

DECISION RECORD

Exchange with State Board of Land Commissioners
Environmental Assessment CO-500-08-0008-EA

State: Colorado
Field Offices: Royal Gorge, La Jara, Saguache
Counties: Alamosa, Conejos, Fremont, Saguache

Serial No. COC-67638
Action: Land Exchange
Non-Federal Party: Board of
Land Commissioners

This Decision Record for the subject Land Exchange Environmental Assessment (EA) CO--500-08-0008-EA has been prepared to document the decision to approve the land exchange proposal. The action does not require an amendment of the existing Bureau of Land Management (BLM) Resource Management Plans (RMP) involved.

Approval of this exchange will authorize conveyance to the State of Colorado jurisdiction, a total of 18,190.03 Federal surface and mineral acres and 2,680.00 acres of Federal mineral estate under State surface. In exchange, the United States will receive title to 51,245.61 State surface and minerals acres and 5,810.50 acres of State mineral estate under Federal surface, of which 25,765.79 acres would be added to the Great Sand Dunes National Park and Preserve, 30,910.62 acres would be added to the adjoining Baca National Wildlife Refuge and 379.70 acres of surface and mineral estate outside the Park boundary would transfer to BLM jurisdiction.

For 45 days after publication of a Notice of Availability of Decision to approve the land exchange with the State Land Board, interested parties may submit written comments or protests to this decision to the Bureau of Land Management (43 CFR 2201.7-1). In the absence of any protests, the decision to exchange the Federal lands for the non-Federal (State) lands will become the final determination of the Department of the Interior.

A protest must be in writing. Protests by email or fax will not be accepted as valid protests unless the protesting party also provides the original letter by either regular or overnight mail postmarked by the close of the protest period. Under these conditions, the BLM will consider an email or faxed protest as an advance copy, and it will receive full consideration. If you wish to provide the BLM with such advance notification, please direct faxed protests to attention of Andy Senti, Realty Specialist, (303)239-3799.

If sent by regular mail, send to Bureau of Land Management, Colorado State Office
Attn.: Andy Senti, 2850 Youngfield Street, Lakewood, Colorado, 80215-7093. Send overnight mail to the same address (must be Federal Express)

In order to be considered complete, your protest, at a minimum, must contain the following information:

1. Name, mailing address, telephone number, and interest of the person filing the protest.
2. Statement of the issue or issues being protested.
3. Copies of all documents addressing the issue or issues that you submitted.

Decision on Land Exchange

It is my decision to approve a land exchange between the BLM and the Colorado State Land Board. The parties initiated this land exchange to accomplish BLM land adjustment and resource management objectives beneficial to the National Park Service (NPS), the U. S. Fish and Wildlife Service (FWS), the BLM, and the Colorado State Land Board. The legal descriptions of the lands and mineral estates included in the title transfer are described in Exhibits A through G. All water rights associated with the State lands are also being conveyed and are described in Exhibits H and I. The State has no water rights appurtenant to the 379.70 acres of land for which title will pass to the United States for management by the BLM. Reservations and encumbrances of the lands and mineral estates included in the title transfer are described in Exhibits J and K. All other Federal lands and interests that were identified in the Notice of Exchange Proposal, published in March and April 2005, have been eliminated from the exchange as they are not needed for value equalization purposes, because of the presence of hazardous materials (40 acres), or because of conflicts with mining claims (240 acres).

Rationale for Decision

The decision to exchange 18,190.03 acres of federal lands (surface and minerals) and 2,680.00 acres of Federal mineral under State surface is consistent with the criteria for disposal of public lands established in Section 206 of the Federal Land Policy and Management Act of 1976 (FLPMA), as amended (43 U. S. C. 1716) and the BLM Royal Gorge and San Luis Valley RMPs. The exchange will remove all State Land Board water rights land and mineral ownership totaling 25,965.69 acres from the Great Sand Dunes National Park and 30,910.62 acres from the Baca National Wildlife Refuge, to contribute in part, to fulfillment of the long-term land tenure adjustment objectives of the Great Sand Dunes National Park and Preserve Act of 2000, Public Law 106-530, and the management objectives of the Park and the Refuge. The 379.70 acres identified for transfer to BLM administration adjoins other BLM lands with which it can be managed effectively and relieves the State of administration of a land parcel separated from other State lands.

The BLM-administered public lands to be conveyed to the State Board of Land Commissioners are intermingled with or adjoining State lands with which they can be managed effectively to achieve State Land Board resource management objectives. Title transfer by land exchange is consistent with the BLM Royal Gorge and San Luis Valley RMPs that provide for land exchange where the public interest will be served.

The Great Sand Dunes National Park and Preserve Act of 2000 (P. L. 106-530, 114 Stat. 2527) states at Section 8(2) "Lands or interests therein owned by the State of Colorado, or a political subdivision thereof may only be acquired by donation or exchange."

Public Interest Determination

Both Federal and State agencies stand to gain substantial benefits from the exchange. The primary objective of the exchange is to contribute to fulfillment of the goals of the Great Sand Dunes National Park and Preserve Act of 2000 (P. L. 106-530, 114 Stat. 2527) which authorized

the elevation of Great Sand Dunes National Monument to Park status, created the Great Sand Dunes National Preserve, and authorized the establishment of the Baca National Wildlife Refuge, adjoining the Park. The underlying intent of the Act is to protect and preserve the spectacular and unique sand dunes, the ground water system on which the dunes depend, and the biodiversity of the landscape that includes the Park, Preserve and Refuge.

Regarding Executive Order (EO) 13443 of August 16, 2007 – Facilitation of Hunting Heritage and Wildlife Conservation, current hunting and wildlife use of any of the lands in the exchange is unlikely to change significantly after the exchange is completed. The NPS and FWS are subject to the EO. The major portion of the lands that will transfer to State jurisdiction will be placed in the State's Stewardship Trust which recognizes the long-term obligation to management of wildlife and related resources.

The State land and mineral interests and water rights to be transferred to Federal ownership will remove all of the State's title from both the Park and Refuge, affording the Park and Refuge opportunity for land use planning without having to deal with the internal boundaries that presently exist.

Land tenure in the Table Mountain parcel will eliminate 2,680 acres of split estate Federal minerals underlying State surface, and will pass to State ownership and management 2,172.62 acres of Federal surface/mineral estate lands intermingled with predominantly State ownership in an area that is geographically some distance from larger block of public lands managed by the BLM. As to extraction of mineral materials, predominantly moss rock and aggregate, the BLM will no longer be involved. The public will benefit by having to deal with only one agency, the State.

The Gribbles Park parcels, 480 acres, adjoin or are in close proximity to large acreages the State obtained from the General Land Office by land exchange in the 1940s with which they can be managed effectively. Mining claim conflicts will leave the 240 acres dropped from the exchange as an isolated parcel for management by the BLM. The mining claim locations will preclude title transfer as long as they are maintained for mining purposes but the lands will be available for continued management by the BLM for non-mineral uses, likely to be principally limited livestock grazing.

The Table Mountain parcels are isolated and conveyance of these lands would not affect the management of other Federal lands.

The Biedell Creek parcels totaling 11,479.58 acres contribute to consolidation of the State's ownership with a considerable acreage of lands that have been in State ownership for many years.

The La Jara parcels, totaling 4,537.83 acres adjoin or are intermingled with an existing large acreage of lands the State has aggregated over time in the vicinity of La Jara Reservoir

Title transfer of the lands at Biedell Creek and La Jara Reservoir to State ownership will not adversely impact the BLM's administration of the public lands that will remain at completion of

the exchange. These public lands are of sufficient acreage to continue as viable resource management units for the BLM.

There are no Indian Trust lands associated with any of the public lands that will remain in BLM jurisdiction.

Overall, the exchange will not cause particular problems for currently authorized users. In State ownership, the Biedell and La Jara parcels will be added to existing livestock grazing units, and to its Stewardship Trust lands to offset the acreage lost to the Trust from title transfer of the State lands within the Park and Refuge.

The public interest will be well served by approving this exchange with respect to the provisions of Section 206 of the Federal Land Policy and Management Act of 1976 by facilitating improved long term management of the Federal lands within the Park and Refuge.

