
Formerly Utilized Sites Remedial Action Program (FUSRAP)
Contract No. DACW45-98-D-0028

Final Report on Remedial Action at the Bayo Canyon Site

Los Alamos, New Mexico

August 2003



FINAL REPORT
ON
REMEDIAL ACTION
AT THE
BAYO CANYON SITE
LOS ALAMOS, NEW MEXICO

August 2003

Prepared for

United States Department of Energy
Under Contract DACW45-98-D0028

By

Bechtel National, Inc.
Oak Ridge, Tennessee

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ACRONYMS

ANL	Argonne National Laboratory
BNI	Bechtel National, Inc.
DOE	U.S. Department of Energy
EIC	Eberline Instrument Corporation
FBDU	Ford, Bacon and Davis, Utah, Inc.
FUSRAP	Formerly Utilized Sites Remedial Action Program
LAAO	DOE Los Alamos Area Office
LANL	Los Alamos National Laboratory
NLO	National Lead of Ohio
ORO	Oak Ridge Office
PLS	Professional Land Surveying
PMC	Prime Management Contractor
TA	Technical Area

UNITS OF MEASURE

ft	foot
ha	hectare
km	kilometer
m	meter
pCi/g	picocuries per gram

EXECUTIVE SUMMARY

The purposes of this report are to provide a consolidated and permanent record of U.S. Department of Energy (DOE) activities at the Bayo Canyon site in Los Alamos, New Mexico, and to document radiological conditions at the property at the conclusion of remedial action. Remediation of the property was performed in 1982 under DOE's Formerly Utilized Sites Remedial Action Program (FUSRAP), a program established to identify and remediate, or otherwise control, sites where residual radioactive contamination remains from activities carried out by the Manhattan Engineer District/Atomic Energy Commission during the early years of the nation's atomic energy program or where contamination remains from commercial operations the U.S. Congress has authorized DOE to remedy. Unresolved issues, concerning liability, at the time of remedial action delayed the issuance of a final report. A reevaluation of these issues has led DOE to conclude that a final report is required for this site to document former activities there.

FUSRAP was administered by DOE until October 1997, when the U.S. Congress reassigned responsibility for management of the program to the U.S. Army Corps of Engineers (USACE). A Memorandum of Understanding exists between DOE and USACE with regard to completed, remediated sites such as the Bayo Canyon site.

The Bayo Canyon site (TA-10) was designated in 1976 for remedial action under the Formerly Utilized Sites Remedial Action Program (FUSRAP) in view of small amounts of subsurface contamination remaining from high explosives experiments involving radioactive materials conducted there during the period 1944-61. A radiological survey of the site conducted by the Los Alamos Scientific Laboratory in 1976-77 identified three areas of subsurface strontium-90 contamination in excess of the criterion level. The selected remedial action was based on extensive radiological characterization and comprehensive engineering assessments. The selected remedial action comprised the emplacement of six permanent monuments around a 0.6-ha (1.5-acre) area containing the contamination and the filing of deed restrictions for this area. Although permanent monuments were installed, deed restrictions were never filed due to the unresolved liability issues.

Remedial action at the Bayo Canyon, New Mexico, site was administered by the Department of Energy (DOE) through its Formerly Utilized Sites Remedial Action Program (FUSRAP) Lead Field Office, the Oak Ridge Operations (ORO) Office, and FUSRAP PMC, Bechtel National, Inc. (BNI), in consultation with the Los Alamos and Santa Fe county governments. The Los Alamos National (formerly Scientific) Laboratory (LANL) and DOE Los Alamos Area Office (LAAO) provided support to DOE-ORO and BNI.

1.0 INTRODUCTION

1.1 SITE BACKGROUND

Bayo Canyon is one of numerous canyons cut into the Pajarito Plateau in north central New Mexico, approximately 100 km (60 miles) north-northeast of Albuquerque and 40 km (25 miles) northwest of Santa Fe (Figure 2-1). The 140-ha (350-acre) former Technical Area 10 (TA-10) site in the canyon lies partly in Los Alamos County and partly in Santa Fe County approximately 5 km (3 miles) from the town of Los Alamos and 8 km (5 miles) northwest of White Rock. It is accessible from New Mexico State Road 4 from which an unpaved road leads west across DOE property into Pueblo Canyon and thence to Bayo Canyon (Ref. 1).

The original 350 acre site contained a radiochemistry laboratory, solid waste disposal facilities, two assembly buildings, an inspection building, a personnel building, control buildings at two detonation control complexes with adjacent firing pads, and contaminated leach pits from the radiochemistry laboratory.

The area of concern encompasses approximately 1.5 acres. All physical facilities have either been burned or demolished. The debris from the buildings, sewer facilities, and surface debris were disposed of in the contaminated waste burial site which is located on the present 1.5-acre area.

The site was owned by the United States Government from 1943 through 1967 as part of the Los Alamos National Laboratory (LANL) operations. On July 1, 1967 the land was transferred by quit claim deed to the present owner, Los Alamos County.

1.2 SITE HISTORY

The Manhattan Engineer District (MED) constructed facilities in a portion of Bayo Canyon during 1943 and 1944. This Bayo Canyon site (TA-10) was utilized by MED and later the Atomic Energy Commission (AEC) between 1944 and 1961 as a firing site for high explosive experiments in conjunction with research on nuclear development. The experiments were conducted by the University of California under contract with AEC.

The experiments employed conventional explosives in conjunction with natural and depleted uranium (U-238), lanthanum (La-140), and strontium (Sr-90). The explosions scattered these radioactive materials around the firing points (Figure 2-1). The radioactive contamination of the site resulted primarily from these experimental explosive shots and from the disposal of radioactive wastes from the radiochemistry operations on the site.

Onsite radiochemistry laboratories prepared the radiation source for blast diagnosis by radiochemically separating the La-140 from a solution containing the radioactive parent Ba-140 (the daughter of Cs-140) and from other impurities, including Sr-90. The radioactive liquids and

solid wastes from the radiochemistry laboratory were dispersed into leach pits, from which a certain amount of subsurface strontium migration occurred.

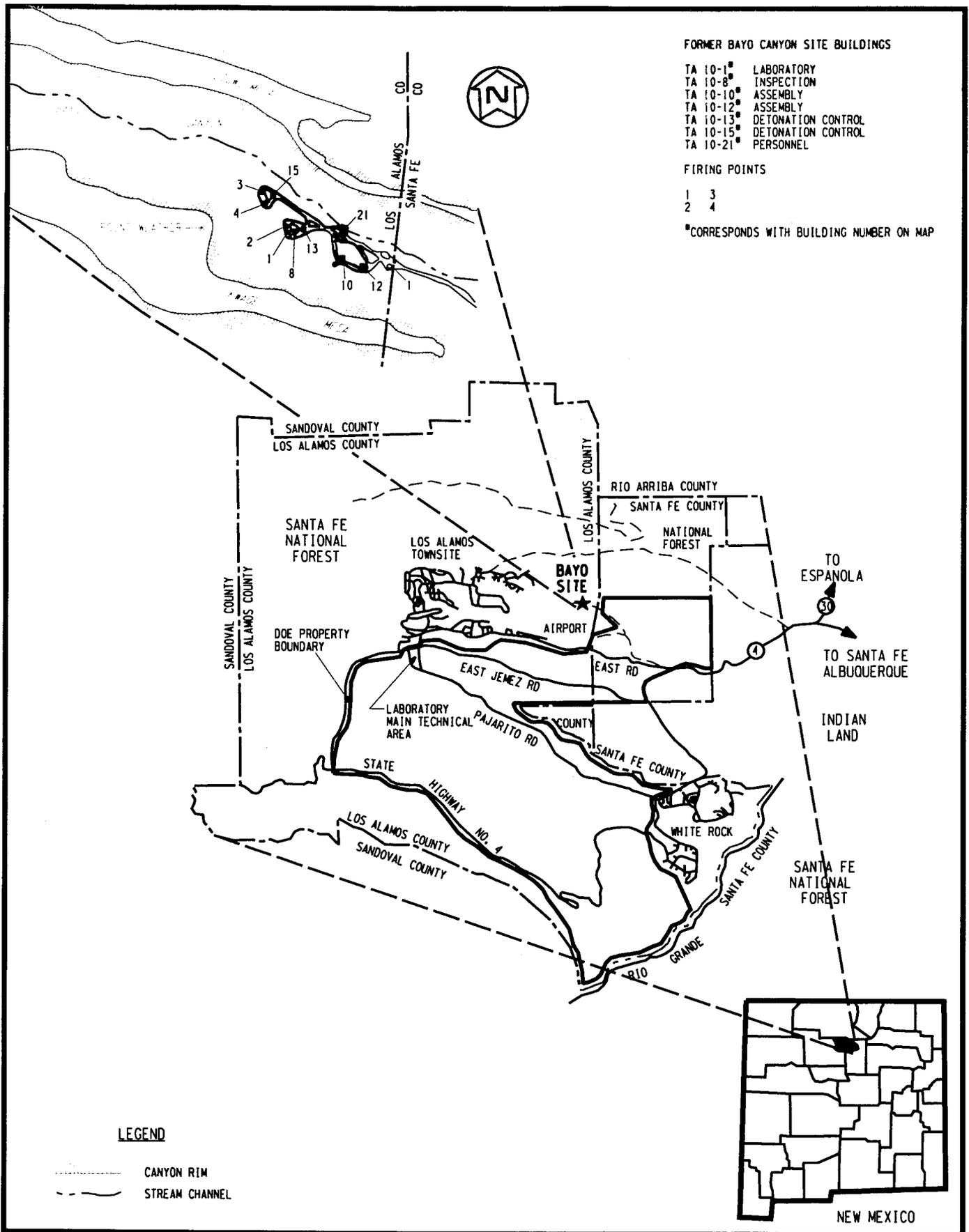
The Bayo Canyon site (TA-10) was designated a former MED/AEC (FUSRAP) site in view of small amounts of subsurface contamination remaining there as part of LANL operations.

2.0 RADIOLOGICAL HISTORY AND STATUS

Decommissioning of the site was undertaken by the AEC between 1960 and 1963 with the demolition of structures, cleanup of surface debris, and excavation of contaminated waste disposal facilities. Radiological surveys indicated that the site was sufficiently free of contamination to permit its release from Federal Government control and it was transferred to Los Alamos County in 1967. However, because of the extensive dispersal of explosive debris and continuing natural erosion processes, a reasonable probability existed that some potentially radioactive materials remained in the canyon. Consequently, the site was periodically resurveyed and, in 1976, was identified as warranting reevaluation with modern instrumentation and analytical methods to determine whether further corrective measures were required.

LANL resurveyed the site in 1976-77; its final report was issued in 1979 (Ref. 2). Ford, Bacon and Davis, Utah, Inc. (FBDU) conducted a supplemental survey in 1980. Measurements were made according to the grid system to ensure a systematic survey. The survey comprised collection of soil samples and near-surface gamma-ray measurements. The latter indicated no above-criteria contamination. Soil samples were analyzed for uranium, strontium-90, cesium-137, and plutonium-238 and -239. Subsurface strontium-90 was found to be above the criterion level of 100 pCi/g for unrestricted release and to present a potential radiological health problem if disturbed. It was determined that the radiological contamination will have decayed below criterion level by the year 2142.

BNI performed an engineering evaluation of remedial action alternatives for the site based on the LANL and FBDU data. In this study, BNI presented three scenarios: no action, minimal action, and excavation and disposal (Ref. 3). LANL and Argonne National Laboratory (ANL) prepared environmental analysis reports (Refs. 1 and 4). DOE selected the minimal action scenario. BNI, as FUSRAP Prime Management Contractor (PMC), was assigned the responsibility for implementation.



F:\DOE CERTIFICATION DOCKETS\Bayo Canyon\Figures\bayofig2-1.dgn
09/19/2002

Figure 2-1
Location of Bayo Canyon Site

3.0 FUSRAP ORGANIZATION FOR THE BAYO CANYON REMEDIAL ACTION

3.1 ADMINISTRATIVE STRUCTURE

Remedial action at the Bayo Canyon site was administered by the Technical Services of DOE-ORO. BNI, as FUSRAP PMC, planned, managed, and implemented the work for DOE-ORO, beginning in early 1981.

BNI selected Professional Land Surveying (PLS) of Santa Fe, New Mexico, as the subcontractor to accomplish the requisite civil surveys and related work. BNI was responsible for radiological monitoring of the site personnel and activities; such monitoring was performed by the radiological support subcontractor for BNI, Eberline Instrument Corporation (EIC) of Albuquerque, New Mexico. EIC supports BNI in this role at all FUSRAP sites.

ANL is the contractor responsible to DOE-ORO for the NEPA process for all FUSRAP sites, including the Bayo Canyon site.

