

APPLICATION FOR SURFACE USE AGREEMENT

To be used when an operator is requesting a new Surface Use Agreement on the Southern Ute Indian Reservation located on Tribal Trust Lands. One (1) executed original must be submitted along with an electronic PDF copy and the form must be complete as to the following:

- A. Applicant's Name / Address
- B. General Location (legal description Township, Range, Section to QQ)
- C. Surface Use Agreement Acreage
- D. Purpose of Surface Use Agreement (short paragraph describing details and need for the Surface Use Agreement)
- E. Term of the Surface Use Agreement (10 years per BIA regulations)
- F. Compliance with required supporting documents 25 CFR 162
- G. Compliance with tribal requirements
- H. Applicants Name and Point of Contact at bottom of form filled out
- I. **ALL SURFACE USE AGREEMENT APPLICATIONS SHALL INCLUDE ATTACHED STAMPED SURVEY PLATS WITH METES AND BOUNDS LEGAL DESCRIPTIONS**

The documents will be reviewed by the Southern Ute Indian Tribe Department of Energy Land team for accuracy. Once approved the Energy Land Team will prepare the Surface Use Agreement for Growth Fund Management Committee and Tribal Council approval.

APPLICATION FOR SURFACE USE AGREEMENT CHECKLIST

1. Applicant Name and Address is correct _____.
2. General Location correct and accurate (Township, Range, Section to QQ) _____.
3. Surface Use Agreement acreage correct and accurate _____.
4. Purpose filled out with a short paragraph narrative describing the details of the project _____.
5. Term filled out (10 years per BIA Regulations) _____.
6. Stamped survey plats attached to Surface Use Agreement Application _____.
7. Applicant signature block and point of contact is filled out an accurate _____.

**UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
SOUTHERN UTE AGENCY**

APPLICATION FOR SURFACE USE AGREEMENT

SURFACE USE AGREEMENT APPLICATION MUST IDENTIFY [§ 25 CFR 162]:

1. Applicant Name & Address: _____

2. General location (Legal Description to QQ Section): _____
Said Surface Use Agreement is _____ acres in size or area;
3. Purpose: _____
4. Term (Renewal, if applicable): _____
5. Identify ownership of permanent improvement associated with the Surface Use Agreement & the responsibility for constructing, operating, maintaining, and managing; or removal of permanent improvements under §169.104:

REQUIRED SUPPORTING DOCUMENTS [§162]:

1. Accurate legal description of the surface use agreement, its boundaries, & parcels associated with the surface use agreement;
2. A map of definite location of the surface use agreement; (25 CFR 169.102((b)(2)); survey plat signed by professional surveyor or engineer showing the location, size, and extent of the SUA and other related parcels, with respect to each affected parcel of individually owned land, tribal land, or BIA land and with reference to the public surveys under 25 U.S.C.§175, 43 U.S.C. § 2 AND § 1764, and showing existing facilities adjacent to the proposed project.
3. Bond(s), insurance, and/or other security meeting the requirement of §169.103;
4. Record of notice that the surface use agreement was provided to all Indian landowners;
5. Record of consent that the surface use agreement meets the requirements of §169.107, or a statement documenting a request for a surface use agreement without consent under §169.107(b);
6. If applicable, a valuation meeting the requirement of §§169.110, 112, 114;
7. With each application, if the applicant is a corporation, limited liability company, partnership, joint venture, or other legal entity, except a tribal entity, information such as organizational documents, certifications, filing records, and resolutions, demonstrating that:
 - a. The representative has authority to execute the application;
 - b. The surface use agreement will be enforceable against the applicant; and
 - c. The legal entity is in good standing and authorized to conduct business in the jurisdiction where the land is located.
8. Current environmental & archaeological reports, surveys, and site assessments, as needed to facilitate compliance with applicable Federal and tribal environmental and land use requirements;
9. If required, a statement from the appropriate tribal authority that the proposed surface use agreement is in

conformation with applicable tribal law.

TRIBAL REQUIREMENTS

- (a) To take soil and resource conservation and protection measures, including weed control, on the land covered by the surface use agreement.
- (b) To do everything reasonably within its power to prevent and suppress fires on or near the lands to be occupied under the surface use agreement.
- (c) The granted surface use agreement is not transferable without the express written consent of the Southern Ute Indian Tribe.
- (d) Compliance with the terms, conditions, or restrictions set out in the Tribal Council consent resolution and in the Tribe's General Stipulations, signed by GRANTEE.
- (e) The approval of the Surface Use Agreement shall be conditioned upon the continued measurement of lease product volumes at the wellhead without further reduction in volume as the basis for the payment of Tribal and/or Allotted royalty & Tribal severance tax.

THE APPLICANT FURTHER STIPULATES AND EXPRESSLY AGREES AS FOLLOWS:

To conform and to abide by all applicable requirements with respect to the surface use agreement herein appliedfor. The applicant agrees to conform to and abide by the rules, regulations, and requirements contained in the *Code of Federal Regulations*, Title 25 Indians, Part 162, as amended, and by reference includes such rules, regulations and requirements as a part of this application to the same effect as if the same were herein set out in full.

APPLICANT: _____ (Authorized Signature)
 _____ (Print Name)
 _____ (Applicant Title)
 _____ (Date)

Applicant Point of Contact Information:
 Name: _____
 Address: _____
 City/State/Zip Code: _____
 Telephone and Fax #: _____
 Email: _____