

153662

GRANT, BARGAIN AND SALE DEED

THIS INDENTURE, made and entered into as of the 15th day of July, 1994, by and between DANIEL H. RUSSELL a/k/a DAN RUSSELL d/b/a RUSSELL RANCHES and ROBERTA A. RUSSELL, husband and wife, of Rancho Cordova, California, (collectively referred to as "Grantors"), and EZRA C. LUND AHL, INC., a Utah corporation of 710 North 600 West, Logan, Utah, (hereafter "Grantee"),

WITNESSETH:

That the said Grantors, for and in consideration of the sum of TEN DOLLARS (\$10.00), lawful money of the United States of America, to them in hand paid by the said Grantee, and other good and valuable consideration, receipt whereof is hereby acknowledged, do by these presents grant, bargain, sell, warrant and convey unto the said Grantee, Ezra C. Lundahl, Inc., a Utah corporation, and to its successors and assigns, all that certain real property situate in the County of Eureka, State of Nevada, more particularly described as follows:

Parcel 1:

The land situated in the County of Eureka, State of Nevada, and described as follows:

Township 23 North, Range 52 East, M.D.B.&M. An undivided one-half (1/2) interest in and to: Section 36: SW1/4NE1/4; SE1/4NW1/4

Township 24 North, Range 52 East, M.D.B.&M.

Section 12: E1/2 NE1/4

Section 13: NE1/4; SW1/4; NW1/4SE1/4; S1/2SE1/4

Section 23: E1/2E1/2; W1/2SE1/4

Section 24: All

Section 25: N1/2; N1/2S1/2

Section 26: E1/2NE1/4; W1/2NE1/4; NW1/4SE1/4; E1/2SE1/4

Township 24 North, Range 53 East, M.D.B.&M.

Section 17: SW1/4SW1/4

Section 18: Lots 3 and 4, E1/2SW1/4; W1/2SE1/4;

Section 19: Lots 1, 2, 3, and 4; E1/2W1/2; W1/2E1/2

Section 29: NW1/4; W1/2SE1/4; N1/2SW1/4; W1/2NE1/4;

Section 30: Lots 1 and 2, E1/2NW1/4; NE1/4; N1/2SE1/4

Section 32: N1/2NE1/4

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K.W.

(v) The water rights described in the following applications and proots of appropriation as filed with the State Engineer of Nevada, including but not limited to the Big Shibley Spring and artesian well, the Indian Camp Springs, and all other wells:

(iv) The tenements, easements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof;

(iii) All dams, ditches, canals, pipe lines, reservoirs, and all other means for the diversion or use of waters appurtenant to said property or any part thereof, or used or enjoyed in connection therewith;

(ii) All fixtures, feed, growing crops, irrigation equipment, irrigation pipe and pumps; also including all wells, gated pipe, pipe and valves;

(i) All improvements situate on any of said parcels, including but not limited to an attached mobile home;

TOGETHER WITH:

EXCEPTING THEREFROM all mineral deposits lying in and under said land as reserved by the United States of America, in Patent recorded January 25, 1979 in Book 68, page 392, Official Records, Eureka County, Nevada.

Section 25: S1/2SW1/4
Section 13: S1/4NW1/4

Township 24 North, Range 52 East, M.D.B.&M.

Parcel 2:

EXCEPTING THEREFROM an undivided one-half (1/2) interest in and to all coal, oil, gas and other minerals of every kind and nature whatsoever lying in and under said lands as reserved by REINHOLD SADLER, et al., in Deed recorded February 6, 1976, in Book 53, Page 583, Official Records, Eureka County, Nevada.

Section 5: S1/4SE1/4

Township 25 North, Range 53 East, M.D.B.&M.

Certificates of Appropriation of Water

Application No.	Cert. No.	Book	Page
50581	12378	42	12378
50582	12379	42	12379
5311	938	4	938
5312	965	4	965
7247	1195	5	1195
5314	966	4	966
6254	1409	5	1409
5769	939	4	939
2437	174	3	174
6584	1518	6	1518
4273	964	4	964
37933	11470	39	11470
37934	12063	41	12063
37935	12064	41	12064
9879	2549	8	2549
37931 (Amended)			
37932 (Amended)			
37936 (Amended)			
37937 (Amended)			
57837			
5313			

