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PROPERTY INFORMATION PACKAGE

Estate of Rick Hunt & Hunt Family LLC

4000+/- Acres – 16 Parcels – 8 Homes
Plus Mineral Rights

Properties will be sold Individually and in Combinations

3900 County Road 174
Parker/Elizabeth, Colorado

Auction Date
JUNE 17, 2017
10:00 A.M.

**** THIS PROPERTY INFORMATION PACKAGE WILL BE UPDATED WHEN NEW INFORMATION IS GATHERED. PLEASE CHECK BACK FOR UPDATES. ****



Excellence in Real Estate Marketing!

Property Information Package

ESTATE OF RICK HUNT & HUNT FAMILY LLC
4000+/- ACRES - 16 PARCELS - 8 HOMES - MINERAL RIGHTS

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83.12 ACRE HORSE PROPERTY WITH EXECUTIVE HOME

Tract 2/3 - 36.3 Acres and 43.7 Acres – Replatted to 83.12 Acres



Parcel Number: 6431100291

Tax Assessor's Account Number: R120202

Address: 3900 CO RD 174, PARKER, CO 80134

Zoned: Agriculture AG-GRAZING LAND

Taxes: 2017 Estimated \$7,587.68 **(Tax estimate prior to increasing size of parcel)**

Water: There are two water wells on this property. There are no taps or water lines at this property. If you want water from a source other than the well, water is available through Arapahoe County Water and Waste Water Authority (ACWWA). For more information about water service to this area, you can reach ACWWA at 303-790-4830.

Well Permit Number: This information will be provided once it has been gathered.

Electric: Intermountain Rural Electric Association (IREA) provides electric service to this property. All electric is overhead in this area. For more information about electrical service in this area, you can reach IREA at 303-688-3100.

Survey: Attached

Improvements

- 13,374sf Home – Features Listed Below
- Utility Pole Horse Barn, Built in 2005, 2700sf - Two Bedroom Living Quarters on 2nd Floor.
- 125' x 250' Riding/Roping Arena – Regulation Size Team Sorting Pens on West End of Arena, Roping Arena complete with Cattle Return Alley, Automatic Horse Waterers at each end of Arena

Property Features:

- Ranch Style Home - 13,374+/- SF with Basement - **6 Bedroom**, 11 Bath
- Built in 2004
- 6687sf Finished Basement - Walkout
- Attached **8-Car Garage** - Insulated and Drywall Walled Garage
- 9' Interior Ceilings - Vaulted Ceiling in Great Room
- Three (3) Wood Burning Fireplaces
- 9' Basement Walls
- Large Trophy Room - entry in basement - rises to main floor ceiling
- Walk-in Safe with two entry doors
- Archery Range in Basement
- Hot Water Heat
- One Electric Meter
- Sewer is on Septic – Two on Property
- Exterior is Maintenance Free Stucco
- Landscaped Front and Rear Yards with Sprinkler System
- Two Water Wells on Property
- Geothermal Heating and Cooling with two mechanical rooms
- Workout Room
- Media Room
- Mother In Law Suite in Basement with Kitchenette, Bath, and Laundry
- Elevator Shaft in Place. Elevator has not been installed
- Solar Panels that sit between the house and the horse barn will be removed and sold at auction. Per the electric company, they cannot be connected to the grid.

This 36.3 acre parcel, plus Tract 3, 43.7 acre parcel, and a portion of Tract 1, have been replatted into one parcel consisting of 83.12 acres. Survey plat is available.

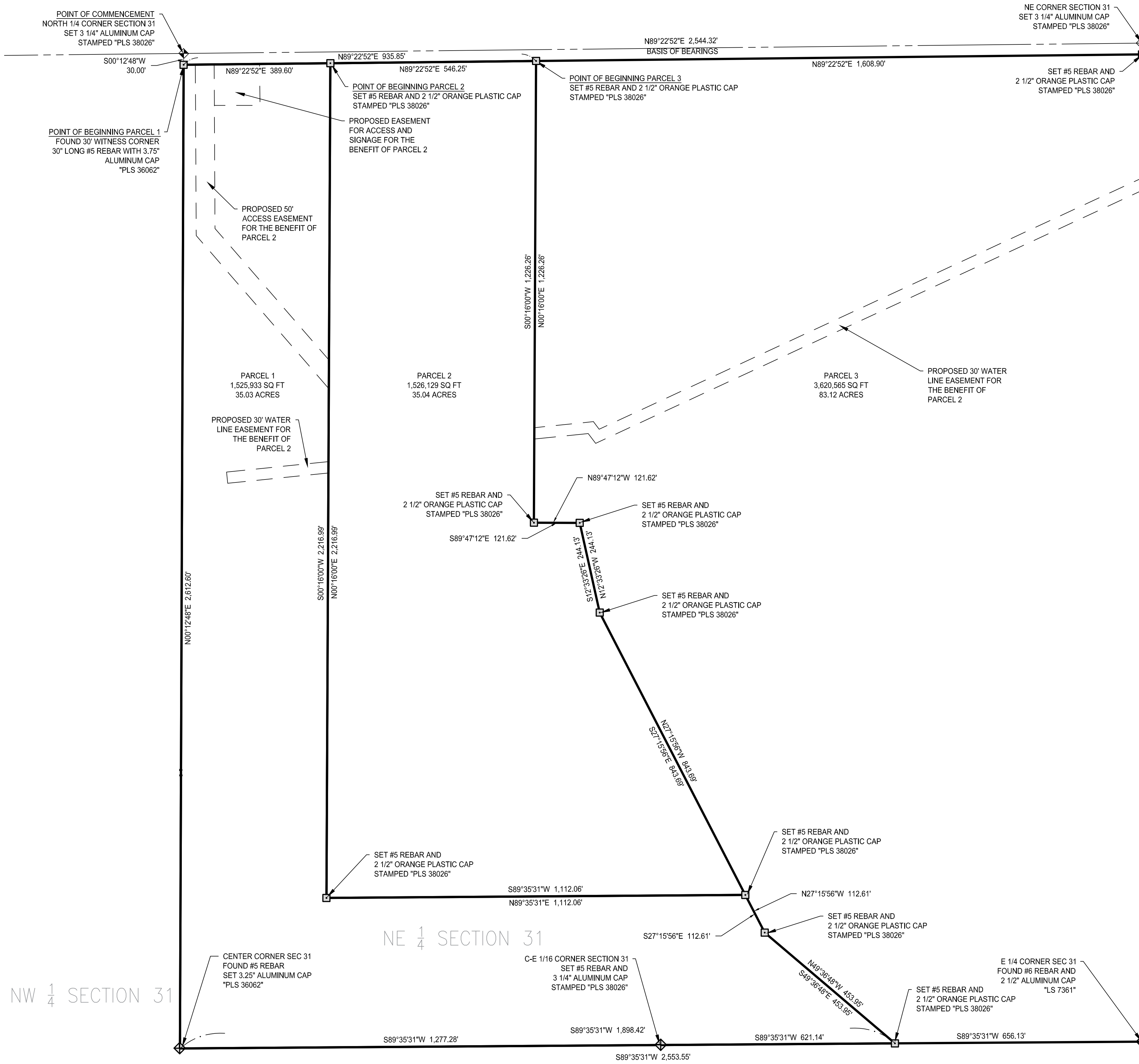
Legal Description of 36.3 Acre Parcel: THE WEST 1/2 OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 31, TOWNSHIP 6 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF ELBERT, STATE OF COLORADO.

Legal Description of 43.7 Acre Parcel – Parcel Number: 6431100292: THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 31, TOWNSHIP 6 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN, EXCEPT THAT PORTION CONVEYED IN QUIT CLAIM DEED RECORDED OCTOBER 20, 2011 IN BOOK 731 AT PAGE 383, COUNTY OF ELBERT, STATE OF COLORADO.

LAND SURVEY PLAT

NORTHEAST 1/4 OF SECTION 31, TOWNSHIP 6 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN
 COUNTY OF ELBERT, STATE OF COLORADO

NO CHANGES ARE TO BE MADE TO THIS DRAWING WITHOUT WRITTEN PERMISSION OF SURVEY SYSTEMS INC.



LEGAL DESCRIPTION PARCEL 1

A PARCEL OF LAND LYING WITHIN THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 6 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN, ELBERT COUNTY, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH 1/4 CORNER OF SECTION 31, TOWNSHIP 6 SOUTH, RANGE 64 WEST OF THE 6TH P.M., SAID POINT BEING A 3-1/4" ALUMINUM CAP STAMPED "PLS 38026";
 THENCE S00°12'48"W, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING;
 BEING THE NORTH LINE OF LOT 1, A DISTANCE OF 389.60 FEET;
 THENCE N89°22'52"E ALONG THE LINE LYING 30 FEET SOUTH AND PARALLEL TO THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 31 SAID LINE
 THENCE DEPARTING SAID LINE AND ALONG THE COMMON LINE BETWEEN PARCEL 1 AND PARCEL 2 FOR THE FOLLOWING TWO (2) CALLS:
 1. THENCE S00°16'00"W, A DISTANCE OF 2,216.99 FEET TO THE SOUTHWEST CORNER OF PARCEL 2;
 2. THENCE N89°35'31"E, A DISTANCE OF 1,112.06 FEET TO THE SOUTHEAST CORNER OF PARCEL 2;
 THENCE DEPARTING SAID LINE AND ALONG THE COMMON LINE BETWEEN PARCEL 1 AND PARCEL 3 FOR THE FOLLOWING TWO (2) CALLS:
 1. THENCE S27°15'56"E, A DISTANCE OF 112.61 FEET;
 2. THENCE S49°36'48"E, A DISTANCE OF 453.95 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH EAST QUARTER OF SAID SECTION 31;
 THENCE ALONG SAID LINE S89°35'31"W, A DISTANCE OF 1,898.42 FEET TO THE CENTER CORNER OF SECTION 31 AS MONUMENTED BY A 3 1/4" ALUMINUM CAP STAMPED "PLS 36062";
 THENCE ALONG THE WESTERLY LINE OF THE NORTHEAST QUARTER OF SECTION 31 N00°12'48"E, A DISTANCE OF 2,612.60 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,525,933 SQUARE FEET OR 35.03 ACRES, MORE OR LESS.

LEGAL DESCRIPTION PARCEL 2

A PARCEL OF LAND LYING WITHIN THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 6 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN, ELBERT COUNTY, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH 1/4 CORNER OF SECTION 31, TOWNSHIP 6 SOUTH, RANGE 64 WEST OF THE 6TH P.M., SAID POINT BEING A 3-1/4" ALUMINUM CAP STAMPED "PLS 38026"; WHENCE THE CENTER CORNER OF SAID SECTION 31, AS MONUMENTED BY A 3-1/4" ALUMINUM CAP STAMPED "PLS 36062"; BEARS S00°12'48"E, A DISTANCE OF 2842.60 FEET;
 THENCE S00°12'48"W, A DISTANCE OF 30.00 FEET TO THE NORTHWEST CORNER OF PARCEL 1;
 THENCE N89°22'52"E ALONG THE LINE LYING 30 FEET SOUTH AND PARALLEL TO THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 31, A DISTANCE OF 389.60 FEET TO THE POINT OF BEGINNING;
 THENCE CONTINUING ALONG SAID LINE N89°22'52"E, A DISTANCE OF 546.25 FEET TO THE NORTHWEST CORNER OF PARCEL 3;
 THENCE ALONG THE COMMON LINE BETWEEN PARCEL 2 AND PARCEL 3 FOR THE FOLLOWING FOUR (4) CALLS:
 1. THENCE S00°16'00"W, A DISTANCE OF 1,226.26 FEET;
 2. THENCE S89°47'12"E, A DISTANCE OF 121.62 FEET;
 3. THENCE S12°33'26"E, A DISTANCE OF 244.13 FEET;
 4. THENCE S27°15'56"E, A DISTANCE OF 843.69 FEET;
 THENCE DEPARTING SAID LINE AND ALONG THE COMMON LINE BETWEEN PARCEL 1 AND PARCEL 2 FOR THE FOLLOWING TWO (2) CALLS:
 1. THENCE S89°35'31"W, A DISTANCE OF 1,112.06 FEET;
 2. THENCE N00°16'00"E, A DISTANCE OF 2,216.99 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,526,129 SQUARE FEET OR 35.04 ACRES, MORE OR LESS.

LEGAL DESCRIPTION PARCEL 3

A PARCEL OF LAND LYING WITHIN THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 6 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN, ELBERT COUNTY, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH 1/4 CORNER OF SECTION 31, TOWNSHIP 6 SOUTH, RANGE 64 WEST OF THE 6TH P.M., SAID POINT BEING A 3-1/4" ALUMINUM CAP STAMPED "PLS 38026"; WHENCE THE CENTER CORNER OF SAID SECTION 31 AS MONUMENTED BY A 3-1/4" ALUMINUM CAP STAMPED "PLS 36062"; BEARS N00°12'48"E, A DISTANCE OF 2842.60 FEET;
 THENCE S00°12'48"W, A DISTANCE OF 30.00 FEET TO A POINT ON THE NORTHWEST CORNER OF PARCEL 1;
 THENCE N89°22'52"E ALONG A LINE LYING 30 FEET SOUTH AND PARALLEL TO THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 31, A DISTANCE OF 935.85 FEET TO THE POINT OF BEGINNING;
 THENCE CONTINUING ALONG SAID LINE N89°22'52"E, A DISTANCE OF 1,608.90 FEET TO A POINT ON THE EASTERN LINE OF THE NORTHEAST QUARTER OF SAID SECTION 31;
 THENCE S00°00'12"E ALONG THE EASTERN LINE OF THE NORTHEAST QUARTER OF SAID SECTION 31, A DISTANCE OF 2,621.87 FEET TO THE EAST QUARTER CORNER OF SECTION 31;
 THENCE DEPARTING SAID LINE S89°35'31"W ALONG THE SOUTH LINE OF THE NORTH EAST QUARTER OF SAID SECTION 31, A DISTANCE OF 656.13 FEET;
 THENCE DEPARTING SAID LINE AND ALONG THE COMMON LINE BETWEEN PARCEL 1 AND PARCEL 3 FOR THE FOLLOWING TWO (2) CALLS:
 1. THENCE N46°36'48"W, A DISTANCE OF 453.95 FEET;
 2. THENCE N27°15'56"W, A DISTANCE OF 112.61 FEET TO THE SOUTH EAST CORNER OF PARCEL 2;
 THENCE DEPARTING SAID LINE AND ALONG THE COMMON LINE BETWEEN PARCEL 2 AND PARCEL 3 FOR THE FOLLOWING FOUR (4) CALLS:
 1. THENCE N27°15'56"W, A DISTANCE OF 843.69 FEET;
 2. THENCE N12°33'26"E, A DISTANCE OF 244.13 FEET;
 3. THENCE N89°47'12"W, A DISTANCE OF 121.62 FEET;
 4. THENCE N00°16'00"E, A DISTANCE OF 1,226.26 FEET TO THE POINT OF BEGINNING.

