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11/30/2009

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Official Record

Recording requested By
SOUTHERN NEVADA WATER AUTHORITY

Lincoln County - NV

Leslie Boucher - Recorder

Fee: \$55.00

Page 1 of 17

RPTT:

Recorded By: AE

Book- 252 Page- 0455



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A.P.N.: 005-051-01

BLM Right-of-Way Grant N-84333

Type of Document

Recording Requested by:

Southern Nevada Water Authority

Return Documents To:

Name: Southern Nevada Water Authority

Attention: Land Acquisition and Management, Mailstop 95

Address: P.O. Box 99956

City/State/Zip: Las Vegas, NV 89193-9956



BUREAU OF LAND MANAGEMENT
Schell Field Office
HC33 Box 33500 (702 N. Industrial Way)
Ely, Nevada 89301-9408
http://www.blm.gov/nv/st/en/fo/ely_field_office.html



In Reply Refer to:
2800 (NVL0200)
N-84333

OCT 08 2009

RECEIVED OCT 12 2009

CERTIFIED MAIL 7008 1300 0001 8819 1861 - RETURN RECEIPT REQUESTED

DECISION

| | | |
|----------------------------------|---|--------------------|
| Southern Nevada Water Authority | : | FLPMA Title V |
| Attn: Kenneth A. Albright | : | Wells Right-of-Way |
| Groundwater Resources Department | : | |
| P.O. Box 99956 | : | |
| Las Vegas, NV 89193-9956 | : | |

RIGHT-OF-WAY GRANT ISSUED

Enclosed is your copy of Right-of-Way Grant (ROW) N-84333, which has been executed by the Authorized Officer and allows the use of public land to construct, operate, maintain and terminate five monitoring wells within five 2.0 acre sites located in Spring and Hamlin Valleys, in Lincoln and White Pine Counties, Nevada.

In accordance with the Lincoln County Conservation, Recreation, and Development Act of 2004, no rent has been charged for this ROW. Monitoring fees will be charged to the SNWA EIS Pipeline Project Cost Recovery Account (5101-ER-F345).

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 (request) pursuant to regulations 43 CFR 2801.10 or 2881.10 for a stay (suspension) 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 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.

If you have any questions contact Ed Byrge, Realty Specialist, at 775-289-1848 or e-mail to Edward_Byrge@nv.blm.gov.

Sincerely,

Mary D'Aversa
Field Manager
Schell Field Office

4 Enclosures

1. Right-of-Way Grant N-84333
2. Exhibit A (Legal Description)
3. Exhibit B (Standard Stipulations)
4. Maps
5. Form 1842-1



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FORM 2800-14
(August 1985)

Issuing Office
Schell Field Office

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

SERIAL NUMBER NVN-84333

RECEIVED
OCT - 1 2009
Bureau of Land Management
ELY, NV

1. A right-of-way (ROW) 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
P.O. Box 99956
Las Vegas, NV 89193-9956

receives a right to construct, operate, maintain, and terminate construction of five (8 inch diameter) groundwater monitoring wells, rights-of-way on public lands described as follows: (See Exhibit A, Legal Description, attached).

b. The right-of-way area granted herein is for:

Five well site locations shall each have:
Permanent ROW - 209' wide x 209' long
Short term ROW - 318' wide x 274' long

Permanent well sites would contain approx. 1 acre each and would be issued for 30 years.

Short term sites would contain approx. 1 acre each and would be issued for one year.

Total acres: Permanent 5.0 acres
Short-Term 5.0 acres

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.

[Handwritten Signature]
(Signature of Holder)

[Handwritten Signature]
(Signature of Authorized Officer)

Director, Groundwater Res. Dept
(Title)

MARY D'AVERSA
Field Manager, Schell Field Office

9/29/09
(Date)

10/7/09
(Effective Date of Grant)





EXHIBIT A
Southern Nevada Water Authority
INTERBASIN ZONE TESTING/GROUNDWATER WELLS ROW
Legal Descriptions
Casefile-N84333

| | |
|---------------------------------------|---|
| T. 8 N | R. 69 E |
| Section 29 | NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ |
| Section 30 | NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ |
| | |
| T. 9 N | R. 69 E |
| Section 2 | NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, and W $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ |
| Section 20 | SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ |
| | |
| T. 9$\frac{1}{2}$ N | R. 70 E |
| Section 32 | N $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ |
| | |
| T. 10 N | R. 68 E |
| Section 36 | SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ |



EXHIBIT B
STANDARD STIPULATIONS
N-84333
Southern Nevada Water Authority

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.

