

OPERATOR COPY

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Form 4130-2a
(February 1999)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

RECEIVED
LAS CRUCES DISTRICT OFFICE
STATE NM
OFFICE LLNML00000
AUTH NUMBER 3026391
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DATE PRINTED 12/10/2013
TERM 07/14/2013 TO 04/30/2019

GRAZING PERMIT

444 REAL ESTATE LLC
C/O CHAD MERCHANT
4602 103RD STREET
LUBBUCK TX 79424

BUREAU OF LAND MANAGEMENT
LAS CRUCES DISTRICT OFFICE
1800 MARQUESS ST
LAS CRUCES NM 88005

THIS GRAZING PERMIT IS OFFERED TO YOU UNDER 43 CFR PART 4100 BASED ON YOUR RECOGNIZED QUALIFICATIONS. YOU ARE AUTHORIZED TO MAKE GRAZING USE OF LANDS, UNDER THE JURISDICTION OF THE BUREAU OF LAND MANAGEMENT AND COVERED BY THIS GRAZING PERMIT, UPON YOUR ACCEPTANCE OF THE TERMS AND CONDITIONS OF THIS GRAZING PERMIT AND PAYMENT OF GRAZING FEES WHEN DUE. CONTACT YOUR LOCAL BLM OFFICE AT 575-525-4300 IF YOU HAVE QUESTIONS.

MANDATORY TERMS AND CONDITIONS

| ALLOTMENT | PASTURE | LIVESTOCK | | GRAZIN | PERIO | % P | TYPE USE | AUMS |
|-----------------------|---------|-----------|--------|---------|-------|-----|----------|------|
| | | NUMBER | KIND | G REGTN | D FND | | | |
| 09016 CORNUCOPIA DRAW | | 955 | SHEEP | 03/01 | 02/28 | 40 | ACTIVE | 917 |
| | | 210 | CATTLE | 03/01 | 02/28 | 40 | ACTIVE | 1008 |
| | | 7 | HORSE | 03/01 | 02/28 | 40 | ACTIVE | 34 |

OTHER TERMS AND CONDITIONS:

"THIS PERMIT OR LEASE IS ISSUED UNDER THE AUTHORITY OF PUBLIC LAW 112-74, AS EXTENDED IN SECTIONS 101 AND 103 OF PUBLIC LAW 113-46, CONTINUING APPROPRIATIONS ACT, 2014. THIS PERMIT OR LEASE CONTAINS THE SAME TERMS AND CONDITIONS AS THE EXPIRED OR TRANSFERRED PERMIT OR LEASE. THIS PERMIT OR LEASE MY BE CANCELED, SUSPENDED, OR MODIFIED, IN WHOLE OR IN PART TO MEET THE REQUIREMENTS OF APPLICABLE LAWS AND REGULATIONS."

ALLOT NO CONDITIONS

NM 09016 PLACEMENT OF SUPPLEMENTAL FEEDS, SUCH AS SALT, MINERALS, VITAMINS, AND PROTEIN IN BLOCK OR LIQUID FORM ON PUBLIC LANDS IS AUTHORIZED.

IN THE FUTURE ANY CONVERSION OF KIND OF LIVESTOCK (SHEEP TO CATTLE OR CATTLE TO SHEEP) WILL REQUIRE AN ENVIRONMENTAL ASSESSMENT.

ALLOTMENT SUMMARY (AUMS)

| ALLOTMENT | ACTIVE AUMS | SUSPENDED AUMS | TEMP SUSPENDED AUMS | PERMITTED USE |
|-----------------------|-------------|----------------|---------------------|---------------|
| 09016 CORNUCOPIA DRAW | 1956 | 0 | 0 | 1,956 |

Standard Terms and Conditions

1. Grazing permit or lease terms and conditions and the fees charged for grazing use are established in accordance with the provisions of the grazing regulations now or hereafter approved by the Secretary of the Interior.
2. They are subject to cancellation, in whole or in part, at any time because of:
 - a. Noncompliance by the permittee/lessee with rules and regulations.
 - b. Loss of control by the permittee/lessee of all or a part of the property upon which it is based.
 - c. A transfer of grazing preference by the permittee/lessee to another party.
 - d. A decrease in the lands administered by the Bureau of Land Management within the allotment(s) described.
 - e. Repeated willful unauthorized grazing use.
 - f. Loss of qualifications to hold a permit or lease.
3. They are subject to the terms and conditions of allotment management plans if such plans have been prepared. Allotment management plans MUST be incorporated in permits or leases when completed.
4. Those holding permits or leases MUST own or control and be responsible for the management of livestock authorized to graze.
5. The authorized officer may require counting and/or additional or special marking or tagging of the livestock authorized to graze.
6. The permittee's/lessee's grazing case file is available for public inspection as required by the Freedom of Information Act.
7. Grazing permits or leases are subject to the nondiscrimination clauses set forth in Executive Order 11246 of September 24, 1964, as amended. A copy of this order may be obtained from the authorized officer.
8. Livestock grazing use that is different from that authorized by a permit or lease MUST be applied for prior to the grazing period and MUST be filed with and approved by the authorized officer before grazing use can be made.
9. Billing notices are issued which specify fees due. Billing notices, when paid, become a part of the grazing permit or lease. Grazing use cannot be authorized during any period of delinquency in the payment of amounts due, including settlement for unauthorized use.
10. The holder of this authorization must notify the authorized officer immediately upon the discovery of human remains, funerary objects, sacred objects, or objects of cultural patrimony (cultural items), stop the activity in the area of the discovery and make a reasonable effort to protect the remains and/or cultural items.
11. Grazing fee payments are due on the date specified on the billing notice and MUST be paid in full within 15 days of the due date, except as otherwise provided in the grazing permit or lease. If payment is not made within that time frame, a late fee (the greater of \$25 or 10 percent of the amount owed but not more than \$250) will be assessed.
12. No Member of, or Delegate to, Congress or Resident Commissioner, after his/her election of appointment, or either before or after he/she has qualified, and during his/her continuance in office, and no officer, agent, or employee of the Department of the Interior, other than members of Advisory committees appointed in accordance with the Federal Advisory Committee Act (5 U.S.C. App.1) and Sections 309 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) shall be admitted to any share or part in a permit or lease, or derive any benefit to arise therefrom; and the provision of Section 3741 Revised Statute (41 U.S.C. 22), 18 U.S.C. Sections 431-433, and 43 CFR Part 7, enter into and form a part of a grazing permit or lease, so far as the same may be applicable.

THIS GRAZING PERMIT:

1. CONVEYS NO RIGHT, TITLE OR INTEREST HELD BY THE UNITED STATES IN ANY LANDS OR RESOURCES
2. IS SUBJECT TO (A) MODIFICATION, SUSPENSION OR CANCELLATION AS REQUIRED BY LAND PLANS AND APPLICABLE LAW; (B) ANNUAL REVIEW AND MODIFICATION OF TERMS AND CONDITIONS AS APPROPRIATE; AND (C) THE TAYLOR GRAZING ACT, AS AMENDED, THE FEDERAL LAND POLICY AND MANAGEMENT ACT, AS AMENDED, THE PUBLIC RANGELANDS IMPROVEMENT ACT, AND THE RULES AND REGULATIONS NOW OR HEREAFTER PROMULGATED THEREUNDER BY THE SECRETARY OF THE INTERIOR.

ACCEPTED:

SIGNATURE OF PERMITTEE:

Chad Menka

DATE:

12-16-13

APPROVED

BLM AUTHORIZED OFFICER:

Jim C. Murray

DATE:

12-20-13