

WATER RESOURCES REPORT

for

SADDLEHORN RANCH FILING No. 2



June 2022

Prepared By:



SADDLEHORN RANCH
FILING No. 2

WATER RESOURCES REPORT

June 2022

Prepared for:

ROI Property Group, LLC
2495 Rigdon Street
Napa, CO 94558

Prepared by:

JDS-Hydro, a Division of RESPEC
5540 Tech Center Drive, Suite 100
Colorado Springs, CO 80919

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1.0 INTRODUCTION AND EXECUTIVE SUMMARY

The purpose of this report is to address the specific water needs of the proposed Saddlehorn Ranch, Filing No. 2 in Falcon, CO. This project is currently seeking Final Plat approval through El Paso County, and this report is a requirement of approval. A previous water resources for the overall preliminary plan of this subdivision was provided in September of 2020. This report is to satisfy final platting of Filing No. 2, which was included in the original report for the preliminary plan.

EXECUTIVE SUMMARY: The Saddlehorn Ranch Metropolitan District (SRMD, the District) has adequate water supply to meet the needs of the proposed subdivision on a 300-year basis.

2.0 PROJECTED LAND USES

2.1 *Projected Land Uses*

Lands within the subject area have been planned as 42 lots of residential development. Please refer to the Land Use Exhibit in **Appendix A**.

2.2 *Water Demands for the Subject Property*

A summary of expected water demands for this land use are provided in Table 2-1 below:

Summary of Expected Water Demands

Table 2-1

Land Use	Water		
	Number of Units	Indoor & Irrigation Usage (AF/YR) ^{1, 2}	Indoor & Irrigation Usage (GPD)
Residential	42	28.14	25,122
Note 1 - @ 0.67 AF/YR/SFE			
Note 2 - AF = Acre-Feet			
Note 3 - SFE = Single Family Equivalent			

3.0 DISTRICT WATER NEEDS AND PROJECTED DEMANDS

3.1 *Actual Water Demand Summary*

Actual water demands have not yet been established for Saddlehorn, as the system does not currently serve water to its future constituents. After the water system is online in August of 2022, actual demands will be tracked and determined after months of collection and after more services are connected.

For planning purposes, 0.67 AF/SFE/Year is applied since beneficial uses of Saddlehorn's water rights include domestic, irrigation, commercial, industrial, recreation, and livestock watering. It is anticipated that actual demands will be lower than what is currently being used for planning purposes.

3.2 *Unit Water User Characteristics*

Unit water user characteristics are counted on a single-family equivalent basis. Actual unit user characteristics will vary year to year and will take some time to be established (as discussed in Section 3.1). Planned water usage covers not only actual use, but also reserves, system losses, and water accountability.

3.3 *Current Demands versus Supply*

Projected water demands are provided in Table 2-1. Overall buildout of Saddlehorn (per the approved Preliminary Plan) includes 218 residential lots.

For this proposed land use of 42 lots, a total demand of **28.14 AF/Year** is planned.

A total demand of 0.67 AF/SFE/Year for 218 SFEs yields an anticipated demand of **146.06 AF/Year**.

Existing physical infrastructure has the capacity to deliver approximately **150 AF/Year**.

Existing legal supply consists of **198.16 AF** on a 300-year basis.

4.0 WATER RIGHTS AND SUPPLY

4.1 District Water Rights

Water rights determinations were done by the Colorado Office of the State Engineer dated March 8, 2004, and are included in **Appendix C**. These rights included a much larger area of land than just Saddlehorn Ranch. As a result, a letter summarizing the status of water rights associated with a portion of the overall land is also included in **Appendix C**. Table 3-1 below summarizes the information from said water rights letter.

Summary of Available Legal Water Supply

Table 3-1

Land Formation/ Aquifer	Determination	Tributary Status	Acreage	Available Water per Acre 100-Year (AF/Acre)	Annual Allocation 100-Year (AF/Year)	Annual Allocation 300-Year (AF/Year)
<i>Currently Available On-Site Ground Water Legal Source</i>						
Arapahoe	458-BD	NT	816.5	0.3908	319.09	106.36
Laramie-Fox Hills	457-BD	NT	816.5	0.3373	275.41	91.80
Total Legal Supply					594.49	198.16

*300-Year Annual Supply

4.2 Adequacy of Water Rights

Current water rights holdings are adequate for expected buildout demands. Buildout is anticipated to occur prior to 2040.

5.0 WATER SYSTEM FACILITIES AND PHYSICAL SUPPLY

5.1 *Source of Supply*

Domestic water demand will be met using two wells – one well in the Arapahoe aquifer, and the other well in the Laramie-Fox Hills aquifer. These wells were drilled by a previous landowner around 2008, but they were never equipped with pumps.

They have since been equipped and can produce approximately 125 gallons per minute (GPM) collectively.

5.2 *Water Treatment*

The water in Saddlehorn's wells was tested in January and May of 2019 based on the relative constituents listed in the National Primary Drinking Water Standards.

Testing results showed that no constituents were above primary drinking water standards, and only Total Dissolved Solids was above its secondary drinking water standard. Therefore, only disinfection of the water is required prior to supplying water to residents in the system.

However, Saddlehorn has received permitting approval from the Colorado Department of Public Health and Environment (CDPHE), the El Paso County Planning and Community Development, and the Pikes Peak Regional Building Department to construct a filtration plant in addition to chlorine disinfection. This facility is currently under construction and expected to be online in August of 2022.

In order to enhance aesthetics in the distribution system, Saddlehorn opted to use approved technology to filter out oxidized iron and manganese. By filtering out these byproducts of chlorination/disinfection, oxidized iron and manganese are prevented from entering the distribution system.

5.3 *Water Storage*

Saddlehorn recently completed construction of a 286,000-gallon, bolted-steel water storage tank. The tank was sized to accommodate required fire-flow, max-day demand, and system equalization.

5.4 *Distribution, Pumping, and Transmission Lines*

Housed in the water treatment facility are two distribution pumps and a high-capacity pump. Each distribution pump is capable of supplying peak-hour demand while maintaining adequate pressure in the system. Two pumps were designed to provide full redundancy.

The high-capacity pump can meet the required fire-flow (per International Fire Code) of 1,500 GPM.

Distribution system lines were sized to handle fire-flows while maintaining a velocity of less than five (5) feet per second during a fire-flow event.

6.0 EL PASO COUNTY MASTER PLANNING ELEMENTS

6.1 *County Water Master Plan 2040 and 2060 Projections*

The overall Saddlehorn development is comprised of 218 residential lots, 42 of which are in this filing. It is anticipated that buildout of all filings will be prior to 2040.

6.2 *Description of Long-Term Planning and Future Sources of Supply*

In theory, the 300-year supply of water for Saddlehorn appears to be more than adequate for full buildout, which would include both the 2040 and 2060 scenarios. However, Saddlehorn's water supply is based on non-renewable sources, and other potential water acquisitions, regionalization, interconnects, etc. may be necessary in the very distant future.

7.0 CONCLUSION

The Saddlehorn Ranch Metropolitan District (SRMD, the District) has adequate water supply to meet the needs of this proposed land use on a 300-year basis.

Appendix A

SADDLEHORN RANCH FILING NO. 2
A PARCEL OF LAND LOCATED IN SECTION 3 AND THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 10,
TOWNSHIP 13 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN
COUNTY OF EL PASO, STATE OF COLORADO

KNOW ALL MEN BY THESE PRESENTS

THAT GORILLA CAPITAL CO SADDLEHORN RANCH, LLC, BEING THE OWNER OF THE FOLLOWING TRACT OF LAND:

A PARCEL OF LAND LOCATED IN SECTION 3 AND THE NORTH HALF OF THE NORTH HALF OF SECTION 10, TOWNSHIP 13 SOUTH, RANGE 64 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 3, TOWNSHIP 13 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN;

THENCE ON THE WEST LINE OF SAID SECTION 3, N00°32'28"W A DISTANCE OF 1987.87 FEET, TO THE NORTHWESTERLY CORNER OF SADDLEHORN RANCH FILING NO. 1 RECORDED UNDER RECEPTION NO. 221714749 IN THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER AND THE POINT OF BEGINNING;

THENCE CONTINUING ON SAID WEST LINE, N00°32'28"W A DISTANCE OF 799.26 FEET;

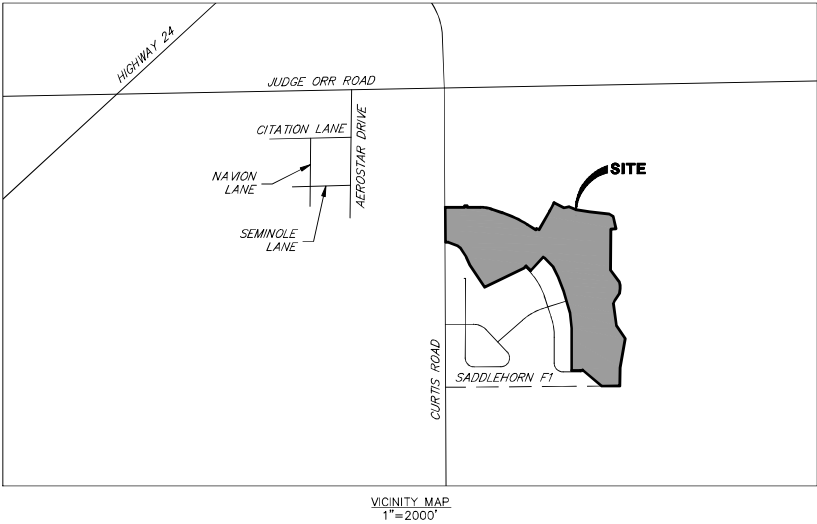
THENCE DEPARTING SAID WEST LINE THE FOLLOWING THIRTY-TWO (32) COURSES:

- 1. S89°59'23"E A DISTANCE OF 442.27 FEET;
- 2. N00°00'37"E A DISTANCE OF 35.00 FEET;
- 3. S89°59'23"E A DISTANCE OF 60.00 FEET;
- 4. S00°00'37"W A DISTANCE OF 35.00 FEET;
- 5. S89°59'23"E A DISTANCE OF 303.52 FEET, TO A POINT OF CURVE;
- 6. ON THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 780.00 FEET, A CENTRAL ANGLE OF 18°44'59" AND AN ARC LENGTH OF 255.25 FEET, TO A POINT OF TANGENT;
- 7. S71°14'24"E A DISTANCE OF 260.86 FEET, TO A POINT OF CURVE;
- 8. ON THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 2780.00 FEET, A CENTRAL ANGLE OF 13°06'52" AND AN ARC LENGTH OF 636.31 FEET, TO A POINT OF TANGENT;
- 9. S58°07'32"E A DISTANCE OF 223.80 FEET;
- 10. N29°44'39"E A DISTANCE OF 35.38 FEET;
- 11. S60°15'21"E A DISTANCE OF 60.00 FEET;
- 12. N29°44'39"E A DISTANCE OF 495.87 FEET, TO A POINT OF CURVE;
- 13. ON THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 3780.00 FEET, A CENTRAL ANGLE OF 03°09'58" AND AN ARC LENGTH OF 208.89 FEET, TO A POINT OF NON-TANGENT;
- 14. S63°25'19"E A DISTANCE OF 253.86 FEET;
- 15. N78°29'56"E A DISTANCE OF 122.41 FEET;
- 16. S65°55'05"E A DISTANCE OF 154.37 FEET;
- 17. S80°55'05"E A DISTANCE OF 329.85 FEET;
- 18. S83°17'36"E A DISTANCE OF 453.41 FEET;
- 19. S58°21'31"E A DISTANCE OF 99.14 FEET;
- 20. S12°59'32"E A DISTANCE OF 287.70 FEET;
- 21. S84°04'11"W A DISTANCE OF 116.39 FEET;
- 22. S00°27'54"W A DISTANCE OF 933.68 FEET;
- 23. S36°54'54"E A DISTANCE OF 330.03 FEET;
- 24. S13°21'17"E A DISTANCE OF 83.07 FEET;
- 25. S00°07'31"W A DISTANCE OF 82.66 FEET;
- 26. S07°55'12"W A DISTANCE OF 107.85 FEET;
- 27. S34°24'44"W A DISTANCE OF 178.42 FEET;
- 28. S26°04'25"W A DISTANCE OF 85.34 FEET;
- 29. S07°51'44"E A DISTANCE OF 510.21 FEET;
- 30. S33°40'12"E A DISTANCE OF 357.56 FEET;
- 31. S09°52'53"W A DISTANCE OF 673.53 FEET;
- 32. S00°38'45"W A DISTANCE OF 417.04 FEET, TO A POINT ON THE SOUTH LINE OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SAID SECTION 10;

THENCE ON SAID SOUTH LINE, S89°34'01"W A DISTANCE OF 416.11 FEET, TO THE SOUTHEASTERLY CORNER OF SADDLEHORN RANCH FILING NO. 1;

THENCE ON THE EASTERLY AND NORTHELRLY LINES OF SADDLEHORN RANCH FILING NO. 1 THE FOLLOWING TWENTY-ONE (21) COURSES:

- 1. N49°37'00"W A DISTANCE OF 565.00 FEET, TO A POINT OF NON-TANGENT CURVE;
- 2. ON THE ARC OF A CURVE TO THE RIGHT WHOSE CENTER BEARS N19°28'44"W, HAVING A RADIUS OF 170.00 FEET, A CENTRAL ANGLE OF 19°02'46" AND AN ARC LENGTH OF 56.51 FEET, TO A POINT OF TANGENT;
- 3. S89°34'03"W A DISTANCE OF 197.98 FEET;
- 4. N00°00'00"E A DISTANCE OF 964.76 FEET;
- 5. N05°58'59"W A DISTANCE OF 349.19 FEET;
- 6. N16°11'46"W A DISTANCE OF 257.34 FEET;
- 7. N16°11'46"W A DISTANCE OF 261.98 FEET;
- 8. N21°16'04"W A DISTANCE OF 343.92 FEET;
- 9. N26°10'49"W A DISTANCE OF 266.32 FEET;
- 10. N44°25'17"W A DISTANCE OF 280.03 FEET;
- 11. N56°30'41"W A DISTANCE OF 35.01 FEET;
- 12. S42°31'10"W A DISTANCE OF 422.77 FEET, TO A POINT OF NON-TANGENT CURVE;
- 13. ON THE ARC OF A CURVE TO THE LEFT WHOSE CENTER BEARS S47°44'09"W, HAVING A RADIUS OF 1680.00 FEET, A CENTRAL ANGLE OF 05°10'02" AND AN ARC LENGTH OF 151.51 FEET, TO A POINT OF NON-TANGENT;



- 14. S42°34'07"W A DISTANCE OF 60.00 FEET;
- 15. S63°48'26"W A DISTANCE OF 1002.65 FEET;
- 16. N33°50'17"W A DISTANCE OF 610.26 FEET;
- 17. N24°10'40"W A DISTANCE OF 207.55 FEET;
- 18. N32°24'01"W A DISTANCE OF 240.57 FEET;
- 19. N53°08'37"W A DISTANCE OF 71.78 FEET;
- 20. N68°03'22"W A DISTANCE OF 227.58 FEET;
- 21. S89°27'32"W A DISTANCE OF 72.00 FEET, TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 7,703,680 SQUARE FEET OR 176.8522 ACRES.

DEDICATION

THE ABOVE OWNER HAS CAUSED SAID TRACT OF LAND TO BE PLATTED INTO 42 LOTS, STREETS, 2 TRACTS, AND EASEMENTS AS SHOWN ON THIS PLAT. THE UNDERSIGNED DOES HEREBY DEDICATE, GRANT AND CONVEY TO EL PASO COUNTY THOSE STREETS AND PUBLIC EASEMENTS AS SHOWN ON THE PLAT; AND FURTHER RESTRICTS THE USE OF ALL PUBLIC EASEMENTS TO EL PASO COUNTY AND/OR ITS ASSIGNS, PROVIDED HOWEVER, THAT THE SOLE RIGHT AND AUTHORITY TO VACATE, RELEASE OR QUIT-CLAIM ALL OR ANY SUCH PUBLIC EASEMENTS SHALL REMAIN EXCLUSIVELY VESTED IN EL PASO COUNTY. ALL PUBLIC STREETS ARE HEREBY DEDICATED TO EL PASO COUNTY FOR PUBLIC USE. THIS TRACT OF LAND AS HEREIN PLATTED SHALL BE KNOWN AS "SADDLEHORN RANCH FILING NO. 2" IN EL PASO COUNTY, COLORADO.

CLERK AND RECORDER

STATE OF COLORADO)
COUNTY OF EL PASO)

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN MY OFFICE

AT ____ O'CLOCK ____M., THIS ____ DAY OF _____, 20____, A.D.

AND IS DULY RECORDED AT RECEPTION NO. _____ OF THE RECORDS OF EL PASO COUNTY, COLORADO.

CHUCK BROERMAN, RECORDER

BY: _____
DEPUTY

OWNERS CERTIFICATE

THE UNDERSIGNED, BEING ALL THE OWNERS, MORTGAGEES, BENEFICIARIES OF DEEDS OF TRUST AND HOLDERS OF OTHER INTERESTS IN THE LAND DESCRIBED HEREIN, HAVE LAID OUT, SUBDIVIDED, AND PLATTED SAID LANDS INTO LOTS, TRACTS, STREETS, AND EASEMENTS AS SHOWN HEREON UNDER THE NAME AND SUBDIVISION OF SADDLEHORN RANCH FILING NO. 2. ALL PUBLIC IMPROVEMENTS SO PLATTED ARE HEREBY DEDICATED TO PUBLIC USE AND SAID OWNER DOES HEREBY COVENANT AND AGREE THAT THE PUBLIC IMPROVEMENTS WILL BE CONSTRUCTED TO EL PASO COUNTY STANDARDS AND THAT PROPER DRAINAGE AND EROSION CONTROL FOR SAME WILL BE PROVIDED AT SAID OWNER'S EXPENSE, ALL TO THE SATISFACTION OF THE BOARD OF COUNTY COMMISSIONERS OF EL PASO COUNTY, COLORADO. UPON ACCEPTANCE BY RESOLUTION, ALL PUBLIC IMPROVEMENTS SO DEDICATED WILL BECOME MATTERS OF MAINTENANCE BY EL PASO COUNTY, COLORADO. THE UTILITY EASEMENTS SHOWN HEREON ARE HEREBY DEDICATED FOR PUBLIC UTILITIES AND COMMUNICATION SYSTEMS AND OTHER PURPOSES AS SHOWN HEREON. THE ENTITIES RESPONSIBLE FOR PROVIDING THE SERVICES FOR WHICH THE EASEMENTS ARE ESTABLISHED ARE HEREBY GRANTED THE PERPETUAL RIGHT OF INGRESS AND EGRESS FROM AND TO ADJACENT PROPERTIES FOR INSTALLATION, MAINTENANCE, AND REPLACEMENT OF UTILITY LINES AND RELATED FACILITIES.