1. This grant is subject to all valid rights existing on the effective date of this grant.
2. 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.
3. 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.
4. 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 the 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.
5. The holder of Right-of-Way No. N-84333 agrees to indemnify the United States against any liability arising from the release of any hazardous substance or hazardous waste (as these terms are defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 6901, et. seq. or the Resource Conservation and Recovery Act of 1976, 42 U.S.C. 6901 et. seq.) on the right-of-way (unless the release or threatened release is wholly unrelated to the right-of-way holder's 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.
6. 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.
7. 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.
8. 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.

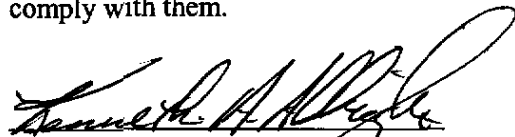
9. The holder shall be fully liable to the United States for any damage or injury incurred by the United States in connection with the use and occupancy of the right-of-way area by the holder. The holder shall fully indemnify the United States for liability, damage, or claims arising in connection with the holder's use and occupancy of the right-of-way area.
10. 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.
11. The holder shall comply with the provision of Title VI of the Civil Rights Act of 1964, and will not engage in any discriminatory actions prohibited by 43 CFR Part 17, to the end that no person in the United States shall, on the grounds of race, color, national origin, or gender, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under the program for which the holder has received a Federal authorization.
12. 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 4 inches deep, the soil shall be deemed too wet to adequately support construction equipment.
13. Prior to entering public lands, the contractor, operator, or permit holder will provide information and training regarding noxious weed management and identification to all personnel who will be affiliated with the implementation and maintenance phases of the project. The importance of preventing the spread of weeds to uninfested areas and importance of controlling existing populations of weeds will be explained.
14. To eliminate the transport of vehicle-borne weed seeds, roots, or rhizomes all vehicles and heavy equipment used for the completion, maintenance, inspection, or monitoring of ground disturbing activities; for emergency fire suppression; or for authorized off-road driving will be free of soil and debris capable of transporting weed propagules. All such vehicles and equipment will be cleaned with power or high pressure equipment prior to entering or leaving the work site or project area. Cleaning efforts will concentrate on tracks, feet and tires, and on the undercarriage. Special emphasis will be applied to axels, frames, cross members, motor mounts, on and underneath steps, running boards, and front bumper/brush guard assemblies. Vehicle cabs will be swept out and refuse will be disposed of in waste receptacles. Cleaning sites will be recorded using global positioning systems or other mutually acceptable equipment and provided to the Field Office Weed Coordinator or designated contact person.
15. Removal and disturbance of vegetation would be kept to a minimum through construction site management (e.g. using previously disturbed areas and existing easements, limiting equipment/materials storage and staging area sites, etc.)



