

JANUARY 9, 2012

THE DIRECTOR OF THE SCHOOL AND INSTITUTIONAL TRUST LANDS ADMINISTRATION TOOK FORMAL ACTION ON JANUARY 9, 2012, IN THE TRUST LANDS ADMINISTRATION OFFICE, 675 EAST 500 SOUTH, SUITE 500, SALT LAKE CITY, UTAH 84102-2818, ON THE MINERAL, SURFACE, DEVELOPMENT, FEE WAIVER, AND TRUST ACCOUNTING BUSINESS MATTERS AS INDICATED AND WHICH BECAME EFFECTIVE AT 5:00 P.M. ON JANUARY 9, 2012.

THESE MINUTES INCLUDE MINERAL ACTIONS AS LISTED ON PAGES 1 TO 5; SURFACE ACTIONS AS LISTED ON PAGES 5 TO 23; DEVELOPMENT ACTIONS AS LISTED ON PAGES 24 TO 26; ACTIONS CONTAINING FEE WAIVERS AS LISTED ON PAGE 27; AND TRUST ACCOUNTING ACTIONS AS LISTED ON PAGE 27.

THESE MINUTES ARE DEEMED THE FINAL AGENCY ACTION CONCERNING THESE MATTERS AND MAY BE 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 MONDAY, JANUARY 23, 2012. APPEALS NOT FILED BY THAT TIME WILL NOT BE ACCEPTED AND THE MATTERS WILL BE CONSIDERED UNAPPEALABLE.



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



LESLIE M. WARNER, RECORDS OFFICER



**MATERIALS PERMIT NO. 500 SAND AND GRAVEL (APPROVAL) (CONTINUED)**

**Utah Division of Air Quality:**

*"The mining of common sand and gravel in support of construction activities in the local area will require filing Utah Division of Air Quality Form 15A, Notice of Temporary Relocation of Portable Equipment. The proposed project will be subject to R307-205-5: Fugitive Dust, of the Utah Air Quality Rules, due to the fugitive dust that may be generated during soil disturbance for the project. These rules apply to construction activities that disturb an area greater than ¼ acre in size. A permit, known as an Approval Order, is not required from the Executive Secretary of the Air Quality Board, 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/publicat/code/r307/r307.htm](http://www.rules.utah.gov/publicat/code/r307/r307.htm)."*

**Uintah County:**

*"Uintah County is supportive of this application as the sand and gravel would be used for the improvement project currently underway for the Seep Ridge Road on Trust Lands and Bureau of Land Management ("BLM") lands, and that ground disturbance, increase in traffic, equipment, dust, and noise during excavation is kept at a minimum. We ask that Brown Brothers Construction contact Uintah County's Community Development (formerly Building, Planning & Zoning) Department for the necessary County Permits."*

**EVALUATION OF FACTS:**

The applicant has been notified of the comments submitted by the Utah Geological Survey, the Division of Air Quality, and the Uintah County Commission.

The Agency's Archaeology staff has reviewed the cultural resource survey that was completed by Montgomery Archaeological Consultants (#U-07-MQ-0506s). One eligible site was identified within the permit area. Provided the eligible site is avoided by the undertaking, a finding of "No Historic Properties Affected" is appropriate.

The Agency's staff has reviewed the paleontological survey that was completed by Uintah Paleontological Associates, Inc. Based on the discovery of vertebrate fossils on the proposed borrow pit area, it is recommended that ground disturbing activity be monitored for fossil resources during ripping and bull dozing. Crushing the rock into road base does not need to be monitored. When vertebrate fossils are discovered, the project paleontologist should be notified to evaluate the discovery and recommend mitigation.

Pursuant to R850-23-200, the Trust Lands Administration may issue materials permits or convey profits a prendre or similar interests on trust lands when the Administration deems it consistent with land-use plans and Trust responsibilities. Mining of sand and gravel is an appropriate use of the subject lands. The royalty rate of \$0.60 per bank cubic yard for material produced from this pit is consistent with rates for other pits on trust lands in Central and Eastern Utah and meets the requirements of R850-23-300(2)(a). This action qualifies as an exclusion to the Administrative Policy on Records of Decision. This action is not considered substantive, nor does it warrant the time and expense necessary to prepare a full narrative record. Therefore, this summary will serve as the Record of Decision. The five (5) year term of the permit is consistent with the requirements of R850-23-400.

Upon recommendation of Mr. Andy Bedingfield, the Director approved the issuance of MP 500 for a term of five years.

**MATERIALS PERMIT NO. 503 OVER-THE-COUNTER SAND AND GRAVEL (APPROVAL)**

APPLICANT:

Flaming Gorge Pines HOA  
1491 East Pines Loop  
Dutch John, UT 84023

LANDS AFFECTED:

T2N, R22E, SLB&M.  
SEC. 2: NW $\frac{1}{4}$ NE $\frac{1}{4}$

COUNTY: Daggett

ACRES: 40.0

FUND: SCH

PROPOSED ACTION:

This sand and gravel pit is known as the Dutch John Pit. The material is historically used for local road maintenance work. This is a historic and on-going use of the subject lands. The royalty rate for this material is \$0.60 per bank cubic yard, which reflects an 8% increase above the level set for the previous permit issued on the subject lands. No additional lands will be disturbed. The lands have been pre-designated for sand and gravel sales on a non-competitive basis. The lease administrator has had this legal description reviewed by the GIS Group.

Upon recommendation of Mr. Andy Bedingfield, the Director approved the issuance of Materials Permit No. 503 for a three (3) year term.

**MATERIALS PERMIT NO. 361 SAND AND GRAVEL (EXPIRATION)**

Materials Permit No. 361 to mine common sand and gravel on trust lands was issued to Wind River Resources Corporation, 1245 East Brickyard Plaza, Suite 110, Salt Lake City, UT 84106.

AFFECTED LANDS:

T13S, R21W, SLB&M.  
SEC. 32: NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$

COUNTY: Uintah

ACRES: 10.0

FUND: SCH

Materials Permit No. 361 expired effective September 30, 2011, and should be shown as expired on all Trust Lands Administration records.

*This item was submitted by Mr. Andy Bedingfield for record-keeping purposes only.*

**EXPIRATION OF MINERAL MATERIALS PERMIT (SCH)**

The following-described Mineral Materials Permit to harvest sandstone surface boulders expired on December 31, 2011. The permittee no longer has any rights relevant to the permit. The lease administrator has had this legal description reviewed by the GIS Group.

<u>ML 51890-MP</u> Chamberlain Stone, Inc. 942 S. 960 East St. George, UT 84790	<u>T43S, R16W, SLB&amp;M</u> SEC. 11: NW¼NW¼	Washington 40.00 acres
--	---	---------------------------

*This item was submitted by Mr. Blake for record-keeping purposes only.*

**TOTAL ASSIGNMENT – PHOSPHATE LEASES**

Upon recommendation of Mr. Stokes, the Director approved the assignment of the leases listed below to Utah Phosphate Company, 4582 South Ulster Company, Suite 1700, Denver, CO 80237, by Ashley Creek Properties, LLC, who reserves 20% of production royalty payable to the lessor under the lease. Effective June 1, 2004, the Trust Lands Administration assumes no responsibility in reviewing, collecting, or distributing overriding royalty.

OWNERSHIP BEFORE ASSIGNMENT: RECORD TITLE: <b><i>ASHLEY CREEK PROPERTIES, LLC</i></b>	OWNERSHIP AFTER ASSIGNMENT: RECORD TITLE: <b><i>UTAH PHOSPHATE COMPANY</i></b>
---	--

....ML 30662 (SCH)....ML 30663 (SCH)....ML 47679 (SCH)....

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

Upon recommendation of Ms. Garrison, the Director approved the assignment of 50% interest in part of lands: N½ Sec. 32, T15S, R12E, SLB&M., 320.00 acres, in and to the lease listed below to ***Jim Cone-22.50%***, P.O. Box 10217, Lubbock, TX 79408; ***Rod Markham-22.50%***, 1500 Broadway, Suite 1212, Lubbock, TX, 79401; and ***Lowry Lewis-5%***, 1500 Broadway, Suite 1212, Lubbock, TX 79401, by Bill Barrett Corporation. No override, but subject to overriding royalties as previously reserved. Effective June 1, 2004, the Trust Lands Administration assumes no responsibility in reviewing, collecting, or distributing overriding royalty.

