SECTION 6

LAND OWNERSHIP AND CONTROL

TABLE OF CONTENTS

SECTION	SECTION TITLE	PAGE NUMBER
6	LAND OWNERSHIP AND CONTROL	6-1
6.1	Surface Owners of Record of the Property to Be Mined	6-1
6.1.1	Surface Ownership (Leased Area)	6-1
6.1.2	Customary Use Area Interest (Leased Area)	6-1
6.2	Subsurface Owners of Record of the Property to Be Mined	6-4
6.2.1	Subsurface Ownership (Leased Area)	6-4
6.3	Leaseholders of Record of the Property to Be Mined	6-4
6.3.1	Coal Leasehold (Leased Area)	6-4
6.3.2	Oil and Gas Leasehold (Leased Area)	6-4
6.3.3	Rights-of-Way and Easements (Leased Area)	6-5
6.4	Purchaser of Record under Real Estate Contract within the Leased Area	6-5
6.5	Right-of-Entry Documents	6-5
6.5.1	Mining Lease and Amendments	6-6
6.5.2	Mine Plant Lease and Amendment	6-6
6.5.3	Grants of Easement for Right-of-Way	6-7
6.5.4	Pending Litigation	6-10
6.6	Severed Estates and Authorizations to Extract Coal by Surface Mining Methods	6-10
6.7	Lands Contiguous to the Permit Area	6-10
6.7.1	Surface Owners of Record of Lands Contiguous to the Permit Area	6-11
6.7.1.1	Customary Use Area Interest (Lands Contiguous to the Leased Area)	6-11
6.7.1.2	Rights-of Way and Easements (Lands Contiguous to the Leased Area)	6-14
6.7.2	Subsurface Owners of Record of Lands Contiguous to the Permit Area	6-15
6.7.2.1	Coal Leasehold (Lands Contiguous to the Leased Area)	6-15
6.7.2.2	Oil and Gas Leasehold (Lands Contiguous to the Leased Area)	6-15
6.7.3	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	6-15

SECTION 6

LAND OWNERSHIP AND CONTROL

LIST OF TABLES

TABLE NUMBER	TABLE TITLE

SECTION 6

LAND OWNERSHIP AND CONTROL

LIST OF FIGURES

FIGURE NUMBER	FIGURE TITLE

SECTION 6

LAND OWNERSHIP AND CONTROL

LIST OF EXHIBITS

EXHIBIT NUMBER	EXHIBIT TITLE
6-1	Surface Minerals Ownership Coal Leasehold Interest - Sheet 1
6-1	Surface Minerals Ownership Coal Leasehold Interest - Sheet 2
6-2	Customary Use Area and Range Management Unit (RMU) - Sheet 1
6-2	Customary Use Area and Range Management Unit (RMU) - Sheet 2
6-3	Rights-of-Way and Easements - Sheet 1
6-3	Rights-of-Way and Easements - Sheet 2
6-4	Navajo Mine Lease Base Map - Sheet 1
6-4	Navajo Mine Lease Base Map - Sheet 2
6-4	Navajo Mine Lease Base Map - Sheet 3
6-4	Navajo Mine Lease Base Map - Sheet 4
6-4	Navajo Mine Lease Base Map - Sheet 5
6-4	Navajo Mine Lease Base Map - Sheet 6
6-4	Navajo Mine Lease Base Map - Sheet 7
6-4	Navajo Mine Lease Base Map - Sheet 8
6-4	Navajo Mine Lease Base Map - Sheet 9

SECTION 6

LAND OWNERSHIP AND CONTROL

LIST OF APPENDICES

APPENDIX NUMBER	APPENDIX TITLE
6.A	Legal Description of the Original Mining Lease and Amendments 2, 3, 4 and 4A
6.B	Grants of Easement for Right of Way
6.C	Navajo Mine Grazing Management Plan (not referenced in text)

SECTION 6

LAND OWNERSHIP AND CONTROL

LIST OF REVISIONS DURING PERMIT TERM

REV. NUMBER	REVISION DESCRIPTION	DATE APPROVED

6 LAND OWNERSHIP AND CONTROL

6.1 Surface Owners of Record of the Property to Be Mined

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.

6.1.1 Surface Ownership (Leased Area)

(Ref: Exhibit 6-1, Sheet 1 and Sheet 2)

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

6.1.2 Customary Use Area Interest (Leased Area)

(Ref: Exhibit 6-2, Sheet 1 and Sheet 2)

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

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

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

Eltsosie, 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

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

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

6.2 Subsurface Owners of Record of the Property to Be Mined

6.2.1 Subsurface Ownership (Leased Area)

(Ref: Exhibit 6-1, Sheet 1 and Sheet 2)

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

6.3 Leaseholders of Record of the Property to Be Mined

6.3.1 Coal Leasehold (Leased Area)

(Ref: Exhibit 6-1, Sheet 1 and Sheet 2)

Navajo Transitional Energy Company c/o Samuel WoodsP.O. Box 1749Window Rock, Navajo Nation (Arizona) 86515

6.3.2 Oil and Gas Leasehold (Leased Area)

(Ref: Exhibit 6-1, Sheet 1 and Sheet 2)

None

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

(Ref: Exhibit 6-3, Sheet 1 and Sheet 2)

The information under this Section, 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

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

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

6.5 Right-of-Entry Documents

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

6.5.1 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 Navajo Transitional Energy Company. Copies of the original documents are on file at the Environmental Quality Department of the Navajo Mine. Exhibit 6-4 (Sheet 1, Sheet 2, Sheet 3, Sheet 4, Sheet 5, Sheet 6, Sheet 7, Sheet 8, and Sheet 9), 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 6-4 (Sheet 1, Sheet 2, Sheet 3, Sheet 4, Sheet 5, Sheet 6, Sheet 7, Sheet 8, and Sheet 9).
- 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 6.A

6.5.2 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 Navajo Transitional Energy Company. Exhibit 6-4 (Sheet 1, Sheet 2, Sheet 3, Sheet 4, Sheet 5, Sheet 6, Sheet 7, Sheet 8, and Sheet 9) 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 operation.
- 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 6.B.

6.5.3 Grants of Easement for Right-of-Way

69 kV Transmission Line - This Right of Way is a contractual agreement between NTEC 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 6.B 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 3 - This Right of Way is a contractual agreement between NTEC 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 6.B relating to the Area 3 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 an agreement obligation NTEC 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 6.B 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 NTEC 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 6.B 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 NTEC 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 6.B 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 NTEC 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 Navajo Transitional Energy Company) mine plant lease from the Navajo Tribe and terminating at the boundary of the Utah Construction & Mining Co. (now Navajo Transitional Energy) 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 6.B 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 NTEC 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 its 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 6.B 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.

6.5.4 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.

6.6 Severed Estates and Authorizations to Extract Coal by Surface Mining Methods

No private mineral estate severed from the private surface estate.

6.7 Lands Contiguous to the Permit Area

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.

6.7.1 Surface Owners of Record of Lands Contiguous to the Permit Area

(Ref: Exhibit 6-1, Sheet 1 and Sheet 2)

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

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

(Ref: Exhibit 6-2, Sheet 1 and Sheet 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

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

Eltsosie, Ena C.
P. O. Box 1696
Fruitland, NM 87416

Frank, Irene
P. O. Box 2065
Kirtland, NM 87417

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

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

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

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

(Ref: Exhibit 6-3, Sheet 1 and Sheet 2)

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

Navajo Transitional Energy Company
c/o Samuel Woods
P.O. Box 1749
Window Rock, Navajo Nation (Arizona) 86515

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

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

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

6.7.2 Subsurface Owners of Record of Lands Contiguous to the Permit Area

6.7.2.1 Coal Leasehold (Lands Contiguous to the Leased Area)

(Ref: Exhibit 6-1, Sheet 1 and Sheet 2)

None

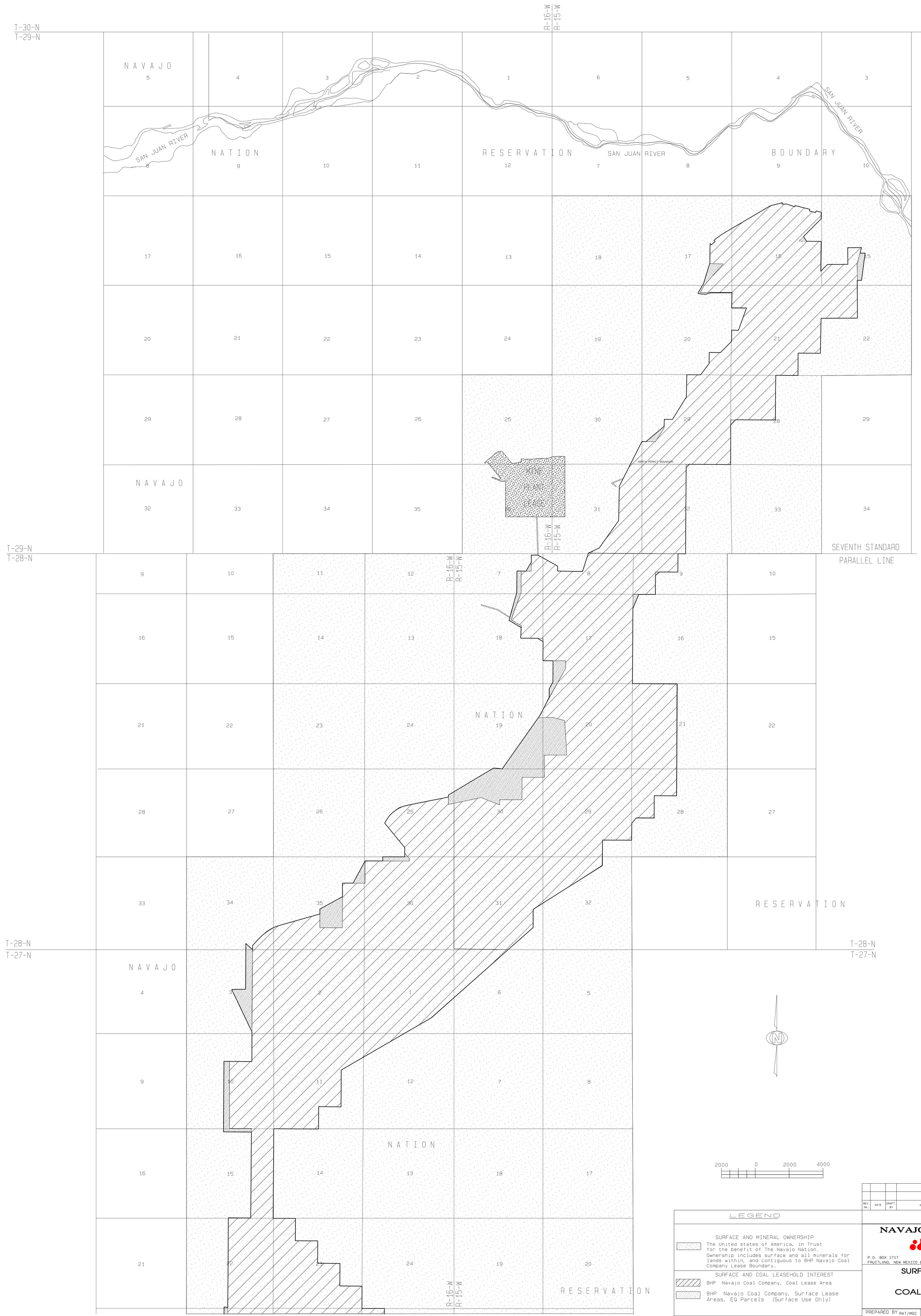
6.7.2.2 Oil and Gas Leasehold (Lands Contiguous to the Leased Area)

(Ref: Exhibit 6-1, Sheet 1 and Sheet 2)

None

6.7.3 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.



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REV. No.	DATE	DRAFT. BY	REVISION DESCRIPTION	PLM	E.G.	P.E.	RPLS
				APPROVALS			

LEGEND

SURFACE AND MINERAL OWNERSHIP
The United states of America, in Trust for the benefit of The Navajo Nation. Ownership includes surface and all minerals for lands within, and contiguous to BHP Navajo Coal Company Lease Boundary.

SURFACE AND COAL LEASEHOLD INTEREST
BHP Navajo Coal Company, Coal Lease Area
BHP Navajo Coal Company, Surface Lease Areas, EQ Parcels (Surface Use Only)

SURFACE USE LEASE
Mine Plant Lease
(Contract No. 14-20-0603-6447)

EXHIBIT 6-1

NAVAJO COAL COMPANY

bhpbilliton

P.O. BOX 1717
FRUITLAND, NEW MEXICO 87416

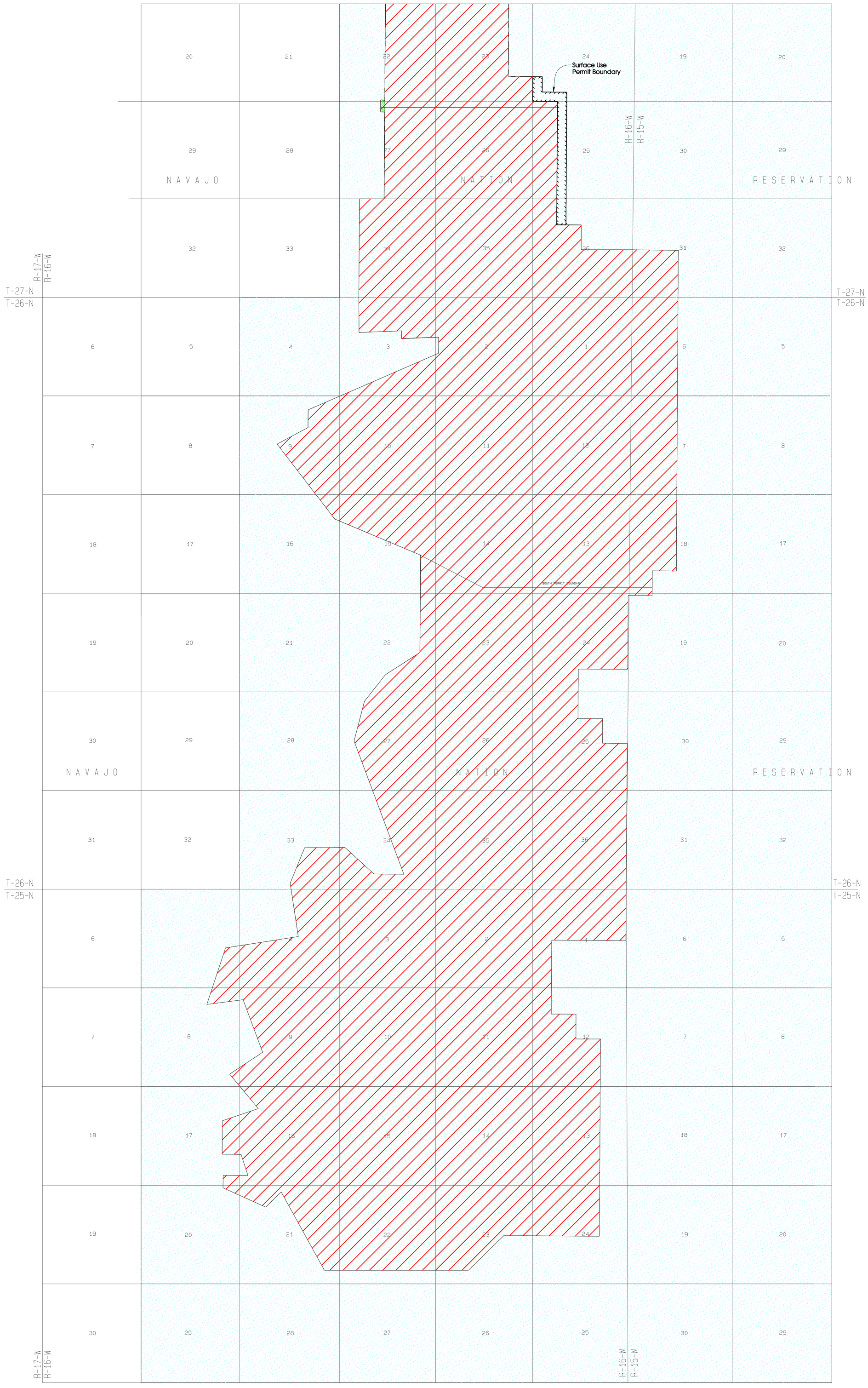
PHONE (505) 598-5861
Fax (505) 598-3361

SURFACE AND MINERALS
OWERSHIP
COAL LEASEHOLD INTEREST

Sheet 1 of 2

PREPARED BY RAT/MGC	DRAWN BY PJF	SCALE: 1" = 2000'
APPROVED BY	DATE Mar. 18, 2008	(Plot Area: 31"x40")

G:\Departments\Gs\OSM_SUBM\PER_PROG\CH_11-OPERATION PERMIT EXH'S\1_1-1of2.pro



LEGEND

SURFACE AND MINERAL OWNERSHIP

The United states of America, in Trust for the benefit of The Navajo Nation. Ownership includes surface and all minerals for lands within, and contiguous to BHP Navajo Coal Company Lease Boundary.

SURFACE AND COAL LEASEHOLD INTEREST

BHP Navajo Coal Company, Coal Lease Area

BHP Navajo Coal Company, Surface Lease Areas, EQ Parcels (Surface Use Only)

BHP Navajo Coal Company, Surface Use Permit Boundary

SURFACE USE LEASE

Mine Plant Lease (Contract No. 14-20-0603-6447)

REV. No.	DATE	DRAFT. BY	REVISION DESCRIPTION	PLM	E.Q.	P.E.	RPLS
09-A	7-12-09	PJF	ADDED IBR EASTSIDE OF LOWE PIT AND SUBMITTED TO OSM FOR REVIEW.	M. Wimmer	YB		
B	9-18-98	PJF	Removed all Oil and Gas Leases within the Lease Area and submitted to OSM for Review and Approval.	RAT	MC		
A	5-27-98	PJF	MID TERM SUBMITTAL TO OSM FOR REVIEW AND APPROVAL.	RAT	PNS		

APPROVALS

EXHIBIT 6-1

NAVAJO COAL COMPANY

bhpbilliton

P.O. BOX 1717
FRUITLAND, NEW MEXICO 87416

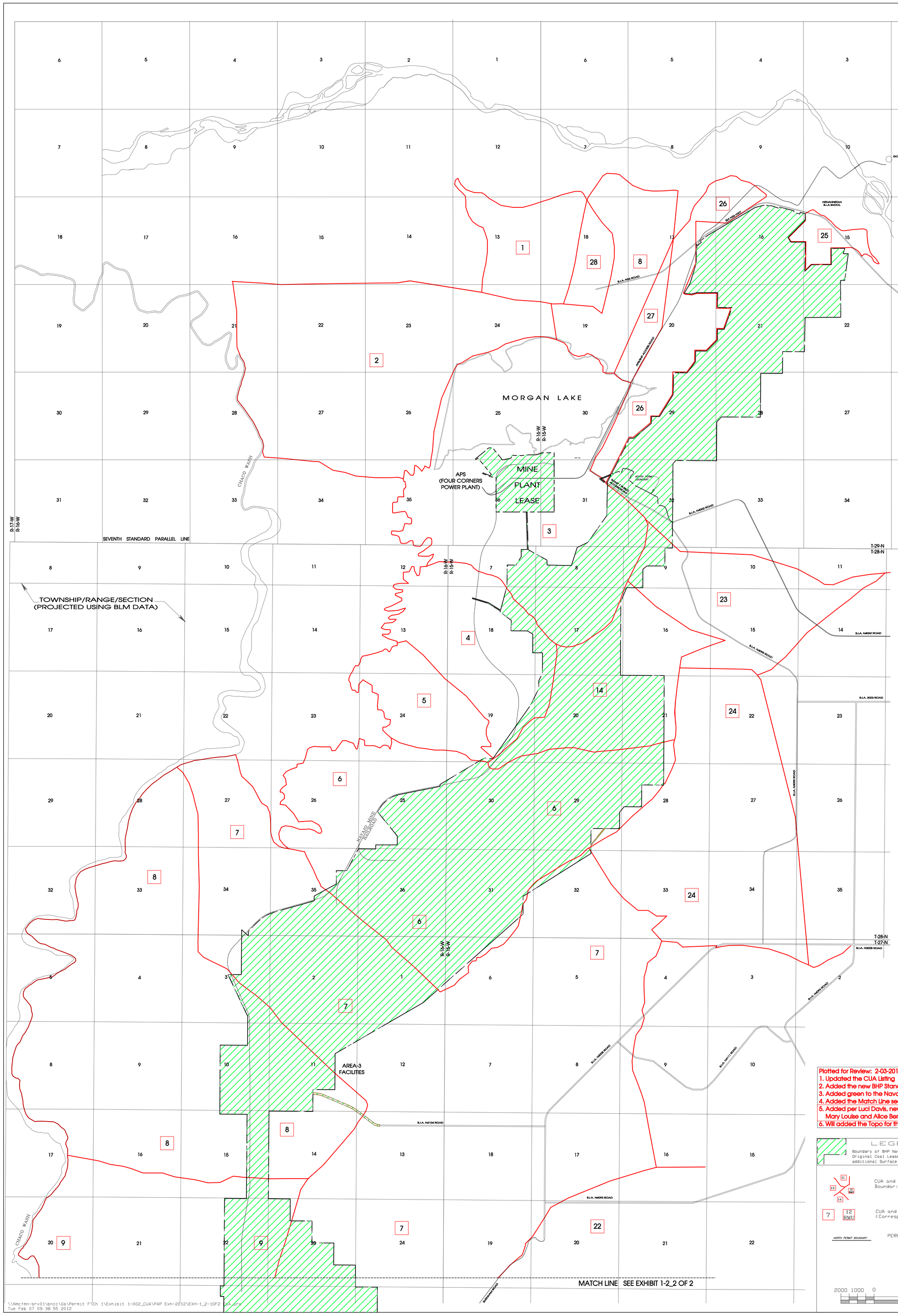
PHONE (505) 598-5861
Fax (505) 598-3361

SURFACE AND MINERALS OWERSHIP COAL LEASEHOLD INTEREST

Sheet 2 of 2

PREPARED BY RAT/MGC	DRAWN BY PJF	SCALE: 1" = 2000'
APPROVED BY	DATE Mar. 18, 2008	(Plot Area: 31"x40")

G:\Departments\Gs\OSM_SUBM\PER_PROG\CH_11-OPERATION PERMIT EXH'S\1_1-2of2.pro



CUA - RMU MAP INDEX

CUA MAP No.	NAME	CUA/RMU PERMIT No.	STATUS	BIA AREA No.
1	BLUEEYES, MARY	13-54	I	.0404
	BENALLY, CLARISSA	13-584	I	
	CHARLEY, BETTY	13-585	I	
	HOGUE, ROBERT &	13-452	I	
	HOGUE, VIRGINIA			
	YELLOWMAN, CHARLIE	13-343	I	
	YELLOWMAN, LOUIS	13-315	I	
	BEGAY, JEROME	13-610	I	
2	BLUEEYES, MARY HARRY &	13-631	I	.0407
	BLUEEYES, ANGELITA ANN		I	
	BURTON, ANNA	13-194	I	
	YAZZIE, SUZIE ANN			
3	BENALLY, MARY LOUISE &	13-655	I	.0724
	BENALLY, ALICE			.0724
	MASON, EVA MAE	13-292	I	
	YAZZIE, EMMA H.	13-311	I	
4	FRANK, IRENE (fka Irene (Mike) &	13-649	I	.0072
	HOGUE, HELENA			
5	YAZZIE, JAY, JR.	13-657	I	.0074
6	BARBER, DAISY &	13-545	I	.0073
	HOGUE, LUCY	13-508	I	
7	BARBER, EVELYN MAE & ROGER	13-666	A	.0396
8	BEGAY, JIM CURLEY'S CHILDREN:	13-506	A	.0690
	BEGAY, ROBERT C.			
	BRADLEY, IDA C.			
	BEGAY, ANN C. DUNCAN			
	ELTSOSIE, ENA C.			
	JOHNSON, EDITH C. TRUST			
9	BEGAY, BILLY J. JR.	13-668	A	.0396
	BEGAY, FLOYD JAY			
	DOBEY, KATIE	13-471		
10	SIMS, STANLEY &	13-562	A	.0049
	SIMS, LEVADA BEGAY			
	JIM, (YAZZIE), PERTINA & RAYMOND	13-672	A	
11	STEELE, ROSE MARIE	13-559	A	.0362
	GILMORE, ALICE D. & JULIUS R.	13-660	A	
12	PUGGIE, JOHNNY (Decs'd)	RMU/13-500	I	.0050
				.0351
				.0366
13	STEVENSON, DAISY &	13-661	A	.0047
	JOE, IRENE STEVENSON			
14	LOPEZ, IDA MAE	13-565	A	NONE
15	HOGUE, LUCY (TRUSTEE)	13-480	I	.0357
				.0649
	WILLIE, LUCY HOGUE &	13-507	I	.0357
	WILLIE, AMBROSE			.0649
16	MASON, LYDIA &	13-502	A	.0353
	MASON, JIM			
	SMITH, CHARLEY	13-406	A	
	SMITH, DAN	13-408	A	
	PEERSON, SARAH	13-405	A	
	LOPEZ, SHIRLEY	13-407	A	
17	BENALLIE, INEZ	13-620	I	.0101
				.0103
				.0648
	TACHENE, RAYMOND	13-525	I	
	TACHENE, TSOSIE (Decs'd) &	13-608	I	
	BENALLIE, RENEE LYNN			
18	HOGUE, MOLLY R.,(CUSTOMARY TRUST)	13-577	I	.0354
	HOGUE, ROBERT	13-396	I	
	LOWE, ANDREW &	13-652	I	
	HANCOCK, SHERRY ANN			
	HOGUE, MOLLY	13-578	I	
19	RUSSELL, PETER	13-291	I	.0356
	TAYLOR, GABRIEL	13-646	I	
	YAZZIE, LORRAINE	13-91	I	
20	HOGUE, CARL (Decs'd) &	13-75	I	.0355
	HOGUE, MILDRED		I	
21	GILMORE, EDDIE	RMU/13-554	I	.0352
	GILMORE, PAULINE	RMU/13-377	I	.0352
22	BENALLY, BETTY	13-673	A	.0394
23	SIMS, IDA MAE	13-501	A	.0398
24	BLUEEYES, FRANK (Decs'd)	13-444	I	.0008
25	BENNETT, RAYMOND	13-427	I	.0409
26	DODGE, CAROLINE &	13-605	I	.0403
	DODGE, JIMMY (Decs'd)			
27	IN CONFLICT BETWEEN CUA MAP NO. 26 AND CUA MAP NO. 8			
28	IN CONFLICT BETWEEN CUA MAP NO. 1 AND CUA MAP NO. 8			

Note:
The information contained on this Exhibit is intended for illustrative purposes only. The accuracy of the specific data including locations of CUA and RMU boundaries cannot be warranted by the applicant. The CUA and RMU boundaries are managed and maintained by the United States Department of the Interior, Bureau of Indian Affairs (BIA). CUA and RMU boundaries were obtained from BIA records and are consistent with the approved Navajo Mine Permit Application Package (NM-0003F).

