WOODMEN HILLS
METROPLITAN DISTRICT

August 4, 2020

John Maynard
N. E. S., Inc
619 North Cascade Avenue, Suite 200
Colorado Springs, CO 80903

Re: Water and Wastewater Commitment Letter for Judge Orr Eastonville Commercial Center

Dear John:

The above named subdivision is within the existing boundaries of the Woodmen Hills Metropolitan District. The proposal is for a 31.58 acre commercial subdivision having roughly 6 lots. The uses are mixed commercial including an 8 acre storage unit facility, a bank, and general retail. We estimate the approximate water needs roughly equal to 46.76 SFE.

This commitment is for 31.58 acres; approximately 46.76 SFE and a water commitment of 16.51 Acre-feet/year. WHMD has adequate water supplies to meet the anticipated additional demand.

Wastewater service will be for 31.58 acres; approximately 46.76 SFE. Estimated wastewater loads are 7621 gallons/day. Adequate wastewater system and treatment capacity exists to meet the anticipated additional loading.

If you have any questions, please do not hesitate to call.

Sincerely,
Woodmen Hills Metropolitan District

Jerry Jacobson, District Manager

C: John P. McGinn, District Engineer

JDS-HYDRO CONSULTANTS, INC.

Memorandum

To:	Andrea Barlow (N.E.S. Inc.)
From:	John McGinn
Date:	5/12/21
Subject:	Bufords – Eastonville/Judge Orr Submittal

We received the following comments and address them below;

Sketch Plan Report. The following information shall be included in the wastewater report submitted with the sketch plan application:

- Map showing relative location of point of connection to an existing system;
- Map showing relative location of the existing or proposed treatment facility;
- Estimate of projected population, units, and density, as related to wastewater production on an average daily basis;
- Capacity of the existing treatment plant and current utilization;
- Anticipated capacity of any proposed treatment plant; and
- Letter of commitment from the wastewater provider proposed for service, with identification of whether the sketch plan area is within the service boundaries of the proposed provider.

1. Map showing possible connection and plant;

   Attached

2. Estimate of projected population, units and density as related to wastewater production.

   This is commercial property, and includes no residential that we can see, therefore there is no population projection.

   The sketch plan is somewhat vague but it is suggested that a bank, limited retail and storage units would occupy the site. We are only able to estimate use to the level of information available and with a large acreage expected to storage units, expected water/wastewater use is expected to be relatively low. ***Our best estimate is that 46.76 SFE might be associated as included in the previously submitted water/wastewater report;***

Summary of Expected Wastewater Loads of Judge Orr Eastonville Commercial Center

SFE	Average Daily Flows (Gal/Day)	Average Daily- Max Month Flow (Gal/Day)
46.76	7,622 (GPD)	8,043 (GPD)

3. Request for plant capacity and current utilization. ***Please read section 6.2 of previously submitted report; re-attached below;***

> *6.2 Treatment Facilities: The WHMD recently constructed a new regional wastewater treatment facility which was placed on-line in the spring of 2019. This facility serves the Falcon regional area. Falcon Highlands Metropolitan District, Paint Brush Hills Metropolitan District, and portions of Meridian Service Metropolitan District are also served by this facility. The new plant is an advanced wastewater treatment plant with a hydraulic capacity of 1.3 MGD. WHMD is;*
>
> *1. In compliance with its discharge permit*
> *2. Has substantial adequate capacity for the additional flows*
>
> *Current hydraulic loading is roughly 53% . With the addition of* ***Judge Orr Eastonville Commercial Center*** ***and all other committed*** ***but un-developed areas****, plant hydraulic capacity will be at roughly 59%.*

4. Anticipated capacity of proposed treatment plant.
   There is no new plant proposed---- please read previously submitted report.

5. Letter of Commitment from wastewater provider with identification of whether the sketch plan area is within the service area boundaries;

   Please read first sentence of the letter previously submitted. It is reattached

WOODMEN HILLS
METROPLITAN DISTRICT

August 4, 2020

John Maynard
N. E. S., Inc
619 North Cascade Avenue, Suite 200
Colorado Springs, CO 80903

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Wastewater service will be for 31.58 acres; approximately 46.76 SFE. Estimated wastewater loads are 7621 gallons/day. Adequate wastewater system and treatment capacity exists to meet the anticipated additional loading.

If you have any questions, please do not hesitate to call.

Sincerely,
Woodmen Hills Metropolitan District

Jerry Jacobson, District Manager

C: John P. McGinn, District Engineer

WATER RESOURCE AND WASTEWATER REPORT

for

WOODMEN HILLS
METROPOLITAN DISTRICT

Judge Orr Eastonville Commercial Center

August, 2020
(revised May 2020)

Prepared By:

JDS-HYDRO CONSULTANTS, INC.

5540 TECH CENTER DRIVE, SUITE 100▪ COLORADO SPRINGS, CO▪80919▪ (719) 227-0072

WOODMEN HILLS METROPOLITAN DISTRICT

Judge Orr Eastonville Commercial Center

WATER RESOURCES
&
WASTEWATER REPORT
(Map Exhibit – Added to Appendix B)

August, 2020
(revised May 2021)

Prepared for:

Woodmen Hills Metropolitan District
8046 Eastonville Road
Peyton, CO 80831

Prepared by:

JDS-Hydro Consultants, Inc.
5540 Tech Center Drive, Suite 100
Colorado Springs, CO 80919

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1.0 INTRODUCTION AND CONCLUSION

The purpose of this report is to provide an update of prior Water Resource Supply and Wastewater reports for the Woodmen Hills Metropolitan District. This report is updated for the year 2020 and includes specific inclusion of Judge Orr Eastonville Commercial Center.

The Service Areas for both Water and Wastewater for the Woodmen Hills Metropolitan District are attached as ***Appendix A***.

CONCLUSION: **The Woodmen Hills Metropolitan District has an adequate Water Supply to meet the needs of Judge Orr Eastonville Commercial Center on a 300-year basis. Additionally, the Woodmen Hills Metropolitan District has an adequate wastewater system and treatment capacity to provide wastewater service to the Judge Orr Eastonville Commercial Center.**

2.0 PROJECTED LAND USES

2.1 *Projected Land Uses*: Lands within the subject area have been planned as a commercial development. This report and associated commitments pertain to the Judge Orr Eastonville Commercial Center. Please refer to the Land Use Exhibit in ***Appendix B***.

2.2 *Water and Wastewater Demands for* ***Judge Orr Eastonville Commercial Center****:* Lands within the subject area have been planned as a residential development.

Table 2-1:
Summary of Expected Water and Wastewater Demands of
Judge Orr Eastonville Commercial Center

# of Units	*Land Use*	*Gross Acres*	*Annual Demand (@ 0.353 AF/SFE/Year) (AF)*	*Average Daily Flow (ADF) (GPD)*	*Maximum Daily Flow (MDF) (@ 2.45 x ADF) (GPD)*
1	**Commercial (Storage Unit, Bank, Retail)**	**31.29**	**16.51**	**14,736**	**36,103**

Summary of Expected Wastewater Loads of Judge Orr Eastonville Commercial Center

SFE	Average Daily Flows (Gal/Day)	Average Daily- Max Month Flow (Gal/Day)
46.76	7,622 (GPD)	8,043 (GPD)

3.0 DISTRICT WATER NEEDS AND PROJECTED DEMANDS

3.1 Actual Water Demand Summary: The Woodmen Hills Metropolitan District (WHMD, the District) tracks water demands and water use on an annual basis. The three most recent water use data are as follows:

Table 3-1: Three Year Use History

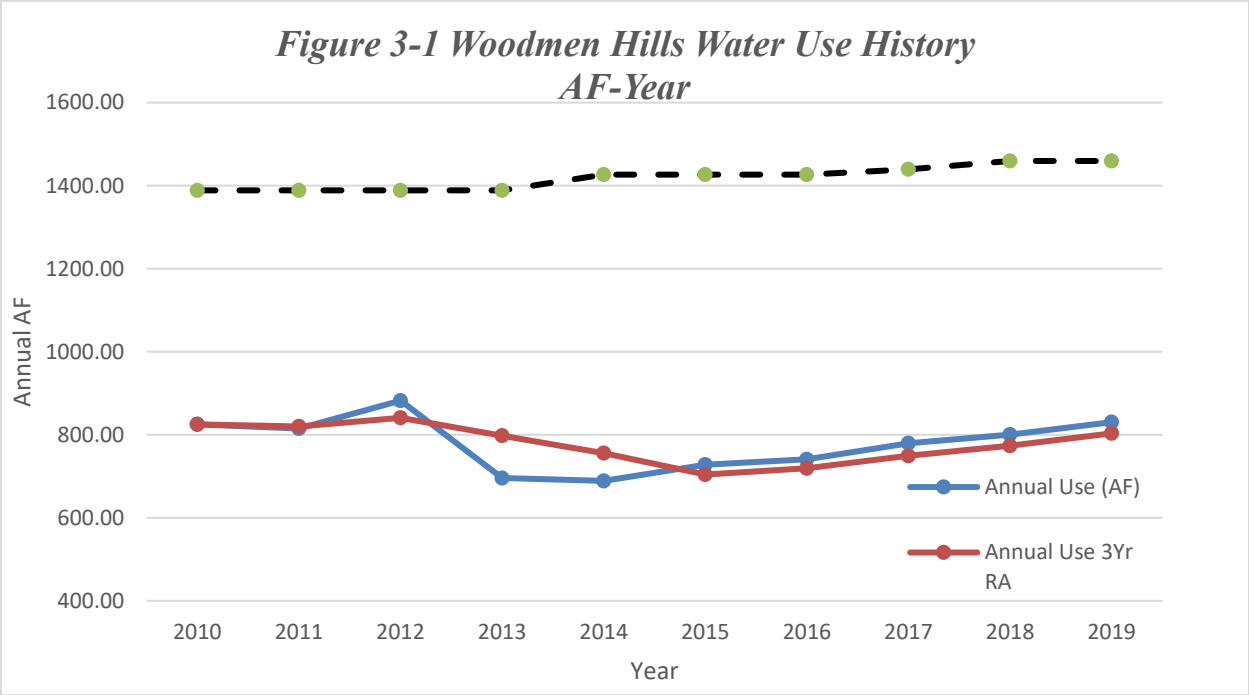
Year	Annual Water Use (AF)	SFE (No)	Unit User Characteristic (AF/SFE)
2017	779.54	2679	0.291
2018	800.33	2815	0.284
2019	830.49	2914	0.285

3.2 Unit Water User Characteristics: The actual delivered unit user characteristic varies year to year, and for averages about 0.29 annual acre-feet for WHMD. The District has adopted a 0.353 AF/SFE-Day planning demand factor that covers not only actual use, but also covers reserves, system losses, and water accountability. An SFE is a single-family-equivalent. All single-family homes are counted as one SFE; commercial and non-residential land uses are projected in terms of SFE, where a single tap might be the equivalent of more than one SFE. If and when any multi-family development is proposed in Woodmen Hills, an adjustment will be allocated in which a dwelling unit may be less than 1 SFE.

Over the last 10 years, the unit user characteristic has been trending downward due to water conservation awareness, limitations on turf grass, low-flow fixtures, and inverted block rates which encourage water conservation. The trend has remained downward and although there is reasonable belief that the downward trend is likely to continue, WHMD has not assumed additional downward trending into long-range planning, but will address the trend as it actually materializes.

3.3 Current Demand versus Supply: In 2019, WHMD used 830 acre-feet out of a potential supply of 1,459 annual acre-feet on a 300-year basis, or about 57% of supply. Use of overall supply has varied over the last decade with a maximum of 63% of 300-year supply being used in the year 2012, and a minimum use of 48% in 2014. This number will vary based on timing of water acquisitions, annual

weather, and various other factors. Below is a graph of WHMD percent demand compared to the 300-year Water Supply.



3.4 *County Water Master Plan 2040 and 2060 Projections*: WHMD lies within the El Paso County Master Planning Area, or Region #3. The master plan generally shows WHMD in its correct location.

Buildout: The Woodmen Hills projected service area includes roughly 2,400 gross acres. This includes the existing District boundaries, extra territorial service areas, and areas of possible or likely future inclusion. This service area is roughly 82% of buildout.

Expected buildout of WHMD is based on the overall SFE density, extrapolated. The existing overall gross developed density is 1.49 SFE/gross acre. Gross acres include numerous non-water-using lands, such as drainageways, open spaces, roads, rights of way, and other non-water use areas. The existing overall density includes mixed use, which includes substantial low-density development (one or more acre lots), commercial, and urban density development.

Based on known and future land use, and a projection of development for non-planned areas, it is expected that WHMD buildout may approach 4,000 to 4,200 SFE.

Annual growth rates over the last decade have varied from no growth in 2011 to nearly 5% growth in the year 2018. Overall, the 10-year annual growth rate in

WHMD has been 1.73% per year. The District's projections plot growth at both a 2% and a 3% rate.

2040 Buildout: Since WHMD already exceeds 80% buildout, full buildout would be anticipated within the 2040 timeframe. Woodmen Hills Service Area is likely to be fully built-out between the years 2032 and 2038. Therefore, we are addressing WHMD 2040 needs in terms of full buildout. The 2040 buildout is currently expected to be 4,200 SFE. Using the current unit user characteristic, water average annual planning suggests a 1,218 acre-feet average annual need, with a planning need of 1,483 acre-feet demand which includes roughly 20% reserves. Current holdings are 1,459.5 acre-feet on a 300-year basis. In 2040, actual expected need will be more than met with the current supply, but since WHMD is currently planning based on over 20% reserves, a possible, very small shortage of 23.5 annual acre-feet might be expected.

2060 Buildout: WHMD is expected to be fully built-out prior to 2040; therefore, 2060 projections are the same as 2040.

4.0 WATER RIGHTS AND SUPPLY

4.1 District Water Rights

The District has numerous and varied local and off-site water rights. The rights include both renewable sources and Denver Basin non-renewable sources. The District's total legal supply on a 300-year basis currently stands at 1,459.48 annual acre-feet$_{300}$. Below is a narrative description of the nature of those supplies. ***Appendix C*** is the District's current legal water supply inventory.

4.2 Adequacy of Water Rights

Current water rights holdings are adequate for current demands and average expected buildout demands. The District's planning or desired holdings are also within 20% of meeting 2040 and 2060 buildout projections on a 300-year basis (District buildout is expected to occur prior to 2040). The perceived planning shortage would be 23.5 annual acre-feet. However, the District expects to make acquisitions far in excess of the perceived 23.5 acre-feet shortage.

Current Use	830 Acre-feet
Buildout Average Need	1,276 acre-feet (includes 2040 and 2060)
Buildout Planning Target	1,483 acre-feet (includes 2040 and 2060)
Existing 300-Year Rights	1,459.5 acre-feet$_{300}$

The WHMD current water rights supply provides for a conjunctive water supply mixing fully-consumable, non-renewable water with renewable sources. While current 300-year supplies exceed expected full buildout, including 2040 and 2060 scenarios, WHMD is actively pursuing long-term, additional future supplies to bolster its long-term water security and address anticipated physical depletions of non-renewable water.

4.3 Description of Current Water Rights

Renewable Water Supply: Woodmen Hills and the surrounding area are within a designated groundwater basin known as the Upper Black Squirrel (UBS) Groundwater Management District. Rules regarding use, access, and other management issues are governed by the UBS and the State Groundwater Commission. These rules vary from other areas in the state. Water types managed within the District are alluvial groundwater which exists in the upper most sands, which are only 15 to 25 feet deep in the Falcon area, but up to 350 feet deep easterly in the Guthrie Ranch area. Alluvial water in the UBS are "over-appropriated," which means no additional alluvial water rights are available. Therefore, acquisition of alluvial rights is limited to the purchase of someone else's existing alluvial rights. The Guthrie alluvial rights were obtained in such a fashion. Alluvial rights are renewable.

The District has renewable resources in two categories. One is a direct alluvial pumping right in the UBS basin at Guthrie, and the other is a perpetual, contractual right through Cherokee Metropolitan District. The direct alluvial right is for 89 annual acre-feet and, as a renewable right, it does not need to be counted on a 300-year basis. It is currently fully physically available, and is used at about an average of 90% of its full capacity.

The second renewable source is a 350 annual acre-feet contractual and perpetual right through Cherokee. It is typically used near its face value capacity since it is perpetual at about 98%. This water is delivered to the District through a three-mile off-site system to the south of the District.

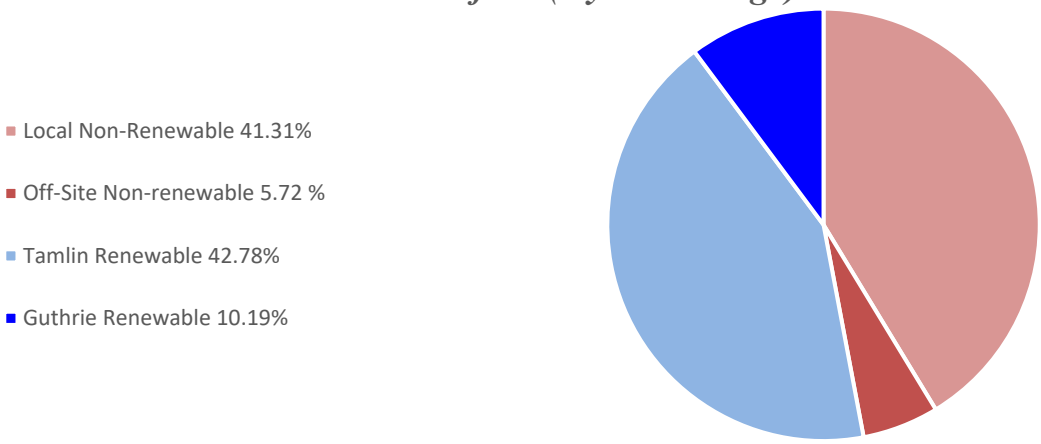
In prior years, the renewable rights supplied about 53% of the District's annual needs. Figure 4-1, below, illustrates WHMD source of supply breakdown of renewable vs non-renewable sources.

Non-Renewable Denver Basin Supply: The second type of groundwater in the Falcon area is Denver Basin water. The Denver Basin is a vast, deep-rock aquifer that stretches from south of Falcon northerly to beyond Denver. Rights that are granted in the Denver basin are based on the ownership of the surface property, the larger the parcel, the larger the allocation. This water is much deeper, ranging up to 2,650 feet deep. Denver Basin water is considered finite and therefore non-renewable water. In the Falcon area, there are four main formations that make up the Denver Basin: Dawson, Denver, Arapahoe, and Laramie-Fox-Hills, described from top to bottom.

The District has numerous determinations under the existing District boundaries, which total 779 annual acre-feet on a 300-year basis and 2,356 annual acre-feet on a 100-year basis. Except maybe for support of future ASR projects, it is not anticipated that the number of local well sites will be increased in the near future. Although there is significant unused pumping capability in the Falcon area, the District has relied less on their local sources in the past five to ten years.

The District has also acquired additional off-site Denver Basin rights.
These areas have yet to be fully developed as physical supply. The Hart well field already has future easements and well sites dedicated, but because there is no current need, no wells have been drilled yet in the Hart area. Because the Guthrie area has not been accessed by any other Denver Basin users at this time, its physical capacity has remained strong. Not counting the Dawson or Denver formations, the Guthrie and Hart areas have a total of 860 annual acre-feet$_{100}$ and 287 acre-feet$_{300}$. The Guthrie Denver Basin well field is only currently being pumped at a fraction of its full capability (less than 20%). The Guthrie well field is the location where WHMD expects additional physical sources (additional wells) will be drilled as needed in the near future (next 10 to 20 years).

Figure 4-1 Woodmen Hills Source Utilization
Use in Acre-feet (3 year Average)



4.4 *Description of Long-Term Planning and Future Sources of Supply*: In theory, the 300-year supply of water for WHMD appears to be more than adequate for full buildout, which would include both the 2040 and 2060 scenarios. Even with the projected WHMD 20% reserve desire, the current 300-year supply is less than 2% short. However, portions of the District's Water Supply are based on non-renewable sources. The District currently relies on about 47% of its water supply to come from non-renewable water sources or Denver Basin wells. Although these sources are substantial, the District anticipates yield degradation of non-renewable physical supplies over time and believes that expansion of its water supply will be advisable over time. While some Denver Basin water may be added, a focus on renewable source addition is a priority.

In 2018, the District developed a water policy intended to facilitate the goal of continued addition of water with a priority of seeking additional renewable resources. Elements of the policy aim to:

a) Cause development to "pay its way" in terms of water, as well as capital improvements.
b) Develop separate funding supply dedicated to acquisition of new water, develop physical infrastructure, and/or otherwise invest in additional and/or improved sources.

In addition to adding off-site sources, an additional priority is to acquire and/or invest in additional renewable water supplies. WHMD's current use is met with an average of 53% renewable water sources.

<u>Long Term Planning:</u> Although there is currently little to no perceived shortage expected in near-term supply, the District will be acquiring and/or improving

sources of supply and increasing water reliability and efficiency over time. New sources/expansions are expected to come from five areas:

1. Developer Inclusions: The Service Area considered for full buildout includes areas that are currently not in the formal District boundaries. Developers must turn over any and all water as a term of inclusion. While limited, the District will place these into its inventory. Some have existing determinations and some lands are not quantified. As such, these sources will be rather limited and are expected to be non-renewable and less than 100 annual acre-feet[300].

2. Acquisitions: The District established a funding mechanism in 2018 dedicated to the development of additional legal and physical supply. This fund is entirely funded through development revenues and the current fund has become substantial. Current negotiations cannot be disclosed for obvious reasons. It should be noted that the District pursues both non-renewable and renewable sources with emphasis on the renewables.

3. Regionalization: There are two forms of regionalization, described herein.

    a. One element is the development of close cooperative ties with adjacent Falcon Districts in order to act in concert and develop water efficiency through joint efforts. WHMD is the largest water provider and the regional wastewater provider among the five Falcon Districts, and it is geographically central to all five of the major Falcon Districts, making it key to Falcon's regional water development. WHMD already has joint water projects with Meridian Service Metropolitan District, and now has developed a working relationship with Falcon Highlands Metropolitan District. The joint actions allow for more comprehensive water projects and greater water efficiency.

    b. The second element is a much broader regionalization. WHMD has been open to cooperative actions with Colorado Springs Utilities (CSU). CSU potentially is open to shared physical facility utilization, which would enable WHMD to expand its scope in seeking water rights. While it is not expected that CSU will provide actual water, the access to facilities opens greater doors for WHMD.

4. Facility Expansion: WHMD jointly owns extensive transmission systems with Meridian Service Metropolitan District, which extend

14 miles easterly and 5 miles southerly of its service area. While certain water rights are already associated with these facilities, additional and/or replacement supplies are being considered as either non-renewable replacements and/or additional rights. WHMD is currently under construction of a transmission line westerly, along with substantial storage, which enhances fire protection, service pressures, and also opens additional options for regionalization.

5. Indirect, Lawn Irrigation Return Flows (LIRF) Credits, Aquifer Storage/Recharge; and Direct Reuse: While WHMD plans on adding additional renewable water resources, WHMD understands the value of its ability to retain consumptive use of the non-renewable resources it does pump. Therefore, we project that at least some continued pumping of Denver Basin water should extend out many decades as it creates the basis for reuse for both indirect as well as future direct reuse. The conjunctive use of renewable and non-renewable supplies also allows for future potential for aquifer storage and recharge, which is expected to become an option for WHMD within the Arapahoe Formation of the Falcon area.

   Currently, WHMD discharges roughly 300 acre-feet per year, which is fully consumable and reusable. In addition, WHMD has quantified its LIRF credits in a case whereby the credits are currently being used to offset underdrain flows. However, the District has implemented underdrain control systems that will eliminate the need for using LIRF credits for augmentation, allowing the LIRF credits to be converted to potable use.

<u>Miscellaneous Future Supplies:</u>

- Unquantified Lands: As the District includes additional lands, additional determinations will either be added to the District's supplies or the un-quantified rights will be turned over to the District, which will then be quantified, determined, and ultimately added to the District's supplies.

  The District does not immediately process all unquantified rights upon obtaining ownership, but holds such ownership until an adequate amount of lands are processed, which makes determinations reasonable in cost. At this time, the District is holding about 30 acres in wait, which would represent roughly an additional 9 to 10 annual acre-feet 300 to its inventory. The District usually likes to have roughly 40 acres before processing determinations. These are not added to the District's inventory until formally determined.

- Determinations Which Might be Dedicated Upon Inclusion: Within the expected service area are lands that are not yet included which also will be bringing existing determinations to the table and dedicating these supplies to the District. These are not added to the District's inventory until deeded over.

- Future Acquisitions: WHMD recently adopted a water management and acquisition policy which allows for the generation of funds dedicated to acquisition of future water rights acquisitions. WHMD's Water Acquisition Fund has now exceeded several million dollars. The fund is dedicated strictly to acquiring and/or developing additional future supplies. Obviously, negotiations that are ongoing for purchase of both renewable and non-renewable resources cannot be discussed here.

- Regionalization: WHMD is not planning, or at least not depending, on any additional supplies which may be obtained through regionalization. WHMD is the largest and central district among the five Falcon Districts. WHMD is central to interconnecting each of the five Falcon Districts and has been pursuing joint operations with its neighbors for a lengthy period. Ultimately, joint operations could dramatically enhance the reliability and efficiency of the Falcon Districts.

  WHMD also participates in one-on-one, as well as joint, discussions with CSU, who may ultimately provide regional delivery systems that allow for a broader range of acquisitions for WHMD.

5.0 WATER SYSTEM FACILITIES AND PHYSICAL SUPPLY

5.1 Source of Supply:

Local Wells: The District has 11 wells in the Falcon area, mainly in the Arapahoe and Laramie Fox-Hills formations. These wells are all within the District's Service Area boundary.

Off-site Wells: The District operates 4 Denver Basin wells at the Guthrie field, which is about 12 miles east of the Falcon area. The Denver Basin wells are in the Arapahoe and Laramie Fox-Hills formations.

Off-site Alluvial Wells: Additionally, the District owns and operates 2 alluvial wells in the Guthrie Ranch area which pump renewable water from the Upper Black Squirrel Basin.

Cherokee Water: This water is alluvial from the Upper Black Squirrel Basin and is renewable. The annual quantity obtained from Cherokee is 350 acre-feet and is a perpetual right.

5.2 Water Treatment: The District owns and operates three water treatment plants and provides water treatment to its entire supply. The plants are all within the service area and treat at the following capacities:

Filter Plant #1	1.10 MGD Treatment Capacity
Filter Plant #2	0.36 MGD Treatment Capacity
Filter Plant #3	1.30 MGD Treatment Capacity

5.3 Water Storage: The District currently owns and operates three water storage facilities. The total capacity is just over 3.5 million gallons. WHMD has started construction of an additional tank and the "West Transmission System." This additional tank is located within the system such that it will bolster fire flow, service pressures, system reliability and potable water storage.

5.4. Distribution, Pumping, and Transmission Lines: The District has two major off-site transmission lines which are jointly owned with Meridian Service Metropolitan District. WHMD is responsible for the operation of both the Tamlin and Guthrie systems.

The Tamlin system is a 12-inch line extending roughly three miles south-westerly of the District, and is connected to the Cherokee Metropolitan District. The ultimate capacity of the Tamlin system is 1.8 MGD. The Tamlin system includes a 1.5 MGD pumping station.

The Guthrie system is a 14 mile long, 12-inch pipeline extending to the east of the District along Judge Orr Road. It includes wells, pumping facilities, and a mid-point pumping station. Its current capacity is 1.944 MGD.

The District has additional pump stations within the District boundaries, which include the Theriot Pump station and an integral pump station within Filter Plant #3.

The District consist of multiple service pressure zones and roughly 63 miles of internal distribution lines.

5.5. *Municipal Interconnects:* In addition to joint water supply sources, WHMD has several interconnects with other municipal systems that can provide two-way flows between the said districts. Certain additional interconnects may be added in the future. lines which are jointly owned with Meridian Service Metropolitan District.

- *Meridian Service Metropolitan District*, In addition to two joint water delivery systems, WHMD has a two-way potable interconnect with MSMD.

- *Cherokee Metropolitan District*; WHMD has both a raw water interconnect with Cherokee that feeds one way to Cherokee as well as the Tamlin interconnect on the potable water system.

- *Falcon Highlands Metropolitan District*; WHMD has a mutual aid potable water interconnect with FHMD.

5.6. *Recent and Upcoming System Expansions*:

West Water System: The District is completing a new "West Water Loop" which extends three miles to the west of the current service boundary. This line is an 18-inch line and also includes a new 3.0 MG potable water storage tank. This system does not include any additional water rights, but does enhance the fire supply, service pressure looping, and system reliability. While no source of supply is being added, the new transmission line does open the door for future joint projects, shared supplies, and/or regionalization options. This project should be completed near the end of 2020 and will be on-line in 2021.

Guthrie Expansion: As a joint project with Meridian Service Metropolitan District, a well field expansion is slated within the Guthrie system, which will be constructed in 2021 and go online spring of 2022. This project is Phase Two of the Overall Guthrie Master Plan and extends the Guthrie collection system easterly by roughly one mile and adds two new wells. This project does not add any legal supply but enhances the physical capabilities of the system.

5.7 Water Quality

The District treats and filters 100% of its water supply. Filtration is generally for iron and manganese removal, and water is disinfected and meets and or exceeds all CDPHE drinking water standards. ***Appendix E*** is a copy of the 2020 WHMD Consumer Confidence Report, which outlines water quality as delivered to District consumers.

6.0 *WASTEWATER REPORT*

6.1 *Unit Use Wastewater Loads*: Wastewater flows for WHMD are based on established benchmarks of the average daily flow of 163 gallons per day per SFE and 172 gallons per day per SFE for the average daily-maximum month flow. These are summarized as follows:

- *Average Daily Flow: 163 GPD/SFE*
- *Average Daily-Max Month Flow: 172 GPD/SFE*

6.2 *Treatment Facilities*: The WHMD recently constructed a new regional wastewater treatment facility which was placed on-line in the spring of 2019. This facility serves the Falcon regional area. Falcon Highlands Metropolitan District, Paint Brush Hills Metropolitan District, and portions of Meridian Service Metropolitan District are also served by this facility. The new plant is an advanced wastewater treatment plant with a hydraulic capacity of 1.3 MGD. WHMD is;

1. In compliance with its discharge permit
2. Has substantial adequate capacity for the additional flows

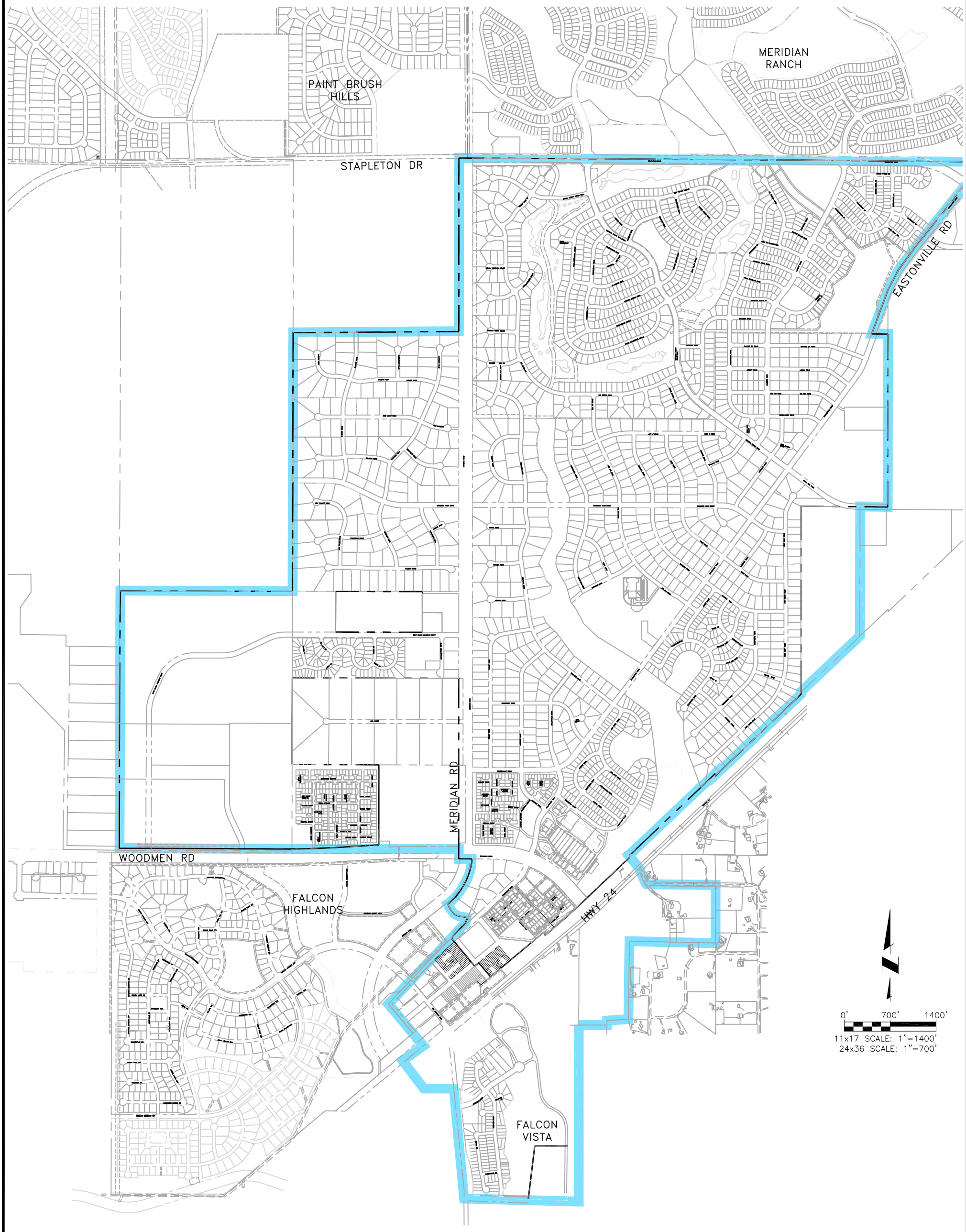
Current hydraulic loading is roughly 53% . With the addition of **Judge Orr Eastonville Commercial Center <u>and all other committed</u> <u>but un-developed areas</u>**, plant hydraulic capacity will be at roughly 59%.

6.3 *Collection and Pumping Facilities*: WHMD operates over 51 miles of wastewater collection system and owns and operates three lift stations. This development will be required to install gravity sewer facilities in accordance with WHMD standards and approvals. Said gravity sewer facilities will connect to existing collection systems owned and operated by WHMD.

Appendix A

2020/08/10 2:51 PM By: Shelby Gatlin J:\JDS-Hydro\Project Files\112 Woodmen Hills\112.113 District Mapping\Drawings\Exhibits\112113_WHMD_ServiceArea_2020.dwg

WOODMEN HILLS METROPOLITAN DISTRICT



SHEET ---- OF

Project No.: 112.113
Date: 08/10/20
Design: JPM
Drawn: SKG
Check: JPM

REVISIONS				
NO.	DESCRIPTION	BY	APP.	DATE
1				
2				
3				
4				
5				
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7				

WOODMEN HILLS METROPOLITAN DISTRICT

DISTRICT MAPPING

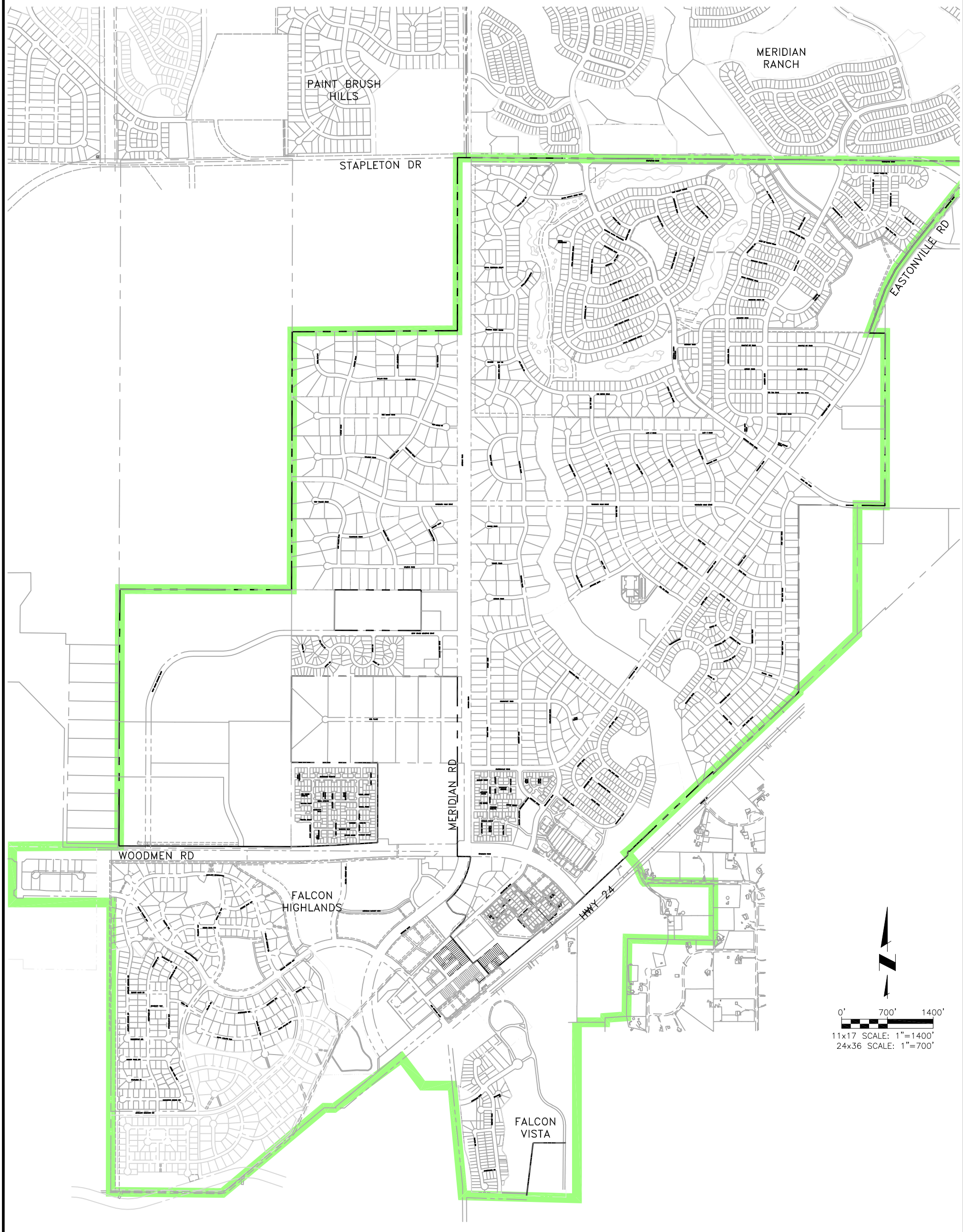
APPENDIX A-1

WATER SERVICE AREA

JDS-HYDRO CONSULTANTS, INC.
5540 TECH CENTER DR., SUITE 100
COLORADO SPRINGS, COLORADO 80919
(719) 227-0072

DISCLAIMER: THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS. ANY ERRORS OR OMISSIONS SHALL BE REPORTED TO JDS-HYDRO CONSULTANTS, INC. JDS-HYDRO ASSUMES NO LIABILITY FOR UNAUTHORIZED CHANGES AND/OR REVISIONS MADE TO PLANS.

WOODMEN HILLS METROPOLITAN DISTRICT



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Project No.: 112.113
Date: 08/10/20
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WOODMEN HILLS METROPOLITAN DISTRICT

DISTRICT MAPPING

APPENDIX A-2

SEWER SERVICE AREA

JDS-HYDRO CONSULTANTS, INC.
5540 TECH CENTER DR., SUITE 100
COLORADO SPRINGS, COLORADO 80919
(719) 227-0072

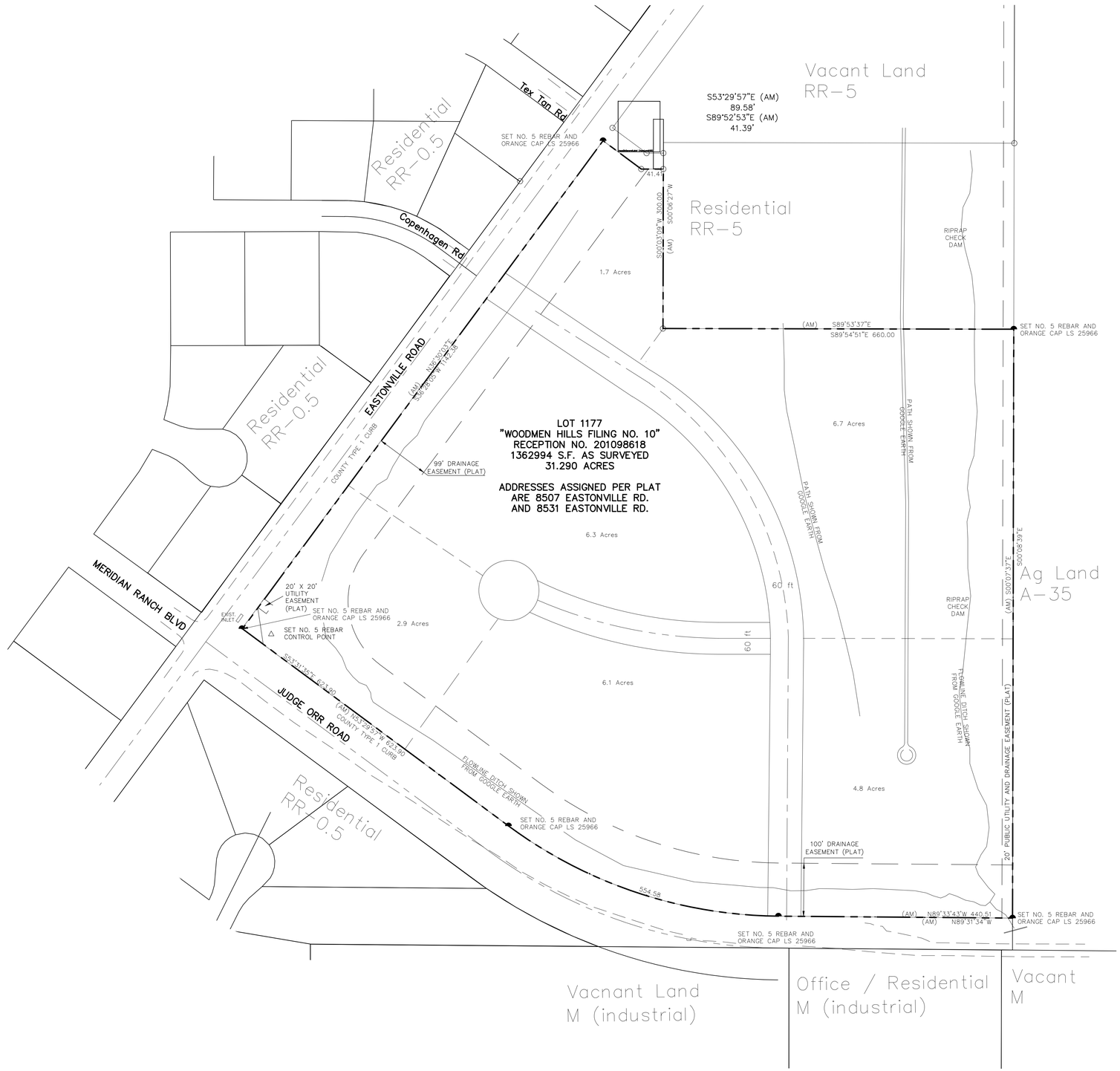
DISCLAIMER: THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS. ANY ERRORS OR OMISSIONS SHALL BE REPORTED TO JDS-HYDRO CONSULTANTS, INC. JDS-HYDRO ASSUMES NO LIABILITY FOR UNAUTHORIZED CHANGES AND/OR REVISIONS MADE TO PLANS.

Appendix B

Judge Orr Eastonville Commercial Center

LOT 1177 WOODMEN HILLS FILING NO. 10

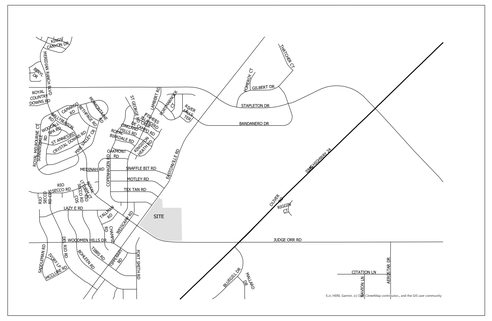
A PARCEL OF LAND IN THE SOUTHWEST QUARTER OF SECTION 32, T12S R64W OF THE SIXTH P.M.
EL PASO COUNTY, COLORADO



Site Data

31.28 Acres
Owner: Philip Buford
Consultant N.E.S. Inc.
619 N Cascade Ave, Suite 200
Colorado Springs, CO 80903

Vicinity Map



SURVEYORS STATEMENT

I, VERNON P. TAYLOR, COLORADO P.L.S. NO. 25966 DO HEREBY STATE TO PHILLIP BUFORD (CLIENT)

THAT THE PROPERTY WAS SURVEYED UNDER MY DIRECT SUPERVISION IN ACCORDANCE WITH THE COLORADO REVISED STATUTE 12-25, JULY 1988, AS REVISED, FOR A LAND TITLE SURVEY PLAT AND WITH NORMAL STANDARDS OF CARE FOR PROFESSIONAL LAND SURVEYING IN COLORADO. THE DIMENSIONS ACCURATELY REPRESENT THE PROPERTY SURVEYED TO THE BEST OF MY KNOWLEDGE AND BELIEF. THE PROPERTY IS SUBJECT TO EASEMENTS OF RECORD AND WAS MONUMENTED AS SHOWN.

VERNON P. TAYLOR DATE
COLORADO P.L.S. NO. 25966
FOR AND ON BEHALF OF
M&S CIVIL CONSULTANTS, INC.

COLORADO REGISTERED
VERNON P. TAYLOR
25966
PROFESSIONAL LAND SURVEYOR

NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

LAND SURVEY PLAT
LOT 1177 WOODMEN HILLS
FILING NO. 10 REC. NO. 201098618
JOB NO. 70-079
DATE PREPARED: 06/10/2019
DATE REVISED:

PLANNER / LANDSCAPE ARCHITECT

Land Planning
Landscape Architecture
Urban Design

NES

N.E.S. Inc.
619 N. Cascade Avenue, Suite 200
Colorado Springs, CO 80903

Tel. 719.471.0073
Fax 719.471.0267

www.nescolorado.com

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IN ASSOCIATION WITH

M&S CIVIL CONSULTANTS, INC.

102 E. PIKES PEAK AVE., 5TH FLOOR
COLORADO SPRINGS, CO 80903
PHONE: 719.955.5485

Judge Orr Eastonville Commercial Center

Lot 1177 Woodmen Hills Filing No. 10

PROJECT INFO

DATE: 1/27/20
PROJECT MGR: John Maynard
PREPARED BY: Kaleb Pietkoski

SEAL

ISSUE TYPE

ISSUE INFO

DATE:	BY:	DESCRIPTION:
ISSUE.1	BY	DESCRIPTION
ISSUE.1	BY	DESCRIPTION
ISSUE.1	BY	DESCRIPTION
ISSUE.1	BY	DESCRIPTION
ISSUE.1	BY	DESCRIPTION
ISSUE.1	BY	DESCRIPTION

ISSUE / REVISION

SHEET TITLE

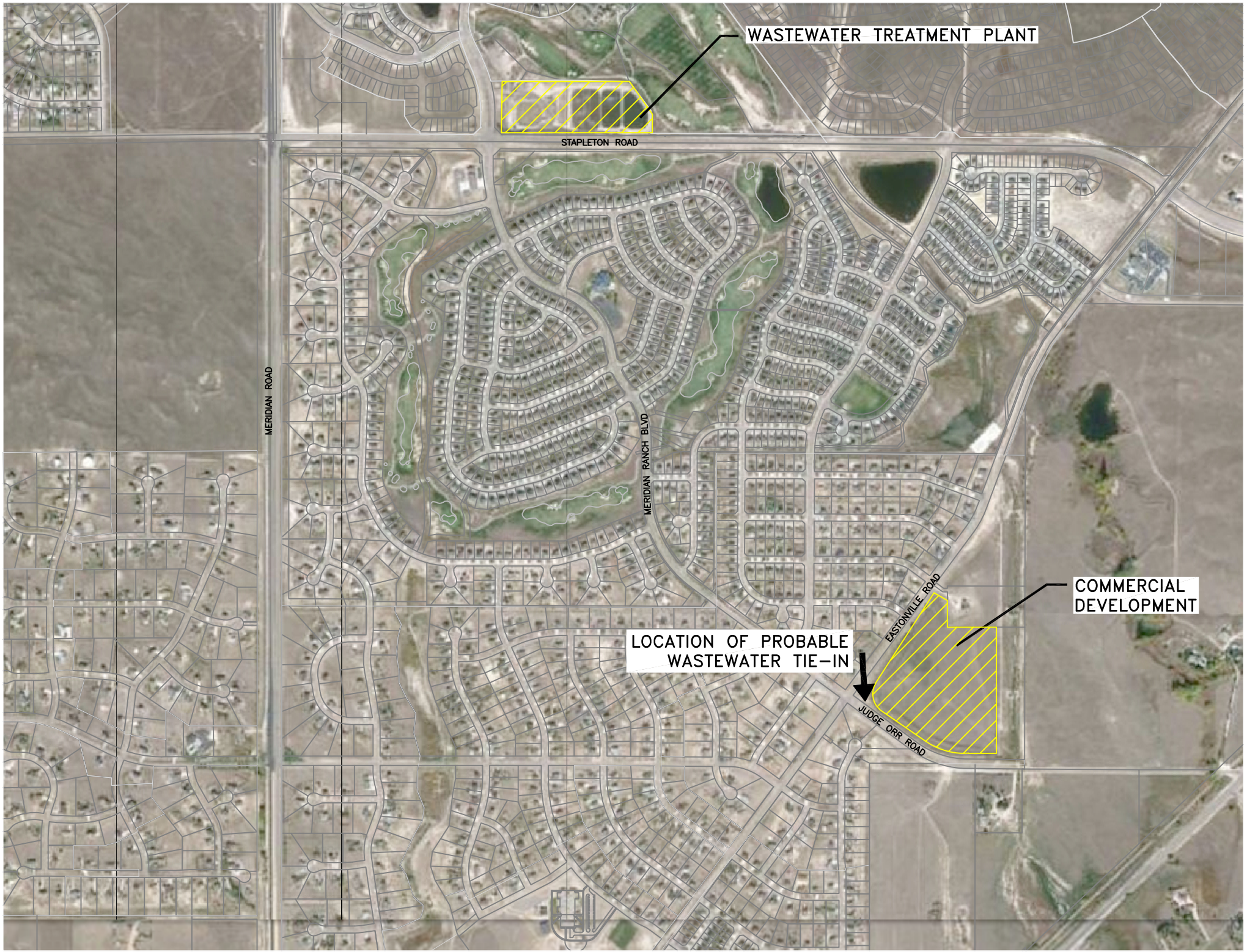
SHEET NUMBER

OF #

PLAN FILE #

CPC #

P:\Buford\Judge Orr and Eastonville Road\Drawings\Planning\RUSS-FIELD KP.dwg (24 x 36 L Exhibit) 1/29/2020 12:03:30 PM kpietkoski


WASTEWATER TREATMENT PLANT
STAPLETON ROAD
MERIDIAN ROAD
MERIDIAN RANCH BLVD
EASTONVILLE ROAD
COMMERCIAL DEVELOPMENT
LOCATION OF PROBABLE WASTEWATER TIE-IN
JUDGE ORR ROAD

Appendix C

Appendix C
Woodman Hills Metropolitan District Legal Water Supply Inventory
Summary Sheet

Land Formation/Aquifer	Determination/ Decree	Tributary Status	Annual Allocation 100 Year	Annual Allocation 300 Year	Well Permit)s
			Acre-Feet/Year	Acre-Feet/Year	
Woodmen Hills Non-Renewable Water Supply					
Dawson	129-BD	NNT - RP	55.00	18.33	60830-F; 60831-F
Dawson	133-BD	NNT - RP	102.00	34.00	60832-F; 60833-F
Dawson/Denver			240.00	80.00	11355-F
Denver	Pre-128-BD	NNT 4%	0.00	0.00	28030-F
Denver	128-BD	NNT 4%	530.90	176.97	
Denver	132-BD	NNT 4%	251.00	83.67	
Arapahoe	127-BD	NT	195.60	65.20	A-1 (59180-F) A-2 (59179-F) A-3 (59183-F)
Arapahoe	131-BD	NT	173.00	57.67	A-5 (56121-F) A-6 (57848-F)
Laramie Fox Hills	126-BD	NT	335.80	111.93	LFH-1 (59181-F) LFH-2 (59182-F) LFH-3 (59184-F)
Laramie Fox Hills	130-BD	NT	145.00	48.33	LFH-5 (56118-F) LFH-6 (57849-F)
Guthrie Ranch					
Arapahoe	229-BD	NT	241.00	80.33	GA-1 (61236-F) GA-2 (61237-F)
Laramie Fox Hills	228-BD	NT	290.00	96.67	GLFH-1 (61234-F) GLFH-2 (61235-F)
Falcon Vista					
Denver	49-BD	NNT 4%	22.10	7.37	
Arapahoe	45307-F	NT	7.00	2.33	45307-F
Laramie Fox Hills	48-BD	NT	15.00	5.00	45306-F
Bentgrass					
Denver	373-BD	NNT 4%	98.80	32.93	
Denver	562-BD	NNT 4%	19.40	6.47	
Arapahoe	372-BD	NT	56.00	18.67	
Arapahoe	561-BD	NT	10.20	3.40	
Laramie Fox Hills	371-BD	NT	50.80	16.93	
Laramie Fox Hills	560-BD	NT	10.50	3.50	
Hart Water					
Arapahoe	2100-BD	NT	51.50	17.17	
Laramie Fox Hills	2099-BD	NT	62.50	20.83	
Gaddie Inclusion					
Denver	1314-BD	NNT	18.28	6.09	
Arapahoe	1313-BD	NT	9.29	3.10	
Laramie Fox Hills	1312-BD	NT	10.66	3.55	
Falcon Fields Inclusion					
Denver	505-BD	NNT	25.66	8.55	
Arapahoe	504-BD	NT	16.33	5.44	
Laramie Fox Hills	503-BD	NT	18.12	6.04	
Sub Total Non-Renewable Supply			***3061.44***	***1020.48***	
Woodmen Hills Non-Renewable Water Supply					
Guthrie Alluvial	Finding 5/5/83	Trib	89.00	89.00	612-RFP; 27554-FP
Cherokee Contract			350.00	350.00	
Sub Total Renewable Supply			***439.00***	***439.00***	
TOTAL WATER SUPPLY			**3500.44**	**1459.48**	
Woodmen Hills Miscellaneous Water Supplies					
1. Surface Water Diversion				25% of 2 cfs	Currently GC Irrigation
2. Evaporation Deficit and Lawn Irrigation Return Flow Credit (Replacement Plan)				-25.00	Pending
3. Non-determined and/or un-included Lands 83 acres					Underlying Water Rights held by WHMD but awaiting determinations. These are often processed in batches
	Non-renewable Supplies				
Denver			53.25	17.75	
Arapahoe			33.87	11.29	
Laramie Fox Hills			37.59	12.53	

Update: June 2020

JDS-Hydro Consultants, Inc.

Appendix D

WOODMEN HILLS MD 2020 Drinking Water Quality Report
Covering Data For Calendar Year 2019

Public Water System ID: CO0121930

Esta es información importante. Si no la pueden leer, necesitan que alguien se la traduzca.

We are pleased to present to you this year's water quality report. Our constant goal is to provide you with a safe and dependable supply of drinking water. Please contact JERRY JACOBSON at 719-495-2500 with any questions or for public participation opportunities that may affect water quality. **Please see the water quality data from our wholesale system(s) (either attached or included in this report) for additional information about your drinking water.**

General Information

All drinking water, including bottled water, may reasonably be expected to contain at least small amounts of some contaminants. The presence of contaminants does not necessarily indicate that the water poses a health risk. More information about contaminants and potential health effects can be obtained by calling the Environmental Protection Agency's Safe Drinking Water Hotline (1-800-426-4791) or by visiting epa.gov/ground-water-and-drinking-water.

Some people may be more vulnerable to contaminants in drinking water than the general population. Immunocompromised persons such as persons with cancer undergoing chemotherapy, persons who have undergone organ transplants, people with HIV-AIDS or other immune system disorders, some elderly, and infants can be particularly at risk of infections. These people should seek advice about drinking water from their health care providers. For more information about contaminants and potential health effects, or to receive a copy of the U.S. Environmental Protection Agency (EPA) and the U.S. Centers for Disease Control (CDC) guidelines on appropriate means to lessen the risk of infection by Cryptosporidium and microbiological contaminants call the EPA Safe Drinking Water Hotline at (1-800-426-4791).

The sources of drinking water (both tap water and bottled water) include rivers, lakes, streams, ponds, reservoirs, springs, and wells. As water travels over the surface of the land or through the ground, it dissolves naturally occurring minerals and, in some cases, radioactive material, and can pick up substances resulting from the presence of animals or from human activity. Contaminants that may be present in source water include:

- **Microbial contaminants:** viruses and bacteria that may come from sewage treatment plants, septic systems, agricultural livestock operations, and wildlife.
- **Inorganic contaminants:** salts and metals, which can be naturally-occurring or result from urban storm water runoff, industrial or domestic wastewater discharges, oil and gas production, mining, or farming.
- **Pesticides and herbicides:** may come from a variety of sources, such as agriculture, urban storm water runoff, and residential uses.
- **Radioactive contaminants:** can be naturally occurring or be the result of oil and gas production and mining activities.
- **Organic chemical contaminants:** including synthetic and volatile organic chemicals, which are byproducts of industrial processes and petroleum production, and also may come from gas stations, urban storm water runoff, and septic systems.

In order to ensure that tap water is safe to drink, the Colorado Department of Public Health and Environment prescribes regulations limiting the amount of certain contaminants in water provided by public water systems. The Food and Drug Administration regulations establish limits for contaminants in bottled water that must provide the same protection for public health.

Lead in Drinking Water

If present, elevated levels of lead can cause serious health problems (especially for pregnant women and young children). It is possible that lead levels at your home may be higher than other homes in the community as a result of materials used in your home's plumbing. If you are concerned about lead in your water, you may wish to have your water tested. When your water has been sitting for several hours, you can minimize the potential for lead exposure by flushing your tap for 30 seconds to 2 minutes before using water for drinking or cooking. Additional information on lead in drinking water, testing methods, and steps you can take to minimize exposure is available from the Safe Drinking Water Hotline (1-800-426-4791) or at epa.gov/safewater/lead.

Source Water Assessment and Protection (SWAP)

The Colorado Department of Public Health and Environment may have provided us with a Source Water Assessment Report for our water supply. For general information or to obtain a copy of the report please visit wqcdcompliance.com/ccr. The report is located under "Guidance: Source Water Assessment Reports". Search the table using 121930, WOODMEN HILLS MD, or by contacting JERRY JACOBSON at 719-495-2500. The Source Water Assessment Report provides a screening-level evaluation of potential contamination that ***could*** occur. It ***does not*** mean that the contamination ***has or will*** occur. We can use this information to evaluate the need to improve our current water treatment capabilities and prepare for future contamination threats. This can help us ensure that quality finished water is delivered to your homes. In addition, the source water assessment results provide a starting point for developing a source water protection plan. Potential sources of contamination in our source water area are listed on the next page.

Please contact us to learn more about what you can do to help protect your drinking water sources, any questions about the Drinking Water Quality Report, to learn more about our system, or to attend scheduled public meetings. We want you, our valued customers, to be informed about the services we provide and the quality water we deliver to you every day.

Our Water Sources

Sources (Water Type - Source Type)	Potential Source(s) of Contamination
WELL A1 (Groundwater-Well) WELL LFH1 (Groundwater-Well) WELL A2 (Groundwater-Well) WELL LFH2 (Groundwater-Well) WELL DW3 (Groundwater-Well) WELL DW1 (Groundwater-Well) WELL A3 (Groundwater-Well) WELL LFH3 (Groundwater-Well) WELL A5 (Groundwater-Well) WELL LFH5 (Groundwater-Well) WELL A6 (Groundwater-Well) WELL LFH6 (Groundwater-Well) GA1 WELL (Groundwater-Well) GLFH1 WELL (Groundwater-Well) GA2 WELL (Groundwater-Well) GLFH2 WELL (Groundwater-Well) GALV1 WELL (Groundwater-Well) GALV2 WELL (Groundwater-Well) PURCHASED FROM CO0121125 CHEROKEE MD (Groundwater-Consecutive Connection)	No potential sources of contamination identified. Please contact us for more information.

Terms and Abbreviations

- **Maximum Contaminant Level (MCL)** − The highest level of a contaminant allowed in drinking water.
- **Treatment Technique (TT)** − A required process intended to reduce the level of a contaminant in drinking water.
- **Health-Based** − A violation of either a MCL or TT.
- **Non-Health-Based** − A violation that is not a MCL or TT.
- **Action Level (AL)** − The concentration of a contaminant which, if exceeded, triggers treatment and other regulatory requirements.
- **Maximum Residual Disinfectant Level (MRDL)** − The highest level of a disinfectant allowed in drinking water. There is convincing evidence that addition of a disinfectant is necessary for control of microbial contaminants.
- **Maximum Contaminant Level Goal (MCLG)** − The level of a contaminant in drinking water below which there is no known or expected risk to health. MCLGs allow for a margin of safety.
- **Maximum Residual Disinfectant Level Goal (MRDLG)** − The level of a drinking water disinfectant, below which there is no known or expected risk to health. MRDLGs do not reflect the benefits of the use of disinfectants to control microbial contaminants.
- **Violation (No Abbreviation)** − Failure to meet a Colorado Primary Drinking Water Regulation.
- **Formal Enforcement Action (No Abbreviation)** − Escalated action taken by the State (due to the risk to public health, or number or severity of violations) to bring a non-compliant water system back into compliance.
- **Variance and Exemptions (V/E)** − Department permission not to meet a MCL or treatment technique under certain conditions.
- **Gross Alpha (No Abbreviation)** − Gross alpha particle activity compliance value. It includes radium-226, but excludes radon 222, and uranium.
- **Picocuries per liter (pCi/L)** − Measure of the radioactivity in water.
- **Nephelometric Turbidity Unit (NTU)** − Measure of the clarity or cloudiness of water. Turbidity in excess of 5 NTU is just noticeable to the typical person.
- **Compliance Value (No Abbreviation)** – Single or calculated value used to determine if regulatory contaminant level (e.g. MCL) is met. Examples of calculated values are the 90^{th} Percentile, Running Annual Average (RAA) and Locational Running Annual Average (LRAA).
- **Average (x-bar)** − Typical value.
- **Range (R)** − Lowest value to the highest value.

- **Sample Size (n)** − Number or count of values (i.e. number of water samples collected).
- **Parts per million = Milligrams per liter (ppm = mg/L)** − One part per million corresponds to one minute in two years or a single penny in $10,000.
- **Parts per billion = Micrograms per liter (ppb = ug/L)** − One part per billion corresponds to one minute in 2,000 years, or a single penny in $10,000,000.
- **Not Applicable (N/A)** – Does not apply or not available.
- **Level 1 Assessment** – A study of the water system to identify potential problems and determine (if possible) why total coliform bacteria have been found in our water system.
- **Level 2 Assessment** – A very detailed study of the water system to identify potential problems and determine (if possible) why an E. coli MCL violation has occurred and/or why total coliform bacteria have been found in our water system on multiple occasions.

Detected Contaminants

WOODMEN HILLS MD routinely monitors for contaminants in your drinking water according to Federal and State laws. The following table(s) show all detections found in the period of January 1 to December 31, 2019 unless otherwise noted. The State of Colorado requires us to monitor for certain contaminants less than once per year because the concentrations of these contaminants are not expected to vary significantly from year to year, or the system is not considered vulnerable to this type of contamination. Therefore, some of our data, though representative, may be more than one year old. Violations and Formal Enforcement Actions, if any, are reported in the next section of this report.

Note: Only detected contaminants sampled within the last 5 years appear in this report. If no tables appear in this section then no contaminants were detected in the last round of monitoring.

Disinfectants Sampled in the Distribution System

TT Requirement: At least 95% of samples per period (month or quarter) must be at least 0.2 ppm ***OR***
If sample size is less than 40 no more than 1 sample is below 0.2 ppm
Typical Sources: Water additive used to control microbes

Disinfectant Name	Time Period	Results	Number of Samples Below Level	Sample Size	TT Violation	MRDL
Chlorine	December, 2019	Lowest period percentage of samples meeting TT requirement: 100%	0	12	No	4.0 ppm

Lead and Copper Sampled in the Distribution System

Contaminant Name	Time Period	90th Percentile	Sample Size	Unit of Measure	90th Percentile AL	Sample Sites Above AL	90th Percentile AL Exceedance	Typical Sources
Copper	07/29/2019 to 08/07/2019	0.14	20	ppm	1.3	0	No	Corrosion of household plumbing systems; Erosion of natural deposits
Lead	07/29/2019 to 08/07/2019	1	20	ppb	15	0	No	Corrosion of household plumbing systems; Erosion of natural deposits

Disinfection Byproducts Sampled in the Distribution System									
Name	**Year**	**Average**	**Range Low – High**	**Sample Size**	**Unit of Measure**	**MCL**	**MCLG**	**MCL Violation**	**Typical Sources**
Total Haloacetic Acids (HAA5)	2019	6.85	4.5 to 9.2	2	ppb	60	N/A	No	Byproduct of drinking water disinfection
Total Trihalomethanes (TTHM)	2019	23.5	16 to 31	2	ppb	80	N/A	No	Byproduct of drinking water disinfection

Radionuclides Sampled at the Entry Point to the Distribution System									
Contaminant Name	**Year**	**Average**	**Range Low – High**	**Sample Size**	**Unit of Measure**	**MCL**	**MCLG**	**MCL Violation**	**Typical Sources**
Gross Alpha	2019	1.61	0 to 3.46	4	pCi/L	15	0	No	Erosion of natural deposits
Combined Radium	2017	0.93	0 to 1.4	3	pCi/L	5	0	No	Erosion of natural deposits
Combined Uranium	2019	0.5	0 to 2	4	ppb	30	0	No	Erosion of natural deposits

Inorganic Contaminants Sampled at the Entry Point to the Distribution System									
Contaminant Name	**Year**	**Average**	**Range Low – High**	**Sample Size**	**Unit of Measure**	**MCL**	**MCLG**	**MCL Violation**	**Typical Sources**
Barium	2017	0.02	0.01 to 0.04	3	ppm	2	2	No	Discharge of drilling wastes; discharge from metal refineries; erosion of natural deposits
Fluoride	2017	0.56	0.28 to 0.79	3	ppm	4	4	No	Erosion of natural deposits; water additive which promotes strong teeth; discharge from fertilizer and aluminum

Inorganic Contaminants Sampled at the Entry Point to the Distribution System									
Contaminant Name	**Year**	**Average**	**Range Low – High**	**Sample Size**	**Unit of Measure**	**MCL**	**MCLG**	**MCL Violation**	**Typical Sources**
									factories
Nitrate	2019	1.3	0 to 5	4	ppm	10	10	No	Runoff from fertilizer use; leaching from septic tanks, sewage; erosion of natural deposits
Nitrate-Nitrite	2019	5	5 to 5	1	ppm	10	10	No	Runoff from fertilizer use; leaching from septic tanks, sewage; erosion of natural deposits
Selenium	2017	0.67	0 to 2	3	ppb	50	50	No	Discharge from petroleum and metal refineries; erosion of natural deposits; discharge from mines

Secondary Contaminants**

**Secondary standards are non-enforceable guidelines for contaminants that may cause cosmetic effects (such as skin, or tooth discoloration) or aesthetic effects (such as taste, odor, or color) in drinking water.

Contaminant Name	**Year**	**Average**	**Range Low – High**	**Sample Size**	**Unit of Measure**	**Secondary Standard**
Sodium	2017	113.37	101.4 to 121.7	3	ppm	N/A

Unregulated Contaminants***

EPA has implemented the Unregulated Contaminant Monitoring Rule (UCMR) to collect data for contaminants that are suspected to be present in drinking water and do not have health-based standards set under the Safe Drinking Water Act. EPA uses the results of UCMR monitoring to learn about the occurrence of unregulated contaminants in drinking water and to decide whether or not these contaminants will be regulated in the future. We performed monitoring and reported the analytical results of the monitoring to EPA in accordance with its Unregulated Contaminant Monitoring Rule (UCMR). Once EPA reviews the submitted results, the results are made available in the EPA's National Contaminant Occurrence Database (NCOD) (epa.gov/dwucmr/national-contaminant-occurrence-database-ncod) Consumers can review UCMR results by accessing the NCOD. Contaminants that were detected during our UCMR sampling and the corresponding analytical results are provided below.

Contaminant Name	Year	Average	Range Low – High	Sample Size	Unit of Measure

***More information about the contaminants that were included in UCMR monitoring can be found at: drinktap.org/Water-Info/Whats-in-My-Water/Unregulated-Contaminant-Monitoring-Rule-UCMR. Learn more about the EPA UCMR at: epa.gov/dwucmr/learn-about-unregulated-contaminant-monitoring-rule or contact the Safe Drinking Water Hotline at (800) 426-4791 or epa.gov/ground-water-and-drinking-water.

Violations, Significant Deficiencies, and Formal Enforcement Actions

No Violations or Formal Enforcement Actions

Appendix E

WATER SUPPLY INFORMATION SUMMARY

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

1. NAME OF DEVELOPMENT AS PROPOSED *Judge Orr Eastonville Commercial Center*

2. LAND USE ACTION *Re-Plat*

3. NAME OF EXISTING PARCEL AS RECORDED Woodmen Hills Filing No. 10 - Reception No. 201098618

SUBDIVISION *Woodmen Hills* **FILING** *10* **BLOCK** *N/A* **Lot** *1177*

4. TOTAL ACREAGE *31.29* **5. NUMBER OF LOTS PROPOSED** *1* **PLAT MAPS ENCLOSED** ☑ YES See submittal

6. PARCEL HISTORY - Please attach copies of deeds, plats, or other evidence or documentation. (In submittal package)

A. Was parcel recorded with county prior to June 1, 1972? ☐ YES ☑ NO

B. Has the parcel ever been part of a division of land action since June 1, 1972? ☐ YES ☑ NO

If yes, describe the previous action

7. LOCATION OF PARCEL - Include a map deliniating the project area and tie to a section corner. (In submittal)

West OF 1/4 SECTION 32 TOWNSHIP 12 ☐ N ☑ S RANGE 64 ☐ E ☑ W

PRINCIPAL MERIDIAN: ☑ 6TH ☐ N.M. ☐ UTE ☐ COSTILLA

8. PLAT - Location of all wells on property must be plotted and permit numbers provided.

Surveyors plat ☐ YES ☑ NO If not, scaled hand -drawn sketch ☐ YES ☑ NO

9. ESTIMATED WATER REQUIREMENTS - Gallons per Day or Acre Foot per Year

HOUSEHOLD USE #		of units	GPD	AF
COMMERCIAL USE #	31.3	Gr. Ac.	14,736 GPD	16.510 AF
IRRIGATION #		acres		AF
STOCK WATERING #		of head	GPD	AF
OTHER		Multi-fam	GPD	AF
TOTAL			GPD	AF

Based on 0.353 AC-Ft/SFE-Year

Estimated SFE's based on projected land use or 46.76 SFE

10. WATER SUPPLY SOURCE

☑ EXISTING ☐ DEVELOPED

WELLS SPRING

☐ NEW WELLS

Proposed Aquifers - (Check One)

☐ Alluvial ☐ Upper Arapahoe

☐ Upper Dawson ☑ Lower Arapahoe

☐ Lower Dawson ☐ Laramie Fox Hills

☑ Denver ☐ Dakota

☐ Other

☐ MUNICIPAL

☐ ASSOCIATION

☐ COMPANY

☑ DISTRICT

Woodemen Hills Metropolitan District

LETTER OF COMMITMENT FOR SERVICE ☑ YES ☐ NO

WATER COURT DECREE CASE NUMBERS

373-BD, 562-BD

372-BD, 561-BD

371-BD, 560-BD

Numerous Additional determinations and other water rights

11. ENGINEER'S WATER SUPPLY REPORT ☑ YES ☐ NO If yes, please forward with this form. (This may be required befor our review is completed)

12. TYPE OF SEWAGE DISPOSAL SYSTEM

☐ SEPTIC TANK/LEACH FIELD

☑ CENTRAL SYSTEM - DISTRICT NAME: *Woodemen Hills Metropolitan District*

☐ LAGOON

☐ VAULT - LOCATION SEWAGE HAULED TO:

☐ ENGINEERED SYSTEM (Attach a copy of engineering design)

☐ OTHER:

Appendix F

Woodmen Hills Commitment Tracking

Appendix F-1

	Existing Demands			Committed but Unused Water			
	SFE (Year 2019)	**3 Year (AF/Year)**	**Previous Year 2019 (AF/Year)**	**SFE (No.)**	**Projected Demand (Com) (AF/Year)**	**Active Commitment Letter (Date)**	**Notes**
Current Demands/Loads (2020)	**2914**	**803.4**	**830.5**				
Outstanding Commitments							
Falcon Marketplace				28	10.22	10/12/2016	Under old allocation (pre-2017)
C and M Properties				5	1.765	4/30/2018	2 Inch Tap per Easement
Bentgrass Residential Filing No. 2				121	42.71	7/9/2019	
Falcon Meadows at Bentgrass Preliminary PUD				260	91.78	Aug 11-2020	
Judge Orr Eastonville Commercial Center				46.76	16.51	11-Aug-20	
Mancave Storage Units				3.90	1.376	12-Dec-19	
Total Active Un-developed (Committed)				**464.7**	**164.361**		

Update 8/1/2020

Notes;

31-Dec-17 Modified Unit User Characteristic based on 10 year trend

WOODMEN HILLS
METROPLITAN DISTRICT

August 4, 2020

John Maynard
N. E. S., Inc
619 North Cascade Avenue, Suite 200
Colorado Springs, CO 80903

Re: Water and Wastewater Commitment Letter for Judge Orr Eastonville Commercial Center

Dear John:

The above named subdivision is within the existing boundaries of the Woodmen Hills Metropolitan District. The proposal is for a 31.58 acre commercial subdivision having roughly 6 lots. The uses are mixed commercial including an 8 acre storage unit facility, a bank, and general retail. We estimate the approximate water needs roughly equal to 46.76 SFE.

This commitment is for 31.58 acres; approximately 46.76 SFE and a water commitment of 16.51 Acre-feet/year. WHMD has adequate water supplies to meet the anticipated additional demand.

