

Warranty Deed

DOCUMENTARY TRANSFER TAX
\$0 (Transfer to trust)

Schedule: 3330001001
17825 Jones Rd., Peyton, CO 80831

For no consideration,

Gary Hammann and Darlene C. Noel-Hammann, as *joint tenants*

Intending this instrument to operate solely as to transfer to a trust for estate planning purposes, hereby transfer and convey to:

Gary L. Hammann and Darlene C. Noel-Hammann, Trustees, or their successors in interest,
of the G & D Hammann Ohana Trust dated February 18, 2021, and any amendments thereto.

(17825 Jones Rd., Peyton, CO 80831)

(100% to this owner)


all that real property situated in City of Peyton, County of El Paso, State of Colorado, described as follows:

LOT 1 V I L SUB FIL NO 1 IN THE CITY OF PEYTON, COUNTY OF EL PASO, STATE OF COLORADO.

also known by number and street as: 17825 Jones Rd., Peyton, CO 80831.

Subject to all covenants, conditions, restrictions, exceptions, reservations, easements, and other limitations of record.

Executed and delivered February 18, 2021

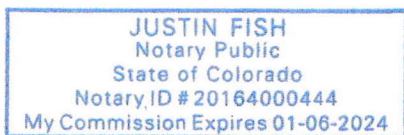

Gary Hammann

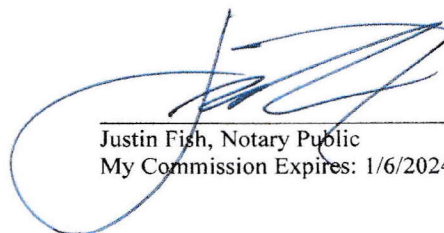

Darlene C. Noel-Hammann

STATE OF COLORADO)
) ss.
COUNTY OF EL PASO)

This instrument was acknowledged before me on this the 18th day of February, 2021, by Gary Hammann and Darlene C. Noel-Hammann

[Seal]




Justin Fish, Notary Public
My Commission Expires: 1/6/2024

Statement of Authority
(C.R.S. §38-30-172)

1. This Statement of Authority relates to the G & D Hammann Ohana Trust dated February 18, 2021 (the "Trust").
2. The Trust is a revocable living trust and is formed under the laws of Colorado.
3. The mailing address for the Trust is 17825 Jones Rd., Peyton, CO 80831.
4. The name of the Trustees authorized by the Trust to affect title to real property are Gary L. Hammann and Darlene C. Noel-Hammann.
5. The authority of the foregoing trustees to bind the Trust is not limited.
6. This Statement of Authority is executed on behalf of the Trust pursuant to the provisions of C.R.S. Section 38-30-172.

Executed this 18th day of February, 2021


Gary L. Hammann

Darlene C. Noel-Hamm
Darlene C. Noel-Hammann

STATE OF COLORADO)
) ss.
COUNTY OF EL PASO)

This instrument was acknowledged before me on this the 18th day of February, 2021, by Gary L. Hammann and Darlene C. Noel-Hammann.

[Seal]

JUSTIN FISH
Notary Public
State of Colorado
Notary.ID # 20164000444
My Commission Expires 01-06-2024

Justin Fish, Notary Public
My Commission Expires: 1/6/2024

A VACATION AND REPLAT OF LOT 1, V I L FILING No. 1
LOCATED IN A PORTION OF THE NORTHWEST QUARTER OF SECTION 30,
TOWNSHIP 13 SOUTH, RANGE 63 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO

That Gary Hermann and Gudene C. Noel-Hermann, being the owner of the following described tracts of land to wit:

Containing a calculated area of 841,158 square feet (19.310 acres), more or less.

The undersigned, being at the owners, mortgagees, beneficiaries of deeds of trust and holders of other interests in the land described herein, have read and understood and granted and sold to said company and successors as shown herein under the name and subdivision of V.I. FILING No. 1A. The above covenants shall hereafter be hereditarily benefited for public utilities and communication systems and other purposes as shown herein. The entities responsible for providing the services for which the easements are established are hereby granted the perpetual right of ingress and egress from and to adjacent properties for installation, maintenance, and replacement of utility lines and related facilities.

My commission expires _____
Witness my hand and official seal _____
Notary Public

This plot for V-1 & FRANK NO. 1A was approved for filing by the El Paso County, Colorado Board of County Commissioners on the day of 201 , subject to any and all other covenants and any conditions imposed by the recording jurisdiction. The dedications of land to the public, public utility & drainage easements and additional right-of-way, are accepted, but the public improvements thereon will not become the maintenance responsibility of El Paso County until preliminary acceptance of the public improvements in accordance with the requirements of the Land Development Code and Engineering Orders Manual, and the Subdivision Improvements Agreement.

