When recorded return to: Bureau of Reclamation Attn: ALB 421 (Lands) 555 Broadway Blvd., NE Suite 100 Albuquerque, NM 87102

QUITCLAIM DEED CONVEYANCE OF KARR FARM BY THE UNITED STATES OF AMERICA TO THE STATE OF NEW MEXICO, DEPARTMENT OF GAME & FISH

THE UNITED STATES OF AMERICA (GRANTOR), acting by and through the Bureau of Reclamation, Department of the Interior, pursuant to the provisions of the Act of June 17, 1902 (32 Stat. 388), and acts amendatory thereof or supplementary thereto, particularly the Fish and Wildlife Coordination Act, as amended, (16 USC § 661-667e) (48 Stat. 401), for good and valuable consideration, the sufficiency of which has been received, hereby quitclaims and conveys to the State of New Mexico, Department of Game and Fish, all of the Grantor's right, title, and interest in and to the surface estate and certain water rights, located in Eddy County, New Mexico, commonly referred to as the Karr Farm, more particularly described in Exhibits A, B, C, and D attached and made a part hereof,

TOGETHER WITH the rights, privileges, duties, obligations and responsibilities of the Grantor which exist as of the date of this Quitclaim Deed, as a result of any permits, licenses, leases, rights-of-use, or rights-of-way of record or outstanding in third parties on, over or across said lands or facilities entered by the Grantor. The Grantee shall honor the terms of each such rightof-use agreements.

All of the above is hereinafter collectively referred to as the "Real Property".

EXCEPTING AND RESERVING FROM THIS CONVEYANCE, unto Grantor, its heirs and assigns forever:

 Grantor retains 109.2 acre-feet of surface water diversion per year (File No. 0939 & RA-1078-Comb). Reservations of Rights to Grantor as defined in the Fish and Wildlife Coordination Act (16 U.S.C. 661-667e), of 1934, specifically Sections 663 (d), 666 (e), and 667 (b), as amended.

THIS CONVEYANCE IS SUBJECT TO:

- Oil, gas, and other mineral rights, including but not limited to other hydrocarbons, heretofore reserved of record by or in favor of third parties;
- 2) Valid permits, licenses, leases, rights-of-use, or rights-of-way of record or outstanding in third parties on, over or across the Real Property in existence on the date of this Quitclaim Deed. Benefits, payments, and responsibilities of Grantor arising after the date of this deed under such existing rights-of-use, as defined in 43 CFR 429, shall inure to the benefit of and be binding upon Grantee.
- 3) Existing rights-of-way for canals, ditches, flumes, railroads, highways, roads, pipelines, telephone, telegraph and electric power transmission lines.
- 4) Any easements on the ground which are not reflected by the public records and any conflicts as to boundary lines.

NOTICE IS HEREBY GIVEN that:

- Acting pursuant to the requirements of 40 CFR 373, Grantor performed a hazardous waste survey of the lands and facilities herein conveyed, and a copy of said survey was delivered to Grantee in a letter dated December 27, 2011. The lands conveyed herein to Grantee are being conveyed in the same condition as existed on the day of said survey and which condition is more particularly described in that survey. No remediation by Grantor on behalf of Grantee has been or will be made.
- 2) Grantee has used and occupied portions of the Real Property in excess of twenty years. Grantee and its successors and assigns accept the Real Property "as is" and also accept liability for the Real Property from the date of this Quitclaim Deed forward.
- 3) No perpetual easement granted herein creates any obligation on the part of the Grantee to operate or maintain any structures, if any, owned by the United States.
- 4) Grantee and its successors and assigns shall be responsible for the protection, identification, and preservation of cultural resources, if any, located on the Real Property, as required by the existing and future laws of the State of New Mexico.

- 5) Nothing in this Quitclaim Deed shall be construed or interpreted as including in the quitclaim, abandonment, forfeiture, or relinquishment by the Grantor of its basic patent right reserved by the Act of August 30, 1890 (26 Stat. 391) as to the described lands for rights-of-way claimed, or to be claimed.
- 6) If any further specific conveyances should be necessary, hereafter, because of the discovery of additional Real Property not listed on the Exhibits, or to more specifically and legally describe the Real Property, then Grantor shall make reasonable efforts to provide such conveyances, on the same terms and conditions set forth hereinabove.