Wastewater service will be for 31.58 acres; approximately 46.76 SFE. Estimated wastewater loads are 7621 gallons/day. Adequate wastewater system and treatment capacity exists to meet the anticipated additional loading.

If you have any questions, please do not hesitate to call.

Sincerely,
Woodmen Hills Metropolitan District

Jerry Jacobson, District Manager

C: John P. McGinn, District Engineer

Appendix G

RECEIVED DEC 2 9 2000

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

http://water.state.co.us/default.htm

Bill Owens
Governor

Greg E. Walcher
Executive Director

Hal D. Simpson, P.E.
State Engineer

December 27, 2000

BENJAMIN GREEN
WOODMEN HILLS METROPOLITAN DISTRICT
P O BOX 62039
COLO SPGS CO 80962

RE: Determination of Water Right

Dear Mr. Green:

Enclosed is a copy of the Colorado Ground Water Commission's Findings and Order for Determination of Water Right No. **129-BD**, to allow appropriation from the **Dawson** 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.

Additionally, this office recommends that a copy of this determination be recorded in the public records of the county – in which the claimed lands are located – so that a title examination of the overlying land claimed in the application, or any part thereof, shall reveal this determination.

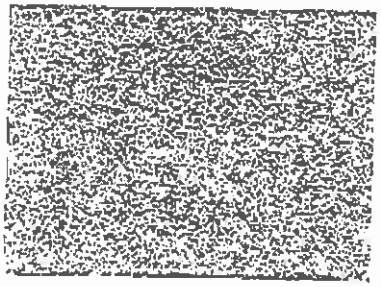
If you have any questions, please contact this office.

Sincerely,

Richard Cooper
Water Resource Specialist
Designated Basins Branch

enclosures: a/s

cc: Upper Black Squirrel Creek GWMD



COLORADO GROUND WATER COMMISSION
FINDINGS AND ORDER

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

APPLICANT: WOODMEN HILLS METROPOLITAN DISTRICT

AQUIFER: DAWSON

DETERMINATION NO.: 129-BD

In compliance with Section 37-90-107(7), C.R.S., and the Designated Basin Rules, 2 CCR 410-1, Woodmen Hills Metropolitan District (hereinafter "applicant") submitted an application for determination of water right to allow the appropriation of ground water from the Dawson Aquifer.

FINDINGS

1. The application was first filed on September 22, 1998, and was received and considered complete by the Ground Water Commission on January 25, 2000.

2. a. The applicant proposes to appropriate ground water from the Dawson Aquifer (hereinafter "aquifer") underlying 1151 acres, consisting of two noncontiguous tracts of land generally described as:

Area A - 1112 acre tract located in the S1/2 of the S1/2, and in the NE1/4 of the SE1/4 of Section 31, and in the W1/2 of the SW1/4 of Section 32, all in Township 12 South, Range 64 West of the 6th Principal Meridian.; and all of that part of Section 6 lying north and west of the Chicago, Rock Island and Pacific Railway Right of Way, and a portion of that part of the NW1/4 of Section 7 lying north and west of the Chicago, Rock Island and Pacific Railway Right of Way, all in Township 13 South, Range 64 West of the 6th Principal Meridian.; and in the SE1/4 of Section 36,Township 12 South, Range 65 West of the 6th Principal Meridian; and in the N1/2 of the NE1/4 of Section 1, Township 13 South, Range 65 West of the 6th Principal Meridian,

Area B - 39 acre tract located in the SW1/4 of the SE1/4 of Section 1, Township 13 South Range 65 West of the 6th Principal Meridian,

which corresponds to the claimed area of the Woodmen Hills Metropolitan District

b. According to a signed statement received by the Commission on April 22, 1999, and an amendment to this statement received on December 22, 1999, the applicant claims the control of and right to appropriate the ground water in the aquifer underlying the above described 1151 acres of land, as further described in said affidavits which are attached hereto as Exhibit A. The amendment clarifies claims made in the statement, and specifically identifies a *Long Term Water Lease, Option to Purchase* ("Lease Option"), of November 29, 1995, as the instrument used to transfer the control of ground water underlying the described land areas from the claimed property owner at that time, Falcon Properties and Investments, to the applicant.

3. The proposed annual appropriation is the maximum allowable amount. By amendment to the application received on December 15, 2000, any wells permitted to divert ground water from the aquifer would have a maximum pumping rate of 150 g.p.m.

4. The land areas overlying the ground water claimed by the applicant are located within the boundaries of the Upper Black Squirrel Creek Designated Ground Water Basin and within the Upper Black Squirrel Creek Ground Water Management District. The Ground Water Commission has jurisdiction.

5. The applicant proposes to apply the appropriated ground water to the following beneficial uses: industrial, commercial, municipal, irrigation, and replacement.

6. The two land areas, designated Area A and Area B, claimed by the applicant and described in Exhibit A are noncontiguous. A quantification of the amount of ground water in storage in the aquifer and a maximum annual appropriation will be determined specifically for the aquifer underlying each of these areas.

7. The quantity of water in the aquifer underlying each of the above land areas is as follows:

Area A = 15,568 acre-feet Area B = 390 acre-feet

These determinations are 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 20 percent.

b. The average thickness of the saturated permeable material of the aquifer underlying each of the areas under consideration that could yield a sufficient quantity of water that may be extracted and applied to beneficial use is as follows: Area A = 70 feet; Area B = 50 feet. The aquifer underlying the land areas is unconfined and is considered to be only partially saturated. Saturated aquifer material may be nonexistent in the southern portion of Area A.

8. At this time, there is no substantial artificial recharge which would affect the aquifer within a one hundred year period.

9. Pursuant to Section 37-90-107(7), C.R.S., and in accordance with the Designated Basin Rules, the Colorado Ground Water Commission shall allocate ground water from the aquifer based on ownership of the overlying land and an aquifer life of one hundred years. Therefore, the maximum annual appropriation which could be allowed pursuant to the data in the paragraphs above for each land area claimed by the applicant is as follows:

Area A = 156 acre-feet Area B = 3.9 acre-feet

10. 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

11. Based on analysis of data in the records of the State Engineer's office, in accordance with the Designated Basin Rules, it has been determined that withdrawal of ground water from the aquifer underlying the land areas claimed by the applicant will, within one hundred years, deplete the alluvial aquifer or flow of a natural stream at an annual rate greater than one-tenth of one percent of the annual rate of withdrawal and, therefore, the ground water is considered to be not-nontributary ground water. Withdrawal of water from the aquifer underlying the claimed land areas would impact the alluvial aquifer of Black Squirrel Creek or its tributaries, which has been determined to be over-appropriated. Commission approval of a replacement plan, providing for actual depletion to the alluvial aquifer and adequate to prevent any material injury to existing water rights, would be required prior to approval of well permits for wells to be located on this land area to withdraw the allowed ground water from the aquifer.

12. a. A review of the records of the Ground Water Commission has disclosed that approval of the determination of water right would result in unreasonable impairment of existing water rights unless terms and conditions are included to prevent such injurious effect. The well permit number, rate of diversion, and other relevant data concerning such rights are set forth in the attached Exhibit B. To prevent material injury to such existing water rights, the quantity of water underlying each land area claimed by the applicant in Exhibit A which is considered unappropriated has been reduced as follows:

    for Area A - to 5614 acre-feet or a maximum annual amount of 56 acre-feet

    for Area B - to zero acre-feet or no available amount

    These reductions are based on a calculation of the area necessary to provide a quantity of water underlying such an area as would be sufficient, for the persons entitled to divert water under existing rights, to divert the allowed maximum (average) annual amount of water from the aquifer for the minimum useful life of the aquifer (100 years). The effect of this calculation is to effectively reduce the land available for calculating the quantity of water underlying the land areas claimed by the applicant to: 401 acres for Area A; zero acres for Area B.

    b. In accordance with the Designated Basin Rules, the maximum annual amount available for appropriation from the aquifer underlying Area A is reduced to 55 acre-feet to allow for the annual withdrawal of a small capacity well which is completed in the aquifer, permit number 13485. Other than the above described wells, review of the records of the Commission finds no other previous appropriations or permitted withdrawals from the aquifer underlying the claimed land areas.

13. 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 subject to approval by the Commission.

14. On June 6, 2000, a letter was sent to the Upper Black Squirrel Creek Ground Water Management District requesting recommendations concerning this application. Written recommendations from the district were received on June 13, 2000, in the form of an objection to the application.

15. The Commission Staff has evaluated the application relying on the claims to control of the ground water in the aquifer made by the applicant.

16. In accordance with Sections 37-90-107(7) and 37-90-112, C.R.S., the application was published in The Gazette newspaper on June 8 and 15, 2000.

17. a. On June 13, 2000, an objection to the application was received from the Upper Black Squirrel Creek Ground Water Management District ("objector"), and assigned Case No. 00-GW-05. No other objection to the proposed determination of water right was received within the time limit set by statute.

b. On August 14, 2000, the applicant and the objector entered into a stipulation whereby the objector withdrew its objection to the determination of water right portion of Case No. 00-GW-05. By Order of the Commission Hearing Officer dated August 22, 2000, the application was referred back to the Commission Staff for issuance in conformance with applicable statutes and rules.

18. In order to prevent injury 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 appropriation 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 and the issuance of well permits to construct wells to withdraw the authorized amount of water from the aquifer.

ORDER

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 orders that the application for determination of water right to allow the appropriation of ground water from the Dawson Aquifer underlying 1151 acres of land, generally described as:

Area A - 1112 acre tract located in the S1/2 of the S1/2, and in the NE1/4 of the SE1/4 of Section 31, and in the W1/2 of the SW1/4 of Section 32, all in Township 12 South, Range 64 West of the 6th Principal Meridian.; and all of that part of Section 6 lying north and west of the Chicago, Rock Island and Pacific Railway Right of Way, and a portion of that part of the NW1/4 of Section 7 lying north and west of the Chicago, Rock Island and Pacific Railway Right of Way, all in Township 13 South, Range 64 West of the 6th Principal Meridian.; and in the SE1/4 of Section 36,Township 12 South, Range 65 West of the 6th Principal Meridian; and in the N1/2 of the NE1/4 of Section 1, Township 13 South, Range 65 West of the 6th Principal Meridian;

Area B - 39 acre tract located in the SW1/4 of the SE1/4 of Section 1, Township 13 South, Range 65 West of the 6th Principal Meridian;

is approved subject to the following conditions:

19. The allowed average annual amount of water to be withdrawn from the aquifer underlying Area A shall not exceed 55 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.

20. The Commission finds that there is no amount of ground water available for allocation or appropriation from the aquifer underlying Area B.

21. To conform to actual aquifer characteristics, the Commission may adjust the allowed average annual appropriation 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 storage was incorrect.

22. Commission approval of a replacement plan, providing for actual depletion to the alluvial aquifer and adequate to prevent any material injury to existing water rights, is required prior to approval of well permits for wells to be located on this land area to withdraw ground water from the aquifer.

23. The use of ground water from this appropriation shall be limited to the following uses: industrial, commercial, municipal, irrigation, and replacement. The place of use shall be limited to the above described 1151 acre 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 lands are 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 1151 acre land area or any part thereof, shall reveal the changes affecting this water right. Such notice shall consist of a signed and dated warranty deed which indicates the determination number, the aquifer, a description of the above described land area, the amount 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 Area A.

    b. The wells must be constructed to withdraw water from only the Dawson 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 individual permit application and 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 amounts of water from the aquifer together in any combination. The total combined annual withdrawal of the wells shall not exceed the allowed average annual amounts described in this Order.

f. The maximum pumping rate of each well shall not exceed 150 g.p.m.

g. A totalizing flow meter 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.

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

Dated this 21ST day of DECEMBER, 2000.

Hal D. Simpson

Hal D. Simpson
Executive Director
Colorado Ground Water Commission

By: _____
William H. Fronczak, P.E.
Supervisor - Designated Basins Branch

Prepared by: RAC

FIND-304

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WATER RESOURCES
STATE ENGINEER
COLO.

EXHIBIT A
Page 1 of 25

AMENDMENT TO STATEMENTS REGARDING NON-TRIBUTARY WATER RIGHTS

The undersigned Applicants hereby amend and modify their previously filed Statements Regarding Non-Tributary Ground Water as follows:

1. Wherever the term "non-tributary groundwater" appears in the Statement, it is the intent of Applicants that the term shall mean and read as "non-tributary and not non-tributary ground water".

2. Woodmen Hills Metropolitan District ("Woodmen Hills" or "District") is the owner of all water and water rights in the Laramie-Fox Hills, Arapahoe, Denver and Dawson aquifers underlying the 1,151.28 acre land area (claimed and described 'in each Statement for the following reasons:

a. On the 29th day of November, 1995 (prior to the sale of any lots to third parties) Falcon Properties and Investments, LLP and Woodmen Hills entered into a Long Term Water Lease and Option To Purchase ("Lease Option") whereby all underground water resources underlying the 1,151.28 acres land area (the area of the District) were leased to the District and the District had the option to buy the same.

b. At the time the Lease/Option was agreed to, on the 29th day of November 1995, Falcon Properties and Investments, LLP, owned all of the above-described 1,151.28 acre property, and ground water in the Laramie-Fox Hills, Arapahoe, Denver and Dawson aquifers underlying this land area which had not been conveyed or reserved to another nor had consent been given to its withdrawal by another prior to this agreement.

c. This Lease/Option was referenced in title commitments that were issued to purchasers of lots in the District. Skywalk Development Corporation initially took title and in turn, transferred title to the property owners.

d. An option to purchase that is noticed in the public records is an interest in property affecting title and therefore, subsequent purchasers take title subject to the option.

e. The Option was exercised with the closing of an Installment Purchase Agreement dated December 15, 1997 which was also recorded in the public records.

e. Covenants were recorded against all real property prior to sale to third parties which prohibited individual water systems, recognized the Long Term Water Lease/Option controlling the properties, and acknowledged Woodmen Hills as the provider of municipal services.

3. The Lease/Option and its attached legal description refers to all of the property described in the survey plat of the 1,151.28 acre land area previously submitted to the Ground Water Commission and made a part of each Statement as Exhibit "A".

TdW

008/030

08/11/2006 FRI 13:17 FAX

WOODMEN HILLS METROPOLITAN DISTRICT

BY: _____ President

ATTEST:

BY: _____

VERIFICATION

STATE OF COLORADO }
} ss:
COUNTY OF EL PASO }

Subscribed and sworn to before me this 16 day of December, 1999 by Lois Chappell as President and by Nancy Heiney as Secretary of Woodmen Hills Metropolitan District.

Witness my hand and official seal.

My commission expires: 11/24/01.

[SEAL]

_____
Notary Public

08/11/2006 FRI 13:17 FAX 009/030

FALCON PROPERTIES AND INVESTMENTS, LLP

BY: Gerald Alesh
Managing General Partner

VERIFICATION

STATE OF COLORADO }
} ss:
COUNTY OF DENVER }

Subscribed and sworn to before me this 17th day of December, 1999 by Gerald Alesh as Manager of Falcon Properties and Investments, LLP.

Witness my hand and official seal.

My commission expires: April 27, 2002

DAWN L WATTERS NOTARY PUBLIC STATE OF COLORADO

MY COMMISSION EXPIRES: April 27, 2002

[SEAL]

Dawn L. Watters
Notary Public

08/11/2006 FRI 13:17 FAX 010/030

SKYWALK DEVELOPMENT CORPORATION

BY: _____

VERIFICATION

STATE OF COLORADO }
} ss:
COUNTY OF EL PASO }

Subscribed and sworn to before me this 16 day of January, 1999 by Raymond L. Green as President of Skywalk Development Corporation.

Witness my hand and official seal.

My commission expires: 11/24/01.

[SEAL]

_____
Notary Public

08/11/2006 FRI 13:17 FAX 011/030

TRAIL RIDGE HOMES, INC.

BY: Stacy E. Perry

VERIFICATION

STATE OF COLORADO }
} ss:
COUNTY OF EL PASO }

~~Subscribed and~~ sworn to before me this 16 day of December, 1999 by Teresa K. Perry as ~~President~~ Secretary of Trail Ridge Homes, Inc.

Witness my hand and official seal.

My commission expires: 11/24/01

[SEAL]

Notary Public

08/11/2006 FRI 13:17 FAX 012/030

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WATER RESOURCES
STATE ENGINEER
COLO.

STATEMENT REGARDING NONTRIBUTARY WATER RIGHTS OWNERSHIP

DAWSON AQUIFER

THIS STATEMENT REGARDING NONTRIBUTARY WATER RIGHTS OWNERSHIP ("Statement") is made and entered into this 31st day of March, 1999, by and between **Woodmen Hills Metropolitan District**, a quasi-municipal corporation and political subdivision of the State of Colorado (the "District"), acting by and through its Water Enterprise, **Falcon Properties and Investments, LLP**, a Colorado limited liability partnership ("Falcon"), **Skywalk Development Corporation**, a Colorado corporation ("Skywalk"), and **Trail Ridge Homes, Inc.**, a Colorado corporation ("Trail Ridge"), collectively sometimes herein referred to as "the Parties",

WITNESSETH:

1. This Statement is furnished at the request of the State Engineer's staff in connection with permitting additional nontributary ground water in the Dawson aquifer in the Upper Black Squirrel Creek Designated Ground Water Basin in El Paso County, Colorado.

2. The overlying land area related to the pending claim is 1,151.28 acres described in a Certified Boundary Survey by URS Consultants, Inc., revised November 9, 1998 and on file with the State Engineer's staff (Exhibit "A").

3. The Parties to this Statement hereby affirm their mutual position that all right, title and interest in and to nontributary ground water underlying the Exhibit "A" property has been reserved, excepted and conveyed to the District and the District has sole and exclusive rights to permit, develop and use said nontributary ground water as the community water supplier for the benefit of those persons and entities who own the overlying land. The Parties further state that the right to appropriate water from the aquifers underlying the Exhibit "A" property has not been conveyed or reserved to any person or entity other than the District nor has consent been given to withdrawal of said nontributary ground water by any person or entity other than the District.

4. The status of the water rights ownership is attested by the following documents:

A. Permits issued by the Ground Water Commission in 1966, 1984, 1985 and 1989 (Exhibits "B" and "C");

B. Long-Term Water Lease, Option to Purchase, and Development Agreement between Falcon and Woodmen dated November 29, 1995 (Exhibit "C");

C. Declaration of Covenants, Conditions and Restrictions for Woodmen Hills, recorded February 26, 1997 in the El Paso County Records at Reception No. 097021447, especially Article 3.22 which prohibits individual water supply systems, Article 5.2 which acknowledges that the property is controlled by a "Long-Term Water Lease, Option to Purchase, and Development Agreeement" between the District and Falcon (previously identified as Exhibit "C" to this Statement), and Article 6.4 which reserves to Falcon the right to convey additional real property interests to the District (Exhibit "D");

D. Installment Purchase Agreement between Falcon and Woodmen dated December 15, 1997 and recorded on February 6, 1998 in the El Paso County Records at Reception No. 098014838, especially Section 513 which provides that the District may pursue any additional administrative proceedings before the State Engineer, the Colorado Groundwater Commission or the Upper Black Squirrel Creek Groundwater Management District which it may elect to pursue to make use of the water derived from the Exhibit "A" property in the District's Water System and that Falcon agrees to cooperate fully in any such proceedings (Exhibit "E");

E. Form of Purchase Agreement - Home Sale utilized by Trail Ridge, especially paragraph 10 thereof relating to the purchase of the water rights by the District from Falcon and the obligation of the District to provide water and sewer service and the acknowledgment by the Buyer that the District is responsible for providing water and sewer service to the property and the Buyer must pay fees and assessments imposed by the District and paragraph 22 concerning acknowledgment by the Purchaser that the District will be providing water service to the property within the development by use of the Denver Basin

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aquifers (Exhibit "F");

F. Form of Agreement to Buy and Sell Real Estate (Commercial Finished Lot Sale) utilized by Skywalk, especially paragraph 18 (b) thereof requiring Buyer to acknowledge that the property is included in the District and that water and sewer tap fees must be paid to the District (Exhibit "G");

G. Form of Warranty Deed utilized by Trail Ridge, which does not convey any water rights to residential lot purchasers (Exhibit "H"); and

H. Form of Warranty Deed utilized by Skywalk, which does not convey any water rights to commercial lot purchasers (Exhibit "I").

5. The addresses of the Parties to this Statement are as follows:

Woodmen Hills Metropolitan District
P.O. Box 62039
Colorado Springs, CO 80962

Falcon Properties and Investments, LLP
360 S. Monroe Street
Suite 355
Denver, CO 80209

Skywalk Development Corporation
11720 Woodmen Hills Drive
Peyton, CO 80831

Trail Ridge Homes, Inc.
11720 Woodmen Hills Drive
Peyton, CO 80831

IN WITNESS WHEREOF, the Parties have executed this Statement Regarding Nontributary Water Rights Ownership for the Dawson Aquifer on the respective dates set forth below.

Woodmen Hills Metropolitan District, a quasi-municipal corporation and political subdivision of the State of Colorado, acting by and through its Water Enterprise

08/11/2006 FRI 13:18 FAX 015/030

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APR 2 2 1999
WATER RESOURCES
STATE ENGINEER
COLO.

By _____
Benjamin I. Green, Vice President

ATTEST:

By _____, Secretary

STATE OF COLORADO)
) ss.
COUNTY OF EL PASO)

SUBSCRIBED AND SWORN to before me this 30 day of March, 1999, by Benjamin I. Green, Vice President of Woodmen Hills Metropolitan District, a quasi-municipal corporation and political subdivision of the State of Colorado, acting by and through its Water Enterprise.

My Commission expires: 12-10-01

Notary Public

11720 Woodmen Hills Drive
Address

ANDREA M LEVI
NOTARY PUBLIC
STATE OF COLORADO

MY COMMISSION EXPIRES
12/10/2001

STATE OF COLORADO)
) ss.
COUNTY OF EL PASO)

SUBSCRIBED AND SWORN to before me this 30 day of March, 1999, by Tracey L. Pelfrey, as Secretary of Woodmen Hills Metropolitan District, a quasi-municipal corporation and political subdivision of the State of Colorado, acting by and through its Water Enterprise.

My Commission expires: 12-10-01

Notary Public

11720 Woodmen Hills Drive

ANDREA M LEVI
NOTARY PUBLIC
STATE OF COLORADO

MY COMMISSION EXPIRES
12/10/2001

08/11/2006 FRI 13:19 FAX 016/030

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APR 22 1999

WATER RESOURCES
STATE ENGINEER
COLO.

FALCON PROPERTIES AND INVESTMENTS, LLP, a Colorado limited liability partnership

By Gerald Olesh
Gerald Olesh
Managing General Partner

STATE OF COLORADO)

CITY AND) ss.
COUNTY OF DENVER)

SUBSCRIBED AND SWORN to before me this 21st day of March, 1999, by Gerald Olesh, as Managing General Partner of Falcon Properties and Investments, LLP, a Colorado limited liability partnership.

My Commission expires: April 27, 2002.

Notary Public

Address

DAWN L WATTERS NOTARY PUBLIC STATE OF COLORADO
MY COMMISSION EXPIRES: April 27, 2002

Skywalk Development Corporation, a Colorado corporation

By Jerry V. DeVaris
Jerry V. Davis,
Vice President

ATTEST:

By Nancy E. Duffy
Secretary

08/11/2006 FRI 13:19 FAX 017/030

RECEIVED

APR 22 1999

WATER RESOURCES
STATE ENGINEER
COLO.

STATE OF COLORADO)
) ss.
COUNTY OF EL PASO)

SUBSCRIBED AND SWORN to before me this 30 day of March, 1999, by Jerry L. Davis, Vice President of Skywalk Development Corporation, a Colorado corporation.

My Commission expires: 12-10-01.

ANDREA M LEVI NOTARY PUBLIC STATE OF COLORADO

Andrea M Levi
Notary Public

11720 Woodmen Hills Drive
Address

STATE OF COLORADO)
MY COMMISSION EXPIRES
12/10/2001) ss.
COUNTY OF EL PASO)

SUBSCRIBED AND SWORN to before me this 30 day of March, 1999, by Tracey L. Pelfrey, as ____ Secretary of Skywalk Development Corporation, a Colorado corporation.

My Commission expires: 12-10-01.

ANDREA M LEVI NOTARY PUBLIC STATE OF COLORADO

MY COMMISSION EXPIRES
12/10/2001

Andrea M Levi
Notary Public

11720 Woodmen Hills Drive
Address

Trail Ridge Homes, Inc.,
a Colorado corporation

By Gerald Oleck
President
President

ATTEST:

By Tracey L Pelfrey
Secretary

08/11/2006 FRI 13:19 FAX 018/030

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APR 22 1999

WATER RESOURCES
STATE ENGINEER
COLO.

STATE OF COLORADO)
) ss.
COUNTY OF EL PASO)

SUBSCRIBED AND SWORN to before me this 31st day of March, 1999, by [illegible], ___ President of Trail ridge Homes, Inc.; a Colorado corporation.

My Commission expires: April 27, 2002.

DAWN L WATTERS NOTARY PUBLIC STATE OF COLORADO

MY COMMISSION EXPIRES:
April 27, 2002

[illegible]
Notary Public

[illegible]
Address

STATE OF COLORADO)
) ss.
COUNTY OF EL PASO)

SUBSCRIBED AND SWORN to before me this 30 day of March, 1999, by Tracey L. Pelfrey, as ___ Secretary of Trail Ridge Homes, a Colorado corporation.

My Commission expires: 12-10-01.

ANDREA M LEVI NOTARY PUBLIC STATE OF COLORADO

MY COMMISSION EXPIRES
12/10/2001

Andrea M Levi
Notary Public

11730 Woodman Hills Drive
Address

08/11/2006 FRI 13:19 FAX 019/030

LONG-TERM WATER LEASE,

OPTION TO PURCHASE,

AND DEVELOPMENT AGREEMENT

(WOODMEN HILLS)

THIS AGREEMENT is made effective this 29th day of November, 1995, by and between the Woodmen Hills Metropolitan District ("District") and Falcon Properties and Investments ("Falcon").

R E C I T A L S

A. The District is a quasi-municipal corporation and political subdivision of the State of Colorado, formed for the purposes of providing certain municipal services to its residents.

B. Falcon is a Colorado Partnership which owns eleven hundred eighty acres (1,180) acres of real property located within the District, which property is subject to certain Development Plans filed with El Paso County, Colorado, and the legal description of which is attached hereto and incorporated by reference (hereinafter the "real property").

C. Falcon is the owner of various water rights underneath the real property which water rights are located within the Denver Basin Formations ("water rights").

D. Falcon desires to lease to the District and the District desires to lease from Falcon the water rights owned by Falcon and use the same for municipal purposes. The District further desires to receive an option to purchase said water rights.

E. The parties desire to fully cooperate with each other in the full development and utilization of the water rights and further desire to cooperate with each other in the overall development of the real property pursuant to its approved Sketch Plan.

NOW, THEREFORE, based upon the mutual considerations, promises, and covenants contained herein the parties agree as follows:

EXHIBIT "C"

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1. Water Rights. The water rights and diversion points owned by Falcon are described as follows:

Permit No.	Volume (A\F)	Date Issued	Aquifer
27650-F	156.5	9/6/84	Arapahoe
27651-F	156.5	9/6/85	Arapahoe
27652-F	161.5	9/6/85	Laramie-Fox Hills
27653-F	161.5	9/6/85	Laramie-Fox Hills
28030-F	176	12/28/85	Denver
28031-F	176	12/28/85	Denver

Additionally, Falcon may have the right to develop additional water resources underneath the real property and if said development occurs said additional water resources will also be considered to be part of the "water rights".

2. Lease Term. Falcon hereby leases to the District its water rights commencing with the effective date above for a period of thirty (30) years, which lease by mutual consent of the parties may be extended for an additional thirty (30) years.

3. Validity. The parties recognize that this Agreement involves water and water rights and, therefore, said lease is not to be invalidated because of its length or term due to the rule against perpetuities or any other legal objection.

4. Lease Payment. As and for the lease payment, the District agrees to pay to Falcon the sum of Twenty-Five Dollars ($25.00) per month for each single family residence or its equivalent for commercial or industrial purposes. It is agreed and understood that in order to obtain revenues sufficient to make its lease payments, the District will impose a monthly water lease charge upon the users within the District. The monthly lease payment will increase pursuant to a consumer price index as set forth in the Financial Plan contained within the District's Service Plan.

5. Reservation of Water Resources. The water resources and rights which are the subject of this Lease are intended to be developed for the exclusive use by the District and to meet the developmental needs within said District and, therefore, Falcon will neither develop, sell, or lease these water rights to any third parties without the express written consent of the District.

EXHIBIT A

08/11/2006 FRI 13:20 FAX 021/030

6. Exclusive Supplier. It is the intent of the parties herein that Falcon will utilize its water rights and develop the same to their full potential in order to meet the needs of the District. Therefore, the District agrees that until said water rights are fully developed and utilized, that the District will not purchase, lease or develop other water resources.

7. Maintenance and Operations. It is intended that Falcon will initially pay for the development of all infrastructure, which infrastructure together with all necessary easements and land will be donated to the District. Furthermore, Falcon will subsidize and pay for all maintenance and repair of the District's infrastructure until such time as the District can meet those obligations together with its Lease obligations and the maintenance of a capital reserve. It is anticipated that the revenues to be utilized by the District to meet said obligations shall consist of water, sewer and other monthly utility or user fees.

8. Protection of Water Rights. Falcon, at its sole cost and expense, during the term of this Lease, will take all legal steps to protect and develop its water rights. If the option is exercised as set forth hereinafter by the District, then the District will assume all of said obligations.

9. Option. For good and valuable consideration and in further consideration of the contemplated lease payments to be made hereunder, at any time during this Lease, the District shall have the exclusive option to purchase the water rights of Falcon under the following terms and conditions:

(a) The District must give sixty (60) days written notice of its intent to exercise said option;

(b) The price for the water rights shall be the sum of 1.6 Million Dollars plus the actual costs for the acquisition of any additional water rights purchased by Falcon (including the costs of delivery and development) for the purposes of meeting the needs of the District;

(c) Closing shall occur within ninety (90) days of the receipt of the Option Notice;

(d) The option price shall be paid in cash or on such other terms as may be acceptable to Falcon; and

(e) All water rights shall be transferred by Special Warranty Deed and all personal property including pumps, screens and casing shall be transferred by either Deed or Bill of Sale.

EXHIBIT A

08/11/2006 FRI 13:20 FAX 022/030

(f) In meeting the obligations of purchase, the District will not impose any debt or other financial obligations upon any real property owned by Falcon without the expressed written consent of Falcon.

10. Development Agreement. In order to enhance and further the development of the District and in order to cooperate with Falcon, the parties hereto further agree as follows:

(a) Falcon, at its sole cost and expense, shall design, construct and install all infrastructure necessary for municipal purposes as set forth in the District's Service Plan for the initially included property;

(b) So long as Falcon is meeting its obligations to install the necessary infrastructure in a timely manner as needed for new development for the initially included property, the District agrees that it will not charge either the initially included property, its residents or its users with a sever or water tap fee for the purposes of making said services available, nor will it impose any mill levy upon the initially included real property within the District;

(c) The District will establish in cooperation with Falcon such reasonable monthly utility rates or other charges as may be necessary to meet the costs of operation and management of the District, maintain a reasonable capital reserve, and meet its obligations pursuant to this Lease Agreement; and

(d) The development obligations of Falcon, as set forth herein, will not apply to any additional properties that are annexed were included within the District except as may be agreed to by Falcon.

11. Miscellaneous.

(a) This Agreement shall be recorded in the records of El Paso County, Colorado, and shall be binding upon the real property, all owners therein, and shall run with the land.

(b) This Agreement shall be interpreted according to the laws of the State of Colorado.

(c) Should any dispute arise over this Agreement the prevailing party will be entitled to recover all costs including reasonable attorney's fees.

(d) Should any dispute arise over this Agreement, the parties agree to resolve said dispute by way of binding mandatory arbitration pursuant to the rules of the American Arbitration Association.

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(e) This Agreement represents the entire understanding of the parties and any amendment to this Agreement shall be invalid unless reduced to writing and signed by the parties.

WOODMEN HILLS METROPOLITAN DISTRICT

Attest:

Gerald Olesh, Secretary

BY: Benjamin I. Green, President

FALCON PROPERTIES AND INVESTMENTS

BY: Gerald Olesh

STATE OF COLORADO)
) ss:
COUNTY OF ~~EL PASO~~ Denver)

Subscribed and sworn to before me this 13 day of December 1995, by Woodmen Hills Metropolitan District by Benjamin I. Green, President.

Witness my hand and official seal.

My commission expires: My Commission Expires 4-14-99

Notary Public

KIMBERLY G. NOORZAI NOTARY PUBLIC STATE OF COLORADO

STATE OF COLORADO)
) ss:
COUNTY OF ~~EL PASO~~ Denver)

Subscribed and sworn to before me this 13 day of December 1995, by Falcon Properties and Investments.

Witness my hand and official seal.

My commission expires: My Commission Expires 4-14-99

Notary Public

KIMBERLY G. NOORZAI NOTARY PUBLIC STATE OF COLORADO

08/11/2006 FRI 13:21 FAX 024/030

RECEIVED
OCT 30 1998
WATER RESOURCES
STATE ENGINEER
COLO.

URS Greiner

TRANSMITTAL FORM

URS Greiner
8415 Explorer Drive, Suite 110
Colorado Springs, CO 80920
(719) 531-0001
(719) 531-0007 fax

TO: Rich Cooper
Office of State Engineer
818 Centennial Building
1313 Sherman St.
Denver, CO 80203

DATE: 10/29/98

FROM: Charles Cothern

PROJECT NO.:67-42238.07

SUBJECT: Woodmen Hills Boundary Survey

REMARKS:
Attached is the Boundary Survey for your use. The total acreage of Parcels A, B, C, D, D2, E, F, G, is 1151.28 acres.

If you have any questions, please call.

CKC/jc
Attachments

cc:

PARCEL A:

TOWNSHIP 12 SOUTH, RANGE 64 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO:

SECTION 31; SOUTH HALF OF LOT 2 EXCEPT THE WESTERLY 30 FEET THEREOF AS CONVEYED TO EL PASO COUNTY BY DEED RECORDED JULY 17, 1915 IN BOOK 441 AT PAGE 350; SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER; SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER; EAST HALF OF THE SOUTHEAST QUARTER. EXCEPTING FROM THE FOREGOING ANY PORTION THEREOF TAKEN OR USED AS PUBLIC HIGHWAYS, INCLUDING, BUT NOT LIMITED TO MERIDIAN ROAD AND EASTONVILLE ROAD.

SECTION 32; WEST HALF OF THE SOUTHWEST QUARTER EXCEPTING THEREFROM ANY PORTION THEROF TAKEN OR USED AS PUBLIC HIGHWAYS, INCLUDING, BUT NOT LIMITED TO EASTONVILLE ROAD.

PARCEL B:

TOWNSHIP 13 SOUTH, RANGE 64 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO:

SECTION 6; LOTS 1, 2, 3, 4, 5, 6 AND 7 EXCEPT THE WESTERLY 30 FEET OF SAID LOTS 4, 5, 6 AND 7 AS CONVEYED TO EL PASO COUNTY BY DEED RECORDED JULY 17, 1915 IN BOOK 441 AT PAGE 350 AND FURTHER EXCEPTING FROM SAID LOT 7 A TRACT 5 ACRES IN SQUARE FORM IN THE SOUTHWEST CORNER THEREOF; SOUTH HALF OF THE NORTHEAST QUARTER; SOUTHEAST QUARTER OF THE NORTHWEST QUARTER; EAST HALF OF THE SOUTHWEST QUARTER; THAT PORTION OF THE SOUTHEAST QUARTER LYING NORTH AND WEST OF THE RIGHT OF WAY OF THE CHICAGO, ROCK ISLAND AND PACIFIC RAILWAY COMPANY. EXCEPTING FROM THE FOREGOING ANY PORTION THEREOF TAKEN OR USED AS PUBLIC HIGHWAYS, INCLUDING, BUT NOT LIMITED TO MERIDIAN ROAD, EASTONVILLE ROAD AND WOODMEN ROAD.

SECTION 7; THAT PORTION OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER LYING NORTH AND WEST OF THE RIGHT OF WAY OF THE CHICAGO, ROCK ISLAND AND PACIFIC RAILWAY COMPANY; THE UNPLATTED PORTIONS OF THE WEST HALF OF THE NORTHWEST QUARTER LYING NORTH AND WEST OF THE RIGHT OF WAY OF THE CHICAGO, ROCK ISLAND AND PACIFIC RAILWAY COMPANY. EXCEPTING FROM THE FOREGOING ANY PORTION THEREOF TAKEN OR USED AS PUBLIC HIGHWAYS, INCLUDING, BUT NOT LIMITED TO MERIDIAN ROAD, EASTONVILLE ROAD AND WOODMEN ROAD.

PARCEL C:

TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO:

SECTION 36; THE SOUTHEAST QUARTER EXCEPT ANY PORTION THEREOF TAKEN OR USED AS PUBLIC HIGHWAYS, INCLUDING, BUT NOT LIMITED TO MERIDIAN RAOD.

PARCEL D:

TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO:

SECTION 1; LOTS 1 AND 2; SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER. EXCEPTING FROM THE FOREGOING ANY PORTION THEREOF TAKEN OR USED AS PUBLIC ROAD, INCLUDING, BUT NOT LIMITED TO MERIDIAN ROAD AND WOODMEN ROAD.

PARCEL E:

THAT PART OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 7 IN TOWNSHIP 13 SOUTH, RANGE 64 WEST OF THE 6TH P.M. AND OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 12 IN TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE 6TH P.M., IN THE TOWN OF FALCON, EL PASO COUNTY, COLORADO, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 7, WHENCE THE NORTHWEST CORNER OF SAID SECTION 7 BEARS N14°04'W 1061.8 FEET, AND RUNNING THENCE S39°30'E 480 FEET TO A POINT, THENCE S50°30'W 560 FEET TO A POINT, THENCE N39°30'W 480 FEET TO A POINT, THENCE N50°30'E 560 FEET TO THE PLACE OF BEGINNING, SAID TRACT BEING DESIGNATED ON THE PLAT OF THE TOWN OF FALCON AS FILED IN PLAT BOOK B AT PAGE 37 OF THE RECORDS OF EL PASO COUNTY, COLORADO, AS FALCON PARK AND THOSE PORTIONS OF THIRD STREET, FOURTH STREET AND CHICAGO AVENUE ADJACENT THERETO.

PARCEL F:

THOSE PORTIONS OF BLOCKS 4, 9 AND 10 IN THE TOWN OF FALCON AS FILED IN PLAT BOOK B AT PAGE 37 OF THE RECORDS OF EL PASO COUNTY, COLORADO, AND ALL THAT PORTION OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 7 IN TOWNSHIP 13 SOUTH, RANGE 64 WEST OF THE 6TH P.M., EL PASO COUNTY COLORADO, SHOWN AS THE DENVER, TEXAS AND FORT WORTH RAILROAD (D.T. & FT.W.R.R.) ON THE PLAT OF THE TOWN OF FALCON LYING EASTERLY OF THE FOLLOWING DESCRIBED LINE: COMMENCE AT THE MOST NORTHERLY CORNER OF BLOCK 19 AS PLATTED IN SAID TOWN OF FALCON, THENCE NORTHWESTERLY ALONG THE NORTHEASTERLY LINE OF SAID BLOCK 19 EXTENDED NORTHWESTERLY AND ALONG THE NORTHEASTERLY LINE OF BLOCK 13 AND SAID LINE EXTENDED NORTHWESTERLY A DISTANCE OF 540 FEET TO A POINT (BEING THE MOST EASTERLY CORNER OF THAT CERTAIN 100 FOOT STRIP, DESIGNATED ON THE PLAT OF THE TOWN

PARCEL G:

BLOCK 8; LOTS
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BLOCK 12; LOTS
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BLOCK 16; ALL
BLOCK 17; LOTS
BLOCK 18; LOTS

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THEREOF TAKEN OR USED AS PUBLIC HIGHWAYS, INCLUDING, BUT NOT LIMITED TO MERIDIAN ROAD, EASTONVILLE ROAD AND WOODMEN ROAD.

SECTION 7: THAT PORTION OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER LYING NORTH AND WEST OF THE RIGHT OF WAY OF THE CHICAGO, ROCK ISLAND AND PACIFIC RAILWAY COMPANY; THE UNPLATTED PORTIONS OF THE WEST HALF OF THE NORTHWEST QUARTER LYING NORTH AND WEST OF THE RIGHT OF WAY OF THE CHICAGO, ROCK ISLAND AND PACIFIC RAILWAY COMPANY. EXCEPTING FROM THE FOREGOING ANY PORTION THEREOF TAKEN OR USED AS PUBLIC HIGHWAYS, INCLUDING, BUT NOT LIMITED TO MERIDIAN ROAD, EASTONVILLE ROAD AND WOODMEN ROAD.

PARCEL C:

TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO:

SECTION 36: THE SOUTHEAST QUARTER EXCEPT ANY PORTION THEREOF TAKEN OR USED AS PUBLIC HIGHWAYS, INCLUDING, BUT NOT LIMITED TO MERIDIAN RAOD.

PARCEL D:

TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO:

SECTION 1: LOTS 1 AND 2; SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER. EXCEPTING FROM THE FOREGOING ANY PORTION THEREOF TAKEN OR USED AS PUBLIC ROAD, INCLUDING, BUT NOT LIMITED TO MERIDIAN ROAD AND WOODMEN ROAD.

PARCEL E:

THAT PART OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 7 IN TOWNSHIP 13 SOUTH, RANGE 64 WEST OF THE 6TH P.M. AND OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 12 IN TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE 6TH P.M. IN THE TOWN OF FALCON, EL PASO COUNTY, COLORADO, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 7, WHENCE THE NORTHWEST CORNER OF SAID SECTION 7 BEARS N14°04'W 1061.8 FEET, AND RUNNING THENCE S39°30'E 480 FEET TO A POINT, THENCE S50°30'W 580 FEET TO A POINT, THENCE N39°30'W 480 FEET TO A POINT, THENCE N50°30'E 580 FEET TO THE PLACE OF BEGINNING, SAID TRACT BEING DESIGNATED ON THE PLAT OF THE TOWN OF FALCON AS FILED IN PLAT BOOK B AT PAGE 37 OF THE RECORDS OF EL PASO COUNTY, COLORADO, AS FALCON PARK AND THOSE PORTIONS OF THIRD STREET, FOURTH STREET AND CHICAGO AVENUE ADJACENT THERETO.

PARCEL F:

THOSE PORTIONS OF BLOCKS 4, 9 AND 10 IN THE TOWN OF FALCON AS FILED IN PLAT BOOK B AT PAGE 37 OF THE RECORDS OF EL PASO COUNTY, COLORADO, AND ALL THAT PORTION OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 7, IN TOWNSHIP 13 SOUTH, RANGE 64 WEST OF THE 6TH P.M., EL PASO COUNTY COLORADO, SHOWN AS THE DENVER, TEXAS AND FORT WORTH RAILROAD (D.T. & FT.W.R.R.) ON THE PLAT OF THE TOWN OF FALCON LYING EASTERLY OF THE FOLLOWING DESCRIBED LINE: COMMENCE AT THE MOST NORTHERLY CORNER OF BLOCK 19 AS PLATTED IN SAID TOWN OF FALCON, THENCE NORTHWESTERLY ALONG THE NORTHEASTERLY LINE OF SAID BLOCK 19 EXTENDED NORTHWESTERLY AND ALONG THE NORTHEASTERLY LINE OF BLOCK 13 AND SAID LINE EXTENDED NORTHWESTERLY A DISTANCE OF 560 FEET TO A POINT (BEING THE MOST EASTERLY CORNER OF THAT CERTAIN 100 FOOT STRIP, DESIGNATED ON THE PLAT OF THE TOWN OF FALCON, SOUTHEASTERLY FROM AND ADJACENT TO THE RIGHT OF WAY OF THE DENVER, TEXAS AND FORT WORTH RAILROAD, SOUTHWEST OF FOURTH STREET AND NORTHWEST OF THAT PORTION OF FORT WORTH AVENUE ADJACENT TO BLOCKS 13, 14 AND 15 IN THE TOWN OF FALCON) THENCE ANGLE 82°42' RIGHT 328.58 FEET; THENCE ANGLE 20°00' LEFT 530.73 FEET TO A POINT OF CURVATURE; THENCE ANGLE 31°21' LEFT AND RUN A CHORD DISTANCE OF 312.16 FEET OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 62°42' AND A RADIUS OF 300.00 FEET AND AN ARC LENGTH OF 328.30 FEET TO A POINT ON THE NORTHEASTERLY LINE OF BLOCK 4, WHICH POINT IS 259.16 FEET SOUTHEASTERLY OF THE INTERSECTION OF THE NORTHEASTERLY LINE OF BLOCK 1 IN THE TOWN OF FALCON WITH THE WEST LINE OF SECTION 7, TOWNSHIP 13 SOUTH, RANGE 64 WEST OF THE SIXTH P.M., THENCE NORTHWESTERLY 259.16 FEET TO SAID INTERSECTION, THENCE NORTH TO THE NORTHWEST CORNER OF SAID SECTION 7. EXCEPT ANY PORTION THEREOF TAKEN OR USED AS PUBLIC HIGHWAYS, INCLUDING, BUT NOT LIMITED TO MERIDIAN ROAD AND EASTONVILLE ROAD.

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AND SECTIONS 1 AND 12, 6TH P.M., EL PASO COUN

PARCEL G:

BLOCK 8; LOTS 1 THROUGH 24 INCLUSIVE
BLOCK 11; LOTS 1 THROUGH 31 INCLUSIVE
BLOCK 12; LOTS 1 THROUGH 24 INCLUSIVE AND LOTS 28 THROUGH 34 INCLUSIVE
BLOCK 16; ALL PLATTED LOTS
BLOCK 17; LOTS 1 THROUGH 24 INCLUSIVE
BLOCK 18; LOTS 1 THROUGH 24 INCLUSIVE

ALL IN THE TOWN OF FALCON AS FILED IN PLAT BOOK B AT PAGE 37 OF THE RECORDS OF EL PASO COUNTY, COLORADO.

NOTES:

1. BASIS OF BEARINGS FOR THIS SURVEY IS THE EAST LINE OF SECTION 1, T13S, R65W OF THE 6TH P.M., ASSUMED TO BE N00°00'00"E FROM THE SOUTHEAST CORNER OF SAID SECTION 1 (2 1/2" METAL CAP LS 17664 IN RANGE BOX) TO THE NORTHEAST CORNER OF SAID SECTION 1 (3 1/4" METAL CAP LS 19625 IN RANGE BOX).

2. THE EASEMENTS, PARCEL DESCRIPTIONS AND RIGHT-OF-WAYS SHOWN ON THIS SURVEY PLAT WERE BASED ON A COMMITMENT FOR TITLE INSURANCE, CASE NUMBER 117347, BY LAWYERS TITLE INSURANCE CORPORATION, DATED FEBRUARY 5, 1996.

3. THE 60 FOOT PRESCRIPTIVE EASEMENT FOR EASTONVILLE ROAD AND THAT PART OF MERIDIAN ROAD LYING SOUTH OF WOODMEN ROAD WAS ESTABLISHED BY A BEST FIT SITUATION UTILIZING THE EXISTING IMPROVED TRAVELED WAY AND EXISTING FENCE LINES.

4. ALL FOUND AND MONUMENTED CORNERS ARE AS INDICATED ON THIS PLAT.

5. THE STATUS OF ALL THE PLATTED STREETS AND ALLEYS IN THE TOWN OF FALCON WITHIN THESE PARCELS, AS TO WHETHER THEY HAVE BEEN VACATED OR NOT, ARE SHOWN. THEREFORE, THEY ARE SHOWN AS SHADED WITH THEIR ACREAGES SUBTRACTED FROM THE GROSS ACREAGE OF THE PARCELS, TO SHOW THE RIGHTS OF THE PUBLIC IN AND TO THESE DEDICATED STREETS AND ALLEYS.

6. THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 31, AND THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 32, BOTH IN T12S, R64W OF THE 6TH P.M., WERE ONCE PLATTED AS "THE TOWN OF CRANDER AS FILED IN PLAT BOOK A AT PAGE 184 OF THE RECORDS OF EL PASO COUNTY, COLORADO.

7. RAILROAD RIGHT-OF-WAY MAPS APPROVED BY THE SECRETARY OF THE INTERIOR ON JANUARY 25, 1882, BEING "THE DENVER & NEW ORLEANS RAILROAD" AS FILED IN THE RECORDS OF EL PASO COUNTY, COLORADO, DELINEATE RIGHT-OF-WAY THROUGH PARCELS A, B, AND F. NO PHYSICAL EVIDENCE OF THE RIGHT-OF-WAY EXISTS.

8. EXTERIOR FENCES ARE AS SHOWN. NOT ALL INTERIOR FENCES ARE SHOWN.

CERTIFICATION

I, RAYMOND JOSEPH PECHEK, A REGISTERED LAND SURVEYOR IN THE STATE OF COLORADO, HEREBY CERTIFY TO FALCON PROPERTIES AND INVESTMENTS, A LIMITED LIABILITY PARTNERSHIP; THE WOODMEN HILLS LENDING TRUST; LAWYERS TITLE INSURANCE CORPORATION; THAT THE BOUNDARY SURVEY WAS CONDUCTED AND DRAWN UNDER MY DIRECT SUPERVISION AND RESPONSIBILITY, AND THAT ALL LINES AND DIMENSIONS SHOWN HEREON ARE A DIRECT RESULT OF SAID SURVEY, AND ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

I FURTHER CERTIFY THAT THE REQUIREMENTS OF TITLE 38 OF THE COLORADO REVISED STATUTES, 1973 AS AMENDED, HAVE BEEN MET TO THE BEST OF MY KNOWLEDGE AND BELIEF.

_____ DATE _____

RAYMOND JOSEPH PECHEK
COLORADO P.L.S. NO. 24664
URS CONSULTANTS, INC.

NOTICE:
ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT, MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

...TION 36, T12S,
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EXHIBIT A

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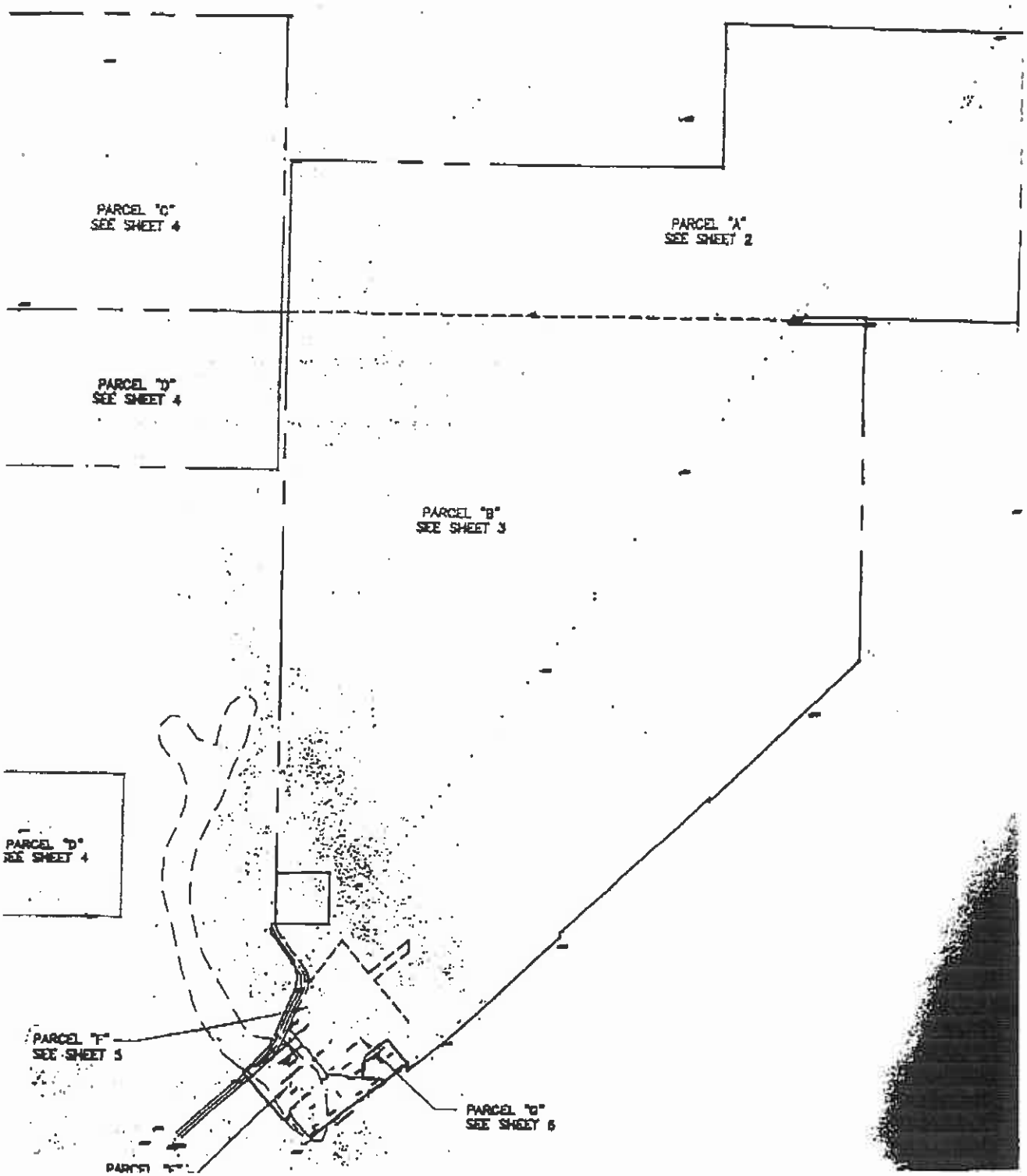

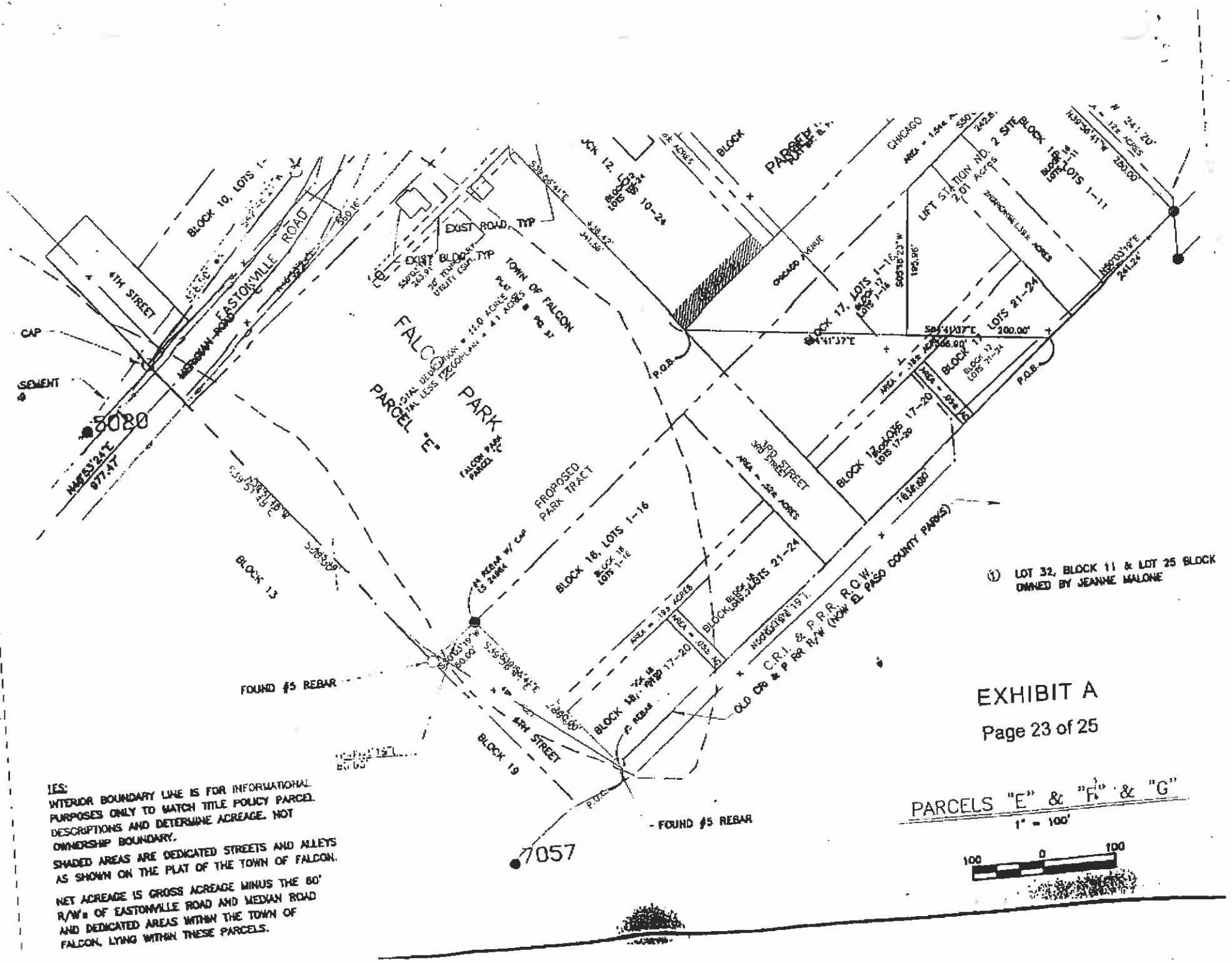
EASTONVILLE ROAD
MERIDIAN ROAD
41ST STREET
BLOCK 10, LOTS 1-
EXIST ROAD, TYP
EXIST BLDG'S TYP
30' TOWN UTILITY EASEMENT
TOWN OF FALCON
PARCEL "E"
PARK
FALCON PARK
PARCEL "E"
PROPOSED PARK TRACT
BLOCK 18, LOTS 1-16
BLOCK 13
BLOCK 19
BLOCK 17, LOTS 1-16
BLOCK 17, LOTS 17-20
BLOCK 17, LOTS 21-24
BLOCK 12, LOTS 17-20
BLOCK 12, LOTS 21-24
BLOCK 11, LOTS 1-11
LIFT STATION NO. 2 SITE
2.01 ACRES
CHICAGO AVENUE
39RD STREET
39TH STREET
C.R.I. & P.R.R. R.O.W.
OLD CRI & P RR R/W (NOW EL PASO COUNTY PARKS)
FOUND #5 REBAR
P.O.B.
P.O.C.
8080
7057
CAP
SEMENT
N89°55'24"E
977.47'
S89°55'24"E
S00°41'37"E
200.00'
N89°55'41"W
200.00'
N89°55'24"E
241.24'
S89°55'24"E
380.00'
N89°55'24"E
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656.80

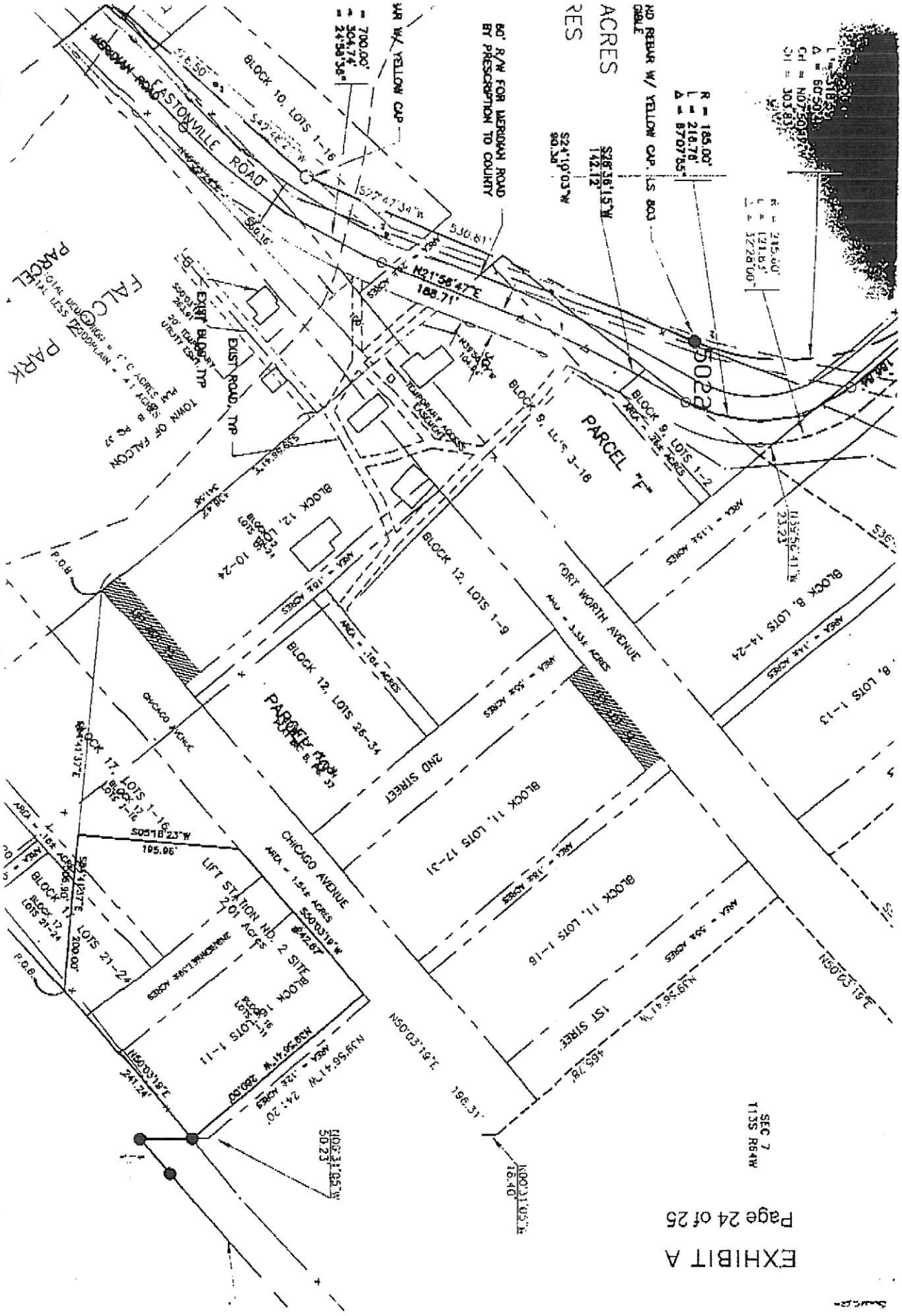
EXHIBIT A
Page 24 of 25
PARCEL "F"
BLOCK 9, LOTS 3-18
BLOCK 9, LOTS 1-2
BLOCK 12, LOTS 1-9
BLOCK 12, LOTS 26-34
BLOCK 11, LOTS 17-31
BLOCK 11, LOTS 1-16
BLOCK 8, LOTS 14-24
BLOCK 8, LOTS 1-13
BLOCK 10, LOTS 1-16
BLOCK 17, LOTS 1-16
BLOCK 12, LOTS 21-24
BLOCK 12, LOTS 1-11
LIFT STATION NO. 2 SITE
2.01 ACRES
EXIST ROAD, TYP
EXIST BOUNDARY
20' JOINT ESMT, TYP
TOWN OF FALCON
PLAT BOOK 8 & 37
PARK
FALCON
PARCEL
ASTONVILLE ROAD
MERIDIAN ROAD
CHICAGO AVENUE
FORT WORTH AVENUE
2ND STREET
1ST STREET
60' R/W FOR MERIDIAN ROAD BY PRESCRIPTION TO COUNTY
SEC 7
T13S R64W
N21°58'47"E
188.71'
S30°61'
S47°42'
S27°47'34"W
S36°16'
S00°18'23"W
195.96'
S89°41'37"E
200.00'
N00°03'19"E
241.24'
N89°56'41"W
200.00'
S00°03'19"W
642.67'
N89°56'41"W
24.20'
N00°03'19"E
196.31'
N50°03'19"E
N89°56'41"W
S36°38'15"W
142.12'
S24°11'03"W
65.58'
N00°31'05"E
16.40'
N00°31'05"E
50.23'
S36°
N36°
N61°20'05"E
S36°
N36°
R = 185.00'
L = 218.78'
Δ = 67°45'55"
CH = N87°58'48"W
CH = 206.49'
R = 215.00'
L = 121.85'
Δ = 32°28'00"
CH = 120.21'
R = 700.00'
L = 304.74'
Δ = 24°56'56"
CH = 302.39'
CH = N07°08'47"W
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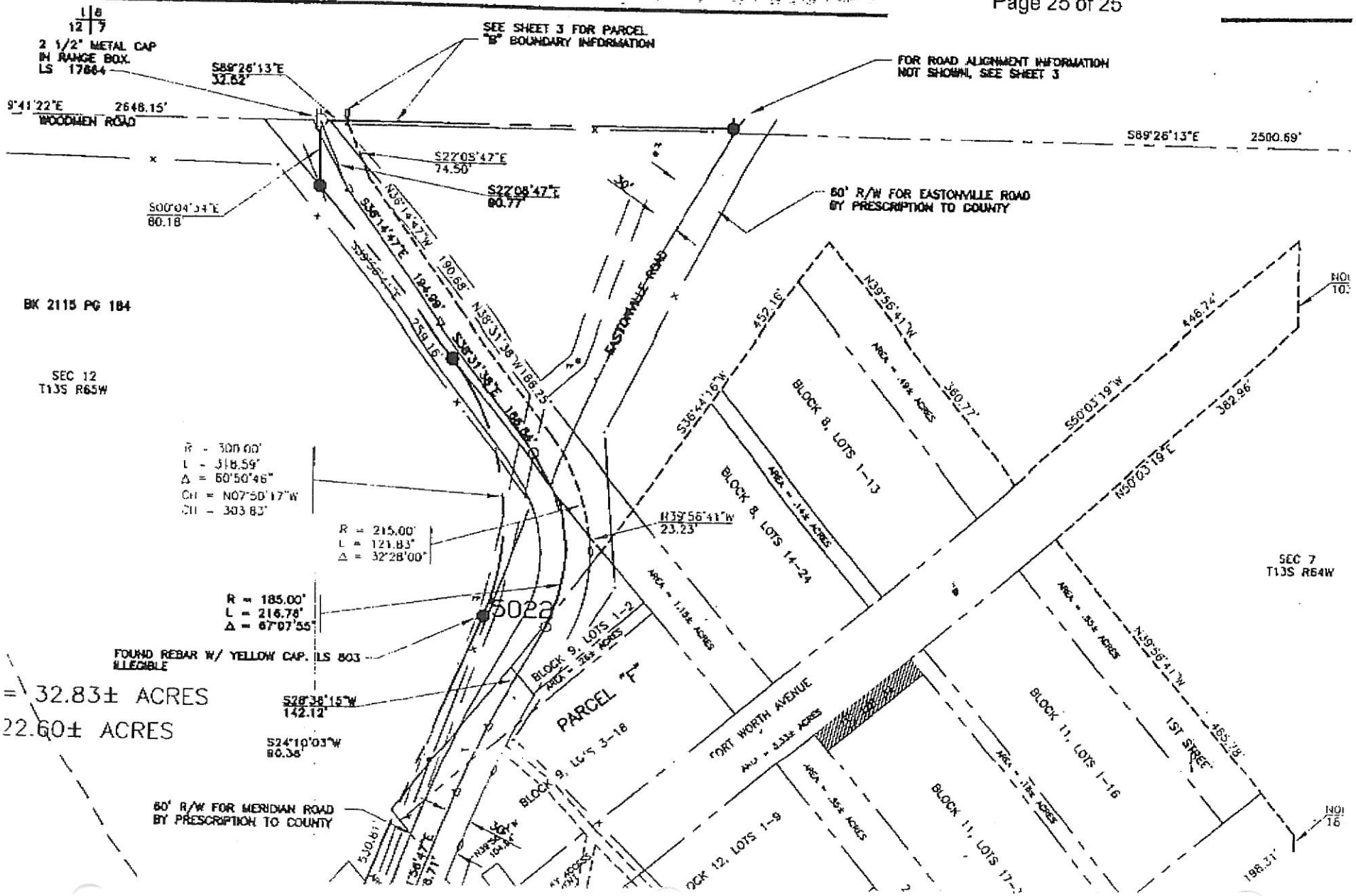

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EXHIBIT B

129-BD

APPLICANT: **WOODMEN HILLS**

AQUIFER: **DAWSON**

WELL NUMBER	1/4	1/4	SEC	TWP	RNG	AF	ST	SY	RADIUS	AREA
					Area A					
11335-FP	SW	SE	1	13S	65W	185	50	20%	5064	405.
11429-FP	SW	NE	1	13S	65W	240	100	20%	4079	306.
					Area B					
11335-FP	SW	SE	1	13S	65W	185	50	20%	5064	39.
11429-FP	SW	NE	1	13S	65W	240	100	20%	4079	39.

WELL NUMBER = WELL PERMIT NUMBER OR WATER COURT CASE AND WELL NUMBER

AF = THE ANNUAL APPROPRIATION OF THE WELL IN ACRE-FEET

ST = THICKNESS OF THE SATURATED AQUIFER MATERIAL AT THE WELL LOCATION IN FEET

SY = SPECIFIC YIELD OF THE SATURATED AQUIFER MATERIAL AT THE WELL LOCATION AS A PERCENT

RADIUS = IS THE RADIUS OF THE CYLINDER OF APPROPRIATION IN FEET

AREA = THE AREA OF THE APPLICANTS' LAND THAT IS OVERLAPPED BY THE CYLINDER OF APPROPRIATION IN ACRES.

11335-FP is completed to withdraw ground water from both the Denver and Dawson aquifers. The proportion of appropriation from each aquifer is based on the interval of the aquifer through which the well is completed. Information from the Geo-Tech section within the Office of the State Engineer was used to determine the aquifer intervals.

The cylinder protects the annual appropriation indicated in the final permit for each well.

COLORADO GROUND WATER COMMISSION
FINDINGS AND ORDER

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

APPLICANT: FALCON PROPERTIES AND INVESTMENT, LLP

AQUIFER: DAWSON

DETERMINATION NO.: **133-BD**

In compliance with Section 37-90-107(7), C.R.S., and the Designated Basin Rules, 2 CCR 410-1, Falcon Properties and Investment, LLP, (hereinafter "applicant") submitted an application for determination of water right to allow the appropriation of ground water from the Dawson Aquifer.

FINDINGS

1. The application was received complete by the Ground Water Commission on December 9, 1999.

2. The applicant proposes to appropriate ground water from the Dawson Aquifer (hereinafter "aquifer") underlying 536.25 acres, generally described as the N1/2, and the N1/2 of the SW1/4, and the NW1/4 of the SE1/4 of Section 31, and the W1/2 of the NW1/4 of Section 32, and that part of the E1/2 of the NW1/4 and that part of the NW1/4 of the NE1/4 of Section 32 lying west of Eastonville Road, all in Township 12 South, Range 64 West of the 6th Principal Meridian, also known as Bennett Ranch. According to a signed statement dated December 9, 1999, the applicant owns the 536.25 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 property.

3. The proposed annual appropriation is the maximum allowable amount. Any wells permitted to divert ground water from the aquifer would have a maximum pumping rate of 100 g.p.m.

4. The 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 within the Upper Black Squirrel Creek Ground Water Management District. The Ground Water Commission has jurisdiction.

5. The applicant proposes to apply the appropriated ground water to the following beneficial uses: domestic, commercial, industrial, central supply, irrigation and replacement.

6. The quantity of water in the aquifer underlying the 536.25 acres of land claimed by the applicant is 11,261 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 20 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 105 feet. The aquifer underlying the land area is unconfined and is considered to be only partially saturated.

7. At this time, there is no substantial artificial recharge which would affect the aquifer within a one hundred year period.

8. Pursuant to Section 37-90-107(7), C.R.S., and in accordance with the Designated Basin Rules, the Colorado Ground Water Commission shall allocate ground water from the aquifer based on ownership of the overlying land and an aquifer life of one hundred years. Therefore, the maximum annual appropriation which could be allowed pursuant to the data in the paragraphs above for the 536.25 acres owned by the applicant is 113 acre-feet.

9. 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.

10. Based on analysis of data in the records of the State Engineer's office, in accordance with the Designated Basin Rules, it has been determined that withdrawal of ground water from the aquifer underlying the land claimed by the applicant will, within one hundred years, deplete the alluvial aquifer or flow of a natural stream at an annual rate greater than one-tenth of one percent of the annual rate of withdrawal and, therefore, the ground water is considered to be not-nontributary ground water. Withdrawal of water from the aquifer underlying the claimed land area would impact the alluvial aquifer of Black Squirrel Creek or its tributaries, which has been determined to be over-appropriated. Commission approval of a replacement plan, providing for actual depletion to the alluvial aquifer and adequate to prevent any material injury to existing water rights, would be required prior to approval of well permits for wells to be located on this land area to withdraw the allowed ground water from the aquifer.

11. a. A review of the records of the Ground Water Commission has disclosed that approval of the determination of water right would result in unreasonable impairment of existing water rights unless terms and conditions are included to prevent such injurious effect. The well permit number, rate of diversion, and other relevant data concerning such rights are set forth in the attached Exhibit B. To prevent material injury to such existing water rights, the quantity of water underlying the land owned and claimed by the applicant in Exhibit A which is considered unappropriated has been reduced to 10,631 acre-feet or a maximum annual amount of 106 acre-feet. This reduction was based on a calculation of the area necessary to provide a quantity of water underlying such an area as would be sufficient, for the persons entitled to divert water under existing rights, to divert the allowed maximum (average) annual amount of water from the aquifer for the minimum useful life of the aquifer (100 years). The effect of this calculation is to effectively reduce the land available for calculating the quantity of water underlying the land owned and claimed by the applicant to 506.25 acres.

b. In accordance with the Designated Basin Rules, the maximum annual amount available for appropriation for the land area claimed by the applicant is further reduced to 102 acre-feet to allow for the annual withdrawals of four small capacity wells which are completed in the aquifer, permit numbers 3266, 41950, 208770 and 208771. Other than the above described wells and existing rights, review of the records of the Commission finds no other previous appropriations or permitted withdrawals from the aquifer underlying the claimed land areas.

12. 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 subject to approval by the Commission.

13. On April 4, 2000, a letter was sent to the Upper Black Squirrel Creek Ground Water Management District requesting recommendations concerning this application. No written recommendations from the district were received.

14. The Commission Staff has evaluated the application relying on the claims to control of the ground water in the aquifer made by the applicant.

15. In accordance with Sections 37-90-107(7) and 37-90-112, C.R.S., the application was published in The Gazette newspaper on April 13 and 20, 2000.

16. No objections to the determination of water right and proposed appropriation of ground water were received within the time limit set by statute.

17. In order to prevent injury 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 appropriation 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 and the issuance of well permits to construct wells to withdraw the authorized amount of water from the aquifer.

