

**PROPOSED AMENDMENT
TO A PREVIOUSLY APPROVED
2003 COUNTY IMPROVEMENT PERMIT**

Proposed Luther Hydroelectric Shed

**JE Ward Mill Site USMS No. 9858B
and Argentine Mill Site USMS No. 11380B
County Road 55, Arrastra Gulch
San Juan County, Colorado**



Applicant:

Mike Luther
PO Box 374
Silverton, Colorado 81433
(970) 946-1726

Prepared By:

Engineer Mountain, Inc.
Attn: Lisa Adair PE
962 Reese Street
PO Box 526
Silverton, Colorado 81433
(970) 387-0500
Job No. 2003-179

Submitted:

July 29, 2025



*SOILS *RETAINING WALLS
*SEPTICS *FOUNDATIONS
*GRADING AND DRAINAGE
*SITE DEVELOPMENT

July 29, 2025

San Juan County
Attn: Willy Tookey
1557 Greene Street
Silverton, Colorado 81433

EMI Job No. 2003-179

Subject: Proposed Amendment to a Previously Approved 2003 County Improvement Permit, JE Ward Mill Site USMS No. 9858B, and Argentine Mill Site USMS No. 11380B, County Road 55, Arrastra Gulch, San Juan County, Colorado.

Dear Willy and Commissioners:

This submittal has been prepared to describe the proposed improvements on the JE Ward Mill Site and the adjacent Argentine Mill Site, near County Road 55, in Arrastra Gulch, San Juan County. The applicant and property owner is Mike Luther of Silverton.

The attached documents have been prepared as an amendment to a previously approved 2003 County Improvement Permit. The applicant requests review of this project by the Planning Commission at their meeting in 21 days on August 19, 2025.

The proposed improvements consist of a proposed at-grade water intake box, a pipe placed on the ground surface, and a hydroelectric turbine in a small proposed shed. The proposed improvements are located near the existing Luther cabin along Arrastra Creek, close to the existing San Juan County Historical Society (SJCHS) water system intake.

Please contact Engineer Mountain, Inc. if you have any questions.

Sincerely,

Matt Green, EIT
and Lisa M. Adair, PE
Engineer Mountain, Inc.

Attachments for Willy Tookey, with 14 Binders for County Staff, and Commissioners
San Juan County Application for Improvement Permit Form
Adjacent Land Owner Envelopes
Receipt for \$840 County Improvement Permit Application Fee

Cc: Mike Luther, Gabe Stephens

Cc (e-binder): W. Tookey, M. Luther, G. Stephens, K. Gardner, B. Harris, G. Archuleta, T. George,
L. Mulvihill, G. Kaasch-Buerger, B. Conrad, A. Edwards

Engineer Mountain Inc. - PO Box 526 Silverton, CO - (970) 387-0500 - engineermountaininc@gmail.com

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Proposed Luther Hydroelectric Shed


**JE Ward Mill Site USMS No. 9858B
and Argentine Mill Site USMS No. 11380B
County Road 55, Arrastra Gulch
San Juan County, Colorado
Engineer Mountain, Inc.**

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14. 2003 County Permit Documents

Front Cover Photo Credit: Original Mineral Survey Plat for the JE Ward Mill Site

Application for Improvement Permit

		APPROVAL CHECKLIST		Initial	Date
Applicant	Name	Mike Luther			
	Address	PO Box 374 Silverton, CO 81433			
	cell (970) 946-1726	Phone	Ownership of Surface		
Owner	Name	Mike Luther			
	Address	PO Box 374 Silverton, CO 81433			
	cell (970) 946-1726	Phone	Ownership of Minerals		
Contractor	Name	Gabe Stephens - Hydroelectric Consultant			
	Address	Montrose			
	cell (970) 946-5096	Phone	Vicinity Map		
Legal Description of Property:		Road System Relationship			
JE Ward Mill Site and Argentine Mill Site		Zoning Compatibility			
		State Mining Permit			
		Owner Notification			
		Avalanche Hazard			
		Geologic Hazard			
		Floodplain Hazard			
		Wildfire Hazard			
		Mineral Resource Impact			
Township 41 N, Range 7 W, Section 10		Wildlife Impact			
Nature of Improvement Planned:		Historic Site Impact			
Proposed Hydroelectric System and Turbine Shed.		Watershed Gearance			
County Building Inspector					
Building Permit					
State Electrical Inspector					
Land Use Zone: Mountain Zone		Electrical Permit			
Applicant Signature		San Juan Basin Health Unit			
		Sewage Disposal: Test			
		Design			
		Central Sewage Collection			
		State Division of Water Resources			
Date Application Requested			Adequate Water Source		
Date Submitted for Permit			Well Permit		
Date Permit Issued			Central Water Distribution		
Date Permit Denied			U.S. Forest Service/BLM		
Reason for Denial		Access Approval			
		State Division of Highways			
Receipt		FEE PAYMENT			
		Amount	Date	Driveway Permit	
Application					
Building Permit					
Subdivision/Pl D				Subdivision Variance	
Hearing Notice				Subdivision Approval	
				PUD Approval	

Recorded at 1:30'clock P.M. this 2nd day of Jan 2003, at Reception No. 42311, Recorder. Deborah A. Zamora File 1/11

SPECIAL WARRANTY DEED

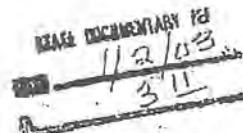
AMERICAN SMELTING AND REFINING COMPANY
A NEW JERSEY CORPORATION

whose address is 2575 E. Camelback Road, Suite 500, Phoenix, AZ 85016
County of Maricopa and State of Arizona,

for the consideration of TEN DOLLARS, in hand paid, hereby sell(s) and convey(s) to

MICHAEL L. LUTHER

whose legal address is P.O. BOX 374, SILVERTON, CO 81433
County of _____, and State of Colorado,



the following real property in the County of San Juan, and the State of Colorado, to wit:

J.E. Ward Mill Site, Mineral Survey No. 9858, Animas Mining District, County of San Juan, State of Colorado; Together with 30' Foot Easement from County Road 55 to the J.E. Ward Mill Site, Mineral Survey No. 9858, Animas Mining District, as shown on the attached Boundary Survey.

also known by street and number N/A

with all its appurtenances and warrant(s) the title against all persons claiming under (me) (us);
Subject to all outstanding Deeds of Trust of record.

Signed and delivered this 18th day of December, 2002,

American Smelting and Refining Company,
A New Jersey Corporation

[Signature]
By: Thomas L. Aldrich, Vice President,
Environmental Affairs

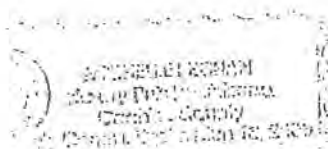
[Signature]
By: James T. O'Neil, Jr., Vice President
Finance & Administration

STATE OF ARIZONA)
COUNTY OF MARICOPA) ss:

The foregoing instrument was acknowledged before me on this 18th day of December, 2002,
by Thomas L. Aldrich, Vice President, Environmental Affairs and James T. O'Neil, Jr.,
Vice President, Finance & Administration.
IN WITNESS WHEREOF I hereunto set my hand and official seal.

My commission expires on:

[Signature]
Notary Public



Recorded at 1:25 o'clock P.M. this 14th day of December, 2002, at Reception No. 44331,
San Juan County, Arizona Recorder.
Dec 13, '02

SPECIAL WARRANTY DEED

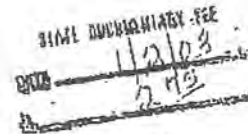
AMERICAN SMELTING AND REFINING COMPANY,
A NEW JERSEY CORPORATION

whose address is 2575 E. Camelback Road, Suite 500, Phoenix, AZ 85016
County of Maricopa and State of Arizona,

for the consideration of TEN DOLLARS, in hand paid, hereby sell(s) and convey(s) to

MICHAEL L. LUTHER

whose legal address is P.O. BOX 374, SILVERTON, CO 81433
County of _____, and State of Colorado,



the following real property in the County of San Juan, and the State of Colorado, to wit:

Argentine Mill Site, Mineral Survey No. 11380 B, Animas Mining District, County of San Juan, State of Colorado; Together with 30' Foot Easement from County Road 55 to the Argentine Mill Site, Mineral Survey No. 11380 B, Animas Mining District, as shown on the attached Boundary Survey.

also known by street and number N/A

with all its appurtenances and warrant(s) the title against all persons claiming under (me) (us);
Subject to all outstanding Deeds of Trust of record.

Signed and delivered this 18th day of December, 2002.

American Smelting and Refining Company
A New Jersey Corporation

By: Thomas L. Aldrich, Vice President,
Environmental Affairs

By: James T. O'Neil, Jr., Vice President,
Finance & Administration

STATE OF ARIZONA)

COUNTY OF MARICOPA) ss:

The foregoing instrument was acknowledged before me on this 18th day of December, 2002,
by

IN WITNESS WHEREOF I hereunto set my hand and official seal.

My commission expires on:

Michelle Becker
Notary Public



Property Records
San Juan County Colorado

PARCEL N2355
48290100010041

Owners

LUTHER MICHAEL
PO BOX 374
SILVERTON, CO 81433-0374

Parcel Summary

Location	94 COUNTY ROAD 21 SILVERTON, CO 81433
Use Code	<u>RS: Residential Real Estate</u>
Tax District	<u>101: Outer County</u>
Mill Levy	37.529000
Acreage	4.4300
Section	10
Township	41
Range	7
Neighborhood	<u>Outer County Nbhd</u>

Legal Description

J E WARD M S - 9858 B

[GSA GIS](#)

[Photo](#)



Current Values

STANDARD	2025
Market Value	\$717,900
Exempt Value	\$0
Taxable Value	\$717,900
Assessed Value	\$44,868
School Assessed Value	\$50,612
Estimated Taxes	\$1,784

Value History

	2024	2023	2022	2021	2020
Market Value	\$560,563	\$560,563	\$386,930	\$386,930	\$489,500
Exempt Value	\$55,000	\$15,000	\$0	\$0	\$0
Taxable Value	\$505,563	\$545,563	\$386,930	\$386,930	\$489,500
Assessed Value	\$33,873	\$36,908	\$26,892	\$27,666	\$34,999
School Assessed Value	\$0	\$0	\$0	\$0	\$0
Estimated Taxes	\$1,237	\$1,309	\$945	\$941	\$1,178

The estimated tax amount is merely an estimate based on the best information available. Assessment rates and mill levies may not be finalized until December. Tax Notices are mailed in January for the preceding year.

Document/Transfer/Sales History

Official Record	Date	Type	V/I	Sale Price	TASP	Ownership	Sale Code
142314	2002-12-18	<u>Special Warranty Deed</u>	Improved	\$31,100		Grantor: ASARCO Grantee: LUTHER MICHAEL	<u>Q</u>

Buildings

Building # 1, Section # 1, Main Home, Single-Family Residence, Two Story

Type	Model	Heated Sq Ft	YrBltd	EFY	Code	Description
<u>RES</u>	<u>0001</u>	2500	2008	2008	1222	Residence on Mining Claim

Components

Code	Description	
<u>108</u>	Frame, Siding, Wood	100%
<u>213</u>	Metal, Formed Seams	100%
<u>308</u>	Floor Radiant, Hot Water	100%
<u>402</u>	Automatic Floor Cover Allowance	
<u>502</u>	Automatic Appliance Allowance	
<u>601</u>	Plumbing Fixtures	16.000
<u>903</u>	Wood Deck	1032.000

Structural Elements

Type	Description	Qty
<u>BED</u>	Bedrooms	4.00
<u>BTHF</u>	Bath-Full	3.00

Sub Areas

Type	Gross Area	Percent of Base	Adjusted Area
<u>GBA</u>	2,500	100%	2,500

Land Lines

Code	Description	Zone	Units	Unit Type	Acreage	Value	Notes
<u>1122</u>	Residential Mining Claim Land		4.43	<u>Acres</u>	4.43	\$137,316	GISid: 4605. J E WARD M S - 9858

Notices

2024

2023



Property Records
San Juan County Colorado

PARCEL N2431
48290150010011

Owners

LUTHER MICHAEL L
PO BOX 374
SILVERTON, CO 81433-0374

Parcel Summary

Location	SILVERTON, CO 81433
Use Code	<u>MN: Patented Mining Claim Real Estate</u>
Tax District	<u>101: Outer County</u>
Mill Levy	37.529000
Acreage	5.0000
Section	10
Township	41
Range	7
Neighborhood	<u>Outer County Nbhd</u>

Legal Description
ARGENTINE M S - 11380 B

GSA GIS



Current Values

STANDARD	2025
Market Value	\$16,000
Exempt Value	\$0
Taxable Value	\$16,000
Assessed Value	\$4,320
School Assessed Value	\$4,320
Estimated Taxes	\$162

Value History

	2024	2023	2022	2021	2020
Market Value	\$41,750	\$41,750	\$25,000	\$25,000	\$24,600
Exempt Value	\$0	\$0	\$0	\$0	\$0
Taxable Value	\$41,750	\$41,750	\$25,000	\$25,000	\$24,600
Assessed Value	\$11,648	\$11,648	\$7,250	\$7,250	\$7,134
School Assessed Value	\$0	\$0	\$0	\$0	\$0
Estimated Taxes	\$425	\$413	\$255	\$247	\$240

The estimated tax amount is merely an estimate based on the best information available. Assessment rates and mill levies may not be finalized until December. Tax Notices are mailed in January for the preceding year.

Document/Transfer/Sales History

Official Record	Date	Type	V/I	Sale Price	TASP	Ownership	Sale Code
142312	2002-12-18	<u>Special Warranty Deed</u>	Vacant	\$27,500		Grantor: ASARCO Grantee: LUTHER MICHAEL	

Buildings

None

Land Lines

Code	Description	Zone	Units	Unit Type	Acreage	Value	Notes
<u>5140</u>	Non-producing Patented Mining Claim(s)		5.00	<u>Acres</u>	5.00	\$16,000	GISid: 1309. ARGENTINE M S - 11380

Notices

2024

2023

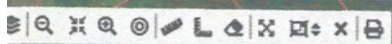
Disclaimer

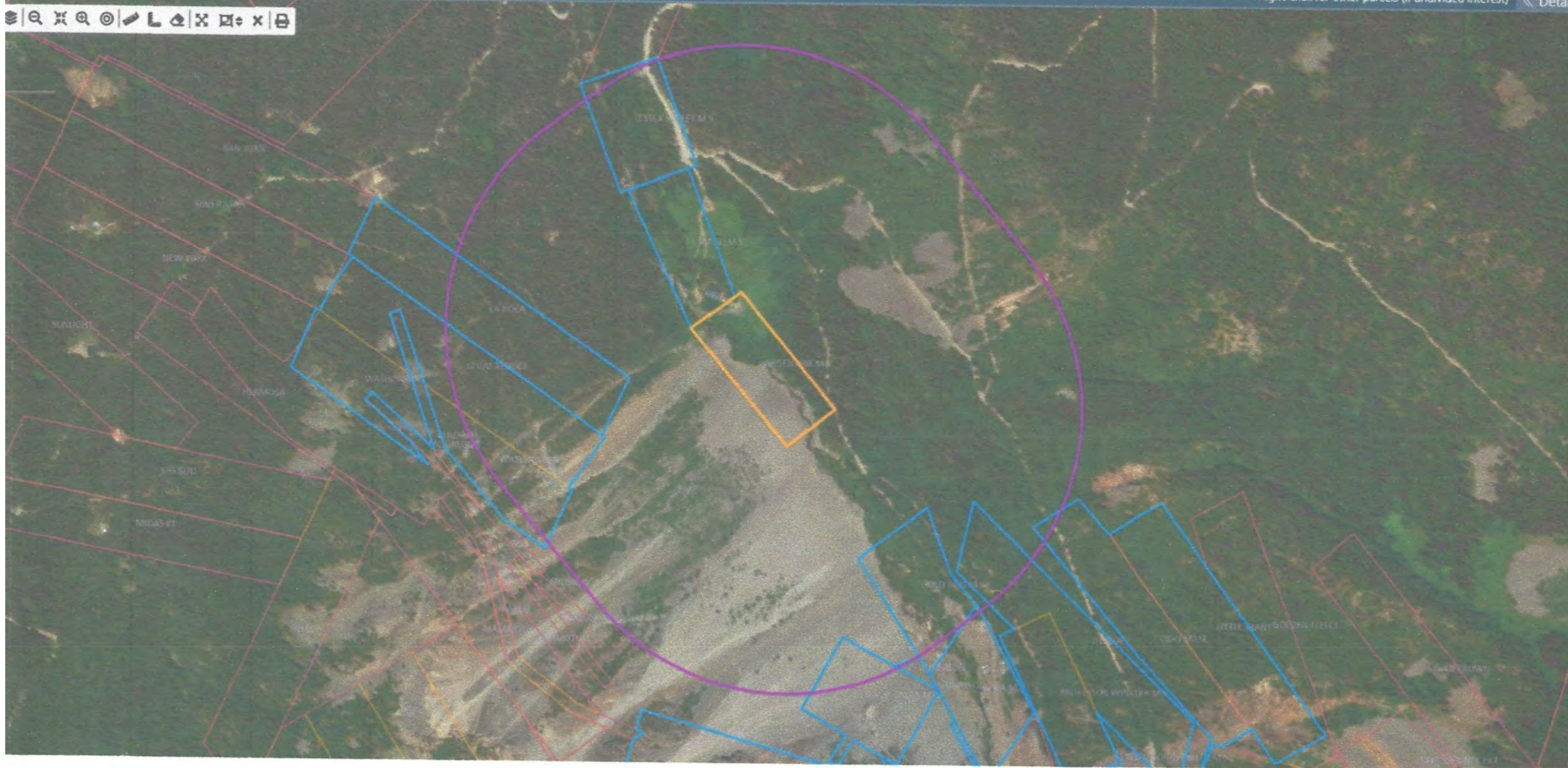
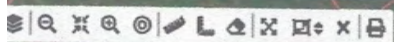
All parcel data on this page is for use by the San Juan County Assessor for assessment purposes only. The summary data on this page may not be a complete representation of the parcel or of the improvements thereon. Building information, including unit counts and number of permitted units, should be verified with the appropriate building and planning agencies. Zoning information should be verified with the appropriate planning agency. This is a true and accurate copy of the records of the San Juan County Assessor's Office as of July 24, 2025.

LIST OF ADJACENT LAND OWNERS
Proposed Luther Hydroelectric Shed
JE Ward Mill Site 5898B
And Argentine Mill Site 11380B
County Road 55, Arrastra Gulch
San Juan County, Colorado
Engineer Mountain, Inc.
Last Revised 7/14/25

<u>Property Owner</u>	<u>Property</u>
Urban Real Estate & Restoration LLC 587 County Road 949E Alvin, TX 77511	Essex Street Mill Site
RH and NG Baldwin Living Trust PO Box 460541 Leeds, UT 84746	La Boca Lode
U.S. BLM PO Box 1 Washington, DC 20044	Legal Tender Lode Washington Lode Illinois Lode
ASARCO Multi State Trust 35 E Wacker Drive Suite 1550 Chicago, IL 60601	Marcia L Mill Site Rochester Mill site San Juan Lode
Todd Hennis 15100 Foothill Road Golden, CO 80401	Gold Bug Mill Site
Janet Powell 7633 E Midnight Way Prescott Valley, AZ 86314	Grey Eagle Mill Site
William Wiesfus Revocable Living Trust 3201 Phillips Avenue Steger, IL 60475	Iowa Mill Site
Patrick Champalou 120 Yacht Club Way Apt. 305 Hypoluxo, FL 33462	Iron Mask Lode





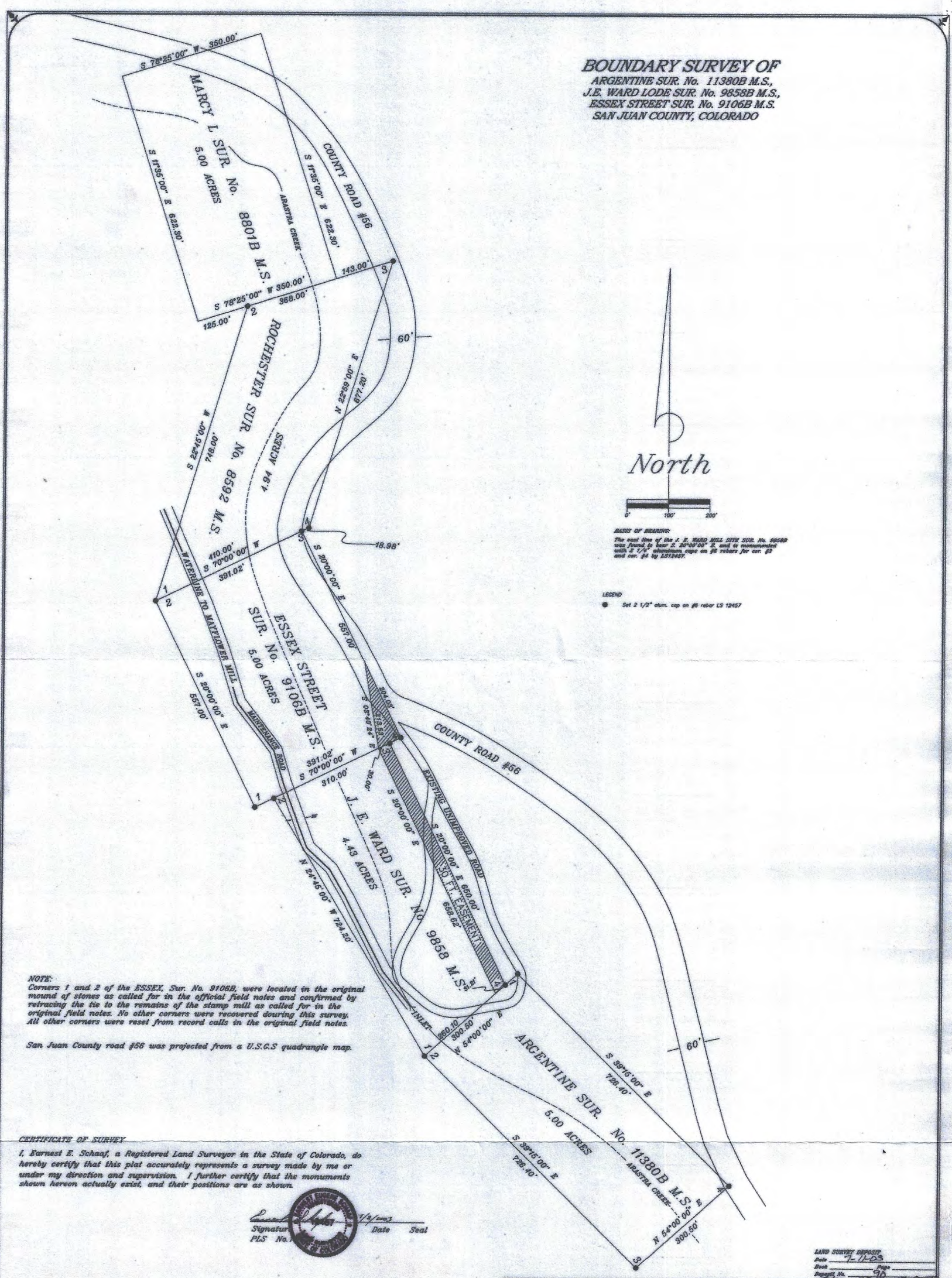


DRAWING NUMBER

DRAWING NUMBER

DRAWING NUMBER
ARGENTINE SUR. No. 11380B M.S.,
J.E. WARD LODE SUR. No. 9858B M.S.,
ESSEX STREET SUR. No. 9106B M.S.