Continued on next page

TO HAVE AND TO HOLD unto Grantee, and Grantee's successors and assigns, the Real Property, together with all the rights and appurtenances thereto in any wise belonging, forever.

WITNESS, the hand of said Grantor, this day of , 201 .

Approved:

UNITED STATES OF AMERICA

Office of the Regional Solicitor

Larry Walkoviak Regional Director Upper Colorado Region

ACKNOWLEDGMENT OF THE UNITED STATES

 State of ______)

) ss.

 County of _____)

On this ______ day of ______, 20____, personally appeared before me, ______, known to me to be the Regional Director of the Bureau of Reclamation, Upper Colorado Region, United States Department of Interior, the signer of the above instrument, who duly acknowledged to me that he/she executed the same on behalf of the

United States of America pursuant to authority delegated to him/her.

(NOTARY SEAL)

Notary Public

ACCEPTANCE OF GRANTEE

The foregoing conveyance is hereby accepted by Grantee. Grantee agrees, by this acceptance, to the sufficiency of the conveyance and to comply with the terms and covenants and be bound by the obligations, conditions, covenants, and agreements therein contained. To the fullest extent allowed by law, Grantee agrees to indemnify and hold harmless the Grantor, its offices and employees from any claims, liabilities or other responsibilities which may arise subsequent to the date of the Quitclaim Deed which results from the Grantee's use, operation, or maintenance of the Real Property.

Approved:

STATE OF NEW MEXICO

General Counsel

R.J. Kirkpatrick Interim Director Department of Game and Fish

ACKNOWLEDGMENT OF THE STATE OF NEW MEXICO

	· · · · ·	
State of)	
) ss.	
County of	_)	
•		
On this	day of	, 20, personally appeared before me,
		, known to me to be the
of the		, the signor of the above instrument who duly
acknowledged to me that	it he/she exec	uted the same on behalf of the State of New Mexico,
Department of Game an	d Fish pursua	ant to authority delegated to him/her.

(NOTARY SEAL)

Notary Public

Exhibit A

Legal Description (Conveying approximately 2,788.10 acres of surface estate)

Reclamation Tract 115

Title to the surface estate of 1,680 acres, more or less, Eddy County, New Mexico, as shown on Tract 115 of Exhibit D; being and intended to be the tracts of lands conveyed by Permian Exploration Corporation, et al., to the United States by the Corrected Deed Schedule "A and A-I" filed in the office of the County Clerk of Eddy County, New Mexico, December 9, 1986, Book 272 Page 874 and Reclamation drawing number 963-535-500 (Tract 115) filed with the Declaration of Taking, CIV-83-1480HB, in the U.S. District Court of New Mexico, September 20, 1983, and filed in the office of the County Clerk of Eddy County, Book 234, page 361 dated April 4, 1984.

New Mexico Principal Meridian, New Mexico

T. 16 S., R. 26 E.,

Sec. 23, That part of the S¹/₂SE¹/₄ lying South and East of the Pecos River;

Sec. 24, SW¹/₄ and W¹/₂SE¹/₄;

Sec. 25, S¹/₂, NW¹/₄, W¹/₂NE¹/₄ and SE¹/₄NE¹/₄;

Sec. 26, NW¼NE¼, N½NE¼ NW¼, N½S½NE¼NW¼, E½NE¼, NE¼SE¼.

T. 16 S., R. 26 E.,

Sec. 26, A part of the SE¹/₄SE¹/₄ of Section 26, more particularly described as follows:

Beginning at the Southeast corner of Section 26,

THENCE North, a distance of 1,325.9 feet to the Northeast corner of the SE¹/₄SE¹/₄ of Section 26;

THENCE West, a distance of 700 feet to a point on the North line of the SE¹/₄SE¹/₄ of Section 26;

THENCE South 22 degrees East, a distance of 1,429 feet to a point on the South line of the SE¼SE¼ of Section 26;

THENCE East, a distance of 75 feet to the point of beginning,

containing 11.78 acres, more or less.

Sec. 26, A part of the NW¹/₄SE¹/₄ of Section 26 more particularly described as follows:

Beginning at the Northeast corner of the NW¹/₄SE¹/₄ of Section 26;

THENCE West, a distance of 575 feet;

THENCE South 41 degrees East, a distance of 795 feet to a point on the East line of the NW⁴/SE⁴/₄ of Section 26;

THENCE North, a distance of 600 feet to the point of beginning, containing 3.95 acres, more or less.

