


JULY 18, 2008

THE DIRECTOR OF THE SCHOOL AND INSTITUTIONAL TRUST LANDS ADMINISTRATION TOOK FORMAL ACTION ON JULY 18, 2008, IN THE TRUST LANDS ADMINISTRATION OFFICE, 675 EAST 500 SOUTH, SUITE 500, SALT LAKE CITY, UTAH 84102-2818, ON THE SURFACE AND FEE WAIVER BUSINESS MATTERS AS INDICATED AND WHICH BECOME EFFECTIVE AT 5:00 P.M. ON JULY 18, 2008.

THESE MINUTES INCLUDE SURFACE ACTIONS AS LISTED ON PAGES 1 TO 24; AND ACTIONS CONTAINING FEE WAIVERS AS LISTED ON PAGE 25.

THESE MINUTES ARE DEEMED THE FINAL AGENCY ACTION CONCERNING THESE MATTERS AND ARE SUBJECT TO REVIEW AND/OR ADJUDICATION PURSUANT TO R850-8 OF THE AGENCY'S RULES. ANY APPEAL OF MATTERS CONTAINED WITHIN THESE MINUTES MUST BE IN WRITING, PURSUANT TO R850-8-1000, AND MUST BE RECEIVED BY THE OFFICE OF THE DIRECTOR BY 5:00 P.M. ON FRIDAY, AUGUST 1, 2008. APPEALS NOT FILED BY THAT TIME WILL BE CONSIDERED UNACCEPTABLE AND THE MATTERS WILL BE UNAPPEALABLE.



KEVIN S. CARTER, DIRECTOR
SCHOOL AND INSTITUTIONAL
TRUST LANDS ADMINISTRATION



LESLIE M. WARNER, RECORDS OFFICER

ARCHIVES APPROVAL NO. 7990209

RANGE IMPROVEMENT PROJECTS

RANGE IMPROVEMENT PROJECT NO. RIP 328 - WITHIN GP 10-08 & GP 22540 (APPROVAL)

APPLICANT'S NAME AND ADDRESS:

Division of Wildlife Resources ("UDWR")
1594 W. North Temple
Salt Lake City, UT 84116

LEGAL DESCRIPTION OF LANDS DIRECTLY AFFECTED:

Township 16 South, Range 8 East, SLB&M
Section 2: SW¹/₄, W¹/₂SE¹/₄, S¹/₂NW¹/₄
Section 3: E¹/₂SE¹/₄
Section 10: E¹/₂NE¹/₄
Section 11: N¹/₂, N¹/₂S¹/₂
Section 12: SW¹/₄NW¹/₄, S¹/₂
Section 13: N¹/₂NE¹/₄, NE¹/₄NW¹/₄

COUNTY: Emery FUND: School

REQUESTED/PROPOSED ACTION:

UDWR has requested permission to rehabilitate approximately 1,000 acres of old chainings in the Mohrland Allotment. It is being proposed that a roller chopper be pulled through the area to kill encroaching junipers and pinyon and the older shrubs. The area will be seeded with grasses and desirable shrubs prior to the roller chopping of the site. The Trust Lands Administration and the permittee are cooperators. The treated area will be rested for two years and a new deferred rotation will be implemented.

RELEVANT FACTUAL BACKGROUND:

The applicant submitted a proposal for this range improvement project on April 9, 2008. Prior to the submission of the application, surface staff held a meeting with the permittee to ensure it was able to accommodate this activity.

The proposed action was submitted to the Resource Development Coordinating Committee ("RDCC") for review. Comments were received from RDCC that read, "*The State Planning Coordinator's Office has reviewed this proposal and has not received any comments...*"

The Southern Utah Association of Local Governments sent a letter in favor of the project, so long as the grazing permittee was able to use the north portion of the allotment which is not being treated. This is part of the proposed plan.

A search of the Agency's records was made to determine the status of the area involved. There are nine easements within this project area which will be avoided and/or will not be affected by this project. There are seven mineral leases which will not be affected and there are two grazing permits, GP 10-08 and GP 22540, both issued to Hatch Livestock, a cooperator with the project.

The project cost on trust lands is valued at \$130,000 (\$130/acre). The permittee is contributing \$3,000.00, SITLA is contributing \$4,000 (grazing 10% monies), and remaining funds are being supplied by the UtahPCD partnership. Because the applicant is not the permittee of record, the project will not be eligible for amortization. Note: The life of the project (the benefit) is 15 years.

RANGE IMPROVEMENT PROJECT NO. RIP 328 - WITHIN GP 10-08 & GP 22540 (APPROVAL)
(CONTINUED)

EVALUATION OF THE FACTS:

This range improvement is in compliance with R850-50-1100(5)(a) and (b). The project does enhance the value of the resource and is needed to manage livestock in the area pursuant to R850-50-1100(5)(c).

Upon recommendation of Mr. Scott Chamberlain, the Director approved Range Improvement Project No. 328. This summary will constitute the Record of Decision.

RIGHTS OF ENTRY

RIGHT OF ENTRY NO. 5200

On June 27, 2008, Ms. Jeanine Kleinke, Trust Lands Technician, pursuant to R850-41-200, and in accordance with direction and delegation of authority, approved the request of Take Me Home Productions, Inc., 1122 Meridian Avenue, South Pasadena, CA 91030, to occupy the following described trust land located within Grand County for commercial photography:

T23S, R19E, SLB&M

Sec. 2: Within

The fee for this right of entry is \$400.00 plus a \$50.00 application fee and a \$50.00 processing fee, totaling \$500.00. Grand County. School Fund. Expiration date: June 28, 2008.

This item was submitted by Ms. Jeanine Kleinke for record-keeping purposes.

EASEMENTS

EASEMENT NO. 1338 (APPROVAL)

APPLICANT'S NAME AND ADDRESS:

Garkane Energy Cooperative, Inc.

120 West 300 South

P.O. Box 465

Loa, Utah 84747

LEGAL DESCRIPTION:

Township 37 South, Range 5 West, SLB&M

Section 6: S $\frac{1}{2}$ SE $\frac{1}{4}$ (within)

Section 7: W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ (within)

Section 18: Lots 1, 2, 4, E $\frac{1}{2}$ NW $\frac{1}{4}$ (within)

Section 19: Lots 1-4 (within)

Township 37 South, Range 6 West, SLB&M

Section 25: E $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ (within)

EASEMENT NO. 1338 (APPROVAL) (CONTINUED)

A strip of land 100 feet wide, being 50 feet on either side of its centerline. The side of the easement extends around corners and ends so as not to have any gaps. The strip of land is defined by a centerline described by a point of ingress which bears N 39°20' W 1763 feet from the southeast corner of Section 6, T37S, R5W, SLB&M, thence S 00°41' E 479 feet; thence S 22°22' W 8648 feet; thence S 01°19' W 654 feet to the point of egress which bears S 19°35' E 2831 feet from the northwest corner of Section 18, T37S, R5W, SLB&M. Containing 22.45 acres more or less.

Also, a strip of land 100 feet wide, being 50 feet on either side its centerline. The side of the easement extends around corners and ends so as not to have any gaps. The strip of land is defined by a centerline described by a point of ingress which bears N 34°45' E 1585 feet from the southwest corner of Section 18, T37S, R5W, SLB&M, thence S 01°19' W 1314 feet; thence S 10°02' W 5056 feet; thence S 22°33' W 3495 feet; thence S 44°08' W 716 feet; thence S 66°21' W 2425 feet to the point of egress which bears N 65°08' E 1458 feet from the southwest corner of Section 25, T37S, R6W, SLB&M. Containing 29.86 acres more or less.