DRAWING NUMBER
MAP # 90



BOUNDARY SURVEY OF
ARGENTINE SUR. No. 11380B M.S.,
J.E. WARD LODE SUR. No. 9858B M.S.,
ESSEX STREET SUR. No. 9106B M.S.,
SAN JUAN COUNTY, COLORADO



BASED ON DRAWING:
The east line of the J. E. WARD LODE SUR. No. 9858B was found to bear S. 20°00'00" E. and is monumented with 2 1/4" aluminum caps on 3/8" rebar for cor. #1 and cor. #4 to 1512487.

LEGEND:
● Set 2 1/2" diam. cap on 3/8" rebar LS 12487


NOTE:
Corners 1 and 2 of the ESSEX, Sur. No. 9106B, were located in the original mound of stones as called for in the official field notes and confirmed by retracing the tie to the remains of the stamp mill as called for in the original field notes. No other corners were recovered during this survey. All other corners were reset from record calls in the original field notes.

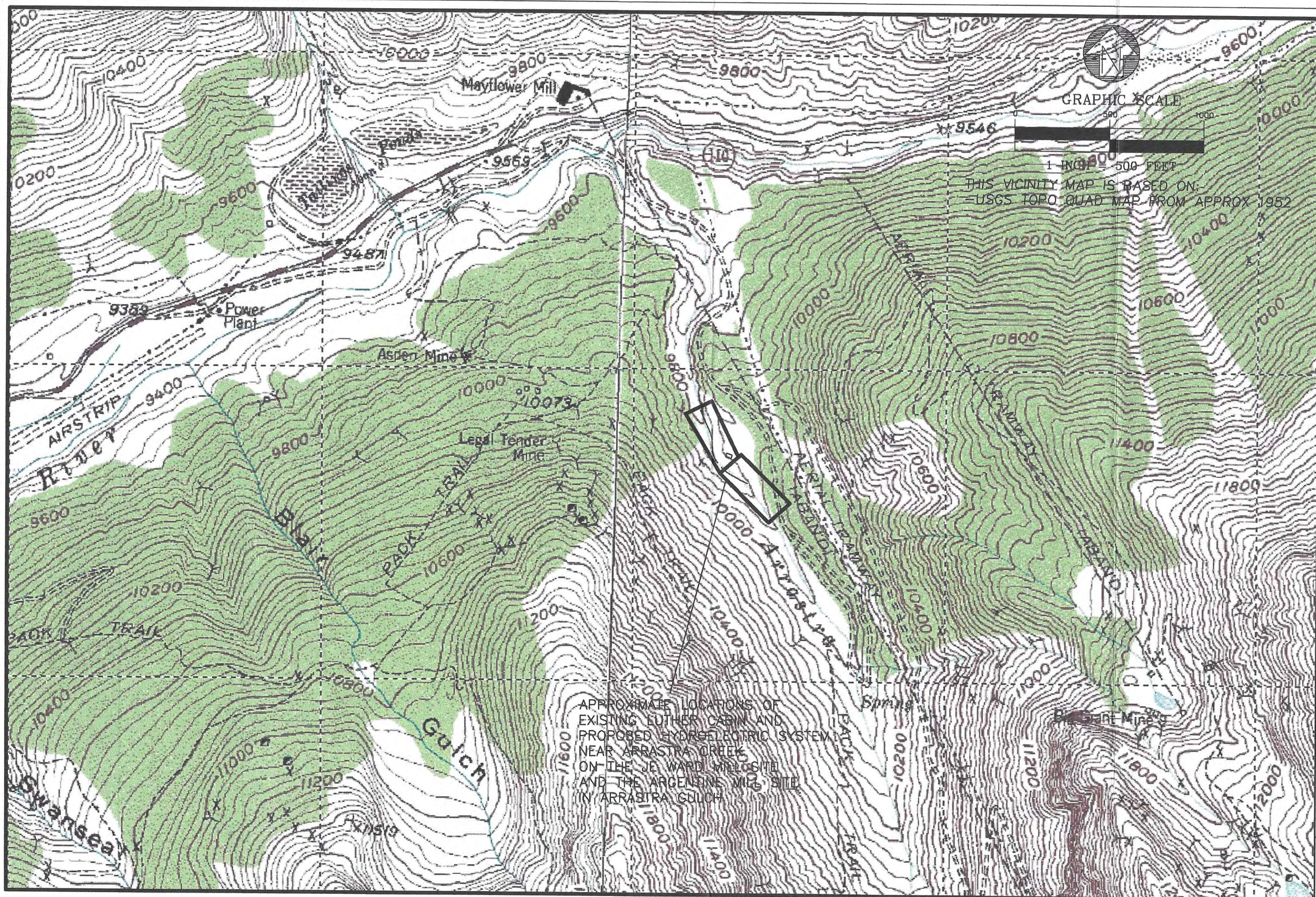
San Juan County road #56 was projected from a U.S.G.S. quadrangle map.

CERTIFICATE OF SURVEY
I, Ernest E. Schaaf, a Registered Land Surveyor in the State of Colorado, do hereby certify that this plat accurately represents a survey made by me or under my direction and supervision. I further certify that the monuments shown hereon actually exist, and their positions are as shown.

Signature  Date  Seal

NOTICE:
ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVERED SUCH DEFECT. IN NO EVENT, MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF CERTIFICATION SHOWN HEREON.

U.S. MINERAL SURVEYORS REGISTERED LAND SURVEYORS A.C. & CO., INC., INC.			E. SCHAAF & ASSOCIATES, INC. 351 PALMER ST., DELTA, COLORADO 81416 EMAIL: eeshaaf@aol.com	
PLAN SCALE 1" = 100'	REVISIONS NONE		BOUNDARY SURVEY OF ARGENTINE SUR. No. 11380B M.S., J.E. WARD LODE SUR. No. 9858B M.S., ESSEX STREET SUR. No. 9106B M.S., SAN JUAN COUNTY, COLORADO	
FIELD CREW RES. RES. V.T.W.	DATE 4/3/09	ASARCO 1100 N. 7TH AVE. TUCSON, AZ 85705		
DRAWN BY E.E.W.	DATE 4/3/09	JOB # 2009-01		



APPROXIMATE LOCATIONS OF
EXISTING LUTHER CABIN AND
PROPOSED HYDROELECTRIC SYSTEM
NEAR ARRASTRA CREEK
ON THE JE WARD MILL SITE
AND THE ARGENTINE MILL SITE
IN ARRASTRA GULCH

GRAPHIC SCALE

1 INCH = 500 FEET

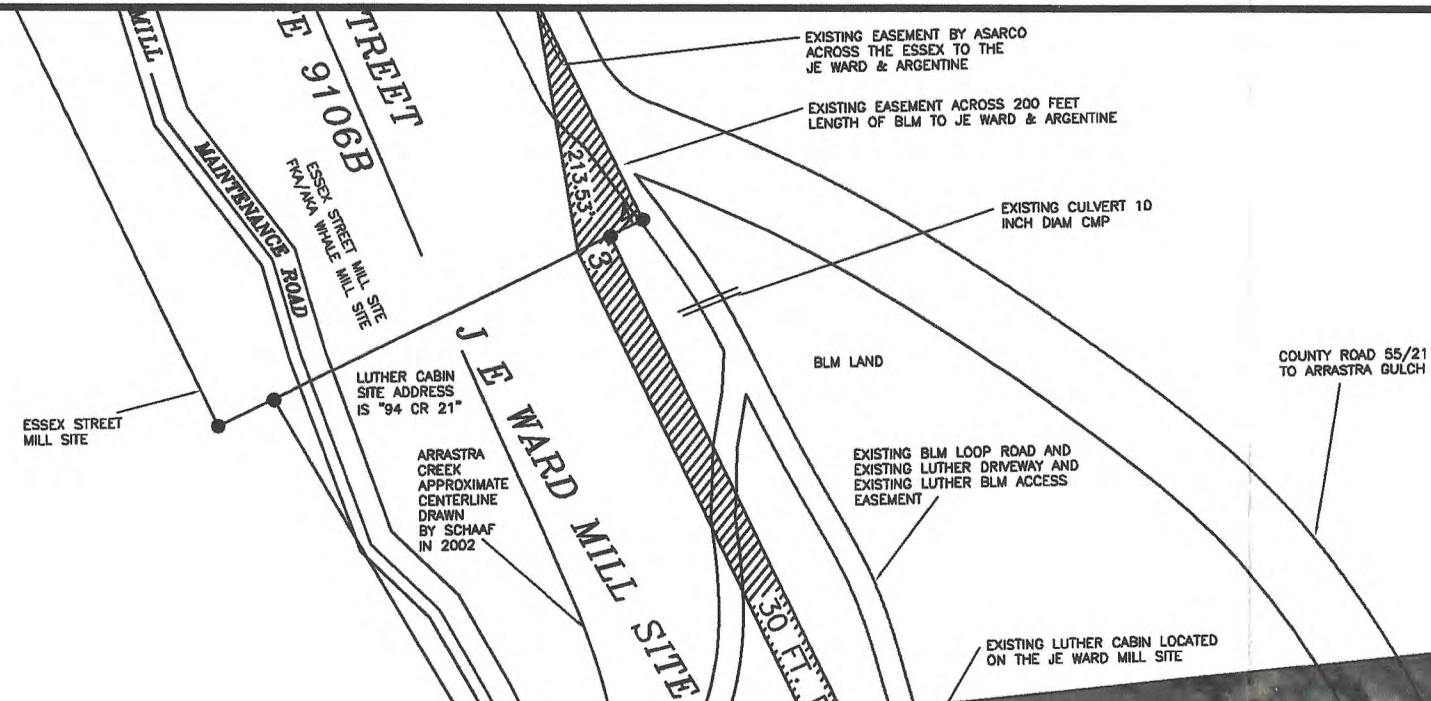
THIS VICINITY MAP IS BASED ON:
USGS TOPO QUAD MAP FROM APPROX 1952

ENGINEER MOUNTAIN INC.
P.O. BOX 526, SILVERTON, CO 81433
(970) 387-0500
engineermountaininc@gmail.com

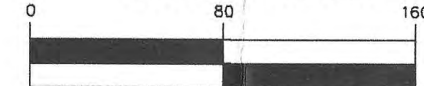
VICINITY MAP
PROPOSED LUTHER HYDROELECTRIC SYSTEM
JE WARD AND ARGENTINE MILL SITES, COUNTY ROAD 55
ARRASTRA GULCH, SAN JUAN COUNTY, CO

DATE: AUGUST 23, 2006
DRAWN BY: LMA/JC/MM
LAYOUT/LMAN: 2025 HYDRO VIC/HYDROVIC
3-179-L/179-A/dra/2018 Luther Elec...
LAST REVISED: JULY 23, 2025

SHEET
1
OF 6



GRAPHIC SCALE



1 INCH = 80 FEET

THIS AERIAL SITE PLAN IS BASED ON:
 -SURVEY PLAT PREPARED FOR ASARCO BY LICENSED SURVEYOR EARNIE SCHAAF IN 2002
 -DRAWING OF PROPOSED HYDROELECTRIC SYSTEM PREPARED BY HYDRO CONSULTANT GABE STEPHENS IN 2025, DRAWN ON THE COUNTY ASSESSOR AERIAL MAP FROM 2025

PROPOSED ELECTRIC LINE TO BE PLACED IN EXISTING UNDERGROUND ELECTRIC CONDUIT
 EXISTING THREE SIDED OPEN WOODPILE TOOL SHED
 PROPOSED UNDERGROUND ELECTRIC LINE FROM PROPOSED SHED TO EXISTING SHED
 APPROX LOCATION OF EXISTING SJCHS MAYFLOWER MILL WATER INTAKE

PROPOSED RETURN PIPE FROM PROPOSED SHED TO ARRASTRA CREEK
 APPROX LOCATION OF PROPOSED 6 FEET X 6 FEET SHED WITH HYDROELECTRIC TURBINE, ON PRESSURE TREATED SKID FOUNDATION, WITH ELEVATED GRAVEL FLOOR, OVER BELOW GRADE STEEL GRATE BOX

PROPOSED "PENSTOCK" DRISCOLL PIPE TO BE BURIED WHERE IT CROSSES UNDER EXISTING DRIVEWAY

PROPOSED UNDERGROUND DIVERSION PIPE TO CONVEY WATER FROM ARRASTRA CREEK, TO PROPOSED WINGWALL AND AT GRADE WATER INTAKE BOX, TO STEEL PIPE WITH VALVE, AND AIR VAC VALVE(S), AVOID DISTURBING EXISTING HISTORIC TIMBER/METAL REMNANTS

Mayflower Mill Intake

Turbine House
Approx. 9855'

Penstock

Channel

Diversion
Approx. 9890'

Possible Instream
Diversion Locations

COUNTY ROAD 55, LOWER ARRASTRA GULCH ROAD, AKA COUNTY ROAD 21, 60 FEET WIDE COUNTY ROAD EASEMENT

PROPOSED HOPE DRISCOLL PIPE LAID ON GROUND SURFACE AS "PENSTOCK" PIPE FROM PROPOSED WATER INTAKE BOX TO PROPOSED TURBINE/SHED, TRANSITION TO STEEL PIPE SECTION FOR VALVE AT EACH END OF PENSTOCK, AND PROPOSED AIR VAC VALVE(S) AT ANY HIGH SPOTS

PROPOSED LUTHER HYDROELECTRIC SYSTEM TO INCLUDE:
 -PROPOSED DIVERSION PIPE AND AT GRADE WATER INTAKE BOX ALONGSIDE ARRASTRA CREEK
 -PROPOSED "PENSTOCK" PIPE TO BE LAID ON EXISTING GROUND SURFACE FROM INTAKE TO TURBINE
 -PROPOSED HYDROELECTRIC TURBINE AND EQUIPMENT TO BE LOCATED IN PROPOSED HYDROELECTRIC SHED
 -PROPOSED RETURN PIPE FROM TURBINE IN SHED TO ARRASTRA CREEK TO BE LOCATED UPSTREAM OF EXISTING SAN JUAN COUNTY HISTORICAL SOCIETY INTAKE
 -PROPOSED UNDERGROUND ELECTRIC LINE FROM PROPOSED HYDROELECTRIC SHED TO EXISTING CABIN

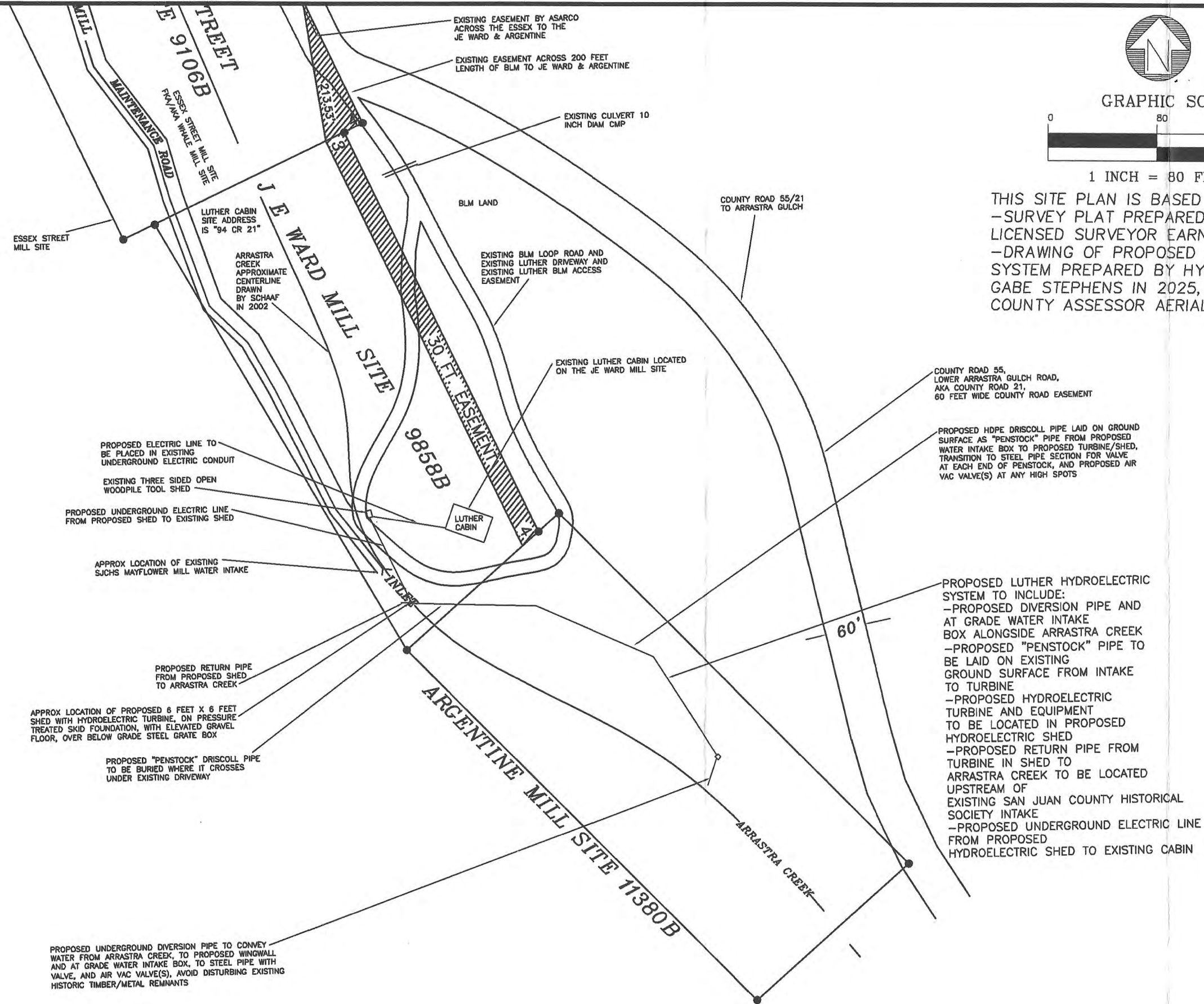
NOTE: COUNTY ASSESSOR 2025 AERIAL MAP WAS ROTATED SIX DEGREES TO MATCH THE 2002 SCHAAF SURVEY PLAT

*SOILS *RETAINING WALLS
 *SEPTICS *FOUNDATIONS
 *GRADING AND DRAINAGE
 *CIVIL SITE DEVELOPMENT
ENGINEER MOUNTAIN INC.
 P.O. BOX 526, SILVERTON, CO 81433
 (970) 387-0500
 engineermountaininc@gmail.com

AERIAL SITE PLAN
 PROPOSED LUTHER HYDROELECTRIC SYSTEM
 JE WARD AND ARGENTINE MILL SITES, COUNTY ROAD 55
 ARRASTRA GULCH, SAN JUAN COUNTY, CO

DATE: AUGUST 23, 2006
 DRAWN BY: LMA/JC/MM
 LAYOUT/LMAN: 2025HYDRO1/HYDROAERIAL
 3-179-L/179-A/dra/2018 Luther Elec...
 LAST REVISED: JULY 23, 2025

SHEET
 2
 OF 6



GRAPHIC SCALE



1 INCH = 80 FEET

THIS SITE PLAN IS BASED ON:
 -SURVEY PLAT PREPARED FOR ASARCO BY LICENSED SURVEYOR EARNIE SCHAAF IN 2002
 -DRAWING OF PROPOSED HYDROELECTRIC SYSTEM PREPARED BY HYDRO CONSULTANT GABE STEPHENS IN 2025, DRAWN ON THE COUNTY ASSESSOR AERIAL MAP FROM 2025

*SOILS *RETAINING WALLS
 *SEPTICS *FOUNDATIONS
 *GRADING AND DRAINAGE
 *CIVIL SITE DEVELOPMENT

ENGINEER MOUNTAIN INC.

