

**APPENDIX E - County Commissioners, Senator, and Representative Concurrence Letters**

*BOARD OF COMMISSIONERS  
RIO BLANCO COUNTY  
200 MAIN STREET, SUITE 100  
P.O. BOX 7  
MEEKER, CO 81641*



8 May 2012

Bill deVergie  
Area Wildlife Manager  
Colorado Parks and Wildlife  
State of Colorado  
Meeker Service Center  
P.O. Box 1181  
Meeker, CO 81641

Re: XTO (ExxonMobil) Colorado Parks and Wildlife Land Exchange

Dear Bill:

Thank you for presenting the proposed Colorado Parks and Wildlife Land Exchange with XTO at the Area Agency meeting on May 7, 2012. It is our understanding the Colorado Parks and Wildlife (CPW) is in negotiations with XTO to exchange the Piceance Creek State Wildlife Area (Square S Camp Ground parcel) for other parcels of land owned by XTO located approximately 15 miles west of Meeker and North of Highway 64.

This proposed exchange appears to be a win-win situation for Rio Blanco County. The exchange would open up nearly 2000 acres of land for hunting and recreation and would provide access to additional sections of BLM lands located in the Tschuddl Gulch area. The Square S Camp Ground parcel, located along Rio Blanco County 5, has the potential for intense energy development which, if developed, would add to the assessed value of the county.

Rio Blanco County Commissioners are in support of this proposed exchange. We ask that you keep us informed as the exchange progresses.

Sincerely,

Board of Commissioners  
Rio Blanco County

Shawn J. Bolton  
Chairman

*Shawn J. Bolton, Chairman*

*Kenneth C. Parsons*

*Kui M. Turner*

*County Administration (970) 878-9430 Fax (970) 878-5442*

*boce@co.rio-blanco.co.us*

JEAN WHITE  
State Senator  
300 E. Colfax  
Denver, CO 80203  
Cell: (303) 886-3533  
Capitol: (303) 866-5282  
Fax: (303) 886-2012  
jean.white.senate@state.co.us



SENATE  
STATE OF COLORADO  
DENVER

COMMITTEES  
Member of  
Business Affairs, Labor and Technology  
Health and Human Services

May 21, 2012

Bill de Vergie  
Colorado Parks and Wildlife  
Meeker Service Center  
PO Box 1181  
Meeker, CO 81641

Re: XTO (ExxonMobil) Colorado Parks and Wildlife Land Exchange

Dear Bill,

The Colorado Parks and Wildlife and XTO Energy (formerly Exxon Mobil) are currently in negotiations concerning a land exchange in Rio Blanco County. The CPW would receive some critical big and small game habitat and XTO would acquire the surface and water rights needed for their oil and gas work in the Piceance Basin.

I concur with the exchange of all properties between the Colorado Parks and Wildlife and XTO Energy.

Sincerely,

Jean White  
State Senator

State Representative  
RANDY BAUMGARDNER  
P.O. Box 123  
Cowdrey, CO 80451  
Call: 970-509-9187  
Capitol: 303-866-2949  
Email: randybaumgardner@gmail.com



Vice Chairman:  
Agriculture, Livestock &  
Natural Resources Committee  
Member:  
State, Veterans, & Military  
Affairs Committee

**COLORADO**  
**HOUSE OF REPRESENTATIVES**  
State Capitol  
Denver  
80203

May 17, 2012

Bill de Vergie  
Colorado Parks and Wildlife  
Meeker Service Center  
PO Box 1181  
Meeker, CO. 81641

Re: XTO (ExxonMobil) Colorado Parks and Wildlife Land Exchange

Dear Bill,

The Colorado Parks and Wildlife and XTO Energy (formerly Exxon Mobil) are currently in negotiations concerning a land exchange in Rio Blanco County. The CPW would receive some critical big and small game habitat and XTO would acquire the surface and water rights needed for their oil and gas work in the Piceance Basin.

I agree/concur with the exchange of all properties between the Colorado Parks and Wildlife and XTO Energy.

Sincerely,

*Randy Baumgardner*

Randy Baumgardner  
State Representative

**APPENDIX F - List of Appurtenant Piceance Parcel Water Rights**

**Square S Ranch**

Structure Name	Approp. Date	Adjud. Date	Prior. No.	Amount	Case No.
JM Cole Ditch	12/4/1884	12/22/1890	16B	1.50 cfs	CA133
JM Cole Ditch 1st Enlargement	5/15/1886	12/22/1890	39A	0.50cfs	CA133
Cox Ditch	5/1/1886	12/22/1890	37A	2.50 cfs	CA133
Case and Storey Ditch	12/26/1886	12/22/1890	55	5.20 cfs	CA133
Square S Consolidated Enlarge.	5/1/1917	5/26/1942	467Z22	8.60 cfs	CA624
Piceance Creek Well #5	12/31/1912	12/5/1972	23010	0.02cfs	W1258-72
Square S Spring #3	1/16/1956	12/31/1980	47481.3873	0.02 cfs	80CW51

