

**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

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DETERMINATION NO.: 3344-BD

AQUIFER: Arapahoe

APPLICANT: Angel E. Cordero Jr.

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In compliance with Section 37-90-107(7), C.R.S., and the Designated Basin Rules, 2 CCR 410-1, Angel E. Cordero Jr. (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 May 31, 2016.
2. The Applicant requests a determination of right to designated ground water in the Arapahoe Aquifer (hereinafter "Aquifer") underlying 35.55 acres, generally described as part of the SE1/4 of the NE1/4 of Section 1, Township 14 South, Range 63 West of the 6th Principal Meridian, in El Paso County. According to a signed Ownership Statement dated April 26, 2016, attached hereto as Exhibit A, the Applicant owns the 35.55 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: domestic, landscape irrigation, domestic animals, replacement. The Applicant's proposed place of use of the Underlying Ground Water is the above described 35.55 acres of overlying land.
6. The application requests the maximum allowable annual amount of Underlying Ground Water from beneath the Overlying Land.

7. The quantity of water in the Aquifer underlying the 35.55 acres of Overlying Land claimed by the applicant is 635 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 105 feet.
8. 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 6.35 acre-feet per year.
9. 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.
10. 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.
11. 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.
12. 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 closer than one mile from the Aquifer contact with the alluvium. Withdrawal of water from the Aquifer underlying the claimed land area would impact the alluvial aquifer(s) of Black Squirrel Creek or its tributaries, which has been determined to be over-appropriated. Commission approval of a replacement plan pursuant to Section 37-90-107.5, C.R.S. and Rule 5.6 of the designated Basin Rules, providing for the actual depletion of the alluvial aquifer and adequate to prevent any material injury to existing water rights, is required prior to approval of well permits for wells to be located on this land area to withdraw the Underlying Ground Water from the Aquifer.

13. On July 12, 2016, 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.
14. 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 July 21 and July 28, 2016. 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 35.55 acres of land, generally described as part of the SE1/4 of the NE1/4 of Section 1, Township 14 South, Range 63 West of the 6th Principal Meridian, further described in Exhibit A, is approved subject to the following conditions:

15. The allowed average annual amount of withdrawal of Underlying Ground Water from the Aquifer shall not exceed 6.35 acre-feet.
16. The total volume of Underlying Ground Water that may be withdrawn from the Aquifer pursuant to this Determination of Water Right shall not exceed 635 acre-feet.
17. 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.
18. 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.
19. 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.
20. Commission approval of a replacement plan, providing for actual depletion of affected alluvial aquifers and adequate to prevent any material injury to existing water rights in such alluvial aquifers, is required prior to approval of well permits that allow the withdraw of the Underlying Ground Water.

21. The use of the allowed amount of Underlying Ground Water from this allocation shall be limited to the following beneficial uses: domestic, landscape irrigation, domestic animals, replacement. The place of use shall be limited to the above described 35.55 acres of Overlying Land. 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.
22. 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).
23. 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 35.55 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.
  - 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.
24. 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 35.55 acres of Overlying Land area, or any part thereof, shall reveal the existence of this determination.

Determination No.: 3344-BD  
Aquifer: Arapahoe  
Applicant: Angel E. Cordero Jr.

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25. 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 12<sup>th</sup> day of October, 2016.



Dick Wolfe, P.E.  
Executive Director  
Colorado Ground Water Commission

By: Keith Vander Horst  
Keith Vander Horst, P.E.  
Designated Basins Team Leader

Prepared by: NSM  
F&O3344-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

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**NONTRIBUTARY GROUND WATER LANDOWNERSHIP STATEMENT**

AQUIFER: Arapahoe

I (we) Angel Emilio Cordero Jr  
claim and say that I (we) am (are) the owner(s) of the following described property consisting of  
35.55 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)

**A TRACT OF LAND LOCATED IN THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 1,  
TOWNSHIP 14 SOUTH, RANGE 63 WEST OF THE 6TH PM., EL PASO COUNTY, COLORADO MORE  
PARTICULARLY DESCRIBED AS FOLLOWS;**

**THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 1, EXCEPTING THEREFROM THE  
NORTHERLY 65 FEET THEREOF AND ALSO EXCEPTING THE FOLLOWING TRACT OF LAND  
DESCRIBED AS FOLLOWS;**

**BEGINNING AT A POINT ON THE EAST LINE OF SAID SECTION 1 FROM WHENCE THE EAST 1/4 OF  
SAID SECTION 1 BEARS S 00°52'33" E, A DISTANCE OF 565.14 FEET; THENCE N 84°01'36" W, A  
DISTANCE OF 565.14 FEET; THENCE S 60°41'01" E, A DISTANCE OF 251.53 FEET; THENCE N 88°24'07"  
E, A DISTANCE OF 562.00 FEET TO THE EAST LINE OF SAID SECTION 1; THENCE ALONG THE EAST  
LINE OF SAID SECTION 1 N 00°52'33" W, A DISTANCE OF 177.05 FEET TO THE POINT OF BEGINNING.**

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.

 26 April 2016  
Signature Date

\_\_\_\_\_  
Signature Date



COLORADO GROUND WATER COMMISSION  
 DIVISION OF WATER RESOURCES  
 DEPARTMENT OF NATURAL RESOURCES  
 1313 Sherman St, Room 818, Denver, CO 80203

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**APPLICATION FOR DETERMINATION OF WATER RIGHT  
 WITHIN A DESIGNATED GROUND WATER BASIN  
 PURSUANT TO SECTION 37-90-107(7), C.R.S.**

Please note: This application may only be used to apply for a determination of rights to ground water from the Dawson, Denver, Arapahoe or Laramie-Fox Hills aquifer underlying land areas located within a Designated Ground Water Basin. Review the instructions on the reverse of this form. This form must be completed, signed, dated and submitted to the Ground Water Commission with a non-refundable \$60 filing fee. A separate form must be used for each aquifer determination. Type or print in black ink.

