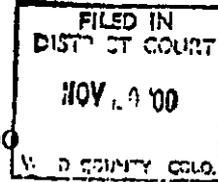


Chuck Broerman
11/06/2018 03:13:43 PM
Doc \$0.00 15
Rec \$83.00 Pages

El Paso County, CO



218129411



DISTRICT COURT WATER DIVISION NO 1 STATE OF COLORADO

Case No. 99CW218

FINDINGS OF FACT CONCLUSIONS OF LAW JUDGMENT AND DECREE

CONCERNING THE APPLICATION FOR WATER RIGHTS OF LEO J HINDERY AND DEBORAH D HINDERY IN DOUGLAS AND EL PASO COUNTIES, COLORADO

This matter is before the Court upon the application by Leo J. Hindery and Deborah D Hindery (the Applicants") for quantification of amounts of groundwater for withdrawal from the Denver Basin aquifers and for adjudication of exempt wells (the Application"). The Court having considered the Application, and other materials, hereby makes the following findings of fact, conclusions of law judgment and decree.

FINDINGS OF FACT

1 The Applicants are Leo J. and Deborah D Hindery The Lazy H Ranch, 9663 East Palmer Divide Road, Larkspur, Colorado 80118. Applicants filed the Application on December 29 1999

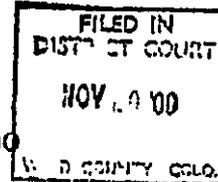
2. Timely and adequate notice of these proceedings has been given in the manner prescribed by law The Court has jurisdiction over all persons who have standing to appear as parties, whether they have appeared or not.

3. The land and water rights involved herein are not included within any designated ground water basin, and the Water Court has jurisdiction over the subject matter of the Application.

4. No Statements of Opposition were filed.

5. On April 21 2000, the Office of the State Engineer issued a Determination of Facts Report on the Application pursuant to C.R.S. § 37-92 302(2). A Summary of Consultation was held on March 30, 2000. These reports have been considered by the Court in accordance with C.R.S. § 37-92 305(6).

6. In their Application, the Applicants sought an adjudication of rights to all of the ground water from the not nontributary Dawson aquifer and the nontributary Denver, Arapahoe, and Laramie Fox Hills aquifers underlying approximately 1,240 acres, described in Attachment A of the Application, and located in portions of: (i) Sections 29 30, 31 and 32 of Township 10 South,



DISTRICT COURT WATER DIVISION NO 1 STATE OF COLORADO

Case No. 99CW218

FINDINGS OF FACT CONCLUSIONS OF LAW JUDGMENT AND DECREE

CONCERNING THE APPLICATION FOR WATER RIGHTS OF LEO J HINDERY AND DEBORAH D HINDERY IN DOUGLAS AND EL PASO COUNTIES, COLORADO

This matter is before the Court upon the application by Leo J. Hindery and Deborah D Hindery (the Applicants") for quantification of amounts of groundwater for withdrawal from the Denver Basin aquifers and for adjudication of exempt wells (the Application"). The Court having considered the Application, and other materials, hereby makes the following findings of fact, conclusions of law judgment and decree.

FINDINGS OF FACT

1. The Applicants are Leo J. and Deborah D Hindery The Lazy H Ranch, 9663 East Palmer Divide Road, Larkspur, Colorado 80118. Applicants filed the Application on December 29 1999

2. Timely and adequate notice of these proceedings has been given in the manner prescribed by law. The Court has jurisdiction over all persons who have standing to appear as parties, whether they have appeared or not.

3. The land and water rights involved herein are not included within any designated ground water basin, and the Water Court has jurisdiction over the subject matter of the Application.

4. No Statements of Opposition were filed.

5. On April 21 2000, the Office of the State Engineer issued a Determination of Facts Report on the Application pursuant to C.R.S. § 37-92 302(2). A Summary of Consultation was held on March 30, 2000. These reports have been considered by the Court in accordance with C.R.S. § 37-92 305(6).