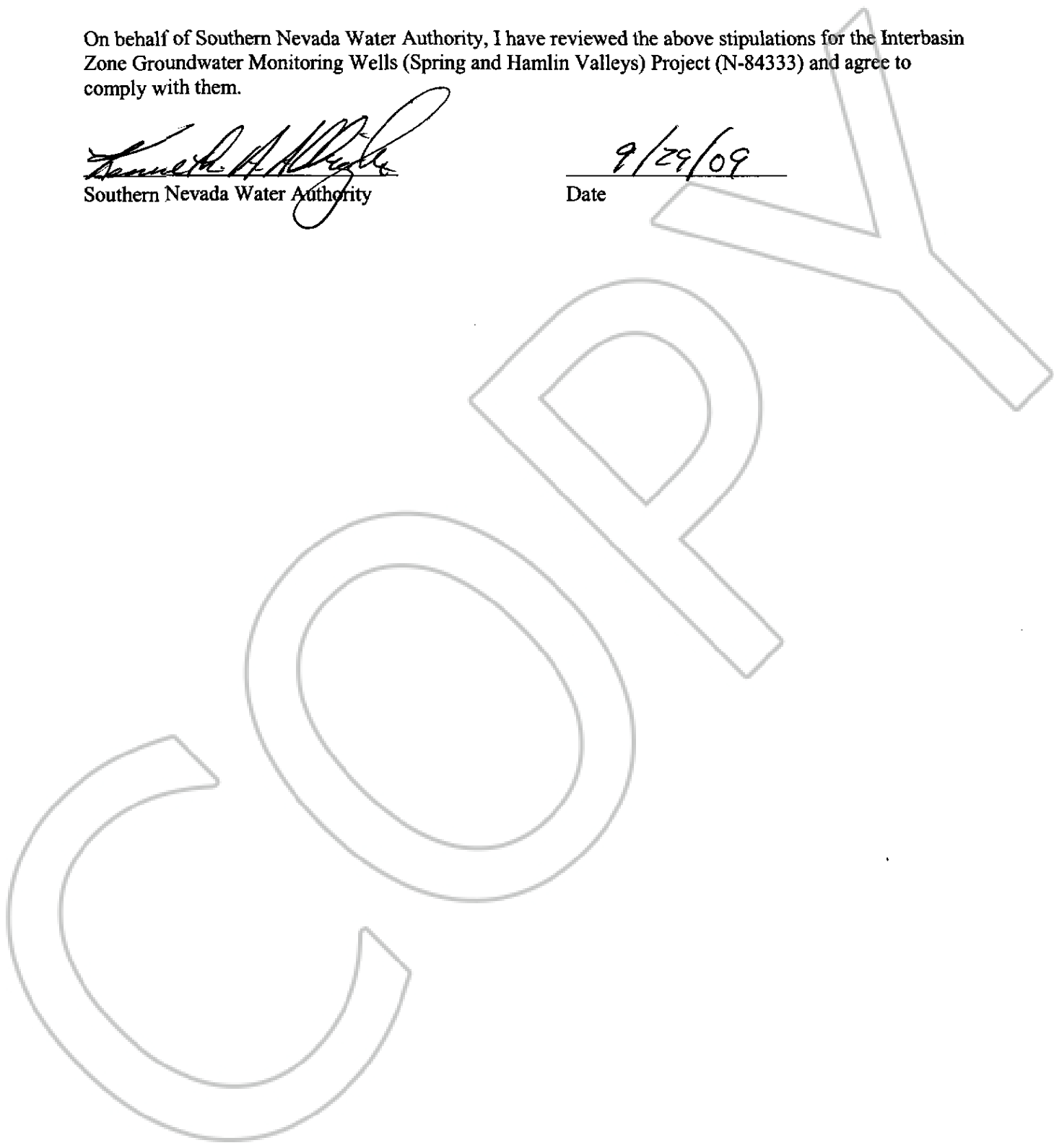
16. Mixing of herbicides and rinsing of herbicide containers and spray equipment would be conducted only in areas that are safe distance from environmentally sensitive areas and points of entry to bodies of water (storm drains, irrigation ditches, streams, lakes, or wells).
17. Methods used to accomplish weed and insect control objectives would consider seasonal distribution of large wildlife species.
18. No noxious weeds will be allowed on the site at the time of reclamation release. Any noxious weeds that become established will be controlled.
19. 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.
20. In accordance with Instruction Memorandum (2008-050) dated 12/18/2007, actions which have the potential to affect migratory bird species of concern must be minimized or avoided. Most migratory birds nest between May 15 to July 15, but dates will be adjusted for the species present in the area and the specific proposed activity. 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 District 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.
21. In the event that the public land underlying the right-of-way N-84333 encompassed in this grant, or a portion thereof, is conveyed out of Federal ownership and administration of the ROW or the land underlying the ROW is not being reserved to the United States in the patent/deed and/or the ROW is not within a ROW corridor being reserved to the United States in the Patent/deed, the United States waives any right it has to administer the right-of-way, or portion thereof, within the conveyed land under Federal laws, statutes, and regulations, including the regulations at 43 CFR Part [2800] [2880], including any rights to have the holder apply to BLM for amendments, modification, or assignments and for BLM to approve or recognize such amendments, modifications, or assignments. At the time of conveyance, the patentee/grantee, and their successors and assigns, shall succeed to the interest of the United States in all matters relating to the right-of-way, or portion thereof, within the convey land and shall be subject applicable State and local government laws, statutes, and ordinances. After conveyance, any disputes concerning compliance with the use and the terms and condition of the ROW shall be considered a civil matter between the patentee/grantee and the ROW holder.
22. The short-term ROW will be rehabilitated in accordance with the restoration and seed list contained in the Proposed Action as identified in EA number DOI-BLM-NV-L0200-2008-026-EA.
23. Monitoring data, when complete, will be shared with the BLM for internal use only.



On behalf of Southern Nevada Water Authority, I have reviewed the above stipulations for the Interbasin Zone Groundwater Monitoring Wells (Spring and Hamlin Valleys) Project (N-84333) and agree to comply with them.


