

<b>DISTRICT COURT, WATER DIVISION 2, CO</b> Court Address: 501 North Elizabeth Street, Suite 116 Pueblo, CO 81003 Phone Number: (719) 404-8832	DATE FILED: March 6, 2019 9:48 AM CASE NUMBER: 2018CW3052
<b>CONCERNING THE APPLICATION FOR WATER RIGHTS OF:</b>  <b>CURTIS FAMILY LIVING TRUST</b>  <b>IN EL PASO COUNTY</b>	<p style="text-align: center;">▲ COURT USE ONLY ▲</p> <hr/> Case No.: 18CW3052
<b>Attorneys for Applicant:</b> Chris D. Cummins, #35154 Emilie B. Polley, #51296 Monson, Cummins & Shohet, LLC 13511 Northgate Estates Drive, Suite 250 Colorado Springs, CO 80921 Phone Number: (719) 471-1212 Fax Number: (719) 471-1234 E-mail: <a href="mailto:cdc@cowaterlaw.com">cdc@cowaterlaw.com</a> ; <a href="mailto:ebp@cowaterlaw.com">ebp@cowaterlaw.com</a>	
<b>FINDINGS OF FACT, CONCLUSIONS OF LAW, RULING OF REFEREE AND DECREE</b>	

THIS MATTER comes before the Water Referee on the Application for Approval of Plan for Augmentation filed by Curtis Family Living Trust, and having reviewed said Application and other pleadings on file, and being fully advised on this matter, the Water Referee makes the following findings and orders:

### GENERAL FINDINGS OF FACT

1. The applicant in this case is Curtis Family Living Trust c/o Barry and Tanja Curtis, co-trustees, whose address is 1920 E. Baptist Rd., Monument, CO 80132 ("Applicant"). Applicant is the owner of the land totaling approximately 36.65 acres on which the structures sought to be augmented herein are located, and are the owners of the place of use where the water will be put to beneficial use.

2. The Applicant filed this Application with the Water Courts for both Water Divisions 1 and 2 on October September 28, 2018. The Application was referred to the Water Referee in Division 2 on or about October 1, 2018.

3. The time for filing statements of opposition to the Application expired on November 30, 2018. No Statements of Opposition were timely filed.

4. A Motion for Consolidation of the Division 1 and Division 2 cases into Water Division 2 was filed with the Colorado Supreme Court on November 2, 2018. The Panel on Consolidated Multidistrict Litigation certified the Motion for Consolidation to the Chief Justice on December 5, 2018. Chief Justice, Nathan B. Coats, granted the Motion for Consolidation by Order dated January 16, 2019.

5. On September 28, 2018, the Division 1 Water Court, on Motion from Applicant, ordered that consolidated publication be made by only Division 2. On October 1, 2018, the Water Court, Division 2, ordered that publication occur in *The Transcript* within El Paso County.

6. The Clerk of this Court has caused publication of the Application filed in this matter as provided by statute and the publication costs have been paid. On October 16, 2018, proof of publication in *The Transcript* was filed with Water Court Division 2. All notices of the Application have been given in the manner required by law.

7. Pursuant to C.R.S. §37-92-302(4), the office of the Division Engineer for Water Division No. 1 filed its Summary of Consultation Report dated December 31, 2018, with no response to consultation required. The Division Engineer for Water Division No. 2 filed its Consultation Report dated January 9, 2019 with the Court, and a Response to the Consultation Report was filed by the Applicant on January 25, 2019. Both the Consultation Report and Response have been considered by the Water Referee in the entry of this Ruling.

8. The Water Court has jurisdiction over the subject matter of these proceedings and over all who have standing to appear as parties whether they have appeared or not. The land and water rights involved in this case are not within a designated groundwater basin.

9. The Denver Basin groundwater underlying Applicant's 36.65 acre property located in the SW/4 of Section 21, Township 11 South, Range 66 West of the 6<sup>th</sup> P.M., El Paso County, Colorado, also known as 1920 E. Baptist Road, Colorado Springs, CO 80921, and as more particularly described on the attached Exhibit A and depicted on the attached Exhibit B map, was previously quantified in Case No. 01CW140. Applicant is the owner of a pro-rata allocation of the Dawson, Denver and Laramie Fox Hills aquifers. Applicant's Denver Basin groundwater entitlements are as follows:

<b>Aquifer</b>	<b>Total Appropriation (Acre Feet)</b>	<b>Annual Appropriation (100 year) (Acre Feet)</b>
Dawson (NNT)	2,360.0	7.87 <sup>1</sup>
Denver (NNT)	3,380.0	33.80
Laramie-Fox Hills (NT)	1,078.0	10.78

9. The Applicant, consistent with the decree entered in Case No. 01CW140, seeks to utilize ground water rights granted therein for the construction of Curtis Wells Nos. 1 and 2 to the Dawson aquifer, and additional or replacement wells associated therewith, for withdrawal of Applicant’s full entitlements of supply under the plan for augmentation sought herein.

