
1.1 IDENTIFICATION OF INTERESTS

1.1.1 Ownership and Control Information

1.1.1.1 Applicant Identification

Legal Structure:

Single proprietorship

Partnership

Corporation - Date Inc. **July 14,1994**

State: **Delaware**

Association

Other Business _____

Name **BHP Navajo Coal Company**

Address **300 West Arrington, Suite 200**

City **Farmington** State **NM** ZIP **87401**

Telephone **(505) 598-4350**

Employer Identification No. **Federal I.D. No. 85-0436672**

The applicant assumes responsibility for mail delivered to this address and must notify the Office of Surface Mining Reclamation and Enforcement (OSMRE) by submittal of a permit revision of any change of this address until the time of final bond release.

1.1.1.2 Resident Agent Identification

Name **CT. Corporation System**

Address **123 East Marcy Street, Suite 201**

City **Santa Fe** State **NM** ZIP **87501**

Telephone **(505) 983-9122**

Employer Identification No. **Federal I.D. No. 51-0006522**

1.1.1.2 (cont'd)

The applicant assumes responsibility for mail delivered to this address and must notify OSMRE by submittal of a permit revision of any change of this address until the time of final bond release.

1.1.1.3 Ownership and Control - Operator Information

Is the applicant also the operator? Yes () No

If no, provide the following information about the operator:

Not Applicable

The operator is presumed to be a controller of this proposed operation, but that presumption is rebuttable under the definition of owned or controlled and owns or controls at 30 CFR 773.5. If an exemption to presumption (EXP) is claimed for the operator, documentation must be attached that demonstrates that the operator does not in fact have the authority directly or indirectly to determine the manner in which this surface coal mining and reclamation operation is conducted.

Is an exemption to presumption (EXP) claimed for the operator?

() Yes No

If yes, attach the appropriate documentation.

Not Applicable

1.1.1.4 Ownership and Control - Coal Controller

Is the coal to be mined at this operation owned or controlled by another person or business?

Yes () No

1.1.1.4 (cont'd)

If yes, does that person or business have the right to receive such coal after mining or have the authority to determine the manner in which the surface coal mining operations at this operation are conducted under a lease, sublease, or other contract?

() Yes No

If yes, provide the following information for the coal controller.

Not Applicable

1.1.1.5 Ownership and Control - Businesses with Controlling Interest in Navajo Mine

Information for the applicant and other entities with ownership interest are provided in Table 1-1 and shown in Figure 1-1. Additional information (corporate officers) for entities with ownership interests and control is provided in APPENDIX 1-A.

TABLE 1-1
Information for Entities with Ownership and Control Interest in Navajo Mine

Business	Address & Telephone No.	Federal ID No.
BHP Billiton Limited	Level 27 BHP Billiton Centre 180 Lonsdale Street Melbourne, Victoria 3000 Australia Telephone No: +61 1300 554757	N/A
BHP Holdings (USA) Inc.	c/o The Corporation Trust Company 1209 Orange Street Wilmington DE, 19801 USA Telephone No. 44 (0) 207 802 4098	13-3197779
BHP Capital No. 20 Pty. Ltd.	Level 25 BHP Billiton Centre 180 Lonsdale Street Melbourne, Victoria 3000 Australia Telephone No: +61 1300 554757	N/A
BHP Holdings (International) Inc.	c/o The Corporation Trust Company 1209 Orange Street Wilmington DE, 19801 USA Telephone No. 44 (0) 207 802 4098	94-3094724
BHP Navajo Coal Company	300 West Arrington, Suite 200 Farmington, NM 87401 USA Telephone No. (505) 598-4200	85-0436672
San Juan Coal Company	300 West Arrington, Suite 200 Farmington, NM 87401 USA Telephone No. (505) 598-4350	94-2557286
San Juan Transportation Company	300 West Arrington, Suite 200 Farmington, NM 87401 USA Telephone No. (505) 598-4350	94-2785883
Chaco Valley Energy LLC	300 West Arrington, Suite 200 Farmington, NM 87401 USA Telephone No. (505) 598-4200	None Required

1.1.1.5.1 Ownership and Control - Other Businesses Associated with Navajo Mine

BHP Navajo Coal Company is a wholly owned subsidiary of BHP Holdings (International) Inc. which is owned by BHP Capital No. 20 Pty. Ltd. – 11.5% and BHP Holdings (USA) Inc. – 88.5%.

Business Name: **BHP Holdings (International) Inc.**

Address: **c/o The Corporation Trust Company,
1209 Orange Street, Wilmington DE 19801 USA**

Federal Employer Identification No.: **94-3094724**

BHP Navajo Coal Company and BHP Holdings (Operations) Inc. are wholly-owned subsidiaries of BHP Operations Inc.

Business Name: **San Juan Coal Company**

The following surface coal mining operation is owned or controlled by this business:

Operation Name: **San Juan Mine**

Address: **Post Office Box 561, Waterflow NM 87421**

Federal Employer Identification No.: **94-2557286**

Federal/State Permit No.: **State Permit No. 04-01 NM**

Regulatory Authority Name: **New Mexico Mining and Minerals Division**

MSHA No.: **29-02170** Issued: **1997**

San Juan Mine is owned and operated by the San Juan Coal Company which is a wholly owned subsidiary of BHP Holdings (Operations) Inc., which is a wholly owned subsidiary of BHP Operations Inc.

This operation is not currently nor was previously owned or controlled by this business under another name within the previous 5 years.

The following surface coal mining operation is owned or controlled by this business.

1.1.1.5.1 (con't)

Operation Name: **La Plata Mine**

Address: **Post Office Box 210, La Plata NM 87418**

Federal Employer Identification No.: **94-2557286**

Federal/State Permit No.: **Fed. Permit No. NM0014E**

State Permit No. 06-01 NM

Regulatory Authority: **Federal Office of Surface Mining and New Mexico Mining and Minerals Division**

MSHA No.: **29-01825** Issued **1985**

La Plata Mine is owned and operated by the San Juan Coal Company which is a wholly owned subsidiary of BHP Holdings (Operations) Inc., which is a wholly-owned subsidiary of BHP Operations Inc.

This operation is not currently nor was previously owned or controlled by this business under another name within the previous 5 years.

1.1.2 Other Permits and Licenses.

Table 1-2 Other permits maintained by Navajo Mine, Navajo Coal Company,
P.O. Box 1717, Fruitland, NM 87416

Issuing Authority Name & Address	Type of Permit	Date of Agency Decision	Identification Number
U.S. Environmental Protection Agency, Region IX, 75 Hawthorne St., San Francisco, CA 94105-3901	National Pollution Discharge Elimination System (NPDES)	Issued 2/22/77, Renewed 12/17/86, Renewed 12/31/93, Renewed 12/19/00, Renewed 4/5/08	NM-0028193
U.S. Environmental Protection Agency, Region IX, 75 Hawthorne St., San Francisco, CA 94105-3901	Notification of Hazardous Waste Activity (RCRA)	Issued 1/12/87 New ID number 1/25/94	NNDO-42993725
Bureau of Reclamation, Colorado River Storage Project	Colorado River Storage Project	9/23/1969	14-06-400-5138
Department of Treasury, Bureau of Alcohol, Tobacco, & Firearms, 1200 Main Street Room 300, Dallas TX	22 Manufacturer of Blasting Agents	Renewed 9/1/03, 9/1/06	5NM-045-22-3J-12081 5NM-045-22-6J-12081
Department of Treasury, Bureau of Alcohol, Tobacco, & Firearms, 1200 Main Street Room 300, Dallas TX	33 Manufacturer of Blasting Agents	Renewed 9/1/03, 9/1/06	5NM-045-33-3J-12081 5NM-045-33-6J-12081
Navajo Nation, Department of Water Resources Management	License to use specified water in operations	Issued 6/07/96	96.289

1.1.2 Other Permits and Licenses (Cont'd)

Table 1-3 Other Permits held by San Juan Mine, San Juan Coal Company,
P.O. Box 561, Waterflow, NM 87421

Issuing Authority Name & Address	Type of Permit	Date of Agency Decision	Identification Number
U.S. Environmental Protection Agency, Region VI, Allied Bank Tower at Fountain Place, 1445 Ross Avenue, Dallas TX 75270	National Pollution Discharge Elimination System (NPDES)	Issued 4/1/87	NM0028746
Department of Treasury, Bureau of Alcohol, Tobacco, & Firearms, 1200 Main Street Room 300, Dallas TX	22 Manufacturer of Blasting Agents	Issued 3/1/85	5NM-024-22-4C-00015
Department of Treasury, Bureau of Alcohol, Tobacco, & Firearms, 1200 Main Street Room 300, Dallas TX	33 Manufacturer of Blasting Agents	Issued 9/1/85	5NM-024-33-5J-90066
Department of Labor, MSHA, Coal Mine & Healthy Director 9, P.O. Box 25367, Denver, CO 80225	MSHA Mine ID	Issued 6/1/88	29-01168
State of New Mexico Energy & Minerals Department, Mining & Mineral Division, 525 Camino de los Marquez, Santa Fe, NM 87502	Permit to Mine	9/26/84	2-5P
Environmental Improvement Division, Air Quality Bureau, P.O. Box 968, Santa Fe, NM 87504-0968	Certificate of Registration Coal Crushing Plant	Issued 2/25/82	444
Environmental Improvement Division, Radiation Protection Bureau, P.O. Box 968, Santa Fe, NM 87504-0968	Radioactive Material License	Issued 1/6/87	NM-SAN-GA-02
Environmental Protection Agency, Washington, DC 20460	Modification of Hazardous Waste Activity	12/4/86	NMD98-159-7123
Federal Communications, Gettysburg, PA 17325	Radio Frequency Authorization	12/13/84	35-1206-IS-114
Federal Communications, Gettysburg, PA 17325	Radio Station License	9/17/85	8508364698
Environmental Improvement Division, Farmington Field Office, 724 W. Animas, Farmington, NM 87401	Liquid Waste Permit	2/8/88	FA880004
State Engineer Office, 216 S. Silver, P.O. Box 844, Deming, NM 88031	Permit for Alternate Points of Diversion for Surface Waters	2/8/89	2838
State Engineer Office District 1, 3311 Candelaria NE Suite A, Albuquerque, NM	Permit to Appropriate Underground Waters	2/13/89	SJ2197

1.1.2 Other Permits and Licenses (Cont'd)

Table 1-4 Other permits maintained by La Plata Mine, San Juan Coal Company,
P.O. Box 210, La Plata Mine 87418

Issuing Authority Name & Address	Type of Permit	Date of Agency Decision	Identification Number
U.S. Environmental Protection Agency, Region VI, Allied Bank Tower at Fountain Place, 1445 Ross Avenue, Dallas TX 75270	National Pollution Discharge Elimination System (NPDES)	Issued 5/12/86	NM0029505
State of New Mexico Energy & Minerals Department, Mining and Mineral Division, 525 Camino de los Marquez, Santa Fe, NM 87502	Permit to Mine	1/10/86	24-9P
Office of Surface Mining Reclamation and Enforcement, P.O. Box 46667, Denver CO 80201	Indian Lands Permit, Operate on Ute Mountain Reservation	1/17/86	NM-014
Ute Mountain Ute Tribe, Towaoc, CO	Right of Way Agreement, and Right of Way Agreement Amendment	7/29/81 Amendment 6/13/86	N/A
Ute Mountain Ute Tribe, Towaoc, CO	Annual Operating Permit for Vehicles across Ute Mountain Reservation Lands	10/22/86	035-87

1.1.3 MSHA Numbers

The MSHA Identification number for Navajo Mine is 29-00097. Section numbers have been assigned to industrial areas, existing pit areas and proposed pit areas. They are:

Watson Pit Area	001-0
Bitsui Pit Area	001-0
Dodge Pit Area	002-0
Custer Pit Area	003-0
Bighan Pit Area	004-0
Pinto Pit Area	005-0
Doby Pit Area	006-0
Yazzie Pit Area	007-0
Hosteen Pit Area	008-0
Barber Pit Area	009-0
Mason Pit Area	010-0
Lowe Pit Area	011-0
Dixon Pit Area	012-0
Area 4 North Pit Area	013-0
Surface Area	090-0

1.1.4 Names and Addresses of Legal Owners of Record within Leased Area

The names and addresses of the legal or equitable owners of record (known to Applicant) of the surface and mineral property within the leased area are shown below. Tribal and Bureau of Indian Affairs (BIA) records are unavailable and cannot be verified by Applicant.

1.1.4.1 Surface and Mineral Ownership (Leased Area)

(Ref: EXHIBIT 1-1)

The United States of America,
in trust for the benefit of
The Navajo Nation
Window Rock, AZ 86515
Attention: The Honorable President
of the Navajo Nation

1.1.4.2 Coal Leasehold (Leased Area)

(Ref: EXHIBIT 1-1)

BHP Navajo Coal Company
300 W. Arrington Suite 200
Farmington, NM 87401

1.1.4.3 Oil and Gas Leasehold (Leased Area)

(Ref: EXHIBIT 1-1)

None

1.1.4.4 Customary Use Area Interest (Leased Area)

(Ref: EXHIBIT 1-2)

Barber, Alice D.
P. O. Box 324
Fruitland, NM 87416

1.1.4.4

Customary Use Area Interest (Leased Area) Cont.

(Ref: EXHIBIT 1-2)

Barber, Daisy
P. O. Box 314
Fruitland, NM 87416

Barber, Lavonne
P.O. Box 314
Fruitland, NM 87416

Begay, Ann C. Duncan
P. O. Box 875
Waterflow, NM 87421

Begay, Billy J. (Deceased)
2661 La Plata Hwy
Farmington, NM 87401

Begay, Robert C.
P.O. Box 96
Fruitland, NM 87416

Benally, Jennie
P. O. Box 402
Fruitland, NM 87416

Benally, Louise Belle, Trustee
P. O. Box 722
Fruitland, NM 87416

1.1.4.4

Customary Use Area Interest (Leased Area) Cont.

(Ref: EXHIBIT 1-2)

Benally, Mary Louise

P.O. Box 402

Fruitland, NM 87416

Blueeyes, Frank Decs'd.

Address Unknown

Bradley, Ida C.

P.O. Box 262

Fruitland, NM 87416

Doby, Katie

P. O. Box 1112

Kirtland, NM 87417

Eltosie, Ena C.

P.O. Box 1696

Kirtland, NM 87417

Frank, Irene

P. O. Box 2065

Kirtland, NM 87417

Gilmore, Alice D.

P. O. Box 297

Fruitland, NM 87416

1.1.4.4

Customary Use Area Interest (Leased Area) Cont.

(Ref: EXHIBIT 1-2)

Hogue, Lucy A.
P.O. Box 473
Fruitland, NM 87416

Joe, Irene Stevenson
4702 Bering
Farmington, NM 87402

Johnson, Edith C., Trust
P.O. Box 112
Waterflow, NM 87421

Lopez, Ida Mae
P.O. Box 1153
Fruitland, NM 87416

Mason, Eva Mae
P. O. Box 275
Fruitland, NM 87416

Sims, Ida Mae
P. O. Box 1073
Kirtland, NM 87417

Sims, Levada Begay
8 County Road #1738
Farmington, NM 87401

1.1.4.4

Customary Use Area Interest (Leased Area) Cont.

(Ref: EXHIBIT 1-2)

Sims, Stanley
P. O. Box 44
Fruitland, NM 87416

Steele, Rose Marie
2822 Ashmont Terrace
Silver Springs, MD 20906

Stevenson, Daisy
4702 Bering
Farmington, NM 87402

Yazzie, Emma H.
c/o San Juan Manor
806 W. Maple
Farmington, NM 87401

Yazzie, Jay, Sr.
P. O. Box 154
Fruitland, NM 87416

Yazzie, Pertina
P. O. Box 926
Kirtland, NM 87417

1.1.4.5 Rights-of-Way and Easements (Leased Area)

(Ref: EXHIBIT 1-3)

The information under Section 1.1.4.5, addresses the regulatory requirements found at 30 CFR 778.13 (a) (2).

El Paso Natural Gas Company
614 Reilly Heights
Farmington, NM 87401

Questar Southern Trails Pipeline
P. O. Box 1588
Farmington, NM 8749

Mountain States Telephone and Telegraph Company, The
(Now AT&T)
Box 1355, Station 57
Albuquerque, NM 87107

Texas-New Mexico Pipe Line Company
P. O. Box 42130
Houston, TX 77242

Public Service Company of New Mexico
Alvarado Square
Albuquerque, NM 87158

1.1.4.6 Purchaser of Record under Real Estate Contract within the Leased Area

There are no real estate contracts associated with the Navajo Mine.

1.1.5 Names and Addresses of Owners of Record of Lands Contiguous to the Leased Area

The names and addresses of each owner of record (known to applicant) of all property (surface and subsurface) which are contiguous to any part of the leased area are shown below. Tribal and BIA records are unavailable and cannot be verified by Applicant.

1.1.5.1 Surface and Mineral Ownership (Lands Contiguous to the Leased Area)

(Ref: EXHIBIT 1-1)

The United States of America,
in trust for the benefit of
The Navajo Nation
Window Rock, AZ 86515
Attention: The Honorable President
of the Navajo Nation

1.1.5.2 Coal Leasehold (Lands Contiguous to the Leased Area)

(Ref: EXHIBIT 1-1)

None

1.1.5.3 Oil and Gas Leasehold (Lands Contiguous to the Leased Area)

(Ref: EXHIBIT 1-1)

None

1.1.5.4 Customary Use Area Interest (Lands Contiguous to the Leased Area)

(Ref: EXHIBIT 1-2)

Barber, Alice D.
P. O. Box 324
Fruitland, NM 87416

Barber, Daisy
P. O. Box 314
Fruitland, NM 87416

Begay, Ann C. Duncan
P. O. Box 1875
Shiprock, NM 87420

Begay, Billy J. (Deceased)
2661 La Plata Hwy
Farmington, NM 87401

Begay, Robert C.
P. O. Box 96
Fruitland, NM 87416

Benally, Jennie
P. O. Box 402
Fruitland, NM 87416

Benally, Louise Belle, Trustee
P. O. Box 722
Fruitland, NM 87416

1.1.5.4

Customary Use Area Interest (Lands Contiguous to the Leased Area)

Cont. (Ref: EXHIBIT 1-2)

Benally, Mary Louise

P.O. Box 402

Fruitland, NM 87416

Blueeyes, Frank Decs'd.

Address Unknown

Bradley, Ida C.

P. O. Box 262

Fruitland, NM 87416

Doby, Katie

P. O. Box 1112

Kirtland, NM 87417

Dodge, Jimmy and Caroline

P.O. Box 163

Fruitland, NM 87416

Eltosie, Ena C.

P. O. Box 1696

Fruitland, NM 87416

Frank, Irene

P. O. Box 2065

Kirtland, NM 87417

1.1.5.4

Customary Use Area Interest (Lands Contiguous to the Leased Area)

Cont. (Ref: EXHIBIT 1-2)

Gilmore, Alice D.
P. O. Box 297
Fruitland, NM 87416

Hogue, Lucy A.
P. O. Box 473
Fruitland, NM 87416

Joe, Irene Stevenson
4702 Bering
Farmington, NM 87402

Johnson, Edith C., Trust
P. O. Box 112
Fruitland, NM 87416

Lopez, Ida Mae.
P. O. Box 1153
Fruitland, NM 87416

Mason, Eva Mae
P. O. Box 275
Fruitland, NM 87416

NAPI
P.O. Drawer 1318
Farmington, NM 87499-1318

1.1.5.4

Customary Use Area Interest (Lands Contiguous to the Leased Area)

Cont. (Ref: EXHIBIT 1-2)

Sims, Ida Mae
P.O. Box 1073
Kirtland, NM 87416

Sims, Levada Begay
8 County Road #1738
Farmington, NM 87401

Sims, Stanley
P. O. Box 44
Fruitland, NM 87416

Steele, Rose Marie,
2822 Ashmont Terrace
Silver Springs, MD 20906

Stevenson, Daisy
4702 Bering
Farmington, NM 87401

Yazzie, Emma H.
c/o San Juan Manor
806 W. Maple
Farmington, NM 87401

Yazzie, Jay, Sr.
P. O. Box 154
Fruitland, NM 87416

1.1.5.4 Customary Use Area Interest (Lands Contiguous to the Leased Area)
Cont. (Ref: EXHIBIT 1-2)

Yazzie, Pertina
P. O. Box 926
Kirtland, NM 87417

1.1.5.5 Rights-of Way and Easements (Lands Contiguous to the Leased Area)
(Ref: EXHIBIT 1-3)

Arizona Public Service Company
P. O. Box 53999
Phoenix, AZ 85072-3999

BHP Navajo Coal Company
300 W. Arrington, Suite 200
Farmington, NM 87401

El Paso Natural Gas Company
614 Reilly Heights
Farmington, NM 87401

Four Corners Pipe Line Company
P. O. Box 1588
Farmington, NM 87499

Mountain States Telephone and Telegraph Company, The
(Now AT&T)
Box 1355, Station 57
Albuquerque, NM 87107

1.1.5.5 Rights-of Way and Easements (Lands Contiguous to the Leased Area)

Cont.(Ref: EXHIBIT 1-3)

Texas-New Mexico Pipe Line Company

P. O. Box 42130

Houston, TX 77242

Public Service Company of New Mexico

Alvarado Square

Albuquerque, NM 87158

1.1.6 Applicant's Interest in Lands, Options, or Pending Bids on Interest Held or Made for Lands Contiguous to the Area Described in the Permit Application

Applicant does not have any interest in lands, options, or pending bids on interest held or made for lands contiguous to the Area described in the Permit Application.

1.2 VIOLATION INFORMATION

1.2.1 Permits Suspended or Revoked and Bonds Forfeited

The applicant or any subsidiary, affiliate or persons controlled by or under common control with the applicant has not had a Federal or State coal mining permit suspended or revoked nor has forfeited a performance bond or similar security deposited in lieu of bond in the five (5) years preceding the date of submission of this application.

1.2.2 Notices of Violation

APPENDIX 1-B lists all violation notices received by the applicant, any subsidiary, affiliate, or persons controlled by or under common control with the applicant in connection with any surface coal mining and reclamation operation during the three (3) year period preceding the application.

1.3 RIGHT OF ENTRY INFORMATION

The following documents establish the legal right for BHP Navajo Coal Company to enter and conduct coal surface mining and reclamation operations on lands of the Navajo Tribe of Indians. The information under Section 1.3, addresses the regulatory requirements found at 30 CFR 778.15 (a).

1.3.1 Mining Lease and Amendments

The following is a list of documents relating to the original Mining Lease, and Amendments thereto, between the Navajo Tribe of Indians and Utah Construction Company, now known as BHP Navajo Coal Company. Copies of the original documents are on file at the Environmental Quality Department of the Navajo Mine. EXHIBIT 1-6, Navajo Mine Lease Base Map is a map showing the original Mining Lease and the applicable amendment areas as resurveyed November 27, 1991.

- The original Mining Lease (Contract No. 14-20-603-2505), dated July 26, 1957, grants to Applicant the right to enter and begin surface coal mining and reclamation activities on said lands.
- Amendment No. 1, dated October 18, 1957, amends the original Mining Lease to include a right-of-way across Applicant's lease for the Four Corners Pipeline Company. The rights granted under Amendment No. 1 are the same as the original Mining Lease. Amendment No. 1 is not applicable to the Permit Application, and therefore is not shown on EXHIBIT 1-6.
- Amendment No. 2, dated October 24, 1961, amends the original Mining Lease by adding 14 separate parcels of mineral lands to the lease. The rights granted to Applicant are the same as the rights granted in the original Mining Lease.

- Amendment No. 3, dated March 29, 1965, amends the original Mining Lease by adding additional mineral lands to the lease. The rights granted to Applicant are the same as the rights granted in the original Mining Lease.
- Amendment No. 4 and Supplement, dated April 25, 1985, amends the original Mining Lease by adding additional surface use areas. The amendment allows Applicant only surface use rights and not mineral rights on these additional lands. The rights granted to Applicant are the same as the rights granted in the original Mining Lease.
- Amendment No. 4-A, dated December 28, 1988, amends the original Mining Lease by adding additional mineral lands to the lease. These areas are known as Blocks A, B, C, and D. The rights granted to Applicant are the same as the rights granted in the original Mining Lease.

A legal description of the original Mining Lease and Amendments 2, 3, 4, and 4-A, as resurveyed November 27, 1992, is located in APPENDIX 1-C.

1.3.2 Mine Plant Lease and Amendment

The following list documents relating to the Mine Plant Lease (Contract No. 14-20-0603-6447) and Amendment thereto between the Navajo Tribe of Indians and Utah Construction & Mining Co., now known as BHP Navajo Coal Company. EXHIBIT 1-6 is a map showing the Mine Plant Lease as amended.

- The Mine Plant Lease dated April 1, 1961 originally consisted of 38.9 acres of land. The lease granted Applicant the right to build, maintain, and operate a mine office, shops, warehouse, coal analysis laboratory, turn around and storage area for mining and haulage equipment, and other surface uses related to large scale coal mining operations.

- Amendment to the Mine Plant Lease, dated October 1, 1965, revised the Mine Plant Lease by adding additional acreage for a total of 223.21 acres. The rights granted to Applicant are the same as the rights granted in the original Mine Plant Lease.

A legal description of the Mine Plant Lease as amended is located in APPENDIX 1-D.

1.3.3 Grants of Easement for Right-of-Way

69 kV Transmission Line - This Right of Way is a contractual agreement between BHP Minerals International and the U.S. Department of the Interior, Bureau of Indian Affairs, Real Property Management, and effective March 15, 1968. The agreement grants exclusive right of way for the construction, maintenance, operation, use, repair, renewal and removal of all facilities, including poles and wires deemed necessary or desirable by the lessee for the transmission of electric energy, including but not limited to a 69,000 volt transmission line, together with the right of ingress and egress and the right to transmit electric energy, over, under, along, and across a 50' wide strip of land commencing at a point within the power line ROW previously granted to Arizona Public Service Company and terminating at the boundary of Lessee's coal mining lease. The ROW is subject to any prior valid existing right or adverse claim.

The main line of this ROW 6.26 miles in length and contains 1.56 miles of branch lines. The width is 50' or 25' each side of centerline. The following documents are included in APPENDIX 1-D relating the 69 kV line ROW:

- Agreement between APS and Utah International for Exchange of Navajo Mine Conveyor No. 5193 for APS 69 kV Power Line
- BIA letter granting right of way for the 69 kV transmission line across Navajo Tribal Land
- BIA Navajo Indian Irrigation Project recommending approval of the right of way
- Application for the right of way
- Schedule of appraisal of charges due
- Legal description/map

Access Road to Area III - This Right of Way is a contractual agreement between BHP Minerals International and the US Department of the Interior, Bureau of Indian Affairs, Real Property Management, and effective June 28, 1982. This grant of easement for ROW is for the construction, operation, and maintenance of a paved access road. The ROW is 100' wide, 4,528.07' in length and covers 10.4 acres across Navajo Tribal Trust lands in Sections, 11, 12 and 13, T27N, R16W, NMPM, San Juan County, NM. The following documents are included in Appendix 1-D relating to the Area III Access Road ROW:

- BIA approval letter granting ROW
- Copy of Right of Way
- Legal description/map

BHP Railroad and Roadway - This Right of Way is a agreement obligation between BHP Minerals International and the US Department of the Interior, Bureau of Indian Affairs, Real Property Management, effective January 25, 1974. This grant of easement for ROW is for the construction, maintenance, operation, use, repair, renewal, and removal of a railroad and all appurtenances thereto (including but not limited to trackage, switches and signals), and a roadway. The ROW is subject to any prior existing right or adverse claim and is without limitation as to tenure.

The ROW is 11.78 miles in length and contains 139.4 acres (5.5 acres are within the APS Plant Lease Area). The width is 100' or 50' each side of centerline, provided that between stations 188 + 46.38 and 227 + 46.38, 285 + 46.38 and 291+ 46.38, and 430 + 46.38 and 433 + 46.38, the right of way shall extend 100' on each side of the centerline. The following documents are contained in APPENDIX 1-D relating to the Railroad Right of Way:

- Legal description
- Letter for revision to the Navajo Mine Railroad and Haulroad reclamation plan
- Reclamation Plan for the Navajo Railroad Right of Way and Haulroad
- Approval letter for the right of way
- Application for Right of Way for Railroad and Road

Haul Road - This Right of Way is a contractual agreement between BHP Minerals International and the US Department of the Interior, Bureau of Indian Affairs, Real Property Management, and effective January 25, 1974. The grant of ROW is for the construction, maintenance, operation, use, repair, renewal, and removal of a roadway and all appurtenances thereto. The ROW is subject to any prior valid existing right or adverse claim and is without limitation to tenure.

The ROW is 8.42 miles in length and contains 94.5 acres. The width is 100' (50' each side of centerline), provided that between stations 188 + 46.38 and 227 + 46.38, 285 + 46.38 and 291 + 46.38, and 430 + 46.38 and 433 + 46.38, the right of way shall extend 100' on each side of the centerline. The following documents are contained in Appendix 1-D relating to the Haul Road Right of Way:

- Letter of approval for ROW
- Grant of Easement for Right of Way
- Legal Description(s)
- Letter of Consent from Navajo Tribal Council
- Application for ROW
- Navajo Mine Railroad and Haulroad Reclamation Plan

4 " Potable Water Line - This Right of Way is a contractual agreement between BHP Minerals International and the US Department of the Interior, Bureau of Indian Affairs, Real Property Management, effective November 6, 1974. This ROW is an exclusive ROW for the construction, operation, and maintenance of a four-inch potable water pipeline and all appurtenances thereto, over and across a 20' wide strip of land as shown on the attached plat.

The ROW is 4.372 miles in length, 20' in width or 10' on each side of centerline and containing 10.60 acres. The following documents are contained in APPENDIX 1-D relating to the 4" potable waterline ROW:

- Office of Navajo Land Development Affidavit of Completion of ROW
- Navajo Nation Request for Affidavit of Completion of ROW
- BIA approval letter for ROW
- Grant of Easement for ROW
- Map/Legal description for ROW

Pinto Haul Road ROW - This Right of Way is a contractual agreement between BHP Minerals International and the US Department of the Interior, Bureau of Indian Affairs, Real Property Management, and effective December 7, 1967. The Pinto Haul Road ROW is an exclusive ROW for the construction, maintenance, operation, use, repair, renewal and removal of a roadway, together with the right of ingress and egress, and the right of passage for automobiles, trucks and vehicles of all types, over, along and across a 100' wide strip of land 1.02 miles in length commencing at the boundary of the Utah Construction and Mining Co. (now BHP Minerals International) mine plant lease from the Navajo Tribe and terminating at the boundary of the Utah Construction & Mining Co. (now BHP Minerals International Inc.) coal mining lease from the Navajo Tribe, said ROW in its entirety located upon Tribal Indian lands within the Navajo Reservation.

This ROW is 1.02 miles in length, and is 100' wide. The following documents are contained in APPENDIX 1-D relating to the Pinto Haul Road ROW:

- BIA approval letter for ROW
- Application for ROW
- Legal description/map for haulroad

BHP Attachments to APS Poles and Fixtures - This Right of Way is a contractual agreement between BHP Minerals International and the US Department of the Interior, Bureau of Indian Affairs, Real Property Management, effective January 29, 1963. With this ROW APS grant Utah the right to make and maintain at it's own expense, attachments of a 416 kV electrical circuit, to fifteen poles owned by APS. Attachments shall be made and maintained in accordance with the rules and regulations of the National Electric Safety Code and shall not be used or operated in a

manner which will interfere with the use and operation of APS's property. Subject to notice of termination by either party. The following documents are contained in APPENDIX 1-D relating to the Attachment ROW:

- Memorandum of Agreement Covering Attachments of Utah Construction and Mining Co.
- Map/legal description of ROW

Upon notification by the ROW holder of proposed substantial work along the ROW, Navajo Mine will in turn notify OSM.

1.3.4 Pending Litigation

None of the granted rights to enter and conduct surface coal mining activities on lands of the Navajo Tribe of Indians are subject to any pending litigation.

1.3.5 Severance of Mineral Estates

No private mineral estate severed from the private surface estate.

1.4 STATUS OF UNSUITABILITY CLAIMS

1.4.1 Unsuitability Statement

The Navajo Mine Permit Area is not within an area "designated unsuitable for surface coal mining operations" and not "under any study for designation in an administrative proceeding under Parts 762, 764, and 769 of 30 CFR."

The Navajo Mine permit area includes areas identified as "Pre-SMCRA" (Surface Mining Control and Reclamation Act of 1977, PL95-87) lands in Areas I and II (CHAPTER 11, EXHIBITS 11-1 through 11-6). Pre-SMCRA lands are all lands from which coal was removed prior to December 16, 1977 (see SMCRA Section 710 (c)). There are no Pre-SMCRA lands in Areas III, IV, and V of the Navajo Mine.

The BIA is the responsible Agency for setting reclamation standards on Pre-SMCRA lands at the Navajo Mine. Reclamation procedures used on Pre-SMCRA lands are the same as those used through the Permit Area (see CHAPTER 12) except that from 1985 forward no more than six (6) inches of topdressing material will be applied to Pre-SMCRA lands, and those Pre-SMCRA lands that have already been seeded and mulched without topdressing material may not have received topdressing material.

Roads on Pre-SMCRA lands are maintained to minimize erosion and adverse impacts to vegetation and wildlife, and will be reclaimed according to the standards set forth above.

Power plant waste disposal on Pre-SMCRA lands, and the reclamation of disposal locations, is subject to the standards set forth above.

1.5 PERMIT TERM

The permit term is 5 years. Each phase of mining and reclamation and its corresponding acreage for each pit through the permit is presented on an annual basis for the first five years and in five year increments for the remaining mine life. BHP permits to date are: NM-0003A (approved September 8, 1989), NM-0003B (approved January 31, 1991), NM-0003C (approved July 20, 1993), NM-0003D (approved September 22, 1994), NM-0003E (approved September 26, 1999), and NM-0003F (approved September 26, 2004). See Exhibit 12-2 and 12-3 (Permit Term Disturbance Schedule) for location of permit area.

1.6 INSURANCE

A certificate of liability insurance is found in APPENDIX 1-E, which certifies that the Applicant has a public liability insurance policy in force for surface coal mining and reclamation operations. This insurance policy will be maintained in force through the life of the permit and renewed by the Applicant.

OSMRE will be notified of any substantive changes in the policy.

1.7 NEWSPAPER ADVERTISEMENT AND PROOF OF PUBLICATION

A copy of the newspaper advertisement of the application for a permit and proof of publication of the advertisement will be filed with OSM for inclusion in the application no later than four (4) weeks after the date of publication. A copy of the Affidavit of Publication is found in APPENDIX 1-F.

AFFIDAVIT OF PUBLICATION

Ad No. 61727

**STATE OF NEW MEXICO
County of San Juan:**

CONNIE PRUITT, being duly sworn says:
That she is the ADVERTISING DIRECTOR of
THE DAILY TIMES, a daily newspaper of
general circulation published in English at
Farmington, said county and state, and that
the hereto attached Legal Notice was
published in a regular and entire issue of the
said DAILY TIMES, a daily newspaper duly
qualified for the purpose within the meaning of
Chapter 167 of the 1937 Session Laws of the
State of New Mexico for publication and
appeared in the Internet at The Daily Times
web site on the following day(s):

Thursday June 18, 2009

Thursday June 25, 2009

Thursday July 2, 2009

Thursday July 9, 2009

And the cost of the publication is \$349.89

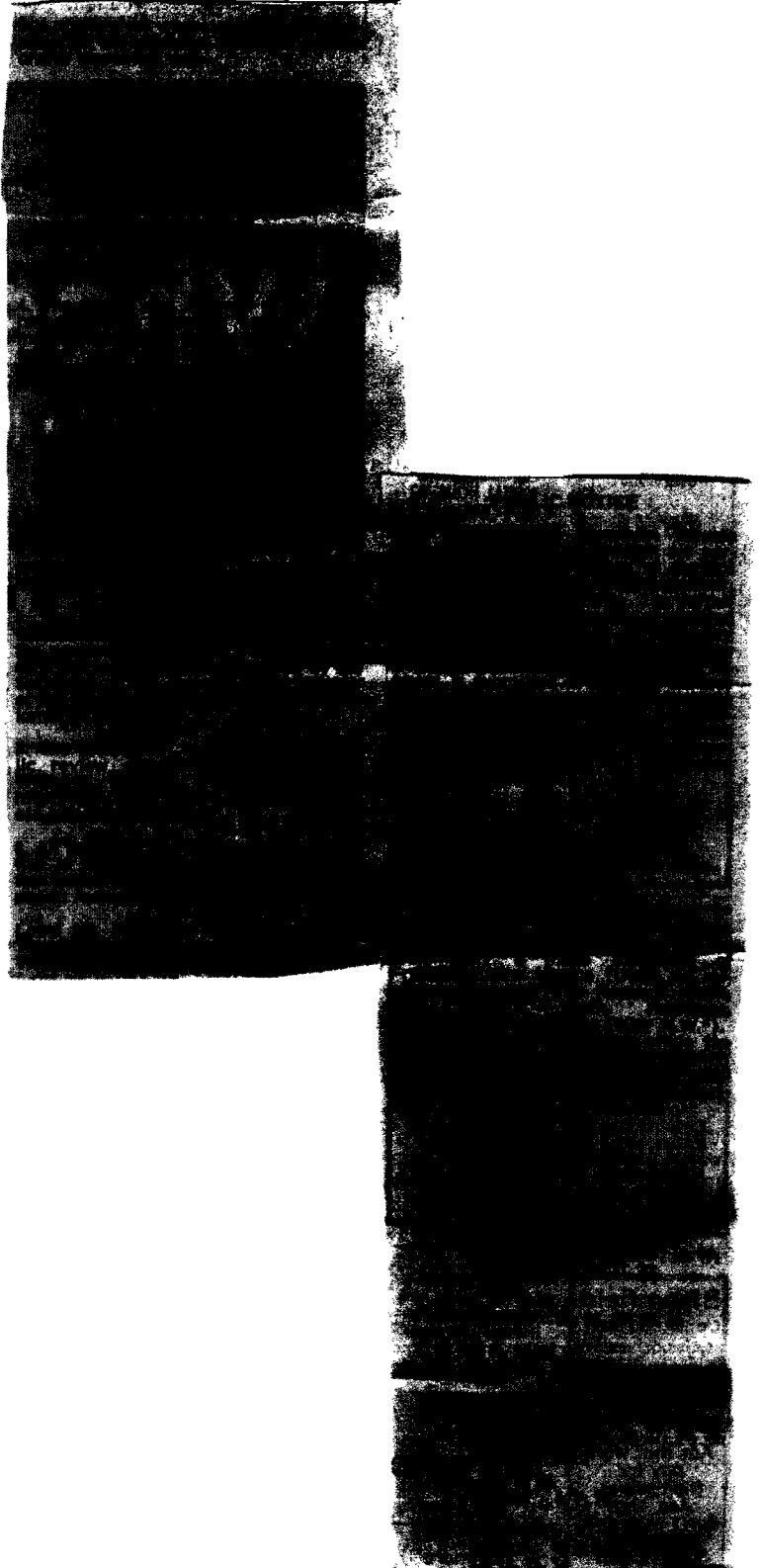
Connie Pruitt

ON 8/26/09 CONNIE PRUITT
appeared before me, whom I know personally
to be the person who signed the above
document.

Christine Sellers

My Commission Expires - 11/05/11

COPY OF PUBLICATION



7002 2410 0004 9443 6488



BHP Navajo Coal Company

BHP Billiton Limited
18 Miles South of Fruitland CR6675
Fruitland, New Mexico, 87416 USA
P.O. Box 1717
Fruitland, NM 87416 USA
Tel +1 505 598 4200 Fax +1 505 598 3361
bhpbilliton.com

August 26, 2009

Ms. Brenda Steele, Navajo Mine Coordinator
Indian and Federal Programs Team
Office of Surface Mining/Western Regional Coordinating Center
P.O. Box 46667
Denver, Colorado 80201-6667

Re: Navajo Mine Permit Number NM-0003F; Affidavit of Publication for Permit Renewal

Dear Ms. Steele

BHP Navajo Coal Company (BNCC) is sending eight (8) copies of the notarized Affidavit of Publication for Permit Renewal. This affidavit is for the legal notice that appeared once a week for four consecutive weeks in the local newspaper per 30 CFR §778.21 Proof of Publication

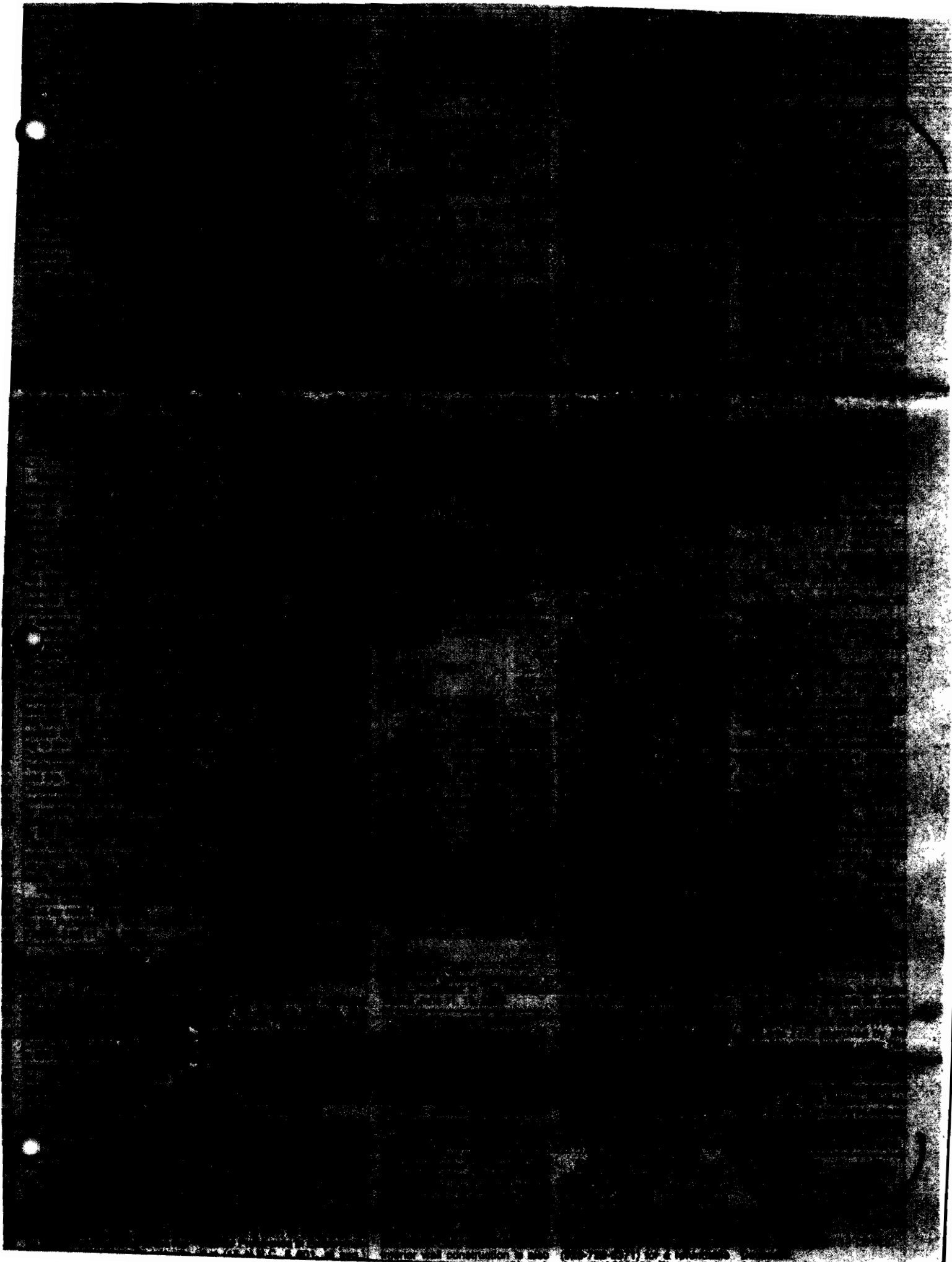
Address any questions regarding this submission to Yolanda Benally at (505) 593-3375

Sincerely,

A handwritten signature in black ink, appearing to read "Tim Ramsey", written over a white background.

Tim Ramsey
Compliance/Reclamation Coordinator

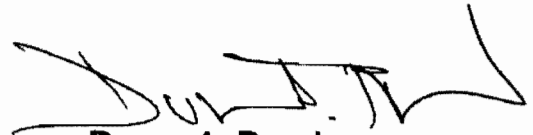
\\smcfron-srv01\NMC\Permit\BNCC\Navajo\Navajo Permits\OSM\SMCRA PERMIT\Permit Revisions\2009\Rev 0900 Permit Renewal



AFFIDAVIT OF PUBLICATION

Invoice# L-6806

I, Duane A. Beyal, Editor of the Navajo Times, a legal newspaper published weekly at Window Rock, Navajo Nation, Arizona, do hereby swear that a legal notice: Permit Renewal to the Office of Mining Reclamation and Enforcement, Western Region. was published in said Navajo Times on the following date(s):
June 18, June 25, July 2, July 9, 2009.
and that said notice is attached to this Affidavit and is a true and exact copy of said notice as published.


Duane A. Beyal
Editor

STATE OF ARIZONA :}
 :}

COUNTY OF APACHE :}

SUBSCRIBED AND SWORN TO before me this

_____ 16th _____ day of _____ July _____, 2009.



Notary Public

My Commission Expires:
_____ April 16, 2012 _____



1.8 PUBLIC OFFICE AND LOCATION FOR FILING APPLICATION

Address of public location. The Applicant simultaneously files one copy of this permit application for public inspection at each of the following locations.

