

APRIL 13, 2009

THE DIRECTOR OF THE SCHOOL AND INSTITUTIONAL TRUST LANDS ADMINISTRATION TOOK FORMAL ACTION ON APRIL 13, 2009, IN THE TRUST LANDS ADMINISTRATION OFFICE, 675 EAST 500 SOUTH, SUITE 500, SALT LAKE CITY, UTAH 84102-2818, ON THE MINERAL, SURFACE, LEGAL, FEE WAIVER, AND TRUST ACCOUNTING BUSINESS MATTERS AS INDICATED AND WHICH BECOME EFFECTIVE AT 6:00 P.M. ON APRIL 13, 2009.

THESE MINUTES INCLUDE MINERAL ACTIONS AS LISTED ON PAGES 1 TO 3; SURFACE ACTIONS AS LISTED ON PAGES 4 TO 19; LEGAL ACTIONS AS LISTED ON PAGE 20; ACTIONS CONTAINING FEE WAIVERS AS LISTED ON PAGE 21; AND TRUST ACCOUNTING ACTIONS AS LISTED ON PAGE 21.

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 6:00 P.M. ON MONDAY, APRIL 27, 2009. 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

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**MINERAL ACTIONS**

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**APPROVAL OF MINERAL MATERIALS PERMIT FOR BUILDING STONE (SCH)**

The following-described application was received for a Mineral Materials Permit to harvest “East Desert” Building Stone from trust lands. “East Desert” Building Stone may best be described as sandstone or limestone surface boulders that are colored by desert varnish or lichens. The lands have been checked by the Minerals Group and are open and available for issuance of the permit. Other current usages of the land are for grazing, oil & gas leasing, and oil shale leasing. The applicant proposes to harvest surface boulders without any need for excavation or significant disturbances to the surface. Prior to collecting any stone, the applicant will obtain a certified land survey of the boundaries of the lands within the permit and will complete such cultural resource survey or other requirements as may be required by the Trust Lands Administration. The applicant submitted the required filing fee and first year annual rentals totaling \$1700. Term and royalties required for the permit are as indicated below.

<u>ML 51582-MP</u>	<u>T13S, R21E, SLB&amp;M.</u>	Utah
Hector Monteroso	SEC. 32: SW <sup>1</sup> / <sub>4</sub>	160.00 acres
1372 So. Rolling Sage Way		
Saratoga Springs, UT 84043		

Mineral Material: “East Desert“ Building Stone  
 Permit Term: Three Years  
 Royalty: Greater amount of \$25 per ton or 10% Gross Value, f.o.b. mine

Upon recommendation of Mr. Blake, the Director approved the above-listed application.

**INTEREST ASSIGNMENTS – OIL, GAS, AND HYDROCARBON LEASES**

Upon recommendation of Ms. Garrison, the Director approved the assignment of 65% in and to the leases listed below to Delta Petroleum Corporation, 370 17<sup>th</sup> Street, Suite 4300, Denver, CO 80202, by Armstrong Resources, LLC. No override, but subject to previous overrides as reserved. Effective June 1, 2004, the Trust Lands Administration assumes no responsibility in reviewing, collecting, or distributing overriding royalty.

OWNERSHIP BEFORE ASSIGNMENT:	OWNERSHIP AFTER ASSIGNMENT:
RECORD TITLE:	RECORD TITLE:
<i>ARMSTRONG RESOURCES, LLC – 85%,</i>	<i>DELTA PETROLEUM CORPORATION – 65%,</i>
WHITING OIL AND GAS CORPORATION – 15%,	<i>ARMSTRONG RESOURCES, LLC – 20%</i>
	WHITING OIL AND GAS CORPORATION - 15%

...ML 50023 (SCH: 640.00; USU: 240.00)...ML 50024 (SCH)...ML 50028 (SCH)...ML 50035 (SCH)....  
 ...ML 50042 (SCH)...ML 50130 (SCH)...ML 50132 (SCH)...ML 50133 (SCH)...ML 50134 (SCH)....

**TERMINATION OF ML 14035 – OIL, GAS & HYDROCARBON (SCH)**

Due to several years of non-production of the El Paso E&P Company Ute 1-18B1E (API 43 047 30969) Well, ML 14035, which was committed to the 640 acre communitization agreement held by this well, should be terminated effective March 31, 2009. (Record title owner: El Paso E&P Company LP, 1001 Louisiana Street, P.O. Box 2511, Houston, TX 77252-2511.)

Upon recommendation of Mr. Bonner, the Director approved the termination of ML 14035.

**CANCELLATION OF ML 51362 – OIL, GAS & HYDROCARBON (DEAF: 40.00, MH: 240.00)**

Robert Eckels Family Trust, P.O. Box 30, Cedaredge, CO 81413, was the high bidder of Leasing Unit 20 on the July 28, 2008, Competitive Lease Offering described as follows:

<u>T10S, R6E, SLB&amp;M.</u>	Utah
SEC. 19: E $\frac{1}{2}$ SE $\frac{1}{4}$	280.00 Acres
SEC. 20: SW $\frac{1}{4}$	
SEC. 25: NE $\frac{1}{4}$ NW $\frac{1}{4}$	

Through correspondence and certified mail, Robert Eckels Family Trust has failed to execute and return the leases as required. ML 51362 should be canceled due to non-compliance with Rules Governing the Management and Use of School and Institutional Trust Lands in Utah.

Upon recommendation of Mr. Bonner, the Director approved the cancellation of ML 51362.

**ASSIGNMENT OF CASH DEPOSIT – SURETY TO COVER STATEWIDE OIL & GAS OPERATIONS (ALL)**

On June 29, 2007, the Director accepted a cash deposit in the amount of \$15,000 (Receipt SL048668) from Integrated Energy, LLC, ATTN: Wayne Stout, 1137 19 Road, Fruita, CO 81521, as surety to cover their statewide oil & gas exploration and development operations. Wayne Stout, Manager of Integrated Energy, LLC, has authorized assignment of this cash deposit to Genesis Petroleum US, Inc., P.O. Box 18148, Reno, NV 89511.

Upon recommendation of Mr. Bonner, the Director approved the assignment of the \$15,000 cash deposit from Integrated Energy, LLC to Genesis Petroleum US, Inc.

**REPLACEMENT OF STATEWIDE BOND OF LESSEE (ALL)**

On April 25, 2008, the Director accepted a State of Utah Statewide Bond of Lessee from Parallel Petroleum Corporation, Suite 400, 1004 North Big Spring, Midland, TX 79701, in the amount of \$15,000, Bond No. B004346 with US Specialty Insurance Company, 13403 Northwest Freeway, Houston, TX 77040, to cover their oil and gas exploration and development operations on trust lands. Parallel Petroleum Corporation has submitted a replacement bond in the amount of \$15,000, Bond No. 1033902 with Lexon Insurance Company, Suite 200, 2307 River Road, Louisville, KY 40206.

Upon recommendation of Mr. Bonner, the Director accepted Bond No. 1033902, and released Bond No. B004346 from Parallel Petroleum Corporation.

