

176379

Form 2800-14
(August 1985)

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

Issuing Office
Elko Field Office
Serial Number
N-66747

1. A (right-of-way ~~permit~~) is hereby granted pursuant to:

- a. Title V of the Federal Land Policy and Management Act of October 2, 1976 (90 Stat. 2776; 43 U.S.C. 1761);
- b. Section 2 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185);
- c. Other (describe) _____.

2. Nature of Interest:

- a. By this instrument, the holder Edward R. Smith, Jennie C. Smith, Eard S. Smith, Phuong B. Smith receives a right to construct, operate, maintain, and terminate an access road on public lands (or Federal land for MLA Rights-of-Way) described as follows:

Mount Diablo Meridian, Nevada

T. 30 N., R. 48 E.,
Section 28, SE $\frac{1}{4}$ SE $\frac{1}{4}$.

- b. The right-of-way or permit area granted herein is 33 feet wide, 931 feet long and contains 0.06 acres, more or less. ~~If a site type facility, the facility contains _____ acres.~~
- c. This instrument shall terminate on February 28, 2031, 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 may not 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, any relinquishment, abandonment, or termination, the provision 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 permit is issued subject to the holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations parts 2800 and 2880.
- b. Upon grant termination by the authorized officer, all improvements shall be removed from the public lands within 182 days, or otherwise disposed of as provided in paragraph (4)(d) or as directed by the authorized officer.
- c. Each grant issued pursuant to the authority of paragraph (1)(a) for a term of years or more shall, at a minimum, be reviewed by the authorized officer at the end of the 20th year and at regular intervals hereafter 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(s) A, dated , 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 permit.

Edward S. Smith
 Edward S. Smith
 (Signature of Owner)

[Signature]
 (Signature of Authorized Officer)

Owner
 (Title)

Manager, Nonrenewable Resources
 (Title)

23 Feb-01
 (Date)

3/1/01
 (Date)

BOOK 340 PAGE 513
 OFFICIAL RECORDS
 RECORDED AT THE REQUEST OF
Edward R. Smith
 ON MAR 22 PM 1:45
 LURENA COUNTY NEVADA
 M.N. REBALEATI, RECORDER
 FILE NO. FEES 8⁰⁰

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