

# *Harvey L. Hutchinson, RCE*

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September 30, 2009

Constituent Services  
Office of the Governor  
Date:

SEP 30 2009

Gary R. Herbert, Governor  
Utah State Capitol Complex  
350 North State Street, Suite 200  
PO Box 142220  
Salt Lake City, UT 84114-2220

Dear Governor,

Enclosed is an updated statement on my assessment of the impact the proposed agreement between Utah and Nevada sharing water in the Snake Valley will have on Utah State School and Institutional Trust Lands.

Yours truly,



Harvey L. Hutchinson, RCE

Enc

# **Utah – Nevada Snake Valley Water Sharing Agreement Cannot Take School Trust Lands VESTED Water Rights without Compensation**

## **I. THE SCHOOL TRUST LANDS HAVE VESTED WATER RIGHTS THAT THE STATES OF UTAH AND NEVADA CANNOT REMOVE WITHOUT COMPENSATION**

1. **In the Law Case: Commissioner of Public Lands for the State of New Mexico v. State of New Mexico ex.rel. State Engineer, et.al, On Petition for a Writ of Certiorari to the Court of Appeals Of the State Of New Mexico.** The question presented to the Supreme Court was: Whether the New Mexico Commissioner of Public Lands may claim federal reserved water rights with respect to lands Congress reserved from the federal public domain, and granted to the State of New Mexico subject to a strict, federal enforceable trust, to support public education and for other related purposes specified by Congress. **Their answer was no. I also concur with this decision.**

**The question that was never asked in this case is, did the patents issued by the United States ever transfer any water rights with them to the State of Utah School and Institutional Trust Land Administration? The answer to this question is no, they did not discuss this question. I suppose the reason is that no one ever asked the question !**

I will try to answer this question in the following discussion.

2. **The Utah - Nevada Snake Valley Water Sharing agreement is Illegal unless it includes Compensation for the Taking of School Trust Lands Vested Water Rights.** As proposed, the agreement is illegal because **all** of the stake holders are not a party to it. The State of Utah School and Institutional Trust Lands Administration is trustee of more than 140 sections of land with vested water rights by patents. These SCHOOL TRUST LANDS are mostly made up of Sections 2, 16, 32, and 36 in each township, and comprise over 100,00 acres of land in the Snake Valley. (See enclosed map.) As proposed, the loss of ground water from these sections of land would greatly reduce the value of the SCHOOL TRUST LANDS and would not comply with the Utah Enabling Act of 1894. To comply with this 1894 Act, the United States Congress deeded certain lands including vested water rights to the State of Utah for “School Trust Lands,” mandating that money from these lands be used for the education of the children of the State of Utah.

3. **The School Trust Land Patents Conveyed the Vested Water Rights to the State of Utah School and Institutional Trust Lands Administration.** The following quotes from some of the patents that conveyed lands from the United States to the Utah State School Trust Lands Administration (SCHOOL TRUST LANDS) explain and convey the rights, priority and conditions transferred with the School Trust Lands:

“The area described contains 1,948.39 acres, according to the Official Plat of the Survey of the said Land, on file in the Bureau of Land Management: NOW, THEREFORE, KNOW YE, that the UNITED STATES OF AMERICA, in consideration of the premises, and in conformity with the said Act of Congress of June 21, 1934, and as evidence of the title which was granted to and vested in the State of Utah to the above described lands on January 4, 1896 for the support of common schools, as aforesaid, and in confirmation of such title for such purpose.”

The lands were vested in the State of Utah for the education of the children. The word “vested” is important not only at this point, but is used in federal land laws to describe a specific type of water right as discussed further below.

As included in the patent, the only purpose for these School Trust Lands is to make money to be used for the purpose of financing schools and education and is in accordance with the language of the Utah Enabling Act. Quoting the patent further:

“HAS GIVEN AND GRANTED, and by these presents DOES GIVE AND GRANT, unto the said State of Utah, and to its assigns the lands above described; TO HAVE AND TO HOLD the same, together with **all** the rights, privileges, immunities, and appurtenances, of whatsoever nature thereunto belonging, unto the said State of Utah and to its assigns **forever**;”

The word “all” in the above patent language indicates that “all” rights were given to the SCHOOL TRUST LANDS. The language of the patent is not “all rights except water rights.” That includes water rights the United States vested in these lands to accomplish their purpose of supporting the schools of the State of Utah. The sections of land given to the SCHOOL TRUST LANDS had not previously been patented (given or claimed by anyone). Each section deeded was owned entirely by the United States and no part of it (land, water, minerals) had ever been claimed by anyone. Each section was given with “all the rights, privileges, immunities, and appurtenances of whatsoever nature thereunto belonging” to the State of Utah to be used in the financing of the common schools.