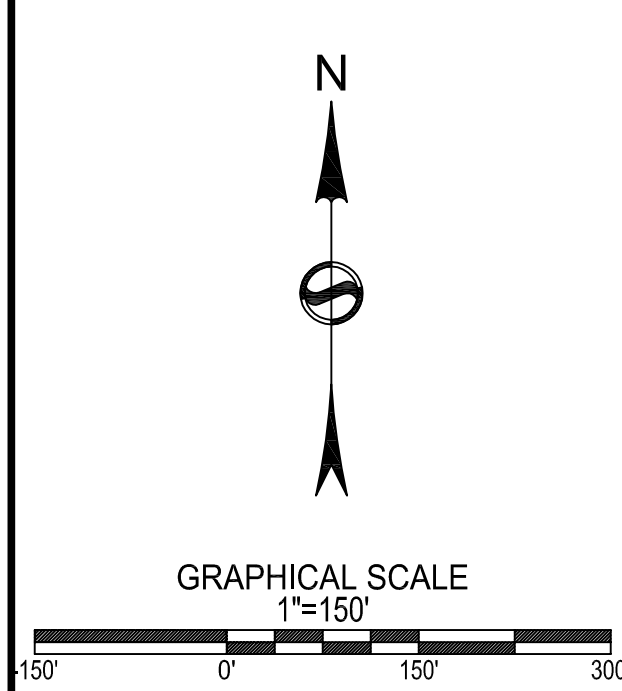
CONTAINING 3,620,565 SQUARE FEET OR 83.12 ACRES, MORE OR LESS.

NOTES:

- THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY SURVEY SYSTEMS INC TO DETERMINE OWNERSHIP OR EASEMENTS OF RECORD.
- NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.
- THE BEARINGS ARE BASED ON THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 6 SOUTH, RANGE 64 WEST OF THE 6TH P.M., AS MONUMENTED AT THE NORTH 1/4 CORNER AND AT THE NORTHEAST CORNER EACH BY A 3 1/4" ALUMINUM CAP STAMPED "PLS 38026" AND BEARS N89°22'52"E AS SHOWN.
- THE UNITS FOR THIS SURVEY ARE U.S. SURVEY FEET.

SURVEYOR'S CERTIFICATION:

I, GERALD MATT NICHOLS, PLS #38026, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY STATE THAT THE LAND SURVEY PLAT SHOWN HEREON WAS PREPARED BY ME OR UNDER DIRECT SUPERVISION AND THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF IS TRUE AND ACCURATE.



811 Know what's below. Call before you dig.
 CALL 2-BUSINESS DAYS IN ADVANCE BEFORE YOU DIG, GRADE, OR EXCAVATE FOR THE MARKING OF UNDERGROUND MEMBER UTILITIES.

SURVEY SYSTEMS
 A Professional Land Surveying Company
 P.O. Box 2168 - Evergreen, CO 80437 Tel: 303.679.8122 - Fax: 303.679.8123
 Info@SurveySystems.net www.SurveySystemsInc.com
 A Service-Disabled Veteran-Owned Small Business SDVOSB | SBE

LAND SURVEY PLAT
 3900 COUNTY ROAD 174, PARKER COLORADO

PROPERTY LOCATION AND INFORMATION		ISSUE DATE: 3/21/17	
ADDRESS: 3900 County Road 174	SECTION: 31	DATE	REVISION COMMENTS
LOT:	TOWNSHIP: 6 SOUTH		
BLOCK:	RANGE: 64 WEST		
SUBDIVISION:	PRINCIPAL MERIDIAN: 6TH		
PARCEL #:	CITY: PARKER		
ZONING:	COUNTY: ELBERT STATE: COLORADO		

CHECKED BY: GMM
 DRAWN BY: JER
 JOB NUMBER: 2016-004-001-039
 CLIENT CODE: BLEC
 SHEET NO.
1
 OF 1

For Review
 03/27/2017 5:50:51 PM

100 ACRE PARCEL OF DEVELOPMENT LAND

Tract 4 - 100 Acres



Parcel Number 6431400274

Tax Assessor's Account Number: R118499

Address: TBD CO RD 174, PARKER, CO 80134

Zoned: Agriculture AG-GRAZING LAND

Taxes: 2017 Estimated \$55.68

Water: There are no wells on this property. If you do not drill a well, water is available through Arapahoe County Water and Waste Water Authority (ACWWA). There are no taps or water lines at this property. For more information about water service to this area, you can reach ACWWA at 303-790-4830.

Electric: There is no electric service on this property. Intermountain Rural Electric Association (IREA) provides electric service to this area. All electric is overhead in this area. For more information about electrical service in this area, you can reach IREA at 303-688-3100.

Survey: Survey is in process and will be posted once it is complete.

Legal Description: THE NORTH 1/2 OF THE SOUTHEAST 1/4 AND THE NORTH 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 31, TOWNSHIP 6 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF ELBERT, STATE OF COLORADO.

1564.83 ACRE PARCEL OF DEVELOPMENT LAND

Tract 5 – 1539.95 Acres (appraisal) Assessor shows 1564.83Acres



Parcel Number 6417100268

Tax Assessor's Account Number: R117721

Address: TBD CO RD 17-21, ELIZABETH, CO 80107

Zoned: Agriculture AG-GRAZING LAND

Taxes: 2017 Estimated \$929.76

Water: There are no wells on this property. Water is available through Arapahoe County Water and Waste Water Authority (ACWWA). There are no taps or water lines at this property. For more information about water service to this area, you can reach ACWWA at 303-790-4830.

Electric: There is no electric service on this property. Intermountain Rural Electric Association (IREA) provides electric service to this area. All electric is overhead in this area. For more information about electrical service in this area, you can reach IREA at 303-688-3100.

Survey: Survey is in process and will be posted once it is complete.

Legal Description: Section: ALL OF SECTION 17; THE NORTHWEST 1/4 OF SECTION 20, EXCEPT THAT PORTION CONVEYED BY INSTRUMENT RECORDED DECEMBER 18, 2003 IN BOOK 654 AT PAGE 270; THE SOUTHWEST 1/4 OF SECTION 20 AND ALL OF SECTION 29 ALL IN TOWNSHIP 6 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF ELBERT, STATE OF COLORADO

HUNT ORIGINAL HOUSE WITH CATTLE YARD ON 61.727 ACRES

Tract 7 -61.727 Acres



Parcel Number: 6428300266

Tax Assessor's Account Number: R117653

Address: 43160 CO RD 21, ELIZABETH, CO 80107

Zoned: 50.023 Acres - Agriculture AG-DRY FARM LAND
11.704 Acres - Agriculture AG-GRAZING LAND

Taxes: 2017 Estimated \$2,349.52

Water: There are two water wells on this property. There are no taps or water lines at this property. If you want water from a source other than the well, water is available through Arapahoe County Water and Waste Water Authority (ACWWA). For more information about water service to this area, you can reach ACWWA at 303-790-4830.

Well Permit Number: This information will be provided once it has been gathered.

Electric: Intermountain Rural Electric Association (IREA) provides electric service to this property. All electric is overhead in this area. For more information about electrical service in this area, you can reach IREA at 303-688-3100.

Survey: Survey is in process and will be posted once it is complete.

Improvements

- 2,532sf Farm House – Features Listed Below
- 1,691sf Farm House – Features Listed Below
- 644sf Ranch Hand House
- 144sf Wood Framed Utility Building, Built in 1970
- 2,772sf Barn/Pole Shed, Built in 1981
- 2,592sf Steel Framed Utility Storage Shed – Built in 1979
- 10,000sf Steel Frame Utility Shelter – Built in 1983
- 120sf Steel Frame Utility Storage Shed, Built in 1994
- 120sf Utility Storage Pole Shed, Built in 1995
- 120sf Steel Frame Utility Shed, Built in 1994
- 120sf Steel Frame Utility Shed, Built in 1994
- 1,680sf Utility Pole Building, Built in 2000
- 120sf Steel Frame Utility Storage Shed, Built in 1994
- 120sf Steel Frame Utility Shed, Built in 1994
- 120sf Steel Frame Utility Storage Shed, Built in 1994
- 120sf Steel Frame Utility Storage Shed, Built in 1994
- 120sf Steel Frame Utility Storage Shed, Built in 1994
- 120sf Steel Frame Utility Storage Shed, Built in 1994
- 320sf Wood Framed Utility Building, Built in 1994
- 320sf Wood Framed Utility Building, Built in 1994
- Fenced in Cattle Yard

Farm House Features:

- Ranch Style Home - 2,532+/- SF with Basement - 4 Bedroom, 3.5 Bath - Built in 1961
- Wood Frame with Drywall Interior Walls
- Attached 2-Car Garage
- Wood Burning Fireplace
- Forced Air Furnace, Propane
- One Electric Meter
- Sewer is on Septic
- Exterior is Brick Veneer and Hard Board Siding
- Composition Shingle Roof
- One Well on Property to service this house

Second Farm House Features:

- Ranch Style Manufactured Home - 1,691+/- SF with Basement - 4 Bedroom, 2 Bath
- Built in 2003
- Wood Frame with Drywall Interior Walls
- Attached 2-Car Garage
- Forced Air Furnace, Propane
- Evaporative Cooling System
- One Electric Meter
- Sewer is on Septic
- Exterior is Aluminum Siding
- Composition Shingle Roof
- One Well on Property to service this house

Ranch Hand House Features:

- Ranch Style Home - 644+/- SF - One Room House, No Bedrooms, No Baths
- Wood Frame with Drywall Interior Walls
- Forced Air Furnace, Propane
- One Electric Meter
- Sewer is on Septic
- Exterior is Brick Veneer and Hard Board Siding
- Composition Shingle Roof

Legal Description: A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 6 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF ELBERT, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 28 AND CONSIDERING THE SOUTH LINE TO BEAR NORTH 89 DEGREES 42 MINUTES 14 SECONDS EAST WITH ALL BEARINGS HEREIN CONTAINED RELATIVE THERETO; THENCE NORTH 89 DEGREES 42 MINUTES 14 SECONDS EAST ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 28, A DISTANCE OF 1608.05 FEET; THENCE NORTH 00 DEGREES 13 MINUTES 46 SECONDS WEST, A DISTANCE OF 1564.62 FEET; THENCE NORTH 83 DEGREES 22 MINUTES 14 SECONDS WEST, A DISTANCE OF 1618.38 FEET TO THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 28; THENCE SOUTH 00 DEGREES 08 MINUTES 09 SECONDS WEST, A DISTANCE OF 1759.78 FEET TO THE POINT OF BEGINNING, EXCEPT THE WESTERLY 30.00 FEET THEREOF FOR COUNTY ROAD, COUNTY OF ELBERT, STATE OF COLORADO.

BIG R CONSTRUCTION BUILDING ON 79.127 ACRES

Tract 8 - 79.127 Acres



Parcel Number: 6428300267

Tax Assessor's Account Number: R117654

Address: 5390 HUNT CIR, ELIZABETH, CO 80107

Zoned: 74.127 Acres - Agriculture AG-GRAZING LAND
5 Acres - Special Purpose Land

Taxes: 2017 Estimated \$9,597.84

Water: There is one water well on this property. There are no taps or water lines at this property. If you want water from a source other than the well, water is available through Arapahoe County Water and Waste Water Authority (ACWWA). For more information about water service to this area, you can reach ACWWA at 303-790-4830.

Well Permit Number: This information will be provided once it has been gathered.

Electric: Intermountain Rural Electric Association (IREA) provides electric service to this property. All electric is overhead in this area. For more information about electrical service in this area, you can reach IREA at 303-688-3100.

Survey: Survey is in process and will be posted once it is complete.

Improvements

- 9,048sf Steel Frame Service Repair Garage, Built in 1996
- 3,254sf Masonry Load Bearing Office Building, Built in 1996
- 648sf Wood Frame Utility Building, Built in 2004 (**Weigh Station?**)
- 1,152sf Wood Frame Material Shelter

Legal Description: Section: 28 Township: 6 Range: 64 PAR IN SW4 & W2SE4: 28 6 64 79.127 ACRES Subdivision: RURALA, County of Elbert, State of Colorado

Great Western Bank owns the construction building on this parcel. This parcel will be sold with the building included. The Estate will pay Great Western Bank the debt on the building. This property will be sold with no liens or encumbrances.

SAND AND GRAVEL PIT (MILLER PIT) ON 115.82 ACRES

Tract 9 - 115.82 Acres



Parcel Number: 6428100048

Tax Assessor's Account Number: R104186

Address: 43625 CO RD 29, PARKER, CO 80134

Zoned: 115.82 Acres - Agriculture AG-GRAZING LAND

Sand and Gravel Lease on 112.5 Acres. Legal: MINE: **MILLER PIT - PERMIT#M1982-112** 50 ACRES PRODUCTION SAND AND GRAVEL LOC IN SWSE LAND PARCEL ID 64281-00-048 LEASED BY SCHMIDT CONSTRUCTION CO Section: 28 Township: 6 Range: 64) - This is an active Sand and Gravel Pit. Sand and Gravel Lease ends at the end of 2017. Lease will transfer to new owner. Schmidt Construction will remediate the land as set forth in the lease.

