

Z 710 476 699



Receipt for Certified Mail

No Insurance Coverage Provided
Do not use for International Mail
(See Reverse)

Sent to <i>Mike Howell</i>	
Street and No. <i>US Army Corp of Eng</i>	
<i>4401 Jefferson Plaza NE</i>	
P.O. State and ZIP Code <i>Albuquerque nm 87109</i>	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, and Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date <i>4/23/96</i>	

PS Form 3800, March 1993

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

3. Article Addressed to:
Mike Howell
Dept of the Army Corp of Eng.
4401 Jefferson Plaza NE
Albuquerque, nm 87109

4a. Article Number
Z 710 476 699

- 4b. Service Type
- Registered Insured
 - Certified COD
 - Express Mail Return Receipt for Merchandise

7. Date of Delivery
4-24-96

5. Signature (Addressee)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature (Agent)

PS Form 3811, December 1991

U.S. GPO: 1993-352-714

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.

Initials/Date	5/4/22/96
Initials/Date	_____
Initials/Date	_____
Initials/Date	_____
Initials/Date	_____

NMNM 44013
2800 (038)

April 22, 1996

CERTIFIED RETURN RECEIPT REQUESTED
CERTIFIED NO. Z 710 476 699

Mr. Mike Howell
Department of the Army
Corps of Engineers
4401 Jefferson Plaza, NE
Albuquerque, NM 87109

Dear Mr. Howell:

In accordance with our discussions, I have enclosed an amended right-of-way reservation which reflects corrected legal descriptions for lands encumbered by the Very Large Array Project west of Magdalena, New Mexico.

Also, in answer to your inquiry about a possible extension of the term of the right-of-way reservation, it is possible to issue another amendment to change the term which is due to expire in November, 2033, to a perpetual term. This would require that your office complete, sign and return the enclosed right-of-way application form at your earliest convenience to allow sufficient processing time prior to a possible disposal of the lands.

Please call me at 505-835-0412 if I can answer further questions.

Sincerely,

Chella Herrera
Realty Specialist

Enclosures
038:CHerrera:kg:4/22/96



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
SOCORRO RESOURCE AREA
198 Neel Ave., N.W.
Socorro, New Mexico 87801

NMNM 44013
2800 (038)

April 22, 1996

DECISION

United States Department of	:	
the Army	:	
Corps of Engineers	:	Right-of-Way Reservation
4401 Jefferson Plaza, NE	:	NMNM 44013
Albuquerque, New Mexico 87109	:	

Right-of-Way Reservation Amended -- Legal Description Corrected

On November 15, 1983, Right-of-Way Reservation NMNM 44013 was issued for the U.S. Department of the Army, Corps of Engineers, for the Very Large Array Project double track railroad and appurtenances thereto, across certain public lands in Socorro and Catron Counties, New Mexico. At the time of issuance of the right-of-way reservation, portions of the legal description were erroneously listed and others were omitted. Therefore, Right-of-Way Reservation NMNM 44013 is hereby amended to accurately reflect the correct legal descriptions of the lands encumbered by the right-of-way reservation. The legal descriptions, as corrected, are as follows:

New Mexico Principal Meridian, New Mexico

T. 3 S., R. 6 W.
 Sec. 19; Lots 1, 2, SW1/4NE1/4, SW1/4SE1/4NE1/4, SW1/4NE1/4NW1/4,
 SE1/4NW1/4, NE1/4SE1/4, N1/2NW1/4SE1/4
 Sec. 20; SW1/4, SW1/4SE1/4, SW1/4SE1/4SE1/4

T. 3 S., R. 7 W.
 Sec. 8, N1/2N1/2, N1/2S1/2NE1/4
 Sec. 9, S1/2NW1/4, N1/2NE1/4SW1/4, N1/2SE1/4, N1/2SE1/4SE1/4
 Sec. 10, W1/2SW1/4, SE1/4SW1/4, SW1/4SW1/4SE1/4
 Sec. 13, S1/2NW1/4SW1/4, S1/2SW1/4, S1/2SW1/4SE1/4
 Sec. 14, S1/2SE1/4NE1/4, S1/2NW1/4NW1/4, S1/2NW1/4,
 NE1/4NE1/4SW1/4, N1/2SE1/4, NE1/4SE1/4SE1/4
 Sec. 15, N1/2NE1/4, N1/2NE1/4NW1/4, NE1/4SE1/4NE1/4
 Sec. 24, N1/2NE1/4