Further, Section 20 of the State of Utah Enabling Act of 1894 contains language that cancelled any United States laws that would conflict with the rights transferred to the

SCHOOL TRUST LANDS. Section 20 also cancelled then existing Territorial Laws and pre-empted later State Laws that might conflict with the rights on SCHOOL TRUST LANDS? The patent reads further:

“...subject to any “vested and accrued water rights” for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights as may be “recognized and acknowledged by the local customs, laws, and decisions of courts;” and there is reserved from the lands hereby granted a right of way thereon for ditches or canals constructed by the authority of the United States.”

The statement in the patent “subject to any vested and accrued water rights” is significant on three points: (1) It is the language of Sec. 9 of the federal Act of July 26, 1866, (2) it sets the priority date of the School Trust Lands vested water rights to the effective date of the creation of the State of Utah (January 4, 1896), and (3) it mentions two different types of rights: vested and accrued. The dictionary states vested rights are **A.** Settled, complete, or absolute; without contingency. Said of property or a right. **B.** Having unqualified present or future possession of a property or right. Accrued means to become enforceable or permanent.

There were no water rights that had accrued or vested to anyone on sections 2, 16, 32 and 36 and/or in lieu sections before the lands were transferred to the State Trust Lands. Thus, the water rights were vested with the land. Later laws cannot divest the State Trust Lands of the its rights, privileges, immunities, and appurtenances and vested water rights it received when it received the lands unless they are paid for.

The next phrase in the patent also comes from the Act of July 26, 1866 reading: “recognized and acknowledged by the local customs, laws, and decisions of courts,” The “local customs” would be the State Engineer, the “laws” would be the Utah Enabling Act of 1894, and decisions of courts vested all rights, privileges, immunities, appurtenances (See the same wording in the enclosed Patents #1225306 dated 12 April 1962; #1226305 dated 12 April 1962; and #1226307 dated 12 April 1962). The import of these patent clauses sets the priority date for the School Trust Lands vested water rights to that of the effective date of reservation, which is January 4, 1896.

As evidence that the actions of the United States in patenting lands to the SCHOOL TRUST LANDS has been consistent for more than a hundred years, I have enclosed Patent #43-2001-0014 and 43-2001-0018 dated 19 January 2001. The language in these patents is the same as the language in earlier patents. I quote:

“NOW KNOW YE, that there is, therefore, granted by the UNITED STATES, unto the **State of Utah, School and Institutional Trust Lands Administration**, the lands described above; TO HAVE AND TO HOLD the said lands with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto State of

Utah, School and Institutional Trust Lands Administration, and to its successors and assigns, forever; and . . .”

No right was left out of these patents from the United States. The word ALL includes everything the United States had– even the water rights. (Copies of the Patents are enclosed.)

4. **School Trust Land water rights cannot be removed from any School Trust Lands without conveyance by actual deed and without compensation for the water rights removed.** In 1967, in the case *C Lassen v. Arizona Highway Dept.* the United States, the Supreme Court decided that the School Trust Lands Administration must be fairly compensated for any sale, lease, or use of any right or part of their lands. I quote:

**The Enabling Act unequivocally demands both that the trust receive the full value of any lands transferred from it, and that any funds received be employed only for the purposes for which the land was given.** First, it requires that before trust lands or other products are offered for sale they must be “appraised at their true value,” *C Lassen v. Arizona Highway Dept.* 395 U.S. 458 (1967)

Thus, full value must be received for any water rights removed from State School Trust lands and the State of Utah has no trustee power to convey away these rights without full compensation.

5. **School Trust Lands do not belong to the State of Utah, but to the School Trust Lands for education of children and cannot be conveyed by the State of Utah by agreement or otherwise.** The Supreme Court’s strong statement about paying for any resource taken from the TRUST LANDS requires full value to be paid to the TRUST LANDS. However, the State of Utah claims that all water in the State is theirs and should be adjudicated by the State Engineer. The State of Utah DID NOT compensate the TRUST LANDS for the water deeded to it by the United States in the 1894 Enabling Act – therefore they do NOT own the water rights on the TRUST LANDS – neither the surface water nor the ground water. By State law appurtenant water rights can only be transferred by actual deed. Utah Code Ann. 73-1-10. That conveyance must be by the STATE SCHOOL TRUST LANDS, and cannot be conveyed by the State of Utah. The proposed contract if entered into as is would use the rights, privileges, immunities, and appurtenances of whatsoever nature embedded in the STATE TRUST LANDS with no compensation. That is against the intent of the Utah Enabling Act of 1894 and cannot be done without deed from the STATE SCHOOL TRUST LANDS.

