

To El Paso County Attorney,

The following is the historical chain of title including evidence of water ownership.

- The document called Water Determination Paperwork0006 is the bargain and sale deed from Steven Edward Cook, the previous owner, to our client and current owner, OGC RE2 LLC.
- The document called 41694-2011 is the quitclaim deed from the owner (two owners ago), TKB Properties to Steven Cook. The companion document 41695-2011 is the companion document of quitclaim.
- Deed to Westfall is the quitclaim from OGC RE2 LLC to Westfall. The first page enumerates that the transfer of water rights for that ten (10) acres is explicitly excluded.
- Water resources report (self explanatory)
- Water Supply Information Summary (self explanatory)

Thank you,

**Ed Morgan / PLA,ASLA**

**Landscape Architect / Project Manager**

William Guman & Associates, Ltd.

731 North Weber Street, Suite 10

Colorado Springs, CO 80903

(719) 633-9700

[Ed@Guman.net](mailto:Ed@Guman.net)



URBAN PLANNING | COMMUNITY DESIGN | LANDSCAPE ARCHITECTURE

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After Recording Return to:  
OGC RE2, LLC  
C/O Gary Burghart, Esq  
555 E Pikes Peak Avenue Suite 120  
Colorado Springs, CO 80903

**BARGAIN AND SALE DEED**

KNOW ALL MEN BY THESE PRESENTS, That I, Steven Edward Cook  
County of Orange and State of California for the consideration of Ten dollars, in hand paid,  
hereby sells and conveys to OGC RE2, LLC, a Colorado limited liability company whose legal  
address is 559 E Pikes Peak Avenue Suite 100, Colorado Springs, CO 80903  
County of El Paso and State of Colorado the following described water rights to the following lot:

N1/2N1/2SW1/4 of Section 13, Township 12 South, Range 63 West of the 6<sup>th</sup> P.M., County of El Paso, State of Colorado.

Water rights described as follows: all as set forth in Determination Numbers 1483-BD, 1484-BD and 1485-BD.

Also known by street and number as: 0 McClelland Road, Calhan, CO 80808

Signed and delivered this 2 day of APRIL, 2018.

[Signature]  
\_\_\_\_\_  
Steven Edward Cook

Street Address: 2 LAS PLUMAS  
City, State, Zip: RANCHO SANTA MARGARITA CA 92688

STATE OF California }ss:  
COUNTY OF Orange

The foregoing instrument was acknowledged before me this 2<sup>nd</sup> day of April 2018, by Steven Edward Cook

My commission expires: Nov 28, 2021 Witness my hand and official seal.

[Signature]  
Notary Public

HTC®





WHEN RECORDED RETURN TO:

6364 Mighty Flotilla ave  
Las Vegas, NV  
89139 J

QUITCLAIM DEED

THIS DEED, made this 14<sup>th</sup> day of April, 2011 between TKB Properties LLC ("Grantor"), of the County of CLARK and State of Nevada and STEVEN EDWARD COOK ("Grantee") whose legal address is 2 Las Plumas, RSM, CA 92688 ;

WITNESS, that the Grantor, for and in consideration of Ten (\$10.00) Dollars and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, has remised, released, sold and QUITCLAIMED and by these presents does remise, release, sell and QUITCLAIM unto the Grantee, and the Grantee's heirs and assigns forever, as \*\* STEVEN EDWARD COOK all of the right, title interest, claim and demand that the Grantor has in and to the real property, together with the fixtures and improvements located thereon, if any, situate, lying and being in the County of EL PASO and State of Colorado, described as follows:

The North half of the North half of the Southwest Quarter of Section 13, Township 12 South, Range 63 west of the 6<sup>th</sup> Principal Meridian, County of El Paso, State of Colorado.  
Also Known As: Mountains Edge

TO HAVE AND TO HOLD the same, together with all and singular the appurtenances and privileges thereunto belonging, or in anywise thereunto appertaining, and all the estate, right, title, interest and claim, whatsoever, of the Grantor, either in law or in equity, to the only proper use, benefit and behalf of the Grantee, and the Grantee's heirs and assigns forever:

EXECUTED AND DELIVERED on the date set forth above.