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 engineermountaininc@gmail.com

SITE PLAN

PROPOSED LUTHER HYDROELECTRIC SYSTEM

JE WARD AND ARGENTINE MILL SITES, COUNTY ROAD 55

ARRASTRA GULCH, SAN JUAN COUNTY, CO

DATE: AUGUST 23, 2006

DRAWN BY: LMA/JC/MM

LAYOUT/LMAN: 2025HYDRO2/HYDROSITE

3-179-L/179-A/dra/2018 Luther Elec..

LAST REVISED: JULY 23, 2025

SHEET
 3
 OF 6

COUNTY ROAD 2
AT THE MAYFLOWER MILL

ARRASTRA GULCH ROAD
AT THE ANIMAS RIVER

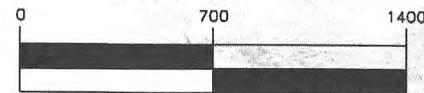
APPROXIMATE LOCATIONS OF
EXISTING LUTHER CABIN AND
PROPOSED HYDROELECTRIC SYSTEM
NEAR ARRASTRA CREEK
ON THE JE WARD MILL SITE
AND THE ARGENTINE MILL SITE
IN ARRASTRA GULCH

SILVERTON 2.4 MI

(SILVERTON)



GRAPHIC SCALE



1 INCH = 700 FEET

THIS PLAN SHEET IS
APPROXIMATE AND IS
BASED ON:
-USGS TOPO QUAD MAP
FROM APPROX 1952
-THE ADOPTED COUNTY
AVALANCHE HAZARDS MAP



ENGINEER MOUNTAIN INC.
P.O. BOX 526, SILVERTON, CO 81433
(970) 387-0500 engineermountaininc@gmail.com

VICINITY MAP ON COUNTY AVALANCHE HAZARDS MAP
PROPOSED LUTHER HYDROELECTRIC SYSTEM
JE WARD AND ARGENTINE MILL SITES, COUNTY ROAD 55
ARRASTRA GULCH, SAN JUAN COUNTY, CO

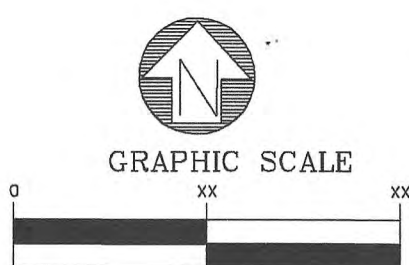
DATE: AUGUST 23, 2006
DRAWN BY: LMA/JG/MM
LAYOUT/LMAN: 2025 HYDRO AV/HYDROAV
3-179-L/179-A/dro/2018 Luther Elec...
LAST REVISED: JULY 23, 2025

SHEET
4
OF 6

COUNTY ROAD 2
AT THE MAYFLOWER MILL

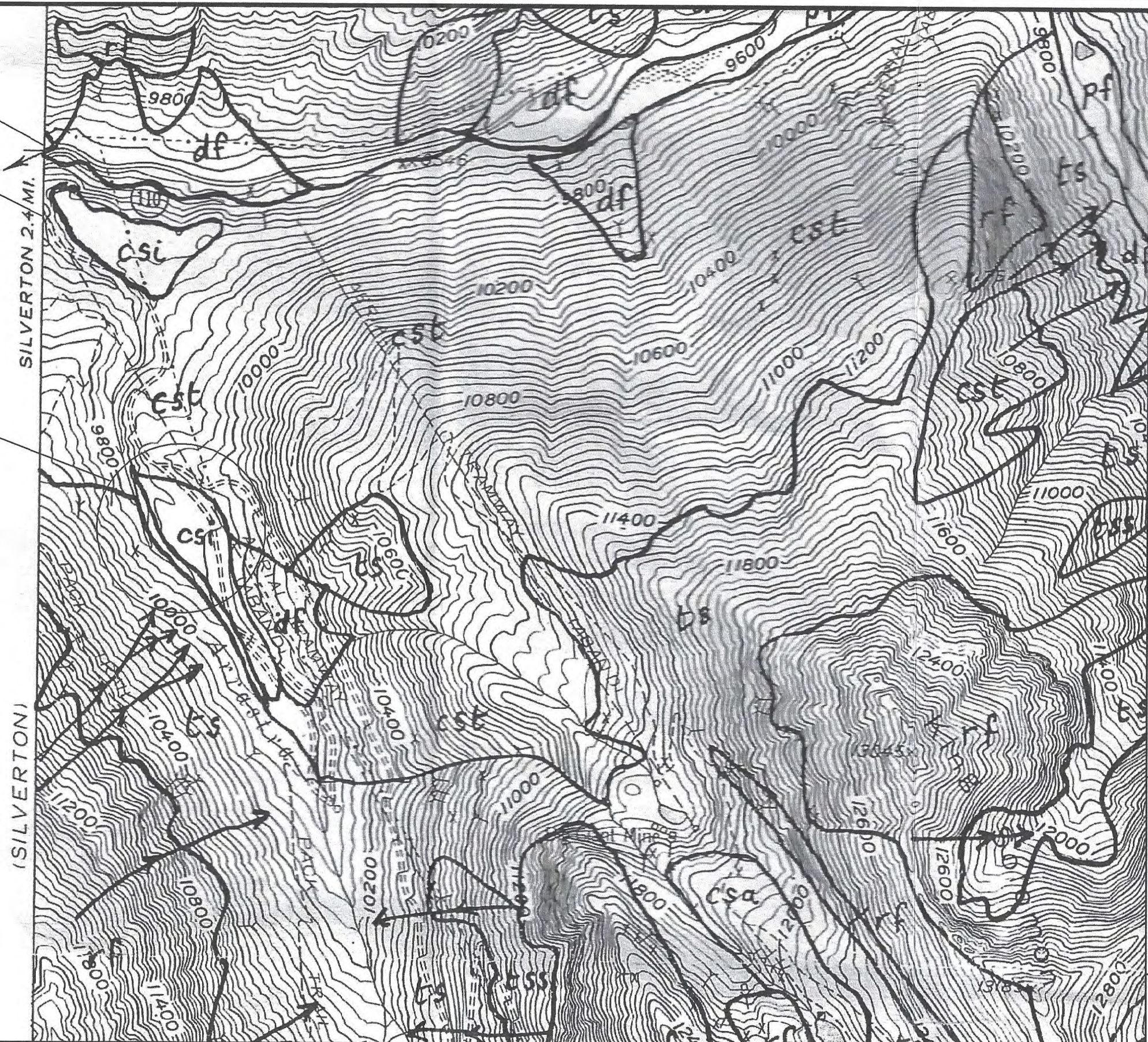
ARRASTRA GULCH ROAD
AT THE ANIMAS RIVER

APPROXIMATE LOCATION
OF THE PROJECT SITE,
JE WARD MILL SITE AND
THE ARGENTINE MILL SITE,
IN ARRASTRA GULCH



1 INCH = XX FEET
(NOT TO SCALE)

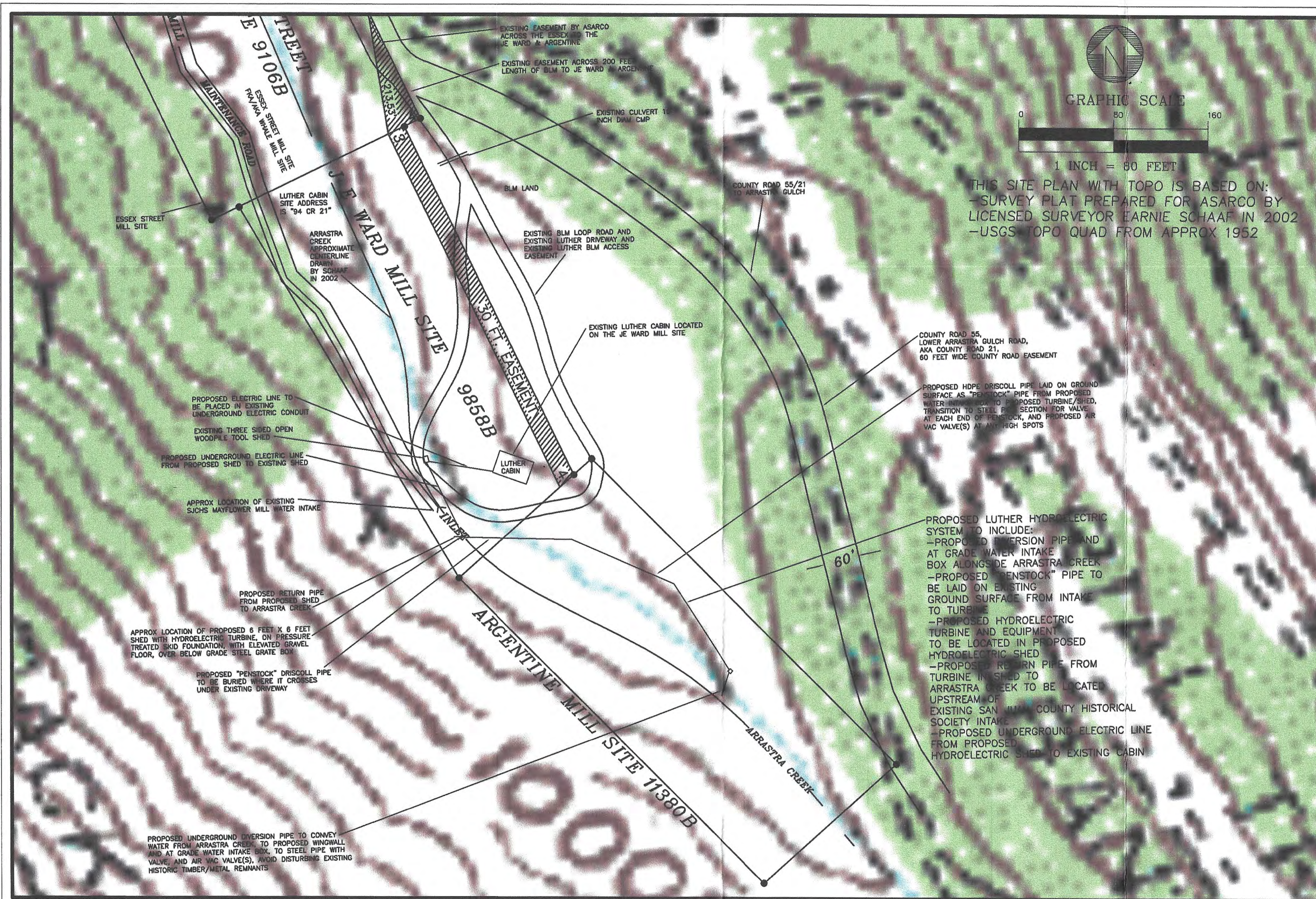
THIS PLAN SHEET IS
APPROXIMATE AND IS
BASED ON:
-USGS TOPO QUAD MAP
FROM APPROX 1952
-THE ADOPTED COUNTY
GEOHAZARDS MAP



ENGINEER MOUNTAIN INC.
P.O. BOX 526, SILVERTON, CO 81433
(970) 387-0500
engineermountaininc@gmail.com

VICINITY MAP ON COUNTY GEOHAZARDS MAP
PROPOSED LUTHER HYDROELECTRIC SYSTEM
JE WARD AND ARGENTINE MILL SITES, COUNTY ROAD 55
ARRASTRA GULCH, SAN JUAN COUNTY, CO

DATE: AUGUST 23, 2006
DRAWN BY: LMA/JC/MM
LAYOUT/LMAN: 2025 HYDRO GEOHAZ X 2
3-179-L/179-A/dra/2018 Luther Elec..
LAST REVISED: JULY 24, 2025



THIS SITE PLAN WITH TOPO IS BASED ON:
-SURVEY PLAT PREPARED FOR ASARCO BY
LICENSED SURVEYOR EARNE SCHAAF IN 2002
-USGS TOPO QUAD FROM APPROX 1952

ENGINEER MOUNTAIN INC.
P.O. BOX 526, SILVERTON, CO 81433
(970) 387-0500
engineermountaininc@gmail.com

SITE PLAN WITH TOPO
PROPOSED LUTHER HYDROELECTRIC SYSTEM
JE WARD AND ARGENTINE MILL SITES, COUNTY ROAD 55
ARRASTRA GULCH, SAN JUAN COUNTY, CO

DATE: AUGUST 23, 2006
DRAWN BY: LMA/JC/MM
LAYOUT/LMAN: 2025 HYDROTOPO x 2
3-170-L/179-A/dra/2018 Luther Elec..
LAST REVISED: JULY 23, 2025

SHEET
6
OF 6

PROJECT NARRATIVE
Proposed Luther Hydroelectric Shed
JE Ward and Argentine Mill sites
Arrastra Gulch
Engineer Mountain, Inc.

Applicant Name: Mike Luther of Silverton.

Project Location: JE Ward Mill Site USMS No. 9858B, Parcel Number 48290100010041 and Argentine Mill Site USMS No. 11380B, Parcel Number 48290150010011, County Road 55, in Arrastra Gulch, San Juan County, Colorado, Township 41 North, Range 7 West, Section 10

Proposed Development: Proposed hydroelectric system and proposed turbine shed near Arrastra Creek to provide electricity to the existing Luther Cabin.

Zoning: Mountain Zoning District, Mineral Resource Overlay District, this may be in the Town-County Mutual Overlay District.

Acreage: Approximately 9.43 Acres.

Existing Improvements: There is currently an existing single-family cabin, open three-sided wood pile shed, driveway, and septic system. The Applicant obtains water for domestic and use from Arrastra Creek. The Applicant has a BLM access permit for the existing driveway.

Proposed Improvements: The Applicant proposes to construct a hydroelectric system and a shed for the turbine, to provide electricity to the existing Luther Cabin on the JE Ward Mill Site.

Water Source: The water source for the existing cabin and the proposed non-consumptive hydroelectric system is Arrastra Creek.

Access: The project site is currently accessible from an existing permitted driveway, which crosses BLM land, and connects to County Road 55.

Elevation at Structure: The proposed shed for the proposed hydroelectric system is at approximately 9855 feet elevation.

Schedule: The Applicant is hoping to construct the proposed hydroelectric system and proposed turbine shed this fall.

Electric: From the existing open three-sided wood pile shed to the existing cabin there is already an underground conduit in which the Applicant plans to place an electric line. The Applicant plans to place proposed underground electric line from the proposed turbine shed to the existing open shed.

PROJECT NARRATIVE
Proposed Luther Hydroelectric Shed
JE Ward and Argentine Mill sites
Arrastra Gulch
Engineer Mountain, Inc.

- County Avalanche Map:** The Vicinity Map for this project site has been overlaid onto the County Avalanche Hazard Map. The plan is included within this booklet for your review.
- County Geohazards Map:** The Vicinity Map for this project site has been overlaid onto the County Geohazards Map. The plan is included within this booklet for your review.
- Proposed Shed:** The proposed shed is designed as a utility shed for the proposed turbine. The footprint of the proposed shed will be 6 feet by 6 feet, on a pressure treated timber skid, placed on a below grade steel grate box. The height of the proposed shed is approximately 10 feet, and the roof style will be gable. The snow will shed from the roof in two directions. The style of the shed is board and batt wood, unpainted, with the bottom three feet having rusted corrugated metal. The proposed shed will be anchored using anchor bolts to reduce risks associated with wind and flood.

District Court, Water Division <u>7</u> , San Juan County _____, Colorado Court Address: 1060 East 2nd Ave Suite 106 Durango, CO 81301	
CONCERNING THE APPLICATION FOR WATER RIGHTS OF Applicant: Michael L. Luther P.O. Box 374 Silverton, CO 81433 In the <u>Animas</u> _____ River or its Tributaries In <u>San Juan</u> _____ COUNTY	▲ COURT USE ONLY ▲
Attorney or Party Without Attorney (Name and Address): Michael L. Luther P.O. Box 374 Silverton, CO 81433 Phone Number: (970) 946-1726 E-mail: mluther2016@hotmail.com FAX Number: N/A Atty. Reg. #: N/A	Case Number: Division: 7 Courtroom: 1
APPLICATION FOR <input checked="" type="checkbox"/> CONDITIONAL <input type="checkbox"/> ABSOLUTE WATER RIGHTS (SURFACE)	
Instructions: All lines and boxes should be filled in or shown as not applicable (N/A) with the exception of section 3.B where only 3.B.1 or 3.B.2 should be completed. Attach additional sheets as needed. Attach all maps as required. It is the applicant's responsibility to provide the location for each structure in this application. For structures that are already decreed, use, verbatim, the location from the most recent decree that adjudicated the location. For new structures, provide a PLSS location (quarter-quarter, section, township and range) and a single point location description using either UTM coordinates (for example from a GPS device) (preferred) or measured distances from known section lines.	

1. Name, mailing address, email address and telephone number of applicant(s) (if there are multiple applicants and the space provided is not adequate, provide additional sheets as needed):

Name of Applicant	Mailing Address	Email address	Telephone Number
Michael L. Luther	P.O. Box 374, Silverton, CO 81433	mluther@hotmail.com	(970) 946-1726

2. Name of structure: Luther Hydroelectric System ☐ ditch ☐ spring ☒ other Hydroelectric Generator

3. Location of Structure Existing Diversion on Arrastra Creek, Tributary to the Animas River.

A. Public Land Survey System (PLSS) (Required):

Include the source of PLSS information, for example: GIS system such as CDSS MapViewer

(<http://water.state.co.us/DATAMAPS/GISANDMAPS/MAPVIEWER/Pages/FAQ.aspx>); field survey;

scaled from USGS topographic map; or other source:

Legal Description: County	<u>SW</u> 1/4 of the	<u>SE</u> 1/4	Section 10	Township 41 N or S	Range 7 E or W	Principal Meridian
San Juan				<input checked="" type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input checked="" type="checkbox"/>	NMPM

B. Point of diversion (Required) (Complete either 1 or 2 below)

1. Location information in UTM format (Preferred):

UTM Zone must be 12 or 13; Units must be Meters; Datum must be NAD83; and Units must be set to true North. Include the source of the UTM coordinates, for example: GPS device; GIS System such as CDSS MapViewer (<http://water.state.co.us/DATAMAPS/GISANDMAPS/MAPVIEWER/Pages/FAQ.aspx>); scaled

from USGS topographic map; or other source. In areas having generally recognized street addresses, also include street address, and if applicable, the lot, block, and subdivision. Attach a legible 8 ½ x 11 inch map to this application illustrating the location of the structure.

UTM coordinates		
Easting _____ Northing _____		
<input type="checkbox"/> Zone 12 <input type="checkbox"/> Zone 13		
Street Address:		
Subdivision:	Lot	Block
Source of UTM's (for example, hand-held Garmin GPS or located from aerial map, etc): _____		
Accuracy of location displayed on GPS device (for example, accurate to within 200 feet): _____		

2. Distance from Section Lines (if not providing a UTM coordinate above):
 Include perpendicular distances from section lines to the structure location. Include the source of PLSS information, for example: GIS system such as CDSS MapViewer (<http://water.state.co.us/DATAMAPS/GISANDMAPS/MAPVIEWER/Pages/FAQ.aspx>); field survey; scaled from USGS topographic map; or other source. In areas having generally recognized street addresses, also include street address, and if applicable, the lot, block, and subdivision. Attach a legible 8 ½ x 11 inch map to this application illustrating the location of the structure.