6. **The State of Utah legislature cannot pass laws claiming the state owns the waters that have previously been conveyed by the United States to the State School Trust Lands.** The State School Trust Lands water rights received from the

United States by Patents cannot be taken away by any act of the Utah Legislature. All water rights received by anyone subsequent to the transfer of such rights by the United States to the State School Trust Lands are inferior to the State School Trust Lands.

7. **If the TRUST LANDS do not receive fair compensation for the vested appurtenant water rights on its lands, Utah's school children will be required to ILLEGALLY subsidize the Las Vegas water supply with their education money.**

## **II. COMPENSATION TO THE SCHOOL TRUST LAND FUND**

### **About How Much Compensation Should the School Lands Receive?**

- A. If one acre-foot of consumptive water were used on one acre of these TRUST LANDS to grow a bio-fuel crop such as switch grass, and then the grass sold for making bio-fuel, the revenue would be approximately \$1000 per acre per year.
- B. Do the TRUST LANDS have the right to lease their land or rights on the land? They do with proper compensation.
- C. How much is land with an acre-foot of water on it worth in Las Vegas? To answer that, I will give a personal example.

In 1970, my boss took me out in the California Desert and we stopped on the road at the edge of Metropolitan Water District of Southern California's border. He said the land outside the District's border was worth \$5,000 per acre, while the land just across the street inside the District's border was worth \$250,000 per acre. Why? Because that land had water on it. Today the water makes the lands even more valuable in Las Vegas.

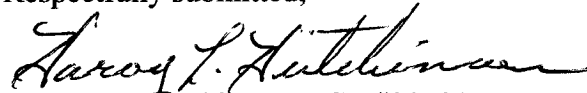
In my opinion, compensation of AT LEAST \$1000 per acre-foot of water per year indexed for inflation to the TRUST LANDS should be received.

- III. CONCLUSION.** The Utah – Nevada Snake Valley Water Sharing Agreement cannot be entered into by the State of Utah unless Compensation is provided to the State School Trust Lands. Otherwise, millions of dollars will be lost from the Utah educational system.

I urge the Governor to not sign the Snake Valley Agreement without providing for the school children of Utah.

I urge the Governor to determine that the lands transferred to the State School Trust Lands from the United States by Patents includes water rights appurtenant thereto which water rights will provide significant additional funding for the education of the children of Utah

Respectfully submitted,



Harvey L. Hutchinson, RCE #20501

194 E. Paradise Ln.

Alpine, Utah, 84004

(801-756-4446)

(westernh20@msn.com)

Copies to:

The Governor of the State of Utah

The State Water Engineer

The State School Trust Lands Director

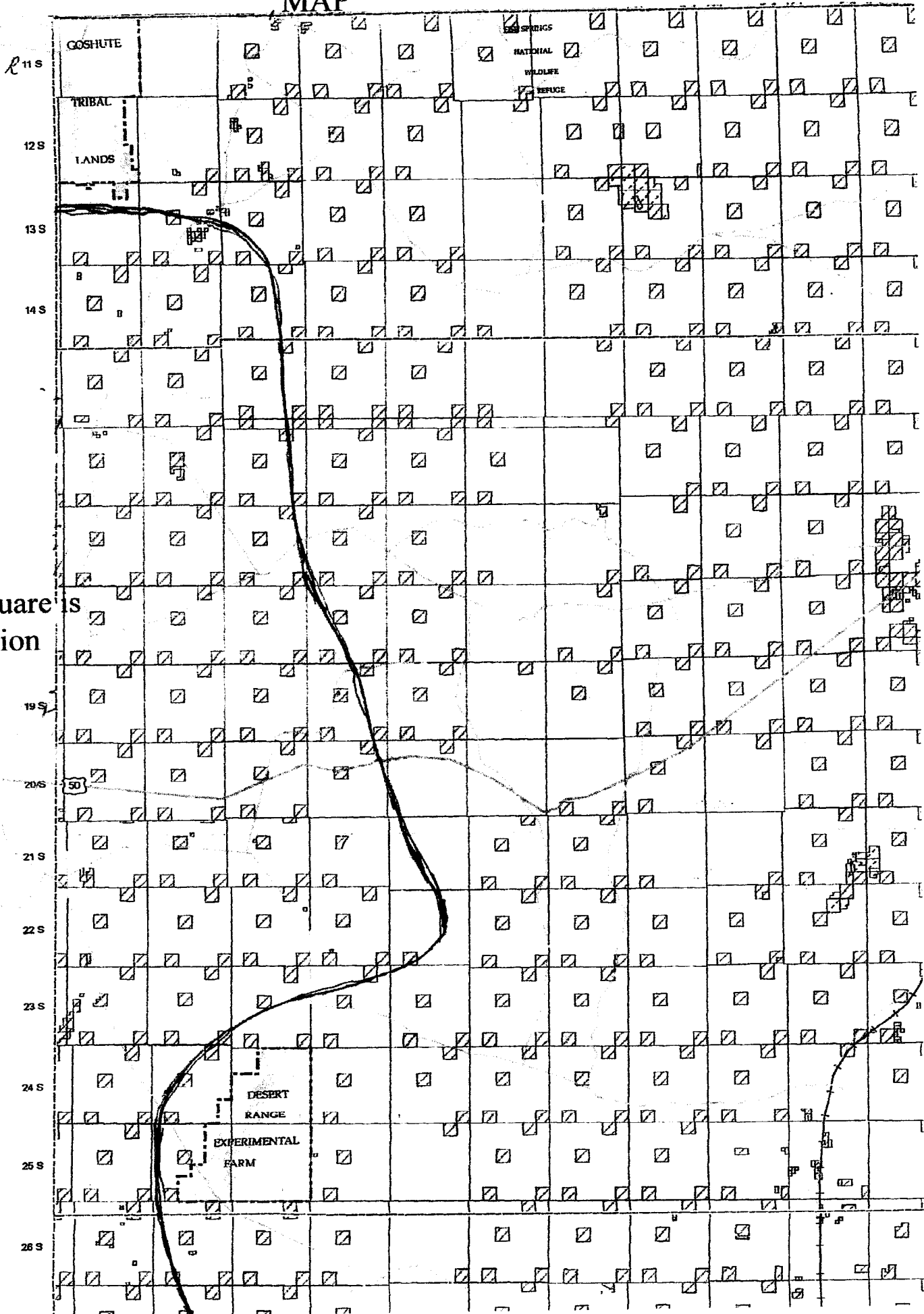
The State School Trust Lands Attorney

The State PTA

The Utah Division of Natural Resources

The Deseret News

# MAP



SNAKE  
VALLEY  
UTAH  
TRUST  
LANDS  
Blue Squares  
one section



Entered in Office  
Date *April 12 1962*  
By *[Signature]*

*[Handwritten notes and signatures]*

Utah 07674-D(3)

4-1040  
(October 1968)

# The United States of America,

To all to whom these presents shall come, Greeting:

WHEREAS, There are now deposited in the Bureau of Land Management of the United States, an application by the State of Utah and a decision of the Land Office at Salt Lake City, Utah, directing that a patent issue to the State of Utah under the provisions of the Act of Congress approved June 21, 1934 (48 Stat. 1185), entitled "An Act Authorizing the Secretary of the Interior to issue patents to the numbered school sections in place, granted to the States by the Act approved February 22, 1889, by the Act approved January 25, 1927 (44 Stat. 1026), and by any other Act of Congress," for the support of common schools and the title to which vested in the State of Utah under the Act of July 16, 1894 (28 Stat. 107), upon its admission into the Union on January 4, 1896 (29 Stat. 876):

Salt Lake Meridian, Utah.

T. 6 S., R. 22 E.,

Sec. 2, Lots 1, 2, 3, 4, S $\frac{1}{2}$ NW $\frac{1}{2}$ , SW $\frac{1}{2}$ ;

Sec. 16, S $\frac{1}{2}$ NW $\frac{1}{2}$ , S $\frac{1}{2}$ ;

Sec. 32, All;

Sec. 36, All.

The area described contains 1,948.39 acres, according to the Official Plat of the Survey of the said Land, on file in the Bureau of Land Management:

NOW, THEREFORE, KNOW YE, That the UNITED STATES OF AMERICA, in consideration of the premises, and in conformity with the said Act of Congress of June 21, 1934, and as evidence of the title which was granted to and vested in the State of Utah to the above described lands on January 4, 1896 for the support of common schools, as aforesaid, and in confirmation of such title for such purpose, HAS GIVEN AND GRANTED, and by these presents DOES GIVE AND GRANT, unto the said State of Utah, and to its assigns the lands above described; TO HAVE AND TO HOLD the same, together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature thereunto belonging, unto the said State of Utah and to its assigns forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted a right of way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, the undersigned authorized officer of the Bureau of Land Management, in accordance with the provisions of the Act of June 17, 1948 (62 Stat., 476), has, in the name of the United States, caused these letters to be made Patent, and the Seal of the Bureau to be hereunto affixed.