6. In their Application, the Applicants sought an adjudication of rights to all of the ground water from the not nontributary Dawson aquifer and the nontributary Denver, Arapahoe, and Laramie Fox Hills aquifers underlying approximately 1,240 acres, described in Attachment A of the Application, and located in portions of (i) Sections 29 30, 31 and 32 of Township 10 South,

Recorded Electronically
ID: 2018065247
COUNTY _____
DATE 10-20-18 TIME _____

V

FILED IN
DISTRICT COURT
NOV 19 2000
W. D. COUNTY, COLO.

DISTRICT COURT WATER DIVISION NO 1 STATE OF COLORADO

Case No. 99CW218

FINDINGS OF FACT CONCLUSIONS OF LAW JUDGMENT AND DECREE

CONCERNING THE APPLICATION FOR WATER RIGHTS OF LEO J HINDERY AND DEBORAH D HINDERY IN DOUGLAS AND EL PASO COUNTIES, COLORADO

This matter is before the Court upon the application by Leo J. Hindery and Deborah D Hindery (the Applicants") for quantification of amounts of groundwater for withdrawal from the Denver Basin aquifers and for adjudication of exempt wells (the Application"). The Court having considered the Application, and other materials, hereby makes the following findings of fact, conclusions of law judgment and decree.

FINDINGS OF FACT

1. The Applicants are Leo J. and Deborah D Hindery The Lazy H Ranch, 9663 East Palmer Divide Road, Larkspur, Colorado 80118. Applicants filed the Application on December 29 1999
2. Timely and adequate notice of these proceedings has been given in the manner prescribed by law. The Court has jurisdiction over all persons who have standing to appear as parties, whether they have appeared or not.
3. The land and water rights involved herein are not included within any designated ground water basin, and the Water Court has jurisdiction over the subject matter of the Application.
4. No Statements of Opposition were filed.
5. On April 21 2000, the Office of the State Engineer issued a Determination of Facts Report on the Application pursuant to C.R.S. § 37-92 302(2). A Summary of Consultation was held on March 30, 2000. These reports have been considered by the Court in accordance with C.R.S. § 37-92 305(6).
6. In their Application, the Applicants sought an adjudication of rights to all of the ground water from the not nontributary Dawson aquifer and the nontributary Denver, Arapahoe, and Laramie Fox Hills aquifers underlying approximately 1,240 acres, described in Attachment A of the Application, and located in portions of (i) Sections 29 30, 31 and 32 of Township 10 South,

Range 65 West of the 6th P.M., and (ii) Sections 5 and 6, Township 11 South, Range 65 West. The legal description of this parcel (the "Subject Property") is attached to this decree as Exhibit A. A map of the Subject Property is attached to this decree as Exhibit B. The Subject Property is owned by the Applicants and is not subject to any lien, mortgage or deed of trust, therefore notice pursuant to C.R.S. § 37-92 302(2)(b) was not required.

7 Applicants will divert the waters from the not nontributary Dawson and nontributary Denver, Arapahoe and Laramie-Fox Hills aquifers underlying the Subject Property by wells which may be drilled at any location on the Subject Property

8. The source of ground water to be withdrawn from the Dawson aquifer is not nontributary as defined in C.R.S. § 37-90-103(10.7). Withdrawal of ground water from this aquifer will, within one hundred years, deplete the flow of a natural stream at an annual rate greater than one-tenth of one percent of the annual rate of withdrawal, and therefore will require a court approved plan for augmentation prior to use, pursuant to the requirements of C.R.S. § 37-90-137(9)(c).

9 The source of groundwater to be withdrawn from the Denver, Arapahoe, and Laramie-Fox Hills aquifers is nontributary groundwater as defined in C.R.S. § 37-90-103(10.5). Withdrawal of groundwater from these aquifers will not, within one hundred years, deplete the flow of a natural stream at an annual rate greater than one-tenth of one percent of the annual rate of withdrawal. Pursuant to C.R.S. § 37-90-137(9)(b) and the Denver Basin Rules, no more than 98% of the nontributary ground water withdrawn annually from these aquifers shall be consumed.

