

GAMMAGE & BURNHAM, PLC

ATTORNEYS AT LAW

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PHOENIX, ARIZONA 85004

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Grady Gammage Jr.
ggammage@gblaw.com

WRITER'S DIRECT LINE
(602) 256-4418

May 1, 2023

Via Hand-Delivery

Commissioner Robyn Sahid
Arizona State Land Department
1110 W. Washington Street
Phoenix, AZ 85007

Re: Right of Way 14-123251 / Rosemont Copper Company

Dear Commissioner Sahid:

For many years, our firm has represented Farmers Investment Company, commonly known as FICO. FICO has been farming in the Santa Cruz Valley for more than 75 years, and currently cultivates 4,500 acres of pecans in and around the Town of Sahuarita.

The owners at FICO have a deep, long-term commitment to the health and beauty of the environment that surrounds their farm. As part of that commitment, FICO has made a major investment in a Groundwater Savings Facility that is recharging the regional aquifer. And as part of its environmental stewardship, FICO has been a very concerned observer of the Rosemont Copper Mine project (the "Mine"). FICO believes that the long-term impacts of the Mine will do permanent damage to this unique part of the Southwest, including depleting the groundwater. While most of the Mine has been proposed for non-State Land Department property, more recently, FICO has learned that some ASLD land is being considered for use in critical Mine activities. FICO has in turn asked us to help them understand the Department's goals and procedures.

I write today to inquire about a specific right-of-way, referenced above, which the Department has been processing for the Mine. This right-of-way is depicted on the maps attached here as Exhibit 1 and 2. (Please note that our client has made some modifications to the regional map on Exhibit 1 for purposes of this letter.) The right-of-way, depicted in purple on Exhibit 1, runs just inside the eastern border of the 50,000-acre Santa Rita Experimental Range ("SRER"), which is ASLD Trust land managed by the University of Arizona. Since 1902, the SRER has conducted long-term research on the improvement and management of semiarid grasslands in the Southwest. FICO believes the SRER is an essential component of the University's mission as a land-grant institution.

As you can see, the Mine is located on private land abutting the ASLD/SRER. The Trust's land is depicted in blue, and surrounds the Mine on the north, west, and south. The right-of-way, as shown on Exhibit 2, is 2,220 feet long -- almost half a mile long -- and 150 feet wide. The right-of-way is along the border between the ASLD/SRER property to the west and U.S. Bureau of Land Management property to the east. The BLM land is depicted in tan on Exhibit 1. The BLM land bisects the Mine site and is not, at this time, part of the Mine, except for one crucial exception. In its application to the Arizona Office of the State Mine Inspector for a required mine reclamation plan, Rosemont Copper indicated it planned to construct underground tailings pipeline(s) (the green dashed line in Exhibit 1) beneath BLM land to connect its processing operations to the south with planned waste dumps to the north. It appears that in order to avoid federal approval for the tailings pipelines, Rosemont Copper applied for the ASLD/SRER right-of-way instead.

This right-of-way went before the Board of Appeals on December 8 last year (before you became Commissioner). As advertised in the posted agenda, the right-of-way was for the following purposes:

Access Road; OH 138kV electric transmission line; one 24-count fiber optic communication line; two aboveground [sic] 24" water transmission lines

A copy of the agenda is attached as Exhibit 3. The appraised value was roughly \$64,000.00. At their December 8 meeting, the Board approved the two water lines and other rights. Almost immediately, the Mine e-mailed the ASLD: "This is super huge for us." See Exhibit 4.

Following the Board's hearing, ASLD staff prepared the right-of-way documents and sent them off to the Mine. But rather than sign the documents immediately and secure their "super huge" victory, the Mine demurred, asking the State to revise the right-of-way. "**We are requesting changes to the purpose of the ROW to make it more consistent with the proposed uses,**" (emphasis added). See Exhibit 5. As it turns out, the "super huge" win for the Mine was not two water transmission lines at all. As suggested by the Mine, the right of way would now accommodate six – not two – 24 inch "pipelines." See Exhibit 6. And some of them would not be carrying water at all. Instead, some would be carrying **mine tailings**, for half a mile along hundreds of acres of adjacent State Land. See Exhibit 7. (Exhibit 7 is noteworthy for another reason: it is the last time the Mine used the word "tailings" in a public record.) "Super huge" indeed.

