

BLM02H50

TYPE OF RECORD: ACTIVE NON PERMANENT

CATEGORY OF RECORD: **CONTRACT**

NAME OF CONTRACTOR: U.S. DEPARTMENT OF THE INTERIOR BUREAU OF LAND  
MANAGEMENT

SUBJECT/PROJECT: CITY OF GRAND JUNCTION WATER PIPELINE

LOCATION: BLM LAND WITHIN U.S. HWY 50 RIGHT OF WAY

CITY DEPARTMENT: PUBLIC WORKS

YEAR: 2002

EXPIRATION DATE: 12/31/02 (CAN BE RENEWED)

DESTRUCTION DATE: 1/39

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
RIGHT-OF-WAY GRANT

SERIAL NUMBER COC-66167

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1. A right-of-way is hereby granted pursuant to Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761).

2. Nature of Interest:

a. By this instrument, the holder:

City of Grand Junction  
Department of Public Works and Utilities  
250 N. 5<sup>th</sup>.  
Grand Junction, Colorado 81501

receives a right to construct, operate, maintain, and terminate a 24" diameter PVC water pipeline on public lands described as follows:

Ute Principal Meridian

T. 2 S., R. 1 E.  
Section 3; SE, NESW, S1/2NW  
Section 4; N1/2NE  
Section 10; N1/2NE

And as shown on the attached map in Exhibit A.

b. The right-of-way or permit area granted here is 50 feet wide, 5000 feet long and contains 5.7 acres, more or less. All surface disturbing activities within the 50 foot right-of-way width shall be confined to the existing US Highway 50 right-of-way or the existing M06676 right-of-way.

c. This instrument shall terminate on December 31, 2032, upon 30 years from its effective date unless, prior thereto, it is relinquished, abandoned, terminated, or modified pursuant to the terms and conditions of this instrument or of any applicable Federal law or regulation.

d. This instrument may be renewed. If renewed, the right-of-way or permit shall be subject to the regulations existing at the time of renewal and any other terms and conditions that the authorized officer deems necessary to protect the public interest.

- e. Notwithstanding the expiration of this instrument or any renewal thereof, early relinquishment, abandonment, or termination, the provisions of this instrument, to the extent applicable, shall continue in effect and shall be binding on the holder, its successors, or assigns, until they have fully satisfied the obligations and/or liabilities accruing herein before or on account of the expiration, or prior termination, of the grant.
3. Rental: For and in consideration of the rights granted, the holder agrees to pay the Bureau of Land Management fair market value rental as determined by the authorized officer. Provided, however, that the rental may be adjusted by the authorized officer, whenever necessary, to reflect changes in the fair market rental value as determined by the application of sound business management principles, and so far as practicable and feasible, in accordance with comparable commercial practices.
  4. Terms and Conditions:
    - a. This grant is issued subject to the holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations part 2800, and all other applicable federal, state, and local laws, regulations, and standards.
    - b. Upon grant termination by the authorized officer, all improvements shall be removed from the public lands within 90 days, or otherwise disposed of as provided in paragraph (4)(d) or as directed by the authorized officer.
    - c. Each grant issued for a term of 20 years or more shall, at a minimum, be reviewed by the authorized officer at the end of the 20th year and at regular intervals thereafter not to exceed 10 years. Provided, however, that a right-of-way or permit granted herein may be reviewed at any time deemed necessary by the authorized officer.
    - d. The plans, maps, or designs set forth in the Application, and Special Stipulations and Conditions (Exhibits A and B attached hereto) are incorporated into and made a part of this grant instrument as fully and effectively as if they were set forth herein in their entirety.
    - e. Failure of the holder to comply with applicable law or any provision of this right-of-way grant or permit shall constitute grounds for suspension or termination thereof.
    - f. The holder shall perform all operations in a good and workmanlike manner so as to ensure protection of the environment and the health and safety of the public.

IN WITNESS WHEREOF, The undersigned agrees to the terms and conditions of this right-of-way grant or permit.