10. As set forth in the State Engineer's Determination of Facts Report, the depths of each of the aquifers which are the subject of the Application are as follows:

<u>Aquifer</u>	<u>Depth from Land Surface</u>
Dawson	10 to 1 140 feet
Denver	950 to 2,040 feet
Arapahoe	1,860 to 2,610 feet
Laramie-Fox Hills	2,820 to 3,310 feet

11 The quantity of ground water exclusive of artificial recharge, underlying the Subject Property is determined based on the average specific yield of the saturated aquifer materials and the average thickness of the saturated aquifer materials underlying the Subject Property Subject to proof of either a greater or smaller specific yield or average saturated thickness pursuant to retained jurisdiction, the following are the quantities of ground water available for withdrawal from

each aquifer and the specific aquifer characteristics used by the Office of the State Engineer to calculate these quantities:

<u>Aquifer</u>	<u>Quantity (AF)</u>	<u>Average Specific Yield</u>	<u>Average Thickness (feet)</u>
Dawson	109,064	20%	443
Denver	83,477	17%	396
Arapahoe	59,235	17%	281
Laramie-Fox Hills	37,572	15%	202

12. In determining the amount of ground water available for withdrawal annually from these aquifers, the provisions of C.R.S. § 37-90-137(4) must be applied, and pursuant to C.R.S. § 37-90-137(4)(b)(f) annual withdrawals shall be allowed on the basis of an aquifer life of 100 years. Based on the existence of the two wells identified in Paragraph 19, which withdraw ground water from the Dawson aquifer underlying the Subject Property the quantity of water considered available for withdrawal from the Dawson aquifer has been reduced by 800 acre-feet. This reduction is based on an assessment of the amount of water necessary for the persons entitled to divert water under existing rights to divert the average annual amount of water from the aquifer for the minimum aquifer life of 100 years.

13. Subject to further findings under retained jurisdiction, the allowances for existing wells described in Paragraph 19, and pursuant to the Denver Basin Rules, the allowed average annual amounts of water available for withdrawal from each of the aquifers are as follows:

<u>Aquifer</u>	<u>Annual Amount (AF)</u>
Dawson	1,070.6
Denver	834.8
Arapahoe	592.3
Laramie-Fox Hills	375.7

The annual amount for the Dawson aquifer has been reduced from the 1090.6 acre-feet annually as set forth in the Determination of Facts Reports, to 1070.6 acre-feet annually for purposes of reserving 20 acre-feet annually for future exempt wells. It is estimated that each future exempt well will require no more than 4.0 acre-feet per year

14 Applicants seek a decree designating all future wells within each aquifer on the Subject Property as a Well Field as that term is defined in the Rules and Regulations Applying to Well Permits to withdraw Ground Water Pursuant to C.R.S. § 37-90-137(4), and 2 C.C.R. 402.7

in effect on this date, and as such Applicants may use all future wells within each aquifer on the Subject Property for withdrawal of up to the full cumulative amount by flow rate and volume of water which may be lawfully withdrawn from that aquifer from any one or more of those wells.

15. All wells on the Subject Property may be used to withdraw the estimated amounts of groundwater at rates of flow necessary to efficiently withdraw the entire amounts decreed to be available. Applicants waived the 600 foot spacing rule described in C.R.S. § 37-90-137(2) for wells located on the Subject Property

16. Applicants' allowed annual amount of withdrawal may exceed the allowed average annual amount of withdrawal for each aquifer as decreed herein as long as the total volume of water withdrawn does not exceed the product of the number of years since the date of the issuance of the first well permit therefor or the date of this decree, whichever is earlier, times the allowed average annual amount of withdrawal for each aquifer as that amount may be adjusted under this decree.

17 The waters of all of the Denver Basin aquifers claimed by Applicants herein may be, and Applicants intend that they be used, and Applicants shall have the right of use, reuse, succession of uses, and after use, the waters may be leased, sold, or disposed of for the following beneficial uses: municipal, domestic, industrial, commercial, irrigation, agricultural, livestock watering, recreational, fish and wildlife, fire protection and any other beneficial uses. Said water will be produced for immediate application to said uses, both on and off the Subject Property for storage and subsequent application to beneficial uses, for exchange purposes, for replacement of depletions resulting from the use of water from other sources and for augmentation purposes. Failure to use, reuse or recapture such water, including return flows, shall not be deemed a forfeiture or abandonment of the right to such use, reuse, or recapture.