GIVEN under my hand, in the District of Columbia, the  
TWELFTH day of APRIL in the year of  
our Lord one thousand nine hundred and SIXTY-TWO  
and of the Independence of the United States the one hundred  
and EIGHTY-SIXTH.

For the Director, Bureau of Land Management.

By *Ruth W. Talley*  
Chief, Patents Section.

Patent Number 1226306

# The United States of America,

To all to whom these presents shall come, Greeting:

WHEREAS, There are now deposited in the Bureau of Land Management of the United States, an application by the State of Utah and a decision of the Land Office at Salt Lake City, Utah, directing that a patent issue to the State of Utah under the provisions of the Act of Congress approved June 21, 1934 (48 Stat. 1185), entitled "An Act Authorizing the Secretary of the Interior to issue patents to the numbered school sections in place, granted to the States by the Act approved February 22, 1889, by the Act approved January 25, 1927 (44 Stat. 1026), and by any other Act of Congress," for the following numbered school section lands in place, granted for the support of common schools and the title to which vested in the State of Utah under the Act of July 16, 1894 (28 Stat. 107), upon the acceptance of the Plats of Survey by the Bureau of Land Management on the dates hereinafter stated:

State of Utah  
 Salt Lake County  
 Salt Lake City  
 93579  
 10/19/62  
 Salt Lake

Salt Lake Meridian, Utah,  
 T. 3 S., R. 22 E.,  
 Sec. 2, All;  
 Sec. 16, SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
 Plat accepted May 5, 1908.

T. 4 S., R. 22 E.,  
 Sec. 2, Lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$ , S $\frac{1}{2}$ ;  
 Plat accepted April 11, 1908.

T. 1 S., R. 24 E.,  
 Sec. 2, Lots 3, 4, S $\frac{1}{2}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$ ;

T. 1 S., R. 25 E.,  
 Sec. 2, Lots 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$ , S $\frac{1}{2}$ ;  
 Sec. 16, NW $\frac{1}{4}$ ;  
 Plats accepted June 10, 1899.

T. 8 S., R. 15 E.,  
 Sec. 36, All;

T. 9 S., R. 15 E.,  
 Sec. 2, Lots 1, 2, 3, 4, 5, S $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{2}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ ;  
 Sec. 36, All;

T. 8 S., R. 16 E.,  
 Sec. 32, All;  
 Sec. 36, All;

Patent Number 1226305

Salt Lake Meridian, Utah.

*Revised*

T. 9 S., R. 16 E.  
Sec. 2, All;  
Sec. 16, All;  
Sec. 32, All;  
Sec. 36, All;

T. 8 S., R. 17 E.,  
Sec. 16, Lots 1, 2, 3, 4;  
Sec. 32, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11,  
W $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 36, All;

T. 9 S., R. 17 E.,  
Sec. 2, Lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$ , S $\frac{1}{2}$ ;  
Sec. 16, All;  
Sec. 32, All;  
Sec. 36, All;

T. 8 S., R. 18 E.,  
Sec. 32, All;  
Sec. 36, All;

*Exchange  
Meridian  
District  
Bureau  
of  
Land  
Management*

Plats accepted November 7, 1911.

The areas described aggregate 12,943.41 acres, according to the Official Plats of the Surveys of the said Lands, on file in the Bureau of Land Management:

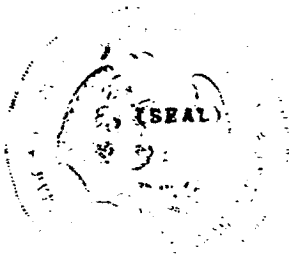
NOW, THEREFORE, KNOW YE, That the UNITED STATES OF AMERICA, in consideration of the premises, and in conformity with the said Act of Congress of June 21, 1934 and as evidence of the title which was granted to and vested in the State of Utah to the above described lands on the dates aforesaid for the support of common schools, as aforesaid, and in confirmation of such title for such purpose, HAS GIVEN AND GRANTED, and by these presents DOES GIVE AND GRANT, unto the said State of Utah, and to its assigns, the lands above described; TO HAVE AND TO HOLD the same, together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the said State of Utah and to its assigns forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted, a right-of-way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, the undersigned officer of the Bureau of Land Management, in accordance with section 1 of the act of June 17, 1948 (62 Stat., 476, 43 U. S. C. sec. 15), has, in the name of the United States, caused these letters to be made Patent, and the Seal of the Bureau to be hereunto affixed.

