TERM GRAZING POMIT - PARTS 1 TO 3 (Reference FSM 2230)

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Perme e Number Permit Number 12239

				PART 1		
DNH Car	ttle Co., LLC		0			hereinafter
	(Name of Per	mittee)		(Post (Office Address, Including Zip)	111
called the pe	ermittee, is her	eby authorized	l to graze live	stock owned b	y the permittee upon designate	d lands
	by the Forest	Service within		Fonto		(appropriate box)
[X]Nationa	l Forest	[] Nationa	l Grassland	under t	he following terms and condition	ins:
						and the state of
1. Descripti	ion of range.	The livestock	shall be graze	d only upon th	e area described as follows: de	scribed
on attached p	page and/or de	lineated on the	attached map	p dated	4/15/2010 , wh	ich is part of this
permit. (Str.	ike out item or	items not app	licable.)			
2 20					The same and the the Heaville	oak are permitted to
2. The number	ber, kind, and	class of livesto	ck, period of	use, and grazu	ng allotment on which the livest	ock are permitted to
					for Collection: GRAZING ALL	OTMENT
	LIVESTOCK		PERIOD		GRAZING ALL	OTMENT
NUMBER	KIND	CLASS	FROM	TO	Principles	
314	Cattle	Cow / Calf	3/1	2/28	Superior	
174	Cattle	Yearlings	1/1	5/31	Superior	
notice, for fregulations thereunder; and amendar relating to be values when otherwise man Executive of because of a cancellation	ailure to comp of the Secretar or for knowing nents thereto; of exercising the nodified, at any order, allotmen	ly with any of y of Agricultu gly and willing or for conviction of and to protee e grazing use a time during to tomanagement tions, or the la e appealed pur	the terms and re on which the gly making a foot for failure ction of air, we tuthorized by the term to cor- plans, land me and described suant to 36 CI	conditions spenis permit is batales statement to comply with a ler, soils and the permit. The form with need an agement plate otherwise being the permit of the conditions of the permit of the perm		f, or any of the t officers issued te's grazing application, State and local laws d other environmental in whole or in part, or tw, regulation. Issues of use necessary
		AND DEVE	WED	/01	RMIT	
CYCLY A TOTAL	I E RE OF PERM	HAVE REVIE	MED A	(6)	CMIT	DATE
SIGNATU	KE UF PERA	HITEE OR	HIS A	1 = 1		12/16/19
$\mathbb{P}(D)$)					10116117
SICNATII	RE OF FORE	ST OFFICE	R NAT	ME (PRINT)	(b) (6) TITLE	DATE
SIGNATU	a Control	DI CHILL		k Sando	District Ranger	
M	9 5	1		110000		12/18/19

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TERM GRAZING PERMIT - PARTS 1 TO 3

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PART 2 - GENERAL TERMS AND CONDITIONS

- Validation of Permit. The issuance of a Bill for Collection, payment of fees and actual turning on at least 90 percent of livestock the first grazing season after the permit is issued will validate this permit for the number, kind, and class of livestock, grazing allotment, and period of use for the particular year.
- 2. <u>Bill for Collection</u>. Each year, after validation and prior to the beginning of the grazing season, the Forest Service will send the permittee a Bill for Collection specifying for the current year the kind, number, and class of livestock allowed to graze, the period of use, the grazing allotment, and the grazing fees. This bill, when paid, authorizes use for that year and becomes part of this permit.
- 3. Payment of Fees. The permittee will not allow owned or controlled livestock to be on Forest Service-administered lands unless the fees specified in the Bill for Collection are paid.
- 4. Administrative Offset and Credit Reporting. Pursuant to 31 USC 3716 and CFR Part 3, Subpart B, any monies that are payable or may become payable from the United States, under this permit, to any person or legal entity not an agency or subdivision of a State or local government may be subject to administrative offset for the collection of a delinquent debt the person or legal entity owes to the United States. Information on the person's or legal entity's responsibility for a commercial debt or delinquent consumer debt owed the United States shall be disclosed to consumer or credit reporting agencies.
- 5. Interest, Penalty, and Administrative Costs. Pursuant to 31 USC 3717 and 7 CFR Part 3, Subpart B, interest shall be charged on any payment or fee amount not paid within 30 days from the date the payment was due. Interest shall be charged using the most current rate prescribed by the United States Department of the Treasury Fiscal Requirements Manual (TFRM-6-8020.20). Interest shall accrue from the date the payment was due. In addition, in the event the account becomes delinquent, administrative costs may be assessed. A penalty of 6 percent per year shall be assessed on any payment or fee amount overdue in excess of 90 days from the date the first billing was due. Payments will be credited on the date received by the designated collection officer or deposit location. If the due date(s) for any of the above payments falls on a non-workday, the charges shall not apply until the close of business on the next workday.
- 6. Term of Permit. This permit is effective until __12/31/2029 ___ unless waived, cancelled, or otherwise terminated as provided herein. The permittee has first priority for receipt of new permit at the end of the term subject to modification deemed necessary by the Forest Service.