T. 16 S., R. 27 E.,

Sec. 31, Lots 1, 2, 3 and 4 ($W^{1/2}W^{1/2}$), $E^{1/2}SW^{1/4}$.

T. 17 S., R. 26 E.,

Sec. 1, W¹/₂NW¹/₄, NW¹/₄SW¹/₄, W¹/₂NE¹/₄.

T. 17 S., R. 27 E.,

Sec. 6, Lots 4 and 5 ($W\frac{1}{2}NW\frac{1}{4}$), $W\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}$, $NE\frac{1}{4}SW\frac{1}{4}$, $NW\frac{1}{4}SE\frac{1}{4}$.

Reclamation Tract 116 (Surface Estate)

T. 16 S., R. 26 E., Sec. 23, S¹/₂SE¹/₄, New Mexico Principal Meridian (N.M.P.M.), Eddy County, New Mexico, as shown on Tract 116 of Exhibit D; less and except that portion of said S¹/₂SE¹/₄, lying South and East of the Pecos River and containing 47.5 acres, more or less, including any and all water rights, water wells and equipment attached and appurtenant thereto; being and intended to be the tract of land conveyed by S.G. Karr and Elsie S. Karr to the United States by Warranty Deed filed in the office of the County Clerk of Eddy County, New Mexico on March 22, 1984, Book 258, Page 1295.

Reclamation Tract 117

T. 16 S., R. 26 E., Sec. 26, S¹/₂S¹/₂NE¹/₄NW¹/₄, N¹/₂SE¹/₄NW¹/₄, New Mexico Principal Meridian (N.M.P.M.), Eddy County, New Mexico, as shown on Tract 117 of Exhibit D; containing 30.0 acres, more or less, including any and all water rights, water wells, and equipment attached and appurtenant thereto; being and intended to be the tract of land conveyed by John W. Gates and Jack W. McCaw et al. to the United States by Warranty Deed filed in the office of the County Clerk of Eddy County, New Mexico on March 26, 1984, Book 258, Page 1305.

Reclamation Tract 118

T. 16 S., R. 26 E., Sec. 26, S¹/₂SE¹/₄NW¹/₄, New Mexico Principal Meridian (N.M.P.M.), Eddy County, New Mexico as shown on Tract 118 of Exhibit D; containing 20.0 acres, more or less; being and intended to be the tract of land conveyed by the Portales National Bank, Trustee of the estate of M. H. McGrail, to the United States by Warranty Deed filed in the office of the County Clerk of Eddy County, New Mexico on July 23, 1984, Book 260, Page 100.

Reclamation Tract 119

T. 16 S., R. 26 E., Sec. 26, SW¼NE¼, New Mexico Principal Meridian (N.M.P.M.), Eddy County, New Mexico, as shown on Tract 119 of Exhibit D; containing 40.0 acres, more or less; including any and all water rights, water wells and equipment attached and appurtenant thereto; being and intended to be the tract of land conveyed by Lawannah Ann Amitin et al. to the United States by that Correction Warranty Deed filed in the office of the County Clerk of Eddy County, New Mexico on April 17, 1984, Book 259, Page 270.

Reclamation Tract 120

T. 16 S., R. 26 E., Sacs. 26 and 35 (within), New Mexico Principal Meridian (N.M.P.M.), Eddy County, New Mexico as shown on Tract 120 of Exhibit D; being and intended to be the tract of land conveyed by Paul G. White et al. to the United States by Warranty Deed filed in the office of the County Clerk of Eddy County, New Mexico on May 21, 1986, Book 264, Page 1130, and being more particularly described as follows:

The E $\frac{1}{2}$ NE $\frac{1}{4}$ of said Section 35 and all of the W $\frac{1}{2}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 26;

Excepting from said Section 26 the following described parcels (a) and (b):

- (a) Beginning at the Northeast corner of the NW¼SE¼, said section; Thence West 575 feet; Thence South 41° East, 795 feet to a point on the East line of said NW¼SE¼; Thence North 600 feet to the point of beginning, containing an area of 3.95 acres, more or less.
- (b) Beginning at the Southeast corner of said section; Thence North 1,325.9 feet to the Northeast corner of the SE¼SE¼, said section; Thence West 700 feet to a point on the North line of said SE¼SE¼; Thence South 22° East, 1,429 feet to a point on the South line of said SE¼SE¼; Thence East 75 feet to the point of beginning, containing an area of 11.78 acres, more or less.

