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08-05-93P01:28 RCVD
07-23-93P01:27 RCVD

MTC 29718

United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Prineville District Office
P.O. Box 550 (185 E. 4th Street)
Prineville, Oregon 97754Vol. MA3 Page 17988IN REFERENCE TO
Vol. MA3 Page 19396

65784

**CERTIFIED MAIL P 467 718 093
RETURN RECEIPT REQUESTED****OR 49639
2800**

THIS INSTRUMENT IS BEING RE-RECORDED TO ADD LEGAL DESCRIPTION.

JUL 16 1993

DECISION**Tom N. Thomas
HC 61 Box 1095
LaPine, OR 97739****Application for
Right-of-Way****Right-of-Way Grant OR 49639 Issued
Rental Determined**

Enclosed is a copy of right-of-way (R/W) grant (serial number OR 49639) which has been approved by the Bureau of Land Management. The rental for linear R/W is determined according to regulations found at 43 CFR 2803.1-2. The rental for the above-referenced R/W has been waived for the first five year period because of minimal values associated with the affected parcel.

A rental review will be made every five years to determine rental value. Any subsequent rental payments will be due at the beginning of the calendar year and thereafter in five year increments. Future billings will reflect the latest adjusted schedule as published in the Federal Register.

The issuance of this R/W grant constitutes a final decision by the Bureau of Land Management in this matter.

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.

Return: Bend 4:46 Co.
Sunriver Village Bldg 5
PO Box 4325
Sunriver, Oregon 97707
ATTN: Trudy Lange
5120507L

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If you wish to file a petition (pursuant to regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993) (request) 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.

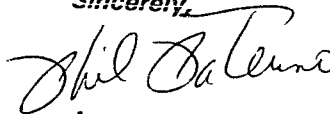
Standards for Obtaining a Stay

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.*

Please note, however, that under the regulations in 43 CFR Group 2800, this decision is effective even if an appeal is filed.

Sincerely,



FOR: **James G. Kenna**
Deschutes Area Manager

Enclosures

17990

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FORM 2800-14
(August 1985)



Issuing Office
Prineville District

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

SERIAL NUMBER OR 49639

1. A right-of-way 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:

Tom N. Thomas
HC 61 Box 1095
LaPine, OR 97739

receives a right to use, maintain, and terminate a road right-of-way, on public lands described as follows:

T. 23 S., R. 10 E.,
Section 10,
NWNE
 - b. The right-of-way area granted herein is 10 feet wide, 100 feet long and contains .02 acres, more or less.
 - c. This instrument shall terminate in 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 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.

At this time it has been determined that no rental is required. However, a rental review will be made every five years to determine rental value.

4. Terms and Conditions:

- a. This grant 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 map set forth in Exhibit A, attached hereto, is incorporated into and made a part of this grant instrument as fully and effectively as if they were set forth herein in their entirety.

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- e. Failure of the holder to comply with applicable law or any provision of this right-of-way grant 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.

Rose N. Thomas
(Signature of Holder)

OWNER
(Title)

July 10 1993
(Date)

Julio Baterno

(Signature of Authorized
Officer)

Acting Area Manager
(Title)

7-16-93
(Effective Date of Grant)

MASTEN BUTTE QUADRANGLE
OREGON
7.5 MINUTE SERIES (TOPOGRAPHIC)

