

Recorded at \_\_\_\_\_ O'Clock \_\_\_\_\_ M.  
Reception No. \_\_\_\_\_

Recorder

QUIT CLAIM DEED

The Colorado Department of Public Health and the Environment ("Grantor"), whose address is 4300 Cherry Creek Drive South, Denver, Colorado, 80222-1530, City and County of Denver, State of Colorado, pursuant to 42 U.S.C. § 7914 (e) (1) (B) and C.R.S. § 25-11-303, hereby donates and quit claims to the Colorado Water Conservation Board ("Grantee"), whose address is 1313 Sherman Street, Denver, Colorado, 80203, City and County of Denver, State of Colorado, the following real property in the County of La Plata, State of Colorado, to wit: A parcel of land in LaPlata County, State of Colorado, New Mexico Principal Meridian, containing Forty-six and twenty-seven hundredths (46.27) acres, more or less, described as follows:

STATE DOCUMENTARY FE  
DATE 9.9.98  
3 46.27

Township 35 North, Range 9 West of the N.M.P.M., North of the Ute Line

That part of lots 4 and 11, in the West Half (W 1/2) of Section 32, and more particularly described as follows:

BEGINNING at a point on the South line of Lot 11 of said Section 32, whence the North West Section Corner of said Section 32 bears North 18° 40' 38" West, 4131.17 feet,

THENCE North 01° 01' 00" East, 951.06 feet;  
THENCE South 88° 22' 00" West, 35.64 feet, to the West line of said Lot 11;  
THENCE North 00° 59' 00" East, 338.58 feet, along the line between Lot 11 and Lot 12, to the common corner of Lots 4, 6, 11 & 12 of said Section 32;  
THENCE North 00° 59' 00" East, 706.86 feet, along the line between Lot 4 and Lot 6 of said Section 32;  
THENCE North 00° 59' 00" East, 680.46 feet, along the line between Lot 4 and Lot 5 of said Section 32;  
THENCE North 00° 41' 00" East, 295.30 feet, along the line between Lot 4 and Lot 5 of said Section 32;  
THENCE North 00° 41' 00" East, 288.17 feet, along the line between Lot 4 and Lot 5, to the centerline of the Animas River;  
THENCE South 35° 48' 00" East, 200.13 feet, along the said centerline of the Animas River;  
THENCE South 40° 31' 00" East, 295.00 feet, along the said centerline of the Animas River;  
THENCE South 40° 04' 00" East, 129.00 feet, along the said centerline of the Animas River;  
THENCE South 51° 16' 00" East, 189.88 feet, along the said centerline of the Animas River;  
THENCE South 45° 29' 00" East, 169.80 feet, along the said centerline of the Animas River;  
THENCE South 43° 18' 00" East, 56.70 feet, along the said centerline of the Animas River to the West Right-of-Way line of Highway 550-160;  
THENCE South 07° 56' 00" East, 274.58 feet along the West Right-of-Way line of Highway 550-160;  
THENCE South 07° 56' 00" East, 360.22 feet, along the West Right-of-Way line of Highway 550-160;  
THENCE South 02° 04' 00" East, 292.30 feet, along the West Right-of-Way line of Highway 550-160;  
THENCE South 05° 49' 30" West, 617.10 feet, along the West Right-of-Way line of Highway 550-160;  
THENCE South 01° 04' 15" West, 408.02 feet, along the West Right-of-Way line of Highway 550-160, to the beginning of a curve concave to the Southeast having a radius of 175.00 feet;  
THENCE Southwesterly 325.18 feet along said curve through a central angle of 106° 27' 55", along the West Right-of-Way line of Highway 550-160 to the North Right-of-Way line of LaPlata County Road 211;  
THENCE South 62° 10' 19" West, 634.29 feet along said North Right-of-Way line of LaPlata County Road 211, to the South line of said Lot 11;  
THENCE South 87° 41' 00" West, 64.16 feet, along the South line of said Lot 11, to the point of beginning.