Southern Nevada Water Authority

9/29/09
Date



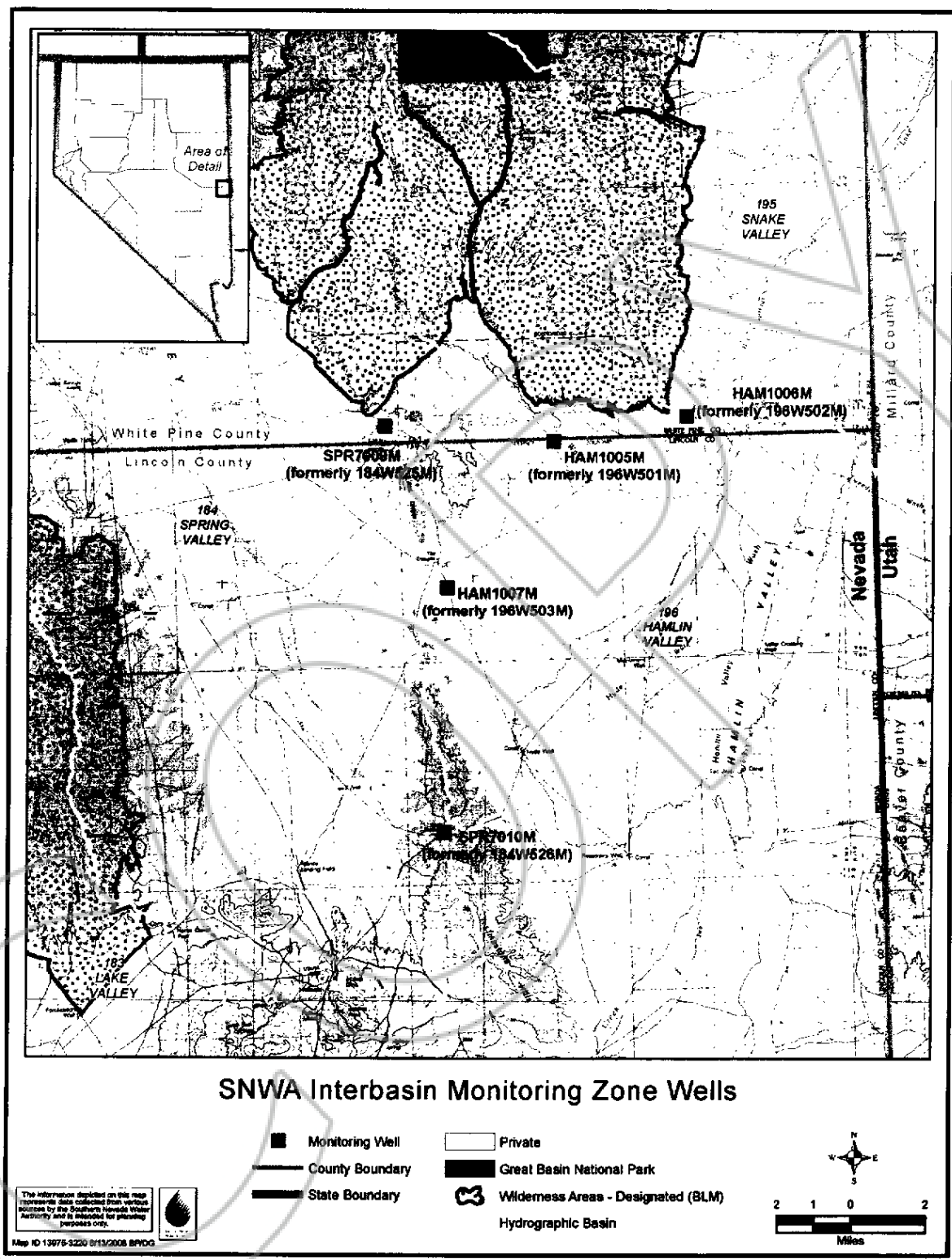


Figure 1: General Location Map