In order to update terms and conditions, this permit may be cancelled at **any time** provided a **new permit** is **issued** to the existing permit holder for a new term of 10 years **following this update**.

7. Ownership Requirement.

(a) Only livestock owned by the permittee are authorized to graze under this permit. To exercise use of the permit, the permittee will furnish all evidence of ownership requested by the Forest Service. Livestock purchased and subsequently sold back to the original owner, or to an agent, assignee, or anyone representing or acting in concert with the original owner, within a 24-month period without prior written approval by the Forest officer in charge will not be considered valid ownership of the livestock.

Base property owned and used by the permittee to qualify for a term grazing permit must meet minimum base property requirements approved by the officer in charge. The base property for the term portion of this permit is identified as follows, HES Survey #168 in Section 22, 2S-12E 35.58 acres. Changes in the designation of base property must be applied for and approved, in writing, by the District Ranger.

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8. Range and Livestock Management.

- (a) The allotment management plan for the land described on page 1, Part 1 is part of the permit, and the permittee will carry out its provisions, other instructions, or both as issued by the Forest officer in charge for the area under permit and will require employees, agents, and contractors and subcontractors do likewise.
- (b) The number, kind, and class of livestock, period of use, and grazing allotment specified in the permit may be modified when determined by the Forest Officer in charge to be needed for resource protection. Except in extreme emergencies where resource conditions are being seriously affected by livestock use or other factors, such as fire, drought, or insect damage, notice of a scheduled reduction of numbers of livestock or period of use under a term permit will be given one (1) full year before a modification in permitted numbers or period of use becomes effective. This does not apply to annual adjustment in grazing as provided for in Section 8(c).
- (c) When, in the judgment of the Forest Officer in charge, the forage is not ready to be grazed at the beginning of the designated grazing season, the permittee, upon request of the Forest officer, will defer placing livestock on the grazing allotment to avoid damage to the resources. The permittee will remove livestock from Forest Service-administered lands before the expiration of the designated grazing season upon request of the Forest officer when it is apparent that further grazing will damage the resources.
- (d) The permittee will allow only the numbers, kind, and class of livestock on the allotment during the period specified in Part 1 hereof or the annual Bill for Collection, including any modifications made as provided for in Section 8(c). If livestock owned by the permittee are found to be grazing on the allotment in greater numbers, or at times or places other than permitted in Part 1 hereof, or specified on the annual Bill for Collection, the permittee shall be billed for excess use at the unauthorized use rate and may face suspension or cancellation of this permit.
- (e) The permittee will not allow owned or controlled livestock to be upon any area of Forest Serviceadministered lands not described in either Part 1 hereof or the annual Bill for Collection.
- (f) The Forest officer in charge may, at any time, place or fasten or require the permittee to place or fasten upon livestock covered by this permit appropriate marks or tags that will identify them as livestock permitted to graze on lands administered by the Forest Service. All livestock, except horses and sheep, are required to be branded with the brand of registry designated in the Application for Term Grazing, in accordance to Arizona Brand laws and regulations. When requested by the Forest officer, the permittee will, at any time during the permitted period of use, including entry and removal dates, gather permitted livestock to enable an accurate count to be made thereof. The Forest Service may, at its option, gather and hold for counting all livestock grazing on the allotment.
- (g) Only livestock marked, tagged, or branded as shown in the application upon which this permit is based, and as may be required under Section 8(f), will be allowed to graze under this permit unless the permittee has advance written approval from the Forest officer in charge to do otherwise.
- (h) The permittee will pay the costs of, perform, or otherwise provide for the proportionate share of cooperative improvements and management practices on the permitted area when determined by the Forest officer in charge that such improvements and practices are essential to proper protection and management of the resources administered by the Forest Service.

