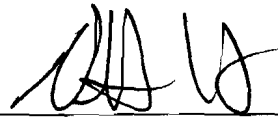


APRIL 27, 2009

THE DIRECTOR OF THE SCHOOL AND INSTITUTIONAL TRUST LANDS ADMINISTRATION TOOK FORMAL ACTION ON APRIL 27, 2009, IN THE TRUST LANDS ADMINISTRATION OFFICE, 675 EAST 500 SOUTH, SUITE 500, SALT LAKE CITY, UTAH 84102-2818, ON THE MINERAL, SURFACE, DEVELOPMENT, LEGAL, FEE WAIVER, AND TRUST ACCOUNTING BUSINESS MATTERS AS INDICATED AND WHICH BECOME EFFECTIVE AT 6:00 P.M. ON APRIL 27, 2009.

THESE MINUTES INCLUDE MINERAL ACTIONS AS LISTED ON PAGES 1 TO 3; SURFACE ACTIONS AS LISTED ON PAGES 4 TO 17; DEVELOPMENT ACTIONS AS LISTED ON PAGES 18 TO 22; LEGAL ACTIONS AS LISTED ON PAGES 22 TO 23; ACTIONS CONTAINING FEE WAIVERS AS LISTED ON PAGE 23; AND TRUST ACCOUNTING ACTIONS AS LISTED ON PAGES 23 TO 24.

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, MAY 11, 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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**MATERIALS PERMIT NO. 437 OVER-THE-COUNTER (APPROVAL)**

**APPLICANT:**

Bill Barrett Corporation  
1099 18<sup>th</sup> Street, Suite 2300  
Denver, CO 80202

**AFFECTED LANDS:**

Township 13 South, Range 16 East, SLB&M.  
Section 2: All

COUNTY: Carbon

ACRES: 319.0±

FUND: SCH

Applicant proposes to mine minor amounts of excess material from well pad and mud sump construction and operation to maintain access roads in a natural gas field. The subject lands have been designated for over-the-counter sand and gravel sales. Royalty rate for this pit is set at \$0.50 per cubic yard. Term of the permit is one year.

Upon recommendation of Mr. Randy Harden, the Director approved the issuance of Materials Permit No. 437 for a term of one year.

**MATERIALS PERMIT NO. 438 OVER-THE-COUNTER (APPROVAL)**

**APPLICANT:**

Bill Barrett Corporation  
1099 18<sup>th</sup> Street, Suite 2300  
Denver, CO 80202

**AFFECTED LANDS:**

Township 13 South, Range 15 East, SLB&M.  
Section 2: All

COUNTY: Carbon

ACRES: 313.52±

FUND: SCH

Applicant proposes to mine minor amounts of excess material from well pad and mud sump construction and operation to maintain access roads in a natural gas field. The subject lands have been designated for over-the-counter sand and gravel sales. Royalty rate for this pit is set at \$0.50 per cubic yard. Term of the permit is one year.

Upon recommendation of Mr. Randy Harden, the Director approved the issuance of Materials Permit No. 438 for a term of one year.

**METALLIFEROUS MINERALS LEASE APPROVAL**

Upon recommendation of Mr. Stokes, the Director approved the Metalliferous Minerals lease application listed below at a minimum annual rental rate of \$500 per lease or \$1 per acre, whichever is greater. The production royalty, as provided in the lease form, approved by the Director of the Trust Lands Administration, is 8% for fissionable minerals and 4% for non-fissionable minerals - based on the gross value of the ore. The land status has been examined utilizing both the plat books and the business system and the lands were found to be open and available. The application has been checked for completeness and found to be in proper order. The business system and plat books have been updated to show the lease application as an existing contract on the lands described below:

<u>ML 51584</u>	<u>T3S, R4W, SLB&amp;M.</u>	Tooele
Kennecott Exploration Company	SEC. 23: S $\frac{1}{2}$ SE $\frac{1}{4}$	1277.67 Acres
224 North 2200 West	SEC. 24: SW $\frac{1}{4}$ SW $\frac{1}{4}$	
Salt Lake City, Utah 84116	SEC. 25: LOTS 1(40.05), 2(40.26), W $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$	
	SEC. 26: NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$	
	SEC. 36: LOTS 1(39.94), 2(39.80), 3(39.64), 4(39.50), 5(39.87), 6(39.87), 7(39.87), 8(39.87), 9(39.92), 10(39.92), 11(39.92), 12(39.92), 13(39.41), 14(39.97), 15(39.79), 16(39.97)	

Annual Rental: \$1278.00

FUND: SCH

**GEMSTONE & FOSSIL LEASE READJUSTMENT AND EXTENSION – ML 26068 AND ML 26068-A (SCH)**

Gemstone and Fossil Leases ML 26068 and ML 26068-A have reached the end of their current ten (10) year term on February 28, 2009. Under Article II of the lease, it is expressly agreed that at the end of each period of ten (10) years following the effective date of the lease, the State of Utah, as Lessor, shall have the right to readjust the terms and conditions of the lease as may be determined to be in the best interest of the State of Utah as trustee-owner of the mineral estate. Under Article VI, fourth paragraph, the Lessee may maintain the lease beyond the primary term by paying the Lessor, in addition to rentals and production royalties, an annual minimum royalty of three (3) times the annual rental, provided the Lessee is producing the lease substance from the leased premises. Each of the leases encompasses 40 acres and each has satisfied the production requirements of Article VI. Therefore, the leases qualify for continuance for an additional ten (10) year lease extension.

**LEASE READJUSTMENT & TERMS:**

- The leases will be readjusted to conform to the terms and conditions provided for under Trust Lands Administration's most current Gemstone & Fossil Lease form, adopted for use August 2008.
- The current Gemstone & Fossil form requires an annual rental payment of \$500 or \$1 per acre - whichever is greater. For leases that are extended beyond their initial primary term, the lease requires an annual advanced minimum royalty in the amount of three (3) times the annual rental. Readjustment of both leases will require the \$500 annual rental and the annual advanced minimum royalty of \$1500 (3 X annual rental) for a total annual payment of \$2000.

**GEMSTONE & FOSSIL LEASE READJUSTMENT AND EXTENSION – ML 26068 AND ML 26068-A (SCH)**  
**(CONTINUED)**

- The Lessee shall pay Lessor a production royalty on the basis of 10% of the Gross Value of the leased substance. ML 26068-A will also pay a royalty of 3% of gross receipts from the U-Dig, pay to collect fossils, and to operate on the leased premises.
- The leases will continue for an additional ten (10) year term as long as production requirement is satisfied. The additional ten (10) year term will **expire on February 28, 2019.**

The Lessees have accepted the readjusted terms, have executed the lease documents, and timely paid the readjusted annual rentals and advanced minimum royalties.