Proofs of Appropriation

Filing Serial No.	Date Filed
02658	01/22/69
03289	01/15/80
03290	01/15/80

all as from time to time amended and all other water and water rights appurtenant to or used in connection with any or all of the above-described real property conveyed herein or appurtenant to or used in connection with range rights and other improvements on public lands in the BLM Allotment and/or USFS grazing rights conveyed herein; see Exhibit "A" attached and incorporated by reference. (vi) All of Grantors' right, title and interest in and to any oil, gas, geothermal rights, minerals and mineral rights of every name and nature situate on, within or beneath the above-described real property, or held in conjunction with said property;

(vii) All of Grantors' interest in range and other improvements on public lands in the BLM Allotment and/or USFS grazing rights with supporting permits, licenses and Cooperative Agreements based on the land conveyed herein; also

including all BLM active and suspended grazing rights and privileges based on the land conveyed herein;

(viii) All of grantors' preference for grazing on the public lands in the Elko and Battle Mountain Districts, Nevada, based on the land conveyed herein, subject to BLM approval, and subject to the existing BLM grazing systems, rules and regulations;

(ix) All personal property, furnishings and appliances located within the homes or other improvements located on the above-described real property;

(x) All right, title and interest in that Oil and gas Lease dated May 3, 1993 between Daniel H. Russell and Roberta A. Russell, as Lessor, and Foreland Corporation, as Lessee, and recorded as Filing No. 145314 in Book 247 at Page 140 of the office of the Recorder of Elko County, Nevada so far as said Oil and gas Lease includes any of the real property described herein;

(xi) Any and all licenses and other rights of occupancy or use, permits, authorizations or other approvals that are in effect as of the date of this document or that were in effect as of June 20, 1994 in connection with the ownership, use or occupancy of the real or personal property described herein.

This conveyance is free and clear of all liens, encumbrances and other interests against the real and personal property described herein, except as otherwise specifically disclosed to grantee pursuant to an unrecorded Agreement for Purchase and Sale of Property dated June 20, 1993 between Grantors and Grantee ("Permitted Exceptions").

Grantors warrant marketable fee title ownership in and to all of the real and personal property described herein, free and clear of all liens, encumbrances, easements, assessments, restrictions and tenancies, whether recorded or unrecorded, except permitted Exceptions. Grantors warrant that all water and water rights being used on the real property described herein or with the range stock rights have been properly appropriated or adjudicated and are transferred hereby and are not subject to any claims by private third parties, governmental entities or agencies or any Indian tribes or reservations.

TO HAVE AND TO HOLD the said premises, together with the appurtenances, unto the said Grantee and to its successors and assigns forever.

IN WITNESS WHEREOF, the said Grantors have set their hands as of the day and year first hereinabove written.

GRANTORS:

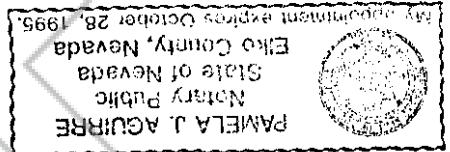
Daniel H. Russell
Daniel H. Russell a/k/a Daniel
Russell d/b/a Russell Ranches

Robert A. Russell
Robert A. Russell

STATE OF NEVADA)
: ss.)
County of Elko)

On the 15th day of July, 1994, personally appeared before me DANIEL H. RUSSELL a/k/a DANIEL RUSSELL d/b/a RUSSELL RANCHES and ROBERTA A. RUSSELL, the signers of the within instrument, who duly acknowledged to me that they executed the same.

[Signature]
NOTARY PUBLIC
Residing at: _____
Commission Expires: _____



Mailing Address for Grantee:
Ezra C. Lundahl, Inc.
710 North 600 West
Logan, Utah 84321

