

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

RIGHT-OF-WAY GRANT/TEMPORARY USE PERMIT

Issuing Office  
Spokane District

Serial Number  
WAOR 67571

1. A (right-of-way) (permit) is hereby granted pursuant to:

- a.  Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761);
- b.  Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185);
- c.  Other (describe) \_\_\_\_\_

2. Nature of Interest:

a. By this instrument, the holder Maughan et al LLC receives a right to construct, operate, maintain, and terminate a road access right-of-way on public lands (or Federal land for MLA Rights-of-Way) described as follows:

**Willamette Meridan, Kittitas County, Washington**

**T. 16 N., R. 19 E., sec. 20, SE¼SW¼.**

RECEIVED

OCT 29 2013

KITTITAS COUNTY  
CDS

b. The right-of-way or permit area granted herein is 40 feet wide, 166.86 feet long and contains .15 acres, more or less. If a site type facility, the facility contains \_\_\_\_\_ acres.

c. This instrument shall terminate on December 31, 2042, 29.17 years from its effective date unless, prior thereto, it is relinquished, abandoned, terminated, or modified pursuant to the terms and conditions of this instrument or of any applicable Federal law or regulation.

d. This instrument  may  may not be renewed. If renewed, the right-of-way or permit shall be subject to the regulations existing at the time of renewal and any other terms and conditions that the authorized officer deems necessary to protect the public interest. (\*see page 2.)

e. Notwithstanding the expiration of this instrument or any renewal thereof, early relinquishment, abandonment, or termination, the provisions of this instrument, to the extent applicable, shall continue in effect and shall be binding on the holder, its successors, or assigns, until they have fully satisfied the obligations and/or liabilities accruing herein before or on account of the expiration, or prior termination, of the grant.

3. Rental:

For and in consideration of the rights granted, the holder agrees to pay the Bureau of Land Management fair market value rental as determined by the authorized officer unless specifically exempted from such payment by regulation. Provided, however, that the rental may be adjusted by the authorized officer, whenever necessary, to reflect changes in the fair market rental value as determined by the application of sound business management principles, and so far as practicable and feasible, in accordance with comparable commercial practices.

4. Terms and Conditions:

- a. This grant or permit is issued subject to the holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations parts 2800 and 2880.
- b. Upon grant termination by the authorized officer, all improvements shall be removed from the public lands within 180 days, or otherwise disposed of as provided in paragraph (4)(d) or as directed by the authorized officer.
- c. Each grant issued pursuant to the authority of paragraph (1)(a) for a term of 20 years or more shall, at a minimum, be reviewed by the authorized officer at the end of the 20th year and at regular intervals thereafter not to exceed 10 years. Provided, however, that a right-of-way or permit granted herein may be reviewed at any time deemed necessary by the authorized officer.
- d. The stipulations, plans, maps, or designs set forth in Exhibit(s) A-1, A-2, & B, dated 09/11/2013, attached hereto, are incorporated into and made a part of this grant instrument as fully and effectively as if they were set forth herein in their entirety.
- e. Failure of the holder to comply with applicable law or any provision of this right-of-way grant or permit shall constitute grounds for suspension or termination thereof.
- f. The holder shall perform all operations in a good and workmanlike manner so as to ensure protection of the environment and the health and safety of the public.

\*2.d. If a right-of-way does not specify that it is renewable, the holder may still request that it be renewed. However, the BLM is under no obligation to do so. The application must be made at least 120 days prior to expiration using form SF-299.

IN WITNESS WHEREOF, The undersigned agrees to the terms and conditions of this right-of-way grant or permit.