Including the V.C.A. -Animas Pipeline Water Right Priority No. 1968-1, decreed by the La Plata County District Court on May 3, 1968 in Civil Action No. 1751-B for 4.01 cubic feet of water per second, with an appropriation date on or about December 31, 1890 and priority date of February 20, 1965, and with the headgate of said pipeline located on a point on the west bank of the Animas River, whence the West Quarter Corner of Section 29, Township 35 North, Range 9 West of the N.M.P.M. bears North 20° 53' West 1,310.5 feet.

Subject to: (i) any coal, oil, gas, or other mineral rights in any person; (ii) existing rights-of-way for roads, railroads, telephone lines, transmission lines, utilities, ditches, conduits, or pipelines on, over, or across said lands; (iii) court liens, judgments, or financial encumbrances such as deeds of trust for which a formal consent or order has been obtained from a court for the lien holder; (iv) other rights, interests, reservation or exceptions of record; and the following terms, conditions, rights, reservations and covenants:

Grantor reserves (i) to itself, the U. S. Department of Energy, their employees, agents and contractors the right of access to the property as may be necessary to complete activities under the Uranium Mill Tailings Radiation Control Act of 1978, 42 U.S.C. § 7901 et seq. ("UMTRCA") and for other lawful purposes; and (ii) to itself and the U.S. Department of Energy, their employees, agents and contractors the right to use the V.C.A.-Animas Pipeline Water Right Priority No. 1968-1, described above as may be necessary to perform groundwater remediation and any other activities as may be necessary to fulfill the requirements of UMTRCA, until such time as Grantor and the U.S. Department of Energy determine that all remedial activities are complete;

Grantee covenants (i) not to use the property for any purpose other than public purposes as required by UMTRCA, 42 U.S.C. § 7901 et seq., as amended; (ii) not to use ground water from the site for any purpose, and not to construct wells or any means of exposing ground water to the surface unless prior written approval is given by the Grantor and the U.S. Department of Energy; (iii) not to sale or transfer the land to anyone other than a governmental entity within the state; (iv) not to perform construction of any kind on the property unless prior written approval of construction plans, designs and specifications is given by Grantor and the U.S. Department of Energy; (v) that any habitable structures constructed on the property shall employ a radon ventilation system or other radon mitigation measures; and (vi) that its use of the property shall not adversely impact groundwater quality nor interfere with groundwater remediation under UMTRCA;

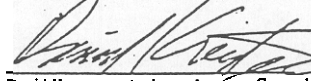
These covenants are made in favor and to the benefit of Grantor, shall run with the land and be binding upon Grantee and its successors and assigns, and shall be enforceable by Grantor and its successors and assigns;

Grantee acknowledges that the property was once used as a uranium milling site, and that the Grantor makes no representations or warranties that ~~the property is suitable for~~ Grantee's purposes;

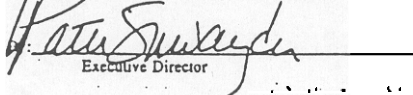
IN WITNESS WHEREOF.

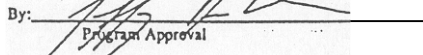
GRANTOR:

APPROVED AS TO FORM:

  
David Kreutzer - Assistant Attorney General

STATE OF COLORADO  
Roy Romo, Governor  
Acting by and through  
The Department of Public Health and Environment

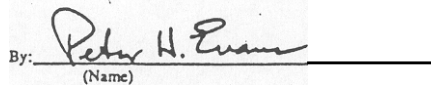
  
Executive Director

By:   
Program Approval

ACCEPTANCE OF DEED  
AND COVENANTS

STATE OF COLORADO  
Roy Romo, Governor  
Acting by and through  
Colorado Water Conservation Board

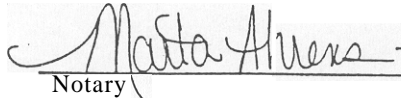
(Full Legal Name or Agency)

By:   
(Name)

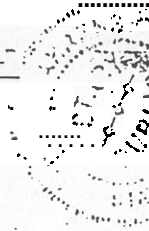
Title: \_\_\_\_\_  
Acting Director

(Affix Seal)

Subscribed and sworn to me this 25<sup>th</sup> day of June, 1998.