ORDER

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 orders that the application for determination of water right to allow the appropriation of ground water from the Dawson Aquifer underlying 536.25 acres of land, generally described as the N1/2, and the N1/2 of the SW1/4, and the NW1/4 of the SE1/4 of Section 31, and the W1/2 of the NW1/4 of Section 32, and that part of the E1/2 of the NW1/4 and that part of the NW1/4 of the NE1/4 of Section 32 lying west of Eastonville Road, all in Township 12 South, Range 64 West of the 6th Principal Meridian, is approved subject to the following conditions:

18. The allowed average annual amount of water to be withdrawn from the aquifer shall not exceed 102 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.

19. To conform to actual aquifer characteristics, the Commission may adjust the allowed average annual appropriation based on analysis of geophysical logs, water table information, or other site specific data if such analysis indicates that the initial estimate of the volume of water in storage was incorrect.

20. Commission approval of a replacement plan, providing for actual depletion to the alluvial aquifer and adequate to prevent any material injury to existing water rights, is required prior to approval of well permits for wells to be located on this land area to withdraw ground water from the aquifer.

21. The use of ground water from this appropriation shall be limited to the following uses: domestic, commercial, industrial, irrigation and replacement, and a central supply system for these uses. The place of use shall be limited to the above described 536.25 acre land area.

22. The applicant, or subsequent persons controlling this water right, shall record in the public records of the county - in which the claimed lands are 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 536.25 acre land area, or any part thereof, shall reveal the changes affecting this water right. Such notice shall consist of a signed and dated warranty deed which indicates the determination number, the aquifer, a description of the above described land area, the amount transferred, name of the recipient and the date of transfer.

23. 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 536.25 acre land area.

    b. The wells must be constructed to withdraw water from only the Dawson 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 individual permit application and 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. The maximum pumping rate of each well shall not exceed 100 g.p.m.

g. A totalizing flow meter 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.

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

Dated this 21ST day of DECEMBER, 2000.

Hal D. Simpson

Hal D. Simpson
Executive Director
Colorado Ground Water Commission

By: _____
William H. Fronczak, P.E.
Supervisor - Designated Basins Branch

Prepared by: RAC

FIND-308

EXHIBIT A

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DEC 0 9 1999

WATER RESOURCES
STATE ENGINEER
COLO.

GWS-1 (Rev. April 1967)

STATE OF COLORADO
OFFICE OF THE STATE ENGINEER
DIVISION OF WATER RESOURCES

NONTRIBUTARY GROUND WATER LANDOWNERSHIP STATEMENT

I (We) Falcon Properties & Investment, LLP
(Name)
claim and say that I (we) am (are) the owner(s) of the following described property consisting of 536.25 acres in the County of El Paso, State of Colorado:

(INSERT PROPERTY LEGAL DESCRIPTION)

The North one-half and the North one-half of the Southwest Quarter, and the Northwest Quarter of the Southeast quarter in Section 31, Township 12 South, Range 64 West of the 6th P.M. in El Paso County, Colorado, and the West one-half of the Northwest Quarter and that part of the East one-half of the Northwest Quarter and that part of the Northwest Quarter of the Northeast Quarter lying West of the County Road (Eastonville Road) in Section 32, Township 12 South, Range 64 West of the 6th P.M. in El Paso County Colorado, and containing 536 acres more or less.

and, that the ground water sought to be withdrawn from the Dawson aquifer underlying the above-described land has not been conveyed or reserved to another, nor has consent been given to its withdrawal by another. Further, we request that all 15 existing well permits issued for the previous "Hugh Benette Estates" be cancelled. 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) own knowledge.

(Signature) 12/9/99 (Date)

(Signature) (Date)

INSTRUCTIONS:

Please type or print neatly in black ink. This form may be reproduced by photocopy or word processing means. See additional instructions on back.

1313 SHERMAN ST RM 818 DENVER CO 80203 (303)866-3581

EXHIBIT B

133-BD

APPLICANT: **FALCON PROPERTIES & INVESTMENT, LLP**

AQUIFER: **DAWSON**

WELL NUMBER	1/4	1/4	SEC	TWP	RNG	AF	ST	SY	RADIUS	AREA
17655-F	SW	SE	30	12S	64W	21.6	140	20%	1034	19.
17656-F	SW	SE	29	12S	64W	30.3	130	20%	1271	11.

WELL NUMBER = WELL PERMIT NUMBER OR WATER COURT CASE AND WELL NUMBER

AF = THE ANNUAL APPROPRIATION OF THE WELL IN ACRE-FEET

ST = THICKNESS OF THE SATURATED AQUIFER MATERIAL AT THE WELL LOCATION IN FEET

SY = SPECIFIC YIELD OF THE SATURATED AQUIFER MATERIAL AT THE WELL LOCATION AS A PERCENT

RADIUS = IS THE RADIUS OF THE CYLINDER OF APPROPRIATION IN FEET

AREA = THE AREA OF THE APPLICANTS' LAND THAT IS OVERLAPPED BY THE CYLINDER OF APPROPRIATION IN ACRES.

17655-F and **17656-F** are completed to withdraw ground water from both the Denver and Dawson aquifers. The proportion of appropriation from each aquifer is based on the interval of the aquifer through which the well is completed.

The cylinders protect the claimed annual appropriations for **17655-F** and **17656-F**. Calculation of such a cylinder does not constitute staff clarification or Commission final determination of any water right associated with these wells. The timely beneficial use and annual appropriation claimed for the wells – the amount used in the cylinder calculation - are based on the well owner's statements.

The actual allowed permitted appropriation amount for the wells with permit numbers **17655-F** and **17656-F** will require more complete beneficial use data and clarification, and is subject to verification by the Ground Water Commission and publication for public review prior to issuance of a final permit.

COLORADO GROUND WATER COMMISSION
FINDINGS AND ORDER

IN THE MATTER OF APPLICATIONS FOR CHANGES OF WATER RIGHT TO COMBINE ALLOCATIONS OF GROUND WATER AND CHANGE THE ALLOWED BENEFICIAL USES, PLACE OF USE, AND WELL PLACEMENT - FOR DETERMINATIONS OF WATER RIGHT NOS. **128-BD** AND **132-BD**

APPLICANTS: WOODMEN HILLS METROPOLITAN DISTRICT & FALCON PROPERTIES AND INVESTMENT, LLP

AQUIFER: DENVER

FINDINGS

In compliance with Section 37-90-111(1)(g), CRS, Woodmen Hills Metropolitan District and Falcon Properties and Investment, LLP, (hereinafter "applicants") each submitted an application for a change of water right to combine water rights and associated allocations and change the allowed beneficial uses, place of use, and well placement for Determination of Water Right No. 128-BD and Determination of Water Right No. 132-BD. Based upon information provided by the applicants and the records of the Division of Water Resources, the Ground Water Commission finds as follows:

1. Pursuant to Section 37-90-107(7), CRS, in a Findings and Order dated December 21, 2000, the Ground Water Commission approved a Determination of Water Right for Woodmen Hills Metropolitan District, assigned Determination No. 128-BD. This determination of water right allows the appropriation of ground water from the Denver Aquifer (hereinafter "aquifer") underlying 1151 acres, consisting of two noncontiguous areas generally described as: Area A - 1112 acre tract located in the S1/2 of the S1/2, and in the NE1/4 of the SE1/4 of Section 31, and in the W1/2 of the SW1/4 of Section 32, all in Township 12 South, Range 64 West of the 6th P.M., and all of that part of Section 6 lying north and west of the Chicago, Rock Island and Pacific Railway Right of Way, and a portion of that part of the NW1/4 of Section 7 lying north and west of the Chicago, Rock Island and Pacific Railway Right of Way, all in Township 13 South, Range 64 West of the 6th P.M., and in the SE1/4 of Section 36,Township 12 South, Range 65 West of the 6th P.M., and in the N1/2 of the NE1/4 of Section 1, Township 13 South, Range 65 West of the 6th Principal Meridian; and Area B - 39 acre tract located in the SW1/4 of the SE1/4 of Section 1, Township 13 South, Range 65 West of the 6th Principal Meridian. These areas are more completely described in Exhibit A of the above described Findings and Order.

2. In accordance with the above Order for Determination of Water Right No. 128-BD, the allowed average annual amount of ground water to be withdrawn from the aquifer shall not exceed the following: 530.9 acre-feet for Area A and zero acre-feet for Area B, to be used on the above described 1151 acre area for the following beneficial uses: industrial, commercial, municipal, irrigation, and replacement. Subject to the conditions for well location in the above Order, wells to withdraw the authorized annual amount of water from the aquifer shall be located on the above described 1112 acre overlying land area of Area A.

3. Pursuant to Section 37-90-107(7), CRS, in a Findings and Order dated December 21, 2000, the Ground Water Commission approved a Determination of Water Right for Falcon Properties and Investment, LLP, assigned Determination No. 132-BD. This determination of water right allows the appropriation of ground water from the aquifer underlying 536.25 acres, generally described as the N1/2, and the N1/2 of the SW1/4, and the NW1/4 of the SE1/4 of Section 31, and the W1/2 of the NW1/4 of Section 32, and that part of the E1/2 of the NW1/4 and that part of the NW1/4 of the NE1/4 of Section 32 lying west of Eastonville Road, all in Township 12 South, Range 64 West of the 6th Principal Meridian, and more completely described in Exhibit A of the above described Findings and Order.

4. In accordance with the above Order for Determination of Water Right No. 132-BD, the allowed average annual amount of ground water to be withdrawn from the aquifer shall not exceed 251 acre-feet, to be used on the above described 536.25 acre area for the following beneficial uses: domestic, commercial, industrial, irrigation, and replacement. Subject to the conditions for well location in the above Order, wells to withdraw the authorized annual amount of water from the aquifer shall be located on the above described 536.25 acre overlying land area.

5. The above described overlying land areas for Determination No. 128-BD and Determination No. 132-BD total 1687.25 acres and correspond to the area of the Woodmen Hills Metropolitan District.

6. The above described 1112 acres of Area A (Determination No. 128-BD) and the described 536.25 acre tract (Determination No. 132-BD) are contiguous and total 1648.25 acres.

7. Pursuant to Section 37-90-107(7)(c)(III), CRS, an approved determination of water right shall be considered a final determination of the amount of ground water so determined, subject to adjustment by the Commission to conform to actual site specific aquifer characteristics.

8. The applicants each filed an application for a change of water right to effect their specific determination, and have requested to: 1) combine the water rights granted in Determination No. 128-BD and Determination No. 132-BD, resulting in a combined annual allocation of 781.9 acre-feet; 2) allow wells to be located anywhere on the above described two overlying land areas, consisting of 1687.25 acres, to withdraw the combined allocation; 3) change the allowed beneficial uses in each determination to the following: municipal, domestic, commercial, industrial, irrigation, and replacement; 4) change the place of use in each determination to the above described 1687.25 acre area. No other changes in the determinations are requested. The applications were received complete by the Commission on February 14, 2002.

9. The above described 1687.25 acre land area is located in the Upper Black Squirrel Creek Designated Ground Water Basin and within the Upper Black Squirrel Creek Ground Water Management District (hereinafter "District"). The Ground Water Commission has jurisdiction.

10. On February 15, 2002, the applications were referred to the District for written comments or recommendations in accordance with Section 37-90-111(3), CRS. On March 14, 2002, written recommendations from the District were received in the form of an objection to the applications.

11. In accordance with Section 37-90-112(1) and Section 37-90-111(1)(g), CRS, the requested changes of water right were advertised in The Gazette newspaper on February 21 and 28, 2002.

12. a. On March 14, 2002, an objection to the application was received from the District ("objector"), and assigned Case No. 02-GW-05. No other objection to the proposed changes of water right was received within the time limit set by statute.

    b. In accordance with a stipulation between the applicants and the objector, the objector withdrew its objection to the applications. By Order of the Commission Hearing Officer dated September 12, 2002, Case No. 02-GW-05 was dismissed and the applications remanded back to the Staff for any administrative action deemed necessary.

13. In accordance with Section 37-90-111(1)(g), CRS, and the Designated Basin Rules, the Colorado Ground Water Commission finds that the proposed changes of water right will not cause material injury to the existing rights of other appropriators within the Upper Black Squirrel Creek Designated Ground Water Basin, subject to the conditions stated in the following Order.

ORDER

14. Now, therefore, it is ordered that the requests for changes of water right to combine the water rights - resulting in a combined allocation - and change the allowed beneficial uses, place of use, and well placement for Determination of Water Right No. 128-BD and Determination of Water Right No. 132-BD are approved, subject to the following conditions:

15. The combined annual amount of ground water to be withdrawn from the aquifer shall not exceed 781.9 acre-feet.

16. Wells to withdraw the combined annual amount of ground water shall be located on a 1648.25 acre land area consisting of the above described 1112 acre overlying land area of Area A and the above described 536.25 acre overlying land area.

17. The use of ground water from the combined appropriation shall be limited to the following uses: municipal, domestic, commercial, industrial, irrigation, and replacement. Municipal use is limited to use by the Woodmen Hills Metropolitan District.

18. The place of use shall be limited to the above described 1687.25 acre land area.

19. The Commission's Findings and Order of December 21, 2000, for Determination of Water Right No. 128-BD, and the Findings and Order of December 21, 2000, for Determination of Water Right No. 132-BD, are hereby amended to incorporate the above approved changes of water right. All other terms and conditions in the above Findings and Orders shall remain in full force and effect.

20. The combined water right and the combined allocation for Determination of Water Right No. 128-BD and Determination of Water Right No. 132-BD shall be considered to be under the joint control of the two applicants.

Dated this 18th day of October, 2002.

Hal D. Simpson
Executive Director
Colorado Ground Water Commission

By: _____
Richard Cooper
Physical Science Researcher Scientist
Designated Basins Branch

FIND-370

COLORADO GROUND WATER COMMISSION
FINDINGS AND ORDER

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

APPLICANT: WOODMEN HILLS METROPOLITAN DISTRICT

AQUIFER: DENVER

DETERMINATION NO.: **128-BD**

In compliance with Section 37-90-107(7), C.R.S., and the Designated Basin Rules, 2 CCR 410-1, Woodmen Hills Metropolitan District (hereinafter "applicant") submitted an application for determination of water right to allow the appropriation of ground water from the Denver Aquifer.

FINDINGS

1. The application was first filed on September 22, 1998, and was received and considered complete by the Ground Water Commission on January 25, 2000.

2. a. The applicant proposes to appropriate ground water from the Denver Aquifer (hereinafter "aquifer") underlying 1151 acres, consisting of two noncontiguous tracts of land generally described as:

   Area A - 1112 acre tract located in the S1/2 of the S1/2, and in the NE1/4 of the SE1/4 of Section 31, and in the W1/2 of the SW1/4 of Section 32, all in Township 12 South, Range 64 West of the 6th Principal Meridian.; and all of that part of Section 6 lying north and west of the Chicago, Rock Island and Pacific Railway Right of Way, and a portion of that part of the NW1/4 of Section 7 lying north and west of the Chicago, Rock Island and Pacific Railway Right of Way, all in Township 13 South, Range 64 West of the 6th Principal Meridian.; and in the SE1/4 of Section 36,Township 12 South, Range 65 West of the 6th Principal Meridian; and in the N1/2 of the NE1/4 of Section 1, Township 13 South, Range 65 West of the 6th Principal Meridian;

   Area B - 39 acre tract located in the SW1/4 of the SE1/4 of Section 1, Township 13 South, Range 65 West of the 6th Principal Meridian;

   which corresponds to the claimed area of the Woodmen Hills Metropolitan District.

   b. According to a signed statement received by the Commission on April 22, 1999, and an amendment to this statement received on December 22, 1999, the applicant claims the control of and right to appropriate the ground water in the aquifer underlying the above described 1151 acres of land, as further described in said affidavits which are attached hereto as Exhibit A. The amendment clarifies claims made in the statement, and specifically identifies a *Long Term Water Lease, Option to Purchase* ("Lease Option"), of November 29, 1995, as the instrument used to transfer the control of ground water underlying the described land areas from the claimed property owner at that time, Falcon Properties and Investments, to the applicant.

3. The proposed annual appropriation is the maximum allowable amount. By amendment to the application received on December 15, 2000, any wells permitted to divert ground water from the aquifer would have a maximum pumping rate of 50 g.p.m.

4. The land areas overlying the ground water claimed by the applicant are located within the boundaries of the Upper Black Squirrel Creek Designated Ground Water Basin and within the Upper Black Squirrel Creek Ground Water Management District. The Ground Water Commission has jurisdiction.

5. The applicant proposes to apply the appropriated ground water to the following beneficial uses: industrial, commercial, municipal, irrigation, and replacement.

6. The two land areas, designated Area A and Area B, claimed by the applicant and described in Exhibit A are noncontiguous. A quantification of the amount of ground water in storage in the aquifer and a maximum annual appropriation will be determined specifically for the aquifer underlying each of these areas.

7. The quantity of water in the aquifer underlying each of the above land areas is as follows:

   Area A = 54,821 acre-feet Area B = 1922 acre-feet

   These determinations are 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 each of the areas under consideration that could yield a sufficient quantity of water that may be extracted and applied to beneficial use is as follows: Area A = 290 feet; Area B = 290 feet.

8. At this time, there is no substantial artificial recharge which would affect the aquifer within a one hundred year period.

9. Pursuant to Section 37-90-107(7), C.R.S., and in accordance with the Designated Basin Rules, the Colorado Ground Water Commission shall allocate ground water from the aquifer based on ownership of the overlying land and an aquifer life of one hundred years. Therefore, the maximum annual appropriation which could be allowed pursuant to the data in the paragraphs above for each land area claimed by the applicant is as follows:

   Area A = 548 acre-feet Area B = 19.2 acre-feet

10. 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.

11. Based on analysis of data in the records of the State Engineer's office, in accordance with the Designated Basin Rules, it has been determined that withdrawal of ground water from the aquifer underlying the land areas claimed by the applicant will, within one hundred years, deplete the alluvial aquifer or flow of a natural stream at an annual rate greater than one-tenth of one percent of the annual rate of withdrawal and, therefore, the ground water is considered

    to be not-nontributary ground water. Also, the location of the land claimed by the applicant is further than one mile from the aquifer contact with the alluvium. The Designated Basin Rules require that at least four percent (4%) of the amount of water withdrawn annually must be returned to the uppermost aquifer in the vicinity of the permitted point or points of withdrawal.

12. a. A review of the records of the Ground Water Commission has disclosed that approval of the determination of water right would result in unreasonable impairment of existing water rights unless terms and conditions are included to prevent such injurious effect. The well permit number, rate of diversion, and other relevant data concerning such rights are set forth in the attached Exhibit B. To prevent material injury to such existing water rights, the quantity of water underlying each land area claimed by the applicant in Exhibit A which is considered unappropriated has been reduced as follows:

    for Area A - to 54,723 acre-feet or a maximum annual amount of 547 acre-feet

    for Area B - to zero acre-feet or no available amount

    These reductions are based on a calculation of the area necessary to provide a quantity of water underlying such an area as would be sufficient, for the persons entitled to divert water under existing rights, to divert the allowed maximum (average) annual amount of water from the aquifer for the minimum useful life of the aquifer (100 years). The effect of this calculation is to effectively reduce the land available for calculating the quantity of water underlying the land areas claimed by the applicant to: 1110 acres for Area A; zero acres for Area B.

    b. Review of the records of the Commission finds an existing large-capacity well completed in the aquifer and located within Area A, in Section 36, Township 12 South, Range 65 West of the 6th Principal Meridian. The permit number for this well is 28030-F. The permit was approved by the Commission to construct a well and appropriate ground water from the aquifer underlying Area A, based on ownership of the overlying land and an aquifer life of one hundred years. The claimed annual appropriation for the well is 16.1 acre-feet. The maximum annual amount available for appropriation from the aquifer underlying Area A, therefore, is reduced to 530.9 acre-feet, to allow for the claimed annual withdrawal for this well. Other than the above described wells, review of the records of the Commission finds no other previous appropriations or permitted withdrawals from the aquifer underlying the claimed land areas.

13. 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 subject to approval by the Commission.

14. On June 6, 2000, a letter was sent to the Upper Black Squirrel Creek Ground Water Management District requesting recommendations concerning this application. Written recommendations from the district were received on June 13, 2000, in the form of an objection to the application.

15. The Commission Staff has evaluated the application relying on the claims to control of the ground water in the aquifer made by the applicant.

16. In accordance with Sections 37-90-107(7) and 37-90-112, C.R.S., the application was published in The Gazette newspaper on June 8 and 15, 2000.

17. a. On June 13, 2000, an objection to the application was received from the Upper Black Squirrel Creek Ground Water Management District ("objector"), and assigned Case No. 00-GW-05. No other objection to the proposed determination of water right was received within the time limit set by statute.

b. On August 14, 2000, the applicant and the objector entered into a stipulation whereby the objector withdrew its objection to the determination of water right portion of Case No. 00-GW-05. By Order of the Commission Hearing Officer dated August 22, 2000, the application was referred back to the Commission Staff for issuance in conformance with applicable statutes and rules.

18. In order to prevent injury 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 appropriation 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 and the issuance of well permits to construct wells to withdraw the authorized amount of water from the aquifer.

ORDER

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 orders that the application for determination of water right to allow the appropriation of ground water from the Denver Aquifer underlying 1151 acres of land, generally described as:

Area A - 1112 acre tract located in the S1/2 of the S1/2, and in the NE1/4 of the SE1/4 of Section 31, and in the W1/2 of the SW1/4 of Section 32, all in Township 12 South, Range 64 West of the 6th Principal Meridian.; and all of that part of Section 6 lying north and west of the Chicago, Rock Island and Pacific Railway Right of Way, and a portion of that part of the NW1/4 of Section 7 lying north and west of the Chicago, Rock Island and Pacific Railway Right of Way, all in Township 13 South, Range 64 West of the 6th Principal Meridian.; and in the SE1/4 of Section 36,Township 12 South, Range 65 West of the 6th Principal Meridian; and in the N1/2 of the NE1/4 of Section 1, Township 13 South, Range 65 West of the 6th Principal Meridian;

Area B - 39 acre tract located in the SW1/4 of the SE1/4 of Section 1, Township 13 South, Range 65 West of the 6th Principal Meridian;

is approved subject to the following conditions:

19. The allowed average annual amount of water to be withdrawn from the aquifer underlying Area A shall not exceed 530.9 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.

20. The Commission finds that there is no amount of ground water available for allocation or appropriation from the aquifer underlying Area B.

21. To conform to actual aquifer characteristics, the Commission may adjust the allowed average annual appropriation 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 storage was incorrect.

22. At least four percent (4%) of the amount of water withdrawn annually must be returned to the uppermost aquifer in the vicinity of the permitted point or points of withdrawal.

23. The use of ground water from this appropriation shall be limited to the following uses: industrial, commercial, municipal, irrigation, and replacement. The place of use shall be limited to the above described 1151 acre 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 lands are 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 1151 acre land area or any part thereof, shall reveal the changes affecting this water right. Such notice shall consist of a signed and dated warranty deed which indicates the determination number, the aquifer, a description of the above described land area, the amount 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 Area A.

    b. The wells must be constructed to withdraw water from only the Denver 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 individual permit application and 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 amounts of water from the aquifer together in any combination. The total combined annual withdrawal of the wells shall not exceed the allowed average annual amounts described in this Order.

f. The maximum pumping rate of each well shall not exceed 50 g.p.m.

g. A totalizing flow meter 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.

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

Dated this 21ST day of DECEMBER, 2000.

Hal D. Simpson

Hal D. Simpson
Executive Director
Colorado Ground Water Commission

By: _____
William H. Fronczak, P.E.
Supervisor - Designated Basins Branch

Prepared by: RAC

FIND-303

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WATER RESOURCES
STATE ENGINEER
COLO

EXHIBIT A
Page 1 of 25

AMENDMENT TO STATEMENTS REGARDING NON-TRIBUTARY WATER RIGHTS

The undersigned Applicants hereby amend and modify their previously filed Statements Regarding Non-Tributary Ground Water as follows:

1. Wherever the term "non-tributary groundwater" appears in the Statement, it is the intent of Applicants that the term shall mean and read as "non-tributary and not non-tributary ground water".

2. Woodmen Hills Metropolitan District ("Woodmen Hills" or "District") is the owner of all water and water rights in the Laramie-Fox Hills, Arapahoe, Denver and Dawson aquifers underlying the 1,151.28 acre land area (claimed and described 'in each Statement for the following reasons:

a. On the 29th day of November, 1995 (prior to the sale of any lots to third parties) Falcon Properties and Investments, LLP and Woodmen Hills entered into a Long Term Water Lease and Option To Purchase ("Lease Option") whereby all underground water resources underlying the 1,151.28 acres land area (the area of the District) were leased to the District and the District had the option to buy the same.

b. At the time the Lease/Option was agreed to, on the 29th day of November 1995, Falcon Properties and Investments, LLP, owned all of the above-described 1,151.28 acre property, and ground water in the Laramie-Fox Hills, Arapahoe, Denver and Dawson aquifers underlying this land area which had not been conveyed or reserved to another nor had consent been given to its withdrawal by another prior to this agreement.

c. This Lease/Option was referenced in title commitments that were issued to purchasers of lots in the District. Skywalk Development Corporation initially took title and in turn, transferred title to the property owners.

d. An option to purchase that is noticed in the public records is an interest in property affecting title and therefore, subsequent purchasers take title subject to the option.

e. The Option was exercised with the closing of an Installment Purchase Agreement dated December 15, 1997 which was also recorded in the public records.

e. Covenants were recorded against all real property prior to sale to third parties which prohibited individual water systems, recognized the Long Term Water Lease/Option controlling the properties, and acknowledged Woodmen Hills as the provider of municipal services.

3. The Lease/Option and its attached legal description refers to all of the property described in the survey plat of the 1,151.28 acre land area previously submitted to the Ground Water Commission and made a part of each Statement as Exhibit "A".

TLC

WOODMEN HILLS METROPOLITAN DISTRICT

BY: _____ President

ATTEST:

BY: _____

VERIFICATION

STATE OF COLORADO }
} ss:
COUNTY OF EL PASO }

Subscribed and sworn to before me this 16 day of December, 1999 by Lain Chappell as President and by Nancy Pelfrey as Secretary of Woodmen Hills Metropolitan District.

Witness my hand and official seal.

My commission expires: 11/24/01.

[SEAL]

_____
Notary Public

FALCON PROPERTIES AND INVESTMENTS, LLP

BY: Gerald Alach
Managing General Partner

VERIFICATION

STATE OF COLORADO }
} ss:
COUNTY OF DENVER }

Subscribed and sworn to before me this 17th day of December, 1999 by Gerald Alach as Manager of Falcon Properties and Investments, LLP.

Witness my hand and official seal.

My commission expires: April 27, 2002

DAWN L WATTERS
NOTARY PUBLIC
STATE OF COLORADO

MY COMMISSION EXPIRES
April 27, 2002

[SEAL]

Dawn L. Watters
Notary Public

SKYWALK DEVELOPMENT CORPORATION

BY: _____

VERIFICATION

STATE OF COLORADO }
} ss:
COUNTY OF EL PASO }

Subscribed and sworn to before me this 16 day of December, 1999 by Benjamin F. Green as President of Skywalk Development Corporation.

Witness my hand and official seal.

My commission expires: 11/24/01.

[SEAL]

_____
Notary Public

TRAIL RIDGE HOMES, INC.

BY: Nancy E. Pelfrey

VERIFICATION

STATE OF COLORADO }
} ss:
COUNTY OF EL PASO }

~~Subscribed and~~ sworn to before me this 16 day of December, 1999 by Nancy Pelfrey as ~~President~~ Secretary of Trail Ridge Homes, Inc.

Witness my hand and official seal.

My commission expires: 11/24/01.

[SEAL]

Notary Public

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WATER RESOURCES
STATE ENGINEER
COLO.

STATEMENT REGARDING NONTRIBUTARY WATER RIGHTS OWNERSHIP

DENVER AQUIFER

THIS STATEMENT REGARDING NONTRIBUTARY WATER RIGHTS OWNERSHIP ("Statement") is made and entered into this 31st day of March, 1999, by and between **Woodmen Hills Metropolitan District**, a quasi-municipal corporation and political subdivision of the State of Colorado (the "District"), acting by and through its Water Enterprise, **Falcon Properties and Investments, LLP**, a Colorado limited liability partnership ("Falcon"), **Skywalk Development Corporation**, a Colorado corporation ("Skywalk"), and **Trail Ridge Homes, Inc.**, a Colorado corporation ("Trail Ridge"), collectively sometimes herein referred to as "the Parties",

WITNESSETH:

1. This Statement is furnished at the request of the State Engineer's staff in connection with permitting additional nontributary ground water in the Denver aquifer in the Upper Black Squirrel Creek Designated Ground Water Basin in El Paso County, Colorado.

2. The overlying land area related to the pending claim is 1,151.28 acres described in a Certified Boundary Survey by URS Consultants, Inc., revised November 9, 1998 and on file with the State Engineer's staff (Exhibit "A").

3. The Parties to this Statement hereby affirm their mutual position that all right, title and interest in and to nontributary ground water underlying the Exhibit "A" property has been reserved, excepted and conveyed to the District and the District has sole and exclusive rights to permit, develop and use said nontributary ground water as the community water supplier for the benefit of those persons and entities who own the overlying land. The Parties further state that the right to appropriate water from the aquifers underlying the Exhibit "A" property has not been conveyed or reserved to any person or entity other than the District nor has consent been given to withdrawal of said nontributary ground water by any person or entity other than the District.

4. The status of the water rights ownership is attested by the following documents:

A. Permits issued by the Ground Water Commission in 1966, 1984, 1985 and 1989 (Exhibits "B" and "C");

B. Long-Term Water Lease, Option to Purchase, and Development Agreement between Falcon and Woodmen dated November 29, 1995 (Exhibit "C");

C. Declaration of Covenants, Conditions and Restrictions for Woodmen Hills, recorded February 26, 1997 in the El Paso County Records at Reception No. 097021447, especially Article 3.22 which prohibits individual water supply systems, Article 5.2 which acknowledges that the property is controlled by a "Long-Term Water Lease, Option to Purchase, and Development Agreeement" between the District and Falcon (previously identified as Exhibit "C" to this Statement), and Article 6.4 which reserves to Falcon the right to convey additional real property interests to the District (Exhibit "D");

D. Installment Purchase Agreement between Falcon and Woodmen dated December 15, 1997 and recorded on February 6, 1998 in the El Paso County Records at Reception No. 098014838, especially Section 513 which provides that the District may pursue any additional administrative proceedings before the State Engineer, the Colorado Groundwater Commission or the Upper Black Squirrel Creek Groundwater Management District which it may elect to pursue to make use of the water derived from the Exhibit "A" property in the District's Water System and that Falcon agrees to cooperate fully in any such proceedings (Exhibit "E");

E. Form of Purchase Agreement - Home Sale utilized by Trail Ridge, especially paragraph 10 thereof relating to the purchase of the water rights by the District from Falcon and the obligation of the District to provide water and sewer service and the acknowledgment by the Buyer that the District is responsible for providing water and sewer service to the property and the Buyer must pay fees and assessments imposed by the District and paragraph 22 concerning acknowledgment by the Purchaser that the District will be providing water service to the property within the development by use of the Denver Basin

aquifers (Exhibit "F");

F. Form of Agreement to Buy and Sell Real Estate (Commercial Finished Lot Sale) utilized by Skywalk, especially paragraph 18 (b) thereof requiring Buyer to acknowledge that the property is included in the District and that water and sewer tap fees must be paid to the District (Exhibit "G");

G. Form of Warranty Deed utilized by Trail Ridge, which does not convey any water rights to residential lot purchasers (Exhibit "H"); and

H. Form of Warranty Deed utilized by Skywalk, which does not convey any water rights to commercial lot purchasers (Exhibit "I").

5. The addresses of the Parties to this Statement are as follows:

Woodmen Hills Metropolitan District
P.O. Box 62039
Colorado Springs, CO 80962

Falcon Properties and Investments, LLP
360 S. Monroe Street
Suite 355
Denver, CO 80209

Skywalk Development Corporation
11720 Woodmen Hills Drive
Peyton, CO 80831

Trail Ridge Homes, Inc.
11720 Woodmen Hills Drive
Peyton, CO 80831

IN WITNESS WHEREOF, the Parties have executed this Statement Regarding Nontributary Water Rights Ownership for the Denver Aquifer on the respective dates set forth below.

Woodmen Hills Metropolitan District, a quasi-municipal corporation and political subdivision of the State of Colorado, acting by and through its Water Enterprise

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APR 22 1999
WATER RESOURCES
STATE ENGINEER
COLO.

By _____
Benjamin I. Green, ~~President~~ Vice

ATTEST:

By Tracey L. Pelfrey, Secretary

STATE OF COLORADO)
) ss.
COUNTY OF EL PASO)

SUBSCRIBED AND SWORN to before me this 30 day of March, 1999, by Benjamin I. Green, ~~President~~ Vice of Woodmen Hills Metropolitan District, a quasi-municipal corporation and political subdivision of the State of Colorado, acting by and through its Water Enterprise.

My Commission expires: 12-10-01.

Andrea M Levi
Notary Public

11720 Woodmen Hills Drive
Address

ANDREA M LEVI NOTARY PUBLIC STATE OF COLORADO

MY COMMISSION EXPIRES
12/10/2001

STATE OF COLORADO)
) ss.
COUNTY OF EL PASO)

SUBSCRIBED AND SWORN to before me this 30 day of March, 1999, by Tracey L. Pelfrey, as Secretary of Woodmen Hills Metropolitan District, a quasi-municipal corporation and political subdivision of the State of Colorado, acting by and through its Water Enterprise.

My Commission expires: 12-10-01.

Andrea M Levi
Notary Public

11720 Woodmen Hills Drive

ANDREA M LEVI NOTARY PUBLIC STATE OF COLORADO

MY COMMISSION EXPIRES
12/10/2001

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APR 22 1999

WATER RESOURCES
STATE ENGINEER
COLO.

Address

FALCON PROPERTIES AND
INVESTMENTS, LLP, a Colorado
limited liability partnership

By Gerald Olesh
Gerald Olesh
Managing General Partner

STATE OF COLORADO)

CITY AND) ss.
COUNTY OF DENVER)

SUBSCRIBED AND SWORN to before me this 31st day of March, 1999, by Gerald Olesh, as Managing General Partner of Falcon Properties and Investments, LLP, a Colorado limited liability partnership.

My Commission expires: April 27, 2002.

Dawn L Watters
Notary Public

DAWN L WATTERS NOTARY PUBLIC STATE OF COLORADO
MY COMMISSION EXPIRES:
April 27, 2002

3611 So Monaco St. #355
Address
Denver Colo
80209

Skywalk Development Corporation,
a Colorado corporation

By Jerry L. Davis
Jerry L. Davis,
Vice President

ATTEST:

By Nancy E. Peffer
Secretary

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APR 22 1999

WATER RESOURCES
STATE ENGINEER
COLO.

STATE OF COLORADO)
) ss.
COUNTY OF EL PASO)

SUBSCRIBED AND SWORN to before me this 30 day of March, 1999, by Jerry L. Davis, Vice President of Skywalk Development Corporation, a Colorado corporation.

My Commission expires: 12-10-01.

ANDREA M LEVI NOTARY PUBLIC STATE OF COLORADO

MY COMMISSION EXPIRES 12/10/2001

Andrea M Levi
Notary Public

11720 Woodmen Hills Drive
Address

STATE OF COLORADO)
) ss.
COUNTY OF EL PASO)

SUBSCRIBED AND SWORN to before me this 30 day of March, 1999, by Tracey L. Petfrey, as _____ Secretary of Skywalk Development Corporation, a Colorado corporation.

My Commission expires: 12-10-01.

ANDREA M LEVI NOTARY PUBLIC STATE OF COLORADO

MY COMMISSION EXPIRES 12/10/2001

Andrea M Levi
Notary Public

11720 Woodmen Hills Drive
Address

Trail Ridge Homes, Inc.,
a Colorado corporation

By Gerald Olch
President,
____ President

ATTEST:

By Tracey L. Petfrey, Secretary

RECEIVED

APR 22 1999

WATER RESOURCES
STATE ENGINEER
COLO.

STATE OF COLORADO)
) ss.
COUNTY OF EL PASO)

SUBSCRIBED AND SWORN to before me this 31st day of March, 1999, by Edward Allen, ___ President of Trail ridge Homes, Inc., a Colorado corporation.

My Commission expires: April 27, 2002.

Notary Public

360 D Monaco St #555
Address
Denver, Colo.
80207

DAWN L WATTERS
NOTARY
PUBLIC
STATE OF COLORADO

MY COMMISSION EXPIRES
April 27, 2002

STATE OF COLORADO)
) ss.
COUNTY OF EL PASO)

SUBSCRIBED AND SWORN to before me this 30 day of March, 1999, by Tracey L. Pelfrey, as ___ Secretary of Trail Ridge Homes, a Colorado corporation.

My Commission expires: 12-10-01.

Notary Public

11720 Woodmen Hills Drive
Address

ANDREA M LEVI
NOTARY
PUBLIC
STATE OF COLORADO

MY COMMISSION EXPIRES
12/10/2001

LONG-TERM WATER LEASE,

OPTION TO PURCHASE,

AND DEVELOPMENT AGREEMENT

(WOODMEN HILLS)

THIS AGREEMENT is made effective this 29th day of November, 1995, by and between the Woodmen Hills Metropolitan District ("District") and Falcon Properties and Investments ("Falcon").

R E C I T A L S

A. The District is a quasi-municipal corporation and political subdivision of the State of Colorado, formed for the purposes of providing certain municipal services to its residents.

B. Falcon is a Colorado Partnership which owns eleven hundred eighty acres (1,180) acres of real property located within the District, which property is subject to certain Development Plans filed with El Paso County, Colorado, and the legal description of which is attached hereto and incorporated by reference (hereinafter the "real property").

C. Falcon is the owner of various water rights underneath the real property which water rights are located within the Denver Basin Formations ("water rights").

D. Falcon desires to lease to the District and the District desires to lease from Falcon the water rights owned by Falcon and use the same for municipal purposes. The District further desires to receive an option to purchase said water rights.

E. The parties desire to fully cooperate with each other in the full development and utilization of the water rights and further desire to cooperate with each other in the overall development of the real property pursuant to its approved Sketch Plan.

NOW, THEREFORE, based upon the mutual considerations, promises, and covenants contained herein the parties agree as follows:

1. Water Rights. The water rights and diversion points owned by Falcon are described as follows:

Permit No.	Volume (A\F)	Date Issued	Aquifer
27650-F	156.5	9/6/84	Arapahoe
27651-F	156.5	9/6/85	Arapahoe
27652-F	161.5	9/6/85	Laramie-Fox Hills
27653-F	161.5	9/6/85	Laramie-Fox Hills
28030-F	176	12/28/85	Denver
28031-F	176	12/28/85	Denver

Additionally, Falcon may have the right to develop additional water resources underneath the real property and if said development occurs said additional water resources will also be considered to be part of the "water rights".

2. Lease Term. Falcon hereby leases to the District its water rights commencing with the effective date above for a period of thirty (30) years, which lease by mutual consent of the parties may be extended for an additional thirty (30) years.

3. Validity. The parties recognize that this Agreement involves water and water rights and, therefore, said lease is not to be invalidated because of its length or term due to the rule against perpetuities or any other legal objection.

4. Lease Payment. As and for the lease payment, the District agrees to pay to Falcon the sum of Twenty-Five Dollars ($25.00) per month for each single family residence or its equivalent for commercial or industrial purposes. It is agreed and understood that in order to obtain revenues sufficient to make its lease payments, the District will impose a monthly water lease charge upon the users within the District. The monthly lease payment will increase pursuant to a consumer price index as set forth in the Financial Plan contained within the District's Service Plan.

5. Reservation of Water Resources. The water resources and rights which are the subject of this Lease are intended to be developed for the exclusive use by the District and to meet the developmental needs within said District and, therefore, Falcon will neither develop, sell, or lease these water rights to any third parties without the express written consent of the District.

6. Exclusive Supplier. It is the intent of the parties herein that Falcon will utilize its water rights and develop the same to their full potential in order to meet the needs of the District. Therefore, the District agrees that until said water rights are fully developed and utilized, that the District will not purchase, lease or develop other water resources.

7. Maintenance and Operations. It is intended that Falcon will initially pay for the development of all infrastructure, which infrastructure together with all necessary easements and land will be donated to the District. Furthermore, Falcon will subsidize and pay for all maintenance and repair of the District's infrastructure until such time as the District can meet those obligations together with its Lease obligations and the maintenance of a capital reserve. It is anticipated that the revenues to be utilized by the District to meet said obligations shall consist of water, sewer and other monthly utility or user fees.

8. Protection of Water Rights. Falcon, at its sole cost and expense, during the term of this Lease, will take all legal steps to protect and develop its water rights. If the option is exercised as set forth hereinafter by the District, then the District will assume all of said obligations.

9. Option. For good and valuable consideration and in further consideration of the contemplated lease payments to be made hereunder, at any time during this Lease, the District shall have the exclusive option to purchase the water rights of Falcon under the following terms and conditions:

(a) The District must give sixty (60) days written notice of its intent to exercise said option;

(b) The price for the water rights shall be the sum of 1.6 Million Dollars plus the actual costs for the acquisition of any additional water rights purchased by Falcon (including the costs of delivery and development) for the purposes of meeting the needs of the District;

(c) Closing shall occur within ninety (90) days of the receipt of the Option Notice;

(d) The option price shall be paid in cash or on such other terms as may be acceptable to Falcon; and

(e) All water rights shall be transferred by Special Warranty Deed and all personal property including pumps, screens and casing shall be transferred by either Deed or Bill of Sale.

(f) In meeting the obligations of purchase, the District will not impose any debt or other financial obligations upon any real property owned by Falcon without the expressed written consent of Falcon.

10. Development Agreement. In order to enhance and further the development of the District and in order to cooperate with Falcon, the parties hereto further agree as follows:

(a) Falcon, at its sole cost and expense, shall design, construct and install all infrastructure necessary for municipal purposes as set forth in the District's Service Plan for the initially included property;

(b) So long as Falcon is meeting its obligations to install the necessary infrastructure in a timely manner as needed for new development for the initially included property, the District agrees that it will not charge either the initially included property, its residents or its users with a sewer or water tap fee for the purposes of making said services available, nor will it impose any mill levy upon the initially included real property within the District;

(c) The District will establish in cooperation with Falcon such reasonable monthly utility rates or other charges as may be necessary to meet the costs of operation and management of the District, maintain a reasonable capital reserve, and meet its obligations pursuant to this Lease Agreement; and

(d) The development obligations of Falcon, as set forth herein, will not apply to any additional properties that are annexed were included within the District except as may be agreed to by Falcon.

11. Miscellaneous.

(a) This Agreement shall be recorded in the records of El Paso County, Colorado, and shall be binding upon the real property, all owners therein, and shall run with the land.

(b) This Agreement shall be interpreted according to the laws of the State of Colorado.

(c) Should any dispute arise over this Agreement the prevailing party will be entitled to recover all costs including reasonable attorney's fees.

(d) Should any dispute arise over this Agreement, the parties agree to resolve said dispute by way of binding mandatory arbitration pursuant to the rules of the American Arbitration Association.

(e) This Agreement represents the entire understanding of the parties and any amendment to this Agreement shall be invalid unless reduced to writing and signed by the parties.

WOODMEN HILLS METROPOLITAN DISTRICT

Attest:

Gerald Olesh, Secretary

BY: _____
Benjamin I. Green, President

FALCON PROPERTIES AND INVESTMENTS

BY: _____

STATE OF COLORADO)
) ss:
COUNTY OF ~~EL PASO~~ Denver)

Subscribed and sworn to before me this 13 day of December 1995, by Woodmen Hills Metropolitan District by Benjamin I. Green, President.

Witness my hand and official seal.

My commission expires: My Commission Expires 4-14-99

_____
Notary Public

KIMBERLY G. NOORZAI NOTARY PUBLIC STATE OF COLORADO

STATE OF COLORADO)
) ss:
COUNTY OF ~~EL PASO~~ Denver)

Subscribed and sworn to before me this 13 day of December 1995, by Falcon Properties and Investments.

Witness my hand and official seal.

My commission expires: My Commission Expires 4-14-99

_____
Notary Public

KIMBERLY G. NOORZAI NOTARY PUBLIC STATE OF COLORADO

EXHIBIT A

RECEIVED
OCT 30 1998
WATER RESOURCES
STATE ENGINEER
COLO.

URS Greiner

TRANSMITTAL FORM

URS Greiner
8415 Explorer Drive, Suite 110
Colorado Springs, CO 80920
(719) 531-0001
(719) 531-0007 fax

TO: **Rich Cooper**
Office of State Engineer
818 Centennial Building
1313 Sherman St.
Denver, CO 80203

DATE: 10/29/98

FROM: **Charles Cothern**

PROJECT NO.:67-42238.07

SUBJECT: **Woodmen Hills Boundary Survey**

REMARKS:
Attached is the Boundary Survey for your use. The total acreage of Parcels A, B, C, D, D2, E, F, G, is 1151.28 acres.

If you have any questions, please call.

CKC/jc
Attachments

cc:

PARCEL A:

TOWNSHIP 12 SOUTH, RANGE 64 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO:

SECTION 31; SOUTH HALF OF LOT 2 EXCEPT THE WESTERLY 30 FEET THEREOF AS CONVEYED TO EL PASO COUNTY BY DEED RECORDED JULY 17, 1915 IN BOOK 441 AT PAGE 350; SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER; SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER; EAST HALF OF THE SOUTHEAST QUARTER. EXCEPTING FROM THE FOREGOING ANY PORTION THEREOF TAKEN OR USED AS PUBLIC HIGHWAYS, INCLUDING, BUT NOT LIMITED TO MERIDIAN ROAD AND EASTONVILLE ROAD.

SECTION 32; WEST HALF OF THE SOUTHWEST QUARTER EXCEPTING THEREFROM ANY PORTION THEREOF TAKEN OR USED AS PUBLIC HIGHWAYS, INCLUDING, BUT NOT LIMITED TO EASTONVILLE ROAD.

PARCEL B:

TOWNSHIP 13 SOUTH, RANGE 64 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO:

SECTION 6; LOTS 1, 2, 3, 4, 5, 6 AND 7 EXCEPT THE WESTERLY 30 FEET OF SAID LOTS 4, 5, 6 AND 7 AS CONVEYED TO EL PASO COUNTY BY DEED RECORDED JULY 17, 1915 IN BOOK 441 AT PAGE 350 AND FURTHER EXCEPTING FROM SAID LOT 7 A TRACT 5 ACRES IN SQUARE FORM IN THE SOUTHWEST CORNER THEREOF; SOUTH HALF OF THE NORTHEAST QUARTER; SOUTHEAST QUARTER OF THE NORTHWEST QUARTER; EAST HALF OF THE SOUTHWEST QUARTER; THAT PORTION OF THE SOUTHEAST QUARTER LYING NORTH AND WEST OF THE RIGHT OF WAY OF THE CHICAGO, ROCK ISLAND AND PACIFIC RAILWAY COMPANY. EXCEPTING FROM THE FOREGOING ANY PORTION THEREOF TAKEN OR USED AS PUBLIC HIGHWAYS, INCLUDING, BUT NOT LIMITED TO MERIDIAN ROAD, EASTONVILLE ROAD AND WOODMEN ROAD.

SECTION 7; THAT PORTION OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER LYING NORTH AND WEST OF THE RIGHT OF WAY OF THE CHICAGO, ROCK ISLAND AND PACIFIC RAILWAY COMPANY; THE UNPLATTED PORTIONS OF THE WEST HALF OF THE NORTHWEST QUARTER LYING NORTH AND WEST OF THE RIGHT OF WAY OF THE CHICAGO, ROCK ISLAND AND PACIFIC RAILWAY COMPANY. EXCEPTING FROM THE FOREGOING ANY PORTION THEREOF TAKEN OR USED AS PUBLIC HIGHWAYS, INCLUDING, BUT NOT LIMITED TO MERIDIAN ROAD, EASTONVILLE ROAD AND WOODMEN ROAD.

PARCEL C:

TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO:

SECTION 36; THE SOUTHEAST QUARTER EXCEPT ANY PORTION THEREOF TAKEN OR USED AS PUBLIC HIGHWAYS, INCLUDING, BUT NOT LIMITED TO MERIDIAN RAOD.

PARCEL D:

TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO:

SECTION 1; LOTS 1 AND 2; SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER. EXCEPTING FROM THE FOREGOING ANY PORTION THEREOF TAKEN OR USED AS PUBLIC ROAD, INCLUDING, BUT NOT LIMITED TO MERIDIAN ROAD AND WOODMEN ROAD.

PARCEL E:

THAT PART OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 7 IN TOWNSHIP 13 SOUTH, RANGE 64 WEST OF THE 6TH P.M. AND OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 12 IN TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE 6TH P.M., IN THE TOWN OF FALCON, EL PASO COUNTY, COLORADO, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 7, WHENCE THE NORTHWEST CORNER OF SAID SECTION 7 BEARS N14°04'W 1061.8 FEET, AND RUNNING THENCE S39°30'E 480 FEET TO A POINT, THENCE S50°30'W 580 FEET TO A POINT, THENCE N39°30'W 480 FEET TO A POINT, THENCE N50°30'E 580 FEET TO THE PLACE OF BEGINNING, SAID TRACT BEING DESIGNATED ON THE PLAT OF THE TOWN OF FALCON AS FILED IN PLAT BOOK B AT PAGE 37 OF THE RECORDS OF EL PASO COUNTY, COLORADO, AS FALCON PARK AND THOSE PORTIONS OF THIRD STREET, FOURTH STREET AND CHICAGO AVENUE ADJACENT THERETO.

PARCEL F:

THOSE PORTIONS OF BLOCKS 4, 9 AND 10 IN THE TOWN OF FALCON AS FILED IN PLAT BOOK B AT PAGE 37 OF THE RECORDS OF EL PASO COUNTY, COLORADO, AND ALL THAT PORTION OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 7 IN TOWNSHIP 13 SOUTH, RANGE 64 WEST OF THE 6TH P.M., EL PASO COUNTY COLORADO, SHOWN AS THE DENVER, TEXAS AND FORT WORTH RAILROAD (D.T. & FT.W.R.R.) ON THE PLAT OF THE TOWN OF FALCON LYING EASTERLY OF THE FOLLOWING DESCRIBED LINE: COMMENCE AT THE MOST NORTHERLY CORNER OF BLOCK 19 AS PLATTED IN SAID TOWN OF FALCON, THENCE NORTHWESTERLY ALONG THE NORTHEASTERLY LINE OF SAID BLOCK 19 EXTENDED NORTHWESTERLY AND ALONG THE NORTHEASTERLY LINE OF BLOCK 13 AND SAID LINE EXTENDED NORTHWESTERLY A DISTANCE OF 580 FEET TO A POINT (BEING THE MOST EASTERLY CORNER OF THAT CERTAIN 100 FOOT STRIP, DESIGNATED ON THE PLAT OF THE TOWN

PARCEL G:

BLOCK 8; LOTS
BLOCK 11; LOTS
BLOCK 12; LOTS
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BLOCK 17; LOTS
BLOCK 18; LOTS

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PACIFIC RAILWAY COMPANY. EXCEPTING FROM THE FOREGOING ANY PORTION THEREOF TAKEN OR USED AS PUBLIC HIGHWAYS, INCLUDING, BUT NOT LIMITED TO MERIDIAN ROAD, EASTONVILLE ROAD AND WOODMEN ROAD.

SECTION 7; THAT PORTION OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER LYING NORTH AND WEST OF THE RIGHT OF WAY OF THE CHICAGO, ROCK ISLAND AND PACIFIC RAILWAY COMPANY; THE UNPLATTED PORTIONS OF THE WEST HALF OF THE NORTHWEST QUARTER LYING NORTH AND WEST OF THE RIGHT OF WAY OF THE CHICAGO, ROCK ISLAND AND PACIFIC RAILWAY COMPANY. EXCEPTING FROM THE FOREGOING ANY PORTION THEREOF TAKEN OR USED AS PUBLIC HIGHWAYS, INCLUDING, BUT NOT LIMITED TO MERIDIAN ROAD, EASTONVILLE ROAD AND WOODMEN ROAD.

PARCEL C:

TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO:

SECTION 36; THE SOUTHEAST QUARTER EXCEPT ANY PORTION THEREOF TAKEN OR USED AS PUBLIC HIGHWAYS, INCLUDING, BUT NOT LIMITED TO MERIDIAN RAOD.

PARCEL D:

TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO:

SECTION 1; LOTS 1 AND 2; SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER. EXCEPTING FROM THE FOREGOING ANY PORTION THEREOF TAKEN OR USED AS PUBLIC ROAD, INCLUDING, BUT NOT LIMITED TO MERIDIAN ROAD AND WOODMEN ROAD.

PARCEL E:

THAT PART OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 7 IN TOWNSHIP 13 SOUTH, RANGE 64 WEST OF THE 6TH P.M. AND OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 12 IN TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE 6TH P.M.S. IN THE TOWN OF FALCON, EL PASO COUNTY, COLORADO, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 7, WHENCE THE NORTHWEST CORNER OF SAID SECTION 7 BEARS N14°04'W 1061.8 FEET, AND RUNNING THENCE S39°30'E 480 FEET TO A POINT, THENCE S50°30'W 580 FEET TO A POINT, THENCE N39°30'W 480 FEET TO A POINT, THENCE N50°30'E 560 FEET TO THE PLACE OF BEGINNING, SAID TRACT BEING DESIGNATED ON THE PLAT OF THE TOWN OF FALCON AS FILED IN PLAT BOOK B AT PAGE 37 OF THE RECORDS OF EL PASO COUNTY, COLORADO, AS FALCON PARK AND THOSE PORTIONS OF THIRD STREET, FOURTH STREET AND CHICAGO AVENUE ADJACENT THERETO.

PARCEL F:

THOSE PORTIONS OF BLOCKS 4, 9 AND 10 IN THE TOWN OF FALCON AS FILED IN PLAT BOOK B AT PAGE 37 OF THE RECORDS OF EL PASO COUNTY, COLORADO, AND ALL THAT PORTION OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 7 IN TOWNSHIP 13 SOUTH, RANGE 64 WEST OF THE 6TH P.M., EL PASO COUNTY COLORADO, SHOWN AS THE DENVER, TEXAS AND FORT WORTH RAILROAD (D.T. & FT.W.R.R.) ON THE PLAT OF THE TOWN OF FALCON LYING EASTERLY OF THE FOLLOWING DESCRIBED LINE: COMMENCE AT THE MOST NORTHERLY CORNER OF BLOCK 19 AS PLATTED IN SAID TOWN OF FALCON, THENCE NORTHWESTERLY ALONG THE NORTHEASTERLY LINE OF SAID BLOCK 19 EXTENDED NORTHWESTERLY AND ALONG THE NORTHEASTERLY LINE OF BLOCK 13 AND SAID LINE EXTENDED NORTHWESTERLY A DISTANCE OF 580 FEET TO A POINT (BEING THE MOST EASTERLY CORNER OF THAT CERTAIN 100 FOOT STRIP, DESIGNATED ON THE PLAT OF THE TOWN OF FALCON, SOUTHEASTERLY FROM AND ADJACENT TO THE RIGHT OF WAY OF THE DENVER, TEXAS AND FORT WORTH RAILROAD, SOUTHWEST OF FOURTH STREET AND NORTHWEST OF THAT PORTION OF FORT WORTH AVENUE ADJACENT TO BLOCKS 13, 14 AND 15 IN THE TOWN OF FALCON) THENCE ANGLE 82°42' RIGHT 328.56 FEET; THENCE ANGLE 20°00' LEFT 530.73 FEET TO A POINT OF CURVATURE; THENCE ANGLE 31°21' LEFT AND RUN A CHORD DISTANCE OF 312.16 FEET OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 62°42' AND A RADIUS OF 300.00 FEET AND AN ARC LENGTH OF 328.30 FEET TO A POINT ON THE NORTHEASTERLY LINE OF BLOCK 4, WHICH POINT IS 259.16 FEET SOUTHEASTERLY OF THE INTERSECTION OF THE NORTHEASTERLY LINE OF BLOCK 1 IN THE TOWN OF FALCON WITH THE WEST LINE OF SECTION 7, TOWNSHIP 13 SOUTH, RANGE 64 WEST OF THE SIXTH P.M., THENCE NORTHWESTERLY 259.16 FEET TO SAID INTERSECTION, THENCE NORTH TO THE NORTHWEST CORNER OF SAID SECTION 7. EXCEPT ANY PORTION THEREOF TAKEN OR USED AS PUBLIC HIGHWAYS, INCLUDING, BUT NOT LIMITED TO MERIDIAN ROAD AND EASTONVILLE ROAD.

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AND SECTIONS 1 AND 12, 6TH P.M., EL PASO COUN

PARCEL G:

BLOCK 8; LOTS 1 THROUGH 24 INCLUSIVE
BLOCK 11; LOTS 1 THROUGH 31 INCLUSIVE
BLOCK 12; LOTS 1 THROUGH 24 INCLUSIVE AND LOTS 26 THROUGH 34 INCLUSIVE
BLOCK 16; ALL PLATTED LOTS
BLOCK 17; LOTS 1 THROUGH 24 INCLUSIVE
BLOCK 18; LOTS 1 THROUGH 24 INCLUSIVE

ALL IN THE TOWN OF FALCON AS FILED IN PLAT BOOK B AT PAGE 37 OF THE RECORDS OF EL PASO COUNTY, COLORADO.

NOTES:

1. BASIS OF BEARINGS FOR THIS SURVEY IS THE EAST LINE OF SECTION 1, T13S, R65W OF THE 6TH P.M., ASSUMED TO BE N00°00'00"E FROM THE SOUTHEAST CORNER OF SAID SECTION 1 (2 1/2" METAL CAP LS 17664 IN RANGE BOX) TO THE NORTHEAST CORNER OF SAID SECTION 1 (3 1/4" METAL CAP LS 19625 IN RANGE BOX).

2. THE EASEMENTS, PARCEL DESCRIPTIONS AND RIGHT-OF-WAYS SHOWN ON THIS SURVEY PLAT WERE BASED ON A COMMITMENT FOR TITLE INSURANCE, CASE NUMBER 117347, BY LAWYERS TITLE INSURANCE CORPORATION, DATED FEBRUARY 5, 1996.

3. THE 60 FOOT PRESCRIPTIVE EASEMENT FOR EASTONVILLE ROAD AND THAT PART OF MERIDIAN ROAD LYING SOUTH OF WOODMEN ROAD WAS ESTABLISHED BY A BEST FIT SITUATION UTILIZING THE EXISTING IMPROVED TRAVELED WAY AND EXISTING FENCE LINES.

4. ALL FOUND AND MONUMENTED CORNERS ARE AS INDICATED ON THIS PLAT.

5. THE STATUS OF ALL THE PLATTED STREETS AND ALLEYS IN THE TOWN OF FALCON WITHIN THESE PARCELS, AS TO WHETHER THEY HAVE BEEN VACATED OR NOT, ARE SHOWN. THEREFORE, THEY ARE SHOWN AS SHADED WITH THEIR ACREAGES SUBTRACTED FROM THE GROSS ACREAGE, OF THE PARCELS, TO SHOW THE RIGHTS OF THE PUBLIC IN AND TO THESE DEDICATED STREETS AND ALLEYS.

6. THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 31 AND THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 32, BOTH IN T12S, R64W OF THE 6TH P.M., WERE ONCE PLATTED AS THE TOWN OF GRANGER AS FILED IN PLAT BOOK A AT PAGE 184 OF THE RECORDS OF EL PASO COUNTY, COLORADO.

7. RAILROAD RIGHT-OF-WAY MAPS APPROVED BY THE SECRETARY OF THE INTERIOR ON JANUARY 25, 1882, BEING "THE DENVER & NEW ORLEANS RAILROAD" AS FILED IN THE RECORDS OF EL PASO COUNTY, COLORADO, DELINEATE RIGHT-OF-WAY THROUGH PARCELS A, B, AND F. NO PHYSICAL EVIDENCE OF THE RIGHT-OF-WAY EXISTS.

8. EXTERIOR FENCES ARE AS SHOWN. NOT ALL INTERIOR FENCES ARE SHOWN.

CERTIFICATION

I, RAYMOND JOSEPH PECHEK, A REGISTERED LAND SURVEYOR IN THE STATE OF COLORADO, HEREBY CERTIFY TO FALCON PROPERTIES AND INVESTMENTS, A LIMITED LIABILITY PARTNERSHIP; THE WOODMEN HILLS LENDING TRUST; LAWYERS TITLE INSURANCE CORPORATION; THAT THE BOUNDARY SURVEY WAS CONDUCTED AND DRAWN UNDER MY DIRECT SUPERVISION AND RESPONSIBILITY, AND THAT ALL LINES AND DIMENSIONS SHOWN HEREON ARE A DIRECT RESULT OF SAID SURVEY, AND ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

I FURTHER CERTIFY THAT THE REQUIREMENTS OF TITLE 38 OF THE COLORADO REVISED STATUTES, 1973 AS AMENDED, HAVE BEEN MET TO THE BEST OF MY KNOWLEDGE AND BELIEF.

_____ _____

RAYMOND JOSEPH PECHEK DATE
COLORADO P.L.S. NO. 24964
URS CONSULTANTS, INC.

NOTICE:
ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT, MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

CTION 36, T12S,
S, R65W OF THE
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EXHIBIT A

RECEIVED
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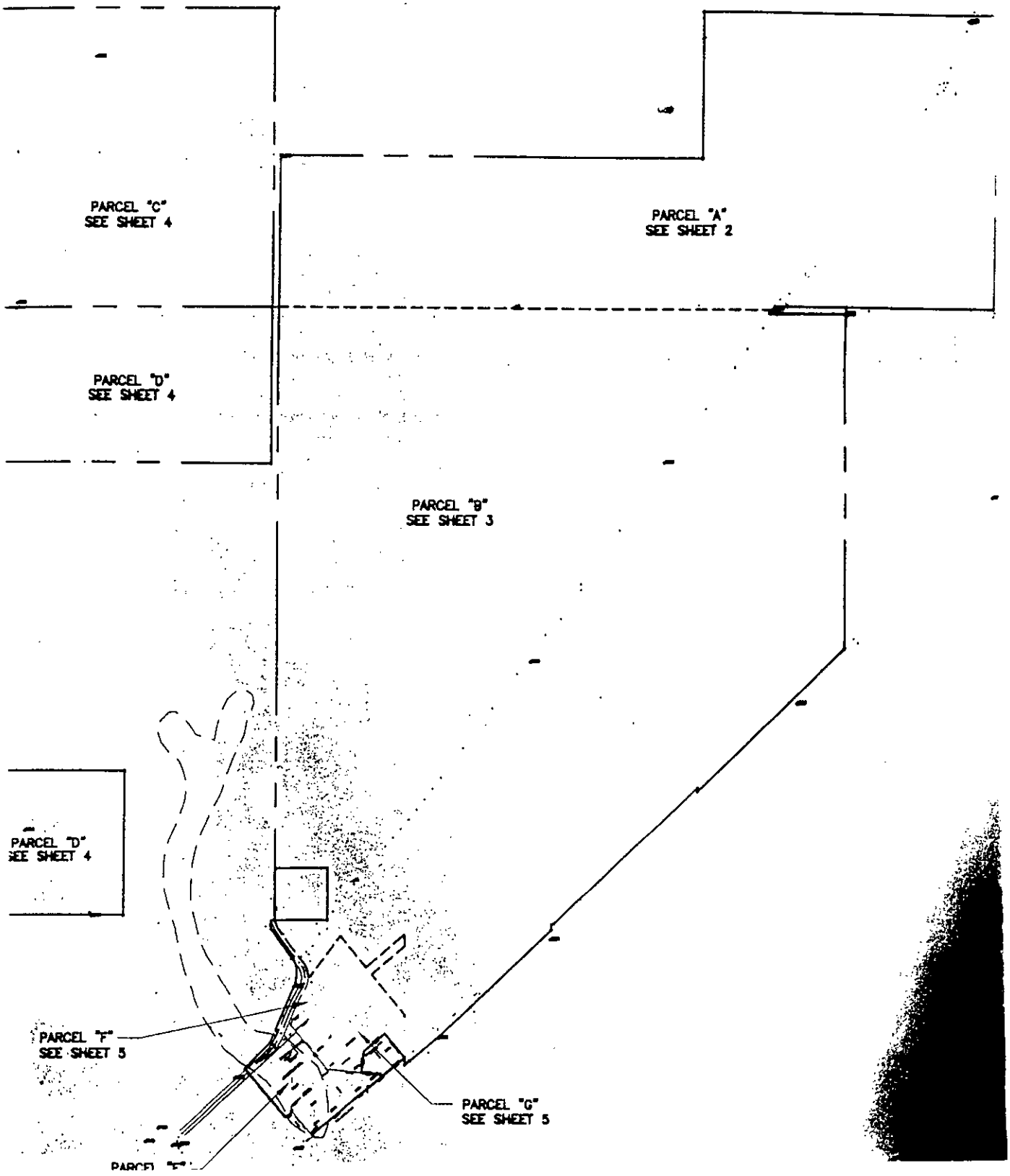
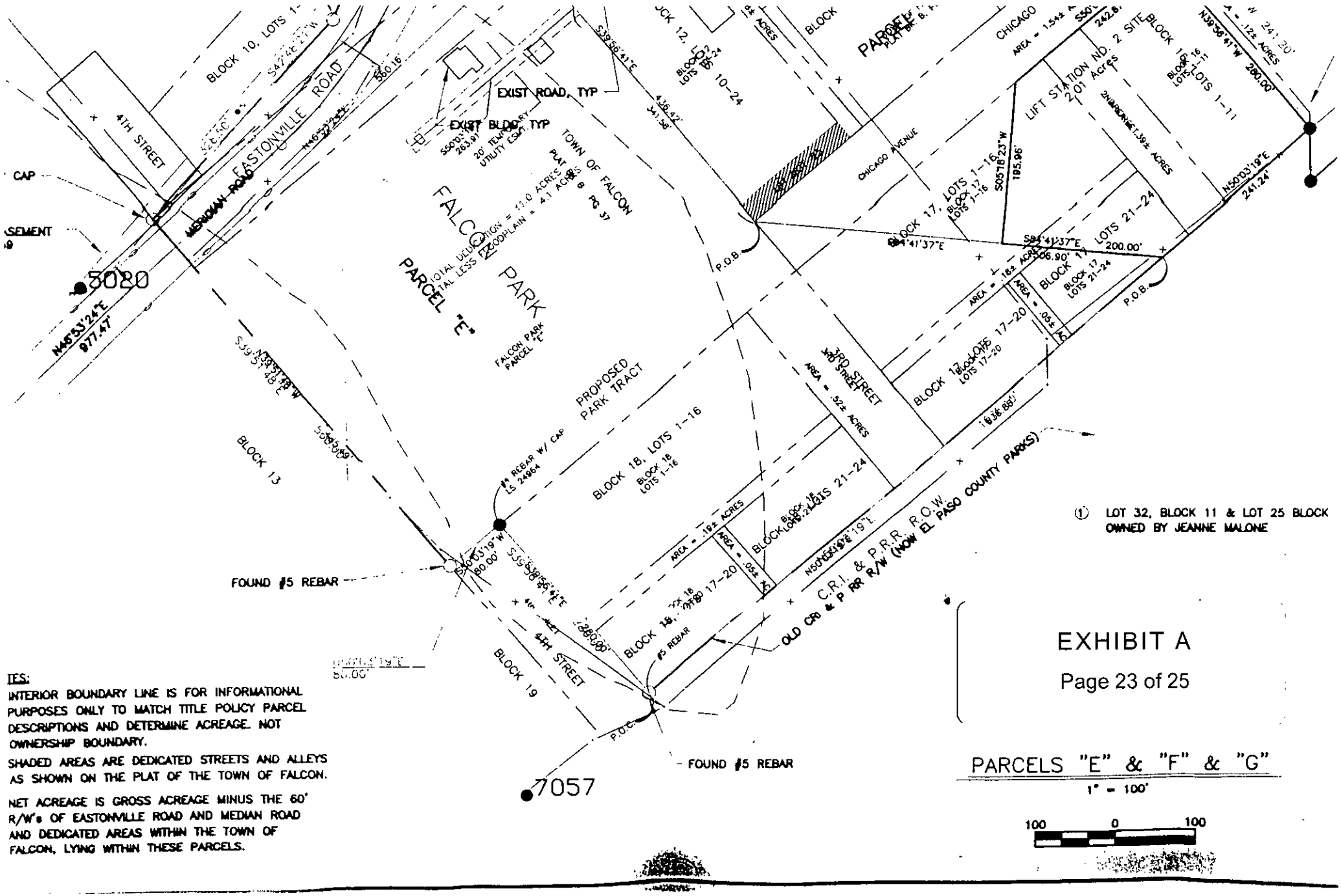




IES:
INTERIOR BOUNDARY LINE IS FOR INFORMATIONAL PURPOSES ONLY TO MATCH TITLE POLICY PARCEL DESCRIPTIONS AND DETERMINE ACREAGE. NOT OWNERSHIP BOUNDARY.

SHADED AREAS ARE DEDICATED STREETS AND ALLEYS AS SHOWN ON THE PLAT OF THE TOWN OF FALCON.

NET ACREAGE IS GROSS ACREAGE MINUS THE 60' R/W's OF EASTONVILLE ROAD AND MEDIAN ROAD AND DEDICATED AREAS WITHIN THE TOWN OF FALCON, LYING WITHIN THESE PARCELS.