GIVEN under my hand, in the District of Columbia, the TWELFTH day of APRIL in the year of our Lord one thousand nine hundred and SIXTY-TWO and of the Independence of the United States the one hundred and EIGHTY-SIXTH.

For the Director, Bureau of Land Management.

By *Reith W. Talley*  
Chief, Patent Section.



RECORD OF PATENTS: Patent Number **1226305**

# The United States of America,

To all to whom these presents shall come, Greeting:

WHEREAS, There are now deposited in the Bureau of Land Management of the United States, an application by the State of Utah and a decision of the Land Office at Salt Lake City, Utah, directing that a patent issue to the State of Utah under the provisions of the Act of Congress approved June 21, 1934 (48 Stat. 1185), entitled "An Act Authorizing the Secretary of the Interior to issue patents to the numbered school sections in place, granted to the States by the Act approved February 22, 1889, by the Act approved January 25, 1927 (44 Stat. 1026), and by any other Act of Congress," for the following numbered school section lands in place, granted for the support of common schools and the title to which vested in the State of Utah under the Act of January 25, 1927 (44 Stat. 1026), upon the date of the Act:

Salt Lake Meridian, Utah.

T. 3 S., R. 22 E.,

Sec. 16, N $\frac{1}{2}$ , N $\frac{1}{2}$ S $\frac{1}{2}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;

Sec. 32, All;

Sec. 36, W $\frac{1}{2}$ .

The area described contains 1,560.00 acres, according to the Official Plat of the Survey of the said Land, on file in the Bureau of Land Management:



Fee Paid *2.00*  
 County Records  
 Page *12*  
 State of Utah  
 Salt Lake Meridian  
 T. 3 S., R. 22 E.  
 Sec. 16, N $\frac{1}{2}$ , N $\frac{1}{2}$ S $\frac{1}{2}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
 Sec. 32, All;  
 Sec. 36, W $\frac{1}{2}$ .  
 Entry No. *93081*  
 Date *May 10, 1931*  
 By *[Signature]*

Patent Number **1226307**

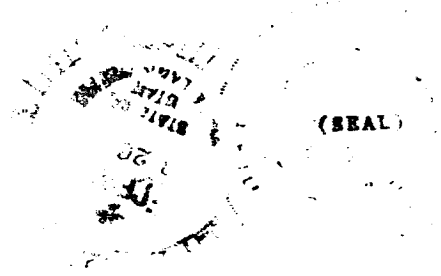
NOW, THEREFORE, KNOW YE, That the UNITED STATES OF AMERICA, in consideration of the premises, and in conformity with the said Act of Congress of June 21, 1934 and as evidence of the title which was granted to and vested in the State of Utah to the above described lands on January 25, 1927, for the support of common schools, as aforesaid, and in confirmation of such title for such purpose, HAS GIVEN AND GRANTED, and by these presents DOES GIVE AND GRANT, unto the said State of Utah, and to its assigns the lands above described; TO HAVE AND TO HOLD the same, together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature thereunto belonging, unto the said State of Utah and to its assigns forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted a right-of-way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, the undersigned officer of the Bureau of Land Management, in accordance with section 1 of the act of June 17, 1948 (62 Stat., 476, 43 U. S. C. sec. 15), has, in the name of the United States, caused these letters to be made Patent, and the Seal of the Bureau to be hereunto affixed.

GIVEN under my hand, in the District of Columbia, the TWELFTH day of APRIL in the year of our Lord one thousand nine hundred and SIXTY-TWO and of the Independence of the United States the one hundred and EIGHTY-SIXTH.

For the Director, Bureau of Land Management.

By *Ruth W. Talley*  
Chief, Patents Section.



**WHEN RECORDED: RETURN TO:**  
**UTAH SCHOOL & INSTITUTIONAL**  
**TRUST LANDS ADMINISTRATION**  
675 East 500 South, Suite 500  
Salt Lake City, UT 84102

Form 1860-9  
(January 1988)

# The United States of America

To all to whom these presents shall come, Greeting:

UTU-79162-FD

WHEREAS,

**State of Utah, School and Institutional Trust Lands Administration**

is entitled to a land patent pursuant to Section 206 of the Act of October 21, 1976 (90 Stat. 2756; 43 U.S.C. 1716) as amended by the Act of August 20, 1988 (102 Stat. 1086-1094; 43 U.S.C. 1716, 1740), and pursuant to the Utah West Desert Land Exchange Act of 2000, Public Law 106-301 (114 Stat. 1059), for the following described land in Millard County:

IPP Block  
Salt Lake Meridian, Utah

Parcel #1113  
T. 15 S., R. 6 W.,  
Sec. 19, E $\frac{1}{2}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ .  
Containing 360.00 acres, more or less, of surface and minerals.