The DOE-LAAO facilitated contacts among BNI, LANL, local county government officials, and the media during preparation for and conduct of remedial action. LANL performed radiological monitoring of Bayo Canyon as part of its routine environmental surveillance program; members of its Environmental Surveillance Group conferred with and advised BNI, EIC, and PLS during remedial action and provided oversight support.

3.2 FIELD ORGANIZATION

The site organization consisted of a BNI Site Superintendent who directed the activities of subcontractor site representatives from PLS (civil survey) and EIC (radiological control and health physics). The BNI Site Superintendent also acted as liaison with the representatives of DOE-ORO, DOE-LAAO, and LANL. The PLS team consisted of a party chief/instrument man and two rodmen/chainmen. EIC personnel comprised two health physics technicians.

4.0 SUMMARY OF REMEDIAL ACTION

Remedial action at the Bayo Canyon (TA-10) site was implemented based on the 1976-77 LANL survey during which three locations within a 0.6-ha (1.5-acre) area encompassing the old radiochemistry laboratory and solid and liquid waste disposal sites were found to have subsurface strontium-90 contamination in excess of the cleanup criterion of 100 pCi/g of soil (Figure 4-1) (Ref. 5 and 6). Sampling indicated that the contamination was located between 2.4 m (8 ft) and 12.2 m (40 ft) below the surface.

The minimal action scenario selected by DOE comprised the emplacement of six permanent monuments around the 0.6 ha (1.5-acre) area and the prohibition of excavation of this area until the year 2142. By that time, the strontium-90 will have decayed to below 100 pCi/g and unrestricted release of the area can be considered (Ref. 1).

4.1 SURVEYING SERVICES

BNI engineers prepared the necessary documentation for the civil survey subcontract package issued for bids on June 17, 1982. The scope of work for the surveying services at Bayo Canyon was as follows:

Furnish and install six monuments with three guard posts each at locations shown on the drawing. Perform a closure survey with tie-in to the New Mexico State Plane Coordinate System or Los Alamos geodetic survey control point. Provide a proposed restrictive covenant, prepared by an attorney licensed in the State of New Mexico, prohibiting excavation within the restricted area until the year 2142.

Bids were solicited from firms local to Los Alamos. Three bids were received and evaluated; the subcontract was awarded to PLS on July 28, 1982.

4.2 RADIOLOGICAL SUPPORT

EIC issued each surveyor a thermoluminescent dosimeter (TLD) radiation monitoring badge prior to the start of remedial action. Results indicated that none was exposed to gamma radiation levels distinguishable from natural background.

During the placement of the monuments and guard posts, EIC checked holes and equipment for contamination using a pancake geometry Geiger Mueller probe (Eberline Model HP-210) connected to a rate meter/scaler (Eberline Model PRS-1). Typical background in the Los Alamos area using an HP-210 probe is less than 0.8 millirad per hour. No readings above typical background were recorded.

4.3 CHRONOLOGY OF REMEDIAL ACTION

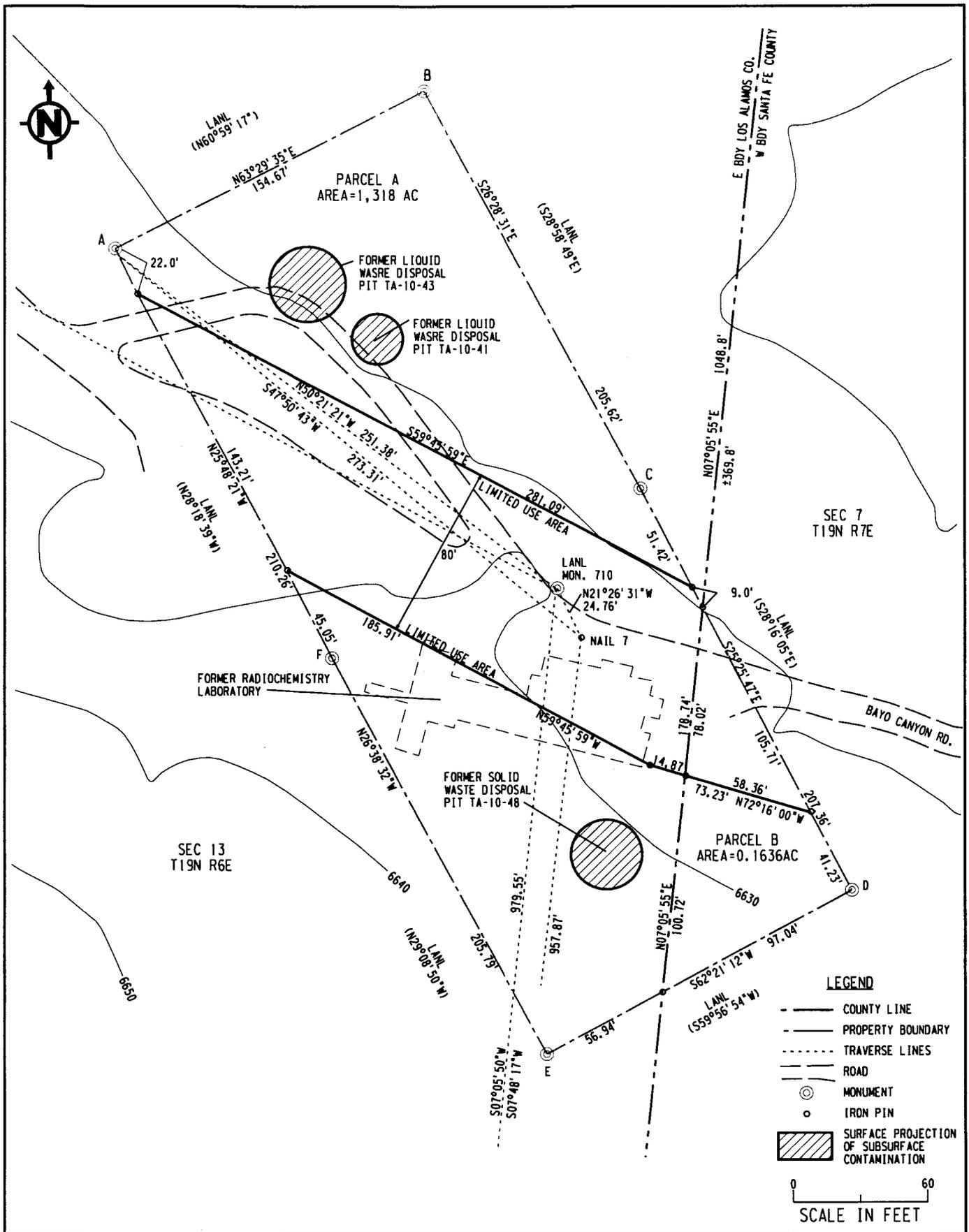
Field work commenced on August 2, 1982; the following day, locations of the six new monuments were established (Figure 4-1). Although Los Alamos County owns the entire area, a section of the area is located in Santa Fe County. Accordingly, two restrictive covenants (one for each county) were drafted. On August 10, the monuments and guard posts were placed, and on August 13, they were anchored with concrete and the monument caps set and checked. The brass cap of each monument bears the radiation symbol and following inscription: "Buried radioactive material. No excavation prior to 2142 A.D. See County records." No radioactive contamination was found on equipment at the completion of remedial action.

The above work was conducted in accordance with accepted practices and in compliance with the BNI FUSRAP Health and Safety Program, FUSRAP Radiological Protection Program, and BNI Nuclear Fuel Operations Quality Assurance Program as amended for FUSRAP (Ref. 7, 8, and 9).

A plat of survey, legal descriptions of Parcels A and B comprising the restricted area, and a draft restrictive covenant were submitted to BNI by PLS. The restrictive covenant (deed restriction) was revised by DOE-LAAO and subsequently by the County of Los Alamos, however was never filed with either Los Alamos County or Santa Fe County. The proposed restrictive covenant permitted road improvement excavation and grading by the county to a depth of no lower than 2,069 m (6,620 ft) mean sea level within the 24-m- (80-ft-) wide Limited Use Area shown on Figure 4-1. The legal descriptions of Parcels A and B and the Limited Use Area can be found in Appendix A of this document.

4.4 CURRENT SITE STATUS

In February 2002, the Title Guaranty and Insurance Company of Los Alamos, New Mexico performed a title search in both Los Alamos County and Santa Fe County to determine if deeds with restrictive covenants and other pertinent information had been filed. No record of the restrictive covenants, legal descriptions of Parcels A and B, or plat of the survey of the six permanent site monuments was found.



5.0 COST

The total cost of the remedial action at Bayo Canyon was \$490,600. The principal costs were incurred through extensive radiological characterization and engineering analysis. The in-depth characterization was essential to ensure that all contaminants were located and identified. This large database was then assessed in detail to determine the most effective remedial action option. The approach was selected after methodical review of several alternatives, each of which involved a significant amount of preliminary engineering effort. This up-front engineering effort developed a low-cost remedial action solution for the Bayo Canyon site.

The BNI Bayo Canyon project costs for FY 1981 were directly influenced by the DOE-ORO policy to apportion all first-year FUSRAP program start-up costs among FUSRAP sites active during that fiscal year. Since BNI assumed the role of the PMC for FUSRAP in April 1981, its start-up costs were applied to eight active sites, including Bayo Canyon. The actual cost of FY 1981 activities attributable to each site was not firmly defined; consequently each was allocated an approximately equal share of start-up costs rather than a proportionate one.

The Bayo Canyon Cost Summary (Table 5-1) provides a breakdown of cost by fiscal year and discipline. The construction cost appears low when compared with engineering/characterization, radiological, and management costs. This is a misleading comparison since the construction cost was minimized by effective front-end engineering/characterization. A more appropriate comparison would include radiological/safety and licensing with construction since the former is essential to verification of the remedial action.

**Table 5-1
Bayo Canyon Cost Summary**

	1981	1982	1983	Total
<u>Engineering Characterization</u>				
Bechtel National, Inc.	10,100	26,700	2,700	39,500
Ford, Bacon and Davis, Utah, Inc.	18,500			18,500
National Lead of Ohio	85,000			85,000
<u>Environmental Analysis</u>				
Argonne National Laboratory		45,000		45,000
Los Alamos National Laboratory	15,000	25,000		40,000
<u>Radiological/Safety and Licensing</u>				
Bechtel National, Inc.	5,100			5,100
Eberline Instrument Corporation		800	600	1,400
<u>Construction</u>				
Bechtel National, Inc.		4,100	1,800	5,900
Professional Land Surveying		11,600	800	12,400
<u>Management and Support</u>				
Bechtel National, Inc.		36,700	2,600	39,300
<u>Apportioned Start-up Cost</u>				
	210,500*			210,500
Total	344,200	149,900	8,500	502,600

* Includes 1981 BNI Management and Support Costs.

REFERENCES

1. Los Alamos National Laboratory, 1982. "Environmental Analysis of the Bayo Canyon (TA-10) Site, Los Alamos, New Mexico." LA-9252-NS, Los Alamos, NM, May.
2. U.S. Department of Energy, 1979. "Radiological Survey of the Bayo Canyon, Los Alamos, New Mexico," DOE/EV-0005/15, Los Alamos Scientific Laboratory, Los Alamos, NM, June.
3. Bechtel National, Inc., 1982. "Preliminary Engineering Evaluation of Remedial Action Alternatives Bayo Canyon Site, Los Alamos, New Mexico," 10-50-04B-001, Oak Ridge, Tenn., September.
4. Argonne National Laboratory, 1982. "Environmental Assessment Formerly Utilized MED/AEC Sites Remedial Action Program: Bayo Canyon, New Mexico," DOE/EA-0197, Chicago, Ill., July.
5. Los Alamos Scientific Laboratory, 1979. "Interim Soil Limits for D&D Projects," LA-UR-79-1865-Rev, Los Alamos, NM, September.
6. Letter, E.L. Keller to R.L. Rudolph. "Criteria for Remedial Action at Acid/Pueblo and Bayo Canyons; Request for Cost/Benefit Analyses of Remedial Action Options at the Canyons," March 17, 1982.

APPENDIX A

PROPOSED RESTRICTIVE COVENANT

The proposed restrictive covenant to the Los Alamos County property deed, as submitted to Los Alamos County by DOE-LA, is attached. Also attached are the Surveyor's Certificate and materials describing the restricted area (submitted by PLS to BNI). Parcels A and B are shown on Figure 4-1 of this report.

NOW THEREFORE, in recognition and consideration of their respective public duties, the Government and the County agree that the above-referenced deed is amended as follows:

1. Except as provided in paragraph 2, below, until the year 2142 the Government shall have the exclusive right to make excavation of any type, including grading, ditching, or drilling, upon any part of the land described in the Survey Plat which was recorded in Book _____, at page _____, records of Los Alamos County, New Mexico, under Doc. No. _____, and the County, for itself, its successors and assigns, agrees that for the protection of the environment, people, and property, it is prohibited and shall prohibit others from exercising the Government's exclusive right to make excavation. Said land is a part of Site No. 66, Bayo Canyon Parcel, as described in the aforementioned Quitclaim Deed of July 1, 1967.