ML 26068

Robert L. Harris  
P.O. Box 102  
Delta, UT 84624-0102

T17S, R13W, SLB&M.

SEC. 2: NE $\frac{1}{4}$ SE $\frac{1}{4}$

Millard  
40.00 Acres

FUND: SCH

ML 26068-A

Loy D. Crapo  
P.O. Box 1113  
Delta, UT 84624

T17S, R13W, SLB&M

SEC. 2: SE $\frac{1}{4}$ SE $\frac{1}{4}$

Millard  
40.00 Acres

FUND: SCH

Upon recommendation of Mr. Stokes, the Director approved the readjustment and term extension of Gemstone & Fossil Leases ML 26068 and ML 26068-A.

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**SURFACE ACTIONS**

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**GRAZING PERMITS**

**GRAZING PERMIT NO. 21-B09 (CORRECTION OF MINUTES DATED APRIL 13, 2009)**

The Director's Minutes of April 13, 2009, incorrectly listed the above grazing permit as *GP 21-09*. The correct number above should be noted on all records. Uintah County. School Fund.

Upon recommendation of Ms. Paula Lane, the Director approved the above correction.

**GRAZING PERMIT NO. 20150-09 (CORRECTION OF MINUTES DATED APRIL 13, 2009)**

The Director's Minutes of April 13, 2009, incorrectly listed the above grazing permit's new acreage as *6,016.64*. The correct acreage should be **791.63**. This should be noted on all records. Piute & Garfield Counties. School Fund.

Upon recommendation of Ms. Paula Lane, the Director approved the above correction.

**GRAZING PERMIT NO. 20162-09 (CORRECTION OF MINUTES DATED APRIL 13, 2009)**

The Director's Minutes of April 13, 2009, incorrectly listed the above grazing permit's new acreage as *689.28*. The correct acreage should be **6,016.64**. This should be noted on all records. Juab County. School Fund.

Upon recommendation of Ms. Paula Lane, the Director approved the above correction.

**GRAZING PERMIT NO. 20215-09 (CORRECTION OF MINUTES DATED APRIL 13, 2009)**

The Director's Minutes of April 13, 2009, incorrectly listed the above grazing permit's new acreage as *3,541.86*. The correct acreage should be **1,770.93**. This should be noted on all records. Uintah County. School Fund.

Upon recommendation of Ms. Paula Lane, the Director approved the above correction.

**GRAZING PERMIT NO. 20292-09 (CORRECTION OF MINUTES DATED APRIL 13, 2009)**

The Director's Minutes of April 13, 2009, incorrectly listed the above grazing permit's new acreage as *1,328.00*. The correct acreage should be **664.00**. This should be noted on all records. Iron County. School Fund.

Upon recommendation of Ms. Paula Lane, the Director approved the above correction.

**EASEMENTS**

**EASEMENT NO. 1361 (APPROVAL)**

APPLICANT'S NAME AND ADDRESS:

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

LEGAL DESCRIPTION:

Township 27 South, Range 22 East, SLB&M  
Section 12: E $\frac{1}{2}$ SE $\frac{1}{4}$  (within)

Township 27 South, Range 23 East, SLB&M  
Section 7: Lots 3 & 4 (within)

An easement 20 feet in width and 2,351.7 feet in length along the centerline of the power line and 10 feet in width and 225 feet in length along the centerline of the guy anchors, the anchor easement extending 10 feet beyond the end of said anchors, located in San Juan County, State of Utah.

An easement 20 feet in width, being 10 feet on each side of the following described survey line:

Beginning on the Grantor's land at a point 516.5 feet north and 991.5 feet west, more or less, from the southeast corner of Section 12, T27S, R22E, SLB&M, said point being at Survey Station No. 0+00 of the Utah Power & Light Company's Moab Communications AM Radio Tower Site Survey, thence N 51°00'32" E 1,291.8 feet, more or less, thence N 42°04'27" E 354.1 feet, more or less, thence N 19°22'40" E 355.8 feet, more or less, thence N 37°37'41" E 350.00 feet, more or less, to the customer's point of use at Survey Station 24+30.3, being 527.9 feet south and 578.9 feet east, more or less, from the west one quarter corner of Section 7, T27S, R23E, SLB&M, and being in the E $\frac{1}{2}$  of the SE $\frac{1}{4}$  of said Section 12 and in Lots 3 & 4 of said Section 7, containing 1.08 acres, more or less.

An easement 10 feet in width, being 5 feet on each side of the following described centerline and extending 10 feet beyond the anchor of said centerline:

Beginning in the above described survey line on the Grantor's land at a point 516.5 feet north and 991.5 feet west, more or less, from the southeast corner of Section 12, T27S, R22E, SLB&M, thence S 51°00'32" W 45 feet, more or less, on said land and being in the SE $\frac{1}{4}$  of the SE $\frac{1}{4}$  of said Section 12, containing 0.01 of an acre, more or less.

Also, beginning in the above described survey line on the Grantor's land at a point 1,258.0 feet north and 11.7 feet east, more or less, from the southwest corner of Section 7, T27S, R23E, SLB&M, thence S 43°27'31" E 45 feet, more or less, on said land and being in Lot 4 (SW $\frac{1}{4}$  of the SW $\frac{1}{4}$ ) of said Section 7, containing 0.01 of an acre, more or less.

Also, beginning in the above described survey line on the Grantor's land at a point 1,140.7 feet south and 247.2 feet east, more or less, from the west  $\frac{1}{4}$  corner of Section 7, T27S, R23E, SLB&M, thence S 59°16'27" E 45 feet, more or less, on said land and being in Lot 3 (NW $\frac{1}{4}$  of the SW $\frac{1}{4}$ ) of said Section 7, containing 0.01 of an acre, more or less.

**EASEMENT NO. 1361 (APPROVAL) (CONTINUED)**

Also, beginning in the above described survey line on the Grantor's land at a point 805.1 feet south and 365.2 feet east, more or less, from the west ¼ corner of Section 7, T27S, R23E, SLB&M, thence N 42°07'09" E 45 feet, more or less, on said land and being in Lot 3 (NW¼ of the SW¼) of said Section 7, containing 0.01 of an acre, more or less.