Previous plat name is entirely vacated and amended for the areas described by this record subject to all covenants, conditions, and restrictions recorded against and appurtenant to the original plat recorded in the Office of the El Paso County Clerk in Plat Book B-2, Page 20 and Plat Book F-2, Page 18.

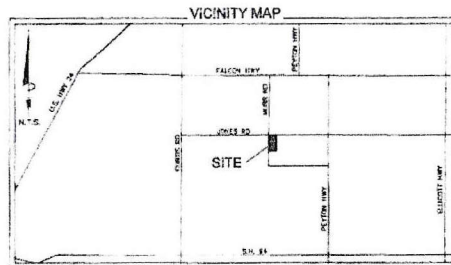
Chair, Board of County Commissioners	Date
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I, Mark S. Johannes, a duly registered Professional Land Surveyor in the State of Colorado, do hereby certify that this plot truly and correctly represents the results of a survey made on the date of survey shown herein, by me or under my direct supervision and that all monuments exist as shown herein; that mathematical closure errors are less than 1/10,000; and that said plot has been prepared in full compliance with all applicable laws of the State of Colorado dealing with monuments, subdivision, or surveying of land and all applicable provisions of the El Paso County Land Development Code.

This certification is neither a warranty nor guarantee, either expressed or implied.

Mark S. Johannes
Colorado Professional Land Surveyor No. 32439
For and on behalf of Compass Surveying and Mapping, LLC

COMPASS SURVEYING & MAPPING, LLC
721 SOUTH 23RD STREET, SUITE B
COLORADO SPRINGS, CO 80904
719-354-4120
WWW.COMSLLC.COM



- 1) The reason for the vacation and record is to create 3 lots out of 1 existing lot.
- 2) a - Denotes found #5 rebar and plastic can markings, PLS 18465
b - Denotes set #5 rebar and plastic can markings PLS 32439
(17625) - Denotes Aerial address.
- 3) This survey does not constitute a title search by Compass Surveying & Mapping, LLC to determine correctness or accuracy of records. For all information regarding assessments, notice of map and use of record, Commission of Assessment & Mapping, LLC, refer you to Commission for Tax Information, prepared by The City/County, File No. (xxxxxxxxxx) with an effective date of (x/x/xxxx) at (xxx,xxx).
- 4) Easements of easements is the width of the property, measured as shown and assumed to be 100 feet wide and 100 feet deep 10 seconds wide, 124.72 feet.
- 5) This property is located within Zone A (1% annual chance flood / 100-year flood), no flood elevations determined) and Zone X (area presumed to be outside the 1% annual chance floodplain) as established by FEMA per FIRM panel 6204/05090, effective date 06/01/05, 4C-5. The approximate flood zone boundary is shown by map reference only.
- 6) Notice: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event shall the statute of limitations be extended or tolled. Any claim must be commenced more than ten years from the date of the certification of this survey.
- 7) The linear units used in this drawing are U.S. Survey feet.
- 8) The approval of the report signifies at prior price for the area described by the report.
- 9) No driveway shall be established unless an access permit has been granted by El Paso County.
- 10) All structural foundations shall be located and designed by a Professional Engineer, currently registered in the State of Colorado.
- 11) The following reports have been submitted and are on file at the County Planning Department: Soils and Geological study; Water Availability study; Drainage Report; Wildlife Hazard Report; Natural Resources Report; Erosion Control Report.
- 12) Public drainage easements are specifically noted on the plot shall be maintained by the owner of the easement. The easement owner shall maintain the easement by mowing or landscaping that will improve the flow of runoff shall not be placed in drainage easements.
- 13) No lot, or interest therein, shall be sold, conveyed or transferred, whether by deed or by operation of law, until the easement owner has been notified of the required public improvements have been constructed and completed in accordance with the subdivision improvements agreement between the applicant and El Paso County as required at the time of the subdivision map. The easement owner shall maintain the easement as provided which is sufficient in the judgment of the Board of County Commissioners, to make possible for the acquisition and improvement.
- 14) The addresses (17625), exhibited on the plot is for informational purposes only. It is not

[X] There shall be no direct or indirect access to Jones Road.

