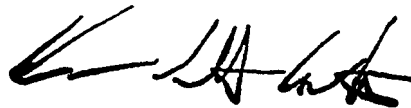


JULY 13, 2009

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

THESE MINUTES INCLUDE MINERAL ACTIONS AS LISTED ON PAGES 1 TO 5; SURFACE ACTIONS AS LISTED ON PAGES 6 TO 10; DEVELOPMENT ACTIONS AS LISTED ON PAGES 11 TO 12; AND ACTIONS CONTAINING FEE WAIVERS AS LISTED ON PAGE 12.

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, JULY 27, 2009. APPEALS NOT FILED BY THAT TIME WILL BE CONSIDERED UNACCEPTABLE AND THE MATTERS WILL BE UNAPPEALABLE.



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



LESLIE M. WARNER, RECORDS OFFICER

ARCHIVES APPROVAL NO. 7990209

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**MINERAL ACTIONS**

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**MATERIALS PERMIT NO. 445 (APPROVAL)**

**APPLICANT:**

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

**AFFECTED LANDS:**

Township 12 South, Range 15 East, SLB&M.  
Section 36: All

COUNTY: CARBON

ACRES: 640.0 ±

FUND: SCH

Applicant will utilize excess materials from well pad construction and mud pit excavations to maintain well pads and access roads in an operating natural gas field. Royalty rate is \$0.50 per banked cubic yard of ordinary sand and gravel. The permit term is one (1) year.

Upon recommendation of Mr. Harden, the Director approved the issuance of Materials Permit No. 445 for a term of one year.

**MATERIALS PERMIT NO. 446 (APPROVAL)**

**APPLICANT:**

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

**AFFECTED LANDS:**

Township 12 South, Range 16 East, SLB&M.  
Section 32: All

COUNTY: CARBON

ACRES: 640.0 ±

FUND: SCH

Applicant will utilize excess materials from well pad construction and mud pit excavations to maintain well pads and access roads in an operating natural gas field. Royalty rate is \$0.50 per banked cubic yard of ordinary sand and gravel and the permit term is one (1) year.

Upon recommendation of Mr. Harden, the Director approved the issuance of Materials Permit No. 446 for a term of one year.

**MATERIALS PERMIT APPLICATION NO. 440 SAND AND GRAVEL (WITHDRAWN)**

APPLICANT:

James Keogh  
1383 South Spanish Valley Drive  
P.O. Box 1476  
Moab, UT 84532

AFFECTED LANDS:

Township 25 South, Range 24 East, SLB&M.

Section 32: Beginning at the Northwest corner of said Section 32, thence east 150 feet, thence south 290 feet, thence west 150 feet, thence north 290 feet to the point of beginning.

COUNTY: Grand

ACRES: 1.0±

FUND: SCH

Applicant has requested, in writing, that their application for MP 440 be withdrawn from consideration. Materials Permit Application MP 440 has been withdrawn effective June 29, 2009.

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

**MATERIALS PERMIT NO. 286 – SECOND AMENDMENT (APPROVAL)**

PERMITTEE:

SUNCOR Utah, Inc.  
2250 North Coral Canyon Blvd., Suite 200  
Washington, UT 84780

AFFECTED LANDS:

Township 41 South, Range 14 West, SLB&M.

Section 33: Lot 8(36.71), SE¼SW¼

Township 42 South, Range 14 West, SLB&M.

Section 4: Lot 3(40.00), Lot 4(40.00), S½NW¼

COUNTY: Washington

ACRES: 236.71±

FUND: MH

The Permittee has requested an extension of the permit term for Materials Permit No. 286. The Trust Lands Administration has found it to be in the best interest of the Trust to extend the term of the permit for an additional ten (10) years, ending June 30, 2019. Royalty rates have been adjusted to \$0.80 per banked cubic yard with a provision that allows the Administration to adjust the royalty rate annually based on the market value of the materials permitted.