Jerry Don Newton  
Signature of Holder

Catharine Bowman  
Signature of Authorized Officer

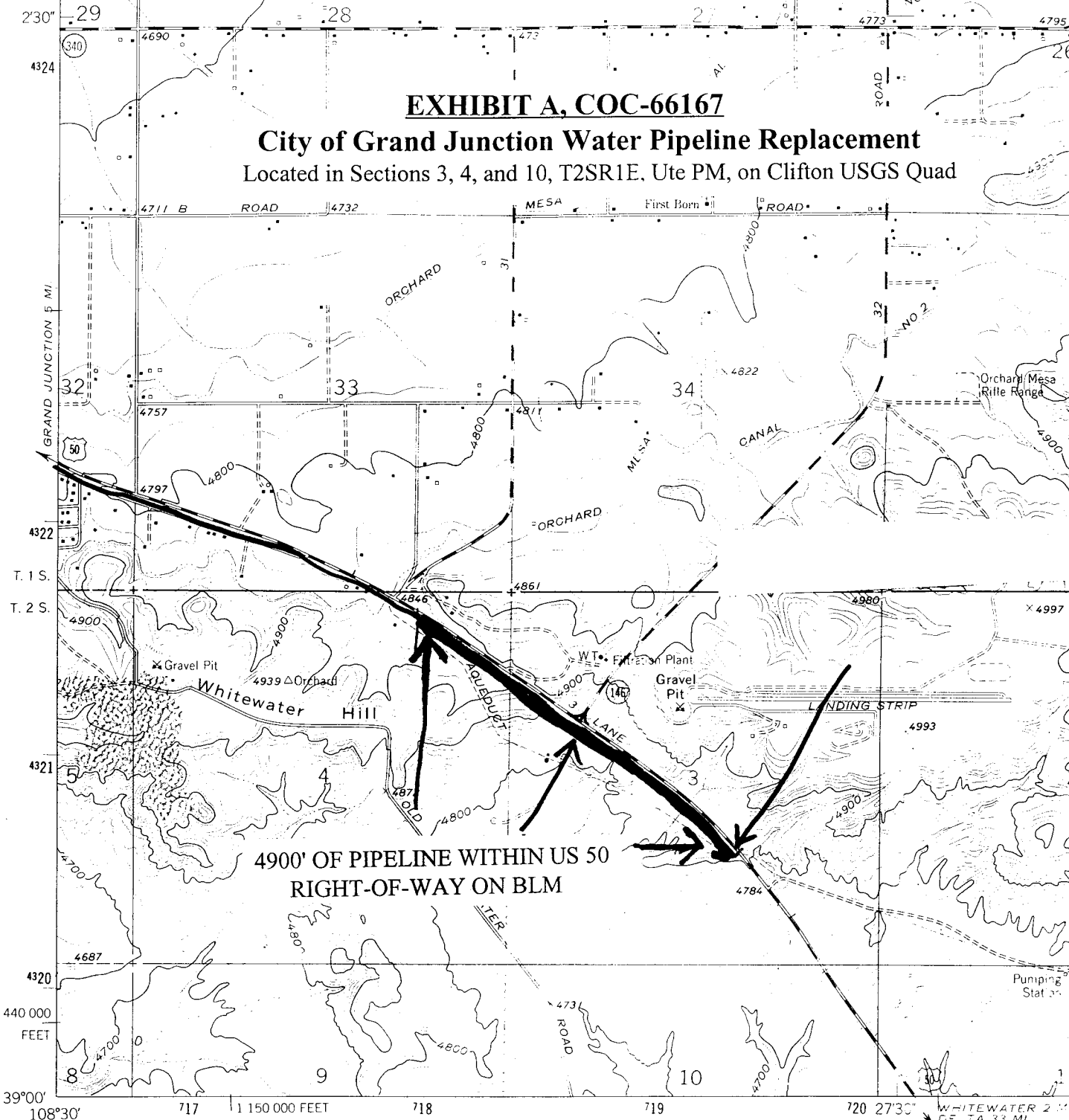
Engr. Projects Manager  
Title

Field Manager  
Title

May 3, 2002  
(Date)

5/2/02  
(Effective date of Grant)

CENTRAL



### EXHIBIT A, COC-66167

## City of Grand Junction Water Pipeline Replacement

Located in Sections 3, 4, and 10, T2SR1E, Ute PM, on Clifton USGS Quad

**4900' OF PIPELINE WITHIN US 50  
RIGHT-OF-WAY ON BLM**

Mapped, edited, and published by the Geological Survey

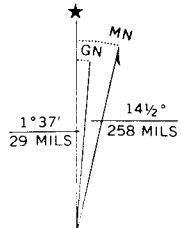
Control by USGS and NOS/NOAA

Topography by photogrammetric methods from aerial photographs taken 1956. Field checked 1962

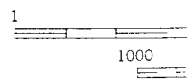
Polyconic projection. 1927 North American datum  
10,000-foot grid based on Colorado coordinate system, central zone  
1000-metre Universal Transverse Mercator grid ticks,  
zone 12, shown in blue

Fine red dashed lines indicate selected fence lines

Revisions shown in purple compiled from aerial photographs taken 1973. Field checked 1973