Plotted for Review: 2-03-2012/PJFoster
1. Updated the CUA Listing
2. Added the new BHP Standard Title block
3. Added green to the Navajo Mine Lease/Permit area.
4. Added the Match Line see Exhibit 1-2_ 1of2/2of2.
5. Added per Luci Davis, new BIA CUA # .0724 for Mary Louise and Alice Benally's (2-06-2012).
6. Will added the Topo for the final submittal

LEGEND

Boundary of BHP Navajo Coal Company, Original Coal Lease, as amended, which includes additional Surface and Coal mining area

CUA and RMU Boundaries

7 12 RMU — CUA and RMU Identication No. (Correspondes w/CUA-RMU Map Index)

NORTH PERMIT BOUNDARY — PERMIT BOUNDARY

2000 1000 0 2000 4000

REV. No.	DATE	DRAFT. BY	REVISION DESCRIPTION	PLM/ CPL	E.O.
12-A	1-27-12	PJF	UPDATED CUA MAP INDEX LISTING, ADDED BHPBILLITON STANDARD TITLEBLOCK AND SUBMITTED TO OSM FOR REVIEW.	M. Kimball	K. Hart
09-B	01-05-10	PJF	UPDATED CUA-RMU MAP INDEX LISTING (NO. 6, 9, 16) AND SUBMITTED TO OSM FOR REVIEW.	M. Kimball	YB
09-A	2-11-09	PJF	REVISED NORTH PERMIT BOUNDARY, NORTH OF RAMP-7 PUBLIC ACCESS ROAD. UPDATED CUA-RMU MAP BOOK, REMOVED CENSUS No. DATA, PLACE RMU No. IN THAT SECTION, ADDED NOTE, CHANGE TITLE AND SUBMITTED TO OSM FOR REVIEW.	M. Mimself	YB
08-A	3-17-08	PJF	UPDATED CUA MAP INDEX SHEET, REVISED NAMES ON THE FOLLOWING-CUA MAP No. 8, 11, 13, 15, 18, 19, 22 AND SUBMITTED TO OSM FOR REVIEW.	M. Mimself /MCook	YB
E	4-15-04	PJF	UPDATED CUA MAP INDEX AND SUBMITTED TO OSM.	RAT/ MCOOK	MC
D	9-19-02	PJF	UPDATED CUA MAP INDEX AND SUBMITTED TO OSM.	RAT/ MCOOK	MC
C	3-1-99	PJF	UPDATED PERMIT BOUNDARY.	RAT	MC
B	9-18-98	PJF	UPDATED AND SUBMITTED TO OSM FOR REVIEW	RAT	MC
A	5-27-98	PJF	MID TERM SUBMITTAL TO OSM FOR REVIEW AND APPROVAL.	RAT	PHS

APPROVALS

EXHIBIT 6-2

bhpbilliton

BHP Navajo Coal Company

P.O. Box 1717
Fruitland, New Mexico, 87416
Phone: 505-598-4200
Fax: 505-568-3361

CUSTOMARY USE AREAS (CUA) AND RANGE MANAGEMENT UNIT (RMU)

(Sheet 1 of 2)

PREPARED BY RAT/MGC	DRAWN BY PJF	SCALE 1" = 2000'
APPROVED BY	DATE Jan. 07, 1998	

\\Nmcfmn-srv01\bncc\Gs\Permit F\Ch 1\Exhibit 1-002_CUA\PAP Exh-2012\EXH-1_2-1OF2 CUA.dwg
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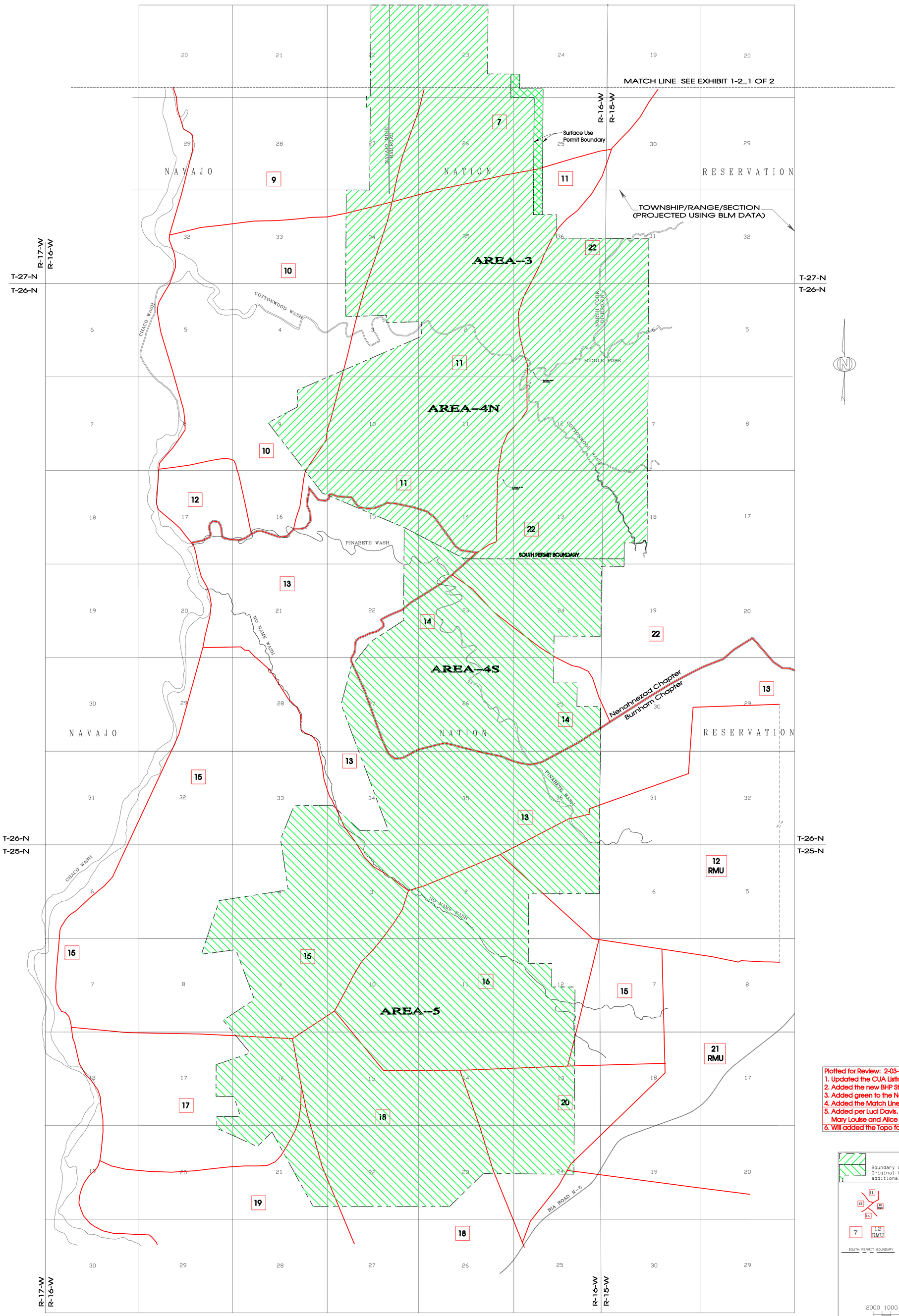

CUA - RMU MAP INDEX

CUA MAP No.	NAME	CUA/RMU PERMIT No.	STATUS	BIA AREA No.
1	BLUEEYES, MARY	13-54	I	.0404
	BENALLY, CLARISSA	13-584	I	
	CHARLEY, BETTY	13-585	I	
	HOGUE, ROBERT &	13-452	I	
	HOGUE, VIRGINIA			
	YELLOWMAN, CHARLIE	13-343	I	
	YELLOWMAN, LOUIS	13-315	I	
	BEGAY, JEROME	13-610	I	
2	BLUEEYES, MARY HARRY &	13-631	I	.0407
	BLUEEYES, ANGELITA ANN		I	
	BURTON, ANNA	13-194	I	
	YAZZIE, SUZIE ANN			
3	BENALLY, MARY LOUISE &	13-655	I	.0724
	BENALLY, ALICE			.0724
	MASON, EVA MAE	13-292	I	
	YAZZIE, EMMA H.	13-311	I	
4	FRANK, IRENE (Fka. Irene (Mike) &	13-649	I	.0072
	HOGUE, HELENA			
5	YAZZIE, JAY, JR.	13-657	I	.0074
6	BARBER, DAISY &	13-545	I	.0073
	HOGUE, LUCY	13-508	I	
7	BARBER, EVELYN MAE & ROGER	13-666	A	.0396
8	BEGAY, JIM CURLEY'S CHILDREN:	13-506	A	.0690
	BEGAY, ROBERT C.			
	BRADLEY, IDA C.			
	BEGAY, ANN C. DUNCAN			
	ELTSOSIE, ENA C.			
	JOHNSON, EDITH C. TRUST			
9	BEGAY, BILLY J. JR.	13-668	A	.0396
	BEGAY, FLOYD JAY			
	BOBCY, KATIE	13-471		
10	SIMS, STANLEY &	13-562	A	.0049
	SIMS, LEVADA BEGAY			
	JIM, (YAZZIE), PERTINA & RAYMOND	13-672	A	
11	STEELE, ROSE MARIE	13-559	A	.0362
	GILMORE, ALICE D. & JULIUS R.	13-660	A	
12	PUGGIE, JOHNNY (Decs'd)	RMU/13-500	I	.0050
				.0351
				.0366
13	STEVENSON, DAISY &	13-661	A	.0047
	JOE, IRENE STEVENSON			
14	LOPEZ, IDA MAE	13-565	A	NONE
15	HOGUE, LUCY (TRUSTEE)	13-480	I	.0357
				.0649
	WILLIE, LUCY HOGUE &	13-507	I	.0357
	WILLIE, AMBROSE			.0649
16	MASON, LYDIA &	13-502	A	.0353
	MASON, JIM			
	SMITH, CHARLEY	13-406	A	
	SMITH, DAN	13-408	A	
	PEERSON, SARAH	13-405	A	
	LOPEZ, SHIRLEY	13-407	A	
17	BENALLIE, INEZ	13-620	I	.0101
				.0103
				.0648
	TACHENE, RAYMOND	13-525	I	
	TACHENE, ISOSIE (Decs'd) &	13-608	I	
	BENALLIE, RENEE LYNN			
18	HOGUE, MOLLY R.,(CUSTOMARY TRUST)	13-577	I	.0354
	HOGUE, ROBERT	13-396	I	
	LOWE,ANDREW &	13-652	I	
	HANCOCK, SHERRY ANN			
	HOGUE, MOLLY	13-578	I	
19	RUSSELL, PETER	13-291	I	.0356
	TAYLOR, GABRIEL	13-646	I	
	YAZZIE, LORRAINE	13-91	I	
20	HOGUE, CARL (Decs'd) &	13-75	I	.0355
	HOGUE, MILDRED		I	
21	GILMORE, EDDIE	RMU/13-554	I	.0352
	GILMORE, PAULINE	RMU/13-377	I	.0352
22	BENALLY, BETTY	13-673	A	.0394
23	SIMS, IDA MAE	13-501	A	.0398
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1. Updated the CUA Listing
2. Added the new BHP Standard Title block
3. Added green to the Navajo Mine Lease/Permit area.
4. Added the Match Line see Exhibit 1-2_ 1of2/2of2.
5. Added per Luci Davis, new BIA CUA # .0724 for Mary Louise and Alice Benally's (2-06-2012).
6. Will added the Topo for the final submittal

REV. No.	DATE	DRAFT. BY	REVISION DESCRIPTION	FLM/ CPL	E.O.
12-A	1-27-12	PJF	UPDATED CUA MAP INDEX LISTING. ADDED BHPBILLITON STANDARD TITLEBLOCK AND SUBMITTED TO OSM FOR REVIEW.	W. Kimball	K. Hart
09-C	01-05-10	PJF	UPDATED CUA-RMU MAP INDEX LISTING (No. 6, 9, 16) AND SUBMITTED TO OSM FOR REVIEW.	K. Kimball	YB
09-B	7-12-09	PJF	ADDED IBM EASTSIDE OF LOAD PIT AND SUBMITTED TO OSM FOR REVIEW.	K. Kimball	YB
09-A	2-11-09	PJF	UPDATED CUA 12, 21 TO RMU AREAS, REVISED EAST CUA 15 BOUNDARY TO REFLECT RMU-21 CHANGE, DATA RECEIVED FROM BIA. UPDATED CUA 16 TO REFLECT CUA 16 CHANGE TO RMU-16 AND CUA 16 TO RMU. IN THAT SECTION, ADDED NOTE, CHANGE TITLE AND SUBMITTED TO OSM FOR REVIEW.	W. Kimball/ YWilson	YB
08-A	3-17-08	PJF	UPDATED CUA MAP INDEX SHEET, REVISED NAMES ON THE FOLLOWING:CUA MAP No. 9, 11, 13, 18, 19, 22 AND SUBMITTED TO OSM FOR REVIEW.	W. Kimball/ YWilson	YB
E	4-15-04	PJF	UPDATED CUA MAP INDEX AND SUBMITTED TO OSM.	RAT/ MCOOK	MC
D	9-19-02	PJF	UPDATED CUA MAP INDEX AND SUBMITTED TO OSM.	RAT/ MCOOK	MC
C	3-11-99	PJF	UPDATED PERMIT BOUNDARY.	RAT	MC
B	9-18-98	PJF	ADDED SOUTH PERMIT BOUNDARY AND SUBMITTED TO OSM FOR REVIEW AND APPROVAL.	RAT	MC
A	5-27-98	PJF	MID TERM SUBMITTAL TO OSM FOR REVIEW AND APPROVAL.	RAT	PNS

APPROVALS

LEGEND

Boundary of BHP Navajo Coal Company, Original Coal Lease, as amended, which includes additional Surface and Coal mining area

CUA and RMU Boundaries

7 12 RMU — CUA and RMU Identication No. (Correspondes w/CUA-RMU Map Index)

SOUTH PERMIT BOUNDARY — PERMIT BOUNDARY

2000 1000 0 2000 4000

Exhibit 6-2

bhpbilliton

BHP Navajo Coal Company

P.O. Box 1717
Fruitland, New Mexico, 87416

Phone: 505-598-4200
Fax: 505-568-3361

CUSTOMARY USE AREAS (CUA)
AND
RANGE MANAGEMENT UNIT (RMU)

(Sheet 2 of 2)

PREPARED BY RAT/MGC	DRAWN BY PJF	SCALE 1" = 2000'
APPROVED BY	DATE Jan. 07, 1998	

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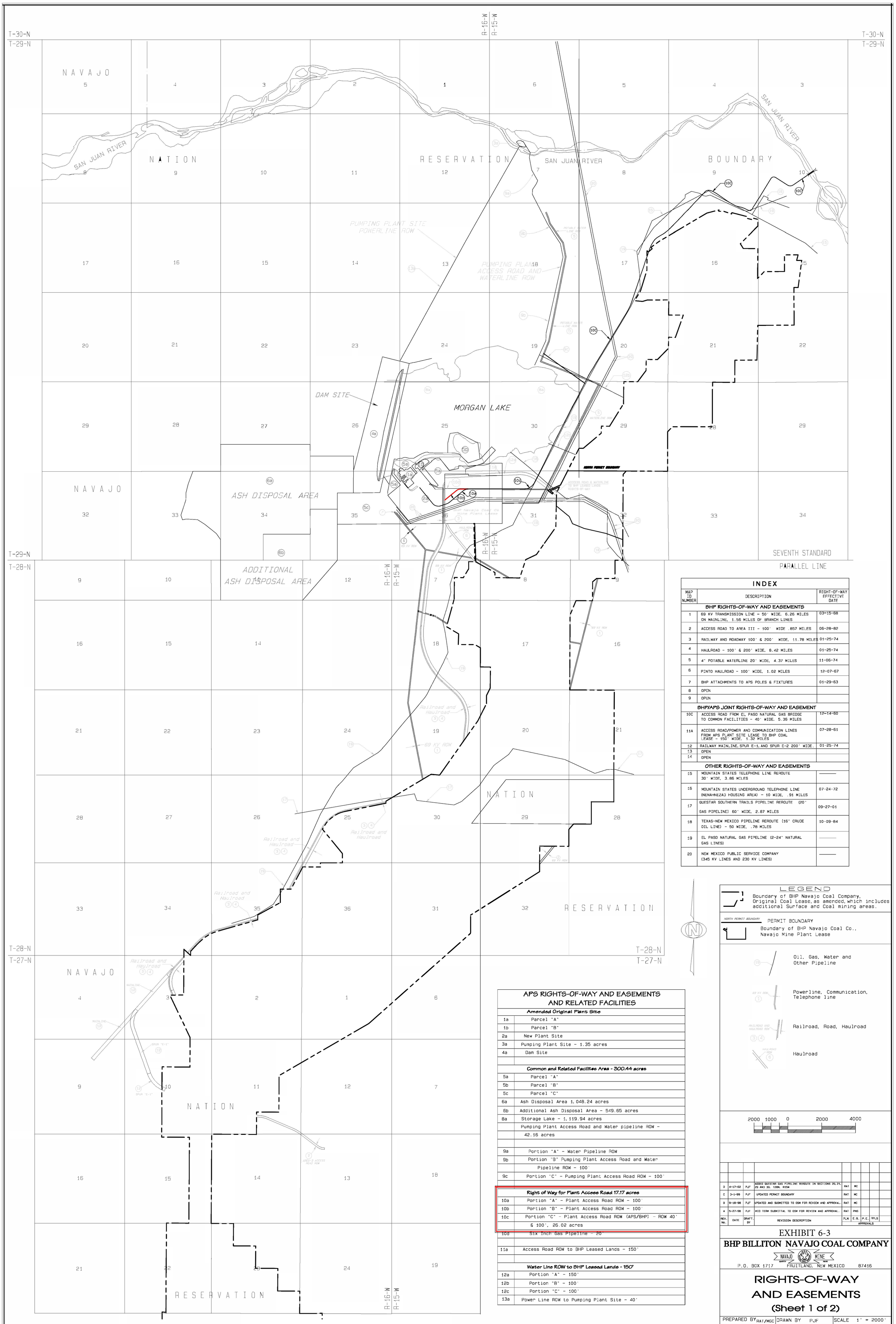

INDEX

MAP ID NUMBER	DESCRIPTION	RIGHT-OF-WAY EFFECTIVE DATE
	BHP RIGHTS-OF-WAY AND EASEMENTS	
1	69 KV TRANSMISSION LINE - 50' WIDE, 6.26 MILES ON MAINLINE, 1.56 MILES OF BRANCH LINES	03-15-68
2	ACCESS ROAD TO AREA III - 100' WIDE .857 MILES	06-28-82
3	RAILWAY AND ROADWAY 100' & 200' WIDE, 11.78 MILES	01-25-74
4	HAULROAD - 100' & 200' WIDE, 8.42 MILES	01-25-74
5	4" POTABLE WATERLINE 20' WIDE, 4.37 MILES	11-06-74
6	PINTO HAULROAD - 100' WIDE, 1.02 MILES	12-07-67
7	BHP ATTACHMENTS TO APS POLES & FIXTURES	01-29-63
8	OPEN	
9	OPEN	
	BHP/APS JOINT RIGHTS-OF-WAY AND EASEMENT	
10C	ACCESS ROAD FROM EL PASO NATURAL GAS BRIDGE TO COMMON FACILITIES - 40' WIDE, 5.36 MILES	12-14-60
11A	ACCESS ROAD/POWER AND COMMUNICATION LINES FROM APS PLANT SITE LEASE TO BHP COAL LEASE - 150' WIDE, 1.32 MILES	07-28-61
12	RAILWAY MAINLINE, SPUR E-1, AND SPUR E-2 200' WIDE,	01-25-74
13	OPEN	
14	OPEN	
	OTHER RIGHTS-OF-WAY AND EASEMENTS	
15	MOUNTAIN STATES TELEPHONE LINE REROUTE 30' WIDE, 3.86 MILES	———
16	MOUNTAIN STATES UNDERGROUND TELEPHONE LINE (NENAHNEZAD HOUSING AREA) - 10 WIDE, .91 MILES	07-24-72
17	QUESTAR SOUTHERN TRAILS PIPELINE REROUTE (20" GAS PIPELINE) 60' WIDE, 2.87 MILES	09-27-01
18	TEXAS-NEW MEXICO PIPELINE REROUTE (16" CRUDE OIL LINE) - 50 WIDE, .78 MILES	10-09-84
19	EL PASO NATURAL GAS PIPELINE (2-24" NATURAL GAS LINES)	———
20	NEW MEXICO PUBLIC SERVICE COMPANY (345 KV LINES AND 230 KV LINES)	———

APS RIGHTS-OF-WAY AND EASEMENTS AND RELATED FACILITIES

	Amended Original Plant Site
1a	Parcel "A"
1b	Parcel "B"
2a	New Plant Site
3a	Pumping Plant Site - 1.35 acres
4a	Dam Site
	Common and Related Facilities Area - 300.44 acres
5a	Parcel "A"
5b	Parcel "B"
5c	Parcel "C"
6a	Ash Disposal Area 1,048.24 acres
6b	Additional Ash Disposal Area - 549.65 acres
8a	Storage Lake - 1,119.94 acres
	Pumping Plant Access Road and Water pipeline ROW -
	42.16 acres
9a	Portion "A" - Water Pipeline ROW
9b	Portion "B" Pumping Plant Access Road and Water
	Pipeline ROW - 100'
9c	Portion "C" - Pumping Plant Access Road ROW - 100'
	Right of Way for Plant Access Road 17.17 acres
10a	Portion "A" - Plant Access Road ROW - 100'
10b	Portion "B" - Plant Access Road ROW - 100'
10c	Portion "C" - Plant Access Road ROW (APS/BHP) - ROW 40'
	& 100', 26.02 acres
10d	Six Inch Gas Pipeline - 20'
11a	Access Road ROW to BHP Leased Lands - 150'
	Water Line ROW to BHP Leased Lands - 150'
12a	Portion "A" - 150'
12b	Portion "B" - 100'
12c	Portion "C" - 100'
13a	Power Line ROW to Pumping Plant Site - 40'

LEGEND

Boundary of BHP Navajo Coal Company, Original Coal Lease, as amended, which includes additional Surface and Coal mining areas.

NORTH PERMIT BOUNDARY — PERMIT BOUNDARY
Boundary of BHP Navajo Coal Co., Navajo Mine Plant Lease

Oil, Gas, Water and Other Pipeline

69 KV ROW — Powerline, Communication, Telephone line

RAILROAD AND HAULROAD ROW — Railroad, Road, Haulroad

HAULROAD ROW — Haulroad

2000 1000 0 2000 4000

REV. NO.	DATE	DRAFT. BY	REVISION DESCRIPTION	PLM	E.Q.	P.E.	RPLS
D	4-17-02	PJF	ADDED QUESTAR GAS PIPELINE REROUTE IN SECTIONS 20, 21, 29 AND 30, T28N, R15W	RAT	MC		
C	3-1-99	PJF	UPDATED PERMIT BOUNDARY	RAT	MC		
B	9-18-98	PJF	UPDATED AND SUBMITTED TO OSM FOR REVIEW AND APPROVAL.	RAT	MC		
A	5-27-98	PJF	MID TERM SUBMITTAL TO OSM FOR REVIEW AND APPROVAL.	RAT	PNS		

APPROVALS

EXHIBIT 6-3

BHP BILLITON NAVAJO COAL COMPANY

NAVAJO MINE — SAFETY PAYS

P.O. BOX 1717 FRUITLAND, NEW MEXICO 87416

RIGHTS-OF-WAY AND EASEMENTS

(Sheet 1 of 2)

PREPARED BY RAT/MGC	DRAWN BY PJF	SCALE 1" = 2000'
APPROVED BY	DATE Jan. 07, 1998	

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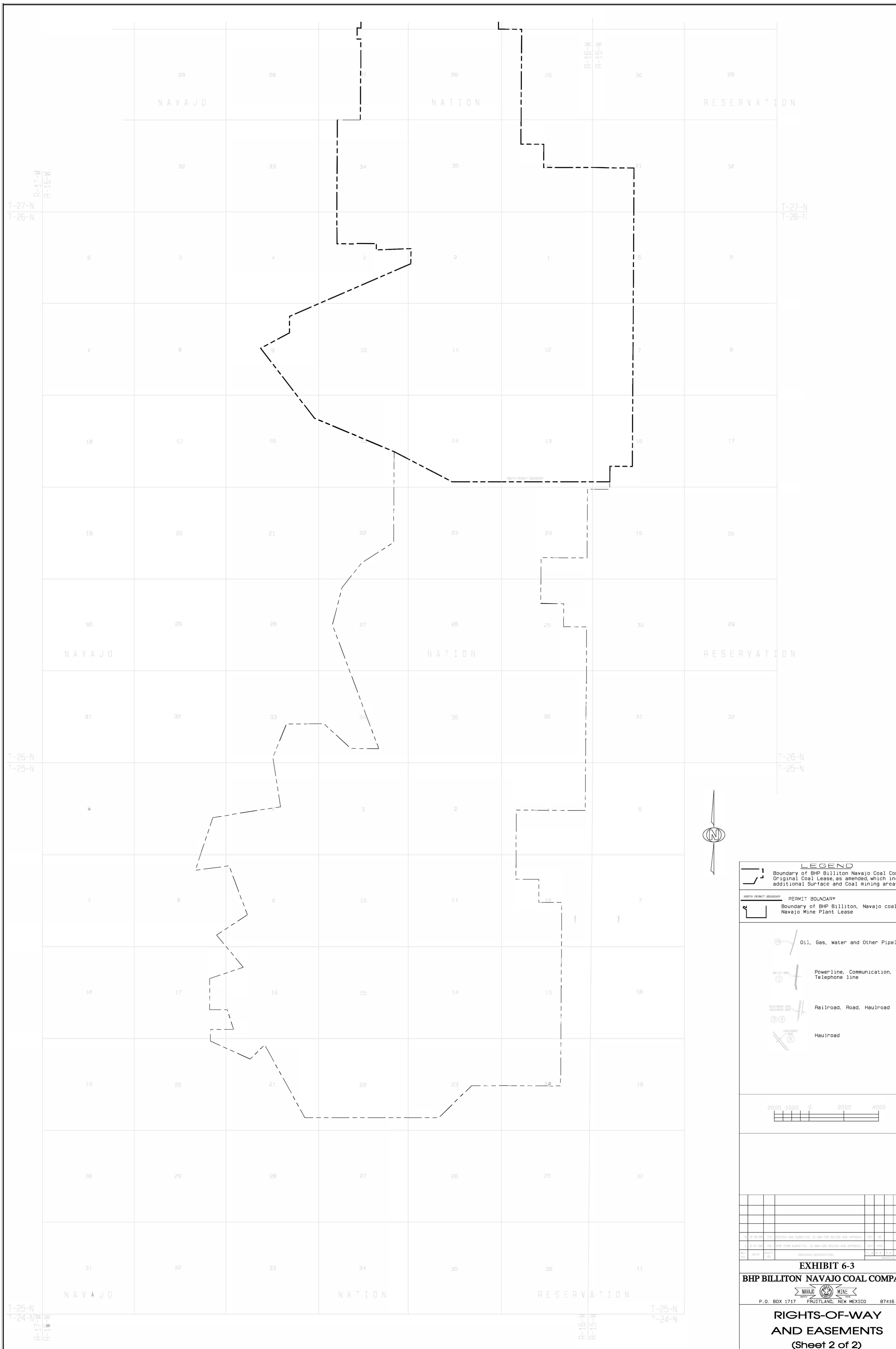

LEGEND

Boundary of BHP Billiton Navajo Coal Co
Original Coal Lease, as amended, which in
additional Surface and Coal mining area

NORTH PERMIT BOUNDARY — PERMIT BOUNDARY

Boundary of BHP Billiton, Navajo coal
Navajo Mine Plant Lease

19 — Oil, Gas, Water and Other Pipel

69 KV ROW 1 — Powerline, Communication, Telephone line

RAILROAD AND HAULROAD ROW 3 4 — Railroad, Road, Haulroad

HAULROAD ROW 6 — Haulroad

2000 1000 0 2000 4000

REV NO.	DATE	DRAFT BY	REVISION DESCRIPTION				
B	9-18-98	PJF	UPDATED AND SUBMITTED TO OSM FOR REVIEW AND APPROVAL	RAT	MC		
A	5-27-98	PJF	MID TERM SUBMITTAL TO OSM FOR REVIEW AND APPROVAL	RAT	PNS		

APPROVAL

EXHIBIT 6-3

BHP BILLITON NAVAJO COAL COMPA

NAVAJO MINE — SAFETY PAYS

P.O. BOX 1717 FRUITLAND, NEW MEXICO 87416

RIGHTS-OF-WAY AND EASEMENTS

(Sheet 2 of 2)

PREPARED BY RAT/MGC	DRAWN BY PJF	SCALE 1" =
APPROVED BY	DATE Jan. 07, 1998	
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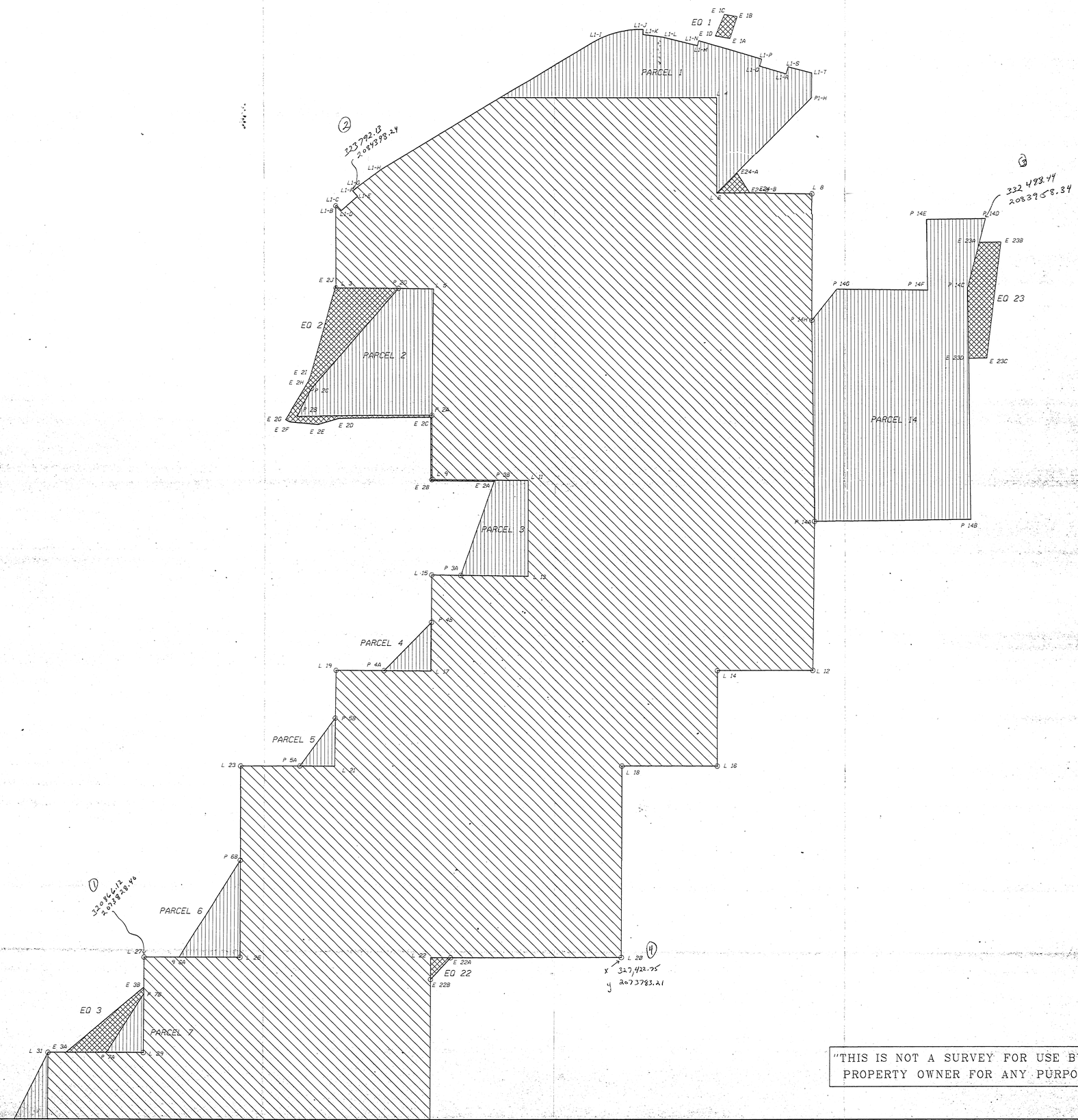


"THIS IS NOT A SURVEY FOR USE BY A PROPERTY OWNER FOR ANY PURPOSE."