Upon recommendation of Mr. Harden, the Director approved the Second Amendment of Materials Permit No. 286 for a period of ten (10) years, ending June 30, 2019, and the royalty rate of \$0.80 per banked cubic yard of sand and gravel material.

**MATERIALS PERMIT NO. 331 (SCH) - FIRST AMENDMENT (APPROVAL)**

## PERMITTEE:

Nielson Construction, a Utah Corporation  
825 North Loop Road  
Huntington, UT 84528

## AFFECTED LANDS:

**AMENDED LEASE DESCRIPTION:**

Township 17 South, Range 8 East, SLB&M.  
Section 10: SW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, NE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>, N<sup>1</sup>/<sub>2</sub>SE<sup>1</sup>/<sub>4</sub>  
Section 11: W<sup>1</sup>/<sub>2</sub>SW<sup>1</sup>/<sub>4</sub>

Acres: 240.00± County: Emery

**ORIGINAL LEASE DESCRIPTION:**

Township 17 South, Range 8 East, SLB&M.  
Section 10: NE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>, NW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>, NE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>  
Section 11: W<sup>1</sup>/<sub>2</sub>SW<sup>1</sup>/<sub>4</sub>

Acres: 200.00± acres County: Emery

The Permittee has requested an additional 40 acre parcel be added to Materials Permit No. 331 to increase the permit premises. The parcel added to the permit is: Township 17 South, Range 8 East, SLB&M, Section 10: SW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub> increasing the permit from 200 acres to 240 acres as included in the amended lands described above. Lands located in the 40 acre parcel added to the permit premises require that a cultural resource survey be conducted before any additional surface disturbing activities are undertaken. All other terms and conditions of Materials Permit MP 331 shall remain the same except that the annual rental for the Permit premises shall be increased from \$2000 to \$2400, such amount representing \$10 per acre.

Upon recommendation of Mr. Harden, the Director approved the First Amendment of Materials Permit No. 331 to include an additional 40 acres to the permit premises.

**CONVERSION OF KENNECOTT UTAH COPPER CORPORATION TO KENNECOTT UTAH COPPER LLC – ML 46947 (SCH), ML 48147 (SCH: 320.00; MH: 1497.74), AND ML 48148 (RES) – METALLIFEROUS MINERALS**

This office is receipt of evidence that, effective April 15, 2009, Kennecott Utah Copper Corporation converted their name to Kennecott Utah Copper LLC, ATTN: Lynn R. Cardey-Yates, 4700 Daybreak Parkway, South Jordan, UT 84095. The fee for this conversion has been paid.

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

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

Upon recommendation of Ms. Garrison, the Director approved the assignment of the leases listed below to Bill Barrett Corporation, 1099 18<sup>th</sup> Street, Suite 2300, Denver, CO 80202, by Turner Petroleum Land Services, Inc. No override.

OWNERSHIP BEFORE ASSIGNMENT:

**RECORD TITLE:**

**TURNER PETROLEUM LAND  
SERVICES, INC. – 100%**

OWNERSHIP AFTER ASSIGNMENT:

**RECORD TITLE:**

**BILL BARRETT CORPORATION - 100%**

...ML 51600 (SCH)...ML 51602 (SCH)....

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

Upon recommendation of Ms. Garrison, the Director approved the assignment of 29% interest in and to the lease listed below to Twilight Resources, LLC, 1411 East 840 North, Orem, UT 84097, by Fidelity Exploration & Production Company. No override, but subject to previous overrides as reserved. Effective June 1, 2004, the Trust Lands Administration assumes no responsibility in reviewing, collecting, or distributing overriding royalty.

OWNERSHIP BEFORE ASSIGNMENT:

**RECORD TITLE:**

**FIDELITY EXPLORATION AND  
PRODUCTION COMPANY – 65%,  
DEJOUR ENERGY (USA) CORP. – 25%,  
BROWNSTONE VENTURES (US) INC. – 10%**

OWNERSHIP AFTER ASSIGNMENT:

**RECORD TITLE:**

**FIDELITY EXPLORATION AND  
PRODUCTION COMPANY – 36%,  
TWILIGHT RESOURCES, LLC – 29%,  
DEJOUR ENERGY (USA) CORP. – 25%,  
BROWNSTONE VENTURES (US) INC. – 10%**

...ML 49660 (SCH)....