<b>1. APPLICANT INFORMATION</b>	
Name of Applicant Angel E Cordero Jr	
Applicant Mailing Address 2020 N Ellicott Hwy Calhan CO 80808	
Applicant Telephone Number (include area code) 719-425-5071	
<b>2. AMOUNT OF OVERLYING LAND</b> – the total land area claimed and described by the applicant in Item #8 below, consisting of <u>35.55</u> acres.	<b>3. AQUIFER</b> Arapahoe
<b>4. EXISTING WELLS</b> – Are there any wells located on the claimed and described overlying land? Yes <u>X</u> No <u>    </u> If yes, provide a complete list of all wells located on the overlying land area as an attachment to this application.	
<b>5. ANNUAL AMOUNT OF GROUND WATER</b> – to be withdrawn, for intended beneficial uses, from the aquifer underlying the described land area claimed by the applicant in Item #8 below. Please specify one of the following: <input checked="" type="checkbox"/> Maximum allowable annual acre-feet <input type="checkbox"/> <u>    </u> acre-feet annually <input type="checkbox"/> Maximum allowable annual acre-feet, excluding <u>    </u> acre-feet from that amount	
<b>6. USE OF GROUND WATER</b> – description of intended beneficial uses of the ground water to be withdrawn from the aquifer Domestic, Landscape Irrigation, Domestic animals, Replacement	
<b>7. PLACE OF USE</b> – of the ground water shall be considered to be that overlying land area claimed and described by the applicant in Item #8 below, unless a legal description or accurate scale map is provided which describes an alternate/additional place of use.	
<b>8. REQUIRED LANDOWNERSHIP DOCUMENTATION</b> - The Ground Water Commission shall allocate ground water from the Dawson, Denver, Arapahoe or Laramie-Fox Hills aquifer on the basis of ownership of overlying land. For this reason, a Nontributary Ground Water Landownership Statement (form GWS-1) or Nontributary Ground Water Consent Claim (form GWS-48), including a description of the overlying land area subject to this determination, must be submitted as an attachment to the application.	
<b>9. SIGNATURE OF APPLICANT</b> - must be original signature – The making of false statements herein constitutes perjury in the second degree, which is punishable as a class 1 misdemeanor pursuant to C.R.S. 24-4-104(13)(a). I have read the statements herein, know the contents thereof, and state that they are true to my knowledge.	
Signature 	Date <u>26 April 2016</u>
- print name and title <u>Mr. Angel E Cordero Jr, Owner</u>	

Transaction # 3674167 A  
 Date 4/28/2016 2:24:34 PM  
 Transaction Total: \$180.00  
 CHECK #24954038 \$180.00

**FOR OFFICE USE ONLY**

DIV 8 CO      WD 10 BASIN 4 MD 12



## COLORADO

### Division of Water Resources

Department of Natural Resources  
1313 Sherman Street, Room 821  
Denver, CO 80203

May 23, 2016

Angel E. Cordero Jr.  
2020 N Ellicott Hwy  
Calhan, CO 80808

Re: Determination of Water Right and Approval of a Replacement Plan Applications, Receipt Nos. 3674366A, 3674366B, 3674367A, 3674367B, Laramie-Fox Hills and Arapahoe Aquifers

Dear Angel,

Your application is being returned. You have submitted and paid for the same replacement plan twice pursuant to the determination of water right for the Laramie-Fox Hills and Arapahoe aquifers. Laramie-Fox Hills is nontributary and does not require a replacement plan.

If you want this office to process the application, please re-submit your application without the document with receipt no. 3674366B to this office to my attention. Be advised that the above applications for Determination of Water Right and Approval of a Replacement Plan must be received in this office in a complete form, with all required documentation, no later than August 23, 2016, or the application will be considered inactive and withdrawn. If the application is received after that date, it will be considered a new application and will require the appropriate filing fees.

Please contact me by at [Neelha.Mudigonda@state.co.us](mailto:Neelha.Mudigonda@state.co.us) or 303-866-3581 x8206 with any questions.

Sincerely,

A handwritten signature in black ink that reads "Neelha Mudigonda".

Neelha Mudigonda  
Water Resource Engineer  
Designated Basins Branch



CHUCK BROERMAN  
02/11/2015 04:44:52 PM  
Doc \$0.00 Page  
Rec \$86.00 1 of 16

El Paso County, CO



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After Recording Return To  
CALIBER HOME LOANS, INC. ATTN: POST FUNDING  
3701 REGENT BLVD., SUITE 200  
IRVING, TX 75063

#1602728

[Space Above This Line For Recording Data]

Loan Number 2228169715  
VA Case Number 39-39-6-1056647  
MERS Number 100820922281697152

## DEED OF TRUST

**NOTICE: THIS LOAN IS NOT ASSUMABLE WITHOUT THE APPROVAL OF THE DEPARTMENT OF VETERANS AFFAIRS OR ITS AUTHORIZED AGENT.**

### DEFINITIONS

Words used in multiple sections of this document are defined below and other words are defined in Sections 3, 11, 13, 18, 20 and 21. Certain rules regarding the usage of words used in this document are also provided in Section 16