OWNERSHIP BEFORE ASSIGNMENT: RECORD TITLE: <u>T15S, R12E, SLB&amp;M.</u> 320.00 ACRES SEC. 32: S½ BILL BARRETT CORPORATION-50%, CONOCOPHILLIPS COMPANY-50%	OWNERSHIP AFTER ASSIGNMENT: RECORD TITLE: <u>T15S, R12E, SLB&amp;M.</u> 320.00 ACRES SEC. 32: S½ BILL BARRETT CORPORATION-50%, CONOCOPHILLIPS COMPANY-50%
<u>T15S, R12E, SLB&amp;M.</u> 320.00 ACRES SEC. 32: N½ CONOCOPHILLIPS COMPANY-50%, <b><i>BILL BARRETT CORPORATION-50%</i></b>	<u>T15S, R12E, SLB&amp;M.</u> 320.00 ACRES SEC. 32: N½ CONOCOPHILLIPS COMPANY-50%, <b><i>JIM CONE-22.50%, ROD MARKHAM-22.50%, LOWRY LEWIS-5%</i></b>

....ML 49797 (SCH)....

**INTEREST ASSIGNMENTS – OIL, GAS, AND HYDROCARBON LEASES (CONTINUED)**

Upon recommendation of Ms. Garrison, the Director approved the assignment of 50% interest in part of lands: N½ Sec. 32, T15S, R12E, SLB&M., 320.00 acres, in and to the lease listed below to **Jim Cone-22.50%**, P.O. Box 10217, Lubbock, TX 79408; **Rod Markham-22.50%**, 1500 Broadway, Suite 1212, Lubbock, TX, 79401; and **Lowry Lewis-5%**, 1500 Broadway, Suite 1212, Lubbock, TX 79401, by ConocoPhillips Company. No override, but subject to overriding royalties as previously reserved. Effective June 1, 2004, the Trust Lands Administration assumes no responsibility in reviewing, collecting, or distributing overriding royalty.

**OWNERSHIP BEFORE ASSIGNMENT:**

**RECORD TITLE:**

**T15S, R12E, SLB&M. 320.00 ACRES**

**SEC. 32: S½**

**BILL BARRETT CORPORATION-50%,  
CONOCOPHILLIPS COMPANY-50%**

**T15S, R12E, SLB&M. 320.00 ACRES**

**SEC. 32: N½**

**CONOCOPHILLIPS COMPANY-50%,  
JIM CONE-22.50%,  
ROD MARKHAM-22.50%,  
LOWRY LEWIS-5%**

**OWNERSHIP AFTER ASSIGNMENT:**

**RECORD TITLE:**

**T15S, R12E, SLB&M. 320.00 ACRES**

**SEC. 32: S½**

**BILL BARRETT CORPORATION-50%,  
CONOCOPHILLIPS COMPANY-50%**

**T15S, R12E, SLB&M. 320.00 ACRES**

**SEC. 32: N½**

**JIM CONE-45%,  
ROD MARKHAM-45%,  
LOWRY LEWIS-10%**

....ML 49797 (SCH)....

\*\*\*\*\*

**SURFACE ACTIONS**

\*\*\*\*\*

**GRAZING PERMITS**

**GRAZING PERMIT NO. 23160 (REINSTATEMENT)**

Jeff Roche, 17100 North 6000 West, Garland, UT 84312, has requested reinstatement of GP 23160, which was canceled for non-payment on August 29, 2011. The below reinstatement fees were submitted:

Grazing Assessment: \$375.51  
Weed Fee: \$ 9.34  
Late Fee: \$ 30.00  
Reinstatement Fee: \$ 30.00

Box Elder and Tooele Counties. School Fund.

The permit administrator has had this legal description reviewed by the GIS Group.

Upon recommendation of Mr. Scott Chamberlain, the Director approved the reinstatement of GP 23160.

**GRAZING PERMIT NO. 22300 (SUBLEASE APPROVAL)**

Phillip E. Allred, P. O. Box 96, Fountain Green, UT 84632, has requested permission to sublease 500 AUMs of the above referenced grazing permit for a period of three (3) years to Nate Thomson, 616 North 200 West, Ephraim, UT 84627. The sublease fee in the amount of \$500.00 has been submitted. The applicant submitted a check for \$1,005.00. The overpayment of \$505.00 will be applied toward the 2012 grazing assessment. The sublease will be approved for a three-year term and billed annually until the term expires June 30, 2014. Juab County. School and Reservoirs Funds.

Upon recommendation of Mr. Scott Chamberlain, the Director approved the sublease for GP 22300.

**GRAZING PERMIT GP 21084 (ASSIGNMENT)**

F.B. Winkel, P.O. Box 189, Aurora, UT 84620, has requested the Agency's permission to assign 100% interest in the above-referenced grazing permit to Alan K. Gurney, P.O. Box 456, Aurora, UT 84620. The assignment fee in the amount of \$72.00 has been submitted. Sevier County. School Fund.

Upon recommendation of Mr. Ron Torgerson, the Director approved the assignment of GP 21084.

**GRAZING PERMIT GP 22520-10 (ASSIGNMENT)**

W.F. Ranch, Inc., P.O. Box 189, Aurora, UT 84620, has requested the Agency's permission to assign 100% interest in the above-referenced grazing permit to Alan K. Gurney, P.O. Box 456, Aurora, UT 84620. The assignment fee in the amount of \$419.00 has been submitted. Sevier County. School Fund.

Upon recommendation of Mr. Ron Torgerson, the Director approved the assignment of GP 22520-10.

**EASEMENTS****EASEMENT NO. 1449 (APPROVAL)****APPLICANT'S NAME AND ADDRESS:**

Kerr-McGee Oil & Gas Onshore LP  
1368 South 1200 East  
Vernal, UT 84078

**LEGAL DESCRIPTION:**

Township 9 South, Range 21 East, SLB&M  
Section 26: N $\frac{1}{2}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$  (Within)

Pipeline "A"

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

Beginning at a point in the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 26, T9S, R21E, SLB&M, which bears S 59°21'32" W 1288.50' from the Northeast Corner of said Section, thence N 60°53'05" W 104.65'; thence S 25°25'13" W 39.31'; thence N 66°22'10" W 5.40'; thence S 24°04'42" W 95.48'; thence S 28°50'23" W 77.58'; thence S 36°44'34" W 155.10'; thence S 32°13'20" W 348.14'; thence S 34°22'12" W 102.69'; thence S 84°43'11" W 81.86'; thence S 86°05'52"

**EASEMENT NO. 1449 (APPROVAL) (CONTINUED)**

W 126.57'; thence S 84°32'59" W 234.66'; thence S 83°58'04" W 187.57'; thence S 73°41'36" W 63.55'; thence S 62°52'40" W 145.78'; thence S 53°39'59" W 145.26'; thence S 51°14'58" W 239.75'; thence S 45°53'22" W 35.99'; thence S 39°37'02" W 106.36'; thence S 36°06'29" W 121.76'; thence S 17°21'12" E 88.39'; thence S 55°06'31" W 97.11'; thence S 59°25'04" W 167.00'; thence S 61°23'39" W 63.63'; thence S 66°16'08" W 83.93'; thence S 77°22'47" W 79.33'; thence S 87°07'33" W 50.01'; thence N 83°47'26" W 67.26'; thence N 80°01'27" W 110.07'; thence N 83°19'00" W 95.86'; thence N 00°53'17" W 71.03'; thence N 04°06'51" W 97.53'; thence N 09°07'03" W 110.04'; thence N 07°49'02" W 141.05'; thence N 08°26'46" E 35.06'; thence N 26°31'16" E 70.35'; thence N 28°13'26" E 154.28'; thence N 24°26'46" E 395.21'; thence N 20°24'53" E 122.19'; thence N 16°44'10" E 90.48'; thence N 12°43'38" E 168.40'; thence N 07°51'17" E 92.35'; thence N 02°04'57" E 248.38'; thence N 00°48'13" E 59.96'; thence N 05°44'43" E 58.43'; thence N 01°12'49" W 68.47'; thence N 04°01'20" W 232.17'; thence N 02°49'58" W 23.96' to a point on the North line of the NW¼ of said Section which bears N 89°25'15" W 664.93' from the North ¼ Corner of said Section. The side lines of said right of way being shortened or lengthened to terminate at the section line. Basis of bearings is the east line of the NE¼ of said Section which is taken from global positioning satellite observations to bear N 00°04'14" W a measured distance of 2637.48'. Contains 3.829 acres more or less.

**Pipeline "B"**

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

Beginning at a point in the NE¼NE¼ of Section 26, T9S, R21E, SLB&M, which bears S 65°17'49" W 1291.50 feet from the Northeast Corner of said Section 26, thence N 33°20'11" E 160.48 feet; thence S 56°57'36" E 148.60 feet; thence S 56°43'00" E 62.28 feet to a point in the NE¼NE¼ of said Section 26 which bears S 60°10'23" W 1047.21 feet from the Northeast Corner of said Section 26. 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 0.256 acre more or less.

The easement administrator has had this legal description reviewed by the GIS Group.