Also, beginning in the above described survey line on the Grantor's land at a point 527.9 feet south and 578.9 feet east, more or less, from the west ¼ corner of Section 7, T27S, R23E, SLB&M, thence N 37°37'41" E 45 feet, more or less, on said land and being in Lot 3 (NW¼ of the SW¼) of said Section 7, containing 0.01 of an acre, more or less.

Containing 1.13 acres, more or less.

COUNTY: San Juan

ACRES: 1.13

FUND: School

**PROPOSED ACTION:**

The applicant requests an easement to construct, operate, repair, and maintain an overhead power line. The power line will service the KCPX AM radio tower which has been constructed under Special Use Lease No. 1313. The power line will run alongside a planned access road which will be constructed between US 191 and Spanish Valley Drive by San Juan County. The proposed easement corridor is 2,351.7 feet long and 20 feet wide, along with a 10 foot wide allowance for five guy anchors totaling 225 feet in length. The easement corridor contains a total of 1.13 acres. The term of the easement will be 30 years.

**RELEVANT FACTUAL BACKGROUND:**

The application was submitted for review by the Resource Development Coordinating Committee ("RDCC"), the Southeastern Utah Association of Governments, and the San Juan County Commission for review and comment. The following comments were submitted:

**Southeastern Utah Association of Local Governments:**

*"Favorable comment recommended."*

**San Juan County:**

*"Our concerns would be that [the power line] must be located outside of the road right-of-way and the lines need to be high enough to allow for our heavy equipment to go under during construction [of the access road]."*

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

The proposed project area has been surveyed for cultural resources by Bennett Management Services (U-07-BTR-0693a). No historic properties were identified within the proposed easement corridor. The Trust Lands Administration's staff archaeologist has reviewed the project and has granted cultural resource clearance for the project with a finding of "No Historic Properties Affected".

Pursuant to a comment submitted by the Trust Lands Administration's Planning and Development Group, in order to facilitate potential future development of the lands surrounding the easement corridor, the easement agreement will contain a clause requiring the applicant to bury the power line in the future if requested by the Trust Lands Administration.

**EASEMENT NO. 1361 (APPROVAL) (CONTINUED)****EVALUATION OF FACTS:**

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

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. 1361 for a term of 30 years, beginning May 1, 2009, and expiring April 30, 2039, with the easement fee being \$9,040.00 plus the \$750.00 application fee. The administrative fee required pursuant to R850-40-1800 has been paid in a one-time payment of \$1,000.00.

**EASEMENT NO. 1489 (APPROVAL)****APPLICANT'S NAME AND ADDRESS:**

SBA Towers II, LLC  
5900 Broken Sound Parkway, NW  
Boca Raton, FL 33487

**LEGAL DESCRIPTION:**

Township 21 South, Range 16 East, SLB&M  
Section 14: S½SW¼NW¼ (within)

Beginning at a point at the west quarter corner of Section 14, Township 21 South, Range 16 East, SLB&M, thence N00°13'25"W a distance of 668.71 feet; thence N89°46'35"E a distance of 33 feet; thence S00°13'25"E a distance of 668.71 feet; thence S89°46'35"W a distance of 33 feet to the point of beginning, containing 0.51 acres, more or less.

COUNTY: Emery

ACRES: 0.51

FUND: Miner's Hospital

**PROPOSED ACTION:**

The applicant requests an easement to operate, repair, and maintain an existing access road located just east of Green River, Utah. The access road is used to service a telecommunications site operated by the applicant on adjacent private lands. This easement will replace Easement No. 663, which was recently canceled for non-payment. Easement No. 663 was held by the former operator of the telecommunications site. The current applicant now desires to obtain an easement for the access road in order to continue their use of the road. The proposed easement corridor is 668 feet long and 30 feet wide, containing 0.51 acres. The term of the easement would be 30 years.

**RELEVANT FACTUAL BACKGROUND:**

The proposed easement was exempt from review by the Resource Development Coordinating Committee ("RDCC") since it will re-authorize an existing use and will result in no new ground disturbance.

The Trust Lands Administration's staff archaeologist has reviewed the proposed easement and has determined that since there will be no new ground disturbance, a cultural resources survey would not be required for the easement.

**EASEMENT NO. 1489 (APPROVAL) (CONTINUED)****EVALUATION OF FACTS:**

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

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. 1489 for a term of 30 years beginning May 1, 2009, and expiring April 30, 2039, with the easement fee being \$202.64 plus the \$750.00 application fee. Pursuant to R850-40-1800, an administrative fee will be assessed every three years throughout the term of the easement, with the first payment being due January 1, 2012.

**RIGHT OF WAY NO. 1498 (REINSTATEMENT)**

Parowan City Corporation, P.O. Box 579, Parowan, Utah, 84761, has requested reinstatement of Right of Way No. 1498, which was canceled for non-payment of the required administrative fee, as documented in the Director's Minutes of March 7, 2008. Right of Way No. 1498 was issued on March 11, 1977, for a 2400 volt power line, a buried steel pipeline, and a concrete diversion dam.

Pursuant to Rule R850-5-500(1)(d), the right-of-way will be amended to a term of years, such that the right of way will expire in 15 years. The new expiration date of the right of way is March 31, 2024.

When this right of way was granted in 1977, an easement fee in the amount of \$707.80 was paid. At today's rates, the easement fee for this right of way would be \$4,254.55. Pursuant to R850-5-500(1)(d), the Grantee has paid an additional easement fee of \$3,546.75, which is equal to the difference between what was originally charged for the right of way and what would be charged at today's rates for the right of way.

The Grantee has also paid the required \$400.00 reinstatement fee, along with the \$10.00 past-due administrative fee and a \$30.00 late fee. All conditions for reinstatement pursuant to Rule R850-5-500(1)(d) have been met. Iron County. School Fund.

Upon recommendation of Mr. Chris Fausett, the Director approved the reinstatement of Right of Way No. 1498.

**RIGHTS OF ENTRY****RIGHT OF ENTRY NO. 5283 (APPROVAL)**

On February 3, 2009, the School and Institutional Trust Lands Administration received an application from Adventure Travel West, Inc., P.O. Box 121, Idledale, CO 80453, 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. This right of entry replaces ROE 5123 which expires May 31, 2009. Beginning date: June 1, 2009. Expiration date: May 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. 5283 for a one-year term.

**RIGHT OF ENTRY NO. 5284 (APPROVAL)**

On February 25, 2009, the School and Institutional Trust Lands Administration received an application from Northwest Pipeline GP, 295 Chipeta Way, Salt Lake City, Utah, 84108, to occupy the following described tracts of trust land located in Grand County for the purpose of excavating and inspecting two sections of buried natural gas pipeline and also to utilize two staging areas required for the project:

Township 24 South, Range 20 East, SLB&M

Section 25: NE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub> (within)

Section 35: NE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub> (within)

COUNTY: Grand

ACRES: 3.15

FUND: School

The applicant has requested a right of entry permit to utilize the above referenced trust lands for the purpose of excavating and inspecting two sections of buried natural gas pipeline and also to utilize two staging areas required for the project.