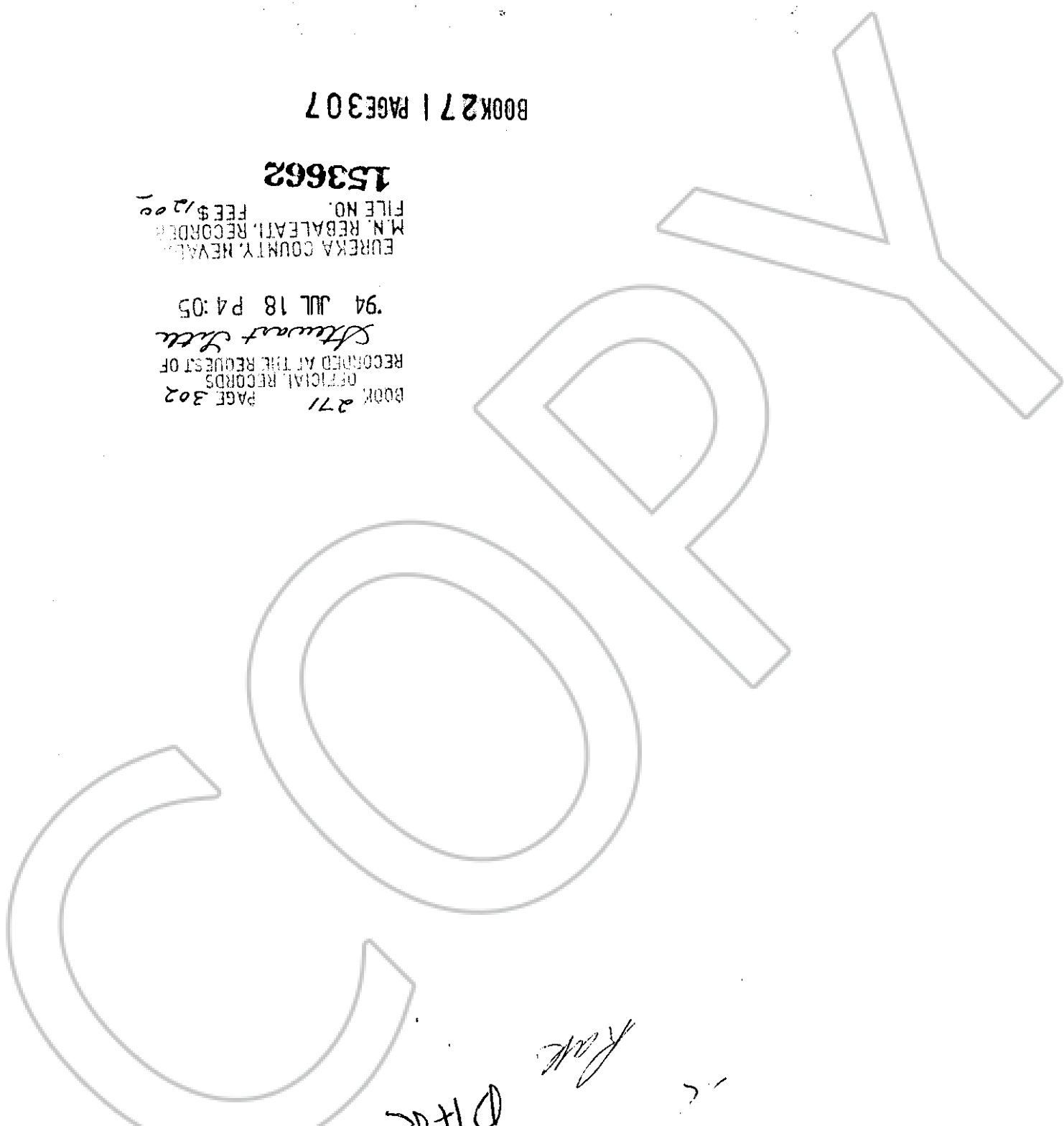
APN# 6-320-04
wpd/bhb/1/xjdz.gbs
N-2483.050

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Additional water rights, with State Engineer's Claim Number or BLM number:

04473; 04478; 0110; 0146; 0164; NI-R-828; 1189; 1224; NI-R-867; NI-R-575; 0493; NI-4; NI-4-189; 0532; 1237.

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OFFICIAL RECORDS
RECORDED AT THE REQUEST OF
Stewart State
94 JUL 18 P4:05

EUREKA COUNTY, NEVADA
M.N. REBALANCE RECORDER
FILE NO. 153662
FEE \$12.00

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DECLARATION OF VALUE

Recording Date 7-18-94 Book 271 Page 302-307 Instrument # 153662

Full Value of Property Interest Conveyed \$ 579,159.00
 Less Assumed Liens & Encumbrances -
 Taxable Value (NRS 375.010, Section 4) \$ 579,159.00
 Real Property Transfer Tax Due \$ 753.35
 If exempt, state reason. NRS 375.090, Section 4 Explain: _____

INDIVIDUAL

Under penalty of perjury, I hereby declare that the above statements are correct.

Signature of Declarant _____
 Name (Please Print) _____
 Address _____
 State _____ Zip _____

City _____ State _____ Zip _____
 Address _____
 Escrow Number _____
 FRONTIER TITLE COMPANY
 Firm Name _____
 445 Fifth Street
 Address _____
 Elko, Nevada 89801
 City _____ State _____ Zip _____

Tax paid for the above transfer on _____ July 18th 1994
 per NRS 375.030, Section 3.

Signature of Recorder or Representative _____
Diana L. Ettinger - Deputy