Stewardship Trust: Under recent State law, the State Land Board is required to designate and maintain approximately 10% of its 3,000,000+ acres, to the Stewardship Trust program. The State lands within the Park and Refuge have been in this Program. The Federal lands it receives in the Biedell and La Jara parcels will be dedicated to the Program to partially replace those it will lose from the Program in the exchange. The Trust program provides a high degree of security for such lands to remain in the Program as they can only be removed after involvement in public meetings and assurance of replacement with other State lands of equal quality/resources. For the Biedell and La Jara parcels, such designation will be particularly complementary to preservation of the cultural resources that these lands have been found to contain.

It is determined that the public interest is well served in accordance with the provisions of Section 206 of FLPMA by approval of this land exchange because it will facilitate better long term management of both the Federal lands as well as the State lands. The resource values and the public objectives that the Federal land or interests to be conveyed may serve if retained in Federal ownership are not more than the resource values of the non-Federal lands or interests and the public objectives they could serve if acquired. The intended use of the conveyed Federal lands will not significantly conflict with established management objectives on any adjacent Federal lands.

The title transfer of the State lands will result in consolidation of Federal ownership within the boundaries of the Great Sand Dunes National Park and Preserve and the Baca National Wildlife Refuge to facilitate achievement of long term resource management objectives for these units. The 379.70 acres that will come under the BLM jurisdiction adjoin other BLM-administered land with which it can be managed effectively.

Floodplains

EO 11988 (floodplain management) and EO 11990 (wetlands) have been considered in processing this exchange to determine whether the patent to the State of Colorado should contain language defining use restrictions. The State Land Board would assume management of limited

wetlands and riparian habitat occupying narrow drainages in the Table Mountain and Gribbles Park parcels, and stream bank wetlands and riparian habitat in the Biedell and La Jara Reservoir parcels resulting in long-term, insignificant adverse effects due to livestock grazing, the most likely foreseeable use of the lands that would be transferred to the State. Existing BLM grazing permits would be honored and the National Resources Conservation Service would assist the State Land Board with preparation of grazing plans. The wetlands and riparian resources would be managed by the Colorado Division of Wildlife and the Colorado State Forest Service under the Eos and lessees would comply with wetlands protection laws under agricultural lease agreements with the State Land Board. Any proposed actions that could affect wetlands and riparian resources would require consultation with the U.S. Army Corps of Engineers under the wetlands protection provisions of the Clean Water Act. With these restrictions, it is considered to be unnecessary to burden the patents with duplicative restrictions regarding the use of floodplains.

Hazardous Substances

A CERCLA 120(h) records search completed on the Federal lands found no indication that hazardous materials have been stored for a period of a year or more, released or disposed of on the Federal parcels. Intensive inventory of the State lands found no evidence of hazardous materials, petroleum products, or environmental liability, as described in the NPS's June 2009 contract report. The inventory of the State lands was done in conformance with the requirements in the regulations at 40 CFR Part 312.

Cultural Resources and Native American Consultation

No cultural inventory was required or done on the State lands; the Federal lands were intensively inventoried on-the-ground for the presence of cultural resources as little cultural information existed for these lands. The cultural resource information collected has been fully coordinated with the Office of State Historical Preservation and required consultation has been accomplished with each of the tribes that expressed interest in the identified cultural resources. A Memorandum of Agreement regarding the treatment of adverse effects to historic properties resulting from the land exchange has been signed by the consulting parties under Section 106 of the National Historic Preservation Act.

Water Rights

The State will convey by quit claim deed any water rights associated with the State lands to be conveyed.

Minerals

At completion of title transfer from the State to the United States, the transferred lands and minerals, except those that would be under the BLM's administration, will become withdrawn from operation of the public land laws, the general mining laws, and the mineral leasing and geothermal leasing laws by authority of Public Law 106-530. No withdrawal will be requested for the 379.70 acres that would be conveyed for administration by the BLM.

Public Participation

The Notice of Exchange Proposal, published in the Pueblo Chieftain newspaper afforded the public an opportunity to comment on the exchange proposal but resulted in few comments. Meetings open to the general public were held in Alamosa and Canon City. Six persons attended the Alamosa meeting and asked questions about the exchange proposal. Their questions appeared to have been answered satisfactorily. No members of the public or local government officials appeared at the Canon City meeting.

Appraisal Requirement

The properties involved in this land exchange were appraised under contract through the Department of the Interior Appraisal Services Directorate (ASD), in accordance with Federal standards and regulations. Mineral estates were included in the appraisals. All reservations, restrictions and encumbrances that will be included in the conveyance documents for both the Federal and State lands were identified and considered in the appraisals prepared for the properties. The ASD approved values for both the Federal and State lands in January 2009. The State Land Board has concurred in the values established for the State lands and minerals offered in the exchange. The total approved value for the Federal land and minerals is \$7,798,000; and the total approved value for the State land and minerals is \$7,800,000. Updated real estate market information provided by the appraiser and consultation with the ASD in August 2009 indicates the appraised values identified above continue to be valid for the purposes of this exchange.

The State has agreed to waive the cash equalization payment for the \$2,000 difference in value. The waiver is less than the allowable limit identified in 43 CFR 2201.6(c). The waiver is in the public interest because it will not require the Federal agencies to utilize appropriated funds for a cash equalization payment and will expedite completion of the exchange.

Conformance with Land Use Plans

Federal Lands

The Federal lands in the La Jara Reservoir (Conejos County) and Biedell Creek (Saguache County) units of the exchange are designated Category II lands in the San Luis Resource Area RMP/ROD (December 1991) and are available for title transfer to enhance public resource values and serve the national interest.

The Federal lands in the Table Mountain Unit (Fremont County) are designated Category I lands in the Royal Gorge Resource Area RMP/ROD (May 1996) because they are difficult and uneconomic to manage and have no significant resource values; they are available for exchange if the exchange is in the interest of the public and results in improved management.

The Federal lands in the Gribbles Park unit are designated Category III lands in the Royal Gorge Resource Area RMP/ROD (May 1996), and are available for title transfer by land exchange if the exchange is in the public interest and results in improved management. The title transfer of

the Federal lands by exchange is consistent with the BLM's land use planning for the areas involved.

Non-Federal Lands

The BLM Record of Decision (ROD) and Approved Resource Management Plan (RMP) for the San Luis Resource Area (December 1991) indicates that lands with important natural resource values can be acquired by exchange if it is in the public interest. The Great Sand Dunes National Park and Preserve Act of 2000 recognizes the importance to the public of acquiring the non-Federal lands within the boundaries of the Congressionally-authorized boundaries of the Great Sand Dunes National Park and the Baca National Refuge to prevent impacts resulting from development pressures on the sand dune mass, the associated sand sheet, and unique alpine environments in the area (see Sec. 2 of the Act). During the several years of processing the exchange, the FWS and NPS have completed purchase of the major portion of the Luis Maria Baca No. 4 land grant and have prepared management plans and developed management prescriptions for the lands in the Great Sand Dunes Preserve, the Great Sand Dunes National Park, and the Baca National Wildlife Refuge. These documents address post-acquisition management of the state-owned lands that would be added to the respective Park and Refuge. Acquisition of all of the State lands and minerals within the Park and Refuge boundaries, and of the 379.70 acres that would come to BLM jurisdiction, is consistent with BLM's, the NPSs', and the FWS's land use planning for the areas involved.

Mitigation

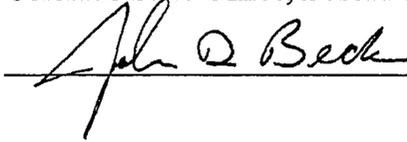
A Memorandum of Agreement regarding the treatment of adverse effects to historic properties resulting from the land exchange has been signed by the consulting parties under Section 106 of the National Historic Preservation Act and will constitute mitigation insofar as cultural resources are involved.

Finding of No Significant Impact: Based on the detailed analysis of potential environmental impacts contained in the Environmental Assessment, and summarized in detail in the Executive Summary and Impact Summary at the beginning of the EA, I have determined that the impacts of the land exchange are not expected to be significant and that an environmental impact statement is not required.

Based on the analysis of potential environmental impacts contained in the environmental assessment, and considering the significance criteria in 40 CFR 1508.27, I have determined that the land exchange will not have a significant effect on the human environment. An environmental impact statement is therefore not required.

Implementation Period: The decision to complete the land exchange will occur following the completion of a 45-day protest period to the Deputy State Director, Division of Energy, Lands and Minerals, Colorado State Office, Bureau of Land Management, and the 60-day Governor's and local governments' review which begin upon publication of the Notice of Decision.