The Navajo Nation
Minerals Department
Corner of Morgan Blvd. and Window Rock Blvd.
Window Rock, Arizona 86515
(928) 871-6587

Office of Surface Mining
Farmington Area Office
501 Airport Drive, Suite 208
Farmington, New Mexico 87401
(505) 326-5869

1.9 FACILITIES OR STRUCTURES USED IN COMMON

Navajo Mine does not use any facilities or structures with a separate permitted mining operation. Arizona Public Service Four Corners Power Plant is not a permitted mining operation as it does not engage in surface coal mining and reclamation operations.

APPENDIX 1-A

BHP OWNERSHIP AND CONTROL

(12/15/95)

OWNERSHIP AND CONTROL VERIFICATION

**BHP NAVAJO COAL COMPANY
NAVAJO MINE PERMIT RENEWAL APPLICATION
SAN JUAN COUNTY, NEW MEXICO**

STATE OF NEW MEXICO §

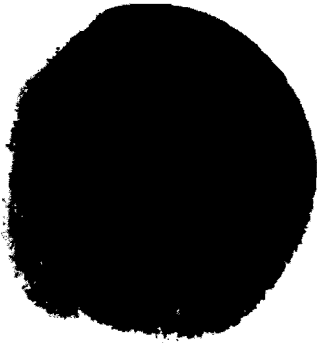
COUNTY OF SAN JUAN §

Marian L. Wimsatt, Landman - Land and Water, BHP Billiton Ltd., on oath deposes and says that the AVS information, regarding ownership and control contained in this application is accurate and complete to the best of her knowledge and belief.

By: Marian L. Wimsatt
Marian L. Wimsatt
Landman, Land and Water
BHP Billiton Ltd.

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared Marian L. Wimsatt, known to me to be a responsible person of BHP Billiton Ltd., after having been duly sworn by me, on oath deposes as set forth above.

SUBSCRIBED AND SWORN to be the said Marian L. Wimsatt this 1 day of May, 2009, to certify which witness my hand and seal of office.



James M. Ford
Notary Public in and for
San Juan County, Farmington, New Mexico

My Commission Expires:

08/14/09

BHP Navajo Coal Company Corporate Organizational Structure

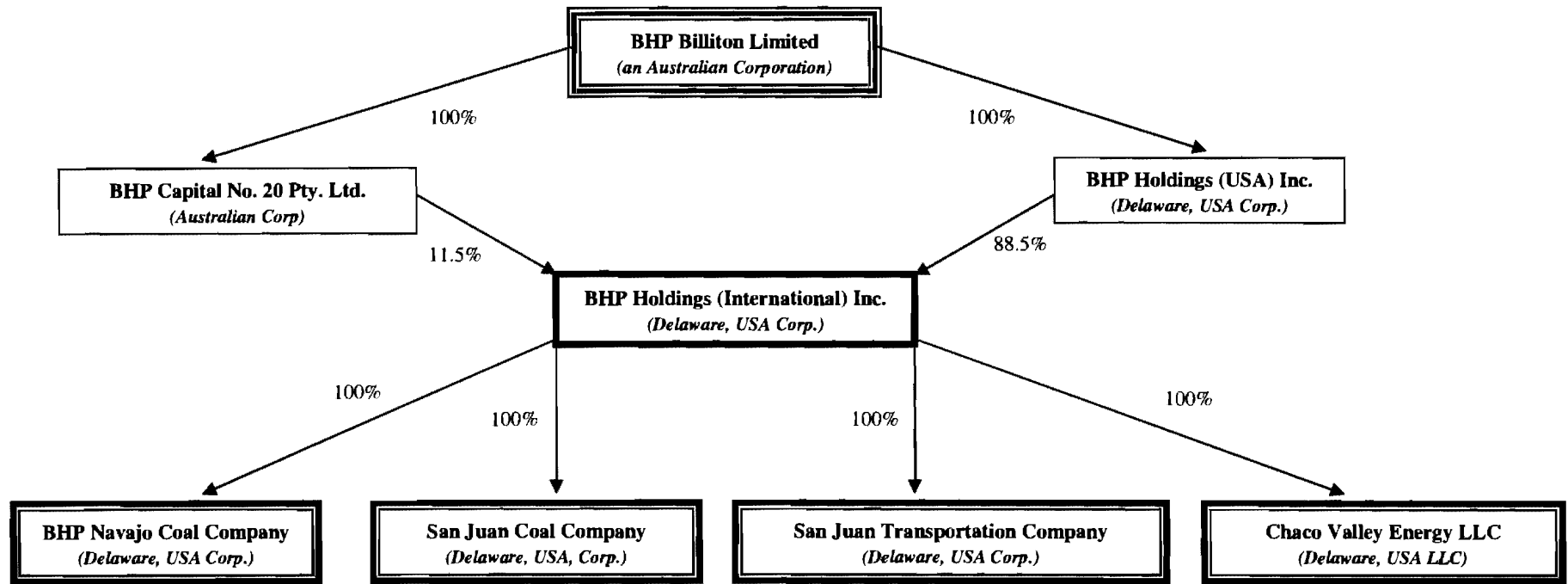


Figure 1-A

Updated through August 6, 2010

**BHP BILLITON LIMITED
ACTIVE OFFICERS**

<u>Name</u>	<u>Title</u>	<u>Date Elected</u>
Crawford, David Alexander	Director	5/1/94
Schubert, John Michael	Director	6/1/00
Buchanan, John Gordon St. Clair	Director	2/1/03
Codeiro, Carlos Antonio Souza	Director	8/26/05
Kloppers, Marius Jacques	Director	1/1/06
Nasser, Jacques	Director	6/6/06
McAloon, Jane	Secretary	10/25/06
Smith, Fiona Catherine Davis	Secretary	6/28/07
Rumble, Keith Christopher	Director	9/1/08
Boeckmann, Alan Lee	Director	9/1/08
Murdy, Wayne William	Director	6/18/09
Broomhead, Malcolm William	Director	3/31/10
Hewson, Carolyn Judith	Director	3/31/10

**BHP BILLITON LIMITED
RESIGNED OFFICERS**

<u>Name</u>	<u>Title</u>	<u>Date Elected</u>	<u>Date Resigned</u>
Taylor, Roger Vernon	Assistant Secretary	4/26/85	3/4/05
Codeiro, Carlos Antonio Souza	Director	2/3/05	4/3/05
Chaney, Michael Alfred	Director	5/24/95	11/25/05
Lord Renwich of Clifton (Robin)	Director	6/29/01	11/25/05
Salamon, Miklos	Director	2/24/03	10/26/06
Wood, Karen Joy	Secretary	6/1/01	7/12/07
Lynch, Christopher James	Director	1/1/06	6/30/07
Mallet, Ross Edwin	Secretary	3/21/05	9/28/07
Brink, David C.	Director	6/29/01	11/28/07
Goodyear, Charles Waterhouse	Director	11/30/01	9/30/07
Mallett, Ross Edwin	Secretary	3/21/05	9/28/07
Butcher, Samuel Andrew	Secretary	3/19/04	7/16/08
Morgan, David Raymond	Director	1/1/08	11/24 09
Jenkins, David Anthony Lawson	Director	3/1/00	11/26/09
Anderson, Paul Milton	Director	6/6/06	1/31/10
de Planque, Eileen Gail	Director	10/19/05	1/31/10
Argus, Donald Robert	Director	11/30/96	3/30/10

Names in Bold indicate new changes since last report

**BHP CAPITAL NO. 20 PTY LIMITED
ACTIVE OFFICERS**

Name	Title	Date Elected
Chadwick, Nigel	Director	8/23/02
Merlo, Anthony Joseph	Director	10/29/08
Gayfer, Angeli	Secretary	9/1/08
Rix, Brett Andrew	Director	9/3/09
Rowntree, Ian	Director	1/1/10

**BHP CAPITAL NO. 20 PTY LIMITED
RESIGNED OFFICERS**

Name	Title	Date Elected	Date Resigned
Taylor, Roger V.	Secretary	5/17/89	3/4/05
Butcher, Samuel Andrew	Secretary	6/3/04	10/5/06
Mallett, Ross Edwin	Secretary	5/3/05	9/28/07
Edney, Ian C.	Director	4/7/95	1/16/09
Austin, Anthony Harold	Director	6/3/04	12/16/08
McKaig, Natalie Ellen	Secretary	10/5/07	9/1/08
Wong, Susie	Secretary	10/5/07	9/1/08
Williams, Mark Lindsay	Director	10/29/08	12/31/09

Names in Bold indicate new changes since last report

(dba: BHP Capital No. 20 Pty Ltd)

**BHP HOLDINGS (USA) INC.
ACTIVE OFFICERS**

Name	Title	Date Elected
Moore, Earl Kenneth	President & Director	3/1/00
Teel, Paul Lawrence	Director & Vice President	12/20/05
White, Catriona	Treasurer	1/28/09
McGrath, Gail	Secretary	1/28/09
Gayfer, Angeli	Assistant Secretary	6/17/09
Jr., David T. Grand	Assistant Secretary	6/17/09

**BHP HOLDINGS (USA) INC.
RESIGNED OFFICERS**

Name	Title	Date Elected	Date Resigned
Huisman, Brian	Vice President – Tax	11/30/04	11/1/05
Koach, John J.	Director	12/6/04	1/13/06
Rhodes, Malinda Ruth	Secretary	2/28/03	7/1/07
Theron, Ian David	Treasurer	1/1/04	7/1/08
Tlachac, Kelly D.	Secretary	7/1/07	9/1/08
Bowden, Jon M.	Assistant Secretary	2/28/03	9/11/08

Names in Bold indicate new changes since last report

**BHP HOLDINGS (INTERNATIONAL) INC.
ACTIVE OFFICERS**

Name	Title	Date Elected
Moore, Earl Kenneth	President & Director	3/1/00
Teel, Paul Lawrence	Director & Vice President	12/20/05
White, Catriona	Treasurer	1/28/09
McGrath, Gail	Secretary	1/28/09
Gayfer, Angeli	Assistant Secretary	6/17/09
Jr., David T. Grand	Assistant Secretary	6/17/09

**BHP HOLDINGS (INTERNATIONAL) INC.
RESIGNED OFFICERS**

Name	Title	Date Elected	Date Resigned
Huisman, Brian	Vice President – Tax	11/30/04	11/1/05
Koach, John J.	Director	12/6/04	1/13/06
Rhodes, M. Ruth	Secretary	6/16/03	7/1/07
Theron, Ian David	Treasurer	1/1/04	7/1/08
Tlachac, Kelly D.	Secretary	7/1/07	9/1/08
Bowden, Jon M.	Assistant Secretary	6/16/03	9/11/08

Names in Bold indicate new changes since last report

**BHP NAVAJO COAL COMPANY
ACTIVE OFFICERS**

Name	Title	Date Elected
Moore, Earl Kenneth	Vice President & Director	1/17/00
Jones, Evan Y.	Director & Vice President	3/1/01
Clarke, Steve C.	Assistant Treasurer	10/30/01
Francis, Alfred	Vice President	7/14/04
Teel, Paul Lawrence	Vice President	6/1/05
Groves, Darrell	Treasurer	7/1/08
Fourie, Jacobus Gerhardus	Director, President & COO	4/1/10
Jr., David T. Grand	Assistant Secretary	12/22/09
Roybal, Charles E.	Secretary	3/3/09

**BHP NAVAJO COAL COMPANY
RESIGNED OFFICERS**

Name	Title	Date Elected	Date Resigned
Grubb, J. W.	President & Director	8/22/00	7/1/05
Huisman, Brian J.	Vice President	11/30/04	11/1/05
Isaacs, Lewis Wayne	President	7/1/05	3/14/07
Isaacs, Lewis Wayne	Director	7/1/05	4/23/07
Rhodes, M. Ruth	Secretary	8/30/03	7/1/07
Theron, Ian David	Treasurer	3/18/04	7/1/08
Tlachac, Kelly D.	Secretary	7/1/07	9/1/08
Neumann, Michael J.	Assistant Secretary	8/30/03	3/3/09
Pettigrew, Ed A.	Vice President	8/28/07	12/31/09
Kellow, Glenn Leslie	President & COO	3/14/07	4/1/10
Kellow, Glenn Leslie	Director	4/24/07	4/1/10
Roybal, Charles E.	Assistant Secretary	8/1/02	3/3/09

Names in Bold indicate new changes since last report

**SAN JUAN COAL COMPANY
ACTIVE OFFICERS**

Name	Title	Date Elected
Moore, Earl Kenneth	Vice President & Director	1/17/00
Jones, Evan Y.	Vice President & Director	3/1/01
Clarke, Steve C.	Assistant Treasurer	10/30/01
Teel, Paul Lawrence	Vice President	6/1/05
Jones, James Scott	Vice President	8/11/08
Groves, Darrell	Treasurer	7/1/08
Fourie, Jacobus Gerhardus	Director, President & COO	4/1/10
Jr., David T. Grand	Assistant Secretary	12/22/09
Roybal, Charles E.	Secretary	3/3/09

**SAN JUAN COAL COMPANY
RESIGNED OFFICERS**

Name	Title	Date Elected	Date Resigned
Grubb, John W.	President & Director	8/22/00	7/1/05
Huisman, Brian J.	Vice President - Tax	4/30/05	11/1/05
Lansdale, Gary	Vice President	3/1/01	3/28/06
Isaacs, Lewis Wayne	President	7/1/05	3/14/07
Isaacs, Lewis Wayne	Director	7/1/05	4/23/07
Rhodes, M. Ruth	Secretary	2/28/03	7/1/07
Tlachac, Kelly D.	Secretary	7/1/07	9/1/08
Theron, Ian David	Treasurer	3/18/04	7/1/08
Langley, Scott B.	Vice President	3/28/06	8/11/08
Neumann, Michael J.	Assistant Secretary	2/28/03	3/3/09
Pettigrew, Ed A.	Vice President	8/28/07	12/31/09
Kellow, Glenn Leslie	President & COO	3/14/07	4/1/10
Kellow, Glenn Leslie	Director	4/24/07	4/1/10
Roybal, Charles E.	Assistant Secretary	8/1/02	3/3/09

Names in Bold indicate new changes since last report

**SAN JUAN TRANSPORTATION COMPANY
ACTIVE OFFICERS**

<u>Name</u>	<u>Title</u>	<u>Date Elected</u>
Moore, Earl Kenneth	Vice President & Director	1/17/00
Jones, Evan Y.	Vice President & Director	3/1/01
Clarke, Steve C.	Assistant Treasurer	10/30/01
Teel, Paul Lawrence	Vice President	6/1/05
Jones, James Scott	Vice President	8/11/08
Groves, Darrell	Treasurer	7/1/08
Fourie, Jacobus Gerhardus	Director, President & COO	4/1/10
Jr., David T. Grand	Assistant Secretary	12/22/09
Roybal, Charles E.	Secretary	3/3/09

**SAN JUAN TRANSPORTATION COMPANY
RESIGNED OFFICERS**

<u>Name</u>	<u>Title</u>	<u>Date Elected</u>	<u>Date Resigned</u>
Grubb, J. W.	President & Director	8/22/00	7/1/05
Huisman, Brian J.	Vice President - Taxes	12/1/04	11/1/05
Lansdale, Gary	Vice President	3/1/01	3/28/06
Isaacs, Lewis Wayne	President	7/1/05	3/14/07
Isaacs, Lewis Wayne	Director	7/1/05	4/23/07
Rhodes, M. Ruth	Secretary	2/28/03	7/1/07
Theron, Ian David	Treasurer	3/18/04	7/1/08
Langley, Scott B.	Vice President	3/28/06	8/11/08
Tlachac, Kelly D.	Secretary	7/1/07	9/1/08
Neumann, Michael J.	Assistant Secretary	2/28/03	3/3/09
Kellow, Glenn Leslie	President & COO	3/14/07	4/1/10
Kellow, Glenn Leslie	Director	4/24/07	4/1/10
Roybal, Charles E.	Assistant Secretary	8/1/02	3/3/09

Names in Bold indicate new changes since last report

**CHACO VALLEY ENERGY LLC
ACTIVE OFFICERS**

Name	Title	Date Elected
Jones, Evan Y.	Vice President	3/19/04
Moore, Earl Kenneth	Vice President	3/19/04
Clarke, Steve C.	Assistant Treasurer	3/19/04
Teel, Paul Lawrence	Vice President	6/1/05
Groves, Darrell	Treasurer	7/1/08
Fourie, Jacobus Gerhardus	President & COO	4/1/10
Jr., David T. Grand	Assistant Secretary	12/22/09
Roybal, Charles E.	Secretary	3/3/09

**CHACO VALLEY ENERGY LLC
RESIGNED OFFICERS**

Name	Title	Date Elected
Grubb, John W.	President	3/19/04
Huissman, Brian J.	Vice President	11/30/04
Rhodes, M. Ruth	Secretary	3/19/04
Isaacs, Lewis Wayne	President	7/1/05
Theron, Ian David	Treasurer	3/19/04
Tlachac, Kelly D.	Secretary	7/1/07
Neumann, Michael J.	Assistant Secretary	3/19/04
Pettigrew, Ed A.	Vice President	3/19/04
Kellow, Glenn Leslie	President	3/14/07
Roybal, Charles E.	Assistant Secretary	8/1/02

Names in Bold indicate new changes since last report

Navajo Mine Violation History

Date of Violation	Violation Number	Description of Violation	Date of Termination	Appeal Status	Mine Permit Number	MSHA Number	Mine or Person Served	Issuing Regulatory Authority
8/17/07	07-020-107-002	Failure to protect topsoil from water erosion through maintenance of an effective vegetative cover or other means/measures approved by the regulatory authority; permittee failed to maintain the perimeter berm	9/12/07	N/A	NM-003F	29-00097	Kent Applegate	OSM
11/30/07	07-020-107-003	1. Failure to protect redistributed topsoil from water erosion after seeding and planting 2. Failure to conduct surface mining and reclamation operations as described in approved application,	1. 03/19/08 2. 12/6/07	N/A	NM0003F	29-00097	Kent Applegate	OSM
02/29/08	08-020-107-001	Failure to report existing storage capacity for impoundments	3/20/08	N/A	NM0003-F	29-00097	Kent Applegate	OSM
7/17/08	08-020-352-003	Failure to notify residents/owners of swellings in writing within ½ mile of permit for pre-blast survey	8/20/08	N/A	NM0003-F	29-00097	Kent Applegate	OSM
11/20/08	080-020-190-08	Failure to provide blasting certification	Not Applicable	N/A	NM0003-F	29-00097	William C. Jenkins	OSM
12/11/08	08-020-352-007	1. Failure to show hole diameter in blasting record. 2. Failure to provide diagram of blast accurately.	Not Applicable	N/A	NM0003-F	29-00097	William C. Jenkins	OSM

Date of Violation	Violation Number	Description of Violation	Date of Termination	Appeal Status	Mine Permit Number	MSHA Number	Mine or Person Served	Issuing Regulatory Authority
12/18/08	08-020-352-008	Failure to provide maps and cross sections for diversion prior to construction	1/20/09	N/A	NM0003-F	29-00097	Kent Applegate	OSM
01/14/09	09-020-352-001	Failure to maintain roads ditches	1/20/09	N/A	NM0003-F	29-00097	Tim Ramsey	OSM
02/05/09	09-020-190-01	Failure to have seismograph record	Not Applicable	N/A	NM0003-F	29-00097	Kent Applegate	OSM
03/19/09	C09-020-352-001	Failure to prevent flyrock from traveling beyond permit areas.	3/27/09	N/A	NM0003-F	29-00097	Kent Applegate	OSM
08/18/09	09-020-190-002	Failure to comply with the terms and conditions of the approved permit, specifically, failure to comply with the requirements of the approved plan for the Chinde Diversion.	1/20/10	N/A	NM0003-F	29-00097	Kent Applegate	OSM
08/20/09	09-020-082-001	Failure to conduct surface coal mining and reclamation operations as described in permit (Construction of Cottonwood Crossing)	9/18/09	N/A	NM0003-F	29-00097	Collette Brown	OSM
02/23/10	N10-020-190-01	Failure to comply with terms and conditions of the approved permit; specifically, failure to route discharge from pond 5 at the north facilities through pond 1 as required by the approved permit.	3/2/10	N/A	NM0003-F	29-00097	Tim Ramsey	OSM

Date of Violation	Violation Number	Description of Violation	Date of Termination	Appeal Status	Mine Permit Number	MSHA Number	Mine or Person Served	Issuing Regulatory Authority
5/14/10	CO10-020-190-10	Failure to prevent flyrock from traveling beyond the permit boundary	5/21/10	N/A	NM0003-F	29-00097	Tim Ramsey	OSM
11/4/10	N10-020-82-001	The permittee failed to conduct all surface coal mining and reclamation operations only as described in the approved application (Blasting in Area 4 North)	11/04/10	N/A	NM0003-F	29-00097	Tim Ramsey	OSM
11/18/10	N10-020-190-04	Failure to conduct all surface coal mining and reclamation operations only as described in the approved permit (Blasting in Dixon Pit). The violatin referred to Job: 63DX6B-7, detonated 10/18/10; and Job: 63DX8A-8, detonated 9/14/10.	Not Applicable	N/A	NM0003-F	29-00097	Tim Ramsey	OSM

APPENDIX 1-B-B

**San Juan Mine Violations
San Juan County, New Mexico**

San Juan Mine Violation History

Date of Violation	Violation Number	Description of Violation	Date of Termination	Appeal Status	Mine Permit Number	MSHA Number	Mine or Person Served	Issuing Regulatory Authority
1/14/09	701	Failure to comply with the approved regrade schedule. Approximately 25 acres at the Tumbleweed Pit had not been regraded by the end of 2008, as approved	2/23/09	Not Appealed	04-01	29-02170	Tim Ramsey	MMD

APPENDIX 1-B-C

**La Plata Mine Violations
San Juan County, New Mexico**

La Plata Mine Violation History

Date of Violation	Violation Number	Description of Violation	Date of Termination	Appeal Status	Mine Permit Number	MSHA Number	Mine or Person Served	Issuing Regulatory Authority
--------------------------	-------------------------	---------------------------------	----------------------------	----------------------	---------------------------	--------------------	------------------------------	-------------------------------------

There have been no violations issued to the La Plata Mine in the last three years

Black Diamond Mine Violation History

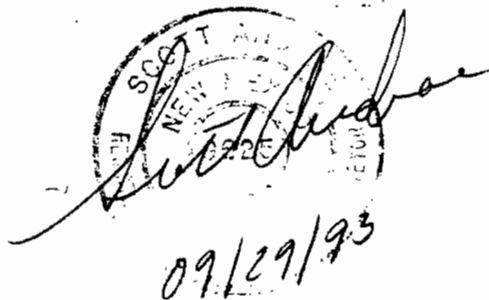
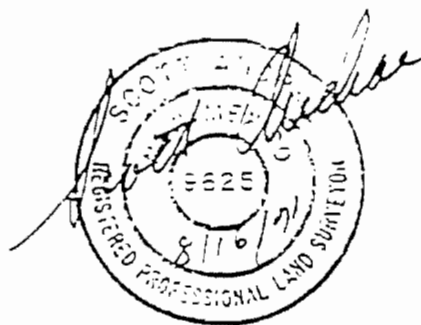
Date of Violation	Violation Number	Description of Violation	Date of Termination	Appeal Status	Mine Permit Number	MSHA Number	Mine or Person Served	Issuing Regulatory Authority
--------------------------	-------------------------	---------------------------------	----------------------------	----------------------	---------------------------	--------------------	------------------------------	-------------------------------------

There have been no violations issued to the Black Diamond Mine in the last three years

APPENDIX 1-C

NAVAJO MINE LEASE BOUNDARY DESCRIPTION

AUGUST 1991



1990 SURVEY BACKGROUND:

In 1990 the Navajo Tribe asked that the boundary descriptions of Navajo Mine be stamped by a New Mexico Registered Professional Surveyor and that they meet the Minimum Standards of New Mexico. Since there were no continuous sets of field notes to defend the boundaries it was decided to resurvey the boundaries. In April, 1990, field work was begun by Wilbert Benally and Ray Yazzie. The job was supervised and directed by Scott Andrae, a New Mexico Registered Professional Surveyor. The field work was completed by the same people in August, 1990. The notes were reduced and the boundaries computed and described by Scott Andrae.

A meeting was held between the Navajo Tribe and Navajo Mine to settle some questions about the survey. Since no section corners have been set north of Township 26 North, where areas 1, 2, & 3 of the Navajo Mine are situated, it was agreed that the existing monumentation set to satisfy Office of Surface Mining requirements be held as controlling monuments for the boundaries. These monuments are 4" steel posts, 4' high and painted orange. Since the lands where areas 4 & 5 of the Navajo Mine are situated were surveyed in 1982 by the B.L.M. Cadastral crews and section corners have been set, it was agreed that these section corners would control the boundaries in that area. This clarification was necessary for several reasons. The original lease is described as aliquot parts of sections, even though the land was unsurveyed, and much of it still is. There have been section corners set by the B.L.A. and by private surveyors. It became readily apparent that the B.L.M. had ignored these section corners when setting the new corners. The tribe held that only the B.L.M. corners were correct. No disturbance had yet occurred in areas 4 & 5, so adjusting the boundaries to the B.L.M. corners posed no problem. Since disturbance in areas 1, 2, & 3 was confined within the existing monumentation, using this monumentation also posed no problem.

Angular measurement was done with a Leitz TM-1 1" theodolite, cleaned and calibrated just prior to the job. Linear measurement was done with a Lietz Red 2L distance meter leased for the job, or a 100' steel tape when necessary. Angles and distances were shot to prisms mounted on a tripod over the sights. All backsight were taken from tripods over sights. Angles and distances were repeated and averaged. A series of loops were surveyed and closed. Closure accuracy was computed and, if acceptable, the loop was balanced and adjusted using the Compass rule. When side shots were necessary to establish the position of a point, the point was shot in from at least two separate positions.

A total of 10 solar observations were taken throughout the survey to check bearings. Deviation from solar observation never exceeded 2 minutes of arc.

Original Lease:

In the area previously subdivided by the B.L.M. all section corners needed to establish the mine boundaries were recovered. When necessary the sections were broken down further. These section subdivisions were based on standard procedures as set forth in B.L.M.'s "Manual of Surveying Instructions, 1973". No new corners were set during this survey.

Some of the original lease corners in areas 1, 2, & 3 have been destroyed. Several methods were used to re-establish these positions. In most cases where the original lease corners were gone, the area was flanked by arrendment or EQ parcels. Where monuments of these parcels were found, they were held as evidence of the original lines. Lines were then intersected through these points to establish missing points. Sometimes it was necessary to begin at an established monument and go the record bearing and distance for several courses before closing in on another established monument. In all cases like this, the original lease boundary is flanked by arrendment boundaries and is no longer an external boundary.

Arrendment 2:

Arrendment 2 parcels were re-established based upon found original monuments. When necessary, positions were re-established by intersecting lines using record bearings from existing found monuments. The north half of parcel 1 was released to the B.I.A. and the Navajo Tribe for the construction of N-36 highway. The right of way of N-36 is now the north boundary of parcel 1. This was re-established from found B.I.A. monuments, B.I.A. plats, and Navajo Mine plats.

Arrendment 3:

The first five points of arrendment 3 had been set. Point P5 was so far off that we chose to ignore it. Points P1-P4 were held as good. Points P5-P33 were computed from record bearing and distance. Point P34 was computed along the record bearing from P33 and intersection with the original lease based on the found section corners. No new points were set during this survey.

Arrendment 4 A blocks:

Most of the monuments for Blocks B and D were recovered. None of the monuments for Blocks A and C were ever set. The

western boundary for both of these blocks is the railroad right of way boundary. No as built or metes and bounds description for the right of way exists. Neither the Navajo Tribe or Navajo Mine could produce adequate drawings for the railroad. A copy of the construction design drawings were obtained from a private surveyor in Farmington, N.M. . These were used for curve data and bearings. These drawings, plus the monuments recovered on the original lease boundary were used to describe these two blocks.

Area 3 amendment:

All but one of the corners for this parcel were recovered. L 111 was placed through a bearing intersection on the original lease boundary.

EQ Parcels:

The majority of these parcel monuments were recovered. Where none were found original bearings or distances were used to determine original positions.

A new coordinate system was used in this survey. Point L 120 is zero north and zero east for this system. Bearings are based on B.L.M. bearings. These coordinates could be transformed and rotated to the mine coordinates if desired.

1991 Survey Background:

Beginning in the spring of 1991, Wilbert Benally and Ray Yazzie, under the supervision of Scott Andrae, set the remaining monuments on the Navajo Mine boundary. The survey lasted 3 months. Monuments consisted of 2" aluminum caps set on 18" rebar. The caps were stamped with Scott Andrae's registration number, 9625, as well as the Navajo Mine point number. All of the points in areas 4 & 5 that were not B.L.M. brass caps, were set. All of the "P" points in Acrement 3 were set. Missing points in on the external boundaries of areas 1, 2, & 3 were set. These points were set from the computed coordinates from the previous year's survey. The same theodolite was used, and a leased Geodimeter distance meter was used.

Final mapping was done by Ron VanValkenberg at Navajo Mine, based upon draft maps and information produced by Scott Andrae at San Juan Mine.

Original lease - 24,210.96 acres

Beginning at the north 1/4 corner of Sec. 6, T.26 N.,
R.15 W., N.M.P.M., also called L 120;

thence, S.00°09'59"E., 5,278.72' to the south 1/4 corner of
said Sec. 6, also called L 122;

thence, S.00°04'50"E., 5,279.64' to the north 1/4 corner of
Sec. 18, T.26 N., R.15 W., N.M.P.M., also called L 124;

thence, S.00°05'09"E., 3,960.21' to the south 1/16 corner of
said Sec. 18 , also called L 126;

thence, S.89°58'43"W., 1,320.42' to the southwest 1/16
corner of said Sec. 18, also called L 128;

thence, S.00°03'58"E., 1,320.16' to the west 1/16 corner of
said Sec. 18 and Sec. 19, T.26 N., R.15 W., N.M.P.M., also
called L 130;

thence, S.89°57'56"W., 1,262.07' to the northwest corner of
said Sec. 19, also called L 132;

thence, S.00°00'05"W., 2,641.54' to the west 1/4 corner of
said Sec. 19.

thence, S.00°00'17"E., 1,319.29' to the south 1/16 corner of
said Sec. 19 and Sec. 24, T.26 N., R.16 W., N.M.P.M., also
called L 134;

thence, N.89°58'58"W., 2,639.17' to the south 1/16 of said
Sec. 24, also called L 136;

thence, S.00°00'27"W., 1,319.80' to the south 1/4 corner of
said Sec. 24, also called L 138;

thence, S.00°00'58"W., 1,319.99' to the north 1/16 corner of
Sec. 25, T.26N., R.16 W., also called L 140;

thence, S.89°59'24"E., 1,319.83' to the northeast 1/16
corner of said Sec. 25, also called L 142;

thence, S.00°00'42"W., 1,320.08' to the east 1/16 corner of
said Sec. 25, also called L 144;

thence, S.89°59'11"E., 1,319.92' to the east 1/4 corner of
said Sec. 25, also called L 146;

thence, S.00°00'34"W., 2,640.22' to the southeast corner of
said Sec. 25, also called L 148;

thence, S.00°00'19"W., 2,640.12' to the east 1/4 corner of
Sec. 36, T.26 N., R.16 W., N.M.P.M.;

thence, S.00°00'51"W., 2,639.98' to the southeast corner of said Sec. 36, also called L 150;

thence, S.00°00'32"W., 2,639.91' to the east 1/4 corner of Sec. 1, T.25 N., R.16 W., N.M.P.M., also called L 152;

thence, N.89°59'44"W., 2,641.26' to the center 1/4 corner of said Sec. 1;

thence, N.89°59'46"W., 1,320.83' to the west 1/16 corner of said Sec. 1, also called L 154;

thence, S.00°03'15"W., 2,640.03' to the west 1/16 corner of said Sec. 1 and Sec. 12, T.25 N., R.16 W., N.M.P.M., also called L 156;

thence, S.00°00'23"W., 1,320.07' to the northwest 1/16 corner of said Sec. 12, also called L 158;

thence, S.89°59'33"E., 1,321.34' to the north 1/16 corner of said Sec. 12, also called L 160;

thence, S.00°00'13"W., 1,320.10' to the center 1/4 corner of said Sec. 12, also called L 162;

thence, S.89°59'28"E., 1,321.31' to the east 1/16 corner of said Sec. 12, also called L 164;

thence, S.00°00'34"W., 2,640.08' to the east 1/16 corner of said Sec. 12 and Sec. 13, T.25 N., R.16 W., N.M.P.M., also called L 166;

thence, S.00°00'18"W., 2,639.48' to the east 1/16 corner of said Sec. 13;

thence, S.00°00'17"W., 2,640.47' to the east 1/16 corner of said Sec. 13 and Sec. 24, T.25 N., R.16 W., N.M.P.M., also called L 168;

thence, S.00°04'07"W., 2,640.06' to the east 1/16 corner of said Sec. 24, also called L 170;

thence, N.89°59'22"W., 1,317.75' to the center 1/4 corner of said Sec. 24;

thence, N.89°59'23"W., 2,641.86' to the west 1/4 corner of said Sec. 24, also called L 175;

thence, N.89°59'26"W., 5,278.24' to the east 1/4 corner of Sec. 22, T.25 N., R.16 W., N.M.P.M., also called L 173;

thence, N.89°57'56"W., 5,277.06' to the west 1/4 corner of

said Sec. 22, also called L 171;

thence, N.00°00'36"E., 2,640.24' to the northwest corner of said Sec. 22, also called L 169;

thence, N.89°57'54"W., 2,642.16' to the south 1/4 corner of Sec. 16, T.25 N., R.16 W., N.M.P.M., also called L 167;

thence, N.00°00'11"E., 5,280.46' to the north 1/4 corner of said Sec. 16, also called L 165;

thence, N.00°00'23"W., 2,640.35' to the center 1/4 corner of Sec. 9, T.25 N., R.16 W., N.M.P.M., also called L 163;

thence, S.89°58'06"E., 1,321.92' to the east 1/16 corner of said Sec. 9, also called L 161;

thence, N.00°00'11"E., 2,640.01' to the east 1/16 corner of said Sec. 9 and Sec. 4, T.25 N., R.16 W., N.M.P.M., also called L 159;

thence, S.89°58'19"E., 1,322.35' to the southeast corner of said Sec. 4, also called L 157;

thence, N.00°02'43"W., 2,640.16' to the east 1/4 corner of said Sec. 4, also called L 155;

thence, S.89°58'41"E., 2,638.23' to the center 1/4 corner of Sec. 3, T.25 N., R.16 W., N.M.P.M., also called L 153;

thence, N.00°00'17"E., 1,321.24' to the north 1/16 corner of said Sec. 3, also called L 151;

thence, S.89°59'15"E., 1,319.38' to the east 1/16 corner of said Sec. 3, also called L 149;

thence, N.00°01'30"E., 1,320.69' to the east 1/16 corner of said Sec. 3 and Sec. 34, T.26 N., R.16 W., N.M.P.M., also called L 147;

thence, S.89°57'49"E., 1,319.85' to the southeast corner of said Sec. 34, also called L 145;

thence, N.00°00'18"E., 1,320.12' to the east 1/16 corner of said Sec. 34 and Sec. 35, T.26 N., R.16 W., N.M.P.M., also called L 143;

thence, S.89°58'36"E., 2,640.87' to the south 1/16 corner of said Sec. 35;

thence, S.89°57'37"E., 1,320.49' to the southeast 1/16 corner of said Sec. 35, also called L 141;

thence, N.00°00'36"W., 1,320.44' to the east 1/16 corner of said Sec. 35;

thence, N.00°03'01"E., 2,637.76' to the east 1/16 corner of said Sec. 35 and Sec. 26, T.26 N., R.16 W., N.M.P.M., also called L 139;

thence, N.00°00'45"E., 2,640.03' to the east 1/16 corner of said Sec. 26;

thence, N.00°00'45"E., 2,640.38' to the east 1/16 corner of said Sec. 26 and Sec. 23, T.26 N., R.16 W., N.M.P.M., also called L 137;

thence, N.00°00'37"E., 2,640.70' to the east 1/16 corner of said Sec. 23;

thence, N.00°00'35"E., 2,638.71' to the east 1/16 corner of said Sec. 23 and Sec. 14, T.26 N., R.16 W., N.M.P.M., also called L 135;

thence, N.00°01'06"W., 2,640.27' to the east 1/16 corner of said Sec. 14;

thence, N.00°03'44"W., 2,641.77' to the east 1/16 corner of said Sec. 14 and Sec. 11, T.26 N., R.16 W., N.M.P.M., also called L 133;

thence, N.00°01'36"E., 2,640.80' to the east 1/16 corner of said Sec. 11, also called L 131;

thence, N.89°59'22"W., 1,320.77' to the center 1/4 corner of said Sec. 11, also called L 129;

thence, N.00°02'11"E., 2,637.12' to the south 1/4 corner of Sec. 2, T.26 N., R.16 W., N.M.P.M., also called L 127;

thence, N.00°02'47"W., 1,320.54' to the south 1/16 corner of said Sec. 2, also called L 125;

thence, S.89°59'54"W., 1,320.76' to the southwest 1/16 corner of said Sec. 2, also called L 123;

thence, N.00°02'16"W., 1,320.16' to the west 1/16 corner of said Sec. 2;

thence, N.00°02'16"W., 2,638.82' to the west 1/16 corner of said Sec. 2 and the unsurveyed section and township to the north, also called L 121;

thence, N.89°58'49"W., 1,320.05' to the northwest corner of said Sec. 2, also called L 119;

thence, N.89°58'47"W., 2,640.17' to the north 1/4 corner of Sec. 3, T.26 N., R.16 W., N.M.P.M.;

thence, N.89°58'13"W., 1,320.33' to a monument marked L 117;

thence, N.00°11'15"W., 5,303.28', entering unsurveyed lands, to a monument marked L 115;

thence, N.89°59'25"E., 1,319.92' to a monument marked L 113;

thence, N.00°00'29"W., 5,280.00' to a point called L 111;

thence, N.00°00'32"E., 5,281.59' to a monument marked L 109;

thence, S.89°56'49"E., 1,319.23' to a monument marked L 107;

thence, N.00°11'49"E., 2,642.32' to a monument marked C 77;

thence, N.00°05'44"W., 2,637.69' to a point called L 105;

thence, west, 1,320.00' to a point called L 103;

thence, N.00°00'20"E., 3,960.37' to a monument marked L 101;

thence, N.89°58'39"E., 1,319.38' to a monument marked L 99;

thence, N.00°00'25"E., 1,319.64' to a monument marked L 97;

thence, N.00°00'28"E., 5,282.09' to a monument marked L 95;

thence, N.89°55'24"E., 1,320.19' to a monument marked L 93;

thence, S.89°59'16"E., 2,640.92' to a monument marked L 91;

thence, N.00°01'56"W., 1,320.39' to a monument marked L 89;

thence, S.89°59'10"E., 1,319.10' to a monument marked L 87;

thence, N.00°18'40"E., 1,842.34' to a monument marked E 12B;

thence, N.00°42'39"W., 797.35' to a monument marked L 85;

thence, N.89°47'32"E., 637.50' to a point called E 11A;

thence, S.89°47'26"E., 682.79' to a monument marked L 83;

thence, N.00°10'46"W., 1,322.25' to a monument marked L 81;

thence, S.89°51'21"E., 1,044.90' to a monument marked E 10A;

thence, S.89°48'34"E., 1,573.53' to a monument marked L 79;

thence, N.00°34'44"E., 2,645.47' to a monument marked L 77;
thence, S.89°57'54"E., 2,640.49' to a monument marked L 75;
thence, N.89°52'07"E., 2497.27' to a monument marked L 73;
thence, north, 1,320.42', to a point called L 71;
thence, east, 1320.23' to a monument marked L 69;
thence, north, 1320' to a point called L 67;
thence, N.89°59'14"E., 1,321.07' to a point called L 65;
thence, north, 1,320.00' to a monument marked L 63;
thence, east, 1,320.00' to a point called L 61;
thence, north, 1,718.00' to a point called P 13A;
thence, north, 2242.00' to a point called L 59;
thence, N.01 00'00"E., 1,320.00' to a point called L 57;
thence, N.89°54'16"W., 747.64' to a monument marked E 8D;
thence, S.89°52'31"W., 572.37' to a monument marked L 55;
thence, N.01°08'43"W., 1,131.78' to a monument marked E 7A;
thence, N.00°07'14"W., 190.04' to a point called L 53;
thence, N.89°59'36"W., 324.62' to a monument marked E 7B;
thence, N.89°59'36"W., 995.38' to a monument marked L 51;
thence, N.02°08'00"E., 625.30' to a monument marked E 6A;
thence, N.00°39'17"W., 2,065.86' to a monument marked L 49;
thence, N.00°01'22"E., 1,269.71' to a monument marked L 47;
thence, S.89°09'34"E., 600.27' to a monument marked P 11A;
thence, N.89°14'10"E., 1,550.56' to a monument marked P 11E;
thence, S.89°27'51"E., 1,466.73' to a monument marked P 10A;
thence, N.89°41'24"E., 342.71' to a point called L 43;
thence, N.00°05'34"E., 1,086.62' to a monument marked L 41;

thence, N.89°46'34"E., 1,790.96' to a point called L 39;
thence, N.00°35'05"W., 1,925.31' to a monument marked P 9B;
thence, N.00°33'12"E., 2,034.89' to a point called L 37;
thence, east, 1,320.00' to a point called L 35;
thence, north 1,320.00' to a point called L 33;
thence, north, 1,320.00' to a monument marked L 31;
thence, N.89°56'42"E., 1,313.43' to a monument marked L 29;
thence, N.00°47'06"W., 800.82' to a monument marked P 7B;
thence, N.01°12'38"E., 519.37' to a monument marked L 27;
thence, S.89°24'51"E., 481.78' to a monument marked P 6A;
thence, N.89°39'48"E., 838.26' to a monument marked L 25;
thence, N.01°02'57"W., 1,324.37' to a monument marked P 6B;
thence, N.00°46'55"E., 1,316.79' to a monument marked L 23;
thence, S.89°49'58"E., 813.13' to a monument marked P 5A;
thence, S.89°49'57"E., 481.58' to a point called L 21;
thence, N.00°46'38"E., 667.15' to a monument marked P 5B;
thence, N.00°46'38"E., 657.97' to a monument marked L 19;
thence, S.89°40'24"E., 661.05' to a monument marked P 4A;
thence, S.89°40'24"E., 643.42' to a point called L 17;
thence, N.00°22'16"E., 672.54' to a monument marked P 4B;
thence, N.00°22'16"E., 655.99' to a monument marked L 15;
thence, S.89°13'10"E., 401.13' to a monument marked P 3A;
thence, S.89°13'10"E., 918.86' to a point called L 13;
thence, N.00°06'01"E., 1,325.35' to a point called L 11;
thence, N.89°26'57"W., 459.17' to a monument marked P 3B;
thence, N.89°26'57"W., 860.83' to a monument marked L 9;

thence, N.00°22'24"W., 887.75' to a monument marked E 2C;
thence, N.00°25'02"W., 387.25' to a point called L 7;
thence, N.01°33'09"E., 1,354.05' to a point called L 5;
thence, N.89°13'11"W., 480.68' to a monument marked P 2D;
thence, N.89°40'37"W., 860.42' to a monument marked L 3;
thence, north, 1,139.05 to a point on the south right of way boundary of Highway N-36;
thence, N.48°36'28"E., 13.10' along said right of way;
thence, S.41°23'20"E., 100.00' along said right of way;
thence, N.48°36'28"E., 300.00' along said right of way;
thence, N.41°23'20"W., 100.00' along said right of way;
thence, N.48°36'28"E., 94.85' along said right of way to the beginning of a curve to the right;
thence, 505.08' along said right of way and curve to the end of the curve, said curve having a radius of 2,764.79', a chord length of 504.38', and a chord bearing of N.53°50'28"E;
thence, N.59°04'28"E., 1811.56' along said right of way;
thence, east, 2,977.32' to a point called L 4;
thence, south, 1,320.00' to a point called L 6;
thence, N.89°37'54"E., 449.44' to a monument marked E 24B;
thence, S.89°48'29"E., 862.57' to point called L 8;
thence, S.00°22'29"W., 1,762.38' to a monument marked P 14H;
thence, S.00°44'00"E., 2,776.50' to a monument marked P 14A;
thence, S.00°40'03"W., 2,061.52' to a monument marked L 12;
thence, S.89°59'40"W., 1,313.23' to a monument marked L 14;
thence, S.00°01'53"W., 1,321.35' to a monument marked L 16;
thence, N.89°59'55"W., 1,311.28' to a monument marked L 18;
thence, S.00°01'24"W., 2,641.05' to a monument marked L 20;

thence, S.89°57'49"W., 2,350.11' to a monument marked E 22A;
thence, S.89°57'45"W., 275.03' to a point called L 22;
thence, S.00°01'09"W., 300.00' to a monument marked E 22B;
thence, S.00°00'57"W., 2,341.03' to a monument marked L 24;
thence, S.89°58'39"W., 2,449.73' to a monument marked E 21A;
thence, N.89°40'43"W., 171.83' to a point called L 26;
thence, S.00°52'03"W., 201.23' to a monument marked E 21B;
thence, S.00°02'04"E., 5,081.67' to a monument marked L 28;
thence, S.89°58'31"W., 451.26' to a monument marked L 30;
thence, S.00°05'14"E., 1,084.45' to a monument marked L 32;
thence, west, 1,318.45' to a point called L 34;
thence, south, 1,321.14' to a monument called L 36;
thence, S.89°58'58"W., 1,320.68' to a monument marked L 38;
thence, S.00°04'05"E., 5,281.65' to a monument marked L 40;
thence, N.89°58'29"E., 2,640.51' to a monument marked L 42;
thence, S.00°04'10"E., 5,281.83' to a monument marked L 44;
thence, S.00°04'17"E., 1,320.46' to a monument marked L 46;
thence, S.89°58'51"W., 1,320.50' to a monument marked L 48;
thence, S.00°04'20"E., 1,320.41' to a monument marked L 50;
thence, S.89°58'34"W., 1,050.50' to a monument marked E 18A;
thence, S.89°59'34"W., 270.01' to a point called L 52;
thence, S.00°01'36"E., 319.98' to a monument marked E 18B;
thence, S.00°04'58"E., 1,000.36' to a monument marked L 54;
thence, S.89°59'24"W., 1,723.63' to a point called B1;
thence, S.89°59'24"W., 6,188.85' to a monument marked L 58;
thence, S.00°27'53"W., 1,320.88' to a monument marked L 60;

thence, S.00°02'59"E., 5,282.67' to a monument marked L 62;
thence, S.89°58'10"W., 2,526.47' to a monument marked L 64;
thence, S.00°00'14"W., 1,320.00' to a monument marked L 66;
thence, N.89°53'22"W., 1,320.47' to a monument marked L 68;
thence, S.00°00'14"W., 2,641.01' to a monument marked L 70;
thence, N.89°58'52"W., 2,640.87' to a monument marked L 72;
thence, S.00°00'45"W., 1,321.07' to a monument marked L 74;
thence, N.89°58'34"W., 2,639.88' to a monument marked L 78;
thence, S.00°00'26"W., 3,961.79' to a monument marked L 80;
thence, N.89°59'05"W., 1,320.44' to a monument marked L 82;
thence, S.00°00'39"W., 1,320.82' to a monument marked L 84;
thence, N.89°59'49"W., 2,640.89' to a monument marked L 86;
thence, S.00°00'47"W., 5,282.49' to a monument marked L 88;
thence, N.89°56'06"E., 1,320.39' to a monument marked L 90;
thence, S.00°00'33"E., 1,320.22' to a monument marked L 92;
thence, S.89°59'33"E., 1,319.98' to a monument marked L 94;
thence, S.00°00'42"W., 1,320.39' to a monument marked L 96;
thence, S.89°58'36"E., 1,320.86' to a monument marked L 98;
thence, S.00°00'17"E., 1,320.27' to a monument marked L 100;
thence, N.89°59'18"E., 1,320.33' to a monument marked L 102;
thence, S.00°00'37"E., 1,320.21' to a monument marked L 104;
thence, N.89°59'23"E., 1,320.76' to a monument marked L 106;
thence, S.00°02'02"E., 5,282.58' to a monument marked L 108;
thence, S.00°02'01"E., 1,320.13' to a monument marked L 110;
thence, N.89°57'58"E., 1,320.42' to a monument marked L 112;
thence, S.00°01'36"E., 1,320.26' to a monument marked L 114;

thence, N.89°59'42"E., 2,641.16' to a monument marked L 116;

thence, N.89°59'59"E., 2,563.08' to a monument marked L 118;

thence, S.00°03'06"E., 2662.97' to the point of beginning
and containing 24,210.96 acres, more or less.