To its credit, ASLD staff sensed that the shift from a water line to a tailings pipeline might be significant. Staff told the Mine it needed "to confer with Paul Peterson if we need to go back to BOA to correct." See Exhibit 8. We agree with staff's intuition. Meanwhile, the Mine seemed concerned with your arrival as well, asking ASLD staff to accept the hidden tailings pipeline into the right-of-way agreement and "to get this ROW signed prior to Lisa's departure." See Exhibit 9.

There is obviously an enormous difference between a water line and a tailings pipeline. That is true for the public at large, in terms of their ability to understand what is being proposed.

It also would be important for both the Department generally and the Board of Appeals to understand as well, in order to evaluate the impact of the tailings line on not only the immediately underlying ASLD/SRER property but on the hundreds of acres of ASLD/SRER property that lie adjacent. The risks that would be associated with the break of a simple water line are completely different from the environmental risks resulting from a catastrophic break of a tailings pipeline.

In short, what is now before you as Commissioner is not what was presented to the public, through the agenda, or the Board at their actual hearing. We think there is a clear failure of public notice and a likely violation of the Open Meeting Law here. As you know, actions taken in violation of the Open Meeting Law are void.

The policy of the Open Meeting Law is to open government conduct to public scrutiny and to ban secret decision-making. *Long v. City of Glendale*, 208 Ariz. 319, 325, ¶ 12 (Ct. App. 2004). As you are aware, this law covers members of public bodies, as well as staff. A.R.S. § 38-431; *see also* A.R.S. § 38-431.01. To avoid violating the Open Meeting Law, a public body must notify the public of “*specific* matters to be discussed, considered or decided” before acting. *See* A.R.S. § 38-431.02(H) (emphasis added). At a minimum, this requires disclosing a sufficient amount of information to allow the public to adequately scrutinize any actions taken. *Karol v. Bd. of Educ. Trustees*, 122 Ariz. 95, 98 (1979). When lower, recommending bodies approve more intense uses than are publicly noticed, that violation infects all subsequent acts, even those by higher authorities such as yourself. *Summit Properties, Inc. v. Wilson*, 26 Ariz.App. 550 (Ct. App. 1976).

We have cited public records here suggesting the true purpose of the Mine’s right-of-way request, but we should be clear that intent is not actually relevant to compliance with the Open Meeting Law. All that matters is a failure to provide adequate notice.

Here, unfortunately, neither our client nor other members of the public received notice that ASLD was considering authorizing up to six tailings pipelines across environmentally sensitive land. Though the initial agenda was not facially deficient, it only put the public on notice of two water pipelines. It did nothing to alert the public to the possibility of six pipes—containing potentially toxic tailings—cutting across State land. This does not satisfy the specificity required by statute. Moreover, amending this right-of-way in secrecy prevents the public from adequately scrutinizing the actions of the ASLD. We believe this violates both the letter and the spirit of the Open Meeting Law.

I should also comment on timing. Save the Scenic Santa Ritas (“SSSR”), a Tucson-based nonprofit conservation group opposed to the Mine, submitted a public records request to the Department about this right-of-way on January 19. SSSR received most of the information attached and referenced here when the Department responded on April 12, almost three months later. SSSR subsequently shared the ASLD records with FICO. In that context, we have brought FICO’s concerns to your attention in short order.

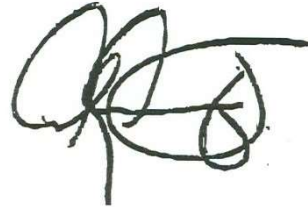
Clearly, you should pause any future action on this right-of-way. This matter should be brought back before the Board, with proper notice to both the public and the Board, about the true

Commissioner Robyn Sahid
Arizona State Land Department
May 1, 2023
Page 4

nature of the facility being proposed by the applicant. I am happy to discuss our client's concerns with you further if you wish.

Sincerely,

GAMMAGE & BURNHAM

A handwritten signature in black ink, appearing to be "GG", with a horizontal line extending to the right from the middle of the second "G".

By
Grady Gammage, Jr.