**FIRST AMENDMENT TO DEED OF TRUST, MORTGAGE, LINE OF CREDIT MORTGAGE, ASSIGNMENT, SECURITY AGREEMENT, FIXTURE FILING AND FINANCING STATEMENT FROM CROWNROCK, L.P. TO PHILLIP LEAR, TRUSTEE, AND UNION BANK, N.A., (FORMERLY UNION BANK OF CALIFORNIA, N.A.), AGENT – ML 47966, ML 48284, ML 48414, ML 48562, ML 50677, ML 50679, ML 50680, AND ML 50987 (ALL SCH) – OIL, GAS, AND HYDROCARBON LEASES**

This office is in receipt of First Amendment to Deed of Trust, Mortgage, Line of Credit Mortgage, Assignment, Security Agreement, Fixture Filing, and Financing Statement from Crownrock, L.P. to Phillip Lear, Trustee, and Union Bank N.A. (Formerly Union Bank of California, N.A.), Agent, c/o Thompson & Knight LLP, 1722 Routh Street, Suite 1500, Dallas, TX 75201-2533, dated June 8, 2009.

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



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**SURFACE ACTIONS**

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**GRAZING PERMITS**

**GRAZING PERMIT NO. 20993 (NON-USE)**

Rulon Hacking, P.O. Box 1527, Vernal, UT 84078, has requested the Agency's permission to take 100% non-use on GP 20993 for the 2009 grazing season for range protection. The Vernal BLM field office has verified the need for range protection and non-use. The non-use fee of \$20.00 and weed fee of \$34.20 have been paid. Uintah County. School Fund.

Upon recommendation of Mr. Scott Chamberlain, the Director approved the partial non-use for GP 20993.

**GRAZING PERMIT NO. 21128 (PARTIAL NON-USE)**

Arimo Corporation and C Bar Cattle Co., P.O. Box 540478, North Salt Lake City, UT 84054, have requested the Agency's permission to take 80% non-use (1,290.22 AUMs) for the 2009 grazing season due to overall range conditions. Mike Gates of the Salt Lake BLM field office has verified the range conditions and non-use. The non-use fee of \$20.00 has been paid. The permittee should be billed for 322.55 AUMs for the 2009 grazing season as well as the \$129.02 weed fee on the AUMs in non-use. Tooele County. School Fund.

Upon recommendation of Mr. Scott Chamberlain, the Director approved the partial non-use for GP 21128.

**GRAZING PERMIT NO. 22121-02 (NON-USE – TWO YEARS)**

Zale Vacher, P.O. Box 265, Goshen, UT 84633, has requested 68.33% non-use, due to development activities of SITLA and of the municipalities within this area. Because of these activities, the grazing permittee should be granted non-use for two years, giving the permittee time to rearrange his grazing program to accommodate the local activities. The \$20.00 non-use application fee and the weed fee in the amount of \$30.30 have been received. Utah County. School Fund.

Upon recommendation of Mr. Scott Chamberlain, the Director approved partial non-use for GP 22121-02.

**GRAZING PERMIT NO. 23223-A (NON-USE)**

Zale Vacher, P.O. Box 265, Goshen, UT 84633, has requested 100% non-use for one year due to range conditions. This is a trust land allotment and the range conditions were verified by Agency personnel. The \$20.00 non-use fee and the \$5.00 weed fee have been received. Juab County. School Fund.

Upon recommendation of Mr. Scott Chamberlain, the Director approved non-use for GP 23223-A.