Basis of bearing is the north line of the northwest 1/4 of
Sec. 6, T.26 N., R.15 W., N.M.P.M. .

Monuments are 4" steel orange steel posts 4' high, with the exception of L 118
and L 116 which are B.I.A./ Utah Construction brass caps.

Amendment 2 - 512.20 acres

Parcel 1

Beginning at a point on the south right of way boundary of highway N-36 from which the north 1/4 corner of Sec. 6, T.26 N., R.15 W., N.M.P.M. bears S.10°57'30"W., 76,445.73';

thence, N.59°04'28"E., 1,465.37' along said right of way to a B.I.A. monument marked 904+95.21 which is the beginning of a curve to the right;

thence, along said curve and right of way 748.67' to the end of the curve and a B.I.A. monument marked 913+00, said curve having a radius of 1,334.91', a chord length of 738.90', and a chord bearing of N.75°08'25"E.;

thence, S.01°09'30"W., 70.18' along said right of way to a B.I.A. monument marked 913+00 which is the beginning of a curve concave to the south;

thence, 281.80' along said curve and right of way to the end of the curve and a B.I.A. monument marked 916+20.07, said curve having a radius of 1,259.44', a chord length of 281.21', and a chord bearing of S.82°19'50"E.;

thence, S.75°55'14"E., 480.14' along said right of way to a B.I.A. monument marked 921+00;

thence, N.14°03'26"E., 69.90' along said right of way of a to a B.I.A. monument marked 921+00;

thence, S.73°45'28"E., 900.00' along said right of way;

thence, S.16°14'32"W., 100.00' along said right of way;

thence, S.73°45'28"E., 380.00' along said right of way;

thence, N.16°14'32"E., 100.00' along said right of way;

thence, S.73°45'16"E., 34.35' along said right of way to a B.I.A. monument marked 934+13.55;

thence, S.75°53'10"E., 299.60' along said right of way;

thence, S.00°36'11"W., 340.77' to a monument marked E 1, also called P 1H;

thence, S.44°38'12"W., 1,466.55' to a monument marked E 24A;

thence, S.44°06'54"W., 391.23' to a point called L 6;

thence, north, 1,320.00' to a point called L 4;
thence, west, 2,977.32' to the point of beginning, and
containing 78.13 acres, more or less.

Basis of bearing is the north line of the northwest 1/4 of
Sec. 6, T.26 N., R.15 W., N.M.P.M. .

Parcel 2

Beginning at a monument marked P 2D from which the north 1/4 corner of Sec. 6, T.26 N., R.15 W., N.M.P.M. bears S.10°16'26"W., 73,589.48';

thence, S.89°13'11"E., 480.68' to a point called L 5;

thence, S.01°33'09"W., 1,354.05' to a point called L 7;

thence, S.00°25'02"E., 387.25' to a monument marked E 2C;

thence, S.89°35'14"W., 1,849.47' to a monument marked P 2B;

thence, N.28°15'46"E., 434.69' to a monument marked P 2C;

thence, N.40°58'45"E., 1,825.12' to the point of beginning and containing 48.57 acres, more or less.

Basis of bearing is the north line of the northwest 1/4 of Sec. 6, T.26 N., R.15 W., N.M.P.M. .

Monuments are 4" orange steel posts, 4' high.

Parcel 3

Beginning at a monument marked P 3B from which the north 1/4 corner of Sec. 6, T.26 N., R.15 W., N.M.P.M. bears S.11°41'33"W., 71,244.59';

thence, S.89°26'57"E., 459.17' to a point called L 11;

thence, S.00°06'01"W., 1,325.35' to a point called L 13;

thence, N.89°13'09"W., 918.86' to a monument marked P 3A;

thence, N.19°19'31"E., 1,395.90' to the point of beginning and containing 20.94 acres, more or less.

Basis of bearing is the north line of the northwest 1/4 of Sec. 6, T.26 N., R.15 W., N.M.P.M. .

Monuments are 4" orange steel posts, 4' high.

Parcel 4

Beginning at a monument marked P 4B from which the north 1/4 corner of Sec. 6, T.26 N., R.15 W., N.M.P.M. bears S.11°19'09"W., 69,143.37';

thence, S.00°22'16"W., 672.54' to a point called L 17;

thence, N.89°40'24"W., 643.42' to a monument marked P 4A;

thence, N.44°04'55"E., 931.11' to the point of beginning and containing 4.97 acres, more or less.

Basis of bearing is the north line of the northwest 1/4 of Sec. 6, T.26 N., R.15 W., N.M.P.M. .

Monuments are 4" orange steel posts, 4' high.

Parcel 5

Beginning at a monument marked P 5A from which the north 1/4 corner of Sec. 6, T.26 N., R.15 W., N.M.P.M. bears S.10°08'02"W., 66,852.74';

thence, N.36°23'28"E., 826.96' to a monument marked P 5B;

thence, S.00°46'38"W., 667.15' to a point called L 21;

thence, N.89°49'58"W., 481.58' to the point of beginning and containing 3.69 acres, more or less.

Basis of bearing is the north line of the northwest 1/4 of Sec. 6, T.26 N., R.15 W., N.M.P.M. .

Monuments are 4" orange steel posts, 4' high.

Parcel 6

Beginning at a monument marked P 6A from which the north 1/4 corner of Sec. 6, T.26 N., R.15 W., N.M.P.M. bears S.09°06'00"W., 63,971.56';

thence, N.31°29'07"E., 1,558.53' to a monument marked P 6B;

thence, S.01°02'57"E., 1,324.37' to a monument marked L 25;

thence, S.89°39'48"W., 838.26' to the point of beginning and containing 12.74 acres, more or less.

Basis of bearing is the north line of the northwest 1/4 of Sec. 6, T.26 N., R.15 W., N.M.P.M. .

Monuments are 4" orange steel posts, 4' high.

Parcel 7

Beginning at a monument marked P 7A from which the north 1/4 corner of Sec. 6, T.26 N., R.15 W., N.M.P.M. bears S.08°24'08"W., 62,515.12';

thence, N.31°14'39"E., 945.00' to a monument marked P 7B;

thence, S.00°47'06"E., 800.82' to a monument marked L 29;

thence, S.89°10'37"W., 501.18' to the point of beginning and containing 4.61 acres, more or less.

Basis of bearing is the north line of the northwest 1/4 of Sec. 6, T.26 N., R.15 W., N.M.P.M. .

Monuments are 4" orange steel posts, 4' high.

Parcel 8

Beginning at a point called L 37 from which the north 1/4 corner of Sec. 6, T.26 N., R.15 W., N.M.P.M. bears S.06°44'41"W., 59,622.70';

thence, N.26°33'54"E., 2,951.61' to a monument marked L 31;

thence, south, 1,320.00' to a point called L 33;

thence, south. 1,320.00' to a point called L 35;

thence, west, 1,320.00' to the point of beginning and containing 40.00 acres, more or less.

Basis of bearing is the north line of the northwest 1/4 of Sec. 6, T.26 N., R.15 W., N.M.P.M. .

Monuments are 4" orange steel posts, 4' high.

Parcel 9

Beginning at a monument marked L 41 from which the north 1/4 corner of Sec. 6, T.26 N., R.15 W., N.M.P.M. bears S.05°23'21"W., 55,488.34';

thence, N.64°14'03"E., 703.12' to monument marked P 9A;

thence, N.34°58'47"E., 1,985.18' to monument marked P 9B;

thence, S.00°35'05"E., 1,925.31' to a point called L 39;

thence, S.89°46'33"W., 1,790.96' to the point of beginning and containing 31.75 acres, more or less.

Basis of bearing is the north line of the northwest 1/4 of Sec. 6, T.26 N., R.15 W., N.M.P.M. .

Monuments are 4" orange steel posts, 4' high.

Parcel 10

Beginning at a monument marked P 10A from which the north 1/4 corner of Sec. 6, T.26 N., R.15 W., N.M.P.M. bears S.05°08'08"W., 54,372.86';

thence, N.17°33'38"E., 1,141.68' to a monument marked L 41;

thence, S.00°05'34"W., 1,086.62' to a point called L 43;

thence, S.89°41'24"W., 342.71' to the point of beginning and containing 4.27 acres, more or less.

Basis of bearing is the north line of the northwest 1/4 of Sec. 6, T.26 N., R.15 W., N.M.P.M. .

Monuments are 4" orange steel posts, 4' high.

Parcel 11

Beginning at a monument marked P 11A from which the north 1/4 corner of Sec. 6, T.26 N., R.15 W., N.M.P.M. bears S.01°57'25"W., 54,779.22';

thence, N.00°48'54"W., 530.15' to a monument marked E 5B;

thence, N.00°49'19"W., 420.20' to a monument marked P 11B;

thence, N.89°14'41"E., 350.09' to a monument marked P 11C;

thence, S.62°19'52"E., 1,365.81' to a monument marked P 11D;

thence, S.00°49'18"E., 300.00' to a monument marked P 11E;

thence, S.89°14'10"W., 1,550.56' to the point of beginning and containing 24.86 acres, more or less.

Basis of bearing is the north line of the northwest 1/4 of Sec. 6, T.26 N., R.15 W., N.M.P.M.

Monuments are 4" orange steel posts, 4' high.

Parcel 12

Beginning at a point called P 12A from which the north 1/4 corner of Sec. 6, T.26 N., R.15 W., N.M.P.M. bears S.01°24'20"W., 50,942.09';

thence, N.60°10'07"W., 703.21' to a monument marked P 12B;

thence, N.17°23'09"E., 500.00' to a point called P 11C;

thence, N.21°09'40"E., 1,214.00' to a monument marked L 49;

thence, S.00°39'17"E., 1,959.23' to the point of beginning and containing 14.09 acres, more or less.

Basis of bearing is the north line of the northwest 1/4 of Sec. 6, T.26 N., R.15 W., N.M.P.M. .

Monuments are 4" orange steel posts, 4' high.

Parcel 13

Beginning at a monument marked P 13A from which the north 1/4 corner of Sec. 6, T.26 N., R.15 W., N.M.P.M. bears S.04°54'22"W., 45,479.23';

thence, N.75°12'49"W., 1,491.27' to a monument marked P 13B;

thence, N.26°13'52"E., 1,140.66' to a monument marked E 8A;

thence, N.29°02'26"E., 1,963.34' to a point called P 13C;

thence, S.01°00'00"W., 878.42' to a point called L 59;

thence, south, 2,242.00' to the point of beginning and containing 52.57 acres, more or less.

Basis of bearing is the north line of the northwest 1/4 of Sec. 6, T.26 N., R.15 W., N.M.P.M. .

Monuments are 4" orange steel posts, 4' high.

Parcel 14

Beginning at a monument marked P 14A from which the north 1/4 corner of Sec. 6, T.26 N., R.15 W., N.M.P.M. bears S.15°14'08"W., 71,713.60';

thence, N.89°12'47"E., 2,151.02' to a monument marked P 14B;

thence, N.00°42'44"W., 2,225.04' to a monument marked E 23D;

thence, N.00°46'45"W., 975.96' to a monument marked P 14C;

thence, N.14°25'33"E., 650.24' to a monument marked E 23A;

thence, N.14°28'00"E., 340.02' to a monument marked P 14D;

thence, S.89°13'16"W., 810.09' to a monument marked P 14E;

thence, S.00°43'29"E., 980.22' to a monument marked P 14F;

thence, N.89°32'37"W., 1,250.00' to a monument marked P 14G;

thence, S.38°36'26"W., 552.56' to a monument marked P 14H;

thence, S.00°44'00"E., 2,776.50' to the point of beginning and containing 171.01 acres, more or less.

Basis of bearing is the north line of the northwest 1/4 of Sec. 6, T.26 N., R.15 W., N.M.P.M. .

Monuments are 4" orange steel posts, 4' high.



Amendment 3 - 6,554.05 acres



Beginning at a monument marked L 121;

thence, S.31°07'05"W., 1,941.24' to a monument marked P1;

thence, S.00°28'49"W., 1,278.75' to a monument marked P2;

thence, S.66°08'08"W., 7,601.98' to a monument marked P3;

thence, S.00°06'09"W., 944.52' to a monument marked P4;

thence, S.60°47'01"W., 1,875.16' to a point called P5;

thence, S.38°00'00"E., 5,000.00' to a point called P6;

thence, S.67°30'00"E., 5,000.00' to a point called P7;

thence, south, 5,200.00' to a point called P8;

thence, S.56°30'00"W., 2,200.00' to a point called P9;

thence, S.38°00'00"W., 1,850.00' to a point called P10;

thence, S.14°30'00"W., 2,220.00' to a point called P11;

thence, S.21°00'00"E., 7,600.00' to a point called P12;

thence, west, 1,600.00' to a point called P13;

thence, N.48°00'00"W., 2,100.00' to a point called P14;

thence, S.89°00'00"W., 2,150.00' to a point called P15;

thence, S.22°00'00"W., 2,050.00' to a point called P16;

thence, S.09°00'00"E., 2,900.00' to a point called P17;

thence, S.81°00'00"W., 3,910.00' to a point called P18;

thence, S.18°00'00"W., 3,200.00' to a point called P19;

thence, N.82°00'00"E., 1,950.00' to a point called P20;

thence, S.21°00'00"E., 3,000.00' to a point called P21;

thence, S.56°00'00"W., 2,120.00' to a point called P22;

thence, S.40°00'00"E., 2,400.00' to a point called P23;

thence, S.71°00'00"W., 2,030.00' to a point called P24;

thence, south, 1,790.00' to a point called P25;

thence, east, 1,020.00' to a point called P26;
thence, S.18°00'00"E., 1,190.00' to a point called P27;
thence, west, 1,320.00' to a point called P28;
thence, south, 670.00' to a point called P29;
thence, S.66°00'00"E., 2,500.00' to a point called P30;
thence, N.45°00'00"E., 1,170.00' to a point called P31;
thence, S.29°00'00"E., 4,800.00' to a point called P32;
thence, east, 7,690.00' to a point called P33;
thence, N.45°00'00"E., 2,703.78' to a point called P34;
thence, N.89°59'26"W., 4,118.39' to the west 1/4 corner of
Sec.23, T.25 N., R.16 W., N.M.P.M., also called L 173;
thence, N.89°57'56"W., 5,277.06' to the west 1/4 corner of
said Sec. 22, also called L 171;
thence, N.00°00'36"E., 2,640.24' to the northwest corner of
said Sec. 22, also called L 169;
thence, N.89°57'54"W., 2,642.16' to the south 1/4 corner of
Sec. 16, T.25 N., R.16 W., N.M.P.M., also called L 167;
thence, N.00°00'11"E., 5,280.46' to the north 1/4 corner of
said Sec. 16, also called L 165;
thence, N.00°00'23"W., 2,640.35' to the center 1/4 corner of
Sec. 9, T.25 N., R.16 W., N.M.P.M., also called L 163;
thence, S.89°58'06"E., 1,321.92' to the east 1/16 corner of
said Sec. 9, also called L 161;
thence, N.00°00'11"E., 2,640.01' to the east 1/16 corner of
said Sec. 9 and Sec. 4, T.25 N., R.16 W., N.M.P.M., also
called L 159;
thence, S.89°58'19"E., 1,322.35' to the southeast corner of
said Sec. 4, also called L 157;
thence, N.00°02'43"W., 2,640.16' to the east 1/4 corner of
said Sec. 4, also called L 155;
thence, S.89°58'41"E., 2,638.23' to the center 1/4 corner of
Sec. 3, T.25 N., R.16 W., N.M.P.M., also called L 153;
thence, N.00°00'17"E., 1,321.24' to the north 1/16 corner of
said Sec. 3, also called L 151;

thence, S.89°59'15"E., 1,319.38' to the east 1/16 corner of said Sec. 3, also called L 149;

thence, N.00°01'30"E., 1,320.69' to the east 1/16 corner of said Sec. 3 and Sec. 34, T.26 N., R.16 W., N.M.P.M., also called L 147;

thence, S.89°57'49"E., 1,319.85' to the southeast corner of said Sec. 34, also called L 145;

thence, N.00°00'18"E., 1,320.12' to the east 1/16 corner of said Sec. 34 and Sec. 35, T.26 N., R.16 W., N.M.P.M., also called L 143;

thence, S.89°58'36"E., 2,640.87' to the south 1/16 corner of said Sec. 35;

thence, S.89°57'37"E., 1,320.49' to the southeast 1/16 corner of said Sec. 35, also called L 141;

thence, N.00°00'36"W., 1,320.44' to the east 1/16 corner of said Sec. 35;

thence, N.00°03'01"E., 2,637.76' to the east 1/16 corner of said Sec. 35 and Sec. 26, T.26 N., R.16 W., N.M.P.M., also called L 139;

thence, N.00°00'45"E., 2,640.03' to the east 1/16 corner of said Sec. 26;

thence, N.00°00'45"E., 2,640.38' to the east 1/16 corner of said Sec. 26 and Sec. 23, T.26 N., R.16 W., N.M.P.M., also called L 137;

thence, N.00°00'37"E., 2,640.70' to the east 1/16 corner of said Sec. 23;

thence, N.00°00'35"E., 2,638.71' to the east 1/16 corner of said Sec. 23 and Sec. 14, T.26 N., R.16 W., N.M.P.M., also called L 135;

thence, N.00°01'06"W., 2,640.27' to the east 1/16 corner of said Sec. 14;

thence, N.00°03'44"W., 2,641.77' to the east 1/16 corner of said Sec. 14 and Sec. 11, T.26 N., R.16 W., N.M.P.M., also called L 133;

thence, N.00°01'36"E., 2,640.80' to the east 1/16 corner of said Sec. 11, also called L 131;

thence, N.89°59'22"W., 1,320.77' to the center 1/4 corner of said Sec. 11, also called L 129;

thence, N.00°02'11"E., 2,637.12' to the south 1/4 corner of Sec. 2, T.26 N., R.16 W., N.M.P.M., also called L 127;

thence, N.00°02'47"W., 1,320.54' to the south 1/16 corner of said Sec. 2, also called L 125;

thence, S.89°59'54"W., 1,320.76' to the southwest 1/16 corner of said Sec. 2, also called L 123;

thence, N.00°02'16"W., 1,320.16' to the west 1/16 corner of said Sec. 2;

thence, N.00°02'16"W., 2,638.82' to the point of beginning and containing 6,554.05 acres, more or less;

Basis of bearing is the north line of the northwest 1/4 of Sec. 6, T.26 N., R.15 W., N.M.P.M. .

Monuments are 4" orange steel posts, 4' high.

Basis of bearing is the north line of the northwest 1/4 of Sec. 6, T.26 N., R.15 W., N.M.P.M. .

Area 3 addition- 3.11 acres

Beginning at a point called L 111 from which the north 1/4 corner of Sec. 6, T.26 N., R.15 W., N.M.P.M. bears S.56°08'10"E., 18,998.50';

thence, N.73°22'25"W., 224.08' to a monument marked L 111A;

thence, S.00°11'00"E., 645.72' to a monument marked L 111B;

thence, S.79°32'36"E., 216.32' to a monument marked L 111C;

thence, N.00°00'28"W., 620.86' to the point of beginning and containing 3.11 acres, more or less.

Basis of bearing is the north line of the northwest 1/4 of Sec. 6, T.26 N., R.15 W., N.M.P.M. .

Monuments are 4" orange steel posts, 4' high.

Amendment 4A Block A - 172.39 acres

Beginning at a point called A1 from which the north 1/4 corner of Sec. 6, T.26 N., R.15 W., N.M.P.M. bears S.07°57'29"E., 37,788.24;

thence, N.39°19'49"W., 2,187.80' to a point on a curve to the right, said point is on the eastern boundary of the Navajo Mine Railroad right of way, said point is also called A2;

thence, 1,863.11' along said curve and right of way to the end of the curve, said curve has a radius of 2,138.67', a chord length of 1804.75', and a chord bearing of N.53°16'36"E., said point also called A3;

thence, N.78°14'00"E., 4,244.21' along said right of way to a point called A4;

thence, S.68°34'18"E., 1,015.23' to a point called A5;

thence, south, 1,056.47', to a monument called L 73;

thence, S.89°57'14"W., 5,137.76' to a monument marked L 77;

thence, S.00°34'44"W., 2,205.55' to the point of beginning and containing 172.39 acres, more or less.

Basis of bearing is the north line of the northwest corner of Sec.6, T.26 N., R.15 W., N.M.P.M. .

Monuments are 4" orange steel posts, 4' high.

Amendment 4-A Block B - 831.58 acres

Beginning at a monument marked L 70 from which the north 1/4 corner of Sec. 6, T.26 N., R.15 W., N.M.P.M. bears S.07°58'48"E., 28,019.75';

thence, N.00°00'14"E., 2,641.01' to a monument marked L 68;

thence, S.89°53'22"E., 1,320.47' to a monument marked L 66;

thence, N.00°00'14"E., 1,320.00' to a point called L 64;

thence, N.89°58'10"E., 2,526.47' to a monument marked L 62;

thence, N.00°02'59"W., 5,282.67' to a monument marked L 60;

thence, N.00°27'53"E., 1,320.88' to a monument marked L 58;

thence, N.89°59'25"E., 6,188.85' to a point called B1;

thence, S.00°35'34"E., 1,510.96' to a monument marked B2;

thence, S.57°21'57"W., 4,828.81' to a monument marked B3;

thence, S.00°21'50"E., 1,074.60' to a monument marked B4;

thence, S.48°08'13"W., 8,053.99' to the point of beginning;

thence, S.59°30'44"W., 6,130.16' to a point called B5;

thence, N.00°02'58"E., 1,1791.07' to a monument marked L 78;

thence, S.89°57'53"E., 1,319.47' to a monument marked L 76;

thence, S.89°59'15"E., 1,320.41' to a monument marked L 74;

thence, N.00°00'45"E., 1,321.07' to a monument marked L 71;

thence, S.89°58'52"E., 2,640.87' to the point of beginning and containing 831.58 acres, more or less.

Basis of bearing is the north line of the northwest 1/4 of Sec. 6, T.26 N., R.15 W., N.M.P.M.

Monuments are 4" orange steel posts, 4' high.



Arendrent 4-A Block C - 124.22 acres



Beginning at a monument marked L 95 from which the north 1/4 corner of Sec. 6, T.26 N., R.15 W., N.M.P.M. bears S.24°29'57"E., 34,846.73';

thence, north, 104.62' to the eastern right of way boundary of the Navajo Mine Railroad to a point called C1;

thence, N.42°14'15"E., 720.09' along said right of way to the beginning of a curve to the right, also called C2;

thence, 1,526.63' along said curve and right of way to the end of the curve, also called C3; said curve having a radius of 2,715.03', a chord length of 1,506.59', and a chord bearing of N.58°20'45"E.;

thence, N.74°26'24"E., 2,277.88' along said right of way to a point called C4;

thence, S.00°02'33"W., 717.86' to a monument marked L 89;

thence, S.00°01'56"E., 1,320.38' to a monument marked L 91;

thence, N.89°59'15"W., 2,640.92' to a monument marked L 93;

thence, S.89°55'23"W., 1,320.19' to the point of beginning and containing 124.22 acres, more or less.

Basis of bearing is the north line of the northwest 1/4 of Sec. 6, T.26 N., R.15 W., N.M.P.M. .

Monuments are 4" orange steel posts, 4' high.



Arendrent 4-A Block D - 211.88 acres

Beginning at a monument marked L 121;

thence, N.89°58'49"W., 1,320.05' to the northeast corner of Sec. 3, T.26 N., R.16 W., N.M.P.M., also called L 119;

thence, N.89°58'47"W., 2,640.17' to the north 1/4 of said Sec. 3;

thence, N.89°58'13"W., 1,320.33' to a monument called L 117;

thence, S.00°11'59"E., 1,855.62' to a monument marked E 15A;

thence, N.87°50'18"E., 2,290.00' to a point called D3;

thence, S.00°53'55"W., 410.01' to a point called D2;

thence, N.87°50'18"E., 1986.63' to a point called D1;

thence, N.00°28'50'E., 440.30' to a monument marked P1;

thence, N.31°07'05"E., 1,941.23' to the point of beginning and containing 211.88 acres, more or less.

Basis of bearing is the north line of the northwest 1/4 of Sec. 6, T.26 N., R.15 W., N.M.P.M.

Monuments are 4" orange steel posts, 4' high.

LEGAL DESCRIPTIONS FOR NAVAJO MINE EQ PARCELS:

EQ-1

Beginning at a point called E1-A, from which the north 1/4 of Sec. 6, T.26 N., R.15 W., N.M.P.M., bears S.13°07'39"W., 77,905.33';

thence, N.18°19'57"E., 317.42', to E1-B;
thence, N.80°59'02"W., 177.82' to E1-C;
thence, S.22°40'22"W., 319.73' to E1-D;
thence, S.80°15'43"E., 201.94' to the point of beginning, containing 1.36 acres, more or less.

Basis of bearing is the north line of the northwest 1/4 of Sec. 6, T.26 N., R.15 W., N.M.P.M.

Parcel is monumented by "in-line" offsets.

EQ-2

Beginning at a point called P3-B from which the north 1/4 of Sec. 6, T.26 N., R.15 W., N.M.P.M., bears S.11°41'33"W., 71,244.59';

thence, S.17°50'36"W., 9.78' to a monument marked E2-A;
thence, N.89°28'32"W., 869.11' to a monument marked E2-B;
thence, N.00°21'38"E., 897.64' to a monument marked E2-C;
thence, S.89°15'33"W., 1,274.82' to a monument marked E2-D;
thence, S.73°18'42"W., 293.26' to a monument marked E2-E;
thence, N.84°56'25"W., 398.51' to a monument marked E2-F;
thence, N.57°14'19"W., 61.33' to a monument marked E2-G;
thence, N.30°48'19"E., 596.96' to a monument E2-H;
thence, N.22°02'33"E., 101.68' to a monument marked E2-I;
thence, N.16°01'08"E., 1,278.98' to a monument marked E2-J;
thence, S.00°01'01"E., 52.01' to a monument marked L-3;
thence, S.89°40'37"E., 860.42' to a monument marked P2-D;
thence, S.40°58'45"W., 1,825.02' to a monument marked P2-C;
thence, S.28°15'46"W., 434.69' to a monument marked P2-B;
thence, N.89°35'14"E., 1,849.47' to a monument marked E2-C;
thence, S.00°22'24"E., 887.74' to a monument marked L-9;
thence, S.89°26'57"E., 860.83' to the point of beginning,
containing 17.75 acres, more or less.

Basis of bearing is the north line of the northwest 1/4 of Sec. 6, T.26 N., R.15 W., N.M.P.M.

Monuments are 4" orange steel posts, 4' high.

EQ 3

Beginning at a monument marked P 7A from which the north 1/4 corner of Sec. 6, T.26 N., R.15 W., N.M.P.M. bears N.08°24'08"E., 62,515.12';

thence, N.89°35'05"W., 567.25' to a monument marked E 3A;
thence, N.49°32'26"E., 1,392.62' to a monument marked E 3B;
thence, S.01°15'48"W., 99.88' to a monument marked P 7B;
thence, S.31°14'39"W., 945.00' to the point of beginning, containing 6.46 acres, more or less.

Basis of bearing is the north line of the northwest 1/4 of Sec. 6, T.26 N., R.15 W., N.M.P.M.

Monuments are 4" orange steel posts, 4' high.

EQ 4

Beginning at a point called U11 7 from which the north 1/4 corner of Sec. 6, T.26 N., R.15 W., N.M.P.M. bears S.01°41'52"W., 60,325.54';

thence, N.00°21'58"W, 257.72' to a point called an APS corner;
thence; N.23°23'32"E, 10.10' to a point called an APS corner;
thence, N.70°46'38"E, 1,123.25' to a monument marked APS corner;
thence, N.89°37'19"E, 932.51' to a monument marked E 4A;
thence, S.00°21'13"E, 733.97' to a monument marked U11 4;
thence, S.88°18'16"W, 1000.44' to a point called U11 5;
thence, S.88°18'58"W, 1000.44' to a point called U11 6;
thence, north, 150.00' to the point of beginning, containing 30.28 acres, more or less.

Basis of bearing is the north line of the northwest 1/4 of Sec. 6, T.26 N., R.15 W., N.M.P.M.

Monuments are 4" orange steel posts, 4' high.

EQ 5

Beginning at a point called P 11A, from which the north 1/4 of Sec.6, T.26 N., R.15 W., N.M.P.M. bears S.01°57'25"W., 54,179.21';

thence, N.89°07'28"W., 320.03' to a monument marked E 5A;
thence, N.30°44'52"E., 611.13' to a monument marked E 5B;
thence, S.00°48'52"E., 530.16' to the point of beginning, containing 1.95 acres, more or less.

Basis of bearing is the north line of the northwest 1/4 of Sec. 6, T.26 N., R.15 W., N.M.P.M.

Monuments are 4" orange steel posts, 4' high.

ED 6

Beginning at a point called P 12 A, from which the north 1/4 of Sec. 6, T.26 N., R.15 W., N.M.P.M. bears S.01°24'20"W., 50,942.09';

thence, S.00°39'09"E., 106.63' to a monument marked E 6A;
thence, N.60°10'07"W., 850.00' to a point called E 6B;
thence, N.15°46'50"E., 1,708.91' to a monument marked E 6C;
thence, N.00°00'43"W., 1,272.16' to a monument marked E 6D;
thence, S.89°04'11"E., 249.83' to a point called L 47;
thence, S.00°01'22"W., 1,269.71' to a monument marked P 12D;
thence, S.21°09'40"W., 1,214.00' to a point called P 12C;
thence, S.17°23'09"W., 500.00' to a monument marked P 12B;
thence, S.60°10'07"E., 703.21' to the point of beginning,
containing 15.62 acres more or less.

Basis of bearing is the north line of the northwest 1/4 of Sec. 6, T.26 N., R.15 W., N.M.P.M.

Monuments are 4" orange steel posts, 4' high.

EQ 7

Beginning at a point called L 53 from which the north 1/4 of Sec. 6, T.26N., R.15 W., N.M.P.M. bears S.02°55'50"W., 50,261.71;

thence, S.00°07'14"E., 190.04' to a monument marked E 7A;
thence, N.59°40'51"W., 376.52' to a monument marked E 7B;
thence, S.89°59'36"E., 324.62' to the point of beginning, containing 0.71 acres, more or less.

Basis of bearing is the north line of the northwest 1/4 of Sec. 6, T.26 N., R.15 W., N.M.P.M.

Monuments are 4" orange steel posts, 4' high.

EQ 8

Beginning at a point called P 13C from which the north 1/4 of Sec. 6, T.26N., R.15 W., N.M.P.M. bears S.04°36'34"W., 48,590.04':

thence, S.29°02'26"W., 1963.34' to a monument marked E 8A;
thence, N.00°22'36"W., 480.14' to a monument marked E 8B;
thence, N.26°14'56"E., 490.02' to a monument marked E 8C;
thence, N.00°01'12"W., 1239.64' to a monument marked E 8D;
thence, S.89°54'16"E., 747.64' to a point called L 57;
thence, S.01°00'00"W., 441.58' to the point of beginning,
containing 21.38 acres, more or less.

Basis of bearing is the north line of the northwest 1/4 of Sec. 6, T.26 N., R.15 W., N.M.P.M.

Monuments are 4" orange steel posts, 4' high.

EQ 9

Beginning at a monument marked E 98, from which the north 1/4 corner of Sec. 6, T.26 N., R.15 W., N.M.P.M. bears S.04°08'10"E., 41,015.79';

thence, N.58°48'54"E., 3,112.12' to a monument marked E 9C;
thence, S.84°40'53"E., 502.57' to a monument marked E 9D;
thence, N.34°52'07"E., 3,923.79' to a monument marked P 13B;
thence, S.75°12'50"E., 1,491.27' to a point called P 13A;
thence, south, 1,718.00' to a point called L 61;
thence, west, 1,320.00' to a point called L 63;
thence, south, 1,320.00' to a point called L 65;
thence, S.89°59'14"W., 1,321.07' to a point called L 67;
thence, south, 1,320.00' to a point called L 69;
thence, west, 1,320.23' to a point called L 71;
thence, south, 263.94', to a point called A 5;
thence, N.68°34'18"W., 1,015.23' to a point called A 4;
thence, S.78°14'00"W., 1,983.25';
thence, north, 252.14' to the point of beginning,
containing 261.81 acres, more or less.

Basis of bearing is the north line of the northwest 1/4 of Sec. 6, T.26 N., R.15 W., N.M.P.M.

Monuments are 4" orange steel posts, 4' high.

EQ 10

Beginning a monument marked L 79, from which the north 1/4 of Sec. 6, T.26 N., R.15 W., N.M.P.M. bears S.08°03'30"E., 37,353.25' ;

thence, N.89°48'34"W., 1,573.53' to a monument marked E 10A;
thence, N.00°21'32"W., 250.09' to a monument marked E 10B;
thence, N.89°38'01"E., 1,300.28' to a point called E 10C;
thence, N.00°00'00"E., 517.11' to a point called A 1A;
thence, S.39°19'49"E., 440.64' to a point called A 1;
thence, S.00°34'43"W., 440.00' to the point of beginning, containing 11.54 acres, more or less.

Basis of bearing is the north line of the northwest 1/4 of Sec. 6, T.26 N., R.15 W., N.M.P.M.

Monuments are 4" orange steel posts, 4' high.

EQ 11

Beginning at a point called E 11A, from which the north 1/4 of Sec. 6, T.26 N., R.15 W., N.M.P.M. bears S.13°27'11"W., 36,678.97' ;

thence, N.27°32'28"E., 1,490.98' to a monument marked L 81;
thence, S.00°09'45"E., 1,322.25' to a monument marked E 11A;
thence, N.89°58'54"W., 693.16' to the point of beginning,
containing 10.52 acres, more or less.

Basis of bearing is the north line of the northwest 1/4 of Sec. 6, T.26 N., R.15 W., N.M.P.M.

Monuments are 4" orange steel posts, 4' high.

EQ 12

Beginning at a monument marked L 89, from which the north
1/4 of Sec. 6, T.26 N., R.15 W., N.M.P.M. bears
S.17°37'08 E, 34,656.63';

thence, N.00°27'28"W., 1,100.26' to a monument marked E 12A;
thence, N.60°55'10"E., 1,519.89' to a monument marked E 12B;
thence, S.00°00'45"W., 1,839.65' to a monument marked L 87;
thence, N.89°58'10"W., 1,319.10' to the point of beginning,
containing 44.70 acres, more or less.

Basis of bearing is the north line of the northwest 1/4 of Sec. 6,
T.26 N., R.15 W., N.M.P.M.

Monuments are 4" orange steel posts, 4' high.

EQ 13

Beginning at a monument marked E 13A, from which the north
1/4 of Sec. 6, T.26 N., R.15 W., N.M.P.M. bears
S.28°17'03 E., 30,498.70';

thence, N.25°36'02"W., 2,782.06' to a monument marked E 13B;
thence, N.89°39'00"E., 800.39' to a monument marked E 13C;
thence, N.00°03'11"E., 2,701.13' to a monument marked E 13D;
thence, S.47°49'04"E., 540.59' to a monument marked L 95;
thence, S.00°00'56"W., 4,851.95 to the point of beginning,
containing 57.96 acres, more or less.

Basis of bearing is the north line of the northwest 1/4 of Sec. 6,
T.26 N., R.15 W., N.M.P.M.

Monuments are 4" orange steel posts, 4' high.

EQ 14

Beginning at a point called L 105 from which the north 1/4 corner of Sec. 6, T.26 N., R.15 W., N.M.P.M. bears S.34°20'51"E., 25,612.78';

thence, south, 203.27' to a monument marked E 14A;
thence, N.89°53'49"W., 1,647.18' to a monument marked E 14B;
thence, N.00°00'53"E., 4,160.55' to a point called E 14C;
thence, N.89°58'39"E., 326.50' to monument marked L 101;
thence, S.00°00'20"W., 3,960.37' to a point called L 103;
thence, east, 1,320.00' to the point of beginning and containing 37.34 acres more or less.

Basis of bearing is the north line of the northwest 1/4 of Sec. 6, T.26 N., R.15 W., N.M.P.M.

Monuments are 4" orange steel posts, 4' high.

EQ 18

Beginning at a monument marked L 52, from which the north
1/4 of Sec. 6, T.26 N., R.15 W., N.M.P.M. bears
S.11°14'14"W., 40,408.10';

thence, N.89°59'34"E., 270.01' to a monument marked E 18A;
thence, S.40°08'26"W., 418.62' to a monument marked E 18B;
thence, N.00°01'36"W., 319.98' to the point of beginning,
containing 0.99 acres, more or less.

Basis of bearing is the north line of the northwest 1/4 of Sec. 6,
T.26 N., R.15 W., N.M.P.M.

Monuments are 4" orange steel posts, 4' high.

EQ 19

Beginning at a monument marked L 38, from which the north 1/4 of Sec. 6, T.26 N., R.15 W., N.M.P.M. bears S.08°27'36"W., 53,418.79';

thence, N.89°58'28"E., 345.05' to a monument marked E 19A;
thence, S.22°17'36"W., 908.05' to a monument marked E 19B;
thence, N.00°02'23"W., 840.03' to the point of beginning,
containing 3.33 acres, more or less.

Basis of bearing is the north line of the northwest 1/4 of Sec. 6, T.26 N., R.15 W., N.M.P.M.

Monuments are 4" orange steel posts, 4' high.

EQ 20

Beginning at a point called L 34, from which the north 1/4 of Sec. 6, T.26 N., R.15 W., N.M.P.M. bears S.09°37'11"W., 54,931.34';

thence, S.89°50'41"E., 238.22' to a monument marked E 20A;
thence, S.50°09'06"W., 312.15' to a monument marked E 20B;
thence, N.00°24'35"E., 200.66' to the point of beginning,
containing 0.55 acres, more or less.

Basis of bearing is the north line of the northwest 1/4 of Sec. 6, T.26 N., R.15 W., N.M.P.M.

Monuments are 4" orange steel posts, 4' high.

EQ 21

Beginning at a point called L 26, from which the north 1/4 of Sec. 6, T.26 N., R.15 W., N.M.P.M. bears S.10°15'08"W., 61,508.69';

thence, S.89°40'43"E., 171.83' to a monument marked E 21A;
thence, S.41°07'50"W., 265.85' to a monument marked E 21B;
thence, N.00°52'03"E., 201.23' to a the point of beginning, containing 0.40 acres, more or less.

Basis of bearing is the north line of the northwest 1/4 of Sec. 6, T.26 N., R.15 W., N.M.P.M.

Monuments are 4" orange steel posts, 4' high.

EQ 22

Beginning at a monument marked L 22, from which the north
1/4 of Sec. 6, T.26 N., R.15 W., N.M.P.M. bears
S.12°07'27"W, 64,608.74';

thence, N.89°57'45"E., 275.03' to a monument marked E 22A;
thence, S.42°30'25"W., 407.19' to a monument marked E 22B;
thence, N.00°01'09"E., 300.00' to a the point of beginning,
containing 0.95 acres, more or less.

Basis of bearing is the north line of the northwest 1/4 of Sec. 6,
T.26 N., R.15 W., N.M.P.M.

Monuments are 4" orange steel posts, 4' high.

ED 23

Beginning at a monument marked P 14C, from which the north 1/4 of Sec. 6, T.26 N., R.15 W., N.M.P.M. bears S.16°05'15"W, 75,394.14';

thence, N.14°25'33"E., 650.24' to a monument marked E 23A;
thence, N.89°32'13"E., 300.31' to a monument marked E 23B;
thence, S.07°03'23"W., 1,618.54' to a monument marked E 23C;
thence, S.89°35'55"W., 250.19' to a monument marked E 23D;
thence, N.00°46'45"W., 975.96' to the point of beginning, containing 12.05 acres, more or less.

Basis of bearing is the north line of the northwest 1/4 of Sec. 6, T.26 N., R.15 W., N.M.P.M.

Monuments are 4" orange steel posts, 4' high.

EQ 24

Beginning at a monument marked E 24A from which the north 1/4 corner of Sec. 6,
T.26 N., R.15 W., N.M.P.M. bears S.13°30'34"W., 76,118.73';

thence, S.44°06'53"W., 391.23' to a point called L 6;
thence, N.89°37'54"E., 449.44' to a monument marked E 24B;
thence, N.32°29'59"W., 329.62' to the point of beginning and containing 1.44
acres, more or less.

Basis of bearing is the north line of the northwest 1/4 of
Sec. 6, T.26 N., R.15 W., N.M.P.M.

Monuments are 4" orange steel posts, 4' high.

EQ 25

Beginning at a point called P 11C from which the north 1/4 corner of Sec. 6, T.26 N, R.15 W., N.M.P.M. bears S.02°16'20"W., 55,145.85', said point being the beginning of the centerline of radio cable right of way;

thence, N.01°41'22"W., 2,257.19' along said centerline to a point called E 25A;

said right of way being 25' left and 25' right of centerline and containing 2.59 acres, more or less.

Basis of bearing is the north line of the northwest 1/4 of Sec. 6, T.26 N., R.15 W., N.M.P.M. .

EQ 26

Beginning at point called E 26A from which the north 1/4 corner of Sec. 6, T.26 N., R.15 W., N.M.P.M. bears S.00°54'49"W., 51,262.98', said point being the centerline of a powerline right of way;

thence, N.58°03'54"W., 1,446.60' along said centerline to a point called E 26B;

thence, N.73°25'12"W., 1,013.16' along said centerline to a point called E 26C;

said right of way being 25' left and 25' right of centerline and containing 2.48 acres, more or less.

Basis of bearing is the north line of the northwest 1/4 of Sec. 6, T.26 N., R.25 N., N.M.P.M. .

EQ 27

Beginning at a point called E 27A from which the north 1/4 corner of Sec. 6, T.26 N., R.15 W., N.M.P.M. bears S.06°52'24"W., 60,080.26', said point being the centerline of a powerline right of way;

thence, S.67°31'12"W., 708.81' to a point called E 27B;

thence, S.51°44'48"E., 229.63' to a point called E 27C;

said right of way being 25' left and 25' right of centerline and containing 1.16 acres, more or less.

Basis of bearing is the north line of the northwest 1/4 of Sec. 6, T.26 N., R.15 W., N.M.P.M.