Reclamation Tract 121

T. 16 S., R. 26 E., Sec. 35, E½SE¼, New Mexico Principal Meridian (N.M.P.M.), Eddy County, New Mexico, as shown on Tract 121 of Exhibit D; containing 80.0 acres, more or less; being and intended to be the tract of land conveyed by Lorraine R. Hudson et al. to the United States by Warranty Deed filed in the office of the County Clerk of Eddy County, New Mexico on April 28, 1984, Book 260, Page 491.

Reclamation Tract 122

T. 16 S., R. 26 E., Sec. 35, SW¼SE¼, New Mexico Principal Meridian (N.M.P.M.), Eddy County, New Mexico, as shown on Tract 122 of Exhibit D, lying westerly of the Pecos River; containing 26.60 acres, more or less; being and intended to be the tract of land conveyed by Bert Newberry to the United States by Warranty Deed filed in the office of the County Clerk of Eddy County, New Mexico on September 10, 1985, Book 263, Page 1115.

Reclamation Tract 123

T. 16 S., R. 26 E., Sec. 23, SE¹/₄SW¹/₄, New Mexico Principal Meridian (N.M.P.M.), Eddy County, New Mexico, as shown on Tract 123 of Exhibit D; containing 40.0 acres, more or less, including any and all water rights, water wells and equipment attached and appurtenant thereto; being and intended to be the tract of land conveyed by Bogle Farms Limited Partnership to the United States by Warranty Deed filed in the office of the County Clerk of Eddy County, New Mexico on April 25, 1984, Book 259, Page 364.

Quitclaim Deed from State of New Mexico to USA for the Brantley Project (1985) T. 16 S., R. 26 E., Sec. 36, All, New Mexico Principal Meridian (N.M.P.M.), Eddy County, New Mexico, as shown on Master Title Plat (Exhibit D); containing 640.0 acres, more or less, reserving unto the State of New Mexico, all minerals of whatsoever kind; being and intended to be the tract of land conveyed by the State of New Mexico to the United States of America for the Brantley Project by Quitclaim Deed filed in the office of the County Clerk of Eddy County, New Mexico, May 13, 1985, Book 262, Page 0993.

(Approximate combined acreage of all parcels - 2,788.10 acres of surface estate)

Exhibit B Appurtenant Water Rights

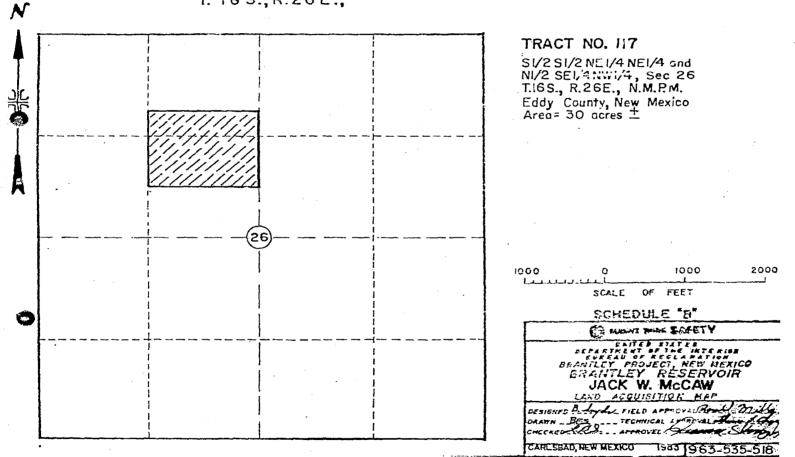
A total of 578.7 acre-feet of groundwater diversion per year (File No. 0939 & RA-1078-Comb). File No. 0939 & RA-1078-Comb allows a total maximum diversion of 687.9 acre-feet per year from all sources, with a maximum surface water diversion of 329.4 acre-feet per year and a maximum groundwater diversion of 578.7 acre-feet per year. Grantor retains 109.2 acre-feet of surface water per year, which is the equivalent of the total maximum diversion of 687.9 acre-feet per year less the maximum groundwater diversion of 578.7 acre-feet per year.