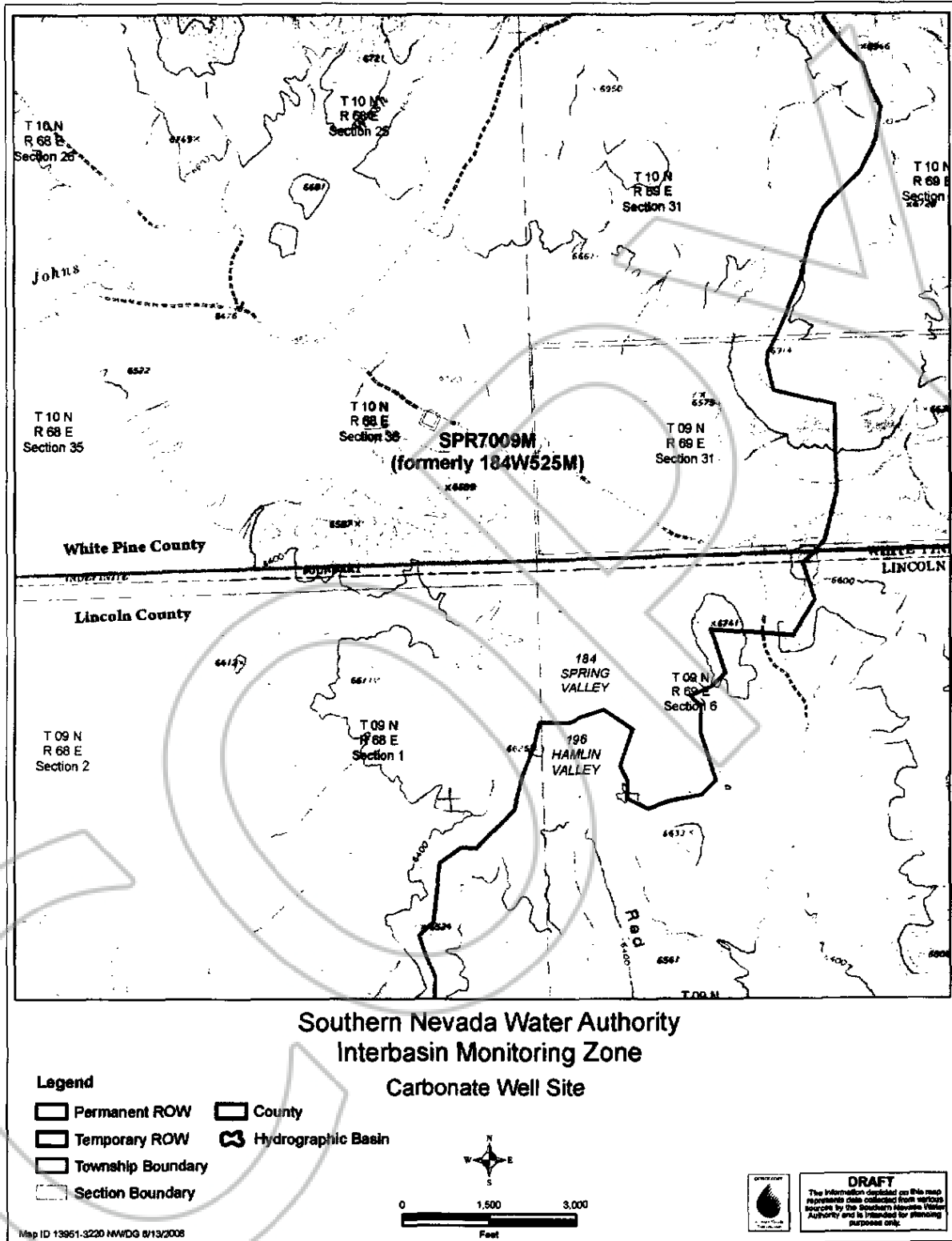


Figure 2: Site SPR7009M Topo View

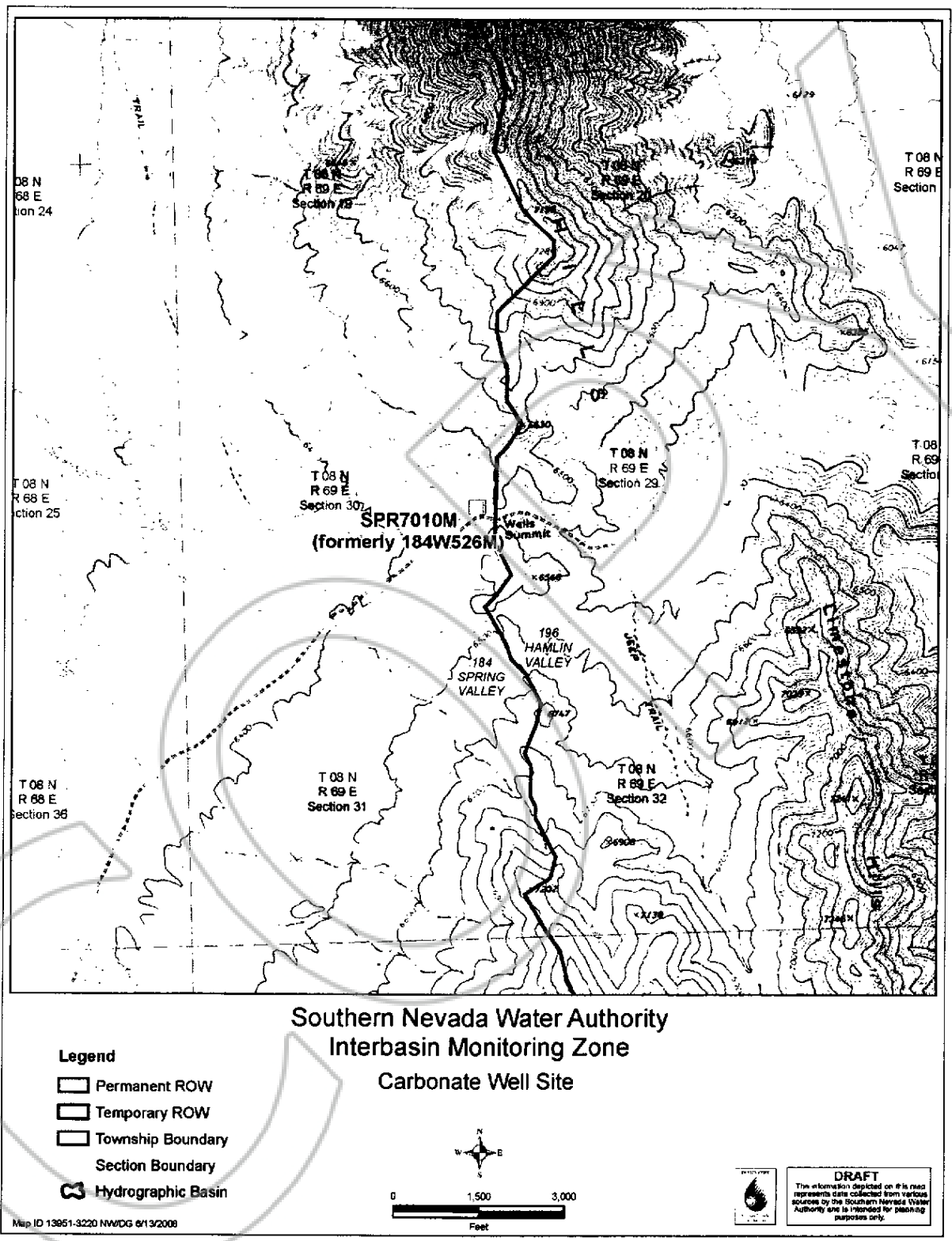


