



86312

United States Department of the Interior

BUREAU OF LAND MANAGEMENT

ELKO DISTRICT OFFICE
P. O. Box 831
Elko, Nevada 89801
702-738-4071

IN REPLY REFER TO

N-34384
2800
(N-015)

February 3, 1983

Certified Mail #9471
Return Receipt Requested

DECISION

State of Nevada :
Dept. of Transportation : Right-of-Way
1263 So. Stewart St. :
Carson City, NV 89712 :

RIGHT-OF-WAY GRANT

Pursuant to the authority vested in the undersigned by BLM Manual Section 1203, dated January 3, 1983, a right-of-way is hereby granted.

Serial number of grant: N-34384
Name of grantee: State of Nevada
Dept. of Transportation

Location: T. 29 N., R. 52 E., Sec. 34, S $\frac{1}{2}$ S $\frac{1}{2}$.
Map designation: Willow Creek Springs
Date filed: September 30, 1981

Permitted use by grantee: Water Pipeline
Dimensions: 15 feet in width x 1758 feet in length.

✓ Authority for grant: P.L. 94-579 (October 21, 1976),
Title V, 90 Stat. 2746.
Regulations applicable to grant: 43 CFR 2800
Date of grant: February 3, 1983
Expiration of grant: February 2, 2013 together with
the right of renewal subject to
regulations existing at time of
renewal and such other terms and
conditions deemed necessary to
protect the public interest.

BOOK 108 PAGE 24

Rental:

None

Monitoring Fee:

None

The authorized officer (AO) will be the Elko District Manager or his appointed representative. When the District Manager elects to make such appointment, he will communicate it to the grantee by certified mail.

The grant of right-of-way N-34384 is issued subject to the enclosed terms and conditions.

Rodney Harris
RODNEY HARRIS
District Manager

Enclosure

1-Terms and Conditions

cc:NSO (N-943)

BOOK 108 PAGE 025

TERMS AND CONDITIONS

1. The right-of-way is subject to all valid rights existing on the date of the grant.
2. The right-of-way is subject to all applicable regulations cited in 43 CFR 2800 as well as any other applicable laws and implementing regulations as appropriate.
3. The Secretary of the Interior reserves the right to grant additional rights-of-way or permits for compatible uses on, over, under or adjacent to the land involved in this grant in accordance with 43 CFR 2801.1-1(a)(2).
4. This grant is subject to review after twenty years and at regular intervals thereafter not to exceed ten years.
5. Grantee shall survey and clearly mark the exterior limits of the rights-of-way. All activities directly or indirectly associated with construction or maintenance on this right-of-way must be conducted within the limits thereof.
6. Grantee 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 for 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, 1979, deadline for a fiscal year 1981 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.
7. Grantee consents to comply with and be bound by the following:
 - (1) To the extent practicable, all State and Federal laws applicable to the authorized use and such additional State and Federal laws, along with the implementing regulations, that may be enacted and issued during the term of the grant or permit.

BOOK 108 PAGE 026

(2) That in the construction, operation, maintenance and termination of the authorized use, there shall be no discrimination against any employee or applicant for employment because of race, creed, color, sex or national origin and all subcontracts shall include an identical provision.

(3) To rebuild and repair roads, fences, and established trails that may be destroyed or damaged by construction, operation or maintenance of the project and to build and maintain suitable crossings for existing roads and significant trails that intersect the project.

(4) To do everything reasonably within his or her power, both independently and upon request of the authorized officer, to prevent and suppress fires on or in the immediate vicinity of the right-of-way or permit area. This includes making available such construction and maintenance forces as may be reasonably obtained for the suppression of fires.

(5) Requirements for restoration, revegetation and curtailment of erosion of the surface of the land, or any other rehabilitation measure determined necessary.

(6) Requirements to ensure that activities in connection with the grant or permit shall not violate applicable air and water quality standards or related facility citing standards established by or pursuant to applicable Federal or State law.

(7) Requirements designed to control or prevent damage to scenic, esthetic, cultural and environmental values (including damage to fish and wildlife habitat), damage to Federal property and hazards to public health and safety.

(8) Requirements to protect the interest of individuals living in the general area who rely on the fish, wildlife and biotic resources of the area for subsistence purposes.

(9) Requirements to ensure that the facilities to be constructed, used and operated on the prescribed location are maintained and operated in a manner consistent with the grant or permit.

(10) Requirements for compliance with State standards for public health and safety, environmental protection and citing, construction, operation and maintenance when those standards are more stringent than Federal standards.

8. If antiquities including, but not limited to, archaeological items, paleontological objects or other objects of historic or scientific interest are discovered on the right-of-way, the grantee shall leave the items or conditions intact and inform the authorized officer.

9. Grantee 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 the grant in accordance with 43 CFR 2803.2(d).

10. Compliance with Title VI of the Civil Rights Act of 1964:

- (a) The grantee or any successor in interest shall comply with and shall not violate any of the terms or provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 241) and requirements of the regulations, as modified or amended, of the Secretary of the Interior issued pursuant thereto (43 CFR 17) for the period that the lands conveyed herein are used for the purpose for which the grant was made pursuant to the act cited, and shall not prohibit or restrict directly or indirectly, or permit its agents, employees, contractors or subcontractors (including without limitation sublessees and permittees) to prohibit or restrict, directly or indirectly, the use of any part of the right-of-way or any of the facilities thereon by any person because of such person's race, creed, color, sex or national origin;
- (b) If the grantee or any successor in interest does not comply with the terms or provision of Title VI of the Civil Rights Act of 1964 and the requirements imposed by the Secretary of the Interior issued pursuant to that title during the period which the right-of-way is used for the purpose for which the grant was made pursuant to the act cited said Secretary or his delegate may declare the terms of this grant terminated in whole or in part;
- (c) The United States shall have the right to seek judicial enforcement of the requirements of Title VI of the Civil Rights Act of 1964 and the terms and conditions of the regulations, as modified or amended, of the Secretary of the Interior issued pursuant to said Title VI in the event of their violation by the grantee;
- (d) The grantee or any successor in interest will, upon request of the Secretary of the Interior or his delegate, post and maintain on the right-of-way signs and posters bearing a legend concerning the applicability of Title VI of the Civil Rights Act of 1964;

- (e) The conditions and limitations contained in paragraph (a) through (d) shall constitute a covenant running with the right-of-way, binding on the grantee and its successors in interest for the period for which the right-of-way is used for the purposes for which this grant was made.

11. No blading of the right-of-way.

John H. Swarth
Signature
Date 1/24/83

RECORDED AT REQUEST OF
State of NV. Dept.
BOOK 108 PAGE 24

83 FEB 10 P 1: 04

OFFICIAL RECORDS
EUREKA COUNTY, NEVADA
MIN. REGALATION RECORDER
FILE NO. 86312
FEE \$ No Fee

BOOK 108 PAGE 29