18. The Office of the State Engineer must issue well permits in accordance with C.R.S. § 37-90-137(4) and/or (10). Each well should be equipped with a properly installed and maintained totalizing flow meter, and the Applicants may be required to submit diversion records to the Division Engineer or his representative on an annual basis or as otherwise requested by the Division Engineer.

19 Applicants further seek adjudication of two existing wells, permitted under C.R.S. § 37-92-602, which withdraw water from the Upper Dawson aquifer underlying the Subject Property. These two wells are described as follows:

a. Well No. 30050A

Permit No.. 30050A

Location: Within the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 31 T 10 S., R. 65 W 6th P.M., 220 feet from the South section line and 2,390 feet from the East section line.

Source: Not nontributary Dawson aquifer.

Depth: 280 feet.

Pumping Rate: 15 g.p.m.

Use: Domestic, livestock, irrigation and fire protection.

b. Well No. 212164

Permit No.. 212164

Location: Within the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 31 T 10 S., R. 65 W 6th P.M., 400 feet from the South section line and 1,990 feet from the East section line.

Source: Not nontributary Dawson aquifer

Depth: 358 feet.

Pumping Rate: 15 g.p.m.

Use: Domestic, livestock, irrigation and fire protection.

Each of these wells is situated on a site of at least 35 acres and will be used to serve no more than three single-family dwellings and to irrigate not over one acre.

20. Pursuant to C.R.S. § 37-92-602, Applicants claim the original priority dates for these two wells. For Well No. 30050A, the appropriation date is March 9 1967 For Well No. 212164, the appropriation date is June 4, 1998.

21 No portion of the lands within which the wells are located lie within the boundaries of any designated groundwater basin and the Water Court has jurisdiction over the subject matter of Applicants' claim for adjudication of these wells.

CONCLUSIONS OF LAW

22. The Court concludes that the Application is one contemplated by law and this Court has exclusive jurisdiction over this proceeding pursuant to C.R.S. §§ 37-92 203, 37-90-137(6), and 37-92 302 through 305

23. The Applicants have complied with all of the requirements of C.R.S. § 37-90-137(4), full and adequate notice has been given, and no additional notice is required for the determination of the Applicants' right to the amount of water decreed herein, provided, however, that in the event Applicants seek to enlarge the amount of water to which they are entitled in any subsequent proceedings pursuant to the provisions for retained jurisdiction in Paragraph 43 to an amount larger than the amounts set forth in this decree, the Court may determine at that time whether additional notice of such enlarged claim will be required.

24. The issuance of a decree confirming Applicants' right to divert and use ground water from the Denver Basin aquifers beneath the Subject Property pursuant to C.R.S. § 37-90-137(4), will not cause material injury to the water rights of others and should be granted, subject to the provisions of this decree. The amount of water confirmed in this decree is lawfully available to Applicants and the annual withdrawals are based on an aquifer life of one hundred years.

25. The rights to ground water determined herein are vested rights and no subsequent showings or findings of reasonable diligence under C.R.S. § 37-92 301(4) shall be required.

26. The two wells described in Paragraph 19 may be pumped in the amounts and for the purposes described in the permits on file with the Office of the State Engineer. These wells remain exempt from administration and enforcement within the priority system as long as the uses are limited to those allowed under Well Permit Nos. 30050A and 212164

27. The Court shall retain jurisdiction over this matter to make adjustments to the amount of water available for withdrawal annually as set forth in Paragraph 13 and to conform to the actual aquifer characteristics encountered upon the drilling of wells. This retained jurisdiction may be invoked under Paragraph 43.

28. The State Engineer may lawfully be required under the terms of this ruling to issue permits for construction of Applicants' proposed wells in the Denver Basin aquifers.

29. Applicants have sustained their burden of proving that the planned withdrawal of an amount of water as determined in accordance with Paragraph 13 will comply with the provisions of C.R.S. § 37-90-137(4).

JUDGMENT AND DECREE

It is hereby ordered and decreed as follows:

30. The Findings of Fact and Conclusions of Law set forth in Paragraph 1 through 29, above, are incorporated herein by reference.