Acting Deputy State Director, Division of Energy, Lands and Minerals,
Colorado State Office, Bureau of Land Management


_____ 10/28/09

LIST OF EXHIBITS

- A. Surface and Minerals - State to BLM
- B. Surface and Minerals - State to NPS
- C. Mineral Estate Only - State to NPS
- D. Surface and Minerals - State to FWS
- E. Mineral Estate Only - State to FWS
- F. Federal Land - Surface and Mineral Estates
- G. Federal Land - Mineral Estates Only
- H. Water Rights - State to NPS
- I. Water Rights - State to FWS
- J. State Land Encumbrances
- K. Federal Land Encumbrances

DECISION RECORD-EXHIBIT A-SURFACE AND MINERALS-STATE TO BLM

SURFACE AND MINERAL ESTATES TO BE CONVEYED

STATE PROPERTY
ALAMOSA COUNTY

SCHOOL TRUST

TOWNSHIP TWENTY-SEVEN (T27S), RANGE SEVENTY-THREE WEST (R73W)
OF THE SIXTH PRINCIPAL MERIDIAN (6TH P.M.)

Section Twenty (Sec. 20) That portion of the SE1/4 lying easterly of the centerline of State
Highway No. 150 59.70 acres, +/-

Section Twenty-One (Sec. 21) S1/2 320.00 acres, +/-

Containing Three Hundred and Seventy-Nine and Seventy Hundredths (379.70) acres,
more or less, according to U.S. Government Survey.

The acquiring agency is the Department of the Interior, Bureau of Land Management.

AND SUBJECT TO any and all covenants, restrictions, easements and rights-of-way,
whether or not of record.

TO HA VE AND TO HOLD, the hereinabove described State Property together with all
and singular rights and appurtenances and privileges thereto to Grantee, its successors and
assigns forever.

DECISION RECORD-EXHIBIT B-SURFACE AND MINERALS-STATE TO NPS

SURFACE AND MINERAL ESTATES TO BE CONVEYED

STATE PROPERTY

ALAMOSA AND SAGUACHE COUNTIES

SCHOOL AND PARKS TRUST LANDS

TOWNSHIP TWENTY-SEVEN SOUTH (T27S), RANGE SEVENTY-THREE (R73W)
OF THE SIXTH PRINCIPAL MERIDIAN (6TH P.M.)

| | |
|--|-------------------|
| Section Nineteen (Sec. 19) Lots 1,2,3,4, E1/2 and E1/2W1/2 | 666.93 acres, +/- |
| Section Twenty (Sec. 20) All, except that portion of the SE1/4 lying easterly of the centerline of State Highway No. 150 | 591.21 acres, +/- |

TOWNSHIP FORTY NORTH (T40N), RANGE ELEVEN EAST (R11E)
OF THE NEW MEXICO PRINCIPAL MERIDIAN (N.M.P.M.)

| | |
|--|-------------------|
| Section Twenty-Four (Sec. 24) E1/2, NW1/4, N1/2SW1/4, SE1/4SW1/4 | 600.00 acres, +/- |
|--|-------------------|

TOWNSHIP FORTY NORTH (T40N), RANGE TWELVE EAST (R12E)
OF THE NEW MEXICO PRINCIPAL MERIDIAN (N.M.P.M.)

| | |
|---|-------------------|
| Section Seven (Sec. 7) E1/2NE1/4, NW1/4NE1/4 | 120.00 acres, +/- |
| Section Eight (Sec. 8) N1/2NE1/4, SW1/4NE1/4, NW1/4 | 280.00 acres, +/- |
| Section Nine (Sec. 9) E1/2, SW1/4 | 480.00 acres, +/- |
| Section Ten (Sec. 10) All | 640.00 acres, +/- |
| Section Thirteen (Sec. 13) SW1/4 | 160.00 acres, +/- |
| Section Nineteen (Sec. 19) Lots 1,2,3,4, E1/2SW1/4 | 238.98 acres, +/- |
| Section Twenty (Sec. 20) E1/2NE1/4, SE1/4SW1/4, SE1/4 | 280.00 acres, +/- |
| Section Twenty-One (Sec. 21) S1/2 | 320.00 acres, +/- |
| Section Twenty-Two (Sec. 22) S1/2 | 320.00 acres, +/- |
| Section Twenty-Four (Sec. 24) All | 633.23 acres, +/- |
| Section Twenty-Five (Sec. 25) All | 635.08 acres, +/- |
| Section Twenty-Seven (Sec. 27) All | 640.00 acres, +/- |
| Section Twenty-Eight (Sec. 28) All | 640.00 acres, +/- |
| Section Twenty-Nine (Sec. 29) N1/2 | 320.00 acres, +/- |
| Section Thirty (Sec. 30) Lots 1,2,3,4, W1/2E1/2, E1/2W1/2 | 477.88 acres, +/- |
| Section Thirty-One (Sec. 31) Lots 1,2,3,4, E1/2, E1/2W1/2 | 645.48 acres, +/- |
| Section Thirty-Two (Sec. 32) All | 640.00 acres, +/- |
| Section Thirty-Three (Sec. 33) All | 640.00 acres, +/- |
| Section Thirty-Six (Sec. 36) All | 640.00 acres, +/- |

TOWNSHIP FORTY NORTH (T40N), RANGE THIRTEEN EAST (R13E)
OF THE NEW MEXICO PRINCIPAL MERIDIAN (N.M.P.M.)

| | |
|--|-------------------|
| Section Nineteen (Sec. 19) Lots 1-8 and E1/2W1/2 | 357.93 acres, +/- |
| Section Thirty (Sec. 30) Lots 1-8 and E1/2W1/2 | 351.70 acres, +/- |
| Section Thirty-One (Sec. 31) Lots 1-8 and E1/2W1/2 | 347.30 acres, +/- |

TOWNSHIP FORTY-ONE NORTH (T41N), RANGE ELEVEN EAST (R11E)
OF THE NEW MEXICO PRINCIPAL MERIDIAN (N.M.P.M.)

| | |
|-----------------------------------|-------------------|
| Section Twenty-Four (Sec. 24) All | 640.00 acres, +/- |
| Section Twenty-Five (Sec. 25) All | 640.00 acres, +/- |
| Section Thirty-Six (Sec. 36) All | 640.00 acres, +/- |

TOWNSHIP FORTY-ONE NORTH (T41N), RANGE TWELVE EAST (R12E)
OF THE NEW MEXICO PRINCIPAL MERIDIAN (N.M.P.M.)

| | |
|--|-------------------|
| Section Sixteen (Sec. 16) All | 465.03 acres, +/- |
| Section Seventeen (Sec. 17) All | 472.36 acres, +/- |
| Section Eighteen (Sec. 18) Lots 2, 3, 4 and fractional portion S1/2NE1/4, SE1/4NW1/4, and E1/2SW1/4 and SE1/4 | 479.14 acres, +/- |
| Section Nineteen (Sec. 19) Lots 1,2,3,4, E1/2 and E1/2W1/2 | 642.40 acres, +/- |
| Section Twenty (Sec. 20) All | 640.00 acres, +/- |
| Section Twenty-One (Sec. 21) All | 640.00 acres, +/- |
| Section Twenty-Two (Sec. 22) SW1/4 | 160.00 acres, +/- |
| Section Twenty-Six (Sec. 26) All | 640.00 acres, +/- |
| Section Twenty-Seven (Sec. 27) All | 640.00 acres, +/- |
| Section Twenty-Eight (Sec. 28) All | 640.00 acres, +/- |
| Section Twenty-Nine (Sec. 29) All | 640.00 acres, +/- |
| Section Thirty (Sec. 30) Lots 1,2,3,4, E1/2 and E1/2W1/2 | 641.22 acres, +/- |
| Section Thirty-One (Sec. 31) Lots 1,2,3,4, E1/2 and E1/2W1/2 | 640.42 acres, +/- |
| Section Thirty-Two (Sec. 32) All | 640.00 acres, +/- |
| Section Thirty-Three (Sec. 33) All | 640.00 acres, +/- |
| Section Thirty-Four (Sec. 34) All | 640.00 acres, +/- |
| Section Thirty-Five (Sec. 35) All | 640.00 acres, +/- |

Containing Twenty-Three Thousand Four Hundred Eighty-Six and Twenty-Nine
Hundredths (23,486.29) acres, more or less, according to U.S. Government Survey.

The acquiring agency is the Department of the Interior, National Park Service.