T. 3 S., R. 8 W.
 Sec. 9, SE1/4SE1/4SE1/4
 Sec. 10, SE1/4NE1/4, S1/2NE1/4SW1/4, S1/2SW1/4, N1/2SE1/4

Sec. 11, N1/2NW1/4NE1/4, NW1/4

Sec. 15, NW1/4NW1/4NW1/4

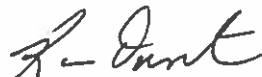
Sec. 19, SE1/4NE1/4, SE1/4NE1/4SW1/4, S1/2SW1/4

T. 3 S., R. 9 W.

Sec. 25, NE1/4NE1/4, S1/2NE1/4, S1/2SE1/4NW1/4, N1/2SW1/4,
N1/2SW1/4SW1/4

Sec. 26, SE1/4NE1/4SE1/4, S1/2SE1/4

All other terms and conditions of the right-of-way reservation remain the same.



Ron Dunton
Area Manager



RECEIVED
06 APR 10 AM 7:02

DEPARTMENT OF THE ARMY
ALBUQUERQUE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 1580
ALBUQUERQUE, NEW MEXICO 87103-1580
FAX (505) 766-2770

REPLY TO
ATTENTION OF:
CESWA-RE-A

SOCORRO RESOURCE AREA
SOCORRO, NEW MEXICO

April 4, 1996

United States Department of Interior
Bureau of Land Management, Socorro Resource Area
ATTN: Mr. John Hertz
198 Neel Avenue, N.W.
Socorro, NM 87801

RE: NMNM 94732 2200(038) Right-Of-Way Reservation NM 44013, Very Large Array Project

Dear Mr. Hertz:

As requested by Mr. Ron Dunton's March 6, 1996, letter concerning the Notice of Exchange Proposal, we have cross-checked the original documents with "as built" maps. The legal descriptions on the original authorizing document may have been in error, either by typographic means or by omission. Requested amendments to the right-of-way are underlined in the following Sections, Townships and Ranges:

New Mexico Principal Meridian, New Mexico

T. 3 S., R. 6 W.

Sec. 19: S $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, Lots 1 and 2,
N $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$

T. 3 S., R. 7 W.

Sec. 13: W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$
Sec. 15: N $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$

T. 3S., R. 8 W.

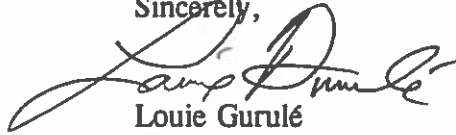
Sec. 10: SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$

T.3S., R.9W.

Sec. 25 NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$,NW $\frac{1}{4}$ SE $\frac{1}{4}$

The remaining legal descriptions appear to be correct. We would appreciate any help you can give to affect the above changes to the referenced reservation. Thank you for including us in the Notice of Exchange Proposal review process. Please contact me at 505-342-3225 for further action on our part, if needed.

Sincerely,

A handwritten signature in black ink, appearing to read "Louie Gurulé", written in a cursive style.

Louie Gurulé
Chief, Actions Branch
Real Estate Division

RIGHT-OF-WAY RESERVATION **DA SW 47- 9-84-02**

Title V, Section 507 of the Act of October 21, 1976 (43 U.S.C. 1767)

KNOW ALL MEN BY THESE PRESENTS, that the United States of America acting by and through the Bureau of Land Management, U.S. Department of the Interior, does hereby reserve for the Department of the Army, Corps of Engineers, a right-of-way to locate, construct, use, maintain, improve, relocate (within the exterior boundaries of said right-of-way), and repair Very Large Array Project double track railroad and appurtenances thereto, over, upon, under, and through the following described public lands situated in Socorro and Catron Counties, State of New Mexico, to wit:

New Mexico Principal Meridian, New Mexico

T. 3 S., R. 6 W.

Sec. 19: $S\frac{1}{2}NE\frac{1}{4}$, $SE\frac{1}{4}NW\frac{1}{4}$, and Lots 1 and 2
Sec. 20: $S\frac{1}{2}$

