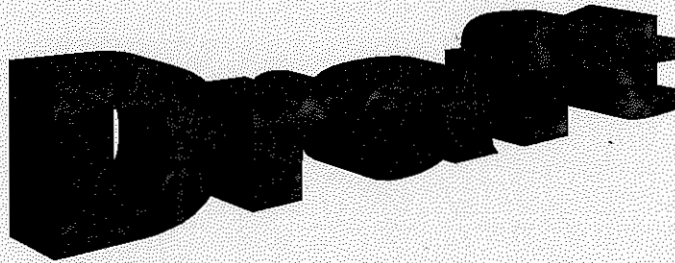


2014 Water Supply Report
For
MEADOW LAKE INDUSTRIAL PARK



OCTOBER 2014



CONSULTANTS, INC.

Water Supply Report
For
Meadow Lake Industrial Park

October 2014

Prepared for:
The O'Neil Group LLC

Prepared by:
JDS-Hydro Consultants, Inc.
545 East Pikes Peak, Suite 300
Colorado Springs, CO 80903

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1.0 INTRODUCTION AND CONCLUSION

Introduction:

This water report is for a proposed Zoning and Concept plan for Meadow Lake Industrial Park. It is not an El Paso County requirement to perform a water report at this stage of planning, so this water report contains certain unknowns regarding final land uses. The proposed Meadow Lake Industrial Park is 254.5 total acres of mixed industrial and commercial use. The detailed land uses vary dramatically in terms of potential water use and site to site sufficiency must be re-determined as actual site use is determined.

This evaluation is based on a rough projection of potential uses based on the land use descriptions presented on the cover sheet of the concept plan.

Conclusion:

At this time, we estimate the legally available water supply is in our opinion 55.66 annual acre-feet on a 300 year basis. This opinion is based on using only Non-tributary water currently available in the Denver Basin for which well permits could be applied without further legal action. Some additional Not non-tributary water is associated with the property, but is legally unavailable at this time without a replacement plan.

We compared the supply to a "proforma" water demand estimated from review of the intent of concept plan, discussions with the planner, and a general understanding of the potential nature of development in the surrounding area.

This water supply would be adequate for the "proforma" land use outlined herein. With each actual land use, it will be necessary to recomputed and determine adequate water supply.

2.0 WATER DEMAND ANALYSIS

Land Use Characteristics: There is a dramatic variation in potential water users within the descriptions outlined by the Concept Plan. Using the narrative descriptions, we have assumed a "pro-forma" land use which is based on what appears a reasonable mix of industrial and commercial land uses for the area. Many of the probable large acreage stated uses such as outdoor storage, salvage, hangar, and warehouse space have extremely low water use requirements. While some of the land uses have significantly higher water users characteristics. Examples of higher water requiring land uses are animal boarding and greenhouse space. Appendix A is a copy of the Concept Plan from which we have derived our report.

Table 1 below is a "proforma" land use allocation which presents a reasonable mix of the stated land uses shown on the Concept Plan and discussed in the Concept Plan Cover Sheet narrative. The mix of uses while reasonable, may vary somewhat as sites build out which may influence the land use mix of final development.

Table 1
Estimated Proforma Land Use in Concept Plan

<i>Land Use</i>	<i>% Land Use Category</i>	<i>Land Use (Acre)</i>	<i>Structure Coverage (% Gross)</i>	<i>Structure Coverage (Sq. Feet)</i>
<u>Industrial</u>				
Outdoor Storage (Materials)	15.0%	17.55	0.50%	3823
Outdoor Storage (Boat/RV)	15.0%	17.55	0.30%	2294
Salvage Yard/Trash Transfer	15.0%	17.55	15.0%	114701
Heavy Equipment Storage/Sales	15.0%	17.55	15.0%	114701
Hanger Space	10.0%	11.70	50.0%	254891
Warehouse	15.0%	17.55	35.0%	267636
Warehouse /Light Industrial	15.0%	17.55	35.0%	267636
	100%	117.03		
<u>Industrial/ Commercial</u>				
Warehouse /Light Industrial	17%	10.51	35%	160278
Equipment Sales	17%	10.51	20%	91588
Lumber/Materials Sales	17%	10.51	20%	91588
Commercial/Warehouse	17%	10.51	30%	137381
Greenhouse/Growhouse	17%	10.51	35%	160278
Animal Boarding (small animal)	7.5%	4.64	20%	40406
Retail/Service	7.5%	4.64	35%	70711
	100%	61.84		
<u>Commercial</u>				
Retail/Service	100%	3.19	35%	48635

Rights of way, open space, future ROW, and other non-water using land uses make up the remainder of the acreage.

Water Use Characteristics:

To estimate water requirements, we have broken land uses down into differing water use categories and estimated structure coverage of each water use type.

Many industrial and storage uses which have rather large land needs components have little or no water use component. Examples are hanger space, RV storage, equipment storage and warehouse uses. These are rather typical uses in the immediate area. The water use component is associated only with domestic needs of employees.

In other cases, such as commercial, there is significant land uses where water is a component of the actual on-site need such as animal boarding.

The range of water use values ranges from as low as 1500 gallons/month per 25,000 square feet of structure to as high as 1500 gallons/month per 350 square feet of structure.

Table 2 on the following page is an outline of the probable water demand based on the "proforma" land use noted in Table 1.

Some active landscaping is considered as a part of the overall watering needs. It is expected that El Paso County landscaping requirements will be applied based on specific land uses. We consider "active landscaping" to include turf grasses and other actively irrigated areas. While some trees may be expected for the open space and buffer areas, we do not assume that long term active landscaping is the desired component.

Using the "proforma" land use, we estimate that the annual water demands will include 42.30 annual acre-feet of domestic, commercial, and industrial use coupled with about 13.06 annual acre-feet of active landscaping needs.

The subsequent total annual water need is estimated at 55.36 annual acre-feet.

3.0 LEGAL WATER SUPPLY

Denver Basin Source:

At this time, the water supply is based on Denver Basin Water Rights. These rights are components of Determinations BD-457; BD-458; and BD-459. Determinations and BD-457 and BD-458 are included in Appendix B.

The rights currently include Laramie Fox-Hills, Arapahoe, and Denver sources. Both the Laramie Fox-Hills, Arapahoe, are Non-tributary aquifers but the Denver aquifer is Not non-tributary water. The Determination for the Denver aquifer requires a Replacement be filed in order to make physical use of the supply, therefore it is not considered legally available at this time.

These original determinations were filed for and obtained as a part of the original Norris Ranch holdings which later was also known as Santa Fe Springs. A legal opinion has been offered by White and Jankowski which indicates that the water has "run with the land" through subsequent land holdings changes. The consequence is that the Denver Basin water is allocable on the basis of actual land holdings. The portions allocable to this property are enumerated in Table 3.

There are four parcels which make up the Meadow Lake Industrial park and we have allocated the original determination according to land acreage. As suggested by White and Jankowski, two of the parcels appear to have a 25 % water reservation to others not involved in the development. We have therefore allocated water to those parcels at 75% of the underlying Denver basin rights.

Table 3
Legal Water Supply Inventory
Meadow Lake Industrial park

Parcel / Assessor Number	Acres	Laramie-Fox Hills	Arapahoe	Denver ^{Note 2}
		(Acre-Feet) Determination	(Acre-Feet) Determination	(Acre-Feet) Determination
GRR property (4300000551)	45.29	1528.54	1770.84	1539.86
O'Neil property (4300000552)	108.00	3645.00	4222.80	3672.00
Ventimiglia property (4300000548) ^{Note 1}	46.70	1182.09	1369.48	1190.85
Ventimiglia property (4300000553) ^{Note 1}	54.51	1379.78	1598.51	1390.01
Total Denver Basin Volume (AF)		7735.42	8961.62	7792.72
100 Year Yield (AF/Year)		77.35	89.62	77.93
300 Year Yield (AF/Year)		25.78	29.87	

Total Annual Yield currently legally available **55.66 Annual AF**

Note 1 The ownership of Denver basin Water under these lands is reduced by 25% to account for possible alternate ownership.

Note 2 Water in Denver formation is termed Not non-tributary and cannot be made legally available without a Replacement Plan

Table 3 enumerates the sources, formation, and nature of the various water rights associated with Meadow Lake Industrial Park. **The total currently legally available water supply for the proposed concept plan is 55.66 annual acre feet on a 300 year basis.**

Adequacy of Legal Water Supply

It is our opinion that adequate legal supply exists to support the proposed Meadow Lake Industrial Park as outlined in our "proforma" land use outline. As specific final land uses are determined, the water supply and water demand values should be re-calculated to determine if the overall supply continues to be adequate for the specific proposed land uses.

4.0 PHYSICAL WATER SUPPLY

Source of Supply:

Meadow Lake Industrial Park has adequate water rights currently legally available for which for well permits may be applied for in both the Arapahoe and Laramie Fox Hills aquifers. Additional supply could be made available with the development of a replacement plan for the Denver Not non-tributary portion as a potential future supply.

Options for Development of Physical Supply

Based on the available legal supply, physical supply is a function of developing an adequate operating entity and physical infrastructure to provide for public water supply. A couple of options are available to complete the physical supply:

- Using the available legal supply, Meadow Lake could form an entity; apply for well permits in the LFH and Arapahoe formations, drill wells and provide their own community water supply. This may be the least cost effective approach, but it is a potential source of physical supply.
- An alternate that may be more cost effective is to use the legal water supply, and either join or contract with another nearby agency to provide for the physical supply. This may be better suited to provide for secondary elements such as fire supply.

Either way, it is our opinion that the physical supply can be met through development of the actual available legal supply.

Appendix A

MEADOW LAKE INDUSTRIAL PARK ZONING AND CONCEPTUAL PLAN

A PORTION OF THE EAST HALF OF SECTION 8, TOWNSHIP 13 SOUTH, RANGE 84
WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO.

MEADOW LAKE INDUSTRIAL PARK DEVELOPMENT STANDARDS:

The following districts are established within the Zoning & Conceptual Plan and approved for use in all areas as allowed per the information below. Additional land use categories, descriptions, and/or restrictions may be required at the PUD Development Plan phase.

Commercial Use:

Zoning uses include but not limited to neighborhood businesses that serve surrounding areas; various administrative, professional and personal service office uses; and retail, wholesale or service commercial uses that serve the general public. Examples include gas stations, convenience stores, fast food/ restaurants, office parks, healthcare facilities, religious institutions.

Commercial lot may be a variety of sizes. A consistent architectural theme will apply for commercial uses in this zoning district.

Industrial Use:

Zoning uses to include but not limited to professional, administrative, research and manufacturing uses; light industrial and manufacturing activities; and warehousing, indoor storage facilities or outdoor storage facilities. Examples include indoor/ outdoor storage yards (construction materials & equipment; Auto, RV & Boat), animal boarding facility, lumber yards, light-medium duty equipment sales/ storage, nursery, medical marijuana grow house. Industrial uses may also include aviation related activities such as airplane hangars, terminals, or airplane taxi way uses.

Industrial lot sizes may be a variety of sizes.

Heavy Industrial Use:

Heavy Industrial Uses shall be considered a Special Use and shall receive administrative approval from EPC Development Services and/ or the Federal Aviation Authority (FAA). Heavy Industrial Uses may include heavy equipment sales/ storage, salvage yard, trash transfer facility, tire recycling. Any intended use with explosives or hazardous materials shall not be permitted.

OS (Open Space, Landscape Setbacks/ Buffers):

The purpose of this district is to provide for open space areas, landscape setbacks and buffers, signage, trail corridors, and drainage/ detention facilities. Land in this district will permit open space uses. Specific use types will be established with future PUD Development Plan submittals. Storm water detention facilities, utility lines and buildings, district facilities, and temporary sales offices will be permitted within this district. Permitted signs include information signage, monument signage, and signs associated with permanent temporary buildings.

COMMERCIAL USES:

Minimum Lot Area: 5,000 Square Feet
Maximum Percentage of Building Lot Coverage: No Maximum
Maximum structural height: 40' -The Federal Aviation Administration (FAA) may further restrict building height based upon proximity to Meadow Lake Airport

Front Building Setback: 25'

Rear Building Setback: 25'

Side Building Setback: 25'

Setback Conditions:

1. Building setback will increase to 50' when immediately adjacent to the Meadow Lake Airport.

2. The Federal Aviation Administration (FAA) may further restrict building setbacks based upon proximity to Meadow Lake Airport.

Landscape Requirements:

1. Landscape Requirements, including setbacks, shall conform to the EPC Land Development Code Landscape Requirements Section.

Fencing Requirements:

1. Fencing Requirements shall conform to the EPC Land Development Code unless otherwise established by the Zoning & Conceptual Plan, PUD Development Plan, or Development Guidelines.

INDUSTRIAL USES:

Minimum Lot Area: 1 Acre, (43,560 Square Feet)
Maximum Percentage of Building Lot Coverage: 35% of total site area
Maximum structural height: 45' -The Federal Aviation Administration (FAA) may further restrict building height based upon proximity to Meadow Lake Airport

Front Building Setback: 30'

Rear Building Setback: 30'

Side Building Setback: 30'

Setback Conditions:

1. Building setback will increase to 75' when immediately adjacent to the Meadow Lake Airport.

2. Building setback will increase to 125' when adjacent to residential zone district.

3. The Federal Aviation Administration (FAA) may further restrict building setbacks based upon proximity to Meadow Lake Airport.

Landscape Requirements:

1. Landscape Requirements, including setbacks, shall conform to the EPC Land Development Code Landscape Requirements Section.

Fencing Requirements:

1. Fencing Requirements shall conform to the EPC Land Development Code unless otherwise established by the Zoning & Conceptual Plan, PUD Development Plan, or Development Guidelines.

GENERAL NOTES:

1. Development of this property shall be in accordance with future PUD Development Plans. Modifications are subject to review and approval by the El Paso County Board of County Commissioners unless otherwise provided by the EPC Land Development Code.
2. A Metropolitan District or Owner's Association will provide the operation and maintenance of open space and landscaped areas within the development.
3. Landscape and buffering plans will be prepared and submitted with future PUD Development Plans.
4. All landscaping within the Meadow Lake Industrial Park shall conform to the requirements of the El Paso County Land Development Code, or as established by the PUD.
5. All standards for site related criteria will be prepared and submitted with future PUD Development Plans.

STREET NOTES:

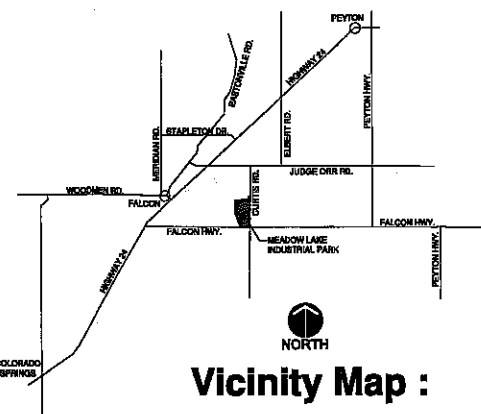
1. All streets shall be named and constructed to El Paso County standards, dedicated to El Paso County and upon acceptance by El Paso County, shall be maintained by the Public Services Department.
2. All internal streets, internal access locations and configurations are preliminary only and subject to change. Detailed plans will be reviewed and approved through the PUD Development Plan and subdivision process.
3. All street intersections, curves, and grades will be further defined at the Preliminary Plan and/ or PUD Development Plan stage and shall meet the standards of the El Paso County Engineering Criteria Manual.
4. Connections to off-site and adjacent properties, if required, will be determined with future PUD Development Plan and subdivision process submittals.

OPEN SPACE NOTES:

1. A minimum 10% of the total land area shall be designated as open space, see data chart for acreages. Due to the inherent nature and land uses proposed, usable open space shall be limited. Open space tracts, setbacks, and buffering will be incorporated to minimize visual impact.
2. Open space is an additional use for each area within the Meadow Lake Industrial Park ZCP. Open space areas and calculations will be delineated with future corresponding PUD Development Plans.
3. The minimum setback of privately owned buildings to open space within the PUD district shall be a minimum of 10 feet (10').
4. Open Space, internal pedestrian corridors, landscape buffers and setbacks as shown are conceptual only and subject to change. These areas will be further defined in future PUD Development Plan submittals and/ or the subdivision process.

PHASING PLAN:

1. A PUD Modification is being requested for the requirement of a Phasing Plan under Section 4.2.6-E18. The PUD Modification requests the phasing plan be deferred until future PUD Development Plan submittals occur. The reason for request of deferral is due to the Meadow Lake Industrial Park phasing being subject to variation depending on market conditions and consumer demand of the parcels being offered. An important factor to development growth and speed has to do with water/ wastewater services sequencing. Once an initial parcel has been identified for development, a reasonable phasing plan can then be outlined because a point of origin for growth can be established.



Vicinity Map :

PURPOSE AND INTENT:

To rezone the existing 254.50 acres of RR-2.5 to Planned Unit Development (PUD) to allow for a mix of industrial and commercial related uses. The proposed development is in general conformity with the Falcon/ Peyton Small Area Master Plan approved August 2008. The development will be in harmony with the character of the surrounding area and is suitable for the intended uses.

Authority:

The authority of this ZCP is Chapter 4, Section 4.2.6 (Planned Unit Development District) of the El Paso County Land Development Code. The authority for Chapter 4, Section 4.2.6, of the El Paso County Land Development Code is the Colorado Planned Unit Development Act of 1972 and C.R.S. 24-67-101, et seq.

Applicability:

The PUD Development Plan shall run with the land and bind all landowners of record, their successors, heirs, or assigns of the land as approved by El Paso County.

Adoption:

The adoption of this ZCP shall evidence the findings and decision of the Board of El Paso County Commissioners that this ZCP for the Meadow Lake Industrial Park is in general conformance with the El Paso County Master Plan, is authorized by the provisions of Chapter 4, Section 4.2.6 of the El Paso County Land Development Code, and this Development Plan comply with the Colorado Planned Unit Development Act of 1972 and C.R.S. 24-67-101, et seq.

Relationship to County Regulations:

The provisions of the zoning and conceptual plan and subsequent development plan and guide shall prevail and govern the development of the Meadow Lake Industrial Park; provided however, that where the provisions of the zoning and conceptual plan and subsequent development plan and guide do not address a particular subject, the relevant provisions of the land use code of El Paso County, as amended, or any other applicable provisions of this code shall be applicable.

Reversibility of Provisions:

In the event that any provision hereof shall be determined to be illegal or void by the final order of any court or competent jurisdiction, the remaining provisions shall be in full force and effect.