APPENDIX 1-D

Grants of Easement for Right of Way

Table of Contents

APPENDIX 1-D

Grants of Easement for Right of Way

<u>Item</u>	<u>Section</u>
69 KV Transmission Line	1
Access Road to Area III	2
BHP Railroad and Roadway	3
Haul Road	4
4" Potable Water Line	5
Pinto Haul Road ROW	6
BHP Attachments to APS Poles and Fixtures	7
Legal Description for the Mine Plant Lease	8

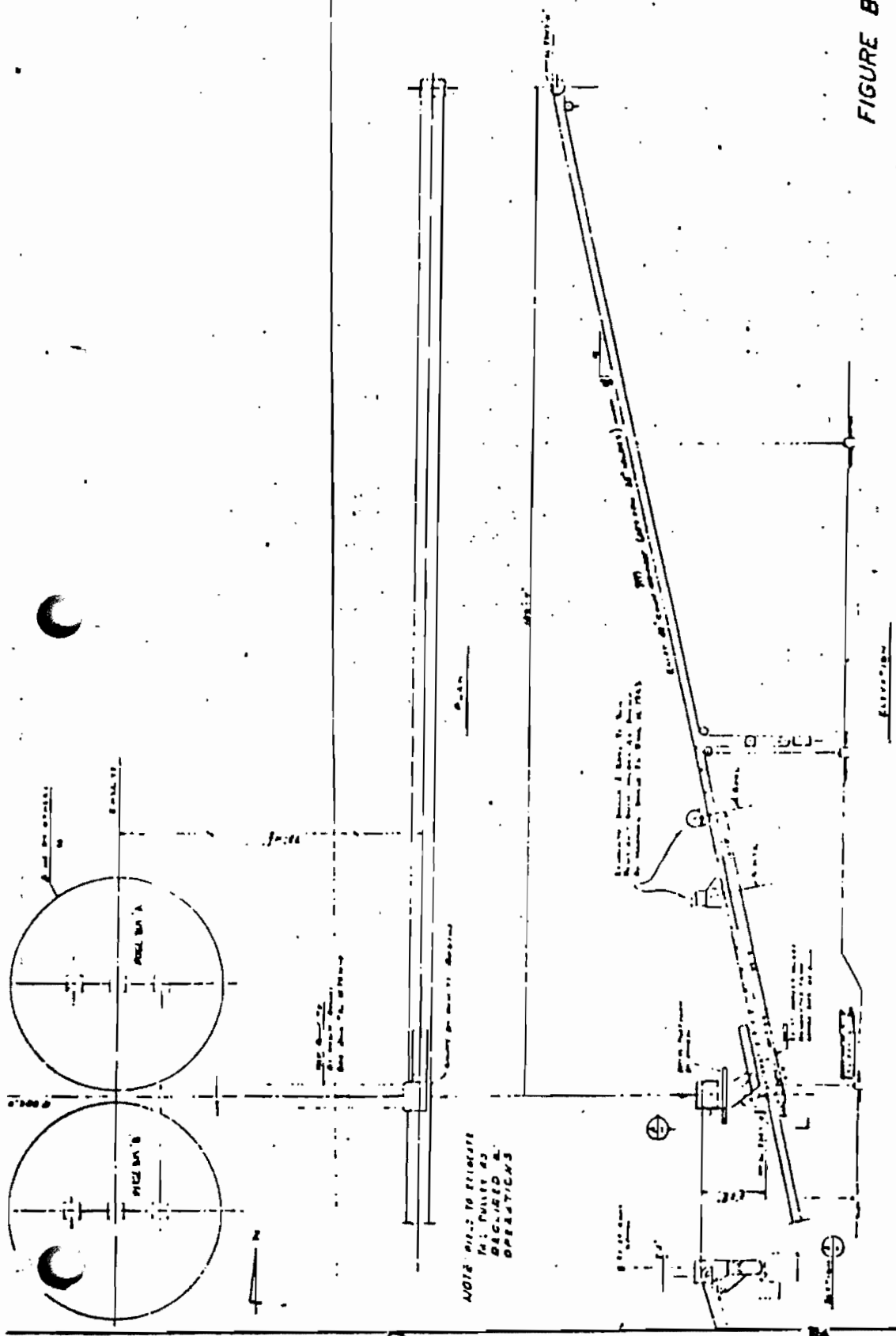


FIGURE B

APPROVED FOR CONSTRUCTION		DATE	
APPROVED FROM DESIGN		DATE	
DESIGN NO. 9-44-106		REV. 1	
PROJECT NO. 9-44-106		REV. 2	
PROJECT NAME		REV. 3	
DESIGNED BY		REV. 4	
CHECKED BY		REV. 5	
DRAWN BY		REV. 6	
SCALE		REV. 7	
SHEET NO.		REV. 8	
TOTAL SHEETS		REV. 9	
PROJECT TITLE		REV. 10	
PROJECT LOCATION		REV. 11	
PROJECT STATUS		REV. 12	
PROJECT OWNER		REV. 13	
PROJECT CONTRACTOR		REV. 14	
PROJECT MANAGER		REV. 15	
PROJECT SUPERVISOR		REV. 16	
PROJECT ENGINEER		REV. 17	
PROJECT ARCHITECT		REV. 18	
PROJECT CONSULTANT		REV. 19	
PROJECT SPECIALIST		REV. 20	
PROJECT DESIGNER		REV. 21	
PROJECT DRAWER		REV. 22	
PROJECT CHECKER		REV. 23	
PROJECT APPROVER		REV. 24	
PROJECT REVIEWER		REV. 25	
PROJECT SIGNATURE		REV. 26	
PROJECT DATE		REV. 27	
PROJECT VERSION		REV. 28	
PROJECT REVISION		REV. 29	
PROJECT CHANGE		REV. 30	
PROJECT MODIFICATION		REV. 31	
PROJECT UPDATE		REV. 32	
PROJECT CORRECTION		REV. 33	
PROJECT IMPROVEMENT		REV. 34	
PROJECT OPTIMIZATION		REV. 35	
PROJECT ENHANCEMENT		REV. 36	
PROJECT EXPANSION		REV. 37	
PROJECT REDUCTION		REV. 38	
PROJECT ELIMINATION		REV. 39	
PROJECT DESTRUCTION		REV. 40	
PROJECT RECONSTRUCTION		REV. 41	
PROJECT REPAIR		REV. 42	
PROJECT MAINTENANCE		REV. 43	
PROJECT INSPECTION		REV. 44	
PROJECT TESTING		REV. 45	
PROJECT COMMISSIONING		REV. 46	
PROJECT OPERATIONAL		REV. 47	
PROJECT DECOMMISSIONING		REV. 48	
PROJECT DISPOSAL		REV. 49	
PROJECT RECYCLING		REV. 50	





UNITED STATES
DEPARTMENT OF THE INTERIOR

BUREAU OF INDIAN AFFAIRS

Navajo Area Office
Window Rock, Arizona 86515

IN REPLY REFER TO:
Real Property Right
Right of Way

MAR 15 1968

Utah Construction and Mining Company
550 California Street
San Francisco, California 94104


Gentleman:

Your application for 69 KV Transmission Line right-of-way across the Navajo Tribal land in Sections 7, 18, 19, 29, 30, 31, and 32 of Township 28 North, Range 15 West, and Section 36 of Township 29 North, Range 16 West, San Juan County, New Mexico has been approved by the Chairman of the Navajo Tribal Council. The Navajo Tribe has stipulated certain conditions in approving your application. We enclose this stipulation marked Exhibit "B".

According to your map of definite location, this 50 foot wide strip of land will commence at a point within the powerline right-of-way previously granted by the Navajo Tribe to the Arizona Public Service Company and terminate at the boundary of the Utah Construction and Mining Company coal mining lease from the Navajo Tribe.

Authorization is hereby granted to proceed with the above project subject to certain conditions stipulated by the Navajo Tribe; subject to the recommendation by the Project Manager, Navajo Indian Irrigation Project, attached, and subject to any rights or adverse claims and to all applicable Regulations of Title 25, Code of Federal Regulations, Part 161.

Sincerely yours,


Area Director

Enclosure



RECEIVED
FEB 23 '68

UNITED STATES
DEPARTMENT OF THE INTERIOR

IN REPLY REFER TO:
REAL PROPERTY MANAGEMENT
RIGHT-of-way

AREA BRANCH OF REAL PROPERTY MGMT. BUREAU OF INDIAN AFFAIRS
NAVAJO INDIAN IRRIGATION PROJECT
P. O. Box 2157
Farmington, New Mexico 87401

ARPMO	JTB
ASST	
MINERALS	URS
OGC	
LEASING	
DIV	W/W
DR. SEC.	
FILE	

February 19, 1968

Memorandum

To: Area Director, Navajo Area Office
Attention: Assistant Area Director (Resources)

From: Project Manager

Subject: Utah Construction Company--69 KV Transmission Line

We have reviewed the application of Utah Construction and Mining Company for 69 KV Transmission Line right-of-way.

It does not appear that the transmission line located as proposed would create any serious problems as far as the Navajo Indian Irrigation Project is concerned. We recommend that the application be approved with the usual stipulation that any changes or relocations found to be necessary during the development of the Navajo Indian Irrigation Project be accomplished by Utah Construction and Mining Company at the company's expense.

We would like to point out that the right-of-way map, dated September 1967, prepared by Utah Construction and Mining Company does not agree (as far as legal subdivisions are concerned) with maps on hand in this office which were prepared by the Bureau of Reclamation. A portion of United States Bureau of Reclamation "General Map" No. 809-529-9 is attached for comparison purposes.

Which base map is your office using to describe oil and gas mining leases? Are we correct in assuming that subdivisions as shown on the United States Bureau of Reclamation are being used?

Application and map are returned herewith.

Ralph A. Curstony
Project Manager

Attachments.

RECEIVED
FEB 23 1968

MAIL & FILES

I asked Curstony to furnish a copy of maps used so we can have them.

JTB
Transcribe
manually for your files & return per H. [unclear]

APPLICATION FOR RIGHT-OF-WAY

Utah Construction & Mining Co., a corporation organized and existing under and by virtue of the laws of the State of Delaware, with its head office at San Francisco in the State of California, hereby makes application pursuant to the act of February 5, 1948, (62 Stat. 17, 25 USC 323) and in accordance with the regulations set forth in title 25 of the Code of Federal Regulations, part 161, for an exclusive right-of-way for the construction, maintenance, operation, use, repair, renewal and removal of all facilities, including poles and wires, deemed necessary or desirable by Utah Construction & Mining Co. for the transmission of electric energy, including but not limited to a 69,000 volt transmission line, together with the right of ingress and egress and the right to transmit electric energy, over, under, along, and across a fifty foot wide strip of land commencing at a point within the powerline right-of-way previously granted by the Navajo Tribe to Arizona Public Service Company and terminating at the boundary of the Utah Construction & Mining Co. coal mining lease from the Navajo Tribe. The main route of the requested right-of-way is 6.26 miles in length and there are additional branches of said right-of-way totaling 1.56 miles in length, said right-of-way in its entirety being located upon Tribal Indian lands within the Navajo Indian Reservation in San Juan County in the State of New Mexico.

The location of said right-of-way is more particularly shown and delineated on the accompanying map which has been prepared in compliance with 25 CFR 161.8 and which by this reference is hereby made a part hereof.

In the event that the right-of-way herein applied for is granted, Utah Construction & Mining Co. hereby agrees:

- (a) To construct and maintain the right-of-way in a workmanlike manner.
- (b) To pay promptly all damages, in addition to the deposit made pursuant to 25 CFR 161.5, determined by the Area

Director to be due the landowners on account of the construction and maintenance of the right-of-way.

- (c) To indemnify the landowners against any liability for damages to life or property arising from the occupancy or use of the lands by Utah Construction & Mining Co.
- (d) To restore the lands as nearly as may be possible to their original condition upon the completion of construction.
- (e) That Utah Construction & Mining Co. will not interfere with the use of the lands by or under authority of the landowners for any purpose not inconsistent with the primary purpose for which the right-of-way was granted.

Since all facilities to be constructed by Utah Construction & Mining Co. on the requested right-of-way will be for the purpose of facilitating the operations of Utah Construction & Mining Co. on its coal mining lease from the Navajo Tribe, it is requested that the provisions of 25 CFR 161.27(d) be waived with respect to any electric power transmission facilities which may be constructed pursuant to the requested right-of-way.

IN WITNESS WHEREOF, Utah Construction & Mining Co. has caused this instrument to be executed this 27th day of September, 1967.

UTAH CONSTRUCTION & MINING CO.

By



VICE PRESIDENT

By



ASSISTANT SECRETARY

STIMULACONS
ELECTRIC TRANSMISSION LINES
UTAH CONSTRUCTION AND TRADING COMPANY

1. The conditions under Part 161.7 of the Code of Federal Regulations, Title 25.
2. The applicant to pay for any damages to improvements and authorized surface use on Tribal lands as determined by the Tribal Land Investigation Department.
3. That the Navajo Tribal lands needed for this easement will revert back to the Navajo Tribe when the land is no longer needed for the said easement.
4. In the construction of the transmission line and appurtenant facilities, opportunity for employment will be given Navajo Indians in accordance with their availability and capability in such skilled and unskilled labor which they are qualified to perform. Wages paid to Navajos shall not be less than those paid to other persons for comparable or identical work.
5. The applicant will offer every reasonable opportunity to employ Navajos to show ability for training in additional skills which are needed in the construction, operation and maintenance of this project.
6. The applicant agrees that where soil deterioration or soil hazard is created by its activities, it will take such action as shall be necessary or shall be recommended or required by the Area Director, Navajo Area Office, or his authorized representative within the scope of the usual soil conservation practices to correct or repair such deterioration or minimize such hazards.
7. The applicant agrees it will properly dispose of any and all brush and will refill all the holes, trenches or other excavations incident to the construction and maintenance of said easement which traverses Navajo Tribal land in such a way so as to minimize fire hazards and injury to livestock, and where feasible will reseed any areas of grass destroyed as a result of construction, operation or maintenance of said transmission line. Where the easement crosses fences, ditches, or other improvements maintained on Navajo Tribal lands, the applicant also agrees to install proper and

12. If it should be discovered that the planned location of the transmission line and appurtenant facilities overlays or interferes with an area occupied by a Navajo Indian shrine, the applicant will change to a location that will avoid interference with or desecration of such shrine. Amended maps will be submitted after construction is completed.

13. If archaeological sites or materials are discovered, immediate notification thereof shall be given to the Navajo Tribe. It is understood that all specimens of archaeological and paleontological materials found on these lands of the Navajo Tribe are owned by and are the property of the Navajo Tribe. If it shall be discovered that the plan course of the said easement threatens to damage or destroy archaeological sites and materials, the applicant shall bear the costs of archaeological salvaging.

14. All electric power delivered through transmission lines constructed pursuant to the subject grant of right-of-way shall be utilized by the applicant, its contractors or agents, in connection with the applicant's operations in mining coal from applicant's coal mining lease, in processing such coal, or coal products produced therefrom, and in selling and delivering such coal or coal products to applicant's customers.

SCHEDULE AND APPRAISAL OF DAMAGES DUE NAVAJO ALLOTTEES/
 NAVAJO TRIBE FOR A PIPE LINE RIGHT OF WAY ACROSS THE
 FOLLOWING DESCRIBED PROPERTY:

UTAH CONSTRUCTION & MINING COMPANY
 FARMINGTON, NEW MEXICO

Description	Facility-Des.No.-R/W No.	Allottee	Pipe Size	Miles	Right of Way			Per Rod	Value	Amount Deposit
					Rods	Acres				
Secs. 7, 18, 19, 29, 30, 31 & 32, T28N, R15W, & Sec. 36, T29N, R16W, San Juan County, New Mexico	69 KV Transmission Line	Tribal		6.26 with branches totaling 1.56 miles					Damages Waived	

UNITED STATES
 DEPARTMENT OF THE INTERIOR
 BUREAU OF INDIAN AFFAIRS
 NAVAJO AREA
 WINDOW ROCK, ARIZONA

We, the undersigned, hereby certify that we have examined the foregoing Schedule of Damages and Appraisement and that the amount shown represents a reasonable and equitable value of the right of way (and other facilities, if any) damages to the tribal/allotted land affected, and we further verily believe the said land and the rights of the Indian landowners are fully protected and that sufficient amount is now on deposit for the payment of same.

APPROVED:

Acting Assistant

Area Director, Navajo Area Office

JUN 13 1965

Date

Acting

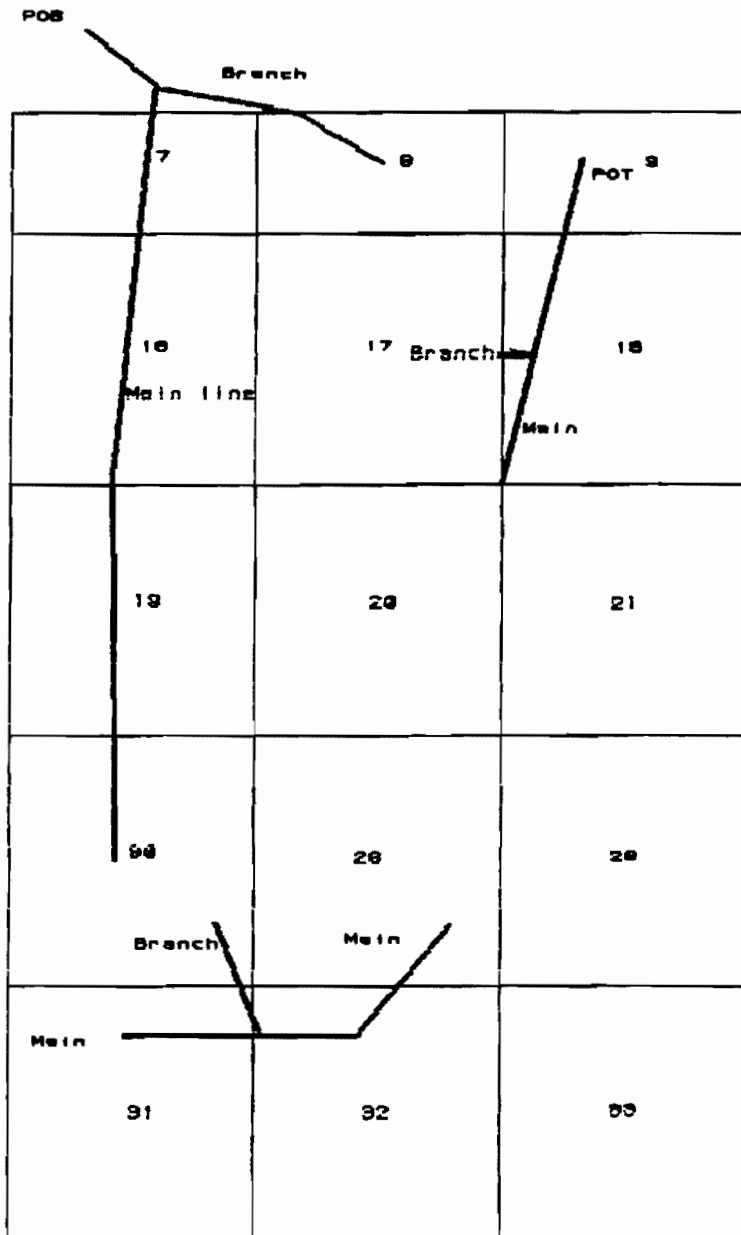
Area

Area Real Property Management Officer, Navajo Area Office

Date

BHP

T28N, R15W



69KV Transmission Line, ROW 50' in width,
41,294.1' in length. Main Line 6.26 miles
in length, Branch Lines 1.56 miles in
length, containing 47.40 acres.

BHP - 69KV Transmission Line

SCALE: 1 in = 4000 feet



Section 1

69 KV Transmission Line

②
JPA
LPS
WVK

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

AGREEMENT
BETWEEN
ARIZONA PUBLIC SERVICE COMPANY
AND
UTAH INTERNATIONAL, INC.
TO EXCHANGE OWNERSHIP
OF THE
UTAH INTERNATIONAL NAVAJO MINE CONVEYOR NO. 5193
FOR THE
APS 69KV POWER LINE

CONTRACT NO. EC79-2409-420.00

W.A. NO. 99-4-105-43

COPY NO. 03

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

AGREEMENT
BETWEEN
ARIZONA PUBLIC SERVICE COMPANY
AND
UTAH INTERNATIONAL, INC.
TO EXCHANGE OWNERSHIP
OF THE
UTAH INTERNATIONAL NAVAJO MINE CONVEYOR NO. 5193
FOR THE
APS 69KV POWER LINE

1. PARTIES

The parties to this Agreement are UTAH INTERNATIONAL, INC., hereinafter referred to as "UTAH", and ARIZONA PUBLIC SERVICE COMPANY an Arizona corporation, hereinafter referred to as "APS".

2. RECITALS

This Agreement is made with reference to the following facts:

2.1 APS wishes to obtain ownership and to subsequently modify a section of the UTAH'S Coal Conveyor which APS presently maintains and operates, as more fully described herein.

2.2 Utah wishes to obtain ownership of a section of APS 69KV transmission line which Utah maintains and operates as more fully described herein.

2.3 Since each party is already maintaining property owned by the other party, and since each party desires to clarify these property ownership rights, the parties agree to transfer property ownership rights to the other party, as more fully stated herein.

3. ENTIRE AGREEMENT

This Agreement embodies the entire agreement between APS and UTAH and shall supersede all prior contracts, proposals, representations, negotiations, or letters pertaining to this transfer of ownership rights, whether written or oral. The parties shall not be bound by or be liable for any statement, representation, promise, inducement, or understanding of any kind not set forth in this Agreement.

(END SECTION 3)

1 4. SECTION HEADINGS

2 Section headings in this Agreement are for convenience
3 only, and are not to be construed to define, limit,
expand, interpret, or amplify the provisions hereof.

4 5. 69KV POWER LINE

5 5.1 The ownership of the 69KV power line, as more
6 fully described herein, shall be transferred from APS
to UTAH as is, without cost to either party.

7 5.2 The 69KV power line, that is to be transferred to
8 UTAH, runs from a point west of the power plant and
generally parallels the access road from the power
9 plant southeast to the Navajo Mine lease area.

10 5.3 The section of power line to be transferred is a
11 69KV transmission line supported by twenty-two (22)
wood poles with wood crossarms which extends from pole
12 #PS95062 southeast approximately 1 3/4 miles to pole
13 #PS37961. This section of power line includes the
twenty-two supporting poles, one of which is an unmarked
pole #PSxxxxx located at a turn in the line, and switch
No. 2-69 installed on pole #PS95075.

14 5.4 This section of power line is specifically identi-
15 fied by reference to Figure A, and by reference the
pole serial numbers listed below:

16 #PS95062 (This pole branded "Koppers FR65,
WP-C, 5-35")

17 #PS95063

18 #PS95064

19 #PS95067

20 #PS95069

21 #PS95068

22 #PS95070

23 #PS95071 ("Temporary" APS construction sub-
station beside this pole)

24 #PS95072

25 #PS95073

26 #PS95074

27 #PS95075 (Switch 2-69 installed on this pole)

28 #PSxxxxx (No serial number on this pole - line turns)

29 #PS37955

30 #PS37956

31 #PS37957

32 #PS37958

33 #PS37959

34 #PS37960

35 #PS37961

1 #PS37962
2 #PS37963

3 5.5 The APS construction power line will remain
4 tapped at #PS95071 to the section of line being
5 exchanged and the tap will be metered by APS for
6 billing purposes.

7 5.6 Ownership of the 69KV power line originating at
8 the power plant switchyard up to the APS delivery point,
9 pole #PS95062, will remain with APS.

10 5.7 UTAH will effectively own and maintain all 69KV
11 power lines from and including the APS delivery point
12 pole #PS95062.

13 5.8 UTAH shall allow APS to modify or move the line
14 in the future for APS' needs, if APS pays all direct
15 costs and if APS does not unreasonably disrupt electric
16 service to UTAH. APS will not be obligated to any
17 costs other than direct costs for such modifications.

18 5.9 APS shall provide UTAH access on APS' Right-of-Way
19 for UTAH to maintain the line.

20 6. COAL CONVEYOR NO. 5193

21 6.1 The ownership of coal conveyor No. 5193, as more
22 fully described herein, shall be transferred from UTAH
23 to APS as is, without cost to either party.

24 6.2 Conveyor #5193 (previously designated #69-140
25 prior to the "Navajo II Expansion" in 1968) is located
26 just east of surge bins A and B.

27 6.3 The 48" conveyor #5193 runs in the N-S direction
28 for about 187 feet between two transfer towers and
29 extends approximately 60 feet south of transfer tower
30 #4. Conveyor #5193 receives coal from the surge bins
31 via conveyor #9 at transfer tower #4, and transfers the
32 coal north to the second transfer tower for delivery to
33 Units 1, 2, and 3 and to the ready coal pile.

34 6.4 Conveyor #5193 can be specifically identified
35 by reference to the attached Figure B, Utah Drawing
36 No. 9-M-106, "48" Conveyor #5193 General Agreement Plan
37 and Elevation", dated May 1, 1968 which also locates
38 the two surge bins defined as the Utah delivery point.

39 6.5 Ownership of the transfer towers for conveyor
40 #5193, surge bins A & B (Utah delivery point) and their
41 supports, and conveyor #9 from the surge bins to

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

conveyor #5193 will remain with APS. In effect, APS will own and maintain everything in the conveyor system past the UTAH delivery point, which is surge bins A and B.

6.6 Ownership of the existing scale for Conveyor #5193 will remain with UTAH.

7. LIABILITY

Each party transfers the properties described in this Agreement as is. The party receiving said property shall assume all liability for said property received, and shall so indemnify the other party, effective as of the effective date of this agreement.

8. EXECUTION AND EFFECTIVE DATE

This Agreement Number EC79-2409-420.00 has been executed by the duly authorized officers of the parties and shall be effective as of the 17th day of April, 1979.

ARIZONA PUBLIC SERVICE COMPANY

BY [Signature]

NAME T. C. WOODS, JR.

TITLE EXECUTIVE VICE PRESIDENT

DATE SIGNED April 17, 1979

"APS"

UTAH INTERNATIONAL, INC.

BY [Signature]

NAME C. K. McArthur

TITLE Senior Vice President

DATE SIGNED April 6, 1979

"UTAH"

APPROVED AS TO FORM
APS Legal Department
Contract Services
By [Signature]
Attorney
Date 3/6/79

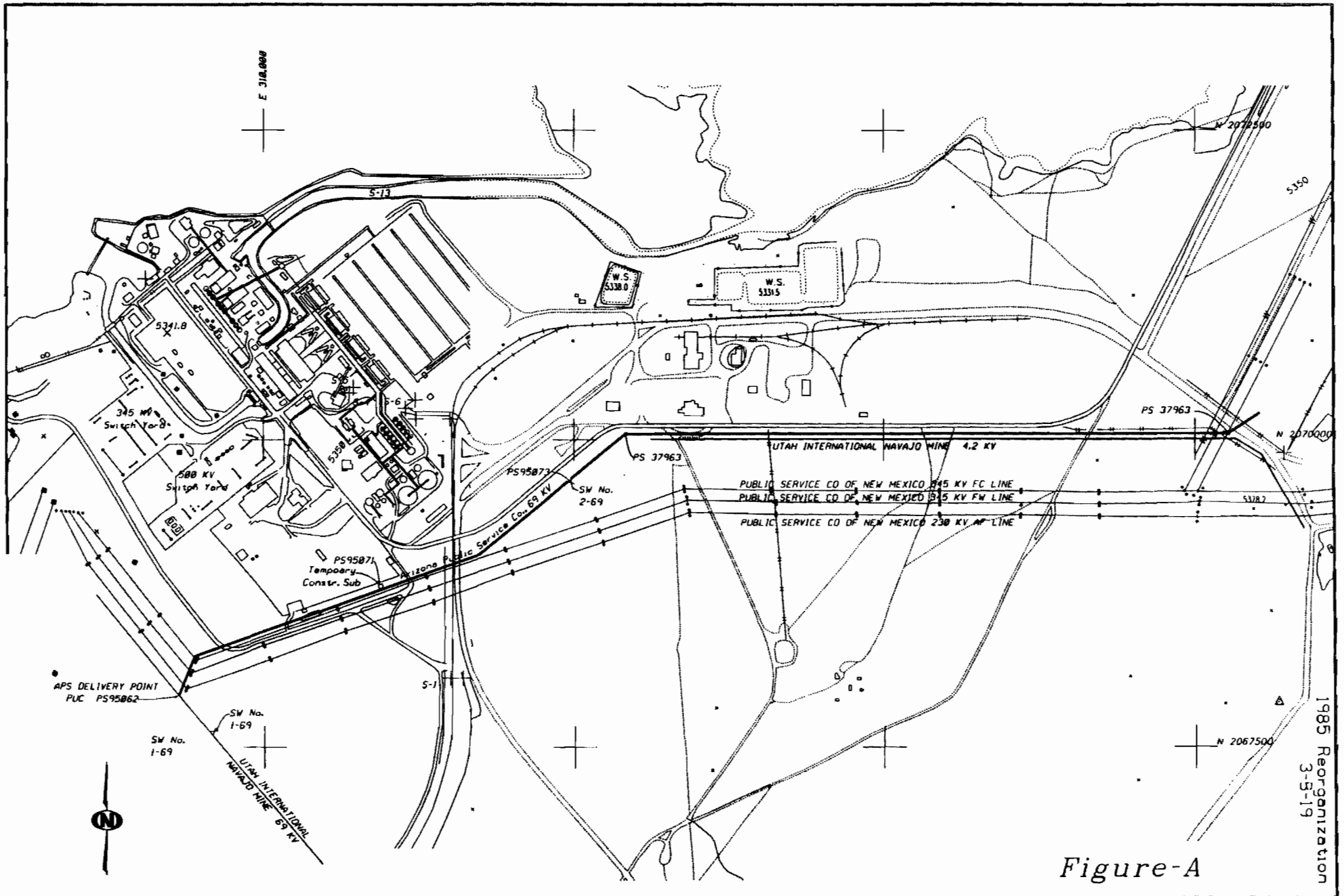
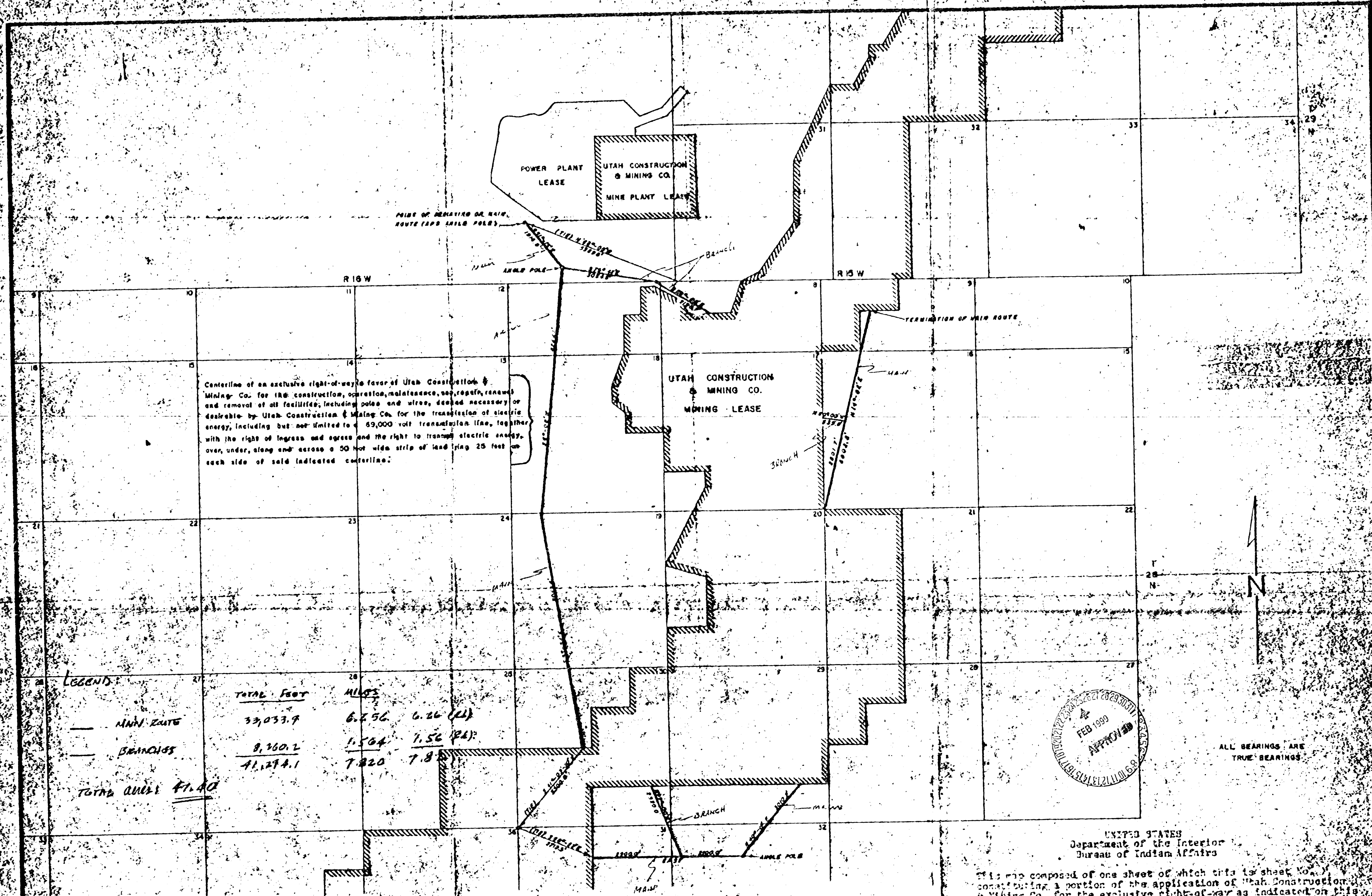


Figure-A

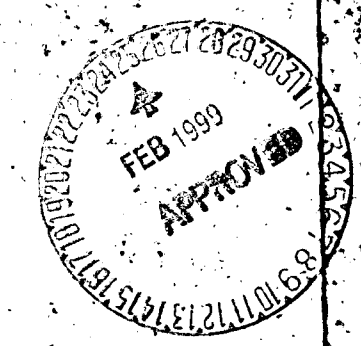
1985 Reorganization
3-5-19



Centerline of an exclusive right-of-way favor of Utah Construction & Mining Co. for the construction, operation, maintenance, repair, renewal and removal of all facilities, including poles and wires, deemed necessary or desirable by Utah Construction & Mining Co. for the transmission of electric energy, including but not limited to a 69,000 volt transmission line, together with the right of ingress and egress and the right to transmit electric energy, over, under, along and across a 50 foot wide strip of land lying 25 feet on each side of said indicated centerline.

LEGEND:

	TOTAL FEET	MILES	
— MAIN ROUTE	33,033.9	6.256	6.26 (MI)
— BRANCHES	8,260.2	1.564	1.56 (MI)
TOTAL QUANT. 41.40	41,294.1	7.820	7.8



ALL BEARINGS ARE TRUE BEARINGS

STATE OF NEW MEXICO
COUNTY OF SAN JUAN

John E. Dodge, being first duly sworn, deposes and states that he is an Engineer for Utah Construction & Mining Co., that the survey resulting in this map was made by him, that he has examined the field notes of the survey for the right-of-way as described and shown on this map, that this map was prepared under his direction from said field notes, that the said right-of-way is a right-of-way for a 69,000 volt transmission line commencing at a point on the powerline right-of-way previously granted by the Navajo Tribe to Arizona Public Service Company and terminating at the boundary of the Utah Construction & Mining Co. coal mining lease from the Navajo Tribe, and that there are additional branches of said right-of-way as shown on this map totaling 1.56 miles in length and that said right-of-way is accurately located on this map.

John E. Dodge

Subscribed and sworn to before me this 15 day of August 1930
W. H. [Signature]
Notary Public
My Commission Expires May 4, 1931

Utah Construction & Mining Co., the applicant for the right-of-way described on this map, does hereby certify that the right-of-way requested is accurately represented on this map, that the main route of said right-of-way is 6.26 miles in length commencing at a point within the powerline right-of-way previously granted by the Navajo Tribe to Arizona Public Service Company and terminating at the boundary of the Utah Construction & Mining Co. coal mining lease, that there are additional branches of said right-of-way as shown on this map totaling 1.56 miles in length, that the survey as represented on this map has been adopted by the applicant as the definite location of the right-of-way for which application is made and that this map has been prepared to be filed for the approval of the Secretary of the Interior, on his duly authorized representative, as part of the application for said right-of-way to be granted to Utah Construction & Mining Co. Its supervisors and agents, for the purpose and with the rights requested in such application, and that further rights in the applicant, its successors and assigns, and its agents, for the purpose of the right-of-way by and through the Navajo Tribe, are hereby

UTAH CONSTRUCTION & MINING CO.
E. C. [Signature]
President

UNITED STATES
Department of the Interior
Bureau of Indian Affairs

This map composed of one sheet of which this is sheet No. 1, constituting a portion of the application of Utah Construction & Mining Co. for the exclusive right-of-way as indicated on this map, is hereby approved and the right-of-way requested by Utah Construction & Mining Co. in such application is hereby granted pursuant to the provisions of the act of February 5, 1928 (45 Stat. 17) and the departmental regulations contained in title 25 Code of Federal Regulations, Part 161, for a period of 50 years from the date of this approval. Said right-of-way is subject to renewal for a like term upon compliance with applicable regulations. Said right-of-way is granted subject to any prior valid existing right or adverse claim.

JUNE 17 1930
Date
Acting Assistant Area Director

W. H. [Signature]
Area Director

APPLICATION FOR RIGHT OF WAY
FOR TRANSMISSION OF
ELECTRIC ENERGY
UTAH CONSTRUCTION & MINING CO.

Section 2

Access Road to Area III



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Navajo Area Office

P. O. Box M

Window Rock, Arizona 86515-0714

IN REPLY REFER TO:

ARPN/Rights-of-Way

JUL 14 1982

Mr. W. W. Karna
Mine Manager
Utah International Inc.
P. O. Box 155
Fruitland, New Mexico 87416



Dear Mr. Karna:

A Grant of Easement for Right-of-Way for a paved access road across Navajo Tribal Trust land, San Juan County, New Mexico, was approved on June 28, 1982 and released to your representative, Mr. Edward Raymond, on June 28, 1982.

Upon completion of construction, please submit an affidavit of completion in accordance with 25 CFR 161.16.

Sincerely,

Acting Assistant Area Director

TRIBAL XXX
INDIVIDUALLY OWNED _____
GOVERNMENT OWNED _____
RIGHT-OF-WAY Un-numbered
REFERENCE NO. NM-82-14

GRANT OF EASEMENT FOR RIGHT-OF-WAY

KNOW ALL MEN BY THESE PRESENTS:

That the United States of America for and on behalf of the Indian Owners of the lands described in Exhibit "A" hereof, acting by and through the Area Director, Bureau of Indian Affairs, Department of the Interior, Window Rock, Arizona, hereinafter referred to as "Grantor", under authority contained in Commissioner's Redlegation Order 10 BIAM Section 3.1, and pursuant to the provisions of the Act of February 5, 1948 (62 Stat. 17, 25 U.S.C. §§ 323-328), and Part 161, Title 25, Code of Federal Regulations, in consideration of \$ 8,320.00 and other good and valuable consideration, the receipt of which is acknowledged does hereby grant to the UTAH INTERNATIONAL INCORPORATED, A Delaware Corporation, P.O. Box 155, Fruitland, New Mexico 87416 hereinafter referred to as "Grantee", an easement for a right-of-way for the following purpose(s), namely: Construction, operation and maintenance of a paved access road _____, over, across, in and upon the following described lands located in the County of San Juan, State of New Mexico.

The said easement, as shown on the Map(s) entitled "Utah International Inc." marked Exhibit "A", attached hereto, is limited to and more particularly described as a 100 feet wide right-of-way, 4,528.07 feet or 0.857 miles in length and covering 10.4 acres in area across Navajo Tribal Trust lands in various Sections, Township 27 North, Range 16 West, NMPM, San Juan County, New Mexico.

Said easement is more particularly described in the written legal centerline marked Exhibit "A", which by this reference is made a part hereof.

Said easement is subject to "Navajo Area Land Clearing, Excavation and Reclamation Stipulations for Rights-of-Way over Indian Land", marked Exhibit "B", attached hereto and by this reference made a part hereof.

Said easement is further subject to the stipulations contained in Exhibit "C", attached hereto and by this reference made a part hereof.

This easement is subject to any valid existing right or adverse claim and is ~~without~~
~~limitation as to time~~ for a term of twenty-nine years ending on June 28, 2011]
(29)

so long as said easement shall be actually used for the purpose above specified;
PROVIDED, that this right-of-way shall be terminable in whole or in part by the Grantor
for any of the following causes upon 30 days' written notice and failure of the Grantee
within said notice period to correct the basis for termination (25 CFR 161.20):

- A. Failure to comply with any term or condition of the grant or the applicable regulations.
- B. A nonuse of the right-of-way for a consecutive two-year period for the purpose for which it was granted.
- C. An abandonment of the right-of-way.
- D. Failure of the Grantee, upon the completion of construction, to file with the Grantor an affidavit of completion pursuant to 25 CFR 161.16.
- E. Failure to comply with the stipulations contained in the letter of the Chairman, Navajo Tribal Council, dated June 25, 1982.
- F. - - - - -
- G. - - - - -

The conditions of this easement shall extend to and be binding upon and shall inure to the benefit of the heirs, representatives, successors, and assigns of the Grantee.

IN WITNESS WHEREOF, Grantor has executed this grant of easement this
28th day of June, 1982.

UNITED STATES OF AMERICA
By *Thomas Lynch*
(Name)
Acting Assistant
Area Director
(Title)

U. S. DEPARTMENT OF THE INTERIOR
Bureau of Indian Affairs
Navajo Area Office
P. O. Box "M"
Window Rock, Arizona 86515-0714

NAVAJO AREA LAND CLEARING, EXCAVATION AND
RECLAMATION STIPULATIONS FOR
RIGHTS-OF-WAY OVER INDIAN LAND

1. Written Notification of Major Activity Status

Lessee will furnish written notification to the Agency Superintendent as follows:

- a. A minimum of five (5) working days prior to commencement of construction, seeding and major soil-disturbing maintenance on the right-of-way.
- b. A maximum of ten (10) working days following completion of construction, seeding and major maintenance.

2. Confinement of Activities to Right-of-Way

All vehicular traffic will be confined to existing roadways and/or within the right-of-way as granted, except as provided in Section 4 below or as specified by the Superintendent.

3. Line and Road Locations

Where possible, the utility will be constructed adjacent to the area cleared for an access road and/or other right-of-way.

Other routes will be used, if necessary, to minimize visual impact as authorized by the Superintendent.

4. Roads Only Where Necessary

In areas where the right-of-way does not have permanent access, roads will not be constructed within the right-of-way when terrain will allow vehicles to maneuver without such roads.

5. Clearing and Grading

Clearing, grading and other soil and vegetation disturbance will be limited to the minimum required for construction.

Clearing of brush or shrub type vegetation beneath aerial lines will be limited to severing the tops of that vegetation. Established vegetation will be removed only where necessary for the construction of roads, buildings, poles, towers or other surface structures. In no event will herbicides be used without the written permission of the Superintendent.

6. Tree and Brush Disposal Requirements

Unless otherwise specified by the Superintendent, the following tree and brush disposal requirements shall be in effect:

- a. All cleared woody material four (4) inches diameter or less inside the bark at the small end will be considered as brush or slash and

Exhibit "B"

disposed of by piling and burning at a safe distance from surrounding vegetation or by chipping in portable chippers unless other disposal methods are specified.

- b. All straight cleared woody material between four (4) and seven (7) inches diameter inside the bark at the small end will be trimmed of smaller branches, cut into straight seven (7) foot pieces and piled on or adjacent to the right-of-way for utilization by the Navajo people.
- c. All straight cleared woody material seven (7) inches or more in diameter inside the bark at the small end will be trimmed of all limbs and branches, sawed into 16 feet 6 inches straight saw log lengths and piled into log decks at locations accessible by logging trucks and loaders.
- d. All other woody material will be disposed of in accordance with Section 6a above.

Lessee shall obtain a burning permit from the Navajo Area Branch of Forestry before burning any debris, trees or brush in forested areas.

7. Trenches and Excavations

Trenches and other excavations shall be left open for the minimum period of time compatible with construction requirements. Materials removed during construction must be backfilled or disposed of in such a manner as to prevent concentration of water runoff which would cause accelerated erosion and prevent rows or piles of rubble or large rock that would hinder movement of livestock or big game animals or detract from scenic attributes.

8. Depth and Coloration of Underground Utilities

Underground utilities will be covered to a depth of three (3) feet or as specified by engineering standards and requirements, whichever is greatest. Where such depth are not feasible, the utility shall be placed on or elevated above the surface as specified by engineering standards and requirements. When placed on or above the surface, the utility will be painted to blend with the natural surroundings using the following colors for the indicated cover type:

Forests and Woodlands

Green

Fed. Std. No. 595 34127

E.I.E. Measurement x. 3715 y. 4138 Y.1172

Sagebrush

Grey

Fed. Std. No. 595 36357

C.I.E. Measurement x. 3264 y. 3411 Y.3659

Badlands

Brown

Fed. Std. No. 595 30318

C.I.E. Measurement x. 3557 y. 3960 Y.3368

When such painted surfaces occur near roads and/or may be a safety hazard, a reflective or bright color shall be used.

9. Source of Cushioning Material

Pad dirt or cushioning material will be taken only from borrow pits authorized by the Area Director if not available within the utility right-of-way.

10. Road, Fence and Livestock Barriers

When the utility is to be placed under or over a BIA or State road right-of-way, the method of crossing shall be approved by the Superintendent or appropriate State Highway Department in advance of construction.

Existing fences crossed by the right-of-way will be braced and tied off before cutting so as to prevent slacking of the wire. The opening will be closed temporarily as necessary during construction to prevent the escape of livestock and upon completion of construction the fence will be repaired to its original condition. If construction destroys a natural barrier used for livestock control, the gap shall be fenced to the satisfaction of the Superintendent and land user.

11. Maintenance and Reclamation of Roadways

Roads constructed and used for utility construction, maintenance and operation will be maintained twice each year with grading and cleaning of drainage structures. All roads constructed exclusively for construction purposes will be closed to vehicular traffic and rehabilitated after construction is completed as directed by the Superintendent unless otherwise specified by that official.