Distance from Section Lines (not from property lines)		
_____ 226 Feet from <input type="checkbox"/> N <input checked="" type="checkbox"/> S and _____ 2096 Feet from <input checked="" type="checkbox"/> E <input type="checkbox"/> W		
Source of PLSS information: The legal description above is the decreed location of the point of diversion, recalculated by the Water Court Division Engineer's Office in 2011, using a site visit and the location information provided by the Applicant and his engineering consultants. Please refer to Case Numbers 03CW78, 10CW98, 17CW16		
Street Address: JE Ward and Argentine Mill Sites, 92 County Road 21, near County Road 55 (aka Arrastra Gulch Road), San Juan County, Colorado		
Subdivision: N/A	Lot N/A	Block N/A

4. Source: (for example, unnamed tributary to North Clear Creek, tributary to Clear Creek, tributary to the South Platte River) Arrastra Creek, tributary to the Animas River
5. A. Date of appropriation: _____
 B. How appropriation was initiated: _____
 C. Date water applied to beneficial use: _____
6. Amount claimed in cubic feet per second (cfs) or gallons per minute (gpm) (1 cfs = 448.8 gpm).
 Conditional 300 (☐ cfs ☒ gpm) Absolute N/A (☐ cfs ☐ gpm)

If claiming an absolute water right, application shall include supporting evidence that applicant diverted water in-priority and applied such water to the beneficial uses claimed in the amounts claimed.

7. List All Uses or Proposed Uses: Non-consumptive use for a hydroelectric generator to generate power for a single-family residence.

A. If irrigation, complete the following:

Number of acres historically irrigated N/A; proposed to be irrigated N/A.

Does the Applicant intend to use this water right to supplement irrigation on an area of land already irrigated under another water right? ☐ yes ☐ no

Legal description of irrigated acreage. Mark the location of the irrigated acreage on a USGS topographic map and attach to this application a legible 8 1/2 x 11 inch copy of the applicable portion of the map.

B. If non-irrigation, describe purpose fully. Mark location of use on a USGS topographic map and attach to this application a legible 8 1/2 x 11 inch copy of the applicable portion of the map.

Water is to be diverted for non-consumptive use for a hydroelectric generator to generate power for a single-family residence before being returned to the water source, Arrastra Creek.

8. Name(s) and address(es) of owner(s) or reputed owner(s) of the land upon which any new or existing diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool. The applicant must notify these persons that the applicant is applying for this water right, and certify to the Court that the applicant has done so by no later than 14 days after filing this application. The certification form is on page 4 of this form.

Name of Owner	Mailing Address
Michael L. Luther (Applicant)	P.O. Box 374, Silverton, CO 81433

9. Remarks or any other pertinent information:

Applicant has absolute and conditional water rights for domestic use for a single-family cabin on the same property; please refer to Case Numbers 03CW78, 10CW98, 17CW16, and 24CW10

☒ By checking this box, I am acknowledging I am filling in the blanks and not changing anything else on the form.

☐ By checking this box, I am acknowledging that I have made a change to the original content of this form.

Signature of Attorney (if any)

Date

✉ scotthydroelectric@outlook.com

✉ 1-509-680-4804



WELCOME TO

SCOTT HYDROELECTRIC

MENU ☐

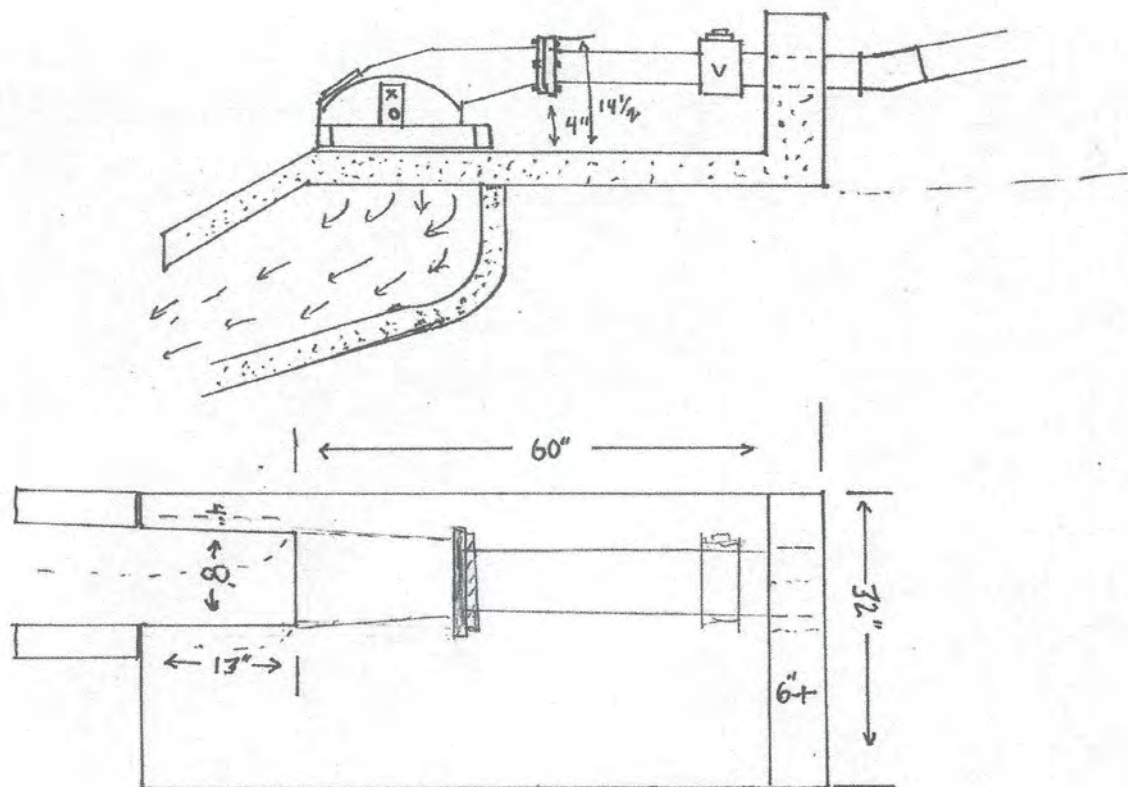
Technical Requirements:

- 8 bolt pattern 9.5 b.c. (at turbine)
- Recommend 15 or more feet net head (fall)
- Screened intake to prevent fish, leaves, and rocks from entering system
- Should have small shelter to cover unit

Technical Data:

- 130 to 200 volts AC output rectified to DC for charge controller for battery setup, or grid connection
- Complete unit (Turbine and Generator mounted on Frame) weight 95 lbs.





Hydro Graph

Bill Scott

Volts	Amps	Watts	PSI	RPM	GPM
87	13.4	312	6	630	290
130	18	440	7	660	300
133	23	570	8	690	320
131	28	700	9	720	350
131	32.5	830	10	745	375
135	36	900	11	820	390
143	39.6	1000	12	846	400
143	43.6	1115	13	915	425
189	50	1335	14	1087	450
190	52.4	1400	15	1100	465



Startup and Shutdown Procedure (assumes wiring and setpoints have been checked) STARTUP:

- 1) Keep the water valve to the turbine CLOSED to start.
- 2) Check that all switches on the control panel are OH-. This includes the 3-pole power input from the turbine, the switch connecting the charge control to the battery, and the inverter disconnect (if an inverter is present).
- 3) Turn the Midnite Classic battery switch ON. Wait as the controller powers up. Note battery voltage and other values. All information about system performance is found on this Classic display panel.
- 4) Turn the large inverter battery switch ON (assuming there is an inverter in the system).
- 5) With the water valve CLOSED, turn the 3-pole switch from the turbine to the ON position.

ALWAYS CONNECT CONTROLS BEFORE STARTING THE TURBINE !

- 6) Now open the water valve until the turbine begins to turn at a slow speed. Note the values shown on the Midnite Classic display, particularly the watt output from the turbine and the incoming voltage.
- 7) Open the water valve until the turbine is running at an intermediate speed. Note values as above.
- 8) Open the water valve fully until the turbine is running at highest speed. Note values as above.
- 9) Once the system is operating, you should keep an eye on battery voltage for a day or two, to see the maximum battery voltage reached. This should match the BULK voltage setting on the C40 control.
- 10) Over time you may discover that the turbine produces more power than you are using, as evidenced by batteries always at a full charge and the diversion regulator always dumping power to the diversion load. If this is the case, you may wish to close the water valve somewhat to lower output and conserve water.

SHUTDOWN:

- 1) To shut the system down, first slowly close the water valve to stop the turbine. Once the turbine has stopped, you can safely turn

OFF the control and/or inverters as needed. Do not turn controls OFF until the turbine has stopped, or the turbine may overspeed and damage equipment from high voltage !

ALWAYS STOP THE TURBINE BEFORE DISCONNECTING CONTROLS !

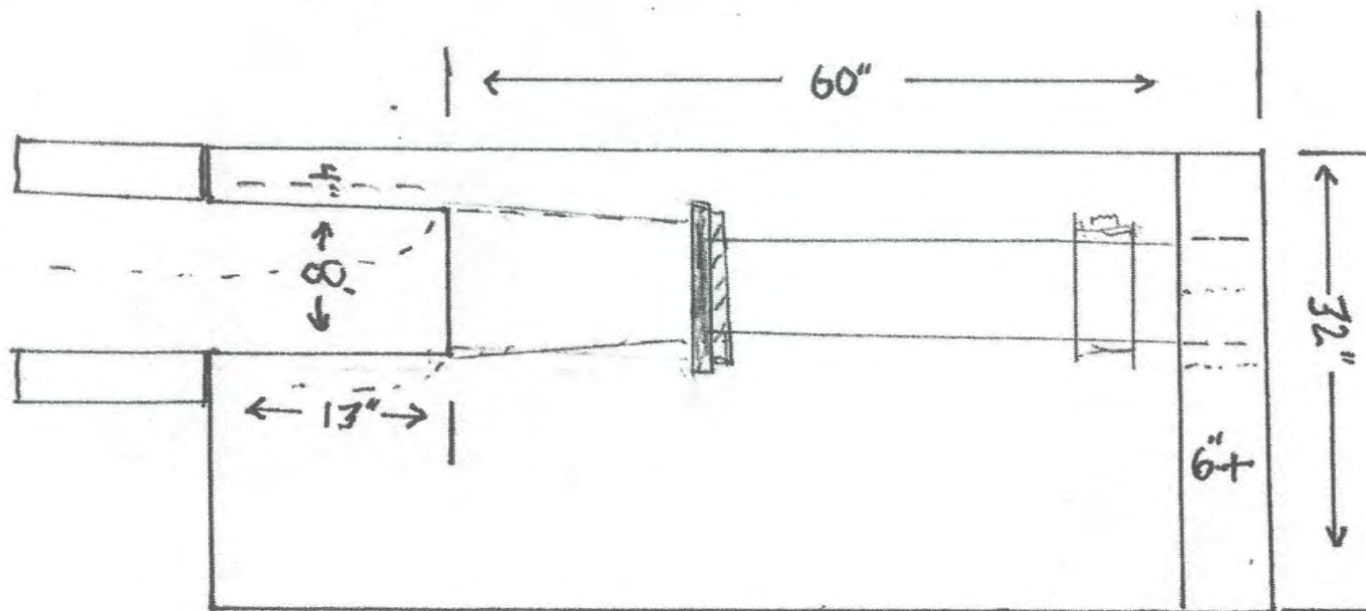
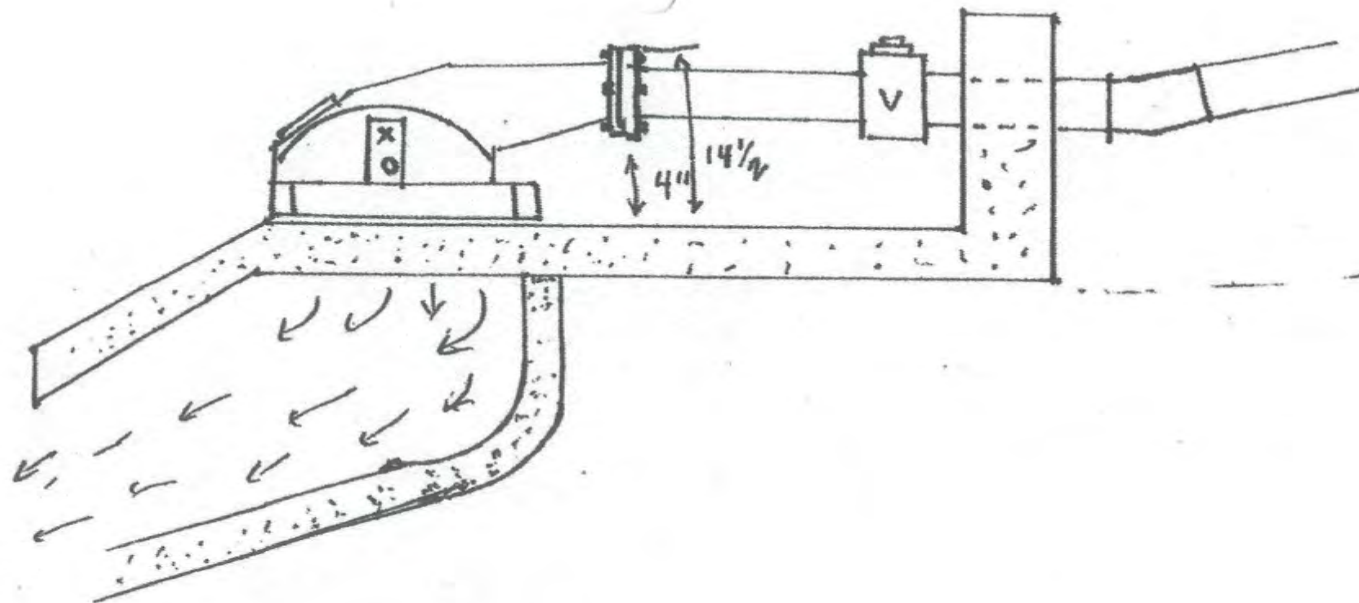
ALWAYS CONNECT CONTROLS BEFORE STARTING THE TURBINE !

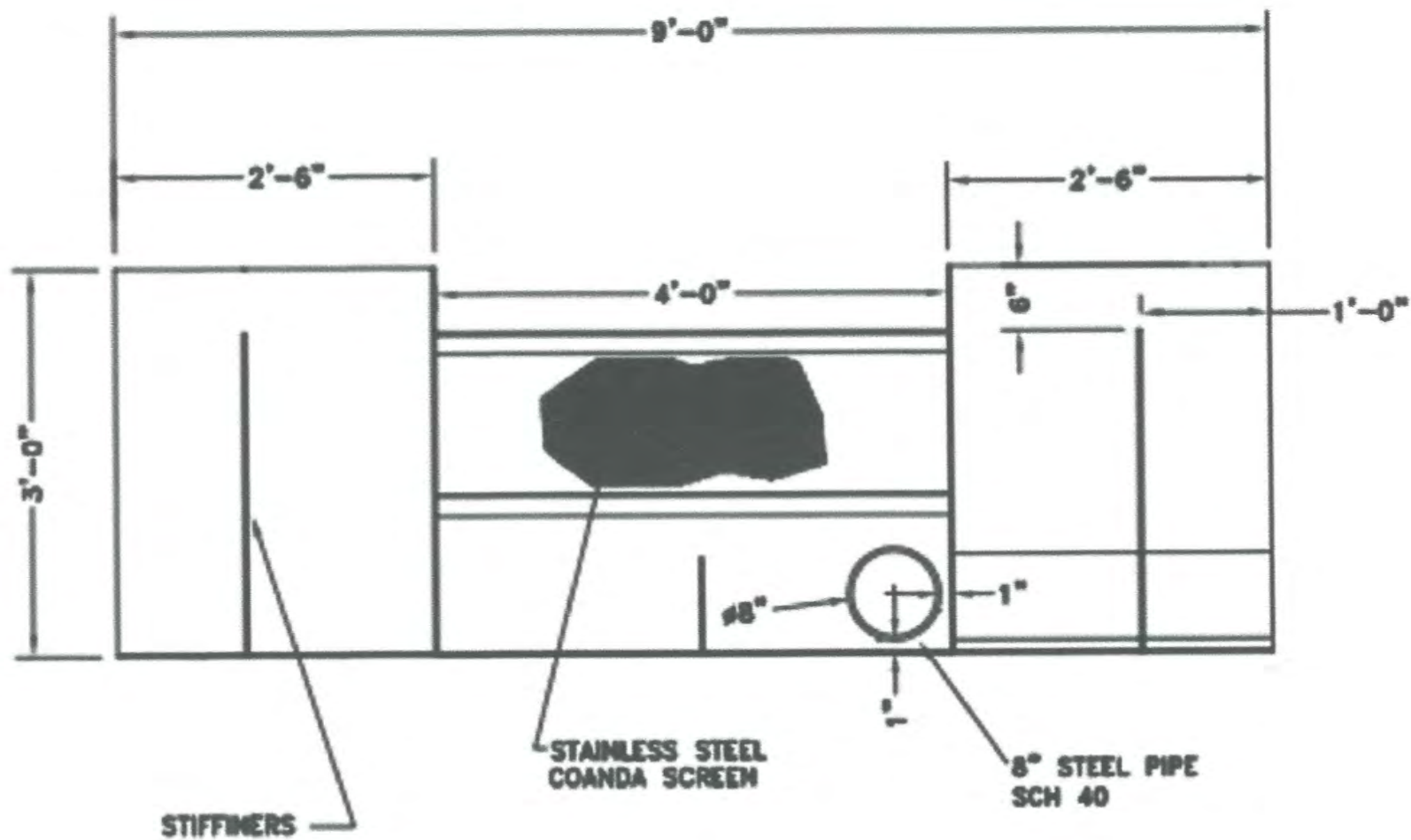
[Hydro--Solar--Wind Comparison Chart](#)

[Startup_Shutdown Procedures](#)

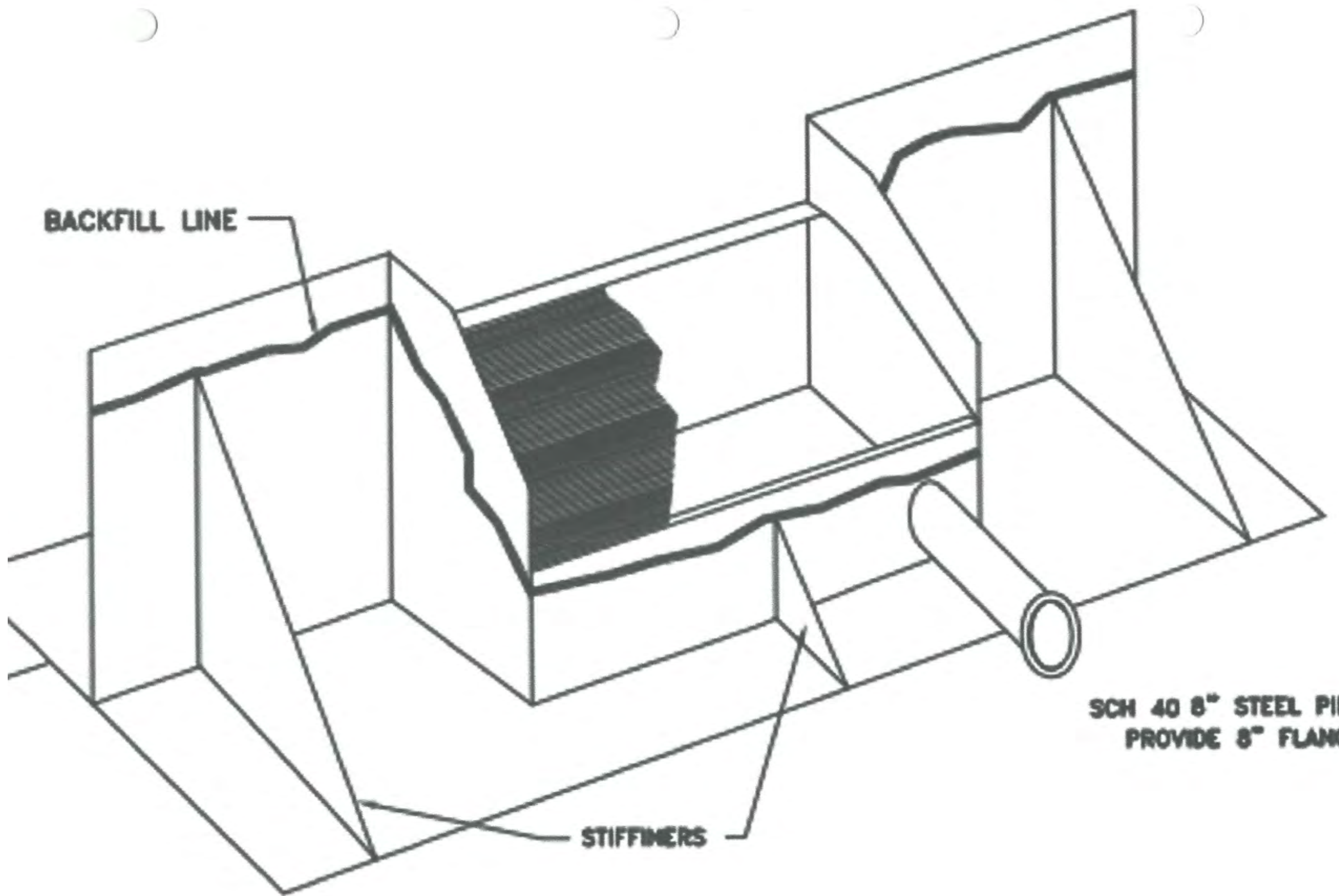
[Turbine Diagram](#)