Taxes: 2017 Estimated \$66.12

2017 Estimated \$1,239.12 (Gravel Pit)

Water: There are no wells on this property. Water is available through Arapahoe County Water and Waste Water Authority (ACWWA). There are no taps or water lines at this property. For more information about water service to this area, you can reach ACWWA at 303-790-4830.

Electric: There is no electric service on this property. Intermountain Rural Electric Association (IREA) provides electric service to this area. All electric is overhead in this area. For more information about electrical service in this area, you can reach IREA at 303-688-3100.

Survey: Survey is in process and will be posted once it is complete.

Gravel Pit Permit Number: M1982-112

Inspection Report for Miller Pit – Page 19-21

Colorado Division of Water Resources, Well Permit Application Form – Page 22-24

Findings and Ruling of the Referee and Decree of the Water Court Concerning the Application for Water Rights – Page 25-42

Water Lease between Town of Elizabeth and Rick Hunt – Page 43-46

Production and Water Accounting for Miller Pit – 2016 – Page 47

Legal Description:

TRACT 1A:

PARCEL C1, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PARCEL OF LAND LOCATED IN SECTION 28, TOWNSHIP 6 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 28; THENCE NORTH 00 DEGREES 12 MINUTES 57 SECONDS EAST ALONG THE WEST LINE OF SAID SECTION 28, A DISTANCE OF 1760.05 FEET; THENCE SOUTH 83 DEGREES 17 MINUTES 26 SECONDS EAST, A DISTANCE OF 1208.50 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00 DEGREES 12 MINUTES 57 SECONDS EAST, A DISTANCE OF 582.77 FEET; THENCE SOUTH 82 DEGREES 05 MINUTES 33 SECONDS EAST, A DISTANCE OF 705.79 FEET; THENCE NORTH 12 DEGREES 49 MINUTES 05 SECONDS EAST, A DISTANCE OF 1336.04 FEET;

THENCE SOUTH 88 DEGREES 07 MINUTES 06 SECONDS EAST, A DISTANCE OF 577.21 FEET; THENCE SOUTH 10 DEGREES 44 MINUTES 10 SECONDS WEST, A DISTANCE OF 1946.12 FEET; THENCE NORTH 83 DEGREES 17 MINUTES 26 SECONDS WEST, A DISTANCE OF 1220.41 FEET TO THE POINT OF BEGINNING, COUNTY OF ELBERT, STATE OF COLORADO.

TRACT 1B:

A 60.00 FOOT WIDE NON-EXCLUSIVE INGRESS-EGRESS EASEMENT, SAID EASEMENT BEING 30.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE BEGINNING AT THE NORTHEAST CORNER OF PARCEL "A" DESCRIBED IN DEED RECORDED JUNE 22, 1999 IN BOOK 566 AT PAGE 524 OF THE RECORDS OF ELBERT COUNTY, COLORADO, IN SECTION 28, TOWNSHIP 6 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF ELBERT, STATE OF COLORADO;

THENCE NORTH 88 DEGREES 11 MINUTES 54 SECONDS WEST ALONG SAID CENTERLINE, A DISTANCE OF 623.56 FEET TO A POINT OF CURVE; THENCE ALONG THE ARC OF A CURVE TO THE LEFT AND ALONG SAID CENTERLINE, A DISTANCE OF 211.28 FEET TO A POINT OF TANGENT, SAID CURVE HAS A RADIUS OF 2000.00 FEET AND A CENTRAL ANGLE OF 6 DEGREES 03 MINUTES 10 SECONDS;

THENCE SOUTH 85 DEGREES 44 MINUTES 56 SECONDS WEST ALONG SAID CENTERLINE, A DISTANCE OF 576.94 FEET TO A POINT OF CURVE; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT AND ALONG SAID CENTERLINE, A DISTANCE OF 393.29 FEET TO A POINT OF TANGENT, SAID CURVE HAS A RADIUS OF 900.00 FEET AND A CENTRAL ANGLE OF 25 DEGREES 02 MINUTES 15 SECONDS;

THENCE NORTH 69 DEGREES 12 MINUTES 49 SECONDS WEST ALONG SAID CENTERLINE, A DISTANCE OF 244.14 FEET TO A POINT OF CURVE; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT AND ALONG SAID CENTERLINE, A DISTANCE OF 322.26 FEET TO A POINT OF TANGENT, SAID CURVE HAS A RADIUS OF 1500.00 FEET AND A CENTRAL ANGLE OF 12 DEGREES 18 MINUTES 34 SECONDS; THENCE NORTH 56 DEGREES 54 MINUTES 15 SECONDS WEST ALONG SAID CENTERLINE, A DISTANCE OF 383.10 FEET TO A POINT OF CURVE; THENCE ALONG THE ARC OF A CURVE TO THE LEFT AND ALONG SAID CENTERLINE, A DISTANCE OF 111.77 FEET, SAID CURVE HAS A RADIUS OF 192.00 FEET AND A CENTRAL ANGLE OF 33 DEGREES 21 MINUTES 13 SECONDS TO A POINT ON THE EAST RIGHT OF WAY LINE OF COUNTY ROAD AND TO THE POINT OF TERMINUS.

TRACT 2A:

A TRACT OF LAND IN THE WEST 1/2, EAST 1/2, NORTHEAST 1/4, SOUTHWEST 1/4 OF SECTION 28, TOWNSHIP 6 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 28 AND CONSIDERING THE EAST LINE OF THE WEST 1/2, EAST 1/2 OF SAID SECTION 28 TO BEAR SOUTH 00 DEGREES 13 MINUTES 46 SECONDS EAST WITH ALL BEARINGS HEREIN CONTAINED RELATIVE THERETO; THENCE SOUTH 00 DEGREES 13 MINUTES 46 SECONDS EAST ALONG THE EAST LINE, A DISTANCE OF 1000.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89 DEGREES 46 MINUTES 14 SECONDS WEST, 1000.00 FEET; THENCE SOUTH 10 DEGREES 39 MINUTES 22 SECONDS WEST, 2805.47 FEET; THENCE NORTH 89 DEGREES 46 MINUTES 14 SECONDS EAST, 1529.80 FEET TO THE EAST LINE OF THE WEST 1/2, EAST 1/2 OF SECTION 28; THENCE NORTH 00 DEGREES 13 MINUTES 46 SECONDS WEST, 2754.99 FEET TO THE POINT OF BEGINNING, COUNTY OF JEFFERSON, STATE OF COLORADO.

TRACT 2B:

A 60.00 FOOT WIDE NON-EXCLUSIVE INGRESS AND EGRESS EASEMENT DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 28, TOWNSHIP 6 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN, AND CONSIDERING THE EAST LINE OF THE WEST 1/2 OF THE EAST 1/2 OF SECTION 28 TO BEAR SOUTH 00 DEGREES 13 MINUTES 46 SECONDS EAST WITH ALL BEARINGS HEREIN CONTAINED RELATIVE THERETO;

THENCE SOUTH 00 DEGREES 13 MINUTES 46 SECONDS EAST ALONG THE EAST LINE OF THE WEST 1/2 OF THE EAST 1/2, 1000.00 FEET;

THENCE SOUTH 89 DEGREES 46 MINUTES 14 SECONDS WEST, 1000.00 FEET;

THENCE SOUTH 10 DEGREES 39 MINUTES 22 SECONDS WEST, 859.35 FEET TO A POINT ON THE CENTERLINE OF THE AFORESAID EASEMENT AND THE POINT OF BEGINNING;

THENCE NORTH 88 DEGREES 11 MINUTES 54 SECONDS WEST, ALONG SAID CENTERLINE 729.30 FEET TO A POINT OF CURVE;

THENCE ALONG THE ARC OF A CURVE TO THE LEFT AND ALONG SAID CENTERLINE 211.28 FEET TO A POINT OF TANGENT, SAID CURVE HAS A RADIUS OF 2000.00 FEET AND A CENTRAL ANGLE OF 06 DEGREES 03 MINUTES 10 SECONDS;

THENCE SOUTH 85 DEGREES 44 MINUTES 56 SECONDS WEST ALONG SAID CENTERLINE 576.94 FEET TO A POINT OF CURVE;

THENCE ALONG THE ARC OF A CURVE TO THE RIGHT AND ALONG SAID CENTERLINE 393.29 FEET TO A POINT OF TANGENT, SAID CURVE HAS A RADIUS OF 900.00 FEET AND A CENTRAL ANGLE OF 25 DEGREES 02 MINUTES 15 SECONDS;

THENCE NORTH 69 DEGREES 12 MINUTES 49 SECONDS WEST ALONG SAID CENTERLINE, 244.14 FEET TO A POINT OF CURVE;

THENCE ALONG THE ARC OF A CURVE TO THE RIGHT AND ALONG SAID CENTERLINE, 322.26 FEET TO A POINT OF TANGENT, SAID CURVE HAS A RADIUS OF 1500.00 FEET AND A CENTRAL ANGLE OF 12 DEGREES 18 MINUTES 34 SECONDS;

THENCE NORTH 56 DEGREES 54 MINUTES 15 SECONDS WEST ALONG SAID CENTERLINE 383.10 FEET TO A POINT OF CURVE;

THENCE ALONG THE ARC OF A CURVE TO THE LEFT AND ALONG SAID CENTERLINE, 111.77 FEET, SAID CURVE HAS A RADIUS OF 192.00 FEET AND A CENTRAL ANGLE OF 33 DEGREES 21 MINUTES 13 SECONDS TO A POINT ON THE EAST RIGHT OF WAY LINE OF THE COUNTY ROAD, AND TO THE POINT OF TERMINUS,
COUNTY OF ELBERT, STATE OF COLORADO.

18

RANCH HOUSE WITH CREEK ON 54.38 ACRES

Tract 10 - 1823sf Rental House on 54.38 Acres



Parcel Number: 6428100051

Tax Assessor's Account Number: R104187

Address: 5381 HUNT CIRCLE, ELIZABETH, CO 80107

Zoned: Agriculture AG-DRY FARM LAND

Taxes: 2017 Estimated \$774.00

Water: There is one water well on this property. There are no taps or water lines at this property. If you want water from a source other than the well, water is available through Arapahoe County Water and Waste Water Authority (ACWWA). For more information about water service to this area, you can reach ACWWA at 303-790-4830.



William H. Caile
Of Counsel
Phone (303) 295-8403
Fax (303) 672-6536
WHCaile@hollandhart.com

April 26, 2017

VIA E-MAIL AND U.S. MAIL

Colorado Department of Natural Resources
Division of Reclamation Mining & Safety
Attn: Peter Hays
1313 Sherman Street
Denver, CO 80203

Re: Inspection Report for Miller Pit (Permit No. M-82-112)

Dear Mr. Hays:

Holland & Hart represents MidFirst Trust, as Personal Representative of the Estate of Rick L. Hunt ("Estate"). The Personal Representative is the permittee under Reclamation Permit No. M-82-112, for a sand and gravel operation in Elbert County known as the "Miller Pit". Schmidt Construction ("Schmidt") is the current operator/lessee of the Miller Pit, and we are assisting Schmidt with responding to the Minerals Program Inspection Report ("Inspection Report") dated February 1, 2017, prepared by the Colorado Division of Mining Reclamation and Safety ("Division").

In our capacity as counsel for the Personal Representative, we have reviewed the Inspection Report and responses provided by Schmidt. This letter responds to the Division's concern regarding the "Hydrologic Balance" inspection topic. That concern is stated in the Inspection Report as follows:

PROBLEM: The Division has no evidence that the operator has a valid well permit, substitute water supply plan, or approved water augmentation plan for the exposed ground water at the site. This is a problem related to C.R.S. 34-32.5-116(4)(h) and Construction Materials Rule 3.1.6(1)(a) governing injury to existing water rights.

The Inspection Report goes on to request corrective actions, as follows:

CORRECTIVE ACTIONS: The operator shall demonstrate that the operation is in compliance with the Office of the State Engineer (SEO), show evidence that the operator is taking measures to bring the site into compliance with the SEO, or backfill the ponds to at least two feet above the groundwater surface by the corrective action date specified.

As described in further detail below, the Miller Pit appears to be in compliance with all requirements for well permitting and augmentation under Colorado statutes. Generally, a gravel pit that was excavated after December 31, 1980, and which exposes groundwater, must have a well permit issued by the State Engineer's Office and, where applicable, be covered by either a judicially-approved plan for augmentation or a substitute water supply plan approved by the State Engineer. *See, e.g.*, C.R.S. § 37-90-137(11)(a).

In this case, a well permit for the Miller Pit operation was issued to Robert Miller in 1989 as Permit No. 35808-F. A copy of the well permit is attached as Attachment A. Additionally, the Miller Pit is a covered structure under the plan for augmentation decreed on January 29, 1998 in the Application for Water Rights of Rick Hunt, Case No. 92CW106, Water Division 1 (the "Augmentation Plan Decree"). A copy of the Augmentation Plan Decree is attached hereto as Attachment B.

The Miller Pit is described in the Augmentation Plan Decree as "an open sand and gravel mining pit according to the terms and conditions of the Mined Land Reclamation Permit Numbered M-82-112." *See* Attachment B, paragraph B.1 at page 4. The Decree further provides that the Miller Pit "will be a portable excavation within the 80 acres described herein at no time will more than once acre of ground water be exposed." *See id.* It is our understanding that significantly less than one acre of ground water is currently exposed at the Miller Pit. Accordingly, the Augmentation Plan Decree appears to cover the current scope of operations at the Miller Pit.