Thomas M. DALY  
Thomas M. DALY

BRENDA S. DALY  
BRENDA S. DALY

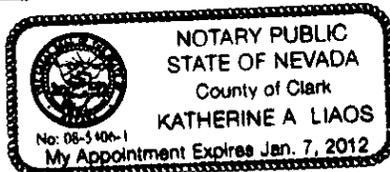
STATE OF: Nevada }  
COUNTY OF: Clark } ss.

The foregoing instrument was acknowledged before me on April 14<sup>th</sup>, 2011 by

Thomas M. Daly and Brenda S. Daly

Witness my hand and official seal.  
My commission expires:  
1-7-12

Katherine A Liaos  
Notary Public



\*\* If tenancy is unspecified, the legal presumption shall be tenants in common (C.R.S. 38-31-101).



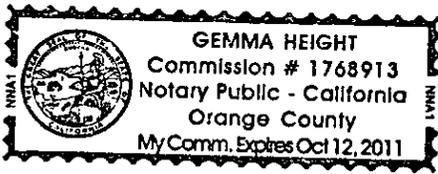
**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

State of California

County of ORANGE

On APRIL 21, 2011 before me, GEMMA HEIGHT  
Date Here Insert Name and Title of the Officer

personally appeared STEVEN E. COOK & DENNIS A. COOK  
Name(s) of Signer(s)



who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) ~~is~~ are subscribed to the within instrument and acknowledged to me that ~~he~~ she/they executed the same in ~~his~~ her/their authorized capacity(ies), and that by ~~his~~ her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature [Handwritten Signature]  
Signature of Notary Public

Place Notary Seal Above

**OPTIONAL**

*Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.*

**Description of Attached Document**

Title or Type of Document: QUITCLAIM DEED

Document Date: APRIL 21, 2011 Number of Pages: 1

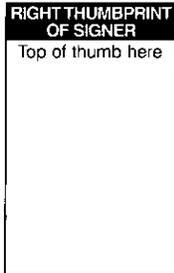
Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: \_\_\_\_\_

- Individual
- Corporate Officer — Title(s): \_\_\_\_\_
- Partner —  Limited  General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_

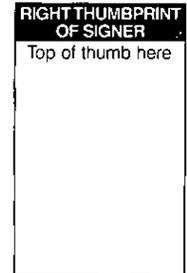
Signer Is Representing: \_\_\_\_\_



Signer's Name: \_\_\_\_\_

- Individual
- Corporate Officer — Title(s): \_\_\_\_\_
- Partner —  Limited  General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_



**Quit Claim Deed**

(Pursuant to 38-30-116 C.R.S.)

**THIS DEED**, made on 3rd day of June, 2019 by Kevin O'Neil, as managing member for OGC RE2, LLC Grantor(s), of the County of El Paso and State of Colorado for the consideration of TEN AND NO/100 (\$10.00) dollars which is hereby acknowledged, hereby sells and quitclaims to Jeffrey and Desiree Westfall Grantee(s), **Joint Tenants**, whose street address is \_\_\_\_\_ County of \_\_\_\_\_, State of \_\_\_\_\_, the following real property in the County of El Paso, and State of **Colorado**, to wit:

See attached Exhibit A, which is incorporated herein by reference.

also known by street and number as 0 McClelland Road, Calhan, CO 80835

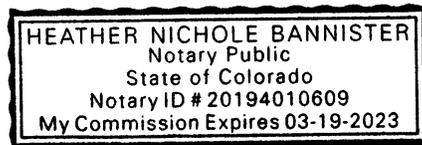
with all its appurtenances; explicitly excluding the transfer of any water rights associated with this property.