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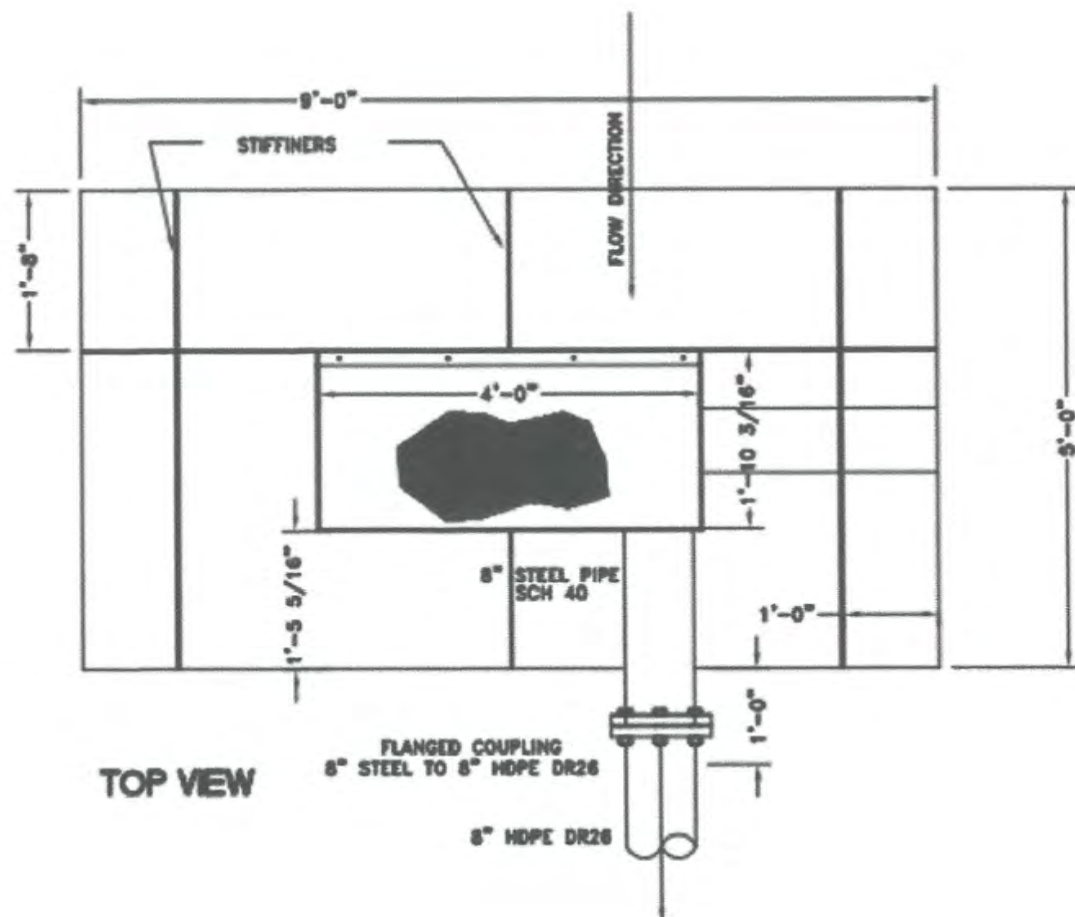


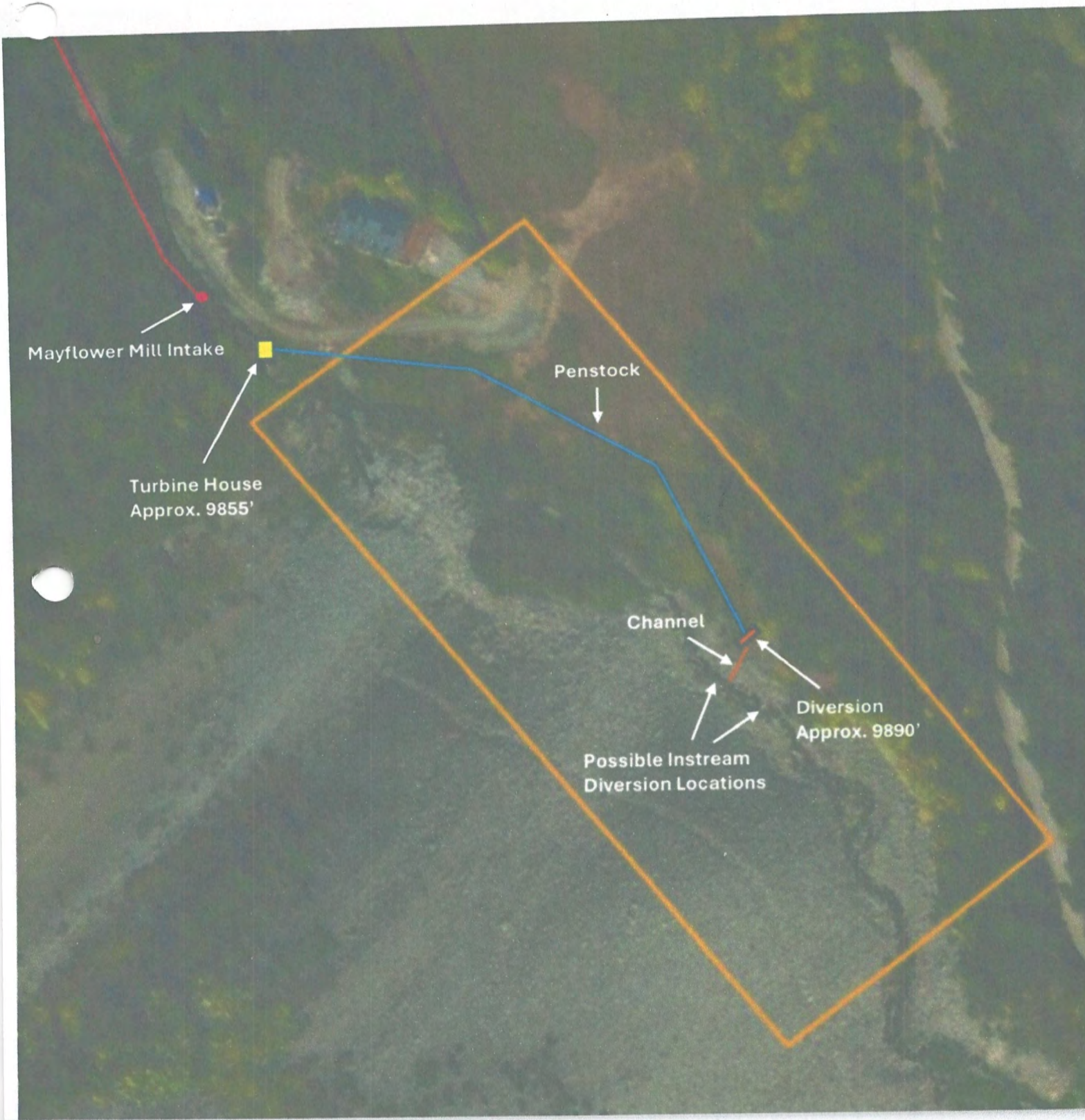


FRONT VIEW



ISOMETRIC VIEW





Mayflower Mill Intake

This is an aerial photograph of a hydroelectric project site. A red line in the upper left corner represents a river or stream. A yellow square marks the 'Mayflower Mill Intake'. A blue line, labeled 'Penstock', originates from the intake and runs diagonally across the landscape. An orange line forms a large rectangular boundary around the central part of the site. Near the bottom right, a 'Channel' is indicated, with a 'Diversion' point marked by a red line across it. Several arrows point to 'Possible Instream Diversion Locations' near the channel. The terrain is a mix of green and brown, suggesting vegetation and cleared areas.

Turbine House
Approx. 9855'

Penstock

Channel

Diversion
Approx. 9890'

Possible Instream
Diversion Locations

surface waters and wetlands

 PRINT

LEGEND

- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Lake
- Other
- Riverine

☐ Forested/Shrub
☐ Herbaceous

BASEMAPS >

MAP LAYERS >

+

1



Wetlands 1 2

①②

iparian

① ②

parian Mapping Areas

① ②

ata Source

(1) (2)

☐ Source Type

☐ Image Scale

○ Image Year

Areas of Interest 

②

WS Managed Lands 19

13

1:4.514
37.817 | -107.629

U.S. Fish and Wildlife Service, National Standards and Support Team, watlands_team@fws.gov | Maxar | Esri Community Maps Contributors

POWERED BY
esr

Data Map

Layers Documents

Preliminary Changes Since Last M (0.2%)

1% Depth Grids
Provides the anticipated depth of flooding during a 1% event

Preliminary 1% Water Surface Elevation Grids (WSEL)
Isolated water surface for a 1% event

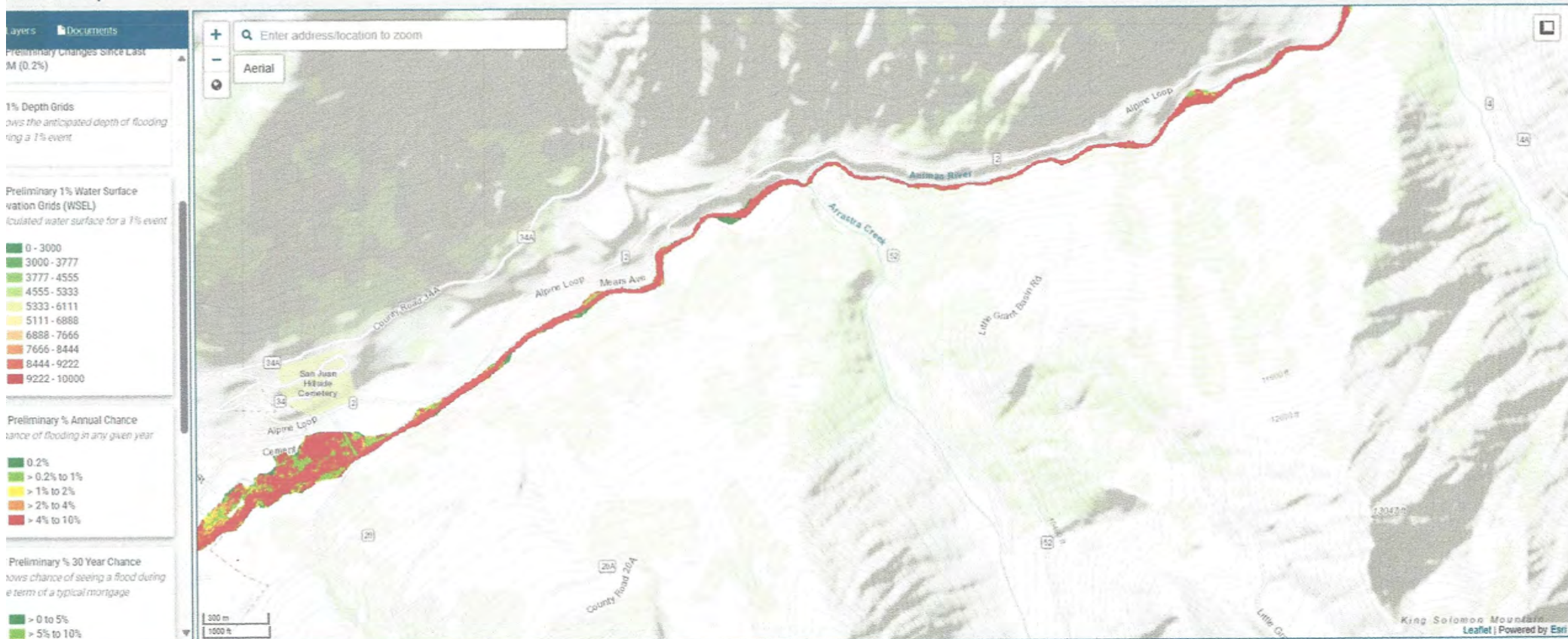
0 - 3000
3000 - 3777
3777 - 4555
4555 - 5333
5333 - 6111
6111 - 6888
6888 - 7666
7666 - 8444
8444 - 9222
9222 - 10000

Preliminary % Annual Chance
Chance of flooding in any given year

0.2%
> 0.2% to 1%
> 1% to 2%
> 2% to 4%
> 4% to 10%

Preliminary % 30 Year Chance
Shows chance of seeing a flood during the term of a typical mortgage

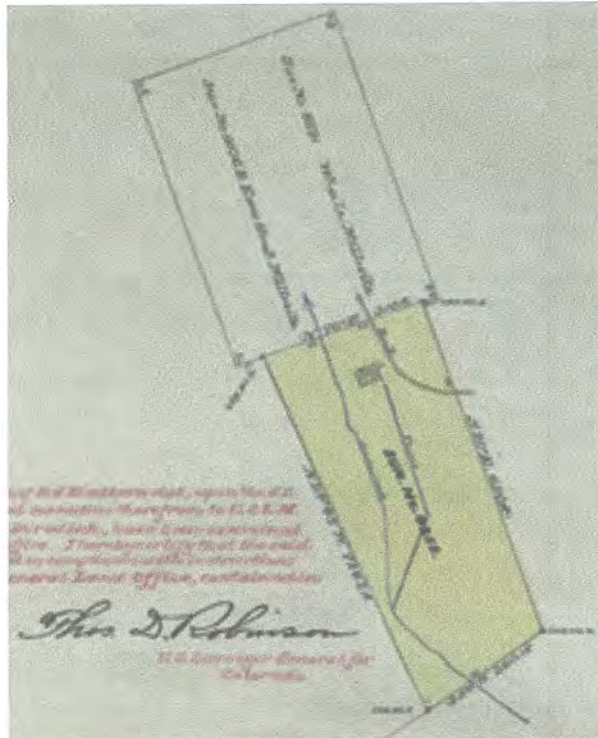
> 0 to 5%
> 5% to 10%



SCENIC QUALITY REPORT

Proposed Luther Hydroelectric Shed

**JE Ward Mill Site USMS No. 9858B
and Argentine Mill Site USMS No. 11380B
County Road 55, Arrastra Gulch
San Juan County, Colorado**



Applicant:

Mike Luther
PO Box 374
Silverton, Colorado 81433
(970) 946-1726

Prepared By:

Engineer Mountain, Inc.
Attn: Lisa Adair PE
962 Reese Street
PO Box 526
Silverton, Colorado 81433
(970) 387-0500
Job No. 2003-179

Submitted:

July 29, 2025

SCENIC QUALITY REPORT
Proposed Hydroelectric Shed
JE Ward Mill Site USMS No. 9858B
And Argentine Mill Site USMS No. 11380B
Arrastra Gulch

1. INTRODUCTION AND SITE LOCATION

San Juan County regulations state the following:

All residential development shall be required to submit a Scenic Quality Report at the time of sketch plan submittal.

This document is a Scenic Quality Report for the proposed Luther Hydroelectric Shed, located near Arrastra Creek on the JE Ward Mill Site USMS No. 9858B and the Argentine Mill Site USMS 11380B, prepared by Engineer Mountain, Inc.

The JE Ward and Argentine Mill Sites are located in Arrastra Gulch, accessed via County Road 21, aka County road 55 (Arrastra Gulch Road), in San Juan County, Colorado. The project site has an existing cabin.

Two aerial maps of the project site, from the County Assessor's website, are provided on the following page.

SCENIC QUALITY REPORT
Proposed Hydroelectric Shed
JE Ward Mill Site USMS No. 9858B
And Argentine Mill Site USMS No. 11380B
Arrastra Gulch



An aerial map of the project site from the County Assessor's website, zoomed out to include the Mayflower Mill and Powerhouse Subdivision for location reference.



An aerial map of the project site from the County Assessor's website, zoomed in to show the JE Ward and Argentine Mill Sites.

SCENIC QUALITY REPORT
Proposed Hydroelectric Shed
JE Ward Mill Site USMS No. 9858B
And Argentine Mill Site USMS No. 11380B
Arrastra Gulch

2. PROJECT SITE AND PROPOSED HYDROELECTRIC SHED LOCATION

The County regulations require that this Scenic Quality Report include the following information:

Designations of scenic views of natural and historic features both from and toward the site and descriptions of how these vistas shall be preserved. Graphic depictions of the proposed structure's impact on these views shall be submitted to allow staff, the Planning Commission, and the Board of County Commissioners to assess the impacts of the project and the effectiveness of proposed mitigation measures.

The proposed location for the hydroelectric shed was selected by the hydroelectric consultant. It is located at the lowest on-site elevation that is upstream of the Historical Society's existing intake. Inside the proposed shed will be the proposed turbine.

The locations of the proposed hydroelectric system and shed have been staked in July 2025 by Engineer Mountain Inc. with Applicant Mike Luther and hydroelectric consultant Gabe Stephens. Photos of the proposed location of the hydroelectric shed have been included on the following pages, depicting the proposed location with the footprint of the hydroelectric shed staked as well as an "after" picture with a digital rendering of the proposed hydroelectric shed.

SCENIC QUALITY REPORT
Proposed Hydroelectric Shed
JE Ward Mill Site USMS No. 9858B
And Argentine Mill Site USMS No. 11380B
Arrastra Gulch



BEFORE picture looking towards the south of the staked building corners of the proposed hydroelectric shed, which is to be located alongside Arrastra Creek. The proposed hydroturbine shed will be on a skid, with metal box below grade, and treated timber ground support, with an approximate size 6 feet by 6 feet by approximately 10 feet tall. From the proposed hydroturbine shed, there will be a proposed pipe to return the water to Arrastra Creek. On the dry side of the shed will be a proposed underground electric line. The proposed underground electric line will be placed under the existing driveway to the existing shed in the distance.

SCENIC QUALITY REPORT
Proposed Hydroelectric Shed
JE Ward Mill Site USMS No. 9858B
And Argentine Mill Site USMS No. 11380B
Arrastra Gulch



AFTER picture proposed shed, which is to be located alongside Arrastra Creek. The proposed hydroturbine shed will be on a skid, with metal box below grade, and treated timber ground support, with an approximate size 6 feet by 6 feet by 10 feet tall. From the proposed hydroturbine shed, there will be a proposed pipe to return the water to Arrastra Creek. On the dry side of the shed will be a proposed underground electric line. The proposed underground electric line will be placed under the existing driveway to the existing shed in the distance.

SCENIC QUALITY REPORT
Proposed Hydroelectric Shed
JE Ward Mill Site USMS No. 9858B
And Argentine Mill Site USMS No. 11380B
Arrastra Gulch

**3. VISIBILITY OF THE PROPOSED HYDROELECTRIC SHED FROM
NEARBY COUNTY ROADS**

The existing Luther Cabin and proposed shed are not expected to be visible from any nearby County Roads, except maybe from up by Silver Lake, according to the Applicant.

SCENIC QUALITY REPORT
Proposed Hydroelectric Shed
JE Ward Mill Site USMS No. 9858B
And Argentine Mill Site USMS No. 11380B
Arrastra Gulch

4. VIEWS OF THE PROPOSED HYDROELECTRIC INTAKE BOX

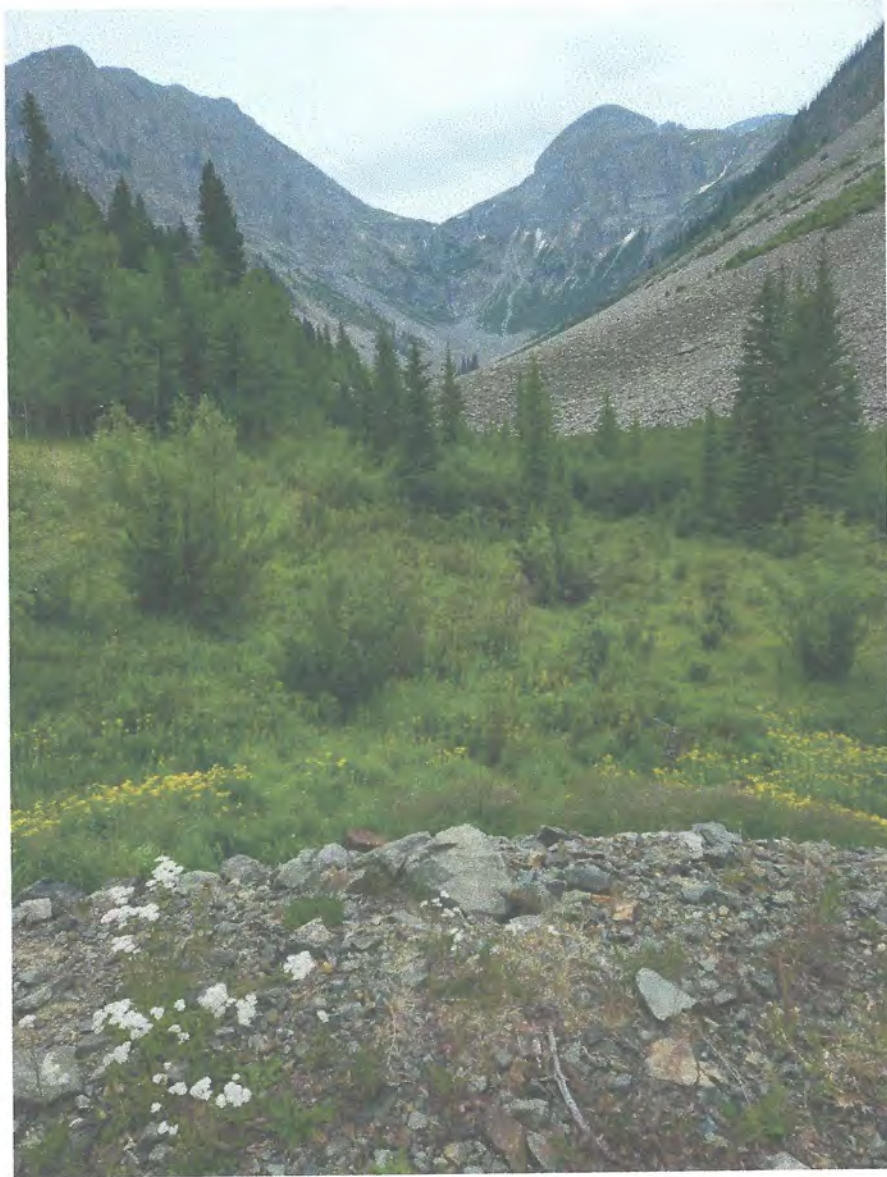
On the following page is a picture of the proposed water intake box and water pipe to transfer water to turbine in the proposed hydroelectric shed.