**REPLACEMENT OF SURFACE RECLAMATION SURETY – ML 49049 (SCH)**

On May 23, 2008, the Director accepted a State of Utah Bond of Lessee from Parallel Petroleum Corporation, Suite 400, 1004 North Big Spring, Midland, TX 79701, in the amount of \$7,800, Bond No. B004401 with US Specialty Insurance Company, 13403 Northwest Freeway, Houston, TX 77040. This bond was for the benefit of K Ranch LLC to cover surface reclamation requirements in conjunction with drilling and development operations of the Trail Creek Anticline 1-2-6-25 (API 43 047 38324) Well under State of Utah Oil, Gas and Hydrocarbon Lease ML 49049. Parallel Petroleum Corporation has submitted a replacement bond in the amount of \$7,800, Bond No. 1033903 with Lexon Insurance Company, Suite 200, 2307 River Road, Louisville, KY 40206.

Upon recommendation of Mr. Bonner, the Director accepted Bond No. 1033903, and released Bond No. B004401 from Parallel Petroleum Corporation.

**ACCEPTANCE OF \$15,000 CERTIFICATE OF DEPOSIT –STATEWIDE OIL & GAS OPERATIONS (ALL)**

Running Foxes Petroleum, Inc., 7060 B, S Tucson Way, Centennial, CO 80112, has submitted a Certificate of Deposit No. 4801882 in the amount of \$15,000 issued to the State of Utah School & Institutional Trust Lands Administration through American National Bank, ATTN: Deb Smith, 3033 East First Avenue, Denver, CO 80206, as surety to cover their oil & gas exploration and development operations.

Upon recommendation of Mr. Bonner, the Director accepted the \$15,000 Certificate of Deposit No. 4801882 from Running Foxes Petroleum, Inc.

**EXPIRATION OF OIL, GAS, AND HYDROCARBON LEASES**

The Oil, Gas, and Hydrocarbon leases listed below have reached the end of their term and expired on the dates listed. *This item is submitted by Edward W. Bonner for record keeping purposes only.*

<b><u>Lease No.</u></b>	<b><u>Description</u></b>	<b><u>County/Acres</u></b> <b><u>Expiration Date</u></b>
<u>ML 48248 (SCH)</u> Newfield RMI LLC	<u>T10S, R13E, SLB&amp;M.</u> SEC. 32: LOTS 1, 2, 3, 4 [ALL]	Duchesne 85.76 acres March 31, 2009
<u>ML 48249 (SCH)</u> Newfield RMI LLC	<u>T11S, R13E, SLB&amp;M.</u> SEC. 2: LOTS 1, 2, 3, 4, 5, S½SW¼ [ALL]	Duchesne 212.12 acres March 31, 2009

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**SURFACE ACTIONS**

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**GRAZING PERMITS**

**RENEWAL OF GRAZING PERMITS**

The following grazing permits, acquired pursuant to the State/Federal Land Exchange authorized under the Utah Schools and Lands Exchange Act of 1998, Public Law 105-335 (1998), have been renewed for a period of 10 years, beginning July 1, 2009, and expiring June 30, 2019.

<u>Permit #</u>	<u># Acres</u>	<u># AUMs</u>	<u>County(s)</u>	<u>Fund(s)</u>
GP 4-09	1,680.84	100.00	Emery, Carbon	School
GP 16-09	1,919.08	61.00	Emery, Carbon	School
GP 21-09	100.00	10.00	Uintah	School

Upon recommendation of Ms. Paula Lane, the Director approved the renewal of these permits.

**RENEWAL OF GRAZING PERMITS**

The following grazing permits have been renewed for a period of 15 years, beginning July 1, 2009, and expiring June 30, 2024.

<u>Permit #</u>	<u># Acres</u>	<u># AUMs</u>	<u>County(s)</u>	<u>Fund(s)</u>
GP 20117-09	1,174.11	100.00	Uintah	School
GP 20138-09	640.00	47.00	Juab	School
GP 20141-09	2,581.56	107.00	Juab	School
GP 20150-09	6,016.64	32.00	Piute, Garfield	School
GP 20162-09	689.28	348.00	Juab	School
GP 20203-09	320.00	7.00	Kane	School
GP 20215-09	3,541.86	54.00	Uintah	School
GP 20292-09	1,328.00	28.00	Iron	School
GP 20349-09	2,390.72	167.00	Daggett	School
GP 20380-09	161.55	14.00	Sevier	School
GP 20388-09	1,640.68	59.00	Emery	School

Upon recommendation of Ms. Paula Lane, the Director approved the renewal of these permits.

**GRAZING PERMIT NOS. 21480-00, 22694, 20836 (CANCELLATION)**

Frank Vincent Family Ranch, LC, c/o Frank Vincent, P.O. Box 38096, Leamington, UT 84638, has requested to have the above grazing permits canceled. This acreage is being added to the renewal permit GP 20162-09. School Fund. Juab County.

Upon recommendation of Mr. Scott Chamberlain, the Director approved the cancellation of GP 21480-00, GP 22694, and GP 20836.

**GRAZING PERMIT NO. 23155 (ASSIGNMENT)**

Russell Burraston, acting for Phill C. Nielson, P.O. Box 40175, Lynndyl, UT 84640, has requested permission to assign 100% interest in the above referenced grazing permit to Robert Nielson Ranch LLC, 270 South 300 East, Delta, UT 84624. Documentation showing that Russell L. Burraston has been court appointed as the General Personal Representative of the Phill C. Nielson Estate has been submitted. The assignment fee in the amount of \$111.00 has been submitted. Millard County. School Fund.

Upon recommendation of Mr. Ron Torgerson, the Director approved the assignment of GP 23155.

**GRAZING PERMIT NO. 21952-02 (SUBLEASE APPROVAL)**

Charles W. Lund, P.O. Box 216, Gunnison, UT 84634, has requested permission to sublease 100% of the above referenced grazing permit for a period of five years to Franklin O'Driscoll, 336 Cobble St., Salina, UT 84654. The sublease fee in the amount of \$65.00 has been submitted. Sanpete County. USU, Normal School, and School Funds.

Upon recommendation of Mr. Scott Chamberlain, the Director approved the sublease for GP 21952-02 for five years.

**GRAZING PERMIT NO. 22190-02 (SUBLEASE APPROVAL)**

Charles W. Lund, P.O. Box 216, Gunnison, UT 84634, has requested permission to sublease 100% of the above referenced grazing permit for a period of five years to Franklin O'Driscoll, 336 Cobble St., Salina, UT 84654. The sublease fee in the amount of \$19.00 has been submitted. Sanpete County. School Fund.

Upon recommendation of Mr. Scott Chamberlain, the Director approved the sublease for GP 22190-02 for five years.

**GRAZING PERMIT NO. 22254-08 (SUBLEASE APPROVAL)**

Charles W. Lund, P.O. Box 216, Gunnison, UT 84634, has requested permission to sublease 100% of the above referenced grazing permit for a period of five years to Franklin O'Driscoll, 336 Cobble St., Salina, UT 84654. The sublease fee in the amount of \$10.00 has been submitted. Sanpete County. USU Fund.

Upon recommendation of Mr. Scott Chamberlain, the Director approved the sublease for GP 22254-08 for five years.

**GRAZING PERMIT NO. 22630 (SUBLEASE APPROVAL)**

Lanny D. and Glenna Thomas, 934 Celestite Drive, Fruita, CO 81521, have requested permission to sublease 100% of the above referenced grazing permit to Kenneth Bates, Spanish Valley Drive, Moab, UT 84532. The permittee's previous sublease to Corey Vetre was canceled for breach of sublease terms between the permittee and sublessee. The sublease fee in the amount of \$61.00 has been submitted. This represents a \$1.00 per AUM subleasing fee for 61 AUMs. The sublease will be for a two-year term and billed annually until that term expires June 30, 2011. Grand County. USU Fund.