Figure 4: Site SPR7010M Topo View

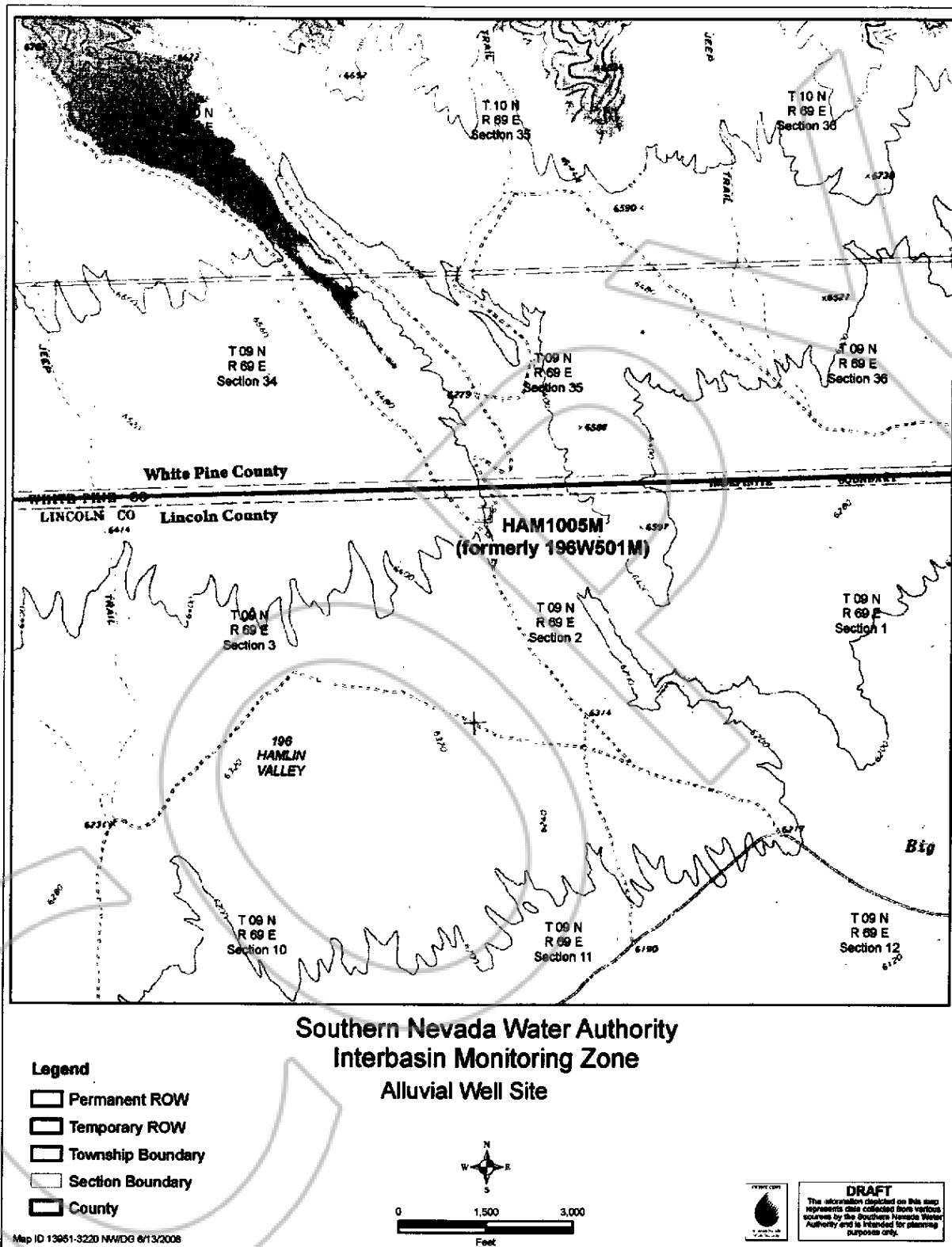


Figure 6: Site