UTM GRID AND 1973 MAGNETIC NORTH DECLINATION AT CENTER OF SHEET



(ISLAND MESA)  
4261 / NE

FOR SALE BY U.  
A FOLDE

EXHIBIT B , SPECIAL STIPULATIONS, COC-66167

1. The holder shall request a preconstruction conference with the authorized officer at least five days prior to the commencement of construction under this grant. The contact person is Carlos Sauvage at the Grand Junction Field Office, phone (970) 244-3022. One purpose of this conference is to determine if water bars or any special conditions will be required to limit environmental damage or insure surface stability.
- 2.. All activities shall be confined to the right-of-way of Highway 50 or the existing pipeline right-of-way.
3. The holder shall promptly remove and dispose in an authorized sanitary landfill, all waste generated by its activities. Waste includes, but is not limited to, human waste, trash, garbage, petroleum products, ashes and equipment. No burning of trash, brush, or any other material shall be allowed.
4. It is the holders responsibility to coordinate with the Colorado Department of Transportation and all other rights-of-way holders and adjacent landowners to make sure any conflicts are resolved.
5. The Grand Junction Field Manager will be notified at least 30 days prior to relinquishment or expiration of the ROW grant. The holder shall contact the authorized officer to arrange a joint inspection of the ROW. This inspection shall be held to determine if the ROW is in acceptable condition. If it is not, then the holder shall be responsible for returning the ROW to a condition acceptable to the authorized officer. This must be accomplished before relinquishment or expiration of the ROW.
6. The holder shall comply with all Colorado Department of Transportation and County resolutions, regulations and permit requirements.
7. All design, material, and construction, operation, maintenance and termination practices shall be in accordance with safe and proven engineering practices. The holder shall perform all operation in a good and workmanlike manner so as to ensure protection of the environment and the health and safety of the public.
8. This grant shall not be assignable without written permission of the authorized officer. This Grant may be renewed, If renewed, the Grant shall be subject to the regulation existing at the time of renewal and any other terms and conditions that the authorized officer deems necessary to protect the public interest.
10. Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the holder, or any person working on his behalf, on public land shall be immediately reported to the authorized officer. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An

evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of evaluation and any decision as to proper mitigation measures will be made by the authorized officer after consulting with the holder.

11. Pursuant to 43 CFR 10.4 (g) the holder of this authorization must notify the authorized officer, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), the holder must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer.

12. The holder shall insure that all construction and maintenance equipment is washed prior to use to insure removal of weed seeds and their potential transfer to the ROW area. The holder shall monitor the ROW for the presence of weeds which are included on the County noxious weed list. After consulting with the authorized officer, the holder shall control weed infestations which have resulted from the holder's construction, operation, maintenance or use of the ROW. If chemical control is necessary, use of pesticides shall comply with the applicable Federal and State laws. Pesticides shall be used only in accordance with their registered uses and within limitations imposed by the Secretary of the Interior. Prior to the use of pesticides, the holder shall obtain from the authorized officer written approval of a plan showing the type and quantity of material to be used, the weed (s) to be controlled, method of application, location of storage and disposal of containers, and any other information deemed necessary by the authorized officer. Emergency use of herbicides shall be approved in writing by the authorized officer prior to such use.

13. The holder shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, the holder shall comply with the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601 et seq.) with regard to any toxic substances that are used, generated by or stored on the ROW or on facilities authorized under this ROW grant (see 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193). Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR, Part 117 shall be reported as required by the Comprehensive Environmental Response, Compensation and Liability Act of 1980, Section 102b. A copy of any report required or requested by any Federal agency or State government as a result of a reportable release or spill of any toxic substances shall be furnished to the authorized officer concurrent with the filing of the reports to the involved Federal agency or State government. The holder shall comply with applicable State standards for public health and safety, environmental protection and siting, construction, operation and maintenance, if these State standards are more stringent than Federal standards for similar projects. Part 117 shall be reported as required by the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, Section 102b. A copy of any report required or requested by any Federal agency or State government as a result of a reportable release of spill of any toxic substances shall be furnished to the authorized officer concurrent with the filing of the reports to the involved Federal agency or State government.

14. Disturbed areas shall be seeded with the following seed formula. Application rates are for pure live seed.

<u>Species</u>	<u>lbs./acre</u>
“Bozoisky” Russian Wildrye	5
“Paloma” Indian Ricegrass	3
“Sodar” Streambank Wheatgrass	8
Galleta Grass	5
Shadscale	1
Rincon fourwing saltbush	1

Prepare seedbed by contour cultivating 4 to 6 inches deep. Drill seed ½ to 1 inch deep following the contour. In areas that cannot be drilled, broadcast seed at 1.5 times the application rate and cover ½ to 1 inch deep with a harrow, drag bar, or hand rake. Seeding must be completed after August 15 and prior to October 15.