**RIGHTS OF ENTRY****RIGHT OF ENTRY NO. 5352**

On July 1, 2001, Mr. Chris Fausett, Resource Specialist, pursuant to R850-41-200 and in accordance with direction and delegation of authority, approved the request of Nielson Construction Company, P.O. Box 620, Huntington, Utah, 84528, to occupy the following described trust lands in Carbon County for the reconstruction of a highway right-of-way fence:

Township 15 South, Range 10 East, SLB&M

Section 4: W $\frac{1}{2}$ SW $\frac{1}{4}$  (within)

Section 5: E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$  (within)

Section 9: W $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$  (within)

Containing 120.00 acres, more or less

This right-of-entry permit was issued to allow the permittee to enter the above described trust lands to reconstruct a highway right-of-fence. The permitted property is located just south of Price in the Four Mile Hill area. The Utah Department of Transportation ("UDOT") is completing a highway widening and construction project on a portion of SR-10 which runs through the property. As part of the highway construction project, UDOT is requiring that the right-of-way fence be reconstructed to current UDOT standards. The permittee will be reconstructing an existing fence and will be accessing the fence from within the existing highway right-of-way. Therefore, there will be no new ground disturbance associated with this permit.

The permittee has paid a \$200.00 rental assessment plus a \$50.00 application fee and a \$50.00 processing fee, totaling \$300.00. The term of this permit is 30 days, beginning June 29, 2009, and expiring July 29, 2009. Carbon County School Fund.

*This item was submitted by Mr. Chris Fausett for record-keeping purposes.*

**EASEMENTS****EASEMENT NO. 1426 (APPROVAL)****APPLICANT'S NAME AND ADDRESS:**

Utah Department of Transportation  
4501 South 2700 West  
P.O. Box 148420  
Salt Lake City, Utah 84119

**LEGAL DESCRIPTION:**

Township 11 South, Range 8 East, SLB&M

Section 25: SW $\frac{1}{4}$ NE $\frac{1}{4}$  (within)

Parcel No. 0006:4:E

An easement, upon part of an entire tract of property, situated in the SW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 25, T11S, R8E, SLB&M, for the purpose of constructing thereon a drainage facility and appurtenant parts thereof incident to the widening of an existing highway known as United States Route 6 (US-6) known as Project No. S-0006(105)219. The boundaries of said parcel of land are described as follows:

**EASEMENT NO. 1426 (APPROVAL) (CONTINUED)**

Beginning on the existing northerly highway right-of-way (R/W) and limited access (L/A) line which point is 164.44 feet perpendicularly distant northerly of Engineer Station 943+30.05, which point is 3072.28 feet S 89°30'31" E and 501.19 feet north from the west ¼ corner of said Section 25, and running thence N 28°18'23" E 40.00 feet; thence S 61°41'37" E 80.00 feet; thence S 28°18'23" W 40.00 feet to said existing northerly highway R/W and L/A line; thence N 61°41'37" W 80.00 feet along said R/W and L/A line to the point of beginning.

The above described parcel contains 3,200 square feet (0.073 acre).

**Township 11 South, Range 8 East, SLB&M**

Section 25: Lot 1, SE¼NW¼ (within)

Parcel No. 0006:4:A

An easement for the widening of the existing highway United States Route 6 (US-6), known as Project No. S-0006(105)219, being part of an entire tract of property situated in Lot 1 and the SE¼NW¼ of Section 25, T11S, R8E, SLB&M. The boundaries of said parcel of land are described as follows:

Beginning at the point of intersection of the existing northerly right-of-way (R/W) and limited access (L/A) line of US-6, and the westerly property line (40 acre line) of said entire tract of land at a point 163.91 feet perpendicularly distant northerly of Engineer Station 923+33.91, which point is 1319.60 feet S 89°30'21" E and 1441.54 feet north from the west ¼ corner of said Section 25, and running thence N 00°13'59" W 260.99 feet along said property line to the point of intersection with the existing railroad right-of-way (RR/W) to a point 392.52 feet perpendicularly distant northerly of Engineer Station 922+07.99; thence along said RR/W southeasterly 901.47 feet along the arc of a 2756.39 foot radius curve to the right (chord to said curve bears S 65°22'10" E for a distance of 897.46 feet) to a point 454.85 feet perpendicularly distant northerly of Engineer Station 931+03.28; thence S 00°28'32" E 332.64 feet to a point 164.16 feet perpendicularly distant northerly of Engineer Station 932+65; thence N 61°24'09" W 931.09 feet to the point of beginning.