LEGEND

- BRASS CAPS (BLM)
- STEEL POST 4"X4" (ORANGE)
- NAVAJO MINE MONUMENTS
- EQ 29 — PERMIT/LEASE CORNERS
- PERMIT/LEASE BOUNDARY

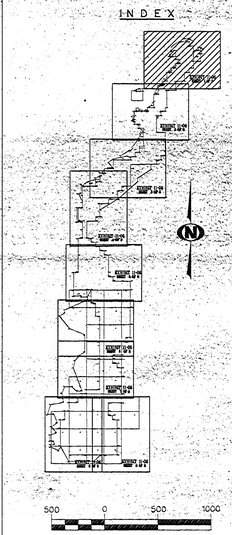
MINERALS LEASE AREAS :

ORIGINAL LEASE	24,210.96	
AMENDMENT 2	512.20	
AMENDMENT 3	6,554.05	
AMENDMENT 4A	1,340.07	
		32,617.28

SURFACE LEASE AREAS :

AMENDMENT 4-EQ	545.32	
AREA-II ADDITION	3.11	
MINE PLANT LEASE (NOT SURVEYED)	223.21	
		771.64
TOTAL LEASE ACREAGE		33,388.92

INDEX



500 0 500 1000

SCALE: 1" = 500'

BASIS OF BEARINGS, SOLAR OBSERVATION AND NOT NAVAJO MINE COORDINATE SYSTEM.

THIS IS TO CERTIFY THAT THIS MAP REPRESENTS WORK PERFORMED BY ME OR UNDER MY SUPERVISION IN AUGUST, 1990, AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

SCOTT ANDERSON NEW MEXICO 9625 PROFESSIONAL LAND SURVEYOR

APPROVED FEB 1999

REV. No.	DATE	DRAFT. BY	REVISION DESCRIPTION	ENG.	C.G.	P.E.	OPS.	SUPT. APPROVAL
A	7-29-97	PJF	SUBMITTED TO OSM FOR APPROVAL - REVISION ORDER NO.33		FB		SA	

EXHIBIT 6-4

BHP NAVAJO COAL COMPANY

NAVAJO MINE

P.O. BOX 355 FRUITLAND, NEW MEXICO 87416

NAVAJO MINE LEASE BASE MAP

Sheet 1 of 9.

PREPARED BY PJF	DRAWN BY PJF	SCALE 1" = 500'	
APPROVED BY	DATE JULY 12, 1997	MYLAR LOC. A11-4	

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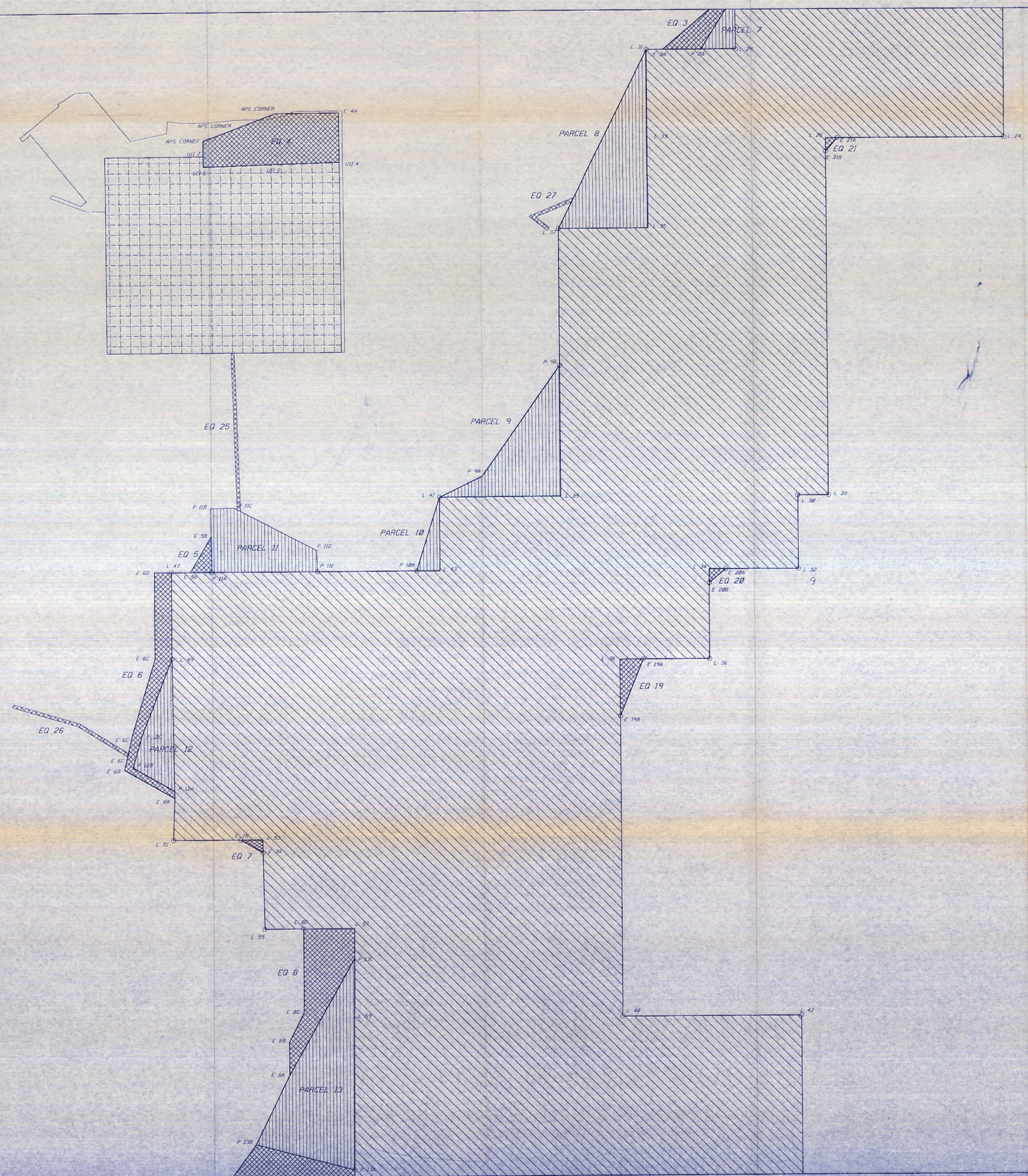


LEGEND

- BRASS CAPS (BLM)
- STEEL POST 4"X4" (ORANGE)
- NAVAJO MINE MONUMENTS
- PERMIT/LEASE CORNERS
- PERMIT/LEASE BOUNDARY

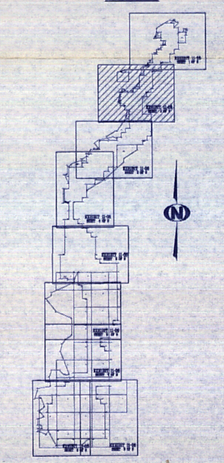
MINERALS LEASE AREAS :

	ORIGINAL LEASE	24,210.96
	AMENDMENT 2	512.20
	AMENDMENT 3	6,554.05
	AMENDMENT 4A	1,340.07
		32,617.28

SURFACE LEASE AREAS :

	AMENDMENT 4-EQ	545.32
	AREA-III ADDITION	3.11
	MINE PLANT LEASE (NOT SURVEYED)	223.21
		771.64
	TOTAL LEASE ACREAGE	33,388.92

INDEX



500 0 500 1000

SCALE 1" = 500'

BASIS OF BEARINGS: SOLAR OBSERVATION AND NOT NAVAJO MINE COORDINATE SYSTEM.

This is to certify that EQ Parcels 25, 26, and 27 shown on this map are unmonumented right-of-way easements that were field checked under my supervision to determine their physical proximity to the Navajo Mine Lease Boundary and that they are true and correct to the best of my knowledge.

"THIS IS NOT A SURVEY FOR USE BY A PROPERTY OWNER FOR ANY PURPOSE."

PERMIT COPY
NM-0003D

REV. No.	DATE	DRAFT BY	REVISION DESCRIPTION	ENG.	L.D.	P.L. APPROVAL	MINE ENG.
C	5-1-97	PJF	ADDED EQ PARCELS 25, 26 AND 27		SF		MG
B	3-7-97	PJF	ADDED EQ PARCEL 24 AND REVISED EQ PARCEL 20				PJF
A	2-7-97	PJF	ADDED EQ PARCEL 20 AND REVISED EQ PARCEL 19				PJF

EXHIBIT 6-4

BHP NAVAJO COAL COMPANY

NAVAJO MINE

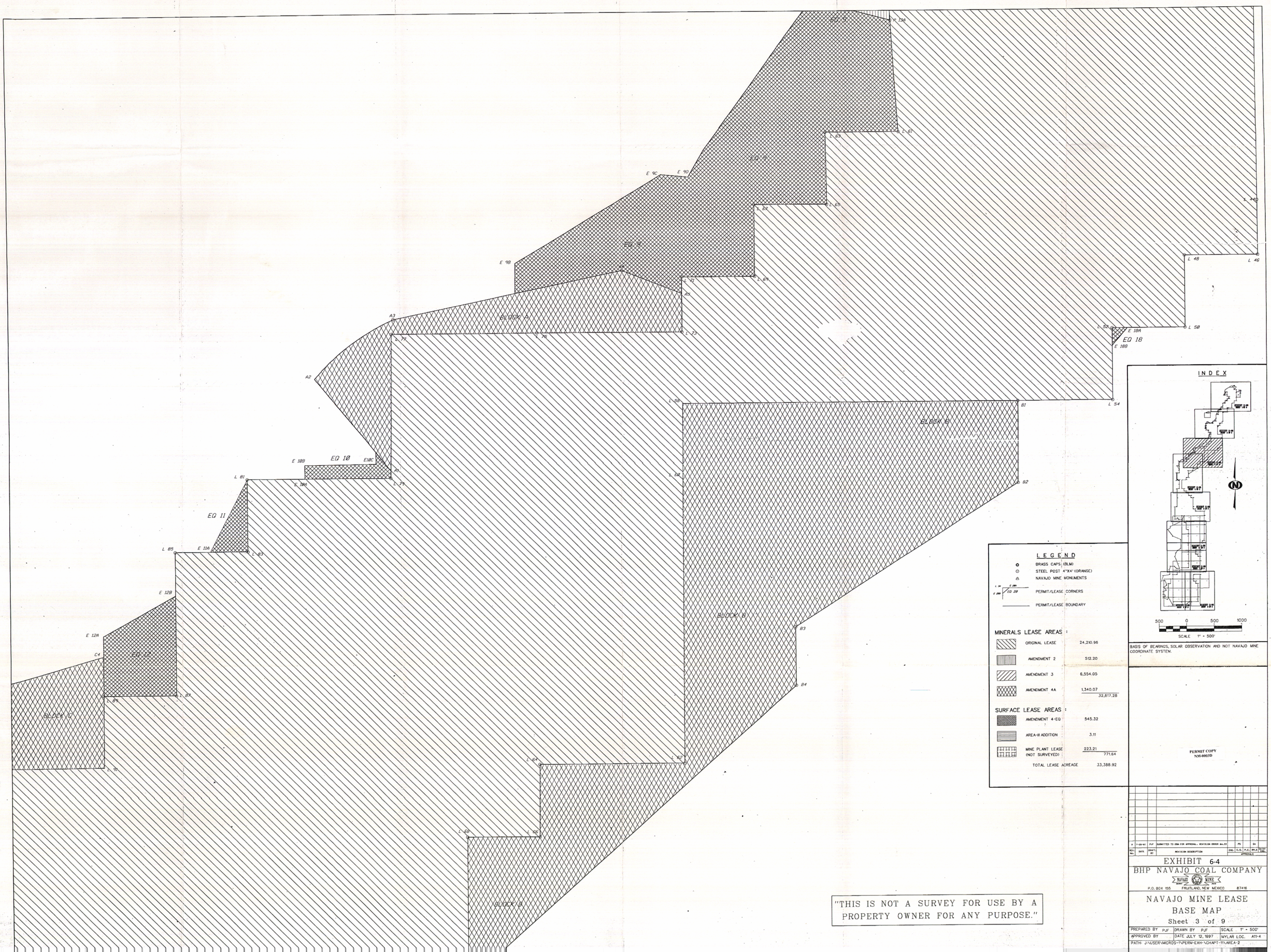
P.O. BOX 155 FRUITLAND, NEW MEXICO 87416

NAVAJO MINE LEASE BASE MAP

Sheet 2 of 9

PREPARED BY: PJF	DRAWN BY: PJF	SCALE: 1" = 500'
APPROVED BY:	DATE: JULY 14, 1997	MYLAR: LOC. A11-4

PATH: J:\USER\MICROS-1\PERM-EXH\CHAPT-11\AREA-2



LEGEND

- BRASS CAPS (BLM)
- STEEL POST 4"X4" (ORANGE)
- NAVAJO MINE MONUMENTS
- PERMIT/LEASE CORNERS
- PERMIT/LEASE BOUNDARY

MINERALS LEASE AREAS :

ORIGINAL LEASE	24,210.96
AMENDMENT 2	512.20
AMENDMENT 3	6,554.05
AMENDMENT 4A	1,340.07
	32,617.28

SURFACE LEASE AREAS :

AMENDMENT 4-EQ	545.32
AREA-III ADDITION	3.11
MINE PLANT LEASE (NOT SURVEYED)	223.21
	771.64
TOTAL LEASE ACREAGE	33,388.92

BASIS OF BEARINGS, SOLAR OBSERVATION AND NOT NAVAJO MINE COORDINATE SYSTEM.

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NM-0003D

"THIS IS NOT A SURVEY FOR USE BY A PROPERTY OWNER FOR ANY PURPOSE."

REV. No.	DATE	DRAFT. BY	REVISION DESCRIPTION	ENG.	E.G.	P.E.	MPLS	CHIEF ENG.
A	7-25-97	PJF	SUBMITTED TO OSM FOR APPROVAL - REVISION ORDER No.33		PS		EA	

APPROVALS

EXHIBIT 6-4

BHP NAVAJO COAL COMPANY

NAVAJO MINE

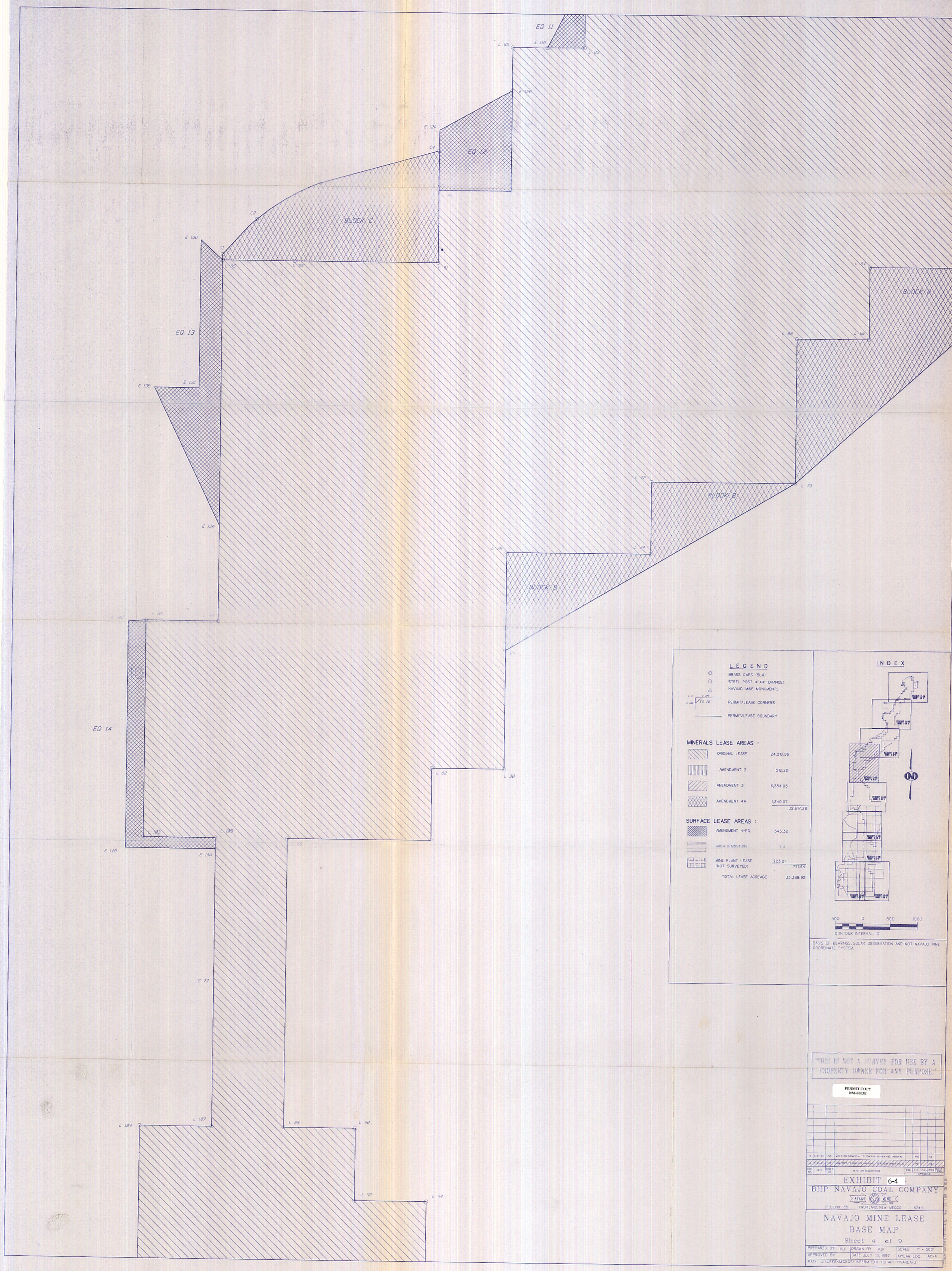
P.O. BOX 155 FRUITLAND, NEW MEXICO 87416

NAVAJO MINE LEASE BASE MAP

Sheet 3 of 9

PREPARED BY PJF	DRAWN BY PJF	SCALE 1" = 500'
APPROVED BY	DATE JULY 12, 1997	MYLAR LOC. A11-4

PATH: J:\USER\MICROS-1\PERM-EXH-\CHAPT-11\AREA-2


EQ 11
L 85
E 11A
L 83
E 12B
E 12A
C4
EQ 12
C2
BLOCK C
E 13C
C1
L 95
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L 64
BLOCK B
EQ 13
L 68
L 66
E 13B
E 13C
L 72
L 70
BLOCK B
E 13A
L 78
L 74
BLOCK B
EQ 14
L 82
L 80
L 103
L 106
E 14B
E 14A
C 77
L 109
L 107
L 88
L 90
L 92
L 94
LEGEND
BRASS CAPS (BLM)
STEEL POST 4"X4" (ORANGE)
NAVAJO MINE MONUMENTS
EQ 20
PERMIT/LEASE CORNERS
PERMIT/LEASE BOUNDARY
MINERALS LEASE AREAS :
ORIGINAL LEASE 24,210.96
AMENDMENT 2 512.20
AMENDMENT 3 6,554.05
AMENDMENT 4A 1,340.07
32,617.28
SURFACE LEASE AREAS :
AMENDMENT 4-EQ 545.32
AREA III ADDITION 3.11
MINE PLANT LEASE (NOT SURVEYED) 223.21
771.64
TOTAL LEASE ACREAGE 33,388.92
INDEX
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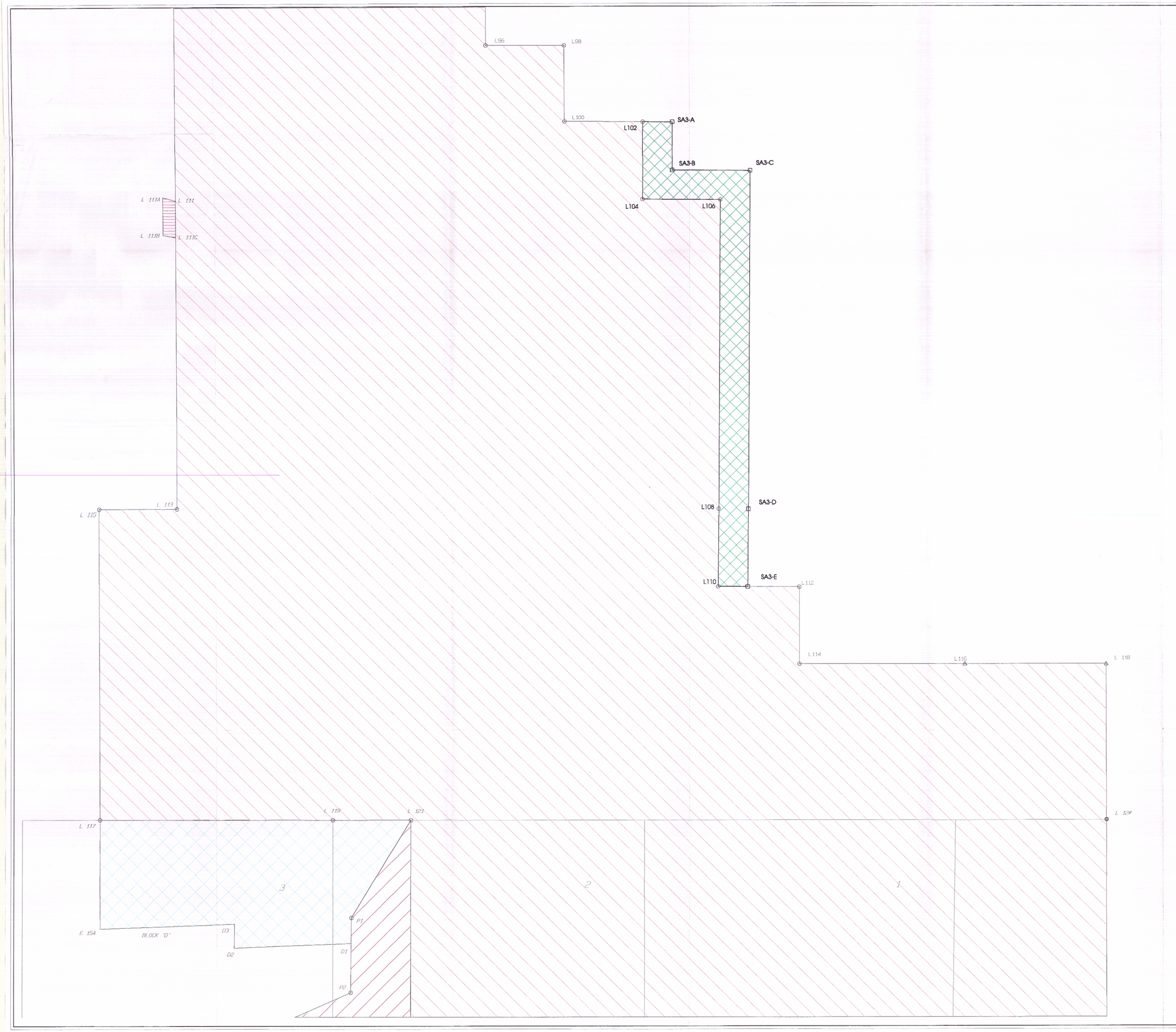
500 0 500 1000
CONTOUR INTERVAL: 10'
BASIS OF BEARINGS, SOLAR OBSERVATION AND NOT NAVAJO MINE COORDINATE SYSTEM.
"THIS IS NOT A SURVEY FOR USE BY A PROPERTY OWNER FOR ANY PURPOSE."
PERMIT COPY
NM-0003E
EXHIBIT 6-4
BHP NAVAJO COAL COMPANY
NAVAJO MINE
P.O. BOX 155 FRUITLAND, NEW MEXICO 87416
NAVAJO MINE LEASE
BASE MAP
Sheet 4 of 9
PREPARED BY PJF
DRAWN BY PJF
SCALE 1" = 500'
APPROVED BY
DATE JULY 13, 1997
MYLAR LOC. AT-4
PATH: J:\USER\MICROS~1\PERM~EXH~1\CHAPT~1\AREA-3



LEGEND

- BRASS CAPS (BLM)
- STEEL POST 4"X4' (ORANGE)
- NAVAJO MINE MONUMENTS
- #4 REBAR
- PERMIT/LEASE CORNERS
- PERMIT/LEASE BOUNDARY

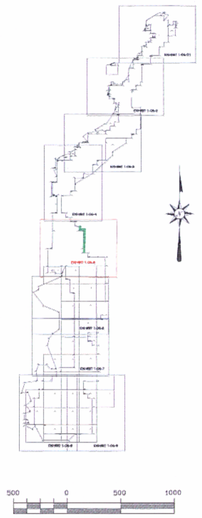
MINERALS LEASE AREAS :

ORIGINAL LEASE	24,21#.96
AMENDMENT 2	512.2#
AMENDMENT 3	6,554.#5
AMENDMENT 4A	1,34#.#7
	32,617.28

SURFACE LEASE AREAS :

AMENDMENT 4-EQ	545.32
AREA-III ADDITION	3.11
MINE PLANT LEASE (NOT SURVEYED)	223.21
	771.64
TOTAL LEASE ACREAGE	33,388.92
500 ft Wide Surface Layback Addition (Surface Use Permit)	106.10
TOTAL LEASE ACREAGE	33,495.02

INDEX



I, Wilson Begay , New Mexico Professional Surveyor, hereby certify that this Boundary Retracement Survey Plat was prepared from an actual ground survey performed by me or under my supervision, that I am responsible for this survey, that this survey is true and correct to the best of my knowledge and belief, that this Boundary Retracement Survey Plat and the field survey upon which it is based meet the Minimum Standards for Surveying in New Mexico, and that this survey is not a land division or subdivision as defined in the New MexicoSubdivision Act. This is a Boundary Retracement Survey Plat of an existing tract or tracts.

