

**00174004**

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Connie Hansen, Millard Recorder  
08/10/2010 04:46:00 PM By MILLARD CO PLANNING & ZONING  
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**MILLARD COUNTY, UTAH  
CONDITIONAL USE PERMIT  
(APPLICATION #Z-2008-008)  
MILFORD WIND CORRIDOR PHASE II, LLC  
WIND ENERGY SYSTEM (MAJOR)  
AMENDMENT #1  
7/20/2010**

#36

**WHEREAS**, Millard County has approved a Conditional Use Permit (Permit #Z-2008-008) for the construction and operation of a Wind Energy System (Major) to Milford Wind Corridor Phase II, LLC; and

**WHEREAS**, it may be necessary and appropriate to make Amendments to such Conditional Use Permit from time to time in order to achieve the goals of Millard County and Milford Wind Corridor Phase II, LLC; and

**WHEREAS**, the Millard County Board of County Commissioners now approves an Amendment to Conditional Use Permit #Z-2008-008 with a finding that such Amendment is necessary and appropriate in order to advance the goals of Millard County and Milford Wind Corridor Phase II, LLC without negatively impacting the citizens of Millard County.

**NOW THEREFORE**, the Millard County Board of County Commissioners hereby approves by motion Amendment #1 - Conditional Use Permit #Z-2008-008 as follows.

**SECTION 1. CONDITIONAL USE PERMIT #Z-2008-008 - AMENDMENT #1.**

Condition #16 to read as follows:

16. The approval of Conditional Use Application #Z-2008-008 shall be reviewed on July 1, 2009 at which time, if a Building Permit Application has not been approved and a valid Building Permit issued, the BOCC may extend the Conditional Use Application approval to February 1, 2010 upon a recommendation to do so from the County Planner and County Attorney. The Conditional Use Application approval may be further extended by the BOCC to March 31, 2011 upon a recommendation from the County Planner and County Attorney, and with a finding by the BOCC of extenuating circumstances beyond the control of MWC. If construction is not commenced by March 31, 2011 the Conditional Use Application approval shall lapse and the Conditional Use Permit shall expire and be void.

**SECTION 2. ALL OTHER PROVISIONS TO REMAIN UNCHANGED.**

CONDITIONAL USE PERMIT - #Z-2008-008 - AMENDMENT #1  
Milford Wind Corridor Phase II, LLC  
Wind Energy System (Major)

All other requirements, conditions, findings, and other provisions of Conditional Use Permit #Z 2008-008 to remain unchanged.

**SECTION 3. EXECUTION**

THE PARTIES, BY THEIR AUTHORIZED REPRESENTATIVES, EXECUTE THIS AMENDMENT #1 THIS 20<sup>th</sup> DAY OF JULY, 2010.

FOR MILLARD COUNTY BY:

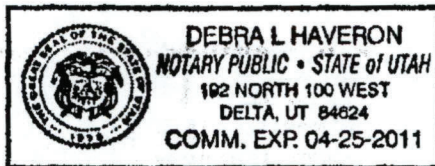
Daron P. Smith  
Daron P. Smith, Chairperson  
Millard County Board of County Commissioners

THIS 27 DAY OF July

Before me on this day personally appeared Daron P. Smith, Chairperson, Millard County Board of County Commissioners, known to me to be the person whose name is subscribed to this instrument, and upon his oath acknowledged to me that he executed the same for the purposes and consideration herein expressed and in the capacity herein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 27 DAY OF July, 2010.

(SEAL)



Debra L. Haveron  
NOTARY PUBLIC

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CONDITIONAL USE PERMIT - #Z-2008-008 - AMENDMENT #1  
Milford Wind Corridor Phase II, LLC  
Wind Energy System (Major)

FOR MILFORD WIND CORRIDOR PHASE II, LLC

By: Milford Wind Corridor, LLC, its Member

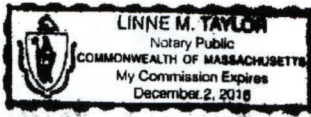
By: Paul J. Gaynor THIS 19<sup>th</sup> DAY OF July, 2010  
Paul J. Gaynor, President

Before me on this day personally appeared Paul J. Gaynor, President of Milford Wind Corridor, LLC, the member of Milford Wind Corridor Phase II, LLC, known to me to be the person whose name is subscribed to this instrument, and upon his oath acknowledged to me that he executed the same for the purposes and consideration herein expressed and in the capacity herein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 19<sup>th</sup> DAY OF July, 2010.