Upon recommendation of Mr. Ron Torgerson, the Director approved the sublease of GP 20875 for two years.

**GRAZING PERMIT NO. 22124-02 (PARTIAL NON-USE AND CREDIT OF FEES)**

Thousand Peak Ranches, Inc., 255 West 800 South, Salt Lake City, UT 84101, has requested 50% partial non-use (915.5 AUMs), due to lack of forage, on GP 22124-02 during the 2008-2009 grazing season. This grazing permit is located within the Thousand Peaks BLM Allotment. Agency staff has verified this lack of forage with Paul Caso from the Fillmore BLM office. The permittee would like a credit of \$3,478.90 on its 2009-2010 grazing season's bill. The \$20.00 non-use fee has been paid. Juab and Millard Counties. School and Reservoirs Funds.

Upon recommendation of Mr. Ron Torgerson, the Director approved the partial non-use and credit of fees for GP 22124-02.

**GRAZING PERMIT NO. 23092 (PARTIAL NON-USE AND CREDIT OF FEES)**

Thousand Peak Ranches, Inc., 255 West 800 South, Salt Lake City, UT 84101, has requested 25% partial non-use (52 AUMs), due to lack of forage, on GP 23092 during the 2008-2009 grazing season. This grazing permit is located within the Coyote Knoll BLM Allotment. Agency staff has verified this lack of forage with Paul Caso from the Fillmore BLM office. The permittee would like a credit of \$197.60 on its 2009-2010 grazing season's bill. The \$20.00 non-use fee has been paid. Millard County. School Fund.

Upon recommendation of Mr. Ron Torgerson, the Director approved the partial non-use and credit of fees for GP 23092.

**GRAZING PERMIT NO. 22603 (PARTIAL NON-USE AND CREDIT OF FEES)**

Thousand Peak Ranches, Inc., 255 West 800 South, Salt Lake City, UT 84101, has requested 68% partial non-use (146 AUMs), due to lack of forage, on GP 22603 during the 2008-2009 grazing season. This grazing permit is located within the Spor Mountain BLM Allotment. Agency staff has verified this lack of forage with Paul Caso from the Fillmore BLM office. The permittee would like a credit of \$554.80 on its 2009-2010 grazing season's bill. The \$20.00 non-use fee has been paid. Juab County. School Fund.

Upon recommendation of Mr. Ron Torgerson, the Director approved the partial non-use and credit of fees for GP 22603.

**GRAZING PERMIT NO. 21609-01 (PARTIAL NON-USE AND CREDIT OF FEES)**

Thousand Peak Ranches, Inc., 255 West 800 South, Salt Lake City, UT 84101, has requested 33% partial non-use (25 AUMs), due to lack of forage, on GP 21609-01 during the 2008-2009 grazing season. This grazing permit is located within the Tatow BLM Allotment. Agency staff has verified this lack of forage with Paul Caso from the Fillmore BLM office. The permittee would like a credit of \$95.00 on its 2009-2010 grazing season's bill. The \$20.00 non-use fee has been paid. Millard County. School Fund.

Upon recommendation of Mr. Ron Torgerson, the Director approved the partial non-use and credit of fees for GP 21609-01.

**GRAZING PERMIT NO. 22276-08 (PARTIAL NON-USE AND CREDIT OF FEES)**

Thousand Peak Ranches, Inc., 255 West 800 South, Salt Lake City, UT 84101, has requested 33% partial non-use (37 AUMs), due to lack of forage, on GP 22276-08 during the 2008-2009 grazing season. This grazing permit is located within the Tatow BLM Allotment. Agency staff has verified this lack of forage with Paul Caso from the Fillmore BLM office. The permittee would like a credit of \$140.60 on its 2009-2010 grazing season's bill. The \$20.00 non-use fee has been paid. Millard County. School Fund.

Upon recommendation of Mr. Ron Torgerson, the Director approved the partial non-use and credit of fees for GP 22276-08.

**RIGHTS OF ENTRY****RIGHT OF ENTRY NO. 5302 (APPROVAL)**

The School and Institutional Trust Lands Administration has received a right of entry application from Brown Brothers Construction, Inc., 90 N. 200 E., Loa, UT 84747, to occupy the following described trust land located within Garfield County for placing up to 10 travel trailers, a portable water storage tank, and small generator.

Township 36 South, Range 11 East, SLB&M

Sec 32: N½NW¼ (within)

This permit will replace ROE 5154 which authorized the same uses and will expire on April 30, 2009. This area is within the applicant's sand and gravel permit authorized under MP 318. They have a continuing need to utilize the trailers for employee housing as they work in the pit processing material for several projects in the area. All sewage will be stored in approved above ground tanks and will be hauled off-site as needed.

The fee for this right of entry is \$1,000.00 plus a \$50.00 application and a \$50.00 processing fee, totaling \$1,100.00. School Fund. Garfield County. Beginning Date: May 1, 2009. Expiration Date: April 30, 2010.

Upon recommendation of Mr. Lou Brown, the Director approved Right of Entry No. 5302 for a term of one year.

**RIGHT OF ENTRY NO. 5308**

On March 23, 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 Jeep Jamboree USA, P.O. Box 1601, Georgetown, CA 95634, to occupy the following described trust land located within Grand and San Juan Counties to conduct a two day recreational event:

T21S, R16E, SLB&M

Sec. 36: Within

T22S, R16E, SLB&M

Sec. 2: Within

T22S, R17E, SLB&M

Sec. 32: Within

**RIGHT OF ENTRY NO. 5308 (CONTINUED)**

T22S, R19E, SLB&M

Sec's 15, 22, 23, 24: Within

T22S, R20E, SLB&M

Sec. 36: Within

T22S, R21E, SLB&M

Sec. 32: Within

T22S, R22E, SLB&M

Sec. 2: Within

T23S, R17E, SLB&M

Sec. 2: Within

T23S, R20E, SLB&M

Sec's 33, 34: Within

T23S, R22E, SLB&M

Sec. 36: Within

T23S, R23E, SLB&M

Sec's 16, 32: Within

T23S, R24E, SLB&M

Sec. 36: Within

T24S, R18E, SLB&M

Sec's 32, 36: Within

T24S, R19E, SLB&M

Sec's 16, 32: Within

T24S, R20E, SLB&M

Sec's 2, 13, 14, 27: Within

T24S, R24E, SLB&M

Sec. 2: Within

T24S, R25E, SLB&M

Sec. 16: Within

T25S, R18E, SLB&M

Sec's 16, 36: Within

T25S, R19E, SLB&M

Sec's 32, 36: Within

**RIGHT OF ENTRY NO. 5308 (CONTINUED)**

T25S, R20E, SLB&M

Sec's 2, 16, 32, 36: Within

T25S, R22E, SLB&M

Sec's 32, 36: Within

T25S, R23E, SLB&M

Sec. 32: Within

T26S, R18E, SLB&M

Sec. 2: Within

T26S, R19E, SLB&M

Sec. 2: Within

T26S, R21E, SLB&M

Sec's 16, 33: Within

T26S, R23E, SLB&M

Sec. 32: Within

T27S, R23E, SLB&M

Sec's 7, 8: Within

T27S, R22E, SLB&M

Sec's 1, 2, 16, 35: Within

T39S, R11E, SLB&M

Sec. 36: Within

T40S, R11E, SLB&M

Sec. 2: Within

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 permittee shall also pay to the Trust Lands Administration the sum of 3% of gross receipts, based on number of clients, number of client days, and percentage of time spent on trust land, or \$4.00/vehicle, whichever is greater, within 30 days of permit expiration date.