Wilson Begay P.S. # 18628, 7/9/09 Date

Wilson Begay New Mexico 18628 Professional Surveyor

PERMIT COPY
NM-0003-F

REV. No.	DATE	DRAFT. BY	REVISION DESCRIPTION	ENG.	E.G.	PLS
09-A	7-07-09	PJF	ADDED THE 500 FT WIDE SURFACE LAYBACK ADDITION, AND SUBMITTED TO OSM FOR REVIEW.	F. DORMAN	V. RENALLY	W. BEGAY
A	7-14-97	PJF	SUBMITTED TO OSM FOR APPROVAL			

APPROVALS

EXHIBIT 6-4

BHP NAVAJO COAL COMPANY

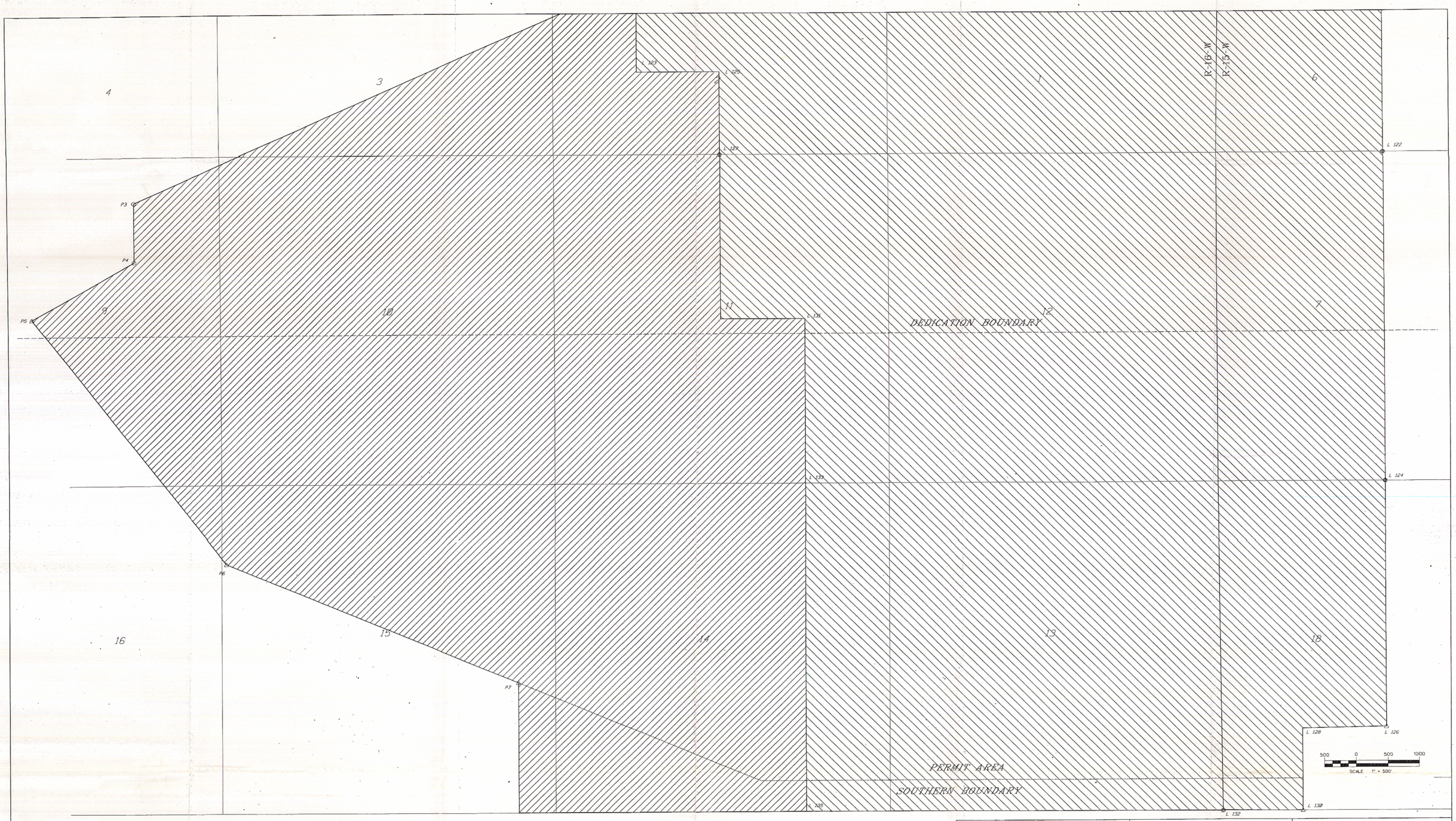
NAVAJO MINE

P.O. BOX 1717 FRUITLAND, NEW MEXICO 87416

NAVAJO MINE LEASE SURVEY BASE MAP

PREPARED BY PJF	DRAWN BY PJF	SCALE 1" = 500'
APPROVED BY	DATE JULY 13, 1997	SHEET 5 of 9

B:\Gis\OSM_SUBM\PER_PROG\CH_01-LAND MAPS\Base SurvData\PAP EXHIBITS\09-Exh 1-05-5.pro
PJFOSTER Wed Jul 08 10:19:26 2009



"THIS IS NOT A SURVEY FOR USE BY A PROPERTY OWNER FOR ANY PURPOSE."

LEGEND

- BRASS CAPS (BLM)
- STEEL POST 4"X4' (ORANGE)
- NAVAJO MINE MONUMENTS
- PERMIT/LEASE CORNERS
- PERMIT/LEASE BOUNDARY

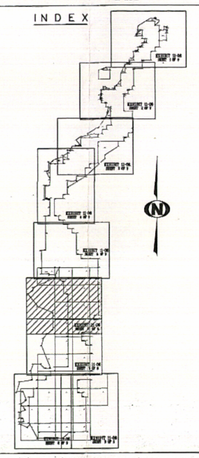
MINERALS LEASE AREAS :

ORIGINAL LEASE	24,210.96
AMENDMENT 2	512.20
AMENDMENT 3	6,554.05
AMENDMENT 4A	1,340.07
	32,617.28

SURFACE LEASE AREAS :

AMENDMENT 4-EQ	545.32
AREA-III ADDITION	3.11
MINE PLANT LEASE (NOT SURVEYED)	223.21
	771.64
TOTAL LEASE ACREAGE	33,388.92

INDEX



BASIS OF BEARINGS, SOLAR OBSERVATION AND NOT NAVAJO MINE COORDINATE SYSTEM.

PERMIT COPY
NM-0003D

REV. NO.	DATE	DRAFT'D BY	REVISION DESCRIPTION	ENG.	E.G.	P.E.	RPLS	CHIEF ENG. APPROVAL
A	1-29-97	PJF	SUBMITTED TO OSM FOR APPROVAL, REVISION ORDER No.33		PS		SA	

EXHIBIT 6-4

BHP NAVAJO COAL COMPANY

NAVAJO MINE

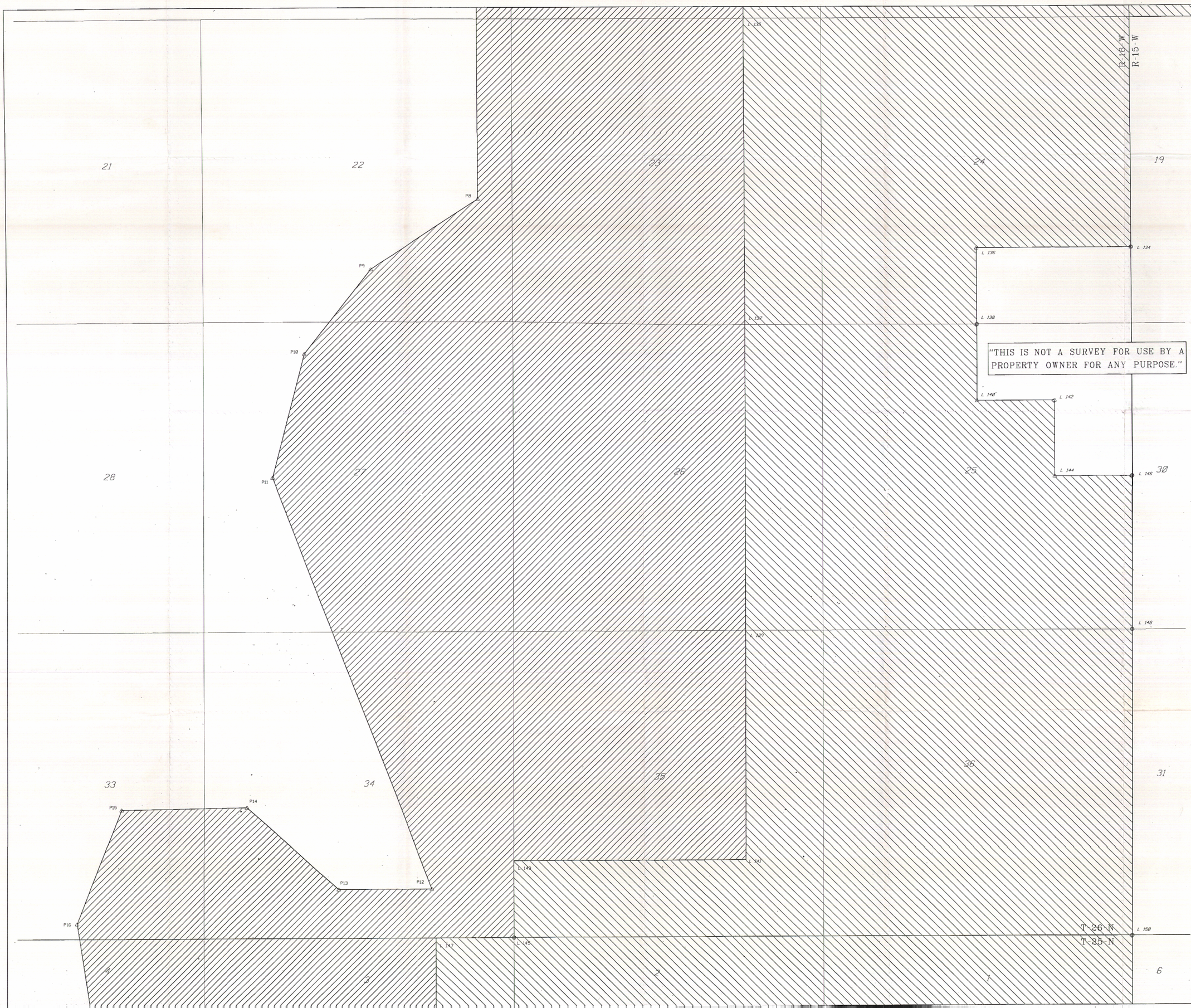
P.O. BOX 155 FRUITLAND, NEW MEXICO 87416

NAVAJO MINE LEASE BASE MAP

Sheet 6 of 9

PREPARED BY PJF	DRAWN BY PJF	SCALE	1" = 500'
APPROVED BY	DATE JULY 14, 1996	MYLAR LOC.	A11-4

PATH: J:\USER\MICROS-1\PERM-EXH-\CHAPT-11\AREA-4



"THIS IS NOT A SURVEY FOR USE BY A PROPERTY OWNER FOR ANY PURPOSE."

LEGEND

- BRASS CAPS (BLM)
- STEEL POST 4"X4' (ORANGE)
- NAVAJO MINE MONUMENTS
- L 34 / E 284 / E 288 / EQ 20 — PERMIT/LEASE CORNERS
- PERMIT/LEASE BOUNDARY

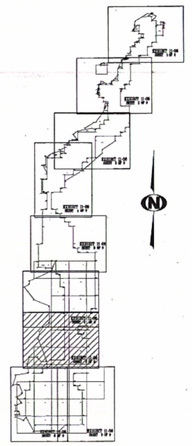
MINERALS LEASE AREAS :

ORIGINAL LEASE	24,210.96	
AMENDMENT 2	512.20	
AMENDMENT 3	6,554.05	
AMENDMENT 4A	1,340.07	
		32,617.28

SURFACE LEASE AREAS :

AMENDMENT 4-EQ	545.32	
AREA-III ADDITION	3.11	
MINE PLANT LEASE (NOT SURVEYED)	223.21	
		771.64
TOTAL LEASE ACREAGE		33,388.92

INDEX



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SCALE 1" = 500'

BASIS OF BEARINGS, SOLAR OBSERVATION AND NOT NAVAJO MINE COORDINATE SYSTEM.

PERMIT COPY
NM-0003D

REV. NO.	DATE	DRAFT BY	REVISION DESCRIPTION	ENG.	E.G.	P.E.	MPLS	CHIEF ENG.
A	7-29-97	PJF	SUBMITTED TO DRM FOR APPROVAL, REVISION ORDER No.33		PS		SA	

APPROVALS

EXHIBIT 6-4

BHP NAVAJO COAL COMPANY

NAVAJO MINE

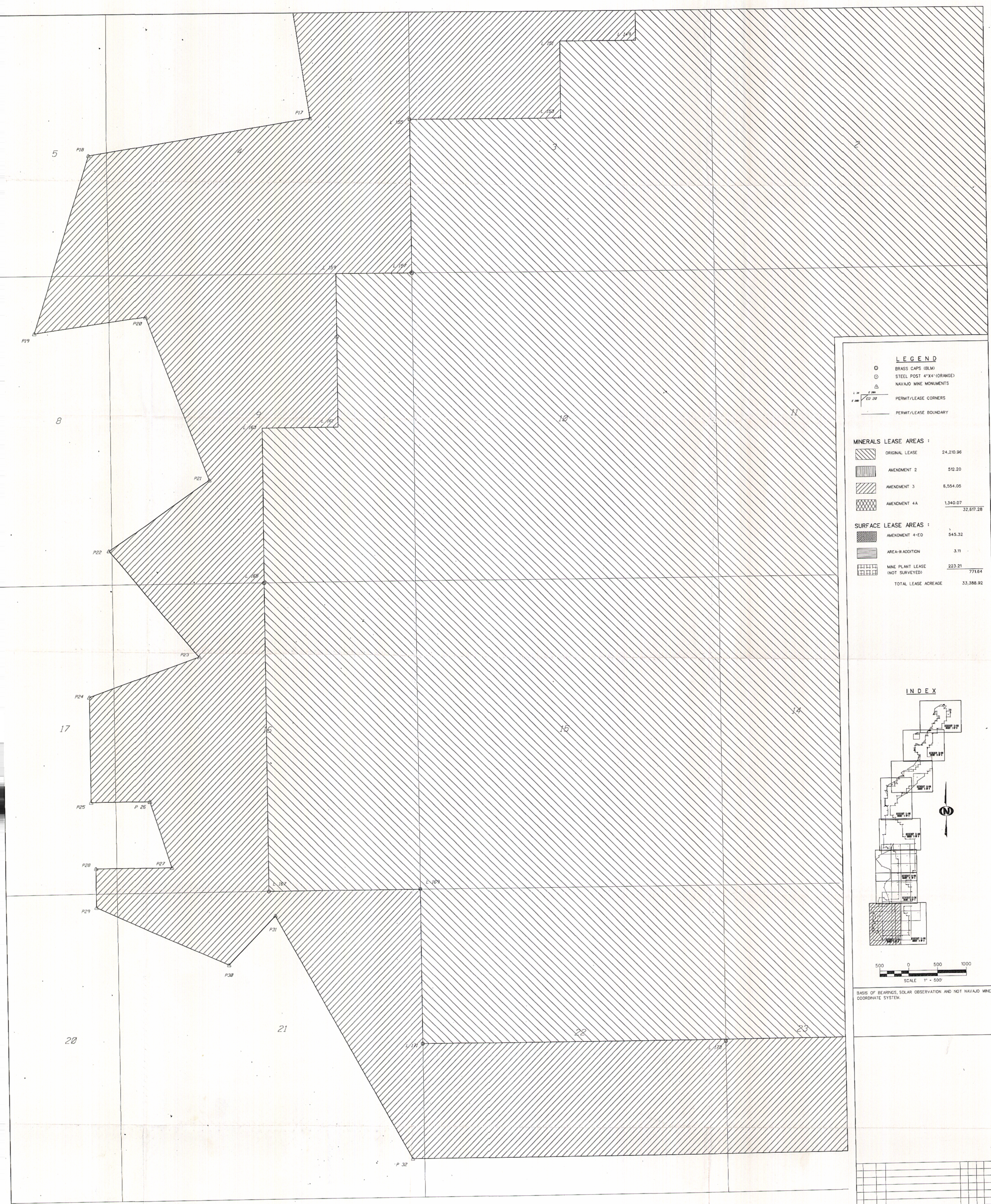
P.O. BOX 155 FRUITLAND, NEW MEXICO 87416

NAVAJO MINE LEASE BASE MAP

Sheet 7 of 9

PREPARED BY PJF	DRAWN BY PJF	SCALE 1" = 500'
APPROVED BY	DATE JULY 13, 1997	MYLAR LOC. A11-4

PATH: J:\USER\MICROS-1\PERM-EXH-\CHAPT-11\AREA-4/5


L 149
L 151
L 153
L 155
L 157
L 159
L 161
L 163
L 165
L 167
L 169
L 171
L 173
P17
P18
P19
P20
P21
P22
P23
P24
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P 26
P27
P28
P29
P30
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P 32
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23
LEGEND
BRASS CAPS (BLM)
STEEL POST 4"X4' (ORANGE)
NAVAJO MINE MONUMENTS
PERMIT/LEASE CORNERS
PERMIT/LEASE BOUNDARY
MINERALS LEASE AREAS :
ORIGINAL LEASE 24,210.96
AMENDMENT 2 512.20
AMENDMENT 3 6,554.05
AMENDMENT 4A 1,340.07
32,617.28
SURFACE LEASE AREAS :
AMENDMENT 4-ED 545.32
AREA-III ADDITION 3.11
MINE PLANT LEASE (NOT SURVEYED) 223.21
771.64
TOTAL LEASE ACREAGE 33,388.92
INDEX
N
500 0 500 1000
SCALE 1" = 500'
BASIS OF BEARINGS, SOLAR OBSERVATION AND NOT NAVAJO MINE COORDINATE SYSTEM.
"THIS IS NOT A SURVEY FOR USE BY A PROPERTY OWNER FOR ANY PURPOSE."
PERMIT COPY NM-0003D
A 7-29-97 PJF SUBMITTED TO OSM FOR APPROVAL - REVISION ORDER No.32
REV. No. DATE DRAFT. BY REVISION DESCRIPTION ENG. K.G. P.E. RPLS CHIEF ENG.
APPROVALS
EXHIBIT 6-4
BHP NAVAJO COAL COMPANY
NAVAJO MINE
P.O. BOX 155 FRUITLAND, NEW MEXICO 87416
NAVAJO MINE LEASE
BASE MAP
Sheet 8 of 9
PREPARED BY PJF DRAWN BY PJF SCALE 1" = 500'
APPROVED BY DATE JULY 13, 1997 MYLAR LOC. A11-4
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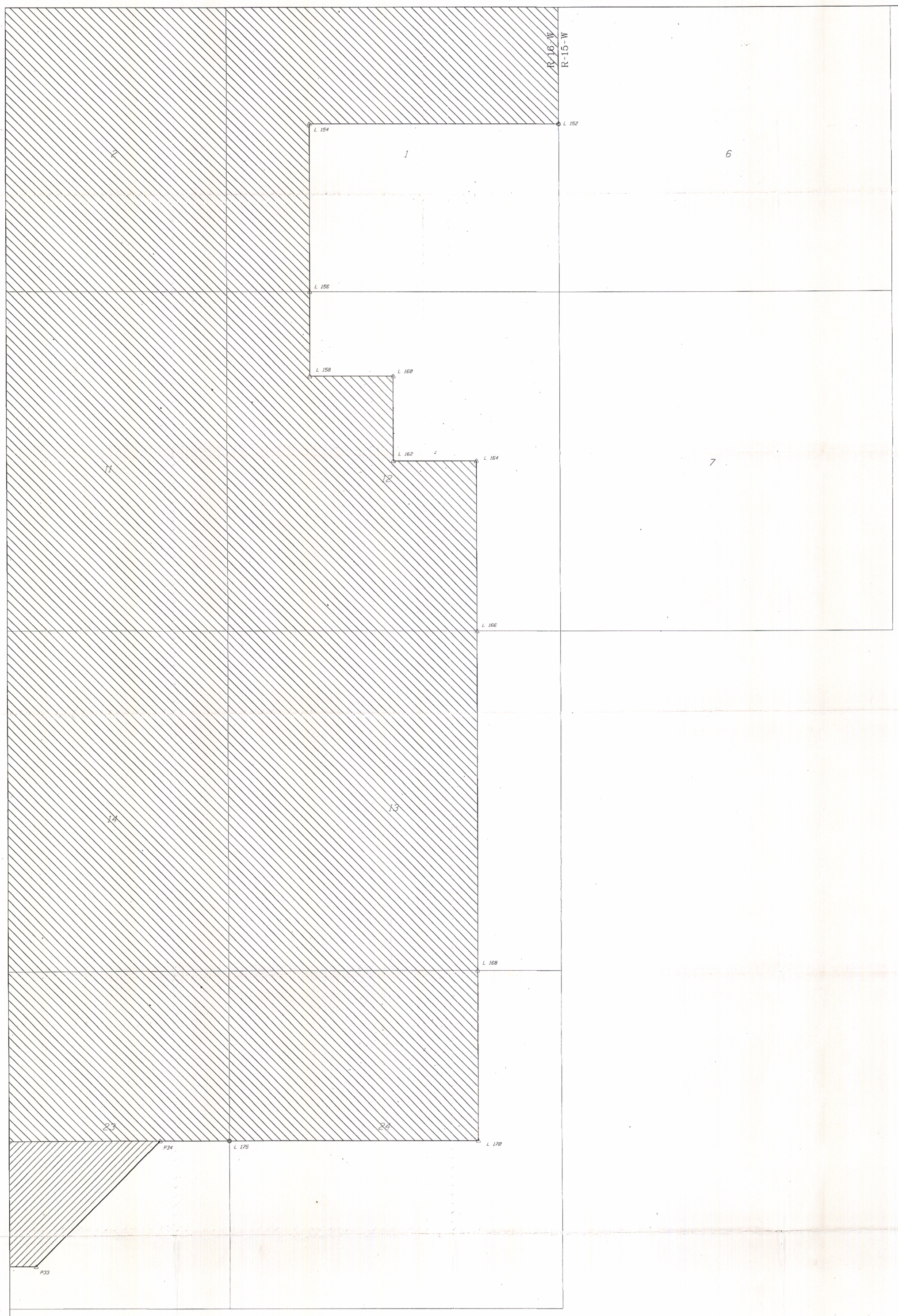


LEGEND

- BRASS CAPS (BLM)
- STEEL POST 4"X4' (ORANGE)
- NAVAJO MINE MONUMENTS
- PERMIT/LEASE CORNERS
- PERMIT/LEASE BOUNDARY

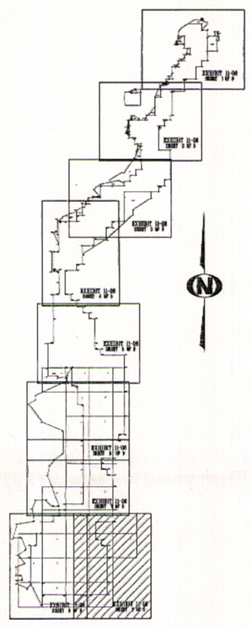
MINERALS LEASE AREAS :

ORIGINAL LEASE	24,210.96	
AMENDMENT 2	512.20	
AMENDMENT 3	6,554.05	
AMENDMENT 4A	1,340.07	
		32,617.28

SURFACE LEASE AREAS :

AMENDMENT 4-EQ	545.32	
AREA-III ADDITION	3.11	
MINE PLANT LEASE (NOT SURVEYED)	223.21	
		771.64
TOTAL LEASE ACREAGE		33,388.92

INDEX



500 0 500 1000
SCALE 1" = 500'

BASIS OF BEARINGS, SOLAR OBSERVATION AND NOT NAVAJO MINE COORDINATE SYSTEM.

PERMIT COPY
NM-0003D

"THIS IS NOT A SURVEY FOR USE BY A PROPERTY OWNER FOR ANY PURPOSE."

REV. No.	DATE	DRAFT BY	REVISION DESCRIPTION	ENG.	E.G.	P.E.	P.S.	OPER. ENG.
A	7-25-97	PJF	SUBMITTED TO OSM FOR APPROVAL			PS		SA

APPROVALS

EXHIBIT 6-4

BHP NAVAJO COAL COMPANY

NAVAJO MINE

P.O. BOX 155 FRUITLAND, NEW MEXICO 87416

NAVAJO MINE LEASE
BASE MAP
Sheet 9 of 9

PREPARED BY PJF	DRAWN BY PJF	SCALE 1" = 500'
APPROVED BY	DATE JULY 15, 1997	MYLAR LOC. A11-4

PATH: J:\USER\MICROS~1\PERM-EXH~\CHAPT-11\AREA-4/5

Appendix 6.A

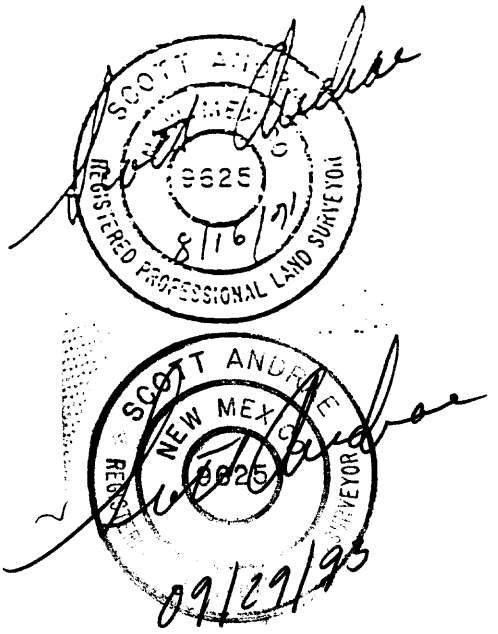
Legal Description of the Original Mining Lease and Amendments

2, 3, 4 and 4A

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.I.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 amendment 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 amendment boundaries and is no longer an external boundary.

Amendment 2:

Amendment 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.

Amendment 3:

The first five points of amendment 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.

Amendment 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 supervison 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 Amendment 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., 2639.98' 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.25N., 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 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.17o23'09"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

Begining 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 norhtwest 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.07o57'29"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.

Amendment 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.

Amendment 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 EO 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.

EO-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.

EO. 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.

EO. 4

Beginning at a point called UII 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 UII 4;
thence, S.88°18'16"W, 1000.44' to a point called UII 5;
thence, S.88°18'58"W, 1000.44' to a point called UII 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.

EO. 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.

EQ 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.17o23'09"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.

ED 9

Beginning at a monument marked E 9B, 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.

EO 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.

EO 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.

EO. 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.

EQ 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.

E.J. 25

Beginning at a point called P 11C fromwhich the north 1/4 corner of Sec. 6, T.26 N, R.15 W., N.M.P.M. bears S.02o16'20"W., 55,145.85', said point being the beginning of the centerline of radio cable right of way;

thence, N.01o41'22"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. .