T. 3 S., R. 7 W.

Sec. 8: $N\frac{1}{2}N\frac{1}{2}$, $SE\frac{1}{4}NE\frac{1}{4}$
Sec. 9: $S\frac{1}{2}NW\frac{1}{4}$, $NE\frac{1}{4}SW\frac{1}{4}$, $SE\frac{1}{4}$
Sec. 10: $W\frac{1}{2}SW\frac{1}{4}$, $SE\frac{1}{4}SW\frac{1}{4}$, $SW\frac{1}{4}SE\frac{1}{4}$
Sec. 13: $W\frac{1}{2}SE\frac{1}{4}$, $SE\frac{1}{4}SW\frac{1}{4}$, $SW\frac{1}{4}SE\frac{1}{4}$
Sec. 14: $SW\frac{1}{4}NE\frac{1}{4}$, $W\frac{1}{2}NW\frac{1}{4}$, $SE\frac{1}{4}NW\frac{1}{4}$, $NE\frac{1}{4}SW\frac{1}{4}$, $N\frac{1}{2}SE\frac{1}{4}$, $SE\frac{1}{4}SE\frac{1}{4}$
Sec. 15: $N\frac{1}{2}NE\frac{1}{4}$, $NE\frac{1}{4}NW\frac{1}{4}$
Sec. 24: $NE\frac{1}{4}$

T. 3 S., R. 8 W.

Sec. 9: $SE\frac{1}{4}SE\frac{1}{4}SE\frac{1}{4}$
Sec. 10: $SE\frac{1}{4}NE\frac{1}{4}$, $NE\frac{1}{4}SW\frac{1}{4}$, $S\frac{1}{2}SW\frac{1}{4}$, $N\frac{1}{2}NE\frac{1}{4}$
Sec. 11: $N\frac{1}{2}$
Sec. 19: $SE\frac{1}{4}NE\frac{1}{4}$, $E\frac{1}{2}SW\frac{1}{4}$, $W\frac{1}{2}SE\frac{1}{4}$, $NE\frac{1}{4}SE\frac{1}{4}$, and Lot 4

T. 3 S., R. 9W.

Sec. 25: $NE\frac{1}{2}$, $SE\frac{1}{4}NW\frac{1}{4}$, $N\frac{1}{2}SW\frac{1}{4}$, $SW\frac{1}{4}SW\frac{1}{4}$, $NW\frac{1}{4}SE\frac{1}{4}$
Sec. 26: $SE\frac{1}{4}$

said right-of-way being a total of 500 feet in width.

The parcel of land to which the above description applies contains 694.36 acres, more or less. The right-of-way location is per attached map identified as Exhibit A with the following modifications:

1. Reduce width of right-of-way from 600 feet to 500 feet.
2. Divide the 500-foot width from the existing centerline as follows:
On the southwest arm: 300 feet to the southeast and 200 feet to the northwest; on the southeast arm: 300 feet to the southwest and 200 feet to the northeast.

The right-of-way herein granted is for the full use of the above described land for Very Large Array Project double track railroad and appurtenances thereto by the Department of the Army, Corps of Engineers, its licensees, permittees, agents and contractors. The Bureau of Land Management, however, reserves the right to occupy and use the right-of-way issued, and to issue or grant additional rights-of-way or other land uses over, upon, under and through the above described lands, provided that the occupancy and use and the additional grants do not interfere unreasonable with the rights granted herein, as determined by the authorized officer: Provided further, that should said Very Large Array Project double track railroad and appurtenances thereto be abandoned or the use thereof be discontinued for a continuous 5-year period, this right-of-way may be terminated and full jurisdiction and administration returned to the Bureau of Land Management upon delivery of written notice to the holder hereof.

The right-of-way is issued subject to all valid rights existing on the date of the grant.

This right-of-way may be renewed. If renewed, the right-of-way will be subject to regulations existing at the time of renewal and such other terms and conditions deemed necessary to protect the public interest.

Additional terms, conditions and stipulations are outlined in Exhibit B, attached hereto and made a part hereof.

TO HAVE AND TO HOLD said right-of-way unto Department of the Army,
Corps of Engineers, for a term commencing on the date shown below and
continuing until November 15, 2033 for a period of
(date)
50 years.

The undersigned agrees to the terms, conditions and stipulations of this right-of-way reservation:

The right-of-way reservation is executed this 15th day of November, 1983.