DECISION RECORD-EXHIBIT C-MINERAL ESTATE ONLY-STATE TO NPS

MINERAL ESTATE TO BE CONVEYED

STATE PROPERTY
ALAMOSA COUNTY

SCHOOL TRUST

TOWNSHIP TWENTY-SEVEN SOUTH (T27S), RANGE SEVENTY-THREE WEST (R73W)
OF THE SIXTH PRINCIPAL MERIDIAN (6TH P.M.)

Section Twenty-One (Sec. 21) That portion of the NW1/4, lying west of the centerline of State
Highway No. 150 39.50 acres, +/-

TOWNSHIP FORTY NORTH (T40N), RANGE ELEVEN EAST (R11E)
OF THE NEW MEXICO PRINCIPAL MERIDIAN (N.M.P.M.)

Section Thirteen (Sec. 13) All 640.00 acres, +/-

TOWNSHIP FORTY NORTH (T40N), RANGE TWELVE EAST (R12E)
OF THE NEW MEXICO PRINCIPAL MERIDIAN (N.M.P.M.)

| | |
|------------------------------------|-------------------|
| Section Sixteen (Sec. 16) All | 640.00 acres, +/- |
| Section Seventeen (Sec. 17) E1/2 | 320.00 acres, +/- |
| Section Twenty-One (Sec. 21) N1/2 | 320.00 acres, +/- |
| Section Twenty-Nine (Sec. 29) S1/2 | 320.00 acres, +/- |

Containing Two Thousand Two Hundred Seventy-Nine and Fifty Hundredths (2,279.50) acres,
more or less, according to U.S. Government Survey.

The acquiring agency is the Department of the Interior, National Park Service.

DECISION RECORD-EXHIBIT D-SURFACE AND MINERALS-STATE TO FWS

SURFACE AND MINERAL ESTATES TO BE CONVEYED

STATE PROPERTY
ALAMOSA AND SAGUACHE COUNTIES

SCHOOL AND PARKS TRUST LANDS

TOWNSHIP FORTY NORTH (T40N), RANGE ELEVEN EAST (R11E)
OF THE NEW MEXICO PRINCIPAL MERIDIAN (N.M.P.M.)

| | |
|---|-------------------|
| Section Two (Sec. 2) Lots 1,2,3,4, S1/2N1/2, N1/2SW1/4, NW1/4SE1/4 | 456.52 acres, +/- |
| Section Three (Sec. 3) Lots 1,2,3,4, S1/2N1/2, S1/2 | 654.02 acres, +/- |
| Section Four (Sec. 4) Lots 1,2,3,4, S1/2N1/2, N1/2S1/2, SE1/4SW1/4, S1/2SE1/4 | 610.40 acres, +/- |
| Section Five (Sec. 5) Lots 1,4, SE1/4NE1/4, SW1/4NW1/4, W1/2SW1/4, SE1/4SW1/4 | 283.01 acres, +/- |
| Section Six (Sec. 6) Lots 1,2,3,4,5,6,7, S1/2NE1/4, SE1/4NW1/4, E1/2SW1/4, SE1/4 | 643.61 acres, +/- |
| Section Seven (Sec. 7) Lots 1,2,3,4, E1/2, E1/2W1/2 | 644.42 acres, +/- |
| Section Eight (Sec. 8) All | 640.00 acres, +/- |
| Section Nine (Sec. 9) E1/2, E1/2NW1/4, SW1/4NW1/4, SW1/4 | 600.00 acres, +/- |

TOWNSHIP FORTY-ONE NORTH (T41N), RANGE TEN EAST (R10E)
OF THE NEW MEXICO PRINCIPAL MERIDIAN (N.M.P.M.)

| | |
|---|-------------------|
| Section One (Sec. 1) Lots 1,2,3,4, S1/2NW1/4, SW1/4 | 353.52 acres, +/- |
| Section Two (Sec. 2) Lots 1,2,3,4, S1/2N1/2, S1/2 | 637.98 acres, +/- |
| Section Three (Sec. 3) Lots 1,2,3,4, S1/2N1/2, S1/2 | 637.60 acres, +/- |
| Section Ten (Sec. 10) All | 640.00 acres, +/- |
| Section Eleven (Sec. 11) All | 640.00 acres, +/- |
| Section Twelve (Sec. 12) Lot 2, W1/2 | 340.11 acres, +/- |
| Section Thirteen (Sec. 13) Fractional portion N1/2NE1/4, SW1/4NE1/4, W1/2, W1/2SE1/4 | 479.90 acres, +/- |
| Section Fourteen (Sec. 14) All | 640.00 acres, +/- |
| Section Fifteen (Sec. 15) All | 640.00 acres, +/- |
| Section Sixteen (Sec. 16) All | 640.00 acres, +/- |
| Section Twenty-Two (Sec. 22) N1/2, SW1/4, W1/2SE1/4, NE1/4SE1/4 | 600.00 acres, +/- |
| Section Twenty-Three (Sec. 23) E1/2, N1/2NW1/4 | 400.00 acres, +/- |
| Section Twenty-Four (Sec. 24) W1/2NE1/4, SE1/4NE1/4, W1/2, SE1/4 | 600.00 acres, +/- |
| Section Twenty-Five (Sec. 25) All | 640.00 acres, +/- |
| Section Twenty-Six (Sec. 26) All | 640.00 acres, +/- |
| Section Twenty-Seven (Sec. 27) W1/2NE1/4, SE1/4NE1/4, W1/2, SE1/4 | 600.00 acres, +/- |
| Section Thirty-Five (Sec. 35) All | 640.00 acres, +/- |
| Section Thirty-Six (Sec. 36) All | 640.00 acres, +/- |

TOWNSHIP FORTY-TWO NORTH (T42N), RANGE TEN EAST (R10E)
OF THE NEW MEXICO PRINCIPAL MERIDIAN (N.M.P.M.)

| | |
|--|-------------------|
| Section Four (Sec. 4) Lots 1,2, 3, 4, S1/2N1/2, S1/2 | 642.19 acres, +/- |
| Section Five (Sec. 5) Fractional portion east of railroad right-of-way | 207.40 acres, +/- |
| Section Eight (Sec. 8) Fractional portion east of railroad right-of-way | 167.22 acres, +/- |
| Section Nine (Sec. 9) All | 640.00 acres, +/- |
| Section Ten (Sec. 10) All | 640.00 acres, +/- |
| Section Fourteen (Sec. 14) All | 640.00 acres, +/- |
| Section Fifteen (Sec. 15) All | 640.00 acres, +/- |
| Section Sixteen (Sec. 16) All | 640.00 acres, +/- |
| Section Seventeen (Sec. 17) Fractional portion east of railroad right-of-way | 115.00 acres, +/- |
| Section Twenty-One (Sec. 21) N1/2, NE1/4SE1/4 | 360.00 acres, +/- |
| Section Twenty-Two (Sec. 22) E1/2, NW1/4, N1/2SW1/4, SE1/4SW1/4 | 600.00 acres, +/- |
| Section Twenty-Three (Sec. 23) All | 640.00 acres, +/- |
| Section Twenty-Six (Sec. 26) All | 640.00 acres, +/- |
| Section Twenty-Seven (Sec. 27) E1/2 | 320.00 acres, +/- |
| Section Thirty-Four (Sec. 34) E1/2E1/2 | 160.00 acres, +/- |
| Section Thirty-Six (Sec. 36) Lots 1, 2, W1/2 | 370.60 acres, +/- |

TOWNSHIP FORTY-THREE NORTH (T43N), RANGE TEN EAST (R10E)
OF THE NEW MEXICO PRINCIPAL MERIDIAN (N.M.P.M.)

| | |
|--|-------------------|
| Section Fifteen (Sec. 15) SE1/4 | 160.00 acres, +/- |
| Section Sixteen (Sec. 16) W1/2, SE1/4 | 480.00 acres, +/- |
| Section Twenty-Two (Sec. 22) E1/2 | 320.00 acres, +/- |
| Section Twenty-Three (Sec. 23) W1/2 | 320.00 acres, +/- |
| Section Thirty-Six (Sec. 36) Lots 1, 2, 3, 4, W1/2W1/2 | 292.24 acres, +/- |

TOWNSHIP FORTY-ONE NORTH (T41N), RANGE ELEVEN EAST (R11E)
OF THE NEW MEXICO PRINCIPAL MERIDIAN (N.M.P.M.)

| | |
|---|-------------------|
| Section Nineteen (Sec. 19) Lot 4, E1/2, SE1/4SW1/4 | 400.30 acres, +/- |
| Section Twenty-Eight (Sec. 28) All | 640.00 acres, +/- |
| Section Twenty-Nine (Sec. 29) All | 640.00 acres, +/- |
| Section Thirty (Sec. 30) Lots 1,2,3,4, E1/2, E1/2W1/2 | 641.98 acres, +/- |
| Section Thirty-One (Sec. 31) Lots 1,2,3,4, E1/2, E1/2W1/2 | 641.60 acres, +/- |
| Section Thirty-Two (Sec. 32) N1/2, SE1/4 | 480.00 acres, +/- |

Containing Twenty-Seven Thousand Three-Hundred Seventy-Nine and Sixty-Two Hundredths (27,379.62) acres, more or less, according to U.S. Government Survey.