GORILLA CAPITAL CO SADDLEHORN RANCH, LLC

BY: _____

STATE OF COLORADO }
COUNTY OF _____ } SS.

ACKNOWLEDGED BEFORE ME THIS ____ DAY OF _____, 20____ BY _____

MY COMMISSION EXPIRES _____

WITNESS MY HAND AND OFFICIAL SEAL _____
NOTARY PUBLIC

ACCEPTANCE CERTIFICATE FOR TRACTS

THE DEDICATION OF TRACTS A, B AND C ARE HEREBY ACCEPTED FOR OWNERSHIP AND MAINTENANCE BY THE SADDLEHORN RANCH METROPOLITAN DISTRICT.

SADDLEHORN RANCH METROPOLITAN DISTRICT

BY: _____

STATE OF COLORADO }
COUNTY OF _____ } SS.

ACKNOWLEDGED BEFORE ME THIS ____ DAY OF _____, 20____ BY _____

_____, AS _____

MY COMMISSION EXPIRES: _____

WITNESS MY HAND AND OFFICIAL SEAL _____
NOTARY PUBLIC

SURVEYORS CERTIFICATE

I DEREK LEE VAGIAS, A DULY REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS PLAT TRULY AND CORRECTLY REPRESENTS THE RESULTS OF A SURVEY MADE ON DATE OF SURVEY, BY ME OR UNDER MY DIRECT SUPERVISION AND THAT ALL MONUMENTS EXIST AS SHOWN HEREON; THAT MATHEMATICAL CLOSURE ERRORS ARE LESS THAN 1:10,000 ; AND THAT SAID PLAT HAS BEEN PREPARED IN FULL COMPLIANCE WITH ALL APPLICABLE LAWS OF THE STATE OF COLORADO DEALING WITH MONUMENTS, SUBDIVISION, OR SURVEYING OF LAND AND ALL APPLICABLE PROVISIONS OF THE EL PASO COUNTY LAND DEVELOPMENT CODE.

I ATTEST THE ABOVE ON THIS ____ DAY OF _____, 20____.

DEREK LEE VAGIAS, _____ DATE _____
COLORADO REGISTERED PLS #38578
FOR AND ON BEHALF OF JR ENGINEERING, LLC

PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR CERTIFICATE

THIS PLAT FOR SADDLEHORN RANCH FILING NO. 2 WAS APPROVED FOR FILING BY THE EL PASO COUNTY, COLORADO PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT DIRECTOR ON THE ____ DAY OF _____, 20____, SUBJECT TO ANY NOTES OR CONDITIONS SPECIFIED HEREON.

PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR _____

CONTACTS:

OWNER	GORILLA CAPITAL, LLC 1342 HIGH STREET EUGENE, OR 97401 P~541-393-9043
DEVELOPER	ROI PROPERTY GROUP, LLC 2495 RIGDON STREET NAPA, CALIFORNIA 94558 P~707-633-9700
ENGINEER	JR ENGINEERING, LLC ATTN: BRYAN LAW 5475 TECH CENTER DRIVE, SUITE 235 COLORADO SPRINGS, CO 80919 P~(303) 267-6254
SURVEYOR	JR ENGINEERING, LLC ATTN: DEREK VAGIAS 7200 S ALTON WAY, C400, CENTENNIAL, CO 80112 P~(303) 740-9393

FEES:

RECORDING: _____
PARK: _____
SCHOOL: _____
DRAINAGE: _____
BRIDGE: _____

PCD FILE: SF-21-033

JOB NO. 25142.04
JUNE 10, 2022
SHEET 1 OF 5



Centennial 303-740-9393 • Colorado Springs 719-593-2593
Fort Collins 970-491-9888 • www.jrengineering.com

SADDLEHORN RANCH FILING NO. 2

A PARCEL OF LAND LOCATED IN SECTION 3 AND THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 13 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN COUNTY OF EL PASO, STATE OF COLORADO

GENERAL NOTES:

1.

PER C.R.S. 38-51-106, "ALL LINEAL UNITS DEPICTED ON THIS LAND SURVEY PLAT ARE U.S. SURVEY FEET". ONE METER EQUALS 39.37/12 U.S. SURVEY FEET, EXACTLY ACCORDING TO THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

2.

BASIS OF BEARING: THE WEST LINE OF SECTION 3, T3S, R64W, 6TH P.M., MONUMENTED BY A 3-1/4" ALUMINUM CAP STAMPED "PLS 17496" IN A RANGE BOX AT THE NORTHWEST CORNER OF SECTION 3 AND A NO. 6 REBAR IN A RANGE BOX AT THE SOUTHWEST CORNER OF SECTION 3, BEARING N00°32'28"W AS REFERENCED TO COLORADO STATE PLANE CENTRAL ZONE.

3.

ALL REFERENCES TO BOOKS, PAGES, MAPS, AND RECEPTION NUMBERS ARE PUBLIC DOCUMENTS ON FILE WITH THE CLERK AND RECORDER OF EL PASO COUNTY, STATE OF COLORADO.

4.

THIS SITE IS WITHIN A SPECIAL FLOOD HAZARD AREA "ZONE AE" (SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD), AS DETERMINED BY GRAPHIC INTERPRETATION. FLOODPLAIN INFORMATION WAS OBTAINED FROM F.E.M.A. FLOODPLAIN, AS SHOWN ON THE FLOOD INSURANCE RATE MAPS FOR EL PASO COUNTY, COLORADO, MAP NUMBERS 08041C0558G AND 08041C0566G BOTH WITH REVISED DATES OF DECEMBER 7, 2018.

5.

THIS LAND SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY JR ENGINEERING, LLC. FOR ALL INFORMATION REGARDING EASEMENTS, RIGHT-OF-WAY OR TITLE OF RECORD, JR ENGINEERING, LLC RELIED UPON TITLE COMMITMENT NO. 63142ECS, AMENDMENT NO. 2, PREPARED BY STEWART TITLE GUARANTY COMPANY COMPANY, DATED JULY 10, 2021, 7:30 A.M.

6.

BY APPROVAL OF THIS PLAT EL PASO COUNTY VACATES THE POTENTIAL ROW ALONG THE SOUTH LINE OF SECTION 3 AND THE NORTH LINE OF SECTION 10 AS MAY HAVE BEEN ACQUIRED BY BOCC RESOLUTION RECORDED AT BOOK A, PAGE 78 IN THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER.

7.

TRACTS A AND B ARE FOR OPEN SPACE AND DRAINAGE PURPOSES. TRACTS A AND B SHALL BE OWNED AND MAINTAINED BY THE SADDLEHORN RANCH METROPOLITAN DISTRICT.

8.

THE ADDRESSES EXHIBITED ON THIS PLAT ARE FOR INFORMATIONAL PURPOSES ONLY. THEY ARE NOT THE LEGAL DESCRIPTION AND ARE SUBJECT TO CHANGE.

9.

ALL PROPERTY OWNERS ARE RESPONSIBLE FOR MAINTAINING PROPER STORM WATER DRAINAGE IN AND THROUGH THEIR PROPERTY. PUBLIC DRAINAGE EASEMENTS SHALL BE MAINTAINED BY THE INDIVIDUAL LOT OWNERS UNLESS OTHERWISE INDICATED. STRUCTURES, FENCES, MATERIALS OR LANDSCAPING THAT COULD IMPEDE THE FLOW OR RUNOFF SHALL NOT BE PLACED IN THE DRAINAGE EASEMENTS.

10.

WATER SERVICE SHALL BE SUPPLIED BY SADDLEHORN RANCH METROPOLITAN DISTRICT.

11.

SEWAGE TREATMENT IS THE RESPONSIBILITY OF EACH INDIVIDUAL PROPERTY OWNER. THE EL PASO COUNTY HEALTH DEPARTMENT MUST APPROVE EACH SYSTEM AND IN SOME CASES THE DEPARTMENT MAY REQUIRE AN ENGINEER DESIGNED SYSTEM PRIOR TO PERMIT APPROVAL.

12.

IMPERVIOUS LOT COVERAGE IS RESTRICTED TO NO MORE THAN 10,900 SQUARE FEET PER LOT TO CONFORM WITH THE EL PASO COUNTY'S MS4 STORM WATER DISCHARGE PERMIT.

13.

UNLESS SHOWN OTHERWISE, ALL SIDE, FRONT AND REAR LOT LINES ARE HEREBY PLATTED WITH A 10 FOOT WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT. ALL EXTERIOR SUBDIVISION BOUNDARIES ARE HEREBY PLATTED WITH A 20 FOOT WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT. THE SOLE RESPONSIBILITY FOR MAINTENANCE OF THESE EASEMENTS IS HEREBY VESTED WITH THE INDIVIDUAL PROPERTY OWNERS.

14.

THE FOLLOWING REPORTS HAVE BEEN SUBMITTED IN ASSOCIATION WITH THE PRELIMINARY PLAN OR FINAL PLAT FOR THIS SUBDIVISION AND ARE ON FILE AT THE COUNTY PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT: TRANSPORTATION IMPACT STUDY; DRAINAGE REPORT; WATER RESOURCES REPORT; WASTEWATER DISPOSAL REPORT, GEOLOGY AND SOILS REPORT; FIRE PROTECTION REPORT, WILDFIRE HAZARDS REPORT; NATURAL FEATURES REPORT.

15.

DEVELOPER SHALL COMPLY WITH FEDERAL AND STATE LAWS, REGULATION, ORDINANCES, REVIEW AND PERMIT REQUIREMENTS, AND OTHER AGENCY REQUIREMENT, IF ANY, OF APPLICABLE AGENCIES INCLUDING, BUT NOT LIMITED TO, THE COLORADO DEPARTMENT OF PARKS AND WILDLIFE, COLORADO DEPARTMENT OF TRANSPORTATION, U.S. ARMY CORPS OF ENGINEERS, AND THE U.S. FISH & WILDLIFE SERVICE REGARDING THE ENDANGERED SPECIES ACT, PARTICULARLY AS IT RELATES TO THE LISTED SPECIES (E.G., PREBLES MEADOW JUMPING MOUSE).

16.

NO LOT OR INTEREST THEREIN, SHALL BE SOLD, CONVEYED, OR TRANSFERRED WHETHER BY DEED OR BY CONTRACT, NOR SHALL BUILDING PERMITS BE ISSUED, UNTIL AND UNLESS EITHER THE REQUIRED PUBLIC AND COMMON DEVELOPMENT IMPROVEMENTS HAVE BEEN CONSTRUCTED AND PRELIMINARILY ACCEPTED IN ACCORDANCE WITH THE SUBDIVISION IMPROVEMENTS AGREEMENT BETWEEN THE APPLICANT/OWNER AND EL PASO COUNTY AS RECORDED UNDER RECEPTION NO. 63142ECS, AMENDMENT NO. 2, IN THE OFFICE OF THE CLERK AND RECORDER OF EL PASO COUNTY, COLORADO OR, IN THE ALTERNATIVE, OTHER COLLATERAL IS PROVIDED TO MAKE PROVISION FOR THE COMPLETION OF SAID IMPROVEMENTS IN ACCORDANCE WITH THE EL PASO LAND DEVELOPMENT CODE AND ENGINEERING CRITERIA MANUAL. ANY SUCH ALTERNATIVE COLLATERAL MUST BE APPROVED BY THE BOARD OF COUNTY COMMISSIONERS OR, IF PERMITTED BY THE SUBDIVISION IMPROVEMENTS AGREEMENT, BY THE DEVELOPMENT SERVICES DEPARTMENT DIRECTOR AND MEET THE POLICY AND PROCEDURE REQUIREMENTS OF EL PASO COUNTY PRIOR TO THE RELEASE BY THE COUNTY OF ANY LOTS FOR SALE, CONVEYANCE OR TRANSFER. THIS PLAT RESTRICTION MAY BE REMOVED OR RESCINDED BY THE BOARD OF COUNTY COMMISSIONERS OR, IF PERMITTED BY THE SUBDIVISION IMPROVEMENTS AGREEMENT, BY THE PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT DIRECTOR UPON EITHER APPROVAL OF AN ALTERNATIVE FORM OF COLLATERAL OR COMPLETION AND PRELIMINARY ACCEPTANCE BY THE EL PASO BOARD OF COUNTY COMMISSIONERS OF ALL IMPROVEMENT REQUIRED TO BE CONSTRUCTED AND COMPLETED WITH SAID SUBDIVISION IMPROVEMENTS AGREEMENT. THE PARTIAL RELEASE OF LOTS FOR SALE, CONVEYANCE OR TRANSFER MAY ONLY BE GRANTED IN ACCORDANCE WITH ANY PLANNED PARTIAL RELEASE OF LOTS AUTHORIZED BY THE SUBDIVISION IMPROVEMENTS AGREEMENT.

17.

A DRIVEWAY PERMIT IS REQUIRED TO BE APPLIED FOR AND APPROVED BY EL PASO COUNTY PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT PRIOR TO THE ESTABLISHMENT OF ANY DRIVEWAY. INDIVIDUAL LOT PURCHASERS ARE RESPONSIBLE FOR CONSTRUCTING DRIVEWAYS, INCLUDING DRAINAGE CULVERTS FROM ESTACADO PLACE, DEL CERRO TRAIL, EL RAICENO TRAIL, AND BENITO WELLS TRAIL PER LAND DEVELOPMENT CODE SECTION 6.3.3.C.2 AND 6.3.3.C.3. DUE TO THEIR LENGTH, SOME OF THE DRIVEWAYS WILL NEED TO BE SPECIFICALLY APPROVED BY THE FALCON FIRE PROTECTION DISTRICT.

18.

THERE SHALL BE NO DIRECT LOT ACCESS TO CURTIS ROAD.

19.

THE FOLLOWING LOTS (24, 25, 26, 33, 34, 35, 36, 37, 41 & TRACT B) HAVE BEEN FOUND TO BE IMPACTED BY GEOLOGIC HAZARDS. MITIGATION MEASURES AND A MAP OF THE HAZARD CAN BE FOUND IN THE GEOLOGIC HAZARD REPORT PREPARED BY ENTECH ENGINEERING DATED FEBRUARY 9, 2022 IN THE SADDLEHORN RANCH PRELIMINARY PLAN FILE # SF-2133 AVAILABLE AT THE EL PASO COUNTY PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT. IF ANY STRUCTURES ARE PROPOSED IN ANY HAZARD AREA, A SUBSURFACE SOILS INVESTIGATION AND AN ENGINEERED SITE PLAN WILL BE REQUIRED FOR COUNTY REVIEW.
 - ARTIFICIAL FILL: SOUTHWEST CORNER OF SITE
 - HYDROCOMPACTION: SOUTHEAST CORNER OF THE SITE
 - LOOSE OR COLLAPSIBLE SOILS: SOUTHERN PORTION OF SITE
 - FLOODPLAIN AND DRAINAGE AREAS: CENTRAL AND NORTHWESTERN PORTION OF SITE

20.

THIS SUBDIVISION IS SURROUNDED BY AGRICULTURAL LAND. PROPERTY OWNERS MAY BE IMPACTED BY SOUNDS, SMELLS AND/OR ACTIVITIES ASSOCIATED WITH ACTIVE AGRICULTURAL PRACTICES. PURSUANT TO ARTICLE 3.5, TITLE 35, C.R.S., IT IS THE DECLARED POLICY OF THE STATE OF COLORADO TO CONSERVE, PROTECT, AND ENCOURAGE THE DEVELOPMENT AND IMPROVEMENT OF ITS AGRICULTURAL LAND FOR THE PRODUCTION OF FOOD AND OTHER AGRICULTURAL PRODUCTS. COLORADO IS A "RIGHT-TO-FARM" STATE PURSUANT TO C.R.S. 35-3.5-101, ET SEQ. LANDOWNERS, RESIDENTS AND VISITORS MUST BE PREPARED TO ACCEPT THE ACTIVITIES, SIGHTS, SOUNDS, AND SMELLS OF AGRICULTURAL OPERATIONS AS A NORMAL AND NECESSARY IMPACT OF LIVING IN A COUNTY WITH A STRONG RURAL CHARACTER AND A HEALTHY AGRICULTURAL SECTOR. STATE LAW PROVIDES THAT RANCHING, FARMING, OR OTHER AGRICULTURAL ACTIVITIES AND OPERATIONS SHALL NOT BE CONSIDERED TO BE NUISANCES SO LONG AS OPERATED IN CONFORMANCE WITH THE LAW AND IN A NON-NEGLIGENT MANNER. THEREFORE, ALL MUST BE PREPARED TO ENCOUNTER NOISES, ODORS, LIGHTS, MUD, DUST, SMOKE, CHEMICALS, MACHINERY ON PUBLIC ROADS, LIVESTOCK ON PUBLIC ROADS, STORAGE AND DISPOSAL OF MANURE, AND THE APPLICATION BY SPRAYING OR OTHERWISE OF CHEMICAL FERTILIZERS, SOIL AMENDMENTS, HERBICIDES, AND PESTICIDES, AND ONE OR MORE OF WHICH MAY NATURALLY OCCUR AS A PART OF LEGAL AND NON-NEGLIGENT AGRICULTURAL OPERATIONS.
-
- GENERAL NOTES CONTINUED:
21.

MAILBOXES SHALL BE INSTALLED IN ACCORDANCE WITH ALL EL PASO COUNTY DEPARTMENT OF PUBLIC WORKS AND UNITED STATES POSTAL SERVICE REGULATIONS.

22.

THE SUBDIVIDER AGREES ON BEHALF OF HIM/HERSELF AND ANY DEVELOPER OR BUILDER SUCCESSORS AND ASSIGNEES THAT SUBDIVIDER AND/OR SAID SUCCESSORS AND ASSIGNS SHALL BE REQUIRED TO PAY TRAFFIC IMPACT FEES IN ACCORDANCE WITH THE EL PASO COUNTY ROAD IMPACT FEE PROGRAM RESOLUTION (RESOLUTION NO. 19-471), OR ANY AMENDMENTS THERETO, AT OR PRIOR TO THE TIME OF BUILDING PERMIT SUBMITTALS.

23.

