public health and safety or to protect the environment.

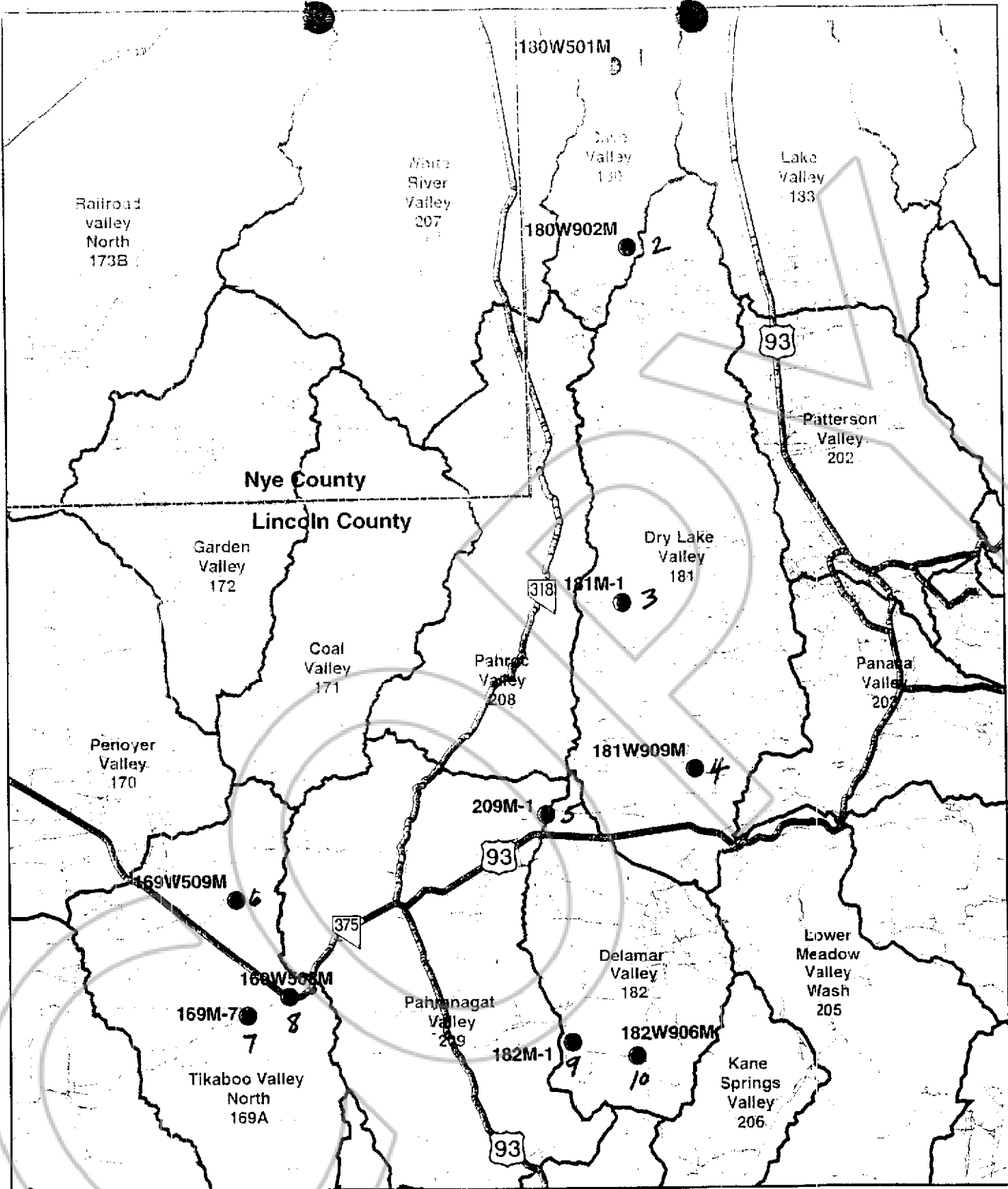
19. The holder will be responsible for noxious weed control on disturbed areas within the limits of the right-of way. The holder is responsible for consultation with the Authorized Officer and/or local authorities for acceptable noxious weed control methods. To prevent introduction or the spread of noxious weeds, the body and undercarriage of all construction equipment used on the construction site will be power washed prior to beginning construction on this project, on a daily basis, and on completion of the project. Equipment lay-down yards and vehicle and equipment staging and parking areas will not be sited in areas containing noxious weeds. Construction crews will be educated about implementing these weed control methods.

Additionally, in the following growing season, the grant holder will monitor the project alignment in disturbed areas and, using herbicide, spray for noxious weeds should they become established.

20. If large areas of silty soils are encountered along portions of the alignment, construction crews should avoid them if they are wet, however, if they are dry, construction equipment will travel at speeds less than 15 mph to avoid powdering out portions of the road with heavy traffic.
21. If range improvements are encountered and damaged as a result of construction of the proposed access road, the grant holder will make sure they are repaired and functional upon completion of the project.


Authorized Agent
RICHARD J. WINNER

July 15, 2004
Date

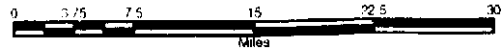


Southern Nevada Water Authority Proposed Monitoring Well Sites

- Proposed Monitor Well Sites
- Hydrographic Basin Boundary
- US and State Highways
- Roads, class 3 and class 4
- Trails, 4WD Roads



SCALE 1:750,000



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J.M.B. SKINA Revisio