Linne M. Taylor  
NOTARY PUBLIC



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CONDITIONAL USE PERMIT - #Z-2008-008 - AMENDMENT #1  
Milford Wind Corridor Phase II, LLC  
Wind Energy System (Major)

**SECTION 4. RECORDING**

1. This Amendment #1 shall be recorded in the Office of the County Recorder.
2. **RECORDED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2010**

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ATTACHMENT A  
TO  
AMENDMENT #1  
MILLARD COUNTY, UTAH CONDITIONAL USE PERMIT  
(APPLICATION #Z-2008-008)  
MILFORD WIND CORRIDOR PHASE II, LLC  
WIND ENERGY SYSTEM (MAJOR)

Description of Property

1. Land Lease Agreement dated December 12, 2008, by and between Peter Harris Brockdorff, Jenny Elise Garver, and Ellen E. Supple, collectively, as Lessor, and Milford Phase II, as Lessee. A Memorandum of Lease was recorded on February 10, 2009 as Entry No. 00168679, Book 498, Page 340 in official records, Millard County. The foregoing lease affects the following real property located in Millard County, Utah:

THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP  
25 SOUTH, RANGE 10 WEST, SALT LAKE BASE AND  
MERIDIAN.

Tax Serial No. 8852-4

2. Land Lease Agreement dated December 10, 2008, by and between Richard Holdaway, a.k.a. Richard M. Holdaway, and Noreen Holdaway, collectively, as Lessor, and Milford Phase II, as Lessee. A Memorandum of Lease was recorded on March 5, 2009 as Entry No. 00168886, Book 499, Page 446 in official records, Millard County. The foregoing lease affects the following real property located in Millard County, Utah:

THE NORTH HALF OF SECTION 31, TOWNSHIP 25 SOUTH,  
RANGE 9 WEST, SALT LAKE BASE AND MERIDIAN.

Tax Serial No. 8736

3. Land Lease Agreement dated December 10, 2008, by and between Anthony A. Weber, Dane A. Weber, and Robin J. Weber, collectively, as Lessor, and Milford Phase II, as Lessee. A Memorandum of Lease was recorded on August 14, 2009 as Entry No. 00170562, Book 507, Page 197 in official records, Millard County. The foregoing lease affects the following real property located in Millard County, Utah:

THE SOUTHEAST QUARTER OF THE NORTHWEST  
QUARTER OF SECTION 36, TOWNSHIP 25 SOUTH, RANGE  
10 WEST, SALT LAKE BASE AND MERIDIAN.

THE SOUTHWEST QUARTER OF THE NORTHWEST  
QUARTER OF SECTION 36, TOWNSHIP 25 SOUTH, RANGE  
10 WEST, SALT LAKE BASE AND MERIDIAN.

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Tax Serial Nos. 8856 and 8856-3

4. Land Lease Agreement dated March 6, 2009, by and between Audrey Ohnikian, as Lessor, and Milford Phase II, as Lessee. A Memorandum of Lease was recorded on September 16, 2009 as Entry No. 00170877, Book 508, Page 369 in official records, Millard County. The foregoing lease affects the following real property located in Millard County, Utah:

THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP  
25 SOUTH, RANGE 10 WEST, SALT LAKE BASE AND  
MERIDIAN.

Tax Serial No. 8857

5. Land Lease Agreement dated March 6, 2009, by and between Richard Belliston, as Lessor, and Milford Phase II, as Lessee. A Memorandum of Lease was recorded on October 19, 2009 as Entry No. 00171214, Book 510, Page 083 in official records, Millard County. The foregoing lease affects the following real property located in Millard County, Utah:

THE NORTH 128.64 ACRES IN THE SOUTHWEST QUARTER  
OF SECTION 6, TOWNSHIP 26 SOUTH, RANGE 9 WEST,  
SALT LAKE BASE AND MERIDIAN.

Tax Serial No. 8911

6. Amended and Restated Land Lease Agreement, made effective as of February 22, 2007, and executed as of April 22, 2009, by and between Circle Four LLC, a Delaware limited liability company, as Lessor, and Milford Phase II, as Lessee. An Amended and Restated Memorandum of Lease was recorded on August 14, 2009 as Entry No. 00170558, Book 507, Page 155 in official records, Millard County and recorded August 25, 2009, as Entry No. 240604, Book 437, Page 860 in official records, Beaver County. The foregoing lease affects the following real property located in Millard County and Beaver County, Utah:

**PARCEL 1:**

THE SOUTH HALF OF SECTION 31, TOWNSHIP 25, SOUTH,  
RANGE 9 WEST, SALT LAKE BASE AND MERIDIAN.