31 Applicants' request for a determination of water rights is granted subject to the limitations set forth in this decree.

32. A decree is hereby granted confirming that the total amount of water which the Applicants are entitled to from the Denver Basin aquifers beneath the Subject Property is as follows:

<u>Aquifer</u>	<u>Annual Amount</u>
Dawson	1,070.6
Denver	834.8
Arapahoe	592.3
Laramie-Fox Hills	375.7

33. The total annual amount available from the Dawson aquifer is 1090.6. Applicants, however are reserving 20 acre-feet annually for future exempt wells, each of which are estimated to require no more than 4.0 acre-feet per year.

34. These water rights may be used for municipal, domestic, agricultural, industrial, commercial, irrigation, live stock watering, recreational, fish and wildlife, fire protection, augmentation, substitution, and exchange uses. The water may be used through immediate application to beneficial uses, for storage and subsequent application to beneficial uses, for exchange purposes, for replacement of depletions resulting from the use of water from other sources, and for all other augmentation purposes. The water may be withdrawn through any wells drilled on the Subject Property For purposes of water withdrawn from the Dawson aquifer other than through wells permitted subject to C.R.S. § 37-92-602, such withdrawal will be allowed provided an augmentation plan has been decreed pursuant to Paragraph 8 and C.R.S. § 37-90-137(9)(c).

35. Each of the requirements of C.R.S. § 37-90-137(4) has been complied with. Water is available from the Denver Basin aquifers beneath the Subject Property and the withdrawal, through existing wells and wells to be drilled on the Subject Property of the quantities of water determined pursuant to Paragraph 13 will not result in material injury to other vested water rights.

36. Applicants shall apply to the State Engineer for a well permit when prepared to drill a well and that permit shall be issued promptly with the conditions no more burdensome than those required herein.

37 All wells within each aquifer on the Subject Property shall constitute a Well Field for that aquifer as that term is defined in the Rules and Regulations Applying to Well Permits to Withdraw Ground Water Pursuant to C.R.S. § 37-90-137(4), 2 C.C.R. 402.7 in effect on this date, and as such, Applicants may use all wells drilled on the Subject Property for the withdrawal of up to the full cumulative amount of water which may be lawfully withdrawn from any one or more of those wells.

38. Applicants' allowed annual amount of withdrawal may exceed the allowed average annual amount of withdrawal decreed herein as long as the total volume of water withdrawn does not exceed the product of the number of years since the date of issuance of the first well permit therefor or the date of this decree whichever is earlier, times the allowed average annual amount of withdrawal decreed herein as that amount may be adjusted under this decree.

39 A decree is granted for the exempt wells identified in Paragraph 19 pursuant to the terms of Paragraph 27 of this decree. The date of appropriation for Well No. 30050A is March 9, 1967. The date of appropriation for Well No. 212164 is June 4, 1998.

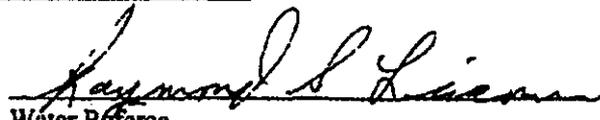
40. The Applicants will comply with all valid rules and regulations of the Office of the State Engineer

41 With the exception of wells permitted pursuant to C.R.S. § 37-92-602, the Dawson aquifer water in the Subject Property cannot be used until Applicants obtain judicial approval of a plan for augmentation pursuant to C.R.S. § 37-90-137(9). The Court retains jurisdiction in this matter for the purposes of adjudicating that plan for augmentation.

42. The State Engineer shall consider the water rights granted herein as valid and shall consider the water decreed to Applicants as a vested property right. See C.R.S. § 37-92-305(11).

43. The Court retains jurisdiction of this matter pursuant to the provisions of C.R.S. § 37-92-305(11), to provide for the adjustment of the amount of water available for annual withdrawal to conform to actual local aquifer characteristics as determined from analysis of data obtained when the wells or test holes are drilled.

Done this 20 day of November 2000.