The above described parcel contains 263,635 square feet (6.052 acres).

**Township 11 South, Range 8 East, SLB&M**

Section 25: SE¼NW¼, SW¼NE¼ (within)

Parcel No. 0006:4:2A

An easement for the widening of the existing highway United States Route 6 (US-6) known as Project No. S-0006(105)219 being part of an entire tract of property, situated in the SE¼NW¼ and the SW¼NE¼ of Section 25, T11S, R8E, SLB&M. The boundaries of said parcel of land are described as follows:

Beginning at the intersection of the existing southerly right-of-way (R/W) and limited access (L/A) line of US-6, and the westerly property line (40 acre line) of said entire tract of land at a point 66.10 feet perpendicularly distant southerly of Engineer Station 924+60.57, which point is 1496.47 feet S 00°13'59" E from the northeast corner of the NW¼NW¼ of said Section 25, and running thence S 61°24'09" E 2502.77 feet along said existing R/W line and L/A line to the point of intersection with said existing R/W line and L/A line and the southerly property line of said entire tract at a point 65.38 feet perpendicularly distant southerly of Engineer Station 949+63.34; thence N 89°30'21" W 179.54 feet along said southerly line to a point 150.00 feet perpendicularly distant southerly of Engineer Station 948+04.99; thence N 61°23'13" W 1604.98 feet to a point 150.00 feet perpendicularly distant

**EASEMENT NO. 1426 (APPROVAL) (CONTINUED)**

southerly of Engineer Station 932+00.00; thence N 52°51'22" W a distance of 202.24 feet to a point 120.00 feet perpendicularly distant southerly of Engineer Station 930+00.00; thence N 61°23'13" W 509.71 feet to a point on the said westerly property line (40 acre line) at a point 120.00 feet perpendicularly distant southerly of Engineer Station 924+90.29 feet; thence N 00°13'59" W 61.59 feet along said westerly property line to the point of beginning.

The above described parcel contains 184,256 square feet (4.230 acres).

COUNTY: Utah

ACRES: 10.355

FUND: School

**PROPOSED ACTION:**

The applicant has requested a non-exclusive easement to construct, operate, repair, and maintain a public highway located within Section 25, T11S, R8E, in Utah County. The highway project consists of widening a portion of US Highway 6 in the Emma Park area between Helper and Spanish Fork. The applicant currently has a right-of-way in place for the existing highway as it traverses the subject property; however, it now desires to widen a portion of the highway. This widening project requires the applicant to acquire an additional easement for lands that are currently outside of its existing right-of-way. The purpose of this project is to help improve the safety of US Highway 6. The proposed easement is irregular in shape and contains a total of 10.355 acres. This new easement will add between 50-85 feet to the existing right-of-way along the length of the south side of the highway through the subject property and will add up to 300 feet of additional width along a portion of the north side of the highway through the subject property. The requested term of the easement is perpetual.

**RELEVANT FACTUAL BACKGROUND:**

The subject "Application to Purchase an Easement" was received on August 25, 2008. It was submitted for the Agency review on August 27, 2008, and was accepted by the Director on September 10, 2008.

The proposed easement was sent to the Resource Development Coordinating Committee ("RDCC"), the Mountainland Association of Governments, and the Utah County Commission for review on August 27, 2008. No comments were received through the RDCC review process. The following comment was received from the Mountainland Association of Governments:

*"While the area indicated on your map is not within the boundaries of the Mountainland Metropolitan Planning Organization, we have a policy of supporting safety projects.*

*"Please accept this letter of support for the safety project in Utah County."*

The project area has been inventoried for cultural resources as part of UDOT's US Highway 6 Environmental Impact Statement, UDOT Project No. SP-0006(51)172.