Parcel #1114  
T. 15 S., R. 6 W.,  
Sec. 20, All.  
Containing 640.00 acres, more or less, of surface and minerals.

Parcel #1115  
T. 15 S., R. 6 W.,  
Sec. 21, All.  
Containing 640.00 acres, more or less, of surface and minerals.

Parcel #1116  
T. 15 S., R. 6 W.,  
Sec. 22, All.  
Containing 640.00 acres, more or less, of surface and minerals.

Parcel #1117  
T. 15 S., R. 6 W.,  
Sec. 23, All.  
Containing 640.00 acres, more or less, of surface and minerals.

Patent Number 43-2001-0014

0113255 BK 00360 P3 00267-00276  
MILLARD COUNTY RECORDER- FORNIE & HANSEN  
2001 JAN 24 10:12 AM FEE \$1.00 BY TLR  
REMOVED STATE OF UTAH

TU-79162-FD

## Parcel #1143

T. 16 S., R. 5 W.,

Sec. 7, Lots 1-4, E $\frac{1}{2}$ , E $\frac{1}{2}$ W $\frac{1}{2}$  (All).

Containing 644.00 acres, more or less, of surface and minerals.

## Parcel #1144

T. 16 S., R. 5 W.,

Sec. 8, N $\frac{1}{2}$ , SW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ .

Containing 520.00 acres, more or less, of surface and minerals.

## Parcel #1145

T. 16 S., R. 5 W.,

Sec. 9, NW $\frac{1}{4}$ NW $\frac{1}{4}$ .

Containing 40.00 acres, more or less, of surface and minerals.

## Parcel #1146

T. 16 S., R. 5 W.,

Sec. 18, Lots 1-4, NE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ .

Containing 442.40 acres, more or less, of surface and minerals.

## Parcel #1147

T. 16 S., R. 5 W.,

Sec. 19, Lots 1-4.

Containing 160.80 acres, more or less, of surface and minerals.

The above parcels aggregate 14,505.12 acres, more or less of surface and minerals, and 94 of minerals only.

NOW KNOW YE, that there is, therefore, granted by the UNITED STATES, unto **State of Utah School and Institutional Trust Lands Administration**, the land described above; TO HAVE AND the said land with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, then belonging, unto **State of Utah, School and Institutional Trust Lands Administration**, and to its successors and assigns, forever; and

EXCEPTING AND RESERVING TO THE UNITED STATES:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States August 30, 1890 (43 U.S.C. 945).

860-10  
(988)

J-79162-FD

Domestic livestock grazing use by Ray Edward Lyman, as holder of grazing permit No. 43311 Sugarville Allotment (#04409). The right of the permittee to graze livestock pursuant to the conditions of their permit and this clause shall expire on 1/31/2007. Annual fees based on 131 ar months (AUMs) for grazing use of subject permit in an amount to coincide with the authorized grazing fees as published annually in the Federal Register, shall be paid to the Patentee.

Further subject to all applicable provisions of that certain Utah West Desert Land Exchange Act Public Law 106-301 (114 Stat. 1059).

IN TESTIMONY WHEREOF, the undersigned authorized officer of the Bureau of Land Management, in accordance with the provisions of the Act of June 17, 1947 (476), has, in the name of the United States, caused these letters to be made and the Seal of the Bureau to be hereunto affixed.

GIVEN under my hand, in Salt Lake City, Utah  
the Nineteenth day of January  
in the year of our Lord two thousand and One of the Independence  
of the United States the two hundred and Twenty-Fifth

By Sally Wisely  
Sally Wisely  
State Director



Permit Number 43-2001-0014



WHEN RECORDED, RETURN TO:  
UTAH SCHOOL & INSTITUTIONAL  
TRUST LANDS ADMINISTRATION  
675 East 500 South, Suite 500  
Salt Lake City, UT 84102

Form 1860-9  
(January 1988)

# The United States of America

To all to whom these presents shall come, Greeting:

UTU-79162-FD

WHEREAS,

**State of Utah, School and Institutional Trust Lands Administration**

is entitled to a land patent pursuant to Section 206 of the Act of October 21, 1976 (90 Stat. 2756; 43 U.S.C. 1716) as amended by the Act of August 20, 1988 (102 Stat. 1086-1094; 43 U.S.C. 1716, 1740), and pursuant to the Utah West Desert Land Exchange Act of 2000, Public Law 106-301 (114 Stat. 1059), for the following described land in Millard County:

Oak City Block  
Salt Lake Meridian, Utah

Parcel #1148  
T. 17 S., R. 5 W.,  
Sec. 11, SW $\frac{1}{4}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ .  
Containing 80.00 acres, more or less, of surface and minerals.