COUNTY: Uintah

ACRES: 4.08

FUND: School

**PROPOSED ACTION:**

The applicant has requested a non-exclusive easement to operate, repair, and maintain two existing 8-inch diameter pipelines. The existing pipelines are used to service the NBU 921-26A Well pad. The proposed easement corridor is 5,930.75 feet long and 30 feet wide, containing 4.08 acres. The requested term of the easement is 30 years.

**RELEVANT FACTUAL BACKGROUND:**

The subject "Application to Purchase an Easement" was received on December 9, 2008. It was submitted for Agency review on December 11, 2008, and was accepted by the Director on December 29, 2008. The applicant then elected to construct the pipelines under the authorization of their unit lease rather than immediately pursue an easement, and the application was placed on hold. As the pipelines will now convey non-unit gas, the applicant has requested that the outstanding easement application be completed.

The project area has been surveyed for cultural resources by Montgomery Archaeological Consultants (#U-07-MQ-1437bips).

**EVALUATION OF FACTS:**

The proposed easement is exempt from review by the Resource Development Coordinating Committee ("RDCC") since it is existing infrastructure.

**EASEMENT NO. 1449 (APPROVAL) (CONTINUED)**

The Agency's Archaeology staff has reviewed the cultural resource survey that was completed by Montgomery Archaeological Consultants. The project involves no new ground disturbance; therefore, the project has been cleared for cultural resources with a finding of "No Historic Properties Affected."

Upon recommendation of Mr. Scott Bartlett, the Director approved the applicant's request for a non-exclusive easement. The term of the easement will be 30 years, beginning January 1, 2012, and expiring December 31, 2041. The application fee of \$750.00 and the easement rental assessment of \$6,829.35 have been submitted. The administrative fee required pursuant to R850-40-1800 has been paid in a one-time payment of \$1,000.00.

**EASEMENT NO. 1659 (APPROVAL)**

**APPLICANT'S NAME AND ADDRESS:**

Anadarko Uintah Midstream, LLC  
1368 South 1200 East  
Vernal, UT 84078

**LEGAL DESCRIPTION:**

Township 9 South, Range 21 East, SLB&M  
Section 25: N $\frac{1}{2}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ NE $\frac{1}{4}$  (Within)  
Section 26: N $\frac{1}{2}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ NE $\frac{1}{4}$  (Within)  
Section 27: NW $\frac{1}{4}$ , N $\frac{1}{2}$ NE $\frac{1}{4}$  (Within)  
Section 32: NW $\frac{1}{4}$ NW $\frac{1}{4}$  (Within)

A 50 foot wide right of way being 25 feet on each side of the following described centerline:

Beginning at a point in the NW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 32, Township 9 South, Range 21 East, SLB&M, which bears S 77°50'37" E 978.71 feet from the Northwest Corner of said Section 32, thence S 83°41'40" W 299.90 feet; thence N 10°53'22" W 70.48 feet; thence N 04°39'05" W 67.86 feet; thence N 71°14'17" E 316.85 feet to a point on the North Line of the NW $\frac{1}{4}$ NW $\frac{1}{4}$  of said Section 32 which bears S 89°59'00" E 939.87 feet from the Northwest Corner of said Section 32; also beginning at a point on the West Line of the SW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 27, Township 9 South, Range 21 East, SLB&M, which bears N 00°12'58" W 669.18 feet from the West  $\frac{1}{4}$  Corner of said Section 27, thence N 50°22'51" E 71.27 feet; thence N 44°20'57" E 558.36 feet; thence N 50°41'17" E 233.30 feet; thence N 81°07'11" E 456.88 feet; thence S 83°45'28" E 240.45 feet; thence S 75°11'47" E 397.53 feet; thence N 86°30'43" E 120.43 feet; thence N 84°29'32" E 62.73 feet; thence N 73°55'42" E 62.91 feet; thence N 72°22'18" E 354.68 feet; thence N 72°14'35" E 550.33 feet; thence N 72°39'52" E 351.53 feet; thence N 70°53'24" E 438.39 feet; thence N 72°57'49" E 470.55 feet; thence N 71°18'36" E 396.37 feet thence N 75°19'26" E 259.00 feet; thence N 75°34'35" E 176.06 feet; thence N 70°12'14" E 254.69 feet; thence N 69°50'33" E 274.96 feet to a point on the East Line of the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of said Section 27, which bears S 00°03'18" E 309.82 feet from the Northeast Corner of said Section 27, thence N 69°50'33" E 259.36 feet; thence N 68°35'19" E 299.95 feet; thence S 82°12'13" E 7.41 feet; thence S 51°09'18" E 113.72 feet; thence S 50°27'07" E 121.74 feet; thence S 49°46'40" E 264.96 feet; thence S 81°25'00" E 399.57 feet; thence N 86°24'34" E 339.92 feet; thence N 52°30'36" E 220.08 feet; thence N 52°22'42" E 125.40 feet; thence S 86°56'40" E 456.91 feet; thence S 84°49'39" E 434.55 feet; thence S 84°07'30" E 138.82 feet; thence N 88°06'23" E 206.79 feet; thence N 87°53'51" E 307.97 feet; thence N 87°53'53" E 837.67 feet; thence N 71°59'17" E 604.09 feet; thence N 89°47'59" E 419.88 feet to a point on the East Line of the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 26, Township 9 South, Range 21 East, S.L.B.&M., which bears S 00°04'05" E 76.20 feet from the Northeast Corner of said Section 26, thence N 89°49'22" E 1454.95 feet; thence S 63°12'37" E 384.96 feet; thence S 63°03'36" E 313.03 feet; thence N 72°29'33" E 5.37 feet; thence N 27°51'03" E

**EASEMENT NO. 1659 (APPROVAL) (CONTINUED)**

141.69 feet; thence N 72°39'07" E 5.84 feet; thence S 60°37'04" E 113.63 feet; thence S 60°33'40" E 250.90 feet; thence S 61°24'54" E 191.13 feet; thence N 72°05'19" E 8.62 feet; thence N 18°01'30" E 144.56 feet; thence N 01°34'33" E 88.30 feet; thence N 00°28'01" E 6.01 feet to a point in the NW¼NE¼ of Section 25, Township 9 South, Range 21 East, SLB&M, which bears S 10°56'22" E 308.85 feet from the North ¼ Corner of said Section 25. The side lines of said right of way being shortened or elongated to meet the Grantor's property lines. Basis of Bearings is a G.P.S. observation. Contains 17.39 acres more or less.

The easement administrator has had this legal description reviewed by the GIS Group.

COUNTY: Uintah

ACRES: 17.39

FUND: School

**PROPOSED ACTION:**

The applicant has requested a non-exclusive easement to operate, repair, and maintain an existing 16-inch diameter gas pipeline. The existing 16-inch buried pipeline runs from the West Cottonwood Compressor to an existing 24-inch pipeline in Section 25, T9S, R21E. The gas pipeline was constructed in 2008 within the Natural Buttes Unit. In the future, the existing 16-inch gas line will convey non-unitized gas; therefore, Anadarko Uintah Midstream has submitted an application for an easement. The proposed easement corridor is 15,153.29 feet long and 50 feet wide, containing 17.39 acres. The requested term of the easement is 30 years.

**RELEVANT FACTUAL BACKGROUND:**

The subject "Application to Purchase an Easement" was received on July 18, 2011. It was submitted for Agency review on July 26, 2011, and was accepted by the Director on August 9, 2011.

The project area has been surveyed for cultural resources by Montgomery Archaeological Consultants (#U-07-MQ-1437bips).

**EVALUATION OF FACTS:**

The proposed easement is exempt from review by the Resource Development Coordinating Committee ("RDCC") since it is existing infrastructure.

The Agency's Archaeology staff has reviewed the cultural resource survey that was completed by Montgomery Archaeological Consultants. The project involves no new ground disturbance; therefore, the project has been cleared for cultural resources with a finding of "No Historic Properties Affected."

Upon recommendation of Mr. Scott Bartlett, the Director approved the applicant's request for a non-exclusive easement. The term of the easement will be 30 years, beginning January 1, 2012, and expiring December 31, 2041. The application fee of \$750.00 and the easement rental assessment of \$25,714.67 have been submitted. The administrative fee required pursuant to R850-40-1800 has been paid in a one-time payment of \$1,000.00.