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

**RIGHT OF ENTRY NO. 5311 (APPROVAL)**

On March 30, 2009, the School and Institutional Trust Lands Administration received an application from National Outdoor Leadership School, 502 Lincoln Street, Lander, WY 82520, to occupy the following described trust land located within Grand, San Juan, and Wayne Counties to conduct commercial wilderness education training for a one-year term:

T38S, R19E, SLB&M

Sec's 32, 36: Within

T39S, R19E, SLB&M

Sec's 2, 16, 32, 36: Within

T39S, R20E, SLB&M

Sec's 2, 16, 32: Within

T35S, R16E, SLB&M

Sec. 36: Within

T36S, R17E, SLB&M

Sec. 32: Within

T35S, R15E, SLB&M

Sec. 16: Within

T32S, R19E, SLB&M

Sec's 2, 16: Within

T32S, R19E, SLB&M

Sec. 36: Within

T33S, R18E, SLB&M

Sec's 2, 16: Within

T31S, R21E, SLB&M

Sec. 36: Within

T33S, R20E, SLB&M

Sec. 2: Within

T28S, R13E, SLB&M

Sec's 32, 36: Within

T29S, R13E, SLB&M

Sec. 16: Within

T30S, R13E, SLB&M

Sec's 32, 36: Within

T30S, R12E, SLB&M

Sec. 32: Within

**RIGHT OF ENTRY NO. 5311 (APPROVAL) (CONTINUED)**

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 permittee shall also pay to the Trust Lands Administration the sum of 3% of gross receipts, based on number of clients, number of client days, and percentage of time spent on trust land, within 30 days of permit expiration date. Grand, San Juan, and Wayne Counties. School Fund. Beginning date: April 1, 2009. Expiration date: March 31, 2010.

Upon recommendation of Ms. Jeanine Kleinke, the Director approved Right of Entry No. 5311 for a one-year term.

**RIGHT OF ENTRY NO. 5312 (APPROVAL)**

On March 31, 2009, the School and Institutional Trust Lands Administration received an application from Moab Cliffs & Canyons, P.O. Box 764, 63 East Center Street, Moab, UT 84532, to occupy all trust land located within the State of Utah, except for those lands subject to existing leases or permits that grant access control, and those lands that have been withdrawn or may be withdrawn by order of the Director, to conduct commercial tours for a one-year term.

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 permittee shall also pay to the Trust Lands Administration the sum of 3% of gross receipts, based on number of clients, number of client days, and percentage of time spent on trust land, within 30 days of permit expiration date. Beginning date: April 1, 2009. Expiration date: March 31, 2010. Funding: School = 96.66%, USU = 0.83%, Deaf = 0.16%, Blind = 0.01%, MH = 0.18%, NS = 0.16%, PB = < 0.01%, SYDC = < 0.01%, RES = 1.26%, SM = 0.21%, UNIV = 0.51%.

Upon recommendation of Ms. Jeanine Kleinke, the Director approved Right of Entry No. 5312 for a one-year term.

**RIGHT OF ENTRY NO. 5194 (EXTENSION OF TERM)**

The Federal Aviation Administration, AWP, 1601 Lind Ave. S.W., Renton, Washington 98057, after consultation with the School and Institutional Trust Lands Administration, has requested a four-month extension of Right of Entry No. 5194 to continue the operation of an existing communication site for an existing VORTAC facility, which is a communication site for air traffic control, on the following trust lands on Lake Mountain:

Township 6 South, Range 1 West, SLB&M  
Section 27: NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$

County: Utah                      Acres: 10.00                      Fund: School

ROE 5194 was approved on October 6, 2008, with a beginning date of July 1, 2008, and an expiration date of October 31, 2008. An extension of term was granted on December 15, 2008, for the period of November 1, 2008, to February 28, 2009. The current request for a term extension is for the period of March 1, 2009, through June 30, 2009. The total permit term, including this extension, will be one year. This extension is necessary to provide uninterrupted operation of the communication facility until SULA 1585 is finalized. SULA 1585 has an anticipated beginning date of July 1, 2009.

The additional rental for this extension is \$1,950.00, to be applied as telecommunications rental, plus a \$50.00 amendment fee, totaling \$2,000.00.

Upon recommendation of Mr. Gary Bagley, the Director approved the extension of term for Right of Entry Permit No. 5194.

**RIGHT OF ENTRY NO. 5301 (APPLICATION CANCELLATION AND REFUND OF RENTAL)**

The above-referenced right of entry application, in the name of Brown Brothers Construction, P.O. Box 249, Loa, UT 84747, was filed with the Trust Lands Administration on March 16, 2009, for the temporary use as a staging area for equipment, stockpiling materials, and setting up a batch plant. This application was to be a renewal of ROE 5104; however, the applicant has determined that it will not be using the land in the future and, therefore, does not need to renew this permit. The applicant has requested the permit application be canceled and the right of entry fees refunded.

Upon recommendation of Mr. Lou Brown, the Director approved the cancellation of ROE 5301 and **ordered a refund of the rental paid in the amount of \$500.00 be sent to the applicant.** The \$50.00 application fee and the \$50.00 processing fee, totaling \$100.00, are forfeited to the Trust Lands Administration.

**EASEMENTS****EASEMENT NO. 1388 (APPROVAL)****APPLICANT'S NAME AND ADDRESS:**

Bureau of Land Management ("BLM")  
Henry Mountains Field Station  
P.O. Box 99  
Hanksville, Utah 84734

**LEGAL DESCRIPTION:**

*The following descriptions closely approximate the location of the centerline of the physical monument based on mapping grade Global Positioning System ("GPS") data. The trail-segment itself is the monument that is identified by its physical presence on the land.*

Township 28 South, Range 9 East, SLB&M  
Section 2: Lots 3 & 4 (within)

A 30 foot wide easement for an existing off-highway vehicle trail, being 15 feet on either side of the following described centerline:

Beginning at a point located on the west line of Section 2, Township 28 South, Range 9 East, SLB&M, at 4,251,180 N, 507,333 E, UTM Zone 12, NAD 83 datum, said point of beginning also being located south 945 feet more or less along the said west section line from the northwest corner of said Section 2; thence running along the centerline of an existing off-highway vehicle trail the following courses: N 53°58'35" E 72.41 feet; thence N 58°36'02" E 65.11 feet; thence N 73°34'47" E 65.81 feet; thence N 80°42'15" E 66.82 feet; thence S 75°08'05" E 65.99 feet; thence S 60°20'16" E 70.60 feet; thence N 89°39'29" E 65.98 feet; thence N 53°57'59" E 65.64 feet; thence N 68°01'03" E 65.56 feet; thence N 70°44'01" E 67.22 feet; thence N 06°21'36" E 62.49 feet; thence S 87°13'22" E 52.82 feet; thence S 81°08'10" E 69.20 feet; thence S 71°18'19" E 52.61 feet; thence N 43°09'51" E 65.18 feet; thence N 66°32'52" E 66.20 feet; thence S 76°40'52" E 60.38 feet; thence S 81°13'35" E 62.38 feet; thence N 19°33'43" W 56.44 feet; thence N 19°25'06" W 67.70 feet; thence N 18°11'47" E 64.82 feet; thence N 34°52'29" E 65.58 feet; thence N 52°02'02" E 65.17 feet; thence N 71°07'03" E 63.77 feet; thence N 80°23'44" E 67.45 feet; thence S 80°53'24" E 67.55 feet; thence S 75°35'19" E 65.65 feet; thence S 66°19'51" E 67.67 feet; thence S 65°27'19" E 67.84 feet; thence S 74°09'55" E 67.69 feet; thence S 88°12'18" E 70.18 feet; thence N 76°29'59" E 64.65 feet; thence N 47°41'41" E 64.15 feet; thence N 32°40'47" E 65.02 feet; thence N 24°00'09" E 66.62 feet; thence N 16°32'13" E 63.28 feet; thence N 12°39'20" E 64.39 feet; thence N 09°33'48" E 64.18 feet;

