



RIO BLANCO COUNTY COMMUNITY
DEVELOPMENT DEPARTMENT

PLANNING DIVISION

HISTORIC COURTHOUSE
555 Main Street, 1st Floor
P.O. Box 599
Meeker, CO 81641

Certification of Notification of Mineral Owners

This form is to be completed and submitted with completed Applications for Development as defined by Section 24-65.5-102, C.R.S.

I certify that:

I own the entire mineral estate relative to the subject property; **or**

If mineral ownership has been severed from the surface ownership, provide this form after a determination of “completeness” of the application has been made by Planning staff and a public hearing date has been established.

I certify that:

The mineral estate has been severed from the surface ownership and I understand that notices to mineral owners are required pursuant to Section 24-65.5-103 C.R.S..

I have provided the required notice by certified mail to all mineral owners identified by review of Rio Blanco County Tax Assessors records as required by Section 24-65.5-103 C.R.S.. Names and addresses of any and all mineral owners identified and provided with the required notice are as follows (attach additional pages if necessary):

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____

I acknowledge I have reviewed the enforcement and remedies pursuant to Section 24-65.5-104 C.R.S., and am aware of the consequences of failure to provide notice to identified mineral estate owners.

Applicant’s signature: _____ **Date:** _____

COLORADO REVISED STATUTES

*** This document reflects changes current through all laws passed at the First Regular Session of the Seventieth General Assembly of the State of Colorado (2015) ***

TITLE 24. GOVERNMENT - STATE
PLANNING - STATE
ARTICLE 65.5. NOTIFICATION OF SURFACE DEVELOPMENT

C.R.S. 24-65.5-103 (2015)

24-65.5-103. Notice requirements

(1) Not less than thirty days before the date scheduled for the initial public hearing by a local government on an application for development, the applicant shall send notice, by certified mail, return receipt requested, or by a nationally recognized overnight courier, to:

(a) (I) A mineral estate owner who either:

(A) Is identified as a mineral estate owner in the county tax assessor's records, if those records are searchable by parcel number or by section, township, and range numbers or other legally sufficient description; or

(B) Has filed in the office of the county clerk and recorder in which the real property is located a request for notification in the form specified in subsection (3) of this section.

(II) Such notice shall contain the time and place of the initial public hearing, the nature of the hearing, the location and legal description by section, township, and range of the property that is the subject of the hearing, and the name of the applicant.

(b) The local government considering the application for development. Such notice shall contain the name and address of the mineral estate owners to whom notices were sent in accordance with paragraph (a) of this subsection (1).

(1.5) If an applicant files more than one application for development for the same new surface development with a local government, the applicant shall only be required to send notice pursuant to subsection (1) of this section of the initial public hearing scheduled for the first application for development to be considered by the local government. Local governments shall, pursuant to [section 24-6-402 \(7\)](#), provide notice of subsequent hearings to mineral estate owners who register for such notification.

(2) (a) The applicant shall identify the mineral estate owners entitled to notice pursuant to this section by examining the records in the office of the county tax assessor and clerk and recorder of the county in which the real property is located, including the appropriate request for notification pursuant to subsection (3) of this section. Notice shall be sent to the last-known address of the mineral estate owner as shown by such records.

(b) If such records do not identify any mineral estate owners, including their addresses of record, the applicant shall be deemed to have acted in good faith and shall not be subject to further obligations under this article. The applicant shall not be liable for any errors or omissions in such records.

(3) A mineral estate owner who requests or desires to obtain notice under this article or the mineral estate owner's agent may file in the office of the county clerk and recorder of the county in which the real property is located a request for notification form that identifies the mineral estate owner's

mineral estate and the corresponding surface estate by parcel number and by section, township, and range numbers or other legally sufficient description. The clerk and recorder shall file request for notification forms in the real estate records for the county and shall also keep an index of request for notification forms by section, township, and range numbers or by subdivision lots and blocks.

(4) Prior to convening an initial public hearing on an application for development, a local government shall require the applicant to certify that notice has been provided to the mineral estate owner pursuant to subsection (1) of this section.