THIS PROPERTY IS INCLUDED WITHIN A SPECIAL TAXING DISTRICT, SADDLEHORN RANCH METROPOLITAN DISTRICT, CREATED OF THE PURPOSE OF CONSTRUCTING AND MAINTAINING CERTAIN PUBLIC IMPROVEMENTS, DRAINAGE AND RECREATION IMPROVEMENTS. SPECIAL TAXING DISTRICTS ARE SUBJECT TO GENERAL OBLIGATION INDEBTEDNESS THAT IS PAID BY REVENUES PRODUCED FROM ANNUAL TAX LEVIES ON THE TAXABLE PROPERTY WITHIN SUCH DISTRICTS. THE BUYER SHOULD FAMILIARIZE HIMSELF / HERSELF WITH THE POTENTIALITY AND RAMIFICATIONS THEREOF.

24.

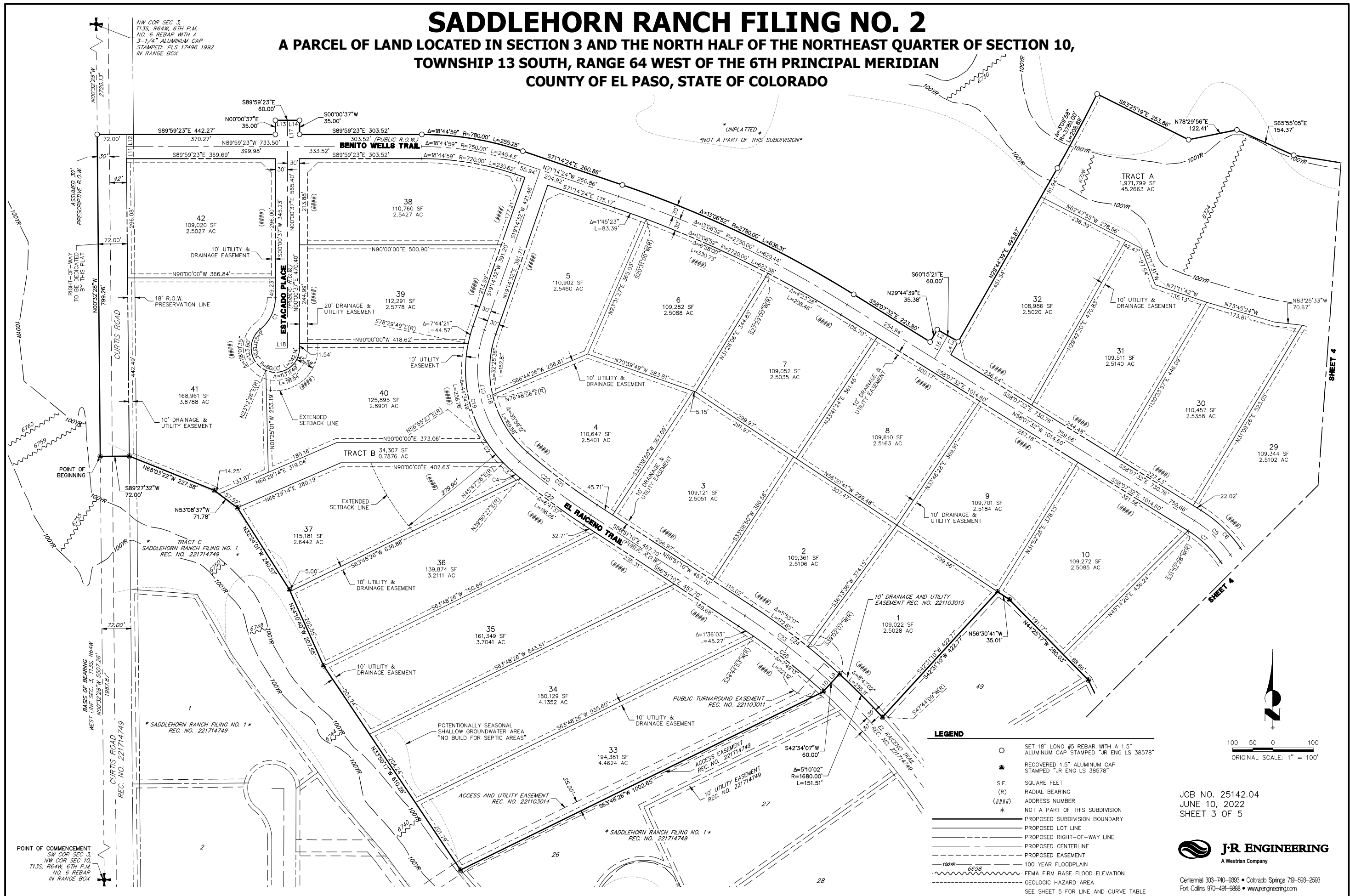
WATER IN THE DENVER BASIN AQUIFERS IS ALLOCATED BASED ON A 100 YEAR AQUIFER LIFE; HOWEVER, FOR EL PASO COUNTY PLANNING PURPOSES, WATER IN THE DENVER BASIN AQUIFERS IS EVALUATED BASED ON A 300 YEAR AQUIFER LIFE. APPLICANT AND ALL FUTURE OWNERS IN THE SUBDIVISION SHOULD BE AWARE THAT THE ECONOMIC LIFE OF A WATER SUPPLY BASED ON WELLS IN A GIVEN DENVER BASIN AQUIFER MAY BE LESS THAN EITHER THE 100 YEARS OR 300 YEARS USED FOR ALLOCATION INDICATED DUE TO ANTICIPATED WATER LEVEL DECLINES. FURTHERMORE, THE WATER SUPPLY PLAN SHOULD NOT RELY SOLELY UPON NON-RENEWABLE AQUIFERS. ALTERNATIVE RENEWABLE WATER RESOURCES SHOULD BE ACQUIRED AND INCORPORATED IN A PERMANENT WATER SUPPLY PLAN THAT PROVIDES FUTURE GENERATIONS WITH A WATER SUPPLY.

25.

THIS PROPERTY IS PRESENTLY LOCATED IN THE VICINITY OF AN AIRPORT, WITHIN WHAT IS KNOWN AS AN AIRPORT INFLUENCE AREA. FOR THIS REASON, THE PROPERTY MAY BE SUBJECT TO SOME OF THE ANNOYANCES OR INCONVENIENCES ASSOCIATED WITH PROXIMITY TO AIRPORT OPERATIONS (E.G. NOISE, VIBRATION, OR ODORS). INDIVIDUAL SENSITIVITIES TO THOSE ANNOYANCES CAN VARY FROM PERSON TO PERSON. YOU MAY WISH TO CONSIDER WHAT AIRPORT ANNOYANCES, IF ANY, ARE ASSOCIATED WITH THE PROPERTY BEFORE YOU COMPLETE YOUR PURCHASE AND DETERMINE WHETHER THEY ARE ACCEPTABLE TO YOU.
-
- OWNERSHIP & MAINTENANCE TABLE
- | TRACT | AREA (SF) | AREA (AC) | USE | OWNER | MAINTENANCE |
|-------------------------|-------------|-----------|----------------------|---|---|
| A | 1,971,799 | 45.2663 | OPEN SPACE, DRAINAGE | SADDLEHORN REANCH METROPOLITAN DISTRICT | SADDLEHORN REANCH METROPOLITAN DISTRICT |
| B | 34,307 | 0.7876 | OPEN SPACE, DRAINAGE | SADDLEHORN REANCH METROPOLITAN DISTRICT | SADDLEHORN REANCH METROPOLITAN DISTRICT |
| TOTAL TRACT AREA | 2,006,106 | 46.0539 | | | |
| TOTAL ROW AREA | 577,173 | 13.2501 | | | |
| TOTAL LOT AREA(42 LOTS) | 5,120,401 | 117.5482 | (NET AREA) | | |
| TOTAL SITE AREA | 7,703,680 | 176.8522 | (GROSS AREA) | | |
| GROSS DENSITY | 0.237 DU/AC | | DU=DWELLING UNIT | | |
| NET DENSITY | 0.357 DU/AC | | | | |
- JOB NO. 25142.04
JUNE 10, 2022
SHEET 2 OF 5
-
- Centennial 303-740-9393 • Colorado Springs 719-593-2593
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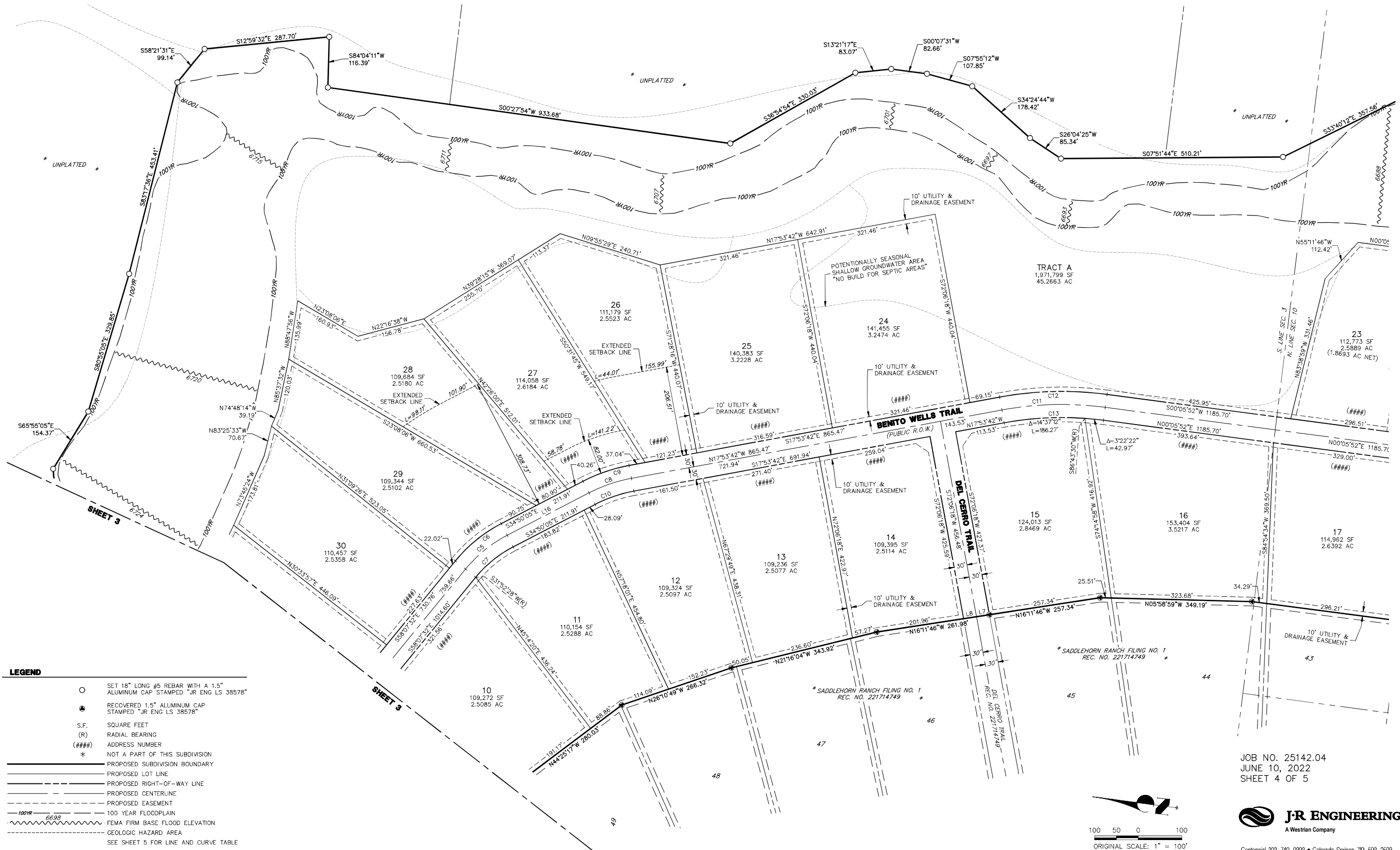
SADDLEHORN RANCH FILING NO. 2

A PARCEL OF LAND LOCATED IN SECTION 3 AND THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 10,
TOWNSHIP 13 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN
COUNTY OF EL PASO, STATE OF COLORADO



SADDLEHORN RANCH FILING NO. 2

A PARCEL OF LAND LOCATED IN SECTION 3 AND THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 10,
TOWNSHIP 13 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN
COUNTY OF EL PASO, STATE OF COLORADO



SHEET 5

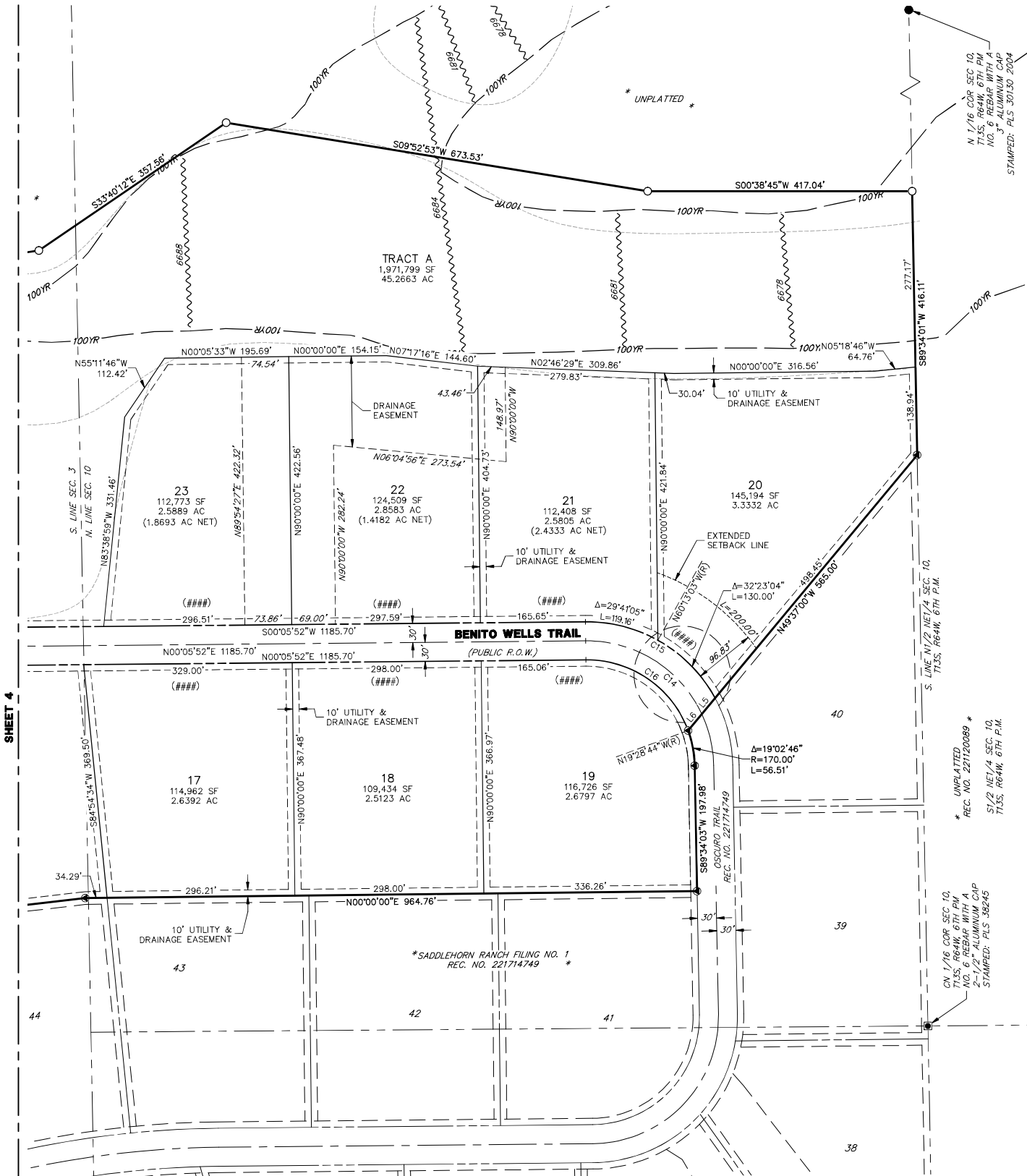
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SADDLEHORN RANCH FILING NO. 2

A PARCEL OF LAND LOCATED IN SECTION 3 AND THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 10,
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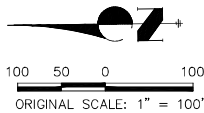
LINE TABLE		
LINE	BEARING	DISTANCE
L1	S71°14'24\"E	25.69'
L2	S60°15'21\"E	30.00'
L3	S60°15'21\"E	30.00'
L4	N29°44'39\"E	37.61'
L5	N49°37'00\"W	32.70'
L6	N49°37'00\"W	33.85'
L7	N16°11'46\"W	30.01'
L8	N16°11'46\"W	30.01'
L9	S42°34'07\"W	30.00'
L10	S42°34'07\"W	30.00'
L11	N00°32'28\"W	30.00'
L12	N00°32'28\"W	30.00'
L13	S89°59'23\"E	30.00'
L14	S89°59'23\"E	30.00'
L15	N29°44'39\"E	66.52'
L16	N34°50'05\"W	211.91'
L17	S00°00'37\"W	65.00'
L18	S89°59'23\"E	30.00'

CURVE TABLE			
CURVE	DELTA	RADIUS	LENGTH
C1	51°13'24\"	100.55'	89.89'
C2	11°07'56\"	330.00'	64.12'
C3	4°57'43\"	330.00'	28.58'
C4	0°59'17\"	1680.00'	28.97'
C5	23°17'28\"	305.00'	123.98'
C6	23°17'28\"	335.00'	136.18'
C7	23°17'28\"	275.00'	111.79'
C8	16°56'23\"	350.00'	103.48'
C9	16°56'23\"	380.00'	112.35'
C10	16°56'23\"	320.00'	94.61'
C11	17°59'34\"	760.00'	238.67'
C12	17°59'34\"	790.00'	248.09'
C13	17°59'34\"	730.00'	229.25'
C14	65°32'54\"	200.00'	228.81'
C15	62°04'09\"	230.00'	249.16'
C16	70°25'24\"	170.00'	208.95'
C17	68°24'48\"	300.00'	358.21'
C18	68°24'48\"	270.00'	322.39'
C19	68°24'48\"	330.00'	394.03'
C20	7°40'54\"	1650.00'	221.21'

CURVE TABLE			
CURVE	DELTA	RADIUS	LENGTH
C21	7°40'54\"	1620.00'	217.19'
C22	7°40'54\"	1680.00'	225.23'
C23	9°25'17\"	1650.00'	271.31'
C24	9°25'17\"	1680.00'	276.25'
C25	9°25'17\"	1620.00'	266.38'