2. The County, its successors and assigns may excavate (which includes grading, ditching, or drilling) to a depth no lower than elevation 6620 ft.MSL, for the purpose of installing, constructing, maintaining, repairing, replacing, or relocating roads and utilities within the following described area:

Commencing at a point the East boundary of Parcel A, also being the county line, which point lies $N07^{\circ} 05'55''E$, 684.01 more or less, from the southwest corner of Section 7, T19N, R1E;

Thence, $S07^{\circ} 05'55''W$, 78.02 feet;

Thence $N72^{\circ} 16'00''W$, 14.87 feet;

Thence $N59^{\circ} 45'59''W$, 185.91 feet;

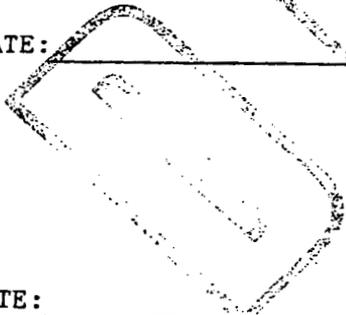
Thence $N25^{\circ} 48'21''W$, 143.21 feet;

Thence $S59^{\circ} 45'59''E$, 281.09 feet;

Thence $S25^{\circ} 45'47''E$, 9.0 feet to the point of commencement

IN WITNESS WHEREOF, the parties hereto, through their duly authorized representatives, have executed this instrument on the dates shown below:

DATE: _____



UNITED STATES OF AMERICA
DEPARTMENT OF ENERGY

BY: _____

Area Manager
Los Alamos Area Office

DATE: _____

INCORPORATED COUNTY OF LOS ALAMOS

BY: _____

Chairman, County Council

SURVEYOR'S CERTIFICATE

I, GARY DAWSON, HEREBY CERTIFY THAT THIS PLAT IS A TRUE REPRESENTATION OF AN ACTUAL SURVEY COMPLETED BY ME ON 4th September, 1982; AND THAT THE SURVEY WAS MADE AND THE PLAT PREPARED IN THE FURTHERANCE OF THE PERFORMANCE OF BECHTEL NATIONAL INC.'S. CONTRACT NO. DE-AC05-81OR20722-FUSRAP WITH THE UNITED STATES DEPARTMENT OF ENERGY AND ARE TRUE AND CORRECT WITHIN THE ACCURACIES REQUIRED FOR 3RD ORDER, CLASS II SURVEYS, TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Gary Dawson
GARY DAWSON, NMPLS #7014

STATE OF NEW MEXICO)
COUNTY OF SANTA FE) SS.

THE FOREGOING SURVEYOR'S CERTIFICATE WAS ACKNOWLEDGED BEFORE ME ON 9th September, 1982 BY GARY DAWSON, A PROFESSIONAL LAND SURVEYOR REGISTERED IN NEW MEXICO.

MY COMMISSION EXPIRES:

4th June 1985

(S E A L)

Nancy Dawson
NOTARY PUBLIC

PROFESSIONAL LAND SURVEYING

LEGAL DESCRIPTION OF PARCEL A

All that part of Bayo Canyon parcel of the survey of eastern Los Alamos County tracts and parcels, County of Los Alamos, State of New Mexico, the plat of said survey filed for record in the Office of the County Clerk of Los Alamos County, New Mexico, in Plat Book 1, page 59, on the 16th day of August, 1965, as Document No. 4552, and being located in S. 13, T.19N, R.6E, N.M.P.M., which part may be described as follows:

Commencing at a point on the east boundary of said Bayo Canyon parcel, also being the county line common to Los Alamos and Santa Fe counties, which point lies N 07°05'55"E, 505.27 feet more or less, from a U.S.G.L.O. brass cap marking the southwest corner of Section 7, T.19N., R.7E.; thence S 62°21'12"W, 56.94 feet to brass cap "E" set in concrete; thence N 26°38'32"W, 205.79 feet to brass cap "F", set in concrete; thence N 25°48'21"W, 210.26 feet to brass cap "A", set in concrete; thence N 63°29'35"E, 154.67 feet to brass cap "B", set in concrete; thence S 26°28'31"E, 205.62 feet to brass cap "C", set in concrete; thence S 25°45'47"E, 60.42 feet to a point on the east boundary of said Bayo Canyon parcel; thence S 07°05'55"W, 178.74 feet along said east boundary, to the point and place of beginning.

Containing 1.318 acres more or less.

PROFESSIONAL LAND SURVEYING

LEGAL DESCRIPTION OF PARCEL B

All that part of Bayo Canyon tract being located in Section 7, T.10N., R.7E., N.M.P.M., County of Santa Fe, State of New Mexico; the plat of said Bayo Canyon tract being filed for record in the Office of the County Clerk of Santa Fe County, New Mexico, on the 14th day of December, 1966, as Document No. 197.301; which said part may be described as follows:

Commencing at a point on the west boundary of said Bayo Canyon tract, also being the county line common to Santa Fe and Los Alamos counties, which point lies N 07°05'55"E, 505.27 feet more or less, from a U.S.G.L.O. brass cap marking the southwest corner of Section 7, T.19N., R.7E.; thence N 07°05'55"E, 178.74 feet to a point; thence S 25°45'47"E, 146.94 feet to brass cap "D", set in concrete; thence S 62°21'12"W, 97.04 feet to the point and place of beginning.

Containing 0.163 acres more or less.

PROFESSIONAL LAND SURVEYING

LEGAL DESCRIPTION OF LIMITED USE AREA

A portion of Bayo Canyon parcel of the survey of eastern Los Alamos County tracts and parcels, County of Los Alamos, State of New Mexico, the plat of said survey filed for record in the Office of the County Clerk of Los Alamos County, New Mexico, in Plat Book 1, page 59, on the 16th day of August, 1965, as Document No. 4552, and being located in Section 13, T.19N., R.6E., N.M.P.M., and being also a portion of Bayo Canyon tract located in Section 7, T.19N., R.7E., N.M.P.M., County of Santa Fe, State of New Mexico, the plat of said Bayo Canyon tract being filed for record in the Office of the County Clerk of Santa Fe County, New Mexico, on the 14th day of December, 1966, as Document No. 297,301; and being more particularly described as follows:

Commencing at a point on the east boundary of said Bayo Canyon parcel, and the west boundary of said Bayo Canyon tract, said point also being on the county line common to Los Alamos and Santa Fe counties, which point lies N 07°05'55"E, 684.01 feet more or less, from a U.S.G.L.O. brass cap marking the southwest corner of Section 7, T.19N., R.7E., N.M.P.M., thence S 25°45'47"E, 105.71 feet to a point, said point being N 25°45'47"W, 41.23 feet from brass cap "D"; thence N 72°16'00"W, 73.23 feet to a point; thence N 59°45'21"W, 185.91 feet to a point, said point being N 25°45'21"W, 45.05 feet from brass cap "F"; thence N 25°48'21"W, 143.21 feet to a point, said point being S 25°48'12"E, 22.00 feet from brass cap "A"; thence S 59°45'59"E, 281.09 feet to a point, said point being S 25°45'47"E, 51.42 feet from brass cap "C"; thence S 25°45'47"E, 9.00 feet to the point of commencement.

APPENDIX B

TITLE GUARANTY REPORT FOR LOS ALAMOS COUNTY

The letter report from Title Guaranty is attached as well as the Title Report. Additionally, a copy of the Quitclaim Deed (July 1967) transferring the property to Los Alamos County is attached.



**TITLE GUARANTY
& INSURANCE CO.**

February 22, 2002

Bechtel National, Inc.
Attn: Mr. Rick Cosby
100 Union Valley Road
Oak Ridge, TN 37830

RE: Title Search for Bayo Canyon

Dear Mr. Cosby:

Enclosed with this packet are the title reports and the supporting documents for the Bayo Canyon Property from Capitol City Title and Title Guaranty & Insurance Company. An invoice, for the scope of work completed, is also included as set out in my letter to you dated February 6, 2002.

The scope of work sought by Bechtel National, Inc., specifically requested that both title companies identify 1) the Bayo Canyon site and provide all source documents on, or pertaining to the property recorded in Los Alamos and Santa Fe County records; 2) identify if the plat of survey of the six permanent monuments around the Bayo Canyon site, prepared by PLS, was recorded; 3) determine if legal descriptions of Parcels A and B, comprising the Bayo Canyon site, prepared by PLS were recorded; and, 4) determine if 1967 deed, conveying property from Department of Energy to County of Los Alamos, was amended to include a restrictive covenant prohibiting excavation of the Bayo Canyon site until the year 2142 or if such, or similar, restrictive covenants were recorded separately.

Both title companies described the property from plat records filed and provided source documents that effected title to the property. In regards to numbers 2, 3 and 4 above, none were found to be of record with the respective Counties.

Outside county clerk's record searching and conversations with Gary Dawson, NMPLS #7014 and Charles "Chuck" Thiel, Los Alamos County Public Works Engineer III, concluded that many documents and surveys were prepared in behalf of said property, but to their knowledge were never filed for public record.

Mr. Cosby, we hope that we have been of some assistance to you and

PO Box 146

1200 Trinity Drive

Los Alamos, NM 87544

505.662.5586

fax 505.662.6891

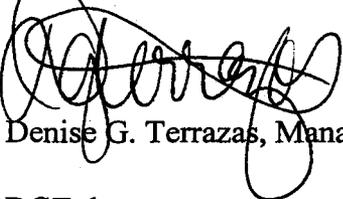
e-mail tg@lanb.com

web www.lanb.com

Bechtel National, Inc.
Page Two'
Bayo Canyon Site

to your company. In conclusion, we value your business and your trust in the work we perform. Should you need title services in the future, please call upon us once again. If you need further assistance with the Bayo Canyon site or you have any questions, please feel free to contact me.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Denise G. Terrazas", written over a horizontal line.

Denise G. Terrazas, Manager

DGT:dgt

enclosures



1200 Trinity Drive, Los Alamos NM 87544
Tel: (505) 662-5586 Fax: (505) 662-6891

TITLE REPORT

PREPARED FOR:

Bechtel National, Inc.
ATTN: Rick Cosby
100 Union Valley Road
Oak Ridge, TN 37830

LEGAL DESCRIPTION OF PROPERTY:

A certain tract of land, situated in the Bayo Canyon Parcel, as set out in the plat of Eastern Los Alamos County Tracts and Parcels, County of Los Alamos, State of New Mexico, and situated within Sections 2, 10, 11, 12, and 13, Township 19 North, Range 6 East, New Mexico Principal Meridian, said Plat filed for record in the office of the County Clerk of Los Alamos County, New Mexico, in Plat Book 1, Page 59, on the 16th day of August, 1965, as Document No. 4552.

SEARCH MADE FROM: January 1, 1958, 8:00 AM to February 15, 2002, 7:59 AM.

in the Public Official Indices of the Real Estate Records of Los Alamos County, New Mexico, in the office of the County Clerk and County Assessor of Los Alamos County, New Mexico, covering the above described property, and we find the following of record affecting title to said property:

RECORD OWNERSHIP:

The County of Los Alamos

VESTING DEED:

Quitclaim Deed from the United States of America, to The County of Los Alamos, recorded in Misc. Book 8, at Page 277, on July 5, 1967 as Document No. 12200, Los Alamos County records (copy enclosed).

OUTSTANDING LIENS AND JUDGMENTS:

None of record

OUTSTANDING ASSESSMENTS:

None of record

PERMITS:

None of record

PLATS AND SURVEYS FILED:

Plat Book 1, Page 59 (copies of Bayo Canyon Parcel enclosed)

The plat survey of the six permanent monuments around the Bayo Canon site prepared by Professional Land Surveying (PLS) of Santa Fe, New Mexico, in 1982 was not found to be recorded with the County Clerk of Los Alamos.

OTHER:

No amendments, to the 1967 Quitclaim Deed, were found of record with the County Clerk of Los Alamos, conveying property from the Department of Energy to the County of Los Alamos, to include a restrictive covenant prohibiting excavation of the Bayo Canyon Site until the year 2142 or any other similar restrictive covenants.

OUTSTANDING MORTGAGES:

None of record

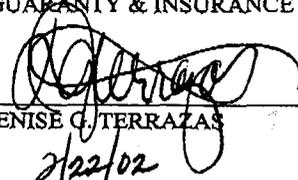
TAXES:

Property is tax exempt

We hereby certify that the instruments listed above were filed for record in the office of the County Clerk of Los Alamos County, New Mexico, and affect the title to the above described real estate. This report encompasses the Bayo Canyon Site only and focuses on the scope of work sought by Bechtel National, Inc. and does not include a thorough search on The County of Los Alamos.