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- (i) This permit is issued and accepted with the provision that the permittee will maintain all range improvements, whether private or Government-owned, that are assigned for maintenance to standards of repair, orderliness, and safety acceptable to the Forest Service. Improvements to be maintained and acceptable to maintenance are specified in Part 3 of this permit. The Government may maintain or otherwise improve said improvements when, in its opinion, such action will be to its advantage.
- 9. Nonuse. At least 90 percent of the livestock permitted must be grazed each year, unless the Forest officer in charge approves nonuse. Failure to place livestock on the allotted range/pasture without approved nonuse may result in cancellation of the term grazing permit in whole or in part.
- 10. Protection. The permittee, or the permittees' agents and employees, when acting within the scope of their employment, and contractors and subcontractors will protect the land and property of the United States and other land under jurisdiction of the Forest Service covered by and used in conjunction with this permit. Protection will include taking all reasonable precautions to prevent, make diligent efforts to suppress, and report promptly all fires on or endangering such land and property. The permittee will pay the United States for any damage to its land or property, including range improvements, resulting from negligence or from violation of the provisions and requirements of this permit or any law or regulation applicable to the National Forests System.

11. General.

- (a) The Forest officer in charge may at any time require the permittee to give good and sufficient bond to insure payment for all damage or costs to prevent or mitigate damages sustained by the United States through the permittee's failure to comply with the provisions and requirements of this permit or the regulations of the Secretary on which it is based.
- (b) This permit will be cancelled, in whole or in part, whenever the area described in this permit is withdrawn from the National Forest System by land exchange, modification of boundaries, or otherwise, or whenever the area described in this permit is to be devoted to a public purpose that precludes grazing.
- (c) The permittee will immediately notify the Forest officer in charge of any change in control of base property, ownership of livestock, or other qualifications to hold this grazing permit.
- (d) The permanent improvements constructed or existing for use in conjunction with this permit are the property of the United States Government unless specifically designated otherwise or covered by a cooperative agreement. They will not be removed nor compensated for upon cancellation of this permit, except in the National Forests in the 16 contiguous Western States when cancelled, in whole or in part, to devote land to another public purpose including disposal. In the event of such cancellation on the National Forests in the 16 Contiguous Western States, the permittee will be compensated for the adjusted value of approved range improvements installed or placed by him.
- (e) The permittee may not transfer, assign, lease, or sublet this permit in whole or part.
- (f) This permit includes the terms and conditions of Part 3 hereof, consisting of page 5 through _14____ which follow.

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PART 3 - SPECIAL TERMS AND CONDITIONS

Authorization Required. Each Year the permittee will file with the District Ranger an application for changes from the
use specified in the term grazing permit. It is to be submitted substantially in advance of the desired grazing season.
Approval of the application, in whole or in part, will reflect in the ensuing Bill for Collection.

If Fees assessed through the Bill of Collection are not paid by the date specified thereon and livestock are placed on (or in the case of yearlong permits, are one) the allotment, term permit numbers and/or season of use may be suspended and/or cancelled. In addition, grazing use by livestock during the delinquent period will be assessed at the "excess use rate" minus regular fees if already paid and applicable.