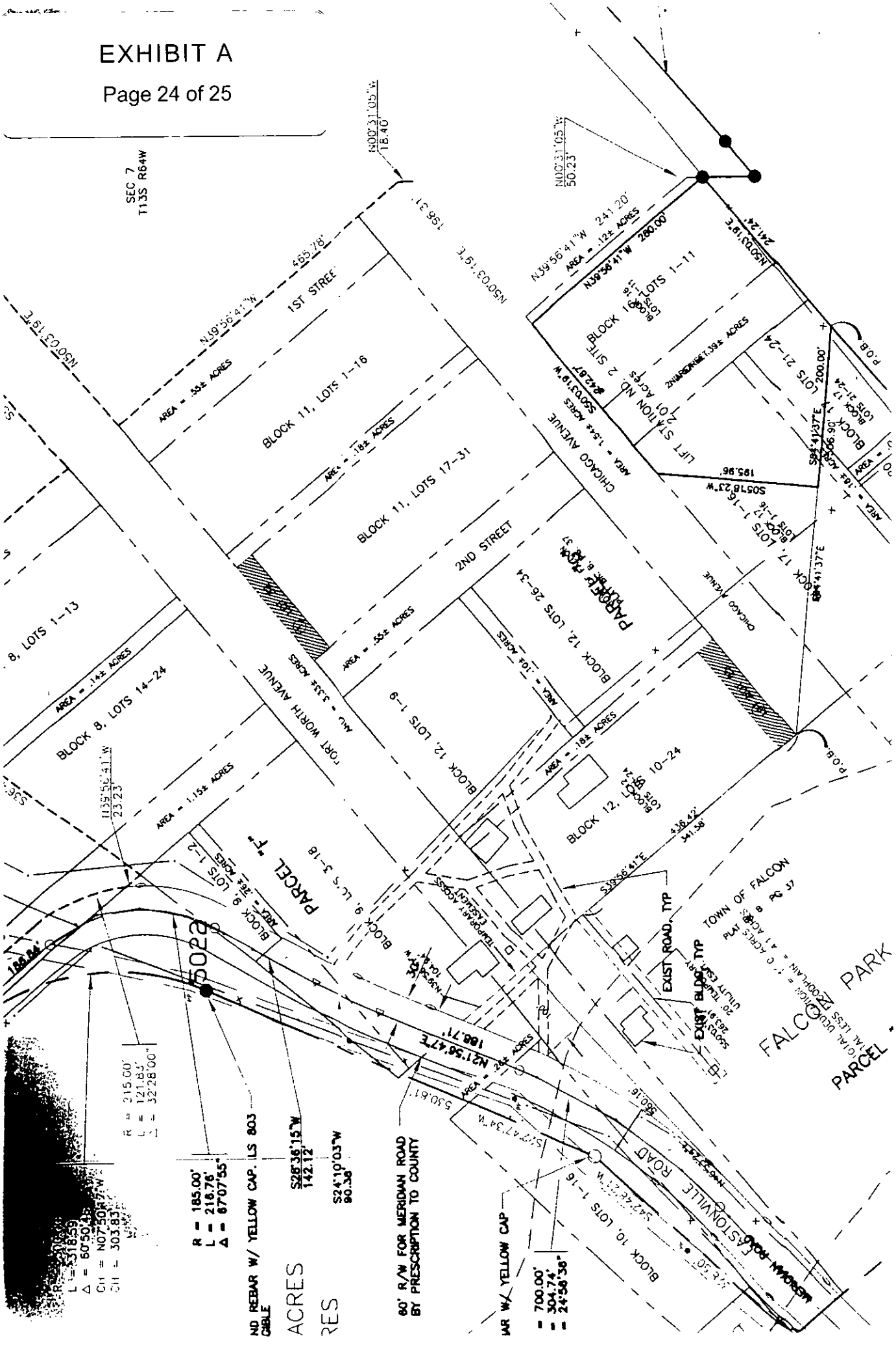
EXHIBIT A

PARCELS "E" & "F" & "G"

1" = 100'

100 0 100

EXHIBIT A


SEC 7
T13S R64W
N00°31'05"W
16.40'
N00°31'05"W
50.23'
N39°56'41"W 241.20'
AREA = .12± ACRES
N39°56'41"W 280.00'
N50°03'19"E
241.24'
N39°56'41"W
465.78'
1ST STREET
AREA = .55± ACRES
BLOCK 11, LOTS 1-16
AREA = .18± ACRES
BLOCK 11, LOTS 17-31
2ND STREET
CHICAGO AVENUE
AREA = 1.54± ACRES
S50°03'19"W
242.87'
LIFT STATION NO. 2
.201 ACRES
BLOCK 18, LOTS 1-11
LOTS 21-24
LOTS 1-16
195.96'
S50°18'23"W
BLOCK 17, LOTS 1-16
S24°41'37"E
BLOCK 8, LOTS 1-13
AREA = .14± ACRES
BLOCK 8, LOTS 14-24
AREA = 1.15± ACRES
FORT WORTH AVENUE
AREA = 3.33± ACRES
PARCEL "A"
BLOCK 12, LOTS 26-34
BLOCK 12, LOTS 1-9
AREA = .18± ACRES
BLOCK 12, LOTS 10-24
N39°56'41"W
233.23'
PARCEL "F"
BLOCK 9, LOTS 1-2
BLOCK 9, LOTS 3-18
TEMPORARY ACCESS EASEMENT
EXIST ROAD, TYP
EXIST BLDG, TYP
TOWN OF FALCON
PLAT B PG 37
FALCON PARK
PARCEL
N21°36'47"E
188.71'
S26°36'15"W
142.12'
S24°10'03"W
90.38'
R = 185.00'
L = 218.76'
Δ = 67°07'55"
R = 215.00'
L = 121.85'
Δ = 32°28'00"
CH = N07°50'47"W
CH = 303.83'
L = 231.59'
Δ = 60°50'43"
60' R/W FOR MERIDIAN ROAD
BY PRESCRIPTION TO COUNTY
EASTONVILLE ROAD
S42°47'34"W
530.61'
BLOCK 10, LOTS 1-16
= 700.00'
= 304.74'
= 24°56'36"
ND REBAR W/ YELLOW CAP
CABLE
ACRES
RES
AR W/ YELLOW CAP

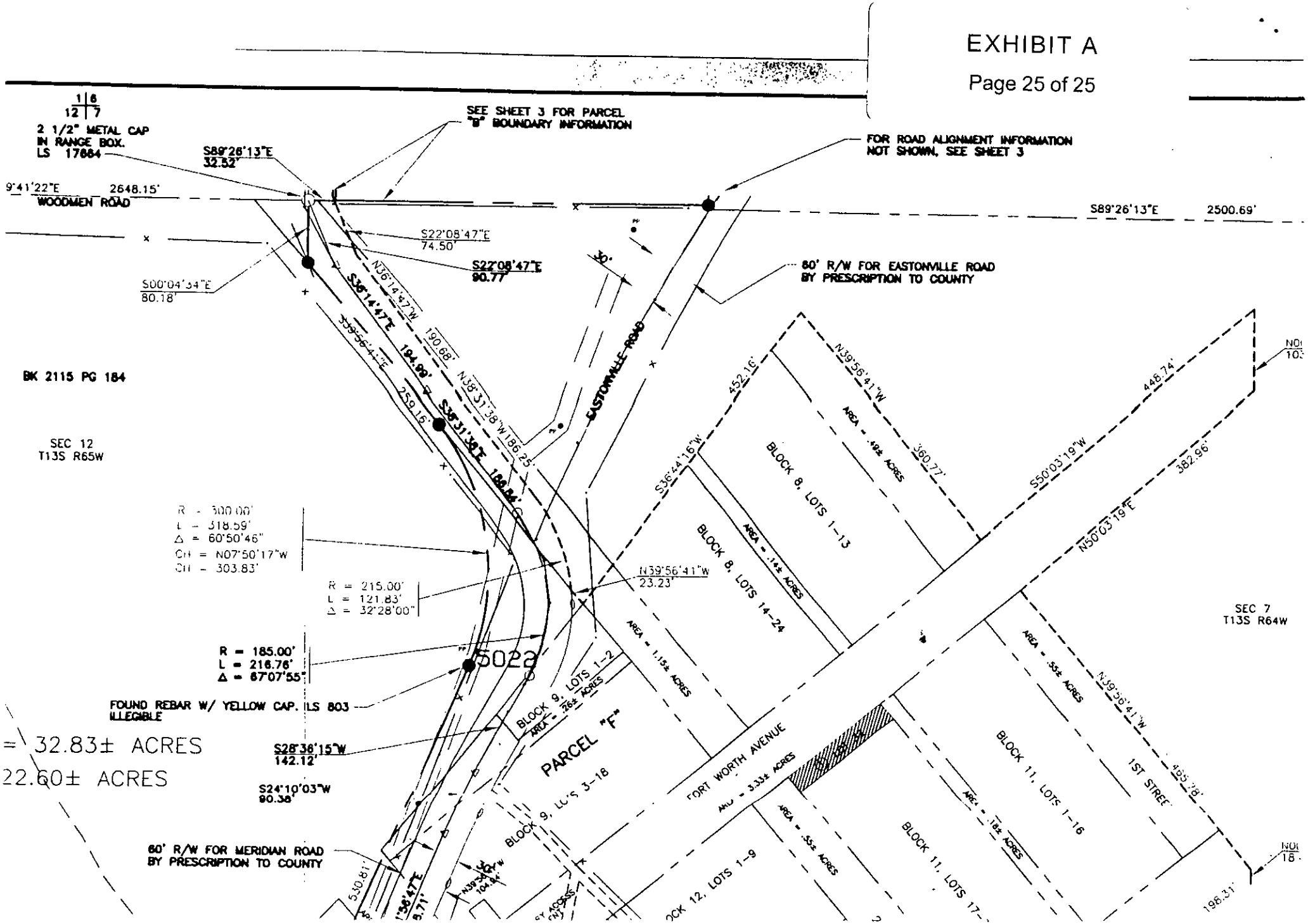

SEE SHEET 3 FOR PARCEL "B" BOUNDARY INFORMATION
FOR ROAD ALIGNMENT INFORMATION NOT SHOWN, SEE SHEET 3
2 1/2" METAL CAP IN RANGE BOX. LS 17884
S89°26'13"E 32.52'
9°41'22"E 2648.15'
WOODMEN ROAD
S89°26'13"E 2500.69'
S22°08'47"E 74.50'
S22°08'47"E 90.77'
S00°04'34"E 80.18'
60' R/W FOR EASTONVILLE ROAD BY PRESCRIPTION TO COUNTY
N36°14'47"W 190.68'
S36°14'47"E 194.99'
S39°56'41"E 259.15'
N39°31'38"W 186.25'
EASTONVILLE ROAD
BK 2115 PG 184
SEC 12
T13S R65W
452.16'
N39°56'41"W
AREA = .49± ACRES
360.77'
S36°44'16"W
BLOCK 8, LOTS 1-13
448.74'
S50°03'19"W
382.96'
N50°03'19"E
BLOCK 8, LOTS 14-24
AREA = .14± ACRES
N39°56'41"W 23.23'
AREA = 1.15± ACRES
R = 300.00'
L = 318.59'
Δ = 60°50'46"
CH = N07°50'17"W
CH = 303.83'
R = 215.00'
L = 121.83'
Δ = 32°28'00"
R = 185.00'
L = 216.76'
Δ = 67°07'55"
5022
FOUND REBAR W/ YELLOW CAP. LS 803 ILLEGIBLE
= 32.83± ACRES
22.60± ACRES
S28°36'15"W 142.12'
S24°19'03"W 90.38'
BLOCK 9, LOTS 1-2
AREA = .76± ACRES
PARCEL "F"
BLOCK 9, LOTS 3-18
FORT WORTH AVENUE
AREA = 3.33± ACRES
SEC 7
T13S R64W
AREA = .53± ACRES
N39°56'41"W
BLOCK 11, LOTS 1-16
1ST STREET
AREA = .16± ACRES
AREA = .55± ACRES
BLOCK 11, LOTS 17-
60' R/W FOR MERIDIAN ROAD BY PRESCRIPTION TO COUNTY
510.81'
198.31'

EXHIBIT B

128-BD

APPLICANT: **WOODMEN HILLS**

AQUIFER: **DENVER**

WELL NUMBER	1/4	1/4	SEC	TWP	RNG	AF	ST	SY	RADIUS	AREA
					Area A					
15035-F	SE	NE	12	13S	65W	36	285	17%	1015	2.
					Area B					
11335-FP	SW	SE	1	13S	65W	55	295	17%	1233	39.

WELL NUMBER = WELL PERMIT NUMBER OR WATER COURT CASE AND WELL NUMBER

AF = THE ANNUAL APPROPRIATION OF THE WELL IN ACRE-FEET

ST = THICKNESS OF THE SATURATED AQUIFER MATERIAL AT THE WELL LOCATION IN FEET

SY = SPECIFIC YIELD OF THE SATURATED AQUIFER MATERIAL AT THE WELL LOCATION AS A PERCENT

RADIUS = IS THE RADIUS OF THE CYLINDER OF APPROPRIATION IN FEET

AREA = THE AREA OF THE APPLICANTS' LAND THAT IS OVERLAPPED BY THE CYLINDER OF APPROPRIATION IN ACRES.

11335-FP is completed to withdraw ground water from both the Denver and Dawson aquifers. The proportion of appropriation from each aquifer is based on the interval of the aquifer through which the well is completed. Information from the Geo-Tech section within the Office of the State Engineer was used to determine the aquifer intervals.

The cylinder protects the annual appropriation indicated in the final permit for **11335-FP**, and the claimed annual appropriation for **15035-F**. Calculation of such a cylinder for **15035-F** does not constitute staff clarification or Commission final determination of any water right associated with the well. The timely beneficial use and annual appropriation claimed for this well – the amount used in the cylinder calculation - are based on the well owner's statements.

The actual allowed permitted appropriation amount for the well with permit number **15035-F** will require more complete beneficial use data and clarification, and is subject to verification by the Ground Water Commission and publication for public review prior to issuance of a final permit.

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

July 3, 2006

Bill Owens
Governor

Russell George
Executive Director

Hal D. Simpson, P.E.
State Engineer

Woodmen Hills Metropolitan District
PMB#205
7643 McLaughlin Road
Falcon, CO 80831

RE: Determination of Water Right

Dear Mr. Green:

Enclosed is a copy of the Colorado Ground Water Commission's Findings and Order for the Change of Determinations of Water Right Nos. 127-BD & 131-BD, to change the place of use of ground water. This Findings and Order is the Commission's approval of your application to change the conditions of the above-stated determinations of water right. This document contains important information about your water right and should be reviewed and retained for your records.

It is recommended that the applicant record a copy of this change of determinations 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 these changes to the determination. An additional copy of the Findings and Order is enclosed for this purpose.

If you have any questions, please contact this office.

Sincerely,

Sarah K. Reinsel

Sarah K. Reinsel, E.I.T.
Water Resources Engineer
Designated Basins Branch

Enclosures: a/s

Cc: UBSC GWMD

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COLORADO GROUND WATER COMMISSION
FINDINGS AND ORDER

IN THE MATTER OF AN APPLICATION FOR CHANGE OF WATER RIGHT TO CHANGE THE PLACE OF USE OF GROUND WATER - FOR DETERMINATIONS OF WATER RIGHT NOS. **127-BD** AND **131-BD**

APPLICANT: WOODMEN HILLS METROPOLITAN DISTRICT

AQUIFER: ARAPAHOE

FINDINGS

In compliance with Section 37-90-111(1)(g), C.R.S., Woodmen Hills Metropolitan District (hereinafter "applicant") submitted applications for a change of determination of water right to change the place of use of ground water under Determination of Water Right No. 127-BD and Determination of Water Right 131-BD. Based upon information provided by the applicant and the records of the Division of Water Resources, the Colorado Ground Water Commission (hereinafter "Commission") finds as follows:

1. Pursuant to Section 37-90-107(7), C.R.S., in a Commission Findings and Order dated December 21, 2000, the Commission approved a Determination of Water Right for Woodmen Hills Metropolitan District, assigned Determination No. 127-BD. This determination of water right allows the withdrawal of ground water from the Arapahoe Aquifer (hereinafter "aquifer") underlying 1151 acres, consisting of two noncontiguous areas generally described as: Area A - 1112 acre tract located in the S½ of the S½, and in the NE¼ of the SE¼ of Section 31, and in the W½ of the SW¼ of Section 32, all in Township 12 South, Range 64 West of the 6th P.M., and all of that part of Section 6 lying north and west of the Chicago, Rock Island and Pacific Railway Right of Way, and a portion of that part of the NW¼ of Section 7 lying north and west of the Chicago, Rock Island and Pacific Railway Right of Way, all in Township 13 South, Range 64 West of the 6th P.M., and in the SE¼ of Section 36,Township 12 South, Range 65 West of the 6th P.M., and in the N½ of the NE¼ of Section 1, Township 13 South, Range 65 West of the 6th Principal Meridian; and Area B - 39 acre tract located in the SW¼ of the SE¼ of Section 1, Township 13 South, Range 65 West of the 6th P.M., in El Paso County. These areas are more completely described in Exhibit A of the above described Findings and Order.

2. a. In accordance with the above Order, the allowed average annual amount of ground water to be withdrawn from the aquifer shall not exceed the following amounts: Area A = 189 acre-feet; Area B = 6.6 acre-feet.

   b. The place of use for this allocation of ground water is the above-described 1151-acre overlying land area.

   c. The allowed intended beneficial uses for this allocation are: industrial, commercial, municipal, irrigation, and replacement.

3. Pursuant to Section 37-90-107(7), C.R.S., in a Commission Findings and Order dated December 21, 2000, the Commission approved a Determination of Water Right for Falcon Properties and Investment, LLP, assigned Determination No. 131-BD. This determination of water right allows the withdrawal of ground water from the Arapahoe Aquifer underlying 536.25 acres generally described as the N½, and the N½ of the SW¼, and the NW¼ of the SE¼ of Section 31, and the W½ of the NW¼ of Section 32, and that part of the E½ of the NW¼ and that part of the NW¼ of the NE¼ of Section 32 lying west of Eastonville Road, all in Township 12 South, Range 64 West of the 6th P.M., in El Paso County. This area is more completely described in Exhibit A of the above described Findings and Order.

4. a. In accordance with the above Order, the allowed average annual amount of ground water to be withdrawn from the aquifer shall not exceed 173 acre-feet.

   b. The place of use for this allocation of ground water is the above-described 536.25-acre overlying land area.

   c. The allowed intended beneficial uses for this allocation are: domestic, commercial, industrial, irrigation, and replacement, and a central supply system for these uses.

5. By Order of the Commission dated October 18, 2002, the Commission approved changes of water rights requested by Woodmen Hills Metropolitan District and Falcon Properties and Investment, LLP, to combine water rights and associated allocations and to change the place of use, allowed beneficial uses, and well placement for Determination of Water Right No. 127-BD and Determination of Water Right 131-BD.

6. a. In accordance with the above Order, the combined average annual amount of ground water to be withdrawn from the aquifer underlying the above-described 1112-acre land area of Area A and the 536.25-acre overlying land area shall not exceed 362 acre-feet. The 6.6-acre-foot allocation for the above-described 39 acres of Area B may also be combined and withdrawn in accordance with the above Order, subject the conditions of Paragraph 25.a of the Order for Determination No. 127-BD.

   b. The place of use for this allocation of ground water is a 1687.25-acre land area, consisting of the above described 1112 acres of Area A, the 39 acres of Area B, and the 536.25 land area.

   c. The allowed intended beneficial uses for this allocation are: municipal, domestic, commercial, industrial, irrigation, and replacement, with municipal use limited to use by the Woodmen Hills Metropolitan District

   d. Wells withdraw the combined annual amount of ground water shall be located on a 1648.25 acre land area consisting of the above-described 1112 acre overlying land area of Area A and the above-described 536.25-acre land area.

7. 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, subject to adjustment by the Commission to conform to actual site-specific aquifer characteristics.

8. a. By applications for change of determination of water right received complete by the Commission on June 22, 2005, the applicant has requested to change the place of use of the subject determinations of water rights to 1970.95 acres consisting of the above-described 1687.25 acre place of use area and three additional areas totaling 283.7 acres and generally described as follows:

   - a 193.7-acre tract in the S½ of the NW¼ and a portion of the SW¼ of Section 1, more completely described in Exhibit A of Determination No. 372-BD;

   - a 40-acre tract in the S½ of the S½ of the NE¼ of Section 1, Township 13 South, Range 65 West of the 6th P.M., more completely described in Exhibit A of Determination No. 561-BD;

   - and a 50-acre tract in the W½ of the SW¼ of Section 7, Township 13 South, Range 65 West of the 6th P.M., more completely described in Exhibit A of Determination No. 48-BD.

   b. The applicant has also requested to change the allowed beneficial uses to the following: domestic, livestock watering, irrigation, commercial, industrial, replacement supply, and municipal water supply provided by the Woodmen Hills Metropolitan District.

   c. The applicant has provided evidence that agreements exist between Woodmen Hills Metropolitan District and the landowners of the place of use areas as described above to provide water from this allocation for the allowed intended beneficial uses on each of the subject land areas.

9. The above-described 1687.25-acre overlying land area and three additional place of use areas totaling 283.7 acres are located within the boundaries of the Upper Black Squirrel Creek Designated Ground Water Basin and within the Upper Black Squirrel Creek Ground Water Management District (hereinafter "District"). The Colorado Ground Water Commission has jurisdiction.

10. On August 23, 2005, the applications were referred to the District for written comments or recommendations in accordance with 37-90-111(3), C.R.S. No written recommendations were received.

11. In accordance with Section 37-90-112(1) and Section 37-90-111(1)(g), C.R.S., the requested change of determination of water right was published in the Ranchland News newspaper on September 1 & 8, 2005.

12. a. On September 23, 2005, an objection to the application was received from the Upper Black Squirrel Creek Ground Water Management District ("objector"), and assigned Case No. 05-GW-19. No other objection to the proposed determination of water right was received within the time limit set by statute.

    b. On March 1, 2006, the applicant and objector reached a settlement and signed a stipulated agreement.

    c. On March 1, 2006, prior to an administrative hearing in this case, the objector withdrew its objection.

    d. By Order of the Commission Hearing Officer dated February 24, 2006, Case No. 05-GW-19 was dismissed, effective March 1, 2006.

13. In accordance with Section 37-90-111(1)(g), C.R.S., and the Designated Basin Rules, 2 CCR 410-1, the Colorado Ground Water Commission finds that the proposed change of determination of water right will not cause material injury to the existing rights of other appropriators within the Upper Black Squirrel Creek Designated Ground Water Basin, subject to the conditions stated in the following Order.

ORDER

Now, therefore, the Colorado Ground Water Commission orders that the applications for change of water right to change the place of use of ground water for Determination of Water Right No. 127-BD and Determination of Water Right 131-BD are approved, subject to the following conditions:

12. The place of use of ground water shall be limited to 1970.95 acres consisting of the above-described 1687.25 original place of use area and three additional areas totaling 283.7 acres and generally described as follows:

    - a 193.7-acre tract in the S½ of the NW¼ and a portion of the SW¼ of Section 1, more completely described in Exhibit A of Determination No. 372-BD;

    - a 40-acre tract in the S½ of the S½ of the NE¼ of Section 1, Township 13 South, Range 65 West of the 6th P.M., more completely described in Exhibit A of Determination No. 561-BD;

    - and a 50-acre tract in the W½ of the SW¼ of Section 7, Township 13 South, Range 65 West of the 6th P.M., more completely described in Exhibit A of Determination No. 48-BD.

14. The Commission's Findings and Order of October 18, 2002, for Determinations of Water Right Nos. 127-BD and 131-BD, is hereby amended to incorporate the above change. All other terms and conditions in the Findings and Order for Determinations of Water Right Nos. 127-BD and 131-BD shall remain in full force and effect.

Dated this 3rd day of July, 2006.

Hal D. Simpson
Executive Director
Colorado Ground Water Commission

By: Keith Vander Horst
Keith Vander Horst, P.E.
Designated Basins Chief

Prepared by: SKR

STATE OF COLORADO

OFFICE OF THE STATE ENGINEER
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July 3, 2006

Bill Owens
Governor

Russell George
Executive Director

Hal D. Simpson, P.E.
State Engineer

Woodmen Hills Metropolitan District
PMB#205
7643 McLaughlin Road
Falcon, CO 80831

RE: Determination of Water Right

Dear Mr. Green:

Enclosed is a copy of the Colorado Ground Water Commission's Findings and Order for the Change of Determinations of Water Right Nos. 126-BD & 130-BD, to change the place of use of ground water. This Findings and Order is the Commission's approval of your application to change the conditions of the above-stated determinations of water right. This document contains important information about your water right and should be reviewed and retained for your records.

It is recommended that the applicant record a copy of this change of determinations 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 these changes to the determination. An additional copy of the Findings and Order is enclosed for this purpose.

If you have any questions, please contact this office.

Sincerely,

Sarah K. Reinsel

Sarah K. Reinsel, E.I.T.
Water Resources Engineer
Designated Basins Branch

Enclosures: a/s

Cc: UBSC GWMD

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COLORADO GROUND WATER COMMISSION
FINDINGS AND ORDER

IN THE MATTER OF AN APPLICATION FOR CHANGE OF WATER RIGHT TO CHANGE THE PLACE OF USE OF GROUND WATER - FOR DETERMINATIONS OF ~~WATER RIGHT NOS.~~ **126-BD** AND **130-BD**

APPLICANT: WOODMEN HILLS METROPOLITAN DISTRICT

AQUIFER: LARAMIE-FOX HILLS

FINDINGS

In compliance with Section 37-90-111(1)(g), C.R.S., Woodmen Hills Metropolitan District (hereinafter "applicant") submitted applications for a change of determination of water right to change the place of use of ground water under Determination of Water Right No. 126-BD and Determination of Water Right 130-BD. Based upon information provided by the applicant and the records of the Division of Water Resources, the Colorado Ground Water Commission (hereinafter "Commission") finds as follows:

1. Pursuant to Section 37-90-107(7), C.R.S., in a Commission Findings and Order dated December 21, 2000, the Commission approved a Determination of Water Right for Woodmen Hills Metropolitan District, assigned Determination No. 126-BD. This determination of water right allows the withdrawal of ground water from the Laramie-Fox Hills Aquifer (hereinafter "aquifer") underlying 1151 acres, consisting of two noncontiguous areas generally described as: Area A - 1112 acre tract located in the S½ of the S½, and in the NE¼ of the SE¼ of Section 31, and in the W½ of the SW¼ of Section 32, all in Township 12 South, Range 64 West of the 6th P.M., and all of that part of Section 6 lying north and west of the Chicago, Rock Island and Pacific Railway Right of Way, and a portion of that part of the NW¼ of Section 7 lying north and west of the Chicago, Rock Island and Pacific Railway Right of Way, all in Township 13 South, Range 64 West of the 6th P.M., and in the SE¼ of Section 36,Township 12 South, Range 65 West of the 6th P.M., and in the N½ of the NE¼ of Section 1, Township 13 South, Range 65 West of the 6th Principal Meridian; and Area B - 39 acre tract located in the SW¼ of the SE¼ of Section 1, Township 13 South, Range 65 West of the 6th P.M., in El Paso County. These areas are more completely described in Exhibit A of the above described Findings and Order.

2. a. In accordance with the above Order, the allowed average annual amount of ground water to be withdrawn from the aquifer shall not exceed the following amounts: Area A = 325 acre-feet; Area B = 10.8 acre-feet.

   b. The place of use for this allocation of ground water is the above-described 1151-acre overlying land area.

   c. The allowed intended beneficial uses for this allocation are: industrial, commercial, municipal, irrigation, and replacement.

3. Pursuant to Section 37-90-107(7), C.R.S., in a Commission Findings and Order dated December 21, 2000, the Commission approved a Determination of Water Right for Falcon Properties and Investment, LLP, assigned Determination No. 130-BD. This determination of water right allows the withdrawal of ground water from the Laramie-Fox Hills Aquifer underlying 536.25 acres generally described as the N½, and the N½ of the SW¼, and the NW¼ of the SE¼ of Section 31, and the W½ of the NW¼ of Section 32, and that part of the E½ of the NW¼ and that part of the NW¼ of the NE¼ of Section 32 lying west of Eastonville Road, all in Township 12 South, Range 64 West of the 6th P.M., in El Paso County. This area is more completely described in Exhibit A of the above described Findings and Order.

4. a. In accordance with the above Order, the allowed average annual amount of ground water to be withdrawn from the aquifer shall not exceed 145 acre-feet.

   b. The place of use for this allocation of ground water is the above-described 536.25-acre overlying land area.

   c. The allowed intended beneficial uses for this allocation are: domestic, commercial, industrial, irrigation, and replacement, and a central supply system for these uses.

5. By Order of the Commission dated October 18, 2002, the Commission approved changes of water rights requested by Woodmen Hills Metropolitan District and Falcon Properties and Investment, LLP, to combine water rights and associated allocations and to change the place of use, allowed beneficial uses, and well placement for Determination of Water Right No. 126-BD and Determination of Water Right 130-BD.

6. a. In accordance with the above Order, the combined average annual amount of ground water to be withdrawn from the aquifer underlying the above-described 1112-acre land area of Area A and the 536.25-acre overlying land area shall not exceed 470 acre-feet. The 10.8-acre-foot allocation for the above-described 39 acres of Area B may also be combined and withdrawn in accordance with the above Order, subject the conditions of Paragraph 25.a of the Order for Determination No. 126-BD.

   b. The place of use for this allocation of ground water is a 1687.25-acre land area, consisting of the above described 1112 acres of Area A, the 39 acres of Area B, and the 536.25 land area.

   c. The allowed intended beneficial uses for this allocation are: municipal, domestic, commercial, industrial, irrigation, and replacement, with municipal use limited to use by the Woodmen Hills Metropolitan District

   d. Wells withdraw the combined annual amount of ground water shall be located on a 1648.25 acre land area consisting of the above-described 1112 acre overlying land area of Area A and the above-described 536.25-acre land area.

7. 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, subject to adjustment by the Commission to conform to actual site-specific aquifer characteristics.

8. a. By applications for change of determination of water right received complete by the Commission on June 22, 2005, the applicant has requested to change the place of use of the subject determinations of water rights to 1970.95 acres consisting of the above-described 1687.25 acre place of use area and three additional areas totaling 283.7 acres and generally described as follows:

   - a 193.7-acre tract in the S½ of the NW¼ and a portion of the SW¼ of Section 1, more completely described in Exhibit A of Determination No. 371-BD;

   - a 40-acre tract in the S½ of the S½ of the NE¼ of Section 1, Township 13 South, Range 65 West of the 6th P.M., more completely described in Exhibit A of Determination No. 560-BD;

   - and a 50-acre tract in the W½ of the SW¼ of Section 7, Township 13 South, Range 65 West of the 6th P.M., more completely described in Exhibit A of Determination No. 48-BD.

   b. The applicant has also requested to change the allowed beneficial uses to the following: domestic, livestock watering, irrigation, commercial, industrial, replacement supply, and municipal water supply provided by the Woodmen Hills Metropolitan District.

   c. The applicant has provided evidence that agreements exist between Woodmen Hills Metropolitan District and the landowners of the place of use areas as described above to provide water from this allocation for the allowed intended beneficial uses on each of the subject land areas.

9. The above-described 1687.25-acre overlying land area and three additional place of use areas totaling 283.7 acres are located within the boundaries of the Upper Black Squirrel Creek Designated Ground Water Basin and within the Upper Black Squirrel Creek Ground Water Management District (hereinafter "District"). The Colorado Ground Water Commission has jurisdiction.

10. On August 23, 2005, the applications were referred to the District for written comments or recommendations in accordance with 37-90-111(3), C.R.S. No written recommendations were received.

11. In accordance with Section 37-90-112(1) and Section 37-90-111(1)(g), C.R.S., the requested change of determination of water right was published in the Ranchland News newspaper on September 1 & 8, 2005.

12. a. On September 23, 2005, an objection to the application was received from the Upper Black Squirrel Creek Ground Water Management District ("objector"), and assigned Case No. 05-GW-19. No other objection to the proposed determination of water right was received within the time limit set by statute.

    b. On March 1, 2006, the applicant and objector reached a settlement and signed a stipulated agreement.

    c. On March 1, 2006, prior to an administrative hearing in this case, the objector withdrew its objection.

    d. By Order of the Commission Hearing Officer dated February 24, 2006, Case No. 05-GW-19 was dismissed, effective March 1, 2006.

13. In accordance with Section 37-90-111(1)(g), C.R.S., and the Designated Basin Rules, 2 CCR 410-1, the Colorado Ground Water Commission finds that the proposed change of determination of water right will not cause material injury to the existing rights of other appropriators within the Upper Black Squirrel Creek Designated Ground Water Basin, subject to the conditions stated in the following Order.

ORDER

Now, therefore, the Colorado Ground Water Commission orders that the applications for change of water right to change the place of use of ground water for Determination of Water Right No. 126-BD and Determination of Water Right 130-BD are approved, subject to the following conditions:

14. The place of use of ground water shall be limited to 1970.95 acres consisting of the above-described 1687.25 original place of use area and three additional areas totaling 283.7 acres and generally described as follows:

    - a 193.7-acre tract in the S½ of the NW¼ and a portion of the SW¼ of Section 1, more completely described in Exhibit A of Determination No. 371-BD;

    - a 40-acre tract in the S½ of the S½ of the NE¼ of Section 1, Township 13 South, Range 65 West of the 6th P.M., more completely described in Exhibit A of Determination No. 560-BD;

    - and a 50-acre tract in the W½ of the SW¼ of Section 7, Township 13 South, Range 65 West of the 6th P.M., more completely described in Exhibit A of Determination No. 48-BD.

15. The Commission's Findings and Order of October 18, 2002, for Determinations of Water Right Nos. 126-BD and 130-BD, is hereby amended to incorporate the above change. All other terms and conditions in the Findings and Order for Determinations of Water Right Nos. 126-BD and 130-BD shall remain in full force and effect.

Dated this 3rd day of July, 2006.

Hal D. Simpson
Executive Director
Colorado Ground Water Commission

By: Keith Vander Horst
Keith Vander Horst, P.E.
Designated Basins Chief

Prepared by: SKR

STATE OF COLORADO

OFFICE OF THE STATE ENGINEER
Division of Water Resources
Department of Natural Resources

1313 Sherman Street, Room 818
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June 24, 2003

Bill Owens
Governor

Greg E. Walcher
Executive Director

Hal D. Simpson, P.E.
State Engineer

GTL DEVELOPMENT INC
& B.I.G. PARTNERS LTD
11720 WOODMEN HILLS DR
FALCON CO 80831

RE: Determination of Water Right No. 229-BD,
Applicants: GTL Development, Inc. & B.I.G. Partners, Ltd.

Enclosed is a copy of the Ground Water Commission's Findings and Order for change of water right for Determination of Water Right No. 229-BD, to change the allowed beneficial uses and place of use of ground water under the subject determination.

This Findings and Order are the Commission's approval of the applicants' application request. This document contains important information about the subject water right and should be retained by the applicants for their records.

Please be advised, as indicated in the above Order, prior to the withdrawal and use of this allocation of ground water, the well owner(s) shall provide an engineering accounting plan, acceptable to the Commission, that specifically demonstrates how the Cherokee Metropolitan District portion of the ground water will be limited in place of use to only this district's water service area located within the Upper Black Squirrel Creek Designated Ground Water Basin.

Additionally, prior to withdrawal of ground water, the well owner(s) shall construct an infiltration gallery or similar structure, acceptable to the Commission, to return the required amount of replacement ground water to the alluvial aquifer located within the W1/2 of Section 30, Township 12 South, Range 62 West of the 6th Principal Meridian.

If you have any questions, please call me at this office.

Sincerely,

Richard Cooper
Physical Science Researcher Scientist
Designated Basins Branch

Enclosures: a/s
cc: Peter M. Susemihl – Susemihl, McDormott, Miller & Cowan
Upper Black Squirrel Creek GWMD

COLORADO GROUND WATER COMMISSION
FINDINGS AND ORDER

IN THE MATTER OF AN APPLICATION FOR CHANGE OF WATER RIGHT TO CHANGE THE ALLOWED BENEFICIAL USES AND PLACE OF USE OF GROUND WATER - FOR DETERMINATION OF WATER RIGHT NO. 229-BD

APPLICANT: GTL DEVELOPMENT, INC., & B.I.G. PARTNERS, LTD.

AQUIFER: ARAPAHOE

FINDINGS

In compliance with Section 37-90-111(1)(g), CRS, GTL Development, Inc., and B.I.G. Partners, Ltd., (hereinafter "applicants") submitted an application for a change of determination of water right to change the allowed beneficial uses and place of use of ground water under Determination of Water Right No. 229-BD. Based upon information provided by the applicants and the records of the Division of Water Resources, the Ground Water Commission finds as follows:

1. Pursuant to Section 37-90-107(7), CRS, in a Ground Water Commission Findings and Order dated October 18, 2001, the Commission approved a Determination of Water Right for GTL Development, Inc., and B.I.G. Partners, Ltd., assigned Determination No. 229-BD. This determination of water right allows the appropriation of ground water from the Arapahoe aquifer (hereinafter "aquifer"), underlying 1520 acres consisting of three noncontiguous tracts of land generally described as: Area A – a 600 acre tract described as all of Section 30 excluding the SE1/4 of the SW1/4; Area B – a 840 acre tract located in the E1/2 of the SW1/4 and the NW1/4 of Section 28, the N1/2, the N1/2 of the SW1/4 and the N1/2 of the S1/2 of the SW1/4 of Section 29 and the NW1/4 of Section 33; and Area C – a 80 acre tract located in the N1/2 of the NW1/4 of Section 32; all in Township 12 South, Range 62 West of the 6th Principal Meridian. This area is more completely described in Exhibit A of the above described Findings and Order.

2. In accordance with Paragraphs 19, 20, and 24(a) of the above Order, the allowed average annual amount of ground water to be withdrawn from the aquifer shall not exceed 194 acre-feet for Area A, 264 acre-feet for Area B, and 23.1 acre-feet for Area C, to be used on the above described 1520 acre area for the following beneficial uses: domestic, livestock watering, irrigation, commercial and replacement supply.

3. Pursuant to Section 37-90-107(7)(c)(III), CRS, an approved determination of water right shall be considered a final determination of the amount of ground water so determined, subject to adjustment by the Commission to conform to actual site-specific aquifer characteristics.

4. By an application for change of determination of water right - received complete by the Commission on October 15, 2001 - the applicants have requested to change the allowed beneficial uses to municipal, irrigation, domestic, fire protection, livestock, commercial, industrial, and replacement purposes; and change the place of use to the following:

a) The applicants will deliver a portion of the ground water from the allocations to Woodmen Hills Metropolitan District and to Meridian Ranch Metropolitan District & Meridian Service Metropolitan District. The water will be used by each district within their respective water supply service area generally described as follows: Woodmen Hills Metropolitan District – Section 31 and part of Section 32, all in Township 12 South, Range 64 West of the 6th P.M., part of Section 6 and Section 7, all in Township 13 South, Range 64 West of the 6th P.M., part of Section 36, Township 12 South, Range 65 West of the 6th P.M., and part of Section 1, Township 13 South, Range 65 West of the 6th P.M.; Meridian Ranch Metropolitan District & Meridian Service Metropolitan District – Section 19, Section 20, part of Section 21, part of Section 28, part of Section 29, and Section 30, all in Township 12 South, Range 64 West of the 6th P.M. Such water will be delivered to these districts through the Cherokee Metropolitan District water supply system.

b) The applicants will directly transfer a portion of the ground water to the Cherokee Metropolitan District. This portion of water from the allocations will be used within the Cherokee Metropolitan District water service area located within the boundaries of the Upper Black Squirrel Creek Designated Ground Water Basin. No use of ground water from this district's portion of these allocations will occur outside this basin.

5. The above described 1520 acre land area is located in the Upper Black Squirrel Creek Designated Ground Water Basin and within the Upper Black Squirrel Creek Ground Water Management District. The Ground Water Commission has jurisdiction.

6. On February 6, 2002, a letter was sent to the Upper Black Squirrel Creek Ground Water Management District requesting recommendations concerning this application. Written recommendations from the district were received on March 14, 2002, in the form of an objection.

7. In accordance with Section 37-90-112(1) and Section 37-90-111(1)(g), CRS, the requested change of determination water right was advertised in The Gazette newspaper on February 14 and 21, 2002.

8. a. On March 14, 2002, an objection to the application was received from the Upper Black Squirrel Creek Ground Water Management District ("objector"), and assigned Case No. 02-GW-06. No other objection to the proposed change was received within the time limit set by statute.

   b. Prior to a hearing in this case, the objector withdrew their objection to the application pursuant to a stipulation between the applicants and objector. By Order of the Commission Hearing Officer dated September 25, 2002, Case No. 02-GW-06 was dismissed and remanded to the Commission staff to take whatever administrative action it deemed necessary.

9. In accordance with Section 37-90-111(1)(g), CRS, and the Designated Basin Rules, the Colorado Ground Water Commission finds that the proposed change of determination of water right will not cause material injury to the existing rights of other appropriators within the Upper Black Squirrel Creek Designated Ground Water Basin, subject to the conditions stated in the following Order.

ORDER

10. Now, therefore, it is ordered that the request for change of water right to change the allowed beneficial uses and place of use of ground water for Determination of Water Right No. 229-BD is approved, subject to the following conditions:

11. The use of ground water shall be limited to the following: municipal, irrigation, domestic, fire protection, livestock, commercial, industrial, and replacement purposes. Municipal use may only occur within the water services areas of the Woodmen Hills Metropolitan District, Meridian Ranch Metropolitan District, Meridian Service Metropolitan District, and the Cherokee Metropolitan District.

12. Place of use of ground water shall be limited to the following:

    a) The applicants will deliver a portion of the ground water from these allocations to Woodmen Hills Metropolitan District and to Meridian Ranch Metropolitan District & Meridian Service Metropolitan District. The water will be used by each district within their respective water supply service area generally described as follows: Woodmen Hills Metropolitan District – Section 31 and part of Section 32, all in Township 12 South, Range 64 West of the 6th P.M., part of Section 6 and Section 7, all in Township 13 South, Range 64 West of the 6th P.M., part of Section 36, Township 12 South, Range 65 West of the 6th P.M., and part of Section 1, Township 13 South, Range 65 West of the 6th P.M.; Meridian Ranch Metropolitan District & Meridian Service Metropolitan District – Section 19, Section 20, part of Section 21, part of Section 28, part of Section 29, and Section 30, all in Township 12 South, Range 64 West of the 6th P.M. Such water will be delivered to these districts through the Cherokee Metropolitan District water supply system.

    b) The applicants will directly transfer a portion of the ground water to the Cherokee Metropolitan District. This portion of water from the allocations will be used within the Cherokee Metropolitan District water service area located within the boundaries of the Upper Black Squirrel Creek Designated Ground Water Basin. No use of ground water from this district's portion of these allocations shall occur outside this basin.

13. Prior to the withdraw and use of this allocation of ground water, the well owner(s) shall provide an engineering accounting plan, acceptable to the Commission, that specifically demonstrates how the Cherokee Metropolitan District portion of the ground water will be limited in place of use to only this district's water service area located within the Upper Black Squirrel Creek Designated Ground Water Basin.

14. Of the total annual amount of ground water withdrawn annually from the aquifer, at least two percent (2%) of this water must be returned directly to the alluvial aquifer of Black Squirrel Creek in the vicinity of the point(s) of withdrawal. Therefore, prior to the withdrawal and use of this allocation of ground water, the well owner(s) shall construct an infiltration gallery or similar structure, acceptable to the Commission, to return the required amount of replacement ground water to the alluvial aquifer located within the W1/2 of Section 30, Township 12 South, Range 62 West of the 6th Principal Meridian.

15. A totalizing flow meter shall be installed on each well and on the water transport line to the above described infiltration gallery. The well owner(s) shall maintain these flow meters in good working order. Annual diversion records and measurements of annual amount of discharge to the infiltration gallery shall be collected and maintained by the well owner(s) and submitted to the Commission or the Upper Black Squirrel Creek Ground Water Management District Ground Water Management District upon their request.

16. The Commission's Findings and Order of October 18, 2001, for Determination of Water Right No. 229-BD, is hereby amended to incorporate the above changes. All other terms and conditions in the Findings and Order for Determination of Water Right No. 229-BD shall remain in full force and effect.

Dated this 20th day of June, 2003.

Hal D. Simpson
Executive Director
Colorado Ground Water Commission

By: _____
Richard Cooper
Physical Science Researcher Scientist
Designated Basins Branch

FIND-411

COLORADO GROUND WATER COMMISSION
FINDINGS AND ORDER

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

APPLICANTS: GTL DEVELOPMENT INC. AND B.I.G. PARTNERS LTD.

AQUIFER: ARAPAHOE

DETERMINATION NO.: **229-BD**

In compliance with Section 37-90-107(7), C.R.S., and the Designated Basin Rules, 2 CCR 410-1, GTL Development Inc. and B.I.G. Partners Ltd. (hereinafter "applicants") submitted an application for determination of water right to allow the appropriation of ground water from the Arapahoe Aquifer.

FINDINGS

1. The application was received complete by the Ground Water Commission on April 2, 2001.

2. a. The applicants propose to appropriate ground water from the Arapahoe Aquifer (hereinafter "aquifer") underlying 1520 acres consisting of three noncontiguous tracts of land generally described as:

   Area A - a 600 acre tract described as all of Section 30, excluding the SE1/4 of the SW1/4, Township 12 South, Range 62 West of the 6th Principal Meridian;

   Area B - a 840 acre tract located in the E1/2 of the SW1/4 and the NW1/4 of Section 28; the N1/2, the N1/2 of the SW1/4 and the N1/2 of the S1/2 of the SW1/4 of Section 29 and the NW1/4 of Section 33, all in Township 12 South, Range 62 West of the 6th Principal Meridian;

   Area C - a 80 acre tract located in the N1/2 of the NW1/4 of Section 32, Township 12 South, Range 62 West of the 6th Principal Meridian.

   b. According to a signed statement dated March 28, 2001, the applicants own the 1520 acres of land, as further described in said affidavit which is attached hereto as Exhibit A, and claim control of the ground water in the aquifer underlying this property.

3. The proposed annual appropriation is the maximum allowable amount. Any wells permitted to divert ground water from the aquifer would have a maximum pumping rate of 100 g.p.m.

4. The land area overlying the ground water claimed by the applicants is located within the boundaries of the Upper Black Squirrel Creek Designated Ground Water Basin and within the Upper Black Squirrel Creek Ground Water Management District. The Ground Water Commission has jurisdiction.

5. The applicants propose to apply the appropriated ground water to the following beneficial uses: domestic, livestock watering, irrigation, commercial and replacement supply. A central system may deliver the water within the described property for the above uses.

6. The three land areas, designated Area A, Area B and Area C, claimed by the applicants and described in Exhibit A are noncontiguous. A quantification of the amount of ground water in storage in the aquifer and a maximum annual appropriation will be determined specifically for the aquifer underlying each of these areas.

7. The quantity of water in the aquifer underlying each of the above land areas is as follows:

   Area A = 19,380 acre-feet Area B = 26,418 acre-feet Area C = 2516 acre-feet

   These determinations are 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 each of the land areas 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 as follows: Area A = 190 feet; Area B = 185 feet; Area C = 185 feet.

8. At this time, there is no substantial artificial recharge which would affect the aquifer within a one hundred year period.

9. Pursuant to Section 37-90-107(7), C.R.S., and in accordance with the Designated Basin Rules, the Colorado Ground Water Commission shall allocate ground water from the aquifer based on ownership of the overlying land and an aquifer life of one hundred years. Therefore, the maximum annual appropriation which could be allowed pursuant to the data in the paragraphs above for each land area claimed by the applicants is as follows:

   Area A = 194 acre-feet Area B = 264 acre-feet Area C = 25.1 acre-feet

10. 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.

11. Withdrawal of ground water from the aquifer underlying the land claimed by the applicants will not, within one hundred years, deplete the flow of a natural steam 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.

12. In accordance with the Designated Basin Rules, the maximum annual amount available for appropriation for the 80 acre Area C claimed by the applicants is reduced to 23.1 acre-feet to allow for the annual withdrawal of two small capacity wells which are completed in the aquifer, permit numbers 212839 and 212840. Except for these wells, review of the records of the Ground Water Commission has disclosed that none of the water in the aquifer underlying each of the land areas claimed by the applicants has been previously appropriated or permitted for withdrawal.

13. 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 subject to approval by the Commission.

14. On July 12, 2001, a letter was sent to the Upper Black Squirrel Creek Ground Water Management District requesting recommendations concerning this application. No written recommendations from the district were received.

15. The Commission Staff has evaluated the application relying on the claim to control of the ground water in the aquifer made by the applicants.

16. In accordance with Sections 37-90-107(7) and 37-90-112, C.R.S., the application was published in The Gazette newspaper on July 20 and 27, 2001.

17. No objections to the determination of water right and proposed appropriation of ground water were received within the time limit set by statute.

18. In order to prevent injury 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 appropriation 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 and the issuance of well permits to construct wells to withdraw the authorized amount of water from the aquifer.

ORDER

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 orders that the application for determination of water right to allow the appropriation of ground water from the Arapahoe Aquifer underlying 1520 acres consisting of three noncontiguous tract of land generally described as:

Area A - a 600 acre tract described as all of Section 30, excluding the SE1/4 of the SW1/4, Township 12 South, Range 62 West of the 6th Principal Meridian;

Area B - a 840 acre tract located in the E1/2 of the SW1/4 and the NW1/4 of Section 28; the N1/2, the N1/2 of the SW1/4 and the N1/2 of the S1/2 of the SW1/4 of Section 29 and the NW1/4 of Section 33, all in Township 12 South, Range 62 West of the 6th Principal Meridian;

Area C - a 80 acre tract located in the N1/2 of the NW1/4 of Section 32, Township 12 South, Range 62 West of the 6th Principal Meridian.

is approved subject to the following conditions:

19. The allowed average annual amount of water to be withdrawn from the aquifer from each of the above described land areas shall not exceed the following amounts: Area A = 194 acre-feet; Area B = 264 acre-feet; Area C = 23.1 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.

20. To conform to actual aquifer characteristics, the Commission may adjust the allowed average annual appropriation 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 storage was incorrect.

21. 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.

22. The use of ground water from this appropriation shall be limited to the following uses: domestic, livestock watering, irrigation, commercial and replacement supply. A central system may deliver the water within the described property for the above uses. The place of use shall be limited to the above described 1520 acre land area.

23. The applicants, or subsequent persons controlling this water right, shall record in the public records of the county - in which the claimed lands are 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 1520 acre land area, or any part thereof, shall reveal the changes affecting this water right. Such notice shall consist of a signed and dated warranty deed which indicates the determination number, the aquifer, a description of the above described land area, the amount transferred, name of the recipient and the date of transfer.

24. 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 1520 acre land area. Wells located within the 600 acre Area A shall only withdraw the allowed average annual amount of water determined for that area (194 acre-feet); wells located within the 840 acre Area B shall only withdraw the allowed average annual amount of water determined for that area (264 acre-feet); wells located within the 80 acre Area C shall only withdraw the allowed average annual amount of water determined for that area (23.1 acre-feet); unless the following condition may be satisfied:

i. In accordance with Rule 5.3.7.2 of the Designated Basin Rules, a permitted and constructed well may be located within any one of the above described three noncontiguous land areas at a point where the total combined allowed average annual amounts of water determined for that area and another described noncontiguous area may be withdrawn by that well - and thereafter through any other well(s) permitted to withdraw those appropriations and located on either of those two areas - if a cylinder of appropriation, calculated for the combined annual amounts for those two areas and centered at that well location, overlaps a portion of the subject noncontiguous area. The radius of such a cylinder is subject to paragraph 20 of this Order and the actual amount of saturated permeable material of the aquifer at the well location. Any request for combined withdrawal from noncontiguous areas must be indicated in the well permit application.

ii. The above analysis is specific to the area of the well location and one subject noncontiguous area. The ability of such a well to also withdraw the amount of water determined for the other noncontiguous area must be calculated separately for that 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 individual permit application and 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, subject to paragraph 24.a of this Order. The total combined annual withdrawal of the wells shall not exceed the allowed average annual amount described in this Order.

f. The maximum pumping rate of each well shall not exceed 100 g.p.m.

g. A totalizing flow meter 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.

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

Dated this 18TH day of OCTOBER, 2001.

Hal D. Simpson
Executive Director
Colorado Ground Water Commission

By: _____
William H. Fronczak, P.E.
Supervisor - Designated Basins Branch

Prepared by: IDC

GWS-1 (Rev, Sept 1996)

EXHIBIT A
Page 1 of 2

APR 0 2 2001

STATE ENGINEER COLO

STATE OF COLORADO
OFFICE OF THE STATE ENGINEER
DIVISION OF WATER RESOURCES

NONTRIBUTARY GROUND WATER LANDOWNERSHIP STATEMENT

I (we) GTL Development Inc. and B.I.G. Partners Ltd LTD as Tenants-In-Common
(Name)
claim and say that I (we) am (are) the owner(s) of the following described property consisting of 1520 acres in the County of El Paso, State of Colorado:

See attached legal description

and, that the ground water sought to be withdrawn from the Araphoe aquifer underlying the above-described land has not been conveyed or reserved to another, nor has consent been given to it's 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) own knowledge.

GTL DEVELOPMENT, INC.

March 22, 2001

Paul K. Tchang (Signature) (Date)
President

B.I.G. Partners. LTD

3/28/01

(Signature) (Date)

INSTRUCTIONS:

Please type or print neatly in black ink. This form may be reproduced by photocopy or word processing means. See additional instructions on back.

1313 SHERMAN ST RM 818 DENVER CO 80203 (303)866-3581

RECEIVED
APR 0 2 2001
WATER RESOURCES
STATE ENGINEER
COLO

Legal Description

All of the following parcels are located in Township 12 South, Range 62 West, El Paso County, Colorado:

Section 28: East One-half of the Southwest Quarter and the Northwest Quarter;

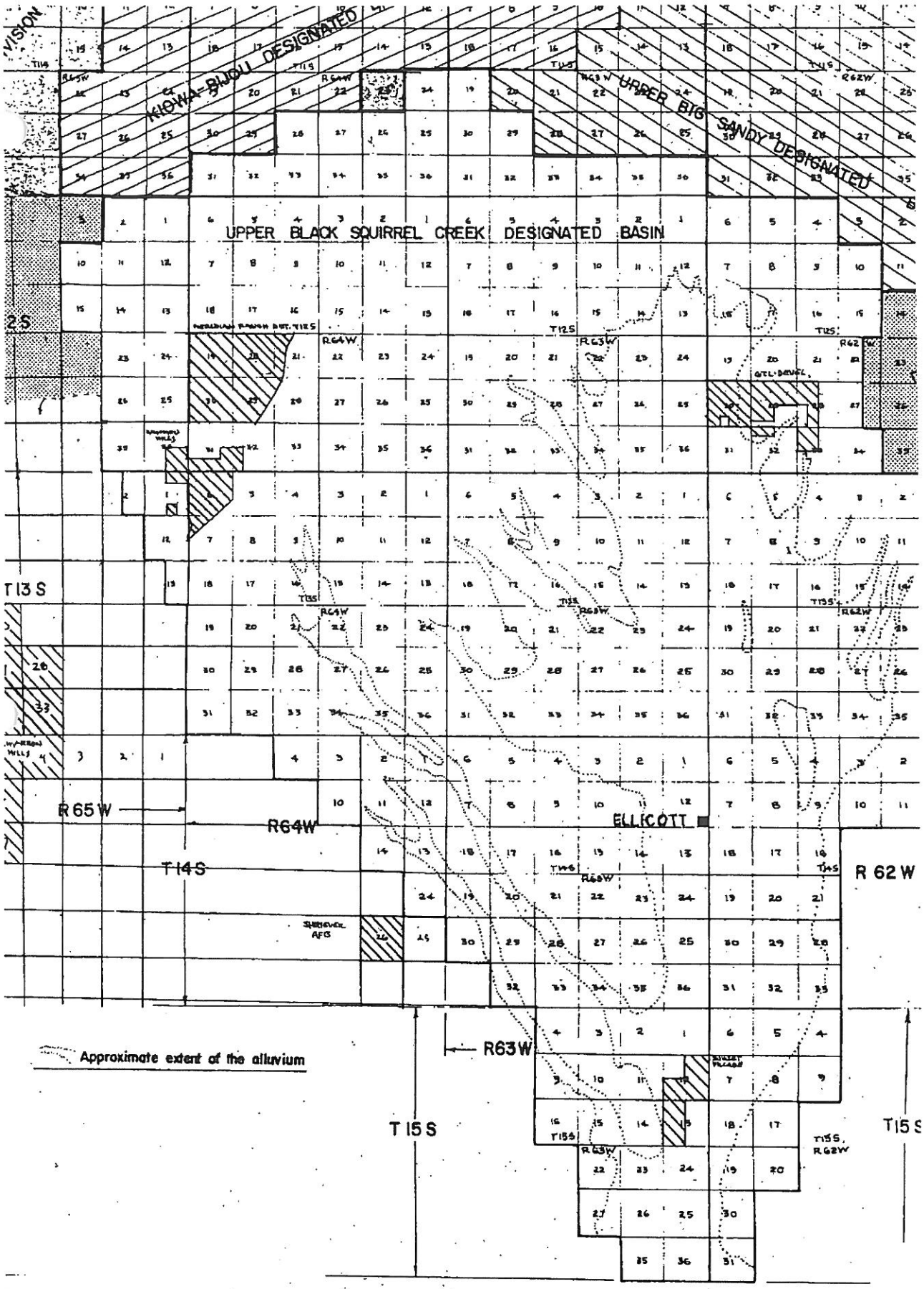
Section 29: North One-half; the North One-half of the Southwest Quarter and the North One-half of the South One-half of the Southwest Quarter;

Section 30: Southeast Quarter; the West One-half of the West One-half of said section; the East One-half of the Northwest Quarter; the Northeast Quarter of the Southwest Quarter and the Northeast Quarter;

Section 32: North One-half of the Northwest Quarter; and

Section 33: Northwest Quarter

This legal description cover 1,520 acres


KIOWA-BIJOU DESIGNATED
UPPER BIG SANDY DESIGNATED
UPPER BLACK SQUIRREL CREEK DESIGNATED BASIN
2S
T13 S
T14S
T15S
R65W
R64W
R63W
R62W
ELLICOTT
Approximate extent of the alluvium

AFFIDAVIT OF PUBLICATION

STATE OF COLORADO
COUNTY OF EL PASO

ss.

Jean M. Jennings, being first duly sworn, deposes and says that she is the Classified Inside Sales Representative of FREEDOM NEWSPAPERS, INC., a corporation, the publishers of a daily public newspaper, which is printed and published daily in whole at the city of Colorado Springs in the County of El Paso, and the State of Colorado, and which is called The Gazette; that a notice of which the annexed is an exact copy, cut from said newspaper, was published in the regular and entire editions of said newspaper 2 times, to-wit, on February 14, 21, 2002.

That said newspaper has been published continuously and uninterruptedly in said County of El Paso for a period of at least six consecutive months next prior to the first issue thereof containing this notice; that said newspaper has a general circulation and that it has been admitted to the United States mails as second-class matter under the provisions of the Act of March 3, 1879 and any amendment thereof, and is a newspaper duly qualified for the printing of legal notices and advertisement within the meaning of the laws of the State of Colorado.

Jean M. Jennings

JEAN M. JENNINGS,
Legal Sales Representative

Subscribed and sworn to me this 21st day of February 2002, at said City of Colorado Springs.
My commission expires June 15, 2004

Brandice Rivera

BRANDICE RIVERA
Notary Public

The Gazette

BRANDICE RIVERA NOTARY PUBLIC STATE OF COLORADO

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 in accordance with Section 37-90-111(1)(g), CRS, and the Designated Basin Rules, 2 CCR 410-1, the Colorado Ground Water Commission is considering the following request - to change the allowed place of use and beneficial uses for determinations of water right. There is no increase in the allowed amounts of allocation.

Determinations of Water Right Nos. 228-BD, 229-BD and 230-BD were approved by the Commission on October 18, 2001, for allocations of ground water, respectively, from the Laramie-Fox Hills, Arapahoe and Denver aquifers underlying 1520 acres consisting of three noncontiguous tracts of land generally described as: Area A - a 600 acre tract described as all of Section 30 excluding the SE¼ of the SW¼; Area B - a 840 acre tract located in the E½ of the SW¼ and the NW¼ of Section 28, the N½, the N½ of the SW¼ and the N½ of the S½ of the SW¼ of Section 29 and the NW¼ of Section 33; and Area C - a 80 acre tract located in the N½ of the NW¼ of Section 32; all in Township 12 South, Range 62 West of the 6th P.M. In accordance with the conditions of these determinations, the allowed average annual amounts of ground water to be withdrawn from the subject aquifers shall not exceed the following: Laramie-Fox Hills - 234 acre-feet for Area A, 315 acre-feet for Area B, 30.6 acre-feet for Area C; Arapahoe - 194 acre-feet for Area A, 264 acre-feet for Area B, 23.1 acre-feet for Area C; Denver - 131 acre-feet for Area A, 163 acre-feet for Area B, 14.9 acre-feet for Area C. The ground water from the allocations would be used on the above described 1520 acre area for the following beneficial uses: domestic, livestock watering, irrigation, commercial and replacement supply.

GTL Development, Inc., and B.I.G. Partners, Ltd., (hereinafter "applicants") have filed change of water right applications with the Commission requesting to: 1) change the allowed beneficial uses in each determination to the following: municipal, irrigation, domestic, fire protection, livestock, commercial, industrial, and replacement purposes; 2) change the place of use in each determination to the following:

a) The applicants will deliver a portion of the ground water from the allocations to Woodmen Hills Metropolitan District and to Meridian Ranch Metropolitan District & Meridian Service Metropolitan District. The water will be used by each district within their respective water supply service area generally described as follows: Woodmen Hills - Section 31 and part of Section 32, all in Township 12 South, Range 64 West of the 6th P.M., part of Section 6 and Section 7, all in Township 13 South, Range 64 West of the 6th P.M., part of Section 36, Township 12 South, Range 65 West of the 6th P.M., and part of Section 1, Township 13 South, Range 65 West of the 6th P.M.; Meridian Ranch & Service - Section 19, Section 20, part of Section 21, part of Section 28, part of Section 29, and Section 30, all in Township 12 South, Range 64 West of the 6th P.M. Such water will be delivered to these districts through the Cherokee Metropolitan District Water supply system.

b) The applicants will directly transfer a portion of the ground water to the Cherokee Metropolitan District. This portion of water from the allocations will be used within the Cherokee Metropolitan District water service area located within the boundaries of the Upper Black Squirrel Creek Designated Ground Water Basin. No use of ground water from this district's portion of these allocations will occur outside this basin.

The applications are published at the applicants' request. Favorable evaluation and finding by the Commission are not required prior to publication of a change of water right application, nor should such publication imply that the application may be approved in its present form.

Any person wishing to object to the requested changes must do so in writing, briefly stating the nature of the objection and indicating the applicants names and determination numbers that are the subject of the objection. The objection letter along with a $10 fee, must be received by the Commission Staff, Colorado Ground Water Commission, 818 Centennial Building, 1313 Sherman Street, Denver, Colorado 80203, by March 25, 2002.

Published in The Gazette
February 14, 21, 2002

B

A

C

1" = 200'

S88°36'34"W 99.95'
#5 REBAR W/CAP LS#30127
#5 REBAR W/CAP LS#30127
NW CORNER SEC. 30 FOUND 3" ALUMINUM CAP WITNESS CORNER LS#30127
#5 REBAR W/CAP LS#30127
N88°37'37"E 100.05'
FENCE
50' R/W
SECTION CORNER 24 19 / 25 30
S00°13'47"W 404.18'
S00°01'20"W 404.20'

NW CORNER SEC. 30
FOUND 3" ALUM. CAP
WITNESS CORNER LS#30127

N 1/4 CORNER SEC. 30
FOUND 2 1/2" ALUM. CAP
LS#4842

NE CORNER SEC. 30
FOUND 3 1/4" ALUM. CAP
LS#1939

N 1/4 CORNER SEC. 29
FOUND 3 1/4" ALUM. CAP
LS#7361

NW CORNER SEC. 28
FOUND 1.1'X0.8' BY 0.9' HIGH
STONE WITH CHISELED X ON TOP
UPGRADE TO #6 REBAR WITH
3 1/4" ALUM. CAP LS#12368

NE CORNER SEC. 28
FOUND 3 1/4" ALUM.
CAP LS#9853

NORTH 1/4 SEC. 28
FOUND 3 1/4" ALUM. CAP
LS#7361

N88°36'08"E 2586.44'
N88°35'54"E 2642.05'
S89°50'16"E 2619.02'
S89°50'25"E 2619.13'
N89°27'41"E 2639.54'
S89°28'07"W 2639.70'
N89°25'41"E 2637.96'

24 19 / 25 30
19 29 / 30 29
20 21 / 29 28
21 22 / 28 27

OHE
NORTH SOUTH 1/4 LINE
EAST WEST 1/4 LINE
GUTHRIE ROAD 60' ROW
ELLIOTT HIGHWAY 60' ROW
SPEER ROAD 60' ROW

30
29
28
33
32

1500.44 ACRES
13.04 ACRES EXISTING ROADS
1487.40 NET ACREAGE

CENTER 1/4 SEC. 29
FOUND 1 1/2" ALUM. CAP LS#1939
UPGRADE TO #6 REBAR WITH
3 1/4" ALUM. CAP LS#12368
W.C. 2' WEST ON THE E-W 1/4 LINE

CW 1/16 CORNER SEC. 28
SET 3 1/4" ALUM. CAP
PLS 12368 ON #6
REBAR 30" LONG

E 1/4 CORNER SEC. 32
FOUND 3 1/4" ALUM.
CAP LS#9853

FOUND 1 1/2" ALUM.
CAP LS#1939
UPGRADE TO #6 REBAR WITH
3 1/4" ALUM. CAP LS#12368

SET (2) WITNESS MONUMENTS
3 1/4" ALUM. CAP
PLS 12368 ON #6 REBAR 30" LONG

SW 1/16 CORNER SEC. 30
SET 3 1/4" ALUM.
CAP PLS 12368 ON #6
REBAR 30" LONG

SET R.M. SEC. COR. E-W 1/4 LINE SET R.M. SEC. 30 N.T.S.

N01°04'28"W 2637.28'
S00°05'05"E 2633.19'
S00°06'21"E 2633.40'
S00°00'49"E 2631.60'
S00°01'33"W 2630.23'
S00°01'05"W 2629.69'
S00°26'26"W 2630.23'
N00°00'24"E 2629.64'
S00°26'26"W 2630.23'

1 1/4 CORNER SEC. 30
FOUND 3 1/4" ALUM. CAP
LS#1939

100' ROW
MT. VIEW ELECTRIC
Bk. 1975 p. 275

FOUND 1 1/2" ALUM. CAP

FOUND 1 1/2" ALUM. CAP
LS#1939

W 1/4 CORNER SEC. 28
SET 3 1/4" ALUM. CAP
PLS 12368 ON #6 REBAR 30" LONG

W 1/16 CORNER SEC. 28
SET 3 1/4" ALUM. CAP
PLS 12368 ON #6
REBAR 30" LONG

SC 1/16 CORNER SEC. 30
SET 3 1/4" ALUM. CAP
PLS 12368 ON #6
REBAR 30" LONG

S88°31'23"W 1301.43'
S00°36'45"E 1318.11'
N00°40'35"W 1317.60'
N89°54'05"W 2612.19'
S89°54'34"E 2611.13'
S89°54'06"E 2611.42'
N89°52'14"E 2615.37'
N89°52'19"W 2614.74'
S89°25'41"W 1320.42'
2640.85'
N89°24'07"E 1319.75'
N89°24'31"E 2632.85'
N89°24'31"E 2629.61'
N89°22'46"E 2638.85'

SW CORNER SEC. 30
FOUND PIECE OF METAL
6" BELOW ASPHALT
SET #6 REBAR WITH
3 1/4" ALUM. CAP
W.C. 27' WEST ON THE EXTENSION
OF THE SECTION LINE

N88°29'51"E 1254.68'
N88°29'51"E 2590.08'

W 1/16 CORNER SEC. 30
SET 3 1/4" ALUM. CAP
PLS 12368 ON #6
REBAR 30" LONG

S 1/4 CORNER SEC. 30
SET 3 1/4" ALUM. CAP
PLS 12368 ON #6
REBAR 30" LONG

SE CORNER SEC. 30
FOUND 2 1/2" ALUM. CAP
LS#30127

SOUTH 1/4 SEC. 29
2 1/2" ALUM. CAP
LS#30127

NE CORNER SEC. 32
FOUND 2 1/2" ALUM. CAP
LS#30127

NE CORNER SEC. 33
FOUND 3 1/4" ALUM.
CAP LS#9853

SOUTH 1/4 SEC. 28
FOUND 2" BRASS DISK IN CONCRETE
4" BELOW SOD LS#1939

N89°58'06"E 2613.39'

FOUND 2 1/2" ALUM.
CAP LS#30127

2 1/2" ALUM. CAP
LS#30127

CENTER CORNER SEC. 33
SET 3 1/4" ALUM. CAP
PL#12368 ON #6
REBAR 30" LONG

CENTER 1/4 SEC. 32
2 1/2" ALUM. CAP
LS#30127

E 1/4 CORNER SEC. 32
FOUND 3 1/4" ALUM. CAP
LS#25361

S89°49'43"W 2615.98'
N89°24'31"E 2632.85'

EAST 1/4 SEC. 33
FOUND 3 1/4" ALUM.
CAP LS#9853

SOUTH 1/4 SEC. 32
FOUND 3 1/4" ALUM. CAP
IN MONUMENT BOX LS#25361

SE CORNER SEC. 33
FOUND 3 1/4" ALUM. CAP
IN MONUMENT BOX LS#17496

S 1/4 SEC. 33
FOUND 3 1/4" ALUM. CAP
IN MONUMENT BOX LS#17496

N00°10'43"E 1318.64'
N00°16'44"W 1312.73'
S00°06'01"E 2625.60'
N00°10'43"E 1318.89'
N00°10'42"W 2637.80'
S00°16'45"E 2624.80'
S00°08'01"E 2638.62'

COLORADO GROUND WATER COMMISSION
FINDINGS AND ORDER

IN THE MATTER OF AN APPLICATION FOR CHANGE OF WATER RIGHT TO CHANGE THE ALLOWED BENEFICIAL USES AND PLACE OF USE OF GROUND WATER - FOR DETERMINATION OF WATER RIGHT NO. **228-BD**

APPLICANT: GTL DEVELOPMENT, INC., & B.I.G. PARTNERS, LTD.

AQUIFER: LARAMIE-FOX HILLS

FINDINGS

In compliance with Section 37-90-111(1)(g), CRS, GTL Development, Inc., and B.I.G. Partners, Ltd., (hereinafter "applicants") submitted an application for a change of determination of water right to change the allowed beneficial uses and place of use of ground water under Determination of Water Right No. 228-BD. Based upon information provided by the applicants and the records of the Division of Water Resources, the Ground Water Commission finds as follows:

1. Pursuant to Section 37-90-107(7), CRS, in a Ground Water Commission Findings and Order dated October 18, 2001, the Commission approved a Determination of Water Right for GTL Development, Inc., and B.I.G. Partners, Ltd., assigned Determination No. 228-BD. This determination of water right allows the appropriation of ground water from the Laramie-Fox Hills aquifer (hereinafter "aquifer"), underlying 1520 acres consisting of three noncontiguous tracts of land generally described as: Area A – a 600 acre tract described as all of Section 30 excluding the SE1/4 of the SW1/4; Area B – a 840 acre tract located in the E1/2 of the SW1/4 and the NW1/4 of Section 28, the N1/2, the N1/2 of the SW1/4 and the N1/2 of the S1/2 of the SW1/4 of Section 29 and the NW1/4 of Section 33; and Area C – a 80 acre tract located in the N1/2 of the NW1/4 of Section 32; all in Township 12 South, Range 62 West of the 6th Principal Meridian. This area is more completely described in Exhibit A of the above described Findings and Order.

2. In accordance with Paragraphs 19, 20, and 24(a) of the above Order, the allowed average annual amount of ground water to be withdrawn from the aquifer shall not exceed 234 acre-feet for Area A, 315 acre-feet for Area B, and 30.6 acre-feet for Area C, to be used on the above described 1520 acre area for the following beneficial uses: domestic, livestock watering, irrigation, commercial and replacement supply.

3. Pursuant to Section 37-90-107(7)(c)(III), CRS, an approved determination of water right shall be considered a final determination of the amount of ground water so determined, subject to adjustment by the Commission to conform to actual site-specific aquifer characteristics.

4. By an application for change of determination of water right - received complete by the Commission on October 15, 2001 - the applicants have requested to change the allowed beneficial uses to municipal, irrigation, domestic, fire protection, livestock, commercial, industrial, and replacement purposes; and change the place of use to the following:

a) The applicants will deliver a portion of the ground water from the allocations to Woodmen Hills Metropolitan District and to Meridian Ranch Metropolitan District & Meridian Service Metropolitan District. The water will be used by each district within their respective water supply service area generally described as follows: Woodmen Hills Metropolitan District – Section 31 and part of Section 32, all in Township 12 South, Range 64 West of the 6th P.M., part of Section 6 and Section 7, all in Township 13 South, Range 64 West of the 6th P.M., part of Section 36, Township 12 South, Range 65 West of the 6th P.M., and part of Section 1, Township 13 South, Range 65 West of the 6th P.M.; Meridian Ranch Metropolitan District & Meridian Service Metropolitan District – Section 19, Section 20, part of Section 21, part of Section 28, part of Section 29, and Section 30, all in Township 12 South, Range 64 West of the 6th P.M. Such water will be delivered to these districts through the Cherokee Metropolitan District water supply system.

b) The applicants will directly transfer a portion of the ground water to the Cherokee Metropolitan District. This portion of water from the allocations will be used within the Cherokee Metropolitan District water service area located within the boundaries of the Upper Black Squirrel Creek Designated Ground Water Basin. No use of ground water from this district's portion of these allocations will occur outside this basin.

5. The above described 1520 acre land area is located in the Upper Black Squirrel Creek Designated Ground Water Basin and within the Upper Black Squirrel Creek Ground Water Management District. The Ground Water Commission has jurisdiction.

6. On February 6, 2002, a letter was sent to the Upper Black Squirrel Creek Ground Water Management District requesting recommendations concerning this application. Written recommendations from the district were received on March 14, 2002, in the form of an objection.

7. In accordance with Section 37-90-112(1) and Section 37-90-111(1)(g), CRS, the requested change of determination water right was advertised in The Gazette newspaper on February 14 and 21, 2002.

8. a. On March 14, 2002, an objection to the application was received from the Upper Black Squirrel Creek Ground Water Management District ("objector"), and assigned Case No. 02-GW-06. No other objection to the proposed change was received within the time limit set by statute.

   b. Prior to a hearing in this case, the objector withdrew their objection to the application pursuant to a stipulation between the applicants and objector. By Order of the Commission Hearing Officer dated September 25, 2002, Case No. 02-GW-06 was dismissed and remanded to the Commission staff to take whatever administrative action it deemed necessary.

9. In accordance with Section 37-90-111(1)(g), CRS, and the Designated Basin Rules, the Colorado Ground Water Commission finds that the proposed change of determination of water right will not cause material injury to the existing rights of other appropriators within the Upper Black Squirrel Creek Designated Ground Water Basin, subject to the conditions stated in the following Order.

ORDER

10. Now, therefore, it is ordered that the request for change of water right to change the allowed beneficial uses and place of use of ground water for Determination of Water Right No. 228-BD is approved, subject to the following conditions:

11. The use of ground water shall be limited to the following: municipal, irrigation, domestic, fire protection, livestock, commercial, industrial, and replacement purposes. Municipal use may only occur within the water services areas of the Woodmen Hills Metropolitan District, Meridian Ranch Metropolitan District, Meridian Service Metropolitan District, and the Cherokee Metropolitan District.

12. Place of use of ground water shall be limited to the following:

    a) The applicants will deliver a portion of the ground water from these allocations to Woodmen Hills Metropolitan District and to Meridian Ranch Metropolitan District & Meridian Service Metropolitan District. The water will be used by each district within their respective water supply service area generally described as follows: Woodmen Hills Metropolitan District – Section 31 and part of Section 32, all in Township 12 South, Range 64 West of the 6th P.M., part of Section 6 and Section 7, all in Township 13 South, Range 64 West of the 6th P.M., part of Section 36, Township 12 South, Range 65 West of the 6th P.M., and part of Section 1, Township 13 South, Range 65 West of the 6th P.M.; Meridian Ranch Metropolitan District & Meridian Service Metropolitan District – Section 19, Section 20, part of Section 21, part of Section 28, part of Section 29, and Section 30, all in Township 12 South, Range 64 West of the 6th P.M. Such water will be delivered to these districts through the Cherokee Metropolitan District water supply system.

    b) The applicants will directly transfer a portion of the ground water to the Cherokee Metropolitan District. This portion of water from the allocations will be used within the Cherokee Metropolitan District water service area located within the boundaries of the Upper Black Squirrel Creek Designated Ground Water Basin. No use of ground water from this district's portion of these allocations shall occur outside this basin.

13. Prior to the withdraw and use of this allocation of ground water, the well owner(s) shall provide an engineering accounting plan, acceptable to the Commission, that specifically demonstrates how the Cherokee Metropolitan District portion of the ground water will be limited in place of use to only this district's water service area located within the Upper Black Squirrel Creek Designated Ground Water Basin.

14. Of the total annual amount of ground water withdrawn annually from the aquifer, at least two percent (2%) of this water must be returned directly to the alluvial aquifer of Black Squirrel Creek in the vicinity of the point(s) of withdrawal. Therefore, prior to the withdrawal and use of this allocation of ground water, the well owner(s) shall construct an infiltration gallery or similar structure, acceptable to the Commission, to return the required amount of replacement ground water to the alluvial aquifer located within the W1/2 of Section 30, Township 12 South, Range 62 West of the 6th Principal Meridian.

15. A totalizing flow meter shall be installed on each well and on the water transport line to the above described infiltration gallery. The well owner(s) shall maintain these flow meters in good working order. Annual diversion records and measurements of annual amount of discharge to the infiltration gallery shall be collected and maintained by the well owner(s) and submitted to the Commission or the Upper Black Squirrel Creek Ground Water Management District Ground Water Management District upon their request.

16. The Commission's Findings and Order of October 18, 2001, for Determination of Water Right No. 228-BD, is hereby amended to incorporate the above changes. All other terms and conditions in the Findings and Order for Determination of Water Right No. 228-BD shall remain in full force and effect.

Dated this 20th day of June, 2003.

Hal D. Simpson
Executive Director
Colorado Ground Water Commission

By: _____
Richard Cooper
Physical Science Researcher Scientist
Designated Basins Branch

FIND-409

COLORADO GROUND WATER COMMISSION
FINDINGS AND ORDER

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

APPLICANTS: GTL DEVELOPMENT INC. AND B.I.G. PARTNERS LTD.

AQUIFER: LARAMIE-FOX HILLS

DETERMINATION NO.: **228-BD**

In compliance with Section 37-90-107(7), C.R.S., and the Designated Basin Rules, 2 CCR 410-1, GTL Development Inc. and B.I.G. Partners Ltd. (hereinafter "applicants") submitted an application for determination of water right to allow the appropriation of ground water from the Laramie-Fox Hills Aquifer.

FINDINGS

1. The application was received complete by the Ground Water Commission on April 2, 2001.

2. a. The applicants propose to appropriate ground water from the Laramie-Fox Hills Aquifer (hereinafter "aquifer") underlying 1520 acres consisting of three noncontiguous tracts of land generally described as:

   Area A - a 600 acre tract described as all of Section 30, excluding the SE1/4 of the SW1/4, Township 12 South, Range 62 West of the 6th Principal Meridian;

   Area B - a 840 acre tract located in the E1/2 of the SW1/4 and the NW1/4 of Section 28; the N1/2, the N1/2 of the SW1/4 and the N1/2 of the S1/2 of the SW1/4 of Section 29 and the NW1/4 of Section 33, all in Township 12 South, Range 62 West of the 6th Principal Meridian;

   Area C - a 80 acre tract located in the N1/2 of the NW1/4 of Section 32, Township 12 South, Range 62 West of the 6th Principal Meridian.

   b. According to a signed statement dated March 28, 2001, the applicants own the 1520 acres of land, as further described in said affidavit which is attached hereto as Exhibit A, and claim control of the ground water in the aquifer underlying this property.