Water Referee

RECEIVED

DEC 20 2000 11

CENTRAL FILES

WATER RESOURCES
STATE ENGINEER
COLORADO

Leo J. & Deborah D. Hindery
Findings of Fact, Conclusions of Law,
Judgment and Decree
Case No. 99CW218
Page 9

Div 1

No protest was filed in this matter within the time prescribed by law and, accordingly the foregoing Ruling is confirmed, approved and made the judgment and decree of the Court.

Date: DEC 14 2000


Water Judge

I certify that copies hereof were mailed to the following persons at the address given in the pleadings.

Gary Gray
.....

SGC/DCO
.....

Date of mailing 12-14-2000


Deputy Court Clerk

EXHIBIT A

Parcel A:

A PARCEL OF LAND LYING IN THE WEST ½ OF SECTION 32, TOWNSHIP 10 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF DOUGLAS, STATE OF COLORADO, FURTHER DESCRIBED AS FOLLOWS.

FOR PURPOSES OF THIS DESCRIPTION, BEARINGS ARE BASED ON THE WEST LINE OF SAID SECTION 32, AS MONUMENTED AT THE NW CORNER BY A 2 1/2" ALUMINUM CAPPED MONUMENT LS 29052, AND AT THE SW CORNER BY A G.L.O. STONE MONUMENT SAID LINE BEARS SOUTH 00°00'03" EAST FOR 5292.98 FEET

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 32;
THENCE NORTH 00°00'03" WEST AND ALONG THE WEST LINE OF SAID SECTION 32, FOR 3411.09 FEET TO THE SOUTHWEST CORNER OF THAT TRACT OF LAND DESCRIBED AND RECORDED IN BOOK 1553 AT PAGE 267 OF THE DOUGLAS COUNTY RECORDS,
THENCE NORTH 89°20'50" EAST AND ALONG THE SOUTH LINE OF SAID BOOK 1553, PAGE 267 FOR 1099.02 FEET
THENCE NORTH 82°56'10" EAST ALONG SAID SOUTH LINE FOR 936.99 FEET TO THE SOUTHEAST CORNER OF SAID BOOK 1553, PAGE 267
THENCE SOUTH 03°20'45" EAST FOR 894.87 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 32;
THENCE SOUTH 00°30'16" WEST FOR 2648.95 FEET TO A POINT ON THE SOUTH LINE OF SAID SECTION 32, WHERE SAID SOUTH LINE INTERSECTS WITH THE NORTHWESTERLY RIGHT-OF-WAY LINE OF THE EXISTING COUNTY ROAD;
THENCE NORTH 89°54'23" WEST AND ALONG THE SOUTH LINE OF SAID SECTION 32, FOR 2057.69 FEET TO THE POINT OF BEGINNING. CONTAINING 163.59 ACRES MORE OR LESS.

Parcel B:

ALL THAT PART OF THE N1/2 NW1/4 OF SECTION 5, AND THAT PART OF THE NE1/4 NE1/4 OF SECTION 6 T 11 S., R. 65 W OF THE 6TH P.M., EL PASO COUNTY COLORADO LYING NORTH OF THE COUNTY ROAD (PALMER DIVIDE AVENUE). CONTAINING 22.05 ACRES.

Parcel C:

A PARCEL OF LAND LYING IN THE SOUTH ½ OF SECTION 32, TOWNSHIP 10 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF DOUGLAS, STATE OF COLORADO, FURTHER DESCRIBED AS FOLLOWS:

FOR PURPOSES OF THIS DESCRIPTION, BEARINGS ARE BASED ON THE WEST LINE OF SAID SECTION 32, AS MONUMENTED AT THE NW CORNER BY A 2-1/2" ALUMINUM CAPPED MONUMENT LS 29052, AND AT THE SW CORNER BY A G.L.O. STONE MONUMENT SAID LINE BEARS SOUTH 00°00'03" EAST FOR 5292.98 FEET