Mayham Et Al LLC  
 By Mary Mayham (Signature of Holder)  
MANAGING MEMBER -  
 (Title)

Sept 25, 2013  
 (Date)

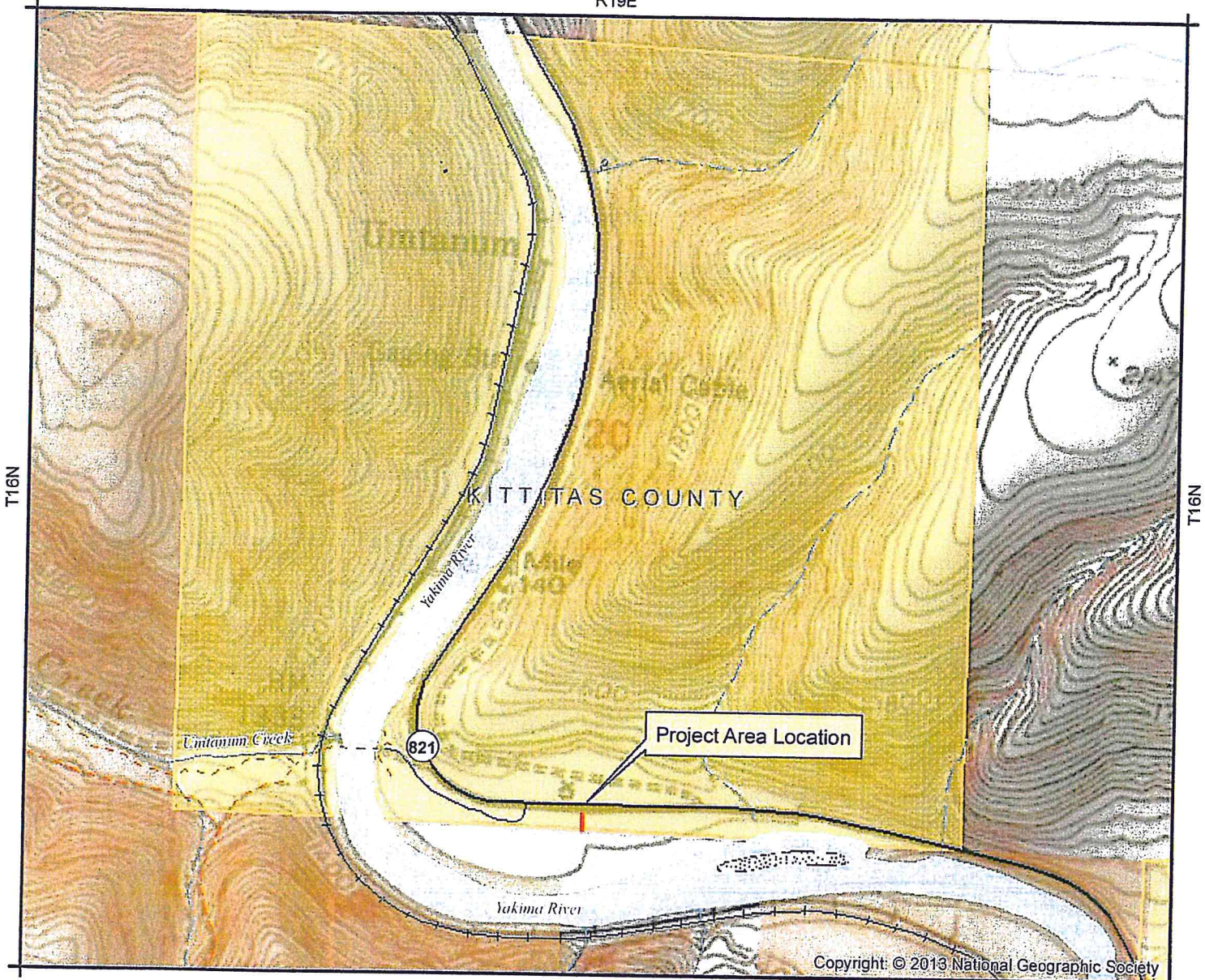
Linda Carter - Markle  
 (Signature of Authorized Officer)  
Wenatchee Field Manager  
 (Title)

10/18/13  
 (Effective Date of Grant)