\_\_\_\_\_  
OGC RE2, LLC



By: Kevin O'Neil, Manager

State of Colorado )  
County of El Paso )ss  
)



The foregoing instrument was acknowledged before me this day of 3rd of June, 2019  
by Kevin O'Neil

  
\_\_\_\_\_  
Notary Public  
My commission expires 03/19/23

When recorded return to: Kevin O'Neil, P.O. Box 1385, Colorado Springs, CO 80901-1385

Chuck Broerman  
06/03/2019 03:23:01 PM  
Doc \$0.00 3  
Rec \$23.00 Pages





3898 Maizeland Road  
Colorado Springs, CO 80909

Phone: 719-528-6133  
Fax: 719-528-6848

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**EXHIBIT "A"**

**MOUNTAINS EDGE  
EAST PARCEL  
Project No. 08019  
May 24, 2019  
Sheet 1 of 2**

**LEGAL DESCRIPTION:**

A tract of land in the North Half of the North Half of the Southwest Quarter of Section 13, Township 12 South, Range 63 West of the 6th P.M., El Paso County Colorado, described as follows:

COMMENCING at the West Quarter corner of said Section 13;

Thence along the Northerly line of said Southwest Quarter, S 87°49'24" E a distance of 1868.49 feet to the POINT OF BEGINNING; (bearings referred to herein are relative to the Northerly line of said Southwest Quarter, assumed to be S 87°49'24" E)

Thence continue along said Northerly line, S 87°49'24" E, 734.00 feet to the Center Quarter corner of said Section;

Thence S 00°14'40" E along the Easterly line of said Southwest Quarter a distance of 657.32 feet to the Southeast corner of said North Half of the North Half;

Thence N87°48'59" W along the Southerly line of said North Half of the North Half, 387.37 feet;

Thence N 21°49'13" W, 136.75 feet;

Thence N 33°20'14" W, 179.89 feet;

Thence N 36°14'11" W, 202.46 feet;

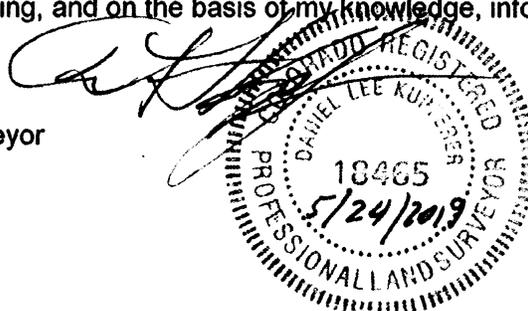
Thence N 20°22'39" W, 138.52 feet;

Thence N 17°31'18" W, 104.90 feet to the POINT OF BEGINNING.

Containing 8.612 acres (375,124 square feet), more or less.

**SURVEYOR'S STATEMENT:** I, Daniel L. Kupferer, a registered Professional Land Surveyor in the State of Colorado, do hereby state that the attached LEGAL DESCRIPTION and EXHIBIT were prepared under my direct responsibility, supervision, and checking, and on the basis of my knowledge, information and belief, are correct.

Daniel L. Kupferer, Professional Land Surveyor  
Colorado P.L.S. No. 18465  
For and on behalf of LDC, Inc.



# LEGAL DESCRIPTION EXHIBIT A

A PORTION OF THE NORTH 1/2 OF THE NORTH 1/2 OF THE SOUTHWEST 1/4 OF SECTION 13, T12S, R63W RANGE 63 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO.

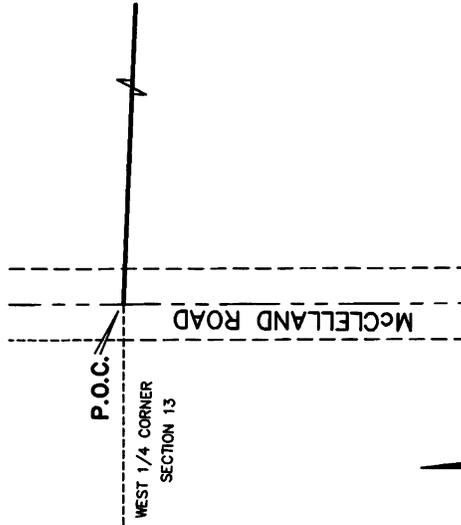
"BEARING BASIS"  
S87°49'24"E 1888.49'

P.O.B.