COUNTY: Garfield

ACRES: 52.31

FUND: School

PROPOSED ACTION:

The applicant requests an easement to construct, operate, repair, and maintain an overhead power transmission line. The proposed power line will be located along the western edge of the Hatch Block in Garfield County and will connect the town of Hatch to the Todd's Substation near Highway 89 and Highway 14. The transmission line is necessary to expand the electrical transmission capacity of the area. The proposed easement corridor is 22,787 feet long and 100 feet wide. The term of the easement will be 30 years.

RELEVANT FACTUAL BACKGROUND:

The Resource Development Coordinating Committee ("RDCC") review was initiated on December 24, 2007. Comments were received from the Five County Association of Governments as follows:

"The Utah State Trust Lands Administration proposes to issue a 100 foot wide easement to Garkane Energy across the west portion of the Hatch Block in Garfield County. The easement will allow the construction of a transmission line from Hatch Town to the Todd's Substation. Local officials support efforts to improve public utilities in the region."

The applicant has been notified of the comments provided by the RDCC.

The project area has been surveyed for cultural resources by McFadden Archaeological Consulting (U-08-MX-0408b,p,s). Three significant sites were recorded within the proposed easement corridor. Provided that these sites are avoided, the Trust Lands Administration's staff archaeologist and the State Historic Preservation Office ("SHPO") concur with the finding of "Historic Properties Not Affected."

EVALUATION OF FACTS:

1. The proposed easement is not located entirely on trust lands.
2. The proposed easement term is for a period of 30 years.
3. The applicant has paid the School and Institutional Trust Lands Administration the fees as determined pursuant to R850-40-600.
4. The proposed easement will not have an unreasonably adverse affect on the developability or marketability of the subject property.

EASEMENT NO. 1338 (APPROVAL) (CONTINUED)

The action qualifies as an exclusion to the narrative record of decision process because it does not warrant the time and expense necessary to complete a full narrative record. Therefore, this summary will constitute the record of decision.

Upon recommendation of Mr. Chris Fausett, the Director approved Easement No. 1338 for a term of 30 years beginning July 1, 2008, and expiring June 30, 2038, with the easement fee being \$33,726.55 plus the \$750.00 application fee. The administrative fee required pursuant to R850-40-1800 has been paid up-front with a one-time payment of \$1,000.00.

EASEMENT NO. 1355 (APPROVAL)**APPLICANT'S NAME AND ADDRESS:**

XTO Energy, Inc.
P.O. Box 1360
978 North Crescent
Roosevelt, Utah 84066

LEGAL DESCRIPTION:

Township 11 South, Range 20 East, SLB&M
Section 2: SE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ (within)

A 30 foot wide easement, being 15 feet on either side of the following described centerline:

Beginning at a point in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 2, T11S, R20E, SLB&M, which bears N 00°00'47" E 294.70 feet from the west $\frac{1}{4}$ corner of said Section 2; thence S 78°44'39" W 194.51 feet; thence N 69°49'04" W 278.65 feet; thence N 81°46'14" W 141.69 feet; thence S 65°06'05" W 281.26 feet; thence S 47°39'54" W 387.77 feet; thence S 59°10'31" W 440.22 feet; thence S 46°36'00" W 259.59 feet; thence S 51°01'42" W 157.14 feet; thence S 16°29'47" W 96.74 feet; thence S 39°23'00" W 243.40 feet; thence S 55°59'23" W 133.04 feet; thence S 44°00'10" W 302.20 feet; thence S 26°17'06" W 305.03 feet; thence S 79°09'18" W 74.68 feet; thence N 85°54'01" W 66.82 feet; thence N 64°16'13" W 414.52 feet; thence S 70°50'21" W 90.15 feet; thence S 40°45'35" W 144.53 feet; thence S 49°05'09" W 628.93 feet; thence S 54°39'11" W 820.19 feet; thence S 43°34'58" W 471.58 feet; thence S 42°53'46" W 80.52 feet to a point on the south line of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 2, which bears N 12°23'04" E 2708.89 feet from the west $\frac{1}{4}$ corner of Section 11, T11S, R20E. The side lines of said described easement being shortened or elongated to meet the Grantor's property lines. Basis of bearings is a G.P.S. observation. Contains 4.141 acres more or less.

COUNTY: Uintah

ACRES: 4.141

FUND: School

PROPOSED ACTION:

The applicant requests an easement to operate, repair, and maintain an existing 24-inch or less diameter buried natural gas pipeline. The pipeline was originally constructed under the authority of the Little Canyon Unit agreement and has been used only to transport gas from within the unit boundaries. It is anticipated that, in the future, the pipeline will be used to transport off-unit gas from the Big Pack Unit; therefore, it is necessary for the applicant to obtain an easement for the pipeline. The proposed easement corridor is 6,013.16 feet long and 30 feet wide, containing 4.141 acres. The term of the easement will be 20 years.

RELEVANT FACTUAL BACKGROUND:

Since this easement will be issued for an existing pipeline and will involve no new ground disturbance, the project was exempt from review by the Resource Development Coordinating Committee ("RDCC").

EASEMENT NO. 1355 (APPROVAL) (CONTINUED)

The project area has been previously surveyed for cultural resources by An Independent Archaeologist (U-07-AY-0353b,s and U-07-1205s). No cultural resources were recorded within the project area. The Trust Lands Administration's staff archaeologist and the State Historic Preservation Office ("SHPO") concur with the finding of "No Historic Properties."

A paleontological survey of the project area was conducted by A.H. Hamblin Paleontological Consulting. No fossil materials were found and no additional mitigation was recommended. If fossils are discovered during construction or maintenance activities, a qualified paleontologist should be notified to evaluate the discovery.

In order to protect the potential future extraction of oil shale resources from these lands, a relocation clause will be included in the easement agreement.

EVALUATION OF FACTS:

1. The proposed easement is not located entirely on trust lands.
2. The proposed easement term is for a period of 20 years.
3. The applicant has paid the School and Institutional Trust Lands Administration the fees as determined pursuant to R850-40-600.
4. The proposed easement will not have an unreasonably adverse affect on the developability or marketability of the subject property.

The action qualifies as an exclusion to the narrative record of decision process because it does not warrant the time and expense necessary to complete a full narrative record. Therefore, this summary will constitute the record of decision.

Upon recommendation of Mr. Chris Fausett, the Director approved Easement No. 1355 for a term of 20 years beginning July 1, 2008, and expiring June 30, 2028, with the easement fee being \$4,373.21 plus the \$750.00 application fee. Pursuant to R850-40-1800, an administrative fee will be assessed every three years throughout the term of the easement with the first payment being due on January 1, 2011.

EASEMENT NO. 1364 (APPROVAL)**APPLICANT'S NAME AND ADDRESS:**

XTO Energy, Inc.
P.O. Box 1360
978 North Crescent
Roosevelt, Utah 84066

LEGAL DESCRIPTION:

Township 10 South, Range 19 East, SLB&M
Section 16: N½S½, SW¼SW¼ (within)

A 30 foot wide easement, being 15 feet on each side of its centerline, along with an additional 45 foot wide temporary easement for construction purposes. The centerline being more particularly described as follows:

Beginning at a point on the east line of the NE¼SE¼ of Section 16, T10S, R19E, SLB&M, which bears S 01°52'39" E 382.69 feet from the east ¼ corner of said Section 16; thence S 73°38'30" W 748.12 feet; thence S 74°19'59" W 605.13 feet; thence S 82°47'44" W 328.70 feet; thence S 82°40'13" W 472.69 feet; thence S

EASEMENT NO. 1364 (APPROVAL) (CONTINUED)

73°29'57" W 502.42 feet; thence S 60°58'16" W 286.18 feet; thence S 78°45'33" W 691.85 feet; thence N 10°56'54" W 81.94 feet; thence S 78°45'55" W 255.72 feet; thence S 76°43'32" W 443.40 feet; thence S 82°40'16" W 360.67 feet; thence S 89°43'28" W 444.03 feet; thence S 80°56'41" W 298.03 feet to a point on the west line of the SW¼SW¼ of said Section 16 which bears N 01°43'46" W 1253.95 feet from the southwest corner of said Section 16. The side lines of said described easement being shortened or elongated to meet the Grantor's property lines. Also including a temporary easement for the use of an existing access road located within the W½SW¼ of Section 16, Township 10 South, Range 19 East, for the construction phase of the project. Basis of bearings is a G.P.S. observation. Contains 3.801 acres more or less.