This title report is prepared solely for informational purposes and the company makes no representation as the status of title and assumes no liability for the legality or sufficiency of any document or other matter in the chain of title. This search is issued for the use of and shall inure to the benefit of Bechtel National, Inc. and is issued in consideration of \$904.25, paid to Title Guaranty & Insurance Company (said sum shall be divided; Title Guaranty--\$452.00 and Capitol City Title--\$452.25.) Said sum shall be returned as agreed liquidated damages in the event of any mistakes therein.

TITLE GUARANTY & INSURANCE COMPANY

BY: 

DENISE G. TERRAZAS

2/22/02

DATE

QUITCLAIM DEED

This QUITCLAIM DEED made as of 12:01 a.m. on the 1st day of July 1967,
by the United States of America (hereinafter referred to as the "Government"),
acting by and through the United States Atomic Energy Commission (hereinafter
referred to as the "Grantor"), to the County of Los Alamos, State of New Mexico
(hereinafter referred to as the "County"),

WITNESSETH THAT:

WHEREAS, the Grantor is authorized by Chapters 7 and 8 of the Atomic Energy
Community Act of 1955, as amended, to transfer utilities and municipal installa-
tions to appropriate entities; and

WHEREAS, the Grantor has determined that the County is the proper entity to
which the real property hereinafter described shall be transferred;

NOW THEREFORE, the Grantor for good and valuable consideration does hereby
forever quitclaim to the County, subject to the exceptions, reservations, and
conditions hereinafter specified, all of the Grantor's right, title, and interest
in and to the real property hereinafter described. Said real property is situate
in the County of Los Alamos, State of New Mexico, and to the extent indicated, is
shown by map or plat thereof duly filed in the office of the Clerk of said County
on the dates and in the official records hereinafter specified.

Site No. 1

TRACT: A
SUBDIVISION PLAT: Eastern Area No. 1
FILED FOR RECORD: Plat Book 1, Page 55, Document No. 3924
DATE OF FILING: April 13, 1965

Site No. 2

TRACT: B
SUBDIVISION PLAT: Eastern Area No. 1
FILED FOR RECORD: Plat Book 1, Page 55, Document No. 3924
DATE OF FILING: April 13, 1965

Site No. 3

TRACT: B
SUBDIVISION PLAT: Eastern Area No. 2
FILED FOR RECORD: Plat Book 1, Page 57, Document No. 4505
DATE OF FILING: August 6, 1965

Site No. 4

TRACT: D
SUBDIVISION PLAT: Eastern Area No. 2
FILED FOR RECORD: Plat Book 1, Page 57, Document No. 4505
DATE OF FILING: August 6, 1965



STATE OF NEW MEXICO
County of Los Alamos, ss
I, the undersigned, do hereby certify that this instrument was the
true and lawful act of the said Grantor.

12200

JUL 5 1967

8:30
M. and duly recorded
in Book 8, Page 272 of the
County Clerk's office on this
5th day of July, A.D. 1967
County Clerk
Carmel Ortega

Site No. 5

TRACT: G
SUBDIVISION PLAT: Eastern Area No. 2
FILED FOR RECORD: Plat Book 1, Page 57, Document No. 4505
DATE OF FILING: August 6, 1965

Site No. 6

TRACT: N
SUBDIVISION PLAT: Eastern Area No. 2
FILED FOR RECORD: Plat Book 1, Page 57, Document No. 4505
DATE OF FILING: August 6, 1965

Site No. 7

TRACT: R
SUBDIVISION PLAT: Eastern Area No. 2
FILED FOR RECORD: Plat Book 1, Page 57, Document No. 4505
DATE OF FILING: August 6, 1965

Site No. 8

TRACT: S
SUBDIVISION PLAT: Eastern Area No. 2
FILED FOR RECORD: Plat Book 1, Page 57, Document No. 4505
DATE OF FILING: August 6, 1965

Site No. 9

TRACT: OA
SUBDIVISION PLAT: Eastern Area No. 2
FILED FOR RECORD: Plat Book 1, Page 57, Document No. 4505
DATE OF FILING: August 6, 1965
EXCEPTING AND RESERVING UNTO THE GRANTOR, ITS SUCCESSORS AND ASSIGNS:

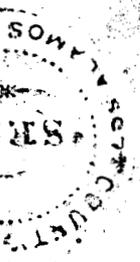
For a period of 120 months from the date of this instrument, rights of reasonable ingress and egress, rights to use all buildings and parking areas, and the right to remove all Government-owned property located on said tract.

Site No. 10

- All of Tract WA except:
- (1) that portion designated WA-1, as shown on Survey Plat - Z-4131, filed for record in Plat Book 1, Page 85, Document No. 7760, dated June 14, 1966; and
 - (2) that portion designated WA-2, as shown on Survey Plat - Z-4137, filed for record in Plat Book 1, Page 95, Document No. 10238, dated November 1, 1966; and
 - (3) the following described portion of Tract WA:

Beginning at a point on Tract WA, having New Mexico coordinates (Central Zone) X 486,453.58 feet; Y 1,744,820.58 feet; as established by "Limbaugh Engineering and Aerial Surveys, Inc."; thence N 33° 26' 55"

EXED



Instrument was filed

367

and duly recorded
277 of the
A.D. 1967
County Clerk
Deputy

W a distance of 117.09 feet to a point having state coordinates X 486,356.08 feet; Y 1,774,968.31 feet; thence S 34° 54' 32" W a distance of 124.99 feet to a point; thence N 00° 57' 29" E a distance of 95.57 feet to a point; thence S 39° 30' 55" E a distance of 220.81 feet to a point; thence S 00° 05' 22" W (computed) a distance of 230.39 feet (computed) to the point of beginning. Said portion of Tract WA contains 0.62 acres more or less.

All but the bearing and distance marked (computed) are taken from "Limbaugh Engineering and Aerial Surveys, Inc. Plat, County of Los Alamos, New Mexico. Eastern Area No. 2, Sheet G-14, dated May 3, 1965".

SUBDIVISION PLAT: Eastern Area No. 2
FILED FOR RECORD: Plat Book 1, Page 57, Document No. 4505
DATE OF FILING: August 6, 1965
SUBJECT TO THE FOLLOWING INGRESS AND EGRESS EASEMENT FOR THE BENEFIT OF THE OWNERS OF THAT PORTION OF TRACT WA DESIGNATED WA-1 AND HEREINABOVE REFERRED TO:

Beginning at a point in Los Alamos County, State of New Mexico, herein described as the northeast corner of said easement whence point BC 130 bears N 75° 25' 34" W, a distance of 83.26 feet. Said point BC 130 being monumented with a brass cap marker as a point in the Los Alamos survey control system, and having the plane coordinates on the New Mexico State plane coordinate system, central zone of Y (North) 1,775,415.63 feet; X (East) 486,998.25 feet; thence from the beginning corner along consecutive bearings and distances as follows:

S 00° 07' 58" W, 123.49 feet distance to a point thence;
S 87° 18' 02" E, 5.09 feet distance to a point thence;
S 59° 28' 09" E, 91.08 feet distance to a point thence;
S 30° 57' 53" E, 236.68 feet distance to a point thence;
S 58° 55' 14" W, 79.70 feet distance to a point thence;
N 31° 04' 46" W, 32.00 feet distance to a point thence;
N 58° 55' 14" E, 18.00 feet distance to a point thence;
N 31° 04' 46" W, 14.50 feet distance to a point thence;
N 01° 38' 11" E, 72.17 feet distance to a point thence;
N 43° 28' 44" W, 224.64 feet distance to a point thence;
N 00° 07' 58" E, 130.00 feet distance to a point thence;
S 89° 33' 37" E, 24.00 feet distance to the point of beginning.

AND EXCEPTING AND RESERVING UNTO THE GRANTOR, ITS SUCCESSORS AND ASSIGNS:

Rights of reasonable ingress and egress, rights to use (1) the building known as the Zia Headquarters Complex located at 901 Trinity Drive, including the fenced storage area adjacent thereto and the paved parking areas adjacent to and serving said building for a period of 120 months from the date of this instrument; (2) the building known as the Zia Engineering Building located at 342 - 9th Street, including the paved parking areas adjacent thereto and serving said building for a period of six months from the date of this instrument; and (3) the building-space area known as the "Utilities Control Center" located in the warehouse building located at 333 - 8th Street for a period of 12 months from the date of this instrument, and the right to remove all Government-owned property located on that portion of Tract WA described above. Use of the "Utilities Control Center" shall include the right to use restrooms and other facilities located in and adjacent to said warehouse building.

Site No. 11

PARCEL: 1
SUBDIVISION PLAT: Eastern Area No. 2
FILED FOR RECORD: Plat Book 1, Page 57, Document No. 4505
DATE OF FILING: August 6, 1965

Site No. 12

TRACT: P
SUBDIVISION PLAT: Eastern Area No. 3
FILED FOR RECORD: Plat Book 1, Page 74, Document No. 5986
DATE OF FILING: February 21, 1966

Site No. 13

TRACT: X
SUBDIVISION PLAT: Eastern Area No. 3
FILED FOR RECORD: Plat Book 1, Page 74, Document No. 5986
DATE OF FILING: February 21, 1966

Site No. 14

TRACT: Y
SUBDIVISION PLAT: Eastern Area No. 3
FILED FOR RECORD: Plat Book 1, Page 74, Document No. 5986
DATE OF FILING: February 21, 1966

Site No. 15

TRACT: Z
SUBDIVISION PLAT: Eastern Area No. 3
FILED FOR RECORD: Plat Book 1, Page 74, Document No. 5986
DATE OF FILING: February 21, 1966

Site No. 16

TRACT: J
SUBDIVISION PLAT: Eastern Area No. 3
FILED FOR RECORD: Plat Book 1, Page 74, Document No. 5986
DATE OF FILING: February 21, 1966
EXCEPTING AND RESERVING UNTO THE GRANTOR, ITS SUCCESSORS AND ASSIGNS:

Rights of reasonable ingress and egress over said tract for the purposes of obtaining access to the easement for well purposes reserved to the Grantor over Parcel 1 of said Eastern Area No. 3.

Site No. 17

TRACT: DD
SUBDIVISION PLAT: Eastern Area No. 3
FILED FOR RECORD: Plat Book 1, Page 74, Document No. 5986
DATE OF FILING: February 21, 1966
TOGETHER WITH: That certain Special Easement-Steam shown in said tract, which

Special Easement-Steam is hereby negated in its entirety.

EXCEPTING AND RESERVING UNTO THE GRANTOR, ITS SUCCESSORS AND ASSIGNS:

The high pressure steam line and appurtenances from the point of entry on said tract through the downstream side of the master steam meter located in the equipment room in the basement of the library building

on said tract, and the condensate return line and appurtenances from the upstream side of the condensate return meter to the point where said condensate line leaves the boundary of said tract.

Site No. 18

TRACT: KK

SUBDIVISION PLAT: Eastern Area No. 3

FILED FOR RECORD: Plat Book 1, Page 74, Document No. 5986

DATE OF FILING: February 21, 1966

EXCEPTING AND RESERVING UNTO THE GRANTOR, ITS SUCCESSORS AND ASSIGNS:

- (1) A 42-foot wide easement, 21 feet each side of the centerline of the existing 10-foot wide Special Easement-Steam, provided that in determining said centerline the small areas shown on the Plat that protrude from one side or the other of the existing 10-foot wide Special Easement-Steam shall be disregarded; and
- (2) A 10-foot wide Special Easement-Water lying 5 feet on each side of the following described centerline;

Beginning at a point on the north property line of Tract KK located 78 feet southeasterly, measured along said north property line, from the west point of curvature of a curve with length and radius elements of 129 feet and 5263.92 feet, respectively; thence S 60° 13' 22" W a distance of 133.50 feet to a point; thence N 88° 24' 45" W a distance of 90.23 feet to a point; thence S 56° 19' 54" W a distance of 73.05 feet, more or less, to a point of termination on the west property line of said Tract KK, which point is located 167 feet, more or less, southwesterly measured along said west property line, from the southwest point of curvature of a curve with length and radius elements of 34.92 feet and 28.65 feet, respectively, said curve constituting the northwest corner of Tract KK.

- (3) The Historical Site in said tract as shown on the Property Survey duly recorded as Document No. 11075 on the 6th day of February 1967, on Page 100 of Book 1, Plats, in the office of the Clerk of Los Alamos County, New Mexico.
- (4) The high pressure steam line and appurtenances from the point of entry on said tract through the downstream side of the master steam meter located in the equipment room in the basement of the County Courthouse and Administration Building on said tract, and the condensate return line and appurtenances from the upstream side of the condensate return meter to the point where said condensate line leaves the boundary of said tract.
- (5) Rights of reasonable ingress and egress and rights to use and remove
(a) the building, improvements and Government-owned property presently located at 2372 Trinity Drive and (b) the building, improvements and

Government-owned property presently located at 669 - 25th Street for a period of 24 months from the date of this instrument.