SCENIC QUALITY REPORT
Proposed Hydroelectric Shed
JE Ward Mill Site USMS No. 9858B
And Argentine Mill Site USMS No. 11380B
Arrastra Gulch



Picture of the stakes at the proposed diversion pipe, proposed intake box, and the beginning of the “penstock” hydroelectric ground surface Driscoll pipe, alongside Arrastra Creek looking south (looking up at Arrastra Gulch basin and Silver Lake).

SCENIC QUALITY REPORT
Proposed Hydroelectric Shed
JE Ward Mill Site USMS No. 9858B
And Argentine Mill Site USMS No. 11380B
Arrastra Gulch



Picture of the proposed "penstock" pipe alignment, from the proposed water intake box to the proposed turbine. The proposed pipe will be laid directly on the ground surface. The proposed pipe will start at the base of the talus rock in the center of the picture. The proposed pipe will be "driscoll pipe" black HDPE plastic pipe approximately 6-inches in diameter. The proposed pipe will be placed on the ground along the edge of the willows. This picture is taken looking towards the south, looking up Arrastra Creek towards Arrastra Gulch and Silver Lake.

SCENIC QUALITY REPORT
Proposed Hydroelectric Shed
JE Ward Mill Site USMS No. 9858B
And Argentine Mill Site USMS No. 11380B
Arrastra Gulch

5. THE DESIGN BLENDS IN WITH THE NATURAL TOPOGRAPHY

The County regulations require that the Scenic Quality Report include information regarding the following:

Evidence that the designs orient improvements in ways that allow them to blend in with and utilize the natural topography. The submittal shall include, but not be limited to, elevations at a scale suitable for a determination that all standards in this section have been met, Three-Dimensional Modeling, etc.

The proposed hydroelectric shed, penstock pipe, and water intake box will require minimal ground disturbance, and the water pipe will be laid on top of the ground rather than buried. Water will be gravity fed from the intake box to the hydroelectric turbine shed. Being a gravity-fed system, the design of the proposed hydroelectric system works with the natural topography of the project site.

SCENIC QUALITY REPORT
Proposed Hydroelectric Shed
JE Ward Mill Site USMS No. 9858B
And Argentine Mill Site USMS No. 11380B
Arrastra Gulch

5. TOPSOIL, UTILITIES, LIGHTING, AND DRIVEWAYS

The County regulations require that the project include the following:

Plans to remove and save topsoil, prior to any grading or excavation and replacement, for reuse during re-vegetation.

Any topsoil disturbed during construction of the proposed hydroelectric system and shed shall be stockpiled on-site for use in landscaping.

The County regulations require that the project include the following:

Location and installation of utilities in ways that will cause the least damage to the natural environment.

The project includes the following proposed utilities: a proposed underground electric line from the proposed hydroelectric turbine shed to the existing cabin; a proposed water pipeline from the proposed water intake box to the proposed hydroelectric shed. The proposed electric line is planned to follow the existing driveway to reduce impact on vegetation or natural topography. The proposed water pipeline is planned to lie on top of the ground surface rather than be buried to minimize disturbance to the wetlands or natural topography in the vicinity.

The County regulations require that the project include the following:

Provisions requiring shielding of exterior lighting to prevent direct visibility of light bulbs from off-site, directing of all exterior lighting toward either the ground or the surface of a building, and prohibiting high-intensity sodium vapor or similar lighting.

No additional lighting is proposed for this project.

The County regulations require that the project include the following:

Design and construction plans for roads and associated structures that bear a logical relationship to existing topography to minimize the need for cuts and fills.

No driveway improvements are proposed for this project unless required by the County.

SCENIC QUALITY REPORT
Proposed Hydroelectric Shed
JE Ward Mill Site USMS No. 9858B
And Argentine Mill Site USMS No. 11380B
Arrastra Gulch

9. BUILDING MATERIALS

For the proposed structures, the County regulations require that the building design include the following:

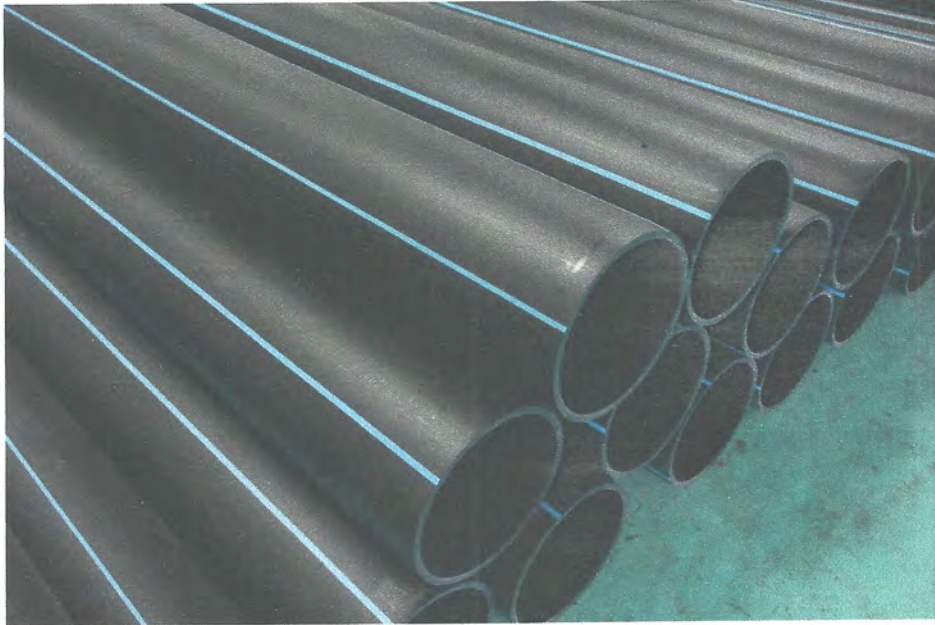
Utilization of colors and textures found naturally in the landscape and prohibition of reflective materials, such as highly reflective glass or metals.

The proposed hydroelectric system and shed will incorporate the following materials:

- Black plastic HDPE "Driscoll" pipe.
- Shed walls consisting of board and batt unpainted wood, with rusted corrugated metal at the bottom three feet.
- Non-reflective propanel roofing.

Color photographs of the conceptual proposed exterior building materials are included on the following two pages.

SCENIC QUALITY REPORT
Proposed Hydroelectric Shed
JE Ward Mill Site USMS No. 9858B
And Argentine Mill Site USMS No. 11380B
Arrastra Gulch



Picture of an example of black plastic HDPE pipe (photo credit: colloids.com).

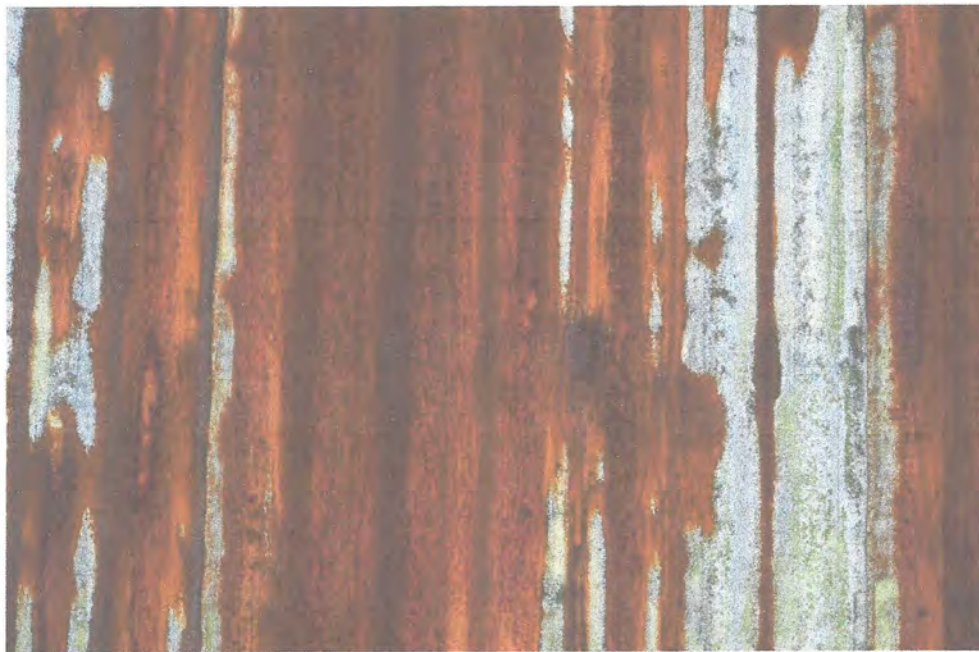


Picture of an example of non-reflective propanel roof (photo credit: homedepot.com).

SCENIC QUALITY REPORT
Proposed Hydroelectric Shed
JE Ward Mill Site USMS No. 9858B
And Argentine Mill Site USMS No. 11380B
Arrastra Gulch



Picture of an example of unpainted wooden board and batt wall siding (photo credit: southernwoodspecialties.com).



Picture of an example of rusted corrugated metal panels (photo credit: dreamstime.com).

SCENIC QUALITY REPORT
Proposed Hydroelectric Shed
JE Ward Mill Site USMS No. 9858B
And Argentine Mill Site USMS No. 11380B
Arrastra Gulch

11. CONCLUSIONS

This project appears to be in general conformance with the County Scenic Quality regulations in the following ways:

- The proposed hydroelectric turbine shed will likely not be visible from any County Roads due to the vegetation and hilly terrain at and surrounding the project site.
- The colors and textures of the proposed exterior building materials are natural colors that blend in with the surroundings or materials that blend in with the style of historic mining buildings.
- The design of the proposed hydroelectric system and shed utilizes the natural topography of the area, rather than working against the natural topography.

Thank you for your consideration of this application for the proposed Luther Hydroelectric Shed on the JE Ward Mill Site. If additional information is needed, please contact Engineer Mountain, Inc. at (970) 946-2217, or the Applicant, Mike Luther, at (970) 946-1726.

EMI Copy

APPLICATION FOR IMPROVEMENT PERMIT
Proposed Luther Residence
J. E. Ward and Argentine Mining Claims
San Juan County, Colorado

Prepared For:
San Juan Regional Planning Commission
San Juan County Board of County Commissioners
C/o San Juan County
Attn: Willy Tookey
1557 Greene Street
Silverton, Colorado 81433

Prepared By:
Engineer Mountain, Inc.
Lisa M. Adair, PE
962 Reese Street
P.O. Box 526
Silverton, Colorado 81433
(970) 387-0500

October 20, 2003



*SOILS *RETAINING WALLS
*SEPTICS *FOUNDATIONS
*GRADING AND DRAINAGE
*SITE DEVELOPMENT

October 20, 2003

San Juan Regional Planning Commission
San Juan County Board of County Commissioners
C/o San Juan County
Attn: Willey Tookey
1557 Greene Street
Silverton, Colorado 81433

EMI Job No. 2003-179

Subject: Application for Improvement Permit, Proposed Luther Residence, J.E. Ward Mining Claim, M.S. 9858B, and Argentine Mining Claim, M.S. 11380B, County Road 55, Arrastra Gulch, near Silverton, San Juan County, Colorado.

Dear Commissioners:

This submittal has been prepared to describe the proposed improvements on two adjacent properties owned by Mike Luther of Silverton. The mining claims are located in Arrastra Gulch. The attached documents have been prepared as a supplement to a San Juan County Application for Improvement Permit.

The J. E. Ward and Argentine mining claims consist of a total of 9.43 acres. The properties are located about 300 feet west of County Road 55 accessed by an existing Bureau of Land Management (BLM) road. The J. E. Ward mining claim currently features the wooden inlet box on Arrastra Creek for the existing Mayflower Mill water pipeline.

The proposed improvements consist of a residence, garage, driveway, and small dam located on the J. E. Ward mining claim. The proposed improvements also include a future guest cabin located on the adjacent Argentine claim.

The proposed improvements will be phased. Weather permitting, improvements will be constructed starting in November 2003. Construction is expected to be completed in approximately five years. The improvements on the J. E. Ward claim will be constructed within one year, and the Argentine improvements will be constructed approximately five years in the future.

Access will be provided from the existing BLM road located on the west side of County Road 55. A driveway will be constructed from the existing loop road on the J. E. Ward to the proposed garage. Both the proposed J. E. Ward residence and the proposed guest cabin on the Argentine will have pedestrian-only access. No driveways will be constructed to the two residential structures.



*SOILS *RETAINING WALLS
*SEPTICS *FOUNDATIONS
*GRADING AND DRAINAGE
*SITE DEVELOPMENT

A small, non-jurisdictional water storage dam is also proposed. Water can be provided via pumping from the stored water pond. An infiltrator septic system will be constructed on the J. E. Ward for the proposed improvements. Electricity can be provided by solar power or a water wheel if desired.

A variance is also requested for the proposed residence on the J. E. Ward claim. The typical setback for mining claims is fifty feet from property lines. Due to the rolling topography of the site, and the desire to construct the proposed residence on top of the hill, a setback consisting of approximately fifteen feet is desired. The adjacent property belongs to the BLM, and will therefore never be built upon.

Thank you for the opportunity to present this project to the Planning Commission and Board of County Commissioners. Please review the attached documents describing the project, and contact Owner/Applicant Mike Luther at (970) 387-5773 or Agent Engineer Mountain, Inc. at (970) 387-0500 if you have any questions or should require additional information.

Sincerely,

Lisa M. Adair, PE
Engineer Mountain, Inc.

Attachments: Stamped Envelopes for Adjacent Land Owner Notifications
Application for Improvement Permit Fee


Cc: Ten Copies for Commissioners
B. Jones of San Juan County Historical Society

APPLICATION FOR IMPROVEMENT PERMIT
Proposed Luther Residence
J. E. Ward & Argentine Mining Claims
San Juan County, Colorado

TABLE OF CONTENTS

1. San Juan County Application for Improvement Permit
2. Project Narrative
3. Vicinity Map
4. Conceptual Site Plan
5. San Juan Basin Health Department Septic System Permit
6. List of Adjacent Land Owners
7. San Juan County Relationship to County Road and State Highway Systems
8. San Juan County Driveway and Road Access Permits
9. State of Colorado Division of Water Resources Application for Water Rights (Surface) (with Attachments)
10. Federal Government (BLM) Application for Transportation and Utility Systems and Facilities on Federal Lands (with Attachments)
11. State of Colorado Division of Water Resources Notice of Intent to Construct a Non-Jurisdictional Water Impoundment Structure (with Attachments)

Application for Improvement Permit

		APPROVAL CHECKLIST			Initial	Date
Applicant	Name	MICHAEL L. LUTHER				
	Address	P.O. Box 374				
		SILVERTON, CO 81433	Phone	381-5773		
Owner	Name	SAME				
	Address					
			Phone			
Contractor	Name	SAME				
	Address					
			Phone			
Legal Description of Property:						
J.E. WARD LODE SUR. No. 9858 B.M.S.						
(PARCEL No. 4829-015-001-0011)						
AND						
ARGENTINE SUR. No. 11380 B.M.S.						
(PARCEL No. 4829-010-001-0011)						
Township 41 N, Range 7W, Section 5 10 AND 15						
Nature of Improvement Planned:						
J.E. WARD - DRIVEWAY, GARAGE,						
RESIDENCE, DAM/POND						
ARGENTINE - FUTURE GUEST CABIN						
Land Use Zone: MOUNTAIN ZONING DISTRICT						
Applicant Signature						
						
Date Application Requested						
Date Submitted for Permit						
Date Permit Issued						
Date Permit Denied						
Reason for Denial						
County Building Inspector						
Building Permit						
State Electrical Inspector						
Electrical Permit						
San Juan Basin Health Unit						
Sewage Disposal: Test						
Design						
Central Sewage Collection						
State Division of Water Resources						
Adequate Water Source						
Well Permit						
Central Water Distribution						
U.S. Forest Service/BLM						
Access Approval						
State Division of Highways						
Driveway Permit						
Subdivision Variance						
Subdivision Approval						
PUD Approval						
Receipt						
FEE PAYMENT		Amount	Date			
Application						
Building Permit						
Subdivision/PUD						
Hearing Notice						

PROJECT NARRATIVE

Proposed Luther Residence

Owner/Applicant Name: Michael Luther

Project Location: J. E. Ward Mining Claim, M.S. 9858B (Parcel No. 4829-015-001-0011), and Argentine Mining Claim, M.S. 11380B, (Parcel No. 4829-010-001-0041), County Road 55, Arrastra Gulch, near Silverton, San Juan County, Colorado, T41N, R7W, Sections 10 and 15, N.M.P.M.

Proposed Development: Proposed driveway, residence, garage, septic system, and small dam on J. E. Ward claim; future guest cabin on Argentine claim

Zoning: Mountain Zoning District

Estimated Cost of House: \$80,000

Water Service: Water can be obtained from the proposed storage pond via pumping.

Sewer Service: An On-Site Wastewater Disposal System (OSWS) will be constructed with infiltrators and in accordance with San Juan Basin Health Department regulations.

Electric Service: Electric service can be provided by solar power or a water wheel.

Solid Waste Management: The Owner/Applicant will be responsible for bi-weekly trash disposal. In accordance with Town of Silverton Development Standards and Specifications, owner will be responsible for solid waste transportation, and solid waste disposal fees. On-site trash will be contained within bear-proof containers.

Lighting: No exterior lighting is proposed at this time.

Landscaping: Landscaping will consist of raking and removal of combustible ground cover and thinning of dead trees as recommended to develop adequate defensible space. Additionally, willows will be planted along the perimeter of the proposed water storage pond.

PROJECT NARRATIVE

Proposed Luther Residence

(Continued)

Access:

Access to the site can be provided from County Road 55 and 285 feet of an existing BLM road. The existing J. E. Ward and Argentine loop road extends from the existing BLM road. Both the proposed residence and the future guest cabin will be accessed on foot from the existing loop road or the proposed driveway.

Driveway:

A driveway will be constructed from the existing loop road to the proposed garage on the J. E. Ward claim. No driveway is proposed on the Argentine claim at this time. Driveway grading will be as minimal as possible and will be reviewed by an engineer.

Surveying:

The survey plat for the J. E. Ward and Argentine mining claims was prepared for ASARCO, Inc. and provided to the Owner/Applicant by Ernie Schaff of E. Schaff and Associates, Inc. of Delta, Colorado. Property corner survey pins with metal PLS caps are currently in place at both the J. E. Ward and Argentine claims.

Variance:

A variance is also requested for the proposed residence on the J. E. Ward claim. The typical setback for mining claims is fifty feet from property lines. Due to the rolling topography of the site, and the desire to construct the proposed residence on top of the hill, a setback consisting of approximately fifteen feet is desired. The adjacent property belongs to the BLM, and will therefore never be built upon.

Square Footages:

The proposed residence will consist of an approximately 30 by 50 square feet wood-framed structure with a partial second-story loft. The proposed residence will be founded on a concrete spread footing foundation. The proposed one-story garage will consist of approximately 20 by 30 square feet founded on a concrete spread footing foundation. The future cabin on the Argentine claim will consist of a pre-fabricated 10 by 20 square foot cabin structure. The proposed cabin foundation will include spread footings with CMU block stem walls.

