

ACTION: Consideration for a Non-Exclusive Roadway Easement

Application No.: 8513; Sec. 4, T19N, R81W, Carbon County

Consideration: \$16,023.01 based on \$40.50/rod for new road (MV)
30' wide, 6,528' long, 395.63 rods

AUTHORITY: W. S. 36-9-118; W. S. 36-9-120; Rules Chapter 3, Section 7(e)

ALTERNATIVES:

- Approve Application
- Deny Application

ANALYSIS:

Iron Bar Holdings, LLC, has applied for a non-exclusive roadway easement across state trust lands in the NE4 & E2SE4 of Section 4, T19N, R81W, of which they lease under State Grazing Lease No. 3-7057.

The purpose of the easement is to provide Iron Bar Holdings (IBH) additional ranch use access to both ends of the ranch, as stated in the application and cover letter (see attached).

Upon receipt of the application, IBH was contacted by the Office of State Lands & Investments (OSLI) and informed that an on-site inspection would be necessary before preliminary or Board approval could be granted. On August 1st, prior to the on-site inspection, the Office received complaints from adjoining landowners that IBH was in the process of blading/cutting a portion of the road located on the State land. IBH was immediately notified by the OSLI to cease and desist all current activity until an inspection could be scheduled for the proposed roadway. (See attached pictures)

Michael Henn, OSLI Field Inspector, met with Mr. Danny Prow, Ranch Manager for IBH, on August 10, 2011 and found that blade work on the proposed road had occurred in the SE corner of the state section prior to approval. Mr. Henn states in his field report that the applicant currently has access to their deeded lands via County Road 404, a/k/a Pass Creek Road. According to Mr. Prow, the proposed road would be used primarily for ranch duties, using ATVs and occasionally a full size truck. It would also benefit IBH by not having to use County Road 404, which is a much further distance to drive, especially if there is an emergency. (See attached map)

After conducting a field inspection and a thorough office review of the application, the proposed roadway easement does not appear to be essential for the purposes as stated in the application and by IBH personnel. Therefore, the Director recommends the Board deny the roadway easement application and that the applicant reclaim the bladed portion on the state land back to its original condition with consultation from this Office.

DIRECTOR'S RECOMMENDATION:

The Director recommends that the Application for a non-exclusive roadway easement be denied and the applicant be made to reclaim the state parcel back to its original condition with consultation with this Office.

BOARD ACTION: _____

STATE OF WYOMING
EASEMENT APPLICATION FOR
ROADWAY

APPLICATION NO. 8513
(Assigned by Office)

County:
Company Project Reference:

Name: IRON BAR Holdings LLC
Address: P.O. Box 36
ELK MOUNTAIN WY. 82324
Agent: DANNYL PROW
Address: P.O. Box 36
ELK MOUNTAIN WY. 82324

Phone: 307-348-7140
Fax: 307-348-7167
E-Mail: EMROFFICE@YAHOO.COM
Phone: 307-348-7140
Fax: 307-348-7167
E-Mail: EMROMGR@YAHOO.COM

1. LEGAL DESCRIPTION OF STATE LAND TRAVERSED BY PROPOSED EASEMENT

Table with 8 columns: Legal Description, Sec., Twp., Rng., Length/ft., County, Acres, Rods:\$. Row 1: NE 1/4, 4, 19N, 81W, 6528, CARBON, 4.49, 395.63. Row 2: \$16,023.01. Row 3: 12,017.25.

(If needed, use additional sheet)

NOTE: Attach an 8.5" X 14" copy of a U S G S topographic map with the route delineated (indicate origin). Indicate on map any other roads available for entry to your deeded land. (If you need assistance obtaining a topographic map call Tina Vigil at 307-777-6521)

2. Description of Proposed Easement:

- a. Specific purpose: RANCH USE
b. Point of origin: SEC 33 T20N R81W - SEC 9 T19N R81W
c. Destination: SEC 9 T19N R81W - SEC 33 T20N R81W
d. Why needed on State Land: ACCESS BOTH ENDS OF THE RANCH
e. This roadway will benefit, Section Township Range where it enters my deeded land. SEC DEED
f. Length in feet: 6528 Width in feet: 30' (40.50/rod)
3. Consideration offered the State for the easement: \$ 1.35/ft./rod rod/foot/acre.
4. I certify that I have paid \$ 0 rod/foot/acre to land owners in the area pertaining to this easement.
5. For New Road only -Surface Impact Paid to Surface Lessee: \$ Lease on Check No.
6. Is there an existing roadway? [] Yes [X] No
7. This roadway will be used for: [] single family dwelling; [] homeowner's association; [X] ranching operations [] public roadway; [] other
8. Are your requesting preliminary approval? [] Yes [X] No

Other instructions:

- 1). The survey is not required before approval, but if the survey is complete, attach the survey plat prepared in accordance with the Survey Plat Instructions, together with legal narrative. (An 8 1/2 X 14 Topo is required)
2). Include proof of ownership of deeded land the road is to benefit.
3). If this road requires other easements include documentation that you have obtained said easements

This form must be fully completed and be accompanied by the executed Lessee Comment Form
If not, all will be returned

Signature of Applicant (Handwritten Signature)

Date: 5/16/11

Preliminary Approval by the Director of Office of State Lands & Investments

Date

ELK MOUNTAIN CONSULTING LLC

Elk Mountain Ranch

McKee Ranch

Vickers Complex

OH Ranch

June 6, 2011

State of Wyoming
Office of State Lands & Investments
122 West 25th
Cheyenne, WY 82324

Re: Easement application 3-7057

Dear Tina,

Here is the Easement Application for the Roadway. We are applying for a 30 foot wide easement, when finished the road may only be 12 to 20 foot wide. This road will primarily be used for ranch duties, using ATVs, and the occasional full size truck, giving us access to other ranch property.