As a result of an internal inspection of the Ignacio-Sumas 26-inch mainline, operated by the applicant, two anomalies have been detected within the pipeline on trust lands which must be investigated. Once each site is excavated, the applicant will be able to make repairs or replacement as necessary. Each anomaly dig will require temporary workspace outside of the existing 50 foot wide right of way. The temporary workspace has been identified as 25 feet adjacent to both sides of the right of way for a distance of 500 feet at one dig site and a distance of 700 feet and the other dig site.

The applicant has also identified two staging areas on trust lands which will be required. One staging area is 250 feet by 150 feet and the other is 200 feet by 200 feet. The staging areas will be used for the staging and offloading of equipment necessary to conduct the anomaly digs.

The proposed permitted area contains a total of 3.15 acres. The term of the permit will be 1 year.

**RIGHT OF ENTRY NO. 5284 (APPROVAL) (CONTINUED)**

The proposed project was submitted to the Resource Development Coordinating Committee ("RDCC"), the Grand County Council, and the Southeastern Utah Association of Local Governments for review and comment on February 26, 2009. The following comments were provided:

**Utah Geological Survey:**

*"Although there are no paleontological localities recorded in our files for this project area, the Jurassic Morrison 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."*

**Southeastern Utah Association of Local Governments:**

*"Favorable comment recommended."*

Pursuant to the comments submitted by the Utah Geological Survey, a paleontological survey of the project area was conducted by Gustav F. Winterfield, principal scientist for Erathim-Vanir Geological Consultants. No fossils, other than invertebrate burrows, were identified within the project area. It was recommended that the project be allowed to proceed with no paleontological restrictions. The Trust Lands Administration's staff paleontologist has reviewed the proposed project and this survey and concurs with this recommendation.

The project area has been surveyed for cultural resources by Entrix Environmental Consultants (U-08-EX-1241s and U-09-EX-0058b,s). No significant cultural resources were identified within the project area. The Trust Lands Administration's staff archaeologist has reviewed the project and has granted cultural resource clearance with a finding of "No Historic Properties".

The right of entry will be issued for a term of 1 year, commencing on April 27, 2009, and expiring on April 26, 2010. The fee for this right of entry permit is \$600.00, plus a \$50.00 application fee and a \$50.00 processing fee, totaling \$700.00.

Upon recommendation of Mr. Chris Fausett, the Director approved Right of Entry No. 5284.

**RIGHT OF ENTRY NO. 5316 (APPROVAL)**

On April 9, 2009, the School and Institutional Trust Lands Administration received an application from Rim Tours, 1233 South Highway 191, 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 bicycle 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 the number of clients, number of client days, and percentage of time spent on trust land, within 30 days of permit expiration date. This right of entry replaces ROE 5136 which expired March 31, 2009. Beginning date: April 1, 2009. Expiration date: March 31, 2010. Funding: 96.66% = School, 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. 5316 for a one-year term.

**RIGHT OF ENTRY NO. 5323 (APPROVED)**

The School and Institutional Trust Lands Administration has received a right of entry application from Aspen Achievement Academy, P. O. Box 400, Loa, UT 84747, to occupy the following described trust land located within Wayne and Piute Counties for the temporary use for a therapeutic wilderness program camp which includes group hiking and pushing handcarts.

T28S, R1E, SLB&M

Sec: 1-36: All

T29S, R1E, SLB&M

Sec: 1-36: All

T30S, R1E, SLB&M

Sec: 1-36: All

T28S, R1W, SLB&M

Sec: 1, 2, 11-14, 23-26, 34-36: All

T29S, R1W, SLB&M

Sec: 1-3, 10-16, 21-28, 32-36: All

T30S, R1W, SLB&M

Sec: 1-4, 9-16, 21-25, 32-36: All

T29S, R3E, SLB&M

Sec 32: All

The fee for this right of entry is \$19,966.50, plus a \$50.00 application fee and a \$50.00 processing fee, totaling \$20,066.50. School Fund. Wayne & Piute Counties. Beginning Date: May 15, 2009. Expiration Date: October 15, 2009.

Upon recommendation of Mr. Lou Brown, the Director approved the above listed Right of Entry.

**RIGHT OF ENTRY NO. 5324 (APPROVAL)**

On April 14, 2009, the School and Institutional Trust Lands Administration received an application from Matt Moore, dba Desert Highlights, P.O. Box 1342, 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 hiking and canyoneering 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. 5324 for a one-year term.

**RIGHT OF ENTRY NO. 5193 - AMENDMENT NO. 1 AND COLLATERAL ASSIGNMENT (APPROVAL)**

Milford Wind Corridor Phase I, LLC, 85 Wells Avenue, Suite 305, Newton, Massachusetts 02549, the permittee under Right of Entry No. 5193, requests that the Trust Lands Administration allow the permittee to use its interest in Right of Entry No. 5193 as collateral for construction loans and other financing. In conjunction with this request, the permittee seeks to amend the Right of Entry to extend its term for an additional year, and to revise the Right of Entry's definition of the Permitted Property to include other lands. The Permitted Property is currently defined as:

Township 20 South, Range 8 West, SLB&M

Section 29: SE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, NE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> (within)

The Permitted Property is more particularly depicted on Exhibit A (located in the file)

County: Millard

Acres: 20.00, more or less

Fund: School

The Trust Lands Administration entered into ROE 5193 on June 27, 2008, for a term of one year, commencing June 27, 2008, and expiring June 26, 2009. The Right of Entry authorizes the permittee to use the Permitted Property for a temporary staging and equipment storage area. The Permitted Property was not surveyed and was estimated to encompass 20.0 acres, more or less. The map depicting the lands was incorporated into the Right of Entry as Exhibit A.

To obtain funding for certain operations, the permittee requests the Administration's consent to collaterally assign its interest in the Right of Entry to permittee's lender, The Royal Bank of Scotland, plc, 101 Park Avenue, Attn: Robert McClorey, New York, NY 10178. Permittee and its lender also request that the Administration execute a Consent and Estoppel and Non-Disturbance agreement confirming the validity of the Right of Entry and acknowledging that the Right of Entry will be used to secure loans made by the lender to the permittee.