LEGEND

- SET 18\" LONG #5 REBAR WITH A 1.5\" ALUMINUM CAP STAMPED \"JR ENG LS 38578\"
- RECOVERED 1.5\" ALUMINUM CAP STAMPED \"JR ENG LS 38578\"
- S.F. SQUARE FEET
- (R) RADIAL BEARING
- (###) ADDRESS NUMBER
- * NOT A PART OF THIS SUBDIVISION
- PROPOSED SUBDIVISION BOUNDARY
- PROPOSED LOT LINE
- PROPOSED RIGHT-OF-WAY LINE
- PROPOSED CENTERLINE
- PROPOSED EASEMENT
- 100' YEAR FLOODPLAIN
- FEMA FIRM BASE FLOOD ELEVATION
- GEOLOGIC HAZARD AREA



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Appendix B

WATER SUPPLY INFORMATION SUMMARY

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

1. NAME OF DEVELOPMENT AS PROPOSED <u>Saddlehorn Ranch, Filing No. 2</u>			
2. LAND USE ACTION <u>Final Plat</u>			
3. NAME OF EXISTING PARCEL AS RECORDED REFER TO LEGAL DESCRIPTION ASSOCIATED WITH EL PASO COUNTY PARCEL #: 4300000629			
SUBDIVISION <u>See Above</u>	FILING <u>2</u>	BLOCK <u>N/A</u>	Lot <u>N/A</u>
4. TOTAL ACERAGE <u>176.85</u>	5. NUMBER OF LOTS PROPOSED <u>42</u>	PLAT MAPS ENCLOSED <input checked="" type="checkbox"/> YES	
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? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
B. Has the parcel ever been part of a division of land action since June 1, 1972? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
If yes, describe the previous action			
7. LOCATION OF PARCEL - Include a map delineating the project area and tie to a section corner. (In submittal)			
<u>PORTIONS</u> OF SECTIONS <u>3.10</u> TOWNSHIP <u>13</u> <input type="checkbox"/> N <input checked="" type="checkbox"/> S RANGE <u>64</u> <input type="checkbox"/> E <input checked="" type="checkbox"/> W			
PRINCIPAL MERIDIAN: <input checked="" type="checkbox"/> 6TH <input type="checkbox"/> N.M. <input type="checkbox"/> UTE <input type="checkbox"/> COSTILLA			
8. PLAT - Location of all wells on property must be plotted and permit numbers provided.			
Surveyors plat <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO If not, scaled hand -drawn sketch <input type="checkbox"/> YES <input type="checkbox"/> NO <u>N/A</u>			
9. ESTIMATED WATER REQUIREMENTS - Gallons per Day or Acre Foot per Year *		10. WATER SUPPLY SOURCE	
HOUSEHOLD USE # * <u>42</u> of units <u>25,122</u> GPD <u>28.140</u> AF COMMERCIAL USE # _____ SF _____ GPD _____ AF IRRIGATION # ** _____ Acres _____ GPD _____ AF STOCK WATERING # ** _____ of head _____ GPD _____ AF OTHER _____ GPD _____ AF TOTAL _____ <u>25,122</u> GPD * <u>28.140</u> AF *		<input checked="" type="checkbox"/> EXISTING <input type="checkbox"/> DEVELOPED <input type="checkbox"/> NEW WELLS WELLS SPRING WELL PERMIT NUMBERS <u>66938-F (Existing LFH)</u> <u>66937-F (Existing Arapahoe)</u> _____ _____ <input type="checkbox"/> MUNICIPAL <input type="checkbox"/> ASSOCIATION <input type="checkbox"/> COMPANY <input checked="" type="checkbox"/> DISTRICT NAME <u>Saddlehorn Ranch</u> <u>Metropolitan District</u> LETTER OF COMMITMENT FOR SERVICE <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
* Based on 0.67 Acre-Foot/Unit/Year ** Irrigation & livestock watering included in household use for residential lots		<input type="checkbox"/> Alluvial <input type="checkbox"/> Upper Arapahoe <input type="checkbox"/> Upper Dawson <input type="checkbox"/> Lower Arapahoe <input type="checkbox"/> Lower Dawson <input type="checkbox"/> Laramie Fox Hills <input type="checkbox"/> Denver <input type="checkbox"/> Dakota <input type="checkbox"/> Other	
		WATER COURT DECREE CASE NUMBERS <u>Determinations</u> <u>457-BD</u> <u>458-BD</u>	
11. ENGINEER'S WATER SUPPLY REPORT <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO If yes, please forward with this form. (This may be required before our review is completed)			
12. TYPE OF SEWAGE DISPOSAL SYSTEM <u>Individual On-site Wastewater Treatment Systems</u>			
<input checked="" type="checkbox"/> SEPTIC TANK/LEACH FIELD		<input type="checkbox"/> CENTRAL SYSTEM - DISTRICT NAME:	
<input type="checkbox"/> LAGOON		<input type="checkbox"/> VAULT - LOCATION SEWAGE HAULED TO:	
<input type="checkbox"/> ENGINEERED SYSTEM (Attach a copy of engineering design)		<input type="checkbox"/> OTHER:	

Appendix C

Porzak Browning & Bushong ^{LLP}

A t t o r n e y s • a t • L a w

2120 13th Street, Boulder, CO 80302

Glenn E. Porzak
Steven J. Bushong
Kristin H. Moseley
Kevin J. Kinnear
Karen L. Henderson

Corina A. Hach
Cassidy L. Woodard

June 27, 2018

Michael F. Browning
Of Counsel

303 443-6800 Tel.
303 443-6864 Fax.
www.pbblaw.com

Rob Fuller, CEO
ROI Property Group, LLC
Via Email: rob@roipropertygroup.com

Re: Water Rights/623.61 Acres in El Paso County, Colorado

Dear Mr. Fuller:

This letter will summarize the status of the water rights associated with approximately 624 acres of land located in El Paso County, Colorado (the "Land") currently owned by Andre Brandt, Roger Barrack, and Scott Smith ("Sellers") which you are interested in purchasing.

The Land and a great deal of other property in the area are located within the Upper Black Squirrel Designated Ground Water Basin (the "Designated Basin"). Designated Basins are areas, primarily in eastern Colorado, where there are few surface streams and the primary water supply is from wells. In the Designated Basin, the ground water consists primarily of shallow groundwater in the alluvium of Black Squirrel Creek and other small streams, and deeper groundwater in what are called the Denver Basin Aquifers. The Denver Basin Aquifers are water bearing formations that lie, like stacked plates, under the area and normally consist, from shallowest to deepest, of the Dawson, Denver, Arapahoe, and Laramie-Fox Hills formations.

The Denver Basin formations consist of sand and gravel formations laid down over geologic time into which water has seeped from various surface outcrop areas. This water is essentially non-renewable – once withdrawn it will not be replenished except over a geologic time scale. Most of the water in the Denver Basin aquifers is non-tributary (NT), meaning it has no significant hydrologic connection to any surface stream or alluvium. In some areas, however, the uppermost formation is somewhat connected to the surface alluvium. Such water is classified as "not non-tributary" (NNT). The Denver Basin roughly extends from Greeley on the north to Colorado Springs on the south, and from the Front Range foothills on the west to Limon on the east, but in some areas the upper formation(s) have been eroded away. Only the Denver, Arapahoe and Laramie-Fox Hills formations exist under the Land. The Denver formation under the Land is deemed to be NNT, while both the Arapahoe and Laramie-Fox Hills formations are NT.

The water in the Denver Basin formations is owned by the State, but has been allocated by statute to the overlying surface owner. By statute, no more than 1% of the water underlying a given parcel can, on average, be withdrawn in any given year. State policy was and is to try to make the resource last for at least one hundred years.

The Land was part of a larger 6,995 acre parcel owned in the early 2000's by the Norris C. Family Trust ("Norris"). To vest their rights to the Denver Basin water underlying their property, Norris applied for and was issued in 2004 Determinations by the Office of the State Engineer, Designated Basins Branch, setting forth the amount of Denver Basin water to which Norris was entitled. Copies of the 2004 Determinations are attached to this letter. The amount of water determined to be available were as follows -- all in acre feet (af). (One acre foot equals 325,851 gallons.)

2004 DETERMINATIONS

<u>Aquifer</u>	<u>Determination No.</u>	<u>Total Entitlement</u>	<u>Average Annual</u>
Denver	459-BD	236,481 af	2,364 af
Arapahoe	458-BD	271,953 af	2,719 af
Laramie-Fox	457-BD	234,742 af	2,347 af

The Land consists of only 8.966% of the total land included in the Determinations. Based on a pro rata allocation by acreage of the amounts found in the 2004 Determinations, the Seller's would own the following amounts of water:

AMOUNTS AVAILABLE TO LAND OVER 100 YEARS

<u>Aquifer</u>	<u>Total Entitlement</u>	<u>Average Annual</u>	<u>Per Acre Per Year</u>
Denver	21,203 af	212.03 af	0.3398 af
Arapahoe	24,383 af	243.83 af	0.3908 af
Laramie-Fox	<u>21,047 af</u>	<u>210.47 af</u>	<u>0.3373 af</u>
TOTAL	66,633 af	666.33 af	1.0678 af

As noted above, in the vicinity of the Land, the Denver formation is considered NNT. As a result, a portion of the water withdraw from wells completed into the Denver formation must be put back into the alluvial aquifer to offset the small reductions that such withdrawals cause in the overlying alluvial aquifer. As a result, before well permits will be issued by the State Engineer for Denver aquifer wells, a replacement plan must be approved by the Office of the State Engineer. For this purpose, the Denver formation in the vicinity of the Land is divided into Area A and Area B. A map showing the portion of the Land in each area is attached hereto. Area A is the portion of the Land that is located more than one mile from the aquifer's point of contact with the alluvium. Area A is the portion of the Land that is located one mile or less from the aquifer's point of contact with the alluvium. By state statute, the replacement plan for Denver Area A must provide for the return of at least four percent (4%) of the water withdrawn to the alluvial aquifer, and the replacement plan for Denver Area B must provide for the return of the

actual depletions caused by well in Denver Area B. The State has a computer program to determine such actual depletions.

I would expect that the water supply for development of the Land would be provided by wells drilled into the Denver formation. The Denver formation is the shallowest formation, which reduces well drilling and pumping costs, and its water quality is normally good, requiring no more than chlorine treatment at the wellhead. Accordingly, you will need to file for and obtain State Engineer approval of a replacement plan for these wells. The amount of replacement water needed can normally be provided simply by dedicating the return flows from the septic/leach fields that would be developed on each lot. We recommend that you engage a qualified water engineer to prepare such replacement plan application and calculate the amounts of replacement water required.

You should be aware that although the State Engineer allows 1% of the water from Denver Basin formations to be withdrawn each year, which results in a planned 100 year water supply, El Paso County requires that any new subdivision show that it has a 300 year water supply available (the "300 Year Rule"). The 300 Year Rule was adopted pursuant to the County's land use regulatory authority, on the grounds that homes should have at least a 300 year supply of water.

Accordingly, the amounts per acre available to the Land shown in the table above, must be stretched out over 300 years to comply with the County's 300 Year Rule. Those amounts are shown below:

AMOUNTS AVAILABLE TO LAND UNDER 300 YEAR RULE

<u>Aquifer</u>	<u>Average Annual</u>	<u>Per Acre Per Year</u>	<u>Per Five Acre Lot</u>
Denver	70.677 af	0.1133 af	0.5663 af
Arapahoe	81.277 af	0.1303 af	0.6512 af
Laramie-Fox	<u>70.157 af</u>	<u>0.1124 af</u>	<u>0.5621 af</u>
TOTAL	22,211 af	0.3557 af	1.7796 af

Typical in-house water use for a family of 3.5 is approximately 0.4 acre feet year. As shown above, five acre lots would have sufficient water from the Denver aquifer to satisfy the County's 300 Year Rule. If additional outside irrigation water were desired, additional wells into the Arapahoe formation might be required. We recommend that you engage a qualified water engineer to confirm our calculations and assumed water requirements.

One complication is that the head of the State Engineer's Designated Water Ranch, Keith Vanderhorst, has orally confirmed to us that there was a math error in the 2004 Determination with respect to Denver Area B. That Determination found that the saturated thickness of Denver Area A under the Land was 200 feet, and that the saturated thickness of Denver Area B under the Land was 230 feet – 15% more. However, in calculating the amount of Denver Area B water to which Norris was entitled, the State Engineer's staff incorrectly used the lower saturated thickness of Denver Area A, thus understating the Land's entitlement from Denver Area B by 15%. If you purchase the Land, we recommend that you engage us to attempt to have the State

Engineer's Office correct this error. If corrected, the Land's total entitlement from the Denver aquifer would increase from 21,203 acre feet to 23,086 acre feet.

As we have discussed, the Sellers' title to the Denver Basin water underlying the Land was deemed by us not to be marketable when we reviewed this matter for a prior interested party. The larger 6,995 acre parcel had undergone several foreclosure actions since 2004 and was split into smaller parcels. The various deeds and decrees involved did not properly transfer title the Denver Basin water associated with the Land. As a result, the Sellers filed a quiet title action in the District Court in and for El Paso County as Civil Action 2018CV30037 (the "Quiet Title Action"). The Sellers' attorney reports that he will soon be filing an uncontested decree to quiet title to the amounts of water set forth above, which also allows for an adjustment upwards for Denver Area B if the State Engineer corrects the saturated thickness error discussed above. This would successfully resolve any title issues.

If you have any questions, please let me know. I would also be happy to assist you in preparing appropriate language concerning the above water rights in the Purchase and Sale Agreement if you proceed, as well as assisting you in preparing the closing documents, and contracts and deeds to your ultimate homebuyers, to properly describe and transfer the water rights.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Mike", is written over the typed name "Michael F. Browning".

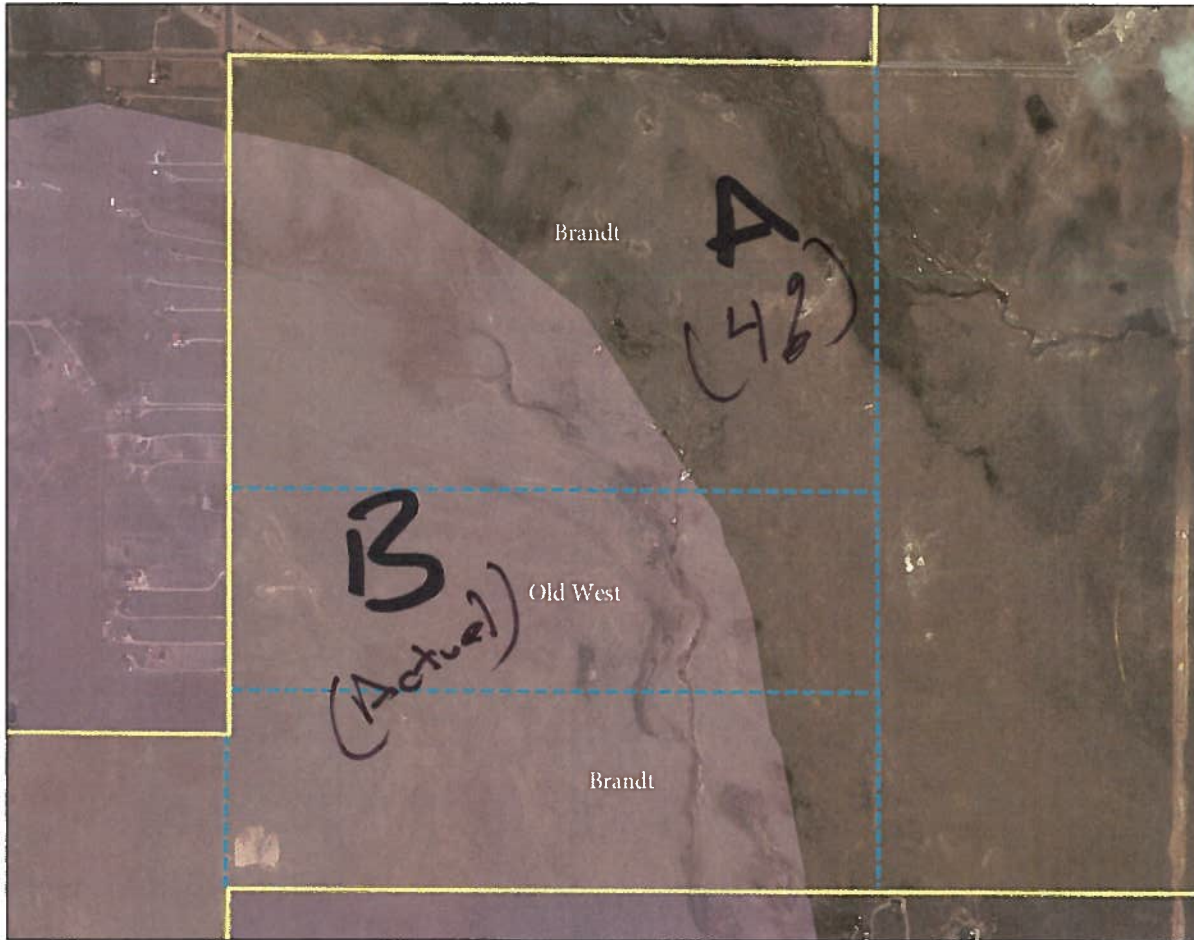
cc: Sandra Lehman



CDSS

Colorado's Decision Support Systems

Actual Replacement Brandt



Legend

-  NNT Actual Impact Area
-  County

Location

Notes

2,339 0 1,169 2,339 Feet

1: 14,032



This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

Date Prepared: 3/29/2018 12:07:38 PM

WATER RIGHTS DEED

This Water Rights Deed, dated this ____ day of August, 2018, is from ANDRE BRANDT, ROGER BARRACK and SCOTT SMITH, individuals ("Grantors") to ROI PROPERTY GROUP, LLC, a California limited liability company ("Grantee") whose mailing address is 6 Dickerson Lane Napa, CA 94558.