DECISION RECORD-EXHIBIT E-MINERAL ESTATE ONLY-STATE TO FWS

MINERAL ESTATE TO BE CONVEYED

STATE PROPERTY
ALAMOSA AND SAGUACHE COUNTIES

SCHOOL TRUST

TOWNSHIP FORTY NORTH (T40N), RANGE ELEVEN EAST (R11E)
OF THE NEW MEXICO PRINCIPAL MERIDIAN (N.M.P.M.)

| | |
|----------------------------------|-------------------|
| Section Four (Sec. 4) SW1/4SW1/4 | 40.00 acres, +/- |
| Section Nine (Sec. 9) NW1/4NW1/4 | 40.00 acres, +/- |
| Section Ten (Sec. 10) All | 640.00 acres, +/- |

TOWNSHIP FORTY-ONE NORTH (T41N), RANGE TEN EAST (R10E)
OF THE NEW MEXICO PRINCIPAL MERIDIAN (N.M.P.M.)

| | |
|---|-------------------|
| Section Twenty-Two (Sec. 22) SE1/4SE1/4 | 40.00 acres, +/- |
| Section Twenty-Three (Sec. 23) S1/2NW1/4, SW1/4 | 240.00 acres, +/- |
| Section Twenty-Seven (Sec. 27) NE1/4NE1/4 | 40.00 acres, +/- |

TOWNSHIP FORTY-THREE NORTH (T43N), RANGE TEN EAST (R10E)
OF THE NEW MEXICO PRINCIPAL MERIDIAN (N.M.P.M.)

| | |
|---------------------------------|-------------------|
| Section Sixteen (Sec. 16) NE1/4 | 160.00 acres, +/- |
|---------------------------------|-------------------|

TOWNSHIP FORTY-ONE NORTH (T41N), RANGE ELEVEN EAST (R11E)
OF THE NEW MEXICO PRINCIPAL MERIDIAN (N.M.P.M.)

| | |
|--|-------------------|
| Fractional Section Sixteen (Sec. 16) All | 520.00 acres, +/- |
| Fractional Section Seventeen (Sec. 17) All | 531.00 acres, +/- |
| Section Twenty (Sec. 20) All | 640.00 acres, +/- |
| Section Thirty-Three (Sec. 33) All | 640.00 acres, +/- |

Containing Three Thousand Five Hundred Thirty-One and No Hundredths (3,531.00) acres, more or less, according to U.S. Government Survey.

The acquiring agency is the Department of the Interior, United States Fish & Wildlife Service.

DECISION RECORD-EXHIBIT F-FEDERAL LAND

SURFACE AND MINERAL ESTATES

TABLE MOUNTAIN
FREMONT COUNTY

Sixth Principal Meridian, Colorado;

| | <u>Acres</u> |
|--|--------------|
| T. 17 S., R. 68 W., | |
| Sec. 11, SE1/4SW1/4 and SW1/4SE1/4; | 80.00 |
| Sec. 15, S1/2NE1/4 and S1/2; | 400.00 |
| Sec. 21, NW1/4SE1/4; | 40.00 |
| Sec. 22, NW1/4NW1/4; | 40.00 |
| Sec. 27, SW1/4; | 160.00 |
| Sec. 28, NE1/4SE1/4; | 40.00 |
| Sec. 34, W1/2 and SE1/4; | 480.00 |
| T. 18 S., R. 68 W., | |
| Sec. 3, lots 3, 4, 5, 6, 7, S1/2NW1/4, and NW1/4SW1/4; | 332.62 |
| Sec. 4, NE1/4SE1/4; | 40.00 |
| Sec. 10, N1/2NW1/4; | 80.00 |

Containing 1,692.62 acres

BIEDELL CREEK
SAGUACHE COUNTY

New Mexico Principal Meridian, Colorado

| | |
|---|--------|
| T. 42 N., R. 6 E. | |
| Sec. 2, lots 1, 2, 3, 4, S1/2NE1/4, SE1/4NW1/4, E1/2SW1/4, and SE1/4; | 514.80 |
| Sec. 3, lots 1 and 2; | 77.50 |
| Sec. 9, N1/2NE1/4; | 80.00 |
| Sec. 10, NW1/4NW1/4; | 40.00 |
| Sec. 11, E1/2 and E1/2SW1/4; | 400.00 |
| Sec. 12, all; | 640.00 |
| Sec. 13, all; | 640.00 |
| Sec. 14, E1/2 and E1/2W1/2; | 480.00 |
| Sec. 18, NE1/4; | 160.00 |
| Sec. 20, S1/2NE1/4, SE1/4NW1/4, SW1/4, N1/2SE1/4, and SW1/4SE1/4; | 400.00 |
| Sec. 21, SW1/4NW1/4 and W1/2SW1/4; | 120.00 |
| Sec. 22, S1/2NE1/4, SE1/4NW1/4, E1/2SW1/4, and SE1/4; | 360.00 |
| Sec. 23, E1/2, E1/2NW1/4, SW1/4NW1/4, and SW1/4; | 600.00 |
| Sec. 24, all; | 640.00 |
| Sec. 25, W1/2NE1/4 and NW1/4; | 240.00 |
| Sec. 26, N1/2; | 320.00 |
| Sec. 27, NE1/4 and E1/2NW1/4; | 240.00 |

| | <u>Acres</u> |
|--|--------------|
| T. 42 N., R. 7 E.; | |
| Sec. 3, lots 3, 4, and SW1/4NW1/4; | 119.76 |
| Sec. 4, lots 1, 2, 3, 4, S1/2N1/2, and S1/2; | 637.47 |
| Sec. 5, lots 1, 2, 3, 4, S1/2N1/2, and S1/2; | 635.41 |
| Sec. 6, lots 1, 2, S1/2NE1/4, and SE1/4; | 319.05 |
| Sec. 7, lots 1, 2, 3, 4, E1/2, and E1/2W1/2; | 645.20 |
| Sec. 8, all; | 640.00 |
| Sec. 9, W1/2; | 320.00 |
| Sec. 17, all; | 640.00 |
| Sec. 18, lots 1, 2, 3, 4, E1/2, and E1/2W1/2; | 645.20 |
| Sec. 19, lots 1, 2, 3, 4, NE1/4, and E1/2W1/2; | 485.19 |
| T. 43 N., R. 7 E.; | |
| Sec. 14, NW1/4; | 160.00 |
| Sec. 15, NE1/4; | 160.00 |
| Sec. 29, NE1/4SW1/4; | 40.00 |
| Sec. 34, W 1/2NW1/4 | 80.00 |

Containing 11,479.58 acres

LA JARA RESERVOIR
CONEJOS COUNTY

New Mexico Principal Meridian, Colorado

| | |
|--|--------|
| T. 35 N., R. 5 E.; | |
| Sec. 25, lots 1,2,3,4, 5, 6, 7, and 8; | 374.17 |
| T. 34 N., R. 6 E., | |
| Sec. 2, lot 8; | 51.25 |
| Sec. 3, lots 5, 6, 7, 8, 9, 10, and 11; | 360.44 |
| Sec. 10, W1/2NE1/4, SE1/4NE1/4 and SE1/4; | 280.00 |
| Sec. 11, lots 1, 2, 3, E1/2, SE1/4NW1/4 and E1/2SW1/4; | 552.98 |
| Sec. 13, NE1/4NW1/4; | 40.00 |
| Sec. 14, SW1/4NW1/4 and NW1/4SW1/4; | 80.00 |
| Sec. 21, SW1/4NE1/4, NW1/4, and NW1/4SE1/4; | 240.00 |
| Sec. 22, S1/2SW1/4; | 80.00 |
| Sec. 26, lots 1, 2, and W1/2W1/2; | 234.70 |
| Sec. 27, E1/2 and E1/2W1/2; | 480.00 |
| T. 35 N., R. 6 E.; | |
| Sec. 21, lots 1, 2, 3, 4, 5, 6, 7, and 8; | 374.74 |
| Sec. 22, S1/2NW1/4; | 80.00 |
| Sec. 25, S1/2SW1/4 and SE1/4; | 240.00 |
| Sec. 26, lots 1, 5, and 6; | 126.44 |
| Sec. 27, lots 1, 2, 3, and 4; | 169.06 |
| Sec. 34, lots 5, 6, 7, and 8; | 170.89 |
| T. 34 N., R. 7 E., | |
| Sec. 19, lot 4; | 43.16 |
| Sec. 28, W1/2; | 320.00 |

| | <u>Acres</u> |
|------------------------------------|--------------|
| Sec. 29, NW1/4SW1/4 and E1/2SE1/4; | 120.00 |
| Sec. 30, NE1/4SW1/4 and N1/2SE1/4; | 120.00 |