Overall Project Standards:

The standard zoning requirements of the El Paso County Land Development Code including off-street parking, landscaping, site development, accessory and temporary uses, and use by special review and variance processes shall apply to this PUD, except as modified by the PUD.

Meadow Lake Industrial Park Legal Description :

A PORTION OF THE EAST HALF OF SECTION 8, TOWNSHIP 13 SOUTH, RANGE 84 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION 8; THENCE N 88°50'19" W, ALONG THE SOUTH LINE OF SAID SECTION 8, 1879.17 FEET; THENCE N 19°30'09" W, 2777.92 FEET TO A POINT ON THE WEST LINE OF SAID EAST HALF; THENCE N 00°48'03" E, ALONG SAID WEST LINE, 1899.09 FEET; THENCE N 82°51'49" E, 2370.98 FEET; THENCE N 07°08'11" W, 400.00 FEET; THENCE N 88°34'28" E, 343.54 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 8, FROM WHICH THE NORTHEAST CORNER OF SAID SECTION 8, BEARS S 00°43'37" E, 93.95 FEET; THENCE S 00°43'37" W, ALONG SAID EAST LINE, 5182.58 FEET TO THE POINT OF BEGINNING AND CONTAINING 254.50 ACRES MORE OR LESS.

Owners:

JOHN M. VENTIMIGLIA
4390 N. Academy Blvd.
Colorado Springs, CO 80919-6626
Parcel Number: 4300000553; 4300000548

KEVIN O'NEIL
101 N. Tejon St., Unit 310
Colorado Springs, CO 80903-1429
Parcel Number: 4300000552

GRR PARTNERS INC, LLC
Attn: Rob Wahl
754 W. Solana Ct.
Solana Beach, CA 92076-2356
Parcel Number: 4300000551

Planner

WILLIAM GUMAN & ASSOCIATES LTD.
731 North Weber Street, Suite 10
Colorado Springs, Colorado 80903
Phone: 719-533-9700

Engineer

ASSOCIATED DESIGN PROFESSIONALS, INC. (ADP)
3520 Austin Bluffs Pkwy., Suite 200
Colorado Springs, Colorado 80918
Phone: 719-286-5212

CERTIFICATE OF OWNERSHIP

I, _____, HEREBY AFFIRM THAT I AM AN OWNER OR AUTHORIZED AGENT OF ALL INDIVIDUALS HAVING OWNERSHIP OR INTEREST IN THE PROPERTY DESCRIBED HEREIN, KNOWN AS MEADOW LAKE INDUSTRIAL PARK, AND ACKNOWLEDGE THE ZONING AND CONDITIONS AS APPLICABLE TO THIS PROPERTY AND DEVELOPMENT.

THE FOREGOING WAS ACKNOWLEDGED BY ME THIS _____ DAY OF _____, 20____AD

BY (NAME) _____, AS (TITLE) _____

OF _____, AN AUTHORIZED SIGNATORY.

OWNER(S) OF RECORD

WITNESS MY HAND AND OFFICIAL SEAL:

MY COMMISSION EXPIRES: _____

NOTARY PUBLIC: _____

STATE OF COLORADO))SS

COUNTY OF EL PASO)

I, _____, HEREBY AFFIRM THAT I AM AN OWNER OR AUTHORIZED AGENT OF ALL INDIVIDUALS HAVING OWNERSHIP OR INTEREST IN THE PROPERTY DESCRIBED HEREIN, KNOWN AS MEADOW LAKE INDUSTRIAL PARK, AND ACKNOWLEDGE THE ZONING AND CONDITIONS AS APPLICABLE TO THIS PROPERTY AND DEVELOPMENT.

THE FOREGOING WAS ACKNOWLEDGED BY ME THIS _____ DAY OF _____, 20____AD

BY (NAME) _____, AS (TITLE) _____

OF _____, AN AUTHORIZED SIGNATORY.

OWNER(S) OF RECORD

WITNESS MY HAND AND OFFICIAL SEAL:

MY COMMISSION EXPIRES: _____

NOTARY PUBLIC: _____

STATE OF COLORADO))SS

COUNTY OF EL PASO)

I, _____, HEREBY AFFIRM THAT I AM AN OWNER OR AUTHORIZED AGENT OF ALL INDIVIDUALS HAVING OWNERSHIP OR INTEREST IN THE PROPERTY DESCRIBED HEREIN, KNOWN AS MEADOW LAKE INDUSTRIAL PARK, AND ACKNOWLEDGE THE ZONING AND CONDITIONS AS APPLICABLE TO THIS PROPERTY AND DEVELOPMENT.

THE FOREGOING WAS ACKNOWLEDGED BY ME THIS _____ DAY OF _____, 20____AD

BY (NAME) _____, AS (TITLE) _____

OF _____, AN AUTHORIZED SIGNATORY.

OWNER(S) OF RECORD

WITNESS MY HAND AND OFFICIAL SEAL:

MY COMMISSION EXPIRES: _____

NOTARY PUBLIC: _____

STATE OF COLORADO))SS

COUNTY OF EL PASO)

COUNTY APPROVAL

APPROVAL IS GRANTED THIS _____ DAY OF _____, 20____AD

DEVELOPMENT SERVICES DIRECTOR

COUNTY APPROVAL

APPROVAL IS GRANTED THIS _____ DAY OF _____, 20____AD

CHAIR BOARD OF COUNTY COMMISSIONERS

CLERK AND RECORDERS CERTIFICATE

RECEPTION NO. _____

FEE: _____ SURCHARGE _____

BY: _____, DEPUTY

William Guman & Associates, Ltd.
A PROFESSIONAL CORPORATION
731 North Weber Street, Suite 10
Colorado Springs, CO 80903
719.533.9700 Fax 719.533.9250
Email: WGuman@adp.com
Associated Design Professionals, Inc. (ADP)
3520 Austin Bluffs Pkwy., Suite 200
Colorado Springs, CO 80918
719.286.5212

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ONLY DRAWINGS WHICH BEAR THE OFFICIAL SEAL OF THE LICENSED LANDSCAPE ARCHITECT IN THE STATE OF COLORADO ARE VALID FOR CONSTRUCTION PURPOSES.

MEADOW LAKE INDUSTRIAL PARK ZONING AND CONCEPTUAL PLAN

EL PASO COUNTY, CO

DATE: DECEMBER 4, 2013

DRAWN: JRA

CHECKED: WFB

REVISIONS:

DATE: BY: COMMENTS:

3/24 JJA COUNTY COMMISSIONERS

4/24 WFB CHAIRMAN OF APPROVAL

COVER PAGE / ZONING PLAN

SHEET NO.

1

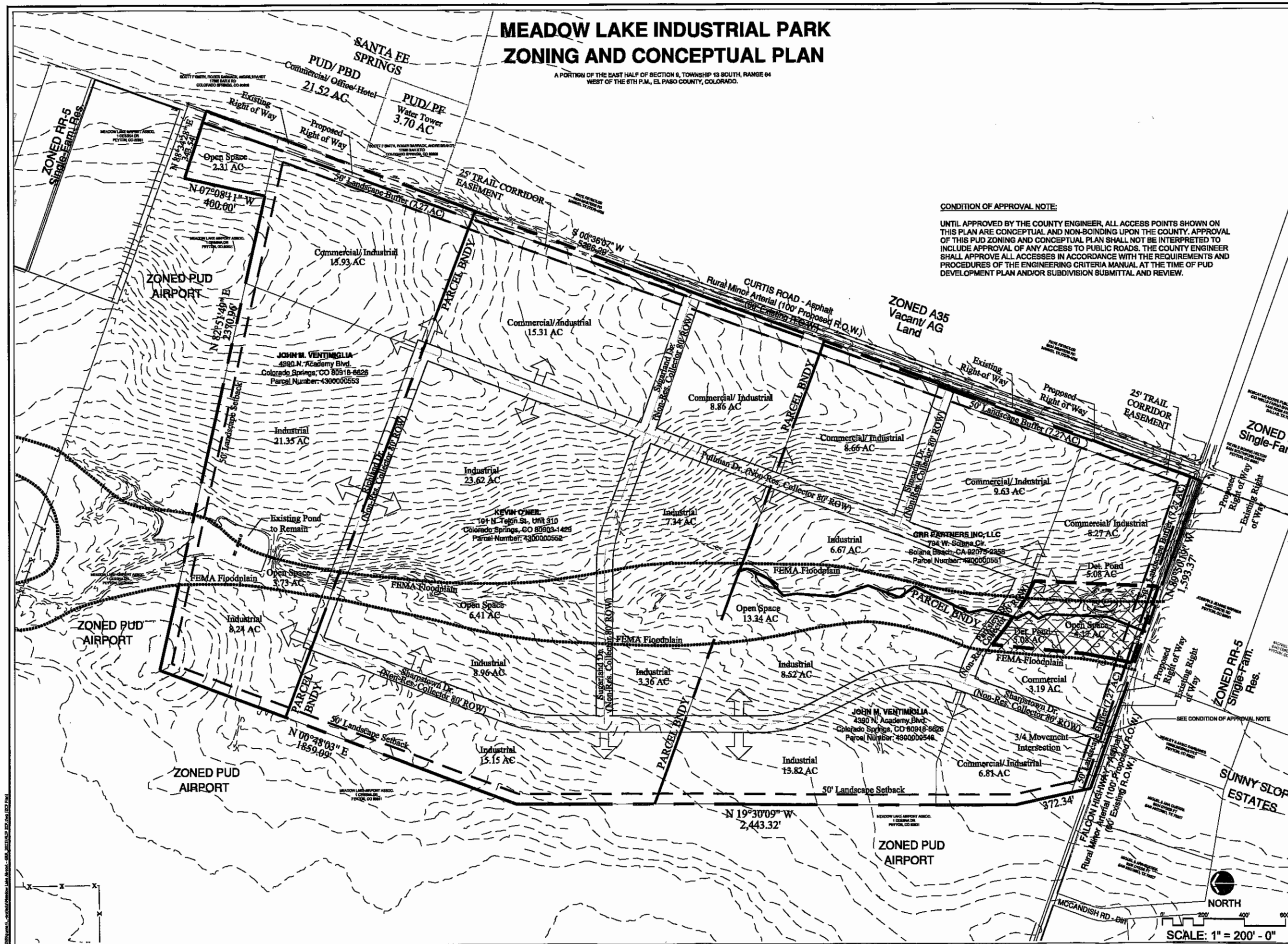
OF 2 SHEETS

PUD-13-007

A PORTION OF THE EAST HALF OF SECTION 9, TOWNSHIP 13 SOUTH, RANGE 64
WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO.

UNTIL APPROVED BY THE COUNTY ENGINEER, ALL ACCESS POINTS SHOWN ON THIS PLAN ARE CONCEPTUAL AND NON-BINDING UPON THE COUNTY. APPROVAL OF THIS PUD ZONING AND CONCEPTUAL PLAN SHALL NOT BE INTERPRETED TO INCLUDE APPROVAL OF ANY ACCESS TO PUBLIC ROADS. THE COUNTY ENGINEER SHALL APPROVE ALL ACCESSES IN ACCORDANCE WITH THE REQUIREMENTS AND PROCEDURES OF THE ENGINEERING CRITERIA MANUAL AT THE TIME OF PUD DEVELOPMENT PLAN AND/OR SUBDIVISION SUBMITTAL AND REVIEW.

PUD-13-007



Appendix B-1

STATE OF COLORADO

OFFICE OF THE STATE ENGINEER

Division of Water Resources
Department of Natural Resources

1313 Sherman Street, Room 818
Denver, Colorado 80203
Phone (303) 866-3581
FAX (303) 866-3589

www.water.state.co.us



March 8, 2004

Bill Owens
Governor

Greg E. Walcher
Executive Director

Hal D. Simpson, PE.
State Engineer

ROBERT NORRIS
ROBERT C NORRIS FAMILY TRUST
970 SUMMER GAMES DRIVE
COLO SPGS CO 80906

RE: Determination of Water Right

Dear Mr. Norris:

Enclosed is a copy of the Colorado Ground Water Commission's Findings and Order for Determination of Water Right No. ~~117-20~~ for the allocation of ground water in the ~~Laramie~~ ~~Basin~~ ~~aquifer~~. This Findings and Order are the Commission's approval of your application for determination of rights to ground water in the above stated aquifer. This document contains important information about your water right and should be reviewed and retained for your records.

As indicated in the Order, a copy of this determination must 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 overlying land claimed in the application, or any part thereof, shall reveal this determination. An additional copy of the Findings and Order is enclosed for this purpose.

If you have any questions, please contact this office.

Sincerely,

Richard Cooper
Physical Science Researcher Scientist
Designated Basins Branch

RECORDER NOTE: Legibility
of writing, typing or printing
UNSATISFACTORY in portions
of this document when received.

Enclosure: a/s

cc: John Schwab - JPS Engineering (letter only)
Purushottam Dass, PE - Stanlec (letter only)
Upper Black Squirrel Creek GWMD

Robert C. Balink El Paso Cty, CO

04/02/2004 12:31

Doc \$0.00 Page

Rec \$125.00 1 of 25

204053003



**COLORADO GROUND WATER COMMISSION
FINDINGS AND ORDER**

IN THE MATTER OF AN APPLICATION FOR DETERMINATION OF WATER RIGHT TO
ALLOW THE WITHDRAWAL OF GROUND WATER IN THE UPPER BLACK SQUIRREL CREEK
DESIGNATED GROUND WATER BASIN

APPLICANT: ROBERT C. NORRIS FAMILY TRUST

AQUIFER: LARAMIE-FOX HILLS

DETERMINATION NO.: 457-BD

In compliance with Section 37-90-107(7), C.R.S., and the Designated Basin Rules, 2 CCR 410-1, The Robert C. Norris Family Trust (hereinafter "applicant") submitted an application for determination of water right to allow the withdrawal of designated ground water from the Laramie-Fox Hills Aquifer.

FINDINGS

1. The application was first filed by the applicant on February 18, 2003, and was received complete by the Colorado Ground Water Commission on May 30, 2003.
2. The applicant requests a determination of rights to designated ground water in the Laramie-Fox Hills Aquifer (hereinafter "aquifer") underlying 8,955.31 acres, generally described as the SE1/4 of the NE1/4 and the E1/2 of the SE1/4 of Section 31 and the E1/2 of the NE1/4, the SW1/4 of the NE1/4, the S1/2 of the NW1/4, the SW1/4, and the W1/2 of the SE1/4 of Section 32, all in Township 12 South, Range 63 West of the 6th Principal Meridian; the E1/2, the E1/2 of the W1/2, and the SW1/4 of the SW1/4 of Section 35 and the SW1/4 of Section 36, all in Township 12 South, Range 64 West of the 6th Principal Meridian; land in the N1/2 and in the N1/2 of the S1/2 of Section 4, all of Section 5 excluding the NW1/4 of the NW1/4, all of Section 6 excluding the south 1460 feet of the east 1044 feet of the SE1/4, and all of Section 7 excluding the E1/2 of the SE1/4, and the N1/2 of Section 8, all in Township 13 South, Range 63 West of the 6th Principal Meridian; all of Sections 1, 2 and 3, the E1/2 and the SW1/4 of Section 9, the N1/2 of the N1/2 of Section 10, the N1/2 of the N1/2 of Section 11, and the E1/2, the E1/3 of the W1/2, and the W2/3 of the N1/2 of the NW1/4 of Section 12, all in Township 13 South, Range 64 West of the 6th Principal Meridian; all in El Paso County. According to a signed statement dated February 5, 2003, the applicant owns the 8,955.31 acres of land, as further described in said affidavit which is attached hereto as Exhibit A, and claims control of the ground water in the aquifer underlying this land area.
3. The proposed annual amount of ground water to be allocated and withdrawn from the aquifer for intended beneficial uses is the maximum allowable amount.
4. The above described land area overlying the ground water claimed by the applicant is located within the boundaries of the Upper Black Squirrel Creek Designated Ground Water Basin and in the Upper Black Squirrel Creek Ground Water Management District. The Colorado Ground Water Commission (hereinafter "Commission") has jurisdiction.

5. The applicant intends to apply the allocated ground water to the following beneficial uses: domestic, irrigation, commercial, industrial, recreation and livestock watering. The applicant's proposed place of use of the allocated ground water is the above described 6955.31 acre land area.
6. a. Pursuant to Section 37-90-107(7), C.R.S., and Rule 5.3 of the Designated Basin Rules, the Commission Staff ("Staff") reviewed the application. In a preliminary evaluation of the complete application, the Staff found that the claimed 6955.31 acre overlying land area consisted of six noncontiguous tracts of land designated as Areas A through F. For this reason, the amount of ground water in the aquifer and a maximum annual amount available for allocation were determined specifically for the aquifer underlying each of the six noncontiguous areas. These designated areas are generally described and the amounts of available allocation specific for each area, as determined by Staff, are indicated in the legal notice publication for the application attached hereto as Exhibit B.

b. The six noncontiguous tracts are the result of county roads physically separating the overlying land area into six separate areas. This finding by Staff was based on previous claims by El Paso County that the right-of-way for all such county roads is considered to be the property of the county and not, simply, an easement subject to claims of ownership by surrounding property owners.
7. On July 24, 2003, 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. No written recommendations from the district were received.
8. The Commission Staff has evaluated the application relying on the claims to control of the ground water in the aquifer made by the applicant.
9. In accordance with Sections 37-90-107(7) and 37-90-112, C.R.S., the application was published in The Gazette newspaper on August 7 & 14, 2003.
10. a. On September 15, 2003, an objection to the application was received from the applicant and assigned Case No. 03-GW-16. The applicant specifically objected to the Commission Staff's finding that the overlying land area consisted of six noncontiguous tracts and claimed that, in fact, the overlying land area consisted of one contiguous parcel. No other objection to the proposed determination of water right was received within the time limit set by statute.

b. As an attachment to the objection, the applicant provided a copy of a letter from the Office of the El Paso County Surveyor, dated August 28, 2003. In this letter, Mr. Christopher Brewer, the County Surveyor, states that, after review of relevant property records, the existing county roads within the applicant's claimed overlying land area are not owned in fee by the county.

c. By letter to the El Paso County Surveyor, dated September 16, 2003, the Staff responded to Mr. Brewer's above-described letter. Staff's letter was copied to the El Paso County Department of Planning, Department of Transportation, and Office of the County Attorney. The intent of this letter was to obtain any comments from interested governmental departments or agencies of El Paso County regarding the issue of ownership of county road right-of-ways and specifically the ownership of such right-of-ways dividing the applicant's overlying land area.

d. Since the mailing of the above Staff letter of September 16, 2003, the Staff has received no additional written correspondence from any governmental department or agency of El Paso County regarding the issue of ownership of county road right-of-ways. Based on the information provided by the Office of the El Paso County Surveyor, in the above-described letter of August 28, 2003, the staff revises the finding that the applicant's claimed overlying land area consists of six noncontiguous tracts. The preliminary findings, as published in the legal notice attached hereto as Exhibit B, are subject to final staff evaluation. ~~Final staff evaluation of the application, therefore, finds that the applicant's claimed 6955.31-acre overlying land area is one contiguous area.~~ The applicant was notified of the revised finding for this application by letter from the Staff dated December 31, 2003.

e. In a letter to the Commission Hearing Officer received on January 27, 2004, the applicant requested that its objection be withdrawn and that the application be returned to the Staff for further action. By Order of the Hearing Officer dated January 28, 2004, Case No. 03-GW-16 was dismissed and the application was remanded to Staff to take any administrative steps it deems necessary.

f. The above-described revised finding of the Commission is incorporated into these findings.