- (A) "Security Instrument" means this document, which is dated **FEBRUARY 02, 2015**, together with all Riders to this document.
- (B) "Borrower" is **ANGEL EMILIO CORDERO JR.** Borrower is the trustor under this Security Instrument.
- (C) "Lender" is **CALIBER HOME LOANS, INC.** Lender is a **CORPORATION** organized and existing under the laws of **DELAWARE** Lender's address is **3701 REGENT BLVD., SUITE 200, IRVING, TX 75063**
- (D) "Trustee" is the Public Trustee of **EL PASO** County, Colorado.
- (E) "MERS" is Mortgage Electronic Registration Systems, Inc MERS is a separate corporation that is acting solely as a nominee for Lender and Lender's successors and assigns. MERS is the beneficiary under this Security Instrument. MERS is organized and existing under the laws of Delaware, and has an address and telephone number of P.O. Box 2026, Flint, MI 48501-2026, tel. (888) 679-MERS.
- (F) "Note" means the promissory note signed by Borrower and dated **FEBRUARY 02, 2015** The Note states that Borrower owes Lender **TWO HUNDRED TWENTY-FIVE THOUSAND AND 00/100THS** Dollars (U.S \$225,000.00) plus interest Borrower has promised to pay this debt in regular Periodic Payments and to pay the debt in full not later than **FEBRUARY 01, 2045**.
- (G) "Property" means the property that is described below under the heading "Transfer of Rights in the Property "
- (H) "Loan" means the debt evidenced by the Note, plus interest, any prepayment charges and late charges due under the Note, and all sums due under this Security Instrument, plus interest
- (I) "Riders" means all Riders to this Security Instrument that are executed by Borrower. The following Riders are to be executed by Borrower [check box as applicable].



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- Adjustable Rate Rider
- Balloon Rider
- 1-4 Family Rider
- Leasehold Rider
- Condominium Rider
- Planned Unit Development Rider
- V.A. Rider
- Revocable Trust Rider
- Second Home Rider
- Biweekly Payment Rider
- Manufactured Home Rider

(J) "Applicable Law" means all controlling applicable federal, state and local statutes, regulations, ordinances and administrative rules and orders (that have the effect of law) as well as all applicable final, non-appealable judicial opinions.

(K) "Community Association Dues, Fees, and Assessments" means all dues, fees, assessments and other charges that are imposed on Borrower or the Property by a condominium association, homeowners association or similar organization

(L) "Electronic Funds Transfer" means any transfer of funds, other than a transaction originated by check, draft, or similar paper instrument, which is initiated through an electronic terminal, telephonic instrument, computer, or magnetic tape so as to order, instruct, or authorize a financial institution to debit or credit an account. Such term includes, but is not limited to, point-of-sale transfers, automated teller machine transactions, transfers initiated by telephone, wire transfers, and automated clearinghouse transfers.

(M) "Escrow Items" means those items that are described in Section 3.

(N) "Miscellaneous Proceeds" means any compensation, settlement, award of damages, or proceeds paid by any third party (other than insurance proceeds paid under the coverages described in Section 5) for: (i) damage to, or destruction of, the Property; (ii) condemnation or other taking of all or any part of the Property; (iii) conveyance in lieu of condemnation; or (iv) misrepresentations of, or omissions as to, the value and/or condition of the Property.

(O) "Mortgage Insurance" means insurance protecting Lender against the nonpayment of, or default on, the Loan.

(P) "Periodic Payment" means the regularly scheduled amount due for (i) principal and interest under the Note, plus (ii) any amounts under Section 3 of this Security Instrument.

(Q) "RESPA" means the Real Estate Settlement Procedures Act (12 U.S.C. § 2601 et seq.) and its implementing regulation, Regulation X (12 C.F.R. Part 1024), as they might be amended from time to time, or any additional or successor legislation or regulation that governs the same subject matter. As used in this Security Instrument, "RESPA" refers to all requirements and restrictions that are imposed in regard to a "federally related mortgage loan" even if the Loan does not qualify as a "federally related mortgage loan" under RESPA.

(R) "Successor in Interest of Borrower" means any party that has taken title to the Property, whether or not that party has assumed Borrower's obligations under the Note and/or this Security Instrument

**TRANSFER OF RIGHTS IN THE PROPERTY**

The beneficiary of this Security Instrument is MERS (solely as nominee for Lender and Lender's successors and assigns) and the successors and assigns of MERS. This Security Instrument secures to Lender, (i) the repayment of the Loan, and all renewals, extensions and modifications of the Note, and (ii) the performance of Borrower's covenants and agreements under this Security Instrument and the Note. For this purpose, Borrower, in consideration of the debt and the trust herein created, irrevocably grants and conveys to Trustee, in trust, with power of sale, the following described property located in the           County           [Type of Recording Jurisdiction] of EL PASO [Name of Recording Jurisdiction].

**LEGAL DESCRIPTION ATTACHED HERETO AND MADE PART HEREOF**



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which currently has the address of 2020 N. ELLICOTT HIGHWAY  
[Street] ("Property Address"):  
CALHAN, Colorado 80808-8829  
[City] [Zip Code]

TOGETHER WITH all the improvements now or hereafter erected on the property, and all easements, appurtenances, and fixtures now or hereafter a part of the property. All replacements and additions shall also be covered by this Security Instrument. All of the foregoing is referred to in this Security Instrument as the "Property." Borrower understands and agrees that MERS holds only legal title to the interests granted by Borrower in this Security Instrument, but, if necessary to comply with law or custom, MERS (as nominee for Lender and Lender's successors and assigns) has the right to exercise any or all of those interests, including, but not limited to, the right to foreclose and sell the Property; and to take any action required of Lender including, but not limited to, releasing and canceling this Security Instrument.