**EASEMENT NO. 1388 (APPROVAL) (CONTINUED)**

thence N 02°30'10" E 68.37 feet; thence N 00°23'30" W 81.56 feet to a point on the north line of said Section 2, said point of termination being located at 4,251,465 N, 507,886 E, UTM Zone 12, NAD 83 datum. The side lines of said centerline being shortened or elongated to meet the Grantor's property lines. Total length of centerline is 2,622.13 feet. Containing 1.81 acres more or less.

**Township 27 South, Range 9 East, SLB&M**

Section 32: N½NE¼, NE¼NW¼, S½NW¼, SW¼NE¼, N½SW¼ (within)

A 30 foot wide easement for an existing off-highway vehicle trail, being 15 feet on either side of the following described centerline:

Beginning at a point located on the north line of Section 32, Township 27 South, Range 9 East, SLB&M, at 4,253,070 N, 504,105 E, UTM Zone 12, NAD 83 datum, said point of beginning also being located west 6.24 feet more or less along the said north section line from the northeast corner of said Section 32; thence running along the centerline of an existing off-highway vehicle trail the following courses: S 51°53'48" W 19.08 feet; thence S 54°30'52" W 20.91 feet; thence S 56°12'59" W 22.3 feet; thence S 62°47'52" W 17.15 feet; thence S 70°49'58" W 12.99 feet; thence S 76°45'34" W 15.47 feet; thence S 79°33'45" W 36.76 feet; thence S 81°52'45" W 29.03 feet; thence S 77°51'45" W 24.5 feet; thence S 71°59'12" W 9.87 feet; thence S 63°39'28" W 15.08 feet; thence S 42°09'34" W 12.17 feet; thence S 34°18'10" W 17.87 feet; thence S 41°32'46" W 25.03 feet; thence S 44°39'40" W 15.68 feet; thence S 49°05'08" W 10.42 feet; thence S 54°04'26" W 9.56 feet; thence S 59°09'50" W 15.17 feet; thence S 73°53'34" W 12.77 feet; thence N 82°35'35" W 6.62 feet; thence N 69°14'14" W 19.16 feet; thence N 56°10'21" W 11.37 feet; thence N 47°20'39" W 27.79 feet; thence N 57°24'17" W 29.05 feet; thence N 62°52'43" W 10.58 feet; thence N 74°10'32" W 17.08 feet; thence S 85°18'05" W 14.42 feet; thence S 68°11'55" W 15.02 feet; thence S 60°52'33" W 10.52 feet; thence S 50°55'48" W 11.45 feet; thence S 43°45'43" W 23.62 feet; thence S 47°57'23" W 9.9 feet; thence S 50°58'34" W 17.6 feet; thence S 65°44'06" W 11.99 feet; thence S 69°00'54" W 5.13 feet; thence S 80°21'45" W 5.29 feet; thence N 84°03'11" W 4.75 feet; thence N 71°12'54" W 5.1 feet; thence N 65°24'48" W 17.43 feet; thence N 78°56'29" W 27.88 feet; thence S 88°11'50" W 18.16 feet; thence S 78°06'14" W 23.33 feet; thence N 85°20'56" W 19.42 feet; thence S 77°50'50" W 13.56 feet; thence S 58°55'34" W 17.54 feet; thence S 66°49'13" W 26.34 feet; thence S 59°36'54" W 18.94 feet; thence S 76°21'55" W 21.57 feet; thence S 63°51'02" W 12.14 feet; thence S 76°04'34" W 21.18 feet; thence S 83°40'03" W 16.84 feet; thence S 73°53'45" W 26.02 feet; thence S 60°52'28" W 15.44 feet; thence S 40°07'28" W 12.83 feet; thence S 19°29'10" W 9.05 feet; thence S 06°02'47" W 18.38 feet; thence S 01°13'21" W 10.76 feet; thence S 06°27'59" E 23.02 feet; thence S 14°16'57" E 24.57 feet; thence S 24°39'49" E 22.42 feet; thence S 16°34'32" E 13.11 feet; thence S 10°25'22" E 32.82 feet; thence S 18°57'49" E 30.44 feet; thence S 09°48'29" E 29.95 feet; thence S 00°00'00" W 10.17 feet; thence S 44°08'55" W 10.93 feet; thence S 63°17'14" W 5.69 feet; thence S 29°50'29" W 12.07 feet; thence S 44°22'26" W 8.49 feet; thence S 61°39'19" W 23.15 feet; thence S 49°47'42" W 24.7 feet; thence S 59°20'39" W 23.03 feet; thence S 62°14'41" W 26.84 feet; thence S 89°49'26" W 21.36 feet; thence N 46°35'39" W 12.51 feet; thence N 41°23'14" W 27.24 feet; thence N 30°07'07" W 26.62 feet; thence N 25°22'11" W 10.86 feet; thence N 45°49'33" W 25.75 feet; thence N 74°25'39" W 18.7 feet; thence N 70°18'35" W 20.84 feet; thence N 81°15'14" W 10.79 feet; thence N 63°46'09" W 22.64 feet; thence N 79°38'13" W 14.41 feet; thence S 76°15'03" W 9.52 feet; thence S 24°35'41" W 10.02 feet; thence S 43°42'51" W 24.21 feet; thence S 68°25'23" W 21.77 feet; thence S 82°40'56" W 26.89 feet; thence S 84°38'01" W 23.37 feet; thence S 65°12'40" W 28.87 feet; thence S 80°35'47" W 31.53 feet; thence S 82°17'35" W 42.08 feet; thence S 86°02'40" W 50.42 feet; thence S 78°59'37" W 55.85 feet; thence S 89°17'09" W 60.53 feet; thence N 77°20'47" W 37.59 feet; thence S 76°10'06" W 17.84 feet; thence S 83°35'05" W 19.38 feet; thence S 55°07'54" W 19.91 feet; thence S 64°20'10" W 17.73 feet; thence S 40°29'10" W 14.15 feet; thence N 77°50'10" W 9.5 feet; thence N 47°48'15" W 30.82 feet; thence N 18°06'36" W 5.49 feet; thence N 04°06'59" W 8.68 feet; thence N 42°35'51" W 6.64 feet; thence N