Site No. 19

TRACT: QQ
 SUBDIVISION PLAT: Eastern Area No. 3
 FILED FOR RECORD: Plat Book 1, Page 74, Document No. 5986
 DATE OF FILING: February 21, 1966
 EXCEPTING AND RESERVING UNTO THE GRANTOR, ITS SUCCESSORS AND ASSIGNS:

- (1) A 10-foot wide Special Easement-Water lying 5 feet on each side of the following described centerline:

Beginning at a point on the south property line of Tract JJ, Eastern Area No. 3, located 29 feet easterly from the southwest corner of said tract measured along said south property line; thence S 60° 13' 22" W, a distance of 241 feet, more or less, to a point of termination on the south property line of Tract QQ, Eastern Area No. 3, located 23 feet, more or less, southeasterly, measured along said south property line, from the east point of curvature of a curve with length and radius of 130.97 feet and 5343.93 feet, respectively.

- (2) A 10-foot wide Special Easement-Water lying 5 feet on each side of the following described centerline:

Beginning at a point on the south property line of Tract QQ, Eastern Area No. 3, located 117 feet southeasterly, measured along said south property line, from the point of intersection of the centerline of the easement described in (1) above and the south property line of Tract QQ; thence N 58° 13' 40" E a distance of 91.16 feet to a point; thence N 34° 26' 47" E a distance of 128.17 feet, more or less, to a point of termination on the south property line of Tract JJ, Eastern Area No. 3, a distance of 80 feet, more or less, easterly from the southwest corner of said tract measured along said property line.

Site No. 20

TRACT: L
 SUBDIVISION PLAT: Eastern Area No. 3
 FILED FOR RECORD: Plat Book 1, Page 74, Document No. 5986
 DATE OF FILING: February 21, 1966

Site No. 21

TRACT: NN
 SUBDIVISION PLAT: Eastern Area No. 3
 FILED FOR RECORD: Plat Book 1, Page 74, Document No. 5986
 DATE OF FILING: February 21, 1966
 TOGETHER WITH: That certain Special Easement-Gas shown in said tract, which Special Easement-Gas is hereby negated in its entirety.
 EXCEPTING AND RESERVING UNTO THE GRANTOR, ITS SUCCESSORS AND ASSIGNS:

Rights of reasonable ingress and egress and rights to use and remove the buildings, improvements and Government-owned property known collectively as the Diesel Plant located on said tract for a period of 24 months from the date of this instrument.

Site No. 22

PARCEL: 1
SUBDIVISION PLAT: Eastern Area No. 3
FILED FOR RECORD: Plat Book 1, Page 74, Document No. 5986
DATE OF FILING: February 21, 1966
EXCEPTING AND RESERVING UNTO THE GRANTOR, ITS SUCCESSORS AND ASSIGNS:

An easement through, over, upon and below the following-described land to take earth and water samples, to install, construct, erect, operate, maintain, repair, replace, relocate and remove wells and further to place any fences, buildings, structures, power lines, or other appurtenances upon the easement that may be necessary to carry out the well operations. There is further reserved the right of reasonable ingress and egress to and from said easement for the purposes stated.

The foregoing easement is specifically described on Sheets No. 1 and No. 2 of the Pueblo Canyon Test Wells, Metes and Bounds Description of Access Easements, duly recorded as Document No. 10545 on the 1st day of December 1966, on Page 97 of Book 1, Plats, in the office of the Clerk of Los Alamos County, New Mexico.

Site No. 23

TRACT: A
SUBDIVISION PLAT: Western Area No. 1
FILED FOR RECORD: Plat Book 1, Page 66, Document No. 4776
DATE OF FILING: September 20, 1965

Site No. 24

TRACT: E
SUBDIVISION PLAT: Western Area No. 1
FILED FOR RECORD: Plat Book 1, Page 66, Document No. 4776
DATE OF FILING: September 20, 1965

Site No. 25

TRACT: A
SUBDIVISION PLAT: Western Area No. 2
FILED FOR RECORD: Plat Book 1, Page 65, Document No. 4744
DATE OF FILING: September 10, 1965

Site No. 26

TRACT: D
SUBDIVISION PLAT: Western Area No. 2
FILED FOR RECORD: Plat Book 1, Page 65, Document No. 4744
DATE OF FILING: September 10, 1965

Site No. 27

PARCEL: 1
SUBDIVISION PLAT: Western Area No. 2
FILED FOR RECORD: Plat Book 1, Page 65, Document No. 4744
DATE OF FILING: September 10, 1965

Site No. 28

PANEL: 2
SUBDIVISION PLAT: Western Area No. 2
FILED FOR RECORD: Plat Book 1, Page 65, Document No. 4744
DATE OF FILING: September 10, 1965

Site No. 29

TRACT: A
SUBDIVISION PLAT: North Community No. 1
FILED FOR RECORD: Plat Book 1, Page 64, Document No. 4743
DATE OF FILING: September 10, 1965

Site No. 30

TRACT: B
SUBDIVISION PLAT: North Community No. 1
FILED FOR RECORD: Plat Book 1, Page 64, Document No. 4743
DATE OF FILING: September 10, 1965

Site No. 31

TRACT: C
SUBDIVISION PLAT: North Community No. 1
FILED FOR RECORD: Plat Book 1, Page 64, Document No. 4743
DATE OF FILING: September 10, 1965

Site No. 32

TRACT: F
SUBDIVISION PLAT: North Community No. 1
FILED FOR RECORD: Plat Book 1, Page 64, Document No. 4743
DATE OF FILING: September 10, 1965

Site No. 33

TRACT: G
SUBDIVISION PLAT: North Community No. 1
FILED FOR RECORD: Plat Book 1, Page 64, Document No. 4743
DATE OF FILING: September 10, 1965

Site No. 34

TRACT: H
SUBDIVISION PLAT: North Community No. 1
FILED FOR RECORD: Plat Book 1, Page 64, Document No. 4743
DATE OF FILING: September 10, 1965

Site No. 35

TRACT: I
SUBDIVISION PLAT: North Community No. 1
FILED FOR RECORD: Plat Book 1, Page 64, Document No. 4743
DATE OF FILING: September 10, 1965

Site No. 36

TRACT: J
SUBDIVISION PLAT: North Community No. 1
FILED FOR RECORD: Plat Book 1, Page 64, Document No. 4743
DATE OF FILING: September 10, 1965

Site No. 37

TRACT: P
SUBDIVISION PLAT: North Community No. 1
FILED FOR RECORD: Plat Book 1, Page 64, Document No. 4743
DATE OF FILING: September 10, 1965

Site No. 38

TRACT: R
SUBDIVISION PLAT: North Community No. 1
FILED FOR RECORD: Plat Book 1, Page 64, Document No. 4743
DATE OF FILING: September 10, 1965

Site No. 39

TRACT: S
SUBDIVISION PLAT: North Community No. 1
FILED FOR RECORD: Plat Book 1, Page 64, Document No. 4743
DATE OF FILING: September 10, 1965

Site No. 40

PARCEL: 1
SUBDIVISION PLAT: North Community No. 1
FILED FOR RECORD: Plat Book 1, Page 64, Document No. 4743
DATE OF FILING: September 10, 1965

Site No. 41

PARCEL: 2
SUBDIVISION PLAT: North Community No. 1
FILED FOR RECORD: Plat Book 1, Page 64, Document No. 4743
DATE OF FILING: September 10, 1965

Site No. 42

TRACT: B
SUBDIVISION PLAT: North Community No. 2
FILED FOR RECORD: Plat Book 1, Page 69, Document No. 4999
DATE OF FILING: November 1, 1965
SUBJECT TO: That certain lease agreement designated Contract No. 4743-1965

as amended by Modification No. 2, effective July 1, 1965, between the
Grantor and the Los Alamos Golf Association for swimming pool and other
recreational purposes, which lease agreement, as amended, is duly
recorded as Document No. 11465 on the 24th day of March 1965, in the office
of Book 7, Records of Miscellaneous, in the office of the Clerk of the
Alamos County, New Mexico.

EXCEPTING AND RESERVING UNTO THE GRANTOR, ITS SUCCESSORS AND ASSIGNS

Rights of reasonable ingress and egress over said tract to and from
Tract A, which Tract A is shown on said subdivided plat.

Site No. 43

TRACT: D
SUBDIVISION PLAT: North Community No. 2
FILED FOR RECORD: Plat Book 1, Page 69, Document No. 4999
DATE OF FILING: November 1, 1965

Site No. 44

TRACT: E
SUBDIVISION PLAT: North Community No. 2
FILED FOR RECORD: Plat Book 1, Page 69, Document No. 4999
DATE OF FILING: November 1, 1965

Site No. 45

TRACT: F
SUBDIVISION PLAT: North Community No. 2
FILED FOR RECORD: Plat Book 1, Page 69, Document No. 4999
DATE OF FILING: November 1, 1965

Site No. 46

TRACT: H
SUBDIVISION PLAT: North Community No. 2
FILED FOR RECORD: Plat Book 1, Page 69, Document No. 4999
DATE OF FILING: November 1, 1965
TOGETHER WITH: That portion of the Special Easement - Water shown in said tract which lies in a northerly direction from the junction point hereinafter described, which portion of said Special Easement - Water is hereby negated.

ACCEPTING AND RESERVING UNTO THE GRANTOR, ITS SUCCESSORS AND ASSIGNS:

A 10-foot wide Special Easement - Water lying 5 feet on each side of the following described centerline:

Beginning at a point on the northwest property line from which the northwest property corner bears N 23° 02' 44" E 22 feet; thence S 72° 14' E 63 feet; thence S 66° 36' 30" E approximately 340 feet to a junction with the Special Easement - Water shown in said tract.

Site No. 47

TRACT: J
SUBDIVISION PLAT: North Community No. 2
FILED FOR RECORD: Plat Book 1, Page 69, Document No. 4999
DATE OF FILING: November 1, 1965

Site No. 48

TRACT: D
SUBDIVISION PLAT: North Community No. 3
FILED FOR RECORD: Plat Book 1, Page 68, Document No. 4958
DATE OF FILING: October 22, 1965

Site No. 49

TRACT: F
SUBDIVISION PLAT: North Community No. 3
FILED FOR RECORD: Plat Book 1, Page 68, Document No. 4958
DATE OF FILING: October 22, 1965

Site No. 50

TRACT: H
SUBDIVISION PLAT: North Community No. 3
FILED FOR RECORD: Plat Book 1, Page 68, Document No. 4958
DATE OF FILING: October 22, 1965

Site No. 51

TRACT: 2
SUBDIVISION PLAT: North Community No. 3
FILED FOR RECORD: Plat Book 1, Page 68, Document No. 4958
DATE OF FILING: October 22, 1965

Site No. 52

TRACT: B
SUBDIVISION PLAT: North Mesa No. 1
FILED FOR RECORD: Plat Book 1, Page 76, Document No. 6164
DATE OF FILING: March 4, 1966

Site No. 53

TRACT: G
SUBDIVISION PLAT: North Mesa No. 1
FILED FOR RECORD: Plat Book 1, Page 76, Document No. 6164
DATE OF FILING: March 4, 1966

Site No. 54

TRACT: J
SUBDIVISION PLAT: North Mesa No. 1
FILED FOR RECORD: Plat Book 1, Page 76, Document No. 6164
DATE OF FILING: March 4, 1966

Site No. 55

TRACT: K
SUBDIVISION PLAT: North Mesa No. 1
FILED FOR RECORD: Plat Book 1, Page 76, Document No. 6164
DATE OF FILING: March 4, 1966

Site No. 56

PARCEL: 1
SUBDIVISION PLAT: North Mesa No. 1
FILED FOR RECORD: Plat Book 1, Page 76, Document No. 6164
DATE OF FILING: March 4, 1966
EXCEPTING AND RESERVING UNTO THE GRANTOR, ITS SUCCESSORS AND ASSIGNS:

An easement through, over, upon and below the following-described land to take earth and water samples, to install, construct, erect, operate, maintain, repair, replace, relocate and remove wells and further to place any fences, buildings, structures, power lines, or other appurtenances upon the easement that may be necessary to carry out the well operations. There is further reserved the right of reasonable ingress and egress to and from said easement for the purposes stated.

The foregoing easement is specifically described on Sheets No. 1 and No. 2, of the Pueblo Canyon Test Wells, Metes and Bounds Description of Access Easements, duly recorded as Document No. 10545 on the 1st day of December 1966, on Page 97 of Book 1, Plats, in the office of the Clerk of Los Alamos County, New Mexico.