# Exhibit A-1

WAOR 67571 - Maughan et.al. LLC  
Access Road

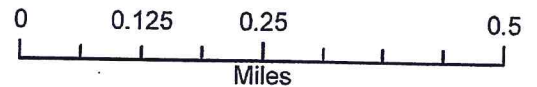
R19E



R19E

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Willamette Meridian,  
Kittitas County, Washington  
T. 16 N., R. 19 E., sec. 20, SE¼SW¼  
166.86 feet long, 40 feet wide, 0.15 acres



Dated: 9/11/2013



## Legend

- Bureau of Land Management
- WA Dept. of Natural Resources
- WA Dept. of Fish and Wildlife
- Proposed Access Road



USDI - Bureau of Land Management  
Spokane District Office  
1103 N. Fancher Rd.  
Spokane Valley, WA 99212  
(509) 536 - 1200

No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual or aggregate use with other data. Original data were compiled from various sources and may be updated without notification.





# United States Department of the Interior

BUREAU OF LAND MANAGEMENT  
Spokane District  
Wenatchee Field Office  
915 Walla Walla Avenue  
Wenatchee, Washington 98801

IN REPLY REFER TO:

WAOR 67571  
2800 (ORW020)

October 18, 2013

**CERTIFIED MAIL - Return Receipt No. 7012 1010 0001 4374 3268:**

## DECISION

Mr. Ethan Maughan :  
Maughan et.al. LLC : Right-of-Way Grant WAOR 67571  
22591 RD M SW :  
Mattawa, WA 99349 :

Right-of-Way Grant WAOR 67571 Issued  
Monitoring Fee Determined  
Rental Fee Determined

It is my decision to authorize a right-of-way grant to the Maughan et.al. LLC, under authority of Title V of the Federal Land Policy and Management Act of 1976 for a 166.86 foot long by 40 foot wide access road right-of-way.

The applicant has proposed construct an access road to two landlocked parcels. The proposed right-of-way would allow an access road to be constructed from SR 821, to the south across BLM property to access the currently landlocked parcels. All of the land between SR821 and these parcels is managed by the Bureau of Land Management (BLM).

Prior to 1996 it was understood that the private property owned by the applicant extended to SR821 with no BLM lands intervening. Two informal dirt access roads, one on the east end of the property and another that joined the current BLM Umtanum access road near the west side of the property, were used to access the private property. In 1996 a re-survey of the land moved the property line to the South approximately 170 feet with the result that all historical road access to the private property crossed BLM land. In 2006 both access roads were blocked by the BLM. The west access remains permanently blocked. The eastern access has a BLM

locked gate but is periodically authorized for use by the applicant with a BLM letter of authorization, and by the private land lessee, with a valid BLM Special Recreation Permit.

I have reviewed the BLM's National Environmental Policy Act documentation for this action, Environmental Assessment (EA) No. DOI-BLM-OR134-2013-0016-EA. The EA considered two alternatives: the No Action Alternative and the Proposed Action. The No Action Alternative was not selected because it would not allow the applicant to obtain a formal authorization to access their property and the existing issues associated with the historic access routes would remain. The proposed action analyzed in this EA, to issue an access road right-of-way grant to Maughan et. al. LLC., is approved by this Decision.

Enclosed is a copy of your executed right-of-way (ROW) grant, serial number WAOR 67571, which authorizes the construction, operation and maintenance of the proposed access road. The right-of-way grant was approved by the Bureau of Land Management (BLM) on October 18, 2013.

The advance rent for the right-of-way was determined to be \$ 307.16 for the period from the date of the grant to December 31, 2022. The monitoring fee for the right-of-way was determined to be Category 2, resulting in a fee of \$410.00 for a total amount of \$717.16. Both of these amounts have been received and a receipt will be mailed to you.

The issuance of this right-of-way grant may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations at 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (at the above address) within 30 days from receipt of this decision. The appellant has the burden of proof of showing that the decision appealed from is in error.

If you wish to file a petition (request) pursuant to regulation 43 CFR 2801.10 or 43 CFR 2881.10 for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

#### Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,