**EASEMENT NO. 1671 (APPROVAL)**

APPLICANT'S NAME AND ADDRESS:

Ouray Park Irrigation Company  
HC69 Box 305  
Randlett, UT 84063

LEGAL DESCRIPTION:

Township 6 South, Range 19 East, SLB&M  
Section 36: NE $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$  (Within)

Pipeline Easement

A pipeline easement, 100' wide, 50' each side of the following described centerline:

Beginning at a point N 89°57'20" E 934.17' from the Northwest Corner of Section 36, T6S, R19E, SLB&M, which point is also on the North line of the NW $\frac{1}{4}$  of said Section 36; thence proceed S 05°44'20" W 621.27'; thence S 06°05'44" E 97.38'; thence S 19°01'49" E 380.02; thence S 27°54'20" E 304.41'; thence S 12°08'05" E 301.50'; thence S 09°48'00" E 264.49'; thence S 15°22'25" E 186.05'; thence S 31°01'56" E 89.72'; thence S 43°44'16" E 447.15'; thence S 36°17'45" E 1843.36' to the North line of the SW $\frac{1}{4}$ SE $\frac{1}{4}$  of said Section 36 which point is also on an existing fence line, which point is also S 34°47'16" E 4825.38' from the said Northwest Corner of Section 36. Right of way is 4535.33' long and contains 10.4117 acres, more or less. Side lines of right of way to be shortened or lengthened to meet grantor's property line at the beginning and ending of said right of way. The basis of bearings is a line between the North  $\frac{1}{4}$  Corner and the Northwest Corner of Section 36, T6S, R19E, SLB&M, which was assumed to bear N 89°57'20" E for 2640.49'.

Temporary Construction Area Easement

A temporary construction easement, bounded by the following description:

Beginning at a point S 33°26'42" E 3559.71' from the Northwest Corner of Section 36, T6S, R19E, SLB&M; thence proceed S 36°17'26" E 350.0'; thence S 53°42'34" W 200'; thence N 36°17'26" W 350.0'; thence N 53°42'34" E 200.0' to the point of beginning. Easement contains 1.607 acres, more or less. The basis of bearings is a line between the North  $\frac{1}{4}$  Corner and the Northwest Corner of Section 36, T6S, R19E, SLB&M, which was assumed to bear N 89°57'20" E for 2640.49'.

The easement administrator has had this legal description reviewed by the GIS Group.

COUNTY: Uintah

ACRES: 10.41

FUND: School

PROPOSED ACTION:

The applicant has requested a non-exclusive easement to construct, operate, repair, and maintain a buried 42-inch irrigation pipeline. This project is part of the Bureau of Reclamation's Colorado River Salinity Control Program. The entire proposed project is to pipe an approximate five-mile long section of the Ouray Park Canal to reduce salt load carried to the Colorado River, reduce the amount of water lost through seepage, and reduce operation and maintenance expenses. The open canal would be replaced with 42-inch diameter HDPE pipeline and constructing turnouts, pressure reducing valves, meters, and other appurtenant facilities. The proposed easement corridor is 4,535.33 feet long and 100 feet wide, containing 10.41 acres. The requested term of the easement is 30 years.

**EASEMENT NO. 1671 (APPROVAL) (CONTINUED)**

**RELEVANT FACTUAL BACKGROUND:**

The subject "Application to Purchase an Easement" was received on October 5, 2011. It was submitted for Agency review on October 13, 2011, and was accepted by the Director on October 31, 2011.

The proposed easement was sent to the Resource Development Coordinating Committee ("RDCC"), the Uintah Basin Association of Governments, and the Uintah County Commission for review on October 13, 2011. Comments were received by the Utah Geological Survey and the Uintah County Commission as follows:

**Utah Geological Survey:**

*"There are known significant vertebrate fossil localities recorded in our files in or near this project area, and the Eocene Uinta and Duchesne River Formations that are exposed here have the potential for yielding significant vertebrate fossil localities. The office of the State Paleontologist, therefore, recommends that a paleontological survey be conducted for this project and its easements by a paleontologist with a valid permit."*

**Uintah County:**

*"Uintah County is supportive of this project on the condition the proposed pipeline will be placed outside of the County's road right(s) of way, keeping dust and noise emissions during construction at a minimum."*

*"We ask that Ouray Park Irrigation Company contact Uintah County's Community Development (formerly known as Building, Planning & Zoning) Department for the necessary County permits, and the Uintah County Road Department for permits and regulations when crossing County roads."*

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

The project area has been surveyed for cultural resources by Bighorn Archaeological Consultants (#U-11-HO-0486bps).

The project area has been surveyed for paleontological resources by Paleo Mentors.

**EVALUATION OF FACTS:**

The applicant has been notified of the comments submitted by the Utah Geological Survey and the Uintah County Commission.

The Agency's Archaeology staff has reviewed the cultural resource survey that was completed by Bighorn Archaeological Consultants. Two eligible historic sites (i.e., canals) are located within the project area, but the project will not modify, or directly impact, either canal; therefore, a determination of "No Adverse Effect to Historic Properties" has been given for the proposed undertaking. The Bureau of Reclamation - Provo Office is the lead federal agency for cultural resource compliance; SITLA concurs with project effects.

The Agency's staff has reviewed the paleontological survey that was completed by Paleo Mentors. Based on the absence of known fossils in the proposed easement, it is recommended that no monitoring or additional paleontological field survey be required unless construction exposes fossils. Should fossil material be encountered during construction, a qualified paleontologist should be contacted to evaluate the discovery.

Upon recommendation of Mr. Scott Bartlett, the Director approved the applicant's request for a non-exclusive easement. The term of the easement will be 30 years, beginning January 1, 2012, and expiring December 31, 2041. The application fee of \$750.00 and the easement rental assessment of \$13,193.75 have been submitted. The administrative fee required pursuant to R850-40-1800 has been paid in a one-time payment of \$1,000.00.

**EASEMENT NO. 1675 (APPROVAL)**

**APPLICANT'S NAME AND ADDRESS:**

Anadarko Uintah Midstream, LLC  
1368 South 1200 East  
Vernal, UT 84078

**LEGAL DESCRIPTION:**

Township 9 South, Range 21 East, SLB&M  
Section 27: NW¼ (Within)

A 45' wide right of way located in the NW¼ of Section 27, T9S, R21E, SLB&M, the centerline of which is described as follows:

Beginning at a point on the North line of the NW¼ of Section 27, T9S, R21E, SLB&M, which bears S 89°43'14" E 993.06' from the Northwest Corner of said Section, thence S 27°02'13" W 216.04'; thence S 27°23'42" E 494.02'; thence S 33°47'14" E 208.78'; thence S 18°39'47" E 212.65'; thence S 26°31'43" E 372.60'; thence N 82°22'05" W 378.61'; thence S 81°08'48" W 434.02'; thence S 76°04'56" W 47.06' to a point in the SW¼NW¼ of said Section which bears N 25°42'51" E 1412.88' from the West ¼ Corner of said Section. The side lines of said right of way being shortened or lengthened to terminate at said north section line. Basis of bearings is the west line of said NW¼ which is taken from global positioning satellite observations to bear N 00°12'54" W. Contains 2.442 acres more or less.

The easement administrator has had this legal description reviewed by the GIS Group.

COUNTY: Uintah

ACRES: 2.44

FUND: School

**PROPOSED ACTION:**

The applicant has requested a non-exclusive easement to construct, operate, repair, and maintain a buried 16-inch gas pipeline. The proposed gas pipeline will connect the West Cottonwood compressor to the North compressor. The application is being filed concurrently with an application for a 6" buried liquid pipeline by Kerr-McGee Oil & Gas Onshore LP (ESMT 1674), which will be laid in the same trench as the 16" line. The proposed easement corridor is 2,363.78 feet long and 45 feet wide, containing 2.44 acres. The requested term of the easement is 30 years.

**RELEVANT FACTUAL BACKGROUND:**

The subject "Application to Purchase an Easement" was received on October 26, 2011. It was submitted for Agency review on November 2, 2011, and was accepted by the Director on November 17, 2011.

The proposed easement was sent to the Resource Development Coordinating Committee ("RDCC"), the Uintah Basin Association of Governments, and the Uintah County Commission for review on November 2, 2011. Comments were received by the Utah Geological Survey and the Uintah County Commission as follows:

**Utah Geological Survey:**

*"There are known significant vertebrate fossil localities recorded in our files in or near this project area, and the Eocene Uinta Formation that is exposed here has the potential for yielding significant vertebrate fossil localities. The office of the State Paleontologist, therefore, recommends that a paleontological survey be conducted for this project and its easements by a paleontologist with a valid permit."*

**EASEMENT NO. 1675 (APPROVAL) (CONTINUED)**

**Uintah County:**

*"Uintah County is supportive of this project on the condition the proposed pipeline will be placed outside of the County's road right(s) of way, keeping increase in traffic, dust, and noise emissions during construction at a minimum.*

*"We ask that Anadarko Uintah Midstream, LLC, contact Uintah County's Community Development (formerly known as Building, Planning & Zoning) Department for the necessary County permits, and the Uintah County Road Department for permits and regulations when crossing County roads.*

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

The project area has been surveyed for cultural resources by Montgomery Archaeological Consultants (#U-07-MQ-1437b,i,p,s).

The project area has been surveyed for paleontological resources by Intermountain Paleo-Consulting.

**EVALUATION OF FACTS:**

The applicant has been notified of the comments submitted by the Utah Geological Survey and the Uintah County Commission.