10. In accordance with the notice requirements of C.R.S. § 37-92-302, lienholder’s of the Applicant’s property were sent a Letter of Notice dated September 28, 2018. A Certificate of Notice was filed with the District Court, Water Divisions 1 and 2 on September 28, 2018.

11. Curtis Wells Nos.1 and 2: Curtis Wells Nos. 1 and 2 will be located on the Applicant’s Property. Applicant is awarded the vested right to use Curtis Wells Nos. 1 and 2, along with any necessary additional or replacement wells associated with such structures, for the extraction and use of groundwater from the not-nontributary Dawson aquifer pursuant to the Plan for Augmentation decreed herein. Upon entry of this decree and submittal by the Applicant of a complete well permit application and filing fee, the State Engineer shall issue a revised permit for Curtis Wells Nos. 1 and 2 pursuant to C.R.S. §37-90-137(4), consistent with and references the Plan for Augmentation decreed herein.

### **PLAN FOR AUGMENTATION**

12. The structures to be augmented are the Curtis Wells Nos. 1 and 2, to be constructed in the not-nontributary Dawson aquifer underlying the Applicant’s Property, along with any additional or replacement wells associated therewith.

13. Pursuant to C.R.S. §37-90-137(9)(c.5), the augmentation obligation for Curtis Wells Nos. 1 and 2, and any additional or replacement wells constructed to the Dawson aquifer requires the replacement of actual stream depletions to the extent necessary to prevent any injurious effect. The water rights to be used for augmentation during pumping are the septic return flows resulting from the in-house use of water pumped from the not-nontributary Curtis Wells Nos. 1 and 2, to be pumped as set forth in

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<sup>1</sup> The annual quantity listed for the Dawson aquifer is a 300-year aquifer life, consistent with El Paso County Land Development code, not the less restrictive 100-year aquifer life provided by Colorado Statute.

this plan for augmentation. The water rights to be used for augmentation after pumping are a reserved portion of Applicant's nontributary water rights in the Laramie-Fox Hills aquifer. Applicant shall provide for the augmentation of stream depletions caused by pumping Curtis Wells Nos. 1 and 2 as approved herein. Water use criteria as follows:

A. Use: The Curtis Wells Nos. 1 and 2 may pump up to a maximum of 1.0 acre feet of water per residence for a maximum total of 2.0 acre feet being withdrawn from the Dawson aquifer annually. Households will utilize an estimated 0.25 acre feet of water per year per residence, with remaining pumping entitlements available for other uses on the property, including, for example, irrigation of approximately 14,000 square feet of lawn and garden, and the watering of up to 4 horses, chickens, or equivalent livestock. The foregoing figures assume the use of two septic systems, with resulting return flows from each. Should Applicant subdivide Applicant's property into fewer than two lots, both depletions and return flows for the replacement of the same will be correspondingly reduced, though pumping for uses other than household use may be increased provided at all times septic return flows shall replace the maximum depletions resulting from pumping (22.5%) as described in this Paragraph 13.

B. Depletions Consistent with the figures provided in the Division Engineer's Consultation Report, maximum stream depletions over the 300-year pumping period will amount to approximately twenty two and a half percent (22.5%) of pumping. Maximum annual depletions for total residential pumping from all wells are therefore 0.45 acre feet in year 300. Should Applicant's pumping be less than the total 2.0 annual acre feet described herein, or should fewer lots be developed, resulting depletions and required replacements will be correspondingly reduced.

C. Augmentation of Depletions During Pumping Life of Wells: Pursuant to C.R.S. §37-90-137(9)(c.5), Applicant is required to replace actual stream depletions attributable to pumping of the one maximum residential Dawson aquifer well. Applicant has determined that depletions during pumping will be effectively replaced by residential return flows from non-evaporative septic systems. The annual consumptive use for non-evaporative septic systems is 10% per year per residence. At a household use rate of 0.25 acre-feet per residence per year, 0.225 acre-feet is replaced to the stream system per year as the house utilizes a non-evaporative septic system. So, during pumping for 300 years at a rate of 0.5 acre-foot per year, 0.45 acre feet is replaced to the stream system per year. Further, hot tub/water feature use has a 50% consumptive use rate. Thus, during pumping, stream depletions will be adequately augmented.