It will be necessary to seed the project area. Specifications for the seed mix will be provided by the Agency.

**EVALUATION OF FACTS:**

The applicant has been notified of the comments received from the Mountainland Association of Governments.

The Agency's archaeology staff has reviewed the cultural resource documents submitted in support of the proposed easement. There is one NRHP-eligible site (42UT1126) which consists of segment F4 and feature F3 of an abandoned wooden Price City water pipeline on the south side of the highway. It is likely that this site will be avoided by construction activities; however, the site has already undergone extensive recovery of archaeological information. Cultural resource clearance for the project has been granted with a finding of "No Adverse Effect."

**EASEMENT NO. 1426 (APPROVAL) (CONTINUED)**

As the applicant is an agency of the State of Utah and this easement is being acquired for public purposes, any liability shall be subject to the Utah Government Immunity Act and the administrative rules and policies of the State of Utah pertaining to liability between subdivisions of the State. Accordingly, a performance bond will not be required during the term of the easement, unless the easement is assigned to a private (non-governmental) entity.

Upon recommendation of Mr. Chris Fausett, the Director approved the applicant's request for a non-exclusive easement. The term of the easement will be perpetual commencing July 1, 2009. The application fee of \$750.00 and the easement rental assessment of \$42,850.00 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 APPLICATION NO. 1315 (WITHDRAWAL OF APPLICATION)**

Commnet Wireless, LLC, 1562 N. Park, Suite E, Castle Rock, Colorado, 80109, has withdrawn the above-referenced easement application for an access road to a proposed cell tower. The cell tower site was previously being considered under Special Use Lease Application No. 1548 ("SULA 1548"). SULA 1548 was withdrawn by the applicant as documented in the Director's Minutes dated November 10, 2008. The applicant had decided not to build the cell tower on trust lands and elected to construct it on another site on tribal lands in San Juan County. Since the primary purpose of the proposed access road was to support the cell tower, the access road easement is no longer needed by the applicant. No application fee or any other monies were received from the applicant; therefore, there is no refund due to the applicant. San Juan County. School Fund.

Upon recommendation of Mr. Chris Fausett, the Director approved the above-described withdrawal of Easement Application No. 1315.

**RIGHT OF WAY NO. 53 (TRANSFER OF RIGHT OF WAY TO DIVISION OF FORESTRY, FIRE AND STATE LANDS)**

A search of Agency records has shown that the lands underlying Right of Way No. 53 are not owned by the Trust Lands Administration but are sovereign lands which are administered by the Department of Natural Resources, Division of Forestry, Fire and State Lands. Right of Way No. 53 was granted to the Wasatch Oil Refining Company for a drainage ditch to carry waste water and waste products on September 15, 1932.

**LEGAL DESCRIPTION:**

Township 2 North, Range 1 West, SLB&M  
Section 15: (within)

Davis County  
Sovereign Lands

A strip of land two (2) roads wide, the center being described as follows:

Beginning at the west quarter (W<sup>1</sup>/<sub>4</sub>) corner, Section Fourteen (14), Township Two (2) North, Range One (1) West, Salt Lake Meridian and running thence North 33°41' West, one-half mile (½), containing two (2) acres.

As there are no other trust lands included in the right of way, records should be noted to show this right of way was transferred to the Division of Forestry, Fire and State Lands.

*This item was submitted by Mr. Chris Fausett for record-keeping purposes.*

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**DEVELOPMENT ACTIONS**

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**DEVELOPMENT SALE AND LEASE TERMINATION (DEVL 699) - SANTA CLARA COMMERCIAL BURGER BAR SALE (PS 8457)**

THE FOLLOWING SALE HAS BEEN EXECUTED AND A PATENT ISSUED:

CERTIFICATE OF SALE NO.:	26498
CERTIFICATE/DATE OF SALE:	June 10, 2009
PATENT NO.:	20146
PATENT DATE:	July 1, 2009
PROJECT:	Santa Clara Commercial
PROJECT MANAGER:	Kyle Pasley
PROJECT CODE:	SCCOM 001 00
DEVELOPMENT LEASE NO.:	DEVL 699
FUND:	Utah State University
BOARD APPROVAL DATE:	June 4, 2009

**BUYER:**

1025 LAVA FLOW, LLC  
94 East Tabernacle  
St. George, Utah 84770

**TRANSACTIONAL CONTEXT:**

This sale has been made, and a patent issued, to 1025 Lava Flow LLC for purchase of the ground underlying a restaurant business located thereon. The business was operated under DEVL 699 which is now terminated.