For Ten Dollars and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantors hereby sell, assign and convey to Grantee, and its successors and assigns forever, all of the following located in El Paso County, Colorado:

A. Water Rights. All of the following water and water rights, title to which was quieted in Grantors pursuant to the Order and Findings of Fact, Conclusions of Law, Order Quietening Title, Judgment and Decree entered in Case No. 2018CV30037 by the District Court in and for El Paso County, Colorado on July 2, 2018, which document was recorded in the real property records of El Paso County, Colorado on August 9, 2018 at Reception No. 218092294, to wit:

(i) 21,047 acre-feet of water in the Laramie-Fox Hills Aquifer (210.47 acre-feet per year over 100 years) from the total of 234,742 acre-feet from the Colorado Ground Water Commission's Findings and Order for Determination of Water Rights No. 457-BD dated March 3, 2004 and recorded in the real property records of El Paso County, Colorado at Reception No. 204053003;

(ii) 24,383 acre-feet of water in the Arapahoe Aquifer (243.83 acre-feet per year over 100 years) from the total of 271,953 acre-feet from the Colorado Ground Water Commission's Findings and Order for Determination of Water Rights No. 458-BD dated March 3, 2004 and recorded in the real property records of El Paso County, Colorado at Reception No. 204053004;

(iii) 21,203 acre-feet of water in the Denver Aquifer (212.03 acre-feet per year over 100 years) from the total of 236,481 acre-feet from the Colorado Ground Water Commission's Findings and Order for Determination of Water Rights No. 459-D dated March 3, 2004 and recorded in the real property records of El Paso County, Colorado at Reception No. 204053005; provided, however, that the 21,203 acre-feet of Denver water includes both Denver Aquifer Area A and Denver Aquifer Area B water as defined by the 459-BD Determination, and such 21,203 acre-feet shall be allocated between Denver Aquifer Area A and Denver Aquifer Area B based on the proportional amount of Denver Aquifer Area A and Denver Aquifer Area B underlying the property describe on Exhibit A attached hereto; and further provided that, if the Colorado Ground Water Commission amends the 459-BD Determination to correct an error in the original calculation of the water available in Denver Aquifer Area B, by issuing an amended Determination reflecting the correct saturated thickness of 230 feet for Area B resulting in a total of amount of water in the Denver Area B of 161,026 acre-feet, then the amount of water

conveyed hereby from the Denver Aquifer shall be commensurately increased not to exceed 23,086 acre feet.

B. Wells. All wells located on the property described on Exhibit A attached hereto, along with any and all wells permits, well casing, pumps, meters and any other equipment associated therewith, including but not limited to Well Permit Nos. 66938-F and 66937-F.

Grantors warrant title to the above.

Executed as of the date first set forth above.

[INDIVIDUAL SIGNATURE PAGES FOLLOW]

Roger Barrack
Roger Barrack

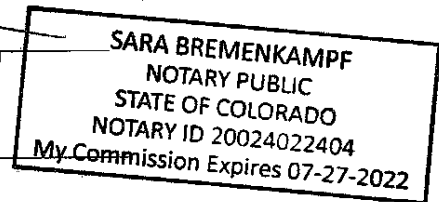
STATE OF COLORADO)
) ss.
COUNTY OF EL PASO)

The foregoing instrument was acknowledged before me this 20th day of August, 2018 by Roger Barrack.

Witness my hand and official seal.

[Signature]
Notary Public

My commission expires: _____



Andre Brandt by Roger Barrack as attorney in fact
Andre Brandt by Roger Barrack as Attorney in Fact

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

The foregoing instrument was acknowledged before me this 30th day of August, 2018 by Roger Barrack as Attorney in Fact for Andre Brandt.

Witness my hand and official seal.


Notary Public

SARA BREMENKAMPF
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20024022404
My Commission Expires 07-27-2022

My commission expires: _____




Scott Smith

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

The foregoing instrument was acknowledged before me this 30th day of August, 2018 by
Scott Smith.

Witness my hand and official seal.



Notary Public

SARA BREMENKAMPF NOTARY PUBLIC STATE OF COLORADO NOTARY ID 20024022404 My Commission Expires 07-27-2022
--

13Ca)

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



Bill Owens
Governor

Greg E. Walcott
Executive Director

Hal D. Simpson, P.E.
State Engineer

March 8, 2004

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

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

RE: Determination of Water Right

Dear Mr. Norris:

Enclosed is a copy of the Colorado Ground Water Commission's Findings and Order for Determination of Water Right No. **458-BD**, for the allocation of ground water in the **Arapahoe** aquifer. This Findings and Order are the Commission's approval of your application for determination of rights to ground water in the above stated aquifer. This document contains important information about your water right and should be reviewed and retained for your records.

As indicated in the Order, a copy of this determination must be recorded by the applicant in the public records of the county – in which the overlying land is located – so that a title examination of the overlying land claimed in the application, or any part thereof, shall reveal this determination. An additional copy of the Findings and Order is enclosed for this purpose.

If you have any questions, please contact this office.

Sincerely,

Richard Cooper
Physical Science Researcher Scientist
Designated Basins Branch

Enclosure: a/s

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

Robert C. Balink El Paso Cty, CO
04/02/2004 12:31

Doc \$0.00 Page
Fee \$125.00 1 of 25

204053004



**COLORADO GROUND WATER COMMISSION
FINDINGS AND ORDER**

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

APPLICANT: ROBERT C. NORRIS FAMILY TRUST

AQUIFER: ARAPAHOE

DETERMINATION NO.: 458-BD

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

FINDINGS

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

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

b. The six noncontiguous tracts are the result of county roads physically separating the overlying land area into six separate areas. This finding by Staff was based on previous claims by El Paso County that the right-of-way for all such county roads is considered to be the property of the county and not, simply, an easement subject to claims of ownership by surrounding property owners.
7. On July 24, 2003, in accordance with Rule 9.1 of the Designated Basin Rules, a letter was sent to the Upper Black Squirrel Creek Ground Water Management District requesting written recommendations concerning this application. No written recommendations from the district were received.
8. The Commission Staff has evaluated the application relying on the claims to control of the ground water in the aquifer made by the applicant.
9. In accordance with Sections 37-90-107(7) and 37-90-112, C.R.S., the application was published in The Gazette newspaper on August 7 & 14, 2003.
10. a. On September 15, 2003, an objection to the application was received from the applicant and assigned Case No. 03-GW-16. The applicant specifically objected to the Commission Staff's finding that the overlying land area consisted of six noncontiguous tracts and claimed that, in fact, the overlying land area consisted of one contiguous parcel. No other objection to the proposed determination of water right was received within the time limit set by statute.

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

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

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

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

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

11. The quantity of water in the aquifer underlying the 6955.31 acres of land claimed by the applicant is 271,953 acre-feet. This determination was based on the following as specified in the Designated Basin Rules:

a. The average specific yield of the saturated permeable material of the aquifer underlying the land under consideration that could yield a sufficient quantity of water that may be extracted and applied to beneficial use is 17 percent.

b. The average thickness of the saturated permeable material of the aquifer underlying the land under consideration that could yield a sufficient quantity of water that may be extracted and applied to beneficial use is 230 feet.

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

13. Pursuant to Section 37-90-107(7), C.R.S., and in accordance with the Designated Basin Rules, the Commission shall allocate ground water in the aquifer based on ownership of the overlying land and an aquifer life of one hundred years. Therefore, the maximum average annual amount of ground water in the aquifer that may be allocated for withdrawal pursuant to the data in the paragraphs above for the 6955.31 acres of overlying land claimed by the applicant is 2,720 acre-feet.

14. The ability of wells permitted to withdraw the authorized amount of water from this non-renewable aquifer may be less than the one hundred years upon which the amount of water in the aquifer is allocated, due to anticipated water level declines.

15. In accordance with Rule 5.3.6 of the Designated Basin Rules, it has been determined that withdrawal of ground water from the aquifer underlying the 6955.31 acres of land claimed by the applicant will not, within one hundred years, deplete the flow of a natural stream or its

alluvial aquifer at an annual rate greater than one-tenth of one percent of the annual rate of withdrawal and, therefore, the ground water is nontributary ground water as defined in Rule 4.2.19 of the Designated Basin Rules. No more than 98% of the amount of ground water withdrawn annually shall be consumed, as required by the Designated Basin Rules.

16. A review of the records in the Office of the State Engineer has disclosed that none of the water in the aquifer underlying the land claimed by the applicant has been previously allocated or permitted for withdrawal.
17. Pursuant to Section 37-90-107(7)(c)(III), C.R.S., an approved determination of water right shall be considered a final determination of the amount of ground water so determined; except that the Commission shall retain jurisdiction for subsequent adjustment of such amount to conform to the actual local aquifer characteristics from adequate information obtained from well drilling or test holes.
18. In accordance with Section 37-90-107(7), C.R.S., upon Commission approval of a determination of water right, well permits for wells to withdraw the authorized amount of water from the aquifer shall be available upon application, subject to the conditions of this determination and the Designated Basin Rules and subject to approval by the Commission.
19. In order to prevent unreasonable impairment to the existing water rights of others within the Upper Black Squirrel Creek Designated Ground Water Basin it is necessary to impose conditions on the determination of water right and proposed allocation of ground water. Under conditions as stated in the following Order, no unreasonable impairment of existing water rights will occur from approval of this determination of water right or from the issuance of well permits for wells to withdraw the authorized amount of allocated ground water from the aquifer.

ORDER

In accordance with Section 37-90-107(7), C.R.S., and the Designated Basin Rules, the Colorado Ground Water Commission orders that the application for determination of rights to designated ground water in the Arapahoe Aquifer underlying 6955.31 acres of land, generally described as the SE1/4 of the NE1/4 and the E1/2 of the SE1/4 of Section 31 and the E1/2 of the NE1/4, the SW1/4 of the NE1/4, the S1/2 of the NW1/4, the SW1/4, and the W1/2 of the SE1/4 of Section 32, all in Township 12 South, Range 63 West of the 6th Principal Meridian; the E1/2, the E1/2 of the W1/2, and the SW1/4 of the SW1/4 of Section 35 and the SW1/4 of Section 36, all in Township 12 South, Range 64 West of the 6th Principal Meridian; land in the N1/2 and in the N1/2 of the S1/2 of Section 4, all of Section 5 excluding the NW1/4 of the NW1/4, all of Section 6 excluding the south 1460 feet of the east 1044 feet of the SE1/4, and all of Section 7 excluding the E1/2 of the SE1/4, and the N1/2 of Section 8, all in Township 13 South, Range 63 West of the 6th Principal Meridian; all of Sections 1, 2 and 3, the E1/2 and the SW1/4 of Section 9, the N1/2 of the N1/2 of Section 10, the N1/2 of the N1/2 of Section 11, and the E1/2, the E1/3 of the W1/2, and the W2/3 of the N1/2 of the NW1/4 of Section 12, all in Township 13 South, Range 64 West of the 6th Principal Meridian, is approved subject to the following conditions:

20. The allocated average annual amount of ground water to be withdrawn from the aquifer shall not exceed 2,720 acre-feet. The allowed maximum annual amount of withdrawal may exceed the allowed average annual amount of withdrawal as long as the total volume of water withdrawn does not exceed the product of the number of years since the date of approval of this determination times the allowed average annual amount of withdrawal.

21. To conform to actual aquifer characteristics, the Commission may adjust the allocated average annual amount of ground water to be withdrawn from the aquifer based on analysis of geophysical logs or other site-specific data if such analysis indicates that the initial estimate of the volume of water in the aquifer was incorrect.
22. No more than 98% of the ground water withdrawn annually shall be consumed. The Commission may require well owners to demonstrate periodically that no more than 98% of the water withdrawn is being consumed.
23. The use of ground water from this allocation shall be limited to the following uses: domestic, irrigation, commercial, industrial, recreation and livestock watering. The place of use shall be limited to the above described 6955.31 acre overlying land area.
24. The applicant, or subsequent persons controlling this water right, shall record in the public records of the county - in which the claimed overlying land is located - notice of transfer of any portion of this water right to another within sixty days after the transfer, so that a title examination of the above described 6955.31 acre land area, or any part thereof, shall reveal the changes affecting this water right. Such notice shall consist of a signed and dated deed which indicates the determination number, the aquifer, a description of the above described land area, the annual amount of ground water (acre-feet) transferred, name of the recipient, and the date of transfer.
25. Subject to the above conditions, well permits for wells to withdraw the authorized annual amount of water from the aquifer shall be available upon application subject to approval by the Commission and the following conditions:
 - a. The wells shall be located on the above described 6955.31 acre overlying land area.
 - b. The wells must be constructed to withdraw water from only the Arapahoe Aquifer. Upon application for a well permit to construct such a well, the estimated top and base of the aquifer at the proposed well location will be determined by the Commission and indicated on the approved well permit. Plain non-perforated casing must be installed, grouted and sealed to prevent diversion of ground water from other aquifers and the movement of ground water between aquifers.
 - c. The entire depth of each well must be geophysically logged prior to installing the casing as set forth in Rule 9 of the Statewide Nontributary Ground Water Rules, 2 CCR 402-7.
 - d. Each well shall be constructed within 200 feet of the location specified on the approved well permit, but must be more than 600 feet from any existing large-capacity well completed in the same aquifer.
 - e. The wells may withdraw the allowed average annual amount of water from the aquifer together in any combination. The total combined annual withdrawal of the wells shall not exceed the allowed average annual amount described in this Order.
 - f. A totalizing flow meter or other Commission approved measuring device shall be installed on each well and maintained in good working order by the well owner. Annual diversion records shall be collected and maintained by the well owner and submitted to the Commission or the Upper Black Squirrel Creek Ground Water Management District upon their request.

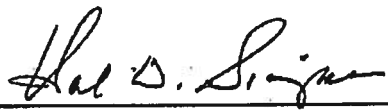
Applicant: Robert C. Norris Family Trust
Aquifer: Arapahoe
Determination No.: 458-BD

Page 6

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

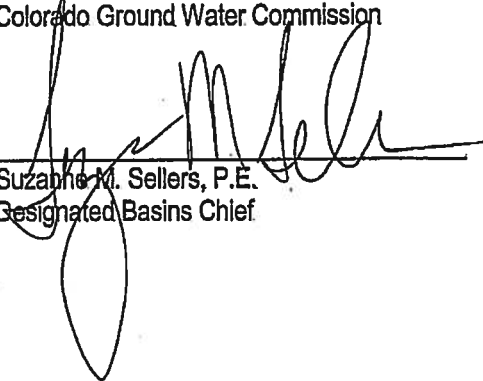
26. A copy of this Findings and Order shall be recorded by the applicant in the public records of the county – in which the claimed overlying land is located - so that a title examination of the above described 6955.31 acre overlying land area, or any part thereof, shall reveal the existence of this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

Dated this 3rd day of March, 2004.



Hal D. Simpson
Executive Director
Colorado Ground Water Commission

By:



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

Prepared by: EBT & RAC

FIND-442

GWS 1
06/09/00

EXHIBIT A

Page 1 of 16

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

RECEIVED
MAY 06 2003
WATER RESOURCES
STATE ENGINEER
COLO.

NONTRIBUTARY GROUND WATER LANDOWNERSHIP STATEMENT

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

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

(Insert the property legal description)

See attached legal description

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

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

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

.....
INSTRUCTIONS:

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

EXHIBIT A

Page 2 of 16

Our Order No. SC146856-4

RECEIVED

MAY 06 2003

WATER RESOURCES
STATE ENGINEER
COLO.

LEGAL DESCRIPTION

PARCEL A:

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

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

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

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

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

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

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

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

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

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

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

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

EXHIBIT A

Page 3 of 16

Our Order No. SC146856-4

LEGAL DESCRIPTION

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

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

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

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

Parcel B deleted

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WATER RESOURCES
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COLO.