17993
19401

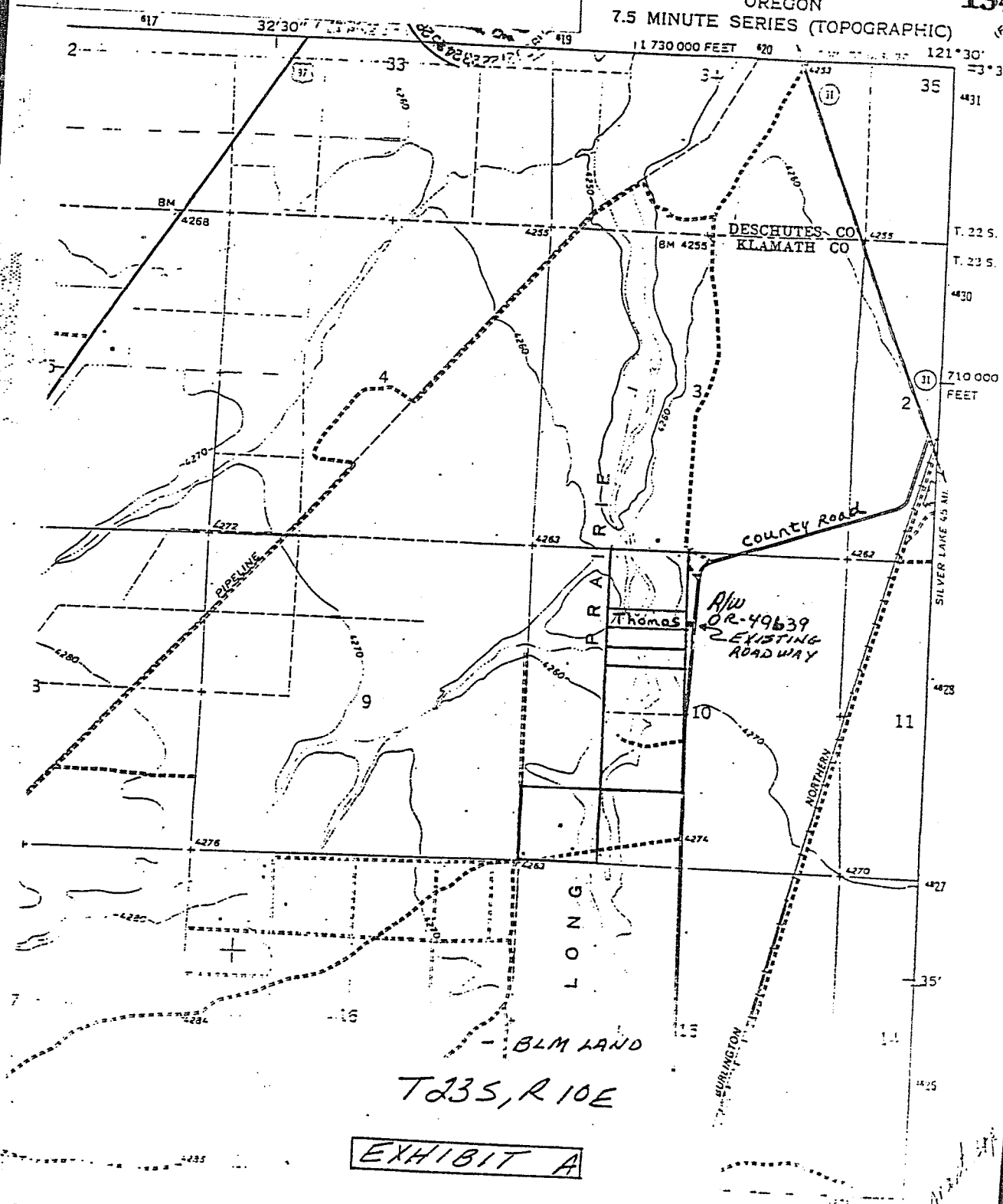


EXHIBIT A

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Mountain Title Co of July 19 D., 19 93 at 1:27 o'clock P.M., and duly recorded in Vol. M93 Miscellaneous on Page 17988

FEE \$30.00

INDEXED
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Evelyn Biehn
By [Signature] County Clerk

19402

The center line of right away is situated 1289.5 feet S. of the N. quarter corner of section 10 along the N. S. center line of said section. From this point the right of way extends easterly approximately 100 ft. to the intersection of the county road.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Mountain Title Co the 5th day
of Aug. A.D., 19 93 at 1:28 o'clock P M., and duly recorded in Vol. M93
of Deeds on Page 19396.

FEE \$40.00

Evelyn Biehn - County Clerk

By *[Signature]*