U.S. Army Corps of Engineers

Bureau of Land Management
Las Cruces District, New Mexico

By: *L. A. Guenther*
L. A. GUENTHER
Chief Real Estate Division
Albuquerque District, Corps of Engineers
Albuquerque, New Mexico

By: *Edward C Roberts*
Authorized Officer

Area Manager, Socorro Resource Area
Title

07 NOV 1983

Date

EXHIBIT B (page 1 of 2)

STIPULATIONS FOR RIGHT-OF-WAY RESERVATION NM 44013

1. All public land areas where soils and surface materials may be disturbed during planned construction or other actions incident to project operations will be restored to their natural state insofar as practicable by water barring, scarifying, leveling, reseeding, or other practices as prescribed by the BLM Area Manager and to his satisfaction.
2. Inspection and evaluation of restorative measures taken in conjunction with stipulation No. 1 will be made by the authorized officer as soon as it is possible to determine if a satisfactory growth has been established. In no instance shall this vegetative cover check be made until after completion of the first growing season.
3. If the grantee or its contractors require material from public lands, application shall be made under applicable regulations for such materials.
4. All new structures, fence posts, etc., will be painted an unobstrusive color. Specifications for the type and color of the required paint will be provided in writing by the Area Manager or his authorized representative. The telescope assemblies are exempted from this stipulation.
5. Grantee acknowledges and agrees that the grant of this right-of-way is subject to the express condition that the exercise thereof will not unduly interfere with the management, administration or disposal by the United States of the lands affected thereby, or the full and safe utilization thereof by the United States, for necessary operations incident to such management, administration or disposal. Grantee agrees and consents to the occupancy and use by the United States, its grantees, permittees, or lessees of any part of the right-of-way not actually occupied or required by the project for purposes which are not in conflict with grantee's use of the right-of-way. Any proposed use which may effect the right-of-way will be discussed with the grantee as soon as possible by BLM.
6. Grantee will do everything reasonable, both independently and/or upon request of the duly authorized BLM representative, to prevent and suppress fires on or near lands occupied under the right-of-way, including making available such construction and maintenance forces as may be reasonably obtained for suppression of such fires.
7. Grantee agrees that in all his operations under this grant he shall comply with the applicable State and Federal laws and regulations concerning the use of poisonous substances, including insecticides, herbicides, fungicides, rodenticides, and other similar substances. Prior to the use of such substances on or near the right-of-way, the grantee shall obtain from the Area Manager approval of a written plan for such use. The plan shall state the type and quantity of material to be used, the pest to be controlled, the method of application and such other information as the Area Manager may require. All use of such substances on or near

EXHIBIT B (page 2 of 2)

the right-of-way shall be in accordance with the approved plan. If the use of a poison is prohibited by the Secretary of the Interior, it shall not be used. If use of a poison is limited by the Secretary of the Interior, it shall be used only in accordance with that limitation.

8. In the event that the grantee wishes to add additional facilities not presently authorized by this grant, he must coordinate these requests with the Authorized Officer. Once approval has been granted and all development and rehabilitation have been completed, a joint compliance check of the right-of-way will be made by the grantee and the Authorized Officer or his designated representative to determine compliance with the terms and conditions of this grant. Grantee will perform at his own expense any required modifications or additional reclamation work needed to comply with the terms of this grant. It is understood that routine maintenance of the facility is exempt from requiring written authorization by BLM.
9. Grantee shall construct any new structures and/or appurtenances and maintain the existing right-of-way facilities and structures in strict conformity with the descriptive and technical data which it has heretofore furnished the Bureau of Land Management in connection with its application for the line. Construction or maintenance activities which are not in accord with such data may not be initiated without the prior written approval of the Authorized Officer. Approval of variances will not be given unless the need therefore is fully justified by the grantee.
10. If at any time hereafter grantee wishes to reconstruct, remodel or relocate any portion of the right-of-way hereby granted, or any of the improvements thereon, the prior written approval of the Authorized Officer must be obtained. No such approval will be given unless the request is fully justified by grantee and is authorized by law. Where necessary, grantee shall make application under appropriate regulations.
11. If appropriate, the grantee may be required to fence newly vegetated areas to protect them from grazing animals or wildlife until the vegetation is permanently established.
12. Each fenced area under this right-of-way grant will be identified by means of a sign with letters not smaller than two (2) inches high or larger than four (4) inches high, giving the serial number of the permit as assigned by the State Director, Bureau of Land Management.