Additionally, the permittee requests that the Right of Entry be amended to extend its term for an additional year, as permittee's operations will not be complete prior to the Right of Entry's scheduled termination on June 26, 2009. The new termination date will be June 30, 2010. The permittee also seeks to amend the Right of Entry to include additional lands located in the NE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub> of Section 29, Township 20 South, Range 8 West, SLB&M (a map more particularly depicting the Permitted Property will be attached to the amended Right of Entry). The Permitted Property has been surveyed and the amended Right of Entry will contain 18.03 acres, more or less.

To provide constructive notice of Right of Entry No. 5193, and Amendment No. 1 thereto, the permittee requests that the Administration execute a Memorandum of Right of Entry to be recorded in Millard County.

The permittee has paid \$2,500.00 as an additional rental payment, the \$50.00 amendment fee, and the \$50.00 assignment fee.

Upon recommendation of Mr. Kurt Higgins, the Director approved (1) Amendment No. 1 to Right of Entry Permit No. 5193; (2) Assignment of Collateral; (3) Consent and Estoppel and Non-Disturbance; and (4) Memorandum of Right of Entry.

**SPECIAL USE LEASE AGREEMENTS**

**SPECIAL USE LEASE AGREEMENT NO. 1625 (APPROVAL)**

**APPLICANT'S NAME AND ADDRESS:**

Anadarko Uintah Midstream, LLC  
1099 18<sup>th</sup> Street, Ste 1800  
Denver, CO 80202-1918

**APPLICATION TYPE:** INDUSTRIAL

**TERMS:** 30 years

**BEGINNING DATE:** May 1, 2009

**ENDING DATE:** April 30, 2039

**NEXT REVIEW DATE:** May 1, 2014

**FIRST YEAR RENTAL:** \$ 12,500.00

**APPLICATION FEE:** \$ 250.00

**PROCESSING FEE:** \$ 700.00

**ADVERTISING FEE:** \$ 141.75

**TOTAL SUBMITTED:** \$ 13,591.75

**LEGAL DESCRIPTION:**

Township 10 South, Range 22 East, SLB&M  
Section 36: NW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, SW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub> (within)

Beginning at a point in the NW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub> of Section 36, T10S, R22E, SLB&M, which bears S 15°34'23" E 1046.86 ft. from the Northwest Corner of said Section 36; thence S 87°40'02" E 825.12 ft.; thence S 28°38'37" W 166.85 ft.; thence S 41°05'39" W 439.02 ft.; thence S 64°13'48" W 175.73 ft.; thence S 79°39'08" W 294.83 ft.; thence N 00°40'48" E 640.28 ft. to the point of beginning. Basis of bearings is a G.P.S. observation.

Contains 8.304 acres, more or less.

**COUNTY:** Uintah

**ACRES:** 8.304

**FUND:** School

**PROPOSED ACTION:**

The applicant proposes to construct, operate, and maintain a natural gas compressor facility, known as the Rimer Canyon Compressor. The compressor facility will be constructed on property leased for minerals by the applicant and Enduring Resources (ML 46651) and (ML 47061), respectively. Written support was received from Enduring Resources, LLC for the surface use of the subject property for the Rimer Compressor Facility. The compressor facility would contain 8.304 acres, and is located within the NW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, SW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub> of Section 36, Township 10 South, Range 22 East, SLB&M. The term of the special use lease agreement would be 30 years.

**RELEVANT FACTUAL BACKGROUND:**

The application was advertised in a paper of local circulation in Uintah County. In addition, Uintah County was notified of the action and a copy of the notice was sent to all lessees, permittees, and adjoining landowners. The required public notice process has been completed pursuant to the requirements of R850-30-500(2)(d) and R850-30-500(2)(e). There were no competing applications received during the notice period.

The applicant is a Delaware Corporation in good standing and qualified to do business in the State of Utah.

The Resource Development Coordinating Committee ("RDCC") review was initiated on December 10, 2008, and no comments were received.

**SPECIAL USE LEASE AGREEMENT NO. 1625 (APPROVAL) (CONTINUED)**

A paleontological survey was conducted by the staff of Intermountain Paleo-Consulting on October 22, 2008. A report was prepared by Stephen D. Sandau, dated December 2, 2008, Report Number 08-282. The survey revealed no signs of vertebrate fossils. Therefore, it is recommended that no paleontological restrictions be placed on the development of the proposed projects. Should fossil material be discovered during development of the project, a qualified paleontologist should be contacted to evaluate the discovery. The Trust Lands Administration includes the standard antiquities requirements in the lease agreement (Paragraph 5.6.).

The Trust Lands Administration includes the minimum standard requirements of the Department of Environmental Quality/Division of Water Quality ("DEQ") in the lease agreement (Paragraph 5.4).

The subject property was previously surveyed by Montgomery Archaeological Consultants, Moab, Utah, State of Utah Antiquities Section Project No. U-07-MQ-1438. The report was dated 6/16/2008 by Jacki Montgomery and titled, "Cultural Resource Management Report for Kerr-McGee Oil & Gas Onshore LP's Greater NBU Blocks in T10S, R22E, in Uintah County, Utah". No sites were located in the proposed project area. This project area was also partially covered by Montgomery Archaeological Consultants, Project No. U-04-MQ-0538, in which no sites were identified. Cultural clearance is given with a finding of "No Historic Properties Affected" for proposed undertaking. The Trust Lands Administration's staff archaeologist has reviewed the project and concurs with the finding.

**EVALUATION OF FACTS:**

Competing applications were solicited pursuant to R850-30-500(2) and no competing applications were received. The application was reviewed pursuant to R850-30-500(2)(g), and the applicant was notified of the need to submit a sealed bid pursuant to R850-30-500(2)(f). The applicant submitted a sealed bid in the amount of \$12,500.00 per year for the lease site. The lease would have a clause providing for escalation of the annual rental fee at the end of each five (5) year period according to Trust Lands Administration Rule R850-30-400(4) and will use the Board approved index.

The Director has determined that this lease application has been advertised through the standard process and that no competing applications were submitted and that the requirements for this exception have been met. This determination is based on the fact that no competing applications were received and a summary record is the most cost effective manner of processing this application.

This 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, under the administrative policy on records of decision, this summary will constitute the record of decision.

Upon recommendation of Mr. Kurt Higgins, the Director approved the issuance of SULA 1625 with an annual rental of \$12,500.00. The term of the lease will be 30 years, with a five-year rental review pursuant to R850-30-400.