BORROWER COVENANTS that Borrower is lawfully seized of the estate hereby conveyed and has the right to grant and convey the Property and that the Property is unencumbered, except for encumbrances of record. Borrower warrants and will defend generally the title to the Property against all claims and demands, subject to any encumbrances of record and liens for taxes for the current year not yet due and payable.

THIS SECURITY INSTRUMENT combines uniform covenants for national use and non-uniform covenants with limited variations by jurisdiction to constitute a uniform security instrument covering real property.

UNIFORM COVENANTS. Borrower and Lender covenant and agree as follows:

1. **Payment of Principal, Interest, Escrow Items, Prepayment Charges, and Late Charges.** Borrower shall pay when due the principal of, and interest on, the debt evidenced by the Note and any prepayment charges and late charges due under the Note. Borrower shall also pay funds for Escrow Items pursuant to Section 3. Payments due under the Note and this Security Instrument shall be made in U.S. currency. However, if any check or other instrument received by Lender as payment under the Note or this Security Instrument is returned to Lender unpaid, Lender may require that any or all subsequent payments due under the Note and this Security Instrument be made in one or more of the following forms, as selected by Lender: (a) cash, (b) money order, (c) certified check, bank check, treasurer's check or cashier's check, provided any such check is drawn upon an institution whose deposits are insured by a federal agency, instrumentality, or entity, or (d) Electronic Funds Transfer.

Payments are deemed received by Lender when received at the location designated in the Note or at such other location as may be designated by Lender in accordance with the notice provisions in Section 15. Lender may return any payment or partial payment if the payment or partial payments are insufficient to bring the Loan current. Lender may accept any payment or partial payment insufficient to bring the Loan current, without waiver of any rights hereunder or prejudice to its rights to refuse such payment or partial payments in the future, but Lender is not obligated to apply such payments at the time such payments are accepted. If each Periodic Payment is applied as of its scheduled due date, then Lender need not pay interest on unapplied funds. Lender may hold such unapplied funds until Borrower makes payment to bring the Loan current. If Borrower does not do so within a reasonable period of time, Lender shall either apply such funds or return them to Borrower. If not applied earlier, such funds will be applied to the outstanding principal balance under the Note immediately prior to foreclosure. No offset or claim which Borrower might have now or in the future against Lender shall relieve Borrower from making payments due under the Note and this Security Instrument or performing the covenants and agreements secured by this Security Instrument.

2. **Application of Payments or Proceeds.** Except as otherwise described in this Section 2, all payments accepted and applied by Lender shall be applied in the following order of priority: (a) interest due under the Note, (b) principal due under the Note; (c) amounts due under Section 3. Such payments shall be applied to each Periodic Payment in the order in which it became due. Any remaining amounts shall be applied first to late charges, second to any other amounts due under this Security Instrument, and then to reduce the principal balance of the Note.



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Witness \_\_\_\_\_

Borrower - ANGEL EMILIO CORDERO JR.

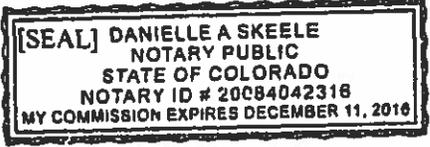
(Seal)

State of COLORADO

County of El Paso

The foregoing instrument was acknowledged before me this 2nd day of February, 2015 by ANGEL EMILIO CORDERO JR..

[Signature]  
(signature of person taking acknowledgment)



\_\_\_\_\_  
(title or rank)

\_\_\_\_\_  
(serial number, if any)

My Commission expires 12-11-2016

Loan Originator Organization: CALIBER HOME LOANS, INC.  
NMLS ID: 15622  
Loan Originator: KEVIN BENT  
NMLS ID. 251284

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**EXHIBIT "A"  
LEGAL DESCRIPTION**

File No 602728

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A TRACT OF LAND LOCATED IN THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 1, TOWNSHIP 14 SOUTH, RANGE 63 WEST OF THE 6TH PM, EL PASO COUNTY, COLORADO MORE PARTICULARLY DESCRIBED AS FOLLOWS,  
THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 1, EXCEPTING THEREFROM THE NORTHERLY 85 FEET THEREOF AND ALSO EXCEPTING THE FOLLOWING TRACT OF LAND DESCRIBED AS FOLLOWS,  
BEGINNING AT A POINT ON THE EAST LINE OF SAID SECTION 1 FROM WHENCE THE EAST 1/4 OF SAID SECTION 1 BEARS S 00 DEGREES 52'33" E, A DISTANCE OF 565.14 FEET; THENCE N 84 DEGREES 01' 36" W, A DISTANCE OF 565 14 FEET, THENCE S 00 DEGREES 41' 01" E, A DISTANCE OF 251 53 FEET, THENCE N 88 DEGREES 24' 07" E, A DISTANCE OF 562 00 FEET TO THE EAST LINE OF SAID SECTION 1, THENCE  
ALONG THE EAST LINE OF SAID SECTION 1 N 00 DEGREES 52' 33" W, A DISTANCE OF 177.05 FEET TO THE  
POINT OF BEGINNING

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MAY 31 2016  
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RECEIVED  
APR 28 2016  
WATER RESOURCES  
STATE ENGINEER  
COLO