PROJECT NARRATIVE
Proposed Luther Residence
(Continued)

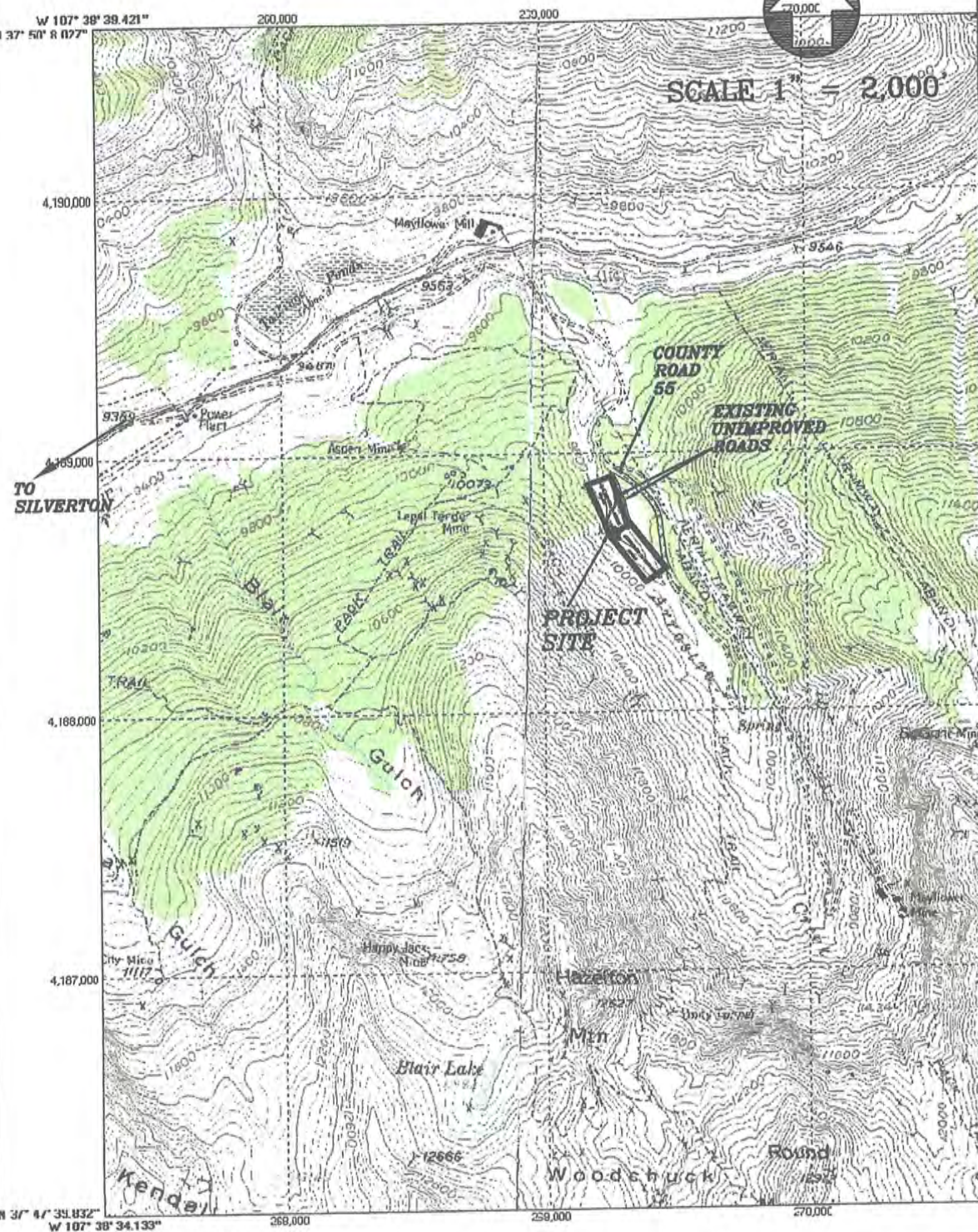
Proposed Dam:

The proposed non-jurisdictional dam will consist of a ten-foot rock and geotextile dam. The dam will have a downward slope of 3:1 (H:V), and a submerged-side slope of 2:1 (H:V). Ten feet width can be provided along the top of the dam for access. The dam will include geotextile placed at two-foot deep intervals. The rock fill for the proposed dam will originate from the site.

Vacated Easement:

The Owner/Applicant wishes to vacate the thirty-foot access easement depicted on the survey plat which is located along the eastern property line of the J. E. Ward. The purpose of the easement was to ensure access to the adjacent Argentine mining claim. No road exists where the access is shown. Construction of a road in the easement would be difficult and costly due its awkward location through the side of the hill. The Argentine can be accessed from the existing loop road. If the Argentine ever requires separate access, a driveway could be constructed directly from County Road 55 as discussed with Louis Girodo of the County Road and Bridge Department.

W 107° 38' 39.421"
N 37° 50' 8.027"



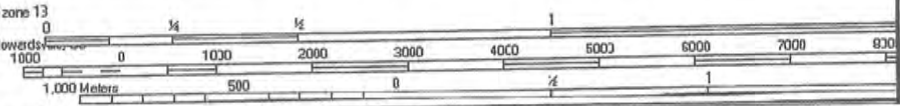
SCALE 1" = 2,000'

ENGINEER MOUNTAIN, INC.
formerly MACKIE Engineering
P.O. BOX 526, SILVERTON, CO 81433
(970) 759-4771 387-0500 mackie@gobrainstorm.net

VICINITY MAP
J. E. WARD & ARGENTINE MINING CLAIMS
SAN JUAN COUNTY, COLORADO

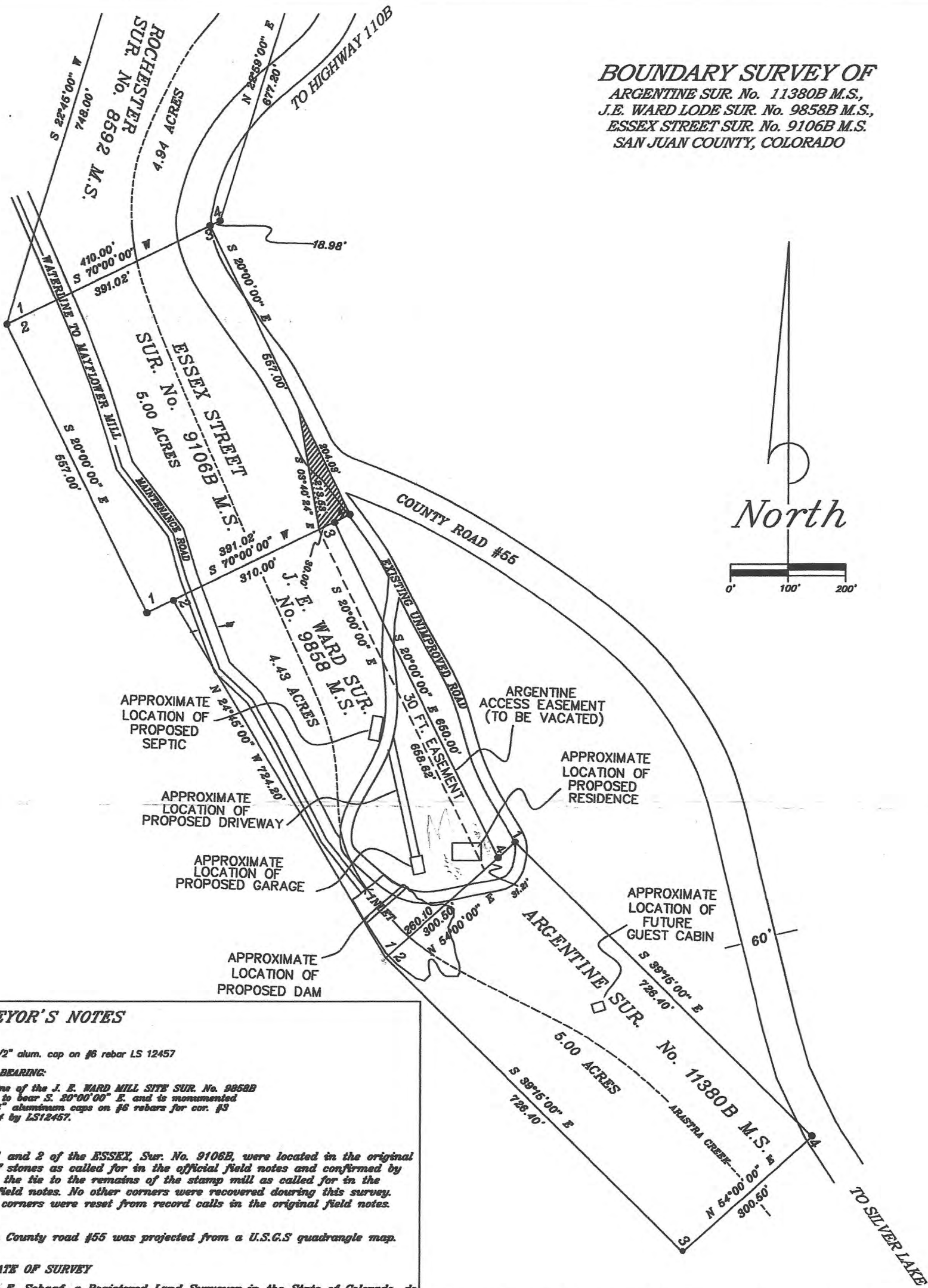
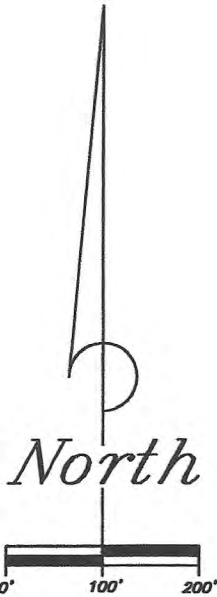
DATE: OCTOBER 16, 2003
DRAWN BY: JO
CHECKED BY:
DRAWING: 2003-179/REVISIT 4. dwp
REV: 10/20/03

1927 North American Datum: 1 000-meter UTM grid zone 13
Generated by BigTopo (www.bigtopo.com)
Map compiled from USGS Quads: Silverton, CO Howards



1 of 1

BOUNDARY SURVEY OF
ARGENTINE SUR. No. 11380B M.S.,
J.E. WARD LODE SUR. No. 9858B M.S.,
ESSEX STREET SUR. No. 9106B M.S.
SAN JUAN COUNTY, COLORADO



SURVEYOR'S NOTES

LEGEND

- Set 2 1/2" alum. cap on #6 rebar LS 12457

BASIS OF BEARING:

The east line of the J. E. WARD MILL SITE SUR. No. 9858B was found to bear S. 20°00'00" E. and is monumented with 2 1/4" aluminum caps on #6 rebars for cor. #3 and cor. #4 by LS12457.

NOTE:

Corners 1 and 2 of the ESSEX, Sur. No. 9106B, were located in the original mound of stones as called for in the official field notes and confirmed by retracing the tie to the remains of the stamp mill as called for in the original field notes. No other corners were recovered during this survey. All other corners were reset from record calls in the original field notes.

San Juan County road #55 was projected from a U.S.G.S quadrangle map.

CERTIFICATE OF SURVEY

I, Ernest E. Schaff, a Registered Land Surveyor in the State of Colorado, do hereby certify that this plat accurately represents a survey made by me or under my direction and supervision. I further certify that the monuments shown hereon actually exist, and their positions are as shown.

NOTICE:

ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER

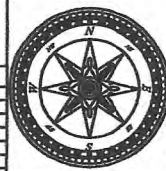
LAND SURVEY DEPOSIT

Date _____ Signature _____ Date _____ Seal _____
Book _____ Page _____
Deposit No. _____ PLS No. 12457

YOU FIRST DISCOVERED SUCH DEFECT. IN NO EVENT, MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF CERTIFICATION SHOWN HEREON.

REVISIONS AND ADDITIONS HAVE BEEN MADE BY ENGINEER MOUNTAIN, INC.
TO THIS SURVEY PLAT PREPARED BY E. SCHAFF AND ASSOCIATES, INC.

U.S. MINERAL SURVEYORS REGISTERED LAND SURVEYORS AZ, AZ, CO, NM, NV	
PLAN SCALE: 1" = 100'	REVISIONS: NONE
FIELD CREW: EES, KS, VTW	
DRAFTSMAN: EEW	
SHEET 1 OF 1	



E. SCHAFF & ASSOCIATES, INC. 351 PALMER ST., DELTA, COLORADO 81416 EMAIL: eeschauff@aol.com	
BOUNDARY SURVEY OF ARGENTINE SUR. No. 11380B M.S., J.E. WARD LODE SUR. No. 9858B M.S., ESSEX STREET SUR. No. 9106B M.S. SAN JUAN COUNTY, COLORADO	ASARCO 1150 N. 7TH AVE. TUCSON, AZ 85705 DATE: 4/3/02 JOB #: 2002-05

SHEET
NO.
1

DATE: OCTOBER 16, 2003
DRAWN BY: LMA
CHECKED BY:
DWG: 2003-179/Revised Survey Plat.dwg
LAST REVISED: OCTOBER 19, 2003

CONCEPTUAL SITE PLAN
J. E. WARD & ARGENTINE MINING CLAIMS
SAN JUAN COUNTY, COLORADO

ENGINEER MOUNTAIN INC.
formerly MACKIE Engineering
P.O. BOX 526, SILVERTON, CO 81433
(970) 759-4771 387-0500 mackie@gobrainstorm.net
*SOILS *RETAINING WALLS
*SEPTICS *FOUNDATIONS
*GRADING AND DRAINAGE
*CIVIL SITE DEVELOPMENT

SAN • JUAN • BASIN
HEALTH
DEPARTMENT

Permit # **318**
Year **2003**

APPLICATION to INSTALL, CONSTRUCT, ALTER or REPAIR ONSITE WASTEWATER SYSTEM

Owner: Mike Luther Phone: 970-387-5773
Mailing Address: Po Box 374 SILVERTON, CO 81433
Site Address: TBD COUNTY ROAD 55 Assessor's Parcel # M.S. 9858B
Subdivision: N/A Unit Block Lot
Lot Size: 4.8 Living Units: 1 Bedrooms: 3 Water Supply: DIVERSION

Date: 9-26-03 Owner's Signature: [Signature]
I acknowledge this application does not guarantee a permit to install an OSWS on a marginal lot and that the issuance of this permit does not imply any warranty by this department to the operation of the system. This system will be constructed in accordance with the San Juan Basin Health Department onsite wastewater system regulations.
Permit Fee: \$ 300 Perc Test Fee: \$ 300 Rec'd By: [Signature] Date: 9/26/03

PERMIT to INSTALL, CONSTRUCT, ALTER or REPAIR ONSITE WASTEWATER SYSTEM

Percolation Rate: 30 Min/Inch Limiting Zone: None Feet: 8
Soil Profile: Sandy clay then clay Slope %: Requires Eng. Design: No

From the application information & the site evaluation, the following minimum installation specifications are required:

Septic Tank: 1000 gal Equivalent Sizing: 60% 75% 100%
Final Disposal: Ft2 Lines: 3 Length: 18' Width: 42" Depth: 2'-24"
Gravel-less chambers: EQ36 Number of Units: 24 Number of Rows: 203 trenches

COMMENTS:

- Maintain setbacks: 50' from creek, 10' from property line
- Keep trenches or pipe cut back fields shallow not greater than 24".
- A riser is required on the septic tank to grade.
- 6ft of undisturbed soil between trenches if using gravel-less chambers.

[Signature] 9-29-03

Environmental Health Specialist

Date:

FINAL INSPECTION

The above system has been inspected and found to comply with the above requirements.

LIST OF ADJACENT LAND OWNERS
Proposed Luther Residence

1. USDA Forest Service
 San Juan National Forest
 15 Burnett Court
 Durango, Colorado 81301

2. ASARCO Incorporated
 Northwestern Mining Department
 P.O. Box 1230
 East Helena, Montana 59635

3. Gold King Mines Corporation
 P.O. Box 299
 Silverton, Colorado 81433

4. Ronald and Cynthia Greeley
 2512 South Forest
 Tempe, Arizona 05282

BOARD OF COUNTY COMMISSIONERS
San Juan County

P.O. Box 466

Silverton, Colorado 81433

303-387-5671

RELATIONSHIP OF PROPERTY TO COUNTY ROAD AND STATE HIGHWAY SYSTEMS

I, the undersigned, applicant engaged in the processing of Application for Improvement Permit No. _____, San Juan County, Colorado, do hereby acknowledge the following facts:

1. The real property which is the subject of said application is on this date located approximately borders 50' from County Road No. 521, the nearest designated and publicly maintained county road.
 2. Said County Road No. 21 is on this date maintained on a seasonal basis by San Juan County.
 3. The real property which is the subject of said application is on this date located approximately .84 miles from Colorado State Highway No. 110, the nearest designated state or federal highway.
 4. Said Colorado State Highway No. 110 is on this date maintained on a year-round basis by either San Juan County or the Colorado Division of Highways.
 5. A Driveway Permit will be necessary for any private access or egress relating to said real property which intersects any designated Colorado State Highway or Federal Highway.
- Signed and dated this 23 day of 9, 1903

ATTEST:

Michael L. Lutz
Applicant

Position:

SAN JUAN COUNTY, COLORADO
DRIVEWAY AND ROAD ACCESS PERMIT

Improvement
Permit No. _____

Applicant: Michael L Luther
1510 Cement
Silverton Co

Location of Proposed Driveway or Access on County Road No. 55 :
IN ARRATA GULCH 0.43 miles from CR-21 - TO ACCESS
UPPER MINING CLAIM

Description of Proposed Driveway or Access, including materials to be used:
12' wide access off CR# 55 down hill to private property

Comment and Recommendations of County Road Supervisor:

The applicant may have to cut trees and either haul in
dirt to build up access to CR-55 or push up dirt from his
property to the edge of CR-55. The county road will
not be cut down or sloped. There will be no cost
required for this access. I agree with applicant

Terms and Conditions of Issuance of Permit (or reason for denial):

Permit Approved _____ or Denied _____

Date: _____

Land Use Administrator _____

SAN JUAN COUNTY, COLORADO
DRIVEWAY AND ROAD ACCESS PERMIT

Improvement
Permit No. _____

Applicant: Michael L Luther
1510 Cement
Silverton Co

Location of Proposed Driveway or Access on County Road No. 21 :
in Arroyo Gulch 0.84 miles from CR #2. There is an existing
Access road at this location that Access public and private land.

Description of Proposed Driveway or Access, including materials to be used:
The Applicant wants to cut shoulder of CR #21 and use this
fill material from private land and edge of CR #21 to fill Access
to make existing access road less steep and to improve the vision
and safety for the property owner and the public.

Comment and Recommendations of County Road Supervisor:

The Applicant can only cut 3" down and 12" wide to fill access
road. There is no Culvert required. The Applicant can not
block or close access road since it is an old existing public
Access road. Thereas Permit may not be required since this
is an old road and some what on BLM land?

Terms and Conditions of Issuance of Permit (or reason for denial):

Permit Approved _____ or Denied _____

Date: _____

Land Use Administrator _____

<input type="checkbox"/> District Court Water Division <u>Seven</u> , Colorado Court Address: <u>P.O. Box 3340</u> <u>Durango, Colorado 81302</u>	
CONCERNING THE APPLICATION FOR WATER RIGHTS OF: Applicant: <u>Michael L. Luther</u> <u>P.O. Box 374</u> <u>Silverton, Colorado 81433</u>	
IN <u>San Juan</u> COUNTY.	▲ COURT USE ONLY ▲
If Represented by an Attorney, Attorney's Name and Address:	Case Number:
Phone Number: _____ E-mail: _____ FAX Number: _____ Atty. Reg. #: _____	Division _____ Courtroom _____
APPLICATION FOR WATER RIGHTS (SURFACE)	

1. Name, address, telephone number(s) (residence and business) of applicant(s):
- | | |
|----------------------------------|--|
| <u>Home: Michael L. Luther</u> | <u>Work: Town of Silverton Dept. Public Wks.</u> |
| <u>P.O. Box 374</u> | <u>1450 Greene Street</u> |
| <u>Silverton, Colorado 81433</u> | <u>Silverton, Colorado 81433</u> |
| <u>(970) 387-5773</u> | <u>(970) 387-5523</u> |

2. Name of structure: (ditch, spring) Ward Dam (on Arrastra Creek)

3. Legal description of each point of diversion: (include distance and bearing from established government section corner or quarter corner; or distances from section lines, and indicate 1/4 1/4, section number, township, range and meridian; include map). The location may include UTM coordinates based on Zone 13 and NAD27(CONUS) datum. In urban areas, include street address, lot, block, and subdivision:

Required Description: County	SW 1/4 of the	SE 1/4	Section 10	Township 41 N or S <input checked="" type="checkbox"/> N <input type="checkbox"/> S	Range 7 E or W <input type="checkbox"/> E <input checked="" type="checkbox"/> W	Principal Meridian N.M.P.M.
Distance from section lines (section lines are typically not property lines) <u>140</u> Feet from <input type="checkbox"/> N <input checked="" type="checkbox"/> S and <u>2,000</u> Feet from <input checked="" type="checkbox"/> E <input type="checkbox"/> W						
Street Address: <u>N/A</u>						
Subdivision: N/A	Lot N/A		Block N/A			

Optional Additional Description: GPS location information in UTM format
 Required settings for GPS units are as follows: Format must be UTM; Zone must be 13; Units must be Meters Datum must be NAD27 (CONUS) and; Units must be set to true north.

Were points averaged? <input type="checkbox"/> YES <input type="checkbox"/> NO	Northing _____ Easting _____
---	------------------------------

4. Source: (tributary and river) Arrastra Creek, tributary to the Animas River

5. A. Date of initiation of appropriation: September 14, 2003

Submit original plus three copies
Site visit by Engineer Mountain, Inc.