11. ~~The quantity of water in the aquifer underlying the 6955.31 acres of land claimed by the applicant is 234,742 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 underlying the land under consideration that could yield a sufficient quantity of water that may be extracted and applied to beneficial use is 15 percent.
 - b. The average thickness of the saturated permeable material of the aquifer underlying the land under consideration that could yield a sufficient quantity of water that may be extracted and applied to beneficial use is 225 feet.
12. At this time, there is no substantial artificial recharge that would affect the aquifer within a one hundred year period.
13. Pursuant to Section 37-90-107(7), C.R.S., and in accordance with the Designated Basin Rules, the Commission shall allocate ground water in the aquifer based on ownership of the overlying land and an aquifer life of one hundred years. Therefore, ~~the maximum average annual amount of ground water in the aquifer that may be allocated for withdrawal pursuant to the data in the paragraphs above for the 6955.31 acres of overlying land claimed by the applicant is 2347 acre-feet.~~
14. 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.
15. 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 6955.31 acres of land claimed by the applicant will not, 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 ground water is nontributary ground water as defined in Rule 4.2.19 of the Designated Basin Rules. No more than 98% of the amount of ground water withdrawn annually shall be consumed, as required by the Designated Basin Rules.

16. A review of the records in the Office of the State Engineer has disclosed that none of the water in the aquifer underlying the land claimed by the applicant has been previously allocated or permitted for withdrawal.
17. 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.
18. In accordance with Section 37-90-107(7), C.R.S., ~~upon Commission approval of a determination of water right, well permits for wells to withdraw the authorized amount of water from the aquifer shall be available upon application~~ subject to the conditions of this determination and the Designated Basin Rules and subject to approval by the Commission.
19. In order to prevent unreasonable impairment to the existing water rights of others within the Upper Black Squirrel Creek Designated Ground Water Basin it is necessary to impose conditions on the determination of water right and proposed allocation of ground water. Under conditions as stated in the following Order, ~~no unreasonable impairment of existing water rights will occur from approval of this determination of water right or from the issuance of well permits for wells to withdraw the authorized amount of allocated ground water from the aquifer~~.

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 rights to designated ground water in the Laramie-Fox Hills Aquifer underlying 6955.31 acres of land, generally described as the SE1/4 of the NE1/4 and the E1/2 of the SE1/4 of Section 31 and the E1/2 of the NE1/4, the SW1/4 of the NE1/4, the S1/2 of the NW1/4, the SW1/4, and the W1/2 of the SE1/4 of Section 32, all in Township 12 South, Range 63 West of the 6th Principal Meridian; the E1/2, the E1/2 of the W1/2, and the SW1/4 of the SW1/4 of Section 35 and the SW1/4 of Section 36, all in Township 12 South, Range 64 West of the 6th Principal Meridian; land in the N1/2 and in the N1/2 of the S1/2 of Section 4, all of Section 5 excluding the NW1/4 of the NW1/4, all of Section 6 excluding the south 1460 feet of the east 1044 feet of the SE1/4, and all of Section 7 excluding the E1/2 of the SE1/4, and the N1/2 of Section 8, all in Township 13 South, Range 63 West of the 6th Principal Meridian; all of Sections 1, 2 and 3, ~~the E1/2 and the SW1/4 of Section 9, the N1/2 of the N1/2 of Section 10, the N1/2 of the N1/2 of Section 11, and the E1/2, the E1/3 of the W1/2, and the W2/3 of the N1/2 of the NW1/4 of Section 12, all in Township 12 South, Range 63 West of the 6th Principal Meridian~~ is approved subject to the following conditions:

20. ~~The allocated average annual amount of ground water to be withdrawn from the aquifer shall not exceed 2,347 acre-feet. The allowed maximum annual amount of withdrawal may exceed the allowed average annual amount of withdrawal as long as the total volume of 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.~~

-Mentorlake

21. To conform to actual aquifer characteristics, the Commission may adjust the allocated average annual amount of ground water to be withdrawn from the aquifer based on analysis of geophysical logs or other site-specific data if such analysis indicates that the initial estimate of the volume of water in the aquifer was incorrect.
22. No more than 98% of the ground water withdrawn annually shall be consumed. The Commission may require well owners to demonstrate periodically that no more than 98% of the water withdrawn is being consumed.
23. The use of ground water from this allocation shall be limited to the following uses: domestic, irrigation, commercial, industrial, recreation and livestock watering. The place of use shall be limited to the above described 6955.31 acre overlying land area.
24. ~~The applicant or subsequent persons controlling this water right shall record in the public records of the county in which the claimed overlying land is located, notice of transfer of any portion of this water right to another within sixty days after the transfer, so that a title examination of the above described 6955.31 acre land area, or any part thereof, shall reveal the changes affecting this water right.~~ Such notice shall consist of a signed and dated deed which indicates the determination number, the aquifer, a description of the above described land area, the annual amount of ground water (acre-feet) transferred, name of the recipient, and the date of transfer.
25. Subject to the above conditions, well permits for wells to withdraw the authorized annual amount of water from the aquifer shall be available upon application subject to approval by the Commission and the following conditions:
 - a. The wells shall be located on the above described 6955.31 acre overlying land area.
 - b. The wells must be constructed to withdraw water from only the Laramie-Fox Hills Aquifer. Upon application for a well permit to construct such a well, the estimated top and base of the aquifer at the proposed well location will be determined by the Commission and indicated on the approved well permit. Plain non-perforated casing must be installed, grouted and sealed to prevent diversion of ground water from other aquifers and the movement of ground water between aquifers.
 - c. 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.
 - d. Each well shall be constructed within 200 feet of the location specified on the approved well permit, but must be more than 600 feet from any existing large-capacity well completed in the same aquifer.
 - e. The wells may withdraw the allowed average annual amount of water from the aquifer together in any combination. The total combined annual withdrawal of the wells shall not exceed the allowed average annual amount described in this Order.
 - f. 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 maintained by the well owner and submitted to the Commission or the Upper Black Squirrel Creek Ground Water Management District upon their request.


Applicant: Robert C. Norris Family Trust
Aquifer: Laramie-Fox Hills
Determination No.: 457-BD

Page 6

g. The well owner shall mark the well in a conspicuous place with the permit number and the name of the aquifer. The well owner shall take necessary means and precautions to preserve these markings.

26. A copy of this Findings and Order shall be recorded by the applicant in the public records of the county - in which the claimed overlying land is located - so that a title examination of the above described 6955.31 acre overlying land area, or any part thereof, shall reveal the existence of this determination.

Dated this 3rd day of March, 2004.



Hal D. Simpson
Executive Director
Colorado Ground Water Commission

By: 

Suzanne M. Sellers, P.E.
Designated Basins Chief

Prepared by: EBT & RAG

FIND-71-04

FIND-441

EXHIBIT A

Page 1 of 16

GWS 1
08/09/00

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MAY 06 2003

FEB 18 2003

STATE OF COLORADO
OFFICE OF THE STATE ENGINEER
DIVISION OF WATER RESOURCES
1313 Sherman St. Room 821
Denver, CO 80203
(303) 866-3581 Fax (303) 866-3589

STATE ENGINEER
COLO.

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FEB 18 2003

STATE ENGINEER
COLO.

NONTRIBUTARY GROUND WATER LANDOWNERSHIP STATEMENT

I (We) Robert C. Morris Family Trust
(Name(s))

claim and say that I (we) am (are) the owner(s) of the following described property consisting of
6,955.31 ~~7046.31~~ acres in the County of El Paso
State of Colorado:

(Insert the property legal description)

See attached legal description

and, that the ground water sought to be withdrawn from the Laramie Fox Hills
aquifer underlying the above-described land has not been conveyed to reserved to another, nor has
consent been given to its withdrawal by another.

Further, I (we) claim and say that I (we) have read the statements made herein; know the contents
hereof; and that the same are true to my (our) knowledge.

Robert C. Morris 2/5/03
Signature President Date
Jane Morris 2/5/03
Signature Date

INSTRUCTIONS:

Please type or print neatly in black ink. This form may be reproduced by photocopy or word
processing means. See additional information on the reverse side.

EXHIBIT A

Page 2 of 16

LEGAL DESCRIPTION

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Our Order No. SC146856-4
FEB 18 2003

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MAY 06 2003

STATE ENGINEER
C.O.D.

STATE ENGINEER
C.O.D.

PARCEL A:

GOVERNMENT LOTS 1, 3, AND 4; THE SOUTH HALF OF THE NORTH HALF; AND THE NORTH HALF OF THE SOUTH HALF, SECTION 4, TOWNSHIP 13 SOUTH, RANGE 63 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, LESS THAT PORTION CONVEYED BY DEED RECORDED IN BOOK 2315 AT PAGE 945.

ALL OF SECTION 5, TOWNSHIP 13 SOUTH, RANGE 63 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, LESS AND EXCEPT GOVERNMENT LOT 4 OF SAID SECTION;

~~ALL OF SECTION 6, TOWNSHIP 13 SOUTH, RANGE 63 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO, EXCEPTING THEREFROM THE SOUTH 1460.00 FEET OF THE EAST 1044.28 FEET OF THE SOUTHEAST QUARTER, SECTION 6, TOWNSHIP 13 SOUTH, RANGE 63 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO.~~

~~ALL OF SECTION 7, TOWNSHIP 13 SOUTH, RANGE 63 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO, EXCEPTING THEREFROM THE EAST ONE-HALF OF THE SOUTHEAST QUARTER, SECTION 7, TOWNSHIP 13 SOUTH, RANGE 63 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO.~~

THE NORTH HALF OF SECTION 8, TOWNSHIP 13 SOUTH, RANGE 63 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO.

THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER AND THE EAST ONE-HALF OF THE SOUTHEAST QUARTER, SECTION 31, TOWNSHIP 12 SOUTH, RANGE 63 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO.

THE EAST ONE-HALF OF THE NORTHEAST QUARTER, THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER, THE SOUTH ONE-HALF OF THE NORTHWEST QUARTER, THE SOUTHWEST QUARTER AND THE WEST ONE-HALF OF THE SOUTHEAST QUARTER, SECTION 32, TOWNSHIP 12 SOUTH, RANGE 63 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO, EXCEPTING THEREFROM THOSE PORTIONS CONVEYED FOR CANAL PURPOSES IN DEEDS RECORDED IN BOOK 458 AT PAGES 176 AND 180.

ALL OF SECTION 1, TOWNSHIP 13 SOUTH, RANGE 64 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO.

ALL OF SECTION 2, TOWNSHIP 13 SOUTH, RANGE 64 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO.

ALL OF SECTION 3, TOWNSHIP 13 SOUTH, RANGE 64 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO.

THE EAST ONE-HALF AND THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 13 SOUTH, RANGE 64 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO.

THE NORTH ONE-HALF OF THE NORTH ONE-HALF OF SECTION 10, TOWNSHIP 13 SOUTH, RANGE 64 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO.

EXHIBIT A

Page 3 of 16

RECEIVED Order No. SC146856-4

LEGAL DESCRIPTION

FEB 18 2003

THE NORTH ONE-HALF OF THE NORTH ONE-HALF OF SECTION 11, TOWNSHIP 13 SOUTH, RANGE 64 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO.

THE EAST ONE-HALF, THE EAST ONE-THIRD OF THE WEST ONE-HALF AND THE WEST TWO-THIRDS OF THE NORTH ONE-HALF OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 13 SOUTH, RANGE 64 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO.

THE EAST ONE-HALF, THE EAST ONE-HALF OF THE WEST ONE-HALF AND THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 12 SOUTH, RANGE 64 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO.

THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 12 SOUTH, RANGE 64 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO.

Parcel B deleted

El Paso County Parcel Information

Parcel Number: 4300000445, -444, -345, ETC

Parcel Address: 0 MURR RD

Parcel Owner: NORRIS ROBERT C & JANE W TRUSTEE

Parcel Owner2: NORRIS ROBERT C FAMILY TRUST

Parcel Owner3: C/O T-CROSS RANCHES

Owner Mailing Address: 970 SUMMER GAMES DR, COLORADO SPRINGS, CO, 80906

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FEB 18 2003

File Name: PRE-02-141

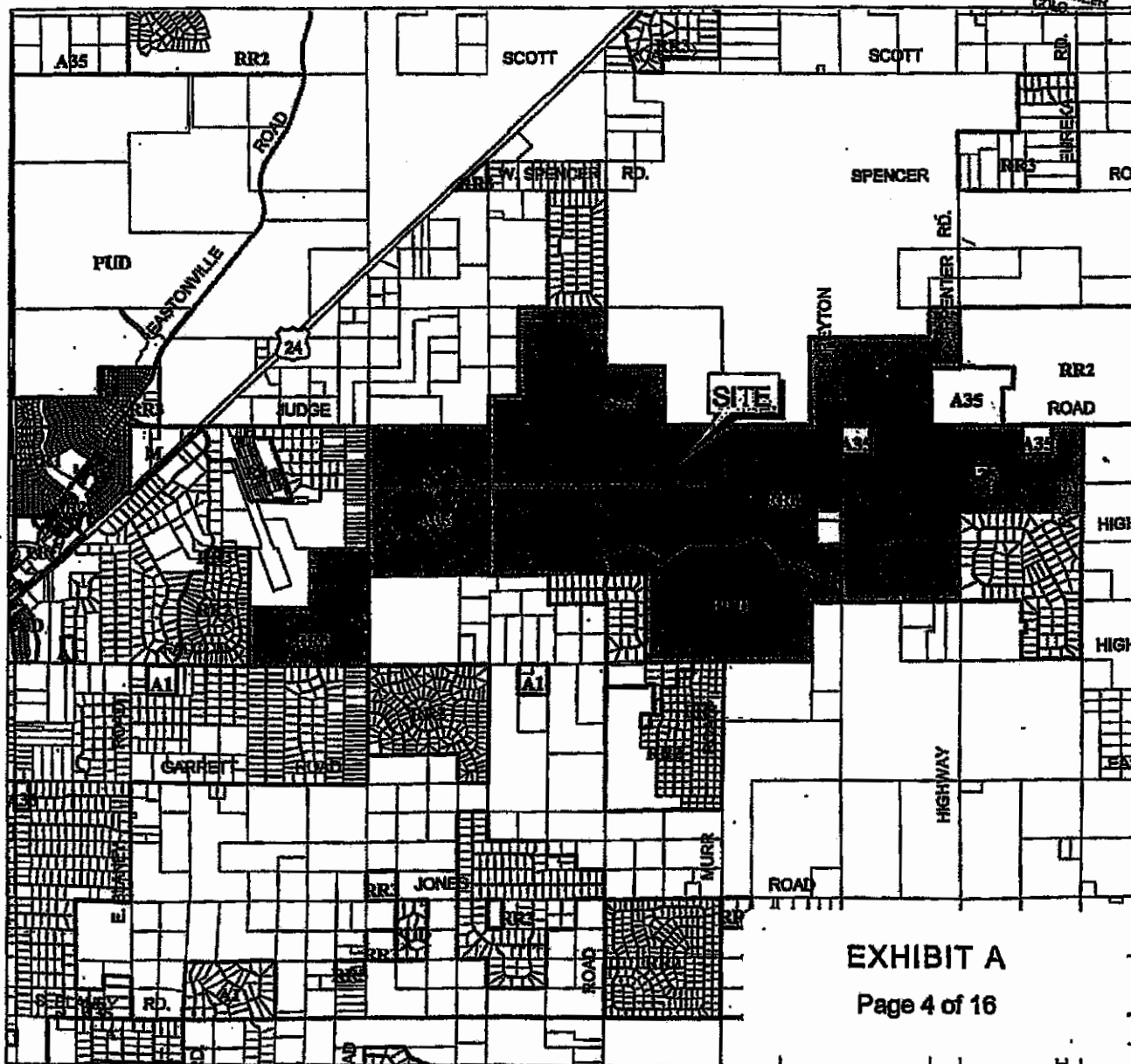
Zone Map No.: 323.31, 323.32,

332.04 - 332.08, 424.35, 424.36,

431.01 - 431.03, 431.10 - 431.12,

432.09

MAY 08 2003



Please report any discrepancies to:
El Paso County GIS/Mapping
325 S. Cascade
Colorado Springs, CO 80903
(719)520-6523