Site No. 57

PARCEL: 2
SUBDIVISION PLAT: North Mesa No. 1
FILED FOR RECORD: Plat Book 1, Page 76, Document No. 6164
DATE OF FILING: March 4, 1966

Site No. 58

TRACT: E And all of Parcel No. 2, Tract F, Pinon Park Addition, but excluding Access Easements No. 1 and No. 2 as shown on Survey Plat of Pinon

Park Addition and Amendment thereto, White Rock Subdivision, duly recorded as Document Nos. 6439 and 7770 on March 22, 1966, and June 15, 1966, on Pages 77 and 86 of Book 1, Plats, in the office of the Clerk of Los Alamos County, New Mexico.

SURVEY PLAT: Survey of White Rock
FILED FOR RECORD: Plat Book 1, Page 62, Document No. 4710
DATE OF FILING: September 3, 1965
SUBJECT TO THOSE EASEMENTS CONVEYED BY THE FOLLOWING DOCUMENTS:

- (1) Grant to Public Service Company of New Mexico filed for record in Misc. Book 8, Page 48, Document No. 11677 on April 28, 1967.
- (2) Grant to Mountain States Telephone and Telegraph Company filed for record in Misc. Book 8, Page 69, Document No. 11731 on May 8, 1967.
- (3) Grant to Southern Union Gas Company filed for record in Misc. Book 8, Page 99, Document No. 11802 on May 19, 1967.

EXCEPTING AND RESERVING UNTO THE GRANTOR, ITS SUCCESSORS AND ASSIGNS:

An easement within Easement No. 15 as shown on the above-identified Survey Plat to construct, operate, maintain, repair, replace, relocate and remove water lines, facilities and appurtenances.

Site No. 59

TRACT: H
SURVEY PLAT: Survey of White Rock
FILED FOR RECORD: Plat Book 1, Page 62, Document No. 4710
DATE OF FILING: September 3, 1965

Site No. 60

TRACT: L
SURVEY PLAT: Survey of White Rock
FILED FOR RECORD: Plat Book 1, Page 62, Document No. 4710
DATE OF FILING: September 3, 1965

Site No. 61

TRACT: J
SURVEY PLAT: Survey of White Rock
FILED FOR RECORD: Plat Book 1, Page 62, Document No. 4710
DATE OF FILING: September 3, 1965

Site No. 62

TRACT: No. 7
SURVEY PLAT: Plot Plan of Camp May Community Park
FILED FOR RECORD: Plat Book 1, Page 96, Document No. 1024
DATE OF FILING: December 1, 1966

Site No. 63

TRACT: T-15
SURVEY PLAT: Tract A Barranca Mesa Subdivision No. 3
FILED FOR RECORD: Plat Book 1, Page 67, Document No. 4710
DATE OF FILING: September 23, 1965

Site No. 64

BARRANCAS CANYON PARCEL
SURVEY PLAT: Walsh Survey
FILED FOR RECORD: Plat Book 1, Page 59, Document No. 4552
DATE OF FILING: August 16, 1965

Site No. 65

PUEBLO CANYON PARCEL
SURVEY PLAT: Walsh Survey
FILED FOR RECORD: Plat Book 1, Page 59, Document No. 4552
DATE OF FILING: August 16, 1965
EXCEPTING AND RESERVING UNTO THE GRANTOR, ITS SUCCESSORS AND ASSIGNS:

An easement through, over, upon and below the following-described land to take earth and water samples, to install, construct, erect, operate, maintain, repair, replace, relocate and remove wells and further to place any fences, buildings, structures, power lines, or other appurtenances upon the easement that may be necessary to carry out the well operations. There is further reserved the right of reasonable ingress and egress to and from said easement for the purposes stated.

The foregoing easement is specifically described on Sheets No. 1 and No. 2, of the Pueblo Canyon Test Wells, Metes and Bounds Description of Access Easements, duly recorded as Document No. 10545 on the 1st day of December 1966, on Page 97 of Book 1, Plats, in the office of the Clerk of Los Alamos County, New Mexico.

Site No. 66

BAYO CANYON PARCEL
SURVEY PLAT: Walsh Survey
FILED FOR RECORD: Plat Book 1, Page 59, Document No. 4552
DATE OF FILING: August 16, 1965

Site No. 67

TRACT: BM-6
SURVEY PLAT: Plat of Barranca Mesa Tracts 4A, 5 and 6
FILED FOR RECORD: Plat Book 1, Page 58, Document No. 4529
DATE OF FILING: August 11, 1965

Site No. 68

SURVEY PLAT: Survey of Camp May Road - Right-of-Way
FILED FOR RECORD: Plat Book 1, Page 93, Document No. 10064
DATE OF FILING: October 17, 1966
TOGETHER WITH: Reasonable rights of ingress and egress across the Grantor's land from the Beginning Point of "Survey of Camp May Road - Right-of-Way," identified above, to the southerly portion of Diamond Drive as it abuts the Plat Boundary of Eastern Area No. 3 as shown on the Plat

of Eastern Area No. 3, duly recorded as Document No. 5986, on February 21, 1966, at Page 74 of Plat Book 1 in the office of the Clerk of Los Alamos County, New Mexico; PROVIDED, HOWEVER, that the Grantor, its successors and assigns assume no responsibility for the construction or maintenance of any roadways or bridges to provide such ingress and egress.

Site No. 69

SCENIC DRIVE NORTH

SURVEY PLAT: Survey of White Rock

FILED FOR RECORD: Plat Book 1, Page 62, Document No. 4710

DATE OF FILING: September 3, 1965

AS CORRECTED BY: Affidavit of Correction

FILED FOR RECORD: Misc. Book 7, Page 141, Document No. 9322

DATE OF FILING: August 30, 1966

SUBJECT TO THOSE EASEMENTS CONVEYED BY THE FOLLOWING DOCUMENTS:

- (1) Grant to Public Service Company of New Mexico filed for record in Misc. Book 8, Page 48, Document No. 11677 on April 28, 1967.
- (2) Grant to Mountain States Telephone and Telegraph Company filed for record in Misc. Book 8, Page 69, Document No. 11731 on May 8, 1967.

Site No. 70

SCENIC DRIVE SOUTH

SURVEY PLAT: Survey of White Rock

FILED FOR RECORD: Plat Book 1, Page 62, Document No. 4710

DATE OF FILING: September 3, 1965

AS CORRECTED BY: Affidavit of Correction

FILED FOR RECORD: Misc. Book 7, Page 141, Document No. 9322

DATE OF FILING: August 30, 1966

SUBJECT TO THOSE EASEMENTS CONVEYED BY THE FOLLOWING DOCUMENTS:

- (1) Grant to Public Service Company of New Mexico filed for record in Misc. Book 8, Page 48, Document No. 11677 on April 28, 1967.
- (2) Grant to Mountain States Telephone and Telegraph Company filed for record in Misc. Book 8, Page 69, Document No. 11731 on May 8, 1967.
- (3) Grant to Southern Union Gas Company filed for record in Misc. Book 8, Page 99, Document No. 11802 on May 19, 1967.

EXCEPTING AND RESERVING UNTO THE GRANTOR, ITS SUCCESSORS AND ASSIGNS:

An easement within Easement No. 55 as shown on the above-identified Survey Plat to construct, operate, maintain, repair, replace, relocate and remove water lines, facilities and appurtenances.

Site No. 71

PAJARITO CANYON

SURVEY PLAT: Survey of White Rock

FILED FOR RECORD: Plat Book 1, Page 62, Document No. 4710

DATE OF FILING: September 3, 1965

AS CORRECTED BY: Affidavit of Correction
FILED FOR RECORD: Misc. Book 7, Page 141, Document No. 9322
DATE OF FILING: August 30, 1966
SUBJECT TO THOSE EASEMENTS CONVEYED BY THE FOLLOWING DOCUMENTS:

- (1) Grant to Public Service Company of New Mexico filed for record in Misc. Book 8, Page 48, Document No. 11677 on April 28, 1967.
- (2) Grant to Mountain States Telephone and Telegraph Company filed for record in Misc. Book 8, Page 69, Document No. 11731 on May 8, 1967.

Site No. 72

ROAD RIGHT-OF-WAY BETWEEN TRACT F AND PINON SUBDIVISION NO. 1
SURVEY PLAT: Survey of White Rock
FILED FOR RECORD: Plat Book 1, Page 62, Document No. 4710
DATE OF FILING: September 3, 1965
AS CORRECTED BY: Affidavit of Correction
FILED FOR RECORD: Misc. Book 7, Page 141, Document No. 9322
DATE OF FILING: August 30, 1966

Site No. 73

TRACT: N
SURVEY PLAT: Survey of White Rock
FILED FOR RECORD: Plat Book 1, Page 62, Document No. 4710
DATE OF FILING: September 3, 1965
AS CORRECTED BY: Affidavit of Correction
FILED FOR RECORD: Misc. Book 7, Page 141, Document No. 9322
DATE OF FILING: August 30, 1966

Site No. 74

PORTION OF TRACT AA, UNPLATTED AREA NO. 2 (METES AND BOUNDS DESCRIPTION)
FILED FOR RECORD: Plat Book 1, Page 109, Document No. 11606
DATE OF FILING: April 18, 1967

Site No. 75

A certain tract of land lying and being situate in Section 3, T 13 N, R 6 E, New Mexico Principal Meridian, Los Alamos County, New Mexico, and being more particularly described as follows: to wit:

Begin at the southwest corner of the tract herein described, being a point on the northerly right-of-way line of Barranca Road, marked by a 3/4" galvanized iron pipe also marking the northeast corner of Lot No. 115 of Barranca Mesa Subdivision No. 1, whence a brass cap marked "Barranca Mesa Subdivision No. 1, U.S.A.E.C., Monument No. 1" bears N 73° 38' 00" W, 248.43 feet. From said point of beginning, thence on a curve to the right, chord = N 09° 15' 00" E, 109.18 feet, bearing 62.72 feet, length 132.04 feet to a point on the southerly right-of-way line of San Ildefonso Road; thence N 69° 45' 00" E, 132.04 feet to said right-of-way to the northeast corner; thence S 20° 45' 00" W, 132.04 feet to the southwest corner of the tract herein described.

95.03 feet to the southeast corner also being the northeast corner of said Lot No. 115 of Barranca Mesa Subdivision No. 1; thence S 69° 45' 00" W, 208.51 feet to the point and place of beginning.

The corrected plat of Barranca Mesa Subdivision No. 1, mentioned herein, was filed for record on June 9, 1958, and recorded in Book 1, Page 2, of the records of Real Property (Maps) of Los Alamos County, New Mexico.

In addition to the foregoing Sites the Grantor does hereby quitclaim to the Grantee all of the Grantor's right, title and interest in and to that certain room designated as Room 21 in the Basement of the building known as the Los Alamos Community Center and located at 3917 West Road, which room contains approximately 1,000 square feet of floor space. The extent of the Grantor's right, title and interest in said room are specified in a deed from the Grantor to the Lutheran Church and Homes Society of America, Inc., dated as of January 1, 1964, and duly recorded as Document No. 2589 on January 7, 1964, on Page 27 of Miscellaneous Record Book 4.

None of the facilities (except buildings) or equipment which may be located within any of the Sites or within any of the easements hereby conveyed (and which is used in the operation of any fire alarm system or any public utility type equipment) is to be considered real property, and title to all such facilities and equipment is not affected by this deed.

AND FURTHER EXCEPTING AND RESERVING UNTO THE GRANTOR, ITS SUCCESSORS AND ASSIGNS:

As to those Sites which are located in any of the following subdivisions: Eastern Area No. 1, Eastern Area No. 2, Eastern Area No. 3, Western Area No. 1, Western Area No. 2, North Community No. 1, North Community No. 2, North Community No. 3, and North Mesa No. 1, those easements shown on the appropriate plat as "Special Easements" and defined in Subsections (a), (b), (c), (d) and (e) of Section 4 of Part B on the Dedication Sheet of each such subdivision plat, except those easements which by specific language herein are negated. Those easements defined in Subsection (f) of Section 4 of Part B are included in this conveyance.

The County by the acceptance of this deed and the Grantor, agree, that the household estates and easement interests created by virtue of the following described instruments, as amended, executed and existing between the Grantor and the

County are hereby merged with the estates conveyed by said deed and are hereby extinguished:

- (a) Lease Agreement, effective July 1, 1965, as amended by Modification No. 1 effective May 1, 1966 (Barroca Mesa Park, Pinon Park and Camp May Park).
- (b) Easement for Use, Maintenance, and Improvement of Camp May Trail (Contract No. AT(29-1)-1535, as amended), effective June 24, 1957 and last amended effective August 1, 1962.

PROVIDED, the County does also by the acceptance of this deed covenant and agree for itself, its assigns, and its successors in interest to the property herein conveyed or any part thereof, that the covenants set forth below shall attach to and run with the land.