The Agency's Archaeology staff has reviewed the cultural resource survey that was completed by Montgomery Archaeological Consultants. No eligible sites were identified near the project area; therefore, the project has been cleared for cultural resources, with a finding of "No Historic Properties Affected."

The Agency's staff has reviewed the paleontological survey that was completed by Intermountain Paleo-Consulting. Due to the number of fossils found in the block survey, and the amount of exposed fossiliferous Uinta Formation in the area, it is recommended that all future construction, development, and/or any ground disturbing activities which fall within or immediately around any known fossil locality, or within areas classified as Class 5 or Class 4 (see report maps for classification), be monitored by a permitted paleontologist. If vertebrate fossils are discovered, a qualified paleontologist should be contacted to evaluate the discovery.

Upon recommendation of Mr. Scott Bartlett, the Director approved the applicant's request for a non-exclusive easement. The term of the easement will be 30 years, beginning January 1, 2012, and expiring December 31, 2041. The application fee of \$750.00 and the easement rental assessment of \$4,011.26 have been submitted. The administrative fee required pursuant to R850-40-1800 has been paid in a one-time payment of \$1,000.00.

**EASEMENT NO. 1676 (APPROVAL)**

**APPLICANT'S NAME AND ADDRESS:**

Anadarko Uintah Midstream, LLC  
1368 South 1200 East  
Vernal, UT 84078

**LEGAL DESCRIPTION:**

Township 9 South, Range 21 East, SLB&M  
Section 25: NW $\frac{1}{4}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ NW $\frac{1}{4}$  (Within)  
Section 26: N $\frac{1}{2}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ NW $\frac{1}{4}$  (Within)  
Section 27: N $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$  (Within)

A 45' wide right of way located in the North  $\frac{1}{2}$  of Section 25, the North  $\frac{1}{2}$  of Section 26, and the North  $\frac{1}{2}$  of Section 27, all in T9S, R21E, SLB&M, the centerline of which is described as follows:

Beginning at a point in the NW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 25, T9S, R21E, SLB&M, which bears S 03°58'56" E 799.41' from the North  $\frac{1}{4}$  Corner of said Section, thence N 82°45'46" W 131.73'; thence N 07°04'54" W 193.42'; thence N 65°59'14" W 506.11'; thence N 62°39'42" W 488.73'; thence N 63°45'04" W 197.75'; thence N 89°21'33" W 499.50'; thence N 87°53'12" W 329.54'; thence S 85°50'27" W 183.37'; thence S 89°12'31" W 452.37' to a point on the East line of the NE $\frac{1}{4}$  of Section 26, T9S, R21E, SLB&M, which bears S 00°04'14" E 64.20' from the Northeast Corner of said Section 26; thence S 89°55'44" W 422.53'; thence S 72°17'13" W 619.51'; thence S 88°13'57" W 548.87'; thence S 87°20'00" W 468.63'; thence S 88°24'21" W 341.85'; thence N 83°28'19" W 412.77'; thence N 86°52'43" W 486.02'; thence S 86°37'30" W 110.82'; thence S 53°47'52" W 317.70'; thence S 84°39'55" W 315.14'; thence N 86°31'33" W 122.30'; thence N 80°12'48" W 164.99'; thence N 75°37'22" W 169.03'; thence N 52°15'52" W 237.17'; thence N 49°44'33" W 230.22'; thence S 70°33'43" W 569.77' to a point on the East line of the NE $\frac{1}{4}$  of Section 27, T9S, R21E, SLB&M, which bears S 00°03'25" E 293.91' from the Northeast Corner of said Section 27; thence S 70°33'43" W 475.60'; thence S 74°04'37" W 479.18'; thence S 71°53'33" W 534.65'; thence S 71°22'04" W 561.12'; thence S 72°20'00" W 585.25'; thence S 72°01'16" W 648.17'; thence S 76°00'24" W 440.09'; thence N 72°24'29" W 297.73'; thence N 82°22'05" W 378.61'; thence S 81°08'48" W 434.02'; thence S 76°04'56" W 47.06' to a point in the SW $\frac{1}{4}$ NW $\frac{1}{4}$  of said Section 27 which bears N 25°42'51" E 1412.88' from the West  $\frac{1}{4}$  Corner of said Section 27. Basis of bearings is the West line of said NW $\frac{1}{4}$  of Section 27 which is taken from global positioning satellite observations to bear N 00°12'54" W a measured distance of 2645.06'. Contains 13.844 acres more or less.

The easement administrator has had this legal description reviewed by the GIS Group.

COUNTY: Uintah

ACRES: 13.84

FUND: School

**PROPOSED ACTION:**

The applicant has requested a non-exclusive easement to construct, operate, repair, and maintain a buried 16-inch gas pipeline. The proposed gas pipeline will connect the West Cottonwood compressor to Well Pad NBU 921-25. The proposed easement corridor is 13,401.32 feet long and 45 feet wide, containing 13.84 acres. The requested term of the easement is 30 years.

**RELEVANT FACTUAL BACKGROUND:**

The subject "Application to Purchase an Easement" was received on October 26, 2011. It was submitted for Agency review on November 3, 2011, and was accepted by the Director on November 17, 2011.

**EASEMENT NO. 1676 (APPROVAL) (CONTINUED)**

The proposed easement was sent to the Resource Development Coordinating Committee ("RDCC"), the Uintah Basin Association of Governments, and the Uintah County Commission for review on November 3, 2011. Comments were received by the Utah Geological Survey and the Uintah County Commission as follows:

**Utah Geological Survey:**

*"There are known significant vertebrate fossil localities recorded in our files in or near this project area, and the Eocene Uinta Formation that is exposed here has the potential for yielding significant vertebrate fossil localities. The office of the State Paleontologist, therefore, recommends that a paleontological survey be conducted for this project and its easements by a paleontologist with a valid permit."*

**Uintah County:**

*"Uintah County is supportive of this project on the condition the proposed pipeline will be placed outside of the County's road right(s) of way, keeping increase in traffic, dust, and noise emissions during construction at a minimum."*

*"We ask that Anadarko Uintah Midstream, LLC, contact Uintah County's Community Development (formerly known as Building, Planning & Zoning) Department for the necessary County permits and the Uintah County Road Department for permits and regulations when crossing County roads."*

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

The project area has been surveyed for cultural resources by Montgomery Archaeological Consultants (#U-07-MQ-1437b,i,p,s).

The project area has been surveyed for paleontological resources by Intermountain Paleo-Consulting.

**EVALUATION OF FACTS:**

The applicant has been notified of the comments submitted by the Utah Geological Survey and the Uintah County Commission.

The Agency's Archaeology staff has reviewed the cultural resource survey that was completed by Montgomery Archaeological Consultants. No eligible sites were identified near the project area; therefore, the project has been cleared for cultural resources with a finding of "No Historic Properties Affected."

The Agency's Cultural Resource Specialist has reviewed the paleontological survey that was completed by Intermountain Paleo-Consulting. Due to the number of fossils found in the block survey, and the amount of exposed fossiliferous Uinta Formation in the area, it is recommended that all future construction, development and/or any ground disturbing activities which fall within or immediately around any known fossil locality, or within areas classified as Class 5 or Class 4 (see report maps for classification), be monitored by a permitted paleontologist. If vertebrate fossils are discovered, a qualified paleontologist should be contacted to evaluate the discovery.

Upon recommendation of Mr. Scott Bartlett, the Director approved the applicant's request for a non-exclusive easement. The term of the easement will be 30 years, beginning January 1, 2012, and expiring December 31, 2041. The application fee of \$750.00 and the easement rental assessment of \$22,741.63 have been submitted. The administrative fee required pursuant to R850-40-1800 has been paid in a one-time payment of \$1,000.00.

**EASEMENT NO. 1331 (TERMINATION OF APPLICATION)**

APPLICANT'S NAME AND ADDRESS:

Carol Caress  
46631 Arapahoe Lane  
Indian Wells, CA 92210

LEGAL DESCRIPTION:

Township 34 South, Range 10 West, SLB&M  
Section 32: SW $\frac{1}{4}$ SW $\frac{1}{4}$  (Within)

COUNTY: Iron

ACRES: 1.39

FUND: School

The subject "Application to Purchase an Easement" was received on October 24, 2007. It was submitted for Agency review on February 29, 2008, and was accepted by the Director on March 17, 2008. The purpose of the easement was to construct an access road for access to private property.

The application was placed on hold while the applicant also pursued easements from other land owners required for the proposed access road. On November 30, 2011, the applicant was notified by certified mail that the application would be terminated unless written response was submitted within 30 days. No response was received. The applicant has paid no fees for the subject easement; therefore, no monies are subject to refund or forfeiture.

Upon recommendation of Mr. Scott Bartlett, the Director terminated the application for Easement No. 1331.