- 2. <u>Maintenance of Range Improvements</u>. Permittee maintenance assignments are shown on the attached pages of this permit and are further identified on the map which accompanies this permit.
- 3. <u>Livestock grazed in excess of the numbers, outside the period of use, or of a class or kind not authorized in the current Bill for Collection.</u>
 - a. When the annual application is approved, in whole or in part, livestock grazed in excess of authorized numbers must be removed from lands of the National Forest System. Grazing use by excess livestock must be assessed at the "excess use or unauthorized use rate". In addition:
 - For the First offense case, the term grazing permit may be suspended or cancelled by the
 percentage of excess numbers exceeding 10% of the current authorized numbers. If the excess is
 110% or greater, total suspension or cancellation will result.
 - For the Second offense case, the term grazing permit will be suspended of cancelled by twice the
 percentage of excess numbers. If excess is 50% or greater, total suspension or cancellation will
 result.
 - iii. For Second offense case occurring during periods of suspension, the term grazing permit will be cancelled by the amount of the suspension in effect or by twice the percentage or excess numbers involved whichever is greater.
 - For additional offenses, the term grazing permit may be cancelled in whole or in part without regard to the percentage of excess.
- 4. The permittee will notify the District Ranger at least 5 days before livestock enter the National Forest System. If requested by the District Ranger, the permittee will present the livestock for counting prior to entry, and at any time thereafter during the permitted season. The District Ranger may round up and hold for counting all permittee-owned livestock on the allotment.
- 5. The Standard, Guidelines, and Management Direction found in the Tonto National Forest Land Management Plan (LMP) applicable to the LMP management areas found within the Superior Allotment, are hereby incorporated by reference as a portion of this permit. The allotment management plan (AMP) for the Superior Allotment approved on 10/29/1979, provides a level of management so rangeland and other related and/or affected resources, within the allotment area, are moving towards the management direction provided in the Tonto National Forest LMP. Upon development of a current AMP, or any subsequent AMP's, the Term Permit will be reissued for another term period with the AMP as part of the permit. The permittee will be required to implement the new AMP to ensure that management of the allotment continues to progress towards, and become fully consistent with the LMP within the time frame of the established schedule.
- 6. Permittee is required to comply with the provisions of the Annual Operating Instructions.
- All calves on the Superior Allotment on January 1st each year will tallied and counted as yearlings against term permitted numbers on this date regardless of actual age.
- 8. The Allotment Management Plan for the Superior Allotment signed by the permittee on 10/04/1979 and approved by the Forest Service Supervisor on 10/29/1979 is hereby made a part of this permit.

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- 9. As condition of this grazing permit, the permittee is required to keep such records of purchases, brandings, sales, losses, and movements of livestock as will enable him to accurately furnish the Forest Service at any time with the numbers by classes of livestock that he has on the National Forest Range.
- 10. In case the permittee desires to graze livestock on lands other than National Forest Status, he is required to have a separate identification mark on the livestock grazed on National Forest Ranges. This is necessary to avoid confusion in record keeping.
- 11. Owners of all livestock grazed under the permit must comply with State livestock laws.
- 12. All salt and meal placed on the Tonto National Forest will be at least a quarter mile away from live or developed water, specifically areas in riparian systems.

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PART 3 - SPECIAL TERMS AND CONDITIONS

Responsibilities for Construction and Maintenance of Structural Improvements or for Range Rehabilitation. Following improvements are all maintained by permittee.