COUNTY: Uintah

ACRES: 3.801

FUND: School

PROPOSED ACTION:

The applicant requests an easement to construct, operate, repair, and maintain a 12-inch or less diameter buried natural gas pipeline. The proposed pipeline is known as the Skywalker Pipeline Corridor and will connect the existing Tap 1 compressor facility on federal lands to the Hill Creek Tap, also located on federal lands. The pipeline is primarily for the benefit of the River Bend Unit, but will also carry some off-unit production. The proposed pipeline parallels several other existing pipelines.

Along with the easement, the applicant is requesting permission to utilize an existing, un-reclaimed temporary access road that was used by another company for the construction of an adjacent pipeline. This temporary access is needed to move equipment around a section of the proposed pipeline which will traverse an area with extremely difficult topography. The temporary access road will be used for a maximum of 90 days during construction, and all use will be entirely contained within the existing disturbed area. Upon completion of the pipeline construction, the temporary access road will be reclaimed by the applicant.

The proposed easement corridor is 5,518.88 feet long and 30 feet wide. The applicant has also requested an additional 45 foot width along the length of the corridor for use as a temporary construction easement. The proposed term of the easement is 20 years.

RELEVANT FACTUAL BACKGROUND:

The Resource Development Coordinating Committee ("RDCC") review of the proposed project was initiated on February 27, 2008. Comments were received from the Department of Environmental Quality/Division of Air Quality, the Utah Geological Survey, and the Uintah County Commission as follows:

Department of Environmental Quality/Division of Air Quality:

"This proposal may require a permit, known as an Approval Order, from the Executive Secretary of the Air Quality Board if any compressor or pump stations are constructed at the site. If a permit is required, a permit application, known as a Notice of Intent (NOI), should be submitted to the Executive Secretary at the Utah Division of Air Quality at 150 North 1950 West, Salt Lake City, Utah, 84116, for review according to the Utah Air Quality Rule R307-401. Permit: Notice of Intent and Approval Order. The guidelines for preparing an NOI are available online at <http://www.airquality.utah.gov/Permits/FORMS/NOIGuide8.pdf>

"In addition, the project is subject to R307-205-5, Fugitive Dust, since the project could have a short-term impact on air quality due to the fugitive dust that could be generated during the excavation and construction phases of the project. An Approval Order is not required solely for the control of fugitive dust, but steps need to be taken to minimize fugitive dust, such as watering and/or chemical stabilization, providing vegetative or synthetic cover, or windbreaks. A copy of the rules may be found at: www.rules.utah.gov/public/code/r307/r307.htm."

EASEMENT NO. 1364 (APPROVAL) (CONTINUED)**Utah Geological Survey:**

"Although there are no paleontological localities recorded in our files for this project area, the Eocene Duchesne River Formation exposed here has the potential for yielding significant vertebrate fossil localities. The Office of the State Paleontologist, therefore, recommends a paleontological survey be conducted for this project and its easements by a paleontologist with a valid permit."

Uintah County:

"Thank you for the opportunity to comment on the construction, operation, repair, and maintenance by XTO Energy, Inc. of a 12-inch or less diameter buried natural gas pipeline located in Uintah County. The proposed pipeline is located in T10S, R19E, Sec. 16: N $\frac{1}{2}$ S $\frac{1}{2}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ (within). The proposed pipeline corridor is known as the Skywalker Pipeline Corridor and will connect the existing Tap 1 compressor facility on federal lands to the Hill Creek Tap, also located on federal lands. The pipeline is primarily for the benefit of the River Bend Unit, but will also receive some off-unit production requiring an easement. The proposed pipeline corridor parallels several other existing pipelines. Along with this easement, XTO Energy Inc. is requesting a temporary access utilizing an existing un-reclaimed temporary access that was used by Questar for construction of an adjacent pipeline. The temporary access is needed to move equipment around a section of the proposed pipeline that would traverse an area with extremely difficult topography. The temporary access would be used for a maximum of 90 days during construction and would be entirely contained within the existing disturbance. The temporary access would be reclaimed by XTO upon completion of construction. The proposed easement corridor is 5,518.88 feet long and 30 feet wide, containing 3.80 acres.

"Uintah County supports this action, keeping ground disturbance, increase in traffic, equipment, dust, and noise emissions during construction, excavation, and installation of the pipeline at a minimum.

"We would ask that XTO Energy, Inc. contact Uintah County's Planning & Zoning Department for the necessary County permits.

"We have no further comment at this time, but reserve the right to comment at a later date if warranted."

The applicant has been notified of the comments provided by the RDCC. The comments submitted by the Division of Air Quality are addressed within Paragraph 13 of the easement agreement.

Pursuant to the comments provided by the Utah Geological Survey, a paleontological survey of the project area was conducted by Alden H. Hamblin. No fossils were discovered along the course of the proposed pipeline and no paleontological restrictions were recommended for the project. If fossil materials are discovered during construction, a qualified paleontologist should be notified immediately to evaluate the discovery.

The project area was surveyed for cultural resources by Montgomery Archaeological Consultants (U-06-MQ-0657b,i,p,s) with a finding of "No Historic Properties." The Trust Lands Administration's staff archaeologist and the State Historic Preservation Office ("SHPO") have reviewed the proposed project and concur with this finding.

In order to protect the potential future extraction of oil shale resources from these lands, a relocation clause will be included in the easement agreement.

EASEMENT NO. 1364 (APPROVAL) (CONTINUED)

EVALUATION OF FACTS:

1. The proposed easement is not located entirely on trust lands.
2. The proposed easement term is for a period of 20 years.
3. The applicant has paid the School and Institutional Trust Lands Administration the fees as determined pursuant to R850-40-600.
4. The proposed easement will not have an unreasonably adverse affect on the developability or marketability of the subject property.

The action qualifies as an exclusion to the narrative record of decision process because it does not warrant the time and expense necessary to complete a full narrative record. Therefore, this summary will constitute the record of decision.

Upon recommendation of Mr. Chris Fausett, the Director approved Easement No. 1364 for a term of 20 years beginning July 1, 2008, and expiring June 30, 2028, with the easement fee being \$4,013.73 plus the \$750.00 application fee. Pursuant to R850-40-1800, an administrative fee will be assessed every three years throughout the term of the easement with the first payment being due on January 1, 2011.

EASEMENT NO. 1288 (REFUND OF EASEMENT FEES)

On June 3, 1987, the Bureau of Land Management issued Right of Way UTU-54897 to a predecessor-in-interest of Magnesium Corporation of America (MagCorp) for an extensive network of evaporation ponds, haul roads, and pipelines which comprised and serviced the grantee's Knolls evaporation pond facility. On January 19, 2001, a portion of this right of way authorized for brine pipeline was transferred to the Trust Lands Administration through the West Desert Exchange. The Trust Lands Administration has since assigned the reference number Easement No. 1288 to the portions of UTU-54897 covering the lands transferred to the Agency.

The portions of UTU-54897 that were transferred to the Trust Lands Administration were determined to be abandoned and were terminated by the Agency via a Notice of Termination on April 1, 2005, and recorded as Entry 238984 in the records of Toole County on April 15, 2005. This final agency action was finalized in the Director's Minutes of April 15, 2005.