3. The proposed annual appropriation is the maximum allowable amount. Any wells permitted to divert ground water from the aquifer would have a maximum pumping rate of 100 g.p.m.

4. The land area overlying the ground water claimed by the applicants is located within the boundaries of the Upper Black Squirrel Creek Designated Ground Water Basin and within the Upper Black Squirrel Creek Ground Water Management District. The Ground Water Commission has jurisdiction.

5. The applicants propose to apply the appropriated ground water to the following beneficial uses: domestic, livestock watering, irrigation, commercial and replacement supply. A central system may deliver the water within the described property for the above uses.

6. The three land areas, designated Area A, Area B and Area C, claimed by the applicants and described in Exhibit A are noncontiguous. A quantification of the amount of ground water in storage in the aquifer and a maximum annual appropriation will be determined specifically for the aquifer underlying each of these areas.

7. The quantity of water in the aquifer underlying each of the above land areas is as follows:

   Area A = 23,400 acre-feet Area B = 31,500 acre-feet Area C = 3060 acre-feet

   These determinations are 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 each of the land areas 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 as follows: Area A = 260 feet; Area B = 250 feet; Area C = 255 feet.

8. At this time, there is no substantial artificial recharge which would affect the aquifer within a one hundred year period.

9. Pursuant to Section 37-90-107(7), C.R.S., and in accordance with the Designated Basin Rules, the Colorado Ground Water Commission shall allocate ground water from the aquifer based on ownership of the overlying land and an aquifer life of one hundred years. Therefore, the maximum annual appropriation which could be allowed pursuant to the data in the paragraphs above for each land area claimed by the applicants is as follows:

   Area A = 234 acre-feet Area B = 315 acre-feet Area C = 30.6 acre-feet

10. 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.

11. Withdrawal of ground water from the aquifer underlying the land claimed by the applicants will not, within one hundred years, deplete the flow of a natural steam 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.

12. A review of the records of the Ground Water Commission has disclosed that none of the water in the aquifer underlying each of the land areas claimed by the applicants has been previously appropriated or permitted for withdrawal.

13. 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 subject to approval by the Commission.

14. On July 12, 2001, a letter was sent to the Upper Black Squirrel Creek Ground Water Management District requesting recommendations concerning this application. No written recommendations from the district were received.

15. The Commission Staff has evaluated the application relying on the claim to control of the ground water in the aquifer made by the applicants.

16. In accordance with Sections 37-90-107(7) and 37-90-112, C.R.S., the application was published in The Gazette newspaper on July 20 and 27, 2001.

17. No objections to the determination of water right and proposed appropriation of ground water were received within the time limit set by statute.

18. In order to prevent injury 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 appropriation 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 and the issuance of well permits to construct wells to withdraw the authorized amount of water from the aquifer.

ORDER

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 orders that the application for determination of water right to allow the appropriation of ground water from the Laramie-Fox Hills Aquifer underlying 1520 acres consisting of three noncontiguous tract of land generally described as:

Area A - a 600 acre tract described as all of Section 30, excluding the SE1/4 of the SW1/4, Township 12 South, Range 62 West of the 6th Principal Meridian;

Area B - a 840 acre tract located in the E1/2 of the SW1/4 and the NW1/4 of Section 28; the N1/2, the N1/2 of the SW1/4 and the N1/2 of the S1/2 of the SW1/4 of Section 29 and the NW1/4 of Section 33, all in Township 12 South, Range 62 West of the 6th Principal Meridian;

Area C - a 80 acre tract located in the N1/2 of the NW1/4 of Section 32, Township 12 South, Range 62 West of the 6th Principal Meridian.

is approved subject to the following conditions:

19. The allowed average annual amount of water to be withdrawn from the aquifer from each of the above described land areas shall not exceed the following amounts: Area A = 234 acre-feet; Area B = 315 acre-feet; Area C = 30.6 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.

20. To conform to actual aquifer characteristics, the Commission may adjust the allowed average annual appropriation 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 storage was incorrect.

21. 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.

22. The use of ground water from this appropriation shall be limited to the following uses: domestic, livestock watering, irrigation, commercial and replacement supply. A central system may deliver the water within the described property for the above uses. The place of use shall be limited to the above described 1520 acre land area.

23. The applicants, or subsequent persons controlling this water right, shall record in the public records of the county - in which the claimed lands are 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 1520 acre land area, or any part thereof, shall reveal the changes affecting this water right. Such notice shall consist of a signed and dated warranty deed which indicates the determination number, the aquifer, a description of the above described land area, the amount transferred, name of the recipient and the date of transfer.

24. 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 1520 acre land area. Wells located within the 600 acre Area A shall only withdraw the allowed average annual amount of water determined for that area (234 acre-feet); wells located within the 840 acre Area B shall only withdraw the allowed average annual amount of water determined for that area (315 acre-feet); wells located within the 80 acre Area C shall only withdraw the allowed average annual amount of water determined for that area (30.6 acre-feet); unless the following condition may be satisfied:

i. In accordance with Rule 5.3.7.2 of the Designated Basin Rules, a permitted and constructed well may be located within any one of the above described three noncontiguous land areas at a point where the total combined allowed average annual amounts of water determined for that area and another described noncontiguous area may be withdrawn by that well - and thereafter through any other well(s) permitted to withdraw those appropriations and located on either of those two areas - if a cylinder of appropriation, calculated for the combined annual amounts for those two areas and centered at that well location, overlaps a portion of the subject noncontiguous area. The radius of such a cylinder is subject to paragraph 20 of this Order and the actual amount of saturated permeable material of the aquifer at the well location. Any request for combined withdrawal from noncontiguous areas must be indicated in the well permit application.

ii. The above analysis is specific to the area of the well location and one subject noncontiguous area. The ability of such a well to also withdraw the amount of water determined for the other noncontiguous area must be calculated separately for that 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 individual permit application and 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, subject to paragraph 24.a of this Order. The total combined annual withdrawal of the wells shall not exceed the allowed average annual amount described in this Order.

f. The maximum pumping rate of each well shall not exceed 100 g.p.m.

g. A totalizing flow meter 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.

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

Dated this 18TH day of OCTOBER, 2001.

Hal D. Simpson
Executive Director
Colorado Ground Water Commission

By: _____
William H. Fronczak, P.E.
Supervisor - Designated Basins Branch

Prepared by: IDC

GWS-1 (Rev, Sept 1996)

EXHIBIT A
Page 1 of 2

RECEIVED
APR 0 2 2001
STATE ENGINEER
COLO.

STATE OF COLORADO
OFFICE OF THE STATE ENGINEER
DIVISION OF WATER RESOURCES

NONTRIBUTARY GROUND WATER LANDOWNERSHIP STATEMENT

I (we) GTL Development Inc. and B.I.G. Partners Ltd LTD as Tenants-In-Common
(Name)
claim and say that I (we) am (are) the owner(s) of the following described property consisting of 1520 acres in the County of El Paso, State of Colorado:

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 or reserved to another, nor has consent been given to it's 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) own knowledge.

GTL DEVELOPMENT, INC.

Paul K. Tchang (Signature) March 22, 2001 (Date)
President

BIG Partners LTD.

(Signature) 3/28/01 (Date)

INSTRUCTIONS:

Please type or print neatly in black ink. This form may be reproduced by photocopy or word processing means. See additional instructions on back.

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APR 0 2 2001
WATER RESOURCES
STATE ENGINEER
COLO

Legal Description

All of the following parcels are located in Township 12 South, Range 62 West, El Paso County, Colorado:

Section 28: East One-half of the Southwest Quarter and the Northwest Quarter;

Section 29: North One-half; the North One-half of the Southwest Quarter and the North One-half of the South One-half of the Southwest Quarter;

Section 30: Southeast Quarter; the West One-half of the West One-half of said section; the East One-half of the Northwest Quarter; the Northeast Quarter of the Southwest Quarter and the Northeast Quarter;

Section 32: North One-half of the Northwest Quarter; and

Section 33: Northwest Quarter

This legal description cover 1,520 acres

CHANGE OF WATER RIGHT
SECTION 37-90-111(1)(g)

APPLICANT: **GTL Development & B.I.G. Partners**

DETERMINATION NO.: **228-BD**

TYPE OF CHANGE: Application to Change a Water Right, to Change the Place of Use and Type of Use for Determination of Water Right

RECEIPT NO.: 475373-A

BASIN: Upper Black Squirrel Creek GWMD: Upper Black Squirrel Creek

COUNTY: El Paso

AQUIFER: **Laramie-Fox Hills** Aquifer Underlying a 1520 Acre Property.

WATER RIGHT CLARIFICATION DATA

Determinations are final water rights, subject to adjustment of the amount of allocation based on site specific data. - Section 37-90-107(7) -

INJURY ANALYSIS

Replacement Water Requirement - staff will require that the conditions for any change approval for the Laramie-Fox Hills aquifer include a requirement that 2% of the water withdrawn annually will be returned directly to the alluvial aquifer through an infiltration gallery or other system approved by the Commission. Such return to the alluvial aquifer shall occur on the applicants' overlying land area where the alluvium of Black Squirrel Creek is present, in the west-half of Section 30, T12S, R62W.

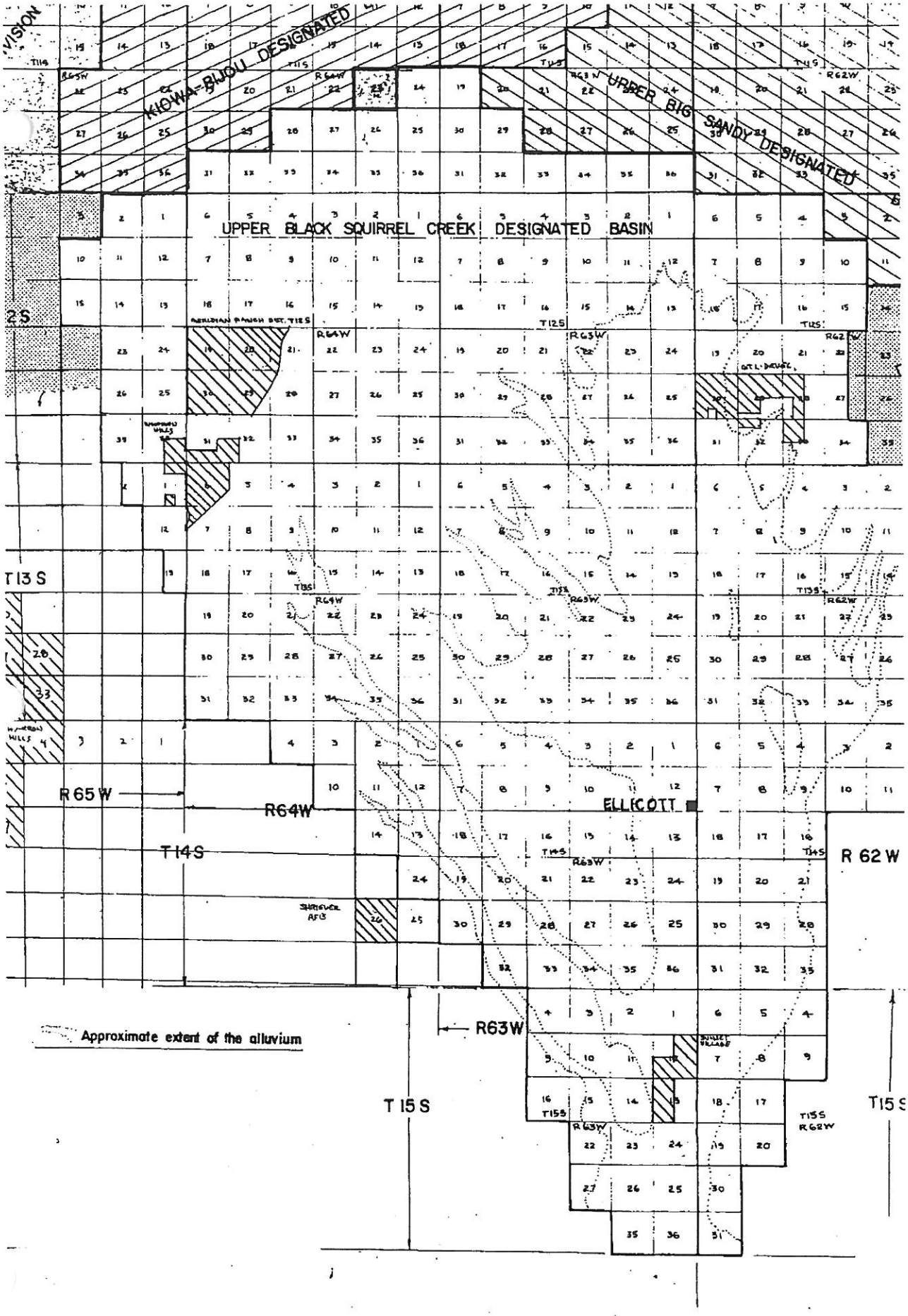
The applicants will retain control of a portion of the allocation and provide this water directly to the Woodmen Hills and Meridian Ranch districts through the Cherokee Metropolitan District ("Cherokee") water supply system. A portion of the allocation will be directly transferred to Cherokee for use within their service area that is located within the Upper Black Squirrel Creek Designated Ground Water Basin.

Any transfer of any portion of the water right must occur in accordance with paragraph 23 of the Commission's Findings and Order for the determination.

The applicants must provide an accounting system plan - as an attachment to the applications - that demonstrates how Cherokee's portion of water will be limited in use to only those areas within the Basin.

Comments: applications submitted together to change 228-BD, 229-BD & 230-BD

Evaluated by Rich Cooper, Ground Water Commission Staff


KIOWA-BIJOU DESIGNATED
UPPER BIG SANDY DESIGNATED
UPPER BLACK SQUIRREL CREEK DESIGNATED BASIN
T13 S
T14S
T 15 S
R 65 W
R64W
R63W
R 62 W
ELLICOTT
Approximate extent of the alluvium

COLORADO GROUND WATER COMMISSION
FINDINGS AND ORDER

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

APPLICANT: FALCON VISTA, LLC

AQUIFER: DENVER

DETERMINATION NO.: 49-BD

In compliance with Section 37-90-107(7), C.R.S., and the Designated Basin Rules, 2 CCR 410-1, Falcon Vista, LLC, (hereinafter "applicant") submitted an application for determination of water right to allow the appropriation of ground water from the Denver Aquifer.

FINDINGS

1. The application was received complete by the Ground Water Commission on May 27, 1999.

2. The applicant proposes to appropriate ground water from the Denver Aquifer (hereinafter "aquifer") underlying 50 acres, generally described as land located in the W1/2 of the SW1/4 of Section 7, Township 13 South, Range 64 West of the 6th Principal Meridian. According to a signed statement dated May 24, 1999, the applicant owns the 50 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 property.

3. The proposed annual appropriation is the maximum allowable amount. Any wells permitted to divert ground water from the aquifer would have a maximum pumping rate of 100 g.p.m.

4. The 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 Ground Water Management District. The Ground Water Commission has jurisdiction.

5. The applicant proposes to apply the appropriated ground water to the following beneficial uses: domestic, irrigation, commercial, recreational, storage, replacement, exchange, augmentation, industrial and wildlife and wetlands habitat.

6. The quantity of water in the aquifer underlying the 50 acres of land claimed by the applicant is 2210 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 260 feet.

7. At this time, there is no substantial artificial recharge which would affect the aquifer within a one hundred year period.

8. Pursuant to Section 37-90-107(7), C.R.S., and in accordance with the Designated Basin Rules, the Colorado Ground Water Commission shall allocate ground water from the aquifer based on ownership of the overlying land and an aquifer life of one hundred years. Therefore, the maximum annual appropriation which could be allowed pursuant to the data in the paragraphs above for the 50 acres owned by the applicant is 22.1 acre-feet.

9. 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.

10. Based on analysis of data in the records of the State Engineer's office, in accordance with the Designated Basin Rules, it has been determined that withdrawal of ground water from the aquifer underlying the land claimed by the applicant will, within one hundred years, deplete the alluvial aquifer or flow of a natural stream at an annual rate greater than one-tenth of one percent of the annual rate of withdrawal and, therefore, the ground water is considered to be not-nontributary ground water. Also, the location of the land claimed by the applicant is further than one mile from the aquifer contact with the alluvium. The Designated Basin Rules require that at least four percent (4%) of the amount of water withdrawn annually must be returned to the uppermost aquifer in the vicinity of the permitted point or points of withdrawal.

11. A review of the records of the Ground Water Commission has disclosed that none of the water in the aquifer underlying the land claimed by the applicant has been previously appropriated.

12. 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 subject to approval by the Commission.

13. On October 5, 1999, a letter was sent to the Upper Black Squirrel Creek Ground Water Management District requesting recommendations concerning this application. Written recommendations from the district were received on November 18, 1999, in the form of an objection to the application.

14. The Commission Staff has evaluated the application relying on the claims to control of the ground water in the aquifer made by the applicant.

15. In accordance with Sections 37-90-107(7) and 37-90-112, C.R.S., the application was published in The Gazette newspaper on October 14 and 21, 1999.

16. a. On November 18, 1999, an objection to the application was received from the Upper Black Squirrel Creek Ground Water Management District ("objector"), assigned Case No. 99-GW-13. No other objection to the proposed determination of water right was received within the time limit set by statute.

b. On February 7, 2000, the applicant and the objector entered into a stipulation whereby the objector withdrew its objection. By Order of the Commission Hearing Officer dated February 8, 2000, Case No. 99-GW-13 was dismissed and the application was referred back to the Commission Staff for issuance in conformance with applicable statutes and rules.

17. In order to prevent injury 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 appropriation 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 and the issuance of well permits to construct wells to withdraw the authorized amount of water from the aquifer.

ORDER

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 orders that the application for determination of water right to allow the appropriation of ground water from the Denver Aquifer underlying 50 acres of land, generally described as land located in the W1/2 of the SW1/4 of Section 7, Township 13 South, Range 64 West of the 6th Principal Meridian, is approved subject to the following conditions:

18. The allowed average annual amount of water to be withdrawn from the aquifer shall not exceed 22.1 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.

19. To conform to actual aquifer characteristics, the Commission may adjust the allowed average annual appropriation 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 storage was incorrect.

20. At least four percent (4%) of the amount of water withdrawn annually must be returned to the uppermost aquifer in the vicinity of the permitted point or points of withdrawal.

21. The use of ground water from this appropriation shall be limited to the following uses: domestic, irrigation, commercial, recreational, storage, replacement, exchange, augmentation, industrial and wildlife and wetlands habitat. The place of use shall be limited to the above described 50 acre land area.

22. 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 50 acre land area.

b. The wells must be constructed to withdraw water from only the Denver 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 individual permit application and 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.

f. The maximum pumping rate of each well shall not exceed 100 g.p.m.

g. A totalizing flow meter 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.

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

Dated this 6TH day of APRIL, 2000.

Hal D. Simpson

Hal D. Simpson
Executive Director
Colorado Ground Water Commission

By: _____
William H. Fronczak, P.E.
Supervisor - Designated Basins Branch

Prepared by: RAC
FIND-232

RECEIVED
MAY 27 1999
WATER RESOURCES
STATE ENGINEER
COLO.

GWS-1 (Rev. April 1987)

STATE OF COLORADO
OFFICE OF THE STATE ENGINEER
DIVISION OF WATER RESOURCES

NONTRIBUTARY GROUND WATER LANDOWNERSHIP STATEMENT

I ~~(We)~~ Falcon Vista, LLC
(Name)
claim and say that I ~~(we)~~ am ~~(are)~~ the owner(s) of the following described property consisting of 50 acres in the County of El Paso, State of Colorado:

(INSERT PROPERTY LEGAL DESCRIPTION)

See Exhibit A attached hereto.

and, that the ground water sought to be withdrawn from the Denver aquifer underlying the above-described land has not been conveyed or 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)~~ own knowledge.

Falcon Vista, LLC, a Colorado limited liability company

x Ray Powers 5-24-99
Ray Powers (Signature) (Date)
Manager

(Signature) (Date)

INSTRUCTIONS:

Please type or print neatly in black ink. This form may be reproduced by photocopy or word processing means. See additional instructions on back.

RECEIVED
MAY 27 1999
WATER RESOURCES
STATE ENGINEER
COLO.

"EXHIBIT A"
LEGAL DESCRIPTION

A PORTION OF THE SOUTH HALF OF SECTION 7, TOWNSHIP 13 SOUTH, RANGE 64 WEST, AND A PORTION OF THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, SITUATE IN EL PASO COUNTY, COLORADO AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 7, THENCE S 88 DEGREES 33 MINUTES 11 SECONDS E COINCIDENT WITH THE SOUTH LINE OF SAID SECTION 7, A DISTANCE OF 949.33 FEET; THENCE N 01 DEGREES 26 MINUTES 49 SECONDS E, A DISTANCE OF 30.00 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF FALCON HIGHWAY AND THE POINT OF BEGINNING OF THE TRACT OF LAND TO BE DESCRIBED HEREIN: THENCE (1) N 07 DEGREES 50 MINUTES 10 SECONDS E, A DISTANCE OF 826.38 FEET; (2) N 16 DEGREES 24 MINUTES 19 SECONDS W, A DISTANCE OF 1489.85 FEET TO A POINT ON THE SOUTHEASTERLY RIGHT OF WAY LINE OF VACATED EASTERN AVENUE AND THE CENTER LINE OF VACATED 5TH STREET; (3) N 40 DEGREES 42 MINUTES 45 SECONDS W COINCIDENT WITH SAID CENTER LINE OF VACATED 5TH STREET, A DISTANCE OF 290.09 FEET; (4) S 52 DEGREES 02 MINUTES 49 SECONDS W, A DISTANCE OF 615.38 FEET; (5) S 06 DEGREES 18 MINUTES 07 SECONDS W, A DISTANCE OF 434.47 FEET; (6) N 63 DEGREES 01 MINUTES 58 SECONDS W, A DISTANCE OF 39.47 FEET; (7) S 49 DEGREES 19 MINUTES 27 SECONDS W, A DISTANCE OF 34.45 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF MERIDIAN ROAD; (8) S 06 DEGREES 26 MINUTES 22 SECONDS E COINCIDENT WITH THE SAID EASTERLY RIGHT OF WAY LINE OF MERIDIAN ROAD, A DISTANCE OF 1525.51 FEET; (9) S 00 DEGREES 26 MINUTES 58 SECONDS E, 30.00 FEET EASTERLY OF AND PARALLEL TO THE WEST LINE OF SAID SECTION 7, A DISTANCE OF 113.72 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY FALCON HIGHWAY; (10) S 88 DEGREES 33 MINUTES 11 SECONDS E COINCIDENT WITH THE SAID NORTHERLY RIGHT OF WAY LINE OF FALCON HIGHWAY, WHICH IS 30.00 FEET NORTHERLY OF AND PARALLEL TO THE SOUTH LINE OF SAID SECTION 7, A DISTANCE OF 920.31 FEET TO THE POINT OF BEGINNING.

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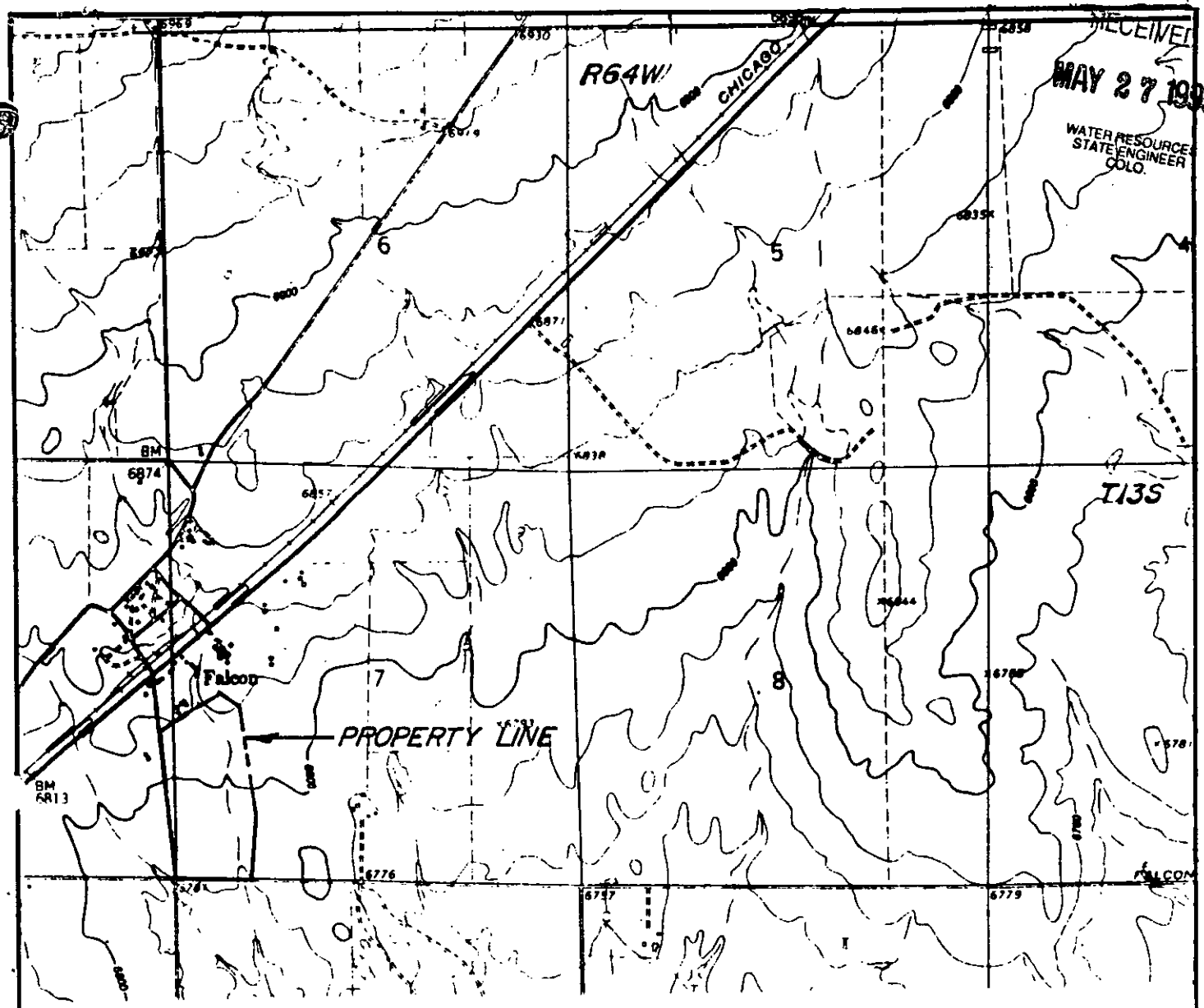

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SCALE 1"=2000'

LOCATION MAP

WELLS & CO.
consulting ground water geologists

fig. 1

COLORADO GROUND WATER COMMISSION

MEMORANDUM – NOTICE OF TRANSFER OF WATER RIGHT

DETERMINATION OF WATER RIGHT NUMBER: **49-BD**

APPLICANT: FALCON VISTA, LLC

AQUIFER: **DENVER**

DATE OF TRANSFER: JULY 31, 2003

AMOUNT TRANSFERRED: ALL (22.1 acre-feet)

RECIPIENT: WOODMEN HILLS METROPOLITAN DISTRICT

By recording a warranty deed or other property transfer document in the county in which the claimed overlying land for this determination of water right is located, the applicant or subsequent person controlling the water right has transferred all or a portion of the water right to another, as evidenced by the attached copy of the recorded document.

COMMISSION STAFF COMMENTS:

Document received on July 12, 2005, consisting of a Special Warranty Deed, signed by Ray Powers as manager and owner of Flacon Vista, LLC and dated July 31, 2003, recorded in El Paso County on July 31, 2003.

Commission Staff – SKR – 07/14/2005

SPECIAL WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that FALCON VISTA, LLC, for the consideration of One Dollar and other good and valuable considerations, in hand paid, hereby sells and conveys to the WOODMEN HILLS METROPOLITAN DISTRICT, of the County of El Paso and State of Colorado, whose mailing address is 11720 Woodmen Hills Drive, Falcon, Colorado 80831 the following water and water rights connected with that certain real property identified as the West ½ of the Southwest ¼ of Section 7, Township 13 South, Range 65 West of the 6th Principal Meridian, El Paso County, Colorado to wit:

all right, title and interest in and to all water and water rights, ditches and ditch rights, reservoirs, water wells and wells rights underlying the real property which is identified on the attached legal description, including the water under Determinations Nos. 49-BD, 48–BD and Permit 453 06-F, whether tributary or non-tributary, on, underlying, appurtenant to or used or to be used on or in conjunction with the real property, whether appropriated, conditionally appropriated or unappropriated and whether adjudicated or unadjudicated, including without limitation any and all rights of use, reuse and successive use, including all recirculated irrigation water supplies, surface runoff, irrigation return flow, and domestic and municipal effluent flows, and including well permits, permit applications, decrees, pending water court applications, well registration statement and and well equipment, personalty, fixtures, transmission lines and related equipment used for the supply, storage, treatment and distribution of water

with all its appurtenances and warrants the title against all persons claiming under the undersigned Grantor, subject to conditions, covenants, restrictions, easements, rights of way, and reservations of record, if any, and general taxes and assessments for 2005 due and payable in 2006 and subsequent years.

Signed and delivered this 31st day of July 2003

GRANTOR:
FALCON VISTA

BY: Ray Powers
Its: Manager and Owner, Ray Powers

STATE OF COLORADO)
) ss.
COUNTY OF EL PASO)

The foregoing instrument was acknowledged before me this 31st day of July 2003 by Ray Powers as Manager of Falcon Vista LLC.

Witness my hand and official seal

My commission expires March 25, 2004

Laura J. Lambert
Notary Seal

COLORADO GROUND WATER COMMISSION
FINDINGS AND ORDER

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

APPLICANT: FALCON VISTA, LLC

AQUIFER: LARAMIE-FOX HILLS

DETERMINATION NO.: 48-BD

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

FINDINGS

1. The application was received complete by the Ground Water Commission on May 27, 1999.

2. The applicant proposes to appropriate ground water from the Laramie-Fox Hills Aquifer (hereinafter "aquifer") underlying 50 acres, generally described as land located in the W1/2 of the SW1/4 of Section 7, Township 13 South, Range 64 West of the 6th Principal Meridian. According to a signed statement dated May 24, 1999, the applicant owns the 50 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 property.

3. The proposed annual appropriation is the maximum allowable amount. Any wells permitted to divert ground water from the aquifer would have a maximum pumping rate of 100 g.p.m.

4. The 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 Ground Water Management District. The Ground Water Commission has jurisdiction.

5. The applicant proposes to apply the appropriated ground water to the following beneficial uses: domestic, irrigation, commercial, recreational, storage, replacement, exchange, augmentation, industrial and wildlife and wetlands habitat.

6. The quantity of water in the aquifer underlying the 50 acres of land claimed by the applicant is 1500 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 200 feet.

7. At this time, there is no substantial artificial recharge which would affect the aquifer within a one hundred year period.

8. Pursuant to Section 37-90-107(7), C.R.S., and in accordance with the Designated Basin Rules, the Colorado Ground Water Commission shall allocate ground water from the aquifer based on ownership of the overlying land and an aquifer life of one hundred years. Therefore, the maximum annual appropriation which could be allowed pursuant to the data in the paragraphs above for the 50 acres owned by the applicant is 15 acre-feet.

9. 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.

10. Withdrawal of ground water from the aquifer underlying the land claimed by the applicant will not, within one hundred years, deplete the flow of a natural steam 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.

11. A review of the records of the Ground Water Commission has disclosed that none of the water in the aquifer underlying the land claimed by the applicant has been previously appropriated.

12. 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 subject to approval by the Commission.

13. On October 5, 1999, a letter was sent to the Upper Black Squirrel Creek Ground Water Management District requesting recommendations concerning this application. Written recommendations from the district were received on November 18, 1999, in the form of an objection to the application.

14. The Commission Staff has evaluated the application relying on the claims to control of the ground water in the aquifer made by the applicant.

15. In accordance with Sections 37-90-107(7) and 37-90-112, C.R.S., the application was published in The Gazette newspaper on October 14 and 21, 1999.

16. a. On November 18, 1999, an objection to the application was received from the Upper Black Squirrel Creek Ground Water Management District ("objector"), assigned Case No. 99-GW-13. No other objection to the proposed determination of water right was received within the time limit set by statute.

    b. On February 7, 2000, the applicant and the objector entered into a stipulation whereby the objector withdrew its objection. By Order of the Commission Hearing Officer dated February 8, 2000, Case No. 99-GW-13 was dismissed and the application was referred back to the Commission Staff for issuance in conformance with applicable statutes and rules.

17. In order to prevent injury 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 appropriation 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 and the issuance of well permits to construct wells to withdraw the authorized amount of water from the aquifer.

ORDER

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 orders that the application for determination of water right to allow the appropriation of ground water from the Laramie-Fox Hills Aquifer underlying 50 acres of land, generally described as land located in the W1/2 of the SW1/4 of Section 7, Township 13 South, Range 64 West of the 6th Principal Meridian, is approved subject to the following conditions:

18. The allowed average annual amount of water to be withdrawn from the aquifer shall not exceed 15 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.

19. To conform to actual aquifer characteristics, the Commission may adjust the allowed average annual appropriation 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 storage was incorrect.

20. 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.

21. The use of ground water from this appropriation shall be limited to the following uses: domestic, irrigation, commercial, recreational, storage, replacement, exchange, augmentation, industrial and wildlife and wetlands habitat. The place of use shall be limited to the above described 50 acre land area.

22. 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 50 acre 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 individual permit application and 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.

f. The maximum pumping rate of each well shall not exceed 100 g.p.m.

g. A totalizing flow meter 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.

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

Dated this 6TH day of APRIL, 2000.

Hal D. Simpson
Executive Director
Colorado Ground Water Commission

By: _____
William H. Fronczak, P.E.
Supervisor - Designated Basins Branch

Prepared by: RAC

FIND-231

GWS-1 (Rev. April 1987)

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MAY 27 1999
WATER RESOURCES
STATE ENGINEER
COLO.

STATE OF COLORADO
OFFICE OF THE STATE ENGINEER
DIVISION OF WATER RESOURCES

NONTRIBUTARY GROUND WATER LANDOWNERSHIP STATEMENT

I ~~(We)~~ Falcon Vista, LLC
(Name)
claim and say that I ~~(we)~~ am ~~(are)~~ the owner(s) of the following described property consisting of 50 acres in the County of El Paso, State of Colorado:

(INSERT PROPERTY LEGAL DESCRIPTION)

See Exhibit A attached hereto.

and, that the ground water sought to be withdrawn from the Laramie-Fox Hills aquifer underlying the above-described land has not been conveyed or 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)~~ own knowledge.

Falcon Vista, LLC, a Colorado limited liability company

x Ray Powers Ray Powers 5-24-99
Ray Powers (Signature) (Date)
Manager

(Signature) (Date)

INSTRUCTIONS:

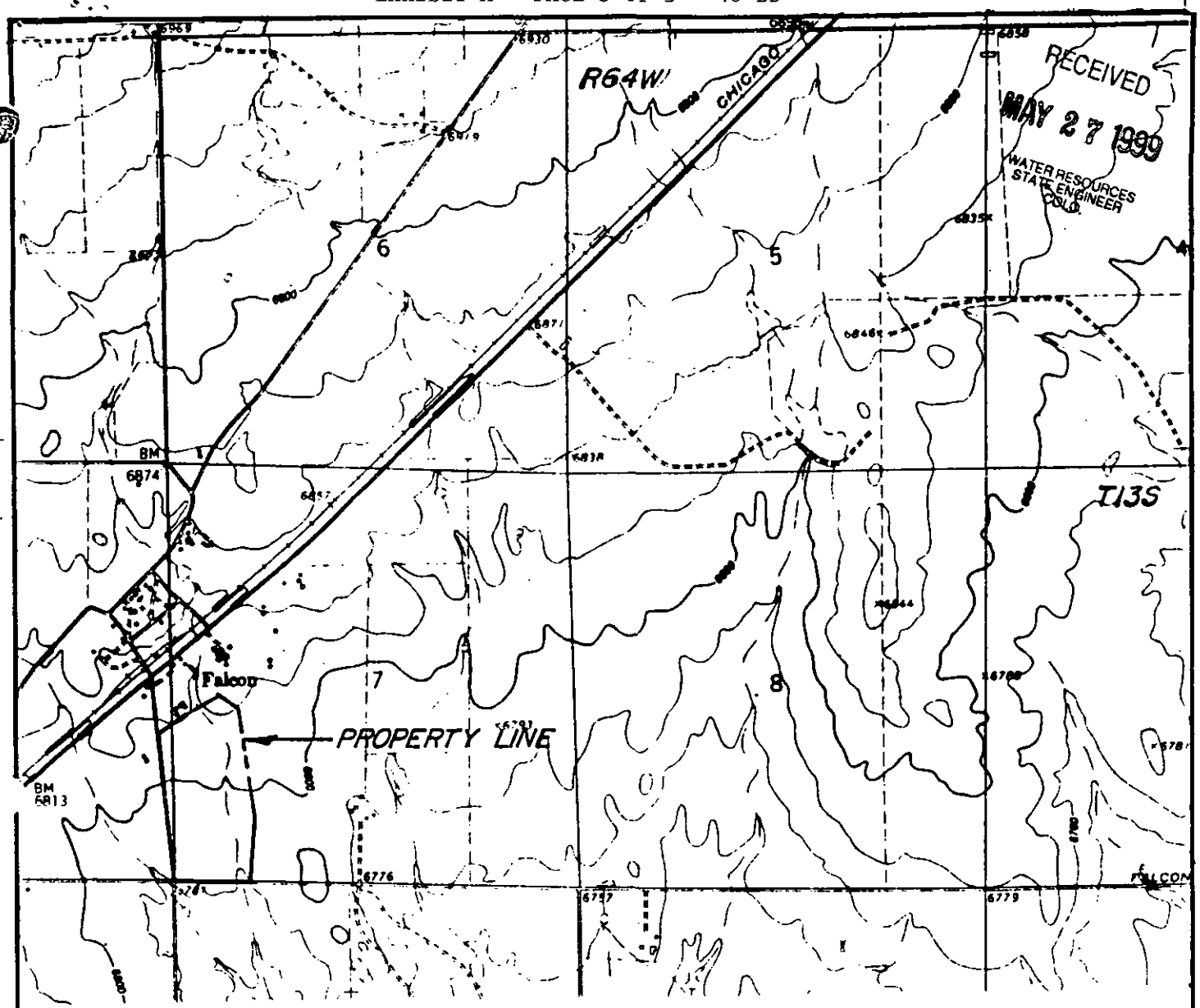
Please type or print neatly in black ink. This form may be reproduced by photocopy or word processing means. See additional instructions on back.

RECEIVED
JUN 0 2 1999
WATER RESOURCES
STATE ENGINEER
COLO

"EXHIBIT A"
LEGAL DESCRIPTION

A PORTION OF THE SOUTH HALF OF SECTION 7, TOWNSHIP 13 SOUTH, RANGE 64 WEST, AND A PORTION OF THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, SITUATE IN EL PASO COUNTY, COLORADO AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 7, THENCE S 88 DEGREES 33 MINUTES 11 SECONDS E COINCIDENT WITH THE SOUTH LINE OF SAID SECTION 7, A DISTANCE OF 949.33 FEET; THENCE N 01 DEGREES 26 MINUTES 49 SECONDS E, A DISTANCE OF 30.00 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF FALCON HIGHWAY AND THE POINT OF BEGINNING OF THE TRACT OF LAND TO BE DESCRIBED HEREIN: THENCE (1) N 07 DEGREES 50 MINUTES 10 SECONDS E, A DISTANCE OF 826.38 FEET; (2) N 16 DEGREES 24 MINUTES 19 SECONDS W, A DISTANCE OF 1489.85 FEET TO A POINT ON THE SOUTHEASTERLY RIGHT OF WAY LINE OF VACATED EASTERN AVENUE AND THE CENTER LINE OF VACATED 5TH STREET; (3) N 40 DEGREES 42 MINUTES 45 SECONDS W COINCIDENT WITH SAID CENTER LINE OF VACATED 5TH STREET, A DISTANCE OF 290.09 FEET; (4) S 52 DEGREES 02 MINUTES 49 SECONDS W, A DISTANCE OF 615.38 FEET; (5) S 06 DEGREES 18 MINUTES 07 SECONDS W, A DISTANCE OF 434.47 FEET; (6) N 63 DEGREES 01 MINUTES 58 SECONDS W, A DISTANCE OF 39.47 FEET; (7) S 49 DEGREES 19 MINUTES 27 SECONDS W, A DISTANCE OF 34.45 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF MERIDIAN ROAD; (8) S 06 DEGREES 25 MINUTES 22 SECONDS E COINCIDENT WITH THE SAID EASTERLY RIGHT OF WAY LINE OF MERIDIAN ROAD, A DISTANCE OF 1525.51 FEET; (9) S 00 DEGREES 26 MINUTES 58 SECONDS E, 30.00 FEET EASTERLY OF AND PARALLEL TO THE WEST LINE OF SAID SECTION 7, A DISTANCE OF 113.72 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY FALCON HIGHWAY; (10) S 88 DEGREES 33 MINUTES 11 SECONDS E COINCIDENT WITH THE SAID NORTHERLY RIGHT OF WAY LINE OF FALCON HIGHWAY, WHICH IS 30.00 FEET NORTHERLY OF AND PARALLEL TO THE SOUTH LINE OF SAID SECTION 7, A DISTANCE OF 920.31 FEET TO THE POINT OF BEGINNING.



SCALE 1"=2000'

LOCATION MAP

WELLS & CO.
consulting ground water geologists

fig. 1

COLORADO GROUND WATER COMMISSION

MEMORANDUM – NOTICE OF TRANSFER OF WATER RIGHT

DETERMINATION OF WATER RIGHT NUMBER: **48-BD**

APPLICANT: FALCON VISTA, LLC

AQUIFER: **LARAMIE-FOX HILLS**

DATE OF TRANSFER: JULY 31, 2003

AMOUNT TRANSFERRED: ALL (15 acre-feet)

RECIPIENT: WOODMEN HILLS METROPOLITAN DISTRICT

By recording a warranty deed or other property transfer document in the county in which the claimed overlying land for this determination of water right is located, the applicant or subsequent person controlling the water right has transferred all or a portion of the water right to another, as evidenced by the attached copy of the recorded document.

COMMISSION STAFF COMMENTS:

Document received on July 12, 2005, consisting of a Special Warranty Deed, signed by Ray Powers as manager and owner of Flacon Vista, LLC and dated July 31, 2003, recorded in El Paso County on July 31, 2003.

Commission Staff – SKR – 07/14/2005

Wm. CURTIS WELLS & CO. / *consulting geologists*
13842 legend way #101 / broomfield, co 80020
telephone (303) 466-3801 / fax 465-5859

RECEIVED
JUL 12 2005
WATER RESOURCES
STATE ENGINEER
COLO.

July 11, 2005

Ms. Suzanne Sellers
Colorado Division of Water Resources
1313 Sherman Street, #818
Denver, CO 80203

Re: Change in Ownership, Determination of Water Rights Nos. 48 and 49-BD, Plus Well Permit 45306-F, Woodmen Hills Metropolitan District, El Paso County, Colorado.
Job No. 5819

Dear Suzanne:

Enclosed is copy of a deed from Senator Ray Powers to Woodmen Hills Metropolitan District transferring ownership of Determination of Water Rights Nos. 48 and 49-BD along with well No 45306-F. Please have the Division's records changed to reflect this ownership transfer.

If you have questions, please call.

Very truly yours,

WM. CURTIS WELLS & CO.

Wm. Curtis Wells, CPG
Consulting Ground Water Geologist

cc: Rusty Green w/o encl.

SPECIAL WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that FALCON VISTA, LLC, for the consideration of One Dollar and other good and valuable considerations, in hand paid, hereby sells and conveys to the WOODMEN HILLS METROPOLITAN DISTRICT, of the County of El Paso and State of Colorado, whose mailing address is 11720 Woodmen Hills Drive, Falcon, Colorado 80831 the following water and water rights connected with that certain real property identified as the West ½ of the Southwest ¼ of Section 7, Township 13 South, Range 65 West of the 6th Principal Meridian, El Paso County, Colorado to wit:

all right, title and interest in and to all water and water rights, ditches and ditch rights, reservoirs, water wells and wells rights underlying the real property which is identified on the attached legal description, including the water under Determinations Nos. 49-BD, 48–BD and Permit 453 06-F, whether tributary or non-tributary, on, underlying, appurtenant to or used or to be used on or in conjunction with the real property, whether appropriated, conditionally appropriated or unappropriated and whether adjudicated or unadjudicated, including without limitation any and all rights of use, reuse and successive use, including all recirculated irrigation water supplies, surface runoff, irrigation return flow, and domestic and municipal effluent flows, and including well permits, permit applications, decrees, pending water court applications, well registration statement and and well equipment, personalty, fixtures, transmission lines and related equipment used for the supply, storage, treatment and distribution of water

with all its appurtenances and warrants the title against all persons claiming under the undersigned Grantor, subject to conditions, covenants, restrictions, easements, rights of way, and reservations of record, if any, and general taxes and assessments for 2005 due and payable in 2006 and subsequent years.

Signed and delivered this 31st day of July 2003

GRANTOR:
FALCON VISTA

BY: Ray Powers
Its: Manager and Owner, Ray Powers

STATE OF COLORADO)
) ss.
COUNTY OF EL PASO)

The foregoing instrument was acknowledged before me this 31st day of July 2003 by Ray Powers as Manager of Falcon Vista LLC.

Witness my hand and official seal

My commission expires March 25, 2004

Laura J. Lambert
Notary Seal

COLORADO GROUND WATER COMMISSION
FINDINGS AND ORDER

IN THE MATTER OF AN APPLICATION FOR CHANGE OF WATER RIGHT TO CHANGE THE ALLOWED BENEFICIAL USES AND PLACE OF USE OF GROUND WATER - FOR DETERMINATION OF WATER RIGHT NO. **373-BD**

APPLICANT: WOODMEN HILLS METROPOLITAN DISTRICT

AQUIFER: DENVER

FINDINGS

In compliance with Section 37-90-111(1)(g), C.R.S., Woodmen Hills Metropolitan District (hereinafter "applicant") submitted an application for a change of determination of water right to change the allowed beneficial uses and place of use of ground water under Determination of Water Right No. 373-BD. Based upon information provided by the applicants and the records of the Division of Water Resources, the Colorado Ground Water Commission (hereinafter "Commission") finds as follows:

1. Pursuant to Section 37-90-107(7), C.R.S., in a Commission Findings and Order dated June 20, 2003, the Commission approved a Determination of Water Right for Vernie Houtchens and Gary Nanninga, assigned Determination No. 373-BD. This determination of water right allows the withdrawal of ground water from the Denver Aquifer (hereinafter "aquifer"), underlying 193.7 acres, generally described as the S½ of the NW¼ and a portion of the SW¼ of Section 1, Township 13 South, Range 65 West of the 6th Principal Meridian, in El Paso County. This area is more completely described in Exhibit A of the above described Findings and Order.

2. a. In accordance with the above Order, the allowed average annual amount of ground water to be withdrawn from the aquifer shall not exceed 98.8 acre-feet.

   b. The place of use for this allocation of ground water is the above-described 193.7-acre overlying land area.

   c. The allowed intended beneficial uses for this allocation are: domestic, stock watering, irrigation, commercial, and replacement supply.

3. 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, subject to adjustment by the Commission to conform to actual site-specific aquifer characteristics.

4. a. By an application for change of determination of water right received complete by the Commission on June 20, 2005, the applicant has requested to change the place of use to 1970.95 acres consisting of the above-described 193.7 acre place of use area and five additional areas totaling 1777.25 acres and generally described as follows:

- a 1112-acre tract located in the S½ of the S½, and in the NE¼ of the SE¼ of Section 31, and in the W½ of the SW¼ of Section 32, both in Township 12 South, Range 64 West of the 6th P.M., and all of that part of Section 6 lying north and west of the Chicago, Rock Island and Pacific Railway Right of Way, and a portion of that part of the NW¼ of Section 7 lying north and west of the Chicago, Rock Island and Pacific Railway Right of Way, all in Township 13 South, Range 64 West of the 6th P.M., and in the SE¼ of Section 36,Township 12 South, Range 65 West of the 6th P.M., and in the N½ of the NE¼ of Section 1, Township 13 South, Range 65 West of the 6th P.M., more completely described in Exhibit A of Determination No. 128-BD;

- a 39-acre tract located in the SW¼ of the SE¼ of Section 1, Township 13 South, Range 65 West of the 6th P.M., more completely described in Exhibit A of Determination No. 128-BD;

- a 40-acre tract in the S½ of the S½ of the NE¼ of Section 1, Township 13 South, Range 65 West of the 6th P.M., more completely described in Exhibit A of Determination No. 562-BD;

- a 50-acre tract in the W½ of the SW¼ of Section 7, Township 13 South, Range 65 West of the 6th P.M., more completely described in Exhibit A of Determination No. 48-BD;

- and a 536.25-acre tract in the N½, and the N½ of the SW¼, and the NW¼ of the SE¼ of Section 31, and the W½ of the NW¼ of Section 32, and that part of the E½ of the NW¼ and that part of the NW¼ of the NE¼ of Section 32 lying west of Eastonville Road, all in Township 12 South, Range 64 West of the 6th P.M. and more completely described in Exhibit A of Determination No. 133-BD.

b. The applicant has also requested to change the allowed beneficial uses to the following: domestic, livestock watering, irrigation, commercial, industrial, replacement supply, and municipal water supply provided by the Woodmen Hills Metropolitan District.

c. The applicant has provided evidence that agreements exist between Woodmen Hills Metropolitan District and the landowners of the place of use areas as described above to provide water from this allocation for the allowed intended beneficial uses on each of the subject land areas.

5. The above-described 193.7-acre overlying land area and five additional place of use areas totaling 1777.25 acres are located within the boundaries of the Upper Black Squirrel Creek Designated Ground Water Basin and within the Upper Black Squirrel Creek Ground Water Management District (hereinafter "District"). The Colorado Ground Water Commission has jurisdiction.

6. On August 23, 2005, the application was referred to the District for written comments or recommendations in accordance with 37-90-111(3), C.R.S. No written recommendations were received.

7. In accordance with Section 37-90-112(1) and Section 37-90-111(1)(g), C.R.S., the requested change of determination of water right was published in the Ranchland News newspaper on September 1 & 8, 2005.

8. a. On September 23, 2005, an objection to the application was received from the Upper Black Squirrel Creek Ground Water Management District ("objector"), and assigned Case No. 05-GW-20. No other objection to the proposed determination of water right was received within the time limit set by statute.

   b. On March 1, 2006, the applicant and objector reached a settlement and signed a stipulated agreement.

   c. On March 1, 2006, prior to an administrative hearing in this case, the objector withdrew its objection.

   d. By Order of the Commission Hearing Officer dated February 24, 2006, Case No. 05-GW-20 was dismissed, effective March 1, 2006.

9. In accordance with Section 37-90-111(1)(g), C.R.S., and the Designated Basin Rules, 2 CCR 410-1, the Colorado Ground Water Commission finds that the proposed change of determination of water right will not cause material injury to the existing rights of other appropriators within the Upper Black Squirrel Creek Designated Ground Water Basin, subject to the conditions stated in the following Order.

ORDER

Now, therefore, the Colorado Ground Water Commission orders that the application for change of water right to change the allowed beneficial uses and place of use of ground water for Determination of Water Right No. 373-BD is approved, subject to the following conditions:

10. The place of use of ground water shall be limited to 1970.95 acres consisting of the above-described 193.7 acre original place of use area and five additional areas totaling 1777.25 acres and generally described as follows:

    - a 1112-acre tract located in the S½ of the S½, and in the NE¼ of the SE¼ of Section 31, and in the W½ of the SW¼ of Section 32, both in Township 12 South, Range 64 West of the 6th P.M., and all of that part of Section 6 lying north and west of the Chicago, Rock Island and Pacific Railway Right of Way, and a portion of that part of the NW¼ of Section 7 lying north and west of the Chicago, Rock Island and Pacific Railway Right of Way, all in Township 13 South, Range 64 West of the 6th P.M., and in the SE¼ of Section 36,Township 12 South, Range 65 West of the 6th P.M., and in the N½ of the NE¼ of Section 1, Township 13 South, Range 65 West of the 6th P.M., more completely described in Exhibit A of Determination No. 128-BD;

- a 39-acre tract located in the SW¼ of the SE¼ of Section 1, Township 13 South, Range 65 West of the 6th P.M., more completely described in Exhibit A of Determination No. 128-BD;

- a 40-acre tract in the S½ of the S½ of the NE¼ of Section 1, Township 13 South, Range 65 West of the 6th P.M., more completely described in Exhibit A of Determination No. 562-BD;

- a 50-acre tract in the W½ of the SW¼ of Section 7, Township 13 South, Range 65 West of the 6th P.M., more completely described in Exhibit A of Determination No. 48-BD;

- and a 536.25-acre tract in the N½, and the N½ of the SW¼, and the NW¼ of the SE¼ of Section 31, and the W½ of the NW¼ of Section 32, and that part of the E½ of the NW¼ and that part of the NW¼ of the NE¼ of Section 32 lying west of Eastonville Road, all in Township 12 South, Range 64 West of the 6th P.M. and more completely described in Exhibit A of Determination No. 133-BD.

11. The use of ground water shall be limited to the following uses: domestic, livestock watering, irrigation, commercial, industrial, replacement supply, and municipal water supply provided by the Woodmen Hills Metropolitan District.

12. The Commission's Findings and Order of June 20, 2003, for Determination of Water Right No. 373-BD, is hereby amended to incorporate the above change. All other terms and conditions in the Findings and Order for Determination of Water Right No. 373-BD shall remain in full force and effect.

Dated this 29th day of June, 2006.

Hal D. Simpson
Executive Director
Colorado Ground Water Commission

By: Keith Vander Horst
Keith Vander Horst, P.E.
Designated Basins Chief

Prepared by: SKR

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

July 3, 2006

Bill Owens
Governor

Russell George
Executive Director

Hal D. Simpson, P.E.
State Engineer

Woodmen Hills Metropolitan District
PMB#205
7643 McLaughlin Road
Falcon, CO 80831

RE: Determination of Water Right

Dear Mr. Green:

Enclosed is a copy of the Colorado Ground Water Commission's Findings and Order for a Change of Determination of Water Right No. 562-BD, to change the allowed beneficial uses and place of use of ground water. This Findings and Order is the Commission's approval of your application to change the conditions of the above-stated determination of water right. This document contains important information about your water right and should be reviewed and retained for your records.

It is recommended that the applicant record a copy of this change of determination 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 these changes to the determination. An additional copy of the Findings and Order is enclosed for this purpose.

If you have any questions, please contact this office.

Sincerely,

Sarah K. Reinsel

Sarah K. Reinsel, E.I.T.
Water Resources Engineer
Designated Basins Branch

Enclosures: a/s

Cc: UBSC GWMD

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COLORADO GROUND WATER COMMISSION
FINDINGS AND ORDER

IN THE MATTER OF AN APPLICATION FOR CHANGE OF WATER RIGHT TO CHANGE THE ALLOWED BENEFICIAL USES AND PLACE OF USE OF GROUND WATER - FOR DETERMINATION OF WATER RIGHT NO. **562-BD**

APPLICANT: WOODMEN HILLS METROPOLITAN DISTRICT

AQUIFER: DENVER

FINDINGS

In compliance with Section 37-90-111(1)(g), C.R.S., Woodmen Hills Metropolitan District (hereinafter "applicant") submitted an application for a change of determination of water right to change the allowed beneficial uses and place of use of ground water under Determination of Water Right No. 562-BD. Based upon information provided by the applicants and the records of the Division of Water Resources, the Colorado Ground Water Commission (hereinafter "Commission") finds as follows:

1. Pursuant to Section 37-90-107(7), C.R.S., in a Commission Findings and Order dated October 14, 2004, the Commission approved a Determination of Water Right for R.W. Case, assigned Determination No. 562-BD. This determination of water right allows the withdrawal of ground water from the Denver Aquifer (hereinafter "aquifer"), underlying 40 acres, generally described as the S½ of the S½ of the NE¼ of Section 1, Township 13 South, Range 65 West of the 6th Principal Meridian, in El Paso County. This area is more completely described in Exhibit A of the above described Findings and Order.

2. a. In accordance with the above Order, the allowed average annual amount of ground water to be withdrawn from the aquifer shall not exceed 19.4 acre-feet.

   b. The place of use for this allocation of ground water is the above-described 40-acre overlying land area.

   c. The allowed intended beneficial uses for this allocation are: domestic, livestock watering, irrigation, commercial, industrial, and replacement supply.

3. 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, subject to adjustment by the Commission to conform to actual site-specific aquifer characteristics.

4. a. By an application for change of determination of water right received complete by the Commission on June 22, 2005, the applicant has requested to change the place of use to 1970.95 acres consisting of the above-described 40 acre place of use area and five additional areas totaling 1930.95 acres and generally described as follows:

- a 1112-acre tract located in the S½ of the S½, and in the NE¼ of the SE¼ of Section 31, and in the W½ of the SW¼ of Section 32, both in Township 12 South, Range 64 West of the 6th P.M., and all of that part of Section 6 lying north and west of the Chicago, Rock Island and Pacific Railway Right of Way, and a portion of that part of the NW¼ of Section 7 lying north and west of the Chicago, Rock Island and Pacific Railway Right of Way, all in Township 13 South, Range 64 West of the 6th P.M., and in the SE¼ of Section 36,Township 12 South, Range 65 West of the 6th P.M., and in the N½ of the NE¼ of Section 1, Township 13 South, Range 65 West of the 6th P.M., more completely described in Exhibit A of Determination No. 128-BD;

- a 39-acre tract located in the SW¼ of the SE¼ of Section 1, Township 13 South, Range 65 West of the 6th P.M., more completely described in Exhibit A of Determination No. 128-BD;

- a 193.7-acre tract in the S½ of the NW¼ and a portion of the SW¼ of Section 1, more completely described in Exhibit A of Determination No. 373-BD;

- a 50-acre tract in the W½ of the SW¼ of Section 7, Township 13 South, Range 65 West of the 6th P.M., more completely described in Exhibit A of Determination No. 48-BD;

- and a 536.25-acre tract in the N½, and the N½ of the SW¼, and the NW¼ of the SE¼ of Section 31, and the W½ of the NW¼ of Section 32, and that part of the E½ of the NW¼ and that part of the NW¼ of the NE¼ of Section 32 lying west of Eastonville Road, all in Township 12 South, Range 64 West of the 6th P.M. and more completely described in Exhibit A of Determination No. 132-BD.

b. The applicant has also requested to change the allowed beneficial uses to the following: domestic, livestock watering, irrigation, commercial, industrial, replacement supply, and municipal water supply provided by the Woodmen Hills Metropolitan District.

c. The applicant has provided evidence that agreements exist between Woodmen Hills Metropolitan District and the landowners of the place of use areas as described above to provide water from this allocation for the allowed intended beneficial uses on each of the subject land areas.

5. The above-described 40-acre overlying land area and five additional place of use areas totaling 1930.95 acres are located within the boundaries of the Upper Black Squirrel Creek Designated Ground Water Basin and within the Upper Black Squirrel Creek Ground Water Management District (hereinafter "District"). The Colorado Ground Water Commission has jurisdiction.

6. On August 23, 2005, the application was referred to the District for written comments or recommendations in accordance with 37-90-111(3), C.R.S. No written recommendations were received.

7. In accordance with Section 37-90-112(1) and Section 37-90-111(1)(g), C.R.S., the requested change of determination of water right was published in the Ranchland News newspaper on September 1 & 8, 2005.

8. a. On September 23, 2005, an objection to the application was received from the Upper Black Squirrel Creek Ground Water Management District ("objector"), and assigned Case No. 05-GW-21. No other objection to the proposed determination of water right was received within the time limit set by statute.

   b. On March 1, 2006, the applicant and objector reached a settlement and signed a stipulated agreement.

   c. On March 1, 2006, prior to an administrative hearing in this case, the objector withdrew its objection.

   d. By Order of the Commission Hearing Officer dated February 24, 2006, Case No. 05-GW-21 was dismissed, effective March 1, 2006.

9. In accordance with Section 37-90-111(1)(g), C.R.S., and the Designated Basin Rules, 2 CCR 410-1, the Colorado Ground Water Commission finds that the proposed change of determination of water right will not cause material injury to the existing rights of other appropriators within the Upper Black Squirrel Creek Designated Ground Water Basin, subject to the conditions stated in the following Order.

ORDER

Now, therefore, the Colorado Ground Water Commission orders that the application for change of water right to change the allowed beneficial uses and place of use of ground water for Determination of Water Right No. 562-BD is approved, subject to the following conditions:

10. The place of use of ground water shall be limited to 1970.95 acres consisting of the above-described 40 acre original place of use area and five additional areas totaling 1930.95 acres and generally described as follows:

    - a 1112-acre tract located in the S½ of the S½, and in the NE¼ of the SE¼ of Section 31, and in the W½ of the SW¼ of Section 32, both in Township 12 South, Range 64 West of the 6th P.M., and all of that part of Section 6 lying north and west of the Chicago, Rock Island and Pacific Railway Right of Way, and a portion of that part of the NW¼ of Section 7 lying north and west of the Chicago, Rock Island and Pacific Railway Right of Way, all in Township 13 South, Range 64 West of the 6th P.M., and in the SE¼ of Section 36,Township 12 South, Range 65 West of the 6th P.M., and in the N½ of the NE¼ of Section 1, Township 13 South, Range 65 West of the 6th P.M., more completely described in Exhibit A of Determination No. 128-BD;

- a 39-acre tract located in the SW¼ of the SE¼ of Section 1, Township 13 South, Range 65 West of the 6th P.M., more completely described in Exhibit A of Determination No. 128-BD;

- a 193.7-acre tract in the S½ of the NW¼ and a portion of the SW¼ of Section 1, more completely described in Exhibit A of Determination No. 373-BD;

- a 50-acre tract in the W½ of the SW¼ of Section 7, Township 13 South, Range 65 West of the 6th P.M., more completely described in Exhibit A of Determination No. 48-BD;

- and a 536.25-acre tract in the N½, and the N½ of the SW¼, and the NW¼ of the SE¼ of Section 31, and the W½ of the NW¼ of Section 32, and that part of the E½ of the NW¼ and that part of the NW¼ of the NE¼ of Section 32 lying west of Eastonville Road, all in Township 12 South, Range 64 West of the 6th P.M. and more completely described in Exhibit A of Determination No. 132-BD.

11. The use of ground water shall be limited to the following uses: domestic, livestock watering, irrigation, commercial, industrial, replacement supply, and municipal water supply provided by the Woodmen Hills Metropolitan District.

12. The Commission's Findings and Order of October 14, 2004, for Determination of Water Right No. 562-BD, is hereby amended to incorporate the above change. All other terms and conditions in the Findings and Order for Determination of Water Right No. 562-BD shall remain in full force and effect.

Dated this 3rd day of July, 2006.

Hal D. Simpson
Executive Director
Colorado Ground Water Commission

By: Keith Vander Horst
Keith Vander Horst, P.E.
Designated Basins Chief

Prepared by: SKR

STATE OF COLORADO

OFFICE OF THE STATE ENGINEER
Division of Water Resources
Department of Natural Resources

1313 Sherman Street, Room 818
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www.water.state.co.us

June 29, 2006

Bill Owens
Governor

Russell George
Executive Director

Hal D. Simpson, P.E.
State Engineer

Woodmen Hills Metropolitan District
PMB#205
7643 McLaughlin Road
Falcon, CO 80831

RE: Determination of Water Right

Dear Mr. Green:

Enclosed is a copy of the Colorado Ground Water Commission's Findings and Order for a Change of Determination of Water Right No. 372-BD, to change the allowed beneficial uses and place of use of ground water. This Findings and Order is the Commission's approval of your application to change the conditions of the above-stated determination of water right. This document contains important information about your water right and should be reviewed and retained for your records.

It is recommended that the applicant record a copy of this change of determination 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 these changes to the determination. An additional copy of the Findings and Order is enclosed for this purpose.

If you have any questions, please contact this office.

Sincerely,

Sarah K. Reinsel

Sarah K. Reinsel, E.I.T.
Water Resources Engineer
Designated Basins Branch

Enclosures: a/s

Cc: UBSC GWMD

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COLORADO GROUND WATER COMMISSION
FINDINGS AND ORDER

IN THE MATTER OF AN APPLICATION FOR CHANGE OF WATER RIGHT TO CHANGE THE ALLOWED BENEFICIAL USES AND PLACE OF USE OF GROUND WATER - FOR DETERMINATION OF WATER RIGHT NO. **372-BD**

APPLICANT: WOODMEN HILLS METROPOLITAN DISTRICT

AQUIFER: ARAPAHOE

FINDINGS

In compliance with Section 37-90-111(1)(g), C.R.S., Woodmen Hills Metropolitan District (hereinafter "applicant") submitted an application for a change of determination of water right to change the allowed beneficial uses and place of use of ground water under Determination of Water Right No. 372-BD. Based upon information provided by the applicants and the records of the Division of Water Resources, the Colorado Ground Water Commission (hereinafter "Commission") finds as follows:

1. Pursuant to Section 37-90-107(7), C.R.S., in a Commission Findings and Order dated June 20, 2003, the Commission approved a Determination of Water Right for Vernie Houtchens and Gary Nanninga, assigned Determination No. 372-BD. This determination of water right allows the withdrawal of ground water from the Arapahoe Aquifer (hereinafter "aquifer"), underlying 193.7 acres, generally described as the S½ of the NW¼ and a portion of the SW¼ of Section 1, Township 13 South, Range 65 West of the 6th Principal Meridian, in El Paso County. This area is more completely described in Exhibit A of the above described Findings and Order.

2. a. In accordance with the above Order, the allowed average annual amount of ground water to be withdrawn from the aquifer shall not exceed 56.0 acre-feet.

   b. The place of use for this allocation of ground water is the above-described 193.7-acre overlying land area.

   c. The allowed intended beneficial uses for this allocation are: domestic, stock watering, irrigation, commercial, and replacement supply.

3. 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, subject to adjustment by the Commission to conform to actual site-specific aquifer characteristics.

4. a. By an application for change of determination of water right received complete by the Commission on June 20, 2005, the applicant has requested to change the place of use to 1970.95 acres consisting of the above-described 193.7 acre place of use area and five additional areas totaling 1777.25 acres and generally described as follows:

- a 1112-acre tract located in the S½ of the S½, and in the NE¼ of the SE¼ of Section 31, and in the W½ of the SW¼ of Section 32, both in Township 12 South, Range 64 West of the 6th P.M., and all of that part of Section 6 lying north and west of the Chicago, Rock Island and Pacific Railway Right of Way, and a portion of that part of the NW¼ of Section 7 lying north and west of the Chicago, Rock Island and Pacific Railway Right of Way, all in Township 13 South, Range 64 West of the 6th P.M., and in the SE¼ of Section 36,Township 12 South, Range 65 West of the 6th P.M., and in the N½ of the NE¼ of Section 1, Township 13 South, Range 65 West of the 6th P.M., more completely described in Exhibit A of Determination No. 127-BD;

- a 39-acre tract located in the SW¼ of the SE¼ of Section 1, Township 13 South, Range 65 West of the 6th P.M., more completely described in Exhibit A of Determination No. 127-BD;

- a 40-acre tract in the S½ of the S½ of the NE¼ of Section 1, Township 13 South, Range 65 West of the 6th P.M., more completely described in Exhibit A of Determination No. 561-BD;

- a 50-acre tract in the W½ of the SW¼ of Section 7, Township 13 South, Range 65 West of the 6th P.M., more completely described in Exhibit A of Determination No. 48-BD;

- and a 536.25-acre tract in the N½, and the N½ of the SW¼, and the NW¼ of the SE¼ of Section 31, and the W½ of the NW¼ of Section 32, and that part of the E½ of the NW¼ and that part of the NW¼ of the NE¼ of Section 32 lying west of Eastonville Road, all in Township 12 South, Range 64 West of the 6th P.M. and more completely described in Exhibit A of Determination No. 131-BD.

b. The applicant has also requested to change the allowed beneficial uses to the following: domestic, livestock watering, irrigation, commercial, industrial, replacement supply, and municipal water supply provided by the Woodmen Hills Metropolitan District.

c. The applicant has provided evidence that agreements exist between Woodmen Hills Metropolitan District and the landowners of the place of use areas as described above to provide water from this allocation for the allowed intended beneficial uses on each of the subject land areas.

5. The above-described 193.7-acre overlying land area and five additional place of use areas totaling 1777.25 acres are located within the boundaries of the Upper Black Squirrel Creek Designated Ground Water Basin and within the Upper Black Squirrel Creek Ground Water Management District (hereinafter "District"). The Colorado Ground Water Commission has jurisdiction.

6. On August 23, 2005, the application was referred to the District for written comments or recommendations in accordance with 37-90-111(3), C.R.S. No written recommendations were received.

7. In accordance with Section 37-90-112(1) and Section 37-90-111(1)(g), C.R.S., the requested change of determination of water right was published in the Ranchland News newspaper on September 1 & 8, 2005.

8. a. On September 23, 2005, an objection to the application was received from the Upper Black Squirrel Creek Ground Water Management District ("objector"), and assigned Case No. 05-GW-20. No other objection to the proposed determination of water right was received within the time limit set by statute.

   b. On March 1, 2006, the applicant and objector reached a settlement and signed a stipulated agreement.

   c. On March 1, 2006, prior to an administrative hearing in this case, the objector withdrew its objection.

   d. By Order of the Commission Hearing Officer dated February 24, 2006, Case No. 05-GW-20 was dismissed, effective March 1, 2006.

9. In accordance with Section 37-90-111(1)(g), C.R.S., and the Designated Basin Rules, 2 CCR 410-1, the Colorado Ground Water Commission finds that the proposed change of determination of water right will not cause material injury to the existing rights of other appropriators within the Upper Black Squirrel Creek Designated Ground Water Basin, subject to the conditions stated in the following Order.

ORDER

Now, therefore, the Colorado Ground Water Commission orders that the application for change of water right to change the allowed beneficial uses and place of use of ground water for Determination of Water Right No. 372-BD is approved, subject to the following conditions:

10. The place of use of ground water shall be limited to 1970.95 acres consisting of the above-described 193.7 acre original place of use area and five additional areas totaling 1777.25 acres and generally described as follows:

    - a 1112-acre tract located in the S½ of the S½, and in the NE¼ of the SE¼ of Section 31, and in the W½ of the SW¼ of Section 32, both in Township 12 South, Range 64 West of the 6th P.M., and all of that part of Section 6 lying north and west of the Chicago, Rock Island and Pacific Railway Right of Way, and a portion of that part of the NW¼ of Section 7 lying north and west of the Chicago, Rock Island and Pacific Railway Right of Way, all in Township 13 South, Range 64 West of the 6th P.M., and in the SE¼ of Section 36,Township 12 South, Range 65 West of the 6th P.M., and in the N½ of the NE¼ of Section 1, Township 13 South, Range 65 West of the 6th P.M., more completely described in Exhibit A of Determination No. 127-BD;

- a 39-acre tract located in the SW¼ of the SE¼ of Section 1, Township 13 South, Range 65 West of the 6th P.M., more completely described in Exhibit A of Determination No. 127-BD;

- a 40-acre tract in the S½ of the S½ of the NE¼ of Section 1, Township 13 South, Range 65 West of the 6th P.M., more completely described in Exhibit A of Determination No. 561-BD;

- a 50-acre tract in the W½ of the SW¼ of Section 7, Township 13 South, Range 65 West of the 6th P.M., more completely described in Exhibit A of Determination No. 48-BD;

- and a 536.25-acre tract in the N½, and the N½ of the SW¼, and the NW¼ of the SE¼ of Section 31, and the W½ of the NW¼ of Section 32, and that part of the E½ of the NW¼ and that part of the NW¼ of the NE¼ of Section 32 lying west of Eastonville Road, all in Township 12 South, Range 64 West of the 6th P.M. and more completely described in Exhibit A of Determination No. 131-BD.

11. The use of ground water shall be limited to the following uses: domestic, livestock watering, irrigation, commercial, industrial, replacement supply, and municipal water supply provided by the Woodmen Hills Metropolitan District.

12. The Commission's Findings and Order of June 20, 2003, for Determination of Water Right No. 372-BD, is hereby amended to incorporate the above change. All other terms and conditions in the Findings and Order for Determination of Water Right No. 372-BD shall remain in full force and effect.

Dated this 29th day of June, 2006.

Hal D. Simpson
Executive Director
Colorado Ground Water Commission

By: Keith Vander Horst
Keith Vander Horst, P.E.
Designated Basins Chief

Prepared by: SKR

STATE OF COLORADO

OFFICE OF THE STATE ENGINEER
Division of Water Resources
Department of Natural Resources

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July 3, 2006

Bill Owens
Governor

Russell George
Executive Director

Hal D. Simpson, P.E.
State Engineer

Woodmen Hills Metropolitan District
PMB#205
7643 McLaughlin Road
Falcon, CO 80831

RE: Determination of Water Right

Dear Mr. Green:

Enclosed is a copy of the Colorado Ground Water Commission's Findings and Order for a Change of Determination of Water Right No. 561-BD, to change the allowed beneficial uses and place of use of ground water. This Findings and Order is the Commission's approval of your application to change the conditions of the above-stated determination of water right. This document contains important information about your water right and should be reviewed and retained for your records.

It is recommended that the applicant record a copy of this change of determination 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 these changes to the determination. An additional copy of the Findings and Order is enclosed for this purpose.

If you have any questions, please contact this office.

Sincerely,

Sarah K. Reinsel

Sarah K. Reinsel, E.I.T.
Water Resources Engineer
Designated Basins Branch

Enclosures: a/s

Cc: UBSC GWMD

COLORADO GROUND WATER COMMISSION
FINDINGS AND ORDER

IN THE MATTER OF AN APPLICATION FOR CHANGE OF WATER RIGHT TO CHANGE THE ALLOWED BENEFICIAL USES AND PLACE OF USE OF GROUND WATER - FOR DETERMINATION OF WATER RIGHT NO. **561-BD**

APPLICANT: WOODMEN HILLS METROPOLITAN DISTRICT

AQUIFER: ARAPAHOE

FINDINGS

In compliance with Section 37-90-111(1)(g), C.R.S., Woodmen Hills Metropolitan District (hereinafter "applicant") submitted an application for a change of determination of water right to change the allowed beneficial uses and place of use of ground water under Determination of Water Right No. 561-BD. Based upon information provided by the applicants and the records of the Division of Water Resources, the Colorado Ground Water Commission (hereinafter "Commission") finds as follows:

1. Pursuant to Section 37-90-107(7), C.R.S., in a Commission Findings and Order dated October 14, 2004, the Commission approved a Determination of Water Right for R.W. Case, assigned Determination No. 561-BD. This determination of water right allows the withdrawal of ground water from the Arapahoe Aquifer (hereinafter "aquifer"), underlying 40 acres, generally described as the S½ of the S½ of the NE¼ of Section 1, Township 13 South, Range 65 West of the 6th Principal Meridian, in El Paso County. This area is more completely described in Exhibit A of the above described Findings and Order.

