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MAR 9 1981  
STATE ENGINEER'S OFFICE

401095

WARRANTY DEED

THIS INDENTURE, made this 30<sup>th</sup> day of January, 1978, between JAMES JEROME MOISO, a married man, as his sole and separate property, as to an undivided one-half (1/2) interest and RICHARD J. O'NEILL and ALICE O'NEILL AVERY, as Trustees under Declaration of Trust dated April 18, 1968 made by RICHARD J. O'NEILL, as to an undivided one-half (1/2) interest as to Parcels 1, 2, 3, 4 and 5 and ANTHONY R. MOISO, a married man, as his separate property as to Parcels 6 and 7, GRANTORS, and the UNITED STATES OF AMERICA, GRANTEE.

WITNESSETH: That the said Grantors, for and in consideration of the exchange therefor of National Forest land and Two hundred and no/100 dollars (\$200.00), cash equalization to be paid by said Grantors, as authorized by the act of March 20, 1922 (42 Stat. 465), as amended and the act of October 21, 1976 (90 Stat. 2743), do by these presents grant, bargain, sell, convey and confirm unto the said Grantee and its assigns forever, all the certain lot, piece or parcel of land situate, lying and being in Elko County, State of Nevada, and described as follows:

Township 40 North, Range 54 East, MDB&M

Parcel 1: Section 5: Lot 5

Township 41 North, Range 54 East, MDB&M

- Parcel 2: Section 6: SE1/4SW1/4; SW1/4SE1/4
- Parcel 3: Section 7: SW1/4NE1/4; NW1/4SE1/4; Lot 2; SE1/4NW1/4
- Parcel 4: Section 20: E1/4; SW1/4NE1/4
- Parcel 5: Section 29: NE1/4NE1/4

Township 42 North, Range 54 East, MDB&M

- Parcel 6: Section 8: SE1/4NE1/4; SE1/4SE1/4
- Parcel 7: Section 29: SE1/4NE1/4

containing 640.29 acres of land, more or less.

RESERVING unto said GRANTORS, all mineral rights, including geothermal energy, in above-described lands, subject to the "Rules and Regulations to Govern Exercise of Mineral Rights Reserved in Conveyances to the United States," a copy of which is attached and made a part hereof, SUBJECT to outstanding mineral rights.

I, \_\_\_\_\_, County Clerk of Nevada, and Bond Agent.

*[Handwritten Signature]*  
5/6/81

(37)

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

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

IN WITNESS WHEREOF, the Grantors have executed this conveyance the day and year first above written.

*James Jerome Moiso*  
\_\_\_\_\_  
JAMES JEROME MOISO

*Richard J. O'Neill*  
\_\_\_\_\_  
RICHARD J. O'NEILL

*Alice O'Neill Avery*  
\_\_\_\_\_  
ALICE O'NEILL AVERY

*Anthony R. Moiso*  
\_\_\_\_\_  
ANTHONY R. MOISO

ACKNOWLEDGEMENT

State of California) ) SS.  
County of Orange )

On this, the 30th day of January, 1978, personally appeared before me, Claire L. Gebhardt, a Notary Public, in and for the State of California, JAMES JEROME MOISO, RICHARD J. O'NEILL, ALICE O'NEILL AVERY and ANTHONY R. MOISO, known to me to be the persons described in, and who executed the foregoing instrument, who acknowledged to me that they executed the same freely and voluntarily and for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in said County of Orange, the day and year in this certificate first above written.

*Claire L. Gebhardt*  
\_\_\_\_\_  
Notary Public in and for  
said County and State



UNITED STATES DEPARTMENT OF AGRICULTURE  
FOREST SERVICE

CONDITIONS, RULES AND REGULATIONS TO GOVERN EXERCISE OF MINERAL RIGHTS  
RESERVED IN CONVEYANCES TO THE UNITED STATES

Code of Federal Regulations - Title 36 - Chapter II - Section 251.15

(a) Except as otherwise provided in paragraphs (b) and (c) of this section, in conveyances of lands to the United States under authorized programs of the Forest Service, where owners reserve the right to enter upon the conveyed lands and to prospect for, mine and remove minerals, oil, gas, or other inorganic substances, said reservations shall be subject to the following conditions, rules and regulations which shall be expressed in and made a part of the deed of conveyance to the United States and such reservations shall be exercised thereunder and in obedience thereto:

(1) Whoever undertakes to exercise the reserved rights shall give prior written notice to the Forest Service and shall submit satisfactory evidence of authority to exercise such rights. Only so much of the surface of the lands shall be occupied, used, or disturbed as is necessary in bona fide prospecting for, drilling, mining (including the milling or concentration of ores), and removal of the reserved minerals, oil, gas, or other inorganic substances.

(2) (i) None of the lands in which minerals are reserved shall be so used, occupied, or disturbed as to preclude their full use for authorized programs of the Forest Service until the record owner of the reserved rights, or the successors, assigns, or lessee thereof, shall have applied for and received a permit authorizing such use, occupancy, or disturbance of those specifically described parts of the lands as may reasonably be necessary to exercise of the reserved rights.