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May 6, 2002

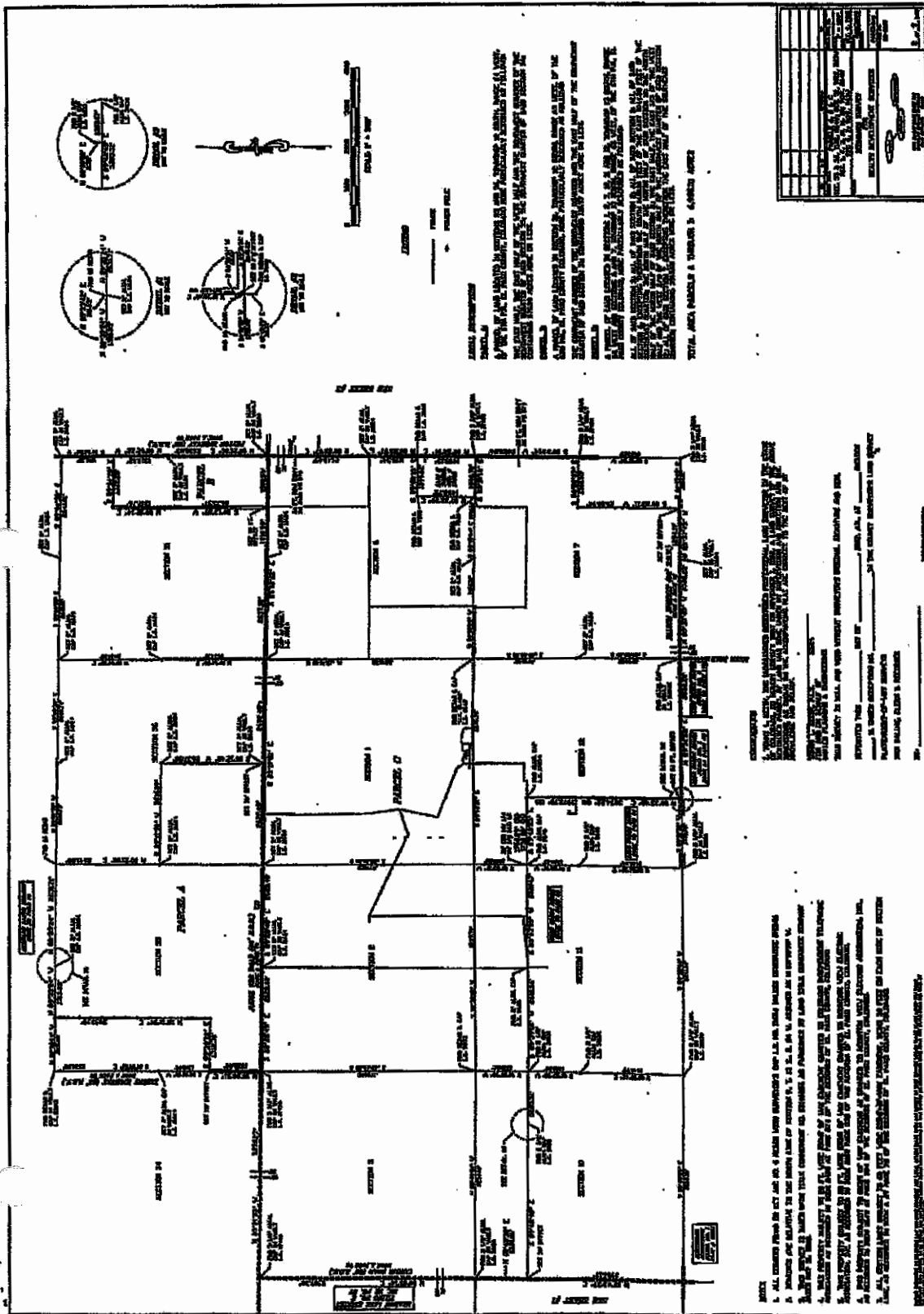


Page 5 of 16

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"WILLIAMSON" CASH

EXHIBIT A

Page 6 of 16



SEC. 4

OCT 23 1969

BOOK 2315 PAGE 945

Record No. 694900

HARRIET BEALS

This Deed, Made this 21st day of October In the year of our Lord one thousand nine hundred and sixty-nine between ROBERT C. MORRIS

of the County of El Paso and State of Colorado, of the first part, and FRED P. DUGAN, also known as FRED PAUL DUGAN and VIRGINIA A. DUGAN of the County of El Paso and State of Colorado, of the second part;

Witnesseth, That the said party of the first part, for and in consideration of the sum of One Dollar and other valuable consideration to the said party of the first part in hand paid by the said parties of the second part, the receipt whereof is hereby confessed and acknowledged, has granted, bargained, sold, had conveyed, and by these presents does grant, bargain, sell, convey and confirm unto the said parties of the second part, not in warranty at common law but in joint tenancy, the survivors of them, their assigns and the heirs and assigns of such survivor forever, all the following described lot or parcel of land, situate, lying and being in the County of El Paso and State of Colorado, to-wit:

That portion of the Northwest Quarter of Section 4, Township 13 South, Range 63 West of the 6th P.M., El Paso County, described as follows: Commencing at the Northwest corner of said Section 4; thence Easterly on the Northerly line of said Section 4, 1168.27 feet; thence angle right 90° 43' 31" Southerly, 1762.05 feet to the point of beginning of that tract of land herein described; thence continue Southerly on the last mentioned course, 1320.00 feet; thence angle right 90° 00' Westerly 660.00 feet; thence angle right 90° 00' Northerly, 1320.00 feet; thence angle right 90° 00' Easterly, 660.00 feet to the point of beginning and containing 20.00 Acres, more or less.

STATE OF COLORADO

OCT 23 1969

3-2000

Together with all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the said party of the first part, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances.

To Have and to hold the said premises above bargained and described, with the appurtenances unto the said parties of the second part, the survivors of them, their assigns and the heirs and assigns of such survivor forever. And the said party of the first part, for him self, his heirs, executors, and administrators, do hereby covenant, grant, bargain and agree to and with the said parties of the second part, the survivors of them, their assigns and the heirs and assigns of such survivor, that at the time of the executing and delivery of these presents, he do well and lawfully own the premises above conveyed, as of good and lawful title and free from all manner of incumbrance, in law, in fact, and in equity, and he is a good right, full power and lawful authority to grant, bargain, sell and convey the same in law and fact, and that the same are free and clear from all taxes and other grants, mortgages, sales, rents, issues, appurtenances and appurtenances of whatever kind or nature they may.

and the above bargained premises to the quiet and peaceable possession of the said parties of the second part, the survivors of them, their assigns and the heirs and assigns of such survivor, against all and every person or persons lawfully claiming or to claim the whole or any part thereof, the said party of the first part shall and will WARRANT AND FULFILL HIS OBLIGATION.

In Witness Whereof, The said party of the first part has hereunto set his hand and seal the day and year first above written.

Signed, Sealed and Delivered in the presence of

ROBERT C. MORRIS

STATE OF COLORADO, County of El Paso, I, Notary Public, do hereby certify that the foregoing is a true and correct copy of the original of the within and foregoing instrument, as the same appears from the records of my office, and that the same was duly recorded in my office on the 23rd day of October, 1969.

EXHIBIT A
Page 8 of 16

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MAY 06 2003
COUNTY ENGINEER
COLO.

14"
1760.78
1 27'

EXHIBIT A

Page 9 of 16

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MAY 06 2003

REGISTERED
STATE ENGINEER
COLO.

LEGAL DESCRIPTION

GOVERNMENT LOT 1, SECTION 4, TOWNSHIP 13 SOUTH, RANGE 63 WEST, OF THE 6TH P.M., EL PASO COUNTY, COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 4; THENCE S 01°04'54" W, ALONG THE EAST LINE OF SAID GOVERNMENT LOT 1, 1316.25 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE N 89°41'27" W, 1321.34 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE N 00°58'48" E, 1315.59 FEET TO THE NORTH LINE OF SAID SECTION 4; THENCE S 89°43'05" E, ALONG SAID NORTH LINE, 1323.69 FEET TO THE POINT OF BEGINNING AND CONTAINING 39.95 ACRES MORE OR LESS.

EXHIBIT A

Page 10 of 16

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MAY 06 2003

WATER RESOURCES
STATE ENGINEER
COLO.

LEGAL DESCRIPTION

GOVERNMENT LOT 3, SECTION 4, TOWNSHIP 13 SOUTH, RANGE 63 WEST, OF
THE 6TH P.M., EL PASO COUNTY, COLORADO, MORE PARTICULARLY
DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTH ¼ CORNER OF SAID SECTION 4; THENCE
S 00°52'40" W, ALONG THE EAST LINE OF SAID GOVERNMENT LOT 3, 1314.94'
FEET TO THE SOUTHEAST CORNER THEREOF; THENCE N 89°41'27" W,
1321.35 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE N 00°46'35"
E, 1314.29 FEET TO THE NORTH LINE OF SAID SECTION 4; THENCE S
89°43'05" E, ALONG SAID NORTH LINE, 1323.68 FEET TO THE POINT OF
BEGINNING AND CONTAINING 39.91 ACRES MORE OR LESS.

EXHIBIT A

Page 11 of 16

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MAY 06 2003

WILLIAM H. HARRISON, JR.
STATE ENGINEER
COLO.

LEGAL DESCRIPTION

GOVERNMENT LOT 4, SECTION 4, TOWNSHIP 13 SOUTH, RANGE 63 WEST, OF
THE 6TH P.M., EL PASO COUNTY, COLORADO, MORE PARTICULARLY
DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 4; THENCE
S 89°43'05" E, ALONG THE NORTH LINE OF SAID SECTION, 1323.69 FEET;
THENCE S 00°46'35" W, 1314.29 FEET TO THE SOUTHEAST CORNER OF SAID
GOVERNMENT LOT 4; THENCE N 89°41'27" W, 1321.35 FEET TO THE WEST
LINE OF SAID SECTION 4; THENCE N 00°40'28" E, ALONG SAID WEST LINE,
1313.65 FEET TO THE POINT OF BEGINNING AND CONTAINING 39.89 ACRES
MORE OR LESS.

South 69° 47' West, 90.6 feet to a point; thence
 South 89° 22' West, 211.9 feet to a point; thence
 North 88° 51' West, 84.7 feet to a point; thence
 South 76° 51' West, 40.0 feet to a point on the west line of the East

half (E₂) of the Southeast Quarter (SE₂) of Section Thirty-three (33), Township and Range
 aforesaid.

The Grantee shall permit the Grantor to make connection with said pipe line
 with a three-quarter inch pipe, the water flowing through said three-quarter inch pipe
 to be used by the Grantor for stock watering purposes.

Signed and delivered this 20th day of October, 1918.

Daniel Strobel.

State of Colorado)
 ss.
 County of El Paso)

On this day of 1918, before me, a notary public in and for said county
 in the state aforesaid, appeared this day in person Daniel Strobel, who is personally
 known to me to be the person whose name is subscribed to the foregoing instrument, and
 acknowledged to me that he signed, sealed and delivered the said instrument of writing
 as his free and voluntary act and deed for the uses and purposes therein set forth.

Witness my hand and official seal.

My commission expires

Notary Public.

EXHIBIT A

Page 12 of 16

Book 458

No. 256740

Quit Claim Deed

Charles F. Grote, et al

to

John G. Morgan

Filed for Record 11:15 A.M.

March 20, 1919.

E. A. Jackson, Recorder

QUIT CLAIM DEED.

THIS DEED, Made this 31st day of January, in the year of
 our Lord one thousand nine hundred and nineteen, between
 CHARLES F. GROTE and WILLIAM GROTE, of the City and County
 of Denver and State of Colorado, of the first part, and
 JOHN G. MORGAN, of the City and County of Denver and State
 of Colorado, of the second part;

WITNESSETH, That the said parties of the first part,
 for and in consideration of the sum of One Hundred and Ten
 Dollars (\$110.00) to the said parties of the first part in
 hand paid by the said party of the second part, the receipt whereof is hereby confessed
 and acknowledged, have remised, released, sold, conveyed and QUIT-CLAIMED, and by these
 presents do remise, release, sell, convey and QUIT-CLAIM unto the said party of the second
 part, his heirs and assigns forever, all the right, title, interest, claim and demand
 which the said parties of the first part have in and to the following described land, sit-
 uate, lying and being in the County of El Paso and State of Colorado, to-wit:

A strip of land, for canal purposes, in Section Thirty-two (32) Township
 Twelve (12), South, Range Sixty-three (63), West of the Sixth Principal Meridian, as

specifically shown on attached map, the exterior boundaries of which are described as follows, to-wit:

Beginning at a point 700 feet North of the Southwest corner of the Southeast quarter (SE $\frac{1}{4}$) of the Northwest quarter (NW $\frac{1}{4}$) of Section Thirty-two (32); thence South Forty degrees (40°) nine minutes (9') East nine hundred and twenty-five (925) feet; thence East one hundred and thirty-five (135) feet; thence North Forty degrees (40°) nine minutes (9') West eleven hundred and twenty-five (1125) feet; thence South one hundred and fifty (150) feet, to the point of beginning.

Provided that if the party of the second part, his executors, administrators or assigns, shall abandon the use of this parcel of land for canal purposes or shall fail to operate, maintain and keep the canal in repair in compliance with all the laws of the State of Colorado and so as to prevent any injury to the property of the parties of the first part, then this deed shall become null and void and the title to said premises shall revert and become vested, without further action, in the parties of the first part, their heirs, executors, administrators and assigns. Provided further, the said John G. Morgan shall within thirty days after receiving notice rescinding the same, construct and thereafter maintain across said ditch at each point as the first parties may designate, a good and substantial bridge sufficient for the passage of vehicles, including wagons and automobiles, and hauling of loads across the same, said bridge to be constructed and maintained at the expense of the said John G. Morgan, his heirs and assigns.

TO HAVE AND TO HOLD the same, together with all and singular the appurtenances and privileges thereunto belonging or in any wise thereunto appertaining, and all the estate, right, title, interest and claim whatsoever, of the said parties of the first part, either in law or equity, to the only proper use, benefit and behoof of the said party of the second part, his heirs and assigns forever, subject to the foregoing conditions.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

Charles F. Grotz (SEAL)
William Grotz (SEAL)

L.R. Stamp
\$.50
Cancelled

State of Colorado)
City and County of Denver) ss.

I, Ernest L. Rhoads, a notary public in and for said City and County, in the State aforesaid, do hereby certify that CHARLES F. GROTZ and WILLIAM GROTZ, who are personally known to me to be the persons whose names are subscribed to the foregoing Deed, appeared before me this day in person and acknowledged that they signed, sealed and delivered the said instrument of writing as their free and voluntary act and deed for the uses and purposes therein set forth.

Given under my hand and Notarial seal this 15th day of March, A.D. 1919.

My commission expires July 23rd 1922.

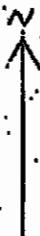
Ernest L. Rhoads
Notary Public.



EXHIBIT A
Page 13 of 16

178

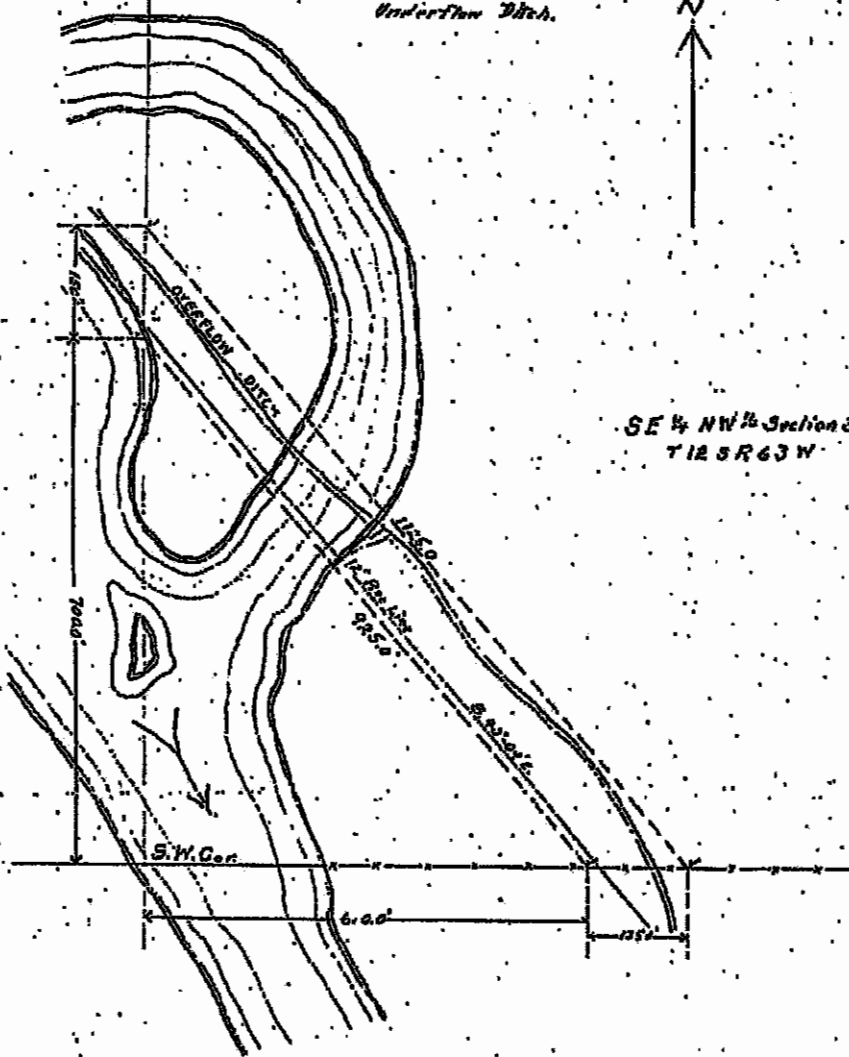
Owned by Grotz Bros.
Right of Way Map for
J. B. Morgan. Overflow and
Underflow Ditch.



RECEIVED
MAY 06 2003
WYOMING DEPARTMENT OF
STATE ENGINEER
COLD

EXHIBIT A
Page 14 of 16

SE 1/4 NW 1/4 Section 32
T12 S R 63 W



No. 266238

Quit Claim Deed

Charles F. Grotz, et al

to

John G. Morgan

Filed for record 11:05 A.M.

April 29, 1919

E. A. Jackson, Recorder

QUIT CLAIM DEED.

THIS DEED, Made this 31st day of January, in the year of our Lord one thousand nine hundred and nineteen; between CHARLES F. GROTZ and WILLIAM GROTZ, of the City and County of Denver and State of Colorado, of the first part, and JOHN G. MORGAN, of the City and County of Denver and State of Colorado, of the second part;

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of One Hundred and Ten Dollars (\$110.00) to the said parties of the first part in hand paid by

the said party of the second part, the receipt whereof is hereby confessed and acknowledged, have remised, sold, conveyed and QUIT-CLAIMED, and by these presents do remise, release, sell convey and QUIT-CLAIM unto the said party of the second part, his heirs and assigns forever, all the right, title, interest, claim and demand which the said parties of the first part have in and to the following described land, situate, lying and being in the County of El Paso and State of Colorado, to-wit: A strip of land, for canal purposes, in Section Thirty-two (32) Township Twelve (12), South, Range Sixty-three (63), West of the Sixth Principal Meridian, as specifically shown on attached map, the exterior boundaries of which are described as follows, to-wit:

Beginning at a point 700 feet North of the Southwest corner of the Southwest quarter (SW $\frac{1}{4}$) of the Northwest quarter (NW $\frac{1}{4}$) of Section Thirty-two (32); thence South Forty degrees (40°) nine minutes (9') East nine hundred and twenty-five (925) feet; thence East one hundred and thirty-five (135) feet; thence North Forty degrees (40°) nine minutes (9') West eleven hundred and twenty-five (1125) feet; thence South one hundred and fifty (150) feet, to the point of beginning.