**APPENDIX G – List of ExxonMobil Parcel’s Water Rights**

**Tschuddi and Scenery Gulch Parcels**

Structure Name	Approp. Date	Adjud. Date	Prior. No.	Amount	Case No.
Sue's Spring	6/1/1906	12/31/2004	1204	0.100 cfs	04CW0147
Hound Dog Spring	6/1/1906	12/31/2004	1205	0.100 cfs	04CW0147
Fishpond Spring	6/1/1906	12/31/2004	1646	0.500 cfs	04CW0147
Si's Spring	6/1/1906	12/31/2004	3151	0.033 cfs	04CW0147
Loomix Spring	6/1/1906	12/31/2004	3152	0.007 cfs	04CW0147
Jack's Spring	6/1/1906	12/31/2004	3153	0.011 cfs	04CW0147
House Spring	6/1/1906	12/31/2004	3154	0.033 cfs	04CW0147
Scenery Gulch Spring	6/1/1906	12/31/2004	3155	0.022 cfs	04CW0147
Tschuddi Gulch Spring	6/1/1906	12/31/2004	3156	0.022 cfs	04CW0147
Twin Springs	6/1/1906	12/31/2004	3157	0.005 cfs	04CW0147
Bull Spring	6/1/1906	12/31/2004	3158	0.033 cfs	04CW0147
Chad's Spring	6/1/1906	12/31/2004	3159	0.033 cfs	04CW0147
Lion Spring	6/1/1906	12/31/2004	3160	0.005 cfs	04CW0147
Doc's Spring	6/1/1906	12/31/2004	3161	0.033 cfs	04CW0147
Elk Spring	6/1/1906	12/31/2004	3162	0.033 cfs	04CW0147
Bear Spring	6/1/1906	12/31/2004	3163	0.022 cfs	04CW0147
Blacks Gulch Canal*	3/1/1910	11/21/1966	607	7.800 cfs	CA1269
Tschudy Gulch Canal*	3/1/1910	11/21/1966	607	7.800 cfs	CA1269
Black Gulch Reservoir	3/1/1910	11/21/1966	606	40.750 af	CA1269

\* Decree for these canals and their laterals is for a combined 7.8 cfs.

## APPENDIX H – Piceance Exchange Game Management Units (GMUs) #22 and 11

**Table 1 - GMU 22 Deer Hunters:**

Year	Residency	Avg. # Hunters	Avg. Rec. Days	Avg. # Days in Field	Expenditures
2011	R	458	1897	4	\$194,192.00
2011	N	310	1504	5	\$334,800.00
2010	R	463	1836	4	\$196,312.00
2010	N	322	1727	5	\$347,760.00
<b>average</b>	<b>R</b>	<b>460</b>	<b>1866</b>	<b>4</b>	<b>\$195,040.00</b>
<b>average</b>	<b>N</b>	<b>316</b>	<b>1615</b>	<b>5</b>	<b>\$341,280.00</b>

**Table 2 - GMU 22 Elk Hunters:**

Year	Residency	Avg. # Hunters	Avg. Rec. Days	Avg. # Days in Field	Expenditures
2011	R	1848	9651	5	\$979,440.00
2011	N	1118	6182	6	\$1,448,928.00
2010	R	2113	9629	5	\$1,119,890.00
2010	N	1280	6713	5	\$1,382,400.00
<b>average</b>	<b>R</b>	<b>1981</b>	<b>9640</b>	<b>5</b>	<b>\$1,049,930.00</b>
<b>average</b>	<b>N</b>	<b>1199</b>	<b>6448</b>	<b>5.5</b>	<b>\$1,424,412.00</b>

**Table 3 - GMU 11 Deer Hunters:**

Year	Residency	Avg. # Hunters	Avg. Rec. Days	Avg. # Days in Field	Expenditures
2011	R	448	1940	4	\$189,952.00
2011	N	265	1160	4	\$228,960.00
2010	R	446	1482	3	\$141,828.00
2010	N	379	1575	4	\$327,456.00
<b>average</b>	<b>R</b>	<b>447</b>	<b>1711</b>	<b>3.5</b>	<b>\$165,837.00</b>
<b>average</b>	<b>N</b>	<b>322</b>	<b>1368</b>	<b>4</b>	<b>\$278,208.00</b>

**Table 4 - GMU 11 Elk Hunters:**

Year	Residency	Avg. # Hunters	Avg. Rec. Days	Avg. # Days in Field	Expenditures
2011	R	2344	9306	4	\$993,856.00
2011	N	1321	5837	4	\$1,141,344.00
2010	R	2001	7740	4	\$848,424.00
2010	N	1266	5856	5	\$1,367,280.00
<b>average</b>	<b>R</b>	<b>2173</b>	<b>8523</b>	<b>4</b>	<b>\$921,352.00</b>
<b>average</b>	<b>N</b>	<b>1294</b>	<b>5847</b>	<b>4.5</b>	<b>\$1,257,768.00</b>

**APPENDIX I - Letter of Concurrence, Service Region 6 Archeologist**

Consultation with US FWS Regional Archeologist and Colorado State Historic Preservation Office is ongoing.