B. How appropriation was initiated: _____

C. Date water applied to beneficial use: N/A

6. Amount claimed: 0.033 cfs ☐ Absolute ☒ Conditional

7. Use or proposed use: Domestic, irrigation, pond storage

A. If irrigation, complete the following:
Number of acres historically irrigated 0 acres; proposed to be irrigated 9.43 acres

Legal description of acreage:

- (A) J.E. Ward Lode, M.S. Sur. No. 9858B (4.43 acres)
- (B) Argentine, M.S. Sur. No. 11380B (5.00 acres)

B. If non-irrigation, describe purpose fully.


Domestic use is requested for proposed residence/cabin; storage rights are requested in conjunction with proposed non-jurisdictional Ward Dam.

8. Name(s) and address(es) of owner(s) upon which any structure is or will be located, upon which water is or will be stored, or upon which water is or will be placed to beneficial use.

Michael L. Luther
P. O. Box 374
Silverton, Colorado 81433

9. Remarks:

Please refer to attached Exhibit A Location Map.


Signature of Applicant (or Attorney)

P.O. Box 374
Address of Applicant

Silverton, Colorado 81433

(970) 387-5773
Telephone No.

Submit original plus three copies

STATE OF COLORADO
COUNTY OF San Juan

I, Michael L Luther, state under oath that I have read this application and verify its content.

Michael L Luther
Applicant

Subscribed and affirmed, or sworn to before me in the County of San Juan, State of Colorado,
this 8th day of October, 2003.

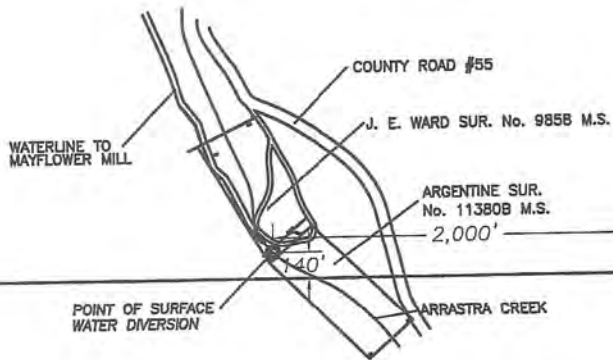
My commission expires:



My Commission Expires 1/27/2007

Claudia J Moe
Notary Public

N.M.P.M. T41N R7W, SECTION 10



SCALE 1" = 1,000'

EXHIBIT 'A'

ENGINEER MOUNTAIN, INC.
formerly MACKIE Engineering
P.O. BOX 526, SILVERTON, CO 81433
(970) 759-4771 387-0500 mackie@gobrainstorm.net

*SOILS *RETAINING WALLS
*SEPTICS *FOUNDATIONS
*GRADING AND DRAINAGE
*CIVIL SITE DEVELOPMENT

SURFACE WATER POINT OF DIVERSION
J. E. WARD & ARGENTINE MINING CLAIMS
SAN JUAN COUNTY, COLORADO

DATE: OCTOBER 15, 2003

DRAWN BY: JG

CHECKED BY: LMA

DRAWING: 2003-179/EXHIBIT A.dwg

REV: 10/20/03

1 OF 1

APPLICATION FOR TRANSPORTATION AND
UTILITY SYSTEMS AND FACILITIES
ON FEDERAL LANDS

FORM APPROVED
OMB NO. 1004-0189
Expires: October 31, 2005

FOR AGENCY USE ONLY

Application Number

Date filed

NOTE: Before completing and filing the application, the applicant should completely review this package and schedule a preapplication meeting with representatives of the agency responsible for processing the application. Each agency may have specific and unique requirements to be met in preparing and processing the application. Many times, with the help of the agency representative, the application can be completed at the preapplication meeting.

1. Name and address of applicant (include zip code) MICHAEL L LUTHER PO BOX 374 SILVERTON, CO 81430	2. Name, title, and address of authorized agent if different from Item 1 (include zip code) N/A	3. TELEPHONE (area code) Applicant (970) 381-5773 Authorized Agent
4. A s applicant are you? (check one) a. <input checked="" type="checkbox"/> Individual b. <input type="checkbox"/> Corporation* c. <input type="checkbox"/> Partnership/Association* d. <input type="checkbox"/> State Government/State Agency e. <input type="checkbox"/> Local Government f. <input type="checkbox"/> Federal Agency * If checked, complete supplemental page	5. Specify what application is for: (check one) a. <input type="checkbox"/> New authorization b. <input type="checkbox"/> Renewing existing authorization No. c. <input type="checkbox"/> Amend existing authorization No. d. <input type="checkbox"/> Assign existing authorization No. e. <input checked="" type="checkbox"/> Existing use for which no authorization has been received* f. <input type="checkbox"/> Other* * If checked, provide details under Item 7	

6. If an individual, or partnership are you a citizen(s) of the United States? ☒ Yes ☐ No

7. Project description (describe in detail): (a) Type of system or facility, (e.g., canal, pipeline, road); (b) related structures and facilities; (c) physical specifications (length, width, grading, etc.); (d) term of years needed; (e) time of year of use or operation; (f) Volume or amount of product to be transported; (g) duration and timing of construction; and (h) temporary work areas needed for construction (Attach additional sheets, if additional space is needed.)

SEE ATTACHED, PLAN OF DEVELOPMENT

8. Attach a map covering area and show location of project proposal ATTACHED

9. State or local government approval: ☐ Attached ☒ Applied for ☐ Not required

10. Nonreturnable application fee: ☐ Attached ☐ Not required

11. Does project cross international boundary or affect international waterways? ☐ Yes ☒ No (If "yes," indicate on map)

12. Give statement of your technical and financial capability to construct, operate, maintain, and terminate system for which authorization is being requested.

AS A FULL TIME EMPLOYEE OF THE TOWN OF SILVERTON PUBLIC WORKS DEPARTMENT, I HAVE THE FINANCIAL CAPABILITY AND CONSTRUCTION KNOWLEDGE REQUIRED TO PERFORM MAINTENANCE OF THE EXISTING BLM ACCESS ROAD.

13a. Describe other reasonable alternative routes and modes considered.

A NEW 800- FEET LONG ACCESS ROAD COULD BE CONSTRUCTED FROM CORNER 4 OF THE ARGENTINE MINING CLAIM TO THE S.E. WARD LOBE.

b. Why were these alternatives not selected?

TOO EXPENSIVE AND WOULD BE DAMAGING TO THE ENVIRONMENT - EXTENSIVE LOGGING AND GRADING WOULD BE REQUIRED.

c. Give explanation as to why it is necessary to cross Federal Lands.

USE OF THE EXISTING BLM ROAD WOULD BE LESS EXPENSIVE THAN CONSTRUCTION OF A NEW ACCESS.

14. List authorizations and pending applications filed for similar projects which may provide information to the authorizing agency. (Specify number, date, code, or name)

UNKNOWN

15. Provide statement of need for project, including the economic feasibility and items such as: (a) cost of proposal (construction, operation, and maintenance); (b) estimated cost of next best alternative; and (c) expected public benefits.

(A) LESS THAN \$1,000 FOR MAINTENANCE;

(B) OVER \$10,000 FOR NEW ACCESS ROAD;

(C) PUBLIC MAY BENEFIT FROM MAINTENANCE OF EXISTING BLM ROAD.

16. Describe probable effects on the population in the area, including the social and economic aspects, and the rural lifestyles.

NO EFFECTS ARE ANTICIPATED SINCE THE ROAD IS EXISTING.

17. Describe likely environmental effects that the proposed project will have on: (a) air quality; (b) visual impact; (c) surface and ground water quality and quantity; (d) the control or structural change on any stream or other body of water; (e) existing noise levels; and (f) the surface of the land, including vegetation, permafrost, soil, and soil stability.

(A) MINIMAL AMOUNT OF DUST DURING MAINTENANCE; (B) NONE - EXISTING;
(C) MINIMAL OR NIL EFFECTS DURING MAINTENANCE; (D) NONE - EXISTING; (E) NONE - EXISTING; (F) MAINTENANCE WILL IMPROVE SOIL STABILITY OF EXISTING ROAD.

18. Describe the probable effects that the proposed project will have on (a) populations of fish, plantlife, wildlife, and marine life, including threatened and endangered species; and (b) marine mammals, including hunting, capturing, collecting, or killing these animals.

NO EFFECTS ANTICIPATED, ALTHOUGH MAINTENANCE MAY HAVE A POSITIVE EFFECT ON PLANTLIFE ALONG RIGHT-OF-WAY OF EXISTING ACCESS ROAD.

19. State whether any hazardous material, as defined in this paragraph, will be used, produced, transported or stored on or within the right-of-way or any of the right-of-way facilities, or used in the construction, operation, maintenance or termination of the right-of-way or any of its facilities. "Hazardous material" means any substance, pollutant or contaminant that is listed as hazardous under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. 9601 et seq., and its regulations. The definition of hazardous substances under CERCLA includes any "hazardous waste" as defined in the Resource Conservation and Recovery Act of 1976 (RCRA), as amended, 42 U.S.C. 9601 et seq., and its regulations. The term hazardous materials also includes any nuclear or byproduct material as defined by the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2011 et seq. The term does not include petroleum, including crude oil or any fraction thereof that is not otherwise specifically listed or designated as a hazardous substance under CERCLA Section 101(14), 42 U.S.C. 9601(14), nor does the term include natural gas.

NO HAZARDOUS MATERIALS WILL BE USED, PRODUCED, TRANSPORTED, OR STORED ON OR WITHIN THE RIGHT-OF-WAY BY APPLICANT OR APPLICANT'S AGENTS.

20. Name all the Department(s)/Agency(ies) where this application is being filed.

BUREAU OF LAND MANAGEMENT (BLM)

I HEREBY CERTIFY, That I am of legal age and authorized to do business in the State and that I have personally examined the information contained in the application and believe that the information submitted is correct to the best of my knowledge.

Signature of Applicant

Date OCTOBER 20, 2003

Title 18, U.S.C. Section 1001 and Title 43 U.S.C. Section 1212, make it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious, or fraudulent statements or representations as to any matter within its jurisdiction.

(Continued on page 3)

Plan of Development for Existing BLM Access Road for Michael Luther

Description of Facility

I want to use an existing BLM road which would provide access to my private property. The road would be the primary access to my proposed residence. The road would be normally only be used by passenger vehicles. During times of construction or any required maintenance, the road would be used by typical construction equipment. The road would be used on a seasonal basis, since the San Juan County road, which leads to the BLM road, is typically not plowed in the winter. I would like to begin construction of the proposed residence in November 2003. I am requesting a permanent access easement for the use of the existing BLM road.

Design Criteria: Road Specifications

The section of the existing BLM access road for which I am requesting an easement is approximately 285 feet in length and currently is approximately 12 feet in width. There is an approximately 20-foot long low section of the existing BLM road where water can collect during times of runoff. I wish to place select gravel fill and a culvert in the location to improve the surface drainage. No other road improvements are proposed at this time unless required by the BLM. I will need a total access easement right-of-way width of 12 feet.

No road construction is proposed, except for placement of a small amount of gravel and a culvert to facilitate proper drainage. Therefore, dust should be minimal or nil. The culvert and gravel placement can occur in November 2003 if approved, weather permitting.

As a full-time employee of the Town of Silverton Public Works Department, I am familiar with road maintenance and proper gravel and culvert placement. The existing road should be adequate for the proposed access easement to my private property. I may need some additional work space during placement of the culvert consisting of approximately 20 feet width at the culvert location. The temporary width would be measured as 10 feet width from the apparent existing centerline in each direction. The approximate length of the culvert and gravel placement will consist of 20 feet.

Additional Comments

The existing BLM access road would remain open to the public, since it is commonly known as a historic public access. The road is currently open (not gated) and is in fairly good condition.

Plan of Development for Existing BLM Access Road for Michael Luther **(Continued)**

Construction of Facility

No significant construction is proposed since the BLM road is existing. A culvert and some gravel can be placed to facilitate proper drainage. The proposed culvert location can be marked with stakes if required. Surveying equipment will be used to check the elevations of the proposed culvert to ensure positive slope.

I will notify your office at least five days prior to the start of any construction activity so that you can be on location if desired.

I will perform the gravel and culvert placement, since I am knowledgeable of construction techniques through my position with the Town of Silverton Public Works Department. A civil engineer will review the proposed culvert and fill placement.

No significant vegetation will need to be disturbed along the existing BLM road right-of-way. A minor amount of the existing sparse grass could be disturbed during the gravel and culvert placement. If any of the existing sparse grass is disturbed I can revegetate the area as directed by the BLM.

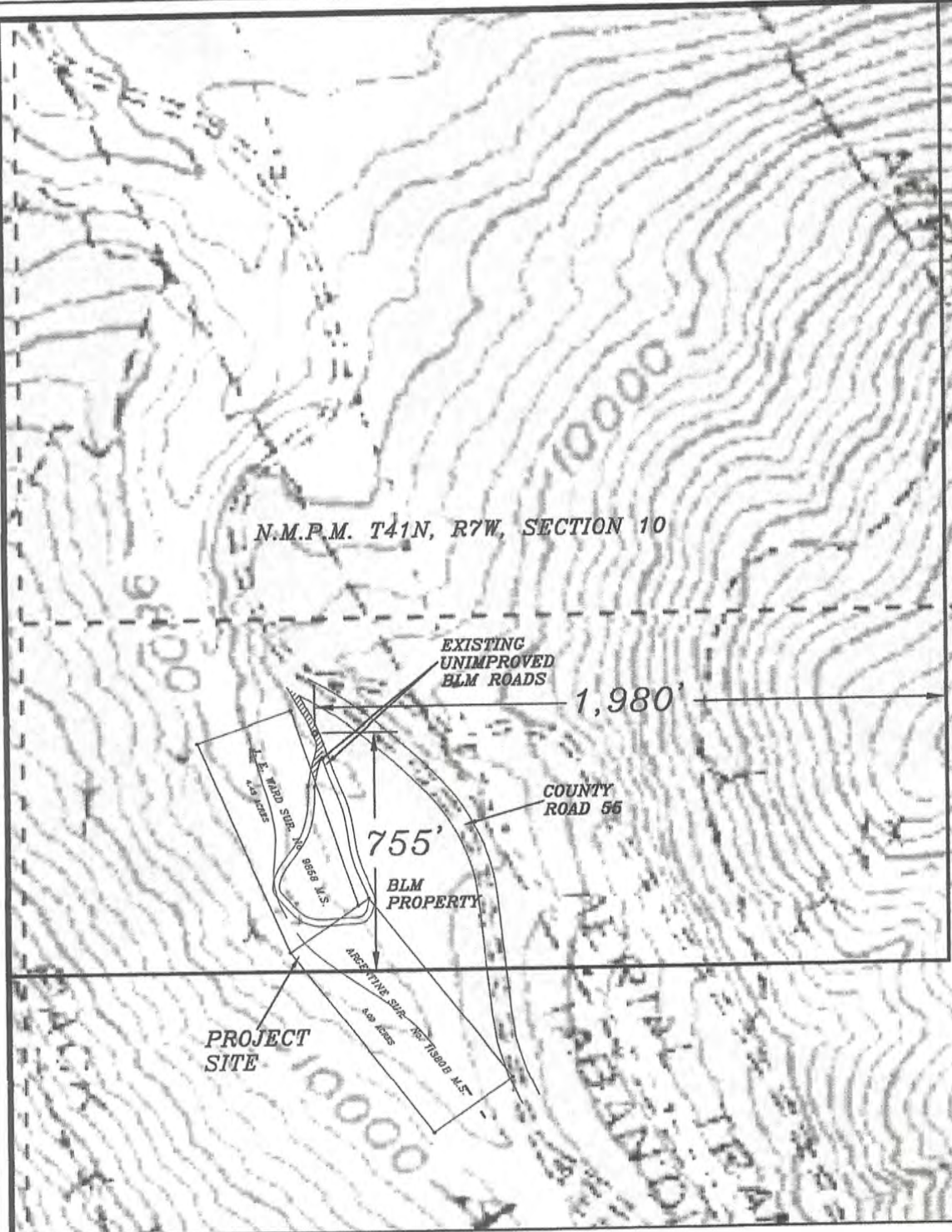
Operation and Maintenance

No fill material will be obtained from the BLM land or right-of-way. No construction work is anticipated that will negatively affect the current condition of the existing BLM road. Approval of the requested access easement should improve the condition of the existing BLM road due to more attentive maintenance.

Miscellaneous Information Needs

I will maintain the right-of-way in a safe condition.

Trash (litter and any debris) will be removed and will not be allowed to accumulate.



HOWARDSVILLE 7.5
MINUTE TOPOGRAPHIC
MAP



SCALE 1" = 500'

PROPOSED
ACCESS
EASMENT



ENGINEER MOUNTAIN, INC.
formerly MACKIE Engineering
P.O. BOX 526, SILVERTON, CO 81433
(970) 759-4771 387-0500 mackie@gobrainstorm.net

BLM ROAD LOCATION MAP
J. E. WARD & ARGENTINE MINING CLAIMS
SAN JUAN COUNTY, COLORADO

DATE: OCTOBER 20, 2003
DRAWN BY: JG
CHECKED BY: LMA
DRAWING: 2003-179/EXHIBIT A. dug
REV: 10/20/03

1 of 1

FOR OFFICE USE ONLY

DAM NAME

NO

WATER DIV

DIST

NOTICE OF INTENT TO CONSTRUCT A NON-JURISDICTIONAL WATER IMPOUNDMENT STRUCTURE¹

This notice is required per Section 37-87-125, C.R.S. (1998).

This notice must be submitted to the Water Resources office in Durango at least 10 days prior to construction.
(PLEASE PRINT OR TYPE APPLICATION)

OWNER INFORMATION

Name: MICHAEL L. LUTHER Telephone: (970) 387-5773
Address: P.O. BOX 374 SILVERTON CO 81433
Street/P.O. Box/ Rural Route City State Zip Code
Responsible Person: MICHAEL L. LUTHER Telephone: () SAME
Address: SAME City State Zip Code
Street/P.O. Box/ Rural Route
Contractor: MICHAEL L. LUTHER Telephone () SAME

STRUCTURE INFORMATION

Name of Dam: WARD DAM Water Division: 7 Water District: _____
Location: 1/4 1/4 Sect: SW 1/4 Sect: SE Sect: 10 Township: 41N Range: 7W P.M.N.M.
Distance of dam from Section lines² 155 ft from ☐ N ☒ S, 2,025 ft from ☒ E ☐ W
Optional Information → Utilizing GPS: Set to UTM Datum. Measure at centerline of embankment at streamline.
Northing _____ m. Easting _____ m.
Dam Dimensions: Vertical Height: 13 ft., Length: 105 ft., Slopes: U/S: 2:1 H:1V, D/S: 3:1 H:1V
Reservoir: Capacity: _____ acre feet, Surface Area: 0.29 acres, Drainage Area: 2,347 acres
Emergency Spillway: Width: _____ ft., Side Slopes: _____ H:1V, Freeboard: 3 ft.³
Outlet Drain: Type: _____, Size: _____ inches, Location _____
Stream Name or Water Source:⁴ ARRASTRA CREEK
Proposed Water Use: DOMESTIC AND IRRIGATION Water Court Case No (If applicable) _____
Michael L. Luther 10/20/03
Signature of Owner Date

DIVISION ENGINEER'S REQUIREMENTS:

Signature of Division Engineer

Date

DWR (5/99)

¹ Vertical height is 10 feet or less at longitudinal centerline of dam from lowest point of ground surface to flowline crest of spillway, and reservoir is 20 surface acres or less at high water line, and impounds 100 acre-feet or less of water.

² See Example on reverse side of form

³ Vertical distance from bottom of spillway to crest of dam.

⁴ If construction in reservoir intercepts groundwater (note stream name that groundwater is tributary to), a well permit is required.

ENGINEER MOUNTAIN, INC.				
JOB NO. 2003-179 (LAST REVISED ON 10/20/03)				
Preliminary Cost Estimate for Construction and Engineering of Proposed Ward Dam				
Item	Estimated Units and Costs			
	Quantity	Units	Unit Price	Total Price
Geotextile fabric to be placed at two-foot deep intervals	2	Rolls	\$ 400	\$ 800
Four-man crew working eight-hour days at \$20 per hour each	10	Days	\$ 640	\$ 6,400
Equipment rental	1	Lump Sum	\$ 25,000	\$ 25,000
Approx. 100 feet of -inch diameter outlet pipe and standpipe	1	Lump Sum	\$ 500	\$ 500
Concrete for spillway lining	1	Lump Sum	\$ 200	\$ 200
Gate valve and ell	1	Lump Sum	\$ 500	\$ 500
Estimated Cost of Construction Subtotal				\$ 33,400
10% Construction Contingency				\$ 3,340
10% Estimated Engineering Costs				\$ 3,340
Estimated Total Cost for Construction and Engineering of Proposed Ward Dam				\$ 40,080
Estimated Cost of Required Dam Application Fee Per HB 90-1130 Rule 17				\$ 120.24