12. Water Bars

Lessee will place water bars on disturbed areas as required by the Superintendent. The following is a general guide for water bar spacing:

<u>% Slope</u>	<u>Spacing Interval</u>
Less than 2½%	200 ft.
2½%	150 ft.
6% to 9%	100 ft.
10% to 15%	50 ft.
More than 15%	30 ft.

13. Revegetation

Within one (1) year from the completion of construction the Lessee shall seed disturbed areas designated by the Superintendent with plant species

specified by that official. In addition, the Superintendent may require the following revegetation operations at Lessee's expense:

- a. Exclude domestic livestock from reseeded areas with fencing.
- b. Apply fertilizers as needed for vegetation establishment.
- c. Reseed and refertilize as needed for vegetation establishment.

14. Maintenance of Improvements

All existing improvement affected by construction and maintenance of right-of-way facilities shall be maintained in serviceable condition at all times.

15. General R/W Maintenance

Lessee shall maintain right-of-way to the satisfaction of the Superintendent for the duration of the right-of-way. Such maintenance shall include, but not be limited to soil stabilization, removal of litter and maintenance of a clear and healthy environment.

16. Restoration Upon Right-of-Way Relinquishment

Upon relinquishment of this right-of-way, the Superintendent may require the removal of all aerial, surface and subsurface facilities from the right-of-way and reclamation operations including, but not limited to contouring, cross-ripping and re-vegetation.

17. Raptor Protection

Aerial powerlines shall include all applicable design features described in the publication "Suggested Practices for Raptor Protection on Powerlines" available from:

Raptor Research Foundation, Inc.
 Department of Zoology - 167 WIBD
 Brigham Young University
 Provo, Utah 84601

The use of design features not included in this publication must be acceptable to the Superintendent.

The Superintendent reserves the right to require modifications of or additions to all powerline structures placed on the right-of-way if the Navajo Tribal Fish and Wildlife Service determines such modifications or additions are necessary to insure the safety of raptor or birds of prey. Lessee shall assume full financial responsibility for the cost of such modifications or additions.

STIPULATIONS

ACCESS ROAD

UTAH INTERNATIONAL, INC.

1. The applicant will comply with the conditions under Part 161.5 of the Code of Federal Regulations, Title 25.

2. The applicant to pay for any damages to improvements and authorized surface use on Tribal Lands as determined by the Tribal Land Development Department.

3. The Navajo Tribal lands needed for this easement will revert back to the Navajo Tribe when the land is no longer needed for the said easement.

4. In the construction of the road and appurtenant facilities, opportunity for employment will be given Navajo Indians in accordance with their availability and capability of performing skilled and unskilled labor involved in the construction. Wages paid to Navajos shall not be less than those paid to other persons for comparable or identical work.

5. The applicant will offer every reasonable opportunity to employ Navajos who show ability to learn such skills as are needed in the construction, operation and maintenance of the road appurtenant facilities.

6. The applicant agrees that where soil deterioration or soil hazard is created by its activities, it will take such action as shall be necessary or shall be recommended or required by the Area Director, Navajo Area Office or his authorized representative within the scope of the usual soil conservation practices to correct or repair such deterioration or minimize such hazards.

7. The applicant agrees it will properly dispose of any and all brush and will refill all the holes, trenches or other excavations incident to the construction and maintenance of said easement which traverses Navajo Tribal land in such a way so as to minimize fire hazards and injury to livestock, and where feasible will reseed any areas of vegetation destroyed as a result of construction, operation or maintenance of said road. Where the easement crosses fences, ditches, or other improvements maintained on Navajo Tribal lands, the applicant also agrees to install proper and necessary gates, cattle guards, stock underpasses and such other improvements as may be required in order to permit the orderly use of Navajo range lands.

8. There is reserved to the Navajo Tribe the right to use, administer, and lease such portion of the lands included within the right-of-way granted to the applicant as are not actually occupied by or required for the facilities constructed by the applicant, or fenced or otherwise enclosed by the applicant, provided however, that any such use by the tribe, or its lessees and permittees, shall not interfere with the applicant's right-of-way, and the applicant shall always retain a superior right to construct and use any facilities described by the applicant within the area of the right-of-way as described in the application or for the purposes set forth in the application.

9. Where any part of the facilities to be constructed on the site herein applied for extends across a traveled road or highway, the construction thereof shall be in compliance with the applicable State laws and requirements of the Navajo Tribe. During the work, at least one-half the width of the road shall be kept open to travel and, upon completion, the highway shall be maintained in good condition, any excavation to be refilled whenever, by settling or other causes, the necessity thereof may arise.

10. Any roads constructed by the applicant hereunder will be located within the limits of the right-of-way granted, unless, for reasons of terrain or existing roads, such location would not be practical or necessary. Any other location will be by permission first sought and obtained from the Navajo Tribe.

11. Applicant may, at its option, discontinue the use of and remove all or any part of the road and appurtenant facilities constructed hereunder and shall be liable for any actual damages caused by such removal.

12. If archaeological sites or materials are discovered, immediate notification thereof shall be given to the Navajo Tribe. It is understood that all specimens of archaeological and paleontological materials found on these lands of the Navajo Tribe are owned by and are the property of the Navajo Tribe. If it shall be discovered that the planned course of the said easement threatens to damage or destroy archaeological sites and materials, the applicant shall bear the costs of archaeological salvaging.

13. Utah International Inc. recognizes that BIA Route N4104 and associated connecting roads may experience an increase in light vehicle traffic and Utah International Inc. agrees to take appropriate steps to mitigate within thirty (30) days from receipt of written notice of any problems this may create.

14. Utah International Inc. agrees to provide security personnel who will monitor said access road to promote safe and orderly conduct during heavy traffic which occurs during Utah International employee shift changes.

15. Utah International Inc. agrees to require its employees to obey all posted speed and load limits on BIA Routes N4104, N3003, N3005 and associated roads. Utah International Inc. will request vendors to use other available access road to the new facilities. Utah International Inc. will take the initiative in mediation of claims arising from its employee's accidents or misconduct upon said access road within thirty (30) days written request.

16. Utah International Inc. agrees to coordinate annual trash clean-up upon said access road.

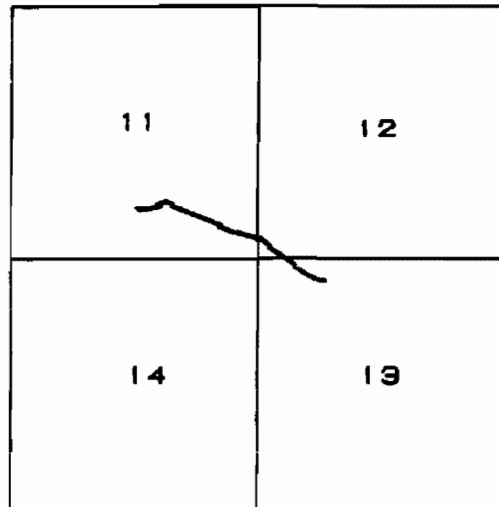
17. Utah International Inc. agrees to construct all necessary road appurtenances, including stock underpasses, cattle guards and a right-of-way fence upon said access road.

18. Utah International Inc. agrees to limit its use of said access road to a twenty-five (25) ton gross vehicle weight.

19. Utah International Inc. agrees to abide by the stipulations contained in the National Park Service's archaeological clearance letter dated May 11, 1982.

BHP

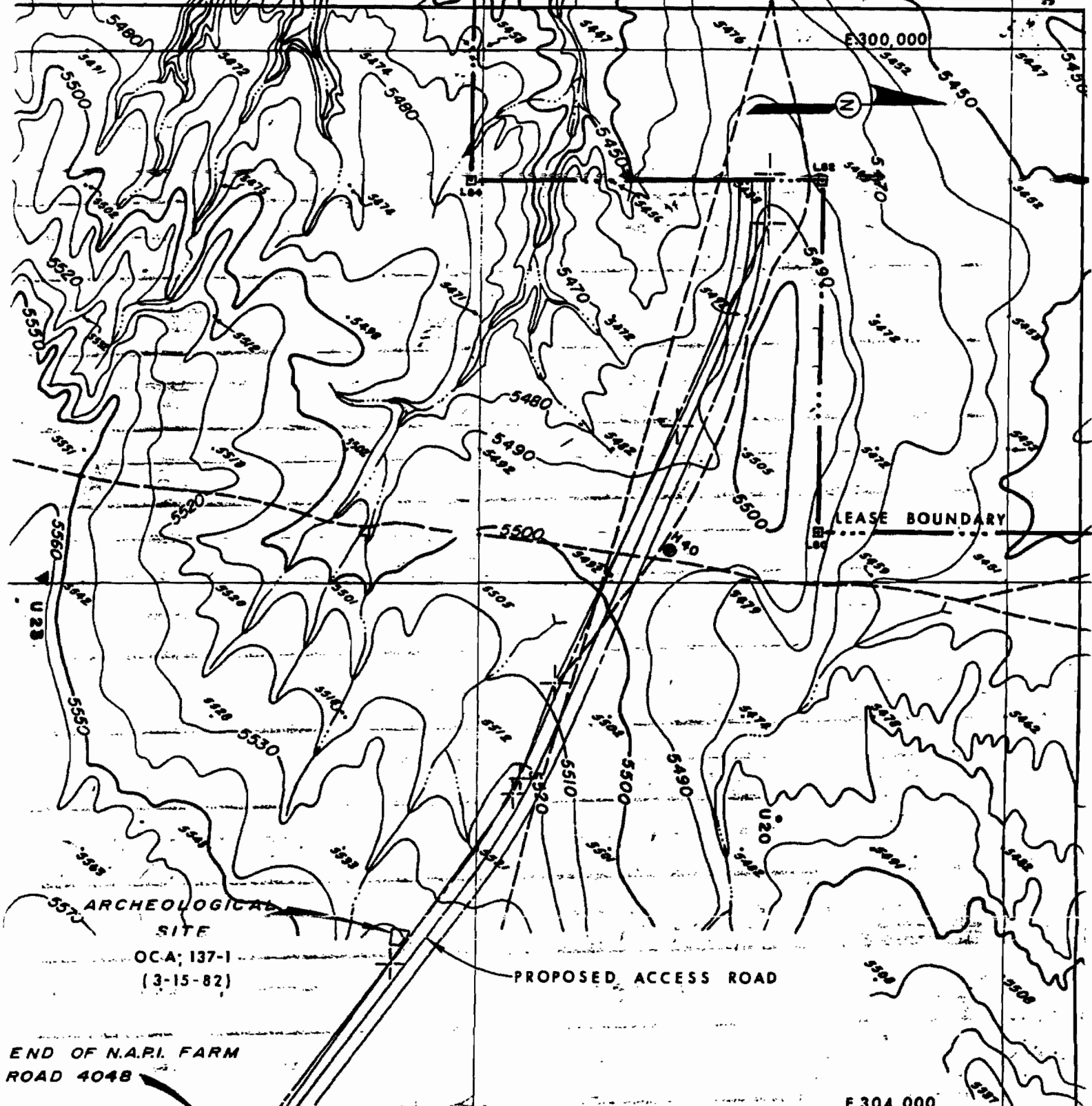
T27N, R16W





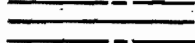
BHP Access Road 100' wide
4,528.07' in length, con-
taining 10.4 acres

SCALE: 1 in = 4000 feet





LEGEND

-  ARCHAEOLOGICAL SURVEY ROUTES (AREAS) [UNM # 185-137 & 137A]
-  ARCHÆOLOGICAL SITE TO BE AVOIDED
-  PROPOSED ACCESS ROAD

N. 2,034,000

N. 2,032,000

Section 3

BHP Railroad and Roadway

LEGAL DESCRIPTION
RAILROAD RIGHT-OF-WAY

Beginning at Station 0+00 (Coordinates North 2,070,461.03 - East 311,598.98) said point being at the boundary of the Utah International Inc. mine lease, said point being North $31^{\circ}42'$ West and a distance of 5,305.00 feet from south-east corner of Section 36, T29N, R16W, N.M.P.M.; Centerline of right-of-way is 100-foot strip of land lying 50 feet on each side of said indicated centerline; thence in a southwesterly direction along a curve to the left, said curve having a radius of 325.60 feet on a 100-foot chord distance of 224.03 feet to point where curve goes back on mainline; thence South $0^{\circ}22'$ East at a distance of 2,258.72 feet on mainline on a straight line, until goes to point where Curve #2 starts; thence in a southwesterly direction along a transitional curve to the right, said curve having a radius of 2,292.01 feet on a 100-foot chord distance of 1,501.20 feet to point where the curve goes back on mainline, known as spiral to tangent; thence in a South $29^{\circ}40'$ West at a distance of 392.72 feet on mainline to point where Curve #3 starts, also known as tangent to spiral; thence southwesterly direction along a transitional curve to the left, said curve having a radius of 2,292.01 feet on a 100-foot chord distance of 1,241.20 feet to point where the curve goes back on mainline; thence in a south $6^{\circ}08'$ West at a distance of 2,978.79 feet on mainline to point where Curve #4 starts into a curve; thence in a southeasterly direction along a transitional curve to the left, said curve having a radius of 3,819.83 feet on a 100-foot chord distance of 3,769.43 feet to point where the curve goes back on mainline; thence in a South $48^{\circ}04'$ East at a distance of 876.10 feet on mainline to point where Curve #5 starts, or tangent to spiral (Coordinates North 2,058,123.27 - East 312,147.44) also said point being at Station 132+42.24 on mainline at which point Spur "A" starts; thence from this point in a South $48^{\circ}04'$ East at a distance of 335.26 feet to point on spur line where Curve "A-1" starts, thence in a southwesterly direction along a curve to the right, said curve having a radius of 1,909.86 feet on a 100-foot chord distance of 1,817.67 feet to point on spur line where it continues on a straight line in South $6^{\circ}28'$ West direction at a distance of 192.17 feet to point on spur line where second curve, known as "A-2" starts; thence in a southeasterly direction along a curve to the left, said curve having a radius of 1,637.02 feet on a 100-foot chord distance of 2,485.71 feet and terminating at lease boundary of Utah International Inc.

Beginning again from Station 132+42.21 on mainline; thence South $48^{\circ}04'$ East at a distance of 184.17 feet ahead on mainline to original point on line where Curve #5 would have started, said line being the original one, which was approved June 13, 1968 by B.I.A. and from this point thence southwesterly direction along a transitional curve to the right, said curve having a radius of 1,910.08 feet on a 100-foot chord distance of 2,117.84 feet to point where Curve #5 goes back on original mainline; thence South $6^{\circ}28'$ West at a distance of 676.07 feet to point where original Curve #6 starts, also this line being 150 feet east and parallel to the line on which the construction has been done or new mainline which we are applying for; back to where Curve #6 starts; thence in a southwesterly direction along a transitional curve to the right, said curve having a radius of 1,910.08 feet on a 100-foot chord distance of 1,278.33 feet to the point where the curve goes back on original mainline; thence South $35^{\circ}49'$ West at a distance of 1,798.98 feet to point where Curve #7 starts, this line also being 100 feet east and parallel to the line on which construction has been done or new mainline we are applying for; thence from where Curve #7 starts, thence in a southwesterly direction along a transitional curve to the right, said curve having a radius of 1,637.28 feet on a 100-foot chord distance of 1,551.71 feet to point where the curve goes back on original mainline and thence from this point South $77^{\circ}53'$ West at a distance of 149.26 feet to the new mainline, the line on which construction has been done, which is also Station 208+17.21.

Beginning at Station 132+42.21 on new mainline, this said point also being the starting point for Curve #5, thence in a southwesterly direction along a transitional curve to the right, said curve having a radius of 1,910.08 feet on a 100-foot chord distance of 2,117.84 feet to the point where the Curve #5 goes back on mainline; thence South $6^{\circ}28'$ West at a distance of 845.63 feet to point where Curve #6 starts, thence in a southwesterly direction along a transitional curve to the right, said curve having a radius of 1,910.08 feet on a 100-foot chord distance of 1,278.33 feet to point the curve goes back on mainline; thence South $35^{\circ}49'$ West at a distance of 1,278.33 feet to point where Curve #7 starts, thence in a southwesterly direction along a transitional curve to the right said curve having a radius of 1,637.28 feet on a 100-foot chord distance of 1,551.71 feet to the point where the curve goes back on mainline and point where original mainline joins this new mainline and station being 208+17.21; thence from Station 208+17.21,

South $77^{\circ}53'$ West at a distance of 4,200.92 feet on mainline to point where Curve #8 starts; thence in a southwesterly direction along a transitional curve to the left, said curve having a radius of 1,910.08 feet on a 100-foot chord distance of 2,014.15 feet to point where the curve goes back on mainline, also known as spiral to tangent; thence South $27^{\circ}58'$ West at a distance of 1,780.00 feet to point where Spur "B" turns left (Coordinates North 2,048.389.61 - East 303,470.60) said point being at Station 288+12.28 on mainline; thence from this point in a southeasterly direction along a curve to the left, said curve having a radius of 716.20 feet on a 100-foot chord distance of 1,035.25 feet, to the point where Spur "B" line terminated at the Utah International Inc. lease line.

Beginning at Station 288+12.28 on mainline, thence South $27^{\circ}58'$ West at a distance of 1,154.81 to Station 299+67.09, (Coordinates North 2,047,372.30 - East 302,922.82) to said point right-of-way was approved by B.I.A., June 13, 1968, with a 100-foot strip of land, 50 foot each side of indicated centerline.

From Station 299+67.09 on mainline to end of line is what Utah International Inc. is applying for, thence from this station South $27^{\circ}58'$ West at a distance of 1,120.03 feet to the point where the mainline terminates at lease line, Station 310+87.12 and the mainline continuing through the lease land to Station 320+75.12, where the mainline comes out and thence in a southwesterly direction along a transitional curve to the right, said Curve #9 having a radius of 2,292.01 feet on a 100-foot chord distance of 1,627.09 feet to point where Curve #9 goes back on mainline; thence South $74^{\circ}06'$ West at a distance of 2,205.57 feet on mainline to point where Curve #10 starts, thence in a southwesterly direction along a transitional curve to the left, said curve having a radius of 2,864.93 feet on a 100-foot chord distance of 1,811.07 feet to the point where the curve goes back on mainline, thence South $41^{\circ}53'15''$ West at a distance of 1,600.98 feet to point where Spur "D" turns left, said point being at Station 394+00.46 on mainline, thence from this point in a southeasterly direction along a curve to the left, said curve having a radius of 1,494.67 feet on a 100-foot chord distance of 1,723.23 feet to point on spur line where it continues on a straight line on a bearing South $24^{\circ}06'45''$ East at a distance of 2,530.00 feet and the spur line terminating at lease boundary of Utah International Inc.

Beginning at Station 394+00.46 on mainline; thence South $41^{\circ}53'15''$ West at a distance of 3,552.97 feet to point where Spur "E-1" turns left, said point being at Station 429+53.43 on mainline; thence from this point in a southeasterly direction along a curve to the left, said curve having a radius of 1,145.92 feet on a 100-foot chord distance of 1,240.00 feet to point where the curve goes back on spur line; thence South $19^{\circ}45'45''$ East at a distance of 2,705.60 feet to point where Spur "E-2" turns left, said curve thence in a southeasterly direction along a curve to left, said curve having a radius of 1,637.02 feet on a 100-foot chord distance of 1,378.43 feet and this spur line terminating at lease boundary of Utah International Inc.

Beginning at Station 427+53.43 on mainline, from this point thence South $41^{\circ}53'15''$ West at a distance of 3,918.54 feet to point of termination on main route which Utah International Inc. is applying for, said point being at Station 468+71.97 (Coordinates North 2,036,414.42 - East 290,730.91) and said point being South $64^{\circ}49'$ West at a distance of 2,122.00 feet from northeast corner of Section 9, T27N, R16W, of N.M.P.M.

Total acreage, including spurs in right-of-way applied for is 61.2 acres,

- 5.5 Acres inside APS lease
- 63.3 Acres approved - Railroad
- 38.8 Acres applied for
- 14.9 Acres approved - spur line
- 22.4 Acres applied for - spur line.



UNITED STATES
DEPARTMENT OF THE INTERIOR

BUREAU OF INDIAN AFFAIRS
Navajo Area Office
Window Rock, Arizona 86515

January 25, 1974

Utah International, Inc.
Navajo Mine
Post Office Box 155
Fruitland, New Mexico 87416

Gentlemen:

Enclosed for your information and use are two approved Grants of Easement for Right-of-Way for a coal haul road and railroad to serve your coal mining lease in San Juan County, New Mexico. It is understood that the borrow material pits shown on Exhibit "B" of the easements are not a part of the grant.

Upon completion of construction, please submit affidavit of completion in accordance with 25 CFR 161.16.

Sincerely yours,

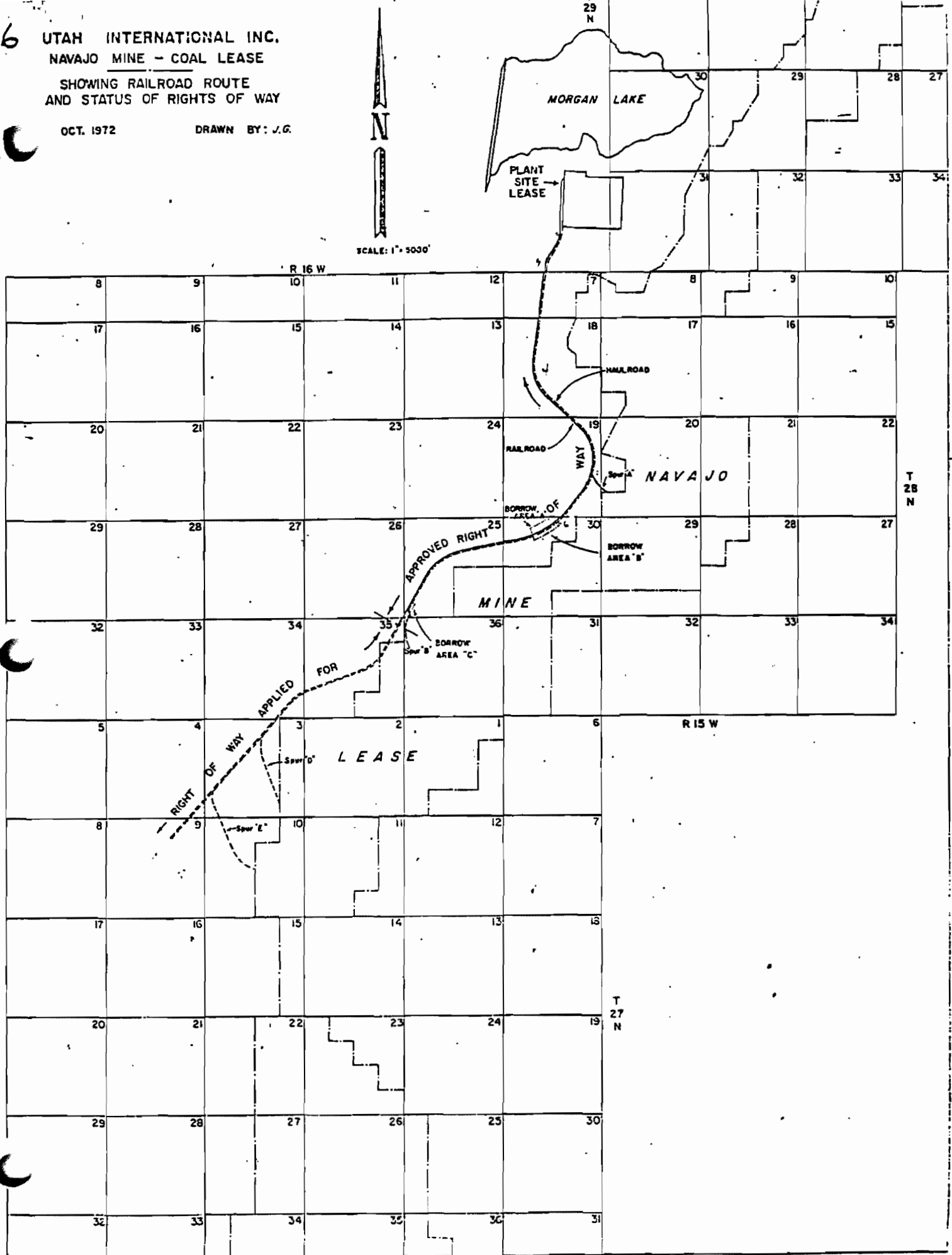
ASSISTANT Area Real Property
Management Officer

Enclosures

6

UTAH INTERNATIONAL INC.
NAVAJO MINE - COAL LEASE
SHOWING RAILROAD ROUTE
AND STATUS OF RIGHTS OF WAY

OCT. 1972 DRAWN BY: J.G.



LEGAL DESCRIPTION
RAILROAD RIGHT-OF-WAY

Beginning at Station 0+00 (Coordinates N2,070,461.03 - E311,598.98) said point being at the boundary of the Utah International Inc. mine lease, said point being N31°-42'W and a distance of 5,305.00 feet from southeast corner of Section 36, T29N, R16W, N.M.P.M.; Centerline of right-of-way is 100-foot strip of land lying 50 feet on each side of said indicated centerline; thence in a southwesterly direction along a curve to the left, said curve having a radius of 325.60 feet on a 100-foot chord distance of 224.03 feet to point where curve goes back on main line; thence S0°-22'E at a distance of 2,258.72 feet on main line on a straight line, until goes to point where Curve #2 starts; thence in a southwesterly direction along a transitional curve to the right, said curve having a radius of 2,292.01 feet on a 100-foot chord distance of 1,501.20 feet to point where the curve goes back on main line, known as spiral to tangent; thence in a S29°-40'W at a distance of 392.72 feet on main line to point where Curve #3 starts, also known as tangent to spiral; thence southwesterly direction along a transitional curve to the left, said curve having a radius of 2,292.01 feet on a 100-foot chord distance of 1,241.20 feet to point where the curve goes back on main line; thence in a S6°-08'W at a distance of 2,978.79 feet on main line to point where Curve #4 starts into a curve; thence in a southeasterly direction along a transitional curve to the left, said curve having a radius of 3,819.83 feet on a 100-foot chord distance of 3,769.43 feet to point where the curve goes back on main line; thence in a S48°-04'E at a distance of 876.10 feet on main line to point where Curve #5 starts, or tangent to spiral (Coordinates N2,058,123.27 - E312,147.44) also said point being at Station 132+42.24 on main line at which point Spur "A" starts; thence from this point in a S48°-04'E at a distance of 335.26 feet to point on spur line where Curve "A-1" starts, thence in a southwesterly direction along a curve to the right, said curve having a radius of 1,909.86 feet on a 100-foot chord distance of 1,817.67 feet to point on spur line where it continues on a straight line in S5°-28'W direction at a distance of 192.17 feet to point on spur line where second curve, known as "A-2" starts; thence in a southeasterly direction along a curve to the left, said curve having a radius of 1,637.02 feet on a 100-foot chord distance of 2,485.71 feet and terminating at lease boundary of Utah International Inc.

Beginning again from Station 132+42.21 on main line; thence S48°-04'E at a distance of 184.17 feet ahead on main line to original point on line where Curve #5 would have started, said line being the original one, which was approved June 13, 1968 by BIA and from this point thence southwesterly direction along a transitional curve to the right, said curve having a radius of 1,910.03 feet on a 100-foot chord distance of 2,117.84 feet to point where Curve #5 goes back on original main line; thence S6°-28'W at a distance of 676.07 feet to point where original Curve #6 starts, also this line being 150 feet east and parallel to the line on which the construction has been done or new main line which we are applying for; back to where Curve #6 starts; thence in a southwesterly direction along a transitional curve to the right, said curve having a radius of 1,910.03 feet on a 100-foot chord distance of 1,273.33 feet to the point where the

EXHIBIT "A"

curve goes back on original main line; thence $S35^{\circ} 49'W$ at a distance of 1,798.98 feet to point where Curve #7 starts, this line also being 100 feet east and parallel to the line on which construction has been done or new main line we are applying for; thence from where Curve #7 starts, thence in a southwesterly direction along a transitional curve to the right, said curve having a radius of 1,637.28 feet on a 100-foot chord distance of 1,551.71 feet to point where the curve goes back on original main line and thence from this point $S77^{\circ} 53'W$ at a distance of 149.26 feet to the new main line, the line on which construction has been done, which is also Station 208+17.21.

Beginning at Station 132+42.21 on new main line, this said point also being the starting point for Curve #5, thence in a southwesterly direction along a transitional curve to the right, said curve having a radius of 1,910.08 feet on a 100-foot chord distance of 2,117.84 feet to the point where the Curve #5 goes back on main line; thence $S6^{\circ} 28'W$ at a distance of 845.63 feet to point where Curve #6 starts, thence in a southwesterly direction along a transitional curve to the right, said curve having a radius of 1,910.08 feet on a 100-foot chord distance of 1,278.33 feet to point the curve goes back on main line; thence $S35^{\circ} 49'W$ at a distance of 1,278.33 feet to point where Curve #7 starts, thence in a southwesterly direction along a transitional curve to the right said curve having a radius of 1,637.28 feet on a 100-foot chord distance of 1,551.71 feet to the point where the curve goes back on main line and point where original main line joins this new main line and station being 208+17.21; thence from Station 208+17.21, $S77^{\circ} 53'W$ at a distance of 4,200.92 feet on main line to point where Curve #8 starts; thence in a southwesterly direction along a transitional curve to the left, said curve having a radius of 1,910.08 feet on a 100-foot chord distance of 2,014.15 feet to point where the curve goes back on main line, also known as spiral to tangent; thence $S27^{\circ} 58'W$ at a distance of 1,780.00 feet to point where Spur "B" turns left (Coordinates N2,048,389.61 - E303,470.60) said point being at Station 288+12.28 on main line; thence from this point in a southeasterly direction along a curve to the left, said curve having a radius of 716.20 feet on a 100-foot chord distance of 1,035.25 feet, to the point where Spur "B" line terminated at the Utah International Inc. lease line.

Beginning at Station 288+12.28 on main line, thence $S27^{\circ} 58'W$ at a distance of 1,154.51 to Station 299+67.09, (Coordinates N2,047,372.30 - E302,922.82) to said point right-of-way was approved by BIA, June 13, 1968, with a 100-foot strip of land, 50 foot each side of indicated center line.

From Station 299+67.09 on main line to end of line is what Utah International Inc. is applying for, thence from this station $S27^{\circ} 58'W$ at a distance of 1,120.03 feet to the point where the main line terminates at lease line, Station 310+87.12 and the main line continuing through the lease land to station 320+79.12, where the main line comes out and thence in a southwesterly direction along a transitional curve to the right, said Curve #9 having a radius of 2,222.01 feet on a 100-foot chord distance of 1,627.09 feet to point where Curve #9 goes back on main line; thence $S74^{\circ} 03'W$ at a distance of 2,265.57 feet on main line to point where

Curve #10 starts, thence in a southwesterly direction along a transitional curve to the left, said curve having a radius of 2,864.93 feet on a 100-foot chord distance of 1,811.07 feet to the point where the curve goes back on main line, thence S41°-53'-15"W at a distance of 1,600.98 feet to point where Spur "D" turns left, said point being at Station 394+00.46 on main line, thence from this point in a southeasterly direction along a curve to the left, said curve having a radius of 1,494.67 feet on a 100-foot chord distance of 1,723.23 feet to point on spur line where it continues on a straight line on a bearing S24°-06'-45"E at a distance of 2,530.00 feet and the spur line terminating at lease boundary of Utah International Inc.

Beginning at Station 394+00.46 on main line; thence S41°-53'-15"W at a distance of 3,552.97 feet to point where Spur "E-1" turns left, said point being at Station 429+53.43 on main line; thence from this point in a southeasterly direction along a curve to the left, said curve having a radius of 1,145.92 feet on a 100-foot chord distance of 1,240.00 feet to point where the curve goes back on spur line; thence S19°-45'-45"E at a distance of 2,705.60 feet to point where Spur "E-2" turns left, said curve thence in a southeasterly direction along a curve to left, said curve having a radius of 1,637.02 feet on a 100-foot chord distance of 1,378.43 feet and this spur line terminating at lease boundary of Utah International Inc.

Beginning at Station 427+53.43 on main line, from this point thence S41°-53'-15"W at a distance of 3,918.54 feet to point of termination on main route which Utah International Inc. is applying for, said point being at Station 468+71.97 (Coordinates N2,036,414.42 - E290,730.91) and said point being S64° 49'W at a distance of 2,122.00 feet from northeast corner of Section 9, T27N, R16W, of N.M.P.M.

Total acreage, including spurs in right-of-way applied for is 61.2 acres,

5.5 Acres inside APS lease

63.3 Acres approved - Railroad

38.8 Acres applied for

14.9 Acres approved - spur line

22.4 Acres applied for.- spur line.

UTAH INTERNATIONAL INC.

NAVAJO MINE

POST OFFICE BOX 155 • FRUITLAND, NEW MEXICO 87416
(505) 528-5861

Del 2/12/73

AB

January 22, 1974

Area Director
Navajo Area Office
Bureau of Indian Affairs
Window Rock, Arizona 86515

ATTENTION: Area Real Property Management

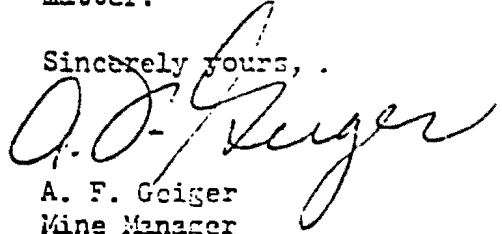
Sir:

On behalf of Utah International Inc. and its Navajo Mine I am pleased to enclose four (4) copies of the Navajo Mine Railroad and Haul Road Reclamation Plan.

The plan submitted today is a revision of the reclamation plan submitted to you on December 28, 1973. The changes which have been made reflect a series of discussions with the Area Branch of Land Operations, and all of the suggestions of the Area Branch have been incorporated into the new document.

If we can be of any assistance to you in expediting approval of this plan, please do not hesitate to contact us. We thank you for your attention to this matter.

Sincerely yours, .



A. F. Geiger
Mine Manager

Enclosures

RECLAMATION PLAN

Navajo Railroad Right-of-way and Haul Road

1. Introduction. Utah International Inc. (hereinafter referred to as "Utah") has applied for rights-of-way over lands located within the Navajo Reservation for purposes of constructing and operating a unit train and haul road in conjunction with Utah's Navajo Mine. A portion of the railroad right-of-way was approved on May 31, 1968. Approval of the balance of said railroad right-of-way and the haul road right-of-way has been conditioned upon the submission by Utah of a "Land Restoration Plan" for said rights-of-way. The following reclamation plan is submitted in compliance with that condition.
2. Background. The subject rights-of-way are parallel, contiguous to one another and commence at the site of the boundary of Utah's mine plant lease from the Navajo Tribe, proceed in a generally southerly direction for approximately two (2) miles, then southeasterly, south and finally southwesterly near the west boundary of Utah's current mine lease for a total distance of approximately nine (9) miles as more particularly shown on the Map annexed hereto as Exhibit "A". Along their route, characterized by essentially flat terrain, each right-of-way will occupy a strip approximately 100 feet wide except where the surface relief requires cut and fill construction in which case the contiguous rights-of-way will each occupy a strip approximately 200 feet in width.
 - a. Description of the railroad right-of-way. The mainline railroad right-of-way is 5.88 miles long and will occupy approximately 102 acres of land. There will be, in conjunction with the mainline,

6 spur lines involving 2.9 miles of track and occupying approximately 22 acres.

- b. Haul road. The 8.42 mile haul road will be 65 feet wide, of which 50 feet will constitute the actual haul road. The haul road will occupy approximately 94 acres. The haul road will be constructed utilizing approximately 4-6 inches of gravel over a 12-15 inch sub-base. It is not presently anticipated that the haul road will be paved.
- c. Borrow areas. Fill for use in the construction of the railroad and haul road will be obtained from three areas, shown as areas "A", "B", and "C" on the map annexed hereto as Exhibit "A". Borrow activities in the three areas will involve the disturbance of approximately 16 acres of land exclusive of the land included within the rights-of-way.
- d. Railroad yard and related facilities. The yard facilities will consist of a "Y" turnaround and maintenance and warehouse facilities which will be added to the existing maintenance and warehouse facilities at the Navajo Mine industrial complex.
- e. Construction schedule. Construction on the portion of the railroad right-of-way granted in 1968 began in 1969. The time segments during which various portions of the railroad will be constructed is given in Table 1.

3. Environmental Protection Measures During Construction and Operation.

- a. Prevention of wind and water erosion. The slopes of the cuts and fills and abandoned borrow pits will be graded to minimize wind and water erosion and to establish a slope configuration which is the optimum for facilitating the revegetation of said

slopes. After grading, the slopes will be revegetated as hereinafter described.

In addition to the grading of the slopes of the cuts and fills, ditches will be dug along the elevated portions of the right-of-way which will serve to catch water which may run off during heavy rains.

- b. Protection of drainage ways. For the most part, the natural drainage ways will be maintained. In six instances, where the railroad crosses existing drainage ways, concrete culverts will be installed. In one instance in area "C" the natural drainage will be intercepted by a borrow pit, creating a small impoundment of less than ten (10) acre feet which will be utilized for stock watering.
- c. Protection of livestock. The rights-of-way will be fenced throughout their length with woven wire fence. There will be five vehicle grade crossings each of which will be equipped with stop signs and gates (See Figure 1). Two livestock underpasses will be provided as shown on the annexed map, Exhibit "A", consisting of concrete culverts seven feet in diameter. In addition, the six drainage culverts will be in excess of four feet in diameter and will accommodate sheep.
- d. Revegetation. The graded slopes of areas disturbed in the course of construction of the railroad bed and haul road (i.e. slopes of cuts and fills) and the shoulders of the haul road will be revegetated with the exception of those areas which consist of exposed rock or shale. Prior to seeding, the areas to be revegetated will be fertilized and/or mulched, as necessary and

appropriate. After preparation of the seed bed, all areas to be revegetated will be seeded with a conventional range drill seeder and compacter where the terrain permits their employment. Where the terrain is such that drill seeding is not practicable, the areas to be revegetated will be seeded using hand broadcast methods. Seeding will take place during late July and early August in order to take advantage of the late summer rains.

The areas to be revegetated will be seeded with native species of plants selected for their adaptability to the existing soil type, their ability to control erosion, and their compatibility with the surrounding plant community. The seed mixtures to be utilized and the application rate (pounds of live seed per acre) are given in Table 2.

Fertilizers will be added to the seed bed in proportions which are determined by soil analysis to be necessary to supply the appropriate nutrients. The quantity of fertilizer required will be determined in accordance with Department of Agriculture guidelines.

A straw or fiber mulch will be applied with a conventional mulch spreader on areas of soil instability or where significant erosion potential exists. The mulch will be worked into the soil with the use of a disc or slope harrow where potential wind erosion is high. If this does not check wind erosion, other proven procedures will be employed.

The areas to be revegetated, the seed mixture to be utilized in each area, the necessity for fertilizer and mulch, the average depth of the soil in each area, the soil type together

with special problems which have been identified or might be anticipated are given in Table 2. The stations given in Table 2 are shown on the Map annexed hereto as Exhibit "A". The range units identified in Table 2 are described in Appendix A to Table 2. The seed mixtures given in Table 2 together with the application rates are given in Appendix "B" to Table 2. Physical and chemical properties of the soil types identified in Table 2 are contained in Appendix "C" to Table 2. A more detailed description of the range units and soil types is contained in the United States Department of Interior Bureau of Indian Affairs, Navajo Area Shiprock Agency District 13 Soil and Range Inventory (1971).

- e. Reclamation schedule. Reclamation will proceed concurrently with construction. Cuts and fills will be graded to their final configuration immediately after their completion. The graded slopes, haul road shoulders and other disturbed areas to be revegetated will be prepared and reseeded during the summer and fall following completion of construction.

After completion of the railroad bed and haul road, the borrow pits which are not to be retained as stockwatering areas will be reclaimed by reducing their slopes and revegetating the disturbed area.

- f. Long term maintenance. The vegetative cover established on the disturbed areas, in order to become self-sustaining and permanent, must be adapted to the extremes of climatological conditions in the area. To this end, a long term maintenance program will be designed to monitor the progress of the vegetative cover and to develop an action program to deal with contingencies. The re-

vegetation efforts will be inspected at least annually during early summer to determine the desirability of additional action in respect to the vegetation, which action may include, among other things, additional seeding, additional soil conditioning (fertilizing, mulching) and control of noxious species. If additional action is required, it will be completed during July and August following the inspection.

Noxious and poisonous weeds will be controlled by burning or by chemical application where possible.

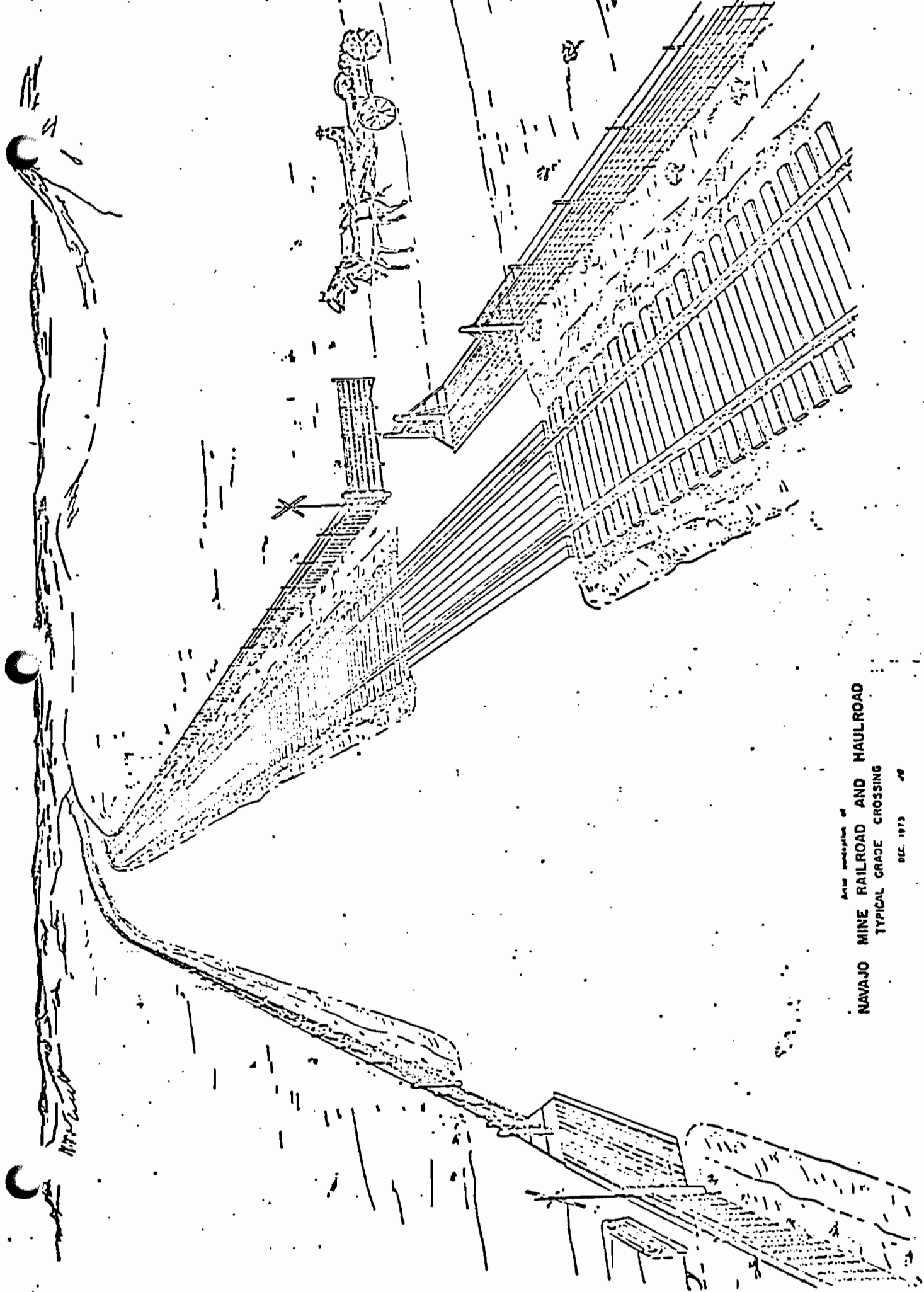
The water impoundment which will be utilized for stock watering will be inspected at least semi-annually and its water quality evaluated. If the water quality is such that the water is hazardous to livestock and ^{the} stock watering impoundments will be eliminated.

4. Post Operation Land Rehabilitation. At the end of the life of the railroad and haul road, the track, ties and fencing will be removed, the railroad bed graded level with surrounding topography and the entire area revegetated in the manner hereinabove described. The cuts and fills will be retained as well as the concrete drainage structures and livestock underpasses. Reclamation will commence immediately upon the final cessation of operations and all grading and reseeding will be completed within twelve months of cessation of operation. Inspection and revegetation will be carried out for a 3-5 year period or until suitable vegetation is established.