Since the termination of this easement, US Magnesium LLC, 238 North 2200 West, Salt Lake City, Utah, 84116, has been erroneously billed a total of \$328.00 in easement fees. Therefore, it has been determined that **these fees should be refunded to US Magnesium LLC.** Tooele County. School Fund.

Upon recommendation of Mr. Chris Fausett, the Director approved a **refund in the amount of \$328.00 to US Magnesium LLC.**

SPECIAL USE LEASE AGREEMENTS

SPECIAL USE LEASE NO. 1580 (APPROVAL)

APPLICANT'S NAME AND ADDRESS

Merle Montague
P.O. Box 159
St. Charles, ID 83272

LEGAL DESCRIPTION:

Township 14 North, Range 7 East, SLB&M

Section 1: All (636.38 Acres)
Section 12: NE¹/₄NW¹/₄, NE¹/₄, N¹/₂SE¹/₄ (280.00 Acres)
Section 13: E¹/₂NE¹/₄ (80.00 Acres)

Township 14 North, Range 8 East, SLB&M

Section 6: Lot 1 (*aka NE¹/₄NE¹/₄*), Lot 2 (*aka NW¹/₄NE¹/₄*), Lot 3 (*aka NE¹/₄NW¹/₄*), Lot 4 (*aka NW¹/₄NW¹/₄*),
S¹/₂NW¹/₄, SW¹/₄NE¹/₄, SW¹/₄ (443.68 Acres)
Section 7: NW¹/₄, E¹/₂NE¹/₄, N¹/₂SW¹/₄, NE¹/₄SE¹/₄ (360.00 Acres)
Section 8: W¹/₂NW¹/₄, NW¹/₄SW¹/₄ (120.00 Acres)
Section 18: NW¹/₄, W¹/₂NE¹/₄, N¹/₂SW¹/₄, SW¹/₄SW¹/₄, W¹/₂SE¹/₄ (440.00 Acres)

Containing 2,360.06 acres, more or less

COUNTY: Rich ACRES: 2,360.06 FUND: School (596.61 acres), Deaf (1,763.45 acres)

LEASE TYPE: AGR

PROPOSED ACTION:

The applicant wishes to obtain an agricultural lease for the purpose of enrolling 2,094.04 acres of the property into the United States of America, Department of Agriculture's Conservation Reserve Program ("CRP"). CRP is a federal soil conservation program, for which only certain lands qualify. The lessee will be required to enroll 2,094.04 acres of the property in the CRP, and to manage the property as required under the CRP. The additional 266.02 acres of the property will not be actively enrolled in the CRP, but will be required by the CRP program to be included in the lease for use as buffer lands and similar purposes, or will be used for grazing. Vehicles and implements are not to be placed on the subject property.

In the event the 2,094.04 acres of the leased premises are no longer enrolled in CRP or necessary for implementation of the CRP, the Trust Lands Administration shall have the right to terminate the lease. If the Trust Lands Administration does not choose to terminate the lease, the applicant shall be entitled to request to use the leased premises (both the portions previously enrolled and not previously enrolled in the CRP) as a dry farm for wheat or other grains, subject to the Trust Lands Administration's approval. The lease will provide that fee rates will be negotiated at that time.

The lease will provide that the Trust Lands Administration may lease the property to third parties for wind turbines provided the cumulative footprint does not exceed 5 acres.

RELEVANT FACTUAL BACKGROUND:

The application for a lease was received on February 5, 2008. The Director accepted the application on February 25, 2008.

SPECIAL USE LEASE NO. 1580 (APPROVAL) (CONTINUED)

A public notice was published according to rule and sent to all existing permittees, lessees, and adjoining landowners. No competing applications or comments were received. Because this proposed action is a continuance of an existing practice, the application was not submitted for review by the Resource Development Coordinating Committee ("RDCC"). Notice was also sent to the Bear River Association of Governments and Rich County. No comments were received.

The Agency's staff archaeologist made a determination that no cultural survey is needed.

EVALUATION OF FACTS:

The applicant submitted a sealed bid proposal for SULA 1580 with an offer of \$25,094.00 (50% of the annual gross payments from the USDA) for the CRP Lands and \$266.02 for the Non-CRP Lands. The application is for 2,360.06 acres. The total bid amount is \$25,360.02, equaling \$10.75 per acre in rent. The value of the subject property is estimated to be \$400.00 per acre for a total value of \$944,024.00. This amount, multiplied by the accepted rate of 5%, is greater than the amount bid by the applicant. Pursuant to Board Policy and R850-30-400(2), the applicant's bid of \$25,360.02 per year, can only be accepted if it is in the best interest of the Beneficiaries and if the lease contains a termination clause whereby the Trust Lands Administration may terminate the lease prior to the end of the lease term. Use of the property for CRP purposes will improve the condition of the land and is in the best interest of the Beneficiaries. In addition, the lease will contain a clause allowing the Trust Lands Administration to terminate the lease after 10 years or if the CRP portion of the property is no longer enrolled in the CRP program, whichever comes first. The requirements of R850-30-400(2) are, therefore, met.

The fees which are due prior to the issuance of a lease are as follows:

Application fee:	\$ 250.00
Advertising	\$ 200.00
Lease processing	<u>\$ 700.00</u>
Total	\$1,150.00

Note: The first year's rental is not due until December 31, 2008.

As there were no competing applications, this action does not warrant the time and expense necessary to complete a full narrative record. Based on this evaluation, this summary will constitute the record of decision.

Upon recommendation of Mr. Scott Chamberlain, the Director approved SULA 1580. The term of the lease shall be 15 years, however the lease shall be subject to termination by the Trust Lands Administration after 10 years or if the CRP portion of the property is no longer enrolled in the CRP program. The beginning date of this lease will be July 1, 2008. The expiration date of this lease will be June 30, 2023.

SPECIAL USE LEASE AGREEMENT NO. 677 (FIVE-YEAR REVIEW)

Special Use Lease Agreement No. 677 is an industrial lease in the name of Kerr McGee Oil & Gas Onshore LP, P.O. Box 173779, Denver, CO 80217-3779. The lease site is located in Uintah County. School Fund.

1. **ANNUAL BASE RENTAL:**

The five-year review date for this lease is October 1, 2008. The subject property is located in Uintah County and is used by the lessee for the purpose of a drip storage tank site. Based on an analysis of the lease rental pursuant to Board policy, it has been determined that an appraisal is not warranted. Therefore, it is recommended that the CPI index be used to adjust the annual rental, which will be increased from \$510.00 to \$590.00 per year, effective October 1, 2008. A certified notice of the rental increase was sent to the lessee on June 26, 2008.

New Annual Base Rental Amount: \$590.00

Acres in Lease: 0.06

Rental per Acre: \$9,833.33

2. **DUE DILIGENCE AND PROPER USE:**

The development allowed by this lease has occurred. It is recommended that the lease be kept in force. The leased premises are being used in accordance with the lease agreement.

3. **ADEQUATE BOND COVERAGE:**

A bond is being acquired for this lease.

4. **ESTABLISHMENT OF WATER RIGHTS:**

There are no water rights owned by the Trust Lands Administration associated with this lease.

5. **POLLUTION AND SANITATION REGULATIONS:**

The Trust Lands Administration is unaware of any violations of valid sanitation and pollution regulations. There is no evidence of underground storage tanks on the leased premises.

6. **NEXT FIVE-YEAR REVIEW DATE:**

The next assessment will be due on October 1, 2013.

Upon recommendation of Mr. Kurt Higgins, the Director approved the five-year review for Special Use Lease Agreement No. 677.