An augmentation plan requires a legally-available source of replacement water, or "augmentation water." The augmentation water supplies identified in the Augmentation Plan Decree for the Miller Pit include wastewater effluent supplied by the Town of Elizabeth (the "Town"). *See id.*, at paragraph B.2. This augmentation water was originally provided under a 15-year water lease agreement with the Town executed in 2004. An updated Lease Agreement between Mr. Hunt and the Town was subsequently entered in 2010. A copy of that Lease Agreement is attached as Attachment C. The Lease Agreement provides for the lease of up to twenty acre-feet of augmentation water annually, and automatically extends for additional one-year terms unless terminated by either party. Records provided by the Town further indicate that the Lease Agreement is currently in effect and that lease payments have been received through 2016, and invoiced for payment in 2017.

Production and water accounting data for the Miller Pit, prepared on behalf of Schmidt, indicates that water losses through product washing and evaporation totaled 1.914 acre-feet in 2016, which is well within the amount provided for under the Lease Agreement with the Town. The accounting is attached as Attachment D.



April 26, 2017
Page 3

Based on the information above, the Miller Pit appears to be operating in compliance with all requirements under Colorado law regarding well permitting and augmentation. Please feel free to contact me should you have any questions or concerns.

Sincerely,

A handwritten signature in blue ink, appearing to read "W. H. Caile".

William H. Caile
Of Counsel

Enclosures

cc: Margot Edwards, Esq.
Mark Heifner

9776079_2

WRJ-5 Rev. 76

COLORADO DIVISION OF WATER RESOURCES
818 Centennial Bldg., 1313 Sherman St., Denver, Colorado 80203

RECEIVED

AUG 10 1989

PERMIT APPLICATION FORM

Application must be complete where applicable. Type or print in **BLACK INK**. No overstrikes or erasures unless initialed.

RECEIVED

AUG 02 1989

WATER RESOURCES
STATE ENGINEER
0010

- (x) A PERMIT TO USE GROUND WATER
- () A PERMIT TO CONSTRUCT A WELL
- FOR: (x) A PERMIT TO INSTALL A PUMP

08-02-89 1:27 P
 GVLAVG 70.00
 PITUID P006G
 032472 60.00
 MEXDOR P0013
 S/T 130.00
 TTL 130.00

WATER RESOURCES
STATE ENGINEER
0010

(1) APPLICANT - mailing address

NAME Robert D. Miller
 STREET 4032 County Road 166
 CITY Elizabeth CO 80107
 (state) (zip)
 TELEPHONE NO. (303) 646 4831

(2) LOCATION OF PROPOSED WELL

County Elbert
 West SW 1/4 of the NE 1/4, Section 28
 Twp. 6 S, Rng. 64 W, 6th P.M.
 (N,S) (E,W)

(3) WATER USE AND WELL DATA

Proposed maximum pumping rate (gpm) 600
 Average annual amount of ground water to be appropriated (acre-feet): 4.3
 Number of acres to be irrigated: NA
 Proposed total depth (feet): 12
 Aquifer ground water is to be obtained from:
Running Creek Alluvial Aquifer

Owner's well designation M-82-112

GROUND WATER TO BE USED FOR:

- () HOUSEHOLD USE ONLY - no irrigation (0)
- () DOMESTIC (1) () INDUSTRIAL (5)
- () LIVESTOCK (2) () IRRIGATION (6)
- (x) COMMERCIAL (4) () MUNICIPAL (8)
- () OTHER (9)

DETAIL THE USE ON BACK IN (11)

(4) DRILLER

Name NA
 Street _____
 City _____ (State) (Zip)
 Telephone No. _____ Lic. No. _____

FOR OFFICE USE ONLY: DO NOT WRITE IN THIS COLUMN

Receipt No. 303493 / 0.00
 Basin Dist 3493

CONDITIONS OF APPROVAL

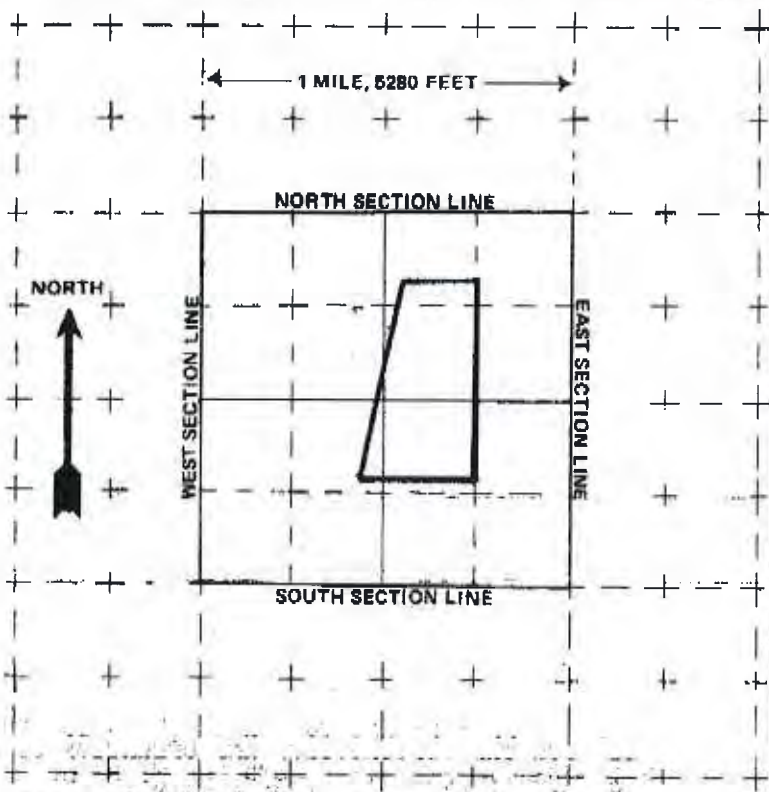
This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of the permit does not assure the applicant that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.

- 1) APPROVED PURSUANT TO C.R.S. 37-90-137(2) AND (11) FOR THE CONSTRUCTION AND OPERATION OF A WELL (GRAVEL PIT) IN ACCORDANCE WITH THE TEMPORARY SUBSTITUTE WATER SUPPLY PLAN FOR THE MILLER-BRENDS PIT M-82-112 APPROVED BY THE STATE ENGINEER ON OCTOBER 2, 1989. THE WELL (POND) SHALL NOT BE OPERATED UNLESS IT IS INCLUDED IN A SUBSTITUTE WATER SUPPLY PLAN APPROVED BY THE STATE ENGINEER OR A PLAN FOR AUGMENTATION APPROVED BY THE WATER COURT. THE WATER SUPPLY PLAN FOR THE MILLER-BRENDS PIT IS CURRENTLY VALID THROUGH OCTOBER 31, 1990 AND IF IT IS NOT EXTENDED OR IF A COURT DECREE IS NOT ENTERED FOR A PLAN FOR AUGMENTATION, THIS WELL PERMIT IS NULL AND VOID AND ALL USE OF THE WELL MUST CEASE IMMEDIATELY.
- 2) THE TOTAL SURFACE AREA OF THE PROPOSED GROUND WATER POND MUST NOT EXCEED ONE ACRE.
- 3) THE BOUNDARIES OF THE GRAVEL POND SHALL BE MORE THAN 600 FEET FROM ANY EXISTING WELL.
- 4) THE OWNER SHALL MARK THE WELL (POND) IN A CONSPICUOUS PLACE WITH APPROPRIATE WELL PERMIT NUMBERS, NAME OF THE AQUIFER, AND COURT CASE NUMBERS, AND SHALL TAKE NECESSARY MEANS AND PRECAUTIONS TO PRESERVE THESE MARKINGS.
- 5) DURING GRAVEL MINING OPERATIONS THE USE OF GROUND WATER IS LIMITED TO THE MOISTURE CARRIED OFF IN THE GRAVEL. UPON COMPLETION OF MINING THE USE OF GROUND WATER IS LIMITED TO EVAPORATION LOSSES FROM THE POND. NO OTHER USE OF WATER IS ALLOWED. Km 10/11/89

APPLICATION APPROVED

PERMIT NUMBER _____
 DATE ISSUED OCT 12 1989
 EXPIRATION DATE OCT 12 1990
 BY Juan A. Ramirez (STATE ENGINEER)
Bruce E. DeZure
 I.D. 1-01 COUNTY 20

(5) **THE LOCATION OF THE PROPOSED WELL** and the area on which the water will be used must be indicated on the diagram below. Use the CENTER SECTION (1 section, 640 acres) for the well location.



The scale of the diagram is 2 inches = 1 mile
Each small square represents 40 acres.

WATER EQUIVALENTS TABLE (Rounded Figures)
 An acre-foot covers 1 acre of land 1 foot deep
 1 cubic foot per second (cfs) . . . 449 gallons per minute (gpm)
 A family of 5 will require approximately 1 acre-foot of water per year.
 1 acre-foot . . . 43,560 cubic feet . . . 325,900 gallons;
 1,000 gpm pumped continuously for one day produces 4.42 acre-feet.

(6) **THE WELL MUST BE LOCATED BELOW** by distances from section lines.

1,000 ft. from North sec. line
(north or south)
 1,465 ft. from South Sec. Line
 1,306 ft. from East sec. line
(east or west)
 2,430 Ft. from West Sec. Line
 LOT _____ BLOCK _____ FILING # _____

SUBDIVISION _____

(7) **TRACT ON WHICH WELL WILL BE LOCATED** Owner: Sun Country Ventures

No. of acres 80.0 Will this be the only well on this tract? Yes

(8) **PROPOSED CASING PROGRAM**

Plain Casing NONE
 _____ in. from _____ ft. to _____ ft.
 _____ in. from _____ ft. to _____ ft.
 Perforated casing NONE
 _____ in. from _____ ft. to _____ ft.
 _____ in. from _____ ft. to _____ ft.

(9) **FOR REPLACEMENT WELLS** give distance and direction from old well and plans for plugging it:

NA

(10) **LAND ON WHICH GROUND WATER WILL BE USED:**

Owner(s): Sun Country Ventures, A Colorado Partnership No. of acres: 80
 Legal description: See attached Exhibit A

(11) **DETAILED DESCRIPTION** of the use of ground water. Household use and domestic wells must indicate type of disposal system to be used.

Evaporation from sand and gravel mine and processing up to 100,000
tons per year; see attached Exhibit B, Report of Miller Pit M-82-112,
Blatchley Associates, Inc., July 1989.

(12) **OTHER WATER RIGHTS** used on this land, including wells. Give Registration and Water Court Case Numbers.

Type or right	Used for (purpose)	Description of land on which used
<u>81CW122 and 81CW123</u>	<u>Municipal Water Supply</u>	<u>Town of Elizabeth</u>

(13) **THE APPLICANT(S) STATE(S) THAT THE INFORMATION SET FORTH HEREON IS TRUE TO THE BEST OF HIS KNOWLEDGE.**

Robert D Miller
 SIGNATURE OF APPLICANT(S) Robert D. Miller

EXHIBIT A

LEGAL DESCRIPTION

A tract of land in the West 3/4 of Section 28, Township 6 South, Range 64 West of the 6th Principal Meridian, Elbert County, Colorado, more particularly described as follows:

Commencing at the Northeast corner of the Northwest quarter of the Northeast quarter of said Section 28 and considering the East line of the West 3/4 of said Section 28 to bear S 0 degrees 13'46"E with all bearings herein contained relative thereto; Thence S 0 degrees 13'46"E along the East line a distance of 1000.00 feet to the point of beginning; Thence S 89 degrees 46'14"W a distance of 1000.00 feet; Thence S 10 degrees 39'22"W a distance of 2805.47 feet; Thence N 89 degrees 46'14"E a distance of 1529.80 feet to the East line of the aforesaid West 3/4 of Section 28; Thence N 0 degrees 13'46"W a distance of 2754.99 feet to the point of beginning; Containing 80.000 acres, more or less.

TOGETHER WITH A 60.00 FOOT WIDE NON-EXCLUSIVE INGRESS AND EGRESS EASEMENT DESCRIBED AS FOLLOWS:

Commencing at the Northeast corner of the Northwest 1/4 of the Northeast 1/4 of Section 28, Township 6 South, Range 64 West of the 6th Principal Meridian, Elbert County, Colorado, and considering the East line of the West 3/4 of Section 28 to bear S 0 degrees 13'46"E with all bearings herein contained relative thereto; Thence S 0 degrees 13'46"E along the East line a distance of 1000.00 feet; Thence S 89 Degrees 46'14"W a distance of 1000.00 feet; Thence S 10 degrees 39'22"W a distance of 859.35 feet to a point on the centerline of the aforesaid easement and the point of beginning; Thence N 88 degrees 11'54"W along said centerline a distance of 623.56 feet to a point of curve; Thence along the arc of a curve to the left and along said centerline a distance of 211.28 feet to the point of tangent, said curve has a radius of 2000.00 feet and a central angle of 6 degrees 03'10"; Thence S 85 degrees 44'56"W along said centerline a distance of 576.94 feet to a point of curve; Thence along the arc of a curve to the right and along said centerline a distance of 393.29 feet to a point of tangent, said curve has a radius of 900 feet and a central angle of 25 degrees 02'15"; Thence N 69 degrees 12'49" along said centerline a distance of 244.14 feet to a point of curve; Thence along an arc of a curve to the right and along said centerline a distance of 322.26 feet to a point of tangent, said curve has a radius of 1500.00 feet and a central angle of 12 degrees 18'34"; Thence N 56 degrees 54'15"W along said centerline a distance of 383.10 feet to a point of curve; Thence along the arc of a curve to the left and along said centerline a distance of 111.77 feet, said curve has a radius of 192.00 feet and a central angle of 33 degrees 21'13", to a point on the East Right of way line of the County Road, and to the point of terminus.

CENTRAL FILES

DISTRICT COURT, WATER DIVISION NUMBER 1, COLORADO

Case No. 92-CW-106

DISTRICT COURT
JAN 05 '93
WELD COUNTY, COLO.