HAM1005M Topo View



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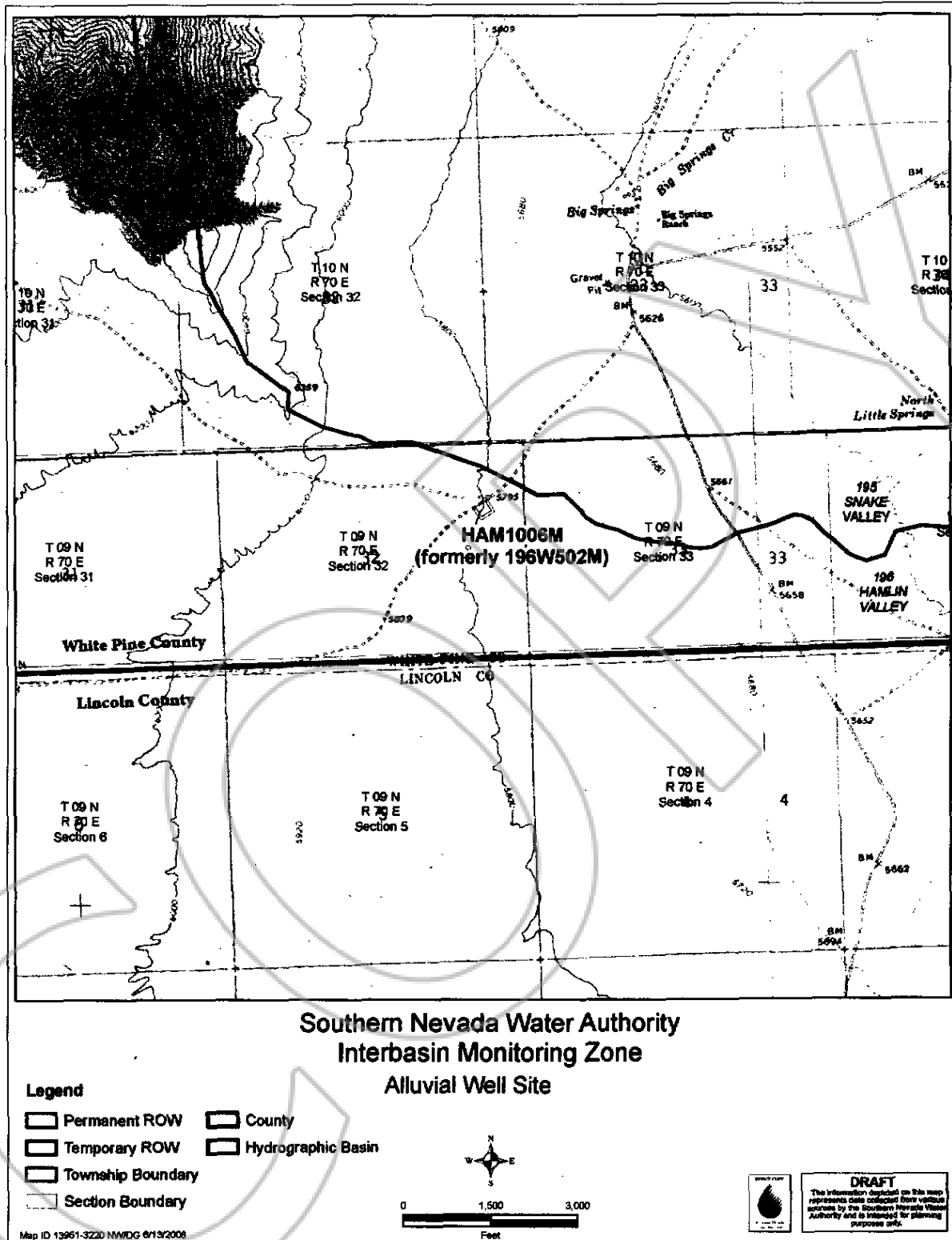


