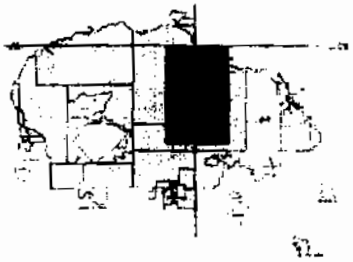

NAVAJO LAND DEPARTMENT
POST OFFICE BOX 2249
WINDOW ROCK, ARIZONA 86504
PHONE: (928) 871-6401
FAX: (928) 871-7039

FACSIMILE COVER SHEET

==========

PLEASE DELIVER THE FOLLOWING PAGE (S) :

TO : SOUTHWEST RESEARCH CENTER

ATTN: MR. CHRIS SHUEY

FAX NUMBER : 505/262-1864
TELEPHONE NO. : 505/262-1862
DATE : 01/24/06

NUMBER OF PAGES : 9 + COVERSHEET

==========

FROM : ALFRED DELIYA

- ☐ FOR YOUR INFORMATION
- ☒ PER YOUR REQUEST
- ☐ _____

COMMENTS: _____

EXHIBIT
16

REPRODUCED AT THE NATIONAL ARCHIVES

THIS INDENTURE, Made this fourteenth day of May, one thousand, nine hundred and twenty-nine, by and between the SANTA FE PACIFIC RAILROAD COMPANY, a corporation, duly incorporated by Act of Congress approved March 3, 1897, party of the first part, and hereinafter designated the first party, and the UNITED STATES OF AMERICA, IN TRUST FOR THE NAVAJO TRIBE, party of the second part, and hereinafter designated the second party.

JUN 25 1929
32385

WITNESSETH, That the said first party for and in consideration of the sum of forty-two thousand, ninety-nine and 71/100 dollars, ($42,099.71), to it in hand paid by the second party, the receipt whereof is hereby acknowledged, hath granted, bargained and sold, and by these presents doth grant, bargain, sell and convey, subject to the reservations and conditions hereinafter contained, unto the said second party, its successors and assigns, that certain real property situated in the County of McKinley and State of New Mexico, and more particularly described as follows, to wit:

NEW MEXICO MERIDIAN, NEW MEXICO.

Township seventeen north, range fourteen west.

Lots one, two, three, four of section one, containing two and two hundredths acres; lots one, two, three, four of section thirteen, containing seven and thirty-two hundredths acres; lots one, two, three, four of section twenty-five, containing eleven and fifty-eight hundredths acres; lots one, two, three, four, south half of the south half of section thirty-one, containing three

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hundred twenty-one and sixty hundredths acres; lots one, two, three, four, south half of the south half of section thirty-three, containing three hundred seventeen and seventy-six hundredths acres; and lots one, two, three, four, south half of the south half of section thirty-five, containing three hundred eighteen and twenty hundredths acres.

Township seventeen north, range fifteen west.

Lots one, two, three, four, south half of the south half of section thirty-one, containing three hundred fifteen and twenty hundredths acres; lots one, two, three, four, south half of the south half of section thirty-three, containing three hundred seventeen and ninety-eight hundredths acres; and lots one, two, three, four, south half of the south half of section thirty-five, containing three hundred fifteen and twenty hundredths acres.

Township fifteen north, range sixteen west.

Section one, containing six hundred thirty-nine and fifty-two hundredths acres; section three, containing six hundred forty-one and ninety hundredths acres; section five, containing six hundred thirty-eight and eighty-two hundredths acres; section seven, containing six hundred sixteen and eighteen hundredths acres; section nine, containing six hundred forty acres; section eleven, containing six hundred forty acres; lots one, two, three, four of section thirteen, containing one hundred ninety-five and sixty hundredths acres; lots one, two, three, four section fifteen, containing one hundred eighty-five and twenty-eight hundredths acres; and lots one, two, three, four of section seventeen, containing one hundred seventy-four and sixteen hundredths acres.

Township sixteen north, range sixteen west.

Section one, containing five hundred ninety-five and twenty hundredths acres; section three, containing six hundred one and eighty hundredths acres; section five, containing six hundred six and eighty-eight hundredths acres; section seven, containing five hundred ninety-five and ninety-two hundredths acres; section nine, containing six hundred forty acres; section eleven, containing six hundred forty acres; section thirteen, containing six hundred forty acres; section fifteen, containing six hundred forty acres; section seventeen, containing six hundred forty acres; section nineteen, containing six hundred two and fifty-two hundredths acres; section twenty-one, containing six hundred forty acres; section twenty-three, containing six hundred forty acres, section twenty-five, containing

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six hundred forty acres; section twenty-seven, containing six hundred forty acres; section twenty-nine, containing six hundred forty acres; section thirty-one, containing six hundred eleven and twelve hundredths acres; section thirty-three, containing six hundred forty acres; and section thirty-five, containing six hundred forty acres.