NAME	IMPROVEMENT NUMBER	UNITS	TYPE	MAINTENANCE RESPONSIBILITY
Millsite-Superior Fence	RO2056	11.0	Boundary Fence	Millsite Permit Holder
Millsite-Superior Fence	RO2056	4.5	Boundary Fence	Fence
Superior Devils Canyon Fence	RO1004	4.7	Boundary Fence	Fence
Arnett Horizontal Well	000437	1	Well	Permittee
Pumpwater Dam	000485	1	Stock Tank	Permittee
Hidden Spring	000491	1	Spring, Pipeline, Trough	Permitte
Goatwater Horizontal Well	000492	1	Well	Permittee
Javelina Spring	000497	1	Spring, Pipeline, Trough	Permittee
Ruiz Corral	000498	1	Multiple Pens/Corrals	Permittee
Ruiz Corral Trap Fence	000499	1	Fence	Permittee
Arnett Corral	001136	1	Multiple Pens/Corrals	Permittee
Superior NF Boundary Fence	001753	18.0	Boundary Fence	Permittee
Happy Camp Pasture Fence	001755	5.2	Interior Fence	Permittee
Black Spring Pasture Fence	001756	1.3	Interior Fence	Permittee
TU Pasture Fence	001757	8.5	Interior Fence	Permittee
TU Horse Pasture Fence	001758	1.8	Interior Fence	Permittee
Herron Headquarters Pasture Fence	001759	1.7	Interior Fence	Permittee
Pinal Pasture Fence	001760	1.8	Interior Fence	Permittee
Talley Basin Fence	001761	8	Interior Fence	Permittee
Town Fence	001762	1.3	Interior Fence	Permittee
Cottonwood Pasture Fence	001763		Interior Fence	Permittee
Happy Camp Spring	001764	1	Spring, Pipeline, Trough	Permittee

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Sheep Spring	001765	1	Spring, Pipeline,	Permittee
			Trough	
Bored Well Spring	001766	1	Spring, Pipeline,	Permittee
			Trough	
Telegraph Spring	001767	1	Spring, Pipeline, Concrete	Permittee
		M. Marian	trough	Permittee
Raymert Well	001768	1	Well, Windmill,	remittee
			Pipeline,	
			Trough	5
88 Well	001769	1	Well, Windmill,	Permittee
			Pipeline,	
	National States		Trough	
Alamo Well Spring	001770	1	Well, Windmill,	Permittee
			Pipeline,	THE RESERVE OF THE PARTY OF THE
			Trough	
Cottonwood Well	001771	1	Well, Windmill,	Permittee
COLLOTIVOOG VVCII			Pipeline,	
			Trough	
Fig Spring	001772	1	Spring, Pipeline,	Permittee
			Concrete	
			trough	
O I Carino	001774	1	Spring,	Permittee
Oak Spring	001114		Pipeline,	
			Concrete	
			trough	
	001775	1	Spring,	Permittee
Mud Spring	001775		Pipeline,	
		A CONTRACT	Concrete	The John Control of the State o
		IKI DELEK	trough	The second second second
	204770	1	Spring,	Permittee
Bitter Spring	001776		Pipeline,	
	S TO LEAD THE REAL PROPERTY.	441 - 31-1	Concrete	Market Street
			DESCRIPTION OF THE PERSON OF T	
			trough	Permittee
Silver King Well	001777	1	Well, Windmill,	I eminee
			Pipeline,	
the second second			Trough	D
McGintle Spring	001778	1	Spring,	Permittee
Wiconitie opinig	Mess 1272		Pipeline,	A LONG THE REAL PROPERTY.
SPAR (PAUL ST			Concrete	A THE SAME AND A STREET AND ASSESSMENT
Maria - 1885			trough	
D: 181-11	001770	1	Well, Windmill,	Permittee
Rice Well	001779		Pipeline,	
THE RESERVE	distribution of the second		Trough	
	001780	1	Spring,	Permittee
Perlite Spring	004700		100000000000000000000000000000000000000	- Continues -