GG/mwk

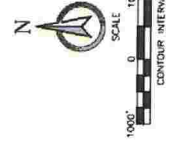
Enclosures

Cc: Robin Barnes, Land Manager, HudBay Minerals
(via e-mail: robin.barnes@hudnayminerals.com)

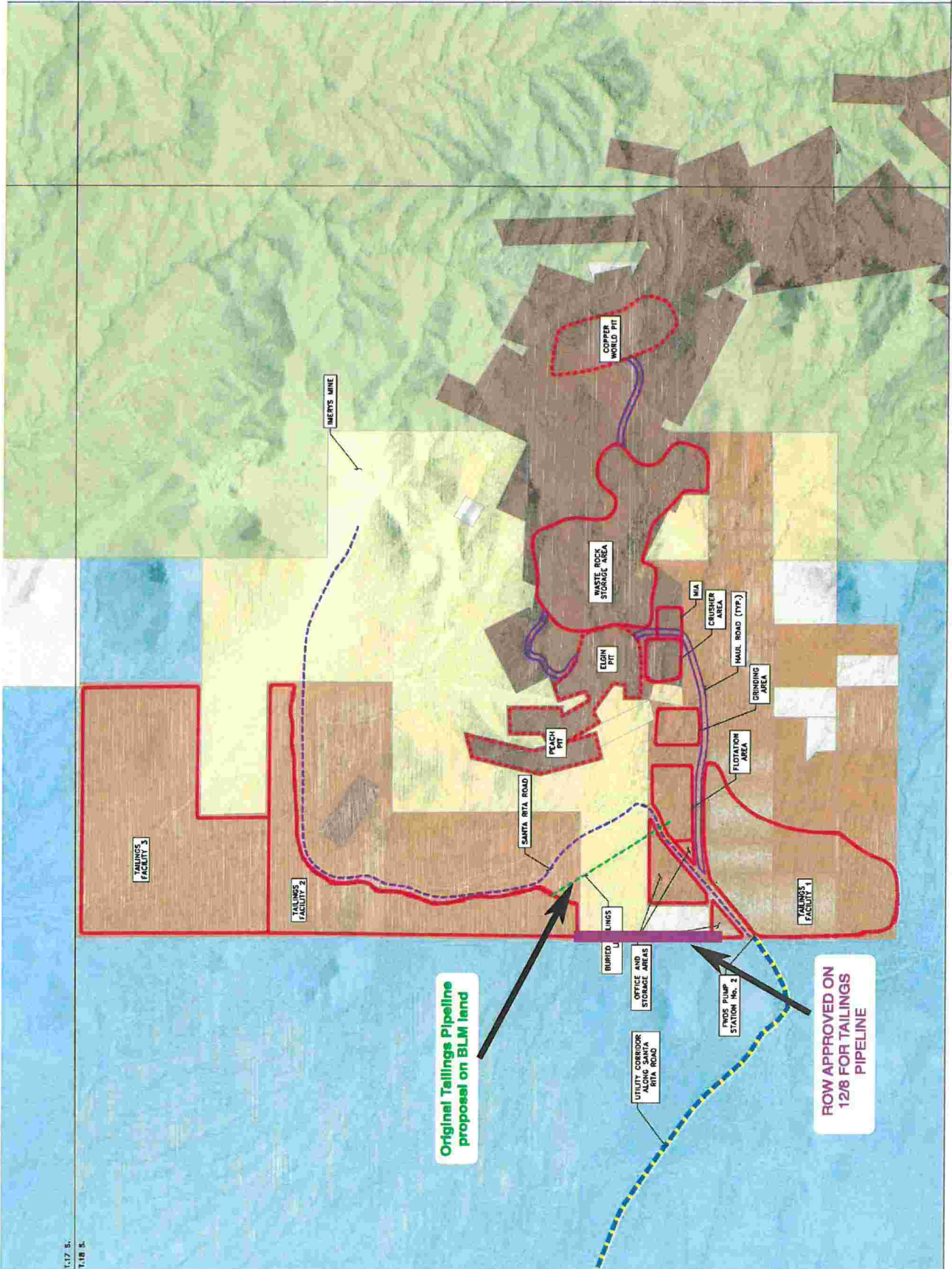
EXHIBIT 1

LEGEND

- TOWNSHIP LINE
- WATERLINE
- POWER LINE
- GENERAL FACILITY FOOTPRINT
- PIT OUTLINE
- HAUL ROAD
- EXISTING ROAD
- BURIED TAILINGS LINE
- ROSEMONT PATENTED LANDS
- ROSEMONT FEE LANDS
- PRIVATE LAND (NO COLOR)
- BLM
- USFS
- STATE