Tax Serial No. 8737

**PARCEL 2:**

ALL OF SECTION 32, TOWNSHIP 25 SOUTH, RANGE 9  
WEST, SALT LAKE BASE AND MERIDIAN.

Tax Serial No. 8738

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**PARCEL 3:**

THE NORTHEAST QUARTER OF SECTION 33, TOWNSHIP  
25 SOUTH, RANGE 9 WEST, SALT LAKE BASE AND  
MERIDIAN.

Tax Serial No. 8739

**PARCEL 4:**

THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP  
25 SOUTH, RANGE 9 WEST, SALT LAKE BASE AND  
MERIDIAN.

Tax Serial No. 8739-1

**PARCEL 5:**

THE NORTH 120.32 ACRES OF THE SOUTHEAST QUARTER  
OF SECTION 6, TOWNSHIP 26 SOUTH, RANGE 9 WEST,  
SALT LAKE BASE AND MERIDIAN.

Tax Serial No. 8911-A

**PARCEL 6:**

THE SOUTH HALF OF SECTION 29, TOWNSHIP 25 SOUTH,  
RANGE 9 WEST, SALT LAKE BASE AND MERIDIAN.

Tax Serial No. 8734

**PARCEL 7:**

THE SOUTH HALF OF SECTION 30, TOWNSHIP 25 SOUTH,  
RANGE 9 WEST, SALT LAKE BASE AND MERIDIAN.

Tax Serial No. 8735

**PARCEL 8:**

THE NORTH HALF OF SECTION 29, TOWNSHIP 25 SOUTH,  
RANGE 9 WEST, SALT LAKE BASE AND MERIDIAN.

LESS: THE SOUTH HALF OF THE NORTHWEST QUARTER  
OF SAID SECTION 29.

Tax Serial No. 8733

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**PARCEL 9:**

THAT PORTION OF THE SOUTHEAST QUARTER OF SECTION 6, TOWNSHIP 26 SOUTH, RANGE 9 WEST, SALT LAKE BASE AND MERIDIAN, LYING WITHIN BEAVER COUNTY.

Tax Serial No. 1-217-1

7. Amended and Restated Special Use Lease Agreement No. 1599B, dated effective as of April 22, 2009, by and between the State of Utah, acting by and through the School and Institutional Trust Lands Administration, as Lessor, and Milford Phase II, as Lessee. An Amended and Restated Memorandum of Lease was recorded on August 14, 2009 as Entry No. 00170560, Book 507, Page 173 in official records, Millard County and recorded August 25, 2009 as Entry No. 240606, Book 438, Page 1 in official records, Beaver County. The foregoing lease affects the following real property located in Millard County and Beaver County, Utah:

**PARCEL 1:**

THE SOUTH HALF OF SECTION 2, TOWNSHIP 26 SOUTH, RANGE 10 WEST, SALT LAKE BASE AND MERIDIAN.

**PARCEL 2:**

THE EAST HALF OF SECTION 36, TOWNSHIP 25 SOUTH, RANGE 10 WEST, SALT LAKE BASE AND MERIDIAN.

**PARCEL 3:**

THE WEST HALF OF THE SOUTHEAST QUARTER AND THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 25 SOUTH, RANGE 10 WEST, SALT LAKE BASE AND MERIDIAN.

THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 25 SOUTH, RANGE 10 WEST, SALT LAKE BASE AND MERIDIAN.

**PARCEL 4:**

THAT PORTION OF THE SOUTH HALF OF SECTION 2, TOWNSHIP 26 SOUTH, RANGE 10 WEST, SALT LAKE BASE AND MERIDIAN, LYING WITHIN BEAVER COUNTY.