**EASEMENT NO. 1393 (TERMINATION OF APPLICATION)**

APPLICANT'S NAME AND ADDRESS:

Terry J. Caldwell  
P.O. Box 1700  
Vernal, UT 84078

LEGAL DESCRIPTION:

Township 4 South, Range 21 East, SLB&M  
Section 30: NE $\frac{1}{4}$ NE $\frac{1}{4}$  (Within)

COUNTY: Uintah

ACRES: 0.41

FUND: School

The subject "Application to Purchase an Easement" was received on May 22, 2008. It was submitted for Agency review on June 12, 2008, and was accepted by the Director on July 18, 2008. The purpose of the easement was to construct an access road for access to private property.

On September 17, 2008, the applicant was notified that a legal description, cultural resources survey, and application fee were required. The applicant did not provide any of the requested items. On November 9, 2011, the applicant was notified by certified mail that the application would be terminated unless written response was submitted within 30 days. The notice was returned undeliverable, and the applicant has no other address on file. The applicant has paid no fees for the subject easement; therefore, no monies are subject to refund or forfeiture.

Upon recommendation of Mr. Scott Bartlett, the Director terminated the application for Easement No. 1393.

**EASEMENT NO. 1398 (TERMINATION OF APPLICATION)**

APPLICANT'S NAME AND ADDRESS:

UBET Wireless  
211 E. 200 N.  
P.O. Box 398  
Roosevelt, UT 84066

LEGAL DESCRIPTION:

Township 1 South, Range 8 West, SLB&M  
Section 28: S $\frac{1}{2}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$  (Within)  
Section 29: SE $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$  (Within)

COUNTY: Duchesne

ACRES: 7.20

FUND: USU

The subject "Application to Purchase an Easement" was received on June 16, 2008. It was submitted for Agency review on June 19, 2008, and was accepted by the Director on July 8, 2008. The purpose of the easement was for an access road, partially existing and partially new construction, for access to a proposed communications site.

On August 6, 2008, the applicant was notified that a legal description, cultural resources survey, and application fee were required. The applicant did not provide a legal description. On November 9, 2011, the applicant was notified by certified mail that the application would be terminated unless written response was submitted within 30 days. No response was received. The applicant submitted a \$750.00 application fee, which is hereby forfeited to the Agency.

Upon recommendation of Mr. Scott Bartlett, the Director terminated the application for Easement No. 1398.

**EASEMENT NO. 1401 (TERMINATION OF APPLICATION)**

APPLICANT'S NAME AND ADDRESS:

XTO Energy, Inc.  
Land Department  
110 West 7<sup>th</sup> Street  
Fort Worth, TX 76102-7018

LEGAL DESCRIPTION:

Township 7 South, Range 23 East, SLB&M  
Section 2: Lots 1 & 8 (Within)

COUNTY: Uintah

ACRES: 1.42

FUND: School

The subject "Application to Purchase an Easement" was received on June 17, 2008. The purpose of the easement was to operate, repair, and maintain an existing 4-inch surface gas pipeline constructed under the authority of ROW 3419, which was canceled for non-payment on February 16, 2000. It was understood at the time of application that XTO Energy, Inc. had acquired the subject pipeline from a previous owner.

**EASEMENT NO. 1401 (TERMINATION OF APPLICATION) (CONTINUED)**

The legal description of ROW 3419 appeared to omit an adjacent section of trust lands, and the Agency requested that the applicant verify the location of the pipeline. The applicant did not provide a response or updated legal description, and, for this reason, the application was not submitted for Agency review. On November 30, 2011, Agency staff requested that the applicant review the application and either withdraw it or provide a response as to the location of the pipeline. On December 29, 2011, the applicant submitted a written notice stating that they do not have any assets in the area and requested that the application be withdrawn. The applicant has paid no fees for the subject easement; therefore, no monies are subject to refund or forfeiture.

Upon recommendation of Mr. Scott Bartlett, the Director terminated the application for Easement No. 1401.

**RIGHT OF WAY NO. 2504 (TRANSFER OF EASEMENT TO PRIVATE LANDOWNER)**

**GRANTEE'S NAME AND ADDRESS:**

PacifiCorp dba Rocky Mountain Power  
Right of Way Services  
1407 West North Temple, Suite 110  
Salt Lake City, UT 84116

**LEGAL DESCRIPTION:**

Township 28 South, Range 24 East, SLB&M  
Section 36: E $\frac{1}{2}$ SW $\frac{1}{4}$  (Within)

A right of way 10 ft. in width, being 5 ft. each side of the following described survey line:

Beginning at an existing pole on the Grantor's land at a point 1,409 ft. North 1,975 ft. East, more or less, from the Southwest Corner of Section 36, T28S, R24E, SLB&M, thence South 6°57' West 540.2 ft. on said land and being in the east half of the Southwest Quarter of Section 36.

The easement administrator has had this legal description reviewed by the GIS Group.

COUNTY: San Juan

ACRES: 0.12

FUND: School

Right of Way No. 2504 was approved January 10, 1983. On November 13, 1989, the Agency exchanged the property underlying Right of Way No. 2504. Patent No. 18896 was issued for the property. The property was exchanged subject to all valid, existing rights of way. As there is no other property included in the right of way, records should be noted to show that this right of way has been transferred to the private landowner.

*This item was submitted by Mr. Scott Bartlett for record-keeping purposes.*

**SPECIAL USE LEASE AGREEMENTS**

**SPECIAL USE LEASE AGREEMENT NO. 1511 - AMENDMENT NO. 1 (APPROVAL AND FIVE-YEAR REVIEW)**

LESSEE'S NAME AND ADDRESS:

Enduring Resources, LLC  
511 Sixteenth Street, Suite 700  
Denver, Colorado 80202

LEASE TYPE: Industrial

ANNUAL RENTAL: \$ 2,500.00

TERM: 30 years

AMENDMENT FEE: \$ 400.00

BEGINNING DATE: February 1, 2007

ENDING DATE: January 31, 2037

NEXT REVIEW DATE: February 1, 2016

LEGAL DESCRIPTION:

Township 11 South, Range 23 East, SLB&M  
Section 32: (Within)

Beginning at a point on the East line of the SE $\frac{1}{4}$  of Section 32, T11S, R23E, SLB&M, which bears N 00°05'57" E 621.60 ft. from the Southeast Corner of said Section 32, thence S 37°28'53" W 398.95 ft.; thence N 52°31'07" W 534.43 ft.; thence N 37°28'53" E 210.24 ft.; thence N 52°31'07" W 348.38 ft.; thence S 37°28'53" W 399.33 ft.; thence N 52°31'07" W 666.21 ft.; thence N 37°28'53" E 1059.74 ft.; thence S 52°31'07" E 1188.60 ft.; thence S 00°05'57" W 593.62 ft. to the point of beginning. Basis of bearings is a G.P.S. observation. Containing 30.220 acres, more or less.

The lease administrator has had this legal description reviewed by the GIS Group.

COUNTY: Uintah

ACRES: 30.22

FUND: School

PROPOSED ACTION:

The lessee has requested an extension of the due diligence requirements as outlined in Paragraph 2 of the lease. The lease authorizes the construction, operation, and maintenance of a non-commercial produced water disposal facility, known as the Bitter Creek Evaporation Pits. The lease requires that the authorized improvements to the subject property be substantially completed within a three-year period from the beginning date of the lease. This initial due diligence period expired on February 1, 2010. On the Director's Minutes of January 19, 2010, the Director approved a two-year extension of the due diligence requirements to February 1, 2012, and also extended the initial three-year lease review to five years, with a new review date of February 1, 2012.

The lessee has now requested an additional extension of the due diligence requirements of the lease, as the improvements authorized by the lease have not yet been constructed. It is proposed that the due diligence requirements of the lease be extended through February 1, 2016, conditional upon the amendment of certain terms of lease as outlined below.

**SPECIAL USE LEASE AGREEMENT NO. 1511 - AMENDMENT NO. 1 (APPROVAL AND FIVE-YEAR REVIEW) (CONTINUED)**

It has also been discovered that the annual due date for the annual rental payment required pursuant to Paragraph 3(a) of the lease was incorrectly listed in the original contract as January 1. This amendment will correct the due date for the annual rental payment to February 1, which is consistent with the lease term anniversary date.

The base annual rental of the lease will be increased from \$600.00 per year to \$2,500.00 per year, effective for the payment due February 1, 2012. If the facilities authorized by the lease are constructed and become operational prior to February 1, 2016, the annual rental will then be adjusted to \$1,000.00 at the beginning of the next rental period following the completion of the facilities. The \$1,000.00 annual rental is consistent with comparable leases for currently operating non-commercial produced water disposal facilities.

The water disposal fee required by the lease will be increased from \$0.05 per barrel to \$0.15 per barrel for any non-compliant water disposed of in the facility. Non-compliant water is defined as all water disposed of from operations in connection with any development activities other than those under Mineral Lease No. 47079, or lands pooled or unitized therewith.