FINDINGS AND RULING OF THE REFEREE AND DECREE OF THE WATER COURT

CONCERNING THE APPLICATION FOR WATER RIGHTS OF:

RICK HUNT

IN ELBERT COUNTY, COLORADO

THIS MATTER, coming before the Court on the Amended Application of Rick Hunt for Underground Water Rights and Application for Approval of Plan for Augmentation, the Court, having considered the pleadings, the files and record herein, the comments of the Division Engineer and the interested parties, and being fully advised, hereby makes the following findings of fact and conclusions of law and decree:

FINDINGS OF FACT

THIS APPLICATION was filed on September 30, 1992. All notices required by law have been given of the Application and this Court has jurisdiction over the subject matter of the Application and over all persons affected thereby whether or not they have appeared.

Two Statements of Opposition in this matter have been timely filed. The statements filed are on behalf of (i) Central Colorado Water Conservancy District and Groundwater Management Subdistrict of the Central Colorado Water Conservancy District, and (ii) Hal D. Simpson and Alan D. Perryman, State Engineer and Division Engineer, respectively, State of Colorado. No other objections have been filed and the time for filing objections has now expired. This Judgment and Decree has been approved by the Applicants and by the Objectors.

All matters contained in the Application were reviewed, and testimony was taken where such testimony was necessary and such corrections made as are indicated by the evidence.

Applicant conducts a gravel mining operation known as the Running Creek Sand and Gravel Mine a/k/a the "Miller Pit" pursuant to Mined Land Reclamation Permit Numbered M-82-112,

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Revision TR-01. Water for the mine has been permitted by the State Engineer under a substitute water supply plan for Well Permit No. 35808-F. The site of the Miller Pit is in an 80 acre parcel in the NE 1/4 Section 28, Township 6 South, Range 64 West, 6th P.M., Elbert County, Colorado.

Applicant also engages in agricultural use of land in the SW 1/4 of Section 28, Township 6 South, Range 64 West of the 6th P.M., in Elbert County, Colorado.

The source of the replacement water to be used by the Applicant is obtained by Applicant pursuant to a fifteen year contract with the Town of Elizabeth, Colorado, to purchase the wastewater effluent from the town treatment facility (hereinafter referred to as the "allowable augmentation water"). The source of the water which passes through the Town of Elizabeth wastewater treatment facility is presently from two decreed nontributary wells, the first being an Arapahoe formation nontributary well known as "The Town of Elizabeth Bishop Well A", Well Permit No. 16210-F decreed in Water Division #1, Case No. 81CW122 for an appropriation of 150 acre-feet per year. The second well is a Lower Dawson formation nontributary well known as "The Town of Elizabeth Well DA-15617-F" decreed in Division #1, Case No. 81CW123 for an annual appropriation of 50 acre-feet.

The Court takes notice of the fact that the Town of Elizabeth has drilled a third nontributary well (Well Permit No. 44451-F, Case No. 94CW210) to the Arapahoe Formation which will provide an additional source of nontributary water which Applicant will be required to purchase pursuant to "Exhibit A" attached to the Application.

The Court finds that the Miller Pit has been operated since October 12, 1989 pursuant to a substitute water supply plan put in place with the Office of the State Engineer using the purchased effluent from the Town of Elizabeth. As part of the requirement of the substitute water supply plan, Applicant has installed devices to measure the discharge of effluent from the wastewater treatment plant. As a result of the measurement, Applicant(s) have determined that the present annual yield is 84 acre feet per year. For the purposes of this Decree, the Court finds that 84 acre feet per year minimum of nontributary water is available in the initial year from the Town of Elizabeth wastewater treatment facility for the purpose of augmentation of the gravel mining and agricultural uses.

It is noted by the Applicant and the Court that Elbert County, Colorado, is one of the fastest growing counties along

the Colorado Front Range. The rapid increase in population has created an increased need for processed aggregate at an economical price to meet the demands of construction. Applicant has requested the allocation of water for augmentation of the Miller Pit operations be decreed to be 15 acre-feet per year.

The Court also takes notice of the fact that the population of the Town of Elizabeth, Colorado was approximately 750 persons at the time of the filing of this Application. At the time of the Decree, the population of the Town of Elizabeth has grown to exceed 1,000 persons. The Court includes this information in the findings and conclusions to illustrate that the effluent discharge from the wastewater treatment plant of the Town of Elizabeth is increasing with the increase in population and the addition of a third nontributary well.

The Application presented in this matter seeks a decree and approval of the following claims and, as set forth below, the information recited in such claims are made part of these findings of fact:

A. Claim No. 1: Underground Water Rights-Irrigation

1. **Name of Structure** - Hunt Well No. 1. Application for a well permit for Hunt Well No. 1 will be submitted to the Colorado Division of Water Resources in keeping with the provisions of House Bill 96-1044.

2. **Legal Description** - Approximately 1560 feet from the South Section Line and 1560 feet from the West Section Line, NE 1/4 SW 1/4 Section 28, Township 6 South, Range 64 West, Elbert County, Colorado.

3. **Source of Water** - Alluvium of Running Creek.

4. **Date of Initiation of Appropriation** - June 13, 1989 by an agreement with the Town of Elizabeth, Colorado.

5. **Amount Claimed** - 400 g.p.m. conditional; average annual withdrawal of approximately 163 acre feet when the Town of Elizabeth water supply is fully developed within the contractual period of the Agreement with the Town of Elizabeth.

6. **Use of the Water** - Irrigation of 60 acres, stock watering, fish and wildlife, fire protection, all in the NE 1/4 and SW 1/4, Section 28, Township 6 South, Range 64 West of 6th P.M., Elbert County, Colorado, as shown on the map

attached hereto as "Exhibit B".

7. **Name and address of owner** of land on which Hunt Well No. 1 will be located is:

Rick Lee Hunt
43160 County Road 17-21
Elizabeth, CO 80107

B. Claim No. 2: Part I Augmentation for the Miller Pit

1. **Name of Structure** - Miller Pit: The structure to be augmented for the Miller Pit operation will be an open sand and gravel mining pit according to the terms and conditions of the Mined Land Reclamation Permit Numbered M-82-112, Revision TR-01. For the sake of convenience, the structure will simply be called "Miller Pit". Miller Pit will be a portable excavation within the 80 acres described herein and at no time will more than one acre of ground water be exposed. At the completion of mining, no groundwater will be exposed and all areas will be backfilled. At current mining rates, it is anticipated that mining operations will be completed within the next five years.

2. **Name/Description of Water Rights Used for Augmentation** - The source of the water to be used by the Applicant is obtained by Applicant pursuant to a fifteen year contract with the Town of Elizabeth, Colorado, to purchase all the effluent from the Town wastewater treatment facility. The present source of the water which passes through the Town of Elizabeth wastewater treatment facility is from two decreed nontributary wells, the first being an Arapahoe formation nontributary well known as "The Town of Elizabeth Bishop Well-A" decreed in Water Division #1 Case No. 81CW122 and the second well is a Lower Dawson formation nontributary well known as "The Town of Elizabeth Well DA-15617-F" decreed in Division #1 Case No. 81CW123. Applicants will also be required to purchase, in the future, water which passes through the Elizabeth wastewater treatment facility which is generated by the new well constructed by the Town, Well Permit No. 44454-F, Case No. 94CW210. Additional new wells will be added in the future by the Town of Elizabeth and shall be included in the source of water to be used by Applicants for replacement pursuant to the plan decreed herein.

3. **Miller Pit Water Use and Depletions** - The Court finds that Applicant seeks replacement of out-of-priority

depletions resulting from the operation of the Miller Pit. The water requirement of the Miller Pit operation is expected to not exceed 15 acre-feet per year based on the following criteria:

a. Pursuant to the Mined Land Reclamation Permit and the limitations expressed in the Application herein, no more than one acre of pond shall be opened (one acre of exposed ground water) at any time for mining operations, for wash water and settling pond for wash water. Net annual evaporation from exposed ground water is estimated to be 2.33 acre feet per year (presumed ice-free), distributed as follows:

January - 0.07 Acre-feet
February - 0.08 Acre feet
March - 0.10 Acre-feet
April - 0.16 Acre-feet
May - 0.21 Acre-feet
June - 0.31 Acre-feet
July - 0.37 Acre-feet
August - 0.35 Acre-feet
September - 0.28 Acre-feet
October - 0.19 Acre-feet
November - 0.13 Acre-feet
December - 0.08 Acre-feet

There will be no evaporation during periods when the pond is iced over.

b. Annual production of aggregate is planned to be 100,000 tons which will result in retention of 3.86 acre-feet annually or 5% of aggregate mined and sold.

c. Dust control is intended to consume 0.3 acre-feet per year.

d. Stream and transportation losses are expected to be 2.8%.

C. Claim No. 2 Part II: Augmentation of Agricultural Irrigation:

1. **Name of Structure** - The well will be called Hunt Well No. 1.

2. **Name/Description of Water Rights Used for Augmentation:** See Paragraph B.2., Supra, which is incorporated here by reference.

3. **Water Use and Depletions** - All water withdrawn will be used for irrigation, stock watering, fish and wildlife and fire protection.

4. Irrigation will be by a sprinkler system. For the purpose of this plan, it is assumed that the irrigated crop will be alfalfa, whose rate of consumptive use or irrigation water is the highest potential crop to be grown. It has been determined that the average annual consumptive use of irrigation water for alfalfa is 1.90 acre-feet per year and the average efficiency rate of application is 70 percent for which 30 percent of the water applied returns to the Running Creek alluvial aquifer.

CONCLUSIONS OF LAW

This Application was filed on September 30, 1992. All notices required by law have been given of the Application and this Court has jurisdiction over the subject matter of the Application and over all persons affected thereby whether or not they have appeared.

Two Statements of Opposition in this matter have been timely filed. The statements filed are on behalf of (i) Central Colorado Water Conservancy District and Groundwater Management Subdistrict of the Central Colorado Water Conservancy District, and (ii) Hal D. Simpson and Alan D. Berryman, State Engineer and Division Engineer, respectively, State of Colorado. No other objections have been filed and the time for filing objections has now expired.

The Application for Underground Water Rights and for Approval of a Plan for Augmentation is one contemplated and authorized by law. If operated and administered in accordance with this Decree, the Plan for Augmentation will permit the use of the structures described in the Application without adversely affecting any other vested water rights.

The State Engineer may lawfully be required to administer this Plan for Augmentation decreed herein, in the manner set forth in this Decree.

As result of the operation of the Plan for Augmentation described herein, sufficient water is available for replacement,

and no material injury to the vested water rights of others will occur from the use of water decreed herein.

DECREE

THE RULING OF THE WATER REFEREE WITH REGARD TO THE RESPECTIVE PARTS OF THE APPLICATION IS AS FOLLOWS:

CLAIM NO. 1: UNDERGROUND IRRIGATION WATER RIGHTS

1. The names and addresses of the Applicants:

Rick Hunt
43160 County Road 17-21
Elizabeth, CO 80107

2. Name of the Structure:

The Well will be called Hunt Well No. 1.

3. Legal Description of the Structure:

Hunt Well No. 1 will be located in the NE 1/4 SW 1/4 of Section 28, Township 6 South, Range 64 West of the 6th P.M. approximately 1560 feet from the South Section Line and 1560 feet from the West Section Line of Section 28, Elbert County, Colorado.

4. Source of Water:

The water will be drawn from the alluvium of Running Creek.

5. Date of Initiation of Appropriation:

June 13, 1989 by an agreement with the Town of Elizabeth, Colorado.

6. Pumping Rate and Amount Decreed:

400 g.p.m. Conditional is the pumping rate. Average annual withdrawal ultimately will be 163 acre feet conditional when the Elizabeth, Colorado water supply is fully developed.

7. Use of the Water:

All water withdrawn will be used for irrigation of 60

acres, stock watering, fish, wildlife, fire protection in the NE 1/4 and SW 1/4, Section 28, Township 6 South, Range 64 West of the 6th P.M., Elbert County, Colorado, as shown on the map attached hereto as "Exhibit B".

8. Depth of Well:

Hunt Well No. 1 will be 60 feet in depth.

9. Name and Address of Landowner Where Well Located:

Rick Lee Hunt
43160 County Road 17-21
Elizabeth, CO 80107.

10. Construction of Wells:

For the well decreed herein, and any additional or replacement wells, applicants shall comply with the following conditions:

a. The permit number and name of the aquifer shall be permanently displayed on or near the well at a location easily accessible to water officials.

b. Unless otherwise authorized by the Division Engineer, Applicant shall install a totalizing flow meter. The meter shall be installed according to manufacturer's recommendations and shall be inspected at least annually, and promptly repaired or recalibrated as needed. If Applicant's meter becomes inoperable, it shall be repaired as soon as possible so that measurements can continue. Permission to operate the well without an operational meter must be obtained from the Division Engineer.

c. Applicant shall keep monthly records of the amount of water pumped and power consumed by the well pump and perform the calculations necessary to determine whether Applicant is in compliance with this Decree. Applicant shall supply both the Division Engineer and the Water Commissioner with those records at least on an annual basis or upon request by the Division Engineer.

11. When the Applicant is ready to construct any of the

wells described herein, the State Engineer shall consider the rights granted herein as valid. If Applicant fails to construct the well for which the permit was issued within the period of time authorized by statute, including legally authorized extensions of any such time period, then, when Applicant is ready to drill the well, applicant shall file a second application for such well and the State Engineer shall issue a permit with restrictions no more burdensome than are found in this Decree, pursuant, as well to C.R.S. 37-90-137(2).

CLAIM NO. 2 PART I: PLAN FOR AUGMENTATION FOR THE MILLER PIT

12. Name of the Applicant:

Rick Lee Hunt
43160 County Road 17-21
Elizabeth, CO 80107

13. Name of Structure to be Augmented:

The structure to be augmented for the Miller Pit operation under Well Permit No. 35808-F, issued October 12, 1989, will be an open gravel mining pit according to the terms and conditions of the Mined Land Reclamation Permit Numbered M-82-112, Revision TR-01. Miller Pit will be a portable excavation within the 80 acres described herein and at no time will more than one acre of ground water be exposed. At current mining rates, it is anticipated that mining operations will be completed within the next five years.