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 32;
THENCE SOUTH 89°54'23" EAST AND ALONG THE SOUTH LINE OF SAID SECTION 32, FOR 2057.69 FEET WHERE SAID SOUTH LINE INTERSECTS WITH THE NORTHWESTERLY RIGHT-OF-WAY LINE OF THE EXISTING COUNTY ROAD BEING THE TRUE POINT OF BEGINNING; THENCE NORTH 00°30'16" EAST FOR 2648.95 FEET TO THE NORTH LINE OF THE SOUTH 1/2 OF SAID SECTION 32;
THENCE SOUTH 89°58'21" EAST AND ALONG THE NORTH LINE OF SAID SOUTH 1/2 OF SECTION 32, FOR 1883.26 FEET TO THE NORTHWEST CORNER OF THE E1/2 SE1/4 OF SAID SECTION 32;
THENCE SOUTH 00°00'29" EAST ALONG THE WEST LINE OF SAID E1/2 SE1/4, FOR 2651.06 FEET TO THE SOUTHWEST CORNER OF SAID E1/2 SE1/4 OF SECTION 32;
THENCE NORTH 89°54'23" WEST AND ALONG THE SOUTH LINE OF SAID SECTION 32, FOR 1906.92 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING 115.29 ACRES MORE OR LESS.

Parcel D:

A TRACT OF LAND SITUATED IN THE SOUTHWEST 1/4 OF SECTION 29 AND IN THE NORTHWEST 1/4 OF SECTION 32, TOWNSHIP 10 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, DOUGLAS COUNTY COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS.

BEGINNING AT THE NORTHWEST CORNER OF SAID SOUTHWEST 1/4 AND CONSIDERING THE WEST LINE OF SAID SOUTHWEST 1/4 TO BEAR SOUTH 00 DEGREES 05 MINUTES AND 34 SECONDS WEST WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO; THENCE SOUTH 00 DEGREES 05 MINUTES 34 SECONDS WEST ALONG SAID WEST LINE A DISTANCE OF 2646.50 FEET TO THE SOUTHWEST CORNER OF SAID SOUTHWEST 1/4, THENCE SOUTH 00 DEGREES 00 MINUTES 03 SECONDS EAST ALONG THE WEST LINE OF SAID NORTHWEST 1/4 A DISTANCE OF 1881.88 FEET THENCE NORTH 89 DEGREES 20 MINUTES 50 SECONDS EAST A DISTANCE OF 1099.02 FEET THENCE NORTH 82 DEGREES 56 MINUTES 10 SECONDS EAST A DISTANCE OF 936.99 FEET THENCE NORTH 01 DEGREES 08 MINUTES 43 SECONDS WEST A DISTANCE OF 4404.52 FEET TO THE NORTH LINE OF SAID SOUTHWEST 1/4 THENCE SOUTH 89 DEGREES 54 MINUTES 40 SECONDS WEST A DISTANCE OF 1936.53 FEET TO THE POINT OF BEGINNING.

Parcel E:

A tract of land situated in the South ½ of Section 29 and in the North ½ of Section 32, Township 10 South, Range 65 West of the 6th Principal Meridian, Douglas County Colorado, more particularly described as follows:

Commencing at the Northeast corner of the South ½ of Section 29 and considering the East line of said South ½ to bear S 00°02'05" E with all bearings contained herein relative thereto:

Thence S 89°54'40" W along the North line of said South ½ a distance of 2780.14 feet to the true point of beginning;

Thence 89°54'40" W along said North line a distance of 560.96 feet;

Thence S 01°08'43" E a distance of 2721.93 feet;

Thence N 89°23'39" E a distance of 503.47 feet;

Thence N 89°30'50" E a distance of 57.41 feet;

Thence N 01°08'43" W a distance of 2716.99 feet to the point of beginning;

Containing 35.01 acres, more or less.

Parcel F

THE SOUTHEAST 1/4, THE EAST ½ WEST ½ AND THE NORTHEAST 1/4 ALL IN SECTION 31, TOWNSHIP 10 SOUTH, RANGE 65 WEST OF THE 6TH P.M., EXCEPTING THEREFROM ANY PORTION LYING WITHIN COUNTY ROAD RIGHTS-OF-WAY ALL IN THE COUNTY OF DOUGLAS, STATE OF COLORADO.

Parcel G:

THE WEST ½ WEST ½ OF SECTION 31 THE SOUTHWEST 1/4 SOUTHWEST 1/4 AND THAT PORTION OF THE SOUTHEAST 1/4 SOUTHWEST 1/4 LYING WEST OF THE COUNTY ROAD IN SECTION 30; ALL IN TOWNSHIP 10 SOUTH, RANGE 65 WEST OF THE 6TH P.M., COUNTY OF DOUGLAS, STATE OF COLORADO.