Containing 4,537.83 acres

GRIBBLES PARK
FREMONT COUNTY

New Mexico Principal Meridian, Colorado,

T. 51 N., R. 11 E.,

| | |
|---------------------|-------|
| Sec. 2, SW1/4SE1/4; | 40.00 |
|---------------------|-------|

| | |
|--------------------|--------|
| Sec. 15, S1/2S1/2; | 160.00 |
|--------------------|--------|

| | |
|--------------------|-------|
| Sec. 21, N1/2NE1/4 | 80.00 |
|--------------------|-------|

| | |
|----------------|--------|
| Sec. 22, NW1/4 | 160.00 |
|----------------|--------|

T. 51 N., R. 12 E.;

| | |
|----------------------|-------|
| Sec. 19, NE1/4SW1/4; | 40.00 |
|----------------------|-------|

Containing 480.00 acres

DECISION RECORD-EXHIBIT G-FEDERAL LAND

MINERAL ESTATES ONLY

TABLE MOUNTAIN
FREMONT COUNTY

| Sixth Principal Meridian, Colorado, T. 17 S., R. 68 W., | <u>Acres</u> |
|---|--------------|
| Sec. 14, SE1/4; | 160.00 |
| Sec. 20, SE1/4NE1/4 and N1/2SE1/4; | 120.00 |
| Sec. 21, N1/2, N1/2SW1/4, and SE1/4SW1/4; | 440.00 |
| Sec. 22, E1/2NW1/4, SW1/4NW1/4, and NE1/4SW1/4; | 160.00 |
| Sec. 23, E1/2 and N1/2NW1/4; | 400.00 |
| Sec. 27, NW 1/4; | 160.00 |
| Sec. 28, NE1/4, E1/2NW1/4, SW1/4NW1/4, SW1/4, NW1/4SE1/4, and S1/2SE1/4; | 560.00 |
| Sec. 29, NE1/4 and E1/2SE1/4; | 240.00 |
| Sec. 33, E1/2, S1/2NW1/4 and NE1/4SW1/4; | 440.00 |
| Containing 2,680.00 acres | |



QUIT CLAIM DEED NO. Draft
(Water Rights)

State of Colorado, acting by and through the State Board of Land Commissioners, whose address is 1127 Sherman Street, Suite 300, Denver, CO 80203, hereinafter called Grantor, for and in consideration of the exchange of certain lands and interests therein, as authorized by Section 206 of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1716), the receipt and sufficiency of which is hereby acknowledged, does hereby sell and quitclaim unto the UNITED STATES OF AMERICA, and its assigns, all of the Grantor's right, title, interest, claim and demand in and to that certain real property together with all its appurtenances and privileges thereunto belonging or in anywise appertaining, situated in the Counties of Saguach and Alamosa, State of Colorado, described as follows, to wit:

ANY AND ALL WATER, WATER RIGHTS AND CLAIMS OF RIGHT TO WATER WHICH ARE APPURTENANT TO THE PROPERTY DESCRIBED IN EXHIBIT A ATTACHED HERETO; ALL WATER, WATER RIGHTS, WELLS, AND WATER STOCK EVIDENCING OWNERSHIP OF WATER WHICH HAS BEEN USED OR IS USED ON THE PROPERTY DESCRIBED IN EXHIBIT A ATTACHED HERETO; ALL RIGHTS IN NON-TRIBUTARY GROUNDWATER BY VIRTUE OF LAND OWNERSHIP FOR THE PROPERTY DESCRIBED IN EXHIBIT A ATTACHED HERETO.

It is the intent of the grantor to convey all water rights associated with the transferred property.

The acquiring agency is the United States Department of Interior, National Park Service.

TO HAVE AND TO HOLD unto the UNITED STATES OF AMERICA and its assigns forever.

EXHIBIT A

Surface and Mineral Estate
Within
GREAT SAND DUNES NATIONAL PARK
Alamosa County

Sixth Principal Meridian, Colorado,

T. 27 S., R. 73 W.

| | <u>Acres</u> |
|--|--------------|
| Sec. 19, lots 1, 2, 3, 4, E1/2 and E1/2W1/2; (computed from resurvey plat) | 666.93 |
| Sec. 20, all, except that portion of the SE1/4 lying easterly of the centerline of State Highway No. 150 | 591.21 |

New Mexico Principal Meridian, Colorado

T. 40 N., R. 11 E.,

| | <u>Acres</u> |
|--|--------------|
| Sec. 24, E1/2, NW1/4, N1/2SW1/4, and SE1/4SW1/4; | 600.00 |

T. 40 N., R. 12 E.,

| | |
|---|--------|
| Sec. 7, E1/2NE1/4 and NW1/4NE1/4; | 120.00 |
| Sec. 8, N1/2NE1/4, SW1/4NE1/4, and NW1/4; | 280.00 |
| Sec. 9, E1/2 and SW1/4; | 480.00 |
| Sec. 10, all; | 640.00 |
| Sec. 13, SW1/4; | 160.00 |
| Sec. 19, lots 1, 2, 3, 4, and E1/2SW1/4; | 238.98 |
| Sec. 20, E1/2NE1/4, SE1/4SW1/4, and SE1/4; | 280.00 |
| Sec. 21, S1/2; | 320.00 |
| Sec. 22, S1/2; | 320.00 |
| Sec. 24, all; | 633.23 |
| Sec. 25, all; | 635.08 |
| Sec. 27, all; | 640.00 |
| Sec. 28, all; | 640.00 |
| Sec. 29, N1/2; | 320.00 |
| Sec. 30, lots 1, 2, 3, 4, W1/2E1/2 and E1/2 W1/2; | 477.88 |
| Sec. 31, lots 1, 2, 3, 4, E1/2, and E1/2W1/2; | 645.48 |
| Sec. 32, all; | 640.00 |
| Sec. 33, all; | 640.00 |
| Sec. 36, all; | 640.00 |

T. 40 N., R. 13 E.

| | |
|----------------------------------|--------|
| Sec. 19, lots 1-8, and E1/2W1/2; | 357.93 |
| Sec. 30, lots 1-8, E1/2W1/2; | 351.70 |
| Sec. 31, lots 1-8, E1/2W1/2, | 347.30 |

Exhibit A -- continued

Surface and Mineral Estate
Within
GREAT SAND DUNES NATIONAL PARK
Saguache County

| | <u>Acres</u> |
|--|--------------|
| New Mexico Principal Meridian, Colorado, T. 41 N., R. 11 E. | |
| Sec. 24, all; | 640.00 |
| Sec. 25, all; | 640.00 |
| Sec. 36, all; | 640.00 |
| T. 41 N., R. 12 E. | |
| Sec. 16, all; | 465.03 |
| Sec. 17, all; | 472.36 |
| Sec. 18, lots 2, 3, 4, and fractional S1/2NE1/4, SE1/4NW1/4, and E1/2SW1/4 and SE1/4; | 479.14 |
| Sec. 19, lots 1, 2, 3, 4, E1/2, and E1/2W1/2; | 642.40 |
| Sec. 20, all; | 640.00 |
| Sec. 21, all; | 640.00 |
| Sec. 22, SW1/4; | 160.00 |
| Sec. 26, all; | 640.00 |
| Sec. 27, all; | 640.00 |
| Sec. 28, all; | 640.00 |
| Sec. 29, all; | 640.00 |
| Sec. 30, lots 1, 2, 3, 4, E1/2, and E1/2W1/2; | 641.22 |
| Sec. 31, lots 1, 2, 3, 4, E1/2, and E1/2W1/2; | 640.42 |
| Sec. 32, all; | 640.00 |
| Sec. 33, all; | 640.00 |
| Sec. 34, all; | 640.00 |
| Sec. 35, all; | 640.00 |