Township seventeen north, range sixteen west.

Lots one, two, three, four, south half of the south half of section thirty-one, containing three hundred five and twenty-eight hundredths acres; lots one, two, three, four, south half of the south half of section thirty-three, containing three hundred eight and twenty-one hundredths acres; and lots one, two, three, four, south half of the south half of section thirty-five, containing three hundred ten and seventy-eight hundredths acres.

Township fourteen north, range seventeen west.

Lots one, two, three, four, five, southwest quarter of the northwest quarter, west half of the southwest quarter of section three, containing two hundred thirty-five and fifty-six hundredths acres; section five, containing six hundred thirty-eight and eighty-eight hundredths acres; section seven, containing six hundred thirty-eight and twelve hundredths acres; section nine, containing six hundred forty acres; lots one, two, three, four, west half of the west half of section fifteen, containing two hundred thirty-six and eighty-eight hundredths acres; section seventeen, containing six hundred forty acres; section nineteen, containing six hundred forty and eighty-eight hundredths acres; section twenty-one, containing six hundred forty acres; lots one, two, three, four, west half of the west half of section twenty-seven, containing two hundred thirty-nine and ninety-two hundredths acres; north half, and southwest quarter of section twenty-nine, containing four hundred eighty acres; and south half of section thirty-three, containing three hundred twenty acres.

Township fifteen north, range seventeen west.

Section one, containing six hundred eighty-nine and eighty-four hundredths acres; section three, containing six hundred forty and forty-two hundredths acres; section five, containing six hundred thirty-nine and ninety-two hundredths acres; section seven, containing six hundred thirty-nine and ninety-four hundredths acres; northeast quarter and south half of section nine, containing four hundred eighty acres; lots one, two, three, four of section thirteen, containing one hundred sixty-four and forty-eight hundredths acres; lots one, two, three, four, five, six, west half

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of the west half of section fifteen, reserving and excepting therefrom all that part of said section included between lines parallel with and two hundred feet each side of the center line of the original main track of The Atchison, Topeka and Santa Fe Railway Company, containing an area of twenty-four and twenty-four hundredths acres, more or less; said original main track being the present eastbound main track, containing three hundred and thirty-seven hundredths acres; lots one, two, east half, east half of the northwest quarter of section nineteen, containing four hundred eighty-one and nine hundredths acres; east half, west half of the northwest quarter, south half of the southwest quarter of section twenty-one, containing four hundred eighty acres; west half of the southwest quarter of section twenty-seven, containing eighty acres; section twenty-nine, containing six hundred forty acres; and section thirty-one, containing six hundred thirty-eight and eighty-four hundredths acres.

Township sixteen north, range seventeen west.

Section one, containing six hundred fourteen and forty hundredths acres; section three, containing six hundred twenty-two and four hundredths acres; section five, containing six hundred twenty-four and fifty-two hundredths acres; section seven, containing six hundred thirty-two and fifty-two hundredths acres; section nine, containing six hundred forty acres; section eleven, containing six hundred forty acres; section thirteen, containing six hundred forty acres; section fifteen, containing six hundred forty acres; section seventeen, containing six hundred forty acres; section nineteen, containing six hundred thirty-six and forty-four hundredths acres; section twenty-one, containing six hundred forty acres; section twenty-three, containing six hundred forty acres; section twenty-five, containing six hundred forty acres; section twenty-seven, containing six hundred forty acres; section twenty-nine, containing six hundred forty acres; section thirty-one, containing six hundred thirty seven and forty-four hundredths acres; section thirty-three, containing six hundred forty acres; and section thirty-five, containing six hundred forty acres.

Township seventeen north, range seventeen west.

Lots one, two, three, four, south half of the south half of section thirty-one, containing two hundred ninety-seven and thirty-eight hundredths acres; lots one, two, three, four, south half of the south half of section thirty-three, containing three hundred seven and seventy-eight hundredths acres; and lots one, two, three, four, south half of the south half of section thirty-five, containing three hundred six and two hundredths acres.

Containing in the aggregate forty-two thousand, ninety-nine and seventy-one hundredths acres.