**APPENDIX J - Memorandum of Agreement (MOA)**

**MEMORANDUM OF AGREEMENT**

**Between**

**Colorado Division of Parks and Wildlife**

**and**

**Exxon Mobil Corporation**

This Memorandum of Agreement (MOA), by and between the Colorado Division of Parks and Wildlife (CPW) and Exxon Mobil Corporation (ExxonMobil) defines the methods of protection of certain resources identified by CPW in preparation for closing under that agreement entitled Real Property Exchange of Fee Title Interests (EXCHANGE) which became effective July 31, 2012. These identified resources are located on the Square S Ranch parcel of the EXCHANGE, described on Appendix A hereto (Square S Ranch), and such parcel would be transferred out of State and/or Federal ownership or control to the private ownership of ExxonMobil.

WHEREAS, the CPW has identified the following cultural and biological resources as requiring mitigation measures in order to include the Square S Ranch, which was originally purchased by CPW with Federal Assistance funding (W-033-L-1&2), in the EXCHANGE:

- 1) **Cultural Site #5RB4770** was identified during the Piceance Exchange Cultural Resources Class III Inventory and was determined by the U.S. Fish & Wildlife Service (FWS) and the State Historical Preservation Office (SHPO) to be “eligible” for the National Register of Historic Places (NRHP). This site is located on the Square S Ranch.
- 2) Federally threatened Dudley Bluffs bladderpod and Dudley Bluffs twinpod are present in the general area surrounding the Square S Ranch, although a ground survey by the Colorado Natural Heritage program (CNHP), a copy of which is attached as Appendix B, confirmed that no known populations of these species are present on the Square S Ranch. This species would only be likely to occur on the slopes and toe of the slopes of the hillsides within this parcel. ExxonMobil does not have any immediate plans to disturb the hillslopes that line the eastern and western borders of the Square S Ranch. However, future plans may impact these areas.

NOW, THEREFORE, in order to satisfy requirements associated with assignment to a private owner of property acquired with Federal Assistance funding (W-033-L-1&2) and secure the approval of other interested parties for the inclusion of the Square S Ranch in the EXCHANGE, CPW and ExxonMobil agree to implement the following protection measures for the above mentioned resources following the acquisition of the Square S Ranch by ExxonMobil:

CPW agrees to protect Cultural Site #5RB4770 by fully describing and documenting the Site per SHPO and FWS Region 6 recommendations. CPW, at its sole risk and expense, will complete this additional work within one year from the execution of this agreement.

Once the mitigation is completed, and SHPO and FWS have favorably reviewed and approved the results, neither ExxonMobil nor CPW will have any further obligations to protect this cultural site. If SHPO or FWS withholds approval pending further work, any further work shall be the sole responsibility of CPW and shall be conducted within the one year timeframe set forth above.

- 3) ExxonMobil agrees to comply with all applicable federal and state statutes regarding populations of Dudley Bluffs bladderpod and Dudley Bluffs twinpod which may be subsequently identified on the Square S Ranch. ExxonMobil also agrees to add herbaceous forb species to any seed mixture used to revegetate any area on the Square S Ranch parcel in the ensuing twenty (20) years from the date of this agreement or until such addition is no longer recommended to provide forage for a suspected pollinator (a ground-dwelling bee) of the two protected plant species.
- 3) Due to new information regarding the preferred habitats (geological strata) of the Dudley Bluffs bladderpod and twinpod, CPW will also conduct at its sole risk and expense an additional survey for these species on the Square S Ranch parcel at an appropriate time during the spring of 2013. If any new specimens of such plants are identified during such survey, CPW will work with the CONAP to add any new populations to their database for these two species.
- 4) In the event that ExxonMobil conveys any interest in this parcel by sale, right-of-way, lease, license, easement or otherwise, ExxonMobil shall convey such interest subject to this agreement in order to provide the protections set forth herein.
- 5) Upon closing pursuant to the terms of the EXCHANGE, each party shall have the full rights of fee property ownership subject only to any continuing obligations specifically set forth herein or in the EXCHANGE.

IN WITNESS HEREOF, the Parties have executed this agreement:

***Colorado Division of Parks and Wildlife:***

\_\_\_\_\_  
Chad Bishop, Assistant Director

\_\_\_\_\_  
Date

***XTO Energy Inc., as agent for Exxon Mobil Corporation:***

\_\_\_\_\_  
(name/title)

\_\_\_\_\_  
Date

**APPENDIX K – Piceance Parcel Soil Types**

<b>Map Unit Number</b>	<b>Rio Blanco County Soil Survey Map Unit</b>	<b>Acres within Piceance Parcel</b>	<b>% of Piceance Parcel</b>	<b>Prime/Unique Soil</b>
6	Barcus channery loamy sand, 2 to 8% slopes	90	9.7	No
36	Glendive fine sandy loam	97	10.5	No
40	Hagga loam	314	33.9	No
41	Havre loam, 0 to 4% slopes	110	11.9	Yes, if irrigated
73	Rentsac channery loam, 5 to 50% slopes	77	8.3	No
91	Torriorthents-Rock outcrop complex, 15 to 90% slopes	238	25.7	No
<b>Total</b>		<b>926</b>	<b>100.0</b>	