**DETERMINATION OF WATER RIGHT EVALUATION SHEET  
SECTION 37-90-107(7)**

Applicant: Angel E. Cordero Jr. Receipt No.: 3674367Á  
 Aquifer: Arapahoe Acres Claimed: 35.55  
 Basin: Upper Black Squirrel Creek GWMD: Upper Black Squim  
 County: El Paso  
 General Description: Part of the SE1/4 of the NE1/4 of Section 1, Township 1 South, Range 63 West of the 6th Principal Meridian

**I. Water Underlying Claimed Acreage:** AF = (acres)(ft SS)(SY), AF/YR = AF/100 years

Acreage (ac)	SS <sup>1</sup> (ft)	SY	Quantity (af)	Allowed Average Annual Withdrawal <sup>2</sup> (af/yr)
35.55	105	0.17	634.5675	6.345675

**II. Reductions to Claimed Acreage:**  
 Overlapping Pre-November 19, 1973 Well Cylinders: No

If Yes:

Permit No.	Overlapping Acreage, (ac)

**III. Water Underlying Reduced Acreage:** AF = (acres)(ft SS)(SY), AF/YR = AF/100 years

Acreage (ac)	SS <sup>1</sup> (ft)	SY	Quantity (af)	Allowed Average Annual Withdrawal <sup>2</sup> (af/yr)
			0	0

**IV. Small-Capacity Wells Located on Claimed Tract:** No

If Yes:

Permit No.	Permitted Annual Appropriation (af/yr)

**V. Adjusted Allowed Average Annual Amount of Withdrawal, and Quantity:**

Annual Withdrawal <sup>2</sup> (af/yr)	Quantity <sup>2</sup> (af)
6.35	635

**VI. Replacement Water Status of Claimed Area:** Not-nontributary *Actual Replacement*  
 Replacement Plan Required: Yes

**VII. Aquifer Depth (Center of Parcel):**

Top, ft	Base, ft
120	460

- VIII. Comments:**
- The average saturated sandstone/siltstone (SS) was estimated from the SB5 program.
  - Based on a 100 year aquifer life.

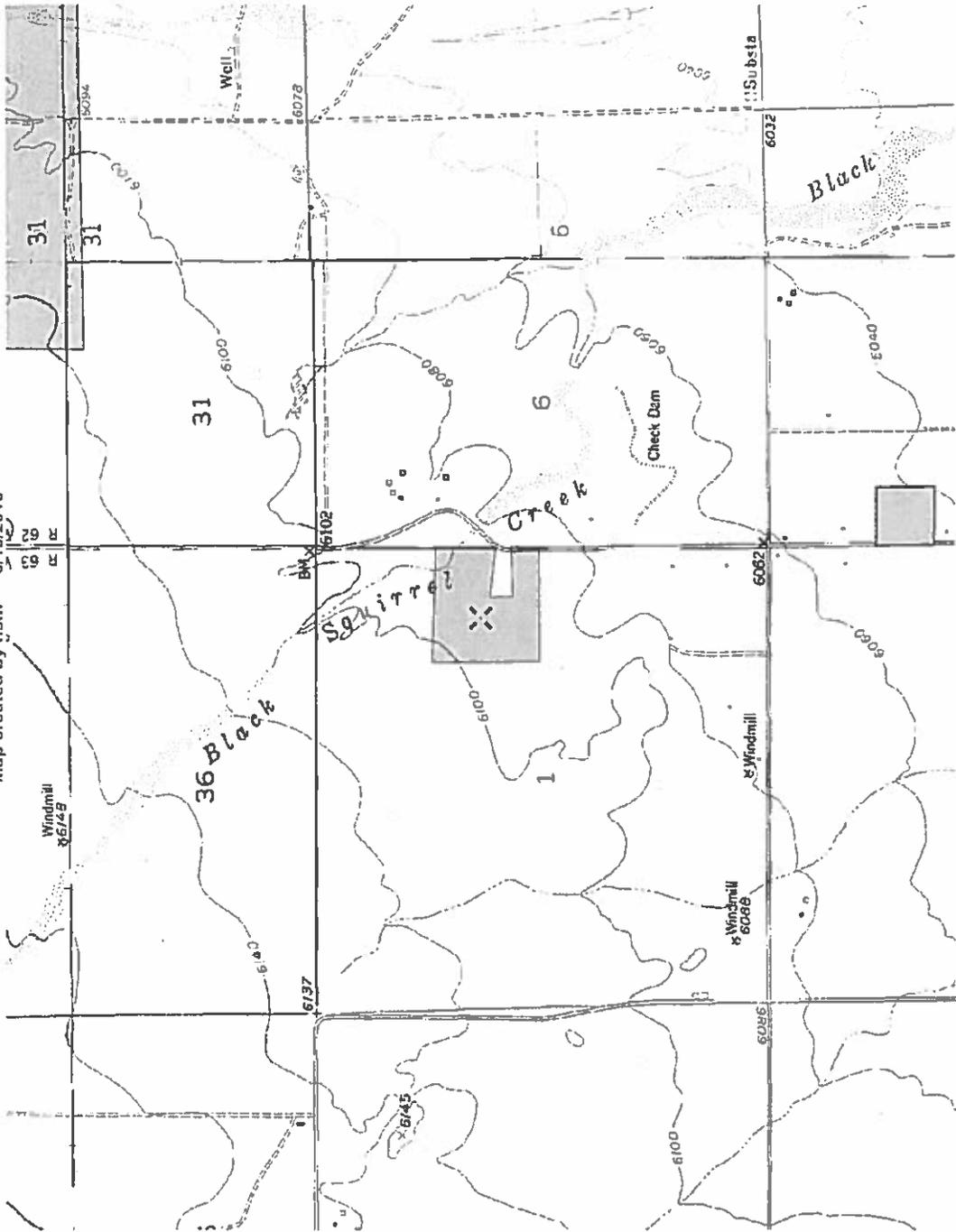
Evaluated by:	NSM 6/15/16
Reviewed by:	MAN 7/12/16