D. Augmentation of Post Pumping Depletions: This plan for augmentation shall have a pumping period of a minimum of 300 years. For the replacement of any injurious post-pumping depletions which may be associated with the use of the Curtis Wells Nos. 1 and 2, Applicant will reserve up to 530 acre feet of water from the nontributary Laramie Fox Hills aquifer, less the amount of actual stream depletions replaced during the plan pumping period, calculated by Applicant's consultant

and the Division Engineer in the Consultation Report to be 70 acre feet, as necessary to replace any injurious post pumping depletions. Applicant also reserves the right to substitute other legally available augmentation sources for such post pumping depletions upon further approval of the Court under its retained jurisdiction. Even though this reservation is made, under the Court's retained jurisdiction, Applicant reserves the right in the future to prove that post pumping depletions will be noninjurious. The reserved nontributary Laramie-Fox Hills groundwater will be used to replace any injurious post-pumping depletions. Upon entry of a decree in this case, the Applicant will be entitled to apply for and receive a new well permit for the Curtis Wells Nos. 1 and 2 for the uses in accordance with this Application and otherwise in compliance with C.R.S. §37-90-137.

14. Because depletions occur to both the South Platte and Arkansas River systems under the State's groundwater flow model, the Application in this case was filed in both Water Divisions 1 and 2. The return flows set forth above as augmentation will accrue to tributaries of the Arkansas River system where the majority of such depletions will occur. Under this augmentation plan, the total amount of depletions will be replaced to the Arkansas River system as set forth herein, and the Court finds that those replacements are sufficient under this augmentation plan subject to Paragraphs 30-34 herein.

15. This decree, upon recording, shall constitute a covenant running with Applicant's Property, benefitting and burdening said land, and requiring construction of well(s) to the nontributary Laramie-Fox Hills aquifer and pumping of water to replace any injurious post-pumping depletions under this decree. Subject to the requirements of this decree, in order to determine the amount and timing of post-pumping replacement obligations, if any, under this augmentation plan, Applicant or its successors shall use information commonly used by the Colorado Division of Water Resources for augmentation plans of this type at the time. Pursuant to this covenant, the water from the nontributary Laramie-Fox Hills aquifer reserved herein may not be severed in ownership from the overlying subject property. This covenant shall be for the benefit of, and enforceable by, third parties owning vested water rights who would be materially injured by the failure to provide for the replacement of post-pumping depletions under the decree, and shall be specifically enforceable by such third parties against the owner of the Applicant's Property.

16. Applicant or its successors shall be required to initiate pumping from the Laramie-Fox Hills aquifer for the replacement of post-pumping depletions when either: (i) the absolute total amount of water available from the Dawson aquifer allowed to be withdrawn under the plan for augmentation decreed herein has been pumped; (ii) the Applicant or its successors in interest have acknowledged in writing that all withdrawals for beneficial use through the Curtis Wells Nos. 1 and 2 have permanently ceased, (iii) a period of 10 consecutive years where either no withdrawals of groundwater has occurred, or (iv) accounting shows that return flows from the use of the water being withdrawn is insufficient to replace depletions caused by the withdrawals that already occurred.

17. Accounting and responsibility for post-pumping depletions in the amount set forth herein shall continue for the shortest of the following periods: (i) the period provided by statute; (ii) the period specified by any subsequent change in statute; (iii) the period required by the Court under its retained jurisdiction; (iv) the period determined by the State Engineer; or (v) the period as established by Colorado Supreme Court final decisions. Should Applicant's obligation hereunder to account for and replace such post-pumping stream depletions be abrogated for any reason, then the Laramie-Fox Hills aquifer groundwater reserved for such a purpose shall be free from the reservation herein and such groundwater may be used or conveyed by its owner without restriction for any post-pumping depletions.

18. The term of this augmentation plan is for a minimum of 300 years, however, the length of the plan for a particular well or wells may be extended beyond such time provided the total plan pumping allocated to such well or wells is not exceeded. Should the actual operation of this augmentation plan depart from the planned diversions described in Paragraph 13 such that annual diversions are increased or the duration of the plan is extended, the Applicant must prepare and submit a revised model of stream depletions caused by the actual pumping schedule. This analysis must utilize depletion modeling acceptable to the State Engineer, and to this Court, and must represent the water use under the plan for the entire term of the plan to date. The analysis must show that return flows have equaled or exceeded actual stream depletions throughout the pumping period and that reserved nontributary water remains sufficient to replace post-pumping depletions.

