



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Billings Field Office
5001 Southgate Drive
Billings, Montana 59101-4669
www.blm.gov/mt

In Reply Refer To:
MTM-96440
2880 (MT010.NB)

APRIL 15, 2016

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

DECISION

Mr. and Mrs. Mike Kephart,
Mr. Lee Butler
119 Third Street
Roundup, Montana 59072

: Right-of-Way Assignment MTM-96440

Assignment Approved

On October 24, 2013, BLM received a request and SF-299 for assignment for Right-of-Way Grant MTM-96440 affecting the following described public land:

Principal Meridian Montana
T. 9 N., R. 24 E.,
Sec. 32, NW1/4NE1/4, NE1/4NW1/4;
The area described contains 0.48 acres in Musselshell County.

The cost recovery fee of \$117.00 has been paid and the requirements of Title 43 Code of Federal Regulations 2807.21 have been met. The right-of-way rent is paid to full term of the right-of-way which is December 31, 2037 and is in compliance with all of the stipulations of the original grant. The assignee agrees to comply and to be bound by the terms and conditions of the new grant and the special stipulations attached dated March 16, 2016.

This Decision shall take effect immediately upon the date it is signed by the Authorized Officer and shall remain in effect while any appeal is pending unless the Interior Board of Land Appeals issues a stay. This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 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 showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulation 43 CFR 2801.10 or 2881.10 for a stay 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 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.

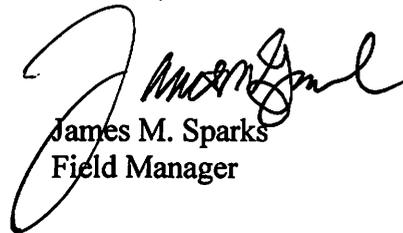
Standards for Obtaining a Stay

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,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

If you have any questions, please contact Nancy Bjelland, at (406) 896-5222.

Sincerely,



James M. Sparks
Field Manager

2 Enclosures

1-Right-of-Way Grant MTM-96440

2-Form 1842-1