**SALES****PRE SALE NO. 8363 – BLUFF – PARCEL B**

Pursuant to R850-80-300-(2), it has been determined that disposal of the following property is timely and in the best interest of the trust land Beneficiaries.

Township 40 South, Range 21 East, SLB&M  
Section 24: SE $\frac{1}{4}$  (Within)

Township 40 South, Range 22 East, SLB&M  
Section 19: S $\frac{1}{2}$  Lot 4 (Within)

More particularly described as follows:

Beginning at the intersection of an existing fence line and the South line of said S $\frac{1}{2}$  of Lot 4, from which point the SW Corner of said Section 19 bears N 89°41'18" W a distance of 136.65 feet; thence N 09°14'26" E a distance of 668.65 feet along said fence line and the projection thereof to a point on the North line of said S $\frac{1}{2}$  of Lot 4; thence, N 89°44'39" W a distance of 244.01 feet along said North line to the NW Corner of said S $\frac{1}{2}$  of Lot 4, also a point on the East line of said SE $\frac{1}{4}$  of said Section 24; thence, N 00°00'04" E a distance of 330.16 feet along the East line of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$  of said Section 24 to the NE Corner of said SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ ; thence, N 89°41'13" W a distance of 495.59 feet along the North line of said SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$  and the North line of the E $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$  of said Section 24 to the NW Corner of said E $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ ; thence, S 00°00'01" W a distance of 989.75 feet along the West line of said E $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$  and the West line of the E $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$  of said Section 24 to the SW Corner of said E $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ ; thence, S 89°36'09" E a distance of 495.58 feet along the South line of said E $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$  and the South line of the E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$  of said Section 24 to the SE Corner of said Section 24; thence S 89°41'18" W a distance of 136.65 feet along the South line of said S $\frac{1}{2}$  of Lot 4 of said Section 19 back to the point of beginning.

SUBJECT TO: All easements of record or prescriptive.

COUNTY: San Juan                      FUND: School                      ACRES: 14.15 m/l

REASONS FOR DISPOSAL: The subject parcel is heavily encumbered by a large Pueblo Ancestral archaeological site. The Southwest Heritage Foundation is a historic and archeological preservation society that has a track record of acquiring and protecting significant archaeological sites. They expressed interest in purchasing this property at fair market value and to preserve and protect the site for its historic value.

The Agency believes that it is in the Beneficiary's best interest to sell the subject property because of the costs associated with mitigating the archeological site encumbering the property and the liabilities associated with holding it. Therefore, it has been determined to be undevelopable and of little value to the Agency because of its limited income producing potential.

COMPLIANCE WITH PLANNING AND CULTURAL RESOURCE OBLIGATIONS: Pursuant to R850-80-15, the proposal to dispose of this parcel was reviewed by the Resource Development Coordinating Committee ("RDCC") and has also been reviewed by the State Historic Preservation Office ("SHPO") in compliance with U.C.A. § 9-8-404. The RDCC responded by indicating they had reviewed the proposal to dispose of the property and had no comments at this time, and the SHPO concurred in the Agency's finding of *No Adverse Effect* to the archaeological site. A parcel-wide archaeological covenant will be incorporated into the instrument of sale. This deed restriction will ensure protection of the site in perpetuity.

**PRE SALE NO. 8363 – BLUFF – PARCEL B (CONTINUED)**

COMPLIANCE WITH ADVERTISING AND NOTIFICATION: Pursuant to R850-80-615, public notices were posted, published, and no competing interests were expressed by additional parties or adjoining landowners. The Board and the respective Beneficiaries were notified pursuant to R850-80-620(2) and no response was received. Board approval was not necessary pursuant to R850-80-620(3), because the value of the property was below \$250,000.00, it was less than 320 acres, and there was no additional interest expressed in the subject property.

COMPLIANCE WITH PERFECTING OF TEMPORARY EASEMENT NOTIFICATION: Pursuant to R850-80-250, public notices were posted, published, and given to the San Juan County Commissioners. The County responded that no valuable road claims were owned by them in that area and that they didn't see the need for perfecting any temporary easements.

SALE INSTRUCTIONS: Pursuant to R850-80-550(2), this land shall be offered for negotiated sale.

Upon recommendation of Mr. Bryan Torgerson, the Director approved the sale of the above property for negotiated sale.

**PRE SALE NO. 8442 – HUNTINGTON CANYON PARCEL**

Pursuant to R850-80-300-(2), it has been determined that disposal of the following property is timely and in the best interest of the trust land Beneficiaries.

Township 17 South, Range 8 East, SLB&M

Section 11: SW $\frac{1}{4}$ NE $\frac{1}{4}$

COUNTY: Emery                      FUND: School                      ACRES: 40 m/1

REASONS FOR DISPOSAL: The subject parcel is located near the mouth of Huntington Canyon in Emery County. This area of Emery County has a very small population and growth rate. The foreseeable highest and best use of the subject property is likely agriculture type uses. The lack of water rights associated with this property, along with the difficulty and expense of obtaining them, presents problems for establishing any meaningful added value to the property. Furthermore, the Agency does not own the mineral rights associated with this property, which could present conflicts in the future. Therefore, the Agency believes that it is in the Beneficiary's best interest to sell the subject property at a premium and invest the proceeds in the Permanent Fund because it is likely that the Permanent Fund will outpace the rate of property appreciation.

COMPLIANCE WITH PLANNING AND CULTURAL RESOURCE OBLIGATIONS: Pursuant to R850-80-15, the proposal to dispose of this parcel was reviewed by the Resource Development Coordinating Committee ("RDCC"), who responded by indicating they had reviewed the proposal and recommended that we forward the Utah Geological Survey comments about the potential geologic hazards in the area that could affect the subject parcel to all perspective purchasers so they could address them in a manner appropriate for the intended use of the land.

In addition, a cultural resource survey was performed on the subject property. It identified the presence of the old Huntington-Cleveland Canal (permanently numbered 42EM2445), which had previously been determined *eligible* for the National Register of Historic Places. A deed covenant protecting the integrity of the canal, which will be abandoned as a water delivery feature but continue to be used for flood control and wildlife habitat, will be inserted into the instrument of sale. In compliance with *U.C.A.* § 9-8-404, the Agency consulted with the State Historic Preservation Officer ("SHPO") about the effect of the proposed sale on site 42EM2445. The SHPO concurred with the Agency's finding that the undertaking would have *No Adverse Effect* on the site, based on the use of the restrictive deed covenant.