El Paso County Parcel Information

MAY 06 2003

WATER RESOURCES
STATE ENGINEER

File Name: PRE-02-141

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

Parcel Address: 0 MURR RD

Parcel Owner: NORRIS ROBERT C & JANE W TRUSTEES

Parcel Owner2: NORRIS ROBERT C FAMILY TRUST

Parcel Owner3: C/O T-CROSS RANCHES

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

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

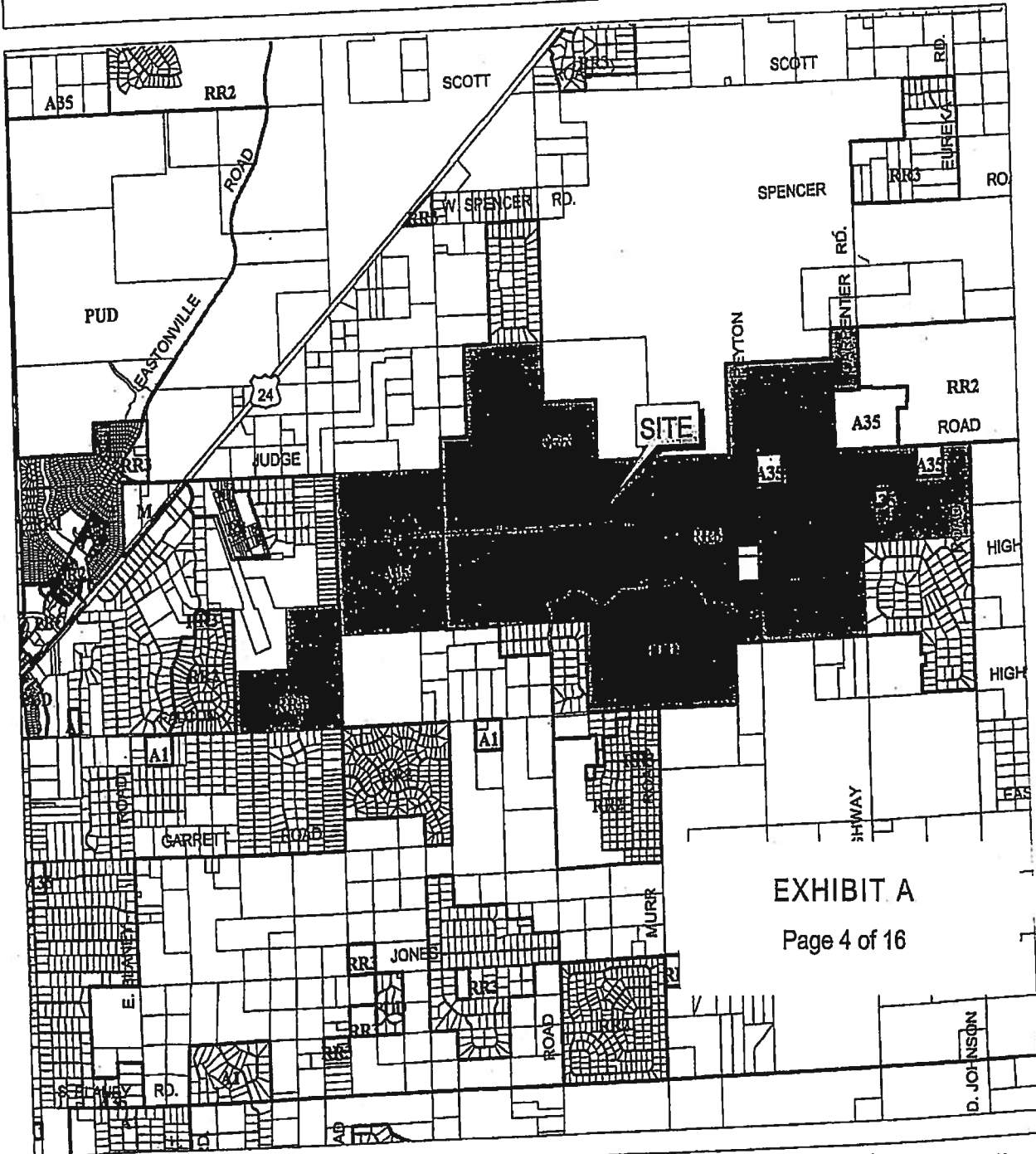


EXHIBIT A

Page 4 of 16



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

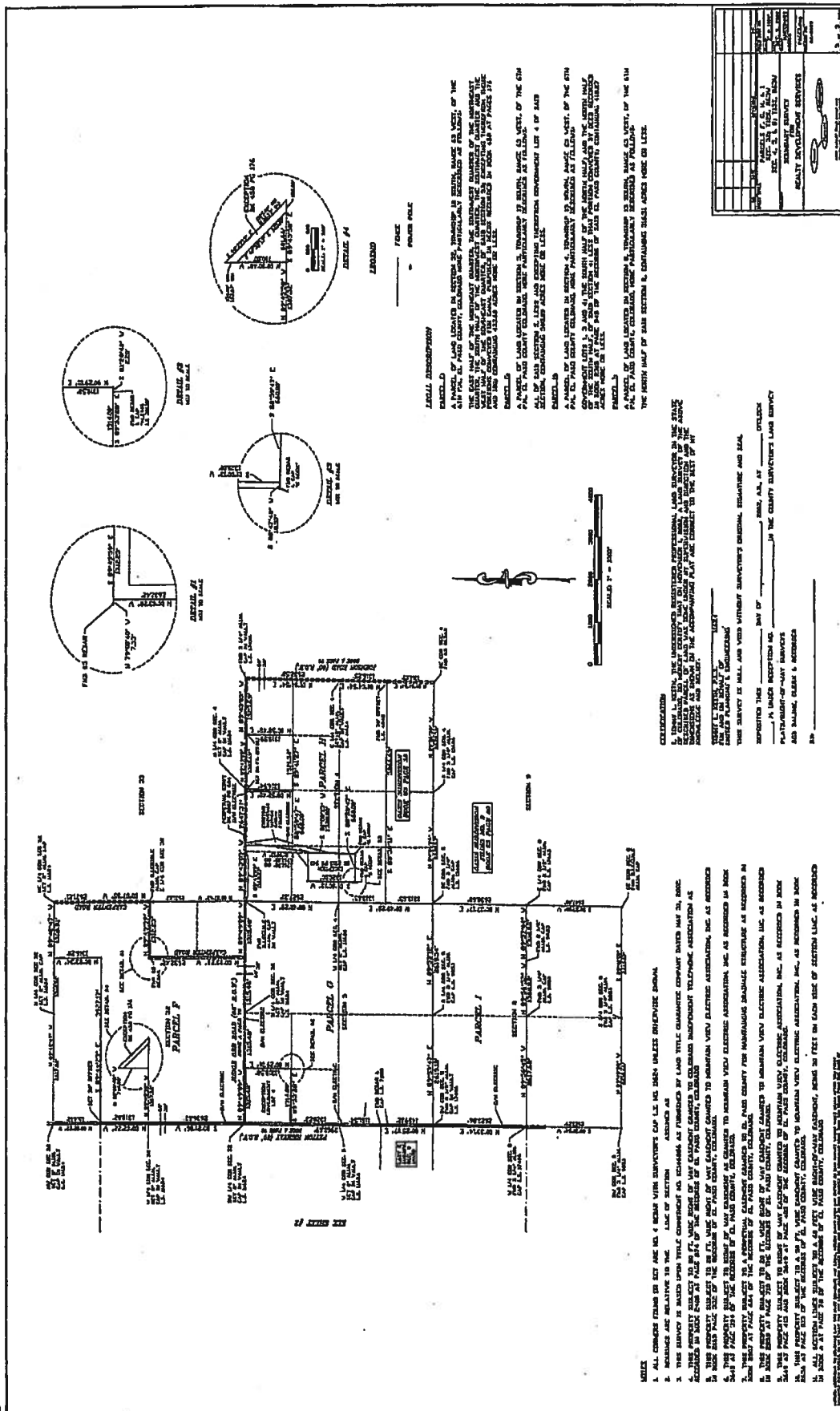
COPYRIGHT 2002 by the Board of County Commissioners, El Paso County, Colorado. All rights reserved. No part of this document or data contained herein may be reproduced; used to prepare derivative products; or distributed without the specific written approval of the Board of County Commissioners, El Paso County, Colorado. This document was prepared from the best data available at the time of plotting and is for internal use only. El Paso County, Colorado, makes no claim as to the completeness or accuracy of the data contained hereon.

May 6, 2002



STABLE ELDERBERRY
COLO.

Page 7 of 16



OCT 23 1969

BOOK 2315 PAGE 945

Folio for record the
694900

HARRIET BEALS

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

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

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

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

STATE OF COLORADO

OCT 23 1969

\$ 20.00

EXHIBIT A

Page 8 of 16

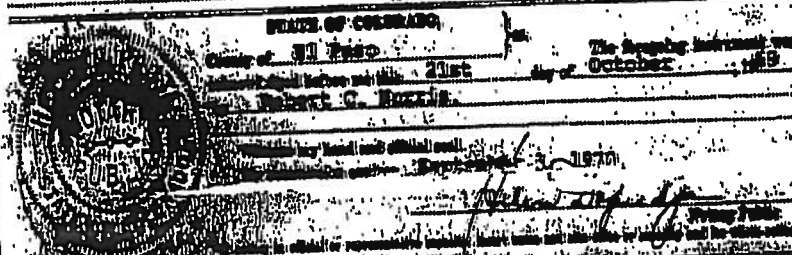
Together with all and singular the hereditaments and appurtenances thereto belonging, or in anywise apper-
taining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the
estate, right, title, interest, claim and demand whatsoever of the said party of the first part, either in law or
equity, or in and to the above bargained premises, with the hereditaments and appurtenances.
To Have and to Hold the said premises above bargained and described, with the appurtenances, unto the said
parties of the second part, the survivor of them, their assigns and the heirs and assigns of such survivor forever.
And the said party of the first part, for him self, his heirs, executors, and administrators, does
covenant, grant, bargain and agree to and with the said parties of the second part, the survivor of them, their assigns
and the heirs and assigns of such survivor, that at the time of the executing and delivery of these presents, the said
well raised of the premises above conveyed, as of good, sure, perfect, absolute and indefeasible estate of inheritance,
in law, in fee simple, and his a good right, full power and lawful authority to grant, bargain, sell and convey
the same in manner and form aforesaid, and that the same are free and clear from all former and other grants,
bargains, sales, liens, taxes, assessments and incumbrances of whatever kind or naturesoever.

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

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

Signed, Sealed and Delivered in the Presence of

ROBERT C. MORRIS



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COLO.

127'

EXHIBIT A

Page 9 of 16

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STATE ENGINEER
COLO.

LEGAL DESCRIPTION

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

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

EXHIBIT A

Page 10 of 16

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MAY 06 2003

WATER RESOURCES
STATE ENGINEER
COLO.

LEGAL DESCRIPTION

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

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

EXHIBIT A

Page 11 of 16

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WALTER H. HARRIS
STATE ENGINEER
COLO.

LEGAL DESCRIPTION

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

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

South 69° 47' West, 90.8 feet to a point; thence
 South 89° 22' West, 211.9 feet to a point; thence
 North 88° 51' West, 54.7 feet to a point; thence
 South 76° 51' West, 40.0 feet to a point on the west line of the East

half (E $\frac{1}{2}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section Thirty-three (33), Township and Range
 aforesaid.

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

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

Daniel Strobel.

EXHIBIT A

Page 12 of 16

State of Colorado)
 ss.
 County of El Paso)

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

Witness my hand and official seal.

My commission expires

Notary Public.

Book 458

No. 264740

QUIT CLAIM DEED.

Quit Claim Deed

Charles F. Grotz, et al

to

John G. Morgan

Filed for Record 11:55 A.M. (JOHN G. MORGAN, of the City and County of Denver and State
 March 20, 1919. ") of Colorado, of the second part;

E. A. Jackson, Recorder

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

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

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

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

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

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

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

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

Charles F. Grotz (SEAL)

William Grotz (SEAL)

L.R. Stamp,
\$.50
Canceled

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

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

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

My commission expires July 23rd 1922.

Ernest L. Rhoads

Notary Public.



EXHIBIT A
Page 13 of 16

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

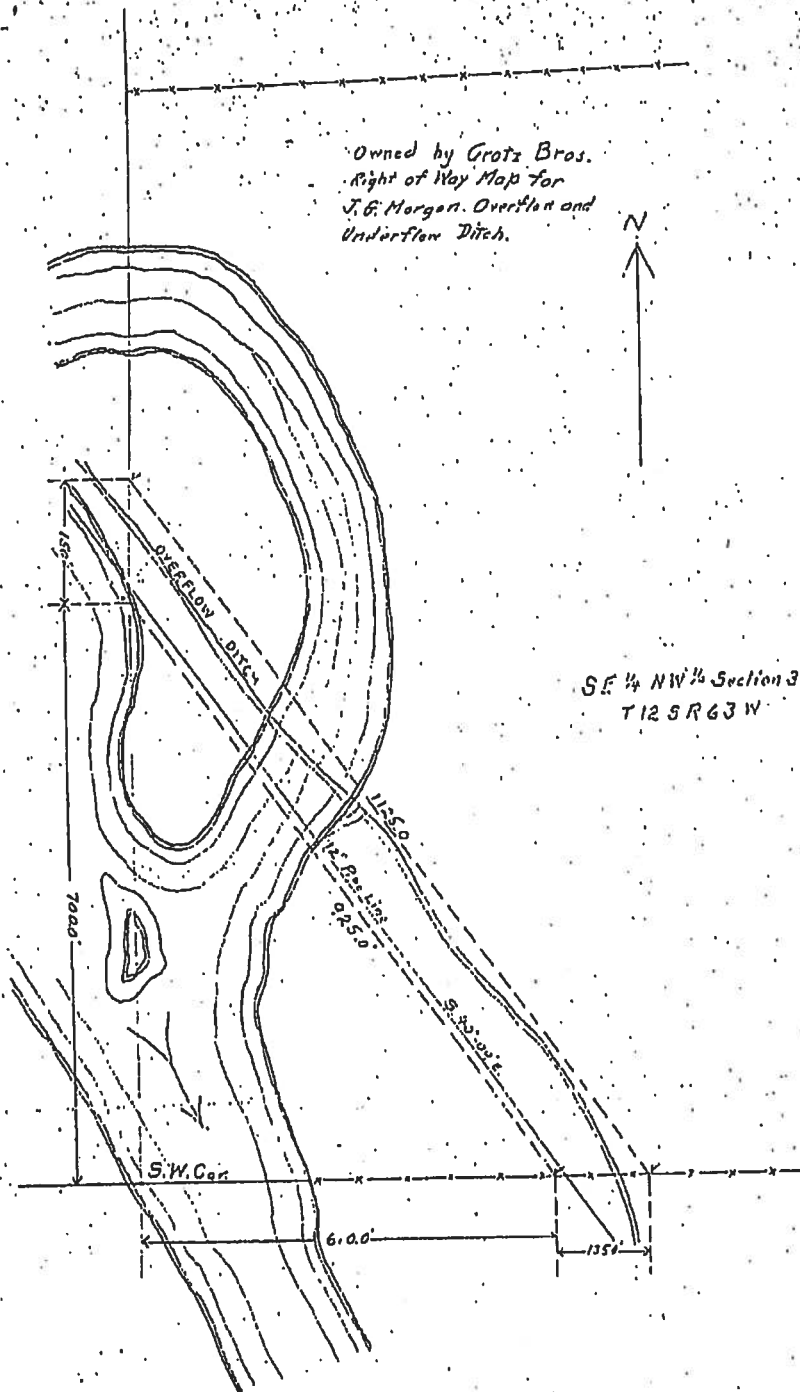
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MAY 06 2003

VICTOR H. HARRIS
STATE ENGINEER
COLO.

EXHIBIT A

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

No. 266238

Quit Claim Deed

Charles F. Grotz, et al

to

John G. Morgan

Filed for record 11:05 A.M.

April 25, 1919

E. A. Jackson, Recorder

QUIT CLAIM DEED.

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

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

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

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

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

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

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

Charles F. Grotz
William Grotz

(Seal)
(Seal)

State
City

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MAY 6 2003
STATE ENGINEER
COLO

EXHIBIT A
Page 15 of 16

EXHIBIT B

Page 1 of 2

Page 1 of 2

458-BD

BEFORE THE COLORADO GROUND WATER COMMISSION

UPPER BLACK SQUIRREL CREEK DESIGNATED GROUND WATER BASIN AND UPPER BLACK SQUIRREL CREEK GROUND WATER MANAGEMENT DISTRICT -- EL PASO COUNTY

TAKE NOTICE that pursuant to Section 37-90-107(7), C.R.S., the Robert C. Norris Family Trust (hereinafter "applicant") has applied for determinations of water right to allow the appropriation of designated ground water from the Laramie-Fox Hills, Arapahoe and Denver aquifers underlying 6955.31 acres consisting of six noncontiguous tracts of land generally described as: Area A - 480.29 acres consisting of the E1/2 and SW1/4 of Section 9, Township 13 South, Range 64 West of the 6th P.M.; Area B - 676.09 acres consisting of the E1/2, the E1/2 of the W1/2, and the SW1/4 of the SW1/4 of Section 35 and the SW1/4 of Section 36, all in Township 12 South, Range 64 West of the 6th P.M.; Area C - 119.97 acres consisting of the SE1/4 of the NE1/4 and the E1/2 of the SE1/4 of Section 31, Township 12 South, Range 63 West of the 6th P.M.; Area D - 3915.69 acres consisting of all of Sections 1, 2 and 3, the N1/2 of the N1/2 of Section 10, the N1/2 of the N1/2 of Section 11, and the E1/2, the E1/3 of the W1/2, and the W2/3 of the N1/2 of the NW1/4 of Section 12, all in Township 13 South, Range 64 West, and all of Section 6 excluding the south 1460 feet of the east 1044 feet of the SE1/4, and all of Section 7 excluding the E1/2 of the SE1/4, all in Township 13 South, Range 63 West of the 6th P.M.; Area E - 433.6 acres consisting of the E1/2 of the NE1/4, the SW1/4 of the NE1/4, the S1/2 of the NW1/4, the SW1/4, and the W1/2 of the SE1/4 of Section 32, Township 12 South, Range 63 West of the 6th P.M.; Area F - 1329.67 acres consisting of land in the N1/2 and in the N1/2 of the S1/2 of Section 4, all of Section 5 excluding the NW1/4 of the NW1/4, and the N1/2 of Section 8, all in Township 13 South, Range 63 West of the 6th P.M. The applicant claims ownership of this land and control of the ground water in the above described aquifers under this property. The ground water appropriations from these aquifers will be used on the described property for the following beneficial uses: domestic, irrigation, commercial, industrial, recreation and livestock. The maximum allowable annual amount of ground water in each aquifer underlying the described property will be appropriated.

In accordance with Section 37-90-107(7), C.R.S., and the Designated Basin Rules, 2 CCR 410-1, the Colorado Ground Water Commission shall allocate ground water from the above described aquifers based on ownership of the overlying land and an aquifer life of one hundred years. A preliminary evaluation of the applications by the Commission Staff finds the annual amount of water available for appropriation from each of the described aquifers underlying the above described property to be as follows: Area A - 166 acre-feet for the Laramie-Fox Hills, 184 acre-feet for the Arapahoe, and 160 acre-feet for the Denver; Area B - 218 acre-feet for the Laramie-Fox Hills, 259 acre-feet for the Arapahoe, and 229 acre-feet for the Denver; Area C - 40.5 acre-feet for the Laramie-Fox Hills, 45.9 acre-feet for the Arapahoe, 20.2 acre-feet for the Denver not-nontributary 4% area, and 20.6 acre-feet for the Denver not-nontributary actual impact replacement area; Area D - 1292 acre-feet for the Laramie-Fox Hills, 1564 acre-feet for the Arapahoe, 702 acre-feet for the Denver not-nontributary 4% area, and 621.5 acre-feet for the Denver not-nontributary actual impact replacement area; Area E - 153 acre-feet for the Laramie-Fox Hills, 169 acre-feet for the Arapahoe, 6.9 acre-feet for the Denver not-nontributary 4% area, and 140 acre-feet for the Denver not-nontributary actual impact replacement area; Area F - 469 acre-feet for the Laramie-Fox Hills, 520 acre-feet for the Arapahoe, and 450 acre-feet for the Denver, subject to final staff evaluation. The estimated available annual acre-feet appropriation amount for each aquifer indicated above may be increased or decreased by the Commission to conform to the actual aquifer characteristics, based upon site specific data.

EXHIBIT B

Page 2 of 2

458-BD

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

In accordance with Rule 5.3.6 of the Designated Basin Rules, the Commission Staff's preliminary evaluation of the applications finds the replacement water requirement status for the Laramie-Fox Hills and Arapahoe aquifers underlying the above described 6955.31 acre property to be nontributary. The replacement water status for the Denver aquifer is not-nontributary, more specifically described for each area as follows: Area A - actual impact replacement; Area B - 4% replacement; Area C - 4% replacement underlying 59.9 acres of the area and actual impact replacement underlying 60.47 acres of the area; Area D - 4% replacement underlying 2075 acres of the area and actual impact replacement underlying 1840.69 acres of the area; Area E - 4% replacement underlying 20.3 acres of the area and actual impact replacement underlying 413.3 acres of the area; Area F - actual impact replacement.

Upon Commission approval of these determinations of water right, well permits for wells to withdraw the allowed appropriation from a specific aquifer shall be available upon application, subject to the conditions of the determination and the Designated Basin Rules and subject to approval by the Commission. Such wells must be completed in the specified aquifer and located on the above described 6955.31 acre property. Well permits for wells to withdraw ground water from the Denver aquifer underlying the above described Area A, the 60.47 acre portion of Area C, the 1840.69 acre portion of Area D, the 413.3 acre portion of Area E, and Area F, would also be subject to the conditions of a replacement plan to be approved by the Commission.

Any person wishing to object to the approval of these determinations of water right must do so in writing, briefly stating the nature of the objection and indicating the above applicant, property description and the specific aquifers that are the subject of the objection. The objection must be accompanied by a \$10 fee and must be received by the Commission Staff, Colorado Ground Water Commission, 818 Centennial Building, 1313 Sherman Street, Denver, Colorado 80203, by September 15, 2003.