(a) That the aforesaid real property and its appurtenant areas and its buildings and facilities, whether or not on the land herein conveyed, will be operated in full compliance with Title VI of the Civil Rights Act of 1964 and all requirements imposed by or pursuant to the regulations issued thereunder by the Government and in effect on the date of this deed to the end that no person in the United States, shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any programs or activities provided thereon; and

(b) That the Government shall have the right to judicial enforcement of these covenants not only as to the County, its successors and assigns, but also as to lessees and licensees doing business or extending services under contractual or other arrangements on the land herein conveyed.

(c) In the event of a breach of any of the conditions set forth above, all right, title, and interest in and to the above-described property shall, at the option of the Grantor, revert to and become the property of the Government, which shall have an immediate right of entry thereon, and the County, its successors or assigns, shall forfeit all right, title and interest in and to the above-described property and in any and all of the tenements, hereditaments and appurtenances thereunto belonging; provided, however, that the failure of the Grantor to insist in any one or more instances upon complete performance of any of the said conditions shall not be construed as a waiver or a relinquishment of the future performance of any such conditions, but the obligations of the County with respect to such future performance shall continue in full force and effect.

APPENDIX C

CAPITOL CITY REPORT FOR SANTA FE COUNTY

The Title Report from Capitol City is attached. Additionally, copies of the amendments filed in Santa Fe County to the Quitclaim Deed are attached.

CAPITOL CITY TITLE SERVICES, INC.

- TITLE REPORT -

T.R. No. TR2002-6

PREPARED FOR: Holly Daniel
Title Guaranty & Insurance Co.
P.O. Box 146
Los Alamos, New Mexico 87544

PROPERTY: A certain Tract or Parcel of land lying and being situate in Sections 7 and 18, T. 19 N., R. 7 E., N.M.P.M., Santa Fe County, New Mexico, and being more particularly described as follows:

Beginning at the northwest corner of the parcel herein described, said northwest corner being a point on the County Line common to Los Alamos and Santa Fe Counties, which is identical to angle point No. 1 (Angle Point No. 1, the westerly Section Corner between Sections 7 and 18, T. 19 N., R. 7 E., N.M.P.M. (U.S.G.L.O. Brass Cap in place), which has New Mexico State Plane Coordinates X = 501,202.94 and Y = 1,777,592.78, bears S. 07° 04' 35" W., 1,054.15 feet); thence S. 54° 08' 20" E., 1,380.23 feet; thence S. 42° 29' 43" E., 1,538.98 feet; thence S. 53° 11' 59" W., 659.70 feet; thence S. 89° 13' 21" W., 1,179.64 feet; thence N. 86° 48' 43" W., 746.75 feet; thence N. 07° 27' 15" E., 1,277.64 feet; thence N. 07° 04' 35" E., 1,054.15 feet to the point and place of beginning. All as shown and delineated on plat of survey of Bayo Canyon Tract, filed December 14, 1966, as Document No. 297,301, in the records of Santa Fe County, New Mexico.

SEARCH MADE FROM: July 1, 1967 at 8:00 a.m.

TO: February 4, 2002 at 8:00 a.m

in the PUBLIC OFFICIAL INDICES of the Real Estate Records of Santa Fe County, New Mexico, in the offices of the COUNTY CLERK, DISTRICT COURT CLERK and COUNTY TREASURER of Santa Fe County, New Mexico, covering the above described property, and we find the following of record affecting title to said property;

United States of America
TO: County of Los Alamos

Quitclaim Deed
D: July 1, 1967
F: July 12, 1967
Misc. Book 250 Page 516

United States of America
TO: County of Los Alamos

AMENDMENT TO
QUITCLAIM DEED
D: March 30, 1978
F: May 14, 1979
Misc. Book 380 Page 095

United States of America
TO: Bandelier National Monument

PROCLAMATION
D: February 25, 1932
F: April 15, 1987
Misc. Book 578 Page 708

St. Vincent Hospital
TO: County of Los Alamos et al.

CLAIM OF LIEN
D: June 18, 1984
F: June 20, 1984
Misc. Book 493 Page 244

(Continued)

St. Vincent Hospital
TO: County of Los Alamos et al.

RELEASE OF LIEN
D: July 5, 1984
F: July 6, 1984
Misc. Book 494 Page 574
RELEASES
Misc. Book 493 Page 244

St. Vincent Hospital
TO: County of Los Alamos et al.

CLAIM OF LIEN
D: July 2, 1984
F: July 6, 1984
Misc. Book 494 Page 568

United States of America
TO: County of Los Alamos

CHANGE OF OWNERSHIP
OF WATER RIGHTS
D: September 17, 1998
F: October 24, 1998
Book 1552 Page 156

NOTE: UNABLE TO LOCATE TAXES IN SANTA FE COUNTY

THIS TITLE REPORT IS PREPARED SOLELY FOR INFORMATIONAL PURPOSES, AND THE COMPANY MAKES NO REPRESENTATION AS TO THE STATUS OF TITLE AND ASSUMES NO LIABILITY FOR THE LEGALITY OR SUFFICIENCY OF ANY DOCUMENT OR OTHER MATTER IN THE CHAIN OF TITLE. LIABILITY IS LIMITED TO THE AMOUNT PAID FOR THIS REPORT. THE CUSTOMER'S ACCEPTANCE OF THIS REPORT CONSTITUTES ACCEPTANCE OF THESE TERMS.

CAPITOL CITY TITLE SERVICES, INC.

BY:


Barney Vigil

380086 INDEXED

AMENDMENT TO QUITCLAIM DEED RECORDED JULY 12, 1967
UNITED STATES OF AMERICA: GRANTOR
COUNTY OF LOS ALAMOS, STATE OF NEW MEXICO: GRANTEE

WITNESSETH THAT:

WHEREAS, the UNITED STATES OF AMERICA (hereinafter called the "Grantor") acting by and through the United States Atomic Energy Commission, on July 1, 1967, executed a quitclaim deed conveying to the COUNTY OF LOS ALAMOS, STATE OF NEW MEXICO (hereinafter called the "Grantee") certain real property in Santa Fe County, New Mexico; and

WHEREAS, said deed was recorded on July 12, 1967, with the Clerk of Santa Fe County, New Mexico, as Document No. 301,768, in Real Estate Book 250, at pages 516-518; and

WHEREAS, said deed provided: "There shall be no discrimination upon the basis of race, creed, color, or national origin in the sale, lease or rental or in the use or occupancy of the premises herein described.", and the parties desire to revise said provision to conform to and to permit conformity to the nondiscrimination covenant prescribed for use in dispositions of other Government-owned real property pursuant to the Atomic Energy Community Act of 1955, as amended; and

WHEREAS, pursuant to the Charter for the Incorporated County of Los Alamos ratified by the electorate on December 10, 1957, the Grantee's name became the Incorporated County of Los Alamos; and

WHEREAS, pursuant to Public Law 93-438 and Public Law 95-91 the Grantor is now represented in this transaction by the Department of Energy;

NOW, THEREFORE, the parties hereto mutually stipulate and agree that the aforesaid quitclaim deed is hereby amended by revising the provision quoted above to read as follows:

There shall be no discrimination upon the basis of race, color, creed, or national origin in the sale, lease, or rental, or in the use or occupancy of the real property herein described. This covenant shall not apply, however, to the lease or rental of a room or rooms within a family dwelling unit; nor shall it apply with respect to creed to premises used primarily for religious purposes. The Government shall be deemed a beneficiary of this covenant without regard to whether it remains owner of any land or interest therein in the locality of the property hereby conveyed.

Book No. 20 Page 533 Doc. No. 43302
Los Alamos County

Page 1 of 4 pages

388096

This amendment shall not affect existing rights and obligations created by deeds issued by the Grantee prior to the execution and delivery of this amendment, but the Grantee and any of its successors in interest may revise such rights and obligations in accordance with the covenant herein prescribed.

IN WITNESS WHEREOF, the parties have executed this instrument in several counterparts.

UNITED STATES OF AMERICA
BY: DEPARTMENT OF ENERGY

Date: 3-30-78

BY: Kenneth R. Brazier
Kenneth R. Brazier
Area Manager
Los Alamos Area Office

INCORPORATED COUNTY OF LOS ALAMOS

Date: April 6, 1978

BY: William F. Spurling
Chairman
County Council

STATE OF NEW MEXICO
COUNTY OF LOS ALAMOS **
DOC. 47302
FILED FOR RECORD ON
April 10 19 78
AT 4:07 O'CLOCK P.
BOOK 110 PAGE 533
Clerk Ann E. Dwyer



I, Richard H Rochester, certify that I am the County Clerk of the Incorporated County of Los Alamos, State of New Mexico; that Robert F Sundberg, who signed this Amendment for the County, was then the Chairman of the Incorporated County of Los Alamos and that said Amendment was duly signed by said Robert F Small in accordance with a resolution duly adopted.

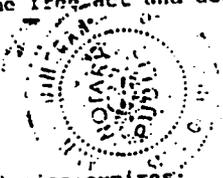
IN WITNESS WHEREOF, I have hereunto affixed my seal and the seal of said Incorporated County of Los Alamos on this 10th day of April, 1978.

Richard H Rochester
County Clerk

ACKNOWLEDGMENT

STATE OF NEW MEXICO)
) ss
COUNTY OF LOS ALAMOS)

On this 10th day of April, 1978, before me appeared Robert F Sundberg, to me personally known, who being by me duly sworn, did say that he is the Chairman of the Incorporated County of Los Alamos, and that this instrument was signed in behalf of the Incorporated County of Los Alamos by authority thereof, and said Robert F Sundberg acknowledged this instrument to be the free act and deed of said Incorporated County of Los Alamos.



Ann E. Pungas
Notary Public

My commission expires: 9-28-79

NEW MEXICO

078.93

619 758

446127 Bureau of Land Management
Page 17330

I hereby certify that this reproduction is a
true copy of the original record on file in this
office. Certified at Tucuman, page.

John C. Armitage
Notary Public

COUNTY OF SANTA FE
STATE OF NEW MEXICO
I hereby certify that this instrument was filed
for record on the 12 day of July A.D.
19 27 at 12 o'clock P.M.
and was duly recorded in book 525
page 72 of the records of Santa Fe County,
New Mexico.

Witness my Hand and Seal of Office
John C. Armitage
County Clerk, Santa Fe County, N.M.
John C. Armitage
Deputy



[No. 1000]

BANDELLER NATIONAL MONUMENT—NEW MEXICO BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

February 8, 1928

A PROCLAMATION

WHEREAS it appears desirable, in the public interest, to add to the
Bandelier National Monument as established by proclamation of
February 11, 1916 (39 Stat. 1764), certain lands of the United States
within the Santa Fe National Forest, in the State of New Mexico,
and to exclude said national monument as enlarged from the Santa Fe
National Forest;

Bandelier National
Monument, N. Mex.
Proclamation
Vol. 20, p. 1764

NOW, THEREFORE, I, HERBERT HOOVER, President of the
United States of America, by virtue of the power in me vested by
section 2, act of June 8, 1906 (34 Stat. 225; U. S. Code, title 16, sec.
431), and the act of June 4, 1897 (30 Stat. 11, 34; U. S. Code, title 16,
sec. 473), do proclaim that the boundaries of the Bandelier National
Monument be, and they are hereby, changed so as to include certain
additional land in T. 19 N., R. 7 E., New Mexico principal meridian,
subject to all valid existing rights, and that the reservation as so
enlarged is hereby excluded from the Santa Fe National Forest,
the lands within the reservation as enlarged being described as follows:

Area enclosed,
Vol. 20, p. 1764
U. S. C., p. 431
Vol. 20, p. 1764
U. S. C., p. 431

NEW MEXICO PRINCIPAL MERIDIAN

T. 19 N., R. 7 E., south half of secs. 7, 8, and 9;
secs. 16 to 21 inclusive;
fractional secs. 28, 29, and 30;

All lands in unsurveyed Tps. 17 and 18 N., R. 6 E., lying north
of the Canada de Cochiti Grant, south of the
Ramon Vigil Grant, and west of the Rio
Grande River.

Description

Warning is hereby given to all unauthorized persons not to appro-
priate, injure, remove, or destroy any (nature of this national monu-
ment, nor to locate or settle on any of the lands reserved by this
proclamation.

Reserved from public
land.

578709

2504

PROCLAMATIONS, 1932.

Public use of roads.

Nothing herein contained shall modify or abridge the right of the public to travel over any or all public roads now existing within or upon the lands herein described or roads subsequently constructed to take the place of such existing roads, nor shall public travel over said roads be subject to any restriction or condition other than those generally applicable to the use of public roads in the State of New Mexico.