Exhibit C Memorandum of Understanding

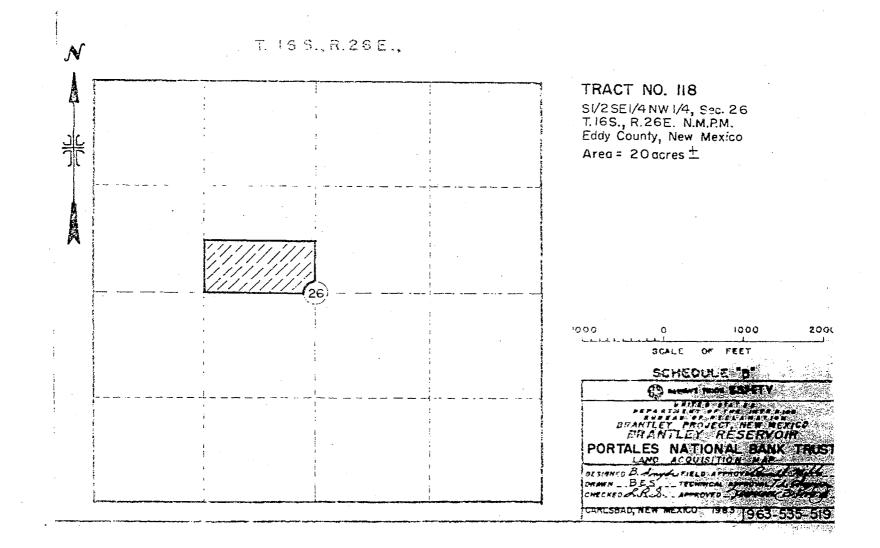
Exhibit D Maps of Tracts Conveyed to State of New Mexico

367 . . T 16 5 TRACT NO. 1-25-1628 EDDY COUNTY NEW MEXICO That part of the Bt/2 SELA lying wh and East of the Peaces River in 3 1214 of Section 25, HW1/4NEL/4, HU/2 Saction 23, SWIA and WV2SEUA of Saction : /2HEL/AHWI/4;HV2SI/EHEL/AHWI/4;LEV/2WEL/A of Section 28, THE E West a dista of 700 feel to a point on the North line of the THENCE 22" Ea ince of 1.429 feel te a point on the South lea 11.78 PERMIAH EXPLORATION COMPANY LANDS 28, THENCE Beginning of the Marthuari come THENCE South 41° East a disis as of 795 feel le a point on the East line of the HWL4551/4 of Section 28. THENCE North a distance of 600 feet (x 1, 2, 3, and 4 (W/ZW/2) and EL/25W giming, containing 3,90 acres more or less. In Younship 16 South, Range 27 East, N.W.P.M. B ALWAYS THINK SAFETY W/28W1/4, NW1/45W ed WI/2HEJA of Section 1 in Township 17 S UNITED STATES DEPARTMENT OF THE INTERIOR BUREAU OF REGLAWATION ens wyznwys, kwyszni Lois 4 and 3 (Wi/Zhwi/4), Ronge 27 East, N.M.R.H. ELANWIA, HELASWLA, MA HWI/43ELA of RANTLEY PROJECT-NEW MEXICO Tolol area ≥ 1.6880.00 acresit PERMIAN EXPLORATION CO. LANDS TRACT NO. 1-20-1620 TR. 115 RIGHT OF WAY DEDIGNED_____ DRAWN_ T OHRCHER Caloud K. Sehu UN MIL CANLSBAD, HEW HEXIC JAMUARY 1943 963-535-500 STATE OF NEW MEXICO, County of Eddy, ss. I hereby certify that this instrument was filed for record on the 4 day of <u>April</u>, A. D. 19 <u>84</u> at <u>2:26</u> o'clock <u>P.</u> M., and duly recorded 361 of the Records of ________ in Book _____ 234 ____ , Page ____ of said County. Delira nouis____ Deputy VIRGIE COLE, County Clerk By _ CLERK'S CERTIFICATE 2DB , as a true and correct copy of the original recorded in this office. Darlen e-Roprim Clark of Eddy County, N. Mex. LOWIN NUMBER Brouty