[X] Unless otherwise indicated, all side lots are hereby partitioned on each split with a 10 foot public utility and drainage easement. All exterior subdivision boundaries are hereby partitioned on a 10 foot public utility and drainage easement. The sole responsibility of maintenance is hereby placed on the individual property owner.

[X] Developer shall comply with federal and state laws, regulations, ordinances, revenue and permit requirements and other agency requirements, if any, of applicable agencies including but not limited to the Federal Highway Administration, Department of Transportation, US Army Corps of Engineers and the US Forest and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the listed species (e.g. Florida Manatee, West Indian Manatee).

[X] Pathways shall be installed in accordance with U.S. Forest Corps and United States District Service regulations.

[X] The subdivisions agree to require of him/her/his and any developer or builder successors and agents shall be required to pay traffic impact fees in accordance with the following schedule: Transportation Planning Board Resolution No. 16-045, as amended at or prior to the time of building permit issuance. The fee collection, if not paid at first plat recording shall be held in escrow on all site dedications and plat recordings to ensure that the fee will be paid from the proceeds before sale of the property.

[X] Individual lot purchasers are responsible for constructing driveways including necessary driveway culverts from Otterlo Road per Land Development Code Section 6.3.2.2 and 6.3.2.3 and subject to their review. The drawings will need to be specifically approved by the District Precinct Fire Protection District.

[X] All easements that are dedicated herein for public utility purposes shall be subject to those terms and conditions as specified in the instrument recorded at Registration Number _____ and to the restrictions contained therein. All other easements or encroachments of record affecting any of the gifted property detailed herein shall not be affected and shall remain in full force and effect.

[X] The Road Impact Fee will be paid by a 10-Min PUD. The fee is based on the established road width.

Drainage Fee:	\$68.00	School Fee:	\$68.00
Bridge Fee:	\$68.00	Park Fee:	\$68.00

STATE OF COLORADO)
COUNTY OF EL PASO) SS
I hereby certify that this instrument was filed for records in my office at _____ o'clock
_____ M. this _____ day of _____, 2019, A.D., and is duly recorded
under Reception No. _____ of the records of El Paso County,
Colorado.

CHUCK BRIGMAN, RECORDER

BY Deputy

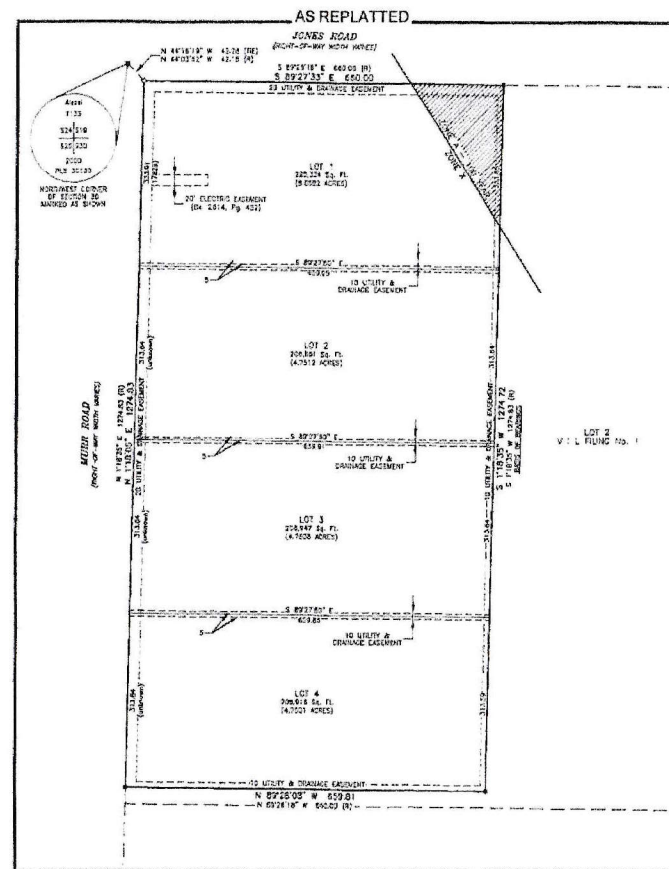
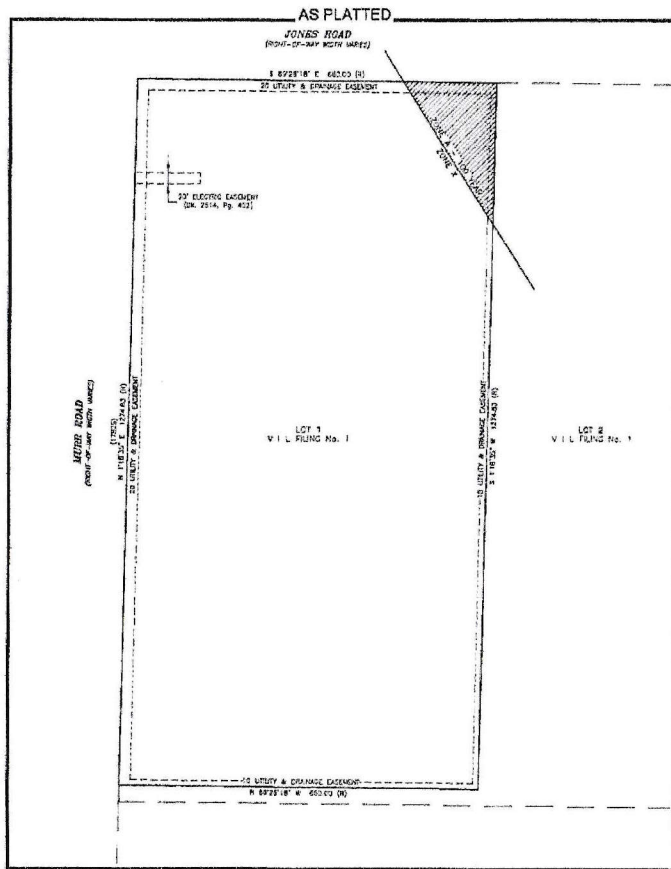
SURCHARGE. _____
FEE _____