SPECIAL USE LEASE AGREEMENT 1254 (THREE-YEAR REVIEW)

SULA 1254 is a telecommunications lease issued to Cedar City Corporation, Cedar City Police Department, 10 North Main Street, Cedar City, UT 84720-2635. The lease site is located in Iron County. School Fund.

1. **ANNUAL BASE RENTAL:**

The three-year review date for this lease is August 1, 2008. Pursuant to the use of the consumer price index inflationary adjustment, it is recommended that the annual base rental be increased from \$1,600.00 per year to \$ 1,780.00 per year, effective August 1, 2008. A certified notice was sent to inform the lessee of this action. The lessee called and said they would be sending in the new payment.

Subleasing: Any subleasing revenue assessed is in addition to the annual base rental amounts discussed above. There are currently no known subleases on the site.

Preliminary estimate of land value: \$500.00 (Based on \$50,000.00 per acre)

New annual base rental: \$1,780.00

Acres in lease: 0.01

Rental per acre: \$175,000.00

The existing communication lease site is considered the highest and best use of a small parcel of this type of land, even considering the fair market value of the subject parcel and the surrounding lands.

2. **DUE DILIGENCE AND PROPER USE:**

The development allowed by the lease has occurred. It is recommended that the lease be kept in force. The leased premises are being used in accordance with the lease agreement.

3. **ADEQUATE INSURANCE AND BOND COVERAGE:**

Cedar City has insurance and bonding through a governmental risk management organization.

4. **ESTABLISHMENT OF WATER RIGHTS:**

There are no water rights associated with this lease.

5. **POLLUTION AND SANITATION REGULATIONS:**

The Trust Lands Administration is unaware of any violations of valid sanitation and pollution regulations as prescribed by any governmental agency having jurisdiction. There is no evidence of underground storage tanks on the premises.

6. **NEXT REVIEW DATE:**

The next review date will be August 1, 2011.

Upon recommendation of Mr. Bagley, the Director approved the three-year review for SULA 1254.

SPECIAL USE LEASE NO. 1591 (RECLAMATION BOND – AMENDMENT TO IRREVOCABLE STANDBY LETTER OF CREDIT TRANSFERRING BOND FROM SULA 1131 TO SULA 1591)

On the Director's Minutes of December 7, 2007, bonding was approved for Dyno Nobel Inc., 2650 Decker Lake Blvd., Suite 300, Salt Lake City, Utah 84119, in the form of an Irrevocable Standby Letter of Credit No. NZS609640, as a reclamation bond on Special Use Lease No. 1131 for Dyno Nobel Inc. SULA 1131 has been terminated. The bond that the lessee provided toward SULA 1131 is transferred to SULA 1591. This reclamation bond is for \$5,000.00 and will remain in full force and effect until released by the Trust Lands Administration. Utah County. School Fund.

Upon recommendation of Mr. Kurt Higgins, the Director approved the transfer of this bond to SULA 1591.

SPECIAL USE LEASE AGREEMENT NO. 1465 (RECLAMATION BOND)

Pursuant to Paragraph 16 of the lease agreement, Orica USA, Inc., 33101 E. Quincy Ave., Watkins, CO 80137, has submitted Corporate Surety Bond No. 83BSBFC6558. The bonding company is Hartford Fire Insurance Company, One Hartford Plaza, Hartford, CT 06155. The reclamation bond is for \$5,000.00 and will remain in full force and effect until released by the Trust Lands Administration. Utah County. School Fund.

Upon recommendation of Mr. Kurt Higgins, the Director accepted the bond submitted for SULA 1465.

SPECIAL USE LEASE AGREEMENT NO. 1549 (CORRECTION)

Special Use Lease No. 1549 was approved on the Director's Minutes of June 27, 2008. The expiration date was shown as June 30, 2028, and the next review date as July 1, 2013. The expiration date should be **June 30, 2018**, and the next review will be **July 1, 2011**. Uintah County. School Fund.

This item was submitted by Mr. Kurt Higgins for record-keeping purposes.

SALES

PRE SALE NO. 8432 (REFUSAL)

On June 16, 2008, Eco Land Use Partners, 1190 Wolf Creek Court, Fruita, CO 81521, submitted an application to purchase the following described trust land located within Grand County:

T19S, R22E, SLB&M
Sec. 36: All

T19S, R23E, SLB&M
Sec's 16, 32, 36: All

T19S, R24E, SLB&M
Sec. 36: All

T20S, R23E, SLB&M
Sec. 2: All

PRE SALE NO. 8432 (REFUSAL) (CONTINUED)

T20S, R24E, SLB&M
Sec. 2: All

On July 9, 2008, the Director refused the application because the economics of leasing these lands for the same purpose will be of greater benefit to the Trust Beneficiaries.

This item was submitted by Mr. Bryan Torgerson for record-keeping purposes.

ISSUANCE OF PATENTS

A patent has been issued for the following paid certificate of sale. Records should be noted.

PRE SALE NO.: 7059
CERTIFICATE OF SALE NO.: 24584
SALE DATE: July 18, 1997
PATENT NO.: 20115
PATENT DATE: April 8, 2008

ISSUED TO:

Chris Roberts
P.O. Box 1096
St. George, Utah 84771

LEGAL DESCRIPTION:

Township 25 South, Range 4.5 West, SLB&M
Section 32: SE $\frac{1}{4}$ NE $\frac{1}{4}$

ACRES: 40.00, m/1

COUNTY: Sevier

FUND: School

This item was submitted by Ms. Carney for record-keeping purposes.

PREDESIGNATIONS

PREDESIGNATION NO. 723 (ISSUANCE OF CONDITIONAL DISCLAIMER OF INTEREST IN RIGHT OF WAY)

Kane County, 76 N. Main, Kanab, Utah, 84741-0728, has submitted documentation which indicates that the following described roads meet the requirements set forth by the Trust Lands Board of Trustees in Board Policy 2006-01 to be conditionally recognized as valid existing rights pursuant to federal law prior to the title of the property vesting in the State of Utah.

LEGAL DESCRIPTION:

Township 39 South, Range 9 West, SLB&M
Section 9: SE $\frac{1}{4}$ NE $\frac{1}{4}$ (within)

Road Name: South Plains
Road Number: K1925

PREDESIGNATION NO. 723 (ISSUANCE OF CONDITIONAL DISCLAIMER OF INTEREST IN RIGHT OF WAY) (CONTINUED)

A right of way, not exceeding 100 ft. in width along an existing road described more or less as follows:

Beginning more or less 1472 ft. south of the northeast corner of Section 9, Township 39 South, Range 9 West, SLB&M, and running thence more or less 1124 ft. southwesterly along the road to an intersection of another right of way in the northeast quarter of said Section 9. Said point being more or less 2121 ft. south and 822 ft. west of the northeast corner of said Section 9, Township 39 South, Range 9 West, SLB&M. Containing 2.58 acres more or less.

Township 39 South, Range 9 West, SLB&M

Section 9: S $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ (within)

Road Name: Corral Canyon

Road Number: K1910

A right of way, not exceeding 100 ft. in width along an existing road described more or less as follows:

Beginning more or less 2639 ft. south of the northwest corner of Section 9, Township 39 South, Range 9 West, SLB&M, and running thence more or less 4585 ft. easterly along the road to an intersection of another right of way in the NE $\frac{1}{4}$ of said Section 9. Said point being more or less 2121 ft. south and 822 ft. west of the northeast corner of said Section 9, Township 39 South, Range 9 West, SLB&M. Containing 10.53 acres more or less.

Township 40 South, Range 8 West, SLB&M

Section 13: Lot 4, SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ (within)

Road Name: Reubs Canyon

Road Number: K2150

A right of way, not exceeding 100 ft. in width along an existing road described more or less as follows:

Beginning more or less 885 ft. west of the southeast corner of Section 13, Township 40 South, Range 8 West, SLB&M, and running thence more or less 4237 ft. northwesterly along the road to a point on the west boundary of the trust lands in said Section 13. Said point being more or less 1927 ft. south and 2586 ft. east of the northwest corner of said Section 13, Township 40 South, Range 8 West, SLB&M. Containing 9.73 acres more or less.