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8. Right-of-Way Grant/Temporary Use Permit issued by United States Department of the Interior Bureau of Land Management in favor of Milford Wind Corridor Phase II, LLC for the right to construct, operate, maintain, and terminate a wind energy facility. The foregoing Right-of-Way/Temporary Use Permit affects the following real property located in Millard County, Utah:

BLM-Administered Lands Occupied by the Proposed Wind Energy Facility – Phase II

Township 25 South, Range 9 West, Salt Lake Base and Meridian:

Section 30 SWNE, SENE, Lot 2 and SENW

Township 25 South, Range 10 West, Salt Lake Base and Meridian:

Section 27 NWSW, SWSW

Section 28 SE1/4

Section 33 E1/2

Section 34 W1/2

Township 26 South, Range 9 West, Salt Lake Base and Meridian:

Section 5 W3/4

Section 6 N1/2

Section 8 NENW, NWNW

Township 25 South, Range 10 West, Salt Lake Base and Meridian:

Section 1 ALL

Section 2 N1/2

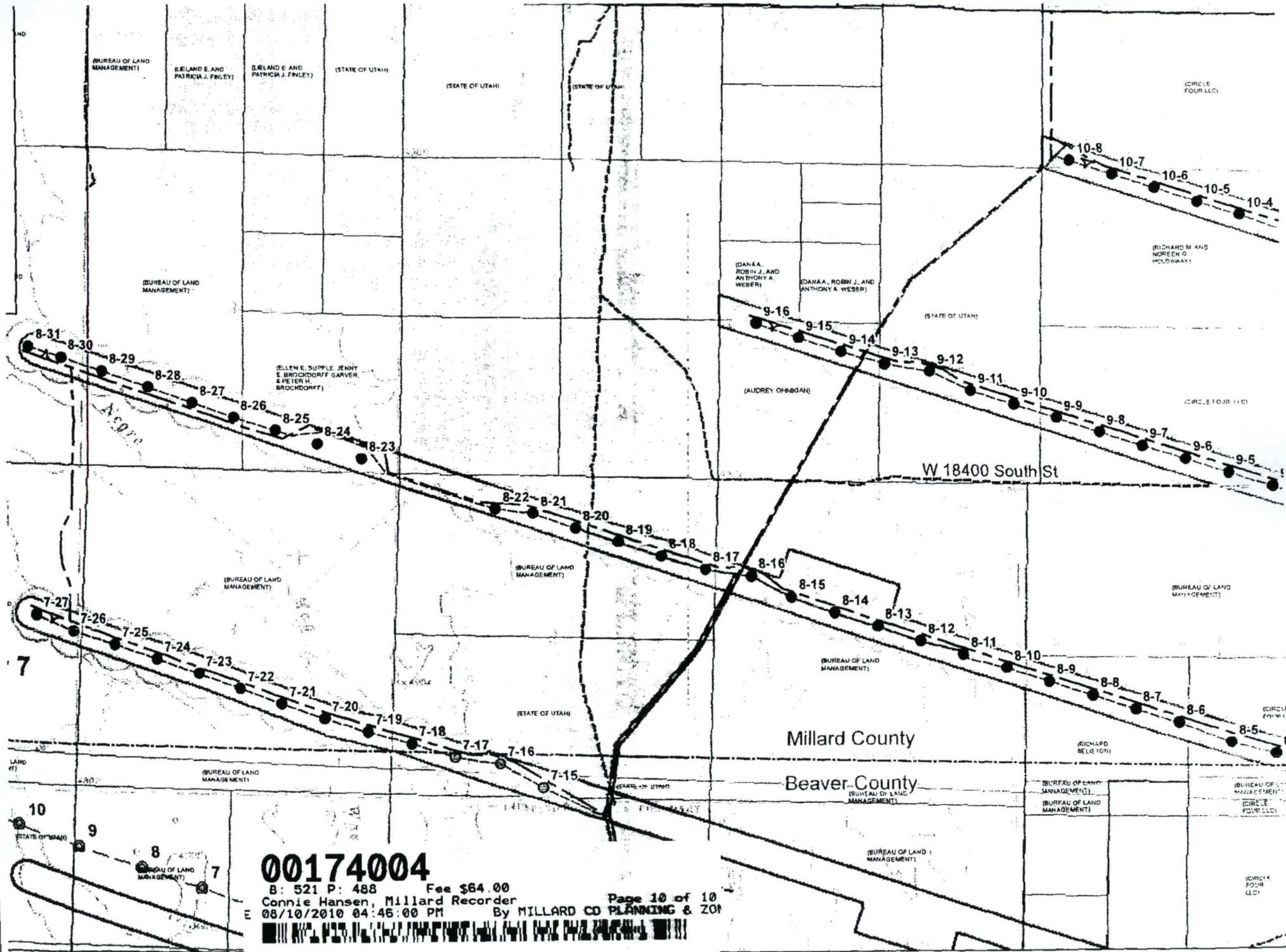
Section 3 ALL

Section 4 E1/2

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