Provided that if the party of the second part, his executors, administrators or assigns shall abandon the use of this parcel of land for canal purposes or shall fail to operate, maintain and keep the canal in repair in compliance with all the laws of the State of Colorado and so as to prevent any injury to the property of the parties of the first part, then this deed shall become null and void and the title to said premises shall revert and become vested, without further action, in the parties of the first part, their heirs, executors, administrators and assigns. Provided further, the said John G. Morgan shall within thirty days after receiving notice respecting the same, construct and thereafter maintain across said ditch at such point as the first parties may designate, a good and substantial bridge sufficient for the passage of vehicles; including wagons and automobiles, and hauling of loads across the same, said bridge to be constructed and maintained at the expense of the said John G. Morgan, his heirs and assigns.

TO HAVE AND TO HOLD the same, together with all and singular the appurtenances and privileges thereunto belonging or in any wise thereunto appertaining, and all the estate, right, title, interest and claim whatsoever, of the said parties of the first part, either in law or equity, to the only proper use, benefit and behoof of the said party of the second part his heirs and assigns forever, subject to the foregoing conditions.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals this day and year first above written.

Charles F. Grotz
William Grotz

(Seal)
(Seal)

State
Citysaid,
be in
person
their

RECEIVED
MAY 6 2003
STATE ENGINEER
COLD

EXHIBIT A

Page 15 of 16

State of Colorado
City and County of Denver ss

I, Ernest L. Rhoads, a notary public in and for said City and County, in the State aforesaid, do hereby certify that CHARLES F. GROTE and WILLIAM GROTE, who are personally known to me to be the persons whose names are subscribed to the foregoing Deed, appeared before me this day in person and acknowledged that they signed, sealed and delivered the said instrument of writing as their free and voluntary act and deed for the uses and purposes therein set forth.

Given under my hand and notarial seal this 15th day of March, A.D. 1919.

My commission expires July 13rd 1922

Ernest L. Rhoads
Notary Public



RECORDED
MAY 06 2001
WATER PLUMBING & HEATING
STATE ENGINEERS
COLO.

Drawn by Grote Bros.
After of My Map for
J. G. Morgan's Donation and
Underflow Ditch



EXHIBIT A

Page 16 of 16

SE 1/4 NW 1/4 Section 32
T12S R65W.

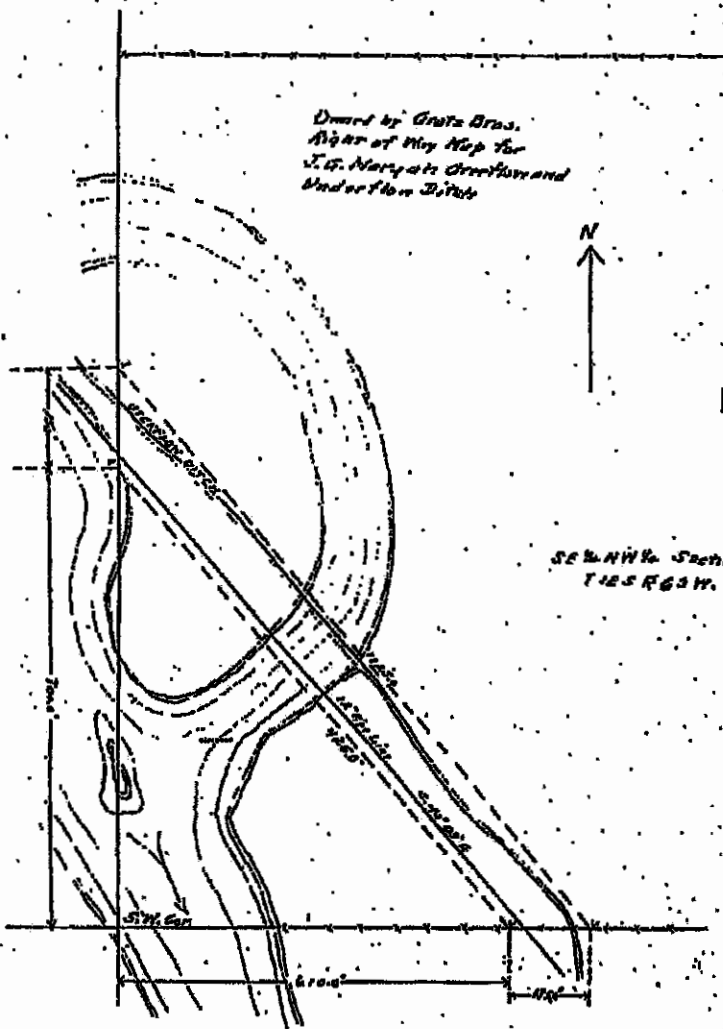


EXHIBIT B

Page 1 of 2

Page 1 of 2

457-BD

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., the Robert C. Norris Family Trust (hereinafter "applicant") has applied for determinations of water right to allow the appropriation of designated ground water from the Laramie-Fox Hills, Arapahoe and Denver aquifers underlying 6955.31 acres consisting of six noncontiguous tracts of land generally described as: Area A - 480.29 acres consisting of the E1/2 and SW1/4 of Section 9, Township 13 South, Range 64 West of the 6th P.M.; Area B - 676.09 acres consisting of the E1/2, the E1/2 of the W1/2, and the SW1/4 of the SW1/4 of Section 35 and the SW1/4 of Section 36, all in Township 12 South, Range 64 West of the 6th P.M.; Area C - 119.97 acres consisting of the SE1/4 of the NE1/4 and the E1/2 of the SE1/4 of Section 31, Township 12 South, Range 63 West of the 6th P.M.; Area D - 3915.69 acres consisting of all of Sections 1, 2 and 3, the N1/2 of the N1/2 of Section 10, the N1/2 of the N1/2 of Section 11, and the E1/2, the E1/3 of the W1/2, and the W2/3 of the N1/2 of the NW1/4 of Section 12, all in Township 13 South, Range 64 West, and all of Section 6 excluding the south 1460 feet of the east 1044 feet of the SE1/4, and all of Section 7 excluding the E1/2 of the SE1/4, all in Township 13 South, Range 63 West of the 6th P.M.; Area E - 433.6 acres consisting of the E1/2 of the NE1/4, the SW1/4 of the NE1/4, the S1/2 of the NW1/4, the SW1/4, and the W1/2 of the SE1/4 of Section 32, Township 12 South, Range 63 West of the 6th P.M.; Area F - 1329.67 acres consisting of land in the N1/2 and in the N1/2 of the S1/2 of Section 4, all of Section 5 excluding the NW1/4 of the NW1/4, and the N1/2 of Section 8, all in Township 13 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 appropriations from these aquifers will be used on the described property for the following beneficial uses: domestic, irrigation, commercial, industrial, recreation and livestock. The maximum allowable annual amount of ground water in each aquifer underlying the described property will be appropriated.

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 aquifers 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 appropriation from each of the described aquifers underlying the above described property to be as follows: Area A - 166 acre-feet for the Laramie-Fox Hills, 184 acre-feet for the Arapahoe, and 160 acre-feet for the Denver; Area B - 218 acre-feet for the Laramie-Fox Hills, 259 acre-feet for the Arapahoe, and 229 acre-feet for the Denver; Area C - 40.5 acre-feet for the Laramie-Fox Hills, 45.9 acre-feet for the Arapahoe, 20.2 acre-feet for the Denver not-nontributary 4% area, and 20.6 acre-feet for the Denver not-nontributary actual impact replacement area; Area D - 1292 acre-feet for the Laramie-Fox Hills, 1564 acre-feet for the Arapahoe, 702 acre-feet for the Denver not-nontributary 4% area, and 621.5 acre-feet for the Denver not-nontributary actual impact replacement area; Area E - 153 acre-feet for the Laramie-Fox Hills, 169 acre-feet for the Arapahoe, 6.9 acre-feet for the Denver not-nontributary 4% area, and 140 acre-feet for the Denver not-nontributary actual impact replacement area; Area F - 469 acre-feet for the Laramie-Fox Hills, 520 acre-feet for the Arapahoe, and 450 acre-feet for the Denver, subject to final staff evaluation. The estimated available annual acre-feet appropriation amount for each aquifer indicated above may be increased or decreased by the Commission to conform to the actual aquifer characteristics, based upon site specific data.

EXHIBIT B

Page 2 of 2

457-BD

The amounts for the Denver aquifer represent a reduction in the initial annual amounts determined to be available to allow for the annual withdrawals from fifteen (15) small-capacity wells located on the described property areas, permit nos. 12874, 15570, 17023, 25641, 25642, 57271, 72096, 81669, 81670, 84434, 104413, 124092, 132587, 189756, 205140.

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 Laramie-Fox Hills and Arapahoe aquifers underlying the above described 6955.31 acre property to be nontributary. The replacement water status for the Denver aquifer is not-nontributary, more specifically described for each area as follows: Area A - actual impact replacement; Area B - 4% replacement; Area C - 4% replacement underlying 59.9 acres of the area and actual impact replacement underlying 60.47 acres of the area; Area D - 4% replacement underlying 2075 acres of the area and actual impact replacement underlying 1840.69 acres of the area; Area E - 4% replacement underlying 20.3 acres of the area and actual impact replacement underlying 413.3 acres of the area; Area F - actual impact replacement.

Upon Commission approval of these determinations of water right, well permits for wells to withdraw the allowed appropriation 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 6955.31 acre property. Well permits for wells to withdraw ground water from the Denver aquifer underlying the above described Area A, the 60.47 acre portion of Area C, the 1840.69 acre portion of Area D, the 413.3 acre portion of Area E, and Area F, would also be subject to the conditions of a replacement plan to be approved by the Commission.

Any person wishing to object to the approval of these determinations of water right 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 fee and must be received by the Commission Staff, Colorado Ground Water Commission, 818 Centennial Building, 1313 Sherman Street, Denver, Colorado 80203, by September 15, 2003.

Appendix B-2

STATE OF COLORADO

OFFICE OF THE STATE ENGINEER

Division of Water Resources
Department of Natural Resources

1313 Sherman Street, Room 818
Denver, Colorado 80203
Phone (303) 866-3581
Fax (303) 866-3589

www.water.state.co.us



March 8, 2004

Bill Owens
Governor
Greg E. Wainwright
Executive Director
Hal D. Simpson, P.E.
State Engineer

ROBERT NORRIS
ROBERT C NORRIS FAMILY TRUST
970 SUMMER GAMES DRIVE
COLO SPGS CO 80908

RECORDER NOTE: Legibility
of writing, typing or printing
UNSATISFACTORY in portions
of this document when received.

RE: Determination of Water Right

Dear Mr. Norris:

Enclosed is a copy of the Colorado Ground Water Commission's Findings and Order for Determination of Water Right No. ~~058-00~~ for the allocation of ground water in the ~~Upper Black~~ aquifer. This Findings and Order are the Commission's approval of your application for determination of rights to ground water in the above stated aquifer. This document contains important information about your water right and should be reviewed and retained for your records.

As indicated in the Order, a copy of this determination must 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 overlying land claimed in the application, or any part thereof, shall reveal this determination. An additional copy of the Findings and Order is enclosed for this purpose.

If you have any questions, please contact this office.

Sincerely,

Richard Cooper
Physical Science Researcher Scientist
Designated Basins Branch

Enclosure: a/s

cc: John Schwab - JPS Engineering (letter only)
Purushottam Dass, PE - Stantec (letter only)
Upper Black Squirel Creek GWMD

Robert C. Balink El Paso Cty, CO
04/02/2004 12:31
Doc \$0.00 Page
Res \$125.00 1 of 25

204053004

**COLORADO GROUND WATER COMMISSION
FINDINGS AND ORDER**

IN THE MATTER OF AN APPLICATION FOR DETERMINATION OF WATER RIGHT TO
ALLOW THE WITHDRAWAL OF GROUND WATER IN THE UPPER BLACK SQUIRREL CREEK
DESIGNATED GROUND WATER BASIN

APPLICANT: ROBERT C. NORRIS FAMILY TRUST

AQUIFER: ARAPAHOE

DETERMINATION NO.: 458-BD

In compliance with Section 37-90-107(7), C.R.S., and the Designated Basin Rules, 2 CCR 410-1, The Robert C. Norris Family Trust (hereinafter "applicant") submitted an application for determination of water right to allow the withdrawal of designated ground water from the Arapahoe Aquifer.

FINDINGS

1. The application was first filed by the applicant on February 18, 2003, and was received complete by the Colorado Ground Water Commission on May 30, 2003.
2. The applicant requests a determination of rights to designated ground water in the Arapahoe Aquifer (hereinafter "aquifer") underlying 6,955.31 acres, generally described as the SE1/4 of the NE1/4 and the E1/2 of the SE1/4 of Section 31 and the E1/2 of the NE1/4, the SW1/4 of the NE1/4, the S1/2 of the NW1/4, the SW1/4, and the W1/2 of the SE1/4 of Section 32, all in Township 12 South, Range 63 West of the 6th Principal Meridian; the E1/2, the E1/2 of the W1/2, and the SW1/4 of the SW1/4 of Section 35 and the SW1/4 of Section 36, all in Township 12 South, Range 64 West of the 6th Principal Meridian; land in the N1/2 and in the N1/2 of the S1/2 of Section 4, all of Section 5 excluding the NW1/4 of the NW1/4, all of Section 6 excluding the south 1460 feet of the east 1044 feet of the SE1/4, and all of Section 7 excluding the E1/2 of the SE1/4, and the N1/2 of Section 8, all in Township 13 South, Range 63 West of the 6th Principal Meridian; all of Sections 1, 2 and 3, the E1/2 and the SW1/4 of Section 9, the N1/2 of the N1/2 of Section 10, the N1/2 of the N1/2 of Section 11, and the E1/2, the E1/3 of the W1/2, and the W2/3 of the N1/2 of the NW1/4 of Section 12, all in Township 13 South, Range 64 West of the 6th Principal Meridian; all in El Paso County. According to a signed statement dated February 5, 2003, the applicant owns the 6,955.31 acres of land, as further described in said affidavit which is attached hereto as Exhibit A, and claims control of the ground water in the aquifer underlying this land area.
3. The proposed annual amount of ground water to be allocated and withdrawn from the aquifer for intended beneficial uses is the maximum allowable amount...
4. The above described land area overlying the ground water claimed by the applicant is located within the boundaries of the Upper Black Squirrel Creek Designated Ground Water Basin and in the Upper Black Squirrel Creek Ground Water Management District. The Colorado Ground Water Commission (hereinafter "Commission") has jurisdiction.

5. The applicant intends to apply the allocated ground water to the following beneficial uses: domestic, irrigation, commercial, industrial, recreation and livestock watering. The applicant's proposed place of use of the allocated ground water is the above described 6955.31 acre land area.
6. a. Pursuant to Section 37-90-107(7), C.R.S., and Rule 5.3 of the Designated Basin Rules, the Commission Staff ("Staff") reviewed the application. In a preliminary evaluation of the complete application, the Staff found that the claimed 6955.31 acre overlying land area consisted of six noncontiguous tracts of land designated as Areas A through F. For this reason, the amount of ground water in the aquifer and a maximum annual amount available for allocation were determined specifically for the aquifer underlying each of the six noncontiguous areas. These designated areas are generally described and the amounts of available allocation specific for each area, as determined by Staff, are indicated in the legal notice publication for the application attached hereto as Exhibit B.

b. The six noncontiguous tracts are the result of county roads physically separating the overlying land area into six separate areas. This finding by Staff was based on previous claims by El Paso County that the right-of-way for all such county roads is considered to be the property of the county and not, simply, an easement subject to claims of ownership by surrounding property owners.
7. On July 24, 2003, 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. No written recommendations from the district were received.
8. The Commission Staff has evaluated the application relying on the claims to control of the ground water in the aquifer made by the applicant.
9. In accordance with Sections 37-90-107(7) and 37-90-112, C.R.S., the application was published in The Gazette newspaper on August 7 & 14, 2003.
10. a. On September 15, 2003, an objection to the application was received from the applicant and assigned Case No. 03-GW-16. The applicant specifically objected to the Commission Staff's finding that the overlying land area consisted of six noncontiguous tracts and claimed that, in fact, the overlying land area consisted of one contiguous parcel. No other objection to the proposed determination of water right was received within the time limit set by statute.

b. As an attachment to the objection, the applicant provided a copy of a letter from the Office of the El Paso County Surveyor, dated August 28, 2003. In this letter, Mr. Christopher Brewer, the County Surveyor, states that, after review of relevant property records, the existing county roads within the applicant's claimed overlying land area are not owned in fee by the county.

c. By letter to the El Paso County Surveyor, dated September 16, 2003, the Staff responded to Mr. Brewer's above-described letter. Staff's letter was copied to the El Paso County Department of Planning, Department of Transportation, and Office of the County Attorney. The intent of this letter was to obtain any comments from interested governmental departments or agencies of El Paso County regarding the issue of ownership of county road right-of-ways and specifically the ownership of such right-of-ways dividing the applicant's overlying land area.

d. Since the mailing of the above Staff letter of September 16, 2003, the Staff has received no additional written correspondence from any governmental department or agency of El Paso County regarding the issue of ownership of county road right-of-ways. Based on the information provided by the Office of the El Paso County Surveyor, in the above-described letter of August 28, 2003, the staff revises the finding that the applicant's claimed overlying land area consists of six noncontiguous tracts. The preliminary findings, as published in the legal notice attached hereto as Exhibit B, are subject to final staff evaluation. Final staff evaluation of the application, therefore, finds that the applicant's claimed 6955.31 acre overlying land area is one contiguous area. The applicant was notified of the revised finding for this application by letter from the Staff dated December 31, 2003.

e. In a letter to the Commission Hearing Officer received on January 27, 2004, the applicant requested that its objection be withdrawn and that the application be returned to the Staff for further action. By Order of the Hearing Officer dated January 28, 2004, Case No. 03-GW-16 was dismissed and the application was remanded to Staff to take any administrative steps it deems necessary.

f. The above-described revised finding of the Commission is incorporated into these findings. ...

11. The quantity of water in the aquifer underlying the 6955.31 acres of land claimed by the applicant is 271,953 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 underlying the land under consideration 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 underlying the land under consideration that could yield a sufficient quantity of water that may be extracted and applied to beneficial use is 230 feet.
12. At this time, there is no substantial artificial recharge that would affect the aquifer within a one hundred year period.
13. Pursuant to Section 37-90-107(7), C.R.S., and in accordance with the Designated Basin Rules, the Commission shall allocate ground water in the aquifer based on ownership of the overlying land and an aquifer life of one hundred years. Therefore, the maximum average annual amount of ground water in the aquifer that may be allocated for withdrawal pursuant to the data in the paragraphs above for the 6955.31 acres of overlying land claimed by the applicant is 2,720 acre-feet.
14. 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.
15. 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 6955.31 acres of land claimed by the applicant will not, 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 ground water is nontributary ground water as defined in Rule 4.2.19 of the Designated Basin Rules. No more than 98% of the amount of ground water withdrawn annually shall be consumed, as required by the Designated Basin Rules.