This easement will benefit us from using the County Rd. 404, which is a long way around, especially if there is an emergency.

Thank you for all the time you have given me in completing this application. Please give me a call if you have any further questions.

Best regards,



Danny L. Prow
Ranch Manager

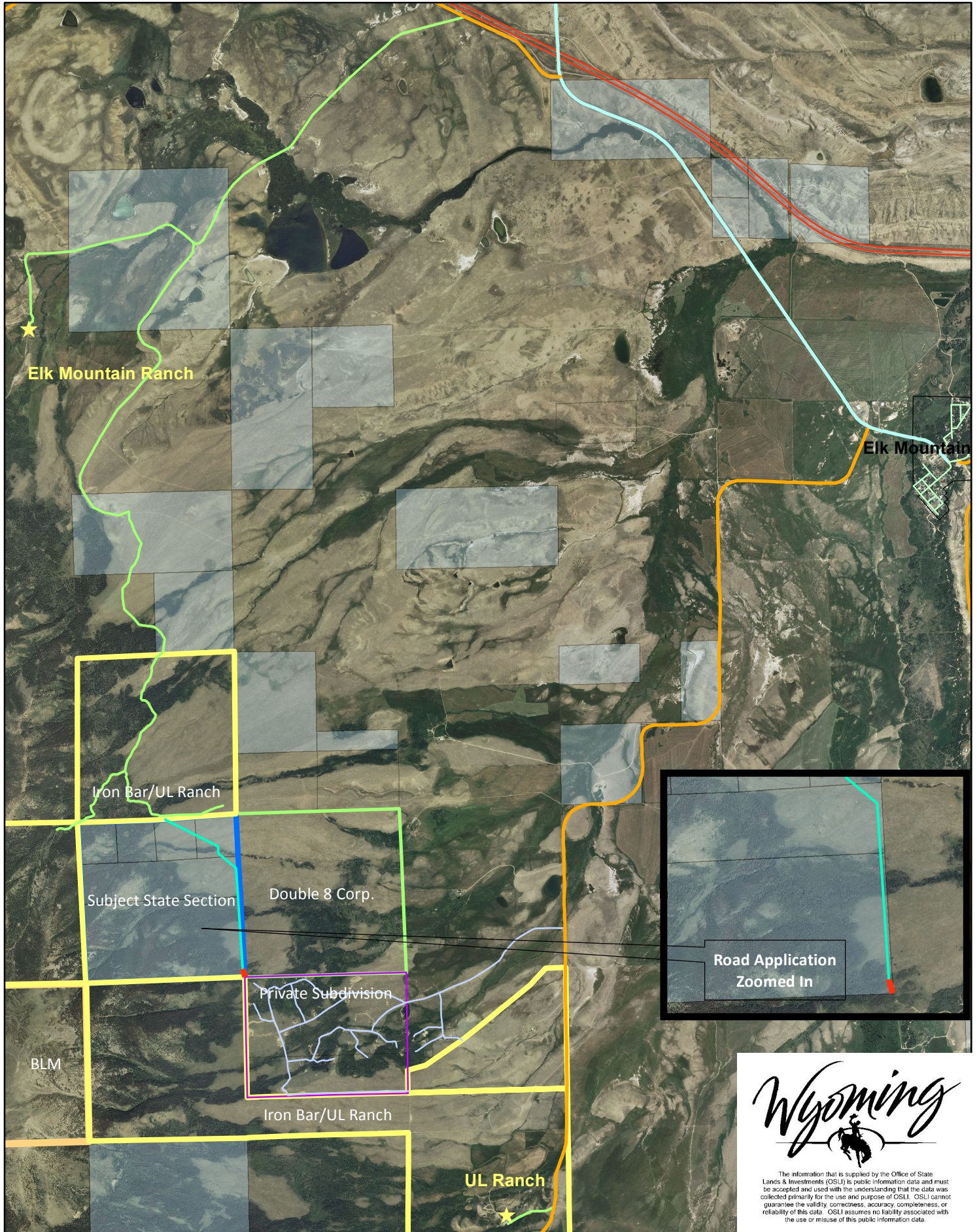
enclosure: application
cc: file

STATE OF WYOMING
OFFICE OF STATE LANDS & INVESTMENTS

Elk Mountain Ranch/Iron Bar Holdings

Proposed Easement 8513

Sec. 4 T.19N., R.81W.



Ownership

- State Surface
- Iron Bar/UL Ranch
- Subject State Section
- Private Subdivision
- Double 8 Corp.
- BLM

Easement

- Proposed Road Application
- Bladed
- Other Road

Roads

- COUNTY ROAD
- INTERSTATE HIGHWAY
- PRIVATE
- STATE HWY



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Date: 9/13/2011

2009 Aerial Photography
Cartographer: Lisa Reinhart