**EASEMENT NO. 1388 (APPROVAL) (CONTINUED)**

16°20'43" W 23.9 feet; thence N 07°00'40" W 16.39 feet; thence N 27°24'08" W 66.36 feet; thence N 31°06'38" W 16.83 feet; thence N 05°17'06" W 33.84 feet; thence N 09°41'46" W 37.01 feet; thence N 21°09'55" W 27.44 feet; thence N 03°19'32" W 56.56 feet; thence N 15°22'54" W 24.74 feet; thence N 41°41'53" W 12.08 feet; thence N 75°41'59" W 6.91 feet; thence N 46°01'36" W 6.47 feet; thence N 74°07'12" W 15.83 feet; thence N 58°28'44" W 111.07 feet; thence N 81°16'40" W 23.8 feet; thence S 87°24'13" W 41.28 feet; thence N 88°03'16" W 15.46 feet; thence S 62°29'46" W 29.55 feet; thence S 30°30'33" W 26.24 feet; thence S 11°52'35" W 23.44 feet; thence S 25°46'38" W 39.38 feet; thence S 19°17'50" W 28.2 feet; thence S 04°29'45" E 29.72 feet; thence S 15°02'56" E 56.74 feet; thence S 02°01'33" E 24.13 feet; thence S 46°35'18" W 12.56 feet; thence S 78°18'18" W 11.49 feet; thence N 65°46'56" W 17.19 feet; thence N 40°29'55" W 13.89 feet; thence N 19°17'33" W 35.35 feet; thence N 21°12'27" W 29.39 feet; thence N 34°30'22" W 40.89 feet; thence N 48°01'04" W 27.76 feet; thence N 89°06'55" W 17 feet; thence S 58°43'55" W 26.49 feet; thence S 42°47'42" W 43.42 feet; thence S 33°44'29" W 30.42 feet; thence S 18°21'34" W 47.19 feet; thence S 06°57'57" W 24.89 feet; thence S 03°42'18" E 44.68 feet; thence S 10°47'24" E 77.28 feet; thence S 04°46'12" E 24.86 feet; thence S 08°07'14" W 27.64 feet; thence S 05°15'26" E 67.67 feet; thence S 14°29'22" E 61.37 feet; thence S 01°48'25" W 20.81 feet; thence S 24°17'38" W 41.47 feet; thence S 25°40'52" W 37.1 feet; thence S 08°08'33" W 43.32 feet; thence S 11°38'50" E 43.71 feet; thence S 23°19'55" E 33.3 feet; thence S 19°38'42" E 28.5 feet; thence S 09°40'11" W 11.92 feet; thence S 61°33'25" W 12.54 feet; thence N 84°25'58" W 9.13 feet; thence N 45°10'51" W 7.36 feet; thence N 72°35'43" W 13.27 feet; thence S 72°41'12" W 13.78 feet; thence S 51°29'10" W 20.13 feet; thence S 43°39'57" W 32.88 feet; thence S 64°12'29" W 28.28 feet; thence S 87°07'05" W 28.71 feet; thence N 80°08'03" W 14.55 feet; thence N 51°28'01" W 9.27 feet; thence N 15°19'01" W 5.34 feet; thence N 48°02'28" W 44.61 feet; thence N 29°04'01" W 29.91 feet; thence N 30°12'26" W 118.48 feet; thence N 53°54'58" W 19.61 feet; thence N 73°01'48" W 31.25 feet; thence South 71°18'27" West 25.39 feet; thence S 55°03'30" W 36.66 feet; thence S 36°29'58" W 30.45 feet; thence S 22°30'17" W 83.85 feet; thence S 18°13'37" W 76.12 feet; thence S 13°42'01" W 145.17 feet; thence S 18°26'37" W 68.03 feet; thence S 16°32'03" W 49.11 feet; thence S 15°20'53" W 99.41 feet; thence S 21°41'03" W 125.02 feet; thence S 25°28'42" W 52.42 feet; thence S 38°34'09" W 38.5 feet; thence S 62°57'54" W 16.1 feet; thence N 86°45'37" W 10.45 feet; thence N 62°28'58" W 20.31 feet; thence N 77°49'12" W 16.95 feet; thence S 82°49'38" W 23.13 feet; thence S 74°16'07" W 64.13 feet; thence S 62°53'37" W 65.24 feet; thence S 51°50'25" W 43.44 feet; thence S 37°21'57" W 33.35 feet; thence S 27°39'56" W 40.49 feet; thence S 22°27'25" W 90.52 feet; thence S 18°55'12" W 96.83 feet; thence S 22°04'36" W 81.18 feet; thence S 26°54'48" W 108.58 feet; thence S 18°25'26" W 54.19 feet; thence S 01°35'28" E 47.26 feet; thence S 06°06'36" E 48.7 feet; thence S 05°15'49" W 39.34 feet; thence S 11°20'34" W 44.87 feet; thence S 16°15'37" W 127.13 feet; thence S 16°12'24" W 153.17 feet; thence S 15°02'45" W 30.71 feet; thence S 09°14'37" W 53.72 feet; thence S 12°15'20" W 86.55 feet; thence S 16°17'08" W 38.73 feet; thence S 22°14'08" W 129.44 feet; thence S 15°54'22" W 26.34 feet; thence S 30°19'34" W 25.28 feet; thence S 61°52'35" W 8.63 feet; thence N 78°14'22" W 19.64 feet; thence S 87°08'15" W 14.45 feet; thence S 70°38'56" W 55.15 feet; thence S 66°37'29" W 51.68 feet; thence S 50°26'25" W 21.53 feet; thence S 44°33'14" W 41.71 feet; thence S 61°35'45" W 44.35 feet; thence S 73°40'49" W 22.77 feet; thence S 83°14'59" W 29.87 feet; thence N 75°17'35" W 18.35 feet; thence N 49°06'55" W 22.31 feet; thence N 35°14'29" W 24.68 feet; thence N 18°26'06" W 45.74 feet; thence N 17°22'45" W 79.86 feet; thence N 22°25'08" W 71.23 feet; thence N 08°44'11" W 14.47 feet; thence N 43°09'09" W 14.39 feet; thence N 63°15'31" W 14.29 feet; thence N 77°41'34" W 35.86 feet; thence N 71°13'22" W 46.89 feet; thence N 59°59'58" W 24.48 feet; thence N 46°58'30" W 103.87 feet; thence N 58°56'21" W 25.67 feet; thence N 65°30'48" W 58.26 feet; thence N 51°57'34" W 29.87 feet; thence N 35°18'02" W 35.94 feet; thence N 38°23'24" W 16.33 feet; thence N 51°40'08" W 168.8 feet to a point of intersection with the North Caineville Reef Road, said point being located at 4,252,336 N, 502,822 E, UTM Zone 12, NAD 83 datum. The side lines of said centerline being shortened or elongated to meet the Grantor's property lines. Total length of centerline is 7,832.31 feet. Containing 5.40 acres more or less.

COUNTIES: Wayne

ACRES: 7.21

FUND: School

**EASEMENT NO. 1388 (APPROVAL) (CONTINUED)****PROPOSED ACTION:**

The applicant requests an easement to operate, repair, and maintain two existing off-highway vehicle ("OHV") travel corridors in the Factory Butte area of Wayne County. The travel corridors will allow motorized access from the Factory Butte OHV Open Area to the Swing Arm City area and the North Caineville Reef Road. These proposed OHV travel corridors follow previously established trails; therefore, there will be no new ground disturbance associated with this easement. An information/education kiosk will be placed at each end of the travel corridors and route signs will be placed along the corridors. A short length of post & pole fence will also be installed along the Swing Arm City corridor to further delineate the corridor boundaries. The easement corridor is 10,454.44 feet long and 30 feet wide, containing 7.21 acres. The term of the easement will be 30 years.

The applicant has requested that the Agency's OHV funding program be used to pay all fees associated with the granting of this easement. Since this easement will enhance OHV access on trust lands, it qualifies for funding from the OHV funding program.