14. Name/Description of Water Rights Used for Augmentation:

The source of the water to be used by the Applicant is described in Paragraph B.2. herein.

15. Purpose of Augmentation:

Replacement of out-of-priority depletions resulting from the operation of the Miller Pit.

16. Miller Pit Water Requirement/Depletions:

The water replacement requirement of the Miller Pit operation is expected to not exceed 15 acre-feet per year based on the following criteria:

a. Pursuant to the Mined Land Reclamation Permit and the Limitations expressed in the Application herein, no more than one acre of pond shall be opened (one acre of exposed ground water) at any time for mining operations, wash water and settling pond for wash water. Net annual evaporation from exposed ground water is estimated to be 2.33 feet per year (presumed ice-free), distributed as follows:

January - 0.07 acre-feet
February - 0.08 acre-feet
March - 0.10 acre feet
April - 0.16 acre-feet
May - 0.21 acre-feet
June - 0.31 acre-feet
July - 0.37 acre-feet
August - 0.35 acre-feet
September - 0.28 acre-feet
October - 0.19 acre-feet
November - 0.13 acre-feet
December - 0.08 acre-feet

b. Maximum annual production of mined sand and gravel is planned to be 100,000 tons which will result in retention of 3.86 acre-feet annually or 5% of sand and gravel mined and sold.

c. Dust control is intended to consume 0.3 acre-feet per year.

d. Stream and transportation losses are expected to be 2.8% of Wastewater discharged by the Elizabeth wastewater treatment plant to the point of replacement.

e. The amount of water decreed by the Court for replacement as result of operations of the Miller Pit shall be 15 acre-feet per year. At such time as the Miller Pit operations shall cease, the 15 acre-feet decreed for its operation can be used for the purposes described in this Decree for Hunt Well No. 1.

17. Augmentation Water Sources:

The source of the water to be used by the Applicant is obtained by Applicant pursuant to a fifteen year contract

with the Town of Elizabeth, Colorado, to purchase the wastewater effluent from the town treatment facility. The source of the water which passes through the Town of Elizabeth wastewater treatment facility is from two decreed nontributary wells, the first being an Arapahoe formation nontributary well known as "The Town of Elizabeth Bishop Well - A" Permit No. 16210-F, decreed in Water Division #1 Case No. 81-CW-122 and the second well is a Lower Dawson formation nontributary well known as "The Town of Elizabeth Well DA-15617-F" decreed in Division #1 Case No. 81CW123. upon completion of the development of the third well in Case No. 94-CW-210 (Permit No. 44454-F) and any additional wells by the Town of Elizabeth, the water passing through the Town of Elizabeth wastewater treatment facility which is generated by these wells shall also be sources of replacement water pursuant to this Decree.

18. Operation of the Plan:

See "Plan for Joint Administration of Augmentation for the Miller Pit and for Hunt Irrigation" below.

19. Names and Addresses of Owners of Structures:

The Town of Elizabeth wastewater treatment facility is located on land owned by the Town of Elizabeth, Colorado. Address is P.O. Box 159, Elizabeth, CO 80107. The Miller Pit is on land owned by Rick Lee Hunt, 43160 County Road 17-21, Elizabeth, CO 80107.

20. Right to Successive Use:

Any right to reuse or successive use of water approved herein shall be in accordance with law. Reuse and successive use can only occur after a subsequent application and decree of the Court.

CLAIM NO. 2 PART II: PLAN FOR AUGMENTATION FOR AGRICULTURAL IRRIGATION

21. Name of the Applicant:

Rick Hunt, 43160 County Road 17-21, Elizabeth, CO 80107

22. Structure to be Augmented.

The well to be constructed in the NE 1/4 SW 1/4 of Section 28, Township 6 South, Range 64 West of the 6th P.M.

will be located approximately 1560 feet from the North Section Line and 1560 feet from the West Section Line of Section 28 and will draw water from the alluvium of Running Creek.

23. Name/Description of Water Rights Used for Augmentation:

See Paragraph B.2., above which is incorporated by reference.

24. Purpose of Augmentation:

Replacement of our of priority depletions resulting from withdrawal of water from the alluvium of Running Creek.

25. Hunt Well #1 Well Requirement.

All wastewater from the Town of Elizabeth purchased pursuant to "Exhibit A" to the Application not otherwise used for the Miller Pit operation, is to be used to replace out-of-priority depletions for irrigation, stock watering, fish and wildlife and fire protection use in the NE1/4 and SW 1/4 Section 28, Township 6 South, Range 64 West of the 6th P.M., Elbert County, Colorado. The average annual withdrawal will not exceed the limitations placed on this Well pursuant to the **Plan for Joint Administration for the Miller Pit and for Hunt Irrigation** set out below. When not operating under the well priority, pumping will be limited to 1.43-times the "allowable augmentation water" per year adjusted for stream transportation charges and the sand and gravel mine augmentation as outlined in Paragraph 33.

26. Operation of the Plan:

See "Plan for Joint Administration of Augmentation for the Miller Pit and for Hunt Irrigation" below.

27. Names and Addresses of Owners of Structures:

The Town of Elizabeth wastewater treatment facility and the Lower Dawson and Arapahoe formation wells which are the source of the water for augmentation are all located on land owned by the Town of Elizabeth, Colorado. Hunt Well No. 1 Well is located on land owned by Rick Lee Hunt, 43160 County Road 17-21, Elizabeth, CO 80107.

PLAN FOR JOINT ADMINISTRATION OF AUGMENTATION FOR
MILLER PIT AND FOR HUNT IRRIGATION

28. Applicant will maintain an accounting of the monthly metered discharge of the Town of Elizabeth's wastewater effluent to Running Creek. Presently there is a calibrated meter in place to measure the effluent discharge.

29. With regard to the Miller Pit mining operation, Applicant will keep a monthly accounting of the volume of depletions that result from its sand and gravel mining operations including evaporation, reclamation and dust control. Total monthly depletions for the measured area of open water at the Miller Pit (not to exceed one acre) and retainage of water in aggregate product removed from the premises (water to equal no more than 5% by volume of material transported off-site) shall be calculated according to the form of report required by the Division Engineer. According to the terms of the Mined Land Reclamation Permit Numbered M-82-112, the Applicant must backfill any pond or other structure that intercepts groundwater, upon completion of mining operations.

30. The irrigation of the Hunt property will be by a well constructed in the alluvium of Running Creek. According to House Bill 96-1044, Applicant will be seeking a well permit from the Division of Water Resources. The Well to be constructed shall be fitted with a totalizing meter. The effluent water supply available for augmentation will increase in the future due to the growth of the service hookups provided by the Town of Elizabeth. To the extent that increased water for augmentation is available Applicant may increase the acreage irrigated within the NE 1/4 and SW 1/4 of Section 28 Township 6 South Range 64 West. However, any increase above the total of 60 acres specified in Paragraph A.6. and 7. herein shall only be accomplished after publication and approval of the Court in a subsequent case.

31. Administration for the Plan For Augmentation shall include stream transportation charges as follows:

- a. Hunt Well No. 1: 2.80 percent
- b. Miller Pit: 2.80 percent

32. For the purpose of administration of the Plan, the maximum allocation of augmentation water for the Miller Pit, including stream transportation charges, is 15 acre-feet.

33. Augmentation water available for irrigation shall be the balance of the allowable augmentation water for irrigation after deducting the Miller Pit allocation and stream transportation charges. Beginning the first full year of metering the Town of Elizabeth's wastewater effluent, the allowable augmentation water for irrigation in the following irrigation season shall be determined from the previous year's annual wastewater effluent from the Town of Elizabeth.

34. Allowable pumpage from the Hunt Well No. 1 for irrigation shall be determined by multiplying the "allowable augmentation water" by 1.43.

35. Monthly records of the totalizing meter readings for the Town of Elizabeth's wastewater effluent and Hunt Well No. 1 shall be recorded and provided to the Division Engineer for Water Division No. 1 or the designated representative on an annual basis or upon request by the Division Engineer in a form approved by the Division Engineer.

36. Applicant acknowledges that there is only sufficient water as defined in paragraph B.2 and quantified in paragraph 6 to provide replacements for the depletions associated with the mining operation and irrigation of 60 acres. Therefore, if the amounts of nontributary groundwater decreed herein are in an insufficient quantity to replace depletions for the total operation proposed under this plan for augmentation, Applicant will obtain water from another source, line the pond or fill in the pond with onsite backfill materials. If Applicant adds sources of replacement water, Applicant must file an application with the Water Court seeking approval of an additional source or sources for replacement of depletions. The Court retains jurisdiction pursuant to paragraph 38 to assure the continued replacement of depletions. Further, the Court retains jurisdiction for five years after mining operations have ceased to ensure that the pond is either lined, filled in or that the water designated as the replacement source in this decree is adequate, or an alternative water supply of augmentation is secured to replace evaporative depletions if necessary.

37. Applicant agrees that the requirements of this decree shall run with the land and be recorded in the real estate records of Elbert County, Colorado.

38. Pursuant to the provisions contained in Section 7-37-304(6), 15 C.R.S.(1990), the Plan for Augmentation decreed herein shall be subject to the reconsideration of this Court, for the purpose of evaluating injury to vested water rights. The continuing jurisdiction of the Court shall be available until Applicants or their successors shall obtain a permanent source of augmentation water. During the period of continuing jurisdiction, any person may petition the Court to invoke its retained jurisdiction. Any such request shall state with particularity the factual basis for requesting that the Court evaluate injury to vested water rights associated with the operation of this decree, together with proposed decretal language to effect the petition. Unless otherwise stated herein, the party lodging such a petition shall have the burden of going forward to establish the prima facie facts alleged in the petition. If the Court finds those facts to be established, the Applicant shall thereupon have the burden of proof to show: (a) that any modification sought by the Applicant will avoid injury to other appropriators, or, (b) that any modification sought by an opposer is not required to avoid injury to other appropriators, or (c) that any term or condition proposed by Applicant in response to Opposer's petition does avoid injury to other appropriators. Such petition shall be filed with the Court under the above styled caption and case number and shall be served by certified mail, return receipt requested, on all parties who have appeared herein, or on their counsel of record.

39. Applicant shall not at any time pump more water than the available replacement source in quantity. Should, however, any groundwater be pumped in a water year in excess of the previous years' Town of Elizabeth's waste water effluent, it shall be offset by foregoing the pumping of that volume the following year.

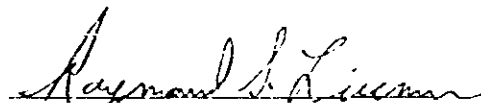
40. Pursuant to C.R.S. 37-92-305(8) the State Engineer shall curtail all diversions, the depletions for which are not replaced according to the "Plan for Joint Administration of Augmentation for Miller Pit and for Hunt Irrigation", so as to prevent injury to vested water rights.

92CW106
HUNT

41. It is also ordered that the conditional right herein awarded is hereby continued in full force and effect until January 2004. If Applicant desires to maintain such conditional decree, an application for a finding of reasonable diligence shall be filed on or before January 2004 or a showing made on or before such date that the conditional water right has become an absolute water right by reason of the completion of the appropriation.

42. The Application for the above water rights were filed in the Water Court in the year 1992 and the water rights granted herein shall be administered as having been filed in that year; and shall be junior to all priorities having been filed in previous years. As between all rights filed in the same calendar year, priority shall be determined by historical dates of appropriation and not affected by the date of entry of decree.


Dated: January 5, 1998


RAYMOND S. LIESMAN
Water Referee
Water Division No. 1

THE COURT FINDS: NO PROTEST WAS FILED IN THIS MATTER.

THE FOREGOING RULING IS CONFIRMED AND APPROVED, AND IS HEREBY MADE THE JUDGMENT AND DECREE OF THIS COURT.

Dated: January 27, 1998



JONATHAN W. HAYS
Water Judge
Water Division No. 1
State of Colorado

Dated: _____

Raymond S. Liesman
Water Referee
Water Division No. 1
State of Colorado

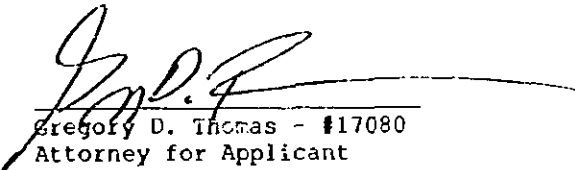
THE COURT FINDS: Protests filed in this matter have been resolved as evidenced by the signatures of undersigned counsel as to the approval as to form and content of the within Decree.

IT IS THE ORDER OF THE COURT THAT THE FOREGOING RULING OF THE HONORABLE RAYMOND S. LIESMAN IS CONFIRMED AND APPROVED, AND IS HEREBY MADE THE JUDGMENT AND DECREE OF THIS COURT.

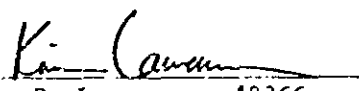
Dated: _____

Jonathan W. Hays
Water Judge
Water Division No. 1
State of Colorado

APPROVED AS TO FORM AND CONTENT BY THE UNDERSIGNED:


Gregory D. Thomas - #17080
Attorney for Applicant
43160 County Road 17-21
Elizabeth, CO 80107
(303) 841-3970

LIND, LAWRENCE & OTTENHOFF


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Attorney For Objectors CCWCO, et al.
1011 Eleventh Avenue
Greeley, CO 80631
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Chief Deputy Attorney General

TIMOTHY M. TYMKOVICH
Solicitor General

JENNIFER L. GIMBAL
Deputy Attorney General

LEE E. MILLER
First Assistant Attorney General



Alexandra L. Davis - #24531
Assistant Attorney General
Natural Resources Section
Attorney for the State and Division Engineers
1525 Sherman Street, 5th Floor
Denver, Colorado 80203
(303) 866-5117

LEASE AGREEMENT

THIS LEASE AGREEMENT is entered into this 22nd day of June 2010, by and between Rick L. Hunt (hereinafter "Lessee"), and the Town of Elizabeth, a Colorado Municipal Corporation.