S87°49'24"E 734.00'

N LINE SW 1/4

CENTER 1/4 CORNER  
SECTION 13



8.612 ACRES (375,124 SQ. FT.)

S00°14'40"E 657.32'

E LINE SW 1/4

N17°31'16"W  
104.90'

N20°22'36"W  
138.52'

N35°14'11"W  
202.46'

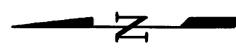
N33°20'14"W 179.56'

N21°48'15"W  
138.75'

N67°48'59"W 387.37'

S LINE N 1/2, N 1/2

EXHIBIT "A"  
SHEET 2 OF 2



SCALE: 1" = 100'

<p>Land Development Consultants, Inc. PLANNING • SURVEYING www.ldc-inc.com • TEL: (719) 528-6133 • FAX: (719) 528-5648 3800 MAZELAND ROAD • COLORADO SPRINGS, CO 80909</p>		<p>NOTE: This EXHIBIT does not represent a monumented land survey, and is only intended to depict the attached LEGAL DESCRIPTION.</p>																					
<p>REVISIONS</p> <table border="1"> <thead> <tr> <th>NO.</th> <th>DESCRIPTION</th> <th>DATE</th> <th>BY</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td><td> </td></tr> </tbody> </table>		NO.	DESCRIPTION	DATE	BY																	<p>PROJECT NO. 08019</p>	<p>DRAWN BY: BRH CHECKED BY: DLK</p>
NO.	DESCRIPTION	DATE	BY																				
<p>DATE: 06/24/19</p>		<p>SHEET 2 OF 2</p>																					



**CURT WELLS / consulting geologist**  
501 s spirea ln. / show low, az 85901  
telephone (480) 339-9475 / curt@curtwells.com

August 4, 2020

OGC RE2 LLC  
Kelli O'Neil  
2365 Terri Lee Dr.  
Peyton, CO 80831

Via email

Re: Ground Water Consultation, 30.6-Acre, Mountain's Edge Proposed Development, El Paso County, Colorado.  
Job No. 6820

Dear Kelli:

Re: Ground Water Consultation, 30.6-Acre, Proposed Mountain's Edge Development, El Paso County, Colorado.  
Job No. 6400

At the request of Guman & Associates, I have prepared this report on your 30.6-acre, proposed Mountain's Edge development. This property is located in the Southwest Quarter, Section 13, Township 12 South, Range 63 West, as approximately outlined on Figure-1. I understand you plan to develop the property for five single family homes. As proposed the five future homeowners will be supplied water pumped wells tapping the Arapahoe aquifer. Individual wells may be the water supply or shared wells likely will make economic sense. According to State Engineer's records, there is a Denver aquifer well on this property that bears Permit No. 225983. When the property is platted this well will be plugged and abandoned. Engineered, evaporative septic systems will be the method of wastewater disposal.

For this investigation I have reviewed my files and those of the State Engineer for geologic, ground water and well information in this area. Subsurface geohydrologic information was obtained from the findings of the Colorado Ground Water Commission in Determination of Water Rights Nos. 1483, 1484 and 1485-BD. These determinations were issued to the previous property owner and applications to change ownership of these water rights have been filed with the Commission. From this investigation I conclude that (1) a sufficient supply of ground water is contained in the Arapahoe aquifer beneath the property to meet the 300-year water needs of this planned development, (2) the quality of the ground water in this aquifer should be adequate for domestic purposes and (3) the Arapahoe aquifer Determination of Water Rights will allow well permits to be obtained for this project.

## GENERAL COMMENTS

The subject property, at a surface elevation of 6,500 feet above sea level, is located in the Black Squirrel Creek drainage basin. The grass-covered land surface slopes to the south and the parcel is drained by Brackett Creek which is a Black Squirrel Creek tributary.

There are three of the four Denver Basin aquifers beneath this land and in descending stratigraphic order they are the Denver, Arapahoe and Laramie Fox Hills formations. The base of these respective aquifers should be at depths of 600, 1,100 and 1,700 feet below the ground surface. In this region all of these aquifers produce ground water and typical well yields for the three respective aquifers should be 15, 50 and 100 gallons per minute. Normally a domestic well yielding 10 gallons per minute is adequate for a single family home.

Ground water availability in each aquifer is computed by multiplying the area of the property by the formation saturated sand thickness, thence by specific yield (drainable porosity). Based on the findings of the Commission, I list on the table below estimates of ground water storage in each aquifer as determined by the staff of the Commission. It should be noted that the Determinations were for the full original 40-acre North Half of the North Half of the Southwest Quarter of Section 13. I understand in platting the 30.6-acre development all of Arapahoe aquifer ground water will be dedicated to the proposed five lot owners.