The Director of the National Park Service, under the direction of the Secretary of the Interior, shall have the supervision, management, and control of this monument as provided in the act of Congress entitled "AN ACT to establish a National Park Service, and for other purposes," approved August 25, 1916 (39 Stat. 535-536), and acts additional thereto or amendatory thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington, this 22nd day of February, in the year of our Lord nineteen hundred and thirty-two, and of the Independence of the United States of America the one hundred and fifty-sixth.

HERBERT HOOVER

By the President:
HENRY H. SIMMONS
Secretary of State

(No. 1991)

St. Vincent Hospital
455 St. Michael's Drive
Santa Fe, N.M. 87501

493244

Date: June 18, 1984

NOTICE OF LIEN

Party #1	Party #2
To: <u>County of Los Alamos</u>	Also To: <u>Safeco Insurance</u>
<u>Name (alleged to be liable to Party #3)</u>	<u>Name of Insurance Company</u>
<u>P.O. Box 30</u>	<u>Representing Party #1</u>
<u>Address</u>	
<u>Los Alamos, N. M. 87544</u>	<u>P.O. Box 586</u>
<u>City State Zip Code</u>	<u>Address</u>
	<u>Richard, Texas 75080</u>
<u>Social Security Number</u>	<u>City State Zip Code</u>
<u>Date of Birth</u>	

The undersigned hospital claims a lien under New Mexico Statutes Annotated, Sections 48-8-1 through 48-8-7 (1978) for the amount shown on the attached itemized and certified statement of any amounts which are to be paid by you, or on your behalf, either by reason of judgment, settlement or compromise to (Party #3)
Pablo Montalvo Box 47 Cordova, N.M. 87523

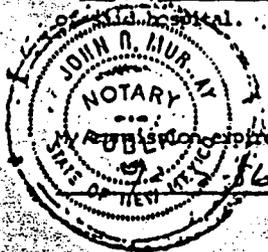
(Name and address of injured person to whom services were rendered) in discharge of any liability, or asserted liability, which you might have to said person by reason of the accident occurring on or about Nov. 28, 1983

Account # 0455659
Account Balance \$ 3,720.60
Account # 7739212
Account Balance \$ 68.75
Account # 3452927
Account Balance \$ 350.00

(Date of Accident)
By: William Lorenz Treasurer
Name Title
St. Vincent Hospital
Name of Hospital
P. O. Box 2107
Address
Santa Fe, N. M. 87501
City State Zip Code

STATE OF NEW MEXICO }
COUNTY OF Santa Fe } ss.

The foregoing instrument was acknowledged before me this 18th day of June, 1984, by William Lorenz of St Vincent Hospital, on behalf of St. Vincent Hospital.



514, 534
COUNTY OF SANTA FE 188
STATE OF NEW MEXICO)
I hereby certify that this instrument was filed
for record on the 18 day of June, A.D. 1984
at 11:57 o'clock AM,
and was duly recorded in book 1152
page 122 of the records of Santa Fe County.
Witness my Hand and Seal of Office
ANGIE VIGIL PEREZ
County Clerk, Santa Fe County, N.M.

Gene Garcia Deputy



RELEASE OF HOSPITAL LIEN

The undersigned hospital, which filed Notice of Hospital Lien dated the 20th day of June, 1984, against damages recovered for personal injuries to Pablo Montalvo
(Name of Patient)

arising from an accident which occurred on the 21st day of November, 1984, and for which personal injuries,

County of Los Alamos P.O. Box 30 Los Alamos N. M. 87544

(Name of Other Party or Parties)

Safeco Insurance P.O. Box 586 Richard Texas 75080

was alleged to be liable, and which Notice of Hospital Lien was filed in the Office of the County Clerk of Santa Fe County, State of New Mexico, on the 20th day of June, 1984, at Book 497 and Page 244 249, hereby releases

said Hospital Lien and all rights thereunder.

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) 545, 599

I hereby certify that this instrument was filed for record on the 6 day of July, 1984 at 12:07 o'clock P.M. and was duly recorded in book 497 page 244 of the records of Santa Fe County.

Witness my Hand and Seal of Office
ANGIE VIGIL PEREZ
County Clerk, Santa Fe County, N.M.

Cathy Lane

STATE of New Mexico)
COUNTY OF Santa Fe) SS.

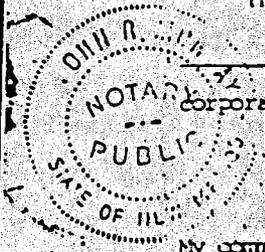
St. Vincent Hospital Box 2107 Santa Fe, N.M. 87501
(Hospital)

William M. Stevens
(Agent)

Treasurer
(Title of Agent)

The foregoing instrument was acknowledged before me this 5th

day of July, 1984 by William M. Stevens,
corporation, on behalf of said corporation.



John R. Murray
Notary Public

My commission expires:

12-2-86

St. Vincent Hospital
455 St. Michael's Drive
Santa Fe, N.M. 87501

493244

Date: June 18, 1984

NOTICE OF LIEN

Party #1
To: County of Los Alamos
Name (alleged to be liable to Party #3)
P.O. Box 30
Address
Los Alamos, N. M. 87544
City State Zip Code
Social Security Number
Date of Birth

Party #2
Also To: Safeco Insurance
Name of Insurance Company
Representing Party #1
P.O. Box 586
Address
Richard, Texas 75080
City State Zip Code

The undersigned hospital claims a lien under New Mexico Statutes Annotated, Sections 48-8-1 through 48-8-7 (1978) for the amount shown on the attached itemized and certified statement of any amounts which are to be paid by you, or on your behalf, either by reason of judgment, settlement or compromise to (Party #3)
Pablo Montalvo Box 47 Cordova, N.M. 87523

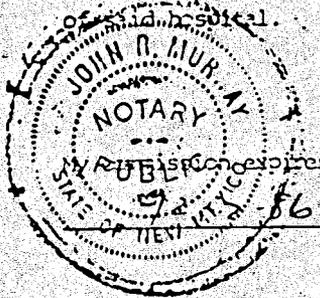
(Name and address of injured person to whom services were rendered) in discharge of any liability, or asserted liability, which you might have to said person by reason of the accident occurring on or about Nov. 23, 1983

Account # 0455659
Account Balance \$ 3,720.60
Account # 7739212
Account Balance \$ 68.75
Account # 3452927
Account Balance \$ 350.00

(Date of Accident)
By: William Lereux Treasurer
Name Title
St. Vincent Hospital
Name of Hospital
P. O. Box 2107
Address
Santa Fe, N. M. 87501
City State Zip Code

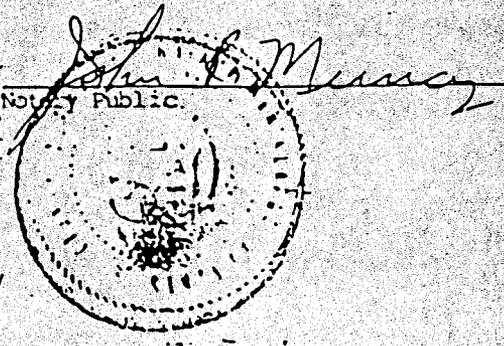
STATE OF NEW MEXICO }
COUNTY OF Santa Fe } ss.

The foregoing instrument was acknowledged before me this 18th day of June 1984, by William Lereux of St. Vincent Hospital, on behalf



544,834
COUNTY OF SANTA FE)
STATE OF NEW MEXICO)
I hereby certify that this instrument was filed
for record on the 20 day of July A.D. 1984 at 11:54 o'clock a.m.
and was duly recorded in book 452
page 247 of the records of Santa Fe County.
Witness my Hand and Seal of Office
ANGIE VIGIL PEREZ
County Clerk - Santa Fe County, N.M.

Joel Garcia
Deputy



St. Vincent Hospital
455 St. Michael's Drive
Santa Fe, N.M. 87501

Date: July 2 1984

NOTICE OF LIEN

494568

Party #1

Party #2

To: County of Los Alamos
Name (alleged to be liable to Party #1)

Also To: Safeco Insurance
Name of Insurance Company
Representing Party #1

P.O. Box 30
Address

P.O. Box 586
Address

Los Alamos, N.M.
City State Zip Code

Richardson, Texas 75080
City State Zip Code

Social Security Number

Date of Birth

The undersigned hospital claims a lien under New Mexico Statutes Annotated, Sections 48-8-1 through 48-8-7 (1978) for the amount shown on the attached itemized and certified statement of any amounts which are to be paid by you, or on your behalf, either by reason of judgment, settlement or compromise to (Party #1)

Pablo Montalvo, Box 47, Cordova, N.M. 87521
(Name and address of injured person to whom services were rendered) in discharge of any liability, or asserted liability, which you might have to said person by reason of the accident occurring on or about Nov. 27, 1983
(Date of accident)

Account # 0455659 \$ 3,720.60

Account # 7739212 \$ 68.75

Account # 3452927 \$ 350.00

By: *William J. Linn*
Name Title

St. Vincent Hospital
Name of Hospital

P. O. Box 2107
Address

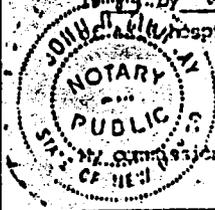
Santa Fe, N.M. 87501
City State Zip Code

City State Zip Code

STATE OF NEW MEXICO
COUNTY OF Santa Fe

ss.

The foregoing instrument was acknowledged before me this 2nd day of July 1984 by William J. Linn of St. Vincent Hospital on behalf of St. Vincent Hospital.



John L. Murray
Notary Public
I hereby certify that this instrument was recorded on the 2nd day of July, A.D. 1984 at 12:08 o'clock P.M. and was duly recorded in book 497 page 545,576 of the records of Santa Fe County.
Carthy
Deputy

0000 0000 0166

NEW MEXICO STATE ENGINEER OFFICE
CHANGE OF OWNERSHIP OF WATER RIGHT
(LEASE)

1552156

1. OWNER OF RECORD

Name: United States Department of Energy
Contact: _____ Work Phone: _____
Address: Los Alamos Area Office _____ Home Phone: _____
City: Los Alamos _____ State: NM Zip: 87544

LESSEE

Name: Incorporated County of Los Alamos
Contact: Chris O'Brien _____ Work Phone: 662-8129
Address: 2300 Trilobite Drive _____ Home Phone: _____
City: Los Alamos _____ State: NM Zip: 87544

2. AMOUNT CONVEYED

Consumptive Use: 1.241.3 acre-foot per annum
Diversion Amount: 1.241.3 acre-foot per annum
Other: _____ (units) _____
State Engineer File Number: RG-241 through RG-248 et al., 1901, 1902, 1907 Amend.,
and 1907-B.
Subfile Number _____ of Case Number _____
Owner of record has leased all _____ of said right.
(all or part)

98 SEP 24 PM 2 31

3. PURPOSE OF USE

Domestic: _____ Livestock: _____ Irrigation: _____ Municipal:
Industrial: _____ Commercial: _____
Other (specify): _____
Specific use: _____

4. PLACE OF USE

_____ acres of land described as follows:
Subdivision of Section Section Township Range Area Priority
(District or (Map No.) (Tract No.)
Hydrographic Survey)

0000 0000 0157

NEW MEXICO STATE ENGINEER OFFICE
CHANGE OF OWNERSHIP OF WATER RIGHT
(LEASE)

1552157

5. WELLS TO ACCOMPANY CONVEYED RIGHT

Well File No. Sub-division Section Township Range

The conveyed right may be diverted from any and all currently or subsequently authorized points of diversion for the water right under SEO File Nos. RC-441 through RC-443 of A.C. 1901, 1902, 1903 Amend. and 1903-B.

6. CONSENT TO LAWFUL CHANGE IN PLACE AND/OR PURPOSE OF USE

I, the above owner of record, hereby consent to a lawful change in the place and/or purpose of use of the above-described water right: (To be completed only if it is an irrigation water right and has been conveyed separate from the land to which it was appurtenant.)

7. ADDITIONAL STATEMENTS OR EXPLANATIONS

AGREEMENT OF THE LOWER AGREEMENT BETWEEN THE UNITED STATES OF AMERICA, ACTING BY AND THROUGH THE SECRETARY OF ENERGY, UNITED STATES DEPARTMENT OF ENERGY, AND THE GOVERNMENT OF THE STATE OF NEW MEXICO FOR THE LOS ALAMOS WATER PRODUCTION SYSTEM, LOS ALAMOS, NEW MEXICO, DATED SEPTEMBER 8, 1978, IS HEREBY ACKNOWLEDGED.

ACKNOWLEDGEMENT FOR NATURAL PERSONS

I, _____, affirm that the foregoing statements are true to the best of my knowledge and belief.
By _____
(Name of Applicant)

Signature _____ Signature _____

NOTARY

This instrument was acknowledged before me this _____ day of _____ A.D. _____
By _____

My commission expires: _____ Notary Public