

SPECIAL WARRANTY DEED
(Water Rights)

THIS DEED is made this _____ day of _____, _____, between SUSAN C. MCLEAN, whose address is 2415 Hodgen Road, Colorado Springs, Colorado 80921 ("Grantor") and _____, whose address is _____ ("Grantee").

WITNESS, that the Grantor, for and in consideration of funds paid in hand and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, has granted, bargained, sold, and conveyed, and by these presents does grant, bargain, sell, convey and confirm unto the Grantee, his/her/their heirs and assigns forever, all right, title and interest in and to the following described water and water rights located in the County of El Paso, State of Colorado described as follows:

All of Grantor's right, title and interest in and to the groundwater rights and rights to extract groundwater underlying that real property located in El Paso County, Colorado known as Lot 2, McLean Subdivision, El Paso County, Colorado containing approximately 18.41 acres, also known as _____ Colorado Springs, Colorado 80921, specifically including the following:

0.76 annual acre-feet, based upon a 300-year aquifer life (228 acre-feet in total), from the Dawson Aquifer for domestic purposes, including domestic, irrigation for lawn, garden, and greenhouse, domestic animal and livestock watering water for up to two horses or equivalent livestock, fire protection, and also for storage and augmentation purposes associated with such uses, all pursuant to and subject of the terms and conditions set forth in Case No. 23CW3041, District Court, Water Division 2;

_____ acre-feet per year (_____ acre-feet in total) from the Denver Aquifer as adjudicated for the beneficial uses with specific terms and conditions described in Case No. 23CW3041, District Court, Water Division 2;

_____ acre-feet per year (_____ acre-feet in total) from the Arapahoe Aquifer as adjudicated for the beneficial uses with specific terms and conditions described in Case No. 23CW3041, District Court, Water Division 2;

_____ acre-feet per year (_____ acre-feet) from Laramie-Fox Hills Aquifer for replacement of any injurious post-pumping depletions pursuant to the terms and conditions set forth in Case No. 23CW3041, District Court, Water Division 2; and,

An undivided *pro rata* proportionate interest, along with any other owners of Lots within the McLean Subdivision, El Paso County, Colorado of the plan for augmentation decreed and set forth in Case No. 23CW3041, District Court, Water Division 2, and all of the rights, responsibilities and obligations

associated therewith.

These water rights conveyed, and the return flows therefrom, are intended to provide a 300-year water supply, and replacement during pumping, for each of the lots of the McLean Minor Subdivision. The water rights so conveyed and the return flows therefrom shall be appurtenant to each of the respective lots with which they are conveyed, shall not be so separated from the transfer of title to the land, and shall not be separately conveyed, sold, traded, bartered, assigned, or encumbered in whole or in part for any other purpose. Such conveyance shall be by special warranty deed, but there shall be no warranty as to the quantity or quality of water conveyed, only as to the title.

TOGETHER WITH all easements and rights-of-way appurtenant thereto, all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all the estate, right, title, interest, claim and demand whatsoever, of Grantor, either in law or equity, of, in and to the above bargained premises.

TO HAVE AND TO HOLD the said water rights to divert, apply, extract and use the water and groundwater rights above bargained and described, with the appurtenances, unto the Grantees, their heirs and assigns forever. The Grantor, itself, its heirs and personal representatives or successors, do covenant and agree that they shall and will warrant and forever defend the above-bargained water rights in the quiet and peaceable possession of the Grantees, their heirs and assigns, against all and every person or persons claiming the whole or any part thereof, by, through or under the Grantor.

GRANTOR

Susan C. McLean

COUNTY OF _____)
STATE OF COLORADO) ss.

The foregoing SPECIAL WARRANTY DEED (Water Rights) was acknowledged before me this _____ day of _____, 20__ by _____.

Witness my hand and official seal.

My commission expires _____.

Notary Public

[SEAL]