Figure 8: Site HAM1006M Topo View

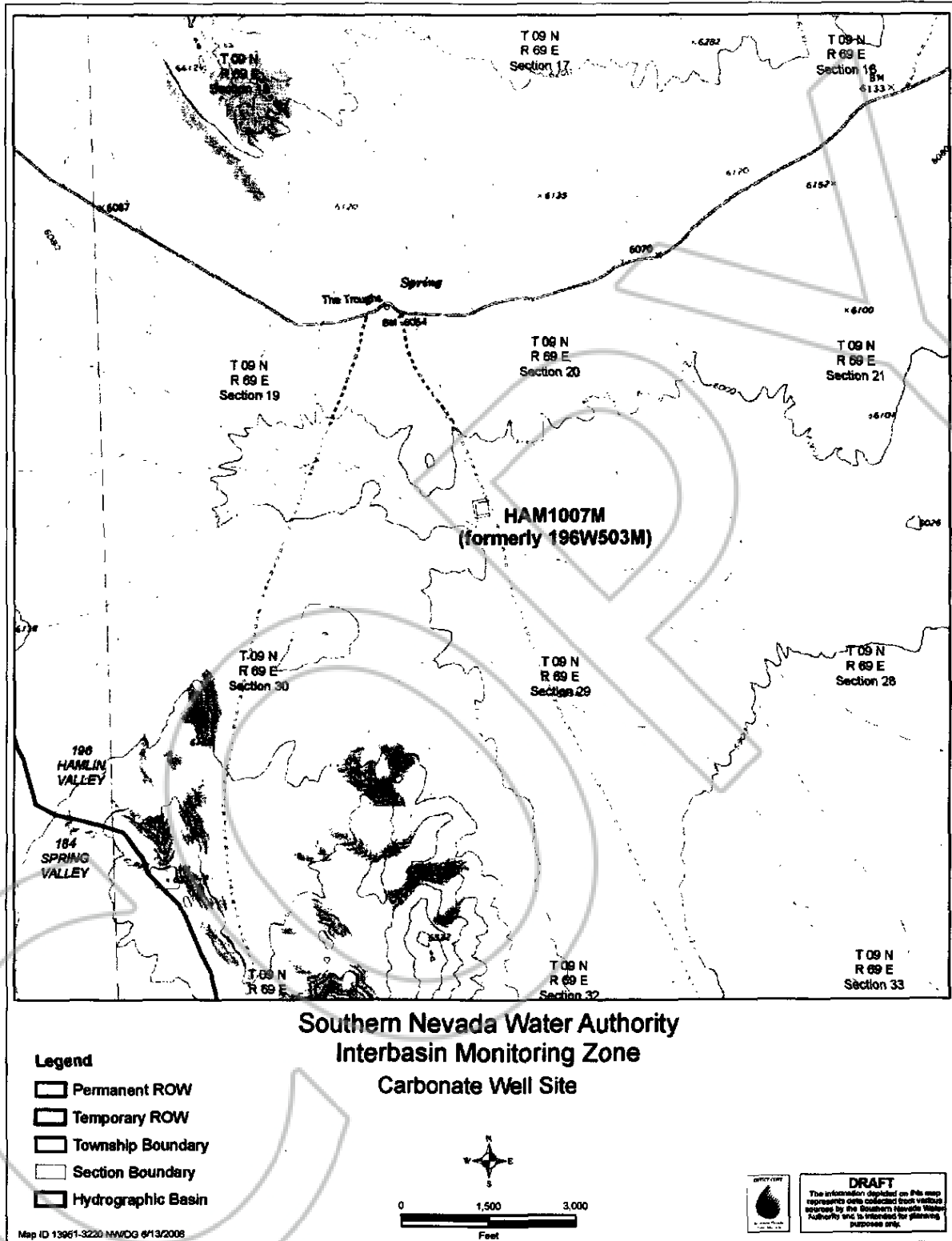


Figure 10: Site HAM1007M Topo View