19. Consideration has been given to the depletions from Applicant's use and proposed uses of water, in quantity, time and location, together with the amount and timing of augmentation water which will be provided by the Applicant, and the existence, if any, injury to any owner of or person entitled to use water under a vested water right.

20. It is determined that the timing, quantity and location of replacement water under the protective terms in this decree are sufficient to protect the vested rights of other water users and eliminate material injury thereto. The replacement water shall be of a quantity and quality so as to meet the requirements for which the water of senior appropriators has normally been used, and provided of such quality, such replacement water shall be accepted by the senior appropriators for substitution for water derived by the exercise of the Curtis Wells Nos. 1 and 2. As a result of the operation of this plan for augmentation, the depletions from Curtis Wells Nos. 1 and 2 and any additional or replacement wells associated therewith will not result in material injury to the vested water rights of others.

### **CONCLUSIONS OF LAW**

21. The application for approval of plan for augmentation was filed with the Water Clerks for Water Divisions 1 and 2, pursuant to C.R.S. §§37-92-302(1)(a) and 37-90-137(9)(c). These cases were properly consolidated before Water Division 2.

22. The Applicant's request for adjudication of the plan for augmentation decreed herein is contemplated and authorized by law, and this Court and the Water Referee have exclusive jurisdiction over these proceedings. C.R.S. §§37-92-302(1)(a), 37-92-203, and 37-92-305.

23. Subject to the terms of the 01CW140 decree, the Applicant is entitled to the sole right to withdraw all the legally available water in the Denver Basin aquifers underlying the Applicant's Property, and the right to use that water to the exclusion of all others subject to the terms of this decree.

24. The Applicant's request for approval of a plan for augmentation is contemplated and authorized by law. If administered in accordance with this decree, this plan for augmentation will permit the uninterrupted diversions from Curtis Wells Nos. 1 and 2 without adversely affecting any other vested water rights in the Arkansas River and South Platte River or their tributaries and when curtailment would otherwise be required to meet a valid senior call for water. C.R.S. §§37-92-305(3),(5), and (8).

**IT IS THEREFORE ORDERED, ADJUDGED AND DECREED AS FOLLOWS:**

25. All of the foregoing Findings of Fact and Conclusions of Law are incorporated herein by reference, and are considered to be a part of this decretal portion as though set forth in full.

26. The Application for Approval of Plan for Augmentation proposed by the Applicant is approved, subject to the terms of this decree.

27. The Applicant has furnished acceptable proof as to all claims and, therefore, the Application for Plan for Augmentation, as requested by the Applicant, is granted and approved in accordance with the terms and conditions of this decree. Approval of this Application will not result in any material injury to senior vested water rights.

28. The Applicant shall comply with C.R.S. §37-90-137(9)(b), requiring the relinquishment of the right to consume two percent (2%) of the amount of the nontributary groundwater withdrawn. Ninety-eight percent (98%) of the nontributary groundwater withdrawn may therefore be consumed. No plan for augmentation shall be required to provide for such relinquishment.

29. The State Engineer, the Division Engineer, and/or the Water Commissioner shall not curtail the diversion and use of water covered by Curtis Wells Nos. 1 and 2 so long as the return flows from the annual diversions associated with Curtis Wells Nos. 1 and 2 accrue to the stream system pursuant to the conditions contained herein. To the extent that Applicant or one of its successors or assigns is ever unable to provide the

replacement water required, then Curtis Wells Nos. 1 and 2 shall not be entitled to operate under the protection of this plan, and shall be subject to administration and curtailment in accordance with the laws, rules, and regulation of the State of Colorado. Pursuant to C.R.S. §37-92-305(8), the State Engineer shall curtail all out-of-priority diversions which are not so replaced as to prevent injury to vested water rights. In order for this plan for augmentation to operate, return flows from the septic systems discussed herein, as appropriate, shall at all times during pumping be in an amount sufficient to replace the amount of stream depletions.

30. The Court retains jurisdiction over this matter to make adjustments in the allowed average annual amount of withdrawal from the Denver Basin aquifers, either upwards or downwards, to conform to actual local aquifer characteristic, and that the Applicant need not refile, republish, or otherwise amend this application to request such adjustments. The Court further retains jurisdiction should the Applicant later seek to amend this decree by seeking to prove that post-pumping depletions are noninjurious, that the extent of replacement for post-pumping depletions is less than the amount of water reserved herein, and other post-pumping matters addressed in Paragraph 13.D.