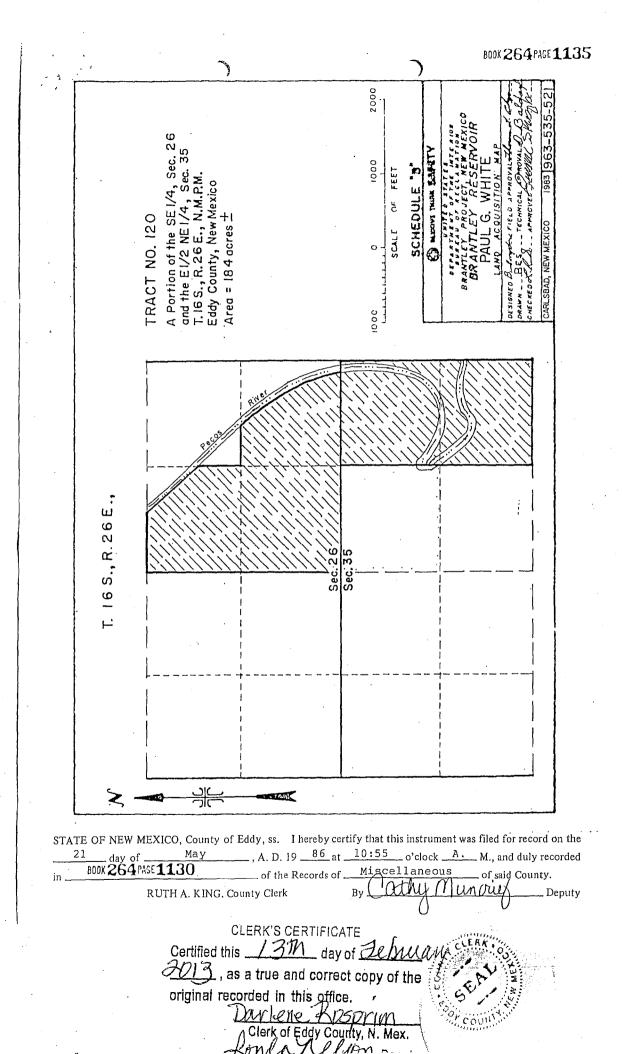
1278 . | ച S., R.26 m 1 N.M.P.M., Eddy County, New Mexico, Less and except that portion of said S I/2 SE I/4 lying South and East ot Pecos River. Area = 47.5 acres ± The S 1/2 SE 1/4 Sec. 23, T16S, R26E TRACT NO. 116 SBAD, NEW MEXICO SCALE A HUMAN THIAK SAP ELTINGTHOS ę FEET 0001 2000 STATE OF NEW MEXICO, County of Eddy, ss. I hereby certify that this instrument was filed for record on the _____ o'clock _____ M., and duly recorded _, A. D. 19 <u>84</u> at <u>10:17</u> March 22 _ day of . of said County. 258 1275 of the Records of ______ Deeds Page in Book かれへ Ву Deputy VIRGIE COLE, County Clerk CLERK'S CERTIFICATE Certified this 1.311 day of Tehny $\mathcal{I}\mathcal{P}\mathcal{I}\mathcal{B}$, as a true and correct copy of the original recorded in this office 201 ene 4 erk of Eddy County, N. Mex. Man Allon Deput beputy