Aquifer		Sand Thickness (ft.)	Aquifer Storage (af)
Denver	NNT	255	1734
Arapahoe	NT	195	1326
Laramie Fox Hills	NT	260	1560

The quality of the water produced from Arapahoe wells is normally adequate for drinking purposes. The mineral constituents in the water are all generally below drinking water standards. Iron is, however, commonly present in this ground water at concentrations slightly higher than the drinking standard, thus prospective home buyers should be advised iron treatment may be necessary. Prior to final platting the project the County normally will require a quality analysis of water obtained from an on-site well. Since there is not likely to be an Arapahoe well within ½-mile of the project as a requirement of the County, I suggest that you ask for a waiver of the water quality requirement for this aquifer until an on-site well can be drilled.

## WATER SUPPLY DEVELOPMENT

Ground water in all of the above described aquifers receives very little surface water recharge hence the water resource has been identified as “non-renewable”. The El Paso County Commissioners, in the late 1980's, declared that developments using this water must demonstrate a 300-year supply in order to establish water supply sufficiency.

For this development the five homeowners will be served by either individual or cluster Arapahoe aquifer wells and the water use would be limited to 0.5 acre feet per year per home. This is the guideline rate set by the Upper Black Squirrel Designated Ground Water Management District and this would satisfy the in-house need of 0.3 acre feet per year. The remaining water would be sufficient for the irrigation of 3,000 square feet of lawn or garden plus the watering of two horses, if desired. If the five homeowners each used 0.5 acre feet per year, the total water pumped over 300 years would be 750 acre feet or far less than the ground water stored in the Arapahoe aquifer. A copy of the Arapahoe aquifer Determination of Water Rights is attached.

This Determination of Water Rights allows any number of Arapahoe aquifer wells to be drilled on the property. The only well permit condition required by the Commission would be that two percent of the water pumped from the Arapahoe wells be relinquished to shallow soils beneath the property. If there is any lawn/garden irrigation in the project this condition can be easily met.

On the following table I summarize the needed water supply for this proposed development.

	No. of Units	Gallons per Day	Acre Feet per Year
Homes	5	1342	1.5
Irrigation	15000 sq-ft	769	0.86
Livestock	10 head	125	0.14
Total		2236	2.5

A 1,100-foot deep Arapahoe well should cost in excess of \$50,000 plus pumping equipment. If at all possible individual Arapahoe wells are preferable, but shared wells are permitted by the Commission, thus the number of wells servicing the development is a business decision. As indicated Arapahoe wells

in this area should yield at least 10 gallons per minute or nearly 30 times the average daily home water demand of 500± gallons.

## RECOMMENDATIONS

- (1) The existing Denver aquifer well, No. 225983, needs to be plugged and abandon upon final platting the property.
- (2) In platting the property care should be exercised to make sure that if individual wells are drilled they can be spaced 400-feet apart to avoid mutual well interference.

Professional judgments have been expressed in this report. They are based on my understanding of the project requirements and my experience with the aquifers in this area. Well construction and testing will be necessary to verify my preliminary conclusions on well yield and water quality.

I trust this information satisfies your immediate needs. If you have questions, please call.

Very truly yours,

*Wm. Curtis Wells*

---

Wm. Curtis Wells, CPG  
Consulting Ground Water Geologist

Cc: Ed Morgan (via email)

# WATER SUPPLY INFORMATION SUMMARY

Section 30-28-133(d), C.R.S. requires that the applicant submit to the County, "Adequate evidence that a water supply that is sufficient in terms of quantity, quality and dependability will be available to ensure an adequate supply of water.