A. At such time as adequate data may be available, Applicant or the State Engineer may invoke the Court's retained jurisdiction as provided in this Paragraph 30 for purposes of making a final determination of water rights as to the quantities of water available and allowed average annual withdrawals from any of the Denver Basin aquifers quantified and adjudicated herein. Any person seeking to invoke the Court's retained jurisdiction for such purpose shall file a verified petition with the Court setting forth with particularity the factual basis for such final determination of Denver Basin water rights under this decree, together with the proposed decretal language to effect the petition. Within four months of the filing of such verified petition, the State Engineer's Office shall utilize such information as available to make a final determination of water rights finding, and shall provide such information to the Court, Applicant, and the petitioning party.

B. If no protest is filed with the Court to such findings by the State Engineer's Office within sixty (60) days, this Court shall incorporate by entry of an Amended Decree such "final determination of water rights", and the provisions of this Paragraph 30 concerning adjustments to the Denver Basin ground water rights based upon local aquifer conditions shall no longer be applicable. In the event of a protest being timely filed, or should the State Engineer's Office make no timely determination as provided in Paragraph 30.A., above, the "final determination of water rights" sought in the petition may be made by the Water Court after notice to all parties and following a full and fair hearing, including entry of an Amended Decree, if applicable in the Court's reasonable discretion.

31. Pursuant to C.R.S. §37-92-304(6), the Court shall retain continuing jurisdiction over the plan for augmentation decreed herein for reconsideration of the question of whether the provisions of this decree are necessary and/or sufficient to

prevent injury to vested water rights of others, as pertains to the use of Denver Basin groundwater supplies adjudicated herein for augmentation purposes. The court also retains continuing jurisdiction for the purpose of determining compliance with the terms of the augmentation plan.

32. As pertains to the Denver Basin groundwater supplies, the court shall retain continuing jurisdiction for so long as Applicant is required to replace depletions to the Arkansas stream system, to determine whether the replacement of depletions to Arkansas stream system instead of the South Platte stream system is causing material injury to water rights tributary to the South Platte stream system.

33. Any person may invoke the Court's retained jurisdiction at any time that Applicant is causing depletions, including ongoing post-pumping depletions, to the South Platte River system and is replacing such depletions to only the Arkansas River system. Any person seeking to invoke the Court's retained jurisdiction shall file a verified petition with the Court setting forth with particularity the factual basis for the alleged material injury and to request that the Court reconsider material injury to petitioners' vested water rights associated with the above replacement of depletions under this decree, together with the proposed decretal language to effect the petition. The party filing the petition shall have the burden of proof going forward to establish a prima facie case based on the facts alleged in the petition and that Applicant's failure to replace depletions to the South Platte River system is causing material injury to water rights owned by that party invoking the Court's retained jurisdiction, except that the State and Division Engineer may invoke the Court's retained jurisdiction by establishing a prima facie case that material injury is occurring to any vested or conditionally decreed water rights in the South Platte River system due to the location of Applicant's replacement water. If the Court finds that those facts are established, the Applicant shall thereupon have the burden of proof to show (i) that petitioner is not materially injured, or (ii) that any modification sought by the petitioner is not required to avoid material injury to the petitioner, or (iii) that any term or condition proposed by Applicant in response to the petition does avoid material injury to the petitioner. The Division of Water Resources as a petitioner shall be entitled to assert material injury to the vested water rights of others.

34. Except as otherwise specifically provided in Paragraphs 30-33, above, pursuant to the provisions of C.R.S. §37-92-304(6), this plan for augmentation decreed herein shall be subject to the reconsideration of this Court on the question of material injury to vested water rights of others, for a period of three years, except as otherwise provided herein. Any person, within such period, may petition the Court to invoke its retained jurisdiction. Any person seeking to invoke the Court's retained jurisdiction shall file a verified petition with the Court setting forth with particularity the factual basis for requesting that the Court reconsider material injury to petitioner's vested water rights associated with the operation of this decree, together with proposed decretal language to effect the petition. The party filing the petition shall have the burden of proof of going forward to establish a prima facie case based on the facts alleged in the petition. If the Court finds those facts are established, Applicant shall thereupon have the burden of

proof to show: (i) that the petitioner is not materially injured, or (ii) that any modification sought by the petitioner is not required to avoid material injury to the petitioner, or (iii) that any term or condition proposed by Applicant in response to the petition does avoid material injury to the petitioner. The Division of Water Resources as a petitioner shall be entitled to assert material injury to the vested water rights of others. If no such petition is filed within such period and the retained jurisdiction period is not extended by the Court in accordance with the revisions of the statute, this matter shall become final under its own terms.