EO. 27

Beginning at a point called E 27A fromwhich the north 1/4 corner of Sec. 6, T.26 N., R.15 W., N.M.P.M. bears S.06o52'24"W., 60,080.26', said point being the centerline of a powerline right of way;

thence, S.67o31'12"W., 708.81' to a point called E 27B;

thence, S.51o44'48"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 6.B

Grants of Easement for Right of Way

Table of Contents

APPENDIX 1-D

Grants of Easement for Right of Way

Item	Section
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

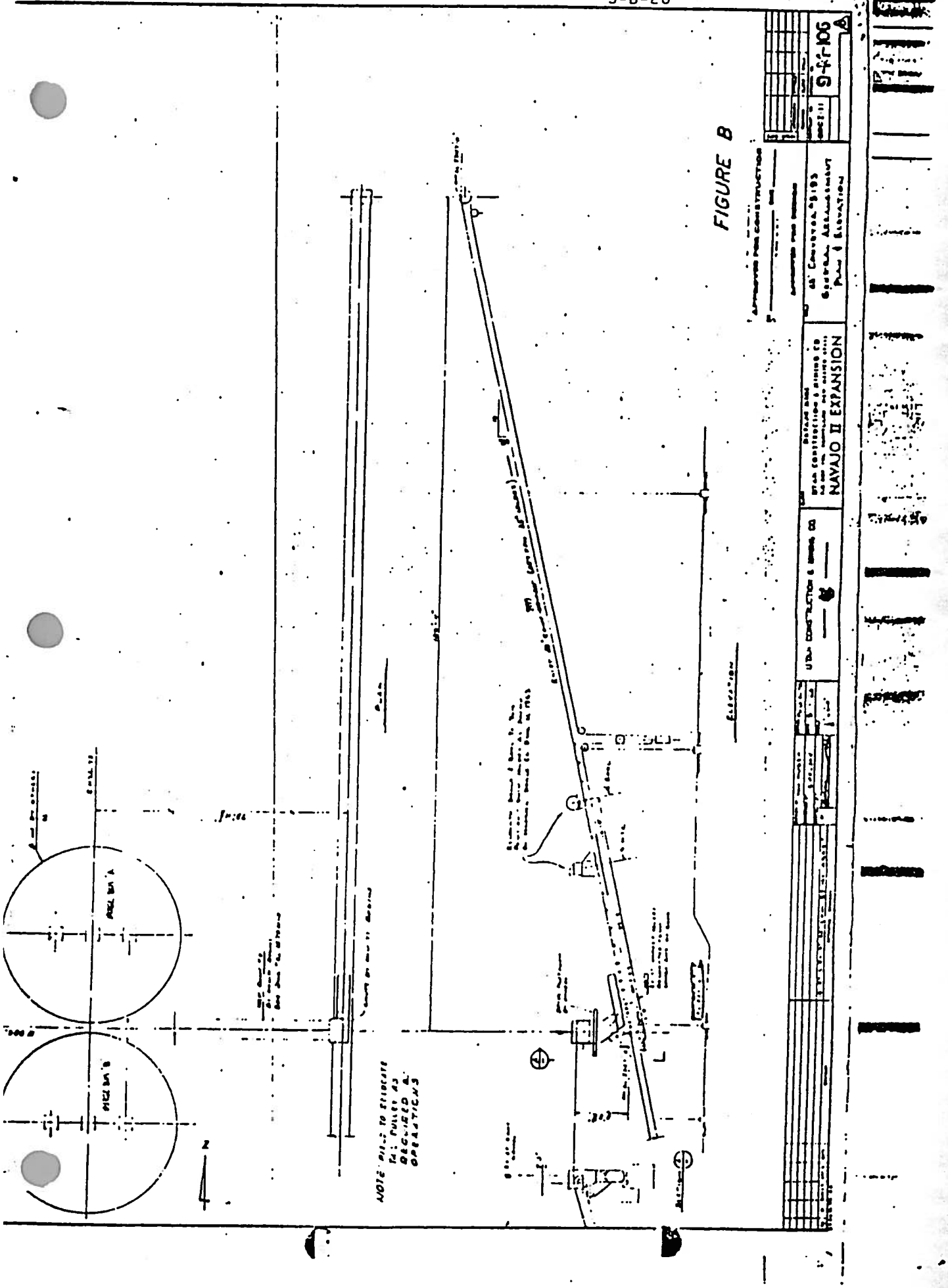


FIGURE B

IN REPLY REFER TO:

Real Property Mgmt.
Right of Way

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

Navajo Area Office
Window Rock, Arizona 86515

MAR 15 1968

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

Gentlemen:

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

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

RECEIVED
FEB 23 '68
AREA BRANCH OF
REAL PROPERTY MGMT.

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
NAVAJO INDIAN IRRIGATION PROJECT
P. O. Box 2157
Farmington, New Mexico 87401

ARMO
ASS'T
MINERALS
O&G
LEASING
NEW
BR. 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 B. Armstrong
Project Manager

Attachments.

RECEIVED
FEB 2 1968
MAIL & FILES

(Powerline)

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 26th day of September, 1967.

UTAH CONSTRUCTION & MINING CO.

By _____
VICE PRESIDENT

By _____
ASSISTANT SECRETARY

EXHIBIT "B"

STIPULATIONS
ELECTRIC TRANSMISSION LINES
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. 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 [illegible]ES DUE NAVAJO ALLOTTEES/
NAVAJO TRIBE FOR A PIPE [illegible]IGHT OF WAY ACROSS THE
FOLLOWING DESCRIBED PROPERTY.

UTAH CONSTRUCTION & MINING COMPANY
FARMINGTON, NEW MEXICO

Description	Facility-Dwg.No.-R/W No.	Allottee	Pipe Size	[illegible] of R/W	[illegible] Miles	Rods	Acres	Per Rod	Value	Amount [illegible] Deposit
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 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:

Acting Assistant Area Director, Navajo Area Office

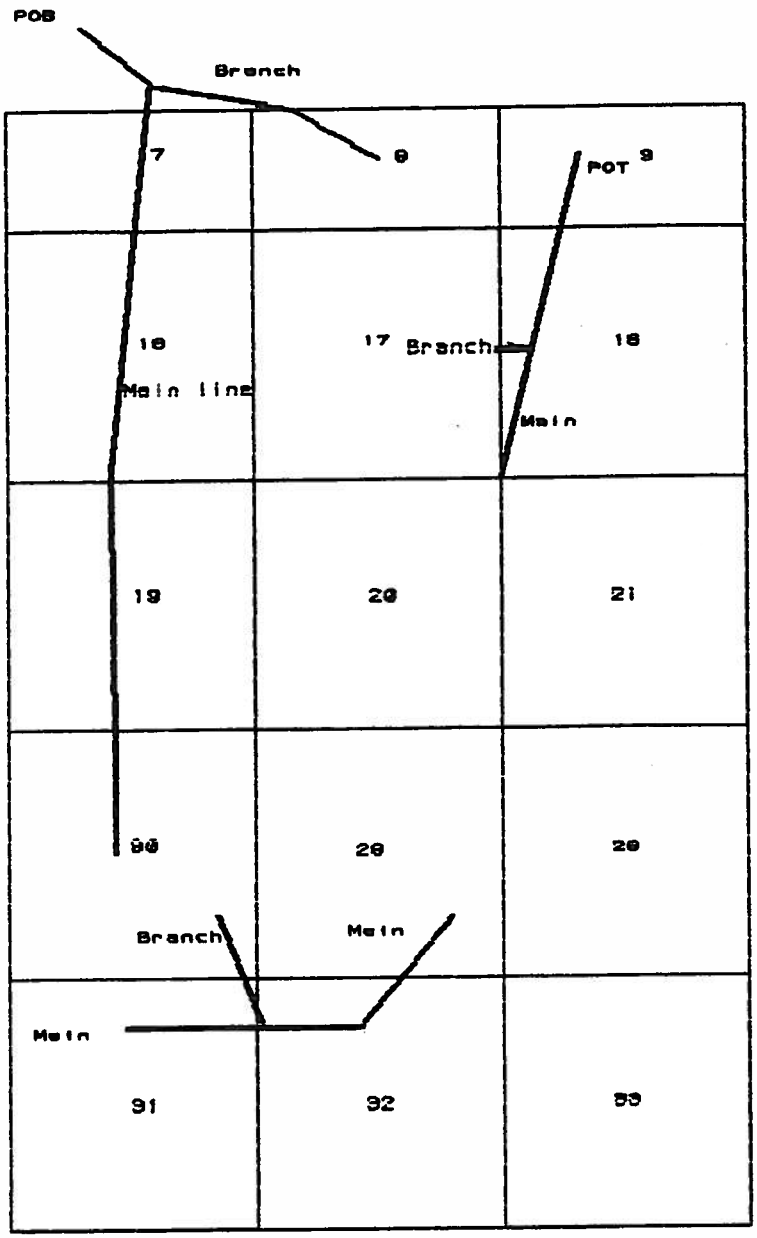
JUN 13 1969
Date

Acting Area Real Property Management Officer, Navajo Area Office

June 13, 1969
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

APS
WWK

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

3/6/79 C

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)

4. SECTION HEADINGS

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

5. 69KV POWER LINE

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

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

5.3 The section of power line to be transferred is a 69KV transmission line supported by twenty-two (22) wood poles with wood crossarms which extends from pole #PS95062 southeast approximately 1 3/4 miles to pole #PS37963. 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.

5.4 This section of power line is specifically identified by reference to Figure A, and by reference the pole serial numbers listed below:

#PS95062 (This pole branded "Koppers FR65, WP-C, 5-35")
#PS95063
#PS95064
#PS95067
#PS95069
#PS95068
#PS95070
#PS95071 ("Temporary" APS construction substation beside this pole)
#PS95072
#PS95073
#PS95074
#PS95075 (Switch 2-69 installed on this pole)
#PSxxxxx (No serial number on this pole - line turns)
#PS37955
#PS37956
#PS37957
#PS37958
#PS37959
#PS37960
#PS37961

#PS37962
#PS37963

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

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

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

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

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

6. COAL CONVEYOR NO. 5193

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

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

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

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

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

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 EC79-2489-420.00 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

NAME T. G. WOODS, JR.

TITLE EXECUTIVE VICE PRESIDENT

DATE SIGNED April 17, 1979

"APS"

UTAH INTERNATIONAL, INC.

BY

NAME C. K. McArthur

TITLE Senior Vice President

DATE SIGNED April 6, 1979

"UTAH"

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

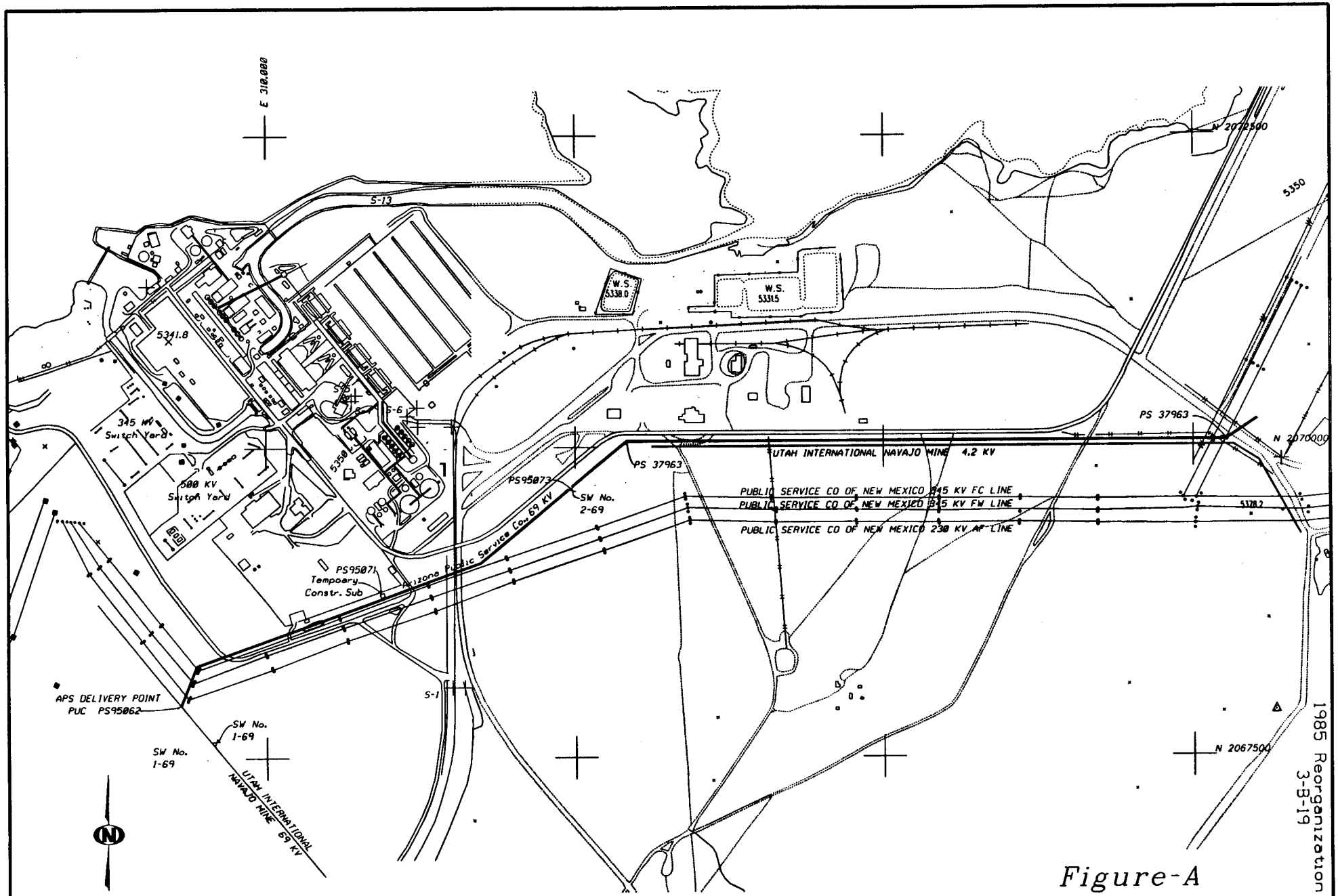
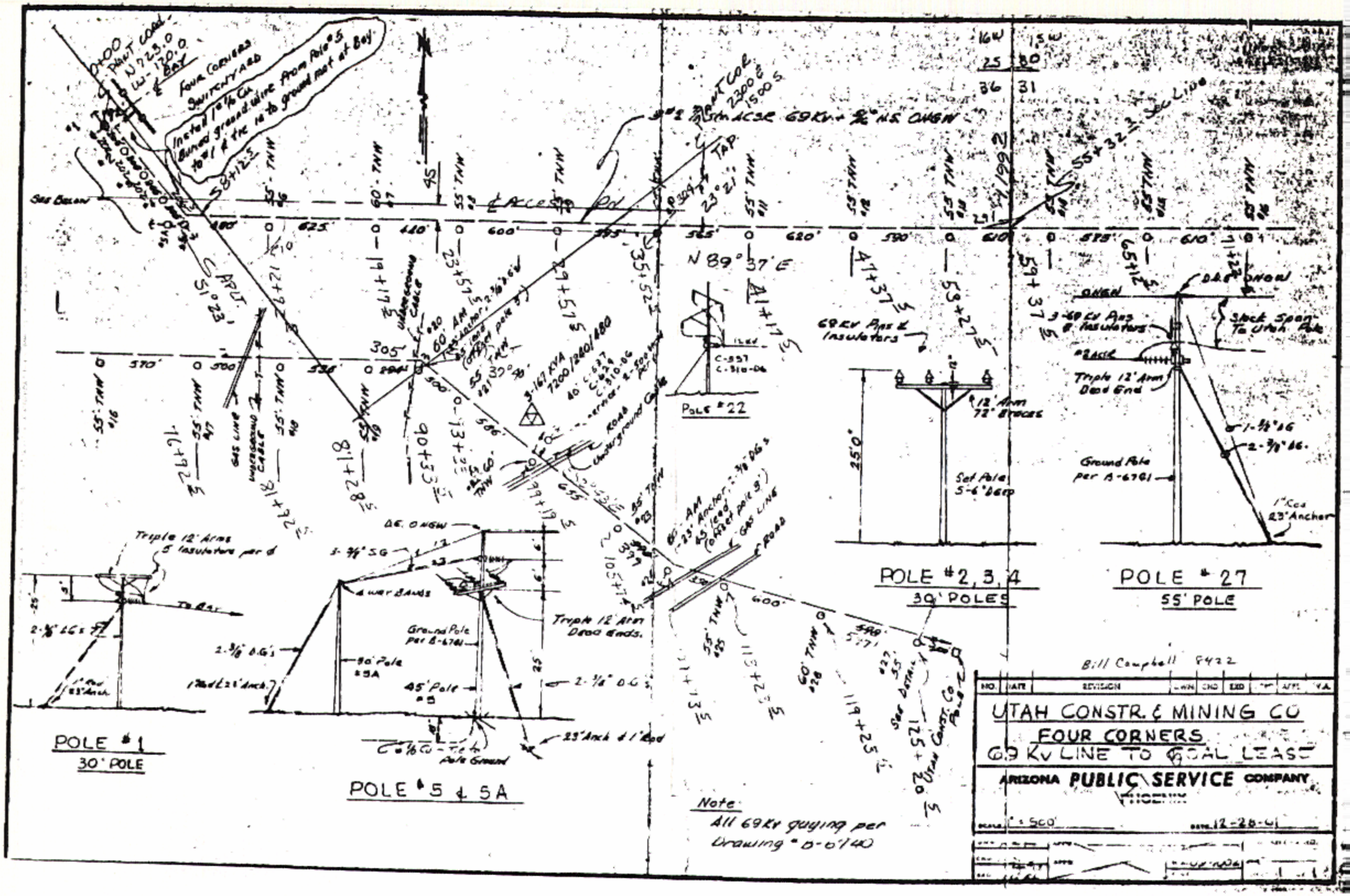
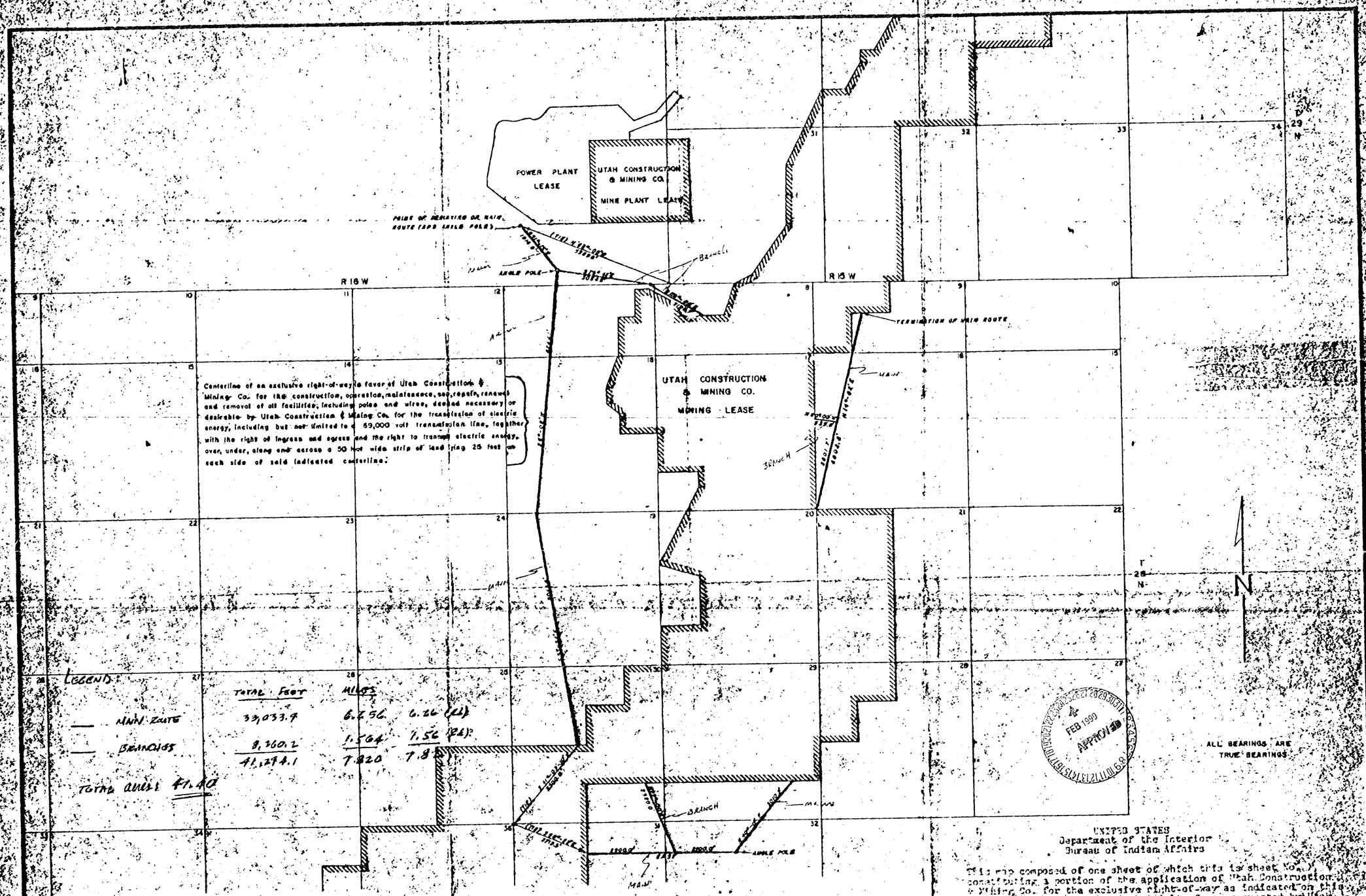


Figure-A

1985 Reorganization
3-B-19



Four Corners Switchyard
Pole #22
Pole #2, 3, 4
30' POLES
Pole #27
55' POLE
Pole #1
30' POLE
Pole #5 & 5A
Note:
All 69Kv guying per Drawing #B-6740
Bill Campbell 8422
UTAH CONSTR. & MINING CO
FOUR CORNERS
69 Kv LINE TO COAL LEASE
ARIZONA PUBLIC SERVICE COMPANY



Centerline of an exclusive right-of-way in favor of Utah Construction & Mining Co. for the construction, operation, maintenance, 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 50 foot wide strip of land lying 25 feet on each side of said indicated centerline.

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, 1948 (62 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 valid existing right or adverse claim.

JUN 1 7 1968
Date

Acting Assistant Area Director

APPLICATION FOR RIGHT OF WAY
FOR TRANSMISSION OF
ELECTRIC ENERGY

UTAH CONSTRUCTION & MINING CO.

STATE OF NEW MEXICO
COUNTY OF SAN JUAN ss

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 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 from the Navajo Tribe, that there are additional branches of said right-of-way as shown on this map totalling 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 [illegible]

Notary Public

My commission expires Mar 5 1970

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 totalling 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, or his duly authorized representative, in part of the 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 for no further right in the applicant, its successors and assigns and that this right-of-way be not granted or used for any other purpose.

UTAH CONSTRUCTION & MINING CO.

By [illegible]

Vice President

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:

ARPM/Rights-of-Way

JUL 14 1982

RECEIVED
JUL 16 1982
Utah International Inc.
Navajo Mine

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,

Thomas Lynch

Acting Assistant Area Director

E R Raymond

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 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 $ 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 term~~] for a term of twenty-nine (29) years ending on June 28, 2011], 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, 19 82.

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:

% Slope	Spacing Interval
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 Improvments

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 then 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.

EXHIBIT "C"

6. The applicant agrees that where soil deterioration or soil hazard is created by its activities, it will take such actrion 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.

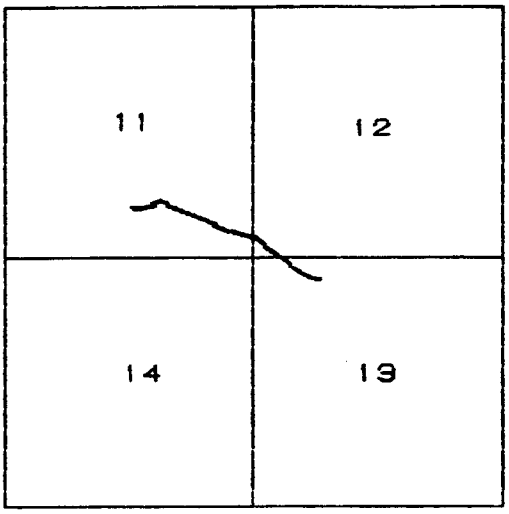
17. Utah International Inc. agrees to construct all necessary road appurtenances, including stock underpasses, cattle guards and a right-of-way fence upon said access road.

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

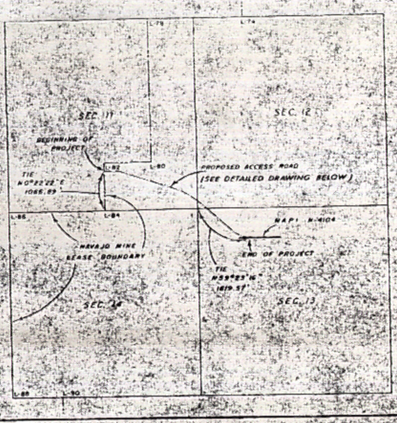


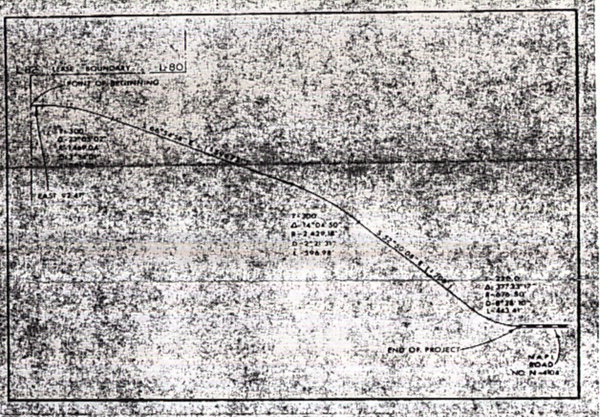
BHP Access Road 100' wide 4,528.07' in length, containing 10.4 acres

SCALE: 1 in = 4000 feet

UTAH INTERNATIONAL INC.
P.O. BOX 155
FRUITLAND, NEW MEXICO

Map showing location of 100-foot wide right of way for a paved road located on NAVAJO INDIAN TRIBAL LANDS, San Juan County, New Mexico





ENGINEER'S AFFIDAVIT

Fruitland, New Mexico

March 31, 1982

RE: Road Right-of-Way

STATE OF NEW MEXICO

COUNTY OF SAN JUAN

Edwin A. Pettigrew, being duly sworn, says that he is Project Engineer of Utah International Inc.; that the survey of said access road identified below was made on March 31, 1982; and that such survey is accurately represented on the above map, which has been prepared to be filed for the approval of the authorized representative of the Secretary of the Interior to grant that Utah International, Inc., may obtain a permit to construct, maintain, relocate, use, repair, repave and resume an access road over, and across the following described property:

A right-of-way for an access road crossing the Navajo Tribal land in Sections 11, 12, and 13, Township 27 North, Range 16 West, New Mexico Principal Meridian, San Juan County, New Mexico. Said 100-foot strip is more particularly described as follows:

Beginning at L-95 which is a 2" pipe and being the South 1/4 corner of Section 11, T27N, R16W, N.M.P.M.; Thence S 0°24'22"E for 1066.89 feet to the point of intersection of Utah International Inc. lease line; thence East for 92.41 feet; Thence at a point of the beginning of a curve concave southeasterly having a radius of 1,469.04 feet along said curve 591.88 feet through a central angle of 23°09'02" to the P.T.; Thence S 56°54'58" E for 1,594.73 feet; Thence at a point of the beginning of a curve concave northeasterly having a radius of 1,208.68 feet along said curve 396.08 feet through a central angle of 18°46'50" to the P.T.; Thence S 37°52'08" E for 1,208.68 feet; Thence at a point of the beginning of a curve concave to the southwest having a radius of 676.50 feet along said curve 423.44 feet through a central angle of 37°31'17" to the P.T. on the NMPL road; Thence S 0°39'11" W for 1,619.57 feet to the Southeast corner of Section 11, T27N, R16W, N.M.P.M.

The above described 100-foot strip consists of 5,528.07 feet or 1.837 miles of right of way and includes 10.40 acres more or less of Navajo Tribal lands.

UTAH INTERNATIONAL INC.

Edwin A. Pettigrew
Edwin A. Pettigrew, Project Engineer

Sworn and subscribed to before me this 27 day of April 1982.