Containing 23,486.29 acres, more or less



QUIT CLAIM DEED NO. DRAFT
(Water Rights)

State of Colorado, acting by and through the State Board of Land Commissioners, whose address is 1127 Sherman Street, Suite 300, Denver, CO 80203, hereinafter called Grantor, for and in consideration of the exchange of certain lands and interests therein, as authorized by Section 206 of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1716), the receipt and sufficiency of which is hereby acknowledged, does hereby sell and quitclaim unto the UNITED STATES OF AMERICA, and its assigns, all of the Grantor's right, title, interest, claim and demand in and to that certain real property together with all its appurtenances and privileges thereunto belonging or in anywise appertaining, situated in the Counties of Saguache and Alamosa, State of Colorado, described as follows, to wit:

ANY AND ALL WATER, WATER RIGHTS AND CLAIMS OF RIGHT TO WATER WHICH ARE APPURTENANT TO THE PROPERTY DESCRIBED IN EXHIBIT A ATTACHED HERETO; ALL WATER, WATER RIGHTS, AND WATER STOCK EVIDENCING OWNERSHIP OF WATER WHICH HAS BEEN USED OR IS USED ON THE PROPERTY DESCRIBED IN EXHIBIT A ATTACHED HERETO; ALL RIGHTS IN NON-TRIBUTARY GROUNDWATER BY VIRTUE OF LAND OWNERSHIP FOR THE PROPERTY DESCRIBED IN EXHIBIT A ATTACHED HERETO; INCLUDING, BUT NOT LIMITED TO THE FOLLOWING DECREED WATER RIGHTS IN COLORADO WATER DIVISION 3:

1. 20.0 cubic feet per second, absolute, decreed to the La Garita Ditch for irrigation use - appropriation date August 12, 1940 (Priority No. 75); adjudication date August 12, 1940, in the District Court in and for the County of Saguache, Colorado Water District No. 27; the decreed point of diversion is located a point whence the Northwest corner of Section 16, Township 42 North, Range 10 East, bears North 24 degrees, 36 minutes West 2,564 feet.
2. 20.0 cubic feet per second, absolute, decreed to La Garita Ditch for irrigation use - appropriation date May 1, 1919 (Priority No. 1960-15A); adjudication date April 12, 1961 in the

District Court of the Twelfth Judicial District, of the State of Colorado, Sitting in and for the County of Saguache, Colorado Water District 26; the decreed point of diversion is located a point whence the Northwest corner of Section 16, Township 42 North, Range 10 East, bears North 24 degrees, 36 minutes West 2,564 feet.

3. 32.0 cubic feet per second, absolute, decreed to the Enlargement of La Garita Ditch for irrigation use - appropriation date May 1, 1949 (Priority No. 1960-22); adjudication date April 12, 1961 in the District Court of the Twelfth Judicial District, of the State of Colorado, Sitting in and for the County of Saguache, Colorado Water District 26; the decreed point of diversion is located a point whence the Northwest corner of Section 16, Township 42 North, Range 10 East, bears North 24 degrees, 36 minutes West 2,564 feet.

4. 0.111 cubic feet per second, absolute, decreed to Well 14, Case No. W-711 for domestic and stockwater use - appropriation date December 31, 1910; adjudication date December 31, 1972; District Court, Colorado Water Division 3, Case Number W-711; decreed point of diversion located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 22, T43N R10E, New Mexico P.M.

It is the intent of the grantor to convey all water rights associated with the transferred property.

The acquiring agency is the United States Department of Interior, United States Fish & Wildlife Service.

TO HAVE AND TO HOLD unto the UNITED STATES OF AMERICA and its assigns forever.

EXHIBIT A

**Surface and Mineral Estate
Within
BACA NATIONAL WILDLIFE REFUGE
Alamosa County**

New Mexico Principal Meridian, Colorado,

T. 40 N., R. 11 E.;

| | <u>Acres</u> |
|--|--------------|
| Sec. 2, lots 1, 2, 3, 4, S1/2N1/2, N1/2SW1/4, and NW1/4SE1/4; | 456.52 |
| Sec. 3, lots 1, 2, 3, 4, S1/2N1/2, and S1/2; | 654.02 |
| Sec. 4, lots 1, 2, 3, 4, S1/2N1/2, N1/2S1/2, SE1/4SW1/4, and S1/2SE1/4; | 610.40 |
| Sec. 5, lots 1, 4, SE1/4NE1/4, SW1/4NW1/4, W1/2SW1/4, and SE1/SW1/4; | 283.01 |
| Sec. 6, lots 1, 2, 3, 4, 5, 6, 7, S1/2NE1/4, SE1/4NW1/4, E1/2SW1/4, and SE1/4; | 643.61 |
| Sec. 7, lots 1, 2, 3, 4, E1/2, and E1/2W1/2; | 644.42 |
| Sec. 8, all; | 640.00 |
| Sec. 9, E1/2, E1/2NW1/4, SW1/4NW1/4, and SW1/4; | 600.00 |

**Surface and Mineral Estate
Within
BACA NATIONAL WILDLIFE REFUGE
Saguache County**

New Mexico Principal Meridian, Colorado,

T. 41 N., R. 10 E.,

| | <u>Acres</u> |
|---|--------------|
| Sec. 1, lots 1, 2, 3 and 4, and S1/2NW1/4 and SW1/4; | 353.52 |
| Sec. 2, lots 1, 2, 3, 4, S1/2N1/2, and S1/2; | 637.98 |
| Sec. 3, lots 1, 2, 3, 4, S1/2N1/2, and S1/2; | 637.60 |
| Sec. 10, all; | 640.00 |
| Sec. 11, all; | 640.00 |
| Sec. 12, lot 2 and W1/2; | 340.11 |
| Sec. 13, fractional N1/2NE1/4, SW1/2NE1/4, W1/2, and W1/2SE1/4; | 479.90 |
| Sec. 14, all; | 640.00 |
| Sec. 15, all; | 640.00 |
| Sec. 16, all; | 640.00 |
| Sec. 22, N1/2, SW1/4, W1/2SE1/4, and NE1/4SE1/4; | 600.00 |
| Sec. 23, E1/2 and N1/2NW1/4; | 400.00 |
| Sec. 24, W1/2NE1/4, SE1/4NE1/4, W1/2, and SE1/4; | 600.00 |
| Sec. 25, all; | 640.00 |
| Sec. 26, all; | 640.00 |
| Sec. 27, W1/2NE1/4, SE1/4NE1/4, W1/2, and SE1/4; | 600.00 |
| Sec. 35, all; | 640.00 |
| Sec. 36, all; | 640.00 |

Exhibit A continued

| | |
|--|--------|
| T. 42 N., R. 10 E., | |
| Sec. 4, lots 1, 2, 3, 4, S1/2N1/2, and S1/2; | 642.19 |
| Sec. 5, Fractional portion east of railroad right-of-way; | 207.40 |
| Sec. 8, Fractional portion east of railroad right-of-way; | 167.22 |
| Sec. 9, all; | 640.00 |
| Sec. 10, all; | 640.00 |
| Sec. 14, all; | 640.00 |
| Sec. 15, all; | 640.00 |
| Sec. 16, all; | 640.00 |
| Sec. 17, Fractional portion east of railroad right-of-way; | 115.00 |
| Sec. 21, N1/2 and NE/14SE1/4; | 360.00 |
| Sec. 22, E1/2, NW1/4, N1/2SW1/4, and SE1/4SW1/4; | 600.00 |
| Sec. 23, all; | 640.00 |
| Sec. 26, all; | 640.00 |
| Sec. 27, E1/2; | 320.00 |
| Sec. 34, E1/2E1/2; | 160.00 |
| Sec. 36, lots 1, 2, and W1/2; | 370.60 |