(ii) Said permit shall be issued upon agreement as to conditions necessary to protect the interest of the United States (including such conditions deemed necessary to provide for the safety of the public and other users of the land, and upon initial payment of the annual fee which shall be at the rate of 50 per acre or fraction of acre included in the permit.

(iii) The permit shall also provide that the record owner of the reserved right or the successors, assigns, or lessee thereof, will repair or replace any improvements damaged or destroyed by the mining operations and restore the land to a condition safe and reasonably serviceable for authorized programs of the Forest Service, and shall provide for a bond in sufficient amount as determined necessary by the Forest Service to guarantee such repair, replacement or restoration.

(iv) Failure to comply with the terms and conditions of the aforesaid permit shall be cause for termination of all rights to use, occupy, or disturb the surface of the lands covered thereby, but in event of such termination a new permit shall be issued upon application when the causes for termination of the preceding permit have been satisfactorily remedied and the United States reimbursed for any resultant damage to it.

(3) All structures, other improvements, and materials shall be removed from the lands within one year after date of termination of the aforesaid permit. Should the holder of the permit fail to do so within the specified time, the Forest Service may remove, destroy or otherwise dispose of said structures, other improvements, and materials at the permittee's expense, or in lieu thereof, may upon written notice to the permittee, assume title thereto in the name of the United States.

(4) Timber and/or young growth cut or destroyed in connection with exercise of the reserved right shall be paid for as rates determined by the Forest

Service to be fair and equitable for comparable timber and/or young growth in the locality. All slash resulting from cutting or destruction of timber or young growth shall be disposed of as required by the Forest Service.

(5) In the prospecting for, mining, and removal of reserved minerals, oil, gas, or other inorganic substances all reasonable provisions shall be made for the disposal of tailings, dumpings, and other deleterious materials or substances in such manner as to prevent obstruction, pollution, or deterioration of water resources.

(6) Nothing herein contained shall be construed to exempt operators or the mining operations from any requirements of applicable State laws or from compliance with or conformity to any requirements of any law which later may be enacted and which otherwise would be applicable.

(7) While any activities and/or operations incident to the exercise of the reserved rights are in progress, the operators, contractors, subcontractors, and any employees thereof shall use due diligence in the prevention and suppression of fires, and shall comply with all rules and regulations applicable to the land.

(b) The conditions, rules and regulations set forth in subparagraphs (1) through (7) of paragraph (a) of this section shall not apply to reservations contained in conveyances of lands to the United States under the Act of March 3, 1925, as amended (43 Stat. 1133, 64 Stat. 83, 18 U.S.C. 555).

(c) In cases where a State, or an agency, or a political subdivision thereof, reserves minerals, oil, gas, or other inorganic substances, in the conveyance of land to the United States under authorized programs of the Forest Service and there are provisions in the laws of such State or its conditions, rules and regulations promulgated by such State, agency or political subdivision thereof, which the Chief, Forest Service, determines are adequate to protect the interest of the United States in the event of the exercise of such reservation, the Chief, Forest Service, is hereby authorized, in his discretion, to subject the exercise of the reservation to such statutory provisions or such conditions, rules and regulations in lieu of the conditions, rules and regulations set forth in subparagraphs (1) through (7) of paragraph (a) of this section. In that event, such statutory provisions or such conditions, rules and regulations shall be expressed in and made a part of the deed of conveyance to the United States and the reservation shall be exercised thereunder and in obedience thereto.

All regulations heretofore issued by the Secretary of Agriculture to govern the exercise of mineral rights reserved in conveyances of lands to the United States under authorized programs of the Forest Service shall continue to be effective in the cases to which they are applicable, but are hereby superseded as to mineral rights hereafter reserved in conveyances under such programs.

(30 Stat. 35, as amended, 18 U.S.C. 551; Interpret or apply 38 Stat. 931, as amended, 18 U.S.C. 519-519; 43 Stat. 455, as amended, 18 U.S.C. 455, 456, and 50 Stat. 529, as amended, 7 U.S.C. 1011)

Signed at Washington, D.C., on April 20, 1958.

(8) ORVILLE L. FREEMAN,  
Secretary.

**CERTIFICATION OF COPY**  
**STATE OF NEVADA)**  
**COUNTY OF ELKO ) SS.**

I, JERRY D. REYNOLDS, the duly elected and qualified Recorder of Elko County, in the State of Nevada, do hereby certify that this is a true, full and correct copy of the instrument now on record in this office. IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of my office, in Elko, Nevada this

day of FEB 2 1901 A.D. 19  
JERRY D. REYNOLDS, COUNTY RECORDER  
By Jerry D. Reynolds  
(SEAL)

*N/C*  
121297  
FOR RECORD  
AT REQUEST OF  
First American Title Co. of Nev.

79 MAR 19 P 3: 23

RECORDED BK 288 PG 469  
JERRY D. REYNOLDS  
ELKO CO. RECORDER

121297

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