2. a. In accordance with the above Order, the allowed average annual amount of ground water to be withdrawn from the aquifer shall not exceed 10.2 acre-feet.

   b. The place of use for this allocation of ground water is the above-described 40-acre overlying land area.

   c. The allowed intended beneficial uses for this allocation are: domestic, livestock watering, irrigation, commercial, industrial, and replacement supply.

3. 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, subject to adjustment by the Commission to conform to actual site-specific aquifer characteristics.

4. a. By an application for change of determination of water right received complete by the Commission on June 22, 2005, the applicant has requested to change the place of use to 1970.95 acres consisting of the above-described 40 acre place of use area and five additional areas totaling 1930.95 acres and generally described as follows:

- a 1112-acre tract located in the S½ of the S½, and in the NE¼ of the SE¼ of Section 31, and in the W½ of the SW¼ of Section 32, both in Township 12 South, Range 64 West of the 6th P.M., and all of that part of Section 6 lying north and west of the Chicago, Rock Island and Pacific Railway Right of Way, and a portion of that part of the NW¼ of Section 7 lying north and west of the Chicago, Rock Island and Pacific Railway Right of Way, all in Township 13 South, Range 64 West of the 6th P.M., and in the SE¼ of Section 36,Township 12 South, Range 65 West of the 6th P.M., and in the N½ of the NE¼ of Section 1, Township 13 South, Range 65 West of the 6th P.M., more completely described in Exhibit A of Determination No. 127-BD;

- a 39-acre tract located in the SW¼ of the SE¼ of Section 1, Township 13 South, Range 65 West of the 6th P.M., more completely described in Exhibit A of Determination No. 127-BD;

- a 193.7-acre tract in the S½ of the NW¼ and a portion of the SW¼ of Section 1, more completely described in Exhibit A of Determination No. 372-BD;

- a 50-acre tract in the W½ of the SW¼ of Section 7, Township 13 South, Range 65 West of the 6th P.M., more completely described in Exhibit A of Determination No. 48-BD;

- and a 536.25-acre tract in the N½, and the N½ of the SW¼, and the NW¼ of the SE¼ of Section 31, and the W½ of the NW¼ of Section 32, and that part of the E½ of the NW¼ and that part of the NW¼ of the NE¼ of Section 32 lying west of Eastonville Road, all in Township 12 South, Range 64 West of the 6th P.M. and more completely described in Exhibit A of Determination No. 131-BD.

b. The applicant has also requested to change the allowed beneficial uses to the following: domestic, livestock watering, irrigation, commercial, industrial, replacement supply, and municipal water supply provided by the Woodmen Hills Metropolitan District.

c. The applicant has provided evidence that agreements exist between Woodmen Hills Metropolitan District and the landowners of the place of use areas as described above to provide water from this allocation for the allowed intended beneficial uses on each of the subject land areas.

5. The above-described 40-acre overlying land area and five additional place of use areas totaling 1930.95 acres are located within the boundaries of the Upper Black Squirrel Creek Designated Ground Water Basin and within the Upper Black Squirrel Creek Ground Water Management District (hereinafter "District"). The Colorado Ground Water Commission has jurisdiction.

6. On August 23, 2005, the application was referred to the District for written comments or recommendations in accordance with 37-90-111(3), C.R.S. No written recommendations were received.

7. In accordance with Section 37-90-112(1) and Section 37-90-111(1)(g), C.R.S., the requested change of determination of water right was published in the Ranchland News newspaper on September 1 & 8, 2005.

8. a. On September 23, 2005, an objection to the application was received from the Upper Black Squirrel Creek Ground Water Management District ("objector"), and assigned Case No. 05-GW-21. No other objection to the proposed determination of water right was received within the time limit set by statute.

   b. On March 1, 2006, the applicant and objector reached a settlement and signed a stipulated agreement.

   c. On March 1, 2006, prior to an administrative hearing in this case, the objector withdrew its objection.

   d. By Order of the Commission Hearing Officer dated February 24, 2006, Case No. 05-GW-21 was dismissed, effective March 1, 2006.

9. In accordance with Section 37-90-111(1)(g), C.R.S., and the Designated Basin Rules, 2 CCR 410-1, the Colorado Ground Water Commission finds that the proposed change of determination of water right will not cause material injury to the existing rights of other appropriators within the Upper Black Squirrel Creek Designated Ground Water Basin, subject to the conditions stated in the following Order.

ORDER

Now, therefore, the Colorado Ground Water Commission orders that the application for change of water right to change the allowed beneficial uses and place of use of ground water for Determination of Water Right No. 561-BD is approved, subject to the following conditions:

10. The place of use of ground water shall be limited to 1970.95 acres consisting of the above-described 40 acre original place of use area and five additional areas totaling 1930.95 acres and generally described as follows:

    - a 1112-acre tract located in the S½ of the S½, and in the NE¼ of the SE¼ of Section 31, and in the W½ of the SW¼ of Section 32, both in Township 12 South, Range 64 West of the 6th P.M., and all of that part of Section 6 lying north and west of the Chicago, Rock Island and Pacific Railway Right of Way, and a portion of that part of the NW¼ of Section 7 lying north and west of the Chicago, Rock Island and Pacific Railway Right of Way, all in Township 13 South, Range 64 West of the 6th P.M., and in the SE¼ of Section 36,Township 12 South, Range 65 West of the 6th P.M., and in the N½ of the NE¼ of Section 1, Township 13 South, Range 65 West of the 6th P.M., more completely described in Exhibit A of Determination No. 127-BD;

- a 39-acre tract located in the SW¼ of the SE¼ of Section 1, Township 13 South, Range 65 West of the 6th P.M., more completely described in Exhibit A of Determination No. 127-BD;

- a 193.7-acre tract in the S½ of the NW¼ and a portion of the SW¼ of Section 1, more completely described in Exhibit A of Determination No. 372-BD;

- a 50-acre tract in the W½ of the SW¼ of Section 7, Township 13 South, Range 65 West of the 6th P.M., more completely described in Exhibit A of Determination No. 48-BD;

- and a 536.25-acre tract in the N½, and the N½ of the SW¼, and the NW¼ of the SE¼ of Section 31, and the W½ of the NW¼ of Section 32, and that part of the E½ of the NW¼ and that part of the NW¼ of the NE¼ of Section 32 lying west of Eastonville Road, all in Township 12 South, Range 64 West of the 6th P.M. and more completely described in Exhibit A of Determination No. 131-BD.

11. The use of ground water shall be limited to the following uses: domestic, livestock watering, irrigation, commercial, industrial, replacement supply, and municipal water supply provided by the Woodmen Hills Metropolitan District.

12. The Commission's Findings and Order of October 14, 2004, for Determination of Water Right No. 561-BD, is hereby amended to incorporate the above change. All other terms and conditions in the Findings and Order for Determination of Water Right No. 561-BD shall remain in full force and effect.

Dated this 3rd day of July, 2006.

Hal D. Simpson
Executive Director
Colorado Ground Water Commission

By: Keith Vander Horst
Keith Vander Horst, P.E.
Designated Basins Chief

Prepared by: SKR

STATE OF COLORADO

OFFICE OF THE STATE ENGINEER
Division of Water Resources
Department of Natural Resources

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June 29, 2006

Bill Owens
Governor

Russell George
Executive Director

Hal D. Simpson, P.E.
State Engineer

Woodmen Hills Metropolitan District
PMB#205
7643 McLaughlin Road
Falcon, CO 80831

RE: Determination of Water Right

Dear Mr. Green:

Enclosed is a copy of the Colorado Ground Water Commission's Findings and Order for a Change of Determination of Water Right No. 371-BD, to change the allowed beneficial uses and place of use of ground water. This Findings and Order is the Commission's approval of your application to change the conditions of the above-stated determination of water right. This document contains important information about your water right and should be reviewed and retained for your records.

It is recommended that the applicant record a copy of this change of determination 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 these changes to the determination. An additional copy of the Findings and Order is enclosed for this purpose.

If you have any questions, please contact this office.

Sincerely,

Sarah K. Reinsel

Sarah K. Reinsel, E.I.T.
Water Resources Engineer
Designated Basins Branch

Enclosures: a/s

Cc: UBSC GWMD

COLORADO GROUND WATER COMMISSION
FINDINGS AND ORDER

IN THE MATTER OF AN APPLICATION FOR CHANGE OF WATER RIGHT TO CHANGE THE ALLOWED BENEFICIAL USES AND PLACE OF USE OF GROUND WATER - FOR DETERMINATION OF WATER RIGHT NO. **371-BD**

APPLICANT: WOODMEN HILLS METROPOLITAN DISTRICT

AQUIFER: LARAMIE-FOX HILLS

FINDINGS

In compliance with Section 37-90-111(1)(g), C.R.S., Woodmen Hills Metropolitan District (hereinafter "applicant") submitted an application for a change of determination of water right to change the allowed beneficial uses and place of use of ground water under Determination of Water Right No. 371-BD. Based upon information provided by the applicants and the records of the Division of Water Resources, the Colorado Ground Water Commission (hereinafter "Commission") finds as follows:

1. Pursuant to Section 37-90-107(7), C.R.S., in a Commission Findings and Order dated June 20, 2003, the Commission approved a Determination of Water Right for Vernie Houtchens and Gary Nanninga, assigned Determination No. 371-BD. This determination of water right allows the withdrawal of ground water from the Laramie-Fox Hills Aquifer (hereinafter "aquifer"), underlying 193.7 acres, generally described as the S½ of the NW¼ and a portion of the SW¼ of Section 1, Township 13 South, Range 65 West of the 6th Principal Meridian, in El Paso County. This area is more completely described in Exhibit A of the above described Findings and Order.

2. a. In accordance with the above Order, the allowed average annual amount of ground water to be withdrawn from the aquifer shall not exceed 50.8 acre-feet.

   b. The place of use for this allocation of ground water is the above-described 193.7-acre overlying land area.

   c. The allowed intended beneficial uses for this allocation are: domestic, stock watering, irrigation, commercial, and replacement supply.

3. 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, subject to adjustment by the Commission to conform to actual site-specific aquifer characteristics.

4. a. By an application for change of determination of water right received complete by the Commission on June 20, 2005, the applicant has requested to change the place of use to 1970.95 acres consisting of the above-described 193.7 acre place of use area and five additional areas totaling 1777.25 acres and generally described as follows:

- a 1112-acre tract located in the S½ of the S½, and in the NE¼ of the SE¼ of Section 31, and in the W½ of the SW¼ of Section 32, both in Township 12 South, Range 64 West of the 6th P.M., and all of that part of Section 6 lying north and west of the Chicago, Rock Island and Pacific Railway Right of Way, and a portion of that part of the NW¼ of Section 7 lying north and west of the Chicago, Rock Island and Pacific Railway Right of Way, all in Township 13 South, Range 64 West of the 6th P.M., and in the SE¼ of Section 36,Township 12 South, Range 65 West of the 6th P.M., and in the N½ of the NE¼ of Section 1, Township 13 South, Range 65 West of the 6th P.M., more completely described in Exhibit A of Determination No. 126-BD;

- a 39-acre tract located in the SW¼ of the SE¼ of Section 1, Township 13 South, Range 65 West of the 6th P.M., more completely described in Exhibit A of Determination No. 126-BD;

- a 40-acre tract in the S½ of the S½ of the NE¼ of Section 1, Township 13 South, Range 65 West of the 6th P.M., more completely described in Exhibit A of Determination No. 560-BD;

- a 50-acre tract in the W½ of the SW¼ of Section 7, Township 13 South, Range 65 West of the 6th P.M., more completely described in Exhibit A of Determination No. 48-BD;

- and a 536.25-acre tract in the N½, and the N½ of the SW¼, and the NW¼ of the SE¼ of Section 31, and the W½ of the NW¼ of Section 32, and that part of the E½ of the NW¼ and that part of the NW¼ of the NE¼ of Section 32 lying west of Eastonville Road, all in Township 12 South, Range 64 West of the 6th P.M. and more completely described in Exhibit A of Determination No. 130-BD.

b. The applicant has also requested to change the allowed beneficial uses to the following: domestic, livestock watering, irrigation, commercial, industrial, replacement supply, and municipal water supply provided by the Woodmen Hills Metropolitan District.

c. The applicant has provided evidence that agreements exist between Woodmen Hills Metropolitan District and the landowners of the place of use areas as described above to provide water from this allocation for the allowed intended beneficial uses on each of the subject land areas.

5. The above-described 193.7-acre overlying land area and five additional place of use areas totaling 1777.25 acres are located within the boundaries of the Upper Black Squirrel Creek Designated Ground Water Basin and within the Upper Black Squirrel Creek Ground Water Management District (hereinafter "District"). The Colorado Ground Water Commission has jurisdiction.

6. On August 23, 2005, the application was referred to the District for written comments or recommendations in accordance with 37-90-111(3), C.R.S. No written recommendations were received.

7. In accordance with Section 37-90-112(1) and Section 37-90-111(1)(g), C.R.S., the requested change of determination of water right was published in the Ranchland News newspaper on September 1 & 8, 2005.

8. a. On September 23, 2005, an objection to the application was received from the Upper Black Squirrel Creek Ground Water Management District ("objector"), and assigned Case No. 05-GW-20. No other objection to the proposed determination of water right was received within the time limit set by statute.

   b. On March 1, 2006, the applicant and objector reached a settlement and signed a stipulated agreement.

   c. On March 1, 2006, prior to an administrative hearing in this case, the objector withdrew its objection.

   d. By Order of the Commission Hearing Officer dated February 24, 2006, Case No. 05-GW-20 was dismissed, effective March 1, 2006.

9. In accordance with Section 37-90-111(1)(g), C.R.S., and the Designated Basin Rules, 2 CCR 410-1, the Colorado Ground Water Commission finds that the proposed change of determination of water right will not cause material injury to the existing rights of other appropriators within the Upper Black Squirrel Creek Designated Ground Water Basin, subject to the conditions stated in the following Order.

ORDER

Now, therefore, the Colorado Ground Water Commission orders that the application for change of water right to change the allowed beneficial uses and place of use of ground water for Determination of Water Right No. 371-BD is approved, subject to the following conditions:

10. The place of use of ground water shall be limited to 1970.95 acres consisting of the above-described 193.7 acre original place of use area and five additional areas totaling 1777.25 acres and generally described as follows:

    - a 1112-acre tract located in the S½ of the S½, and in the NE¼ of the SE¼ of Section 31, and in the W½ of the SW¼ of Section 32, both in Township 12 South, Range 64 West of the 6th P.M., and all of that part of Section 6 lying north and west of the Chicago, Rock Island and Pacific Railway Right of Way, and a portion of that part of the NW¼ of Section 7 lying north and west of the Chicago, Rock Island and Pacific Railway Right of Way, all in Township 13 South, Range 64 West of the 6th P.M., and in the SE¼ of Section 36,Township 12 South, Range 65 West of the 6th P.M., and in the N½ of the NE¼ of Section 1, Township 13 South, Range 65 West of the 6th P.M., more completely described in Exhibit A of Determination No. 126-BD;

- a 39-acre tract located in the SW¼ of the SE¼ of Section 1, Township 13 South, Range 65 West of the 6th P.M., more completely described in Exhibit A of Determination No. 126-BD;

- a 40-acre tract in the S½ of the S½ of the NE¼ of Section 1, Township 13 South, Range 65 West of the 6th P.M., more completely described in Exhibit A of Determination No. 560-BD;

- a 50-acre tract in the W½ of the SW¼ of Section 7, Township 13 South, Range 65 West of the 6th P.M., more completely described in Exhibit A of Determination No. 48-BD;

- and a 536.25-acre tract in the N½, and the N½ of the SW¼, and the NW¼ of the SE¼ of Section 31, and the W½ of the NW¼ of Section 32, and that part of the E½ of the NW¼ and that part of the NW¼ of the NE¼ of Section 32 lying west of Eastonville Road, all in Township 12 South, Range 64 West of the 6th P.M. and more completely described in Exhibit A of Determination No. 130-BD.

11. The use of ground water shall be limited to the following uses: domestic, livestock watering, irrigation, commercial, industrial, replacement supply, and municipal water supply provided by the Woodmen Hills Metropolitan District.

12. The Commission's Findings and Order of June 20, 2003, for Determination of Water Right No. 371-BD, is hereby amended to incorporate the above change. All other terms and conditions in the Findings and Order for Determination of Water Right No. 371-BD shall remain in full force and effect.

Dated this 29th day of June, 2006.

Hal D. Simpson
Executive Director
Colorado Ground Water Commission

By: Keith Vander Horst
Keith Vander Horst, P.E.
Designated Basins Chief

Prepared by: SKR

STATE OF COLORADO

OFFICE OF THE STATE ENGINEER
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July 3, 2006 REC'D JUL 7 2006

Bill Owens
Governor

Russell George
Executive Director

Hal D. Simpson, P.E.
State Engineer

Woodmen Hills Metropolitan District
PMB#205
7643 McLaughlin Road
Falcon, CO 80831

RE: Determination of Water Right

Dear Mr. Green:

Enclosed is a copy of the Colorado Ground Water Commission's Findings and Order for a Change of Determination of Water Right No. 560-BD, to change the allowed beneficial uses and place of use of ground water. This Findings and Order is the Commission's approval of your application to change the conditions of the above-stated determination of water right. This document contains important information about your water right and should be reviewed and retained for your records.

It is recommended that the applicant record a copy of this change of determination 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 these changes to the determination. An additional copy of the Findings and Order is enclosed for this purpose.

If you have any questions, please contact this office.

Sincerely,

Sarah K. Reinsel

Sarah K. Reinsel, E.I.T.
Water Resources Engineer
Designated Basins Branch

Enclosures: a/s

Cc: UBSC GWMD

COLORADO GROUND WATER COMMISSION
FINDINGS AND ORDER

IN THE MATTER OF AN APPLICATION FOR CHANGE OF WATER RIGHT TO CHANGE THE ALLOWED BENEFICIAL USES AND PLACE OF USE OF GROUND WATER - FOR DETERMINATION OF WATER RIGHT NO. **560-BD**

APPLICANT: WOODMEN HILLS METROPOLITAN DISTRICT

AQUIFER: LARAMIE-FOX HILLS

FINDINGS

In compliance with Section 37-90-111(1)(g), C.R.S., Woodmen Hills Metropolitan District (hereinafter "applicant") submitted an application for a change of determination of water right to change the allowed beneficial uses and place of use of ground water under Determination of Water Right No. 560-BD. Based upon information provided by the applicants and the records of the Division of Water Resources, the Colorado Ground Water Commission (hereinafter "Commission") finds as follows:

1. Pursuant to Section 37-90-107(7), C.R.S., in a Commission Findings and Order dated October 14, 2004, the Commission approved a Determination of Water Right for R.W. Case, assigned Determination No. 560-BD. This determination of water right allows the withdrawal of ground water from the Laramie-Fox Hills Aquifer (hereinafter "aquifer"), underlying 40 acres, generally described as the S½ of the S½ of the NE¼ of Section 1, Township 13 South, Range 65 West of the 6th Principal Meridian, in El Paso County. This area is more completely described in Exhibit A of the above described Findings and Order.

2. a. In accordance with the above Order, the allowed average annual amount of ground water to be withdrawn from the aquifer shall not exceed 10.5 acre-feet.

   b. The place of use for this allocation of ground water is the above-described 40-acre overlying land area.

   c. The allowed intended beneficial uses for this allocation are: domestic, livestock watering, irrigation, commercial, industrial, and replacement supply.

3. 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, subject to adjustment by the Commission to conform to actual site-specific aquifer characteristics.

4. a. By an application for change of determination of water right received complete by the Commission on June 22, 2005, the applicant has requested to change the place of use to 1970.95 acres consisting of the above-described 40 acre place of use area and five additional areas totaling 1930.95 acres and generally described as follows:

- a 1112-acre tract located in the S½ of the S½, and in the NE¼ of the SE¼ of Section 31, and in the W½ of the SW¼ of Section 32, both in Township 12 South, Range 64 West of the 6th P.M., and all of that part of Section 6 lying north and west of the Chicago, Rock Island and Pacific Railway Right of Way, and a portion of that part of the NW¼ of Section 7 lying north and west of the Chicago, Rock Island and Pacific Railway Right of Way, all in Township 13 South, Range 64 West of the 6th P.M., and in the SE¼ of Section 36,Township 12 South, Range 65 West of the 6th P.M., and in the N½ of the NE¼ of Section 1, Township 13 South, Range 65 West of the 6th P.M., more completely described in Exhibit A of Determination No. 126-BD;

- a 39-acre tract located in the SW¼ of the SE¼ of Section 1, Township 13 South, Range 65 West of the 6th P.M., more completely described in Exhibit A of Determination No. 126-BD;

- a 193.7-acre tract in the S½ of the NW¼ and a portion of the SW¼ of Section 1, more completely described in Exhibit A of Determination No. 371-BD;

- a 50-acre tract in the W½ of the SW¼ of Section 7, Township 13 South, Range 65 West of the 6th P.M., more completely described in Exhibit A of Determination No. 48-BD;

- and a 536.25-acre tract in the N½, and the N½ of the SW¼, and the NW¼ of the SE¼ of Section 31, and the W½ of the NW¼ of Section 32, and that part of the E½ of the NW¼ and that part of the NW¼ of the NE¼ of Section 32 lying west of Eastonville Road, all in Township 12 South, Range 64 West of the 6th P.M. and more completely described in Exhibit A of Determination No. 130-BD.

b. The applicant has also requested to change the allowed beneficial uses to the following: domestic, livestock watering, irrigation, commercial, industrial, replacement supply, and municipal water supply provided by the Woodmen Hills Metropolitan District.

c. The applicant has provided evidence that agreements exist between Woodmen Hills Metropolitan District and the landowners of the place of use areas as described above to provide water from this allocation for the allowed intended beneficial uses on each of the subject land areas.

5. The above-described 40-acre overlying land area and five additional place of use areas totaling 1930.95 acres are located within the boundaries of the Upper Black Squirrel Creek Designated Ground Water Basin and within the Upper Black Squirrel Creek Ground Water Management District (hereinafter "District"). The Colorado Ground Water Commission has jurisdiction.

6. On August 23, 2005, the application was referred to the District for written comments or recommendations in accordance with 37-90-111(3), C.R.S. No written recommendations were received.

7. In accordance with Section 37-90-112(1) and Section 37-90-111(1)(g), C.R.S., the requested change of determination of water right was published in the Ranchland News newspaper on September 1 & 8, 2005.

8. a. On September 23, 2005, an objection to the application was received from the Upper Black Squirrel Creek Ground Water Management District ("objector"), and assigned Case No. 05-GW-21. No other objection to the proposed determination of water right was received within the time limit set by statute.

   b. On March 1, 2006, the applicant and objector reached a settlement and signed a stipulated agreement.

   c. On March 1, 2006, prior to an administrative hearing in this case, the objector withdrew its objection.

   d. By Order of the Commission Hearing Officer dated February 24, 2006, Case No. 05-GW-21 was dismissed, effective March 1, 2006.

9. In accordance with Section 37-90-111(1)(g), C.R.S., and the Designated Basin Rules, 2 CCR 410-1, the Colorado Ground Water Commission finds that the proposed change of determination of water right will not cause material injury to the existing rights of other appropriators within the Upper Black Squirrel Creek Designated Ground Water Basin, subject to the conditions stated in the following Order.

ORDER

Now, therefore, the Colorado Ground Water Commission orders that the application for change of water right to change the allowed beneficial uses and place of use of ground water for Determination of Water Right No. 560-BD is approved, subject to the following conditions:

10. The place of use of ground water shall be limited to 1970.95 acres consisting of the above-described 40 acre original place of use area and five additional areas totaling 1930.95 acres and generally described as follows:

    - a 1112-acre tract located in the S½ of the S½, and in the NE¼ of the SE¼ of Section 31, and in the W½ of the SW¼ of Section 32, both in Township 12 South, Range 64 West of the 6th P.M., and all of that part of Section 6 lying north and west of the Chicago, Rock Island and Pacific Railway Right of Way, and a portion of that part of the NW¼ of Section 7 lying north and west of the Chicago, Rock Island and Pacific Railway Right of Way, all in Township 13 South, Range 64 West of the 6th P.M., and in the SE¼ of Section 36,Township 12 South, Range 65 West of the 6th P.M., and in the N½ of the NE¼ of Section 1, Township 13 South, Range 65 West of the 6th P.M., more completely described in Exhibit A of Determination No. 126-BD;

- a 39-acre tract located in the SW¼ of the SE¼ of Section 1, Township 13 South, Range 65 West of the 6th P.M., more completely described in Exhibit A of Determination No. 126-BD;

- a 193.7-acre tract in the S½ of the NW¼ and a portion of the SW¼ of Section 1, more completely described in Exhibit A of Determination No. 371-BD;

- a 50-acre tract in the W½ of the SW¼ of Section 7, Township 13 South, Range 65 West of the 6th P.M., more completely described in Exhibit A of Determination No. 48-BD;

- and a 536.25-acre tract in the N½, and the N½ of the SW¼, and the NW¼ of the SE¼ of Section 31, and the W½ of the NW¼ of Section 32, and that part of the E½ of the NW¼ and that part of the NW¼ of the NE¼ of Section 32 lying west of Eastonville Road, all in Township 12 South, Range 64 West of the 6th P.M. and more completely described in Exhibit A of Determination No. 130-BD.

11. The use of ground water shall be limited to the following uses: domestic, livestock watering, irrigation, commercial, industrial, replacement supply, and municipal water supply provided by the Woodmen Hills Metropolitan District.

12. The Commission's Findings and Order of October 14, 2004, for Determination of Water Right No. 560-BD, is hereby amended to incorporate the above change. All other terms and conditions in the Findings and Order for Determination of Water Right No. 560-BD shall remain in full force and effect.

Dated this 3rd day of July, 2006.

Hal D. Simpson
Executive Director
Colorado Ground Water Commission

By: Keith Vander Horst
Keith Vander Horst, P.E.
Designated Basins Chief

Prepared by: SKR

COLORADO GROUND WATER COMMISSION
FINDINGS AND ORDER

IN THE MATTER OF AN APPLICATION FOR A CHANGE OF WATER RIGHT TO CHANGE THE TYPE OF USE AND PLACE OF USE OF GROUND WATER

DETERMINATION OF WATER RIGHT NO. 2100-BD

APPLICANT: JAY J. HART, EVELYN HART, NORMAN HART AND DONENE HART

AQUIFER: ARAPAHOE

In compliance with Section 37-90-111(1)(g), C.R.S., Jay J. Hart, Evelyn Hart, Norman Hart and Donene Hart (hereinafter "applicant") submitted an application for a change of determination of water right to change the type of use and place of use of ground water under Determination of Water Right No. 2100-BD. Based upon information provided by the applicant and the records of the Division of Water Resources, the Colorado Ground Water Commission (hereinafter "Commission") finds as follows:

1. Pursuant to Section 37-90-107(7), C.R.S., in a Findings and Order dated June 25, 2009, the Colorado Ground Water Commission approved Determination of Water Right No. 2100-BD for Jay and Evelyn Hart. This determination of water right allows the withdrawal of ground water from the Arapahoe Aquifer (hereinafter "aquifer"), underlying 320 acres, more completely described in Exhibit A of the above described Findings and Orders dated June 25, 2009.

2. In accordance with the above Order dated June 25, 2009:

   a. The allowed average annual amount of ground water to be withdrawn from the aquifer shall not exceed 103 acre-feet.

   b. The place of use for this allocation of ground water is the above-described 320-acre overlying land area.

   c. The allowed intended beneficial uses for this allocation of ground water are as follows: domestic, irrigation, commercial, industrial, fire protection, stock watering and augmentation.

3. By an application to change a Determination of Water right submitted on November 25, 2011 the applicant has requested to change the allowed type of use of the subject Determination of Water right to include municipal use of the water by Meridian Service and Woodmen Hills Metropolitan Districts, and place of use to include the above-described 320-acre overlying land area, and the services areas of Meridian Service and Woodmen Hills Metropolitan Districts.

4. The applicant provided documentation of joint ownership of portions of the water right of Determination of Water Right no. 2100-BD. A special warranty deed dated September 28, 2009 (El Paso County Reception #209116922) that conveyed to Norman Hart and Donene L. Hart, as joint tenants 40.875 annual acre-feet of the 103 annual acre-feet in the Arapahoe aquifer, subject in Determination of Water Right no. 2100-BD.

5. The applicant provided a documentation that Meridian Service Metropolitan District and Woodmen Hills Metropolitan District intend to purchase water from the applicant; letter dated June 28, 2011.

6. The application does not request a change in the allowed amounts of withdrawal.

7. The requested change shall be considered under the same standards as would be used for an application for determination of water right.

8. The above-described 320-acres are within the boundaries of the Upper Black Squirrel Creek Designated Ground Water Basin and within the Upper Black Squirrel Creek Ground Water Management District (hereinafter "District"). The Colorado Ground Water Commission has jurisdiction.

9. On June 15, 2012, the application was referred to the District for written comments or recommendations in accordance with 37-90-111(3), C.R.S. Written recommendations from the district were received on July 26, 2012.

10. In accordance with Section 37-90-111(1)(g) and Section 37-90-112(1), C.R.S., the requested change of determination of water right was published in the Ranchland News newspaper on June 21 and June 28, 2012. No objections to the proposed change were received within the time limit set by statute

11. In accordance with Section 37-90-111(1)(g), C.R.S., and the Designated Basin Rules, 2 CCR 410-1, the Colorado Ground Water Commission finds that the proposed change of determination of water right will not cause material injury to the existing rights of other appropriators within the Upper Black Squirrel Creek Designated Ground Water Basin, subject to the conditions in the following Order:

ORDER

Now, therefore, the Colorado Ground Water Commission orders that the application for change of water right to change the allowed beneficial uses and place of use of ground water for Determination of Water Right No. 2100-BD is approved, subject to the following conditions:

12. The allowed type of use of the subject determination of water right shall be limited to the following beneficial uses: domestic, irrigation, commercial, industrial, fire protection, stock watering, augmentation and municipal use of the water by Meridian Service and Woodmen Hills Metropolitan Districts.

13. The allowed place of use of the subject determination of water right shall be limited to the above-described 320-acre overlying land area, and the services areas of Meridian Service and Woodmen Hills Metropolitan Districts.

14. The Commission's Findings and Order of June 25, 2009, for Determination of Water Right No. 2100-BD, is hereby amended to incorporate the above changes. All other terms and conditions in the Findings and Order for Determination of Water Right No. 2100-BD shall remain in full force and effect.

15. A copy of this Findings and Order shall be recorded by the applicant in the public records of the county in which the overlying land is located so that a title examination of the above described 320 acres of overlying land area, or any part thereof, shall reveal the existence of this determination.

16. Any existing wells with permits issued pursuant to the original determination, the permitted use of which does not conform to the actual use that will occur under this change, shall require applications for re-permitting in accordance with this approved change

Dated this 3rd day of August, 2012.

Dick Wolfe

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

By: Keith Vander Horst

Keith Vander Horst, P.E.
Supervisor, Designated Basins Team

Prepared by: JPM
ChangeF&O2100-BD.doc

COLORADO GROUND WATER COMMISSION
FINDINGS AND ORDER

IN THE MATTER OF AN APPLICATION FOR A CHANGE OF WATER RIGHT TO CHANGE THE TYPE OF USE AND PLACE OF USE OF GROUND WATER

DETERMINATION OF WATER RIGHT NO. 2099-BD

APPLICANT: JAY J. HART, EVELYN HART, NORMAN HART AND DONENE HART

AQUIFER: LARAMIE-FOX HILLS

In compliance with Section 37-90-111(1)(g), C.R.S., Jay J. Hart, Evelyn Hart, Norman Hart and Donene Hart (hereinafter "applicant") submitted an application for a change of determination of water right to change the type of use and place of use of ground water under Determination of Water Right No. 2099-BD. Based upon information provided by the applicant and the records of the Division of Water Resources, the Colorado Ground Water Commission (hereinafter "Commission") finds as follows:

1. Pursuant to Section 37-90-107(7), C.R.S., in a Findings and Order dated June 25, 2009, the Colorado Ground Water Commission approved Determination of Water Right No. 2099-BD for Jay and Evelyn Hart. This determination of water right allows the withdrawal of ground water from the Laramie-Fox Hills Aquifer (hereinafter "aquifer"), underlying 320 acres, more completely described in Exhibit A of the above described Findings and Orders dated June 25, 2009.

2. In accordance with the above Order dated June 25, 2009:

   a. The allowed average annual amount of ground water to be withdrawn from the aquifer shall not exceed 125 acre-feet.

   b. The place of use for this allocation of ground water is the above-described 320-acre overlying land area.

   c. The allowed intended beneficial uses for this allocation of ground water are as follows: domestic, irrigation, commercial, industrial, fire protection, stock watering and augmentation.

3. By an application to change a Determination of Water right submitted on November 25, 2011 the applicant has requested to change the allowed type of use of the subject Determination of Water right to include municipal use of the water by Meridian Service and Woodmen Hills Metropolitan Districts, and place of use to include the above-described 320-acre overlying land area, and the services areas of Meridian Service and Woodmen Hills Metropolitan Districts.

4. The applicant provided documentation of joint ownership of portions of the water right of Determination of Water Right no. 2099-BD. A special warranty deed dated September 28, 2009 (El Paso County Reception #209116922) that conveyed to Norman Hart and Donene L. Hart, as joint tenants 40.875 annual acre-feet of the 125 annual acre-feet in the Laramie-Fox Hills aquifer, subject in Determination of Water Right no. 2099-BD.

5. The applicant provided a documentation that Meridian Service Metropolitan District and Woodmen Hills Metropolitan District intend to purchase water from the applicant; letter dated June 28, 2011.

6. The application does not request a change in the allowed amounts of withdrawal.

7. The requested change shall be considered under the same standards as would be used for an application for determination of water right.

8. The above-described 320-acres are within the boundaries of the Upper Black Squirrel Creek Designated Ground Water Basin and within the Upper Black Squirrel Creek Ground Water Management District (hereinafter "District"). The Colorado Ground Water Commission has jurisdiction.

9. On June 15, 2012, the application was referred to the District for written comments or recommendations in accordance with 37-90-111(3), C.R.S. Written recommendations from the district were received on July 26, 2012.

10. In accordance with Section 37-90-111(1)(g) and Section 37-90-112(1), C.R.S., the requested change of determination of water right was published in the Ranchland News newspaper on June 21 and June 28, 2012. No objections to the proposed change were received within the time limit set by statute

11. In accordance with Section 37-90-111(1)(g), C.R.S., and the Designated Basin Rules, 2 CCR 410-1, the Colorado Ground Water Commission finds that the proposed change of determination of water right will not cause material injury to the existing rights of other appropriators within the Upper Black Squirrel Creek Designated Ground Water Basin, subject to the conditions in the following Order:

ORDER

Now, therefore, the Colorado Ground Water Commission orders that the application for change of water right to change the allowed beneficial uses and place of use of ground water for Determination of Water Right No. 2099-BD is approved, subject to the following conditions:

12. The allowed type of use of the subject determination of water right shall be limited to the following beneficial uses: domestic, irrigation, commercial, industrial, fire protection, stock watering, augmentation and municipal use of the water by Meridian Service and Woodmen Hills Metropolitan Districts.

13. The allowed place of use of the subject determination of water right shall be limited to the above-described 320-acre overlying land area, and the services areas of Meridian Service and Woodmen Hills Metropolitan Districts.

14. The Commission's Findings and Order of June 25, 2009, for Determination of Water Right No. 2099-BD, is hereby amended to incorporate the above changes. All other terms and conditions in the Findings and Order for Determination of Water Right No. 2099-BD shall remain in full force and effect.

15. A copy of this Findings and Order shall be recorded by the applicant in the public records of the county in which the overlying land is located so that a title examination of the above described 320 acres of overlying land area, or any part thereof, shall reveal the existence of this determination.

16. Any existing wells with permits issued pursuant to the original determination, the permitted use of which does not conform to the actual use that will occur under this change, shall require applications for re-permitting in accordance with this approved change

Dated this 3rd day of August, 2012.

Dick Wolfe

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

By: Keith VanderHorst

Keith Vander Horst, P.E.
Supervisor, Designated Basins Team

Prepared by: JPM
ChangeF&O2099-BD.doc

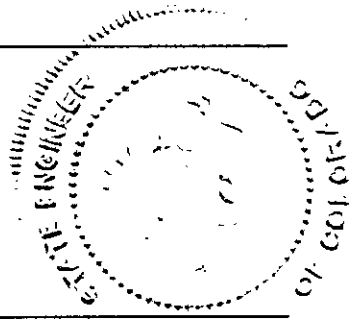
COLORADO GROUND WATER COMMISSION
FINDINGS AND ORDER

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: ESTATE OF LOIS J. GADDIE

AQUIFER: DENVER

DETERMINATION NO.: **1314-BD**



In compliance with Section 37-90-107(7), C.R.S., and the Designated Basin Rules, 2 CCR 410-1, the Estate of Lois J. Gaddie (hereinafter "applicant") submitted an application for determination of water right to allow the withdrawal of designated ground water from the Denver Aquifer.

FINDINGS

1. The application was received complete by the Colorado Ground Water Commission on July 6, 2007.

2. The applicant requests a determination of rights to designated ground water in the Denver Aquifer (hereinafter "aquifer") underlying 36.45 acres, generally described as the SE¼ of the SE¼ of Section 1, Township 13 South, Range 65 West of the 6th Principal Meridian, in El Paso County. According to a signed statement dated February 26, 2007, the applicant owns the 36.45 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 within 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, commercial, industrial, irrigation, stock watering, and replacement supply. The applicant's proposed place of use of the allocated ground water is the above described 36.45 acre land area and within the service area of Woodmen Hills Metropolitan District and the service area of Meridian Service Metropolitan District. Statements of consent from the landowners and more detailed legal descriptions of these additional place of use areas are attached hereto as Exhibit B.

6. The quantity of water in the aquifer underlying the 36.45 acres of land claimed by the applicant is 1,828 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 295 feet.

7. At this time, there is no substantial artificial recharge that would affect the aquifer within a one hundred year period.

8. 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 allowed 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 36.45 acres of overlying land claimed by the applicant is 18.3 acre-feet.

9. A review of the records in the Office of the State Engineer has disclosed that a large-capacity well located on or in the vicinity of the applicant's claimed overlying land area has previously received an allocation, by appropriation, of ground water from the aquifer. Approval of the determination of water right would result in unreasonable impairment to this existing water right unless terms and conditions are included to prevent such effect. The well permit number and other relevant data concerning said right are set forth and attached hereto as Exhibit C. In accordance with Rule 5.3.3.1 of the Designated Basin Rules, the quantity of ground water in the aquifer underlying the land claimed by the applicant in Exhibit A which is considered available for allocation has been reduced to 1,273 acre-feet or a maximum average annual amount of 12.7 acre-feet. This reduction was based on a calculation of the area necessary to provide a quantity of water underlying such an area as would be sufficient, for the persons entitled to divert water under the existing right, to divert the allowed maximum (average) annual amount of water from the aquifer for the minimum useful life of the aquifer (100 years). The effect of this calculation is to effectively reduce the land area available for calculating the quantity of water underlying the land claimed by the applicant to 25.38 acres. Except for the above described existing right, review of the records in the Office of the State Engineer finds no other previous allocations or permitted withdrawals from the aquifer underlying the claimed land area.

10. Pursuant to Section 37-90-107(7)(c)(III), C.R.S., an approved determination of water right shall be considered a final determination of the amount of ground water so determined; except that the Commission shall retain jurisdiction for subsequent adjustment of such amount to conform to the actual local aquifer characteristics from adequate information obtained from well drilling or test holes.

11. The ability of wells permitted to withdraw the authorized amount of water from this non-renewable aquifer may be less than the one hundred years upon which the amount of water in the aquifer is allocated, due to anticipated water level declines.

12. In accordance with Rule 5.3.6 of the Designated Basin Rules, it has been determined that withdrawal of ground water from the aquifer underlying the land claimed by the applicant will, within one hundred years, deplete the flow of a natural steam 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 considered to be not-nontributary ground water. Also, the location of the land claimed by the applicant is farther than one mile from the aquifer contact with the alluvium. The Designated Basin Rules require that at least four percent (4%) of the amount of water withdrawn annually must be returned to the uppermost aquifer in the vicinity of the permitted point or points of withdrawal.

13. 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.

14. On July 18, 2007, 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.

15. The Commission Staff has evaluated the application relying on the claims to control of the ground water in the aquifer made by the applicant.

16. In accordance with Sections 37-90-107(7) and 37-90-112, C.R.S., the application was published in the Ranchland News newspaper on July 26 and August 2, 2007.

17. No objections to the determination of water right and proposed allocation of ground water were received within the time limit set by statute.

18. 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 Denver Aquifer underlying 36.45 acres of land, generally described as the SE¼ of the SE¼ of Section 1, Township 13 South, Range 65 West of the 6th Principal Meridian, is approved subject to the following conditions:

19. The allowed average annual amount of withdrawal of ground water from the aquifer shall not exceed 12.7 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.

20. To conform to actual aquifer characteristics, the Commission may adjust the allowed 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.

21. The applicant may pump the allowed average annual amount of withdrawal and the allowed maximum annual amount of withdrawal from one or more wells of a well field in any combination, so long as the total combined withdrawal of the wells does not exceed the amounts described in this Order.

22. At least four percent (4%) of the amount of water withdrawn annually must be returned to the uppermost aquifer in the vicinity of the permitted point or points of withdrawal.

23. The use of ground water from this allocation shall be limited to the following beneficial uses: domestic, commercial, industrial, irrigation, stock watering, and replacement supply. The place of use shall be limited to the above described 36.45 acre land area and within the service area of Woodmen Hills Metropolitan District and the service area of Meridian Service Metropolitan District.

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 36.45 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 allocated 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 36.45 acre overlying land area.

    b. The wells must be constructed to withdraw water from only the Denver 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. 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.

f. 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 36.45 acre overlying land area, or any part thereof, shall reveal the existence of this determination.

Dated this 13th day of September, 2007.

Dick Wolfe

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

By: Keith Vander Horst
Keith Vander Horst, P.E.
Supervisor, Designated Basins

Prepared by: SKR

EXHIBIT A

1314-BD

Page 1 of 1

GWS-1 (Rev, Sept 1996)

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WATER RESOURCES
STATE ENGINEER
COLO.

STATE OF COLORADO
OFFICE OF THE STATE ENGINEER
DIVISION OF WATER RESOURCES

RECEIVED

JUL 06 2007

WATER RESOURCES
STATE ENGINEER
COLO

NONTRIBUTARY GROUND WATER LANDOWNERSHIP STATEMENT

I (we) Estate of Lois J. Gaddie
(Name)

claim and say that I (we) am (are) the owner(s) of the following described property consisting of 36.45 acres in the County of El Paso, State of Colorado:

Southeast Quarter of the Southeast Quarter, Section 1, Township 13 South, range 65 West; except roadway right-of-way

and, that the ground water sought to be withdrawn from the Denver aquifer underlying the above-described land has not been conveyed or reserved to another, nor has consent been given to it's 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) own knowledge.

Cynthia Adkins Executor 2/26/07
Estate of Lois J. Gaddie (Date)

(Date)

INSTRUCTIONS:

Please type or print neatly in black ink. This form may be reproduced by photocopy or word processing means. See additional instructions on back.

1313 SHERMAN ST RM 818 DENVER CO 80203 (303)866-3581

RECEIVED

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WATER RESOURCES
STATE ENGINEER
COLO

MAR 01 2007

WATER RESOURCES
STATE ENGINEER
COLO.

Attachment to Determination of Water Rights Application

Denver Aquifer

Item 7 Place of Use - Water to be used on the property described in Landownership or Consent Claim plus:

The service area of Woodmen Hills Metropolitan District which is described in Exhibits A through D, attached. The service area of Meridian Service Metropolitan District which is described as Parcels A, B and C. The Median service area also includes the property described as "Exhibit A, Pages 5 through 8, RMBG, LLC#2" as attached.

EXHIBIT B

1314-BD

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JUL 06 2007
WATER RESOURCES
STATE ENGINEER
COLO

TO:

Colorado Ground Water Commission
Division of Water Resources
1313 Sherman St., Rm 818
Denver, CO 80203

PLACE OF USE OF DESIGNATED GROUND WATER

ATTACHMENT TO APPLICATION FOR DETERMINATION OF WATER RIGHT

DENVER AQUIFER

We hereby approve that the ground water associated with the Estate of Lois Gaddie parcel being:

> The Southeast Quarter of the Southeast Quarter, Section 1, Township 13 South, Range 65 West, except road right of way,

can be used on and within the service of Woodmen Hills Metropolitan District.

Woodmen Hills Metropolitan District

by: _____

RECEIVED MAR 01 2007 WATER RESOURCES STATE ENGINEER COLO
RECEIVED JUL 06 2007 WATER RESOURCES STATE ENGINEER COLO

Exhibit A

The South One-Half of the Northwest Quarter and the Southwest Quarter of Section 1, Township 13 South, Range 65 West, EXCEPTING THEREFROM: The west 450.0 feet of the South 528.94 feet of this section for Lot 1 consisting of 5.46 acres and; That part of the Southwest Quarter of this section, consisting of 40 acres owned by Mountain View Electric Association described as follows, commencing at the southwest corner of said section, thence S 89° 42'50" E along the south section line 2648.33 feet to the south quarter comer of said section; thence N 00°' O7'47" a distance of 30 feet to the POINT OF BEGINNING, thence N 89° 42'50" W 725.0 feet; thence N 00' 17'10" E 65.0 feet; thence on an arc of a curve to the left having a center angle of 25° 25'06" and a radius 266.04 feet and an are distance of 118.03 feet; thence N 25° O7'56" W on forward tangent 365.0 feet; thence on an arc of a curve to the right having a center angle 25° 15'43", a radius of 490.87 feet and an are distance of 216.42 feet; thence N 00° O7'47' on forward tangent 1198.63 feet; thence S 89° 42'50" E a distance of 952.97 feet; thence S 00° 07'47" W a distance of 626.04 feet; thence S 00° O7'47' W a distance of 1290.80 feet to the POINT OF BEGINNING. The above described parcel contains 193.7 acres.

Exhibit B

The applicant proposes to appropriate ground water from 1151 acres, consisting of two noncontiguous tracts of land generally described as:

Area A - 1112 acre tract located in the S1/2 of the S1/2, and in the NEl/4 of the SE1/4 of Section 31, and in the Wl/2 of the SW1/4 of Section 32, all in Township 12 South, Range 64 West of the 6th Principal Meridian.; and all of that part of Section 6 lying north and west of the Chicago, Rock Island and Pacific Railway Right of Way, and a portion of that part of the NW1/4 of Section 7 lying north and west of the Chicago, Rock Island and Pacific Railway Right of Way, all in Township 13 South, Range 64 West of the 6th Principal Meridian.; and in the SE1/4 of Section 36,Township 12 South, Range 65 West of the 6th Principal Meridian; and in the N1/2 of the NE1/4 of Section 1, Township 13 South, Range 65 West of the 6th Principal Meridian;

Area B - 39 acre tract located in the SW1/4 of the SEl/4 of Section 1, Township 13 South, Range 65 West of the 6th Principal Meridian;

The applicant proposes to appropriate ground water underlying 536.25 acres, generally described as the N1/2, and the N1/2 of the SW1/4, and the NW1/4 of the SE1/4 of Section 31, and the W1/2 of the NW1/4 of Section 32, and that part of the El/2 of the NW1/4 and that part of the NW1/4 of the NEl/4 of Section 32 lying west of Eastonville Road, all in Township 12 South, Range 64 West of the 6th Principal Meridian, also known as Bennet Ranch,

Exhibit C

A PORTION OF THE SOUTH HALF OF SECTION 7, TOWNSHIP 13 SOUTH, RANGE 64 WEST, AND A PORTION OF THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE 6TN PRINCIPAL MERIDIAN, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 7, THENCE S 88 DEGREES 33 MINUTES 11 SECONDS E COINCIDENT WITH THE SOUTH LINE OF SAID SECTION 7, A DISTANCE OF 949.33 FEET; THENCE N 01 DEGREES 26 MINUTES 49 SECONDS E, A DISTANCE OF 30.0 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF FALCON HIGHWAY AND THE POINT OF BEGINNING OF THE TRACT OF LAND TO BE DESCRIBED HEREIN THENCE (1) N 07 DEGREES 50 MINUTES 10 SECONDS E, A DISTANCE OF 826.38 FEET; (2) N 16 DEGREES 24 MINUTES 19 SECONDS W, A DISTANCE OF 1489.85 FEET TO A POINT ON THE SOUTHEASTERLY RIGHT OF WAY LINE OF VACATED EASTERN AVENUE AND THE CENTER

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LINE OF VACATED 5TH STREET, (3) N 40 DEGREES 42 MINUTES 45 SECONDS W COINCIDENT WITH SAID CENTER LINE OF VACATED 5TH STREET, A DISTANCE OF 290.09 FEET; (4) S 52 DEGREES 02 MINUTES 49 SECONDS W, A DISTANCE OF 615.38 FEET; (5) S 06 DEGREES 18 MINUTES 07 SECONDS W, A DISTANCE OF 434.47 FEET (6) N 63 DEGREES 01 MINUTES 58 SECONDS W, A DISTANCE OF 39.47 FEET (7) S 49 DEGREES 19 MINUTES 27 SECONDS W, A DISTANCE OF 34.46 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF MERIDIAN ROAD, (8) S 06 DEGREES 25 MINUTES 22 SECONDS E COINCIDENT WITH THE SAID EASTERLY RIGHT OF WAY LINE OF MERIDIAN ROAD, A DISTANCE OF 1525.51 FEET, (9) S 00 DEGREES 25 MINUTES 58 SECONDS E, 30.00 FEET EASTERLY OF AND PARALLEL TO THE WEST LINE OF SAID SECTION 7, A DISTANCE OF 113.72 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY FALCON HIGHWAY; (10) S 88 DEGREES 33 MINUTES 11 SECONDS E COINCIDENT WITH THE SAID NORTHERLY RIGHT OF WAY LINE OF FALCON HIGHWAY, WHICH IS 30.00 FEET NORTHERLY OF AND PARALLEL TO THE SOUTH LINE OF SKID SECTION 7, A DISTANCE OF 920.31 FEET TO THE POINT OF BEGINNING,

Exhibit D

South ½, SE 1/4, NE 1/4 and SE 1/4, SW 1/4, NE 1/4 and SW 1/4, SW 1/4, NE 1/4 Section 1, Township 13 South, Range 65 West

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TO:

Colorado Ground Water Commission
Division of Water Resources
1313 Sherman St., Rm 818
Denver, CO 80203

PLACE OF USE OF DESIGNATED GROUND WATER

ATTACHMENT TO APPLICATION FOR DETERMINATION OF WATER RIGHT

DENVER AQUIFER

We hereby approve that the ground water associated with the Estate of Lois Gaddie parcel being:

> The Southeast Quarter of the Southeast Quarter, Section 1, Township 13 South, Range 65 West, except road right of way,

can be used on and within the service of Meridian Service Metropolitan District.

Meridian Service Metropolitan District

by: Doug H. Jones

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4. The land referred to in this Commitment is described as follows:

PARCEL A:

The North one half and the North one half of the South one half of Section 19, and the Northwest one quarter of Section 20, all in Township 12 South, Range 64 West of the 6th P.M.,
County of El Paso,
State of Colorado.

PARCEL B:

That portion of Sections 20, 21, 28 and 29, Township 12 South, Range 64 West of the 6th P.M., El Paso County, Colorado, more particularly described as follows: Beginning at the Northeast corner of the Northwest one quarter of
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said Section 20; thence South 89 degrees 55 minutes 06 seconds East (all bearings used in this description are relative to the North line of said Section 20 which was assumed to be South 89 degrees 55 minutes 06 seconds East) on the North line of said Section 20, 2633.92 feet to the Northeast corner of said Section 20; thence South 89 degrees 55 minutes 05 seconds East on the North line of said Section 21, 2440.90 feet to a point on the Westerly right of way line of Eastonville Road; thence Southerly on said Westerly right of way line for the following ten (10) courses: (1) thence on the arc of a curve to the right whose chord bears South 02 degrees 53 minutes 16 seconds West, having a central angle of 13 degrees 53 minutes 59 seconds, a radius of 670.00 feet and an arc length of 162.54 feet; (2) thence South 09 degrees 50 minutes 16 seconds west on the forward tangent to the last mentioned curve, 274.72 feet; (3) thence on the arc of a curve to the right having a central angle of 09 degrees 29 minutes 34 seconds, a radius of 1370.00 feet and an arc length of 226.98 feet; (4) thence South 19 degrees 19 minutes 49 seconds West on the forward tangent to the last mentioned curve, 1863.28 feet; (5) thence on the arc of a curve to the right having a central angle of 12 degrees 00 minutes 53 seconds, a radius of 1270.00 feet and an arc length of 266.32 feet; (6) thence South 31 degrees 20 minutes 42 seconds West on the forward tangent to the last mentioned curve, 1517.64 feet; (7) thence on the arc of a curve to the left having a central angle of 39 degrees 01 minutes 00 seconds, a radius of 1830.00 feet and an arc length of 1246.17 feet; (8) thence South 07 degrees 40 minutes 18 seconds East on the forward tangent to the last mentioned curve, 777.43 feet; (9) thence on the arc of a curve to the right having a central angle of 45 degrees 15 minutes 04 seconds, a radius of 1570.00 feet and an arc length of 1239.96 feet; (10) thence South 37 degrees 34 minutes 46 seconds West on the forward tangent to the last mentioned curve, 118.20 feet; thence North 89 degrees 55 minutes 06 seconds West, 5302.25 feet; thence North 00 degrees 28 minutes 18 seconds West, 3217.14 feet; thence North 89 degrees 47 minutes 24 seconds West, 174.33 feet to a point on the West line of said Section 20; thence North 00 degrees 37 minutes 07 seconds West on said West line 1321.69 feet to the West one quarter corner of said Section 20; thence South 89 degrees 54 minutes 53 seconds East on the South line of the Northwest one quarter of said Section 20, 2635.90 feet to the Southeast corner of said Northwest one quarter; thence North 00 degrees 39 minutes 42 seconds West on the East line of said Northwest one quarter, 2638.64 feet to the point of beginning,
County of El Paso,
State of Colorado.

PARCEL C:

That portion of Sections 19, 20, 28, 29 and 30, Township 12 South, Range 64 West of the 6th P.M., El Paso County, Colorado, more particularly described as follows: Commencing at the Southwest corner of said Section 30; thence North 89 degrees 52 minutes 06 seconds East (all bearings used in this description are relative to the West line of said Section 30 which was assumed to be North 00 degrees 28 minutes 16 seconds West) on the South line of said Section 30, 30.00 feet to the Point of Beginning; thence North 00 degrees 28 minutes 16 seconds West on a line being 30.00 feet East of and parallel with the West line of said Section 30, 5292.89 feet to a point on the South line of said Section 19; thence North 00 degrees 28 minutes 07 seconds West on a line being

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30.00 feet East of and parallel with the West line of said Section 19, 323.19 feet to a point on the South line of the North one half of the South one half of said Section 19, said line also being the South line of that tract of land described in Book 3563 at Page 181 of the records of said El Paso County; thence South 89 degrees 55 minutes 28 seconds East on said South line, 5075.98 feet to a point on the East line of said Section 19, said point also being on the Westerly line of that tract of land as described in Book 3563 at Pages 189 and 190 of said records; thence Southerly and Easterly on the Westerly and Southerly lines of that tract of land described in Book 3563 at Pages 189 and 190 of said records for the following four (4) courses: (1) thence South 00 degrees 37 minutes 07 seconds East, 2.46 feet; (2) thence South 89 degrees 47 minutes 24 seconds East, 174.33 feet; (3) thence South 00 degrees 28 minutes 18 seconds East, 3217.14 feet; (4) thence South 89 degrees 55 minutes 06 seconds East, 5302.25 feet to a point on the Westerly right of way line of Eastonville Road; thence Southerly on said Westerly right of way line for the following two (2) courses: (1) thence South 37 degrees 34 minutes 46 seconds West, 390.19 feet; (2) thence South 38 degrees 15 minutes 20 seconds West, 3902.63 feet to a point on the South line of said Section 29; thence North 89 degrees 55 minutes 00 seconds West on said South line, 2777.27 feet to the corner common to Sections 29, 30, 31, and 32; thence South 89 degrees 52 minutes 06 seconds West on the South line of said Section 30, 5093.12 feet to the point of beginning,
County of El Paso ,
State of Colorado.

for informational purposes only) Vacant Land

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THE FOLLOWING TRACTS OF LAND LOCATED IN SECTIONS 8, 9, 16 AND 17, TOWNSHIP 12 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

WESTERN TRACT:
COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 8; THENCE N89°28'40"W ALONG THE SOUTH LINE OF SAID SECTION 8, SAID LINE ALSO BEING THE NORTH RIGHT-OF-WAY LINE OF LATIGO BLVD., A DISTANCE OF 1130.01 FEET TO A POINT ON THE RIGHT-OF-WAY LINE OF LATIGO BLVD. AS PLATTED IN THE TRAILS FILING NO. 2, AS RECORDED IN PLAT BOOK D-4 AT PAGE 96 OF THE RECORDS OF SAID EL PASO COUNTY; THENCE S00°31'20"W ALONG THE RIGHT-OF-WAY LINE OF SAID LATIGO BLVD., A DISTANCE OF 60.00 FEET TO THE NORTHEAST CORNER OF LOT 1 OF SAID THE TRAILS FILING NO. 2, SAID POINT BEING ON THE SOUTHERLY RIGHT-OF-WAY LINE OF LATIGO BOULEVARD; THENCE N89°28'40"W ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID LATIGO BLVD. A DISTANCE OF 1229.70 FEET TO A POINT OF CURVE TO THE RIGHT; THENCE ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID LATIGO BLVD., ALONG THE ARC OF SAID CURVE TO THE RIGHT WITH A RADIUS OF 1060.00 FEET, A DELTA ANGLE OF 48°00'03", AN ARC LENGTH OF 888.04 FEET, WHOSE LONG CHORD BEARS N65°28'39"W A DISTANCE OF 862.30 FEET; THENCE N41°28'37"W ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID LATIGO BLVD. A DISTANCE OF 15.08 FEET TO A POINT ON THE NORTHERLY BOUNDARY OF SAID THE TRAILS FILING NO. 2, THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION;

THE FOLLOWING FIVE (5) COURSES FOLLOW SAID NORTHERLY BOUNDARY OF SAID THE TRAILS FILING NO. 2:

1. THENCE S50°54'16"W A DISTANCE OF 856.11 FEET;
2. THENCE N14°21'40"W A DISTANCE OF 174.72 FEET;
3. THENCE N62°01'40"W A DISTANCE OF 365.00 FEET;
4. THENCE S85°28'20"W A DISTANCE OF 650.00 FEET;
5. THENCE S47°08'21"W A DISTANCE OF 548.51 FEET TO A POINT ON THE WESTERLY LINE OF SAID SECTION 17;
6. THENCE N00°03'15"W ALONG SAID WESTERLY SECTION LINE, A DISTANCE OF 342.71 FEET TO THE NORTHWEST CORNER OF SAID SECTION 17;
7. THENCE N00°09'13"W ALONG THE WESTERLY LINE OF SAID SECTION 8, A DISTANCE OF 756.45 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF LATIGO BOULEVARD AS PLATTED IN THE TRAILS FILING NO. 1 AS RECORDED IN PLAT BOOK Y-3 AT PAGE 13 OF THE RECORDS OF SAID EL PASO COUNTY;

THE FOLLOWING FIVE (5) COURSES FOLLOW THE SOUTHERLY RIGHT-OF-WAY LINE OF LATIGO BOULEVARD AS PLATTED IN SAID THE TRAILS FILING NO. 1 AND THE TRAILS FILING NO. 2:

8. THENCE N67°57'08"E A DISTANCE OF 179.24 FEET TO A POINT OF CURVE TO THE RIGHT;
9. THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT WITH A RADIUS OF 940.00 FEET, A DELTA ANGLE OF 27°44'15", AN ARC LENGTH OF 455.06 FEET, WHOSE LONG CHORD BEARS N81°49'16"E A DISTANCE OF 450.63 FEET;
10. THENCE S84°18'37"E A DISTANCE OF 660.56 FEET TO A POINT OF CURVE TO THE RIGHT;
11. THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT WITH A RADIUS OF 940.00 FEET, A DELTA ANGLE OF 42°50'00", AN ARC LENGTH OF 702.73 FEET, WHOSE LONG CHORD BEARS S62°53'37"E A DISTANCE OF 686.48 FEET;
12. THENCE S41°28'37"E A DISTANCE OF 304.88 FEET TO THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION.

THE ABOVE TRACT OF LAND CONTAINS 37.35 ACRES, MORE OR LESS.

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NORTHERN TRACT:
BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION 8;

1. THENCE N89°28'40"W ALONG THE SOUTH LINE OF SAID SECTION 8, SAID LINE ALSO BEING THE NORTHERLY RIGHT-OF-WAY LINE OF LATIGO BLVD., A DISTANCE OF 1130.01 FEET TO A POINT ON THE RIGHT-OF-WAY LINE OF LATIGO BLVD. AS PLATTED IN THE TRAILS FILING NO. 2, AS RECORDED IN PLAT BOOK D-4 AT PAGE 96 OF THE RECORDS OF SAID EL PASO COUNTY ;

THE FOLLOWING TWO (2) COURSES FOLLOW SAID RIGHT-OF-WAY LINE OF LATIGO BLVD.:

2. THENCE N00°31'20"E A DISTANCE OF 60.00 FEET;
3. THENCE N89°28'40"W A DISTANCE OF 694.44 FEET;
4. THENCE N00°31'20"E A DISTANCE OF 358.71 FEET;
5. THENCE N89°28'40"W A DISTANCE OF 606.37 FEET;
6. THENCE N62°19'41"W A DISTANCE OF 214.98 FEET;
7. THENCE N89°28'40"W A DISTANCE OF 273.76 FEET;
8. THENCE S48°35'00"W A DISTANCE OF 218.12 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF SAID LATIGO BLVD.;

THE FOLLOWING TWO (2) COURSES FOLLOW THE NORTHERLY RIGHT-OF-WAY LINE OF SAID LATIGO BLVD.:

9. THENCE N41°28'37"W A DISTANCE OF 319.96 FEET TO A POINT OF CURVE TO THE LEFT;
10. THENCE ALONG THE ARC OF SAID CURVE TO THE LEFT, WITH A RADIUS OF 1060.00 FEET, A DELTA ANGLE OF 09°05'18", AN ARC LENGTH OF 168.14 FEET, WHOSE LONG CHORD BEARS N46°01'16"W A DISTANCE OF 167.96 FEET TO A POINT ON THE WESTERLY EXTENSION OF THE SOUTHERLY BOUNDARY OF THE PARCEL OF LAND RECORDED AT RECEPTION NUMBER 201171902 OF THE RECORDS OF SAID EL PASO COUNTY;

THE FOLLOWING TWO (2) COURSES FOLLOW THE BOUNDARY OF SAID PARCEL AND ITS EXTENSION WESTERLY:

11. THENCE S89°30'00"E A DISTANCE OF 1200.17 FEET;
12. THENCE N00°30'00"E A DISTANCE OF 909.00 FEET;
13. THENCE S70°21'10"E A DISTANCE OF 561.00 FEET TO THE SOUTHWEST CORNER OF THE TRAILS FILING NO. 3 AS RECORDED AT RECEPTION NO. 201014176 OF THE RECORDS OF SAID EL PASO COUNTY;

THE FOLLOWING TWO (2) COURSES FOLLOW THE SOUTHERLY BOUNDARY OF SAID THE TRAILS FILING NO. 3:

14. THENCE N72°03'26"E A DISTANCE OF 703.03 FEET;
15. THENCE N48°44'19"E A DISTANCE OF 1007.26 FEET TO A POINT ON THE WESTERLY BOUNDARY OF A REPLAT OF LOTS 42 THROUGH 48 INCLUSIVE IN LATIGO COUNTRY ESTATES FILING NO. II, AS FILED FOR RECORD IN PLAT BOOK G-3 AT PAGE 1 OF THE RECORDS OF SAID EL PASO COUNTY;

THE FOLLOWING TWO (2) COURSES FOLLOW THE BOUNDARY OF SAID REPLAT OF LOTS 42 THROUGH 48 INCLUSIVE IN LATIGO COUNTRY ESTATES FILING NO. II:

16. THENCE S40°03'05"E A DISTANCE OF 100.00 FEET;
17. THENCE N61°56'19"E A DISTANCE OF 250.00 FEET TO THE NORTHWEST CORNER OF THE TRAILS FILING NO. 4 AS FILED FOR RECORD AT RECEPTION NO. 200154173 OF THE RECORDS OF SAID EL PASO COUNTY;

THE FOLLOWING TWO (2) COURSES FOLLOW THE WESTERLY AND SOUTHERLY BOUNDARY LINES OF SAID THE TRAILS FILING NO. 4:

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18. THENCE S32°29'36"E A DISTANCE OF 585.91 FEET;
19. THENCE N61°14'30"E A DISTANCE OF 858.88 FEET TO A POINT ON THE SOUTHERLY BOUNDARY OF SAID REPLAT OF LOTS 42 THROUGH 48 INCLUSIVE IN LATIGO COUNTRY ESTATES FILING NO. II;

THE FOLLOWING TWO (2) COURSES FOLLOW THE SOUTHERLY BOUNDARY OF SAID REPLAT OF LOTS 42 THROUGH 48 INCLUSIVE IN LATIGO COUNTRY ESTATES FILING NO. II:

20. THENCE S32°07'56"E A DISTANCE OF 44.29 FEET;
21. THENCE N47°30'00"E A DISTANCE OF 437.01 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF EASTONVILLE ROAD;

THE FOLLOWING THREE (3) COURSES FOLLOW SAID WESTERLY RIGHT-OF-WAY LINE OF EASTONVILLE ROAD:

22. THENCE S05°33'35"E A DISTANCE OF 739.61 FEET TO A POINT OF CURVE TO THE LEFT;
23. THENCE ALONG THE ARC OF SAID CURVE TO THE LEFT, WITH A RADIUS OF 3997.66 FEET, A DELTA ANGLE OF 12°15'54", AN ARC LENGTH OF 855.76 FEET, WHOSE LONG CHORD BEARS S11°41'32"E A DISTANCE OF 854.12 FEET;
24. THENCE S17°49'29"E A DISTANCE OF 1035.55 FEET, TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF LATIGO BOULEVARD;
25. THENCE S89°50'54"W ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID LATIGO BLVD. A DISTANCE OF 2035.15 FEET, TO THE POINT OF BEGINNING OF THIS DESCRIPTION.

THE ABOVE TRACT OF LAND CONTAINS 178.26 ACRES, MORE OR LESS.

SOUTHERN TRACT:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 8; THENCE N89°28'40"W ALONG THE SOUTH LINE OF SAID SECTION 8, SAID LINE ALSO BEING THE NORTH RIGHT-OF-WAY LINE OF LATIGO BLVD., A DISTANCE OF 1130.01 FEET TO A POINT ON THE RIGHT-OF-WAY LINE OF LATIGO BLVD. AS PLATTED IN THE TRAILS FILING NO. 2, AS RECORDED IN PLAT BOOK D-4 AT PAGE 96 OF THE RECORDS OF SAID EL PASO COUNTY; THENCE S00°31'20"W ALONG THE RIGHT-OF-WAY LINE OF SAID LATIGO BLVD. A DISTANCE OF 60.00 FEET TO THE NORTHEAST CORNER OF LOT 1 OF SAID THE TRAILS FILING NO. 2, SAID POINT ALSO BEING ON THE SOUTH RIGHT-OF-WAY LINE OF LATIGO BLVD., THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION;

THE FOLLOWING TWO (2) COURSES FOLLOW SAID SOUTHERLY RIGHT-OF-WAY LINE OF LATIGO BOULEVARD:

1. THENCE S89°28'40"E A DISTANCE OF 1127.78 FEET;
2. THENCE N89°50'54"E A DISTANCE OF 2055.64 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF EASTONVILLE ROAD;

THE FOLLOWING SIX (6) COURSES FOLLOW SAID WESTERLY RIGHT-OF-WAY LINE OF EASTONVILLE ROAD:

3. THENCE S17°46'35"E A DISTANCE OF 2098.16 FEET TO A POINT OF CURVE TO THE RIGHT;
4. THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT WITH A RADIUS OF 1327.64 FEET, A DELTA ANGLE OF 30°55'46", AN ARC LENGTH OF 716.69 FEET, WHOSE LONG CHORD BEARS S02°18'42"E A DISTANCE OF 708.02 FEET;
5. THENCE S13°09'11"W A DISTANCE OF 1012.01 FEET TO A POINT OF CURVE TO THE LEFT;
6. THENCE ALONG THE ARC OF SAID CURVE TO THE LEFT WITH A RADIUS OF 3233.52 FEET, A DELTA ANGLE OF 19°38'12", AN ARC LENGTH OF 1108.21 FEET, WHOSE LONG CHORD BEARS S03°20'05"W A DISTANCE OF 1102.79 FEET;
7. THENCE S06°29'01"E A DISTANCE OF 419.81 FEET TO A POINT OF CURVE TO THE RIGHT;
8. THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT WITH A RADIUS OF 670.00 FEET, A DELTA ANGLE OF 02°51'33", AN ARC LENGTH OF 33.44 FEET, WHOSE LONG CHORD BEARS

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S05°03'15"E A DISTANCE OF 33.43 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID SECTION 16;

9. THENCE N89°25'53"W ALONG THE SOUTH LINE OF SAID SECTION 16, A DISTANCE OF 2440.86 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 17;
10. THENCE N89°25'42"W ALONG THE SOUTH LINE OF SAID SECTION 17, A DISTANCE OF 5267.74 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 17;
11. THENCE N00°03'15"W ALONG THE WEST LINE OF SAID SECTION 17, A DISTANCE OF 1516.65 FEET TO THE SOUTHWEST CORNER OF SAID THE TRAILS FILING NO. 2;

THE FOLLOWING NINETEEN (19) COURSES FOLLOW THE SOUTHERLY AND EASTERLY BOUNDARY LINES OF SAID THE TRAILS FILING NO. 2:

12. THENCE S85°01'40"E A DISTANCE OF 421.91 FEET;
13. THENCE S04°58'20"W A DISTANCE OF 100.00 FEET TO A POINT OF CURVE TO THE LEFT;
14. THENCE ALONG THE ARC OF SAID CURVE TO THE LEFT WITH A RADIUS OF 520.00 FEET, A DELTA ANGLE OF 62°25'00", AN ARC DISTANCE OF 566.48 FEET, WHOSE LONG CHORD BEARS S26°14'10"E A DISTANCE OF 538.88 FEET;
15. THENCE S57°26'40"E A DISTANCE OF 165.00 FEET;
16. THENCE N32°33'20"E A DISTANCE OF 460.00 FEET;
17. THENCE S67°21'40"E A DISTANCE OF 440.00;
18. THENCE N76°58'20"E A DISTANCE OF 280.00 FEET;
19. THENCE S85°01'40"E A DISTANCE OF 1150.00 FEET;
20. THENCE N88°28'20"E A DISTANCE OF 550.00 FEET;
21. THENCE N68°58'20"E A DISTANCE OF 150.00 FEET;
22. THENCE N21°01'40"W A DISTANCE OF 490.00 FEET;
23. THENCE N66°43'20"E A DISTANCE OF 230.00 FEET;
24. THENCE N17°56'40"W A DISTANCE OF 970.00 FEET;
25. THENCE N38°26'40"W A DISTANCE OF 480.00 FEET;
26. THENCE N43°13'20"E A DISTANCE OF 635.00 FEET;
27. THENCE N46°46'40"W A DISTANCE OF 130.00 FEET;
28. THENCE N36°43'20"E A DISTANCE OF 735.00 FEET;
29. THENCE N21°08'20"E A DISTANCE OF 915.00 FEET;
30. THENCE N00°33'17"E A DISTANCE OF 270.36 FEET TO THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION.

THE ABOVE TRACT OF LAND CONTAINS 589.33 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE SOUTHWESTERLY LINE OF LOTS 4, 5 & 6, A REPLAT OF LOTS 42 THROUGH 48 INCLUSIVE, IN LATIGO COUNTRY ESTATES FILING NO. II, AS RECORDED IN PLAT BOOK G-3 AT PAGE 1 OF THE RECORDS OF EL PASO COUNTY, COLORADO, WHICH IS ASSUMED TO BEAR N21°08'47"W FROM AN ANGLE POINT ON THE WEST SIDE OF SAID LOT 6 (#5 REBAR, NO CAP), TO THE WESTERLY NORTHWEST CORNER OF SAID LOT 4 (#5 REBAR, NO CAP).