**FINANCIAL INFORMATION:**

The parcel was sold in a straight sale transaction at \$8 per square foot price or \$202,000.00. All back lease payments were also due at closing totaling an additional \$8,350.00.

**LEGAL DESCRIPTION OF SALE PARCEL:**

Township 42 South, Range 16 West, SLB&M  
Section 15: (Within)

Beginning at a point located N 89°17'58"W along the section line 943.62 feet and North 295.16 feet from the South ¼ corner of Section 15, Township 42 South, Range 16 West, Salt Lake Base and Meridian, said point of beginning being also located on the Westerly right of way of Lava Flow Drive; thence running N 67°13'13" W 65.00 feet; thence N 22°46'47" E 20.50 feet; thence N 67°13'13" W 63.89 feet; thence N 20°44'02" E 181.96 feet to a point on the Southerly right of way of Santa Clara Drive; thence S 69°15'58" E along said right of way 104.38 feet to the point of a 30.00 foot radius curve to the right; thence along the arc of said curve through a central angle of 92°02'45", a distance of 48.20 feet; thence S 22°46'47"W along said Lava Flow Drive 176.09 feet to the point of beginning.

NUMBER OF ACRES BY COUNTY: 0.58 acre - Washington County

NUMBER OF ACRES BY FUND: 0.58 acre - Utah State University

**DEVELOPMENT SALE AND LEASE TERMINATION (DEVL 699) - SANTA CLARA COMMERCIAL BURGER BAR SALE (PS 8457) (CONTINUED)**

**MINERAL RESERVATIONS:**

Excepting and reserving to the State of Utah, for the benefit of the State and its successors in interest, assigns, permittees, licensees, and lessees, from time to time, all mineral deposits, along with the right for the Trust Lands Administration or other authorized persons or entities to prospect for, mine, and remove such deposits (and subject to any prior reservation of minerals to the United States).

**SURFACE RESERVATIONS:**

Subject to any valid, existing rights of way of any kind and any right, interest, reservation or exception appearing of record including State of Utah Ground Lease No. 699, subject to exceptions and reservations contained in federal patents and clear lists, and subject also to all rights of way for ditches, tunnels, and telephone transmission lines that have been or may be constructed by the United States as provided by statute.

MINERAL LEASES CANCELED: None

SURFACE LEASES CANCELED: DEVL 699

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

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**ACTIONS CONTAINING FEE WAIVERS**

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**SURFACE**

**GRAZING PERMIT NO. 22121-02 (AMENDMENT)**

Grazing Permit No. 22121-02 is issued to Zale Vacher, P.O. Box 265, Goshen, UT 84633. The following described land is being removed from the above permit to accommodate SULA 1419, Development Sale C 24684, and other development activities within the area. A certified letter was mailed to notify the permittee of this action.

**T5S, R1W, SLB&M**

Section 31: E $\frac{1}{2}$ NE $\frac{1}{4}$ , LOTS 5, 6, 11-13 (within)	197.71 Acres	31 AUMs
Section 32: S $\frac{1}{2}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ W $\frac{1}{2}$ E $\frac{1}{2}$ (Less M&B)	186.42 Acres	29 AUMs

GP 22121-02 will now contain 1,997.48 acres and 303 AUMs. School Fund. Utah County. As this action is resulting from the sale of land and other Agency actions, an amendment fee was not assessed.

Upon recommendation of Mr. Scott Chamberlain, the Director approved the amendment to GP 22121-02.