16. A review of the records in the Office of the State Engineer has disclosed that none of the water in the aquifer underlying the land claimed by the applicant has been previously allocated or permitted for withdrawal.
17. 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.
18. In accordance with Section 37-90-107(7), C.R.S., upon Commission approval of a determination of water right, well permits for wells to withdraw the authorized amount of water from the aquifer shall be available upon application, subject to the conditions of this determination and the Designated Basin Rules and subject to approval by the Commission.
19. In order to prevent unreasonable impairment to the existing water rights of others within the Upper Black Squirrel Creek Designated Ground Water Basin it is necessary to impose conditions on the determination of water right and proposed allocation of ground water. Under conditions as stated in the following Order, no unreasonable impairment of existing water rights will occur from approval of this determination of water right or from the issuance of well permits for wells to withdraw the authorized amount of allocated ground water from the aquifer.

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 rights to designated ground water in the Arapahoe Aquifer underlying 6955.31 acres of land, generally described as the SE1/4 of the NE1/4 and the E1/2 of the SE1/4 of Section 31 and the E1/2 of the NE1/4, the SW1/4 of the NE1/4, the S1/2 of the NW1/4, the SW1/4, and the W1/2 of the SE1/4 of Section 32, all in Township 12 South, Range 63 West of the 6th Principal Meridian; the E1/2, the E1/2 of the W1/2, and the SW1/4 of the SW1/4 of Section 35 and the SW1/4 of Section 36, all in Township 12 South, Range 64 West of the 6th Principal Meridian; land in the N1/2 and in the N1/2 of the S1/2 of Section 4, all of Section 5 excluding the NW1/4 of the NW1/4, all of Section 6 excluding the south 1460 feet of the east 1044 feet of the SE1/4, and all of Section 7 excluding the E1/2 of the SE1/4, and the N1/2 of Section 8, all in Township 13 South, Range 63 West of the 6th Principal Meridian; all of Sections 1, 2 and 3, the E1/2 and the SW1/4 of Section 9, the N1/2 of the N1/2 of Section 10, the N1/2 of the N1/2 of Section 11, and the E1/2, the E1/3 of the W1/2, and the W2/3 of the N1/2 of the NW1/4 of Section 12, all in Township 13 South, Range 64 West of the 6th Principal Meridian, is approved subject to the following conditions:

20. The allocated average annual amount of ground water to be withdrawn from the aquifer shall not exceed 2,720 acre-feet. The allowed maximum annual amount of withdrawal may exceed the allowed average annual amount of withdrawal as long as the total volume of 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.

21. To conform to actual aquifer characteristics, the Commission may adjust the allocated average annual amount of ground water to be withdrawn from the aquifer based on analysis of geophysical logs or other site-specific data if such analysis indicates that the initial estimate of the volume of water in the aquifer was incorrect.
22. No more than 98% of the ground water withdrawn annually shall be consumed. The Commission may require well owners to demonstrate periodically that no more than 98% of the water withdrawn is being consumed.
23. The use of ground water from this allocation shall be limited to the following uses: domestic, irrigation, commercial, industrial, recreation and livestock watering. The place of use shall be limited to the above described 6955.31 acre overlying land area.
24. The applicant, or subsequent persons controlling this water right, shall record in the public records of the county - in which the claimed overlying land is located - notice of transfer of any portion of this water right to another within sixty days after the transfer, so that a title examination of the above described 6955.31 acre land area, or any part thereof, shall reveal the changes affecting this water right. Such notice shall consist of a signed and dated deed which indicates the determination number, the aquifer, a description of the above described land area, the annual amount of ground water (acre-feet) transferred, name of the recipient, and the date of transfer.
25. Subject to the above conditions, well permits for wells to withdraw the authorized annual amount of water from the aquifer shall be available upon application subject to approval by the Commission and the following conditions:
 - a. The wells shall be located on the above described 6955.31 acre overlying land area.
 - b. The wells must be constructed to withdraw water from only the Arapahoe Aquifer. Upon application for a well permit to construct such a well, the estimated top and base of the aquifer at the proposed well location will be determined by the Commission and indicated on the approved well permit. Plain non-perforated casing must be installed, grouted and sealed to prevent diversion of ground water from other aquifers and the movement of ground water between aquifers.
 - c. 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.
 - d. Each well shall be constructed within 200 feet of the location specified on the approved well permit, but must be more than 600 feet from any existing large-capacity well completed in the same aquifer.
 - e. The wells may withdraw the allowed average annual amount of water from the aquifer together in any combination. The total combined annual withdrawal of the wells shall not exceed the allowed average annual amount described in this Order.
 - f. 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 maintained by the well owner and submitted to the Commission or the Upper Black Squirrel Creek Ground Water Management District upon their request.


Applicant: Robert C. Norris Family Trust
Aquifer: Arapahoe
Determination No.: 458-BD

Page 6

g. The well owner shall mark the well in a conspicuous place with the permit number and the name of the aquifer. The well owner shall take necessary means and precautions to preserve these markings.

26. A copy of this Findings and Order shall be recorded by the applicant in the public records of the county - in which the claimed overlying land is located - so that a title examination of the above described 6955.31 acre overlying land area, or any part thereof, shall reveal the existence of this determination.

Dated this 3rd day of March, 2004.


Hal D. Simpson
Executive Director
Colorado Ground Water Commission

By 
Suzanne M. Sellers, P.E.
Designated Basins Chief

Prepared by: EBT & RAC

FIND-442

GWS 1
06/09/00

EXHIBIT A

Page 1 of 16

STATE OF COLORADO
OFFICE OF THE STATE ENGINEER
DIVISION OF WATER RESOURCES
1313 Sherman St. Room 821
Denver, CO 80203
(303) 866-3581 Fax (303) 866-3589

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MAY 06 2003
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STATE ENGINEER
COLORADO

NONTRIBUTARY GROUND WATER LANDOWNERSHIP STATEMENT

I (We) Robert G. Norris Family Trust
(Name(s))

claim and say that I (we) am (are) the owner(s) of the following described property consisting of
6,955.31 ~~7046.21~~ acres in the County of El Paso
State of Colorado:

(Insert the property legal description)

See attached legal description

and, that the ground water sought to be withdrawn from the Arroyo
aquifer underlying the above-described land has not been conveyed to reserved to another, nor has
consent been given to its withdrawal by another.

Further, I (we) claim and say that I (we) have read the statements made herein; know the contents
hereof; and that the same are true to my (our) knowledge.

X Robert G. Norris 11/25/02
Signature President Date
X [Signature] 11/25/02
Signature Date

INSTRUCTIONS:

Please type or print neatly in black ink. This form may be reproduced by photocopy or word
processing means. See additional information on the reverse side.

EXHIBIT A

Page 2 of 16

Our Order No. SC146856-4

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WATER RESOURCES
STATE ENGINEER
COLO.

LEGAL DESCRIPTION

PARCEL A:

GOVERNMENT LOTS 1, 3, AND 4; THE SOUTH HALF OF THE NORTH HALF; AND THE NORTH HALF OF THE SOUTH HALF, SECTION 4, TOWNSHIP 13 SOUTH, RANGE 63 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, LESS THAT PORTION CONVEYED BY DEED RECORDED IN BOOK 2315 AT PAGE 945.

ALL OF SECTION 5, TOWNSHIP 13 SOUTH, RANGE 63 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, LESS AND EXCEPT GOVERNMENT LOT 4 OF SAID SECTION;

ALL OF SECTION 6, TOWNSHIP 13 SOUTH, RANGE 63 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO, EXCEPTING THEREFROM THE SOUTH 1460.00 FEET OF THE EAST 1044.28 FEET OF THE SOUTHEAST QUARTER, SECTION 6, TOWNSHIP 13 SOUTH, RANGE 63 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO.

ALL OF SECTION 7, TOWNSHIP 13 SOUTH, RANGE 63 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO, EXCEPTING THEREFROM THE EAST ONE-HALF OF THE SOUTHEAST QUARTER, SECTION 7, TOWNSHIP 13 SOUTH, RANGE 63 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO.

THE NORTH HALF OF SECTION 8, TOWNSHIP 13 SOUTH, RANGE 63 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO.

THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER AND THE EAST ONE-HALF OF THE SOUTHEAST QUARTER, SECTION 31, TOWNSHIP 12 SOUTH, RANGE 63 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO.

THE EAST ONE-HALF OF THE NORTHEAST QUARTER, THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER, THE SOUTH ONE-HALF OF THE NORTHWEST QUARTER, THE SOUTHWEST QUARTER AND THE WEST ONE-HALF OF THE SOUTHEAST QUARTER, SECTION 32, TOWNSHIP 12 SOUTH, RANGE 63 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO, EXCEPTING THEREFROM THOSE PORTIONS CONVEYED FOR CANAL PURPOSES IN DEEDS RECORDED IN BOOK 458 AT PAGES 176 AND 180.

ALL OF SECTION 1, TOWNSHIP 13 SOUTH, RANGE 64 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO.

ALL OF SECTION 2, TOWNSHIP 13 SOUTH, RANGE 64 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO.

ALL OF SECTION 3, TOWNSHIP 13 SOUTH, RANGE 64 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO.

THE EAST ONE-HALF AND THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 13 SOUTH, RANGE 64 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO.

THE NORTH ONE-HALF OF THE NORTH ONE-HALF OF SECTION 10, TOWNSHIP 13 SOUTH, RANGE 64 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO.

EXHIBIT A

Page 3 of 16

Our Order No. SC146856-4

LEGAL DESCRIPTION

THE NORTH ONE-HALF OF THE NORTH ONE-HALF OF SECTION 11, TOWNSHIP 13 SOUTH, RANGE 64 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO.

THE EAST ONE-HALF, THE EAST ONE-THIRD OF THE WEST ONE-HALF AND THE WEST TWO-THIRDS OF THE NORTH ONE-HALF OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 13 SOUTH, RANGE 64 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO.

THE EAST ONE-HALF, THE EAST ONE-HALF OF THE WEST ONE-HALF AND THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 12 SOUTH, RANGE 64 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO.

THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 12 SOUTH, RANGE 64 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO.

Parcel B deleted

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MAY 06 2003

WALTER H. BROWN, JR.
STATE ENGINEER
C.O.D.

El Paso County Parcel Information

MAY 06 2003

WATER RESOURCES
STATE ENGINEER

Parcel Number: 4300000445, -444, -345, ETC

File Name: PRE-02-144

Parcel Address: 0 MURR RD

Parcel Owner: NORRIS ROBERT C & JANE W TRUSTEES

Zone Map No.: 323.31, 323.32,
332.04 - 332.08, 424.35, 424.36,
431.01 - 431.03, 431.10 - 431.12,
432.09

Parcel Owner2: NORRIS ROBERT C FAMILY TRUST

Parcel Owner3: C/O T-CROSS RANCHES

Owner Mailing Address: 970 SUMMER GAMES DR, COLORADO SPRINGS, CO, 80906

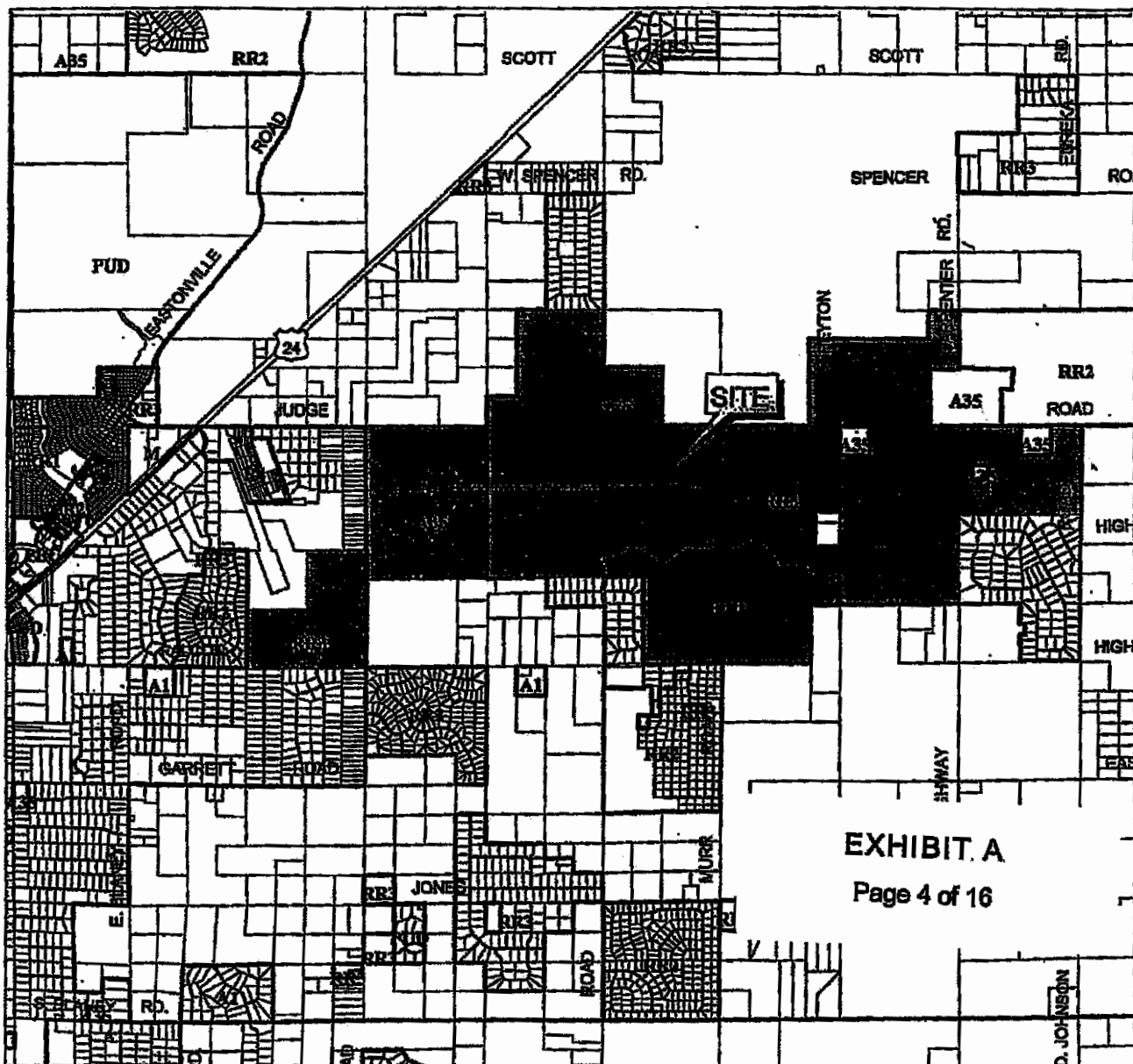


EXHIBIT A

Page 4 of 16



Please report any discrepancies to:
El Paso County GIS/Mapping
325 S. Cascade
Colorado Springs, CO 80903
(719)520-6323

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May 6, 2002



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MAY 06 2003
UNITED NATIONS
STATE DEPARTMENT
GPO



2025-11-15/2024

THESE INDICATORS
WERE:
1. THE 1961-62 SEASON WAS THE MOST DRY SINCE 1934.
2. THE 1961-62 SEASON WAS THE MOST DRY SINCE 1934.
3. THE 1961-62 SEASON WAS THE MOST DRY SINCE 1934.

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1. The first step in the process is to identify the problem or issue that needs to be addressed. This involves gathering information and understanding the context of the situation.

QUANTIFIED BY ESTIMATING APPROXIMATELY

THE NEW YORK TIMES

100-1149

THESE ARE THE RESULTS OF THE STUDY. THE STUDY WAS CONDUCTED BY THE NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SAFETY (NIEHS) AND THE NATIONAL CANCER INSTITUTE (NCI). THE STUDY WAS DESIGNED TO DETERMINE THE EFFECTS OF EXPOSURE TO AIR POLLUTION ON THE RISK OF DEVELOPING LUNG CANCER. THE STUDY WAS CONDUCTED IN A CITY WITH HIGH AIR POLLUTION LEVELS. THE STUDY WAS CONDUCTED IN A CITY WITH HIGH AIR POLLUTION LEVELS. THE STUDY WAS CONDUCTED IN A CITY WITH HIGH AIR POLLUTION LEVELS.

WEEKLY NEWS FILE MAIL
FOR THE BENEFIT OF
UNITED PLANNERS & CONSULTANTS
AND SECURITY IN 1981 AND 1982

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ATTORNEY GENERAL, WASHINGTON, D.C. 20540

100-443687-1000

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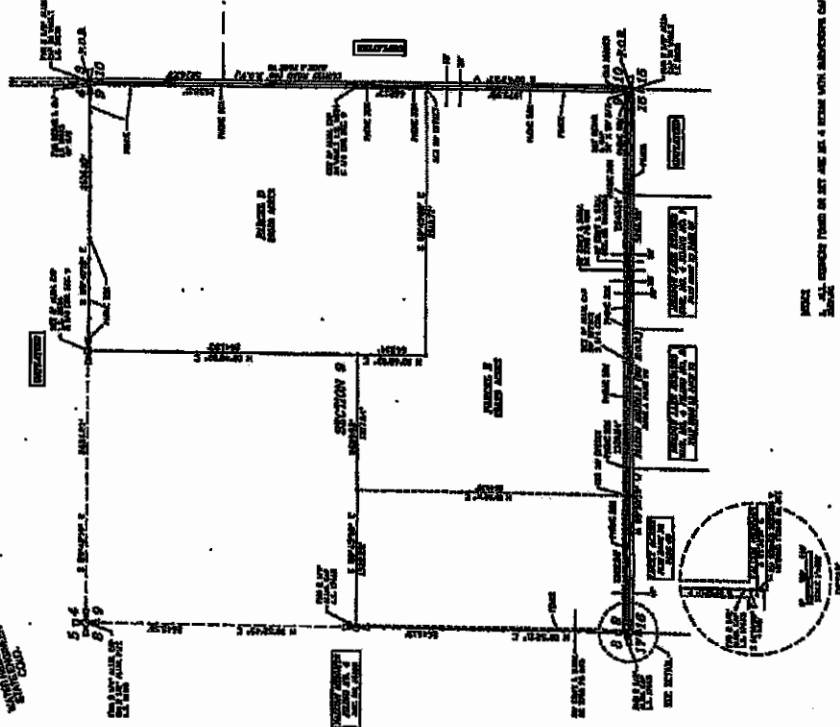
THE LANC. AND WESTMINSTER GAZETTE. SATURDAY, JANUARY 10, 1896.