TABLE 1

Proposed Construction Schedule

Location	Construction	
	Initiation	Completion
Mainline (C+CO to 291+70)	November 1969	March 1974
Mainline (291+70 to 444+64)	September 1974	March 1975
Spur A	September 1976	March 1977
Spur B	September 1974	March 1975
Spur D	September 1974	March 1975
Spur E	September 1974	March 1974
Area A	May 1972	March 1974
Area B	May 1972	March 1974
Area C	May 1972	March 1974



Actual construction of
NAVAJO MINE RAILROAD AND HAULROAD
TYPICAL GRADE CROSSING

DEC. 1973

DETAILED RECONSTRUCTION PLAN

<u>STATION TO STATION</u>		<u>ACTIVITY</u>	<u>AVERAGE DEPTH</u>	<u>SOIL TYPE</u>	<u>SOIL DEPTH</u>	<u>FERTILIZER REQUIRED (LOCATION)</u>	<u>MULCHING REQUIRED (LOCATION)</u>	<u>SEED MIXTURE</u>	<u>RANGE UNIT</u>	<u>SPECIAL PROBLEMS</u>
I. Mainline										
0+00	19+00	Cut	16'	1	3.0'	-	-	A	1	Seed road on west side, tumbleweed removal in cut
19+00	*Stock Underpass	Fill	11'	2		-	Fill	B	2	
Stock Underpass	49+00	Fill	22'	2	2.0'	Fill	North half of fill	B	2	
49+00	61+30	Cut	30'	2	1.0'	East Side	-	B	2	Cut is in rock, no revegetation on west side
61+30	77+40	Fill	6'	2	1.0'-2.0'	Fill	Fill Greater than 3.0'	B	2	Soil of high salt content
77+40	86+30	Cut	-	2	0.9'	Cut	-	B	2	Soil of high salt content
86+30	90+72	Cut	-	1	3.0'	-	-	A	3	Soil subject to wind erosion
90+72	*EPNG Pipeline	Fill	10'	1	3.0'	-	-	A	3	Soil subject to wind erosion
EPNG Pipeline	101+00	Fill	10'	1	3.0'	Fill	-	A	3	Soil subject to wind erosion
101+00	110+00	Cut	3'	1	3.0'	Cut	-	A	3	Soil subject to wind erosion
110+00	118+50	Fill	5'	1	3.0'	Fill	-	A	3	

DETAILED REVEGETATION PLAN

<u>STATION TO STATION</u>		<u>ACTIVITY</u>	<u>AVERAGE DEPTH</u>	<u>SOIL TYPE</u>	<u>SOIL DEPTH</u>	<u>FERTILIZER REQUIRED (LOCATION)</u>	<u>MULCHING REQUIRED (LOCATION)</u>	<u>SEED MIXTURE</u>	<u>RANGE UNIT</u>	<u>SPECIAL PROBLEMS</u>
118+50	130+70	Cut	3'	1	3.0'	-	-	A	3	No revegetation on north half east side
130+70	134+50	Fill	4'	2	1.0'	-	-	B	2	
134+50	143+80	Cut	25'	4	.7'	-	-	B	4	No revegetation on west side, usable topsoil caprock is sha
143+80	157+30	Fill	8'	2	1.0'	-	-	B	2	Soil with high salt content
157+30	168+40	Cut	25'	4	.7'	-	-	B	4	No revegetation no usable soil caprock is sha
168+40	Southend of Fill	Fill	60'	3	-	Fill	Fill	B	5	Subject to wire erosion
Southend of Fill	193+30	Cut & Fill		3	3.8'	West Side	-	B	5	No revegetation on east side, of high salt c
193+30	205+50	Cut	31'	3	0.8'	West Side	-	B	6	No revegetation east side, soil high salt con
205+50	223+30	Fill	10'	3	0.8'	Fill	-	B	6	Soil of high and clay cont

DETAILED REVEGETATION PLAN

<u>STATION TO STATION</u>		<u>ACTIVITY</u>	<u>AVERAGE DEPTH</u>	<u>SOIL TYPE</u>	<u>SOIL DEPTH</u>	<u>FERTILIZER REQUIRED (LOCATION)</u>	<u>MULCHING REQUIRED (LOCATION)</u>	<u>SEED MIXTURE</u>	<u>RANGE UNIT</u>	<u>SPECIAL PROBLEMS</u>
223+30	234+70	Cut	11'	3	0.8'	West Side	-	A	6	No revegetation on east side, west side subject to wind erosion
234+70	254+40	Fill	4'	3		-	-	B	6	High saline and shaley soil
254+40	258+50	Cut	3'	3	3.0'	Cut	-	A	6	Subject to wind erosion
258+50	278+30	Fill	9' & 20'	4		-	-	B	4	High saline and shaley soil
278+30	285+60	Cut	13'	4	1.5'	-	-	B	4	No revegetation the cut
285+60	291+70	Fill	1'	4	1.0'	Fill	-	B	4	High saline and shaley soil
291+70	300+00	Cut	5'	4	.8"	-	-	B	4	Very thin soil layer
300+00	311+40	Fill	11'	4	8"	Fill	Fill	B	4	Very thin soil layer
311+40	364+00	Cut	3' & 25"	4	8"	Cut	Cut	B	4	Very thin soil layer
364+00	367+30	Fill	1'	4	8"	Fill	-	B	4	Very thin soil layer
367+30	374+80	Cut	7'	4	8"	Cut	-	B	4	Very thin soil layer
374+80	370+00	Fill	7'	4	8"	Fill	-	B	4	" "

DETAILED RECONSTRUCTION PLAN

<u>STATION TO STATION</u>	<u>ACTIVITY</u>	<u>AVERAGE DEPTH</u>	<u>SOIL TYPE</u>	<u>SOIL DEPTH</u>	<u>FERTILIZER REQUIRED (LOCATION)</u>	<u>MULCHING REQUIRED (LOCATION)</u>	<u>SEED MIXTURE</u>	<u>RANGE UNIT</u>	<u>SPECIAL PROBLEMS</u>
379+90 383+00	Cut	3'	4	8"	Fill	-	B	4	Very thin soil layer
384+00 387+00	Fill	3'	4	8"	Fill	-	B	4	Very thin soil layer
387+00 403+70	Cut	14'	4	8"	Cut	Cut	B	4	Very thin soil layer
403+70 Spur E	Cut	10'	4	8"	Cut	Cut	B	4	Very thin soil layer
Spur E 420+00	Fill	7' & 15"	4	8"	Fill	Fill	B	4	Very thin soil layer
420+00 440+70	Cut	3'	5	3.5'	-	-	B	7	Saline soil
440+70 444+64	Fill	1'	5	3.5'	-	-	B	7	Saline soil
II. SPUR E									
0+00 10+30	Fill	5'	4	8"	Fill	-	B	4	Very thin soil layer
10+30 22+00	Cut	5'	4	8"	Cut	-	B	4	Very thin soil layer
22+00 37+50	Cut	10'	4	8"	Cut	Cut	B	4	Very thin soil layer
37+50 47+80	Fill	8'	4	8"	Fill	Fill	B	4	Very thin soil layer
47+80 54+20	Cut	10'	4	8"	Cut	Cut	B	4	Very thin soil layer

DETAILED REVEGETATION PLAN

<u>STATION TO STATION</u>		<u>ACTIVITY</u>	<u>AVERAGE DEPTH</u>	<u>SOIL TYPE</u>	<u>SOIL DEPTH</u>	<u>FERTILIZER REQUIRED (LOCATION)</u>	<u>MULCHING REQUIRED (LOCATION)</u>	<u>SEED MIXTURE</u>	<u>RANGE UNIT</u>	<u>SPECIAL PROBLEMS</u>
III. SPUR D										
0+00	1+90	Cut	3'	4	8"	Cut	-	B	4	Very thin soil layer
1+90	14+00	Fill	9'	4	8"	Fill	Fill	B	4	Very thin soil layer
14+00	28+00	Cut	21'	4	8"	Cut	Cut	B	4	Very thin soil layer
28+00	31+70	Fill	3'	4	8"	Fill	-	B	4	Very thin soil layer
31+70	34+50	Cut	6'	4	8"	Cut	-	B	4	Very thin soil layer
34+50	41+80	Fill	20'	4	8"	Fill	Fill	B	4	Very thin soil layer
IV. SPUR B										
Mainline Leascline				4	8"	Spur	-	B	4	Very thin soil layer
V. SPUR A										
Mainline				1	4.0'	Spur	-	A	3	
VI. BORROW AREAS										
Area A	Cut			3	4.0'	-	-	A	5	Fill with ash spoil material to revegetate
Area B	Cut			3	8"	-	-	A	4	Grade to establish drainage prior to revegetation

TABLE 2 (continued)

DETAILED RECLAMATION PLAN

<u>STATION TO STATION</u>	<u>ACTIVITY</u>	<u>AVERAGE DEPTH</u>	<u>SOIL TYPE</u>	<u>SOIL DEPTH</u>	<u>FERTILIZER REQUIRED (LOCATION)</u>	<u>MULCHING REQUIRED (LOCATION)</u>	<u>SEED MIXTURE</u>	<u>RANGE UNIT</u>	<u>SPECIAL PROBLEMS</u>
Area C	Cut		4	8"	-	-	B	4	Construction of stock water impoundments

Appendix A to Table 2

RANGE DESCRIPTION

DESIGNATION (Table 1)	BIA RANGE SYMBOL	RECOMMENDED GRAZING CAPACITY (Acres Required/Sheep Unit Year Long)
1.	<u>SY 1P121</u> 3001	121
2.	<u>TB 1P117</u> 3154	117
3.	<u>SY 1F40</u> 3096	40
4.	<u>BL1 - 93</u> 3141	98
5.	<u>CS 1(A) F 56</u> .3094	56
6.	<u>CS 1F40</u> 3103	40
7.	<u>SAS 1P72</u> 3106	72

Extracted from the Navajo Area, Shiprock
Agency District 13 Soil and Range Inventory
U. S. Dept. of Interior
Bureau of Indian Affairs
Bureau of Land Operations
- 1971

Appendix "B" to Table 2

SEED MIXTURES AND APPLICATION RATES

MIXTURE A*

SPECIE	Rate Drilled (#PLS/Acre)	Rate Broadcast (#PLS/Acre)
Indian Rice Grass	4	8
Alkali Sacaton	4	8
Sand Drop Seed	3	6
Blue Grama	2	4
Winter Fat	1	2
Rubber Rabbit Erush	1	2
TOTAL	15	30

MIXTURE B*

SPECIE	Rate Drilled (#PLS/Acre)	Rate Broadcast (#PLS/Acre)
Alkali Sacaton	6	12
Four Wing Saltbush	6	12
Shadscale	1	2
Winter Fat	2	4
TOTAL	15	30

*May be altered based on availability of seed.

Appendix C to Table 2

SOIL DESCRIPTION

DESIGNATION	BIA MAP UNIT	BIA SOIL UNIT
1	<u>10 CM-1</u> BC-2	<u>10 CM-1</u> BC-2
2	<u>49 EM-1</u> FG-7	<u>26sa E-1</u> BG-3
3	<u>110-1</u> CE-3	<u>110-1</u> CE-3
4	<u>46EM-1</u> FG-7	<u>36saE-1</u> AC-3
5	<u>9sa CE-1</u> BC-2	<u>9sa CE-1</u> BC-2

Extracted from the Navajo Area, Shiprock
 Agency District 13 Soil and Range Inventory
 U. S. Dept. of Interior
 Bureau of Indian Affairs
 Bureau of Land Operations
 1971

CHEMICAL PROPERTIES OF SELECTED SOILS

Soil Profile	Depth inches	SALT CONTENT						pH Paste	FERTILIZER NUTRIENTS				CAT. EX. CAP. Mc/100 Gms.
		E.C. x 10 ³	Ca+Mg MEQ/L	Na MEQ/L	SAR	% Gypsum	% CaCO ₃		N(1d)%	P ₂ O ₅ LBS/AC/FT	K ₂ O LBS/AC/FT	Organic Matter 0/0	
9aQE-1	0-8	1.60	10.50	5.87	2.56	tr	1.05	8.1	0.012	40.30	122.50	0.21	5.33
BC-2	8-22	1.30	1.50	11.44	13.20	tr	1.05	8.5	0.016	18.32	37.69	0.36	5.13
3014-5	22-46	2.20	1.00	19.75	27.90	tr	1.05	8.5	0.010	18.32	111.19	—	7.24
10QM-1	0-10	0.60	5.50	0.56	0.34	tr	—	8.2	0.022	27.48	101.59	0.34	4.68
EC-2	10-22	1.02	6.50	2.20	1.07	tr	—	8.1	0.032	13.74	32.98	0.34	8.23
30CS-1	22-56	0.97	5.50	3.40	2.05	tr	—	8.3	0.016	9.16	56.54	—	3.41
26ME-1	0-3	2.22	5.00	17.05	10.78	tr	—	8.0	0.022	73.28	320.38	0.47	18.01
BC-3	3-9	4.50	5.00	42.60	26.91	tr	—	8.2	0.028	36.64	40.52	0.47	19.83
30GG-1	9-13	6.25	31.10	49.50	12.55	0.60	—	7.6	0.036	36.64	123.44	0.98	17.32
36ME-1	0-3	5.10	4.00	53.10	375.47	tr	—	8.6	0.020	40.30	13.19	0.33	42.48
AC-3	3-8	1.70	0.50	16.80	33.60	tr	—	8.6	0.016	40.30	212.02	0.16	19.55
	8-16	14.86	27.50	166.00	41.77	9.23	—	8.1	0.020	18.32	184.69	0.40	1S
3029-2	16-26	13.17	26.50	140.00	38.46	5.12	—	7.8	1S	tr	1S	0.47	1S
11Q-1	0-10	0.58	5.00	0.70	0.44	tr	—	8.3	0.016	27.48	114.96	0.16	3.45
CE-3	10-60	0.80	4.00	4.74	3.35	tr	—	8.5	0.020	tr	45.23	0.22	4.47

Appendix C to Table 2
(continued)

PHYSICAL PROPERTIES OF SELECTED SOILS

SOIL Profile	DEPTH inches	CLASSIFICATION OF SOIL SEPARATES				MOISTURE CONSTANTS			SOIL SEPARATES						SOIL WATER CONSISTENCY % Moisture			ESTIMATED AVAILABLE MOISTURE (In. Per Inch)
		USDA SOIL Texture	ENGINEERING SOIL CLASSIFICATION		1/10 ATM	1/3 ATM	15 ATM	HYDRO COND. In/In	Percentage Fining Sieve			Hydrometer Method			Liquid Limit	Plastic Limit	Plastic Index	
			UNCL	AASHTO					(4.75mm)	(20mm)	(0.075mm)	Sand	Silt	Clay				
9aQE-1	0-3	Clay loam	CL	A (10)	26.82	20.04	10.02	1.22	100	100	72	35	31	34	24.0	16.1	8.9	.18
BC-2	3-9	Clay loam	CL	A (10)	22.99	27.02	11.25	0.32	100	100	78	29	33	38	31.0	18.0	13.0	.24
3014-5	9-13	Clay loam	CL	A (10)	27.10	22.14	10.22	0.25	100	100	70	37	35	28	30.0	19.1	10.9	.19
36ME-1	0-3	Clay loam	CL	A (10)	44.27	35.47	13.79	—	100	98	61	46	18	36	24.9	16.2	22.4	.31
AC-3	3-8	Sandy clay loam	CL	A (10)	21.41	24.81	10.77	15	100	87	80	56	32	32	25.4	18.8	7.3	.22
	8-16	Clay	CL	A (20)	42.63	35.26	17.82	15	100	98	79	28	30	42	24.0	17.0	11.0	.28
3029-2	16-26	Clay	CH	A 7.5(20)	42.74	38.19	22.64	15	100	100	90	16	22	67	63.0	31.0	31.0	.25
9aQE-1	0-3	Sand	SM	A 2 (10)	7.99	4.25	3.43	1.68	100	81	13	94	2	4	Sandy	—	NP	.03
BC-2	8-22	Sand	SM	A 2 (10)	7.82	4.50	2.22	2.61	100	82	13	94	2	4	Sandy	—	NP	.02
3014-5	22-46	Loamy sand	SM	A 2 (10)	29.69	16.62	6.62	0.36	100	85	23	84	4	12	Sandy	—	NP	.18
10QM-1	0-10	Sand	SM	A 2 (10)	16.98	9.02	3.43	1.78	100	100	18	91	1	8	Sandy	—	NP	.09
EC-2	10-22	Sandy loam	SM	A 3 (10)	14.04	8.84	6.10	1.64	100	99	22	73	13	12	Sandy	—	NP	.06
30CS-1	22-56	Sand	SM	A 3 (10)	17.32	11.60	8.83	2.30	100	99	18	91	3	8	Sandy	—	NP	.14
11Q-1	0-10	Sand	SM-SP	A 2 (10)	8.10	3.02	1.48	1.03	100	82	11	98	2	2	Sandy	—	NP	.02
CE-3	10-60	Sand	SM	A 2 (10)	7.47	4.78	2.28	2.08	100	88	12	94	2	4	Sandy	—	NP	.04

THE NAVAJO NATION

WINDOW ROCK, ARIZONA 86515 36515



RECEIVED

JUN 26 1973

Area Branch of
Real Property Mgmt.

ORG
LEADING
R/W <i>gd</i>
PR. SFC.

PETER MacDONALD
Chairman, Navajo Tribal Council

WILSON C. SKEET
Vice Chairman, Navajo Tribal Council

18 April 1973

M E M O R A N D U M

TO: Area Director, Navajo Area Office
Attention: Area Real Property Management Officer

FROM: Chairman, Navajo Tribal Council JUN 7 1973

SUBJECT: Application by Utah International Incorporated for
Right-of-Way to construct a Railroad, Roadway and
Haul Road, San Juan County, New Mexico

The Utah International Incorporated, a corporation organized and existing under and by virtue of the laws of the State of Delaware, with it's head office at San Francisco, California has made application for right-of-way to construct, maintain, operate, use, repair, renew and remove a railroad, roadway and a haulroad and all appurtenances thereto on, over and across lands owned by the Navajo Tribe of Indians described as Sections 3, 4, 9, and 10, Township 27 North, Range 16 West; Sections 25, 34 and 35, Township 28 North, Range 16 West; Sections 7, 18, 19 and 30, Township 28 North, Range 15 West and Section 36, Township 29 North, Range 16 West, New Mexico Principal Meridian, San Juan County, New Mexico. The proposed route of the aforementioned railroad, roadway and haul road is more particularly described on the accompanying maps entitled "Application for Right-of-Way for Roadway" and "Application for Right-of-Way for Railroad and Roadway".

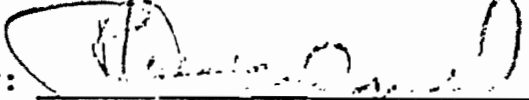
All necessary field clearances have been performed by the Office of Navajo Land Administration of the Navajo Tribe and all authorized land users affected by the proposed right-of-way routes have given their consent and same is on file with the aforementioned office. Utah International Incorporated's request for right-of-way is hereby granted subject to right-of-way fees and damage payments as follows:

- | | |
|-------------------------------------|-------------|
| 1. The Navajo Tribe | \$23,250.00 |
| 2. Daisy Mason, C#32312 | 100.00 |
| 3. Irene Mike, C#32286 | 300.00 |
| 4. Charlie Yellowman, C#32240 | 75.00 |
| 5. Mae Yellowman, C#32239 | 75.00 |
| 6. Raymond Yellowman, C#93715 | 75.00 |
| 7. Salow Sosie Bega's wife, C#32345 | 200.00 |

9. Jerome Dodge, C#32248	200.00
9. Woodrow Barber, C#32250	250.00
10. Jim Curley Begay, C#32393	150.00
11. Jess Curley Begay, C#32500	150.00
12. Jay Yazzie, C#32010	250.00

When sufficient funds have been deposited to pay the amounts set out above, consent is hereby granted to approve the right-of-way described herein subject to all applicable regulations contained in CFR 25, Part 161, except that the provision of CFR 25, 161.23 (f) and (g) be waived as requested by the applicant.

THE NAVAJO TRIBE OF INDIANS

By: 
Chairman, Navajo Tribal Council

done this 7th day of June
1973.

APPLICATION FOR RIGHT OF WAY
FOR RAILROAD AND ROAD

Utah International Inc. (formerly named Utah Construction & Mining Co.), a corporation organized and existing under and by virtue of the laws of the State of Delaware, with its head office at San Francisco in the State of California, hereby makes application pursuant to the act of February 5, 1948, (62 Stat. 17, 25 USC 323) and in accordance with the regulations set forth in Title 25 of the Code of Federal Regulations, Part 161, for an exclusive right-of-way for the construction, maintenance, operation, use, repair, renewal and removal of a railroad and all appurtenances thereto (including but not limited to trackage, switches and signals), and a roadway, together with the right of ingress and egress and the right of passage for railroad rolling stock of all types and automobiles, trucks and vehicles of all types, over, under, along and across a 100 foot wide strip of land as more particularly described on the accompanying map, provided that between stations 188 + 46.38 and 227 + 46.38, 285 + 46.38 and 291 + 46.38, and 430 + 46.38 and 433 + 46.38 such strip of land shall be 200 feet wide. The main route of the requested right-of-way is 8.88 miles in length commencing at the boundary of the Utah International Inc. mine plant lease from the Navajo Tribe and terminating S 64°49' W 2122.0 feet from the northeast corner of Sec. 9, T27N, R16W, and there are additional branches of said right-of-way totaling 2.90 miles in length, said right-of-way in its entirety being located upon Tribal Indian lands within the Navajo Indian Reservation in San Juan County in the State of New Mexico.

The location of said right-of-way is more particularly shown and delineated on the accompanying map which has been prepared in compliance with 25 CFR 161.6 and which by this reference is hereby made a part hereof.

In the event that the right-of-way herein applied for is granted, Utah International Inc. hereby agrees to the stipulations set forth on Exhibit "A" attached hereto and by this reference incorporated herein.

Since all facilities to be constructed by Utah International Inc. on the requested right-of-way will be for the purpose of facilitating the operations of Utah International Inc. on its coal mining lease from the Navajo Tribe, it is requested that the provisions of 25 CFR 161.23(f) and (g) be waived with respect to any railroad facilities which may be constructed pursuant to the requested right-of-way.

IN WITNESS WHEREOF, Utah International Inc. has caused this instrument to be executed this 7th day of April, 1972.

UTAH INTERNATIONAL INC.

By _____
Vice President

By Bon T. Nitty
ASSISTANT SECRETARY

EXHIBIT "A"

STIPULATIONS

RAILROAD AND ROAD

UTAH INTERNATIONAL INC.

1. The conditions under Part 161.5 of the Code of Federal Regulations, Title 25.
2. The applicant to pay for any damages to improvements and authorized surface use on Tribal Lands as determined by the Tribal Land Investigation Department.
3. The Navajo Tribal lands needed for this easement will revert back to the Navajo Tribe when the land is no longer needed for the said easement.
4. In the construction of the railroad and appurtenant facilities, opportunity for employment will be given Navajo Indians in accordance with their availability and capability in such skilled and unskilled labor which they are qualified to perform. Wages paid to Navajos shall not be less than those paid to other persons for comparable or identical work.
5. The applicant will offer every reasonable opportunity to employ Navajos to show ability for training in additional skills which are needed in the construction, operation and maintenance of this project.
6. The applicant agrees that where soil deterioration or soil hazard is created by its activities, it will take such action as shall be necessary or shall be recommended or required by the Area Director, Navajo Area Office or his authorized representative within the scope of the usual soil conservation practices to correct or repair such deterioration or minimize such hazards.
7. The applicant agrees it will properly dispose of any and all brush and will refill all the holes, trenches or other excavations

incident to the construction and maintenance of said easement which traverses Navajo Tribal land in such a way so as to minimize fire hazards and injury to livestock, and where feasible will reseed any areas of grass destroyed as a result of construction, operation or maintenance of said railroad. Where the easement crosses fences, ditches, or other improvements maintained on Navajo Tribal lands, the applicant also agrees to install proper and necessary gates, cattle guards, or such other necessary improvements which may be required in order to permit the orderly use of Navajo range lands.

8. There is reserved to the Navajo Tribe the right to use, administer, and lease such portion of the lands included within the right-of-way granted to the applicant as are not actually occupied by or required for the facilities constructed by the applicant, or fenced or otherwise enclosed by the applicant, provided however, that any such use by the Tribe, or its Lessees and permittees, shall not interfere with the applicant's application for the right-of-way, and the applicant shall always retain the prior right to construct and use any facilities desired by applicant within the area of the right-of-way as described in the application, for the purposes set forth in the application.

9. Where any part of the facilities to be constructed on the site herein applied for extends across a traveled road or highway, the construction thereof shall be in compliance with the applicable State laws and requirements of the Navajo Tribe; during the work at least one-half the width of the road must be kept open to travel and, upon completion, the highway shall be restored to its original condition, any excavation to be refilled whenever, by settling or other causes, the necessity thereof may arise.

10. Any roads constructed by the applicant hereunder will be located within the limits of the right-of-way granted, unless, for reasons of terrain or existing roads, such location would not be

practical or necessary. Any other location will be by permission first sought and obtained from the Navajo Tribe. Every effort will be made to minimize the construction of new roadways.

11. Applicant may, at its option, discontinue the use of and remove all or any part of the railroad and appurtenant facilities constructed hereunder and shall be liable for any actual damages caused by such removal.

12. If it should be discovered that the planned location of the railroad and appurtenant facilities overlays or interferes with an area occupied by a Navajo Indian shrine, the applicant will change to a location that will avoid interference with or desecration of such shrine. Amended maps will be submitted after construction is completed.

13. If archaeological sites or materials are discovered, immediate notification thereof shall be given to the Navajo Tribe. It is understood that all specimens of archaeological and paleontological materials found on these lands of the Navajo Tribe are owned by and are the property of the Navajo Tribe. If it shall be discovered that the plan course of the said easement threatens to damage or destroy archaeological sites and materials, the applicant shall bear the costs of archaeological salvaging.

14. Any changes or relocations of the subject right-of-way found to be necessary during the development of the Navajo Indian Irrigation Project shall be accomplished by the applicant at its own expense.

UNITED STATES
DEPARTMENT OF THE INTERIORReal Property, Min.
Rights of WayBUREAU OF INDIAN AFFAIRS
Navajo Area Office
Window Rock, Arizona 86515

MAY 22 1964

Utah Construction & Mining Company
550 California Street
San Francisco, California 94104

Gentlemen:

Your application for a railroad right of way across Navajo Tribal lands in Section 36, Township 29 North, Range 16 West; Sections 7, 18, 19, and 30, Township 28 North, Range 15 West, and Sections 25 and 26, Township 28 North, Range 16 West, San Juan County, New Mexico has been approved by the Chairman of the Navajo Tribal Council. The Navajo Tribe has stipulated certain conditions in approving your application. We enclose this stipulation marked "Exhibit C".

According to your map of definite location, this 100 foot wide strip of land will commence at the northern boundary of your mine plant and terminate at the southern boundary of your coal mine lease.

Authorization is hereby granted to proceed with the above project, subject to any rights or adverse claims and to all applicable regulations of Title 25, Code of Federal Regulations, Part 161, excepting the provision of Part 161.23(e) and portion of (f) pertaining to forest fire prevention and the construction and maintenance of passenger and freight stations, provided that this waiver shall not be construed to apply to any future extension of this railroad right of way. This authorization is further subject to the recommendation by the Project Manager, Navajo Indian Irrigation Project, that any changes or relocations found to be necessary during the development of the Navajo Indian Irrigation Project, be accomplished by Utah Construction & Mining Company at their expense.

Sincerely yours,

Area Director

Enclosure

APPLICATION FOR RIGHT-OF-WAY

Utah Construction & Mining Co., a corporation organized and existing under and by virtue of the laws of the State of Delaware, with its head office at San Francisco in the State of California, hereby makes application pursuant to the act of February 5, 1948, (62 Stat. 17, 25 USC 323) and in accordance with the regulations set forth in title 25 of the Code of Federal Regulations, part 161, for an exclusive right-of-way for the construction, maintenance, operation, use, repair, renewal and removal of a railroad and all appurtenances thereto (including but not limited to trackage, switches and signals), and a roadway, together with the right of ingress and egress and the right of passage for railroad rolling stock of all types and automobiles, trucks and vehicles of all types, over, under, along and across a 100 foot wide strip of land as hereinafter described, provided that where the engineering of said railroad requires cuts and fills to extend outside of said 100 foot wide strip of land such right-of-way shall include all areas covered by such cuts and fills, provided that such cuts and fills do not extend more than 100 feet on either side of the centerline of said 100 foot wide strip of land. The main route of the requested right-of-way is 5.62 miles in length commencing at the boundary of the Utah Construction & Mining Co. mine plant lease from the Navajo Tribe and terminating at the boundary of the Utah Construction & Mining Co. coal mining lease from the Navajo Tribe, and there are additional branches of said right-of-way totaling 1.48 miles in length, said right-of-way in its entirety being located upon Tribal Indian lands within the Navajo Indian Reservation in San Juan County in the State of New Mexico.

The location of said right-of-way is more particularly shown and delineated on the accompanying map which has been prepared in compliance with 25 CFR 161.8 and which by this reference is hereby made a part hereof.

In the event that the right-of-way herein applied for is granted, Utah Construction & Mining Co. hereby agrees:

- (a) To construct and maintain the right-of-way in a workmanlike manner.
- (b) To pay promptly all damages, in addition to the deposit made pursuant to 25 CFR 161.5, determined by the Area Director to be due the landowners on account of the construction and maintenance of the right-of-way.
- (c) To indemnify the landowners against any liability for damages to life or property arising from the occupancy or use of the lands by Utah Construction & Mining Co.
- (d) To restore the lands as nearly as may be possible to their original condition upon the completion of construction.
- (e) That Utah Construction & Mining Co. will not interfere with the use of the lands by or under authority of the landowners for any purpose not inconsistent with the primary purpose for which the right-of-way was granted.

Since all facilities to be constructed by Utah Construction & Mining Co. on the requested right-of-way will be for the purpose of facilitating the operations of Utah Construction & Mining Co. on its coal mining lease from the Navajo Tribe, it is requested that the provisions of 25 CFR 161.23(e) and (f) be waived with respect to any railroad facilities which may be constructed pursuant to the requested right-of-way.

IN WITNESS WHEREOF, Utah Construction & Mining Co. has caused this instrument to be executed this 10 day of September, 1967.

UTAH CONSTRUCTION & MINING CO.

By *E. J. ...*
VICE PRESIDENT

By *B. T. Mittel*
ASSISTANT SECRETARY

Section 4

Haul Road

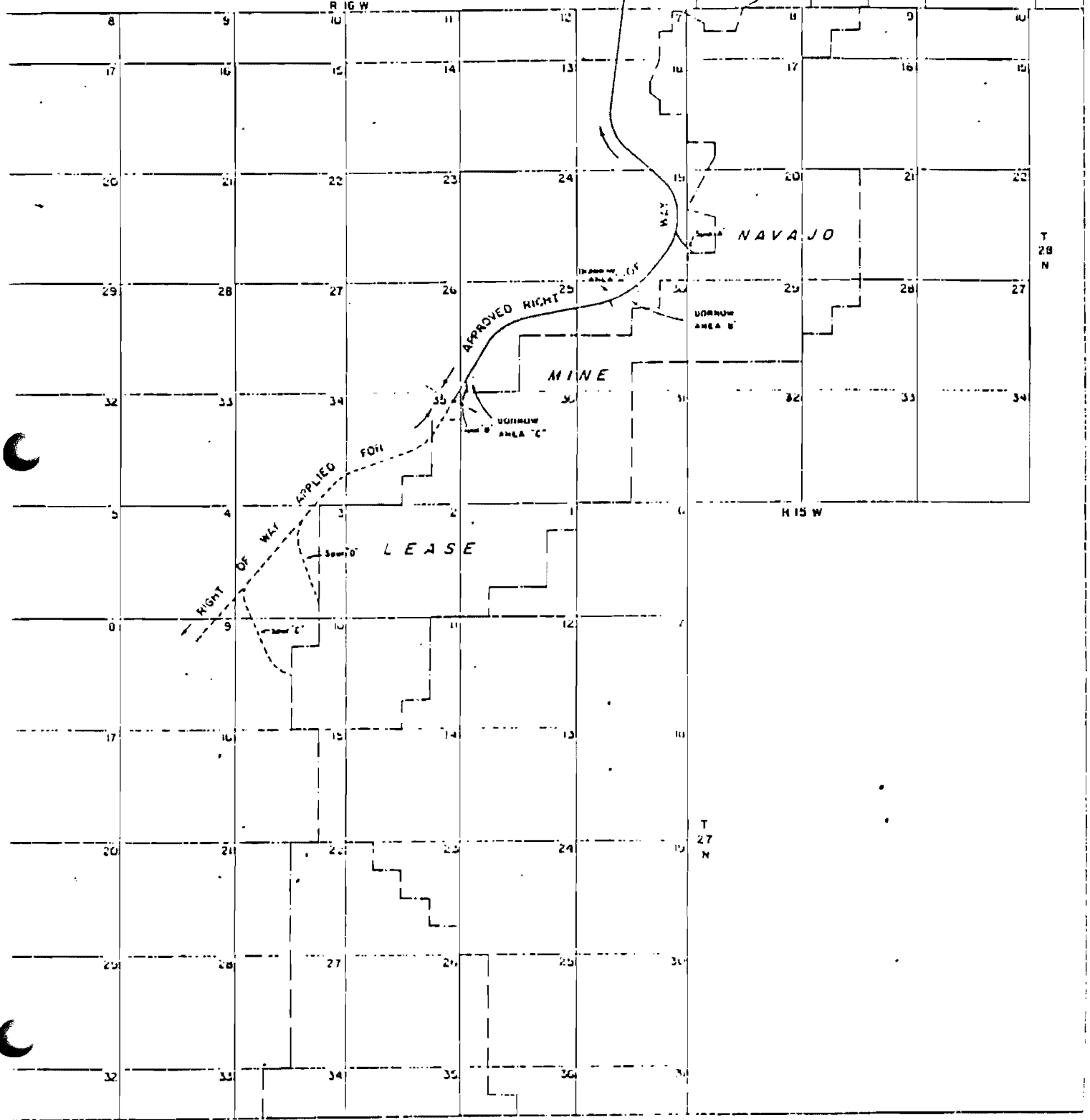
UTAH INTERNATIONAL INC.
NAVAJO MINE - COAL LEASE
SHOWING RAILROAD ROUTE
AND STATUS OF RIGHTS OF WAY

OCT. 1972

DRAWN BY: J.G.



SCALE: 1" = 5000'





UNITED STATES
DEPARTMENT OF THE INTERIOR

ARPM - 370

BUREAU OF INDIAN AFFAIRS
Navajo Area Office
Window Rock, Arizona 86515

January 25, 1974

Utah International, Inc.
Navajo Mine
Post Office Box 155
Fruitland, New Mexico 87416

Gentlemen:

Enclosed for your information and use are two approved Grants of Easement for Right-of-Way for a coal haul road and railroad to serve your coal mining lease in San Juan County, New Mexico. It is understood that the borrow material pits shown on Exhibit "B" of the easements are not a part of the grant.

Upon completion of construction, please submit affidavit of completion in accordance with 25 CFR 161.16.

Sincerely yours,

Andrew W. Latham

ASSISTANT Area Real Property
Management Officer

Enclosures

TRIPAL XXX
INDIVIDUALLY OWNED _____
GOVERNMENT OWNED _____
RIGHT-OF-WAY Unnumbered

GRANT OF EASEMENT FOR RIGHT-OF-WAY

KNOW ALL MEN BY THESE PRESENTS:

That the United States of America for and on behalf of the Indian Owners of the lands described in Exhibit "A" hereof, acting by and through the Area Director, Bureau of Indian Affairs, Department of the Interior, Window Rock, Arizona, hereinafter referred to as "Grantor", under authority contained in Commissioner's Redelelegation Order 10 BIAM Section 3.1, and pursuant to the provisions of the Act of February 5, 1943 (62 Stat. 17, 25 U.S.C. §§ 323-328), and Part 161, Title 25, Code of Federal Regulations, in consideration of \$ 14,883.00*** and other good and valuable consideration, the receipt of which is acknowledged does hereby grant to UTAH

INTERNATIONAL, INC., a Delaware corporation, of San Francisco, hereinafter referred to as "Grantee", an easement for a right-of-way for the following purposes(s), namely:

Construction, maintenance, operation, use, repair, renewal and removal of a roadway and all appurtenances thereto

_____, over, across, in and upon the following described lands located in the County of San Juan, State of New Mexico.

The said easement, as shown on the Map(s) for Roadway, consisting of 3 sheets, marked Exhibit "B" attached hereto, is limited to and more particularly described as a 100-foot wide strip of land, lying 50 feet on each side of centerline, provided that between stations 168+45.19 and 203+00, and 261+00 and 267+00, the right-of-way shall extend 100 feet on each side of said centerline. Said right-of-way is 8.42 miles in length, 94.5 acres in area, more or less, and is more particularly described in the Legal Description for Haulroad Right-of-Way marked Exhibit "A", attached hereto and by this reference made a part hereof.

This easement is subject to the provisions and conditions of the Navajo Mine Railroad and Haul Road Reclamation Plan submitted by Grantee, by letter of transmittal to the Area Director on January 22, 1974.

This easement is subject to any valid existing right or adverse claim and is
without limitation as to tenure ~~Subsequent to the date of this grant~~,
so long as said easement shall be actually used for the purpose above specified;
PROVIDED, that this right-of-way shall be terminable in whole or in part by the
Grantor for any of the following causes upon 30 days' written notice and failure
of the Grantee within said notice period to correct the basis for termination
(25 CFR 161.20):

- A. Failure to comply with any term or condition of the grant or the applicable regulations.
- B. A nonuse of the right-of-way for a consecutive two-year period for the purpose for which it was granted.
- C. An abandonment of the right-of-way.
- D. Failure of the Grantee, upon the completion of construction, to file with the Grantor an affidavit of completion pursuant to 25 CFR 161.16.
- E. Failure to comply with stipulations contained in memorandum of the Chairman, Navajo Tribal Council, signed June 7, 1973.
- F. Failure to comply with Stipulations for Haul Road set forth in Grantee's application for right-of-way dated April 7, 1972.
- G. ---

The conditions of this easement shall extend to and be binding upon and shall inure to the benefit of the heirs, representatives, successors, and assigns of the Grantee.

IN WITNESS WHEREOF, Grantor has executed this grant of easement this
25th day of January, 19 74.

UNITED STATES OF AMERICA
Per authority contained in Secretary's
letter dated September 28, 1973.

By Ralph B. Armstrong
(Name)

Acting Assistant Area Director
(Title)

U. S. DEPARTMENT OF THE INTERIOR
Bureau of Indian Affairs
Navajo Area Office
Window Rock, Arizona 86515

LEGAL DESCRIPTION
HAULROAD RIGHT-OF-WAY

Beginning at Station 0+00 (Coordinates North 2,068,069.01 - East 311,425.00) said point being at the boundary of Utah International Inc. mine lease and said point being North $51^{\circ}22'$ West and a distance of 3,440.00 feet from South-east corner of Section 36, T29N. R16W, N.M.P.M.; centerline of right-of-way is 100-foot strip of land lying 50 feet on each side of said indicated centerline.

The centerline of haulroad is 100 feet east and runs parallel to centerline of railroad all the way to end of the line, including line that has approved and the part we are applying for. The total distance for haulroad is 44,463.70 feet.

The point of termination for haulroad is the same place as point of termination for railroad, but only 100 feet east of it, said point being South $62^{\circ}23'$ West and a distance of 2,072.00 feet from northeast corner of Section 9, T27N, R16W, N.M.P.M.

Total acreage applied for is 94.5 acres.

LEGAL DESCRIPTION
HAULROAD RIGHT-OF-WAY

Beginning at Station 0+00 (Coordinates N2,068,069.01 - E311,425.00) said point being at the boundary of Utah International Inc. mine lease and said point being N51° 22'W and a distance of 3,440.00 feet from south-east corner of Section 36, T29N, R16W, N.M.P.M.; center line of right-of-way is 100-foot strip of land lying 50 feet on each side of said indicated center line.

The center line of haulroad is 100 feet east and runs parallel to center line of railroad all the way to end of the line, including line that has approved and the part we are applying for. The total distance for haulroad is 44,463.70 feet.

The point of termination for haulroad is the same place as point of termination for railroad, but only 100 feet east of it, said point being S62° 23'W and a distance of 2,072.00 feet from northeast corner of Section 9, T27N, R16W, N.M.P.M.

Total acreage applied for is 94.5 acres.

THE NAVAJO NATION

WINDOW ROCK, ARIZONA 86515 36515



RECEIVED

JUN 26 1973

Area Branch of
Real Property Mgmt.

000
LEASING
R/W <i>gd</i>
RR. SFC.

PETER MacDONALD
Chairman, Navajo Tribal Council

WILSON C. SKEET
Vice Chairman, Navajo Tribal Council

18 April 1973

M E M O R A N D U M

TO: Area Director, Navajo Area Office
Attention: Area Real Property Management Officer

FROM: Chairman, Navajo Tribal Council JUN 7 1973

SUBJECT: Application by Utah International Incorporated for
Right-of-Way to construct a Railroad, Roadway and
Haul Road, San Juan County, New Mexico

The Utah International Incorporated, a corporation organized and existing under and by virtue of the laws of the State of Delaware, with its head office at San Francisco, California has made application for right-of-way to construct, maintain, operate, use, repair, renew and remove a railroad, roadway and a haulroad and all appurtenances thereto on, over and across lands owned by the Navajo Tribe of Indians described as Sections 3, 4, 9, and 10, Township 27 North, Range 16 West; Sections 25, 34 and 35, Township 28 North, Range 16 West; Sections 7, 18, 19 and 30, Township 28 North, Range 15 West and Section 36, Township 29 North, Range 16 West, New Mexico Principal Meridian, San Juan County, New Mexico. The proposed route of the aforementioned railroad, roadway and haul road is more particularly described on the accompanying maps entitled "Application for Right-of-Way for Roadway" and "Application for Right-of-Way for Railroad and Roadway".

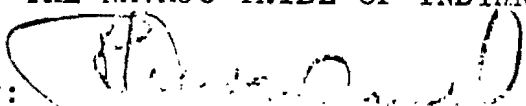
All necessary field clearances have been performed by the Office of Navajo Land Administration of the Navajo Tribe and all authorized land users affected by the proposed right-of-way routes have given their consent and same is on file with the aforementioned office. Utah International Incorporated's request for right-of-way is hereby granted subject to right-of-way fees and damage payments as follows:

- | | |
|-------------------------------------|---------------|
| 1. The Navajo Tribe | \$23,250.00 ✓ |
| 2. Daisy Mason, C#32312 | 100.00 |
| 3. Irene Mike, C#32286 | 300.00 |
| 4. Charlie Yellowman, C#32240 | 75.00 |
| 5. Mae Yellowman, C#32239 | 75.00 |
| 6. Raymond Yellowman, C#93715 | 75.00 |
| 7. Salow Sosie Bega's wife, C#32345 | 200.00 |

8. Jerome Dodge, C#32248	200.00
9. Woodrow Barber, C#32250	250.00
10. Jim Curley Begay, C#32393	150.00
11. Jess Curley Begay, C#32500	150.00
12. Jay Yazzie. C#32010	250.00

When sufficient funds have been deposited to pay the amounts set out above, consent is hereby granted to approve the right-of-way described herein subject to all applicable regulations contained in CFR 25, Part 161, except that the provision of CFR 25, 161.23 (f) and (g) be waived as requested by the applicant.

THE NAVAJO TRIBE OF INDIANS

By: 
Chairman, Navajo Tribal Council

done this 22nd day of June
1973.

LEGAL DESCRIPTION
HAULROAD RIGHT-OF-WAY

Beginning at Station 0+00 (Coordinates N2,068,069.01 - E311,425.00) said point being at the boundary of Utah International Inc. mine lease and said point being N51° 22'W and a distance of 3,440.00 feet from south-east corner of Section 36, T29N, R16W, N.M.P.M.; center line of right-of-way is 100-foot strip of land lying 50 feet on each side of said indicated center line.

The center line of haulroad is 100 feet east and runs parallel to center line of railroad all the way to end of the line, including line that has approved and the part we are applying for. The total distance for haulroad is 44,463.70 feet.

The point of termination for haulroad is the same place as point of termination for railroad, but only 100 feet east of it, said point being S62° 23'W and a distance of 2,072.00 feet from northeast corner of Section 9, T27N, R16W, N.M.P.M.

Total acreage applied for is 94.5 acres.

APPLICATION FOR RIGHT-OF-WAY

FOR HAUL ROAD

Utah International Inc. (formerly named Utah Construction & Mining Co.), a corporation organized and existing under and by virtue of the laws of the State of Delaware, with its head office at San Francisco in the State of California, hereby makes application pursuant to the act of February 5, 1948, (62 Stat. 17, 25 USC 323) and in accordance with the regulations set forth in title 25 of the Code of Federal Regulations, part 161, for an exclusive right-of-way for the construction, maintenance, operation, use, repair, renewal and removal of a roadway and all appurtenances thereto, together with the right of ingress and egress, and the right of passage for automobiles, trucks and vehicles of all types over, along and across a 100 foot wide strip of land as more particularly described on the accompanying map, provided that between stations 168 + 45.19 and 203 + 00, and 261 + 00 and 267 +00 said strip of land shall be 200 feet wide. The requested right-of-way is 8.42 miles in length commencing at the boundary of the Utah International Inc. mine plant lease from the Navajo Tribe and terminating S 62°23' W 2072.0 feet from the northeast corner of Sec. 9, T27N, R16W, said right-of-way in its entirety being located upon Tribal Indian lands within the Navajo Indian Reservation in San Juan County in the State of New Mexico.

The location of said right-of-way is more particularly shown and delineated on the accompanying map which has been prepared in compliance with 25 CFR 161.6 and which by this reference is hereby made a part hereof.

In the event that the right-of-way herein applied for is granted, Utah International Inc. hereby agrees to the stipulations set forth on Exhibit "A" attached hereto and by this reference in-

corporated herein.

IN WITNESS WHEREOF, Utah International Inc. has caused this instrument to be executed this 7th day of April, 1972.

UTAH INTERNATIONAL INC.

BY [Signature]

BY [Signature]

ASSISTANT SECRETARY

[Signature]

STIPULATIONS

HAUL ROAD

UTAH INTERNATIONAL INC.