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Excepting and reserving to the grantor, its successors and assigns all oil, gas, coal and minerals whatsoever, already found or which may hereafter be found, upon or under said lands with the right to prospect for, mine and remove the same and to use so much of the surface of said lands as shall be necessary and convenient for shafts, wells, tanks, pipe lines, rights of way, railroad tracks, storage purposes and other and different structures and purposes necessary and convenient for the digging, drilling, and working of any mines or wells which may be operated on said lands. The grantor, its successors or assigns, will pay to the grantee, its successors or assigns the fair value of the surface of all lands with improvements thereon appropriated under this exception and reservation. If the parties cannot agree on such value it shall be fixed by three appraisers, of whom each party shall appoint one and the two so appointed shall appoint the third.

Reserving and excepting, however, from the said real property above described, and from the operation of this deed, any portion or portions of the said property above described, if any such there be, which are situated within two lines drawn parallel to and distant from each other two hundred feet, and each distant one hundred feet from the center line of the railroad of The Atchison, Topeka and Santa Fe Railway Company, as now constructed, and including in addition thereto all existing grounds now used for stations, workshops, depots, machine shops, switches, sidetracks, turn-tables or water stations; also reserving and excepting any portion or portions of such property as are now used, occupied or enjoyed by The Atchison, Topeka and Santa Fe Railway Company for other railroad purpose or purposes incidental thereto, or in any manner or degree devoted to such purposes; and excepting and reserving also such portions of said real property as may have

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been appropriated or dedicated or otherwise acquired for public roads and highways, or other public uses.

TO HAVE AND TO HOLD the said real property above described, and its appurtenances, unto the said second party, its successors and assigns forever, subject always, however, to the reservations, exceptions, covenants and conditions above contained and hereinafter set forth.

And the said first party doth hereby covenant with the said second party, its successors and assigns, that it is lawfully seized of the aforesaid real property, and that the same is free and clear of all incumbrances whatsoever, and that it will forever warrant and defend the title to the said real property unto the said second party, its successors and assigns, against all persons lawfully claiming or to claim the same, except taxes that may be levied after December 31st, 1929, provided, however, that it is expressly understood and agreed between the parties hereto that in case the title to any of such land intended hereby to be conveyed should fail, or the second party should be evicted therefrom, or from any portion thereof, by any person or persons holding title paramount to the title so intended hereby to be conveyed, that then and in such event, the measure of damages on account thereof, as well as for the breach of any covenant of warranty contained in this deed, whether expressed or implied, shall be such sum, and no more, as will be produced by multiplying the number of acres

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to which such title shall have failed by the average price per acre paid by the second party to the first party for the whole of said real property; and in no event shall the amount of damages which the second party shall be entitled to receive or recover from the first party, on account of any breach or breaches in the covenant or covenants contained in this deed, whether expressed or implied, exceed the said amount above expressed as the consideration hereof, to wit, the sum of forty-two thousand, ninety-nine and 71/100 dollars ($42,099.71), and interest on such amount from the date of the payment thereof at the rate of six per cent per annum.

IN WITNESS WHEREOF, The said SANTA FE PACIFIC RAILROAD COMPANY, the first party, has caused this deed to be signed by its Vice President and attested by its Assistant Secretary, and its seal to be duly affixed, the day and year first above written.

SANTA FE PACIFIC RAILROAD COMPANY,

By E J Engel

Vice President.

Attest: E L Copeland

Assistant Secretary.

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State of Illinois,)
County of Cook.) ss.

On this 14th day of JUNE 1929, before me appeared ~~W. B. STORRY~~ E. J. ENGEL, to me personally known, who, being by me duly sworn, did say that he is the Vice President of the SANTA FE PACIFIC RAILROAD COMPANY, a corporation organized and existing under and by virtue of an Act of Congress approved March 3, 1899, and that the seal affixed to said instrument is the corporate seal of said corporation, and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors, and said ~~W. B. STORRY~~ E. J. ENGEL, acknowledged said instrument to be the free act and deed of said corporation.

WITNESS my hand and seal notarial this 14th day of JUNE, A. D. 1929.

Rudolph G. Ryding
Notary Public.

My commission expires SEPTEMBER 19, 1930.

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STATE OF NEW MEXICO }
COUNTY OF McKINLEY } ss.

Filed for record in the Clerk's office

the 28th day of Sept

A. D. 1929 at 9.30 o'clock A. M.,

and recorded in Book Seven

of Deeds on page 243

Lorenzo R. Sanchez Jr.
County Clerk.

By .....
Deputy.

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