  
Notary

MY COMMISSION EXPIRES:  
December 10, 2001



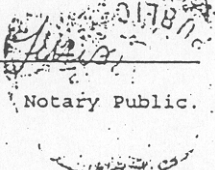
Signed this 1<sup>st</sup> day of July 1998

STATE OF COLORADO, } ss.  
County of DENVER

The foregoing instrument was acknowledged before me this 1<sup>st</sup> day of July, 1998 by PATTI SHWAYDER

My commission expires OCTOBER 21, 1999

Witness my hand and official seal

Claudette M.   
Notary Public.

## ATTACHMENT A

## LAND ANNOTATION

## DURANGO, COLORADO PROCESSING SITE

## NORTHERN, MIDDLE AND SOUTHERN PARCELS

The Uranium Mill Tailings Radiation Control Act (Public Law 95-604), Section 104, requires that the State notify any person who acquires a designated processing site of the nature and extent of residual radioactive materials removed from the site, including notice of the date when such action took place, and the condition of the site after such action. The following information is provided to fulfill this requirement.

The Durango, Colorado processing site originally consisted of *three* separate land parcels. The northern parcel contained the mill site, two tailings piles and remnants of old buildings. The southern parcel, located approximately 0.5 miles to the south, contained raffinate ponds, which were used for the disposal and evaporation of contaminated liquids from the mill process. The two sites are connected by a currently impassable service road cut into the face of Smelter Mountain which is the third parcel.

Approximately 2,500,000 cubic yards of contaminated materials which included 1) tailings; 2) subpile soils; 3) surficial materials in the mill yard; 4) windblown materials; and 5) raffinate ponds and contents were removed from the sites from 1987 to 1990. The remediation was conducted in accordance with regulations promulgated by the United States Environmental Protection Agency (EPA), in 40 CFR 192. These regulations require that the concentration of radium-226 in land averaged over any area of 100 square meters shall not exceed the background level by more than: 5 pCi/g (picocuries per gram), averaged over the first 15 cm (centimeters) of soil below the surface, and 15 pCi/g averaged over 15 cm thick layers of soil more than 15 cm below the surface.

After remediation was complete the sites were backfilled with approximately 230,000 cubic yards of clean material, graded for drainage and revegetated. Backfill materials were routinely analyzed for radium-226 and were determined to have concentrations near background. Material with radium-226 concentrations less than 5 pCi/g were used for surface backfill. Excavation of residual radioactive material was also conducted for Thorium-230 on the southern parcel. For thorium-230, the cleanup standard was determined as a projected 1,000 year Radium-226 concentration based on the eventual decay of the thorium to radium. This resulted in a thorium-230 concentration of approximately 35 pCi/g as the clean-up standard. All verification soil samples from the two sites met the EPA standards of 5 and 15 pCi/g radium 226 plus background (1.6 pCi/g) except for grid H-38-20 which, including the thorium-230 results, after 1000 years would have a projected concentration of 18.6 pCi/g of radium-226. (The actual concentrations at this location are 49.4 pCi/g thorium-230 and 1.8 pCi/g radium-226). This grid is located on the southern parcel, as shown on the attached map. This grid is covered with 2.5 to 5 feet of clean backfill.

The northern parcel also contains slag from a lead smelter which operated on the site prior to the construction of the uranium mill. Approximately 200,000 cubic yards of slag remain on the site, covered by 18 to 24 inches of clean backfill and 6 inches of topsoil. The location of the slag is shown on the attached figure. The slag was not removed during remedial action because the material was not included under the UMTRA authority (it did not meet the definition of residual radioactive material).

The EPA regulations also allow for contaminated materials to be left in place where removal would pose a clear and present risk of injury to workers or would produce environmental harm that is excessive compared to the health benefit achieved. These cases are called Supplemental Standards. Supplemental standards were applied to areas on the slope of Smelter Mountain, the banks of the Animas River, and to an area beneath the lead slag. The Supplemental Standards areas are identified on the attached map.

The groundwater beneath both parcels remains contaminated and will be addressed during Phase II of the uranium mill tailings remedial action project. Several groundwater monitor wells are present on each parcel and will remain in place until the U.S. Department of Energy determines that they can be removed.

Additional information concerning the remedial action, groundwater conditions, lead smelter slag and supplemental standards is available from the Colorado Department of Public Health and Environment, Hazardous Materials and Waste Management Division.