1. The conditions under Part 161.5 of the Code of Federal Regulations, Title 25.

2. The applicant to pay for any damages to improvements and authorized surface use on Tribal Lands as determined by the Tribal Land Investigation Department.

3. The Navajo Tribal lands needed for this easement will revert back to the Navajo Tribe when the land is no longer needed for the said easement.

4. In the construction of the haul road and appurtenant facilities, opportunity for employment will be given Navajo Indians in accordance with their availability and capability in such skilled and unskilled labor which they are qualified to perform. Wages paid to Navajos shall not be less than those paid to other persons for comparable or identical work.

5. The applicant will offer every reasonable opportunity to employ Navajos to show ability for training in additional skills which are needed in the construction, operation and maintenance of this project.

6. The applicant agrees that where soil deterioration or soil hazard is created by its activities, it will take such action as shall be necessary or shall be recommended or required by the Area Director, Navajo Area Office or his authorized representative within the scope of the usual soil conservation practices to correct or repair such deterioration or minimize such hazards.

7. The applicant agrees it will properly dispose of any and all brush and will refill all the holes, trenches or other excavations incident to the construction and maintenance of said easement

which traverses Navajo Tribal land in such a way so as to minimize fire hazards and injury to livestock, and where feasible will reseed any areas of grass destroyed as a result of construction, operation or maintenance of said haul road. Where the easement crosses fences, ditches, or other improvements maintained on Navajo Tribal lands, the applicant also agrees to install proper and necessary gates, cattle guards, or such other necessary improvements which may be required in order to permit the orderly use of Navajo range lands.

8. There is reserved to the Navajo Tribe the right to use, administer, and lease such portion of the lands included within the right-of-way granted to the applicant as are not actually occupied by or required for the facilities constructed by the applicant, or fenced or otherwise enclosed by the applicant, provided however, that any such use by the Tribe, or its Lessees and permittees, shall not interfere with the applicant's application for the right-of-way, and the applicant shall always retain the prior right to construct and use any facilities desired by applicant within the area of the right-of-way as described in the application, for the purposes set forth in the application.

9. Where any part of the facilities to be constructed on the site herein applied for extends across a traveled road or highway, the construction thereof shall be in compliance with the applicable State laws and requirements of the Navajo Tribe; during the work at least one-half the width of the road must be kept open to travel and, upon completion, the highway shall be restored to its original condition, any excavation to be refilled whenever, by settling or other causes, the necessity thereof may arise.

10. Any roads constructed by the applicant hereunder will be located within the limits of the right-of-way granted, unless, for reasons of terrain or existing roads, such location would not be practical or necessary. Any other location will be by permission first sought and obtained from the Navajo Tribe. Every effort will be made

to minimize the construction of new roadways.

11. Applicant may, at its option, discontinue the use of and remove all or any part of the haul road and appurtenant facilities constructed hereunder and shall be liable for any actual damages caused by such removal.

12. If it should be discovered that the planned location of the haul road and appurtenant facilities overlays or interferes with an area occupied by a Navajo Indian shrine, the applicant will change to a location that will avoid interference with or desecration of such shrine. Amended maps will be submitted after construction is completed.

13. If archaeological sites or materials are discovered, immediate notification thereof shall be given to the Navajo Tribe. It is understood that all specimens of archaeological and paleontological materials found on these lands of the Navajo Tribe are owned by and are the property of the Navajo Tribe. If it shall be discovered that the plan course of the said easement threatens to damage or destroy archaeological sites and materials, the applicant shall bear the costs of archaeological salvaging.

14. Any changes or relocations of the subject right-of-way found to be necessary during the development of the Navajo Indian Irrigation Project shall be accomplished by the applicant at its own expense.

UTAH INTERNATIONAL INC.

NAVAJO MINE

POST OFFICE BOX 155 • FRUITLAND, NEW MEXICO 87418

(805) 598-5861

2/2/74. 25

AG

January 22, 1974

Area Director
Navajo Area Office
Bureau of Indian Affairs
Window Rock, Arizona 86515

ATTENTION: Area Real Property Management

Sir:

On behalf of Utah International Inc. and its Navajo Mine I am pleased to enclose four (4) copies of the Navajo Mine Railroad and Haul Road Reclamation Plan.

The plan submitted today is a revision of the reclamation plan submitted to you on December 28, 1973. The changes which have been made reflect a series of discussions with the Area Branch of Land Operations, and all of the suggestions of the Area Branch have been incorporated into the new document.

If we can be of any assistance to you in expediting approval of this plan, please do not hesitate to contact us. We thank you for your attention to this matter.

Sincerely yours, .

A. F. Geiger

A. F. Geiger
Mine Manager

Enclosures

RECLAMATION PLAN

Navajo Railroad Right-of-way and Haul Road

1. Introduction. Utah International Inc. (hereinafter referred to as "Utah") has applied for rights-of-way over lands located within the Navajo Reservation for purposes of constructing and operating a unit train and haul road in conjunction with Utah's Navajo Mine. A portion of the railroad right-of-way was approved on May 31, 1968. Approval of the balance of said railroad right-of-way and the haul road right-of-way has been conditioned upon the submission by Utah of a "Land Restoration Plan" for said rights-of-way. The following reclamation plan is submitted in compliance with that condition.
2. Background. The subject rights-of-way are parallel, contiguous to one another and commence at the site of the boundary of Utah's mine plant lease from the Navajo Tribe, proceed in a generally southerly direction for approximately two (2) miles, then southeasterly, south and finally southwesterly near the west boundary of Utah's current mine lease for a total distance of approximately nine (9) miles as more particularly shown on the Map annexed hereto as Exhibit "A". Along their route, characterized by essentially flat terrain, each right-of-way will occupy a strip approximately 100 feet wide except where the surface relief requires cut and fill construction in which case the contiguous rights-of-way will each occupy a strip approximately 200 feet in width.
 - a. Description of the railroad right-of-way. The mainline railroad right-of-way is 8.88 miles long and will occupy approximately 102 acres of land. There will be, in conjunction with the mainline,

6 spur lines involving 2.9 miles of track and occupying approximately 22 acres.

- b. Haul road. The 3.42 mile haul road will be 65 feet wide, of which 50 feet will constitute the actual haul road. The haul road will occupy approximately 94 acres. The haul road will be constructed utilizing approximately 4-6 inches of gravel over a 12-15 inch sub-base. It is not presently anticipated that the haul road will be paved.
- c. Borrow areas. Fill for use in the construction of the railroad and haul road will be obtained from three areas, shown as areas "A", "B", and "C" on the map annexed hereto as Exhibit "A". Borrow activities in the three areas will involve the disturbance of approximately 16 acres of land exclusive of the land included within the rights-of-way.
- d. Railroad yard and related facilities. The yard facilities will consist of a "Y" turnaround and maintenance and warehouse facilities which will be added to the existing maintenance and warehouse facilities at the Navajo Mine industrial complex.
- e. Construction schedule. Construction on the portion of the railroad right-of-way granted in 1968 began in 1969. The time segments during which various portions of the railroad will be constructed is given in Table 1.

3. Environmental Protection Measures During Construction and Operation.

- a. Prevention of wind and water erosion. The slopes of the cuts and fills and abandoned borrow pits will be graded to minimize wind and water erosion and to establish a slope configuration which is the optimum for facilitating the revegetation of said

slopes. After grading, the slopes will be revegetated as hereinafter described.

In addition to the grading of the slopes of the cuts and fills, ditches will be dug along the elevated portions of the right-of-way which will serve to catch water which may run off during heavy rains.

- b. Protection of drainage ways. For the most part, the natural drainage ways will be maintained. In six instances, where the railroad crosses existing drainage ways, concrete culverts will be installed. In one instance in area "C" the natural drainage will be intercepted by a borrow pit, creating a small impoundment of less than ten (10) acre feet which will be utilized for stock watering.
- c. Protection of livestock. The rights-of-way will be fenced throughout their length with woven wire fence. There will be five vehicle grade crossings each of which will be equipped with stop signs and gates (See Figure 1). Two livestock underpasses will be provided as shown on the annexed map, Exhibit "A", consisting of concrete culverts seven feet in diameter. In addition, the six drainage culverts will be in excess of four feet in diameter and will accommodate sheep.
- d. Revegetation. The graded slopes of areas disturbed in the course of construction of the railroad bed and haul road (i.e. slopes of cuts and fills) and the shoulders of the haul road will be revegetated with the exception of those areas which consist of exposed rock or shale. Prior to seeding, the areas to be revegetated will be fertilized and/or mulched, as necessary and

appropriate. After preparation of the seed bed, all areas to be revegetated will be seeded with a conventional range drill seeder and compacter where the terrain permits their employment. Where the terrain is such that drill seeding is not practicable, the areas to be revegetated will be seeded using hand broadcast methods. Seeding will take place during late July and early August in order to take advantage of the late summer rains.

The areas to be revegetated will be seeded with native species of plants selected for their adaptability to the existing soil type, their ability to control erosion, and their compatibility with the surrounding plant community. The seed mixtures to be utilized and the application rate (pounds of live seed per acre) are given in Table 2.

Fertilizers will be added to the seed bed in proportions which are determined by soil analysis to be necessary to supply the appropriate nutrients. The quantity of fertilizer required will be determined in accordance with Department of Agriculture guidelines.

A straw or fiber mulch will be applied with a conventional mulch spreader on areas of soil instability or where significant erosion potential exists. The mulch will be worked into the soil with the use of a disc or slope harrow where potential wind erosion is high. If this does not check wind erosion, other proven procedures will be employed.

The areas to be revegetated, the seed mixture to be utilized in each area, the necessity for fertilizer and mulch, the average depth of the soil in each area, the soil type together

pecial problems which have been identified or might be anticipated are given in Table 2. The stations given in Table 2 are shown on the Map annexed hereto as Exhibit "A". The range units identified in Table 2 are described in Appendix A to Table 2. The seed mixtures given in Table 2 together with the application rates are given in Appendix "B" to Table 2. Physical and chemical properties of the soil types identified in Table 2 are contained in Appendix "C" to Table 2. A more detailed description of the range units and soil types is contained in the United States Department of Interior Bureau of Indian Affairs, Navajo Area Shiprock Agency District 13 Soil and Range Inventory (1971).

- e. Reclamation schedule. Reclamation will proceed concurrently with construction. Cuts and fills will be graded to their final configuration immediately after their completion. The graded slopes, haul road shoulders and other disturbed areas to be revegetated will be prepared and reseeded during the summer and fall following completion of construction.

After completion of the railroad bed and haul road, the borrow pits which are not to be retained as stockwatering areas will be reclaimed by reducing their slopes and revegetating the disturbed area.

- f. Long term maintenance. The vegetative cover established on the disturbed areas, in order to become self-sustaining and permanent, must be adapted to the extremes of climatological conditions in the area. To this end, a long term maintenance program will be designed to monitor the progress of the vegetative cover and to develop an action program to deal with contingencies. The re-

vegetation efforts will be inspected at least annually during early summer to determine the desirability of additional action in respect to the vegetation, which action may include, among other things, additional seeding, additional soil conditioning (fertilizing, mulching) and control of noxious species. If additional action is required, it will be completed during July and August following the inspection.

Noxious and poisonous weeds will be controlled by burning or by chemical application where possible.

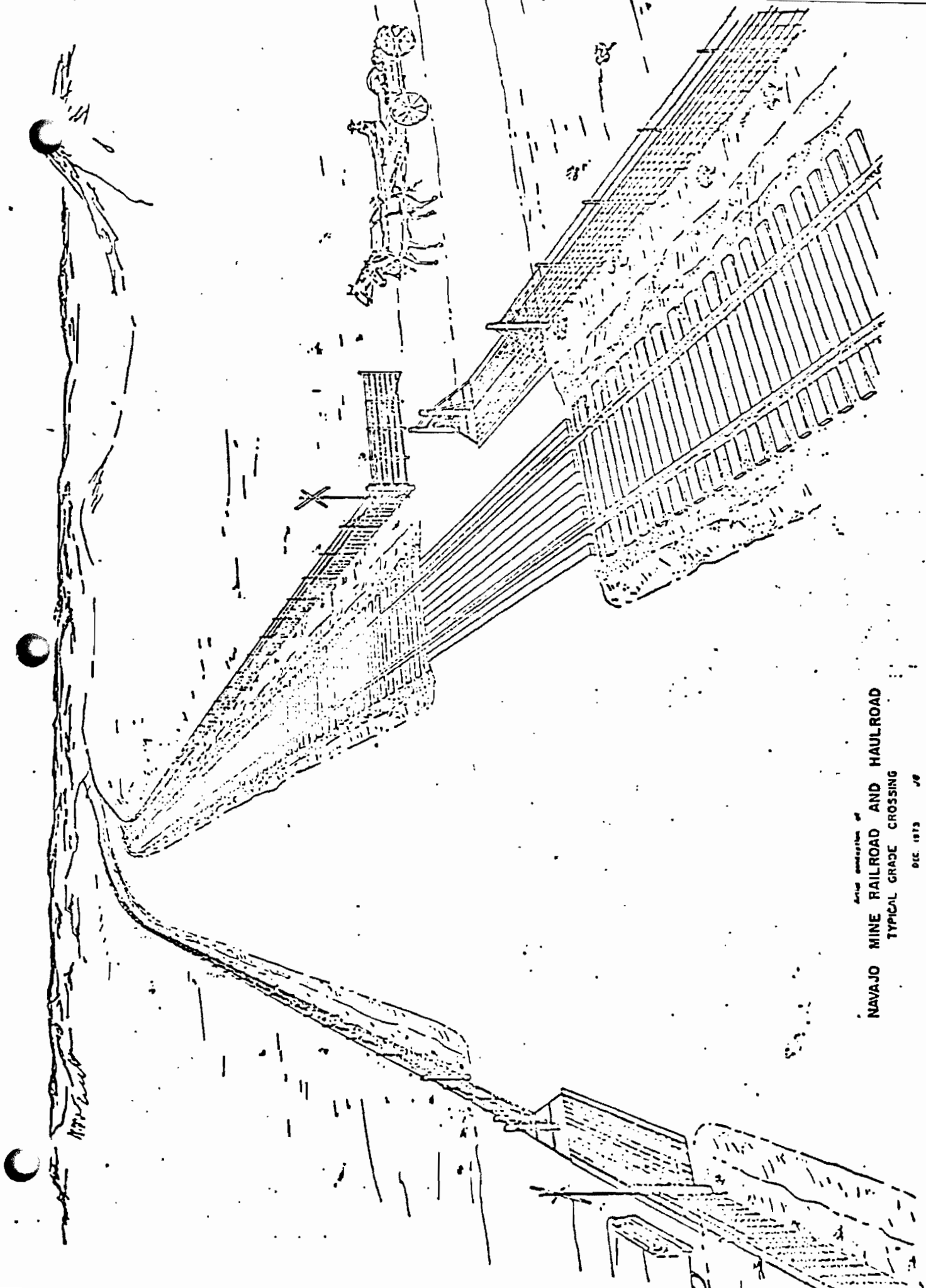
The water impoundment which will be utilized for stock watering will be inspected at least semi-annually and its water quality evaluated. If the water quality is such that the water is hazardous to livestock ^{the} and stock watering impoundments will be eliminated.

4. Post Operation Land Rehabilitation. At the end of the life of the railroad and haul road, the track, ties and fencing will be removed, the railroad bed graded level with surrounding topography and the entire area revegetated in the manner hereinabove described. The cuts and fills will be retained as well as the concrete drainage structures and livestock underpasses. Reclamation will commence immediately upon the final cessation of operations and all grading and reseeding will be completed within twelve months of cessation of operation. Inspection and revegetation will be carried out for a 3-5 year period or until suitable vegetation is established.

TABLE 1

Proposed Construction Schedule

Location	Construction	
	Initiation	Completion
Mainline (0+00 to 291+70)	November 1969	March 1974
Mainline (291+70 to 444+64)	September 1974	March 1975
Spur A	September 1976	March 1977
Spur B	September 1974	March 1975
Spur D	September 1974	March 1975
Spur E	September 1974	March 1974
Area A	May 1972	March 1974
Area B	May 1972	March 1974
Area C	May 1972	March 1974



Artistic conception of
NAVAJO MINE RAILROAD AND HAULROAD
TYPICAL GRADE CROSSING

DEC. 1913 J.B.

DETAILED RECONSTRUCTION PLAN

<u>STATION TO STATION</u>		<u>ACTIVITY</u>	<u>AVERAGE DEPTH</u>	<u>SOIL TYPE</u>	<u>SOIL DEPTH</u>	<u>FERTILIZER REQUIRED (LOCATION)</u>	<u>MULCHING REQUIRED (LOCATION)</u>	<u>SEED MIXTURE</u>	<u>RANGE UNIT</u>	<u>SPECIAL PROBLEMS</u>
I. Mainline										
0+00	19+00	Cut	16'	1	3.0'	-	-	A	1	Seed road on west side, tumbleweed removal in cut
19+00	*Stock Underpass	Fill	11'	2		-	Fill	B	2	
Stock Underpass	49+00	Fill	22'	2	2.0'	Fill	North half of fill	B	2	
49+00	61+30	Cut	30'	2	1.0'	East Side	-	B	2	Cut is in rock, no revegetation on west side
61+30	77+40	Fill	6'	2	1.0'-2.0'	Fill	Fill Greater than 3.0'	B	2	Soil of high salt content
77+40	86+30	Cut	-	2	0.9'	Cut	-	B	2	Soil of high salt content
86+30	90+72	Cut	-	1	3.0'	-	-	A	3	Soil subject to wind erosion
90+72	*EPNG Pipeline	Fill	10'	1	3.0'	-	-	A	3	Soil subject to wind erosion
EPNG Pipeline	101+00	Fill	10'	1	3.0'	Fill	-	A	3	Soil subject to wind erosion
101+00	110+00	Cut	3'	1	3.0'	Cut	-	A	3	Soil subject to wind erosion
110+00	118+50	Fill	5'	1	3.0'	Fill	-	A	3	

DETAILED EROSION CONTROL PLAN

<u>STATION TO STATION</u>		<u>ACTIVITY</u>	<u>AVERAGE DEPTH</u>	<u>SOIL TYPE</u>	<u>SOIL DEPTH</u>	<u>FERTILIZER REQUIRED (LOCATION)</u>	<u>MULCHING REQUIRED (LOCATION)</u>	<u>SEED MIXTURE</u>	<u>RANGE UNIT</u>	<u>SPECIAL PROBLEMS</u>
118+50	130+70	Cut	3'	1	3.0'	-	-	A	3	No revegetation on north half east side
130+70	134+50	Fill	4'	2	1.0'	-	-	B	2	
134+50	143+80	Cut	25'	4	.7'	-	-	B	4	No revegetation on west side, no usable topsoil, caprock is shallow
143+80	157+30	Fill	8'	2	1.0'	-	-	B	2	Soil with high salt content
157+30	168+40	Cut	25'	4	.7'	-	-	B	4	No revegetation no usable soil, caprock is shallow
168+40	Southend of Fill	Fill	60'	3	-	Fill	Fill	B	5	Subject to wind erosion
Southend of Fill	193+30	Cut & Fill		3	3.8'	West Side	-	B	5	No revegetation on east side, of high salt content
193+30	205+50	Cut	31'	3	0.8'	West Side	-	B	6	No revegetation east side, soil high salt content
205+50	223+30	Fill	10'	3	0.8'	Fill	-	B	6	Soil of high sand and clay content

DETAILED REVEGETATION PLAN

<u>STATION TO STATION</u>		<u>ACTIVITY</u>	<u>AVERAGE DEPTH</u>	<u>SOIL TYPE</u>	<u>SOIL DEPTH</u>	<u>FERTILIZER REQUIRED (LOCATION)</u>	<u>MULCHING REQUIRED (LOCATION)</u>	<u>SEED MIXTURE</u>	<u>RANGE UNIT</u>	<u>SPECIAL PROBLEMS</u>
223+30	234+70	Cut	11'	3	0.8'	West Side	-	A	6	No revegetation on east side, west side subject to wind erosion
234+70	254+40	Fill	4'	3		-	-	B	6	High saline and shaley soil
254+40	258+50	Cut	3'	3	3.0'	Cut	-	A	6	Subject to wind erosion
258+50	278+30	Fill	9' & 20'	4		-	-	B	4	High saline and shaley soil
278+30	285+60	Cut	13'	4	1.5'	-	-	B	4	No revegetation the cut
285+60	291+70	Fill	1'	4	1.0'	Fill	-	B	4	High saline and shaley soil
291+70	300+00	Cut	5'	4	.8"	-	-	B	4	Very thin soil layer
300+00	311+40	Fill	11'	4	8"	Fill	Fill	B	4	Very thin soil layer
311+40	364+00	Cut	3' & 25"	4	8"	Cut	Cut	B	4	Very thin soil layer
364+00	367+30	Fill	1'	4	8"	Fill	-	B	4	Very thin soil layer
367+30	374+80	Cut	7'	4	8"	Cut	-	B	4	Very thin soil layer
				4	8"	Fill	-	B	4	" "

DETAILED EROSION CONTROL PLAN

<u>STATION TO STATION</u>		<u>ACTIVITY</u>	<u>AVERAGE DEPTH</u>	<u>SOIL TYPE</u>	<u>SOIL DEPTH</u>	<u>FERTILIZER REQUIRED (LOCATION)</u>	<u>MULCHING REQUIRED (LOCATION)</u>	<u>SEED MIXTURE</u>	<u>RANGE UNIT</u>	<u>SPECIAL PROBLEMS</u>
379+90	383+00	Cut	3'	4	8"	Fill	-	B	4	Very thin soil layer
384+00	387+00	Fill	3'	4	8"	Fill	-	B	4	Very thin soil layer
387+00	403+70	Cut	14'	4	8"	Cut	Cut	B	4	Very thin soil layer
403+70	Spur E	Cut	10'	4	8"	Cut	Cut	B	4	Very thin soil layer
Spur E	420+00	Fill	7' & 15"	4	8"	Fill	Fill	B	4	Very thin soil layer
420+00	440+70	Cut	3'	5	3.5'	-	-	B	7	Saline soil
440+70	444+64	Fill	1'	5	3.5'	-	-	B	7	Saline soil
II. SPUR E										
0+00	10+30	Fill	5'	4	8"	Fill	-	B	4	Very thing soil layer
10+30	22+00	Cut	5'	4	8"	Cut	-	B	4	Very thing soil layer
22+00	37+50	Cut	10'	4	8"	Cut	Cut	B	4	Very thing soil layer
37+50	47+80	Fill	8'	4	8"	Fill	Fill	B	4	Very thin soil layer
47+80	54+20	Cut	10'	4	8"	Cut	Cut	B	4	Very thing soil layer

DETAILED REVEGETATION PLAN

<u>STATION TO STATION</u>	<u>ACTIVITY</u>	<u>AVERAGE DEPTH</u>	<u>SOIL TYPE</u>	<u>SOIL DEPTH</u>	<u>FERTILIZER REQUIRED (LOCATION)</u>	<u>MULCHING REQUIRED (LOCATION)</u>	<u>SEED MIXTURE</u>	<u>RANGE UNIT</u>	<u>SPECIAL PROBLEMS</u>
III. SPUR D									
0+00 1+90	Cut	3'	4	8"	Cut	-	B	4	Very thin soil layer
1+90 14+00	Fill	9'	4	8"	Fill	Fill	B	4	Very thin soil layer
14+00 28+00	Cut	21'	4	8"	Cut	Cut	B	4	Very thin soil layer
28+00 31+70	Fill	3'	4	8"	Fill	-	B	4	Very thin soil layer
31+70 34+50	Cut	6'	4	8"	Cut	-	B	4	Very thin soil layer
34+50 41+80	Fill	20'	4	8"	Fill	Fill	B	4	Very thin soil layer
IV. SPUR B									
Mainline Leaseline			4	8"	Spur	-	B	4	Very thin soil layer
V. SPUR A									
Mainline			1	4.0'	Spur	-	A	3	
VI. BORROW AREAS									
Area A Cut			3	4.0'	-	-	A	5	Fill with ash spoil material to revegetation
Area B Cut			3	8"	-	-	A	4	Grade to establish drainage prior to revegetation

DETAILED RECLAMATION PLAN

<u>STATION TO STATION</u>	<u>ACTIVITY</u>	<u>AVERAGE DEPTH</u>	<u>SOIL TYPE</u>	<u>SOIL DEPTH</u>	<u>FERTILIZER REQUIRED (LOCATION)</u>	<u>MULCHING REQUIRED (LOCATION)</u>	<u>SEED MIXTURE</u>	<u>RANGE UNIT</u>	<u>SPECIAL PROBLEMS</u>
Area C	Cut		4	8"	-	-	B	4	Construction of stock water impoundments

Appendix A to Table 2

RANGE DESCRIPTION

DESIGNATION (Table 1)	BIA RANGE SYMBOL	RECOMMENDED GRAZING CAPACITY (Acres required/Sheep Unit Year Long)
1.	<u>SY 1P121</u> 3001	121
2.	<u>TB 1P117</u> 3154	117
3.	<u>SY 1F20</u> 3096	40
4.	<u>BL1 - 9S</u> 3141	98
5.	<u>CS 1(A) F 56</u> .3094	56
6.	<u>CS 1F20</u> 3103	40
7.	<u>SAS 1F72</u> 3106	72

Extracted from the Navajo Area, Shiprock
Agency District 13 Soil and Range Inventory
U. S. Dept. of Interior
Bureau of Indian Affairs
Bureau of Land Operations

1971

Appendix "B" to Table 2

SEED MIXTURES AND APPLICATION RATES

MIXTURE A*

SPECIE	Rate Drilled (#PLS/Acre)	Rate Broadcast (#PLS/Acre)
Indian Rice Grass	4	8
Alkali Sacaton	4	8
Sand Drop Seed	3	6
Blue Grama	2	4
Winter Fat	1	2
Rubber Rabbit Brush	1	2
TOTAL	15	30

MIXTURE B*

SPECIE	Rate Drilled (#PLS/Acre)	Rate Broadcast (#PLS/Acre)
Alkali Sacaton	6	12
Four Wing Saltbush	6	12
Shadscale	1	2
Winter Fat	2	4
TOTAL	15	30

*May be altered based on availability of seed.

Appendix C to Table 2

SOIL DESCRIPTION

DESIGNATION	BIA MAP UNIT	BIA SOIL UNIT
1	<u>10 CM-1</u> BC-2	<u>10 CM-1</u> BC-2
2	<u>49 EM-1</u> FG-7	<u>26sa E-1</u> BG-3
3	<u>110-1</u> CE-3	<u>110-1</u> CE-3
4	<u>46EM-1</u> FG-7	<u>36saE-1</u> AG-3
5	<u>9sa CE-1</u> BC-2	<u>9sa CE-1</u> BC-2

Extracted from the Navajo Area, Shiprock
 Agency District 13 Soil and Range Inventory
 U. S. Dept. of Interior
 Bureau of Indian Affairs
 Bureau of Land Operations
 1971

CHEMICAL PROPERTIES OF SELECTED SOILS

Soil Profile	Depth Inches	SALT CONTENT						pH Paste	FERTILIZER NUTRIENTS				CAT. EX. CAP. Mc/100 Gms.
		E.C. x 10 ³	Ca+Mg MEQ/L	Na MEQ/L	SAR	% Gypsum	% CaCO ₃		N(td)%	P ₂ O ₅ LBS/AC/FT	K ₂ O LBS/AC/FT	Organic Matter O/O	
900E-1	0-8	1.60	10.50	5.87	2.56	tr	1.05	8.1	0.012	40.30	122.50	0.21	5.33
BC-2	8-22	1.30	1.50	11.44	13.20	tr	1.05	8.5	0.016	18.32	37.69	0.36	5.13
3014-5	22-46	2.20	1.00	19.75	27.90	tr	1.05	8.5	0.010	18.32	111.19	-	7.24
100M-1	0-10	0.60	5.50	0.56	0.34	tr	-	8.2	0.022	27.48	101.59	0.34	4.68
BC-2	10-22	1.02	6.50	2.90	1.07	tr	-	8.1	0.032	13.74	32.99	0.34	8.23
3009-1	22-56	0.87	5.50	3.10	2.05	tr	-	8.3	0.016	9.16	56.54	-	3.41
260E-1	0-3	2.22	5.00	17.05	10.78	tr	-	8.0	0.022	73.28	320.38	0.47	18.01
BC-3	3-9	4.50	5.00	42.60	26.91	tr	-	8.2	0.029	36.64	40.52	0.47	19.83
3006-1	9-13	6.25	31.10	49.50	32.55	0.60	-	7.6	0.036	36.64	123.44	0.98	17.32
360E-1	0-3	5.10	4.00	53.10	375.47	tr	-	8.6	0.020	40.30	13.19	0.33	42.48
AC-3	3-8	1.70	0.50	16.80	33.60	tr	-	8.6	0.016	40.30	212.02	0.16	19.55
	8-16	14.86	27.50	166.00	41.77	9.23	-	8.1	0.020	19.32	184.69	0.40	15
3029-2	16-26	13.17	26.50	140.00	38.46	5.12	-	7.8	15	tr	15	0.47	15
110-1	0-10	0.58	5.00	0.70	0.44	tr	-	8.3	0.016	27.48	114.96	0.16	3.45
CE-3	10-60	0.80	4.00	4.74	3.35	tr	-	8.5	0.020	tr	45.23	0.22	4.47

Appendix C to Table 2
(continued)

PHYSICAL PROPERTIES OF SELECTED SOILS

SOIL Profile	DEPTH Inches	CLASSIFICATION OF SOIL SEPARATES		MOISTURE CONSTANTS			HYDRO COND. In/In	SOIL SEPARATES						SOIL WATER CONSISTENCY			ESTIMATED AVAILABLE MOISTURE (In. Per Inch)		
		USDA SOIL Texture	ENGINEERING SOIL CLASSIFICATION		1/10 ATM	1/3 ATM		15 ATM	Percentage Sieve			Hydrometer Method			Liquid Limit	Plastic Limit		Plastic Index	
			U.S.C.	AASHTO					(4.75mm)	(2.0mm)	(0.075mm)	Sand	Silt	Clay					
900E-1	0-8	Clay loam	CL	A 4(18)	26.82	20.04	10.82	1.33	100	100	72	35	31	34	26.0	16.1	9.9	.16	
BC-2	3-9	Clay loam	CL	A 4(21)	32.99	27.02	11.75	0.33	100	100	78	29	23	38	31.8	18.8	13.0	.24	
3009-1	9-13	Clay loam	CL	A 4(21)	27.10	22.18	10.22	0.25	100	100	70	37	35	28	30.0	19.1	10.9	.19	
360E-1	0-3	Clay loam	CL	A 4(16)	44.27	35.12	13.79	-	100	98	61	46	18	36	29.9	16.3	23.5	.31	
AC-3	3-8	Sandy clay loam	CL	A 4(3)	33.87	21.81	10.17	15	100	97	80	56	17	32	25.4	18.9	9.3	.22	
	8-16	Clay	CL	A 4(21)	42.43	35.24	17.82	19	100	98	79	28	30	42	24.0	17.8	11.0	.28	
3029-2	16-26	Clay	CH	A 7.5(20)	42.74	38.19	22.64	15	100	100	90	16	22	62	65.0	31.8	34.8	.35	
900E-1	0-3	Sand	SM	A 2 4(0)	7.99	4.23	3.43	1.68	100	81	13	94	3	4	Sandy	-	-	NP	.02
BC-2	8-22	Sand	SM	A 2 4(0)	7.82	4.50	2.37	2.61	100	82	12	94	2	4	Sandy	-	-	NP	.02
3014-5	22-46	Loamy sand	SM	A 2 1(0)	25.69	16.62	6.69	0.38	100	95	33	84	4	12	Sandy	-	-	NP	.16
100M-1	0-10	Sand	SM	A 2 4(0)	16.98	8.02	3.43	1.76	100	100	16	81	1	8	Sandy	-	-	NP	.09
BC-2	10-22	Sandy loam	SM	A 2 4(0)	14.04	8.84	8.10	1.64	100	89	32	76	12	12	Sandy	-	-	NP	.08
3006-1	22-36	Sand	SM	A 2 4(0)	17.22	12.60	3.99	3.26	100	88	19	91	3	8	Sandy	-	-	NP	.14
110-1	0-10	Sand	SM SP	A 2 4(0)	6.10	3.03	1.44	1.02	100	83	11	86	2	3	Sandy	-	-	NP	.03
CE-3	10-60	Sand	SM	A 2 4(0)	7.47	4.78	2.38	2.08	100	99	13	84	8	4	Sandy	-	-	NP	.04

THE NAVAJO NATION

WINDOW ROCK, ARIZONA 86515 36515



RECEIVED

JUN 26 1973

Area Branch of
Real Property Mgmt.

000
LEASING
R/W <i>GR</i>
RR SFC.

PETER MacDONALD
Chairman, Navajo Tribal Council

WILSON C. SKEET
Vice Chairman, Navajo Tribal Council

18 April 1973

M E M O R A N D U M

TO: Area Director, Navajo Area Office
Attention: Area Real Property Management Officer

FROM: Chairman, Navajo Tribal Council JUN 7 1973

SUBJECT: Application by Utah International Incorporated for Right-of-Way to construct a Railroad, Roadway and Haul Road, San Juan County, New Mexico

The Utah International Incorporated, a corporation organized and existing under and by virtue of the laws of the State of Delaware, with it's head office at San Francisco, California has made application for right-of-way to construct, maintain, operate, use, repair, renew and remove a railroad, roadway and a haulroad and all appurtenances thereto on, over and across lands owned by the Navajo Tribe of Indians described as Sections 3, 4, 9, and 10, Township 27 North, Range 16 West; Sections 25, 34 and 35, Township 28 North, Range 16 West; Sections 7, 18, 19 and 30, Township 28 North, Range 15 West and Section 36, Township 29 North, Range 16 West, New Mexico Principal Meridian, San Juan County, New Mexico. The proposed route of th aforementioned railroad, roadway and haul road is more particularly described on the accompanying maps entitled "Application for Right-of-Way for Roadway" and "Application for Right-of-Way for Railroad and Roadway".


All necessary field clearances have been performed by the Office of Navajo Land Administration of the Navajo Tribe and all authorized land users affected by the proposed right-of-way routes have given their consent and same is on file with the aforementioned office. Utah International Incorporated's request for right-of-way is hereby granted subject to right-of-way fees and damage payments as follows:

- | | |
|-------------------------------------|---------------|
| 1. The Navajo Tribe | \$23,250.00 ✓ |
| 2. Daisy Mason, C#32312 | 100.00 |
| 3. Irene Mike, C#32286 | 300.00 |
| 4. Charlie Yellowman, C#32240 | 75.00 |
| 5. Mae Yellowman, C#32239 | 75.00 |
| 6. Raymond Yellowman, C#93715 | 75.00 |
| 7. Salow Sosie Bega's wife, C#32345 | 200.00 |

- | | |
|--------------------------------|--------|
| 1. Jerome Dodge, C#32248 | 200.00 |
| 9. Woodrow Barber, C#32250 | 250.00 |
| 10. Jim Curley Begay, C#32393 | 150.00 |
| 11. Jess Curley Begay, C#32500 | 150.00 |
| 12. Jay Yazzie. C#32010 | 250.00 |

When sufficient funds have been deposited to pay the amounts set out above, consent is hereby granted to approve the right-of-way described herein subject to all applicable regulations contained in CFR 25, Part 161, except that the provision of CFR 25, 161.23 (f) and (g) be waived as requested by the applicant.

THE NAVAJO TRIBE OF INDIANS

By: 
Chairman, Navajo Tribal Council

done this 7th day of June
1973.

Section 5

4" Potable Water Line

Navajo Area Office
P. O. Box M
Window Rock, Arizona 86515-0714

ARPM/Rights-of-Way

SEP 25 1986

Mr. R. C. Diederich
Utah International, Inc.
P. O. Box 155
Fruitland, New Mexico 87416

Dear Mr. Diederich:

Receipt is acknowledged of affidavit of completion for right-of-way for the following projects:

1. 4" potable water pipeline to serve Navajo Mine across Navajo Tribal lands in Sections 18, 19, 29, 30 and 31, Township 29 North, Range 15 West, NMPM, San Juan County, New Mexico. The Grant of Easement for Right-of-Way was approved November 6, 1974. On August 22, 1975, we requested same but no affidavit of completion has been received (copy of letter enclosed).
2. A paved access road across Navajo Tribal lands in various sections of Township 27 North, Range 16 West, NMPM, San Juan County, New Mexico (approved: June 28, 1982).

These projects have now been field inspected and found to be in satisfactory condition. No erosion or conservation hazards were observed. We are, therefore, granting final clearance for these rights-of-way and are closing our files thereon.

Sincerely,

/S/ WILFRED BROWN

Acting Assistant Area Director

cc: Superintendent, Shiprock Agency, ATTN: RPM
Director, Office of Navajo Land Development, w/encls.

1105-11
Chrono-R/W
300/100

332:EJCURLEY:ca:9/24/86

Wilson

Navajo Area Office
P. O. Box M
Window Rock, Arizona 86515-0714

ARPM/Rights-of-Way

MAY 10 1985

Utah International, Inc.
P. O. Box 155
Fruitland, New Mexico 87416

Dear Sir:

In reviewing our case files of approved Grants of Easement for Right-of-Way, we find that the following projects are lacking affidavits of completion:

1. 4" potable water pipeline to serve Navajo Mine across Navajo Tribal lands in Sections 18, 19, 29, 30 and 31, Township 29 North, Range 15 West, NMPM, San Juan County, New Mexico. The Grant of Easement for Right-of-Way was approved November 6, 1974. On August 22, 1975, we requested same but no affidavit of completion has been received (copy of letter enclosed).
2. A paved access road across Navajo Tribal lands in various sections of Township 27 North, Range 16 West, NMPM, San Juan County, New Mexico (approved: June 28, 1982).
3. Railroad and roadway to serve your mining lease across Navajo Tribal Lands, San Juan County, New Mexico (approved: January 25, 1974 for roadway and amended January 25, 1974 to include railroad). The affidavit of completion was previously requested in our August 22, 1975 letter (copy enclosed).

Please submit affidavits of completion for the above referenced projects in accordance with 25 CFR 169.16 within 60 days from the date of this letter. A sample affidavit of completion is enclosed for your reference and use.

Sincerely,

(SGD) WILSON BARBER, JR.

Area Director

Enclosure

cc: 1105-11
Chrono-R/W
300/100

332:EJCURLEY:ca:5/02/85



UNITED STATES
DEPARTMENT OF THE INTERIOR

ARPM - 370

BUREAU OF INDIAN AFFAIRS
Navajo Area Office
Window Rock, Arizona 86515

November 6, 1974

Mr. A. F. Geiger
Utah International, Inc.
Post Office Box 155
Fruitland, New Mexico 87416

Dear Mr. Geiger:

Enclosed for your information and use is an approved Grant of Easement for Right-of-Way for a four-inch potable water pipeline to serve your Navajo Mine operations in San Juan County, New Mexico.

Upon completion of construction, please submit an affidavit of completion in accordance with 25 CFR 161.16.

Sincerely yours,

ASSISTANT
Area Real Property
Management Officer

Enclosure

GRANT OF EASEMENT FOR RIGHT-OF-WAY

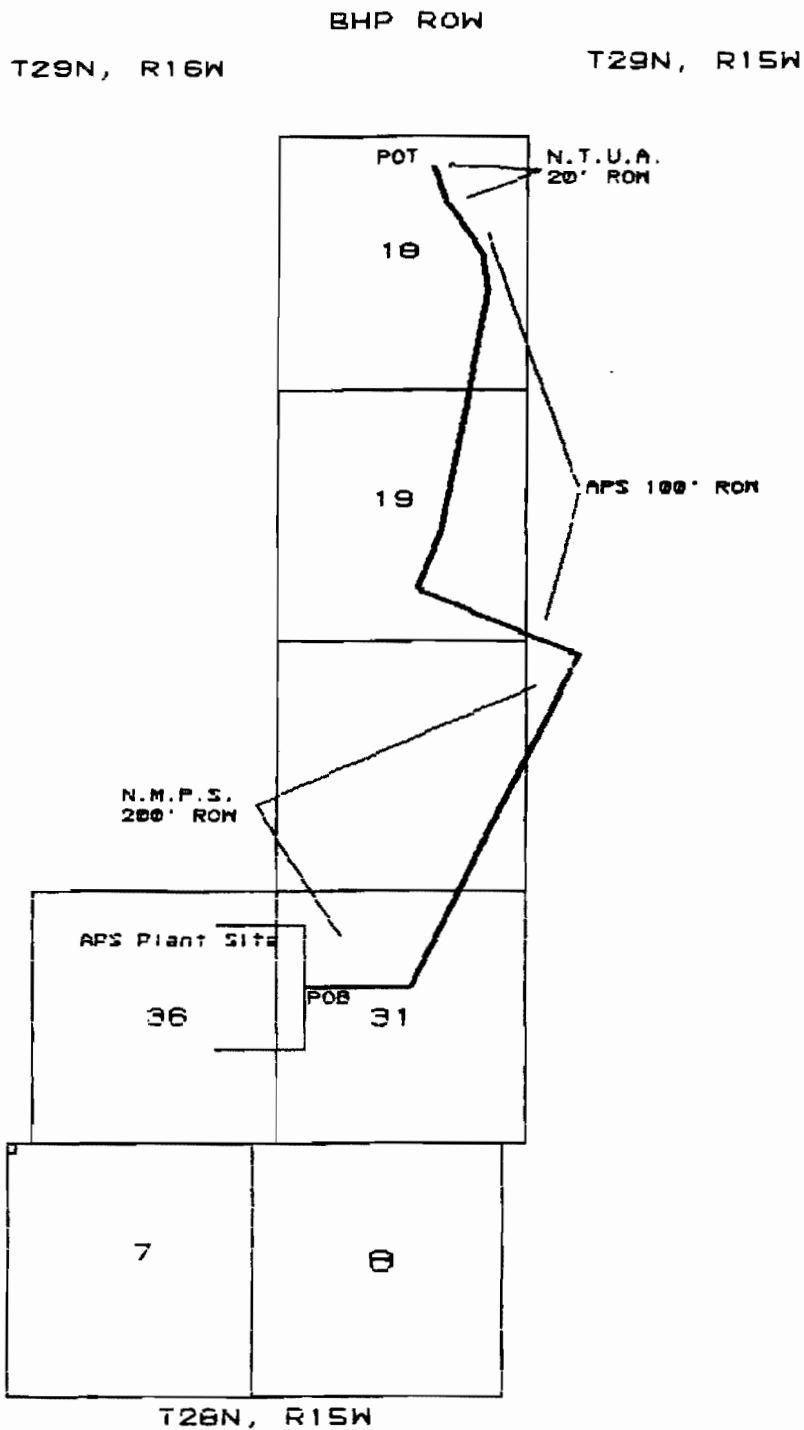
KNOW ALL MEN BY THESE PRESENTS:

That the United States of America for and on behalf of the Indian Owners of the lands described in Exhibit "A" hereof, acting by and through the Area Director, Bureau of Indian Affairs, Department of the Interior, Window Rock, Arizona, hereinafter referred to as "Grantor", under authority contained in Commissioner's Redelegation Order 10 BIAM Section 3.1, and pursuant to the provisions of the Act of February 5, 1948 (62 Stat. 17, 25 U.S.C. §§ 323-328), and Part 161, Title 25, Code of Federal Regulations, in consideration of \$ Waived and other good and valuable consideration, the receipt of which is acknowledged does hereby grant to UTAH

INTERNATIONAL, INC., a Delaware corporation, of San Francisco, hereinafter referred to as "Grantee", an easement for a right-of-way for the following purpose(s), namely:

Construction, operation and maintenance of a four-inch potable water pipeline and all appurtenances/thereto, over, across, in and upon the following described lands located in the County of San Juan, State of New Mexico.

The said easement, as shown on the Map(s), consisting of one sheet, marked Exhibit "A", attached hereto, is limited to and more particularly described as a right-of-way 20 feet in width, 23,085.24 feet or 4.372 miles in length and containing an area of 10.60 acres, more or less. Said right-of-way crosses Navajo Tribal lands in Sections 18, 19, 29, 30 and 31, Township 29 North, Range 15 West, N.M.P.M., San Juan County, New Mexico, and is more particularly described in the legal centerline description in Exhibit "A", attached hereto and by this reference made a part hereof.