PROJECT	MINED LAND RECLAMATION PLAN
COUNTY	PIMA
STATE	ARIZONA
DATE	JUNE 2021
FIGURE 3	
PROPOSED PROJECT FACILITIES	
HUBRAY	



Original Tailings Pipeline proposal on BLM land

ROW APPROVED ON 128 FOR TAILINGS PIPELINE

157 S.
118 E.

EXHIBIT 2

EXHIBIT "A"

FND ALUM CAPPED
IRON ROD LS 13178



2640.63
N0° 10' 18"W
BASIS OF
BEARINGS

S89° 49' 42"W
150.00'

S0° 10' 18"E
1000.05'
1000.00'
N0° 10' 18"W

16 15
21 22 POB
FND STONE



(IN FEET)
1 inch = 500 ft.

SUBJECT PARCEL

S0° 12' 33"E
2220.05'
2220.00'
N0° 12' 33"W

N89° 47' 27"E
150.00'



SHEET 2 of 2

PREPARED FOR: ROSEMONT COPPER	 DARLING GEOMATICS	8040 S. RITA ROAD SUITE 2350 TUCSON, AZ 85747 (520)-298-2725 (O) (520)-298-2707 (F) www.darlingtd.com
TITLE EXHIBIT TO ACCOMPANY LEGAL DESCRIPTION		DRAWING No. JOB# RCC-SU21-044 DATE: 11/7/2022

EXHIBIT 3

**ARIZONA STATE LAND DEPARTMENT
BOARD OF APPEALS AGENDA
FINAL**

Thursday, December 8, 2022

**Location: Arizona State Land Department
1110 W. Washington, Room 215
Phoenix, AZ 85007**

Pursuant to Arizona Revised Statutes (A.R.S.) § 38-431.02, notice is hereby given to the members of the Arizona State Land Department Board of Appeals and to the public that the Board will hold a meeting open to the public on Thursday, December 8, 2022, at 9:00 a.m. at the Arizona State Land Department, 1110 West Washington Street, Room 215, Phoenix, AZ 85007.

PURSUANT TO RECOMMENDATIONS FOR CURRENT COVID-19 GUIDELINES, IT IS ENCOURAGED THAT ANY PERSON WHO WISHES TO ATTEND THE MEETING DO SO BY PARTICIPATING VIA TELECONFERENCE CALL. A PERSON WISHING TO PARTICIPATE VIA TELECONFERENCE CALL MAY DO SO BY CALLING 1-928-793-9377 AND ENTERING PIN: 705 161 851#

The agenda for this meeting follows. Any amendments or additions to the agenda will be made available at least twenty-four (24) hours prior to the meeting. The Board may discuss, deliberate, or vote on any item listed on the agenda. Pursuant to A.R.S. § 38-431.03(A)(3), the Board may vote to hold an executive session for consultation with its attorney for legal advice concerning any item on the agenda. Executive sessions are not open to the public. Except for matters listed for a specific time, the Board may take any item on the agenda out of order. Members of the Board may appear by telephone.

Pursuant to Title II of the Americans with Disabilities Act (ADA), the Board will not discriminate on the basis of disability in admission to and observation of its public meetings. Persons with a disability may request a reasonable accommodation such as a sign language interpreter, by contacting the ADA Coordinator at (602) 542-2629 to make their needs known. Requests should be made as early as possible to allow time to arrange the accommodation.

I. CALL TO ORDER

Roll call

II. MINUTES

Approval of November 10, 2022, Minutes

III. REPORT BY LAND DEPARTMENT STAFF

A. Report by Land Department staff and discussion by the Board regarding recent and future land auctions (See attached list) *

B. Future Board Agenda Items

IV. REAL ESTATE AND RIGHTS OF WAY

Review, discussion, & possible legal action regarding the following:

- A. Rights of Way & Commercial Leases-Short Term (for periods 10 years or less) on Consent Agenda (See attached) *
- B. Commercial Leases-Long Term-for periods longer than 10 years (See attached) *
- C. Land Sales (See attached) *

* Please note: The attachment with a detailed listing of agenda items I, II, and III will be available in the Board Clerk's office after November 28, 2022, or at least twenty-four (24) hours prior to the scheduled meeting.