27
b 1333

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



Bill Owens
Governor

Greg E. Walcher
Executive Director

Hal D. Simpson, P.E.
State Engineer

March 8, 2004

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

RE: Determination of Water Right

Dear Mr. Norris:

Enclosed is a copy of the Colorado Ground Water Commission's Findings and Order for Determination of Water Right No. 457-BD, for the allocation of ground water in the Laramie-Fox Hills aquifer. This Findings and Order are the Commission's approval of your application for determination of rights to ground water in the above stated aquifer. This document contains important information about your water right and should be reviewed and retained for your records.

As indicated in the Order, a copy of this determination must be recorded by the applicant in the public records of the county – in which the overlying land is located – so that a title examination of the overlying land claimed in the application, or any part thereof, shall reveal this determination. An additional copy of the Findings and Order is enclosed for this purpose.

If you have any questions, please contact this office.

Sincerely,

Richard Cooper
Physical Science Researcher Scientist
Designated Basins Branch

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

Enclosure: a/s

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

Robert C. Balink El Paso Cty, CO

04/02/2004

12:31

204053003

Doc \$0.00

Page

Reo \$125.00

1 of 25



**COLORADO GROUND WATER COMMISSION
FINDINGS AND ORDER**

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

APPLICANT: ROBERT C. NORRIS FAMILY TRUST

AQUIFER: LARAMIE-FOX HILLS

DETERMINATION NO.: 457-BD

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

FINDINGS

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

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

b. The six noncontiguous tracts are the result of county roads physically separating the overlying land area into six separate areas. This finding by Staff was based on previous claims by El Paso County that the right-of-way for all such county roads is considered to be the property of the county and not, simply, an easement subject to claims of ownership by surrounding property owners.
7. On July 24, 2003, in accordance with Rule 9.1 of the Designated Basin Rules, a letter was sent to the Upper Black Squirrel Creek Ground Water Management District requesting written recommendations concerning this application. No written recommendations from the district were received.
8. The Commission Staff has evaluated the application relying on the claims to control of the ground water in the aquifer made by the applicant.
9. In accordance with Sections 37-90-107(7) and 37-90-112, C.R.S., the application was published in The Gazette newspaper on August 7 & 14, 2003.
10. a. On September 15, 2003, an objection to the application was received from the applicant and assigned Case No. 03-GW-16. The applicant specifically objected to the Commission Staff's finding that the overlying land area consisted of six noncontiguous tracts and claimed that, in fact, the overlying land area consisted of one contiguous parcel. No other objection to the proposed determination of water right was received within the time limit set by statute.

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

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

- d. Since the mailing of the above Staff letter of September 16, 2003, the Staff has received no additional written correspondence from any governmental department or agency of El Paso County regarding the issue of ownership of county road right-of-ways. Based on the information provided by the Office of the El Paso County Surveyor, in the above-described letter of August 28, 2003, the staff revises the finding that the applicant's claimed overlying land area consists of six noncontiguous tracts. The preliminary findings, as published in the legal notice attached hereto as Exhibit B, are subject to final staff evaluation. Final staff evaluation of the application, therefore, finds that the applicant's claimed 6955.31 acre overlying land area is one contiguous area. The applicant was notified of the revised finding for this application by letter from the Staff dated December 31, 2003.
- e. In a letter to the Commission Hearing Officer received on January 27, 2004, the applicant requested that its objection be withdrawn and that the application be returned to the Staff for further action. By Order of the Hearing Officer dated January 28, 2004, Case No. 03-GW-16 was dismissed and the application was remanded to Staff to take any administrative steps it deems necessary.
- f. The above-described revised finding of the Commission is incorporated into these findings.
11. The quantity of water in the aquifer underlying the 6955.31 acres of land claimed by the applicant is 234,742 acre-feet. This determination was based on the following as specified in the Designated Basin Rules:
- a. The average specific yield of the saturated permeable material of the aquifer underlying the land under consideration that could yield a sufficient quantity of water that may be extracted and applied to beneficial use is 15 percent.
 - b. The average thickness of the saturated permeable material of the aquifer underlying the land under consideration that could yield a sufficient quantity of water that may be extracted and applied to beneficial use is 225 feet.
12. At this time, there is no substantial artificial recharge that would affect the aquifer within a one hundred year period.
13. Pursuant to Section 37-90-107(7), C.R.S., and in accordance with the Designated Basin Rules, the Commission shall allocate ground water in the aquifer based on ownership of the overlying land and an aquifer life of one hundred years. Therefore, the maximum average annual amount of ground water in the aquifer that may be allocated for withdrawal pursuant to the data in the paragraphs above for the 6955.31 acres of overlying land claimed by the applicant is 2347 acre-feet.
14. The ability of wells permitted to withdraw the authorized amount of water from this non-renewable aquifer may be less than the one hundred years upon which the amount of water in the aquifer is allocated, due to anticipated water level declines.
15. In accordance with Rule 5.3.6 of the Designated Basin Rules, it has been determined that withdrawal of ground water from the aquifer underlying the 6955.31 acres of land claimed by the applicant will not, within one hundred years, deplete the flow of a natural stream or its

alluvial aquifer at an annual rate greater than one-tenth of one percent of the annual rate of withdrawal and, therefore, the ground water is nontributary ground water as defined in Rule 4.2.19 of the Designated Basin Rules. No more than 98% of the amount of ground water withdrawn annually shall be consumed, as required by the Designated Basin Rules.

16. A review of the records in the Office of the State Engineer has disclosed that none of the water in the aquifer underlying the land claimed by the applicant has been previously allocated or permitted for withdrawal.
17. Pursuant to Section 37-90-107(7)(c)(III), C.R.S., an approved determination of water right shall be considered a final determination of the amount of ground water so determined; except that the Commission shall retain jurisdiction for subsequent adjustment of such amount to conform to the actual local aquifer characteristics from adequate information obtained from well drilling or test holes.
18. In accordance with Section 37-90-107(7), C.R.S., upon Commission approval of a determination of water right, well permits for wells to withdraw the authorized amount of water from the aquifer shall be available upon application, subject to the conditions of this determination and the Designated Basin Rules and subject to approval by the Commission.
19. In order to prevent unreasonable impairment to the existing water rights of others within the Upper Black Squirrel Creek Designated Ground Water Basin it is necessary to impose conditions on the determination of water right and proposed allocation of ground water. Under conditions as stated in the following Order, no unreasonable impairment of existing water rights will occur from approval of this determination of water right or from the issuance of well permits for wells to withdraw the authorized amount of allocated ground water from the aquifer.

ORDER

In accordance with Section 37-90-107(7), C.R.S., and the Designated Basin Rules, the Colorado Ground Water Commission orders that the application for determination of rights to designated ground water in the Laramie-Fox Hills Aquifer underlying 6955.31 acres of land, generally described as the SE1/4 of the NE1/4 and the E1/2 of the SE1/4 of Section 31 and the E1/2 of the NE1/4, the SW1/4 of the NE1/4, the S1/2 of the NW1/4, the SW1/4, and the W1/2 of the SE1/4 of Section 32, all in Township 12 South, Range 63 West of the 6th Principal Meridian; the E1/2, the E1/2 of the W1/2, and the SW1/4 of the SW1/4 of Section 35 and the SW1/4 of Section 36, all in Township 12 South, Range 64 West of the 6th Principal Meridian; land in the N1/2 and in the N1/2 of the S1/2 of Section 4, all of Section 5 excluding the NW1/4 of the NW1/4, all of Section 6 excluding the south 1460 feet of the east 1044 feet of the SE1/4, and all of Section 7 excluding the E1/2 of the SE1/4, and the N1/2 of Section 8, all in Township 13 South, Range 63 West of the 6th Principal Meridian; all of Sections 1, 2 and 3, the E1/2 and the SW1/4 of Section 9, the N1/2 of the N1/2 of Section 10, the N1/2 of the N1/2 of Section 11, and the E1/2, the E1/3 of the W1/2, and the W2/3 of the N1/2 of the NW1/4 of Section 12, all in Township 13 South, Range 64 West of the 6th Principal Meridian, is approved subject to the following conditions:

20. The allocated average annual amount of ground water to be withdrawn from the aquifer shall not exceed 2,347 acre-feet. The allowed maximum annual amount of withdrawal may exceed the allowed average annual amount of withdrawal as long as the total volume of water withdrawn does not exceed the product of the number of years since the date of approval of this determination times the allowed average annual amount of withdrawal.

21. To conform to actual aquifer characteristics, the Commission may adjust the allocated average annual amount of ground water to be withdrawn from the aquifer based on analysis of geophysical logs or other site-specific data if such analysis indicates that the initial estimate of the volume of water in the aquifer was incorrect.
22. No more than 98% of the ground water withdrawn annually shall be consumed. The Commission may require well owners to demonstrate periodically that no more than 98% of the water withdrawn is being consumed.
23. The use of ground water from this allocation shall be limited to the following uses: domestic, irrigation, commercial, industrial, recreation and livestock watering. The place of use shall be limited to the above described 6955.31 acre overlying land area.
24. The applicant, or subsequent persons controlling this water right, shall record in the public records of the county - in which the claimed overlying land is located - notice of transfer of any portion of this water right to another within sixty days after the transfer, so that a title examination of the above described 6955.31 acre land area, or any part thereof, shall reveal the changes affecting this water right. Such notice shall consist of a signed and dated deed which indicates the determination number, the aquifer, a description of the above described land area, the annual amount of ground water (acre-feet) transferred, name of the recipient, and the date of transfer.
25. Subject to the above conditions, well permits for wells to withdraw the authorized annual amount of water from the aquifer shall be available upon application subject to approval by the Commission and the following conditions:
 - a. The wells shall be located on the above described 6955.31 acre overlying land area.
 - b. The wells must be constructed to withdraw water from only the Laramie-Fox Hills Aquifer. Upon application for a well permit to construct such a well, the estimated top and base of the aquifer at the proposed well location will be determined by the Commission and indicated on the approved well permit. Plain non-perforated casing must be installed, grouted and sealed to prevent diversion of ground water from other aquifers and the movement of ground water between aquifers.
 - c. The entire depth of each well must be geophysically logged prior to installing the casing as set forth in Rule 9 of the Statewide Nontributary Ground Water Rules, 2 CCR 402-7.
 - d. Each well shall be constructed within 200 feet of the location specified on the approved well permit, but must be more than 600 feet from any existing large-capacity well completed in the same aquifer.
 - e. The wells may withdraw the allowed average annual amount of water from the aquifer together in any combination. The total combined annual withdrawal of the wells shall not exceed the allowed average annual amount described in this Order.
 - f. A totalizing flow meter or other Commission approved measuring device shall be installed on each well and maintained in good working order by the well owner. Annual diversion records shall be collected and maintained by the well owner and submitted to the Commission or the Upper Black Squirrel Creek Ground Water Management District upon their request.

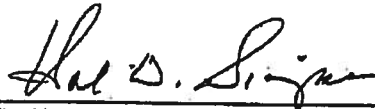
Applicant: Robert C. Norris Family Trust
Aquifer: Laramie-Fox Hills
Determination No.: 457-BD

Page 6

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

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

Dated this 3rd day of March, 2004.



Hal D. Simpson
Executive Director
Colorado Ground Water Commission

By: 

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

Prepared by: EBT & RAC

FIND-71-04

FIND-441

EXHIBIT A

Page 1 of 16

GWS 1
06/09/00

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MAY 06 2003

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

FEB 18 2003

WATER RESOURCES
STATE ENGINEER
COLO.

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FEB 18 2003

WATER RESOURCES
STATE ENGINEER
COLO.

NONTRIBUTARY GROUND WATER LANDOWNERSHIP STATEMENT

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

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

(Insert the property legal description)

See attached legal description

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

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

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

.....
INSTRUCTIONS:

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

EXHIBIT A

Page 2 of 16

LEGAL DESCRIPTION

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Our Order No. SC146856-4
FEB 18 2003

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MAY 06 2003

STATE ENGINEER
COLO.

PARCEL A:

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

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

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

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

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

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

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

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

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

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

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

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

EXHIBIT A

Page 3 of 16

RECEIVED Order No. SC146856-4

LEGAL DESCRIPTION

FEB 18 2003

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

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

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

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

Parcel B deleted

El Paso County Parcel Information

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

Parcel Address: 0 MURR RD

Parcel Owner: NORRIS ROBERT C & JANE W TRUSTEES

Parcel Owner2: NORRIS ROBERT C FAMILY TRUST

Parcel Owner3: C/O T-CROSS RANCHES

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

RECEIVED

FEB 18 2003

File Name: PRE-02-141

Zone Map No.: 323.31,323.32,

332.04 - 332.08,424.35,424.36,

431.01 - 431.03,431.10 - 431.12,

432.09

MAY 06 2003

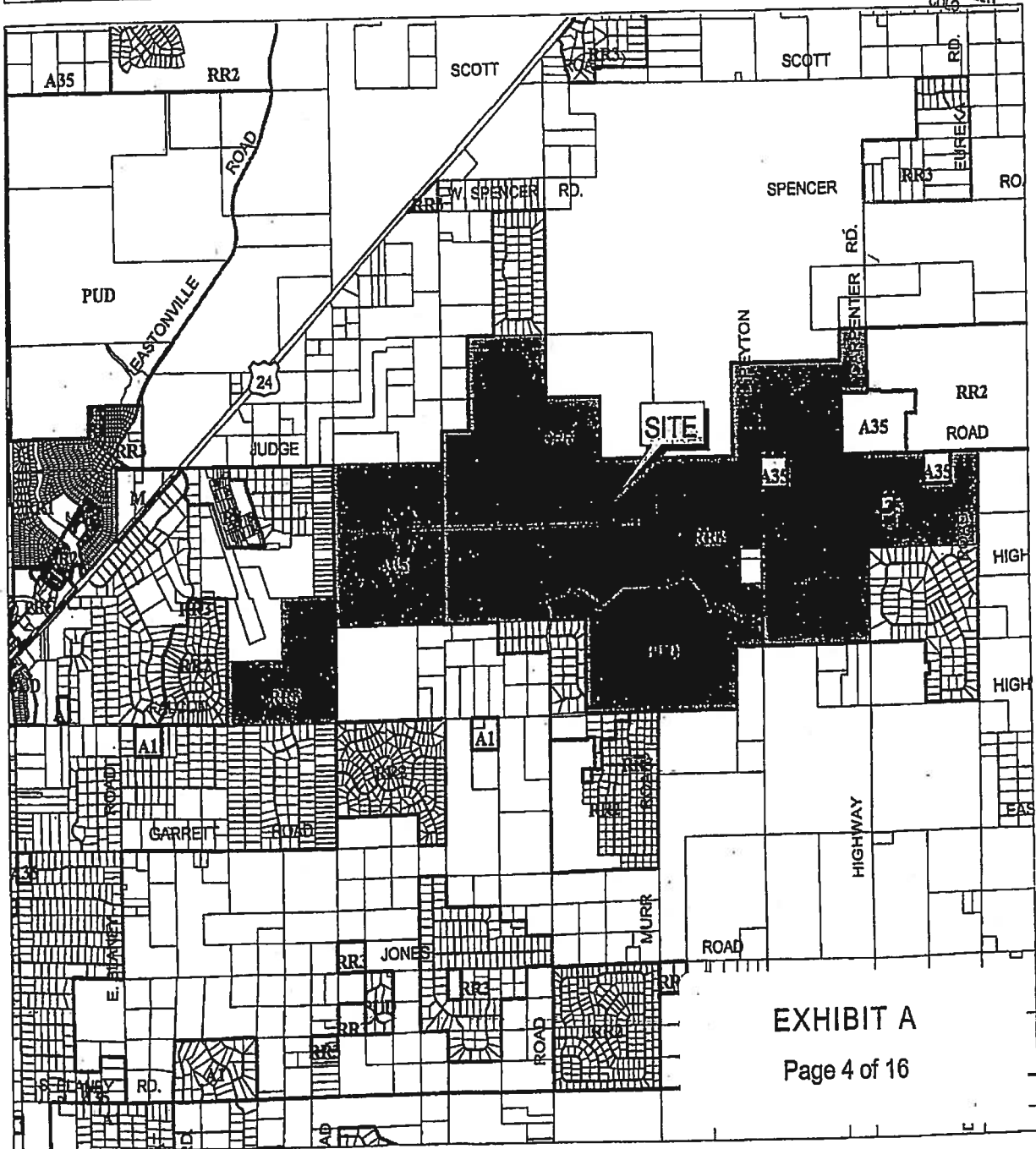


EXHIBIT A

Page 4 of 16

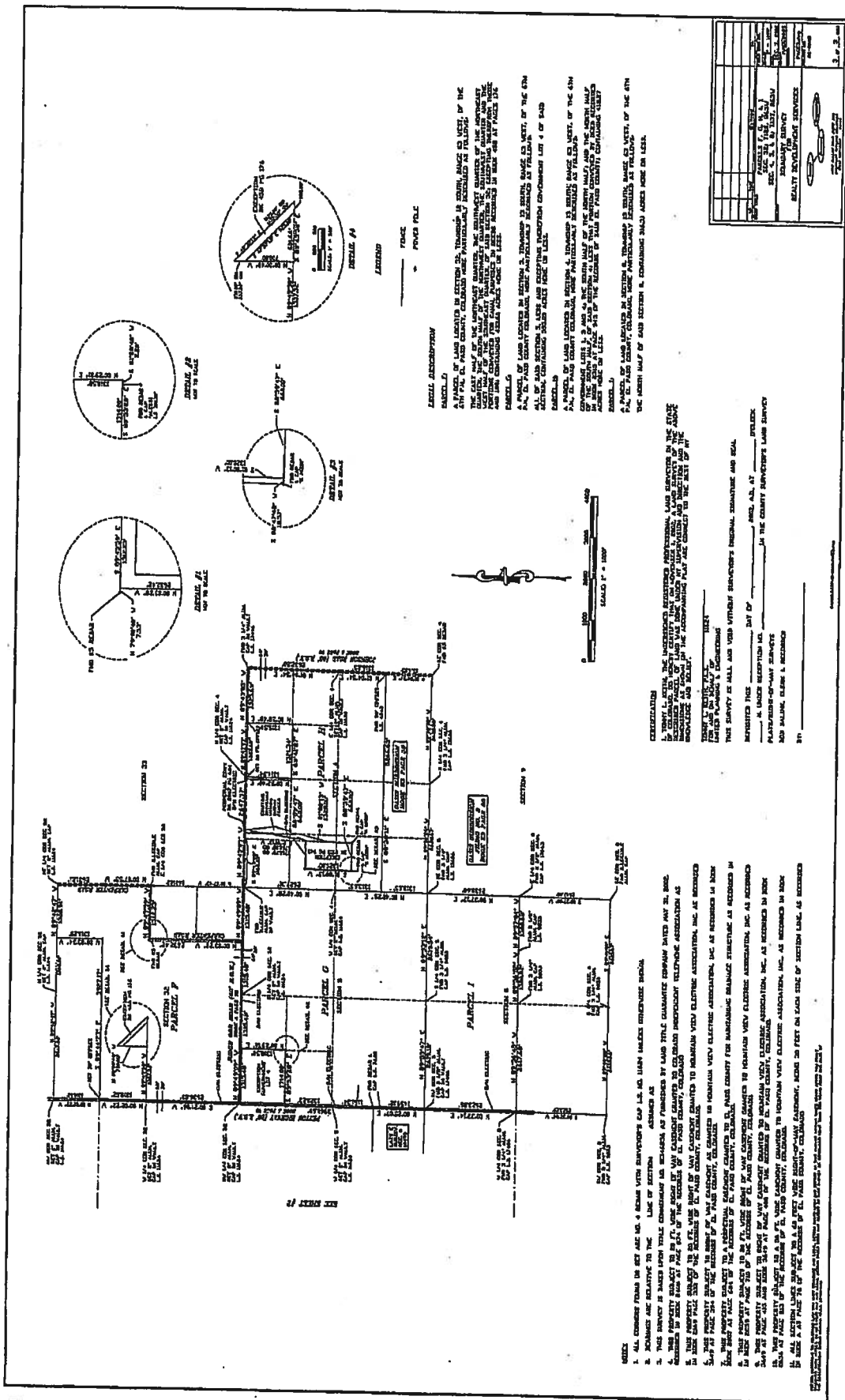


Please report any discrepancies to:
El Paso County GIS/Mapping
325 S. Cascade
Colorado Springs, CO 80903
(719)520-6523

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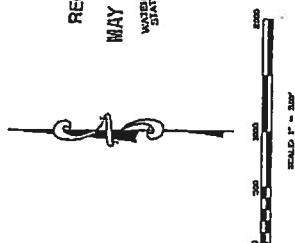
May 6, 2002





Page 6 of 16

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MAY 06 2003
WATER RESOURCES
STATE ENGINEER
C.D.O.