Township 40 South, Range 8 West, SLB&M

Section 24: NE $\frac{1}{4}$ NE $\frac{1}{4}$ (within)

Road Name: Reubs Canyon

Road Number: K2150

A right of way, not exceeding 100 ft. in width along an existing road described more or less as follows:

Beginning more or less 885 ft. west of the northeast corner of Section 24, Township 40 South, Range 8 West, SLB&M, and running thence more or less 1500 ft. southeasterly along the road to a point on the south boundary of the trust lands in said Section 24. Said point being more or less 1233 ft. south and 365 ft. west of the northeast corner of said Section 24, Township 40 South, Range 8 West, SLB&M. Containing 3.44 acres more or less.

PREDESIGNATION NO. 723 (ISSUANCE OF CONDITIONAL DISCLAIMER OF INTEREST IN RIGHT OF WAY) (CONTINUED)

Township 40 South, Range 8 West, SLB&M

Section 36: NE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ (within)

Road Name: Reubs Canyon

Road Number: K2150

A right of way, not exceeding 100 ft. in width along an existing road described more or less as follows:

Beginning more or less 1075 ft. west of the northeast corner of Section 36, Township 40 South, Range 8 West, SLB&M, and running thence more or less 5989 ft. southerly along the road to a point on the south boundary of said Section 36. Said point being more or less 778 ft. west of the southeast corner of said Section 36, Township 40 South, Range 8 West, SLB&M. Containing 13.75 acres more or less.

Township 40 South, Range 5 West, SLB&M

Section 36: NE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$ (within)

Road Number: K3985

A right of way, not exceeding 50 ft. in width along an existing road described more or less as follows:

Beginning more or less 1164 ft. south of the northeast corner of Section 36, Township 40 South, Range 5 West, SLB&M, and running thence more or less 4807 ft. northwesterly along the road to a point on the north boundary of said Section 36. Said point being more or less 1332 ft. east of the northwest corner of Section 36, Township 40 South, Range 5 West, SLB&M. Containing 5.52 acres more or less.

Township 41 South, Range 8 West, SLB&M

Section 2: SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ (within)

Road Name: Twin Hollow

Road Number: K2120

A right of way, not exceeding 50 ft. in width along an existing road described more or less as follows:

Beginning more or less 2242 ft. west of the southeast corner of Section 2, Township 41 South, Range 8 West, SLB&M, and running thence more or less 4382 ft. northwesterly along the road to an intersection of another right of way in the NW $\frac{1}{4}$ of said Section 2. Said point being more or less 2044 ft. south and 1479 ft. east of the northwest corner of said Section 2, Township 41 South, Range 8 West, SLB&M. Containing 5.03 acres more or less.

Township 41 South, Range 8 West, SLB&M

Section 2: S $\frac{1}{2}$ NW $\frac{1}{4}$ (within)

Road Name: Burnt Flat

Road Number: K2125

A right of way, not exceeding 50 ft. in width along an existing road described more or less as follows:

PREDESIGNATION NO. 723 (ISSUANCE OF CONDITIONAL DISCLAIMER OF INTEREST IN RIGHT OF WAY) (CONTINUED)

Beginning more or less 2448 ft. south of the northwest corner of Section 2, Township 41 South, Range 8 West, SLB&M, and running thence more or less 1554 ft. northeasterly along the road to an intersection of another right of way in the NW $\frac{1}{4}$ of said Section 2. Said point being more or less 2044 ft. south and 1479 ft. east of the northwest corner of said Section 2, Township 41 South, Range 8 West, SLB&M. Containing 1.78 acres more or less.

Township 41 South, Range 8 West, SLB&M

Section 16: NE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ (within)

Road Name: SITLA Mineral Section Road A

Road Number: K2065

A right of way, not exceeding 50 ft. in width along an existing road described more or less as follows:

Beginning more or less 1438 ft. east of the northwest corner of Section 16, Township 41 South, Range 8 West, SLB&M, and running thence more or less 4433 ft. southeasterly along the road to a point on the east boundary of said Section 16. Said point being more or less 1603 ft. south of the northeast corner of said Section 16, Township 41 South, Range 8 West, SLB&M. Containing 5.09 acres more or less.

Township 41 South, Range 8 West, SLB&M

Section 36: W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ (within)

Road Name: Elephant Gap/Cove and Virgin R.

Road Number: K1300

A right of way, not exceeding 100 ft. in width along an existing road described more or less as follows:

Beginning more or less 1441 ft. west of the northeast corner of Section 36, Township 41 South, Range 8 West, SLB&M, and running thence more or less 6822 ft. southwesterly along the road to point on the west boundary of said Section 36. Said point being more or less 1352 ft. north of the southwest corner of Section 36, Township 41 South, Range 8 West, SLB&M. Containing 15.66 acres more or less.

Township 43 South, Range 9 West, SLB&M

Section 2: Lot 1 (within)

Road Name: Elephant Gap/Cove and Virgin R.

Road Number: K1300

A right of way, not exceeding 50 ft. in width along an existing road described more or less as follows:

Beginning more or less 1076 ft. south of the northeast corner of Section 2, Township 43 South, Range 9 West, SLB&M, and running thence more or less 1241 ft. northwesterly along the road to a point on the north boundary of said Section 2. Said point being more or less 642 ft. west of the northeast corner of Section 2, Township 43 South, Range 9 West, SLB&M. Containing 1.42 acres more or less.

PREDESIGNATION NO. 723 (ISSUANCE OF CONDITIONAL DISCLAIMER OF INTEREST IN RIGHT OF WAY) (CONTINUED)

Township 41 South, Range 7 West, SLB&M

Section 2: Lots 1 & 8, S $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ (within)

Road Number: K2800

A right of way, not exceeding 50 ft. in width along an existing road described more or less as follows:

Beginning more or less 279 ft. west of the northeast corner of Section 2, Township 41 South, Range 7 West, SLB&M, and running thence more or less 6334 ft. southwesterly along the road to a point on the south boundary of said Section 2. Said point being more or less 1573 ft. west of the southeast corner of Section 2, Township 41 South, Range 7 West, SLB&M. Containing 7.27 acres more or less.

Township 41 South, Range 7 West, SLB&M

Section 6: Lot 7 (within)

Road Name: Muddy Canyon Road

Road Number: K2150

A right of way, not exceeding 100 ft. in width along an existing road described more or less as follows:

Beginning more or less 562 ft. east of the southwest corner of Section 6, Township 41 South, Range 7 West, SLB&M, and running thence more or less 1448 ft. northwesterly along the road to a point on the west boundary of said Section 6. Said point being more or less 1293 ft. north of the southwest corner of Section 6, Township 41 South, Range 7 West, SLB&M. Containing 3.32 acres more or less.

Township 41 South, Range 7 West, SLB&M

Section 6: Lot 2 (within)

Road Name: Deer Hollow/Cove Canyon

Road Number: K2155

A right of way, not exceeding 50 ft. in width along an existing road described more or less as follows:

Beginning more or less 2031 ft. west of the northeast corner of Section 6, Township 41 South, Range 7 West, SLB&M, and running thence more or less 2064 ft. southeasterly along the road to a point on the south boundary of the trust lands in said Section 6. Said point being more or less 1372 ft. south and 1354 ft. west of the northeast corner of Section 6, Township 41 South, Range 7 West, SLB&M. Containing 2.37 acres more or less.