WHEREAS, the Town of Elizabeth operates the Gold Creek Wastewater Treatment Plant in the County of Elbert, State of Colorado, which process effluent and discharge water as a product of such treatment, discharging to Gold Creek, a portion of which water the Town of Elizabeth desires to lease to Lessee according to the terms and conditions stated herein, and,

WHEREAS, Lessee desires to lease from the Town of Elizabeth for a period of one (1) year, with annual renewals as provided below, water discharged from the Elizabeth waste water treatment plant.

NOW THEREFORE, in consideration of the promises and covenants contained herein, the parties agree as follows:

The Town of Elizabeth leases to Lessee twenty (20) acre-feet annually of nontributary effluent attributable to the water right more particularly described in "Exhibit A", attached hereto and incorporated by this reference, for a period of one (1) calendar year starting on the 1st day of January, 2010, and terminating on the 31st day of December, 2010, subject to annual renewals as provided below.

The lease price payable by Lessee to the Town of Elizabeth shall be \$125 for each metered acre-foot of water discharged from the Town of Elizabeth's waste water treatment plant for Lessee's use under this lease agreement. The \$125 price shall be adjusted each January 1st by the percentage change in the Consumer Price Index for the Boulder-Denver Metropolitan Area for the preceding calendar year.

Lessee shall be billed annually for water delivered under this lease and payments shall be made by Lessee to the Town of Elizabeth within 15 days of the date of statement. Any payment not made by the due date shall bear interest at the rate of 1.5% per month until paid.

Lessee shall use the water delivered to Lessee under this agreement for lawful purposes only under the laws of the State of Colorado. The uses contemplated by Lessee are for augmentation and substitute supply.

Lessee shall obtain and pay for any decrees or orders of Court or permits or approvals required for Lessee to apply the water leased hereunder to use under any plan of augmentation or plan for substitute water supply. Lessee shall also pay the cost of providing any new meter which may be required be placed to measure the leased water outflowing from the Elizabeth waste water treatment plant.

The leased water from the Town of Elizabeth's waste water treatment plant is accepted by Lessee without warranty by the Town of Elizabeth that the quality of said water is fit for any intended purpose whatsoever. The Town of Elizabeth makes no warranty, either expressed or

implied, that the quality of the water discharged from its waste water treatment plant is fit for any intended purpose whatsoever.

Any party to this lease agreement shall have the right to terminate this agreement upon 60 days notice in writing given by the terminating party and received by the other party. This lease agreement shall be deemed void by the parties in the event either the State Engineer or the Water Court for Water Division No. 1 shall not allow the lease of the water for the purposes stated herein.

Provided no termination notice has occurred under paragraph 7, above, this lease agreement shall be extended for an additional calendar year beginning on January 1 of 2011, and on January 1 of each succeeding year. If prior to ninety (90) days before the end of any calendar year either party has given written notice of its intent not to renew the lease for the succeeding calendar year, then this lease agreement shall terminate on the following January 1st.

Notices, statements, and other writings provided by one party to another party under this lease agreement shall be deemed received when sent by United States mail, postage prepaid, or facsimile, to the following:

If to Lessor to:

Town of Elizabeth
Town Administrator
P.O. Box 159
Elizabeth, Colorado 80107
Facsimile Number: 303-646-9434

With a copy to:

Corey Hoffmann, Esq.
Town Attorney
Hayes, Phillips, Hoffmann & Carberry, P.C.
1530 Sixteenth Street, Suite 200
Denver, Colorado 80202
Facsimile Number: 303-825-1269

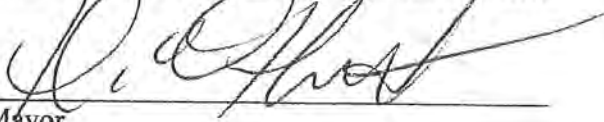
If to Lessee to:

Rick L. Hunt
43160 County Road 17-21
Elizabeth, Colorado 80107
Facsimile Number: 303-646-9233

The Town of Elizabeth warrants, covenants and agrees that it has a good and sufficient title in and to the water which is the subject matter of this agreement.

This lease agreement is made in Elbert County, State of Colorado on the date set out above and shall be construed under the laws of the State of Colorado. Venue for any action regarding this lease shall be in the District Court for Elbert County.

THE TOWN OF ELIZABETH, COLORADO



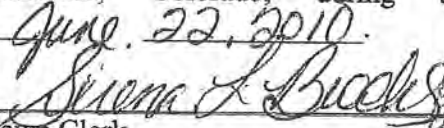
Mayor



Lessee, Rick L. Hunt

ATTEST:

The foregoing lease agreement was approved by the Board of Trustees for the Town of Elizabeth, Colorado, during a regular meeting of the Board held on

June 22, 2010.


Town Clerk



EXHIBIT A

Non-tributary groundwater in the Arapahoe Formation decreed by the District Court in and for Water Division No. 1 on February 7, 1985 in Case No. 81CW122, and withdrawn by means of the Town of Elizabeth Bishop Well A, originally permitted under Permit No. 16210-F, and in the Lower Dawson Formation decreed by the District Court in and for the Water Division No. 1 on February 5, 1985 in Case No 81CW123, and withdrawn by means of the Town of Elizabeth Well DA-15617-F, originally permitted under Permit No., 15617-F, and now operating under replacement well Permit No. 15617-FR.

Production and Water Accounting for Miller Pit - 2016

month	wash prod	wash prod	unwashed
	1	2	
	(TONS)	(TONS)	(TONS)
Jan	72.10	259.23	0.00
Feb	440.34	832.47	0.00
Mar	310.80	677.77	0.00
Apr	241.61	463.82	826.83
May	999.11	1,111.13	0.00
June	252.57	3,553.16	0.00
July	123.15	4,149.20	0.00
Aug	340.84	3,367.97	137.87
Sept	81.57	3,163.01	25.63
Oct	82.49	1,497.10	29.73
Nov	310.35	1,608.75	0.00
Dec	0.00	104.83	0.00
TOTALS	3,254.93	20,788.44	1,020.06

Total Washed Product	24,043.37
Total Unwashed Product	1,020.06
Total Product	25,063.43 tons
% Washed Product	95.93%

Evaporative Losses of Water

month	evap/acre*
Jan	0.07
Feb	0.08
Mar	0.1
Apr	0.16
May	0.21
June	0.31
July	0.37
Aug	0.35
Sept	0.28
Oct	0.19
Nov	0.13
Dec	0.08
TOTAL	2.33 acre feet for one acre of pond surface

Exposed 0.48 acres according to 2017 annual report
1.1184 acre feet in evaporative losses

* data from 1992 approved SWSP

Water Consumption in Washed Product

24,043.37 total washed product (tons)
 4.5% moisture content of washed product
 1,081.95 tons of water lost in product
 2,163,903.30 pounds of water
 259,296.05 gallons of water (1 gal = 8.3453 lbs.)
0.796 acre feet of water (1 ac ft = 32.1714 gal)

Total water losses - 2016

Lost in product	0.796 acre feet
Lost in evapor	1.118 acre feet
total	1.914 acre feet

Well Permit Number: This information will be provided once it has been gathered.

Electric: Intermountain Rural Electric Association (IREA) provides electric service to this property. All electric is overhead in this area. For more information about electrical service in this area, you can reach IREA at 303-688-3100.

Survey: Survey is in process and will be posted once it is complete.

Improvements

- 1,815sf Manufactured Home – Features Listed Below
- 3,000sf Pole Loafing Shed, Built in 1991
- 96sf Wood Framed Garden Shed, Built in 1982
- 232sf Steel Frame Pole Loafing Shed, Built in 1992

Property Features:

- Ranch Style Manufactured Home - 1,815+/- SF - 3 Bedroom, 2 Bath
- Built in 1982
- Steel Frame with Drywall Interior Walls
- Forced Air Furnace, Propane
- Evaporative Cooling System
- One Electric Meter
- Sewer is on Septic
- Exterior is Aluminum Siding
- Composition Shingle Roof
- One Well on Property

Legal Description:

PARCEL 1:

A TRACT OF LAND LOCATED IN SECTION 28, TOWNSHIP 6 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF ELBERT, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTH 1/4 CORNER OF SAID SECTION 28;
 THENCE SOUTH 89 DEGREES 21 MINUTES 06 SECONDS EAST ALONG THE NORTH LINE OF SAID SECTION 28 A DISTANCE OF 1306.58 FEET TO THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 28;

THENCE SOUTH 00 DEGREES 06 MINUTES 18 SECONDS EAST ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 28, A DISTANCE OF 1000 FEET;

THENCE SOUTH 89 DEGREES 46 MINUTES 14 SECONDS WEST, A DISTANCE OF 1000 FEET;

THENCE SOUTH 10 DEGREES 39 MINUTES 22 SECONDS WEST, A DISTANCE OF 859.35 FEET TO THE CENTERLINE OF A 60 FOOT WIDE INGRESS AND EGRESS EASEMENT;

THENCE NORTH 88 DEGREES 11 MINUTES 54 SECONDS WEST ALONG SAID CENTERLINE, A DISTANCE OF 623.56 FEET;

THENCE NORTH 00 DEGREES 42 MINUTES 40 SECONDS EAST A DISTANCE OF 1848.96 FEET TO A POINT ON THE NORTH LINE OF THE NORTHWEST 1/4;

THENCE SOUTH 89 DEGREES 21 MINUTES 06 SECONDS EAST ALONG SAID NORTH LINE A DISTANCE OF 450.90 FEET TO THE POINT OF BEGINNING, COUNTY OF ELBERT, STATE OF COLORADO.

PARCEL 2:

A 60.00 FOOT WIDE NON-EXCLUSIVE INGRESS-EGRESS EASEMENT, SAID EASEMENT BEING 30.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE BEGINNING AT THE NORTHEAST CORNER OF PARCEL A DESCRIBED IN DEED RECORDED JUNE 22, 1999 IN BOOK 566 AT PAGE 524 OF THE RECORDS OF ELBERT COUNTY, COLORADO, IN SECTION 28, TOWNSHIP 6 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF ELBERT, STATE OF COLORADO;

THENCE NORTH 88 DEGREES 11 MINUTES 54 SECONDS WEST ALONG SAID CENTERLINE A DISTANCE OF 623.56 FEET TO A POINT OF CURVE;

THENCE ALONG THE ARC OF A CURVE TO THE LEFT AND ALONG SAID CENTERLINE A DISTANCE OF 211.28 FEET TO A POINT OF TANGENT, SAID CURVE HAS A RADIUS OF 2000.00 FEET AND A CENTRAL ANGLE OF 6 DEGREES 03 MINUTES 10 SECONDS;

THENCE SOUTH 85 DEGREES 44 MINUTES 56 SECONDS WEST ALONG SAID CENTERLINE A DISTANCE OF 576.94 FEET TO A POINT OF CURVE;

THENCE ALONG THE ARC OF A CURVE TO THE RIGHT AND ALONG SAID CENTERLINE A DISTANCE OF 393.29 FEET TO A POINT OF TANGENT, SAID CURVE HAS A RADIUS OF 900.00 FEET AND A CENTRAL ANGLE OF 25 DEGREES 02 MINUTES 15 SECONDS;

THENCE NORTH 69 DEGREES 12 MINUTES 49 SECONDS WEST ALONG SAID CENTERLINE A DISTANCE OF 244.14 FEET TO A POINT OF CURVE;
THENCE ALONG THE ARC OF A CURVE TO THE RIGHT AND ALONG SAID CENTERLINE A DISTANCE OF 322.26 FEET TO A POINT OF TANGENT, SAID CURVE HAS A RADIUS OF 1500.00 FEET AND A CENTRAL ANGLE OF 12 DEGREES 18 MINUTES 34 SECONDS;
THENCE NORTH 56 DEGREES 54 MINUTES 15 SECONDS WEST ALONG SAID CENTERLINE A DISTANCE OF 383.10 FEET TO A POINT OF CURVE;
THENCE ALONG THE ARC OF A CURVE TO THE LEFT AND ALONG SAID CENTERLINE A DISTANCE OF 111.77 FEET, SAID CURVE HAS A RADIUS OF 192.00 FEET AND A CENTRAL ANGLE OF 33 DEGREES 21 MINUTES 13 SECONDS TO A POINT ON THE EAST RIGHT OF WAY LINE OF COUNTY ROAD AND TO THE POINT OF TERMINUS, COUNTY OF ELBERT, STATE OF COLORADO.

FARM HOUSE ON 160 ACRES

Tract 11 - 160 Acres



Parcel Number: 6428100190

Tax Assessor's Account Number: R115084

Address: 43585 CO RD 17-21, ELIZABETH, CO 80107

Zoned: Agriculture AG-GRAZING LAND

Taxes: 2017 Estimated \$656.60

Water: There is one water well on this property. There are no taps or water lines at this property. If you want water from a source other than the well, water is available through Arapahoe County Water and Waste Water Authority (ACWWA). For more information about water service to this area, you can reach ACWWA at 303-790-4830.

Well Permit Number: This information will be provided once it has been gathered.

Electric: Will post the provider once information is gathered.

Survey: Survey is in process and will be posted once it is complete.

Improvements

- 1539sf Manufactured Home

Property Features:

- Ranch Style Manufactured Home - 1,539+/- SF - 3 Bedroom, 2 Bath
- Built in 1995
- Wood Frame with Wood Panel Interior Walls
- Forced Air Furnace, Propane
- Cooling - None
- One Electric Meter
- Sewer is on Septic
- Exterior is Aluminum Siding
- Composition Shingle Roof
- One Well on Property

Legal Description: E1/2 E1/2 OF SECTION 28 AND ALL OF SECTION 27,
TOWNSHIP 6 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN,
COUNTY OF ELBERT, STATE OF COLORADO.