Charles F. Moore
NOTARY PUBLIC
In and for San Juan County, New Mexico

MY COMMISSION EXPIRES:

Sept. 30 1984

RECEIVED
JUN 7 1982
AREA BRANCH OF
REAL PROPERTY MGMT.

APPLICANT'S CERTIFICATE

San Francisco, California

March 31, 1982

RE: Road Right-Of-Way

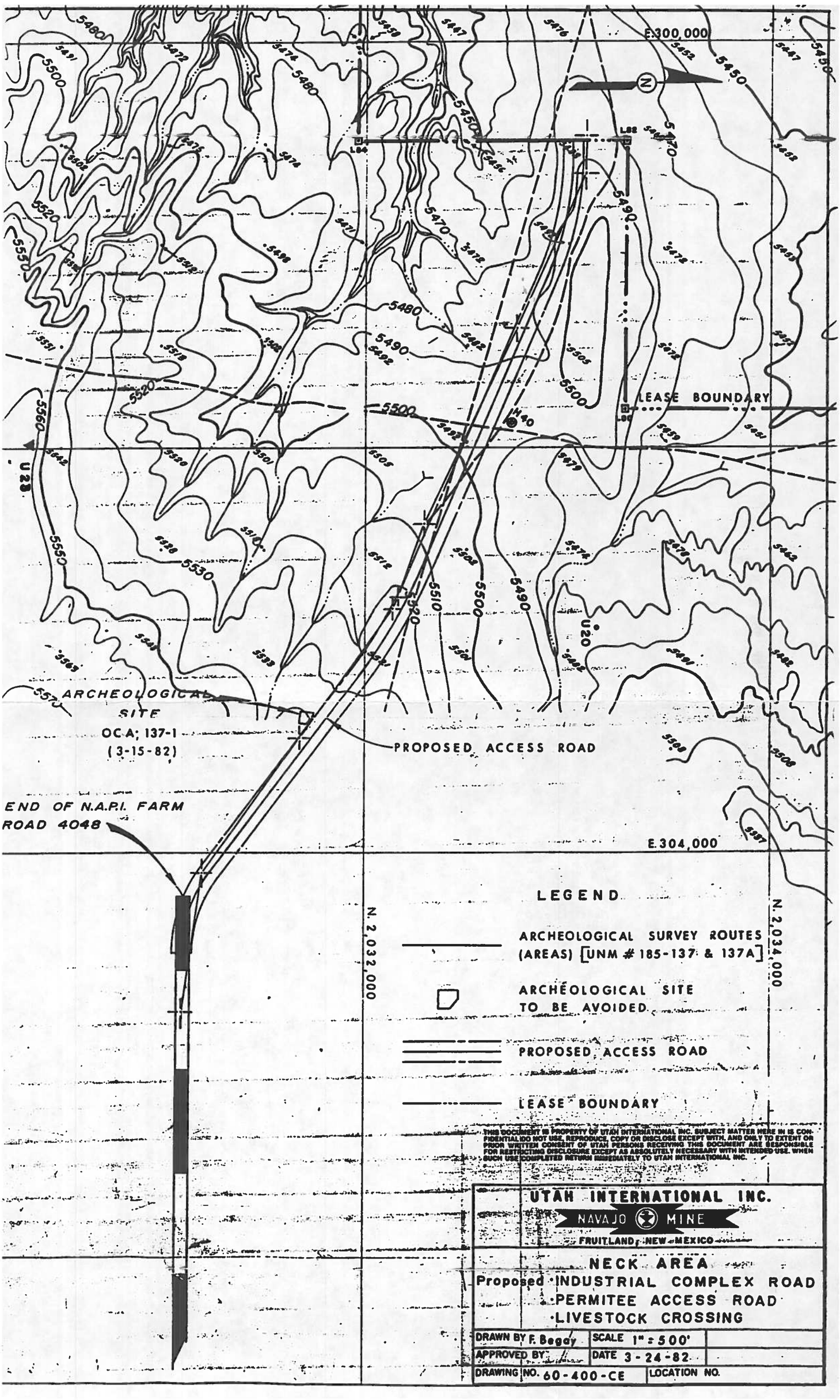
STATE OF CALIFORNIA

COUNTY OF SAN FRANCISCO

I, John T. Atkins, do hereby certify that I am Vice-President of Utah International Inc.; that Edwin A. Pettigrew, who subscribed the foregoing affidavit, is the Project Engineer of said Utah International Inc.; that the survey of said Road Right-Of-Way was made under his supervision on March 31, 1982; that such survey is accurately represented on the above map as the proposed location of said road Right-Of-Way; that the map has been prepared to be filed for the approval of the Secretary of the Interior that said Utah International Inc. may obtain benefits under provisions of the Act of February 5, 1948, (62 Stat. 17, 25 U.S.C. 323) and Regulations 25 CFR 161, et seq.

UTAH INTERNATIONAL INC.

John T. Atkins
John T. Atkins, Vice-President


E.300,000
E.304,000
N. 2,032,000
N. 2,034,000
LEASE BOUNDARY
U 23
U 20
ARCHEOLOGICAL SITE
OCA; 137-1
(3-15-82)
PROPOSED ACCESS ROAD
END OF N.A.P.I. FARM ROAD 4048
LEGEND
ARCHEOLOGICAL SURVEY ROUTES (AREAS) [UNM # 185-137 & 137A]
ARCHEOLOGICAL SITE TO BE AVOIDED
PROPOSED ACCESS ROAD
LEASE BOUNDARY
THIS DOCUMENT IS PROPERTY OF UTAH INTERNATIONAL INC. SUBJECT MATTER HERE IN IS CONFIDENTIAL. DO NOT USE, REPRODUCE, COPY OR DISCLOSE EXCEPT WITH, AND ONLY TO EXTENT OR PRIOR WRITTEN CONSENT OF UTAH PERSONS RECEIVING THIS DOCUMENT ARE RESPONSIBLE FOR RESTRICTING DISCLOSURE EXCEPT AS ABSOLUTELY NECESSARY WITH INTENDED USE. WHEN SUCH USE COMPLETED RETURN IMMEDIATELY TO UTAH INTERNATIONAL INC.
UTAH INTERNATIONAL INC.
NAVAJO MINE
FRUITLAND, NEW MEXICO
NECK AREA
Proposed INDUSTRIAL COMPLEX ROAD
PERMITEE ACCESS ROAD
LIVESTOCK CROSSING
DRAWN BY F. Begay
SCALE 1" = 500'
APPROVED BY
DATE 3-24-82
DRAWING NO. 60-400-CE
LOCATION NO.

Section 3

BHP Railroad and Roadway

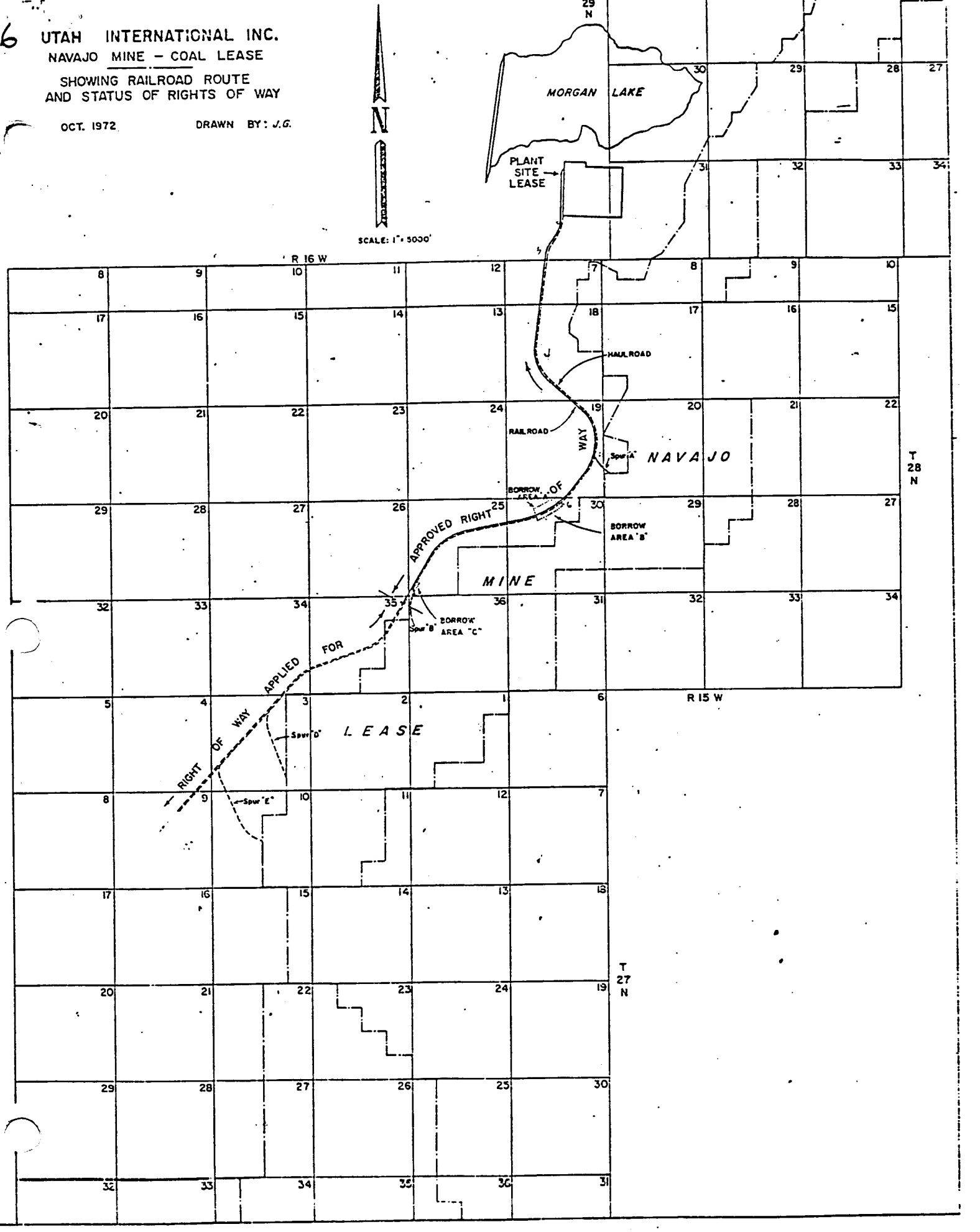
6

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 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°42' West 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 mainline; thence South 0°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°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°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°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°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°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°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°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°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°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°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°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°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°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°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°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°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°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°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°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°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°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°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.

IN REPLY REFER TO:

ARPM - 370

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,

Andrew W. Latham

ASSISTANT Area Real Property
Management Officer

Enclosures

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 S6°-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.

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EXHIBIT "A"

curve goes back on original main line; thence S35° 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° 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.

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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 spplied for.- spur line.

UTAH INTERNATIONAL INC.
NAVAJO MINE
POST OFFICE BOX 155 · FRUITLAND, NEW MEXICO 87416
(505) 598-5861

Jul 2412.03

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 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 Figure1). 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 congingencies. 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.

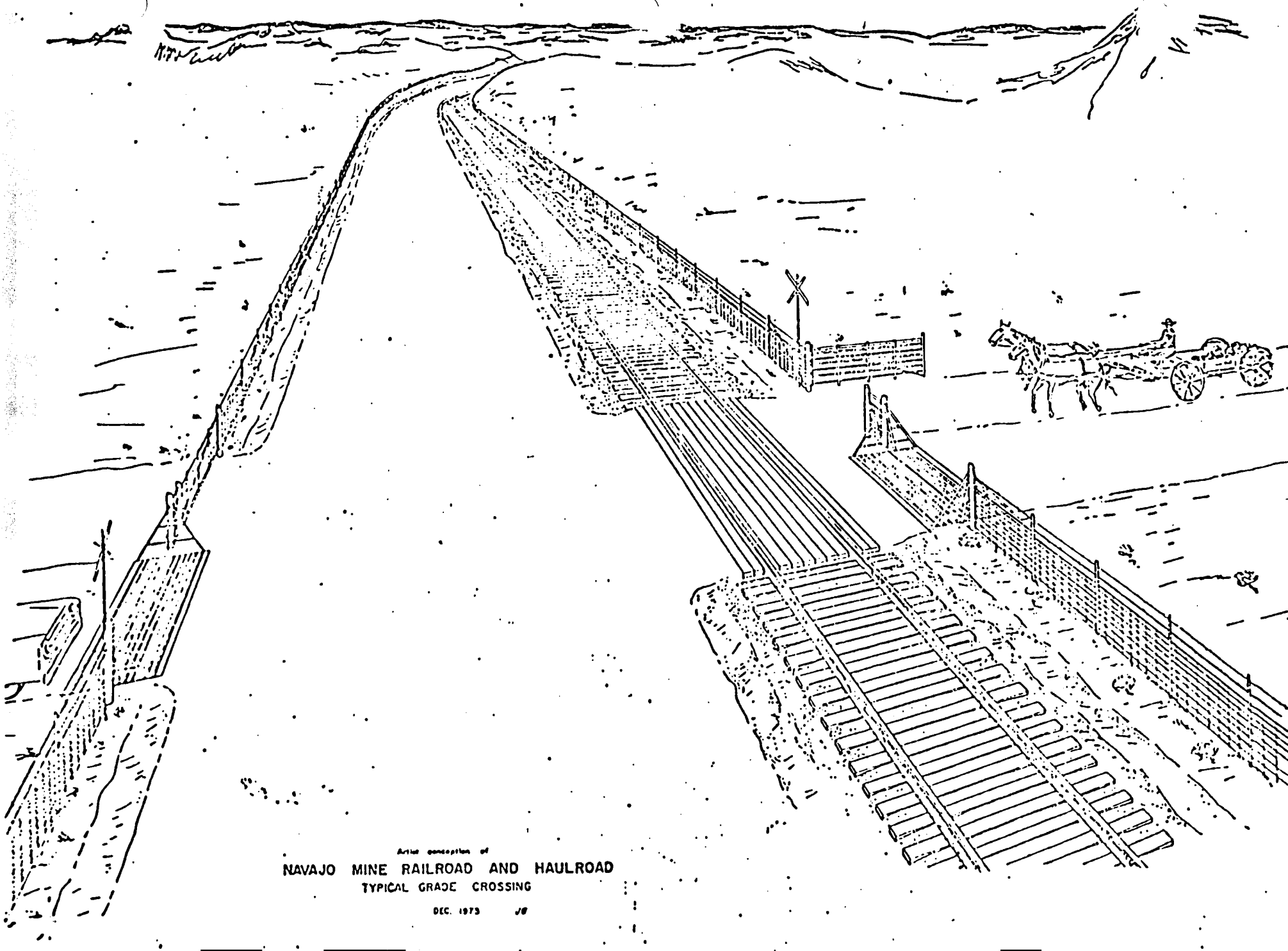
The water impoundment which will be utilized for stock watering will be inspected at least semi-annually and its water quality evaluated. If the water quality is such that the water is hazardous to livestock and stock watering impoundments will be eliminated.

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	Construction 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



Artist conception of

NAVAJO MINE RAILROAD AND HAULROAD

TYPICAL GRADE CROSSING

DEC. 1973 JB

DETAILED RECLAMATION PLAN

STATION TO STATION		ACTIVITY	AVERAGE DEPTH	SOIL TYPE	SOIL DEPTH	FERTILIZER REQUIRED (LOCATION	MULCHING REQUIRED (LOCATION	SEED MIXTURE	RANGE UNIT	SPECIAL PROBLEMS
I. Mainline 0+00	19+00	Cut	16'	1	3.0'	-	-	A	1	Seed road on wes 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 sa content
77+40	86+30	Cut	-	2	0.9'	Cut	-	B	2	Soil of high sa 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
EPGN Pipeline	101+00	Fill	10'	1	3.0'	Fill	-	A	3	Soil subject t wind erosion
101+00	110+00	Cut	3'	1	3.0'	Cut	-	A	3	Soil subject t wind erosion
110+00	118+50	Fill	5'	1	3.0'	Fill	-	A	3	

DETAILED R[illegible]AMATION PLAN

STATION	TO STATION	ACTIVITY	AVERAGE DEPTH	SOIL TYPE	SOIL DEPTH	FERTILIZER REQUIRED (LOCATION	MULCHING REQUIRED (LOCATION	SEED MIXTURE	RANGE UNIT	SPECIAL PROBLEMS
118+50	130+70	Cut	3'	1	3.0'	-	-	A	3	No revegetatio 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 revegetatio 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 revegetati no usable soil caprock is sh
168+40	Southend of Fill	Fill	60'	3	-	Fill	Fill	B	5	Subject to wi erosion
Southend of Fill	193+30	Cut & Fill		3	3.8'	West Side	-	B	5	No revegetati on east side, of high salt
193+30	205+50	Cut	31'	3	0.8'	West Side	-	B	6	No revegetati east side, so high salt con
205+50	223+30	Fill	10'	3	0.8'	Fill	-	B	6	Soil of high and clay cont

DETAILED RE[illegible]VATION PLAN

STATION	TO STATION	ACTIVITY	AVERAGE DEPTH	SOIL TYPE	SOIL DEPTH	FERTILIZER REQUIRED (LOCATION	MULCHING REQUIRED (LOCATION	SEED MIXTURE	RANGE UNIT	SPECIAL PROBLEMS
223+30	234+70	Cut	11'	3	0.8'	West Side	-	A	6	No revegetation on east side, w 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 win erosion
258+50	278+30	Fill	9' & 20'	4		-	-	B	4	High saline an shaley soil
278+30	285+60	Cut	13'	4	1.5'	-	-	B	4	No revegetatio the cut
285+60	291+70	Fill	1'	4	1.0'	Fill	-	B	4	High saline ar 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 thing so layer
311+40	364+00	Cut	3'&25"	4	8"	Cut	Cut	B	4	Very thing so layer
364+00	367+30	Fill	1'	4	8"	Fill	-	B	4	Very thin soi layer
367+30	374+80	Cut	7'	4	8"	Cut	-	B	4	Very thing so layer
374+80	379+90	Fill	7'	4	8"	Fill	-	B	4	" "

DETAILED F MATION PLAN

STATION	TO STATION	ACTIVITY	AVERAGE DEPTH	SOIL TYPE	SOIL DEPTH	FERTILIZER REQUIRED (LOCATION	MULCHING REQUIRED (LOCATION	SEED MIXTURE	RANGE UNIT	SPECIAL PROBLEMS
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 so layer
10+30	22+00	Cut	5'	4	8"	Cut	-	B	4	Very thing so layer
22+00	37+50	Cut	10'	4	8"	Cut	Cut	B	4	Very thing so layer
37+50	47+80	Fill	8'	4	8"	Fill	Fill	B	4	Very thin soi layer
47+80	54+20	Cut	10'	4	8"	Cut	Cut	B	4	Very thing so layer

DETAILED F VATION PLAN

STATION TO STATION		ACTIVITY	AVERAGE DEPTH	SOIL TYPE	SOIL DEPTH	FERTILIZER REQUIRED (LOCATION	MULCHING REQUIRED (LOCATION	SEED MIXTURE	RANGE UNIT	SPECIAL PROBLEMS
III. SPUR D										
0+00	1+90	Cut	3'	4	8"	Cut	-	B	4	Very thing 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 thing soi 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 materia to revegetati
Area B	Cut			3	8"	-	-	A	4	Grade to esta drainage prio revegetation

TAB' 2 (continued)

DETAILED RECLAMATION PLAN

STATION TO STATION		ACTIVITY	AVERAGE DEPTH	SOIL TYPE	SOIL DEPTH	FERTILIZER REQUIRED (LOCATION	MULCHING REQUIRED (LOCATION	SEED MIXTURE	RANGE UNIT	SPECIAL PROBLEMS
Area C	Cut			4	8"	-	-	B	4	Construction of stock wat impoundments

Apprendix A to Table 2

RANGE DESCRIPTION

DESIGNATION (Table 1)	BIA RANGE SYMBOL	RECOMMENDED GRAZING CAPACITY (Acres Required/Sheep Unit Year Long)
1.	SY 1P121 / 3001	121
2.	TB 1P117 / 3154	117
3.	SY 1F40 / 3096	40
4.	BL1 - 98 / 3141	98
5.	CS 1(A) F 56 / .3094	56
6.	CS 1F40 / 3103	40
7.	SAS 1P72 / 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	10 QM-1 / BC-2	10 QM-1 / BC-2
2	49 EM-1 / FG-7	26sa E-1 / BG-3
3	11Q-1 / CE-3	11Q-1 / CE-3
4	46EM-1 / FG-7	36saE-1 / AC-3
5	9sa QE-1 / BC-2	9sa QE-1 / 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

Appendix C to Table 2
(continued)

CHEMICAL PROPERTIES OF SELECTED SOILS

Soil Profile	Depth Inches	SALT CONTENT E.C. x 10³	Ca+Mg MEQ/L	Na MEQ/L	SAR	% Gypsum	% $CaCO_3$	pH Paste	FERTILIZER NUTRIENTS N(td)%	P_2O_5 LBS/AC/FT	K_2O LBS/AC/FT	Organic Matter 0/0	CAT. EX. CAP. Me/100 Gms.
9saQE-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
BC-2	10-22	1.02	8.50	2.20	1.07	tr	—	8.1	0.032	13.74	32.98	0.34	8.23
3008-1	22-56	0.87	5.50	3.40	2.05	tr	—	8.3	0.016	9.16	56.54	—	3.41
26saE-1	0-3	2.22	5.00	17.05	10.78	tr	—	8.0	0.022	73.28	320.38	0.47	18.01
BG-3	3-9	4.50	5.00	42.60	26.94	tr	—	8.2	0.028	36.64	40.52	0.47	19.83
3006-1	9-13	6.25	31.10	49.50	12.55	0.60	—	7.6	0.036	36.64	123.44	0.98	17.32
36saE-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	44.77	9.23	—	8.1	0.020	18.32	184.69	0.40	IS
3029-2	16-26	13.17	26.50	140.00	38.46	5.12	—	7.8	IS	tr	IS	0.47	IS
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

PHYSICAL PROPERTIES OF SELECTED SOILS

SOIL Profile	DEPTH Inches	CLASSIFICATION OF SOIL SEPARATES: USDA SOIL Texture	ENGINEERING SOIL CLASSIFICATION: Unif.	AASHO	MOISTURE CONSTANTS: 1/10 ATM	1/3 ATM	15 ATM	HYDRO COND. In/Hr	SOIL SEPARATES: Percentage Passing Sieve (4.7mm)	(2.0mm)	(0.074mm)	Hydrometer Method: Sand	Silt	Clay	SOIL WATER CONSISTENCY % Moisture: Liquid Limit	Plastic Limit	Plastic Index	*ESTIMATED AVAILABLE MOISTURE (In. Per Inch)
26saE-1	0-3	Clay loam	CL	A-4(8)	26.82	20.04	10.02	1.23	100	100	72	35	31	34	26.0	16.1	9.9	.16
BG-3	3-9	Clay loam	CL	A-6(9)	32.99	27.02	11.75	0.32	100	100	78	29	33	38	31.0	18.0	13.0	.24
3006-1	9-13	Clay loam	CL	A-6(9)	27.10	22.16	10.22	0.25	100	100	70	37	35	28	30.0	19.1	10.9	.19
36saE-1	0-3	Clay loam	CL	A-6(6)	44.27	35.42	13.79	—	100	98	61	46	18	36	29.9	16.3	22.6	.31
AC-3	3-8	Sandy clay loam	CL	A-4(3)	33.47	24.81	10.77	IS	100	97	60	56	12	32	29.4	16.8	9.5	.22
	8-16	Clay	CL	A-6(9)	42.63	35.26	17.82	IS	100	98	79	28	30	42	29.0	17.0	11.0	.28
3029-2	16-26	Clay	CH	A-7-5(20)	42.78	38.19	22.64	IS	100	100	90	16	22	62	65.0	31.0	34.0	.25
9saQE-1	0-8	Sand	SM	A-2-4(0)	7.99	4.25	2.43	1.68	100	81	13	94	2	4	Sandy	—	NP	.03
BC-2	8-22	Sand	SM	A-2-4(0)	7.82	4.50	2.37	2.61	100	82	13	94	2	4	Sandy	—	NP	.03
3014-5	22-46	Loamy sand	SM	A-2-4(0)	25.69	16.62	6.62	0.36	100	85	23	84	4	12	Sandy	—	NP	.16
10QM-1	0-10	Sand	SM	A-2-4(0)	16.98	9.02	3.43	1.70	100	100	16	91	1	8	Sandy	—	NP	.09
BC-2	10-22	Sandy loam	SM	A-2-4(0)	16.04	8.84	5.10	1.64	100	99	32	75	13	12	Sandy	—	NP	.06
3008-1	22-56	Sand	SM	A-2-4(0)	17.32	11.60	2.95	2.39	100	98	16	91	3	6	Sandy	—	NP	.14
11Q-1	0-10	Sand	SM-SP	A-2-4(0)	6.10	3.03	1.46	1.02	100	83	11	90	2	2	Sandy	—	NP	.02
CE-3	10-60	Sand	SM	A-2-4(0)	7.47	4.70	2.38	2.08	100	89	13	94	2	4	Sandy	—	NP	.04
3028-1																		

THE NAVAJO NATION
WINDOW ROCK, ARIZONA 86515 36515

RECEIVED
JUN 26 1973
Area Branch of
Real Property Mgmt.

OBG
LEASING
R/W
RR. SEC.

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 Deleware, 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

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 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 _____
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.

IN REPLY REFER TO:

Real Property Mgmt.
Rights of Way

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
Navajo Area Office
Window Rock, Arizona 86515

MAY 31 19

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 11 day of September, 1967.

UTAH CONSTRUCTION & MINING CO.

By _____
VICE PRESIDENT

By _____
ASSISTANT SECRETARY

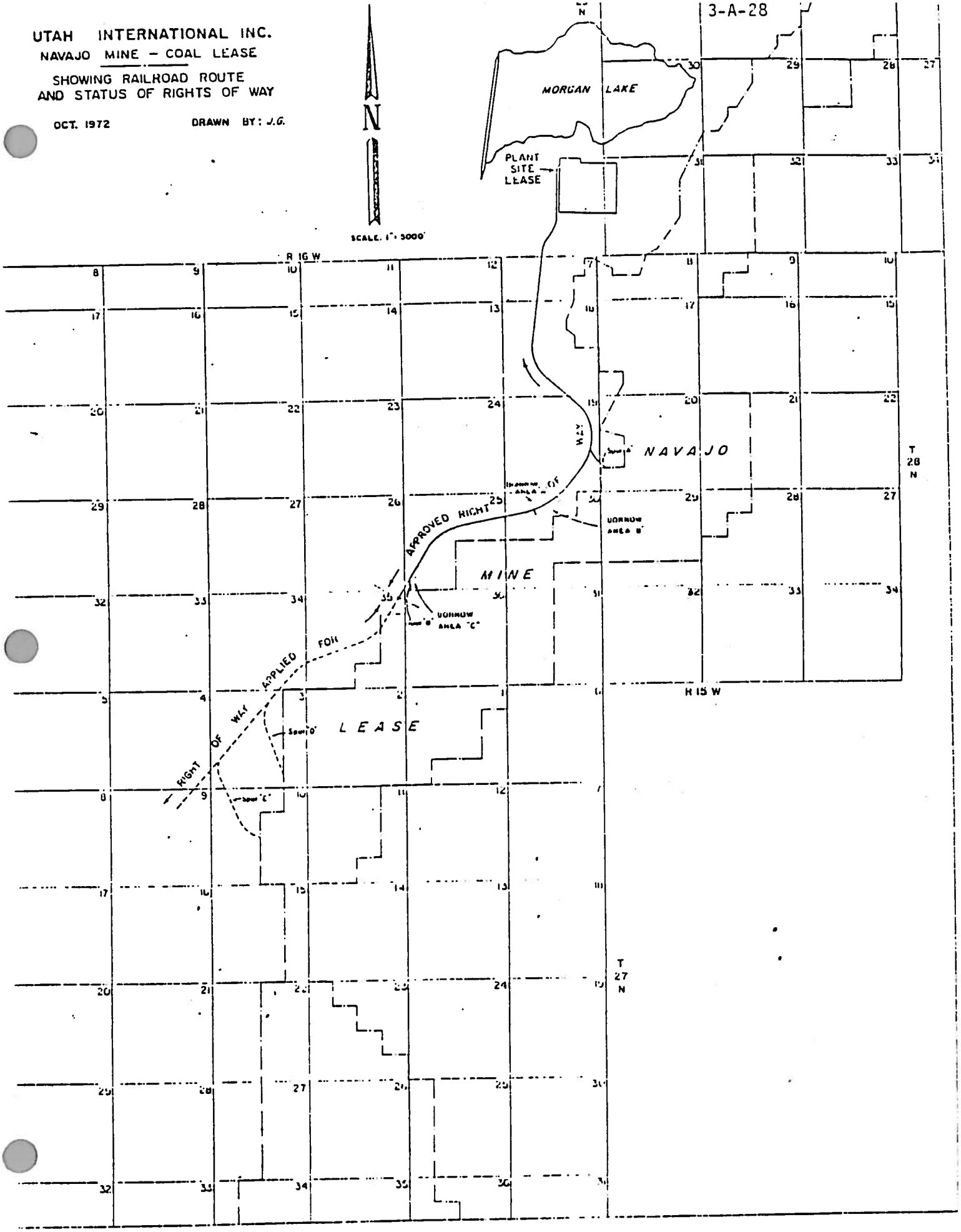
Section 4

Haul Road

UTAH INTERNATIONAL INC.
NAVAJO MINE – COAL LEASE

SHOWING RAILROAD ROUTE
AND STATUS OF RIGHTS OF WAY

OCT. 1972 DRAWN BY: J.G.