**PRE SALE NO. 8442 – HUNTINGTON CANYON PARCEL (CONTINUED)**

COMPLIANCE WITH ADVERTISING AND NOTIFICATION: Pursuant to R850-80-615, public notices were posted, published, and no competing interests were expressed by additional parties or adjoining landowners. The Board and the respective Beneficiaries were notified pursuant to R850-80-620(2) and no response was received. Board approval was not necessary pursuant to R850-80-620(3), because the value of the property was below \$250,000.00, it was less than 320 acres, and there was no additional interest expressed in the subject property.

COMPLIANCE WITH PERFECTING OF TEMPORARY EASEMENT NOTIFICATION: Pursuant to R850-80-250, public notices were posted, published, and given to the Emery County Commissioners. The County responded that no valuable road claims were owned by them in that area and that they didn't see the need for perfecting any temporary easements.

SALE INSTRUCTIONS: Pursuant to R850-80-550(2), this land shall be offered for negotiated sale.

Upon recommendation of Mr. Bryan Torgerson, the Director approved the sale of the above property for negotiated sale.

**CERTIFICATE OF SALE NO. 26397; PRE SALE NO. 7600-A (FORFEITURE)**

The following property was purchased by I-40 320, LLC on October 13, 2006, under Certificate of Sale No. 26397 (Pre Sale No. 7600-A):

Township 4 South, Range 5 East, SLB&M  
Section 35: Lot 1, N½SE¼

Wasatch County  
State Hospital Fund

Containing 103.95 acres, more or less

The purchaser failed to make the annual payment due on November 1, 2008, and was notified by certified mail that the certificate was in default. The purchaser contacted the Trust Lands Administration and subsequently entered into an agreement to extend the due date to March 18, 2009. Said agreement contained a provision that no further time would be allowed to cure the default and provided for cancellation of the certificate without further notice if payment was not received timely. Payment was not received; therefore, the certificate of sale was canceled for non-payment effective March 18, 2009 (see the Director's Minutes of April 20, 2009), and the Trust Lands Administration declared the property forfeited. The principle balance remaining at the time of forfeiture was \$229,778.47.

Notice of Forfeiture was filed with Wasatch County on April 7, 2009, as Entry No. 346546 in Book 987, Pages 1112-1113. A Quit Claim Deed from I-40 320, LLC was also filed as Entry No. 346547 in Book 987, Pages 1114-1115. Copies of these documents have been sent to the purchaser and its legal representative.

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

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**DEVELOPMENT ACTIONS**

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**DEVELOPMENT SUBDIVISION SALE**

THE FOLLOWING SALE HAS BEEN EXECUTED AND A PATENT ISSUED FOR:

SUBD 15.0 Estates at Hidden Valley Phase 2

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 69	26441-15-69	04/13/09	20034-15-69	01/11/08	\$27,405.70	\$100.00	0.18	SCH	18

LIST 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.

LIST 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; also,

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

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

**DEVELOPMENT SUBDIVISION SALE**

THE FOLLOWING SALE HAS BEEN EXECUTED AND A PATENT ISSUED FOR:

SUBD 10.0 Highland Park Phase 1 Subdivision

This transaction has been executed pursuant to Development Lease DEVL 610.

LEGAL DESCRIPTION: (SUBDIVISION)

Section 18, Township 42.0 S, Range 14.0 W, SLBM

Section 7, Township 42.0 S, Range 14.0 W, SLBM

PURCHASER:

GOLDEN HERITAGE HOMES, INC.

2303 N. CORAL CANYON BLVD., SUITE 200

ST. GEORGE, UT 84780

LOT SALE DESCRIPTION:

Desc /	Certificate #	Cert/Sale Dt	Patent #	Patent Dt	Lot Price	Fee	Acreage	Fund	Section
Lot 262	26377-10-262	04/15/09	19928-10-262	07/07/06	\$10,395.89	\$20.00	0.12	SCH	7

LIST 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.

LIST 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.

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

**DEVELOPMENT SALE – CANYON RIDGE P.U.D. (PS 8168)**

THE FOLLOWING SALE HAS BEEN EXECUTED AND A PATENT ISSUED FOR THE CANYON RIDGE P.U.D. SUBDIVISION PURSUANT TO THE DEVELOPMENT LEASE AGREEMENT NO. 710 WITH NS CANYON RIDGE L.L.C., A UTAH LIMITED LIABILITY COMPANY.

FUND: School

**LEGAL DESCRIPTION:**

Township 36 South, Range 11 West, SLB&M

Section (\*see below): All of Lot (\*see below) of the Canyon Ridge P.U.D., according to the plat of record filed on July 27, 2004, as Entry No. 487259, Book 937, Page 1576 et. seq., in the official records of Iron County, Utah.

<u>Section</u>	<u>PS #</u>	<u>Cert No.</u>	<u>Cert/Sale Date</u>	<u>Patent No.</u>	<u>Patent Date</u>	<u>Lot No.</u>	<u>Acreage</u>	<u>Price</u>
2*	8168	26124	04/03/09	19723-1-5*	12/10/04	5*	0.29	\$13,125.00

**CONTRACT PARTNER:**

NS CANYON RIDGE L.L.C.  
6336 Pershing Drive  
Omaha, NE 68110

MINERAL LEASES GIVEN UP: None

SURFACE LEASES GIVEN UP: None

**LIST 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.

**LIST 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.

**COMMENTS:**

Subject to the Declaration of Covenants, Conditions and Restrictions for the Canyon Ridge Planned Unit Development as recorded on June 11, 2004, as Entry 487260, Book 937, Page 1577.

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

**DEVELOPMENT SALE – BEAR LAKE 160 – SMALL LOT SALE (PS 8003)**

PATENT ISSUED FOR THE FOLLOWING SALE, WHICH WAS EXECUTED WITH INVESTMENT DECISION CORPORATION:

CERTIFICATE OF SALE NO.:	25677 (DC 25677 INSTAL)
CERT/DATE OF SALE:	January 1, 2003
CERTIFICATE PAID DATE:	December 6, 2005
PATENT NO.:	20142
PATENT DATE:	March 30, 2009
PROJECT:	Bear Lake 160 – Small Parcel
PROJECT MANAGER:	Rodger Mitchell
PROJECT CODE:	BL160 000 00
FUND:	School
ACRES:	160.90
BOARD APPROVAL DATE:	October 2002
SALE PRICE:	\$400,000.00

CONTRACT PARTNER:  
INVESTMENT DECISION CORPORATION  
64 East 6400 South #310  
Murray, Utah 84107

**DESCRIPTION OF TRANSACTION:**

This 160-acre parcel located 1½ miles West of Main Street, Garden City, just off Hwy 89 was purchased by Investment Decision Corporation (“IDC”), who owns the adjacent property to the West of this parcel. The parcel was sold on January 1, 2003, per the terms of Certificate of Sale No. 25677 as described below.

