

CS-L-46  
REV. 9-60

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
COLORADO LAND OFFICE  
GAS & ELECTRIC BUILDING  
910 - 15TH STREET  
DENVER 2, COLORADO

IN REPLY REFER TO:

C-0101347 - R/W

CERTIFIED MAIL

FEBRUARY 27, 1963

*Lafone  
em*

DECISION

RIGHT - OF - WAY GRANTED

DETAILS OF GRANT

SERIAL NUMBER OF GRANT

COLORADO 0101347

NAME OF GRANTEE

CITY OF GRAND JUNCTION

MAP SHOWING LOCATION  
AND DIMENSIONS OF GRANT:

MAP DESIGNATIONS

INDIAN WASH WATERSHED

DATE FILED

JANUARY 18, 1963

PERMITTED USE BY GRANTEE

WATERSHED PROJECT

AUTHORITY FOR GRANT

ACT OF FEBRUARY 15, 1901  
(43 U.S.C. 959)

REGULATIONS APPLICABLE TO GRANT:

CODE REFERENCE

43 CFR - PART 244.39 -  
SUBPARTS A AND D

CIRCULAR NUMBERS

1915

DATE OF GRANT

FEBRUARY 27, 1963

EXPIRATION DATE OF GRANT

NONE

RENTAL:

AMOUNT

NONE

WHEN PAYABLE BY GRANTEE

*ES*  
FEB 28 1963

TERMS AND CONDITIONS OF GRANT

PURSUANT TO THE AUTHORITY VESTED IN THE UNDERSIGNED BY ORDER NO. 684 OF THE DIRECTOR, BUREAU OF LAND MANAGEMENT, DATED AUGUST 28, 1961 (26 F.R. 8216), AS AMENDED, A RIGHT-OF-WAY, THE DETAILS OF WHICH ARE SHOWN ABOVE, IS HEREBY GRANTED, SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:

1. ALL VALID RIGHTS EXISTING ON THE DATE OF THE GRANT.
2. ALL REGULATIONS IN THE CIRCULARS SPECIFIED ABOVE.
3. FILING OF PROOF OF CONSTRUCTION WITHIN 5 YEARS OF DATE OF GRANT.
4. FILING OF A MAP OF FINAL LOCATION OF FACILITIES, INCLUDING THE RESERVOIR, ACCESS ROADS, ETC., AS SOON AS SUCH LOCATION HAS BEEN DEFINITELY DETERMINED.

THE GRANT OF RIGHT-OF-WAY IS SUBJECT TO THE ATTACHED STIPULATIONS REGARDING RESEEDING, ETC., WHICH ARE HEREBY REFERRED TO AND MADE A PART OF THIS DECISION. FURTHER DETAILS REGARDING THESE STIPULATIONS SHOULD BE OBTAINED FROM THE DISTRICT MANAGER, BUREAU OF LAND MANAGEMENT, GRAND JUNCTION, COLORADO.

THE CITY OF GRAND JUNCTION IS ALLOWED THE RIGHT OF APPEAL TO THE DIRECTOR, BUREAU OF LAND MANAGEMENT, IN ACCORDANCE WITH THE REGULATIONS IN 43 CFR PART 221, AS AMENDED. SEE ENCLOSED FORM 4-1364. IF AN APPEAL IS TAKEN, IT MUST BE FILED IN THE LAND OFFICE AT DENVER, COLORADO. IN TAKING AN APPEAL THERE MUST BE STRICT COMPLIANCE WITH THE REGULATIONS. IF AN APPEAL IS FILED, THE APPELLANT WILL HAVE THE BURDEN OF PROVING BY PRESENTING POSITIVE AND SUBSTANTIAL EVIDENCE WHEREIN THE DECISION APPEALED FROM IS IN ERROR.

*Everett K. Weedlin*

EVERETT K. WEEDIN  
CHIEF, LAND ADJUDICATION SECTION

ATTACHMENTS

CC: LANDS AND MINERALS  
GRAND JUNCTION DIST. OFF.  
RANGE & FORESTRY  
SOIL CONS. SERV. (2)  
FILE ✓

JMLAJOIE: REM

STIPULATIONS FOR RIGHT OF WAY - WATERSHED PROJECT  
City of Grand Junction - C-0101347

1. Where the vegetative cover is removed or disturbed on the access road right of way, such as the burrow pits or on other areas of Public land used in connection with the right of way, said areas shall be seeded with a suitable mixture of grasses at a rate and time to be specified by the Bureau of Land Management.
2. All burrow pit areas, or other areas used in connection with construction of the dam, where the vegetation is disturbed shall be seeded with a suitable mixture of grasses at a rate and time to be specified by the Bureau of Land Management.
3. All burrow pit areas shall not be left steeper than a 3:1 slope.
4. Any area of the reservoir, if by silting results in a hazard to livestock, shall be fenced.

DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

1963 FEB 8 AM 11 57 .1

DIVISION OF LAND MANAGEMENT  
DENVER, COLORADO

**RECEIVED**  
Bureau of Land Management

1963  
FEB 8 - 1963

Denver, Colorado

DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

1963 FEB 8 AM 10 00 .0

DIVISION OF LAND MANAGEMENT  
DENVER, COLORADO



# United States Department of the Interior



BUREAU OF LAND MANAGEMENT  
Colorado State Office  
2850 Youngfield Street  
Lakewood, Colorado 80215-7210  
www.co.blm.gov

In Reply Refer To:  
2800 (CO923)  
COC-0101347

**JUN 16 2014**

CERTIFIED MAIL - Return Receipt Requested

## DECISION

City of Grand Junction  
250 North 5th Street  
Grand Junction, CO 81501

### Right-of-Way Amended

The City of Grand Junction received notice of proposed amendment of its right-of-way grant for the Indian Wash Reservoir by certified mail. Right-of-way COC-0101347 is hereby amended to include the following additional provision:

The authorization holder shall comply with the current requirements of the Federal Guidelines for Dam Safety (including FEMA 64, FEMA 65, FEMA 93, FEMA 94, FEMA 148, and FEMA 333) for dam site investigation, design, construction, operation and maintenance, and emergency preparedness. Upon request from the BLM, the authorization holder shall provide all supporting documentation for reporting the adequacy and condition of the dam under these Federal Guidelines for Dam Safety. If the terms of these stipulations are not met the right-of-way holder shall, within 120 calendar days, provide a plan for the cure of the identified deficiencies to the BLM. Failure to report and act on curing dam safety deficiencies may result in suspension or termination of this authorization and the access to the BLM-administered public lands.