The next review date for the lease will be February 1, 2016, which coincides with the original three-year review cycle of the lease. The term of the lease will remain 30 years, with an expiration date of January 31, 2037.

**RELEVANT FACTUAL BACKGROUND:**

Special Use Lease No. 1511 was issued effective February 1, 2007, for the purpose of the construction, operation, and maintenance of a non-commercial produced water disposal facility, known as the Bitter Creek Evaporation Pits. The lease was originally structured with a three-year rental review, and a due diligence requirement that the improvements authorized by the lease be substantially completed within a three-year period. On January 19, 2010, the Director approved a two-year extension to the due diligence requirements, and extended the initial three-year rental review period to five years.

The facilities authorized by the lease have not yet been constructed by the lessee; however, the lessee is hopeful that the facilities will be constructed within the next four years. The lessee has stated that the facilities have not yet been constructed due to low natural gas prices and the lack of market stability which has delayed the drilling of additional wells on fee, Trust Lands Administration ("TLA"), and Bureau of Land Management ("BLM") lands. Furthermore, the lessee states that they currently have nearly 200 Applications for Permits to Drill ("APD's") pending with the BLM that have yet to be approved due to ongoing air quality issues in the Uintah Basin.

The amendment was exempt from the Resource Development Coordinating Committee ("RDCC"), as there will be no increase in acreage or change in primary use of the leased premises.

The amendment does not require any additional cultural resources or paleontological resources surveys as there will be no new ground disturbance authorized by the amendment.

Pursuant to R850-30-1000(1)(e), this amendment was exempt from advertising as there will be no increase in the acreage of the leased footprint.

**SPECIAL USE LEASE AGREEMENT NO. 1511 - AMENDMENT NO. 1 (APPROVAL AND FIVE-YEAR REVIEW) (CONTINUED)**

**FIVE-YEAR REVIEW:**

This lease has a clause allowing for the escalation of the annual rental and water disposal fee every three years throughout the term of the lease. On January 19, 2010, the Director extended the initial three-year review period to five years. The review date for this industrial lease is February 1, 2012.

**ANNUAL BASE RENTAL AND WATER DISPOSAL FEE:**

The original SULA 1511 allowed for an adjustment of the annual rental every three years utilizing the Consumer Price Index ("CPI"), an appraisal of the subject property, or comparable lease data. In this amendment, the annual rental will be increased from \$600.00 per year to \$2,500.00 per year, which exceeds the amount of increase which would have been allowed under any of the three methods of adjustment under the original lease. If the facilities are constructed and become operational prior to February 1, 2016, the annual rental will be adjusted to \$1,000.00 at the beginning of the next rental period following the completion of the facilities. The \$1,000.00 annual rental is consistent with comparable leases for currently operating non-commercial produced water disposal facilities.

The original SULA 1511 allowed for an adjustment to the water disposal fee every three years utilizing either the CPI or the Product Price Index ("PPI"). In this amendment, the water disposal fee will be increased from \$0.05 per barrel to \$0.15 per barrel, which represents a greater increase than would have been allowed under the original lease. The \$0.15 per barrel disposal fee is consistent with comparable leases for non-commercial produced water disposal facilities.

The lessee has been notified of this action, and has responded that they are agreeable to these terms.

**DUE DILIGENCE AND PROPER USE:**

The development allowed by the lease has not yet occurred as previously discussed. It is recommended that the due diligence requirements of the lease be extended to February 1, 2016.

**PROPER USE:**

No development has yet occurred on the leased premises.

**ADEQUATE INSURANCE AND BOND COVERAGE:**

Lessee has provided proof of adequate insurance coverage. The lease requires an initial performance and reclamation bond in the amount of \$40,000.00. The lease also allows for the bond amount to be increased at any time during the term of the lease at the discretion of the Agency. The \$40,000.00 bond has yet to be submitted, but will be required prior to any construction occurring on the leased premises.

**WATER RIGHTS AND WELLS:**

There are no Trust-owned water rights associated with this lease.

**ENVIRONMENTAL COMPLIANCE:**

As development of this site has yet to occur, there are no environmental compliance issues to be discussed at this time.

**GIS REVIEW:**

The lease administrator has had the legal description of this lease reviewed by the GIS Group.

**SPECIAL USE LEASE AGREEMENT NO. 1511 - AMENDMENT NO. 1 (APPROVAL AND FIVE-YEAR REVIEW) (CONTINUED)**

NEXT REVIEW DATE:

The next review date will be February 1, 2016, which will coincide with the original 3-year review schedule as set forth in the lease agreement.

Upon recommendation of Mr. Chris Fausett, the Director approved the issuance of Amendment No. 1 to Special Use Lease No. 1511, the 4-year extension of the due diligence period, and the 5-year review for the lease agreement. The next review date will be February 1, 2016.

**SPECIAL USE LEASE NO. 1291 (ASSIGNMENT)**

Pursuant to R850-30-900, Timothy Allen Crary, P.O. Box 65, La Sal, UT 84530, has requested permission to assign 100% of his interest in the above-referenced special use lease to Richard and Roxanne Wilson, 6004 Road 33, Veteran, WY 82243. The \$250.00 assignment fee has been submitted. San Juan County. School Fund.

Upon recommendation of Mr. Bryan Torgerson, the Director approved the assignment of SULA 1291.

**SPECIAL USE LEASE NO. 1380 (ASSIGNMENT)**

Pursuant to R850-30-900, Fred J. Anderson, 343 West 4125 North, Pleasant View, UT 84414, requested permission to assign 100% of his interest in the above-referenced special use lease to Jeffrey O. Roche, 19205 North 6000 West, Bear River City, UT 84312. The \$250.00 assignment fee has been submitted, plus an overpayment of \$194.85 which will be applied to the annual rental. Box Elder County. School Fund.

Upon recommendation of Mr. Scott Chamberlain, the Director approved the assignment of SULA 1380.

**SPECIAL USE LEASE AGREEMENT NO. 991 (THREE-YEAR REVIEW)**

SULA 991 is a special use lease agreement issued to RSA 673 Cellular, Inc., c/o AT&T Network Real Estate Administration, 5405 Windward Parkway, P. O. Box 1630, Alpharetta, GA 30009. The lease site is located in Rich County. School Fund.

1. ANNUAL BASE RENTAL:

The three-year lease review date for this telecommunication lease is February 1, 2012. The subject property is used for the purpose of a communication lease as a cellular telephone and data communication site. The lease agreement provides for periodic increases in the annual base rental amount. The annual base rental shall be increased from \$6,520.00 per year to \$6,820.00 per year, effective February 1, 2012. A notice was sent informing the lessee of this action.

After a preliminary analysis pursuant to Board policy, the raw land value of the subject property was estimated to currently be approximately \$800.00 per acre, with a total estimated value of \$100.00. The existing communication lease site is considered the highest and best use of a small parcel of this type of land.

Annual Base Rental: \$6,820.00  
Acres in lease: 0.06

**SPECIAL USE LEASE AGREEMENT NO. 991 (THREE-YEAR REVIEW) (CONTINUED)**

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.
4. **ADEQUATE INSURANCE AND BOND COVERAGE:**  
The insurance is current and adequate for the purposes of the lease. There is no current bond on the lease. A request for a bond has been made, and anticipated to be completed soon.
5. **WATER RIGHTS AND WELLS:**  
There are no Trust-owned water rights associated with this lease.
6. **ENVIRONMENTAL COMPLIANCE:**  
This lease was inspected and reviewed for environmental compliance in October 2011, and has been rated as low risk. There is no evidence of underground or above ground petroleum storage tanks, stained soil, 55-gallon drums/containers of any size, unauthorized uses, or solid waste on the premises. The site generally appears clean, with no safety or environmental concern. An Environmental Site Inspection Form will be put in the lease file.
7. **GIS REVIEW:**  
The lease administrator had the legal description reviewed by the GIS Group. The legal description is good and a new version of the map has been created, and is attached to the business system.
8. **NEXT ASSESSMENT DATE:**  
The next assessment date will be the expiration date of February 28, 2014. The Agency and the lessee are currently working on an amendment of the lease, or an entirely new replacement lease to be completed prior to the lease expiration date.

Upon recommendation of Mr. Gary Bagley, the Director approved the three-year review for SULA 991.

\*\*\*\*\*

**DEVELOPMENT ACTIONS**

\*\*\*\*\*

**CORRECTION - DEVELOPMENT SUBDIVISION SALE - ESTATES AT HIDDEN VALLEY PHASE 1**  
IN THE DIRECTOR'S MINUTES OF DECEMBER 27, 2011, PAGES 13 THROUGH 14, THE LOT PRICE WAS REPORTED INCORRECTLY FOR THE FOLLOWING SUBDIVISION SALE AND HAS BEEN CORRECTED AS SHOWN BELOW IN BOLD:

SUBD 12.0 Estates at Hidden Valley Phase 1

This transaction has been executed pursuant to Development Lease DEVL 754.