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			Pipeline,	
Disclarate - Contra	001701		Trough	Down'the o
Blackwater Spring	001781	1	Spring, Pipeline,	Permittee
			Trough	
Picket Well	001782	1	Well, Windmill,	Permittee
			Pipeline,	
			Trough	
Silverrona Spring	001783	1	Spring,	Permittee
			Pipeline,	
			Trough	
Tunnel Spring	001784	1	Spring, Pipeline, Trough	Permittee
Superior	001785	1	Well, Windmill,	Permittee
Horizontal Well			Pipeline,	- Simulos
TIOTIZOTICAL TTOIL			Trough	
Black Hills Stock	001786	1	Stock Tank	Permittee
Tank				
Comet Stock Tank	001787	1	Stock Tank	Permittee
Midway Stock Tank	001788	1	Stock Tank	Permittee
Tally Stock Tank	001789	1	Stock Tank	Permittee
Powerline Stock	001790	1	Stock Tank	Permittee
Tank				
Dirt Stock Tank	001791	1	Stock Tank	Permittee
Peachville Stock Tank	001792	1	Stock Tank	Permittee
Cedar Stock Tank	001793	1	Stock Tank	Permittee
Javelina Stock	001794	1	Stock Tank	Permittee
Tank	001101			, omittee
Cruxifixion Stock	001795	1	Stock Tank	Permittee
Tank				
Dugan Stock Tank	001796	1	Stock Tank	Permittee
Table Stock Tank	001797	1	Stock Tank	Permittee
Gonzales and	001798	1	Stock Tank	Permittee
Northern Stock				
Tank				
Basin Stock Tank	001799	1	Stock Tank	Permittee
Rock Stock Tank	01800	1	Stock Tank	Permittee
Alamo Stock Tank	001801	1	Stock Tank	Permittee
1				
Lower Railroad	001802	1	Stock Tank	Permittee
Stock Tank				
Highway Stock	001803	1	Stock Tank	Permittee
Tank				
Arboretum Stock	001804	1	Stock Tank	Permittee
Tank				
Lime Stock Tank	001805	1	Stock Tank	Permittee
Mesa Stock Tank	001806	1	Stock Tank	Permittee

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			Ctart Tark	Descritton
Alamo Stock Tank 2	001807	1	Stock Tank	Permittee
ndian Stock Tank	001808	1	Stock Tank	Permittee
Saguaro Stock Tank	001809	1	Stock Tank	Permittee
Telegraph Canyon Corral	001811	1	Multiple Pens/Corrals	Permittee
Reymart Corral	001812	1	Multiple Pens/Corrals	Permittee
Cottonwood Corral	001813	1	Multiple Pens/Corrals	Permittee
Happy Camp Corral	001815	1	Multiple Pens/Corrals	Permittee
Silver King Corral	001817	1	Multiple Pens/Corrals	Permittee
Picket Mill Corral	001816	1	Multiple Pens/Corrals	Permittee
Javelina Corral	001819	1	Multiple Pens/Corrals	Permittee
TU Corral	001820	1	Multiple Pens/Corrals	Permittee
Saquaro Tank 2	002414	1	Stock Tank	Permittee
Montana Mountain/ Silver King Fence	002461		Interior Fence	Permittee
Potts Canyon Cattle Guard	002462	1	Cattle Guard	Permittee
Happy Camp Cattle Guard	002463	1	Cattle Guard	Permittee
Silver King Cattle Guard	002464	1	Cattle Guard	Permittee
Arnett WD	002480	1	Well, Pipeline, Trough	Permittee
Wildhorse Horizontal Well	002481	1	Well, Pipeline, Trough	Permittee
Kane Spring Pipeline	002486		Pipeline	Permittee
TU Cattle Guard	002492	1	Cattle Guard	Permittee
Robles Cattle Guard	002493	1	Cattle Guard	Permittee
Telegraph Cattle Guard	002494	1	Cattle Guard	Permittee
Alamo Trap #1	002453	1	Trap	Permittee
Rock Corral	001810	1	Multiple Pens/Corral	Permittee
Midway Trap	002454	1	Trap	Permittee
Gonzales Trap	002455	1	Trap	
Highway Trap	002456	1	Trap	Permittee
Ibert Camp Horizontal Well	002590	1	Well, Pipeline, Trough	Permittee
Rock Horizontal Well	002544	1	Well, Pipeline, Trough	Permittee

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Cedar Horizontal Well	002545		Well, Pipeline, Trough	Permittee
Bee tree Spring	002546	1	Spring, Pipeline, Trough	Permittee
Queen Creek Riparian Fence	002653	1	Interior Fence	Permittee
Arnett Creek Riparian Fence	002663	1	Interior Fence	Permittee
Arnett Creek Cattle Guard	002655	1	Cattle Guard	Permittee