**STANDARD SOLUTIONS AFTER
THE
EQUIVALENT POINT**

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EXHIBIT A
Page 5 of 16



THE
FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
WASHINGTON, D. C. 20535

[illegible]

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COLD.

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U.S. DEPARTMENT OF JUSTICE

EXHIBIT A

Page 6 of 16

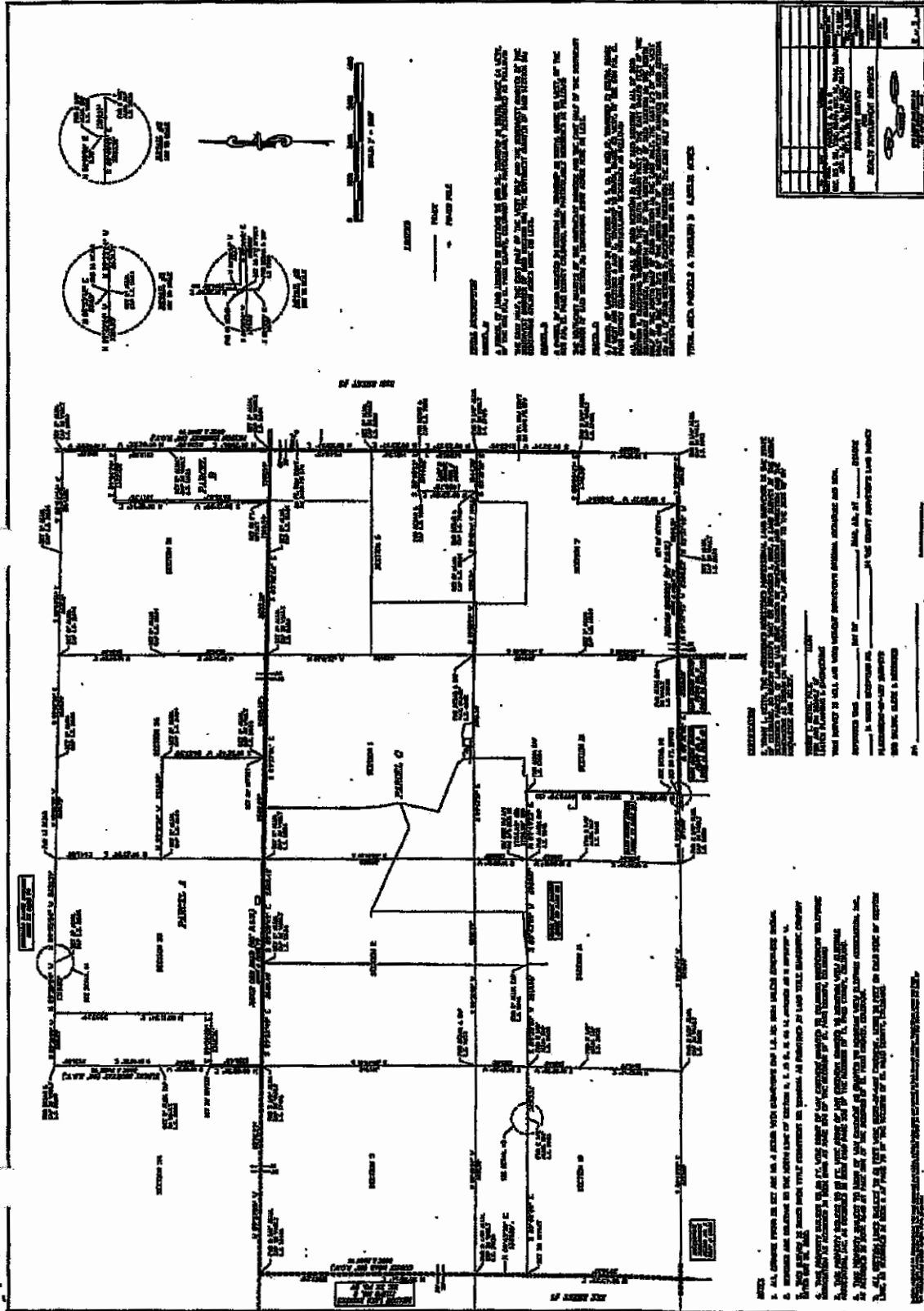
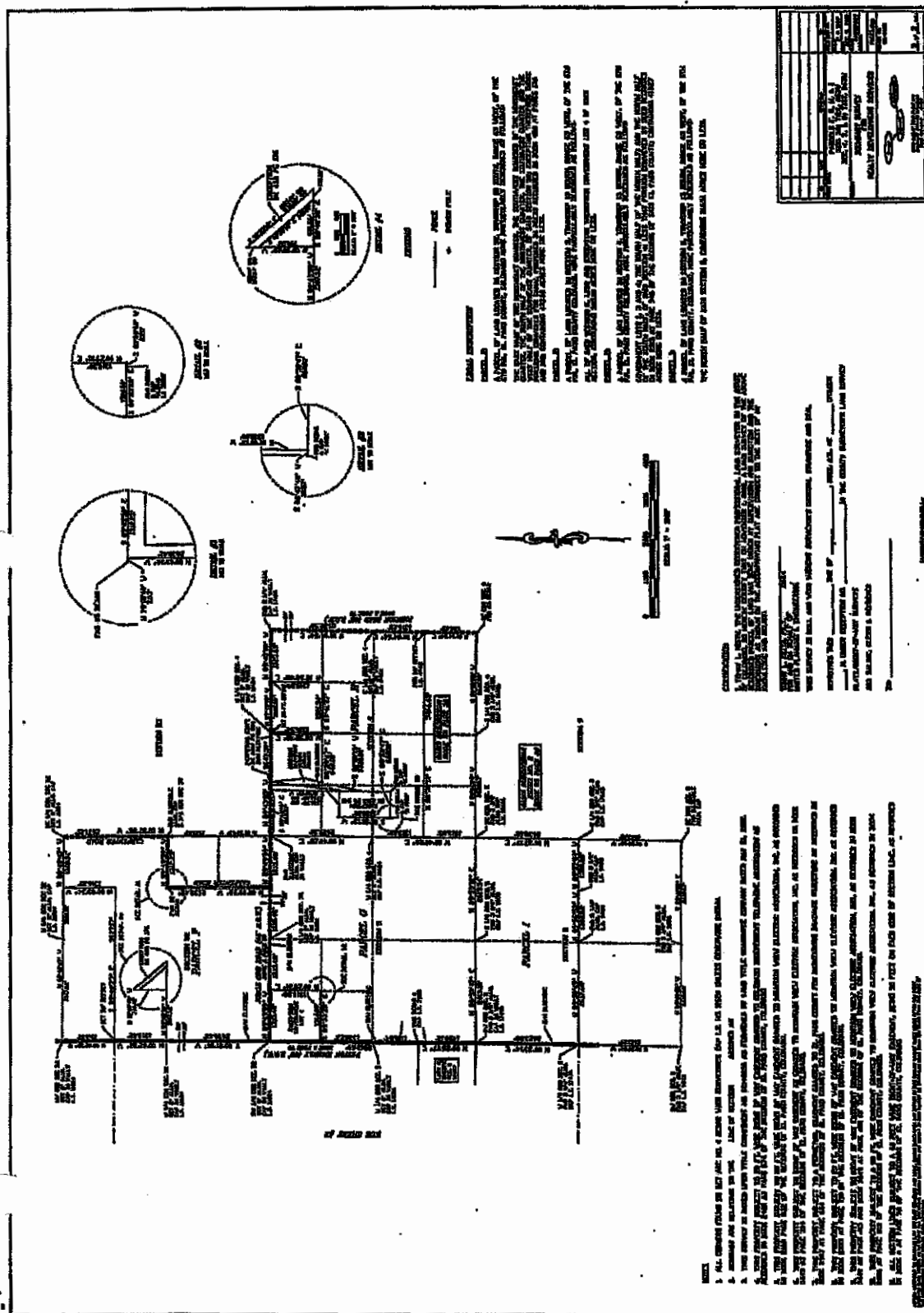


EXHIBIT A

Page 7 of 16



OCT 23 1969

BOOK 2315 PAGE 945

694900

HARRIET BEALS

This Deed, Made this 21st day of October In the year of our Lord one thousand nine hundred and sixty-nine between ROBERT C. MORRIS

of the County of El Paso and State of Colorado, of the first part, and FRED P. DUGAN, also known as FRED PAUL DUGAN and VIRGINIA A. DUGAN

of the County of El Paso and State of Colorado, of the second part;

Witnesseth, That the said party of the first part, for and in consideration of the sum of One Dollar and other valuable consideration ~~to be paid~~ to the said party of the second part in hand paid by the said parties of the second part, the receipt whereof is hereby confessed and acknowledged, has granted, bargained, sold and conveyed, and by these presents do grant, bargain, sell, convey and confirm unto the said parties of the second part, not in fee simple but in joint tenancy, the survivor of them, their assigns and the heirs and assigns of each survivor forever, all the following described lot or parcel of land, situate, lying and being in the County of El Paso and State of Colorado, to-wit:

That portion of the Northwest Quarter of Section 4, Township 13 South, Range 63 West of the 6th P.M., El Paso County, described as follows: Commencing at the Northwest corner of said Section 4; thence Easterly on the Northerly line of said Section 4, 1168.27 feet; thence angle right 90° 43' 31" Southerly, 1762.05 feet to the point of beginning of that tract of land herein described; thence continue Southerly on the last mentioned course, 1320.00 feet; thence angle right 90° 00' Westerly 660.00 feet; thence angle right 90° 00' Northerly, 1320.00 feet; thence angle right 90° 00' Easterly, 660.00 feet to the point of beginning and containing 20.00 Acres, more or less.

SAYL Section 4 MAY 1969

OCT 23 1969

\$ 2.00

EXHIBIT A

Page 8 of 16

Together with all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining, and the revenues and pensions, remainder and reversions, rents, issues and profits thereof, which the said parties of the first part, either in law or equity, or in and to the above bargained premises, with the hereditaments and appurtenances.

To Have and to Hold the said premises above bargained and described with the appurtenances unto the said parties of the second part, the survivor of them, their assigns and the heirs and assigns of each survivor forever. And the said party of the first part, for him self, his heirs, executors, and administrators, do give, covenant, grant, bargain and agree to and with the said parties of the second part, the survivor of them, their assigns and the heirs and assigns of each survivor, that at the time of the executing and delivery of these presents, for the well and quiet enjoyment of the premises above conveyed, he of good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and in a good title, full power and lawful authority to grant, bargain, sell and convey the same in manner and form aforesaid, and that the same are free and clear from all taxes and other grants, bargains, sales, liens, taxes, assessments and incumbrances of whatever kind or nature soever.

and the above bargained premises in the right and peaceable possession of the said parties of the second part, the survivor of them, their assigns and the heirs and assigns of each survivor, against all and every person or persons lawfully claiming or to claim the whole or any part thereof, the said party of the first part shall and will WARRANT AND FOREVER DEFEND.

In Witness Whereof, The said party of the first part has hereunto set his hand and seal the day and year first above written.

Signed, Sealed and Delivered in the Presence of

ROBERT C. MORRIS

NOTARY PUBLIC

County of El Paso

State of Colorado

My Comm. Expires 12-31-70

My Comm. Expires 12-31-70

My Comm. Expires 12-31-70

My Comm. Expires 12-31-70

My Comm. Expires 12-31-70

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MAY 06 2003
STATE ENGINEER
C.O.

12"
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1 27'

EXHIBIT A

Page 9 of 16

RECEIVED

MAY 06 2003

WALTER H. HARRIS
STATE ENGINEER
COLO.

LEGAL DESCRIPTION

GOVERNMENT LOT 1, SECTION 4, TOWNSHIP 13 SOUTH, RANGE 63 WEST, OF
THE 6TH P.M., EL PASO COUNTY, COLORADO, MORE PARTICULARLY
DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 4; THENCE
S 01°04'54" W, ALONG THE EAST LINE OF SAID GOVERNMENT LOT 1, 1316.25
FEET TO THE SOUTHEAST CORNER THEREOF; THENCE N 89°41'27" W,
1321.34 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE N 00°58'48"
E, 1315.59 FEET TO THE NORTH LINE OF SAID SECTION 4; THENCE S
89°43'05"E, ALONG SAID NORTH LINE, 1323.69 FEET TO THE POINT OF
BEGINNING AND CONTAINING 39.95 ACRES MORE OR LESS.

EXHIBIT A

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MAY 06 2003

WATER RESOURCES
STATE ENGINEER
COLO.

LEGAL DESCRIPTION

**GOVERNMENT LOT 3, SECTION 4, TOWNSHIP 13 SOUTH, RANGE 63 WEST, OF
THE 6TH P.M., EL PASO COUNTY, COLORADO, MORE PARTICULARLY
DESCRIBED AS FOLLOWS:**

**BEGINNING AT THE NORTH ¼ CORNER OF SAID SECTION 4; THENCE
S 00°52'40" W, ALONG THE EAST LINE OF SAID GOVERNMENT LOT 3, 1314.94'
FEET TO THE SOUTHEAST CORNER THEREOF; THENCE N 89°41'27" W,
1321.35 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE N 00°46'35"
E, 1314.29 FEET TO THE NORTH LINE OF SAID SECTION 4; THENCE S
89°43'05"E, ALONG SAID NORTH LINE, 1323.68 FEET TO THE POINT OF
BEGINNING AND CONTAINING 39.91 ACRES MORE OR LESS.**

EXHIBIT A

Page 11 of 16

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MAY 06 2003

Walter H. H. H. H.
STATE ENGINEER
C.O.D.

LEGAL DESCRIPTION

**GOVERNMENT LOT 4, SECTION 4, TOWNSHIP 13 SOUTH, RANGE 63 WEST, OF
THE 6TH P.M., EL PASO COUNTY, COLORADO, MORE PARTICULARLY
DESCRIBED AS FOLLOWS:**

**BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 4; THENCE
S 89°43'05" E, ALONG THE NORTH LINE OF SAID SECTION, 1323.69 FEET;
THENCE S 00°46'35" W, 1314.29 FEET TO THE SOUTHEAST CORNER OF SAID
GOVERNMENT LOT 4; THENCE N 89°41'27" W, 1321.35 FEET TO THE WEST
LINE OF SAID SECTION 4; THENCE N 00°40'28" E, ALONG SAID WEST LINE,
1313.65 FEET TO THE POINT OF BEGINNING AND CONTAINING 39.89 ACRES
MORE OR LESS.**

South 69° 47' West, 90.8 feet to a point; thence
 South 69° 22' West, 211.9 feet to a point; thence
 North 88° 31' West, 54.7 feet to a point; thence
 South 76° 51' West, 40.0 feet to a point on the west line of the East

half (E₂) of the Southeast Quarter (SE₄) of Section Thirty-three (33), Township and Range
 aforesaid.

The Grantee shall permit the Grantor to make connection with said pipe line
 with a three-quarter inch pipe, the water flowing through said three-quarter inch pipe
 to be used by the Grantor for stock watering purposes.

Signed and delivered this 20th day of October, 1918.

Daniel Strobel.

MAILED
 MAY 06 2003
 STATE ENGINEER

EXHIBIT A

Page 12 of 16

State of Colorado)
 ss.
 County of El Paso)

On this day of 1918, before me, a notary public in and for said county
 in the state aforesaid, appeared this day in person Daniel Strobel, who is personally
 known to me to be the person whose name is subscribed to the foregoing instrument, and
 acknowledged to me that he signed, sealed and delivered the said instrument of writing
 as his free and voluntary act and deed for the uses and purposes therein set forth.

Witness my hand and official seal.

My commission expires

Notary Public.

Book 458

No. 264740

Quit Claim Deed

Charles F. Grotz, et al

to

John G. Morgan

Filed for Record 11:55 A.M. March 28, 1919.

E. A. Jackson, Recorder

QUIT CLAIM DEED.

THIS DEED, Made this 31st day of January, in the year of
 our Lord one thousand nine hundred and nineteen, between
 CHARLES F. GROTZ and WILLIAM GROTZ, of the City and County
 of Denver and State of Colorado, of the first part, and
 JOHN G. MORGAN, of the City and County of Denver and State
 of Colorado, of the second part;

WITNESSETH, That the said parties of the first part,
 for and in consideration of the sum of One Hundred and Ten
 Dollars (\$110.00) to the said parties of the first part in
 hand paid by the said party of the second part, the receipt whereof is hereby confessed
 and acknowledged, have remised, released, sold, conveyed and QUIT-CLAIMED, and by these
 presents do remise, release, sell, convey and QUIT-CLAIM unto the said party of the second
 part, his heirs and assigns forever, all the right, title, interest, claim and demand
 which the said parties of the first part have in and to the following described land, sit-
 uate, lying and being in the County of El Paso and State of Colorado, to-wit:

A strip of land, for canal purposes, in Section Thirty-two (32) Township
 Twelve (12), South, Range Sixty-three (63), East of the Sixth Principal Meridian, as

specifically shown on attached map, the exterior boundaries of which are described as follows, to-wit:

Beginning at a point 700 feet North of the Southwest corner of the Southeast quarter (SE $\frac{1}{4}$) of the Northwest quarter (NW $\frac{1}{4}$) of Section Thirty-two (32); thence South Forty degrees (40°) nine minutes (9'). East nine hundred and twenty-five (925) feet; thence East one hundred and thirty-five (135) feet; thence North Forty degrees (40°) nine minutes (9') West eleven hundred and twenty-five (1125) feet; thence South one hundred and fifty (150) feet, to the point of beginning.

Provided that if the party of the second part, his executors, administrators or assigns, shall abandon the use of this parcel of land for canal purposes or shall fail to operate, maintain and keep the canal in repair in compliance with all the laws of the State of Colorado and so as to prevent any injury to the property of the parties of the first part, then this deed shall become null and void and the title to said premises shall revert and become vested, without further action, in the parties of the first part, their heirs, executors, administrators and assigns. Provided further, the said John G. Morgan shall within thirty days after receiving notice respecting the same, construct and thereafter maintain across said ditch at such point as the first parties may designate, a good and substantial bridge sufficient for the passage of vehicles, including wagons and automobiles, and hauling of loads across the same, said bridge to be constructed and maintained at the expense of the said John G. Morgan, his heirs and assigns.

TO HAVE AND TO HOLD the same, together with all and singular the appurtenances and privileges thereunto belonging or in any wise thereunto appertaining, and all the estate, right, title, interest and claim whatsoever, of the said parties of the first part, either in law or equity, to the only proper use, benefit and behoof of the said party of the second part, his heirs and assigns forever, subject to the foregoing conditions.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

Charles F. Grote

(SEAL)

William Grote

(SEAL)

L.R. Stamp,
\$.50
Cancelled

State of Colorado)
City and County of Denver) ss.