# AQUAMAP

## Colorado Division of Water Resources

### 367436 Cordero

Map created by nsm 6/15/2016



### MAP NAVIGATION



Click to create PDF  
 UTM X, Zone 13: 615861  
 UTM Y, Zone 13451119  
 Long: -103° 37' 39.5"  
 Lat: 40° 44' 36.6"  
 UTM and Geographic(LL) coordinates in NAD 83

### DATA DISPLAY

- Background
- Counties
- Water Well App
- Quad Maps
- PLSS
- DWR Parcels
- Roads
- EPA Well Notifi
- Low  High
- Hydrography
- Oil/Gas Well Lo
- Transparency
- County Parcels (No Public Access)
- Towns
- 

### LOCATION

Section  Township  Range  Meridian  Sixth  Spacing

### PRINTING

Output Scale  Page Size  User

Title

Note: The well locations displayed on AquaMap are based on location information provided by well permit application forms and are only as accurate as the information provided. The actual physical locations of all wells have not been field verified and may vary from the location displayed. Refer to a copy of the original well permit file, available on the Division of Water Resources website, for well location details.



14,235 ft

11,000 ft

Address location by Bing Maps  
 AquaMap Version 3.0.1 July 5, 2009

Based on work developed at <http://www.carto.net>



# AQUAMAP

## Colorado Division of Water Resources

### 3674367 Cordero

Map created by nsm 10/11/2016

#### MAP NAVIGATION

Click to create PDF

UTM X, Zone 13: 560866  
 UTM Y, Zone 13: 4300507  
 Long: -104° 17' 54.7"  
 Lat: 38° 51' 4.6"

UTM and Geographic(LL) coordinates in NAD 83

#### DATA DISPLAY

- Background
- Counties
- Water Well App
- PLSS
- DWR Parcels
- Roads
- EPA Well Notifi.
- Hydrography
- Oil/Gas Well Lo
- County Parcels (No Public Access)
- Towns
- More Data

