

USA99PAT

TYPE OF RECORD: PERMANENT

CATEGORY OF RECORD: **WATER** (PATENT)

NAME OF OWNER, GRANTOR OR COURT: UNITED STATES, PATENT NO. 05-2000-0008)

PROJECT OR WATERWAY: KANNAH CREEK

CITY DEPARTMENT: PUBLIC WORKS

YEAR: 1999

EXPIRATION DATE: NONE

DESTRUCTION DATE: NONE

The United States of America

To all to whom these presents shall come, Greeting:

4 PAGE DOCUMENT
BOOK 2665 PAGE 324

WHEREAS

1933393 12/27/99 1136AM
MONIKA TODD CLK&REC MESA COUNTY CO
REC FEE \$20.00

The City of Grand Junction, State of Colorado,

is entitled to a patent pursuant to Section 206 of the Act of October 21, 1976, as amended (43 U.S.C. 1701, 1716), for the following described lands:

Ute Principal Meridian, Colorado,

T. 2 S., R. 2 E.,

sec. 1, SE1/4NE1/4;

sec. 10, NW1/4SE1/4 and SW1/4SW1/4;

sec. 15, W1/2NW1/4;

Sixth Principal Meridian, Colorado,

T. 12 S., R. 97 W.,

sec. 30, lots 11, 13, and 14;

T. 12 S., R. 98 W.,

sec. 12, lot 13;

sec. 13, lot 4;

sec. 14, lot 5;

sec. 25, SE1/4SE1/4,

containing 448.08 acres.

NOW KNOW YE, that there is, therefore, granted by the UNITED STATES unto the City of Grand Junction, State of Colorado, the lands above-described; TO HAVE AND TO HOLD the said lands with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the City of Grand Junction, State of Colorado, and to its assigns, forever; and

EXCEPTING AND RESERVING TO THE UNITED STATES:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States. Act of August 30, 1890 (43 U.S.C. 945).
2. All the mineral deposits in the lands so patented pursuant to the Act of October 21, 1976 (43 U.S.C. 1719), including, without limitation, substances subject to disposition under the general mining laws, the mineral leasing laws, the Materials Act and the Geothermal Steam Act, and to it, its mining claimants, permittees, licensees and lessees, the right to prospect for, mine and remove the minerals owned by the United States under applicable law and such regulations as the Secretary of the Interior may prescribe. This reservation includes necessary

access and exit rights and the right to conduct all necessary and incidental activities, including, without limitation, all drilling, underground, open pit or surface mining operations, storage and transportation facilities deemed reasonably necessary.

Unless otherwise provided by separate agreement with the surface owner, mining claimants, permittees, licensees and lessees of the United States shall reclaim disturbed areas to the extent prescribed by regulations issued by the Secretary of the Interior.

All causes of action brought to enforce the rights of the surface owner under the regulations above referred to shall be instituted against mining claimants, permittees, licensees and lessees of the United States; and the United States shall not be liable for the acts or omissions of its mining claimants, permittees, licensees and lessees.

SUBJECT TO:

1. Those rights for the Kannah Creek Pipeline granted to the City of Grand Junction, Colorado, and its assigns by right-of-way Montrose 06676 under the Act of February 15, 1901, as amended (formerly 43 U.S.C. 959) across the SW1/4SW1/4 of section 10 and the W1/2NW1/4 of section 15, T. 2 S., R. 2 E., Ute Principal Meridian, Colorado. The right-of-way is a valid existing right unaffected by the partial repeal on October 21, 1976, of its authorizing Act by Title VII of P.L. 94-579 (90 Stat. 2743, 2786, 2793).
2. Those rights for the Lander Lateral granted to George Lander, his heirs and assigns, by right-of-way Montrose 08014 under the Act of March 3, 1891, as amended (formerly 43 U.S.C. 946-949) across lots 11, 13, and 14 of section 30, T. 12 S., R. 97 W., and the SE1/4SE1/4 of section 25, T. 12 S., R. 98 W., Sixth Principal Meridian, Colorado. The right-of-way is a valid existing right unaffected by the partial repeal on October 21, 1976, of its authorizing Act by Title VII of P.L. 94-579 (90 Stat. 2743, 2786, 2793).
3. Those rights for the Juniata Reservoir, Enlarged, granted to Juniata Reservoir Enlargement Company, its successors and assigns, by right-of-way Colorado 010753 under the Act of March 3, 1891, as amended (formerly 43 U.S.C. 946-949) across lot 13 of section 30, T. 12 S., R. 97 W., Sixth Principal Meridian, Colorado. The right-of-way is a valid existing right unaffected by the partial repeal on October 21, 1976, of its authorizing Act by Title VII of P.L. 94-579 (90 Stat. 2743, 2786, 2793).