I, Ernest L. Rhoads, a notary public in and for said City and County, in the State aforesaid, do hereby certify that CHARLES F. GROTE and WILLIAM GROTE, who are personally known to me to be the persons whose names are subscribed to the foregoing Deed, appeared before me this day in person and acknowledged that they signed, sealed and delivered the said instrument of writing as their free and voluntary act and deed for the uses and purposes therein set forth.

Given under my hand and Notarial seal this 15th day of March, A.D. 1919.

My commission expired July 23rd 1922.

Ernest L. Rhoads

Notary Public.



EXHIBIT A
Page 13 of 16

178

Owned by Grotz Bros.
Right of Way Map for
J. E. Morgan. Overflow and
Underflow Ditch.

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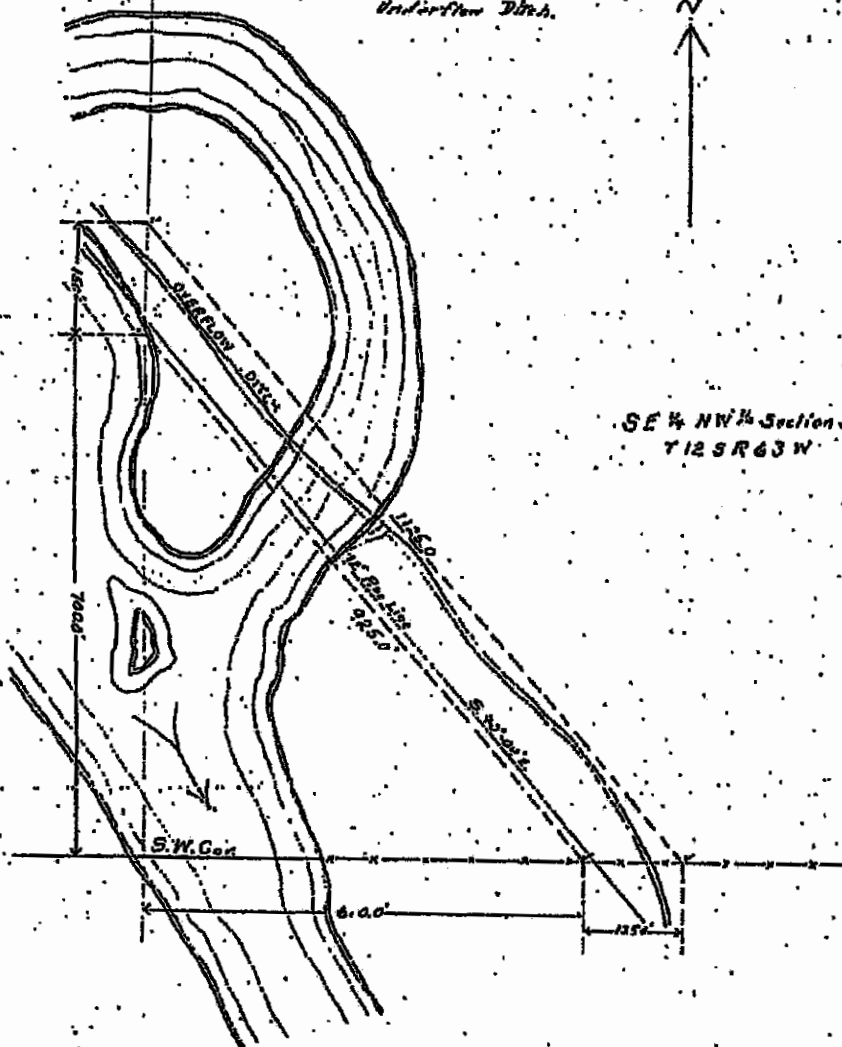
STATE ENGINEER
COLORADO

EXHIBIT A

Page 14 of 16

N

SE 1/4 NW 1/4 Section 32
T12S R63W



No. 256238

Quit Claim Deed

Charles F. Grots, et al

to

John G. Morgan

Filed for record 11:05 A.M.

April 25, 1919

E. A. Jackson, Recorder

QUIT CLAIM DEED.

THIS DEED, Made this 31st day of January, in the year of our Lord one thousand nine hundred and nineteen; between CHARLES F. GROTS and WILLIAM GROTS, of the City and County of Denver and State of Colorado, of the first part, and JOHN G. MORGAN, of the City and County of Denver and State of Colorado, of the second part;

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of One Hundred and Ten Dollars (\$110.00) to the said parties of the first part in hand paid by

the said party of the second part, the receipt whereof is hereby confessed and acknowledged, have remised, sold, conveyed and QUIT-CLAIMED, and by these presents do remise, release, sell convey and QUIT-CLAIM unto the said party of the second part, his heirs and assigns forever, all the right, title, interest, claim and demand which the said parties of the first part have in and to the following described land, situate, lying and being in the County of El Paso and State of Colorado, to-wit: A strip of land, for canal purposes, in Section Thirty-two (32) Township Twelve (12), South, Range Sixty-three (63), West of the Sixth Principal Meridian, as specifically shown on attached map, the exterior boundaries of which are described as follows, to-wit:

Beginning at a point 700 feet North of the Southwest corner of the Southwest quarter (SE $\frac{1}{4}$) of the Northwest quarter (NW $\frac{1}{4}$) of Section Thirty-two (32); thence South Forty degrees (40°) nine minutes (9') East nine hundred and twenty-five (925) feet; thence East one hundred and thirty-five (135) feet; thence North Forty degrees (40°) nine minutes (9') West eleven hundred and twenty-five (1125) feet; thence South one hundred and fifty (150) feet, to the point of beginning.

Provided that if the party of the second part, his executors, administrators or assigns shall abandon the use of this parcel of land for canal purposes or shall fail to operate, maintain and keep the canal in repair in compliance with all the laws of the State of Colorado and so as to prevent any injury to the property of the parties of the first part, then this deed shall become null and void and the title to said premises shall revert and become vested, without further action, in the parties of the first part, their heirs, executors, administrators and assigns. Provided further, the said John G. Morgan shall within thirty days after receiving notice respecting the same, construct and thereafter maintain across said ditch at such point as the first parties may designate, a good and substantial bridge sufficient for the passage of vehicles, including wagons and automobiles, and hauling of loads across the same, said bridge to be constructed and maintained at the expense of the said John G. Morgan, his heirs and assigns.

TO HAVE AND TO HOLD the same, together with all and singular the appurtenances and privileges thereunto belonging or in any wise thereunto appertaining, and all the estate, right, title, interest and claim whatsoever, of the said parties of the first part, either in law or equity, to the only proper use, benefit and behoof of the said party of the second part his heirs and assigns forever, subject to the foregoing conditions.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

Charles F. Grots

William Grots

(Seal)

(Seal)

State
Citysaid,
he at
person
their

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MAY 6 2003
STATE ENGINEER
COLORADO

EXHIBIT A

Page 15 of 16

State of Colorado
City and County, of Denver) ss

I, Ernest L. Rhoads, a notary public in and for said City and County, in the State aforesaid, do hereby certify that CHARLES F. GROTH and WILLIAM SHOTZ, who are personally known to me to be the persons whose names are subscribed to the foregoing Deed, appeared before me this day in person and acknowledged that they signed, sealed and delivered the said instrument of writing as their free and voluntary act and deed for the uses and purposes therein set forth.

Given under my hand and notarial seal this 15th day of March, A.D. 1919.

My commission expires July 15th 1922

Ernest L. Rhoads
Notary Public



RECORDED
MAY 06 2019
WATER DIVISION
STATE ENGINEERS
COLD

EXHIBIT A

Page 16 of 16

Owned by Groth Bros.
Riser of My Map for
J. G. Morgan Overflow and
Underflow Ditch

N
↑

SE 1/4 NW 1/4 Section 32
T 18 S R 62 W.

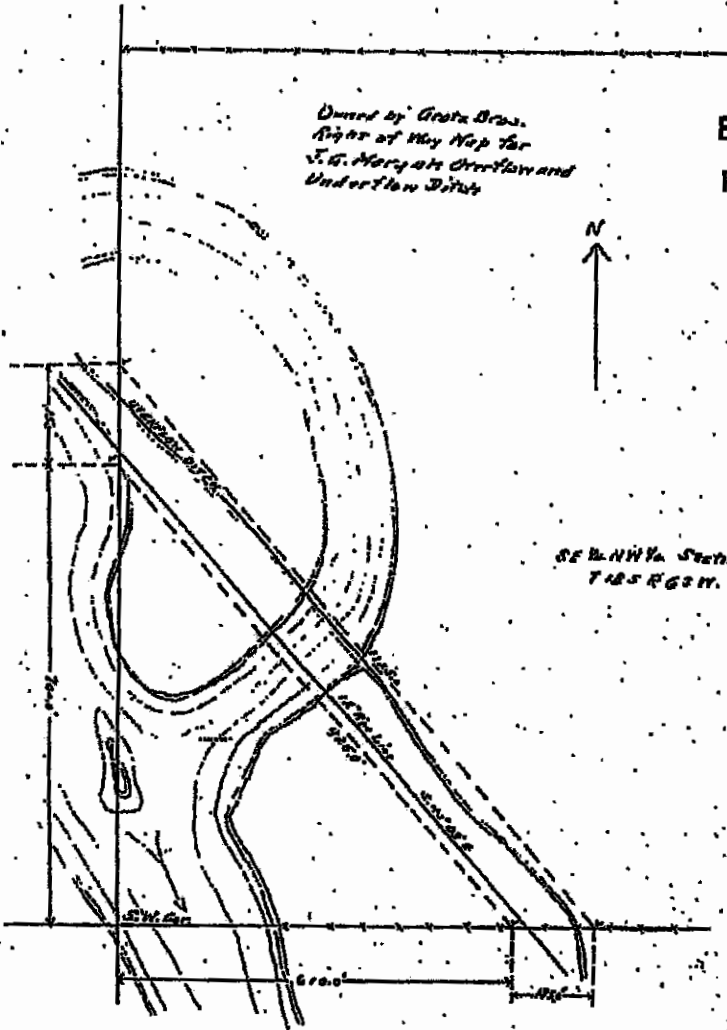


EXHIBIT B

Page 1 of 2

Page 1 of 2

458-BD

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., the Robert C. Norris Family Trust (hereinafter "applicant") has applied for determinations of water right to allow the appropriation of designated ground water from the Laramie-Fox Hills, Arapahoe and Denver aquifers underlying 8955.31 acres consisting of six noncontiguous tracts of land generally described as: Area A - 480.29 acres consisting of the E1/2 and SW1/4 of Section 9, Township 13 South, Range 64 West of the 6th P.M.; Area B - 676.09 acres consisting of the E1/2, the E1/2 of the W1/2, and the SW1/4 of the SW1/4 of Section 35 and the SW1/4 of Section 36, all in Township 12 South, Range 64 West of the 6th P.M.; Area C - 119.97 acres consisting of the SE1/4 of the NE1/4 and the E1/2 of the SE1/4 of Section 31, Township 12 South, Range 63 West of the 6th P.M.; Area D - 3915.69 acres consisting of all of Sections 1, 2 and 3, the N1/2 of the N1/2 of Section 10, the N1/2 of the N1/2 of Section 11, and the E1/2, the E1/3 of the W1/2, and the W2/3 of the N1/2 of the NW1/4 of Section 12, all in Township 13 South, Range 64 West, and all of Section 6 excluding the south 1460 feet of the east 1044 feet of the SE1/4, and all of Section 7 excluding the E1/2 of the SE1/4, all in Township 13 South, Range 63 West of the 6th P.M.; Area E - 433.6 acres consisting of the E1/2 of the NE1/4, the SW1/4 of the NE1/4, the S1/2 of the NW1/4, the SW1/4, and the W1/2 of the SE1/4 of Section 32, Township 12 South, Range 63 West of the 6th P.M.; Area F - 1329.67 acres consisting of land in the N1/2 and in the N1/2 of the S1/2 of Section 4, all of Section 5 excluding the NW1/4 of the NW1/4, and the N1/2 of Section 8, all in Township 13 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 appropriations from these aquifers will be used on the described property for the following beneficial uses: domestic, irrigation, commercial, industrial, recreation and livestock. The maximum allowable annual amount of ground water in each aquifer underlying the described property will be appropriated.

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 aquifers 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 appropriation from each of the described aquifers underlying the above described property to be as follows: Area A - 166 acre-feet for the Laramie-Fox Hills, 184 acre-feet for the Arapahoe, and 160 acre-feet for the Denver; Area B - 218 acre-feet for the Laramie-Fox Hills, 259 acre-feet for the Arapahoe, and 229 acre-feet for the Denver; Area C - 40.5 acre-feet for the Laramie-Fox Hills, 45.9 acre-feet for the Arapahoe, 20.2 acre-feet for the Denver not-nontributary 4% area, and 20.6 acre-feet for the Denver not-nontributary actual impact replacement area; Area D - 1292 acre-feet for the Laramie-Fox Hills, 1564 acre-feet for the Arapahoe, 702 acre-feet for the Denver not-nontributary 4% area, and 621.5 acre-feet for the Denver not-nontributary actual impact replacement area; Area E - 153 acre-feet for the Laramie-Fox Hills, 169 acre-feet for the Arapahoe, 6.9 acre-feet for the Denver not-nontributary 4% area, and 140 acre-feet for the Denver not-nontributary actual impact replacement area; Area F - 469 acre-feet for the Laramie-Fox Hills, 520 acre-feet for the Arapahoe, and 450 acre-feet for the Denver, subject to final staff evaluation. The estimated available annual acre-feet appropriation amount for each aquifer indicated above may be increased or decreased by the Commission to conform to the actual aquifer characteristics, based upon site specific data.

EXHIBIT B

Page 2 of 2

458-BD

The amounts for the Denver aquifer represent a reduction in the initial annual amounts determined to be available to allow for the annual withdrawals from fifteen (15) small-capacity wells located on the described property areas, permit nos. 12874, 15570, 17023, 25841, 25842, 57271, 72096, 81669, 81670, 84434, 104413, 124092, 132587, 189756, 205140.

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 Laramie-Fox Hills and Arapahoe aquifers underlying the above described 6955.31 acre property to be nontributary. The replacement water status for the Denver aquifer is not-nontributary, more specifically described for each area as follows: Area A - actual impact replacement; Area B - 4% replacement; Area C - 4% replacement underlying 59.9 acres of the area and actual impact replacement underlying 60.47 acres of the area; Area D - 4% replacement underlying 2075 acres of the area and actual impact replacement underlying 1840.69 acres of the area; Area E - 4% replacement underlying 20.3 acres of the area and actual impact replacement underlying 413.3 acres of the area; Area F - actual impact replacement.

Upon Commission approval of these determinations of water right, well permits for wells to withdraw the allowed appropriation 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 6955.31 acre property. Well permits for wells to withdraw ground water from the Denver aquifer underlying the above described Area A, the 60.47 acre portion of Area C, the 1840.69 acre portion of Area D, the 413.3 acre portion of Area E, and Area F, would also be subject to the conditions of a replacement plan to be approved by the Commission.

Any person wishing to object to the approval of these determinations of water right 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 fee and must be received by the Commission Staff, Colorado Ground Water Commission, 818 Centennial Building, 1313 Sherman Street, Denver, Colorado 80203, by September 15, 2003.

Appendix C

White & Jankowski

Lawyers

August 29, 2014

Amy R. Folsom, County Attorney
El Paso County Attorney's Office
200 South Cascade Avenue, Suite 150
Colorado Springs, Colorado 80903

Max Rothschild, P.E., Executive Director
Raimere Fitzpatrick, Project Manager, Planner II
El Paso County Development Services
2880 International Circle, Suite 110
Colorado Springs, Colorado 80910

Re: O'Neil Group/GRR Ownership of Nontributary Denver Basin Groundwater

Dear Amy, Max and Raimere:

We have been asked by Kevin O'Neil of O'Neil Group Company ("O'Neil") and GRR Partners, LLC ("GRR") to provide an opinion as to ownership of the nontributary groundwater in the Denver, Arapahoe, and Laramie-Fox Hills aquifers (the "Denver Basin Water") underlying certain parcels owned by O'Neil and GRR in Section 9, Township 13 South, Range 64 West of the 6th P.M., El Paso County, Colorado, in an area commonly known as the Meadow Lake Industrial Park ("Section 9 Parcels").¹

In investigating the ownership of the Denver Basin Water underlying the Section 9 Parcels we examined the following:

1. Colorado Ground Water Commission's Findings and Order of Determination of Water Right Nos. 457-BD (Laramie-Fox Hills); 458-BD (Arapahoe); 459-BD (Denver) (collectively the "Determinations");
2. Copies of recorded instruments in the El Paso County Clerk and Recorder's official records for the land area covered by the Determinations, including the Section 9 Parcels.

¹ For ease of reference, O'Neil's property in Section 9 is assigned El Paso County Assessor's Schedule No. 4300000552 and GRR's property is assigned El Paso County Assessor's Schedule No. 4300000551. Our opinion in this letter is limited to these two parcels.

Based on our examination:

1. No portions of the right to extract and use the Denver Basin Water underlying the Section 9 Parcels have been explicitly conveyed, sold, assigned, transferred, pledged, or encumbered separate from the Section 9 Parcels at any time since March 2004 when the Determinations were entered. In short, the Denver Basin Water has not been severed from the Section 9 Parcels.
2. Based upon *Bayou Land Co. v. Talley*, 924 P.2d 136 (Colo. 1996), fee simple title in and to the right to extract and use the Denver Basin Water underlying the Section 9 Parcels is vested in Kevin O'Neil and GRR, respectively.
3. There have been no well permits issued by the Colorado Division of Water Resources authorizing the extraction and use of the Denver Basin Water underlying the Section 9 Parcels.

Please feel free to contact us with any questions.

Very truly yours,



Adam C. Davenport

August 29, 2014

Amy R. Folsom, County Attorney
El Paso County Attorney's Office
200 South Cascade Avenue, Suite 150
Colorado Springs, Colorado 80903

Max Rothschild, P.E., Executive Director
Raimere Fitzpatrick, Project Manager, Planner II
El Paso County Development Services
2880 International Circle, Suite 110
Colorado Springs, Colorado 80910

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3. There have been no well permits issued by the Colorado Division of Water Resources authorizing the extraction and use of the Denver Basin Water underlying the Section 9 Parcels.

Please feel free to contact us with any questions.

Very truly yours,



Adam C. Davenport