(5) A mineral estate owner may waive the right to notice under this section in writing to the applicant. Failure of a mineral estate owner to be identified in the records described in paragraph (a) of subsection (1) of this section or to file a request for notification under subsection (3) of this section shall not waive the right of such mineral estate owner to file an objection with the local government to such application for development no later than thirty days following the initial public hearing for approval of the application for development or to exercise the remedies set forth in [section 24-65.5-104](#).

(6) Before completing the sale of a mineral estate, a mineral estate owner who has received notice as the owner of the mineral estate of a pending public hearing with respect to an application for development pursuant to this section shall notify the buyer of the mineral estate of the existence of the application for development. A transfer of an interest in a mineral estate by a mineral estate owner following the filing of a request for notification pursuant to subsection (3) of this section shall not modify the address to which the applicant may deliver notice under paragraph (a) of subsection (1) of this section until the transferee of such interest has filed an amendment to the request for notification describing the address to which such notices shall be sent.

HISTORY: Source: L. 2001: Entire article added, p. 487, § 2, effective July 1.L. 2002: (1.5) and (6) added and IP(2)(a), (2)(a)(I), and (2)(b) amended, p. 892, § 2, effective August 7.L. 2007: Entire section amended, p. 2113, § 3, effective August 3.

ANNOTATION

Law reviews. For article, "Tension Beneath the Surface: The Evolving Relationship Between Surface and Mineral Estates", see 30 Colo. Law. 67 (December 2001).

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TITLE 24. GOVERNMENT - STATE
PLANNING - STATE
ARTICLE 65.5. NOTIFICATION OF SURFACE DEVELOPMENT

C.R.S. 24-65.5-103.3 (2015)

24-65.5-103.3. Local government approval

(1) A local government shall, as a condition of final approval of an application for development, require the applicant to certify:

(a) That notice has been provided to mineral estate owners pursuant to [section 24-65.5-103](#); and

(b) With respect to qualifying surface developments, that either:

(I) No mineral estate owner has entered an appearance or filed an objection to the proposed application for development within thirty days after the initial public hearing on the application;

(II) The applicant and any mineral estate owners who have filed an objection to the proposed application for development or have otherwise filed an entry of appearance in the initial public hearing regarding such application no later than thirty days following the initial public hearing on the application have executed a surface use agreement related to the property included in the application for development, the provisions of which have been incorporated into the application for development or are evidenced by a memorandum or otherwise recorded in the records of the clerk and recorder of the county in which the property is located so as to provide notice to transferees of the applicant, who shall be bound by such surface use agreements; or

(III) The application for development provides:

(A) Access to mineral operations, surface facilities, flowlines, and pipelines in support of such operations existing when the final public hearing on the application for development is held by means of public roads sufficient to withstand trucks and drilling equipment or thirty-foot-wide access easements;

(B) An oil and gas operations area and existing wellsite locations in accordance with [section 24-65.5-103.5](#); and

(C) That the deposit for incremental drilling costs described in [section 24-65.5-103.7](#) has been made.

(2) A local government approval of an application for development without the certification required by subsection (1) of this section when a mineral owner has timely entered an appearance or filed an objection shall be suspended and shall not constitute a valid final approval until the required certification is provided, any required local government proceedings following notice to affected mineral estate owners are held, and the local government approval is confirmed, amended, or revoked in response to the certification.

HISTORY: Source: L. 2007: Entire section added, p. 2115, § 4, effective August 3.