#### LOCATION

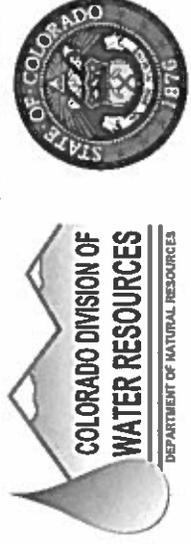
Section  Township  Range  Meridian

#### PRINTING

Output Scale  Page Size  User

Title

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59,314 ft

Address location by Bing Maps  
 AquaMap Version 3.0.1 July 5, 2009

Based on work developed at <http://www.carto.net>

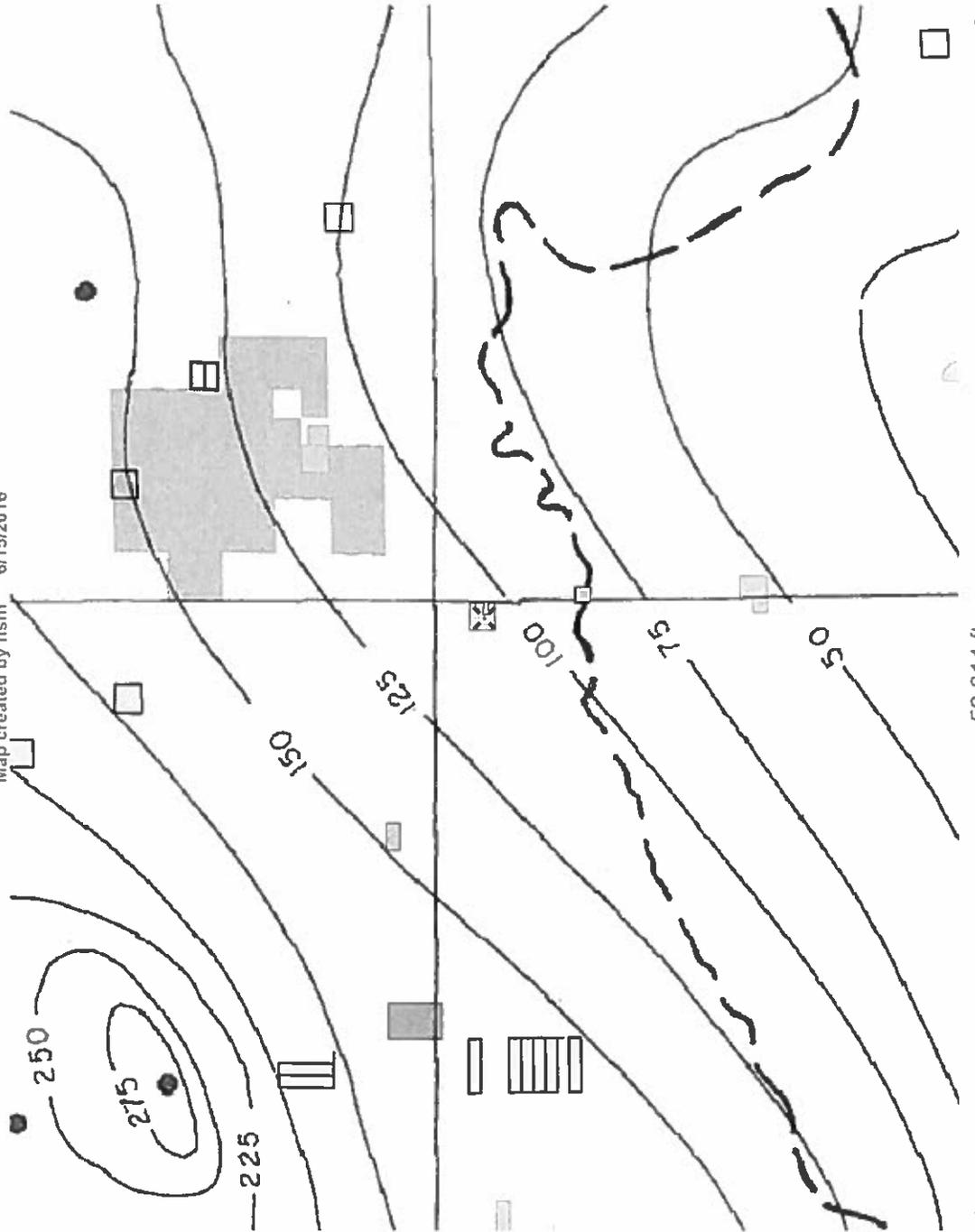


# AQUAMAP

## Colorado Division of Water Resources

### 3674367 Cordero

Map created by nsm 6/15/2016



### MAP NAVIGATION

Click to create PDF  
 UTM X, Zone 13: 561888  
 UTM Y, Zone 13: 304478  
 Long: -104° 17' 11.2"  
 Lat: 38° 53' 13.1"  
 UTM and Geographic(LL) coordinates in NAD 83

### DATA DISPLAY

- Background
- Counties
- Water Well App
- Arapahoe Sands
- PLSS
- DWR Parcels
- Roads
- EPA Well Notifi.
- Low
- High
- Hydrography
- Oil/Gas Well Lo
- Transparency
- County Parcels (No Public Access)
- Towns
- More Data

### LOCATION

Section: 1 Township: 14 Range: 63 Meridian: W Sixth: 6  
 PLSS Locator Quick Zoom Spacing

### PRINTING

Output Scale: 100,000 Page Size: 8.5x11 User: nsm  
 Title: 3674367 Cordero

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Address location by Bing Maps  
 AquaMap Version 3.0.1 July 5, 2009

Based on work developed at <http://www.carto.net>





# COLORADO

## Division of Water Resources

Department of Natural Resources  
1313 Sherman Street, Room 821  
Denver, CO 80203

July 12, 2016

Angel E. Cordero Jr.  
2020 N. Ellicott Hwy  
Calhan, CO 80808

RE: Applications for Determinations of Water Right and Approval of a Replacement Plan to Appropriate Ground Water from the Laramie-Fox Hills and Arapahoe Aquifers Underlying a 606.34-Acre Tract, Receipt Nos. 3674366A, 3674367A, and 3674367B

Dear Applicant:

Enclosed is a copy of the legal notice to be published in the Ranchland News newspaper as required for the above described applications. If you find any errors or omissions in the notice, please contact this office by phone as soon as possible so that corrections may be made prior to publication. This office will bill you at a later time for the actual cost of this publication.

If you have any questions concerning these applications, please contact me at this office at (303) 866-3581.

Sincerely,

Neelha Mudigonda  
Water Resources Engineer  
Designated Basins Branch

Enclosures: a/s





## COLORADO

### Division of Water Resources

Department of Natural Resources  
1313 Sherman Street, Room 821  
Denver, CO 80203

July 12, 2016

Tracy Doran, Manager  
Upper Black Squirrel Creek  
520 Colorado Ave., Block C  
Calhan, CO 80808

RE: Applications for Determination of Water Right and Approval of a Replacement Plan, Section 37-90-107(7), C.R.S., Laramie-Fox Hills and Arapahoe Aquifers, Applicant: Angel E. Cordero Jr., Receipt No. 3674366A, 3674367A, and 3674367B

Dear Tracy:

If the Board of Directors of your district wishes to provide written comments or recommendations concerning the above applications, please provide such recommendations within 35 days of the date of this letter.

Pursuant to Section 37-90-107(7), C.R.S., the Ground Water Commission shall have the authority to approve determinations of rights to designated ground water in the Dawson, Denver, Arapahoe, and Laramie-Fox Hills aquifers. This application is being processed and evaluated in accordance with this section and the Designated Basin Rules.

If you have any questions regarding these applications, please contact me at [neelha.mudigonda@state.co.us](mailto:neelha.mudigonda@state.co.us) or (303)866-3581 ext. 8206.

Sincerely,

Neelha Mudigonda  
Water Resources Engineer  
Designated Basins Branch

Attachment: a/s



BEFORE THE COLORADO GROUND WATER COMMISSION

---

UPPER BLACK SQUIRREL CREEK DESIGNATED GROUND WATER BASIN AND UPPER  
BLACK SQUIRREL CREEK GROUND WATER MANAGEMENT DISTRICT – EL PASO  
COUNTY

---

TAKE NOTICE that pursuant to Section 37-90-107(7), C.R.S., Angel E. Cordero Jr. (hereinafter "applicant") applied for a determination of water right to allow the withdrawal of designated ground water from the Laramie-Fox Hills and Arapahoe aquifers underlying 35.55 acres generally described as part of the SE1/4 of the NE1/4 of Section 1, in Township 14 South, Range 63 West of the 6th P.M. The applicant claims ownership of this land and control of the ground water in the above-described aquifers under this property. The ground water allocations from these aquifers will be used on the described property for the following beneficial uses: domestic, landscape irrigation, domestic animals, replacement. The maximum allowable annual amount of ground water in each aquifer underlying the described property will be allocated.