V. BOARD APPEALS

None

VI. OTHER BUSINESS

- A. Arrangements for Future Meetings:

<u>Date</u>	<u>Location</u>
January 12, 2023	Pending
February 9, 2023	Pending
March 9, 2023	Pending

- B. Schedule of Pending Appeals:

A.B. 1240- Shea Homes Limited Partnership
Sales Application No. 53-122449-00
Valuation of Appraisal

A.B. 1241- Shea Homes Limited Partnership
Sales Application No. 53-122450-00
Valuation of Appraisal

Written statement for withdrawal received from Appellant

A.B. 1243 – Serrano Solar, LLC
ROW Application No. 14-121861-00
Valuation of Appraisal

Hearing dates to be determined

VII. EXECUTIVE SESSION

The Board may vote to go into Executive Session on any of the above agenda items for legal advice from its attorney, pursuant to A.R.S. § 38-431.03(A)(3)

VIII. BOARD ADJOURNS

STATE LAND DEPARTMENT
BOARD OF APPEALS

A handwritten signature in black ink, appearing to be 'Trinity Perlberg', written in a cursive style.

for Trinity Perlberg, Clerk to the Board
1616 West Adams Street, Room 152
Phoenix, AZ 85007
Telephone: 602-542-2505

BOARD OF APPEALS - REVISED
IV. AGENDA
Thursday, December 8th, 2022

A. CONSENT AGENDA

RIGHTS OF WAY - REAL ESTATE DIVISION

	<u>Application #</u>	<u>Applicant and County</u>	<u>Purpose</u>
1.	14-123077 Myles Stevens	City of Prescott (Yavapai County)	Underground 6" sewer distribution pipeline
2.	14-123251 Michael Romero	Rosemont Copper Company (Pima County)	Access Road; OH 138kV electric transmission line; one 24-count fiber optic communication line; two aboveground 24" water transmission lines
3.	16-103534 Steve Kunzweiler	City of Scottsdale (Maricopa County)	Road – Public with underground utilities

B. COMMERCIAL LEASES – REAL ESTATE DIVISION – Long Term (for periods longer than 10 years)

Urban Planning Projects

	<u>Application #</u>	<u>Applicant and County</u>	<u>Purpose</u>
	NONE		

Other

	<u>Application #</u>	<u>Applicant and County</u>	<u>Purpose</u>
4.	03-120951 Ray Moore	Candela Renewables, LLC (Yavapai County)	I-17, three miles north of SR 69 exit at Cordes Junction

C. LAND SALES – REAL ESTATE DIVISION

Urban Planning Projects

	<u>Application #</u>	<u>Applicant and County</u>	<u>Purpose</u>
	NONE		

Other

	<u>Application #</u>	<u>Applicant and County</u>	<u>Purpose</u>
5.	53-121744 Van Robinson	City of Buckeye (Maricopa County)	E of NE corner of McDowell Rd and 307 th Ave, Buckeye AZ
6.	53-121916 Joe Charles	Per Commissioners Initiative (Pinal County)	Ironwood Rd & Germann Rd, San Tan

BOARD

Thursday, December 8, 2022

Page 2 of 2

7.	53-122041 Joe Charles	Reserve 100 LLC (Maricopa County)	Northwest of Hawes & Warner Rd
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03-COMMERCIAL-LONG TERM LEASE
 14-RIGHT-OF-WAY (LONG TERM)
 16-RIGHT-OF-WAY (PERPETUAL)

RESULTS / ARCHIVE PAGE
 NOVEMBER 2022

04-MINERAL
 21-WATER
 53-LAND

APP. NO.	AUCTION DATE	LOCATION, COUNTY & ACREAGE +/-	APPRAISED VALUE	BENEFICIARY	TOTAL SELLING PRICE	SUCCESSFUL BIDDER & # OF BIDS	TERMS
53-122655	11/01/2022	T4N, R4E, SEC. 20	\$44,100,000.00	PERMANENT COMMON SCHOOLS (INDEMNITY SELECTIONS)	\$44,100,000.00	GARDEN DEER VALLEY LLC & 1	25% DOWN BALANCE DUE IN 30 DAYS
53-122574	11/2/2022	T21N, R7E, SEC. 19	\$1,420,000.00	UNIVERSITY OF ARIZONA	\$1,420,000.00	WANDERLAND FLAGSTAFF LLC	25% DOWN BALANCE DUE IN 30 DAYS
53-122084	11/3/2022	T19S, R26E, SEC. 5	\$64,544.00	ARIZONA STATE HOSPITAL	\$64,544.00	CORONADO FARMS LLP dba RIVERVIEW LLP	25% DOWN BALANCE DUE IN 30 DAYS
53-122597	11/16/2022	T4N, R4E, SECS. 25 & 26	\$56,950,000.00	PERMANENT COMMON SCHOOLS (INDEMNITY SELECTIONS)	\$84,000,000.00	HONORHEALTH	25% DOWN BALANCE DUE IN 30 DAYS
16-122762	11/17/2022	T15S, R15E, SECS. 14, 15, 16 & 23	\$1,645,881.00	PERMANENT COMMON SCHOOLS, PERMANENT COMMON SCHOOLS (INDEMNITY	\$1,645,881.00	CITY OF TUCSON	