**RELEVANT FACTUAL BACKGROUND:**

The application was exempt from review by the Resource Development Coordinating Committee ("RDCC") since it is for an existing OHV trail and will involve no new ground disturbance.

A reconnaissance survey of the project area for cultural resources was conducted by the BLM (U-08-BL-0090b). The reconnaissance survey determined that the area has been heavily disturbed and that a full cultural resource survey would not be warranted. The Trust Lands Administration's staff archaeologist has reviewed this project and concurs that a cultural resources survey will not be required.

**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 requested that the Trust Land Administration's OHV funding be used to pay the appropriate fees pursuant to R850-40-600. This easement qualifies for funding because it will enhance OHV opportunities on trust lands.
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. 1388 for a term of 30 years beginning April 1, 2009, and expiring March 31, 2039, with the easement fee being \$3,180.13 plus the \$750.00 application fee. The administrative fee required pursuant to R850-40-1800 has been paid upfront in a one-time payment of \$1,000.00. The applicant has applied for funding of the easement fee, application fee, and one-time administrative fee through the Trust Lands Administration's OHV funding program. This easement qualifies for funding as it will enhance OHV opportunities on Trust lands.

**EASEMENT NO. 1292 AMENDMENT NO. 1 (APPROVAL)****APPLICANT'S NAME AND ADDRESS:**

Dennis Ward and Debra Ward  
1315 East 950 South  
Springville, Utah 84663

**LEGAL DESCRIPTION:**

Township 17 South, Range 1 West, SLB&M

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

A 40 foot wide easement, whose centerline is more particularly described as follows:

Beginning at a point on the north section line of Section 16, Township 17 South, Range 1 West, Salt Lake Base and Meridian, said point being 455.10 feet west of the northeast section corner of Section 16, whose northern line bears S 89°00'46" W and is the basis of bearing; thence S 61°47'50" W 122.81 feet; thence S 60°04'53" W 258.80 feet to the start of a left hand curve; thence along said curve whose chord bears S 48°38'37" W and whose arc length is 701.08 feet to a point of reverse curvature to the right; thence along said right hand curve whose chord bears S 45°01'37" W and whose arc length is 311.50 feet to a point of reverse curvature to the left; thence along said left hand curve, whose chord bears S 48°23'20" W and whose arc length is 252.49 feet to a point of reverse curvature to the right; thence along said right hand curve, whose chord bears S 55°44'19" W and whose arc length is 279.91 feet; thence S 69°35'29" W 427.34 feet; thence S 65°49'00" W 341.05 feet; thence S 64°35'29" W 472.19 feet; thence S 64°53'39" W 245.65 feet; thence S 71°22'34" W 340.79 feet; thence S 69°57'39" W 234.46 feet to the beginning of a right hand curve; thence along said right hand curve, whose chord bears S 87°49'14" W, and whose arc length is 374.30 feet; thence N 68°41'03" W 240.20 feet; thence N 63°10'45" W 325.15 feet to the start of a right hand curve; thence along said right hand curve, whose chord bears N 51°17'00" W and whose arc length is 617.55 feet to an intersection point along the west section line of Section 16, said point being 37.13 feet north up the west section line from an existing one sixteenth corner. Total length of said centerline is 5,545.28 feet.

COUNTY: Sanpete

ACRES: 5.09

FUND: School

**PROPOSED ACTION:**

The applicant proposes to amend Easement No. 1292 in order to allow for the construction, operation, maintenance, and repair of an access road in a revised location. The original easement was granted over an existing access road which did not provide direct access to the grantee's private property and is not located in an ideal location to facilitate access across the trust lands parcel. The grantee has, therefore, requested an amendment to the original easement to allow for the construction of a new access road which will provide direct access to their property across trust lands and will also be located in a more appropriate location on the parcel. This new access road will also be constructed to a width and standard such that it will meet Sanpete County's requirements for subdivision. This will be beneficial to the trust lands parcel if it is subdivided and developed in the future. The proposed amended easement corridor is 5,545.28 feet long and 40 feet wide, containing 5.09 acres. The new proposed corridor is approximately 1,800 feet shorter than the existing route, but will encumber roughly the same amount of acreage due to the slightly wider corridor. The term of the easement will remain 30 years, with an expiration date of January 31, 2038. All other terms and conditions of the original easement agreement will remain unchanged.

**RELEVANT FACTUAL BACKGROUND:**

The application was submitted for review by the Resource Development Coordinating Committee ("RDCC"), the Six County Association of Governments, and the Sanpete County Commission on January 27, 2009, for review and comment. No comments were received.

**EASEMENT NO. 1292 AMENDMENT NO. 1 (APPROVAL) (CONTINUED)**

The proposed project area has been surveyed for cultural resources by Bennett Management Services (U-09-BT-0082s). No archaeological sites were found during the survey. The Trust Lands Administration's staff archaeologist has reviewed the project and has granted cultural resource clearance with a finding of "No Historic Properties Affected."

An additional easement fee equal to the difference between what would be charged for a 40 foot wide newly constructed access road and what was originally charged for the existing access road was assessed. The applicant has paid this additional fee, which totaled \$2,963.89.

**EVALUATION OF FACTS:**

1. The proposed easement amendment is located entirely on trust lands.
2. The term of the easement will remain at 30 years from the original effective date, with an expiration date remaining January 31, 2038.
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. 1292 Amendment No. 1 with the easement fee being \$2,963.89, plus the required \$400.00 amendment fee.

**EASEMENT NO. 835 (REINSTATEMENT)**

Horse Bench Gathering, LLC, Attn: Steve Lessar, 700 N. Molyneux, Price, Utah, 84501, has requested reinstatement of Easement No. 835, which was canceled for non-payment of the required administrative fee as documented in the Director's Minutes of March 2, 2009. Easement No. 835 was issued effective July 1, 2003, for an access road for a term of 25 years.

The Grantee has paid a \$400.00 reinstatement fee, along with the \$20.00 past-due administrative fee and a \$30.00 late fee. All conditions for reinstatement pursuant to R850-5-500(1)(d) have been met. The easement will be reinstated for the balance of the original term, with the expiration date remaining June 30, 2028. Carbon County. University Fund.

Upon recommendation of Mr. Chris Fausett, the Director approved the reinstatement of Easement No. 835.

**SPECIAL USE LEASE AGREEMENTS****SPECIAL USE LEASE AGREEMENT NO. 1424, SUBLEASE NO. 1 (APPROVAL)**

Special Use Lease No. 1424 is a telecommunications tower site lease issued to Uintah Basin Telecommunications Association, P.O. Box 157, Roosevelt, UT 84066.

The purpose of this sublease (Sublease No. 1), to Echo Shale, 6985 Union Park Suite 375, Cottonwood Heights, UT 84047, is for the co-location of a small internal microwave system with antennas and equipment to provide communication to their operation in the Book Cliffs area.

The site includes existing improvements and no additional ground disturbance will occur. The proposed use is compatible with the existing site use. The practice of co-location and subleasing is encouraged, with prior authorization by the Trust Lands Administration, because it benefits the Trust Beneficiary with additional sublease rents. Provisions of the lease agreement allow the lessee to co-locate the sublessee with written permission from the Trust Lands Administration and payment of sublease rentals.