In accordance with Section 37-90-107(7), C.R.S., and the Designated Basin Rules, 2 CCR 410-1, the Colorado Ground Water Commission shall allocate ground water from the above-described aquifer based on ownership of the overlying land and an aquifer life of one hundred years. A preliminary evaluation of the applications by the Commission Staff finds the annual amount of water available for allocation from each of the described aquifers underlying the above-described property to be as follows: 10.4 acre-feet for the Laramie-Fox Hills, and 6.35 acre-feet for the Arapahoe, subject to final staff evaluation. The estimated available annual acre-feet allocation amount for the aquifer may be increased or decreased by the Commission to conform to the actual aquifer characteristics, based upon site specific data.

In accordance with Rule 5.3.6 of the Designated Basin Rules, the Commission Staff's preliminary evaluation of the applications finds the replacement water requirement status for the above aquifers underlying the above-described property to be as follows: nontributary for the Laramie-Fox Hills, and not-nontributary (actual impact replacement) for the Arapahoe.

Upon Commission approval of this determination of water right, well permits for wells to withdraw the allowed allocation from a specific aquifer shall be available upon application, subject to the conditions of the determination and the Designated Basin Rules and subject to approval by the Commission. Such wells must be completed in the specified aquifer and located on the above described 35.55 acre property. Well permits for wells to withdraw ground water from the Arapahoe aquifer would also be subject to the conditions of a replacement plan to be approved by the Commission.

TAKE NOTICE that pursuant to Section 37-90-107.5, C.R.S., and the Designated Basin Rules, 2 CCR 410-1 Angel E. Cordero Jr. submitted an application to the Colorado Ground Water Commission for a replacement plan to allow withdrawal of not-nontributary ground water from the Arapahoe aquifer that is the subject to the pending Determination of Water Right which quantifies the ground water from beneath 35.55 acres generally described as part of the SE1/4 of the NE1/4 of Section 1, in Township 14 South, Range 63 West of the 6th P.M.

The applicant proposes to divert 0.5 acre-foot annually from the Arapahoe aquifer for a period of 300 years for domestic and replacement uses for one residence. Based on ground water flow modeling, the proposed pumping will cause depletions to the alluvial aquifer of Black Squirrel Creek, increasing to 0.285 acre-feet annually in the 300th year. The applicant proposes to provide 0.293 acre-feet per year of replacement water to the alluvial aquifer of Black Squirrel

Creek. The proposed source of replacement water is non-evaporative septic system and leaching field return flows from the in-house use and irrigation use of the ground water to be pumped under the plan.

The replacement plan is being considered for approval by the Commission in accordance with Section 37-90-107.5, CRS, and the Designated Basin Rules, 2 CCR 410-1, which requires that the plan must be adequate to prevent any material injury to water rights of other appropriators; specifically rights for large-capacity alluvial wells. Terms and conditions may be required to prevent material injury and provide for administration. The application is published as required by statute and does not imply that the Commission will approve the proposed plan in its present form.

Any person wishing to object to the approval of these determinations of water right and replacement plan must do so in writing, briefly stating the nature of the objection and indicating the above applicant, property description and the specific aquifers that are the subject of the objection. The objection must be accompanied by a \$10 per aquifer/application fee and must be received by the Commission Staff, Colorado Ground Water Commission, 818 Centennial Building, 1313 Sherman Street, Denver, Colorado 80203, by August 29, 2016.

PUBLISHER'S AFFIDAVIT

STATE OF COLORADO )
) ss.
COUNTY OF ELBERT )

I, Fred Lister, do solemnly affirm that I am the Publisher of RANCHLAND NEWS; that the same is a weekly newspaper published at Simla, County of Elbert, State of Colorado, and has a general circulation therein; that said newspaper has been continuously and uninterrupted published in said County of Elbert for a period of at least 52 consecutive weeks next prior to the first publication of the annexed notice, that said newspaper is entered in the post office at Calhan, Colorado as second class mail matter and that said newspaper is a newspaper within the meaning of the Act of the General Assembly of the State of Colorado, approved March 30, 1923, and entitled "Legal Notices and Advertisements," with other Acts relating to the printing and publishing of legal notices and advertisements. That the annexed notice was published in the regular and entire issue of said newspaper, once each week for TWO successive weeks; that the first publication of said notice was in the issue of said newspaper dated:

July 21, 2016

and the last publication of said notice was in the issue of said newspaper dated:

July 28, 2016

and that copies of each number of said paper in which said notice and/or list was published were delivered by carriers or transmitted by mail to each of the subscribers of said newspaper, Ranchland News, according to the accustomed mode of business in this office.

[Signature]
Publisher

The above certificate of publication was subscribed and affirmed to before me, a Notary Public, to be the identical person described in the above certificate, on the

28 day of July, 2016

[Signature]
Notary Public

9/20/16
(My Notary Public Commission Expiration Date)

SUSAN LISTER
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 19994014317
MY COMMISSION EXPIRES 9/20/2016

Determinations of Water Right

BEFORE THE COLORADO GROUND WATER COMMISSION

UPPER BLACK SQUIRREL CREEK DESIGNATED GROUND WATER BASIN AND UPPER BLACK SQUIRREL CREEK GROUND WATER MANAGEMENT DISTRICT - EL PASO COUNTY

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First Publication July 21, 2016
Final Publication July 28, 2016
In Ranchland News
Legal No. 17.314

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