PUBLIC AUCTIONS BEING ADVERTISED

03-COMMERCIAL-LONG TERM LEASE
 14-RIGHT-OF-WAY (LONG TERM)
 16-RIGHT-OF-WAY (PERPETUAL)

**AUCTION CALENDAR
 DECEMBER 2022**

04-MINERAL
 21-WATER
 53-LAND

APP. NO.	AUCTION DATE & TIME	LOCATION, COUNTY & ACREAGE +/-	APPRAISED VALUE	BENEFICIARY
16-121689 CITY OF SCOTTSDALE	12/01/2022 1:00 P.M.	T4N, R4E, SEC. 2 MARICOPA 21.29	\$641,010.00	PERMANENT COMMON SCHOOLS
53-122097 VESTAR DRM- OPCO, LLC	12/21/2022 11:00 A.M.	T4N, R4E, SEC. 20 MARICOPA 115.78	\$29,400,000.00	PERMANENT COMMON SCHOOLS (INDEMNITY SELECTIONS)
53-123292 CHEVELLE PROPERTIES, LLC	12/27/2022 11:00 A.M.	T4N, R4E, SEC. 30 MARICOPA 35.290	\$29,425,000.00	PERMANENT COMMON SCHOOLS (INDEMNITY SELECTIONS)

PUBLIC AUCTIONS BEING ADVERTISED

03-COMMERCIAL-LONG TERM LEASE
14-RIGHT-OF-WAY (LONG TERM)
16-RIGHT-OF-WAY (PERPETUAL)

AUCTION CALENDAR
JANUARY 2023

04-MINERAL
21-WATER
53-LAND

APP. NO.	AUCTION DATE & TIME	LOCATION, COUNTY & ACREAGE +/-	APPRAISED VALUE	BENEFICIARY
53-122276 J&R HOLDINGS XII, LLC	01/10/2023 & 11:00 AM	T4N, R2E, SEC. 3	\$11,000,000.00	PERMANENT COMMON SCHOOLS

EXHIBIT 4

From: Michael Romero <mromero@azland.gov>
Subject: Re: [External] Fwd: BOA (12/08/22) Packet - Available for Review
Date: December 8, 2022 at 9:37:37 AM MST
To: Robin Barnes <robin.barnes@hudsonbayminerals.com>

No worries.
It was great working with you.
I have a heavy calendar tomorrow.
I am available between 9 and 10 and 2 and 3.

I'll keep an eye out for the fedex label.

Michael D. Romero | Rights of Way Project Leader
Arizona State Land Department
1110 W. Washington St | Phoenix, AZ 85007
O: 602-542-2321 | mromero@azland.gov

Funding Arizona Public Schools and Institutions since 1915

On Thu, Dec 8, 2022 at 9:15 AM Robin Barnes <robin.barnes@hudsonbayminerals.com> wrote:
I can't thank you enough. This is super huge for us. I will be in Phoenix tomorrow. May I stop by your office to meet you in person?

I will be sending you the FedX label before noon today.

Robin E. Barnes
Land Manager

Rosemont Copper Company
5285 E. Williams Circle, Ste. 2010
Tucson, AZ 85711
robin.barnes@hudsonbayminerals.com
1 (520) 589-1143
1 (520) 210-1064 (C)

On Thu, Dec 8, 2022 at 9:10 AM Michael Romero <mromero@azland.gov> wrote:
Congratulations!

EXHIBIT 5

From: Robin Barnes <robin.barnes@hudbayminerals.com>
Subject: Re: [External] Re: ROW 14-123251
Date: December 16, 2022 at 4:35:47 PM MST
To: Michael Romero <mromero@azland.gov>

The sooner the better. We really need this fully approved by the end of the year.