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PLANNING - STATE
ARTICLE 65.5. NOTIFICATION OF SURFACE DEVELOPMENT

C.R.S. 24-65.5-104 (2015)

24-65.5-104. Enforcement - remedies

(1) (a) If an applicant certifies to the local government that such applicant has complied with the notice requirements of [section 24-65.5-103](#) and that no mineral estate owner has entered an appearance or filed an objection as provided in this article to the applicant and to the local government, after the final approval of the application for development, no development or related activities contemplated by such application, no permit or other approval by such local government, and no permit or other approval by any other local government or agency that approves or permits such development or related activities or any aspect thereof shall, except as provided in subparagraphs (I) and (II) of this paragraph (a), be rescinded, curtailed, abrogated, or otherwise restricted in connection with any purported noncompliance with the notice requirements of [section 24-65.5-103](#) that may be alleged by any party. If the applicant complies with the publication and posting notice requirements of the local government reviewing its application for development, and if an applicant certifies that it has provided the required notice as provided in [section 24-65.5-103](#) in a timely manner, mineral estate owners shall be deemed to have constructively received notice of the application for development. In such event, if the applicant otherwise complies with this article, the applicant shall not have any liability to a mineral estate owner for any legal or equitable remedy or relief arising from, in connection with, or otherwise relating to the application for development, any development activities commenced on the surface of the real property, any inability or impediment or other hindrance to drilling operations or other development of the mineral estate or any portion thereof, or any actual failure to receive any notice required by [section 24-65.5-103](#) or [31-23-215, C.R.S.](#), unless:

(I) The applicant knowingly and willfully provides a false certification with respect to the provision of notice, the existence of a surface use agreement, the designation of oil and gas operations areas, or the establishment of an escrow account as required by this article, in which case any local government approval of the application for development is null and void and all aggrieved parties shall have all legal and equitable remedies available to them;

(II) The certification by the applicant with respect to the provision of notice is incorrect due to the negligence of the applicant or its agent in identifying the mineral estate owners entitled to actual notice under this article, in which case a mineral owner entitled to actual notice that was not sent such notice in the manner required by [section 24-65.5-103](#) is entitled to file an objection to the application for development at any time prior to the final approval of the application for development and to seek compensatory damages only thereafter, in accordance with paragraph (b) of this subsection (1); or

(III) A mineral estate owner, who received constructive notice only and did not enter an appearance or file an objection with the applicant and the local government within thirty days after the initial public hearing on the application for development, files suit for compensatory damages within one year after the posting of the property with a sign indicating that the application for development has received final approval by the local government.

(b) With respect to actions brought under subparagraph (II) or (III) of paragraph (a) of this subsection (1), a mineral estate owner may not recover special, punitive, or other extraordinary damages and is not entitled to equitable remedy or relief. The prevailing party in such action is entitled to an award of reasonable attorney fees.

(2) A mineral estate owner entitled to notice pursuant to [section 24-65.5-103](#) has standing to enforce the requirements of that section, and, except as provided in this subsection (2) with respect to qualifying surface developments, has standing to make claims as may be available at law or equity for noncompliance. With respect to qualifying surface developments:

(a) A mineral estate owner has standing to move for the vacation of the final plat covering an area in which the mineral estate owner owns a mineral estate after depletion of the incremental drilling funds in an escrow account posted under [section 24-65.5-103.7](#) in connection with the recording of such plat only to the extent of areas encompassed within commission-approved drilling windows, and upon the granting of such vacation by the local government has the right to conduct oil and gas drilling and production operations within such commission-approved drilling windows, if such mineral estate owner establishes to the satisfaction of the local government that there is no reasonable likelihood that the surface development approved in such plat will occur and if all other local government requirements for vacating the plat are met.

(b) If a mineral estate owner believes that the oil and gas operations area designated by the applicant for land in which such mineral estate owner owns a mineral estate does not satisfy the criteria specified in [section 24-65.5-103.5](#), such person may register an objection with the local government within thirty days after the public hearing at which the oil and gas operations area is designated, and may appeal the designation to the district court having jurisdiction of the land covered by such application within thirty days after the decision of the local government with respect to such objection.

HISTORY: Source: L. 2001: Entire article added, p. 488, § 2, effective July 1.L. 2002: IP(2) amended, p. 892, § 3, effective August 7.L. 2003: (1) amended and (2.5) added, p. 4, § 2, effective February 26.L. 2007: Entire section R&RE, p. 2120, § 5, effective August 3.