PROSECUTOR

A PARCEL OF LAND LOCATED IN SECTION 9, TOWNSHIP 13 NORTH, RANGE 64 WEST, OF THE 6TH P.M. EL PASO COUNTY, COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWED:

Answer: D

[illegible]

DECLARATION

1. THAT, BY ACTING THE UNDERSIGNED REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF CALIFORNIA, DO HEREBY CERTIFY THAT ON SEPTEMBER 17, 1964, A LAND SURVEY OF THE ABOVE DESCRIBED PARCEL OF LAND WAS DONE UNDER MY SUPERVISION AND DIRECTION AND THE MEASUREMENTS AS SHOWN ON THE ACCOMPANYING PLAN ARE CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

THIS SURVEY IS MADE AND VOID WITHOUT SURVEYOR'S ORIGINAL SIGNATURE AND SEAL

EXPIRATION THIS _____ OF _____, 19____, A.D., AT _____
 CLOCK _____ A.M. IN ROOM _____ OF LAND SURVEY PLAT/RECORD-DEPT-JAN
 SURVEYS AT PHOENIX _____ OF THE RECORDS OF CL. PAGO COUNTY, COLORADO
 FOR VALUE, CLOCK & RECORDS

[illegible]

THE NEW YORK TIMES HAS BEEN REPORTED TO REPORT THAT IT DID NOT HAVE ANY INFORMATION ABOUT THE 1992 ELECTION RESULTS. THE NEW YORK TIMES HAS BEEN REPORTED TO REPORT THAT IT DID NOT HAVE ANY INFORMATION ABOUT THE 1992 ELECTION RESULTS.

[illegible]

THE UNIVERSITY OF CHICAGO

OCT 23 1969

BOOK 2315 PAGE 945

Filed for record the day of
Description No. 694900

A. D. 1969 at 1:30

HARRIET BEALS

RECORDS

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

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

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

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

STATE OF COLORADO

OCT 23 1969

S. 20.00

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

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

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

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

Signed, Sealed and Delivered in the Presence of

ROBERT C. MORRIS



STATE OF COLORADO

County of El Paso

Subscribed before me this 21st day of October, 1969

Notary Public for the State of Colorado

My Commission Expires 12/31/70

Notary Public for the State of Colorado

My Commission Expires 12/31/70

Notary Public for the State of Colorado

My Commission Expires 12/31/70

Notary Public for the State of Colorado

My Commission Expires 12/31/70

Notary Public for the State of Colorado

My Commission Expires 12/31/70

Notary Public for the State of Colorado

My Commission Expires 12/31/70

Notary Public for the State of Colorado

My Commission Expires 12/31/70

EXHIBIT A

Page 8 of 16

RECEIVED
MAY 06 2003
STATE ENGINEER
COLO.

15"
1760.78
1 27'

EXHIBIT A

Page 9 of 16

RECEIVED

MAY 06 2003

REGISTERED
STATE ENGINEER
COLO.

LEGAL DESCRIPTION

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

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

EXHIBIT A

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MAY 06 2003

WATER RESOURCES
STATE ENGINEER
COLO.

LEGAL DESCRIPTION

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

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

EXHIBIT A

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LEGAL DESCRIPTION

WHITE PAPER
STATE ENGINEER
COLO.

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

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

South 69° 47' West, 90.0 feet to a point; thence
 South 89° 22' West, 211.9 feet to a point; thence
 North 88° 51' West, 54.7 feet to a point; thence
 South 76° 51' West, 40.0 feet to a point on the west line of the East

half (E½) of the Southeast Quarter (SE¼) of Section Thirty-three (33), Township and Range
 aforesaid.

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

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

Daniel Strobel.

State of Colorado)

ss.

County of El Paso)

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

Witness my hand and official seal.

My commission expires

Notary Public.

EXHIBIT A

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Book 458

No. 264740

Quit Claim Deed

Charles F. Grotz, et al
 to

John G. Morgan

Filed for Record 11:55 A.M.
 March 20, 1919.

E. A. Jackson, Recorder

QUIT CLAIM DEED.

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

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

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

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

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

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

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

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

Charles F. Grotz

(SEAL)

William Grotz

(SEAL)

L.R. Stamp,
\$.50
Canceled

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

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

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

My commission expires July 23rd 1922.

Ernest L. Rhoads

Notary Public.



EXHIBIT A

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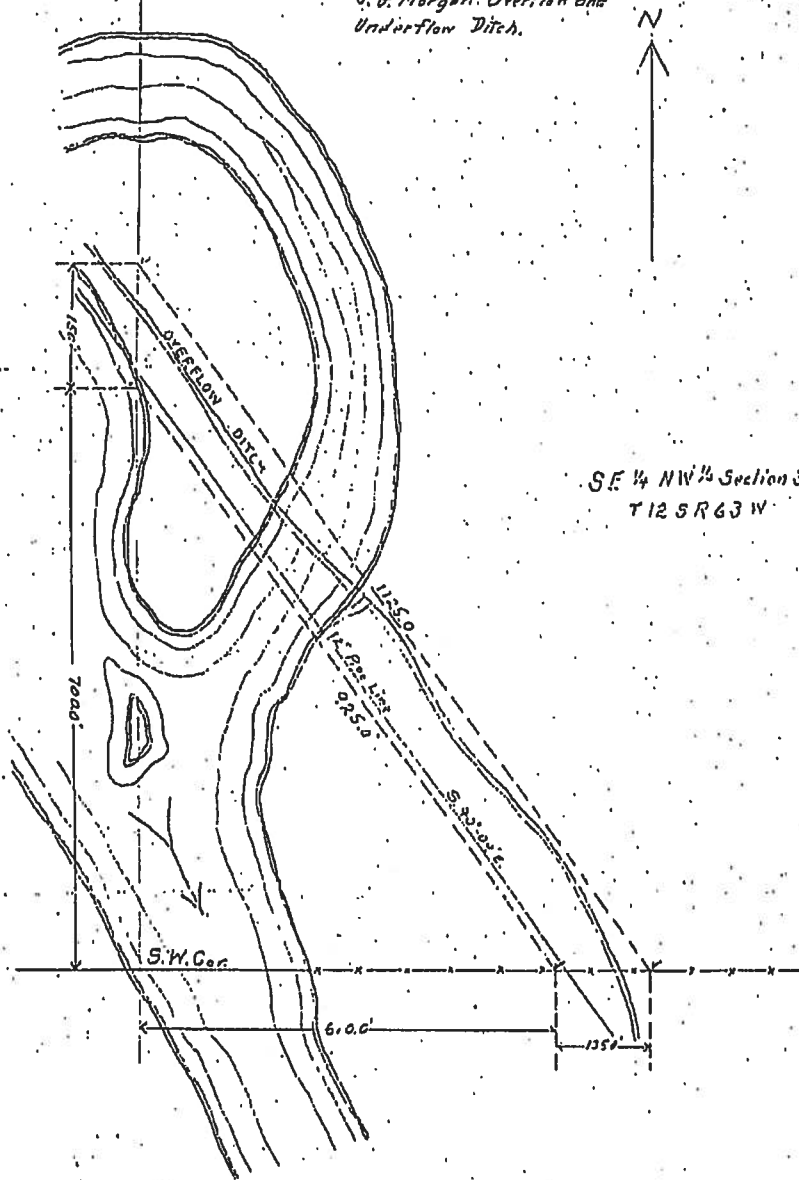
Owned by Grotz Bros.
Right of Way Map for
J. G. Morgan Overflow and
Underflow Ditch.

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COLO.

EXHIBIT A

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

No. 266238

QUIT CLAIM DEED.

Quit Claim Deed

Charles F. Grotz, et al

to

John G. Morgan

Filed for record 11:05 A.M.

April 25, 1919

E. A. Jackson, Recorder

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

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

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

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

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

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

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands

and seals the day and year first above written.

Charles F. Grotz

(Seal)

William Grotz

(Seal)

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EXHIBIT A

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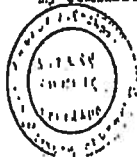
State of Colorado
City and County of Denver) ss

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

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

My commission expires July 13rd 1922

Ernest L. Rhoads
Notary Public



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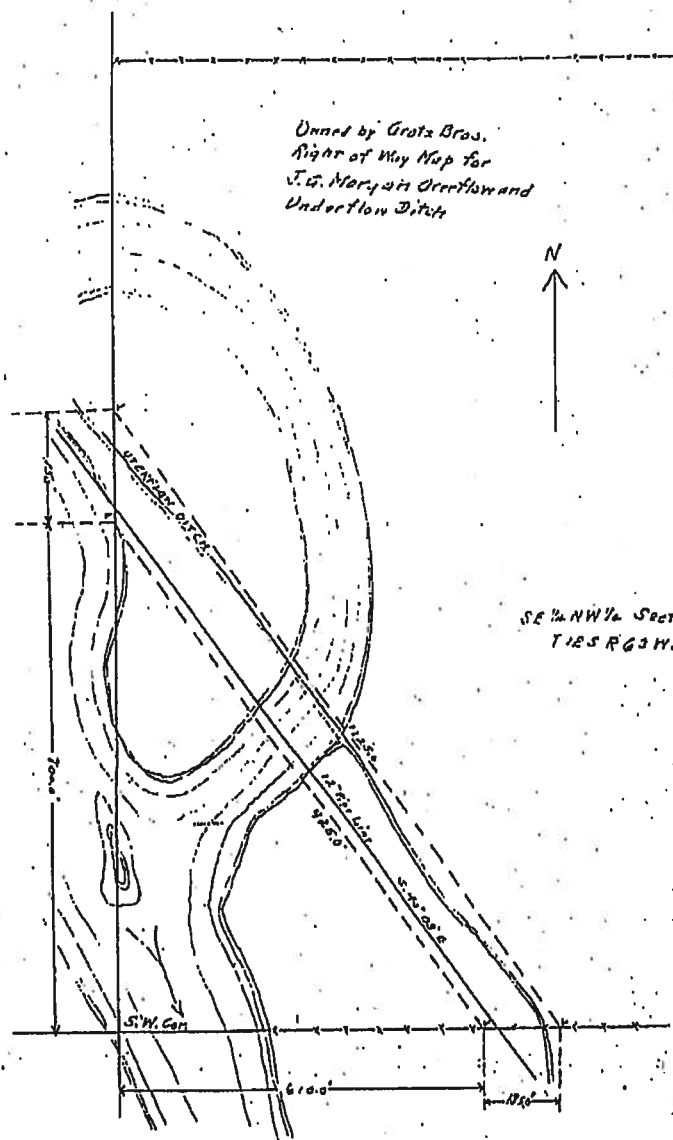


EXHIBIT A

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SE 1/4 NW 1/4 Section 32
T15S R63W.

EXHIBIT B

Page 1 of 2

Page 1 of 2

457-BD

BEFORE THE COLORADO GROUND WATER COMMISSION

UPPER BLACK SQUIRREL CREEK DESIGNATED GROUND WATER BASIN AND UPPER BLACK SQUIRREL CREEK GROUND WATER MANAGEMENT DISTRICT - EL PASO COUNTY

TAKE NOTICE that pursuant to Section 37-90-107(7), C.R.S., the Robert C. Norris Family Trust (hereinafter "applicant") has applied for determinations of water right to allow the appropriation of designated ground water from the Laramie-Fox Hills, Arapahoe and Denver aquifers underlying 6955.31 acres consisting of six noncontiguous tracts of land generally described as: Area A - 480.29 acres consisting of the E1/2 and SW1/4 of Section 9, Township 13 South, Range 64 West of the 6th P.M.; Area B - 676.09 acres consisting of the E1/2, the E1/2 of the W1/2, and the SW1/4 of the SW1/4 of Section 35 and the SW1/4 of Section 36, all in Township 12 South, Range 64 West of the 6th P.M.; Area C - 119.97 acres consisting of the SE1/4 of the NE1/4 and the E1/2 of the SE1/4 of Section 31, Township 12 South, Range 63 West of the 6th P.M.; Area D - 3915.69 acres consisting of all of Sections 1, 2 and 3, the N1/2 of the N1/2 of Section 10, the N1/2 of the N1/2 of Section 11, and the E1/2, the E1/3 of the W1/2, and the W2/3 of the N1/2 of the NW1/4 of Section 12, all in Township 13 South, Range 64 West, and all of Section 6 excluding the south 1460 feet of the east 1044 feet of the SE1/4, and all of Section 7 excluding the E1/2 of the SE1/4, all in Township 13 South, Range 63 West of the 6th P.M.; Area E - 433.6 acres consisting of the E1/2 of the NE1/4, the SW1/4 of the NE1/4, the S1/2 of the NW1/4, the SW1/4, and the W1/2 of the SE1/4 of Section 32, Township 12 South, Range 63 West of the 6th P.M.; Area F - 1329.67 acres consisting of land in the N1/2 and in the N1/2 of the S1/2 of Section 4, all of Section 5 excluding the NW1/4 of the NW1/4, and the N1/2 of Section 8, all in Township 13 South, Range 63 West of the 6th P.M. The applicant claims ownership of this land and control of the ground water in the above described aquifers under this property. The ground water appropriations from these aquifers will be used on the described property for the following beneficial uses: domestic, irrigation, commercial, industrial, recreation and livestock. The maximum allowable annual amount of ground water in each aquifer underlying the described property will be appropriated.

In accordance with Section 37-90-107(7), C.R.S., and the Designated Basin Rules, 2 CCR 410-1, the Colorado Ground Water Commission shall allocate ground water from the above described aquifers based on ownership of the overlying land and an aquifer life of one hundred years. A preliminary evaluation of the applications by the Commission Staff finds the annual amount of water available for appropriation from each of the described aquifers underlying the above described property to be as follows: Area A - 166 acre-feet for the Laramie-Fox Hills, 184 acre-feet for the Arapahoe, and 160 acre-feet for the Denver; Area B - 218 acre-feet for the Laramie-Fox Hills, 259 acre-feet for the Arapahoe, and 229 acre-feet for the Denver; Area C - 40.5 acre-feet for the Laramie-Fox Hills, 45.9 acre-feet for the Arapahoe, 20.2 acre-feet for the Denver not-nontributary 4% area, and 20.6 acre-feet for the Denver not-nontributary actual impact replacement area; Area D - 1292 acre-feet for the Laramie-Fox Hills, 1564 acre-feet for the Arapahoe, 702 acre-feet for the Denver not-nontributary 4% area, and 621.5 acre-feet for the Denver not-nontributary actual impact replacement area; Area E - 153 acre-feet for the Laramie-Fox Hills, 169 acre-feet for the Arapahoe, 6.9 acre-feet for the Denver not-nontributary 4% area, and 140 acre-feet for the Denver not-nontributary actual impact replacement area; Area F - 469 acre-feet for the Laramie-Fox Hills, 520 acre-feet for the Arapahoe, and 450 acre-feet for the Denver, subject to final staff evaluation. The estimated available annual acre-feet appropriation amount for each aquifer indicated above may be increased or decreased by the Commission to conform to the actual aquifer characteristics, based upon site specific data.

EXHIBIT B

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457-BD

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

In accordance with Rule 5.3.6 of the Designated Basin Rules, the Commission Staff's preliminary evaluation of the applications finds the replacement water requirement status for the Laramie-Fox Hills and Arapahoe aquifers underlying the above described 6955.31 acre property to be nontributary. The replacement water status for the Denver aquifer is not-nontributary, more specifically described for each area as follows: Area A - actual impact replacement; Area B - 4% replacement; Area C - 4% replacement underlying 59.9 acres of the area and actual impact replacement underlying 60.47 acres of the area; Area D - 4% replacement underlying 2075 acres of the area and actual impact replacement underlying 1840.69 acres of the area; Area E - 4% replacement underlying 20.3 acres of the area and actual impact replacement underlying 413.3 acres of the area; Area F - actual impact replacement.

Upon Commission approval of these determinations of water right, well permits for wells to withdraw the allowed appropriation from a specific aquifer shall be available upon application, subject to the conditions of the determination and the Designated Basin Rules and subject to approval by the Commission. Such wells must be completed in the specified aquifer and located on the above described 6955.31 acre property. Well permits for wells to withdraw ground water from the Denver aquifer underlying the above described Area A, the 60.47 acre portion of Area C, the 1840.69 acre portion of Area D, the 413.3 acre portion of Area E, and Area F, would also be subject to the conditions of a replacement plan to be approved by the Commission.

Any person wishing to object to the approval of these determinations of water right must do so in writing, briefly stating the nature of the objection and indicating the above applicant, property description and the specific aquifers that are the subject of the objection. The objection must be accompanied by a \$10 fee and must be received by the Commission Staff, Colorado Ground Water Commission, 818 Centennial Building, 1313 Sherman Street, Denver, Colorado 80203, by September 15, 2003.