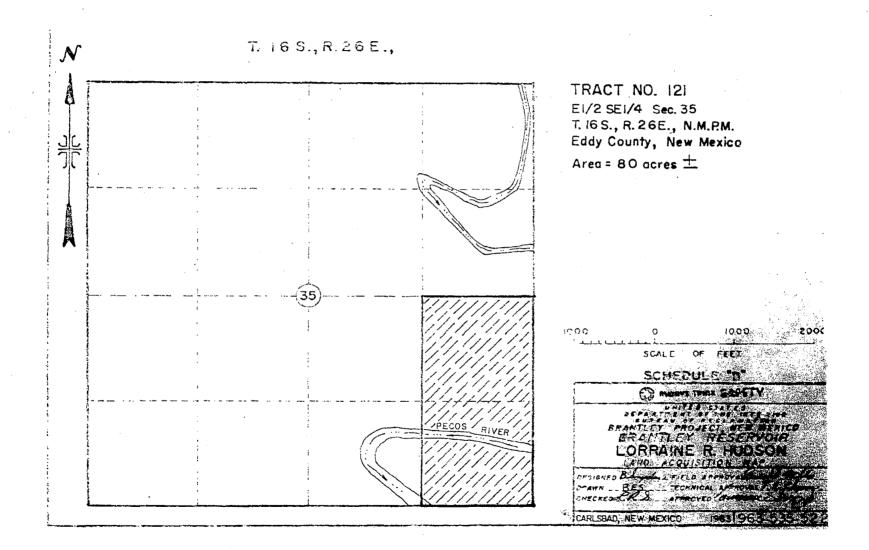


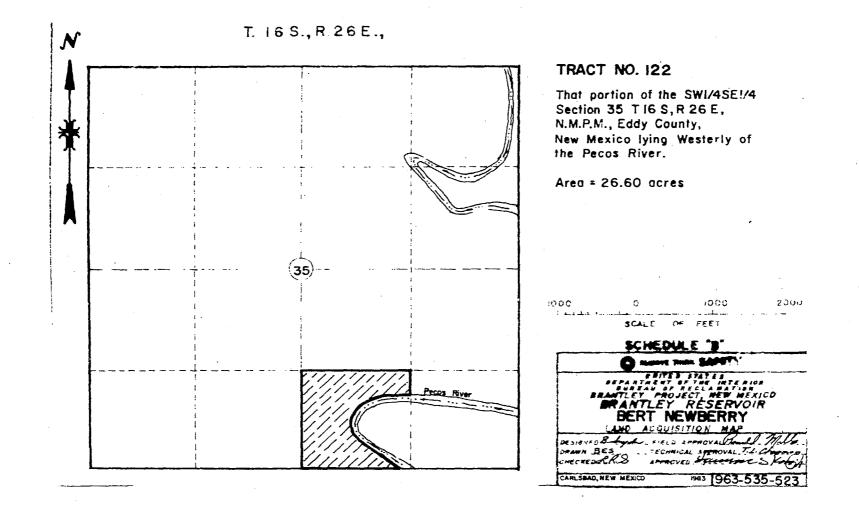
T. 16 S., R. 26 E.,

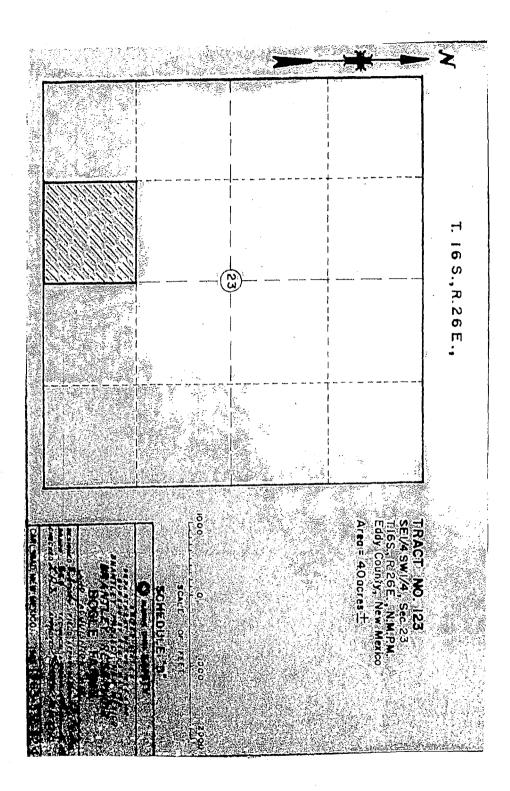


1012 兆 - 2 1000 Alleir 1 . | ດ ა; ა עק . N ດ m 1 SW1/4 NE1/4, Sec. 26 T.16S., R.26E., N.M.P. Area= 40 acres ± Eddy County, New Mexico CHECKED ARL SBAD, NEW MEXICO NO. SCALE 3 SCHEDULE C . 119 Ş 2 diff. 696 586 FEET NO.ST Cal. 1000 2000 STATE OF NEW MEXICO, County of Eddy, ss. I hereby certify that this instrument was filed for record on the February , A. D. 19 84 at 11:17 o'clock ... M., and duly recorded 28 day of ____ of said County. in Book וראורוא ___ Deputy VIRGIE COLE, County Clerk Bу CLERK'S CERTIFICATE Certified this $\underline{/37}$ day of \underline{Hbmm} day of \underline{Hbmm} original recorded in this office. <u>Danlene Rosprim</u> Clerk of Eddy County, N. Mex. <u>Januar Milson</u> Deputy









EDDY	COUNTY -	015	NM-6

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