4. Those rights for the Juniata Reservoir Impoundment granted to the City of Grand Junction, Colorado, and its assigns, by right-of-way Colorado 27016 under the Act of October 21, 1976 (43 U.S.C. 1761) across lots 13 and 14 of section 30, T. 12 S., R. 97 W., Sixth Principal Meridian, Colorado.
5. Those rights for water pipeline purposes granted to the City of Grand Junction, Colorado, and its assigns by right-of-way Colorado 43080 under the Act of October 21, 1976 (43 U.S.C. 1761) across the SE1/4SE1/4 of section 25, T. 12 S., R. 98 W., Sixth Principal Meridian, Colorado.

As to lot 4 of section 13, T. 12 S., R. 98 W., Sixth Principal Meridian, Colorado, this exchange is made under Section 29 of the Act of February 25, 1920 (30 U.S.C. 186) and the Act of March 4, 1933 (30 U.S. C. 124). The patent is issued subject to the rights of prior permittees or lessees to use so much of the surface of the said land as is required for mining operations without compensation to the patentee for damages from proper mining operations.

As to lots 11, 13, and 14 of section 30, T. 12 S., R. 97 W., in oil and gas lease Colorado 62810, lot 13 of section 12, and lot 5 of section 14, T. 12 S. R. 98 W. in oil and gas lease Colorado 61718, and the SE1/4SE1/4 of section 25, T. 12 S., R. 98 W., in oil and gas lease Colorado 62814, all in the Sixth Principal Meridian, Colorado, this exchange is made under Section 29 of the Act of February 25, 1920 (30 U.S.C. 186) and the Act of March 4, 1933 (30 U.S.C. 124). The patent is issued subject to the rights of prior permittees to use so much of the surface of said lands as is required for mining operations, without compensation to the patentee for damages resulting from proper mining operations for the duration of oil and gas leases Colorado 62810, 61718, and 62814, and any authorized extension of those leases.

This patent is further subject to Patent Restriction which shall restrict the future use of the Property to the following uses: pasture management, conservation, preservation of open space, maintenance of existing structures and/or the construction of new structures and any and all uses which are, or reasonably may be, claimed by the City to be related to the operation, maintenance, enlargement, or improvement of municipal water facilities and municipal watershed management.

The following use and/or practices, which shall run with the land, are prohibited on the Property.

1. The subdivision of the Property;
2. The permanent use of the Property for commercial or residential purposes;
3. The establishment of any commercial or industrial use other than as allowed by the Charter of the City of Grand Junction, Colorado, adopted September 14, 1909;
4. The establishment of any commercial or industrial use other than municipal water operations, maintenance, enlargement, improvement and/or water sales;

- 5. The establishment of any commercial or industrial use other than ranching and customary ancillary grazing, farming, and animal husbandry operations;
- 6. The establishment, construction, placement, or erection of any sign(s), billboard(s), or other signage not typically associated with ranch and/or water facility operations. Ranch name, no hunting, private property, safety warning, and no trespassing signs are allowed.
- 7. The establishment of a Commercial Feedlot. A Commercial Feedlot is defined for purposes of these restrictions as a confined area or facility within which the land is not grazed or cropped but livestock are kept and fed. Livestock feeding operations on the Property, which are consistent with generally accepted historic animal feeding practices, shall not constitute a Commercial Feedlot for purposes of this restriction.
- 8. These restrictions shall be included in any subsequent deed or conveyance of fee title or any interest in the Property.

IN TESTIMONY WHEREOF, the undersigned authorized officer of the Bureau of Land Management, in accordance with the provisions of the Act of June 17, 1948 (62 Stat. 476), has, in the name of the United States, caused these letters to be made Patent, and the Seal of the Bureau to be hereunto affixed.



GIVEN under my hand, in LAKEWOOD, COLORADO
the TWENTY-FIRST day of DECEMBER
in the year of our Lord one thousand nine hundred and
NINETY-NINE and of the Independence of the
United States the two hundred and TWENTY-FOURTH.

By Robert K. Olson
Acting Realty Officer, Colorado

Patent Number **05-2000-0008**