Parcel #1149  
T. 17 S., R. 5 W.,  
Sec. 12, Lots 5-9, SW $\frac{1}{4}$ SW $\frac{1}{4}$ .  
Containing 259.73 acres, more or less, of surface and minerals.

Parcel #1150  
T. 17 S., R. 5 W.,  
Sec. 13, Lots 4-6, 11, 12, SE $\frac{1}{4}$ NW $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ .  
Containing 333.61 acres, more or less, of surface and minerals.

Parcel #1151  
T. 17 S., R. 5 W.,  
Sec. 14, SW $\frac{1}{4}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ .  
Containing 440.00 acres, more or less, of surface and minerals.

Patent Number 43-2001-0018

RECORDED BY 00360 BY 00377-01004  
MILLARD COUNTY RECORDS - CORRECTION  
2001 JAN 24 10:15 AM PEE  
REQUEST: STATE OF UTAH

UTU-79162-FD

**Parcel #1178**

T. 18 S., R. 5 W.,

Sec. 10, N $\frac{1}{2}$ .

Containing 320.00 acres, more or less, of surface and minerals.

**Parcel #1179**

T. 18 S., R. 5 W.,

Sec. 11, Lots 1-6, S $\frac{1}{2}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ S $\frac{1}{2}$ .

Containing 486.69 acres, more or less, of surface and minerals.

**Parcel #1180**

T. 18 S., R. 5 W.,

Sec. 12, Lots 1-8, S $\frac{1}{2}$  (All).

Containing 641.79 acres, more or less, of surface and minerals.

**Parcel #1181**

T. 19 S., R. 4 W.,

Sec. 4, Lots 1-3, 5-8, 10-12.

Containing 374.54 acres, more or less, of surface and minerals.

The above parcels aggregate 13,626.41 acres, more or less of surface and minerals.

NOW KNOW YE, that there is, therefore, granted by the UNITED STATES, unto State of Utah, School and Institutional Trust Lands Administration, the land described above; TO HAVE AND TO HOLD the said land with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto in anywise belonging, unto State of Utah, School and Institutional Trust Lands Administration, and to its successors and assigns, forever; and

EXCEPTING AND RESERVING TO THE UNITED STATES:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States. August 30, 1890 (43 U.S.C. 945).

SUBJECT TO:

1. Those rights for a reservoir, granted to Central Utah Water Company, its successors and assigns by right-of-way number SL-027231, pursuant to the Act of March 3, 1891 (30 Stat. 404), as to the NE $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , Section 15; SE $\frac{1}{4}$ , Section 21; W $\frac{1}{2}$ NW $\frac{1}{4}$ , Section 22; W $\frac{1}{2}$ NE $\frac{1}{4}$ , Section 23; SE $\frac{1}{4}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , Section 33, T. 17 S., R. 5 W., (Parcels #1152-1154, 1158, 1159);
2. Those rights for a material site, granted to the Federal Highway Administration, by right-of-way UTU-029783, pursuant to Section 307 of the Act of October 21, 1976 (90 Stat. 2766; 43 U.S.C. 1607(d)) and the Act of August 27, 1958, as amended, Sections 107(d) and 317 of Title 23 of the United States Code (72 Stat. 885.892 and 916), as to Lot 8 and 9, Section 12, T. 17 S., R. 5 W., (Parcel #1154).

43-2001-0018

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11988)

U-79162-FD

Further subject to all applicable provisions of that certain Utah West Desert Land Exchange Act of 1948, Public Law 106-301 (114 Stat. 1059).



IN TESTIMONY WHEREOF, the undersigned authorized officer of the Bureau of Land Management, in accordance with the provisions of the Act of June 17, 1948 (64 Stat. 476), has, in the name of the United States, caused these letters to be made Patent and the Seal of the Bureau to be hereunto affixed.

GIVEN under my hand, in Salt Lake City, Utah  
the Nineteenth day of January  
in the year of our Lord two thousand and One of the Independence  
of the United States the two hundred and Twenty-Fifth

By Sally Wisely  
Sally Wisely  
State Director

Patent Number 43-2001-0018