The annual rental for Sublease #1 shall initially be \$500.00 per year, which is based upon 25% of the gross revenue received, which is currently \$2,000.00. The sublease rental is in addition to the lessee's annual base rental for the communication site facility, which is the primary use allowed by the lease. The annual sublease payment date shall be May 1 of each lease year billed, paid in arrears, at the end of the lease year (May 1 – April 30). The annual sublease rental shall be adjusted pursuant to the terms of the lease agreement with the next adjustment on May 1, 2012, and every three years thereafter. The expiration date is April 30, 2026, or upon an earlier termination of SULA 1424. The subject property is in Uintah County on the Blue Mountain communication site. Uintah County. School Fund.

Upon recommendation of Mr. Gary Bagley, the Director approved Sublease No. 1 to SULA 1424.

**SPECIAL USE LEASE AGREEMENT NO. 1309 (THREE-YEAR REVIEW)**

SULA 1309 is leased to American Fork City, 31 North Church St., P.O. Box 397, American Fork, UT 84003. This is a government lease for a culinary water tank site in Utah County. School Fund.

1. **ANNUAL RENTAL:**

The three-year review date for this lease is August 1, 2009. The subject property is used for a culinary water tank site. Based on an analysis of the lease rental pursuant to Board policy, it has been determined that an appraisal is not warranted. The CPI adjusted rental is greater than the preliminary market value rental estimate. Therefore, it is recommended that the CPI index be used to adjust the annual rental from \$2,900.00 per year to \$3,160.00 per year, effective August 1, 2009. A certified notice was sent to inform the lessee of the date of this action and the right to oppose and/or appeal the action. No response was received.

New lease fee: \$3,160.00

Acres in lease: 2.56

Rental per acre: \$1,234.38

2. **DUE DILIGENCE:**

The development allowed by the lease has occurred. It is recommended that the lease be kept in force.

3. **PROPER USE:**

The leased premises are being used in accordance with the lease agreement.

**SPECIAL USE LEASE AGREEMENT NO. 1309 (THREE-YEAR REVIEW) (CONTINUED)**

4.     **ADEQUATE INSURANCE AND BOND COVERAGE:**  
The lessee has provided proof of insurance as required by the lease. The lease allows for a bond to be required any time during the lease at the discretion of the Agency. It has been determined that a bond is not required at this time.
5.     **ESTABLISHMENT OF WATER RIGHTS:**  
There are no water rights associated with this lease. All water rights associated with the use of the water tank site are municipal rights to American Fork City.
6.     **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.
7.     **NEXT ASSESSMENT DATE:**  
The next assessment date will be August 1, 2012.

Upon recommendation of Mr. Lou Brown, the Director approved the three-year review for SULA 1309.

**WATER RIGHTS**

**WATER RIGHT NO. 95-5245 (APPROVED APPLICATION)**

This application was filed on January 27, 2009, to appropriate 1.988 acre-feet of water from a well located North 585 feet and West 488 feet from the S¼ corner of Section 2, T30S, R11E, SLB&M. The water is to be used for the stockwatering requirements of 71 head of livestock from January 1 to December 31. The proof due date is April 30, 2014. This water right was approved by the State Engineer in a Memorandum Decision dated April 2, 2009.

*This item was submitted by Mr. Richard Wilcox for record-keeping purposes.*

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**LEGAL ACTIONS**

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**CORRECTION OF AGENCY RECORDS – ROW 1245 (CONVEYANCE)**

In an ongoing effort by staff to update and correct Agency records, it has come to the attention of staff that ROW 1245 is listed on the Agency’s Business System as an active right-of-way contract. Agency Legal Counsel has reviewed the documentation pertaining to this right-of-way and has determined that all right, title, and interest in and to the following-described parcel of land was actually conveyed to the State Road Commission of Utah by Quit Claim Deed No. 1394, dated August 31, 1970, by the State of Utah, through and by the Department of Natural Resources, Division of State Lands for the sum of \$1,400.00. State Road Commission of Utah Parcel No. 15-1:3:A, Project No. I-15-1(21)0.

The Agency’s ownership and right-of-way contract records should be corrected and updated to reflect the previous conveyance of this parcel out of Trust ownership.

**LEGAL DESCRIPTION:**

Township 43 South, Range 16 West, SLB&M.

Section 24: A parcel of land in fee for a freeway known as Project No. 15-1, being part of an entire tract of property in the NW4, N2SW4 of said section. The boundaries of said parcel of land are described as follows:

Beg. at a point on the E’ly right of way line of the existing highway approximately 1298 ft. E and 1091 ft. S from the NW cor. of said Section 24, which point is approximately 148 ft. perpendicularly distant E’ly from the north bound lane of said project at Engineer Station 1273+65; th. S 15°03'11" E 1409 ft., m/l, to a point 1120.00 ft. perpendicularly distant E’ly from said north bound lane at Engineer Station 1263+45; th. S 28°34' W 480.00 ft.; th. N 89°20'58" W 1100 ft., m/l, to a point 148 ft. perpendicularly distant E’ly from said north bound lane at Engineer Station 1253+50; th. NE’ly 2015 ft. along said E’ly right of way line to the pob as shown on the official map of said project on file in the office of the State Road Commission of Utah. The above-described parcel of land contains 27.84 acres, m/l.

Acres: 27.84, m/l.

County: Washington

Fund: School

**RESERVATIONS:**

Any and all water rights pertaining to the above-described land are hereby reserved by the Grantor, and the Grantee shall not be liable for any water assessments now due or which shall become due.

To enable the Grantee to construct and maintain a public highway as a freeway, as contemplated by Title 27, Chapter 12, Section 96, Utah Code Annotated, 1953, as amended, the Grantor hereby release and relinquish to the Grantee any and all rights or easements appurtenant to the Grantor’s remaining property by reason of the location thereof with reference to said highway, including, without limiting the foregoing, all rights of ingress to or egress from the Grantor’s remaining property contiguous to the lands hereby conveyed, to or from said highway.

The Grantor hereby expressly reserves all gas, oil, coal and other minerals in and under the lands covered by the conveyance herein granted and said minerals shall not be leased by Grantor except upon terms and conditions as shall be approved by the Department of Highways.

*This item was submitted by Stephanie Barber-Renteria for record-keeping purposes.*

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**ACTIONS CONTAINING FEE WAIVERS**

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**GRAZING PERMIT NO. 22124-02 (AMENDMENT - REDUCTION OF AUMS)**

Recent range inventory studies done by the Bureau of Land Management indicate that the carrying capacity of the land in Grazing Permit No. 22124-02 is 20% less than is currently permitted. Mr. Moench of Thousand Peaks Ranch has agreed to the reduction of AUMs. The above permit is to be reduced by 366 AUMs.

GP 22124-02 will now contain 1465 AUMs. The \$50.00 amendment fee has been waived due to this being an administrative action. Juab and Millard Counties. School Fund.

Upon recommendation of Mr. Scott Chamberlain, the Director approved the reduction of acreage and AUMs for GP 22124-02 and the waiver of fees.

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**TRUST ACCOUNTING ACTIONS**

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**CANCELED EASEMENT PERMIT**

The following easement permit was not paid on or before the cancellation date of 2/14/2009. A certified notice was mailed.

<u>LEASE #</u>	<u>LESSEE NAME</u>	<u>BENE</u>	<u>COUNTY</u>	<u>TYPE</u>
ESMT 663	American Tower Corporation	MH	EMRY	ESMT

Upon recommendation of Mr. Gritzmacher, Budget Manager, the Director approved the cancellation of the above-listed easement permit for non-payment.

**INTEREST RATES**

Following are the current and past year prime rates:

CURRENT YEAR:	3.25%
ONE YEAR AGO:	5.25%