Township 41 South, Range 7 West, SLB&M

Section 32: Lot 2 (within)

Road Number: K2725

A right of way, not exceeding 50 ft. in width along an existing road described more or less as follows:

Beginning more or less 2467 ft. east of the southwest corner of Section 32, Township 41 South, Range 7 West, SLB&M, and running thence more or less 755 ft. northwesterly along the road, thence running more or less 262 ft. southerly along the road to a point on the south boundary of said Section 32. Said point being more or less 1746 ft. west of the southeast corner of Section 32, Township 41 South, Range 7 West, SLB&M. Containing 1.17 acres more or less.

PREDESIGNATION NO. 723 (ISSUANCE OF CONDITIONAL DISCLAIMER OF INTEREST IN RIGHT OF WAY) (CONTINUED)

Township 41 South, Range 6 West, SLB&M

Section 2: Lots 1 & 2, SE $\frac{1}{4}$ NE $\frac{1}{4}$ (within)

Road Number: K2925

A right of way, not exceeding 50 ft. in width along an existing road described more or less as follows:

Beginning more or less 1891 ft. west of the northeast corner of Section 2, Township 41 South, Range 6 West, SLB&M, and running thence more or less 3148 ft. southeasterly along the road to an intersection of another right of way in the NE $\frac{1}{4}$ of said Section 2. Said point being more or less 2464 ft. south and 117 ft. west of the northeast corner of Section 2, Township 41 South, Range 6 West, SLB&M. Containing 3.61 acres more or less.

Township 41 South, Range 6 West, SLB&M

Section 32: E $\frac{1}{2}$ NE $\frac{1}{4}$ (within)

Road Name: Lower Kanab Creek to Alton Rd.

Road Number: K2610

A right of way, not exceeding 50 ft. in width along an existing road described more or less as follows:

Beginning more or less 66 ft. west of the northeast corner of Section 32, Township 41 South, Range 6 West, SLB&M, and running thence more or less 1023 ft. southeasterly along the road to a point on the east boundary of said Section 32. Said point being more or less 821 ft. south of the northeast corner of Section 32, Township 41 South, Range 6 West, SLB&M. Containing 1.17 acres more or less.

Township 42 South, Range 9 West, SLB&M

Section 16: SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ (within)

Road Name: West Rock Canyon/Barrack Rd.

Road Number: K1296

A right of way, not exceeding 50 ft. in width along an existing road described more or less as follows:

Beginning more or less 1474 ft. west of the southeast corner of Section 16, Township 42 South, Range 9 West, SLB&M, and running thence more or less 4051 ft. northeasterly along the road to a point on the east boundary of said Section 16. Said point being more or less 2023 ft. south of the northeast corner of Section 16, Township 42 South, Range 9 West, SLB&M. Containing 4.65 more or less.

Township 42 South, Range 8 West, SLB&M

Section 32: N $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ (within)

Road Number: K1400

A right of way, not exceeding 50 ft. in width along an existing road described more or less as follows:

Beginning more or less 768 ft. north of the southeast corner of Section 32, Township 42 South, Range 8 West, SLB&M, and running thence more or less 6384 ft. northwesterly along the road to a point on the west boundary of said Section 32. Said point being more or less 1537 ft. north of the southwest corner of Section 32, Township 42 South, Range 8 West, SLB&M. Containing 7.33 acres more or less.

PREDESIGNATION NO. 723 (ISSUANCE OF CONDITIONAL DISCLAIMER OF INTEREST IN RIGHT OF WAY) (CONTINUED)

Township 42 South, Range 6 West, SLB&M

Section 32: W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ (within)

Road Name: Kanab Canyon

Road Number: K2565

A right of way, not exceeding 100 ft. in width along an existing road described more or less as follows:

Beginning more or less 1811 ft. west of the northeast corner of Section 32, Township 42 South, Range 6 West, SLB&M, and running thence more or less 5893 ft. southwesterly along the road to an intersection of another right of way in the SW $\frac{1}{4}$ of said Section 32. Said point being more or less 1908 ft. north and 545 ft. east of the southwest corner of Section 32, Township 42 South, Range 6 West, SLB&M. Containing 13.53 acres more or less.

Township 42 South, Range 5 West, SLB&M

Section 16: NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ (within)

Road Number: K2625

A right of way, not exceeding 50 ft. in width along an existing road described more or less as follows:

Beginning more or less 1908 ft. north of the southwest corner of Section 16, Township 42 South, Range 5 West, SLB&M, and running thence more or less 6019 ft. northeasterly along the road to a point on the east boundary of said Section 16. Said point being more or less 2038 ft. south of the northeast corner of Section 16, Township 42 South, Range 5 West, SLB&M. Containing 6.91 acres more or less.

Township 42 South, Range 5 West, SLB&M

Section 16: NE $\frac{1}{4}$ (within)

Road Number: K2627

A right of way, not exceeding 50 ft. in width along an existing road described more or less as follows:

Beginning more or less 284 ft. south of the northeast corner of Section 16, Township 42 South, Range 5 West, SLB&M, and running thence more or less 2145 ft. southwesterly along the road to an intersection of another right of way in the NE $\frac{1}{4}$ of said Section 16. Said point being more or less 1675 ft. south and 1571 ft. west of the northeast corner of Section 16, Township 42 South, Range 5 West, SLB&M. Containing 2.46 acres more or less.

Township 43 South, Range 9 West, SLB&M

Section 2: Lots 2-4, S $\frac{1}{2}$ NE $\frac{1}{4}$ (within)

Road Number: K1270

A right of way, not exceeding 50 ft. in width along an existing road described more or less as follows:

Beginning more or less 1476 ft. south of the northeast corner of Section 2, Township 43 South, Range 9 West, SLB&M, and running thence more or less 5362 ft. northwesterly along the road to a point on the north boundary of said Section 2. Said point being more or less 956 ft. east of the northwest corner of Section 2, Township 43 South, Range 9 West, SLB&M. Containing 6.14 acres more or less.

PREDESIGNATION NO. 723 (ISSUANCE OF CONDITIONAL DISCLAIMER OF INTEREST IN RIGHT OF WAY) (CONTINUED)

Township 43 South, Range 9 West, SLB&M

Section 2: Lot 3, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ (within)

Road Number: K1286

A right of way, not exceeding 50 ft. in width along an existing road described more or less as follows:

Beginning more or less 1111 ft. east of the southwest corner of Section 2, Township 43 South, Range 9 West, SLB&M, and running thence more or less 5108 ft. northeasterly along the road to an intersection of another right of way in the NW $\frac{1}{4}$ of said Section 2. Said point being more or less 955 ft. south and 2413 ft. east of the northwest corner of Section 2, Township 43 South, Range 9 West, SLB&M. Containing 5.86 acres more or less.

Township 43 South, Range 9 West, SLB&M

Section 36: S $\frac{1}{2}$ S $\frac{1}{2}$ (within)

Road Name: Sand Dunes Road

Road Number: K1000

A right of way, not exceeding 100 ft. in width along an existing road described more or less as follows:

Beginning more or less 78 ft. north of the southwest corner of Section 36, Township 43 South, Range 9 West, SLB&M, and running thence more or less 5450 ft. northeasterly along the road to a point on the east boundary of said Section 36. Said point being more or less 710 ft. north of the southeast corner of Section 36, Township 43 South, Range 9 West, SLB&M. Containing 12.51 acres more or less.

Township 43 South, Range 8 West, SLB&M

Section 32: S $\frac{1}{2}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, (within)

Road Name: Sand Dunes Road

Road Number: K1000

A right of way, not exceeding 100 ft. in width along an existing road described more or less as follows:

Beginning more or less 840 ft. north of the Southwest corner of Section 32, Township 43 South, Range 8 West, SLB&M, and running thence more or less 5695 ft. northeasterly along the road to a point on the east boundary of said Section 32. Said point being more or less 2395 ft. south of the northeast corner of Section 32, Township 43 South, Range 8 West, SLB&M. Containing 13.07 acres more or less.

