

**DECLARATION OF RESTRICTIVE WATER COVENANTS
FOR THE
EDGEWOOD SUBDIVISION, FILING NO. 1
EL PASO COUNTY, COLORADO**

WATER RIGHTS AND AUGMENTATION PLAN

A. Water Augmentation Plan. Lots 1 & 2 (individually, "Lot", or collectively "Lots") in the Edgewood Subdivision, Filing No. 1 (ASubdivision@), shall be subject to the obligations and requirements as set forth in the July 29, 2019 Findings of Fact, Conclusions of Law, Ruling of Referee and Decree G of the District Court for Water Division 2, State of Colorado, in Case No. 19CW3006 ("Augmentation Plan"). The Augmentation Plan was recorded on July 29, 2019 with the El Paso County Clerk and Recorder at Reception No. 219086827. The Augmentation Plan is incorporated in this Declaration by reference.

The water supply for the Subdivision shall be by two individual wells under the Augmentation Plan. Martens Well No.1 referenced in the Augmentation Plan shall serve Lot 1 and Martens Well No. 2 shall serve Lot 2.

The Augmentation Plan concerns the water rights and water supply for the Lots of the Subdivision and creates obligations upon the Lots and the owners of the Lots that run with the land. All of the provisions set forth in the Augmentation Plan and within this Declaration shall apply to both Lots within the Subdivision.

B. Water Rights Ownership.

1. Declarants will assign their interests in the Augmentation Plan and water rights thereunder through conveyance by special warranty deed. The water rights assigned consist of groundwater in the Dawson, Denver, Arapahoe and Laramie-Fox Hills aquifers of the Denver Basin as adjudicated in the Augmentation Plan. Each Lot owner shall own their proportionate interest in the Augmentation Plan and the Dawson, Denver, Arapahoe and Laramie-Fox Hills aquifer water rights decreed thereunder based upon the proportion of their respective Lot ownership under the Augmentation Plan in the following amounts:

Aquifer
(Amounts in Acre Feet)

	Dawson	Denver	Arapahoe	Laramie Fox Hills
Lot 1	368	361	307	202
Lot 2	256	251	213	140
Total	624	612	520	342

The use and diversion of the groundwater rights by each Lot owner is restricted and regulated by the terms and conditions of the Augmentation Plan. Lot 1 Owner shall be able to pump from the Martens Well No. 1 up to 0.78 acre feet per year under Augmentation Plan from the

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Denver aquifer. Lot 2 Owner shall be able to pump from the Martens Well No. 2 up to 0.39 acre feet per year under Augmentation Plan from the Dawson aquifer. A Lot owner may be entitled to divert more than the amount set forth herein, so long as the Lot owner obtains additional decreed plan for augmentation from District Court, Water Division 2. Any additional water usage shall be approved, as necessary, through a Water Court decree pursuant to a plan for augmentation that is not inconsistent with the Augmentation Plan or the El Paso County's 300 year water supply rules.

2. All of the groundwater rights in the Laramie-Fox Hills aquifer and 16 acre feet of the Arapahoe aquifer (10 acre feet from Lot 1 and 6 acre feet from Lot 2) are dedicated to meet post pumping stream depletions under the Augmentation Plan. The Lot owners shall assume and be responsible for the obligation, performance and responsibility for compliance with the Augmentation Plan and replacement of all post pumping stream depletions under the Augmentation Plan.

3. Each Lot owner's water rights under the Augmentation Plan shall transfer automatically upon the transfer of title to a new Lot owner as an appurtenance, including the transfer by the Declarants to the initial owner of a Lot. The groundwater rights under the Augmentation Plan committed to the 300 year water supply for the Subdivision cannot and shall not be severable from their respective Lot, and each Lot owner covenants that it cannot sell or transfer such groundwater rights to any party separate from the conveyance of the Lot.

C. Administration.

1. The Lot owners shall cooperatively administer the Augmentation Plan. Such administration shall include, without limitation, submission of accountings to the Colorado Division of Water Resources under the Augmentation Plan. The frequency of such accounting shall be in the Division of Water Resources discretion, whether monthly, quarterly, or annually. Each Lot owner, however, shall be responsible to promptly and fully provide any and all information necessary to the Division of Water Resources as necessary to comply with the obligations to administer and enforce the Augmentation Plan.

2. Each Lot owner shall have the right to specifically enforce, by injunction if necessary, the Augmentation Plan against the other Lot owner failing to comply with obligations under the Augmentation Plan, including the enforcement of the terms and conditions of well permits issued pursuant to the Augmentation Plan. Failure of any Lot owner to comply with the terms of the Augmentation Plan may result in an order from the Division of Water Resources under the Augmentation Plan to curtail use of groundwater rights.

D. Well Permits.

1. Each owner shall be responsible for obtaining a well permit for the water supply to their respective Lot and for the physical delivery of water to their Lot. All wells shall be constructed and operated in compliance with the Augmentation Plan, the well permit obtained from the Colorado Division of Water Resources, and the applicable rules and regulations of the Colorado Division of Water Resources. The costs of the construction, operation, maintenance and repair of such well and delivery of water to the Lot shall be at the Lot owner's expense. Lot