ARPM - 370

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,

Andrew W. Lathem

ASSISTANT Area Real Property
Management Officer

Enclosures

TRIBAL 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 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 $ 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, California, 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 [redacted], 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 26th 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°22' West and a distance of 3,440.00 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.

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°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 southeast 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.

EXHIBIT "A"

THE NAVAJO NATION

WINDOW ROCK, ARIZONA 86515 36515

RECEIVED

JUN 26 1973

Area Branch of
Real Property Mgmt.

OBO
LEASING
R/W gd
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 Deleware, 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

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 7th 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 southeast 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.

EXHIBIT "A"

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 _____

By _____
ASSISTANT SECRETARY

EXHIBIT "A"

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 lease 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 87416
(505) 598-5861

Tel 2412.43

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 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 Figure1). 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 congingencies. 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.

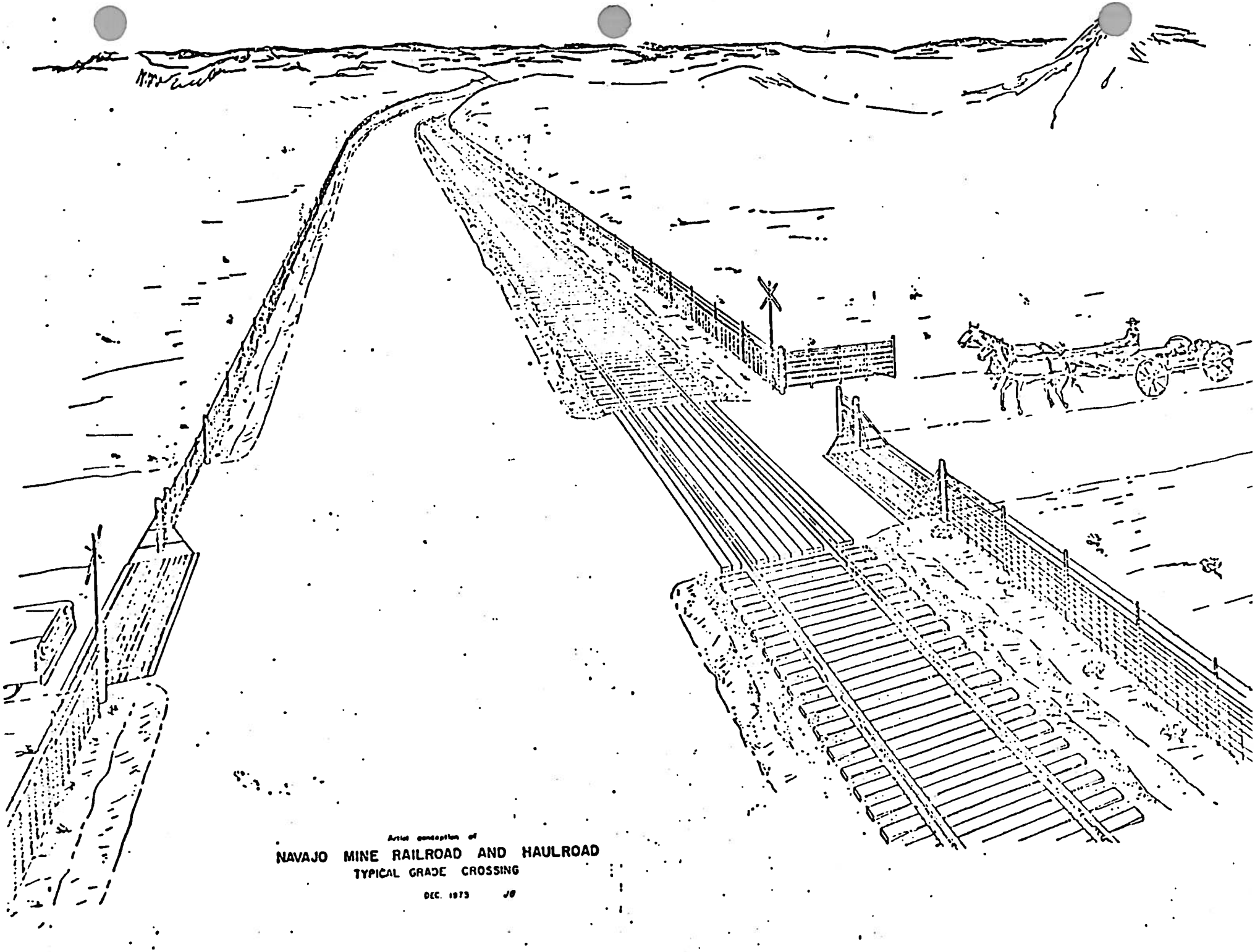
The water impoundment which will be utilized for stock watering will be inspected at least semi-annually and its water quality evaluated. If the water quality is such that the water is hazardous to livestock and stock watering impoundments will be eliminated.

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	Construction 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



Artist conception of

NAVAJO MINE RAILROAD AND HAULROAD

TYPICAL GRADE CROSSING

DEC. 1973 JB

DETAILED RE[illegible]ATION PLAN

STATION TO STATION		ACTIVITY	AVERAGE DEPTH	SOIL TYPE	SOIL DEPTH	FERTILIZER REQUIRED (LOCATION	MULCHING REQUIRED (LOCATION	SEED MIXTURE	RANGE UNIT	SPECIAL PROBLEMS
I. Mainline 0+00	19+00	Cut	16'	1	3.0'	-	-	A	1	Seed road on wes 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 sa content
77+40	86+30	Cut	-	2	0.9'	Cut	-	B	2	Soil of high sa content
86+30	90+72	Cut	-	1	3.0'	-	-	A	3	Soil subject t wind erosion
90+72	*EPNG Pipeline	Fill	10'	1	3.0'	-	-	A	3	Soil subject t wind erosion
EPGN Pipeline	101+00	Fill	10'	1	3.0'	Fill	-	A	3	Soil subject t wind erosion
101+00	110+00	Cut	3'	1	3.0'	Cut	-	A	3	Soil subject t wind erosion
110+00	118+50	Fill	5'	1	3.0'	Fill	-	A	3	

DETAILED R[illegible]MATION PLAN

STATION TO STATION		ACTIVITY	AVERAGE DEPTH	SOIL TYPE	SOIL DEPTH	FERTILIZER REQUIRED (LOCATION	MULCHING REQUIRED (LOCATION	SEED MIXTURE	RANGE UNIT	SPECIAL PROBLEMS
118+50	130+70	Cut	3'	1	3.0'	-	-	A	3	No revegetatio 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 revegetatic on west side, usable topsoil caprock is sh
143+80	157+30	Fill	8'	2	1.0'	-	-	B	2	Soil with hig salt content
157+30	168+40	Cut	25'	4	.7'	-	-	B	4	No revegetati no usable soi caprock is sh
168+40	Southend of Fill	Fill	60'	3	-	Fill	Fill	B	5	Subject to wi erosion
Southend of Fill	193+30	Cut & Fill		3	3.8'	West Side	-	B	5	No revegetati on east side, of high salt
193+30	205+50	Cut	31'	3	0.8'	West Side	-	B	6	No revegetati east side, sc high salt co
205+50	223+30	Fill	10'	3	0.8'	Fill	-	B	6	Soil of high and clay con

DETAILED R[illegible]ATION PLAN

STATION	TO STATION	ACTIVITY	AVERAGE DEPTH	SOIL TYPE	SOIL DEPTH	FERTILIZER REQUIRED (LOCATION	MULCHING REQUIRED (LOCATION	SEED MIXTURE	RANGE UNIT	SPECIAL PROBLEMS
223+30	234+70	Cut	11'	3	0.8'	West Side	-	A	6	No revegetation on east side, w 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 win erosion
258+50	278+30	Fill	9' & 20'	4		-	-	B	4	High saline an shaley soil
278+30	285+60	Cut	13'	4	1.5'	-	-	B	4	No revegetatic the cut
285+60	291+70	Fill	1'	4	1.0'	Fill	-	B	4	High saline ar shaley soil
291+70	300+00	Cut	5'	4	.8"	-	-	B	4	Very thin soi layer
300+00	311+40	Fill	11'	4	8"	Fill	Fill	B	4	Very thing so layer
311+40	364+00	Cut	3'&25"	4	8"	Cut	Cut	B	4	Very thing sc layer
364+00	367+30	Fill	1'	4	8"	Fill	-	B	4	Very thin so layer
367+30	374+80	Cut	7'	4	8"	Cut	-	B	4	Very thing s layer
[illegible]	[illegible]	[illegible]	7'	4	8"	Fill	-	B	4	" "

DETAILED P[illegible]VATION PLAN

STATION	TO STATION	ACTIVITY	AVERAGE DEPTH	SOIL TYPE	SOIL DEPTH	FERTILIZER REQUIRED (LOCATION	MULCHING REQUIRED (LOCATION	SEED MIXTURE	RANGE UNIT	SPECIAL PROBLEMS
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 so layer
10+30	22+00	Cut	5'	4	8"	Cut	-	B	4	Very thing so layer
22+00	37+50	Cut	10'	4	8"	Cut	Cut	B	4	Very thing so layer
37+50	47+80	Fill	8'	4	8"	Fill	Fill	B	4	Very thin soi layer
47+80	54+20	Cut	10'	4	8"	Cut	Cut	B	4	Very thing so layer

DETAILED P VATION PLAN

STATION TO STATION		ACTIVITY	AVERAGE DEPTH	SOIL TYPE	SOIL DEPTH	FERTILIZER REQUIRED (LOCATION	MULCHING REQUIRED (LOCATION	SEED MIXTURE	RANGE UNIT	SPECIAL PROBLEMS
III. SPUR D										
0+00	1+90	Cut	3'	4	8"	Cut	-	B	4	Very thing 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 thing soi layer
IV. SPUR B										
Mainline Leaseline				4	8"	Spur	-	B	4	Very thin soi 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 materia to revegetati
Area B	Cut			3	8"	-	-	A	4	Grade to esta drainage pric revegetation

TAB (continued)

DETAILED RECLAMATION PLAN

STATION TO STATION		ACTIVITY	AVERAGE DEPTH	SOIL TYPE	SOIL DEPTH	FERTILIZER REQUIRED (LOCATION	MULCHING REQUIRED (LOCATION	SEED MIXTURE	RANGE UNIT	SPECIAL PROBLEMS
Area C	Cut			4	8"	-	-	B	4	Construction of stock water impoundments

Apprendix A to Table 2

RANGE DESCRIPTION

DESIGNATION (Table 1)	BIA RANGE SYMBOL	RECOMMENDED GRAZING CAPACITY (Acres Required/Sheep Unit Year Long)
1.	SY 1P121 / 3001	121
2.	TB 1P117 / 3154	117
3.	SY 1F40 / 3096	40
4.	BL1 - 98 / 3141	98
5.	CS 1(A) F 56 / .3094	56
6.	CS 1F40 / 3103	40
7.	SAS 1P72 / 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	10 CM-1 / BC-2	10 CM-1 / BC-2
2	49 EM-1 / FG-7	26sa E-1 / BG-3
3	11C-1 / CE-3	11C-1 / CE-3
4	46EM-1 / FG-7	36saE-1 / AC-3
5	9sa CE-1 / BC-2	9sa CE-1 / 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

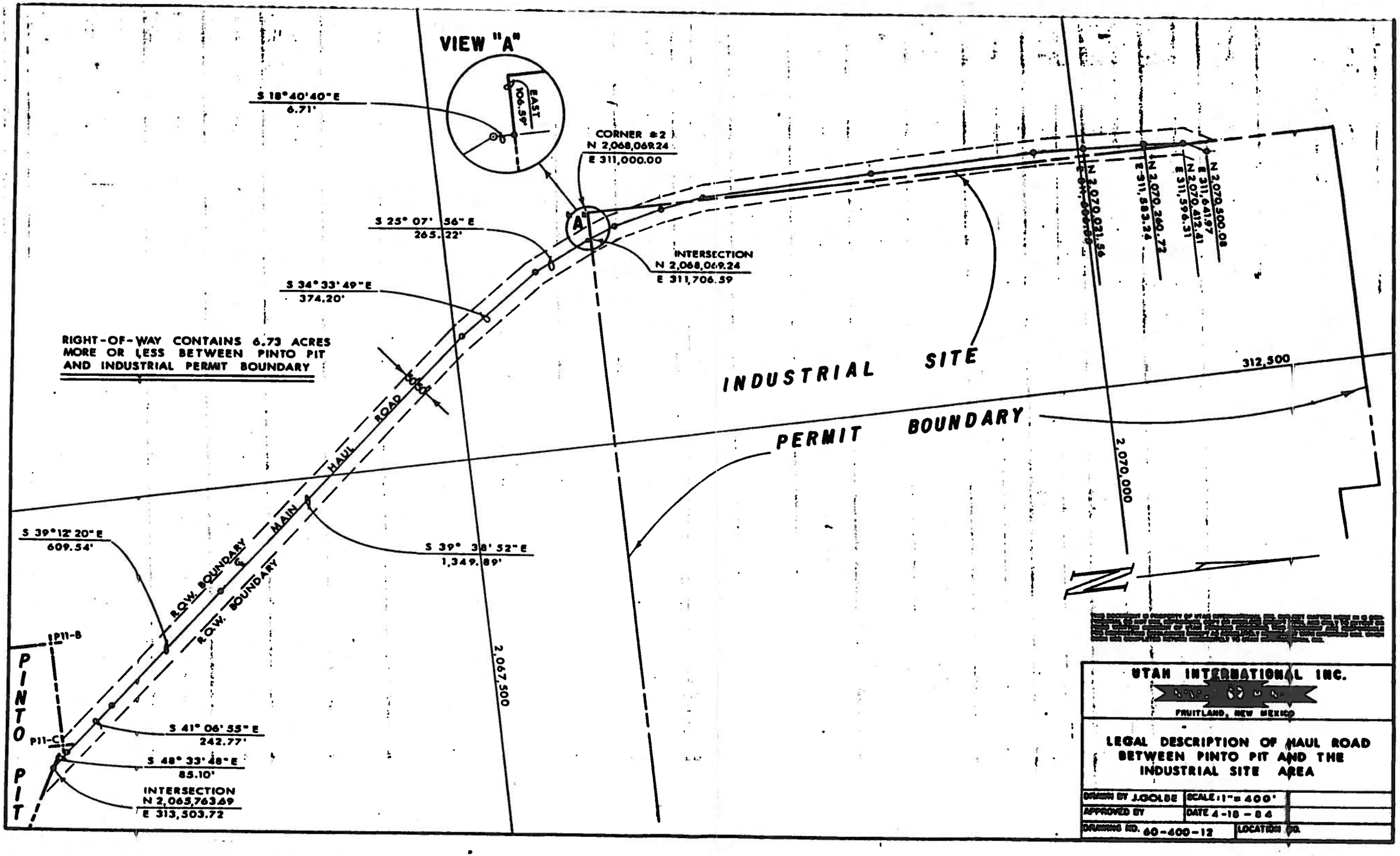
Appendix C to Table 2.
(continued)

CHEMICAL PROPERTIES OF SELECTED SOILS

Soil Profile	Depth Inches	SALT CONTENT E.C. x 10³	Ca+Mg MEQ/L	Na MEQ/L	SAR	% Gypsum	% $CaCO_3$	pH Paste	FERTILIZER NUTRIENTS N(td)%	P_2O_5 LBS/AC/FT	K_2O LBS/AC/FT	Organic Matter 0/0	CAT. EX. CAP. Me/100 Gms.
9[illegible]QE-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	8.50	2.20	1.07	tr	—	8.1	0.032	13.74	32.98	0.34	8.23
3008-1	22-56	0.87	5.50	3.40	2.05	tr	—	8.3	0.016	9.16	56.54	—	3.41
26[illegible]E-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
3066-1	9-13	6.25	31.10	49.50	12.55	0.60	—	7.6	0.036	36.64	123.44	0.98	17.32
36[illegible]E-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	44.77	9.23	—	8.1	0.020	18.32	184.69	0.40	IS
3029-2	16-26	13.17	26.50	140.00	38.46	5.12	—	7.8	IS	tr	IS	0.47	IS
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

PHYSICAL PROPERTIES OF SELECTED SOILS

Soil Profile	Depth Inches	CLASSIFICATION OF SOIL SEPARATES: USDA Soil Texture	Engineering Soil Classification: Unif.	AASHO	MOISTURE CONSTANTS 1/10 ATM	1/3 ATM	15 ATM	HYDRO COND. In/Hr	SOIL SEPARATES Percentage Passing Sieve (4.7mm)	(2.0mm)	(0.074mm)	Hydrometer Method Sand	Silt	Clay	SOIL WATER CONSISTENCY % Moisture Liquid Limit	Plastic Limit	Plastic Index	*ESTIMATED AVAILABLE MOISTURE (In. Per Inch)
26[illegible]E-1	0-3	Clay loam	CL	A-4(8)	26.82	20.04	10.02	1.23	100	100	72	35	31	34	26.0	16.1	9.9	.16
BC-3	3-9	Clay loam	CL	A-6(9)	32.95	27.02	11.75	0.32	100	100	78	29	33	38	31.0	18.0	13.0	.26
3066-1	9-13	Clay loam	CL	A-6(9)	27.10	22.16	10.22	0.25	100	100	70	37	35	28	30.0	19.1	10.9	.19
36[illegible]E-1	0-3	Clay loam	CL	A-6(6)	44.27	35.42	13.79	—	100	98	61	46	18	36	29.9	16.3	22.6	.36
AC-3	3-8	Sandy clay loam	CL	A-4(3)	33.47	24.61	10.77	IS	100	97	60	56	12	32	25.4	16.9	9.5	.22
	8-16	Clay	CL	A-6(9)	42.63	35.26	17.82	IS	100	98	79	28	30	42	29.0	17.0	11.0	.28
3029-2	16-26	Clay	CH	A-7-5(20)	42.78	38.19	22.64	IS	100	100	90	16	22	62	65.0	31.0	34.0	.25
9[illegible]QE-1	0-8	Sand	SM	A-2-4(0)	7.99	4.25	2.43	1.68	100	81	13	94	2	4	Sandy	—	NP	.03
BC-2	8-22	Sand	SM	A-2-4(0)	7.82	4.50	2.37	2.61	100	92	13	94	2	4	Sandy	—	NP	.03
3014-5	22-46	Loamy sand	SM	A-2-4(0)	25.69	16.62	6.63	0.38	100	95	23	84	4	12	Sandy	—	NP	.16
100M-1	0-10	Sand	SM	A-2-4(0)	16.98	9.02	3.43	1.70	100	100	16	91	1	8	Sandy	—	NP	.09
BC-2	10-22	Sandy loam	SM	A-2-4(0)	16.06	8.84	8.10	1.64	100	99	32	75	13	12	Sandy	—	NP	.00
3008-1	22-56	Sand	SM	A-2-4(0)	17.33	11.60	2.95	2.38	100	98	16	91	3	6	Sandy	—	NP	.14
11Q-1	0-10	Sand	SM-SP	A-2-4(0)	6.10	3.03	1.46	1.02	100	83	11	96	2	2	Sandy	—	NP	.02
CE-3	10-60	Sand	SM	A-2-4(0)	7.47	4.70	2.30	2.08	100	93	13	94	2	4	Sandy	—	NP	.04
3028-1																		


VIEW "A"
EAST 106.59'
S 18°40'40"E
6.71'
CORNER #2
N 2,068,069.24
E 311,000.00
S 25° 07' 56" E
265.22'
INTERSECTION
N 2,068,069.24
E 311,706.59
S 34°33'49"E
374.20'
RIGHT-OF-WAY CONTAINS 6.73 ACRES MORE OR LESS BETWEEN PINTO PIT AND INDUSTRIAL PERMIT BOUNDARY
INDUSTRIAL SITE
PERMIT BOUNDARY
312,500
2,070,000
2,067,500
N 2,070,500.08
E 311,641.97
N 2,070,412.41
E 311,596.31
N 2,070,260.72
E 311,583.24
N 2,070,211.56
HAUL ROAD
MAIN
R.O.W. BOUNDARY
R.O.W. BOUNDARY
S 39°12'20"E
609.54'
S 39° 38' 52" E
1,349.89'
P11-B
P11-C
PINTO PIT
S 41° 06' 55" E
242.77'
S 48° 33' 48" E
85.10'
INTERSECTION
N 2,065,763.69
E 313,503.72
UTAH INTERNATIONAL INC.
FRUITLAND, NEW MEXICO
LEGAL DESCRIPTION OF HAUL ROAD BETWEEN PINTO PIT AND THE INDUSTRIAL SITE AREA
DRAWN BY J.GOLDE
SCALE: 1" = 400'
APPROVED BY
DATE 4-18-84
DRAWING NO. 60-400-12
LOCATION NO.

Section 5

4" Potable Water Line

Surname
Winetzon
Underwood 9-2

Navajo Area Office
P. O. Box M
Window Rock, Arizona 86515-0714

ARPM/Rights-of-Way

SEP 2 5 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

Henderson

Navajo Area Office
P. O. Box M
Window Rock, Arizona 86515-0714

ARPM/Rights-of-Way

MAY 1 0 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

IN REPLY REFER TO:

ARPM - 370

UNITED STATES
DEPARTMENT OF THE INTERIOR
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,

Andrew W. Lathem

ASSISTANT Area Real Property
Management Officer

Enclosure

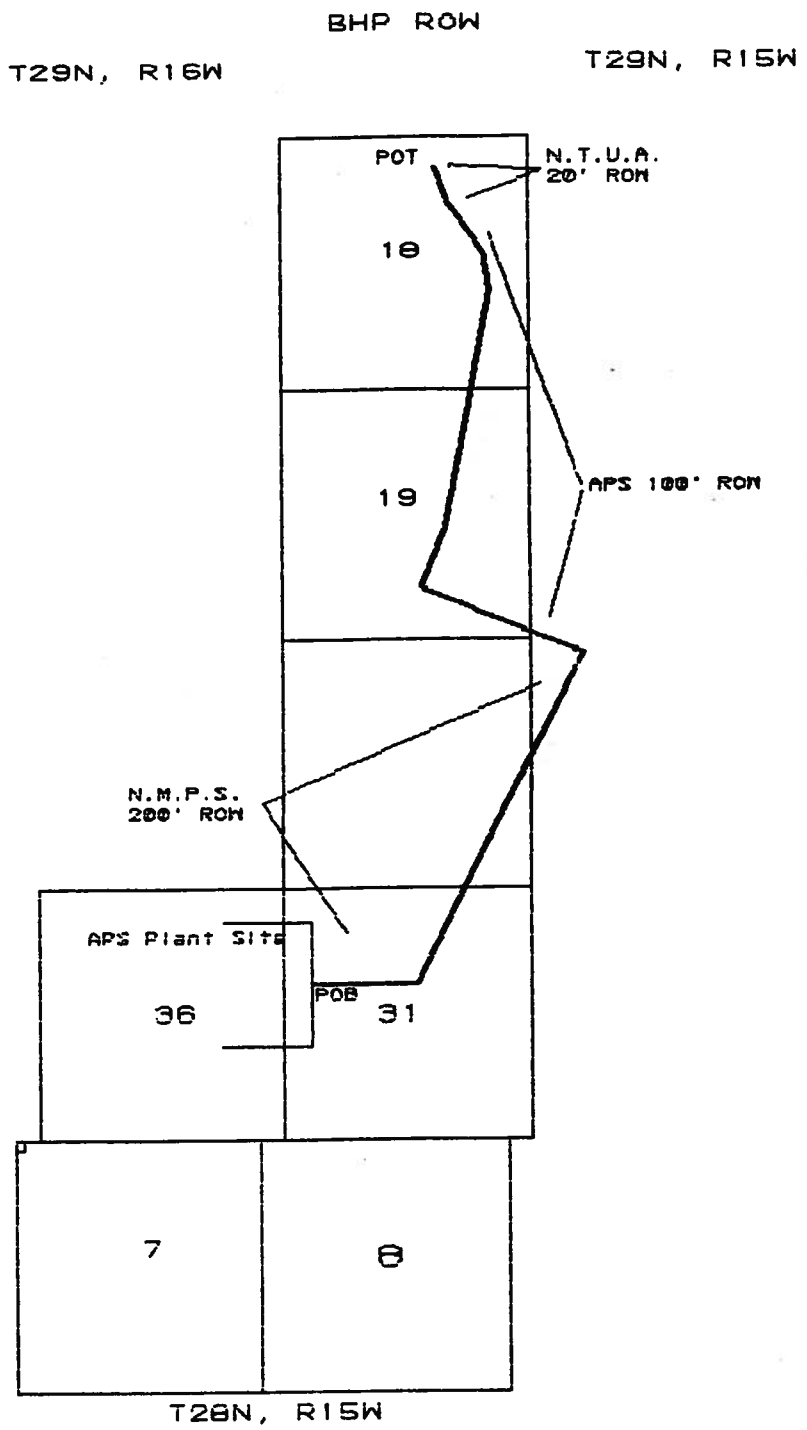
INDIVIDUALLY OWNED _____
GOVERNMENT OWNED _____
RIGHT-OF-WAY Unnumbered

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 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, California, 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

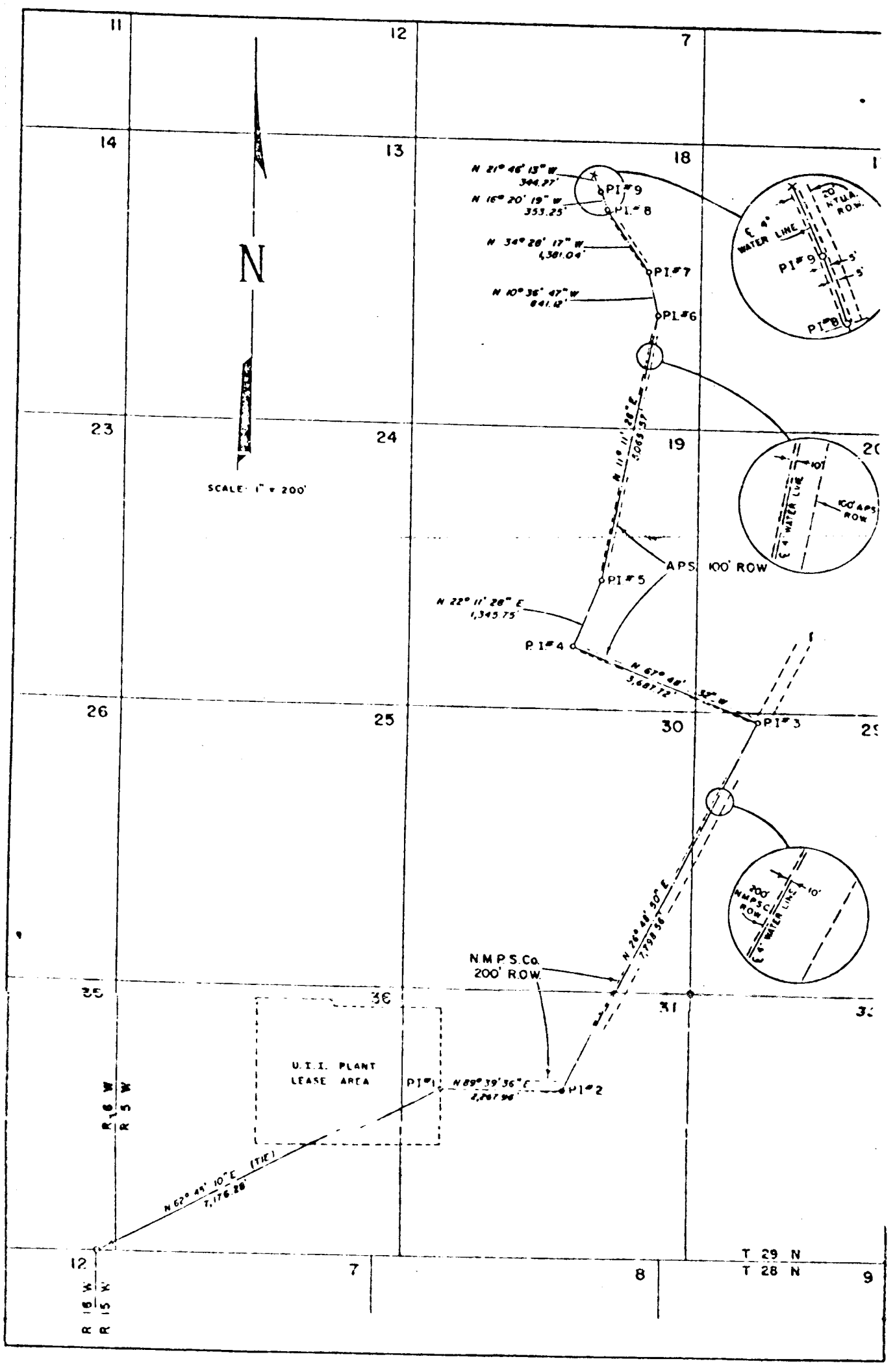
Four Inch Potable Water Pipeline

SCALE: 1 in = 4000 feet

RECEIVED
OCT 21 1974
Area Branch of
Real Property Mgmt.