FCD FILE NO.:

REVISIONS:		PROJECT NO. 1819 JANUARY 25, 2011 SHEET 1 OF 2

FINAL PLAT V I L FILING No. 1A

A VACATION AND REPLAT OF LOT 1, V I L FILING No. 1
LOCATED IN A PORTION OF THE NORTHWEST QUARTER OF SECTION 30,
TOWNSHIP 13 SOUTH, RANGE 63 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO



Ohana Acres

**COLORADO GROUND WATER COMMISSION
FINDINGS AND ORDER**

IN THE MATTER OF AN APPLICATION FOR DETERMINATION OF WATER RIGHT TO GROUND WATER IN THE
UPPER BLACK SQUIRREL CREEK DESIGNATED GROUND WATER BASIN

DETERMINATION NO.: 3714-BD

AQUIFER: Arapahoe

APPLICANT: Gary Hammann and Darlene Noel-Hammann

In compliance with Section 37-90-107(7), C.R.S., and the Designated Basin Rules, 2 CCR 410-1, Gary Hammann and Darlene Noel-Hammann (hereinafter "Applicant") submitted an application for determination of water right to designated ground water from the Arapahoe Aquifer.

FINDINGS

1. The application was received by the Colorado Ground Water Commission on July 24, 2018.
2. The Applicant requests a determination of right to designated ground water in the Arapahoe Aquifer (hereinafter "Aquifer") underlying 19.31 acres, generally described as Lot 1 VIL Filing No. 1 Subdivision and generally located in the NW1/4 of the NW1/4, Section 30, Township 13 South, Range 63 West, 6th P.M., in El Paso County. According to a signed Ownership Statement dated April 24, 2019, attached hereto as Exhibit A, the Applicant owns the 19.31 acres of land, which are further described in said Ownership Statement (hereinafter "Overlying Land"), and claims control of the right to the ground water in the Aquifer underlying this land (hereinafter "Underlying Ground Water").
3. The Overlying Land is located within the boundaries of the Upper Black Squirrel Creek Designated Ground Water Basin and within the Upper Black Squirrel Creek Ground Water Management District. The Colorado Ground Water Commission (hereinafter "Commission") has jurisdiction over the ground water that is the subject of this Determination.
4. The Commission Staff has evaluated the application relying on the claims to control of the Underlying Ground Water in the Aquifer made by the Applicant.
5. The Applicant intends to apply the Underlying Ground Water to the following beneficial uses: in home, lawn and gardens, domestic animals; commercial, agricultural; stock and replacement. The Applicant's proposed place of use of the Underlying Ground Water is the above described 19.31 acres of overlying land.
6. The quantity of water in the Aquifer underlying the 19.31 acres of Overlying Land claimed by the applicant is 755 acre-feet. This determination was based on the following as specified in the Designated Basin Rules:
 - a. The average specific yield of the saturated permeable material of the Aquifer beneath the Overlying Land that could yield a sufficient quantity of water that may be extracted and applied to beneficial use is 17 percent.
 - b. The average thickness of the saturated permeable material of the Aquifer beneath the Overlying Land that could yield a sufficient quantity of water that may be extracted and applied to beneficial use is 230 feet.