On Fri, Dec 16, 2022 at 4:23 PM Michael Romero <mromero@azland.gov>
wrote:
Hello Robin

My manager is out today. I do not have an answer yet on the name change.
I will also get the redlined documents in front of him early next week.
His calendar looks busy Monday so I might take a few days to get back to you.

Have a great weekend,

Michael D. Romero | Rights of Way Project Leader
Arizona State Land Department
1110 W. Washington St | Phoenix, AZ 85007
O: 602-542-2321 | mromero@azland.gov

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On Fri, Dec 16, 2022 at 3:34 PM Robin Barnes <robin.barnes@hudbayminerals.com> wrote:
Attached is a redlined word document showing the proposed changes to the ROW (Boilerplate Section 1.4 and Addtl Conditions Section 4.1 and Section 7) for your consideration. We are requesting changes to the purpose of the ROW to make it more consistent with the proposed uses. In addition, the changes in Section 7 were negotiated with ASLD when we previously obtained ROW along Santa Rita Road in 2017. I have included a copy of ROW 14-115294 for your reference to those agreed upon additional conditions.

I am happy to chat with you about these changes.

Cheers.

Robin E. Barnes
Land Manager

Rosemont Copper Company
5285 E. Williams Circle, Ste. 2010

EXHIBIT 6

PROPOSED CHANGES TO BOILERPLATE FORM ROW 14-123251

4.1 ___ The purpose of this Right of Way is the location, construction, operation, and maintenance of:

~~**PLACEHOLDER** Access and Service Road(s), 6 Pipelines, Electrical and Telecommunication Lines.~~

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PROPOSED CHANGES TO ADDITIONAL CONDITIONS OF ROW 14-123251

1.4 ___ The purpose of this Right of Way is for ~~a Non-Exclusive Access and Service Road(s)~~, Overhead Electric Transmission Lines(s), a ~~48-24~~-count fiber optic communication line for internal purposes only and 6-24" ~~pipelines~~ ~~water transmission~~.

7. MISCELLANEOUS

~~7.1 Grantor, or its successors or assigns, reserves the right, upon the request of Lessee / Certificate of Purchase Holder / Permittee to relocate all or any portion of this Right of Way, provided however that the Lessee / Certificate of Purchase Holder / Permittee of the underlying State Trust land~~

7.1 Grantee shall relocate that portion(s) of the Grantee's facilities within the Right of Way ~~overhead 138kV transmission line with an overhead 48 count fiber optic line (internal use only)~~ and any associated appurtenances or portion(s) thereof constructed pursuant to this Right of Way (the "Affected Facilities") if Grantor determines, in its reasonable discretion, that the relocation of the Affected Facilities during the Term of this Right of Way is in the best interests of the Trust and facilitates the use and/or development of the balance of the surrounding State Trust Lands.

7.1.1 Prior to relocation of the Affected Facilities, Grantor, Grantee, and any ~~3rd~~ ~~third~~ party applicant, lessee, grantee, or permittee whose use of the surrounding State Trust Lands shall ~~be~~ be facilitated by the ~~full cost~~ relocation, shall agree to the new alignment of this Right of Way and ~~expense~~ relocation of the Affected Facilities. The realignment and relocation ~~of any facilities on the Subject Land and on neighboring land regardless of ownership necessary to accommodate the relocation~~ shall not, without the approval of Grantee, change the locations at which the Affected Facilities currently enter and exit State Trust lands. Realignment of the Right of Way ~~Relocation shall~~ may require an amendment to the ~~description of the~~ Subject Land, and may require ~~payment of additional rental~~ rent to Grantor, but in no case a diminution in ~~rental~~ rent, if necessary to compensate for any greater value of the amended Subject Land.

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7.1.2 The proposed relocation shall not cause an interruption in Grantee's use of the

Affected Facilities ~~overhead 138kV transmission line with an overhead 48 count fiber optic line~~
~~(internal use only).~~

7.1.3 The proposed relocation may only proceed if Grantee can obtain all clearances, permits, approvals, and acceptable title insurance necessary to operate and relocate the Affected Facilities within the new right of way alignment.