**FINANCIAL INFORMATION:**

The purchase price of \$400,000.00 was paid in three annual installments, payable on January 1, 2003, through January 1, 2006. Payment of \$200,000.00 was made at the time of agreement, of which \$100,000.00 was required paid immediately upon execution of Certificate of Sale No. 25677. Interest accrued at 9.5% fixed rate per year on the unpaid balance amount. The principal balance and accrued interest was allowed to be prepaid at any time without penalty. The final installment was paid December 6, 2005, but a patent was never issued; therefore a patent is now issued to convey the property described below.

**LEGAL DESCRIPTION:**

Township 14 North, Range 5 East, SLB&M  
Section 20: Lots 1, 2 (E½NW¼), W½NW¼

Containing 160.90 acres, more or less.

NUMBER OF ACRES BY COUNTY: 160.90 acres - Rich County

NUMBER OF ACRES BY FUND: 160.90 acres - School

**LIST MINERAL RESERVATIONS:**

Excepting and reserving to the State 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.

**DEVELOPMENT SALE – BEAR LAKE 160 – SMALL LOT SALE (PS 8003) (CONTINUED)**

**LIST SURFACE RESERVATIONS:**

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; also,

Subject to State of Utah Mineral Lease ML 45951 (the "Mineral Lease"), held by the Division of Parks and Recreation of the Utah Department of Natural Resources (the "Lessee").

MINERAL LEASES CANCELED: None

SURFACE LEASES CANCELED: None

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

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**LEGAL ACTIONS**

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**CORRECTION OF AGENCY RECORDS REGARDING MINERAL OWNERSHIP (SCH)**

In an ongoing effort by staff to update and correct Agency records, legal counsel recommends that the Agency's Business System ownership record for the mineral estate in the following described lands ("subject lands") be corrected:

<u>Township 2 South, Range 6 East, SLB&amp;M</u>	Summit County
Section 21: Part of NW¼SW¼ [M&B]	7.00 Acres

The Agency's records currently provide that the State of Utah, acting by and through, the School and Institutional Trust Lands Administration, owns the mineral estate of the subject lands. Agency Legal Counsel has reviewed the internal records affecting title to the subject lands and has determined that the mineral estate passed out of State ownership in 1942.

The subject lands were improved farm lands that the State of Utah acquired in 1936, pursuant to foreclosure proceedings. By Quit Claim Deed, dated September 28, 1942, the State of Utah quitclaimed all interest in the subject lands to Thomas A. Atkinson. The 1942 Quit Claim Deed contained no mineral reservation. The law in effect at that time allowed the State of Utah to sell improved farm lands it had acquired through foreclosure proceedings without reserving the mineral estate. See Laws of Utah, Ch. 91, Sec. 86-1-15 (effective May 13, 1941). Because the statute did not prohibit the State of Utah from conveying lands without a mineral reservation, and because the 1942 Quit Claim Deed contained no mineral reservation, the State of Utah retained no interest in the mineral estate of the subject lands after it executed the 1942 Quit Claim Deed.

Additionally, the Agency's Business System currently reports that the subject lands contain 7.00 acres. However, the Sheriff's Deed under which the State of Utah took title to the subject lands in 1936 provides that the subject lands contain 7.04 acres, more or less.

**CORRECTION OF AGENCY RECORDS REGARDING MINERAL OWNERSHIP (SCH) (CONTINUED)**

Finally, the Agency's mineral plat book inaccurately reports the subject lands as being located in the NW¼NW¼ of Section 21. The correct location of the subject lands is within the NW¼SW¼ of Section 21.

The Agency's records should be corrected accordingly.

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

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**ACTIONS CONTAINING FEE WAIVERS**

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NONE

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**TRUST ACCOUNTING ACTIONS**

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**CANCELED GRAZING PERMIT**

The following grazing permit was not paid on or before the cancellation date of 4/11/2009. A certified notice was mailed.

<u>LEASE #</u>	<u>LESSEE NAME</u>	<u>BENE</u>	<u>COUNTY</u>	<u>TYPE</u>
GP 14-01	Linda M. Muth	SCH	EMRY	GRAZ (SP)
		SCH	CARB	GRAZ (SP)

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

**CANCELED MINERAL LEASES**

The following mineral leases were not paid on or before the cancellation date of 4/11/2009. Certified notices were mailed.

<u>LEASE #</u>	<u>LESSEE NAME</u>	<u>BENE</u>	<u>COUNTY</u>	<u>TYPE</u>
ML 46431	Lisbon Valley Mining Co.	SCH	SANJ	MM
ML 48470	The Spectrum Group Inc.	SCH	SANJ	MM
ML 49701	Ron Turell	SCH	GARF	MM
ML 49702	BZU Holdings Inc.	SCH	SANJ	MM
ML 49704	Kee Nez Resources, LLC	SCH	SANJ	MM

**CANCELED MINERAL LEASES (CONTINUED)**

<u>LEASE #</u>	<u>LESSEE NAME</u>	<u>BENE</u>	<u>COUNTY</u>	<u>TYPE</u>
ML 49705	Kee Nez Resources, LLC	SCH	SANJ	MM
ML 49707	BZU Holdings, Inc.	SCH	SANJ	MM
ML 49708	BZU Holdings, Inc.	SCH	SANJ	MM
ML 49710	BZU Holdings, Inc.	SCH	SANJ	MM
ML 50691	Royalite Petroleum Corp.	SCH	PIUT	OGA
ML 50695	Royalite Petroleum Corp.	SCH	GARF	OGA
ML 50696	Royalite Petroleum Corp.	SCH	GARF	OGA
ML 50703	Royalite Petroleum Corp.	SCH	GARF	OGA
ML 50705	Royalite Petroleum Corp.	SCH	IRON	OGA
ML 51200	Cummings, Tony	SCH	WAYN	OGA
ML 51201	Cummings, Tony	SCH	WAYN	OGA
ML 51248	Klurfeld, Greg	SCH	WAYN	OGA
ML 51249	Klurfeld, Greg	SCH	WAYN	OGA
ML 51253	Klurfeld, Greg	SCH	GARF	OGA
ML 51271	Lambert, Tom	SCH	SANJ	MM
ML 51300	Holman, Terry A.	SCH	BOX	MM

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

**INTEREST RATES**

Following are the current and past year prime rates:

CURRENT YEAR:	3.25%
ONE YEAR AGO:	5.25%