PREPARED BY:
URS
9960 FEDERAL DRIVE, SUITE 300
COLORADO SPRINGS, COLORADO 80921
(719) 531-0001 MARCH 5, 2002

EXHIBIT B

1314-BD

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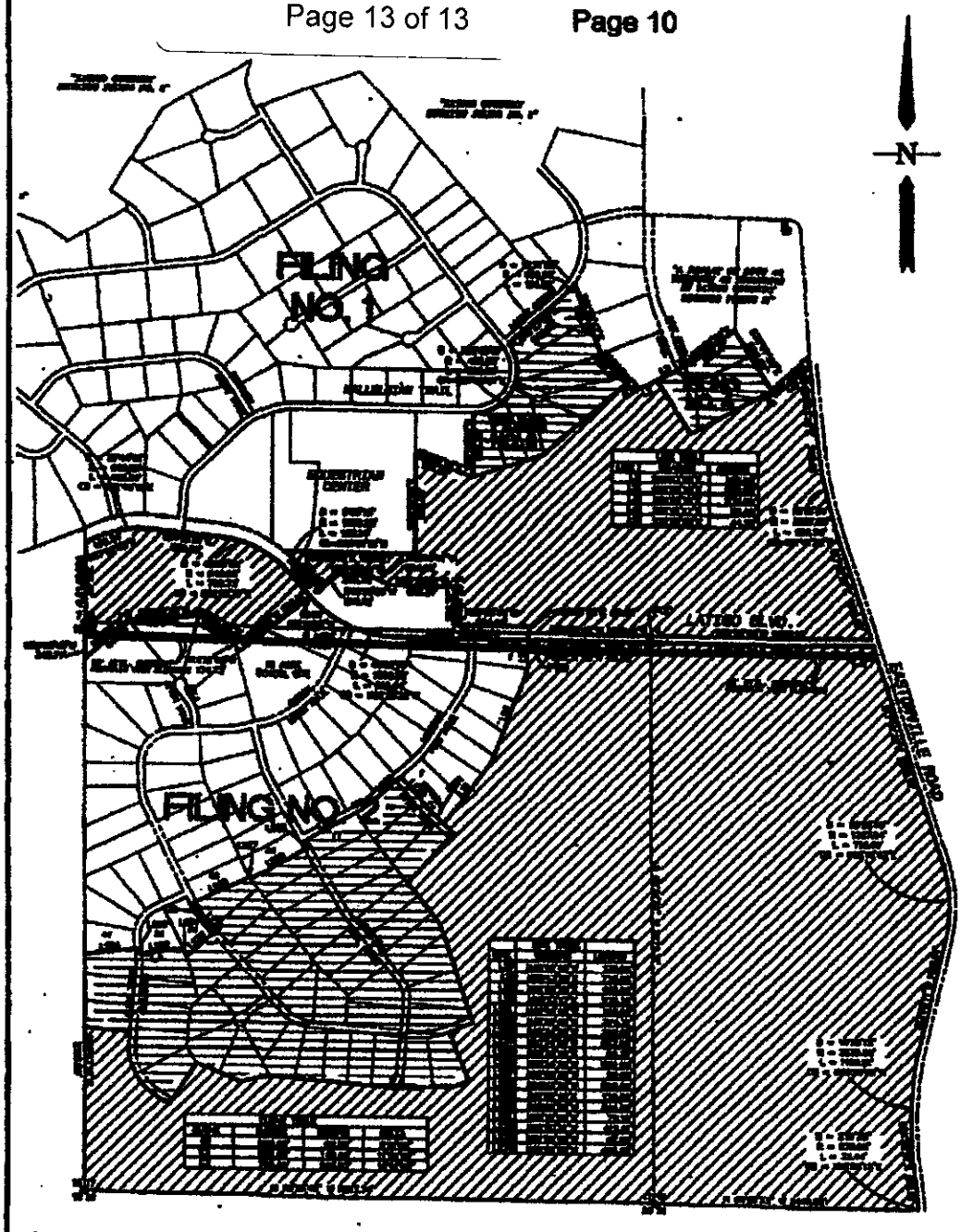
EXHIBIT A

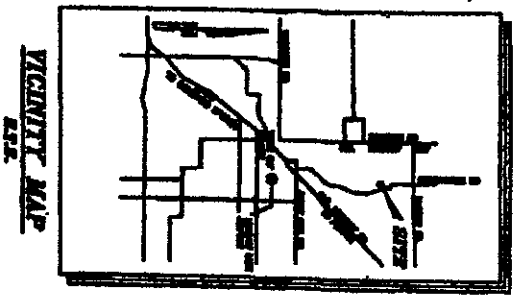
Page 10



SCALE 1"=1000'

1000 0 1000 2000

(977.19 ACRE PLACE OF USE AREA)



LATIGO TRAILS

TOTAL OWNERSHIP
ARAPAHOE AQUIFER

FIGURE 1

URS

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EXHIBIT C

1314-BD

APPLICANT: ESTATE OF LOIS J. GADDIE

AQUIFER: DENVER

WELL NUMBER	1/4	1/4	SEC	TWP	RNG	AF	ST(ft)	SY	RADIUS(ft)	AREA
11335-FP-R	SW	SE	1	13 S	65 W	240	295	17	1233	11.07

WELL NUMBER = WELL PERMIT NUMBER, REGISTRATION NUMBER OR WATER COURT CASE AND WELL NUMBER

AF = THE ANNUAL APPROPRIATION OF THE WELL IN ACRE-FEET

ST = THICKNESS OF THE SATURATED AQUIFER MATERIAL AT THE WELL LOCATION IN FEET

SY = SPECIFIC YIELD OF THE SATURATED AQUIFER MATERIAL AT THE WELL LOCATION AS A PERCENT

RADIUS = IS THE RADIUS OF THE CYLINDER OF APPROPRIATION IN FEET

AREA = THE AREA OF THE APPLICANT'S CLAIMED OVERLYING LAND AREA THAT IS OVERLAPPED BY THE CYLINDER OF APPROPRIATION - IN ACRES.

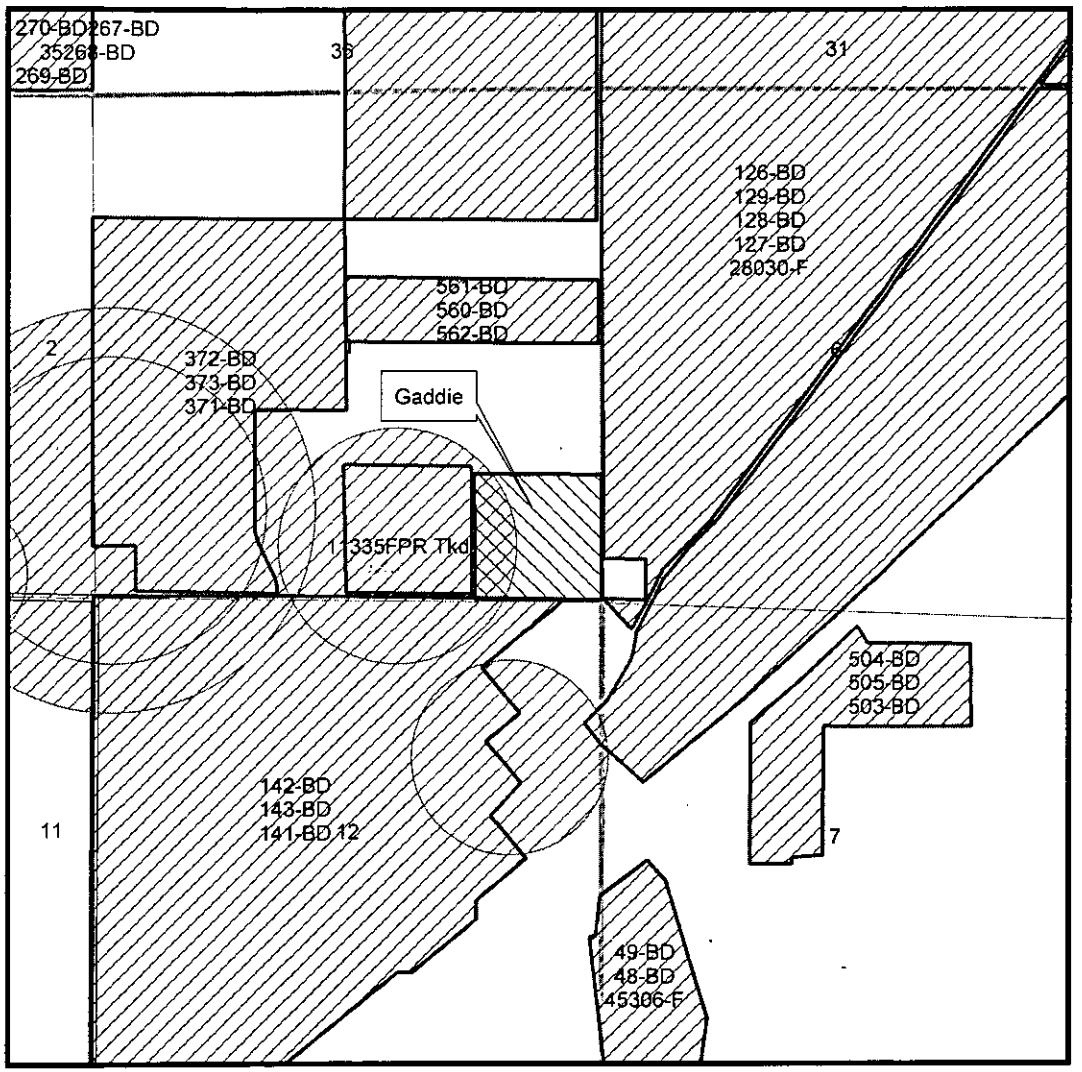
(i) The cylinder of appropriation for the well was computed in accordance with Rule 4.2.15 of the Designated Basin Rules.

(ii) In accordance with Rule 5.3.3.1 of the Designated Basin Rules, the number of acres of overlying land to be used in determining the available water in storage in the subject aquifer shall be reduced by the number of acres of each cylinder that overlaps the claimed land area.

(iii) The cylinder effectively prevents unreasonable impairment to the amount of claimed appropriation for the well.

(iv) The annual appropriation amount for the well – the amount used in the cylinder calculation - is based on the approved final permit for this well.

(v) The well with Permit No. 11335-FP-R is completed to withdraw ground water from both the Denver and Dawson aquifers. The proportion of appropriation from the Denver aquifer is based on the interval of that aquifer through which the well is completed.



1:24,000

N

0 1,000 2,000 4,000 6,000 Feet

0 0.25 0.5 0.75 1 Miles

DIVISION OF WATER RESOURCES
STATE OF COLORADO

Receipt Number: 3613802 C
Applicant: Estate of Lois J. Gaddie
Basin: Upper Black Squirrel Creek
GWMD: Upper Black Squirrel Creek
Aquifer: Tkd

Section: 1
Township: 13 S
Range: 65 W
Meridian: S

Area claimed: 36.45 acres
39.41 acres measured
p = 1,597 m
e = 2.71 acres

Cylinder overlap area = 11.07 acres

Legend
- Subject Parcel
- Parcel
- Cylinder
- Cylinder Overlap Area
- Basin
- Township
- Section

Office of the State Engineer
Division of Water Resources
Department of Natural Resources

COLORADO DIVISION OF WATER RESOURCES

EXHIBIT C
1314-BD
Page 2 of 2

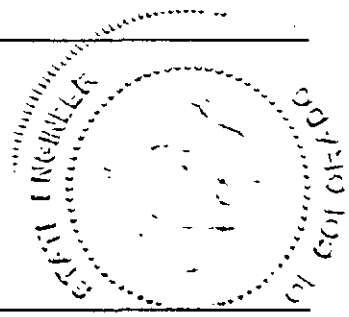
COLORADO GROUND WATER COMMISSION
FINDINGS AND ORDER

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: ESTATE OF LOIS J. GADDIE

AQUIFER: ARAPAHOE

DETERMINATION NO.: **1313-BD**



In compliance with Section 37-90-107(7), C.R.S., and the Designated Basin Rules, 2 CCR 410-1, the Estate of Lois J. Gaddie (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 received complete by the Colorado Ground Water Commission on July 6, 2007.

2. The applicant requests a determination of rights to designated ground water in the Arapahoe Aquifer (hereinafter "aquifer") underlying 36.45 acres, generally described as the SE¼ of the SE¼ of Section 1, Township 13 South, Range 65 West of the 6th Principal Meridian, in El Paso County. According to a signed statement dated February 26, 2007, the applicant owns the 36.45 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 within 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, commercial, industrial, irrigation, stock watering, and replacement supply. The applicant's proposed place of use of the allocated ground water is the above described 36.45 acre land area and within the service area of Woodmen Hills Metropolitan District and the service area of Meridian Service Metropolitan District. Statements of consent from the landowners and more detailed legal descriptions of these additional place of use areas are attached hereto as Exhibit B.

6. The quantity of water in the aquifer underlying the 36.45 acres of land claimed by the applicant is 929 acre-feet. This determination was based on the following as specified in the Designated Basin Rules:

14. On July 18, 2007, 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.

15. The Commission Staff has evaluated the application relying on the claims to control of the ground water in the aquifer made by the applicant.

16. In accordance with Sections 37-90-107(7) and 37-90-112, C.R.S., the application was published in the Ranchland News newspaper on July 26 and August 2, 2007.

17. No objections to the determination of water right and proposed allocation of ground water were received within the time limit set by statute.

18. 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 36.45 acres of land, generally described as the SE¼ of the SE¼ of Section 1, Township 13 South, Range 65 West of the 6th Principal Meridian, is approved subject to the following conditions:

19. The allowed average annual amount of withdrawal of ground water from the aquifer shall not exceed 9.3 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.

20. To conform to actual aquifer characteristics, the Commission may adjust the allowed 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.

21. The applicant may pump the allowed average annual amount of withdrawal and the allowed maximum annual amount of withdrawal from one or more wells of a well field in any combination, so long as the total combined withdrawal of the wells does not exceed the amounts described in this Order.

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 beneficial uses: domestic, commercial, industrial, irrigation, stock watering, and replacement supply. The place of use shall be limited to the above described 36.45 acre land area and within the service area of Woodmen Hills Metropolitan District and the service area of Meridian Service Metropolitan District.

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 36.45 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 allocated 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 36.45 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. 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.

    f. 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 36.45 acre overlying land area, or any part thereof, shall reveal the existence of this determination.

Dated this 13th day of September, 2007.

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

By: Keith Vanderhorst
Keith Vander Horst, P.E.
Supervisor, Designated Basins

Prepared by: SKR

EXHIBIT A

1313-BD

Page 1 of 1

GWS-1 (Rev, Sept 1996)

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STATE OF COLORADO
OFFICE OF THE STATE ENGINEER
DIVISION OF WATER RESOURCES

NONTRIBUTARY GROUND WATER LANDOWNERSHIP STATEMENT

I (we) Estate of Lois J. Gaddie
(Name)
claim and say that I (we) am (are) the owner(s) of the following described property consisting of 36.45 acres in the County of El Paso, State of Colorado:

Southeast Quarter of the Southeast Quarter, Section 1, Township 13 South, range 65 West; except roadway right-of-way

and, that the ground water sought to be withdrawn from the Arapahoe aquifer underlying the above-described land has not been conveyed or reserved to another, nor has consent been given to it's 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) own knowledge.

by La Gaddie As Executor 2/26/07
Estate of Lois J. Gaddie (Date)

(Date)

INSTRUCTIONS:

Please type or print neatly in black ink. This form may be reproduced by photocopy or word processing means. See additional instructions on back.

1313 SHERMAN ST RM 818 DENVER CO 80203 (303)866-3581

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Attachment to Determination of Water Rights Application

Arapahoe Aquifer

Item 7 Place of Use - Water to be used on the property described in Landownership or Consent Claim plus:

The service area of Woodmen Hills Metropolitan District which is described in Exhibits A through D, attached. The service area of Meridian Service Metropolitan District which is described as Parcels A, B and C. The Median service area also includes the property described as "Exhibit A, Pages 5 through 8, RMBG, LLC#2" as attached.

EXHIBIT B

1313-BD

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TO:

Colorado Ground Water Commission
Division of Water Resources
1313 Sherman St., Rm 818
Denver, CO 80203

PLACE OF USE OF DESIGNATED GROUND WATER

ATTACHMENT TO APPLICATION FOR DETERMINATION OF WATER RIGHT

ARAPAHOE AQUIFER

We hereby approve that the ground water associated with the Estate of Lois Gaddie parcel being:

> The Southeast Quarter of the Southeast Quarter, Section 1, Township 13 South, Range 65 West, except road right of way,

can be used on and within the service of Woodmen Hills Metropolitan District.

Woodmen Hills Metropolitan District

by: _____

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Exhibit A

The South One-Half of the Northwest Quarter and the Southwest Quarter of Section 1, Township 13 South, Range 65 West, EXCEPTING THEREFROM: The west 450.0 feet of the South 528.94 feet of this section for Lot 1 consisting of 5.46 acres and; That part of the Southwest Quarter of this section, consisting of 40 acres owned by Mountain View Electric Association described as follows, commencing at the southwest corner of said section, thence S 89° 42'50" E along the south section line 2648.33 feet to the south quarter comer of said section; thence N 00°' O7'47" a distance of 30 feet to the POINT OF BEGINNING, thence N 89° 42'50" W 725.0 feet; thence N 00' 17'10" E 65.0 feet; thence on an arc of a curve to the left having a center angle of 25° 25'06" and a radius 266.04 feet and an are distance of 118.03 feet; thence N 25° O7'56" W on forward tangent 365.0 feet; thence on an arc of a curve to the right having a center angle 25° 15'43", a radius of 490.87 feet and an are distance of 216.42 feet; thence N 00° O7'47' on forward tangent 1198.63 feet; thence S 89° 42'50" E a distance of 952.97 feet; thence S 00° 07'47" W a distance of 626.04 feet; thence S 00° O7'47' W a distance of 1290.80 feet to the POINT OF BEGINNING. The above described parcel contains 193.7 acres.

Exhibit B

The applicant proposes to appropriate ground water from 1151 acres, consisting of two noncontiguous tracts of land generally described as:

Area A - 1112 acre tract located in the S1/2 of the S1/2, and in the NEl/4 of the SE1/4 of Section 31, and in the Wl/2 of the SW1/4 of Section 32, all in Township 12 South, Range 64 West of the 6th Principal Meridian.; and all of that part of Section 6 lying north and west of the Chicago, Rock Island and Pacific Railway Right of Way, and a portion of that part of the NW1/4 of Section 7 lying north and west of the Chicago, Rock Island and Pacific Railway Right of Way, all in Township 13 South, Range 64 West of the 6th Principal Meridian.; and in the SE1/4 of Section 36,Township 12 South, Range 65 West of the 6th Principal Meridian; and in the N1/2 of the NE1/4 of Section 1, Township 13 South, Range 65 West of the 6th Principal Meridian;

Area B - 39 acre tract located in the SW1/4 of the SEl/4 of Section 1, Township 13 South, Range 65 West of the 6th Principal Meridian;

The applicant proposes to appropriate ground water underlying 536.25 acres, generally described as the N1/2, and the N1/2 of the SW1/4, and the NW1/4 of the SE1/4 of Section 31, and the W1/2 of the NW1/4 of Section 32, and that part of the El/2 of the NW1/4 and that part of the NW1/4 of the NEl/4 of Section 32 lying west of Eastonville Road, all in Township 12 South, Range 64 West of the 6th Principal Meridian, also known as Bennet Ranch,

Exhibit C

A PORTION OF THE SOUTH HALF OF SECTION 7, TOWNSHIP 13 SOUTH, RANGE 64 WEST, AND A PORTION OF THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE 6TN PRINCIPAL MERIDIAN, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 7, THENCE S 88 DEGREES 33 MINUTES 11 SECONDS E COINCIDENT WITH THE SOUTH LINE OF SAID SECTION 7, A DISTANCE OF 949.33 FEET; THENCE N 01 DEGREES 26 MINUTES 49 SECONDS E, A DISTANCE OF 30.0 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF FALCON HIGHWAY AND THE POINT OF BEGINNING OF THE TRACT OF LAND TO BE DESCRIBED HEREIN THENCE (1) N 07 DEGREES 50 MINUTES 10 SECONDS E, A DISTANCE OF 826.38 FEET; (2) N 16 DEGREES 24 MINUTES 19 SECONDS W, A DISTANCE OF 1489.85 FEET TO A POINT ON THE SOUTHEASTERLY RIGHT OF WAY LINE OF VACATED EASTERN AVENUE AND THE CENTER

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LINE OF VACATED 5TH STREET, (3) N 40 DEGREES 42 MINUTES 45 SECONDS W COINCIDENT WITH SAID CENTER LINE OF VACATED 5TH STREET, A DISTANCE OF 290.09 FEET; (4) S 52 DEGREES 02 MINUTES 49 SECONDS W, A DISTANCE OF 615.38 FEET; (5) S 06 DEGREES 18 MINUTES 07 SECONDS W, A DISTANCE OF 434.47 FEET (6) N 63 DEGREES 01 MINUTES 58 SECONDS W, A DISTANCE OF 39.47 FEET (7) S 49 DEGREES 19 MINUTES 27 SECONDS W, A DISTANCE OF 34.46 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF MERIDIAN ROAD, (8) S 06 DEGREES 25 MINUTES 22 SECONDS E COINCIDENT WITH THE SAID EASTERLY RIGHT OF WAY LINE OF MERIDIAN ROAD, A DISTANCE OF 1525.51 FEET, (9) S 00 DEGREES 25 MINUTES 58 SECONDS E, 30.00 FEET EASTERLY OF AND PARALLEL TO THE WEST LINE OF SAID SECTION 7, A DISTANCE OF 113.72 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY FALCON HIGHWAY; (10) S 88 DEGREES 33 MINUTES 11 SECONDS E COINCIDENT WITH THE SAID NORTHERLY RIGHT OF WAY LINE OF FALCON HIGHWAY, WHICH IS 30.00 FEET NORTHERLY OF AND PARALLEL TO THE SOUTH LINE OF SKID SECTION 7, A DISTANCE OF 920.31 FEET TO THE POINT OF BEGINNING,

Exhibit D

South ½, SE 1/4, NE 1/4 and SE 1/4, SW 1/4, NE 1/4 and SW 1/4, SW 1/4, NE 1/4 Section 1, Township 13 South, Range 65 West

EXHIBIT B

1313-BD

Page 5 of 13

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TO:

Colorado Ground Water Commission
Division of Water Resources
1313 Sherman St., Rm 818
Denver, CO 80203

PLACE OF USE OF DESIGNATED GROUND WATER

ATTACHMENT TO APPLICATION FOR DETERMINATION OF WATER RIGHT

ARAPAHOE AQUIFER

We hereby approve that the ground water associated with the Estate of Lois Gaddie parcel being:

> The Southeast Quarter of the Southeast Quarter, Section 1, Township 13 South, Range 65 West, except road right of way,

can be used on and within the service of Meridian Service Metropolitan District.

Meridian Service Metropolitan District

by: Gregg H. Jones

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4. The land referred to in this Commitment is described as follows:

PARCEL A:

The North one half and the North one half of the South one half of Section 19, and the Northwest one quarter of Section 20, all in Township 12 South, Range 64 West of the 6th P.M.,
County of El Paso,
State of Colorado.

PARCEL B:

That portion of Sections 20, 21, 28 and 29, Township 12 South, Range 64 West of the 6th P.M., El Paso County, Colorado, more particularly described as follows: Beginning at the Northeast corner of the Northwest one quarter of
--Continued

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said Section 20; thence South 89 degrees 55 minutes 06 seconds East (all bearings used in this description are relative to the North line of said Section 20 which was assumed to be South 89 degrees 55 minutes 06 seconds East) on the North line of said Section 20, 2633.92 feet to the Northeast corner of said Section 20; thence South 89 degrees 55 minutes 05 seconds East on the North line of said Section 21, 2440.90 feet to a point on the Westerly right of way line of Eastonville Road; thence Southerly on said Westerly right of way line for the following ten (10) courses: (1) thence on the arc of a curve to the right whose chord bears South 02 degrees 53 minutes 16 seconds West, having a central angle of 13 degrees 53 minutes 59 seconds, a radius of 670.00 feet and an arc length of 162.54 feet; (2) thence South 09 degrees 50 minutes 16 seconds west on the forward tangent to the last mentioned curve, 274.72 feet; (3) thence on the arc of a curve to the right having a central angle of 09 degrees 29 minutes 34 seconds, a radius of 1370.00 feet and an arc length of 226.98 feet; (4) thence South 19 degrees 19 minutes 49 seconds West on the forward tangent to the last mentioned curve, 1863.28 feet; (5) thence on the arc of a curve to the right having a central angle of 12 degrees 00 minutes 53 seconds, a radius of 1270.00 feet and an arc length of 266.32 feet; (6) thence South 31 degrees 20 minutes 42 seconds West on the forward tangent to the last mentioned curve, 1517.64 feet; (7) thence on the arc of a curve to the left having a central angle of 39 degrees 01 minutes 00 seconds, a radius of 1830.00 feet and an arc length of 1246.17 feet; (8) thence South 07 degrees 40 minutes 18 seconds East on the forward tangent to the last mentioned curve, 777.43 feet; (9) thence on the arc of a curve to the right having a central angle of 45 degrees 15 minutes 04 seconds, a radius of 1570.00 feet and an arc length of 1239.96 feet; (10) thence South 37 degrees 34 minutes 46 seconds West on the forward tangent to the last mentioned curve, 118.20 feet; thence North 89 degrees 55 minutes 06 seconds West, 5302.25 feet; thence North 00 degrees 28 minutes 18 seconds West, 3217.14 feet; thence North 89 degrees 47 minutes 24 seconds West, 174.33 feet to a point on the West line of said Section 20; thence North 00 degrees 37 minutes 07 seconds West on said West line 1321.69 feet to the West one quarter corner of said Section 20; thence South 89 degrees 54 minutes 53 seconds East on the South line of the Northwest one quarter of said Section 20, 2635.90 feet to the Southeast corner of said Northwest one quarter; thence North 00 degrees 39 minutes 42 seconds West on the East line of said Northwest one quarter, 2638.64 feet to the point of beginning,
County of El Paso,
State of Colorado.

PARCEL C:

That portion of Sections 19, 20, 28, 29 and 30, Township 12 South, Range 64 West of the 6th P.M., El Paso County, Colorado, more particularly described as follows: Commencing at the Southwest corner of said Section 30; thence North 89 degrees 52 minutes 06 seconds East (all bearings used in this description are relative to the West line of said Section 30 which was assumed to be North 00 degrees 28 minutes 16 seconds West) on the South line of said Section 30, 30.00 feet to the Point of Beginning; thence North 00 degrees 28 minutes 16 seconds West on a line being 30.00 feet East of and parallel with the West line of said Section 30, 5292.89 feet to a point on the South line of said Section 19; thence North 00 degrees 28 minutes 07 seconds West on a line being

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30.00 feet East of and parallel with the West line of said Section 19; 1323.19 feet to a point on the South line of the North one half of the South one half of said Section 19, said line also being the South line of that tract of land described in Book 3563 at Page 181 of the records of said El Paso County; thence South 89 degrees 55 minutes 28 seconds East on said South line, 5075.98 feet to a point on the East line of said Section 19, said point also being on the Westerly line of that tract of land as described in Book 3563 at Pages 189 and 190 of said records; thence Southerly and Easterly on the Westerly and Southerly lines of that tract of land described in Book 3563 at Pages 189 and 190 of said records for the following four (4) courses: (1) thence South 00 degrees 37 minutes 07 seconds East, 2.46 feet; (2) thence South 89 degrees 47 minutes 24 seconds East, 174.33 feet; (3) thence South 00 degrees 28 minutes 18 seconds East, 3217.14 feet; (4) thence South 89 degrees 55 minutes 06 seconds East, 5302.25 feet to a point on the Westerly right of way line of Eastonville Road; thence Southerly on said Westerly right of way line for the following two (2) courses: (1) thence South 37 degrees 34 minutes 46 seconds West, 390.19 feet; (2) thence South 38 degrees 15 minutes 20 seconds West, 3902.63 feet to a point on the South line of said Section 29; thence North 89 degrees 55 minutes 00 seconds West on said South line, 2777.27 feet to the corner common to Sections 29, 30, 31, and 32; thence South 89 degrees 52 minutes 06 seconds West on the South line of said Section 30, 5093.12 feet to the point of beginning,
County of El Paso ,
State of Colorado.

for informational purposes only) Vacant Land

EXHIBIT A
Page 5
RMBG, LLC#2

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THE FOLLOWING TRACTS OF LAND LOCATED IN SECTIONS 8, 9, 16 AND 17, TOWNSHIP 12 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

WESTERN TRACT:
COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 8; THENCE N89°28'40"W ALONG THE SOUTH LINE OF SAID SECTION 8, SAID LINE ALSO BEING THE NORTH RIGHT-OF-WAY LINE OF LATIGO BLVD., A DISTANCE OF 1130.01 FEET TO A POINT ON THE RIGHT-OF-WAY LINE OF LATIGO BLVD. AS PLATTED IN THE TRAILS FILING NO. 2, AS RECORDED IN PLAT BOOK D-4 AT PAGE 96 OF THE RECORDS OF SAID EL PASO COUNTY; THENCE S00°31'20"W ALONG THE RIGHT-OF-WAY LINE OF SAID LATIGO BLVD., A DISTANCE OF 60.00 FEET TO THE NORTHEAST CORNER OF LOT 1 OF SAID THE TRAILS FILING NO. 2, SAID POINT BEING ON THE SOUTHERLY RIGHT-OF-WAY LINE OF LATIGO BOULEVARD; THENCE N89°28'40"W ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID LATIGO BLVD. A DISTANCE OF 1229.70 FEET TO A POINT OF CURVE TO THE RIGHT; THENCE ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID LATIGO BLVD., ALONG THE ARC OF SAID CURVE TO THE RIGHT WITH A RADIUS OF 1060.00 FEET, A DELTA ANGLE OF 48°00'03", AN ARC LENGTH OF 888.04 FEET, WHOSE LONG CHORD BEARS N65°28'39"W A DISTANCE OF 862.30 FEET; THENCE N41°28'37"W ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID LATIGO BLVD. A DISTANCE OF 15.08 FEET TO A POINT ON THE NORTHERLY BOUNDARY OF SAID THE TRAILS FILING NO. 2, THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION;

THE FOLLOWING FIVE (5) COURSES FOLLOW SAID NORTHERLY BOUNDARY OF SAID THE TRAILS FILING NO. 2:

1. THENCE S50°54'16"W A DISTANCE OF 856.11 FEET;
2. THENCE N14°21'40"W A DISTANCE OF 174.72 FEET;
3. THENCE N62°01'40"W A DISTANCE OF 365.00 FEET;
4. THENCE S85°28'20"W A DISTANCE OF 650.00 FEET;
5. THENCE S47°08'21"W A DISTANCE OF 548.51 FEET TO A POINT ON THE WESTERLY LINE OF SAID SECTION 17;
6. THENCE N00°03'15"W ALONG SAID WESTERLY SECTION LINE, A DISTANCE OF 342.71 FEET TO THE NORTHWEST CORNER OF SAID SECTION 17;
7. THENCE N00°09'13"W ALONG THE WESTERLY LINE OF SAID SECTION 8, A DISTANCE OF 756.45 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF LATIGO BOULEVARD AS PLATTED IN THE TRAILS FILING NO. 1 AS RECORDED IN PLAT BOOK Y-3 AT PAGE 13 OF THE RECORDS OF SAID EL PASO COUNTY;

THE FOLLOWING FIVE (5) COURSES FOLLOW THE SOUTHERLY RIGHT-OF-WAY LINE OF LATIGO BOULEVARD AS PLATTED IN SAID THE TRAILS FILING NO. 1 AND THE TRAILS FILING NO. 2:

8. THENCE N67°57'08"E A DISTANCE OF 179.24 FEET TO A POINT OF CURVE TO THE RIGHT;
9. THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT WITH A RADIUS OF 940.00 FEET, A DELTA ANGLE OF 27°44'15", AN ARC LENGTH OF 455.06 FEET, WHOSE LONG CHORD BEARS N81°49'16"E A DISTANCE OF 450.63 FEET;
10. THENCE S84°18'37"E A DISTANCE OF 660.56 FEET TO A POINT OF CURVE TO THE RIGHT;
11. THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT WITH A RADIUS OF 940.00 FEET, A DELTA ANGLE OF 42°50'00", AN ARC LENGTH OF 702.73 FEET, WHOSE LONG CHORD BEARS S62°53'37"E A DISTANCE OF 686.48 FEET;
12. THENCE S41°28'37"E A DISTANCE OF 304.88 FEET TO THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION.

THE ABOVE TRACT OF LAND CONTAINS 37.35 ACRES, MORE OR LESS.

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NORTHERN TRACT:
BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION 8;

1. THENCE N89°28'40"W ALONG THE SOUTH LINE OF SAID SECTION 8, SAID LINE ALSO BEING THE NORTHERLY RIGHT-OF-WAY LINE OF LATIGO BLVD., A DISTANCE OF 1130.01 FEET TO A POINT ON THE RIGHT-OF-WAY LINE OF LATIGO BLVD. AS PLATTED IN THE TRAILS FILING NO. 2, AS RECORDED IN PLAT BOOK D-4 AT PAGE 96 OF THE RECORDS OF SAID EL PASO COUNTY ;

THE FOLLOWING TWO (2) COURSES FOLLOW SAID RIGHT-OF-WAY LINE OF LATIGO BLVD.:

2. THENCE N00°31'20"E A DISTANCE OF 60.00 FEET;
3. THENCE N89°28'40"W A DISTANCE OF 694.44 FEET;
4. THENCE N00°31'20"E A DISTANCE OF 358.71 FEET;
5. THENCE N89°28'40"W A DISTANCE OF 606.37 FEET;
6. THENCE N62°19'41"W A DISTANCE OF 214.98 FEET;
7. THENCE N89°28'40"W A DISTANCE OF 273.76 FEET;
8. THENCE S48°35'00"W A DISTANCE OF 218.12 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF SAID LATIGO BLVD.;

THE FOLLOWING TWO (2) COURSES FOLLOW THE NORTHERLY RIGHT-OF-WAY LINE OF SAID LATIGO BLVD.:

9. THENCE N41°28'37"W A DISTANCE OF 319.96 FEET TO A POINT OF CURVE TO THE LEFT;
10. THENCE ALONG THE ARC OF SAID CURVE TO THE LEFT, WITH A RADIUS OF 1060.00 FEET, A DELTA ANGLE OF 09°05'18", AN ARC LENGTH OF 168.14 FEET, WHOSE LONG CHORD BEARS N46°01'16"W A DISTANCE OF 167.96 FEET TO A POINT ON THE WESTERLY EXTENSION OF THE SOUTHERLY BOUNDARY OF THE PARCEL OF LAND RECORDED AT RECEPTION NUMBER 201171902 OF THE RECORDS OF SAID EL PASO COUNTY;

THE FOLLOWING TWO (2) COURSES FOLLOW THE BOUNDARY OF SAID PARCEL AND ITS EXTENSION WESTERLY:

11. THENCE S89°30'00"E A DISTANCE OF 1200.17 FEET;
12. THENCE N00°30'00"E A DISTANCE OF 909.00 FEET;
13. THENCE S70°21'10"E A DISTANCE OF 561.00 FEET TO THE SOUTHWEST CORNER OF THE TRAILS FILING NO. 3 AS RECORDED AT RECEPTION NO. 201014176 OF THE RECORDS OF SAID EL PASO COUNTY;

THE FOLLOWING TWO (2) COURSES FOLLOW THE SOUTHERLY BOUNDARY OF SAID THE TRAILS FILING NO. 3:

14. THENCE N72°03'26"E A DISTANCE OF 703.03 FEET;
15. THENCE N48°44'19"E A DISTANCE OF 1007.26 FEET TO A POINT ON THE WESTERLY BOUNDARY OF A REPLAT OF LOTS 42 THROUGH 48 INCLUSIVE IN LATIGO COUNTRY ESTATES FILING NO. II, AS FILED FOR RECORD IN PLAT BOOK G-3 AT PAGE 1 OF THE RECORDS OF SAID EL PASO COUNTY;

THE FOLLOWING TWO (2) COURSES FOLLOW THE BOUNDARY OF SAID REPLAT OF LOTS 42 THROUGH 48 INCLUSIVE IN LATIGO COUNTRY ESTATES FILING NO. II:

16. THENCE S40°03'05"E A DISTANCE OF 100.00 FEET;
17. THENCE N61°56'19"E A DISTANCE OF 250.00 FEET TO THE NORTHWEST CORNER OF THE TRAILS FILING NO. 4 AS FILED FOR RECORD AT RECEPTION NO. 200154173 OF THE RECORDS OF SAID EL PASO COUNTY;

THE FOLLOWING TWO (2) COURSES FOLLOW THE WESTERLY AND SOUTHERLY BOUNDARY LINES OF SAID THE TRAILS FILING NO. 4:

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18. THENCE S32°29'36"E A DISTANCE OF 585.91 FEET;
19. THENCE N61°14'30"E A DISTANCE OF 858.88 FEET TO A POINT ON THE SOUTHERLY BOUNDARY OF SAID REPLAT OF LOTS 42 THROUGH 48 INCLUSIVE IN LATIGO COUNTRY ESTATES FILING NO. II;

THE FOLLOWING TWO (2) COURSES FOLLOW THE SOUTHERLY BOUNDARY OF SAID REPLAT OF LOTS 42 THROUGH 48 INCLUSIVE IN LATIGO COUNTRY ESTATES FILING NO. II:

20. THENCE S32°07'56"E A DISTANCE OF 44.29 FEET;
21. THENCE N47°30'00"E A DISTANCE OF 437.01 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF EASTONVILLE ROAD;

THE FOLLOWING THREE (3) COURSES FOLLOW SAID WESTERLY RIGHT-OF-WAY LINE OF EASTONVILLE ROAD:

22. THENCE S05°33'35"E A DISTANCE OF 739.61 FEET TO A POINT OF CURVE TO THE LEFT;
23. THENCE ALONG THE ARC OF SAID CURVE TO THE LEFT, WITH A RADIUS OF 3997.66 FEET, A DELTA ANGLE OF 12°15'54", AN ARC LENGTH OF 855.76 FEET, WHOSE LONG CHORD BEARS S11°41'32"E A DISTANCE OF 854.12 FEET;
24. THENCE S17°49'29"E A DISTANCE OF 1035.55 FEET, TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF LATIGO BOULEVARD;
25. THENCE S89°50'54"W ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID LATIGO BLVD. A DISTANCE OF 2035.15 FEET, TO THE POINT OF BEGINNING OF THIS DESCRIPTION.

THE ABOVE TRACT OF LAND CONTAINS 178.26 ACRES, MORE OR LESS.

SOUTHERN TRACT:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 8; THENCE N89°28'40"W ALONG THE SOUTH LINE OF SAID SECTION 8, SAID LINE ALSO BEING THE NORTH RIGHT-OF-WAY LINE OF LATIGO BLVD., A DISTANCE OF 1130.01 FEET TO A POINT ON THE RIGHT-OF-WAY LINE OF LATIGO BLVD. AS PLATTED IN THE TRAILS FILING NO. 2, AS RECORDED IN PLAT BOOK D-4 AT PAGE 96 OF THE RECORDS OF SAID EL PASO COUNTY; THENCE S00°31'20"W ALONG THE RIGHT-OF-WAY LINE OF SAID LATIGO BLVD. A DISTANCE OF 60.00 FEET TO THE NORTHEAST CORNER OF LOT 1 OF SAID THE TRAILS FILING NO. 2, SAID POINT ALSO BEING ON THE SOUTH RIGHT-OF-WAY LINE OF LATIGO BLVD., THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION;

THE FOLLOWING TWO (2) COURSES FOLLOW SAID SOUTHERLY RIGHT-OF-WAY LINE OF LATIGO BOULEVARD:

1. THENCE S89°28'40"E A DISTANCE OF 1127.78 FEET;
2. THENCE N89°50'54"E A DISTANCE OF 2055.64 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF EASTONVILLE ROAD;

THE FOLLOWING SIX (6) COURSES FOLLOW SAID WESTERLY RIGHT-OF-WAY LINE OF EASTONVILLE ROAD:

3. THENCE S17°46'35"E A DISTANCE OF 2098.16 FEET TO A POINT OF CURVE TO THE RIGHT;
4. THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT WITH A RADIUS OF 1327.64 FEET, A DELTA ANGLE OF 30°55'46", AN ARC LENGTH OF 716.69 FEET, WHOSE LONG CHORD BEARS S02°18'42"E A DISTANCE OF 708.02 FEET;
5. THENCE S13°09'11"W A DISTANCE OF 1012.01 FEET TO A POINT OF CURVE TO THE LEFT;
6. THENCE ALONG THE ARC OF SAID CURVE TO THE LEFT WITH A RADIUS OF 3233.52 FEET, A DELTA ANGLE OF 19°38'12", AN ARC LENGTH OF 1108.21 FEET, WHOSE LONG CHORD BEARS S03°20'05"W A DISTANCE OF 1102.79 FEET;
7. THENCE S06°29'01"E A DISTANCE OF 419.81 FEET TO A POINT OF CURVE TO THE RIGHT;
8. THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT WITH A RADIUS OF 670.00 FEET, A DELTA ANGLE OF 02°51'33", AN ARC LENGTH OF 33.44 FEET, WHOSE LONG CHORD BEARS

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S05°03'15"E A DISTANCE OF 33.43 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID SECTION 16;

9. THENCE N89°25'53"W ALONG THE SOUTH LINE OF SAID SECTION 16, A DISTANCE OF 2440.86 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 17;
10. THENCE N89°25'42"W ALONG THE SOUTH LINE OF SAID SECTION 17, A DISTANCE OF 5267.74 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 17;
11. THENCE N00°03'15"W ALONG THE WEST LINE OF SAID SECTION 17, A DISTANCE OF 1516.65 FEET TO THE SOUTHWEST CORNER OF SAID THE TRAILS FILING NO. 2;

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THE FOLLOWING NINETEEN (19) COURSES FOLLOW THE SOUTHERLY AND EASTERLY BOUNDARY LINES OF SAID THE TRAILS FILING NO. 2:

12. THENCE S85°01'40"E A DISTANCE OF 421.91 FEET;
13. THENCE S04°58'20"W A DISTANCE OF 100.00 FEET TO A POINT OF CURVE TO THE LEFT;
14. THENCE ALONG THE ARC OF SAID CURVE TO THE LEFT WITH A RADIUS OF 520.00 FEET, A DELTA ANGLE OF 62°25'00", AN ARC DISTANCE OF 566.48 FEET, WHOSE LONG CHORD BEARS S26°14'10"E A DISTANCE OF 538.88 FEET;
15. THENCE S57°26'40"E A DISTANCE OF 165.00 FEET;
16. THENCE N32°33'20"E A DISTANCE OF 460.00 FEET;
17. THENCE S67°21'40"E A DISTANCE OF 440.00;
18. THENCE N76°58'20"E A DISTANCE OF 280.00 FEET;
19. THENCE S85°01'40"E A DISTANCE OF 1150.00 FEET;
20. THENCE N88°28'20"E A DISTANCE OF 550.00 FEET;
21. THENCE N68°58'20"E A DISTANCE OF 150.00 FEET;
22. THENCE N21°01'40"W A DISTANCE OF 490.00 FEET;
23. THENCE N66°43'20"E A DISTANCE OF 230.00 FEET;
24. THENCE N17°56'40"W A DISTANCE OF 970.00 FEET;
25. THENCE N38°26'40"W A DISTANCE OF 480.00 FEET;
26. THENCE N43°13'20"E A DISTANCE OF 635.00 FEET;
27. THENCE N46°46'40"W A DISTANCE OF 130.00 FEET;
28. THENCE N36°43'20"E A DISTANCE OF 735.00 FEET;
29. THENCE N21°08'20"E A DISTANCE OF 915.00 FEET;
30. THENCE N00°33'17"E A DISTANCE OF 270.36 FEET TO THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION.

THE ABOVE TRACT OF LAND CONTAINS 589.33 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE SOUTHWESTERLY LINE OF LOTS 4, 5 & 6, A REPLAT OF LOTS 42 THROUGH 48 INCLUSIVE, IN LATIGO COUNTRY ESTATES FILING NO. II, AS RECORDED IN PLAT BOOK G-3 AT PAGE 1 OF THE RECORDS OF EL PASO COUNTY, COLORADO, WHICH IS ASSUMED TO BEAR N21°08'47"W FROM AN ANGLE POINT ON THE WEST SIDE OF SAID LOT 6 (#5 REBAR, NO CAP), TO THE WESTERLY NORTHWEST CORNER OF SAID LOT 4 (#5 REBAR, NO CAP).

PREPARED BY:
URS
9960 FEDERAL DRIVE, SUITE 300
COLORADO SPRINGS, COLORADO 80921
(719) 531-0001 MARCH 5, 2002

EXHIBIT B

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EXHIBIT A

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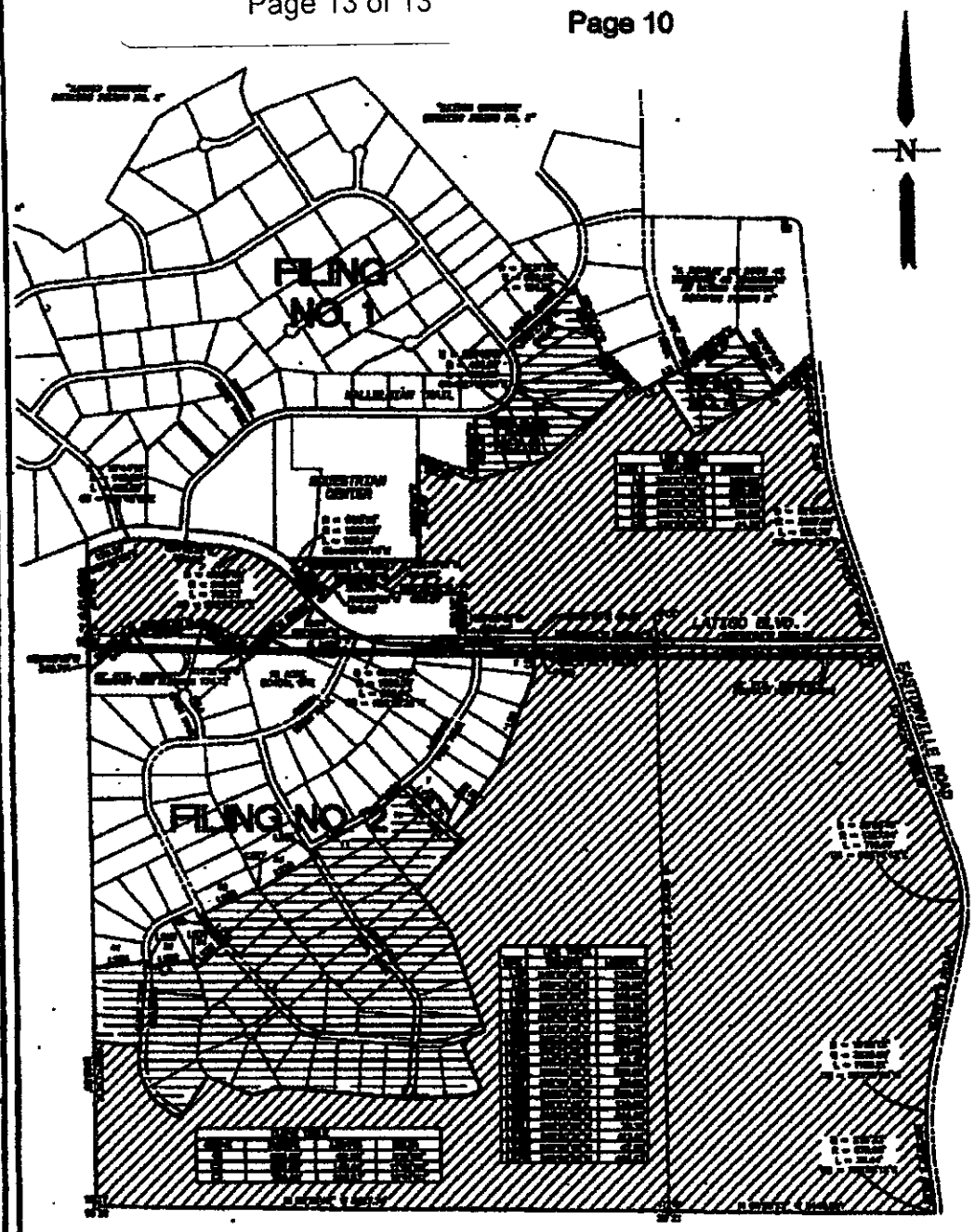
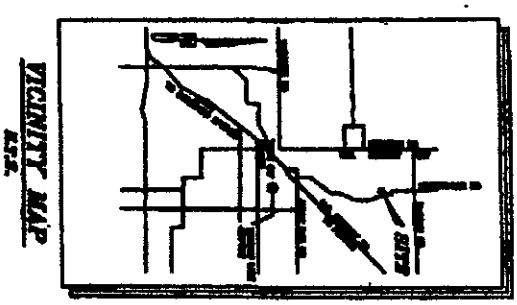


(977.19 ACRE PLACE OF USE AREA)



URS

LATIGO TRAILS

TOTAL OWNERSHIP ARAPAHOE AQUIFER

FIGURE 1

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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 150 feet.

7. At this time, there is no substantial artificial recharge that would affect the aquifer within a one hundred year period.

8. 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 allowed 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 36.45 acres of overlying land claimed by the applicant is 9.3 acre-feet.

9. 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.

10. Pursuant to Section 37-90-107(7)(c)(III), C.R.S., an approved determination of water right shall be considered a final determination of the amount of ground water so determined; except that the Commission shall retain jurisdiction for subsequent adjustment of such amount to conform to the actual local aquifer characteristics from adequate information obtained from well drilling or test holes.

11. The ability of wells permitted to withdraw the authorized amount of water from this non-renewable aquifer may be less than the one hundred years upon which the amount of water in the aquifer is allocated, due to anticipated water level declines.

12. In accordance with Rule 5.3.6 of the Designated Basin Rules, it has been determined that withdrawal of ground water from the aquifer underlying the land claimed by the applicant will not, within one hundred years, deplete the flow of a natural steam 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.

13. 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.

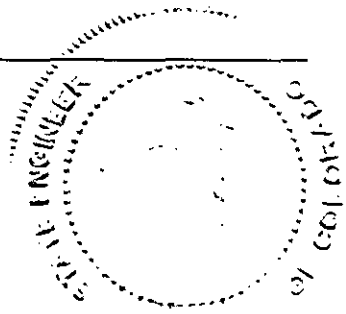
COLORADO GROUND WATER COMMISSION
FINDINGS AND ORDER

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: ESTATE OF LOIS J. GADDIE

AQUIFER: LARAMIE-FOX HILLS

DETERMINATION NO.: **1312-BD**



In compliance with Section 37-90-107(7), C.R.S., and the Designated Basin Rules, 2 CCR 410-1, the Estate of Lois J. Gaddie (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 received complete by the Colorado Ground Water Commission on July 6, 2007.

2. The applicant requests a determination of rights to designated ground water in the Laramie-Fox Hills Aquifer (hereinafter "aquifer") underlying 36.45 acres, generally described as the SE¼ of the SE¼ of Section 1, Township 13 South, Range 65 West of the 6th Principal Meridian, in El Paso County. According to a signed statement dated February 26, 2007, the applicant owns the 36.45 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 within 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, commercial, industrial, irrigation, stock watering, and replacement supply. The applicant's proposed place of use of the allocated ground water is the above described 36.45 acre land area and within the service area of Woodmen Hills Metropolitan District and the service area of Meridian Service Metropolitan District. Statements of consent from the landowners and more detailed legal descriptions of these additional place of use areas are attached hereto as Exhibit B.

6. The quantity of water in the aquifer underlying the 36.45 acres of land claimed by the applicant is 1,066 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 195 feet.

7. At this time, there is no substantial artificial recharge that would affect the aquifer within a one hundred year period.

8. 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 allowed 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 36.45 acres of overlying land claimed by the applicant is 10.7 acre-feet.

9. 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.

10. Pursuant to Section 37-90-107(7)(c)(III), C.R.S., an approved determination of water right shall be considered a final determination of the amount of ground water so determined; except that the Commission shall retain jurisdiction for subsequent adjustment of such amount to conform to the actual local aquifer characteristics from adequate information obtained from well drilling or test holes.

11. The ability of wells permitted to withdraw the authorized amount of water from this non-renewable aquifer may be less than the one hundred years upon which the amount of water in the aquifer is allocated, due to anticipated water level declines.

12. In accordance with Rule 5.3.6 of the Designated Basin Rules, it has been determined that withdrawal of ground water from the aquifer underlying the land claimed by the applicant will not, within one hundred years, deplete the flow of a natural steam 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.

13. 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.

14. On July 18, 2007, 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.

15. The Commission Staff has evaluated the application relying on the claims to control of the ground water in the aquifer made by the applicant.

16. In accordance with Sections 37-90-107(7) and 37-90-112, C.R.S., the application was published in the Ranchland News newspaper on July 26 and August 2, 2007.

17. No objections to the determination of water right and proposed allocation of ground water were received within the time limit set by statute.

18. 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 36.45 acres of land, generally described as the SE¼ of the SE¼ of Section 1, Township 13 South, Range 65 West of the 6th Principal Meridian, is approved subject to the following conditions:

19. The allowed average annual amount of withdrawal of ground water from the aquifer shall not exceed 10.7 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.

20. To conform to actual aquifer characteristics, the Commission may adjust the allowed 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.

21. The applicant may pump the allowed average annual amount of withdrawal and the allowed maximum annual amount of withdrawal from one or more wells of a well field in any combination, so long as the total combined withdrawal of the wells does not exceed the amounts described in this Order.

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 beneficial uses: domestic, commercial, industrial, irrigation, stock watering, and replacement supply. The place of use shall be limited to the above described 36.45 acre land area and within the service area of Woodmen Hills Metropolitan District and the service area of Meridian Service Metropolitan District.

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 36.45 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 allocated 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 36.45 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. 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.

    f. 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 36.45 acre overlying land area, or any part thereof, shall reveal the existence of this determination.

Dated this 13th day of September, 2007.

Dick Wolfe

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

By: Keith Vander Horst

Keith Vander Horst, P.E.
Supervisor, Designated Basins

Prepared by: SKR

EXHIBIT A

1312-BD

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STATE OF COLORADO
OFFICE OF THE STATE ENGINEER
DIVISION OF WATER RESOURCES

NONTRIBUTARY GROUND WATER LANDOWNERSHIP STATEMENT

I (we) Estate of Lois J. Gaddie
(Name)

claim and say that I (we) am (are) the owner(s) of the following described property consisting of 36.45 acres in the County of El Paso, State of Colorado:

Southeast Quarter of the Southeast Quarter, Section 1, Township 13 South, range 65 West; except roadway right-of-way

and, that the ground water sought to be withdrawn from the Laraime Fox Hills aquifer underlying the above-described land has not been conveyed or reserved to another, nor has consent been given to it's 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) own knowledge.

Cy Ter Horst As Executor 2/26/07
Estate of Lois J. Gaddie (Date)

(Date)

INSTRUCTIONS:

Please type or print neatly in black ink. This form may be reproduced by photocopy or word processing means. See additional instructions on back.

1313 SHERMAN ST RM 818 DENVER CO 80203 (303)866-3581

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Attachment to Determination of Water Rights Application

Laramie Fox Hills Aquifer

Item 7 Place of Use - Water to be used on the property described in Landownership or Consent Claim plus:

The service area of Woodmen Hills Metropolitan District which is described in Exhibits A through D, attached. The service area of Meridian Service Metropolitan District which is described as Parcels A, B and C. The Median service area also includes the property described as "Exhibit A, Pages 5 through 8, RMBG, LLC#2" as attached.

EXHIBIT B

1312-BD

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TO:

Colorado Ground Water Commission
Division of Water Resources
1313 Sherman St., Rm 818
Denver, CO 80203

PLACE OF USE OF DESIGNATED GROUND WATER

ATTACHMENT TO APPLICATION FOR DETERMINATION OF WATER RIGHT

LARAMIE – FOX HILLS AQUIFER

We hereby approve that the ground water associated with the Estate of Lois Gaddie parcel being:

> The Southeast Quarter of the Southeast Quarter, Section 1, Township 13 South, Range 65 West, except road right of way,

can be used on and within the service of Woodmen Hills Metropolitan District.

Woodmen Hills Metropolitan District

by: _____

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Exhibit A

The South One-Half of the Northwest Quarter and the Southwest Quarter of Section 1, Township 13 South, Range 65 West, EXCEPTING THEREFROM: The west 450.0 feet of the South 528.94 feet of this section for Lot 1 consisting of 5.46 acres and; That part of the Southwest Quarter of this section, consisting of 40 acres owned by Mountain View Electric Association described as follows, commencing at the southwest corner of said section, thence S 89° 42'50" E along the south section line 2648.33 feet to the south quarter comer of said section; thence N 00° O7'47" a distance of 30 feet to the POINT OF BEGINNING, thence N 89° 42'50" W 725.0 feet; thence N 00' 17'10" E 65.0 feet; thence on an arc of a curve to the left having a center angle of 25° 25'06" and a radius 266.04 feet and an are distance of 118.03 feet; thence N 25° O7'56" W on forward tangent 365.0 feet; thence on an arc of a curve to the right having a center angle 25° 15'43", a radius of 490.87 feet and an are distance of 216.42 feet; thence N 00° O7'47' on forward tangent 1198.63 feet; thence S 89° 42'50" E a distance of 952.97 feet; thence S 00° 07'47" W a distance of 626.04 feet; thence S 00° O7'47' W a distance of 1290.80 feet to the POINT OF BEGINNING. The above described parcel contains 193.7 acres.

Exhibit B

The applicant proposes to appropriate ground water from 1151 acres, consisting of two noncontiguous tracts of land generally described as:

Area A - 1112 acre tract located in the S1/2 of the S1/2, and in the NEl/4 of the SE1/4 of Section 31, and in the Wl/2 of the SW1/4 of Section 32, all in Township 12 South, Range 64 West of the 6th Principal Meridian.; and all of that part of Section 6 lying north and west of the Chicago, Rock Island and Pacific Railway Right of Way, and a portion of that part of the NW1/4 of Section 7 lying north and west of the Chicago, Rock Island and Pacific Railway Right of Way, all in Township 13 South, Range 64 West of the 6th Principal Meridian.; and in the SE1/4 of Section 36,Township 12 South, Range 65 West of the 6th Principal Meridian; and in the N1/2 of the NE1/4 of Section 1, Township 13 South, Range 65 West of the 6th Principal Meridian;

Area B - 39 acre tract located in the SW1/4 of the SEl/4 of Section 1, Township 13 South, Range 65 West of the 6th Principal Meridian;

The applicant proposes to appropriate ground water underlying 536.25 acres, generally described as the N1/2, and the N1/2 of the SW1/4, and the NW1/4 of the SE1/4 of Section 31, and the W1/2 of the NW1/4 of Section 32, and that part of the El/2 of the NW1/4 and that part of the NW1/4 of the NEl/4 of Section 32 lying west of Eastonville Road, all in Township 12 South, Range 64 West of the 6th Principal Meridian, also known as Bennet Ranch,

Exhibit C

A PORTION OF THE SOUTH HALF OF SECTION 7, TOWNSHIP 13 SOUTH, RANGE 64 WEST, AND A PORTION OF THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE 6TN PRINCIPAL MERIDIAN, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 7, THENCE S 88 DEGREES 33 MINUTES 11 SECONDS E COINCIDENT WITH THE SOUTH LINE OF SAID SECTION 7, A DISTANCE OF 949.33 FEET; THENCE N 01 DEGREES 26 MINUTES 49 SECONDS E, A DISTANCE OF 30.0 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF FALCON HIGHWAY AND THE POINT OF BEGINNING OF THE TRACT OF LAND TO BE DESCRIBED HEREIN THENCE (1) N 07 DEGREES 50 MINUTES 10 SECONDS E, A DISTANCE OF 826.38 FEET; (2) N 16 DEGREES 24 MINUTES 19 SECONDS W, A DISTANCE OF 1489.85 FEET TO A POINT ON THE SOUTHEASTERLY RIGHT OF WAY LINE OF VACATED EASTERN AVENUE AND THE CENTER

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LINE OF VACATED 5TH STREET, (3) N 40 DEGREES 42 MINUTES 45 SECONDS W COINCIDENT WITH SAID CENTER LINE OF VACATED 5TH STREET, A DISTANCE OF 290.09 FEET; (4) S 52 DEGREES 02 MINUTES 49 SECONDS W, A DISTANCE OF 615.38 FEET; (5) S 06 DEGREES 18 MINUTES 07 SECONDS W, A DISTANCE OF 434.47 FEET (6) N 63 DEGREES 01 MINUTES 58 SECONDS W, A DISTANCE OF 39.47 FEET (7) S 49 DEGREES 19 MINUTES 27 SECONDS W, A DISTANCE OF 34.46 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF MERIDIAN ROAD, (8) S 06 DEGREES 25 MINUTES 22 SECONDS E COINCIDENT WITH THE SAID EASTERLY RIGHT OF WAY LINE OF MERIDIAN ROAD, A DISTANCE OF 1525.51 FEET, (9) S 00 DEGREES 25 MINUTES 58 SECONDS E, 30.00 FEET EASTERLY OF AND PARALLEL TO THE WEST LINE OF SAID SECTION 7, A DISTANCE OF 113.72 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY FALCON HIGHWAY; (10) S 88 DEGREES 33 MINUTES 11 SECONDS E COINCIDENT WITH THE SAID NORTHERLY RIGHT OF WAY LINE OF FALCON HIGHWAY, WHICH IS 30.00 FEET NORTHERLY OF AND PARALLEL TO THE SOUTH LINE OF SKID SECTION 7, A DISTANCE OF 920.31 FEET TO THE POINT OF BEGINNING,

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Exhibit D

South ½, SE 1/4, NE 1/4 and SE 1/4, SW 1/4, NE 1/4 and SW 1/4, SW 1/4, NE 1/4 Section 1, Township 13 South, Range 65 West

EXHIBIT B

1312-BD

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TO:

Colorado Ground Water Commission
Division of Water Resources
1313 Sherman St., Rm 818
Denver, CO 80203

PLACE OF USE OF DESIGNATED GROUND WATER

ATTACHMENT TO APPLICATION FOR DETERMINATION OF WATER RIGHT

LARAMIE – FOX HILLS AQUIFER

We hereby approve that the ground water associated with the Estate of Lois Gaddie parcel being:

> The Southeast Quarter of the Southeast Quarter, Section 1, Township 13 South, Range 65 West, except road right of way,

can be used on and within the service of Meridian Service Metropolitan District.

Meridian Service Metropolitan District

by: Gregg H. Jones

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4. **The land referred to in this Commitment is described as follows:**

PARCEL A:

The North one half and the North one half of the South one half of Section 19, and the Northwest one quarter of Section 20, all in Township 12 South, Range 64 West of the 6th P.M.,
County of El Paso,
State of Colorado.

PARCEL B:

That portion of Sections 20, 21, 28 and 29, Township 12 South, Range 64 West of the 6th P.M., El Paso County, Colorado, more particularly described as follows: Beginning at the Northeast corner of the Northwest one quarter of
--Continued

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said Section 20; thence South 89 degrees 55 minutes 06 seconds East (all bearings used in this description are relative to the North line of said Section 20 which was assumed to be South 89 degrees 55 minutes 06 seconds East) on the North line of said Section 20, 2633.92 feet to the Northeast corner of said Section 20; thence South 89 degrees 55 minutes 05 seconds East on the North line of said Section 21, 2440.90 feet to a point on the Westerly right of way line of Eastonville Road; thence Southerly on said Westerly right of way line for the following ten (10) courses: (1) thence on the arc of a curve to the right whose chord bears South 02 degrees 53 minutes 16 seconds West, having a central angle of 13 degrees 53 minutes 59 seconds, a radius of 670.00 feet and an arc length of 162.54 feet; (2) thence South 09 degrees 50 minutes 16 seconds west on the forward tangent to the last mentioned curve, 274.72 feet; (3) thence on the arc of a curve to the right having a central angle of 09 degrees 29 minutes 34 seconds, a radius of 1370.00 feet and an arc length of 226.98 feet; (4) thence South 19 degrees 19 minutes 49 seconds West on the forward tangent to the last mentioned curve, 1863.28 feet; (5) thence on the arc of a curve to the right having a central angle of 12 degrees 00 minutes 53 seconds, a radius of 1270.00 feet and an arc length of 266.32 feet; (6) thence South 31 degrees 20 minutes 42 seconds West on the forward tangent to the last mentioned curve, 1517.64 feet; (7) thence on the arc of a curve to the left having a central angle of 39 degrees 01 minutes 00 seconds, a radius of 1830.00 feet and an arc length of 1246.17 feet; (8) thence South 07 degrees 40 minutes 18 seconds East on the forward tangent to the last mentioned curve, 777.43 feet; (9) thence on the arc of a curve to the right having a central angle of 45 degrees 15 minutes 04 seconds, a radius of 1570.00 feet and an arc length of 1239.96 feet; (10) thence South 37 degrees 34 minutes 46 seconds West on the forward tangent to the last mentioned curve, 118.20 feet; thence North 89 degrees 55 minutes 06 seconds West, 5302.25 feet; thence North 00 degrees 28 minutes 18 seconds West, 3217.14 feet; thence North 89 degrees 47 minutes 24 seconds West, 174.33 feet to a point on the West line of said Section 20; thence North 00 degrees 37 minutes 07 seconds West on said West line 1321.69 feet to the West one quarter corner of said Section 20; thence South 89 degrees 54 minutes 53 seconds East on the South line of the Northwest one quarter of said Section 20, 2635.90 feet to the Southeast corner of said Northwest one quarter; thence North 00 degrees 39 minutes 42 seconds West on the East line of said Northwest one quarter, 2638.64 feet to the point of beginning,
County of El Paso,
State of Colorado.

PARCEL C:

That portion of Sections 19, 20, 28, 29 and 30, Township 12 South, Range 64 West of the 6th P.M., El Paso County, Colorado, more particularly described as follows: Commencing at the Southwest corner of said Section 30; thence North 89 degrees 52 minutes 06 seconds East (all bearings used in this description are relative to the West line of said Section 30 which was assumed to be North 00 degrees 28 minutes 16 seconds West) on the South line of said Section 30, 30.00 feet to the Point of Beginning; thence North 00 degrees 28 minutes 16 seconds West on a line being 30.00 feet East of and parallel with the West line of said Section 30, 5292.89 feet to a point on the South line of said Section 19; thence North 00 degrees 28 minutes 07 seconds West on a line being

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30.00 feet East of and parallel with the West line of said Section 19, 1323.19 feet to a point on the South line of the North one half of the South one half of said Section 19, said line also being the South line of that tract of land described in Book 3563 at Page 181 of the records of said El Paso County; thence South 89 degrees 55 minutes 28 seconds East on said South line, 5075.98 feet to a point on the East line of said Section 19, said point also being on the Westerly line of that tract of land as described in Book 3563 at Pages 189 and 190 of said records; thence Southerly and Easterly on the Westerly and Southerly lines of that tract of land described in Book 3563 at Pages 189 and 190 of said records for the following four (4) courses: (1) thence South 00 degrees 37 minutes 07 seconds East, 2.46 feet; (2) thence South 89 degrees 47 minutes 24 seconds East, 174.33 feet; (3) thence South 00 degrees 28 minutes 18 seconds East, 3217.14 feet; (4) thence South 89 degrees 55 minutes 06 seconds East, 5302.25 feet to a point on the Westerly right of way line of Eastonville Road; thence Southerly on said Westerly right of way line for the following two (2) courses: (1) thence South 37 degrees 34 minutes 46 seconds West, 390.19 feet; (2) thence South 38 degrees 15 minutes 20 seconds West, 3902.63 feet to a point on the South line of said Section 29; thence North 89 degrees 55 minutes 00 seconds West on said South line, 2777.27 feet to the corner common to Sections 29, 30, 31, and 32; thence South 89 degrees 52 minutes 06 seconds West on the South line of said Section 30, 5093.12 feet to the point of beginning,
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THE FOLLOWING TRACTS OF LAND LOCATED IN SECTIONS 8, 9, 16 AND 17 TOWNSHIP 12 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

WESTERN TRACT:
COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 8; THENCE N89°28'40"W ALONG THE SOUTH LINE OF SAID SECTION 8, SAID LINE ALSO BEING THE NORTH RIGHT-OF-WAY LINE OF LATIGO BLVD., A DISTANCE OF 1130.01 FEET TO A POINT ON THE RIGHT-OF-WAY LINE OF LATIGO BLVD. AS PLATTED IN THE TRAILS FILING NO. 2, AS RECORDED IN PLAT BOOK D-4 AT PAGE 96 OF THE RECORDS OF SAID EL PASO COUNTY; THENCE S00°31'20"W ALONG THE RIGHT-OF-WAY LINE OF SAID LATIGO BLVD., A DISTANCE OF 60.00 FEET TO THE NORTHEAST CORNER OF LOT 1 OF SAID THE TRAILS FILING NO. 2, SAID POINT BEING ON THE SOUTHERLY RIGHT-OF-WAY LINE OF LATIGO BOULEVARD; THENCE N89°28'40"W ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID LATIGO BLVD. A DISTANCE OF 1229.70 FEET TO A POINT OF CURVE TO THE RIGHT; THENCE ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID LATIGO BLVD., ALONG THE ARC OF SAID CURVE TO THE RIGHT WITH A RADIUS OF 1060.00 FEET, A DELTA ANGLE OF 48°00'03", AN ARC LENGTH OF 888.04 FEET, WHOSE LONG CHORD BEARS N65°28'39"W A DISTANCE OF 862.30 FEET; THENCE N41°28'37"W ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID LATIGO BLVD. A DISTANCE OF 15.08 FEET TO A POINT ON THE NORTHERLY BOUNDARY OF SAID THE TRAILS FILING NO. 2, THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION;

THE FOLLOWING FIVE (5) COURSES FOLLOW SAID NORTHERLY BOUNDARY OF SAID THE TRAILS FILING NO. 2:

1. THENCE S50°54'16"W A DISTANCE OF 856.11 FEET;
2. THENCE N14°21'40"W A DISTANCE OF 174.72 FEET;
3. THENCE N62°01'40"W A DISTANCE OF 365.00 FEET;
4. THENCE S85°28'20"W A DISTANCE OF 650.00 FEET;
5. THENCE S47°08'21"W A DISTANCE OF 548.51 FEET TO A POINT ON THE WESTERLY LINE OF SAID SECTION 17;
6. THENCE N00°03'15"W ALONG SAID WESTERLY SECTION LINE, A DISTANCE OF 342.71 FEET TO THE NORTHWEST CORNER OF SAID SECTION 17;
7. THENCE N00°09'13"W ALONG THE WESTERLY LINE OF SAID SECTION 8, A DISTANCE OF 756.45 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF LATIGO BOULEVARD AS PLATTED IN THE TRAILS FILING NO. 1 AS RECORDED IN PLAT BOOK Y-3 AT PAGE 13 OF THE RECORDS OF SAID EL PASO COUNTY;

THE FOLLOWING FIVE (5) COURSES FOLLOW THE SOUTHERLY RIGHT-OF-WAY LINE OF LATIGO BOULEVARD AS PLATTED IN SAID THE TRAILS FILING NO. 1 AND THE TRAILS FILING NO. 2:

8. THENCE N67°57'08"E A DISTANCE OF 179.24 FEET TO A POINT OF CURVE TO THE RIGHT;
9. THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT WITH A RADIUS OF 940.00 FEET, A DELTA ANGLE OF 27°44'15", AN ARC LENGTH OF 455.06 FEET, WHOSE LONG CHORD BEARS N81°49'16"E A DISTANCE OF 450.63 FEET;
10. THENCE S84°18'37"E A DISTANCE OF 660.56 FEET TO A POINT OF CURVE TO THE RIGHT;
11. THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT WITH A RADIUS OF 940.00 FEET, A DELTA ANGLE OF 42°50'00", AN ARC LENGTH OF 702.73 FEET, WHOSE LONG CHORD BEARS S62°53'37"E A DISTANCE OF 686.48 FEET;
12. THENCE S41°28'37"E A DISTANCE OF 304.88 FEET TO THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION.

THE ABOVE TRACT OF LAND CONTAINS 37.35 ACRES, MORE OR LESS.

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NORTHERN TRACT:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION 8;

1. THENCE N89°28'40"W ALONG THE SOUTH LINE OF SAID SECTION 8, SAID LINE ALSO BEING THE NORTHERLY RIGHT-OF-WAY LINE OF LATIGO BLVD., A DISTANCE OF 1130.01 FEET TO A POINT ON THE RIGHT-OF-WAY LINE OF LATIGO BLVD. AS PLATTED IN THE TRAILS FILING NO. 2, AS RECORDED IN PLAT BOOK D-4 AT PAGE 96 OF THE RECORDS OF SAID EL PASO COUNTY ;

THE FOLLOWING TWO (2) COURSES FOLLOW SAID RIGHT-OF-WAY LINE OF LATIGO BLVD.:

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2. THENCE N00°31'20"E A DISTANCE OF 60.00 FEET;
3. THENCE N89°28'40"W A DISTANCE OF 694.44 FEET;
4. THENCE N00°31'20"E A DISTANCE OF 358.71 FEET;
5. THENCE N89°28'40"W A DISTANCE OF 606.37 FEET;
6. THENCE N62°19'41"W A DISTANCE OF 214.98 FEET;
7. THENCE N89°28'40"W A DISTANCE OF 273.76 FEET;
8. THENCE S48°35'00"W A DISTANCE OF 218.12 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF SAID LATIGO BLVD.;

THE FOLLOWING TWO (2) COURSES FOLLOW THE NORTHERLY RIGHT-OF-WAY LINE OF SAID LATIGO BLVD.:

9. THENCE N41°28'37"W A DISTANCE OF 319.96 FEET TO A POINT OF CURVE TO THE LEFT;
10. THENCE ALONG THE ARC OF SAID CURVE TO THE LEFT, WITH A RADIUS OF 1060.00 FEET, A DELTA ANGLE OF 09°05'18", AN ARC LENGTH OF 168.14 FEET, WHOSE LONG CHORD BEARS N46°01'16"W A DISTANCE OF 167.96 FEET TO A POINT ON THE WESTERLY EXTENSION OF THE SOUTHERLY BOUNDARY OF THE PARCEL OF LAND RECORDED AT RECEPTION NUMBER 201171902 OF THE RECORDS OF SAID EL PASO COUNTY;

THE FOLLOWING TWO (2) COURSES FOLLOW THE BOUNDARY OF SAID PARCEL AND ITS EXTENSION WESTERLY:

11. THENCE S89°30'00"E A DISTANCE OF 1200.17 FEET;
12. THENCE N00°30'00"E A DISTANCE OF 909.00 FEET;
13. THENCE S70°21'10"E A DISTANCE OF 561.00 FEET TO THE SOUTHWEST CORNER OF THE TRAILS FILING NO. 3 AS RECORDED AT RECEPTION NO. 201014176 OF THE RECORDS OF SAID EL PASO COUNTY;

THE FOLLOWING TWO (2) COURSES FOLLOW THE SOUTHERLY BOUNDARY OF SAID THE TRAILS FILING NO. 3:

14. THENCE N72°03'26"E A DISTANCE OF 703.03 FEET;
15. THENCE N48°44'19"E A DISTANCE OF 1007.26 FEET TO A POINT ON THE WESTERLY BOUNDARY OF A REPLAT OF LOTS 42 THROUGH 48 INCLUSIVE IN LATIGO COUNTRY ESTATES FILING NO. II, AS FILED FOR RECORD IN PLAT BOOK G-3 AT PAGE 1 OF THE RECORDS OF SAID EL PASO COUNTY;

THE FOLLOWING TWO (2) COURSES FOLLOW THE BOUNDARY OF SAID REPLAT OF LOTS 42 THROUGH 48 INCLUSIVE IN LATIGO COUNTRY ESTATES FILING NO. II:

16. THENCE S40°03'05"E A DISTANCE OF 100.00 FEET;
17. THENCE N61°56'19"E A DISTANCE OF 250.00 FEET TO THE NORTHWEST CORNER OF THE TRAILS FILING NO. 4 AS FILED FOR RECORD AT RECEPTION NO. 200154173 OF THE RECORDS OF SAID EL PASO COUNTY;

THE FOLLOWING TWO (2) COURSES FOLLOW THE WESTERLY AND SOUTHERLY BOUNDARY LINES OF SAID THE TRAILS FILING NO. 4:

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18. THENCE S32°29'36"E A DISTANCE OF 585.91 FEET;
19. THENCE N61°14'30"E A DISTANCE OF 858.88 FEET TO A POINT ON THE SOUTHERLY BOUNDARY OF SAID REPLAT OF LOTS 42 THROUGH 48 INCLUSIVE IN LATIGO COUNTRY ESTATES FILING NO. II;

THE FOLLOWING TWO (2) COURSES FOLLOW THE SOUTHERLY BOUNDARY OF SAID REPLAT OF LOTS 42 THROUGH 48 INCLUSIVE IN LATIGO COUNTRY ESTATES FILING NO. II:

20. THENCE S32°07'56"E A DISTANCE OF 44.29 FEET;
21. THENCE N47°30'00"E A DISTANCE OF 437.01 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF EASTONVILLE ROAD;

THE FOLLOWING THREE (3) COURSES FOLLOW SAID WESTERLY RIGHT-OF-WAY LINE OF EASTONVILLE ROAD:

22. THENCE S05°33'35"E A DISTANCE OF 739.61 FEET TO A POINT OF CURVE TO THE LEFT;
23. THENCE ALONG THE ARC OF SAID CURVE TO THE LEFT, WITH A RADIUS OF 3997.66 FEET, A DELTA ANGLE OF 12°15'54", AN ARC LENGTH OF 855.76 FEET, WHOSE LONG CHORD BEARS S11°41'32"E A DISTANCE OF 854.12 FEET;
24. THENCE S17°49'29"E A DISTANCE OF 1035.55 FEET, TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF LATIGO BOULEVARD;
25. THENCE S89°50'54"W ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID LATIGO BLVD. A DISTANCE OF 2035.15 FEET, TO THE POINT OF BEGINNING OF THIS DESCRIPTION.