Aquifer: Arapahoe

Applicant: Gary Hammann and Darlene Noel-Hammann

7. Pursuant to Section 37-90-107(7)(a), C.R.S., and in accordance with the Designated Basin Rules, the Commission shall allocate the underlying ground water based on ownership of the overlying land and an aquifer life of one hundred years. Should the entire quantity of underlying ground water identified above be available for allocation, the allowed average annual amount of withdrawal from the Aquifer that could be allocated from beneath the Overlying Land would be 7.55 acre-feet per year.
8. A review of the records in the Office of the State Engineer has disclosed that none of the Underlying Ground Water in the Aquifer beneath the Overlying Land has been previously allocated or permitted for withdrawal.
9. Pursuant to Section 37-90-107(7)(c)(III), C.R.S., an approved determination of water right shall be considered a final determination of the amount of ground water so determined; except that the Commission shall retain jurisdiction for subsequent adjustment of such amount to conform to the actual local aquifer characteristics from adequate information obtained from well drilling or test holes.
10. The ability of wells permitted to withdraw the authorized amount of water from this non-renewable Aquifer may be less than the one hundred years upon which the amount of water in the Aquifer is allocated, due to anticipated water level declines.
11. In accordance with Rule 5.3.6 of the Designated Basin Rules, it has been determined that withdrawal of ground water from the Aquifer underlying the land claimed by the Applicant will, within one hundred years, deplete the flow of a natural stream or its alluvial aquifer at an annual rate greater than one-tenth of one percent of the annual rate of withdrawal and, therefore, the Underlying Ground Water is considered to be not-nontributary ground water. Also, the location of the land claimed by the Applicant is farther than one mile from the Aquifer contact with the alluvium. Pursuant to the Rules, at least four percent (4%) of the amount of the underlying water withdrawn annually must be returned to the uppermost aquifer in the vicinity of the permitted point or points of withdrawal, unless other locations are approved by the Commission.
12. On May 2, 2019, in accordance with Rule 9.1 of the Designated Basin Rules, a letter was sent to the Upper Black Squirrel Creek Ground Water Management District requesting written recommendations concerning this application. Written recommendations from the district were received on May 21, 2019.
13. In accordance with Sections 37-90-107(7)(c)(II) and 37-90-112, C.R.S., the application was published in the Ranchland News newspaper on May 9, 2019 and May 16, 2019. No objections to the application were received within the time limit set by statute.

ORDER

In accordance with Section 37-90-107(7), C.R.S., and the Designated Basin Rules, the Colorado Ground Water Commission orders that the application for determination of right to designated ground water in the Arapahoe Aquifer underlying 19.31 acres of land, generally described as Lot 1 VIL Filing No. 1 Subdivision and generally located in the NW1/4 of the NW1/4, Section 30, Township 13 South, Range 63 West, 6th P.M., further described in Exhibit A, is approved subject to the following conditions:

14. The allowed average annual amount of withdrawal of Underlying Ground Water from the Aquifer shall not exceed 7.55 acre-feet.

15. The total volume of Underlying Ground Water that may be withdrawn from the Aquifer pursuant to this Determination of Water Right shall not exceed 755 acre-feet.
16. The Commission may adjust the total volume and the allowed average annual amount of withdrawal of Underlying Ground Water that may be withdrawn from the Aquifer to conform to actual Aquifer characteristics based on analysis of geophysical logs or other site-specific data if such analysis indicates that the initial estimate of the amount of Underlying Ground Water in the Aquifer was incorrect.
17. The allowed maximum annual amount of withdrawal may exceed the allowed average annual amount of withdrawal as long as the total volume of Underlying Ground Water withdrawn does not exceed the product of the number of years since the date of approval of this determination times the allowed average annual amount of withdrawal.
18. The Applicant may pump the allowed average annual amount of withdrawal and the allowed maximum annual amount of withdrawal from one or more wells of a well field in any combination, so long as the total combined withdrawal of the wells does not exceed the amounts described in this Order.
19. At least four percent (4%) of the allowed amount of Underlying Ground Water withdrawn annually must be returned to the uppermost aquifer in the vicinity of the permitted point or points of withdrawal, unless other locations are approved by the Commission.
20. The use of the allowed amount of Underlying Ground Water from this allocation shall be limited to the following beneficial uses: in home, lawn and gardens, domestic animals, commercial, agricultural, stock and replacement. The place of use shall be limited to the above described 19.31 acres of Overlying Land. The ground water that is the subject of this Determination may be reused and successively used to extinction to the extent dominion and control over the water is maintained and its volume can be distinguished from the volume of any stream system into which it is introduced to the satisfaction of the Commission. The ground water right determined herein is located within the Upper Black Squirrel Creek Ground Water Management District where local District rules apply which may further limit the withdrawal and use of the subject designated ground water.
21. Approval of this determination meets the requirements of Section 37-90-107(7)(d)(II) that requires a determination of ground water be made prior to the granting of a well permit pursuant to Section 37-90-107(7).
22. Wells withdrawing the allowed amount of Underlying Ground Water allocated herein are subject to the following conditions:
 - a. The wells must be located on the above described 19.31 acres of Overlying Land.
 - b. No well shall be located within 600 feet of any existing large-capacity well in the same Aquifer unless a Waiver of Claim of Injury is obtained from the owner of the existing well or unless the Commission, after a hearing, finds that circumstances in a particular instance warrant that a well may be permitted without regard to this limitation.
 - c. The wells must be constructed to withdraw water from only the Arapahoe Aquifer.