Township 44 South, Range 9 West, SLB&M

Section 2: N $\frac{1}{2}$ N $\frac{1}{2}$ (within)

Road Name: Sand Dunes Road

Road Number: K1000

A right of way, not exceeding 100 ft. in width along an existing road described more or less as follows:

PREDESIGNATION NO. 723 (ISSUANCE OF CONDITIONAL DISCLAIMER OF INTEREST IN RIGHT OF WAY) (CONTINUED)

Beginning more or less 694 ft. south of the northwest corner of Section 2, Township 44 South, Range 9 West, SLB&M, and running thence more or less 4548 ft. northeasterly along the road to a point on the north boundary of said Section 2. Said point being more or less 799 ft. west of the northeast corner of Section 2, Township 44 South, Range 9 West, SLB&M. Containing 10.44 acres more or less.

Township 43 South, Range 6 West, SLB&M

Section 16: NW $\frac{1}{4}$ NW $\frac{1}{4}$ (within)

Road Name: Hog Canyon

Road Number: K2500

A right of way, not exceeding 50 ft. in width along an existing road described more or less as follows:

Beginning more or less 1082 ft. east of the northwest corner of Section 16, Township 43 South, Range 6 West, SLB&M, and running thence more or less 506 ft. southwesterly along the road to a point on the west boundary of the trust lands in said Section 16. Said point being more or less 200 ft. south and 639 ft. east of the northwest corner of Section 16, Township 43 South, Range 6 West, SLB&M. Containing 0.58 acres more or less.

Township 43 South, Range 6 West, SLB&M

Section 16: NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ (within)

Road Name: Hog Canyon

Road Number: K2500

A right of way, not exceeding 50 ft. in width along an existing road described more or less as follows:

Beginning at an intersection more or less 1652 ft. south and 444 ft. east of the northwest corner of Section 16, Township 43 South, Range 6 West, SLB&M, and running thence more or less 1065 ft. northwesterly along the road to a point on the north boundary of the trust lands in said Section 16. Said point being more or less 672 ft. south and 71 ft. east of the northwest corner of Section 16, Township 43 South, Range 6 West, SLB&M. Containing 1.22 acres more or less.

Township 43 South, Range 4 West, SLB&M

Section 32: SW $\frac{1}{4}$ NW $\frac{1}{4}$ (within)

Road Number: K3227

A right of way, not exceeding 50 ft. in width along an existing road described more or less as follows:

Beginning more or less 1357 ft. south of the northwest corner of Section 32, Township 43 South, Range 4 West, SLB&M, and running thence more or less 1211 ft. easterly along the road to a point on the east boundary of the trust lands in the NE $\frac{1}{4}$ of said Section 32. Said point being more or less 1542 ft. south and 1196 ft. east of the northwest corner of Section 32, Township 43 South, Range 4 West, SLB&M. Containing 1.39 acres more or less.

PREDESIGNATION NO. 723 (ISSUANCE OF CONDITIONAL DISCLAIMER OF INTEREST IN RIGHT OF WAY) (CONTINUED)

Township 43 South, Range 1 West, SLB&M

Section 24: S½SE¼ (within)

Road Number: K6087

A right of way, not exceeding 50 ft. in width along an existing road described more or less as follows:

Beginning more or less 687 ft. north of the southeast corner of Section 24, Township 43 South, Range 1 West, SLB&M, and running thence more or less 3152 ft. southwesterly along the road to a point on the west boundary of the trust lands in said Section 24. Said point being more or less 506 ft. north and 2617 ft. west of the southeast corner of said Section 24, Township 43 South, Range 1 West, SLB&M. Containing 3.62 acres more or less.

Township 44 South, Range 6 West, SLB&M

Section 10: Lots 4 & 5 (within)

Road Number: K2410

A right of way, not exceeding 100 ft. in width along an existing road described more or less as follows:

Beginning more or less 1076 ft. east of the southwest corner of Section 10, Township 44 South, Range 6 West, SLB&M, and running thence more or less 3011 ft. northwesterly along the road to an intersection of another right of way in the NW¼ of said Section 10. Said point being more or less 104 ft. south and 96 ft. east of the northwest corner of Section 10, Township 44 South, Range 6 West, SLB&M. Containing 6.91 acres more or less.

COUNTY: Kane

ACRES: 190.06

FUNDS: Miner's Hospital, Normal School, School

A Conditional Disclaimer of Interest in Right of Way (PRED 723) will be issued to Kane County for the above described lands.

Upon recommendation of Mr. Chris Fausett, the Director has conditionally recognized this valid existing right and assigned it Predesignation Number 723.

ACTIONS CONTAINING FEE WAIVERS

SURFACE

GRAZING PERMIT NO. 22906-08 (PARTIAL NON-USE)

Grazing Permit No. 22906-08 is issued to D. I. Ranch, 800 Kayenta Parkway, Ivins, UT 84738. The Trust Lands Administration is requiring D. I. Ranch to take 50% non-use, due to a wildfire and subsequent re-seeding, on GP 22906-08. The BLM and UDWR cost-shared to re-seed the trust land sections within the Deseret Inn BLM Allotment. The 2008/2009 grazing bill should be reduced by 47.5 AUMs (\$180.50). The \$9.50 weed fee and \$180.50 grazing fee have been paid. The \$20.00 non-use fee will be waived as this is an administrative request. Washington County. School Fund.

Upon recommendation of Mr. Ron Torgerson, the Director approved the partial non-use for GP 22906-08.

RIGHT OF ENTRY NO. 5203 (APPROVAL)

The Trust Lands Administration is working under the 1933 Aneth Extension Act to relinquish its properties located in Montezuma Creek to the federal government. The properties will then be put into trust for the benefit of the Navajo Nation. This right of entry will be issued to allow the Navajo Nation Lands Department and the Bureau of Indian Affairs the rights to perform certain due diligences prior to the relinquishment of the said properties. This right of entry will be good for one year from the time of approval or until the properties are relinquished, whichever is earlier. This right of entry permit will allow access in the following areas:

Montezuma Creek Parcels

Township 40 South, Range 24 East, SLB&M, Section 32:

Surface Ownership Description:

NE $\frac{1}{4}$ SE $\frac{1}{4}$ (40 Acres), E $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ (5 Acres), PART OF SW $\frac{1}{4}$ SE $\frac{1}{4}$ (20 Acres)*

*Beginning at a point that is N 0°29'38" W 220.70 ft from the South Corner of Section 32, Township 40 South, Range 24 East, SLB&M, to the point of beginning; thence N 0°29'51" W 914.27 ft; thence S 68°57'31"E 1423.66 ft to a point on the east quarter section line; thence S 0°35'47" E 598.82 ft to the South East Corner of the SW $\frac{1}{4}$ SE $\frac{1}{4}$; thence S 88°57'7"W 391.01 ft; thence N 0°21'12"E 441.51 ft; thence N 69°15'37" W 190.39 ft; thence S 0°19'17" W 304.20 ft; thence S 89°51'32" W 759.06 ft., more or less to the point of beginning. Containing approximately 20 acres, more or less.

The Navajo Nation Lands Department or the Bureau of Indian Affairs shall comply with all liability insurance obligations described in the right of entry permit.

The fee for this right of entry is \$200.00 plus a \$50.00 application fee and a \$50.00 processing fee, totaling \$300.00. The fees have been waived because it is in the Agency's best interest to facilitate the relinquishment where possible. San Juan County. School Fund.

Upon recommendation of Mr. Bryan Torgerson, the Director approved Right of Entry No. 5203 for a one year term or until the properties are relinquished, whichever is earlier.