THE ABOVE TRACT OF LAND CONTAINS 178.26 ACRES, MORE OR LESS.

SOUTHERN TRACT:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 8; THENCE N89°28'40"W ALONG THE SOUTH LINE OF SAID SECTION 8, SAID LINE ALSO BEING THE NORTH RIGHT-OF-WAY LINE OF LATIGO BLVD., A DISTANCE OF 1130.01 FEET TO A POINT ON THE RIGHT-OF-WAY LINE OF LATIGO BLVD. AS PLATTED IN THE TRAILS FILING NO. 2, AS RECORDED IN PLAT BOOK D-4 AT PAGE 96 OF THE RECORDS OF SAID EL PASO COUNTY; THENCE S00°31'20"W ALONG THE RIGHT-OF-WAY LINE OF SAID LATIGO BLVD. A DISTANCE OF 60.00 FEET TO THE NORTHEAST CORNER OF LOT 1 OF SAID THE TRAILS FILING NO. 2, SAID POINT ALSO BEING ON THE SOUTH RIGHT-OF-WAY LINE OF LATIGO BLVD., THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION;

THE FOLLOWING TWO (2) COURSES FOLLOW SAID SOUTHERLY RIGHT-OF-WAY LINE OF LATIGO BOULEVARD:

1. THENCE S89°28'40"E A DISTANCE OF 1127.78 FEET;
2. THENCE N89°50'54"E A DISTANCE OF 2055.64 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF EASTONVILLE ROAD;

THE FOLLOWING SIX (6) COURSES FOLLOW SAID WESTERLY RIGHT-OF-WAY LINE OF EASTONVILLE ROAD:

3. THENCE S17°46'35"E A DISTANCE OF 2098.16 FEET TO A POINT OF CURVE TO THE RIGHT;
4. THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT WITH A RADIUS OF 1327.64 FEET, A DELTA ANGLE OF 30°55'46", AN ARC LENGTH OF 716.69 FEET, WHOSE LONG CHORD BEARS S02°18'42"E A DISTANCE OF 708.02 FEET;
5. THENCE S13°09'11"W A DISTANCE OF 1012.01 FEET TO A POINT OF CURVE TO THE LEFT;
6. THENCE ALONG THE ARC OF SAID CURVE TO THE LEFT WITH A RADIUS OF 3233.52 FEET, A DELTA ANGLE OF 19°38'12", AN ARC LENGTH OF 1108.21 FEET, WHOSE LONG CHORD BEARS S03°20'05"W A DISTANCE OF 1102.79 FEET;
7. THENCE S06°29'01"E A DISTANCE OF 419.81 FEET TO A POINT OF CURVE TO THE RIGHT;
8. THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT WITH A RADIUS OF 670.00 FEET, A DELTA ANGLE OF 02°51'33", AN ARC LENGTH OF 33.44 FEET, WHOSE LONG CHORD BEARS

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S05°03'15"E A DISTANCE OF 33.43 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID SECTION 16;

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9. THENCE N89°25'53"W ALONG THE SOUTH LINE OF SAID SECTION 16, A DISTANCE OF 2440.86 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 17;
10. THENCE N89°25'42"W ALONG THE SOUTH LINE OF SAID SECTION 17, A DISTANCE OF 5267.74 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 17;
11. THENCE N00°03'15"W ALONG THE WEST LINE OF SAID SECTION 17, A DISTANCE OF 1516.65 FEET TO THE SOUTHWEST CORNER OF SAID THE TRAILS FILING NO. 2;

THE FOLLOWING NINETEEN (19) COURSES FOLLOW THE SOUTHERLY AND EASTERLY BOUNDARY LINES OF SAID THE TRAILS FILING NO. 2:

12. THENCE S85°01'40"E A DISTANCE OF 421.91 FEET;
13. THENCE S04°58'20"W A DISTANCE OF 100.00 FEET TO A POINT OF CURVE TO THE LEFT;
14. THENCE ALONG THE ARC OF SAID CURVE TO THE LEFT WITH A RADIUS OF 520.00 FEET, A DELTA ANGLE OF 62°25'00", AN ARC DISTANCE OF 566.48 FEET, WHOSE LONG CHORD BEARS S26°14'10"E A DISTANCE OF 538.88 FEET;
15. THENCE S57°26'40"E A DISTANCE OF 165.00 FEET;
16. THENCE N32°33'20"E A DISTANCE OF 460.00 FEET;
17. THENCE S67°21'40"E A DISTANCE OF 440.00;
18. THENCE N76°58'20"E A DISTANCE OF 280.00 FEET;
19. THENCE S85°01'40"E A DISTANCE OF 1150.00 FEET;
20. THENCE N88°28'20"E A DISTANCE OF 550.00 FEET;
21. THENCE N68°58'20"E A DISTANCE OF 150.00 FEET;
22. THENCE N21°01'40"W A DISTANCE OF 490.00 FEET;
23. THENCE N66°43'20"E A DISTANCE OF 230.00 FEET;
24. THENCE N17°56'40"W A DISTANCE OF 970.00 FEET;
25. THENCE N38°26'40"W A DISTANCE OF 480.00 FEET;
26. THENCE N43°13'20"E A DISTANCE OF 635.00 FEET;
27. THENCE N46°46'40"W A DISTANCE OF 130.00 FEET;
28. THENCE N36°43'20"E A DISTANCE OF 735.00 FEET;
29. THENCE N21°08'20"E A DISTANCE OF 915.00 FEET;
30. THENCE N00°33'17"E A DISTANCE OF 270.36 FEET TO THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION.

THE ABOVE TRACT OF LAND CONTAINS 589.33 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE SOUTHWESTERLY LINE OF LOTS 4, 5 & 6, A REPLAT OF LOTS 42 THROUGH 48 INCLUSIVE, IN LATIGO COUNTRY ESTATES FILING NO. II, AS RECORDED IN PLAT BOOK G-3 AT PAGE 1 OF THE RECORDS OF EL PASO COUNTY, COLORADO, WHICH IS ASSUMED TO BEAR N21°08'47"W FROM AN ANGLE POINT ON THE WEST SIDE OF SAID LOT 6 (#5 REBAR, NO CAP), TO THE WESTERLY NORTHWEST CORNER OF SAID LOT 4 (#5 REBAR, NO CAP).

PREPARED BY:
URS
9960 FEDERAL DRIVE, SUITE 300
COLORADO SPRINGS, COLORADO 80921
(719) 531-0001 MARCH 5, 2002

\\5031ot1fil1\6742443\CAD\PLANSHTS\E4 EXHIBIT B 3/08/2002 02:50:03 PM MST

1312-BD

Page 13 of 13

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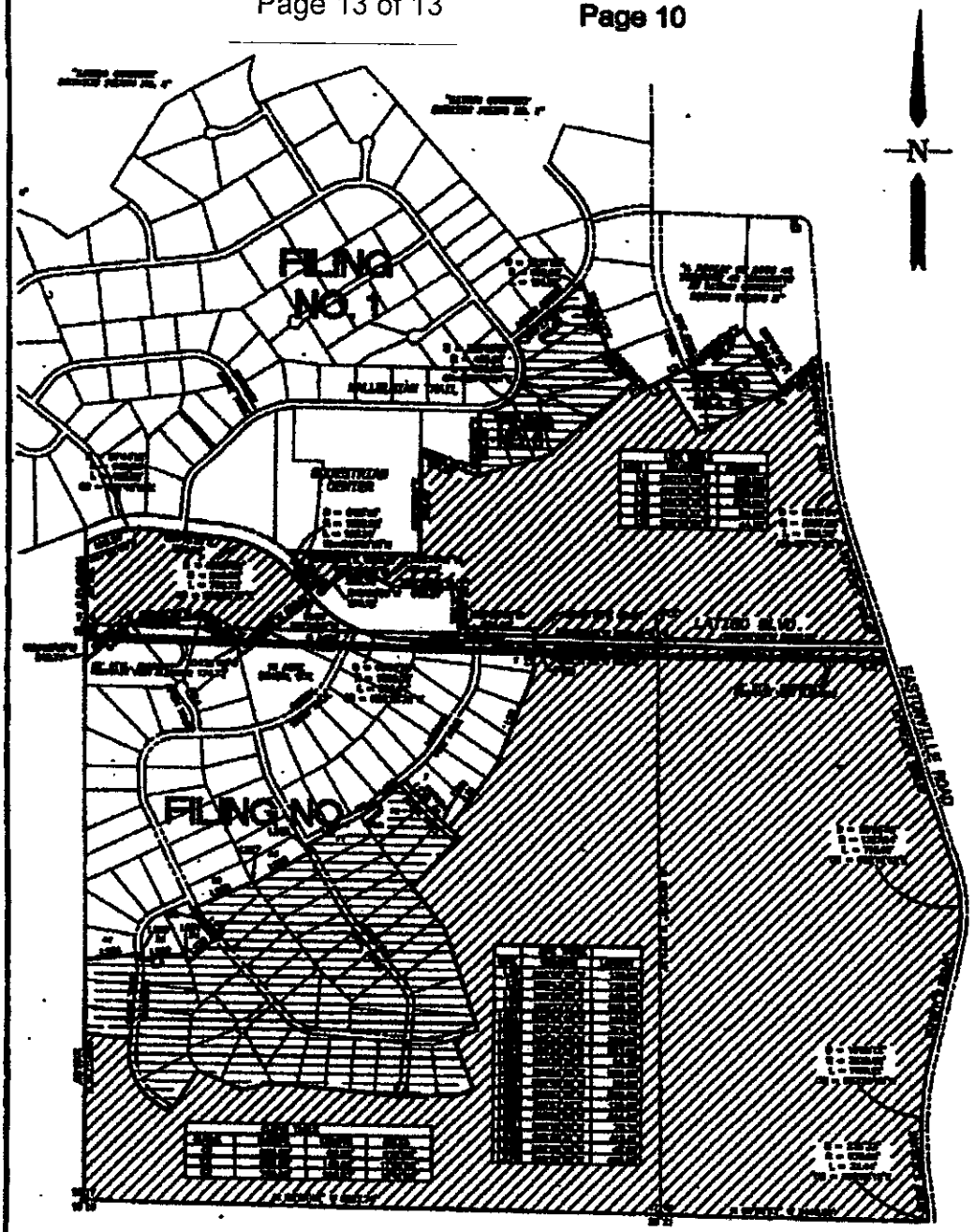
WATER RESOURCES
STATE ENGINEER
COLO

EXHIBIT A

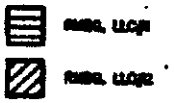
Page 10

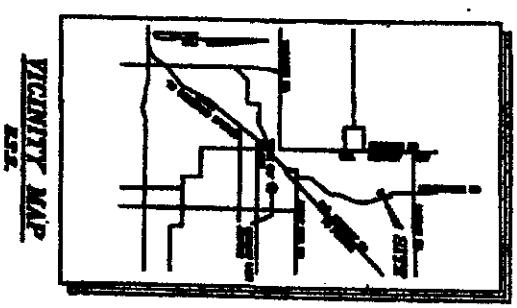


SCALE 1"=1000'

1000 0 1000 2000

(977.19 ACRE PLACE OF USE AREA)





URS

LATIGO TRAILS

TOTAL OWNERSHIP
ARAPAHOE AQUIFER

FIGURE 1

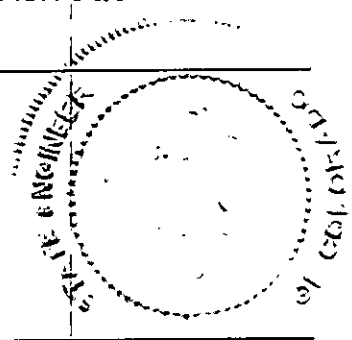
COLORADO GROUND WATER COMMISSION
FINDINGS AND ORDER

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: ESTATE OF LOIS J. GADDIE

AQUIFER: LARAMIE-FOX HILLS

DETERMINATION NO.: **1312-BD**



In compliance with Section 37-90-107(7), C.R.S., and the Designated Basin Rules, 2 CCR 410-1, the Estate of Lois J. Gaddie (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 received complete by the Colorado Ground Water Commission on July 6, 2007.

2. The applicant requests a determination of rights to designated ground water in the Laramie-Fox Hills Aquifer (hereinafter "aquifer") underlying 36.45 acres, generally described as the SE¼ of the SE¼ of Section 1, Township 13 South, Range 65 West of the 6th Principal Meridian, in El Paso County. According to a signed statement dated February 26, 2007, the applicant owns the 36.45 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 within 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, commercial, industrial, irrigation, stock watering, and replacement supply. The applicant's proposed place of use of the allocated ground water is the above described 36.45 acre land area and within the service area of Woodmen Hills Metropolitan District and the service area of Meridian Service Metropolitan District. Statements of consent from the landowners and more detailed legal descriptions of these additional place of use areas are attached hereto as Exhibit B.

6. The quantity of water in the aquifer underlying the 36.45 acres of land claimed by the applicant is 1,066 acre-feet. This determination was based on the following as specified in the Designated Basin Rules:

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: PETER HAGEN

AQUIFER: DENVER

DETERMINATION NO.: **505-BD**

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

FINDINGS

1. The application was received complete by the Colorado Ground Water Commission on December 3, 2003.

2. The applicant requests a determination of rights to designated ground water in the Denver Aquifer (hereinafter "aquifer") underlying 54.9 acres, generally described as portions of the NW1/4 of the NE1/4 and the E1/2 of the NW1/4 of Section 7, Township 13 South, Range 64 West of the 6th Principal Meridian, in El Paso County. According to a signed statement dated July 23, 2003, the applicant owns the 54.9 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 Crekk Designated Ground Water Basin and within 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, livestock watering, irrigation, commercial, industrial, and replacement supply. The applicant's proposed place of use of the allocated ground water is the above described 54.9 acre land area.

6. The quantity of water in the aquifer underlying the 54.9 acres of land claimed by the applicant is 2,566 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 275 feet.

7. At this time, there is no substantial artificial recharge that would affect the aquifer within a one hundred year period.

8. 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 54.9 acres of overlying land claimed by the applicant is 25.7 acre-feet.

9. 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.

10. 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 54.9 acres of land claimed by the applicant will, within one hundred years, deplete the flow of a natural steam 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 considered to be not-nontributary ground water. Also, the location of the land claimed by the applicant is farther than one mile from the aquifer contact with the alluvium. The Designated Basin Rules require that at least four percent (4%) of the amount of water withdrawn annually must be returned to the uppermost aquifer in the vicinity of the permitted point or points of withdrawal.

11. In accordance with Rule 5.3.2.4 of the Designated Basin Rules, the maximum average annual amount of ground water available for allocation from the aquifer underlying the 54.9 acres of land claimed by the applicant is reduced to 24.7 acre-feet to allow for the annual withdrawal of a small capacity well which is completed in the aquifer, permit number 47447. Except for this well, 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.

12. 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.

13. 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.

14. On January 30, 2004, 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.

15. The Commission Staff has evaluated the application relying on the claims to control of the ground water in the aquifer made by the applicant.

16. In accordance with Sections 37-90-107(7) and 37-90-112, C.R.S., the application was published in the Gazette newspaper on February 12 and 19, 2004.

17. No objections to the determination of water right and proposed allocation of ground water were received within the time limit set by statute.

18. 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 Denver Aquifer underlying 54.9 acres of land, generally described as portions of the NW1/4 of the NE1/4 and the E1/2 of the NW1/4 of Section 7, Township 13 South, Range 64 West of the 6th Principal Meridian, is approved subject to the following conditions:

19. The allocated average annual amount of ground water to be withdrawn from the aquifer shall not exceed 24.7 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.

20. 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.

21. At least four percent (4%) of the amount of water withdrawn annually must be returned to the uppermost aquifer in the vicinity of the permitted point or points of withdrawal.

22. The use of ground water from this allocation shall be limited to the following uses: domestic, livestock watering, irrigation, commercial, industrial, and replacement supply. The place of use shall be limited to the above described 54.9 acre land area.

23. 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 54.9 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.

24. 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 54.9 acre overlying land area.

    b. The wells must be constructed to withdraw water from only the Denver 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.

    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.

25. 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 54.9 acre overlying land area, or any part thereof, shall reveal the existence of this determination.

Dated this 15th day of June, 2004.

Hal D. Simpson
Executive Director
Colorado Ground Water Commission

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

Prepared by: EBT

FIND-114-04

EXHIBIT A

GWS-1 (Rev, Sept 1996)

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COLO.

STATE OF COLORADO
OFFICE OF THE STATE ENGINEER
DIVISION OF WATER RESOURCES

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WATER RESOURCES
STATE ENGINEER
COLO

NONTRIBUTARY GROUND WATER LANDOWNERSHIP STATEMENT

I (we) Peter Hagen
(Name)
claim and say that I (we) am (are) the owner(s) of the following described property consisting of 54.9 acres in the County of El Paso, State of Colorado:

See Attached Legal Description And Map

and, that the ground water sought to be withdrawn from the Denver aquifer underlying the above-described land has not been conveyed or reserved to another, nor has consent been given to it's 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) own knowledge.

(Signature) 7-23-03 (Date)

(Signature) (Date)

INSTRUCTIONS:

Please type or print neatly in black ink. This form may be reproduced by photocopy or word processing means. See additional instructions on back.

1313 SHERMAN ST RM 818 DENVER CO 80203 (303)866-3581

* Prepared by: C&G SALESTEAM BLOCK 30089
* Routine: Area Summary Coord File MCLARTY.CRD 11/06/03 8:28:42
* Input Scale Factor: 1.000000 Output Scale Factor: 1.000000

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WATER RESOURCES
STATE ENGINEER
COLO.

Original Legal of Property

Pt.No.	Angle-Right	Bearing	Distance	Pt.No.
3339		N 00ø10'06"W	857.49	3326
3326	91ø01'57"	N 89ø08'09"W	1071.46	3327
3327	246ø47'50"	N 22ø20'19"W	219.73	3328
3328	68ø44'03"	S 46ø23'44"W	760.22	3329

CURVE DEF: Arc
RAD: 5800.00 LEN: 371.82 TAN: 185.97 CURVE DIR: CW
CHORD: 371.76 MO: 2.98 EXT: 2.98 CEN. ANG: 3ø40'23"
SEG: 738 TRI: 1077540 SEC: 1078278 DEGREE: 0ø59'16"

3329	270ø00'00"	N 43ø36'16"W	5800.00	3330
3330	3ø40'23"	S 39ø55'53"E	5800.00	3331
3329	181ø50'11"	S 48ø13'55"W	371.76	3331
3331	181ø50'12"	S 50ø04'07"W	125.38	3332
3332	130ø10'00"	S 00ø14'07"W	1475.79	3333
3333	89ø40'00"	N 89ø54'07"E	430.08	3334
3334	90ø30'59"	N 00ø25'06"E	67.53	3335
3335	265ø37'03"	N 86ø02'09"E	327.53	3336
3336	94ø43'18"	N 00ø45'27"E	1185.35	3337
3337	270ø10'00"	S 89ø04'33"E	12.40	3338
3338	180ø09'37"	S 88ø54'56"E	1302.18	3339
Pt.No.	Angle-Right	Bearing	Distance	Pt.No.

Perimeter: 8206.96 Accum.Perimeter: 8206.96

Sq. Feet: 2512834 Acres: 57.69
Accum. - Sq. Feet: 2512834 Acres: 57.69

EXHIBIT A

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STATE ENGINEER
COLO

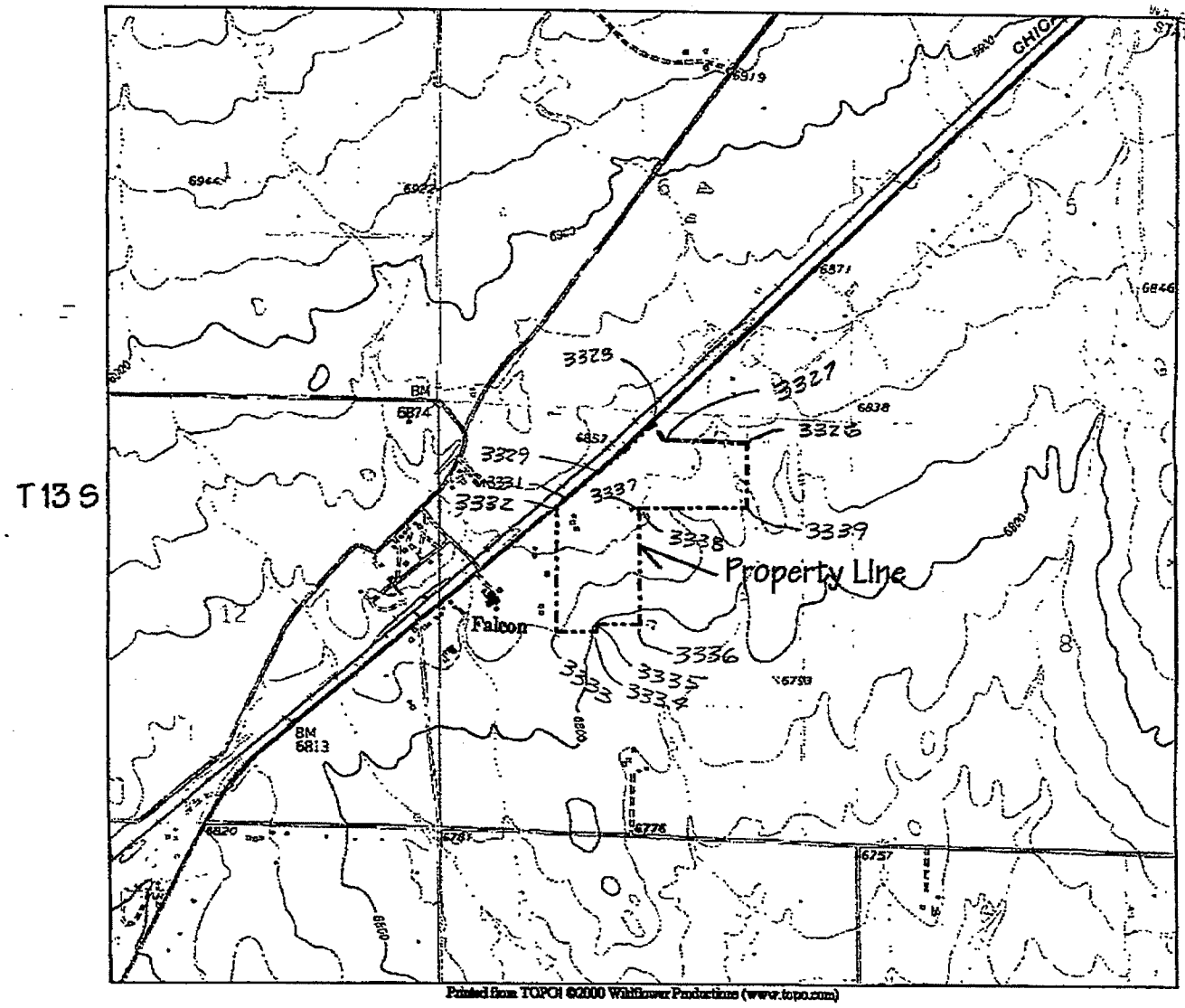

EXHIBIT A

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Scale 1" = 2000'

Location Map

Wm Curtis Wells & Co.
consulting ground water geologists

Figure 1

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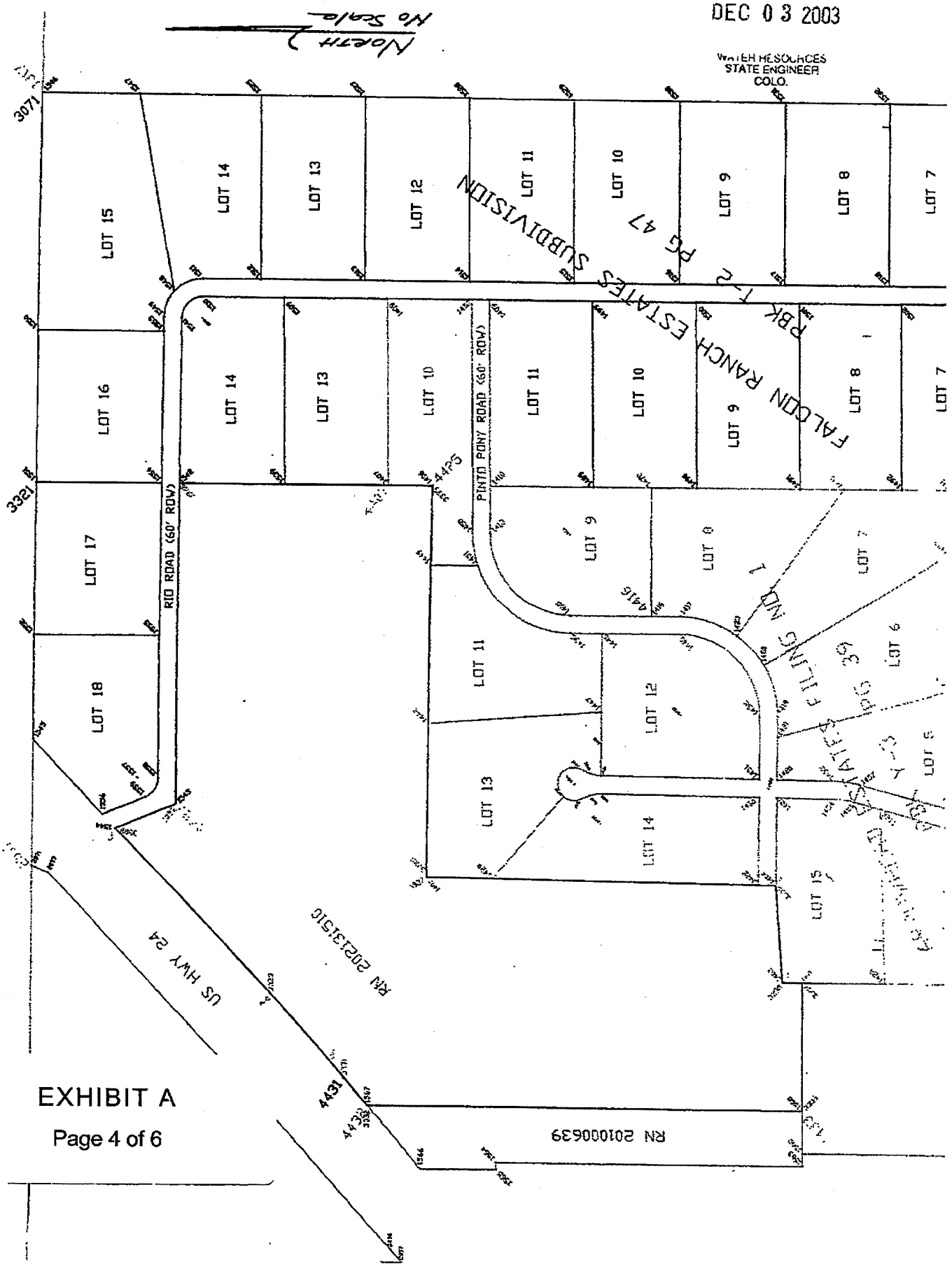
STATE ENGINEER
COLO.



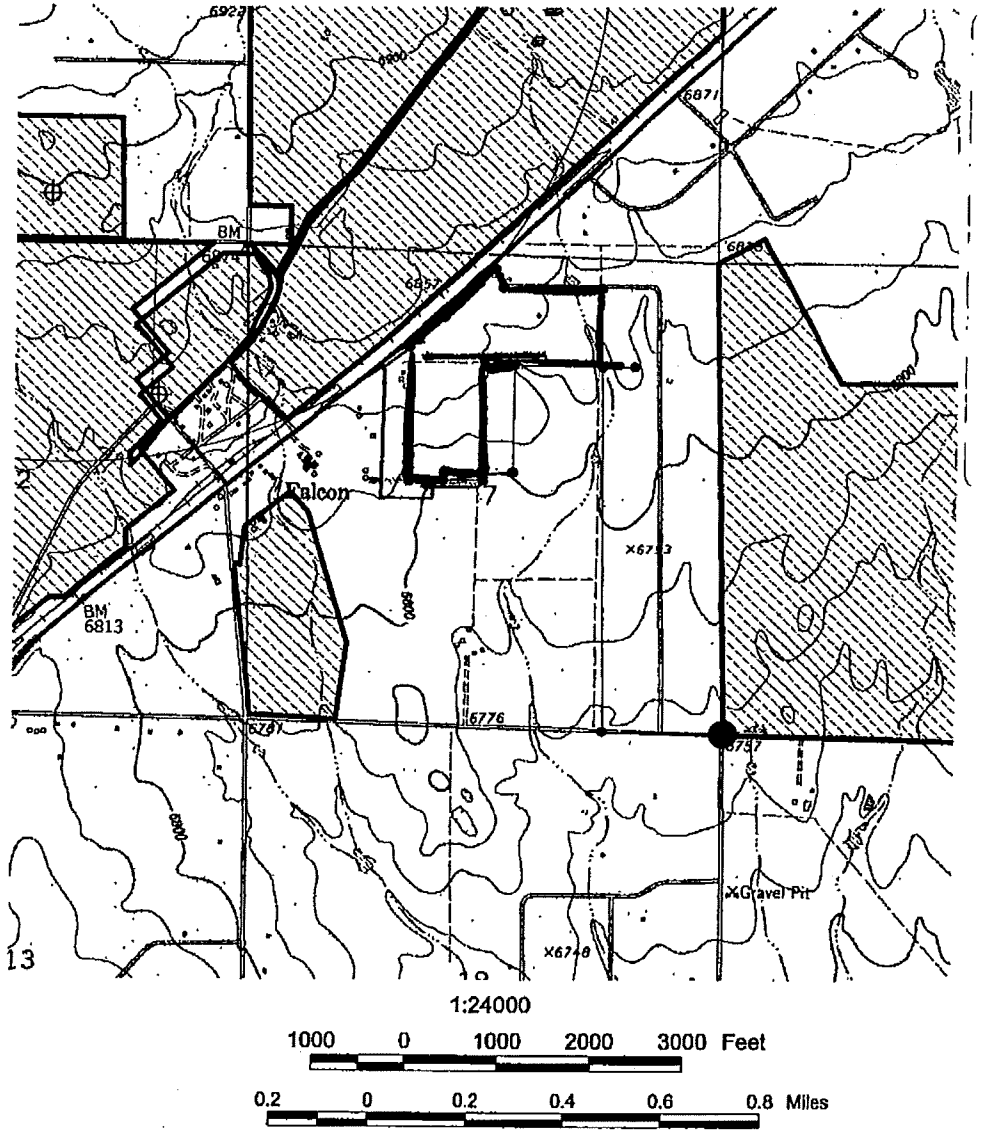


EXHIBIT A
Page 5 of 6

DIVISION OF WATER RESOURCES
STATE OF COLORADO

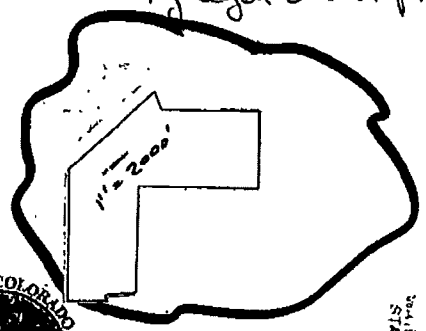
Receipt Number 513943
Applicant Hagen, Peter

Section 7
Township 13 S
Range 64 W
Meridian S

Area acres

suggested property boundary from application diagram

possible property boundary described by legal description



STATE OF COLORADO DIVISION OF WATER RESOURCES

Office of the State Engineer
Division of Water Resources
Department of Natural Resources

DEC 03 2003

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MVE, Inc.

EXHIBIT A

Page 6 of 6

RECEIVED

DEC 03 2003

WATER RESOURCES
STATE ENGINEER
COLO

LETTER OF TRANSMITTAL

To: OFFICE OF STATE ENGINEER
Division of Water Resources
1313 Sherman Street Room 818
Denver, Co 80203

Date: 11-24-03

Project No: 60744

Project: McLarty
Ranch

Attn: Eric B. Thoman

We are sending you X attached, ____ under separate cover, the following items:

These are transmitted:

Original Water Right Applications - Site Maps Resketched (12 shts w/ your Cover Letter)
1 - Closure Sht for Legal
1 - Plot of Legal w/ surrounding Subdivisions
1" = 2000' Plot of Property
Copy Figure 1 w/ Coordinate Point Numbers
1 - Your Copy of your plot (Redded in Correct Plot)

Per your request ____ Per the request of ____

For Approval ____ For Your Records ____ Other ____

Remarks: Eric - The legal closes and we have included back up data. Please continue the processing.

Date (Picked Up) (Delivered) (Mailed) (Faxed): CV

By: Chuck Crum

Received By: ____

Engineers • Surveyors
1903 Lelaray Street, Suite 200 • Colorado Springs, CO 80909 • Phone 719-635-5736
• Fax 719-635-5450

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: PETER HAGEN

AQUIFER: LARAMIE-FOX HILLS

DETERMINATION NO.: **503-BD**

In compliance with Section 37-90-107(7), C.R.S., and the Designated Basin Rules, 2 CCR 410-1, Peter Hagen (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 received complete by the Colorado Ground Water Commission on December 3, 2003.

2. The applicant requests a determination of rights to designated ground water in the Laramie-Fox Hills Aquifer (hereinafter "aquifer") underlying 54.9 acres, generally described as portions of the NW1/4 of the NE1/4 and the E1/2 of the NW1/4 of Section 7, Township 13 South, Range 64 West of the 6th Principal Meridian, in El Paso County. According to a signed statement dated July 23, 2003, the applicant owns the 54.9 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 Crekk Designated Ground Water Basin and within 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, livestock watering, irrigation, commercial, industrial, and replacement supply. The applicant's proposed place of use of the allocated ground water is the above described 54.9 acre land area.

6. The quantity of water in the aquifer underlying the 54.9 acres of land claimed by the applicant is 1,812 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 220 feet.

7. At this time, there is no substantial artificial recharge that would affect the aquifer within a one hundred year period.

8. 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 54.9 acres of overlying land claimed by the applicant is 18.1 acre-feet.

9. 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.

10. 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 54.9 acres of land claimed by the applicant will not, within one hundred years, deplete the flow of a natural steam 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.

11. 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.

12. 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.

13. 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.

14. On January 30, 2004, 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.

15. The Commission Staff has evaluated the application relying on the claims to control of the ground water in the aquifer made by the applicant.

16. In accordance with Sections 37-90-107(7) and 37-90-112, C.R.S., the application was published in the Gazette newspaper on February 12 and 19, 2004.

17. No objections to the determination of water right and proposed allocation of ground water were received within the time limit set by statute.

18. 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 54.9 acres of land, generally described as portions of the NW1/4 of the NE1/4 and the E1/2 of the NW1/4 of Section 7, Township 13 South, Range 64 West of the 6th Principal Meridian, is approved subject to the following conditions:

19. The allocated average annual amount of ground water to be withdrawn from the aquifer shall not exceed 18.1 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.

20. 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.

21. 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.

22. The use of ground water from this allocation shall be limited to the following uses: domestic, livestock watering, irrigation, commercial, industrial, and replacement supply. The place of use shall be limited to the above described 54.9 acre land area.

23. 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 54.9 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.

24. 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 54.9 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.

    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.

25. 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 54.9 acre overlying land area, or any part thereof, shall reveal the existence of this determination.

Dated this 15th day of June, 2004.

Hal D. Simpson
Executive Director
Colorado Ground Water Commission

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

Prepared by: EBT

FIND-112-04

EXHIBIT A

Page 1 of 6

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COLO.

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AUG 1 1 2003

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COLO.

GWS-1 (Rev, Sept 1996)

STATE OF COLORADO
OFFICE OF THE STATE ENGINEER
DIVISION OF WATER RESOURCES

NONTRIBUTARY GROUND WATER LANDOWNERSHIP STATEMENT

I (we) Peter Hagen
(Name)

claim and say that I (we) am (are) the owner(s) of the following described property consisting of 54.9 acres in the County of El Paso, State of Colorado:

See Attached Legal Description And Map

and, that the ground water sought to be withdrawn from the Laramie Fox Hills aquifer underlying the above-described land has not been conveyed or reserved to another, nor has consent been given to it's 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) own knowledge.

(Signature) 7-23-03 (Date)

(Signature) (Date)

INSTRUCTIONS:

Please type or print neatly in black ink. This form may be reproduced by photocopy or word processing means. See additional instructions on back.

1313 SHERMAN ST RM 818 DENVER CO 80203 (303)866-3581

* Prepared by: C&G SALESTEAM BLOCK 30089
* Routine: Area Summary Coord File MCLARTY.CRD 11/06/03 8:28:42
* Input Scale Factor: 1.000000 Output Scale Factor: 1.000000

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STATE ENGINEER
COLO.

Original Legal of Property

Pt.No.	Angle-Right	Bearing	Distance	Pt.No.
3339		N 00ø10'06"W	857.49	3326
3326	91ø01'57"	N 89ø08'09"W	1071.46	3327
3327	246ø47'50"	N 22ø20'19"W	219.73	3328
3328	68ø44'03"	S 46ø23'44"W	760.22	3329

CURVE DEF: Arc CURVE DIR: CW
RAD: 5800.00 LEN: 371.82 TAN: 185.97 CEN. ANG: 3ø40'23"
CHORD: 371.76 MO: 2.98 EXT: 2.98 DEGREE: 0ø59'16"
SEG: 738 TRI: 1077540 SEC: 1078278

3329	270ø00'00"	N 43ø36'16"W	5800.00	3330
3330	3ø40'23"	S 39ø55'53"E	5800.00	3331
3329	181ø50'11"	S 48ø13'55"W	371.76	3331
3331	181ø50'12"	S 50ø04'07"W	125.38	3332
3332	130ø10'00"	S 00ø14'07"W	1475.79	3333
3333	89ø40'00"	N 89ø54'07"E	430.08	3334
3334	90ø30'59"	N 00ø25'06"E	67.53	3335
3335	265ø37'03"	N 86ø02'09"E	327.53	3336
3336	94ø43'18"	N 00ø45'27"E	1185.35	3337
3337	270ø10'00"	S 89ø04'33"E	12.40	3338
3338	180ø09'37"	S 88ø54'56"E	1302.18	3339
Pt.No.	Angle-Right	Bearing	Distance	Pt.No.

Perimeter: 8206.96 Accum.Perimeter: 8206.96

Sq. Feet: 2512834 Acres: 57.69
Accum. - Sq. Feet: 2512834 Acres: 57.69

EXHIBIT A

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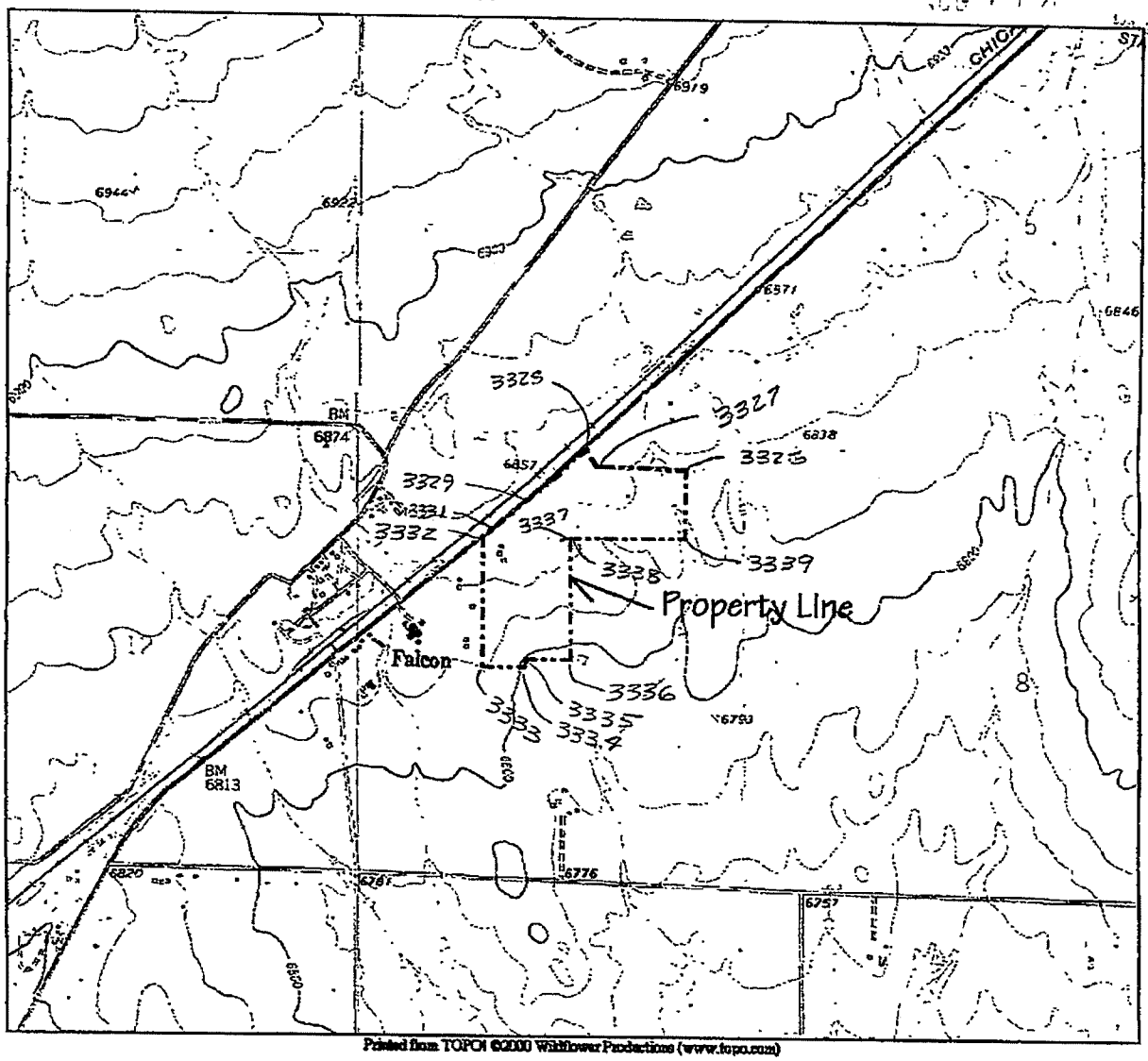

EXHIBIT A

Page 3 of 6

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Scale 1" = 2000'

Location Map

Wm Curtis Wells & Co.
consulting ground water geologists

Figure 1

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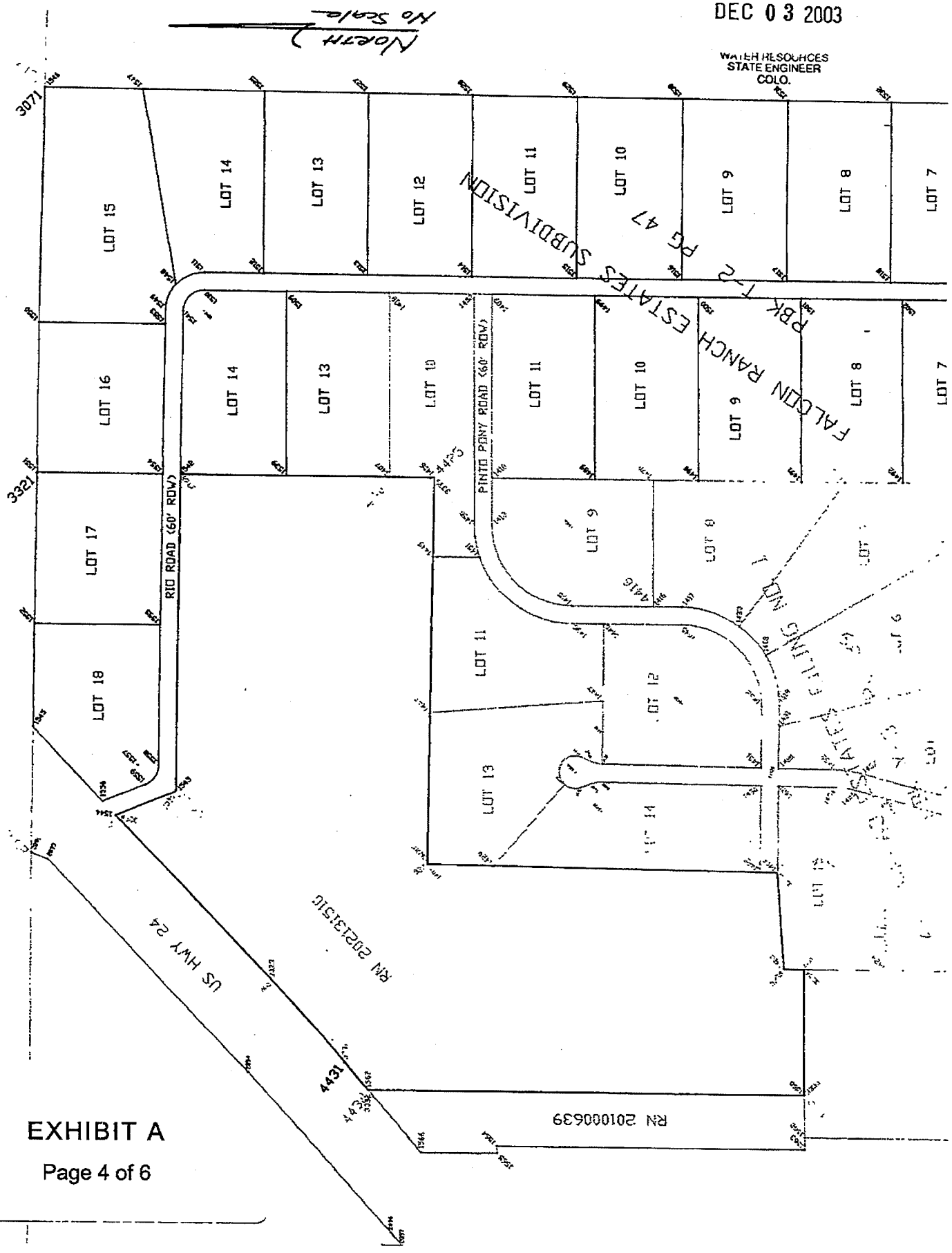


EXHIBIT A

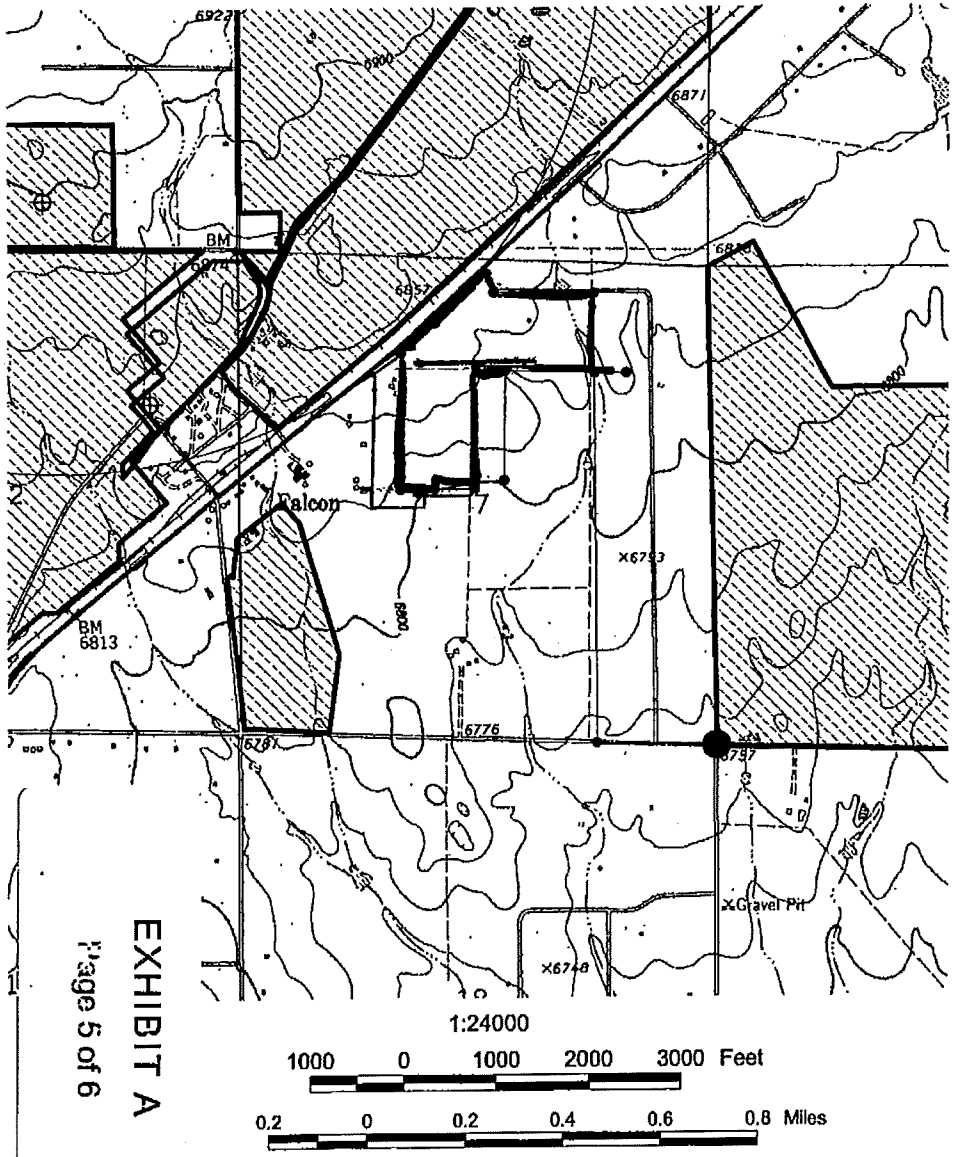


EXHIBIT A

Page 5 of 6

DIVISION OF WATER RESOURCES
STATE OF COLORADO

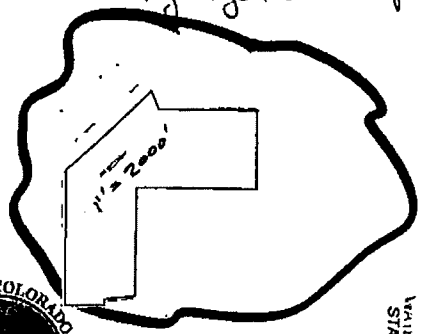
Receipt Number 513943
Applicant Hagen, Peter

Section 7
Township 13 S
Range 64 W
Meridian S

Area acres

——— suggested property boundary from application diagram

— } possible property boundary described by legal description



STATE OF COLORADO
DIVISION OF WATER RESOURCES

Office of the State Engineer
Division of Water Resources
Department of Natural Resources

WATER RESOURCES
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MVE, Inc.

EXHIBIT A

Page 6 of 6

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WATER RESOURCES
STATE ENGINEER
COLO

LETTER OF TRANSMITTAL

To: Office of State Engineer
Division of Water Resources
1313 Sherman Street Room 818
Denver, Co 80203

Date: 11-24-03

Project No: 60744

Project: McLarty
Ranch

Attn: Eric B. Thoman

We are sending you X attached, _____ under separate cover, the following items:

Original Water Right Applications - Site Maps Resketched (12 shts w/ your Cover Letter)
1 - Closure Sht for Legal
1 - Plot of Legal w/ surrounding Subdivisions
1" = 2000' Plot of Property
Copy Figure 1 w/ Coordinate Point Numbers
1 - Your Copy of your plot (Redded in Correct Plot)

These are transmitted:

Per your request _____ Per the request of _____

For Approval _____ For Your Records _____ Other _____

Remarks: Eric - The legal closes and we have included back up data. Please continue the processing.

Date (Picked Up) (Delivered) (Mailed) (Faxed): CV

By: Chuck Crum

Received By: _____

Engineers • Surveyors
1903 Lelaray Street, Suite 200 • Colorado Springs, CO 80909 • Phone 719-635-5736
• Fax 719-635-5450

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: PETER HAGEN

AQUIFER: ARAPAHOE

DETERMINATION NO.: **504-BD**

In compliance with Section 37-90-107(7), C.R.S., and the Designated Basin Rules, 2 CCR 410-1, Peter Hagen (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 received complete by the Colorado Ground Water Commission on December 3, 2003.

2. The applicant requests a determination of rights to designated ground water in the Arapahoe Aquifer (hereinafter "aquifer") underlying 54.9 acres, generally described as portions of the NW1/4 of the NE1/4 and the E1/2 of the NW1/4 of Section 7, Township 13 South, Range 64 West of the 6th Principal Meridian, in El Paso County. According to a signed statement dated July 23, 2003, the applicant owns the 54.9 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 Crekk Designated Ground Water Basin and within 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, livestock watering, irrigation, commercial, industrial, and replacement supply. The applicant's proposed place of use of the allocated ground water is the above described 54.9 acre land area.

6. The quantity of water in the aquifer underlying the 54.9 acres of land claimed by the applicant is 1,633 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 175 feet.

7. At this time, there is no substantial artificial recharge that would affect the aquifer within a one hundred year period.

8. 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 54.9 acres of overlying land claimed by the applicant is 16.3 acre-feet.

9. 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.

10. 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 54.9 acres of land claimed by the applicant will not, within one hundred years, deplete the flow of a natural steam 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.

11. 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.

12. 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.

13. 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.

14. On January 30, 2004, 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.

15. The Commission Staff has evaluated the application relying on the claims to control of the ground water in the aquifer made by the applicant.

16. In accordance with Sections 37-90-107(7) and 37-90-112, C.R.S., the application was published in the Gazette newspaper on February 12 and 19, 2004.

17. No objections to the determination of water right and proposed allocation of ground water were received within the time limit set by statute.

18. 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 54.9 acres of land, generally described as portions of the NW1/4 of the NE1/4 and the E1/2 of the NW1/4 of Section 7, Township 13 South, Range 64 West of the 6th Principal Meridian, is approved subject to the following conditions:

19. The allocated average annual amount of ground water to be withdrawn from the aquifer shall not exceed 16.3 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.

20. 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.

21. 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.

22. The use of ground water from this allocation shall be limited to the following uses: domestic, livestock watering, irrigation, commercial, industrial, and replacement supply. The place of use shall be limited to the above described 54.9 acre land area.

23. 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 54.9 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.

24. 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 54.9 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.

    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.

25. 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 54.9 acre overlying land area, or any part thereof, shall reveal the existence of this determination.

Dated this 15th day of June, 2004.

Hal D. Simpson
Executive Director
Colorado Ground Water Commission

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

Prepared by: EBT

FIND-113-04

EXHIBIT A

GWS-I (Rev, Sept 1996)

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STATE OF COLORADO
OFFICE OF THE STATE ENGINEER
DIVISION OF WATER RESOURCES

AUG 11 2003

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STATE ENGINEER
COLO.

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DEC 03 2003

WATER RESOURCES
STATE ENGINEER
COLO.

NONTRIBUTARY GROUND WATER LANDOWNERSHIP STATEMENT

I (we) Peter Hagen
(Name)

claim and say that I (we) am (are) the owner(s) of the following described property consisting of 54.9 acres in the County of El Paso, State of Colorado:

See Attached Legal Description And Map

and, that the ground water sought to be withdrawn from the Arapahoe aquifer underlying the above-described land has not been conveyed or reserved to another, nor has consent been given to it's 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) own knowledge.

(Signature) 7-23-03 (Date)

(Signature) (Date)

INSTRUCTIONS:

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1313 SHERMAN ST RM 818 DENVER CO 80203 (303)866-3581

* Prepared by: C&G SALESTEAM BLOCK 30089
* Routine: Area Summary Coord File MCLARTY.CRD 11/06/03 8:28:42
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3328	68ø44'03"	S 46ø23'44"W	760.22	3329

CURVE DEF: Arc
RAD: 5800.00 LEN: 371.82 TAN: 185.97 CURVE DIR: CW
CHORD: 371.76 MO: 2.98 EXT: 2.98 CEN. ANG: 3ø40'23"
SEG: 738 TRI: 1077540 SEC: 1078278 DEGREE: 0ø59'16"

3329	270ø00'00"	N 43ø36'16"W	5800.00	3330
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3338	180ø09'37"	S 88ø54'56"E	1302.18	3339
Pt.No.	Angle-Right	Bearing	Distance	Pt.No.

EXHIBIT A

Perimeter: 8206.96 Accum.Perimeter: 8206.96

Sq. Feet: 2512834 Acres: 57.69
Accum. - Sq. Feet: 2512834 Acres: 57.69

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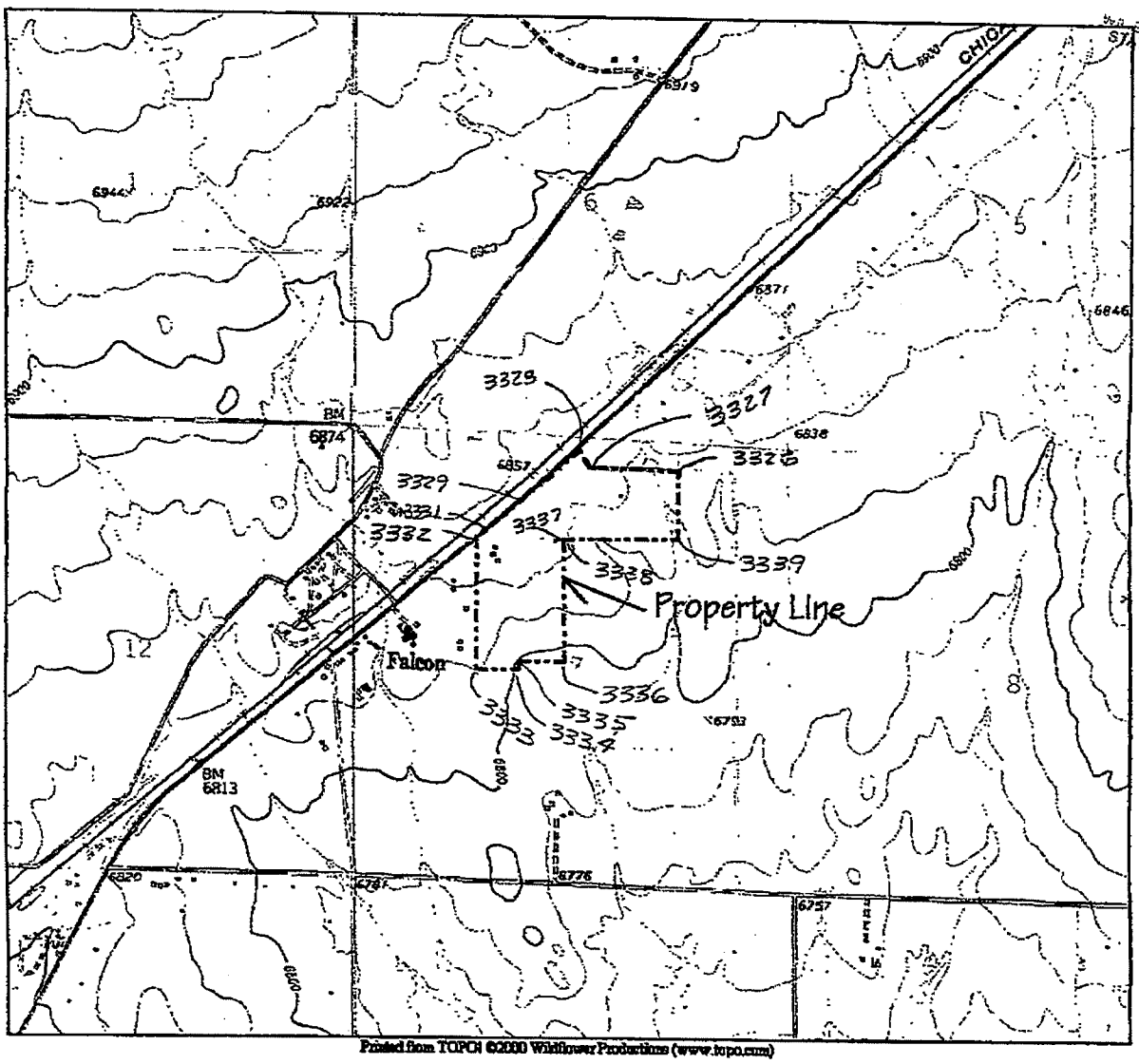

EXHIBIT A

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Scale 1" = 2000'

Location Map

Wm Curtis Wells & Co.
consulting ground water geologists

Figure 1

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DEC 03 2003

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STATE ENGINEER
COLO.

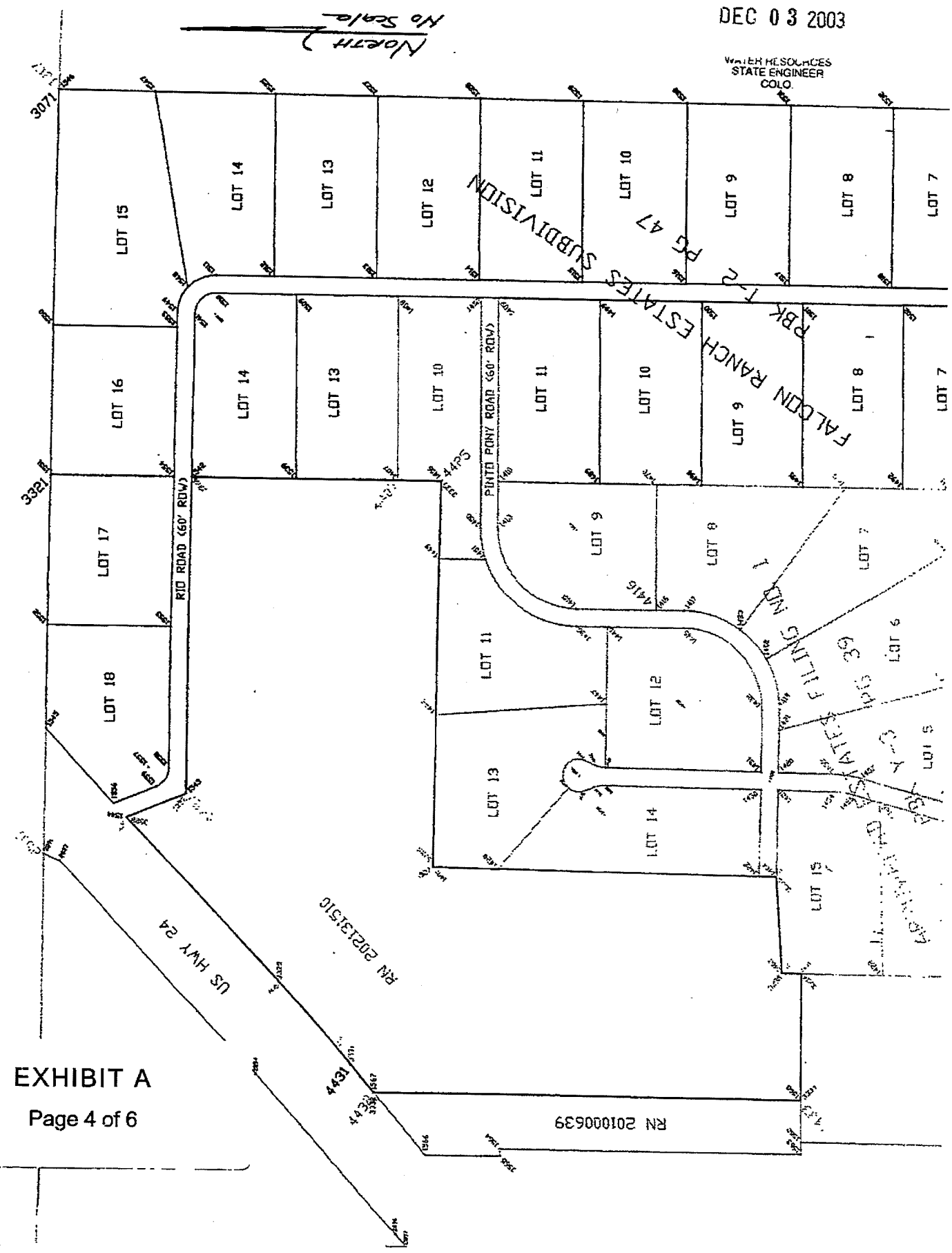


EXHIBIT A

Page 4 of 6

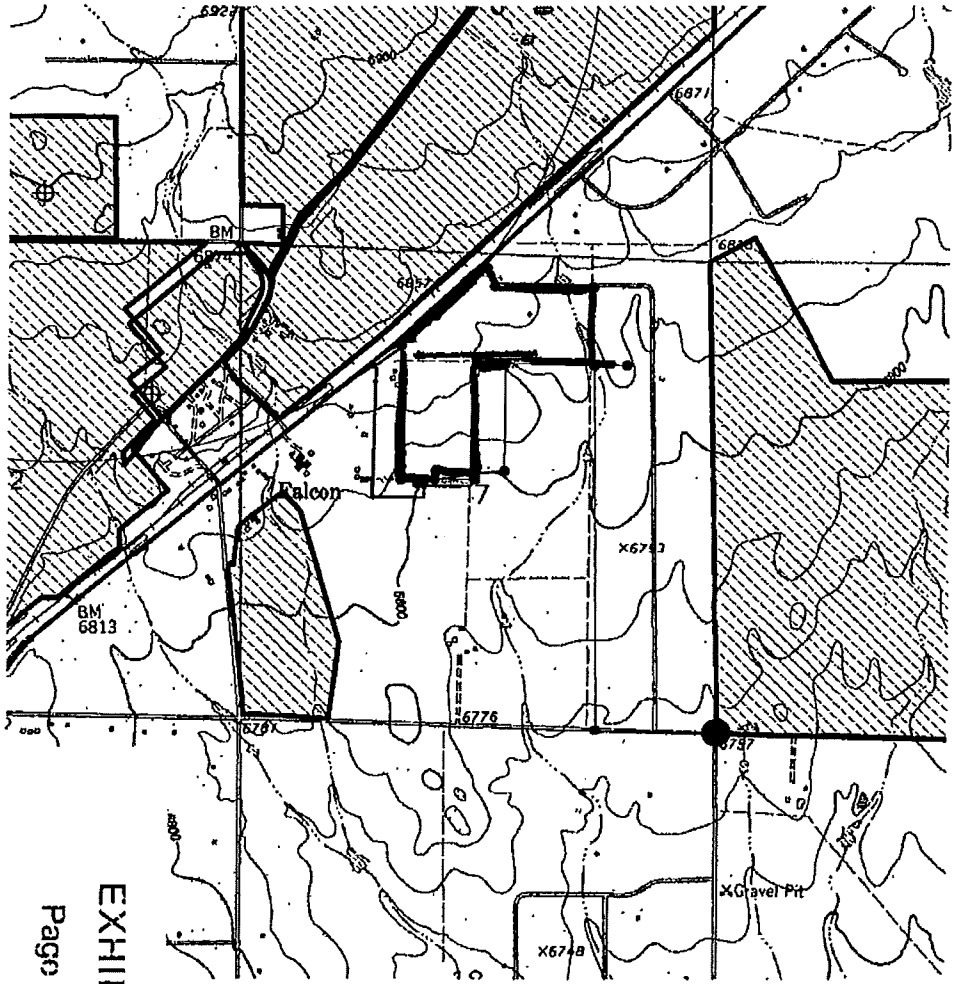


EXHIBIT A
Page 5 of 6

DIVISION OF WATER RESOURCES
STATE OF COLORADO

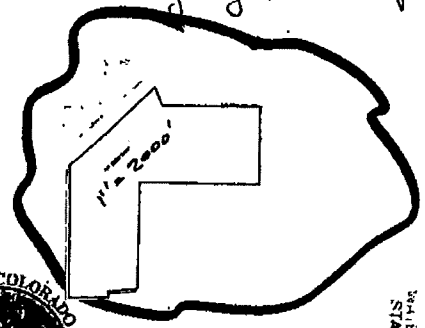
Receipt Number 513943
Applicant Hagen, Peter

Section 7
Township 13 S
Range 64 W
Meridian S

Area acres

——— suggested property boundary from application diagram

——— } possible property boundary described by legal description



STATE OF COLORADO DIVISION OF WATER RESOURCES

Office of the State Engineer
Division of Water Resources
Department of Natural Resources

DEC 03 2003

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MVE, Inc.

EXHIBIT A

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WATER RESOURCES
STATE ENGINEER
COLO

LETTER OF TRANSMITTAL

To: Office of State Engineer
Division of Water Resources
1313 Sherman Street Room 818
Denver, Co 80203

Date: 11-24-03

Project No: 60744

Project: McLarty
Ranch

Attn: Eric B. Thoman

We are sending you X attached, ____ under separate cover, the following items:

Original Water Right Applications - Site Maps Resketched (12 SHTS w/ your Cover Letter)
1 - Closure Sht for Legal
1 - Plot of Legal w/ surrounding Subdivisions
1" = 2000' Plot of Property
Copy Figure 1 w/ Coordinate Point Numbers
1 - Your Copy of your plot (Redded in Correct Plot)

These are transmitted:

Per your request _____ Per the request of _____

For Approval _____ For Your Records _____ Other _____

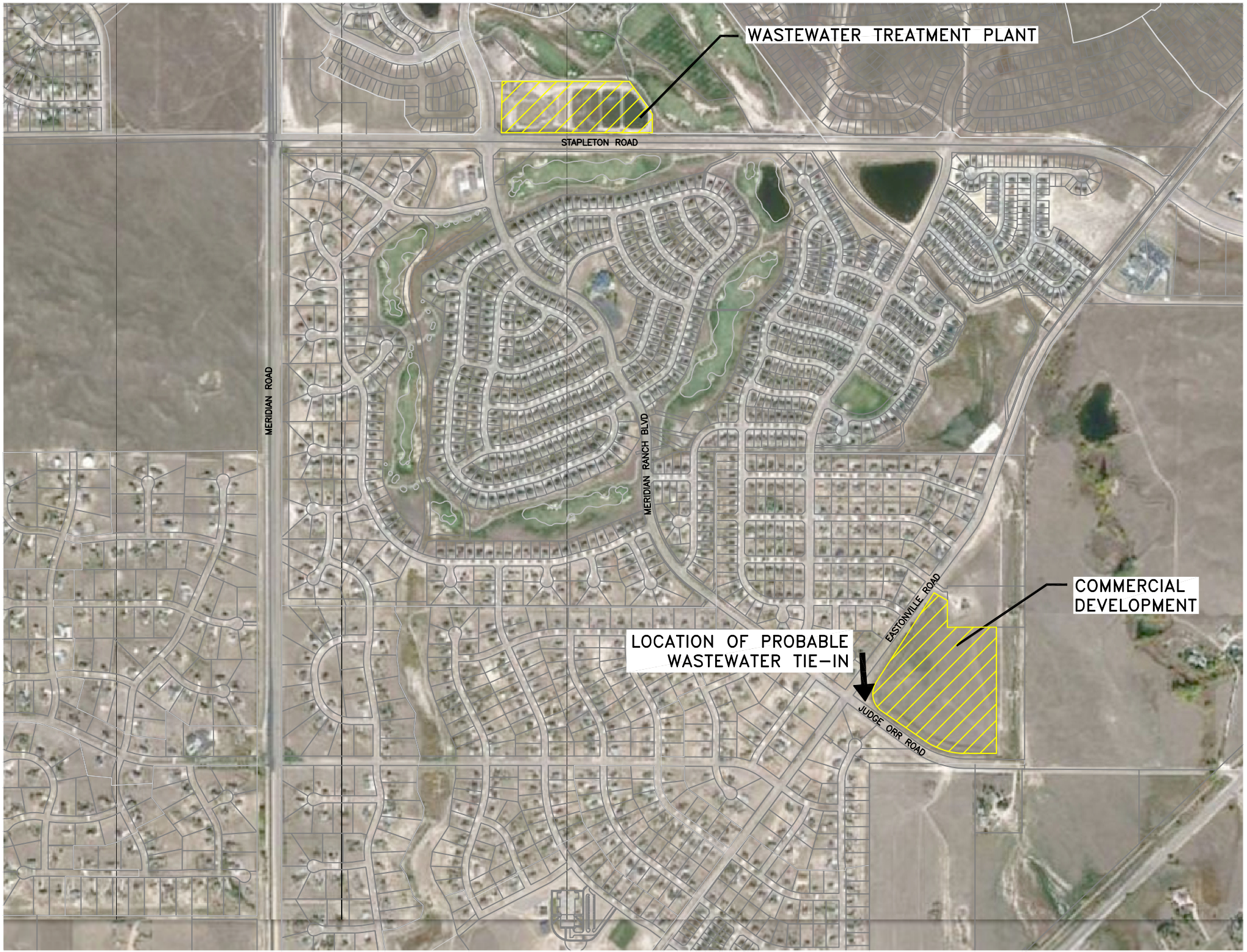
Remarks: Eric - The legal closes and we have included back up data. Please continue the processing.

Date (Picked Up) (Delivered) (Mailed) (Faxed): CV

By: Chuck Cerny

Received By: _____

Engineers • Surveyors
1903 Lelaray Street, Suite 200 • Colorado Springs, CO 80909 • Phone 719-635-5736
• Fax 719-635-5450


WASTEWATER TREATMENT PLANT
STAPLETON ROAD
MERIDIAN ROAD
MERIDIAN RANCH BLVD
EASTONVILLE ROAD
COMMERCIAL DEVELOPMENT
LOCATION OF PROBABLE WASTEWATER TIE-IN
JUDGE ORR ROAD