Aquifer: Arapahoe

Applicant: Gary Hammann and Darlene Noel-Hammann

- d. The entire depth of each well must be geophysically logged prior to installing the casing as set forth in Rule 9 of the Statewide Nontributary Ground Water Rules, 2 CCR 402-7.
 - e. A totalizing flow meter or other Commission approved measuring device shall be installed on each well and maintained in good working order by the well owner. Annual diversion records shall be collected and permanently maintained by the well owner and submitted to the Commission and the Upper Black Squirrel Creek Ground Water Management District upon request.
 - f. The well shall be marked in a conspicuous place with this determination number, the well permit number, and the name of the Aquifer. The well owner shall take necessary means and precautions to preserve these markings.
23. A copy of this Findings and Order shall be recorded by the Applicant in the public records of the county in which the Overlying Land is located so that a title examination of the above described 19.31 acres of Overlying Land area, or any part thereof, shall reveal the existence of this determination.
24. The ground water right determined herein is a vested property right with specific ownership. The ground water right may be transferred independent of the land under which the right originated. Any action taken that is intended to convey, transfer, and/or sell the subject water right shall explicitly identify this Determination of Water Right number, the specific aquifer, and the annual volume (based on a 100-year aquifer life) or total volume of ground water that is being conveyed.

Dated this 26th day of June, 2019.

By: 
Kevin G. Rein, P.E.
Executive Director
Colorado Ground Water Commission


Keith Vander Horst, P.E.
Chief of Water Supply, Basins

Prepared by: aat
F&O3714-BD.doc

STATE OF COLORADO
OFFICE OF THE STATE ENGINEER
DIVISION OF WATER RESOURCES
1313 Sherman St, Room 821, Denver, CO 80203
Phone (303) 866-3581, Fax (303) 866-2223, www.state.co.us

NONTRIBUTARY GROUND WATER LANDOWNERSHIP STATEMENT

AQUIFER: Arapahoe

I (we) (Please Print) Gary Hammann and Darlene C. Noel-Hammann
claim and say that I (we) am (are) the owner(s) of the following described property consisting of
19.31 acres in the County of El Paso, State of Colorado,
as evidenced by the attached copy of a deed, recorded in the county (or counties) in which the
land is located. (insert the property's legal description)

Lot 1
V I L Filing No.1
County of El Paso
State of Colorado

Legal Address: 17825 Jones Road, Peyton, CO 80831

I (we) further claim and say that the right to withdraw the ground water in the aquifer underlying
the above described land has not been reserved by another, nor has consent been given to
another for the right to its withdrawal.

NOTE: A completed "Nontributary Landownership or Consent Verification of Notice" form
(GWS-43) must also be provided for all applications submitted pursuant to C.R.S. 37-90-
137(4) outside of a Designated Ground Water Basin.

Further, I (we) claim and say that I (we) have read the statement made herein; know the
contents thereof; and that the same are true to my (our) knowledge. Pursuant to Section 24-4-
104(13)(a), C.R.S., the making of false statements herein constitutes perjury in the second
degree and is punishable as a Class 1 misdemeanor.

<u>Gary Hammann</u>	<u>04/24/19</u>
Signature	Date
<u>Darlene C. Noel-Hammann</u>	<u>04/24/19</u>
Signature	Date

.....
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processing means. See additional instructions on back.