LEGAL DESCRIPTION: (SUBDIVISION)  
Section 18, Township 43.0 S, Range 15.0 W, SLBM

PURCHASER:  
IVORY SOUTHERN, LLC  
3143 SOUTH 840 EAST  
SAINT GEORGE, UT 84790

LOT SALE DESCRIPTION:

Desc /	Certificate #	Cert/Sale Dt	Patent #	Patent Dt	Lot Price	Fee	Acreage	Fund	Section
Lot 3	26417-12-3	12/12/11	19989-12-3	01/31/07	<b>\$20,889.00</b>	\$0.00	0.15	SCH	18

The legal description of the lot described above has been reviewed by the GIS Group.

MINERAL RESERVATIONS:

Excepting and reserving all coal and other mineral deposits along with the right for the State or other authorized persons to prospect for, mine, and remove the deposits, provided the State or other authorized persons do not enter upon or use the surface or any part of the premises above a depth of 500 feet below the surface and provided the State or other authorized persons retain all appropriate structural support of the premises.

SURFACE RESERVATIONS:

Subject to the Amended and Restated Master Declaration of Covenants, Conditions and Restrictions and Reservation of Easements for Hidden Valley at St. George, as recorded on January 26, 2007, as Entry No. 20070004364, records of Washington County, Utah; also,

Subject to the Amended and Restated Neighborhood Declaration of Covenants, Conditions, and Restrictions and Reservation of Easements for Estates at Hidden Valley, as recorded on January 26, 2007, as Entry No. 20070004367, records of Washington County, Utah; also,

Subject to an easement across the property for utilities as shown on the recorded plat map; also,

Subject to any valid, existing rights of way of any kind and any right, interest, reservation or exception appearing of record, and subject also to all rights of way for ditches, tunnels, and telephone and transmission lines that have been or may be constructed by the United States as provided by statute.

Upon recommendation of Ms. Andrea James, the Director approved this correction.

**DEVELOPMENT SUBDIVISION SALES**

THE FOLLOWING SALES HAVE BEEN EXECUTED AND PATENTS ISSUED:

SUBD 14.0 Casitas At Hidden Valley 3<sup>rd</sup> Amended and Extended.

These transactions have been executed pursuant to Development Lease DEVL 754.

LEGAL DESCRIPTION: (SUBDIVISION)

Section 7, Township 43.0 S, Range 15.0 W, SLBM  
Section 18, Township 43.0 S, Range 15.0 W, SLBM

PURCHASER:

IVORY SOUTHERN, LLC  
3143 SOUTH 840 EAST  
SAINT GEORGE, UT 84790

LOT SALE DESCRIPTION:

Desc /	Certificate #	Cert/Sale Dt	Patent #	Patent Dt	Lot Price	Fee	Acreage	Fund	Section
Unit 79	26419-14-79	12/27/11	19990-14-79	05/25/11	\$18,490.00	\$0.00	0.03	SCH	18
Unit 80	26419-14-80	12/22/11	19990-14-80	05/25/11	\$15,500.00	\$0.00	0.03	SCH	18

The legal descriptions of the lots described above have been reviewed by the GIS Group.

MINERAL RESERVATIONS:

Subject to a reservation to the State of all coal and other mineral deposits along with the right for the State or other authorized persons to prospect for, mine, and remove the deposits.

SURFACE RESERVATIONS:

Subject to an easement across the property for utilities as shown on the recorded plat map; also,

Subject to any valid, existing rights of way of any kind and any right, interest, reservation or exception appearing of record, and subject also to all rights of way for ditches, tunnels, and telephone and transmission lines that have been or may be constructed by the United States as provided by statute.

Subject to the Covenants, Conditions, and Restrictions that have been recorded for the Subdivision.

*These sales were submitted for record-keeping purposes by Ms. Andrea James.*

**NOTICE OF TRUE-UP PAYMENT FOR DEVELOPMENT SUBDIVISION SALE**

THE FOLLOWING TRUE-UP PAYMENT WAS RECEIVED FOR HIGHLAND PARK PHASE ONE (1) SUBDIVISION LOT 32:

SUBD: 10.A - Highland Park Phase 1 Subdivision  
LOT: 32  
FUND: School  
CERTIFICATE NO.: C-26517-10-32  
CERTIFICATE DATE: October 14, 2011  
PATENT NO.: P-20185-10-32  
PATENT DATE: October 11, 2011  
TRUE-UP LOT PAYMENT: \$1,026.40  
TOTAL LOT PAYMENT: \$60,071.00

PURCHASER:  
CORAL CANYON BUILDERS, LLC  
369 N. Black Canyon Avenue  
Washington, Utah 84780

LEGAL DESCRIPTION: (SUBDIVISION LOT)  
Township 42 South, Range 14 West, SLB&M  
Section 7:

All of Lot 32 of Highland Park Phase 1 Subdivision at the Coral Canyon Community, according to the plat of record on June 19, 2006, as Entry No. 20060026420, records of Washington County, Utah.

Containing 0.13 acre, more or less.

The legal description has been reviewed by the GIS Group.

DESCRIPTION OF SALE:

Lot 32 of Highland Park Phase 1 was sold to the purchaser noted above on October 14, 2011, with the understanding that the lot was sold for a "Base Purchase Price ("BPP"), plus an additional payment that was due upon the closing of sale of the lot to a third-party purchaser," as stated in the Certificate of Sale, Section One, Price and Terms. The BPP paid to the Trust Lands Administration was \$59,044.60 (\$60,000 less prorated taxes of \$955.40); see Pages 26 and 27 of the Director's Minutes of October 24, 2011, and Pages 12 through 13 of the Director's Minutes of October 17, 2011. The additional payment, or true-up, due upon resale to the third-party buyer was to be 20% of the Adjusted Gross Purchase Price ("AGPP") to the extent it exceeded the Base Retail Price ("BRP") of the lot not including Design Center option upgrades. The BRP is calculated as a percentage of the BPP and determined according to the Coral Canyon Lot Value Assessment, for which a copy may be found in the Planning and Development file.

The AGPP is determined from the BRP for the improved property plus agreed upon included upgrades (a list of the included agreed upon upgrades may be found in the Planning and Development file), minus the builder incentive that is over the BRP of \$213,000. Therefore, the adjusted gross retail purchase price to the third-party buyer was \$234,345, which included the agreed upon additional architectural upgrades (\$5,132) as well as included Design Center option upgrades (\$16,213), thus, resulting in \$5,132 more than the BRP of \$213,000, and making the true-up amount owed the Trust \$1,026.40 (\$234,345 - 16,213 - 213,000 \* 20 %). See the Planning and Development file for more detail.

*This item was submitted for record-keeping purposes by Ms. Andrea James.*

\*\*\*\*\*

**ACTIONS CONTAINING FEE WAIVERS**

\*\*\*\*\*

**NONE**

\*\*\*\*\*

**TRUST ACCOUNTING ACTIONS**

\*\*\*\*\*

**CANCELED MINERAL LEASES**

The following mineral leases were not paid on or before the cancellation date of 11/7/2011. Certified notices were mailed.

<u>LEASE #</u>	<u>LESSEE NAME</u>	<u>BENE</u>	<u>COUNTY</u>	<u>TYPE</u>
ML 47065	ENDURING RESOURCES LLC	SCH	UINT	OGH
ML 51873-MP	ABELICIO, JIRON	SCH	UINT	MMP

Upon recommendation of Mr. Gritzmacher, Assistant Finance Manager, the Director approved the cancellation of the above-listed mineral leases for non-payment.

**REFUND REQUESTED – ML 50386**

The above-mentioned mineral lease was paid twice for the 2011 rental year. The first payment was received on 5/2/2011, and was mistakenly receipted toward ML 50836. The second payment was received on 7/11/2011, in the amount of \$1280.00 and also included a late fee of \$76.80. After this error was discovered, the lessee (International Petroleum) was notified and they have requested a refund of the overpayment. The total amount of the refund should be \$1,356.80. It should be sent to International Petroleum – 4834 South Highland Drive, Suite 200 – Salt Lake City, UT 84117.

Upon recommendation of Mr. Gritzmacher, Assistant Finance Manager, the Director approved the refund to International Petroleum in the amount of \$1,356.80.

**PAID CERTIFICATES OF SALE**

<u>CERT #</u>	<u>NAME</u>	<u>BENE</u>	<u>COUNTY</u>	<u>DATE PAID</u>
C 26485	PAUL LYMAN	MH	SEVR	11/4/2011

**INTEREST RATES**

Following are the current and past year prime rates:

CURRENT YEAR: 3.25%  
ONE YEAR AGO: 3.25%