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 19, 18, 29, 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 62° 48' 10" East a distance of 7,176.28 feet from the Northwest corner of said Section 7, Township 28 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 89° 39' 36" East a distance of 2,267.96 feet to Point No. 2,
Thence North 26° 48' 50" East a distance of 7,598.56 feet to Point No. 3,
Thence North 67° 48' [illegible]" West a distance of 5,687.72 feet to Point No. 4,
Thence North 22° 11' 28" East a distance of 1,345.75 feet to Point No. 5,
Thence North 11° 11' [illegible]" East a distance of 5,063.57 feet to Point No. 6,
Thence North 10° 36' 47" West a distance of 841.12 feet to Point No. 7,
Thence North 34° 28' 17" West a distance of 4,381.04 feet to Point No. 8,
Thence North 16° 20' 19" West a distance of 353.25 feet to Point No. 9,
Thence North 21° 46' 13" West a distance of 344.27 feet to Point No. 10,

and said point being the point of termination. The above described 20-foot strip contains [illegible] feet or [illegible] miles of right-of-way and includes [illegible] acres more or less of previously withdrawn Navajo Tribal lands.

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. [illegible], being [illegible] Senior Vice-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 5, 1948, (62 Stat. 17, 25 U. S. C. 323) and regulations 25 CFR 161.1 et seq.

UTAH INTERNATIONAL INC.

E. C. [illegible], Senior Vice-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
BUREAU OF INDIAN AFFAIRS
Navajo Area Office
Window Rock, Arizona 86515

Real Property Mgmt.
Right of Way

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 feet 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,

Acting 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 [illegible] 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 lands, 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 26 day of September, 1967.

UTAH CONSTRUCTION & MINING CO.

By _____
VICE PRESIDENT

By _____
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 Miles	Rods	Acres	Per Rod	Value	Amount of Deposit
8 & 29 North, R15 & 16 st, San Juan County, New xico	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 Appraisement 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.

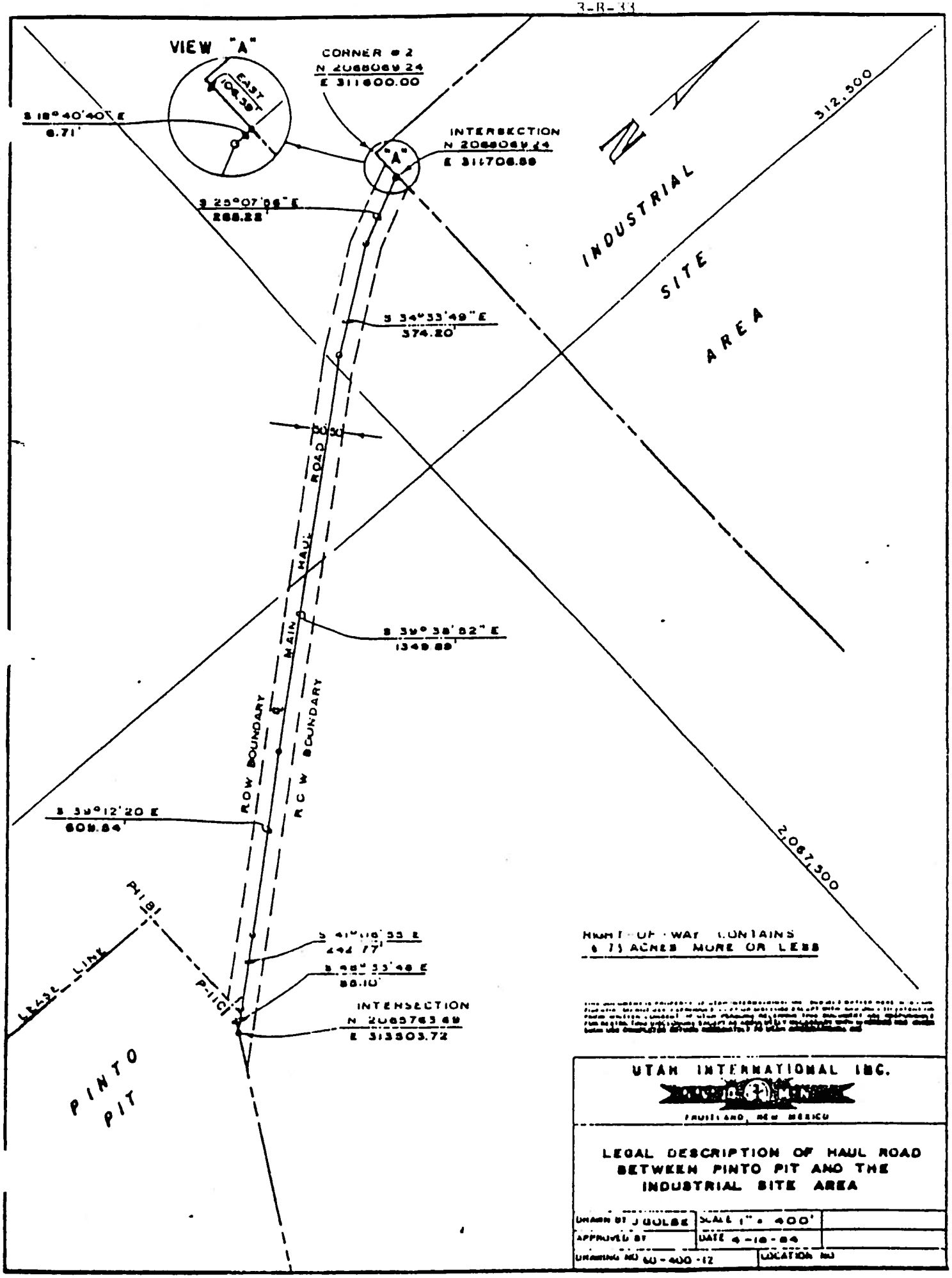
APPROVED: David D. McDonald

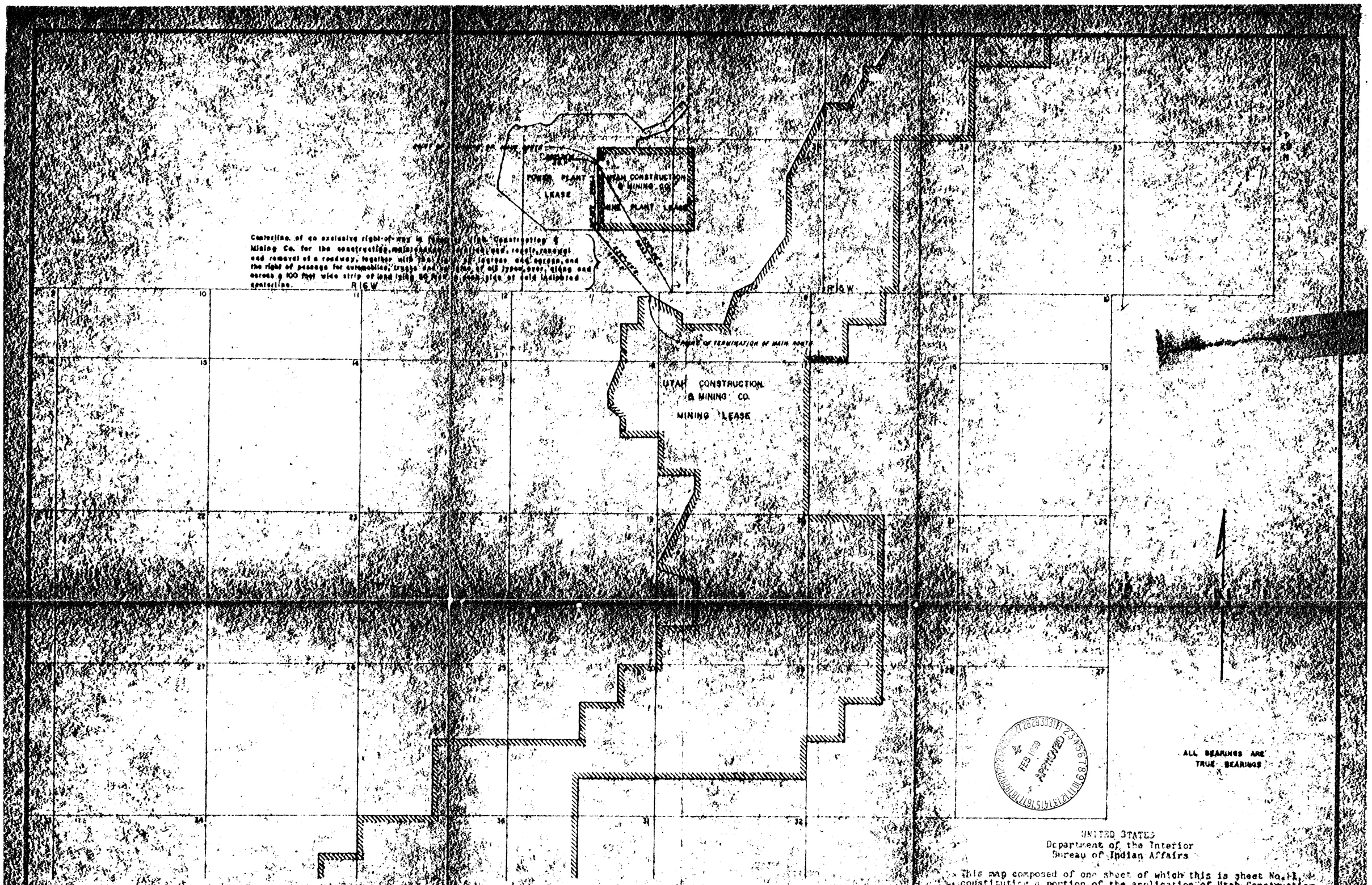
Area Director, Navajo Area Office
Acting Assistant

JUN 13 1968
Date

Acting Acting Area Real Property Management Officer, Navajo Area Office

June 13, 1968
Date


VIEW "A"
EAST
CORNER # 2
N 2068069.24
E 311600.00
S 18°40'40" E
6.71'
INTERSECTION
N 2068069.24
E 311706.89
"A"
S 25°07'56" E
288.22'
S 34°33'49" E
374.20'
312,500
INDUSTRIAL
SITE
AREA
50'
MAIN HAUL ROAD
S 39°38'52" E
1349.89'
ROW BOUNDARY
ROW BOUNDARY
S 39°12'20 E
609.84'
2,067,500
P-11B
LEASE LINE
P-11C
S 41°16'55 E
242.77'
S 48°33'48 E
88.10'
INTERSECTION
N 2065763.69
E 313503.72
PINTO
PIT
RIGHT-OF-WAY CONTAINS
6.75 ACRES MORE OR LESS
UTAH INTERNATIONAL INC.
FRUITLAND, NEW MEXICO
LEGAL DESCRIPTION OF HAUL ROAD
BETWEEN PINTO PIT AND THE
INDUSTRIAL SITE AREA
DRAWN BY J GOLBE
SCALE 1" = 400'
APPROVED BY
DATE 4-18-84
DRAWING NO 60-400-12
LOCATION NO



STATE OF NEW MEXICO

SS

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 said right-of-way is 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, and that said right-of-way is accurately located on this map.

John E. Dodge

Subscribed and sworn to me this 15 day of September 1967.

[signature]

Notary Public

My Commission expires [illegible]

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 said right-of-way is 1.02 miles in length commencing at the boundary of the Utah Construction & Mining Co. mine plant lease and terminating at the boundary of the Utah Construction & Mining Co. coal mining lease, 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, or his duly authorized representative, as part of the 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 without right in the applicant, its successors and assigns to transfer the right-of-way by assignment, grant or otherwise.

UTAH CONSTRUCTION & MINING CO.

By [signature]

Vice 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, 1948, (62 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 1 1 1968
Date

[signature]
Area Director

APPLICATION FOR RIGHT OF WAY
FOR ROADWAY

UTAH CONSTRUCTION & MINING CO.

Section 7

BHP Attachments to APS Poles and Fixtures

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 C (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 fifteen 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.

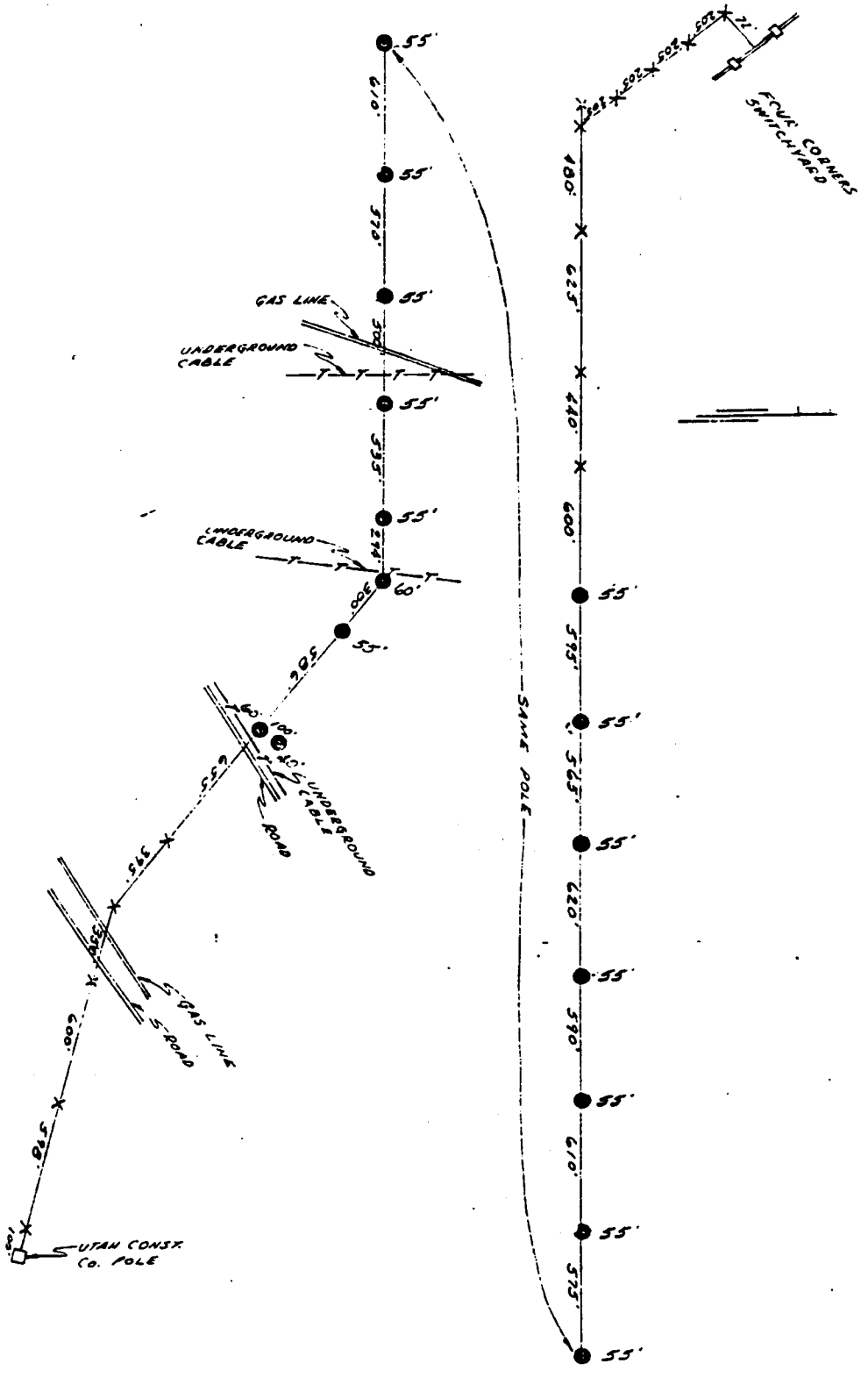
IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed this 29th day of January 1963.

ARIZONA PUBLIC SERVICE COMPANY

By [signature]
Vice President

UTAH CONSTRUCTION & MINING CO.
(Name of Lessee)

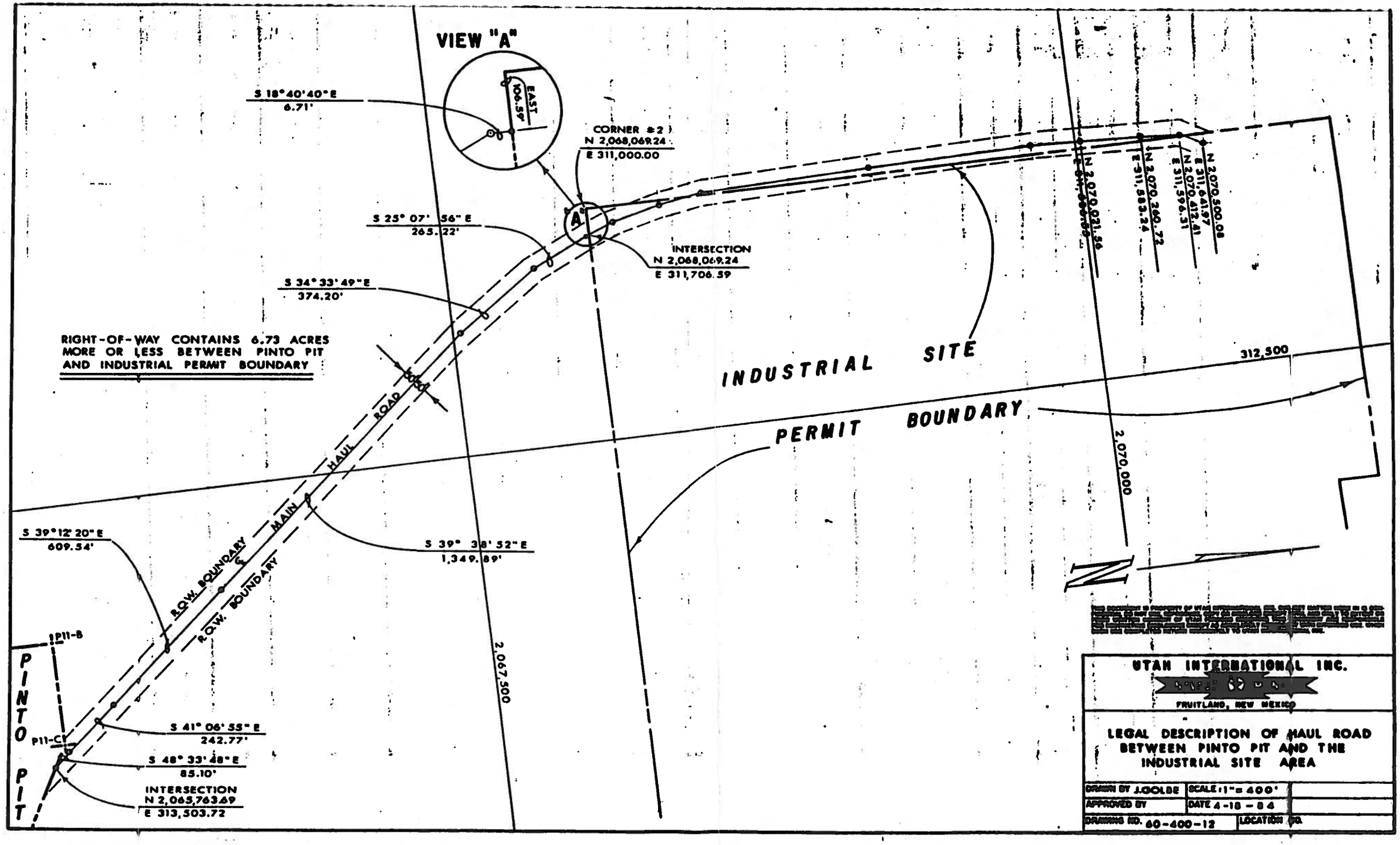
By [signature]
(Title of Signer)
Manager, Iron & Coal Operations and Attorney in Fact



● = ARIZONA PUBLIC SERVICE CO. POLE UTAH CONSTRUCTION & MINING CO. ATTACHED

X = REFERENCE ONLY

EXHIBIT-A


VIEW "A"
EAST 106.59'
S 18°40'40"E
6.71'
CORNER #2
N 2,068,069.24
E 311,000.00
A
S 25° 07' 56" E
265.22'
INTERSECTION
N 2,068,069.24
E 311,706.59
S 34°33'49"E
374.20'
RIGHT-OF-WAY CONTAINS 6.73 ACRES MORE OR LESS BETWEEN PINTO PIT AND INDUSTRIAL PERMIT BOUNDARY
INDUSTRIAL SITE
PERMIT BOUNDARY
312,500
2,070,000
N 2,070,021.56
E 311,583.24
N 2,070,260.72
E 311,641.97
N 2,070,412.41
E 311,596.31
N 2,070,500.08
S 39°12'20"E
609.54'
S 39° 38' 52" E
1,349.89'
MAIN HAUL ROAD
R.O.W. BOUNDARY
R.O.W. BOUNDARY
2,067,500
P11-B
PINTO PIT
P11-C
S 41° 06' 55" E
242.77'
S 48° 33' 48" E
85.10'
INTERSECTION
N 2,065,763.69
E 313,503.72
UTAH INTERNATIONAL INC.
FRUITLAND, NEW MEXICO
LEGAL DESCRIPTION OF HAUL ROAD BETWEEN PINTO PIT AND THE INDUSTRIAL SITE AREA
DRAWN BY J.GOLDE
SCALE 1"=400'
APPROVED BY
DATE 4-18-84
DRAWING NO. 60-400-12
LOCATION NO.

Section 8

Legal Description for the Mine Plant Lease

AMENDMENT TO PLANT SITE LEASE

Lessor and lessee do hearby 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°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°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 6.C

Navajo Mine Grazing Management Plan

Navajo Mine Grazing Management Plan

The Navajo Mine Grazing Management Program is designed to:

1. Ensure the long-term availability and sustained productive capability of the forage resource;

2. Provide for an adequate and stable supply of forage for range livestock throughout the year;

3. Ensure compatibility with the management skills of the operator and the class of domestic livestock to be grazed;

4. Develop long-term plans for management of reclaimed lands before and after bond release;

5. Provide for a smooth transition of reclaimed land to local Navajo grazing permittees following bond release.

The Grazing Management Program is based upon the use of the Holistic Resource Management (HRM) Model (Savory 1988) for making management decisions about land use for the reclaimed lands at Navajo Mine. Under the HRM Model, all persons with an interest in the land are invited to collaboratively develop a temporary three-part goal. The goal is essential: It describes what the land must look like in the future in order to support economic and ecological productivity which, in turn, are required to support the quality of life desired by the people who live on and manage the land. The goal is temporary because of the need to explicitly acknowledge the fact that people and the physical environment will change over time, thereby requiring periodic

review and updating of the goal. The goal always has three parts: Quality of life; forms of production; and, landscape description. Without a complete goal that explicitly includes the quality-of-life values of the people on the land, management decisions cannot be economically, ecologically, and socially sound.

Once the temporary goal is formed, land managers are required to examine their understanding of the ecosystem, and the ecological constraints that regulate the land. With at least a basic understanding of community dynamics (or, "succession"), the water cycle, the mineral cycle, and energy flow, managers can determine what physical resources they have available to achieve their goal. The Navajos who will eventually manage the reclaimed lands have a sophisticated understanding of ecosystem processes, and their knowledge is sufficient to begin the process of planning for grazing on the reclaimed lands.

Once all the interested people have come together to form a temporary goal, and knowledge of the ecosystem is available, managers can then examine the tools available to them to achieve the goal. Monitoring of the condition of the land is built into the requirements for management. Daily monitoring of forage condition and plant recovery is required in order to determine the timing of herd movements between pastures. Other, more detailed monitoring, is conducted at the end of the growing season to provide data for susequent planning.

At Navajo Mine, the Grazing Management Program (initially known as the "Holistic Resource Management Project") brought together during monthly meetings in 1991, members of the local community (including people with grazing permits on and near Navajo Mine), local Chapter officials, Navajo Nation officials, representatives of BLM and OSM, along with Navajo Mine staff, to form a temporary goal. That phase of the Program was completed in January, 1992; periodically, the temporary goal is reviewed, and future meetings with community members may result in changes to the goal. The Grazing Management Program subsequently learned about animal impact on reclaimed land through trials using large herds of livestock on small plots in the Watson and Bitsui (pre-law) areas. The next phase of the Program will involve large-scale planned grazing of livestock on several hundred acres of reclaimed land in Watson and Bitsui (pre-law areas), using the knowledge gained from the animal impact trials as input to the biological planning under the guidance of the HRM Model.

"Planned grazing," under the HRM Model, is the term used to describe the process of planning and managing livestock grazing. Planned grazing differs from all grazing systems, especially rotational grazing and its variants, in that no pre-determined numbers of pastures or animals or timing of herd movements are used. Instead, before grazing takes place, available forage is measured, logistical constraints (such as water, fence, animal handling facilities, etc.) are spelled out, and these factors, along with wildlife-related concerns, are explicitly incorporated into a grazing plan. Then, grazing periods in each pasture (paddock) are planned by taking into consideration the impact of likely drought or slow growth on plant recovery after each grazing. Once grazing begins, the grazing plan is re-evaluated daily or weekly, and changes are made in the plan (if necessary) based upon animal performance, weather, plant recovery following

grazing, or any other factors that may have changed since the original plan was developed. The manager monitors the animals and the land every day, and changes the plan as necessary to insure that what is happening on the land mean progress toward the goal.

More than anything else, it is the built-in requirement for flexibility and adaptation to complex, changing circumstances that makes the HRM Model appropriate for planning land use at Navajo Mine. In arid or semi-arid environments, most conventional rotational or modified rotational grazing systems eventually fail due to their inflexibility in the face of inevitable drought or other ecological constraints. In contrast, planned grazing under the HRM Model forces the manager to be flexible and alert to the need to change the plan as circumstances change.

As more is learned about the biological and logistical issues involved with grazing on reclaimed lands, the Grazing Management Program will expand planned grazing into the Interim area and Permit area reclaimed lands. Careful monitoring of plant and soil conditions is an integral part of the Grazing Management Program, with a New Mexico State University range scientist in charge of continually monitoring and reporting changes on the land.

Local Navajo livestock operators are part of the Grazing Management Program, and are being trained in management decision-making using the HRM Model. They will participate with the Grazing Management Program in creating the land use plans that will guide management of the reclaimed lands following final bond release. In this way, continuity in management will be assured during the transition of reclaimed lands from BHP to their post-mining managers.