Four Inch Potable Water Pipeline, 20" in Width, 23,085.1' or 4.372 miles in Length and containing 10.6 acres. All within existing ROWs from NMPS Co., APS and NTUA

Four Inch Potable Water Pipeline



SCALE: 1 in = 4000 feet

45688954

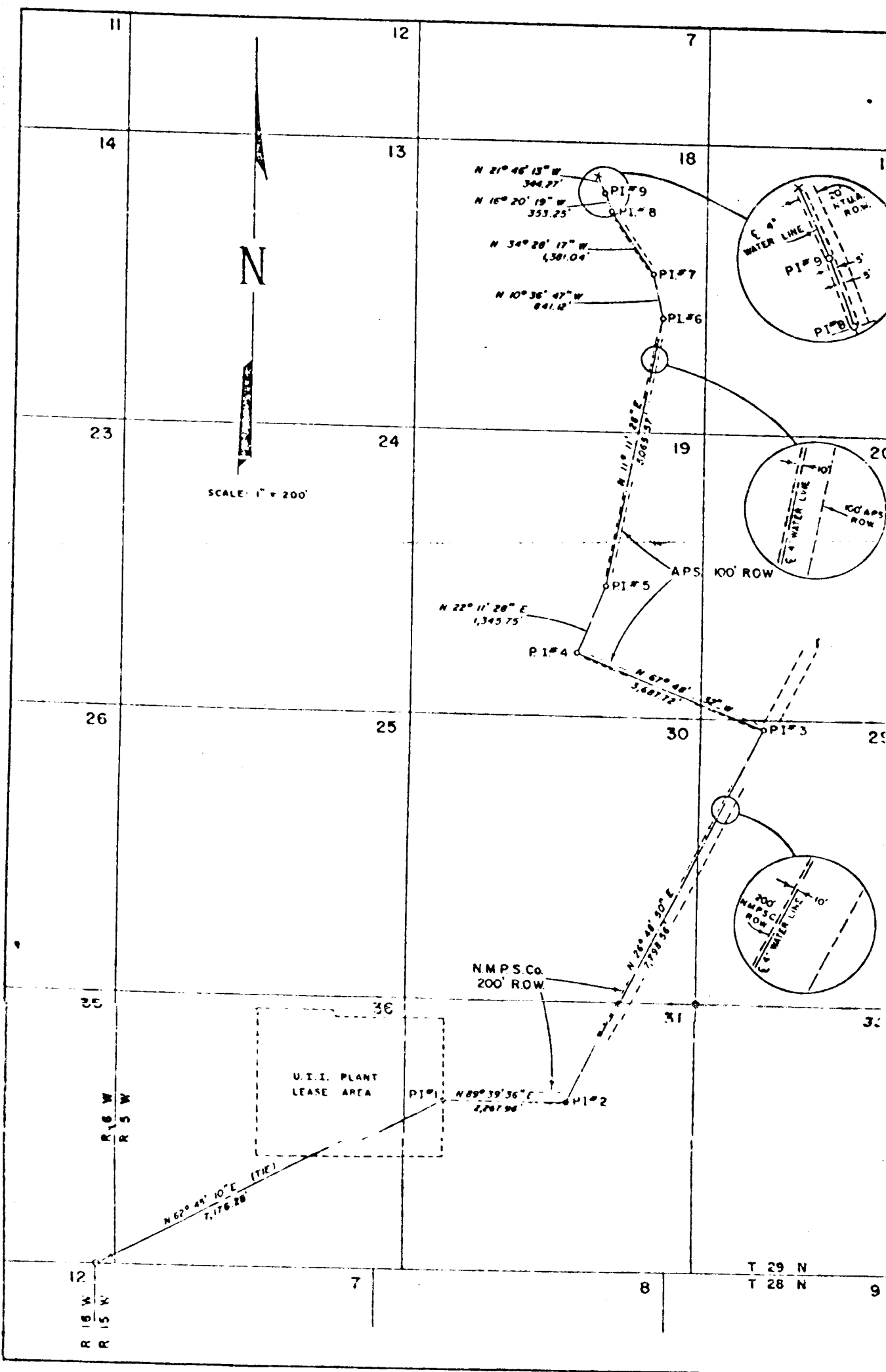
RECEIVED

OCT 21 1974

Asst. Branch of
Real Property Dept.

UTAH INTERNATIONAL INC
P.O. BOX 155
FRUITLAND, NEW MEXICO

Map showing location of 20-foot-wide right of way for 4 inch Potable water pipe line located on NAVAJO INDIAN TRIBAL LANDS, San Juan County, New Mexico.



ENGINEER'S AFFIDAVIT

Fruitland, New Mexico

October 11, 1974

Re: 4-inch Potable Water Pipeline located on Navajo Indian Tribal Lands in San Juan County, New Mexico

STATE OF NEW MEXICO
COUNTY OF SAN JUAN

Earle M. Bagley, being duly sworn, says that he is Project Engineer of Utah International Inc.; that the survey of said four-inch potable water pipeline identified below was made on October 8, 1974; and that such survey is accurately represented on the above map, which has been prepared to be filed for the approval of the Secretary of the Interior in order that said Utah International Inc. may obtain a permit to operate, maintain, and construct the said four-inch potable water pipeline, on, over, and across the following described property:

A right-of-way for four-inch potable water pipeline crossing the Navajo Tribal Land in Sections 18, 19, 24, 30, and 31, Township 29 North, Range 15 West, New Mexico Principal Meridian, San Juan County, New Mexico, and also located within the existing rights-of-way of Public Service Company of New Mexico, Arizona Public Service Company and Navajo Tribal Utility Authority, said 20-foot strip lying along 10 feet adjacent to each side of a line more particularly described as follows:

Beginning at a point located North 07° 45' 18" East a distance of 7,176.83 feet from the Northwest corner of said section 7, Township 29 North, Range 15 West, said Point No. 1 being in the center line of the proposed Utah International four-inch Potable Water Pipeline.

Thence North 07° 45' 18" East a distance of 1,072.77 feet to Point No. 2, Thence North 10° 36' 47" West a distance of 7,709.90 feet to Point No. 3, Thence North 07° 45' 18" East a distance of 1,977.77 feet to Point No. 4, Thence North 21° 11' 28" East a distance of 1,345.79 feet to Point No. 5, Thence North 11° 11' 28" East a distance of 5,005.57 feet to Point No. 6, Thence North 10° 36' 47" West a distance of 641.12 feet to Point No. 7, Thence North 07° 45' 18" East a distance of 1,345.79 feet to Point No. 8, Thence North 07° 45' 18" East a distance of 1,345.79 feet to Point No. 9, Thence North 07° 45' 18" East a distance of 1,345.79 feet to Point No. 10, and said point being the point of termination. The above described 20-foot strip consists of 2,000.00 feet of 100-foot ROW of APS, 200-foot ROW of N.M.P.S. Co. and includes 100.00 acres more or less of previously withdrawn Navajo Tribal Land.

UTAH INTERNATIONAL INC.

Earle M. Bagley
Earle M. Bagley, Project Engineer

NOTARY PUBLIC
In and for San Juan County, New Mexico

MY COMMISSION EXPIRES:

May 10, 1977

APPLICANT'S CERTIFICATE

San Francisco, California

October 14, 1974

Re: 4-inch Potable Water Pipeline located on Navajo Indian Tribal Lands in San Juan County, New Mexico

STATE OF CALIFORNIA
COUNTY OF SAN FRANCISCO

I, E. C. DePinto, being duly sworn, depose and say that I am the President of Utah International Inc.; that Earle M. Bagley, who subscribed the foregoing affidavit, is the Project Engineer of said Utah International Inc.; that the survey of said 4-inch potable water pipeline was made under his supervision on October 8, 1974; that such survey is accurately represented on the above map as the proposed location of said 4-inch potable water pipeline; that the map has been prepared to be filed for the approval of the Secretary of the Interior in order that said Utah International Inc. may obtain benefits under provisions of the Act of February 9, 1906, (62 Stat. 17, 25 U. S. C. 323) and regulations 25 CFR 101.1 et seq.

UTAH INTERNATIONAL INC.

E. C. DePinto
E. C. DePinto, President

EXHIBIT "A" TO GRANT OF EASEMENT FOR RIGHT-OF-WAY APPROVED NOVEMBER 6, 1974.

Section 6

Pinto Haul Road ROW



IN REPLY REFER TO:

UNITED STATES
DEPARTMENT OF THE INTERIOR

Real Property Mgmt.
Right of Way

BUREAU OF INDIAN AFFAIRS
Navajo Area Office
Window Rock, Arizona 86515

DEC 07 1967

Utah Construction and Mining Company
550 California Street
Francisco, California 94104

Gentlemen:

Your application for haul road right of way across Navajo Tribal land in Township 28 and 29 North, Range 15 and 16 West, N.M.P.M., San Juan County, New Mexico has been approved by the Navajo Tribal Council. The Navajo Tribe has stipulated certain conditions in approving your application. We enclose this stipulation marked Exhibit "A".

According to your map of definite location, this 100 foot wide strip of land, 1.02 miles in length, will commence at the Northwest boundary of your Mine Plant lease and terminate at the North boundary at your coal mining lease.

Authorization is hereby granted to proceed with the above project subject to certain condition stipulated by the Navajo Tribe and subject to any rights or adverse claims and to all applicable regulations of Title 25, Code of Federal Regulation, Part 161.

Sincerely yours,

NOTING ASSISTANT

Area Director

Enclosure

APPLICATION FOR RIGHT-OF-WAY

Utah Construction & Mining Co., a corporation organized and existing under and by virtue of the laws of the State of Delaware, with its head office at San Francisco in the State of California, hereby makes application pursuant to the act of February 5, 1948, (62 Stat. 17, 25 USC 323) and in accordance with the regulations set forth in title 25 of the Code of Federal Regulations, part 161, for an exclusive right of way for the construction, maintenance, operation, use, repair, renewal and removal of a roadway, together with the right of ingress and egress, and the right of passage for automobiles, trucks and vehicles of all types, over, along and across a 100 foot wide strip of land 1.02 miles in length commencing at the boundary of the Utah Construction & Mining Co. mine plant lease from the Navajo Tribe and terminating at the boundary of the Utah Construction & Mining Co. coal mining lease from the Navajo Tribe, said right-of-way in its entirety located upon Tribal Indian lands within the Navajo Indian Reservation in San Juan County in the State of New Mexico.

The location of said right-of-way is more particularly shown and delineated on the accompanying map which has been prepared in compliance with 25 CFR 161.8 and which by this reference is hereby made a part hereof.

In the event that the right-of-way herein applied for is granted, Utah Construction & Mining Co. hereby agrees:

- (a) To construct and maintain the right-of-way in a workmanlike manner.
- (b) To pay promptly all damages, in addition to the deposit made pursuant to 25 CFR 161.5, determined by the Area Director to be due the landowners on account of the construction and maintenance of the right-of-way.
- (c) To indemnify the landowners against any liability for damages to life or property arising from the occupancy or use of the lands by Utah Construction & Mining Co.

gates, cattle guards, or such other necessary improvements which may be required in order to permit the orderly use of Navajo lands.

8. The granting of this right-of-way shall be subject to the expressed condition that the exercise thereof will not interfere in any way with the leasing and administration by the Navajo Tribe of Indians, and the applicant agrees and consents to the use of such portion of the right-of-way not actually occupied by the haul road for and in connection with the said leasing and administration.

9. The applicant agrees that the grant shall include and be subject to the following provisions:

There is reserved to the Navajo Tribe, its successors and assigns, the prior right to use any of the land herein described to construct, operate, and maintain dams, dikes, reservoirs, canals, wasteways, laterals, ditches, telephone and telegraph lines, electric transmission lines, roadways, and appurtenant irrigation structures, without any payment made by the Navajo Tribe or its successors for such right, with the agreement on the part of the applicant that if the construction of any or all of such dams, dikes, reservoirs, canals, wasteways, laterals, ditches, telephone and telegraph lines, electric transmission lines, roadways, or appurtenant irrigation structures across, over or upon said lands should be made more expensive by reason of the existence of improvements or workings of the applicant thereon, such additional expense is to be estimated by the Area Director, Navajo Area Office, and/or the Chairman of the Navajo Tribal Council, or their authorized representatives, whose estimates are to be final and binding upon the parties hereto, and that within ninety (90) days after demand is made the applicant for payment of any such sums, the applicant will make payment thereof to the Navajo Tribe, or its successors, constructing such dams, dikes, reservoirs, canals, wasteways, laterals, ditches, telephone and telegraph lines, electric transmission lines, roadways, or appurtenant irrigation structures across, over or upon said lands, or as its option, applicant will commence the alteration or relocation of its improvements and facilities so that such improvements and facilities would not cause additional expenditures to the

Navajo Tribe or its successors. None of the foregoing provisions shall relieve an independent contractor constructing such project or projects of liability for injuries and/or damages sustained by applicant attributable to the negligence of said contractor, his agents, servants or employee.

10. Where any part of the haul road to be constructed on the site herein applied for extends across a traveled road or highway, the construction thereof shall be in compliance with the applicable State laws and requirements of the Navajo Tribe; during the work at least one-half the width of the road must be kept open to travel and, upon completion, the highway shall be restored to its original condition, any excavation to be refilled whenever, by settling or other causes, the necessity thereof may arise.

11. Any roads constructed by the applicant hereunder will be located within the limits of the right-of-way granted, unless, for reasons of terrain or existing roads, such location would not be practical or necessary. Any other location will be by permission first sought and obtained from the Navajo Tribe.

12. Applicant may, at its option, discontinue the use of and remove all or any part of the haul road constructed hereunder and shall be liable for any actual damages caused by such removal.

13. The use by the grantee of the premises shall be subject to the exercise by the Navajo Tribe of its activities necessary for the protection and maintenance of the premises, and of adjacent lands administered by it, and of wildlife found on or frequenting such premises, and other lands of the Navajo Tribe; the rights of the Navajo Tribe and individual Navajo Indians to be protected.

14. If it should be discovered that the planned location of the haul road overlays or interferes with an area occupied by a Navajo Indian shrine, the applicant will change to a location that will avoid interference with or desecration of such shrine. Amended maps will be submitted after construction is completed.

15. If archaeological sites or materials are discovered, immediate notification thereof shall be given to the Navajo Tribe. It is understood that all specimens of archaeological and paleontological materials found on these lands of the Navajo Tribe are owned

by and are the property of the Navajo Tribe. If it shall be discovered that the plan course of the said easement threatens to damage or destroy archaeological sites and materials, the applicant shall bear the costs of archaeological salvaging.

16. In the event the Navajo Tribe or other agencies connected therewith and are providing services for the Navajo Tribe, desire to have the said haul road relocated for a justifiable cause, the applicant shall relocate the said haul road and bear the cost thereof.

STIPULATIONS
HAUL ROAD
UTAH CONSTRUCTION AND MINING COMPANY

1. The conditions under Part 161.7 of the Code of Federal Regulations, Title 25.
2. The applicant to pay for any damages to improvements and authorized surface use on Tribal lands as determined by the Tribal Land Investigation Department.
3. The Navajo Tribal lands needed for this easement will revert back to the Navajo Tribe when the land is no longer needed for said easement.
4. In the construction of the haul road, opportunity for employment will be given Navajo Indians in accordance with their availability and capability in such skilled and unskilled labor which they are qualified to perform. Wages paid to Navajo shall not be less than those paid to other persons for comparable or identical work.
5. The applicant will offer every reasonable opportunity to employ Navajos to show ability for training in additional skills which are needed in the construction, operation and maintenance of the project.
6. The applicant agrees that where soil deterioration or soil hazard is created by its activities, it will take such action as shall be necessary or shall be recommended or required by the Area Director, Navajo Area Office or his authorized representative within the scope of the usual soil conservation practices to correct or repair such deterioration or minimize such hazards.
7. The applicant agrees it will properly dispose of any and all brush and will refill all the holes, trenches or other excavations incident to the construction and maintenance of said easement which traverses Navajo Tribal land in such a way so as to minimize fire hazards and injury to livestock, and where feasible will reseed any areas of grass destroyed as a result of construction, operation or maintenance of said transmission line. Where the easement crosses fences, ditches, or other improvements maintained on Navajo Tribal land, the applicant also agrees to install proper and necessary

- (d) To restore the lands as nearly as may be possible to their original condition upon the completion of construction.
- (e) That Utah Construction & Mining Co. will not interfere with the use of the lands by or under authority of the landowners for any purpose not inconsistent with the primary purpose for which the right-of-way was granted.

IN WITNESS WHEREOF, Utah Construction & Mining Co. has caused this instrument to be executed this 29th day of September, 1967.

UTAH CONSTRUCTION & MINING CO.

By *[Signature]*

VICE PRESIDENT

By *[Signature]*

ASSISTANT SECRETARY

LEGAL DESCRIPTION OF THE HAUL ROAD BETWEEN
PINTO PIT AND THE INDUSTRIAL SITE AREA

Starting from Corner 2 (N 2,068,069.24 E 311,600.00, Southwest Corner) of the Utah International Industrial lease area; thence east 106.59 feet to the beginning of the haulroad right-of-way. The centerline of right-of-way described is a 100 foot strip of land lying 50 feet on either side of indicated centerline; thence S18°40'40"E, 6.71 feet; thence S25°07'56"E, 265.22 feet; thence S34°33'49"E, 374.20 feet; thence S39°38'52"E, 1,349.89 feet; thence S39°12'20"E, 609.54 feet; thence S41°06'55"E, 242.77 feet; thence S48°33'48"E, 85.10 feet to the lease line intersection between corners P-11C and P-11D.

The said indicated right-of-way contains 6.73 acres more or less.

SCHEDULE AND APPRAISAL OF DAMAGES DUE NAVAJO ALLOTTEES/
 NAVAJO TRIBE FOR A PIPE LINE RIGHT OF WAY ACROSS THE
 FOLLOWING DESCRIBED PROPERTY,

UTAH CONSTRUCTION & MINING COMPANY
 FARMINGTON, NEW MEXICO

Description	Facility-Dwg.No.-R/W No.	Tribal Allottee	Pipe Size	Width of R/W	Right of way in			Per Rod	Value	Amount of Deposit
					Miles	Rods	Acres			
28 & 29 North, R15 & 16 1st, San Juan County, New Mexico	Roadway	Tribal			1.02					Damages Waived

UNITED STATES
 DEPARTMENT OF THE INTERIOR
 BUREAU OF INDIAN AFFAIRS
 NAVAJO AREA
 WINDOW ROCK, ARIZONA

We, the undersigned, hereby certify that we have examined the foregoing Schedule of Damages and Appraisalment and that the amount shown represents a reasonable, just and equitable value of the right of way (and other facilities, if any) damages to the tribal/allotted land affected, and we further verily believe the said land and the rights of the Indian landowners are fully protected and that sufficient amount is now on deposit for the payment of same.

APPROVED:
David D. McDonald
 Area Director, Navajo Area Office

JUN 13 1968
 Date

Acting
 Acting
Thomas Lynch
 Area Real Property Management Officer, Navajo Area Office
 June 13, 1968
 Date

VIEW "A"

CORNER # 2
N 208808.24
E 311800.00

INTERSECTION
N 208808.24
E 311708.88

S 18° 40' 40" E
6.71'

S 25° 07' 39" E
288.22'

S 34° 33' 49" E
374.80'

S 36° 38' 02" E
1348.89'

S 33° 12' 20" E
808.84'

S 41° 16' 35" E
494.17'

S 68° 33' 46" E
86.10'

INTERSECTION
N 2085783.68
E 315803.72

INDUSTRIAL
SITE
AREA

312.500

2,087,300

ROW BOUNDARY

ROW BOUNDARY

HAUL ROAD

LINE
P.I. (B)
P.I. (C)

PINTO
PIT

RIGHT-OF-WAY CONTAINS
875 ACRES MORE OR LESS

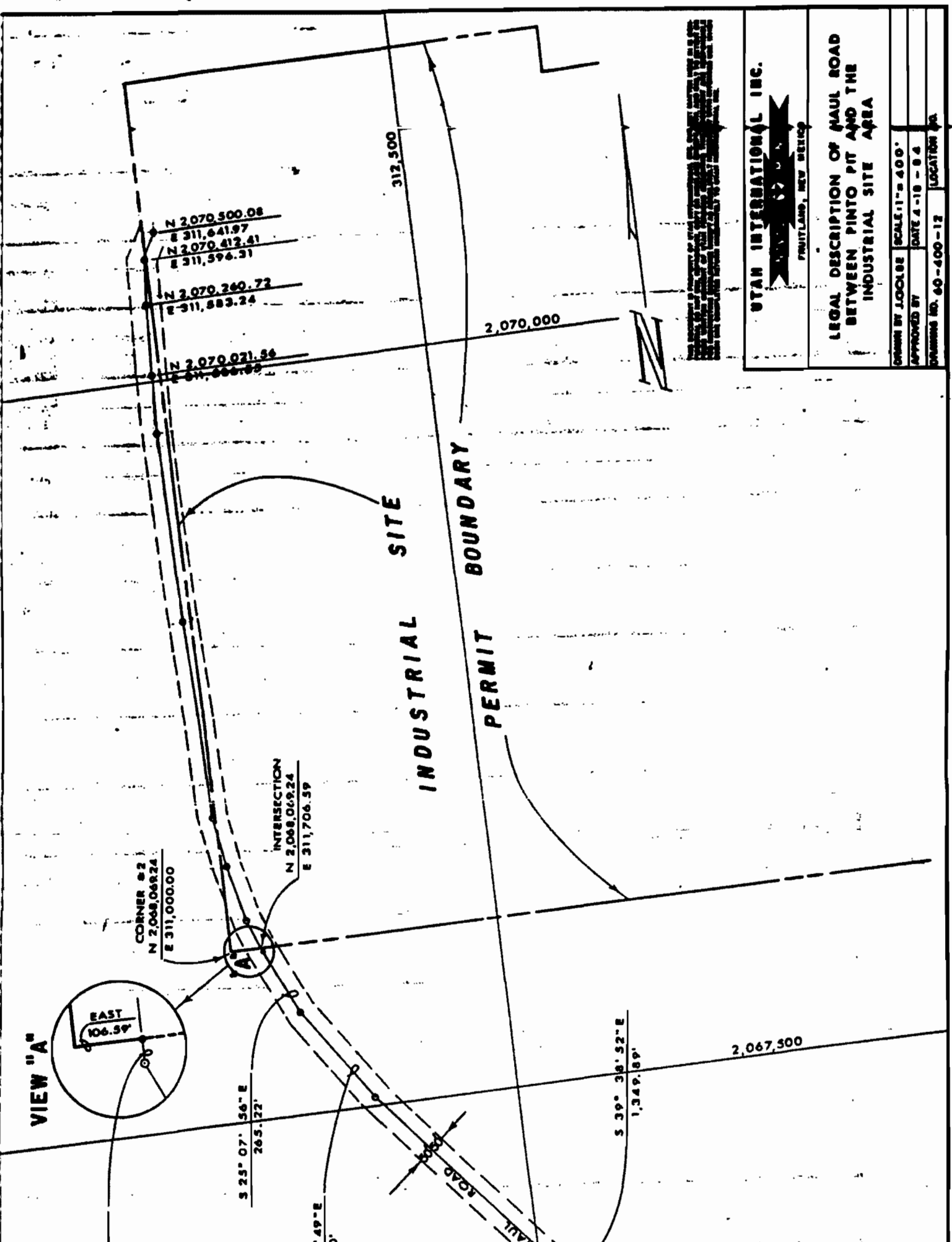
THIS LEGAL DESCRIPTION OF THE INTERSECTION OF THE HAUL ROAD WITH THE INDUSTRIAL SITE AREA IS BASED UPON THE SURVEY DATA AND FIELD MEASUREMENTS MADE BY THE SURVEYOR ON THE DATE INDICATED HEREIN. THE SURVEYOR HAS NOT BEEN ADVISED OF ANY OTHER SURVEYS OR RECORDS THAT MAY AFFECT THIS LEGAL DESCRIPTION. THE SURVEYOR HAS NOT BEEN ADVISED OF ANY OTHER SURVEYS OR RECORDS THAT MAY AFFECT THIS LEGAL DESCRIPTION.

UTAH INTERNATIONAL INC.

FRUITLAND, NEW MEXICO

LEGAL DESCRIPTION OF HAUL ROAD
BETWEEN PINTO PIT AND THE
INDUSTRIAL SITE AREA

DRAWN BY J. SOLBE	SCALE 1" = 400'
APPROVED BY	DATE 4-18-84
DRAWING NO. 60-400-12	LOCATION INJ



THIS SURVEY IS THE PROPERTY OF UTAM INTERNATIONAL INC. AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF UTAM INTERNATIONAL INC.

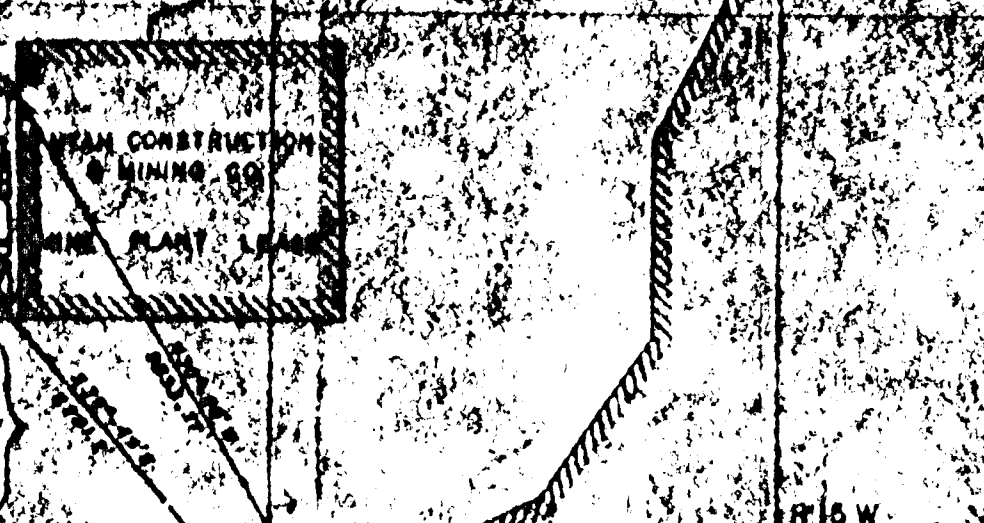
UTAM INTERNATIONAL INC.
 FRUITLAND, NEW MEXICO

LEGAL DESCRIPTION OF HAUL ROAD BETWEEN PINTO PIT AND THE INDUSTRIAL SITE AREA

DRAWN BY	J. LOCKER	SCALE	1" = 400'
APPROVED BY		DATE	4-18-84
DRAWING NO.	60-400-12	LOCATION	PA

Continuation of an exclusive right-of-way in Utah Construction & Mining Co. for the construction, maintenance and removal of a roadway, together with the right of passage for automobiles, trucks and other vehicles of all types over, along and across a 100 foot wide strip of land with the centerline R15W

Utah Construction & Mining Co. does hereby certify that the right-of-way represented on this map is 100 feet in length, commencing at the boundary of the Utah Construction & Mining Co. coal mining lease and terminating at the boundary of the Nevada Territory.



UTAH CONSTRUCTION & MINING CO. MINING LEASE



ALL BEARINGS ARE TRUE BEARINGS

UNITED STATES
Department of the Interior
Bureau of Indian Affairs

This map composed of one sheet of which this is sheet No. 1, constituting a portion of the application of Utah Construction & Mining Co. for the exclusive right-of-way as indicated on this map, is hereby approved and the right-of-way requested by Utah Construction & Mining Co. in such application is hereby granted pursuant to the provisions of the act of February 5, 1914, (42 Stat. 17) and the departmental regulations contained in title 25 Code of Federal Regulations, Part 161, for a period of 50 years from the date of this approval. Said right-of-way is subject to renewal for a like term upon compliance with applicable regulations. Said right-of-way is granted subject to any prior valid existing right or adverse claim.

JUN 2 1938
Date

Donald M. Dool
Mr. Dool

APPLICATION FOR RIGHT OF WAY
FOR ROADWAY
UTAH CONSTRUCTION & MINING CO.

STATE OF NEVADA
COUNTY OF SAN JUAN

John E. Dodge, being first duly sworn, deposes and states that he is an engineer for Utah Construction & Mining Co., that the survey for the right-of-way as indicated and shown on this map, that this map was prepared under his direction, that the said right-of-way is 100 feet in length, commencing at the boundary of the Utah Construction & Mining Co. mine plant lease and terminating at the boundary of the Nevada Territory, and that the said right-of-way is accurately located on this map.

John E. Dodge

Subscribed and sworn to me this 18 day of June 1938.
Charles D. ...

Utah Construction & Mining Co., the applicant for the right-of-way described on this map, does hereby certify that the right-of-way requested is accurately represented on this map, that the right-of-way is 100 feet in length, commencing at the boundary of the Utah Construction & Mining Co. mine plant lease and terminating at the boundary of the Nevada Territory, and that the survey as represented on this map was adopted by the applicant as the definite location of the right-of-way for which application is made and that this map was prepared to be filed for the approval of the Secretary of the Interior, or his duly authorized representative, as part of an application for said right-of-way to be granted to Utah Construction & Mining Co., its successors and assigns, for the purposes and with the rights requested in such application and with the right in the applicant, its successors and assigns to transfer said right-of-way by assignment, grant or otherwise.

UTAH CONSTRUCTION & MINING CO.
By *W. D. ...*
President

Section 7

BHP Attachments to APS Poles and Fixtures

CONTRACT REGISTRATION NO. _____
MEMORANDUM OF AGREEMENT COVERING ATTACHMENTS OF
UTAH CONSTRUCTION AND MINING CO.
To the Poles and Fixtures of
ARIZONA PUBLIC SERVICE COMPANY

THIS AGREEMENT, entered into the day and year herein last written and effective as of January 29, 1963, by and between Utah Construction & Mining Co
(Name of Lessee)

hereinafter called the Lessee, and Arizona Public Service Company, hereinafter called the Lessor,

WITNESSETH: That for and in consideration of certain valuable considerations, the parties hereto mutually agree as follows:

The Lessor grants to the Lessee the right to make and maintain at its own expense, attachments of a 4.16 KV electrical circuit, to steel poles owned by the Lessor, located in San Juan County, State of New Mexico, and more definitely located as shown on the attached drawing marked Exhibit "A" which is hereby incorporated herein and made a part hereof.

Attachments shall be made and maintained in accordance with the rules and regulations of the National Electrical Safety Code and shall not be used or operated in any manner that will interfere with the use and operation of the Lessor's property.

The Lessee shall, at any time, at its own expense, upon thirty days' written notice from the Lessor, change, alter, improve, repair or renew said wires and attachments when the Lessor deems it necessary for the protection or proper maintenance of its property, and should it become necessary for the Lessor to change the route of its pole lines or to replace any of its poles to which wires of the Lessee are attached, the Lessee shall, upon due notice and within a reasonable time, transfer its wires and fixtures and other property from the displaced poles to the newly placed poles at its own sole cost and expense. In case the Lessee fails or refuses to make such changes within the time herein fixed, then the Lessor shall have the right to make such changes at the expense of the Lessee, which expense the Lessee agrees to pay on receipt of bill for same.

It is recognized by the parties hereto that the attachment of facilities of Lessee to the poles and fixtures of the Lessor creates a hazardous condition and accordingly, Lessee agrees that Lessor shall not be liable for any damages to the property of Lessee or any injuries to its employees arising out of or resulting from the attachment of Lessee's facilities to the poles and facilities of Lessor, or from any contact between the lines and facilities of Lessor and those of Lessee, unless due to the gross negligence or wilful misconduct of Lessor.

This Agreement shall be and remain in full force and effect for one year from the date effective, and thereafter until terminated by thirty days' written notice given by either party to the other.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed this 29th day of January, 1963

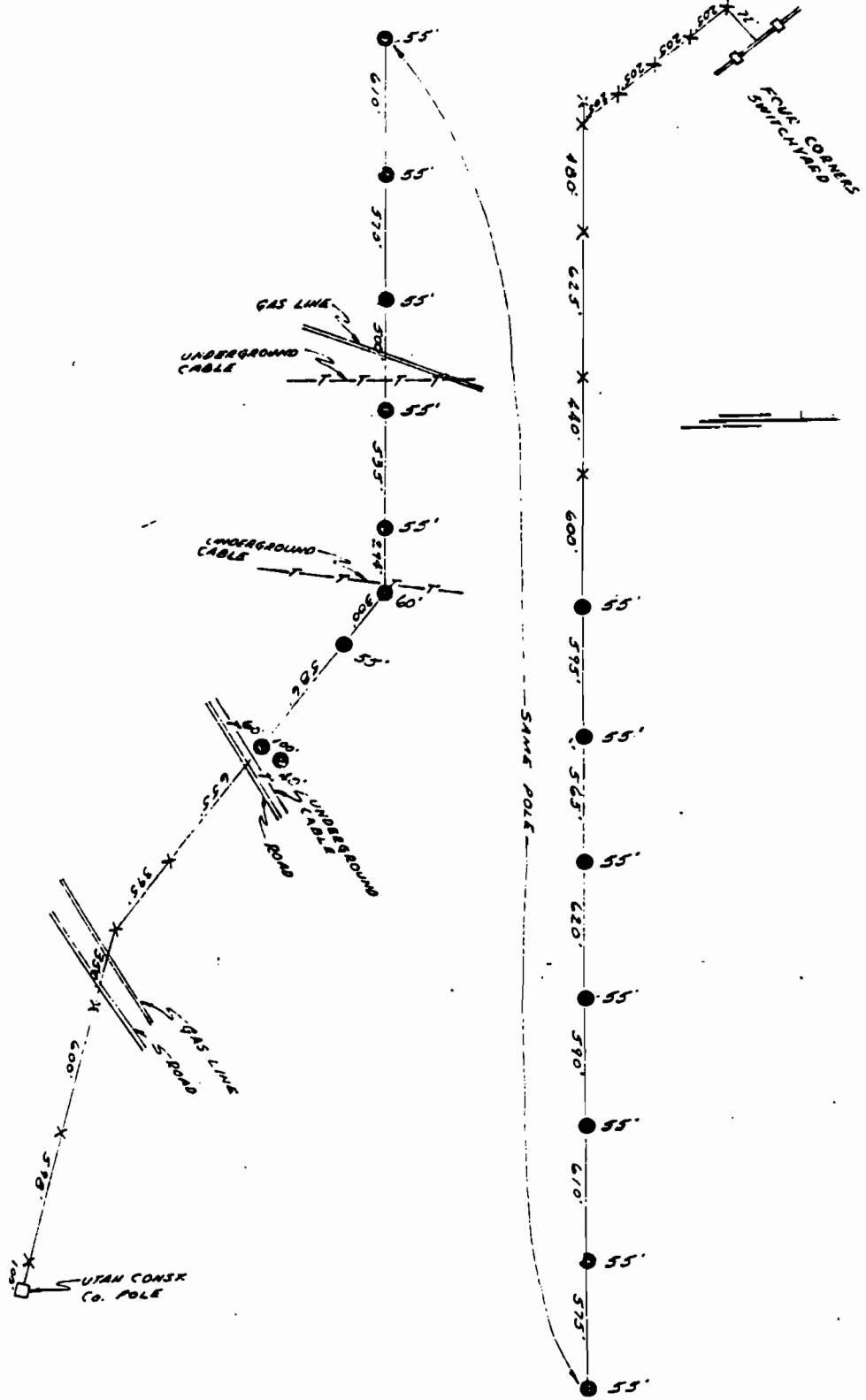
ARIZONA PUBLIC SERVICE COMPANY

By [Signature]
Vice President

UTAH CONSTRUCTION & MINING CO.
(Name of Lessee)

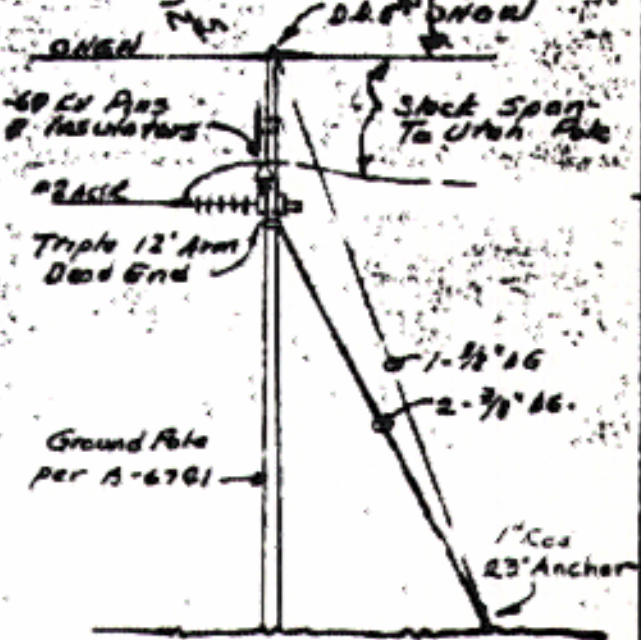
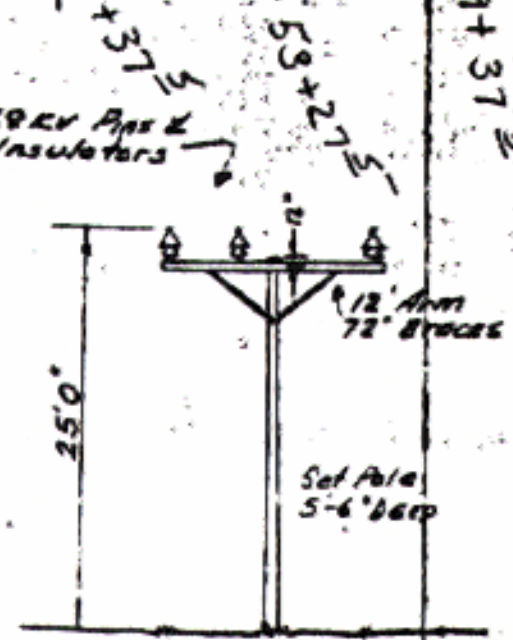
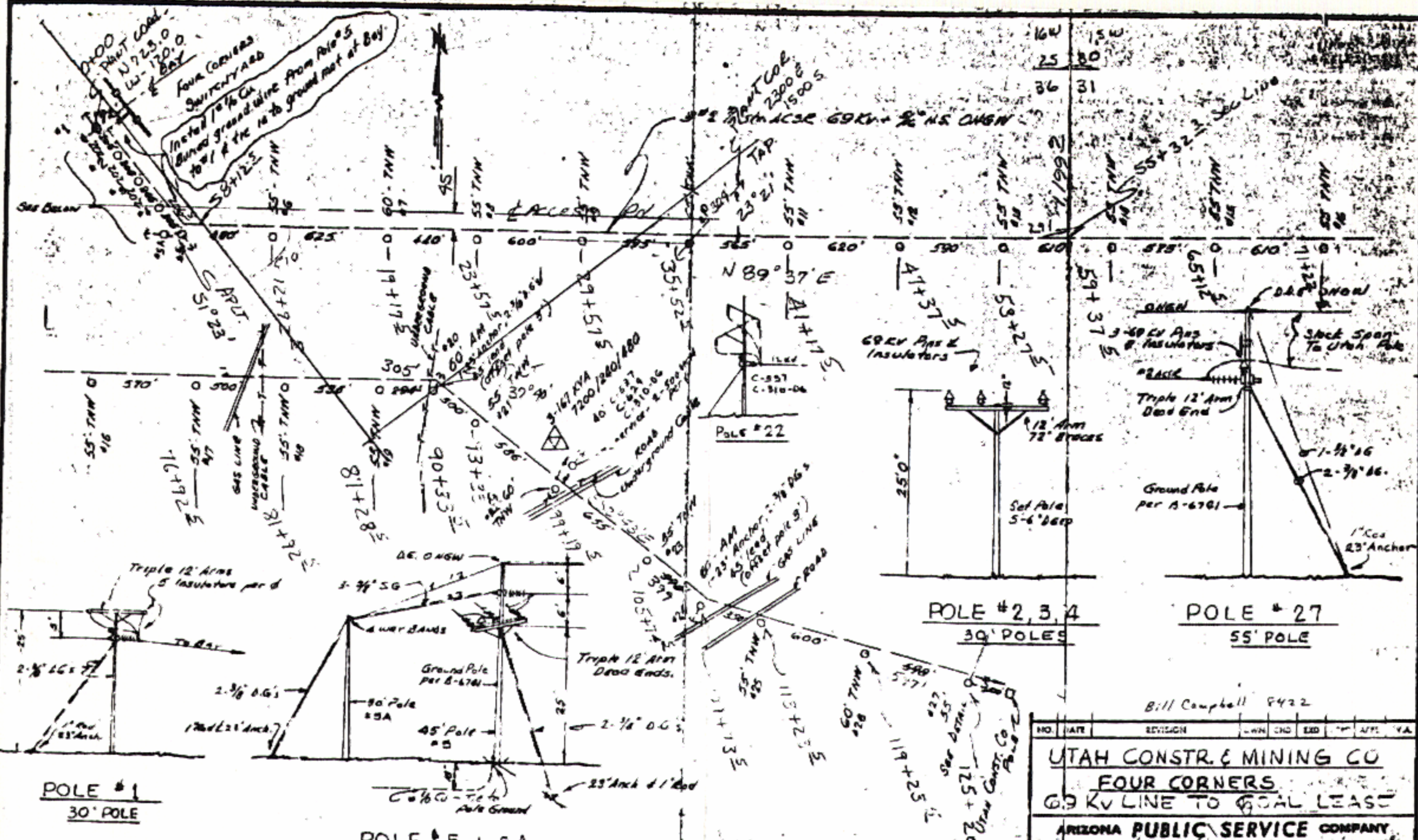
By [Signature]
(Title of Signer)

Manager, Iron & Coal Operations and Attorney in Fact



● = ARIZONA PUBLIC SERVICE CO. POLE UTAH CONSTRUCTION & MINING CO. ATTACHED
 X = REFERENCE ONLY

EXHIBIT-A



POLE # 2, 3, 4
30' POLES

POLE # 27
55' POLE

POLE # 1
30' POLE

POLE # 5 & 5A

Note:
All 69KV guying per
Drawing "D-6140"

Bill Campbell 8422

NO.	DATE	REVISION	BY	CHK	ED	APP	YR
UTAH CONSTR. & MINING CO FOUR CORNERS 69 KV LINE TO GOAL LEASE ARIZONA PUBLIC SERVICE COMPANY							
SCALE: 1" = 50'		DATE: 12-28-61					

Section 8

Legal Description for the Mine Plant Lease

AMENDMENT TO PLANT SITE LEASE

Lessor and lessee do hereby revise the description of the parcel of land let and leased unto lessee so that the following described parcel of land containing 223.21 acres, more or less, is substituted for the parcel of land containing 38.9 acres, more or less, originally described in Contract No. 14-20-0603-6447 and, therefore, lessor does hereby let and lease unto lessee, in lieu of said 38.9 acre parcel, the land and premises described as follows, to wit:

A parcel of land containing 223.21 acres, more or less, located partially in Section 36, Township 29 North, Range 16 West, and partially in Section 31, Township 29 North, Range 15 West, New Mexico Principal Meridian, San Juan County, New Mexico, described by points of the New Mexico Transverse Mercator Coordinate System as follows:

Beginning at point North 2,069,750.00 feet and East 311,600.00 feet (said point being the southeast corner of the parcel presently leased to Arizona Public Service Company for its power plant site); thence from said point of beginning South 1,680.76 feet to Corner No. 2, being point North 2,068,069.24 feet, East 311,600.00 feet; thence East 3,400.00 feet to Corner No. 3, being point North 2,068,069.24 feet, East 315,000.00 feet; thence North 2,839.76 feet to Corner No. 4, being point North 2,070,909.00 feet, East 315,000.00 feet; thence South $88^{\circ}18'14''$ West, 1,000.44 feet to Corner No. 5, being point North 2,070,879.40 feet East 314,000.00 feet; thence south $88^{\circ}18'58''$ West, 1,000.44 feet to Corner No. 6, being point North 2,070,850.00 feet, East 313,000.00 feet; thence North 150.00 feet to Corner No. 7, being point North 2,071,000.00 feet, East 313,000.00 feet and which point is in the southeasterly boundary of the said parcel leased to Arizona Public Service Company; thence along said southeasterly boundary of the parcel leased to Arizona Public Service Company West 1,400.00 feet to Corner No. 8, being point North 2,071,000.00 feet, East 311,600.00 feet; and thence South 1,250.00 feet to Corner No. 1, being the point of beginning.

APPENDIX 1-E
CERTIFICATE OF LIABILITY INSURANCE



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
07/01/2010

PRODUCER Willis Energy, Inc. 920 Memorial City Way Suite 500 Houston, TX 77024	713-961-3800	THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.
INSURERS AFFORDING COVERAGE		
INSURED BEP Holdings (USA) Inc. BEP Navajo Coal Company Navajo Mine P. O. Box 1717 Fruitland, NM 87416	INSURER A: National Union Fire Insurance Company of	19445-306
	INSURER B: National Union Fire Insurance Company of	19445-301
	INSURER C: Commerce and Industry Insurance Company	19410-301
	INSURER D: Insurance Company of the State of Pennsylv	19429-000
	INSURER E:	

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR ADD'L LTR	INSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YYYY)	POLICY EXPIRATION DATE (MM/DD/YYYY)	LIMITS
A		GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC	GL3602439	7/1/2010	7/1/2011	EACH OCCURRENCE \$ 2,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 50,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 2,000,000 GENERAL AGGREGATE \$ 4,000,000 PRODUCTS - COMP/OP AGG \$ 4,000,000
B		AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS <input checked="" type="checkbox"/> \$1,000,000 Ded/Occurr	CA7204618	7/1/2010	7/1/2011	COMBINED SINGLE LIMIT (Ea accident) \$ 2,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
		GARAGE LIABILITY <input type="checkbox"/> ANY AUTO				AUTO ONLY - EA ACCIDENT \$ OTHER THAN AUTO ONLY: EAACC \$ AGG \$
C		EXCESS / UMBRELLA LIABILITY <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE DEDUCTIBLE <input checked="" type="checkbox"/> RETENTION \$ 25,000	BE21446383	7/1/2010	7/1/2011	EACH OCCURRENCE \$ 10,000,000 AGGREGATE \$ 10,000,000 \$ \$ \$
D		WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input type="checkbox"/> If yes, describe under SPECIAL PROVISIONS below OTHER	WC7208732	7/1/2010	7/1/2011	<input checked="" type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTHER E.L. EACH ACCIDENT \$ 2,000,000 E.L. DISEASE - EA EMPLOYEE \$ 2,000,000 E.L. DISEASE - POLICY LIMIT \$ 2,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS
 All operating permit by the Certificate Holder for the Insured including but not limited by Permit #NM-0003F. Employers Liability policy included coverage for Bodily Injury and Property Damage arising out of the use of explosives, subject to policy terms.

CERTIFICATE HOLDER	CANCELLATION
United States Office of Surface Mining Reclamation and Enforcement 1599 Broadway, Suite 3320 Denver, CO 80202	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ISSUE MAIL <input checked="" type="checkbox"/> MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT BY THE MAIL <input checked="" type="checkbox"/> BY THE MAIL BY THE MAIL <input checked="" type="checkbox"/> BY THE MAIL AUTHORIZED REPRESENTATIVE 