**Surface and Mineral Estate
Within
BACA NATIONAL WILDLIFE REFUGE
Saguache County**

| | |
|---|--------------|
| New Mexico Principal Meridian, Colorado, | |
| T. 43 N., R. 10 E., | <u>Acres</u> |
| Sec. 15, SE1/4; | 160.00 |
| Sec. 16, W1/2, and SE1/4; | 480.00 |
| Sec. 22, E1/2; | 320.00 |
| Sec. 23, W1/2; | 320.00 |
| Sec. 36, lots 1, 2, 3, 4, and W1/2W1/2; | 292.24 |
| T. 41 N., R. 11 E., | |
| Sec. 19, lot 4, E1/2, and SE1/4 SW1/4; | 400.30 |
| Sec. 28, all; | 640.00 |
| Sec. 29, all; | 640.00 |
| Sec. 30, lots 1, 2, 3, 4, E1/2, and E1/2W1/2; | 641.98 |
| Sec. 31, lots 1, 2, 3, 4, E1/2, and E1/2W1/2; | 641.60 |
| Sec. 32, N1/2 and SE1/4; | 480.00 |

Containing 27,379.62 acres, more or less



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Washington, D.C. 20240
<http://www.blm.gov>

LR

In Reply Refer To:
COC-67638FD/PT
2200 (300)

OCT 21 2009

Memorandum

To: State Director, Colorado

From: Robert V. Abbey
Director

Subject: Approval to Issue the Decision on the Great Sand Dunes Land Exchange,
COC-67638FD/PT

On July 17, 2009, you requested approval to issue the decision and proceed with completion of the subject land exchange. On August 3, 2009, the Office of the Solicitor, Rocky Mountain Region, provided its legal sufficiency review and concurrence. The Great Sand Dunes Land Exchange is a multiple-parcel, single-transaction assembled land exchange between the Bureau of Land Management (BLM) and the Colorado State Board of Land Commissioners. The exchange involves 18,190.03 acres of Federal surface and mineral estates, 2,680.00 acres of Federal mineral estates, 51,245.61 acres of non-Federal surfaces and mineral estates, and 5,810.50 acres of non-Federal mineral estates. Most of the non-Federal lands and interests are within the Great Sand Dunes National Park, the Great Sand Dunes National Preserve, and the Baca National Wildlife Refuge.

The draft Decision Record, draft Notice of Decision (NOD), and other documentation reviewed by the National Land Exchange Team (NLET) indicate that the land exchange is in the public interest because of the resources the United States would acquire in the exchange. Acquisition of the non-Federal lands and interests would enhance protection and preservation of the unique sand dunes, the ground water system on which the dunes depend, and the biodiversity of the landscape within the Park, Preserve, and Refuge.

Given the public benefits in making the exchange, you have my approval to issue the decision and publish the required NOD in conformance with the Decision Review Statement (attached). In the absence of any protests in response to the NOD, you may complete the land exchange. If any protests are received, please coordinate with the NLET and the Office of the Solicitor for the review of and response to such protests and any subsequent appeals. Please provide the NLET with the details of the closing of the exchange in accordance with the requirements outlined in the Decision Review Statement.

Attachment

**NATIONAL LAND EXCHANGE TEAM
DECISION REVIEW STATEMENT**

State: Colorado **Serial Number:** COC-67638FD/PT **Exchange Name:** Great Sand Dunes
District/Field Office: Royal Gorge, La Jara, and Saguache
Counties Involved: Alamosa, Conejos, Fremont, and Saguache Counties
Parties to the Exchange: Bureau of Land Management and Colorado State Board of Land Commissioners

Federal acreage proposed for conveyance: 20,870.03 acres consisting of 25 parcels in Conejos, Fremont, and Saguache Counties. The surface and mineral estates would be conveyed on 18,190.03 acres and the mineral estate only would be conveyed on 2,680.00 acres.

Non-Federal acreage proposed for acquisition: 57,056.11 acres consisting of 17 parcels in Alamosa and Saguache Counties. The surface and mineral estates would be conveyed on 51,245.61 acres and the mineral estate only would be conveyed on 5,810.50 acres.

Proposal: A single-transaction assembled exchange to help fulfill the goals of the Great Sand Dunes National Park and Preserve Act of 2000 (Public Law 106-530) and acquire lands within the Great Sand Dunes National Park, the Great Sand Dunes National Preserve, and the Baca National Wildlife Refuge. Acquisition of the non-Federal lands and interests would enhance protection and preservation of the unique sand dunes, the ground water system on which the dunes depend, and the biodiversity of the landscape within the Park, Preserve, and Refuge.

Land Use Plan Consistency

The proposed exchange conforms to the San Luis Resource Area Resource Management Plan (1991) and the Royal Gorge Resource Area Resource Management Plan (1996).

Public Interest Factors

Acquisition of the non-Federal lands would:

- Consolidate Federal ownership and reduce split estates within the Park, Preserve, and Refuge.
- Enhance protection and preservation of the unique sand dunes, the ground water system on which the dunes depend, and the biodiversity of the landscape within the Park, Preserve, and Refuge.

Disposal of the Federal lands would:

- Consolidate ownership and reduce split estates within areas owned by the State of Colorado.

Appraisal -Value Consultation

- The total value of the Federal lands is \$7,798,000.
- The total value of the non-Federal lands is \$7,800,000.
- The current appraisals of the Federal and non-Federal lands have valuation dates of August 27 to August 30, 2008, and were approved by the Department of the Interior Appraisal Services Directorate (ASD) in November 2008 and January 2009. Updated real estate market information provided by the appraiser and consultation with the ASD in August 2009 indicate the appraised values identified above continue to be valid for the purposes of this exchange.
- Pursuant to 43 Code of Federal Regulations (CFR) 2201.6(c), the State of Colorado would waive the cash equalization payment of \$2,000 owed by the United States.

Congressional Notification

Notification to the congressional appropriations committees is required because the value of the Federal lands is greater than \$500,000. The committees were notified of the exchange proposal on October 21, 2005.

Mineral Issues

- Portions of the Table Mountain parcel in Fremont County have potential for production of building stone and decorative rocks. The appraised value for this parcel incorporates the contributory value of this mineral potential.
- The conveyance of the Federal mineral estates on 2,680.00 acres of State-owned lands and the State-owned mineral estates on 5,810.50 acres of Federal lands would consolidate ownership and eliminate split estates on these lands.
- Except for the 379.70 acres of non-Federal lands that would be under the BLM's administration following the exchange, all of the non-Federal lands would be withdrawn upon title transfer from the public land laws and mineral laws in accordance with Public Law 106-530.

Land Exchange Issues

- One parcel of non-Federal mineral estate encompassing 640 acres was not identified in the Notice of Exchange Proposal (NOEP) published for the exchange. The Office of the Solicitor, Rocky Mountain Region, has determined that inclusion of these interests in the exchange constitutes a "minor correction] of land descriptions" or "other insignificant change] within the meaning of 43 C.F.R. § 2201.2(c)" and publication of a corrective NOEP is not required.
- The grazing permittees on the Federal lands were notified of the proposed exchange as required by 43 CFR 4110.4-2(b) and the 2-year time period has concluded, so the Federal lands will not be conveyed subject to the grazing permits. However, the grazing authorizations would be honored by the States until their expiration.
- Adverse effects to historic properties resulting from the land exchange have been mitigated through a memorandum of agreement signed by the BLM, the National Park Service, Fish

and Wildlife Service, the Colorado State Board of Land Commissioners, and the Colorado Historical Society, in consultation with interested Tribes.

Solicitor's Office Feedback

The Office of the Solicitor, Intermountain Region, reviewed the exchange on August 3, 2009. No legal insufficiencies were identified.

NLET DECISION REVIEW STATEMENT

The environmental analysis and other required studies have been completed, and the draft Decision Record, draft Notice of Decision, and Land Exchange Decision Summary have been prepared by the state office and reviewed by the National Land Exchange Team (NLET). The exchange conforms to existing land exchange regulations and guidance, and the documentation shows that completion of the proposed land exchange would be in the public interest. We conclude that final processing of the land exchange should proceed subject to the following conditions:

- In the absence of any protest(s) to the publication of the Notice of Decision, the exchange may be completed. If any protests are received, please coordinate with the NLET and the Office of the Solicitor for the review of and response to such protests and any subsequent appeals. Completion of the exchange is not approved without such coordination.
- After the completion of the land exchange and close of escrow, please provide the NLET team lead with copies of the following documents as they become available: executed escrow instructions, escrow settlement statement(s), and the Solicitor's final opinion of title.

NLET Review Date/Surname J Holden for Rep Wells 9/29/09

WO-350 Review Date/Surname J Holden WO 350 9/29/09

AD-300 Date/Surname Smith 10-3-09 9-25-09

Director Date/Signature Pat. Kelley 10-21-09