35. Pursuant to C.R.S. §37-92-502(5)(a), the Applicant shall install and maintain such water measurement devices and recording devices as are deemed essential by the State Engineer or Division Engineers, and the same shall be installed and operated in accordance with instructions from said entities. Applicant is to install and maintain totalizing flow meters on Curtis Wells Nos. 1 and 2 or any additional or replacement wells associated therewith. Applicant will also maintain records and provide reports to the State Engineer or Division Engineers as instructed by said entities, on at least an annual basis.

36. The vested water rights, water right structures, and plan for augmentation decreed herein shall be subject to all applicable administrative rules and regulations, as currently in place or as may in the future be promulgated, of the offices of Colorado State and Division Engineers for administration of such water rights, to the extent such rules and regulations are uniformly applicable to other similarly situated water rights and water users. The State Engineer shall identify in any permits issued pursuant to this decree the specific uses which can be made of the groundwater to be withdrawn, and shall not issue a permit for any proposed use, which use the State Engineer determines to be speculative at the time of the well permit application or which would be inconsistent with the requirements of this decree, any separately decreed plan for augmentation, or any modified decree and augmentation plan.

37. This Ruling of Referee, when entered as a decree of the Water Court, shall be recorded in the real property records of El Paso County, Colorado. Copies of this ruling shall be mailed as provided by statute.

DATED THIS 7th day of February, 2019.

BY THE REFEREE:

*Mardell R. DiDomenico*



Mardell R. DiDomenico, Water Referee  
Water Division 2

**DECREE**

THE COURT FINDS THAT NO PROTEST WAS MADE IN THIS MATTER, THEREFOR THE FORGOING RULING IS CONFIRMED AND APPROVED, AND IS HEREBY MADE THE JUDGMENT AND DECREE OF THIS COURT.

Dated: March 6, 2019

BY THE COURT:



*Larry C. Schwartz*

LARRY C. SCHWARTZ, WATER JUDGE  
WATER DIVISION 2

Exhibit "A"

A TRACT OF LAND BEING A PORTION OF THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 11 SOUTH, RANGE 66 WEST OF THE 6 P.M., AS DESCRIBED BY TRUSTEE'S DEED (RECEPTION NO. 203069905, EL PASO COUNT, COLORADO RECORDS), COMMENCING AT THE SOUTH ONE-QUARTER CORNER OF SAID SECTION 21 (ALL BEARINGS IN THIS DESCRIPTION ARE RELATIVE TO THE EAST LINE OF SAID SECTION 21'S SOUTHWEST QUARTER, WHICH BEARS S 01° 01' 31" E ASSUMED); THENCE S 88° 52' 31" W ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER, SAID LINE ALSO BEING COINCIDENT WITH THE NOTHERLY RIGHT OF WAY LINE OF BAPTIST ROAD (80' R.O.W), 30.00 FEET TO THE POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED; THENCE CONTINUE S 88° 52' 31" W ALONG SAID COINCIDENT LINES, 1245.00 FEET; THENCE N 01° 07' 29" W, 150.00 FEET; THENCE N 83° 26' 06" W, 448.47 FEET; THENCE N 02° 10' 50" W, 777.67 FEET; THENCE N 88° 46' 41" E, 1703.45 FEET TO A POINT THIRTY (30) FEET WEST OF SAID SOUTHWEST QUARTER'S EAST LINE, SAID POINT ALSO BEING THE WESTERLY RIGHT OF WAY LINE OF ROLLER COASTER ROAD (60' R.O.W); THENCE S 01° 01' 31" E ALONG A LINE THIRTY (30) FEET WEST OF AND PARALLEL TO SAID EAST LINE AND COINCIDENT ROLLER COASTER ROAD'S WESTERLY RIGHT OF WAY LINE, 990.47 FEET TO THE POINT OF BEGINNING. COUNTY OF EL PASO, STATE OF COLORADO.

Also known by street address as: 1920 E Baptist Road, Colorado Springs, CO 80921.

# El Paso County Assessor's Office

# EXHIBIT B

1920 BAPTIST RD E

SCHEDULE: 6100000519

OWNER: CURTIS FAMILY LIVING TRUST

CURTIS BARRY WAYNE CO-TRUSTEE

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