7.1.4 The ~~3rd~~ ^{third} party applicant, lessee, grantee, or permittee seeking the relocation of the Affected Facilities or this Right of Way to facilitate its use and development of the surrounding State Trust Land shall reimburse Grantee, in a manner to be agreed prior to relocation, for (a) Grantee's costs to apply for, process, and obtain all clearances, permits, and approvals necessary to relocate the Affected Facilities or this Right of Way to the new right of way alignment, (b) Grantee's cost to relocate and reconstruct the Affected Facilities in the new right of way alignment, (c) Grantee's cost to remove the Affected Facilities from this Right of Way, and (d) any increase in the ~~Base RR~~ Rent charged by Grantor for any amendment to the acreage and location of the Subject Land.

7.2 NO CHANGE

7.3 No altering of existing drainages or drainage structures is authorized under this instrument except as otherwise authorized by appropriate state and federal permits.

EXHIBIT 7

5285 E. Williams Circle, Ste. 2010
Tucson, AZ 85711
robin.barnes@hudsonbayminerals.com
1 (520) 589-1143
1 (520) 210-1064 (C)

On Mon, Nov 28, 2022 at 2:32 PM Michael Romero <mromero@azland.gov> wrote:

No, the Board only reviews the value.
I can change the description in our system

Michael D. Romero | Rights of Way Project Leader
Arizona State Land Department
1110 W. Washington St | Phoenix, AZ 85007
O: 602-542-2321 | mromero@azland.gov

—

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On Mon, Nov 28, 2022 at 2:24 PM Robin Barnes <robin.barnes@hudsonbayminerals.com> wrote:

I just left you a voicemail. The description does not match the current projected uses of the right of way. Our application provides for 3 above-ground pipelines and we expect to have 3 above-ground pipelines for tailings, sand, reclaimed water and other uses. Do these need to be included in the recommendations being described to the Board?

Robin E. Barnes
Land Manager

Rosemont Copper Company
5285 E. Williams Circle, Ste. 2010
Tucson, AZ 85711
robin.barnes@hudsonbayminerals.com
1 (520) 589-1143
1 (520) 210-1064 (C)

On Mon, Nov 28, 2022 at 2:05 PM Robin Barnes <robin.barnes@hudsonbayminerals.com> wrote:
Attached is the executed Notice of Appraisal. Apologies.

Robin E. Barnes

EXHIBIT 8

From: Adam Hawkins <ahawkins@globalexternal.com>
Subject: Re: 14-123251
Date: December 20, 2022 at 9:04:18 AM MST
To: Jim Perry <jperry@azland.gov>

Thanks Jim! Let us know where we land on the rec sheet. -Adam

On Tue, Dec 20, 2022 at 07:17 Jim Perry <jperry@azland.gov> wrote:

1. Application was approved at Dec. 8th BOA
2. Draft Docs were sent to Rosemont last week for their review
3. We found a scrivener's error on BOA the signed rec sheet in the purpose and we need to confer with Paul Peterson if we need to go back to BOA to correct. It is not a money issue, only an error in the description of the purpose.
4. Rental and native plant are to be billed
5. Application to be submitted to T&C for offering out

**Jim Perry | Deputy Commissioner Arizona State Land
Department** 1110 W. Washington Street | Phoenix, AZ 85007
602-542-3197 | jperry@azland.gov

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EXHIBIT 9

From: Michael Romero <mromero@azland.gov>
Subject: Re: [External] Re: ROW 14-123251
Date: January 3, 2023 at 10:54:39 AM MST
To: Robin Barnes <robin.barnes@hudsonbayminerals.com>

I will call you.

Michael D. Romero | Rights of Way Project Leader
Arizona State Land Department
1110 W. Washington St | Phoenix, AZ
85007O: 602-542-2321 | mromero@azland.gov

—
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On Tue, Jan 3, 2023 at 10:53 AM Robin Barnes
<robin.barnes@hudsonbayminerals.com> wrote:
Do you want me to call you or vice versa?

Robin E. Barnes
Land Manager

Rosemont Copper Company
5285 E. Williams Circle, Ste. 2010
Tucson, AZ 85711
robin.barnes@hudsonbayminerals.com
1 (520) 589-1143
1 (520) 210-1064 (C)

On Tue, Jan 3, 2023 at 9:12 AM Robin Barnes
<robin.barnes@hudsonbayminerals.com> wrote:
Anything earlier. We are getting very concerned about our ability to get this ROW
signed prior to Lisa's departure.

Robin E. Barnes
Land Manager

Rosemont Copper Company
5285 E. Williams Circle, Ste. 2010
Tucson, AZ 85711
robin.barnes@hudsonbayminerals.com
1 (520) 589-1143