RANCH HOUSE ON 160 ACRES

Tract 12 - 640 Acres



Parcel Number: 6427100191

Tax Assessor's Account Number: R115085

Address: 43993 CO RD 29, ELIZABETH, CO 80107

Zoned: Agriculture AG-GRAZING LAND

Taxes: 2017 Estimated \$1,409.24

Water: There is one water well on this property. There are no taps or water lines at this property. If you want water from a source other than the well, water is available through Arapahoe County Water and Waste Water Authority (ACWWA). For more information about water service to this area, you can reach ACWWA at 303-790-4830.

Well Permit Number: This information will be provided once it has been gathered.

Electric: Intermountain Rural Electric Association (IREA) provides electric service to this property. All electric is overhead in this area. For more information about electrical service in this area, you can reach IREA at 303-688-3100.

Survey: Survey is in process and will be posted once it is complete.

Improvements

- 1,788sf Manufactured Home

Property Features:

- Ranch Style Manufactured Home - 1,788+/- SF - 3 Bedroom, 2 Bath
- Built in 1995
- ??sf Finished Basement
- Wood Frame with Drywall Interior Walls
- Garage - None
- Forced Air Furnace, Propane
- Cooling – Ceiling Fan
- One Electric Meter
- Sewer is on Septic
- Exterior is Vinyl Siding
- Composition Shingle Roof
- One Well on Property

Legal Description: ALL OF SECTION 27, TOWNSHIP 6 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF ELBERT, STATE OF COLORADO.

160 ACRE PARCEL OF RANCH / DEVELOPMENT LAND

Tract 13 - East Ranch, 160 Acres



Parcel Number: 6320100026

Tax Assessor's Account Number: R103410

Address: NO KNOWN ADDRESS, BENNETT, CO 80102

Zoned: Agriculture AG-GRAZING LAND

Taxes: 2017 Estimated \$89.24

Water: There are no wells on this property. If you do not drill a well, water is available through Arapahoe County Water and Waste Water Authority (ACWWA). There are no taps or water lines at this property. For more information about water service to this area, you can reach ACWWA at 303-790-4830.

Electric: There is no electric service on this property. Intermountain Rural Electric Association (IREA) provides electric service to this area. All electric is overhead in this area. For more information about electrical service in this area, you can reach IREA at 303-688-3100.

Survey: Survey is in process and will be posted once it is complete.

Legal Description: THE EAST 1/2 OF THE EAST 1/2 OF SECTION 20, TOWNSHIP 6 SOUTH, RANGE 63 WEST, OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF ELBERT, STATE OF COLORADO.

FARM HOUSE ON 907.7 ACRES

Tract 14 - East Ranch, 907.7 Acres



Parcel Number: 6321100115

Tax Assessor's Account Number: R113285

Address: 2001 CR 178, BENNETT, CO 80102

Zoned: Agriculture AG-GRAZING LAND

Taxes: 2017 Estimated \$522.64

Water: There is one water well on this property. There are no taps or water lines at this property. If you want water from a source other than the well, water is available through Arapahoe County Water and Waste Water Authority (ACWWA). For more information about water service to this area, you can reach ACWWA at 303-790-4830.

Well Permit Number: This information will be provided once it has been gathered.

Electric: Intermountain Rural Electric Association (IREA) provides electric service to this property. All electric is overhead in this area. For more information about electrical service in this area, you can reach IREA at 303-688-3100.

Survey: Survey is in process and will be posted once it is complete.

Improvements

- 1,216sf Manufactured Home
- 416sf Wood Framed Utility Building, Built in 1976

Manufactured Home Features:

- Ranch Style Manufactured Home - 1,216+/- SF - 3 Bedroom, 2 Bath
- Built in 1980
- Wood Frame with Drywall Interior Walls
- Garage - None
- Forced Air Furnace, Propane
- Cooling – Ceiling Fan
- One Electric Meter
- Sewer is on Septic
- Exterior is Hard Board Siding
- Metal Roof
- One Well on Property

Legal Description: THE SOUTHWEST 1/4 AND THE NORTH 1/2 OF SECTION 21, LESS AND EXCEPT THAT PORTION CONVEYED IN WARRANTY DEED RECORDED AUGUST 23, 1996 IN BOOK 553 AT PAGE 199 AND THE SOUTHEAST 1/4 AND THE NORTH 1/2 OF SECTION 22, ALL IN TOWNSHIP 6 SOUTH, RANGE 63 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF ELBERT, STATE OF COLORADO.

FARM HOUSE ON 60 ACRES

Tract 15 – East Ranch, 60 Acres



Parcel Number: 6321100114

Tax Assessor's Account Number: R113286

Address: 11995 KIOWA-BENNETT RD (CR 178), KIOWA, CO 80117

Zoned: 60 Acres Agriculture AG-GRAZING LAND
20 Acres Agriculture AG-DRY FARM LAND

Taxes: 2017 Estimated \$1,028.88

Water: There is one water well on this property. There are no taps or water lines at this property. If you want water from a source other than the well, water is available through Arapahoe County Water and Waste Water Authority (ACWWA). For more information about water service to this area, you can reach ACWWA at 303-790-4830.

Well Permit Number: This information will be provided once it has been gathered.

Electric: Intermountain Rural Electric Association (IREA) provides electric service to this property. All electric is overhead in this area. For more information about electrical service in this area, you can reach IREA at 303-688-3100.

Survey: Survey is in process and will be posted once it is complete.

Improvements

- 2,096sf Farm House

Farm House Features:

- Ranch Style Home - 2,096+/- SF - 3 Bedroom, 2.5 Bath
- Built in 1996
- ??sf Finished Basement
- Wood Frame with Drywall Interior Walls
- Two Car Garage – Attached
- Forced Air Furnace, Propane
- Pellet Stove
- Cooling – None
- One Electric Meter
- Town Sewer
- Exterior is Vinyl Siding
- Composition Shingle Roof
- Town Water

Legal Description:

PARCEL A:

A PARCEL OF LAND IN SECTION 21, TOWNSHIP 6 SOUTH, RANGE 63 WEST OF THE 6TH PRINCIPAL MERIDIAN, ELBERT COUNTY, COLORADO, DESCRIBED AS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 21, THENCE NORTH 00 DEGREES 36 MINUTES 44 SECONDS EAST ALONG THE EAST LINE OF SAID SECTION 21, A DISTANCE OF 2130.09 FEET TO THE POINT OF BEGINNING;
THENCE CONTINUING NORTH 00 DEGREES 36 MINUTES 44 SECONDS EAST ALONG SAID EAST SECTION LINE, A DISTANCE OF 802.67 FEET;
THENCE SOUTH 87 DEGREES 05 MINUTES 12 SECONDS WEST, A DISTANCE OF 588.52 FEET;

THENCE NORTH 84 DEGREES 45 MINUTES 55 SECONDS WEST, A DISTANCE OF 575.41 FEET;

THENCE NORTH 89 DEGREES 39 MINUTES 58 SECONDS WEST, A DISTANCE OF 2104.53; THENCE SOUTH 00 DEGREES 36 MINUTES 44 SECONDS WEST, A DISTANCE OF 802.64 FEET;

THENCE SOUTH 89 DEGREES 23 MINUTES 16 SECONDS EAST, A DISTANCE OF 3265.45 FEET TO THE POINT OF BEGINNING,
COUNTY OF ELBERT, STATE OF COLORADO.

PARCEL B:

AN ACCESS EASEMENT IN THE SOUTHWEST 1/4 OF SAID SECTION 21, AND IN THE ADJOINING SOUTHEAST 1/4 OF SECTION 22, BEING A STRIP OF LAND 60.00 FEET WIDE, THE CENTERLINE IS DESCRIBED AS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 21;
THENCE NORTH 89 DEGREES 41 MINUTES 28 SECONDS EAST, A DISTANCE OF 490.66 FEET;

THENCE NORTH 14 DEGREES 19 MINUTES 33 SECONDS WEST, A DISTANCE OF 41.23 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY OF THE KIOWA-BENNETT ROAD, BEING THE POINT OF BEGINNING OF SAID EASEMENT;

THENCE CONTINUING NORTH 14 DEGREES 19 MINUTES 33 SECONDS WEST, A DISTANCE OF 131.61 FEET;

THENCE NORTH 28 DEGREES 48 MINUTES 14 SECONDS WEST, A DISTANCE OF 507.21 FEET;

THENCE NORTH 34 DEGREES 39 MINUTES 33 SECONDS WEST, A DISTANCE OF 439.21 FEET;

THENCE NORTH 29 DEGREES 35 MINUTES 15 SECONDS WEST, A DISTANCE OF 632.77 FEET;

THENCE NORTH 42 DEGREES 10 MINUTES 12 SECONDS WEST, A DISTANCE OF 397.75 FEET;

THENCE NORTH 06 DEGREES 47 MINUTES 07 SECONDS WEST, A DISTANCE OF 191.03 FEET;

THENCE NORTH 20 DEGREES 09 MINUTES 10 SECONDS WEST, A DISTANCE OF 135.17 FEET;

SOUTHERLY LINE OF THE LAND DESCRIBED ABOVE, AND THE POINT OF TERMINUS, EXTENDING AND SHORTENING SAID SIDELINES TO ELIMINATE OVERLAPS AND GAPS,
COUNTY OF ELBERT, STATE OF COLORADO.

THE BASIS OF ALL BEARINGS IS THE EAST LINE OF SAID SECTION 21, BEING NORTH 00 DEGREES 36 MINUTES 44 SECONDS EAST.

STEEL FRAME UTILITY STORAGE BARN ON 143.3 ACRES

Tract 16 - East Ranch, 143.3 Acres



Parcel Number: 6321400116

Tax Assessor's Account Number: R113284

Address: 11997 KIOWA-BENNETT RD, BENNETT, CO 80102

Zoned: Agriculture AG-GRAZING LAND

Taxes: 2017 Estimated \$66.04

Water: There are no wells on this property. If you do not drill a well, water is available through Arapahoe County Water and Waste Water Authority (ACWWA). There are no taps or water lines at this property. For more information about water service to this area, you can reach ACWWA at 303-790-4830.

Electric: There is no electric service on this property. Intermountain Rural Electric Association (IREA) provides electric service to this area. All electric is overhead in this area. For more information about electrical service in this area, you can reach IREA at 303-688-3100.

Survey: Survey is in process and will be posted once it is complete.

Improvements

- 9,940sf Steel Frame Utility Storage Shed, Built in 1998
- 1,200sf Steel Frame Utility Storage Shed, Built in 1998

Legal Description: THE SOUTHEAST 1/4 OF SECTION 21, TOWNSHIP 6 SOUTH, RANGE 63 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF ELBERT STATE OF COLORADO.

160 ACRES OF RANCH LAND

Tract 17 - East Ranch, 160 Acres



Parcel Number: 6322300029

Tax Assessor's Account Number: R103413

Address: TBD KIOWA-BENNETT RD, BENNETT, CO 80102

Zoned: Agriculture AG-GRAZING LAND

Taxes: 2017 Estimated \$68.40

Water: There are no wells on this property. If you do not drill a well, water is available through Arapahoe County Water and Waste Water Authority (ACWWA). There are no taps or water lines at this property. For more information about water service to this area, you can reach ACWWA at 303-790-4830.

Electric: There is no electric service on this property. Intermountain Rural Electric Association (IREA) provides electric service to this area. All electric is overhead in this area. For more information about electrical service in this area, you can reach IREA at 303-688-3100.

Survey: Survey is in process and will be posted once it is complete.

Legal Description: THE SOUTHWEST 1/4 OF SECTION 22, TOWNSHIP 6 SOUTH, RANGE 63 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF ELBERT, STATE OF COLORADO.

1900 BUILT FARM HOUSE ON 315 ACRES

Tract 18 - East Ranch, 315 Acres



Parcel Number: 6327200037

Tax Assessor's Account Number: R103423

Address: 43584 CR 49, KIOWA, CO 80117

Zoned: Agriculture AG-GRAZING LAND

Taxes: 2017 Estimated \$259.56

Water: There is one water well on this property. There are no taps or water lines at this property. If you want water from a source other than the well, water is available through Arapahoe County Water and Waste Water Authority (ACWWA). For more information about water service to this area, you can reach ACWWA at 303-790-4830.

Well Permit Number: This information will be provided once it has been gathered.

Electric: Intermountain Rural Electric Association (IREA) provides electric service to this property. All electric is overhead in this area. For more information about electrical service in this area, you can reach IREA at 303-688-3100.

Survey: Survey is in process and will be posted once it is complete.

Improvements

- 966sf Farm House – Features Listed Below
- 3200sf Steel Frame Barn, Built in 1969
- 232sf Steel Frame Shed, Built in 1979

Farm House Features:

- Ranch Style Home - 966+/- SF - 2 Bedroom, 1 Bath
- Built in 1900
- Wood Frame with Plaster Interior Walls
- Garage – None
- Floor Furnace, Propane
- Pellet Stove
- Cooling – None
- One Electric Meter
- Sewer is on Septic
- Exterior is Shingle Siding
- Composition Shingle Roof
- One Well on Property

Legal Description: THE WEST 1/2 OF SECTION 27, TOWNSHIP 6 SOUTH, RANGE 63 WEST OF THE 6TH PRINCIPAL MERIDIAN, EXCEPT THAT STRIP OF LAND DEEDED TO ELBERT COUNTY IN DEED RECORDED FEBRUARY 5, 1951 IN BOOK 205, PAGE 544, COUNTY OF ELBERT, STATE OF COLORADO.

MINERAL RIGHTS

The following mineral rights would be under lots 2/3 and 4 as well as a parcel that is not being sold in this auction.

Parcel Number 4064113981

Legal Description (from Assessor Records) - Section: 28 Township: 6 Range: 64Subdivision: SEVERED MINERALS PAR IN W2NE4 & IN E2NW4: 28 6 64 54.38 A MOL PAR IN W 3/4 28 6 64 87.327 A MOL PAR IN W 3/4 28 6 64 59.94 A MOL PAR IN W2W2: 28 6 64 51.883 A MOL ALL MINERAL RIGHTS 251.53 ACRES, County of Elbert, State of Colorado

Tax Assessor's Account Number: R113981

The mineral rights under each property will be sold separately.