Within 30 days of receipt of this decision, you have the right of appeal to the Board of Land Appeals, Office of the Secretary, in accordance with the regulations at 43 CFR 4.400. If an appeal is taken, the procedures outlined in the enclosed Form 1842-1 Information on Taking Appeals to the Board of Land Appeals, must be strictly followed. The form also includes instructions for filing a petition for stay of any decisions appealed from. The appellant has the burden of showing that the decision appealed from is in error.

If you have questions about amendment of right-of-way COC-0101347, please call Alexa Watson, Realty Specialist at (303) 239-3796.



*Acting*

John D. Beck  
Chief, Branch of Lands and Realty

Enclosure

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

INFORMATION ON TAKING APPEALS TO THE INTERIOR BOARD OF LAND APPEALS

DO NOT APPEAL UNLESS

1. This decision is adverse to you,  
AND
2. You believe it is incorrect

IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED

- 1. NOTICE OF APPEAL**..... A person who wishes to appeal to the Interior Board of Land Appeals must file in the office of the officer who made the decision (not the Interior Board of Land Appeals) a notice that he wishes to appeal. A person served with the decision being appealed must transmit the *Notice of Appeal* in time for it to be filed in the office where it is required to be filed within 30 days after the date of service. If a decision is published in the FEDERAL REGISTER, a person not served with the decision must transmit a *Notice of Appeal* in time for it to be filed within 30 days after the date of publication (43 CFR 4.411 and 4.413).
- 2. WHERE TO FILE**
- NOTICE OF APPEAL**..... Bureau of Land Management, Colorado State Office  
Division of Energy, Lands, and Minerals (CO-920)  
2850 Youngfield Street, Lakewood, Colorado 80215
- WITH COPY TO SOLICITOR**..... U.S. Department of the Interior, Regional Solicitor, Rocky Mountain Region  
755 Parfet Street, Suite 151, Lakewood, Colorado 80215
- 3. STATEMENT OF REASONS** Within 30 days after filing the *Notice of Appeal*, file a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. If you fully stated your reasons for appealing when filing the *Notice of Appeal*, no additional statement is necessary (43 CFR 4.412 and 4.413).
- WITH COPY TO SOLICITOR**..... U.S. Department of the Interior, Regional Solicitor, Rocky Mountain Region  
755 Parfet Street, Suite 151, Lakewood, Colorado 80215
- 4. ADVERSE PARTIES**..... Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of: (a) the *Notice of Appeal*, (b) the Statement of Reasons, and (c) any other documents filed (43 CFR 4.413).
- 5. PROOF OF SERVICE**..... Within 15 days after any document is served on an adverse party, file proof of that service with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (43 CFR 4.401(c)).
- 6. REQUEST FOR STAY**..... Except where program-specific regulations place this decision in full force and effect or provide for an automatic stay, the decision becomes effective upon the expiration of the time allowed for filing an appeal unless a petition for a stay is timely filed together with a *Notice of Appeal* (43 CFR 4.21). If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals, the petition for a stay must accompany your *Notice of Appeal* (43 CFR 4.21 or 43 CFR 2801.10 or 43 CFR 2881.10). 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 a 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 (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 regulations, 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.

Unless these procedures are followed, your appeal will be subject to dismissal (43 CFR 4.402). Be certain that all communications are identified by serial number of the case being appealed.

**NOTE:** A document is not filed until it is actually received in the proper office (43 CFR 4.401(a)). See 43 CFR Part 4, Subpart B for general rules relating to procedures and practice involving appeals.

### 43 CFR SUBPART 1821--GENERAL INFORMATION

Sec. 1821.10 Where are BLM offices located? (a) In addition to the Headquarters Office in Washington, D.C. and seven national level support and service centers, BLM operates 12 State Offices each having several subsidiary offices called Field Offices. The addresses of the State Offices can be found in the most recent edition of 43 CFR 1821.10. The State Office geographical areas of jurisdiction are as follows:

#### STATE OFFICES AND AREAS OF JURISDICTION:

Alaska State Office ----- Alaska  
Arizona State Office ----- Arizona  
California State Office ----- California  
Colorado State Office ----- Colorado  
Eastern States Office ----- Arkansas, Iowa, Louisiana, Minnesota, Missouri  
and, all States east of the Mississippi River  
Idaho State Office ----- Idaho  
Montana State Office ----- Montana, North Dakota and South Dakota  
Nevada State Office ----- Nevada  
New Mexico State Office ---- New Mexico, Kansas, Oklahoma and Texas  
Oregon State Office ----- Oregon and Washington  
Utah State Office ----- Utah  
Wyoming State Office ----- Wyoming and Nebraska

(b) A list of the names, addresses, and geographical areas of jurisdiction of all Field Offices of the Bureau of Land Management can be obtained at the above addresses or any office of the Bureau of Land Management, including the Washington Office, Bureau of Land Management, 1849 C Street, NW, Washington, DC 20240.

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(Form 1842-1, September 2006)