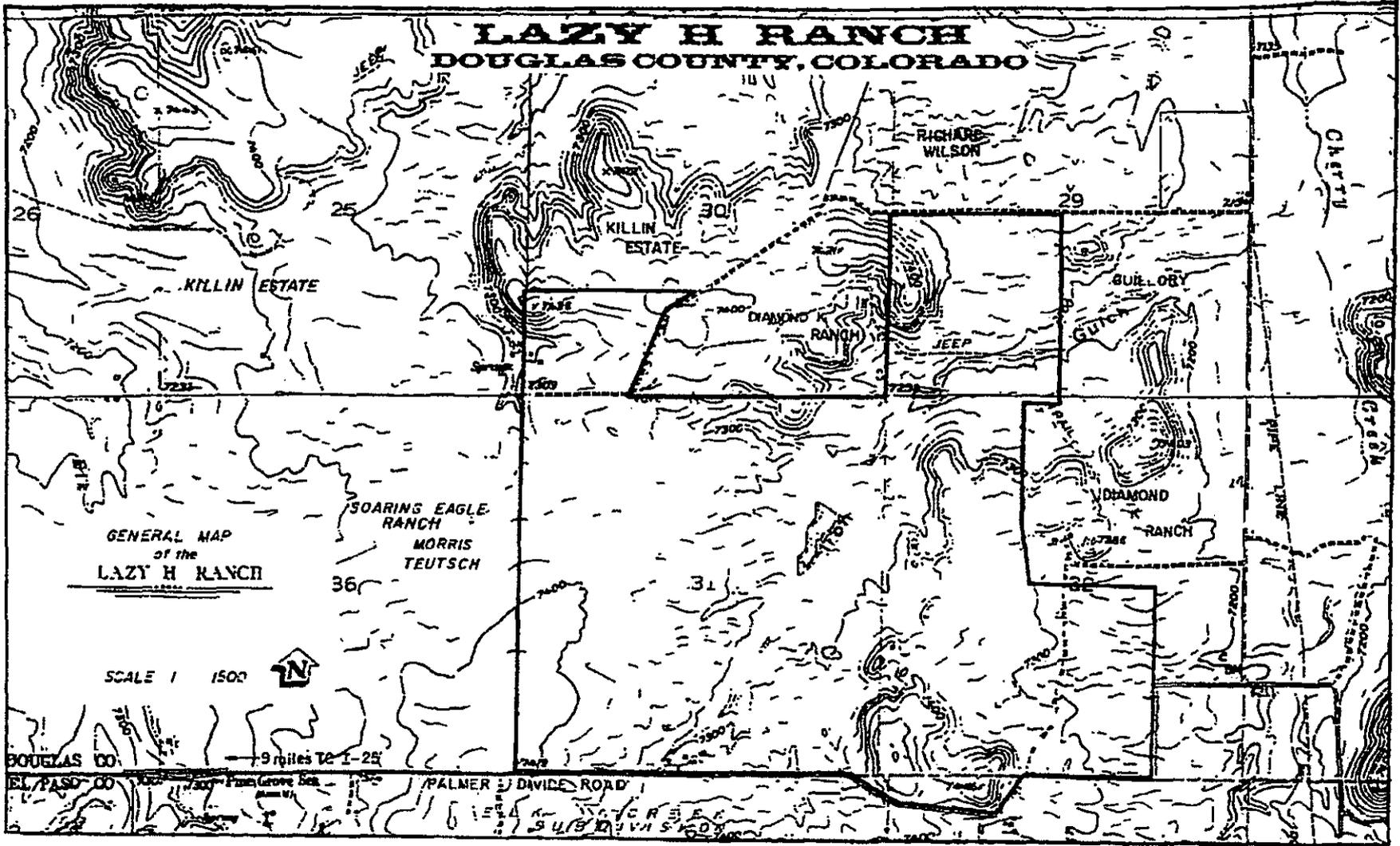


EXHIBIT B