1. NAME OF DEVELOPMENT AS PROPOSED <b><u>Mountain's Edge</u></b>			
2. LAND USE ACTION <b><u>Final Plat</u></b>			
3. NAME OF EXISTING PARCEL AS RECORDED <b><u>N/A</u></b>			
SUBDIVISION <b><u>See Above</u></b>	FILING <b><u>N/A</u></b>	BLOCK <b><u>N/A</u></b>	LOT <b><u>N/A</u></b>
4. TOTAL ACREAGE <b><u>30.613</u></b>	5. NUMBER OF LOTS PROPOSED <b><u>5</u></b>	PLAT MAP ENCLOSED <input type="checkbox"/> YES <b><u>See submittal</u></b>	
6. PARCEL HISTORY - Please attach copies of deeds, plats or other evidence or documentation.			
A. Was parcel recorded with county prior to June 1, 1972? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
B. Has the parcel ever been part of a division of land action since June 1, 1972? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
If yes, describe the previous action _____			
7. LOCATION OF PARCEL - Include a map delimiting the project area and tie to a section corner. (in submittal)			
<b><u>NORTH</u></b> 1/2 OF <b><u>NORTH</u></b> 1/2 OF SW 1/4 SECTION <b><u>13</u></b> TOWNSHIP <b><u>12</u></b> <input type="checkbox"/> N <input checked="" type="checkbox"/> S RANGE <b><u>63</u></b> <input type="checkbox"/> E <input checked="" type="checkbox"/> W			
PRINCIPAL MERIDIAN: <input type="checkbox"/> 6TH <input type="checkbox"/> N.M. <input type="checkbox"/> UTE <input type="checkbox"/> COSTILLA			
8. PLAT - Location of all wells on property must be plotted and permit numbers provided. Surveyors plat <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If not, scaled hand drawn sketch <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
9. ESTIMATED WATER REQUIREMENTS - Gallons per Day or Acre Feet per Year		10. WATER SUPPLY SOURCE	
HOUSEHOLD USE*# <b><u>5</u></b> of units <b><u>2,991</u></b> GPD <b><u>3.35</u></b> AF	COMMERCIAL USE # <b><u>0.0</u></b> of S.F. <b><u>0</u></b> GPD <b><u>0.0</u></b> AF	IRRIGATION # <b><u>**</u></b> of acres _____ GPD _____ AF	STOCK WATERING # _____ of head _____ GPD _____ AF
OTHER _____ GPD _____ AF	TOTAL <b><u>2,991</u></b> GPD <b><u>3.35</u></b> AF	<input type="checkbox"/> EXISTING WELLS WELL PERMIT NUMBERS _____ <input type="checkbox"/> DEVELOPED SPRING _____ <input type="checkbox"/> MUNICIPAL _____ <input type="checkbox"/> ASSOCIATION _____ <input type="checkbox"/> COMPANY _____ <input checked="" type="checkbox"/> DISTRICT NAME <b><u>TBD</u></b> LETTER OF COMMITMENT FOR SERVICE <input type="checkbox"/> YES <input type="checkbox"/> NO	
*Based on 0.67 Acre-Foot/Unit/Year		<input type="checkbox"/> NEW WELLS - PROPOSED AQUIFERS - (CHECK ONE) <input type="checkbox"/> ALLUVIAL <input type="checkbox"/> UPPER ARAPAHOE <input type="checkbox"/> UPPER DAWSON <input type="checkbox"/> LOWER ARAPAHOE <input type="checkbox"/> LOWER DAWSON <input type="checkbox"/> LARAMIE FOX HILLS <input type="checkbox"/> DENVER <input type="checkbox"/> DAKOTA <input type="checkbox"/> OTHER _____	
**Irrigation included in Residential Uses		WATER COURT DECREE CASE NO.'S <b><u>Determinations</u></b> <b><u>1483-BD (Existing Laramie -Fox Hills)</u></b> <b><u>1484-BD (Arapahoe)</u></b> <b><u>1485-BD (Denver)</u></b>	
11. ENGINEER'S WATER SUPPLY REPORT <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, PLEASE FORWARD WITH THIS FORM. (This may be required before our review is completed.)			
12. TYPE OF SEWAGE DISPOSAL SYSTEM <b><u>Individual On-site Wastewater Treatment Systems</u></b>			
<input type="checkbox"/> SEPTIC TANK/LEACH FIELD		<input type="checkbox"/> CENTRAL SYSTEM - DISTRICT NAME _____	
<input type="checkbox"/> LAGOON		<input type="checkbox"/> VAULT - LOCATION SEWAGE HAULED TO _____	
<input type="checkbox"/> ENGINEERED SYSTEM (Attach a copy of engineering design)		<input type="checkbox"/> OTHER _____	